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MAIN READING ROOM

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 101—GENERAL PROVISIONS

PART 112—LABELS AND SAMPLES

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

PART 116—RECORDS AND REPORTS

PART 119—ANTI-HOG-CHOLERA SERUM

MISCELLANEOUS AMENDMENTS

Pursuant to the virus-serum-toxin provisions of the act of March 4, 1913 (21 U. S. C. 151–158), Parts 101, 112, 114, 116, and 119 of the regulations relating to viruses, serums, toxins, and analogous products, organisms, and vectors in 9 CFR Parts 101, 112, 114, 116, and 119, as amended, are hereby further amended as follows:

1. Section 101.1 (aa) is amended to read:

(aa) *Anti-hog-cholera serum.* The clear serum, plasma, or other derivatives of hyperimmune blood, containing the protective substances, derived from immune hogs which have been hyperimmunized by intravenous injection with hog-cholera virus, or antibodies concentrated therefrom. Such concentrated antibodies are referred to as hog-cholera antibody-concentrate.

2. Section 112.2 is amended by adding thereto a new paragraph (d) to read:

(d) Anti-hog-cholera serum consisting of concentrated anitbodies shall be named "hog-cholera antibody-concentrate."

3. Section 114.2 (b) is amended by changing the second sentence therein to read: "An outline with respect to hog-cholera virus for inoculating purposes shall also be submitted to the Division in accordance with § 118.3 of this subchapter, and an outline with respect to hog-cholera antibody-concentrate may be submitted to the Division in accordance with § 119.2 (b) of this subchapter.

4. Section 116.1 is amended to read:

§ 116.1 *Maintenance of records.* Detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products shall be kept by each licensee. Biological products prepared in foreign countries shall be eligible for importation into the United States only if the foreign manufacturer of such products also maintains such records. Detailed records in form satisfactory to the Director shall be maintained by each licensee, each distributor, and each importer, showing the sale, shipment, or other disposition made of the biological products handled by such person.

5. Section 116.2 (b) is amended to read:

(b) *Other records.* (1) Licensees shall maintain production records in ink or the equivalent. These records shall include a record of all pigs used to produce hog-cholera virus. The information on the production record shall be substantially the same as that shown on the work sheets as provided in paragraph (a) of this section, and in addition it shall include the date on which each pig was killed and the serial number of the batch of virus produced. Such records shall contain information as to the total quantity in each batch of hyperimmunizing, simultaneous, or inoculating virus produced. All such records shall clearly show the particular animal or group of animals from which each batch of the product is derived. The quantity of product collected and the total quantity of product after phenolization shall be separately recorded.

(2) Records showing the hyperimmunization of immune hogs and the bleeding of hyperimmune hogs shall be maintained.

(3) Charts of the automatic temperature-recording thermometers used in connection with the heating and cooling of anti-hog-cholera serum shall be filed as a part of the Division station records.

(4) Complete records of the preparation and mixing of all virus and serum into batches and the bottling, testing, and labeling thereof shall be maintained.

(5) Work sheets prepared like those used by inspectors will be deemed to

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FEDERAL REGISTER

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meet the requirements of this part for work sheets. Work sheets shall be filed by licensed establishments for reference, and if they are made in ink or the equivalent and otherwise are satisfactory, they will be acceptable for purposes of the record-keeping requirements of this section.

6. Section 116.3 is amended to read:

§ 116.3 *Completion and retention of records.* All records required by this part (other than disposition records) must be completed by the licensee before any portion of a batch of any product may be marketed. All records required by this part shall be retained for a period of two years after the expiration date of the product involved and for such longer period as may be required by the Director in specific cases.

7. Section 119.2 is amended to read:

§ 119.2 *Production principles; applicability of regulations.* (a) Pigs that develop hog cholera of a well-marked and progressive type attended with progressively abnormal temperatures produce hog-cholera virus of high virulence, and when hogs properly immunized against hog cholera for a sufficient length of time are injected intravenously with massive quantities of such virus, their blood serum possesses superior protective properties against hog cholera. Therefore, these facts should form the basis of all methods of producing anti-hog-cholera serum and hog-cholera virus as well as of all the regulations governing their production.

(b) The regulations in this part shall apply to all anti-hog-cholera serum, including hog-cholera antibody-concentrate, except as other provisions for such concentrate are made, with permission of the Director, in licensees' outlines submitted under § 114.2 of this subchapter.

8. Section 119.23 (b) is amended by adding thereto a new subparagraph to read:

(5) The completed anti-hog-cholera serum shall consist of not less than 88 percent of true serum and not more than 12 percent of such solutions as are required for clarification of the blood and preservation of the serum, and shall represent not more than 83 percent of the defibrinated hyperimmune blood or not more than 80.51 percent of the whole hyperimmune blood used in its preparation.

The foregoing amendments of Parts 101, 112, 114, and 119 of the regulations are necessary to provide for the production under the regulations of a new type of anti-hog-cholera serum named hog-cholera antibody-concentrate. In order to be of maximum benefit to producers of the serum and to give maximum protection to the public, such amendments should become effective as soon as possible. The amendments of Part 116 of the regulations relieve record-keeping requirements in accordance with present policies and clarify the requirements. They should be made effective promptly to be of maximum benefit to affected persons. Under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is therefore found upon good cause that notice of rule-making and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The amendments shall become effective October 1, 1957.

NOTE: The record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(37 Stat. 832; 21 U. S. C. 154)

Done at Washington, D. C., this 25th day of September 1957.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 57-8047; Filed, Sept. 30, 1957; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) of § 6.142 is revoked, and paragraphs (a) (10) and (e) (1) through (5) of § 6.342 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8027; Filed, Sept. 30, 1957; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL SECURITY TRAINING COMMISSION

Effective upon publication in the FEDERAL REGISTER, § 6.158 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8028; Filed, Sept. 30, 1957; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR CHRISTMAS TREES

On July 27, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 5957) regarding a proposed issuance of United States Standards for Christmas Trees.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Christmas Trees are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GENERAL

Sec.
51.3085 General.
GRADES
51.3086 Grades.
TOLERANCES
51.3087 Tolerances.
CULLS
51.3088 Culls.
SIZE
51.3089 Size.
BASIS FOR CALCULATING PERCENTAGES
51.3090 Basis for calculating percentages.
STANDARD BUNDLES
51.3091 Standard bundles.
DEFINITIONS
51.3092 Density.
51.3093 Taper.
51.3094 Balance.
51.3095 Fresh.
51.3096 Clean.
51.3097 Healthy.
51.3098 Fairly clean.
51.3099 Damage.
51.3100 Minor deformities.
51.3101 Noticeable deformities.
51.3102 Handle.
51.3103 Height.

AUTHORITY: §§ 51.3085 to 51.3103 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.3085 *General.* The standards contained in this subpart are applicable to sheared or unsheared trees of the coniferous species which are normally marketed as Christmas trees. The large majority of the Christmas trees marketed are one of the following species: Douglas fir (Pseudotsuga taxifolia); Balsam fir (Abies balsamea); Black spruce (Picea mariana); Eastern Red cedar (Juniperus virginiana); White spruce (Picea glauca); Scotch pine (Pinus sylvestria); Norway spruce (Picea excelsa); Red pine (Pinus resinosa); Eastern White pine (Pinus alba); and Red spruce (Picea rubens).

GRADES

§ 51.3086 *Grades.* (a) The grades for Christmas trees shall be U. S. Premium, U. S. No. 1 and U. S. No. 2. Each tree shall possess the characteristics typical of the species and meet the minimum requirements for each factor of the grade specified as shown in Table I:

TABLE I

Factor	U. S. Premium	U. S. No. 1	U. S. No. 2
Density	Medium	Medium	Light.
Taper	Normal	Normal (flaring or candlestick if tree is otherwise U. S. Premium).	Normal (flaring or candlestick if tree is otherwise U. S. No. 1).
Balance	4 complete faces	3 complete faces	2 complete faces.
Foliage	Fresh, clean and healthy	Fresh, clean and healthy	Fresh, fairly clean, and free from damage.
Deformities	Not more serious than minor.	Not more serious than minor (noticeable deformities permitted if tree is otherwise U. S. Premium).	Not more serious than minor (noticeable deformities permitted if tree is otherwise U. S. No. 1).

(b) In addition, the butt of each tree shall be smoothly cut and all side branches below the first whorl shall have been removed.

(c) Unless otherwise specified, the length of the handle shall approximate 1¼ inches for each foot of tree height.

TOLERANCES

§ 51.3087 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the trees in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for trees which fail to meet the requirements of the next grade lower than that specified.

CULLS

§ 51.3088 *Culls.* "Culls" consist of individual Christmas trees which fail to meet the requirements of any of the foregoing grades.

SIZE

§ 51.3089 *Size.* (a) In addition to the statement of grade, the height of the tree shall be stated in terms of one foot or two foot units. The following are examples of height designations which are commonly used:

4 feet or less.
4–6 feet.
6–7 feet or 6–8 feet.
7–8 feet.
8–10 feet.
10 feet and up.

(b) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the trees in any lot may fail to meet the height specified.

BASIS FOR CALCULATING PERCENTAGES

§ 51.3090 *Basis for calculating percentages.* Percentages shall be calculated on the basis of count using the individual tree as the unit. Trees are often tied in bundles for convenience in handling and shipping and to prevent excessive drying. In obtaining the sample for inspection, representative bundles should be selected. All the trees within the bundle or any portion of them may be used for inspection.

STANDARD BUNDLES

§ 51.3091 *Standard bundles.* (a) Any lot of trees may be specified as standard bundles when each bundle contains trees of the same species and the number and height of the trees conforms to the following requirements as set forth in Table II:

TABLE II

Height of tree:	*Number of trees per bundle*
2 feet and less	10–12
2–4 feet	7–8
4–6 feet	5–6
6–7 feet	4
6–8 feet	3–4
7–8 feet	3
8–10 feet	2
over 10 feet	1

(b) In order to allow for variations incident to proper handling, not more than 10 percent, by count, of the bundles in any lot may fail to meet the requirements for Standard Bundles.

DEFINITIONS

§ 51.3092 *Density.* "Density" means the amount of foliage present. Factors contributing to the degree of density are: The number and size of branches within the whorl, distance between whorls, number and arrangement of branchlets on each branch, the extent of internodal branching, needle arrangement and needle length. Species differ in their habit of growth and some species do not have internodal branches. Density should be judged on the basis of species characteristics.

§ 51.3093 *Taper.* "Taper" means the relationship of the width of the tree to its height. Flaring, normal, and candlestick taper are the terms used to designate degrees of taper. Flaring taper means, for trees other than the genus Pinus, that the general shape of the tree, on its best side, forms a cone the base of which is more than 70 percent of its height, and for the genus Pinus, the base of the cone is more than 90 percent of its height. If the base of the cone, for trees other than the genus Pinus, is from 40 to 70 percent, and for the genus Pinus, is from 40 to 90 percent, the tree has normal taper. If the base of the cone is less than 40 percent of its height, the tree has candlestick taper. Taper must be scored on the basis of species characteristic. The taper of some species forms a cone whereas the taper of other species more nearly resembles a teardrop.

§ 51.3094 *Balance.* "Balance" means the overall structure of the tree. Each tree shall be considered to have four quarters or faces; also three segments, namely bottom branches, the middle and the top. A decided gap, unduly long branches, or noticeably uneven density in any of the segments make a defective face. Balance must be considered on the basis of species characteristics. Some species characteristically have branches uniformly spaced in the whorl. Other species characteristically have irregular number and spacing of branches in the whorl.

§ 51.3095 *Fresh.* "Fresh" means that the needles are pliable and turgid. Needles shall be generally firmly attached with only a slight amount or no shattering.

§ 51.3096 *Clean.* "Clean" means that the tree is practically free from moss, lichen growth, vines or other foreign material.

§ 51.3097 *Healthy.* "Healthy" means that the foliage possesses a thrifty, fresh, natural appearance characteristic of the species.

§ 51.3098 *Fairly clean.* "Fairly clean" means that the tree is moderately free from moss, lichen growth, vines or other foreign material.

§ 51.3099 *Damage.* "Damage" means any defect which materially affects the appearance of the foliage of the tree. The following shall be considered as damage:

(a) Noticeable presence of galls on the branches;

(b) Abnormal loss of needles;

(c) Abnormal curling of needles;

(d) Noticeable presence of dead twigs; and,

(e) Discoloration of needles when present to an extent that causes the tree to appear "spotty".

§ 51.3100 *Minor deformities.* "Minor deformities" means defects which are not particularly noticeable and which do not affect the general appearance of the tree. Such defects include slight crooks and forks in the stem. Some species of Pinus frequently have curved stems. A curved stem on trees of these species shall be considered as a minor deformity when the condition is readily apparent and affects the general appearance of the tree.

§ 51.3101 *Noticeable deformities.* "Noticeable deformities" means defects which affect the appearance to some extent, but which do not seriously affect the appearance. Such defects include weak branches, multiple leaders, broken branches, barren lower whorl and curved stems.

§ 51.3102 *Handle.* "Handle" means the base of the tree trunk below the first whorl.

§ 51.3103 *Height.* "Height" for unsheared trees means the distance from the point of attachment of the lowest whorl to a point at which the longest branch in the top whorl, when bent upward touches the central leader of the tree; and for sheared trees means the distance from the point of attachment of the lowest whorl to the top of the central leader.

The United States Standards for Christmas Trees contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: September 25, 1957.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-8032; Filed, Sept. 30, 1957; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1013—MILK IN PLATTE VALLEY, NEBR., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 1013), regulating the handling of milk in the Platte Valley, Nebraska, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) In § 1013.50 the provision "10 cents less than" and in § 1013.22 (j) (1) the provisions ", both for the current month;" and "both" will not tend to effectuate the declared policy of the act for the period October 1, 1957, to the effective date of any amendment to the order made on the basis of the hearing held in Grand Island, Nebraska, on August 27, 1957 (Docket No. AO–279–A1).

At the public hearing it was shown that the Class I prices provided by the order were lower in relation to those under the Omaha-Lincoln-Council Bluffs order than the historical, pre-order prices. Blend prices to producers under the Platte Valley order have also been lower than under the Omaha order.

The Class I price for milk of 3.5 percent butterfat content under the Platte Valley order should be equal to that under the Omaha order for milk of the same test, rather than 10 cents lower.

The present provision which deducts 10 cents per hundredweight from the Omaha Class I price for milk of 3.5 percent butterfat content in order to determine a price for the Platte Valley market should be suspended. The resulting Class I price for the Platte Valley market will more appropriately reflect historical price relationships and thereby tend to assure the continuance of an adequate supply of milk for the market. Such action is particularly important during the barn-feeding season when costs of production are seasonally highest.

In § 1013.22 (j) the Platte Valley market administrator is directed to announce by the 5th day of the month the Class I price and butterfat differential for the current month. To date it has been possible to meet this requirement because the Omaha Class I price has been based on butter-powder values. However, since the Omaha Class I price for any given month is not required to be announced until the 3d day of the following month, the inadvertent discrepancy should be corrected.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance.

2. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective October 1, 1957.

It is therefore ordered, That in § 1013.50 the provision "10 cents less than" and in § 1013.22 (j) (1) the provisions ", both for the current month;" and "both" be and they are hereby suspended during the period October 1, 1957, to the effective date of any amendment made to the order as a result of the public hearing held August 27, 1957, (Docket No. AO–279–A1).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 25th day of September 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8033; Filed, Sept. 30, 1957; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter N—Transportation

PART 206—TRANSPORTATION OF HOUSEHOLD GOODS OF UNIFORMED PERSONNEL BY MOTOR VAN CARRIERS

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments have been made to Part 206:

1. Section 206.3 is amended as follows:

§ 206.3 *Selection of carrier.* The rule stated in § 206.2 with respect to comparative costs applies only to the mode or method of transportation, and does not apply to the selection of an individual carrier within a given mode. When, in the judgment of the _____ officer, commercial van service is to be used, selection of the carrier will be based on the requirements of the individual shipment, the carrier's ability to perform the required services satisfactorily, and the cost of such services to the Government. In determining costs, consideration will be given to rates and charges in all applicable rate tenders and tariffs. When a given shipment must be held at an in-transit facility prior to line haul movement for consolidation with other shipments, for storage-in-transit, or for any other reason, the carrier which is selected must have, and place the shipment in, a satisfactory facility sufficiently near (as determined by the _____ officer at origin) to permit ready inspection of the facility and the household goods. Shipments will be tendered only to carriers who are qualified, willing, and able to provide the service which will, in the judgment of the _____ officer, serve the best foreseeable interests of the Government and property owners. Carriers to which shipments are tendered must have proper operating rights from origin to destination or must have made satisfactory arrangements for joint carriage with other carriers properly qualified under Part II of the Interstate Commerce Act, as amended, or the laws of the State having jurisdiction of the carriage: *Provided, however,* That no carrier shall be eligible to accept shipments unless it has executed and filed with the _____ officer at origin a Household Goods Service Tender which conforms with § 206.11. If the destinations are beyond the territory authorized in its operating certificate, the carrier must also have filed with the _____ officer a Service Tender jointly executed by it and such other duly certificated carrier or carriers as will participate in the joint carriage of the shipments.

2. Section 206.4 is amended by the addition of a new paragraph (b); a new sentence has been added to paragraph (a).

Section 206.4 as revised, reads as follows:

§ 206.4 *Distribution of traffic.* (a) Subject to the conditions previously set forth, traffic will be equitably distributed among those qualified carriers affording the lowest over-all cost to the Government. Each _____ officer will maintain a list of qualified carriers as well as records indicating the distribution of traffic. Records of traffic distribution will be maintained according to tonnage or total revenue, including all charges (except storage-in-transit) accruing in connection with the shipments, by destination state or overseas area. Traffic will be distributed according to originating carrier rather than according to agent; e. g., the amount of traffic tendered to a carrier having a single agent will be equal to that received by a carrier with multiple agents in the same metropolitan area, other factors being equal. When a joint carriage arrangement is utilized, the full weight of the shipment will be charged to each participating carrier holding authority to serve the origin point.

(b) Carriers providing unsatisfactory service may be removed from the list of those eligible to receive traffic. At the time of such removal a written notice will be forwarded to the carrier concerned stating, as a minimum, the reason(s) for the removal and the action required of the carrier before it will be reinstated. A copy of this notice will be sent to the home office of the carrier. In addition, a copy will be sent to the Headquarters, Military Traffic Management Agency, Washington 25, D. C., when a carrier is removed because of unsatisfactory service within the United States.

3. Section 206.5 has been amended as follows: The subject heading has been changed to "Rate tenders", and paragraph (b) has been deleted.

Section 206.5, as revised, reads as follows:

§ 206.5 *Rate tenders.* Tenders by motor van carriers of rates or charges below those in tariffs will be in writing and will contain a provision that they may be cancelled or modified only by written notice of not less than thirty days by either party to the other, except that a shorter notice may be given by mutual agreement of the parties concerned. Such tenders will be filed in the local shipping office. No review by, or distribution to, higher authority is required for such tenders unless requested by that authority.

4. Section 206.6 has been amended by the addition of two sentences in paragraph (c).

Section 206.6 (c), as revised, reads as follows:

§ 206.6 *Engagement of service.* • • •

(c) When storage-in-transit is desired, the bill of lading will be annotated accordingly. If the _____ officer desires such storage at origin or destination, the annotation will be "storage-in-transit not to exceed _____ days is authorized and will be at origin" or "storage-in-transit not to exceed _____ days is authorized and will be at destination," as appropriate. If storage is to be at destination and a _____ officer is available at that point, the following notation will be added: "Carrier will notify the _____ officer at _____ (insert name and location of appropriate military activity) of the arrival of this shipment at destination before it is placed in storage." Upon receiving this notification the _____ officer will inform the carrier whether the shipment should be placed in storage-in-transit or delivered direct to the owner. The name of the storage warehouse will not be specified by the _____ officer.

(Sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 171a)

THOMAS D. MORRIS,
Deputy Assistant Secretary of Defense, Supply and Logistics.

[F. R. Doc. 57-8031; Filed, Sept. 30, 1957; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

CONNECTICUT RIVER, CONNECTICUT

Pursuant to the provisions of section 1 of an act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180),

§ 202.55 establishing special anchorages in Connecticut River, Connecticut, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, is hereby amended with respect to paragraphs (f) and (g) revoking the areas at Maromas, as follows:

§ 202.55 *Connecticut River, Connecticut.* • • •

(f) *Area No. 1 at Maromas.* [Revoked.]

(g) *Area No. 2 at Maromas.* [Revoked.]

[Regs., September 13, 1957, 800.212 (Connecticut River, Conn.)—ENGWO] (Sec. 1, 54 Stat. 150, as amended; 33 U. S. C. 180)

[SEAL] R. V. LEE,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 57-8016; Filed, Sept. 30, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

INSTRUCTIONS RELATING TO INCREASE IN MONTHLY RATES OF DISABILITY COMPENSATION

New § 3.1525 is added as follows:

§ 3.1525 *Instructions relating to the increase in monthly rates of disability compensation.* (a) Section 1 of Public Law 85-168 provides for an increase of 10 percent in the monthly wartime rates of all compensation payable under public laws administered by the Veterans Administration for less than total disability which is adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar. Under the provisions of Public Law 876, 80th Congress, the rates of compensation for service connected disability based upon service in the Regular Establishment during time of peace are 80 percent of the rates of compensation for disability incurred in time of war. The increases applicable to peacetime veterans provided by section 1, Public Law 85-168 are also subject to further adjustment upward or downward to the nearest dollar. Paragraph II (j), Part I, Veterans Regulation 1 (a) is amended to provide for the monthly payment of $225.00 for disability rated at 100 percent. The maximum rate of compensation, excluding dependency allowance, is increased to $450.00 per month. Special monthly compensation for specific injuries under paragraph II (l) through (n), Part I, Veterans Regulation 1 (a) are increased to $309.00, $359.00 and $401.00, respectively. No increase is provided in the present rate of $47.00 per month under paragraph II (k), Part I, Veterans Regulation 1 (a) for the anatomical loss or loss of use of a creative organ, or one foot, or one hand, or both buttocks, or blindness of one eye, or in the rate of $67.00 payable for arrested tuberculosis under paragraph II (q), Part I, Veterans Regulation 1 (a).

(b) Section 2, Public Law 85-168 provides for similar increases in claims evaluated under the World War Veterans' Act, 1924, as amended. For disability rated total under this act the rate is increased to $225.00 per month. The rate payable under section 202 (3) World War Veterans' Act, 1924, as amended, for the loss of use of both eyes is increased to $309.00 and the rate for loss of use of both eyes and one or more limbs or for double total permanent disability is increased to $401.00. The maximum rate payable for any combination of disability under this act is limited to $450.00. No increase in the statutory awards under section 202 (3) for the loss of use of a creative organ or one hand or foot, section 202 (5) for nurse or attendant, and section 202 (7) for arrested tuberculosis is provided in Public Law 85-168.

(c) Section 3, Public Law 85-168 amends Public Law 877, 80th Congress, as amended, to provide increases of compensation for veterans with service connected disabilities who have dependents. Rates based upon total disability are set forth therein and are applicable to wartime and peacetime service connected disability at the specific rates prescribed. For disability evaluated at less than 100 percent but not less than 50 percent, the additional allowance shall be in an amount having the same ratio to the amount specified in this section as the degree of disability bears to total disability. Such rates are not subject to the rounding off to the nearest dollar as provided in the rates payable under paragraph II (a) through (i), Parts I and II, Veterans Regulation 1 (a) above.

(d) Section 4, Public Law 85-168 provides for amendment to section 315, Public Law 85-56 in the rates of compensation payable as of January 1, 1958, which is the effective date of the last cited law. Section 5, Public Law 85-168 amends subsection 316 (a) (1) of the Veterans Benefit Act of 1957 to provided increased rates payable as additional allowances because of dependents under Public Law 877, 80th Congress, as amended.

(e) Section 6, Public Law 85-168 amends section 335, Public Law 85-56 effective January 1, 1958 by providing for the counting of fifty cents and over as a whole dollar. Section 335, Public Law 85-56 will on this date require the rounding off of amounts payable at peacetime rates to the nearest dollar including the present rate of $37.60 under paragraph II (k), Part II, Veterans Regulation 1 (a), and the present rate of $53.60 under paragraph II (q) which are not increased under Public Law 85-168.

(f) Section 7, Public Law 85-168 amends section 336 of Public Law 85-56 by requiring the rounding off to the nearest dollar of the additional allowance paid for dependents as of January 1, 1958. No such provision is effective as to the rounding off of the wartime rate for dependency allowance at the present time or after the effective date of Public Law 85-56. Peacetime dependency allowances will not be rounded off as of October 1, 1957, but will be subject to such action on January 1, 1958.

(g) Section 2316 (b), Public Law 85-56 prohibits the reduction of any award when a veteran is entitled to a higher rate on the day preceding the effective date of Public Law 85-56 under laws in effect on that day except where there was fraud, clear and unmistakable error as to conclusion of fact or law, or misrepresentation of material facts. Therefore, under Public Law 85-56 those peacetime veterans whose awards are computed on dollars and cents will continue to receive the cents, if less than fifty, but the awards of veterans where fifty cents or more is involved will be rounded off to the next dollar. The awards of veterans whose entitlement is solely under Public Law 85-56 will have their awards adjusted either upward or downward to the nearest dollar.

(h) Section 8, Public Law 85-168 provides "This Act shall take effect on the first day of the second calendar month which begins after the date of its enactment and sections 1 through 3 shall cease to be in effect January 1, 1958". The effective date of awards will be in accordance with the provisions of controlling regulations, provided that in no event will benefits under the cited act be awarded for any period prior to October 1, 1957. The increases provided shall be effective October 1, 1957, in claims pending or in an appellate status on August 27, 1957. In new claims filed on or after August 27, 1957, and prior to October 1, 1957, the increased rate will be effective October 1, 1957. (Instruction 1, Public Law 85-168)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 1, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-8045; Filed, Sept. 30, 1957; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, I have determined that the taking of deer by hunting on portions of the Willapa National Wildlife Refuge, Washington, would be compatible with sound wildlife management. Accordingly, a new center headnote, as set forth above, and § 31.355, reading as follows, are added:

§ 31.355 *Hunting of deer permitted.* Deer may be taken solely by means of bow (except crossbow) and arrow from October 13 to November 3, 1957 (dates inclusive), on that portion of the Willapa National Wildlife Refuge, Washington, designated as Long Island, subject to the following conditions and restrictions:

(a) Strict compliance with all State laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter. Hunters shall follow such routes of travel within the refuge as may be designated by the refuge officer in charge, and upon entering or leaving the hunting area shall report at such checking stations as may be established for the purpose of regulating the hunt.

(c) The possession and use of firearms on the refuge are prohibited.

(d) Dogs are not permitted on the refuge for use in the hunting of deer.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Willapa National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated September 25, 1957.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-8020; Filed, Sept. 30, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 957]

[AO-150 A-3]

POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900 et seq.), notice is hereby given of a public hearing to be held at the Bannock County Court House, Pocatello, Idaho, beginning at 9:00 a. m., m. s. t., November 5, 1957, with respect to proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The Idaho-Eastern Oregon Potato Committee, the administrative agency established pursuant to the marketing agreement and order has proposed the following amendments to said marketing agreement and order and has requested a hearing thereon:

1. Amend §§ 957.1, 957.2, and 957.3, to read, respectively, as follows:

§ 957.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 957.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 957.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

2. Amend §§ 957.7 and 957.12 to read, respectively, as follows:

§ 957.7 *Certified seed potatoes.* "Certified seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may designate.

§ 957.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

3. Renumber and amend § 957.15 *District* to read as follows:

§ 957.17 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 957.22 or as reestablished pursuant to § 957.23.

4. Add new §§ 957.15 *Pack* and 957.16 *Container* reading as follows:

§ 957.15 *Pack.* "Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 957.16 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, barrel, or any other type of receptacle used in the packaging, transportation, sale, or other handling of potatoes.

5. Add new § 957.18 *Label* to read as follows:

§ 957.18 *Label.* "Label" means to mark, brand, or otherwise designate on containers, the official grade, or size, or both, of potatoes therein.

6. Amend § 957.20 to read as follows:

§ 957.20 *Establishment and membership.* (a) The Idaho-Eastern Oregon Potato Committee consisting of 16 members, of whom ten shall be producers and six shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer in the district for which selected or an officer or employee of a producer in such district, and shall be a resident thereof. A producer who handles potatoes other than of his own production shall qualify as a producer under this section, and §§ 957.24, 957.25, 957.27, and 957.29, only if the potatoes of his own production constituted 51 percent or more of the total quantity of potatoes handled by him during the portion of the then current season preceding his nomination.

(c) Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler or an officer or employee of a handler, and shall be a resident of the production area.

7. Amend § 957.21 to read as follows:

§ 957.21 *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of June and continuing until the following May 31. Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end thereof, and until their successors are selected and have qualified.

8. Renumber §§ 957.23 through 957.32, as §§ 957.24 through 957.33, respectively.

9. Add a new § 957.23 reading as follows:

§ 957.23 *Redistricting.* The Secretary, upon recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts. In recommending any such changes in districts or representation, the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new potato production in

its relation to existing districts; (c) the equitable relationship between the committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors.

10. Amend the newly renumbered §§ 957.24, 957.25, and 957.26 to read as follows:

§ 957.24 *Selection.* Members and alternates of the committee shall be selected by the Secretary on the following basis (unless otherwise apportioned pursuant to § 957.23) from nominations made pursuant to § 957.25 or from other eligible persons: (1) Four producer members and two handler members, with their respective alternates, from District No. 1; (2) two producer members and two handler members, with their respective alternates, from District No. 2; and (3) four producer members and two handler members, with their respective alternates, from District No. 3.

§ 957.25 *Nominations.* For the selection by the Secretary of the members and alternates of the Idaho-Eastern Oregon Potato Committee, nominations may be made in the manner indicated in this section. Nominations for members and alternates may be submitted by producers or handlers, as the case may be, or groups of either thereof, on an elective basis or otherwise.

(a) In order to provide nominations for committee members and alternates, the committee shall hold, or cause to be held, prior to April 1 of each year, one or more meetings of producers and of handlers in each district to nominate committee members and alternates.

(b) In arranging for such meetings, the committee may, if it deems it to be desirable, utilize the services and facilities of existing organizations and agencies, and may combine its meetings with others.

(c) At each such meeting, at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(d) Only producers may participate in designating nominees for producer members and alternates, and only handlers may participate in designating nominees for handler members and alternates.

(e) Nominations shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 1 of each year.

(f) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he will vote.

(g) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate, as aforesaid, in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 957.26 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 957.25, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation prescribed in this subpart.

11. Amend the newly numbered §§ 957.29, 957.30, and 957.31 to read as follows:

§ 957.29 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence and may perform such other duties as may be assigned or requested by the committee. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor to such member is selected and has qualified. The committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 957.30 *Procedure.* (a) Twelve of the members of the committee shall be necessary to constitute a quorum; and at least ten concurring votes shall be required to pass any motion or approve any committee action. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for meetings by telephone, telegraph or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing.

§ 957.31 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and may receive compensation at a rate, to be determined by the committee and approved by the Secretary, not to exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

12. Amend paragraph (d) of the newly renumbered § 957.33 *Duties* to read as follows:

(d) To investigate from time to time, and to assemble data on, the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

13. Amend §§ 957.40 to 957.46, inclusive, to read as follows:

§ 957.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during the same period.

§ 957.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 957.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 957.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who ships potatoes as the first handler thereof shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary, but not to exceed $1.00 per carload, or equivalent quantity. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 957.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, and records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not limited to books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person or persons to act as trustee or trustees for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 957.44 *Refunds.* At the end of each fiscal period funds arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal period's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal period when there is a crop failure, or during any period of suspension of any or all of the provisions of this part.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

14. Add a new § 957.47 reading as follows:

§ 957.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and may make available committee information and data to any person, or to any employee of an agency or its agent, authorized by the committee as its agent with the approval of the Secretary, to conduct such projects.

15. Amend §§ 957.50 to 957.54, inclusive, to read as follows:

§ 957.50 *Marketing policy*—(a) *Preparation.* Prior to or at the same time as recommendations are made pursuant to § 957.51, the committee shall consider, and prepare, a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality, in different packs, and in different containers;

(2) Supplies of potatoes by grade, size, and quality in the production area and in other potato producing areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall promptly submit a report to the Secretary setting forth the aforesaid marketing policy and shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to deviate from such marketing policy because of changed supply and demand conditions, the committee shall formulate a new or revised marketing policy in the manner set forth in this section. The committee shall promptly submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the new or revised marketing policy.

§ 957.51 *Recommendation for regulations.* Whenever the committee deems it advisable that the handling of potatoes be regulated pursuant to § 957.52, or § 957.53, or both, it shall recommend to the Secretary grade, size, quality, or maturity regulation, or any combination thereof, or amendment thereto, or modification, suspension, or termination thereof, whenever it finds that such regulation, as provided in such sections, will tend to effectuate the declared policy of the act.

§ 957.52 *Issuance of regulations.* (a) The Secretary shall limit the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period;

(2) Regulate the shipment of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for different portions of the production area, for different packs, for different containers, or for any combination of the foregoing, during any period;

(3) Provide a method through rules and regulations issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both;

(4) Require that potatoes handled under this part shall be labeled to show the official grade, or size, or both, thereof;

(5) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 957.53 *Shipments for specified purposes.* Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulations under or pursuant to § 957.42, § 957.52, or § 957.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) Export;
(b) Relief or charity;
(c) Livestock feed;
(d) Certified seed potatoes;
(e) Processing into specified products, and
(f) Such other purposes which may be specified by the Committee, with the approval of the Secretary.

16. Renumber §§ 957.55 through 957.57 as §§ 957.54 through 957.56, respectively.

17. Amend the newly renumbered § 957.56 to read as follows:

§ 957.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 957.53 from entering channels of trade and other outlets for other than the specific purpose authorized therefor.

(b) Safeguards, as provided by this section, may include, but shall not be limited to, requirements that handlers:

(1) Shall obtain the inspection required by § 957.65 or pay the assessment provided by § 957.42, or both, in connection with the potato shipments effected in accordance with § 957.53; and

(2) Shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 957.53.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of Certificates of Privilege.

(d) The committee may rescind, or deny to any handler, Certificates of Privilege if proof satisfactory to the committee is obtained that protatoes shipped by him for the purposes stated in § 957.53 were handled contrary to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications for such certificates, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

18. Amend § 957.65 *Inspection and certification* to read as follows:

§ 957.65 *Inspection and certification.* (a) During any period in which regulations are in effect pursuant to §§ 957.42, 957.52, or 957.53, or any combination thereof, no handler shall handle potatoes

unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary may designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to recommendations by the committee and approved by the Secretary.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates covering such potatoes insofar as the requirements of this section are concerned. During any period in which shipments of potatoes are regulated, as aforesaid, no handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected and covered by a valid inspection certificate as required in paragraph (a) of this section.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate shall be valid may be established by the committee with the approval of the Secretary; and such length of time may be different for shipments for different purposes.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available promptly to the committee by the inspection service.

19. Delete §§ 957.70 to 957.73, inclusive.

20. Amend § 957.83 by inserting "(a)" after the title *Effective time* and by adding paragraph (b) reading as follows:

(b) All rules and regulations issued or approved by the Secretary pursuant to this part (Order No. 57, as amended), which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart. The Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, proposes the following amendment:

21. Make such changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments thereof which may result from this hearing.

Copies of this notice may be obtained from the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 SW., Washington Street, Portland 5, Oregon, or from the Hearing Clerk, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 25th day of September 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-8034; Filed, Sept. 30, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12076]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (ERIE, PA.; AKRON-CLEVELAND, O.; CLARKSBURG AND WESTON, W. VA.; FLINT-SAGINAW-BAY CITY, MICH.)

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

1. The Commission has before it for consideration a petition filed September 23, 1957, by Tri-City Broadcasting Co., licensee of television Station WTRF-TV, Wheeling, West Virginia, requesting the Commission to extend the time for filing reply comments in the above-entitled proceeding from September 30, 1957, to October 15, 1957.

2. In support of its request, Tri-City alleges that some 16 parties have filed voluminous comments containing detailed engineering data; that appropriate reply comments must be based upon careful analysis of these direct comments; and that it would be virtually impossible to review properly these direct comments and to prepare and submit reply comments by September 30, 1957.

3. The Commission is of the view that the public interest would be served by extending the time for filing reply comments in the above-entitled proceeding.

4. In view of the foregoing: *It is ordered*, That the aforesaid petition of Tri-City Broadcasting Co., is granted, and that the time for filing reply comments in the above-entitled proceeding is extended from September 30, 1957, to and including October 15, 1957.

Adopted: September 24, 1957.

Released: September 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8037; Filed, Sept. 30, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 164]

ARIZONA

SMALL TRACT CLASSIFICATION ORDER 58

SEPTEMBER 23 1957.

1. Pursuant to authority delegated me by Document No. 43 Arizona, effective May 19, 1955 (20 F. R. 3514-15), the following described lands totaling 120 acres are hereby opened and classified as suitable for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.
Sec. 34: W½NE¼, SE¼NE¼.

The above described lands were reconveyed to the United States under the provisions of the Act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g) in Phoenix-084201. The original classification of these lands by Document No. 105, Arizona, Small Tract Classification No. 48 (21 F. R. 1659) was revoked by Document No. 107, Arizona (21 F. R. 2221-22).

2. Classification of the above described lands by this Order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

The lands are located approximately 18 miles east of Mesa and two and one-half miles southeast of Apache Junction. The climate is arid with an average annual precipitation of about 9 inches. The elevation is approximately 1700 feet above sea level. The temperature varies from a high of about 115° F. in summer to a low of about 25° F. in winter. The soil is sandy to gravelly loam and supports a vegetative cover of the southern desert shrub type with such species as paloverde, mesquite, creosote, ocotillo, various species of cacti, including saguaro and cholla, and a number of annual weeds and grasses. Culinary water is not available from any presently developed source. Electric power is available from transmission lines in the immediate vicinity.

4. (a) The individual tracts are all approximately two and one-half acres in size and square in shape.

(b) The purchase price of all tracts is $250.00 per tract.

(c) The advance three-year rental for a residence tract is $37.50.

(d) Rights-of-way for streets, roads, and public utilities will be reserved on all section lines and quarter, sixteenth, and sixty-fourth subdivision lines.

(e) All minerals in the lands will be reserved to the United States.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price in accordance with paragraph 4 (b) above, provided that during the period of their leases they either (a) construct the improvements specified in paragraph 7, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d) (1). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The house must be suitable for year-round use, on a permanent solid foundation, and must have a minimum of 500 square feet of floor space.

The house must be built in a workmanlike manner out of attractive and properly finished materials.

Sanitary facilities must be equipped with adequately constructed septic tanks for sewage disposal.

8. The lands are now open to filing of drawing-entry cards (Form 4-775) only by persons entitled to veterans preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the Armed Forces of the United States for a period of at least 90 days after September 15, 1940; (b) surviving spouse or minor orphan child of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing entry cards (Form 4-775) are available upon request from the Manager, Land Office, 1305 North Central Avenue, P. O. Box 148, Phoenix, Arizona.

Drawing entry cards will be accepted if filled out in compliance with the instructions on the Form and with the above named official prior to 3:00 p. m., October 29, 1957. A drawing will be held at 10:15 a. m., November 6, 1957. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to the entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776) with instructions as to their execution and return, and as to payment of fees and rentals.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Post Office Box 148, Phoenix, Arizona.

EUGENE H. NEWELL,
Lands and Minerals Officer.

[F. R. Doc. 57-8021; Filed, Sept. 30, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12049, 12050; FCC 57M-898]

JEFFERSON RADIO CO. AND BESSEMER BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of W. D. Frink, tr/as Jefferson Radio Company, Irondale, Alabama; Docket No. 12049, File No. BP-10672; The Bessemer Broadcasting Company, Incorporated (WBCO), Bessemer, Alabama; Docket No. 12050, File No. BP-10886; for construction permits.

It is ordered, This 24th day of September 1957, that hearing in the above-entitled proceeding will be held October 4, 1957.

Released: September 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8038; Filed, Sept. 30, 1957; 8:48 a. m.]

[Docket Nos. 12089, 12090; FCC 57M-891]

PORT CITY TELEVISION CO., INC., AND BAYOU BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of Port City Television Company, Inc., Baton Rouge, Louisiana; Docket No. 12089, File No. BPCT-2262; for construction permit for new television broadcast station. Bayou Broadcasting Corporation, Baton Rouge, Louisiana; Docket No. 12090, File No. BMPCT-4417; for modification of construction permit for new television broadcast station.

Upon the oral motion of counsel for Bayou Broadcasting Corporation, and with the concurrence of all of the parties: *It is ordered*, This 24th day of September 1957, that the further prehearing conference in the above-entitled matter, heretofore scheduled for September 25, 1957, is postponed until October 4, 1957; and

It is further ordered, That the hearing, heretofore scheduled to commence October 2, 1957, is hereby rescheduled to commence at 10:00 a. m., October 10, 1957, in the Commission's offices at Washington, D. C.

Released: September 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8039; Filed, Sept. 30, 1957; 8:48 a. m.]

[Docket No. 12097; FCC 57M-901]

JACKSON COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Nathan L. Goetz, Robert Goetz and Merlin J. Meythaler, d/b as Jackson County Broadcasting Company, Maquoketa, Iowa; Docket No. 12097, File No. BP-10882; for construction permit.

It is ordered, This 25th day of September 1957:

(1) That the time for the exchange of exhibits, now in indefinite status, is October 15, 1957;

(2) That the date for the hearing, now also in indefinite continuance, is scheduled for Wednesday, October 23, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: September 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8040; Filed, Sept. 30, 1957; 8:48 a. m.]

[Docket No. 12118, etc.; FCC 57M-894]

TELEVISION BROADCASTERS, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Television Broadcasters, Inc., Beaumont, Texas; Docket No. 12118, File No. BMPCT-4681; for modification of construction permit. WDSU Broadcasting Corporation, Port Arthur, Texas; Docket No. 12119, File No. BPCT-2300; KPBX Broadcasting Company, Beaumont, Texas; Docket No. 12120, File No. BPCT-2313; Brown Telecasters, Inc., Beaumont, Texas; Docket No. 12121, File No. BPCT-2327; for construction permits for new television broadcast stations.

It is ordered, This 24th day of September 1957, that the prehearing conference in the above-entitled matter, heretofore scheduled to commence at 2:00 p. m., September 24, 1957, is hereby rescheduled to commence at 10:00 a. m., October 1, 1957, in the Commission's offices at Washington, D. C.

Released: September 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8041; Filed, Sept. 30, 1957; 8:48 a. m.]

[Docket Nos. 12124, 12125; FCC 57M-892]

GEOFFREY A. LAPPING AND PHOENIX BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Geoffrey A. Lapping, Phoenix, Arizona; Docket No. 12124, File No. BP-10963; Harold Lampel and Dawkins Espy, d/b as Phoenix Broadcasting Company, Phoenix, Arizona; Docket No. 12125, File No. BP-10964; for construction permits.

Pursuant to a prehearing conference held this date in the above-entitled proceeding: *It is ordered*, This 24th day of September, 1957, that a further prehearing conference will be held at 10 o'clock a. m., October 1, 1957, in the offices of the Commission, Washington, D. C.

Released: September 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8042; Filed, Sept. 30, 1957; 8:49 a. m.]

[Docket No. 12164; FCC 57M-904]

WALTER T. GAINES (WGAV)

ORDER SCHEDULING HEARING

In re application of Walter T. Gaines (WGAV), Amsterdam, New York; Docket No. 12164, File No. BP-10986; for construction permit.

It is ordered, This 23d day of September 1957, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1957, in Washington, D. C.

Released: September 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8043; Filed, Sept. 30, 1957; 8:49 a. m.]

[Docket Nos. 12170, 12171; FCC 57M-905]

WESTBROOK BROADCASTING CO., INC., AND SHERWOOD J. TARLOW

ORDER SCHEDULING HEARING

In re applications of Westbrook Broadcasting Co., Inc., Westbrook, Maine; Docket No. 12170, File No. BP-10911; Sherwood J. Tarlow, Saco, Maine; Docket No. 12171, File No. BP-11080; for construction permits.

It is ordered, This 23d day of September 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 14, 1957, in Washington, D. C.

Released: September 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8044; Filed, Sept. 30, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6776]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

SEPTEMBER 25, 1957.

Take notice that on September 23, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Otter Tail Power Company ("Applicant"), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of $5,200,000 of 5¼ percent Convertible Debentures due November 1, 1967. The proposed Debentures will be offered to Applicant's common stockholders ratably in the proportion of $100 principal amount of Debentures for each fourteen shares of Common Stock outstanding, pursuant to the pre-emptive rights of the holders of Common stock. Applicant contemplates that the transferable warrants by which the Convertible Debentures will be offered to common stockholders will expire either fourteen or fifteen days from the date of the aforesaid issue. Applicant proposes to issue the Convertible Debentures in November 1957. The Debentures will be convertible into shares of Applicant's Common Stock at the option of the holders thereof at any time on and after January 1, 1959, and prior to maturity. However during the calendar year 1959 the Debentures will be convertible at the then conversion price only until the aggregate principal amount of Debentures converted during such year reaches one-third of the aggregate principal amount of all Debentures issued. During the calendar year 1960 the Debentures will be convertible at the same conversion price only until the aggregate principal amount of Debentures converted during the two years 1959 and 1960 aggregate two-thirds of aggregate principal amount of all Debentures issued. Thereafter the Debentures will be convertible without limit. The conversion prices are to be determined by the Applicant approximately thirty-six hours prior to the beginning of the offering of the Convertible Debentures to common stockholders. The Common Stock into which the Debentures will be convertible will be a part of 1,000,000 Common shares now authorized and will be of the same class as the Common Stock now outstanding. The maximum number of shares to be so issued will be supplied by amendment when the conversion rates have been determined. Applicant proposes to obtain an underwriting of the Convertible Debentures not subscribed for pursuant to the warrants to be issued to common stockholders and requests an exemption from § 34.1a of the regulations under the Federal Power Act, requiring competitive bidding. Applicant proposes to use the proceeds from the sale of the Convertible Debentures to reduce bank loans which are now outstanding in the principal amount of $5,542,500.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of October 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8022; Filed, Sept. 30, 1957; 8:46 a. m.]

[Docket Nos. G-13018, G-13019]

PACIFIC NORTHWEST PIPELINE CORP. AND EL PASO NATURAL GAS CO.

NOTICE OF APPLICATIONS

SEPTEMBER 25, 1957.

Take notice that Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation, Post Office Box 1526, Salt Lake City, Utah, filed on August 7, 1957, an application pursuant to section 7 (b) of the Natural Gas Act, for permission and approval for the abandonment of its facilities, subject to the jurisdiction of the Federal Power Commission, and the service rendered by means of such facilities, subject to El Paso Natural Gas Company receiving a certificate of public convenience and necessity, as applied for in Docket No. G-13019, to acquire by merger the facilities and service rendered by Pacific.

Pacific is a natural gas company within the meaning of the Natural Gas Act and, among other things, owns and operates a natural gas transmission system consisting of approximately 2,125 miles of main and lateral pipelines extending in a general northwesterly direction from the San Juan Basin in New Mexico through the States of Colorado, Utah, Wyoming, Idaho, Oregon and Washington, to a terminus at the international boundary between the United States and Canada. Pacific sells natural gas for resale in the States of Washington, Oregon, Idaho, Wyoming and Colorado, and also sells directly to certain industrial customers located along the route of its pipeline. Pacific purchases and produces natural gas in the San Juan Basin in northwestern New Mexico and southwestern Colorado and purchases gas in the States of Colorado, Utah and Wyoming. It also has contracted to purchase natural gas from Canada.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation, El Paso Natural Gas Building, El Paso, Texas, filed on August 7, 1957, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, to acquire and operate the above mentioned pipeline system of Pacific as presently constituted and as it may be enlarged or extended prior to the date of the proposed acquisition, including the right to construct any extensions, additions or other facilities which have been certificated prior to such date.

El Paso is a natural gas company within the meaning of the Natural Gas Act and, among other things, is engaged in the production, purchase, processing, transportation and marketing of natural gas. El Paso delivers and sells at wholesale, natural gas to customers in West Texas, southern and northwestern New Mexico, Arizona, and to distribution companies at the Arizona-California boundary, which companies transport the gas so sold and delivered through their systems to customers in California and Nevada, and it makes certain other sales.

By the merger, El Paso proposes to succeed to all rights, obligations, franchises and privileges of Pacific and to render any and all services now rendered or contemplated by Pacific. El Paso, among other things, will acquire all the remaining outstanding stock of Pacific, retire certain obligations of Pacific, obtain the necessary consent of security holders and then cancel all of its Pacific's stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street, NW., Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1957. The applications are on file with the Commission and are open for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8023; Filed, Sept. 30, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE E. HARDING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 4-10-56—21 F. R. 2303; 9-25-56—21 F. R. 7301; 4-4-57—22 F. R. 2257.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 19, 1957.

Dated: September 19, 1957.

GEORGE E. HARDING.

[F. R. Doc. 57-8017; Filed, Sept. 30, 1957; 8:45 a. m.]

CURT L. OHEIM

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 9-25-56—21 F. R. 7301; 3-29-57—22 F. R. 2093.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 19, 1957.

Dated: September 19, 1957.

CURT L. OHEIM.

[F. R. Doc. 57-8018; Filed, Sept. 30, 1957; 8:45 a. m.]

VERN I. MCCARTHY, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 9/26/56—21 F. R. 7351; 3/29/57—22 F. R. 2093.

A. Deletions: Cudahy Packaging Co., International Minerals & Chemicals Co., Schenely Industries, Sun Chemical Corp.

B. Additions: Automatic Canteen Co., Cuban Venezuelan Oil, Flick-Reedy Corp., Frontier Airlines, Inc., Jones & Laughlin Steel Corp., Nuclear Chicago Corp., Rheem Mfg. Co.

This statement is made as of September 14, 1957.

VERN I. MCCARTHY, JR.

[F. R. Doc. 57-8019; Filed, Sept. 30, 1957; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

FEDERAL HOUSING COMMISSIONER

DESIGNATION AND DELEGATION OF AUTHORITY WITH RESPECT TO APPRAISAL OF CERTAIN FEDERAL PROPERTY IN COULEE DAM AND GRAND COULEE AREAS, STATE OF WASHINGTON

The Federal Housing Commissioner is hereby designated and, as the designee of the Housing and Home Finance Administrator, is hereby authorized to exercise the power vested in the Administrator under section 5 of the Coulee Dam Community Act of 1957 (Public Law 85-240) to determine the appraised values of certain Federal property in the Coulee Dam and Grand Coulee areas, State of Washington, at the request of the Secretary of the Interior.

(Sec. 5 of P. L. 85-240, 71 Stat. 529, 16 U. S. C. 835c n)

Effective as of the 19th day of September, 1957.

[SEAL] WALKER MASON,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 57-8036; Filed, Sept. 30, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 31-622, 54-186, 59-93, 70-1804]

CITIES SERVICE CO. AND ARKANSAS FUEL OIL CORP.

ORDER DIRECTING COMPLIANCE WITH THE ACT

SEPTEMBER 20, 1957.

The Commission having, on August 31, 1956, issued its Findings and Opinion and Order (Holding Company Act Release No. 13254) denying an application by Cities Service Company ("Cities"), a registered holding company for an order exempting it and each of its subsidiaries from the provisions of the Public Utility Holding Company Act of 1935 ("act") pursuant to section 3 (a) (5) thereof, such denial being based on a finding by the Commission that the existence of a 48.5 percent publicly held common stock interest in Arkansas Fuel Oil Corporation ("Fuel Oil"), a subsidiary of Cities by virtue of the latter's ownership of 51.5 percent of its stock, constitutes a complexity and results in an inequitable distribution of voting power within the meaning of section 11 (b) (2) of the act and that this condition can be satisfactorily remedied only by the elimination of the public minority interest in Fuel Oil or by the disposition by Cities of its interest in Fuel Oil; and the Commission having stated in said Findings and Opinion that it would not enter an order at that time with respect to a reserved issue under section 11 (b) (2) of the act so as to afford Cities and Fuel Oil a reasonable opportunity to submit an appropriate program of compliance with that section;

The Commission's order of August 31, 1956 having been affirmed by the United States Court of Appeals for the Second Circuit on August 14, 1957;

The Pennroad Corporation and Louis E. Marron, stockholders of Fuel Oil and interveners in the review proceedings before the Court of Appeals, having renewed a motion, heretofore made to the Commission and on which action had been deferred because of the pendency of proceedings in the Court of Appeals and the certification of the record to that Court, requesting the entry of an order requiring Cities and Fuel Oil to comply with section 11 (b) (2) of the act;

Cities having filed a motion in the Court of Appeals and thereafter made application to Associate Justice John M. Harlan of the United States Supreme Court, requesting a stay of execution of the order of the Court of Appeals of August 14, 1957 and of any action by the Commission thereunder pending a final disposition of the matter by the Supreme Court, and further requesting retention of the record by the Court of Appeals, and the said motion and application having been denied;

More than a year having elapsed since the entry of the Commission's order denying an exemption under section 3 (a) (5) of the act, and Cities and Fuel Oil not having submitted a program of compliance with the requirements of section 11 (b) (2) of the act; and

It appearing to the Commission that, particularly in view of the requirement of the act that compliance be ordered by the Commission as soon as practicable, it is necessary and appropriate in the public interest and for the protection of investors that an order be entered at this time requiring Cities and Fuel Oil to comply with section 11 (b) (2) of the act;

It is ordered, That, pursuant to said section 11 (b) (2), Cities Service Company and Arkansas Fuel Oil Corporation be, and they hereby respectively are, directed to proceed with due diligence to take appropriate action to effect the elimination of the public minority stock interest in Arkansas Fuel Oil Corporation or the disposition by Cities Service Company of its stock interest in Arkansas Fuel Oil Corporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8024; Filed, Sept. 30, 1957; 8:46 a. m.]

[File No. 1-2185]

NORBUTE CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 25, 1957.

In the matter of Norbute Corporation common stock; File No. 1-2185.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The stock became listed on the American Stock Exchange in October 1956, where nearly all the reported trading now occurs. The issuer wishes to save the expenses of duplicate listing, including listing fees on additional issuance of shares, duplicate registrar and transfer agents, and miscellaneous other costs.

Upon receipt of a request, on or before October 7, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8025; Filed, Sept. 30, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 26, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34184: *Liquefied chlorine gas from Plaquemine, La., to Kansas City and St. Louis, Mo., group.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7119), for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads from Plaquemine, La., to Kansas City and St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition with Baton Rouge, La., and other Louisiana and Texas producing points at above destinations.

Tariff: Supplement 255 to Agent Kratzmeir's tariff I. C. C. 4087.

FSA No. 34185: *Pipe from Memphis, Tenn., and West Memphis, Ark.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7121), for interested rail carriers. Rates on wrought iron or steel pipe, and related pipe or tubing, straight or mixed carloads, as described in the application, from Memphis, Tenn., and West Memphis, Ark., to specified points in Arkansas, southern Missouri, eastern New Mexico, Oklahoma, and Texas.

Grounds for relief: Modified short-line distance formula, and grouping.

Tariff: Supplement 124 to Agent Kratzmeir's tariff I. C. C. 4116.

FSA No. 34186: *Substituted service-motor-and-rail, M-K-T Lines.* Filed by J. D. Hughett, Agent (No. 16), for interested rail and motor carriers. Rates on freight loaded in highway truck trailers and transported in substituted rail service on railroad flat cars between Muskogee, Okla., and Dallas, Tex., on traffic originating at or destined to points on motor lines in southwestern territory, on the one hand, and points in middlewest, central states, middle Atlantic states, New England, Rocky Mountain and southern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Agent Hughett's tariff I. C. C. 66.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-8029; Filed, Sept. 30, 1957; 8:47 a. m.]

FEDERAL REGISTER

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MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3205

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS equal opportunity for employment is basic to our belief in human dignity and should never be denied any qualified person because of physical impairment; and

WHEREAS our expanding economy requires more workers, the useful employment of all who are able and willing to work; and

WHEREAS the physically handicapped, with the aid of expanded rehabilitation and training programs, are able to perform many of the skilled and demanding tasks essential to our social and economic progress; and

WHEREAS the full use of this source of manpower depends upon better understanding on the part of employers, fellow employees and all our citizens across the land; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), designated the first week in October of each year as National Employ the Physically Handicapped Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 6, 1957, as National Employ the Physically Handicapped Week. I also urge our citizens to remember, throughout the year, that by their interest and efforts many handicapped persons can be assisted to economic independence and active participation in our productive way of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of September in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-8138; Filed, Sept. 30, 1957; 2:05 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 519—FRESH IRISH POTATOES

SUBPART—FRESH IRISH POTATOES; LIVESTOCK FEED DIVERSION PROGRAM YMD 3a

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AUTHORITY: §§ 519.155 to 519.175 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

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FEDERAL REGISTER

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§ 519.155 *General statement.* In order to encourage the domestic consumption of fresh Irish potatoes produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payment for the diversion of 1957-crop potatoes for use as livestock feed, subject to the terms and conditions hereinafter set forth. Information relating to this program and forms prescribed for use hereunder may be obtained from the following:

Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Offices of the State Agricultural Stabilization and Conservation Committees in the respective States.

County Agricultural Stabilization and Conservation Committees in the respective counties.

§ 519.156 *Administration.* The program provided for in this part will be administered under the general direction and supervision of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, and in the field will be carried out by the Commodity Stabilization Service through the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees, hereinafter referred to as State and County Committees. Each State Committee will authorize one or more employees of the State Committee to act as representatives of the United States Department of Agriculture, hereinafter referred to as USDA, to approve applications for participation. State and County Committees or their authorized representatives do not have authority to modify or waive any of the provision of this subpart or any amendments or supplements to this subpart.

§ 519.157 *Area.* This program will be effective in such States or areas as may be designated from time to time by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture. Information with respect to the areas designated may be obtained from the offices listed in § 519.155.

§ 519.158 *Period of program.* This program will be effective from the date of this announcement and continue until further notice, but in any event not later than May 31, 1958.

§ 519.159 *Rate of payment.* The rate of payment per 100 pounds of potatoes meeting the requirements of Specification A as defined in § 519.165 and which are diverted as prescribed in § 519.164 will be 50 cents for potatoes diverted during the months of October, November, and December 1957; 40 cents during the months of January, February, and March 1958; and 30 cents during the months of April and May 1958. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

§ 519.160 *Eligibility for payment.* Payments will be made under this program to any individual, partnership, association, or corporation located in the continental United States, (a) who executes and files an application for participation on the prescribed forms, (b) whose application is approved, (c) who diverts fresh Irish potatoes directly or through any other person or persons, (d) who files claim as provided in § 519.167, and (e) who otherwise complies with all the terms and conditions of this subpart.

§ 519.161 *Application and approval for participation.* Persons desiring to participate in this program must submit a written application on Form CSS–117 "Application for Participation in Fresh Irish Potato Livestock Feed Diversion Program—YMD 3a." Each applicant must submit a performance bond as provided in § 519.162. Applications and bonds should be submitted to the County ASC Office for the county within which the potatoes are to be diverted. Applications will be forwarded to the State ASC Office and will be considered in the order received in the respective areas and in accordance with the availability of funds. Applicants will be notified of the approval or non-approval of their application. Approved applications may be modified or amended with the consent of the applicant and the duly authorized representative of the State Committee: *Provided,* That such modification or amendment shall not be in conflict with the provisions of this subpart or any amendment or supplements hereto. An approved applicant is hereinafter referred to as "the diverter."

§ 519.162 *Performance bond.* Each applicant shall submit with his first application for participation a performance bond as further assurance that the potatoes diverted pursuant to this program will be used exclusively for livestock feed. The bond shall be executed on Form CSS–119 by the principal and two individual sureties, all of whom shall agree to indemnify the USDA for any losses, claims, or payments made by USDA with respect to any quantity of such potatoes not used for livestock feed. The USDA may disapprove any bond if for any reason any surety does not in the opinion of USDA afford USDA full protection and security.

§ 519.163 *Period of diversion.* The potatoes in connection with which payments are to be made must be diverted (a) after the date of approval of the diverter's application, (b) within the time period specified in the approved application, and (c) in any event on or before May 31, 1958.

§ 519.164 *Definition of diversion.* Diversion of potatoes for use as livestock feed as used herein means the initial processing of potatoes for feeding to livestock by ensiling, or by cutting, chopping, slicing, gouging, crushing, or cooking to the degree that (a) a minimum of 90 percent of the potatoes which are 2 inches in diameter or larger have been seriously damaged to such an extent that they will not meet the requirements of U. S. No. 2 quality, and (b) the general appearance of the lot as a whole has been seriously damaged to such an extent that, in the opinion of the inspector, the potatoes are readily and obviously identifiable as having been initially processed and rendered unsuitable to enter into normal channels of trade and commerce as potatoes.

§ 519.165 *Diversion specifications.* Potatoes in connection with which payments will be made must meet the requirements of "Specification A" which is hereby defined as meaning potatoes equal to or better than the quality requirements of U. S. No. 2 grade, and which have either a minimum diameter of 2 inches or a minimum weight of 4 ounces, with no tolerance being allowed for defects or undersize. Long varieties of potatoes which by clipping ends or second growth could be made to meet the quality requirements of U. S. No. 2 grade need not be so clipped to be classed Specification A but the portions which customarily would be clipped off shall not be considered as meeting the requirements of Specification A and this weight shall be deducted in determining the weight of those potatoes in the lot which do meet the requirements of Specification A.

§ 519.166 *Inspection and certificate of diversion.* Prior to diversion the potatoes shall be inspected by an inspector authorized or licensed by the Secretary of Agriculture to inspect and certify the class, quality, and condition of fresh Irish potatoes. The diverter shall be responsible for requesting and arranging for inspection sufficiently in advance of the diversion so that the inspector can be present to determine the proportion of potatoes in each lot which meet the quality requirements of Specification A. The inspector shall also verify the quantity of potatoes being diverted and that such potatoes have been diverted as defined in § 519.164. The diverter shall furnish such scale tickets, weighing facilities, or volume measurements as determined by the inspector to be necessary for ascertaining the net weight of the potatoes being diverted. The cost of

inspecting, verifying the quantity, certifying that diversion has been performed, and issuing certificates thereof shall be borne by the diverter. Certificates shall be prepared on Form CSS–118 "Invoice and Certificates of Inspection and Diversion."

§ 519.167 *Methods of feeding.* The feeding of potatoes to livestock shall be accomplished by the following methods:

(a) Feeding in barns or feed lots directly from troughs, bunkers, bins, or other suitable feeding receptacle;

(b) Spreading on pasture land where livestock are grazing, but the rate of spreading during any seven-day period shall not exceed 500 pounds of potatoes per head of cattle or horses or 250 pounds per head of sheep or swine; and

(c) Utilizing the potatoes for livestock feed after dehydration through a process of alternate freezing and thawing. This method may be followed only in areas suitable for this process as may hereafter be approved by the Director, Fruit and Vegetable Division. The potatoes must be initially processed as specified in § 519.164, and in addition to other program requirements, the following special terms and conditions will be applicable:

(1) The potatoes must be spread on pasture consisting of sod or other grassland and the land must be fenced. The land may not be under the Soil Bank Program and, subsequent to spreading the potatoes, the land may not be placed under the Soil Bank Program or be plowed or otherwise cultivated until it is determined by USDA that adequate pasturing by livestock has taken place.

(2) The potatoes may be spread no deeper than 4 inches at any point.

(3) Diversion payments will be computed at the rate in effect at the time of initial processing and spreading but payment to diverters by USDA will not be made until it is determined by USDA that adequate pasturing by livestock has taken place.

(4) Spreading must take place on or before February 28, 1958.

§ 519.168 *Claim for payment.* In order to obtain payment the diverter must submit a properly executed "Invoice and Certificates of Inspection and Diversion," Form CSS–118, to the State ASC Office which approved his application. All such claims shall be filed not later than one calendar month after the termination date of the applicable diversion authorization.

§ 519.169 *Compliance with program provisions.* If USDA determines that any quantity of potatoes diverted under this program was not used exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such potatoes and shall be liable to USDA for any other damages incurred as a result of such failure to use the potatoes exclusively for livestock feed purposes. USDA may deny any diverter the right to participate in this program or the right to receive payments in connection with any diversion previously made under this program, or both, if USDA determines that: (a) The diverter has failed to use or caused to be used any quantity of potatoes diverted under this program exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, (b) the diverter has not acted in good faith in connection with any transaction under this program, or (c) the diverter has failed to discharge fully any obligation assumed by him under this program. Persons making any misrepresentation of facts in connection with this program for the purpose of defrauding the USDA will be subject to the applicable civil and criminal provisions of the United States Code.

§ 519.170 *Inspection of premises.* The diverter shall permit authorized representatives of USDA at any reasonable time to have access to his premises to inspect and examine such potatoes as are being diverted or stored for diversion, and to inspect and examine the diverter's facilities for diverting potatoes, in order to determine to what extent there is or has been compliance with the provisions of this program.

§ 519.171 *Records and accounts.* If the diverter sells or otherwise disposes of potatoes diverted pursuant to this program to any other person or persons for use as livestock feed, the diverter shall keep accurate records and accounts showing the details relative to the diversion and disposition of such potatoes. The diverter shall permit authorized representatives of USDA at any reasonable time to inspect, examine, and make copies of such records and accounts in order to determine to what extent there is or has been compliance with the provisions of this program. Such records and accounts shall be retained by the diverter for two years after date of last payment to him under the program.

§ 519.172 *Set-off.* If the diverter is indebted to USDA or to any other agency of the United States, set-off may be made against any amount due the diverter hereunder. Setting off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 519.173 *Joint payment or assignment.* The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim, to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided,* That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the authorized representative of USDA who approved the application, together with a true copy of the instrument of assignment, in accordance with the instructions on Form CSS–66 "Notice of Assignment," which form must be used in giving notice of assignment to USDA. The "Instrument of Assignment" may be executed on Form CSS–347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the State ASC Office or the Washington office shown in § 519.155.

§ 519.174 *Officials not to benefit.* No member of or delegate to Congress, or Resident Commissioner, shall be entitled to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be considered to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

§ 519.175 *Amendment and termination.* This subpart may be amended or terminated at any time but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any potatoes diverted before the effective time of such amendment or termination.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: September 27, 1957.

[SEAL] FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 57–8054; Filed, Oct. 1, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED ONIONS [1]

On February 20, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 1038) regarding a proposed issuance of the United States Standards for Grades of Canned Onions.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Onions are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, AND GRADES

Sec.
52.3041 Product description.
52.3042 Grades of canned onions.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

RECOMMENDED FILL OF CONTAINER, DRAINED WEIGHT, AND COUNT OF CANNED ONIONS

Sec.
52.3043 Fill of container.
52.3044 Drained weight.
52.3045 Count of onions.

FACTORS OF QUALITY

52.3046 Ascertaining the grade.
52.3047 Ascertaining the rating for the factors which are scored.
52.3048 Color.
52.3049 Uniformity of size and shape.
52.3050 Defects.
52.3051 Character.

LOT INSPECTION AND CERTIFICATION

52.3052 Ascertaining the grade of a lot.

SCORE SHEET

52.3053 Score sheet for canned onions.

AUTHORITY: §§ 52.3041 to 52.3053 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, AND GRADES

§ 52.3041 *Product description.* "Canned onions" means the canned product consisting of whole onions, properly prepared from clean, sound, succulent onion bulbs. The product is packed in accordance with good commercial practice and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.3042 *Grades of canned onions.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned onions that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size and shape; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned onions that possess similar varietal characteristics; that possess a normal flavor; that possess a fairly good color; that are fairly uniform in size and shape; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart: *Provided,* That the canned onions may be variable in size and shape if the total score is not less than 70 points.

(c) "Substandard" is the quality of canned onions that fail to meet the requirements of U. S. Grade C or U. S. Standard.

RECOMMENDED FILL OF CONTAINER, DRAINED WEIGHT, AND COUNT OF CANNED ONIONS

§ 52.3043 *Fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with onions without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.3044 *Drained weights*—(a) *General.* The minimum drained weight recommendations for canned onions in Table I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining drained weight.* The drained weight is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage, allowing the product to drain for two minutes and then weighing the sieve together with the product thereon. The drained weight is the weight of the sieve and the drained product less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 3 size can (404 x 414) or equivalent size, and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights.* Compliance with the recommended drained weights is determined by averaging the drained weights from all the containers which are representative of a specific lot; and such lot is considered as meeting the recommendations if the following criteria are met.

(1) The average of the drained weights from all of the containers meets the applicable recommended drained weight;

(2) One-half or more of the containers meets the recommended drained weight; and

(3) The drained weight of each of the containers which do not meet the recommended drained weight is within the range of variability for good commercial practice.

TABLE I—RECOMMENDED DRAINED WEIGHTS, IN OUNCES, FOR CANNED ONIONS

Container size or designation (metal, unless otherwise stated)	Maximum headspace allowable (measured from top of double seam)	Sizes of canned onions		
		Tiny	Small	Medium
	16th of an inch	*Ounces*	*Ounces*	*Ounces*
8-ounce tall	7.6	4.5	4.5	4.5
No. 303	9.4	9.5	9	9
No. 303 glass	9.4	9	9	9
No. 10	13.6	64	63	60

§ 52.3045 *Count of onions*—(a) *General.* The count recommendations in table II of this section are not incorporated in the grades of the finished product since count of onions, as such, is not a factor of quality for the purpose of these grades.

(b) *Compliance with recommended count of canned onions.* Compliance with the recommended count of canned onions is determined by averaging the counts from all the containers which are representative of a specific lot; and such lot is considered as meeting the recommendations if the following criteria are met:

(1) The average of the counts from all of the containers is within the range of the applicable recommended count;

(2) The counts of not more than one-sixth of the containers fail the range of such recommended count; and

(3) The count from each of the containers which fails such range is not outside such range by more than 10 percent or more than two onion bulbs, whichever is the greater.

TABLE II—RECOMMENDED COUNT OF CANNED ONIONS

Container size or designation (metal, unless otherwise stated)	Tiny	Small	Medium
8-ounce tall	15 and over	8 to 14, inclusive	
No. 303 and No. 303 glass	30 and over	15 to 29, inclusive	8 to 14, inclusive.
No. 10	200 and over	100 to 199, inclusive	80 to 99, inclusive.

FACTORS OF QUALITY

§ 52.3046 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors which are not scored.* (i) Varietal characteristics.

(ii) Flavor.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size and shape	30
Defects	30
Character	20
Total score	100

(b) *Normal flavor.* "Normal flavor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.3047 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.3048 *Color*—(a) *General.* The color of canned onions has reference to the predominating and characteristic color of the exterior surfaces of the onion bulbs.

(b) *(A) classification.* Canned onions that possess a good color may be given a

score of 17 to 20 points. "Good color" means that the canned onions possess a reasonably bright, characteristic color which may include typical greenish areas on the surface of the bulbs; and that not more than 10 percent, by count, of the onions may individually possess such typical greenish areas, which, in the aggregate, exceed one-half of the surface area of the bulb.

(c) (*C*) *classification.* If the canned onions possess a fairly good color a score of 14 to 16 points may be given. Canned onions that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned onions possess a characteristic color which may include typical greenish areas on the surface of the bulbs; that the product is not materially affected by oxidation, or dull grayish-white casts, or watery-white casts, or other discoloration; and that not more than 20 percent, by count, of the onions may individually possess greenish areas, which, in the aggregate, exceed one-half of the surface area of the bulbs.

(d) (*SStd.*) *classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3049 *Uniformity of size and shape*—(a) *General.* Uniformity of size and shape refers to the degree of variation in size and shape of the individual onion bulbs in canned onions.

(1) "Poorly shaped" means that the length of the individual onion bulb exceeds the maximum length for the applicable diameter, as shown in table III of this section, or that the onion bulb is otherwise misshapen to the extent that its appearance is seriously affected.

TABLE III—ONION DIMENSIONS

Diameter of onion: [1]	*Maximum length of onion* [2] *(inches)*
1½ inch	1 15/16
9/16 inch	1 11/16
5/8 inch	1 5/16
11/16 inch	1 5/16
¾ inch	1 7/16
13/16 inch	1 9/16
⅞ inch	1 11/16
15/16 inch	1 13/16
1 inch	1 15/16
1⅛ inches	2 1/4
1¼ inches	2 3/8
1⅜ inches	2 3/4
1½ inches	2 7/8

[1] Diameter is determined by measuring the greatest diameter at right angles to a straight line running from the stem end to the root end.

[2] Length is determined by measuring the over-all length of the onion.

(b) (*A*) *classification.* Canned onions that are practically uniform in size and shape may be given a score of 26 to 30 points. "Practically uniform in size and shape" means that:

(1) In a container with a count of less than 21 onions, not more than 10 percent, by count, of the onions are poorly shaped, and the weight of the second largest onion is not more than three times the weight of the second smallest onion.

(2) In a container with a count of 21 or more onions, not more than 10 percent, by count, of the onions are poorly shaped, and with respect to 95 percent, by count, of all the onions, the weight of the largest onion is not more than three times the weight of the smallest onion.

(c) (*C*) *classification.* If the canned onions are fairly uniform in size and shape a score of 21 to 25 points may be given. Canned onions that fall into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and shape" means that:

(1) In a container with a count of less than 21 onions, not more than 25 percent, by count, of the onions are poorly shaped, and the weight of the second largest onion is not more than four times the weight of the second smallest onion.

(2) In a container with a count of 21 or more onions, not more than 25 percent, by count, of the onions are poorly shaped, and with respect to 95 percent, by count, of all the onions, the weight of the largest onion is not more than four times the weight of the smallest onion.

(d) (*SStd.*) *classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule).

§ 52.3050 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from extraneous vegetable material and from onion bulbs that are blemished or seriously blemished or affected by mechanical damage, loose scales, or detached centers, and to the trimming of the onion bulb.

(1) "Blemished" means affected by surface or internal discoloration to such an extent that the appearance or eating quality is materially affected. Internal yellow sprouts which show no discoloration are not considered as being within the meaning of the term "blemished."

(2) "Seriously blemished" means blemished to such an extent that the appearance or eating quality is seriously affected.

(3) "Mechanical damage" means damaged by crushing, gouging, or trimming to such an extent that the appearance of the onion bulb is materially affected.

(4) "Loose scales or pieces of scales" means scales or pieces of scales that are not attached to an onion bulb.

(5) "Detached center" means an onion bulb without its center portion.

(6) "Well trimmed" means that the top and roots of the onion bulb have been removed.

(b) (*A*) *classification.* (1) Canned onions that are practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means:

(i) With respect to the onions in all of the containers

(*a*) At least 95 percent, by count of the onions, are well trimmed, and

(*b*) For each 20 onions, there may be present not more than two loose scales or pieces of scales and one detached center; and

(ii) With respect to the onions in the individual containers

(*a*) Not more than a total of 10 percent, by count of the onions in the container, are affected by mechanical damage, and

(*b*) Not more than 3 percent, by count of the onions in such container, are blemished, including not more than 1 percent, by count of the onions in such container, that are seriously blemished.

(2) Notwithstanding the requirements in subparagraph (1) (ii) of this paragraph, one onion bulb in an individual container may be affected by one or more of the defects listed therein, although in excess of the percentages permitted for the particular defects: *Provided,* That the percentage of each such defect computed on the basis of all of the onions in all containers is within the percentage permitted for such defect.

(c) (*C*) *classification.* (1) Canned onions that are fairly free from defects may be given a score of 21 to 24 points. Canned onions that fall into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means:

(i) With respect to the onions in all of the containers

(*a*) At least 90 percent, by count of the onions, are well trimmed, and

(*b*) For each 20 onions, there may be present not more than four loose scales or pieces of scales and two detached centers, and

(ii) With respect to the onions in the individual containers

(*a*) Not more than a total of 20 percent, by count of the onions in the container, are affected by mechanical damage, and

(*b*) Not more than 5 percent, by count of the onions in such container, are blemished, including not more than 2 percent, by count of the onions in such container, that are seriously blemished.

(2) Notwithstanding the requirements in subparagraph (1) (ii) of this paragraph, one onion bulb in an individual container may be affected by one or more of the defects listed therein, although in excess of the percentages permitted for the particular defects: *Provided,* That the percentage of each such defect computed on the basis of all of the onions in all containers is within the percentage permitted for such defect.

(d) (*SStd.*) *classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3051 *Character*—(a) *General.* Character has reference to firmness and texture of the individual onion, and to the tendency to retain its conformation without becoming soft or spongy.

(b) (*A*) *classification.* Canned onions that possess a good character may be given a score of 17 to 20 points. "Good character" means that the onions are reasonably firm, reasonably tender, and not more than 10 percent, by count, are soft or spongy.

(c) (*C*) *classification.* Canned onions that possess a fairly good character may be given a score of 14 to 16 points. Canned onions that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the onions are fairly firm, fairly tender, and not more than 20 percent, by count, are soft or spongy.

(d) (*SStd.*) *classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3052 *Ascertaining the grade of a lot.* The grade of a lot of canned onions covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3053 *Score sheet for canned onions.*

Size and kind of container ----
Container mark or identification ----
Label ----
Net weight (ounces) ----
Vacuum (inches) ----
Drained weight (ounces) ----
Count (whole) ----
Varietal type ----

Factors	Score points	
Color	20	(A) 17–20; (C) [1] 14–16; (SStd.) [1] 0–13
Uniformity of size and shape	30	(A) 26–30; (C) [1] 21–25; (SStd.) [2] 0–20
Defects	30	(A) 25–30; (C) [1] 21–24; (SStd.) [1] 0–20
Character	20	(A) 17–20; (C) [1] 14–16; (SStd.) [1] 0–13
Total score	100	

Flavor ----
Grade ----

[1] Limiting rule.
[2] Partial limiting rule.

Effective time. The United States Standards for Grades of Canned Onions (which is the first issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

Dated: September 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57–8097; Filed, Oct. 1, 1957; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

GRATED AMERICAN CHEESE FOOD; ORDER STAYING EFFECTIVENESS OF ORDER ESTABLISHING DEFINITION AND STANDARD OF IDENTITY

In the matter of establishing a definition and standard of identity for grated Amercian cheese food:

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 70 Stat. 919; 21 U. S. C. 341, 371), the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (22 F. R. 1045), promulgated an order on June 19, 1957 (22 F. R. 4323), establishing a definition and standard of identity for grated American cheese food (§ 19.790). A period of 30 days was permitted for the filing of objections to the order. Within that time the following objections were filed:

Kraft Foods Division of National Dairy Products Corporation, Chicago, Illinois, filed objections showing that they would be adversely affected and specifying the following six features of the standard to which they excepted: The name specified; the minimum limit for milk fat; the failure to list pasteurized process American cheese as a permitted optional ingredient; the failure to include dried whey as a permitted optional ingredient; the failure to provide for an acidifying agent; and the maximum limit specified for the permitted emulsifying ingredients. Grounds were stated for the objections specified and a hearing was requested.

Two firms interested in dried whey filed objections, asserting that they would be adversely affected and specifying their objections to the failure of the standard to list dried whey as a permitted optional ingredient. Grounds were stated for the objections and a hearing was requested. These firms were Western Condensing Company, Appleton, Wisconsin, and Foremost Dairies, San Francisco, California.

The objections filed are so extensive that it is not feasible to stay particular parts of the order to which objections were raised: *Therefore, it is ordered,* That the definition and standard of identity for grated American cheese food as published in the FEDERAL REGISTER of June 19, 1957 (22 F. R. 4323) be stayed in its entirety.

In accordance with the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act, the Commissioner will, as soon as practicable, announce a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Dated: September 25, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57–8076; Filed, Oct. 1, 1957; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–107, Amdt. 2 of September 27, 1957]

M–107—TITANIUM MILL PRODUCTS

LEAD TIME FOR REQUIRED ACCEPTANCE OF RATED ORDERS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment supersedes and revokes Amendment 1 of December 6, 1955, to BDSA Order M–107.

This amendment affects BDSA Order M–107, as amended by Amendment 1 of December 6, 1955, by further reducing the required acceptance of rated orders by producers of titanium mill products from 90 percent of their scheduled monthly production to 75 percent.

Section 4 of BDSA Order M–107 is hereby amended to read as follows:

SEC. 4. *Limitations on required acceptance of rated orders.* (a) Unless specifically directed by BDSA, no producer of titanium mill products shall be required to accept rated orders calling for delivery during any calendar month, commencing with the month of October 1957, of an aggregate quantity of titanium mill products by weight which exceeds 75 percent of his scheduled production of such products for that calendar month: *Provided, however,* That no producer shall cancel or postpone delivery of any rated orders already accepted because such orders exceed 75 percent of his scheduled production for that month.

(b) Unless specifically directed by BDSA, a producer of titanium mill products need not accept a rated order which he receives less than 3 months prior to the first day of the month in which delivery is requested.

(Sec. 704, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This amendment shall take effect September 27, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57–8050; Filed, Oct. 1, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1512]

[Misc. 1282713]

[Oregon 04669]

OREGON

RESERVING PUBLIC LANDS AS AN ADDITION TO THE UPPER KLAMATH NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved as an addition to the Upper Klamath National Wildlife Refuge, established by Executive Order No. 4851 of April 3, 1928, as the Upper Klamath Wildlife Refuge, the name of which was changed by Proclamation No. 2416 of July 25, 1940:

WILLAMETTE MERIDIAN

T. 35 S., R. 7½ E.,
Sec. 9, unsurveyed small island in Agency Lake in the SE¼ approximately 15 chains east of lots 3 and 4;
Sec. 10, unsurveyed small island in Agency Lake in the SE¼ approximately 20 chains southeast of lot 7.

The areas described aggregate 6 acres.

HATFIELD CHILSON,
Under Secretary of the Interior.

SEPTEMBER 25, 1957.

[F. R. Doc. 57-8056; Filed, Oct. 1, 1957; 8:46 a. m.]

[Public Land Order 1513]

[Fairbanks 013070]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, AS AN ADMINISTRATIVE SITE AND RECREATION AREA; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 808 OF FEBRUARY 27, 1952, WHICH WITHDREW LANDS FOR TOWNSITE PURPOSES

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Bureau of Land Management, Department of the Interior, as an administrative site and recreational area:

FAIRBANKS MERIDIAN

T. 10 S., R. 10 E.,
Sec. 14, lot 1.

The area described contains 18.23 acres.

Public Land Order No. 808 of February 27, 1952, which withdrew lands for townsite purposes, is hereby revoked so far as it affects the above-described lands.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1957.

[F. R. Doc. 57-8057; Filed, Oct. 1, 1957; 8:46 a. m.]

[Public Land Order 1514]

[Idaho 06741 et al.]

IDAHO

RESERVING PUBLIC LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, CAMP GROUNDS, AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereafter named are hereby withdrawn from all forms of appropriation under the public land laws including the mining but not the mineral leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, camp grounds, and recreation areas:

[Idaho 06741]

BOISE NATIONAL FOREST

TINCUP CREEK CAMPGROUND RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 1, lots 12 and 13;
Sec. 2, lot 9.
The areas described aggregate 106.41 acres.

NORTH FORK BOISE RIVER CAMPGROUND NO. 2 RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 2, lot 15.
The area described contains 24.84 acres.

NORTH FORK BOISE RIVER CAMPGROUND RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 2, lot 11.
The area described contains 43.18 acres.

RABBIT CREEK CAMPGROUND RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 3, lot 13;
Sec. 10, lot 2.
The areas described aggregate 64.51 acres.

RABBIT CREEK RECREATION AREA

T. 5 N., R. 7 E.,
Sec. 3, lot 14;
Sec. 10, lot 1.
The areas described aggregate 45.50 acres.

SIX-MILE CAMPGROUND RECREATION AREA

T. 11 N., R. 5 E.,
Sec. 9, W½W½SW¼SE¼ and E½E½SE¼SW¼.
The areas described aggregate 20.00 acres.

TARGHEE NATIONAL FOREST

BOOTH CANYON RECREATION AREA

T. 1 S., R. 45 E.,
Sec. 25, E½.
The area described contains 320.00 acres.

SHERIDAN CREEK PUBLIC SERVICE SITE

T. 14 N., R. 41 E.,
Sec. 31, SW¼SE¼.
T. 13 N., R. 41 E.,
Sec. 6, lots 3, 4, 5, 6, 7, SE¼NW¼, and E½SW¼.
The areas described aggregate 437.19 acres.

[Idaho 07267]

COEUR D'ALENE NATIONAL FOREST—BOISE MERIDIAN, IDAHO

BUMBLEBEE CAMPGROUND

T. 50 N., R. 1 E.,
Sec. 35, lot 1;
Sec. 36, lot 4.
The areas described aggregate 77.83 acres.

FREEZEOUT CAMPGROUND

T. 54 N., R. 1 E.,
Sec. 15, NE¼SE¼NE¼.
The area described contains 10 acres.

LONGPOOL CAMPGROUND

T. 51 N., R. 3 E.,
Sec. 3, lot 9;
Sec. 10, lots 2 and 3.
The areas described aggregate 64.62 acres.

SISSONS CAMPGROUND

T. 51 N., R. 3 E.,
Sec. 25, lots 8 and 9.
T. 51 N., R. 4 E.,
Sec. 30, W½ lot 5.
The areas described aggregate 45.28 acres.

SENATOR CREEK CAMPGROUND

T. 52 N., R. 3 E.,
Sec. 6, S½ lot 7;
Sec. 7, N½ lot 1.
The areas described aggregate 35.03 acres.

AVERY CREEK CAMPGROUND

T. 50 N., R. 4 E.,
Sec. 10, S½ lot 10;
Sec. 15, lot 1.
The areas described aggregate 43.40 acres.

SHOSHONE PARK CAMPGROUND

T. 48 N., R. 6 E.,
Sec. 32, NW¼NW¼SW¼.
The area described contains 10 acres.

MULLAN PARK CAMPGROUND

T. 49 N., R. 1 W.,
Sec. 6, S½ lot 6, N½ lot 7, and E½SW¼.
The areas described aggregate 120.11 acres.

FOURTH OF JULY CAMPGROUND

T. 49 N., R. 1 W.,
Sec. 21, SE¼SE¼NE¼, and NE¼NE¼SE¼.
The areas described aggregate 20 acres.

NICHOLAS CREEK CAMPGROUND

T. 51 N., R. 1 W.,
Sec. 6, SW¼NE¼.
The area described contains 40 acres.

IRON CREEK CAMPGROUND

T. 52 N., R. 1 W.,
Sec. 21, lot 1.
The area described contains 32.44 acres.

SAGE CREEK CAMPGROUND

T. 52 N., R. 2 W.,
Sec. 10, NE¼SE¼SW¼.
The area described contains 10 acres.

BEAUTY BAY CAMPGROUND

T. 49 N., R. 3 W.,
Sec. 12, lot 2.
The areas described contains 21.49 acres.

MT. COEUR D'ALENE CAMPGROUND

T. 49 N., R. 3 W.,
Sec. 14, SE¼SW¼.
The area described contains 40 acres.

[Idaho 07268]

KANISKU NATIONAL FOREST—BOISE MERIDIAN, IDAHO

T. 56 N., R. 1 W.,
Sec. 31, lots 2 and 3.
The areas described aggregate 45.85 acres.

[Idaho 07319]

PAYETTE NATIONAL FOREST—BOISE MERIDIAN, IDAHO

MC COY RANCH ADMINISTRATIVE SITE

T. 19 N., R 11 E. (unsurveyed),
Sec. 4, N½NE¼NW¼, SW¼NE¼NW¼, NW¼SE¼NW¼, SW¼NW¼, S½NW¼NW¼, NE¼NW¼NW¼, and NW¼NW¼SW¼;
Sec. 5, SE¼SE¼NE¼, and NE¼SE¼.
T. 20 N., R. 11 E. (unsurveyed),
Sec. 33, SE¼SW¼.
The areas described aggregate approximately 210.00 acres.

The public lands withdrawn by this order aggregate a total of approximately 1,887.68 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1957.

[F. R. Doc. 57-8058; Filed, Oct. 1, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11877; FCC 57-1049]

[Rules Amdt. 3-95]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATION; TABLE OF ASSIGNMENTS, VANCOUVER, WASH.

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Vancouver, Washington).

1. The Commission has before it for consideration the conflicting proposals set out in its notice of proposed rule making (FCC 56-1184), released November 29, 1956, and in subsequent notices of further proposed rule making released January 4, 1957 (FCC 57-12) and June 10, 1957 (FCC 57-608) in this proceeding, to assign Channel 2 to Vancouver, Washington, Longview, Washington, or Portland, Oregon, respectively, in response to petitions filed by KVAN, Inc., permittee of Station KVAN-TV on Channel 21 at Vancouver; W. Gordon Allen and John B. Truhan, d/b as Altru Broadcasting Company, applicant for Channel 33 at Longview, and Tribune Publishing Company, licensee of Station KTNT-TV on Channel 11 at Tacoma, Washington. In addition to these proposals for the employment of Channel 2, conflicting counterproposals were submitted by Grays Harbor Television, Inc., applicant for Channel 58 at Aberdeen, Washington, for the assignment of Channel 2 to both Aberdeen and the Condon, Oregon area, and by Storer Broadcasting Company, former licensee of Station KPTV on Channel 27 at Portland, for the assignment of Channel 2 to any one of four communities, i. e., Longview, Washington, Astoria, Oregon or The Dalles, Oregon.

2. Comments were filed by the parties named above in support of their proposals and in opposition to alternative proposals for the use of Channel 2. Comments opposing the proposal to assign Channel 2 to Portland were also filed by C. H. Fisher, d/b as Salem Television Company, applicant for a new station on Channel 3 at Salem;[1] Mount Hood Radio & Television Corporation, licensee of Station KOIN-TV on Channel 6 at Portland; Pioneer Broadcasting Company, licensee of Station KGW-TV on Channel 8 at Portland; and Oregon Television Inc., licensee of Station KPTV (formerly KLOR) on Channel 12 at Portland. A number of letters were also filed urging the assignment of Channel 2 to Longview.

3. Portland, the 21st ranking metropolitan area in the country with a 1950 metropolitan area population of 512,643 and a 1950 city population of 373,628, is by far the largest community involved in the various proposals herein for the employment of Channel 2. Portland has been assigned Channels 6, 8, *10, 12, 21 and 27, with Channel 10 reserved for educational use. Stations are in operation on Channels 6, 8, and 12.[2] Vancouver, with a 1950 popuation of 41,664, is located immediately north of Portland across the Oregon-Washington boundary line. No television channels are assigned to Vancouver in the Table of Assignments, § 3.606 of the Rules, however, a construction permit has been granted to KVAN, Inc., for a new station at Vancouver on Channel 21 in accordance with the fifteen mile rule, § 3.607. Longview, Washington, with a 1950 population of 20,339, is located about 40 miles north of Portland and has been allocated Channel 33, for which an application by Altru Broadcasting Company is on file. Aberdeen, with a 1950 population of 19,653, is located approximately 109 miles northwest of Portland and is assigned Channel 58 for which an application has been filed by Grays Harbor Television, Inc. Astoria, with a 1950 population of 12,331, is located about 72 miles northwest of Portland and has been assigned Channel 30, for which no applications are pending. The Dalles, with a 1950 population of 7,676, is located 72 miles east of Portland and has been assigned Channel 32, for which no applications are on file. Condon, a community of 968 persons, is located about 122 miles to the southeast of Portland and has been assigned no television channels. Salem, a community of 43,140 persons, is located about 47 miles south of Portland and has been assigned Channel 3, *18, 24, and 46, with Channel 18 reserved for educational use. Oregon Radio, Inc., has held a construction permit for Channel 3 at Salem since September 30, 1953 and an application for extension of completion date is on file (BMPCT-4564).

4. In support of its request that Channel 2 be assigned to Vancouver, KVAN, Inc., urges that the assignment can be accomplished in conformance with separation and coverage requirements of the Rules by selection of a site as close as 10 miles north of Vancouver; that Vancouver is the fourth largest city in the State of Washington and is of sufficient population and trading importance to warrant its own television facility; and that in light of the VHF stations in nearby Portland which serve Vancouver, and the rugged terrain, UHF operation in Vancouver would not be possible and a VHF Channel is necessary to provide Vancouver with a local outlet of its own. KVAN urges that its proposal conforms to the objectives outlined in the Commission's June 26, 1956 Report and Order in Docket No. 11532, in that it would foster the growth of competitive television facilities in the area and enable Vancouver to have its own television station. Petitioner urges that Channel 21 can be assigned to another area where its use would be technically feasible and requests that the Commission order it to show cause why its outstanding authorization should not be modified to specify operation on Channel 2 in lieu of Channel 21 at Vancouver.

5. In support of its request that Channel 2 be assigned to Longview, Altru Broadcasting Company urges that Longview is an important trading and industrial center; that it has no local television service; that the terrain is generally hilly and irregular and unsuited for UHF operation, and that there are few UHF receivers in the area. Petitioner submits that Channel 2 may be allocated to Longview in full compliance with the rules; that it would provide the first local outlet to that city and the first dependable service to areas west and north of Longview which now receive no service, except for limited service in some cities from community antenna installations. Altru opposes the conflicting assignment of Channel 2 to Vancouver, contending that a Channel 2 station at Vancouver would make no significant addition of local service to Vancouver whose needs are now being met by the multiple VHF stations in Portland, and that it would serve no new areas, whereas Channel 2 at Longview would provide a first local service in Longview and service to a large white area, thus better meeting the mandate of section 307 (b) of the Communications Act. Altru further urges that since Channel 2 at Longview would be at a greater distance from adjacent Channel 3 at Salem (KSLM-TV) than if it were assigned to

[1] On June 27, 1957, the Commission dismissed the application filed by Salem Television Company for a construction permit to construct a new station on Channel 3 at Salem and denied its request for a hearing on its application in light of the outstanding construction permit held by Oregon Radio, Inc., for KSLM-TV on Channel 3 at Salem.

[2] Station KPTV operated on Channel 27 from September 20, 1952 to April 30, 1957. Storer Broadcasting Company's construction permit for KPTV was deleted, pursuant to its request, on May 1, 1957.

Vancouver, the assignment of Channel 2 to Longview would be more efficient. In addition, Altru submits that there are over 356,442 UHF equipped receivers in the Portland-Vancouver area due to the pioneering efforts of Station KPTV on Channel 27 and that the terrain in the Vancouver area is such that UHF can adequately serve the Vancouver market.

6. Grays Harbor Television, Inc. proposes that Channel 2 be assigned to Aberdeen, Washington, and in the area of Condon, Oregon. Grays submits that a Channel 2 transmitter can be located south of Aberdeen and also in the vicinity of Condon in compliance with all separation requirements. It urges that Aberdeen is an important population and trading area; that the Aberdeen market spreads over a large area, roughly 90 miles along the coast of Washington and 45 miles from the Pacific Ocean to the Thurston-Grays Harbor County line; that UHF is not feasible in the area due to the rough terrain and the need for wide-area coverage, and that the use of Channel 2 at Aberdeen would serve a "white area" of 5,198 square miles and its dual use in the Condon area would serve more than 13,000 square miles of "white area". Grays submits that only community antenna television service is now received in Aberdeen; that all sets in the area are equipped to receive only VHF stations; that there is no television station nor VHF allocation closer than 65 miles from Aberdeen, whereas Portland has three commercial VHF television stations and one educational reservation; Vancouver receives city-grade service from the Portland stations; and Longview receives one city-grade, one Grade A and one Grade B signal from the Portland stations.

7. Storer Broadcasting Company urges that the assignment of Channel 2 to Longview or to Aberdeen, as Altru and Grays Harbor propose, or to Astoria or The Dalles, Oregon, would achieve a more fair and equitable distribution of facilities than would its assignment to Vancouver since location of the channel in any of these four cities would be technically feasible and would provide a first local station and dependable service, as well as provide service to substantial areas which do not now receive service.[1] It submits that the area which would receive a first television service if the channel were assigned to Longview would be about 4,514 square miles; if assigned to Aberdeen, about 5,198 square miles, if assigned to Astoria, about 4,683 square miles; and if assigned to The Dalles, about 13,233 square miles. While UHF assignments have been made to these communities, Storer contends that the rough terrain in this sector makes UHF operation impractical and that in light of the fact that Vancouver already receives city-grade service from the 3 VHF Portland stations, and that the assignment of Channel 2 to Vancouver would conflict with maximum use of Channel 3 at Salem, its proposal for the assignment of Channel 2 to any one of these four communities better fulfills the requirements of section 307 (b) of the act and the priorities of the Sixth Report and Order.[2]

8. In opposition to the proposal to assign Channel 2 to Longview and the alternative proposals of Storer, KVAN urges that Longview is less than half the size of Vancouver and has a trade area of approximately 80,000, whereas Vancouver is the center of a trading area numbering over 191,054; that the distinct character of Vancouver and its needs under section 307 (b) of the act were determined by the Commission in the proceeding leading up to its grant for Station KVAN–TV on Channel 21 in Vancouver, and that there is no support for Altru's claim that Vancouver, lying in the shadow of three VHF stations in Portland and with rough terrain in its environs, it suitable for UHF while Longview is not. It submits that the argument that assignment of Channel 2 to Longview would permit better service on Channel 2 and Channel 3 at Salem than if Channel 2 were assigned to Vancouver is irrelevant since its Vancouver proposal meets the requirements for adjacent channel separation; that a VHF station in the smaller community and market of Longview would be incapable of survival because of domination by Portland stations; and that a Vancouver station would provide principal-city coverage to Longview; serve substantially more people than a Channel 2 drop-in at Kelso-Longview, and serve Astoria as well as from any feasible Longview location. KVAN states that assignment of Channel 2 to the small communities of The Dalles or Astoria would not assure use of the channel or survival of a station and would sanction use of the channel for a fraction of its potential. KVAN also questions the representations regarding the extent of "white area" which would be served by the Longview or alternative proposals of Storer, claiming, for example, that theoretical coverage is shown for The Dalles whereas actual measurements for the Channel 6 Portland Station (KOIN–TV), with greater antenna height, show much less coverage than predicted; that relatively smooth terrain was assumed whereas it is exceedingly rough in the area, and that the UHF stations in operation at Yakima, and Pasco were not taken into consideration.

9. In support of its proposal for the assignment of Channel 2 to Portland, the Tribune Publishing Company urges that its proposal to add a fourth commercial VHF channel to a major market such as Portland better comports with the Commission's allocation policy and the public interest than would its assignment to any of the smaller communities favored by other parties in this proceeding. Tribune claims that Channel 2 at Portland would provide a greater number of people with service than would its employment at Vancouver, Longview or Aberdeen; that a Channel 2 Portland station would provide city-grade service to Portland and Vancouver, as well as Grade B or better service to the densely populated surrounding area, including Longview, whereas a Vancouver station might not reach all of Portland and location of Channel 2 at either Aberdeen or Longview would provide service to a fraction of the viewers which would be served by a Channel 2 station at Portland. Petitioner submits that the television needs of a city of 373,000 persons in an urbanized area of more than half a million people can never be fully served with only three commercial television stations; that with the recent demise of Portland's UHF Station KPTV, Portland is no longer assured of at least four commercial outlets to meet its need for outlets for the three national networks and for a non-network outlet for local television programs, particularly during the prime viewing hours; that the four-year experiment with UHF in Portland demonstrates that a UHF station cannot survive in the face of VHF competition in the Portland market, and that an independent outlet in Portland must be operated on VHF to be feasible as a fourth competitive facility. It urges that assignment of the channel to Portland would assure maximum utilization of the frequency since it alone of all the communities under consideration is of sufficient size and importance to support a fulltime commercial television operation at maximum power; that experience indicates that wide-area VHF stations must be located in population centers of substantial size where they can draw on substantial advertising revenue and extensive program sources, and that no showing has been made that Vancouver, Aberdeen or Longview could support such a fulltime, maximum facility VHF station. As against the need of Portland for an independent TV station to replace the service lost by the demise of KPTV, Tribune states that no such similar need has been shown for Channel 2 in the smaller communities to which its assignment is alternatively proposed; that the UHF channels available in these communities have not been used to date; and that there is no indication that the parties interested in assignment of the channel to Vancouver, Aberdeen or Longview contemplate putting it to maximum use. Tribune states that if Channel 2 is assigned to Portland, it plans to file an application for fulltime operation at maximum facilities. Tribune further contends that if Channel 2 were assigned to Vancouver, a Vancouver station would never be fully competitive, from an advertising and commercial point of view, with the existing Portland stations which also serve Vancouver.

10. Salem Television Company, Mount Hood Radio and Television Broadcasting Corporation, KVAN, Inc., Oregon Television, Inc., Pioneer Broadcasting Company, and Grays Harbor Television, Inc., oppose Tribune's proposal for Portland. In main, these opponents argue that there is no need for a fourth VHF station in Portland to provide local service programs; that the assignment of Channel 2 to Vancouver or one of the other smaller communities proposed would better satisfy the requirements of 307 (b) of the Communications Act; and that in order to meet minimum spacing requirements, a Channel 3 station would have to be located south of Salem to utilize Channel 2 at Portland in close proximity to other Portland VHF stations. KVAN agrees that it would be wasteful to assign Channel 2 to such small communities as Aberdeen or Condon but urges that a Vancouver Channel 2 operation, located north of Vancouver, would represent a much more efficient utilization of the channel than a Channel 2 Portland operation since it would provide a first local facility for Vancouver with more reliable coverage of the Longview-Kelso area and of extensive "white areas" to the north, northwest, and northeast of Vancouver, as well as city-grade service to Portland. In addition, it claims that a Channel 2 Portland station would suffer more interference from a Salem Channel 3 facility and would not achieve comparable coverage down the Willamette Valley with the other Portland VHF stations.

11. We are here presented with conflicting requests for the allocation of Channel 2 as a fourth VHF commercial assignment to the large and important city of Portland, or, alternatively, as a first VHF assignment to the much smaller communities of Vancouver, Longview, Aberdeen, Astoria, The Dalles, or Condon. The channel may be assigned to any one of these communities (except Aberdeen) in conformance with spacing and coverage requirements and without any other changes in the Table of Assignments, as well as jointly in the Astoria and Condon area. The assignment of Channel 2 to Portland would require that the transmitter site be located about 16 miles northeast of Portland, and if assigned to Vancouver, about 9 miles northeast of Vancouver, in order to meet the required 60-mile spacing from the presently authorized transmitter site of the adjacent channel 3 station (KSLM–TV) at Salem, Oregon. However, the change in transmitter site proposed for Station KSLM–TV in a pending application (BMPCT–4687) would permit the use of Channel 2 transmitter sites directly in Portland or Vancouver. While the assignment of Channel 2 to Aberdeen would conform to the required domestic 190-mile co-channel separation from the Channel 2 station in Vancouver, British Columbia (CBUT), the Canadian authorities have advised that they would approve the assignment of Channel 2 in the general area of Southwestern Washington only if a co-channel separation of at least 200 miles from Station CBUT is maintained. This would require locating the transmitter site of a Channel 2 station at Aberdeen some 42 miles south of the city, and from such a distance it would not be possible to provide the required city-grade signal over all of Aberdeen.

12. We have examined the various proposals for the allocation of Channel 2 in the light of the comments submitted by the parties and our objective of improving the competitive television situation among a greater number of stations in as many communities and areas as possible pending completion of our study of the long-range program to improve the overall television allocation structure.[5] In our view, the merits of employing Channel 2 in the Portland (and Vancouver) area outweigh those to be gained by using Channel 2 to provide a first local VHF outlet in Longview or any of the other smaller communities involved. The establishment of competitive television services would not be enhanced by the assignment of the channel to any of these communities, and a Channel 2 facility at Longview would be at a competitive disadvantage with the three Portland VHF stations which provide satisfactory television service to this community. Moreover, no need or demand for an assignment has been shown for the much smaller communities of Astoria, The Dalles, or Condon, nor that communities of such small size could make effective use of this channel.

13. Utilization of Channel 2 in the Portland and Vancouver area, however, will serve the needs of this highly populous area for an additional local facility which, as evident from the experience of UHF in Portland and other markets, apparently cannot be met by use of the UHF channels available under present conditions. It would permit comparable and more effective and healthy competition among a greater number of stations in the area while, at the same time, it would provide still another television service to Longview and many other smaller communities in the area.

14. While we are convinced that the assignment of this frequency to the Portland and Vancouver area will best serve the public interest, the requirements of section 307 (b) of the Communications Act, and our television objectives by creating a more favorable climate for effective utilization of the channel and for improvement in the competitive television situation in this area, these considerations are not so easily resolved insofar as a choice between Portland or Vancouver for the use of the frequency is concerned. However, we need not make such a choice at this time, since by allocating Channel 2 to Portland, the major city in the area, in accordance with our general policy of allocating frequencies to the large metropolitan center rather than the smaller community in the same area, as we have consistently done in the Portland-Vancouver and other areas, all considerations affecting the conflicting demand between Portland and Vancouver for the use of the frequency can be satisfactorily resolved upon comparative consideration of any applications which may be filed for use of the channel in these communities.[6] We therefore believe that Channel 2 should be assigned to Portland.

15. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), (r) and 307 (b) of the Communications Act, as amended.

16. In view of the foregoing, *it is ordered*, That effective October 31, 1957, the table of assignments, contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the community named is concerned, as follows:

Amend to read:

City	*Channel No.*
Portland, Oreg.	2, 6+, 8–, *10, 12, 21–, 27+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307.)

Adopted: September 25, 1957.

Released: September 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57–8080; Filed, Oct. 1, 1957; 8:51 a. m.]

[Docket No. 12034; FCC 57–1048]

[Rules Amdt. 3–94]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATION; TABLE OF ASSIGNMENTS, EUGENE-CORVALLIS, WASH.

In the matter of amendment of § 3.606 *Table of assignments*, Rules Governing Television Broadcast Stations, (Eugene-Corvallis, Oregon).

1. The Commission has before it for consideration the proposal set out in its notice of proposed rule making (FCC

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[1] Storer Broadcasting also urged that the assignment of Channel 2 to any of these four cities would be technically consistent with its then pending proposals for Channel 3 operation at Salem, Oregon, whereas the KVAN proposal to utilize Channel 2 at Vancouver would not, since a 60 mile separation between its proposed Channel 3 site and Channel 2 at Vancouver could not be met by a Channel 2 station and still provide city-grade coverage to Vancouver. However, the arguments advanced in this connection have been rendered moot by the Commission's dismissal and return of the tendered application for assignment of Station KSLM–TV on Channel 3 at Salem from Oregon Radio, Inc., to Storer Broadcasting and the application for modification of the construction permit of Station KSLM–TV to specify, inter alia, a new transmitter site closer to Portland, pursuant to request, on May 10, 1957. The presently authorized site of KSLM–TV and that proposed in a pending application (BMPCT–4687), filed May 14, 1957, would not preclude the assignment of Channel 2 to Vancouver or to any of the other cities involved in the various proposals herein.

[2] On April 18, 1957, KVAN, Inc., requested that all comments filed by Storer Broadcasting herein be stricken. As grounds therefor, KVAN asserts that Storer's interest in opposing the assignment of Channel 2 to Vancouver and advancing alternative proposals was predicated upon its interest in acquiring Channel 3 at Salem and locating the Salem station at a site incompatible with the use of Channel 2 at Vancouver and possibly its ownership of UHF Station KPTV at Portland, and that in view of subsequent events, it is evident that Storer has withdrawn from the Salem-Portland television situation and is no longer an interested party. This request is denied, and Storer's comments are being considered.

[5] See Report and Order, FCC 56–587, released June 26, 1956, in the general allocation proceeding in Docket No. 11532.

[6] Since Vancouver is less than 15 miles from Portland and is not listed in the Table of Assignments, pursuant to the provisions of § 3.607 (b) of the rules, applications may be filed for a station in Vancouver if Channel 2 is assigned to Portland.

[7] Commissioner Ford abstaining from voting.

57–544) released in this proceeding on May 27, 1957, in response to a petition filed by Liberty Television, Inc. for rule making to amend the Table of Assignments contained in § 3.606 of the rules and regulations to make Channel 9, the non-commercial educational reservation in Eugene, Oregon, available for commercial operation and to reassign Channel 7, the non-commercial educational reservation in Corvallis, Oregon, to Eugene-Corvallis for non-commercial educational use. Interested parties have been afforded an opportunity to submit comments directed to the proposal, and we are now in a position to issue our Report.

2. Comments favoring the proposal were filed by petitioner. In addition, the Commission has received letters, copies of resolutions, petitions and other communications signed by 673 persons in the Eugene area in support of the proposal. Comments opposing the proposal were filed by the Oregon State Board of Higher Education, the District 405–C School Board of Lane County, Oregon, Senator Richard L. Neuberger and the Joint Council on Educational Television. Correspondence was also received from individuals in the Eugene area opposing the proposal.

3. In support of the proposed amendment petitioner alleges that Eugene constitutes the second largest market in Oregon and ranks fifth in the Pacific Northwest; that Eugene has a population of about 45,000 and Lane County, in which it is located, a population approaching 150,000; that Corvallis, which is approximately 35 miles from Eugene, has a population of 16,207; that Eugene and Corvallis are in adjacent counties and form an integral farming and trading area; that there is only one commercial television station in operation in the entire area, Station KVAL–TV on Channel 13 in Eugene; that no other VHF channels have been allocated to the area for commercial use, although Channels 7 and 9 have been reserved for non-commercial educational use in Corvallis and Eugene, respectively; that although a construction permit was recently issued for an educational station on Channel 7 in Corvallis, no application has been filed and none is seriously contemplated for Channel 9 in Eugene; that the closest authorized commercial television stations are at Salem and Roseburg, Oregon, some 60 miles from Eugene; [1] that no applications have been filed for the UHF channels allocated to either Eugene or Corvallis and that the construction and operation of a UHF station in this area of VHF-only sets does not appear likely or feasible in the foreseeable future; that since public announcement was made of petitioner's proposal, very substantial support has arisen from local organizations and from the general public in the Eugene area; and that if the proposed amendment is adopted and if petitioner is successful in obtaining a construction permit for Channel 9, it plans to construct a television station at a site on Mary's Peak with the maximum allowable power and antenna height, which station would provide a Grade A service to approximately 398,000 persons, including about 83,000 persons who would receive their first Grade A service, and a Grade B signal to about 620,000 persons in the Eugene-Corvallis area.

4. Petitioner argues that the assignment of Channel 9 to Eugene and Channel 7 to Corvallis for non-commercial educational use was predicated upon the support thereof by the University of Oregon at Eugene and by Oregon State Agricultural College at Corvallis; that this reservation of two of the only three VHF channels allocated to the entire area results in an artificially maintained single station monopoly situation under which the residents of this area are limited to but one signal and are deprived of a choice of services; that five years after the adoption of this allocation, the educational interests in the area will have joined forces to make use of one of the educational reservations; that Station KOAC–TV on Channel 7 in Corvallis will, on the basis of its application, provide a non-commercial educational service to all of the Eugene-Corvallis area; that optimum use is not planned for Station KOAC–TV, and ample opportunity exists for the broadcast of any programs which can be provided by educational entities in the area not now connected with the educational permittee; and that since engineering considerations prohibit the assignment of another VHF channel to the area, the only possible method of fulfilling the need for a second local service in the area is to delete the educational reservation on one of the two presently reserved channels. Petitioner states that if its proposal is adopted and if it obtains a construction permit for Channel 9, it will make its facilities freely available to the educational interests and will further the aims and objectives of these interests by providing an opportunity for supplementary coverage of educational television programs.

5. In its opposition to the instant proposal, the State Board of Higher Education of the State of Oregon asserts that since 1951 it has been developing a comprehensive educational television program for the entire state; that the construction and operation of Station KOAC–TV at Corvallis on Channel 7 is only the first step in a plan that contemplates the utilization of both of the other two VHF educational reservations in Oregon, Channel 9 at Eugene and Channel 10 at Portland; that the State Legislature in 1955 and again in 1957, appropriated funds for planning experimental programming; that until Station KOAC–TV is in actual operation on Channel 7 at Corvallis, there is no assurance that adequate coverage and service will be available to the University of Oregon at Eugene; and that it would be prejudicial to the interests of the University of Oregon and to other educational organizations in the Eugene area to delete Channel 9 as an educational reservation at Eugene. The Board argues that there is no genuine need for a second commercial VHF service in the Eugene market in view of the pending application (File No. BMPCT–4687) for site approval of Station KSLM–TV on Channel 3 at Salem, Oregon, which station, if its application is granted, will provide primary service to the entire Eugene market.

6. District No. 504–C, Lane County, Eugene School Board asserts that Channel 9 may be needed as a supplement to the instructional program of the Eugene Public Schools and for the training of television station personnel at the Eugene Vocational School; that the Eugene Public Schools are not now served by an educational television station and cannot be adequately served by Station KOAC–TV on Channel 7 at Corvallis due to the distance and terrain and to the fact that KOAC–TV will be primarily an outlet for the Oregon State System of Higher Education, with programs directed toward higher education and adult education and not toward the public schools; that Eugene and Corvallis are in separate trading areas; that the Central Curriculum Committee of the School Board has begun a study of the uses which may be made of Channel 9 in conjunction with the instructional program of the District's schools; and that more time is needed to complete this study.

7. The Joint Council on Educational Television argues that since 1952, educational interests have made great strides in using television for education; that 24 communities now have educational television stations in operation, serving more than 43,000,000 people; and that 13 other communities have educational stations under construction which will be in operation soon. The JCET urges that Channel 9 should continue to be reserved for educational use in Eugene because the educational leaders in that city and in the State of Oregon have evidenced a bona fide intention to use the channel.

8. Senator Richard L. Neuberger asserts that Eugene constitutes one of the key educational centers in Oregon; and that Channel 9 should continue to be reserved for education "until the Oregon State System of Higher Education and the two major Eugene area school boards see how the other two channels reserved for education serve educational needs in Oregon".

9. In reply to the aforementioned oppositions, petitioner alleges that no need for a second non-commercial educational station in the Eugene-Corvallis area has been shown by any of the educational interests who filed oppositions to the subject proposal; that no specific plans for the use of Channel 9 either by Oregon State authorities or by the local Eugene School Board has been demonstrated; that it is clear that such possible use in the foreseeable future is most unlikely; and that the educational television needs of the area will be fulfilled through the operation of Station KOAC–TV on Channel 7 in Corvallis.

10. In the Sixth Report and Order we recognized that educational interests faced difficulties in using television for educational purposes not encountered by commercial interests. We therefore reserved the educational channels to give local educational interests adequate time to prepare for television. However, we expected that local educational interests would, within a reasonable time, undertake to formulate concrete plans for the utilization of the reserved channels and begin promptly to take affirmative action looking toward the fulfillment of these plans. In the absence of substantial evidence that the educational interests in a locality have made constructive efforts to fulfill these expectations, we cannot justify the continued reservation of available spectrum space for educational purposes, particularly where there is evidence of a demand for the reserved channel for a commercial station which would provide needed television service to a substantial number of persons. The record in this proceeding is devoid of any showing that the educational interests in the State of Oregon and/or in the Eugene community have made any concrete plans or taken affirmative action looking toward the use of Channel 9 other than recently inaugurated studies of the advisability of possible use of the channel in some manner in the distant future. We believe that the showing made by the educational interests is inadequate to justify continued retention of Channel 9 for an unspecified and as yet undetermined future use in the face of the amply demonstrated immediate need for a second VHF service in the Eugene-Corvallis area. In making this determination we have taken into consideration these facts of record: only three VHF channels are allocated to the Eugene-Corvallis area; UHF service in the area is unlikely and would probably not prove economically feasible in the immediate future because only VHF service has been provided to the region for the past three years and since virtually none of the television sets in the area are equipped for UHF reception; no commercial television station other than KVAL–TV now provides a Grade B or stronger signal to Eugene; the pending application (File No. BMPCT–4687) for modification of construction permit of Station KSLM–TV, Salem, Oregon, would not, if granted, place a city grade signal over Eugene and would not place a Grade A signal over all of the city; and a construction permit has already been issued for a non-commercial educational television station on Channel 7 in Corvallis, only about 35 miles from Eugene. In sum, the Commission concludes that a greater showing has been made of present need for a second commercial television service as against the possible and as yet undetermined future need for a second educational service in the Eugene-Corvallis area. We are therefore amending the Table of Television Assignments to make Channel 9 available for commercial use in Eugene.

11. We do not believe that any useful purpose would be served by further amending the assignment table by reassigning Channel 7, the non-commercial educational reservation in Corvallis, Oregon, to Eugene-Corvallis, Oregon, for non-commercial educational use. As stated above, a construction permit has already been issued for an educational station (KOAC–TV) on this channel in Corvallis.

12. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (g) and (r) and 307 (b) of the Communications Act of 1934, as amended.

13. In view of the foregoing, *It is ordered*, That effective October 31, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the community named is concerned, as follows:

Amend to read:

City	Channel No.
Eugene, Oreg	9+, 13, 20+, 26

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 25, 1957.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8081; Filed, Oct. 1, 1957; 8:51 a. m.]

[1] Station KPIC operates on Channel 4 in Roseburg. Station WSLM–TV, authorized to operate on Channel 3 at Salem, has not commenced operation.

[2] Commissioners Bartley and Mack dissenting; Commissioner Ford abstaining from voting.

[Rules Amdt. 10–16; FCC 57–1075]

PART 10—PUBLIC SAFETY RADIO SERVICES

ADDITION AND DELETION OF CERTAIN FREQUENCY BANDS

In the matter of amendment of §§ 10.255, 10.305, 10.355, 10.405, and 10.462 of the rules governing the Public Safety Radio Services to add the frequency band 10500–10550 Mc and delete the frequency band 9800–9900 Mc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

It appearing that the Commission by Order of April 25, 1956, in Docket Number 11550, amended its Table of Frequency Allocations which appears in Part 2 of its Rules so as to make the frequency band 10500–10550 Mc available for use by government and non-government radiolocation stations, limited to the use of continuous wave (cw) emission and deleted from the frequencies available for use by non-government stations the frequency band 9800–9900 Mc;

It further appearing that the Commission's rules governing the Public Safety Radio Services should be amended in order to reflect the aforementioned changes to the Table of Frequency Allocations; and

It further appearing, that the amendment of §§ 10.255 (g) and (h), 10.305 (f) and (g), 10.355 (d) and (e), 10.405 (e) and (f), and 10.462 (e) and (f) in order to bring these sections into conformity with the "Table of Frequency Allocations" imposes no new requirement and cannot adversely affect any interested party and, therefore, notice pursuant to section 4 (a) of the Administrative Procedures Act is unnecessary;

It is ordered, Pursuant to the authority contained in sections 303 (c) and (r) of the Communications Act of 1934, as amended, that effective September 25, 1957, §§ 10.255 (g) and (h), 10.305 (f) and (g), 10.355 (d) and (e), 10.405 (e) and (f), and 10.462 (e) and (f) are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 10 in the following particulars:

1. Amend § 10.255 (g) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

Frequency or band (Mc)	Class of station(s)	Limitations
10500 to 10550	Radiolocation	1, 18.

2. Amend § 10.255 (h) by adding subparagraph (18) to read as follows:

(18) Continuous wave (cw) emission only may be employed.

3. Amend § 10.305 (f) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

Frequency or band (Mc)	Class of station(s)	Limitations
10500 to 10550	Radiolocation	1, 9.

4. Amend § 10.305 (g) by adding subparagraph (9) to read as follows:

(9) Continuous wave (cw) emission only may be employed.

5. Amend § 10.355 (d) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

Frequency or band (Mc)	Class of station(s)	Limitations
10500 to 10550	Radiolocation	1, 16.

6. Amend § 10.355 (e) by adding subparagraph (16) to read as follows:

(16) Continuous wave (cw) emission only may be employed.

7. Amend § 10.405 (e) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

Frequency or band (Mc)	Class of station(s)	Limitations
10500 to 10550	Radiolocation	1, 10.

8. Amend § 10.405 (f) by adding subparagraph (10) to read as follows:

(10) Continuous wave (cw) emission only may be employed.

9. Amend § 10.462 (e) by deleting the entry for 9800–9900 Mc and by adding, in numerical order, the following entry:

Frequency or band (Mc)	Class of station(s)	Limitations
10500 to 10550.....	Radiolocation.....	1, 13.

10. Amend § 10.462 (f) by adding subparagraph (13) to read as follows:

(13) Continuous wave (cw) emission only may be employed.

[F. R. Doc. 57-8082; Filed, Oct. 1, 1957; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

CROSS REFERENCE: For order reserving public lands as an addition to the Upper Klamath National Wildlife Refuge (§ 17.3) see Public Land Order 1512 in the Appendix to Title 43, Chapter I, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Parts 18, 45]

TESTS FOR PERMISSIBILITY

ELIMINATION OF REQUIREMENT FOR GROUNDING FACILITIES ON ELECTRIC FACE EQUIPMENT AND CORRECTION OF STATEMENT OF AUTHORITY

Notice is hereby given that pursuant to the authority in sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7; and sec. 1, 66 Stat. 709, 30 U. S. C. 482 (a), it is proposed to amend Part 18 of Title 30, Code of Federal Regulations, as follows:

1 Amend the citation of the "Authority" for Part 18 to read as follows:

AUTHORITY: §§ 18.0 to 18.60 issued under sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7; and sec. 1, 66 Stat. 709, 30 U. S. C. 482 (a). Interpret or apply secs 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5; and sec. 1, 66 Stat. 692, 30 U. S. C. 471 (a) (9), 479 (f) (1) (2).

2. Amend § 18.18 by the deletion of paragraph (b) which reads as follows:

(b) All machines which receive power from an external source and which cannot be considered as being in intimate electrical contact with earth shall be provided with means for maintaining their frames at ground potential, or with a device, enclosed in an explosion-proof compartment, that will disconnect power from the equipment in event of a ground fault.

Should the proposed amendment of § 18.18 be adopted, it is intended to add to Part 45 of Title 30, Code of Federal Regulations, the following correlative new section:

§ 45.44–5 Grounding facilities or devices for disconnecting power from equipment in the event of a ground fault are not required by the regulations in Part 18 of this chapter as an element of permissibility of electric face equipment. However, the lack of grounding facility or disconnecting device may be considered in connection with the application of sec. 203 (a) of the act with respect to imminent danger.

Interested persons may submit written data, views, or arguments in regard to the proposed amendment of said Part 18 to the Director, Bureau of Mines, Department of the Interior, Washington 25, D. C. All communications shall be in triplicate. All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered in connection with the issuance of the proposed amendment.

MARLING J. ANKENY,
Director,
Bureau of Mines.

Approved: September 26, 1957.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-8060; Filed, Oct. 1, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

[Docket No. AO-123-A20]

MILK IN LOUISVILLE, KY., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Louisville, Kentucky, on April 17–18, 1957, pursuant to notice thereof issued on April 2, 1957 (22 F. R. 2272).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 19, 1957 (22 F. R. 6782) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Changes in the method of paying producers for milk, including the elimination of partial payments;

2. Changes in the method of classifying producer milk transferred or diverted to nonpool plants and in the classification of unaccounted for milk;

3. Combining Class II and Class III milk into one class and reducing the price to handlers for such milk;

4. Changing the definition of "City plant", "Country plant", "Pool plant", "Producer", and "Producer milk"; and

5. Changing the rate of payment on Class I milk disposed of in the marketing area from a nonpool plant.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The order should provide for handlers to pay to a cooperative association the proceeds for milk delivered to them by producer-members of such association and minor changes should be made in the computation of the uniform price.

The Falls Cities Cooperative Milk Producers Association proposed that handlers make payment for milk received from all producers to the market administrator at the class prices and he in turn would pay the cooperative for its members milk and each nonmember producer for his milk at the marketwide uniform price. Under present provisions of the order, handlers make payment directly to all producers from whom they received milk at the rate of the marketwide uniform price and any difference in the amount of these payments and the individual handlers' utilization value for producer milk are equalized through the producer-settlement fund.

The Falls Cities Cooperative Association is the only producers association in the Louisville market and has as its members over 90 percent of all producers who supply the market. The association's membership contract authorizes the association to market the milk of its members and receive payment for such milk. It is the responsibility of the cooperative to its members, and to the best interest of the market, for the cooperative to market all of its members' milk in the most remunerative outlet available. A rapid expansion of bulk-tank milk in this market has contributed to increased production and added greater flexibility in the movement of milk and increased responsibility for the cooperative to actively engage in handling the milk of its members. Recently, the cooperative association has assumed more responsibility in the disposition of reserve milk supplies and has diverted milk for its own account to nonpool plants, thus becoming a handler under the order. With the upward trend in producer receipts, it is quite likely that the cooperative association may be called upon to move additional quantities of reserve milk to other markets and to manufacturing outlets. The cooperative may realize a gain or loss on the milk for which it is the handler, depending upon whether the price received, less the costs involved in diverting or transferring such milk, is higher or lower than the order price for the particular utilization. Any such gain or loss should be distributed over all milk of producer-members rather than only the milk for which the cooperative becomes a handler. This will be facilitated by providing for the cooperative to receive payment for the milk of its producer-members which is supplied to other regulated handlers. The cooperative association then can pool or reblend the proceeds from the sales of all of its members' milk and make payment to each producer-member on the basis of this blended price.

Proprietary handlers should make payment directly to the cooperative association, upon written request from such association, for the milk of its producer-members and should continue to make payment directly to producers who are not members of a cooperative association.

The payment provisions should be redrafted to specify under what conditions the handler will be required to pay the association for member milk and provision made for reimbursement of the handler in case of error or improper claim on the part of a cooperative association.

The record evidence fails to show any specific need for channeling the money due the cooperative association or due individual producers through the market administrator in this market. This method of payment would of necessity involve some additional costs and delay slightly the payment of producers. It would be necessary for the market administrator to assume an additional responsibility which handlers are presently discharging. Handlers made no objection to the recommended method of making payments to the cooperative but they indicated their preference for continuing the payments to producers who are not members of a cooperative association.

Producers in their exceptions objected to the fact that no provision had been made to channel all payments for milk through the market administrator and objected to the requirements imposed on cooperatives to receive payment for their member-producers and for marketing service deductions. The requirement that a cooperative association furnish the handler a list of the producers from whom payment is to be received and a written promise to reimburse the handler for any actual loss incurred by him because of an improper claim on the part of the association is reasonable and necessary in carrying out the intent of the order.

With respect to the proposal to channel all producer payments through the market administrator, the exceptions raised no points which were not fully considered in formulating the findings set forth above.

It was previously recommended that payments to producers of the money set aside under the "Louisville Plan" during the flush production season be included with the pool value of milk for the computation of the uniform price. At present, payments from this fund are made by the market administrator directly to the cooperative association and to individual nonmember producers. The issuance of a separate check for the fall incentive payments is not essential to the success of the plan. The success of any plan in encouraging a seasonal pattern of production more in line with market requirements depends to a large degree upon the publicity and educational programs which accompany such plans. The number of checks required to pay producers could be reduced by eliminating the requirement for a separate check. However, because of mechanical difficulties which would be encountered in other provisions of the order, i. e., determination of the compensatory payments and the rate of equalization to the producer-settlement fund, it is concluded that no change should be made in the method of computing the uniform price. Payments from the fall incentive fund should be made by the market administrator directly to cooperative associations for member-producers and to handlers for nonmember producers. Such payments to handlers for nonmembers should be designated as an obligation of the handler under payments to producers in addition to the value of milk computed at the uniform price.

The payment provisions included in the recommended decision, furthermore, should be clarified with respect to the handling of deductions and the requirements imposed upon handlers in supplying information to the cooperative association in conjunction with the payment for milk of its member-producers. Under this method of payment, it is not necessary for the handler to report to the cooperative association all of the information on prices that is required to be furnished directly to individual producers. It is necessary, however, for the handler to furnish the cooperative association the total hundredweight and the average butterfat test of the milk received from each producer-member each month and the deductions for supplies which have been furnished the producer by the handler. If the cooperative association is to assume the responsibility of paying producers, it is more logical and reasonable for it to handle other deductions authorized by the association or its individual member-producers.

In calculating the monthly uniform price of producer milk, not less than four cents nor more than five cents per hundredweight is retained in the producer-settlement fund. This reserve is to facilitate the monthly clearing of checks for payments into and out of the producer-settlement fund as well as to provide funds for prompt payment of audit adjustments. At present, payments due the producer-settlement fund from handlers are required not later than the 15th day of the month and payments out of the producer-settlement fund from the market administrator are required by the 16th day of the month. Experience has indicated that not all payments for deposit in the producer-settlement fund are received by the market administrator in time to insure full payments to producers as prescribed. In the past, the present arrangement has been adequate largely because a large proportion of the funds due the producer-settlement fund was from a very few handlers and payments have been received a few days in advance of the required day. Recently, utilization patterns of individual handlers have changed so that 10 to 12 handlers now make payment to the producer-settlement fund and it is impractical for the market administrator to be assured of advance payment. Accordingly, the order should be changed to insure the needed reserves in the producer-settlement fund by carrying over one-half of the cash balance in this fund from one month to the next. In this manner, the schedule for reports, price announcements and payments as required by the present order will not need to be changed. Since the producer-settlement fund is in the nature of a revolving fund, returns to producers over a period of time will not be affected.

Handlers proposed that provision for partial payments to producers on milk received during the first 15 days of the month be eliminated. One handler testified that a number of his producers objected to receiving partial payments. The cooperative association testified that nearly all of their member-producers favor the continuation of partial payments. The provision for partial payments was adopted, effective November 1, 1956. The findings and conclusions set forth in the Secretary's decision of September 26, 1956 (21 F. R. 7379) with respect to this provision are equally applicable in the present situation and are adopted as a part of this decision. The proposal should be denied.

Provision should be made for payment of interest on overdue accounts. The lending of money, whether it be voluntary or involuntary, is an economic service for which the lender should be appropriately compensated, more particularly, when the service rendered is involuntary. Furthermore, the requirement that interest be paid on overdue accounts will encourage prompt payments, thereby making for more efficient transactions under the order. Dates on which accounts are due under the order allows adequate time for payment of the principal, without an interest charge. It is concluded that one-half of one percent of any unpaid obligation under the order, compounded monthly, is an appropriate and economically sound payment for each month or fraction thereof that the account is overdue. Under this provision, any unpaid portion of an account would be increased one-half of one percent the first day after it is due. On the same day of each following month, any unpaid portion of the principal and of the interest would be increased one-half of one percent until they both are paid. A similar provision is in a number of other Federal milk marketing orders.

The marketing service deduction should not be changed at this time. Producers proposed that the maximum deduction allowed under the order to the market administrator for performing the marketing services for nonmember-producers be increased from the present five cents per hundredweight of milk received from nonmember producers to eight cents per hundredweight. A balance sheet of the marketing service fund administered by the market administrator for producers who are not members of a cooperative association shows the present rate of deduction to be adequate for providing the marketing services to such nonmember-producers. Therefore, the proposal should be denied. However, the order language should be changed to incorporate conforming and clarifying

changes necessitated by the recommended change in the method of paying producers.

The proposal by producers to limit the administrative assessment on producer milk handled by a cooperative association to that milk classified as Class I milk should be denied. Under the present provisions of the order, all handlers are required to pay the administrative assessment on all of their producer receipts. Producers supported the proposed change on the basis that the cooperative association renders a marketwide service by handling reserve milk. Handlers opposed the proposal and contended that all handlers should be assessed on the same basis. The record fails to support the limitation of administrative assessments to Class I milk or special treatment of cooperatives as handlers for assessment of administrative expenses.

2. The provisions with respect to the classification of milk transferred or diverted from pool plants to nonpool plants should be modified.

Producers proposed that the area in which milk may be moved to nonpool plants and classified for manufacturing uses be extended from a distance of 185 miles from Louisville to a distance of 250 miles. They also proposed to change the method of classifying milk disposed of to nonpool plants within this area so that producer milk from Louisville pool plants would receive its proportionate share of any Class I and Class II utilization at the nonpool plant along with transfers of milk subject to another Federal order, after first crediting such classifications to the Grade A milk supplied by producers constituting the regular source of supply for the nonpool plant.

Under the present provisions, transfers or diversions of skim milk or butterfat in the form of milk or skim milk in bulk to a nonpool plant within the "185-mile manufacturing area" and transfers in the form of fluid cream to a nonpool plant, regardless of its location, are classified as claimed by the handler provided such nonpool plant has records from which the classification can be verified by the market administrator and the plant has an equivalent amount of skim milk and butterfat used in the claimed utilization.

It is concluded that the area of manufacturing milk disposal should be expanded to 250 airline miles from the City Hall in Louisville, Kentucky. To provide a classification scheme which is administratively workable, it is necessary to limit the distance which milk or cream may be transferred to a nonpool plant and classified other than as Class I milk. Within the past several months, outlets at more favorable prices have become available for disposal of reserve supplies of producer milk at distances more than 185 miles from Louisville. Effective April 11, 1957, the present 185-mile limitation on which milk may be disposed of and classed as Class III milk was suspended at the request of both producers and handlers so that producer milk could be moved to these available outlets with a consequent increase in returns for reserve milk. The 250-mile distance recommended herein will provide an area in which there are numerous manufacturing outlets for reserve supplies of producer milk. The recommended plan will promote more orderly marketing of the reserve supplies of producer milk for this market. It will afford an administratively feasible plan. Under prevailing conditions, movements of milk or cream beyond the recommended 250-mile limitation will be for the purpose of supplying milk for fluid disposition and should be classified as Class I milk.

There are some plants in the recommended area of "manufacturing milk disposal" to which transfers or diversions from the Louisville market may be made which distribute fluid milk products. Some of these plants frequently depend upon the Louisville market as a source of supplemental supplies. The transfer provisions should provide that milk transferred to these plants be classified according to its use insofar as it is administratively feasible.

The present transfer provisions leave the way open for milk transferred from the Louisville market to a nonpool plant to be used in a Class I product and accounted for in a lower priced class so long as an equivalent amount of milk is used by the plant in the lower class. Some of the nonpool plants are combination plants wherein both Grade A and ungraded milk is received and processed. Such lower class utilization in the nonpool plant, therefore, may come from ungraded milk while the Grade A milk from the Louisville market is actually used for fluid disposition. Producer milk so accounted for returns to producers less than its classified value and at the same time gives operators of nonpool plants a competitive advantage over regulated handlers in common sales areas.

It is concluded, therefore, that the Class I sales, determined pursuant to the classification provisions of the order applied to the nonpool plant, which are in excess of the receipts of milk from those dairy farmers who hold permits to supply Grade A milk and are regular sources of supply for such plant, should be credited to milk transferred to such plant from the regulated market. However, the "net" Class I sales (the amount over and above the receipts of skim milk and butterfat in Grade A milk received directly from dairy farmers at such plant) should not be used as a basis for duplicating the Class I classification of milk transferred to such plant from other plants regulated by this and other Federal orders. It is reasonable that the amount of milk transferred to such plant and classified as Class I milk for any one regulated market be not less than the market's pro rata share of the "net" Class I sales in such nonpool plant. It is concluded, therefore, that milk which is transferred or diverted from Louisville pool plants to a nonpool plant should be classified as Class I milk to the extent of the "net" Class I disposition of such plant less receipts of milk at such plant classified as Class I milk during the month pursuant to another order issued under the Act; but in no event should the amount of such milk classified as Class I milk for all pool plants under the Louisville order be less than their total pro rata share of such "net" Class I sales at the plant. The pro rata share should be based on the total receipts of milk at such nonpool plant during the month from all plants subject to the pricing and payment provisions of an order issued pursuant to the Act. The adoption of this method of classification will not conflict with the transfer provision of any other orders presently involved.

Although producers proposed that separate methods be employed in classifying milk disposed of to those nonpool plants which have and those which do not have fluid milk disposition, this is unnecessary. The recommended provisions are equally appropriate and applicable to all nonpool plants regardless of the type of operation conducted.

All milk disposed of from pool plants to nonpool plants which is not classified as Class I milk should be classified as Class II or Class III milk depending on the utilization and allocation of receipts of milk at such nonpool plant. In the case of Class II milk, receipts from local dairy farmers at the nonpool plant should be assigned the Class II utilization prior to the assignment of milk transferred to such plant. This procedure will prevent the displacement of the milk of local dairy farmers in these preferred manufacturing uses and will contribute to the orderly marketing of reserve supplies to nonpool plants.

The recommended method of classifying transfers and diversions of milk from pool plants to nonpool plants provides for equality of treatment of handlers both within the Louisville market and with other regulated markets in the classification of milk transferred to a common nonpool plant. It provides that the dairy farmers regularly supplying graded milk to a nonpool plant will be first credited with the Class I sales at such plant. The proposed method of classification will safeguard the primary functions of the transfer provisions of the order in promoting orderly disposal of reserve supplies and at the same time assure that transfers of milk to nonpool plants will be classified in accordance with the utilization of the milk. It will provide a degree of protection to the market during periods of short supplies which might be caused by withdrawals of milk. The proposed changes will remove any undue price incentive for pool plants to dump reserve supplies of milk on other markets for fluid disposition at less than the order Class I prices.

The producer's proposal to classify that portion of unaccounted for skim milk and butterfat, which is in excess of allowable shrinkage, in the highest class of utilization in which the handler disposed of producer milk during the month should be denied. The present order provides for a Class I classification of unaccounted for milk in excess of allowable shrinkage. The proposal would make it possible for handlers to dispose of milk in Class I uses, but receive a Class II or Class III classification merely by failing to report receipts. Furthermore, the record shows the present shrinkage allowances to be adequate. A shrinkage of five percent of receipts of skim milk and butterfat during the months of April through July and two percent during other months is allowed on skim milk. A shrinkage of two percent of receipts of skim milk and butterfat is allowed each month on butterfat. Allowable shrinkage is classified in Class III.

3. Handlers' proposal that milk which would be classified and priced as Class II and Class III milk under the present provisions of the order be classified in a single class and priced at the average of the prices announced for milk by seven local manufacturing plants should be denied.

Under the present order, Class II is milk used to produce cottage cheese, ice cream, ice cream mix, eggnog, frozen desserts, aerated cream mixtures and milk contained in inventories of fluid milk products. Class III is milk used to produce such manufactured products as dry skim milk, condensed and evaporated milk, butter and cheese and milk disposed of to commercial food manufacturing establishments.

The price for Class II milk is the highest price resulting from a butter-spray process skim milk formula, a butter-cheese formula and the average of prices reported paid for milk by 13 midwest condenseries.

During each of the months of January through August, the Class III price is the higher of a butter-roller process dry skim milk formula or the average of prices reported by seven specified, local manufacturing plants. During each of the months of September through December, the Class III price is the higher of a butter-dry skim milk formula (spray and roller process) or the seven local manufacturing plants.

The present method of classifying and pricing Class II and Class III milk under the Louisville order became effective October 1, 1956. Immediately prior to this amendment, milk used to produce the products in Class II and Class III milk was priced in the single class and on the same basis as the present Class III price. The Class II price provided by the amended order (had it been in effect during the entire 12 months immediately preceding the hearing) would have averaged 36 cents per hundredweight higher than the Class III price for the months of January through August and eight cents higher for the period of September through December. During the same periods, the Class II price would have averaged 54 and 53 cents, respectively, higher than the average of the basic or field prices reported by seven local manufacturing plants.

The changes provided by the 1956 amendment were intended to increase the returns to the marketwide pool for the necessary reserve supplies of producer milk; to reflect recent changes in the health regulations which were adopted to require cottage cheese and aerated cream disposed of in the marketing area to be made from Grade A milk; and reflect a long term pricing plan for reserve milk which is consistent with the marketwide pooling program in this market.

The reasons for the present method of pricing milk used to produce the Class II and Class III products were set forth in the Secretary's decision on September 24, 1956 (F. R. Doc. 56-7796; 21 F. R. 7377). The detailed findings and conclusions set forth in that decision with respect to the pricing of Class II milk and Class III milk are equally applicable under present conditions and are adopted as the findings and conclusions of this decision.

Handlers' proposal for pricing reserve supplies of milk would reduce returns to producers and would classify and price in a common class milk which, on the basis of economic considerations, should be classified and priced separately. Furthermore, the price for the common class would be at a level lower than is warranted for milk used to produce the lowest valued products in this proposed common class.

One handler testified that due to the relationship of Class II prices under the order and the price of ungraded milk in surrounding areas, he was unable to compete effectively for cottage cheese sales outside the marketing area with cottage cheese produced from producer milk. The Louisville Health Department permits handlers to use their Grade A cottage cheese manufacturing facilities to process ungraded milk into cottage cheese for disposition outside the marketing area. A large proportion of this cottage cheese in the Louisville market is made in a single plant which also is engaged in fluid milk operations. The operator of this plant has already replaced part of the producer milk formerly used, with ungraded milk for production of cottage cheese for distribution outside the area. It was stated that additional producer milk would be displaced unless the price of producer milk for such uses is brought in close alignment with the price for ungraded milk. The testimony showed that the present basis of pricing Class II milk is reasonable for cottage cheese disposed of inside the marketing area. Such sales of cottage cheese have shown an upward trend. There would be no gain to the marketwide pool and no justifiable reason, over the longer term, to price Grade A milk used in cottage cheese at manufacturing milk price levels in order to encourage handlers to use Grade A producer milk to compete for sales which just as well may be supplied from ungraded milk. The testimony presented fails to show that the Class II price, in conjunction with the Class II butterfat differential, is too high for pricing producer milk used in ice cream.

The present method of pricing Class III milk, as heretofore described, is designed to reflect not less than the competitive value of manufacturing milk for such uses in the local area and to reflect changes in central market prices of manufactured products. Although the Class III prices were approximately 45 cents higher than the prices reported by the seven local manufacturing plants for the September-December period and 18 cents higher during the January-August period of the past year, this spread does not reflect the true difference in the actual prices paid for milk. All of the seven local manufacturing plants pay premiums to dairy farmers who have facilities for cooling milk on the farm. These premiums are in addition to the basic or field prices announced by these plants and used under the order in determining the average price. The so-called "cooler bonus" is 15 cents per hundredweight at most plants and 20 cents at others. In addition, some of these plants pay a premium of 10 cents per hundredweight to dairy farmers who deliver an average of more than 200 pounds of milk per day. Nearly all producers under the Louisville order would qualify for both of these premiums. Such premiums should be reflected in the minimum order prices. Otherwise, regulated handlers would be procuring Grade A milk for manufacturing purposes at less than the manufacturing plants' pay price for ungraded milk.

The present method of using alternative formulas based on the reported prices of the local manufacturing plants and central market prices of manufactured dairy products is the most reasonable and administratively feasible method of reflecting the actual value of Class III milk under the order. The proportion of dairy farmers receiving premiums at the seven manufacturing plants cannot be determined from the record. It would be necessary to have reports on volumes of milk at manufacturing plants each month if a weighted average price were to be used. This would delay the determination of class prices and would require prior agreement with the plants to supply the necessary information.

Two handlers introduced summaries to show losses on the handling of Class III milk used in a butter and dry skim milk operation for the period January 1956 through February 1957 and in an American type cheese operation for the period of April 1956 through March 1957. In computing these losses bulk tank premiums of 15 cents per hundredweight paid by handlers above the order blend price were included in the cost of the Class III milk. Handlers are not required by the order to pay premiums for bulk tank milk. Furthermore, handlers testified that the manufacturing operations conducted in their fluid milk plants were less efficient than larger scale manufacturing operations and this may also help to explain any losses which occurred.

The fact of profit or loss from Class III handling operations as shown by the accounting records of individual handlers is not, in any case, determinative of the appropriateness of the Class III price level. The purpose of the Class III price is to achieve the orderly disposal in manufacturing outlets of that portion of the reserve supply for the market not utilized in the higher valued outlets. The reserve supplies have been disposed of in an orderly manner in this market and, so far as the record discloses, they will continue to be so disposed of in the future. Hence, no change should be made in the pricing of Class III milk at this time.

4. The definitions of "city plant", "country plant", "pool plant", "handler", "producer", and "producer milk" should be revised. The definitions of producer and producer milk should be revised to incorporate changes with respect to health department approval and to clar-

ify the language with respect to transferred and diverted milk. The present order specifies that a producer must produce milk under a dairy farm inspection permit issued by the appropriate health authority having jurisdiction in the marketing area. The responsibility for inspection of individual farms and the issuance of permits may rest with a local health authority in the area where the farms are located and the milk may be approved by a reciprocal arrangement between the health department having jurisdiction in the marketing area and the health department issuing the permits, particularly in the case of producers shipping to the more distant country plants. Reference is made to approval in the Order to distinguish between producers of graded milk and producers of ungraded milk. The fact that the health department having jurisdiction in the marketing area permits the milk to be sold as Grade "A" in the marketing area is sufficient basis for distinguishing producers of such milk from producers of ungraded milk, if the dairy farmers are approved by a duly constituted health authority for the production of milk for fluid disposition.

Producers contended in their brief that the proposed definition would permit the temporary pooling of milk not needed for fluid consumption which would adversely affect the blend price to producers who are regularly furnishing a year-round supply of Grade A milk to meet the needs of the market.

The proposed changes in the producer definition facilitate changes in the pool plant definition in accordance with the evidence showing the need for eliminating the requirement that dairy farmers supplying such plants must hold permits issued by a health authority having jurisdiction in the marketing area. However, it would be unreasonable, as contended by producers, to pool the milk of dairy farmers which is furnished to a pool plant on an incidental or temporary emergency approval by the health authorities. It is concluded, therefore, that provision should be made for excluding, as a producer, any dairy farmer whose milk is permitted by a health authority in the marketing area to be labeled and disposed of as Grade A milk in the marketing area only on a temporary or emergency approval basis.

The present order permits a proprietary handler to divert a producer's milk from the farm to a nonpool plant and retain the producer as a producer under the order with the provision that during any of the months of October through February, the milk is not diverted more than one-half of the days of the month. In view of the fact that considerable milk is now diverted to nonpool plants in December as a result of the holidays and some slump in Class I sales, December should no longer be a month in which diversions by proprietary handlers to nonpool plants are limited. Also, in view of the bulk tank method of delivering milk in the Louisville market, the limitation on diversions should be defined in terms of "days of delivery" rather than "days of the month". The producer's proposal to define the limitation on deliveries in terms of "total milk delivered during the month" and the handlers' proposal to permit proprietary handlers unlimited diversion during all months of the year should be denied. The producers' proposal would introduce an unnecessary and undesirable element of uncertainty in the diversion operations of handlers. The handlers' proposal may tend to encourage the pooling of milk primarily for manufacturing purposes and there is no economic justification for such a condition.

The language in the definition of producer and producer milk should be clarified so that it states specifically that a cooperative association is permitted unlimited diversion with respect to producer milk diverted for its account.

In order to clearly establish which handler is responsible for accounting for and paying for producer milk and at the same time to facilitate interhandler movements of milk, the definition of producer milk should specify that when milk is received at more than one pool plant from the same load of milk delivered by farm tank pick-up truck, the entire load shall be deemed to have been received at the first pool plant where any of the milk was withdrawn, if the individual reports of the withdrawing handlers fail to constitute a proper accounting for the entire load of milk. No special reports will be necessary to comply with this provision. Reports of physical receipts may be made in the usual reports to the market administrator of receipts and utilization.

A city plant should be defined in terms of its marketing functions to eliminate the interdependence with the term producer milk, to incorporate the reference to approved milk referred to in the definition of producer and producer milk and to facilitate following a pattern in writing this definition which is consistent with the pattern used in writing the definition of a country plant with respect to pool plant requirements. A city plant should include any milk plant where milk is processed or packaged and from which distribution of fluid milk products which are labeled as Grade A in accordance with the requirements of the health regulations of the health department having jurisdiction in the marketing area are disposed of to retail and wholesale outlets, other than to other milk plants in the marketing area. There appears to be no reason to stipulate that a city plant includes the buildings and facilities or any portion thereof which is used during the month in the processing of milk for any use. The present application of the order applies to the entire plant where Grade A milk is received and processed, even though part of these facilities might be used in receiving and processing ungraded milk. The reporting and other provisions of the order with respect to accounting for producer milk are intended to apply to total receipts and total plant operations within a given building.

The definition of a country plant should be changed so that it parallels the definition of a city plant with respect to health department approval and conforms to the recommended producer and producer milk definitions. A country plant should be a milk plant which is approved by a health authority having jurisdiction in the marketing area to supply milk, skim milk, or cream to a city plant for disposition as Grade A in the marketing area and at which Grade A milk is received during the month.

The definition of a pool plant should be revised to distinguish between city plants and country plants which may be subject to partial and full regulation. The pool plant definition is intended to include all plants which are to be subject to full regulation. In addition to the present requirement that 10 percent or more of the milk which is received by a city plant from approved dairy farmers must be distributed as Class I milk on routes in the marketing area, provision should be made that such plant dispose of at least 30 percent of such receipts as Class I milk, either inside or outside the marketing area. This is a reasonable and essential requirement. A city plant should dispose of at least 30 percent of its milk as Class I if it is to participate in the marketwide pool. City plants with a lower percentage of Class I milk are primarily engaged in manufacturing operations and only secondarily concerned with the distribution of fluid milk. The utilization percentage requirements should be based on total receipts of approved milk directly from dairy farmers or from country plants and on total Class I sales, except sales to other city pool plants. The receipts are so specified to facilitate the handling of reserve supplies in city plants without impairing such plants' pool plant status by the use of transfers of approved milk from other city plants which are pool plants. In order that operators of plants may determine in advance whether or not their plants are eligible for pooling, the 30 percent determination should be based on the average of the receipts and dispositions during the two immediately preceding months. The use of an average of two months will also tend to minimize the possibility of eliminating plants from the pool or including plants in the pool as a result of chance events. In the case of a new plant for which the utilization percentages for the two immediately preceding months cannot be ascertained by the market administrator, the 30 percent requirement should apply to receipts and sales during the current month. All plants currently pooled will meet the 30 percent requirement.

The proposal to increase the Class I sales requirement in the marketing area for a city plant to become a pool plant and the proposal to increase shipping requirements for a country plant to become a pool plant should be denied. The present requirement that a city plant sell at least 10 percent of its approved milk receipts in the marketing area before it becomes a pool plant is an appropriate standard for exempting those plants from full regulation which may make only incidental sales in the marketing area. Shipping requirements of the present order for country plants to become pool plants are appropriate standards for measuring the degree of association of country plants with the Louisville market. Furthermore, except for the country plant operated by the cooperative association, there are no country plants presently shipping milk to the Louisville marketing area.

As a result of changes in the city and pool plant definitions § 946.61 should be redrafted to incorporate conforming changes and to clarify its application with respect to city plants which are nonpool plants and which may receive all or a part of their milk requirements from a pool plant(s). Provisions should be made to exempt from compensatory payments and administrative assessments milk disposed of by a nonpool plant which is classified as Class I milk at a pool plant and which is transferred to such nonpool plant. Such milk is priced under the order as Class I milk and administrative assessments are paid on such milk by the pool plant first receiving the milk. The same provision should be made with respect to administrative assessments on Class II and Class III milk originating as a pool plant.

The definition of a handler should be modified to include any person who operates either a city plant or a country plant. Operators of city plants and country plants which are not pool plants should be designated as handlers so that they may file the necessary reports to establish their status as nonpool plants under the order and to supply the necessary information for administrative assessments and equalization payments required of city plants which dispose of some Class I milk in the marketing area, but fail to meet the pool plant requirements.

5. The rate of payment on Class I milk disposed of in the marketing area from a nonpool plant should not be changed. Handlers proposed that the rate of "compensatory payment" be changed to the difference between the Class I price under the order and the average price paid by the seven local manufacturing plants. The present order provides for a compensatory payments rate of the difference between the Class I and Class III prices during the months of January through September and a rate of the difference between the Class I and uniform prices during the months of October through December. The handler's proposal would result in a considerably higher rate of compensatory payments. Proponents testified that the purpose of their proposal is to attach a greater penalty to the sale of Class I milk in the marketing area by nonpool plants. It is not the purpose of compensatory payments to establish barriers to the sale of Class I milk in the marketing area. Such payments are to assure that the cost of milk for fluid disposition for partially regulated handlers is not less than for fully regulated handlers. There is no evidence in the record which shows the present rate is not achieving this purpose. Therefore, the proposal should be denied.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Louisville, Kentucky, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 27th day of September 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. Delete §§ 946.7 through 946.13 and substitute therefor the following:

§ 946.7 *City plant.* "City plant" means a plant or other facilities, where milk is processed or packaged and from which a fluid milk product(s) which is permitted to be labeled as "Grade A" by health authority having jurisdiction in the marketing area is disposed of through a route(s).

§ 946.8 *Country plant.* "Country plant" means a milk plant, other than a city plant, which is approved by the appropriate health authority in the marketing area to supply milk, skim milk or cream to a city plant(s) for disposition as "Grade A" milk in the marketing area and at which milk is received from persons described in § 946.12 (a) during the month.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant, other than a plant operated by a producer-handler, from which not less than 30 percent of the milk received from persons described in § 946.12 (a) either directly from such persons or from country plants during the two immediately preceding months is disposed of as Class I milk to outlets other than pool plants and not less than 10 percent of such receipts during the current month are distributed through routes in the marketing area: *Provided*, That in case of a plant for which such utilization percentage for the two immediately preceding months cannot be ascertained by the market administrator, the 30 percent requirement shall apply to receipts and Class I sales during the current month;

(b) A country plant during any of the months of October through March in which not less than 10 percent of the receipts of milk at such plant from persons described in § 946.12 (a) are delivered to a city plant in the form of milk, skim milk or cream;

(c) A country plant during the months of April through September from which more than 50 percent of the combined receipts of milk from persons described in § 946.12 (a) during the preceding period of October through February were delivered to a city plant(s) in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following; and

(d) A country plant which is operated by a cooperative association and (1) 75 percent or more of the milk from persons described in § 946.12 (a) who are members of such association is delivered during the month directly to the pool plant(s) of other handlers or transferred by such association to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means (a) any person who operates a city plant or a country plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 946.13.

§ 946.12 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is:

(a) Approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is permitted by the appropriate health authority in the marketing area to be labeled and disposed of as Grade A milk in the marketing area (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases): *Provided*, That this definition shall not include any person whose milk is permitted on a temporary or emergency basis by such health authority in the marketing area to be labeled and disposed of as Grade A milk; and

(b) Received at a pool plant or diverted in accordance with the conditions set forth in paragraph (b) or (c) of § 946.13.

§ 946.13 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received directly from producers at a pool plant: *Provided*, That when withdrawals of milk are made at more than one pool plant from the same load delivered by farm tank pick-up truck and in the absence of agreement between the operators of such pool plants as to the reporting of and payment for such milk, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn;

(b) Diverted from a pool plant to another pool plant or to a nonpool plant: *Provided*, That such milk so diverted shall be deemed to have been received at the pool plant from which it is diverted: *Provided further*, That this definition shall not include the milk of any person during any of the months of October, November, January, and February in which the milk of such person is diverted by a handler, except a cooperative association, to a nonpool plant for more than one-half of the days of delivery during the month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided*, That any milk so diverted shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which it is diverted.

2. Delete § 946.31 and substitute therefor the following:

§ 946.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and cooperative association and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer and cooperative association, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

3. In § 946.32 (b), replace the reference "§ 946.12 (b)" with "§ 946.13 (b)".

4. Delete § 946.44 and substitute therefor the following:

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in another class is mutually indicated in the reports submitted to the market administrator by both handlers pursuant to § 946,30 on or before the 7th day after the end of the month: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use, the remaining quantity shall be classified as Class I milk: *And provided further*, That if either or both handlers received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located less than 250 airline miles from the City Hall in Louisville, Kentucky, unless:

(1) The handler claims classification in another class in his report submitted to the market administrator pursuant to § 946.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II and Class III milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I and Class II milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk and Class II milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk and used to produce products in Class II milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract, in series beginning with Class I milk, the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such markets' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the act;

(5) If the skim milk and butterfat, respectively, transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the total of the lower priced classifications reported by each of such handlers;

(6) If the skim milk and butterfat, transferred by all handlers to such nonpool plant and reported as Class II milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class II milk pursuant to subparagraph (4) of this paragraph, less the amount of skim milk and butterfat received directly from "ungraded" dairy farmers at such nonpool plant, respectively, an equivalent amount of skim milk and butterfat shall be reclassified as Class II milk pro rata in accordance with the claimed Class III classification reported by each of such handlers;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 250 airline miles or more from the City Hall in Louisville, Kentucky.

5. Delete § 946.61 and insert therefor the following:

§ 946.61 *Handlers operating nonpool plants.* Sections 946.30 through 946.32, 946.50 through 946.53, 946.70, 946.71, 946.80 through 946.85, 946.87, and 946.88 shall not apply to a handler in his capacity as the operator of a nonpool plant which is a city plant, except that such handler shall:

(a) On or before the 7th day after the end of the month, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) Subject to the proviso in paragraph (c) of this section, on or before the 15th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of on a route(s) in the marketing area by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials:

(1) For the months of January through September, the Class III price adjusted by the Class III butterfat differential; or

(2) For the months of October through December, the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resulting figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent: *Provided*, That no payments shall be required pursuant to this paragraph on a quantity of milk equivalent to that received from a pool plant and classified as Class I milk during the month.

(c) On or before the 15th day after the end of the month, pay to the market administrator, as such handler's pro rata share of the expense of administration of this part, 3.0 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II and Class III products disposed of during the month on a route(s) in the marketing area: *Provided*, That no payments shall be required pursuant to this paragraph on a quantity of milk equivalent to that received from a pool plant during the month.

6. In § 946.71 delete paragraph (e) and substitute therefor the following:

(e) Add an amount representing one-half of the cash balance on hand in the producer-settlement fund after deducting the total amount of contingent obligations to handlers pursuant to § 946.85 (a) and the balance held pursuant to paragraph (d) of this section for payment pursuant to § 946.85 (b);

7. Delete § 946.80 and substitute therefor the following:

§ 946.80 *Time and method of payment for producer milk.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the Class III price for 3.8 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight plus the per hundredweight payment provided by § 946.85 (b) for the month, subject to the butterfat differential computed pursuant to § 946.81, and, plus or minus, adjustments for errors made in previous payments to such producer; and less (1) the payment made pursuant to paragraph (a) of this section, (2) the location differential pursuant to § 946.82, (3) marketing service deductions pursuant to § 946.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incured by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraph (b) (3) and (4) of this section: *Provided*, That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall furnish to such cooperative association a statement which shall show: (1) the identity of the handler and of the producer, (2) the total pounds and the average butterfat content of milk received from such producer, and (3) the amount of deductions claimed by such handler.

8. Delete § 946.85 (b) and substitute therefor the following:

(b) On or before the 16th day after the end of each of the months of September, October, November and December, the market administrator shall pay out of the producer-settlement fund to (1) each handler on all milk for which payment is to be made to producers pursuant to § 946.80 (b) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 946.80 (c) for such month at the following rate per hundredweight: Divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 946.71 (d) during the immediately preceding period of April through July by the hundredweight of producer milk received by all handlers during the month (computed to the nearest cent per hundredweight).

9. In § 946.86 designate the paragraph beginning with "Whenever" and ending with "disclosure", "(a)" and insert the following paragraph immediately after paragraph (a):

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 946.80, 946.84, 946.85, 946.86 (a), 946.87 or 946.88 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

10. In § 946.87 (a) change the reference "§ 946.80" to "§ 946.80 (b)".

11. Delete § 946.87 (b) and substitute therefor the following:

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

[F. R. Doc. 57-8053; Filed, Oct. 1, 1957; 8:45 a. m.]

[7 CFR Part 961]

[Docket No. AO-160-A18]

MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision, with respect to the proposed amendments to the tentative marketing agreement and order, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area which was issued August 23, 1957 (22 F. R. 6920) is hereby further extended to October 7, 1957.

Dated: September 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-8052; Filed, Oct. 1, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 42]

[Draft Release No. 57-21]

FLIGHT NAVIGATOR AND FLIGHT RADIO OPERATOR REQUIREMENTS FOR IRREGULAR AIR CARRIER OPERATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Dec. 2, 1957. Copies of such communications will be available after Dec. 4, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The provisions of Part 42 of the Civil Air Regulations concerning the use of flight navigators and flight radio operators require the Administrator of Civil Aeronautics to determine areas where either celestial navigation or radio telegraphy is necessary. The practical effect of this regulation is that the Administrator is required to make an individual determination for each international route to establish whether or not the services of a flight navigator or radio operator are required in the interest of safety. The Administrator has advised the Bureau that because of the tremendous increase in international irregular operations, including military contract operations and other contract flights operating off the normal or recognized routes, serious difficulties have arisen in properly administering those provisions. Accordingly, the CAA has recommended to the Bureau that Part 42 be amended to require the air carriers, rather than the Administrator, to determine the necessity of having a navigator or radio operator aboard the aircraft during flight for each particular route or area in which they propose to operate outside the continental limits of the United States. However, the Administrator would retain the authority to require these crew members in any particular instance where he determines that they are necessary for the safe conduct of the flight. Such proposal of the CAA seems to have merit.

This proposed regulation would not change the basic standards to be applied in making the determination as to the necessity for using a flight navigator or radio operator. However, under this proposal the Administrator may authorize air carriers to operate for periods of one hour or less over areas where accurate navigation cannot be accomplished from the pilot station without the use of a flight navigator if he finds that safety will not be adversely affected.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that paragraphs (a), (d), and (f) of § 42.41 of Part 42 of the Civil Air Regulations be amended to read as follows:

§ 42.41 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the particular operation and the type of aircraft as prescribed in this section or as required by the Administrator when he determines the minimum flight crew necessary for the type of operations being conducted.

* * * * *

(d) *Flight radio operator.* An airman holding a flight radio operator certificate shall be required for flight over any area outside the continental limits of the United States where radiotelephone communications cannot be accomplished with the appropriate ground stations under normal operating conditions.

* * * * *

(f) *Flight navigator.* An airman holding a flight navigator certificate shall be required for flight over any area outside the continental limits of the United States where accurate navigation cannot be achieved from the pilot station under normal operating conditions by means of visual or nonvisual navigational ground aids; *Provided,* That in areas where accurate navigation cannot be accomplished from the pilot station for a period of one hour or less, the Administrator may authorize an air carrier to conduct its operations without the use of a flight navigator if he finds that safety will not be adversely affected after taking into consideration such factors as weather, terrain, air traffic control, traffic congestion, size of land at destination and fuel requirements, amount of fuel carried in relation to point of departure and alternate, if any, and other factors he considers necessary to the safety of the flight.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., September 25, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 57-8099; Filed, Oct. 1, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 4]

[Docket No. 12182; FCC 57-1050]

CONELRAD PLAN FOR EXPERIMENTAL, AUXILIARY AND SPECIAL BROADCAST SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment to Part 4 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Experimental, Auxiliary and Special Broadcast Services.

1. The Commission has before it the approved CONELRAD Plan for the Experimental, Auxiliary and Special Broadcast Services. This Plan was developed in cooperation with the Department of Defense, the Office of Defense Mobilization and other government agencies. In order to put this plan into effect it is necessary to amend Part 4 of the Commission's rules and regulations as set forth below.

2. This proposed amendment is promulgated by authority of sections 303 (r) and 606 (c) of the Communications Act of 1934, as amended, and Executive Order No. 10312 signed by the President December 10, 1951.

3. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file on or before November 4, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to original comments may be filed within one week from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: September 25, 1957.

Released: September 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

SUBPART J—CONELRAD

§ 4.1001 *Scope and objective.* (a) This subpart applies to all radio stations in the Experimental, Auxiliary and Special Broadcast Services located within the Continental United States and is for the purpose of providing for the alerting and operation of radio stations in these services during the periods of enemy air attack or imminent threat thereof.

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain for the electromagnetic radiations from radio stations in the Experimental, Auxiliary, and Special Broadcast Services, while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 4.1002 *Alerting.* (a) All radio stations in the Experimental, Auxiliary, and Special Broadcast Services are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear as initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(b) The CONELRAD Radio Alert for the Experimental, Auxiliary, and Special Broadcast Services shall be received by one or more of the following methods:

(1) By monitoring any standard, FM or TV broadcast station to receive the CONELRAD Radio Alert message.

(2) By reception of the CONELRAD Radio Alert by telephone or other means from a point that received the Radio Alert directly from a standard, FM or TV broadcast station.

(3) Radio stations in the services affected by this plan may be specifically authorized by the FCC to receive the CONELRAD Radio Alert by other means.

(c) When the radio station is not in operation it is not necessary to make provisions to receive the CONELRAD Radio Alert, however, before starting a radio transmission, caution must be used to insure that a CONELRAD Radio Alert is not in progress.

§ 4.1003 *Operation during a CONELRAD Radio Alert.* Stations in the Experimental, Auxiliary and Special Broadcast Services on receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, may make a brief announcement, must then leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert.

§ 4.1004 *Special conditions.* Certain stations in the Experimental, Auxiliary and Special Broadcast Services may be specifically authorized by the Federal Communications Commission to operate in a manner not provided in this subpart, if such operation is essential to the public welfare.

§ 4.1005 *Radio All Clear.* The Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Radio stations and systems licensed in the Experimental, Auxiliary and Special Broadcast Services may resume normal operation when the CONELRAD Radio All Clear message is received, unless otherwise restricted by order of the Federal Communications Commission.

§ 4.1006 *Tests.* Tests of the CONELRAD alerting and operating systems for the Experimental, Auxiliary and Special Broadcast Services may be conducted at appropriate intervals. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 4.1007 *Station records.* Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.

[F. R. Doc. 57-8083; Filed, Oct. 1, 1957; 8:51 a. m.]

[47 CFR Part 9]

[Docket No. 10690; FCC 57-1074]

AVIATION SERVICES

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of part 9 of the Commission's rules governing Aviation Services.

1. Further notice is hereby given of proposed rule making in the above-entitled matter.

2. In the original notice of proposed rule making, it was proposed to amend § 9.118 (b) of Part 9 of the Commission's rules governing Aviation Services to require that an "aircraft radio station license shall be prominently displayed in the aircraft." The purpose of this proposal was to make possible the more expeditious inspection of aircraft radio stations. Final action in this proceeding was withheld at the request of Aeronautical Radio, Inc. (ARINC), and various air carriers, pending Commission consideration of, and action on, an ARINC petition for rule amendment to provide for fleet licensing of air carrier aircraft radio stations.

3. Fleet licensing of air carrier aircraft stations has since been implemented in accordance with the Commission's final action in Docket No. 10776, thus removing the basis for the previously mentioned objections by ARINC and the air carriers to completion of rule making relative to the posting of aircraft radio station licenses.

4. On February 4, 1957, ARINC filed a petition for amendment of Part 9 to

change the authorization posting requirements for ground stations. The existing rules require that when an authorization covers transmitters at several locations, such authorization be posted at one transmitter location and that a photographic copy thereof be posted at all other transmitter locations. Specifically, ARINC requested that the rules be changed to require only that the authorization be posted at the principal control point of the station, thereby eliminating, at many installations, the necessity of preparing and posting large numbers of photocopies.

5. Since both the ARINC petition and the outstanding rule making proceeding in Docket No. 10690 relate to station authorization posting requirements, the latter proceeding is being enlarged to encompass the issue presented by the ARINC petition.

6. In view of the foregoing, it is proposed to amend § 9.118 of Part 9, as shown below, for the purpose of making possible the more expeditious inspection of aircraft radio stations and simplifying the posting requirements applicable to ground stations at fixed locations.

7. The proposed amendment is issued under the authority of sections 303 (n) and (r) of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 1, 1957, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

9. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 25, 1957.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Delete paragraphs (a) and (b) of § 9.118 and substitute new paragraphs to read as follows:

(a) The current authorization for each station at a fixed location shall be prominently displayed at the principal control point of the transmitter or transmitters.

(b) The current authorization for an aircraft radio station shall be prominently displayed within the aircraft. In the case of air carriers licensed by means of a single instrument of authorization for the operation of all fleet aircraft, a photocopy of the original authorization shall be prominently displayed within the aircraft.

[F. R. Doc. 57-8084; Filed, Oct. 1, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY ALABAMA AGRICULTURAL STABILIZATION AND CONSERVATION STATE COMMITTEE

The Allotment and Marketing Quota Regulations for Peanuts of the 1957 and subsequent crops (21 F. R. 9370, 9760; 22 F. R. 6659, 6741, 6987), issued pursuant to the allotment and marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281-1393), provide that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein redelegations of authority vested in the Agricultural Stabilization and Conservation State Committee by the regulations referred to above which have been made by the Alabama State Committee for the 1957 crop of peanuts. The following sets forth the sections of the regulations containing the authority being redelegated and the persons to whom the authority has been redelegated.

Alabama. Section 729.811 (p) (4) (5): To the ASC county committee of each peanut-producing county in Alabama.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, 90 as amended; 66 Stat. 27; secs. 106, 112, 377, 70 Stat. 191, 195, 206; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1377, 1388)

Issued at Washington, D. C., this 26th day of September, 1957.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-8055; Filed, Oct. 1, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 24, 1957.

The Bureau of Indian Affairs has filed an application, Serial No. Nevada 028710, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing. The applicant desires the land in aid of legislation which would declare the public domain a part of the existing reservation for the benefit of a small band of Indians who are occupying the land.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 N., R. 29 E.,
Sec. 29: S½NW¼NW¼.

The area contains 20 acres.

E. R. GREENSLET,
State Supervisor.

[F. R. Doc. 57-8059; Filed, Oct. 1, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order SA-3]

CERTAIN BULGARIAN, HUNGARIAN, AND RUMANIAN DEBTORS

ORDER FIXING BAR DATE FOR FILING DEBT CLAIMS

In accordance with section 208 (b) of the International Claims Settlement Act of 1949, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order No. 10644, January 2, 1958, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of Bulgarian, Hungarian, and Rumanian debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1957 and June 30, 1957, inclusive.

(Pub. Law 285, 84th Cong., 69 Stat. 252; E. O. 10644, Nov. 7, 1955, 20 F. R. 8363)

Executed at Washington, D. C., this 24th day of September 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8079; Filed, Oct. 1, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD. ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8061-A, between American President Lines, Ltd., Isthmian Lines, Inc., and Lykes Bros. Steamship Co., Inc., supplements Agreement No. 8061, as amended, which covers an arrangement for the apportionment of rubber shipments from Siam (except Bangkok local rubber) to United States Atlantic and Gulf ports. The purpose of such supplementary agreement is to record the basis on which American President Lines, Ltd., and Isthmian Lines, Inc., shall share any undercarried portion of such cargo allocated to Lykes under Agreement No. 8061, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 27, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8070; Filed, Oct. 1, 1957; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to Westinghouse Electric Corporation substantially in the form set forth in Annex "A" below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is set forth below as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Notice is also hereby given that if the Commission issues the construction permit the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing possession and operation of the facility at the proposed site if it is found that the facility has been constructed in accordance with the specifications contained in the terms and conditions of the construction permit, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

Dated at Washington, D. C., this 26th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

CONSTRUCTION PERMIT

Westinghouse Electric Corporation (hereinafter "Westinghouse") on July 29, 1957, filed its application for Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate a facility for the conduct of critical experiments related to the design of the Yankee Atomic Power Reactor. Amendments to the application were filed with the Commission on August 14 and 21, 1957. The original application and amendments are hereinafter referred to as "the application".

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. Westinghouse proposes to utilize the facility in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. Westinghouse is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR. No request for an allocation of special nuclear material has been made by Westinghouse and none is provided herein.

D. Westinghouse is technically qualified to design and construct the facility.

E. Westinghouse has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Westinghouse will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Atomic Energy Commission hereby issues a construction permit to Westinghouse to construct the facility as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the facility is October 16, 1957. The latest date for completion of the facility is December 31, 1957. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The site proposed for the location of the facility is the site described in the application and located near the town of Waltz Mill, Westmoreland County, Pennsylvania.

C. The facility authorized for construction is a "zero power" thermal reactor having stainless steel clad slightly enriched uranium dioxide disc fuel elements moderated and reflected by light water.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed in conformity with the application and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to Westinghouse pursuant to section 104c of the act, which license shall expire eighteen (18) months after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

_____,
Director,
Division of Civilian Application.

ANNEX "B"

MEMORANDUM

Part I—Location and Description. The Westinghouse Electric Corporation has filed an application for a license to construct and operate a critical facility in the Westinghouse Reactor Evaluation Center (WREC), which is located on the Westinghouse Testing Reactor (WTR) Site near the town of Waltz Mill in Westmoreland County, Pennsylvania, about 29 miles southeast of Pittsburgh. The critical assembly is to be located on a 1,000-acre site which extends for about 2,000 feet in all directions from the facility over largely hilly terrain. The surrounding area has been extensively mined for coal, but it has been established that there has been no coal mining under the area upon which construction will take place. Mining rights to this area have been purchased by the applicant to prevent any future undermining. The area surrounding the facility is sparsely populated, with an estimated population of 350 people within a one-mile radius. Surface winds are most prevalent from a westerly direction and blow across the site to regions of lesser population.

The WREC building used to house the critical facility is a single-story industrial type building basically rectangular in shape, having overall dimensions of 106 feet by 42 feet. The Building provides a high-bay area of approximately 1,340 square feet which is to be used as the critical experiment room (CRX). The Building is of fireproof construction throughout. The walls and roof of the high-bay area have been designed to provide adequate radiation shielding and, in the event of a nuclear incident, blast and missile protection. The walls and roof are of re-enforced concrete. The front wall is 4½ feet thick to a height of 20 feet and 2 feet thick above that for another 29 feet. The side and rear walls are 2 feet thick to a

height of 20 feet and 1 foot thick above that. The roof is a 9-inch thick slab. There are five openings in the wall and roof of the CRX room. During normal operation, two of the openings which are doors will always be closed and, in the event of a scram, the remaining three ventilation openings are closed automatically by motor-driven steel dampers.

The first experiments planned by Westinghouse for this facility are a series of critical experiments in connection with the design of the Yankee Power Reactor. The experiments will be used to verify critical loading, fuel element worth, temperature coefficient, migration area, buckling, fast fission factors, thermal utilization, resonance escape probability, control rod worths, void coefficient, flux mapping and other allied experiments.

Part II—Description of the Facility. The Yankee critical assembly will be a "zero power" thermal reactor having stainless steel clad, slightly enriched uranium dioxide disc fuel elements moderated and reflected by light water.

Fuel elements. The fuel elements will be in the form of single rods with an active length of 48 inches, and each will contain 80 sintered uranium dioxide fuel discs. The uranium-235 content will be 2.7 percent by weight of the total uranium. The discs, each about 0.300 inches in diameter and about 0.6000 inches in height, will be stacked in type 304 stainless steel tubing having an inside diameter of about 0.306 inches and a wall thickness of between 0.015 and 0.018 inches. After fabrication losses are considered, 7,200 pounds of uranium dioxide will yield 5,835 fuel rods. The fuel rods will be held vertically in a square lattice configuration by means of core plates, one set for each water-to-metal ratio. A water-to-metal ratio of 3:1 will be used for all initial experiments. The bottom core plate will be supported by a platform in the core tank, while the top core plate will be supported from the bottom plate by a core barrel. The core barrel is pierced with holes to allow water circulation and visual observation.

Core tank. The core assembly will be mounted in a stainless steel core tank six feet in diameter, seven feet high and $\frac{1}{4}$ inch thick. This tank will have a bottom extension four feet in diameter and four feet deep to accommodate the following sections of the control rods. The core tank is supported in a steel I-beam structure which places the critical core about 9 feet above the floor and approximately in the center of the room. Demineralized water is centrifugally pumped into the core tank through a spray head. The maximum rate of water level increase is approximately $3\frac{1}{2}$ inches per minute, which corresponds to a positive reactivity addition rate of 0.069 percent Delta k per second. An air operated diaphragm valve in a 6-inch dump line is connected to the bottom of the core tank. The dump valve is designed to open on either air or electric failure and is capable of dropping the water level in the core to the bottom core support plate in 75 seconds. The water is drained into a dump tank, 8 feet in diameter by 6 feet high.

Control rods. Control of the core is provided by nine cruciform-shaped control rods. The poison material in the control rods is a silver cadmium alloy which is black to thermal neutrons. The total control rod worth, as determined by two independent methods by the applicant, was found to be about 11 percent Delta k.

Instrumentation and interlocks. Conventional instrumentation is to be used in the facility. Scram signals from any one of three instrument channels will be actuated by electric power failure, reactor power level (approximately 1100 watts), or for a period as short as three seconds. Any of the above scrams will cause the control rod holding magnets to be deenergized, thereby dropping the control rods into the core. There are also manual scrams located on the control console and in the critical assembly room. Instrumentation includes: a linear power-level channel, proportional counting channels, logarithmic gamma-flux channel, area monitor channel and a logarithmic neutron flux channel.

An interlock by pass has been included in order to allow the performance of certain control rod worth experiments. Before this bypass can be used, the core must first be drained of water. No nuclear incident can then occur since, with the low fuel enrichment and lack of moderator-reflector, it is impossible for the assembly to go critical without water in the core tank.

Power level. The critical assembly will normally be operated at fractions of a watt and occasionally with an upper power limit of 1,000 watts (for short intervals).

Part III—Safety Evaluation. For the critical experiments to be conducted, no unusual precautions appear necessary with regard to earthquake, storm or flood. The applicant has stated that, at maximum power level operation of 1,000 watts, the shielding is sufficient to prevent dose rates in excess of those prescribed by Federal regulations, hence no radiation hazards are expected to result from normal operations.

Several methods by which the applicant can introduce excess reactivity into the core are tabulated in Table 1 with the reactivity value associated with each as determined by the applicant. As can be seen from these values the rates of addition of reactivity are sufficiently low that no hazard can be anticipated from routine operation.

TABLE 1

Means of introducing excess reactivity into the core:	Percent Delta k/sec.
Control rod withdrawal	0.046
Addition of water to core tank	.069
Dilution of chemical poison (used in certain experiments)	.0055

The inherent reactivity coefficients associated with the Yankee Critical facility are tabulated in Table 2.

TABLE 2

Moderator temperature coefficient (slow acting):	
No boron	-5.5×10^{-3}% /° F.
With boron	-4.4×10^{-3}% /° F.
Doppler coefficient (fast acting).	-0.75×10^{-3}% /° F.
Void coefficient:	
No boron	−0.43% Delta k/volume % steam.
With boron	−0.33% Delta k/volume % steam.

Since the Yankee critical experiments will be operated at low power levels, the negative moderator coefficient of reactivity will be relatively ineffective in reducing small reactivity excursions; however, it will be highly effective for large changes in reactivity in which the water absorbs sufficient energy to reach saturation temperature and boil. The Doppler coefficient is small, but its effect during all transient behavior is rapid since there is no time delay in its action.

The applicant described the maximum credible accident as one in which the CRX room is entered without setting off the core tank dump valve scram which normally drains off the moderator from the core when the CRX room door is opened. It is assumed that with the assembly in this condition, i. e., with the facility shut down by 2 percent Delta k and with the moderator in place, the central control rod (assumed to have a 4 percent reactivity worth) is manually withdrawn resulting in the insertion of 2 percent excess reactivity at a rate of 14 percent Delta k per second. It is believed possible, although highly unlikely, for the central control rod to be manually withdrawn by one person, since the control rod mechanism on the central rod may be disconnected. The nuclear excursion caused by this accident would release 1,190 megawatt-seconds of energy, which results in melting approximately 42 percent of the core. It was assumed by the applicant that all of the fission product inventory of the melted portion of the core was released into the CRX room atmosphere. The pressure buildup in the CRX room, caused by the heat generated during the maximum credible accident was assumed to go into the production of steam, resulting in a pressure of 8.2 psig. The integrated power release due to this accident is equivalent to the energy which would be released by 500 pounds of TNT. However, the rate at which energy is generated in this case is considerably less than that for the detonation of TNT, though conceivably some missiles may be produced. The pressure buildup of 8.2 psig would cause the steel ventilation system dampers to fail, allowing the pressure to be relieved and releasing a major portion of the CRX room atmospheric inventory through the approximately 15 square foot opening thus formed. If the energy release does create missiles, we believe that the heavy reinforced concrete construction of the CRX room can be expected to contain them and, hence, the missiles would not cause any additional breaches in the room. It should be pointed out that no credit was taken in the calculation of energy release during the maximum credible accident for void formation and radiolytic gas production. Such effects, in fact would reduce considerably the severity of the maximum credible accident.

In calculating the radiation doses which might result from the fission products released from the CRX room in the maximum credible accident, adverse meteorological conditions (strong inversion) were assumed. The dose calculations, with which we agree, are reported for a point 2,000 feet from the critical facility, which is the distance to the nearest site boundary. For a complete release of fission products, the total immersion gamma dose was 35.6 rem, the total lifetime integrated inhalation dose to the thyroid was approximately 10 rep, and the fallout 3-hour gamma dose was determined to be 33.6 rem. Although this dose is not a desirable one its symptoms, in even the most radiosensitive individuals, would be transient and disappear completely. Any chronic effects of the exposure would be expected to have the same implications as the maximum permissible occupational exposure under the Commission's regulation, 10 CFR 20, "Standards for Protection Against Radiation" for approximately a five year period.

In addition to the assumption that all fission products are released, it is further assumed that they all become airborne outside the building. We agree that the postulated accident is the maximum credible and note further that other conservative assumptions which tend to give an overestimation of the calculated radiation dose are:

(a) The center of the cloud is assumed to move along the surface of the ground rather than at some elevation as a hot cloud normally would.

(b) The cloud is assumed to be reflected giving a radiation dose double that from a normal Gaussian cloud.

(c) The center of the cloud is assumed to move in a straight line from the source through the point where the observer is standing.

(d) The velocity of the wind is assumed to be high (30 mph) in the external gamma radiation dose calculations and deposition dose calculations. The wind velocity is assumed low (5 mph) in the inhalation radiation dose calculations. In each of the cases, the velocity is chosen to give higher radiation doses.

Since the assumptions used in the calculations to obtain the above dosage values are quite conservative, we are satisfied that the exclusion area provided is sufficient to give reasonable protection to the public, even in the unlikely situation in which a catastrophic accident would breach the container.

Part IV—Technical Qualifications. Under contract with the Atomic Energy Commission and the United States Navy, Westinghouse has developed, designed and built several full-scale nuclear power plants. The education, training, and experience of the personnel responsible for the design and operation of the facility are considered adequate to insure safe operation.

Part V—Financial Qualifications. The financial qualifications of Westinghouse were discussed in the memorandum accompanying the notice of proposed issuance of construction permit to Westinghouse published in the FEDERAL REGISTER on January 5, 1957, 22 F. R. 152.

Part VI—Conclusions. Based upon the above consideration, it is concluded that:

(a) There is sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

(b) The applicant is technically and financially qualified to engage in the proposed activities.

Dated: September 26, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-8078; Filed, Oct. 1, 1957; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Order E-11828; Docket No. 8984]

PACIFIC NORTHERN AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of September 1957.

In the matter of the application of Pacific Northern Airlines, Inc. under section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration; Docket No. 8984.

Pacific Northern Airlines, Inc., (Pacific Northern) on September 3, 1957, filed an application pursuant to section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended, (the act), requesting the Board to issue Pacific Northern a certificate of public convenience and necessity of indefinite duration for its route authorizing air transportation of persons, property and mail between points in the United States and points in the Territory of Alaska.

Section 401 (e) (5) of the act (effective August 26, 1957) provides:

(5) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1957, until the effective date of this paragraph, it, or its predecessor in interest, was an air carrier furnishing service between points in the United States and points in the Territory of Alaska (including service to intermediate points in Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service between such points, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during such period was inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation with respect to persons, property and mail between the terminal and intermediate points between which it or its predecessor was temporarily authorized to operate by such certificate or certificates as of the date of enactment of this paragraph.

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

Pacific Northern alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Pacific Northern in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Pacific Northern further alleges that from January 1, 1957, until the effective date of enactment of section 401 (e) (5) (August 26, 1957), it was an air carrier, furnishing service between points in the United States and points in the Territory of Alaska, and between points within the Territory of Alaska, authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Pacific Northern so operated between January 1, 1957, and August 26, 1957.

Section 401 (e) (5) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Pacific Northern that the service rendered by Pacific Northern from January 1, 1957, until the effective date of enactment of section 401 (e) (5) has not been inadequate or inefficient. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during such period has been inadequate or inefficient within the meaning of section 401 (e) (5) of the act.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (5) of the act, of a certificate of unlimited duration authorizing the applicant to engage in air transportation between the terminal and intermediate points between which it was temporarily authorized to operate as of August 26, 1957. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Pacific Northern to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Pacific Northern's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Pacific Northern and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objections to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Pacific Northern is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1957, to August 26, 1957, Pacific Northern was an air carrier, furnishing service between points in the United States and points in the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

3. The service rendered by Pacific Northern during the period from January 1, 1957, to August 26, 1957, has been adequate and efficient within the meaning of section 401 (e) (5) of the Act.

Therefore, it is ordered, That:

1. Pacific Northern is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below;

2. Pacific Northern and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of the Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Pacific Northern, the Mayor of each city authorized to be served by Pacific Northern on its States-Alaska route on August 26, 1957, and on every certificated air carrier serving a point authorized to

be served by Pacific Northern on such route on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Pacific Northern Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in overseas air transportation with respect to persons, property and mail, as follows:

Between the co-terminal points Portland, Oreg., and Seattle-Tacoma, Wash., the intermediate points Ketchikan, Juneau, Yakutat and Cordova, Alaska, and the terminal point Anchorage, Alaska.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate and may continue to maintain regularly scheduled nonstop service between any two points not consecutively named herein if nonstop service was regularly scheduled by the holder between such points prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service herein expressly prescribed, regularly serve a point named herein through any airport convenient thereto, and may render scheduled nonstop service between any two points not consecutively named herein between which service is authorized hereby.

(3) The holder shall not engage in local air transportation between Ketchikan and Juneau.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

This certificate shall be effective on ----------, 1957: *Provided, however,* That prior to the date on which this certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1957 (Order No. E-----), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the -- day of ----------, 1957.

[SEAL] ———— ————,
Chairman.

Attest:

———— ————,
Secretary.

[F. R. Doc. 57-8100; Filed, Oct. 1, 1957; 8:55 a. m.]

[Order E-11829; Docket No. 8977]

ALASKA AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of September 1957.

In the matter of the application of Alaska Airlines, Inc. under section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration; Docket No. 8977.

Alaska Airlines, Inc. (Alaska) on August 29, 1957, filed an application pursuant to section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended, (the act), requesting the Board to issue Alaska a certificate of public convenience and necessity of indefinite duration for its route authorizing air transportation of persons, property and mail between points in the United States and points in the Territory of Alaska.

Section 401 (e) (5) of the act (effective August 26, 1957) provides:

(5) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1957, until the effective date of this paragraph, it, or its predecessor in interest, was an air carrier furnishing service between points in the United States and points in the Territory of Alaska (including service to intermediate points in Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service between such points, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during such period was inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation with respect to persons, property and mail between the terminal and intermediate points between which it or its predecessor was temporarily authorized to operate by such certificate or certificates as of the date of enactment of this paragraph.

Alaska alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Alaska in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Alaska further alleges that from January 1, 1957, until the effective date of enactment of section 401 (e) (5) (August 26, 1957), it was an air carrier, furnishing service between points in the United States and points in the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Alaska so operated between January 1, 1957, and August 26, 1957.

Section 401 (e) (5) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Alaska that the service rendered by Alaska from January 1, 1957, until the effective date of enactment of section 401 (e) (5) has not been inadequate and inefficient. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during such period has been inadequate or inefficient within the meaning of section 401 (e) (5) of the act.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (5) of the act, of a certificate of unlimited duration authorizing the applicant to engage in air transportation between the terminal and intermediate points between which it was temporarily authorized to operate as of August 26, 1957. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Alaska to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Alaska's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Alaska and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Alaska is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1957, to August 26, 1957, Alaska was an air carrier, furnishing service between points in the United States and points in the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

3. The service rendered by Alaska during the period from January 1, 1957, to August 26, 1957, has been adequate and efficient within the meaning of section 401 (e) (5) of the act.

Therefore, it is ordered, That:

1. Alaska is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below;

2. Alaska and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Alaska, the Mayor of each city authorized to be served by Alaska on its States-Alaska route on August 26, 1957, and on every certificated air carrier serving a point authorized to be served by Alaska on such route on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Alaska Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder to engage in overseas air transportation with respect to persons, property and mail, as follows:

Between the co-terminal points Portland, Oreg., and Seattle-Tacoma, Wash., and the terminal point Fairbanks, Alaska.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service herein expressly prescribed regularly serve a point named herein through any airport convenient thereto.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

This certificate shall be effective on ----------, 1957: *Provided, however,* That prior to the date on which this certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1957 (Order No. E-----), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ------ day of ---------- 1957.

[SEAL] ———— ————,
Chairman.

Attest:

———— ————,
Secretary.

[F. R. Doc. 57-8101; Filed, Oct. 1, 1957; 8:55 a. m.]

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

[Docket No. SR-2221]

ADMINISTRATOR OF CIVIL AERONAUTICS V. CHARLES A. HAZEN

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

James T. Pyle, Administrator of Civil Aeronautics, complainant, v. Charles A. Hazen, respondent; Docket No. SR-2221.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned to be held on October 10, 1957, is postponed to October 22, 1957, 10 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 25, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8102; Filed, Oct. 1, 1957; 8:55 a. m.]

[Docket No. 9019]

QANTAS EMPIRE AIRWAYS LTD.; FOREIGN PERMIT CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on October 3, 1957, at 10:00 a. m., e. d. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., September 27, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8103; Filed, Oct. 1, 1957; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13311]

REPUBLIC NATURAL GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 26, 1957.

Republic Natural Gas Co. et al. (Republic), on September 3, 1957 tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Republic's FPC Gas Rate Schedule No. 7.
Effective date: [1] October 4, 1957.

In support of the proposed increased rate, Republic cites the favored-nation provisions in the contract and the Phillips Petroleum Company triggering increase and states that the contract resulted from arm's-length bargaining. Republic further states that the increased price does not exceed the current market price and that it is necessary in order to allow it an adequate return and to compensate for increased costs of exploration and production.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable; unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's general rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Republic, if later.

expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8073; Filed, Oct. 1, 1957; 8:50 a. m.]

[Docket No. G-13314]

CHARLES H. OSMOND ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 26, 1957.

Charles H. Osmond, et al., (Osmond), on September 3, 1957 tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 26, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 6 to Osmond's FPC Gas Rate Schedule No. 1.

Effective date: [1] November 1, 1957.

In support of the proposed increased rate, Osmond states that the price is fair, just and reasonable, that the contract resulted from arm's-length bargaining, and to deny him the increased price would be discriminatory.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8074; Filed, Oct. 1, 1957; 8:50 a. m.]

[Docket No. G-13315]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 26, 1957.

Shell Oil Company (Operator), (Shell), on September 3, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 29, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 17 to Shell's FPC Gas Rate Schedule No. 10.

Effective date: [1] October 4, 1957.

In support of the proposed increased rate, Shell states that the price increase provisions of the contract were an essential inducement to it to enter into the long-term contract and that the increased price is, in effect, the fair market price and was agreed to after arm's length negotiations.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8075; Filed, Oct. 1, 1957; 8:50 a. m.]

[Docket Nos. G-11797, G-12580]

EL PASO NATURAL GAS CO.

ORDER POSTPONING DATE FOR RESUMPTION OF HEARING

SEPTEMBER 26, 1957.

On September 6, 1957, the Commission staff counsel filed a motion requesting the Commission to postpone until further notice the date for resumption of the hearing in the above-entitled proceedings, which were recessed on July 17, 1957, by the presiding examiner to reconvene on September 23, 1957.

On September 13, 1957, El Paso filed its reply in opposition to the motion. Answers opposing staff counsel's motion were filed also by Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company and Southern Counties Gas Company of California, jointly, and the Public Utilities Commission of California.

Upon consideration of the motion to postpone the hearing in these proceedings, objections thereto, and arguments made in pleadings for and against the motion,

The Commission finds: Good cause exists, and it is appropriate in the public interest to postpone the date for resumption of the hearing in these consolidated proceedings to December 2, 1957.

The Commission orders: The date for resumption of the hearing in the above-docketed matters is postponed to December 2, 1957.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8063; Filed, Oct. 1, 1957; 8:48 a. m.]

[Docket No. G-12211 etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

NOTICE OF HEARING

SEPTEMBER 26, 1957.

In the matters of Sunray Mid-Continent Oil Company, Docket No. G-12211; Buffalo Oil Company, Docket No. G-12214; Warren Petroleum Corporation, Docket No. G-12215; United Gas Pipe Line Company, Docket No. G-12270.

Applications for certificates of public convenience and necessity were filed by Sunray Mid-Continent Oil Company (Sunray), Buffalo Oil Company (Buffalo), Warren Petroleum Corporation (Warren) and United Gas Pipe Line Company (United) in the above-captioned consolidated proceeding pursuant to section 7 (c) of the Natural Gas Act.

Sunray, Buffalo and Warren propose to sell natural gas in interstate commerce from Ridge Field and Area, Lafayette Parish, Louisiana to United for resale. United proposes to construct and operate the natural gas facilities necessary to take such gas into its pipeline system.

Notice of the filing of these applications together with their consolidation for purposes of hearing was issued on September 3, 1957, and published in the FEDERAL REGISTER on September 6, 1957 (22 F. R. 7166). This notice fixed September 23, 1957 as the last day for filing protests or petitions to intervene in this proceeding.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1957, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8064; Filed, Oct. 1, 1957; 8:48 a. m.]

[Docket No. G-13312]

E. J. HUDSON ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 26, 1957.

E. J. Hudson et al. (Hudson), on August 28, 1957, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 23, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 6 to Hudson's FPC Gas Rate Schedule No. 1.

Effective Date: [1] October 1, 1957.

In support of the proposed increased rate, Hudson states that the proposed rate is just and reasonable and represents the market value, and Hudson cites new sales to Texas Eastern Transmission Corporation at this price which have been authorized by the Commission.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commision.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8065; Filed, Oct. 1, 1957; 8:48 a. m.]

[Docket No. G-13316]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1957.

Sun Oil Company (Sun) on August 28, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 23.

Effective Date: [1] November 1, 1957.

In support of the proposed periodic rate increase,[2] Sun states that the contract was negotiated at arm's length; the increase is an integral part of the consideration, and the proposed rate does not exceed the value of the gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 23 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 23.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8066; Filed, Oct. 1, 1957; 8:48 a. m.]

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[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Osmond if later.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Shell if later.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Hudson, if later.

[1] The stated effective date is the effective date proposed by Sun.

[2] The subject periodic increase results from a recent agreement whereby Sun exercised its option under a favored-nation clause of its original contract to adopt the price provisions of new contracts executed by the buyer, Texas Eastern Transmission Corporation.

[3] Commissioner Digby dissenting.

[Docket No. G–10533, etc.]

TOKLAN OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 26, 1957.

In the matters of Toklan Oil Corporation et al.,[1] Docket No. G–10533; Toklan Oil Corporation,[2] Docket No. G–11044; Cities Service Oil Company, Docket No. G–11127; B. E. Talkington et al.,[3] Docket No. G–11374; Sohio Petroleum Company,[4] Docket No. G–11375; M. B. Armer, Docket No. G–11411; Cree Drilling Company, Inc.,[5] Docket No. G–11415; The Texas Company, Docket Nos. G–11478, G–12535, G–12570; Skelly Oil Company, Operator, et al.,[6] Docket No. G–11708; International Oil Corporation, Operator, et al.,[7] Docket No. G–11720; Milton F. Shaffer, Operator, et al.,[8] Docket No. G–11792; Producing Properties, Inc., Docket No. G–11798; The Carter Oil Company, Docket Nos. G–11836, G–12026; Monsanto Chemical Company, Docket No. G–11888; Meadows Oil Company, Docket No. G–11889; Huval & Dunigan, Operator, et al.,[9] Docket No. G–11890; Magnolia Petroleum Company, Docket Nos. G–11917, G–11984, G–12686; John W. Mecom, Operator, et al.,[10] Docket No. G–11966; American Natural Gas Company, Operator,[11] Docket No. G–11972; Christie, Mitchell and Mitchell Company et al.,[12] Docket No. G–11975; Tex-Penn Oil and Gas Corporation, Operator, et al.,[13] Docket No. G–11976; The Pure Oil Company, Docket No. G–12012; Herman Brown, Docket No. G–12015; Murphy Corporation, Docket No. G–12024; R. H. Siegfried, Inc., Operator, et al.,[14] Docket No. G–12027; Carter-Jones Drilling Company, Operator, et al.,[15] Docket No. G–12047; Alden E. Branine and F. G. Holl, Docket No. G–12300; Magnolia Petroleum Company, Operator, et al.,[16] Docket No. G–12323; Buhl Stanley et al.,[17] Docket No. G–12339; Delbert Goff et al.,[18] Docket No. G–12357; Atlantic Oil Corporation, Docket No. G–12433; Fairman Drilling Company,[19] Docket Nos. G–12497, G–12498; Columbian Fuel Corporation, Docket No. G–12508; The Texas Company, Operator, et al.,[20] Docket No. G–12568; Acco Oil & Gas Company, Operator, et al.,[21] Docket No. G–12573; Toklan Oil Corporation,[22] Docket No. G–12595; Robert Cargill, Docket Nos. G–12607, G–12608; Musgrove Petroleum Corporation, Inc., Docket No. G–12611; Carl Heckert Gas Co., by G. Miller, Agent, Docket No. G–12617; Philip Lemon et al.,[23] Docket No. G–12620; C. A. Scott Gas and Oil Company, Docket No. G–12621; Gregg Farm Gas Company, Docket No. G–12622; Morris Oil and Gas Company, Docket No. G–12623; R. Olsen,[24] Docket No. G–12630; R. Olsen, Operator, et al.,[25] Docket No. G–12631; R. Olsen,[26] Docket No. G–12632; Texam Oil Corporation et al.,[27] Docket No. G–12652; W. C. McBride, Inc.,[28] Docket No. G–12681; Fairman Drilling Company,[29] Docket No. G–12687; L. E. Smith and L. G. Cameron, Docket No. G–12689; Phillips Petroleum Company, Operator,[30] Docket No. G–12690; Fairman Drilling Company,[31] Docket No. G–12700; Aztec Oil and Gas Company, Docket No. G–12715; Seaboard Oil Company,[32] Docket No. G–12717; Magnolia Petroleum Company, Operator,[33] Docket No. G–12718; Sohio Petroleum Company, Docket No. G–12719; Claud E. Aikmen and F. M. Late, Docket No. G–12724; Frank Zickefoose et al.,[34] Docket No. G–12733; Northern Natural Gas Producing Company, Docket No. G–12742; C. W. Tomlinson, Operator, et al.,[35] Docket No. G–12744; Price Oil and Gas Company, Docket No. G–12745; Mary E. Thornbrough,[36] Docket No. G–12748; White Eagle Oil Company and/or Helmerich & Payne, Inc.,[37] Docket No. G–12750; The Superior Oil Company, Docket No. G–12761; Gail Nutter,[38] Docket No. G–12829; A. M. Cooper et al.,[39] Docket No. G–12830; Hurst Simmons Gas Company, Docket No. G–12831; Perry Gas Company et al.,[40] Docket No. G–12838; John E. Lydle et al.,[41] Docket Nos. G–12866, G–12911; Midstates Oil Corporation, Docket No. G–12879; Perry Gas Company et al.,[42] Docket No. G–12909; Jules G. Franks et al.,[43] Docket No. G–12912.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G–; Location of Field; and Buyer

10533, 12015; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Company.

11044; Camrick S. E. Pool, Texas County, Okla.; Natural Gas Pipe Line Company of America.

11127; S. E. Lea County Gas Fields, Lea County, N. Mex.; Permian Basin Pipeline Company.

11374, 11889; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

11375; S. Deckers Prairie Field, Montgomery County Tex.; Tennessee Gas Transmission Company.

11411; Carver-Robbins Field, Pratt County, Kans.; Panhandle Eastern Pipe Line Company.

11415; West Panhandle Field, Moore County, Tex.; Phillips Petroleum Company.

11478; Alfred Field, Jim Wells County, Tex.; Alfred Production Company.

11708, 12607, 12608; Carthage Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

11720; Yoward Field, Bee County Tex.; Texas Eastern Transmission Corporation.

11792; West Panhandle Field, Hutchinson County, Tex.; Producing Properties, Inc.

11798; West Panhandle Field, Hutchinson County, Tex.; Colorado Interstate Gas Company.

11836, 12595; Camrick Southeast Field, Beaver County, Okla.; Natural Gas Pipeline Company of America.

11888; Bond Field, Meade County, Kans.; Panhandle Eastern Pipe Line Company.

11890; Quinduno Field, Roberts County, Tex.; Natural Gas Pipeline Company of America.

11917; Russell-Atkinson Lease, Green Field, Karnes County, Tex.; United Gas Pipe Line Company.

11966; La Rose Field, La Fourche Parish, La.; Tennessee Gas Transmission Company.

11972; Pine Island Field, Caddo Parish, La.; Arkansas Louisiana Gas Company.

11975; South Weesatche Field, Goliad County, Tex.; Texas Eastern Transmission Corporation.

11976; Agua Dulce Field, Nueces County, Tex.; The Nueces Company.

11984; Jicarillo Area, Rio Arriba County, N. Mex.; Pacific Northwest Pipeline Corporation.

12012; Harper Ranch Field, Clark and Comanche Counties, Kans.; Northern Natural Gas Company.

12024; Greenwood-Waskom Field, Caddo Parish, La.; United Gas Pipe Line Company.

12026; Acreage in Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

12027; Panhandle Field, Hutchinson County, Tex.; Shamrock Oil and Gas Corporation.

12047; Logansport Field, De Soto Parish, La.; Texas Eastern Transmission Corporation.

12300; Embry Field, Edwards County, Kans.; Northern Natural Gas Company.

12323; Panther Creek Field, Garvin County, Okla.; Lone Star Gas Company.

12339; Pullman Area, Union District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

12357; Troy District, Gilmer County, W. Va.; Equitable Gas Company.

12433; Olivett Field, Lincoln County, Okla.; Cities Service Gas Company.

12497, 12687; Luthersburg-Deemer Field, Jefferson County, Pa.; New York State Natural Gas Corporation.

12498; Luthersburg Field, Clearfield County, Pa.; New York State Natural Gas Corporation.

12508; Acreage in Edwards County, Kans.; Northern Natural Gas Company.

12535; Camrick Southeast Field, Texas and Beaver Counties, Okla.; Natural Gas Pipeline Company of America.

12568; Camrick Southeast Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Company, Inc.

12570; Guymon-Hugoton Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Company, Inc.

12573; New Talton, North Field, Wharton County, Tex.; Texas Eastern Transmission Corporation.

12611; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Company.

12617; Sinking Creek Field, De Kalb District, Gilmer County, W. Va.; Hope Natural Gas Company.

12620, 12733; Acreage in Union District, Ritchie County, W. Va.; Hope Natural Gas Company.

12621; Acreage in Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

12622; Acreage in Lafayette District, Pleasants County, W. Va.; Hope Natural Gas Company.

12623; Sycamore Area, Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

12630, 12631, 12632; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.

12652; South Tilden Area, McMullen County, Tex.; Transcontinental Gas Pipe Line Company.

12681; Carthage Field, Panola County, Tex.; Texas Eastern Transmission Corporation.

12686; East Bishop Field, Nueces County, Tex.; Texas Eastern Transmission Corporation.

12689; Bear Creek Field, Bienville Parish, La.; Southern Natural Gas Company.

12690; East Hansford Area, Hansford, Hutchinson and Ochiltree Counties, Tex.; Northern Natural Gas Company.

12700; Benezette Field, Gibson Township, Cameron County, Pa.; New York State Natural Gas Company.

12715; Blanco-Mesa Verde Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

12717; Christmas Field, De Witt County, Tex.; Texas Eastern Transmission Corporation.

12718; Perryton Field, Ochiltree County, Tex.; Northern Natural Gas Company.

12719, 12750; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Company.

12724; San Juan Basin, San Juan County, N. Mex.; El Paso Natural Gas Company.

12742; Hugoton Field, Stevens, Kearny, and Grant Counties, Kans.; Northern Natural Gas Company.

12744; Robberson Field, Garvin County, Okla.; Lone Star Gas Company.

12745; Millstone Creek Field, Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

12748; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

12761; Perryton West Field, Ochiltree County, Tex.; Northern Natural Gas Company.

12829, 12912; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

12830; Lafayette District, Pleasants County, W. Va.; Hope Natural Gas Company.

12831; Smithfield District, Roane County, W. Va.; Hope Natural Gas Company.

12838, 12909; Buffalo Creek Field, Triadelphia District, Logan County, W. Va.; Hope Natural Gas Company.

12866; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Company.

12879; Northeast Waynoka Field, Woods County, Okla.; Cities Service Gas Company.

12911; Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

Said applications are on file with the Commission and open for public inspection.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[1] Toklan Oil Corporation and Aberdeen Petroleum Company, Nonoperators, are filing as individuals for the 25/473.16 interest which each owns in a 583.16-acre gas unit. Both are signatory seller parties to the gas sales contract dated April 23, 1956. Production is limited to horizons below the base of the Keyes Formation. Colorado Interstate, buyer and also operator of the subject well, commenced taking gas March 11, 1955.

[2] Toklan Oil Corporation, Nonoperator, is filing for its interest in the subject unit and is a signatory party to the ratification agreement (also signed by purchaser) dated July 18, 1956, to a basic contract between Carter Oil Company and Natural Gas Pipeline Company of America. Carter was authorized in Docket No. G–9765 to sell gas under the basic contract.

[3] B. E. Talkington is filing for himself and as Attorney-in-Fact for 21 additional members of a partnership. All are signatory seller parties to the gas sales contract dated October 10, 1956.

[4] Application covers the proposed sale of natural gas under a ratification agreement dated January 3, 1956, to a basic contract dated June 3, 1954, between R. E. Smith, et al., Sellers, and Tennessee Gas Transmission Company, Buyer. R. E. Smith, et al., was authorized in Docket No. G–7332 covering basic contract. Sohio Petroleum Company and purchaser have both signed the subject ratification agreement.

[5] Cree Drilling Company, Inc., is the only signatory seller party to the proposed gas sales contract dated October 22, 1956.

[6] Skelly Oil Company, Operator, is filing for itself and lists in the application the following owners of working interests: Skelly Oil Company, Operator, Hudson Gas & Oil Company, Tom Cook, Jr., Trustee, Bert Fields, A. R. Graves, G. J. Hollandsworth, Carter-Jones Drilling Company, Robert Cargill, Mrs. Pearl E. Jones, and Miss Kathryn N. Jones.

[7] International Oil Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Geneva Liebman, Maudie Gibson, A. G. Calhoun, C. A. Holshouser, Morris Cannan, Jane Louise Wolf, and J. L. Wright, all of whom are signatory seller parties to the gas sales contract dated October 22, 1956.

[8] Milton F. Shaffer, Operator, and Adams & McGahey, a co-partnership composed of R. W. Adams, Fred McGahey, David E. McGahey, and Ruth McGahey, are filing as individuals and are all signatory seller parties to the gas sales contract dated November 27, 1956.

[9] Applicants, Huval & Dunigan (a partnership composed of I. J. Huval, E. J. Dunigan, Jr., and James B. Dunigan), Operator, and Lefors Petroleum Company, Inc., are filing individually and each owns 50 percent working interest in the subject leases. The parties comprising the partnership and Lefors Petroleum Company, Inc., are all signatory seller parties to the gas sales contract dated January 9, 1957.

[10] John W. Mecom, Operator, is filing for himself and on behalf of nonoperator Freeport Oil Company (Division of Freeport Sulphur Company). Both are signatory seller parties to the gas sales contract dated December 31, 1956.

[11] American Natural Gas Company, Operator, is a partnership consisting of Alvin Johnson, J. P. Baxter, D. C. Carnes, H. N. K. Brookings, Clay Johnson, and C. R. Wilkerson, which individuals are signatory seller parties to the gas sales contract dated January 25, 1957.

[12] Christie, Mitchell and Mitchell Company is filing for itself and as agent for Stephen C. Clark, Frio Drilling, Inc., Oil Drilling, Inc., Mrs. Ruth Pulaski, William Stix Wasserman, Investment Corporation of Philadelphia, Johnny Mitchell, Trustee, Louis Pulaski, R. E. Smith and Waterford Oil Company. All are signatory seller parties to the gas sales contract dated October 18, 1956.

[13] Tex-Penn Oil & Gas Corporation, Operator, is filing for itself and on behalf of nonoperator Moody-Texas Oil Corporation. Both are signatory seller parties to the gas sales contract dated January 29, 1957.

[14] R. H. Siegfried, Inc., Operator, is filing for itself and on behalf of co-owners as follows: R. H. Siegfried, Inc., Operator; L. F. Rooney; T. A. Hester; and M. W. Staples. All are signatory seller parties to the gas sales contract dated December 18, 1956.

[15] Carter-Jones Drilling Company, Operator, is filing for itself and on behalf of the following nonoperators: Smith P. Reynolds; Birdsong-Gabriel Oil Company, a partnership composed of Fred Birdsong and Carter Gabriel; The Ohio Oil Company; and Monsanto Chemical Company. All are signatory seller parties to the gas sales contract involved herein.

[16] Magnolia Petroleum Company, Operator, is filing for its 75 percent interest in the subject lease and lists the nonoperator, Southland Royalty Company, as owner of the remaining 25 percent working interest. Both are signatory seller parties to the gas sales contract dated January 10, 1957.

[17] J. M. L. Smith and Olin B. Wetzel, Attorneys-in-Fact, are filing for Buhl Stanley, et al., a partnership. The parties comprising "et al." are not indicated in the application or the rate schedule filings. J. M. L. Smith and Olin B. Wetzel are the only signatory seller parties to the gas sales contract dated February 5, 1957.

[18] Delbert Goff, the only signatory seller party to the gas sales contract dated February 2, 1957, is filing for himself and on behalf of 33 co-owners listed in the sales contract.

[19] Fairman Drilling Company, applicant, is a partnership composed of Hermes H. Fairman, Harry H. Fairman, Earl F. Fairman, Frank Fairman, Ernest E. Fairman, Milo M. Fairman, Roy R. Fairman and Hubert S. Griffiths. All of the above-named individuals are signatory seller parties to the gas sales contract dated April 2, 1957. In addition, John Kovats, assignee of ⅛ working interest, has attained signatory status.

[20] The Texas Company, operator of the O. M. McBride Unit, is filing for itself and on behalf of nonoperators as follows: The Texas Company; T. F. Volles, J. D. Volles, T. P. Metcalf and L. C. Brawner. In addition, The Texas Company, Nonoperator, is filing for its interest in the following gas units: Richards "B" Unit Well No. 2; Elliot Unit Well No. 2; State "A" Unit; Friesen Unit; Jolliffe Unit; and Neff "D" Unit Well No. 2. The Texas Company is the only signatory seller party to the gas sales contract dated December 7, 1956. Production is limited to horizons below Hugoton Formation or sea level, whichever is deeper, to the base of Mississippian or top of Ordivician, whichever is deeper.

[21] Acco Oil & Gas Company, Operator, is filing for its interest and on behalf of Drilling and Exploration Company, Inc.; Royal Gas Corporation; H. J. Chavanne, Trustee; and Joe A. Berry, nonoperators. All are signatory seller parties to the gas sales contract involved herein.

[22] Application involves a proposed sale under a ratification agreement dated December 17, 1956, of a basic contract dated November 7, 1955, between Carter Oil Company and Natural Gas Pipeline Company of America. Carter was authorized in Docket No. G–9765 covering basic contract. Applicant is a signatory party to the subject ratification agreement which has not been executed by buyer.

[23] Philip Lemon is filing for himself and as Attorney-in-Fact for Harry C. Tinney, Ada G. Califf, J. Paul Harr, Edward M. Bennett, Ralph M. Shahan, L. Kemp Steinbeck, Mrs. Elizabeth Collins, R. V. Collins, M. W. Boylam, Russell Harman, Donald Ford, Mrs. Paul E. Malone, Rev. Michael J. Hannon, Mrs. Ethel Harden, H. B. Layfield and J. O. Sharp. Philip Lemon is a signatory seller party to

Footnotes at end of document.

and has signed as Attorney-in-Fact for the above-mentioned parties, the gas sales contract dated April 24, 1957.

[34] Applicant, R. Olsen, is successor to Olsen-Blount Drilling Company. R. Olsen, President of the Olsen-Blount Drilling Company, is the only signatory seller party to the gas contract dated February 19, 1952, as amended.

[35] R. Olsen, Operator, is filing for himself and on behalf of the following nonoperators: Gutman Lease—R. Olsen, Operator, and I. Rudman Estate; Eva Owen "D" Lease—R. Olsen; Humble Oil & Refining Company; Anderson-Prichard Oil Corporation; Harry Leonard; Skelly Oil Company. In addition, R. Olsen is filing for its 100 percent interest in the Dyer, Gutman "18", L. L. Gregory, R. O. Gregory, Hodge and Farnsworth Leases, and for its interest in the Woolworth "27" Lease. R. Olsen is the only signatory seller party to the gas sales contract dated March 19, 1951, as amended.

[36] Applicant, R. Olsen, is successor to Olsen-Blount Oil Company and is filing for its 100 percent interest in the Lodge, Legal and Call "A" Leases and its 95.3125 percent interest in the Jenkins Lease. R. Olsen, President of the Olsen-Blount Oil Company, is the only signatory seller party to the gas sales contract dated September 13, 1951, as amended.

[37] Texam Oil Corporation is filing for its interest and Henderson Coquat, John Hall Allen, and Cohu & Co., all of whom are signatory seller parties to the same sales contracts involved herein.

[38] Application covers the sale of the interest in three gas units attributable to W. C. McBride, Inc., Nonoperator, under a ratification agreement dated April 27, 1953, of a basic contract dated April 27, 1953, between Humble Oil & Refining Company, Operator, Seller, and Texas Eastern Transmission Corporation, Buyer. Humble authorized in Docket No. G–3081 to sell gas under the basic contract. Basic contract limits production to horizons to base of Travis Peak Formation.

[39] Hermes H. Fairman, Harry H. Fairman, Earl F. Fairman, Frank F. Fairman, Ernest E. Fairman, Milo M. Fairman, Roy R. Fairman and Hubert S. Griffiths, d. b. a. Fairman Drilling Company, are all signatory seller parties to the gas sales contract dated April 2, 1957. In addition, John Kovats, who has acquired by assignment a ⅛ working interest, has attained signatory seller party status to the above-mentioned gas sales contract.

[40] Phillips Petroleum Company is filing for its interest in numerous leases and is the only signatory seller party to the gas sales contract dated May 2, 1957.

[41] Hermes H. Fairman, Harry H. Fairman, Earl F. Fairman, Frank F. Fairman, Ernest E. Fairman, Milo M. Fairman, Roy R. Fairman and Hubert S. Griffiths, d. b. a. Fairman Drilling Company, are all signatory seller parties to the gas sales contract dated April 24, 1957. In addition, John Kovats and F. K. Fawcett are also signatory seller parties to the above-mentioned contract.

[42] Seaboard Oil Company is filing for its interest in the W. L. C. Poetter Lease. Applicant is a signatory seller party to a gas sales contract between Seaboard Oil Company, et al., Sellers, and Wilcox Trend Gathering System, Inc., Buyer, dated February 22, 1957.

[43] Magnolia Petroleum Company, Operator, filing for itself and as operator of the George Mounts Unit, lists the following owners of working interests: Magnolia Petroleum Company, Operator, and Pioneer Production Corporation. In addition, Magnolia is filing for its 100 percent interest in 640 acres presently nonproductive. Magnolia is the only signatory seller party to the gas sales contract dated February 25, 1957. Production is limited to horizons above the Mississippi Limestone Zone.

[44] Those parties comprising the et al. are not indicated in the application.

[45] C. W. Tomlinson, Operator, is filing for his interest in the subject lease and on behalf of nonoperators as follows: Gilmer Oil Company and Maude R. Tomlinson.

[46] Application covers ratification agreement dated April 19, 1956, which dedicates Applicant's 12.5 percent interest in subject gas unit to a basic contract dated May 11, 1953, between Albert A. Thornbrough and Colorado Interstate. Albert A. Thornbrough was authorized to sell gas under the basic contract in Docket No. G–3780. Applicant and Colorado Interstate are both signatory parties to the subject ratification agreement.

[47] Amendment filed September 4, 1957, requested that temporary authority, previously requested in filing on August 5, 1957, be extended to cover the interest of Sinclair Oil and Gas Company.

[48] Those parties comprising the et al. are not indicated in the certificate application or the rate schedule filing.

[49] Application filed by Russell Perry, partner in the Perry Gas Company, Applicant. Russell Perry, Claude A. Joyce, C. C. Chambers, C. B. Morris, Elmer McDonald and C. B. Pace, partners, are all signatory seller parties to a gas sales contract dated March 25, 1957.

[50] John E. Lydle is filing for himself and as agent for Bruce J. Lowe. Both are signatory seller parties to the gas sales contract dated April 10, 1957, Docket No. G–12866, and May 17, 1957, Docket No. G–12911.

[51] Application filed by Russell Perry, partner in the Perry Gas Company, Applicant. Russell Perry, Triad Company, Ralph Lamb and Muncy Drilling Company, partners, are all signatory seller parties to a gas sales contract dated May 29, 1957.

[52] Jules G. Franks and John H. Kelsay are filing for themselves and as Agents and Attorneys-in-Fact for 15 additional parties. Jules G. Franks and John J. Kelsay are the only signatory seller parties to the gas sales contract dated June 18, 1957.

[F. R. Doc. 57–8062; Filed, Oct. 1, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 57–1076]

[Amdt. 0–33]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

ESTABLISHMENT OF AN OFFICE OF NETWORK STUDY IN THE BROADCAST BUREAU

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

It appearing that the Network Study Group, under the direction of the Network Committee, has been conducting a special study of radio and television network operations; and

It further appearing that this special study is nearing completion; and

It further appearing that there is need for a more permanent organization, within the framework of the Commission's regular organizational structure, to assist the Commission in dealing with problems relating to radio and television networks,

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. There is hereby established in the Broadcast Bureau an Office of Network Study;

B. The Office of Network Study will be under the immediate supervision of a chief, who will report to and be supervised by the Chief of the Broadcast Bureau;

C. The Special Staff of the Network Study Group is hereby abolished, and its functions, personnel and records are transferred to the Broadcast Bureau;

It is further ordered, That the amendment to the Commission's Statement of Organization, Delegations of Authority and Other Information set forth below is adopted.

This order shall become effective on the 1st day of October 1957.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 0, Statement of Organization, Delegations of Authority and Other Information, as follows:

1. Add the following to section 0.13.

(g) Office of Network Study

2. Add the following section.

SEC. 0.20 *Office of Network Study.* The Office of Network Study conducts studies and compiles data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

[F. R. Doc. 57–8096; Filed, Oct. 1, 1957; 8:53 a. m.]

[Docket No. 12183; FCC 57–1061]

WILEY J. DOBY

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Wiley J. Doby, Winston-Salem, North Carolina, Docket No. 12183, File No. 1819–C2–R–57; for the renewal of the license for the station KIE954, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KIE954, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Winston-Salem, North Carolina; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KIE954 at Winston-Salem, North Carolina; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application, and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KIE954.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KIE954 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8085; Filed, Oct. 1, 1957; 8:52 a. m.]

[Docket No. 12184; FCC 57–1062]

HARRIS CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Harris Company, Portland, Maine, Docket No. 12184, File No. 2223–C2–R–57, for the renewal of the license for the station KCB892, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KCB892, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Portland, Maine; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KCB892 at Portland, Maine; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KCB892.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KCB892 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8086; Filed, Oct. 1, 1957, 8:52 a. m.]

[Docket No. 12185; FCC 57–1063]

JAMES G. PRESTWOOD, JR.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of James G. Prestwood, Jr., Augusta, Georgia, Docket No. 12185, File No. 1981–C2–R–57; for the renewal of the license for the station KIE960, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KIE960, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Augusta, Georgia; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KIE960 at Augusta, Georgia; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KIE960.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KIE960 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file their appearance in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8087; Filed, Oct. 1, 1957; 8:52 a. m.]

[Docket No. 12186; FCC 57–1064]

W. H. KELLEY

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. H. Kelley, Centralia, Illinois, Docket No. 12186, File No. 170–C2–R–57; for the renewal of the license for the station KSA620, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KSA620, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Centralia, Illinois; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KSA620 at Centralia, Illinois; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KSA620.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KSA620 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8088; Filed, Oct. 1, 1957; 8:52 a. m.]

[Docket No. 12187; FCC 57-1065]

M. & M. TRUCKING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of M & M Trucking Company, Akron, Ohio, Docket No. 12187, File No. 1180-C2-R-57; for the renewal of the license for the station KQC575, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KQC575, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Akron, Ohio; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KQC575 at Akron, Ohio; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KQC575.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KQC575 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8089; Filed, Oct. 1, 1957; 8:52 a. m.]

[Docket No. 12188; FCC 57-1066]

MORGAN CLEANERS-FURRIERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Morgan Cleaners-Furriers, Inc., Mansfield, Ohio, Docket No. 12188, File No. 1355-C2-R-57; for the renewal of the license for the station KQC876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above entitled application for renewal of the license for station KQC876, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Mansfied, Ohio; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KQC876 at Mansfield, Ohio; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KQC876.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KQC876 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8090; Filed, Oct. 1, 1957; 8:52 a. m.]

[Docket No. 12189; FCC 57-1067]

HARRY WILLIAM OVERHOLTZER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Harry William Overholtzer, Pottstown, Pennsylvania, Docket No. 12189, File No. 953-C2-R-57; for the renewal of the license for the station KGB876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957:

The Commission having under consideration the above entitled application for renewal of the license for station KGB876, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Pottstown, Pennsylvania; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KGB876 at Pottstown, Pennsylvania; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KGB876.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KGB876 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8091; Filed, Oct. 1, 1957; 8:53 a. m.]

[Docket No. 12190; FCC 57-1068]

RADIO BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 12190; File No. 1239-C2-R-57; for the renewal of the license for the station KGB874, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the above entitled application for renewal of the license for station KGB874, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Philadelphia, Pennsylvania; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KGB874 at Philadelphia, Pennsylvania; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KGB874.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KGB874 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau, is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8092; Filed, Oct. 1, 1957; 8:53 a. m.]

[Docket No. 12191; FCC 57-1069]

RADIO DISPATCH SERVICE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Dispatch Service, St. Louis, Missouri, Docket No. 12191, File No. 848-C2-R-57; for the renewal of the license for the station KAA888, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

The Commission having under consideration the above-entitled application for renewal of the license for station KAA888, a two-way communication facility in the Domestic Public Land Mobile Radio Service at St. Louis, Missouri; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KAA888 at St. Louis, Missouri; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereinafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KAA888.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KAA888 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file

their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8093; Filed, Oct. 1, 1957; 8:53 a. m.]

[Docket No. 12192; FCC 57-1070]

H. B. SCHULTZ

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of H. B. Schultz, Fort Wayne, Indiana, Docket No. 12192, File No. 1584-C2-R-57; for the renewal of the license for the station KSC868, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

The Commission having under consideration the above entitled application for renewal of the license for station KSC868, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Fort Wayne, Indiana; and

It appearing that there is a question whether a need exists for the public communication service offered for hire over station KSC868 at Fort Wayne, Indiana; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above applicant was advised as to the reason why the application cannot be granted without a hearing and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KSC868.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KIE954 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8094; Filed, Oct. 1, 1957; 8:53 a. m.]

[Docket No. 12193; FCC 57-1071]

MULTNOMAH COMMUNICATIONS SERVICE

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the application of Virgil U. Tillery, d/b as Multnomah Communications Service, Docket No. 12193, File No. 1810-C2-P-57; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Portland, Oregon (Station KOF919).

1. The Commission has before it for consideration (a) a protest timely filed on August 30, 1957, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by John T. Raptor, d/b as Mobile Communication Service (hereinafter called Protestant), licensee of station KOA264, a two-way facility licensed in the Domestic Public Land Mobile Radio Service at Portland, Oregon, protesting the Commission's action of August 1, 1957, granting without hearing the above-entitled application of Virgil U. Tillery, d/b as Multnomah Communications Service (hereinafter called Applicant) for a construction permit to provide a two-way communications service in the Domestic Public Land Mobile Radio Service at Portland, Oregon; (b) an informal response to said protest timely filed by the Applicant on September 9, 1957.

PRELIMINARY STATEMENT

2. On March 1, 1957, Applicant applied for a construction permit for the two-way communication service mentioned in paragraph 1 above. A construction permit was issued on August 1, 1957, and public notice of this action was issued on August 5, 1957 (Report No. 385, Mimeograph No. 48517). Prior to the grant of the above-captioned application, the Protestant filed an informal opposition thereto on March 25, 1957. Upon grant of the application, a letter was sent to the Protestant advising him that, although consideration had been given to his objections, there was insufficient basis for denial of the said application on the grounds of economic injury to Protestant's like facility at Portland, Oregon in view of the significant size and importance of the area to be served. No problem of mutual electrical interference exists between Protestant's station and Applicant's proposed station, since each will use different frequencies.

THE PROTEST

3. In support of his protest, Protestant asserts that he is a party in interest, within the meaning of section 309 (c) of the Communications Act, since Protestant is the licensee of station KOA264, a two-way facility operating in the Domestic Public Land Mobile Radio Service at Portland, Oregon, the city in which Applicant has been authorized to construct a competing facility; that, in spite of Protestant's "diligent efforts and sound economic management", his station has been operating at a deficit, "even without making any allowances for the services of the owner"; that "Protestant's station serves now approximately 50 mobile units and has excess circuit capacity capable of accomodating nearly twice that number of mobile units, based on the present channel loading"; that the "additional competition so authorized by the Commission will most seriously and adversely affect the revenues and the growth potential of Protestant's station"; and that Protestant "is, as a matter of law, entitled to protection from ruinous competition such as will result from the proposed operation by Applicant".

4. Protestant requests that the Application be designated for hearing upon the following issues:

(a) To determine the nature and extent of service rendered by Protestant, including the rates, charges, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine the nature and extent of service proposed by Applicant, including the rates, charges, practices, classifications, regulations, and facilities pertaining thereto;

(c) To determine the area and population presently covered by the facilities authorized to Protestant;

(d) To determine the area and population proposed to be covered by Applicant's station;

(e) To determine the need for the proposed additional service in the area served by Protestant, and the nature and extent of any benefit to the public which would accrue because of Applicant's proposed service;

(f) To determine whether any disadvantages to the public would accrue because of Applicant's proposed service;

(g) To determine whether Applicant is financially qualified to construct and operate the proposed station; and

(h) To determine in light of the evidence adduced on the foregoing issues whether the public interest, convenience and necessity would be served by a grant of the above-captioned application.

5. In support of his protest, Protestant avers that Applicant's financial showing does not qualify him to construct and operate his proposed station because his cash on hand would exceed by only $400 the amount that would be expended for the acquisition of a base station transmitter and one mobile unit to be installed in Applicant's own car, and Protestant states that $400 would be insufficient capital to operate the station, including the purchase of such additional mobile units as may be necessary to provide service to the public. Protestant points out that, since Applicant's balance sheet shows that the real estate and automobile are both encumbered, and the listed machinery and equipment appear to be essential for the Applicant's television and radio business, they would be unlikely subjects of liquidation for the purpose of raising necessary operating capital. Protestant further contends that the Applicant has not supplied the Commission with a reliable estimate of his operating expenses, because the anticipated annual revenue of $3,780 which will be used to cover monthly expenses of $170 is based on the expected servicing of 15 mobile units during the first year of operation, which is speculative.

6. Additionally, Protestant notes that the 15 mobile units alleged to be on hand in Applicant's inventory may require modification before they may be employed for use in the proposed service.

THE RESPONSE TO THE PROTEST

7. Applicant contends that the Protestant has not given a fair interpretation to the Applicant's financial showing. Applicant states that arrangements have been made to lease all of the necessary equipment for proper operation of his station. Applicant further states that Protestant's service has been notoriously poor and that an additional and better service is required.

DISPOSITION OF THE PROTEST

8. In the light of the fact that Protestant is the licensee of a two-way facility similar to that proposed by Applicant, and since there appears to be a very substantial area of overlap between the 37 dbu contours of the respective services, in which there will be economic competition between the parties, we are of the view that the Protestant is a party in interest, within the meaning of section 309 (c) of the act.

9. Because a grantee in this service is not entitled to protection outside the 37 dbu contour, which constitutes the basic service area of a station in this service, Protestant's issues (a) through (f) inclusive and issue (h) will be rewritten and limited in application to the respective 37 dbu contours of the parties (as defined in § 21.504 of our rules). Such contours will be determined in accordance with an FCC document identified as the "T. R. R. Report No. 4.3.8" and entitled "A Summary Of The Technical Factors Affecting The Allocation Of Land Mobile Frequencies In The 152 to 158 Megacycle Band". Protestant's issue (g), relative to Applicant's financial qualifications, will be adopted as proposed.

10. *Accordingly, it is ordered,* That, the effective date of the Commission's action of August 1, 1957, granting the above-captioned application is postponed pending a final decision by the Commission with respect to the evidentiary hearing hereinafter provided; and

11. *It is further ordered,* That, the above-entitled application is designated for hearing at the Commission's offices in Washington, D. C., at a time to be specified by a subsequent order, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the service now provided by the Protestant, and the nature and extent of the service proposed by Applicant including, as to each party, rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(b) To determine the 37 dbu contour covered by Protestant's station KOA264 at Portland, Oregon, in accordance with the engineering standards provided in T. R. R. Report No. 4.3.8 (see paragraph 9 above).

(c) To determine the 37 dbu contour covered by Applicant's station KOF919 at Portland, Oregon, in accordance with the engineering standards provided in T. R. R. Report No. 4.3.8. (see paragraph 9 above).

(d) To determine the need for the proposed service in the areas of overlap, as developed on issues (b) and (c) above, and the nature and extent of any benefits to the public which will accrue in the said overlap areas because of Applicant's proposed service.

(e) To determine whether any disadvantages to the public will accrue in such overlap areas because of Applicant's proposed service.

(f) To determine, with respect to Applicant's 37 dbu contour, calculated as aforesaid, the area outside the area of overlap in the 37 dbu contour of station KOA264 and the need for Applicant's service in such outside area.

(g) To determine whether there would be any benefit to the public by reason of the availability of Applicant's service as determined in issue (f) above, and whether such benefits, if any, together with any benefit shown under issue (d) above, outweighs any disadvantages which may be shown under issue (e) above.

(h) To determine whether Applicant is financially qualified to construct and operate the proposed station.

(i) To determine, in the light of the evidence adduced on all of the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the above-captioned application.

12. *It is further ordered,* That the burden of proof on issue (a), as to the matters relating to the respective parties, is with such party; the burden of proof on issues (c), (d), (f), (g), (h) and (i) is placed on the Applicant; and the burden of proof on issues (b) and (e) is placed on the protestant; and

13. *It is further ordered,* That the protestant and the Chief, Common Carrier Bureau, are made parties to the proceedings herein; and

14. *It is further ordered,* That the protest is allowed to the extent indicated herein; and

15. *It is further ordered,* That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Adopted: September 25, 1957.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8095; Filed, Oct. 1, 1957; 8:53 a. m.]

[1] Commissioner Ford abstaining from voting.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING COMMUNITY DISPOSITION SUPERVISOR, RICHLAND, WASH.

AMENDMENT OF DESIGNATION

The designation of Acting Community Disposition Supervisor, Richland, Washington, effective as of August 2, 1957 (22 F. R. 6133, 6134, August 2, 1957), is hereby amended in the following respect:

In item numbered 1, by striking "Assistant Community Disposition Supervisor for Operations" and inserting in lieu thereof "Assistant to the Community Disposition Supervisor (Operations)".

Effective as of the 2d day of October 1957.

WALKER MASON,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 57-8077; Filed, Oct. 1, 1957; 8:50 a. m.]

Public Housing Administration

ASSISTANT COMMISSIONER FOR MANAGEMENT ET AL.

DELEGATION OF AUTHORITY

Section II *Delegations of final authority* is amended as follows:

Effective October 1, 1957, the third sentence in Paragraph B is amended to read as follows:

In the absence of both the Commissioner and the Deputy Commissioner, one of the following officials (but not anyone acting in his stead) shall serve as Acting Commissioner: *Provided,* That he shall so serve only in the absence of all the officials above him:

Assistant Commissioner for Management.
Assistant Commissioner for Development.
Assistant Commissioner for Administration.
General Counsel.

Date approved: September 23, 1957.

CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 57-8067; Filed, Oct. 1, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 27, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commisssion under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described

may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 4991 (Deviation No. 1), MISSOURI-OKLAHOMA EXPRESS, INC., 512 South Sixth Street, St. Louis, Mo., filed September 18, 1957. Attorneys for said carrier, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Joplin, Mo., as follows: from Tulsa over various state roads and highways to the Will Roger's Turnpike, thence over the Will Roger's Turnpike to Joplin and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: between Ottawa, Kans., and Tulsa, Okla.: from Ottawa, Kans., over U. S. Highway 59 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction Kansas Highway 47, thence over Kansas Highway 47 to Fredonia, Kans., and return over the same highway to Altoona, Kans., and thence over U. S. Highway 75 via Caney, Kans., and Bartlesville, Okla., to Tulsa; between Independence, Kans., and St. Louis, Mo., as follows: from Independence over U. S. Highway 160 to junction U. S. Highway 169, thence over U. S. Highway 169 to Coffeyville, Kans., and junction U. S. Highway 166, thence over U. S. Highway 166 via Joplin, Mo., to junction U. S. Highway 65, thence over U. S. Highway 65 to junction U. S. Highway 66, thence over U. S. Highway 66 to St. Louis, Mo.

No. MC 52709 (Deviation No. 1), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo., filed September 19, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Los Angeles, Calif., and Kansas City, Mo., as follows: from Los Angeles over U. S. Highway 60 to junction Arizona Highway 71, thence over Arizona Highway 71 to junction U. S. Highway 89, thence over U. S. Highway 89 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction New Mexico Highway 422 and U. S. Highway 85 (via Las Vegas), thence over New Mexico Highway 422 and U. S. Highway 85 to junction U. S. Highway 350, thence over U. S. Highway 350 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 154, thence over U. S. Highway 154 to junction U. S. Highway 54, thence over U. S. Highway 54 to the Kansas Turnpike, thence over the Kansas Turnpike to Kansas City, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities, between Los Angeles, Calif., and Kansas City, Mo., over U. S. Highways 66 and 91, 50 and 6, 6, 77, 36, and 71, and Nebraska Highway 3.

No. MC 52986 (Deviation No. 1), NORTHWEST FREIGHT LINES, INC., 4300 State Avenue, P. O. Box 1695, Billings, Mont., filed September 23, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Miles City, Mont., and Minneapolis, Minn., as follows: from Miles City over U. S. Highway 12 via Aberdeen, S. Dak., and Willmar, Minn., to junction U. S. Highway 10, at Minneapolis and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Miles City, Mont., and Minneapolis, Minn., over U. S. Highway 10.

No. MC 57629 (Sub No. 1), (Deviation No. 1), THRU-WAY EXPRESS, INC., 64 Diamond Street, Plainville, Conn., filed September 20, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Junction New York Highways 23 and 9–H, and Fredonia, N. Y., as follows: from junction New York Highways 23 and 9–H over New York Highway 23 through Hudson to junction New York Highway 23 and New York State Thru-Way, thence over New York State Thru-Way to Fredonia and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Plainville, Conn., and Jamestown, N. Y., over the following pertinent route: from Plainville over Connecticut Highway 10 to Avon, Conn., thence over U. S. Highway 44 to junction U. S. Highway 7, thence over U. S. Highway 7 to junction Massachusetts Highway 23, thence over Massachusetts Highway 23 to the Massachusetts-New York State line, thence over New York Highway 23 to junction New York Highway 9–H, thence over New York Highway 9–H to junction U. S. Highway 9, thence over U. S. Highway 9 to Albany, thence over New York Highway 5 through Schenectady to Waterloo, thence over New York Highway 96 to Rochester, thence over New York Highway 33 to Buffalo, thence over New York Highway 5 to junction U. S. Highway 20, thence over U. S. Highway 20 to Fredonia, thence over New York Highway 60 to Jamestown (also from Schenectady over New York Highway 7 to Binghamton, thence over New York Highway 17 to Elmira, thence over New York Highway 17–E to Big Flats, thence over New York Highway 17 to Jamestown) and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–8071; Filed, Oct. 1, 1957; 8:49 a. m.]

[Notice 184]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 27, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 694 (Sub No. 3), filed September 9, 1957, CLETUS E. MUMMERT, East Berlin (Adams County), Pa. Applicant's attorney: Spencer R. Liverant, 141 East Market Street, P. O. Box 682, York, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper* and *paper products*, from Spring Grove (York County), Pa., to Berryville, Va. *Paper mill supplies and equipment*, and *returned, damaged or rejected shipments* of paper and paper products, on return. Applicant is authorized to transport similar commodities from and to specified points in Pennsylvania, Ohio, West Virginia, New Jersey, New York, Maryland, the District of Columbia and Virginia.

HEARING: November 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 704 (Sub No. 20) (CORRECTION) published issue September 11, 1957, at page 7248, filed July 15, 1957, JESSE O. WILLETT, doing business as J. P. WILLETT, P. O. Box 2836, Monroe, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipeline material, machinery* and *equipment*, incidental to and used in the construction, repairing, or dismantling of pipelines, between points in all states of the United States, including the District of Columbia, except points in California. RESTRICTION: Applied-for authority to be limited to traffic moving to or from pipe-line rights-of-way and pipe-line construction projects.

NOTE: Applicant requests cancelation of any duplicating authority in MC 704 (Sub No. 17) concurrently with issuance of a certificate as sought herein. Applicant is authorized to transport similar commodities in all states in the United States and the District of Columbia, except the State of California.

HEARING: Remains as assigned November 12, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner Allen W. Hagerty.

No. MC 1160 (Sub No. 4), filed August 15, 1957, WAGMAN TRANSFER CORPORATION, Myrtle Street and Fellsway, Medford, Mass. Applicant's attorney: Phil David Fine, 50 State Street, Boston 9, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper boxes* (knocked down), from Medford, Mass., to Paterson, N. J.; *Paraffin wax*, in drums, from Matawan, N. J., to Medford, Mass.; *Glassine paper*, in rolls, (a) from Milford, N. J., to Medford, Mass., and (b) from West Conshohocken, Pa., to Medford, Mass.; *Corrugated boxes*, from Maspeth, Long Island, N. Y., to Medford, Mass., and *Paper board*, from New Haven, Conn., to Medford, Mass. Applicant is authorized to transport similar commodities in Connecticut, Maryland, Massachusetts, and New Jersey.

HEARING: November 6, 1957, at the New Post Office and Court House Building, Boston, Mass., before Examiner Lacy W. Hinely.

No. MC 4405 (Sub No. 292), filed September 13, 1957, DEALERS TRANSIT, INC., 12601 Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trucks*, in secondary movements, in driveaway service, from Union City, Ind., to points in Arizona, Nevada, Oregon and Vermont; (2) *Bodies*, (in interstate or foreign commerce), from Union City, Ind., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 6, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 14063 (Sub No. 11), filed August 5, 1957, HARLAND C. LAIRD, doing business as LAIRD'S MOVERS, 45 Nelson St., Fairport, N. Y. Applicant's representative: Samuel V. Giannini, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New pianos*, unboxed, *piano parts, piano benches* and *piano box shooks*, from East Rochester, N. Y., to Philadelphia, Pa.; and *rejected pianos* and *pianos for repairs*, on return movements. Applicant is authorized to transport the commodities specified in Massachusetts, New Jersey and New York, and other commodities in the same states and in Connecticut, Maryland, Michigan, New Hampshire, Ohio, Pennsylvania, Vermont and West Virginia.

HEARING: November 22, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Isadore Freidson.

No. MC 22581 (Sub No. 4), filed August 14, 1957, OWEN CULLEN, doing business as CLANCY STORAGE CO., 2148 Westchester Avenue, Bronx 62, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New York, N. Y., on the one hand, and on the other, points in Ohio, Indiana, Michigan and Illinois. Applicant is authorized to transport household goods between New York, N. Y. and points in New York, Pennsylvania, Rhode Island, Virginia, North and South Carolina, Georgia, Florida, Maine, New Hampshire, Vermont, and Washington, D. C.

HEARING: November 15, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 29886 (Sub No. 105), filed August 5, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend 21, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Alabama, Georgia, Tennessee, and Kentucky, to points in that part of Indiana and Ohio on and north of U. S. Highway 40, points in that part of Illinois on and north of U. S. Highway 30, and to those in the lower Peninsula of Michigan. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 4, 1957, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 29886 (Sub No. 106), filed August 12, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend 21, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Arkansas and Missouri to points in Indiana, points in Illinois and Ohio on and north of U. S. Highway 40, and points in the southern peninsula of Michigan. Applicant is authorized to transport primarily automobiles, trucks, busses, etc., throughout the United States; it is also authorized to transport lumber from and to specified points in Washington.

HEARING: November 4, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 44639 (Sub No. 6), filed July 18, 1957, SAM MAITA, IRVING LEVIN AND ABE LEVIN, a partnership, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel*, and *materials and supplies* used in the manufacture of wearing apparel, between Newark, N. J., and New York, N. Y., on the one hand, and, on the other, Whiteford, Md. Applicant is authorized to conduct similar operations in New York, New Jersey and Virginia.

HEARING: November 5, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 45363 (Sub No. 7), filed July 23, 1957, STONE'S EXPRESS, INC., 144 Second Street, Cambridge, Mass. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New York, N. Y. and Trenton, N. J., over U. S. Highway 1, serving the intermediate points of Newark, Irvington, Hillside, Elizabeth, Linden, Rahway and New Brunswick, N. J., and the off-route points of Carteret and Perth Amboy, N. J. Applicant is authorized to conduct operations in New York, Massachusetts, and Rhode Island.

HEARING: November 7, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 52657 (Sub No. 508), filed August 29, 1957, ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by Passenger automobiles, in initial truckaway and driveaway service, from Cleveland and Cardington, Ohio to points in the United States; (B) *Tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Cleveland and Cardington, Ohio to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (C) *Bodies and cabs without wheels*, and *hydraulic hoists*, from Cleveland, Ohio to points in Alabama, Arizona, California, Colorado, Florida, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska (except Omaha, Nebr.), Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming; (D) *Bodies*, from Cardington, Ohio to points in the United States; and (E) *Bodies*, from St. Clair, Mo., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states it presently serves St. Clair, Mo., transporting Bodies in direct service to points in Illinois, Indiana, Iowa, Michigan, Ohio, Kentucky, Tennessee, West Virginia, and Wisconsin. By tacking through the gateways of Jerseyville, Ill., Indianapolis, Ind., Galion or Marion, Ohio, or Cedar Rapids, Iowa applicant can serve the balance of the United States. However, in certain instances, there would be a circuitous movement where such tacking is involved. Applicant further states that this portion of the application is made to eliminate operation via the said gateways.

HEARING: November 6, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 59759 (Sub No. 7), filed August 1, 1957, FOOD PRODUCTS TRUCKING CO., 235 Keats Avenue, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sugar*, in bags, boxes or containers, from New York, N. Y. to points in Fairfield County, Conn., and Dutchess and Westchester Counties, N. Y. Applicant is authorized to conduct operations in New York and New Jersey.

NOTE: Applicant's representative states that the above requested authority will be restricted to shipments moving to the retail outlets of Food Fair Stores, Inc. at points in the named counties.

HEARING: November 12, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 64932 (Sub No. 230), filed August 19, 1957, ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Stelner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from La Salle, Ill., and points within 10 airline miles thereof, to points in Indiana, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, Michigan and Ohio. Applicant is authorized to conduct similar operations in Kentucky, Michigan, Ohio, Illinois, Indiana, Iowa, Minnesota, Missouri, Wisconsin, New Jersey, New York, Pennsylvania, West Virginia, Tennessee, Alabama, Arkansas, Louisiana, Kansas, Oklahoma, Texas, Nebraska, North and South Carolina, Florida and Georgia.

HEARING: November 7, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 66900 (Sub No. 20), filed September 11, 1957, HOUFF TRANSFER, INCORPORATED, P. O. Box 61, Weyers Cave, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from Ellwood City, Johnstown, and Philadelphia, Pa., and Cumberland, Md., to points in Virginia; (2) from Baltimore and Sparrows Point, Md., to points in Virginia, except Staunton, Va., and points within 75 miles of Staunton; and (3) from Staunton, Va., to points in Greenbrier, Pocahontas, Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va., and those in Allegany and Garrett Counties, Md. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that the purpose of the instant application is to clarify its present certificate. Applicant is now authorized to transport "Such merchandise as is dealt in by wholesale or retail hardware stores" over the above-described routes.

HEARING: November 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 66900 (Sub No. 21), filed September 13, 1957, HOUFF TRANSFER, INCORPORATED, P. O. Box 61, Weyers Cave, Va. Applicant's attorney: Glenn F. Morgan, 1006–1008 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in that part of Pennsylvania on and south of U. S. Highway 422 and on and east of U. S. Highway 111 to points in Virginia and to Beckley, Charleston, Clarksburg, Elkins, Hinton, Killarney, Logan, Martinsburg, Meadow Creek, Montgomery, Oak Hill, Wheeling, and Williamson, W. Va., and Salisbury, Md. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant now holds authority from the above-described Pennsylvania area to Staunton, Va., and points within 50 miles of Staunton; also between Staunton and points within 80 miles of Staunton, except Roanoke, Va.; also between Washington, D. C., and points within 50 miles thereof and all of Virginia, and the Maryland and West Virginia points named above. Applicant states the purpose of this application is to obtain a single authority in one direction, which will permit direct transportation in lieu of the need to observe certain gateways as now required; no additional points or territory are proposed to be served by the instant application.

HEARING: November 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 72744 (Sub No. 1), filed August 5, 1957, JOHN BREUER, Sunnyside Place (P. O. Box 276), Lake Peekskill, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food busines houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Stoneco, N. Y., and extending in a northeasterly direction to Dover Plains, N. Y., thence east to Kent, Conn., thence south through Ridgefield and Georgetown to East Norwalk, Conn., thence across Long Island Sound to the Nassau-Suffolk County line, thence along the Nassau-Suffolk County line to the Atlantic Coast, thence along the Atlantic Coast to the southernmost point of Richmond County, N. Y., thence along the west boundary of Richmond County to the intersection of the Richmond County line with that of the Middlesex-Union, N. J., County lines at a point directly east of Carteret, N. J., thence along the boundary lines and including the Counties of Union, Essex, and Passaic, N. J., to the New Jersey-New York State line, thence in a northwesterly direction along the New York-New Jersey and the New York-Pennsylvania State lines to the intersection of the Orange County, N. Y., boundary line, thence in a northerly and easterly direction along the western and northern boundary line of Orange County, N. Y., and across the Hudson River to New Hamburg, N. Y., and thence north along the east bank of the Hudson River to Stoneco, and point of beginning, including points on the boundary lines described above. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

NOTE: Applicant states that the purpose of the instant application is to include Rockland and Orange Counties, N. Y., to the territory authorized it in Permit No. MC 72744, dated July 6, 1943. Duplication with present authority to be eliminated.

HEARING: November 14, 1957, at the New York Public Service Commission, 199 Church Street, New York, N. Y., before Examiner Isadore Freidson.

No. MC 73381 (Sub No. 6), filed August 22, 1957, HARRIS TRUCK LINE, INCORPORATED, 330 South Alameda Street, Los Angeles, Calif. Applicant's attorney: J. O. Goldsmith, 901 Builders Exchange Building, 656 South Los Angeles Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles* distributed by meat packing houses, as described in sub-division A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 272, and 61 M. C. C. 766, from points in the New York, N. Y., Commercial Zone to Las Vegas and Reno, Nev., Phoenix and Tucson, Ariz., and all points in California, Oregon and Washington. Applicant is authorized to conduct similar operations in Colorado, Illinois, Iowa and Nebraska.

HEARING: November 19, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 74262 (Sub No. 1), filed August 5, 1957, JOSEPH LEUNER, JR., INC., 817 East 140th Street, New York 54, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Stoneco, N. Y., and extending in a northeasterly direction to Dover Plains, N. Y., thence east to Kent, Conn., thence south through Ridgefield and Georgetown to East Norwalk, Conn., thence across Long Island Sound to the Nassau-Suffolk County line, thence along the Nassau-Suffolk County line to the Atlantic Coast, thence along the Atlantic Coast to the southernmost point of Richmond County, N. Y., thence along the west boundary of Richmond County to the intersection of the Richmond County line with that of the Middlesex-Union, N. J., County lines at a point directly east of Carteret, N. J., thence along the boundary lines and including the Counties of Union, Essex, and Passaic, N. J., to the New Jersey-New York State line, thence in a northwesterly direction along the New York-New Jersey and the New York-Pennsylvania State lines to the intersection of the Orange County, N. Y., boundary line, thence in a northerly and easterly direction along the western and northern boundary line of Orange County, N. Y., and across the Hudson River to New Hamburg, N. Y., and thence north along the east bank of the Hudson River to Stoneco, and point of beginning, including points on the boundary lines described above. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

NOTE: Applicant states that the purpose of the instant application is to include Rockland and Orange Counties, N. Y., to the territory authorized it in Permit No. MC 74262, dated October 19, 1949. Duplication with present authority to be eliminated.

HEARING: November 14, 1957, at the New York Public Service Commission, 199 Church Street, New York, N. Y., before Examiner Isadore Freidson.

No. MC 76570 (Sub No. 1), filed August 5, 1957, JOHN A. CAMPBELL, 861 East Lawn Drive, Teaneck, N. J. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Stoneco, N. Y., and extending in a northeasterly direction to Dover Plains, N. Y., thence east to Kent, Conn., thence south through Ridgefield and Georgetown to East Norwalk, Conn., thence across Long Island Sound to the Nassau-Suffolk County line, thence along the Nassau-Suffolk County line to the Atlantic Coast, thence along the Atlantic Coast to the southernmost point of Richmond County, N. Y., thence along the west boundary of Richmond County to the intersection of the Richmond County line with that of the Middlesex-Union, N. J., County lines at a point directly east of Carteret, N. J., thence along the boundary lines and including the Counties of Union, Essex, and Passaic, N. J., to the New Jersey-New York State line, thence in a northwesterly direction along the New York-New Jersey and the New York-Pennsylvania State lines to the intersection of the Orange County, N. Y., boundary line, thence in a northerly and easterly direction along the western and northern boundary line of Orange County, N. Y., and across the Hudson River to New Hamburg, N. Y., and thence north along the east bank of the Hudson River to Stoneco, and point of beginning, including points on the boundary lines described above. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

NOTE: Applicant states that the purpose of the instant application is to include Rockland and Orange Counties, N. Y., to the territory authorized him in Permit No. MC 76570, dated June 10, 1949. Duplication with present authority to be eliminated.

HEARING: November 14, 1957, at the New York Public Service Commission, 199 Church Street, New York, N. Y., before Examiner Isadore Freidson.

No. MC 78062 (Sub No. 28), filed September 16, 1957, BEATTY MOTOR EXPRESS INC., Jefferson Avenue Extension, P. O. Box 223, Washington, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Folding paper boxes*, knocked down flat, other than corrugated, and *paper board*, for National Folding Box Co., Div., Federal Paper Board Co., Inc., from points in South Strabane Township, Washington County, Pa., to points in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Virginia and West Virginia, and *materials, supplies* and *equipment*, except bulk raw materials, used or useful in the production and sale of such products, *refused and rejected merchandise, empty containers or other such incidental facilities* (not specified) used in transporting the above commodities and *pallets* on return. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, Ohio, New Jersey, Delaware, Maryland, Illinois, Indiana, Kentucky, New York, Virginia, Michigan and the District of Columbia.

HEARING: November 8, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 83539 (Sub No. 28), filed August 5, 1957, C & H TRANSPORTATION CO., INC., 1935 Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *tractors* (other than truck tractors) *tractor tool bars* and *tractor attachments*; (2) *contractors' equipment* and *contractors' equipment attachments*; (3) *construction, machinery and equipment* as defined by the Commission in Appendix VIII to MC 45, 61 M. C. C. 286; (4) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached and *empty containers*; (5) *cranes, derricks, lift trucks* and *attachments*; (6) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power; (7) *logging and mining machinery, equipment and attachments*; (8) *conex, seal bins*, and *plastic or metal containers*, empty or fully loaded; (9) *heavy machinery* and *attachments*; (10) *commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling; (11) *parts and accessories* of commodities described in Items 1 through 11 (inclusive) above, between points in Tennessee, Illinois, Indiana, Wisconsin, Ohio, Iowa, Minnesota, Michigan, and Pennsylvania, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Arizona, California and Nevada. Applicant is authorized to conduct operations in Arkansas, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, Wyoming, Michigan, Washington, Oregon, Idaho, Arizona, Nevada, and Utah.

HEARING: November 12, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 85087 (Sub No. 1), filed July 23, 1957, LEO HOLT, JR., 7307 Asbury Avenue, Melrose Park, Pa. Applicant's attorney: Morris J. Winokur, Market Street National Bank Building, Juniper and Market Streets, Philadelphia 7, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Logs and pilings, including those which are creosoted*, between Philadelphia, Pa., and points in New Jersey, Delaware, Maryland and New York.

HEARING: November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 87730 (Sub No. 17), filed September 12, 1957, R. W. BOZEL TRANSFER, INC., 414 West Camden Street, Baltimore, Md. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 and 766, from Baltimore, Md., in pool car distribution service, to points in Cecil County, Md., and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operation in Maryland, Pennsylvania, Delaware, Virginia, West Virginia, South Carolina, Georgia, Louisiana and the District of Columbia.

HEARING: November 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 96098 (Sub No. 18), filed August 26, 1957, RANDOLPH L. FOLLMER, doing business as H. H. FOLLMER CONTRACT HAULING, INC., North Front Street, P. O. Box 389, Milton, Pa. Applicant's representative: A. E. Enoch, Broadhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *contract carrier*, over irregular routes,

transporting: *Tops* and *bottoms*, for cans or containers, (sheet iron or steel or tin), from Baltimore, Md., to Milton, Pa. *Empty containers or other such incidental facilities* used in transporting the commodities specified, on return. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia.

HEARING: November 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 96286 (Sub No. 4), filed July 15, 1957, ECKNOR, INC., 7 Oakcrest Drive, Huntington Station, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lime* and *limestone* and *empty containers* used in the transportation of lime and limestone, between Franklin, N. J., and points in the New York, N. Y., Commercial Zone as defined by the Commission in 53 M. C. C. 451, and points in Nassau, Suffolk and Westchester Counties, N. Y. Applicant is authorized to transport similar commodities in Pennsylvania, New Jersey and New York.

HEARING: November 4, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 100592 (Sub No. 11), filed August 26, 1957, JAMES STUFFO, INC., 3010 North 21st Street, Philadelphia 32, Pa. Applicant's attorney: M. Randall Marston, 515 East Wynnewood Road, Merion Station, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Metal windows, metal window sections*, and *metal doors*, glazed and unglazed, uncrated; *parts and fittings* incidental to the erection and installation of such metal windows, sections, and doors, uncrated; *aluminum extrusions*, uncrated, when moving with shipments of metal windows, metal window sections, metal doors, and parts and fittings for such windows, doors, and window sections, also uncrated; *sample metal windows, sample metal window sections*, and *sample metal doors*, crated, from Philadelphia, Pa., to points in Missouri, Iowa and Wisconsin; and *empty containers and pallets* used in transporting the commodities specified above, and *damaged, defective and returned shipments* of the same commodities, from points in Missouri, Iowa and Wisconsin to Philadelphia, Pa. Applicant is authorized to transport the commodities specified in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia; and other commodities in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania and the District of Columbia.

HEARING: November 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 103721 (Sub No. 5), filed August 14, 1957, ORVILLE W. SICKELS, R. F. D. No. 1, Palmerton, Pa. Applicant's attorney: James J. Cody, Jr., 26 Pemberton Square, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from Lansford, Pa., to the site of the Sea View Hospital, Staten Island (Richmond County), N. Y. Applicant is authorized to transport coal from specified points in Pennsylvania to specified points in New Jersey and New York.

HEARING: November 18, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 103993 (Sub No. 94), filed September 3, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Aurora and Naperville, Ill., and points within 10 miles of Aurora and Naperville, Ill., to all points in the United States. Applicant is authorized to transport trailers throughout the United States.

HEARING: November 8, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 106282 (Sub No. 5), filed August 28, 1957, SPEEDWAY TRANSPORTS, INC., 7933 Clayton Road, St. Louis 17, Mo. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, as defined in *Descriptions in Motor Carrier Certificates*, Ex Parte No. MC 45, in initial movements, via driveaway and truckaway methods, from Kenosha, Wis., to all points in Oklahoma and Texas, and *damaged, rejected or returned shipments* of the commodities specified in this application on return. *Parts* and *accessories* of the above-specified commodities transported at the same time and with the vehicle of which they are a part and on which they are to be installed, from Kenosha, Wis., to all points in Oklahoma and Texas, and return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Missouri and Wisconsin.

HEARING: November 8, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 106398 (Sub No. 88), filed September 3, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Aurora and Naperville, Ill., and points within 10 miles of Aurora and Naperville, Ill., to all points in the United States. Applicant is authorized to transport trailers throughout the United States.

HEARING: November 8, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 106965 (Sub No. 112), filed September 5, 1957, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Baltimore, Md., to Alexandria, Va., and points in Virginia within 20 miles thereof. Applicant is authorized to conduct operations in the District of Columbia, Maryland, West Virginia, Virginia, Pennsylvania, New Jersey, New York, Delaware, Ohio, North Carolina, Illinois, Indiana, Michigan, Minnesota, Missouri, Wisconsin, Tennessee, Alabama, Arkansas, Connecticut, Florida, Georgia, Iowa, Kentucky, Louisiana, Massachusetts, Maine, Mississippi, New Hampshire, South Carolina, and Vermont.

HEARING: November 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 109637 (Sub No. 55), filed September 12, 1957, GASOLINE TRANSPORT CO., 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill., and points within the Chicago, Ill., Commercial Zone, and Millsdale, Ill., and points within 5 miles thereof, to points in Alabama, Florida, Georgia, North Carolina and South Carolina. Applicant is authorized to conduct operations in Illinois, Tennessee, Kentucky, Indiana, and Ohio.

HEARING: November 7, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 110525 (Sub No. 344), filed September 12, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Di Cyandiamede* (dry), in bulk, in trailer vehicles, from ports of entry in New York on the International Boundary line between the United States and Canada along the Niagara River, on shipments originating in Canada, to Willow Island (Pleasants County), W. Va.; and (2) *Melamine*, (dry), in bulk, in trailer vehicles, from Willow Island, W. Va., to Wallingford, Conn. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: November 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 111472 (Sub No. 51), filed August 16, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Forage boxes* and *unloading equipment*, from Cedar Falls, Iowa, to points in Colorado, Illinois, Indiana, Kentucky, Florida, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, New York, South Dakota, Texas and Wisconsin. Applicant is authorized to transport various commodities in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

HEARING: November 5, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 113313 (Sub No. 1), filed August 12, 1957, UNION TRUCKING CO., INC., 361 Monroe Avenue, Kenilworth, N. J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plastic powder, granules, pellets, flakes, lumps or solid mass, rubber tires, tubes, flaps, treads* and *cement*, from East Rutherford, N. J. to New York, N. Y. and points in Nassau, Suffolk and Westchester Counties, N. Y. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: November 12, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 113436 (Sub No. 2), filed September 16, 1957, AUTOMOBILE CARRIERS, INC., 3401 North Dort Highway, Flint, Mich. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, (except trailers), in initial movements, by truckaway and driveaway service, from Flint, Mich., to points in Washington, Oregon, California, Wyoming, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, and Montana. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

HEARING: November 14, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 114015 (Sub No. 7), filed September 3, 1957, HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: John C. Godding, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Shooks* and *excelsior*, from Chase City and Keysville, Va., to the site of the Ford Motor Company Plant at or near Delair, Pennsauken, N. J., and *refused and damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia.

HEARING: November 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 115056 (Sub No. 5), filed September 9, 1957, CLAUDE BUNDY, doing business as BUNDY TRUCK LINE, Gatesville, N. C. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pickles*, in brine, *cucumbers*, in brine and *pickles* in bottles and cans, from Ahoskie, N. C. to New York, N. Y., and points in the New York, N. Y. Commercial Zone, points in Nassau County, N. Y. and Bridgeport, Conn., and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Ohio, West Virginia and the District of Columbia.

HEARING: November 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 115913 (Sub No. 1), filed September 13, 1957, FRANK J. PAAR, doing business as PAAR TRUCKING COMPANY, Box 103, West Main Street, Mt. Jewett, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rejected, damaged and returned shipments of leather shoe soles*, from Boston, Mass., to Mt. Jewett and West Hickory, Pa. Applicant is authorized in Certificate No. MC 115913 to transport, over irregular routes, leather shoe soles, from Mount Jewett and West Hickory, Pa., to Boston, Mass., with no transportation for compensation on return except as otherwise authorized. Applicant desires to change the provision reading "with no tranportation for compensation on return except as otherwise authorized" to a return movement of rejected, damaged and returned shipments from the designated destination point to the designated points of origin.

HEARING: November 6, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 116417 (Sub No. 1), filed August 19, 1957, BERNARD KLEIN AND EMANUEL KLEIN, doing business as BERNARD'S TRUCKING CO., 23–41 Borden Avenue, Long Island City, N. Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Toilet tissue, facial tissue, paper napkins* and *paper towels*, in packages, from Bernard's Warehouse, Inc., Long Island City, N. Y., to points in Nassau and Suffolk Counties, N. Y., restricted to shipments having a prior transportation by rail or motor carriers.

HEARING: November 18, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Friedson.

No. MC 116628 (Sub No. 1), filed July 17, 1957, SUBURBAN TRANSFER SERVICE, INC., 210 Cedar Lane, Teaneck, N. J. Applicant's representative: Jacob Polin, 314 Old Lancaster Road (P. O. Box 317, Bala-Cynwyd, Pa.), Merion, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise*, as is dealt in by department stores, in vehicles equipped with mechanical loading devices and special handling devices, limited to transportation conducted under contracts with firms engaged in the retail sale of department store merchandise and further limited to inter-company transfer service for such firms, between New York, N. Y., and points in New Jersey south of, and including, Mercer, Somerset and Middlesex Counties, N. J., those in Delaware, Bucks, Montgomery and Philadelphia Counties, Pa., and those in Newcastle County, Delaware.

HEARING: November 6, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116008 (Sub No. 8), filed August 23, 1957, ARCHIE'S MOTOR FREIGHT, INC., 316 East Sixth Street, Richmond, Va. Applicant's attorney: Glenn F. Morgan, 1006–1008 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wood pulpboard*, from West Point, Va., to Williamsport, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting wood pulpboard on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.

HEARING: November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before the Joint Board No. 250.

No. MC 116816, filed July 15, 1957, THE MERIT TERMINALS CORP., Port Newark, N. J. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Kitchen sinks, kitchen ranges*, and *kitchen cabinets*, from Port Newark, N. J., to New York, N. Y., and points in Nassau, Suffolk, Westchester and Rockland Counties, N. Y. *Returned, rejected and damaged shipments* of the above-specified commodities, on return.

HEARING: November 5, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116818, filed July 15, 1957, DANIEL A. SLOVER, 47½ Susquehanna Avenue, Cooperstown, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* (dressed and finished, rough and kiln

dried), from points in Otsego, Delaware, Schoharie and Montgomery Counties, N. Y., to points in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Vermont and Rhode Island, and to Laconia, N. H., and to the port of entry at Champlain, N. Y. on the International border between the United States and Canada.

HEARING: November 4, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116828, filed July 22, 1957, CHARLES E. HASTEY, doing business as VALHALLA PACKAGE DELIVERY, 616 North Broadway, White Plains, N. Y. Applicant's attorney: Robert H. Law, Jr., 450 North Broadway, White Plains, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Manufactured plastic toys* and *toy parts, dolls* and *doll parts*, and *machinery, supplies, parts* and *materials* used in the manufacture of toys and toy parts and dolls and doll parts, between White Plains, N. Y., and Newark, Carlstadt, Kenilworth, Rahway, South River, Roselle and Bayonne, N. J., and New Haven and Danbury, Conn.

NOTE: Applicant states that parts, machinery, supplies and materials will be transported both in the same vehicle with toys and dolls and will also be transported as separate shipments.

HEARING: November 7, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116847, filed July 31, 1957, MONETTE & FILS TRANSPORT, INC., 7337 St. Andre Street, Montreal, Province of Quebec, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined in Practices of Motor Carriers of Household Goods, 17 M. C. C. 467, between the ports of entry on the international boundary line between the United States and Canada at or near Champlain, Rouses Point, Trout River, Thousand Island Bridge and Niagara Falls, N. Y., Swanton, Derby Line and Newport Center, Vt., and Detroit, Mich., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Maine, New York, New Hampshire, Michigan, Ohio, Pennsylvania, Connecticut, New Jersey, Illinois, Vermont and the District of Columbia.

HEARING: November 8, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116857, filed August 5, 1957, CHAUFFEUR SERVICE, INC., 146 East Highland Avenue, Milwaukee 2, Wis. For authority to *institute a chauffeur service*, driving automobiles for individuals, companies or others, with or without passengers, with baggage of passengers when necessary, between Milwaukee, Wis. and points in the United States.

HEARING: November 5, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 116869, filed August 12, 1957, FRED SYKES, 48 Walnut Street, Little Falls, N. J. Applicant's representative: George A. Olsen, Jersey City Traffic Bureau, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Homing pigeons*, with or without attendants, in seasonal operations between March 1st and November 15th, inclusive, of each year, from points in Hudson, Essex, Bergen, Passaic, Morris, Middlesex, Monmouth, and Somerset Counties, N. J., to points in Delaware, Indiana, Maryland, North Carolina, Ohio, Pennsylvania, Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting homing pigeons on return.

HEARING: November 15, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 116875, filed August 15, 1957, JOSEPH R. WORTH, 107–35 91st Street, Ozone Park, Queens, N. Y. Applicant's attorney: Charles H. Trayford; 155 East 40th Street, Ozone Park, Queens, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Foam rubber upholstery materials*, from the plant site of Eastern Foam Rubber Corporation, Oceanside, Long Island, N. Y., to points in Bergen, Essex, Hudson, Morris, Passaic and Union Counties, N. J., and *rejected, refused and returned shipments* of the commodities specified on return movements.

HEARING: November 18, 1957, at 346 Broadway, New York City, New York, before Examiner Isadore Freidson.

No. MC 116882, filed September 13, 1957, STEPHEN F. PERCHAK, 124 South Church Street, Hazleton, Pa. Applicant's attorney: Louis G. Feldmann, Markle Bank Building, Hazleton, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Concrete and cinder blocks*, from Hazleton, Pa., and points within five (5) miles thereof, to points in Passaic, Bergen, Essex, Monmouth, Morris, Middlesex, Union, Somerset, Sussex, and Hudson Counties, N. J., and to points in Nassau, Bronx, Queens, New York, Kings, Orange, and Rockland Counties, N. Y., and *defective or rejected shipments* of the above-described commodities on return.

NOTE: Applicant has common carrier irregular route authority in Certificate No. MC 112539, dated March 7, 1952—section 210 (dual authority) may be involved.

HEARING: November 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 116889, filed August 26, 1957, SAMUEL L. GASCHO & SON, LIMITED, 142 New Street, Burlington, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, from Ports of Entry between the United States and Canada located at Niagara Falls and Buffalo, N. Y. and at or near Alexandria Bay (Thousand Island Bridge, N. Y.), to points in New York.

HEARING: November 21, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Isadore Freidson.

No. MC 116890, filed August 26, 1957, WILLIAM J. KNAPP AND ROBERT V. MURPHY, a partnership, doing business as KNAPP & MURPHY, Livonia, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commodities*, such as conveyors, hoppers, and bulk plants for storing and handling of cement used by contractors of ready-mixed cement, from Honeoye (Ontario County), N. Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, and Vermont. *Empty containers, empty pallets, fittings or equipment* used in transporting the commodities specified, and *damaged, rejected or refused shipments* of the specified commodities, on return.

HEARING: November 22, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Isadore Freidson.

No. MC 116896, filed August 21, 1957, EARL J. HINKLE, R. D. No. 1, Annville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cheese* and *cheese products*, from Wilmot, Brewster, Pearl, and Minerva, Ohio, to Hershey, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 116910, filed September 5, 1957, PAUL L. DIXON, Libertytown, Md. Applicant's attorney: W. Jerome Offutt, Cramer Building, Frederick, Md. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bulk feeds*, from Wilmington, Del., to Walkersville, Md., and points within fifteen miles of Walkersville.

HEARING: November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 40.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 224), filed September 3, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Law Department, 180 Boyden Avenue, Maplewood, N. J. For authority to operate as a *common carrier*, over a *regular route*, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, between Englishtown, N. J., and Old Bridge, N. J., from Englishtown over Monmouth County Highway 522 to junction Middlesex County Highway 522, thence over Middlesex County Highway 522 to Jamesburg, N. J., thence over Middlesex County Highway 5–R–1 through Helmetta and Spotswood, N. J., to Old Bridge, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: November 1, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 3677 (Sub No. 35), filed September 5, 1957, W. M. A. TRANSIT COMPANY, a Corporation, 4421 Southern Avenue SE., Bradbury Heights, Md. Applicant's attorneys: Earl M. Foreman and D. Jay Hyman, Tower Building, Washington 5, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, between the junction of 57th Avenue and Central Avenue, Capitol Heights, Md., and the junction of Central Avenue and Southern Avenue at the Maryland-District of Columbia boundary line, over Central Avenue, serving no intermediate points. Applicant is authorized to conduct similar operations in Maryland and the District of Columbia.

HEARING: November 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 109312 (Sub No. 24), filed September 9, 1957, DE CAMP BUS LINES, a Corporation, 30 Allwood Road, Clifton, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage* in the same vehicle, between Whippany, N. J. and Morristown, N. J., from the junction of New Jersey Highway 10 and Whippany Road, in Whippany, over New Jersey Highway 10 to its junction with Littleton Road in Morris Plains, N. J.; thence along Littleton Road (U. S. Highway 202) to its junction with Speedwell Avenue thence along Speedwell Avenue (U. S. Highway 202) to its junction with West Park Place and North Park Place in Morristown, N. J., and return over the same route, serving all intermediate points. Applicant is authorized to transport passengers and their baggage in New Jersey and New York.

HEARING: November 8, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 116851, filed August 2, 1957, BERNARD F. DUFFY AND AVERY O. PERHAM, partnership, doing business as DUFFY & PERHAM BUS LINES, Belmont Road, Malone, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at points in Franklin County, N. Y., and extending to ports of entry on the boundary of the United States and Canada at or near Rooseveltown and Chateaugay, N. Y.

HEARING: November 8, 1957, at 346 Broadway, New York, New York, before Examiner Isadore Freidson.

No. MC 116917, filed September 9, 1957, R. W. PAYNE, doing business as PAYNE BUS SERVICE, Beaver Dam, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Childsburg, Va., and points within 20 miles of Childsburg and extending to points in Maryland and the District of Columbia.

HEARING: November 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 116918, filed September 9, 1957, TWIN STATE TRANSPORTATION COMPANY, INC., 84 Washington Street, Hoboken, N. J. Applicant's attorney: William J. Hanley, 84 Washington Street, Hoboken, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers*, between Roosevelt Stadium in the City of Jersey City, N. J. and West Side Port Authority Bus Terminal in New York, N. Y. from the southerly side of Roosevelt Stadium Drive opposite Gate 6 in and upon the grounds of Roosevelt Stadium in the City of Jersey City, thence easterly on Roosevelt Stadium Drive to Danforth Avenue, thence easterly on Danforth Avenue to West Side Avenue, thence northerly on West Side Avenue to Sip Avenue, thence easterly on Sip Avenue to Summit Avenue, northerly on Summit Avenue to Five Corners, thence easterly on Hoboken Avenue to Central Avenue, thence northerly on Central Avenue to Paterson Plank Road, which is the dividing line of Jersey City and Union City, thence in an easterly direction of Paterson Plank Road to the Fourteenth Street Hoboken Viaduct, thence northerly on Willow Avenue in the City of Hoboken, and continuing north on Willow Avenue in the Township of Weehawken, N. J., thence to the entrance of the Lincoln Tunnel to the Port Authority Bus Terminal in New York, and return over the same route, serving all intermediate points.

HEARING: November 4, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 3.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12665, filed August 19, 1957, EARL M. RHONEY, doing business as TRUCK BROKERS SERVICE, 631 Niagara Street, Buffalo 1, N. Y. For a license (BMC 4), for authority to operate as a *broker* at Buffalo, N. Y., in arranging for the transportation, in interstate or foreign commerce by motor vehicle, of: *General commodities*, including commodities in bulk and commodities requiring special handling or equipment, and except household goods, passengers, commodities of unusual high value, and Class A and B explosives, from, and/or between points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Seneca, Schuyler, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates Counties, N. Y., to points in the United States.

NOTE: Applicant states he will solicit traffic (for common and contract carrier and carriers providing special service and equipment) by personal contract and direct mail advertising. In some instances motor carriers will compensate broker on a flat charge; in other instances a percentage of transportation charges will be paid. Shippers will be charged the cost of services paid motor carriers plus expenses incurred in providing transportation to billed destinations.

HEARING: November 21, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Isadore Freidson.

MOTOR CARRIERS OF PASSENGERS

No. MC 12567 (Sub No. 2), filed August 23, 1957, GLENN E. BAILEY, G. M. BAILEY AND FRED J. BAILEY, doing business as BAILEY TRAVEL SERVICE, 123 East Market Street, York, Pa. For a license (BMC 5) to engage in operations as a *broker* at York, Pa., in arranging for the transportation in interstate or foreign commerce by motor vehicle of *passengers and groups of passengers, and their baggage* in the same vehicle with passengers, in all-expense conducted tours and sight-seeing tours, beginning and ending at York, Pa., and points within 50 miles of York, and extending to points in the United States.

HEARING: November 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 65, or if the Joint Board waives its right to participate, before Examiner Leo A. Riegel,

PETITION

No. MC 105632, filed September 3, 1957, CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 West Broad Street, Savannah, Ga. Applicant's attorney: Walter C. Scott, Jr., P. O. Box 642, Savannah, Ga.—*Petition for Modification of Key Point Restrictions and Revision of Certificate of Public Convenience and Necessity* No. MC 105632, dated April 19, 1957, wherein applicant is authorized to transport, in part, as a *common carrier* of *General commodities*, over regular routes, between points in Georgia, Alabama, and Tennessee, subject to certain restrictions, in service auxiliary to, or supplemental of, rail service of the Central of Georgia Railway and its rail subsidiaries, so as to eliminate certain portions of presently applicable restrictions as described on page 5 reading: "No shipments shall be transported by said carrier between any of the following points, or through or to or from more than one of said points: Chattanooga, Tenn., Atlanta, Rome, Newnan-Griffin (considered as one), Macon-Tennille (considered as one), Millen, Columbus, and Americus, Ga., and Andalusia, and Alexander City, Ala., except that said carrier may transport shipments between Columbus, on the one hand, and, on the other, Newnan and points on-route between Griffin and Cedartown, Ga., as specified above, except Griffin." That as so modified the

key point restrictions in the certificate will then read: "No shipments shall be transported by said carrier between any of the following points, or through or to or from more than one of said points: Chattanooga, Tenn., Atlanta, Macon-Tennille (considered as one), Miller, Columbus, and Americus, Ga., and Andalusia, and Alexander City, Ala."

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 19201 (Sub No. 101) (CORRECTION), published July 31, 1957 issue, at page 6029, filed July 15, 1957, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. The route (1) (c) contained a typographical error, in that the point *Lantz Corners* appeared in the notice as *"Lanyz" Corners*. The correct spelling is *Lantz Corners*.

No. MC 30319 (Sub No. 84), filed September 16, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edward N. Bell, 1600 Niels Esperson Building, Houston 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *air freight having a prior or subsequent movement by air*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Giddings, Tex., and junction U. S. Highway 77 and Texas Farm Road 153, approximately seven (7) miles north of La Grange, Tex., over U. S. Highway 77, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Hearne, Tex., and Giddings, Tex., (b) between Houston, Tex., and Austin, Tex., and (c) between Giddings, Tex., and Flatonia, Tex. RESTRICTION: The service authorized with regard to (c) above is subject to the following conditions: (a) The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Texas and New Orleans Railroad Company, hereinafter called the Railroad; (b) Said carrier shall not serve any point not a station on the rail line of the Railroad; (c) Shipments transported by said carrier shall be limited to those received from or delivered to the Railroad under through bills of lading or express receipt covering in addition to movement by said carrier a prior or subsequent movement by rail or water; (d) All contractual arrangements between said carrier and the Railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to or supplemental of rail service; and (2) between Flatonia, Tex., and junction Texas Farm Road 609 and Texas Highway 71, approximately two (2) miles west of La Grange, Tex., over Texas Farm Road 609, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Giddings, Tex., and Flatonia, Tex. Applicant is authorized to conduct operations in Louisiana and Texas.

NOTE: Applicant states that it does not seek to serve any new or additional points, nor off-route points between the termini on the above two alternate route segments.

NOTE: Dual operations or common control may be involved.

No. MC 38551 (Sub No. 11), filed September 17, 1957, RAMUS TRUCKING LINE, INC., 2652 East 34th Street, Cleveland, Ohio. Applicant's attorney: Edwin C. Reminger, 1016 Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the General Motor Corporation, Euclid Division, located on Ohio Highway 91 between Hudson, Ohio and Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations from and to Cleveland, Ohio, over U. S. Highway 20. Applicant is authorized to conduct similar operations over regular routes in Illinois, Indiana, Massachusetts and Ohio, and over irregular routes in Massachusetts.

No. MC 66562 (Sub No. 1384), filed September 18, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route transporting: *General commodities, including Class A and B explosives*, moving in express service, between Wilmington, N. C., and Pollocksville, N. C., from Wilmington over U. S. Highway 17 to Jacksonville, N. C., thence over North Carolina Highway 24, to junction unnumbered North Carolina Highway, thence over unnumbered North Carolina Highway to junction U. S. Highway 17, thence over U. S. Highway 17 to Pollocksville, and return over the same route, serving the intermediate points of Hollyridge, Jacksonville, and Maysville, N. C., and the off-route point of Camp LaJeune, N. C., (a branch of the Jacksonville office). RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 109451 (Sub No. 80), filed September 18, 1957, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Alcohol solvents*, in bulk, in tank vehicles, from Ficklin, Ill., to Nitro, West Virginia; (2) *Chlorosulphonic acid*, in bulk, in tank vehicles, from Lockland, Ohio to Newport, Tenn. Applicant is authorized to conduct operations in Indiana, Missouri, Michigan, Illinois, Ohio, Wisconsin, Kentucky, Georgia, Tennessee, West Virginia, Pennsylvania, Iowa, Minnesota and Alabama.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 78039 (Sub No. 10), filed September 18, 1957, ANTHONY BALIO, LOUIS BALIO AND PHILIP RUGGIERO, doing business as B & R TRUCKING COMPANY, 131 East Broad Street, Frankfort, N. Y. Applicant's attorneys: Edward G. Villalon, 1012 14th Street NW., Washington 5, D. C., and James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Buffalo, Syracuse, and Utica, N. Y., on the one hand, and, on the other, New York, N. Y.; (2) between Utica, N. Y., on the one hand, and, on the other, Buffalo and Syracuse, N. Y. Applicant is authorized to conduct operations in New York, New Jersey, and Pennsylvania.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act by Frank Aniceto, dba Colonial Highway Express, Frankfort, N. Y., supported by intrastate certificate on file with this Commission. The application is directly related to No. MC-F-6699.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F5960, published in the April 27, 1955, issue of the FEDERAL REGISTER on page 2847. Application filed September 23, 1957, for temporary authority under section 210a (b).

No. MC-F 6334, published in the July 18, 1956, issue of the FEDERAL REGISTER on page 5396. Petition filed September 25, 1957, to amend the application under section 5 of the act for substitution of BOSS-LINCO LINES, INC., 226 Ohio Street, Buffalo, N. Y., in lieu of LINCOLN TRANSPORT SYSTEMS, INC., as the applicant for authority to acquire control and merge the properties of AMSTERDAM DESPATCH, INC., into it for ownership, management and operation. Petition filed September 25, 1957, to amend the order of August 2, 1956, which granted the application for temporary authority under section 210a (b) of the act for LINCOLN TRANSPORT SYSTEMS, INC., to temporarily control and manage the properties of AMSTERDAM DESPATCH, INC., for substitution of BOSS-LINCO LINES, INC., as the party to temporarily control and manage said properties in lieu of LINCOLN TRANSPORT SYSTEMS, INC.

No. MC-F 6697 (correction) published in the September 25, 1957, issue of the FEDERAL REGISTER on page 7626. The footnote to this caption indicated that No. MC 29830 Sub 21 was a matter directly related. This number should have read MC 29890 Sub 21.

No. MC-F 6699. Authority sought for purchase by ANTHONY BALIO, LOUIS BALIO AND PHILIP RUGGIERO, doing business as B & R TRUCKING CO., 131 East Broad Street, Frankfort, N. Y., of the operating rights of FRANK ANICETO, doing business as COLONIAL HIGHWAY EXPRESS, 131 East Broad Street, Frankfort, N. Y. Applicants' attorneys: Edward G. Villalon, 1012 14th Street NW., Washington 5, D. C., and James E. Wilson, Perpetual Building, Washington, D. C. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation, in the State of New York, of *general commodities*, as a *common carrier*, over regular and irregular routes, from all points in Lewis County to the cities of New York and Buffalo, from the cities of Buffalo and New York to all points in Lewis County, between Watertown and Utica, between Watertown and Alexandria Bay, and between Utica and New York City, serving certain intermediate and off-route points; *paper products*, over irregular routes, from all points in Lewis County to all points in Rockland County, and from all points in Jefferson County to all points in Broome, Chenango and Rensselaer Counties; *lumber*, from all points in Lewis County to all points in Orange and Ulster Counties; *scrap metals*, from all points in Lewis County to all points in Monroe County; *feed*, from all points in Montgomery County to all points in Lewis County; *paper*, from all points in St. Lawrence County to all points in Lewis County. Vendee is authorized to operate as a *common carrier* in New York, New Jersey and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 78039 Sub 10 is a matter directly related.

No. MC-F 6700. Authority sought by MOTORWAYS, LIMITED, 1301 Martin Grove Road, Rexdale, Toronto, Ontario, Canada, to purchase the operating rights and property of MASON CARTAGE LIMITED, Ontario Street, St. Catharines, Ontario, Canada, and to control the operating rights and property of SOO-SECURITY FREIGHT LINES, LIMITED, Winnipeg Street and Ninth Avenue, Regina, Saskatchewan, Canada, and for acquisition by CANADIAN MOTORWAYS, LTD., also of Toronto, of control of such rights and property through the transactions. Applicants' attorneys: Wrape and Hernly, 1624 Eye Street NW., Washington 6, D. C., and McMillan, Binch, Stuart, Berry, Dunn, Corrigan & Howland, 50 King Street West, Toronto, Ontario, Canada. Operating rights sought to be transferred: (MASON CARTAGE LIMITED) *fresh or green grapes*, as a *common carrier* over irregular routes, from the boundary of the United States and Canada at Niagara Falls and Buffalo, N. Y., to North East, Pa., and Westfield, Brockton, and Silver Creek, N. Y.; *empty containers* and *bracing materials* for fresh or green grapes, from the above-specified destination points to the above-designated origin points; *grape juice* in containers, from North East, Pa., Westfield, Brockton, and Silver Creek, N. Y., to the boundary of the United States and Canada at Niagara Falls and Buffalo; *empty containers* for grape juice, from the above-specified destination points to the above-designated origin points. Operating rights sought to be controlled: (SOO-SECURITY FREIGHT LINES, LIMITED) *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over a regular route, between Portal, N. Dak., and the boundary of the United States and Canada at Portal, serving no intermediate points. MOTORWAYS, LIMITED, holds no authority from this Commission but is affiliated with HILL THE MOVER (CANADA) LIMITED, which is authorized to operate as a *common carrier* in Maine, New Hampshire, Vermont, Massachusets, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Virginia, Maryland, West Virginia, North Carolina, South Carolina, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Tennessee, Kentucky, Georgia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6701. Authority sought for purchase by TENNESSEE CAROLINA TRANSPORTATION, INC., 905 Mile End Avenue, Nashville 7, Tenn., of a portion of the operating rights of HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn. Applicant's attorney: Edgar Watkins, 919 Munsey Building, Washington 4, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Livingston, Tenn., and Cookeville, Tenn., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in North Carolina, Tennessee, and South Carolina. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6702. Authority sought for control by JONES TRUCK LINES, INC., East Emma Avenue, Springdale, Ark., of MOUND CITY FORWARDING COMPANY, INCORPORATED, 1517 North 15th Street, St. Louis 6, Mo., and for acquisition by HARVEY JONES, also of Springdale, of control of MOUND CITY FORWARDING COMPANY, INCORPORATED, through the acquisition by JONES TRUCK LINES, INC. Applicant's attorneys: Lee Reeder and Wentworth E. Griffin, both of 1010 Baltimore Building, Kansas City 5, Mo., and Gregory M. Rebman, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between St. Louis, Mo., and Chicago, Ill., serving certain intermediate and off-route points; *steel* and *steel products*, over irregular routes from points on the regular routes described in Certificate No. MC 13925 to Kansas City, Kans., and points in Illinois and Missouri, and from Waukegan, Ill., to Kansas City, Kans., and points in Missouri; *glass bottles*, in truckload lots only, from points on the regular routes described in Certificate No. MC 13925 to Dubuque and Davenport, Iowa, and Kansas City, Mo.; *dog food*, from Momence, Ill., to St. Louis, Mo.; *wire cloth*, between Clinton, Iowa, and DeKalb, Ill., on the one hand, and, on the other, St. Louis and Kansas City, Mo.; *radiators*, in truckload lots only, between Edwardsville, Ill., on the one hand, and, on the other, Kansas City, Mo.; *canned goods*, between St. Louis, Mo., on the one hand, and, on the other, Chicago, Ill., and points within 75 miles of Chicago. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Missouri, Arkansas, Oklahoma, Kansas, Tennessee and Texas. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6703. Authority sought for purchase by COOPER-JARRETT, INC., 311 West 14th Street, Kansas City, Mo., of the operating rights of KLING BROTHERS TRUCKING COMPANY, INC. (HOWARD A. JACOBS, TRUSTEE), 177 Church Street, New Haven, Conn., and for acquisition by R. E. COOPER, JR., 100 Water Street, Jersey City, N. J., of control of such rights through the purchase. Applicants' attorneys: Irving Klein, 280 Broadway, New York 7, N. Y., and Albert Miller, 2938 Dixwell Avenue, Hamden 18, Conn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes be-

tween New Haven, Conn., and Newark, N. J., and between New York, N. Y., and Hartford, Conn., serving certain intermediate and offroute points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between New Haven, Conn., on the one hand, and, on the other, certain points in New York, and between New York, N. Y., on the one hand, and, on the other, certain points in Connecticut. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Massachusetts, Illinois, Pennsylvania, Rhode Island, Ohio, New York, New Jersey, Kansas, Iowa, Connecticut, Maryland, Indiana, Delaware and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6704. Authority sought for control and merger by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., of the operating rights and property of DES MOINES TRANSPORTATION COMPANY, INC. (AN IOWA CORPORATION), 201 Southeast Sixth Street, Des Moines, Iowa, and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights and property through the transaction. Applicants' attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Des Moines, Iowa, between Omaha, Nebr., and Des Moines, Iowa, between Coon Rapids, Iowa, and Omaha, Nebr., between Des Moines, Iowa, and Eagle Grove, Iowa, between Des Moines, Iowa, and Denison, Iowa, and between Des Moines, Iowa, and Clarion, Iowa, and St. Paul and Minneapolis, Minn., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Bettendorf and Davenport, Iowa, on the one hand, and, on the other, Rock Island, Moline, East Moline, Carbon Cliff, Silvis, and Milan, Ill; *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, from Des Moines, Iowa, to points in Iowa within 100 miles of Des Moines, and between Des Moines, Iowa, and points within ten miles of Des Moines; *butter, eggs,* and *dressed poultry*, from Des Moines, Denison, Creston, Osceola, Leon, Perry, Gowrie, Atlantic, and Coon Rapids, Iowa, to Chicago, Ill.; *meat* and *packing-house products* and supplies, from Des Moines, Iowa, to certain points in Illinois, from Chicago, Ill., to certain points in Iowa, and from Perry, Atlantic, Centerville, Clarinda, Creston, Guthrie Center, and Ottumwa, Iowa, to Chicago, Ill.; *butter* and *eggs*, from Glidden, Iowa, to Chicago, Ill.; *alcoholic liquors*, from Peoria and Pekin, Ill., to Des Moines, Iowa; *mail-order catalogs*, from Des Moines and Davenport, Iowa, to points in Iowa; *advertising materials, supplies, and equipment*, from Davenport, Iowa, to certain points in Illinois; *seed corn*, during the season extending from the 15th day of February to the 15th day of April, inclusive, between Coon Rapids, Iowa, on the one hand, and, on the other, points in Nebraska, and those in Missouri north of the Missouri River. BUCKINGHAM TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Illinois, Wisconsin, Utah, Washington, California and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6705. Authority sought for control and merger by NATIONAL TRANSFER, INC., 4100 East Marginal Way, Seattle, Wash., of the operating rights and property of NATIONAL MOTOR FREIGHT, INC., 4100 East Marginal Way, Seattle, Wash., and for acquisition by ED J. BESLOW, also of Seattle, of control of such rights and property through the transaction. Applicants' attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between Seattle, Wash., on the one hand, and, on the other, points in King, Snohomish, and Skagit Counties, Wash., and between points within three miles of Seattle, Wash., including Seattle; *heavy machinery* and *construction materials*, between Seattle, Wash., on the one hand, and, on the other, certain points in Washington. NATIONAL TRANSFER, INC., is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8072; Filed, Oct. 1, 1957; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3612]

BROCKTON EDISON CO. AND FALL RIVER ELECTRIC LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSED ISSUANCE AND SALE OF SHORT-TERM NOTES TO BANKS

SEPTEMBER 25, 1957.

Brockton Edison Company ("Brockton") and Fall River Electric Light Company ("Fall River"), public-utility subsidiaries of Eastern Utilities Associates ("EUA"), a registered holding company, have filed with this Commission a joint declaration and an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

As at June 30, 1957, Brockton and Fall River had outstanding bank loans in the amounts of $1,040,000 and $460,000, respectively. To meet requirements to September 30, 1958, for construction and for additional investments in Montaup Electric Company ("Montaup"), an indirect public-utility subsidiary of EUA, it is estimated that Brockton and Fall River will require additional funds in the amounts of $8,846,000 and $4,241,000, respectively. Prior to September 30, 1958, Brockton and Fall River contemplate the issuance and sale of the following permanent securities:

	Brockton	Fall River
Bonds	$3,000,000	$3,000,000
Preferred stock	3,000,000	
Common stock	2,686,000	976,000
	8,686,000	3,976,000

The companies propose to borrow from various banks during the period ending September 30, 1958, such amounts as are needed and are not supplied through the sale of permanent securities. The proposed borrowings are to be evidenced by unsecured notes, dated as of the date of issuance, maturing not later than 90 days from the date of issue, and bearing interest at an annual rate not greater than the prime rate existing on the respective dates of issuance plus one-fourth of one percent. The notes are to be prepayable at any time without penalty. The aggregate maximum amounts of short-term indebtedness to be issued by each company during the period ending September 30, 1958, will not exceed $10,000,000; and the maximum amounts to be outstanding at any one time for each company will not exceed $2,500,000.

The proceeds from the proposed bank loans are to be used to pay outstanding short-term bank loans, to pay for construction expenditures, or to purchase securities of Montaup.

The declaration states that if any permanent financing is done by either company prior to September 30, 1958, such company will use the proceeds therefrom to purchase Montaup securities and in partial or total payment of its short-term indebtedness then outstanding, except that the contemplated payment of short-term indebtedness may be temporarily reduced by that part, if any, of the proceeds which may be deposited with the mortgage trustee as required by indenture provision, and the $2,500,000 of short-term indebtedness that each company may have outstanding at any one time hereunder shall thereafter be reduced by the amount of the proceeds applied to the payment of short-term indebtedness, except that such reduction shall not limit the amount of short-term indebtedness permitted by the provisions of section 6 (b) of the act.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed borrowings.

No commissions, fees, or expenses are so be paid, or incurred in connection with the proposed borrowings, except fees and expenses estimated at $385 payable to counsel for Brockton and $210 payable to counsel for Fall River.

Due notice of the filing of the declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of, or ordered by, the Commission; and

It appearing that there is no basis for adverse findings or the imposition of special terms and conditions, and that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable; and the Commission finding that the applicable provisions of the act and of the rules and regulations thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration, as amended, be permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and it hereby is, permitted to become effective, forthwith, subject to the conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8068; Filed, Oct. 1, 1957; 8:49 a. m.]

[File No. 70-3613]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING ISSUE AND SALE AT COMPETITIVE BIDDING OF DEBENTURES

SEPTEMBER 25, 1957.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder, regarding the following proposed transaction:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of __ percent Debentures, Series I due 1982. The interest rate (a multiple of ⅛ percent) and the price (exclusive of accrued interest) to be paid for the Debentures (not less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the bidding.

The Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, Trustee, dated as of June 1, 1950, as heretofore supplemented and as to be further supplemented by an Eighth Supplemental Indenture, dated as of October 1, 1957.

This debenture issue constitutes the third step in Columbia's 1957 financing program—the prior steps having been a common stock issue in April, producing net proceeds of $25,914,000, and a debenture issue in June, producing net proceeds of $19,956,000. The funds raised by public financing will be supplemented by other funds available within the system to meet expenditures estimated as follows: (1) 1957 construction program, $84,000,000; (2) advance to Gulf Interstate Gas Company, a non-affiliated pipeline company which transports gas to the system from the southwest, $6,000,000; (3) construction of facilities for extracting and fractionating the heavier hydrocarbon components of the system's Appalachian natural gas reserves, $4,000,000, or approximately one-third of the total estimated expenditures for such purpose.

The present declaration relates only to the sale of the new debentures. The other matters above referred to are the subject of separate declarations, and Columbia states that the action of the Commission on this matter will not be considered in any way as evidencing approval by the Commission of the proposed expenditures listed as (2) and (3) next above.

Columbia is engaged in a continuing construction program which, it represents, requires that periodically securities be sold in a maximum amount consistent with existing market conditions and the raising of new money on the most economical basis. Columbia states that, as a part of this continuing financing program, $25,000,000 of debentures should be issued at this time; and that if a part of the proceeds are not required for purposes set forth in pending declarations before the Commission, any excess proceeds resulting from this issuance of debentures will be carried in its general funds and will be used in connection with the financing of its 1958 construction program.

The fees and expenses to be incurred herein by Columbia are estimated as follows:

Filing fee, this Commission	$2,550
Original issue tax	27,500
Printing and engraving	37,100
Listing fee, New York Stock Exchange	3,000
Charges of System service company (at cost)	12,000
Legal fees (Cravath, Swaine & Moore)	15,000
Engineer's fees (Ralph E. Davis)	5,000
Accountants' fees (Arthur Andersen & Co.)	11,000
Miscellaneous	3,000
Total	116,150

Columbia will also reimburse the purchasers for blue sky filing fees and expenses up to $1,500 in the aggregate. The purchasers will pay the fee of counsel to the underwriters (Shearman & Sterling & Wright), estimated at $12,500, and expenses, estimated at less than $200.

Due notice having been given of the filing of said declaration (Holding Company Act Release No. 13543), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8069; Filed, Oct. 1, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anvil Brand, Inc., 1624 North Main Street, High Point, N. C.; effective 10–1–57 to 9–30–58 (work shirts, pants).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N. C.; effective 10–1–57 to 9–30–58 (ladies' sportswear, dungarees, overalls, pants).

Blue Bell, Inc., Woodstock, Va.; effective 10–1–57 to 9–30–58 (men's and boys' trousers).

Blue Gem Manufacturing Co., Asheboro, N. C.; effective 10–1–57 to 9–30–58 (men's and boys' dungarees).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N. C.; effective 10–1–57 to 9–30–58. Workers engaged in the production of work clothing, overalls, dungarees, denim jackets (overalls, dungarees, denim jackets).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N. C.; effective 10–1–57 to 9–30–58. Workers engaged in the production of misses' and girls' jeans and shorts and juvenile play clothes (misses' and girls' jeans and shorts).

Carl-Lee Trouser Co., Inc., Boston, Ala.; effective 10–1–57 to 9–30–58 (men's and boys' dress slacks).

Crescent Corset Co., Inc., 165 Main Street, Cortland, N. Y.; effective 10–1–57 to 9–30–58 (corsets and other body supporting garments).

Crescent Corset Co., Inc., Main Street, Moravia, N. Y.; effective 10–1–57 to 9–30–58

(corsets and other body supporting garments).

Davan Manufacturing Co., Inc., Allendale, S. C.; effective 9–18–57 to 9–17–58 (ladies' and children's robes).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N. C.; effective 9–25–57 to 9–24–58 (flannelette and cotton nightgowns and pajamas).

Hallmark Manufacturing Co., Clinton, S. C.; effective 10–1–57 to 9–30–58 (ladies' blouses).

Hopkinsville Clothing Manufacturing Co., Inc., 1100 South Main Street, Hopkinsville, Ky.; effective 10–1–57 to 9–30–58 (denim dungarees).

Huntington Manufacturing Co., Inc., 629 10th Street, Huntington, W. Va.; effective 9–23–57 to 9–22–58 (women's cotton dresses).

Logan Manufacturing Co., North Main Street, Russellville, Ky.; effective 9–17–57 to 9–16–58 (men's cotton work pants).

Oberman Manufacturing Co., Industrial Avenue, Jefferson City, Mo.; effective 10–1–57 to 9–30–58 (men's and boys' pants).

Pascal Corp., 461 Cherry Street, Jesup, Ga.; effective 9–23–57 to 9–22–58 (women's blouses).

The Rauth Co., Ninth and Sycamore Streets, Cincinnati, Ohio; effective 10–1–57 to 9–30–58 (sport shirts and dress shirts).

Regal Shirt Corp., 125 West Centre Street, Millersburg, Pa.; effective 10–1–57 to 9–30–58 (dress and sport shirts).

Levi Strauss and Co., 220 North Houston Avenue, Denison, Tex.; effective 9–27–57 to 9–26–58 (men's denim coats, slacks).

Toll-Gate Garment Co., Inc., Hamilton, Ala.; effective 10–1–57 to 9–30–58 (men's sport shirts).

Troytown Shirt Corp., Harmony Mill No. 3, North Mohawk Street, Cohoes, N. Y.; effective 10–1–57 to 9–30–58 (men's sport shirts).

White Stag Manufacturing Co., 5200 Southeast Harney Drive, Portland, Oreg.; effective 10–1–57 to 9–30–58 (outerwear and sportswear).

Williamson-Dickie Manufacturing Co., Weslaco, Tex.; effective 10–1–57 to 9–30–58 (men's and boys' cotton pants).

Yorktowne Manufacturing Co., Ephrata, Pa.; effective 9–18–57 to 9–17–58 (ladies' blouses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Arkay Pants Co., 110 Chace Street, Fall River, Mass.; effective 9–23–57 to 9–22–58; 10 learners (boys' outerwear).

Branch Manufacturing Co., 422 Morris Avenue, Long Branch, N. J.; effective 9–23–57 to 9–22–58; 10 learners (woolen jackets and cotton play clothes).

Checotah Manufacturing Co., Checotah, Okla.; effective 9–19–57 to 9–18–58; 10 learners (ladies' sportswear).

Dunhill Shirt Co., El Dorado Springs, Mo.; effective 10–1–57 to 9–30–58; 10 learners (men's shirts).

El-Jay Dress Manufacturing Co., Main St., Childs, Pa.; effective 9–23–57 to 9–22–58; five learners (dresses).

Esskay Manufacturing Co., 410 South Main Avenue, San Antonio, Tex.; effective 9–19–57 to 8–8–58; 10 learners engaged in the production of slacks, boxer shorts and shorts (outerwear) (replacement certificate) (slacks, boxer shorts, shorts).

Eugenia Sportswear, 873 Peace Street, Hazleton, Pa.; effective 10–1–57 to 9–30–58; 5 learners (ladies' shorts and pedal pushers).

Laurel Mills, Delaware Avenue, Laurel, Del.; effective 9–18–57 to 9–17–58; eight learners (children's and ladies' sportswear).

M and N Corset Co., 157 Main Street, Cortland, N. Y.; effective 10–1–57 to 9–30–58; 10 learners (corsets and other body supporting garments).

Zulick's Underwear Mill, Rear 128 Centre Avenue, Schuylkill Haven, Pa.; effective 10–5–57 to 10–4–58; five learners (knitted outerwear, polo shirts, cardigan and campus).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

The Moyer Co., 18 N. Walnut St., Youngstown, Ohio; effective 9–20–57 to 3–19–58; 15 learners (men's slacks).

Renovo Shirt Co., Inc., Mena, Ark.; effective 9–20–57 to 3–19–58; 42 learners (sport shirts).

Sustan Garments, Inc., Winnsboro, La.; effective 9–18–57 to 3–17–58; 15 learners (sportswear and other odd outerwear).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Amos Hosiery Mills, Inc., High Point, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Baker-Cammack Hosiery Mills, Inc., Burlington, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 9–18–57 to 3–17–58; authorizing the employment of 50 high school students only for part time employment in the occupation of looping only, for a learning period of 816 hours at the rates of 80 cents an hour for the first 432 hours and 87½ cents an hour for the remaining 384 hours (seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 9–18–57 to 3–17–58; authorizing the employment of 20 high school students only for part time employment in the occupation of looping only, for a learning period of 816 hours at the rates of 80 cents an hour for the first 432 hours and 87½ cents an hour for the remaining 384 hours (seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 9–18–57 to 3–17–58; five learners for plant expansion purposes (seamless).

Chattooga Mills, Inc., Summerville, Ga.; effective 9–17–57 to 9–16–58; five learners for normal labor turnover purposes (seamless).

J. A. Cline & Son, Inc., Hildebran, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Davenport Hosiery Mills, Inc., 400 East 11th Street, Chattanooga, Tenn.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Great American Knitting Mills, Inc., Bechtelsville, Pa.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Newland Knitting Mills, Newland, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Owen-Osborne Mills, Inc., Gainesville, Ga.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Ragan Knitting Co., Inc., 7 Cox Avenue, Thomasville, N. C.; effective 9–25–57 to 9–24–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Shannon Hosiery Mills, Inc., 376 North Church Street, Concord, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Benham Underwear Mills, Scottsboro, Ala.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven cotton underwear).

Blue Swan Mills, Sayre, Pa.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nitewear and underwear).

Fashion Industries, Inc., 207 River Street, Cadillac, Mich.; effective 10–1–57 to 9–30–58; five learners for normal labor turnover purposes (underwear and nitewear).

Keystone Mills, Inc., 325 South Lancaster Street, Annville, Pa.; effective 10–1–57 to 9–30–58; five learners for normal labor turnover purposes (cotton polo shirts).

Marengo Mills, Demopolis, Ala.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's knitted underwear and lingerie).

Monroe Mills, Monroeville, Ala.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and lingerie).

Walter W. Moyer Co., Inc. 400 West Main Street, Ephrata, Pa.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear).

Norwich Mills, Inc., Clayton, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear and outerwear).

Penn-Mor Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 9–22–57 to 3–21–58; 45 learners for plant expansion purposes (infants', children's, misses' and women's underwear).

Penn-Mor Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 9–22–57 to 9–21–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', children's, misses' and women's underwear).

Reliance Manufacturing Co., Houston, Miss.; effective 10–9–57 to 10–8–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shorts).

Standard Romper Co., Inc., Building No. 7, 200 Conant Street, Pawtucket, R. I.; effective 9–23–57 to 9–22–58; 10 learners for normal labor turnover purposes (children's outer garments of knit fabric).

Sylvester Textile Corp., Sylvester, Ga.; effective 9–18–57 to 9–17–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Sylvester Textile Corp., Sylvester, Ga.; effective 9–18–57 to 3–17–58; 60 learners for plant expansion purposes (ladies' lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Esskay Manufacturing Co., 410 South Main Avenue, San Antonio, Tex.; effective 9–19–57 to 3–18–58; authorizing the employment of five learners engaged in the production of men's and boys' clothing for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (suits, sportcoats, overcoats).

Greenwood Embroidery & Trimming Co., 331–333 Walker Avenue, Greenwood, S. C.; effective 9–23–57 to 3–22–58; authorizing the employment of five learners for normal labor turnover purposes, in the occupations of sewing machine operator and presser, each for a learning period of 320 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (embroidered housecoats, dresses and blouses).

M. Wile and Co., Inc., 77 Goodell Street, Buffalo, N. Y.; effective 9–19–57 to 3–18–58; authorizing the employment of 25 learners for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, sportcoats and overcoats).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 24th day of September 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–8061; Filed, Oct. 1, 1957; 8:47 a. m.]

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Washington, Thursday, October 3, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (c) of § 6.105 is redesignated to read "Corps of Engineers" and subparagraphs (1) and (2) of paragraph (c) are amended as set out below.

§ 6.105 *Department of the Army.*

* * *

(c) *Corps of Enginers.* (1) Land appraisers employed on a temporary basis for a period not to exceed one year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U. S. Civil Service Examiners to service the employing establishment.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8150; Filed, Oct. 2, 1957; 8:54 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) of § 6.109 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8151; Filed, Oct. 2, 1957; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect approvals which have been given to increased interest rates on Federal land bank loans made through national farm loan associations, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (21 F. R. 10167; 22 F. R. 133, 653, 1318, 1586, 2095, 3863, 6214, 7129), is hereby further amended, effective October 1, 1957, by substituting "5½" for "5" in the lines with "Louisville" and "Wichita" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17 (b), 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831 (b))

[SEAL] A. T. ESGATE,
Acting Governor,
Farm Credit Administration.

[F. R. Doc. 57-8139; Filed, Oct. 2, 1957; 8:52 a. m.]

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Order No. 32; Docket No. 3666]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September 1957.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 32, dated July 19, 1957, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on August 8, 1957 (22 F. R. 6349), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above-referred to Notice No. 32 are deemed justified and necessary;

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Notice No. 32, dated July 19, 1957, as revised by the specific modifications set forth as follows:

1. Revise the amendatory text to § 73.31; amend footenote g to § 73.31 paragraph (g) (9) table 1.

2. In § 78.210–12 amend paragraph (a) (1).

3. In § 78.293–4 add paragraph (d).

It is further ordered, That this order shall become effective December 18, 1957 and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F. R. 8265, 8268, Dec. 2, 1950) (17 F. R. 1558, Feb. 20, 1952) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Cement, liquid, n. o. s.	F. L.	73.118, 73.119, 73.132	Red	16 gallons.
Smokeless powder for cannon or small arms. See Propellant explosives, class A explosives or High explosives.				
Vinyl chloride, inhibited	F. G.	73.302, 73.308, 73.314, 73.315	Red gas	300 pounds.
(Add)				
Carbon dioxide gas, liquefied ("mining device").	Nonf. G.	73.308 (a), Note 5	Green	6 pounds.
Liquefied carbon dioxide gas ("mining device"). See Carbon dioxide gas, liquefied ("mining device").				

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

In § 73.31 amend paragraph (a) table; cancel Note 11 to paragraph (a) table and redesignate Note 12 to paragraph (a) table as Note 11; amend footnote g to paragraph (g) (9) table 1; amend paragraph (k) (22 F. R. 4788, 4789, July 9, 1957) (22 F. R. 2224, April 4, 1957) (15 F. R. 8279, Dec. 2, 1950) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) • • •

Where these regulations call for specification Nos.—	These specification containers may also be used subject to the provisions of the following notes—
103[11] and 103-W,[11]	ARA-II,[11] III,[11] and IV.[11]
103A[11] and 103A-W[11]	ARA-II[11] and III.[11]
103B[11] and 103B-W[11]	ARA-II[11] and III,[11] rubber lined.
103C-W[11]	103C.[11]
103D-W, 103E-W, 103A-N-W.	(See Note 10.)
104[11] and 104-W[11]	ARA-IV.[11]
105A100 and 105A100-W.	104A[11] and 104A-W.[1]
105A100-AL-W	104A-AL-W.[1]
105A300-W	ARA-V,[1] ICC-105[1] and 105A300.[1]
105A400-W	105A400.
105A500-W	105A500.
105A600-W	105A600.
106A500 and 106A500-X.	ICC-27 tanks mounted on a car and classified as multi-unit tank prior to Oct. 1, 1930.[1]
106A800 and 106A800-X.	None.
106A800NCI	None.
107A****	None.

• • • • • •

[11] 103C, 103C-W and 103A-AL-W (§§ 78.283 and 78.292 of this chapter) tank cars built prior to August 31, 1956 equipped with a safety valve having a pressure setting of 45 psi. may be used. Cars equipped with 45 psi safety valves may be reset to 35 psi. by changing the spring to a design suitable for the decreased pressure setting.

• • • • • •

(g) • • •

(9) • • •

[1] See § 73.31 (a) Note 11.

• • • • • •

(k) Tank cars equipped with interior heater coils, except when coils are rendered inoperative by blocking off the inlet and outlet, must be loaded with heater coil inlet and outlet caps off during entire time tanks are being loaded and show no leakage with caps off.

• • • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

In § 73.101 amend paragraph (a) (15 F. R. 8296, Dec. 2, 1950) to read as follows:

§ 73.101 *Small-arms ammunition.* (a) Small-arms ammunition must be packed in pasteboard or other inside boxes or must be in metal clips packed in securely closed strong wooden boxes, fiberboard boxes, or metal containers. When in clips, the clips must be so designed as to protect the primers from accidental injury.

• • • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

In § 73.118 amend paragraph (c) (25) (20 F. R. 8100, Oct. 28, 1955) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* • • •

(c) • • •

(25) Dimethylhydrazine, unsymmetrical.

• • • • • •

2. In § 73.132 amend the heading and introductory text of paragraph (a) (20 F. R. 8101, Oct. 28, 1955) to read as follows:

§ 73.132 *Cement, liquid, n. o. s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.*

(a) Cement, liquid, n. o. s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution must be packed in specification containers as follows:

• • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.153 amend paragraph (b) (21 F. R. 364, Jan. 19, 1956) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(b) Liquid or solid organic peroxides (see § 73.244 (a)), except acetyl benzoyl peroxide, solid, and benzoyl peroxide, in strong outside containers having not over 1 pint or 1 pound net weight of the material in any one such package, having inside containers securely packed and cushioned with incombustible cushioning are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77, except § 77.817 of this chapter, and Part 197 of the I. C. C. Motor Carrier Safety Regulations.

• • • • •

2. In § 73.157 add paragraph (a) (3) (15 F. R. 8304, Dec. 2, 1950) to read as follows:

§ 73.157 *Benzoyl peroxide, chlorobenzoyl peroxide (para), lauroyl peroxide, or succinic acid peroxide, wet.* (a) • • •

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, wet, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in spec. 12B65 (§ 78.205 of this chapter) boxes may be more than 65 but not more than 80 pounds provided net weight of contents does not exceed 50 pounds.

3. In § 73.234 add paragraph (a) (4) (19 F. R. 1278, March 6, 1954) to read as follows:

§ 73.234 *Sodium nitrite.* (a) • • •

(4) Spec. 37A (§ 78.131 of this chapter). Metal drums constructed of steel having minimum thickness of 24 gauge. Bolted or lever-lock closure rings authorized provided drums withstand test prescribed by § 78.131–11 of this chapter. Authorized gross weight not over 425 pounds.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.245 add paragraph (a) (18) (15 F. R. 8313, Dec. 2, 1950) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(18) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be packed in the outside container.

2. In § 73.247 add Note 1 to paragraph (a) (6) (22 F. R. 2226, Apr. 4, 1957) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(6) • • •

NOTE 1: Stabilization of benzyl chloride is not required when loaded in tanks which are made from 99% pure nickel and otherwise comply with all the requirements of Specification 103A–W.

• • • • •

3. In § 73.252 add paragraph (a) (4) (15 F. R. 8315, Dec. 2, 1950) to read as follows:

§ 73.252 *Bromine.* (a) • • •

(4) Spec. MC 310 (§ 78.330 of this chapter). Tank motor vehicles. The tank must have a steel shell thickness of 3/8" minimum and must be lined with lead of at least 3/8" thickness. The water weight capacity of the tank must not be more than 5100 pounds and the maximum quantity of liquid bromine loaded into the tank must not be more than 15,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is the lesser. In no case shall the quantity loaded be less than 98 percent of the quantity the tank is authorized to carry.

• • • • •

4. In § 73.257 add paragraph (a) (11) (15 F. R. 8315, Dec. 2, 1950) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(11) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be packed in the outside container.

• • • • •

5. In § 73.258 add paragraphs (a) (2) and (3) (15 F. R. 8315, Dec. 2, 1950) to read as follows:

§ 73.258 *Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries.* (a) • • •

(2) Electrolyte, acid, or alkaline corrosive battery fluid included with storage batteries and filling kits may be packed in strong plywood or wooden boxes when shipments are made by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government in outside containers of their specifications provided the electrolyte, acid, or alkaline corrosive battery fluid is packed in polyethylene bottles not over 32-ounce capacity each and not more than 20 bottles securely separated from storage batteries and kits may be shipped in one outside package.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than 12 inside containers of polyethylene or oher material resistant to the lading, not over 64-ounce capacity each. Polyethylene containers that are not rigid or semi-rigid in nature must be contained in other strong inside containers; minimum thickness of polyethylene or other plastic material shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single-wall containers. Inside containers must be adequately separated from the storage battery. Authorized gross weight not over 65 pounds. (See § 78.205–33 of this chapter).

6. In § 73.260 amend paragraphs (c) (1) and (2) (21 F. R. 672, Jan. 31, 1956) (17 F. R. 4294, May 10, 1952) to read as follows:

§ 73.260 *Electric storage batteries, wet.* • • •

(c) • • •

(1) Slip cover or fiberboard box must fit snugly and provide inside top clearance of at least ½ inch above battery terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slip cover may extend to the base of the battery but must not expose more than 1 inch thereof.

(2) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps); or be protected by a scored one piece coverliner of 200-pound test (Mullen or Cady) double faced corrugated fiberboard extending from the base of the battery on one side, across the top of the battery and to the base of the battery on the opposite side. When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of a height to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

• • • • •

7. In § 73.262 add paragraph (a) (7) (15 F. R. 8316, Dec. 2, 1950) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) • • •

(7) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

• • • • •

8. In § 73.263 add paragraph (a) (16) (21 F. R. 9357, Nov. 30, 1956) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) • • •

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

• • • • •

9. In § 73.272 add paragraph (c) (6) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(c) • • •

(6) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

• • • • •

10. In § 73.289 add paragraph (a) (12) (16 F. R. 11779, Nov. 21, 1951) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(12) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. § 73.308 amend Note 5 to paragraph (a) (15 F. R. 8326, Dec. 2, 1950) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

NOTE 5: Mining devices consisting of a cylinder containig carbon dioxide with a heating element are authorized for shipment under the following conditions: Cylinders shall be of steel, have a calculated bursting pressure of at least 39,000 pounds per square inch, be fitted with a frangible disc that will operate at not over 57 percent of that pressure, be able to withstand a drop of 10 feet so as to strike crosswise on a steel rail while under internal pressure of at least 3,000 pounds per square inch, and be charged with not over 6 pounds of carbon dioxide gas at a filling density of not over 85 percent. (See Note 12 of this section); the cylinders are exempted from specification requirements other than the foregoing; the device must be shipped in strong boxes or must be wrapped in heavy burlap and bound by 12 gauge wire with the wire completely covered by friction tape. Wrapping must be applied so as not to interfere with the functioning of the frangible disc safety device. Shipments must be described as "liquefied carbon dioxide gas (mining device)" and must be marked, labeled, and certified as prescribed for liquefied carbon dioxide.

• • • • •

2. In § 73.312 amend paragraph (a) (1) (19 F. R. 6269, Sept. 29, 1954) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) • • •

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B240X[1] (see appendix A to Subpart C of Part 78 of this chapter), 4B240FLW, 4B240ET, 4E, or 9, 25,[1] 26,[1] 38,[1] or 41 (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51, 78.54, 78.55, 78.68, 78.63 or 78.67 of this chapter). Cylinders authorized under § 73.34 (a) to (e) may be used.

(No change in Note 1.)

• • • • •

3. In § 73.314 amend paragraph (a) table; amend Note 2; amend the introductory text of paragraphs (a) and (b) in Note 3; add paragraph (c) and (d) to Note 3; add Note 21; amend paragraph (b); amend paragraph (c) (22 F. R. 2227, 2228, April 4, 1957) (21 F. R. 4565, June 26, 1956) (15 F. R. 8328, 8329, Dec. 2, 1950) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(*Change*)		
Anhydrous ammonia	*Percent* 50	ICC–106A500, 106A500X, Note 12.
	57	ICC–105A300–W.
	57	ICC–112A400–W, Note 21.
	58.8	ICC–112A400–W, Note 21.
Crude nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X.
Fertilizer ammoniating solution containing free ammonia.	Note 6	ICC–105A300–W, 109A300–W, Note 5. ICC–106A500, 106A500X.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 3	ICC–105A300–W, 109A300–W, Note 5. ICC–105A300–W, 112A400–W, Notes 5 and 9.
Nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X. ICC – 105A300 – W, 109A300 – W, ICC – 109A300AL–W, Note 5.

• • • • • • • • •

NOTE 2: Unless otherwise specifically provided, when class 105A–W, 105A–AL–W, 106A500, 106A500X, or 109A–AL–W tank cars are prescribed, the same class tank cars having higher marked test pressures than those prescribed may also be used.

NOTE 3: (a) Maximum permitted filling density in lagged (insulated) single-unit tank cars transporting liquefied petroleum gas or butadiene of specific gravity shown, taken at 60 degrees Fahrenheit.

(No change in table.)

• • • • •

NOTE 3: (b) For shipments made in lagged (insulated) single-unit tank cars during the months of November to March, inclusive, the following filling densities may be used in lieu of those specified in the table in Note 3 (a). When these filling densities are used, tank cars must be shipped directly to consumers for unloading. Storage in transit is not permitted.

(No change in table.)

• • • • •

NOTE 3: (c) Maximum permitted filling density in unlagged (uninsulated) single-unit tank cars transporting liquefied petroleum gas of specific gravity shown, taken at 60 degrees Fahrenheit.

Specific gravity	Filling density	Specific gravity	Filling density
0.500	44.88	0.550	50.88
0.501	45.00	0.551	51.00
0.502	45.13	0.552	51.13
0.503	45.25	0.553	51.25
0.504	45.38	0.554	51.38
0.505	45.50	0.555	51.50
0.506	45.60	0.556	51.60
0.507	45.70	0.557	51.70
0.508	45.80	0.558	51.80
0.509	45.90	0.559	51.90
0.510	46.00	0.560	52.00
0.511	46.13	0.561	52.13
0.512	46.25	0.562	52.25
0.513	46.38	0.563	52.38
0.514	46.50	0.564	52.50
0.515	46.63	0.565	52.63
0.516	46.75	0.566	52.75
0.517	46.88	0.567	52.88
0.518	47.00	0.568	53.00
0.519	47.13	0.569	53.10
0.520	47.25	0.570	53.20
0.521	47.38	0.571	53.30
0.522	47.50	0.572	53.40
0.523	47.63	0.573	53.50
0.524	47.75	0.574	53.63
0.525	47.88	0.575	53.75
0.526	48.00	0.576	53.88
0.527	48.13	0.577	54.00
0.528	48.25	0.578	54.10
0.529	48.38	0.579	54.20
0.530	48.50	0.580	54.30
0.531	48.63	0.581	54.40
0.532	48.75	0.582	54.50
0.533	48.88	0.583	54.63
0.534	49.00	0.584	54.75
0.535	49.13	0.585	54.88
0.536	49.25	0.586	55.00
0.537	49.38	0.587	55.13
0.538	49.50	0.588	55.25
0.539	49.60	0.589	55.38
0.540	49.70	0.590	55.50
0.541	49.80	0.591	55.60
0.542	49.90	0.592	55.70
0.543	50.00	0.593	55.80
0.544	50.13	0.594	55.90
0.545	50.25	0.595	56.00
0.546	50.38	0.596	56.13
0.547	50.50	0.597	56.25
0.548	50.63	0.598	56.38
0.549	50.75	0.599	56.50

NOTE 3: (d) For shipments made in unlagged (uninsulated) single-unit tank cars, during the months of November to March, inclusive, the following filling densities may be used in lieu of those specified in Note 3 (c). When these filling densities are used, tank cars must be shipped directly to consumers for unloading. Storage in transit is not permitted.

Specific gravity	Filling density	Specific gravity	Filling density
0.500	46.88	0.538	51.10
0.501	47.00	0.539	51.20
0.502	47.10	0.540	51.30
0.503	47.20	0.541	51.40
0.504	47.30	0.542	51.50
0.505	47.40	0.543	51.63
0.506	47.50	0.544	51.75
0.507	47.63	0.545	51.88
0.508	47.75	0.546	52.00
0.509	47.88	0.547	52.10
0.510	48.00	0.548	52.20
0.511	48.10	0.549	52.30
0.512	48.20	0.550	52.40
0.513	48.30	0.551	52.50
0.514	48.40	0.552	52.63
0.515	48.50	0.553	52.75
0.516	48.63	0.554	52.88
0.517	48.75	0.555	53.00
0.518	48.88	0.556	53.10
0.519	49.00	0.557	53.20
0.520	49.10	0.558	53.30
0.521	49.20	0.559	53.40
0.522	49.30	0.560	53.50
0.523	49.40	0.561	53.63
0.524	49.50	0.562	53.75
0.525	49.63	0.563	53.88
0.526	49.75	0.564	54.00
0.527	49.88	0.565	54.10
0.528	50.00	0.566	54.20
0.529	50.10	0.567	54.30
0.530	50.20	0.568	54.40
0.531	50.30	0.569	54.50
0.532	50.40	0.570	54.60
0.533	50.50	0.571	54.70
0.534	50.63	0.572	54.80
0.535	50.75	0.573	54.90
0.536	50.88	0.574	55.00
0.537	51.00	0.575	55.13

Specific gravity	Filling density	Specific gravity	Filling density
0.576	55.25	0.606	58.50
0.577	55.38	0.607	58.63
0.578	55.50	0.608	58.75
0.579	55.60	0.609	58.88
0.580	55.70	0.610	59.00
0.581	55.80	0.611	59.10
0.582	55.90	0.612	59.20
0.583	56.00	0.613	59.30
0.584	56.13	0.614	59.40
0.585	56.25	0.615	59.50
0.586	56.38	0.616	59.63
0.587	56.50	0.617	59.75
0.588	56.60	0.618	59.88
0.589	56.70	0.619	59.97
0.590	56.80	0.620	60.07
0.591	56.90	0.621	60.13
0.592	57.00	0.622	60.28
0.593	57.10	0.623	60.38
0.594	57.20	0.624	60.49
0.595	57.30	0.625	60.59
0.596	57.40	0.626	60.70
0.597	57.50	0.627	60.80
0.598	57.60	0.628	60.90
0.599	57.70	0.629	61.01
0.600	57.80	0.630	61.11
0.601	57.90	0.631	61.18
0.602	58.00	0.632	61.28
0.603	58.13	0.633	61.38
0.604	58.25	0.634	61.47
0.605	58.38	0.635	61.57

• • • • • •

NOTE 21: A filling density of 58.8 percent may be used during the months of November to March, inclusive. When this filling density is used, tank cars must be shipped directly to consumers for unloading. Storage in transit is not permitted.

(b) The gas pressure at 105° F. in any lagged tank of tank cars of specs. 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 109A300–W, 109A100AL–W, 109A300AL–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.301, 78.302, 78.314, or 78.306 of this chapter); at 115° F. in any unlagged tank of tank cars of spec. 112A400–W (§ 78.312 of this chapter); and at 130° F. in any unlagged tank of tank cars of spec. 106A500, 106A500X, 106A800, 106A800X, or 110A500–W (§§ 78.275, 78.276, or 78.293 of this chapter) must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any unlagged tank of tank cars of the 107A (§ 78.277 of this chapter) series must not exceed seven-tenths of the marked test pressure of the tank.

(No change in Note 1.)

• • • • •

(c) The liquid portion of the gas at 105° F. must not completely fill a lagged tank nor at 130° F. completely fill an unlagged tank except that the liquid portion of the gas at 115° F. must not completely fill an unlagged tank of spec. 112A400–W (§ 78.312 of this chapter).

• • • • •

4. In § 73.315 amend paragraph (a) (1) table; amend paragraph (h) table; amend paragraph (i) (2) table (18 F. R. 6780, Oct. 27, 1953) (21 F. R. 3012, May 5, 1956) as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (p. s. i. g.)
(Add)				
Vinyl chloride, inhibited	84	See Note 7	MC–330	250

• • • • • •

(h) • • •

Kind of gas	Permitted gauging device
(Add)	
Vinyl chloride, inhibited	None

• • • • • •

(i) • • •

(2) • • •

Kind of gas	Minimum start-to-discharge pressure (p. s. i. g.)
(Add)	
Vinyl chloride, inhibited	250

• • • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.346 amend paragraph (a) (16); add paragraph (a) (17) (22 F. R. 3926, June 5, 1957) (15 F. R. 8335, Dec. 2, 1950) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(16) Spec. 42B, 42C, or 42D (§§ 78.107, 78.108, or 78.109 of this chapter). Aluminum drums.

(17) Spec. 42E (§ 78.136 of this chapter). Aluminum drums (single-trip).

2. In § 73.354 amend paragraph (a) (5) and Note 1 (21 F. R. 673, Jan. 31, 1956) to read as follows:

§ 73.354 *Motor fuel antiknock compound or tetraethyl lead.* (a) • • •

(5) Spec. MC 330 (§ 78.336 of this chapter) (see Note 1). Tank motor vehicles. Authorized for motor fuel antiknock compound only.

NOTE 1: Spec. MC 300, MC 301, MC 302, or MC 303 (§§ 78.321, 78.322, 78.323, or 78.324 of this chapter) tank motor vehicles in motor fuel antiknock compound service prior to October 1, 1955 may be continued in service.

3. In § 73.369 amend paragraph (a) (14) (15 F. R. 8337, Dec. 2, 1950) to read as follows:

§ 73.369 *Carbolic acid (phenol), not liquid.* (a) • • •

(14) Spec. MC 300, MC 301, MC 302, MC 303, MC 310, or MC 311 (§§ 78.321, 78.322, 78.323, 78.324, 78.330, or 78.331). Tank motor vehicles.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 73.414 paragraph (a) amend the Note following the label (17 F. R. 7283, Aug. 9, 1952) to read as follows:

§ 73.414 *Radioactive materials labels.* (a) • • •

NOTE: This label must be duly executed by the shipper and the number of radiation units must be shown. For purposes of these regulations 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm of hard gamma rays of radium filtered by ½ inch of lead.

• • • • •

SUBPART I—SHIPPING INSTRUCTIONS

In § 73.432 amend Note 2 to paragraph (e) (15 F. R. 8344, Dec. 2, 1950) to read as follows:

§ 73.432 *Tank car shipments.* • • •

(e) • • •

NOTE 2: Carriers should give permission for the unloading of these containers on carrier tracks only where no private siding is available within reasonable trucking distance of final destination. The danger involved is the release of compressed gases due to accidental injury to container in handling. The exposure to this danger decreases directly with the isolation of the unloading point.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

In § 74.526 amend the introductory text of paragraph (n) and subparagraphs (1) and (2) (20 F. R. 953, Feb. 15, 1955) (20 F. R. 4418, June 23, 1955) to read as follows:

§ 74.526 *Loading explosives into cars.* • • •

(n) Container cars or portable containers on flat cars or gondola cars (drop-bottom cars not authorized), when properly loaded, blocked, and braced to prevent change of position under conditions incident to normal transportation, may be used for any class A explosive except black powder packed in metal containers. Portable containers must be of a type approved by the Bureau of Explosives and when constructed of wood must have been painted or treated with fire-retardant material.

(1) Portable containers must be of such design and so braced that there will be no evidence of failure of the container or the bracing when subjected to impact of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to material to be shipped.

(2) Container cars or cars which are loaded with portable containers must be placarded with the "Explosives" placards as prescribed in § 74.550 and properly executed car certificates as required by § 74.525.

• • • • •

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 74.538 paragraph (a) chart, amend footnote e (22 F. R. 2229, April 4, 1957) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

• Does not include nitro carbo nitrate or ammonium nitrate, fertilizer grade, which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

• • • • •

SUBPART C—PLACARDS ON CARS

1. In § 74.549 amend paragraph (h) (21 F. R. 7604, Oct. 4, 1956) to read as follows:

§ 74.549 *Application of placard.* • • •

(h) Placards as required by §§ 74.540, 74.541, and 74.542 must be securely applied to both sides and both ends of car, or to both sides and both ends of truck body or trailer loaded on flat cars, containing explosives or other dangerous articles. Car certificates as required by § 74.525 must be securely applied to both sides of such cars. When more than one trailer is loaded on a flat car, placards must be applied so as to be plainly visible from both ends of the car.

2. Amend entire § 74.553 (22 F. R. 3926, June 5, 1957) to read as follows:

§ 74.553 *Dangerous-Radioactive material placard.* (a) The "Dangerous-Radioactive material" placard for class D poisons must be of diamond shape, measuring 10¾ inches on each side, and must bear the wording in red letters as shown in the following cut:

DANGEROUS PLACARD FOR RADIOACTIVE MATERIAL

(Reduced size)

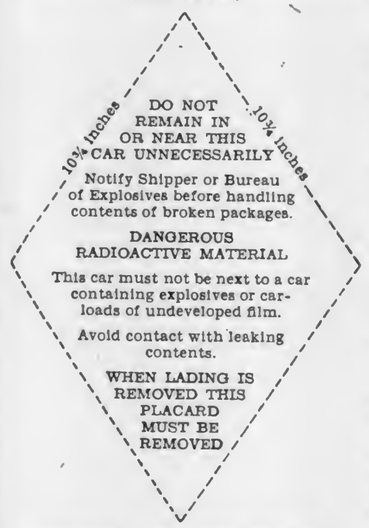

SUBPART D—UNLOADING FROM CARS

In § 74.560 amend Note 2 to paragraph (b) (2) (15 F. R. 8352, Dec. 2, 1950) to read as follows:

§ 74.560 *Tank car delivery.* • • •

(b) • • •

(2) • • •

NOTE 2: Carriers should give permission for the unloading of these containers on carrier tracks only where no private siding is available within reasonable trucking distance of final destination. The danger involved is the release of compressed gases due to accidental injury to container in handling. The exposure to this danger decreases directly with the isolation of the unloading point.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 77.848 paragraph (a) chart, amend item (b) vertical and horizontal columns by inserting under item (d) vertical and horizontal columns the footnote "a" at the respective intersections, to read "aX"; amend footnote e to paragraph (a) chart (21 F. R. 9361, Nov. 30, 1956) (22 F. R. 2229, April 4, 1957) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

• Does not include nitro carbo nitrate or ammonium nitrate, fertilizer grade, which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. Amend entire § 78.1–3 (15 F. R. 8373, Dec. 2, 1950) to read as follows:

§ 78.1 *Specification 1A; boxed carboys.*

§ 78.1–3 *Closing devices required.* (a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

2. Amend entire § 78.3–3 (15 F. R. 8375, Dec. 2, 1950) to read as follows:

§ 78.3 *Specification 1C; carboys in kegs.*

§ 78.3–3 *Closing devices required.* (a) As follows except when otherwise authorized in the packing requirements:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

3. In § 78.4–6 amend paragraph (c) (15 F. R. 8376, Dec. 2, 1950) to read as follows:

§ 78.4 *Specification 1D; boxed glass carboys.*

§ 78.4–6 *Outside containers.* • • •

(c) Assemble sides and ends with grain of wood horizontal and nail as specified. Nail bottom to sides and ends; fasten top by any efficient means (friction closure not authorized). Cleats for shoes to be along edges of bottom parallel to carrying cleats and at right angle to the direction of bottom board or boards.

• • • • •

4. Amend entire § 78.5–2 (15 F. R. 8377, Dec. 2, 1950) to read as follows:

§ 78.5 *Specification 1X; boxed carboys, 5 to 6 gallon, for export only.*

§ 78.5–2 *Closing devices required.* (a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

(3) For box: Two flat metal nailless straps, at least ⅝ inch by 0.020 inch, encircling top, sides, and bottom and securely sealed, are required.

5. Amend entire § 78.6–3 (15 F. R. 8377, Dec. 2, 1950) to read as follows:

§ 78.6 *Specification 1EX; glass carboys in plywood drums.*

§ 78.6–3 *Closing devices required.* (a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

6. In § 78.7–4 amend entire paragraph (b) (16 F. R. 11781, 11782, Nov. 21, 1951) to read as follows:

§ 78.7 *Specification 1E; glass carboys in plywood drums.*

§ 78.7–4 *Glass carboys.* • • •

(b) *Closing devices required.* (For carboys without screw thread finish.) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

7. In § 78.10–6 amend the introductory text of paragraph (a) (17 F. R. 7284, Aug. 9, 1952) to read as follows:

§ 78.10 *Specification 1F; polyethylene carboys in plywood drums.*

§ 78.10–6 *Tests.* (a) Samples, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage from inside container or breakage of outside container that would contribute to potential failure of inner container. Tests shall be made of each size by each company starting production. The type tests are as follows:

• • • • •

SUBPART C—SPECIFICATIONS FOR CYLINDERS

Add § 78.68 (15 F. R. 8432, Dec. 2, 1950) to read as follows:

§ 78.68 *Specification 4E; welded aluminum cylinders.*

§ 78.68–1 *Compliance.* (a) Required in all details.

§ 78.68–2 *Type, size and service pressure*—(a) *Type and size.* Must be welded seamless drawn shells, not more than two shells, with center circumferential weld; not over 1,000 pounds water capacity (nominal); longitudinal welded seam not authorized. Cylinders or shells closed in by spinning process not authorized.

(b) *Service pressure.*[1] At least 225 to not over 500 pounds per square inch.

§ 78.68–3 *Inspection by whom and where.* (a) By competent inspector; chemical analyses and tests as specified to be made within limits of the United States. Interested inspectors are authorized.

§ 78.68–4 *Duties of inspector.* (a) Inspect all material and reject any material not complying with requirements.

(b) Verify chemical analysis of each lot of material by analysis or by obtaining certified analysis: *Provided*, That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analysis of samples taken from one aluminum cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify properties as proper; obtain samples for all tests and check chemical analysis; witness all tests; verify threads by gauge; report volumetric capacity, tare weight (see report form) and wall thickness as approved.

(d) Render complete report (§ 78.68–20) to purchaser; cylinder manufacturer; and the Bureau of Explosives.

§ 78.68–5 *Aluminum.* (a) Shall be of uniform quality. The following chemical analyses are authorized:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent 5154 [1]
Iron plus silicon	0.45 maximum.
Copper	0.10 maximum.
Manganese	0.10 maximum.
Magnesium	3.1/3.9.
Chromium	0.15/0.35.
Zinc	0.20 maximum.
Titanium	0.20 maximum.
Others, each	0.05 maximum.
Others, total	0.15 maximum.
Aluminum	Remainder.

[1] Analysis shall regularly be made only for the elements specifically mentioned above. If, however, the presence of other elements is indicated in the course of routine analysis, further analysis should be made to determine conformance with the limits specified for other elements.

§ 78.68–6 *Identification of material.* (a) Required; any suitable method that will identify the alloy and manufacturer's lot number.

§ 78.68–7 *Defects.* (a) Material with seams, cracks, laminations or other injurious defects not authorized.

§ 78.68–8 *Manufacture.* (a) By best processes and methods; dirt and foreign particles to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required; all welding must be by the gas shielded arc process.

§ 78.68–9 *Welding.* (a) The attachment to the tops and bottoms only of cylinders by welding of neckrings or flanges, footrings, handles, bosses and pads and valve protection rings is authorized: *Provided*, That such attachments and the portion of the cylinder to which it is attached are made of weldable aluminum alloys.

§ 78.68–10 *Wall thickness.* (a) The minimum wall thickness of the cylinder shall be 0.140 inch. In any case, the minimum wall thickness shall be such that calculated wall stress at twice service pressure shall not exceed the lesser value of either of the following:

(1) 20,000 pounds per square inch.

(2) One-half of the minimum tensile strength of the material as required in § 78.68–15.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

S=wall stress in pounds per square inch;
P=minimum test pressure prescribed for water jacket test;
D=outside diameter in inches;
d=inside diameter in inches.

(c) Minimum thickness of heads and bottoms shall not be less than the minimum required thickness of the side wall.

§ 78.68–11 *Opening in cylinder.* (a) All openings must be in the heads or bases.

(b) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by welding by inert gas shielded arc process or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(c) Closure of fitting, boss, or pad must be adequate to prevent leakage.

§ 78.68–12 *Safety devices and protection for valves, safety devices, and other connections if applied.* (a) Must be as required by the Interstate Commerce Commission regulations that apply (see §§ 73.34 (f), 73.124 (a), and 73.301 (i) of this chapter).

§ 78.68–13 *Hydrostatic test.* (a) Each cylinder by water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure of 2 times service pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased to 10 percent.

(c) Permanent volumetric expansion must not exceed 12 percent of total volumetric expansion at test pressure.

(d) One finished cylinder selected at random out of each lot of 1,000 shall be hydrostatically tested to destruction. Failure shall occur in the side wall and shall not occur at a pressure less than 4 times the service pressure. Inability to meet these requirements shall result in rejection of the lot.

§ 78.68–14 *Flattening test.* (a) Flattening test required between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; on one section of a cylinder taken at random out of each lot of 200 or less, after hydrostatic test. Sample must show no evidence of cracking when flattened to 6 times wall thickness.

§ 78.68–15 *Physical test.* (a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from one cylinder or part thereof taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or gauge length 2 inches with width not over 1½ inches. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical test detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by the "offset" method as prescribed in ASTM Standard E8–54T.

(2) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

§ 78.68–16 *Acceptable results for physical tests.* (a) Elongation at least 7 percent for 2 inch gauge length; yield strength not over 80 percent of tensile strength.

§ 78.68–17 *Weld tests.* (a) Reduced section tensile test. A specimen shall be cut from the cylinder used for the physical tests specified in § 78.68–15. Specimen shall be taken across the seam, edges shall be parallel for a distance of approximately 2 inches on either side of the weld. The specimen must be fractured in tension. The apparent breaking stress calculated on the minimum wall thickness must be at least equal to 2 times the stress calculated under § 78.68–10 (b), and in addition must have an actual breaking stress of at least 30,000 pounds per square inch. Should this specimen fail to meet the requirements, specimens may be taken from 2 additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

(b) Guided bend test. A bend test specimen shall be cut from the cylinder used for the physical tests specified in § 78.68–15. Specimen shall be taken across the seam, shall be 1½ inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig illustrated in § 78.51–22. The root of the weld (inside surface of the cylinder) shall be located away from the ram of the jig. No specimen shall show a crack or other open defect exceeding ⅛ inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, specimens may be taken from each of 2 additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

§ 78.68–18 *Rejected cylinders.* (a) Repair of welded seams is authorized. Acceptable cylinders must pass all prescribed tests.

§ 78.68–19 *Marking.* (a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, neck or valve protection collar which may be permanently attached to the cylinder and forming an integral part thereof, as follows:

(1) ICC–4E followed by the service pressure (for example, ICC–4E240).

(2) A serial number and an identifying symbol (letters); location of symbol to be just below the serial number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives.

(3) Inspector's official mark, near serial number; date of test (such as 5–50 for May 1950), so placed that date of subsequent test can be easily added.

(4) Size of marks. Shall be at least ¼ inch high.

§ 78.68–20 *Inspector's report.* (a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

Gas cylinders

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size ____ inches outside diameter by ____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____

These cylinders were made by process of _____

The _____ permitted in (Neckrings, footrings, etc.) § 78.68–9 were attached by process of _____

The material used was identified by the following numbers _____

The material used was verified as to chemical analysis and record thereof is attached hereto.

All material, such as aluminum plate, was inspected before manufacture and the drawn cylinder shells were inspected before final fabrication and found free from seams, cracks, laminations and other defects which might prove injurious to the strength of the cylinder; the processes of manufacture were found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material and other tests as prescribed in Specification ICC–4E, were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4E except as follows:

Exceptions: _____

(Signed) _____
Inspector.

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Test No.	Check analysis No.	Cylinders represented (Serial Nos.)	Chemical analysis							
			Mg	Cr	Cu	Mn	Zn	Ir	Al	Ti

The analyses were made by _____

(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Test No.	Cylinders represented by test (Serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 8 inches)	Reduction of area (percent)	Flattening test	Burst test (pounds per square inch)

(Signed) _____
(Place) _____
(Date) _____

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinders; for example ICC–4E240 indicates the service pressure as 240 pounds per square inch.

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Serial numbers of cylinders tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion (cubic centimeters) [1]	Permanent expansion (cubic centimeters) [1]	Percent ratio of permanent expansion to total expansion [1]	Tare weight (pounds) [2]	Volumetric capacity [3]

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 0.1 percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) _____

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

In § 78.131–6 paragraph (a) table amend the 4th column heading; amend footnote 1 to paragraph (a) (22 F. R. 2234, April 4, 1957) (20 F. R. 4419, June 23, 1955) to read as follows:

§ 78.131 *Specification 37A; steel drums.*

§ 78.131–6 *Capacities, weights, type, and gauges.* (a) • • •

Minimum thickness, uncoated sheets [1] (gauge)	
Body sheet [2]	Head sheet

• • • • •

[1] All gauges specified are minimum except as provided by Part 73 of this chapter. Heavier (but not lighter) gauges may be specified if shipper so desires.

• • • • •

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Add § 78.205–33 (15 F. R. 8476, Dec. 2, 1950) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205–33 *Special box; authorized only for electrolyte (acid) and alkaline corrosive battery fluid packed with storage batteries.* (a) Box shall comply with this specification except that corrugated fiberboard shall have strength of not less than 200 pounds per square inch, Mullen or Cady test. Top and bottom pads and fill-in pieces are not required when inner flaps do not meet. Electrolyte (acid) or alkaline corrosive battery fluid must be packed in polyethylene containers or other material resistant to the lading and not over 12 containers of not over 64-ounce capacity each may be packed in one outside container and must be separated from the storage battery by suitable cushioning. Polyethylene containers that are not rigid or semi-rigid in nature must be contained in other strong inside containers; minimum thickness of polyethylene or other plastic material shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single-wall containers. (See § 73.258 of this chapter.) Authorized gross weight not over 65 pounds.

2. Add § 78.210 (15 F. R. 8479, Dec. 2, 1950) to read as follows:

§ 78.210 *Specification 12A; fiberboard boxes.*

§ 78.210–1 *Compliance.* (a) Required in all details.

§ 78.210–2 *Definitions.* (a) Terms such as "200-pound test" mean minimum strength. Mullen or Cady test.

(b) "Joints" are where edges of parts of box, except recessed flanged heads, are connected together in setting up the box. Generally done by box maker.

§ 78.210–3 *Classification of board.* (a) Fiberboard is hereby classified by strength [1] of completed board as in first column of the following table; weights specified in the table are the minimums authorized.

Classified strength of completed board	Facings for corrugated fiberboard	
	Double-faced-minimum combined weight of facings (pounds per 1,000 sq. ft.)	Double-wall-minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.)
200	84	92
275	138	110

§ 78.210–4 *Corrugated fiberboard.* (a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

§ 78.210–5 *Tests.* (a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side, when all results but 4 show prescribed strength the board is acceptable.

(4) Double-pop tests may be disregarded.

[1] Mullen or Cady test (minimum).

§ 78.210–6 *Boxes authorized.* (a) Corrugated fiberboard boxes having gross weight not over 75 pounds of the following strengths are authorized:

Gross weight not over (pounds)	Corrugated fiberboard strength (Mullen or Cady test) minimum	
	Double-faced	Double-wall
20	200	• • •
50	275	• • •
75	• • •	275

§ 78.210–7 *Forming.* (a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

§ 78.210–8 *Joints.* (a) For slotted containers; lapped 1½ inches except as in (§ 78.210 (b) (2)); stitched at 2½ inch intervals and within 1 inch of each end of joint; body joint must be double-stitched (2 parallel stitches) at each end of joint over 18 inches long.

(b) Joints as provided for by the following are authorized provided resulting joint is capable of withstanding the tests prescribed by § 78.210–10:

(1) For slotted containers only; one butt joint, taped, is authorized.

(2) For glued lap joint, the sides of box forming joint must lap not less than 1¼ inches and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

(3) For triple and double slide boxes; joints of all slides must be taped or stitched.

§ 78.210–9 *Inside cushioning.* (a) Sufficient inside cushioning shall be required for protection of inside containers so that completed packages as offered for shipment shall be capable of withstanding test prescribed by § 78.210–10.

§ 78.210–10 *Test for completed package.* (a) A minimum of 4 boxes with inside containers filled with water, and box closed as for shipment, shall be capable of withstanding the following drop tests from the prescribed heights onto solid concrete without leakage from or breakage of any inside container or rupture of the outside fiberboard box; each box shall be subjected to not more than one of the series of tests:

(1) Box No. 1. Flat drop on bottom from height of 4 feet.

(2) Box No. 2. Flat drop on side from height of 4 feet.

(3) Box No. 3. Flat drop on end from height of 4 feet.

(4) Box No. 4. Flat drop on top from height of 2 feet.

§ 78.210–11 *Closing for shipment.* (a) By any method capable of withstanding tests prescribed by § 78.210–10.

§ 78.210–12 *Marking.* (a) On each container. Symbol in rectangle as follows:

ICC–12A••

(1) Stars to be replaced by authorized gross weight (ICC–12A75). This mark shall be understood to certify that the outer container complies with all the construction requirements of the specification.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in (a) of this section.

(3) Size of markings—At least ½" high.

3. Amend entire § 78.219–5 (18 F. R. 3144, June 2, 1953) (17 F. R. 1564, Feb. 20, 1952) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219–5 *Tape.* (a) Tape used shall comply with the following:

(1) When pressure sensitive paper backed tape is used, the basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width.

(2) When pressure sensitive filament reinforced tape is used for vertical application as provided by § 78.219–12, tape backing shall have a minimum longitudinal tensile strength of 160 pounds per inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength to prevent raveling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F. No solvent or heat shall be necessary to activate the adhesive.

(b) The tape authorized by paragraph (a) of this section must be manufactured of material which will not separate or delaminate when submerged in water for 72 hours and which will not show any delamination or bleeding up to 160° F. and which will not lose its strength, delaminate or become brittle at 0° F.

(c) Any tape of moisture resistance equal to that prescribed in paragraphs (a) and (b) of this section is additionally authorized provided the tape is capable of withstanding tests prescribed by § 78.219–16.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.265–4 amend the introductory text of paragraph (b); in § 78.265–13 amend paragraph (d) (21 F. R. 4567, 4568, June 26, 1956) to read as follows:

§ 78.265 *Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.265–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:
(No change in table.)
• • • • •

§ 78.265–13 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

2. In § 78.266–4 amend the introductory text of paragraph (b) (21 F. R. 4570, June 26, 1956) to read as follows:

§ 78.266 *Specification ICC–103A; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.266–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:
(No change in table.)
• • • • •

3. In § 78.267–4 amend the introductory text of paragraph (b); in § 78.267–14 amend paragraph (b) (21 F. R. 4572, 4573, June 26, 1956) to read as follows:

§ 78.267 *Specification ICC–103B; rubber lined riveted steel tanks to be mounted on or forming part of a car.*

§ 78.267–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:
(No change in table.)
• • • • •

§ 78.267–14 *Safety vents.* • • •
(b) Each tank, or compartment thereof, must be equipped with one safety vent of approved material and if of metal, must be lined with rubber at least ⅛ inch in thickness, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

4. In § 78.269–4 amend the introductory text of paragraph (b); in § 78.269–13 amend paragraph (d) (21 F. R. 4574, 4575, June 26, 1956) to read as follows:

§ 78.269 *Specification ICC–104; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.269–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:
(No change in table.)
• • • • •

§ 78.269–13 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • •

5. In § 78.270–4 amend the introductory text of paragraph (b) (21 F. R. 4577, June 26, 1956) to read as follows:

§ 78.270 *Specification ICC–105A100; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.270–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:
(No change in table.)
• • • • •

6. In § 78.280–4 amend the introductory text of paragraph (b); in § 78.280–15 amend paragraph (d) (21 F. R. 4586, 4587, June 26, 1956) to read as follows:

§ 78.280 *Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.280–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •

§ 78.280–15 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • •

7. In § 78.281–4 amend the introductory text of paragraph (b) (21 F. R. 4588, June 26, 1956) to read as follows:

§ 78.281 *Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.281–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •

8. In § 78.282–4 amend the introductory text of paragraph (b); in § 78.282–15 amend paragraph (b) (21 F. R. 4591, 4592, June 26, 1956) to read as follows:

§ 78.282 *Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.292–4. *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •
§ 78.282–15 *Safety vents.* • • •
(b) Each tank, or compartment thereof, must be equipped with one safety vent of approved material and if of metal, must be lined with rubber at least ⅛ inch in thickness, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.
• • • • •
9. In § 78.283–4 amend the introductory text of paragraph (b) (21 F. R. 4593, June 26, 1956) to read as follows:

§ 78.283 *Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.283–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •
10. In § 78.284–4 amend the introductory text of paragraph (b); in § 78.284–15 amend paragraph (d) (21 F. R. 4595, 4596, June 26, 1956) to read as follows:

§ 78.284 *Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.284–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •
§ 78.284–15 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • •
11. In § 78.285–4 amend the introductory text of paragraph (b) (21 F. R. 4597, June 26, 1956) to read as follows:

§ 78.285 *Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.285–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •
12. In § 78.291–4 add paragraph (e); in § 78.291–14 amend paragraph (d) (22 F. R. 3670, May 24, 1957) (21 F. R. 4606, 4607, June 26, 1956) to read as follows:

§ 78.291 *Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.291–4 *Thickness of plates.* • • •
(e) When a tank is divided into compartments, the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head, a new exterior head of approved contour not less than ½ inch in thickness must be applied. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with at least one open drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed with not less than ¾ inch or not more than 1½ inch solid pipe plugs having standard pipe threads.
§ 78.291–14 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • •
13. In § 78.292–4 add paragraph (e) (22 F. R. 3671, May 24, 1957) to read as follows:

§ 78.292 *Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.292–4 *Thickness of plates.* • • •
(e) When a tank is divided into compartments, the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head, a new exterior head of approved contour not less than ½ inch in thickness must be applied. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with at least one open drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed with not less than ¾ inch or not more than 1½ inch solid pipe plugs having standard pipe threads.
14. Amend entire § 78.293 (21 F. R. 4610 to 4613, June 26, 1956) (21 F. R. 9364, Nov. 30, 1956) to read as follows:

§ 78.293 *Specification ICC–110A500–W; welded steel tanks to be mounted on a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 Applications for approval, (a), (b), (c) and (d).

§ 78.293–1 *Type and general requirements.* (a) Tanks built under this specification must be of one piece cylindrical shell with heads of approved design. All operating fittings must be located in one of the heads, and no openings of any sort are permitted in the cylindrical shell. Tanks must be securely attached to the car structure in a manner such that they may be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1600 pounds of water and not more than 2600 pounds of water.
(b) The tanks must be fabricated by approved methods.
(c) For tanks made in foreign countries, Canada excepted, a chemical analysis of material and all tests as specified must be carried out within the limits of the United States under supervision of a competent and disinterested inspector.

§ 78.293–2 *Thickness of plates.* (a) The wall thickness in the cylindrical portion on the tank must not be less than that calculated by the following formula; and in no case less than $^{11}/_{32}$ inch:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure in pounds per square inch; 1,250 pounds per square inch gauge minimum;
d = inside diameter in inches;
S = minimum specified ultimate tensile strength of plate material in pounds per square inch;
E = efficiency of butt-welded joint = 90 percent.

§ 78.293–3 *Material.* (a) All plates for the tank must be of steel to an approved specification. These plates may also be clad with other metals, such as nickel.
(b) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

§ 78.293–4 *Tank heads.* (a) The tank heads must be hot pressed with a straight flange of at least 1½ inches. The heads must be of one piece, and either torispherical or ellipsoidal, the thickness of which must satisfy the requirements of the appropriate formulas below.
(b) Torispherical heads must be dished to a radius not greater than the inside diameter of tank. The inside knuckle radius must not be less than 6 percent of the diameter of the tank. The thickness of the head shall not be less than that determined by the following formula:

Heads with pressure on concave side;

$$t=\frac{5PL}{6SE}$$

Heads with pressure on convex side;

$$t=\frac{8.35PL}{6SE}$$

where
t = minimum thickness in inches of finished head;
P = minimum bursting pressure = 1,250 pounds per square inch gauge;
S = minimum specified ultimate tensile strength of plate material in pounds per square inch;
L = inside radius of dish;
E = 1.0 for heads made from one plate.

(c) Ellipsoidal heads shall have a ratio of major to minor axis of 2 to 1. The thickness of the heads shall not be less than that determined by the following formula:

Heads with pressure on concave side;

$$t=\frac{Pd}{2SE}$$

Heads with pressure on convex side;

$$t=\frac{1.67Pd}{2SE}$$

where
t = minimum thickness in inches of finished head;
P = minimum bursting pressure = 1,250 pounds per square inch gauge;
S = minimum specified ultimate tensile strength of plate material in pounds per square inch;
d = inside diameter of container in inches;
E = efficiency of butt-welded joint = 1.0 for heads made of one plate.

(d) Threads for openings in tank heads must be American Standard Taper, tapped to gauge, clean cut, even and without checks, and of a length to insure tight joints.

§ 78.293–5 *Welding.* (a) All joints must be welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proven will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. Joints fabricated by means of fusion-welding must be in accordance with the requirements of A. A. R. Welding Code Appendix W, except circumferential welds in tanks less than 36 inches inside diameter need not be radiographed.

§ 78.293–6 *Stress-relieving.* (a) All welding of the tank and attachments welded directly thereto must be stress relieved as a unit in accordance with A. A. R. Welding Code Appendix W.

§ 78.293–7 *Tank mounting.* (a) The manner in which the tanks are supported on and securely attached to the car structure must be approved.

§ 78.293–8 *Protection of fittings.* (a) Tanks must be of such approved design as will afford maximum protection to any fitting or attachment to the head including the housing referred to in § 78.293–9 (a). Tank ends must slope or curve inward toward the axis such that the diameter at the outboard end is at least 2 inches less than the maximum diameter.

§ 78.293–9 *Protective housing and cover.* (a) All operating fittings shall be located in one head. Valves and other closures of openings in tank heads, except fusible plug vents and drain plugs, must be protected against accidental injury by a detachable housing of approved design which must not project beyond the end of the tank and must be securely fastened to the tank head. This housing must be provided with an opening having an area equal to the total safety valve or vent discharge area.

§ 78.293–10 *Venting, loading and unloading valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 500 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing pipe connections of the valves.

§ 78.293–11 *Safety valves or vents.* (a) Unless prohibited for type of service in which tank is used, the tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved methods. The total valve or vent discharge capacity must be sufficient to prevent building up pressure in tank in excess of ¾ of the test pressure as calculated by A. A. R. Appendix A. When safety vents of the fusible plug type are used the required discharge capacity must be available in each head.
(b) Safety valves must be set to open and vents of the frangible disc type must function at a pressure of not exceeding 375 pounds per square inch. Vents of the fusible plug type must function at a temperature of not exceeding 175 degrees Fahrenheit. (For tolerance see § 78.293–14.)

§ 78.293–12 *Fixtures.* (a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protection housing may be fusion-welded in place, provided they are properly heat treated at the time the entire tank is heat treated. All other fixtures and appurtenances, except as provided for in §§ 78.293–7, 78.293–8, 78.293–9, 78.293–10 and 78.293–11 are prohibited.

§ 78.293–13 *Tests of tank.* (a) After heat treatment, tanks must be subjected to hydrostatic test in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure within 100 pounds of the test pressure. Each tank must be tested to 500 pounds per square inch. Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion of tank. Pressure gauge must permit reading to accuracy of one percent. Expansion gauge must permit reading of total expansion to accuracy of one percent. Expansion must be recorded in cubic centimeters.
(b) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.
(c) Each finished tank must be subject to interior air pressure test of at least 100 pounds per square inch under conditions favorable to detection of any leakage. No leaks shall appear.
(d) Repairs of leaks detected in manufacture or test must be made by the same process as employed in manufacture of tank. Calking, soldering, or similar repairing is prohibited.

§ 78.293–14 *Tests of safety valves and vents.* (a) Each valve must be tested by air or gas before being put into service and also at intervals as prescribed by retest table No. 2 of § 73.31 (g) (9) of this chapter. The valve must open at a pressure not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.
(b) For safety vents of the frangible disc type, a sample of the disc used must burst at a pressure of not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch.
(c) For safety vents of the fusible plug type, a sample of the fusible plugs used must function at a temperature of not exceeding 175 degrees Fahrenheit and vapor tight at a temperature of 130 degrees Fahrenheit.

§ 78.293–15 *Alterations and maintenance of tanks.* (a) All prescribed markings on tanks must be kept legible. Copy of the said markings, in letters and figures of the prescribed size stamped on a brass plate secured to the tank, is authorized. Markings must not be changed except as follows:
(1) By application of additional marks not affecting the test pressure or water capacity; these must not obliterate previously applied marks.
(2) By application of test pressure marks, or alteration of such marks, to indicate a reduced test pressure; authorized only for tanks that have not failed in the 5-year test.
(3) By change of serial numbers or ownership marks, or both, report in sufficient detail so that previous serial number and ownership mark can be determined for each tank arranged by lot numbers or by consecutive serial numbers, must be filed with the Bureau of Explosives.

§ 78.293–16 *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be stamped into the metal of one head or chime in letters and figures at least ⅜ inch high as follows:
(1) ICC–110A500–W.
(2) Serial number (immediately below the stamped mark specified in subparagraph (1) of this paragraph).
(3) Inspector's official mark (immediately below the stamped mark specified in subparagraph (2) of this paragraph).
(4) Name, mark (other than trademark) or initials of company or persons for whose use the tanks are being made, which must be recorded with the Bureau of Explosives.
(5) Date of tank test (month and year), such as 1–54 for January 1954, so placed that dates of subsequent tests may easily be added thereto.
(6) Water capacity____0000 pounds.
(7) Tanks made of clad plates must be stenciled on the tank (naming material)_____clad tank.

§ 78.293–17 *Inspection and reports.* (a) Purchaser of tank must provide for inspection by competent inspector as follows:
(1) The inspector must carefully inspect all plates for which tanks are to be made and records pertaining thereto, and plates which do not comply with the requirements of this specification must be rejected.
(2) The inspector must secure complete certified records, including chemical analyses and physical tests of samples taken from each heat of steel used in the manufacture of the plate.

(3) The inspector must report capacity in pounds of water and tare weight of each tank, and the minimum thickness of tank wall noted.

(4) The inspector must make such inspection as may be necessary to see that all the requirements of this specification are fully complied with, must see that the finished tanks are properly heat treated, and must witness all air and hydrostatic tests.

(5) The inspector must stamp his official mark on each accepted tank immediately below the serial number and make certified report (see paragraph (b) of this section) to the builder, to the company or person for whose use the tanks are being made, to the builder of the car structure on which the tanks are to be mounted, if any, to the Bureau of Explosives and to the Secretary, Mechanical Division, Association of American Railroads.

(b) Inspector's report required herein must be in the following form:

(Place) _____
(Date) _____

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval No. _____ and approved by the A. A. R. Committee on Tank Cars under date of _____
Built for _____ Company
Location at _____
Built by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size ____ inches outside diameter by ____ inches long
Marks stamped into the head or chime of the tank are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Test date _____
Water capacity. (See Record of Hydrostatic Tests.)
Tare weights (Yes or No.) (See Record of Hydrostatic Tests.)
These tanks were made by process of _____

The steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number of the plate, head, and bottom used in the tank.

The steel used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers were stamped into the metal.

All material such as plates, billets, and seamless tubing, was inspected and each tank was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the tank. The process of manufacture and heat treatment of tanks were supervised and found to be efficient and satisfactory.

The tank walls were measured and the minimum thickness noted was ____ inch. The outside diameter by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, bend and tensile tests of material, and other tests as prescribed in this specification were made in the presence of the inspector and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission Specification No _____.

(Signed) _____
Inspector.
(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered _____ to _____ inclusive
Size ____ inches outside diameter by ____ inches long
Made by _____ Company
For _____ Company

Heat No.	Chemical analysis						
	C	P	S	Si	Mn	Ni	Cr
----------	--	--	--	--	----	----	----
----------	--	--	--	--	----	----	----
----------	--	--	--	--	----	----	----
----------	--	--	--	--	----	----	----

The analyses were made by:
(Signed) _____

Serial Nos. of tanks tested	Actual test pressure (pounds per square inch)	Total expansion (c. c.)[1]	Permanent expansion (c. c.)[1]	Percent ratio of permanent expansion to total expansion	Tare weight pounds [2]	Capacity in pounds of water at 60° F.
----------	----------	----------	----------	----------	----------	----------
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----------	----------	----------	----------	----------	----------	----------
----------	----------	----------	----------	----------	----------	----------

(Signed) _____

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the tank by the test pressure then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include protective housing and cover but state whether with or without valves.

(c) Before a tank car built under this specification is placed in service, the builder must furnish the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that the tank and its appurtenances comply with all the requirements of this specification, including information as to the serial numbers, date of test, and ownership marks on the tanks. In the event the owner of the tank instead of the builder elects to furnish appurtenances such as valve protection caps, loading and unloading valves or vents of the frangible disc or fusible plug type, the owner must furnish to the Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that these appurtenances comply with all the requirements of this specification.

(d) In case of alterations of or additions to tank or equipment from original design and construction or of repairs, there must be furnished to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in detail of the repairs, alterations or additions made to each tank covered by a particular application, showing the serial number of each tank involved and stating that heat treatment called for by the particular type of repair authorized has been performed and that after repairs, alterations, or additions, the tests prescribed in § 78.293–13 were made, results of hydrostatic tests reported, and tank marked as prescribed by retest Table No. 2 of § 73.31 (g) (9) of this chapter.

15. In § 78.296–4 amend the introductory text of paragraph (b) (21 F. R. 4617; June 26, 1956) to read as follows:

§ 78.296 *Specification ICC–103B100–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.296–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • • •

16. In § 78.297–4 amend the introductory text of paragraph (b); in § 78.297–14 amend paragraph (d) (21 F. R. 4619, 4620, June 26, 1956) to read as follows:

(Place) _____
(Date) _____

RECORD OF TENSILE TESTS OF MATERIAL IN TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

Heat No.	Yield point (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (per cent in 8 inches)	Reduction of area (per cent)	Bend test
----	-------	--------	-------	-------	----
----	-------	--------	-------	-------	----
----	-------	--------	-------	-------	----
----	-------	--------	-------	-------	----

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

§ 78.297 *Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.297–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • • •

§ 78.297–14 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • • •

17. In § 78.298–4 amend the introductory text of paragraph (b) (21 F. R. 4621, June 26, 1956) to read as follows:

§ 78.298 *Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.298–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • • •

18. In § 78.299–4 amend the introductory text of paragraph (b) (21 F. R. 4623, June 26, 1956) to read as follows:

§ 78.299 *Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.*

§ 78.299–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • • •

19. In § 78.303–16 amend paragraph (d) (22 F. R. 3674, May 24, 1957) to read as follows:

§ 78.303 *Specification ICC–111A100–W–1; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.303–16 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • • •

20. In § 78.305–16 amend paragraph (d) (22 F. R. 3678, May 24, 1957) to read as follows:

§ 78.305 *Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.305–16 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • • •

21. In § 78.307–4 amend the introductory text of paragraph (b) (22 F. R. 3680, May 24, 1957) to read as follows:

§ 78.307 *Specification ICC–105A200–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.307–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • • •

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. In § 78.321–9 amend paragraph (a) (15 F. R. 8545, Dec. 2, 1950) to read as follows:

§ 78.321 *Specification MC300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or of stainless steel.*

§ 78.321–9 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.
• • • • • •

2. In § 78.322–9 amend paragraph (a) (15 F. R. 8547, Dec. 2, 1950) to read as follows:

§ 78.322 *Specification MC 301; cargo tanks constructed of welded aluminum alloy (Grade 3S).*

§ 78.322–9 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.
• • • • • •

3. In § 78.323–5 paragraph (a) amend the 20th line which now reads "IC MC • • •" to read "ICC MC • • •"; in § 78.323–9 amend paragraph (a) (15 F. R. 8549, 8550, Dec. 2, 1950) to read as follows:

§ 78.323 *Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B178–54).*

§ 78.323–9 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either

method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

• • • • •

4. In § 78.324–9 amend paragraph (a) (15 F. R. 8552, Dec. 2, 1950) to read as follows:

§ 78.324 *Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel.*

§ 78.324–9 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

• • • • •

5. In § 78.330–14 amend paragraph (a) (15 F. R. 8555, Dec. 2, 1950) to read as follows:

§ 78.330 *Specification MC 310; cargo tanks.*

§ 78.330–14 *Tank outlets*—(a) *No bottom outlets.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet provided such bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

• • • • •

6. In § 78.331–11 amend paragraph (a) (18 F. R. 6784, Oct. 27, 1953) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.*

§ 78.331–11 *Tank outlets*—(a) *No bottom outlets.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet provided such bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

• • • • •

[F. R. Doc. 57–8030; Filed, Oct. 2, 1957; 8:45 a. m.]

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. 205]

PART 206—FREIGHT COMMODITY STATISTICS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 19th day of September A. D. 1957.

By order of December 9, 1955, in Motor Carrier Freight Commodity Statistics, the Commission required that all class I common and contract motor carriers of property compile and report annually certain traffic statistics as set forth therein; by order of May 21, 1956, the Commission exempted therefrom carriers of household goods and carriers of specific commodities not grouped in classes 1 to 16, inclusive, Schedule 20 of Motor Carrier Annual Report Form A; by report and order of January 8, 1957, in Ex Parte No. 205, Motor Carrier Freight Commodity Statistics, the Commission, after oral argument, affirmed its prior order as amended, limited the application of the order to Class I motor carriers of property having gross annual operating revenue of $1,000,000 or more, and provided that reports of individual carriers filed in conformity with the order would not be open for public inspection;

The order, as amended, limits the application thereof to carriers having $1,000,000 or more of gross operating revenue, whereas for 1957 and later years carriers must have average revenues of $1,000,000 to qualify as class I carriers; it also requires that freight revenues reported by each carrier be divided on the basis of whether freight was originated or terminated by the carrier, a division of revenues which is not necessary; and it requires that reports be filed on or before the 60th day succeeding the close of the year for which they are compiled, whereas under the terms of section 220 (b) of the Interstate Commerce Act, 49 U. S. C. 320, an annual report must be filed within three months of the close of the year for which the report is made; and, as the changes effected hereby impose no new requirements in connection with the outstanding order, as amended, and conformity with the rule-making procedure of section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003, is unnecessary;

Upon further consideration of the matters and things involved in the above-described order, as amended, and sufficient cause appearing therefor:

It is ordered, That the Commission's order of December 9, 1955, in Motor Carrier Freight Commodity Statistics, as amended, be, and it is hereby, further modified and amended so as to read as set out below, which is hereby referred to and made a part of this order.

It is further ordered, That Part 206 of 49 CFR be revised by deleting the text in its entirety and substituting therefor §§ 206.1–206.8 as set out below.

It is further ordered, That this order shall become effective January 1, 1958.

And it is further ordered, That a copy of this order shall be served on each class I common or contract motor carrier of property subject to Part II of the act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and upon parties of record in Ex Parte No. 205; and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C. and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

Sec.
206.1 Freight commodity statistics.
206.2 Exempt carriers.
206.3 Items to be reported.
206.4 Truckload traffic defined.
206.5 Freight revenue.
206.6 Report form and date of filing.
206.7 Public inspection.
206.8 List of commodity groups and classes.

AUTHORITY: §§ 206.1 to 206.8 issued under 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 563, as amended; 49 U. S. C. 320.

§ 206.1 *Freight commodity statistics.* Until further order of the Commission, all class I common and contract motor carriers of property, as defined in § 182.01–1 of this chapter, subject to Part II of the Interstate Commerce Act, and not hereinafter specifically exempted from the requirements of this Part, shall compile and report annually certain freight traffic statistics according to commodity groups and classes named in § 206.8 and in conformity with formal instructions included in the appropriate report forms hereinafter prescribed.

§ 206.2 *Exempt carriers.* Until further order of the Commission those class I common and contract motor carriers of property which are predominantly engaged in the types of carriage or service indicated below will be exempt from the requirements for compiling and reporting freight commodity statistics:

(a) Dump trucking,
(b) Armored truck service,
(c) Film and associated commodities,
(d) Retail store delivery,
(e) Household goods,
(f) Carriers of specific commodities not grouped in classes I to 16, inclusive, Schedule 20 of Motor Carrier Annual Report Form A.

§ 206.3 *Items to be reported.* Information respecting intercity truckload shipments shall be compiled and reported for each commodity class named in § 206.8, as follows:

(a) Revenue freight originated:

Terminating with carrier;
Number of shipments,
Number of tons (2,000 lbs.),
Delivered to another motor carrier;
Number of shipments,
Number of tons (2,000 lbs.).

(b) Revenue freight received from another motor carrier:

Terminating with carrier;
Number of shipments,
Number of tons (2,000 lbs.),
Delivered to another motor carrier;
Number of shipments,
Number of tons (2,000 lbs.).

(c) Total truckload revenue freight:

Number of shipments,
Number of tons (2,000 lbs.),
Freight revenue.

§ 206.4 *Truckload traffic defined.* For purposes of this part a truckload shipment shall mean any shipment of not less than 10,000 pounds of a single commodity represented by one of the classes of the Commission's freight commodity classification or any sub-division of such classes which moves on a single bill of lading. It is recognized that more than one shipment of 10,000 pounds will at times move in the same truck, but, in compiling the information, each such shipment will be treated as a truckload shipment. Truckload shipments received from or delivered to a carrier other than a motor carrier shall be classified as originating and terminating, respectively, with the reporting carrier.

§ 206.5 *Freight revenue.* Freight revenue as used in § 206.3 means the reporting carrier's proportion of the revenue shown on each freight bill without subsequent adjustment for errors in rates, extensions, interline divisions, etc.

§ 206.6 *Report form and date of filing.* Commencing with reports for the year 1957, reports required by these rules and regulations shall be filed in duplicate with the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., within three months after the close of the year for which the reports are made, on Form TCS which will be furnished to the carriers. (The outline of the report Form follows the tenor of the order.)

§ 206.7 *Public inspection.* The individual reports filed pursuant to this part will not be open for public inspection.

§ 206.8 *List of commodity groups and classes.*

GROUP I—PRODUCTS OF AGRICULTURE

Class
1. Wheat.
3. Corn.
5. Sorghum grains.
7. Oats.
9. Barley and rye.
11. Rice.
13. Grain, N. O. S.
15. Flour, wheat.
17. Meal, corn.
19. Flour, edible, N. O. S.
21. Cereal food preparations, N. O. S.
23. Mill Products N. O. S.
25. Hay.
27. Straw.
29. Tobacco, unmanufactured.
31. Tobacco siftings, sweepings, and waste.
33. Cotton in bales.
35. Cotton linters, nolls, and regins.
37. Cottonseed.
39. Cottonseed oil cake and meal.
41. Cottonseed hulls and bran.
43. Soybeans.
45. Soybean oil cake and meal.
47. Vegetable and nut oil cake and meal, N. O. S.
49. Apples, fresh, not frozen.
51. Bananas, fresh.
53. Berries, fresh, not frozen.
55. Cantaloupes and melons, N. O. S.
57. Grapes, fresh.
59. Lemons, limes, and citrus fruits, N. O. S.
61. Oranges and grapefruit.
63. Peaches, fresh, not frozen.
65. Pears, fresh, not frozen.
67. Watermelons.
69. Fruits, fresh, N. O. S., not frozen.
71. Fruits, dried, dehydrated, and evaporated, N. O. S.
73. Fruits and berries, fresh, frozen.
75. Coffee.
77. Cabbage.
79. Celery.
81. Lettuce.
83. Onions, dry.
85. Potatoes, other than sweet.
87. Tomatoes.
89. Vegetables, fresh, N. O. S., not frozen.
91. Beans and peas, dried.
93. Vegetables, dried, dehydrated, and evaporated, N. O. S.
95. Vegetables, fresh, frozen.
97. Peanuts.
101. Sugar beets.
103. Malt, N. O. S.
105. Flaxseed.
107. Seeds, N. O. S.
199. Products of agriculture, N. O. S.
(900) Total Products of Agriculture.

GROUP II—ANIMALS AND PRODUCTS

201. Horses, mules, ponies and asses.
203. Cattle and calves, single-deck.
205. Calves, double-deck.
207. Sheep and goats, single-deck.
209. Sheep and goats, double-deck.
211. Swine, single-deck.
213. Swine, double-deck.
215. Meats, fresh, N. O. S.
217. Meats, cooked, cured, dried, and smoked.
219. Packing house products, edible, N. O. S.
221. Margarine, N. O. S.
223. Poultry, live.
225. Poultry, dressed and frozen.
227. Eggs.
229. Butter.
231. Cheese.
233. Dairy products, N. O. S.
235. Wool and mohair in grease.
237. Wool and mohair, N. O. S.
239. Hides, skins, and pelts, N. O. S.
241. Leather, N. O. S.
243. Sea food, N. O. S.
245. Fish and sea animal oil.
299. Animals and products, N. O. S.
(910) Total Animals and Products.

GROUP III—PRODUCTS OF MINES

301. Anthracite coal, N. O. S.
303. Anthracite coal to breakers and washeries.
305. Bituminous coal.
307. Coke.
309. Iron ore.
311. Aluminum ore and concentrates.
313. Copper ore and concentrates.
315. Lead ore and concentrates.
317. Zinc ore and concentrates.
319. Ores and concentrates, N. O. S.
321. Barytes.
323. Clay and bentonite.
325. Sand, industrial.
327. Gravel and sand, N. O. S.
329. Stone and rock: Broken, ground, and crushed.
331. Fluxing stone and raw dolomite.
333. Stone, rough, N. O. S.
335. Stone, finished, N. O. S.
337. Petroleum, crude.
339. Asphalt.
341. Salt.
343. Phosphate rock.
345. Sulphur.
399. Products of mines, N. O. S.
(920) Total Products of Mines.

GROUP IV—PRODUCTS OF FORESTS

401. Logs, butts, and bolts.
403. Posts, poles, and piling, wooden.
405. Wood, fuel.
407. Ties, railroad.
409. Pulpwood.
411. Lumber, shingles, and lath.
413. Box, crate, and cooperage material.
415. Veneer, plywood, and built-up wood.
417. Rosin and turpentine.
499. Products of Forests, N. O. S.
(930) Total Products of Forests.

GROUP V—MANUFACTURES AND MISCELLANEOUS

501. Gasoline.
503. Fuel, road, and petroleum residual oils, N. O. S.
505. Lubricating oils and greases.
507. Petroleum products, refined, N. O. S.
509. Gases, other than petroleum, N. O. S.
511. Cottonseed oil.
513. Linseed oil.
515. Soybean oil.
517. Vegetable and nut oils, N. O. S.
519. Oils, N. O. S.
521. Oil foots, sediment, and tank bottoms.
523. Rubber, crude, natural, and synthetic.

Class
525. Rubber goods, N. O. S.
527. Chemicals, N. O. S.
529. Sulphuric acid.
531. Acids, N. O. S.
533. Sodium (soda) products.
535. Alcohol, N. O. S.
537. Blacks, N. O. S.
539. Fertilizers, N. O. S.
541. Insecticides and fungicides, N. O. S.
543. Tar, pitch, and creosote.
545. Tanning material, N. O. S.
547. Paint, paint material, putty, and varnish.
549. Plastics.
551. Cellulose articles, N. O. S.
553. Drugs, medicines, and toilet preparations.
555. Aluminum: Bar, ingot, pig, and slab.
557. Aluminum, N. O. S.
559. Copper: Ingot, matte, and pig.
561. Copper, brass, and bronze, N. O. S.
563. Lead and zinc: Bar, ingot, and pig.
565. Lead and zinc, N. O. S.
567. Magnesium metal and alloy.
569. Alloys for steel manufacture.
571. Metals and alloys, N. O. S.
573. Iron, pig.
575. Iron and steel: Billet, bloom and ingot.
577. Iron and steel: Bar, rod, and slab.
579. Iron and steel, N. O. S.
581. Iron and steel nails and wire (woven and not woven), N. O. S.
583. Manufactured iron and steel.
585. Cast iron pipe and fittings.
587. Iron and steel pipe and fittings, N. O. S.
589. Tanks, N. O. S.
591. Agricultural implements, N. O. S.
593. Agricultural implement parts, N. O. S.
595. Machinery and machines, N. O. S.
597. Machinery parts.
601. Business and office machines, N. O. S.
605. Railway equipment, S. U., not moved on own wheels.
607. Railway equipment parts.
609. Rails and railway track material, iron and steel.
611. Vehicles, other than motor.
613. Automobiles, passenger.
615. Automobiles, freight.
617. Vehicles, motor, N. O. S.
619. Military vehicles, N. O. S.
621. Automobiles and autotrucks, K. D.
623. Vehicle parts, N. O. S.
625. Airplanes, aircraft, and parts.
627. Tires and tubes, rubber.
629. Guns, small arms, and parts, N. O. S.
631. Ammunition and explosives.
633. Cement: Natural and Portland.
635. Cement, N. O. S.
637. Brick, common.
639. Brick, N. O. S., and building tile.
641. Refractories.
643. Artificial stone, N. O. S.
645. Lime, N. O. S.
647. Plaster: Stucco and wall.
649. Sewer pipe and drain tile (not metal).
651. Broken or ground brick, blocks, crockery, and glass.
653. Woodpulp.
655. Scrap paper and rags.
657. Newsprint paper.
659. Printing paper, N. O. S.
661. Wrapping paper.
663. Paper bags.
665. Paper and paper articles, N. O. S.
667. Printed matter, N. O. S.
669. Paperboard, fibreboard, and pulpboard.
671. Wallboard.
673. Building paper and prepared roofing material.
675. Insulating materials, N. O. S.
677. Building woodwork and millwork.
679. Building materials, N. O. S.
681. Buildings and houses, fabricated and portable, N. O. S.
683. Asbestos articles, N. O. S.
685. Electrical equipment and parts, N. O. S.
687. Furnaces, heaters, radiators, and parts.
689. Bathroom and lavatory fixtures and sinks.
691. Hardware, N. O. S.
693. Glass.
695. Glassware, N. O. S.
697. Glass bottles, jars, and packing glasses, N. O. S.
701. Chinaware, crockery, and earthenware.
703. Woodenware.
705. Household utensils, N. O. S.
707. Refrigerators, freezing apparatus and parts.
709. Laundry equipment.
711. Stoves, ranges, and parts.
713. Floor covering.
715. Furniture, N. O. S.
717. Furniture parts.
719. Tools and parts, N. O. S.
721. Abrasives, other than crude.
723. Bagging: Burlap, cotton, gunny, and jute, N. O. S.
725. Bags: Burlap, cotton, gunny, and jute, N. O. S.
727. Cotton cloth and cotton fabrics, N. O. S.
729. Cotton factory products.
731. Synthetic fibre and yarns (rayon or nylon).
733. Cloth and fabrics, N. O. S.
735. Rope, cordage, and binder twine, N. O. S.
737. Boots, shoes, and findings, N. O. S.
739. Luggage and handbags, N. O. S.
741. Athletic, gymnasium, playground, and sporting equipment, N. O. S.
743. Games and toys.
745. Liquors, alcoholic, N. O. S.
747. Wine.
749. Liquors, malt.
751. Beverages, N. O. S.
753. Ice.
755. Sirup and molasses, refined.
757. Molasses, residual.
759. Sugar.
761. Candy and confectionery.
763. Food products, N. O. S. in cans and packages, not frozen.
765. Food products, N. O. S., frozen.
767. Starch.
769. Soap and cleaning and washing compounds.
771. Matches.
773. Feed, animal and poultry, N. O. S.
775. Manufactured tobacco, N. O. S.
777. Cigarettes.
779. Containers, metal.
781. Containers, wooden.
783. Containers, fibreboard and paperboard, K. D.
785. Containers, N. O. S.
787. Containers, returned empty.
789. Scrap iron and scrap steel.
791. Iron and steel borings, turnings, etc.
793. Furnace slag.
795. Waste materials for remelting, N. O. S.
797. Waste materials, N. O. S.
799. Manufactures and miscellaneous, N. O. S.
(940) Total Manufactures and Miscellaneous.

GROUP VI—FORWARDER TRAFFIC

950. Forwarder Traffic.
(960) Grand Total Truckload Traffic.

[F. R. Doc. 57-8155; Filed, Oct. 2, 1957; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 940—PEACHES GROWN IN MESA COUNTY, COLO.

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957–58 FISCAL YEAR

Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 940.209 *Expenses and rate of assessment for the 1957–58 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1957, and ending February 28, 1958, will amount to $13,000.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at one cent ($0.01) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) said Administrative Committee at a meeting held on July 25, 1957, proposed an itemized budget of expenses and a rate of assessment based upon information then available as to production of peaches during the 1957 season and anticipated expenses; (2) necessary supplemental information supporting the proposed expenses and rate of assessment was not available to the Department until September 26, 1957; (3) shipments of the current crop of peaches from Mesa County, Colorado, are now being made; (4) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all fresh peaches shipped during the 1957–58 fiscal year; and (5) it is essential that the specification of the assessment be issued immediately so that the aforesaid assessments may be collected, and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "ship," "peaches," and "fiscal year" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated September 27, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-8135; Filed, Oct. 2, 1957; 8:52 a. m.]

PART 946—MILK IN LOUISVILLE, KY., MARKETING AREA

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AUTHORITY: §§ 946.1 to 946.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective October 1, 1957. Any delay will seriously threaten the orderly marketing of milk in the Louisville, Kentucky, marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 27, 1957. The changes effected by this order will not change the financial obligation of handlers for milk and will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order) of more than 50 percent of the milk covered by this order amending the order, which is marketed within the Louisville, Kentucky, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 946.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 946.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the act of the said Secretary of Agriculture.

§ 946.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 946.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 946.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 946.6 *Louisville, Kentucky, marketing area.* "Louisville, Kentucky, marketing area," called the "marketing area," in this part, means the territory within Jefferson County, Kentucky, including but not being limited to the City of Louisville, the Fort Knox Military Reservation; the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county; and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charlestown, in Clark County, Indiana.

§ 946.7 *City plant.* "City plant" means a plant or other facilities, where milk is processed or packaged and from which a fluid milk product(s) which is permitted to be labeled as "Grade A" by health authority having jurisdiction in the marketing area is disposed of through a route(s).

§ 946.8 *Country plant.* "Country plant" means a milk plant, other than a city plant, which is approved by the appropriate health authority in the marketing area to supply milk, skim milk or cream to a city plant(s) for disposition as "Grade A" milk in the marketing area and at which milk is received from persons described in § 946.12 (a) during the month.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant, other than a plant operated by a producer-handler, from which not less than 30 percent of the milk received from persons described in § 946.12 (a) either directly from such persons or from country plants during the two immediately preceding months is disposed of as Class I milk to outlets other than pool plants and not less than 10 percent of such receipts during the current month are distributed through routes in the marketing area: *Provided,* That in case of a plant for which such utilization percentage for the two immediately preceding months cannot be ascertained by the market administrator, the 30 percent requirement shall apply to receipts and Class I sales during the current month;

(b) A country plant during any of the months of October through March in which not less than 10 percent of the receipts of milk at such plant from persons described in § 946.12 (a) are delivered to a city plant in the form of milk, skim milk or cream;

(c) A country plant during the months of April through September from which more than 50 percent of the combined receipts of milk from persons described in § 946.12 (a) during the preceding period of October through February were delivered to a city plant(s) in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following; and

(d) A country plant which is operated by a cooperative association and (1) 75 percent or more of the milk from persons described in § 946.12 (a) who are members of such association is delivered during the month directly to the pool plant(s) of other handlers or transferred by such association to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means (a) any person who operates a city plant or a country plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 946.13.

§ 946.12 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is:

(a) Approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is permitted by the appropriate health authority in the marketing area to be labeled and disposed of as Grade A milk in the marketing area (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases): *Provided,* That this definition shall not include any person whose milk is permitted on a temporary or emergency basis by such health authority in the marketing area to be labeled and disposed of as Grade A milk; and

(b) Received at a pool plant or diverted in accordance with the conditions set forth in paragraph (b) or (c) of § 946.13.

§ 946.13 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received directly from producers at a pool plant: *Provided,* That when withdrawals of milk are made at more than one pool plant from the same load delivered by farm tank pick-up truck and in the absence of agreement between the operators of such pool plants as to the reporting of and payment for such milk, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn;

(b) Diverted from a pool plant to another pool plant or to a nonpool plant: *Provided,* That such milk so diverted shall be deemed to have been received at the pool plant from which it is diverted: *Provided further,* That this definition shall not include the milk of any person during any of the months of October, November, January, and February in which the milk of such person is diverted by a handler, except a cooperative association, to a nonpool plant for more than one-half of the days of delivery during the month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided,* That any milk so diverted shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which it is diverted.

§ 946.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) except Class II products from pool plants, which are repackaged, reprocessed or converted to another product in the plant during the month.

§ 946.15 *Producer-handler.* "Producer-handler" means any person who processes and packages milk from his own farm production, distributing any portion of such milk within the marketing area as Class I milk and who receives no milk from producers.

§ 946.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month.

§ 946.17 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 946.18 *Route.* "Route" means the operation of a plant store or a vehicle (including that operated by a vendor) through the means of which fluid milk products are disposed of to retail or wholesale stops in the marketing area other than to a milk plant.

MARKET ADMINISTRATOR

§ 946.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 946.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 946.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 946.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 946.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicious place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts has not made reports pursuant to §§ 946.30 through 946.32, or payments pursuant to §§ 946.80 through 946.86;

(j) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to producer milk caused to be delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 12th day after the end of each month, the minimum prices for each class of milk computed pursuant to § 946.51, and the butterfat differentials for each class computed pursuant to § 946.52; and

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 946.71, and the butterfat differential computed pursuant to § 946.81;

(l) On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 946.70; and

(2) The amounts to be paid by such handler pursuant to §§ 946.61, 946.84, 946.87, and 946.88.

REPORTS, RECORDS, AND FACILITIES

§ 946.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator for each of his pool plants in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own farm production);

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk other than on routes operated wholly or partially within the marketing area; and

(f) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 946.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and cooperative association and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer and cooperative association, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 946.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided,* That milk diverted to a pool plant as described in § 946.13 (b) need not be reported pursuant to this paragraph.

(c) On or before the 10th day after the request of the market administrator, such handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 946.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products on hand at the beginning and end of each month.

§ 946.34 *Retention of records.* All books and records required under this part to be available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified records and books until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records

are no longer necessary in connection therewith.

CLASSIFICATION

§ 946.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat which is required to be reported pursuant to §§ 946.30 and 946.61 shall be classified by the market administrator pursuant to the provisions of §§ 946.41 through 946.46.

§ 946.41 *Classes of utilization.* Subject to the conditions set forth in §§ 946.42 through 946.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed; (2) disposed of as any fluid milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk, or cream from sources approved by such authority; and (3) not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat the utilization of which is established as used to produce (1) cottage cheese, ice cream, ice cream mix, eggnog, frozen desserts, and milk (or skim milk) and cream mixtures containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, and (2) in inventories of fluid milk products.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat, the utilization of which is established: (1) As used to produce any product other than those specified in paragraphs (a) or (b) of this section, (2) as disposed of for livestock feed, (3) as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products, and (4) in plant shrinkage of skim milk and butterfat in receipts of producer milk and in other source milk computed pursuant to § 946.42.

§ 946.42 *Unaccounted for skim milk and butterfat and plant shrinkage.* Skim milk and butterfat received at a handler's pool plant(s) in excess of such handler's established utilization of skim milk and butterfat pursuant to § 946.41, except paragraphs (a) (3) and (c) (4) shall be known as unaccounted for skim milk and butterfat and classified as follows:

(a) Adjust such handler's receipts of producer milk by (1) deducting the pounds of skim milk and butterfat in producer milk diverted by such handler to a nonpool plant or to the pool plant of another handler without having been received for purposes of weighing and testing in the diverting handler's plant, (2) adding the skim milk and butterfat in producer milk received at the pool plant of such handler which was diverted from the pool plant of another handler;

(b) Prorate the quantities of unaccounted for skim milk and butterfat, respectively, between such handler's receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (a) of this section and in other source milk received in the form of fluid milk products in bulk;

(c) That portion of the quantities of unaccounted skim milk not to exceed five percent during the months of April through July and two percent during other months, and the quantities of butterfat not to exceed two percent in each month, of the sk m milk and butterfat, respectively, in receipts of producer milk and other source milk applied pursuant to paragraph (b) of this section shall be known as "shrinkage" and classified as Class III milk: *Provided,* That if the quantities of skim milk and butterfat utilized and disposed of in milk and all milk products are not established by such handler all unaccounted for skim milk and butterfat prorated to receipts of producer milk pursuant to paragraph (b) of this section shall be classified as Class I milk;

(d) That portion of the quantities of unaccounted for skim milk and butterfat which is in excess of the quantities of skim milk and butterfat, respectively, classified pursuant to paragraph (c) of this section shall be classified as Class I milk.

§ 946.43 *Responsibility for classification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in another class is mutually indicated in the reports submitted to the market administrator by both handlers pursuant to § 946,30 on or before the 7th day after the end of the month: *Provided,* That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use, the remaining quantity shall be classified as Class I milk: *And provided further,* That if either or both handlers received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located less than 250 airline miles from the City Hall in Louisville, Kentucky, unless:

(1) The handler claims classification in another class in his report submitted to the market administrator pursuant to § 946.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II and Class III milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I and Class II milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk and Class II milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk and used to produce products in Class II milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract, in series beginning with Class I milk, the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the act: *Provided,* That the amount subtracted pursuant to this subdivision shall be limited to such markets' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the act;

(5) If the skim milk and butterfat, respectively, transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the total of the lower priced classifications reported by each of such handlers;

(6) If the skim milk and butterfat, transferred by all handlers to such nonpool plant and reported as Class II milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class II milk pursuant to subparagraph (4) of this paragraph, less the amount of skim milk and butterfat received directly from "ungraded" dairy farmers at such nonpool plant, respectively, an equivalent amount of skim milk and butterfat shall be reclassified as Class II milk pro rata in accordance with the claimed Class III classification reported by each of such handlers;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 250 airline miles or more from the City Hall in Louisville, Kentucky.

§ 946.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

§ 946.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 946.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk assigned to producer milk shrinkage pursuant to § 946.42 (c);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in Class III milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(5) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraphs (1) and (3) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in Class II and Class I milk, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 946.44 (a);

(8) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 946.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section and subparagraph (1) of § 946.51 (c).

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Add 20 percent to the Chicago butter price for the month and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("cheddars," f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

(c) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

§ 946.51 *Class prices.* Subject to the provisions of §§ 946.52 and 946.53, the minimum prices per hundredweight to be paid by each handler for milk of 3.8 percent butterfat content received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk per hundredweight shall be the basic formula price for the preceding month rounded to the nearest tenth of a cent plus $1.25.

(b) *Class II milk.* The price for Class II milk shall be the higher of the basic formula price pursuant to § 946.50 or that computed pursuant to subparagraphs (1) and (2) of this paragraph, rounded to the nearest tenth of a cent:

(1) Multiply the Chicago butter price by 4.56;

(2) Add an amount computed as follows: from the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

(c) *Class III milk.* The price of Class III milk for the months of September through December shall be the price per hundredweight computed pursuant to § 946.50 (a), or that pursuant to subparagraph (1) of this paragraph, whichever is higher; and for the months of January through August the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, rounded to the nearest tenth of a cent.

(1) From the average of the basic or field prices per hundredweight reported to the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at plants at the following locations:

Operator and Location

Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Lawrenceburg, Ky.
Kraft Foods Co., Paoli, Ind.
Salem Cheese and Milk Co., Salem, Ind.
Red 73 Creameries, Madison, Ind.
Producers Dairy Marketing Association, Orleans, Ind.

Subtract the amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 2.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Add 15 percent to the Chicago butter price for the month and multiply by 3.8.

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, roller process, for human consumption, f. o. b. manufacturing plants in Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the De-

partment deduct 6.5 cents and multiply by 8.2.

§ 946.52 *Price adjustments to handlers*—(a) *Butter differentials.* If the weighted average butterfat content of milk received from producers allocated to Class I, Class II, or Class III, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(1) *Class I milk.* Multiply by 0.125 the Chicago butter price for the preceding month.

(2) *Class II milk.* For the months of September through December, multiply the Chicago butter price by 0.120, and for the months of January through August, multiply by 0.118.

(3) *Class III milk.* For the months of September through December, multiply the Chicago butter price for the month by 0.12, and for the months of January through August, multiply the Chicago butter price for the month by 0.115.

§ 946.53 *Transportation differential.* With respect to milk received from producers at a country plant, which is moved as milk from such plant directly to a plant in the marketing area or which is disposed of as milk for Class I use outside the marketing area, the class prices per hundredweight shall be reduced at the rates set forth in the following schedule based on the shortest distance via hard surfaced highway, as determined by the market administrator, from the plant where the milk is first received from producers to City Hall in Louisville.

Mileage zone:	Rate (cents per cwt.)
Not more than 25 miles	0
More than 25 but not more than 35 miles	13
More than 35 but not more than 45 miles	15
More than 45 but not more than 55 miles	17
For each additional 10 miles or fraction thereof an additional	1

APPLICATION OF PROVISIONS

§ 946.60 *Producer-handlers.* Sections 946.40 through 946.46, 946.50 through 946.53, 946.61, 946.70, 946.71, and 946.80 through 946.89 shall not apply to a producer-handler.

§ 946.61 *Handlers operating nonpool plants.* Sections 946.30 through 946.32, 946.50 through 946.53, 946.70, 946.71, 946.80 through 946.85, 946.87, and 946.88 shall not apply to a handler in his capacity as the operator of a nonpool plant which is a city plant, except that such handler shall:

(a) On or before the 7th day after the end of the month, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) Subject to the proviso in paragraph (c) of this section, on or before the 15th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of on a route(s) in the marketing area by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials:

(1) For the months of January through September, the Class III price adjusted by the Class III butterfat differential; or

(2) For the months of October through December, the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resulting figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent: *Provided,* That no payments shall be required pursuant to this paragraph on a quantity of milk equivalent to that received from a pool plant and classified as Class I milk during the month.

(c) On or before the 15th day after the end of the month, pay to the market administrator, as such handler's pro rata share of the expense of administration of this part, 3.0 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II and Class III products disposed of during the month on a route(s) in the marketing area: *Provided,* That no payments shall be required pursuant to this paragraph on a quantity of milk equivalent to that received from a pool plant during the month.

§ 946.62 *Plants subject to other orders.* In the case of any plant from which a greater volume of Class I milk is disposed of in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, than in the Louisville marketing area, the provisions of this part shall not apply except the handler operating such plant shall, with respect to his total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 946.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 946.46 by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 946.46 by the applicable class prices;

(d) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 946.46 (a) (6) and the corresponding step of § 946.46 (b), whichever is less; and

(e) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 946.46 (a) (2) and the corresponding step of § 946.46 (b) and pursuant to § 946.46 (a) (6) and the corresponding step of § 946.46 (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (d) of this section by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials;

(f) For the months of January through September, the Class III price adjusted by the Class III butterfat differential; and

(g) For the months of October through December the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resultant figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

§ 946.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in § 946.30 for the month and who are not in default of payments pursuant to § 946.84 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 946.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount computed by multiplying the hundredweight of milk received from producers at each country plant by the appropriate zone differential provided in § 946.53.

(d) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(e) Add an amount representing one-half of the cash balance on hand in the producer-settlement fund after deducting the total amount of contingent obligations to handlers pursuant to § 946.85 (a) and the balance held pursuant to paragraph (d) of this section for payment pursuant to § 946.85 (b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers at a handler's pool plant.

PAYMENTS

§ 946.80 *Time and method of payment for producer milk.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the Class III price for 3.8 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight plus the per hundredweight payment provided by § 946.85 (b) for the month, subject to the butterfat differential computed pursuant to § 946.81, and, plus or minus, adjustments for errors made in previous payments to such producer; and less (1) the payment made pursuant to paragraph (a) of this section, (2) the location differential pursuant to § 946.82, (3) marketing service deductions pursuant to § 946.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraphs (b) (3) and (4) of this section: *Provided,* That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall furnish to such cooperative association a statement which shall show: (1) The identity of the handler and of the producer, (2) the total pounds and the average butterfat content of milk received from such producer, and (3) the amount of deductions claimed by such handler.

§ 946.81 *Producer butterfat differential.* In making payment to producers pursuant to § 946.80 (b) each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, the amount set forth in the following schedule for the price range in which falls the Chicago butter price for the month during which such milk was received.

Butter price range (cents):	Butterfat differential (cents)
17.499 or less	2
17.50 to 22.499	2½
22.50 to 27.499	3
27.50 to 32.499	3½
32.50 to 37.499	4
37.50 to 42.499	4½
42.50 to 47.499	5
47.50 to 52.499	5½
52.50 to 57.499	6
57.50 to 62.499	6½
62.50 to 67.499	7
67.50 to 72.499	7½
72.50 to 77.499	8
77.50 to 82.499	8½
82.50 to 87.499	9
87.50 to 92.499	9½
92.50 and over	10

§ 946.82 *Location differential.* In making payments to producers pursuant to § 946.80 (b) a handler shall deduct from the uniform price, with respect to all milk received from producers at a country plant, not more than the appropriate zone differential provided in § 946.53.

§ 946.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 946.61, 946.84, and 946.86 and out of which he shall make all payments pursuant to §§ 946.85 and 946.86: *Provided,* That payments due any handler shall be offset by payments due from such handler.

§ 946.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials.

§ 946.85 *Payments out of the producer-settlement fund.* (a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 16th day after the end of each of the months of September, October, November and December, the market administrator shall pay out of the producer-settlement fund to (1) each handler on all milk for which payment is to be made to producers pursuant to § 946.80 (b) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 946.80 (c) for such month at the following rate per hundredweight: Divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 946.71 (d) during the immediately preceding period of April

through July by the hundredweight of producer milk received by all handlers during the month (computed to the nearest cent per hundredweight).

§ 946.86 *Adjustment of accounts.* (a) Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 946.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 946.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

(b) Overdue accounts: Any unpaid obligation of a handler or of the market administrator pursuant to §§ 946.80, 946.84, 946.85, 946.86 (a), 946.87 or 946.88 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

§ 946.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.80 (b), shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

§ 946.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 3.0 cents per hundredweight, or such amount to be not in excess thereof as the Secretary may prescribe with respect to all receipts by such handler during the month of (a) milk from producers (including such handler's own farm production), and (b) other source milk classified as Class I milk pursuant to § 946.46. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be diverted by such cooperative association to a nonpool plant and milk received from producers at a pool plant of such cooperative association.

§ 946.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calender month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deductions or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 946.90 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 946.91.

§ 946.91 *Suspension or termination.* Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 946.92 *Continuing power and duty.* (a) If upon the suspension of termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 946.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, except §§ 946.34, 946.89, 946.91 through 946.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 946.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 946.101 *Separability of provisions.* If any provision of this part, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 27th day of September 1957, to be effective October 1, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8098; Filed, Oct. 2, 1957; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6704]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CERTIFIED SERVICE CO. ET AL.

Subpart—*Acquiring confidential information unfairly:* § 13.1 *Acquiring confidential information unfairly.* Subpart—*Misrepresenting one's self and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1490 *Nature, in general.* Subpart—*Using misleading name*—Vendor: § 13.2380 *Government connection;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Louis Taran et al. doing business as Certified Service Co., etc.; et al., New York City and Washington, D. C., Docket 6704, Sept. 11, 1957]

In the Matter of Louis Taran and Martin Baron, Copartners Trading and Doing Business as Certified Service Co. and Employment Review Office; and Betty Scheewe, and Individual Trading and Doing Business as National Advertising Service

This proceeding was heard by a hearing examiner on the complaint of the Commission charging individuals conducting a collection agency, with offices in New York City and Washington, D. C., with representing that their firm was an agency of the United States Government through use of a form entitled "Employment Review Office, Washington, D. C.", mailed in Washington by their Washington agent in order to get current information concerning delinquent debtors.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Louis Taran and Martin Baron, copartners, trading and doing business under the names of Certified Service Co. and Employment Review Office, or under any other name, and Betty Scheewe, individually and trading under the name of National Advertising Service, or under any other name, jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, any form questionnaire or other material, printed or written, which do not clearly and expressly state that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors;

2. Using the name "Employment Review Office" or any other words or phrase of similar import in connection with their business; or otherwise representing, directly or by implication, that requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Louis Taran and Martin Baron, copartners trading and doing business as Certified Service Co. and Employment Review Office; and Betty Scheewe, an individual trading and doing business as National Advertising Service, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 11, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8131; Filed, Oct. 2, 1957; 8:50 a. m.]

[Docket 6745]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAXWELL DISTRIBUTING CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Foreign, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Maxwell Distributing Co., Inc. (Newark, N. J.), et al., Docket 6745, Sept. 5, 1957]

In the Matter of Maxwell Distributing Company, Inc., a Corporation; and Morris Siegel, Abe Goldberg, Selma Siegel, Hyman Greenglass and Max Greenglass, Individually and as Officers and Directors of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Newark, N. J., of perfumes, toilet waters, and colognes with disseminating in commerce advertisements representing falsely that fictitious and excessive "list prices" were the usual retail prices and that their products were compounded in France, and with making the same false representations on the labeling of their products.

None of the respondents having filed answer or appeared at scheduled hearings, their defaults were entered of record by the hearing examiner, and hearing proceeded upon the evidence presented by the Commission's attorney. On this basis, the hearing examiner made his initial decision and order to cease and desist which was placed on the Commission's own docket for review, and after modification, became on September 5, the decision of the Commission.

The Commission's modified order to cease and desist is as follows:

It is ordered, That the respondents, Maxwell Distributing Company, Inc., a corporation, Morris Siegel, Abe Goldberg, Selma Siegel, Hyman Greenglass and Max Greenglass, individually and as officers and directors, or as officers, or as directors, of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, toilet waters, colognes, or any other cosmetic, as "cosmetic" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products, which advertisement:

(a) Contains or lists prices or amounts when such prices or amounts are in

excess of the prices at which the products are usually and customarily sold at retail:

(b) Uses the statements or words "The fragrance created in France," "blended in the French tradition," "Paris-New York," "Perfume essence compounded in France expressly for Saravel" in connection with any product not manufactured or compounded in France; or which otherwise represents, directly or by implication, that any such product was manufactured or compounded in France;

(c) Uses any French name or word as a trade or brand name, or as a part thereof, or any name, word, term, or depiction indicative of French origin in connection with any product manufactured or compounded in the United States, unless it is clearly and conspicuously revealed in immediate connection and conjunction therewith that such product was manufactured or compounded in the United States.

2. Disseminating or causing to be disseminated, by any means, for the purpose or inducing or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That said respondents and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, toilet waters, colognes or any other cosmetic in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Setting out prices or amounts on the labels or in the labeling of their products when such amounts are in excess of the prices at which such products are usually and customarily sold at retail.

2. Using any French name or word as a trade or brand name, or as a part thereof, or the word "Paris", or the Tricolor of France, or any other name, word, term, or depiction indicative of French origin on the label or in the labeling of any product manufactured or compounded in the United States, unless it is clearly and conspicuously revealed in immediate connection and conjunction therewith that such product was manufactured or compounded in the United States.

It is further ordered, That the initial decision of the hearing examiner, as modified herein, did on the 5th day of September become the decision of the Commission.

By "Order Modifying Initial Decision and Directing Report of Compliance", report of compliance was required as follows:

It is further ordered, That the respondents, Maxwell Distributing Company, Inc., Morris Siegel, Abe Goldberg, Selma Siegel, Hyman Greenglass and Max Greenglass, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the terms of said order.

Issued: September 6, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8132; Filed, Oct. 2, 1957; 8:51 a. m.]

[Docket 6622]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

VELOX SERVICE, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.155 *Prices:* Usual as reduced, special, etc.; § 13.170 *Qualities or properties of product or service;* § 13.175 *Quality of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Velox Service, Inc., et al., New York, N. Y., Docket 6622, Sept. 10, 1957]

In the Matter of Velox Service, Inc., a Corporation, Caesar Torelli and Nelson Torelli, as Officers of Said Corporation, and Caesar Torelli, Nelson Torelli, Charles Torelli, Hilda Torelli, Alice Jean Torelli, and Marie A. Thoresen, Individually and as Copartners

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City family enterprise, operating under many trade names, with misrepresenting in advertising the quality, properties, regular prices, etc., of a wide variety of merchandise it sold by mail order, and representing falsely that it operated its own factories.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 10, 1957, the decision of the Commission. Certain charges of the complaint were dismissed for lack of proof.

The order to cease and desist is as follows:

It is ordered, That respondents Velox Service, Inc., a corporation, and its officers, and Caesar Torelli and Nelson Torelli, as individuals and as officers of said corporate respondent, and Charles Torelli, Hilda Torelli, Alice Jean Torelli, and Marie A. Thoresen, as individuals, or any of the aforesaid individuals as individuals, or as copartners trading and doing business as Thoresen's Direct Sales, Consumers Mart, The International Binocular Company, Thoresen's, The Honor Company, the Rocket Wholesale Company, Moto-Matic Company, Trans-Kleer Co., or under any other trade name and respondents' agents, representatives, and employees, directly or through any corporate or other device, in the advertising for sale, offering for sale, sale or distribution of binoculars, watches, dolls, plastic storm windows, automobile seat covers or other articles of general merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly, representing either through words or pictorial depictions that:

1. (a) A higher proportion of the air-to-glass lens surfaces of binoculars or other optical instruments are coated or treated to increase the passage of light through the lens than are in fact so coated or treated.

(b) The power of binoculars or other optical instruments is greater than the actual power thereof.

(c) Leather carrying cases for binoculars or other optical instruments or similar kinds of products are of a finer or more valuable grade, quality, design or workmanship than they are in fact.

(d) Watches or watch cases are moisture resistant when such is not the fact.

(e) A watch movement containing less than 7 jewels, each of which serves a mechanical purpose as a frictional bearing is a jewelled movement.

(f) The finish of watch cases or jewelry is of a designated karat fineness of gold unless the gold contained therein is in fact of the stated karat fineness or that said finish is rolled gold plate unless applied in the manner and to the thickness characteristic of gold plate or otherwise representing that said finish is other than what it is in fact.

(g) Dolls or similar products are made of a material having a skin-like texture and softness unless such is the fact or otherwise misrepresenting the characteristics and composition of such material.

(h) Doll clothing or similar products is of a finer or more valuable grade, quality, design or workmanship than it is in fact.

(i) The fabric, thread or other materials used in the manufacture of automobile seat covers or similar kinds of products are of a grade, weight, composition or otherwise different from that actually used therein.

(j) Automobile seat covers or similar kinds of products will not tear or will wear for a longer period of time under normal usage than is the fact.

(k) The fabric of automobile seat covers or the fabric contained in other products has been preshrunk or preshrunk by a particular process or will not shrink more than a designated amount when such is not the fact.

(l) Plastic storm windows or other products will withstand blows or forces of greater violence than they will in fact so withstand.

(m) The material for plastic storm windows or other products was developed by a designated person, firm or corporation which did not in fact develop said product or that said product was developed for the use of governmental or private organization when such is not the fact.

(n) Binoculars or other optical instruments have a prismatic optical system or any other kind of optical system unless such optical system is actually used in the construction thereof.

2. (a) The price at which the aforesaid or other articles of merchandise are advertised for sale, offered for sale or sold by respondents is a reduced price unless such price is in fact a reduction from the price at which respondents have advertised, offered or sold said articles of merchandise in the recent regular course of their business.

(b) The aforesaid or other articles of merchandise advertised, offered or sold by respondents have a retail selling price in excess of the retail selling price of similar articles of merchandise of like grade, quality, design and workmanship advertised for sale, offered for sale and regularly selling or having been sold, contemporaneously, in the same general trade area as that supplied by respondents, by other persons, firms, or corporations engaged in the same kind of business.

(c) The price at which the aforesaid or other articles of merchandise are advertised, offered, or sold by respondents affords a saving to the purchaser where said price constitutes respondents' regular retail selling price.

3. Respondents own, operate or control a factory, plant or manufacturing establishment wherein are manufactured the articles of merchandise advertised for sale, or sold by them unless and until respondents shall in fact own, operate or control such a manufacturing establishment, or that the nature of respondents business operations are other than what they are in fact.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to those charges relating to the misuse of the terms "Completely shock resistant" and "anti magnetic" with respect to watches and the terms "importer" and "wholesaler" with respect to respondents' business status.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Velox Service, Inc., a corporation, and Caesar Torelli and Nelson Torelli, individually and as officers of said corporation, and Charles Torelli, Hilda Torelli, Alice Jean Torelli, and Marie A. Thoresen, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision.

Issued: September 10, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8133; Filed, Oct. 2, 1957; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.332]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Part 42, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respects:

1. Subdivision (iii) of subparagraph (2) of paragraph (a) of § 42.28 *Suspension or termination of action in petition cases* is amended to read as follows:

(iii) The beneficiary is an alien who has been granted the status of a preference quota immigrant under the provisions of section 203 (a) (1) (A) of the act, and has not obtained an immigrant visa under the status approved on or prior to the expiration date shown on the approved petition. Any such petition which is terminated by the expiration of the period for which approval was given is subject to reaffirmation by the Attorney General for an additional period and is to be returned to the office of the Immigration and Naturalization Service which approved the petition with an appropriate explanation at such time as it appears that a quota number will be available within six months for the issuance of an immigrant visa to the beneficiary.

2. Subparagraph (4) of paragraph (a) of § 42.28 *Suspension or termination of action in petition cases* is amended to read as follows:

(4) Approval of a petition for nonquota or preference quota status has been specifically revoked by the Attorney General, and notice of revocation has been communicated to the appropriate consular officer.

3. Paragraph (b) of § 42.28 *Suspension or termination of action in petition cases* is amended to read as follows:

(b) In suspending or terminating action in a petition case for any reason specified in this section, consular officers need not report such suspension or termination to the Department except in a case in which the consular officer knows, or has reason to believe that the petition was approved erroneously, or that approval was obtained by fraud, misrepresentation, or other unlawful means.

4. Paragraph (b) *Exceptions* of § 42.36 *Passport requirement for immigrants* is amended to read as follows:

(b) *Exceptions.* An immigrant within any of the following categories shall not be required to present a passport in applying for an immigrant visa:

(1) An immigrant who is a stateless person;

(2) An immigrant who is a national of, and is applying for an immigrant visa outside of, a Communist-controlled country, and who, because of his opposition to Communism, is unwilling to make application for a passport to, or unable to obtain a passport from, the government of such country;

(3) An immigrant lawfully admitted for permanent residence, who is returning to the United States from a temporary visit abroad;

(4) An immigrant who is a member of the Armed Forces of the United States;

(5) An immigrant who is the parent, spouse, or unmarried son or daughter under twenty-one years of age, of a United States citizen;

(6) An immigrant who is the spouse or unmarried son or daughter under twenty-one years of age of an alien lawfully admitted for permanent residence;

(7) An immigrant who is qualified for and eligible to receive a first preference quota visa, unless such immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from such country;

(8) An immigrant who has been preexamined in the United States by the Immigration and Naturalization Service and who is applying for an immigrant visa in Canada;

(9) An immigrant who establishes that he is unable to obtain a passport, who is not within any of the categories specified in the paragraph, and in whose case the passport requirement imposed by this section or by the regulations of the Attorney General shall have been waived by the Attorney General and the Secretary of State, as evidenced by a specific instruction from the Department to the consular officer.

5. Paragraph (d) *Disposition fingerprints* of § 42.38 is revoked.

6. Paragraph (e) of § 42.49 *Transfer of cases* is amended to read as follows:

(c) The transfer of a case shall include any authorization to grant nonquota or preference quota status based upon an approved petition, the alien's registration priority, and all documents in the alien's file.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

RODERIC L. O'CONNOR,
Administrator,
Bureau of Security
and Consular Affairs.

SEPTEMBER 23, 1957.

[F. R. Doc. 57-8120; Filed, Oct. 2, 1957; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations

for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a; 22 F. R. 1036, 3108, 6094) are amended as indicated below:

1. Section 141a.39 is amended in the following respects:

a. The section headnote is changed to read as follows: "§ 141a.39 *Penicillin-streptomycin; penicillin-dihydrostreptomycin.*"

b. Paragraph (a) *Potency* is amended by renumbering subparagraphs (4) and (5) as (6) and (7), respectively, and inserting new subparagraphs (4) and (5), reading as follows, between subparagraph (3) and renumbered subparagraph (6):

(4) *1-Ephenamine penicillin G content.* Proceed as directed in § 141a.43 (a). The *1*-ephenamine penicillin G content is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(5) *Diethylaminoethyl ester penicillin G hydriodide content.* Proceed as directed in § 141a.51 (a), except that in the iodometric assay one drop of 1.2 *N* HCl is added to the blank immediately before the addition of the 0.01 *N* I_2. The diethylaminoethyl ester penicillin G hydriodid content is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

2. Section 146a.58 is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read as follows:

§ 146a.58 *Penicillin-streptomycin; penicillin - dihydrostreptomycin* — (a) *Standards of identity, strength, quality, and purity.* Penicillin-streptomycin and penicillin-dihydrostreptomycin are procaine penicillin, crystalline sodium penicillin, potassium penicillin, *1*-ephenamine penicillin G, or diethylaminoethyl ester penicillin G hydriodid (if intended solely for veterinary use and conspicuously so labeled) or a mixture of two or more such salts and streptomycin sulfate or dihydrostreptomycin sulfate, with or without suitable and harmless buffer substances and suspending or dispersing agents. Each drug is sterile, nontoxic, and nonpyrogenic. Its moisture content is not more than 3.5 percent, except if it contains procaine penicillin its moisture content is not more than 4.2 percent. When prepared for injection as directed in its labeling, its pH is not less than 5.0 and not more than 7.5. The penicillin used conforms to the requirements of § 146a.24 (a), § 146a.44 (a), § 146a.64 (a), or § 146a.74 (a). The streptomycin sulfate used conforms to the requirements prescribed for streptomycin sulfate by § 146b.101 (a) of this chapter. The dihydrostreptomycin sulfate used conforms to the requirements prescribed for dihydrostreptomycin sulfate by § 146b.103 of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c) (1) (iv) and (v) are amended to read as follows:

(c) *Labeling.* • • •

(1) • • •

(iv) The statement "Expiration date ———," the blank being filled in with the date that is 48 months after the month in which the batch was certified, except that the blank may be filled in with the date that is 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section, and except that in no case shall the blank be filled in with the date that is more than 24 months after the month in which the batch was certified if it contains diethylaminoethyl ester penicillin G hydriodide: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(v) The statement "For intramuscular use only"; if it contains diethylaminoethyl penicillin G hydriodide, the statement "For veterinary use only"; and

c. In paragraph (d) *Request for certification; samples,* subparagraph (2) is amended by renumbering subdivision (v) as (vi) and inserting a new subdivision (v), reading as follows, between subdivision (iv) and renumbered subdivision (vi):

(v) The diethylaminoethyl ester penicillin G hydriodide used in making the batch; potency, crystallinity, and penicillin G content.

d. Paragraph (d) (3) is amended by renumbering subdivisions (v) and (vi) as (vi) and (vii), respectively; and inserting a new subdivision (v), reading as follows, between subdivision (iv) and renumbered subdivision (vi):

(v) The diethylaminoethyl ester penicillin G hydriodide used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with § 146a.74 (b).

e. Paragraph (d) (5) is changed to read as follows:

(5) No result referred to in subparagraph (2) (ii), (iii), (iv), (v), and (vi) of this paragraph and no samples referred to in subparagraph (3) (ii), (iii), (iv), (vi), and (vii) of this paragraph are required if such result or sample has been previously submitted.

f. Paragraph (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), (vi), and (vii) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $10.00 for all immediate containers submitted in accordance with paragraph (d) (3) (i) (*b*) and (d) (4) (ii) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: September 27, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-8112; Filed, Oct. 2, 1957; 8:46 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (Sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commisioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1956 Supp., 146.26; 22 F. R. 6993) are amended as follows:

Section 146.26 (b) is amended by adding the following new subparagraph:

§ 146.26 *Animal feed containing penicillin.* • • •

(b) • • •

(33) It is intended for use as an aid in reducing the incidence and severity of bloat in cattle on legume pastures; it contains a quantity of procaine penicillin that, when used as directed in the labeling, is sufficient to furnish each treated bovine animal not less than 75,000 units as a single daily dose; and, if the drug supplement used to prepare the medicated feed contains more than 2 percent moisture, its manufacturer has submitted to the Commissioner information adequate to prove its stability for 6 months under customary conditions of purchase and use.

In § 146.26 (b) (32), as printed in the FEDERAL REGISTER of August 30, 1957 (22 F. R. 6993), the second clause is corrected to read as follows: "• • •; it contains, per pound of feed, 6,000 units (equivalent to 6 milligrams) of hygromycin B (produced by the growth of Streptomyces hygroscopicus); • • •".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes certain requirements, and since it would be against public interest to delay publication of this amendment.

I further find that animal feeds containing penicillin and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 502, 52 Stat. 1050, as amended, sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: September 26, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-8111; Filed, Oct. 2, 1957; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1515]

RESERVING LANDS WITHIN NATIONAL FORESTS IN NEW MEXICO AND WYOMING FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests indicated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining, but not the mineral leasing laws, or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas:

NEW MEXICO

[022486]

NEW MEXICO PRINCIPAL MERIDIAN—SANTA FE NATIONAL FOREST

Horseshoe Springs Recreation Area

T. 19 N., R. 3 E.,
Sec. 18, E½NE¼NE¼, E½W½NE¼NE¼, SE¼NE¼, SE¼NE¼SW¼NE¼, E½SE¼SW¼NE¼, SW¼SE¼SW¼NE¼, NE¼SE¼, NE¼SE¼NW¼SE¼, NW¼NE¼NW¼SE¼, and E½NE¼NW¼SE¼;
Sec. 17, NW¼NW¼NW¼, and SW¼NW¼NW¼.
The areas described aggregate 150 acres.

Paliza Recreation Area

T. 17 N., R. 3 E.,
Sec. 9, SE¼SE¼, less area in Exchange Survey 517;
Sec. 10, W½SW¼, less area in Exchange Survey 517;
Sec. 15, W½NW¼, less area in Exchange Survey 517;
Sec. 16, S½SW¼, NE¼SW¼, N½SE¼, SW¼NE¼, and E½NE¼, less area in Exchange Survey 517;
Sec. 21, lots 3 and 4.
The areas described aggregate approximately 543.28 acres.

Bland Administrative Site

T. 18 N., R. 4 E.,
Sec. 25, SE¼SW¼SE¼NW¼, SW¼SE¼SE¼NW¼, NE¼NW¼NE¼SW¼, and NW¼NE¼NE¼SW¼, less area in Mineral Survey 943.
The areas described aggregate approximately 7 acres.

La Cueva Administrative Site

T. 19 N., R. 3 E.,
Sec. 20, lots 7 and 8.
The areas described aggregate 65.49 acres.

Bear Springs Administrative Site

T. 17 N., R. 4 E.,
Sec. 29, S½ of lot 3, and lot 4, NE¼SW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, W½SW¼SE¼.
The areas described aggregate 130 acres.

Borrego Ranger Station Administrative Site

T. 21 N., R. 11 E.,
Sec. 32, SE¼.
The area described contains 160 acres.

Cerro Pelado Lookout

T. 18 N., R. 4 E.,
Sec. 19, NE¼ (unsurveyed).
The area described contains 160 acres.

Las Conchas Administrative Site

T. 18 N., R. 4 E.,
Sec. 3, lots 16 and 27.
The areas described aggregate 59.89 acres.

San Geronimo Administrative Site

T. 16 N., R. 14 E.,
Sec. 27, lots 1, 2, 6, 7 and 8.
The areas described aggregate 112.03 acres.

Sulphur Flat Administrative Site

T. 19 N., R. 3 E.,
Sec. 16, lots 1, 2, and SW¼.
The areas described aggregate 223.85 acres.

WYOMING

[031321]

SIXTH PRINCIPAL MERIDIAN—BLACK HILLS NATIONAL FOREST

Cook Lake Campground

T. 53 N., R. 63 W.,
Sec. 10, S½NE¼SW¼, N½SE¼SW¼.
The areas described aggregate 40 acres.

Reuter Canyon Picnic Ground

T. 52 N., R. 63 W.,
Sec. 33, lot 4.
The area described contains 46.70 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1957.

[F. R. Doc. 57-8113; Filed, Oct. 2, 1957; 8:46 a. m.]

[Public Land Order 1516]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF PUBLIC ROADS AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Bureau of Public Roads, Department of Commerce, as administrative sites:

Anchorage 031692

Beginning at a point from which the point on the center line at the west end of Susitna River Bridge latitude 63°07' N., longitude 147°31' W., bears S. 8°22'45" E., 13,076 feet, thence
West, 990 feet.
North, 990 feet.
East, 1,514.13 feet, to the center line of the Denali Highway.
S. 20°12' W., 1,054.9 feet, along the center line of said highway:
West, 159.83 feet to point of beginning.

The tract described contains 30.27 acres.

Anchorage 031803

Beginning at Corner No. 2, U. S. Survey No. 3194, thence
N. 75°55' E., 462 feet along the Naknek-King Salmon Highway;
N. 0°03' W., 990 feet to the east west center line of unsurveyed Sec. 2, T. 17 N., R. 47 W., S. M.;
West, 469 feet along said center line of Sec. 2;
Southerly, 1,122 feet to corner 2, USS 3194, the point of beginning.

The tract described contains 11.10 acres, and subsequently will be identified as lot 7, U. S. Survey No. 3513.

Anchorage 032961

A parcel of land located at latitude 62°42' 30" N., longitude 144°0'00" W., in vicinity of Slana, Alaska, described as follows:
Beginning at corner No. 2, U. S. Survey No. 2059, thence
West, 150 feet;
North, 982.75 feet;
S. 50°37'30" E., 776.19 feet;
South, 490.57 feet;
West, 450 feet to point of beginning.

The tract described contains 10.15 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1957.

[F. R. Doc. 57-8114; Filed, Oct. 2, 1957; 8:47 a. m.]

[Public Land Order 1517]

[1856325]

ARKANSAS

REVOKING EXECUTIVE ORDER NO. 8708 OF MARCH 10, 1941, WHICH RESERVED CERTAIN LANDS IN CONNECTION WITH INDEPENDENCE COUNTY WILDLIFE REFUGE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8708 of March 10, 1941, reserving the following-described lands in Arkansas under the jurisdiction of the Department of the Interior for use of the Game and Fish Commission of the State of Arkansas in connection with the Independence

County Wildlife Refuge, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 12 N., R. 7 W.,
Sec. 7, SW¼SE¼;
Sec. 8, W½NE¼ and SE¼SE¼;
Sec. 9, SE¼NE¼, S½SW¼, and NE¼SE¼;
Sec. 10, S½NW¼;
Sec. 14, SE¼NW¼ and NE¼SW¼;
Sec. 17, NW¼NW¼ and E½SE¼;
Sec. 21, S½NE¼, W½NW¼, and SE¼NW¼;
Sec. 27, NE¼SW¼;
Sec. 28, SW¼NW¼ and NW¼SW¼;
Sec. 29, SW¼NE¼;
Sec. 33, NE¼NW¼.

The areas described aggregate approximately 1,008.29 acres.

2. The following-described lands have been patented without a reservation of minerals to the United States:

FIFTH PRINCIPAL MERIDIAN

T. 12 N., R. 7 W.,
Sec. 8, W½NE¼.

The areas described aggregate 80 acres.

3. The remaining lands, aggregating approximately 928.29 acres, are located in a rugged, hilly portion of southwest Independence County, Arkansas. They are located on either side of, or across a steep rocky dry gorge. The lands support a scattered to medium stand of pine-hardwoods of low to fair quality. No portion of the restored lands is suitable for cultivation.

4. No application for the restored lands may be allowed under the homestead, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and location in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights; preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m., on November 2, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on February 1, 1958, will be governed by the time of filing.

(3) All valid appplications and selections under the nonmineral public-land laws, other than those coming under paragraphs 5 (a) (1) and (2) above, presented prior to 10:00 a. m., on February 1, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selcctions filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m., on February 1, 1958.

6. Persons claiming veterans preference rights under paragraph 5 (a) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Eastern States Supervisor, Bureau of Land Management, Washington 25, D. C.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1957.

[F. R. Doc. 57–8115; Filed, Oct. 2, 1957; 8:47 a. m.]

[Public Land Order 1518]

[BLM—044364]

WISCONSIN

WITHDRAWING LANDS FOR DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES IN CONNECTION WITH CAMP MCCOY

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands in Wisconsin are hereby withdrawn from all forms of appropriation under the public-land laws, including leasing under the mineral-leasing laws, and reserved for use of the Department of the Army for military purposes:

FOURTH PRINCIPAL MERIDIAN

T. 18 N., R. 3 W.,
Sec. 24, NE¼SE¼.

The area described aggregates 40 acres.

It is the intent of this order that the withdrawn minerals in the land shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such leasing.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1957.

[F. R. Doc. 57–8116; Filed, Oct. 2, 1957; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11677]

PART 3—RADIO BROADCAST SERVICES

INDICATING INSTRUMENTS; SPECIFICATIONS

1. The report and order in the above entitled matter which was adopted September 11, 1957 (FCC 57–1015) requires clarification as to the place where the remote antenna ammeter should be connected in the antenna circuit.

2. Accordingly, the word "after" in § 3.39 (d) (1) (vii), and (2), is changed to "below (transmitter side)" and the expression "(antenna side)" is added after the word "above" in § 3.93 (d) (3).

3. As revised, § 3.39 (d) (1) (vii), (2) and (3) reads as follows:

(vii) Using indications of remote control equipment provided that the indicating instruments are capable of being connected directly into the antenna circuit at the same point as, but below (transmitter side), the antenna ammeter. The meter(s) in the remote control equipment may utilize an arbitrary scale division provided a calibration curve showing the relationship between the arbitrary scale and the scale of the antenna ammeter is maintained at the remote control point. The meter(s) in the remote control equipment must be calibrated once a week against the regular meter and the results thereof entered in the operating log.

(2) Remote ammeters shall be connected into the antenna circuit at the same point as, but below (transmitter side), the antenna ammeter(s), and shall be calibrated to indicate within 2 percent of the regular meter over the entire range above one-third or one-fifth full scale. See paragraphs (b) (1) (i), (iii) and (b) (2) (i), (iii) of this section.

(3) The regular antenna ammeter, common point ammeter, or base current ammeters shall be above (antenna side) the coupling to the remote meters in the antenna circuit so they do not read the current to ground through the remote meter(s).

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8141; Filed, Oct. 2, 1957; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 730]

RICE

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS AND COUNTY NORMAL YIELDS FOR THE 1958 CROP OF RICE

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1352, 1353, 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1958 crop of rice, to determine and proclaim the national acreage allotment for the 1958 crop of rice, to apportion among States and counties the national acreage allotment for the 1958 crop of rice, and to establish county normal yields for the 1958 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1957 the Secretary determines that the total supply of rice for the 1957–58 marketing year will exceed the normal supply for such marketing year by more than 10 per centum, the Secretary shall, not later than December 31, 1957, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1958.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for any calendar year shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years immediately preceding the calendar year for which such national acreage allotment is determined, produce an amount of rice adequate, together with the estimated carry-over from the marketing year ending in such calendar year, to make available a supply for the marketing year commencing in such calendar year not less than the normal supply. Section 353 (c) (6) of the act, as amended, provides that the national acreage allotment of rice for 1958 shall not be less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353 (c) of the act. Under this provision, the national acreage allotment of rice for 1958 will be not less than 1,652,596 acres. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1957.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carry-over of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Subsections (a) and (c) (6) of section 353 of the act require that the national acreage allotment of rice for the 1958 crop, less a reserve of not to exceed one per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments plus the additional acreage allocated to States under section 353 (c) (5) of the act, as amended). Section 353 (b) of the act requires that the State acreage allotment of rice for the 1958 crop, less a reserve not to exceed three per centum thereof for apportionment to farms operated by persons who will produce rice in 1958, but who did not produce rice in any one of the preceding five years, be apportioned to farms owned or operated by persons who have produced rice in any one of the five calendar years, 1953 through 1957, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. Provision is made that if the State Committee recommends such action and the Secretary determines such action will facilitate the effective administration of the act, he may provide for the apportionment of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators.

Section 353 (c) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county allotments shall be apportioned to farms on the basis of applicable factors set forth in subsection (b) of section 353.

Section 301 (b) (13) (D) of the act provides that the "normal yield" of rice for 1958 for any county shall be the average yield per acre of rice for the county during the five calendar years 1953 through 1957 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301 (b) (13) (F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1953 through 1957 is less than 75 per centum of the average 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1953 through 1957 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that in any case in which the acreage planted to rice on any farm in 1958 is less than the 1958 rice acreage allotment for the farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in 1958. Provision is made therein that if the amount of rice required to be stored to postpone or avoid payment of penalty has been reduced because the 1958 rice acreage allotment for the farm was not fully planted, the owner or operator of the farm will not be permitted to preserve such allotment.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the 1957 acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing 1958 farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments and county normal yields for the 1958 crop of rice, including the sizes of the national and State reserves, consideration will be given to data, views, and recommendations pertaining thereto which are sub-

mitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 27th day of September 1957.

[SEAL] WALTER C. BERGER, *Administrator.*

[F. R. Doc. 57-8153; Filed, Oct. 2, 1957; 8:55 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PHOENIX LIVESTOCK AUCTION CO.

PROPOSED POSTING OF STOCKYARD

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the Phoenix Livestock Auction Co., Phoenix, Arizona, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of September 1957.

[SEAL] JOHN C. PIERCE, Jr., *Acting Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 57-8136; Filed, Oct. 2, 1957; 8:52 a. m.]

Office of the Secretary

MINNESOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Minnesota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Big Stone.
Traverse.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 30th day of September 1957.

[SEAL] E. T. BENSON, *Secretary.*

[F. R. Doc. 57-8137; Filed, Oct. 2, 1957; 8:52 a. m.]

ASSISTANT GENERAL COUNSEL FOR RESEARCH AND STAFF LEGAL SERVICES

DELEGATION OF AUTHORITY WITH RESPECT TO TORT CLAIMS

The functions of the Staff Legal Officer are now performed by the Assistant General Counsel for Research and Staff Legal Services following a change in the title of this position. Accordingly, authority delegated to the Staff Legal Officer by delegations dated May 3, 1955, 20 F. R. 3142, and August 27, 1957, 22 F. R. 7063, for allowance of tort claims will hereafter be exercised by the Assistant General Counsel for Research and Staff Legal Services.

Done at Washington, D. C., this 30th day of September 1957.

EDWARD M. SHULMAN, *Acting General Counsel.*

[F. R. Doc. 57-8154; Filed, Oct. 2, 1957; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8734]

CALIFORNIA EASTERN AVIATION, INC., ET AL.; LEASE AGREEMENT AND EXEMPTION APPLICATION

NOTICE OF HEARING

In the matter of the application of California Eastern Aviation, Inc., et al., for an exemption order and for approval of acts, interlocking relationships, and agreements, under sections 401, 408, 409, and 412 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 3, 1957, at 10 a. m. (eastern daylight saving time), in room 1417, Temporary Building 4, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues, particular attention will be directed to the following matters:

(1) Will the acts covered by the application which require approval under section 408 of the Civil Aeronautics Act of 1938, as amended, be inconsistent with the public interest or create a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the agreement.

(2) Will the public interest be adversely affected by the interlocking relationships covered by the application which require approval under section 409 of the act.

(3) Will the agreements of which approval is sought, to the extent covered by section 412 of the act, be adverse to the public interest or in violation of the act.

(4) Will enforcement of sections 401, 408, 409, and 412 of the act or the Board's Regulations thereunder be an undue burden on California Eastern Aviation, Inc., by reason of the limited extent of, or unusual circumstances affecting its operations, and will such enforcement be in the public interest.

For further details of the issues involved in this proceeding, interested persons are referred to the application, the amendment thereto, and other documents entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding should file with the Civil Aeronautics Board, on or before October 3, 1957, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

Dated at Washington, D. C., September 30, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-8152; Filed, Oct. 2, 1957; 8:55 a. m.]

TARIFF COMMISSION

SAFETY PINS

SUBMISSION OF SUPPLEMENTARY REPORT TO THE PRESIDENT

SEPTEMBER 30, 1957.

The United States Tariff Commission today submitted to the President a supplement to its report of January 30, 1957, on the "escape clause" investigation of safety pins, made under section 7 of the Trade Agreements Extension Act of 1951, as amended. In that report, the Commission (Commissioners Schreiber and Sutton dissenting) recommended an increase in the rate of duty on imports of safety pins. The supplementary report was prepared in response to a letter of March 29, 1957, from the President requesting additional information.

The report to the President contains information revealing the operations of individual companies. Since the Commission is not authorized to disclose such information to the public, only that part of the report which does not contain such information is being released for general distribution. Copies of this part of the report are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-8140; Filed, Oct. 2, 1957; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 541, Amdt. 12]

ALASKA OPERATIONS SUPERVISORS

REDELEGATION OF AUTHORITY CONCERNED WITH LANDS AND RESOURCES

SEPTEMBER 27, 1957.

Part II-A is amended to read:

PART II-A—REDELEGATION OF AUTHORITY TO ALASKA OPERATIONS SUPERVISORS

The Alaska Operations Supervisors are authorized to perform all the functions listed in Part II hereof and also the functions involved in the exceptions listed in section 2.4, Cadastral Engineering.

EDWARD WOOZLEY, *Director.*

[F. R. Doc. 57-8117; Filed, Oct. 2, 1957; 8:48 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 26, 1957.

The Fish and Wildlife Service has filed an application, Serial No. Idaho 06471, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws and General Mining Laws but not the Mineral Leasing Laws. The applicant desires the land for an addition to the Deer Flat National Wildlife Refuge.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 3 N., R. 3 W.,
Sec. 26, N½SW¼, SW¼SW¼.
This area includes 120 acres.

NOLAN F. KEIL, *Acting State Supervisor.*

[F. R. Doc. 57-8118; Filed, Oct. 2, 1957; 8:48 a. m.]

[Serial No. Idaho 07013]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 27, 1957.

Pursuant to the following determinations of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473-2476, it is ordered as follows:

The lands hereinafter described so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

BOISE MERIDIAN, IDAHO

Idaho Serial No.	Determination No.	Description of total acreage	Location
06943	D. A. 465 Idaho	T. 31 N., R. 4 E., Sec. 21, Lots 1, 2, 5, 6.	Idaho County, 2 miles north of Harpster, Idaho, on the south fork of the Clearwater River.
06941	D. A. 462 Idaho	T. 7 S., R. 13 E., Sec. 15, Lots 2, 3.	Gooding County, 1 mile northwest of Hagerman, Idaho.
07221	D. A. 461 Idaho	T. 8 S., R. 13 E., Sec. 1, SW¼SW¼, Sec. 2, NW¼SW¼, SE¼SW¼, S½SE¼; Sec. 3, S½SW¼.	Twin Falls County, 4 miles south of Hagerman, Idaho, on the Snake River.
07013	D. A. 481 Idaho	T. 9 S., R. 14 E., Sec. 4, Lot 10.	Gooding County, 12 miles southwest of Wendell, Idaho, on the Snake River.
07244	D. A. 484, Idaho	T. 9 S., R. 16 E., Sec. 17, Lot 15.	Jerome County, 10 miles southwest of Jerome, Idaho, on the Snake River.
07975	D. A. 490, Idaho	T. 11 N., R. 17 E., Sec. 22, Lot 3; Sec. 27, Lot 5.	Custer County, 3 miles west of Clayton, Idaho, on the Salmon River.
07213	D. A. 300, D. A. 305, D. A. 360, D. A. 381, D. A. 386, Idaho.	T. 10 S., R. 18 E., Sec. 3, Lots 4, 5, 8, 9, SW¼SW¼; Sec. 4, Lot 4; Sec. 11, Lots 1, 2, 5, 6.	Jerome County, about 15 miles southeast of Jerome, Idaho, on the north side of the Snake River.
08107	D. A. 2, D. A. 5, Idaho.	T. 17 N., R. 21 E., Sec. 20, Lots 2, 3.	Lemhi County, 30 miles south of Salmon, Idaho, on the Salmon River.
08118 08125 08459	D. A. 492, D. A. 493, D. A. 496.	T. 3 N., R. 41 E., Sec. 5, Lot 2; Sec. 8, Lots 6, 8, SW¼NW¼; Sec. 10, SE¼SW¼. T. 3 N., R. 42 E., Sec. 4, Lot 5; Sec. 5, Lot 10.	Bonneville County, 6 to 10 miles east of Ririe, Idaho, on the Snake River.

The areas described total 1,114.31 acres of public lands.

The lands are widely scattered throughout Idaho and generally lie in the Snake River plain and in mountainous regions. Adverse topography and rocky soils render most of the land unsuited to agricultural development other than grazing by range livestock. Soils vary from sand and gravel to silt loam. Cover includes grass and sagebrush and vegetation typical of dry grazing areas in Idaho. The lands included in the determinations D. A. 462, 484, 300, 305, 360, 381, and 386 are subject to the prior rights of the licenses for Projects No. 2061, 1449, and 18 and their successors as they affect the lands within the project boundaries as shown by the exhibits on file with the Federal Power Commission. All of the lands included in determinations D. A. 300, 305, 360, 381, and 386 except Lot 4, Sec. 4, T. 10 S., R. 18 E., have been classified for retention in Federal ownership for public recreation and other public purposes and are not available for other types of disposal.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have been classified as valuable, or suitable, for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required, in whole or in part, for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulations provided in the preceding paragraph.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the vari-

ous classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on November 2, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 1, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on February 1, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights under paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

MICHAEL T. SOLAN,
Acting State Supervisor.

[F. R. Doc. 57–8119; Filed, Oct. 2, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11888, 11889; FCC 57M–910]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

ORDER CONTINUING HEARING CONFERENCE

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP–10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP–10691; for construction permits.

At the request of counsel for Jefferson County Broadcasting Company and with the concurrence of all other participants:

It is ordered, This 26th day of September 1957, that the conference in the above-entitled proceedings now scheduled for September 27, 1957, is continued to October 3, 1957. Hour and place of the conference remain the same as previously designated.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8142; Filed, Oct. 2, 1957; 8:53 a. m.]

[Docket No. 11972; FCC 57M–912]

AMERICAN TELEPHONE AND TELEGRAPH COMPANY ET AL.

ORDER CONTINUING HEARING

The Hearing Examiner having under consideration a "Motion • • • to postpone commencement of hearing" filed September 25, 1957, by Motorola, "for itself and on behalf of such other parties as may join in this request," seeking postponement of the date for commencement of the hearing which is now scheduled for Tuesday, October 1, 1957; [1] and

It appearing from: The motion; the record in this proceeding; the official public files of the Commission; and the factual circumstances otherwise made known to the Hearing Examiner as hereinafter set out, that there are now approximately 23 parties to this proceeding (in addition to 25 telephone companies who are respondents) and six more persons have recently filed petitions to intervene, and that the parties and petitioners are located in many sections of the United States and are represented by attorneys in New York, Chicago, Madison, Norfolk, San Francisco, and Washington, and accordingly, that the public interest requires immediate consideration of, and notified action upon, the pending motion as permitted in § 1.745 of the Commission's rules; and

It further appearing that several attorneys for various parties and petitioners have communicated—informally by telephone, telegraph, and through Bureau counsel—the information that they either support or do not oppose the instant motion for continuance; and

It further appearing that the motion is supported by reference to various pleadings pending and to be filed before the Commission which may lead to Commission action substantially affecting the nature of the issues and procedures herein; [2] and

It further appearing that the Order After Prehearing Conference (FCC 57M–765, Mimeo No. 48716, released August 8, 1957) provides (in paragraph 8) for the commencement of the hearing of evidence to be offered by the respondents on October 1, 1957, and also provides (in paragraph 15) for considering then such questions of a prehearing nature as may arise, and that a modification of these and related provisions of the Order After Prehearing Conference, as requested in the pending motion, should be effected; and

It further appearing that the motion for continuance should be granted for the reasons above indicated, but that a definite date for the commencement of the hearing or further prehearing conference cannot now be determined upon, and accordingly, that so much of the order as fixed the hearing date should be set aside with a provision that a subsequent order will both specify a date for the resumption of the proceedings and declare whether the matters then to be considered will include either prehearing conference subjects or the hearing of evidence or both; and

It further appearing that Bureau counsel has informally consented to confer with counsel for the other parties after the Commission has acted on the pending pleadings in this case, and then to file a motion to resume proceedings deemed appropriate to the circumstances of the case, and that the steps thus to be taken will best conduce to the proper dispatch of business and to the ends of justice; now therefore;

It is ordered, This 27th day of September 1957, that the motion for postponement be and it is hereby granted, and the Order After Prehearing Conference hereinabove referred to is modified to provide that the hearing scheduled to be commenced on October 1, 1957, is continued to a date to be fixed by subsequent order to be entered upon motion which will be filed by Bureau counsel after informal conferences with counsel for the other parties.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8143; Filed, Oct. 2, 1957; 8:53 a. m.]

[1] The prayer of the motion in pertinent part is, "to postpone commencement of hearing from October 1, 1957, for a reasonable period for the purpose of scheduling a prehearing conference and to provide opportunity for completion of Commission action on the pending requests for amendment of issues." The action herein taken grants the essence of the request.

[2] The motion refers particularly to a letter, dated September 19, 1957, by direction of the Commission to Victor R. Hansen, Assistant Attorney General, Antitrust Division, United States Department of Justice, which concludes as follows:

"Accordingly, in view of the nature of the questions raised by the Department in its Statement with respect to the competitive and antitrust implications of AT&T's tariff and recognizing the Department's special competence and interest in these matters, we will treat the Department of Justice as a party intervenor in the proceedings and will regard your Statement as a petition to amend the issues in Docket No. 11972.

"Inasmuch as the other parties may not have been certain as to how the Commission would treat your Statement, they will be given 10 days from the date of this letter within which to file any response in accordance with our Rules and you will be afforded an additional 5 days to reply to any such response. A copy of this letter is being mailed to all parties of record in the proceeding."

[Docket Nos. 12058, 12059; FCC 57M–907]

KBR STATIONS, INC. AND WKNE CORP.

ORDER CONTINUING HEARING CONFERENCE

In re applications of The KBR Stations, Inc., Keene, New Hampshire, Docket No. 12058, File No. BP–10732; WKNE Corporation, Brattleboro, Vermont, Docket No. 12059, File No. BP–10919; for construction permits.

The Hearing Examiner having under consideration a motion filed September 23, 1957, by WKNE Corporation requesting that the date specified in the order controlling the conduct of hearing for the exchange of exhibits be continued from September 30, 1957, to October 14, 1957, and the date for the further prehearing conference be continued from October 21, 1957, to November 4, 1957, and for immediate consideration of said motion; and

It appearing that the reason for the requested continuance is the fact that because of other commitments of counsel for both of the applicants, it will be impossible to meet the schedule outlined in the order controlling the conduct of hearing; and

It further appearing that all parties have consented to the waiver of § 1.745 of the Commission's rules, that immediate consideration of the motion is desirable, that there are no objections to the granting thereof and good cause for the requested continuance having been shown;

It is ordered, This the 25th day of September 1957 that the motion for continuance is granted and the date for the exchange of the exhibits in this proceeding is continued from September 30, 1957, to October 14, 1957, and the date for further pre-hearing conference is continued from October 21, 1957, to November 4, 1957.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8144; Filed, Oct. 2, 1957; 8:53 a. m.]

[Docket Nos. 12079, 12080; FCC 57M–909]

JACK A. BURNETT AND UNITED TELECASTING AND RADIO CO.

ORDER POSTPONING PRE-HEARING CONFERENCE

In re applications of Jack A. Burnett, Ogden, Utah, Docket No. 12079, File No. BPCT–2255; United Telecasting and Radio Company, Ogden, Utah, Docket No. 12080, File No. BPCT–2270; for construction permits for new television broadcast stations.

Having under consideration a Motion for Postponement of Pre-hearing Conference filed by Jack A. Burnett on September 25, 1957, which requests that the date for pre-hearing conference in the above-entitled proceeding be extended from September 26, 1957, to September 30, 1957; and

It appearing that no other participant in the proceeding has objection to either early consideration of the motion or to its grant;

It is ordered, This 25th day of September 1957, that the pre-hearing conference in the above-entitled proceeding now scheduled for September 26, 1957, is postponed to September 30, 1957.

Released: September 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8145; Filed, Oct. 2, 1957; 8:53 a. m.]

[Docket No. 12174; FCC 57–1039]

ATLANTIC COAST BROADCASTING CORPORATION OF CHARLESTON (WTMA–TV)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Atlantic Coast Broadcasting Corporation of Charleston (WTMA–TV) Charleston, South Carolina, Docket No. 12174, File No. BPCT–2346; for construction permit for a new television broadcast station.

1. The Commission has before it for consideration a "Protest and Petition for Reconsideration" filed on August 30, 1957, by Southern Broadcasting Company (protestant), licensee of Television Broadcast Station WUSN–TV, Channel 2, Charleston, South Carolina, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, directed against the Commission's action of August 1, 1957, granting without hearing the above-captioned application of Atlantic Coast Broadcasting Corporation of Charleston (Atlantic) for a permit to construct a new television broadcast station to operate on Channel 4, in Charleston, South Carolina; an "Opposition to Protest and Petition for Reconsideration" filed on September 10, 1957 by Atlantic Coast Broadcasting Corporation of Charleston; and a "Reply to Opposition to Protest and Petition for Reconsideration" filed on September 16, 1957.

2. The protestant claims standing as a "party in interest" and a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, as the licensee of an existing television broadcast station. In substance, protestant alleges that its revenue is derived from local, regional and national advertisers; that protestant will be in direct competition with the grantee for advertising revenue, which will cause a loss of revenues; and that, therefore, protestant will suffer economic injury.

3. In support of its protest, protestant contends that Atlantic is not financially qualified to construct and operate the proposed station and that the property represented by Atlantic in Section III, Paragraph 1 of the application form as "to be leased" is not in fact available. In view of the foregoing, protestant requests that the Commission (1) designate the application for evidentiary hearing on issues specified by the protestant; (2) make the protestant a party to said proceeding; (3) place upon the applicant, with respect to each of the issues, both the burden of proceeding with the introduction of evidence and the burden of proof; and (4) stay the effective date of the grant in question until the Commission's decision after hearing. In support of its request for a stay, protestant contends that there are two television broadcast stations in Charleston and the applicant does not propose to serve areas which are not already being served.

4. On September 10, 1957, Atlantic filed an "Opposition to Protest and Petition for Reconsideration." Atlantic asserts therein that the protest does not meet the requirements of section 309 (c) because it fails to state with sufficient particularity facts which show that the grant was improper or would not otherwise be in the public interest; that the matters raised are "frivolous"; that the allegations constitute nothing more than a repetition of charges made by the President of the protestant in an affidavit filed prior to a grant of the application and that these matters were found to be completely without merit; that in questioning the willingness of the First National Bank of South Carolina to make a $25,000 loan to Charles E. Smith, protestant fails to mention that Mr. Hastie, the President of the protestant, contacted the bank and was clearly told of the bank's willingness to lend the money which is evidenced by a copy of an attached letter dated September 3, 1957, from the bank, and that such concealment raises a question as to the good faith of protestant; that the allegations as to the unavailability of premises to be leased are contrary to fact; and that, accordingly, protestant is not even entitled to oral argument on its charges.

5. With respect to protestant's request for stay, Atlantic argues that at present the opportunity for a full presentation of ABC programs is inadequate; that a stay would delay the establishment of a third competitive network in Charleston; that the development of a third competitive network in the United States is in the public interest and that this is dependent on the availability of a sufficient number of outlets; and that, therefore, a stay would not be in the public interest.

6. On September 16, 1957, protestant filed a "Reply to Opposition to Protest and Petition for Reconsideration." Protestant states therein that Atlantic's assertion that the protest is merely an attempt to delay the establishment of a competitive television service in Charles-

ton is without foundation; that protestant would have no objection to the advent of an adequately financed third television station; that despite the allegation in the opposition that protestant failed to disclose a telephone conversation with the Vice President of the First National Bank of South Carolina, concerning the purported commitment of said bank to president of Atlantic, there is no element of concealment since the conversation did not establish whether the bank was formerly committed; and that the original bank letter was not a firm commitment and the letter dated September 3, 1957 from the bank does not change the situation.

7. In view of the fact that the protestant is the licensee of Television Station WUSN–TV in Charleston, South Carolina, and has alleged that as a result of the grant of the above-captioned application it will be faced with new competition for advertising revenues and will thereby sustain economic injury, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended, and a "person aggrieved or whose interests are adversely affected" within the meaning of section 405 of said act. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470; Eugene Television, Inc., 9 Pike and Fischer RR 601; Cherry & Webb Broadcasting Company, 9 Pike and Fischer RR 1093. We further find that the protestant has specified with sufficient particularity the facts relied upon to warrant designating the instant application for evidentiary hearing on the issues specified by the protestant.

8. We turn next to the question of whether we should stay the effective date of the grant in question. Section 309 (c) of the Communications Act provides, in pertinent part, that "• • • the effective date of the Commission's action to which protest is made shall be postponed • • • unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." Atlantic argues that the service it is proposing will provide the people in the Charleston area with the first real choice of the programs among the three networks and that therefore this will promote more effective television competition which is of benefit to the public. Although, the Commission does not question the desirability of a third network service, we believe that since there are two television stations in Charleston, this fact alone does not constitute a sufficiently compelling reason to enable us to make an affirmative finding that the public interest requires that grant remain in effect. Accordingly, the effective date of the Commission's action herein question will be postponed to the effective date of the Commission's decision in the hearing hereinafter ordered.

9. In view of the foregoing: *It is ordered*, That the subject Protest and Petition for Reconsideration is granted to the extent provided for below and is denied in all other respects; That, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final decision by the Commission in the hearing described below; and That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the premises represented by the applicant "to be leased" will be available for the proposed television operation;

2. To determine whether the applicant is financially qualified to construct the station as proposed;

3. To determine whether the applicant is financially qualified to commence operation of the proposed station and to continue operation for a reasonable period of time without advertising revenue;

4. To determine, in view of the foregoing, whether the grant of the application of Atlantic Coast Broadcasting Corporation of Charleston is consistent with the public interest, convenience, and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on the protestant.

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

a. The hearing on the above issues shall commence at a date to be specified in a subsequent order before an Examiner to be specified at a later date;

b. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

c. The appearances by the parties intending to participate in the above hearing shall be filed not later than October 9, 1957.

Adopted: September 25, 1957.

Released: September 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8146; Filed, Oct. 2, 1957; 8:53 a. m.]

[Docket No. 12175; FCC 57–1040]

AMERICAN COLONIAL BROADCASTING CORP. (WKBM–TV)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of American Colonial Broadcasting Corporation (WKBM–TV), Caguas, Puerto Rico; Docket No. 12175, File No. BMPCT–4515; for modification of construction permit.

1. The Commission has before it for consideration (1) a "Protest" filed on August 29, 1957, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Ponce de Leon Broadcasting Company, Inc. (protestant), licensee of Television Station WAPA–TV (Channel 4), San Juan, Puerto Rico, and directed against the Commission's action of August 1, 1957, granting without hearing the above-entitled application of American Colonial Broadcasting Corporation (American Colonial) for modification of its construction permit for Television Station WKBM–TV (Channel 11), Caguas, Puerto Rico, to increase effective radiated power (visual: 2.69 kw to 27 kw); (2) a "Motion to Dismiss Protest" filed by American Colonial on September 9, 1957; and (3) a "Reply to Motion to Dismiss Protest" filed by the protestant on September 11, 1957.

2. The protestant claims standing as a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended, as the licensee of an existing television broadcast station, WAPA–TV in San Juan, which serves substantially the same areas as those proposed to be served by television broadcast stations WKBM–TV, Caguas, and WSUR–TV, Ponce,[1] both owned by American Colonial. Protestant asserts in effect that Caguas and San Juan are separated by a distance of only 16 miles, and the transmitter site of WKBM–TV is thirteen miles from the farthermost point of San Juan; that all of WAPA–TV's Grade A service contour will be encompassed within the Grade A service contour of WKBM–TV operating with increased power, and the Grade B service contour of WSUR–TV will encompass 96.3 percent of the WAPA–TV Grade A service area; that the city of San Juan will receive better than a city grade signal from WKBM–TV, Caguas; that inasmuch as all of these stations will serve substantially the same areas, they will be in direct competition with each other for advertising revenues and for television audience; that as a result of the increase in power of WKBM–TV, protestant's station will lose advertising revenues which it would otherwise receive, and consequently the protestant will suffer "economic injury." Protestant adds that on the basis of its past earnings and the revenue available in the market, it will suffer a net loss of revenue; that San Juan cannot support three television stations; and, that "it is now clear that by the increase in power WKBM–TV is not a low-powered 'small station' primarily designed to serve the community of Caguas, as represented by American Colonial in its original application for construction permit."

3. In support of its protest, Ponce de Leon alleges that, as shown by its attached engineering statement, there is extensive overlap of Grade A and Grade B contours of WKBM–TV (operating with increased power) and WSUR–TV, encompassing most of the island of Puerto Rico; that the advantages with respect to networks, national spot advertising, and programming, which a multiple station owner enjoys in a single area such as Puerto Rico, constitute a primary basis of the Commission's Rule relating to multiple ownership;[2] and, that in the instant case, the substantial overlap of the Grade A contours of WKBM–TV and WSUR–TV, considered together with American Colonial's proposal that these two stations will operate as satellites to each other, "strikes at the foundation of the Commission's multiple ownership rule." Protestant states too that American Colonial has submitted no information in its above-captioned application relative to factors which the Commission has stated it will consider in determining whether overlap in a particular case would preclude a grant of an application; that such information as American Colonial submitted in its original application for the construction permits of WKBM–TV and WSUR–TV shows the applicant's intention to rebroadcast programs of these stations, to share their costs of programs, and to have a cooperative staff. Finally, protestant asserts that the aforementioned facts alleged by it relative to overlap and to the satellite nature of the operations of WKBM–TV and WSUR–TV establish that the grant of the subject application for increased power of WKBM–TV is not in the public interest.

4. In view of the foregoing, the protestant requests that the Commission designate the instant application for an evidentiary hearing upon eight specified issues; adopt such issues as its own; place the burden of proceeding with the introduction of evidence and the burden of proof upon American Colonial; and, pending final decision in this matter after hearing, stay the effective date of the grant in question. In support of this latter request, the protestant asserts that there are no grounds under the provisions of section 309 (c) of the Communications Act for permitting American Colonial to proceed with construction of the proposed station with increased power.

5. In its motion opposing the protest, American Colonial asserts that protestant is now claiming San Juan cannot support three commercial television stations although less than a year ago the protestant paid a handsome consideration for the acquisition of WAPA–TV which action obviously reflected the conviction that the station commanded a large volume of business justifying the purchase price; that this change in attitude on the part of the ownership of WAPA–TV may be attributable either to the limited experience of its president and manager in determining the needs and peculiarities of the local community and in properly appraising the advertising potentialities of the small merchants within Metropolitan San Juan, or to overemphasis on the importance of national advertising in contrast to local community revenue; that American Colonial disagrees with protestant's contention that San Juan cannot sustain three television stations; and, that protestant has made no showing to substantiate such conclusion while facts pointing to the contrary are available. In addition, American Colonial asserts that its station will mainly help the small merchants who cannot afford other than participating programs of the brokerage type over WAPA–TV, and will present public service programs which are not received by WAPA–TV viewers. Furthermore, American Colonial states in effect that economic injury of itself and apart from considerations of public interest, convenience and necessity, is not an element which the Commission must weigh in passing on an application, and protestant has failed to produce any evidence that direct competition between WAPA–TV and WKBM–TV will not be in the public interest; that the instant protest is not timely since WAPA–TV will suffer no more economic injury as a result of the increase in power than it would have received from the original grant to WKBM–TV;[3] and, that although the two American Colonial stations (WKBM–TV and WSUR–TV) will cooperate and also carry some programs simultaneously, nonetheless they will do independent broadcasting tailored to the needs of their respective communities, and they are not to be satellite operations of each other. In conclusion, American Colonial asserts that a grant of the modification application for WKBM–TV will improve its service to the public, with no injury to WAPA–TV other than stimulus to its programming from the fair competition of WKBM–TV, and therefore American Colonial requests the Commission to dismiss the protest and not to delay plans for commencement of WSUR–TV operation by October 1st and of WKBM–TV operation by November 15th.

6. In its "Reply" the protestant asserts in substance that the opposition of American Colonial deals at length with the question of the former's standing to protest, but fails to deal with the public interest questions presented to the Commission by the extensive overlap between the commonly owned stations WKBM–TV at Caguas and WSUR–TV at Ponce which protestant has pointed out. Moreover, protestant contends that American Colonial cannot justify its multiple ownership status under the modification grant by the showing made in its application for WSUR–TV at Ponce. In this connection protestant points out that WKBM–TV will no longer be a "low power outfit rendering service to a limited area within its own community." Protestant reiterates its requests for relief as set forth in its protest.

7. In view of the fact that the protestant is the licensee of Television Broadcast Station WAPA–TV in San Juan, Puerto Rico, and has alleged that as a result of the grant of the above-captioned application it will be injured competitively through the higher-powered operation by the loss of advertising revenues which it would otherwise receive and will thus suffer economic injury, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470; In re T. E. Allen & Sons, Inc., 9 Pike & Fischer RR 197; Versluis Radio and Television, Inc., 9 Pike & Fischer RR 102. We further find that the protestant has specified with sufficient particularly the facts relied upon to warrant designating the instant application for hearing. Moreover, we believe that the problems raised in the protest are of the type which do not lend themselves to demurrer. Accordingly, the Commission is designating said application for an evidentiary hearing on the issues framed by the protestant. However, the issues are not being adopted and the burden of proof with respect to each of these issues except issues (4), (5), (6), and (7) below, will, therefore, be upon the protestant. The burden of proof as to issues (4), (5), (6), and (7) will be upon the applicant because they relate to matters which are peculiarly within the applicant's knowledge.

8. We turn now to the question of whether we should stay the effective date of our grant of the above-captioned application until a decision in this matter after hearing. Section 309 (c) of the Communications Act provides, in pertinent part, that "• • • the effective date of the Commission's action to which protest is made shall be postponed • • • unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to uitilize the facilities or authorization in question pending the Commission's decision after hearing."

9. We are of the view that there is a definite and compelling need for the service proposed by American Colonial under its modified construction permit. Operating as proposed, WLB–TV will serve as the first local television broadcast outlet for the City of Caguas. Accordingly, it appears that the proposed operation will fulfill a significant need of the Caguas area from this aspect of television. We have, as required by revised section 309 (c) of the Communications Act, balanced this significant need of the Caguas area for the television service proposed under its modification application against the likelihood that the grant in question will have to be set aside after the hearing herein ordered. While, of course, we cannot state what our conclusions will be in the light of the hearing record, we do not believe on the

[1] American Colonial has indicated that it plans to have WSUR–TV on the air by October 1, 1957, and WKBM–TV on the air by November 15, 1957.

[2] Protestant cites § 3.636 of the rules which provides in pertinent part that no license for a television broadcast station shall be granted to any party which directly or indirectly owns, operates, or controls another broadcast station which serves substantially the same area.

[3] A supporting engineering statement submitted by American Colonial asserts that the Grade A contour of WKBM–TV operating with 2.67 kw effective radiated power under the original construction permit would "also completely encompass the Grade A contour of WAPA–TV", and that an inspection of the coverage maps contained in the original application of WKBM–TV will show, the 77 dbu contour (principal city service contour) includes not only the city of Caguas but also San Juan.

basis of its pleading, that the protestant has made a prima facie case that the grant may not be in the public interest. In addition, we believe that where no television broadcast station is available to a community to which a television channel has been assigned, there exists a demonstrable need for the introduction of such service with the expedition afforded by utilizing the proposed facilities of WKBM–TV. We cannot conclude, therefore that the protestant has demonstrated a reasonable probability of success on the merits of its protest which would override the public need for the service of WKBM–TV, operating pursuant to its modified permit.

10. In light of the foregoing, we affirmatively find that the public interest requires that the grant remain in effect, and, accordingly, the effective date of the Commission's action here in question will not be postponed to the effective date of the Commission's decision in the hearing ordered hereinafter.

11. In view of the foregoing: *It is ordered*, That the subject protest is granted; That the request for postponement of the effective date of the grant is denied; and That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine the degree of overlap between Stations WKBM–TV, Caguas, and WSUR–TV, Ponce;

(2) To determine the number of cities and their respective populations and the character and population of the area within the Grade A overlap contours of WKBM–TV and WSUR–TV;

(3) To determine the number of cities and their respective populations and the character and population of the area within the Grade B overlap contours of WKBM–TV and WSUR–TV;

(4) to determine the program proposals of WKBM–TV and WSUR–TV, and the extent to which programs will be duplicated by each other;

(5) To determine the sources of program material and talent for the proposed programs of WKBM–TV and WSUR–TV;

(6) To determine the organizational setup of American Colonial Broadcasting Corporation, and its commercial and sales policies with respect to the operation of WKBM–TV and WSUR–TV;

(7) To determine the staffing plans of American Colonial Broadcasting Corporation, and the extent to which cooperative or joint staffs will be maintained between WSUR–TV and WKBM–TV; and

(8) To determine, in light of the evidence adduced under the above issues, whether a grant of the above-entitled application would serve the public interest, convenience and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues except (4), (5), (6), and (7) shall be upon the protestant; and that the burden of proof as to issues (4), (5), (6), and (7) shall be upon the applicant (American Colonial).

It is further ordered, That the protestant, Ponce de Leon Broadcasting Company, and the Chief of the Broadcast Bureau are hereby made parties to the proceeding designated herein and that:

(a) The hearing on the above issues will commence at a time and before an Examiner to be specified in a subsequent order; and

(b) The parties to the proceeding herein designated shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the evidentiary hearing shall be filed not later than October 9, 1957.

Adopted: September 25, 1957.

Released: September 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8147; Filed, Oct. 2, 1957; 8:54 a. m.]

[Docket No. 12176 etc.; FCC 57–1041]

KTAG ASSOCIATES (KTAG–TV) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox, R. B. McCall, Jr. d/b as KTAG Associates (KTAG–TV), Lake Charles, Louisiana; Docket No. 12176, File No. BMPCT–4682; for modification of construction permit. Evangeline Broadcasting Company, Inc., Lafayette, Louisiana; Docket No. 12177, File No. BPCT–2335; Acadian Television Corporation, Lafayette, Louisiana; Docket No. 12178, File No. BPCT–2351; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of September 1957;

The Commission having under consideration the application of Charles W. Lamar et al d/b as KTAG Associates requesting a modification of construction of Station KTAG–TV to specify operation on Channel 3 in lieu of Channel 25 in Lake Charles, Louisiana, which Channel is allocated to Lafayette, Lake Charles, Louisiana, and the applications of Evangeline Broadcasting Company, Inc. and Acadian Television Corporation which request construction permits for new television broadcast stations to operate on Channel 3 in Lafayette, Louisiana; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications are mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that a hearing is necessary; that each of the applicants is legally, financially and otherwise qualified to construct, own and operate a television broadcast station and are technically so qualified except as to issue "1" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna system and site proposed by each of the applicants would constitute a hazard to air navigation;

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the three proposals would best provide a more fair, efficient and equitable distribution of television service.

3. If it be determined pursuant to section 307 (b) that Lafayette, Louisiana is to be preferred over Lake Charles, Louisiana, then to determine on a comparative basis which of the operations proposed by Evangeline Broadcasting Company, Inc., and Acadian Television Corporation would better serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast stations.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the applications.

4. To determine in light of the evidence adduced pursuant to the foregoing issues which of the applications, if any, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the above-named applicants, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8148; Filed, Oct. 2, 1957; 8:54 a. m.]

[Docket No. 12179 etc.; FCC 57–1043]

RADIO ST. CROIX, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio St. Croix, Incorporated, New Richmond, Wisconsin; Docket No. 12179, File No. BP–10925; Florida East Coast Broadcasting Company, Inc., South St. Paul, Minnesota; Docket No. 12180, File No. BP–11170; Hennepin County Broadcasting Company, Golden Valley, Minnesota; Docket No. 12181, File No. BP–11341; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1957;

The Commission having under consideration the above-captioned applications of Radio St. Croix, Incorporated, the Florida East Coast Broadcasting Company, Inc., and the Hennepin County Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1590 kilocycles with a power of 5 kilowatts, daytime only, at New Richmond, Wisconsin, South St. Paul and Golden Valley, Minnesota, respectively;

It appearing that all of the applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the simultaneous operation of all three proposals would result in mutually destructive interference and that the photograph of the proposed site submitted by the Hennepin County Broadcasting Company does not show sufficient detail within the proposed 1000 mv/m contour; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 8, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the subject applicants; and

It further appearing that the Hennepin County Broadcasting Company has not submitted additional site photographs as requested in the Commission's letter of August 8, 1957; and

It further appearing that Station WISK, St. Paul, Minnesota, is licensed to operate on 1590 kilocycles and was granted a construction permit on October 24, 1956, to change the frequency of Station WISK, and that therefore, in the event of a grant of any of the subject applications, in the hearing ordered below, the construction permit should include the condition that programs tests will not be authorized until Station WISK has begun programs tests on a frequency other than 1590 kilocycles and a license will not be issued until WISK has been licensed on a frequency other than 1590 kilocycles; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the transmitter site proposed by the Hennepin County Broadcasting Company would be satisfactory.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would best provide a fair, efficient and equitable distribution of radio service.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, in the event of a grant of any of the above-captioned applications, the construction permit shall include the condition that program tests will not be authorized until Station WISK has begun program tests on a frequency other than 1590 kilocycles, and a license will not be issued until WISK has been licensed on a frequency other than 1590 kilocycles.

Released: September 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8149; Filed, Oct. 2, 1957; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6779]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

SEPTEMBER 27, 1957.

Take notice that on September 25, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by the California Electric Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of promissory notes, maturing by their terms prior to twelve months from date of issue and of which not more than $15,000,000 in aggregate principal amount shall be outstanding on any given date. Applicant proposes to issue the notes to the Bank of America National Trust and Savings Association ("Bank") to evidence loans to be obtained under a revolving line of credit to Applicant in the principal amount of $15,000,000 commencing October 31, 1957 and ending October 31, 1958. Each of the proposed notes will be dated as of its date of issue and bear interest at a fluctuating rate which shall be equal at all times during the life thereof to Bank's prime rate for 90-day to 180-day prime commercial loans. Applicant proposes to use the proceeds from the sale of the aforesaid notes for the purpose of refunding certain outstanding short-term bank loans obtained from the Bank; and for interim financing of necessary extensions, additions and betterments of Applicant's electric plant; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of October 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–8127; Filed, Oct. 2, 1957; 8:50 a. m.]

[Docket Nos. G–10215, G–10392]

MANUFACTURERS LIGHT AND HEAT CO. AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 27, 1957.

Take notice that The Manufacturers Light and Heat Company (Manufacturers) a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on April 9, 1956, an application, under section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate a 300 horsepower compressor station near Milford, Pike County, Pennsylvania, as hereinafter described, subject to the jurisdiction of the Commission.

Manufacturers proposes to install and operate one 300 horsepower gas engine compressor unit equipped with four compressor cylinders, together with other

appurtenant equipment at a new compressor station on its Coatesville-Port Jervis line at its intersection with the line of Tennessee Gas Transmission Company (Tennessee) near Milford, Pike County, Pennsylvania. This construction is proposed to permit the delivery of 10,200 Mcf of gas per day (at 14.73 psia) to Manufacturers into its Port Jervis line from the new Hebron-Greenwich 24-inch line of Tennessee.

The estimated cost of the proposed new station is $170,200, including the purchase of the compressor unit from Cumberland and Allegheny Gas Company (Cumberland), an affiliate, for the sum of $15,200.

Cumberland and Allegheny Gas Company, a West Virginia corporation, also a subsidiary of The Columbia Gas System, Inc. having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on May 11, 1956 an application under section 7 (b) of the Natural Gas Act for permission and approval of the Commission to abandon its Loch Lynn Compressor Station, consisting of two 300 horsepower gas engine compressor units equipped with 4 compressor cylinders each and one 125 horsepower gas engine compressor unit equipped with two compressor cylinders located in Mountain Lake No. 16 District, Garrett County, Maryland.

Cumberland alleges that production in the Mountain Lake Park gas field declined and that the station is not now being used. Cumberland proposes to abandon the complete station and to salvage the building and equipment. It proposes to sell one of the 300 horsepower compressor units to Manufacturers for installation in its proposed compressor station near Milford, Pennsylvania, as above described. The proposed abandonment of the Loch Lynn Compressor Station will not result in the abandonment of service to any of Cumberland's customers.

Cumberland alleges the book value of the Loch Lynn Compressor Station to be $247,504; the estimated salvage to be $75,000 and the estimated cost of retiring said facilities, $10,600.

The application in each of the above-numbered dockets is on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8128; Filed, Oct. 2, 1957; 8:50 a. m.]

[Docket No. G-11661 etc.]

SUNRAY MID-CONTINENT OIL CO.

ORDER SEVERING PROCEEDINGS AND CONTINUING DATE OF HEARING

SEPTEMBER 27, 1957.

In the matter of Sunray Mid-Continent Oil Company, Docket Nos. G-11661, G-11662, G-11762, G-11878 and G-12113.

Sunray Mid-Continent Oil Company (Applicant) filed applications in Docket Nos. G-11661, G-11662, G-11762, G-11878 and G-12113 requesting certificates of public convenience and necessity of limited duration whereby the respective certificates issued would expire at the end of the term of the contract.

By order issued August 9, 1957, Applicant was granted a certificate of public convenience and necessity in Docket No. G-12113. The order stated that the certificate would be considered accepted unless the Commission was notified to the contrary within 30 days from the date of issuance. On August 29, 1957, Applicant requested an additional 30 days within which it could file a notice of rejection. This request was denied by the Acting Secretary on August 30, 1957.

On September 9, 1957, Applicant filed a Statement of Rejection of the certificate because the certificate issued was not of a limited nature pursuant to its application.

A hearing was held on August 26, 1957, In the Matters of E. W. Campbell and E. S. Villinies, et al., Docket No. G-3128, et al. At said hearing staff counsel in his proposed finding and order requested that Applicant in Docket Nos. G-11661, G-11662, G-11762 and G-11878 be issued certificates of public convenience and necessity for an unlimited duration in lieu of the request by Applicant to be issued certificates that would expire at the end of the term of the contract pursuant to Applicant's applications. Applicant did not appear at nor was it represented at the hearing.

The Commission further finds:

(1) Public convenience and necessity require that Docket Nos. G-11661, G-11662, G-11762 and G-11878 be severed from staff counsel's proposed finding and order In the Matters of E. W. Campbell and E. S. Villinies, et al., Docket No. G-3128, et al.

(2) Public convenience and necessity require reconsideration of that portion of the order issued on August 9, 1957, in Docket No. G-12113, granting an unlimited certificate to Applicant.

(3) Docket Nos. G-11661, G-11662, G-11762, G-11878 and G-12113 should be set for a consolidated hearing at a subsequent date to be set by further notice.

The Commission orders:

(A) Docket Nos. G-11661, G-11662, G-11762 and G-11878 be and are hereby severed from staff counsel's proposed findings and order In the Matters of E. W. Campbell and E. S. Villinies, et al., Docket No. G-3128, et al.

(B) The portion of the order issuing an unlimited certificate of public convenience and necessity in Docket No. G-12113 be reconsidered.

(C) Docket Nos. G-11661, G-11662, G-11762, G-11878 and G-12113 be and are hereby set for a consolidated hearing to be held at a subsequent date to be set by further notice.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8129; Filed, Oct. 2, 1957; 8:50 a. m.]

[Docket No. G-11970, etc.]

SEABOARD OIL CO. ET AL.

NOTICE OF HEARING

SEPTEMBER 27, 1957.

In the matters of Seaboard Oil Company, Operator, Docket No. G-11970; United Gas Pipe Line Company, Docket No. G-12019; Charles B. Wrightsman, Docket No. G-12055.

Applications for certificates of public convenience and necessity were filed by Seaboard Oil Company, Operator (Seaboard), United Gas Pipe Line Company (United) and Charles B. Wrightsman (Wrightsman) in the above-captioned consolidated proceeding pursuant to section 7 (c) of the Natural Gas Act.

Seaboard and Wrightsman propose to sell natural gas in interstate commerce from the Maurice Area, Vermilion and Lafayette Parishes, Louisiana, to United for resale. United proposes to construct and operate the natural gas facilities necessary to take such gas into its pipeline system.

Notice of the filing of these applications together with their consolidation for purposes of hearing was issued on July 31, 1957, and published in the FEDERAL REGISTER on August 6, 1957 (22 F. R. 6282). This notice fixed August 19, 1957 as the last day for filing protests or petitions to intervene in this proceeding.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a formal hearing will be held on October 29, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8121; Filed, Oct. 2, 1957; 8:49 a. m.]

[Docket No. G-12883]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 27, 1957.

Take notice that on July 12, 1957, New York State Natural Gas Corporation (Applicant), a New York corporation having its principal place of business in Pittsburgh, Pennsylvania, filed in Docket No. G-12883 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain transmission facilities in New York for increased deliveries of natural gas to Niagara Mohawk Power Corporation (Niagara Mohawk), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities and their estimated cost are as follows:

(1) An additional 3,000 horsepower compressor station on Applicant's existing 16-inch transmission line near Utica, New York, in Herkimer County. Applicant proposes to install 2,000 horsepower in 1957, estimated to cost $550,000, and an additional 1,000 horsepower in 1959, estimated to cost $200,000.

(2) Approximately 9 miles of 12-inch branch line extending from Applicant's main 20-inch transmission line to the City of Oneida, New York, and a measuring and regulating station at Oneida to make increased deliveries to Niagara Mohawk for distribution in the Syracuse-Oneida-Rome-Utica, New York, distribution area, estimated to cost $431,000.

(3) A measuring and regulating station on Applicant's 12-inch transmission line between its Brookview Measuring Station and Troy, New York, to be located at East Greenbush, New York, estimated to cost $30,000, to enable Niagara Mohawk to initiate natural gas service in East Greenbush.

Applicant states that the additional compressor facilities in (1) above are necessary to avoid an estimated shortage in deliveries to Niagara Mohawk, east of the Ithaca compresser station, of 13,000 Mcf on the 1957-58 peak day, 13,500 Mcf on the 1958-59 peak day, and 25,500 Mcf on the 1959-60 peak day.

The estimated peak day requirements for (2) above, in MMcf, are:

Delivery point	1958	1959	1960
Therm City	214	212	223
Utica	45	49	46
Oneida	10	33	43
Total	269	294	312

The estimated requirements for (3) above, in Mcf, are:

	1958	1959	1960
Annual	51,000	64,000	77,000
Peak day	500	600	800

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 4, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8122; Filed, Oct. 2, 1957; 8:49 a. m.]

[Docket No. G-12933]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 27, 1957.

Take notice that on July 22, 1957, The Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business in Columbus, Ohio, filed in Docket No. G-12933 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 50 feet of 2⅜-inch O. D. natural gas transmission line, with appurtenances, in Ashland County, Ohio, extending from a proposed tap on Applicant's existing Line L-2440 to a proposed town border regulating station serving the unincorporated community of Nova, Ashland County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities are to enable Applicant to initiate natural gas retail service through a local distribution system it will build and own in Nova, a community now without natural gas service.

The estimated gas requirements for the first three years of service are:

	1st year	2d year	3d year
Annual (Mcf)	14,382	16,841	17,780
Peak day (Mcf)	148	174	183

Applicant estimates that the facilities covered by this application will cost $150, which will be defrayed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 4, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8123; Filed, Oct. 2, 1957; 8:49 a. m.]

[Docket No. G-12946]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 27, 1957.

Take notice that on July 25, 1957, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation having its principal place of business in Pittsburgh, Pennsylvania, filed in Docket No. G-12946 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities to provide interruptible natural gas service

to three new direct industrial customers in Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 1.59 miles of 6-inch lateral pipeline from Applicant's existing 8-inch Line No. 8590 to a new plant of Pittsburgh Screw and Bolt Corporation near Mount Pleasant, Westmoreland County, Pennsylvania, and a regulating and measuring station to serve same.

(2) Approximately 1.01 miles of 4-inch lateral pipeline from Applicant's existing 4-inch Line No. 1045 to a new plant of Vanadium Corporation of America near New Alexandria, Jefferson County, Ohio, and a regulating and measuring station to serve same.

(3) Approximately 40 feet of 2-inch service line from Applicant's existing 8-inch Line No. 1011 to an existing plant of Allegheny Concrete Pipe Associates near Coraopolis, Allegheny County, Pennsylvania, and metering and regulating equipment to serve same.

Applicant estimates the total capital cost of its proposed facilities at $99,325, which will be financed from funds on hand.

The estimated natural gas requirements of the three industrial customers are:

	1958	1959	1960	1961
Pittsburgh Screw:				
Peak day (Mcf)	1,760	1,760	1,760	1,760
Annual (Mcf)	295,000	295,000	360,000	360,000
Vanadium Corp.:				
Peak day (Mcf)	250	250	250	320
Annual (Mcf)	64,000	64,000	64,000	84,000
Allegheny Concrete:				
Peak day (Mcf)	90	90	90	90
Annual (Mcf)	28,000	28,000	28,000	28,000

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 4, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8124; Filed, Oct. 2, 1957; 8:49 a. m.]

[Docket No. G-13029]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

SEPTEMBER 27, 1957.

Take notice that on August 7, 1957, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation having its principal place of business in Houston, Texas, filed in Docket No. G-13029 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of 4,088 Mcf of natural gas per day under Applicant's proposed WPS (winter peaking service) Rate Schedule to its existing customers, Consolidated Edison Company of New York, Inc. (Con-Ed), The Brooklyn Union Gas Company (Brooklyn Union) and Long Island Lighting Company (Long Island), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The period for the proposed sale is from November 16, 1957, through April 15, 1958. The quantities of gas proposed to be served are:

Company	Mcf per day @ 14.73	Winter contract quantity
Consolidated Edison	2,044	154,388
Brooklyn Union	1,022	77,169
Long Island	1,022	77,169
Total	4,088	308,726

No new facilities will be required. Applicant intends to purchase the gas necessary for this proposed sale from Texas Eastern Transmission Corporation, whose pending application in Docket No. G-12226 et al. includes the volume involved herein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations of the Commission.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8125; Filed, Oct. 2, 1957; 8:49 a.m.]

[Docket No. G-13310 etc.]

TIDEWATER OIL CO.

ORDER SEVERING INVESTIGATION, CONSOLIDATING PROCEEDINGS, AND FIXING HEARING

SEPTEMBER 27, 1957.

In the matters of Tidewater Oil Company, Docket No. G-13310; Tidewater Oil Company, Docket Nos. G-9241, G-9551, G-9552, G-9608, G-9932, G-10998, G-11318, G-11319, G-11340, G-11357, G-11907, and G-12999.

By order issued January 27, 1956, in the proceedings in Docket Nos. G-9283 and G-9284, the Commission instituted investigations of The Atlantic Refining Company (Atlantic) and of Tidewater Oil Company [1] (Tidewater) under the provisions of the Natural Gas Act, for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by the said respondents, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

Inasmuch as the investigation of Tidewater has been carried on separate and apart from the investigation of Atlantic, it is found appropriate in the premises that the investigation with respect to Tidewater should be separated from the proceeding concerned with the investigation of Atlantic, and that a separate docket number be assigned to the Tidewater proceeding in order that such proceeding may be consolidated for the purpose of hearing with those other Tidewater matters hereinafter designated.

In each of the twelve other proceedings hereinbelow designated,[2] the Commission has heretofore issued its order suspending proposed increases in rates and charges for sales of natural gas in interstate commerce by Tidewater for resale. The sales and deliveries of gas involved in the twelve designated suspension proceedings are made by Tidewater to the following purchasers: Texas Illinois Natural Gas Pipe Line Company (three sales); United Fuel Gas Company (six sales); United Gas Pipe Line Company; Texas Gas Transmission Corporation; and Shell Oil Company. The total amount of such rate increases approximates $2,830,000 annually, of which about $2,817,000 has been made effective under the provisions of section 4 (e) of the Natural Gas Act, subject to the refund of any portion of such increased rates found not justified.

Although the hearing was convened in Docket No. G-9932 on May 28, 1956, and various sessions have been held since that date during which Tidewater, the Commission's staff, and interveners have introduced evidence, the hearings have not been concluded in that matter. Accordingly, it appears that the proceeding in Docket No. G-9932 should be consolidated with all other Tidewater matters hereinabove designated for hearing and disposition.

The said twelve suspension proceedings concerning the sales and deliveries of natural gas by Tidewater embrace questions of law and fact interrelated with those inherent in the matters involved and the issues presented in the investigative proceeding heretofore instituted against Tidewater in Docket No. G-9283.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to sever the investigation of Tidewater instituted by the Commission's order of January 27, 1956, in Docket No. G-9283 from the investigation of Atlantic instituted by the same order and to assign to the Tidewater investigative proceeding a separate docket number in order that such proceeding may be consolidated with the twelve above-designated suspension proceedings of Tidewater for the purpose of hearing.

The Commission orders:

(A) The investigation of Tidewater Oil Company instituted in Docket No. G-9283 by the Commission's order issued in that proceeding on January 27, 1956, be and the same is hereby severed from the proceeding in Docket No. G-9283 and the same is hereby designated In the Matter of Tidewater Oil Company, Docket No. G-13310.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's rules and regulations (18 CFR Ch. I), the proceedings in the above-designated Docket Nos. G-13310, G-9241, G-9551, G-9552, G-9608, G-9932, G-10998, G-11318, G-11319, G-11340, G-11357, G-11907, and G-12999 be and the same hereby are consolidated for the purpose of hearing.

(C) A public hearing be held commencing October 28, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the consolidated proceedings designated in paragraph (B) above.

(D) When the said hearing commences on October 28, 1957, the Commission staff shall go forward first and adduce and complete the presentation of evidence in its direct case in the proceeding in Docket No. G-13310. The presiding examiner shall thereafter grant such recesses as he deems necessary for the preparation of cross-examination and for the presentation of such additional evidence as may be found appropriate under the Commission's rules of practice and procedure.

(E) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8126; Filed, Oct. 2, 1957; 8:49 a. m.]

[1] Formerly Tidewater Associated Oil Company.

[2] Docket Nos. G-9241, G-9551, G-9552, G-9608, G-9932, G-10998, G-11318, G-11319, G-11340, G-11357, G-11907, and G-12999.

[Docket No. G-13313]

J. C. TRAHAN, DRILLING CONTRACTOR, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 27, 1957.

J. C. Trahan, Drilling Contractor, Inc., (Operator) et al., (Trahan), on August 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Letter of Agreement,[1] dated July 24, 1957. (2) Notice of Change, dated August 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 4 to Trahan's FPC Gas Rate Schedule No. 2. (2) Supplement No. 5 to Trahan's FPC Gas Rate Schedule No. 2.

Effective date:[2] Sepember 30, 1957.

In support of the proposed rate increase, Trahan states that Texas Eastern is buying comparable gas in District No. 6 at the proposed price, and to deny applicant this price would promote unfair competition among operators. Trahan also states that, without the sliding scale of prices, applicant would not have entered into such a long-term contract and cities continuing increases in labor and maintenance.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until March 2, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8130; Filed, Oct. 2, 1957; 8:50 a. m.]

[1] Bilateral agreement to favored-nations increase.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Trahan, if later.

DEPARTMENT OF JUSTICE

Office of Alien Property

ELISABETH WILHELMINA LE COMTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Miss Elisabeth Wilhelmina le Comte, Avenue Concordia 117, Rotterdam, The Netherlands; Claim No. 60708; $146.64 in the Treasury of the United States.

Vesting Order No. 17836.

Executed at Washington, D. C., on September 24, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-8104; Filed, Oct. 2, 1957; 8:45 a. m.]

MARINUS CORNELIS VAN DEN BOUT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marinus Cornelis van den Bout, Hooge Zoom B 69, Renesse, Holland; Claim No.

60809; $147.30 in the Treasury of the United States.

Vesting Order No. 17915.

Executed at Washington, D. C., on September 24, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8105; Filed, Oct. 2, 1957; 8:45 a. m.]

EMMA DITTING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emma Ditting, Ackerstrasse 9, Ludwigsburg-Eglosheim, Germany; Claim No. 61216; $1,383.61 in the Treasury of the United States.

Vesting Order No. 17610.

Executed at Washington, D. C., on September 24, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8106; Filed, Oct. 2, 1957; 8:45 a. m.]

EMILIE FRENKEL-GOLDSCHMIDT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emilie Frenkel-Goldschmidt, 29 Jan van Eyckstraat, Amsterdam, The Netherlands; Eduard Pieter Goldschmidt, 3 Burgemeester Luyerinksingel, Vlaardingen, The Netherlands; Claim No. 60973; to each claimant $125 in the Treasury of the United States and 10 shares of Kansas City Southern Railway Company $50 par value preferred stock. The securities are presently in the custody of the Federal Reserve Bank of New York.

Vesting Order No. 17950.

Executed at Washington, D. C., on September 24, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8107; Filed, Oct. 2, 1957; 8:45 a. m.]

ANNA KESSLER-ROTH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Kessler-Roth, Buehlstrasse 41, Schaffhouse, Switzerland; Claim No. 61053; $2,515.21 in the Treasury of the United States.

Five (5) shares Baltimore and Ohio Railroad Company $100.00 par value common stock, presently in the custody of the Safekeeping Department, Federal Reserve Bank of New York.

Vesting Orders Nos. 17829 and 17903.

Executed at Washington, D. C., on September 24, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8108; Filed, Oct. 2, 1957; 8:45 a. m.]

HANS SELIGMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hans Seligman, Basel, Switzerland; Claim No. 63997; $3,201.10 in the Treasury of the United States.

Vesting Order No. 9972.

Executed at Washington, D. C., on September 24, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8109; Filed, Oct. 2, 1957; 8:45 a. m.]

ROSINA TREML ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rosina Treml, Steyr, Upper Austria; $246.26 cash in the Treasury of the United States.

Anna Riesenhuber, Garsten-Sarning 33, near Steyr, Upper Austria; $258.48 cash in the Treasury of the United States.

Thomas Holzmayer, Garsten, near Steyr, Upper Austria; $246.26 cash in the Treasury of the United States.

Claim No. 15656.

Executed at Washington, D. C., on September 24, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8110; Filed, Oct. 2, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 30, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34187: *TOFC service—N. Y., N. H. & H. and connections—Class rates between New England points and Galesburg, Ill.* Filed by the New York, New Haven and Hartford Railroad Company, (No. 37), for itself and interested rail carriers. Rates on freight loaded in or on trailers and transported on railroad flat cars between Galesburg, Ill., on the one hand, and points in Connecticut, Massachusetts, and Rhode Island, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 10 to the New York, New Haven and Hartford Railroad Company's tariff I. C. C. F 4431.

FSA No. 34188: *Fine coal—Southern Railway mines to Florida points.* Filed by Southern Railway Company (No. 127-A), for itself and interested rail carriers. Rates on fine coal, carloads, as described in the application from specified points in Alabama, Kentucky, Tennessee, and western Virginia on the Southern Railway and its short-line connections to Sutton and Tampa, Fla.

Grounds for relief: Market competition at destinations with like coal moving via barge from Uniontown, Ky., down the Ohio and Mississippi rivers to New Orleans, La., thence Gulf to Mexico.

Tariff: Supplement 44 to Agent Spaninger's I. C. C. 13322.

FSA No. 34189: *Scrap iron or steel—Troy, N. Y., to Boston, Mass.* Filed by The Boston and Maine Railroad, Agent (A-3), for itself. Rates on iron or steel scrap (not copper clad), iron or steel borings, moulds, ingots, burnt or worn out, old rails, and iron or steel turnings, carloads from Troy, N. Y., to Boston, Mass., for export.

Grounds for relief: Port competition with New York as a port of export on like property via barge from Troy.

FSA No. 34190: *Liquid caustic soda—Louisiana and Texas points to Pensacola, Fla., and group.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7123), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Lake Charles and West Lake Charles, La., Corpus Christi, Houston, and Velasco, Tex., to Cantonment, Gonzales, North Pensacola, and Pensacola, Fla.

Grounds for relief: Market competition with McIntosh, Ala., at the Florida destinations.

Tariffs: Supplement 378 to Agent Kratzmeir's I. C. C. 4139. Supplement 31 to Agent Kratzmeir's I. C. C. 4227.

FSA No. 34191: *Fine coal—Southern mines to Tampa and Sutton, Fla.* Filed by O. W. South, Jr., Agent (SFA A3532), for interested rail carriers. Rates on fine coal, carloads from mines in Alabama, western Kentucky, western Tennessee, and southwestern Virginia, to Tampa and Sutton, Fla.

Grounds for relief: Market competition at destinations with like coal moving via barge down the Ohio and Mississippi Rivers and through the Gulf of Mexico.

Tariffs: Supplement 44 to Agent Spaninger's I. C. C. 1332. Supplement 48 to Agent Spaninger's I. C. C. 1414.

FSA No. 34192: *Xylene—Big Spring, Tex., to Gibbstown, N. J.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7125), for interested rail carriers. Rates on xylene (xylol), tank-car loads from Big Spring, Tex., to Gibbstown, N. J.

Grounds for relief: Market competition with Baytown, Tex., on barge-truck movement via Paulsboro, N. J.

Tariff: Supplement 379 to Agent Kratzmeir's I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-8134; Filed, Oct. 2, 1957; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 22 — NUMBER 193

Washington, Friday, October 4, 1957

UNIVERSITY OF MICHIGAN

OCT 7 1957

MAIN READING ROOM

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

BASIC REQUIREMENTS OF SERVICE AND DEATH

In § 4.300, a new introductory paragraph is added immediately before paragraph (a) to read as follows:

§ 4.300 *Basic requirements of service and death.* Servicemen's indemnity is payable under the conditions outlined in these servicemen's indemnity regulations where the serviceman died prior to January 1, 1957. Part I, Public Law 23, 82d Congress (the Servicemen's Indemnity Act of 1951), which authorized the payment of this benefit, was repealed by section 502 (9), Public Law 881, 84th Congress, effective January 1, 1957. Where a principal or contingent beneficiary has elected to receive dependency and indemnity compensation, payments of servicemen's indemnity are subject to the limitations set forth in §§ 4.425 (c) (1), 4.428, and 4.429 (sec. 206 (e), Public Law 881, 84th Cong.):

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 4, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-8178; Filed, Oct. 3, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON STANDARDS

SUBPART E—COTTON FIBER AND SPINNING TESTS

REVISIONS OF TESTS AND FEES

On August 28, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 6917) regarding the proposed amendment of the regulations governing cotton fiber and spinning tests (7 CFR 28.950 to 28.961) to revise the schedule of tests offered and the fees charged, pursuant to authority contained in the Cotton Statistics and Estimates Act of March 3, 1927, as amended (44 Stat. 1372; 7 U. S. C. 471 et seq.).

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended, effective upon publication in the FEDERAL REGISTER, as follows:

SUBPART E—COTTON FIBER AND SPINNING TESTS

ADMINISTRATION

Sec.
28.950 Authority.
28.951 Laboratories.

FIBER AND SPINNING TESTS

28.952 Testing of samples.
28.953 Requirements as to samples.
28.954 Costs of submitting samples.
28.955 Disposition of samples.
28.956 Prescribed fees.
28.957 Fees for special tests.
28.958 Payment of fees.
28.959 Limitation of testing services.
28.960 Confidential information.
28.961 False and misleading information.

AUTHORITY: §§ 28.950 to 28.961 issued under 55 Stat. 131; 7 U. S. C. 473d.

ADMINISTRATION

§ 28.950 *Authority.* The Administrator of the Agricultural Marketing Service is charged with the administration of the provisions of the act and the regulations in this subpart and is authorized to issue such instructions as he may deem proper and necessary.

§ 28.951 *Laboratories.* Laboratories shall be maintained at points designated by the Administrator of the Agricultural Marketing Service.

FIBER AND SPINNING TESTS

§ 28.952 *Testing of samples.* The Administrator of the Agricultural Marketing Service or his authorized representatives, upon written requests, shall make fiber and spinning tests of the properties of cotton samples and report the results thereof to the persons from whom such requests are received, subject to compliance by such persons with the regulations in this subpart and to the payment by them of fees as prescribed herein.

§ 28.953 *Requirements as to samples.* Each sample of ginned cotton lint submitted for fiber and spinning tests shall

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FEDERAL REGISTER

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weigh approximately as shown below unless otherwise specified in the particular test item as prescribed herein:

1 ounce or more for fiber tests.

6 pounds or more for carded yarn spinning tests.

8 pounds or more for combed yarn spinning tests.

10 pounds or more for carded and combed yarn spinning tests.

Each individual sample submitted for testing shall contain a tag or coupon bearing a number or other identification symbol. Individually labelled samples may be sent in one or more parcels, each of which shall bear on the outside thereof the name and address of the person submitting it. Persons who submit samples to laboratories for testing shall comply with any Federal or State quarantine requirements applicable to counties from which such samples are shipped.

§ 28.954 *Costs of submitting samples.* The transportation of samples to a laboratory for testing shall be without expense to the Government.

§ 28.955 *Disposition of samples.* The remnants of samples and the other materials accumulated in the making of tests under the regulations in this subpart shall be the property of the Government. Portions of such samples and materials, however, may be used for illustrative purposes in connection with laboratory reports submitted to persons applying for such tests or may be returned to such persons as prescribed herein for specific test items.

§ 28.956 *Prescribed fees.* Fees for fiber and spinning tests shall be assessed in accordance with items 1 to 35, inclusive, as listed below:

Item No.	KIND OF TEST	Fee per test
1.	Truncated fiber length array of cotton samples (reporting the percentage of fibers ½-inch and longer and the mean length and uniformity of length of such fibers as based on 3 specimens from a blended sample):	
	a. Ginned cotton lint, per sample	$9.00
	b. Comber noils, per sample	14.00
	c. Other cotton waste, per sample	19.00
2.	Fiber length array of cotton samples (reporting the average length and the average length variability as based on 3 specimens from a blended sample):	
	a. Ginned cotton lint, per sample	10.00
	b. Cotton comber noils, per sample	15.00
	c. Other cotton wastes, per sample	20.00
2.1.	Fiber length array of cotton samples (reporting the average percentage of fibers by weight in each ⅛-inch group, the average length, and the average length variability as based on 3 specimens from a blended sample):	
	a. Ginned cotton lint, per sample	12.50
	b. Cotton comber noils, per sample	17.50
	c. Other cotton wastes, per sample	22.50
2.2.	Fiber array of cotton samples including purified or absorbent cotton (reporting the average percentage of fibers ½-inch and longer by weight, the average of fibers shorter than ¼-inch by weight, the average length, and the average length variability as based on 3 specimens from each sample), per sample	12.50
3.	Fiber length of ginned cotton lint by Fibrograph method (reporting the average length and the average length uniformity as based on 4 specimens from a blended sample), per sample	1.50
	Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
3.1.	Fiber length of ginned cotton lint by Fibrograph method (reporting the length of each sub-sample and the average length and the average length uniformity for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate unblended sub-samples), per sub-sample	.75
	Minimum fee	8.00
4.	Foreign matter content in unginned seed cotton (reporting the percentage of foreign matter as based on a fractionation test on a 300-gram specimen), per sample	$1.00
	Minimum fee	3.00
5.	Fiber strength of ginned cotton lint by flat bundle method (reporting the average strength as based on 4 or more specimens from a blended sample), per sample	1.50
	Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
5.1.	Fiber strength of ginned cotton lint by flat bundle method (reporting the strength of each sub-sample and the average strength for each group of replicate sub-samples as based on 2 specimens for each of 3 or more replicate unblended sub-samples), per sub-sample	.75
	Minimum fee	3.00
6.	Fiber maturity and fineness of ginned cotton lint by the Causticaire method (reporting the average maturity and fineness as based on 2 specimens from a blended sample), per sample	1.50
	Minimum fee	6.00
6.1.	Micronaire tests on ginned cotton lint (reporting the average Micronaire reading as based on 2 specimens from a blended sample), per sample	.75
	Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
6.2.	Micronaire tests on ginned cotton lint (reporting the Micronaire reading for each sub-sample and the average Micronaire reading for each group of replicate sub-samples as based on 1 specimen from each of 2 or more replicate unblended sub-samples), per sub-sample	.25
	Minimum fee	3.00
6.3.	Fiber fineness and maturity of ginned cotton lint by array method (reporting the weighted average according to the distribution of the fibers in the arrays for both weight-per-inch and percentage of mature fibers as based on 2 determinations on the fibers in each ⅛-inch group from a composite of 2 length arrays):	
	a. From raw stock, per sample	15.00
	b. From arrayed specimens prepared in connection with items 2, 2.1, or 2.2, per sample	7.50
7.	Neps content of ginned cotton lint (reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender), per sample	2.00
	Minimum fee unless performed in connection with other tests requiring a blended specimen	6.00
8.	Furnishing American cotton for laboratory check test (including data for length by both array and Fibrograph methods, strength by flat bundle method ⅛-inch gauge, maturity and fineness by the Causticaire method):	
	a. Short staple, per 1-pound sample	7.50
	b. Medium staple, per 1-pound sample	7.50
	c. Long staple, per 1-pound sample	7.50
	d. Extra long staple, per 1-pound sample	7.50
9.	Blending samples of ginned cotton lint (including the blending of a 10-gram sample on the mechanical fiber blender and returning the blended sample to the applicant), per sample	$1.00
10.	Moisture content of ginned cotton lint, cotton stock at various stages of processing, and cotton lint waste of various types (reporting the percentage of moisture content by the oven-drying method as based on a 20-gram specimen), per sample	.75
	Minimum fee	3.00
10.1.	Moisture content of unginned seed cotton (reporting the percentage of moisture content by the oven-drying method as based on a 50-gram specimen), per sample	1.25
	Minimum fee	5.00
10.2.	Moisture regain of ginned cotton lint at 92 percent relative humidity (reporting the average percentage of moisture regain as based on the bone-dry weight of two ½-gram specimens), per sample	1.25
	Minimum fee	5.00
11.	Cotton carded yarn spinning test (reporting data on the wastes extracted, the neps in card web, the yarn skein strength, the yarn appearance, and classification and fiber length as specified in items 28 and 3 as well as comments summarizing any unusual observations as based on the processing of 5 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding of 6½, 9½, or 12½ pounds-per-hour into two of the standard carded yarn members of 8s, 14s, 22s, 36s, 44s, 50s, or 60s, employing a standard twist multiplier unless otherwise specified), per sample	30.00
	Minimum fee	60.00
12.	Cotton combed yarn spinning test (reporting data on the wastes extracted, the neps in card web, the yarn skein strength, the yarn appearance, and classification and fiber length as specified in items 28 and 3 as well as comments summarizing any unusual observations as based on the processing of 7 pounds of cotton in accordance with standard procedures at one of the standard rates of carding of 4½, 6½, or 9½ pounds-per-hour into two of the standard combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified), per sample	40.00
	Minimum fee	80.00
13.	Cotton carded and combed yarn spinning test (reporting the results specified in item numbers 11 and 12 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns), per sample	50.00
	Minimum fee	100.00
14.	Cotton carded and combed yarn spinning test (reporting the results specified in item numbers 11 and 12 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns), per sample	60.00
	Minimum fee	120.00

Item No.	KIND OF TEST	Fee per test
15.	Two-pound cotton carded yarn spinning test (available to cotton breeders only reporting data on the neps in card web, the yarn skein strength, the yarn appearance and the classification and the fiber length of the cotton as specified in item numbers 28 and 3 as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into 22s and 36s carded yarns employing a standard twist multiplier), per sample	$20.00
	Minimum fee	40.00
16.	Processing and testing of additional yarn (any carded or combed yarn number processed in connection with spinning tests as specified in item numbers 11 through 14 including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers):	
	a. Single yarn reporting data on skein strength and appearance, per additional lot of yarn	5.00
	b. 2- or 3-ply yarn reporting data on skein strength only, per lot of yarn	10.00
16.1.	Processing and furnishing of additional yarn (any yarn number processed in connection with spinning tests as specified in items 11 through 14):	
	a. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn	10.00
	In the following quantities wound on paper tubes:	

Yarn number	Per pound	Minimum fee
b. Carded 60s or coarser	$10.00	$12.50
c. Combed 60s or coarser	12.50	15.00
d. Combed 61s to 80s	15.00	17.50
e. Combed 81s to 100s	17.50	20.00

17.	Spinning twist test (reporting data on the skein strength of any yarn number processed from ginned lint or stock in process employing 6 different spinning twist multipliers as specified by the applicant for determining the optimum twist) processed as follows:	
	a. From ginned lint or picker lap, per sample	40.00
	b. From sliver, per sample	35.00
	c. From roving, per sample	30.00
17.1.	Additional spinning twist test (from the same material and in connection with a spinning test or a spinning twist test as specified in item numbers 11 through 14 and 17 reporting data on yarn skein strength for an additional yarn number or additional twists on the same yarn number), per 6 lots of yarn	25.00
18.	Skein strength of yarn (reporting data on the strength and the yarn numbers based on 25 skeins from yarn furnished by the applicant), per sample	2.50
18.1.	Single strand strength of yarn (reporting data on the strength as based on a minimum of 10 breaks on yarn from each of 7 bobbins employing an automatic testing machine), per sample	8.00
	Minimum fee	6.00
	a. Furnishing copy of chart record, per test	1.00
18.2.	Single strand strength of ply yarn or cord (reporting data on the strength as based on 25 breaks employing a pendulum type testing machine), per sample	$2.50
18.3.	Appearance grade of yarn on bobbins furnished by applicant (reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin), per bobbin	1.00
	a. Furnishing yarn wound on boards in connection with yarn appearance tests as specified in item numbers 11 through 15 and 18.3, per yarn number	1.00
19.	Processing, weaving, and testing of fabric (reporting data on the warp and the filling strength by the grab method for any standard cotton fabric for which the laboratories are equipped to produce which are processed in accordance with standard laboratory procedures):	
	a. Processed in connection with spinning tests as specified in item numbers 11 through 14, per lot of fabric	70.00
	b. Processed from yarns furnished by the applicant, per lot of fabric	60.00
20.	Strength of cotton fabric (reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant), per lot of fabric	2.50
20.1.	Cotton Fabric Analysis (reporting data on the number of warp and filling threads per inch and the weight per yard of fabric as based on at least three (3) 6 x 6-inch specimens of fabric which was processed as specified in item number 19, or furnished by the applicant), per lot of fabric	5.00
	Minimum fee	10.00
20.2.	Sizing content of cotton fabric or yarn (reporting data on sizing content as based on the desizing of a 20 to 40 gram specimen of sized and, if available, unsized fabric or yarn which was processed as specified in item number 19 or furnished by the applicant), per lot of fabric or yarn	5.00
	Minimum fee	20.00
20.3.	Air-permeability of cotton fabric (reporting the average cubic feet of air per minute per square foot of fabric at a pressure drop of 0.5 inches of water across the fabric as based on five 10 x 10-inch specimens), per lot of fabric	2.50
	Minimum fee	5.00
21.	Neps and waste test (reporting data on neps in card web and wastes extracted in the processing of a 5-pound specimen of ginned cotton lint through the picking and carding processes in accordance with standard procedures as specified in item number 11), per sample	7.50
21.1.	Determination of neps in card web of cotton (reporting the average number of neps per 100 square inches of web in specimens furnished by the applicant on boards covered with black velvet not to exceed 10 specimens or a total of 360 square inches), per test	1.50
22.	Sugar content and acid-alkalinity of ginned cotton lint (reporting data on the percentage of soluble reducing sugar content and the acid-alkalinity in pH units as based on chemical-colorimetric and electronic meter tests on water extracts), per sample	$1.00
	Minimum fee	5.00
22.1.	Sugar content only, per sample	.75
	Minimum fee	3.75
22.2.	Acid-alkalinity only, per sample	.75
	Minimum fee	3.75
23.	Color of ginned cotton lint (reporting data on the reflectance in terms of R_d values and the degree of yellowness in terms of b values as based on color tests employing the Nickerson-Hunter colorimeter on samples which have a uniform surface measuring 5 x 6½ inches and weighing approximately 50 grams in order to provide specimens which are sufficiently thick to be opaque), per sample	.25
	Minimum fee	2.00
23.1.	Furnishing color diagrams of official grade standards (reporting color values plotted on a diagram as based on tests employing the Nickerson-Hunter colorimeter for standards purchased by the applicant), per set or portion of set	15.00
23.2.	Furnishing color standards (including a set of standards and a master diagram for use in calibrating Nickerson-Hunter cotton colorimeters), per set	25.00
24.	Furnishing copies of test data work sheets (includes individual observations and calculations which are not routinely furnished to the applicant), per sheet	1.00
25.	Foreign matter content of cotton samples (reporting data on the non-lint content as based on the Shirley Analyzer separation of lint and foreign matter):	
	a. For samples of ginned lint or comber noils, per 100-gram specimen	2.00
	Minimum fee	4.00
	b. For samples of ginning and processing wastes other than comber noils, per 100-gram specimen	5.00
	Minimum fee	10.00
26.	Furnishing identified cotton samples (includes samples of ginned lint, stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests), per identified sample	.75
27.	Furnishing additional copies of test reports (includes extra copies in addition to the 2 copies routinely furnished in connection with each test item), per additional sheet	.50
27.1.	Furnishing a certified relisting of test results (includes samples selected from any previous tests except sub-sample tests as specified in item numbers 3.1, 5.1 and 6.2 which may not be relisted unless all replicate sub-samples in a group are included), per sheet	2.50
28.	Classification of ginned cotton lint in connection with fiber and/or spinning tests (includes grade and staple classification of 4-ounce samples in accordance with the applicable American standards for the cotton submitted), per sample	.25
29.	Combination fiber test including test item numbers 3, 5, and 6, per sample	$3.75
	a. When tested in connection with spinning test item numbers 11, 12, 13, 14 and 15, per sample	2.50
29.1.	Combination fiber test including test items 3, 5 and 6.1, per sample	3.00
	a. When tested in connection with spinning test item numbers 11, 12, 13, 14 and 15, per sample	1.75
29.2.	Combination fiber test including test items 3.1, 5.1 and 6.2 (on 3 or more replicate sub-samples), per sub-sample	1.50
	Minimum fee	4.50
30.	Mercerizing and testing of cotton yarn (reporting data on the luster of two 120-yard skeins and strength of the yarn as based on twenty-five 120-yard skeins mercerized in accordance with standard laboratory procedures):	
	a. Including the processing of the extra yarn in connection with spinning test item numbers 11 through 14, per lot of yarn	12.50
	Minimum fee	50.00
	b. For yarn furnished by the applicant (27 skeins of 120 yards each required), per lot of yarn	10.00
	Minimum fee	40.00
31.	Bleaching and testing of cotton yarn (reporting data on the color of the yarn in terms of R_d reflectance values and plus b degree of yellowness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and bleached in accordance with standard laboratory procedures), per lot of yarn	6.00
	Minimum fee	90.00
32.	Bleaching, dyeing and testing of cotton yarn (reporting data on the color of the dyed yarn in terms of R_d reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and bleached then dyed in accordance with standard laboratory procedures), per lot of yarn	10.00
	Minimum fee	150.00
33.	Dyeing and testing of grey cotton yarn (reporting data on the color of the dyed yarn in terms of R_d reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and dyed in accordance with standard laboratory procedures), per lot of yarn	6.00
	Minimum fee	90.00
34.	Luster of cotton yarn (reporting data on the percent luster of grey or mercerized yarn either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant as based on the measurement of two 120-yard skeins), per lot of yarn	1.00
	Minimum fee	3.00
35.	Color of cotton yarn (reporting data on the color of grey, bleached, dyed or bleached and dyed yarn either processed in connection with spinning test items 11 through 14 or furnished by the applicant as based on the measurement of two 120-yard skeins), per lot of yarn	$1.00
	Minimum fee	3.00

§ 28.957 *Fees for special tests.* In the discretion of the Administrator of the Agricultural Marketing Service, special tests not listed in § 28.956 may be made to the extent that available facilities will permit, subject to the payment of fees as determined by him.

§ 28.958 *Payment of fees.* As soon as practicable after the last day of each calendar month, bills shall be rendered by officers in charge of testing laboratories to all persons from whom payment of fees and costs under the regulations of this subpart shall become due, provided that when desirable any bill may be rendered at an earlier date. Payment under the regulations in this subpart shall be by check or by draft or post office or express money order, payable to the order of "Agricultural Marketing Service."

§ 28.959 *Limitation of testing services.* If at any time funds available for services under the regulations in this subpart may be insufficient to provide for the testing of all samples that may be submitted for the purpose, the Administrator of the Agricultural Marketing Service may place reasonable limitations upon the quantities of samples to be submitted by individuals during any one fiscal year or any one calendar month, and may direct that samples received from cotton breeders shall take precedence over those received from other persons.

§ 28.960 *Confidential information.* No information concerning individual tests under the regulations in this subpart shall be published or communicated in such a way as to disclose to others the identity of the owners of cotton represented by samples submitted for testing, except with the written permission of such owners.

§ 28.961 *False and misleading information.* The publication or communication by any person of false or misleading information concerning the results of tests as reported by laboratories under the regulations in this subpart shall be deemed sufficient cause for denial of testing services to such persons.

It is hereby found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER, for the reason that (1) it makes available new test items which will be of benefit to users of the service; (2) it will be to the advantage of the users of the service to have the additional test items available as soon as possible; and (3) no preparation is required by users of the service to comply with the amendment.

Done at Washington, D. C., this 1st day of October 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-8189; Filed, Oct. 3, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER AMENDING ORDER REGULATING HANDLING

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AUTHORITY: §§ 984.0 to 984.97 issued under sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c.

§ 984.0 *Findings and determinations*—(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the original issuance of this marketing order in August 1948 (13 F. R. 4344), and the amendments thereto in July 1954 (19 F. R. 4214) and in July 1955 (20 F. R. 5387). All of said previous findings and determinations are hereby ratified and confirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings based on the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in San Francisco, California, May 1 and 2, 1957, on proposed amendments to Marketing Agreement No. 105 and Order No. 84 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing was held;

(3) There are no differences in the production and marketing of walnuts in the production area covered by the said order, as hereby amended, which make necessary different terms and provisions applicable to different parts of such area;

(4) The said order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and

(5) All handling of walnuts, as defined in the said order, as hereby amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of this order for 30 days or any lesser period after its publication in the FEDERAL REGISTER (see 5 U. S. C. 1001 et seq.), in that, (1) it was the intention of the proponents of the amendments that the provisions of the amended order be made effective in time for operation during the 1957–58 marketing year which began August 1, 1957, (2) harvesting of new crop walnuts has already commenced and handlers are expected to begin certifying walnuts for handling shortly, and (3) the provisions of the order as hereby further amended are well known to handlers of walnuts and compliance with such provisions will not place any undue burdens on handlers or other interested parties.

(d) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of walnuts grown in California, Oregon, and Washington, which includes the amendments upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers which are not engaged in processing, distributing, or shipping walnuts covered by this order as amended) who, during the period August 1, 1956 through July 31, 1957 handled not less than 50 percent of the volume of such walnuts covered by the said order; and

(2) The issuance of this amendatory order is favored or approved by at least two-thirds of the producers who participated in a referendum on such approval and who, during the representative period August 1, 1956 through July 31, 1957 were engaged, within the production area specified in the aforesaid order, in the production of walnuts for market; such producers having also produced for market at least two-thirds of the volume of walnuts represented in such referendum.

It is hereby ordered, That, on and after the day of publication of this document in the FEDERAL REGISTER, all handling of walnuts grown in the States of California, Oregon, and Washington shall be in conformity to and in conformance with the following terms and conditions:

DEFINITIONS

§ 984.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 984.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 984.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 984.4 *Area of production.* "Area of production" means the States of California, Oregon, and Washington.

§ 984.5 *Control Board or Walnut Control Board.* "Control Board" or "Walnut Control Board" means the Control Board established pursuant to § 984.32.

§ 984.6 *Marketing year.* "Marketing year," for the purposes of this part, means the twelve months from August 1 to the following July 31, both inclusive.

§ 984.7 *Walnuts.* "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

§ 984.8 *Unshelled walnuts.* "Unshelled walnuts" means walnuts the kernels of which are contained in the shell.

§ 984.9 *Merchantable walnuts*—(a) *Unshelled.* "Merchantable unshelled walnuts" means all unshelled walnuts meeting the minimum grade and size regulations set forth in § 984.43.

(b) *Shelled.* "Merchantable shelled walnuts" means all shelled walnuts meeting the grade and size regulations effective pursuant to § 984.45.

§ 984.10 *Substandard walnuts.* "Substandard walnuts" means all walnuts (whether unshelled or shelled) the kernels of which do not meet the minimum standard prescribed for merchantable shelled walnuts.

§ 984.11 *Shelled walnuts.* "Shelled walnuts" is synonymous with "kernels" and means walnuts after the shells are removed.

§ 984.12 *To handle.* "To handle" means to sell, consign, transport or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, unshelled or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof, or for a manufacturer within the area of production to purchase directly from a grower. Except for the purposes set forth in § 984.73, the term "to handle" shall not include sales and deliveries within the area of production by growers to handlers, interhandler transfers pursuant to § 984.85 (a) and (b), or the authorized disposition of merchantable restricted, surplus, or substandard walnuts.

§ 984.13 *Handler.* "Handler" means any person who handles unshelled or shelled walnuts.

§ 984.14 *To pack.* "To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as unshelled walnuts.

§ 984.15 *Packer.* "Packer" means any person who is engaged in the business of packing walnuts or has walnuts packed for his account and handles them as unshelled walnuts.

§ 984.16 *Pack.* "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable unshelled walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.43.

§ 984.17 *Sheller.* "Sheller" means any person who is engaged in the business of shelling walnuts or has walnuts shelled for his account and handles them as shelled walnuts.

§ 984.18 *Manufacturer.* "Manufacturer" means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products except walnut oil.

§ 984.19 *Sound kernel.* "Sound kernel" means a kernel or portion of kernel which will not pass through a round opening 6/64 inch in diameter and which otherwise meets the requirements of U. S. Commercial Grade as set forth in the effective United States Standards for Shelled English Walnuts. The lot tolerances provided in such standards shall not apply to individual kernels or portions thereof. This definition may be revised or amended by the Secretary, upon recommendation of the Control Board.

§ 984.20 *Handler carryover.* "Handler carryover," as of any date, means:

(a) *Unshelled.* All merchantable unshelled walnuts (except those held in satisfaction of control obligations), wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable unshelled walnuts in ungraded lots then held by a handler for packing as merchantable unshelled walnuts;

(b) *Shelled.* All merchantable shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable shelled walnuts in unshelled lots, then held by a handler for shelling.

§ 984.21 *Trade demand*—(a) *Unshelled.* The quantity of merchantable unshelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation merchantable unshelled walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States;

(b) *Shelled.* The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation merchantable shelled walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States.

§ 984.22 *Merchantable free walnuts.* "Merchantable free walnuts" means those unshelled walnuts certified by the Control Board as merchantable free which are included in the merchantable free percentages established by the Secretary pursuant to § 984.48.

§ 984.23 *Merchantable restricted walnuts.* "Merchantable restricted walnuts" means those unshelled walnuts certified by the Control Board as merchantable restricted which are included in the merchantable restricted percentage established by the Secretary pursuant to § 984.48.

§ 984.24 *Merchantable allocation percentage.* "Merchantable allocation percentage" means the ratio of the merchantable restricted percentage to the merchantable free percentage as established by the Secretary pursuant to § 984.48. It may be adjusted to the nearest whole number or tenths place.

§ 984.25 *Marketable walnuts.* "Marketable walnuts" means those walnuts, unshelled or shelled, which are included in the marketable percentage established by the Secretary pursuant to § 984.53.

§ 984.26 *Surplus walnuts.* "Surplus walnuts" means those walnuts, unshelled or shelled, certified by the Control Board as surplus which are included in the surplus percentage established by the Secretary pursuant to § 984.53.

§ 984.27 *Diversion percentage.* "Diversion percentage" means the ratio of the surplus percentage to the marketable percentage established by the Secretary pursuant to § 984.53. It may be adjusted to the nearest whole number or tenths place.

§ 984.28 *Control percentages.* "Control percentages" means the merchantable free, merchantable restricted, marketable and surplus percentages established by the Secretary pursuant to § 984.48 and § 984.53, respectively.

§ 984.29 *Control obligations.* "Control obligations" means the quantity of walnuts each handler must withhold to meet the merchantable restricted or the surplus percentage established by the Secretary pursuant to § 984.48 and § 984.53, respectively.

§ 984.30 *Light amber halves and pieces.* "Light amber halves and pieces" means bulk shelled walnuts consisting of kernels meeting the requirements of U. S. Commercial Grade Light Amber Halves and Pieces, as set forth in the United States Standards for Shelled English Walnuts.

§ 984.31 *Part and subpart.* "Part" means the order regulating the handling of walnuts grown in California, Oregon, and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California, Oregon, and Washington shall be a "subpart" of such part.

ADMINISTRATIVE BODY

§ 984.32 *Establishment and membership.* (a) A Control Board is hereby established, consisting of ten members, selected by the Secretary, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and shall have the same qualifications as the member for whom each is an alternate. One member and one alternate member shall be selected from nominees by each of the following groups or from among other qualified persons belonging to such groups:

(1) The cooperative packers doing business within the State of California;

(2) All packers, other than the cooperative packers, doing business within the State of California;

(3) The group of cooperative packers or other than cooperative packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable unshelled walnuts handled by packers located within the State of California;

(4) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative packers;

(5) All other growers of walnuts whose orchards are located in California;

(6) Those growers whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer

group specified in subparagraph (3) of this paragraph;

(7) The packers whose plants are located within the States of Oregon or Washington;

(8) The growers of walnuts whose orchards are located within the States of Oregon or Washington;

(9) Shellers of walnuts within the area of production who are handlers but who are not packers.

(b) The tenth member shall be selected after the selection of the nine members from the above specified groups and after opportunity for such nine members to nominate the tenth member.

§ 984.33 *Term of office.* Incumbent members and alternate members on the effective date hereof shall continue in office through June 30, 1955, and shall serve along with a member and alternate member to be selected by the Secretary for this period to represent the group specified in § 984.32 (a) (9) after considering nominations submitted by such group. Beginning on July 1, 1955, the term of office of Control Board members and alternate members shall be for a period of two years. Members and their respective alternates shall be selected by the Secretary and shall serve until their respective successors shall be selected and shall qualify.

§ 984.34 *Nominations.* (a) Each of the nine groups specified in § 984.32 may nominate one person as member and one person as alternate; and the nine members selected to represent such groups may nominate, by majority vote, one person as member and one person as alternate for the tenth member. Nominations for each group of packers shall be submitted on the basis of ballots to be mailed by the Control Board to all handlers in such group whose pack for the preceding marketing year is on record with the Control Board. Nominations on behalf of growers who market their walnuts through cooperative packers shall be submitted on the basis of ballots cast by each such cooperative packer for its growers. Nominations on behalf of growers who market their walnuts through other than cooperative packers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal papers in the walnut producing area in California, Oregon, and Washington. Such releases shall provide pertinent information, including the names of incumbents from the areas involved and the locations where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative packers, packers other than cooperative packers, or for cooperative grower groups, shall be weighted according to the tonnage of merchantable walnuts (computed to the nearest whole ton in case of fractions) recorded as certified for handling by each packer, or for the cooperative grower group during the preceding marketing year, and if less than one ton is recorded for any such packer, or grower group, such vote shall be weighted as one ton. All votes cast by individual growers shall be given equal weight: *Provided*, That when growers marketing through cooperative packers and growers marketing through other than cooperative packers are in the same group entitled to submit nominations, the vote for the nominee receiving the largest number of votes of growers marketing through other than cooperative packers shall be weighted according to the combined tonnage of merchantable walnuts of such other than cooperative packers recorded as certified for handling by them during the preceding marketing year.

(b) Nominations for the sheller group shall be submitted on the basis of ballots to be mailed by the Control Board to all shellers of record who are handlers but who are not packers. All votes cast by such shellers shall be weighted according to the quantity of shelled walnuts handled by each such sheller during the preceding marketing year.

(c) Nominations received in the foregoing manner by the Control Board shall be reported to the Secretary on or before June 15, 1955, and each second year thereafter, together with a certificate of all necessary tonnage data and other information deemed by the Control Board to be pertinent or requested by the Secretary. If the Control Board fails to report nominations to the Secretary in the manner hereinbefore specified on or before June 15 of any nomination year, the Secretary may select the member or alternate without nomination. If nominations for the tenth member or alternate are not submitted on or before August 1 of any such year, the Secretary may select such member or alternate without nomination.

§ 984.35 *Qualification.* Any person selected as a member or alternate of the Control Board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, within thirty days after he ceases to be such member or employee, became disqualified to serve further and his position on the Control Board shall be deemed vacant.

§ 984.36 *Alternates.* (a) An alternate for a member of the Control Board shall act in the place and stead of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Control Board and his alternate are both unable to attend a meeting of the Control Board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group in the same State shall be considered the same group.

§ 984.37 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member or alternate of the Control Board a successor for his unexpired term shall be selected by the Secretary after consideration of nominations or recommendations which may be submitted by members of the group in which such vacancy exists, unless such selection is deemed unnecessary by the Secretary. If a nomination is not made by members of the group and reported to the Secretary within thirty days after such vacancy occurs, the Secretary may fill such vacancy without nomination.

§ 984.38 *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 984.39 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 984.40 *Duties.* The duties of the Control Board shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Control Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Control Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith; and

(g) To investigate compliance with the provisions of this part.

§ 984.41 *Procedure.* (a) The members of the Control Board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The Control Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Control Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Control Board.

(b) All decisions of the Control Board, except where otherwise specifically provided, shall be by majority vote of the members present. The presence of six members shall be required to constitute a quorum.

(c) The Control Board may vote by mail or telegram upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

GRADE AND SIZE REGULATION OF UNSHELLED WALNUTS

§ 984.43 *Establishment of grade and size regulations for unshelled walnuts—*(a) *Minimum standard.* No handler shall handle unshelled walnuts unless such walnuts are equal to or better than the requirements of third quality and baby size. This minimum standard may be modified by the Secretary on the basis of a recommendation of the Control Board or other information. Until modified or superseded the terms "third quality" and "baby size" as used herein shall have the same meaning as these terms are presently defined in § 984.402. Except as provided in paragraph (b) of this section, such minimum standard and the provisions of this part relating to administration thereof shall continue in effect irrespective of whether the season average price for walnuts is above the parity level specified in section 2 (1) of the act.

(b) *Additional grade and size regulations.* When the season average price of walnuts is not determined to be above parity, the Board may recommend to the Secretary additional grade and size regulations in the form of a more restrictive minimum standard than that specified in paragraph (a) of this section and/or pack specifications as to grades and sizes that may be handled. If the Secretary finds on the basis of such recommendation or other information that additional grade and size regulations would tend to effectuate the declared policy of the act, he shall establish such regulations. No person shall handle unshelled walnuts except in accordance with the regulations effective hereunder.

§ 984.44 *Certification of merchantable unshelled walnuts.* (a) Each handler, at his own expense, shall obtain an appropriate inspection certificate for each lot of merchantable unshelled walnuts handled or to be handled by him and for each lot of merchantable restricted walnuts withheld by him. Such certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such information as is specified in paragraph (b) (1), (2), or (3) of this section, the identity of the handler, the quantity and pack of merchantable unshelled walnuts in such lot, date of inspection, and that the unshelled walnuts covered by such certificate conform to the grade and size regulations effective pursuant to § 984.43. Copies of each certificate issued shall be furnished by the inspector to the handler and the Control Board.

(b) Three types of certificates may be issued, all of which shall contain the information specified in paragraph (a) of this section and, in addition, the following information:

(1) "Shipping certificates," covering merchantable unshelled walnuts shipped, which shall show the date of shipment, name and address of carrier, railroad car number, whether for interstate, or export shipment and, if for export, the country of destination;

(2) "Stock certificates," covering lots of merchantable unshelled walnuts to be handled, which shall show the handler's lot number;

(3) "Restricted certificates," covering lots of merchantable restricted walnuts to be withheld, which shall show the handler's lot number and location of the lot at time of inspection.

(c) All unshelled walnuts handled shall be identified by seals or stamps affixed to the container by the handlers under the supervision of the Control Board or the designated inspectors. All lots covered by stock certificates or restricted certificates shall be identified by tags affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors. The Control Board may require that all unshelled walnuts covered by stock or restricted certificates be identified by seals affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors.

(d) The shipment of unshelled walnuts from a lot covered by a stock inspection certificate shall be reported to the Control Board. Such reports shall be submitted by the handler or the designated inspectors, at such intervals and in such form as the Control Board may prescribe, pursuant to § 984.69.

(e) Whenever the Control Board determines that the length of time in storage or conditions of storage of any lot of unshelled walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of unshelled walnuts shall be reinspected at the handler's expense and must be recertified as merchantable prior to shipment.

GRADE AND SIZE REGULATION OF SHELLED WALNUTS

§ 984.45 *Establishment of grade and size regulation of shelled walnuts.* No handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U. S. Commercial Grade as defined in the then effective United States Standards for Shelled English Walnuts (Juglans Regia), and the minimum size shall be pieces not more than 5 percent of which will pass through a round opening 64ths inch in diameter. This minimum standard may be modified by the Secretary on the basis of a recommendation of the Control Board or other information. Such minimum standard and the provisions of this part relating to administration thereof shall continue in effect irrespective of whether the season average price for walnuts is above the parity level specified in section 2 (1) of the act.

§ 984.46 *Inspection and certification of shelled walnuts.* (a) Each handler, at his own expense, shall obtain an appropriate inspection certificate for each lot of shelled walnuts handled or to be handled by him. Such certificates shall be issued by the inspectors designated by the Control Board. All such certificates shall show the identity of the handler, the quantity of shelled walnuts covered by such certificate, date of inspection, and that such walnuts conform to the minimum standard prescribed pursuant to § 984.45. The Control Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this section. Copies of each certificate issued shall be furnished by the inspector to the handler and Control Board.

(b) All shelled walnuts handled shall be identified by stamps or other means of identification affixed to the shipping container by the handler under the supervision of the Control Board or the designated inspectors.

(c) Whenever the Control Board determines that the length of time in storage or conditions of storage of any lot of shelled walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of shelled walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

(d) Processing of shelled walnuts: No handler shall slice, chop, grind, or in any manner change the form of shelled walnuts unless such walnuts have been certified as merchantable or as suitable for processing pursuant to paragraph (e) of this section. The Control Board shall establish such procedures as are necessary to insure that all such walnuts are inspected and certified prior to any such processing.

(e) Certification of shelled walnuts for processing: Any lot of shelled walnuts which, upon inspection, fails to meet the minimum standard effective pursuant to § 984.45 solely due to excess shrivel may be certified for processing provided that the total amount of shrivel does not exceed 20 percent, by weight, of the lot. All such walnuts must be reinspected after processing and shall be certified as merchantable if the processed material meets the effective minimum standard. The provisions of this paragraph may be modified by the Secretary, upon recommendation of the Control Board or other information.

ALLOCATION OF MERCHANTABLE UNSHELLED WALNUTS

§ 984.47 *Recommendation for merchantable free, restricted and allocation percentage.* (a) For the purposes of this section, and §§ 984.48, 984.52, 984.53, and 984.82, the area of production shall be divided into District 1, consisting of the State of California, and District 2, consisting of the States of Oregon and Washington.

(b) Whenever the Control Board finds that the supply of merchantable un-

shelled walnuts exceeds or is likely to exceed the trade demand therefor and that it would tend to effectuate the declared policy of the act to establish the percentages of merchantable unshelled walnuts during a marketing year which shall be free and restricted respectively, it shall recommend to the Secretary merchantable free, restricted, and allocation percentages. Such recommended percentages shall be uniform for the entire production area for any marketing year as to which the Control Board finds that the proportion which each district's production of merchantable unshelled walnuts during that marketing year will bear to the total production of merchantable unshelled walnuts in both districts during that year will be within the range of 90 percent to 93 percent for District 1, and 7 percent to 10 percent for District 2, all numbers inclusive; said ranges are referred to hereinafter as the normal relative merchantable unshelled production of the respective districts. For any marketing year as to which the Control Board finds, on the basis of the latest official forecast of the United States Department of Agriculture and other relevant factors, that the production of merchantable unshelled walnuts in the two districts will not be their normal relative merchantable unshelled production, the Control Board shall recommend as to whether or not an allocation between the two districts of the quantity of merchantable unshelled walnuts represented by the merchantable free and restricted percentages should be made by the establishment of different such percentages for the two districts. Such recommendation by the Control Board of different percentages for the two districts shall give reasonable effect to the degree to which the merchantable unshelled production of each district during that marketing year will vary from the normal relative merchantable unshelled production of that district, and such other factors as the Control Board shall deem relevant: *Provided, however*, That in no event shall the restricted percentage recommended for either district be less than one-half of the restricted percentage recommended for the other district.

(c) In making its recommendations, the Control Board shall furnish to the Secretary, not later than September 20 of that marketing year, the following estimates and recommendations, each of which shall be adopted by the affirmative vote of at least six members of the Control Board:

(1) Its estimate of the quantity of merchantable unshelled walnuts to be produced and packed during such year in each district;

(2) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1;

(3) Its estimate of the trade demand for merchantable unshelled walnuts (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(4) Its recommendation as to the merchantable free, restricted and allocation percentages to be fixed for unshelled walnuts produced in the area and in each district.

(d) The Control Board shall also furnish to the Secretary a complete report of the proceedings of the Control Board meeting at which the recommended merchantable free, restricted and allocation percentages to be fixed by the Secretary were adopted, together with a complete statement of all factors which the Control Board considered in formulating its recommendation relative to different percentages in the two districts.

§ 984.48 *Establishment of merchantable free, restricted and allocation percentage regulations by the Secretary.* (a) Whenever the Secretary finds from the recommendations of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentages of merchantable unshelled walnuts which shall be free and restricted, respectively, during any marketing year, would tend to effectuate the declared policy of the act, he shall establish such percentages. In establishing such merchantable free and restricted percentages, the Secretary shall give consideration to the ratio of the estimated trade demand for merchantable unshelled walnuts (with appropriate adjustments for such handler carryover as may have theretofore contributed to the restricted percentage and for a desirable level of handler carryover at the end of the marketing year), to the sum of the estimated production of merchantable unshelled walnuts and the handler carryover of merchantable unshelled walnuts which has not theretofore contributed to the restricted percentage, to the recommendations submitted to him by the Control Board, and to such other pertinent information as he deems appropriate. The merchantable allocation percentage shall also be established by the Secretary.

(b) Uniform free, restricted, and allocation percentages shall be established for the entire production area for any marketing year when the Secretary shall determine, on the basis of the Control Board's recommendations, the latest official forecast of the United States Department of Agriculture, and other relevant factors, that each district's merchantable unshelled production during that marketing year will be within its normal relative merchantable unshelled production. For any marketing year as to which the Secretary finds, on the basis of the aforesaid crop forecast, and other relevant factors, that the production of merchantable unshelled walnuts in the two districts will not be their normal relative merchantable unshelled production, the Secretary may allocate between the two districts the quantities of merchantable unshelled walnuts represented by the merchantable free and restricted percentages by establishing different percentages for the two districts. In establishing different free, restricted, and allocation percentages for the two districts, the Secretary shall give reasonable effect to the degree to which the merchantable unshelled production of each district during that marketing year will vary from the normal relative merchantable unshelled production of that district, and to such other factors as the Secretary shall deem relevant: *Provided, however*, That in no event shall the restricted percentage established for either district be less than one-half of the restricted percentage established for the other district.

§ 984.49 *Withholding merchantable restricted walnuts.* (a) Except as otherwise provided in § 984.81, whenever a regulation has been established by the Secretary under the provisions of § 984.48, each handler, before or upon handling any unshelled walnuts, shall have withheld from handling a quantity of merchantable unshelled walnuts equal to the merchantable allocation percentage, by weight, of such quantity handled or certified for handling by him.

(b) The quantity of walnuts hereby required to be withheld shall constitute and may be referred to as the "merchantable restricted obligation" of a handler. The merchantable unshelled walnuts handled by any handler in accordance with the provisions of this subpart shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

CONTROL OF SURPLUS WALNUTS

§ 984.52 *Recommendation for marketable, surplus, and diversion percentages.* (a) Whenever the Control Board finds that the total supply of walnuts, unshelled and shelled, expressed in terms of sound kernel weight, exceeds or is likely to exceed the total trade demand therefor, and that it would tend to effectuate the declared policy of the act to establish marketable and surplus percentages on unshelled and shelled walnuts, it shall recommend to the Secretary marketable, surplus, and diversion percentages. Such recommended percentages shall be uniform for the entire production area for any marketing year as to which the Control Board finds that the proportion which each district's total production of walnuts during that marketing year will bear to the total production of walnuts in both districts during that year will be within the range of 88 percent to 91 percent for District 1, and 9 percent to 12 percent for District 2, all numbers inclusive; said ranges are referred to hereinafter as the normal relative total production of the respective districts. For any marketing year as to which the Control Board finds, on the basis of the latest official forecast of the United States Department of Agriculture and other relevant factors, that the total production of walnuts in the two districts will not be their normal relative total production, the Control Board shall recommend as to whether or not an allocation between the two districts of the quantity of walnuts represented by the marketable and surplus percentages should be made by the establishment of different such percentages for the two districts. Such recommendation by the Control Board of different percentages for the two districts shall give reasonable effect to the degree to which the total production of each district during that marketing year will vary from the normal relative total production of that district, and such other factors as the Control Board shall deem relevant: *Provided, however*, That in no event shall the surplus percentage recommended for either district be less than one-half of the surplus percentage recommended for the other district.

(b) In making this recommendation, the Control Board shall furnish to the Secretary, not later than September 20 of each marketing year, the following estimates and recommendation, each of which shall be adopted by the affirmative vote of at least six members of the Control Board:

(1) Its estimate of the orchard-run productions in each district for that marketing year;

(2) Its estimate of the quantity of merchantable unshelled walnuts to be produced and packed during such year expressed in terms of sound kernel weight;

(3) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1, expressed in terms of sound kernel weight;

(4) Its estimate of merchantable unshelled trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act) expressed in terms of sound kernel weight; in determining such trade demand, consideration shall be given to the estimated trade carryover of merchantable unshelled walnuts at the beginning and end of the marketing year;

(5) Its estimate of merchantable shelled walnut production during such marketing year;

(6) Its estimate of merchantable shelled handler carryover as of August 1;

(7) Its estimate of merchantable shelled trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover of merchantable shelled walnuts at the beginning and end of the marketing year;

(8) Its recommendation as to the marketable, surplus, and diversion percentages to be fixed for walnuts produced in the area and in each of the districts.

(c) The Control Board shall also furnish to the Secretary a complete report of the proceedings of the Control Board meeting at which the recommended marketable, surplus and diversion percentages to be fixed by the Secretary were adopted, together with a complete statement of all factors which the Control Board considered in formulating any recommendation relative to different percentages in the two districts.

§ 984.53 *Establishment of marketable, surplus, and diversion percentage regulations by the Secretary.* (a) Whenever the Secretary finds from the recommendation of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentages of walnuts which shall be marketable and surplus, respectively, during any marketing year would tend to effectuate the declared policy of the act, he shall establish such percentages. The applicable diversion percentage shall also be established by the Secretary.

(b) Uniform marketable, surplus, and diversion percentages shall be established for the entire production area for any marketing year when the Secretary shall determine, on the basis of the Control Board's recommendations and the latest official forecast of the United States Department of Agriculture and other relevant factors, that the proportion which each district's production of orchard-run walnuts during that marketing year will be within its normal relative total production. For any marketing year as to which the Secretary finds, on the basis of the aforesaid crop forecast and other relevant factors, that the production of orchard-run walnuts in the two districts will not be their normal relative total production, the Secretary may allocate between the two districts the quantities of orchard-run walnuts represented by the marketable and surplus percentages by establishing different percentages for the two districts. In establishing different percentages for the two districts the Secretary shall give reasonable effect to the degree to which the orchard-run production of each district during that marketing year will vary from the normal relative total production of that district, and to such other factors as the Secretary shall deem relevant: *Provided, however*, That in no event shall the surplus percentage established for either district be less than one-half of the surplus percentage established for the other district.

§ 984.54 *Withholding surplus walnuts.* (a) Except as otherwise provided in § 984.81, whenever a regulation has been established for a marketing year by the Secretary under the provisions of § 984.53, each handler, before or upon handling any walnuts, unshelled or shelled, shall have withheld from handling a quantity of walnuts having a sound kernel weight equal to the diversion percentage of the sound kernel weight of all unshelled walnuts handled or certified for handling, and the actual net weight of all shelled walnuts handled or declared for handling by him.

(b) Any handler may, at any time prior to the end of the marketing year, satisfy his surplus obligation with respect to merchantable shelled walnuts by declaring to the Control Board his intention to handle a specified quantity of merchantable shelled walnuts which he then owns and has on hand and by withholding a quantity of walnuts having a sound kernel weight equal to the diversion percentage of the actual net weight of merchantable shelled walnuts so declared for handling. Such declaration and withholding may be canceled by the handler prior to the end of the marketing year.

(c) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Control Board at the expense of the handler and, from the date of withholding, at all times thereafter shall be held by the handler, available for inspection by the Control Board or its agents. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through fire, acts of God, acts of war, riot, or other conditions beyond the handler's control. Upon demand of the Control Board, they shall be delivered to the Control Board f. o. b. rail car or truck at handler's warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Control Board, and identified by appropriate seals or stamps and tags to be furnished by the Control Board and to be affixed to the containers by the handler under the direction and supervision of the Control Board or its designated inspectors.

(d) The quantity of walnuts hereby required to be withheld shall constitute and may be referred to as the "diversion surplus" or the "diversion surplus obligation" of a handler. The walnuts handled by any handler in accordance with the provisions hereof shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

§ 984.55 *Determination of sound kernel weight*—(a) *For merchantable unshelled walnuts handled.* All merchantable unshelled walnuts handled or certified for handling by any handler during a marketing year shall be included in the total sound kernel weight for such handler at the unshelled weight thereof, as shown by the applicable inspection certificates issued pursuant to § 984.44, multiplied by the sound kernel content percentage of such walnuts, as determined by the Control Board's designated inspectors. The inspection procedure for determining the sound kernel content of merchantable unshelled walnuts handled or certified for handling shall be prescribed by the Control Board, with the approval of the Secretary. The sound kernel percentage of each lot of walnuts certified in accordance with § 984.44 shall be shown for each pack and size on the certificates issued under § 984.44: *Provided*, That if a handler does not store merchantable unshelled walnuts covered by stock certificates in such a manner as to permit accurate identification with respect to each certificate, the sound kernel weight for such walnuts shipped from such lots may be determined by multiplying the unshelled weights of each pack and size reported to the Control Board, pursuant to § 984.69, by the cumulative average sound kernel content percentage of all of the merchantable unshelled walnuts of such packs and sizes certified for such handler from the beginning of the current season to the date on which the report of shipment is received by the Control Board.

(b) *For merchantable shelled walnuts handled.* All merchantable shelled walnuts handled or declared for handling by any handler during the marketing year shall be included in the total sound kernel weight for such handler at the actual net weight thereof, as shown by the reports submitted by him pursuant

to § 984.71, or as shown by such handler's records.

§ 984.56 *Minimum sound kernel content requirement for surplus*—(a) *For unshelled walnuts.* Any lot of unshelled walnuts, the kernel weight of which is offered to meet any part or all of a handler's surplus obligation, must contain at least such minimum percentage of sound kernels as is established by the Control Board, with the approval of the Secretary: *Provided,* That any lot that is disposed of as surplus in export pursuant to § 984.62 (a) must meet the requirements for merchantable unshelled walnuts established pursuant to § 984.43.

(b) *For shelled walnuts.* Any lot of shelled walnuts offered to meet any part or all of a handler's surplus obligation must contain such minimum percentage of sound kernels as is established by the Control Board, with the approval of the Secretary: *Provided,* That any lot which is disposed of as surplus in export pursuant to § 984.62 (a) must meet the requirements for merchantable shelled walnuts established pursuant to § 984.45. The requirements of this paragraph may be modified by the Control Board with the approval of the Secretary.

§ 984.57 *Inspection and certification of surplus.* It shall be the duty of each handler to cause an inspection to be made of all walnuts withheld by him in satisfaction of his surplus obligation. Such inspection shall be performed by inspectors designated by the Control Board and in such manner as shall be determined by the Control Board, with the approval of the Secretary. The cost thereof shall be paid by the handler. A certificate of such inspection shall be issued which shall show the identity of the handler, the number and type of containers in the lot, and whether the walnuts are unshelled or shelled. If the walnuts are unshelled, the certificate shall show the total weight of unshelled walnuts in the lot and the percentage, by weight, of sound kernels in the lot; and, if shelled, the total weight of shelled walnuts and the percentage by weight of sound kernels in the lot: *Provided,* That the certificate with respect to any lot of unshelled surplus walnuts to be exported pursuant to § 984.62 (a) shall show the size and quality of such walnuts in accordance with the minimum standards and pack specifications established pursuant to § 984.43; and, that the certificate with respect to any lot of shelled surplus walnuts to be exported pursuant to § 984.62 (a) shall show the grade, size and color of such walnuts, in accordance with the United States Standards for Shelled English Walnuts. Copies of each certificate shall be furnished to the handler and the Control Board.

§ 984.58 *Storage facilities.* The Control Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts withheld.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.61 *Disposition of merchantable restricted walnuts withheld*—(a) *By shelling.* Any handler may shell the merchantable restricted walnuts which he withholds pursuant to § 984.49 or deliver them for shelling to an authorized sheller.

(1) Any person within the area of production who desires to become an authorized sheller may submit an application to the Control Board. Such authorization shall be granted to applicants for a period of one year upon submission to the Control Board of an agreement in writing to:

(i) Shell such merchantable restricted walnuts within the area of production;

(ii) Use such merchantable restricted walnuts as he may receive for no other purpose than shelling;

(iii) Dispose of or deliver such merchantable restricted walnuts as unshelled walnuts to no one other than an authorized sheller;

(iv) Comply fully with all laws and regulations applicable to the shelling of walnuts;

(v) Pursuant to the provisions of § 984.74 report to the Control Board the receipt of any lot of merchantable restricted walnuts; and

(vi) Permit, at his own expense, such inspection as the Control Board may require to determine compliance with the provisions of this subparagraph.

(b) *By export.* Sale or shipment of merchantable restricted walnuts, withheld pursuant to § 984.49, for export to destinations outside (1) the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone and, (2) Canada or Cuba when included in the trade demand estimate, shall be made only by the Control Board. The Control Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory outlets. Sales for export shall be made by the Control Board only on execution of an agreement to prevent reimportation into the United States; and in the case of export to Canada or Mexico, such walnuts shall be sold only on the basis of a delivered price, duty paid. A handler, at his request, shall be authorized to act as agent of the Control Board upon such terms and conditions as the Control Board may specify in negotiating export sales from merchantable restricted walnuts withheld by him, or a handler may be so authorized with respect to merchantable restricted walnuts withheld by others; and when so acting, shall be entitled to receive a commission of 5 percent of the export sales price, f. o. b. area of production. The proceeds of any export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler withholding the walnuts so sold by the Control Board.

§ 984.62 *Disposition of surplus walnuts withheld*—(a) *By export.* Sale or shipment of surplus walnuts, withheld pursuant to § 984.54, for export to destinations outside (1) the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone and, (2) Canada or Cuba when included in the trade demand estimate, shall be made only by the Control Board and shall be governed by the provisions of § 984.61 (b). The sound kernel weight of merchantable restricted walnuts and shelled surplus walnuts so exported shall be credited against the surplus obligation of the exporting handler who is acting as agent for the Control Board, unless such exporting handler shall advise the Control Board, on or before July 31, of the quantities and lots of such exported walnuts that he does not wish to have so credited. At any time on or before July 31, upon written request of any handler who is an authorized export agent of the Control Board, the Board shall transfer any part or all of such handler's export credits in the Board's accounts to such other handler as he may designate.

(b) *By other than export.* Surplus walnuts which are not disposed of pursuant to paragraph (a) of this section, shall be pooled and shall be disposed of by the Control Board upon the best terms and at the highest price obtainable consistent with the ultimate complete disposition of surplus, subject to the following conditions:

(1) No such surplus walnuts shall be sold in the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, or for diversion into walnut oil, poultry or animal feed, or for such other uses as the Control Board finds to be noncompetitive with existing normal markets for walnuts and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

(2) The Control Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year, as to the percentage of surplus walnuts withheld which may be accepted for pooling and disposition prior to February 15 of the same marketing year. On or after February 15 of any marketing year, the Control Board shall not accept for pooling and disposition any surplus walnuts in excess of a handler's accumulated surplus obligation.

(3) Any surplus walnuts remaining unsold as of August 31 of the marketing year following the marketing year in which such surplus walnuts were withheld shall be disposed of as soon as practicable through the most readily available outlets, within the limitations of subparagraph (1) of this paragraph.

(c) *Disposition of proceeds from sales of pooled surplus.* Expenses incurred by the Control Board in receiving, handling, holding, and disposing of pooled surplus walnuts shall be charged against the proceeds of sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Control Board to handlers in proportion to their contributions thereto, measured in sound kernel weight.

§ 984.63 *Disposition of substandard walnuts.* Substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or for such other uses as the Control Board determines to be noncompetitive with existing normal markets for walnuts and with proper safeguards to prevent such walnuts from

thereafter entering the channels of trade in such normal markets.

EXPENSES AND ASSESSMENTS

§ 984.65 *Expenses.* The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate. Such expenses for a marketing year shall be allocated between merchantable unshelled walnuts handled or certified for handling and merchantable shelled walnuts handled or declared for handling on the general basis of the respective estimate costs of operation.

§ 984.66 *Assessments*—(a) *Establishment of assessment rates by the Secretary.* The Secretary shall fix separate rates of assessments for each marketing year to be paid by each handler with respect to merchantable unshelled walnuts handled or certified for handling and with respect to merchantable shelled walnuts handled or declared for handling. At any time during or after a marketing year, the Secretary may increase either or both of these rates of assessment to apply respectively to all merchantable unshelled walnuts handled or certified for handling during the marketing year or to all merchantable shelled walnuts handled or declared for handling during such year to secure sufficient funds to cover the expenses authorized by § 984.65, or any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board upon demand. The Control Board shall include with its recommendation of expenses pursuant to § 984.65, its recommendation in respect to the separate assessment rates to be fixed by the Secretary.

(b) *Requirement for payment.* Each handler of merchantable unshelled walnuts and merchantable shelled walnuts shall, with respect to the merchantable unshelled walnuts handled or certified for handling by him and the merchantable shelled walnuts handled or declared for handling by him, pay to the Control Board, upon demand, his pro rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred during each marketing year. Each handler's share of such expenses shall be: For merchantable unshelled walnuts handled or certified for handling during the applicable marketing year, the ratio between the total quantity of merchantable unshelled walnuts handled or certified for handling by him and the total quantity of such walnuts handled or certified for handling by all handlers during such marketing year; for merchantable shelled walnuts handled or declared for handling the ratio of the weight of merchantable shelled walnuts handled or declared for handling by him during the applicable marketing year and the weight of all merchantable shelled walnuts handled or declared for handling during such marketing year by all handlers.

(c) *Suit to enforce payment.* The Control Board may, with the approval of the Secretary, maintain suits in its own name or in the names of its members, to enforce the payment of assessments levied under this section.

(d) *Expenses of surplus walnut operations.* The Control Board is authorized to use funds derived from assessments collected pursuant to paragraph (b) of this section to defray expenses incurred by the Control Board in discharging its obligations, pursuant hereto, with respect to surplus walnuts withheld. All such expenses shall be deducted from the proceeds obtained by the Control Board from the sale or other disposal of pooled surplus walnuts pursuant to § 984.62 (b).

(e) *Accounting and refunds.* (1) Any money collected as assessments during any marketing year and not expended in connection with the respective marketing year's operations hereunder, may be used and shall be refunded by the Control Board in accordance with the provisions of this part. Such excess funds may be used by the Control Board during the four months subsequent to such marketing year in paying the expenses of the Control Board in connection with the new marketing year. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing year, distribute or make available within five months after the beginning of the new marketing year the aforesaid excess to the handlers from whom assessments were collected. Such refunds to each handler shall be made on the basis of the ratio of his assessment obligation to the total assessment obligation of all handlers.

(2) Any money collected from assessments hereunder and remaining unexpended in the possession of the Control Board upon the termination of this part shall be distributed in such manner as the Secretary may direct.

REPORTS AND BOOKS AND OTHER RECORDS

§ 984.68 *Reports of handler carryovers.* Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Control Board a written report of:

(a) All merchantable unshelled walnuts (except such as may be certified and held to meet the handler's merchantable restricted obligation or his surplus obligation in accordance with the provisions of §§ 984.49 and 984.54), including the estimated quantity of merchantable unshelled walnuts in ungraded lots to be packed as merchantable unshelled walnuts, held by him on the first day of August and January, respectively, showing the pack (if unshelled) and location thereof and the quantities:

(1) Which theretofore have been certified for handling and on which the merchantable restricted obligation has previously been met;

(2) Which have been packed as merchantable unshelled walnuts but have not been certified and on which the merchantable restricted obligation has not been met; and

(3) Which are estimated as merchantable unshelled but have not been packed as merchantable unshelled and are to be so packed.

(b) All merchantable shelled walnuts (except such as may be certified and held as surplus in accordance with the provisions of § 984.54), including the estimated quantity of merchantable shelled walnuts in unshelled lots to be shelled, held by him on the first day of August and January, respectively, showing the locations thereof and the quantities:

(1) On which the surplus obligation, if applicable, has previously been met;

(2) Which have been shelled but have not been certified and on which the surplus obligation, if applicable, has not been met; and

(3) Which are estimated as merchantable shelled walnuts to be produced, but have not yet been shelled.

§ 984.69 *Reports of merchantable unshelled walnuts shipped from stock.* Each handler, upon shipping merchantable unshelled walnuts from a lot covered by a stock certificate shall submit a report, at such intervals and in such form as the Control Board may prescribe, showing the pack, quantity, date of shipment, name and address of carrier, railroad car number, whether for interstate, intrastate, or export shipment, and if for export, the country of destination and such other information pertaining thereto as the Control Board may specify.

§ 984.70 *Reports of merchantable restricted and surplus walnuts held.* Each handler, from time to time, on demand of the Control Board, shall file with the Control Board a report of the merchantable restricted and surplus walnuts held by him pursuant to the provisions of §§ 984.49 and 984.54, as of any date specified by the Control Board. Such reports at the request of the Control Board may be in the form of confirmations of the records of the Control Board of such handler's holdings. Such reports shall show the quantity, pack (if unshelled), location, and the applicable handler's lot number of the walnuts covered thereby.

§ 984.71 *Reports of merchantable shelled walnuts handled.* Each handler who handles merchantable shelled walnuts at any time during a marketing year shall submit to the Control Board, in such form and at such intervals as the Control Board may prescribe, reports showing the net weight so handled by him and such other information pertinent thereto as the Control Board may specify.

§ 984.72 *Reports of disposition of merchantable restricted walnuts withheld*—(a) *Reports of intention to dispose.* Each handler before he disposes of any quantity of merchantable restricted walnuts held by him, shall file with the Control Board a report of his intention to dispose of such walnuts. This report shall be filed not less than five days prior to the date on which such walnuts are disposed of, unless the five-day period is expressly waived by the Control Board.

(b) *Report of disposition accomplished.* Each handler, within fifteen days after the disposition of any quantity of merchantable restricted walnuts,

shall file with the Control Board a report of the actual disposition of such walnuts.

(c) *Requirements of reports.* The reports required by this section shall show the quantity, pack, location, the applicable handler's storage lot numbers, and the inspection certificate numbers of the walnuts covered thereby, and the disposition which is intended or which has been accomplished.

§ 984.73 *Reports of interstate handling within the area of production.* Within the area of production, any shipment of walnuts from California to Oregon or Washington, from Oregon to Washington, and from Oregon or Washington to California, for sale or delivery to a handler shall be reported to the Control Board by the shipper at time of shipment and by the handler immediately upon receipt of such shipment. The report by the shipper shall show the date of shipment, the quantities shipped, whether orchard-run, merchantable unshelled, or merchantable shelled, and the identity of the consignee. The report by the consignee shall show the date of receipt of the walnuts so shipped, the quantities and categories of the walnuts so received, the identity of the shipper, and shall include a certification to the United States Department of Agriculture and to the Control Board that the walnuts so received will be handled in accordance with regulations established pursuant to the provisions of § 984.48 or § 984.53.

§ 984.74 *Reports of receipts of merchantable restricted walnuts for shelling.* Each authorized sheller, immediately upon receipt of any lot of merchantable restricted walnuts, shall report to the Control Board the quantity and pack of the walnuts so received, the identity of the person from whom received, and, within fifteen days after the disposition of such walnuts, shall report such disposition to the Control Board.

§ 984.75 *Reports of disposition of substandard walnuts.* Each handler shall submit, in such form and at such intervals as the Board may determine, reports, certified to the Board and the Secretary of Agriculture, of (a) his production and holdings of substandard walnuts, and (b) the disposition of all substandard walnuts, including all deliveries of such walnuts to any other person, showing the quantity, lot, date, name and address of the person to whom delivered, the approved use and such other information pertaining thereto as the Control Board may specify.

§ 984.76 *Other reports.* Upon request of the Control Board, made with the approval of the Secretary, each handler shall furnish to the Control Board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein) such other information as will enable the Control Board to perform its duties and exercise its powers hereunder.

§ 984.77 *Verification of reports.* For the purpose of checking and verifying reports filed by handlers or the operations of handlers under the provisions of this part, the Control Board, through its duly authorized agents shall have access to any handler's premises wherein walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may be held or which may have been disposed of by such handler, including records with respect to acquirements, packing, shelling, and shipment of both unshelled and shelled walnuts, as applicable. Each handler shall furnish all labor necessary to facilitate such inspections as the Control Board may make of such handler's holdings of any walnuts. Each handler shall store all merchantable restricted and surplus walnuts held by him in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to inspection certificates of respective lots and of all such walnuts held or disposed of theretofore.

§ 984.78 *Certification of reports.* All reports submitted to the Control Board as required in this subpart shall be certified to the United States Department of Agriculture and to the Control Board as to the completeness and correctness of the information contained therein.

§ 984.79 *Books and other records.* Each handler shall maintain such records of walnuts received, held and disposed of by him as may be prescribed by the Control Board for the purpose of performing its functions under this subpart. Such books and records shall be retained and be available for examination by authorized representatives of the Control Board and the Secretary for a period of two years after the end of the marketing year in which the recorded transactions are completed.

MISCELLANEOUS PROVISIONS

§ 984.80 *Cancellation of certificates.* (a) Stock certificates covering merchantable unshelled walnuts which have not been handled may be cancelled for accounting purposes by the Control Board, at the request of any handler, and such handler's merchantable restricted, surplus and assessment obligations, pursuant to §§ 984.49, 984.54, and 984.66 (b), respectively, shall be adjusted to reflect any such cancellation: *Provided,* That no such cancellations or adjustments shall be made after the close of the marketing year in which the walnuts are certified.

(b) Except as provided in paragraph (d) of this section, no shipping certificate or stock certificate shall be cancelled after the walnuts covered by such certificate have been handled in trade channels for unshelled walnuts, and (except as provided in §§ 984.66 (b) and 984.83) no adjustments shall be made in a handler's control or assessment obligation with respect to merchantable unshelled walnuts which have been handled.

(c) Merchantable restricted or surplus certificates shall be cancelled to facilitate withholding and assessment accounting in connection with any exchanges of merchantable restricted or surplus walnuts as provided in § 984.86 and to correct the record with respect to any excess withholdings by handlers. The handler shall be responsible for initiating any such cancellations.

(d) The Board may make adjustments in handler's control and assessment obligations upon satisfactory proof being furnished by such handler that merchantable unshelled walnuts held by him were destroyed by fire, flood, or by any other means beyond the handler's control: *Provided,* That no such adjustments shall be made after September 1 of the succeeding marketing year.

§ 984.81 *Postponement of control obligation upon the filing of a bond—*(a) *Right to postpone control obligations.* Compliance by any handler with the requirements of §§ 984.49 and 984.54 as to the time when merchantable restricted and surplus walnuts shall be withheld shall be deferred to any date desired by the handler, but as to the merchantable restricted obligation, not later than December 31 of the marketing year; and as to the surplus obligation, not later than March 1 of the marketing year with respect to obligations accumulated between August 1 and January 31, inclusive, and not later than August 31 of the succeeding marketing year with respect to obligations accumulated between February 1 and July 31, inclusive, of such marketing year. Such deferment shall be granted only upon the execution and delivery by such handler to the Control Board before he handles any walnuts of such marketing year of a written undertaking that, on or prior to the dates specified by such handler, he will have fully satisfied his control obligations as prescribed in §§ 984.49 and 984.54.

(b) *Filing of bond.* Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the Control Board and with a surety or sureties acceptable to the Control Board, in the amount or amounts stated below, conditioned upon full compliance with such undertaking. The amount of the bond for deferment of the merchantable restricted obligation shall be the amount obtained by multiplying the poundage bearing the lowest bonding rate or rates which could have been selected for withholding from the packs handled or certified for handling, by the applicable bonding rate or rates. The amount of the bond for deferment of the surplus obligation shall be the total deferred surplus obligation of the handler, in terms of sound kernel weight, multiplied by the bonding rate established pursuant to paragraph (c) of this section. The cost of such bond or bonds shall be borne by the handler filing the same.

(c) *Bonding rates—*(1) *Merchantable restricted.* The bonding rate for merchantable restricted walnuts for each pack shall be an amount per pound representing the season's domestic opening price for such bulk pack net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such bulk pack announced by the packer or packers who, during the preceding marketing year, handled two-thirds of the merchantable unshelled walnuts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding marketing year, using the minimum number of packers to represent a volume of two-thirds of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing year by each such packer.

(2) *Surplus walnuts.* The bonding rate for surplus walnuts shall be based upon the price per pound for bulk "light amber halves and pieces" and shall be computed at 95 percent of the weighted average domestic price f. o. b. shipping point at which such grade was sold or offered for sale during the calendar week in which the Secretary establishes the marketable and surplus percentages pursuant to § 984.53 of this subpart, by any handler or handlers who during the preceding marketing year, handled 51 percent of the merchantable shelled walnuts handled by all handlers: *Provided,* That if "light amber halves and pieces" are not sold or offered for sale during the aforesaid calendar week, the Control Board shall designate the nearest comparable grade of bulk merchantable shelled walnuts sold or offered for sale during such week by the aforesaid handler or handlers. Such handlers shall be selected in order of volume handled in the preceding marketing year, using a minimum number of handlers to represent a volume of 51 percent of the total volume of merchantable shelled walnuts handled during such year. The price or prices of such handler or handlers so selected shall be reported to the Control Board and shall be certified by such handler or handlers to the United States Department of Agriculture and to the Control Board as to their correctness. If prices from two or more handlers are involved for the designated grade, the prices so reported shall be averaged on the basis of the quantity of merchantable shelled walnuts handled during the preceding marketing year by each such handler. Such rate may be modified by the Control Board with the approval of the Secretary.

(d) *Replacement by Control Board.* (1) Any sums collected through default of a handler on his bond shall be used by the Control Board to purchase walnuts from handlers as provided herein. With respect to default on a bond for a merchantable restricted obligation, a quantity of merchantable unshelled walnuts represented by the sum collected through such default; and with respect to default on a bond for surplus obligation, to the extent such obligation is not satisfied by exportation of merchantable unshelled walnuts, a quantity of sound kernels, or the equivalent thereof in unshelled walnuts represented by the sum collected through such default. Purchases in connection with merchantable restricted walnuts shall be made from the merchantable unshelled walnuts with respect to which the merchantable restricted obligation has not been met and at not to exceed the applicable bonding rate for each pack. Purchases in connection with surplus walnuts shall be made from walnuts with respect to which the surplus obligation has not been met: *Provided,* That if merchantable unshelled walnuts or walnuts are not available on which the merchantable restricted or surplus obligation, respectively, have not been met the Control Board may make purchases of walnuts on which the respective Control Board obligations have been met, in which event the seller's respective control obligation shall be reduced accordingly. The Control Board shall at all times purchase the lowest priced walnuts or packs offered, consistent with the requirements established for merchantable restricted and surplus walnuts, and when offered at the same prices, the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings.

(2) Walnuts purchased to satisfy control obligations shall be turned over to those handlers who have defaulted on their bonds, for disposition pursuant to §§ 984.61 and 984.62. The quantity delivered to each handler shall be that quantity represented by the sums collected through default, and the different grades of merchantable unshelled walnuts, if any, shall be apportioned as nearly as practicable among the various packers in the ratio that the quantity of walnuts to be delivered to each packer is to the total quantity purchased by the Control Board with bonding funds.

(e) *Disposition of excess funds.* After the Control Board has purchased walnuts to the extent and in the manner provided in paragraph (d) of this section, any unexpended sums which have been collected by the Control Board through default of handlers on their bonds remaining in possession of the Control Board at the end of a marketing year shall be used to reimburse the Control Board for its expenses, including administrative and other costs, incurred in the collection of such sums and in the purchase of walnuts, any balance remaining, shall be refunded to the handlers from whom such sums were collected in proportion to the respective collections thereunder. If the Control Board is unable to purchase walnuts to the extent and as provided in paragraph (d) of this section, any unexpended sums which have been collected by the Control Board through default of a handler on his bond shall be used to reimburse the Control Board for its expenses, including administrative and other costs incurred in the collection of such sums and in the attempt to purchase such walnuts, and any balance shall be distributed among all handlers in proportion to the quantity of merchantable unshelled walnuts or of sound kernels handled by them during the marketing year in which the default occurred.

(f) *Satisfaction of control obligations.* Collection by the Control Board upon any bond or bonds filed pursuant to the provisions of this section shall be deemed a satisfaction of the merchantable restricted or surplus obligations represented by such collection: *Provided,* That merchantable unshelled or surplus walnuts turned over to handlers are disposed of pursuant to §§ 984.61 and 984.62. A handler who has defaulted on his bond shall be credited on his merchantable restricted obligation with that quantity of merchantable unshelled walnuts represented by the sums collected on account of such default, and on his surplus obligation with that quantity of sound kernels represented by the sums collected on account of such default.

§ 984.82 *Revision of control percentages.* (a) The Secretary, on request of the Control Board made at any time prior to February 15 of any marketing year (or if the Control Board shall fail so to request, on request within like time of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable unshelled walnuts or of merchantable shelled walnuts, respectively, handled by all handlers during such marketing year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable unshelled walnuts or merchantable shelled walnuts, respectively, available for sale will not be sufficient to supply the respective trade demand therefor and provide an adequate carryover, may decrease the merchantable restricted percentage or the surplus percentage, respectively, to conform to such finding.

(b) The Control Board prior to February 15 of each year for which a control percentage has been established, shall review on the basis of actual production in each of the two districts the control percentages established for that year, and shall recommend to the Secretary on or before that date such changes of the control percentages established for each district as are necessary in order to give reasonable effect, on the basis of such actual production, to the standards prescribed in §§ 984.47 (b) and 984.52 (a). The Secretary on such recommendation by the Control Board (or if the Control Board shall fail to make a recommendation then on request not later than February 15 of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable unshelled walnuts or of merchantable shelled walnuts, respectively, handled by all handlers in their district during such marketing year) and after a finding of fact that the merchantable restricted or surplus percentage established for that marketing year as to walnuts produced in either district is too high for that district in relation to said standards, the Secretary shall decrease accordingly such percentage for that district: *Provided, however,* That in no event shall the merchantable restricted or surplus percentage of one district, as thus changed, be less than one-half of such percentage as established for the other district.

§ 984.83 *Adjustment upon revision of control percentages.* Upon any revision in the control percentages, the control obligation of each handler with respect to the walnuts handled, declared, or certified for handling by him for the entire marketing year shall be recomputed in accordance with such revised control

percentages. From the walnuts still held by a handler to meet his control obligations and from such surplus walnuts that may have been delivered by him to the Control Board pursuant to § 984.62 (b) and which are still held by the Control Board, the handler shall be permitted to select insofar as practicable, under the supervision and direction of the Control Board, the particular walnuts to be removed from the walnuts withheld.

§ 984.84 *Application of control percentage and bonding rates after end of marketing year*—(a) *Control percentages.* The control percentages established for any marketing year shall continue in effect with respect to all walnuts, for which the control obligations have not been previously met, which are handled, declared, or certified for handling by any handler after the end of such marketing year. After such percentages are established for the new marketing year, the control obligations for all such walnuts theretofore handled, declared or certified for handling during the marketing year shall be adjusted to the newly established percentages.

(b) *Bonding rates.* The bonding rates established for any marketing year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 984.81 (b), after the end of such marketing year and until such bonding rates are modified. After bonding rates are established for a new marketing year, the new rates shall be applicable and any bond or bonds theretofore given for that marketing year shall be adjusted to the new rates.

§ 984.85 *Interhandler transfers.* (a) Within the area of production unshelled walnuts other than merchantable free walnuts may be sold or delivered by one handler to another for packing or shelling and the receiving packer or sheller shall comply with the regulations made effective pursuant to this part with respect to such walnuts.

(b) A handler may, for the purposes of meeting his control obligations, acquire walnuts from another handler, and any assessments, control obligations and inspection requirements with respect to walnuts so transferred shall be waived insofar as the seller is concerned. The Board, with the approval of the Secretary, may establish methods and procedures including necessary reports for such transfers.

(c) Except as provided in paragraphs (a) and (b) of this section, whenever transfers of walnuts are made from one handler to another, the first handler thereof shall comply with all of the regulations effective pursuant to this part.

§ 984.86 *Exchange of walnuts withheld.* Any handler who has withheld walnuts pursuant to the requirements of §§ 984.49 and 984.54 and has had them certified as walnuts eligible to meet his control obligations, may exchange therefor, in the case of merchantable restricted walnuts, an equal quantity by weight of other merchantable unshelled walnuts, or in the case of surplus walnuts, an equal quantity, by weight of sound kernels, of other walnuts meeting the grade requirements for surplus. Any such exchange shall be made under the supervision and direction of the Control Board or its designated inspectors, with appropriate inspection and certification of the walnuts received in exchange.

§ 984.87 *Assistance of Control Board in meeting control obligations.* The Control Board, on written request, may assist handlers in accounting for their control obligations and may aid any handler in acquiring walnuts to meet any deficiency in a handler's control obligation, or in accounting for and disposing of walnuts withheld.

§ 984.88 *Exemptions*—(a) *Exempt packs of merchantable unshelled walnuts.* The control percentages established pursuant to §§ 984.48 and 984.53 shall not apply to separate packs of merchantable unshelled walnuts of which not over 12 percent by count pass through a round opening $^{9}/_{64}$ inches in diameter.

(b) *Walnuts not subject to regulation.* Except as otherwise provided in this section, nothing contained in this part shall be construed to authorize any limitation of the right of any person to handle unshelled or shelled walnuts for consumption by charitable institutions, for distribution by relief agencies, sale to governmental agencies for school lunch purposes, or in such minimum quantities or types of shipments as the Control Board may, with the approval of the Secretary, prescribe.

(1) No assessment shall be levied pursuant to § 984.66 (b) on walnuts disposed of for the purposes or in the quantities specified in or pursuant to this paragraph.

(2) The Control Board shall prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as it deems necessary to effectuate the provisions of this section.

§ 984.89 *Compliance.* Except as provided in this subpart, no person shall handle walnuts, unshelled or shelled, during any marketing year in which this subpart and any regulation issued by the Secretary hereunder are in effect unless such person has previously met the obligations imposed by each such regulation and the provisions of this subpart.

§ 984.90 *Rights of the Secretary.* The members of the Control Board (including successors and alternates), and any agent, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the Control Board shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the Control Board, for any reason, fails to perform its duties or exercise its powers under this subpart, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 984.91 *Personal liability.* No member or alternate of the Control Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate or employee, except for acts of dishonesty.

§ 984.92 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.93 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.94 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence hereof.

§ 984.95 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 984.96 *Effective time and termination*—(a) *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such walnuts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the Control Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Control Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligation imposed upon the members of the said Control Board and upon said joint trustees.

§ 984.97 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

Dated, October 1, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8175; Filed, Oct. 3, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60-7]

PART 60—AIR TRAFFIC RULES

CONTROL OF AIRSPACE AT HIGH ALTITUDES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of October, 1957.

Part 60 of the Civil Air Regulations contains the air traffic rules which apply to all aircraft operated anywhere in the United States. Under Part 60, the Administrator has designated those areas in which he presently exercises control over air traffic as control areas or control zones. Currently effective § 60.60 of Part 60 defines a "control area" as an airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised, and a "control zone" as an airspace of defined dimensions, designated by the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

The consistent and rapid growth of air traffic, coupled with the greatly increased speed ranges inherent in the advanced type of aircraft now in use, has resulted in a considerable strain on the effectiveness of present-day air traffic control services to handle safely and expeditiously the volume of air traffic. Today the capacity of important parts of the Federal airway system is at times overtaxed. In certain areas, the volume and nature of the traffic are such that the airway facilities and services cannot insure its efficient flow in bad weather. Even while the capacity of the system is thus being overtaxed by bad weather operations alone, yet another demand is becoming increasingly apparent; namely, en route control of traffic in good weather. This demand arises from the higher speeds of many aircraft which make avoidance of collision by sight more difficult, and from the great increase in traffic volume. In order to cope with the demands being made on the present air traffic control system and to provide for future requirements, the Civil Aeronautics Administration has developed a comprehensive plan calling for improved and expanded air traffic control services. In formulating this plan, the Administrator has found that improved effectiveness of the air traffic control system can be gained in two ways: (1) By extending the system framework, and (2) by increasing the ability of air traffic control facilities to handle safely a greatly increased flow of traffic. The former is possible by enlarging the areas in which air traffic control is exercised; the latter by improved equipment and techniques.

Since it is axiomatic that the highest aircraft speeds are encountered at high altitude, it is apparent that the traffic separation problem inherent in operations at high speeds should be resolved, at least initially, at high altitudes. It is, therefore, planned to expand the system framework so as to include all that airspace at and above 24,000 feet, exclusive of prohibited and restricted areas, as airspace within which air traffic control is exercised. Although it is not contemplated that all aircraft operating in such airspace will be subject to the instrument flight rules, it is clear that this initial implementation will enable the Administrator to determine what facilities and control techniques will be required to accommodate all traffic.

It is envisaged that the plan will be implemented in two phases; the first will include that airspace at and above 24,000 feet, exclusive of prohibited and restricted areas, while the second phase anticipates lowering the floor of this controlled airspace to 15,000 feet when experience and necessary facilities permit.

The air traffic rules which would be applicable initially in this airspace are similar to those presently prescribed for flight in control areas. Thus, the rules proposed herein do not eliminate VFR or "on top" flight operations. One significant difference between this controlled airspace and the currently used control area is the matter of dimensions. For example, control areas are normally designated along civil airways that are 10 miles wide and the floor of a control area is set at 700 feet above the surface. This new controlled airspace would have a floor of 24,000 feet and its lateral boundaries would be those of the continental United States.

The aircraft that are expected to make the greatest use of this area are the high performance aircraft whose air speeds are such that the present VFR minimums may not provide sufficient time for pilots to observe each other. It is believed, therefore, that the risk of collision in this area will be alleviated if the minimum visibility for VFR flight is increased to 5 miles and the clearance from clouds minimums are increased to 1,000 feet vertically and one mile horizontally.

It is apparent from comment received pursuant to Draft Release 57-15 that there is universal acceptance of the need for increasing the visibility and clearance from clouds minimums in this continental control area; however, as might be expected, there is a difference of opinion as to the specific values to be used in establishing these minimums. Although the increase to a 5-mile visibility minimum was received without significant objection, certain pilot and operator groups recommended that the lateral separation from clouds minimums be increased to as much as 5 miles. This distance from clouds criterion was carefully considered and the one-mile separation standard was selected as being operationally sound and the most realistic under the circumstances for the following reasons. Since the proposed continental control area concept is revolutionary in nature it is essental that initial efforts to implement the plan not be so ambitious as to threaten its success. Obviously, the greater the value selected for this standard the greater the number of aircraft that will be required to proceed in accordance with the IFR. Since the capability of the air traffic control system in this new plan is not fully known, it is considered advisable to tailor the standards to the system's current capabilities. It is our belief that the one-mile separation standard is consistent with this rationale.

The Administrator of Civil Aeronautics proposes to establish the following navigation procedures to govern flights conducted in the "continental control area." The results of his studies

indicate that it is not feasible at this time to provide effective IFR air traffic control services for flight operations on a completely random basis with existing navigation and control techniques. It is considered, therefore, that IFR flight operations will have to be conducted to the maximum extent possible on a system of routes, if a reasonable volume of traffic is to be handled safely and expeditiously.

The plan for the route structure and navigation at high altitude is based on a demarcation altitude which effectively separates piston-engined aircraft from jet aircraft; 26,000 feet being a practical maximum altitude for the former and 27,000 feet being a minimum altitude for normal en route operation for the latter. The present system of colored and Victor airways will extend up to but not include 27,000 feet mean sea level (MSL). At and above 27,000 feet MSL, navigation will be conducted primarily on designated high altitude L/MF or VOR facilities, with L/MF facilities being phased out as TACAN and VORTAC facilities are phased in and the airborne equipments are implemented.

The designated navigational aids will delineate the high altitude route system to be employed at and above 27,000 feet. It is contemplated that these routes will be given a special designation and will be coded. The designated navigational aids will also serve to define the route to be flown by IFR flights which must operate outside the high altitude route system.

In addition to the foregoing, it is believed vitally important, in order to provide effective and safe air traffic control, that the route of flight be accurately determined for all IFR flights, regardless of the altitude, when such flights are conducted within controlled airspace, or in other words when conducted within control zones and control areas, as well as within the continental control area being established herein. If an entire flight is to be conducted along a civil airway, the route should be described by indicating the type and number of the airway. On the other hand, if a flight is of the direct route type, but still within controlled airspace, which may join or cross civil airways, or terminate within civil airways, the route of flight should be indicated by the names of radio fixes over which the flight will pass and should be flown on a direct course between the navigational aids forming such route. Accordingly, § 60.45 is being amended so as to require that all IFR flights in controlled airspace being flown on routes other than civil airways be flown on the direct course between the aids forming such routes.

Additionally, the provisions of § 60.45 which require that aircraft be flown to the right on L/MF airways and on designated radials of VOR airways, are being amended in favor of a single uniform rule which requires that, on any airway, IFR aircraft be flown "along the center line of the airway." This amendment, in addition to providing a uniform rule for all IFR airway flight, also provides a standard to be observed by those aircraft being navigated with direction finding equipment. It is realized that the maintenance of a specific track may not always be possible with a high degree of precision; however, the rule takes into account the operational tolerances involved. The present practice of achieving lateral separation by use of right side operation on L/MF airways will be retained by including the phrase, "unless otherwise authorized by air traffic control."

This amendment also introduces the phrase "continental control area" into Part 60 and adds therein an appropriate definition. In addition, it is deemed advisable to introduce another phrase, "controlled airspace," and define it as including control zones, control areas, and the continental control area. The use of this single phrase, where appropriate, will avoid complexity and achieve brevity of expression.

The high altitude quadrantal rules applicable to IFR operations in uncontrolled airspace above 29,000 feet will conflict with the rules adopted herein. Accordingly, appropriate amendments to the high altitude quadrantal rules are contained herein.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 6020), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective November 1, 1957.

1. By amending § 60.30 by redesignating paragraph (b) as paragraph (c), and by adding a new paragraph (b) to read as follows:

§ 60.30 *Ceiling and distance from clouds.* • • •

(b) *Within the continental control area.* Aircraft shall not be flown less than 1,000 feet vertically and one mile horizontally from any cloud formation.

2. By amending § 60.31 by redesignating paragraph (d) as paragraph (e), and by adding a new paragraph (d) to read as follows:

§ 60.31 *Visibility.* • • •

(d) *Flight visibility within the continental control area.* When the flight visibility is less than 5 miles, no person shall operate an aircraft within the continental control area;

3. By amending § 60.32 (a) by changing the title thereof to read *"Within controlled airspace below 29,000 feet."*

4. By amending the introductory paragraph of § 60.41 to read as follows:

§ 60.41 *IFR flight plan.* Prior to operating in controlled airspace, a flight plan shall be filed with air traffic control. Such flight plan shall contain the following information unless otherwise authorized by air traffic control:

5. By amending § 60.43 to read as follows:

§ 60.43 *Air Traffic clearance.* Prior to operating in controlled airspace, an air traffic clearance shall be obtained from air traffic control.

6. By amending § 60.44 by changing the title of paragraph (a) to read *"Within controlled airspace"*, by changing the title of paragraph (b) to read *"Elsewhere"*, and by deleting paragraph (c).

7. By amending § 60.45 to read as follows:

§ 60.45 *Course to be flown.* Aircraft operating IFR in controlled airspace shall be flown as follows unless otherwise authorized by air traffic control.

(a) *On civil airways.* Along the center line of the airway.

(b) *On other routes.* Along the direct course between the navigational aids or fixes defining the route.

8. By amending § 60.47 by deleting the phrase "Within control zones and control areas" at the beginning of the section and inserting in lieu thereof the phrase "Within controlled airspace".

9. By amending § 60.60 by amending the definition of an "Air traffic clearance" by deleting the words "a control zone or control area" at the end of the definition and inserting in lieu thereof the words "controlled airspace" and by adding in proper alphabetical order the following new definitions:

§ 60.60 *Definitions.* • • •

Continental control area. The continental control area is an area designated by the Administrator which includes that airspace within the continental United States at and above 24,000 feet (mean sea level), exclusive of prohibited and restricted areas.

Controlled airspace. Controlled airspace is that airspace designated by the Administrator as a control zone, control area, or the continental control area, within which air traffic control is exercised.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

Effective: November 1, 1957.

Adopted: October 1, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-8188; Filed, Oct. 3, 1957; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 12]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.)* is amended by adding the following sentence to the airway designation: "The portion of this civil airway above 20,000 feet MSL which overlaps the White Sands restricted area, Area 2 (R-521), (published in § 608.39 of this chapter), shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

2. Section 600.210 is amended by changing the caption to read: *"Red civil airway No. 10 (Wichita Falls, Tex., to Augusta, Ga.),"* and by changing the portion which reads: "From the Amarillo, Tex., radio range station via the Wichita Falls, Tex., radio range station; Dallas, Tex., nondirectional radio beacon;" to read: "From the Wichita Falls, Tex., radio range station via the Dallas, Tex., nondirectional radio beacon;".

3. Section 600.266 *Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.)* is revoked.

4. Section 600.277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.)* is amended by changing the name of the facility "Dover, Del., AFB radio range station" to read: "Dover, Del., AFB nondirectional radio beacon".

5. Section 600.607 is amended to read:

§ 600.607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* From the intersection of the southeast course of the Oakland, Calif., radio range and the south course of the Travis AFB, Calif., radio range via the Travis AFB, Calif., radio range station to the Williams, Calif., radio range station.

6. Section 600.614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.)* is amended by changing the last portion to read: "From the Fresno, Calif., radio range station via the intersection of the west course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range; Stockton, Calif., radio range to the intersection of the north course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range."

7. Section 600.635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.)* is revoked.

8. Section 600.1004 *Winslow, Ariz., to Las Vegas, Nev., civil airway* is revoked.

9. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion which reads: "Dallas, Tex., omnirange station, including a south alternate;" to read: "Dallas, Tex., omnirange station, including a south alternate via the intersection of the Mineral Wells omnirange 096° True and the Dallas omnirange 242° True radials;".

10. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by adding the following sentence to the airway designation: "The portion of this civil airway above 20,000 feet above mean sea level which overlaps the White Sands restricted area, Area 2 (R-521), (published in Section 608.39 of this Chapter), shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

11. Section 600.6056 is amended to read:

§ 600.6056 *VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.).* From the Montgomery, Ala., omnirange station via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 266° True radials; Columbus, Ga., omnirange station; Macon, Ga., omnirange station; Augusta, Ga., omnirange station; Columbia, S. C., omnirange station; intersection of the Columbia omnirange 079° True and the Florence omnirange 246° True radials; to the Florence, S. C., omnirange station.

12. Section 600.6077 is amended by changing the caption to read: *"VOR civil airway No. 77 (Cotulla, Tex., to Des Moines, Iowa)"* and by changing the portion which reads: "From the San Angelo, Tex., omnirange station via the Abilene, Tex., omnirange station, including an east alternate via the intersection of the San Angelo omnirange 072° True and the Abilene omnirange 181° True radials;" to read: "From the Cotulla, Tex., omnirange station via the Junction, Tex., omnirange station; San Angelo, Tex., omnirange station; Abilene, Tex., omnirange station, including an east alternate via the intersection of the San Angelo omnirange 072° True and the Abilene omnirange 181° True radials;".

13. Section 600.6079 is amended to read:

§ 600.6079 *VOR civil airway No. 79 (Fort Stockton, Tex., to Lubbock, Tex.).* From the Fort Stockton, Tex., omnirange station via the Wink, Tex., omnirange station; Hobbs, N. Mex., omnirange station; to the Lubbock, Tex., omnirange station.

14. Section 600.6137 *VOR civil airway No. 137 (Thermal, Calif., to Ukiah, Calif.)* is amended by adding a new last sentence to read: "The portion of this airway below 3,000 feet above mean sea level which lies within the Tomales Point restricted area (R-519) is excluded."

15. Section 600.6198 is amended to read:

§ 600.6198 *VOR civil airway No. 198 (El Paso, Tex., to Galveston, Tex.).* From the El Paso, Tex., omnirange station via the intersection of the El Paso omnirange 132° True and the Hudspeth omnirange 272° True radials; Hudspeth, Tex., omnirange station; intersection of the Hudspeth omnirange 117° True and the Fort Stockton omnirange 274° True radials; Fort Stockton, Tex., omnirange station; Rock Springs, Tex., omnirange station; point of intersection of Rock Springs omnirange 090° True radial with the San Antonio omnirange direct radial to the Junction, Tex., omnirange station; San Antonio, Tex., omnirange station; Eagle Lake, Tex., omnirange station; to the Galveston, Tex., omnirange station.

16. Section 600.6199 is amended to read:

§ 600.6199 *VOR civil airway No. 199 (San Francisco, Calif., to Ukiah, Calif.).* From the Agnew, Calif., omnirange station via the intersection of the Agnew omnirange 304° True and the Ukiah omnirange 172° True radials; to the Ukiah, Calif., omnirange station. The portion of this airway below 3,000 feet above mean sea level which lies within the Tomales Point restricted area (R-519) is excluded.

17. Section 600.6211 is amended to read:

§ 600.6211 *VOR civil airway No. 211 (Fort Stockton, Tex., to Cotulla, Tex.).* From the Fort Stockton, Tex., omnirange station via the point of intersection of the Rock Springs omnirange 308° True radial with the Fort Stockton omnirange direct radial to the Junction, Tex., omnirange station; Rock Springs, Tex., omnirange station; point of intersection of the Rock Springs omnirange 133° True radial with the Cotulla omnirange direct radial to the Junction, Tex., omnirange station; to the Cotulla, Tex., omnirange station.

18. Section 600.6222 is amended by changing the caption to read: *"VOR civil airway No. 222 (El Paso, Tex., to Houston, Tex.)"* and by changing the portion which reads: "From the Culberson, Tex., omnirange station via the Fort Stockton, Tex., omnirange station;" to read: "From the El Paso, Tex., omnirange station via the Salt Flat, Tex., omnirange station; Culberson, Tex., omnirange station; Fort Stockton, Tex., omnirange station;".

19. Section 600.6283 is added to read:

§ 600.6283 *VOR civil airway No. 283.* [Unassigned.]

20. Section 600.6284 is added to read:

§ 600.6284 *VOR civil airway No. 284 (Fort Stockton, Tex., to San Angelo, Tex.).* From the Fort Stockton, Tex., omnirange station to the San Angelo, Tex., omnirange station.

21. Section 600.6620 *VOR civil airway No. 1520 (Los Angeles, Calif., to Washton, D. C.)* is amended by changing the portion which reads: "From the Little Rock, Ark., omnirange station via the Memphis, Tenn., omnirange station; to the Jackson, Tenn., omnirange station. From the Crossville, Tenn., omnirange station via the intersection of the Crossville omnirange 104° True and the Knoxville omnirange 249° True radials; Knoxville, Tenn., omnirange station;" to read: "From the Little Rock, Ark., omnirange station via the Memphis, Tenn., omnirange station; Muscle Shoals, Ala., omnirange station; point of intersection of the Crossville, Tenn., omnirange 104° True and the Knoxville omnirange 249° True radials; Knoxville, Tenn., omnirange station;".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., October 24, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-8160; Filed, Oct. 3, 1957; 8:46 a. m.]

[Amdt. 15]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.210 is amended by changing the caption to read: *"Red civil airway No. 10 control areas (Wichita Falls, Tex., to Augusta, Ga.)."*

2. Section 601.266 *Red civil airway No. 66 control areas (Santa Barbara, Calif., to Los Angeles, Calif.)* is revoked.

3. Section 601.635 *Blue civil airway No. 35 control areas (Oxnard, Calif., to Bakersfield, Calif.)* is revoked.

4. Section 601.1006 is amended to read:

§ 601.1006 *Control area extension (Lake Charles, La.).* All of the airspace within a 40-mile radius of the Lake Charles omnirange station and within 5 miles either side of the 334° True radial of the Lake Charles omnirange extending from the 40-mile radius area to a point 58 miles northwest of the omnirange station.

5. Section 601.1074 is added to read:

§ 601.1074 *Control area extension (North Bend, Oreg.).* Within 5 miles either side of the 90° True and 270° True radials of the North Bend omnirange extending from the omnirange station to points 20 miles east and west.

6. Section 601.1117 *Control area extension (Grosse Ile, Mich.)* is amended by changing the words "bounded on the west by VOR civil airway No. 197" to read: "bounded on the west by Blue civil airway No. 87".

7. Section 601.1151 is amended to read:

§ 601.1151 *Control area extension (Wilmington, N. C.).* That area within tangent lines of circles 5 statute miles in radius centered on the Carolina Beach (Wilmington, N. C.) nondirectional radio beacon and 15 statute miles in radius centered on the intersection of the western boundary of the New York Oceanic Control Area and a direct line between the Carolina Beach nondirectional radio beacon and the Oakes, Nassau, B. W. I., nondirectional radio beacon extending from the Carolina Beach nondirectional radio beacon to the western boundary of the New York Oceanic Control Area and the latitude 31°30'00" N. Parallel, excluding that portion below 2,000 feet mean sea level which lies outside the continental limits of the United States.

8. Section 601.1192 *Control area extension (Merced, Calif.)*, is amended by changing the words which read: "on the south by VOR civil airway No. 199," to read: "on the south by Blue civil airway No. 10,".

9. Section 601.1226 is amended to read:

§ 601.1226 *Control area extension (Tampa, Fla.).* That area within tangent line of a circle 5 miles in radius centered on the Egmont Key, Fla., nondirectional radio beacon and a circle 10 miles in radius centered on the intersection of the eastern boundary of the New Orleans Oceanic Control Area and a rhumb line between the Egmont Key nondirectional radio beacon and the South Pass West Jetty, La., nondirectional beacon, excluding the portion below 2,000 feet MSL which lies outside the continental limits of the United States.

10. Section 601.1245 is amended to read:

§ 601.1245 *Control area extension (Port Allen, Kauai, T. H.).* The airspace within 5 miles either side of the south course of the Port Allen radio range extending from the radio range station to its intersection with a line bearing 246° True from the Honolulu, Oahu, T. H., radio range station; the airspace lying northeast of Port Allen bounded on the south by Red civil airway No. 87, on the west by longitude 159°30'00" W., and on the northeast by the arc of a circle 25 statute miles in radius centered at latitude 21°58'07" N., longitude 159°20'27" W.

11. Section 601.1260 *Control area extension (Altus, Okla.)* is amended by changing the portion which reads: "and on the south by Red civil airway No. 10" to read: "and on the south by VOR civil airway No. 114,".

12. Section 601.1436 is added to read:

§ 601.1436 *Control area extension (San Bernardino, Calif.).* The airspace southeast of the Norton Air Force Base, San Bernardino, Calif., bounded on the northwest by VOR civil airway No. 264, on the northeast by VOR civil airway No. 137, on the south by VOR civil airway No. 16 and on the west by Blue civil airway No. 14.

13. Section 601.1437 is added to read:

§ 601.1437 *Control area extension (Richmond, Ind.).* That airspace bounded on the north by VOR civil airway No. 12, on the east by VOR civil airway No. 275, and on the southwest by VOR civil airway No. 97.

14. Section 601.1984 *Five mile radius zones* is amended by adding the following airport:

North Bend, Oreg.: North Bend Airport.

and by deleting the following airports:

Chandler, Ariz.: Williams AFB.
Sherman, Tex.: Perrin AFB.

15. Section 601.2024. *Amarillo, Tex., control zone* is amended by changing the portion which reads: "and within 2 miles either side of the east course of the radio range extending from the radio range station to its intersection with the northwest course of the Clarendon, Tex., radio range." to read: "and within 2 miles either side of the east course of the radio range extending from the radio range station to a point 18 miles east."

16. Section 601.2108 is amended to read:

§ 601.2108 *Lansing, Mich., control zone.* Within a 5-mile radius of the Capital City Airport, Lansing, Mich., within 2 miles either side of the east course of the Lansing radio range extending from the radio range station to a point 12 miles east, within 2 miles either side of the 232° True radial of the Lansing omnirange extending from the omnirange staton to a point 12 miles southwest, within 2 miles either side of the 52° True radial of the Lansing omnirange extending from the omnirange station to a point 12 miles northeast of its intersection with the northwest course of the Lansing radio range, within 2 miles either side of the Lansing ILS localizer front course extending from the localizer to a point 12 miles east of the ILS outer marker, and within 2 miles either side of the ILS localizer back course extending from the localizer to a point 10 miles west of its intersection with the Lansing omnirange 358° True radial.

17. Section 601.2176 is amended to read:

§ 601.2176 *Fresno, Calif., control zone.* Within a 5-mile radius of Fresno Air Terminal and within a 3 mile radius of Fresno-Chandler Municipal Airport, and within 2 miles either side of the west and southeast courses of the Fresno radio range extending from the radio range station to points 10 miles west and southeast.

18. Section 601.2227 is amended to read:

§ 601.2227 *Dover, Del., control zone.* Within a 6-mile radius of Dover Air Force Base, within 2 miles either side of the Dover ILS localizer course extending from the Air Force Base to a point 10 miles south of the ILS localizer outer marker, and within 2 miles either side of a line bearing 126° True extending from the Dover AFB nondirectional radio beacon to a point 10 miles southeast, excluding the portion which overlaps restricted area (R–12).

19. Section 601.2410 *Pocatello, Idaho, control zone* is amended by changing the words "Phillips Airport" to read: "Pocatello Municipal Airport".

20. Section 601.2414 is added to read:

§ 601.2414 *Chandler, Ariz., control zone.* Within a 5-mile radius of Williams Air Force Base, Chandler, Ariz., and within 2 miles either side of a line bearing 115° True extending from the Air Force Base to the Chandler AFB nondirectional radio beacon.

21. Section 601.2415 is added to read:

§ 601.2415 *San Jose, Calif., control zone.* Within a 3½-mile radius of the San Jose Municipal Airport, excluding the portion which overlaps the Mountain View, Calif., Moffett NAS control zone.

22. Section 601.2416 is added to read:

§ 601.2416 *Sherman, Tex., control zone.* Within a 5-mile radius of Perrin Air Force Base, Sherman, Tex., within 2 miles either side of the 002° True and 179° True radials of the Perrin AFB terminal omnirange extending from the TVOR to points 10 miles north and south.

23. Section 601.4210 is amended by changing the caption to read: *"Red civil airway No. 10 (Wichita Falls, Tex., to Augusta, Ga.)."*

24. Section 601.4266 *Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.)* is revoked.

25. Section 601.4610 is amended to read:

§ 601.4610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* Evergreen, Calif., nondirectional radio beacon.

26. Section 601.4635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.)* is revoked.

27. Section 601.5001 *Other reporting points* is amended by adding the following:

Gateway Pine Intersection: The intersection of the 239° True radial of the North Bend, Oreg., omnirange and the eastern boundary of the Seattle Oceanic Control Area at latitude 42°19'15" N., longitude 126°46'30" W.

Gateway Hemlock Intersection: The intersection of the 237° True radial of the Newport, Oreg., omnirange and the eastern boundary of the Seattle Oceanic Control Area at latitude 43°18'45" N., longitude 126°40'00" W.

Gateway Cedar Intersection: The intersection of the 234° True radial of the Hoquiam, Wash., omnirange and the eastern boundary of the Seattle Oceanic Control Area at latitude 45°33'00" N., longitude 126°44'50" W.

and by revoking the following reporting point:

Carp Intersection: The intersection of a line bearing 133° True from the Wilmington, N. C., omnirange station and the western boundary of the New York Oceanic Control Area.

28. Section 601.6077 is amended to read:

§ 601.6077 *VOR civil airway No. 77 control areas (Cotulla, Tex., to Des Moines, Iowa).* All of VOR civil airway No. 77 including east alternates, but excluding the airspace between the main airway and its east alternate between the San Angelo, Tex., omnirange station and the Abilene, Tex., omnirange station.

29. Section 601.6056 is amended to read:

§ 601.6056 *VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.).* All of VOR civil airway No. 56.

30. Section 601.6079 is amended to read:

§ 601.6079 *VOR civil airway No. 79 control areas (Fort Stockton, Tex., to Lubbock, Tex.).* All of VOR civil airway No. 79.

31. Section 601.6198 is amended to read:

§ 601.6198 *VOR civil airway No. 198 control areas (El Paso, Tex., to Galveston, Tex.).* All of VOR civil airway No. 198.

32. Section 601.6199 is amended to read:

§ 601.6199 *VOR civil airway No. 199 control areas (San Francisco, Calif., to Ukiah, Calif.).* All of VOR civil airway No. 199.

33. Section 601.6211 is amended to read:

§601.6211 *VOR civil airway No. 211 control areas (Fort Stockton, Tex.; to Cotulla, Tex.).* All of VOR civil airway No. 211.

34. Section 601.6222 is amended to read:

§ 601.6222 *VOR civil airway No. 222 control areas (El Paso, Tex., to Houston, Tex.).* All of VOR civil airway No. 222.

35. Section 601.6283 is added to read:

§ 601.6283 *VOR civil airway No. 283 control areas.* [Unassigned.]

36. Section 601.6284 is added to read:

§ 601.6284 *VOR civil airway No. 284 control areas (Fort Stockton, Tex., to San Angelo, Tex.).* All of VOR civil airway No. 284.

37. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Tiverton, Ohio, omnirange station.
Sidney, Ohio, omnirange station.
Kenton, Del., omnirange station.
Riverhead, N. Y., omnirange station.

Knox Intersection: The intersection of the Youngstown, Ohio, omnirange 101° True and Fitzgerald, Pa., omnirange 240° True radials.

and by changing the following reporting point to read:

Lisbon Intersection: The intersection of the Baltimore, Md., omnirange 281° True radial with the Herndon, Va., omnirange direct radial to the Westminster, Md., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. October 24, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-8161; Filed, Oct. 3, 1957; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54448]

PART 6—AIR COMMERCE REGULATIONS

REVOCATION OF DESIGNATIONS OF FORT YUKON AIRFIELD AND SKAGWAY MUNICIPAL AIRPORT, AS INTERNATIONAL AIRPORTS

SEPTEMBER 26, 1957.

The designations of Fort Yukon Airfield, Fort Yukon, Alaska, and Skagway Municipal Airport, Skagway, Alaska, as international airports (airports of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)), are hereby revoked, effective 30 days after the date of publication of this Treasury decision in the FEDERAL REGISTER.

The list of international airports in § 6.13, Customs Regulations, is hereby amended by deleting therefrom the location and name of said airports.

(R. S. 161, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 49 U. S. C. 177)

Notice of the proposed revocation of the designations of Fort Yukon Airfield and Skagway Municipal Airport as international airports (airports of entry) was published in the FEDERAL REGISTER of August 16, 1957 (22 F. R. 6595), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No objections to such action were received.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8187; Filed, Oct. 3, 1957; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6255]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

RESEARCH AND EXPERIMENTAL EXPENDITURES

On June 21, 1956, notice of proposed rule making regarding the regulations under section 174 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 4344). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, such regulations are hereby prescribed subject to the changes set forth hereinafter. These regulations are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954, except that the regulations under section 174 (b) are applicable for any taxable year beginning after December 31, 1953. The regulations hereby adopted supersede paragraph 5 of T. D. 6118, approved December 30, 1954 (19 F. R. 9896; 26 CFR (1954), Parts 1 to 169 (1956 Rev.), par. 5, p. 7).

PARAGRAPH 1. Section 1.174–1 is changed by deleting the third sentence and inserting in lieu thereof the following: "Research or experimental expenditures which are neither treated as expenses nor deferred and amortized under section 174 must be charged to capital account."

PAR. 2. Section 1.174–2 is changed in the following respects:

(A) By revising paragraph (a).

(B) By striking from the first sentence of paragraph (b) (1) the words "Generally, expenditures" and inserting in lieu thereof the word "Expenditures".

(C) By changing the second sentence of paragraph (b) (1) to read as follows:

"However, allowances for depreciation or depletion of property are considered as research or experimental expenditures, for purposes of section 174, to the extent that the property to which the allowances relate is used in connection with research or experimentation."

(D) By deleting the first sentence of paragraph (b) (2) and inserting in lieu thereof the following: "Expenditures for research or experimentation which result, as an end product of the research or experimentation, in depreciable property to be used in the taxpayer's trade or business may, subject to the limitations of subparagraph (4) of this paragraph, be allowable as a current expense deduction under section 174 (a)."

(E) By adding at the end of paragraph (b) (3) the following: "However, see subparagraph (4) of this paragraph."

(F) By adding at the end of paragraph (b) (4) the following: "For example, a taxpayer undertakes to develop a new machine for use in his business. He expends $30,000 on the project of which $10,000 represents the actual cost of material, labor, etc., to construct the machine, and $20,000 represents research costs which are not attributable to the machine itself. Under section 174 (a) the taxpayer would be permitted to deduct the $20,000 as expenses not chargeable to capital account, but the $10,000 must be charged to the asset account (the machine)."

PAR. 3. Section 1.174–3 is changed in the following respects:

(A) By revising the last sentence of paragraph (a) to read as follows: "In no event will the taxpayer be permitted to adopt the method described in this section as to part of the expenditures relative to a particular project and adopt for the same taxable year a different method of treating the balance of the expenditures relating to the same project."

(B) By revising the third sentence of paragraph (b) (1) to read as follows: "The taxpayer may do so by claiming in his income tax return for such year a deduction for his research or experimental expenditures."

(C) By revising paragraph (b) (4).

PAR. 4. Section 1.174–4 is changed in the following respects:

(A) By deleting in the first sentence of paragraph (a) after the date "December 31, 1953," the five words "elect to treat such expenses" and inserting in lieu thereof the five words "elect to treat such expenditures".

(B) By deleting paragraph (c).

(C) By relettering paragraph (d) as (c).

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

As so changed, the regulations are adopted as set forth below.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: September 30, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations relating to research and experimental expenditures are hereby promulgated under section 174 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except that the regulations under section 174 (b) are effective for any taxable year beginning after December 31, 1953. The regulations hereby adopted supersede paragraph 5 of T. D. 6118, approved December 30, 1954 (19 F. R. 9896; 26 CFR (1954), Parts 1 to 169 (1956 Rev.), par. 5, p. 7).

Sec.

1.174 Statutory provisions; research and experimental expenditures.
1.174–1 Research and experimental expenditures; in general.
1.174–2 Definition of research and experimental expenditures.
1.174–3 Treatment as expenses.
1.174–4 Treatment as deferred expenses.

AUTHORITY: §§ 1.174 to 1.174–4 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.174 *Statutory provisions; research and experimental expenditures.*

SEC. 174. *Research and experimental expenditures*—(a) *Treatment as expenses*—(1) *In general.* A taxpayer may treat research or experimental expenditures which are paid or incurred by him during the taxable year in connection with his trade or business as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

(2) *When method may be adopted*—(A) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, adopt the method provided in this subsection for his first taxable year—

(i) Which begins after December 31, 1953, and ends after the date on which this title is enacted, and

(ii) For which expenditures described in paragraph (1) are paid or incurred.

(B) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, adopt at any time the method provided in this subsection.

(3) *Scope.* The method adopted under this subsection shall apply to all expenditures described in paragraph (1). The method adopted shall be adhered to in computing taxable income for the taxable year and for all subsequent taxable years unless, with the approval of the Secretary or his delegate, a change to a different method is authorized with respect to part or all of such expenditures.

(b) *Amortization of certain research and experimental expenditures*—(1) *In general.* At the election of the taxpayer, made in accordance with regulations prescribed by the Secretary or his delegate, research or experimental expenditures which are—

(A) Paid or incurred by the taxpayer in connection with his trade or business,

(B) Not treated as expenses under subsection (a), and

(C) Chargeable to capital account but not chargeable to property of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion),

may be treated as deferred expenses. In computing taxable income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the taxpayer (beginning with the month in which the taxpayer first realizes benefits from such expenditures). Such deferred expenses are expenditures properly chargeable to capital account for purposes of section 1016 (a) (1) (relating to adjustments to basis of property).

(2) *Time for and scope of election.* The election provided by paragraph (1) may be made for any taxable year beginning after December 31, 1953, but only if made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The method so elected, and the period selected by the taxpayer, shall be adhered to in computing taxable income for the taxable year for which the election is made and for all subsequent taxable years unless, with the approval of the Secretary or his delegate, a change to a different method (or to a different period) is authorized with respect to part or all of such expenditures. The election shall not apply to any expenditure paid or incurred during any taxable year before the taxable year for which the taxpayer makes the election.

(c) *Land and other property.* This section shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion); but for purposes of this section allowances under section 167, and allowances under section 611, shall be considered as expenditures.

(d) *Exploration expenditures.* This section shall not apply to any expenditure paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

(e) *Cross reference.* For adjustments to basis of property for amounts allowed as deductions as deferred expenses under subsection (b), see section 1016 (a) (14).

§ 1.174–1 *Research and experimental expenditures; in general.* Section 174 provides two methods for treating research or experimental expenditures paid or incurred by the taxpayer in connection with his trade or business. These expenditures may be treated as expenses not chargeable to capital account and deducted in the year in which they are paid or incurred (see § 1.174–3), or they may be deferred and amortized (see § 1.174–4). Research or experimental expenditures which are neither treated as expenses nor deferred and amortized under section 174 must be charged to capital account. The expenditures to which section 174 applies may relate either to a general research program or to a particular project. See § 1.174–2 for the definition of research and experimental expenditures. The term "paid or incurred", as used in section 174 and in §§ 1.174–1 to 1.174–4, inclusive, is to be construed according to the method of accounting used by the taxpayer in computing taxable income. See section 7701 (a) (25).

§ 1.174–2 *Definition of research and experimental expenditures*—(a) *In general.* (1) The term "research or experimental expenditures", as used in section 174, means expenditures incurred in connection with the taxpayer's trade or business which represent research and development costs in the experimental or laboratory sense. The term includes generally all such costs incident to the development of an experimental or pilot model, a plant process, a product, a formula, an invention, or similar property, and the improvement of already existing property of the type mentioned. The term does not include expenditures such

as those for the ordinary testing or inspection of materials or products for quality control or those for efficiency surveys, management studies, consumer surveys, advertising, or promotions. However, the term includes the costs of obtaining a patent, such as attorneys' fees expended in making and perfecting a patent application. On the other hand, the term does not include the costs of acquiring another's patent, model, production or process, nor does it include expenditures paid or incurred for research in connection with literary, historical, or similar projects.

(2) The provisions of this section apply not only to costs paid or incurred by the taxpayer for research or experimentation undertaken directly by him but also to expenditures paid or incurred for research or experimentation carried on in his behalf by another person or organization (such as a research institute, foundation, engineering company, or similar contractor). However, any expenditures for research or experimentation carried on in the taxpayer's behalf by another person are not expenditures to which section 174 relates, to the extent that they represent expenditures for the acquisition or improvement of land or depreciable property, used in connection with the research or experimentation, to which the taxpayer acquires rights of ownership.

(3) The application of subparagraph (2) of this paragraph may be illustrated by the following examples:

Example (1). A engages B to undertake research and experimental work in order to create a particular product. B will be paid annually a fixed sum plus an amount equivalent to his actual expenditures. In 1957, A pays to B in respect of the project the sum of $150,000 of which $25,000 represents an addition to B's laboratory and the balance represents charges for research and experimentation on the project. It is agreed between the parties that A will absorb the entire cost of this addition to B's laboratory which will be retained by B. A may treat the entire $150,000 as expenditures under section 174.

Example (2). X Corporation, a manufacturer of explosives, contracts with the Y research organization to attempt through research and experimentation the creation of a new process for making certain explosives. Because of the danger involved in such an undertaking, Y is compelled to acquire an isolated tract of land on which to conduct the research and experimentation. It is agreed that upon completion of the project Y will transfer this tract, including any improvements thereon, to X. Section 174 does not apply to the amount paid to Y representing the costs of the tract of land and improvements.

(b) *Certain expenditures with respect to land and other property.* (1) Expenditures by the taxpayer for the acquisition or improvement of land, or for the acquisition or improvement of property which is subject to an allowance for depreciation under section 167 or depletion under section 611, are not deductible under section 174, irrespective of the fact that the property or improvements may be used by the taxpayer in connection with research or experimentation. However, allowances for depreciation or depletion of property are considered as research or experimental expenditures, for purposes of section 174, to the extent that the property to which the allowances relate is used in connection with research or experimentation. If any part of the cost of acquisition or improvement of depreciable property is attributable to research or experimentation (whether made by the taxpayer or another), see subparagraphs (2), (3), and (4) of this paragraph.

(2) Expenditures for research or experimentation which result, as an end product of the research or experimentation, in depreciable property to be used in the taxpayer's trade or business may, subject to the limitations of subparagraph (4) of this paragraph, be allowable as a current expense deduction under section 174 (a). Such expenditures cannot be amortized under section 174 (b) except to the extent provided in § 1.174–4 (a) (4).

(3) If expenditures for research or experimentation are incurred in connection with the construction or manufacture of depreciable property by another, they are deductible under section 174 (a) only if made upon the taxpayer's order and at his risk. No deduction will be allowed (i) if the taxpayer purchases another's product under a performance guarantee (whether express, implied, or imposed by local law) unless the guarantee is limited, to engineering specifications or otherwise, in such a way that economic utility is not taken into account; or (ii) for any part of the purchase price of a product in regular production. For example, if a taxpayer orders a specially-built automatic milling machine under a guarantee that the machine will be capable of producing a given number of units per hour, no portion of the expenditure is deductible since none of it is made at the taxpayer's risk. Similarly, no deductible expense is incurred if a taxpayer enters into a contract for the construction of a new type of chemical processing plant under a turn-key contract guaranteeing a given annual production and a given consumption of raw material and fuel per unit. On the other hand, if the contract contained no guarantee of quality of production and of quantity of units in relation to consumption of raw material and fuel, and if real doubt existed as to the capabilities of the process, expenses for research or experimentation under the contract are at the taxpayer's risk and are deductible under section 174 (a). However, see subparagraph (4) of this paragraph.

(4) The deductions referred to in subparagraphs (2) and (3) of this paragraph for expenditures in connection with the acquisition or production of depreciable property to be used in the taxpayer's trade or business are limited to amounts expended for research or experimentation. For the purpose of the preceding sentence, amounts expended for research or experimentation do not include the costs of the component materials of the depreciable property, the costs of labor or other elements involved in its construction and installation, or costs attributable to the acquisition or improvement of the property. For example, a taxpayer undertakes to develop a new machine for use in his business. He expends $30,000 on the project of which $10,000 represents the actual costs of material, labor, etc., to construct the machine, and $20,000 represents research costs which are not attributable to the machine itself. Under section 174 (a) the taxpayer would be permitted to deduct the $20,000 as expenses not chargeable to capital account, but the $10,000 must be charged to the asset account (the machine).

(c) *Exploration expenditures.* The provisions of section 174 are not applicable to any expenditures paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore, oil, gas or other mineral. See sections 615 and 263.

§ 1.174–3 *Treatment as expenses*—(a) *In general.* Research or experimental expenditures paid or incurred by a taxpayer during the taxable year in connection with his trade or business are deductible as expenses, and are not chargeable to capital account, if the taxpayer adopts the method provided in section 174 (a). See paragraph (b) of this section. If adopted, the method shall apply to all research and experimental expenditures paid or incurred in the taxable year of adoption and all subsequent taxable years, unless a different method is authorized by the Commissioner under section 174 (a) (3) with respect to part or all of the expenditures. See paragraph (b) (3) of this section. Thus, if a change to the deferred expense method under section 174 (b) is authorized by the Commissioner with respect to research or experimental expenditures attributable to a particular project or projects, the taxpayer, for the taxable year of the change and for subsequent taxable years, must apply the deferred expense method to all such expenditures paid or incurred during any of those taxable years in connection with the particular project or projects, even though all other research and experimental expenditures are required to be deducted as current expenses under this section. In no event will the taxpayer be permitted to adopt the method described in this section as to part of the expenditures relative to a particular project and adopt for the same taxable year a different method of treating the balance of the expenditures relating to the same project.

(b) *Adoption and change of method*—(1) *Adoption without consent.* The method described in this section may be adopted for any taxable year beginning after December 31, 1953, and ending after August 16, 1954. The consent of the Commissioner is not required if the taxpayer adopts the method for the first such taxable year in which he pays or incurs research or experimental expenditures. The taxpayer may do so by claiming in his income tax return for such year a deduction for his research or experimental expenditures. If the taxpayer fails to adopt the method for the first taxable year in which he incurs such expenditures, he cannot do so in subsequent taxable years unless he obtains the consent of the Commissioner under section 174 (a) (2) (B) and sub-

paragraph (2) of this paragraph. See, however, subparagraph (4) of this paragraph, relating to extensions of time.

(2) *Adoption with consent.* A taxpayer may, with the consent of the Commissioner, adopt at any time the method provided in section 174 (a). The method adopted in this manner shall be applicable only to expenditures paid or incurred during the taxable year for which the request is made and in subsequent taxable years. A request to adopt this method shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D. C. The request shall set forth the name and address of the taxpayer, the first taxable year for which the adoption of the method is requested, and a description of the project or projects with respect to which research or experimental expenditures are to be, or have already been, paid or incurred. The request shall be signed by the taxpayer (or his duly authorized representative) and shall be filed not later than the last day of the first taxable year for which the adoption of the method is requested. See, however, subparagraph (4) of this paragraph, relating to extensions of time.

(3) *Change of method.* An application for permission to change to a different method of treating research or experimental expenditures shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D. C. The application shall include the name and address of the taxpayer, shall be signed by the taxpayer (or his duly authorized representative), and shall be filed not later than the last day of the first taxable year for which the change in method is to apply. See, however, subparagraph (4) of this paragraph, relating to extensions of time. The application shall—

(i) State the first year to which the requested change is to be applicable;

(ii) State whether the change is to apply to all research or experimental expenditures paid or incurred by the taxpayer, or only to expenditures attributable to a particular project or projects;

(iii) Include such information as will identify the project or projects to which the change is applicable;

(iv) Indicate the number of months (not less than 60) selected for amortization of the expenditures, if any, which are to be treated as deferred expenses under section 174 (b);

(v) State that, upon approval of the application, the taxpayer will make an accounting segregation on his books and records of the research or experimental expenditures to which the change in method is to apply; and

(vi) State the reasons for the change. If permission is granted to make the change, the taxpayer shall attach a copy of the letter granting permission to his income tax return for the first taxable year in which the different method is effective.

(4) *Special rules.* If the last day prescribed by law for filing a return for any taxable year (including extensions thereof) to which section 174 (a) is applicable falls before the ninetieth day after the date the regulations under section 174 are published in the FEDERAL REGISTER, consent is hereby given for the taxpayer to adopt the expense method or to change from the expense method to a different method. In the case of a change from the expense method to a different method, the taxpayer, on or before such ninetieth day, must submit to the district director for the district in which the return was filed the information required by subparagraph (3) of this paragraph. For any taxable year for which the expense method or a different method is adopted pursuant to this subparagraph, an amended return reflecting such method shall be filed on or before such ninetieth day if such return is necessary.

§ 1.174–4 *Treatment as deferred expenses*—(a) *In general.* (1) If a taxpayer has not adopted the method provided in section 174 (a) of treating research or experimental expenditures paid or incurred by him in connection with his trade or business as currently deductible expenses, he may, for any taxable year beginning after December 31, 1953, elect to treat such expenditures as deferred expenses under section 174 (b), subject to the limitations of subparagraph (2) of this paragraph. If a taxpayer has adopted the method of treating such expenditures as expenses under section 174 (a), he may not elect to defer and amortize any such expenditures unless permission to do so is granted under section 174 (a) (3). See paragraph (b) of this section.

(2) The election to treat research or experimental expenditures as deferred expenses under section 174 (b) applies only to those expenditures which are chargeable to capital account but which are not chargeable to property of a character subject to an allowance for depreciation or depletion under section 167 or 611, respectively. Thus, the election under section 174 (b) applies only if the property resulting from the research or experimental expenditures has no determinable useful life. If the property resulting from the expenditures has a determinable useful life, section 174 (b) is not applicable, and the capitalized expenditures must be amortized or depreciated over the determinable useful life. Amounts treated as deferred expenses are properly chargeable to capital account for purposes of section 1016 (a) (1), relating to adjustments to basis of property. See section 1016 (a) (14). See section 174 (c) and § 1.174–2 (b) (1) for treatment of expenditures for the acquisition or improvement of land or of depreciable or depletable property to be used in connection with the research or experimentation.

(3) Expenditures which are treated as deferred expenses under section 174 (b) are allowable as a deduction ratably over a period of not less than 60 consecutive months beginning with the month in which the taxpayer first realizes benefits from the expenditures. The length of the period shall be selected by the taxpayer at the time he makes the election to defer the expenditures. If a taxpayer has two or more separate projects, he may select a different amortization period for each project. In the absence of a showing to the contrary, the taxpayer will be deemed to have begun to realize benefits from the deferred expenditures in the month in which the taxpayer first puts the process, formula, invention, or similar property to which the expenditures relate to an income-producing use. See section 1016 (a) (14) for adjustments to basis of property for amounts allowed as deductions under section 174 (b) and this section. See section 165 and the regulations thereunder for rules relating to the treatment of losses resulting from abandonment.

(4) If expenditures which the taxpayer has elected to defer and deduct ratably over a period of time in accordance with section 174 (b) result in the development of depreciable property, deductions for the unrecovered expenditures, beginning with the time the asset becomes depreciable in character, shall be determined under section 167 (relating to depreciation) and the regulations thereunder. For example, for the taxable year 1954, A, who reports his income on the basis of a calendar year, elects to defer and deduct ratably over a period of 60 months research and experimental expenditures made in connection with a particular project. In 1956, the total of the deferred expenditures amounts to $60,000. At that time, A has developed a process which he seeks to patent. On July 1, 1956, A first realized benefits from the marketing of products resulting from this process. Therefore, the expenditures deferred are deductible ratably over the 60-month period beginning with July 1, 1956 (when A first realized benefits from the project). In his return for the year 1956, A deducted $6,000; in 1957, A deducted $12,000 ($1,000 per month). On July 1, 1958, a patent protecting his process is obtained by A. In his return for 1958, A is entitled to a deduction of $6,000, representing the amortizable portion of the deferred expenses attributable to the period prior to July 1, 1958. The balance of the unrecovered expenditures ($60,000 minus $24,000, or $36,000) is to be recovered as a depreciation deduction over the life of the patent commencing with July 1, 1958. Thus, one-half of the annual depreciation deduction based upon the useful life of the patent is also deductible for 1958 (from July 1 to December 31).

(5) The election shall be applicable to all research and experimental expenditures paid or incurred by the taxpayer or, if so limited by the taxpayer's election, to all such expenditures with respect to the particular project, subject to the limitations of subparagraph (2) of this paragraph. The election shall apply for the taxable year for which the election is made and for all subsequent taxable years, unless a change to a different treatment is authorized by the Commissioner under section 174 (b) (2). See paragraph (b) (2) of this section. Likewise, the taxpayer shall adhere to the amortization period selected at the time of the election unless a different period of amortization with respect to a part or all of the expenditures is similarly authorized. However, no change in method will be permitted with respect to expenditures paid or incurred before the taxable year to which the change is to apply. In no event will the taxpayer be permitted to treat part of the expenditures with respect to a particular project as deferred expenses under section 174 (b) and to adopt a different method of treating the balance of the expenditures relating to the same project for the same taxable year. The election under this section shall not apply to any expenditures paid or incurred before the taxable year for which the taxpayer makes the election.

(b) *Election and change of method*—(1) *Election.* The election under section 174 (b) shall be made not later than the time (including extensions) prescribed by law for filing the return for the taxable year for which the method is to be adopted. The election shall be made by attaching a statement to the taxpayer's return for the first taxable year to which the election is applicable. The statement shall be signed by the taxpayer (or his duly authorized representative), and shall—

(i) Set forth the name and address of the taxpayer;

(ii) Designate the first taxable year to which the election is to apply;

(iii) State whether the election is intended to apply to all expenditures within the permissible scope of the election, or only to a particular project or projects, and, if the latter, include such information as will identify the project or projects as to which the election is to apply;

(iv) Set forth the amount of all research or experimental expenditures paid or incurred during the taxable year for which the election is made;

(v) Indicate the number of months (not less than 60) selected for amortization of the deferred expenses for each project; and

(vi) State that the taxpayer will make an accounting segregation in his books and records of the expenditures to which the election relates.

(2) *Change to a different method or period.* Application for permission to change to a different method of treating research or experimental expenditures or to a different period of amortization for deferred expenses shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D. C. The application shall include the name and address of the taxpayer, shall be signed by the taxpayer (or his duly authorized representative), and shall be filed not later than the end of the first taxable year in which the different method or different amortization period is to be used (unless subparagraph (3) of this paragraph, relating to extensions of time, is applicable). The application shall set forth the following information with regard to the research or experimental expenditures which are being treated under section 174 (b) as deferred expenses:

(i) Total amount of research or experimental expenditures attributable to each project;

(ii) Amortization period applicable to each project; and

(ii) Unamortized expenditures attributable to each project at the beginning of the taxable year in which the application is filed.

In addition, the application shall set forth the length of the new period or periods proposed, or the new method of treatment proposed, the reasons for the proposed change, and such information as will identify the project or projects to which the expenditures affected by the change relate. If permission is granted to make the change, the taxpayer shall attach a copy of the letter granting the permission to his income tax return for the first taxable year in which the different method or period is to be effective.

(3) *Special rules.* If the last day prescribed by law for filing a return for any taxable year for which the deferred method provided in section 174 (b) has been adopted falls before the ninetieth day after the date the regulations under section 174 are published in the FEDERAL REGISTER, consent is hereby given for the the taxpayer to change from such method and adopt a different method of treating research or experimental expenditures, provided that on or before such ninetieth day he submits to the district director for the district in which the return was filed the information required by subparagraph (2) of this paragraph, relating to a change to a different method or period. For any taxable year for which the different method is adopted pursuant to this subparagraph, an amended return reflecting such method shall be filed on or before such ninetieth day.

(c) *Example.* The application of this section is illustrated by the following example:

Example. N Corporation is engaged in the business of manufacturing chemical products. On January 1, 1955, work is begun on a special research project. N Corporation elects, pursuant to section 174 (b), to defer the expenditures relating to the special project and to amortize the expenditures over a period of 72 months beginning with the month in which benefits from the expenditures are first realized. On January 1, 1955, N Corporation also purchased for $57,600 a building having a remaining useful life of 12 years as of the date of purchase and no salvage value at the end of the period. Fifty percent of the building's facilities are to be used in connection with the special research project. During 1955, N Corporation pays or incurs the following expenditures relating to the special research project:

Salaries	$15,000
Heat, light and power	700
Drawings	2,000
Models	6,500
Laboratory materials	8,000
Attorneys' fees	1,400
Depreciation on building attributable to project (50 percent of $4,800 allowable depreciation)	2,400
Total research and development expenditures	36,000

The above expenditures result in a process which is marketable but not patentable and which has no determinable useful life. N Corporation first realizes benefits from the process in January 1956. N Corporation is entitled to deduct the amount of $6,000 $\left(\frac{\$36{,}000 \times 12 \text{ months}}{72 \text{ months}}\right)$ as deferred expenses under section 174 (b) in computing taxable income for 1956.

[F. R. Doc. 57–8179; Filed, Oct. 3, 1957; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII–4, Amdt. 3]

DMO VII–4—ODM Policy Guidance on Government-Owned Production Equipment

OTHER LEASING GUIDELINES

1. Defense Mobilization Order VII–4 is hereby amended by the addition of the following subsection E to section 1:

E. *Other leasing guidelines*—(1) *Contract provisions*—(a) *Term.* Leasing agreements should be drawn to cover the span of time needed to carry out their purpose, with latitude for adjustment to meet changed circumstances.

(b) *Purchase option.* A purchase option provision should be included only in exceptional cases, or where prescribed by law.

(c) *Renewal option.* Provision for renewal should be excluded from equipment leases.

(d) *Maintenance.* Agreements should require that equipment be returned in the condition received, ordinary wear and tear excepted.

(e) *Installation charges.* Agreements should provide that the lessee bear installation charges in whatever manner is best suited to the particular circumstances.

(f) *Transportation in and out and removal costs.* Agreements should provide that these costs be borne by the lessee in a manner best suited to the particular circumstances.

(g) *Rebuilding and overhauling costs.* Agreements should provide that, when equipment is rebuilt or modernized at Government expense, the acquisition cost of the equipment be adjusted upward to properly take account of the increased value that such rebuilding or modernization represents.

(h) *Statement of rental consideration.* For each contract, under which a private contractor is provided with Government-owned production equipment, a statement shall be included in the contract or the contract file, as appropriate, specifying the periodic dollar amount of rent to be paid, whether such payments are made in cash or are offset or credited against payments made to the contractor by the Government for end-products produced for Government account.

(2) *General Considerations.* (a) Government lessor agencies should not be regarded as being in the leasing business as an end in itself nor in the same sense as private industrial establishments.

(b) Government-owned production equipment should not be leased to private industry until its unavailability from private sources has been established.

(c) The rental rates and leasing guidelines outlined herein have no application to wholly-owned Government facilities operated by private contractors on a cost-plus-fee basis.

(d) Government agencies providing Government-owned production equipment to private contractors shall insure

that no contractors are afforded a favored competitive position thereby.

(e) Such exceptions, as from time to time may be necessary to the policy outlined herein, shall be made only with prior ODM approval.

2. This amendment shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F R. Doc. 57-8156; Filed, Oct. 3, 1957; 8:45 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

INFORMATION REQUIRED

Pursuant to the authority vested in the Governor by § 4.141c of Title 35, Code of Federal Regulations, as adopted by Canal Zone Order 30, January 6, 1953 (18 F. R. 280), § 4.142 of Title 35 is hereby amended to read as follows:

§ 4.142 *Information required.* As soon as radio communication can be established, vessels shall report via the local Government shore radio stations to the Port Captains their names, whether or not they desire to pass through the Canal, requirements, probable time of arrival, draft, last port of call, whether or not there is any communicable disease aboard, number of landing passengers, if any, whether or not any structural changes have been made to the vessel since last transit, and any other matters of importance and interest. In addition to the above, tankers shall report (a) the grades of cargo carried, if any, (b) the grade of cargo last carried in each empty tank that is not gas free. If this information has been previously communicated to the Port Captain, through agents or otherwise, it will not be necessary to report by radio anything but the probable time of arrival and this shall always be sent to the Port Captain by radio via the local Government shore radio stations at least 48 hours in advance of arrival. Vessels approaching the Canal from the Pacific, in addition to the above, shall report time of passing Cape Mala and the speed being made good. Vessels approaching from the Atlantic, in addition to the above, shall report 12 hours prior to arrival any change of one hour or more from the original expected time of arrival.

(Sec. 5, 37 Stat. 562, as amended; 2 C. L. Code 9)

Issued at Balboa Heights, Canal Zone, September 24, 1957.

[SEAL] HUGH M. ARNOLD,
Acting Governor.

[F. R. Doc. 57-8167; Filed, Oct. 3, 1957; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

HUDSON RIVER, AT YONKERS, N. Y., AND ORTEGA RIVER, FLA.

1. Pursuant to the provisions of section 1 of an act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.60 (o-1) is hereby prescribed designating a special anchorage area on the east side of Hudson River at Glenwood, Yonkers, New York, wherein vessels not more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.60 *Port of New York and vicinity.* • • •

(o-1) *Hudson River, at Glenwood, Yonkers, New York.* That portion of the waters of the easterly side of Hudson River and adjacent to the northerly limits of the City of Yonkers, New York, northward of the northerly face of an outfall sewer pipe which is 2,200 feet north of the Glenwood powerhouse; east of a line on range with the northwest corner of the powerhouse bulkhead and the westerly end of the outfall sewer pipe; and southward of a line ranging 110° true to the first New York Central Railroad Company's signal bridge, north of the Yonkers Corinthian Yacht Club house.

[Regs., Sept. 17, 1957, 800.212 (Hudson River, N. Y.)—ENGWO] (Sec. 1, 54 Stat. 150; 33 U. S. C. 180)

2. Pursuant to the provisions of section 5 of the River and Harbor act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.431 is hereby prescribed to govern the operation of the State Road Department of Florida bridge (Roosevelt Boulevard) across Ortega River near Jacksonville, Florida, as follows:

§ 203.431 *Ortega River, Fla.; State Road Department of Florida bridge (Roosevelt Boulevard) near Jacksonville, Florida.* (a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the owner or agency controlling the bridge shall not be required to open the drawspan for the passage of vessels betwen 6:30 a. m. and 8:30 a. m., and between 3:30 p. m. and 5:00 p. m. except that during these closure periods the bridge shall be opened on the hour and half-hour to allow any accumulated vessels to pass.

(b) The regulations in this section shall not be in force or effect on Saturdays, Sundays, or the following legal holidays:

New Year's Day.
Washington's Birthday.
Memorial Day (May 30).
Independence Day.
Labor Day.
Veterans Day (November 11).
Thanksgiving Day.
Christmas Day.

(c) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(d) The draw shall be opened at any time for the passage of a tow or vessel in an emergency caused by rough weather or otherwise to an extent sufficient to endanger life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(e) The owner of, or the agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof in such manner that it can be easily read at any time.

[Regs., Sept. 17, 1957, 823.01 (Ortega River, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] R. V. LEE,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 57-8159; Filed, Oct. 3, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

ORDER DENYING PETITION TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR MOZZARELLA CHEESE, SCAMORZA CHEESE; PART-SKIM MOZZARELLA CHEESE, PART-SKIM SCAMORZA CHEESE

On January 23, 1957, a notice of proposed rulemaking was published in the FEDERAL REGISTER (22 F. R. 428) setting forth a proposal to adopt definitions and standards of identity for mozzarella cheese, scamorza cheese and for part-skim mozzarella cheese, part-skim scamorza cheese. The notice allowed 30 days for interested persons to submit written comments on the proposal. The information furnished in the several comments which were filed, when considered with the information advanced in support of the proposal, and otherwise available does not adequately support finding that it would promote honesty and fair dealing in the interest of consumers to adopt the definition and standard of identity proposed for mozzarella cheese, scamorza cheese and for part-skim mozzarella cheese, part-skim scamorza cheese.

Therefore, pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045): *It is ordered*, That the definitions and standards of identity proposed for mozzarella cheese, scamorza cheese and for part-skim mozzarella cheese and part-skim scamorza cheese be not adopted.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify the provisions of the order deemed objectionable and grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

If a public hearing is to be held upon objections to this order, an appropriate notice will be published in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371)

Dated: September 30, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-8180; Filed, Oct. 3, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 185-1]

CHANGE OF TERMINATION DATE OF OFFICE OF PRODUCTION AND DEFENSE LENDING

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950 and the authority in Reorganization Plan No. 1 of 1957, it is ordered as follows:

Paragraph 5 of Treasury Department Order No. 185, dated June 28, 1957, is hereby amended by striking "September 30, 1957" and substituting in lieu thereof "October 31, 1957".

Dated: September 30, 1957.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8165; Filed, Oct. 3, 1957; 8:47 a. m.]

United States Coast Guard

[CGFR 57-44]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT OR MATERIALS

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to inspection or on certain motorboats and other pleasure craft are required by law and regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and termination of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed and published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. In order that approvals can be kept current and to provide a definite means of identification, the approvals have been limited to five years and assigned approval numbers. The present numbering and certificating system was inaugurated on July 31, 1947, and a notice of approval was published in the FEDERAL REGISTER of that date (12 F. R. 5185-5237). The items of equipment or materials appearing in this FEDERAL REGISTER document were approved for a period of five years from July 31, 1947. All the approvals which were extended for an additional period of five years from the date of July 31, 1952, were contained in a document published in the FEDERAL REGISTER on October 1, 1952 (17 F. R. 8710-8754). In early 1957 individual notices were sent to the manufacturers of those items of equipment or materials whose approvals would expire July 31, 1957. Where the manufacturer indicated he desired to have his approval extended, a check was made to determine whether or not such item complied with-the current Coast Guard requirements. In those cases where the original approval did not comply with current requirements, the manufacturer was so advised and he was given an opportunity to bring his equipment into compliance prior to the expiration date of his approval.

3. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), and R. S. 4405, as amended, 4462, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U. S. C. 405, 416, 489, 367, 526p, 1333, 390b), and section 3 (c) of the Act of August 9, 1954 (50 U. S. C. 198), and implementing regulations in 46 CFR Chapter I, *it is ordered*, That:

(a) All the approvals for lifesaving, fire-fighting, and miscellaneous equipment or installations and materials which are listed in Part I of this document are prescribed and are extended for a period of five years from July 31, 1957, unless sooner canceled or suspended by proper authority; and

(b) All the terminations of approvals for lifesaving, fire-fighting, and miscellaneous equipment or installations and materials which are listed in Part II of this document shall be effective as of July 31, 1957, in accordance with the notice published in the FEDERAL REGISTER dated October 1, 1952 (17 F. R. 8710). The reason for termination of approvals, as set forth in Part II of this document, is that (i) the manufacturer is no longer in business; or (ii) the manufacturer does not desire to retain the approval; or (iii) the item of equipment or material no longer complies with Coast Guard requirements. Notwithstanding the termination of approval as listed in Part II of this document, such equipment, installations, or materials already in service may be continued in use so long as it is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.002/1/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The American Pad & Textile Co., Greenfield, Ohio; 511 North Solomon Street, New Orleans, La.; and Fairfield, Calif.

Approval No. 160.002/2/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The American Pad & Textile Co., Greenfield, Ohio; 511 North Solomon Street, New Orleans, La.; and Fairfield, Calif.

Approval No. 160.002/3/0, Model 5, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The American Pad & Textile Co., Greenfield, Ohio; 511 North Solomon Street, New Orleans, La.; and Fairfield, Calif.

Approval No. 160.002/4/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The American Pad & Textile Co., Greenfield, Ohio; 511 North Solomon Street, New Orleans, La.; and Fairfield, Calif.

Approval No. 160.002/5/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing

Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.002/6/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.002/7/0, Model 5, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.002/8/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.002/17/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Merit Manufacturing Corp., 92–15 172d Street, Jamaica 3, N. Y.

Approval No. 160.002/18/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Merit Manufacturing Corp., 92–15 172d Street, Jamaica 3, N. Y.

Approval No. 160.002/20/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass.

Approval No. 160.002/21/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass.

CLEANING PROCESS FOR LIFE PRESERVERS

(Where buoyancy fillers are not removed from envelope covers during clean process)

Approval No. 160.006/1/0, No. 111 cleaning process for kapok life preservers, as outlined in description of process dated December 1, 1944, submitted by Sinclair & Valentine Co., 611 West 129th Street, New York 27, N. Y.

Approval No. 160.006/2/0, Filter-Vac cleaning process for kapok life preservers, as outlined in letter dated January 25, 1944, from Rug Renovating Co., Inc., 1438 33d Avenue, Long Island City, N. Y.

Approval No. 160.006/4/0, Sullivan cleaning process for kapok life preservers, as outlined in letter dated June 11, 1945, from Sullivan Awning Company, 245 South Van Ness Avenue, San Francisco 3, Calif.

BUOYS, LIFE, RING, CORK OR BALSA WOOD

NOTE: The 20-inch and 24-inch diameter buoys are limited to service on motorboats only in accordance with 46 CFR 25.4–1.

Approval No. 160.009/1/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/2/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/3/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/4/0, 24-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/5/0, 30-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/11/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.009/12/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.009/13/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.009/14/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.009/15/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.009/16/0, 30-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue., Brooklyn 1, N. Y.

Approval No. 160.009/25/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

Approval No. 160.009/26/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

Approval No. 160.009/27/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/4/0, MSA one-hour oxygen breathing apparatus, Face Piece Type, complete in case, MSA Assembly Drawing No. A–1083 revised March 24, 1942, Mine Safety Appliances Co., Braddock, Thomas and Meade Streets, Pittsburgh 8, Pa.

Approval No. 160.011/5/0, Supplied-Air respirator, fresh air hose mask No. 1905A, Bureau of Mines Approval No. BM–1905A consisting of Face Piece BM–1905A, Blower BM–1905A, Hose BM–1901, Harness BM–1901, Drawing No. 4M2185, Maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, American La France Corp., Elmira, N. Y.

Approval No. 160.011/11/0, Ammonia gas mask No. BM–1408, Bureau of Mines Approval No. BM–1408 consisting of Canister BM–1408, Face Piece BM–1408F, Canister Harness BM–1408, Davis Emergency Equipment Co., 45 Halleck Street, Newark 4, N. J.

Approval No. 160.011/13/0, Protexall gas mask assembly with two canisters and full-view face piece, Bureau of Mines Approval No. BM–1434 consisting of Canister BM–1434, Face Piece BM–1403, BM–1403E, BM–1901, BM–1901E, Canister Harness BM–1403, BM–1409, American La France Corp., Elmira, N. Y.

Approval No. 160.011/14/0, Ammonia gas mask with Type DA Canister, Bureau of Mines Approval No. BM–1401 consisting of Canister BM–1401C, Face Piece BM–1401, BM–1403, BM–1403E, Canister Harness BM–1401, American La France Corp., Elmira, N. Y.

HATCHETS (LIFEBOAT AND LIFE RAFT)

Approval No. 160.013/1/0, No. 0 size hatchet, Hunters Ax, Drawing No. SK 2031 dated September 25, 1944, manufactured by Collins Co., Collinsville, Conn.

Approval No. 160.013/2/0, No. 0 size hatchet, True American, Drawing dated November 6, 1944, manufactured by Mann Edge Tool Co., Lewistown, Pa.

Approval No. 160.013/3/0, No. 0 size hatchet, No. 425 Bridgeport Belt Ax, Drawing No. D–674 dated February 15, 1945, manufactured by Bridgeport Hardware Manufacturing Co., Bridgeport 5, Conn.

COMPASSES, LIFEBOAT

Approval No. 160.014/1/0, Type LMC–101D, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. D–1 dated July 18, 1945, manufactured by John E. Hand & Sons Co., Atlantic and Washington Avenues, Haddonfield, N. J.

Approval No. 160.014/2/0, Model 2, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. AA dated September 25, 1945, manufactured by W. M. Welch Manufacturing Co., 1515 Sedgewick Street, Chicago 10, Ill.

Approval No. 160.014/3/0, Model 1, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. C–113–5–C revised January 2, 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

Approval No. 160.014/4/0, Model 2, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. C–113–5–C revised January 2, 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

Approval No. 160.014/5/0, Model 1A, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. C–113–7 dated October 24, 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

Approval No. 160.014/6/0, Model 2A, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. C–113–7 dated October 24, 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/1/0, Type A Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification, dated November 1, 1943, revised August 24, 1944, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.019/4/0, Type Seaway Sea Anchor, U. S. C. G. drawing No. MMI–562 and Specification dated November 1, 1943, revised August 24, 1944, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.019/6/0, Type 2–A Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated November 1, 1943, revised August 24, 1944, manufactured by Eveready Canvas Corp., 254 Pearl Street, New York 7, N. Y.

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/2/0, Type SMC emergency signaling mirror, drawing dated July 20, 1946, manufactured by Safety Mirror Co., 30 Front Street, New York 4, N. Y.

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE

Approval No. 160.024/1/0, Aluminum shell pistol-projected parachute red flare distress signal, drawing No. MSP–1C dated June 25, 1936, manufactured by Coston Supply Co., 31 Water Street, New York 4, N. Y.

NOZZLES, WATER SPRAY (FIXED TYPE)

Approval No. 160.025/1/0, Akr-O-Mist, No. 1250 1½'' fixed type, Water Spray Nozzle, dwg. No. 26 dated February 4, 1938, manufactured by Akron Brass Manufacturing Co., Inc., Wooster, Ohio.

Approval No. 160.025/3/0, Fognozl, Type 3A, marine tip 1½'' fixed type, Water Spray Nozzle, dwg. No. P–1946–6–024 dated June 26, 1946, manufactured by Akron Brass Manufacturing Co., Inc., Wooster, Ohio.

Approval No. 160.025/4/0, Fognozl, Type B, marine applicator 1½'' fixed type, Water Spray Nozzle, dwg. No. P–1946–6–021, dated June 25, 1946, manufactured by Akron Brass Manufacturing Co., Inc., Wooster, Ohio.

Approval No. 160.025/6/0, Mystery, M–200 1½'' fixed type, Water Spray Nozzle, dwg. dated April 9, 1938, manufactured by Elkhart Brass Manufacturing Co., 1302 West Beardsley Avenue, Elkhart, Ind.

Approval No. 160.025/8/0, Grinnell, Model B 1½'' fixed type, Water Spray Nozzle, Drawing No. 13215–A revised September 4, 1941, manufactured by Grinnell Co., Providence, R. I.

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Approval No. 160.028/1/0, No. 52 Marine signal pistol, dwg. No. MSP–1, revised October 1, 1943, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio.

SEARCHLIGHTS, MOTOR LIFEBOAT

Approval No. 161.006/1/0, One-mileray, Type N Motor-Lifeboat Searchlight, Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING-LIQUID TYPE

Approval No. 162.004/28/0, Miller Peerless (Symbol FY) 1 qt. carbon tetrachloride type hand portable fire extinguisher, Fyr-Fyter Assembly dwg. No. 28, issue 2779, dated November 8, 1946, name plate dwg. No. 2144, issue 1906, dated August 18, 1942, manufactured for Miller Peerless Manufacturing Co., 452 North Sangamon Street, Chicago 22, Ill., by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/29/0, Miller Peerless (Symbol FY), 1½ qt. carbon tetrachloride type hand portable fire extinguisher, Fyr-Fyter Assembly dwg. No. 29, issue 2780, dated November 8, 1946, name plate dwg. No. 2144, issue 1906, dated August 18, 1942, manufactured for Miller Peerless Manufacturing Co., 452 North Sangamon Street, Chicago 22, Ill., by The Fyr-Fyter Co., Dayton, Ohio.

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/8/0, Figure No. 50, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/9/0, Figure No. 50A, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/10/0, Figure No. 50ACU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/11/0, Figure No. 50ABCU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, female pipe threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/12/0, Figure No. 50ACCU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/13/0, Figure No. 50AN, Varec flame arrester, semi-steel and aluminum body, aluminum multiple plate bank, vertical type, square flange connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/14/0, Figure No. 50B, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, female threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/15/0, Figure No. 50C, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/16/0, Figure No. 50CU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged connections fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/17/0, Figure No. 50S, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/18/0, Figure No. 50SA, Varec flame arrester, semi-steel body, small aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½'', 3'', 4'', 6'', 8'', 10'', and 12'' pipe sizes, for use with inflammable or com-

bustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/19/0, Figure No. 50SG, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/20/0, Figure No. 50SB, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/21/0, Figure No. 50SC, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged and screwed connections fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/22/0, Figure No. 53, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/23/0, Figure No. 53A, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/24/0, Figure No. 53B, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/25/0, Figure No. 53C, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/26/0, Figure No. 53S, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/27/0, Figure No. 53SA, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/28/0, Figure No. 53SB, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/29/0, Figure No. 53SC, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflamable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

DECK COVERINGS

Approval No. 164.006/2/0, Selbalith magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG–3610–1215; FR 1779 dated July 2, 1940, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Selby, Battersby & Co., 5220 Whitby Avenue, Philadelphia 43, Pa.

Approval No. 164.006/7/0, Armorite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–72; FR 1836 dated March 29, 1941, approved for use without other insulating material as meeting Class A–60 requirements in thicknesses as follows: Underlayment only, 1⅜ inches, or underlayment 1¼ inches plus top coat ½ inch, manufactured by National Tile & Marble Corp., 529 West 46th Street, New York 36, N. Y.

Approval No. 164.006/8/0, "Case Magnesite," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–73; FR 1842 dated April 30, 1941, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by L. S. Case Co., Seventh and Daggett Streets, San Francisco 7, Calif.

Approval No. 164.006/9/0, Raecolith magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–76; FR 1866 dated August 9, 1941, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Raecolith Flooring Co., 5622 Corson Avenue, Seattle 8, Wash.

Approval No. 164.006/15/0, Moulstone magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–85; FR 1957 dated April 15, 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¼-inch thickness, manufactured by Thos. Moulding Floor Co., Inc., 325 West Huron Street, Chicago 10, Ill.

Approval No. 164.006/17/0, Kompolite plastic composition flooring, magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–88; FR 1978 dated July 1, 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 11–25 44th Road, Long Island City 1, N. Y.

Approval No. 164.006/20/0, Hubbellite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–95; FR 2017 dated November 28, 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Hubbellite Corporation, 141 Gulf Building, Pittsburgh 19, Pa.

Approval No. 164.006/23/0, Dex-O-Tex Magnabond No. 1, composite mastic and magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–116; FR–2395 dated July 11, 1945, approved for use without other insulating material as meeting Class A–15 requirements in the thickness noted below: Dex–O–Tex Subkote No. 1 underlay ¼ inch, plus magnesite overlay ⅜ inch, manufactured by Crossfield Products Corp., 140 Valley Road, Roselle Park, N. J.

STRUCTURAL INSULATIONS

Approval No. 164.007/1/0, "48" C. G. Felt, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3610–1372; FR–2235 dated April 1, 1944, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cubic foot density, 4 inches at 6 pounds per cubic foot density, manufactured by Forty-Eight Insulations, Inc., Aurora, Ill.

Approval No. 164.007/3/0, Eagle Felt M–2, mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/1TF dated November 24, 1939, bats, blankets, or fill approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 10 pounds per cubic foot density (loose fill), 4 inches at 8 pounds per cubit foot density (loose fill), 3 inches at 8 pounds per cubic foot density (bats or blankets), and 4 inches at 6 pounds per cubic foot density (bats or blankets), manufactured at The Eagle-Picher Sales Co., 420 Lexington Avenue, New York 17, N. Y.

Approval No. 164.007/4/0, Fibrespray, plaster type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36, dated June 25, 1943, approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 12 pounds per cubic foot density, and 4 inches at 8 pounds per cubic foot density, manufactured by Acoustics, Inc., Commercial Trust Building, Philadelphia 2, Pa.

Approval No. 164.007/10/0, Rockwool, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated May 17, 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cubic foot density, and 4 inches at 6 pounds per cubic foot density, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio.

Approval No. 164.007/11/0, Bacite cold set cement, plaster type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated May 17, 1939, approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 30 pounds per cubic foot density, manufactured by The Bird-Archer Co., 4337 North American Street, Philadelphia 40, Pa.

Approval No. 164.007/13/0, Sprayed limpet asbestos, sprayed asbestos fiber type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated May 17, 1939, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 12 pounds per cubic foot density, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.007/18/0, Baldwin-Hill 6-pound felt, mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/26, dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J.

Approval No. 164.007/19/0, Baldwin-Hill loose wool, mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36 dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 11 pounds per cubic foot density, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J.

BULKHEAD PANELS

Approval No. 164.008/2/0, Aetna type FSI—Class B, hollow steel, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 128 dated November 19, 1945, approved as meeting Class B–15 requirements in a 2-inch thickness when filled with two 1-inch blankets of type TW–MC Fiberglas insulation having a density of 3¼ pounds per cubic foot, manufactured by Arnot-Jamestown Division, Aetna Steel Products Corporation, 730 Fifth Avenue, New York 19, N. Y.

Approval No. 164.008/3/0, Aetna Type FAI-Class B, hollow aluminum, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 141 dated October 7, 1946, approved as meeting Class B–15 requirements in a 2-inch thickness when filled with two 1-inch blankets of J–M BX–4M insulation having a density of 4 pounds per cubic foot; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by Arnot-Jamestown Division, Aetna Steel Products Corporation, 730 Fifth Avenue, New York 19, N. Y.

Approval No. 164.008/6/0, Dietz marine, hollow steel, insulation filled identical to that described in National Bureau of Standards Test Report No. TG 3619–33, FR–1364 dated March 31, 1939, approved as meeting Class B–15 requirements in a 1-inch thickness when filled with 8 Ply Air Cell Fill 1¼ inches thick, manufactured by L. F. Dietz, Marine Building, 40 Grand Avenue, Englewood, N. J.

Approval No. 164.008/7/0, Seaporcel, hollow steel, insulation filled bulkhead panel identical to that described in Porcelain Metals, Inc., Dwg. entitled "Typical Size Sections Showing General Application of Seaporcel Flush Bulkhead and Ceiling", dated December 29, 1941, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one-half that listed to meet Class A–60 requirements, manufactured by Seaporcel Metals, Inc., 28–20 Borden Avenue, Long Island City 1, N. Y.

Approval No. 164.008/17/0, C Board, asbestos cement board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–46, FR–1791 dated August 13, 1940, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.008/18/0, C–3 Marine board, asbestos cement board type bulkhead panel identical to that described in National Bureau of Standards Tests Report No. TG–3619–59, FR–2042 dated February 15, 1943, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.008/19/0, Martin-Parry marine, hollow steel type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–34, FR–1365, dated March 31, 1939, approved as meeting Class B–15 requirements in a 2⅜-inch thickness with two 1/16-inch asbestos paper inserts, manufactured by Martin-Parry-Marine Division, Ward Industries Corp., 415 Madison Avenue, New York 17, N. Y.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/1/0, Firefoil sheathing, corrugated asbestos board type incombustible material, approved in a ½-inch thickness with a steel veneer on one side, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio.

Approval No. 164.009/2/0, Careystone asbestos-cement wallboard, asbestos-cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated March 2, 1943, approved in a 3/16-inch thickness, manufactured by The Philip Carey Manufacturing Co., Lockland Cincinnati 15 Ohio.

Approval No. 164.009/3/0, Careystone sheathing, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated September 24, 1942, approved in a 3/16-inch thickness, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio.

Approval No. 164.009/4/0, APAC asbestos cement board type incombustible material identical to that described in Keasbey & Mattison Company letter of December 30, 1942, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.009/5/0, C–4 Marine board, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated March 25, 1944, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.009/6/0, C–5 Marine board, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated March 25, 1944, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.009/7/0, gold bond A–C board, asbestos cement board type incombustible material identical to that described in National Gypsum Co. letter dated June 4, 1943, manufactured by National Gypsum Co., Buffalo 2, N. Y.

Approval No. 164.009/9/0, U. S. G. marine board, gypsum board, metal veneered type incombustible material identical to that described in National Bureau of Standards Test Report No. TG-3610-1348; FR-2131 dated August 23, 1943, approved in 3/8-inch minimum thickness with steel or aluminum veneer one side, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Ill.

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

CLEANING PROCESSES FOR LIFE PRESERVERS

Termination of Approval No. 160.006/7/0, Denihan cleaning process for kapok life preservers, as outlined in letter dated July 24, 1946, from B. J. Denihan, 215 East 64th Street, New York, N. Y.

Termination of Approval No. 160.006/8/0, Opera House cleaning process for kapok life preservers, as outlined in letter dated August 22, 1946, from Opera House Laundry, 217 Northwest Everett, Portland 9, Oreg.

Termination of Approval No. 160.006/9/0, Opera House cleaning process for cork life preservers, as outlined in letter dated November 20, 1946, from Opera House Laundry, 217 Northwest Everett, Portland 9, Oreg.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Termination of Approval No. 160.011/7/0, Ammonia gas mask No. 4, Bureau of Mines Approval No. BM-1420 consisting of Canister BM-1420, Canister Harness BM-1418 with Head Harness BM-1418 or Canister Harness BM-1418A with Head Harness BM-1418A, Acme Protection Equipment Co., 3037 West Lake Street, Chicago 12, Ill.

Termination of Approval No. 160.011/8/0, Acme supplied-air respirator, fresh air hose mask and assembly, Bureau of Mines Approval No. BM-1910 consisting of Face Piece BM-1910 with Head Harness BM-1910 or Face Piece BM-1910A with Head Harness BM-1910A, Body Harness BM-1910, Hose BM-1910, Blower BM-1910 and Container BM-1910, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, Acme Protection Equipment Co., 3037 West Lake Street, Chicago 12, Ill.

Termination of Approval No. 160.011/16/0, Acme Type FD all-purpose gas mask, Bureau of Mines Approval No. BM-1436, consisting of Canister BM-1436, Timer BM-1435, Canister Harness BM-1435, Face Piece BM-1418 with Head Harness BM-1418 or Face Piece BM-1418A with Head Harness BM-1418A, Acme Protection Equipment Co., 3037 West Lake Street, Chicago 12, Ill.

SEA ANCHORS, LIFEBOAT

Termination of Approval No. 160.019/2/0, Type 9 Sea Anchor, U. S. C. G. dwg. No. MMI-562 and Specification dated November 1, 1943, revised August 24, 1944, manufactured by Bowman-Durham-Robbins, Inc., 603 Bergen Street, Brooklyn 17, N. Y.

Termination of Approval No. 160.019/3/0, Type BB 1 Sea Anchor, U. S. C. G. dwg. No. MMI-562 and Specification dated November 1, 1943, revised August 24, 1944, manufactured by Bogardus Bros., 20 Mechanic Street, New Rochelle, N. Y.

Termination of Approval No. 160.019/5/0, Type N-1 Sea Anchor, U. S. C. G. dwg. No. MMI-562 and Specification dated November 1, 1943, revised August 24, 1944, manufactured by Neptune Specialties, Inc., 14 North Chatsworth Avenue, Larchmont, N. Y.

NOZZLES, WATER SPRAY (FIXED TYPE)

Termination of Approval No. 160.025/2/0, Marine ALFCO, Model 4M, 1½" fixed type, Water Spray Nozzle, dwg. No. 3M-1305 revised January 14, 1938, manufactured by American La France Corp., Elmira, N. Y.

Termination of Approval No. 160.025/9/0, Rockwood waterfog, Nozzle No. N-21 1½" fixed type, Water Spray Nozzle, dwg. No. S-275 dated April 14, 1942, manufactured by Rockwood Sprinkler Corp., 38 Harlow Street, Worcester 5, Mass.

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Termination of Approval No. 160.028/3/0, V-K Mark 12 signal pistol, dwg. No. S-100, revised November 30, 1942, manufactured by Van Karner Chemical Arms Co., 202 East 44th Street, New York 17, N. Y.

FLASHLIGHTS, ELECTRIC, HAND

Termination of Approval No. 161.008/1/0, Model F 80, watertight flashlight, electric, hand, two cell, Coast Guard Specification Identification Type I, Size 2, dwg. No. 139-C, dated April 29, 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

Termination of Approval No. 161.008/2/0, Model F 90, watertight flashlight, electric, hand, three cell, Coast Guard Specification Identification Type I, Size 3, dwg. No. 139-C, dated April 29, 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

Termination of Approval No. 161.008/3/0, Model F 81, explosion-proof flashlight, electric, hand, two cell, Coast Guard Specification Identification Type II, Size 2, dwg. No. 139-C, dated April 29, 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

Termination of Approval No. 161.008/4/0, Model F 91, explosion-proof flashlight, electric, hand, three cell, Coast Guard Specification Identification Type II, Size 3, dwg. No. 139-C, dated April 29, 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING-LIQUID TYPE

Termination of Approval No. 162.004/1/0, Reddy (Symbol PY), 1-quart carbon tetrachloride type hand portable fire extinguisher, Pyrene Assembly dwg. No. B-9223, dated February 3, 1941, rev. August 19, 1946, Pyrene Name Plate dwg. No. A-9095, dated March 6, 1940, rev. October 9, 1946, manufactured for W. D. Allen Manufacturing Co., 566-570 West Lake Street, Chicago 6, Ill., by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.004/2/0, Reddy (Symbol PY), 1½-quart carbon tetrachloride type hand portable fire extinguisher, Pyrene Assembly dwg. No. B-9231, dated February 19, 1941, rev. August 16, 1946, Pyrene Name Plate dwg. No. A-9104, dated March 25, 1940, rev. March 7, 1941, manufactured for W. D. Allen Manufacturing Co., 566-570 West Lake Street, Chicago, Ill., by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.004/13/0, Chief Croker (Symbol PY), 1 qt. carbon tetrachloride type hand portable fire extinguisher, Pyrene Assembly dwg. No. B-9223, dated February 3, 1941, Pyrene Name Plate dwg. No. A-9099, dated March 12, 1940, rev. October 9, 1946, manufactured for Croker Fire Prevention Corp., 32 West 31st Street, New York, N. Y., by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.004/26/0, Pistol Grip, Trigger Type 1 qt. carbon tetrachloride type hand portable fire extinguisher, assembly dwg. No. 205, dated August 8, 1943, name plate dwg. No. 303, dated January 28, 1935, manufactured by Kent Extinguisher Co., 830 Front Avenue NW., Grand Rapids 4, Mich.

Termination of Approval No. 162.004/27/0, Pistol Grip, trigger type 1½ qt. carbon tetrachloride type hand portable fire extinguisher, assembly dwg. No. 206, dated August 8, 1943, name plate dwg. No. 304, dated January 28, 1935, manufactured by Kent Extinguisher Co., 830 Front Avenue NW., Grand Rapids 4, Mich.

Termination of Approval No. 162.004/36/0, Pyrene (Symbol PH) 2 qt. carbon tetrachloride type hand portable fire extinguisher, assembly dwg. No. C-8817, dated April 20, 1938, name plate dwg. No. B-15286, dated August 6, 1942, manufactured for Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J., by The Phister Manufacturing Co., Cincinnati 2, Ohio.

Termination of Approval No. 162.004/37/0, Pyrene, 1 gal. carbon tetrachloride type hand portable fire extinguisher, assembly dwg. No. D-9986, dated January 16, 1945, name plate dwg. No. C-8890, dated October 10, 1938, rev. December 9, 1946, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.004/38/0, Security (Symbol PY), 1 qt. carbon tetrachloride type hand portable fire extinguisher, Pyrene Assembly dwg. No. B-9223, dated February 3, 1941, rev. August 19, 1946, name plate dwg. No. A-9270, dated June 3, 1941, rev. October 9, 1946, manufactured for A. C. Rowe & Son, 50 Murray Street, New York 7, N. Y., by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.004/39/0, Stempel Pistol Grip (Symbol KE) 1 qt. carbon tetrachloride type hand portable fire extinguisher, Kent Assembly dwg. No. 8A, dated August 8, 1943, Kent Name Plate dwg. No. 30, dated February 15, 1940, manufactured for Stempel Fire Extinguisher Manufacturing Co., Jasper and York Streets, Philadelphia 25, Pa., by Kent Extinguisher Co., 830 Front Avenue NW., Grand Rapids 4, Mich.

Termination of Approval No. 162.004/40/0, Stempel Pistol Grip (Symbol KE) 1½ qt. carbon tetrachloride type hand portable fire extinguisher, Kent Assembly dwg. No. 9A, dated August 8, 1943, Kent Name Plate dwg. No. 31, dated February 15, 1940, manufactured for Stempel Fire Extinguisher Manufacturing Co., Jasper and York Streets, Philadelphia 25, Pa., by Kent Extinguisher Co., 830 Front Avenue NW., Grand Rapids 4, Mich.

Termination of Approval No. 162.004/41/0, Stempel Trigger type (Symbol KE), 1 qt. carbon tetrachloride type hand portable fire extinguisher, Kent Assembly dwg. No. 8A, dated August 8, 1943, Kent Name Plate dwg. No. 304, dated June 1, 1936, manufactured for Stempel Fire Extinguisher Co., Jasper and York Streets, Philadelphia 25, Pa., by Kent Extinguisher Co., 830 Front Avenue, NW., Grand Rapids 4, Mich.

Termination of Approval No. 162.004/42/0, Stempel Trigger Type (Symbol KE), 1½ qt. carbon tetrachloride type hand portable fire extinguisher, Kent Assembly dwg. No. 9A, dated August 8, 1943, Kent Name Plate dwg. No. 305, dated June 1, 1936, manufactured for Stempel Fire Extinguisher Co., Jasper and York Streets, Philadelphia 25, Pa., by Kent Extinguisher Co., 830 Front Avenue, NW., Grand Rapids 4, Mich.

Termination of Approval No. 162.004/46/0, Defender (Symbol GE), 1 qt. carbon tetrachloride type hand portable fire extinguisher, General Detroit assembly dwg. No. BT-185-X, dated April 9, 1943, rev. July 8, 1947, General Detroit name plate dwg. No. AT-185-1G, dated July 17, 1946, rev. August 22, 1946, manufactured for Schwartz Bros., Inc., 827 Arch Street, Philadelphia 7, Pa., by the General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Termination of Approval No. 162.004/47/0, Defender (Symbol GE) 1½ qt. carbon tetrachloride type hand portable fire extinguisher, General Detroit assembly dwg. No. CT-195-X, dated October 21, 1944, rev. June 28, 1945, General Detroit name plate dwg. No. AT-195-1G, dated July 10, 1946, rev. August 22, 1946, manufactured for Schwartz Bros., Inc., 827 Arch Street, Philadelphia 7, Pa., by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Termination of Approval No. 162.005/1/0, Alfite Model PSH, Series 15-N, squeeze grip valve, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 28X-1558, alt. A, dated July 14, 1943, name plate dwg. No. 28X-834, alt. A, dated May 1, 1945, manufactured by American La France Corp., Elmira, N. Y.

Termination of Approval No. 162.005/4/0, Type PSH-15, squeeze grip valve, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. D-62325, alt. 2, dated August 6, 1946, name plate dwg. No. D-57094, alt. 1, dated August 5, 1946, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.005/5/0, Type PSH-10, squeeze grip valve, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. D-53690, alt. 2, dated August 6, 1946, name plate dwg. No. D-56916, alt. 1, dated August 5, 1946, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.005/6/0, Type PSH-7½ squeeze grip valve, 7½-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. D-55855, alt. O, dated June 12, 1942, name plate dwg. No. C-53970, alt. 3, dated December 10, 1945, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.005/7/0, Type PS-4, squeeze grip valve, 4-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. C-55389, alt. 1, dated October 17, 1944, name plate dwg. No. C-53343, alt. 8, dated May 7, 1945, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Termination of Approval No. 162.006/5/0, Fyr-Fyter, 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18, issue 1652, dated December 13, 1940, name plate dwg. No. 1405, dated October 19, 1927, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Termination of Approval No. 162.006/6/0, Dayton, 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 37, issue 1262, dated December 17, 1940, name plate dwg. No. 2086, issue 1895, dated August 18, 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Termination of Approval No. 162.006/8/0, Pyrene (four-star shell), 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. C-8206, dated August 24, 1936, rev. November 15, 1946, name plate dwg. No. B-15172, dated March 7, 1946, rev. June 17, 1946, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.006/9/0, Pyrene, 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. B-7602, dated January 21, 1934, rev. March 11, 1946, name plate dwg. No. B-15079, dated October 9, 1945, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Termination of Approval No. 162.007/6/0, Fyr-Fyter, 2½ gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. 17, issue 1658, dated December 17, 1940, name plate dwg. No. 1380, dated September 15, 1927, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Termination of Approval No. 162.007/7/0, Dayton, 2½ gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. 36, issue 1661, dated December 17, 1940, name plate dwg. No. 2073, issue 1894, dated August 18, 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Termination of Approval No. 162.007/9/0, Pyrene (four-star shell) 2½ gal. soda-acid-type hand portable fire extinguisher, assembly dwg. No. C-8210, dated August 24, 1936, rev. November 15, 1946, name plate dwg. No. B-15173, dated February 19, 1946, rev. June 17, 1946, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.007/10/0, Pyrene, 2½ gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. B-7601, dated December 20, 1934, rev. March 11, 1946, name plate dwg. No. B-15078, dated October 3, 1945, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.007/13/0, Cambar 2½ gal. soda-acid type hand portable fire extinguisher, Pyrene assembly dwg. No. B-7601, dated December 20, 1934, rev. March 11, 1946, name plate dwg. No. B-8174, dated July 23, 1936, rev. March 4, 1941, manufactured for Cameron & Barkley Co., Tampa, Fla., by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.007/16/0, Pacific (Symbol PY), 2½ gal. soda-acid type hand portable fire extinguisher, Pyrene assembly dwg. No. B-7106, dated December 20, 1934, rev. March 11, 1946, Pyrene name plate dwg. No. B-8971, dated May 19, 1939, rev. February 27, 1941, manufactured for Pacific Fire Extinguisher Co., 2923 East 11th Street, Los Angeles, Calif., by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.007/17/0, Reliance, 2½ gal. soda-acid type hand portable fire extinguisher, Pyrene assembly dwg. No. B-7106, dated December 20, 1934, rev. March 11, 1946, Pyrene name plate dwg. No. B-8180, dated July 17, 1936, rev. February 28, 1941, manufactured for W. S. Nott Co., 201 North Third Street, Minneapolis 1, Minn., by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.007/18/0, Swiftout, 2½ gal. soda-acid type hand portable fire extinguisher, Pyrene assembly dwg. No. B-7106, dated December 20, 1934, rev. March 11, 1946, Pyrene name plate dwg. No. B-8173, dated July 17, 1936, rev. March 3, 1941, manufactured for H. L. Swift Co., 1229 North Highland Street, Hollywood, Calif., by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

FIRE EXTINGUISTERS, PORTABLE, HAND, PUMP-TANK TYPE

Termination of Approval No. 162.008/1/0, Pyrene, 2½ gal. copper pump-tank type hand portable fire extinguisher, assembly dwg. No. C–15134, dated December 7, 1945, name plate dwg. No. B–15126, dated November 16, 1945, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE-OPERATED TYPE

Termination of Approval No. 162.009/3/0, Pyrene (antifreeze), 2½ gal. cartridge-operated type hand portable fire extinguisher, assembly dwg. No. C–8380, dated January 5, 1937, rev. March 18, 1946, name plate dwg. No. 15129, dated November 9, 1945, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

Termination of Approval No. 162.009/4/0, Pyrene (water type), 2½ gal. cartridge-operated type hand portable fire extinguisher, assembly dwg. No. C–8612, dated June 28, 1937, rev. March 18, 1946, nameplate dwg. No. B–15128, dated November 21, 1945, manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Company, P. O. Box 750, Newark 1, N. J.

REGULATORS AND LOW WATER ALARMS, BOILER FEED

Termination of Approval No. 162.024/1/0, Weir boiler feedwater regulator, float operated regulating valve, dwg. No. 1252 dated November 22, 1943, approved for 3-inch size, maximum working pressure 600 p. s. i., manufactured by General Regulator Corp., 165 Broadway, New York 6, N. Y.

Termination of Approval No. 162.024/2/0, Copes type "P" boiler feedwater regulator, remote type flowmatic regulator and feedwater regulator for combination feed systems, fitted with Copes type "P" thermostat and type "SLD" control valve, dwg. Nos. 23716–M dated June 10, 1944, and 23712–L dated August 22, 1944, manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Termination of Approval No. 162.024/3/0, Copes type "B1" boiler feedwater regulator, direct lever operated control valve, Copes marine triangular thermostat, Copes type "B1" control valve, dwg. Nos. 23709–M, dated March 11, 1943 and 23708–M dated February 27, 1945, manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Termination of Approval No. 162.024/4/0, Copes type "SLH" boiler feedwater regulator, Marine Flowmatic feedwater regulator, relay operated and pilot operated control valve, Copes marine type thermostat, dwg. Nos. 23713–M dated March 1, 1945, 23715–M dated December 21, 1944, and 23606–M, manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Termination of Approval No. 162.024/5/0, Copes direct operated flowmatic type boiler feedwater regulator, spring operated diaphragm control valve, dwg. No. 23714–M dated December 21, 1944, and Bulletin No. 429A dated January 1943, Copes Flowmatic Regulator, manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Termination of Approval No. 162.024/6/0, Copes remote control flowmatic marine type feedwater regulator, thermostat with flowmatic element and pilot valve for remote control, combination feed system fitted with type "SLD" control valve, dwg. No. 23717–L dated March 1, 1945, manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Termination of Approval No. 162.024/8/0, Ohio low water alarm, steam whistle warning, for use in Scotch type marine boilers, tin fusible plug operating steam whistle, dwg. No. 907–W dated May 25, 1928, manufactured by The Ohio Injector Co., 53 West Jackson Boulevard, Chicago 4, Ill.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Termination of Approval No. 162.025/5/0, Type LS 1, secondary boiler water gauge, remote water level indicator and recorder, dwg. Nos. C 304886–C, revised September 22, 1941, C 305511–A, dated September 17, 1941, and D 34900F, dated October 3, 1940, manufactured by Bailey Meter Co., 1050 Ivanhoe Road, Cleveland 10, Ohio.

Termination of Approval No. 162.025/28/0, Type LS 35, secondary boiler water gauge, remote water level indicator and recorder, dwg. Nos. C 304886–C, revised September 22, 1941, C 305511–A, dated September 17, 1941, and D 34900F, dated October 3, 1940, manufactured by Bailey Meter Co., 1050 Ivanhoe Road, Cleveland 10, Ohio.

Termination of Approval No. 162.025/29/0, Type LS 47, secondary boiler water gauge, remote water level indicator and recorder, dwg. Nos. C 304886–C, revised September 22, 1941, C 305511–A, dated September 17, 1941, and D 34900F, dated October 3, 1940, manufactured by Bailey Meter Co., 1050 Ivanhoe Road, Cleveland 10, Ohio.

DECK COVERINGS

Termination of Approval No. 164.006/4/0, Federalite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG 3610–1233; FR 1807 dated October 30, 1940, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Federalite Products Co., 36 East 30th Street, New York 16, N. Y.

Termination of Approval No. 164.006/14/0, Leetol magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP–367–83; FR 1932 dated February 25, 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¼-inch thickness, manufactured by Wm. Lee Co., 1401 Third Street, San Francisco 7, Calif.

Termination of Approval No. 164.006/21/0, Kompolite decking type II magnesite type deck covering in accordance with the manufacturer's letter of June 2, 1945, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 11–25 44th Road, Long Island City 1, N. Y.

Termination of Approval No. 164.006/22/0, "Kompodek Type CU Light Weight" magnesite type deck covering in accordance with the manufacturer's letter of June 2, 1945, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 11–25 44th Road, Long Island City 1, N. Y.

STRUCTURAL INSULATIONS

Termination of Approval No. 164.007/12/0, Tuco Zerocel, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated May 17, 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cubic foot density, and 4 inches at 6 pounds per cubic foot density, manufactured by Tuco Products Corp., 30 Church Street, New York 7, N. Y.

Termination of Approval No. 164.007/15/0, Gold Bond type 2 zerocel, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated May 17, 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cubic foot density, and 4 inches at 6 pounds per cubic foot density, manufactured by National Gypsum Co., Buffalo 2, N. Y.

BULKHEAD PANELS

Termination of Approval No. 164.008/1/0, Bayer, bulkhead 100, hollow steel, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 120 dated August 25, 1943, approved as meeting Class B–15 requirements in 1½-inch thickness when filled with Fiberglas insulation of 6 pounds per cubic foot density, manufactured by A. J. Bayer Co., Slauson and Santa Fe Avenues, Los Angeles, Calif.

Termination of Approval No. 164.008/4/0, James McCutcheon & Co. hollow aluminum bulkhead, hollow aluminum, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 125 dated May 7, 1945, and James McCutcheon & Co. dwg. No. PWB–1 revised July 17, 1945, approved as meeting Class B-15 requirements in a 1¾-inch thickness when filled with Fiberglas insulation having a density 8 pounds per cubic foot; this panel shall not be used in Class A-60 construction without the approval of the Commandant for the specific location, manufactured by James McCutcheon & Co., 609 Fifth Avenue, New York 17, N. Y.

Termination of Approval No. 164.008/5/0, James McCutcheon & Co. hollow steel bulkhead, hollow steel, insulation filled bulkhead panel identical to that described in National Bureau of Standards letter, file III–6/ITFU, dated July 16, 1943, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one-half that listed to meet Class A–60 requirements, manufactured by James McCutcheon & Co., 609 Fifth Avenue, New York 17, N. Y.

Termination of Approval No. 164.008/10/0, U. S. G. marine board, steel veneered, gypsum board steel veneered type bulkhead panel identical to that described in Underwriters' Laboratories, Inc., Test Report—Retardant 2782, Application No. 43C798 dated October 18, 1943, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Ill.

Termination of Approval No. 164.008/11/0, U. S. G. marine board, aluminum veneered, gypsum board, aluminum veneered type bulkhead panel identical to that described in Underwriters' Laboratories, Inc., Test Report—Retardant 2782, Application No. 45C951 dated October 22, 1945, approved as meeting Class B–15 requirements in a ⅞-inch thickness; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Ill.

Termination of Approval No. 164.008/16/0, Firefoil panel, corrugated asbestos with asbestos cement board veneer type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–21, FR–1253 dated December 20, 1938, approved as meeting Class B–15 requirements with a ⅞-inch, 6-ply corrugated asbestos core with a 3/32-inch asbestos cement veneer each side, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio.

INCOMBUSTIBLE MATERIALS

Termination of Approval No. 164.009/8/0, gold bond Natcor, gypsum core, asbestos cement veneered board type incombustible material identical to that described in National Gypsum Co. letter dated May 23, 1945, approved with ⅛-inch gypsum core with a ⅛-inch asbestos cement veneer each side, manufactured by National Gypsum Co., Buffalo 2, N. Y.

Dated: September 27, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57–8164; Filed, Oct. 3, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

HAWAIIAN SUGARCANE

NOTICE OF HEARING ON PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority continued in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held as follows:

At Hilo, on the Island of Hawaii, in the Auditorium of the Hilo Electric Light Company, Limited, on Kilauea Avenue, on November 15, 1957, at 9:00 a. m.

The purpose of the hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices or rates for the 1958 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter.

Walter C. Berger, Thomas H. Allen, Ward S. Stevenson and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 30th day of September 1957.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division.

[F. R. Doc. 57–8176; Filed, Oct. 3, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Los Angeles 0137762]

CALIFORNIA

AIR NAVIGATION SITE WITHDRAWAL

SEPTEMBER 26, 1957.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 24) as amended, and pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office dated November 19, 1954 (19 F. R. 7697), it is ordered as follows:

Subject to valid existing rights, the following described public land in California is hereby withdrawn from all forms of appropriations under public land laws, including the mining and mineral leasing laws, and reserved for the use of the Corps of Engineers, U. S. Army, Los Angeles District, in the maintenance of air navigation facilities to be known as the Silver Mountain Beacon Site, Los Angeles 0137762:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 N., R. 4 W.,
Sec. 10, Commencing at the center of said sec. 10,
S. 56°58' W., 1,869 ft.;
S. 10°15' E., 165 ft. to the true point of beginning;
S. 79°45' W., 40 ft.;
S. 10°15' E., 50 ft.;
N. 79°45' E., 40 ft.;
S. 10°15' E., 90 ft., more or less, to the south line of said SE¼NW¼SW¼;
Thence easterly along said south line 10.2 ft.;
N. 10°15' W., 142 ft., more or less, to a point distant N. 79°45' E., 10 ft. from the true point of beginning;
S. 79°45' W., 10 ft, to the true point of beginning.
Sec. 15, A square parcel of land, measuring 50 feet on each side, said sides bearing due north, east, south and west, the center point of said square parcel being described as follows:
Commencing at a point on an existing power line running approximately east and west from which point the center of sec. 10, said township and range, bears N. 56°58' E., 1,869 ft., thence S. 10°15' E., 3,412.50 ft. to a point, said point being the center point of said square parcel of land.

The tracts as described contain approximately 0.114 acres in the County of San Bernardino, California.

It is intended that the above described land shall be returned to the administration of the Department of the Interior when it is no longer needed for the purposes for which it is reserved.

RALLA E. CHANDLER,
Officer in Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57–8163; Filed, Oct. 3, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

L. E. COPPERSMITH AND MARGUERITE R. CAPPS

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8244 between L. E. Coppersmith, Los Angeles, and Marguerite R. Capps, San Diego, California, is a cooperative working arrangement between the parties under which they will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 1, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–8177; Filed, Oct. 3, 1957; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50-64]

UNION CARBIDE CORP.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to Union Carbide Corporation, substantially in the form set forth in "Annex A" below unless on or before fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is attached as "Annex B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 30th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX A

CONSTRUCTION PERMIT

Union Carbide Corporation, (hereinafter "Union Carbide") on February 15, 1957, filed its application for a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct a nuclear reactor (hereinafter "the reactor"). Amendments to the application were filed on June 21, 1957, July 5, 1957, and July 24, 1957. The application also seeks authorizations relating to special nuclear material. Reference to "the application" herein will be to the original application as amended.

The application was filed initially by the Union Carbide and Carbon Corporation. The amendment to the application filed on July 5, 1957, advised that on May 1, 1957, Union Carbide and Carbon Corporation changed its name to Union Carbide Corporation and that the application is therefore made in the name of Union Carbide Corporation.

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. Union Carbide proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. Union Carbide is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. Union Carbide is technically qualified to design and construct the reactor.

E. Union Carbide has submitted sufficient information to provide reasonable assurance that a reactor of the type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

F. The issuance of a construction permit to Union Carbide will not be inimical to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Union Carbide to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is July 1, 1958. The latest date for completion of the reactor is July 1, 1959. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Sterling Forest, Tuxedo Township, Orange County, New York, specified in the application.

C. The facility authorized for construction is a "pool" type research reactor designed to operate at a thermal power of 5,000 kilowatts, as described in the application.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to Union Carbide pursuant to section 104c of the act, which license shall expire twenty (20) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Union Carbide for use in connection with the facility, 86 kilograms of uranium 235 contained in uranium enriched to approximately 90% in the isotope uranium-235. Estimated schedules of special nuclear material transfers to Union Carbide and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Union Carbide in accordance with column 2 in Appendix "A" will be conditioned upon Union Carbide's return to the Commission of material substantially in accordance with column 3 of Appendix "A".

Date of issuance:

For the Atomic Energy Commission.

———,
Director,
Division of Civilian Application.

APPENDIX "A" TO UNION CARBIDE CORPORATION CONSTRUCTION PERMIT

ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO UNION CARBIDE AND TO THE COMMISSION FROM UNION CARBIDE

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Union Carbide, kgs. U-235	(3) Returns by Union Carbide to AEC, kgs U-235		(4) Nonrecoverable fabrication losses	(5) Burn-up losses	(6) Net yearly distribution including cumulative losses, kgs U-235	(7) Cumulative distribution including cumulative losses, kgs U-235
		Recoverable scrap	Spent fuel				
1958	25.50			0.26	1.14	25.50	25.50
1959	25.50	9.94		0.26	2.28	15.56	41.06
1960	25.50	9.94	11.58	0.26	2.28	3.98	45.04
1961	25.50	9.94	13.02	0.26	2.28	2.54	47.58
1962	25.50	9.94	13.02	0.26	2.28	2.54	50.12
1963	25.50	9.94	13.02	0.26	2.28	2.54	52.66
1964	25.50	9.94	13.02	0.26	2.28	2.54	55.20
1965	25.50	9.94	13.02	0.26	2.28	2.54	57.74
1966	25.50	9.94	13.02	0.26	2.28	2.54	60.28
1967	25.50	9.94	13.02	0.26	2.28	2.54	62.83
1968	25.50	9.94	13.02	0.26	2.28	2.54	65.38
1969	25.50	9.94	13.02	0.26	2.28	2.54	67.90
1970	25.50	9.94	13.02	0.26	2.28	2.54	70.44
1971	25.50	9.94	13.02	0.26	2.28	2.54	72.98
1972	25.50	9.94	13.02	0.26	2.28	2.54	75.52
1973	25.50	9.94	13.02	0.26	2.28	2.54	78.06
1974	25.50	9.94	13.02	0.26	2.28	2.54	80.60
1975	25.50	9.94	13.02	0.26	2.28	2.54	83.14
1976	25.50	9.94	13.02	0.26	2.28	2.54	85.68
1977		9.94	13.02		2.28	(22.96)	62.72
Inventory to be ret			13.32			(13.32)	49.40
	484.50	188.86	246.24	4.94	44.46	49.40	

ANNEX B

MEMORANDUM

Part I—Description of the facility—General. The facility for which an application for a construction permit was submitted by Union Carbide Corporation is a 5 megawatt pool-type research reactor. It is to be used in the conduct of research and development activities in the uses of nuclear radiation. Union Carbide Corporation has contracted with AMF Atomics, Inc., to design, build and install the reactor. The reactor will be similar to one that AMF plans to build near Princeton, New Jersey, for which a construction permit has been issued.

Site. The reactor will be part of a Research Center to be built in Sterling Forest, 3¼ miles north-northeast of Tuxedo Park in Orange County, New York. The site consists of 100 acres of land owned by the applicant, situated within the 27 square miles of Sterling Forest, which area has been set aside by the owner for use in connection with technological development. The reactor will be located within the applicant's plot with the nearest site boundary about 400 feet away. The area is very sparsely populated, with no one living within a one mile radius. Only about 700 people live within a two mile radius. The latter area includes a small portion of the New York Thruway which is due east of the site. There are approximately 3,600 people within a five-mile radius comprising two towns, of about 800 each, about three miles away and one of about 2,000 nearly five miles away.

Containment. The reactor will be housed in a reinforced concrete and granite containment structure. It will be constructed in the side of a granite mountain with varying amounts of the four sides of the reactor chamber in rock.

The exposed rock faces to be used for walls and floor will be pressure grouted where necessary and faced with concrete and sealed with a ceramic coating. The structure is designed for low leakage and to withstand a bursting pressure of ¾ psi. The reactor chamber will contain office, laboratory and utility areas.

Personnel entry to the chamber will be through a 100-foot tunnel and double door air locks. A separate tunnel and truck door will be provided for access only when the reactor is shut down. The building will be sealed against water leakage to a point about four feet above floor level and will be able to contain all of the pool water in case of a breach in the pool wall.

The gross volume of the reactor chamber will be about 285,000 cubic feet. Normally the chamber will be maintained at a slight negative pressure and will be ventilated with about 2.2 changes of filtered air per hour with the exhaust being through a stack to be located on the hill above the building. The system will be equipped with automatic closing dampers, set to close by a counterweight upon receipt of an appropriate signal.

The exhaust line of the closing damper in the ventilation system is to be bypassed by a smaller line equipped with an automatic valve, orifice and filters. In the event of an incident that causes closing of the ventilating dampers this bypass line will automatically open to permit the over-pressure in the building to leak through the filters to the stack. This feature will result in a controlled release of filtered air and prevent a large part of the leakage by diffusion through the concrete building walls, which otherwise would occur. The initial pressure release through the filters will be followed by a low rate of air exhaust maintained by the fans in the line which keeps the building under a slight negative pressure. The filter system will consist of a course roughing filter followed by a high efficiency fine filter capable of an estimated attenuation factor of 2000 for 0.1 micron or larger particles, and 20 for iodine. The filters are to be protected against high pressures by the orifice in the line.

Reactor. The reactor will be a five megawatt pool-type research reactor and will be moderated, shielded and cooled with light-water. Fuel elements to be used will be MTR-type 18 plate enriched fuel elements normally containing about 195 grams of uranium-235. However, partial elements will be used containing alternate dummy plates of aluminum and only 97 grams of fuel which will permit greater latitude in establishing the correct loading by providing smaller increments. The core grid will be capable of accommodating 54 fuel elements or dummies in a six by nine array. The normal loading will occupy about 25 of these positions and the remainder will be filled with aluminum-canned graphite reflector elements. About half of the reflector elements will have an axial 1⅜-inch hole for sample irradiation.

The core will be immersed in either of two sections of the water-filled concrete pool. One section will be an open pool area for bulk irradiation and will be built into the granite mountain side with access from the top. The other section will extend into the operating area and contain an experimental stall into which beam tubes and a thermal column converge, adjacent to the reactor core. The stall area will be shielded by concrete. The pool will join with a water filled canal that is to be used for fuel handling and transfer operations. The canal will have a baffle to prevent flow of air should pressure differentials exist between the building and the outside.

The reactor will be cooled by forced downflow circulation in both operating positions. A flow of about 2,200 gallons per minute will be required for 5-megawatt operation. Water is to be drawn through the core by the pump suction via a plenum located beneath the core. The plenum is equipped with an automatic opening damper that will permit convection cooling of the core in the event of loss of pump suction.

The reactor will have an average thermal neutron flux of about 3.3×10^{12} neutrons cm^{-2} sec^{-1} at the five megawatt operating level. The temperature coefficient is estimated to be about -2.0×10^{-4} delta k/k/° C. The neutron lifetime is about 51 microseconds. The estimated reactivity requirements are as follows:

Item	Delta k/k	
	Stall	Pool
Temperature effect	0.0044	0.0044
Control	.0030	.0030
Experimental facilities	.0306	.0150
Burnup and low cross section fission products	.0076	.0076
Equilibrium xenon-135	.0338	.0338
Partial samarium-149	.0076	.0076
Partial fuel element	.0086	.0086
Total requirement	.0956	.0800
Thermal column worth	.0227	-------
Net control requirement	.0729	.0800

The cold clean critical masses are estimated at 3.29 kilograms of uranium-235 in the stall position assuming flooded beam tubes and 3.55 kilograms in the pool position. The operating critical mass is estimated at 4.3 kilograms in both positions. This loading is estimated for a continuous operating cycle of about 10 days at five megawatts.

The reactor will be normally controlled by five boron carbide shim-rods and one stainless steel regulating rod. The estimated worth of the rods is 14.43 percent delta k/k for the five shim-rods and less than 0.6 percent delta k/k for the regulating rod. The rods will occupy positions in the core within modified fuel elements with central fuel plates removed.

The shim-rods will be coupled with the drive mechanisms by means of electromagnets. The electromagnets will be deenergized by any of several scram signals thereby permitting the rods to fall by gravity into the core.

Part II—Hazards analysis—General considerations. There is an extensive body of relevant knowledge and successful operating experience for reactors of this type. Power levels of steady state operating reactors have ranged up to one megawatt for open pool type and up to 40 megawatts for the enclosed tank type (MTR). In addition, considerable experience and knowledge have been gained about the inherent stability and shutdown mechanisms from operating similar reactors under power transient conditions (BORAX and SPERT reactors).

None of the reactors built and operated to date exactly duplicates the design and planned operating conditions of the subject reactor which will operate at 5 megawatts. However, the essential features are sufficiently similar to give confidence that initial operations may be undertaken without undue risks. During the initial operation, the values of parameters in this reactor can be determined, from which boundaries can be set within which more extended operations can be attempted.

Accident analysis. The applicant has considered and analyzed several accidents and the resultant consequences. These included accidents in the following categories:

a. Credible accidents

1. Accidents caused by natural phenomena such as windstorms and earthquakes

2. Minor accidents caused by faulty operation by personnel or equipment malfunction

3. More serious credible accidents not resulting in significant damage to the components or release of fission product activity

b. Maximum credible accident

c. Hypothetical accidents postulated that are beyond the realm of credibility.

Only the maximum credible accident will be discussed here. It is believed that the remainder of the accidents postulated are either of a lesser degree of severity or do not fall within the limits of credibility.

The maximum credible accident postulated by the applicant was one in which an experiment worth up to 2 percent delta k/k is suddenly removed from the core to produce a 2 percent step change in reactivity. An operating error was postulated to lead to the above accident since operating procedures stipulate that single experiments must be limited to less than 1.5 percent delta k/k. It was further assumed that, at the time of this accident, the reactor had been operated for 950 MW days, which would produce a fission product inventory expected to be only rarely equaled and never exceeded in actual operation.

On the basis of comparison with Borax results and calculations, the total energy release from the excursion would not expel enough water to leave the core uncovered and would not melt the fuel elements. Hence no fission products would be released by the excursion. However, it was postulated that the excursion would breach a beam hole thimble and allow the reactor pool to drain. This would expose a portion of the core which would melt from decay heat and subsequently release fission product activity. The activity release was assumed to be 10 percent of the fission product inventory present in the core.

The energy released in the excursion if utilized to convert water into steam would result in a calculated building pressure rise of 0.2 psi. This is well below the design pressure capacity of 0.75 psi. The initial overpressure would cause the isolation valves in the ventilation system to close; the filter-equipped bypass exhaust line would automatically open and the air would be exhausted through the bypass system to the stack. After the first pressure surge had been relieved, the building air would be slowly exhausted so as to maintain the internal pressure slightly below atmospheric. Fission products would be released to the surrounding area at a rate equivalent to about 2.5 percent per day of those present in the building.

Calculation of the resulting concentration of radioactivity in the air at the site boundary is based on 10 percent being released from the core to the building atmosphere, uniformly mixed, and subsequently released at the rate of 2.5 percent per day of the atmospheric inventory through the filters to the stack. The design attenuation factors of the filters of 2000 for 0.1 micron and larger particles and 20 for iodine were used in the calculations. The significant fission products considered are iodine-131 and strontium-89 and -90, and yttrium-90. Atmospheric conditions that produce a maximum concentration of the above fission products in the air at ground level at nearest site boundary were assumed. Under these conditions, the applicant calculates that there would be produced a concentration of iodine several times greater than the maximum permissible concentration (mpc) allowed for continuous breathing under the Commission's regulation, 10 CFR 20, "Standards for Protection Against Radiation" by persons in unrestricted areas. The concentration for the

strontium and yttrium isotopes is a small percentage of the mpc.

Thus, it is clear in this analysis that the release of iodine would be the most troublesome of any fission products which might be released under the proposed schedules of operation. If amounts and concentrations no larger than those described by the applicant should ever be released, then no hazard to the public would result, since the accessible portion of the site boundary is an unimproved, little-travelled road adjacent to the facility parking area and it is unlikely that anyone would normally remain in this vicinity for more than a few minutes. In addition in case of an emergency, it is reasonable to expect that adequate emergency measures could be instituted in an effort to prevent persons from remaining in this area. The concentrations at the nearest dwelling, over one-mile distant, are considerably below the mpc and therefore present no hazard to the public.

It is probable that the assumed release of 10 percent of iodine, together with the other relevant assumptions are conservative, and release of this magnitude would probably never occur. On the other hand, it is not clear how the attenuation factor of 20, claimed by the applicant for the effects of filtering in the bypass line, will be attained. It is probable that chemical scrubbers or traps or some other mechanism not yet described can be provided which will give the appropriate attenuation if further study shows that such may be needed as emergency protection. This is a matter which can be resolved at a later stage in the design of the plant.

Accordingly, based on information contained in the application and taking into account the experience gained from the operation of reactors of this general type, it is concluded that there is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public. Before consideration can be given to issuance of an operating license for the facility, however, it will be necessary for the applicant to submit additional information concerning the experiments to be conducted in the facility.

Part III—Technical qualifications. The Union Carbide Nuclear Company, which is a Division of Union Carbide Corporation, and through which the Corporation will operate the reactor is well qualified for activities in nuclear science and technology. In addition to the broad technical experience of its staff, additional experience applicable to the proposed facility has been obtained through the operating, for the AEC, of the AEC's atomic energy installations at Oak Ridge, Tennessee, and Paducah, Kentucky.

Part IV—Financial qualifications. As of December 31, 1956, Union Carbide and Carbon Corporation (Union Carbide Corporation's predecessor) and Subsidiaries had current assets of $715,000,000 while current liabilities were $238,000,000, equivalent to a current ratio of 3 to 1. Total assets of the Corporation at that time amounted to $1,460 million and stockholders' equity therein amounted to approximately 56 percent.

Net income after taxes for the Corporation and subsidaries for the year ended December 31, 1956, was $146,000,000.

During 1956, expenditures for research and development (does not include sales technical services and promotion, market research, expense of factory control laboratories or capital expenditures for research facilities) exceeded $55,000,000, compared with expenditures of approximately $45,000,000 in 1955. The average yearly construction budget of the Corporation in the ten year period from 1946 through 1955 was over $100,000,000. The estimated cost, $1,315,000, and operating expenses, $500,000 per year, of the proposed facility are comparatively small percentages of these amounts.

Part V—Fuel allocation. Union Carbide has estimated that it will require an allocation of 86 kilograms of uranium-235 in uranium enriched to 90 percent in that isotope. This estimated requirement appears reasonable for a reactor of the proposed design concept and output and the material may be allocated to Union Carbide within the 50,000 kilograms made available by the President for such distribution.

Part VI—Conclusions. Based on the above considerations, it is concluded that:

a. There is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

For the Division of Civilian Application.

H. L. PRICE,
Director,
Division of Civilian Application.

SEPTEMBER 30, 1957.

[F. R. Doc. 57-8157; Filed, Oct. 3, 1957; 8:45 a. m.]

[Docket No. 50-66]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission has issued license No. XR-14 to American Machine & Foundry Company authorizing the export of a one megawatt pool-type research reactor to the Greek Atomic Energy Commission, Athens, Greece. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on September 5, 1957, 22 F. R. 7110.

Dated at Washington, D. C., this 25th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8158; Filed, Oct. 3, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6716, E-6760]

CITIZENS UTILITIES CO.

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 30, 1957.

Notice is hereby given that the Presiding Examiner has continued the hearing in the above-designated matter now scheduled for October 7, 1957 to be resumed on October 28, 1957 at 10:00 a. m. in the United States Court Room, Post Office and Court House Building, Burlington, Vermont.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8166; Filed, Oct. 3, 1957; 8:48 a. m.]

[Docket No. E-6777]

CALIFORNIA OREGON POWER CO. AND PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

SEPTEMBER 30, 1957.

Take notice that on September 24, 1957, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by The California Oregon Power Company (hereinafter referred to as "Copco") and Pacific Power & Light Company (hereinafter referred to as "Pacific"), seeking an order authorizing the sale by Copco and the purchase by Pacific of certain electric facilities more fully described below. Copco is a company organized under the laws of the State of California and doing business as a qualified foreign corporation in the State of Oregon with its principal business office at Medford, Oregon. Pacific is a company organized under the laws of the State of Maine and doing business as a qualified foreign corporation in the States of Oregon, Washington, Wyoming, Montana and Idaho, with its principal business office at Portland, Oregon. Applicants seek Commission approval of the sale by Copco and the purchase by Pacific of a portion of transmission line commonly known as "Line 12". The portion of line to be sold consists of a 120 kilovolt, 3 phase, 3 conductor, wood pole line together with certain underbuild circuits. It connects with the Drain Tap Line of the Bonneville Power Administration ("BPA") near Cottage Grove, Oregon, and extends northerly to BPA's Alvey substation, near Goshen, Oregon, a total distance of 19.49 miles. The consideration for the sale of the property to be sold is stated in the application to be $115,930.21 together with the payment to Copco by Pacific of an amount equivalent to the prepaid ad valorem property taxes for the fiscal year 1956-1957 applicable to the portion of Line 12 being sold, prorated from date of transfer. Upon consummation of the proposed transaction Pacific states it will use the portion of Line 12 to be sold as an interconnection between its system and BPA's system at the latter's Alvey substation and by means of existing and future underbuild circuits on the poles and structures thereof to supply electrical energy to its (Pacific's) customers in the area. In addition, Pacific states that it will lease to BPA the portion of Line 12 to be acquired by it, exclusive of existing and future underbuild circuits thereon, for the transmission of electric energy and the operation of carrier channel circuits. By separate application filed September 24, 1957, Docket No. E-6778, Pacific seeks Commission authorization for such lease of facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of October 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8169; Filed, Oct. 3, 1957; 8:48 a. m.]

[Docket No. E-6778]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

SEPTEMBER 30, 1957.

Take notice that on September 24, 1957, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Pacific Power & Light Company ("Pacific"), a corporation organized under the laws of the State of Maine and doing business as a qualified foreign corporation in the States of Oregon, Washington, Wyoming, Montana and Idaho, with its principal business office in Portland, Oregon, seeking an order authorizing a lease by Pacific to Bonneville Power Administrator ("BPA") of certain electric facilities more fully described below. Pacific seeks approval of a lease to the United States of America, Department of the Interior, acting by and through BPA, of a certain transmission line, designated as Line No. 12, extending northerly from the points of connection with the Drain (Cottage Grove) Tap Line and the Alvey substation of the BPA, near Goshen, exclusive of existing and future underbuild circuits thereon, for the transmission of electric power and the operation of carrier channel circuits, a total distance of 19.48 miles, all in Lane County, Oregon. Reference is made to an application filed on September 24, 1957 by Pacific and The California Oregon Power Company (Copco) for the sale of the aforesaid transmission line by Copco to Pacific in Docket No. E-6777. Commencing at 12:00 p. m. on the date title to the aforesaid transmission line shall be transferred by Copco to Pacific and for each month or portion thereof until the completion of rehabilitation work specified in the lease agreement between Pacific and BPA, BPA shall, upon receipt of proper invoices from Pacific, pay rental on the transmission line at the rate of $1,159.30 per month; thereafter the rental payments by BPA to Pacific shall be at the rate of $1,876.30 per month. The lease from Pacific to BPA shall extend to June 30, 1973, with provision for extension thereof after the expiration date.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of October 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8170; Filed, Oct. 3, 1957; 8:48 a. m.]

[Docket No. G-12618 etc.]

COLUMBIAN CARBON CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 30, 1957.

In the matters of Columbian Carbon Company, Docket No. G-12618; Gulf Interstate Gas Company, Docket No. G-12679; Olin Gas Transmission Corporation, Docket No. G-12932.

Take notice that on June 3, 1957, Gulf Interstate Gas Company (Gulf Interstate), a Delaware corporation having its principal place of business in Houston, Texas, filed in Docket No. G-12679 an application, as supplemented on June 20, 1957, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 4.0 miles of 6-inch lateral supply pipeline to extend from two proposed meter stations to be installed in the West Gueydan Field, Acadia Parish, Louisiana, to a proposed tap connection to be located on Gulf Interstate's existing 16-inch Pecan Lake Lateral in Vermilion Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities are to be used to receive natural gas produced in the West Gueydan Field by Columbian Carbon Company (Columbian) and Olin Gas Transmission Corporation (Olin). The estimated total initial cost of these proposed facilities is $117,000, which cost is to be financed from company funds. Gulf Interstate's operations are confined to the transportation for and delivery of natural gas to United Fuel Gas Company (United Fuel).

On May 22 and July 22, 1957, Columbian, in Docket No. G-12618, and Olin, in Docket No. G-12932, respectively, filed applications for certificates authorizing the above sales of gas from the West Gueydan Field to be made to United Fuel pursuant to separate 20-year gas sales contracts dated May 6 and May 23, 1957, executed by and between Columbian and Olin, respectively, and United Fuel. Producers' facilities consist of customary lease equipment and field lines.

Daily contract volumes of casinghead gas consist of all such gas produced. Daily contract volumes of gas-well gas consist of 1,000 Mcf averaged annually per 8,000 MMcf of recoverable reserves, or, as provided for in Columbian's contract, 1,500 Mcf from each of the first two wells completed by Columbian, whichever is greater; or, as provided for in Olin's contract, 1,000 Mcf, whichever is greater.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 7, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8171; Filed, Oct. 3, 1957; 8:48 a. m.]

[Docket No. G-12854]

MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 30, 1957.

Take notice that on July 5, 1957, Michigan Wisconsin Pipe Line Company (Applicant), a Delaware corporation, having its principal place of business in Detroit, Michigan, filed in Docket No. G-12854 an application, pursuant to section 7 (c) of the Natural Gas Act, authorizing the sale and delivery of approximately 800 Mcf of natural gas per month to Phillips Petroleum Company (Phillips) at Applicant's mainline in Stafford County, Kansas, and to construct and operate a sales meter and regulator at the proposed location for the purpose of making said sale and delivery, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated capital cost of the facilities required is $2,000, which will be defrayed from funds on hand. Phillips will use the subject gas in the operation of its oil and gas leases on the Brinkman Lease in Stafford County, Kansas. The service will be interruptible.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters in-

volved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8172; Filed, Oct. 3, 1957; 8:48 a. m.]

[Docket No. G-13024]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 30, 1957.

Take notice that on August 7, 1957, Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business in Owensboro, Kentucky, filed in Docket No. G-13024 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity to serve increased firm long term volumes of natural gas to certain existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The customers and volumes of natural gas involved, in Mcf at 15,025 psia, are as follows:

Customer	Existing contract demand	Proposed increase in contract demand	Total proposed contract demand
City of South Fulton, Tenn.	422	104	526
City of Fulton, Ky.	767	140	907
Western Kentucky Gas Co. (Zone 2)	13,770	1,530	15,300
City of Marion, Ky.	579	86	965
City of Scottsville, Ky.	1,209	183	1,392
City of Henderson, Ky.	9,735	1,209	10,944
Boonville Natural Gas Corp.	1,637	423	2,060
City of Linton, Ind.	3,489	490	3,979
Terre Haute Gas Corp.	16,820	1,000	17,820
Village of Flat Rock, Ill.	260	46	306
Cincinnati Gas & Electric Co. (City of Harrison, Ohio)	434	366	800
Total increase proposed		5,577	

No new facilities or construction are proposed or necessary to effect the increases in sales. No additional financing or changes in present financial structure are involved.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 6, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8173; Filed, Oct. 3, 1957; 8:48 a. m.]

[Docket No. G-13085]

TEXAS EASTERN TRANSMISSION CORP. AND SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 30, 1957.

Take notice that on August 19, 1957, Texas Eastern Transmission Corporation (Texas Eastern) and Southern Natural Gas Company (Southern Natural) filed in Docket No. G-13085 a joint application for a certificate of public convenience and necessity authorizing the exchange of natural gas between Texas Eastern and Southern Natural through existing interconnections between the facilities of the two companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose that Texas Eastern deliver up to 20,000 Mcf of exchange gas at 15.025 psig on an interruptible basis from September 1, 1957, until March 1, 1958, and that Southern Natural redeliver equivalent volumes of gas to Texas Eastern from March 1, 1958, to June 1, 1959. The deliveries will be made through existing interconnections between the two companies near Lucky, in Bienville Parish, Louisiana, and near Kosciusko, in Attala County, Mississippi. Deliveries may be made by either company to the other by reducing or increasing either company's takes from a common supplier, United Gas Pipe Line Company, at delivery points located near Kosciusko, Mississippi.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 6, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application; *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8174; Filed, Oct. 3, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1109]

HERCULES TANKERS, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY OR FOR EXEMPTION FROM ALL PROVISIONS OF ACT

SEPTEMBER 26, 1957.

Notice is hereby given that Hercules Tankers, Inc., ("Applicant") a Delaware Corporation, has filed an application pursuant to sections 3 (a) (3) and 3 (c) (1) of the Investment Company Act of 1940 ("act") for an order declaring that Applicant is not an investment company or, in the alternative, for an order, pursuant to section 6 (c), exempting Applicant from all the provisions of the act.

Applicant has not yet issued any shares of its authorized capital stock. It is contemplated that Applicant will issue and sell 100 shares of $10 par value capital stock at a price of $10 a share to Hercules Tankers Corporation ("Hercules-Liberia"), a Liberian Corporation which will be a wholly-owned subsidiary of Barber Oil Corporation, a Delaware corporation, which is engaged in the oil business. Applicant does not intend to issue any additional shares of capital stock, but if any additional stock is issued it will be issued only to Hercules-Liberia.

Applicant will participate in the following program for financing the construction of three tanker vessels, which are to be built by Bethlehem Steel Company and are to be owned by Hercules-Liberia. Applicant proposes to sign a Bond Purchase Agreement on or about October 1, 1957, with Metropolitan Life Insurance Company ("Metropolitan") providing for the purchase by Metropolitan, upon delivery of each of the three tankers, of 5½ percent Collateral Trust Bonds ("Bonds") of Applicant, pursuant to an Indenture of Trust between Applicant and The New York Trust Company ("Trustee"). In each instance Metropolitan will purchase an amount of Bonds equal to the cost of the vessel (presently estimated at $13,750,000 each) but not in excess of $16,000,000. Simultaneously, with each sale of its Bonds to Metropolitan, Applicant will lend all the proceeds to Hercules-Liberia and will receive the latter's 5½ percent promissory notes ("Notes").

Upon completion, each tanker is to be placed under a 20 year charter immediately. The charters, the Notes of Hercules-Liberia and the mortgages on each of three tankers will be assigned to the Trustee as security for the Bonds to be issued by Applicant.

It is contemplated that the principal and interest on the Bonds issued with respect to each vessel will be paid over a period of 20 years by the application of a portion of the charter hire paid with respect to such vessel. Payments of principal and interest on the Bonds will be credited against the principal and interest on the Notes. Since the principal of and interest on the Bonds and the Notes will be identical, the Notes will be satisfied upon payment in full of the Bonds.

So long as any of the Bonds are outstanding, Applicant's sole function will be to maintain its corporate existence and to remain the legal obligor under the Bonds and the face creditor and endorser of the Notes. Under the terms of the proposed Indenture, Applicant will be precluded from incurring indebtedness other than the Bonds, from assuming obligations other than as endorser of the Notes, declaring any dividend, making any other loans, acquiring any capital assets or in any other fashion interfering with or jeopardizing the transactions outlined above. All taxes and charges and all corporate and administrative expenses levied on or incurred by Applicant will be paid out of funds provided by Hercules-Liberia pursuant to the Loan Agreement.

The construction of the tankers and transactions ancillary thereto are subject to approval of the United States Maritime Administration.

Applicant's only assets will consist almost exclusively of the Notes of Hercules-Liberia. Consequently, Applicant appears to fall within the definition of an "investment company" contained in section 3 (a) (3) of the act. Applicant states that the Notes will be pledged with the Trustee and will not be actually owned, held or received by Applicant. Consequently, Applicant claims that it will not fall within the definition of an "investment company".

Section 3 (c) (1) of the act reads as follows: "Notwithstanding subsections (a) and (b), none of the following persons is an investment company within the meaning of this title:

(1) "Any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For the purposes of this paragraph, beneficial ownership by a company shall be deemed to be beneficial ownership by one person; except that, if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper)."

Applicant states that its only outstanding securities will consist of the Bonds to be held by Metropolitan and the capital stock to be owned by Hercules-Liberia, all of whose outstanding securities, other than the Notes, will be owned by Barber Oil Corporation. Therefore, Applicant claims that its outstanding securities will be beneficially owned by only two persons.

Section 6 (c) of the act provides that the Commission, may conditionally or unconditionally, exempt any persons, securities or transactions, from any provision of the act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Applicant urges that the requested exemption under section 6 (c) be granted because, among other reasons, it will issue securities to no one other than Metropolitan and Hercules-Liberia and, therefore, its proposed operations will be entirely private. Furthermore, Applicant states that it has been organized and will exist for the single purpose of performing financing, not investment, services for its parent.

Notice is further given that any interested person may, not later than October 8, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8168; Filed, Oct. 3, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ADA JANYTA COSULICH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ada Janyta Cosulich, Via Donizetti No. 3 IV. P. Trieste, Italy; Claim No. 59829; $1,527.20 in the Treasury of the United States. Vesting Order No. 17663.

Executed at Washington, D. C., on September 30, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8181; Filed, Oct. 3, 1957; 8:49 a. m.]

ERNA SOMMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Erna Sommer, nee Rosenstiel, 33, Boulevard de la Marne, Strasbourg (Bas-Rhin), France; Claim No. 36740; $67.94 in the Treasury of the United States. Vesting Order No. 3078.

Executed at Washington, D. C., on September 30, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8182; Filed, Oct. 3, 1957; 8:49 a. m.]

MERCHANTS & MANUFACTURERS INSURANCE CO., LTD.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administra-

tion thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Merchants & Manufacturers Insurance Company, Ltd., London, England; Claim No. 60024; $9,151.15 in the Treasury of the United States; $11,000.00 Mortgage Bank of Kingdom of Denmark 5% 45 year external sinking fund gold bonds, Series IX, of 1927, due December 1, 1972; and $14,300.00 Italian Public Utility Credit Institute 1% to 3% 30 year guaranteed external sinking fund bonds of 1947, due January 1, 1977.

The above securities are held in the Federal Reserve Bank, New York, for safekeeping. Vesting Order No. 17677.

Executed at Washington, D. C., on September 30, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8183; Filed, Oct. 3, 1957; 8:49 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF THE "OPPERRAAD VAN DE 33E EN LAATSTE GRAAD VAN OUDEN EN AANGENOMEN SCHOTSCHEN RITUS VOOR NEDERLAND, ZIJN KOLONIEN EN ANDERE LANDEN" ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below.

The "Opperraad van de 33e en laatste Graad van Ouden en aangenomen Schotschen ritus voor Nederland, zijn Kolonien en Andere Landen", L. S. Claim No. 23, Central Pacific Railway Company 4/49, Bond No. 89129, in the principal amount of $1,000.

Nederlandsch Israelitisch Jongensweeshuis "Megadie Jethomim", L. S. Claim No. 118, Missouri-Kansas-Texas Railway Company 4/90, Bond No. 27691, in the principal amount of $1,000.

Stichting to Steun van het Werk van de Arbeidersgemeenschap der Woodbrokers in Holland, L. S. Claim No. 122, Missouri-Kansas-Texas Railway Company 4/90, Bonds Nos. 35859 and 43239, in the principal amount of $500. each.

De Stichting "van Maren-fonds", L. S. Claim No. 163, Kansas City Southern Railway Company 3/50, Bond No. 14546, and Union Pacific Railroad Company 4/47, Bond No. 31828, all in the principal amount of $1,000. each.

Sophia Rosenthal Vereeniging, L. S. Claim No. 702, Louisville & Nashville R. R. Co., Southeast & St. Louis Division 3/80, Bond No. 1744, in the principal amount of $1000.

Stichting "Tot Hulp in Nood", L. S. Claim No. 754, Southern Pacific Company 4/49, Bond Nos. 1546, 3133/4 and 4160 in the principal amount of $1,000. each, and Bonds Nos. 2100 and 2601 in the principal amount of $500. each.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 30, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8184; Filed, Oct. 3, 1957; 8:49 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF J. KALM ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Cash in the Treasury of the United States as noted below, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below:

J. Kalm, E. Gompen, Bernard, H., Jacob, Els, Maggy and Henriette Kalker, L. S. Claim No. 25, $5,605.19. Southern Pacific Railroad Company 4/55, Bond No. 5495, in the principal amount of $500.

Johanna Garf, L. S. Claim No. 80, $2,500.33. Cities Service Company 5/69, Debenture No. 24534, International Hydro-Electric System 6/44, Debenture No. 19621, and International Power Securities Corporation 6½/55, Bond No. 3898, all in the principal amount of $1,000 each.

Alexander and Nelda Sarluy, L. S. Claim No. 909, $2,874.12.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 30, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8185; Filed, Oct. 3, 1957; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MURSHIDA FAZAL MAI EGELING STICHTING ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Murshida Fazal mai Egeling Stichting, L. S. Claim No. 13, $1,117.43 in the Treasury of the United States, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to Atchison, Topeka and Santa Fe Railway Company 4/95, Bond No. 101188, in the principal amount of $1,000.

Centraal Israelietisch Krankzinnigen Gesticht in Nederland, L. S. Claim No. 251, $1,380.00 in the Treasury of the United States.

Onze Lieve Vrouwe Stichting, L. S. Claim No. 261, $1,985.16 in the Treasury of the United States.

Vereeniging Hilleel Loge 986, L. S. Claim No. 487, $40.00 in the Treasury of the United States; Missouri-Kansas-Texas Railway Company 4/90, Bonds Nos. D-35928 and D-36672, in the principal amount of $500. each, presently in custody of the Safekeeping Department, Federal Reserve Bank of New York, at New York City, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Kansas City Southern Railway Company 3/50, Bond No. 10784, in the principal amount of $1,000.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 30, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-8186; Filed, Oct. 3, 1957; 8:50 a. m.]

PART I

FEDERAL REGISTER

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Washington, Saturday, October 5, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES
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TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 12—DETERMINATION OF SURPLUS AGRICULTURAL COMMODITIES UNDER SECTION 211 OF THE AGRICULTURAL ACT OF 1956

SUBPART—1958 CROP YEAR

Sec.
12.1 Basis and purpose.
12.2 Determination of surplus agricultural commodities.

AUTHORITY: §§ 12.1 and 12.2 issued under sec. 211, 70 Stat. 202; 7 U. S. C. 1860.

§ 12.1 *Basis and purpose.* (a) This proclamation is issued to announce the agricultural commodities which have been determined by the Secretary of Agriculture to be in surplus supply for the purposes of section 211 of the Agricultural Act of 1956 during the 1958 crop year. Section 211 provides that, on or before October 1 of each year, the Secretary shall determine and proclaim the agricultural commodities the supplies of which are in excess of estimated requirements for domestic consumption and export plus adequate reserves for emergencies. The commodities so proclaimed are to be considered as being in surplus supply for the purposes of section 211 during the succeeding crop year. Section 211 further provides that such surplus crops shall not receive certain Federal payments, loans, or benefits if grown on newly irrigated, drained, or reclaimed lands within irrigation, drainage, or flood control projects authorized after May 28, 1956, the date of enactment of the Agricultural Act of 1956.

(b) The determinations made by the Secretary are contained in § 12.2 and have been made on the basis of the latest available statistics of the Federal Government. In making these findings and determinations, all crops which might be produced during the 1958 crop year on the lands described in section 211 and which might reasonably be expected to receive payments, loans, or benefits of the types specified in section 211 were considered. Tree crops were not considered, since such crops could not be produced during the 1958 crop year on trees newly planted on lands irrigated, drained, or reclaimed since May 28, 1956. Commodities which could not receive benefits except under a Federal Crop Insurance Corporation insurance policy were not considered because the Corporation does not insure commodities to be produced on newly irrigated, drained, or reclaimed lands on which adequate production history is not available as a basis for determining premiums.

This issue is divided into two parts. Part II contains United States Coast Guard regulations relating to certain passenger vessels carrying more than six passengers.

§ 12.2 *Determination of surplus agricultural commodities.* Pursuant to section 211 of the Agricultural Act of 1956 it is hereby determined and proclaimed for the purposes of such section 211 that the supplies of barley, dry edible beans, corn, upland cotton, extra long staple cotton, grain sorghums, soybeans, oats, peanuts, rice, rye, tobacco, wheat, and potatoes are now in excess of estimated requirements for domestic consumption and export plus adequate reserves for emergencies.

Done at Washington, D. C., this 1st day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8203; Filed, Oct. 4, 1957; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Maryland-57)-1]

PART 727—MARYLAND TOBACCO

MARYLAND TOBACCO MARKETING QUOTA REGULATIONS, 1957–58 MARKETING YEAR

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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AUTHORITY: §§ 727.830 to 727.862 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 314, 372, 373, 374, 375, 52 Stat. 38, 47 as amended, 65 as amended, 66, sec. 401, 63 Stat. 1054, secs. 125, 211, 70 Stat. 198, 202; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375, 1421, 1813, 1860.

GENERAL

§ 727.830 *Basis and purpose.* Sections 727.830 to 727.862 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949 and the Agricultural Act of 1956, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Maryland tobacco during the 1957–58 marketing year. Prior to preparing §§ 727.830 to 727.862, public notice (22 F. R. 3201) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 727.830 to 727.862, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956. Since these regulations govern the marketing of Maryland tobacco for the marketing year beginning October 1, 1957, it is necessary that the regulations become effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 727.830 to 727.862, inclusive, shall become effective upon filing with the Director, Division of the Federal Register.

§ 727.831 *Definitions.* As used in §§ 727.830 to 727.862 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1957, which has not been marketed or which has not been disposed of under § 727.845.

(c) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated by the Secretary as Agricultural Stabilization and Conservation State committee.

(d) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(e) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue or any other authority.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in these regulations.

(i) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of an ASC county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas. In a hogshead tobacco warehouse, a person officially authorized by an individual, association, or firm who engages in receiving tobacco from farmers and who assists in the sale of such tobacco through such warehouse to keep records and make reports for such individual, association, or firm with respect to sales of tobacco through the warehouse, shall perform the functions hereinafter prescribed for field assistants.

(j) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(k) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 727.830 to 727.862 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(l) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed shall have corresponding meanings to the term "market".

(m) "Nonwarehouse sale" means any first marketing of farm tobacco other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business.

(n) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(o) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(p) "Pick-ups" means:

(1) "Pick-ups (a)" which is any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or

(2) "Pick-ups (b)" which is any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than the warehouseman, and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back by the warehouseman to a dealer.

(q) "Producer" means a person who, as owner, landlord, tenant or sharecropper is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(r) "Pound of tobacco" means one pound of tobacco weighed in its unstemmed form and in the condition in which it is usually marketed by producers.

(s) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(t) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(u) "Scrap tobacco" means the residue which accumulates in the course of

preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(v) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(w) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(x) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(y) "Tobacco" means Maryland tobacco, type 32, as classified in the Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as Maryland tobacco shall be considered Maryland tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm. The acreage of each kind of tobacco shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of the acreage of each kind of tobacco so determined shall be considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29 of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1957 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(3) Notwithstanding the foregoing definition of "tobacco" and the other provisions of §§ 727.830 to 727.862, inclusive, tobacco in hogsheads which at the close of business on September 30, 1956, was on such date physically in the State Tobacco Warehouse, Baltimore, Maryland, and which was produced prior to 1956, shall not be considered to be "tobacco" within the meaning of this sub-part if the hogshead tobacco warehouseman has furnished a report to the ASC State committee showing the quantity of such tobacco and identifying symbols which identify each lot of such tobacco.

(z) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1957 plus any carryover tobacco, less any tobacco disposed of in accordance with § 727.845.

(aa) "Tobacco subject to marketing quotas" means any Maryland tobacco marketed during the period October 1, 1957 to September 30, 1958, inclusive, and any Maryland tobacco produced in the calendar year 1957 and marketed prior to October 1, 1957.

(bb) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(cc) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse. The term shall also include an individual, association, or firm who engages in receiving tobacco from farmers at the State Tobacco Warehouse, Baltimore, Maryland, and who assists in the sale of such tobacco through such warehouse.

(dd) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets marketed in sequence at a given time. The term shall also include each marketing of farm tobacco through a hogshead tobacco warehouse to a buyer other than the warehouseman and each marketing of resale tobacco through such warehouse.

§ 727.832 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

§ 727.833 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1957 shall be expressed in hundredths and fractions of less than one-hundredth of an acre shall be dropped. For example, 4.550, 4.555 or 4.559 acres would be 4.55 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketing of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 727.834 *Identification and location of farms.* (a) Each farm as operated for the 1957 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1957 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

§ 727.835 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1957 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1957 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter (22 F. R. 3747).

(b) *Notice to farm operators.* The county committee shall notify the farm operator of the measured acreage of tobacco on each farm as determined under the provisions of this section.

(c) *Harvested acreage of tobacco.* The acreage of tobacco determined or as redetermined for a farm by the county committe pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 727.838 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(d) *Acreage not determined.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(e) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1957 tobacco acreage and the tobacco acreage in excess of the 1957 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 727.836 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 727.811 to 727.828, 1023 (Maryland–57)–1, Maryland Tobacco Marketing Quota Regulations, 1957–58 (21 F. R. 6882, 21 F. R. 8423). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1957 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1957 times the number of acres harvested in excess of the 1957 farm acreage allotment, plus (2) any excess carry-over tobacco for the farm.

§ 727.837 *Transfer of farm marketing quota.* There shall be no transfer of farm marketing quotas except as provided in §§ 727.820 and 727.826 of the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year.

§ 727.833 *Issuance of marketing cards.* (a) A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to the following paragraphs.

(b) *Excess marketing card (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards for use in identifying marketings of 1957 crop tobacco except with respect to the issuance of marketing cards for the identification of tobacco grown for experimental purposes only, as provided in paragraph (d) (2) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty determined pursuant to § 727.847 (b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1957 from a farm for which no 1957 acreage allotment was established, or

(ii) Where tobacco is harvested in 1957 from a farm and the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of 1957 crop tobacco from a farm are subject to penalty, determined as provided in § 727.844 (including zero penalty) shall be issued in any case:

(i) Where tobacco is harvested in 1957 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is produced in 1957 on newly irrigated or drained land which was not used for the production of tobacco prior to May 28, 1956, and which is within any Federal irrigation or drainage project (as defined in Section 211 of the Agricultural Act of 1956) authorized on or after May 28, 1956; or where tobacco is produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; or where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1957, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1957 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco or to have a remeasurement made of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–595—Tobacco, Notice of Excess Tobacco Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, unless the county committee with the approval of a representative of the State committee determines that failure to file such written request was due to circumstances beyond the control of the farm operator or producer, or

(iii) For any kind of tobacco physically harvested from a farm in 1957 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 727.845 (a) unless the county committee with the approval of a representative of the State committee determines that the acreage of tobacco was not measured in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(c) *Excess marketing card (MQ–77—Tobacco) marked "carry-over."* An excess marketing card (ineligible for price support loans) marked "carry-over", showing the extent to which marketings of carry-over tobacco only from a farm are subject to penalty, determined pursuant to § 727.844 (b), shall be issued for a farm with respect to which there is carry-over tobacco.

(d) *Within quota marketing card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for use in identifying marketings of 1957 crop tobacco from a farm under paragraph (b) of this section, a within-quota marketing card (eligible for price support loan and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1957 is not in excess of the farm acreage allotment therefor.

(2) If the Director of a publicly-owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing the following information with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly-owned experiment station,

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only,

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly-owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly-owned agricultural experimen station does not furnish the information and certification as required above in this subparagraph, an excess marketing card showing zero penalty shall be issued for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(e) *Stamping within quota marketing cards MQ–76 to show producer indebtedness.* If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ–76) issued for such farm in accordance with paragraph (d) of this paragraph shall bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided,* That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card (MQ–76) bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco warehouseman to pay to the

United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(f) *Replacing or issuing additional marketing cards.* Subject to the approval of the county office manager or the State administrative officer as provided in § 727.839, two or more marketing cards may be issued for any farm for use in identifying marketings of (1) 1957 crop tobacco or (2) carry-over tobacco. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the State administrative officer or county office manager, who issued the card, to have been lost, destroyed or stolen.

§ 727.839 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be responsible for the issuance of marketing cards for the purpose of identifying tobacco grown for experimental purposes pursuant to the provisions of § 727.838 (d) (2).

(b) Except as provided in paragraph (a) of this section the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall be signed either by the State administrative officer or the county office manager or in his name and on his behalf by an employee under his supervision who shall place his initials immediately below the name of the State administrative officer or the name of the county office manager as the case may be.

§ 727.840 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 727.841 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 727.842 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASC county office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 727.843 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 727.844 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of 1957 crop tobacco from a farm shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in 1957 in excess of the 1957 farm acreage allotment and not disposed of under § 727.845 by the total acreage of tobacco harvested from the farm in 1957.

(b) Marketings of carry-over tobacco from a farm shall be subject to penalty by the percent excess determined as follows:

(1) The percent excess for farms having within quota carry-over tobacco only will be zero.

(2) The percent excess for farms having excess carry-over tobacco only, none of which has been offset by underharvesting the 1957 allotment, will be the same percentage of excess as was determined for the farm for 1956.

(3) The percent excess for farms having within quota carry-over tobacco and excess carry-over tobacco, none of which excess has been offset by under-harvesting the 1957 allotment, will be determined as follows: (i) Determine the poundage of 100 percent excess tobacco involved by multiplying that part of the excess carry-over that was produced in 1956 by the 1956 excess percentage; (ii) The 100 percent excess poundage so determined divided by the total pounds of within quota carry-over tobacco and excess carry-over tobacco will result in the percent excess.

(4) The percent excess for farms having within quota carry-over tobacco and excess carry-over tobacco, part or all of which excess has been offset by underharvesting the 1957 allotment will be determined as follows:

(i) Multiply the 1957 under-harvested acreage (allotment minus harvested acreage) by the normal yield for 1957 to determine the pounds of 100 percent excess tobacco that could be absorbed by 1957 underharvesting.

(ii) Determine the pounds of 100 percent excess tobacco by multiplying the part of the carry-over that was produced in 1956 by the 1956 excess percentage.

(iii) If the pounds computed under (ii) do not exceed the pounds computed under (i), all carry-over tobacco is penalty-free, and the percent excess is zero.

(iv) If the pounds computed under (ii) exceed the pounds computed under (i), the difference between such two poundage figures is the net amount of 100 percent excess tobacco that was not absorbed. Such net amount of 100 percent excess poundage divided by the total pounds of within quota carry-over tobacco and excess carry-over tobacco will result in the percent excess.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the rate of penalty determined pursuant to § 727.847 by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 727.845 *Disposition of excess tobacco.* (a) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any 1957 crop tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

(b) If the 1957 harvested acreage is less than the 1957 allotment an amount of any excess carry-over tobacco from the farm equal to the normal production of the acreage by which the 1957 harvested acreage for the farm pursuant to § 727.844 (b) is less than the 1957 allotment may be marketed penalty free.

§ 727.846 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1957 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale). A separate memorandum from an excess marketing card marked "Carry-over" issued for the farm shall be executed with respect to each marketing of tobacco produced prior to 1957, and the words "old crop" will be entered by the field assistant or warehouseman on each memorandum executed covering a warehouse sale or by a buyer on each bill of nonwarehouse sale executed to cover a nonwarehouse sale, with respect to a marketing of tobacco produced prior to 1957.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale of MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State administrative officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) A tobacco dealer who buys tobacco direct from farmers, who resells such tobacco through a hogshead tobacco warehouse and who keeps records showing the information specified in § 727.854, and who has been authorized on MQ–78—Tobacco to issue memoranda of sale, may issue a memorandum of sale covering a purchase of such tobacco only if the bill of nonwarehouse sale has been executed. Such dealer may also execute MQ–82—Tobacco, where applicable, under the circumstances specified in this section.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State administrative officer from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 727.830 to 727.862. The authorization shall terminate upon receipt of written notice setting forth the reason therefor.

(3) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

(2) Each bill of nonwarehouse sale covering any marketing (except as described under paragraph (a) (1) (ii) of this section) shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ–79—Tobacco.

§ 727.847 *Rate of penalty.* (a) The penalty per pound upon marketing of excess tobacco subject to marketing quotas shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for Maryland tobacco for the 1956–57 marketing year, as determined by the Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(b) *Proportional rate of penalty.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 727.844.

(c) *Average market price.* The average market price as determined by the Agricultural Estimates Division, Agricultural Marketing Service, United States Department of Agriculture, for the 1956–57 marketing year was 51.7 cents per pound.

(d) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1957–58 marketing year shall be thirty-nine (39) cents per pound.

§ 727.848 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 727.849 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by an MQ–82—Tobacco, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or, if purchased prior to the opening of the local auction markets (if the tobacco is not to be resold through a hogshead tobacco warehouse), is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales as reported under §§ 727.830 to 727.862 is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 727.830 to 727.862 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 727.830 to 727.862 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State administrative officer. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(g) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1957 in excess of the farm acreage allotment shall be deemed to have been marketed as excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a pro-

ducer under § 727.852 (d) or (e) which the State committee finds to be incomplete or incorrect or the failure to file such a report as required by said regulations, shall constitute a failure to account for the disposition of tobacco produced on the farm.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee determines that the harvested acreage for the farm was more than that shown by the prior determination any penalty due on the basis of the harvested acreage as redetermined pursuant to § 727.835 shall be paid by the producer.

§ 727.850 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of false identification or failure to account for disposition in which case penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State Office not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 727.830 to 727.862 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds, accompanied by a copy of the warehouse bill covering such sale, may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 727.851 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 727.830 to 727.862 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASC County office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 727.852 *Producer's records and reports*—(a) *Report of tobacco acreage.* The farm operator or his representative shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of 1957 Acreage, showing all fields of tobacco on the farm in 1957. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1958–59 marketing year.

(b) *Report on marketing card.* The operator of each farm to whom a marketing card is issued in 1957 shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are complete and in no event later than October 1, 1958. There shall be shown on each marketing card the quantity of tobacco on hand, if any, at the time it is returned to the ASC county office. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise to the county committee, the allotment next established for such farm shall be reduced as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1958–59 marketing year.

(c) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotment next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided or acquiesced in such marketing, as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1958–59 marketing year.

(d) *Bill of nonwarehouse sale.* A bill of nonwarehouse sale (reverse side of memorandum of sale) shall be executed by the buyer and farm operator, for each nonwarehouse sale of tobacco produced on a farm, and the failure of such bill of nonwarehouse sale to show (1) the pounds of tobacco sold (actual or estimated weight), (2) the amount paid therefor, (3) the signature of the farm operator, and (4) the date of such sale shall constitute failure of the farm operator to account for disposition of tobacco marketed from the farm, and in the event that a satisfactory account of such disposition is not otherwise furnished, including the execution and submission of a bill of nonwarehouse sale for each nonwarehouse sale of tobacco from the farm and the payment of all additional penalty, if any, the allotment next established for such farm shall be reduced as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1958–59 marketing year.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 727.830 to 727.862, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State administrative officer, within fifteen (15) days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary on form MQ–108—Tobacco, a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report: (1) The number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1958–59 marketing year.

§ 727.853 *Warehouseman's records and reports*—(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each warehouse sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups (subparagraphs (1) and (2) of § 727.831 (p)).

(3) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(4) In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register (or ledger account in case of a sale through a hogshead tobacco warehouse.* The serial number of sale issued to identify each warehouse sale by a producer or the serial number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco (or on the ledger account in the case of a sale through a hogshead tobacco warehouse).

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or an MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended," write thereon the serial number of the suspended sale, and, if the warehouse is not a hogshead warehouse, record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman, other than a hogshead tobacco warehouseman, shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1957, the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases, by or for the warehouse, of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales) (also including, in the case of a hogshead tobacco warehouseman, purchases at the hogshead tobacco warehouse by or for such warehouseman at auction from producers).

(2) All purchases and resales, by or for the warehouse, of tobacco at public auction through warehouses other than his own.

(3) All purchases, by or for the warehouse, of tobacco from dealers other than warehousemen and resales, by or for the warehouse, of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* (1) Each warehouseman, other than a hogshead tobacco warehouseman, shall furnish the ASC State office not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report, showing:

(i) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor;

(ii) The total pounds and gross amount of "loan tobacco" billed to any association;

(iii) The total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 727.831 (p) (1) or (2)), or floor sweepings sold by the warehouseman at public auction over his own warehouse floor;

(iv) The pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 727.831 (p) (1) or (2)), or floor sweepings;

(v) The total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and

(vi) The total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen, and all resales over other warehouse floors or to dealers other than warehousemen. A hogshead tobacco warehouseman, also, shall report all leaf account tobacco purchased or sold and all floor sweepings and pick-ups sold, if any, through the warehouse.

(2) A hogshead tobacco warehouseman shall furnish the ASC State committee, not later than October 10, 1957, a report showing the producer's name (or the name of the dealer in the case of tobacco received from a dealer), hogshead number and pounds of tobacco in each hogshead received but which is on hand and unsold as of the close of business on September 30, 1957: *Provided*, That such report shall not include any tobacco which was previously reported as being on hand in such hogshead warehouse as of the close of business September 30, 1956.

(3) A hogshead tobacco warehouseman shall submit weekly reports (each such report to be submitted not later than the end of the calendar week following the week during which the transactions occurred) to the ASC State office including for each buyer who purchased tobacco (and any association to which any "loan" tobacco was consigned) through the warehouse during the week for which the report is submitted, a copy of the bill-out to the buyer (or association) together with the following:

(i) Name of farm operator (and name of seller if different from operator) for each sale of farm tobacco.

(ii) Farm serial number of the farm for each sale of farm tobacco.

(iii) Serial number of memorandum of sale or memorandum of sale without marketing card executed with respect to each sale of farm tobacco.

(iv) Date of sale (or date of consignment to loan association).

(v) Hogshead serial number.

(vi) Number of pounds of tobacco in the hogshead.

(vii) Designation as to whether the tobacco in the hogshead was produced in 1957 or in a year prior to 1957.

(viii) A memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced in 1957, and a memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced prior to 1957.

(ix) A remittance of the penalty due as shown on all memoranda of sale and memoranda of sale without marketing card.

(x) Designation by the word "resale" and the name of the person reselling the tobacco entered on the bill-out for tobacco resold through the hogshead warehouse.

(h) *Report of penalties.* Each warehouseman, other than a hogshead tobacco warehouseman, shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such sale. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman, other than a hogshead tobacco warehouseman, shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pick-ups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ–86—Tobacco shall be prepared for each sale day and forwarded to the ASC State office not later than the end of the

calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the ASC State office in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 727.830 to 727.862.

§ 727.854 *Dealer's records and reports.* Each dealer, except as provided in § 727.855 shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant (or the dealer, if the tobacco is to be marketed through a hogshead tobacco warehouse) shall detach and forward to the ASC State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of a purchase or resale of tobacco bought from a crop produced prior to 1957, the fact that such tobacco was bought by him from a crop produced prior to 1957.

(c) *Report of penalties.* Each dealer, unless the tobacco is to be marketed through a hogshead tobacco warehouse, shall make a report on MQ–81—Tobacco, Report of Penalties, showing for each purchase, other than by warehouse sale, of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds purchased; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such purchase. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A dealer who purchases tobacco which is to be marketed through a hogshead tobacco warehouse shall remit the penalty with his reports on MQ–79—Tobacco, Dealer's Record, together with memoranda of sale and memoranda of sale without marketing card to the ASC State office not later than the end of the calendar week following the week during which he purchased the tobacco.

(d) *Memorandum of sale and bill of nonwarehouse sale.* (1) A bill of nonwarehouse sale and a memorandum of sale from the 1957 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(2) Any dealer who acquires scrap tobacco from any farm shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap tobacco.

(e) *Additional records.* Each dealer shall keep such records in addition to the foregoing as will enable him to furnish the ASC State office with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1957, the fact that such tobacco was bought by him from a crop produced prior to 1957.

(f) *Forwarding of reports.* All reports shall be forwarded to the ASC State office not later than the end of the week following the calendar week covered by the reports.

§ 727.855 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 727.854: *Provided, however,* That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 727.854 with respect to such purchases. Each such dealer or buyer shall make such reports to the State administrative officer, in addition to the foregoing, as he may find necessary to enforce §§ 727.830 to 727.862.

§ 727.856 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer,

(2) The date of receipt of the tobacco,

(3) The number of pounds received, and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 727.857 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 727.858 *Failure to keep records or make reports.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 727.830 to 727.862, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 727.830 to 727.862 within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him or both. Notice of any violation by a warehouseman, dealer or trucker shall be given by the State Administrative Officer and notice of violation by a person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

§ 727.859 *Additional records and reports to Director.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall, in addition to any records required to be kept or any reports required to be made under §§ 727.830 to 727.862, keep such records and make such reports to the Director as he may find necessary to enforce §§ 727.830 to 727.862.

§ 727.860 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, upon written request by the State administrative officer or Director, such books, paper, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 727.861 *Length of time records and reports are to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 727.830 to 727.862 for the 1957–58 marketing year shall be kept by him until September 30, 1960. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 727.862 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 727.830 to 727.862 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevent shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 2d day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57–8216; Filed, Oct. 3, 1957; 12:30 p. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 849.1, Amdt. 1]

PART 849—DETERMINATION OF PREVENTED ACREAGE CREDIT

1955 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, subparagraph (1) of paragraph (b) and paragraph (c) of § 849.1, issued September 12, 1957 (22 F. R. 7267) are amended as hereinafter set forth:

Subparagraph (1) of paragraph (b) is hereby amended to read as follows:

(1) "Prevented acreage" means the number of acres of sugar beets which the Agricultural Stabilization and Conservation (hereinafter referred to as the "ASC") county committee determines would have been planted on a farm during the 1955 or subsequent crop year in a local producing area determined by the ASC State committee to be qualified for prevented acreage credit pursuant to paragraph (e) of this section, but were not planted because of drought, storm, flood, freeze, disease, insects, or, upon prior approval of the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, other similar abnormal and uncontrollable conditions.

Paragraph (c) is hereby amended by adding at the end the following:

Texas, October 15, 1957.

Statement of bases and considerations. This amendment is made because of inadvertent omissions in the original determination.

Accordingly, I hereby find and conclude that this amendment will effectuate the applicable provisions of the Sugar Act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 305, 306, 61 Stat. 929, as amended, 930, as amended; 932; 7 U. S. C. 1131, 1132, 1135, 1136.

Issued this 1st day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–8202; Filed, Oct. 4, 1957; 8:50 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 874.10]

PART 874—SUGARCANE; LOUISIANA

1957 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Thibodaux, Louisiana, on August 7, 1957, the following determination is hereby issued:

§ 874.10 *Fair and reasonable prices for the 1957 crop of Louisiana sugarcane.* A producer of sugarcane in Louisiana who is also a processor of sugarcane (herein referred to as "processor") shall have paid or contracted to pay, for sugarcane of the 1957 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section, which he determines will reflect the true market value of raw sugar.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section, which he determines will reflect the true market value of blackstrap molasses.

(3) "Weekly average price" means the simple average of the daily prices of raw sugar or blackstrap molasses, whichever is applicable, for the week in which the sugarcane is delivered.

(4) "Season's average price" means the simple average of the weekly prices of raw sugar or blackstrap molasses, whichever is applicable, for the period October 11, 1957, through February 27, 1958.

(5) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(6) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material delivered with sugarcane.

(7) "Standard sugarcane" means net sugarcane, containing 12 percent sucrose in the normal juice with a purity of at least 76.00 but not more than 76.49.

(8) "Salvage sugarcane" means sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(9) "State Office" means the Louisiana State Agricultural Stabilization and Conservation Office.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.06 per ton for each one-cent per pound of raw sugar determined on the basis of the weekly average price or the season's average price in accordance with whichever was used by the processor during the 1956 crop, or the processor may use the alternate period upon written approval by the State Office: *Provided,* That the average price of raw sugar as determined above may be re-

duced by not more than the following:

(i) 0.022 cent for all mills except those located in the areas defined in subdivisions (ii) and (iii) of this subparagraph;

(ii) 0.097 cent for mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River; or

(iii) 0.147 cent for mills located north and west of New Iberia west of the Atchafalaya River.

(2) The basic price for salvage sugarcane shall be determined in accordance with the method used by the processor for the 1956 crop, except that the processor and producer may agree upon a different method of settlement subject to written approval by the State Office upon a determination by the Agricultural Stabilization and Conservation Louisiana State Committee (hereinafter referred to as "State Committee") that the method of settlement and the resultant prices are fair and reasonable.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying the quantity of net sugarcane by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice of net sugarcane:	*Standard sugarcane quality factor* [1]
9.5	0.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and,

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

STANDARD SUGARCANE PURITY FACTOR [1]

Purity of normal juice		Percent sucrose in normal juice																
		At least 9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50	
At least—	But not more than—	But not more than 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99	
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.915	0.908	0.901	0.894	0.887	0.880	0.873	
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.931	.927	.920	.913	.906	.899	.892	.885	.878	
68.50	68.74	1.010	.998	.987	.976	.965	.954	.945	.938	.931	.924	.917	.910	.904	.897	.890	.884	
68.75	68.99	1.016	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.902	.895	.890	
69.00	69.49	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896	
69.50	69.99	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900	
70.00	70.49	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905	
70.50	70.99	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909	
71.00	71.49	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914	
71.50	71.99	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918	
72.00	72.49	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922	
72.50	72.99	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926	
73.00	73.49	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930	
73.50	73.99	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934	
74.00	74.49		1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938	
74.50	74.99		1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942	
75.00	75.49			1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946	
75.50	75.99			1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949	
76.00	76.49				1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953	
76.50	76.99				1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957	
77.00	77.49					1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961	
77.50	77.99					1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964	
78.00	78.49						1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968	
78.50	78.99						1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971	
79.00	79.49							1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975	
79.50	79.99							1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978	
80.00	80.49								1.037	1.029	1.021	1.014	1.007	1.000	.993	.988	.982	
80.50	80.99								1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985	
81.00	81.49									1.036	1.028	1.021	1.014	1.006	1.000	.994	.988	
81.50	81.99									1.039	1.032	1.024	1.017	1.009	1.003	.997	.991	
82.00	82.49										1.035	1.027	1.020	1.013	1.007	1.000	.995	
82.50	82.99										1.038	1.030	1.023	1.016	1.010	1.003	.998	
83.00	83.49											1.033	1.027	1.019	1.013	1.007	1.000	
83.50	83.99											1.036	1.030	1.022	1.016	1.010	1.004	
84.00	84.49												1.033	1.025	1.019	1.013	1.007	
84.50	84.99													1.028	1.022	1.016	1.010	

[1] Factors applicable to higher sucrose and purity of the normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the Louisiana State ASC Office, Alexandria, Louisiana, upon request.

(d) *Molasses payment.* For each ton of net sugarcane (except salvage sugarcane) there shall be paid an amount equal to the product of 7.0 gallons times one-half of the average price per gallon of blackstrap molasses in excess of 6 cents. The average price of blackstrap molasses shall be the weekly average price or the season's average price in accordance with whichever was used by the processor during the 1956 crop, or the processor may use the alternate period upon written approval by the State Office.

(e) *Hoisting, weighing, and transportation.* The price for sugarcane specified in this section shall be applicable to sugarcane delivered (1) to a field hoist, or (2) directly to the mill. With respect to sugarcane delivered to a field hoist, the costs of hoisting, weighing, and transporting sugarcane from the hoist to the mill shall be paid by the processor or the processor shall make allowances to the producer for such services, based on net sugarcane, at per ton rates not less than those made with respect to the 1956 crop. However, the processor shall not be required to make hauling allowances to the producer in excess of the rates charged by a contract or commercial carrier or the rates which such carrier would charge for performing such service. With respect to sugarcane delivered directly to the mill the processor shall pay the cost of transportation from the farm to the mill or shall make an allowance to the producer for such service, based on net sugarcane, at per ton rates not less than those made with respect to the 1956 crop: *Provided*, That nothing in this paragraph shall be construed as prohibiting negotiations between the processor and the producer with respect to allowances to be made to the producer, any change to be approved in writing by the State Office upon a determination by the State Committee that the change results in allowances which are fair and reasonable.

(f) *Payment for frozen sugarcane.* (1) Because of the decreased boiling house efficiency deductions may be made from the payment for frozen sugarcane provided such deductions are at rates not in excess of 1.5 percent of the payment, computed without regard to the molasses payment, for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). Frozen sugarcane testing in excess of 4.75 cc. of acidity shall be considered as having no value. Sugarcane shall not be considered as frozen, even after being subject to freezing temperature, unless and until there is evidence of damage having taken place because of the freeze, such evidence to be certified by the State Office.

(2) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor, subject to written approval by the State Office: *Provided*, That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the season's average prices of raw sugar and blackstrap molasses less an amount not to exceed $3.00 per gross ton of sugarcane for processing and less the actual costs of hoisting, weighing and transporting such sugarcane.

(g) *Mutual plan for improving harvesting and delivery.* If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, there may be deducted from the price per ton of sugarcane an amount equal to one-half of the per ton cost of such plan. Such deduction

may not be made until the plan has the written approval of the State Office and it has been determined by the State Committee that the plan is fair and reasonable.

(h) *Sugarcane for livestock feed.* The requirements of this section are applicable to all sugarcane grown by a producer and processed by the processor for the extraction of sugar or liquid sugar: *Provided*, That such requirements shall not apply with respect to sugarcane grown on acreage in excess of the proportionate share for the farm if such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed.

(i) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined herein through any subterfuge or device whatsoever.

Statement of bases and considerations—(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1957 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreement, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1957 price determination.* The 1957 fair price determination differs from the determination applicable to the 1956 crop in the following respects: (1) The pricing period for raw sugar extends from October 11, 1957 through February 27, 1958; (2) the price for sugarcane is applicable to sugarcane delivered either to a field hoist or directly to the mill; (3) the costs of hoisting, weighing and transporting sugarcane from a field hoist to the mill are to be paid by the processor or the processor shall make allowances to the producer for such services based on net sugarcane, at rates not less than those applicable to the 1956 crop; (4) the cost of transporting sugarcane delivered from the farm directly to the mill is to be paid by the processor or the processor shall make allowances to producers for such service, based on net sugarcane, at rates not less than those applicable to the 1956 crop; and (5) the molasses payment to producers is based on 7.0 gallons per ton of sugarcane to reflect the most recent 5-year average recovery of molasses. Other changes include additional definitions and modifications of the language of some provisions to provide greater clarity.

A public hearing was held in Thibodaux, Louisiana, on August 7, 1957, at which interested persons were afforded the opportunity to offer testimony with respect to fair and reasonable prices for the 1957 crop of sugarcane. A representative of the Louisiana Grower-Processor Committee recommended a raw sugar pricing period ending not later than February 28, 1958, instead of the last week in April; that where the basic price for sugarcane, or the molasses payment, or both, is computed on a seasonal basis, the determination require processors to make a provisional payment to producers each week with the balance to be paid after the end of the pricing period; and that the other provisions of the 1956 determination be continued for the 1957 crop. A representative of the Louisiana Farm Bureau Federation recommended that salvage sugarcane be defined as "sugarcane containing less than 9.5 percent sucrose and less than 68 purity" instead of "sugarcane containing less than 9.5 percent sucrose or less than 68 purity"; that the pricing period for sugarcane terminate at the end of February 1958; and that the provisions relating to hoisting and hauling allowances be continued unchanged from those specified in the 1956 determination.

Consideration has been given to the testimony presented at the hearing, to information obtained as the result of investigations, and to the returns, costs, and profits data of the Louisiana sugar industry. Analysis of comparative costs, returns, and profits for producing and processing sugarcane based on a survey for a recent prior year and recast in terms of prospective conditions for 1957, indicates that the sharing relationship between producers and processors is equitable.

Prior determinations provided that processors who made allowances to producers for hoisting and weighing sugarcane for a previous crop make such allowances for the current crop. Processors also were required to make allowances to producers for transporting sugarcane from the customary delivery point or from the farm to the mill if such allowances were made in the prior year. This determination provides that the price to be paid for sugarcane is applicable to sugarcane delivered at the field hoist or the mill. For sugarcane delivered to a field hoist the processor shall bear the costs of hoisting, weighing, and transporting such sugarcane from the hoist to the mill, or the processor shall make allowances to the producer for these services. For sugarcane delivered to the mill, the processor shall bear the cost of transporting the sugarcane from the farm to the mill or shall make an allowance to the producer for this service. Allowances made by the processor to producers shall be at rates not less than those paid by the processor for the 1956 crop. This provision adopts the practices followed generally by processors and will constitute a uniform and definitive basis for determining the cost responsibilities for delivering sugarcane. Recent information indicates that the requirements of prior determinations have resulted in inequities among processors since some processors customarily based allowances for hoisting, weighing and transporting on gross weights of sugarcane while others have based such allowances on net sugarcane. The use of net sugarcane as the basis for making allowances to producers as specified in this determination will provide a uniform basis for such allowances and avoid the possibility of encouraging the delivery of excess quantities of trash in sugarcane.

The recommendation that the pricing period end with the last week of February has been adopted since the representatives of the Grower-Processor Committee and the Farm Bureau Federation testified that such period would more nearly coincide with the anticipated raw sugar marketing opportunities of the processor for the 1957 crop.

The recommendation made by the Farm Bureau Federation for a change in the definition of salvage sugarcane has not been adopted. The problems associated with a proper definition and equitable payment for salvage sugarcane are such as to require further study.

The recommendation that the processor be required to make provisional and final payments for sugarcane at specified times has not been adopted. The provision of the act that the processor shall have paid or contracted to pay for sugarcane does not constitute authority to specify the time of provisional payments; consequently this is a matter which should be resolved through negotiations between processors and producers.

On the basis of examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U. S. C. 1131)

Issued this 1st day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8214; Filed, Oct. 4, 1957; 8:57 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 122]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.422 *Valencia Orange Regulation 122*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend

to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 3, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 6, 1957, and ending at 12:01 a. m., P. s. t., October 13, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600,600 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 4, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8259; Filed, Oct. 4, 1957; 11:53 a. m.]

[Grapefruit Reg. 271]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.861 *Grapefruit Regulation 271*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 1, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., October 7, 1957, and ending at 12:01 a. m., e. s. t., October 21, 1957, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 2, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8212; Filed, Oct. 4, 1957; 8:55 a. m.]

[Orange Reg. 323]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.862 *Orange Regulation 323*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 1, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., October 7, 1957, and ending at 12:01 a. m., e. s. t., October 21, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 1, or (*b*) are of a size smaller than 2$^{2}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{5}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{4}/_{16}$ inches in diameter and smaller; or

(ii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 2 Russet, or (*b*) are of a size smaller than 2$^{4}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{4}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{3}/_{16}$ inches in diameter and smaller.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 2, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8213; Filed, Oct. 4, 1957; 8:57 a. m.]

[Lemon Reg. 707]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.814 *Lemon Regulation 707*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 2, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 6, 1957, and ending at 12:01 a. m., P. s. t., October 13, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 130,200 cartons;

(iii) District 3: 9,300 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 3, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8245; Filed, Oct. 4, 1957; 8:49 a. m.]

[Grapefruit Reg. 116]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.377 *Grapefruit Regulation 116*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 25, 1957, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., October 13, 1957, and ending at 12:01 a. m., P. s. t., December 15, 1957, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{11}{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{1}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 2, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8211; Filed, Oct. 4, 1957; 8:55 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

ARRIVAL AND DEPARTURE CARDS

MISCELLANEOUS AMENDMENTS

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on April 6, 1957 (22 F. R. 2315) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there was set out in full the terms of proposed revisions to Parts 231 and 251, Chapter I, Title 8 of the Code of Federal Regulations, relating to the use of arrival-departure cards. Representations which were received concerning the published rules have been considered. The proposed rules have been amended. The amendatory regulations, as set out below, are hereby adopted. In addition, amendments have been made to Parts 238 and 299.

Part 231 is amended to read as follows:

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Sec.
231.1 Arrival manifests, lists, and arrival-departure cards.
231.2 Departure lists and arrival-departure cards.

AUTHORITY: §§ 231.1 and 231.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 231, 238, 239, 66 Stat. 167, 182, 195, 202, 203; 8 U. S. C. 1101, 1182, 1221, 1228, 1229.

§ 231.1 *Arrival manifests, lists, and arrival-departure cards*—(a) *Presentation.* The master or agent of every vessel arriving in the United States shall present to the immigration officer at the port of first arrival, typed or legibly printed in accordance with instructions on the reverse thereof, a manifest on Form I–418 of all passengers on board. To facilitate inspection the manifest on Form I–418 may be presented in separate alphabetical listings for United States citizens and for aliens and may be further subdivided according to the separate foreign ports of embarkation and United States ports of debarkation. The master or agent of every aircraft arriving in the United States shall present to the immigration officer at the port of first arrival a manifest consisting of an arrival-departure card (Form I–94) for each passenger on board. Neither a Form I–418 nor a Form I–94 shall be required of a vessel or aircraft arriving in the continental United States or Alaska directly from Canada on a voyage or flight originating in that country. In lieu of Form I–418 or Form I–94, the master or agent of a vessel or aircraft arriving in the United States without touching at a foreign port on a voyage or flight originating in Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, shall submit a list containing the surname, given name, and middle initial of each passenger on board. To facilitate inspection, an advance list of the names of all passengers on board may be delivered to the immigration officer at the first port of arrival prior to the vessel's or aircraft's arrival. When such advance list has been submitted, there shall be delivered to the immigration officer at the time of arrival at the first port a list containing any changes or corrections which differ from the advance list. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival may be deferred in the discretion of the examining immigration officer. The manifests or lists of those passengers not inspected shall be returned to the master for presentation at subsequent ports of arrival. The procedure followed at the first port of arrival shall be followed at any subsequent port of arrival.

(b) *Additional documents.* When a manifest on Form I–418 is required to be presented, the master or agent of the vessel shall prepare as a part thereof a completely executed set of Forms I–94 for each alien passenger, except (1) an immigrant or (2) a Canadian citizen or a British subject who has his residence in Canada or Bermuda. The set of Forms I–94 shall be delivered to each alien for presentation to the examining immigration officer at the port of entry. When a manifest is not required or a nonimmigrant alien is applying other than as a passenger or crewman on board a vessel or aircraft, a set of Forms I–94 shall be prepared by the examining immigration officer for each nonimmigrant.

§ 231.2 *Departure lists and arrival-departure cards*—(a) *Presentation.* The master or agent of every vessel departing from the United States shall present to the immigration officer at the port from which the vessel will proceed directly to a foreign port or place a list of all passengers on board on Form I–418 in accordance with instructions contained thereon. The master or agent of every aircraft departing from the United States shall present to the immigration officer at the port from which the aircraft will proceed directly to a foreign port or place a fully executed Form I–94 (including departure information on the reverse) for each passenger departing. When available the Form I–94 given an alien at the time of his last arrival in the United States shall be utilized. Such departure lists and cards shall be presented prior to the departure of the vessel or aircraft except that vessels or aircraft making regular trips to and from the United States in accordance with a published schedule may defer the presentation of such forms and attachments for a period not in excess of 30 days. Forms I–418 or arrival-departure cards shall not be required for vessels or aircraft departing the continental United States or Alaska directly to Canada on a voyage or flight terminating in that country.

(b) *Additional documents.* When a manifest on Form I–418 is presented, the master or agent shall attach to such manifest a fully executed Form I–94 (including departure information on the reverse) for each manifested alien passenger aboard except (1) an alien permanent resident of the United States or (2) a Canadian citizen or a British subject who has his residence in Canada or Bermuda. When available, the Form I–94 given the alien at the time of his last arrival in the United States shall be utilized. Any alien registration receipt card on Form I–151 surrendered pursuant to § 264.1 (d) of this chapter by an alien lawfully admitted for permanent residence who is permanently departing shall also be attached to Form I–418 or the relating arrival-departure card (Form I–94). The alien shall surrender his Form I–94 to a Canadian immigration officer or United States immigration officer when it is not required to be presented by the master or agent of the vessel or aircraft.

PART 238—ENTRY THROUGH OR FROM FOREIGN CONTIGUOUS TERRITORY AND ADJACENT ISLANDS

Section 238.3 is amended to read as follows:

§ 238.3 *Contracts and bonding agreement for certain transit aliens.* Transportation lines desiring to bring to the United States aliens in direct and continuous transit through the United States en route to foreign destinations in accordance with the provisions of section 238 (d) of the act shall apply to the Commissioner for the privilege of entering into a contract, including a bonding agreement. Such contract, if agreed to by the Commissioner, shall be on Form I–426.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 251—ARRIVAL MANIFESTS AND LISTS: SUPPORTING DOCUMENTS

1. Section 251.1 is amended to read as follows:

§ 251.1 *Arrival manifests and lists*—(a) *Presentation.* The master or agent of every vessel arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or from the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest of all crewmen on board on Form I–418 in accordance with the instructions contained thereon. A manifest shall not be required for crewmen aboard a vessel of United States, Canadian, or British registry engaged solely in traffic on the Great Lakes, or the St. Lawrence River, and connecting waterways herewith designated as a Great Lakes vessel, except crewmen of other than United States, Canadian, or British citizenship and, after submission of a manifest on the first voyage of a calendar year, a manifest shall not be required on subsequent arrivals unless there is employed on the vessel at the time of such arrival an alien crewman of other than United States, British, or Canadian citizenship who was not aboard and listed on the occasion of the submission of the last prior manifest. The master or agent of every aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest of all crewmen on board, on Customs Form 7507.

(b) *Additional documents.* The master or agent of every vessel or aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall prepare as a part of the manifest when one is required for presentation to the examining immigration officer, a completely executed set of Forms I–95 for each alien crewman on board, except (1) an alien immigrant crewman in possession of a valid immigrant visa, reentry permit, or alien registration receipt card on Form I–151; (2) a Canadian or British citizen crewman of a Great Lakes vessel; or (3) a crewman seeking conditional landing privileges under section 252 (a) (1) of the act who is in possession of an unmutilated conditional landing permit with space for additional endorsements previously issued to him as a member of the crew of the same vessel or an aircraft of the same line on his last prior arrival in the United States, following which he departed from the United States as a member of the crew of the same vessel or an aircraft of the same line.

2. The second sentence of paragraph (a) *Added crewmen* of § 251.3 *Notification of changes in crew* is amended to read as follows: "Such list of names shall be headed by the legend 'Added Crewmen—Arrival Crewlist filed at _____,' and there shall be attached to such list the nonimmigrant form given to the alien on the occasion of his last arrival in the United States, if such form is available; otherwise, a newly executed Form I–95 shall be prepared by the master or agent for attachment to the list."

3. The second sentence of paragraph (b) *Separated crewmen* of § 251.3 *Notification of changes in crew* is amended to read as follows: "Such list of names shall be headed by the legend 'Separated Crewmen—Arrival Crewlist filed at _____,' and shall contain, in addition, the nationality, passport number, and port of separation of each such crewman as well as the reason for separation."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended in the following respects:

1. The reference to the following form is amended to read as follows:

Form No.	*Title and description*
I–94	Arrival-Departure card.

2. The following form is deleted:

Form No.	*Title and description*
I–426A	Immediate and Continuous Transit Agreement Between a Transportation Line and the United States of America (aliens in transit through United States from and to Canada or Mexico).

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

The basis and purpose of the above-prescribed regulations are to inaugurate the use of arrival and departure cards.

The procedures prescribed in this order become effective at 12:01 a. m. local standard time on December 1, 1957.

Dated: October 1, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57-8207; Filed, Oct. 4, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 22]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.12 *Green civil airway 2* is amended to read in part:

From Hartford, Conn., LFR; to Boston, Mass., LFR; MEA 2,000.

Section 610.210 *Red civil airway 10* is amended to delete:

From Amarillo, Tex., LFR; to Clarendon, Tex., LFR; MEA 4,700.
From Clarendon, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 3,900.

Section 610.224 *Red civil airway 24* is amended to read in part:

From Amarillo, Tex., LFR; to Bessie INT, Okla.; MEA 4,700.

Section 610.266 *Red civil airway 66* is deleted.

Section 610.277 *Red civil airway 77* is amended to read in part:

From Tappahannock, Va., LFR; to Dover (AFB), Del., LF/RBN; MEA 1,500.
From Dover (AFB), Del., LF/RBN; to Atlantic City, N. J., LFR; MEA 1,500.

Section 610.302 *Red civil airway 102* is amended to read in part:

From Lexington, Ky., LF/RBN; to Huntington, W. Va., LF/RBN; MEA 2,600.

Section 610.607 *Blue civil airway 7* is amended to read in part:

From Gilroy INT, Calif.; to Altamont INT, Calif.; MEA 6,500.

Section 610.610 *Blue civil airway 10* is amended to delete:

From Fresno, Calif., LFR; to Los Banos INT, Calif.; MEA 3,000.
From Los Banos INT, Calif.; to Morgan Hill, Calif., FM; MEA 6,000.
From Morgan Hill, Calif., FM; to *Evergreen, Calif., LF/RBN; northwestbound, MEA 5,000; southeastbound, MEA 6,000. *6,000—MCA Evergeen LF/RBN, southeastbound.

Section 610.610 *Blue civil airway 10* is amended by adding:

From Fresno, Calif., LFR; to *Evergreen, Calif., LF/RBN; MEA 6,000. *6,000—MCA Evergeen LF/RBN, southeastbound.
From Morgan Hill, Calif., FM; to Evergreen, Calif., LF/RBN, northwestbound only; MEA 5,000.

Section 610.614 *Blue civil airway 14* is amended to delete:

From Los Banos INT, Calif.; to Stockton, Calif., LFR; MEA 3,000.

Section 610.614 *Blue civil airway 14* is amended by adding:

From Panoche INT, Calif.; to Stockton, Calif., LFR; MEA 6,000.

Section 610.635 *Blue civil airway 35,* is deleted.

Section 610.1001 *Direct routes—U. S.* is amended to read in part:

From Brownsville, Tex., LFR; to Int. W crs Brownsville, Tex., LFR and SE crs Laredo, Tex., LFR; MEA 2,000.
From Boothwyn INT, Pa.; to Reading, Pa., ILS/LOM; MEA 2,500.

Section 610.1001 *Direct routes—U. S.* is amended by adding:

From McAlester, Okla., VOR; to Little Rock, Ark., VOR; MEA *6,800. *3,800—MOCA.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From Dickinson, N. Dak., VOR via N alter.; to Bismarck, N. Dak., VOR via N alter.; MEA 4,100.
From *Sherrill INT, N. Y.; to **Starkville INT, N. Y.; MEA 3,000. *3,500—MRA. **4,000—MRA.
From Starkville INT, N. Y.; to Albany, N. Y., VOR; MEA 3,000.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From *Sherrill INT, N. Y.; to **Starkville INT, N. Y.; MEA 3,000. *3,500—MRA. **4,000—MRA.
From Starkville INT, N. Y.; to Albany, N. Y., VOR; MEA 3,000.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Mineral Wells, Tex., VOR, via S alter.; to Russell INT, Tex., via S alter.; MEA 2,300.
From Russell INT, Tex., via S alter.; to Lucas INT, Tex., via S alter.; MEA *2,200. *1,900—MOCA.
From Lucas INT, Tex., via S alter.; to Dallas, Tex., VOR, via S alter.; MEA 2,000.
From *Hueco Mt. INT, Tex.; to **Salt Flat, Tex., VOR; MEA 8,000. *8,800—MRA. **8,900—MCA Salt Flat VOR, eastbound.
From Pulaski, Va., VOR; to *Daleville INT, Va.; MEA 6,000. *6,000—MRA.
From Daleville INT, Va.; to Montebello, Va., VOR; MEA 6,000.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From Calumet INT, Okla.; to Gage, Okla., VOR; MEA *3,700. *3,600—MOCA.

Section 610.6031 *VOR civil airway 31* is amended to read in part:

From Harrisburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 3,500.

Section 610.6047 *VOR civil airway 47* is amended by adding:

From Hamilton INT, Ohio; to Cincinnati, Ohio, VOR; southbound only; MEA 2,300.

Section 610.6056 *VOR civil airway 56* is amended to delete:

From Columbia, S. C., VOR via N alter.; to *Blythewood INT, S. C., via N alter.; MEA 2,000. *2,500—MRA.
From Blythewood INT, S. C., via N alter.; to Florence, S. C., VOR via N alter.; MEA *3,000. *1,900—MOCA.

Section 610.6056 *VOR civil airway 56* is amended to read in part:

From Columbia, S. C., VOR; to Florence, S. C., VOR; MEA 1,900.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From Junction, Tex., VOR; to *Comfort INT, Tex.; MEA **3,600. *5,000—MRA. **3,400—MOCA.
From Comfort INT, Tex.; to Boerne INT, Tex.; MEA 3,000.
From Boerne INT, Tex.; to San Antonio, Tex., VOR; MEA 2,800.

Section 610.6077 *VOR civil airway 77* is amended by adding:

From Cotulla, Tex., VOR; to *Sabinal INT, Tex.; MEA **3,000. *5,500—MRA. **2,000—MOCA.
From Sabinal INT, Tex.; to Junction, Tex., VOR; MEA *4,700. *3,500—MOCA.
From Junction, Tex., VOR; to San Angelo, Tex., VOR; MEA 3,600.

Section 610.6079 *VOR civil airway 79* is amended to read:

From Fort Stockton, Tex., VOR; to Wink, Tex., VOR; MEA 4,000.
From Wink, Tex., VOR; to Hobbs, N. Mex., VOR; MEA 5,000.
From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 5,300.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Lexington, Ky., VOR; to *Georgetown INT, Ky.; MEA 2,600. *3,000—MRA.

Section 610.6128 *VOR civil airway 128* is amended to read in part:

From Pulaski, Va., VOR; to *Cove INT, Va.; MEA 6,000. *3,900—MRA.
From Cove INT, Va.; to Greensboro, N. C., VOR; MEA 3,000.

Section 610.6143 *VOR civil airway 143* is amended to read in part:

From Charlotte, N. C., VOR via W alter.; to Mooresville INT, N. C., via W alter.; MEA 2,400.

Section 610.6199 *VOR civil airway 199* is amended to delete:

From Fresno, Calif., VOR; to Los Banos INT. Calif.; MEA 3,000.
From Los Banos INT, Calif.; to *Agnew, Calif., VOR; MEA 7,000. *4,500—MCA Agnew VOR, eastbound.
From Hillview INT, Calif.; to Agnew, Calif., VOR, westbound only; MEA 3,000.

Section 610.6198 *VOR civil airway 198* is amended by adding:

From El Paso, Tex., VOR; to Fabens INT, Tex.; MEA 6,000.
From Fabens INT, Tex.; to Hudspeth, Tex., VOR; MEA 7,000.
From Hudspeth, Tex., VOR; to Fort Stockton, Tex., VOR; MEA *12,000. *8,400—MOCA.
From Fort Stockton, Tex., VOR; to Rocksprings, Tex., VOR; MEA *7,000. *4,500—MOCA.
From Rocksprings, Tex., VOR; to *Comfort INT, Tex.; MEA **5,000. *5,000—MRA. **3,400—MOCA.
From Comfort INT, Tex.; to Boerne INT, Tex.; MEA 3,000.
From Boerne INT, Tex.; to San Antonio, Tex., VOR; MEA 2,800.

Section 610.6211 *VOR civil airway 211* is amended to read:

From Fort Stockton, Tex., VOR; to *Ozona INT, Tex.; MEA **8,000. *8,000—MRA. **4,400—MOCA.
From Ozona INT, Tex.; to Rocksprings, Tex., VOR; MEA *7,000. *4,000—MOCA.
From Rocksprings, Tex., VOR; to *Sabinal INT, Tex.; MEA **5,500. *5,500—MRA. **3,400—MOCA.
From Sabinal INT, Tex.; to Cotulla, Tex., VOR; MEA *3,000. *2,000—MOCA.

Section 610.6222 *VOR civil airway 222* is amended by adding:

From El Paso, Tex., VOR; to *Hueco Mt. INT, Tex.; MEA 8,000. *8,800—MRA.
From Hueco Mt. INT, Tex.; to Salt Flat, Tex., VOR; MEA 8,000.
From Salt Flat, Tex., VOR; to Culbertson, Tex., VOR; MEA 8,000.

Section 610.6222 *VOR civil airway 222* is amended to read in part:

From Fort Stockton, Tex., VOR; to *Ozona INT, Tex., MEA **8,000. *8,000—MRA. **4,400—MOCA.
From Ozona INT, Tex.; to Junction, Tex., VOR; MEA *8,000. *4,400—MOCA.

Section 610.6284 *VOR civil airway 284* is added to read:

From Fort Stockton, Tex., VOR; to San Angelo, Tex., VOR; MEA *4,800. *4,000—MOCA.

Section 610.6620 *VOR civil airway 1520* is amended to delete:

From Memphis, Tenn., VOR; to *Fisherville INT, Tenn.; MEA 2,000. *2,500—MRA.
From Fisherville INT, Tenn.; to *Williston INT, Tenn.; MEA 2,000. *2,500—MRA.
From Williston INT, Tenn.; to Jack's Creek, Tenn., VOR; MEA 2,000.
From Crossville, Tenn., VOR; to Sweetwater INT, Tenn.; MEA 5,000.
From Sweetwater INT, Tenn.; to Knoxville, Tenn., VOR; MEA 3,000.

Section 610.6620 *VOR civil airway 1520* is amended by adding:

From Memphis, Tenn., VOR; to Muscle Shoals, Ala., VOR; MEA *3,000. *1,900—MOCA.
From Muscle Shoals, Ala., VOR; to Sweetwater INT, Tenn.; MEA *15,000. *4,400—MOCA.
From Sweetwater INT, Tenn.; to Knoxville, Tenn., VOR; MEA 3,000.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From El Paso, Tex., VOR; to *Hueco Mt. INT, Tex.; MEA 8,000. *8,800—MRA.
From Hueco Mt. INT, Tex.; to *Salt Flat, Tex., VOR; MEA 8,000. *8,900—MCA Salt Flat VOR, eastbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective October 24, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-8162; Filed, Oct. 4, 1957; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 701—METAL, PLASTICS, MACHINERY, INSTRUMENT, TRANSPORTATION EQUIPMENT, AND ALLIED INDUSTRIES IN PUERTO RICO

PART 713—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 487 (22 F. R. 5549) appointed, convened, and gave notice of the hearing of Industry Committee No. 32-B to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the fabricated plastic products industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is contained in 29 CFR Part 713. For purposes of clarity, minor editorial changes in the definition of the industry in the new wage order have been made. No change in the application of the wage order was effected by the editorial revision of this definition. The recommendations of the Industry Committee No. 32-B revised the classifications within the industry and recommended new rates of pay for such classification.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165) and General Order No. 45-A (15 F. R. 3290), the recommendations of this committee are to be published in the following amendments to Title 29 of the Code of Federal Regulations to become effective October 21, 1957:

1. Part 701 is hereby revoked.

2. Part 713 is amended to read as follows:

Sec.
713.1 Definition.
713.2 Wage rates.
713.3 Notices.

AUTHORITY: §§ 713.1 to 713.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 713.1 *Definition.* The fabricated plastic products industry in Puerto Rico to which this part shall apply is defined as the molding, extrusion, lamination, or other forming, and the fabrication of plastic products: *Provided, however,* That the definition shall not include (a) the manufacture of products included in the chemical, petroleum, rubber, and related products industry in Puerto Rico; (b) the manufacture of buttons, buckles, jewelry (including rosaries), and jewelry findings (including beads); (c) the manufacture from pliable plastics in sheet or film form of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in nature; (d) the manufacture from plastic materials of footwear and cut stock and findings for footwear; (e) the manufacture of apparel, apparel furnishings and accessories, and miscellaneous fabricated textile products made from pliable plastics in sheet or film form; and (f) any activity included in the leather, leather goods, shoe, and related products industry, as defined in the wage order for that industry in Puerto Rico (Part 686 of this chapter).

§ 713.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the dinnerware, sprayer, and vaporizer classification of the fabricated plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the manufacture of plastic dinnerware, plastic sprayers, plastic vaporizers, and plastic atomizers.

(b) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the phonograph record classification of the fabricated plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the manufacture of phonograph records.

(c) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wall tile and flexible plastic bag classification of the fabricated plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the manufacture of plastic wall tile and wall tile accessories and the manufacture of polyethylene and cellophane bags from flexible plastic film.

(d) Wages at a rate of not less than 68 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the fabricated plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the manufacture of all products included in the fabricated plastic products industry in Puerto Rico as defined in this wage order except products and activities included in the dinnerware, sprayer, and vaporizer classification, the phonograph record classification, and the wall tile and flexible plastic bag classification as defined herein.

§ 713.3 *Notices.* Every employer subject to the provisions of § 713.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 713.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 1st day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-8210; Filed, Oct. 4, 1957; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS PROJECTS

SALE OF LAND IN RESERVOIR AREAS FOR COTTAGE SITE DEVELOPMENT AND USE

Section 211.81 is amended to include an additional reservoir area to which §§ 211.71 to 211.80 are applicable, effective upon date of publication in the FEDERAL REGISTER, as follows:

§ 211.81 *Reservoir areas.* • • •

(n) Clark Hill Reservoir Area, Georgia and South Carolina.

[Regs., September 23, 1957, 602-ENGLT] (Sec. 2, 70 Stat. 1065; 16 U. S. C. 460f)

[SEAL] R. V. LEE,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 57-8191; Filed, Oct. 4, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 23, Amdt. 1]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

ACCOUNTING REQUIREMENTS

Section 299.102 *Accounting requirements*[1] is hereby amended by adding a footnote at the end thereof to read:

[1] The books, records and accounts referred to in this section shall be retained until a final release or settlement agreement is completed between the Maritime Administration and the Charterer. Compliance with Maritime Administration retention period will not exempt the Charterer from other statutory requirements for retention of records or documents for periods longer than those herein prescribed.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: October 1, 1957.

WALTER C. FORD,
Acting Maritime Administrator.

[F. R. Doc. 57-8208; Filed, Oct. 4, 1957; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1519]

[Fairbanks 012915]

ALASKA

AMENDING AND ENLARGING AIR NAVIGATION SITE WITHDRAWAL NO. 180

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Civil Aeronautics Administration, Department of Commerce, as an addition to Air Navigation Site Withdrawal No. 180.

FAIRBANKS MERIDIAN

T. 18 S., R. 9 W.,
Sec. 36, N½.

The area described contains 320 acres.

2. The departmental order of June 8, 1942, which withdrew certain public lands in Alaska for use of the Department of Commerce in the maintenance of air-navigation facilities, is hereby revoked so far as it affects the above-described lands.

3. Air Navigation Site Withdrawal No. 180 is hereby amended by deleting therefrom the following paragraph which was added to the withdrawal by the departmental order of March 4, 1947:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1957.

[F. R. Doc. 57-8193; Filed, Oct. 4, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 26]

DISCLOSURE OF INFORMATION

SUSPENSION OF DISCLOSURE

Certain commercial data relating to imports and exports are made available to accredited representatives of the press under the terms and conditions set forth in §§ 26.5, 26.6, and 26.7 of the Customs Regulations. Section 26.7 provides that upon receipt of a written application of an importer, exporter, or master or owner of any vessel, the information will be withheld if the application is supported by evidence that the publication of such data has been or will be detrimental to the applicant.

Recently a comprehensive review has been made of these existing regulatory provisions relating to disclosure of commercial data relating to imports and exports. As a result of this study T. D. 54421 (August 26, 1957) relating to disclosure of export information was issued. Additionally, in the interest of providing the public, through accredited representatives of the press and associations designated in § 26.5, with a maximum of current data on foreign trade, consistent with the necessary protection to private business relationships, a tentative decision has now been reached that the restriction upon the dissemination of information provided for in § 26.7 (a) should be limited to the withholding, upon application, of the names of consignees of imports. The data which would be subject to disclosure under this amendment is general in nature and of considerable statistical value. It is, therefore, proposed to amend the Customs Regulations as follows:

Section 26.7 (a) is amended to read:

(a) Upon written application of any importer, the collector of customs shall refuse to permit any person, except as provided for in § 26.4, to copy the name of such importer from manifests.

(R. S. 161, 251, sec. 624, 46 Stat. 759, sec. 3, 60 Stat. 238, 5 U. S. C. 22, 1002, 19 U. S. C. 66, 1624)

Prior to the adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D. C., and received within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 27, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8204; Filed, Oct. 4, 1957; 8:51 a. m.]

NOTICES

BUREAU OF THE BUDGET

ORDER TRANSFERRING TO TENNESSEE VALLEY AUTHORITY USE, POSSESSION, AND CONTROL OF A CERTAIN PARCEL OF LAND WITHIN THE RESERVATION FOR COLUMBUS AIR FORCE BASE

By virtue of the authority vested in the President of the United States by section 7 (b) of the Tennessee Valley Authority Act of 1933, 48 Stat. 63, and delegated to the Director of the Bureau of the Budget by section 1 (i) of Executive Order No. 10530 of May 10, 1954, it is ordered that the use, possession, and control of the parcel of land hereinafter described be, and they are, hereby transferred from the Department of the Air Force to the Tennessee Valley Authority. Said transfer is necessary and proper for the purposes of the Authority as stated in the said Tennessee Valley Authority Act of 1933, as amended:

A parcel of land located in Lowndes County, Mississippi, more particularly described as follows:

Beginning at the southwest corner of Section 32, Township 16 South, Range 18 West, thence N 87°38' E, 970.5 feet along the south line of said Section 32 for a point of beginning, thence (1) N 2°22' W, 200.0 feet to a point, thence (2) N 87°38' E, 300.0 feet to a point, thence (3) S 2°22' E, 200.0 feet to a point on the south line of said Section 32, thence (4) S 87°38' W, 300.0 feet with the Section line to the point of beginning. Containing 1.38 acres, be the same more or less.

The above described parcel of land is a part of the land acquired by the United States of America for Columbus Air Force Base near Columbus, Mississippi.

PERCIVAL F. BRUNDAGE,
Director of the Bureau of the Budget.

SEPTEMBER 27, 1957.

[F. R. Doc. 57-8190; Filed, Oct. 4, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 57-67, between the member lines of the Pacific Westbound Conference, modifies the Appendix to the basic conference agreement (No. 57, as amended), for the purpose of clarifying the rule with respect to voting.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 2, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8192; Filed, Oct. 4, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5713 et al.]

PIEDMONT LOCAL SERVICE AREA INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on November 14, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

It is contemplated that this proceeding will cover the local air service pattern in the area not encompassed in the Great Lakes Local Service Investigation, Docket No. 6436 et al., and the Southeastern Area Local Service Case, Docket No. 7038 et al., in general, including the States of Kentucky, North Carolina, South Carolina, and portions of Virginia, West Virginia, Tennessee, and Georgia. The scope of this proceeding will be more definitely defined following the conference.

Consideration will be given at the conference to the consolidation for hearing and decision of some or all of the following applications.

Docket No., Applicant, and Summarized Description

3659; South Carolina Aeronautics Commission; service to Greenwood, Columbia and Florence, S. C.

5713; Piedmont; service between Knoxville-Louisville.

6059; Piedmont; renew segment 1 (a) of Route 87.

6065; Kentucky, Department of Aeronautics of Kentucky; improved service from Louisville and Knoxville, Ky.

7335; Florence, S. C.; east-west service between Florence and Fayetteville, N. C.

8111; Lexington-Fayetteville County Airport Board and Department of Aeronautics of Kentucky; service between Lexington and Paducah, Bowling Green, Ky., Clarksville, Tenn., Fort Campbell, Ky., Hopkinsville, Ky., and Nashville, Tenn.

8112; Somerset Pulaski County Airport Board, Department of Aeronautics of Kentucky; service to Somerset, Ky.

8114; Union County Airport, Board Morganfield Chamber of Commerce, Department of Aeronautics of Kentucky; service to Morganfield-Sturgis, Ky.

8424; Lumberton, N. C.; service to several points.

8452; Greater Baltimore Committee; Baltimore coterminal with Washington on Piedmont's Route 87.

8486; Blacksburg, Va.; air service.

8507; Fayetteville Area Industrial Development Co. (N. C.); one-carrier service to Atlanta, Norfolk, with intermediate stops at Columbia and Fayetteville.

8549; Capital Airlines, Inc.; deletion of authority to serve Hickory, N. C.

8564; Kentucky, Commonwealth of; improved and additional service between Kentucky cities and certain cities in the Piedmont area (listed in application).

8566; Ozark Airlines, Inc., service to Paducah, Ky.

8845; Rowan County, N. C.; service to Rowan County Airport (Salisbury, N. C.).

8868; Fransal Corp.; service to Savannah, Ga., etc.

8915; Shenandoah Valley Airport Commission; air service.

8965; South Carolina, State of; local service to capital of South Carolina.

8492; Allegheny Airlines; Washington-Norfolk.

8561; Lake Central Airlines; Louisville-Memphis, etc.

8895; Southern Airways; Atlanta-Jacksonville via Albany and Waycross, Ga.

8896; Southern Airways; Atlanta-Jacksonville via Athens, Augusta, Savannah, and Brunswick, Ga.

Attention is directed to Rule 302.12 (b) of the Board's rules of practice which specifies: "A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and shall relate only to a then pending application."

In order to facilitate conduct of the conference and in accord with the above rule it is requested that any party desiring to prosecute an application in this proceeding file on or before October 21, 1957 a motion for consolidation with Examiner Cusick and/or any new applications for which consolidation may be sought.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before October 21, 1957.

Counsel will be expected to state the views of their client with respect to issues discussed during the course of this conference.

Dated at Washington, D. C., October 1, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8215; Filed, Oct. 4, 1957; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4932 etc.]

MIDSTATES OIL CORP. ET AL.

ORDER FIXING DATE FOR ORAL ARGUMENT

OCTOBER 1, 1957.

In the matter of Midstates Oil Corporation, Docket Nos. G-4932 and G-3553; Seneca Development Company, Docket Nos. G-8616 and G-3278; Hassie Hunt Trust, Docket Nos. G-8618 and G-4421; Hunt Oil Company, Docket Nos. G-8619 and G-4366; H. L. Hunt, Docket Nos. G-8620 and G-4865; Nebo Oil Company, Docket Nos. G-8621 and G-3296; G. H. Vaughn,[1] Docket Nos. G-8902 and G-6530; Sunray Mid-Continent Oil Company, Docket Nos. G-8960 and G-6058; Cotton Valley Operators Committee, Docket No. G-9086; J. W. O'Boyle, Trustee, Docket No. G-4222; Kathleen O'Boyle Trust No. 2, Docket No. G-8617; Woodley Petroleum Company, Docket Nos. G-9772 and G-3845.

The presiding examiner, on August 14, 1957, filed and served his decision in this proceeding on all the parties, and, in addition, certified the record herein to the Commission.

Thereafter, exceptions to the decision were filed by Cotton Valley Operators Committee, Hassie Hunt Trust, Hunt Oil Company, H. L. Hunt, Midstates Oil Corporation, Seneca Development Company, Nebo Oil Company, Inc., and Kathleen O'Boyle Trust No. 2. Additionally, a motion by these enumerated parties was made for oral argument related to the exceptions filed.

It appears reasonable and appropriate in the public interest that oral argument be had in this proceeding concerning the matters involved and the issues presented by the exceptions filed by the foregoing parties to the decision of the presiding examiner.

The Commission orders:

(A) Oral argument be had before the Commission on October 24, 1957, at 10:00 a. m., e. d. s. t., in a Hearing Room

[1] Now G. H. Vaughn, Jr. and J. C. Vaughn, Independent Executors of Estate of G. H. Vaughn, Deceased in Docket No. G-8902 only.

of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the said exceptions to the decision of the presiding examiner.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before October 14, 1957, of such intention and of the time requested for presentation of such argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8194; Filed, Oct. 4, 1957; 8:47 a. m.]

[Docket No. G-11993]

SIGNAL OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 1, 1957.

Take notice that Signal Oil and Gas Company, a Delaware corporation, with its principal place of business at Los Angeles, California, filed an application on February 13, 1957, for permission and approval to abandon service, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of gas in interstate commerce to Montana-Dakota Utilities Company (Montana-Dakota).

The sale is made from Applicant's Stockham-Federal No. 1 Well located in the Fourteen Mile Unit Area, Washakie County, Wyoming. Applicant processes the gas in its desulphurization plant in Washakie County and delivers and sells the residue gas from said plant to Montana-Dakota for transportation in interstate commerce for resale. The aforesaid sale to Montana-Dakota is covered by Applicant's FPC Gas Rate Schedule No. 2.

Applicant states that due to water encroachment, its Stockham-Federal No. 1 Well is no longer capable of producing sufficient gas to permit the continued operation of its desulphurization plant and that it will therefore dismantle said plant and salvage the material therefrom. Applicant proposes to abandon service in accordance with the contract, which permits cancellation by the seller on 90 days' prior written notice in the event the aforesaid plant becomes uneconomical for the seller to operate.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 7, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8195; Filed, Oct. 4, 1957; 8:48 a. m.]

[Docket Nos. G-12571, 12574]

HOPE NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS

OCTOBER 1, 1957.

In the matters of Hope Natural Gas Company, Docket No. G-12571; United Fuel Gas Company and Atlantic Seaboard Corporation, Docket No. G-12574.

Take notice that on May 15, 1957, United Fuel Gas Company (United) and Atlantic Seaboard Corporation (Atlantic), two members of the Columbia Gas System, filed in Docket No. G-12574 a joint application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Authorization is sought:

(1) By United, to construct and operate approximately 1.3 miles of 8⅝-inch O. D. gas transmission pipeline, with measuring and regulating appurtenances, extending southeasterly from United's existing Rockport Compressor Station, Wood County, West Virginia, to a point of interconnection with the facilities of Hope Natural Gas Company (Hope) in Wirt County, West Virginia. The estimated cost of these facilities is $64,000.

(2) By Atlantic, to install and operate a main line tap, with appurtenances, interconnecting Atlantic's existing looped pair of 26-inch lines, forming a part of the Cobb-Rockville pipeline, with the field pipeline system and meter facility to be owned and operated by Hope in the Blackwater Anticline Gas Field, Randolph County, West Virginia. The estimated cost of these facilities is $8,000.

On May 15, 1957, as supplemented on June 14, 1957, Hope, an affiliate of the Consolidated Natural Gas Company System, filed in Docket No. G-12571 its companion application to the above for a certificate of public convenience and necessity authorizing the construction and operation of a meter station for the sale and delivery of gas to Atlantic and the exchange of gas with United, pursuant to an agreement having a five-year initial term renewable annually thereafter, dated November 1, 1956, and signed by all three Applicants.

Hope's proposed facilities will comprise field lines and a measuring station to be built in the Blackwater Anticline Gas Field, where it will sell gas to Atlantic and also deliver exchange gas to Atlantic for United's account. United will return equivalent quantities of exchange gas to Hope from its proposed connection with Hope near the Rockport Station.

Hope estimates that its proposed measuring station will cost $14,000, and that its total capital expenditures in the Blackwater Anticline for nine wells on its own acreage, field lines to other wells, and metering facilities will be $949,000. Hope controls 2,925 acres, or about 25 percent of the total of about 11,300 acres, under which the anticline is located.

Initially, a peak day delivery by Hope to Atlantic's pipeline of 10,000 Mcf daily is envisioned commencing November 1, 1957; 5,000 Mcf of this volume would be received by Atlantic for the account of United, and 5,000 Mcf would be purchased by Atlantic from Hope. At the same time, United would deliver 5,000 Mcf per day to Hope at Rockport. It is proposed that by 1958-59 up to 90,000 Mcf daily will be delivered to Atlantic at Blackwater Anticline and the proportions of gas delivered by Hope to Atlantic and United (for Hope's account) will be changed to 45 and 55 percent, respectively, as more producers participate in the project.

Under the proposed arrangement, Atlantic will receive up to 90,000 Mcf per day from Hope, 45,000 Mcf of which will be purchased from Hope, and 45,000 Mcf will be for the account of United. Atlantic will pay Hope 27 cents per Mcf of purchased gas and will pay United for the remaining 50 percent at the rates contained in United's contract demand rate schedule CDS-1, demand charge $1.40 per Mcf and commodity charge 25.45 cents per Mcf (average rate for 1956, 33.6 cents per Mcf).

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8196; Filed, Oct. 4, 1957; 8:48 a. m.]

[Docket Nos. G-12915, G-12918]

GRAHAM AND SHINN AND L. L. SHINN

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 1, 1957.

Take notice that Graham and Shinn, a partnership, and L. L. Shinn (Shinn) filed applications on July 18, 1957 in Docket Nos. G-12915 and G-12918, respectively, pursuant to Section 7 of the Natural Gas Act, for authority to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission and open to public inspection.

Graham and Shinn in Docket No. G-12915, seek authority to abandon service to Hope Natural Gas Company (Hope) from the McCauley and Knight Leases located in the West Union District, Doddridge County, West Virginia, being rendered pursuant to a contract dated February 14, 1941, which service, made on and since June 7, 1954, was previously authorized on July 13, 1955, in Docket No. G-8353.

Shinn in Docket No. G-12918 proposes to continue the service to Hope proposed to be abandoned by Graham and Shinn.

Graham and Shinn state that J. J. Graham, by instrument of assignment dated January 27, 1955, transferred his 25 of their 51 acres in the McCauley and Knight Leases to Shinn, who proposes to continue the subject service to Hope pursuant to the terms of the aforementioned contract of February 14, 1941.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8197; Filed, Oct. 4, 1957; 8:48 a. m.]

[Docket No. G-13068]

HARMON WHITTINGTON AND J. R. BUTLER & CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 1, 1957.

Take notice that Harmon Whittington (Whittington) and J. R. Butler & Company (Butler), filed a joint application on August 14, 1957, pursuant to section 7 of the Natural Gas Act, for approval and authority to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission, and open to public inspection.

The joint application seeks approval and authority for:

(1) Whittington to abandon his sale of natural gas to Arkansas Louisiana Gas Company (Arkansas Louisiana) from certain acreage in the Longstreet Field, DeSoto Parish, Louisiana, covered by a contract dated April 30, 1954, between Whittington, et al.,[1] as sellers and Arkansas Louisiana, as buyer.

(2) Butler to continue said sale to Arkansas Louisiana proposed to be abandoned by Whittington.

Applicants state that, effective as of December 26, 1956, Butler acquired Whittington's interest in the gas producing properties involved herein subject to the aforementioned agreement of April 30, 1954 and, as of December 26, 1956, has continued said service to Arkansas Louisiana.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1957 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8198; Filed, Oct. 4, 1957; 8:48 a. m.]

[1] Signatory parties under the subject contract are Whittington, Charles F. Reed, and W. Paul Edman (d. b. a. Mid-Century Oil and Gas Company, now dissolved); Midstates Oil Corporation; and Alden Dow.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

OCTOBER 1, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On Sept. 20, 1957 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending October 1, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10)

days, October 2 to October 11, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8199; Filed, Oct. 4, 1957; 8:49 a. m.]

[File No. 811-423]

GREAT AMERICAN LIFE UNDERWRITERS, INC.

NOTICE OF AND ORDER RESCINDING PRIOR ORDER AND FOR HEARING ON AMENDED APPLICATION FOR ORDER EXEMPTING COMPANY FROM THE ACT OR DECLARING COMPANY NOT AN INVESTMENT COMPANY AND EXEMPTING CERTAIN TRANSACTIONS

SEPTEMBER 27, 1957.

The Great American Life Underwriters, Inc. ("Applicant"), a registered face-amount certificate company, having filed an amended application pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission declaring that Applicant is not, or has ceased to be, an investment company by reason of the exception contained in section 3 (c) (8) of the act, or, in the alternative, for an order pursuant to section 6 (c) of the act exempting Applicant from the act on the ground that it is not an investment company, being primarily engaged in the life insurance business through a controlled company and declaring that Applicant is not or has ceased to be an investment company;

The Commission having given public notice of the filing of such amended application (Investment Company Act Release No. 2542), to which reference is hereby made for a summary of certain historical information contained in said amended application relating to the Applicant and describing various transactions which Applicant states it entered into between January 2, 1941, and 1955; and the Commission having in said notice given all interested persons an opportunity to request that a hearing be held on such amended application; and

The Commission having received requests from certain stockholders of Applicant that a hearing be held with respect to said matter; and

The Commission having ordered that a hearing be held on said amended application on October 23, 1957 (Investment Company Act Release No. 2561);

Notice is hereby given that Applicant has filed a further amendment to said emended application which expands the relief previously requested.

Applicant now requests an order pursuant to section 6 (c) of the act exempting Applicant from the act from and after January 1, 1941. In the alternative, Applicant seeks an order pursuant to sections 8 (f) and 6 (c) of the act declaring that Applicant is not or has ceased to be an investment company and exempting from the provisions of the act transactions since January 1, 1941, to which Applicant or any person controlled by Applicant was a party.

The Commission having considered the amended application as further amended and deeming it appropriate to rescind the previous order for hearing in this matter and to issue an order for hearing on the amended application as further amended:

It is hereby ordered, That the Commission's notice of and order for hearing in this matter (Investment Company Act Release No. 2561) issued on July 22, 1957, is rescinded.

It is further ordered, Pursuant to section 40 (a) of the act, that a hearing on the aforesaid amended application, as further amended, under the appropriate provisions of the act and of the rules and regulations thereunder be held on the 23d day of October 1957, at 10:00 o'clock a. m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding and not having already done so is directed to file with the Secretary of the Commission his application, as provided by Rule XVII of the Commission's rules of practice, on or before the date as provided in that rule, setting forth any issues of law or fact which he desires to controvert, or any additional issues which he deems raised by this notice and order or by such amended application as further amended.

It is further ordered, That James G. Ewell, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the amended application as further amended, and that upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the requested exemption from the act of the Applicant from and after January 1, 1941, pursuant to section 6 (c) of the Act, is necessary, or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

2. Whether the Applicant is not, or has ceased, to be, an investment company by reason of the exception provided in section 3 (c) (8) of the act.

3. Whether the Applicant is now or has been since January 1, 1941 primarily engaged through a controlled company in the life insurance business.

4. Whether exemption, pursuant to section 6 (c) of the act, of the transactions since January 1, 1941 entered into by Applicant or any affiliated persons of Applicant specified in the amended application as further amended and summarized in Investment Company Act Release No. 2542, hereinabove referred to, is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act, and whether in that connection the terms of said transactions, including the consideration paid or received, were fair or reasonable and did not involve overreaching on the part of any person concerned and were consistent with the general purposes of the act.

5. Whether, in the event the Commission grants the amended application as further amended, pursuant either to section 8 (f) or section 6 (c) of the act, it is necessary or appropriate in the public interest and consistent with the protection of investors to impose conditions.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It it further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to The Great American Life Underwriters, Inc., to all persons who have heretofore requested that a hearing be held on the application as previously amended, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That The Great American Life Underwriters, Inc. shall give notice of this hearing to all of its stockholders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order to his last known address at least 20 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8200; Filed, Oct. 4, 1957; 8:49 a. m.]

[File No. 70-3619]

BROCKTON EDISON CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE OF BONDS AND SHARES OF PREFERRED STOCK

SEPTEMBER 30, 1957.

Notice is hereby given that Brockton Edison Company ("Brockton"), an exempt holding company and a public-utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application-declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Brockton has designated sections 6 (a), 7 and 12 of the act and Rules U-42 (b) (2) and U-50 as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Brockton proposes to issue and sell subject to the competitive bidding requirements of Rule U-50 (a) 30,000 shares of its — percent cumulative preferred stock, par value $100 per share ("New Preferred"), and (b) $3,000,000 principal amount of its First Mortgage and Collateral Trust Bonds — percent Series due 1987 ("New Bonds") to be dated September 1, 1957 and to mature September 1, 1957. It is contemplated that the New Preferred will be sold prior to the New Bonds.

The dividend rate of the New Preferred (a multiple of .04 percent) and the price per share (exclusive of accrued dividends) to be paid for the New Preferred (not less than $100 nor more than $102¾) and the interest rate on the New Bonds (a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid for the New Bonds (not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding. The Bonds will be issued under the company's Indenture of First Mortgage and Deed of Trust to State Street Trust Company, Boston, Massachusetts, Trustee, dated as of September 1, 1948, as heretofore supplemented and as further supplemented by a Fourth Supplemental Indenture to be dated as of September 1, 1957.

Proceeds of the sales, to the extent of $5,000,000, are to be used to acquire 8,000 shares of common stock $100 par value, and $4,200,000 principal amount of debenture bonds of Montaup Electric Company ("Montaup"). The balance of the proceeds of approximately $1,000,000 are to be used to repay in part or in whole without premium Brockton's short-term bank loans which were issued to provide construction funds except that the prepayment of such short-term loans may be temporarily delayed by that part, if any, of the proceeds which may be deposited with the Trustee under Brockton's Bond Indenture in compliance with the provisions thereof.

It is represented that the proposed issue and sale of bonds and preferred stock is subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts and that a copy of the order of such State Commission will be filed by amendment.

It is estimated that Brockton's fees and expenses in connection with the above transactions will not exceed in the aggregate more than $44,000 including $8,500 for legal fees to company counsel and $1,500 for accounting fees. The fees to be paid to counsel by the successful bidders are estimated at $6,500.

Notice is hereby given that any interested person may, not later than October 14, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8201; Filed, Oct. 4, 1957; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Gen. Adm. Order XII-1]

ASSISTANT DIRECTOR FOR HEALTH

ESTABLISHMENT OF POSITION

By virtue of the authority vested in me by the National Security Act of 1947, as amended; the Defense Production Act of 1950, as amended; Reorganization Plan No. 3 of 1953; and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Health.

2. The Assistant Director for Health will advise, assist, and act for the Director in formulating, coordinating, and establishing policies, programs, and plans for the mobilization, allocation, and utilization of health resources, including manpower, facilities, and supplies, under various mobilization situations. More specifically, he will provide government departments and agencies having responsibilities and resources in the health and medical fields with the guidance necessary to increase the nation's potential for mobilization through maximum use of its health resources by:

a. Coordinating the development of plans and preparedness programs designed to assure maximum efficiency in the utilization of health resources and the operation of health services under various mobilization situations, including nuclear attack upon the United States.

(b) Coordinating the collection and evaluation of data on civilian and military health manpower requirements and the current and potential availability of specialized health personnel to meet such requirements; and the development of policies and measures to strengthen the health manpower mobilization base.

(c) Coordinating the collection and evaluation of data on civilian and military requirements and current and potential availability of health facilities such as hospitals and clinics; and the development of policies and measures for the efficient utilization of such facilities and for the provision of health services under various mobilization situations.

(d) Coordinating the development and evaluation of requirements on health and medical supplies and equipment for the maintenance and protection of the nation's health in event of mobilization.

(e) Developing plans for the effective organization of health resources and services under emergency conditions consistent with the over-all government organization for mobilization.

(f) Consulting with and securing the advice of professional and other organizations and groups in the health field on mobilization policies and programs under consideration; and fostering their support of private and public research, educational and training activities for assuring a high degree of readiness in the health resources and services field.

3. The Assistant Director for Health will advise, assist and act for the Director on mobilization matters in the international field that relate to health resources.

4. In performing these functions, the Assistant Director for Health will establish and chair or arrange for the chairing of such interagency groups as are required to assist in the coordination of mobilization health activities; and will assist the Director with respect to the activities of the Health Resources Advisory Committee.

5. The Assistant Director for Health will be responsible for:

a. Providing the Assistant Director for Manpower with professional guidance and assistance relative to health manpower supply and requirements as they affect national manpower policies and programs.

b. Providing the Assistant Director for Production with professional guidance and assistance relative to health supplies and equipment requirements as they affect industrial expansion and production programs and essential survival item programs.

c. Providing other ODM program areas and staff units with such professional advice and assistance as may be required.

6. The Assistant Director for Health shall maintain adequate records to reflect the activities outlined above and furnish reports required by the Director.

7. This order is effective October 1, 1957.

GORDON GRAY, *Director.*

[F. R. Doc. 57-8209; Filed, Oct. 4, 1957; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 2, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34193: *Dressed poultry and dairy products—Western to Eastern points.* Filed by H. R. Hinsch, Agent (CTR No. 2356), for interested rail carriers. Rates on dressed poultry, poultry fats, eggs, shelled, desiccated or frozen, straight or mixed carloads, and butter, butter fat, butter grease, frozen cream, condensed whole milk, frozen, and oleomargarine, straight or mixed carloads from points in Colorado, Iowa, Kansas, Michigan, Missouri, Nebraska, South Dakota, Wisconsin, and Wyoming, as described in the application to points in states in official territory east of Illinois territory including the lower peninsula of Michigan, as described in the application.

Grounds for relief: Short-line distance formulas and truck competition.

Tariff: Supplement 6 to Agent Hinsch's tariff I. C. C. 4785.

FSA No. 34195: *Export and import rates from and to central territory to and from South Atlantic and Florida ports.* Filed by O. E. Schultz, Agent (ER No. 2406), for interested rail carriers. Rates on various commodities moving on export class and commodity rates, and on import class rates from points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Kentucky and West Virginia to south Atlantic and Florida ports, Morehead City, N. C., to Tampa, Fla., inclusive, on export traffic, and in the reverse direction on import traffic.

Grounds for relief: Port competition and McGraham formula grouping.

Tariffs: Supplement 162 to H. R. Hinsch's tariff I. C. C. 4058. Supplement 42 to H. M. Engdahl's tariff I. C. C. 133.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34194: *Vegetables—Texas points to Chicago, Ill., and Omaha, Nebr.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7128) for interested rail carriers. Rates on cabbage and carrots, lettuce, and other vegetables as described in the application, and onions, carloads from points in Texas in the Corpus Christi-Rio Grande-Winter Garden area, also in the Fort Worth, Valley Junction, Palestine, Houston, and Jacksonville areas, to Chicago, Ill., Omaha, Nebr., and intermediate points on short-tariff routes to the named points.

Grounds for relief: Maintenance of truck-compelled rates not applicable in constructing lower combination rates from or to other more distant points.

Tariff: Supplement 380 to Agent Kratzmeir's tariff I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57–8206; Filed, Oct. 4, 1957; 8:52 a. m.]

PART II

FEDERAL REGISTER

VOLUME 22 NUMBER 194

Washington, Saturday, October 5, 1957

UNIVERSITY OF MICHIGAN

OCT 7 1957

MAIN READING ROOM

This issue is divided into two parts. Part II contains United States Coast Guard regulations relating to certain passenger vessels carrying more than six passengers.

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 57-34]

CERTAIN PASSENGER VESSELS CARRYING MORE THAN SIX PASSENGERS

Pursuant to notices published in the FEDERAL REGISTER September 6, 1956 (21 F. R. 6713–6715) and March 26, 1957 (22 F. R. 1989, 1990), the "Proposed Rules and Regulations for Small Passenger Vessels," CG–249, to implement the act of May 10, 1956 (Public Law 519, 84th Congress; 46 U. S. C. 390–390g), were considered. A public hearing to consider these proposals was held by the Merchant Marine Council on October 16, 1956. The revised draft of these proposals dated March 15, 1957, was prepared and copies sent to all persons and organizations who had commented on the original proposed regulations, as well as to all those who had requested copies, and they were requested to submit comments to the Coast Guard. In addition, many informal hearings and discussions between the persons affected and representatives of the Coast Guard were held in many cities throughout the United States. The "Proposed Rules and Regulations for Small Passenger Vessels," CG–249, revised draft dated March 15, 1957, were further revised in accordance with comments received, and as revised are adopted and included in this document.

The act of August 28, 1957 (Public Law 210, 85th Congress), states the effective date of the act of May 10, 1956, shall be June 1, 1958, and the purpose of this postponement in effective date is to provide more time for those affected to comply with the rules and regulations promulgated under the authority of the act and to allow sufficient time for consideration of any further comments on the regulations included in this document. Suggested changes received prior to March 1, 1958, which are found to improve these rules and regulations will be prescribed as amendments and published in the FEDERAL REGISTER with an effective date of June 1, 1958. Those changes received on and after March 1, 1958, which are found to improve these rules and regulations, will be processed in the same manner as other changes recommended to Coast Guard rules and regulations and published in the FEDERAL REGISTER after June 1, 1958.

The act of May 10, 1956 (46 U. S. C. 390–390g), requires the inspection and certification of certain small passenger-carrying vessels. Under this act a "passenger-carrying vessel" means any vessel which carries more than six passengers and which is:

(1) Propelled in whole or in part by steam or by any form of mechanical or electrical power and is of 15 gross tons or less; or,

(2) Propelled in whole or in part by steam or by any form of mechanical or electrical power and is of more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length measured from end to end over the deck excluding sheer; or,

(3) Propelled by sail and is of 700 gross tons or less; or,

(4) Non-self-propelled and is of 100 gross tons or less.

This term "passenger-carrying vessel" includes any domestic vessel, except public vessels of the United States, operating on the navigable waters of the United States or on the high seas, and any foreign vessel departing from a port of the United States except any public vessel of any foreign state. Any lifeboat forming part of a vessel's lifesaving equipment is exempted from this law.

With respect to foreign vessels which come within the scope of being a "passenger-carrying vessel" and departing from ports of the United States with more than six passengers, the law and the regulations in this document will apply. However, the Coast Guard recognizes the certificates issued to vessels under the Convention for the Safety of Life at Sea, 1948, and certificates issued by the Dominion of Canada, as further described in § 175.05–1 in this document. If a foreign vessel does not have a certificate of inspection or similar document issued by its own country which is recognized by the Coast Guard, the vessel will be subject to an inspection before it may leave a port of the United States with more than six passengers. The Coast Guard also contemplates issuing the required "ocean operator's license" or "operator's license" only to persons who are citizens of the United States except that resident aliens who are otherwise eligible under § 187.25–1 (b) will be granted licenses without complying with this requirement. With respect to licenses issued by foreign countries, the Coast Guard will give recognition to all licenses issued by countries which are signatory to the Officers' Competency Certificates Convention, 1936 (ILO No. 53), and the Dominion of Canada. In other cases, it is contemplated that the local Coast Guard and Customs officials prior to clearance of the vessel will accept certification by officials of such foreign country that the officers on board have been found qualified by their Government to operate such vessels.

An "existing vessel" under this act and the regulations in this document is considered to be a vessel which was in existence as a passenger-carrying vessel, or which was contracted for as a passenger-carrying vessel, prior to June 1, 1958. All others will have to comply with the requirements in this document applicable to new vessels. The comments received respecting the proposed regulations indicated considerable concern relative to the application of these regulations to existing vessels. To describe general standards of construction in regulation form for existing vessels, which would correct or remove unsafe conditions and yet provide the necessary flexibility needed because of the numerous small craft involved and the infinite variety of designs and arrangements present, is not practical. It is not the intent of the Coast Guard to condemn the use of an existing vessel simply because its design and construction do not conform to the minimum standards specifically described in the regulations for new vessels. Therefore, the Officer in Charge, Marine Inspection, has been given discretion to accept alternates or equivalents which will measure up to the standards established, and to give special consideration to departures from these regulations when it can be shown that special circumstances warrant such de-

partures. This subject is further explained in a Navigation and Vessel Inspection Circular which may be obtained upon request.

The intent of the initial inspection of existing vessels will be to correct all unsafe conditions and to issue certificates of inspection to all vessels found to be safe and seaworthy. A reasonable period of time will be permitted to correct minor deficiencies or to replace required lifesaving or fire-fighting equipment not bearing the approval of the Coast Guard. Where manifestly unsafe conditions are found, the Officer in Charge, Marine Inspection, may require a vessel to discontinue operation until such conditions are corrected. Wherever the owner or operator feels aggrieved by the decision of the Officer in Charge, Marine Inspection, an appeal within 30 days may be made to the Commander of the Coast Guard District. If desired a further appeal, within 30 days from the District Commander's decision, may be made to the Commandant, whose decision is final.

To most vessels found in compliance with the law and the regulations in this document, the Officer in Charge, Marine Inspection, will issue certificates of inspection valid for a 3-year period. This certificate is evidence of the official determination that the vessel described therein has been inspected and found safe to operate as a "passenger-carrying vessel" subject to the terms and conditions set forth therein. The certificate of inspection will describe the route or area of water in which the vessel may operate, the required minimum crew the vessel must have on board, the maximum number of passengers permitted to be carried, the minimum amount of lifesaving and fire-fighting equipment required to be carried, whether or not these requirements are based on a specified maximum number of hours of operation per day, etc. This certificate of inspection must be posted or available on board the vessel, and to operate the vessel without such certificate, or in violation of such certificate, will subject the owner or operator to penalties provided in the law. A certificate of inspection may be withdrawn or canceled by the Coast Guard if the vessel to which it is issued fails to maintain the required standards or if the vessel is operated in violation of any of the limitations or restrictions set forth therein. Reinspections by the Coast Guard will be made from time to time to check on compliance in these matters.

It will be virtually impossible to inspect all of the vessels subject to the act of May 10, 1956, and the regulations in this document at the same time. Those few vessels which are already subject to Coast Guard inspection under other laws and have currently valid certificates of inspection, in general will be inspected at the time their current certificates expire in 1958 under the regulations in this document. Those vessels which will be subject to Coast Guard inspection for the first time because they are "passenger-carrying vessels" as described in the act of May 10, 1956, and carry more than six passengers will be inspected by Officers in Charge, Marine Inspection, as expeditiously as time and manpower will permit.

The owner, operator, or agent of every vessel subject to the act of May 10, 1956, which does not have a current Coast Guard certificate of inspection, will have to submit to the Officer in Charge, Marine Inspection, having jurisdiction a completed Coast Guard Form entitled "Application for Inspection" before June 1, 1958, or before such vessel is placed in operation on or after June 1, 1958. The Officer in Charge, Marine Inspection, will advise the owner, operator, or agent by letter or other means of written notification of the approximate date of inspection. This letter or other written notification will constitute an authorization to operate the vessel pending such inspection.

With respect to passenger-carrying vessels over 65 feet in length which will be subject to a Coast Guard inspection for the first time because of the act of May 10, 1956, the present requirements in Subchapter H (Passenger Vessels) of this chapter will apply (Rules and Regulations for Passenger Vessels, CG–257). In order to provide for equitable administration of these requirements to these vessels, the Officer in Charge, Marine Inspection, by a regulation designated 46 CFR. 70.05–15, is given authority to give special consideration to departures from the specific requirements of this subchapter when it can be shown that special circumstances or arrangements warrant such departures.

Those persons who are now serving as operators of vessels subject to the act of May 10, 1956, under the authority of a "motorboat operator's license" will be required to obtain either an "ocean operator's license" or an "operator's license" issued under the regulations in this document, during the year following June 1, 1958. However, for those operators whose licenses expire during this year following June 1, 1958, they should obtain the required license prescribed in the regulations in this document at the time their licenses expire. On and after June 1, 1959, no person holding a "motorboat operator's license" only will be permitted to serve as an operator of a vessel subject to the act of May 10, 1956.

The scope of the licenses issued to operators of vessels subject to the act of May 10, 1956, will be according to waters. For those vessels operating offshore in the Atlantic and Pacific Oceans and the Gulf of Mexico, it will be necessary that the "operators" be holders of "ocean operator's licenses." For those vessels operating on waters within the coastline of the United States and the Great Lakes, it will be necessary that the "operators" be holders of "operator's licenses." These licenses will be valid for a period of five years from date of issue. The license will authorize the holder to operate only those described classes of vessels subject to the act of May 10, 1956, on the waters as specifically described, and within the restrictions which may be placed on the license.

A license as master, chief mate, second mate, or third mate of ocean and coastwise inspected vessels, or a license as master of ocean and coastwise steam or motor yachts, or a license as master, mate, or pilot of steam or motor vessels operating under special conditions, or a license as master or mate of motor vessels operating in connection with the offshore mineral and oil industries, will authorize the holder to serve in the capacity of "ocean operator" of those vessels subject to the act of May 10, 1956, which are of the class (steam and motor, or sail) described in his license, on the waters described in his license, and within other restrictions in his license.

A license as master or pilot of inspected vessels on waters other than ocean and coastwise waters, or a license as master or pilot of yachts on the Great Lakes, other lakes, bays, and sounds, or rivers, will authorize the holder to serve in the capacity of "operator" of those vessels subject to the act of May 10, 1956, which are of the class (steam and motor, sail, or non-self-propelled) described in his license, on the waters described in his license, and within other restrictions in his license.

Those persons who are now serving as operators of vessels subject to the act of May 10, 1956, and who do not have any Coast Guard license which qualifies them to operate such vessels, should submit their completed applications, using Coast Guard Form CG–866, License Application, as soon as possible, so that when found qualified the Coast Guard may issue the appropriate licenses.

The effective date for the regulations in this document shall be June 1, 1958. However, for those desiring the required licenses and certificates of inspection, applications on appropriate Coast Guard forms may be filed and the necessary examinations or inspections may be conducted prior to June 1, 1958.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167–9, dated August 3, 1954 (19 F. R. 5195), Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), Treasury Department Order 167–20, dated June 18, 1956 (21 F. R. 4394), and Treasury Department Order CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed:

Subchapter C—Uninspected Vessels

PART 24—UNINSPECTED VESSELS

SUBPART 24.05—APPLICATION

Section 24.05–1 is amended by revising Table 24.05–1 (a) to read as follows:

§ 24.05–1 *Vessels subject to the requirements of this subchapter.* (a) * * *

TABLE 24.05–1 (a)

Method of propulsion	Size or other limitations[1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations[1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels[2,3,4] or Subchapter T—Small Passenger Vessels[2,3,4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[5]	Vessels subject to provisions of Subchapter C—Uninspected Vessels[2,3,5]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[7]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[6] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All vessels except those covered by columns 3 and 4.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[6] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[6] Additional special considerations are applicable to sail vessels of 700 gross tons or less, power-propelled vessels of 15 gross tons or less, power-propelled vessels more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length, and non-self-propelled vessels of 100 gross tons or less, when carrying more than 6 passengers and subject to the Act of May 10, 1956 (46 U. S. C. 390). See § 175.10–27 of Subchapter T (Small Passenger Vessels) of this chapter.

[7] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[8] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p)

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

SUBPART 30.01—ADMINISTRATION

Section 30.01–5 (d) is amended by revising Table 30.01–5 (d) to read as follows:

§ 30.01–5 *Application of regulations—TB/ALL.* * * *
(d) * * *

TABLE 30.01–5 (d)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [4] or Subchapter T—Small Passenger Vessels [2] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [11]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[7]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[6] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All vessels except those covered by columns 3 and 4.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[6] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[6] Additional special considerations are applicable to sail vessels of 700 gross tons or less, power-propelled vessels of 15 gross tons or less, power-propelled vessels more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length, and non-self-propelled vessels of 100 gross tons or less, when carrying more than 6 passengers and subject to the Act of May 10, 1956 (46 U. S. C. 390). See § 175.10–27 of Subchapter T (Small Passenger Vessels) of this chapter.

[7] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[8] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter H—Passenger Vessels

In the citations of authority for Parts 70 to 78, inclusive, insert in "interpret or apply" sentence "sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b."

PART 70—GENERAL PROVISIONS

SUBPART 70.05—APPLICATION

1. Section 70.05–1 (a) is amended by revising Table 70.05–1 (a) to read as follows:

§ 70.05–1 *Vessels subject to the requirements of this subchapter.* (a) * * *

TABLE 70.05–1 (a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [4] or Subchapter T—Small Passenger Vessels [2] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [11]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[7]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[6] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All vessels except those covered by columns 3 and 4.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[6] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[6] Additional special considerations are applicable to sail vessels of 700 gross tons or less, power-propelled vessels of 15 gross tons or less, power-propelled vessels more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length, and non-self-propelled vessels of 100 gross tons or less, when carrying more than 6 passengers and subject to the Act of May 10, 1956 (46 U. S. C. 390). See § 175.10–27 of Subchapter T (Small Passenger Vessels) of this chapter.

[7] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[8] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

2. Part 70 is amended by adding a new section to Subpart 70.05 reading as follows:

§ 70.05–15 *Vessels subject to act of May 10, 1956.* Special consideration may be given to departures from the specific requirements in this subchapter when it can be shown that special circumstances concerning the vessel's route, construction, arrangement, trade or operation warrant such departures for vessels subject to the act of May 10, 1956 (46 U. S. C. 390).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152, 153; 46 U. S. C. 404, 369, 367, 526p, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter I—Cargo and Miscellaneous Vessels

PART 90—GENERAL PROVISIONS

SUBPART 90.05—APPLICATION

Section 90.05–1 (a) is amended by revising Table 90.05–1 (a) to read as follows:

§ 90.05–1 *Vessels subject to requirements of this subchapter.* (a) • • •

TABLE 90.05–1 (a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [4] or Subchapter T—Small Passenger Vessels [2] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [4]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[7]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[6] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All vessels except those covered by columns 3 and 4.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[6] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None	None.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[6] Additional special considerations are applicable to sail vessels of 700 gross tons or less, power-propelled vessels of 15 gross tons or less, power-propelled vessels more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length, and non-self-propelled vessels of 100 gross tons or less, when carrying more than 6 passengers and subject to the Act of May 10, 1956 (46 U. S. C. 390). See § 175.10–27 of Subchapter T (Small Passenger Vessels) of this chapter.

[7] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[8] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

TABLE 90.05–1 (a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [4] or Subchapter T—Small Passenger Vessels [2] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [4]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

See footnotes on previous page.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, sec. 3, 68 Stat. 675; 46 U. S. C. 404, 367, 526p, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter J—Electrical Engineering

PART 110—GENERAL PROVISIONS

SUBPART 110.05—APPLICATION

Section 110.05–1 (a) is amended by revising Table 110.05–1 (a) to read as follows:

§ 110.05–1 *Vessels subject to the requirements of this subchapter.* (a) • • •

TABLE 110.05–1 (a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [4] or Subchapter T—Small Passenger Vessels [2] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [3]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [4]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[7]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[5]	1. All vessels carrying more than 12 passengers or an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[6] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[6] Additional special considerations are applicable to sail vessels of 700 gross tons or less, power-propelled vessels of 15 gross tons or less, power-propelled vessels more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length, and non-self-propelled vessels of 100 gross tons or less, when carrying more than 6 passengers and subject to the Act of May 10, 1956 (46 U. S. C. 390). See § 175.10–27 of Subchapter T (Small Passenger Vessels) of this chapter.

[7] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[8] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

TABLE 110.05-1 (a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [4] or Subchapter T—Small Passenger Vessels [2] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [5]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All vessels except those covered by columns 3 and 4.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[3]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[6] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[3]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

See footnotes on previous page.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 390b, 50 U. S. C. 198. E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter T—Small Passenger Vessels (Not More Than 65 Feet in Length)

Chapter I is amended by adding a new Subchapter T, consisting of Parts 175 to 187, inclusive, reading as follows:

Part
175 General Provisions.
176 Inspection and Certification.
177 Construction and Arrangement.
178 Watertight Subdivision.
179 Stability.
180 Lifesaving Equipment.
181 Fire Protection Equipment.
182 Machinery Installation.
183 Electrical Installation.
184 Vessel Control and Miscellaneous Systems and Equipment.
185 Operations.
186 Manning.
187 Licensing.

PART 175—GENERAL PROVISIONS

Subpart 175.01—Authority
Sec.
175.01-1 General.

Subpart 175.05—Application
Sec.
175.05-1 Vessels subject to the requirements of this subchapter.
175.05-5 Service restrictions for non-self-propelled vessels.
175.05-10 Specific application noted in text.

Subpart 175.10—Definition of Terms Used in This Subchapter
175.10-1 Approved.
175.10-3 Coastwise.
175.10-5 Commandant.
175.10-7 Coast Guard District Commander.
175.10-9 Ferry.
175.10-11 Great Lakes.
175.10-13 Headquarters.
175.10-15 International voyage.
175.10-17 Lakes, bays and sounds.
175.10-19 Length.
175.10-21 Marine inspector or inspector.
175.10-23 Non-self-propelled vessel.
175.10-25 Ocean.
175.10-27 Passenger.
175.10-29 Pilothouse control.
175.10-31 Pilot rules.
175.10-33 Recognized classification society.
175.10-35 Rivers.
175.10-37 Vessel.

Subpart 175.15—Equivalents
175.15-1 Conditions under which equivalents may be used.

Subpart 175.20—Appeals
175.20-1 Right of appeal.

AUTHORITY: §§ 175.01-1 to 175.20-1 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 175.01—AUTHORITY

§ 175.01-1 *General.* (a) By virtue of the authority vested in the Commandant of the Coast Guard by the Secretary of the Treasury in Treasury Department Order No. 167-20, dated June 18, 1956 (21 F. R. 4894), the regulations in this subchapter are prescribed to carry out the intent and purposes of the act of May 10, 1956 (70 Stat. 151-154; 46 U. S. C. 390b), which requires the inspection and certification of certain vessels carrying passengers.

SUBPART 175.05—APPLICATION

§ 175.05-1 *Vessels subject to the requirements of this subchapter.* (a) This subchapter shall be applicable to all vessels not more than 65 feet in length carrying more than 6 passengers as indicated in Column 4 of Table 175.05-1 (a). The regulations in this subchapter are applicable to all such United States flag vessels and all such foreign flag vessels carrying more than 6 passengers from a port of the United States, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for the Safety of Life at Sea, 1948, and which has on board a current, valid safety certificate, or a current valid safety equipment certificate in the case of cargo vessels permitted to carry not more than 12 passengers.

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current, valid certificate of inspection issued by its government under such arrangements.

TABLE 175.05-1 (a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2] [4] or Subchapter T—Small Passenger Vessels [2] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2] [5]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[7]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[3]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[6] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All vessels except those covered by columns 3 and 4.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[3]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[6] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[3]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[6]	None	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[6] Additional special considerations are applicable to sail vessels of 700 gross tons or less, power-propelled vessels of 15 gross tons or less, power-propelled vessels more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length, and non-self-propelled vessels of 100 gross tons or less, when carrying more than 6 passengers and subject to the Act of May 10, 1956 (46 U. S. C. 390). See § 175.10-27 of Subchapter T (Small Passenger Vessels) of this chapter.

[7] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[8] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(3) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(4) Any vessel while laid up and dismantled and out of commission.

(5) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes and operated by a department or agency of the Federal Government.

(6) Any lifeboat forming part of a vessel's lifesaving equipment.

(b) Any vessel of not more than 65 feet in length and of 100 gross tons and over shall comply with the provisions of this Subchapter and certain portions of Subchapter H (Passenger Vessels), Subchapter F (Marine Engineering) and Subchapter J (Electrical Engineering) of this chapter as may be determined by the Commandant.

(c) Nothing in these regulations shall be construed as exempting any mechanically propelled vessel, other than a yacht, which carries more than 12 passengers on an international voyage from the applicable requirements of the International Convention for Safety of Life at Sea, 1948.

§ 175.05-5 *Service restrictions for non-self-propelled vessels.* (a) No certificate of inspection will be issued to

non-self-propelled vessels for ocean and coastwise service which are subject to the provisions of this subchapter.

§ 175.05–10 *Specific application noted in text.* (a) At the beginning of the various parts, subparts and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date.

(b) As used in this subchapter the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

SUBPART 175.10—DEFINITIONS OF TERMS USED IN THIS SUBCHAPTER

§ 175.10–1 *Approved.* This term means approved by the Commandant unless otherwise stated.

§ 175.10–3 *Coastwise.* Under this designation shall be included all vessels normally navigating the waters of any ocean, or the Gulf of Mexico, 20 nautical miles or less offshore.

§ 175.10–5 *Commandant.* This term means the Commandant of the Coast Guard.

§ 175.10–7 *Coast Guard District Commander.* This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district which include the enforcement and administration of Title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto and rules and regulations thereunder.

§ 175.10–9 *Ferry.* Under this designation shall be included those vessels, in other than ocean or coastwise service, having provisions only for deck passengers and/or vehicles, operating on a short run on a frequent schedule between two points over the most direct water route, and offering a public service of a type normally attributed to a bridge or tunnel.

§ 175.10–11 *Great Lakes.* Under this designation shall be included all vessels navigating the Great Lakes.

§ 175.10–13 *Headquarters.* This term means the Office of the Commandant, United States Coast Guard, Washington, D. C.

§ 175.10–15 *International voyage.* An international voyage as applied to United States vessels includes voyages between United States ports and ports outside the United States, as well as between United States Continental ports and ports in the Territory of Alaska, Commonwealth of Puerto Rico, Territory of Hawaii, the Panama Canal Zone, or any other separate portion of the United States constituting a possession or held under a protectorate or mandate. However, vessels solely navigating the Great Lakes and their connecting and tributary waters as far east as the exit of the Lachine Canal at Montreal, in the Province of Quebec, Canada, shall not be considered as on an international voyage for the purpose of the regulations contained in this subchapter.

§ 175.10–17 *Lakes, bays and sounds.* Under this designation shall be included, all vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 175.10–19 *Length.* In determining length for the purpose of this Chapter it shall be measured from end to end over the deck excluding sheer.

§ 175.10–21 *Marine inspector or inspector.* This term means any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, designated for the performance of duties with respect to the enforcement and administration of Title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto, rules and regulations thereunder.

§ 175.10–23 *Non-self-propelled vessel.* Under this designation shall be included all vessels which do not have installed either propulsive machinery or masts, spars and sails.

§ 175.10–25 *Ocean.* Under this designation shall be included all vessels navigating the waters on any ocean, or the Gulf of Mexico, more than 20 nautical miles offshore.

§ 175.10–27 *Passenger.* A passenger is every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. The following special considerations should be noted:

(a) In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

(b) For vessels subject to the provisions of the Act of May 10, 1956, the term passenger means every person carried on board a vessel other than:

(1) The owner or his representative;

(2) The master and the bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services;

(3) Any employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a bareboat charter;

(4) Any employee of the bareboat charterer of the vessel engaged in the business of the bareboat charterer;

(5) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly, for his carriage; or

(6) Any person on board a vessel documented and used for tugboat or towboat service of fifty gross tons or more who has not contributed any consideration, directly or indirectly, for his carriage.

§ 175.10–29 *Pilothouse control.* This term means that the operator of the vessel may start and stop the engines and control the direction and speed of the propeller from the principal station from which the vessel is steered.

§ 175.10–31 *Pilot rules.* (a) The term "pilot rules" means the statutory rules of the road and the implementing regulations of the Commandant. The regulatory pilot rules are contained in 33 CFR Parts 80, 82, 84, 90, 92, 95 and 100.

(b) In accordance with law, the Coast Guard publishes the statutory rules of the road and regulatory pilot rules in pamphlet form as follows:

(1) Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico (CG–169).

(2) Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters (CG–172).

(3) Pilot Rules for the Western Rivers (CG–184).

§ 175.10–33 *Recognized classification society.* This term means any national non-profit organization, such as the American Bureau of Shipping, with standards of construction or equipage which have been accepted and/or approved by the Commandant.

§ 175.10–35 *Rivers.* Under this definition shall be included all vessels whose navigation is restricted to rivers and/or canals, exclusively, and to such other waters as may be designated by the Coast Guard District Commanders.

§ 175.10–37 *Vessel.* Where the word vessel is used in this subchapter, it shall be considered to include all vessels indicated in Column 4 of Table 175.05–1 (a) which are not more than 65 feet in length.

SUBPART 175.15—EQUIVALENTS

§ 175.15–1 *Conditions under which equivalents may be used.* (a) Where in this subchapter it is provided that a particular fitting, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, apparatus, or equipment, or type thereof, or any other arrangement: *Provided,* That he shall have been satisfied by suitable trials that the fitting, appliance, apparatus, or equipment, or type thereof, or the arrangement shall be at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

SUBPART 175.20—APPEALS

§ 175.20–1 *Right of appeal.* (a) Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action, he may appeal therefrom to the Coast Guard District Commander having jurisdiction and a like appeal shall be allowed from any decision or action of the Coast Guard District Commander to the Commandant, whose decision shall be final: *Provided, however,* That application for such reexamination of the case by a Coast Guard District Commander or by the Commandant shall be made within 30 days after the decision or action appealed from shall have been rendered or taken.

PART 176—INSPECTION AND CERTIFICATION

Subpart 176.01—Certificate of Inspection

Sec.
176.01–1 When required.
176.01–5 Posting.
176.01–10 Period of validity.
176.01–15 Temporary certificate.

Subpart 176.05—Inspection of Vessels

176.05–1 Standards in inspection of hulls and machinery.

Subpart 176.10—Initial Inspection

176.10–1 Prerequisite of certificate of inspection.
176.10–5 When made.
176.10–10 Plans.
176.10–15 Scope of inspection.

Subpart 176.15—Triennial Inspection

176.15–1 Prerequisite of reissuance of certificate of inspection.
176.15–5 When made.
176.15–10 Scope of inspection.
176.15–15 Lifesaving equipment.
176.15–20 Fire extinguishing equipment.
176.15–25 Hull.
176.15–30 Machinery inspection.
176.15–35 Electrical inspection.
176.15–40 Sanitary inspection.
176.15–45 Fire hazards.

Subpart 176.20—Reinspection

176.20–1 When made.
176.20–5 Scope.

Subpart 176.25—Limitations of Inspections

176.25–1 Inspector not limited.

Subpart 176.30—Drydocking or Hauling Out

176.30–1 When required.
176.30–5 Notice by owner.

Subpart 176.35—Repairs and Alterations

176.35–1 Permission required.
176.35–5 Inspection required.

Subpart 176.40—Plan Approval

176.40–1 Plans and specifications required.

AUTHORITY: §§ 176.01–1 to 176.40–1 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 176.01—CERTIFICATE OF INSPECTION

§ 176.01–1 *When required.* (a) Except as noted in this subpart no vessel subject to inspection and certification shall be operated while carrying more than 6 passengers without a valid certificate of inspection, Form CG–3753. When carrying not more than 6 passengers, or when operating as a yacht, commercial fishing vessel, or cargo carrier, such vessels are subject to the applicable rules and regulations indicated in Table 175.05–1 (a) of Part 175 of this subchapter.

§ 176.01–5 *Posting.* (a) The original certificate of inspection shall, in general, be framed under glass or other transparent material and posted in a conspicuous place where it will be most likely to be observed by the passengers. When the framing of the certificate would be impracticable, the original certificate of inspection shall be kept on board to be shown on demand.

§ 176.01–10 *Period of validity.* (a) Certificates of inspection will be issued for a period of 3 years. However, application may be made by the owner for inspection and issuance of a new certificate of inspection at any time within that period. The certificate of inspection may be revoked or suspended at any time, for noncompliance with any applicable requirements or regulations thereunder.

§ 176.01–15 *Temporary certificate.* (a) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG–854, shall be issued pending the issuance and delivery of the regular certificate of inspection. Such temporary certificate shall be carried in the same manner as the regular certificate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

SUBPART 176.05—INSPECTION OF VESSELS

§ 176.05–1 *Standards in inspection of hulls and machinery.* (a) In general, the tests and inspections required by the Rules of the American Bureau of Shipping or other recognized classification society will be considered as standard.

SUBPART 176.10—INITIAL INSPECTION

§ 176.10–1 *Prerequisite of certificate of inspection.* (a) The initial inspection is a prerequisite of the issuance of the original certificate of inspection.

§ 176.10–5 *When made.* (a) The initial inspection will only be made upon the written application of the owner or builder of the vessel to the Officer in Charge, Marine Inspection, having jurisdiction, on Form CG–3752.

§ 176.10–10 *Plans.* (a) Except as otherwise provided in this section, before application for inspection is made and before construction is started, the owner or builder shall have plans indicating the proposed arrangement and construction of the vessel approved by the Commandant. The procedure for submitting plans and the list of plans to be supplied is set forth in Subpart 176.40. The foregoing is applicable to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date need only supply plans if specifically deemed necessary by the Officer in Charge, Marine Inspection. In any case, if the vessel is subject to a stability test, plans showing the lines, curves of form, and capacities of tanks will be required.

(b) When neither subdivision under Part 178 nor a stability test under Part 179 of this subchapter, is required, departure from the specific requirements of paragraph (a) of this section may be permitted, if, in the judgment of the Officer in Charge, Marine Inspection, the vessel is of a type and structure which experience has demonstrated is safe for the proposed service.

§ 176.10–15 *Scope of inspection.* (a) The initial inspection shall include a complete inspection of the structure, machinery, and equipment, including the outside of the vessel's bottom. In the case of a new vessel, the initial inspection may consist of a series of inspections during the construction of the vessel. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire extinguishing equipment, and other equipment fully comply with the applicable regulations for such vessel, are in accordance with approved plans, and that the radio installation, if any, is in accordance with the requirements of the Federal Communications Commission as evidenced by a proper certificate of that agency. The inspection shall also be such as to insure that the workmanship and condition of all parts of the vessel and its equipment are in all respects satisfactory for the service intended.

SUBPART 176.15—TRIENNIAL INSPECTION

§ 176.15–1 *Prerequisite of reissuance of certificate of inspection.* (a) The triennial inspection is a prerequisite of the reissuance of a certificate of inspection.

§ 176.15–5 *When made.* (a) The triennial inspection will only be made upon the written application of the operator, owner, or agent of the vessel on Form CG–3752 to the Officer in Charge, Marine Inspection, having jurisdiction.

§ 176.15–10 *Scope of inspection.* (a) The triennial inspection shall include an inspection of the structure, machinery and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire extinguishing equipment, and other equipment, is in satisfactory condition and fit for the service for which it is intended, that it complies with the applicable regulations for such vessel, and that the radio installation, if any, is in compliance with the requirements of the Federal Communications Commission as evidenced by a proper certificate of that Agency.

§ 176.15–15 *Lifesaving equipment.* (a) At each triennial inspection the inspector shall inspect all lifesaving equipment to determine its serviceability.

(b) Life preservers, if found to be of approved type and in good condition, shall be stamped "Passed," together with the date, the port and the inspector's initials.

§ 176.15–20 *Fire extinguishing equipment.* (a) At each triennial inspection the fire-fighting equipment of all vessels shall be inspected and all deficiencies found shall be corrected.

(b) During the inspection all or any part of the fire apparatus may be service tested.

(c) The fire hose shall be subjected to the available fire pump pressure.

(d) All portable fire extinguishers shall be checked as noted in Table 176.15-20 (d) and, in addition, shall be examined for excessive corrosion and general condition.

(e) All cylinders of fixed carbon dioxide systems shall be weighed and if the weight loss exceeds 10 percent of the weight of the charge, they shall be recharged. All cylinders shall be examined externally and if excessive corrosion is found they shall be replaced.

(f) In addition to other requirements of this paragraph, the cylinders of all carbon dioxide type portable extinguishers and fixed systems shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

NOTE: Section 147.04–1 of Subchapter N includes requirements that such cylinders shall be retested and remarked under the following conditions: (1) Whenever a cylinder is recharged or for any cause removed from a vessel subsequent to 5 years from the latest test date stamped on the shoulder of the cylinder; or, (2) Whenever a cylinder remains in place on a vessel for 12 years from the latest test date stamped on the shoulder of the cylinder. Cylinders retested under any of the above conditions shall have new or renewed valve and safety relief devices of the proper design installed in the cylinder.

TABLE 176.15-20 (d)

Type unit	Test
Carbon dioxide	Weigh. Recharge if weight loss exceeds 10% of weight of charge. Inspect hose and horn to see they are clear.
Dry chemical (cartridge-operated type).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gauge is in operating range. Weigh to determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Foam	Discharge. Clean inside and hose thoroughly. Recharge.
Vaporizing liquid [1] (pump type)	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid [1] (stored pressure type).	See that pressure gauge is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[1] The vaporizing liquids which have been approved for such extinguishers are carbon tetrachloride and chlorobromomethane.

§ 176.15-25 *Hull.* (a) At each triennial inspection, the inspector shall view the vessel afloat and shall conduct the following tests and inspections of the hull structure and its appurtenances:

(1) Examine all accessible parts of the exterior and interior of the hull and main deck together with their structural reinforcement. Note: Where the internals of a vessel are completely concealed, sections of the lining or ceiling may be removed or the parts otherwise probed or exposed so that the inspector may satisfy himself as to the condition of the hull structure.

(2) Examine and test by operation all watertight closures in the hull, decks and bulkheads.

(3) Check the condition of the superstructure, flying bridge, masts, stacks, fishing platforms and similar arrangements constructed on the hull. In sailing vessels inspect all spars, standing rigging, running rigging, blocks, fittings, and sails.

(4) Inspect all railings and bulwarks and their attachment to the hull structure. Special attention is to be paid to insure that guards or rails are provided in all dangerous places.

(5) Examine all weathertight closures above main deck and inspect the provisions for drainage of sea water from the exposed decks.

(6) Test the main and auxiliary steering apparatus by operation and examine the mechanism thereof throughout its entire length.

(7) Examine all items in the ship's outfit, such as ground tackle, navigation lights, compass, etc., which are required to be carried by the regulations in this subchapter.

§ 176.15-30 *Machinery inspection.* (a) At each triennial inspection the inspector shall examine and test the following items to the extent necessary to determine that they are in proper operating condition and fit for the service for which they are intended:

(1) Main propulsion machinery shall be operated both ahead and astern. Operation of the cooling water system and the attached auxiliary machinery shall be checked while the main propulsion machinery is in operation.

(2) Primary and, if fitted, alternate methods of engine starting shall be tested by operation.

(3) Engine control mechanisms shall be tested by operation and examined, visually, throughout their length.

(4) Auxiliary machinery essential to the routine operation of the vessel shall be tested by operation.

(5) Fuel tanks together with their attendant piping, vents and other appurtenances shall be thoroughly examined. All valves in the fuel lines shall be tested by operation locally and at remote operating positions. Note: This examination shall include the fuel systems for the main propulsion engines, all auxiliaries and for such other uses as a fuel system may be installed.

(6) All overboard discharge and intake valves and bulkhead closure valves shall be examined and tested by operation.

(7) The means provided for water drainage and the pumping of bilges shall be tested by operation. All suction strainers shall be examined.

(8) Special attention shall be paid to insure that no fire hazards exist and that guards or protective devices are provided in all hazardous places.

(9) All pressure vessels, regardless of intended use, shall be subjected to such tests and examinations as are required by Part 61 of Subchapter F (Marine Engineering) of this chapter, except that unfired pressure vessels and heating boilers as defined in Part 53 of Subchapter F shall be tested or examined as required every three years.

§ 176.15-35 *Electrical inspection.* (a) At each triennial inspection the inspector shall examine and test the following items to the extent necessary to determine their condition and performance:

(1) Electrical cable shall be examined as far as practicable without undue disturbance of the cable or the electrical apparatus. Special attention shall be given to the condition of the insulation, the adequacy of the cable supports and the electrical and mechanical integrity of the connections. Particular note should be made of circuits added or modified after the initial inspection.

(2) Overload or circuit protective devices shall be tested by manual operation in the case of circuit breakers or by visual examination in the case of fuses. The ratings of fuses shall be checked to determine suitability for service intended.

(3) Rotating electrical machinery essential to the routine operation of the vessel shall be tested for satisfactory operation.

(4) All generators, motors, lighting fixtures and circuit interrupting devices located in spaces or areas which may contain flammable vapors shall be especially examined to determine their suitability and the suitability of their installation.

(5) Storage batteries shall be checked for condition, ability to carry their required load, and security of stowage.

(6) Electrical apparatus which operates as part of or in conjunction with a fire protective device installed on board the vessel shall be tested by operation. The test shall be applied in the same manner or in a manner intended to simulate the actual operation in case of fire.

§ 176.15-40 *Sanitary inspection.* (a) At each triennial inspection the passenger and crew quarters, toilet and washing spaces, galleys, serving pantries, lockers, etc., shall be examined by the inspector to determine that they are serviceable and in a sanitary condition.

§ 176.15-45 *Fire hazards.* (a) At each triennial inspection the inspector shall examine the bilges and other spaces to see that there is no accumulation of oil or other matter which might create a fire hazard.

SUBPART 176.20—REINSPECTION

§ 176.20-1 *When made.* (a) At least two reinspections shall be made on each vessel within each triennial inspection period. When possible these reinspections will be made at approximately equal intervals between triennial inspections, but may be made at such other times as may be required by the Officer in Charge, Marine Inspection.

§ 176.20-5 *Scope.* (a) In general, the scope of the reinspection shall be the same as for the triennial inspection, but will be in less detail unless it is determined that a major change has occurred since the last triennial inspection.

(b) The inspector shall examine all accessible parts of the vessel's hull, machinery, and equipment to be assured that they are in a satisfactory condition.

(c) At each reinspection, life preservers, portable fire extinguishers, and cylinders of fixed carbon dioxide systems shall be examined in the same manner as prescribed for the triennial inspection by §§ 176.15-15 (b), 176.15-20 (d), and 176.15-20 (e).

SUBPART 176.25—LIMITATIONS OF INSPECTIONS

§ 176.25-1 *Inspector not limited.* (a) Nothing in this part shall be construed as limiting the inspector from making such tests or inspections as are reasonable and practicable to be assured of the seaworthiness of the vessel.

SUBPART 176.30—DRYDOCKING OR HAULING OUT

§ 176.30-1 *When required.* (a) All vessels shall be drydocked or hauled out and made available for examination within the periods set forth in this paragraph, depending upon the service.

(1) Each vessel shall be drydocked or hauled out at intervals not to exceed 18 months if it operated in salt water a total of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operated in salt water a total of 6 months or less in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds this total amount of service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates exclusively in fresh water.

(b) An examination shall be made and will include the hull and appendages, propellers, shafting, stern bearings, rudders, through-hull fittings, sea valves and strainers.

§ 176.30-5 *Notice by owner.* (a) Whenever any vessel is to be drydocked or hauled out in compliance with § 176.30-1 it shall be the duty of the person in charge of the vessel, the owner, or the agent to report the same, together with the nature of any repairs or alterations contemplated, as far in advance as practicable to the Officer in Charge, Marine Inspection, in order that an examination may be made by an inspector.

(b) Whenever a vessel is drydocked or hauled out, in excess of the above requirements, for the purpose of minor repairs such as changing a propeller, painting or cleaning the hull, no report need be made to the Officer in Charge, Marine Inspection.

SUBPART 176.35—REPAIRS AND ALTERATIONS

§ 176.35-1 *Permission required.* (a) No major repairs or alterations affecting the safety of the vessel with regard to the hull, machinery, or equipment, shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(b) Drawings of alterations shall be approved by the Officer in Charge, Marine inspection, before work is started, unless deemed unnecessary by that Officer. Written specifications describing the alterations in detail may be accepted by the Officer in Charge, Marine Inspection, in lieu of drawings if, in his judgment, they would serve the same purpose as the required drawings.

(c) Drawings will not be required for repairs or replacements in kind.

§ 176.35-5 *Inspection required.* (a) An inspection, either general or partial, depending upon the circumstances, may be made whenever any major repairs or alterations are undertaken.

SUBPART 176.40—PLAN APPROVAL

§ 176.40-1 *Plans and specifications required.* (a) Except as otherwise provided in § 176.10-10 (b), the owner or builder of any vessel contracted for on or after June 1, 1958, before making application for first inspection of the vessel, shall submit for approval to the Officer in Charge, Marine Inspection, of the district where the vessel is to be inspected, specifications and drawings as follows: midship section, outboard profile, inboard profile, arrangement of decks, machinery and electrical installations, fuel tanks, piping systems, overboard discharges and drains. If the vessel is required to have a stability test or investigation, the following drawings shall also be submitted:

(1) Lines and offsets.

(2) Curves of form.

(3) Capacities of tanks.

(b) If the vessel is subject to the requirements of § 178.10-1 of Part 178 of this subchapter, plans and/or calculations, or other evidence, demonstrating compliance with that section shall also be submitted.

PART 177—CONSTRUCTION AND ARRANGEMENT

Subpart 177.01—Application

Sec.
177.01-1 General.
177.01-5 Special consideration.

Subpart 177.05—Hull Structure

177.05-1 Structural standards.
177.05-5 Fire protection.

Subpart 177.10—Means of Egress

177.10-1 Requirements.

Subpart 177.15—Ventilation (Other Than Machinery Spaces)

177.15-1 Ventilation for closed spaces.
177.15-5 Ventilation for crew quarters and passenger spaces.

Subpart 177.20—Crew Accommodations

177.20-1 Where required.

Subpart 177.25—Passenger Accommodations

177.25-1 Number allowed.
177.25-5 Length of rail.
177.25-10 Deck area.
177.25-15 Fixed seating.
177.25-20 Toilet facilities.

Subpart 177.30—Hatches

177.30-1 Watertight and weathertight.
177.30-5 Hatches (other than engine hatches).
177.30-10 Engine hatches.

Subpart 177.35—Cooking and Heating

177.35-1 Restrictions.

Subpart 177.40—Rails and Guards

177.40-1 Deck rails.
177.40-5 Storm rails.
177.40-10 Vehicular ferries.
177.40-15 Guards in hazardous places.

AUTHORITY: §§ 177.01-1 to 177.40-15 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 177.01—APPLICATION

§ 177.01-1 *General.* (a) The provisions of this part shall apply to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date shall meet the requirements of this part insofar as is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 177.01-5 *Special consideration.* (a) Special consideration may be given to departures from the specific requirements of this part when it can be shown that special circumstances or arrangements warrant such departures.

SUBPART 177.05—HULL STRUCTURE

§ 177.05-1 *Structural standards.* (a) In general, compliance with the standards established by a recognized classification society [1] will be considered satisfactory evidence of the structural adequacy of a vessel. When scantlings differ from such standards and it can be demonstrated that craft approximating the same size, power and displacement have been built to such scantlings and have been in satisfactory service insofar as structural adequacy is concerned for a period of at least 5 years, such scantlings may be approved. A detailed structural analysis may be required for specialized types or integral parts thereof.

(b) Special consideration will be given to the structural requirements of vessels not contemplated by the standards of a recognized classification society, or the use of materials not specifically included in these standards.

§ 177.05-5 *Fire protection.* (a) The general construction of the vessel shall be such as to minimize fire hazards insofar as reasonable and practicable. Vessels of 100 gross tons and over shall meet the requirements of subpart 72.05 of Subchapter H (Passenger Vessels) of this chapter.

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

(c) Lamp, paint, and oil lockers and similar compartments shall be constructed of metal or lined with metal.

[1] Lloyds' "Rules for the Construction & Classification of Composite and Steel Yachts" and Lloyds' "Rules for the Construction & Classification of Wood Yachts" are acceptable for this purpose.

SUBPART 177.10—MEANS OF ESCAPE

§ 177.10–1 *Requirements.* (a) Except as otherwise provided in this section, all vessels shall be provided with not less than two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed, so located that if one is not available the other may be. At least one of the avenues of escape shall be independent of watertight doors. Windows and windshields of sufficient size and proper accessibility may be used as one avenue of escape.

(b) Where the length of the compartment is less than 12 feet, one vertical means of escape will be acceptable under the following conditions:

(1) There is no source of fire in the space, such as galley stove, heater, etc., and the vertical escape is remote from the engine or fuel tank space; or,

(2) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those on board.

SUBPART 177.15—VENTILATION (OTHER THAN MACHINERY SPACES)

§ 177.15–1 *Ventilation for closed spaces.* (a) All enclosed spaces within the vessel shall be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means shall be provided to close them.

§ 177.15–5 *Ventilation for crew quarters and passenger spaces.* (a) All crew and passenger spaces shall be adequately ventilated in a manner suitable to the purpose of the space.

SUBPART 177.20—CREW ACCOMMODATIONS

§ 177.20–1 *Where required.* (a) All vessels with crew members living on board shall be provided with crew accommodations of sufficient size, adequate construction, and with suitable equipment to provide for the protection and accommodation of the crew in a manner practicable for the size, facilities, and service of the vessel.

SUBPART 177.25—PASSENGER ACCOMMODATIONS

§ 177.25–1 *Number allowed.* (a) Except as otherwise provided in this section, the maximum number of passengers permitted shall not exceed that obtained by the method indicated in §§ 177.25–5, 177.25–10 and 177.25–15, whichever permits the greatest number. However, this maximum number may be further limited by the provisions of Part 179 (Stability) of this subchapter.

(b) Vessels on short runs of not more than 30 minutes on protected waters, such as ferry vessels, may be given special consideration for increased passenger allowance subject to the limitations set forth in Part 179 (Stability) of this subchapter.

§ 177.25–5 *Length of rail.* (a) The number of passengers shall not exceed one for each 30 inches of rail space at the vessel's sides and across the transom which is available to the passengers.

§ 177.25–10 *Deck area.* (a) The number of passengers shall not exceed one for each 10 square feet of deck area available for the passengers' use. The following spaces shall be excluded from the gross deck area available to the passengers:

(1) Concession stands.

(2) Toilets and washrooms.

(3) Companionways, stairways, etc.

(4) Spaces occupied by and necessary for handling lifesaving equipment.

(5) Spaces below deck which are unsuitable for passengers and which would not normally be used by passengers.

(6) Interior passageways less than 30 inches wide and passageways on the open deck less than 18 inches wide.

§ 177.25–15 *Fixed seating.* (a) The number of passengers shall not exceed that for which fixed seating is provided. Seats shall be spaced not closer than 18-inch centers. Aisles not over 15 feet long shall be not less than 24 inches wide. Aisles over 15 feet long shall be not less than 30 inches wide. Where the seats are in rows the distance from seat front to seat front shall be not less than 30 inches.

§ 177.25–20 *Toilet facilities.* (a) Except as otherwise provided in this section, vessels permitted to carry not more than 49 passengers shall be fitted with at least one toilet; and, vessels permitted to carry more than 49 passengers shall be fitted with one toilet and one wash basin for men and one toilet and one wash basin for women, in separate compartments except that where men only are carried, two toilets and one wash basin may be provided in one compartment.

(b) Ferry vessels, barges, water taxis, etc., operating on short runs of not more than 30 minutes need not be fitted with toilets and wash basins.

(c) All toilets and wash basins shall be fitted with adequate plumbing.

SUBPART 177.30—HATCHES

§ 177.30–1 *Watertight and weathertight.* (a) For definition of watertight and weathertight see Subpart 178.05 in Part 178 of this subchapter.

§ 177.30–5 *Hatches (other than engine hatches).* (a) Escape hatches and other hatches in weather decks shall be of watertight construction.

(b) Escape hatches and other hatches in cabin tops may be watertight or weathertight.

(c) Covers or closures for the openings described in paragraphs (a) and (b) of this section shall be secured to hatch frames or hatch coamings by hinges, captive chains, or other devices to prevent their coming adrift. Securing devices shall be such that the hatch may be opened from either side.

§ 177.30–10 *Engine hatches.* (a) Engine hatches in weather decks and exposed cockpits shall be watertight, except that they may be weathertight if provision is made to safeguard the interior of the vessel and equipment therein against seepage.

SUBPART 177.35—COOKING AND HEATING

§ 177.35–1 *Restrictions.* (a) Cooking and heating equipment shall be suitable for marine use.

(b) The use of liquefied petroleum gas for cooking, heating, or other purposes is prohibited on all vessels.

(c) The use of gasoline for cooking, heating or lighting is prohibited on all vessels.

SUBPART 177.40—RAILS AND GUARDS

§ 177.40–1 *Deck rails.* (a) Except as otherwise provided in this section, rails or equivalent protection shall be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical such as at narrow catwalks in way of deck house sides, hand grabs may be substituted.

(b) Rails shall consist of not less than three evenly spaced courses.

(c) On passenger decks of ferry boats, excursion vessels, and vessels of a similar type, rails shall be at least 42 inches high. The space below the rail shall be fitted with chain link fencing, wire mesh, or the equivalent, and depending on the type of this construction, the lower rail courses may not be required.

(d) On sport fishing vessels where higher rails would interfere with the normal operation of the vessel, rails may be 30 inches from the deck or grating.

(e) All rails other than those noted in the preceding paragraphs, shall be at least 36 inches high.

(f) Where the principal business of the vessel requires the discharge of personnel in a seaway, the peripheral rails may be wholly or partially omitted, and center rails or other suitable hand holds substituted therefor.

(g) Sailing vessels, small vessels of open construction, and other vessels not specifically covered elsewhere in this section shall have such coamings and/or rails as considered necessary by the Officer in Charge, Marine Inspection.

§ 177.40–5 *Storm rails.* (a) Suitable storm rails or hand grabs shall be installed where necessary in all passageways, at deck-house sides, and at ladders and hatches where passengers or crew might have normal access.

§ 177.40–10 *Vehicular ferries.* (a) On vehicular ferries, suitable chains, cables, or other barriers shall be installed at the ends of the vehicle runways. In addition, suitable gates, rails, or other devices shall be installed as a continuation of the regularly required rails.

§ 177.40–15 *Guards in hazardous places.* (a) Suitable covers, guards, or rails shall be installed in way of all exposed and hazardous places such as gears, machinery, etc.

PART 178—WATERTIGHT SUBDIVISION

Subpart 178.01—Application

Sec.
178.01–1 General.
178.01–5 Special consideration.

Subpart 178.05—Definitions of Terms Used in This Part

178.05–1 Bulkhead deck.
178.05–3 Margin line.
178.05–5 Permeability.
178.05–7 Watertight.
178.05–9 Weathertight.

Subpart 178.10—Bulkheads

178.10–1 Requirements for vessels carrying more than 49 passengers and all ferry vessels.
178.10–5 Requirements for vessels other than ferry vessels, carrying not more than 49 passengers in ocean and coastwise service.
178.10–10 Requirements for vessels other than ferry vessels, carrying not more than 49 passengers in other than ocean and coastwise service.

Subpart 178.15—Subdivision and Damaged Stability Calculations

178.15–1 Details of calculations.

Subpart 178.20—Cockpits

178.20–1 General.
178.20–5 Freeing arrangements.

AUTHORITY: §§ 178.01–1 to 178.20–5 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 178.01—APPLICATION

§ 178.01–1 *General.* (a) The provisions of this part shall apply to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date shall meet the requirements of this part insofar as is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 178.01–5 *Special consideration.* (a) Special consideration may be given to departures from the specific requirements of this part when it can be shown that special circumstances or arrangements warrant such departures.

SUBPART 178.05—DEFINITIONS OF TERMS USED IN THIS PART

§ 178.05–1 *Bulkhead deck.* (a) The bulkhead deck is the uppermost deck to which the transverse watertight bulkheads are carried.

§ 178.05–3 *Margin line.* (a) Except as otherwise provided in paragraph (b) of this section, the margin line is a line drawn at least 3 inches below the upper surface of the bulkhead deck at side where the bulkhead deck is continuous. Where the bulkhead deck is not continuous, an assumed continuous margin line shall be used which at no point is less than 3 inches below the top of the deck at side to which the bulkheads concerned and the shell or planking are carried watertight.

(b) In the case of vessels with continuous bulkhead decks, where the mean of the maximum sheer forward and aft is less than 12 inches, a modified margin line 3 inches below the top of the deck at the ends but lowered throughout its length so as to have a mean parabolic sheer of 12 inches is to be used. Where the bulkhead deck is not continuous, the margin line shall be such as to give at least a standard of safety equivalent to the foregoing.

§ 178.05–5 *Permeability.* (a) The permeability of a space is the percentage of that space which can be occupied by water.

§ 178.05–7 *Watertight.* (a) So constructed as to effectively resist water seepage to any appreciable degree under continuous exposure to driving rain or solid water; and in the case of bulkheads, to withstand a head of water to the top of the bulkhead.

§ 178.05–9 *Weathertight.* (a) So constructed as to provide effective protection from ordinary rain and spray.

SUBPART 178.10—BULKHEADS

§ 178.10–1 *Requirements for vessels carrying more than 49 passengers and all ferry vessels.* (a) Except as otherwise provided in this section, vessels carrying more than 49 passengers and all ferry vessels shall be fitted with a collision bulkhead and sufficient additional watertight bulkheads to remain afloat with positive stability with any one main compartment flooded. The bulkheads required for machinery and fuel tank installations by Subpart 182.05 in Part 182 of this subchapter, may be used as subdivision bulkheads if properly constructed. For subdivision and damaged stability calculations see Subpart 178.15.

(1) Double ended ferries shall have a collision bulkhead at each end.

(2) Vessels which are fitted with sufficient air tankage or other internal buoyancy, or which would be buoyant if flooded, need only be fitted with a collision bulkhead provided that when flooded, the reserve buoyancy available is sufficient to support the personnel on board and the vessel has positive stability in the flooded condition.

(3) Vessels operating on routes where the depth of water is insufficient to submerge the upper deck of the vessel need only be fitted with a collision bulkhead.

(4) Vessels fitted solely with collision bulkheads as permitted by subparagraphs (2) and (3) of this paragraph must also be fitted with bulkheads as required by Subpart 182.05 in Part 182 of this subchapter dealing with machinery and fuel tank installations.

(b) The collision bulkhead shall be watertight and located not less than 3 percent of the waterline length and not more than 3 percent of the waterline length plus 5 feet abaft the bow at the load waterline. This bulkhead shall be tight to the weather deck.

(c) The additional bulkheads required by paragraph (a) of this section shall be watertight to the bulkhead deck.

(d) The number of penetrations in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the vessel and shall be kept as high and as far inboard as practicable. Satisfactory means shall be provided for making such penetrations watertight. Sluice valves are not permitted in watertight bulkheads.

(e) Except as provided for in § 177.30–10 (a) of this subchapter, the bulkhead deck shall be effectively watertight in areas outside of enclosed weathertight deck houses which are exposed to the weather. Adequate freeing arrangements shall be provided.

(f) Portlights which can be opened are not permitted in the vessels' sides below the margin line defined in § 178.05–3.

§ 178.10–5 *Requirements for vessels other than ferry vessels, carrying not more than 49 passengers in ocean and coastwise service.* (a) Except as otherwise provided in this section, vessels, other than ferry vessels, carrying not more than 49 passengers in ocean and coastwise service shall be fitted with not less than three watertight bulkheads, one of which shall be located as a collision bulkhead in accordance with § 178.10–1 (b). The bulkheads required for machinery and fuel tank installations by Subpart 182.05 in Part 182 of this subchapter may be substituted for two of the required bulkheads.

(b) Vessels may use air tanks or buoyant material in lieu of the bulkheads required in paragraph (a) of this section provided such vessels, when flooded, have sufficient reserve buoyancy and stability to support all personnel on board. These vessels must also be fitted with the bulkheads required by Subpart 182.05 in Part 182 of this subchapter dealing with the machinery and fuel tank installations.

(c) On vessels less than 40 feet in length, operating not more than 20 miles from a harbor of safe refuge, all bulkheads and/or internal buoyancy may be omitted except the bulkheads required by Subpart 182.05 in Part 182 of this subchapter dealing with machinery and fuel tank installations.

§ 178.10–10 *Requirements for vessels other than ferry vessels, carrying not more than 49 passengers in other than ocean and coastwise service.* (a) Except as otherwise provided in this section, vessels other than ferry vessels, carrying not more than 49 passengers in other than ocean or coastwise service shall be fitted with the bulkheads required by Subpart 182.05 in Part 182 of this subchapter dealing with machinery and fuel tank installations.

(1) Small vessels of open construction need not be fitted with the bulkheads required by Subpart 182.05 in Part 182 of this subchapter if adequately ventilated.

SUBPART 178.15—SUBDIVISION AND DAMAGED STABILITY CALCULATIONS

§ 178.15–1 *Details of calculations.* (a) Permeability shall be taken at 85 percent for machinery spaces and 95 percent for all other spaces unless it can be shown that lesser permeabilities apply.

(b) In making subdivision and damaged stability calculations, the undamaged vessel is to be assumed floating at the maximum service draft and at a trim consistent therewith. Sinkage, trim, and heel after damage shall not be permitted beyond the margin line as defined in § 178.05–3.

(c) Insofar as reasonable and practicable watertight bulkheads shall be installed in one plane without steps or recesses. Where steps or recesses are unavoidable the arrangement shall be subject to approval by the Commandant.

SUBPART 178.20—COCKPITS

§ 178.20–1 *General.* (a) Except as otherwise provided in this section, cockpits shall be self bailing and watertight.

(b) Cockpit floors shall be located as high as practicable above the maximum service waterline, but in no case, less than 10 inches above such waterline.

(c) Companionways at ends of cockpits shall have a watertight coaming extending from the cockpit floor to a height not less than 6 inches above the floor. The remainder of the opening shall be

made weathertight by means of substantial slides or doors.

(d) Ventilation openings in cockpit sides will be permitted provided such openings are located as high as possible above the cockpit floor.

(e) Small vessels of open construction, carrying not more than 49 passengers on protected waters, are not required to comply with the provisions of this section.

§ 178.20–5 *Freeing arrangements.* (a) Suitable arrangements for freeing watertight cockpits of water shall be provided.

(b) Freeing ports or scuppers shall be located so as to be effective considering probable list and trim.

(c) The minimum combined area in square inches of the freeing ports or scuppers shall be determined by dividing the area of the cockpit in square feet by 10.

PART 179—STABILITY

Subpart 179.01—Application

Sec.
179.01–1 General.

Subpart 179.05—Stability Test

179.05–1 When required.

Subpart 179.10—Stability Test Procedure

179.10–1 Plans required.
179.10–5 Stability test preparations.

Subpart 179.15—Stability Standards

179.15–1 General.
179.15–5 Weather criteria.
179.15–10 Passenger criteria.
179.15–15 Modifications to weather and passenger criteria.
179.15–20 Damaged stability standards.

Subpart 179.20—Ballast

179.20–1 When required.
179.20–5 How installed.

Subpart 179.25—Stability Letter

179.25–1 Posting.

AUTHORITY: §§ 179.01–1 to 179.25–1 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 179.01—APPLICATION

§ 179.01–1 *General.* (a) The provisions of this part shall apply to the following vessels:

(1) All vessels carrying more than 49 passengers.

(2) All ferry vessels and all other vessels permitted an increased passenger allowance by § 177.25–1 (b) of this subchapter.

(3) Any other vessel whose stability is questioned by the Officer in Charge, Marine Inspection.

SUBPART 179.05—STABILITY TEST

§ 179.05–1 *When required.* (a) Except as otherwise provided in this section, each vessel to which this part applies shall be subjected to a stability test conducted by the owner, builder or his representative under the supervision of the Coast Guard. Calculations for this stability test shall be made by the owner, builder or his representative and shall be approved by the Coast Guard before the vessel is placed in service.

(b) The Commandant may allow the stability test of a vessel to be dispensed with provided basic stability data are available from the stability test of a sister vessel and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted vessel can be obtained from such basic data.

(c) Except for vessels on an international voyage, the Commandant may allow the stability test of a vessel to be dispensed with in exceptional cases where it can be shown to his satisfaction that due to the form, construction, and arrangement of the vessel, stability calculations can be safely made without a stability test being performed.

SUBPART 179.10—STABILITY TEST PROCEDURE

§ 179.10–1 *Plans required.* (a) The plans required by Subpart 176.40 in Part 176 of this subchapter shall be made available prior to the stability test.

§ 179.10–5 *Stability test preparations.* (a) The vessel shall be as nearly complete as practicable when the test is conducted. If additional material or equipment is to be installed after the test, a complete list of such items by weight and location shall be prepared.

(b) All dunnage, tools, and other items extraneous to the completed vessel shall be removed before the test.

(c) The vessel shall be moored in a location reasonably protected from broadside wind, waves and tide. The depth of water shall be sufficient to provide ample clearance under the vessel against grounding. Mooring lines shall be arranged so that they will not interfere with the free rolling or listing of the vessel.

SUBPART 179.15—STABILITY STANDARDS

§ 179.15–1 *General.* (a) With the vessel in the intact condition, the net metacentric height at any operating draft, including allowance for normally slack tanks, shall not be less than the standards outlined in this subpart, taken singly, and the most severe requirements shall govern at any particular draft.

§ 179.15–5 *Weather criteria.* (a) Except as further modified by § 179.15–15, the required minimum metacentric height (GM) in feet at any particular draft is obtained from the following formula:

$$GM = \frac{PAh}{\Delta \tan \theta} \quad (1)$$

where:
P = 0.005 for ocean and coastwise service, and Great Lakes (winter service).
P = 0.0033 for partially protected waters such as lakes, bays, and sounds, and Great Lakes (summer service).
P = 0.0025 for protected waters such as rivers, harbors, etc.
A = Projected lateral area in square feet of portion of vessel above waterline.
h = Vertical distance in feet from center of A to center of underwater lateral area of approximately one-half draft point.
Δ = Displacement in long tons (long ton = 2,240 pounds).
θ = Angle of heel to one-half the freeboard to the deck edge or 14 degrees, whichever is less.

§ 179.15–10 *Passenger criteria.* (a) Except as further modified by § 179.15–15, the required minimum metacentric height (GM) in feet is obtained from the following formula:

$$GM = \frac{Nb}{24\Delta \tan \theta} \quad (1)$$

where:
N = Number of passengers.
b = Distance in feet from the vessel's centerline to the geometrical center of the passenger deck area on one side of centerline.
Δ = Displacement in long tons.
θ = Angle of heel to deck edge or 14 degrees, whichever is less.

§ 179.15–15 *Modifications to weather and passenger criteria.* (a) The criteria set forth in §§ 179.15–5 and 179.15–10 are applicable to flush deck motorboats of the displacement type. Planing type hulls, vessels with cockpits, shallow wide beam vessels, etc., may be further restricted in the permitted angle of heel depending on the hull form, extent of cockpits, and other considerations affecting the safety of the vessel.

(b) The passenger heeling moment in § 179.15–10 is based on an average deck arrangement with a number of passengers aboard corresponding to 1 person for each 10 square feet of deck area. If the number of passengers and deck arrangement is such that passengers crowded along the rail on one side of the vessel will produce a heeling moment in excess of $Nb \div 24$ foot tons (average weight of adults and children taken at 140 pounds), then the greater heeling moment shall be used in determining the required GM.

(c) Separate consideration will be given to stability calculations for sailing vessels.

§ 179.15–20 *Damaged stability standards.* (a) For all ferry vessels, and all other vessels carrying more than 49 passengers, sufficient intact stability shall be provided in all service conditions so as to enable the vessel to withstand flooding in any single compartment.

(b) For purposes of calculating stability in the damaged condition, tanks or tight voids shall be taken either at 95 percent permeability or at zero permeability whichever results in the more severe requirement.

(c) The transverse extent of damage shall be considered to be one-fifth of the beam unless a smaller extent of damage will result in greater heel or greater loss in metacentric height.

(d) Unsymmetrical flooding should be kept to a minimum consistent with efficient arrangements. Heel due to unsymmetrical flooding is limited to 15 degrees or the deck edge, whichever is less, except that under circumstances where such heel after damage may be deemed to constitute an undue hazard, the Commandant may require a lesser angle of heel. Equalizing arrangements, where required, shall not be dependent upon manual or automatic operation of valves. Temporary heel prior to full equalization shall not be excessive.

SUBPART 179.20—BALLAST

§ 179.20–1 *When required.* (a) Where it is determined that a vessel does not have sufficient stability to meet the requirements of the stability standards and the characteristics of the vessel cannot be altered to provide the required stability, solid ballast or other suitable means to increase stability may be required.

§ 179.20–5 *How installed.* (a) Solid ballast, when required, shall be installed in the vessel under the supervision of the Officer in Charge, Marine Inspection. The amount of installed ballast shall be weighed or otherwise accurately determined and located in a vertical and longitudinal position to meet the stability requirements. This ballast shall be stowed in a satisfactory manner to prevent shifting of position in a seaway. Such ballast required for stability shall not be removed from the vessel or relocated unless approved by the Commandant, except that such ballast may be temporarily moved for examination or repair of the vessel, when done under the supervision of an inspector.

SUBPART 179.25—STABILITY LETTER

§ 179.25–1 *Posting.* (a) Each vessel subject to the requirements of this part shall have posted under glass or other transparent material in the pilothouse a stability letter issued by U. S. Coast Guard before the vessel is placed in service. When posting would be impracticable, the stability letter shall be kept on board to be shown on demand. This letter shall indicate, either by specific instructions embodied in the letter or by reference to separate instructions available to the operator, the conditions of operation under which the vessel will have satisfactory stability.

PART 180—LIFESAVING EQUIPMENT

Subpart 180.01—Application

Sec.
180.01–1 Details of application.

Subpart 180.05—General Provisions Pertaining to Lifesaving Equipment

180.05–1 Equipment of an approved type.
180.05–5 Equipment installed but not required.

Subpart 180.10—Primary Lifesaving Equipment Required

180.10–1 General.
180.10–5 Requirements for vessels in ocean service.
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180.10–15 Requirements for vessels in Great Lakes service.
180.10–20 Requirements for vessels in lakes, bays, and sounds service.
180.10–25 Requirements for vessels in river service.
180.10–30 Substitutions.

Subpart 180.15—Equipment for Life Floats and Buoyant Apparatus

180.15–1 Equipment required.
180.15–5 Description of equipment for life floats and buoyant apparatus.
180.15–10 Stowage of equipment.

Subpart 180.20—Stowage and Marking of Lifesaving Appliances

180.20–1 Stowage of lifesaving appliances.
180.20–5 Marking.

Subpart 180.25—Life Preservers

180.25–1 General.
180.25–5 Number required.
180.25–10 Distribution and stowage.
180.25–15 Marking.

Subpart 180.30—Ring Life Buoys and Water Lights

Sec.
180.30–1 General.
180.30–5 Number and size required.
180.30–10 Location, distribution, and securing.

Subpart 180.35—Pyrotechnic Distress Signals

180.35–1 General.
180.35–5 Number required.

AUTHORITY: §§ 180.01–1 to 180.35–5 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 180.01—APPLICATION

§ 180.01–1 *Details of application.* (a) The provisions of this part shall apply to all vessels except as specifically stated.

(b) Special consideration may be given to departures from the specific requirements of this part when it can be shown that special circumstances or arrangements warrant such departures.

SUBPART 180.05—GENERAL PROVISIONS PERTAINING TO LIFESAVING EQUIPMENT

§ 180.05–1 *Equipment of an approved type.* (a) Where equipment in this part is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER, and in addition are contained in Coast Guard publication CG–190, "Equipment Lists".

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment.

§ 180.05–5 *Equipment installed but not required.* (a) Except as further modified in this section, where items of lifesaving equipment are not required, but are installed, such equipment and its installation shall meet the requirements of this part. However, the Commandant may, after suitable investigations and tests, accept lifesaving devices in excess of those required, which are of a type not contemplated by the regulations in this part, if the safety of those on board is materially improved thereby.

SUBPART 180.10—PRIMARY LIFESAVING EQUIPMENT REQUIRED

§ 180.10–1 *General.* (a) All life floats and buoyant apparatus shall be of an approved type, constructed in accordance with Subparts 160.027 and 160.010, respectively, of Subchapter Q (Specifications) of this chapter.

§ 180.10–5 *Requirements for vessels in ocean service.* (a) Vessels in ocean service, shall carry sufficient life floats for all persons on board.

§ 180.10–10 *Requirements for vessels in coastwise service.* (a) Except as otherwise provided in this section, vessels in coastwise service shall carry sufficient life floats or buoyant apparatus for all persons on board.

(1) Vessels whose routes are restricted to 20 miles from a harbor of safe refuge shall carry life floats or buoyant apparatus for not less than 50 percent of all persons on board.

§ 180.10–15 *Requirements for vessels in Great Lakes service.* (a) Except as otherwise provided in this section, vessels in Great Lakes service shall carry sufficient life floats or buoyant apparatus for not less than 50 percent of all persons on board.

(1) Vessels navigating not more than one mile from land are not required to carry life floats or buoyant apparatus.

§ 180.10–20 *Requirements for vessels in lakes, bays, and sounds service.* (a) Except as otherwise provided in this section, vessels in lakes, bays and sounds service shall carry sufficient life floats or buoyant apparatus for not less than 30 percent of all persons on board.

(1) Vessels navigating not more than one mile from land are not required to carry life floats or buoyant apparatus.

§ 180.10–25 *Requirements for vessels in river service.* (a) Except as otherwise provided in this section, vessels in river service shall carry sufficient life floats or buoyant apparatus for not less than 10 percent of all persons on board.

(1) Vessels navigating not more than one mile from land are not required to carry life floats or buoyant apparatus.

§ 180.10–30 *Substitutions.* (a) Lifeboats and life rafts of an approved type, constructed in accordance with Subparts 160.035 and 160.018, respectively, of Subchapter Q (Specifications) of this chapter, may be substituted for any portion of the primary lifesaving equipment required by §§ 180.10–5 through 180.10–25 of this subpart. Such boats and rafts shall be equipped and stowed as required by the Officer in Charge, Marine Inspection.

(b) Suitable dinghies, dories, skiffs, etc., may be substituted for any portion of the primary lifesaving equipment required by §§ 180.10–5 through 180.10–25 of this subpart under such conditions as may be determined by the Officer in Charge, Marine Inspection.

(c) Inflatable flotation equipment of an approved type may be substituted for the required life floats or buoyant apparatus on any vessels subject to the regulations in this part.

SUBPART 180.15—EQUIPMENT FOR LIFE FLOATS AND BUOYANT APPARATUS

§ 180.15–1 *Equipment required.* (a) Each life float shall be fitted with a life line and shall be equipped with 2 paddles, a water light and a painter.

(b) Each buoyant apparatus shall be fitted with a life line and shall be equipped with a water light and painter.

§ 180.15–5 *Description of equipment for life floats and buoyant apparatus—* (a) *Life line.* The life line shall be properly secured around the sides and ends of the life float or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size not less than 3/8" diameter manila.

(b) *Paddles.* Paddles shall be not less than 5 feet long.

(c) *Painter.* The painter for life floats and buoyant apparatus shall be of manila rope not less than 2 inches in circumference and not less than 4 fathoms in length.

(d) *Water light.* The water light shall be of an approved type constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter.

§ 180.15–10 *Stowage of equipment.* (a) Paddles shall be lashed on the sides of the life floats to which they belong.

(b) The water light shall be attached to the life float or buoyant apparatus by a 3/8" diameter manila lanyard, 3 fathoms in length.

SUBPART 180.20—STOWAGE AND MARKING OF LIFESAVING APPLIANCES

§ 180.20–1 *Stowage of lifesaving appliances.* (a) Life floats and buoyant apparatus shall be stowed in such a manner as to be readily launched. Life floats exceeding 400 pounds in weight shall be stowed in such a manner as not to require lifting before launching.

(b) Life floats and buoyant apparatus shall not be secured to the vessel except by lashings which can be easily slipped. They may be stowed in tiers one above the other to a height of not more than 4 feet, provided such stowage does not interfere with the navigation of the vessel. When stowed in tiers the separate units shall be kept apart sufficiently to prevent sticking together by means of suitable distance pieces. Means shall be provided to prevent shifting.

§ 180.20–5 *Marking.* (a) Life floats and buoyant apparatus shall be marked as required by § 185.35–5 of this subchapter.

SUBPART 180.25—LIFE PRESERVERS

§ 180.25–1 *General.* (a) All life preservers shall be of an approved type, constructed in accordance with Subparts 160.002 through 160.005 of Subchapter Q (Specifications) of this chapter.

§ 180.25–5 *Number required.* (a) All vessels shall be provided with an approved adult type life preserver for each person carried. In addition, unless the service is such that children are never carried, there shall be provided a number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

§ 180.25–10 *Distribution and stowage.* (a) Life preservers shall be distributed through the upper part of the vessel in protected places convenient to the persons on board. Life preserver containers shall be marked as required by § 185.30–10 of this subchapter and, if practicable, be so designed as to allow the life preservers to float free.

(b) Life preservers for children when required shall be stowed separately.

§ 180.25–15 *Marking.* (a) All life preservers shall be marked as required by § 185.35–5 of this subchapter.

SUBPART 180.30—RING LIFE BUOYS AND WATER LIGHTS

§ 180.30–1 *General.* (a) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 or 160.050 of Subchapter Q (Specifications) of this chapter.

(b) All water lights shall be of an approved type constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter.

§ 180.30–5 *Number and size required.* (a) All vessels shall be fitted with one 24-inch or 30-inch ring life buoy, except that vessels less than 26 feet in length may use one 20-inch ring life buoy.

§ 180.30–10 *Location, distribution, and securing.* (a) The ring life buoy shall be so placed as to be readily accessible. It shall be capable of being cast loose, shall not be permanently secured in any way, and shall have attached to it a line at least 10 fathoms in length.

(b) Vessels not limited to daytime operation shall, in addition, be provided with an approved water light. The water light shall be stowed close to the ring life buoy and arranged to be attached to it for nighttime operation.

SUBPART 180.35—PYROTECHNIC DISTRESS SIGNALS

§ 180.35–1 *General.* (a) All signals shall be of an approved type constructed in accordance with the applicable subparts of Subchapter Q (Specifications) of this chapter.

(b) All signals shall be stowed in a portable watertight container.

(c) Service use of distress signals shall be limited to a period of 3 years from date of manufacture.

§ 180.35–5 *Number required.* (a) Except as otherwise provided in this section, all vessels shall carry within the pilothouse or other suitable location 6 hand red flare distress signals and 6 hand orange smoke distress signals constructed in accordance with Subparts 160.021 and 160.037, respectively, of Subchapter Q (Specifications) of this chapter, or, 12 hand combination flare and smoke distress signals constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(b) Distress signals are not required on ferry vessels, yacht club launches, water taxis, etc., operating on short runs of not more than 30 minutes.

PART 181—FIRE PROTECTION EQUIPMENT

Subpart 181.01—Application

Sec.
181.01–1 General.
181.01–5 Equipment of approved type.
181.01–10 Equipment installed but not required.

Subpart 181.05—Fire Extinguishing Equipment Required

181.05–1 Emergency hand fire pump.
181.05–5 Fire main system.
181.05–10 Fixed fire extinguishing systems.
181.05–15 Manual sprinkling system.
181.05–20 Portable fire extinguishers.

Subpart 181.10—Fire Main System, Details

181.10–1 Application.
181.10–5 Fire pumps.
181.10–10 Fire hydrants and hose.
181.10–15 Piping.

Subpart 181.15—Fixed Carbon Dioxide Extinguishing System, Details

181.15–1 Application.
181.15–5 Total available supply.
181.15–10 Cargo spaces.
181.15–15 Machinery spaces, paint lockers, tanks and similar spaces.
181.15–20 Controls.
181.15–25 Piping.
181.15–30 Cylinders.
181.15–35 Discharge outlets.
181.15–40 Closure of openings.

Subpart 181.20—Portable Fire Extinguishers

181.20–1 Classification.
181.20–5 Number required and location.

AUTHORITY: §§ 181.01–1 to 181.20–5 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 181.01—APPLICATION

§ 181.01–1 *General.* (a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

(b) Special consideration may be given to departures from the specific requirements of this part when it can be shown that special circumstances concerning the vessel's route, construction, arrangement, trade or operation warrant such departures.

§ 181.01–5 *Equipment of approved type.* (a) All fire extinguishers and fire extinguishing systems shall be of an approved type.

§ 181.01–10 *Equipment installed but not required.* (a) Except as further modified in this section, where fire extinguishing systems or equipment are not required, but are installed, the system or equipment and its installation shall meet the requirements of this part. However, the Commandant may, after suitable investigations and tests, accept fire fighting equipment, which is of a type not contemplated by the regulations in this part, if the safety of the vessel is materially improved thereby.

SUBPART 181.05—FIRE EXTINGUISHING EQUIPMENT REQUIRED

§ 181.05–1 *Emergency hand fire pump.* (a) All vessels shall carry an emergency hand fire and bilge pump complying with the requirements of § 182.20–10 of this subchapter.

§ 181.05–5 *Fire main system.* (a) Power-driven fire pumps, hydrants, hose and nozzles shall be installed on all ferry vessels, and all other vessels which carry more than 49 passengers. The arrangement and details of the fire main system shall be as set forth in Subpart 181.10.

§ 181.05–10 *Fixed fire extinguishing systems.* (a) Fixed fire extinguishing systems of an approved type shall be installed in such locations and on such vessels as follows:

(1) In the machinery and fuel tank spaces of all vessels using fuel having a flash point of 110° F. or lower.

(2) In all vessels in paint and oil rooms and similar spaces, and in cargo spaces for combustible cargo which are inaccessible during the voyage.

(b) The arrangements and details of the fixed fire extinguishing systems shall be as set forth in Subpart 181.15.

§ 181.05–15 *Manual sprinkling system.* (a) All vessels having a deck above a vehicular space shall be fitted with a manual sprinkling system installed in accordance with the applicable sections of Part 76 of Subchapter H (Passenger Vessels) of this chapter.

§ 181.05–20 *Portable fire extinguishers.* (a) Approved portable fire extinguishers shall be installed on all vessels as set forth in Subpart 181.20.

SUBPART 181.10—FIRE MAIN SYSTEM, DETAILS

§ 181.10–1 *Application.* (a) The provisions of this subpart shall apply to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date shall meet the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 181.10–5 *Fire pumps.* (a) The fire pump shall be self-priming and power driven and of such size as to discharge an effective stream from a hose connected to the highest outlet.

(b) The fire pump may be driven off the propulsion engine or other source of power and may be connected to the bilge system so that it can serve as either a fire pump or a bilge pump.

§ 181.10–10 *Fire hydrants and hose.* (a) Fire hose may be commercial fire hose or equivalent of not over 1½-inch diameter or garden hose of not less than ⅝-inch nominal inside diameter. Hose shall be in one piece not less than 25 feet and not more than 50 feet in length.

(b) If 1½-inch hose is used, it shall be of a good grade fire hose and provisions shall be made for proper stowage to prevent kinking. The hose shall be fitted with a good grade bronze or equivalent metal nozzle having a ½-inch solid stream orifice or an approved combination nozzle.

(c) If garden hose is used, it shall be of a good commercial grade constructed of an inner rubber tube, plies of braided cotton reinforcement and an outer rubber cover or of equivalent material, and shall be fitted with a commercial garden hose nozzle of good grade bronze or equivalent metal.

(d) All fittings on fire hose shall be of brass, copper, or other suitable corrosion-resistant metal.

(e) The fire hydrant shall be so located that any portion of the vessel may be reached with an effective stream of water. If it is not possible to effectively reach any portion of the vessel with one hose, then additional hydrants and hoses will be required.

(f) A length of fire hose shall be attached to each fire hydrant at all times.

§ 181.10–15 *Piping.* (a) All piping, valves, and fittings shall be in accordance with good marine practice and suitable for the purpose intended.

SUBPART 181.15—FIXED CARBON DIOXIDE EXTINGUISHING SYSTEM, DETAILS

§ 181.15–1 *Application.* (a) The provisions of this subpart shall apply to all installations contracted for on or after June 1, 1958. Installations contracted for prior to that date shall meet the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 181.15–5 *Total available supply.* (a) A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

§ 181.15–10 *Cargo spaces.* (a) The number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space in cubic feet divided by 30.

(b) Branch lines to the various cargo holds shall not be less than ½-inch standard pipe size.

§ 181.15–15 *Machinery spaces, paint lockers, tanks and similar spaces.* (a) The number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 181.15–15 (a).

TABLE 181.15–15 (a)

Gross volume of compartment, cubic feet		Factor
Over	Not over	
	500	15
500	1,600	16
1,600	4,500	18
4,500	---	20

(b) Branch lines to the various spaces shall be as noted in Table 181.15–15 (b).

TABLE 181.15–15 (b)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	½ (Schedule 40).
200	¾ (Schedule 40).
300	1 (Schedule 80).
600	1¼ (Schedule 80).

(c) The total area of all discharge outlets shall not exceed 85 percent nor be less than 40 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor .0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inches.

§ 181.15–20 *Controls.* (a) All controls and valves for the operation of the system shall be outside the spaces protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected.

(b) Each branch line shall be fitted with an approved shut-off valve. Such shut-off valve shall be kept closed at all times except to operate the particular system.

(c) The arrangements shall be such that the entire charge to any space can be introduced into the space by the operation of one valve selecting the space, and one control for releasing at least the required amount of carbon dioxide. The controls shall be of an approved type and shall be located adjacent to the shut-off valve controls.

(d) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device. All control valves to branch lines shall be labeled to indicate space served.

§ 181.15–25 *Piping.* (a) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion.

(b) All dead-end lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations.

§ 181.15–30 *Cylinders.* (a) Cylinders shall be securely fastened and supported, and where necessary, protected against injury.

(b) Cylinders shall be mounted in an upright position or inclined not more than 30 degrees from the vertical. However, cylinders which are fitted with flexible or bent siphon tubes may be inclined not more than 80 degrees from the vertical.

(c) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce Commission. (See § 176.15–20 (f) of this subchapter.)

(d) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection, including weighing.

(e) Where subject to moisture, cylinders shall be so installed as to provide a space of at least two inches between the flooring and the bottom of the cylinders.

§ 181.15–35 *Discharge outlets.* (a) Discharge outlets shall be of an approved type.

§ 181.15–40 *Closure of openings.* (a) Provision shall be made to prevent the admission of air into the space protected by means of plugs, covers, etc.

SUBPART 181.20—PORTABLE FIRE EXTINGUISHERS

§ 181.20–1 *Classification.* (a) Portable fire extinguishers shall be classified by a combination letter and number symbol; the letter B indicating a type of unit for fires in flammable liquids, greases, etc., and the number indicating the relative size of the unit.

(b) The typical portable fire extinguishers are set forth in Table 181.20–1 (b).

TABLE 181.20–1 (b)

Classification		Foam gallons	Carbon dioxide pounds	Dry chemical pounds	Vaporizing liquid quarts
Type	Size				
B	I	1¼	4	4	1
B	II	2½	15	10	---

§ 181.20–5 *Number required and location.* (a) Portable fire extinguishers shall be installed in accordance with Table 181.20–5 (a). The location and installation of the equipment shall be to the satisfaction of the Officer in Charge, Marine Inspection.

TABLE 181.20-5 (a)

Space	Fire protection required	Quantity and location
Wheel house or steering station.	B-I	1 required.
Accommodations and galley.	B-II	1 near galley, if fitted, otherwise near exit.
Propulsion machinery spaces (fuel having a flash point of 110° F. or lower).	[1] B-II	1 near exit outside of space.
Propulsion machinery spaces (fuel having a flash point over 110° F.).	[2] B-II	2, one near exit inside of space and one near exit outside of space.
Vehicular spaces	B-II	1 for each 5 vehicles or fraction thereof.

[1] Note that a fixed carbon dioxide fire extinguishing system is required in the machinery and fuel tank spaces of all vessels using fuel having a flashpoint of 110° F. or lower (see § 181.05-10).
[2] None required if fixed carbon dioxide system installed.

PART 182—MACHINERY INSTALLATION

Subpart 182.01—Application

Sec.
182.01-1 Vessels propelled by machinery other than steam or electrical power.
182.01-5 Vessels propelled by steam.
182.01-10 Vessels propelled by electrical power.
182.01-15 Vessels propelled by sail and non-self-propelled vessels.
182.01-20 Special consideration.

Subpart 182.05—Separation of Machinery and Fuel Tank Spaces From Accommodation Spaces

182.05-1 Application.
182.05-5 Bulkheads.

Subpart 182.10—Machinery Installations Using Fuels Having a Flash Point of 110° F. or Lower (Gasoline, Etc.)

182.10-1 Application.
182.10-5 Machinery.
182.10-10 Carburetors.
182.10-15 Engine exhausts.
182.10-20 Fuel tanks.
182.10-25 Filling and sounding pipes for fuel tanks.
182.10-30 Vent pipes for fuel tanks.
182.10-35 Fuel supply piping.
182.10-40 Ventilation of compartments containing machinery or fuel tanks.

Subpart 182.15—Machinery Installations Using Fuels Having a Flash Point of Over 110° F. (Diesel Oil, Etc.)

182.15-1 Application.
182.15-5 Machinery.
182.15-10 Engine exhausts.
182.15-15 Fuel tanks.
182.15-20 Filling and sounding pipes for fuel tanks.
182.15-25 Vent pipes for fuel tanks.
182.15-30 Fuel supply piping.
182.15-35 Ventilation of compartments containing machinery or fuel tanks.

Subpart 182.20—Bilge System

182.20-1 Application.
182.20-5 Bilge piping.
182.20-10 Bilge pumps.

Subpart 182.25—Overboard Discharges and Shell Connections

182.25-1 Application.
182.25-5 Inlets and discharges.

Subpart 182.30—Steering Apparatus

182.30-1 Application.
182.30-5 Main steering apparatus.
182.30-10 Auxiliary steering apparatus.

AUTHORITY: §§ 182.01-1 to 182.30-10 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 182.01—APPLICATION

§ 182.01-1 *Vessels propelled by machinery other than steam or electrical power.* (a) Vessels propelled by machinery other than steam or electrical power shall comply with the provisions of this part except as otherwise provided in this section.

(b) Vessels propelled by outboard motors, air screws, etc., will be given separate consideration.

§ 182.01-5 *Vessels propelled by steam.* (a) The machinery and boilers of steam-propelled vessels shall comply with the applicable parts of Subchapter F (Marine Engineering) of this chapter.

§ 182.01-10 *Vessels propelled by electrical power.* (a) The propulsion machinery of vessels propelled by electrical power shall comply with the applicable parts of Subchapter J (Electrical Engineering) of this chapter.

§ 182.01-15 *Vessels propelled by sail and non-self-propelled vessels.* (a) The auxiliary machinery of vessels propelled by sail and non-self-propelled vessels shall comply with the applicable regulations of this part.

§ 182.01-20 *Special consideration.* (a) Special consideration may be given to departures from the specific requirements of this part when it can be shown that special circumstances concerning the vessel's route construction, arrangement, trade or operation warrant such departures.

SUBPART 182.05—SEPARATION OF MACHINERY AND FUEL TANK SPACES FROM ACCOMMODATION SPACES

§ 182.05-1 *Application.* (a) The requirements of this subpart shall apply to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date shall meet the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 182.05-5 *Bulkheads.* (a) Except as otherwise provided in this section, machinery and fuel tank spaces shall be separated from accommodation spaces by watertight and/or vaportight bulkheads of double diagonal wood, marine plywood, steel plate, or equivalent construction. Engine boxes are permissible in cockpit type vessels, and vessels of open construction.

SUBPART 182.10—MACHINERY INSTALLATIONS USING FUELS HAVING A FLASH POINT OF 110° F. OR LOWER (GASOLINE, ETC.)

§ 182.10-1 *Application.* (a) Machinery installations using fuels having a flash point of 110° F. or lower contracted for on or after June 1, 1958, shall comply with the provisions of this subpart. Machinery installations contracted for prior to that date shall comply with the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 182.10-5 *Machinery*—(a) *Propulsion machinery.* (1) Propulsion machinery shall be suitable in type and design for propulsion requirements of the hull in which it is installed and capable of operating at constant marine load under such requirements without exceeding its designed limitations.

(2) The engine head, block and exhaust manifold shall be water jacketed and cooled by water from a pump which operates whenever the engine is operating.

(3) Starting motors, generators and any spark-producing device shall be mounted as high above the bilges as practicable.

(4) A suitable hull strainer shall be installed in the circulating water intake line.

(5) Fresh water cooling may be used provided exhaust is cooled in accordance with § 182.10-15. Air-cooled radiators for propulsion engine cooling water shall not be used.

(6) Gages to indicate cooling water discharge temperature and lubricating oil pressure shall be provided for all propulsion engines and located so as to be in view of the operator. When engine is fresh-water cooled and exhaust pipe is cooled by a separate water cooling system, a suitable warning, visible or audible at the operating station, shall be provided to indicate any failure of water flow in the exhaust system.

(b) *Auxiliary machinery.* (1) Auxiliary engines and their accessory equipment shall comply with the requirements of § 182.10-5 (a), except that, air-cooled engines with self-contained fuel systems will be permitted on open decks.

§ 182.10-10 *Carburetors*—(a) *Drip collectors.* (1) All carburetors except the downdraft type shall be equipped with integral or externally fitted drip collectors of adequate capacity. Drip collectors shall be drained by a device for automatic return of all drip to engine intakes.

(b) *Backfire flame arresters.* (1) Carburetors of all engines shall be fitted with effective backfire flame arresters. Backfire flame arresters shall be of an approved type and constructed in accordance with Subpart 162.015 of Subchapter Q (Specifications) of this chapter.

§ 182.10-15 *Engine exhausts.* (a) Water for cooling the exhaust pipe shall be injected into the exhaust system as near to the engine manifold as practicable, and pass through the entire length. Water shall be obtained from the engine-cooling system or a separate engine-driven pump.

(b) That part of the exhaust system between the point of cooling water injection and the engine manifold shall be water-jacketed or effectively insulated.

(c) Exhaust piping shall be led to the point of escape with a minimum number of bends or elbows. The exhaust piping shall be so arranged as to prevent backflow of water from reaching engine exhaust ports under normal conditions.

(d) Where exhaust piping pierces non-watertight bulkheads, or partitions, it shall have a minimum clearance of 2 inches. Where it passes through watertight bulkheads, non-combustible packings shall be used in the gland. Where a water-cooled exhaust pierces a watertight steel bulkhead it may be welded if suitable arrangements are provided to relieve the stresses resulting from the expansion of the exhaust piping.

(e) The exhaust pipe shall be gastight throughout its length and properly supported by non-combustible hangers or blocks. Protective gratings shall be provided at such locations where persons or gear might come in contact therewith. Arrangements shall be made to provide access to the exhaust pipe throughout its length.

(f) Where flexibility is necessary a section of non-metallic hose may be used provided it is especially adapted to resist the action of oil, acid and heat, and has a wall thickness sufficient to prevent collapsing or panting.

(g) Vertical exhaust systems shall be provided with spark arresters which shall be lagged with fire resistant material and supported by suitable steel hangers. The exhaust piping shall be water-jacketed between the engine manifold and the spark arrester. A clearance of at least 9 inches shall be maintained between the spark arrester and any woodwork.

§ 182.10-20 *Fuel tanks*—(a) *Materials and construction.* (1) Fuel tanks shall be independent of the hull. The material used and the minimum thickness allowed shall be as indicated in Table 182.10-20 (a) (1), except that, consideration will be given to other materials which provide equivalent safety.

TABLE 182.10-20 (a) (1)

Material	A. S. T. M. specification	Thickness vs. tank capacities	
		Thickness in inches for 1- to 81-gallon tanks	Thickness in inches for 81- to 151-gallon tanks
Nickel-copper	B127-49T, Class A.	[1] 0.037	0.050
Copper-nickel	B122-55T, Alloy #5.	.045	.057
Copper	B152-55, Type ETP.	.057	.080
Copper-silicon	B97-55, Types A, B & C.	.050	.064
Steel or iron [2]		.0747	.1046

[1] Nickel-copper not less than 0.031 inch may be used for tanks up to 30 gallons capacity.
[2] Fuel tanks constructed of iron or steel which are less than 3/16 inch thick shall be galvanized inside and outside by the hot dip process.

(2) Fuel tanks having a capacity of more than 150 gallons shall be designed for a factor of safety of four based on the ultimate strength of the material used and on a design head of not less than four feet of liquid above the top of the tank.

(3) Tanks with flanged-up top edges, that may trap and hold moisture, shall not be used.

(4) Openings for fill, vent and fuel pipes, and openings for fuel level gages where used, shall be on topmost surface of tanks. Tanks shall have no openings in bottoms, sides or ends, except that, an opening fitted with a threaded plug or cap may be used for cleaning purposes.

(5) All tank joints shall be welded or brazed except that tanks of less than 20 gallons capacity may be soldered provided the solder used has a melting point of not less than 800° F.

(6) Pipe connections shall be threaded spuds, welded or brazed to the tank. Spuds shall have sufficient flange area to properly reinforce the tank opening. Where fuel level gages are used the flange to which gage fittings are attached, shall be welded or brazed to the tank.

(7) All tanks, exceeding 30 inches in any horizontal dimension, shall be fitted with vertical baffle plates at intervals not exceeding 30 inches. Baffle plates shall be of the same material and at least equal in thickness to the tank walls and shall be connected to the tank walls by welding or brazing.

(b) *Location and installation.* (1) Fuel tanks shall be located in, or adjacent to, engine compartments and shall be separated from accommodation spaces by watertight and/or vaportight bulkheads as required by § 182.05-5.

(2) Fuel tanks shall be so installed as to permit examination, testing, or removal for cleaning with minimum disturbance to the hull structure.

(3) Fuel tanks shall be adequately supported and braced to prevent movement. The supports and braces shall be insulated from contact with the tank surfaces with a non-abrasive and non-absorbent material.

(4) All fuel tanks shall be electrically bonded to the common ground.

(c) *Tests.* (1) Tanks shall be tested to a pressure of 5 pounds per square inch or 1½ times the maximum head to which they may be subjected in service, whichever is greater. Permanent deformation of the tank as a result of the test will not be cause for rejection unless accompanied by leakage.

(2) The complete installation shall be tested to a head not less than that to which the tank may be subjected in service.

§ 182.10-25 *Filling and sounding pipes for fuel tanks.* (a) Fill pipes shall be not less than 1½ inches i. p. s.

(b) Filling and sounding pipes shall be so arranged that overflow of liquid or vapor cannot escape to the inside of the vessel, but will discharge overboard. Sounding pipes may be omitted where sounding can be accomplished through the fill pipe or where marine type fuel gages are installed. Where sounding pipes are used, their openings shall be at least as high as the opening of the fill pipe and they shall be kept closed at all times except during sounding.

(c) Fill and sounding pipes shall run as directly as possible, preferably in a straight line, from the deck connection to the top of the tank. Such pipes shall terminate on the weather deck clear of any coamings and shall be fitted with shut-off valves, watertight deck plates or screw caps suitably marked for identification. Fill and sounding pipes shall extend to within one-half of their diameter from the bottom of the tank.

(d) Where a flexible fill pipe section is necessary, suitable flexible tubing, or hose having high resistance to salt water, petroleum oils, heat and vibration, may be used. Such hose shall overlap metallic pipe ends at least 1½ times the pipe diameter and shall be secured at each end by two clamps of corrosion resistant metal. The flexible section shall be accessible and as near the upper end of the filling pipe as practicable. When the flexible section is a nonconductor of electricity, the metallic sections of the filling pipe separated thereby shall be joined by a conductor for protection against static spark when filling.

§ 182.10-30 *Vent pipes for fuel tanks.* (a) Each tank shall be fitted with a vent pipe which shall be connected to the highest point of the tank as installed in the vessel under conditions of normal trim. The net cross-sectional area of the vent pipe shall be not less than ¾-inch O. D. tubing (0.035" wall thickness—20 gage), except that, where provision is made to fill the tanks under pressure, the net cross-sectional area of the vent pipe shall be not less than that of the fill pipe.

(b) The discharge ends of vent pipes shall terminate on the hull exterior as high above the waterline as practicable and remote from any hull openings, or, they shall terminate in U-bends as high above the weather deck as practicable and as far from any openings into living quarters or other below deck spaces as practicable.

(c) The discharge ends of vent pipes shall be fitted with removable flame screens or flame arresters. The flame screens shall consist of a single screen of corrosion resistant wire of at least 30 x 30 mesh. The flame screens or flame arresters shall be of such size and design as to prevent reduction in the net cross-sectional area of the vent pipe and permit cleaning or renewal of the flame screens or arrester elements.

§ 182.10-35 *Fuel supply piping*—(a) *Materials and workmanship.* (1) Fuel lines shall be annealed tubing of copper, nickel-copper, or copper-nickel having a minimum wall thickness of 0.035 inches.

(2) Where the maximum flexibility is necessary, a short length of metallic-reinforced flexible hose may be used provided it is fitted with suitable connection fittings and has high resistance to salt water, petroleum oils, heat and vibration.

(3) Tubing connections and fittings shall be of nonferrous drawn or forged metal of the flared type. Fittings depending solely on compression against the outside of the tube for tightness are prohibited. When making flared tube connections, the tubing shall be cut square and flared by suitable tools. Tube ends shall be annealed before flaring.

(4) Valves for fuel lines shall be nonferrous material of the packless type and shall be marked to indicate direction of operation. Cocks of any type are prohibited for use in gasoline fuel lines.

(b) *Installation.* (1) Fuel lines shall be run at the level of the tank top to a point as close to the engine connection as practicable.

(2) Fuel lines shall be accessible, protected from mechanical injury, and effectively secured against excessive movement and vibration by the use of soft non-ferrous metal straps with no sharp edges. Where passing through bulkheads, fuel lines shall be protected by close fitting ferrules or stuffing boxes.

(3) Shut-off valves, installed so as to close against the fuel flow, shall be fitted in the fuel supply lines, one at the tank connection and one at the engine end of the fuel line to stop fuel flow when servicing accessories. The shut-off valve at the tank shall be operable from outside the tank compartment, preferably from an accessible position on the weather deck.

(4) A loop of copper tubing or a short length of flexible hose complying with the requirements of paragraph (a) (2) of this section shall be installed in the fuel supply line at or near the engine.

(5) A suitable marine type twin strainer shall be fitted in the fuel supply line in the engine compartment. Strainers shall be of the type opening on top for cleaning screens. A drip pan fitted with flame screen shall be installed under the strainer.

(6) All accessories installed in the fuel line shall be independently supported.

(7) Outlets in fuel lines for drawing fuel below deck for any purpose are prohibited.

§ 182.10–40 *Ventilation of compartments containing machinery or fuel tanks.* (a) Spaces containing machinery or fuel tanks shall have natural supply and mechanical exhaust ventilation as required by this section, except that, where engines and fuel tanks are not in closed compartments, at least one ventilation duct shall be installed in the fore part of the vessel and one in the after part of the vessel, both ducts having cowls or scoops as required by paragraph (h) of this section.

(b) The requirements for the mechanical exhaust system shall be such as to assure the air changes as noted in Table 182.10–40 (b) depending upon the size of the space.

TABLE 182.10–40 (b)

Size of space, cubic feet		Minutes per air change
Over	Not over	
	500	2
500	1,000	3
1,000	1,500	4
1,500	-----	5

(c) Exhaust blower motors shall be outside of the ducts, and if mounted in any compartment required to be ventilated by this section, shall be located as high above the bilge as practicable. Blower blades shall be non-sparking with reference to their housings.

(d) Exhaust blower switches shall be located outside of any space required to be ventilated by this section, and shall be of the type interlocked with the ignition switch so that the blowers are started before the engine ignition is switched on. A red warning sign at the switch shall state that the blowers shall be operated prior to starting the engines for a sufficient time to insure at least one complete change of air in the compartments.

(e) The area of the ducts shall be such as to limit the air velocity to a maximum of 2,000 feet per minute. Ducts may be of any shape, provided that in no case shall one cross section dimension exceed twice the other.

(f) At least 2 inlet ducts shall be located at one end of the compartment and they shall extend to the lowest part of the compartment or bilge on each side. Similar exhaust ducts shall be led to the mechanical exhaust system from the lowest part of the compartment or bilge on each side of the compartment at the end opposite from that at which the inlet ducts are fitted. These ducts shall be so installed that ordinary collection of water in the bilge will not trap the ducts.

(g) All ducts shall be constructed of non-ferrous metal or galvanized-ferrous metal not less than No. 22 USSG, reasonably gas tight from end to end and shall be of substantial construction. The ducts shall lead as direct as possible and be properly fastened and supported.

(h) All supply ducts shall be provided with cowls or scoops having a free area not less than twice the required duct area. When the cowls or scoops are screened, the mouth area shall be increased to compensate for the area of the screen wire. Dampers shall not be fitted in the supply ducts. Cowls or scoops shall be kept open at all times except when the stress of weather is such as to endanger the vessel if the openings are not temporarily closed. Supply and exhaust openings shall not be located where the natural flow of air is unduly obstructed, or adjacent to possible sources of vapor ignition, nor shall they be so located that exhaust air may be taken into the supply vents. Provision shall be made for closing all cowls or scoops when the fixed carbon dioxide system is operated.

SUBPART 182.15—MACHINERY INSTALLATIONS USING FUELS HAVING A FLASH POINT OF OVER 110° F. (DIESEL OIL, ETC.)

§ 182.15–1 *Application.* (a) Except as otherwise provided in this section, machinery installations using fuels having a flash point of over 110° F. (diesel oil, etc.) contracted for on or after June 1, 1958, shall comply with the provisions of this subpart. Machinery installations contracted for prior to that date shall meet the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

(b) Auxiliary machinery installations using fuels having a flashpoint of 110° F. or lower shall comply with the applicable sections of Subpart 181.05 and Subpart 182.10 of this subchapter.

§ 182.15–5 *Machinery*—(a) *Propulsion machinery.* (1) The propulsion machinery requirements of § 182.10–5 (a) shall apply to diesel engine installations, except that, air-cooled diesel engines may be used for propulsion of open boats.

(b) *Auxiliary machinery.* (1) The auxiliary machinery requirements of § 182.10–5 (b) shall apply to diesel auxiliary engine installations.

§ 182.15–10 *Engine exhausts.* (a) The engine exhaust requirements of § 182.10–15 shall apply to diesel engine installations except that dry pipe vertical exhausts are permissible if suitably insulated.

§ 182.15–15 *Fuel tanks.* (a) Independent diesel fuel tanks shall be constructed, installed and tested in accordance with the requirements of § 182.10–20 except as follows:

(1) The material used shall be iron, steel or nickel-copper and the seams shall be joined only by welding. Iron or steel tanks shall not be galvanized on the interior. Galvanizing, paint, or other suitable coating shall be used to protect the outside of the tank.

(2) The opening for the fuel supply piping is not restricted to the top of the tank.

(b) Fuel tanks may be built integral with the hull provided they are constructed and tested in accordance with the standards established by a recognized classification society.

§ 182.15–20 *Filling and sounding pipes for fuel tanks.* (a) The filling and sounding pipe requirements of § 182.10–25 shall apply to diesel fuel tank installations except that they may terminate at the top of the tank in lieu of extending to the bottom of the tank.

§ 182.15–25 *Vent pipes for fuel tanks.* (a) The vent pipe requirements of § 182.10–30 shall apply to all diesel fuel tank installations except that, where the fill pipe terminates at the top of the tank the net cross-sectional area of the vent pipe may be reduced to not less than ⅝-inch O. D. tubing (0.035" wall thickness—20 gage).

§ 182.15–30 *Fuel supply piping.* (a) The fuel supply piping requirements of § 182.10–35 shall apply to diesel engine installations except as follows:

(1) Ferrous pipe, tubing, valves and standard fittings may be used.

(2) The fuel supply pipe may be connected to the fuel tank at or near the bottom of the tank.

(3) No special fuel strainers other than those recommended or furnished by the engine manufacturer will be required. Drip pans will not be required under strainers mounted on the engine.

§ 182.15–35 *Ventilation of compartments containing machinery or fuel tanks.* (a) Spaces containing machinery or fuel tanks shall be fitted with at least two ducts to furnish natural or mechanical supply and exhaust ventilation. One duct shall extend to a point near the bottom of the compartment, so installed that the ordinary collection of water in the bilge will not trap the duct. Where forced ventilation is installed the duct extending near the bottom shall be the exhaust. The ducts shall comply with the requirements of § 182.10–40 (g) and (h) and each duct shall have an area of not less than one square inch for each foot of beam of the vessel. The ducts required by this section shall be in addition to ventilation required by the main engine.

SUBPART 182.20—BILGE SYSTEM

§ 182.20–1 *Application.* (a) Except as otherwise provided in this section, the requirements of this subpart shall apply to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date shall meet the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

(b) Vessels less than 26 feet in length are not required to be fitted with a bilge piping system or a power bilge pump but shall be provided with the hand portable pump required by § 182.20–10 (a).

§ 182.20–5 *Bilge piping.* (a) All vessels shall be provided with a satisfactory pumping arrangement capable of pumping from and draining any watertight compartment under all practical conditions.

(b) Individual bilge lines and bilge suctions shall be provided for each watertight compartment. The bilge pipe shall be not less than one inch i. p. s. and the bilge suctions shall be fitted with suitable strainers having an open area not less than three times the area of the bilge pipe.

(c) The individual bilge section lines shall be led to a manifold which shall be provided with stop-check valves for controlling bilge suctions from the various compartments.

(d) The bilge pipe piercing the collision bulkhead shall be fitted with a screw-down valve located on the forward side of the collision bulkhead and operable from above the weather deck. In lieu thereof, a screw-down valve without a reach rod may be fitted to the bilge line on the after side of the collision bulkhead if it is readily accessible under service conditions.

§ 182.20–10 *Bilge pumps.* (a) All vessels shall be provided with at least two bilge pumps each having a capacity of not less than 10 gallons per minute. One of the required pumps shall be permanently connected to the bilge main. The second pump shall be a hand portable pump, the suction and discharge ends of which shall be provided with hoses so that the pump may also be used as an emergency fire pump.

(b) Except as otherwise provided in this paragraph, all ferry vessels and all other vessels carrying more than 49 passengers shall be provided with a self-priming power bilge pump in lieu of the permanently connected pump required by paragraph (a) of this section, having a capacity of not less than 25 gallons per minute. The power bilge pump may be driven off the main engine or other source of power and may be connected to the fire main so as to serve for fire and bilge service.

(c) Non-self-propelled vessels and sail vessels carrying more than 49 passengers shall comply with the requirement of paragraph (a) of this section.

SUBPART 182.25—OVERBOARD DISCHARGES AND SHELL CONNECTIONS

§ 182.25–1 *Application.* (a) The requirements of this subpart shall apply to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date shall meet the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 182.25–5 *Inlets and discharges.* (a) All inlets and discharges led through the vessel's hull below a line drawn parallel to and not less than six inches above the load water line shall be fitted with efficient and accessible means for preventing the accidental admission of water into the vessel in the event of fracture or failure of such pipes. Engine exhausts led through the hull are not required to have such means of closure. Cast iron hull connections or valves are not permitted.

(b) Positive action valves or cocks located against the hull in way of intake and/or discharge piping will be acceptable provided they are readily accessible. Shut-off valves with positive means of closing from the weather deck will be required in way of hull connections which are inaccessible. The remote closure shall be labeled for identity and direction of closing.

SUBPART 182.30—STEERING APPARATUS

§ 182.30–1 *Application.* (a) The requirements of this subpart shall apply to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date shall meet the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 182.30–5 *Main steering apparatus.* (a) All vessels except non-self-propelled vessels shall be provided with suitable steering apparatus.

§ 182.30–10 *Auxiliary steering apparatus.* (a) Except as further modified in this section, all single screw vessels in ocean and coastwise service shall be provided with an auxiliary steering arrangement located above the weather deck. A suitable hand tiller will be acceptable for this purpose.

(b) Auxiliary steering will not be required where no regular rudder is fitted and steering action is obtained by a change of setting of the propelling unit, or where a rudder and tiller is the normal means of steering.

PART 183—ELECTRICAL INSTALLATION

Subpart 183.01—Application

Sec.
183.01–1 Vessels having electrical installations operating at potentials of 50 volts and over.
183.01–5 Vessels having electrical installations operating at potentials of less than 50 volts.
183.01–10 Special consideration.

Subpart 183.05—General
183.05–1 Batteries.
183.05–5 Name plates.

Subpart 183.10—Equipment
183.10–1 Generators and motors.
183.10–5 Switchboards.
183.10–10 Batteries.
183.10–15 Radio-phone equipment.
183.10–20 Accessories.

Subpart 183.15—Wiring—Size, Insulation, Etc.
183.15–1 Ignition wiring.
183.15–5 Lighting and power wiring.

Subpart 183.20—Wiring—Installation
183.20–1 Wiring.
183.20–5 Wiring joints and splices.
183.20–10 Conductors.
183.20–15 Polarity.
183.20–20 Grounding.

AUTHORITY: §§ 183.01–1 to 183.20–20 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 183.01—APPLICATION

§ 183.01–1 *Vessels having electrical installations operating at potentials of 50 volts and over.* (a) Vessels having electrical installations operating at potentials of 50 volts or more and contracted for on or after June 1, 1958, shall comply with the applicable parts of Subchapter J (Electrical Engineering) of this chapter. Vessels contracted for prior to that date shall meet the applicable regulations in Subchapter J insofar as is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 183.01–5 *Vessels having electrical installations operating at potentials of less than 50 volts.* (a) Vessels having electrical installations operating at potentials of less than 50 volts and contracted for on or after June 1, 1958, shall comply with the provisions of this part. Vessels contracted for prior to that date shall meet the requirements of this part insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 183.01–10 *Special consideration.* (a) Special consideration may be given to departures from the specific requirements of this part when it can be shown that special circumstances or arrangements warrant such departures.

SUBPART 183.05—GENERAL

§ 183.05–1 *Batteries.* (a) Batteries shall not be tapped for voltages other than the total voltage of all cells comprising the battery.

§ 183.05–5 *Name plates.* (a) Each generator, motor and its associated equipment, and other items of electrical power shall be provided with a name plate indicating the maker's name, its rating in volts and amperes or in volts and watts, and when intended for connection to a normally grounded supply, the grounding polarity.

SUBPART 183.10—EQUIPMENT

§ 183.10–1 *Generators and motors.* (a) Generators and motors shall be placed in dry, accessible and adequately ventilated locations.

(b) Independent generators and motors should be mounted on foundations as high as practicable above the bilges to avoid damage by splash or contact with low lying vapors. They shall not be located in low or pocketed positions.

(c) All generators shall be suitably protected from overcurrent by circuit breakers, fuses or by an overcurrent relay.

(d) Overcurrent protection of a third-brush type generator shall open the field circuit.

(e) An emergency switch shall be provided in the normally ungrounded main supply conductor from the battery and located as closely as practicable to the supply battery.

§ 183.10–5 *Switchboards.* (a) Switchboards shall be placed in dry, accessible and adequately ventilated locations preferably outside the engine compartment. The switchboard shall be adequately protected and provision shall be made for access thereto. All unin-

sulated current carrying parts shall be mounted on non-absorbent, non-combustible, high dielectric insulating material.

(b) Totally enclosed switchboards of the dead front type shall be used whenever they are accessible to passengers.

(c) Each conductor of circuit supplying lights, motors or appliances shall be equipped with a circuit breaker or switch and fuses at the point of attachment to the power source. This applies also to added circuits.

(d) Switches other than those mounted on the switchboard shall be of the enclosed type.

(e) If the storage battery is not in the same compartment and adjacent to the panel or box which distributes power to the various lighting, motor and appliance branch circuits the storage battery lead shall be fused close to the battery.

§ 183.10–10 *Batteries.* (a) Batteries shall be so located that the gas generated in charging will be easily dissipated by natural or induced ventilation. Batteries should not be located in the same compartment with a gasoline tank or gasoline engine, but where location elsewhere is impracticable, they shall be effectively screened by a cage or similar structure to minimize the danger of accidental spark through dropping a metal object across terminals.

(b) Batteries shall be located as high above the bilge as practicable and secured against shifting with motion of the boat. They shall be accessible with not less than 10 inches head room.

(c) Battery terminals shall be of the soldered lug type.

(d) Acid batteries shall be located in a tray of lead or other suitable material resistant to deteriorating action by the electrolyte.

(e) Alkaline batteries employing metal containers shall be mounted on suitable insulating support and shall be prevented from coming in contact with other metal which may result in a short circuit.

(f) A battery charger intended for connection to a commercial supply voltage shall employ a transformer of the isolating type. An ammeter that is readily visible shall be included in the battery charger circuit.

(g) A voltage dropping resistor provided for charging a battery shall be mounted in a suitably ventilated noncombustible enclosure, so installed as to prevent hazardous temperatures at adjacent combustible materials.

§ 183.10–15 *Radio-phone equipment.* (a) Radio-phone installations shall have adequate provisions for supplying and conducting the maximum power input to the equipment under any condition of normal operation.

(b) A separate circuit, fused at the main distribution panel shall be provided for each radio-phone installation.

§ 183.10–20 *Accessories.* (a) Accessories, such as switches, fuses, and sockets, shall be standard National Electrical Code types for the loads to be carried and shall be of types listed by Underwriters' Laboratories, Inc., or other recognized testing laboratory.

(b) All lights, receptacles and switches exposed to the weather shall be watertight and shall be constructed of corrosion-resistant material on vessels operating in salt water.

SUBPART 183.15—WIRING—SIZE, INSULATION, ETC.

§ 183.15–1 *Ingition wiring.* (a) Ignition wiring as supplied or recommended by engine manufacturers is generally acceptable.

§ 183.15–5 *Lighting and power wiring.* (a) Wiring sizes for lighting and power shall be in accordance with Table 183.15–5 (a).

TABLE 183.15–5 (a)—ALLOWABLE CURRENT—CARRYING CAPACITIES OF CONDUCTORS BASED ON ROOM TEMP. OF 30° C., 86° F.

[See National Electrical Code for other sizes]

Size Gage No. A.W.G.	Area in circular mils	Capacity of wire: Rubber insulated types R, RW, RU (sizes 12–6)—Thermoplastic insulated types T, TW (all sizes)	Capacity of wire: Rubber insulated type RH
		Amperes	*Amperes*
14	4,107	15	15
12	6,530	20	20
10	10,380	30	30
8	16,510	40	45
6	26,250	55	65
4	41,740	70	85
3	52,630	80	100
2	66,370	95	115
1	83,690	110	130

NOTE: (1) The current-carrying capacities listed in this table are for 1, 2, and 3, conductor cables; 80 percent of these capacities must be used for 4, 5, and 6 conductor cables, and 70 percent for 7, 8, and 9 conductor cables.

(2) The allowable current-carrying capacities in this table are based on temperature alone and do not take voltage drop into consideration.

(b) As a precaution against rupture by vibration, all conductors shall be of the stranded type, except where Type MI cable is employed, and no conductor smaller than No. 14 A. W. G. shall be used except for short fixture leads or intercommunication wiring as set forth in paragraph (g) of this section.

(c) Table 183.15–5 (c) indicates the size of conductor required for corresponding lengths and steady state (stable) values to obtain a voltage drop of not more than ten percent at the load terminals of a two conductor circuit. Other values can be computed by means of the following formula:

$$cm = \frac{K \times I \times L\ (\times 2 \text{ for two-wire circuit})}{E}$$

where:

cm = Circular-mil area of conductor.
K = 10.75 (a constant representing the mil-foot resistance of copper).[1]
I = Load current in amperes.
L = Length of conductor from center of distribution, in feet.
E = Voltage drop at load in volts.

[1] The value of this constant published by the International Association of Electrical Inspectors is 10.8; the difference in results is so small as to be negligible.

TABLE 183.15–5 (c)—CONDUCTOR SIZES FOR AMPERES—LENGTHS

Total current on circuit, amperes	Length of conductor in feet from source of current to most distant fixture: 10	15	20	25	30	35	40	45	50	55	60
	6 volts, 2-wire—10% drop wire sizes (A. W. G.)										
5	14	14	14	12	12	12	10	10	10	8	
10	14	12	10	10	8	8	8	8	6	6	
15	12	10	8	8	8	6	6	6	4	4	
20	10	8	8	6	6	6	4	4	4	4	
25	10	8	6	6	4	4	4	4	3	3	
	12 volts 2-wire—10% drop wire sizes (A. W. G.)										
5	14	14	14	14	14	14	14	14	12	12	
10	14	14	14	12	12	12	10	10	10	8	
15	14	14	12	10	10	10	8	8	8	8	
20	12	12	10	10	8	8	8	8	6	6	
25	10	10	10	8	8	8	6	6	6	4	

(d) After computing the circular-mil area required, reference may be made to Table 183.15–5 (a) for selection of the required conductor gage size. When the computed circular-mil area is found to be less than any value given to the table, the next larger size conductor shall be used.

(e) Light and power conductors for interior wiring shall be insulated in accordance with Table 183.15–5 (e).

(1) Where desired, non-metallic sheathed multiple conductor cable may be employed instead of individual conductors.

(2) Lead sheathed unarmored conductors and conductors armored with spiral wound flat metal stripping shall not be used.

(3) Conductors armored with metallic basket weave, with or without inside lead sheathing, depending upon location, in accordance with the A. I. E. E. standard No. 45, Recommended Practice for Electrical Installations on Shipboard, may be used. (This standard may be obtained from the American Institute of Electrical Engineers, 33 West 39th St., New York 18, N. Y.)

(4) Where desired, metallic sheathed cable Type MI, as defined in the National Electrical Code, may be used. (This standard may be obtained from National Fire Protection Association, 60 Batterymarch St., Boston 10, Mass.)

(f) Conductors, from receptacles to fixtures, shall be flexible cord in accordance with Tables 183.15–5 (f) (1) and 183.15–5 (f) (2).

(g) For inter-communication wiring, rubber or thermoplastic covered single braid IC cable, type RF–32 (rubber covered fixture wire—1/32 in. insulation) stranded and not smaller than No. 16 A. W. G. or equivalent shall be used. Commercial bell wire shall not be used.

TABLE 183.15–5 (e)—CONDUCTOR INSULATIONS

Type letter[1]	Trade name	Insulation	Thickness of insulation		Outer covering	Maximum operating temperature	Special provisions
R	Code	Code-Rubber	14–12	3/64 in.	Moisture-resistant, flame-retardant, fibrous covering.	60° C. 140° F.	General use.
			10	4/64 in.			
			8–2	5/64 in.			
			1	6/64 in.			
RW	Moisture-resistant.	Moisture-resistant rubber.	14	3/64 in.	Moisture-resistant, flame-retardant, fibrous covering.	60° C. 140° F.	General use and wet locations.
			8–2	5/64 in.			
			1	6/64 in.			
RU	Latex	90% unmilled grainless rubber.	14–10	18 mils.	Moisture-resistant, flame-retardant, fibrous covering.	60° C. 140° F.	General use.
			8–6	25 mils.			
RH	Heat resistant	Heat-resistant rubber.	14–12	3/64 in.	Moisture-resistant, flame retardant, fibrous covering.	75° C. 167° F.	General use.
			10	4/64 in.			
			8–2	5/64 in.			
			1	6/64 in.			
T	Thermoplastic	Flame-retardant, thermoplastic compound.	14–10	3/64 in.	None	60° C. 140° F.	General use.
			8	4/64 in.			
			6–2	5/64 in.			
			1	6/64 in.			
TW	Moisture-resistant thermoplastic.	Flame-retardant, moisture-resistant thermoplastic.	14–10	3/64 in.	None	60° C. 140° F.	General use and wet locations.
			8	4/64 in.			
			6–2	5/64 in.			
			1	6/64 in.			

[1] See National Electrical Code issued by National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass.

TABLE 183.15–5 (f) (1)—FLEXIBLE CORDS

Type letter[1]	Trade name	Size A. W. G.	Number of conductors	Conductor insulation	Outer covering	Use
S	Hard service cord	18 to 10 inclusive	2 or more	Rubber thermo-plastic	Rubber	Pendant or portable. Damp places. Extra hard usage.
SO					Oil resistant compound.	
ST					Thermoplastic.	

[1] See National Electrical Code issued by National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass.

TABLE 183.15–5 (f) (2)—ALLOWABLE CURRENT—CARRYING CAPACITY OF FLEXIBLE CORD

Size A. W. G.	Amperes
18	7
16	10
14	15
12	20
10	25

SUBPART 183.20—WIRING—INSTALLATION

§ 183.20–1 *Wiring.* (a) All wiring shall be run as high as practicable above bilges.

(b) Wiring, where subject to mechanical damage shall be protected in accordance with the National Electrical Code: Article 352 for metal raceways, Article 346 for conduit, and Article 348 for metallic tubing.

§ 183.20–5 *Wiring joints and splices.* (a) Wiring joints and splices shall be mechanically secure and made in junction boxes.

(b) Unless a splice is made by an insulated pressure wire connector, listed by Underwriters' Laboratories, Inc., it shall be thoroughly soldered, taped first with rubber and then with friction tape, or the soldered joint shall be otherwise protected as to provide an insulation the same as that of the conductors joined.

(c) Where ends of stranded conductors are to be clamped under terminal screws, they shall be formed and soldered unless fitted with pressure terminal connectors listed by Underwriters' Laboratories, Inc.

§ 183.20–10 *Conductors.* (a) Conductors shall be protected from overcurrent in accordance with their current-carrying capacities as given in Table 183.15–5 (a).

NOTE: Overcurrent protection for conductors is provided for the purpose of opening the electric circuit if the current reaches a value which will cause an excessive or dangerous temperature in the conductor or conductor insulation.

(b) The conductors supplying motors and motor operated appliances shall be protected by a separate overcurrent device which is responsive to motor current. This device shall be rated or set at not more than 125 percent of the motor full-load current rating.

§ 183.20–15 *Polarity.* (a) Where metal enclosures of electrical equipment are conductively connected to one side of the supply circuit, the conductor employed shall be identified throughout the wiring system. The identified conductor shall be connected to the terminal of the same polarity at each source of supply.

§ 183.20–20 *Grounding.* (a) On wood boats, bonding together of major metal enclosures, frames and supports of electrical equipment including battery trays to a common ground shall be effected.

(b) The negative terminal shall be used for the grounding polarity.

(c) Where a ground plate is provided for radio equipment, it shall be connected to the common bonding conductor.

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 184.01—Application

Sec.
184.01–1 General.

Subpart 184.05—Requirements in Other Regulations

184.05–1 General.

Subpart 184.10—Mooring Equipment

184.10–1 Anchors, cables and hawsers.

Subpart 184.15—Navigation Lights and Shapes, Whistles, Fog Horns, and Fog Bells

184.15–1 Requirements in pilot rules.

Subpart 184.20—Compass

184.20–1 Vessels required to have compasses.

Subpart 184.25—Radio

184.25–1 Requirements of the Federal Communications Commission.

Subpart 184.30—Emergency Lighting

184.30–1 Portable lights.

Subpart 184.35—Engine Control

184.35–1 Engine room communication system.

AUTHORITY: §§ 184.01–1 to 184.35–1 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 184.01—APPLICATION

§ 184.01–1 *General.* (a) The provisions of this part shall apply to all vessels except as specifically noted.

SUBPART 184.05—REQUIREMENTS IN OTHER REGULATIONS

§ 184.05–1 *General.* (a) The regulations in this subchapter are intended to be as complete as possible so as to minimize reference to regulations contained in other subchapters of this chapter. Where such reference is unavoidable, only the requirements applicable to vessels of not more than 65 feet in length and under 100 gross tons will be applied.

SUBPART 184.10—MOORING EQUIPMENT

§ 184.10–1 *Anchors, cables and hawsers.* (a) All vessels shall be fitted with such ground tackle and hawsers as deemed necessary by the Officer in Charge, Marine Inspection, depending upon the size of the vessel and the waters on which it operates.

SUBPART 184.15—NAVIGATION LIGHTS AND SHAPES, WHISTLES, FOG HORNS, AND FOG BELLS

§ 184.15–1 *Requirements in pilot rules.* (a) All vessels shall be fitted with navigation lights and shapes, whistles, fog horns, and fog bells as required by the pilot rules applicable to the waters on which the vessel is navigated, and having regard for the size of the vessel.

SUBPART 184.20—COMPASS

§ 184.20–1 *Vessels required to have compasses.* (a) Except as otherwise provided in this section, every vessel shall be fitted with a suitable compass.

(b) The following vessels need not be fitted with a compass:

(1) Vessels in river service.
(2) Non-self-propelled vessels.
(3) Vessels operating in protected waters with short restricted routes.

SUBPART 184.25—RADIO

§ 184.25–1 *Requirements of the Federal Communications Commission.* (a) Radio transmitting and receiving installations or radio telephones are required on certain vessels carrying passengers. Details of the application of this requirement as well as the details of the installation shall be as set forth in the regulations of the Federal Communications Commission (47 CFR Ch. I).

SUBPART 184.30—EMERGENCY LIGHTING

§ 184.30–1 *Portable lights.* (a) Vessels not equipped with an emergency lighting system shall be equipped with a suitable number of portable battery lights.

SUBPART 184.35—ENGINE CONTROL

§ 184.35–1 *Engine room communication system.* (a) Vessels where necessary which are not equipped with pilothouse controls shall be equipped with an efficient principal steering station—engine room communication system.

PART 185—OPERATIONS

Subpart 185.01—General

Sec.
185.01–1 Application.

Subpart 185.05—Penalties

185.05–1 General.

Subpart 185.10—Exhibition of License

185.10–1 Operators license.

Subpart 185.15—Notice of Casualty

185.15–1 When required.

Subpart 185.20—Miscellaneous Operating Requirements

185.20–1 Compliance with provisions of certificate of inspection.
185.20–5 Pilot rules.
185.20–10 Steering gear tests.
185.20–15 Hatches.
185.20–20 Vehicular ferries.
185.20–25 Fueling of vessels using fuel having a flash point of 110° F. or lower (gasoline, etc.).

Subpart 185.25—Preparations for Emergencies

185.25–1 Emergency instructions.
185.25–5 Recommended emergency check off list.
185.25–10 Drills.

Subpart 185.30—Markings Required

185.30–1 Hull markings.
185.30–5 Lifesaving gear.
185.30–10 Life preserver stowage.
185.30–15 Escape hatches and emergency exits.
185.30–20 Fuel shut-off valves.
185.30–25 Watertight doors and watertight hatches.

AUTHORITY: §§ 185.01–1 to 185.30–25 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b. Statutes giving special authority are cited to text in parentheses.

SUBPART 185.01—GENERAL

§ 185.01–1 *Application.* (a) The provisions of this part shall apply to all vessels except as specifically noted.

SUBPART 185.05—PENALTIES

§ 185.05–1 *General.* (a) The marine safety and criminal statutes provide penalties for the violation of the applicable provisions of this subchapter, which penalties, depending upon the gravity of the violation, are as follows:
(1) Assessment and collections of civil monetary penalty.
(2) Criminal prosecution where no loss of life results.
(3) Criminal prosecution for manslaughter where loss of life results from violation of statute or regulation, or from misconduct, negligence, or inattention to duty.
(4) Libel against vessel.
(b) In addition to the foregoing, any licensed or certificated personnel committing an act of misbehavior, negligence, unskillfulness, endangering life, violation of marine safety statutes or regulations or requirements thereunder, and incompetency shall be subject to proceedings under the provisions of R. S. 4450, as amended (46 U. S. C. 239), and regulations thereunder (Part 137 of this chapter) with respect to suspension or revocation of license or certificate.

SUBPART 185.10—EXHIBITION OF LICENSE

§ 185.10–1 *Operators license.* (a) The operator of any vessel subject to the regulations in this subchapter shall have his license as operator in his possession and available for examination at all times when the vessel is being operated.

SUBPART 185.15—NOTICE OF CASUALTY

§ 185.15–1 *When required.* (a) The owner, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the U. S. Coast Guard whenever the casualty results in any of the following:
(1) Damage to property in excess of $1,500.
(2) Major damage affecting the seaworthiness or efficiency of a vessel, its machinery or its equipment.
(3) Loss of life.
(4) Injury causing any person to remain incapacitated for a period in excess of 72 hours.

(R. S. 4450, as amended, 46 U. S. C. 239)

SUBPART 185.20—MISCELLANEOUS OPERATING REQUIREMENTS

§ 185.20–1 *Compliance with provisions of certificate of inspection.* (a) It shall be the duty of the person in charge of the vessel to see that all of the provisions of the certificate of inspection are strictly adhered to. Nothing in this subpart shall be construed as limiting the person in charge, at his own responsibility, from diverting from the route prescribed in the certificate of inspection or taking such other steps as he deems necessary and prudent to assist vessels in distress or for other similar emergencies.

§ 185.20–5 *Pilot rules.* (a) Persons navigating these vessels shall comply with the applicable sections of the Pilot Rules covering the route stipulated in the certificate of inspection.

§ 185.20–10 *Steering gear tests.* (a) Every vessel before getting underway for its day's operation shall have its steering gear, signaling whistle, controls or communication system tested by the operator.

§ 185.20–15 *Hatches.* (a) It shall be the duty of the person in charge of any vessel to assure himself before getting underway, for a voyage on unprotected waters, that all exposed hatches are properly secured and made weathertight.

§ 185.20–20 *Vehicular ferries:* (a) Automobiles or other vehicles shall be stowed in such a manner as to permit both passengers and operators to get out and away from them freely in the event of fire or other disaster. The decks, where necessary, shall be definitely marked with painted lines to indicate the vehicle runways and the aisle spaces.
(b) The person in charge shall take any necessary precautions to see that automobiles or other vehicles have their motors turned off and their emergency brakes set when the ferry is underway, and the motors shall not be started until the ferry is secured to the landing. In addition, the vehicles at each end shall have their wheels securely blocked, while the vessel is being navigated.
(c) The person in charge shall have appropriate "NO SMOKING" signs posted and shall take all necessary precautions to prevent smoking or carrying of lighted or smoldering cigars, cigarettes, etc., in the deck area assigned to automobiles or other vehicles.

§ 185.20–25 *Fueling of vessels using fuel having a flash point of 110° F., or lower (gasoline, etc.).* Vessels using fuel having a flashpoint of 110° F., or lower, shall not take on fuel when passengers are on board.

SUBPART 185.25—PREPARATIONS FOR EMERGENCIES

§ 185.25–1 *Emergency instructions.* (a) Except as otherwise provided in this section, it shall be the duty of the operator in charge of any vessel subject to the regulations in this subchapter to prepare and post emergency check off lists in a conspicuous place accessible to crew and passengers.
(1) On small boats of open construction and other vessels where deemed impracticable by the Officer in Charge, Marine Inspection, emergency instructions will not be required.
(b) The emergency check off lists shall contain not less than the applicable parts of the "Recommended Emergency Check Off List" in § 185.25–5.

§ 185.25–5 *Recommended emergency check off list*—(a) *Rough weather at sea or crossing hazardous bars.* (1) Close all watertight and weathertight doors, hatches, and airports to prevent taking water aboard.
(2) Keep bilges dry to prevent loss of stability due to water in bilges.
(3) Keep passengers seated and evenly distributed.
(4) Have passengers put on life preservers if the going becomes very rough or you are about to cross a hazardous bar.
(5) If assistance is needed use the International Distress call over radio telephone or call the Coast Guard immediately.
(6) Prepare life floats for launching.
(b) *Man overboard.* (1) Throw overboard a ring buoy as close to the person as possible.
(2) Post a lookout to keep the person overboard in sight.
(3) Maneuver the vessel to pick up the person in the water.
(4) Have crew member put on lifejacket, attach a safety line to him and have him standby to jump into the water to assist the person overboard if necessary.
(5) If person is not immediately located notify Coast Guard and other vessels in vicinity by radio telephone.
(6) Continue search until released by Coast Guard.
(c) *Fire at sea.* (1) Cut off air supply to fire—close hatches, ports, doors, ventilators, etc.
(2) Immediately use portable fire extinguishers at base of flames for inflammable liquid or grease fires or water for fires in ordinary combustible materials.
(3) If fire is in machinery spaces shut off fuel supply and ventilation and discharge fixed CO_2 if installed.
(4) Maneuver vessel to minimize effect of wind on fire.
(5) If unable to control fire, immediately notify the Coast Guard and other boats in the vicinity by radio telephone, etc.
(6) Move passengers away from fire, have them put on life preservers, and if necessary, prepare to abandon ship.
(d) *Operator's responsibilities.* (1) Nothing in the recommended emergency instructions in this section shall exempt any operator from the exercise of good judgment in any emergency situation.

§ 185.25–10 *Drills.* (a) The person in charge shall conduct such drills and give such instructions as are necessary to insure that all hands are familiar with their duties.

SUBPART 185.30—MARKINGS REQUIRED

§ 185.30–1 *Hull markings.* (a) The following markings are required by the Customs Regulations. Details of the application of the requirements as well as details of the required markings will be found in those regulations. Therefore, documented vessels shall have the following markings (block letters and numerals not less than 4 inches high, except for draft marks which are 6 inches high):
(1) The name of the vessel on both bows and the stern.
(2) Hailing port—On the stern.
(3) Draft marks—On the stem and stern of all vessels 50 gross tons and over.
(4) Official Number—On the vessel's main beam.
(5) Net tonnage—On the vessel's main beam.
(b) Undocumented vessels shall carry the number awarded by the Coast Guard on both bows. The number shall be in block characters of good proportion not less than three inches high.
(c) All markings shall be of a color which will contrast with the color of the hull so as to be distinctly visible and legible.

(R. S. 4178, as amended, 4495, as amended, sec. 1, 40 Stat. 602, as amended; 46 U. S. C. 46, 493, 288)

§ 185.30–5 *Lifesaving gear.* (a) Life floats and buoyant apparatus, together with their oars and paddles, shall be conspicuously marked with the vessel's name.
(b) The number of persons allowed on each life float and buoyant apparatus shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.
(c) All life preservers and ring life buoys shall be marked with the vessel's name.
(d) Any lifeboat, life raft, or other suitable boat accepted under the provisions of § 180.10–15 (b) of this subchapter, shall be marked with its allowed capacity in persons, and with the name of the vessel on which installed, in letters and figures at least 2 inches high.

§ 185.30–10 *Life preserver stowage.* (a) Where life preservers are stowed so that they are not readily visible to passengers, the containers in which they are stowed shall be marked with the number contained therein, in at least one inch letters and figures. This legend shall indicate the separate stowage of children's life preservers.

§ 185.30–15 *Escape hatches and emergency exits.* (a) All escape hatches and other emergency exits shall be marked on both sides using at least one inch letters: "Emergency Exit, Keep Clear."

§ 185.30–20 *Fuel shut-off valves.* (a) Remote fuel shut-off stations shall be marked in at least one inch letters indicating purpose of the valve and direction of operation.

§ 185.30–25 *Watertight doors and watertight hatches.* (a) Watertight doors and watertight hatches shall be marked on both sides in at least one inch letters: "Watertight Door—Close in Emergency" or "Watertight Hatch—Close in Emergency."

PART 186—MANNING

Subpart 186.01—General

Sec.
186.01–1 Manning requirements.
186.01–5 Manning entries on certificate of inspection.
186.01–10 Operator's license.

AUTHORITY: §§ 186.01–1 to 186.01–10 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b.

SUBPART 186.01—GENERAL

§ 186.01–1 *Manning requirements.* (a) No vessel subject to the provisions of the regulations in this subchapter shall be navigated while her certificate of inspection is in effect unless she shall have in her service and on board such complement of licensed personnel, and crew, as may, in the judgment of the Officer in Charge, Marine Inspection, be necessary for her safe operation.

§ 186.01–5 *Manning entries on certificate of inspection.* (a) The Officer in Charge, Marine Inspection, shall make entries on the certificate of inspection showing the complement of licensed personnel and crew required.

§ 186.01–10 *Operator's license.* (a) A license as master, chief mate, second mate or third mate of ocean and coastwise inspected vessels, or a license as a master or pilot of inspected vessels on other than ocean and coastwise waters, will authorize the holder to serve as operator of vessels subject to the regulations in this subchapter for the class of vessel and on the waters for which such license was issued and within such other restrictions as may be stated on the license.

PART 187—LICENSING

Subpart 187.01—General

Sec.
187.01–1 Application.

Subpart 187.05—General Requirements

187.05–1 Issuance of licenses.
187.05–5 Sea service as member of Armed Forces of the United States and on vessels owned by the United States as qualifying experience.
187.05–10 Lifting of limitations.
187.05–15 Re-examinations and refusal of licenses.
187.05–20 Issuance of duplicate licenses.
187.05–25 Parting with license.
187.05–30 Suspension and revocation of license.
187.05–35 Right of appeal.

Subpart 187.10—Original License

187.10–1 Original licenses defined.
187.10–5 Requirements for original licenses.
187.10–10 Written application.
187.10–15 Physical examination.
187.10–20 Experience or training.
187.10–25 Professional examination.
187.10–30 Character check and references.

Subpart 187.15—Renewal of Licenses

187.15–1 Requirements for renewal of license.
187.15–5 Application for renewal.
187.15–10 Fitness.
187.15–15 Period of grace.
187.15–20 Physical requirements.
187.15–25 Reissue of expired license.

Subpart 187.20—Specific Requirements for Operators on Other Than Ocean and Coastwise Waters

187.20–1 General application.
187.20–5 General requirements.
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AUTHORITY: §§ 187.01–1 to 187.30–15 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b. Statutes giving special authority are cited to text in parenthesis.

SUBPART 187.01—GENERAL

officer or master of any vessel owned and

SUBPART 187.01—GENERAL

§ 187.01–1 *Application.* (a) The regulations in this part apply to all applicants for license to operate vessels of less than 100 gross tons carrying more than 6 passengers.

SUBPART 187.05—GENERAL REQUIREMENTS

§ 187.05–1 *Issuance of licenses.* (a) Applicants for licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an operator on a vessel of the United States. Without prior approval of the Commandant, no person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license. Neither is a person eligible for a license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to the date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(b) After application to an Officer in Charge, Marine Inspection, any person who is found qualified under the requirements set forth in this part shall be issued an appropriate license valid for a term of five (5) years. A limitation commensurate with the experience of the applicant shall be placed upon the license.

(c) Every person to whom a license is issued shall place his signature and left thumb print thereon, and upon any sheets attached for additional endorsements.

(d) An applicant for an operator's license shall swear to the truth of the statements on his application.

(e) An applicant for an operator's license must demonstrate his ability to speak, read and understand English as found in the pilot rules, aids to navigation publications, emergency equipment instructions, and machinery instructions.

(1) An applicant for an operator's license to operate vessels on the navigable waters of the United States in the vicinity of Puerto Rico, who speaks Spanish only, will be issued a license restricted to those waters.

§ 187.05–5 *Sea service as member of Armed Forces of the United States and on vessels owned by the United States as qualifying experience.* (a) Sea service as member of the Armed Forces of the United States will be accepted as qualifying experience for an original, or extension of route of license. Such service will be subject to evaluation to determine its equivalence to the sea service required on passenger motorboats, and to determine the appropriate class and limit of license for which the applicant is eligible.

(b) When any person who has served in a civilian capacity as commanding officer or master of any vessel owned and operated by the United States, in any service, in which a license as master was not required at the time of such service applies for an examination for license, the Officer in Charge, Marine Inspection, shall determine the appropriate operator's license for which the applicant is eligible.

§ 187.05–10 *Lifting of limitations.* (a) If any Officer in Charge, Marine Inspection, is satisfied by the documentary evidence submitted that an applicant is entitled by experience and knowledge to an increase in the scope of his license, he may change any limitations which he may have previously placed upon the license.

(b) No Officer in Charge, Marine Inspection, may change on any license a limitation which he did not place thereon before full information regarding the reason for the limitation is obtained from the Officer in Charge, Marine Inspection, responsible for the same and the applicant has made up the deficiency.

§ 187.05–15 *Re-examinations and refusal of licenses.* (a) Any applicant for license or endorsement who has been duly examined and refused may come before the same Officer in Charge, Marine Inspection, for re-examination at any time thereafter that may be fixed by such Officer in Charge, Marine Inspection, but such time shall not be less than 1 month from the date of his last failure. In the case of another failure, he will not be re-examined until after a lapse of at least 6 months from date of last failure.

(b) A candidate who has been duly examined and refused a license by an Officer in Charge, Marine Inspection, shall not be examined by any other Officer in Charge, Marine Inspection, until 1 year has elapsed from the date of the last refusal without the sanction of the Officer in Charge, Marine Inspection, that refused the applicant.

(c) If the Officer in Charge, Marine Inspection, refuses to grant an applicant the license applied for he shall furnish him a statement setting forth the cause of his refusal.

§ 187.05–20 *Issuance of duplicate licenses.* (a) Whenever a person to whom a license has been issued loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a duplicate license after receiving from such person a properly executed affidavit giving satisfactory evidence of such loss, and a record of the license from the marine inspection office where it was issued. Such license shall be issued as a duplicate by the addition of the following typewritten endorsement, "This license replaces License Number _____ issued at _____ on the above date" as well as the port and date of the duplicate issue. The duplicate license, issued for the unexpired term, shall have the same force and effect as the lost license.

(b) When a person reports the loss of his license or when it is discovered that any license or license form has been stolen from a marine inspection office or when such lost or stolen licenses are recovered, the Officer in Charge, Marine Inspection, shall immediately report the loss, theft, or recovery to the Commandant giving a description of the licenses and all facts incident to its loss, theft or recovery.

§ 187.05–25 *Parting with license.* (a) If the holder of license as operator voluntarily parts with it or places it beyond his personal control by pledging or depositing it with any other person for any purpose, he may be proceeded against in accordance with the provisions of Revised Statute 4450, as amended (46 U. S. C. 239), looking to a suspension or revocation of his license.

§ 187.05–30 *Suspension and revocation of license.* (a) When the license of any operator is revoked such license expires with such revocation and any license of the same type subsequently granted to such person shall be considered in the light of an original license except as to number of issue.

(b) No person whose license has been revoked shall be issued another license except upon approval of the Commandant. Neither shall a license be issued to a person whose license has been suspended, prior to the termination of the suspension, except on approval of the Commandant.

(c) When a license which is about to expire is suspended, the license may be administratively renewed in order to carry out the period of the suspension. However, prior to the reissuance of the license to the holder upon termination of the suspension he must qualify for the renewal of the license as provided in Subpart 187.15.

(R. S. 4450, as amended, 46 U. S. C. 239)

§ 187.05–35 *Right of appeal.* (a) Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action with respect to the issuance of a license or a certificate, he may appeal therefrom to the District Coast Guard Commander having jurisdiction. A like appeal shall be allowed from any decision or action of the District Coast Guard Commander to the Commandant, whose action shall be final. Such appeals shall be made in writing within 30 days after the date of decision or action appealed from. Pending the determination of the appeal the decision of the Officer in Charge, Marine Inspection, shall remain in effect.

SUBPART 187.10—ORIGINAL LICENSE

§ 187.10–1 *Original licenses defined.* The first license issued under the authority of the regulations in this part to any person shall be considered an original license.

§ 187.10–5 *Requirements for original licenses.* Before an original license is issued to any person to act in a licensed capacity on inspected vessels of the United States, he shall personally appear before an Officer in Charge, Marine Inspection, and present satisfactory documentary evidence of his eligibility in respect to the requirements for the type of operator's license for which he makes application.

§ 187.10–10 *Written application.* (a) The Officer in Charge, Marine Inspection, shall require all applicants for original license to make written application upon Coast Guard Form CG–866, License Application.

§ 187.10–15 *Physical examination.* (a) All applicants for an original license shall be required to pass a physical examination given by a medical officer of the United States Public Health Service, or other reputable physician, and present a certificate executed by this Public Health Service Officer, or other reputable physician, to the Officer in Charge, Marine Inspection. This certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition.

(b) Epilepsy, insanity, senility, acute general disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of a licensed operator are causes for rejection.

(c) For an original license as operator the applicant must have either with or without glasses, at least 20/20 vision in one eye and at lease 20/40 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of the "Stillings" or similar test but any applicants who fail this test will be eligible if they pass the "Williams" lantern test.

(d) Where an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician may make recommendations to the Commandant for an exception to these requirements if, in his opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records and reports. In this connection recommendations from owners and operators of vessels, made in behalf of their employees will be given full consideration as a determining factor in arriving at a decision.

§ 187.10–20 *Experience or training.* (a) All applicants for original license shall present to the Officer in Charge, Marine Inspection, letters, discharges, or other official documents certifying the amount and character of their experience and the names of the vessels on which acquired. The Officer in Charge, Marine Inspection, must be satisfied as to the bona fides of all evidence of experience or training presented and may reject any evidence that he has reason to believe is not authentic or which does not sufficiently outline the amount, type and character of service. Photostatic or certified copies of the aforementioned evidence may be accepted for the purpose of filing with the application. No license shall be considered as satisfactory evidence of any qualifying experience required by the regulations in this part.

(b) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the 3 years immediately preceding the date of application. Service in the Armed Forces of the United States shall not be counted in computing the 3 years.

(c) No original license shall be issued to any naturalized citizen on less experience in any grade or capacity than would have been required of a citizen of the United States by birth.

(d) When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, such service may be accepted if in the opinion of the Officer in Charge, Marine Inspection, it is a reasonable equivalent thereto.

§ 187.10–25 *Professional examination.* (a) When the amount and character of an applicant's experience is found to be satisfactory and he is eligible in all other respects, the applicant shall be examined in writing by the Officer in Charge, Marine Inspection.

(b) When the license application of any person has been approved, the Officer in Charge, Marine Inspection, shall give the applicant the required examination as soon as practicable. If applicants for license cannot be examined without material delay by the Officer in Charge, Marine Inspection, of the district in which the application is made, said Officer in Charge, Marine Inspection, shall endeavor, through the Coast Guard District Commander, to arrange for such examination by some other Officer in Charge, Marine Inspection.

§ 187.10–30 *Character check and references.* (a) The Officer in Charge, Marine Inspection, shall require all applicants for original licenses to have written endorsement of three reputable persons to whom he is known, and if the documentary evidence of experience indicates service with a master or operator, one of the three endorsements shall be from that source, if it can be obtained.

(b) Fingerprint records shall be submitted to the Commandant on each applicant at the same time application for license is made. The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in this type case pending the Commandant's authorization.

(c) The fact that an applicant for an original license is on probation as a result of action under Revised Statute 4450, as amended (46 U. S. C. 239), does not itself make such an applicant ineligible, provided he meets all the requirements for such original license. However, an original license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under Revised Statute 4450, as amended. Any such applicant must file an application for license in the usual manner and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this subpart, however, shall be construed to permit an applicant to be examined for an original license during any period when a suspension without probation or a revocation imposed pursuant to Revised Statute 4450, as amended, is effective against his license or certificate.

SUBPART 187.15—RENEWAL OF LICENSES

§ 187.15–1 *Requirements for renewal of license.* (a) Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license.

(b) The Officer in Charge, Marine Inspection, shall, before granting renewal of license, require the applicant to make written application on Coast Guard Form CG–3479, application for renewal of license.

§ 187.15–5 *Application for renewal.* (a) The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except where the applicant would be put to great inconvenience or expense to appear in person or is engaged in a service that necessitates his continuous absence from the United States. In such cases the license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office, which issued the license to be renewed.

(1) A letter of transmittal indicating reasons for not appearing in person and stating that to the best of his knowledge no physical incapacity exists, together with a properly executed application on Coast Guard Form CG–3479.

(2) The oath of office on the form prescribed by the Coast Guard, which has been duly executed before a person authorized to administer an oath, for ocean operators' licenses.

(3) The license to be renewed.

(4) Certification by a United States Public Health Service Medical Officer or other reputable physician that color sense is normal.

(5) Applicants for renewal of operators license shall present evidence of service on the waters for which licensed within the three years immediately preceding the date of application, or shall present evidence of employment in a position closely related to the operation of vessels within the same three-year period.

(i) Every Officer in Charge, Marine Inspection, shall before renewing an existing license to an operator who has not been employed on the waters for which he is licensed or who has not been employed in a position closely related to the operation of vessels during the three years next preceding the date of application for renewal, satisfy himself that such licensed operator is thoroughly familiar with the Rules of the Road ap-

plicable to the waters for which the applicant is licensed. A written examination may be required for this purpose, or the applicant may be examined orally and a summary of the oral examination placed in the operator's license file.

§ 187.15–10 *Fitness.* (a) No license shall be renewed if title has been forfeited or facts which would render a renewal improper have come to the attention of the Coast Guard.

§ 187.15–15 *Period of grace.* (a) A license shall be renewed within 12 months after the date of expiration as shown on the license held, except when an applicant's license has expired beyond the 12-month period of grace during the time of the holder's service with the Armed Forces or the Merchant Marine and there was no reasonable opportunity for renewal. The period of such service following the date of expiration as shown on the license shall be added to the 12-month period of grace.

(b) No license shall be renewed more than 30 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

§ 187.15–20 *Physical requirements.* (a) No license as operator shall be renewed except upon the official certificate of a medical officer of the United States Public Health Service or other reputable physician that the color sense of the applicant is normal.

(1) The test for color vision shall be by means of the "Stillings" or similar test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same.

(2) In the event an applicant for renewal of license as operator is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(b) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of a licensed operator, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(c) Nothing contained in this section shall debar an applicant who has lost the sight of one eye from securing a renewal of his license provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

§ 187.15–25 *Reissue of expired license.* (a) Whenever an applicant shall apply for renewal of his license after the date of its expiration, he shall be required to pass an examination for the same grade of license of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except that no professional examination will be required provided the license expired during the time of the holder's service with the Armed Forces or the Merchant Marine, and there was no reasonable opportunity for renewal. The Officer in Charge, Marine Inspection, may require a written examination for this purpose.

(b) The renewed license shall receive the next higher number of issue of present grade and for the number of issue of all grades.

SUBPART 187.20—SPECIFIC REQUIREMENTS FOR OPERATORS ON OTHER THAN OCEAN AND COASTWISE WATERS

§ 187.20–1 *General application.* (a) The regulations in this subpart are for operators' licenses for vessels of less than 100 gross tons operating in other than ocean and coastwise service.

(b) All motorboat operators, licensed under the provisions of the Motorboat Act of April 25, 1940, as amended, prior to the effective date of the regulations in this part, shall be eligible, without professicnal or physical examination for a license as 'operator of mechanically propelled vessels on other than ocean and coastwise waters of the same scope and limitations, under the provisions of act of May 10, 1956 (46 U. S. C. 390–390g): *Provided,* That a physical examination may be required, if, in the opinion of the Officer in Charge, Marine Inspection, the applicant possesses apparent physical disabilities which would give reasonable cause to doubt his physical ability to competently serve as a motorboat operator. Application for the issuance of licenses under the provisions of this paragraph must be filed within a period of 1 year after the effective date of the regulations in this part. However, if the applicant can show that because of active military service he was unable to file application within the 1 year period provided, the actual time spent in military service shall not be counted in computing the one year.

(c) Any sailboat operator or barge operator who submits satisfactory documentary evidence that he has served as operator in charge of passenger sailboats or passenger barges as the case requires, for a period of at least 1 year, shall be eligible, without professional examination, for a license as sailboat operator or as barge operator on waters other than ocean and coastwise under the same conditions as outlined in paragraph (b) of this section, except that a physical examination shall be required if the applicant holds no license issued by the Coast Guard.

§ 187.20–5 *General requirements.* (a) Any person who has attained the age of 18 years and is qualified in all other respects shall be considered eligible for an operator's license and may be examined by the Coast Guard.

(b) An applicant for a license as operator shall submit satisfactory documentary evidence of at least one year's experience in the operation of the type of vessel specified in the application.

§ 187.20–10 *Examination for operators of mechanically propelled vessels.* (a) The examination will consist of questions on the following:

(1) The Rules of the Road applicable to the waters over which the applicant operates.

(2) Fire protection and extinguishment.

(3) Lifesaving equipment.

(4) The operation of propelling machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(5) The operation and navigation of motorboats carrying passengers.

(6) Simple first aid.

(7) Rules and regulations of this subchapter applicable to vessels operating in other than ocean and coastwise service.

(b) Although applicants will be examined only in the Rules of the Road applicable to the waters upon which they are operating, it will be incumbent upon them, should they at any time operate on waters for which the Rules of the Road differ, to familiarize themselves with the appropriate Rules.

§ 187.20–15 *Examination for sailboat operators.* (a) The examination will consist of questions on the following:

(1) The Rules of the Road applicable to the waters over which the applicant operates.

(2) Fire protection and extinguishment.

(3) Lifesaving equipment.

(4) The operation of auxiliary machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(5) The operation and navigation of sailboats carrying passengers.

(6) Simple first aid.

(7) Rules and regulations of this subchapter applicable to vessels operating in other than ocean and coastwise service.

(b) Although the applicants will be examined only in the Rules of the Road applicable to the waters upon which they are operating, it will be incumbent upon them, should they at any time operate on waters for which the Rules of the Road differ, to familiarize themselves with the appropriate Rules.

§ 187.20–20 *Examination for barge operators.* (a) The examination will consist of questions on the following:

(1) The regulations governing barges applicable to the waters over which the applicant operates.

(2) Fire protection and extinguishment.

(3) Lifesaving equipment.

(4) The operation of auxiliary machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(5) The operation of barges carrying passengers.

(6) Simple first aid.

SUBPART 187.25—SPECIFIC REQUIREMENTS FOR OCEAN OPERATORS

§ 187.25–1 *General application—(a) Vessel's description and routes.* The regulations in this subpart are for operators' licenses for vessels of less than 100 gross tons for limited ocean or coastwise service on routes not to exceed 100 miles offshore between such limits as determined by the Officer in Charge, Marine Inspection.

(b) *Documentary evidence of service.* An applicant who submits satisfactory documentary evidence that he has served as operator in charge of ocean or coastwise passenger motorboats, motor vessels or yachts while holding a license as motorboat operator, for a period of at least 1 year, shall be eligible, without professional or physical examination, for a license as operator of ocean vessels of a class, route and tonnage commensurate with his experience: *Provided,* That a physical examination may be required, if in the opinion of the Officer in Charge, Marine Inspection, the applicant possesses apparent physical disabilities which would give reasonable cause to doubt his physical ability to competently serve as operator of ocean vessels and: *Provided further,* That 6 months of the required 1 year of experience shall have been within the 3 years immediately preceding the date of application. Application for the issuance of licenses under the provisions of this paragraph must be filed within a period of 1 year after effective date of the regulations in this part. However, if the applicant can show that because of active military service, he was unable to obtain 6 months' service within the past 3 years or to file application within the 1 year period provided, the actual time spent in military service shall not be counted in computing either the 3-year period or the 1-year period specified in this paragraph.

(1) An applicant who submits satisfactory documentary evidence that he has served as operator in charge of ocean or coastwise passenger sailing vessels for a period of 1 year shall be eligible, without professional examination, for a license as operator of ocean sail propelled vessels of a class, route and tonnage commensurate with his experience under the same conditions as outlined in paragraph (b), except that a physical examination shall be required if the applicant holds no license issued by the Coast Guard.

(c) *Routes in excess of 100 miles.* If application is made for a route in excess of the maximum mileage limitation specified for an ocean license, in order that an outlying island or body of land may be included in the route, the complete application file shall be forwarded to the Commandant for evaluation. In arriving at a decision in each individual case, the factors that will be considered are the amount and character of the qualifying experience of the applicant, the necessity, if any, for additional professional examination beyond that specified in §§ 187.25–15 and 187.25–20 to qualify the applicant for the increase in route and the recommendations of the Officer in Charge, Marine Inspection, to whom application is made.

(d) *Oath.* Every person who received a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 50 U. S. C. 732, to be recorded upon his official file, that he will faithfully and honestly according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

(e) *Minimum age.* Any person who has attained the age of 21 years and is qualified in all other respects shall be eligible for a license.

(f) *Citizenship.* No license shall be issued to any person who is not a citizen of the United States, either native-born or fully naturalized except that a resident alien who is otherwise eligible for a license under paragraph (b) of this section shall not be required to be a citizen. The Officer in Charge, Marine Inspection, must be satisfied as to the bona fides of all evidence of citizenship presented, and may reject any evidence that he has reason to believe is not authentic. Acceptable evidence of citizenship is described below in the order of its desirability, except that the first six (6) acceptable methods will be assigned equal weight:

(1) Birth certificate or certified copy.

(2) Naturalized citizens must present a Certificate of Naturalization.

(3) Baptismal certificate or parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(5) State Department passport.

(6) A commission in the United States Navy, Marine Corps, Coast Guard, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of these services subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(7) A continuous discharge book, certificate of identification or merchant mariner's document issued by the Coast Guard or by the former Bureau of Marine Inspection and Navigation which shows the holder as an American citizen, provided the records indicate that the holder of such continuous discharge book, certificate of identification, or merchant mariner's document produced satisfactory evidence of his citizenship at the time of the issuance of the same.

(8) Delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement.

(9) For persons deriving citizenship through naturalization of their parents, a Certificate of Citizenship issued by the U. S. Immigration and Naturalization Service is acceptable as documentary evidence of citizenship.

(10) If no one of the requirements set forth in subparagraphs (1) to (9) of this paragraph can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship he may submit for consideration data of the following character:

(i) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington 25, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after birth of the applicant, giving the name of the street and number of the house or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district if residing in the country, also the names of parents, or the names of other persons with whom residing on the date specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; April 1, 1930; April 1940; and April 1950. Records for 1890 are not available.

(ii) Affidavits of parents or relatives or affidavits by two or more responsible citizens of the United States, stating citizenship; school records; immigration records; or insurance policies.

§ 187.25–5 *Service requirements, mechanically propelled vessels.* (a) The minimum service required to qualify an applicant for examination for a license as operator of mechanically propelled vessels in ocean service is:

(1) Three years' service as a licensed motorboat operator of passenger motorboats, of which at least 1 year shall have been while operating on ocean or coastwise waters; or

(2) Four years' deck department service in the operation of ocean or coastwise motorboats or motor vessels.

§ 187.25–10 *Service requirements, sail propelled vessels.* (a) The minimum service required to qualify an applicant for examination for a license as master of sail propelled vessels in ocean service is:

(1) Three years' service as operator in charge of ocean or coastwise sail vessels carrying passengers; or,

(2) Four years' service in the operation of ocean or coastwise sail vessels.

§ 187.25–15 *Examination for operator of ocean mechanically propelled vessels.* (a) An applicant for a license as operator of ocean mechanically propelled vessels of less than 100 gross tons shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this section:

(1) Use of a nautical chart and the meaning of the various symbols and abbreviations thereon; determining and laying off compass courses and distances on a chart and allowing for set and drift of currents; fixing a vessel's position by bearings of fixed object(s).

(2) International and Inland Rules of the Road.

(3) Practical application of variation and deviation of the magnetic compass and simple methods of determining the compass error.

(4) Rudimentary seamanship, including:

(i) The use and construction of a sea anchor.

(ii) Temporary repairs to the hull in the event of springing a leak.

(iii) Man overboard procedure in the handling of the boat and recovering the person.

(iv) Proper anchoring, mooring and unmooring procedures.

(v) Handling vessel in heavy weather.

(5) Aids to navigation, including the basic buoyage system of the United States.[1]

(6) Local winds, weather, and currents.[1]

(7) Local navigational features and conditions.[1]

(8) Simple first aid, including artificial respiration.

(9) Elementary signals, including:

(i) Storm signals.

(ii) Distress signals.

(10) The use and reading of weather bulletins.

(11) The use and reading of an aneroid barometer.

(12) Lifesaving and fire-fighting equipment, including precautions to be taken against fire, explosion from oil or gasoline and methods of dealing with fire, the use of fire extinguishers, and the handling of the vessel after fire is discovered.

(13) Rules and regulations of this subchapter applicable to ocean and coastwise vessels.

(14) The operation of propelling machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(15) Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency for the route to be navigated.

§ 187.25–20 *Examination for operator of ocean sail propelled vessels.* (a) An applicant for a license as operator of ocean sail vessels of less than 100 gross tons shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph.

(1) Use of a nautical chart and the meaning of the various symbols and abbreviations thereon; determining and laying off compass courses and distances on a chart, and allowing for set and drift of currents; fixing a vessel's position by bearings of fixed object(s).

(2) International and Inland Rules of the Road.

(3) Practical application of variation and deviation of the magnetic compass and simple methods of determining the compass error.

[1] The part of examination for these subjects will be based upon material contained in the U. S. Coast Pilot, Light Lists, and Tide and Current Tables applicable to the area for which the license is to be valid.

(4) Rudimentary seamanship, including:

(i) The use and construction of a sea anchor.

(ii) Temporary repairs to the hull in the event of springing a leak.

(iii) Man overboard procedure in the handling of the boat and recovering the person.

(iv) Proper anchoring, mooring and unmooring procedures.

(v) Handling vessel in heavy weather.

(vi) The setting and taking in of a fore and aft sail and others relating to the handling of sails and sailing vessels.

(5) Aids to navigation, including the basic buoyage system of the United States.[1]

(6) Local winds, weather, and currents.[1]

(7) Local navigational features and conditions.[1]

(8) Simple first aid, including artificial respiration.

(9) Elementary signals, including:

(i) Storm signals.

(ii) Distress signals.

(10) The use and reading of weather bulletins.

(11) The use and reading of an aneroid barometer.

(12) Lifesaving and fire fighting equipment including precautions to be taken against fire, explosion from oil or gasoline and methods of dealing with fire, the use of fire extinguishers and the handling of the vessel after fire is discovered.

(13) Rules and regulations of this subchapter applicable to ocean and coastwise vessels.

(14) The operation of auxiliary machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(15) Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency for the route to be navigated.

§ 187.25–25 *Additional routes.* (a) A licensed operator of mechanically or sail propelled ocean vessels who applies for an endorsement of an additional route to his license shall be required to show three months service or 12 trips within one year on the waters for which the endorsement is requested. The Officer in Charge, Marine Inspection, having jurisdiction over the requested route shall determine whether three months service or 12 trips shall be required, and shall examine the applicant on the following subject except that examination on International and Inland Rules shall not be required oftener than one year:

(1) International and Inland rules of the road.

(2) Aids to navigation on route.[1]

(3) Local winds, weather and currents.[1]

(4) Local navigational features and conditions.[1]

(5) Such further examinations as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency for the route to be navigated.

SUBPART 187.30—ACTION AGAINST LICENSES

§ 187.30–1 *General application.* (a) All licenses issued by the Coast Guard are subject to suspension or revocation as provided under the provisions of Revised Statute 4450, as amended (46 U. S. C. 239), and the regulations promulgated thereunder in Parts 136 and 137 in Subchapter K (Marine Investigations and Suspension and Revocation Proceedings) of this chapter.

(R. S. 4450, as amended, sec. 2, 68 Stat 484; 46 U. S. C. 239, 239b)

§ 187.30–5 *Appealing from an action against a license.* (a) A person whose license is revoked, suspended, suspended on probation, or admonished by an examiner in a Coast Guard District may at any time within 30 days after the decision of the examiner take an appeal to the Commandant. This appeal to the Commandant shall be taken by filing a notice of appeal with the Commander of the Coast Guard District in which the hearing was held.

(b) The notice may be prepared by the appellant or appellant's counsel. The notice shall:

(1) Be typewritten or written in a legible hand;

(2) Be addressed to the Commandant;

(3) Set forth as briefly as possible the name of the appellant, the nature of the charge, the substance of the decision of the examiner, the name of the examiner who made the decision; and,

(4) Contain a statement of each separate ground for such appeal, together with a certificate from the appellant that the appeal is not taken for the purposes of delay.

(c) The appellant may file exceptions to the decision of the examiner supported by a brief or memorandum with his notice of appeal in elaboration of the matters set forth. The District Commander shall immediately transmit such notice of appeal, exceptions, brief or memorandum, if any, to the Commandant together with a complete transcript of the record in the case, if in his possession.

§ 187.30–10 *Record for decision on appeal.* (a) The transcript of testimony together with all papers and exhibits filed in the proceedings shall constitute the exclusive record for decision on appeal.

§ 187.30–15 *Action on appeal.* (a) The Commandant on appeal may alter or modify any finding of the examiner and may affirm, reverse or modify the order of the examiner, or he may remand the case for further hearing, but the Commandant will not consider evidence which is not a part of the record. The decision of the Commandant on appeal shall be final.

Dated: October 1, 1957.

J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57-8205; Filed, Oct. 4, 1957; 8:51 a. m.]

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MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.333]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following October 5, 1957, paragraph (a) is amended by the deletion of the following:

Khorramshahr, Iran.

2. Effective as of the beginning of the first pay period following October 5, 1957, paragraph (b) is amended by the deletion of the following:

Iran, all posts except Ahwaz, Dezful, Isfahan, Kerman, Khaneh, Khorramshahr, Shiraz and Tehran.

Philippines, all posts except Angeles, Baguio City, Cavite (including Sangley Point), Manila and Subic Bay.

3. Effective as of the beginning of the first pay period following October 5, 1957, paragraph (c) is amended by the deletion of the following:

Subic Bay, Philippines.

4. Effective as of the beginning of the first pay period following October 5, 1957, paragraph (d) is amended by the deletion of the following:

Lindholm Island, Denmark.
Malang, Indonesia.

5. Effective as of the beginning of the first pay period following September 7, 1957, paragraph (a) is amended by the addition of the following:

Quezaltenango, Guatemala.

6. Effective as of the beginning of the first pay period following October 5, 1957, paragraph (a) is amended by the addition of the following:

Chocola, Guatemala.

7. Effective as of the begining of the first pay period following October 5, 1957, paragraph (b) is amended by the addition of the following:

Iran, all posts except Ahwaz, Dezful, Isfahan, Kerman, Khaneh, Shiraz and Tehran.

Philippines, all posts except Angeles, Gaguio City, Cavite (including Sangley Point), Manila and Subic Bay (including Cubi Point).

8. Effective as of the beginning of the first pay period following October 5, 1957, paragraph (c) is amended by the addition of the following:

Malang, Indonesia.

Subic Bay (including Cubi Point), Philippines.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

ROBERT NEWBEGIN,
Acting Assistant Secretary-Controller.

SEPTEMBER 27, 1957.

[F. R. Doc. 57-8225; Filed, Oct. 7, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

REPLACEMENT OF UNTENDERABLE COTTON

On August 3, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 6234) regarding the proposed deletion of § 27.71 of the regulations in 7 CFR Part 27, as amended, relating to cotton classification, pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U. S. C. 4863).

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended by deletion of § 27.71, effective 30 days after publication of this document in the FEDERAL REGISTER, pursuant to authority contained in section 4863 of the Internal Revenue Code cited above.

The deletion of § 27.71 leaves the establishment of requirements and time limits for replacement of untenderable

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FEDERAL REGISTER

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bales to cotton futures exchanges. The rules and by-laws of such exchanges now cover these matters.

(Sec. 4863, 68A Stat. 582; 26 U. S. C. 4863)

Done at Washington, D. C., this 2d day of October 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 57-8219; Filed, Oct. 7, 1957; 8:46 a. m.]

PART 31—WOOL STANDARDS

DISTRIBUTION OF PRACTICAL FORMS OF WOOL AND WOOL TOP GRADE STANDARDS AND METHODS FOR DETERMINATION OF GRADES AND OF CONFORMITY OF WOOL AND WOOL TOP WITH OFFICIAL GRADE STANDARDS

On April 13, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 2535) regarding amendments of the regulations relating to official standards of the United States for grades of wool and wool top (7 CFR Part 31). After due consideration of all relevant material submitted in connection with such notice and pursuant to the Wool Standards Act and sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 415b-415d, 1622, 1624), the regulations are hereby amended in the following respects:

1. The heading preceding present § 31.51 is deleted and the heading "Methods for the Determination of Grades of Wool" is substituted therefor.

2. Sections 31.51, 31.52, and 31.53 are deleted in § 31.54 is renumbered as § 31.51.

3. The heading preceding present § 31.151 is deleted and "Methods for the Determination of Conformity of Wool Top with the Official Grade Standards" is substituted therefor.

4. Sections 31.151, 31.152, and 31.153 are deleted and § 31.154 is renumbered as § 31.151.

(Sec. 3, 45 Stat. 494, secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U. S. C. 415d, 1622, 1624. Interpret or apply secs. 1, 2, 45 Stat. 593; 7 U. S. C. 415b, 415c)

5. A new heading and new §§ 31.201, 31.202, 31.203, and 31.204 are added to read as follows:

DISTRIBUTION OF PRACTICAL FORMS OF WOOL AND WOOL TOP GRADE STANDARDS

Sec.

31.201 Practical forms; methods of obtaining.
31.202 Approved commercial suppliers of practical forms.
31.203 Suspension or revocation of approval of commercial suppliers.
31.204 Validity of practical forms furnished by Department of Agriculture.

AUTHORITY: §§ 31.201 to 31.204 issued under sec. 3, 45 Stat. 594, secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U. S. C. 415d, 1622, 1624. Interpret or apply secs. 1, 2, 45 Stat. 593; 7 U. S. C. 415b, 415c.

§ 31.201 *Practical forms; method of obtaining.* Practical forms of the official standards of the United States for grades of wool and wool top are not available for loan or sale by the Department of Agriculture. Practical forms illustrative of the official standards may be obtained from suppliers of such forms whose names have been placed on a list of commercial suppliers approved by the Director of the Livestock Division, Agricultural Marketing Service, of the Department pursuant to § 31.202. The Department makes no representation that the practical forms obtained from the approved suppliers conform to the standards.

§ 31.202 *Approved commercial suppliers of practical forms.* (a) There shall be maintained by the Director of the Livestock Division a list of commercial suppliers who have been approved by him pursuant to paragraph (b) of this section for the preparation and supplying of practical forms illustrative of the official standards of the United States for grades of wool and wool top. Copies of such list may be obtained from the Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., or from the Wool Laboratory of the Livestock Division, Denver Federal Center, Building 81, Denver 2, Colorado.

(b) Any person, firm, corporation, or association desiring to be approved for the preparation and supplying of practical forms under the regulations in this part and to have the name of such person, firm, corporation, or association placed upon the list provided for in paragraph (a) of this section shall file with the Wool Laboratory of the Livestock Division, Denver Federal Center, Building 81, Denver 2, Colorado, a written request therefor, together with a set of the practical forms for grades of wool and/or wool top, appropriately labeled, which are proposed to be supplied and a complete price list and description of such forms. In the case of wool top there shall also be filed with the Wool Laboratory samples of stock intended for use in the preparation of the practical forms, together with fineness measurement data on such stock obtained through test by one or more laboratories. If the set of practical forms filed is found by the Wool Laboratory to be illustrative of the official standards, correctly graded, and appropriately labeled; the Director of the Livestock Division shall approve the applicant for the preparation and supplying of practical forms under the regulations in this part and enter the applicant's name on the list referred to in paragraph (a) of this section.

(c) Each approved commercial supplier shall currently maintain on file with the Wool Laboratory a complete and up-to-date price list and description of all practical forms supplied pursuant to the regulations in this part.

(d) Upon the making of any subsequent change in the official standards of the United States for grades of wool or wool top requiring the preparation of new practical forms of such standards, each approved commercial supplier shall file promptly with the Wool Laboratory a new request for approval pursuant to paragraph (b) of this section.

§ 31.203 *Suspension or revocation of approval of commercial suppliers.* (a) The approval of a commercial supplier for the preparation and supplying of practical forms under the regulations in this part may be suspended or revoked and the name of the supplier removed from the list of approved commercial suppliers referred to in paragraph (a) of § 31.202, if the supplier (1) fails to comply with any of the regulations in this part; (2) engages in any misrepresentation or unfair practice in connection with the preparation or supplying of practical forms under the regulations in this part; or (3) supplies practical forms which are not illustrative of the official standards, correctly graded, and appropriately labeled.

(b) In cases of wilfulness, or those in which the public interest so requires, the Director of the Livestock Division may suspend, without a hearing, such approval of a commercial supplier and remove the name of the supplier from the list of approved commercial suppliers referred to in paragraph (a) of § 31.202, pending investigation, but the supplier shall be advised of the facts or conduct which appear to warrant suspension or revocation of such approval and shall be afforded an opportunity for a hearing before a proper official of the Department before the approval is finally suspended or revoked.

(c) In all other cases, prior to the institution of proceedings for the suspension or revocation of the approval of a commercial supplier, the Director shall cause to be served upon the supplier, in person or by registered or certified mail, a statement of the facts which appear to warrant such suspension or revocation, specifying a reasonable time, depending upon the circumstances in each case, within which the supplier may demonstrate or achieve compliance with the requirements under the regulations in this part. The supplier may demonstrate compliance by the presentation of evidence in writing or, at the discretion of the Director, at an oral hearing. If, at the end of the time allowed for the supplier to demonstrate or achieve compliance, the Director finds that the supplier is not in compliance, he may cause to be served upon the supplier, in person or by registered or certified mail, a notice that suspension or revocation of such approval is under consideration for reasons set out in the statement previously served upon him, and after opportunity for hearing before a proper official of the Department, the Director may suspend or revoke the approval of the commercial supplier for the preparation and supplying of practical forms under the regulations in this part and remove the name of such supplier from the list of approved commercial suppliers referred to in paragraph (a) of § 31.202.

§ 31.204 *Validity of practical forms furnished by Department of Agriculture.* Practical forms furnished by the Department of Agriculture and certified as representative of the official standards for wool or wool top prior to the effective date of §§ 31.201–31.204, and valid on said date, may be deemed representative of such standards until the certificate is revoked under this section, or the respective standards are revised, or any period of validity specified in the certificate, including any extensions thereof, has expired; whichever occurs first. The Director of the Livestock Division may extend the period during which any practical forms furnished by the Department may be deemed representative, in any case in which the certificate for such forms specifies a validity period, if the forms are determined to be representative of the respective standards. The Director may revoke any certificate for any practical forms furnished by the Department when he determines the forms are not representative of the respective standards, and thereafter the forms shall not be deemed representative of such standards.

The purpose of these amendments is to provide for the preparation and sale, by commercial suppliers, of practical forms illustrative of the official standards of the United States for grades of wool and wool top.

The foregoing amendments shall become effective thirty days after publication in the FEDERAL REGISTER.

Notice of rule-making was published in the FEDERAL REGISTER. The amendments made hereby are substantially the same as those proposed in the notice except for the addition of § 31.204. This section clarifies the status of practical forms furnished by the Department of Agriculture prior to the effective date hereof, and it does not adversely affect the rights of any person. No objections to this section are expected. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003)

it is found upon good cause that further notice of rule-making on the amendments is impracticable and unnecessary.

Done at Washington, D. C., this 2d day of October 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-8220; Filed, Oct. 7, 1957; 8:46 a. m.]

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

SUBPART—GENERAL PROGRAM PROVISIONS

Correction

In Federal Register Document 57-6981, published at page 6851 of the issue dated August 24, 1957, the following change should be made: In § 601.25 (o) (6), the word "appropriations" should read "appropriateness".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 945.304 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 124 and Order No. 45 (7 CFR Part 945), hereinafter referred to as Order No. 45, regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of tomatoes in the manner set forth below, on and after the effective date of this section; (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted, under the circumstances, for such preparation; and (v) The Florida Tomato Committee held an open meeting on September 18–19, 1957, after giving due notice thereof, to consider supply and market conditions for Florida tomatoes and need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendations and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; provisions of this section, including its effective time, are identical with the aforesaid recommendations of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such tomatoes.

(b) *Order.* During the period from October 14, 1957, through June 30, 1958, the following regulations shall be effective with respect to all varieties of tomatoes handled for shipment outside the production area as defined in § 945.4 (Order No. 45), except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes;

(1) No person shall handle any tomatoes for shipment outside of the production area, unless such tomatoes meet the requirements of U. S. No. 3, or better, grade.

(2) No person shall handle any tomatoes for shipment outside of the production area unless they are 1⅞ inches in diameter or larger: *Provided,* That not more than 10 percent, by count, of tomatoes in any lot of 7 x 8 (1⅞ inches minimum diameter to 2⅛ inches maximum diameter) may be smaller than the specified minimum diameter.

(3) No person shall handle for shipment outside the production area any tomatoes packed in the following containers:

(i) Unless the net weight of such tomatoes in such containers does not exceed the maximum net weight set forth below for each such container:

Container, usual description	Carrier container No.	Inside dimensions	Cubic contents	Maximum net weight of tomatoes permitted
		Inches	*Inches*	*Pounds*
60-pound field box	None	11x11x22¼	2,692	62
60-pound wirebound crate	4015	11 15/16x11 15/16x18¾	2,672	62
60-pound tomato lug (corrugated)	[1] 23104	19½x13¾x12¼	3,283	62
50-pound duo pack	[1] 50	11x10¾x19	2,247	51⅔
50-pound full telescope	None	10 7/16x10¾x18 9/16	2,083	51⅔
40-pound two piece cardboard box	1915	10x9x19⅞	1,728	41⅓
40-pound ½ RSC vent stitliner	7007	12¼x8x18⅞	1,822	41⅓
40-pound bulge pack tomato box	[1] SJ 27	10x8⅞x19¾	1,753	41⅓
34-pound tomato lug box	1040	6 9/16x13½x15⅞	1,353	35.12

[1] Manufacturer's number.

(ii) To allow for variations incident to proper packing, not more than a total of ten (10) percent of the aforesaid containers in any lot, by count, may exceed the specified maximum net weight set forth above for each such container.

(4) No person shall handle for shipment outside the production area any mature green tomatoes 1⅞ inches or larger diameter:

(i) Unless they are packed in one of the following ranges of diameters (expressed in terms of minimum and maximum):

Size arrangements:	*Diameter (inches)*
7 x 8	1⅞ to 2 1/16, inclusive.
7 x 7	Over 2 1/16 to 2 9/32 inclusive.
6 x 7	Over 2 9/32 to 2 17/32, inclusive.
6 x 6	Over 2 17/32.

(ii) Such mature green tomatoes shall be packed separately for each size range;

(iii) To allow for variations incident to proper sizing not more than a total of ten (10) percent, by count, of the mature green tomatoes in any lot may be smaller than the specified minimum diameter or larger than the specified maximum diameter;

(iv) For purposes of this section, mature green tomatoes are deemed to be tomatoes generally showing a slight break in the ground color to a whitish green color over the shoulders; the contents of the seed cavities will be slightly moist and of a jelly or glue-like consistency, seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; and the contents of two or more locules must have a jelly-like consistency and well developed seeds; and

(v) For purposes of this section any lot of tomatoes containing more than ten (10) percent of mature green tomatoes shall be classified as mature green tomatoes.

(5) For purposes of this section each person subject thereto may handle, pursuant to § 945.53, up to, but not to exceed, 60 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 60 pounds of tomatoes.

(6) No person shall handle for shipment outside the production area any tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 945.60.

(7) For purposes of this section § 945.140, relating to truck shipments of tomatoes grown in Florida, issued May 2, 1956, and effective May 5, 1956, (21 F. R. 3000), shall continue in effect; and

(8) "U. S. No. 3 grade" as used in this section, shall have the same meaning assigned this term in the U. S. Standards for Fresh Tomatoes (§51.1855–51.1877 of this title; 21 F. R. 9559), including the tolerances set forth therein. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45 (§§ 945.1 to 945.92).

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated, October 3, 1957, to become effective October 14, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8246; Filed, Oct. 7, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6331]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ANHEUSER-BUSCH, INC.

Subpart—*Cutting prices arbitrarily:* § 13.665 *Cutting prices arbitrarily, or with intent and effect of competitive loss or capitulation:* Under Clayton Act, sec. 2 (a). Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.737 *Localized price cutting;* § 13.790 *Trade areas.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Anheuser-Busch, Inc, St. Louis, Mo., Docket 6331, September 10, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging one of the nation's leading breweries, with manufacturing plants in St. Louis, Mo., Newark, N. J., and Los Angeles, California, with reducing the price of its Budweiser beer in the St. Louis area to match its regional competitors' price while maintaining its price elsewhere in the nation, with general adverse effect on the local market and in violation of section 2 (a) of the Clayton Act as amended.

After extensive hearings, the hearing examiner made his initial decision and order to cease and desist, from which respondent appealed. Having heard the matter upon briefs and oral argument, the Commission denied the appeal and on September 10 adopted the initial decision as modified as the decision of the Commission.

The order to cease and desist, as thus modified, is as follows:

It is ordered, That the respondent, Anheuser-Busch, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in the sale of beer of like grade and quality, do forthwith cease and desist from discriminating, directly or indirectly, in price, between different purchasers engaged in the same line of commerce, where either, or any, of the purchasers involved in such discrimination are in commerce, as "commerce" is defined in the Clayton Act, by a price reduction in any market where respondent is in competition with any other seller, unless it proportionally reduces its prices everywhere for the same quantity of beer.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondent, Anheuser-Busch, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order contained in the initial decision, as modified.

Issued: September 10, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8231; Filed, Oct. 7, 1957; 8:50 a. m.]

[Docket 6778]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HALLE BROS. CO.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, The Halle Bros. Co., Cleveland, Ohio, Docket 6778, September 10, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Cleveland, Ohio, with violating the Fur Products Labeling Act by falsely identifying on labels and invoices the name of animals producing certain furs and by failing to comply with the labeling and invoicing requirements of the act; and, in advertising, failing to disclose the name of animals producing certain furs and that certain products contained artificially colored furs, and naming other animals than those producing the fur in some products.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent The Halle Bros. Co., a corporation and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

(a) Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

(b) Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product.

(c) Setting forth on labels attached to fur products:

(1) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is intermingled with non-required information;

(2) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

(d) Failure to show on labels attached to fur products an item number or mark assigned to fur products, in violation of Rule 40 (a) of the rules and regulations (§ 301.40 (a)).

2. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoices;

(6) The name of the country of origin of any imported furs contained in the fur product.

(b) Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

(a) Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the said rules and regulations;

(b) Fails to disclose that fur products are bleached, dyed, or otherwise artificially colored, when such is the fact;

(c) Contains the name or names of an animal or animals other than those producing the fur contained in the fur products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 10, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8232; Filed, Oct. 7, 1957; 8:51 a. m.]

[Docket 6742]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KRASNOW BELT CO., INC. ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.*[1] Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

[1] Amended to read as set forth.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Krasnow Belt Co., Inc., et al., Long Island City, N. Y., Docket 6742, September 17, 1957]

In the Matter of Krasnow Belt Co., Inc., a Corporation, and Kenneth I. Krasnow, and David Krasnow, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Long Island City, N. Y., with attaching to men's and boys' belts, labels carrying fictitious and exaggerated prices whereby they placed in the hands of retailers a means for deceiving the purchasing public as to the usual retail price.

Following approval of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist, which, following denial by the Commission of respondents' request to vacate the initial decision and remand the proceeding for the reception of further evidence, became on September 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Krasnow Belt Co., Inc., a corporation, and its officers, and Kenneth I. Krasnow, and David Krasnow, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of men's and boys' belts or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by preticketing or in any manner that certain amounts are the regular and usual retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

By "Order Denying Respondents' Motion To Vacate, and Decision of the Commission", report of compliance was required as follows:

It is further ordered, That respondents Krasnow Belt Co., Inc., and Kenneth I. Krasnow and David Krasnow, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision.

Issued: September 17, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8233; Filed, Oct. 7, 1957; 8:51 a. m.]

[Docket 6749]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LEAF BRANDS, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Leaf Brands, Inc., Chicago, Ill., Docket 6749, September 13, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of candy and chewing gum in Chicago with discriminating in price in violation of sections 2 (a), (c), and (d) of the Clayton Act as amended by granting varying discounts to some customers but not to their competitors, paying advertising allowances in lieu of brokerage fee, and paying sums of money as compensation for advertising furnished by one chain store customer while not offering comparable allowances to all its competitors.

An agreement was entered into between the parties upon the basis of which the hearing examiner made his initial decision, including order to cease and desist as to Count III, and dismissal of Counts I and II, which became on September 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Leaf Brands, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in, or in connection with, the sale of candy and chewing gum products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment or allowance of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of products sold to him by respondent, unless such payment or allowance is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

It is further ordered, That Count I and Count II of the complaint be, and they hereby are, dismissed.

By "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8234; Filed, Oct. 7, 1957; 8:52 a. m.]

[Docket 6732]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNITED MIRROR LABORATORIES

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Individual or private business as educational, religious or research institution; producer status of dealer or seller: *Laboratory;* § 13.143 *Opportunities;* § 13.205 *Scientific or other relevant facts.* Subpart—*Using misleading name*—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization;* § 13.2445 *Producer or laboratory status of dealer or seller.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Raymond Arnold trading as United Mirror Laboratories, Research Division of Make-Ur-Own Mirror Company, Springfield, N. J., Docket 6732, September 14, 1957]

In the Matter as Raymond Arnold Trading as United Mirror Laboratories, Research Division of Make-Ur-Own Mirror Company

This proceeding was heard by a hearing examiner an the complaint of the Commission charging a manufacturer of materials and equipment for making mirrors in Springfield, N. J., with misrepresenting in advertising in periodicals and circulars the labor and cost involved in making mirrors, and misrepresenting by use of the words "Laboratories" and "Research" in his trade name that he owned a laboratory with scientists and technicians engaged in mirror manufacturing.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision including order to cease and desist which became on September 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Raymond Arnold, an individual trading as United Mirror Laboratories, Research Division of Make-Ur-Own Mirror Company, or under any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of equipment and materials for use in manufacturing mirrors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that through the use of said equipment and materials:

a. A person can become a professional mirror maker in 15 minutes or in any other period of time less than the average time required by those who have used respondent's equipment and materials;

b. A person can become a professional mirror maker in four operations or any number of operations that is not in accordance with the facts;

c. $100 mirrors can be manufactured in 15 minutes or mirrors of any value can be manufactured in any specific time that is not in accordance with the facts;

d. Mirrors can be manufactured for 4¢ per square foot or for any amount that is not in accordance with the facts;

2. Using the words "Laboratories" or "Research", or any other words of the same import, as part of a trade or corporate name, or representing in any manner that respondent owns, operates, or controls a laboratory or is engaged in scientific research, when such is not in accordance with the facts.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Raymond Arnold, trading as United Mirror Laboratories, Research Division of Make-Ur-Own Mirror Company, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8237; Filed, Oct. 7, 1957; 8:54 a. m.]

[Docket 6773]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROYAL TRUE COLOR CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Connections or arrangements with others; § 13.75 *Free goods or services;* § 13.157 *Prize contests;* § 13.175 *Quality of product or service;* § 13.200 *Sample, offer or order conformance;* § 13.260 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1955 *Free goods;* § 13.2027 *Prize contests;* § 13.2060 *Sample, offer or order conformance.* Subpart—*Using contest schemes unfairly:* § 13.2270 *Using contest schemes unfairly.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Royal True Color Corporation et al., Long Island City, N. Y., Docket 6773, September 14, 1957]

In the Matter of Royal True Color Corporation, a Corporation, and Alton L. Hubbard and William T. Hubbard, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a photographer in Long Island City, N. Y., with advertising falsely by means of post cards mailed to patrons of local post offices a "Cutest Child Contest" with prizes awarded to winners and free portraits, sponsored by the alleged "American Family Magazine"; and with misrepresenting the quality of photographs.

No appearance having been made by respondents, they were held to be in default. On this basis, the hearing examiner made his initial decision including findings, conclusions, and order to cease and desist which became on September 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Alton L. Hubbard, his agents, representatives and employees, directly, or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographs in Commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from representing, directly or by implication:

(1) That American Family Magazine or any other publication owned by him or by any other individual for whom he is a representative, agent or employee, or by any partnership in which he is a partner or for which he is a representative, agent or employee or by any corporation with which he is connected in any official capacity or for which he is agent, representative or employee is a recognized or established magazine, or is an independent publication; or is similar to magazines of nationwide circulation; or that said magazine will publish and furnish a new issue to each subscriber each month during the life of his or her subscription;

(2) That said respondent or any individual for whom he is a representative, agent or employee, or any partnership in which he is a partner or for which he is a representative, agent or employee or any corporation with which he is connected in any offical capacity or for which he is a representative, agent or employee:

(a) Is conducting a photographic contest the purpose of which is to select a winner or winners for a contest sponsored by a magazine; or for any other purpose;

(b) Will award valuable prizes to the winner or winners of such contest;

(c) Will give free portraits to parents of children who pose for pictures;

(d) Will furnish pictures in true or natural color;

(e) Will guarantee the workmanship and materials in photographs;

(f) Will promptly deliver photographs purchased;

(g) Will furnish photographs similar in quality to demonstration photographs or to color transparencies viewed by prospective purchasers.[1]

It is further ordered, That the complaint be and the same hereby is dismissed as to respondents Royal True Color Corporation and William T. Hubbard.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8235; Filed, Oct. 7, 1957; 8:52 a. m.]

[Docket 6739]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TOLCHINSKY'S FUR SHOP

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur products labeling act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Using misleading name—Goods:* § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Harry H. Tolchinsky trading as Tolchinsky's Fur Shop, Providence, R. I., Docket 6739, September 13, 1957]

In the Matter of Harry H. Tolchinsky, Trading as Tolchinsky's Fur Shop

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Providence, R. I., with violating the Fur Products Labeling Act by affixing to fur products labels bearing fictitious prices and misrepresenting their value; falsely identifying on labels the animal producing furs in certain products; failing in newspaper advertisements to disclose the names of animals producing the fur in certain products, and that certain furs were artifically colored, and misrepresenting usual prices as reduced; and failing in other respects to conform to the labeling, invoicing, and advertising requirements of the act.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Harry H. Tolchinsky, an individual trading as Tolchinsky's Fur Shop, or trading under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, or fur products, or in connection with the offering for sale, sale, advertising, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

(a) Setting forth on labels attached thereto fictitious prices or any misrepresentations as to the value of such fur products, either directly or by implication;

(b) Falsely or deceptively labeling or otherwise identifying any such product as to the name of the animal or animals that produced the fur from which such product was manufactured;

(c) Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product;

(d) Setting forth on labels attached to fur products:

(1) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

(2) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder which is intermingled with nonrequired information;

(3) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder which is in handwriting;

(e) Failing to affix labels to fur products showing item numbers required under Rule 40 of the rules and regulations (§ 301.40);

(f) Failing to use the terms "secondhand" and "used" fur when applicable as required by Rules 21 and 23 of the aforesaid rules and regulations (§§ 301.21 and 301.23);

2. Falsely or deceptively invoicing fur products by:

(a) Failing to show:

(1) The name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur and such qualifying statements as may be required pursuant to section 7 (c) of the Fur Products Labeling Act;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, is composed of used fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in the fur product;

(b) Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

(a) Fails to disclose:

(1) The name or names of the animal or animals which produced the fur or furs contained in the fur products as set forth in the Fur Products Name Guide;

(2) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(b) Uses the name or names of an animal or animals other than the name or names specified in the Fur Products Name Guide or prescribed by the rules and regulations;

(c) Fails to use the term "secondhand" and "used" fur where applicable, as required by Rules 21 and 23 of the said rules and regulations (§§ 301.21 and 301.23);

(d) Represents directly or by implication:

(1) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such product in the recent regular course of his business;

4. Making use of comparative prices or percentage savings claims in advertising unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time;

5. Making price claims or representations of the type referred to in paragraphs 3 (d) (1) and 4 above unless there is maintained by respondent full and adequate records disclosing the facts on which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Harry H. Tolchinsky, an individual trading as Tolchinsky's Fur Shop, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8236; Filed, Oct. 7, 1957; 8:53 a. m.]

[1] The Commission's order may prohibit variations of the basic theme used in causing the deception and prohibit such practices by respondent through the use of other vehicles than the one used. An order forbidding the making of representations which are false need not be qualified by a provision permitting them if in the future they can be truthfully made. P. Lorillard Co., v. F. T. C., 186 F. (2d) 52, 59; Consumers Sales Corp. v. F. T. C., 198 F. (2d) 404, 408.

TITLE 26—INTERNAL REVENUE 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6256]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS; TAXES

On January 19, 1957, notice of proposed rule making with respect to regulations for taxable years beginning after December 31, 1953 and ending after August 16, 1954, under section 164 (relating to taxes), of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (22 F. R. 401). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to changes as set forth below:

PARAGRAPH 1. Section 1.164-4 is amended by inserting at the end of paragraph (a) the following sentence: "For treatment of assessments for local benefits as adjustments to the basis of property see section 1016 (a) (1) and the regulations thereunder."

PAR. 2. Section 1.164-6 is revised.

As changed, the regulations are adopted as set forth below.

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

Approved: October 3, 1957.

FRED C. SCRIBNER, JR., *Acting Secretary of the Treasury.*

The following regulations relating to taxes are hereby prescribed under section 164 of the Internal Revenue Code of 1954 and, except as specifically provided otherwise in section 164 (d) (2) (B), are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.
1.164 Statutory provisions; itemized deductions for individuals and corporations; taxes.
1.164-1 Deduction for taxes.
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§ 1.164 *Statutory provisions; itemized deductions for individuals and corporations; taxes.*

SEC. 164. *Taxes*—(a) *General rule.* Except as otherwise provided in this section, there shall be allowed as a deduction taxes paid or accrued within the taxable year.

(b) *Deduction denied in case of certain taxes.* No deduction shall be allowed for the following taxes:

(1) Federal income taxes, including—

(A) The tax imposed by section 3101 (relating to the tax on employees under the Federal Insurance Contributions Act);

(B) The taxes imposed by sections 3201 and 3211 (relating to the taxes on railroad employees and railroad employee representatives); and

(C) The tax withheld at source on wages under section 3402, and corresponding provisions of prior revenue laws.

(2) Federal war profits and excess profits taxes.

(3) Federal import duties, and Federal excise and stamp taxes (not described in paragraph (1), (2), (4), or (5)); but this paragraph shall not prevent such duties and taxes from being deducted under section 162 (relating to trade or business expenses) or section 212 (relating to expenses for the production of income).

(4) Estate, inheritance, legacy, succession, and gift taxes.

(5) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not prevent—

(A) The deduction of so much of such taxes as is properly allocable to maintenance or interest charges; or

(B) The deduction of taxes levied by a special taxing district if—

(i) The district covers the whole of at least one county;

(ii) At lease 1,000 persons are subject to the taxes levied by the district; and

(iii) The district levies its assessments annually at a uniform rate on the same assessed value of real property, including improvements, as is used for purposes of the real property tax generally.

(6) Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 901 (relating to the foreign tax credit).

(7) Taxes on real property, to the extent that subsection (d) requires such taxes to be treated as imposed on another taxpayer.

(c) *Certain retail sales taxes and gasoline taxes*—(1) *General rule.* In the case of any State or local sales tax, if the amount of the tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be allowed as a deduction to the consumer as if it constituted a tax imposed on, and paid by, such consumer.

(2) *Definition.* For purposes of paragraph (1), the term "State or local sales tax" means a tax imposed by a State, a Territory, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia, which tax—

(A) Is imposed on persons engaged in selling tangible personal property at retail (or on persons selling gasoline or other motor vehicle fuels at wholesale or retail) and is a stated sum per unit of property sold or is measured either by the gross sales price or by the gross receipts from the sale; or

(B) Is imposed on persons engaged in furnishing services at retail and is measured by the gross receipts for furnishing such services.

(d) *Apportionment of taxes on real property between seller and purchaser*—(1) *General rule.* For purposes of subsection (a), if real property is sold during any real property tax year, then—

(A) So much of the real property tax as is properly allocable to that part of such year which ends on the day before the date of the sale shall be treated as a tax imposed on the seller, and

(B) So much of such tax as is properly allocable to that part of such year which begins on the date of the sale shall be treated as a tax imposed on the purchaser.

(2) *Special rules.* (A) In the case of any sale of real property, if—

(i) A taxpayer may not, by reason of his method of accounting, deduct any amount for taxes unless paid, and

(ii) The other party to the sale is (under the law imposing the real property tax) liable for the real property tax for the real property tax year,

then for purposes of subsection (a) the taxpayer shall be treated as having paid, on the date of the sale, so much of such tax as, under paragraph (1) of this subsection, is treated as imposed on the taxpayer. For purposes of the preceding sentence, if neither party is liable for the tax, then the party holding the property at the time the tax becomes a lien on the property shall be considered liable for the real property tax for the real property tax year.

(B) Paragraph (1) shall apply to taxable years ending after December 31, 1953, but only in the case of sales after December 31, 1953.

(C) Paragraph (1) shall not apply to any real property tax, to the extent that such tax was allowable as a deduction under the Internal Revenue Code of 1939 to the seller for a taxable year which ended before January 1, 1954.

(D) In the case of any sale of real property, if the taxpayer's taxable income for the taxable year during which the sale occurs is computed under an accrual method of accounting, and if no election under section 461 (c) (relating to the accrual of real property taxes) applies, then, for purposes of subsection (a), that portion of such tax which—

(1) Is treated, under paragraph (1) of this subsection, as imposed on the taxpayer, and

(ii) May not, by reason of the taxpayer's method of accounting, be deducted by the taxpayer for any taxable year,

shall be treated as having accrued on the date of the sale.

(e) *Taxes of shareholder paid by corporation.* Where a corporation pays a tax imposed on a shareholder on his interest as a shareholder, and where the shareholder does not reimburse the corporation, then—

(1) The deduction allowed by subsection (a) shall be allowed to the corporation; and

(2) No deduction shall be allowed the shareholder for such tax.

(f) *Cross reference.* For provisions disallowing any deduction for the payment of the tax imposed by subchapter B of chapter 3 (relating to tax-free covenant bonds) see section 1451 (f).

§ 1.164–1 *Deduction for taxes.* Except as otherwise provided in this section and in §§ 1.164–2 to 1.164–7, inclusive, taxes imposed by the United States, any State, Territory, possession of the United States, or a political subdivision of any of the foregoing, or by any foreign country, are deductible from gross income for the taxable year in which paid or accrued, according to the method of accounting used in computing taxable income. See section 461 for the general rule for taxable year of deduction. Amounts paid to States or Territories under secured-debts laws in order to render securities tax-exempt are deductible. Automobile license fees are ordinarily taxes. Postage is not a tax. In general, taxes are deductible only by the person upon whom they are imposed. See section 164 (d) and § 1.164–6 for apportionment of taxes on real property between seller and purchaser. For provisions disallowing any deduction for the tax paid at the source on interest from tax-free covenant bonds, see section 1451 (f).

§ 1.164–2 *Deduction denied in case of certain taxes.* This section and §§ 1.164–3 and 1.164–4 describe certain taxes for which no deduction is allowed or with respect to which the allowance of the deduction is subject to certain conditions. No deduction is allowed for:

(a) Federal income taxes, including the taxes imposed by section 3101, relating to the tax on employees under the Federal Insurance Contributions Act; sections 3201 and 3211, relating to the taxes on railroad employees and railroad employee representatives; section 3402, relating to the tax withheld at source on wages; and by corresponding provisions of prior internal revenue laws.

(b) Federal war profits and excess profits taxes including those imposed by Title II of the Revenue Act of 1917, Title III of the Revenue Act of 1918, Title III of the Revenue Act of 1921, section 216 of the National Industrial Recovery Act, section 702 of the Revenue Act of 1934, subchapter D of chapter 1 of the Internal Revenue Code of 1939, and subchapter E of chapter 2 of the Internal Revenue Code of 1939.

(c) Estate, inheritance, legacy, succession, and gift taxes.

(d) Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 901, relating to the credit for taxes of foreign countries and of possessions of the United States.

(e) Taxes on real property, to the extent that section 164 (d) and § 1.164–6 require such taxes to be treated as imposed on another taxpayer.

§ 1.164–3 *Federal duties and excise taxes.* No deduction is allowed under section 164 for Federal import or tariff duties, business, license, privilege, excise, and stamp taxes (not described in paragraphs (a), (b), or (c) of § 1.164–2, or § 1.164–4), paid or accrued within the taxable year. The fact that any such tax is not deductible as a tax under section 164 does not prevent (a) its deduction under section 162 or section 212, provided it represents an ordinary and necessary expense paid or incurred during the taxable year by a corporation or an individual in the conduct of any trade or business or, in the case of an individual, for the production or collection of income, for the management, conservation, or maintenance of property held for the production of income, or in connection with the determination, collection, or refund of any tax, or (b) its being taken into account during the taxable year by a corporation or an individual as a part of the cost of acquiring or producing property in the trade or business or, in the case of an individual, as a part of the cost of property held for the production of income with respect to which it relates.

§ 1.164–4 *Taxes for local benefits.* (a) Except as provided in paragraph (b) of this section, so-called taxes, more properly assessments, paid for local benefits, such as street, sidewalk, and other like improvements, imposed because of and measured by some benefit inuring directly to the property against which the assessment is levied do not constitute an allowable deduction from gross income. A tax is considered assessed against local benefits when the property subject to the tax is limited to property benefited. Special assessments are not deductible, even though an incidental benefit may inure to the public welfare. The real property taxes deductible are those levied for the general public welfare by the proper taxing authorities at a like rate against all property in the territory over which such authorities have jurisdiction. Assessments under the statutes of California relating to irrigation, and of Iowa relating to drainage, and under certain statutes of Tennessee relating to levees, are limited to property benefited, and if the assessments are so limited, the amounts paid thereunder are not deductible as taxes. For treatment of assessments for local benefits as adjustments to the basis of property see section 1016 (a) (1) and the regulations thereunder.

(b) (1) Insofar as assessments against local benefits are made for the purpose of maintenance or repair or for the purpose of meeting interest charges with respect to such benefits, they are deductible. In such cases the burden is on the taxpayer to show the allocation of the amounts assessed to the different purposes. If the allocation cannot be made, none of the amount so paid is deductible.

(2) Taxes levied by a special taxing district are deductible if the district covers the whole of at least one county, if at least 1,000 persons are subject to the taxes levied by the district, and if the district levies its assessments annually at a uniform rate on the same assessed value of real property, including improvements, as is used for purposes of the real property tax generally.

§ 1.164–5 *Certain retail sales taxes and gasoline taxes.* (a) Any amount representing a State or local sales tax paid by a consumer of services or tangible personal property is deductible by such consumer as a tax, provided it is separately stated and not paid in connection with his trade or business. The fact that, under the law imposing it, the incidence of the State or local sales tax does not fall on the consumer is immaterial. The requirement of section 164 (c) (1) that the amount of the tax must be separately stated will be deemed complied with where it clearly appears that at the time of sale to the consumer, the tax was added to the sales price and collected or charged as a separate item. It is not necessary, for the purpose of this section, that the consumer be furnished with a sales slip, bill, invoice, or other statement on which the tax is separately stated. Where the law imposing the State or local sales tax for which the taxpayer seeks a deduction contains a prohibition against the seller absorbing the tax, or a provision requiring a posted notice stating that the tax will be added to the quoted price, or a requirement that the tax be separately shown in advertisements or separately stated on all bills and invoices, it is presumed that the amount of the State or local sales tax was separately stated at the time paid by the consumer; except that such presumption shall have no application to a gasoline tax imposed upon a wholesaler unless such provisions of law apply with respect to both the sale at wholesale and the sale at retail.

(b) As used in this section the term "State or local sales tax" means a tax imposed by a State, a Territory, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia upon persons engaged in selling tangible personal property at retail, or on persons selling gasoline or other motor vehicle fuels at wholesale or retail, which is a stated sum per unit of such property sold or which is measured by the gross sales price or the gross receipts from the sale. The term also includes a tax imposed by such authorities upon persons engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services.

(c) In general, the term "consumer" means the ultimate user or purchaser; it does not include a purchaser, such as a retailer, who acquires the property for resale.

§ 1.164–6 *Apportionment of taxes on real property between seller and purchaser*—(a) *Scope.* When real property is sold, section 164 (d) (1) governs the deduction by the seller and the purchaser of current real property taxes. Section 164 (d) (1) performs two functions: (1) It provides a method by which a portion of the taxes for the real property tax year in which the property is sold may be deducted by the seller and a portion by the purchaser; and (2) it limits the deduction of the seller and the purchaser to the portion of the taxes corresponding to the part of the real property tax year during which each was the owner of the property. These functions are accomplished by treating a portion of the taxes for the real property tax year in which the property is sold as imposed on the seller and a portion as imposed on the purchaser. To the extent that the taxes are treated as imposed on the seller and the purchaser, each shall be allowed a deduction, under section 164 (a), in the taxable year such tax is paid or accrued, or treated as paid or accrued under section 164 (d) (2) (A) or (D) and this section. No deduction is allowed for taxes on real property to the extent that they are imposed on another taxpayer, or are treated as imposed on another taxpayer under section 164 (d). For the election to accrue real property taxes ratably see section 461 (c) and the regulations thereunder.

(b) *Application of rule of apportionment.* (1) (i) For purposes of the deduction provided by section 164 (a), if real property is sold during any real property tax year, the portion of the real property tax properly allocable to that part of the real property tax year which ends on the day before the date of the sale shall be treated as a tax imposed on the seller, and the portion of such tax properly allocable to that part of such real property tax year which begins on the date of the sale shall be treated as a tax imposed on the purchaser. For definition of "real property tax year" see paragraph (c) of this section. This rule shall apply whether or not the seller and the purchaser apportion such tax. The rule of apportionment contained in section 164 (d) (1) applies even though the same real property is sold more than once during the real property tax year. (See paragraph (d) (5) of this section for rule requiring inclusion in gross income of excess deductions.)

(ii) Where the real property tax becomes a personal liability or a lien before the beginning of the real property tax year to which it relates and the real property is sold subsequent to the time the tax becomes a personal liability or a lien but prior to the beginning of the related real property tax year—

(*a*) The seller may not deduct any amount for real property taxes for the related real property tax year, and

(*b*) To the extent that he holds the property for such real property tax year, the purchaser may deduct the amount of such taxes for the taxable year they are paid (or amounts representing such taxes are paid to the seller, mortgagee, trustee or other person having an interest in the property as security) or accrued by him according to his method of accounting.

(iii) Similarly, where the real property tax becomes a personal liability or a lien after the end of the real property tax year to which it relates and the real property is sold prior to the time the tax becomes a personal liability or a lien but after the end of the related real property tax year—

(*a*) The purchaser may not deduct any amount for real property taxes for the related real property tax year, and

(*b*) To the extent that he holds the property for such real property tax year, the seller may deduct the amount of such taxes for the taxable year they are paid (or amounts representing such taxes are paid to the purchaser, mortgagee, trustee, or other person having an interest in the property as security) or accrued by him according to his method of accounting.

(iv) Where the real property is sold (or purchased) during the related real property tax year the real property taxes for such year are apportioned between the parties to such sale and may be deducted by such parties in accordance with the provisions of paragraph (d) of this section.

(2) Section 164 (d) does not apply to delinquent real property taxes for any real property tax year prior to the real property tax year in which the property is sold.

(3) The provisions of this paragraph may be illustrated by the following examples:

Example (1). The real property tax year in County R is April 1 to March 31. A, the owner on April 1, 1954, of real property located in County R sells the real property to B on June 30, 1954. B owns the real property from June 30, 1954, through March 31, 1955. The real property tax for the real property tax year April 1, 1954–March 31, 1955 is $365. For purposes of section 164 (a), $90 (90/365×$365, April 1, 1954–June 29, 1954) of the real property tax is treated as imposed on A, the seller, and $275 (275/365×$365, June 30, 1954–March 31, 1955) of such real property tax is treated as imposed on B, the purchaser.

Example (2). In County S the real property tax year is the calendar year. The real property tax becomes a lien on June 1 and is payable on July 1 of the current real property tax year, but there is no personal liability for such tax. On April 30, 1955, C, the owner of real property in County S on January 1, 1955, sells the real property to D. On July 1, 1955, D pays the 1955 real property tax. On August 31, 1955, D sells the same real property to E. C, D, and E use the cash receipts and disbursements method of accounting. Under the provisions of section 164 (d) (1), 119/365 (January 1–April 29, 1955) of the real property tax payable on July 1, 1955, for the 1955 real property tax year is treated as imposed on C, and, under the provisions of section 164 (d) (2) (A), such portion is treated as having been paid by him on the date of sale. Under the provisions of section 164 (d) (1), 123/365 (April 30–August 30, 1955) of the real property tax paid July 1, 1955, for the 1955 real property tax year is treated as imposed on D and may be deducted by him. Under the provisions of section 164 (d) (1), 123/365 (August 31–December 31, 1955) of the real property tax due and paid on July 1, 1955, for the 1955 real property tax year is treated as imposed on E and, under the provisions of section 164 (d) (2) (A) such portion is treated as having been paid by him on the date of sale.

Example (3). In State X the real property tax year is the calendar year. The real property tax becomes a lien on November 1 of the preceding calendar year. On November 15, 1955, F sells real property in State X to G. G owns the real property through December 31, 1956. Under section 164 (d) (1), the real property tax (which became a lien on November 1, 1954) for the 1955 real property tax year is apportioned between F and G. No part of the real property tax for the 1956 real property tax year may be deducted by F. The entire real property tax for the 1956 real property tax year may be deducted by G when paid or accrued, depending upon the method of accounting used by him. See subparagraph (6) of paragraph (d) and section 461 (c) and the regulations thereunder.

(c) *Real property tax year.* As used in section 164 (d), the term "real property tax year" refers to the period which, under the law imposing the tax, is regarded as the period to which the tax imposed relates. Where the State and one or more local governmental units each imposes a tax on real property, the real property tax year for each tax must be determined for purposes of applying the rule of apportionment of section 164 (d) (1) to each tax. The time when the tax rate is determined, the time when the assessment is made, the time when the tax becomes a lien, or the time when the tax becomes due or delinquent does not necessarily determine the real property tax year. The real property tax year may or may not correspond to the fiscal year of the governmental unit imposing the tax. In each case the State or local law determines what constitutes the real property tax year. Although the seller and the purchaser may or may not make an allocation of real property taxes, the meaning of "real property tax year" in section 164 (d) and the application of section 164 (d) do not depend upon what real property taxes were allocated nor the method of allocation used by the parties.

(d) *Special rules*—(1) *Seller using cash receipts and disbursements method of accounting.* Under the provisions of section 164 (d), if the seller by reason of his method of accounting may not deduct any amount for taxes unless paid, and—

(i) The purchaser (under the law imposing the real property tax) is liable for the real property tax for the real property tax year, or

(ii) The seller (under the law imposing the real property tax) is liable for the real property tax for the real property tax year and the tax is not payable until after the date of sale,

then the portion of the tax treated under section 164 (d) (1) as imposed upon the seller (whether or not actually paid by him in the taxable year in which the sale occurs) shall be considered as having been paid by him in such taxable year. Such portion may be deducted by him for the taxable year in which the sale occurs, or, if at a later time, for the taxable year (which would be proper under the taxpayer's method of accounting) in which the tax is actually paid, or an amount representing such tax is paid to the purchaser, mortgagee, trustee, or other person having an interest in the property as security.

(2) *Purchasers using the cash receipts and disbursements method of accounting.* Under the provisions of section 164 (d), if the purchaser by reason

of his method of accounting may not deduct any amount for taxes unless paid and the seller (under the law imposing the real property tax) is liable for the real property tax for the real property tax year, the portion of the tax treated under section 164 (d) (1) as imposed upon the purchaser (whether or not actually paid by him in the taxable year in which the sale occurs) shall be considered as having been paid by him in such taxable year. Such portion may be deducted by him for the taxable year in which the sale occurs, or, if at a later time, for the taxable year (which would be proper under the taxpayer's method of accounting) in which the tax is actually paid, or an amount representing such tax is paid to the seller, mortgagee, trustee, or other person having an interest in the property as security.

(3) *Persons considered liable for tax.* Where the tax is not a liability of any person, the person who holds the property at the time the tax becomes a lien on the property shall be considered liable for the tax. As to a particular sale, in determining:

(i) Whether the other party to the sale is liable for the tax or,

(ii) The person who holds the property at the time the tax becomes a lien on the property (where the tax is not a liability of any person),

prior or subsequent sales of the property during the real property tax year shall be disregarded.

(4) *Examples.* The provisions of subparagraphs (1), (2), and (3) of this paragraph may be illustrated as follows:

Example (1). In County X the real property tax year is the calendar year. The real property tax is a personal liability of the owner of the real property on June 30 of the current real property tax year, but is not payable until February 28 of the following real property tax year. A, the owner of real property in County X on January 1, 1955, uses the cash receipts and disbursements method of accounting. On May 30, 1955, A sells the real property to B, who also uses the cash receipts and disbursements method of accounting. B retains ownership of the real property for the balance of the 1955 calendar year. Under the provisions of section 164 (d) (1), 149/365 (January 1–May 29, 1955) of the real property tax payable on February 28, 1956, for the 1955 real property tax year is treated as imposed on A, the seller, and under the provisions of section 164 (d) (2) (A) such portion is treated as having been paid by him on the date of sale and may be deducted by him for his taxable year in which the sale occurs (whether or not such portion is actually paid by him in that year) or for his taxable year in which the tax is actually paid or an amount representing such tax is paid. Under the provisions of section 164 (d) (1), 216/365 (May 30–December 31, 1955) of the real property tax payable on February 28, 1956, for the 1955 real property tax year is treated as imposed on B, the purchaser, and may be deducted by him for his taxable year in which the tax is actually paid, or an amount representing such tax is paid.

Example (2). In County Y, the real property tax year is the calendar year. The real property tax becomes a lien on January 1, 1955, and is payable on April 30, 1955. There is no personal liability for the real property tax imposed by County Y. On April 30, 1955, C, the owner of real property in County Y on January 1, 1955, pays the real property tax for the 1955 real property tax year. On May 1, 1955, C sells the real property to D. On September 1, 1955, D sells the real property to E. C, D and E use the cash receipts and disbursements method of accounting. Under the provisions of section 164 (d) (1), 120/365 (January 1–April 30, 1955) of the real property tax is treated as imposed upon C and may be deducted by him for his taxable year in which the sale occurs (whether or not such portion is actually paid by him in that year) or for his taxable year in which the tax is actually paid. Under section 164 (d) (1), 123/365 (May 1–August 31, 1955) of the real property tax is treated as imposed upon D, and under the provisions of section 164 (d) (2) (A) is treated as having been paid by him on May 1, 1955, and may be deducted by D for his taxable year in which the sale from C to him occurs (whether or not such portion is actually paid by him in that year), or for his taxable year in which an amount representing such tax is paid. Since, according to paragraph (d) (3) of this section, the prior sale by C to D is disregarded, under the provisions of section 164 (d) (1), 122/365 (September 1,–December 31, 1955) of the real property tax is treated as imposed on E, and under the provisions of section 164 (d) (2) (A) is treated as having been paid by him on September 1, 1955, and may be deducted by E for his taxable year in which the sale from D to him occurs (whether or not such portion is actually paid by him in that year), or for his taxable year in which an amount representing such tax is paid.

Example (3). In County X the real property tax year is the calendar year and the real property taxes are assessed and become a lien on June 30 of the current real property tax year, but are not payable until September 1 of that year. There is no personal liability for the real property tax imposed by County X. A, the owner on January 1, 1955, of real property in County X, uses the cash receipts and disbursements method of accounting. On July 15, 1955, A sells the real property to B. Under the provisions of section 164 (d) (1), 195/365 (January 1–July 14, 1955) of the real property tax payable on September 1, 1955, for the 1955 real property tax year is treated as imposed on A, and may be deducted by him for his taxable year in which the sale occurs (whether or not such portion is actually paid by him in that year) or for his taxable year in which the tax is actually paid or an amount representing such tax is paid. Under the provisions of section 164 (d) (1), 170/365 (July 15–December 31, 1955) of the real property tax is treated as imposed on B and may be deducted by him for his taxable year in which the sale occurs (whether or not such portion is actually paid by him in that year), or for his taxable year in which the tax is actually paid or an amount representing such tax is paid.

(5) *Treatment of excess deduction.* If, for a taxable year prior to the taxable year of sale of real property, a taxpayer has deducted an amount for real property tax in excess of the portion of such real property tax treated as imposed on him under the provisions of section 164 (d), the excess of the amount deducted over the portion treated as imposed on him shall be included in his gross income for the taxable year of the sale, subject to the provisions of section 111, relating to the recovery of bad debts, prior taxes, and delinquency amounts. The provisions of this subparagraph may be illustrated as follows:

Example (1). In Borough Y the real property tax is due and payable on November 30 for the succeeding calendar year, which is also the real property tax year. On November 30, 1954, taxpayer A, who reports his income on a calendar year under the cash receipts and disbursements method of accounting, pays the real property tax on real property owned by him in Borough Y for the 1955 real property tax year. On June 30, 1955, A sells the real property. Under the provisions of section 164 (d), only 180/365 (January 1–June 29, 1955) of the real property tax for the 1955 real property tax year is treated as imposed on A, and the excess of the amount of real property tax for 1955 deducted by A, on his 1954 income tax return, over the 180/365 portion of such tax treated as imposed on him under section 164 (d), must be included in gross income in A's 1955 income tax return, subject to the provisions of section 111.

Example (2). In County Z the real property tax year is the calendar year. The real property tax becomes a personal liability of the owner of real property on January 1 of the current real property tax year, and is payable on July 1 of the current real property tax year. On May 1, 1955, A, the owner of real property in County Z on January 1, 1955, sells the real property to B. On November 1, 1955, B sells the same real property to C. B uses the cash receipts and disbursements method of accounting and reports his income on the basis of a fiscal year ending July 31. B, on July 1, 1955, pays the entire real property tax for the real property tax year ending December 31, 1955. Under the provisions of section 164 (d), only 184/365 (May 1–October 31, 1955) of the real property tax for the 1955 real property tax year is treated as imposed on B, and the excess of the amount of real property tax for 1955 deducted by B on his income tax return for the fiscal year ending July 31, 1955, over the 184/365 portion of such tax treated as imposed on him under section 164 (d), must be included in gross income in B's income tax return for his fiscal year ending July 31, 1956, subject to the provisions of section 111.

(6) *Persons using an accrual method of accounting.* Where real property is sold and the seller or the purchaser computes his taxable income (for the taxable year during which the sale occurs) on an accrual method of accounting, then, if the seller or the purchaser has not made the election provided in section 461 (c) (relating to the accrual of real property taxes), the portion of any real property tax which is treated as imposed on him and which may not be deducted by him for any taxable year by reason of his method of accounting shall be treated as having accrued on the date of sale. The provisions of this subparagraph may be illustrated as follows:

Example. In County X the real property tax becomes a lien on property and is assessed on November 30 for the current calendar year, which is also the real property tax year. There is no personal liability for the real property tax imposed by County X. A owns, on January 1, 1955, real property in County X. A uses an accrual method of accounting and has not made any election under section 461 (c) to accrue ratably real property taxes. A sells real property on June 30, 1955. By reason of A's method of accounting, he could not deduct any part of the real property tax for 1955 on the real property since he sold the real property prior to November 30, 1955, the accrual date. Under section 164 (d) (1), 180/365 (January 1–June 29, 1955) of the real property tax for the 1955 real property tax year is treated as imposed on A, and under section 164 (d) (2) (D) that portion is treated as having accrued on June 30, 1955, and may be deducted by A for his taxable year in which such date falls. B, the purchaser from A, who uses an accrual method of accounting, has likewise not made an election under section 461 (c) to accrue real property taxes ratably. Under section 164 (d) (1), 185/365 of the real property taxes may be accrued by B on November 30, 1955, and deducted for his taxable year in which such date falls.

(7) *Cross references.* For determination of amount realized on a sale of real property, see section 1001 (b) and the regulations thereunder. For determination of basis of real property acquired by purchase, see section 1012 and the regulations thereunder.

(8) *Effective dates.* Section 164 (d) applies to taxable years ending after December 31, 1953, but only in the case of sales made after December 31, 1953. However, section 164 (d) does not apply to any real property tax to the extent that such tax was allowable as a deduction under the Internal Revenue Code of 1939 to the seller for any taxable year which ended before January 1, 1954.

§ 1.164–7 *Taxes of shareholder paid by corporation.* Banks and other corporations paying taxes assessed against their shareholders on account of their ownership of the shares of stock issued by such corporations without reimbursement from such shareholders may deduct the amount of taxes so paid. In such cases no deduction shall be allowed to the shareholders for such taxes. The amount so paid should not be included in the gross income of the shareholder.

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[T. D. 6257]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INCOME IN RESPECT OF DECEDENTS

On June 27, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 691 and 692 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 4672). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

Sec.
1.691 (a) Statutory provisions; recipients of income in respect of decedents; inclusion in gross income.
1.691 (a)–1 Income in respect of a decedent.
1.691 (a)–2 Inclusion in gross income by recipients.
1:691 (a)–3 Character of gross income.
1:691 (a)–4 Transfer of right to income in respect of a decedent.
1.691 (a)–5 Installment obligations acquired from decedent.
1.691 (b) Statutory provisions; recipients of income in respect of decedents; allowance of deductions and credit.
1.691 (b)–1 Allowance of deductions and credit in respect of decedents.
1.691 (c) Statutory provisions; recipients of income in respect of decedents; deduction for estate tax.
1.691 (c)–1 Deduction for estate tax attributable to income in respect of a decedent.
1.691 (c)–2 Estates and trusts.
1.691 (d) Statutory provisions; recipients of income in respect of decedents; amounts received by surviving annuitant under joint and survivor annuity contract.
1.691 (d)–1 Amounts received by surviving annuitant under joint and survivor annuity contract.
1.691 (e) Statutory provisions; recipients of income in respect of decedents; cross reference.
1.691 (e)–1 Cross reference.
1.692 Statutory provisions; income taxes on members of Armed Forces on death.
1.692–1 Abatement of income taxes of certain members of the Armed Forces of the United States upon death.

AUTHORITY: §§ 1.691 (a) to 1.692–1, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

INCOME IN RESPECT OF DECEDENTS

§ 1.691 (a) *Statutory provisions; recipients of income in respect of decedents; inclusion in gross income.*

SEC. 691. *Recipients of income in respect of decedents*—(a) *Inclusion in gross income*—(1) *General rule.* The amount of all items of gross income in respect of a decedent which are not properly includible in respect of the taxable period in which falls the date of his death or a prior period (including the amount of all items of gross income in respect of a prior decedent, if the right to receive such amount was acquired by reason of the death of the prior decedent or by bequest, devise, or inheritance from the prior decedent) shall be included in the gross income, for the taxable year when received, of:

(A) The estate of the decedent, if the right to receive the amount is acquired by the decedent's estate from the decedent;

(B) The person who, by reason of the death of the decedent, acquires the right to receive the amount, if the right to receive the amount is not acquired by the decedent's estate from the decedent; or

(C) The person who acquires from the decedent the right to receive the amount by bequest, devise, or inheritance, if the amount is received after a distribution by the decedent's estate of such right.

(2) *Income in case of sale, etc.* If a right, described in paragraph (1), to receive an amount is transferred by the estate of the decedent or a person who received such right by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent, there shall be included in the gross income of the estate or such person, as the case may be, for the taxable period in which the transfer occurs, the fair market value of such right at the time of such transfer plus the amount by which any consideration for the transfer exceeds such fair market value. For purposes of this paragraph, the term "transfer" includes sale, exchange, or other disposition, or the satisfaction of an installment obligation at other than face value, but does not include transmission at death to the estate of the decedent or a transfer to a person pursuant to the right of such person to receive such amount by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent.

(3) *Character of income determined by reference to decedent.* The right, described in paragraph (1), to receive an amount shall be treated, in the hands of the estate of the decedent or any person who acquired such right by reason of the death of the decedent, or by bequest, devise, or inheritance from the decedent, as if it had been acquired by the estate or such person in the transaction in which the right to receive the income was originally derived and the amount includible in gross income under paragraph (1) or (2) shall be considered in the hands of the estate or such person to have the character which it would have had in the hands of the decedent if the decedent had lived and received such amount.

(4) *Installment obligations acquired from decedent.* In the case of an installment obligation received by a decedent on the sale or other disposition of property, the income from which was properly reportable by the decedent on the installment basis under section 453, if such obligation is acquired by the decedent's estate from the decedent or by any person by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent—

(A) An amount equal to the excess of the face amount of such obligation over the basis of the obligation in the hands of the decedent (determined under section 453 (d)) shall, for the purpose of paragraph (1), be considered as an item of gross income in respect of the decedent; and

(B) Such obligation shall, for purposes of paragraphs (2) and (3), be considered a right to receive an item of gross income in respect of the decedent, but the amount includible in gross income under paragraph (2) shall be reduced by an amount equal to the basis of the obligation in the hands of the decedent (determined under section 453 (d)).

§ 1.691 (a)–1 *Income in respect of a decedent*—(a) *Scope of section 691.* In general, the regulations under section 691 cover: (1) The provisions requiring that amounts which are not includible in gross income for the decedent's last taxable year or for a prior taxable year be included in the gross income of the estate or persons receiving such income to the extent that such amounts constitute "income in respect of a decedent"; (2) the taxable effect of a transfer of the right to such income; (3) the treatment of certain deductions and credit in respect of a decedent which are not allowable to the decedent for the taxable period ending with his death or for a prior taxable year; (4) the allowance to a recipient of income in respect of a decedent of a deduction for estate taxes attributable to the inclusion of the value of the right to such income in the decedent's estate; and (5) special provisions with respect to installment obligations acquired from a decedent and with respect to the allowance of a deduction for estate taxes to a surviving annuitant under a joint and survivor annuity contract.

(b) *General definition.* In general, the term "income in respect of a decedent" refers to those amounts to which a decedent was entitled as gross income but which were not properly includible in computing his taxable income for the taxable year ending with the date of his death or for a previous taxable year under the method of accounting employed by the decedent. See the regulations under section 451. Thus, the term includes—

(1) All accrued income of a decedent who reported his income by use of the cash receipts and disbursements method;

(2) Income accrued solely by reason of the decedent's death in case of a decedent who reports his income by use of an accrual method of accounting; and

(3) Income to which the decedent had a contingent claim at the time of his death.

See sections 736 and 753 and the regulations thereunder for "income in respect of a decedent" in the case of a deceased partner.

(c) *Prior decedent.* The term "income in respect of a decedent" also includes the amount of all items of gross income in respect of a prior decedent, if (1) the right to receive such amount was acquired by the decedent by reason of the death of the prior decedent or by bequest, devise, or inheritance from the prior decedent and if (2) the amount of gross income in respect of the prior decedent was not properly includible in computing the decedent's taxable income for the taxable year ending with the date of his death or for a previous taxable year. See example (2) of paragraph (b) of § 1.691 (a)–2.

(d) *Items excluded from gross income.* Section 691 applies only to the amount of items of gross income in respect of a decedent, and items which are excluded from gross income under subtitle A of the Internal Revenue Code of 1954 are not within the provisions of section 691.

(e) *Cross reference.* For items deemed to be income in respect of a decedent for purposes of the deduction for estate taxes provided by section 691 (c), see paragraph (c) of § 1.691 (c)–1.

§ 1.691 (a)–2 *Inclusion in gross income by recipients.* (a) Under section 691 (a) (1), income in respect of a decedent shall be included in the gross income, for the taxable year when received, of—

(1) The estate of the decedent, if the right to receive the amount is acquired by the decedent's estate from the decedent;

(2) The person who, by reason of the death of the decedent, acquires the right to receive the amount, if the right to receive the amount is not acquired by the decedent's estate from the decedent; or

(3) The person who acquires from the decedent the right to receive the amount by bequest, devise, or inheritance, if the amount is received after a distribution by the decedent's estate of such right.

These amounts are included in the income of the estate or of such persons when received by them whether or not they report income by use of the cash receipts and disbursements method.

(b) The application of paragraph (a) of this section may be illustrated by the following examples, in each of which it is assumed that the decedent kept his books by use of the cash receipts and disbursements method.

Example (1). The decedent was entitled at the date of his death to a large salary payment to be made in equal annual installments over five years. His estate, after collecting two installments, distributed the right to the remaining installment payments to the residuary legatee of the estate. The estate must include in its gross income the two installments received by it, and the legatee must include in his gross income each of the three installments received by him.

Example (2). A widow acquired, by bequest from her husband, the right to receive renewal commissions on life insurance sold by him in his lifetime, which commissions were payable over a period of years. The widow died before having received all of such commissions, and her son inherited the right to receive the rest of the commissions. The commissions received by the widow were includible in her gross income. The commissions received by the son were not includible in the widow's gross income but must be included in the gross income of the son.

Example (3). The decedent owned a Series E United States savings bond, with his wife as co-owner or beneficiary, but died before the payment of such bond. The entire amount of interest accruing on the bond and not includible in income by the decedent, not just the amount accruing after the death of the decedent, would be treated as income to his wife when the bond is paid.

Example (4). A, prior to his death, acquired 10,000 shares of the capital stock of the X Corporation at a cost of $100 per share. During his lifetime, A had entered into an agreement with X Corporation whereby X Corporation agreed to purchase and the decedent agreed that his executor would sell the 10,000 shares of X Corporation stock owned by him at the book value of the stock at the date of A's death. Upon A's death, the shares are sold by A's executor for $500 a share pursuant to the agreement. Since the sale of stock is consummated after A's death, there is no income in respect of a decedent with respect to the appreciation in value of A's stock to the date of his death. If, in this example, A had in fact sold the stock during his lifetime but payment had not been received before his death, any gain on the sale would constitute income in respect of a decedent when the proceeds were received.

Example (5). (1) A owned and operated an apple orchard. During his lifetime, A sold and delivered 1,000 bushels of apples to X, a canning factory, but did not receive payment before his death. A also entered into negotiations to sell 3,000 bushels of apples to Y, a canning factory, but did not complete the sale before his death. After A's death, the executor received payment from X. He also completed the sale to Y and transferred to Y 1,200 bushels of apples on hand at A's death and harvested and transferred an additional 1,800 bushels. The gain from the sale of apples by A to X constitutes income in respect of a decedent when received. On the other hand, the gain from the sale of apples by the executor to Y does not.

(2) Assume that, instead of the transaction entered into with Y, A had disposed of the 1,200 bushels of harvested apples by delivering them to Z, a cooperative association, for processing and sale. Each year the association commingles the fruit received from all of its members into a pool and assigns to each member a percentage interest in the pool based on the fruit delivered by him. After the fruit is processed and the products are sold, the association distributes the net proceeds from the pool to its members in proportion to their interests in the pool. After A's death, the association made distributions to the executor with respect to A's share of the proceeds from the pool in which A had an interest. Under such circumstances, the proceeds from the disposition of the 1,200 bushels of apples constitute income in respect of a decedent.

§ 1.691 (a)–3 *Character of gross income.* (a) The right to receive an amount of income in respect of a decedent shall be treated in the hands of the estate, or by the person entitled to receive such amount by bequest, devise, or inheritance from the decedent or by reason of his death, as if it had been acquired in the transaction by which the decedent (or a prior decedent) acquired such right, and shall be considered as having the same character it would have had if the decedent (or a prior decedent) had lived and received such amount. The provisions of section 1014 (a), relating to the basis of property acquired from a decedent, do not apply to these amounts in the hands of the estate and such persons. See section 1014 (c).

(b) The application of paragraph (a) of this section may be illustrated by the following:

(1) If the income would have been capital gain to the decedent, if he had lived and had received it, from the sale of property held for more than 6 months, the income, when received, shall be treated in the hands of the estate or of such person as capital gain from the sale of the property, held for more than 6 months, in the same manner as if such person had held the property for the period the decedent held it, and had made the sale.

(2) If the income is interest on United States obligations which were owned by the decedent, such income shall be treated as interest on United States obligations in the hands of the person receiving it, for the purpose of determining the credit provided by section 35, as if such person had owned the obligations with respect to which such interest is paid.

(3) If the amounts received would be subject to special treatment under sections 1301 to 1305, inclusive, relating to income attributable to several taxable years, if the decedent had lived and included such amounts in his gross income, such sections apply with respect to the recipient of the income.

(4) The provisions of sections 632 and 1347, relating to the tax attributable to the sale of certain oil or gas property and to certain claims against the United States, apply to any amount included in gross income, the right to which was obtained by the decedent by a sale or claim within the provisions of those sections.

§ 1.691 (a)–4 *Transfer of right to income in respect of a decedent.* (a) Section 691 (a) (2) provides the rules governing the treatment of income in respect of a decedent (or a prior decedent) in the event a right to receive such income is transferred by the estate or person entitled thereto by bequest, devise, or inheritance, or by reason of the death of the decedent. In general, the transferor must include in his gross income for the taxable period in which the transfer occurs the amount of the consideration, if any, received for the right or the fair market value of the right at the time of the transfer, whichever is greater. Thus, upon a sale of such right by the estate or person entitled to receive it, the fair market value of the right or the amount received upon the sale, whichever is greater, is included in the gross income of the vendor. Similarly, if such right is disposed of by gift, the fair market value of the right at the time of the gift must be included in the gross income of the donor. In the case of a satisfaction of an installment obligation at other than face value, which is likewise considered a transfer under section 691 (a) (2), see § 1.691 (a)–5.

(b) If the estate of a decedent or any person transmits the right to income in respect of a decedent to another who would be required by section 691 (a) (1) to include such income when received in his gross income, only the transferee will include such income when received in his gross income. In this situation, a transfer within the meaning of section 691 (a) (2) has not occurred. This paragraph may be illustrated by the following:

(1) If a person entitled to income in respect of a decedent dies before receiving such income, only his estate or other person entitled to such income by bequest, devise, or inheritance from the latter decedent, or by reason of the death of the latter decedent, must include such amount in gross income when received.

(2) If a right to income in respect of a decedent is transferred by an estate to a specific or residuary legatee, only the specific or residuary legatee must include such income in gross income when received.

(3) If a trust to which is bequeathed a right of a decedent to certain payments of income terminates and transfers the right to a beneficiary, only the beneficiary must include such income in gross income when received.

If the transferee described in subparagraphs (1), (2), and this subparagraph of this paragraph transfers his right to receive the amounts in the manner described in paragraph (a) of this section, the principles contained in paragraph (a) are applied to such transfer. On the other hand, if the transferee transmits his right in the manner described in this paragraph, the principles of this paragraph are again applied to such transfer.

§ 1.691 (a)–5 *Installment obligations acquired from decedent.* (a) Section 691 (a) (4) has reference to an installment obligation which remains uncollected by a decedent (or a prior decedent) and which was originally acquired in a transaction the income from which was properly reportable by the decedent on the installment method under section 453. Under the provisions of section 691 (a) (4), an amount equal to the excess of the face value of the obligation over its basis in the hands of the decedent (determined under section 453 (d) (2) and the regulations thereunder) shall be considered an amount of income in respect of a decedent and shall be treated as such. The decedent's estate (or the person entitled to receive such income by bequest, devise, or inheritance from the decedent or by reason of the decedent's death) shall include in its gross income when received the same proportion of any payment in satisfaction of such obligations as would be returnable as income by the decedent if he had lived and received such payment. No gain on account of the transmission of such obligations by the decedent's death is required to be reported as income in the return of the decedent for the year of his death.

(b) If an installment obligation described in paragraph (a) of this section is transferred within the meaning of section 691 (a) (2) and paragraph (a) of § 1.691 (a)–4, the entire installment obligation transferred shall be considered a right to income in respect of a decedent but the amount includible in the gross income of the transferor shall be reduced by an amount equal to the basis of the obligation in the hands of the decedent (determined under section 453 (d) (2) and the regulations thereunder) adjusted, however, to take into account the receipt of any installment payments after the decedent's death and before such transfer. Thus, the amount includible in the gross income of the transferor shall be the fair market value of such obligation at the time of the transfer or the consideration received for the transfer of the installment obligation, whichever is greater, reduced by the basis of the obligation as described in the preceding sentence. For purposes of this paragraph, the term "transfer" in section 691 (a) (2) and paragraph (a) of § 1.691 (a)–4 includes the satisfaction of an installment obligation at other than face value.

(c) The application of this section may be illustrated by the following example:

Example. An heir of a decedent is entitled to collect an installment obligation with a face value of $100, a fair market value of $80, and a basis in the hands of the decedent of $60. If the heir collects the obligation at face value, the excess of the amount collected over the basis is considered income in respect of a decedent and includible in the gross income of the heir under section 691 (a) (1). In this case, the amount includible would be $40 ($100 less $60). If the heir collects the obligation at $90, an amount other than face value, the entire obligation is considered a right to receive income in respect of a decedent but the amount ordinarily required to be included in the heir's gross income under section 691 (a) (2) (namely, the consideration received in satisfaction of the installment obligation or its fair market value, whichever is greater) shall be reduced by the amount of the basis of the obligation in the hands of the decedent. In this case, the amount includible would be $30 ($90 less $60).

§ 1.691 (b) *Statutory provisions; recipients of income in respect of decedents; allowance of deductions and credit.*

SEC. 691. *Recipients of income in respect of decedents.* • • •

(b) *Allowance of deductions and credit.* The amount of any deduction specified in section 162, 163, 164, 212, or 611 (relating to deductions for expenses, interest, taxes, and depletion) or credit specified in section 33 (relating to foreign tax credit), in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed:

(1) *Expenses, interest, and taxes.* In the case of a deduction specified in section 162, 163, 164, or 212 and a credit specified in section 33, in the taxable year when paid—

(A) To the estate of the decedent; except that

(B) If the estate of the decedent is not liable to discharge the obligation to which the deduction or credit relates, to the person who, by reason of the death of the decedent or by bequest, devise, or inheritance acquires, subject to such obligation, from the decedent an interest in property of the decedent.

(2) *Depletion.* In the case of the deduction specified in section 611, to the person described in subsection (a) (1) (A), (B), or (C) who, in the manner described therein, receives the income to which the deduction relates, in the taxable year when such income is received.

§ 1.691 (b)–1 *Allowance of deductions and credit in respect of decedents.* (a) Under section 691 (b) the expenses, interest, and taxes described in sections 162, 163, 164, and 212 for which the decedent (or a prior decedent) was liable, which were not properly allowable as a deduction in his last taxable year or any prior taxable year, are allowed when paid—

(1) As a deduction by the estate; or

(2) If the estate was not liable to pay such obligation, as a deduction by the person who by bequest, devise, or inheritance from the decedent or by reason of the death of the decedent acquires, subject to such obligation, an interest in property of the decedent (or the prior decedent).

Similar treatment is given to the foreign tax credit provided by section 33. For the purposes of subparagraph (2) of this paragraph, the right to receive an amount of gross income in respect of a decedent is considered property of the decedent; on the other hand, it is not necessary for a person, otherwise within the provisions of subparagraph (2) of this paragraph, to receive the right to any income in respect of a decedent. Thus, an heir who receives a right to income in respect of a decedent (by reason of the death of the decedent) subject to an income tax imposed by a foreign country during the decedent's life, which tax must be satisfied out of such income, is entitled to the credit provided by section 33 when he pays the tax. If a decedent who reported income by use of the cash receipts and disbursements method owned real property on which accrued taxes had become a lien, and if such property passed directly to the heir of the decedent in a jurisdiction in which real property does not become a part of a decedent's estate, the heir, upon paying such taxes, may taken the same deduction under section 164 that would be allowed to the decedent if, while alive, he had made such payment.

(b) The deduction for percentage depletion is allowable only to the person (described in section 691 (a) (1)) who receives the income in respect of the decedent to which the deduction relates, whether or not such person receives the property from which such income is derived. Thus, an heir who (by reason of the decedent's death) receives income derived from sales of units of mineral by the decedent (who reported income by use of the cash receipts and disbursements method) shall be allowed the deduction for percentage depletion, computed on the gross income from such number of units as if the heir had the same economic interest in the property as the decedent. Such heir need not also receive any interest in the mineral property other than such income. If the decedent did not compute his deduction for depletion on the basis of percentage depletion, any deduction for depletion to which the decedent was entitled at the date of his death would be

allowable in computing his taxable income for his last taxable year, and there can be no deduction in respect of the decedent by any other person for such depletion.

§ 1.691 (c) *Statutory provisions; recipients of income in respect of decedents; deduction for estate tax.*

SEC. 691. *Recipients of income in respect of decedents.* • • •

(c) *Deduction for estate tax*—(1) *Allowance of deduction*—(A) *General rule.* A person who includes an amount in gross income under subsection (a) shall be allowed, for the same taxable year, as a deduction an amount which bears the same ratio to the estate tax attributable to the net value for estate tax purposes of all the items described in subsection (a) (1) as the value for estate tax purposes of the items of gross income or portions thereof in respect of which such person included the amount in gross income (or the amount included in gross income, whichever is lower) bears to the value for estate tax purposes of all the items described in subsection (a) (1).

(B) *Estates and trusts.* In the case of an estate or trust, the amount allowed as a deduction under subparagraph (A) shall be computed by excluding from the gross income of the estate or trust the portion (if any) of the items described in subsection (a) (1) which is properly paid, credited, or to be distributed to the beneficiaries during the taxable year. This subparagraph shall apply to the same taxable years, and to the same extent, as is provided in section 683.

(2) *Method of computing deduction.* For purposes of paragraph (1)—

(A) The term "estate tax" means the tax imposed on the estate of the decedent or any prior decedent under section 2001 or 2101, reduced by the credits against such tax.

(B) The net value for estate tax purposes of all the items described in subsection (a) (1) shall be the excess of the value for estate tax purposes of all the items described in subsection (a) (1) over the deductions from the gross estate in respect of claims which represent the deductions and credit described in subsection (b). Such net value shall be determined with regard to the provisions of section 421 (d) (6) (B), relating to the deduction for estate tax with respect to restricted stock options.

(C) The estate tax attributable to such net value shall be an amount equal to the excess of the estate tax over the estate tax computed without including in the gross estate such net value.

§ 1.691 (c)–1 *Deduction for estate tax attributable to income in respect of a decedent*—(a) *In general.* A person who is required to include in gross income for any taxable year an amount of income in respect of a decedent may deduct for the same taxable year that portion of the estate tax imposed upon the decedent's estate which is attributable to the inclusion in the decedent's estate of the right to receive such amount. The deduction is determined as follows:

(1) Ascertain the net value in the decedent's estate of the items which are included under section 691 in computing gross income. This is the excess of the value included in the gross estate on account of the items of gross income in respect of the decedent (see § 1.691 (a)–1 and paragraph (c) of this section) over the deductions from the gross estate for claims which represent the deductions and credit in respect of the decedent (see § 1.691 (b)–1). But see section 691 (d) and paragraph (b) of § 1.691 (d)–1 for computation of the special value of a survivor's annuity to be used in computing the net value for estate tax purposes in cases involving joint and survivor annuities.

(2) Ascertain the portion of the estate tax attributable to the inclusion in the gross estate of such net value. This is the excess of the estate tax over the estate tax computed without including such net value in the gross estate. In computing the estate tax without including such net value in the gross estate, any estate tax deduction (such as the marital deduction) which may be based upon the gross estate shall be recomputed so as to take into account the exclusion of such net value from the gross estate. See example (2), paragraph (e) of § 1.691 (d)–1.

For purposes of this section, the term "estate tax" means the tax imposed under section 2001 or 2101 (or the corresponding provisions of the Internal Revenue Code of 1939), reduced by the credits against such tax. Each person including in gross income an amount of income in respect of a decedent may deduct as his share of the portion of the estate tax (computed under subparagraph (2) of this paragraph) an amount which bears the same ratio to such portion as the value in the gross estate of the right to the income included by such person in gross income (or the amount included in gross income if lower) bears to the value in the gross estate of all the items of gross income in respect of the decedent.

(b) *Prior decedent.* If a person is required to include in gross income an amount of income in respect of a prior decedent, such person may deduct for the same taxable year that portion of the estate tax imposed upon the prior decedent's estate which is attributable to the inclusion in the prior decedent's estate of the value of the right to receive such amount. This deduction is computed in the same manner as provided in paragraph (a) of this section and is in addition to the deduction for estate tax imposed upon the decedent's estate which is attributable to the inclusion in the decedent's estate of the right to receive such amount.

(c) *Amounts deemed to be income in respect of a decedent.* For purposes of allowing the deduction under section 691 (c), the following items are also considered to be income in respect of a decedent under section 691 (a):

(1) The value for estate tax purposes of restricted stock options in respect of which amounts are includible in gross income under section 421 (b). See section 421 (d) (6).

(2) Amounts received by a surviving annuitant during his life expectancy period as an annuity under a joint and survivor annuity contract to the extent included in gross income under section 72. See section 691 (d).

(d) *Examples.* Paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). X, an attorney who kept his books by use of the cash receipts and disbursements method, was entitled at the date of his death to a fee for services rendered in a case not completed at the time of his death, which fee was valued in his estate at $1,000, and to accrued bond interest, which was valued in his estate at $500. In all, $1,500 was included in his gross estate in respect of income described in section 691 (a) (1). There were deducted as claims against his estate $150 for business expenses for which his estate was liable and $50 for taxes accrued on certain property which he owned. In all, $200 was deducted for claims which represent amounts described in section 691 (b) which are allowable as deductions to his estate or to the beneficiaries of his estate. His gross estate was $185,000 and considering deductions of $15,000 and an exemption of $60,000, his taxable estate amounted to $110,000. The estate tax on this amount is $23,700 from which is subtracted a $75 credit for State death taxes leaving an estate tax liability of $23,625. In the year following the closing of X's estate, the fee in the amount of $1,200 was collected by X's son, who was the sole beneficiary of the estate. This amount was included under section 691 (a) (1) (C) in the son's gross income. The son may deduct, in computing his taxable income for such year, $260 on account of the estate tax attributable to such income, computed as follows:

(1) (i) Value of income described in section 691 (a) (1) included in computing gross estate	$1,500
(ii) Deductions in computing gross estate for claims representing deductions described in section 691 (b)	200
(iii) Net value of items described in section 691 (a) (1)	1,300
(2) (i) Estate tax	23,625
(ii) Less: Estate tax computed without including $1,300 (item (1) (iii)) in gross estate	23,235
(iii) Portion of estate tax attributable to net value of items described in section 691 (a) (1)	390
(3) (i) Value in gross estate of items described in section 691 (a) (1) received in taxable year (fee)	1,000
(ii) Value in gross estate of all income items described in section 691 (a) (1) (item (1) (i))	1,500
(iii) Part of estate tax deductible on account of receipt of $1,200 fee (1,000/1,500 of $390)	260

Although $1,200 was later collected as the fee, only the $1,000 actually included in the gross estate is used in the above computations. However, to avoid distortion, section 691 (c) provides that if the value included in the gross estate is greater than the amount finally collected, only the amount collected shall be used in the above computations. Thus, if the amount collected as the fee were only $500, the estate tax deductible on the receipt of such amount would be 500/1,500 of $390, or $130. See paragraph (d) (3) of § 1.421–5 for a similar example involving a restricted stock option.

Example (2). Assume that in example (1) the fee valued at $1,000 had been earned by prior decedent Y and had been inherited by X who died before collecting it. With regard to the son, the fee would be considered income in respect of a prior decedent. Assume further that the fee was valued at $1,000 in Y's estate, that the net value in Y's estate of items described in section 691 (a) (1) was $5,000 and that the estate tax imposed on Y's estate attributable to such net value was $550. In such case, the portion of such estate tax attributable to the fee would be 1,000/5,000 of $550, or $110. When the son collects the $1,200 fee, he will receive for the same taxable year a deduction of $110 with respect to the estate tax imposed on the estate of prior decedent Y as well as the deduction of $260 (as computed in example (1)) with respect to the estate tax imposed on the estate of decedent X.

§ 1.691 (c)–2 *Estates and trusts.* (a) In the case of an estate or trust, the deduction prescribed in section 691 (c) is determined in the same manner as described in § 1.691 (c)–1, with the following exceptions:

(1) If any amount properly paid, credited, or required to be distributed by an estate or trust to a beneficiary consists of income in respect of a decedent received by the estate or trust during the taxable year—

(i) Such income shall be excluded in determining the income in respect of the decedent with respect to which the estate or trust is entitled to a deduction under section 691 (c), and

(ii) Such income shall be considered income in respect of a decedent to such beneficiary for purposes of allowing the deduction under section 691 (c) to such beneficiary.

(2) For determination of the amount of income in respect of a decedent received by the beneficiary, see sections 652 and 662, and §§ 1.652 (b)–2 and 1.662 (b)–2. However, for this purpose, distributable net income as defined in section 643 (a) and the regulations thereunder shall be computed without taking into account the estate tax deduction provided in section 691 (c) and this section. Distributable net income as modified under the proceding sentence shall be applied for other relevant purposes of subchapter J of chapter 1 of the Internal Revenue Code of 1954, such as the deduction provided by section 651 or 661, or subpart D of part I of subchapter J, relating to excess distributions by trusts.

(3) The rule stated in subparagraph (1) of this paragraph does not apply to income in respect of a decedent which is properly allocable to corpus by the fiduciary during the taxable year but which is distributed to a beneficiary in a subsequent year. The deduction provided by section 691 (c) in such a case is allowable only to the estate or trust. If any amount properly paid, credited, or required to be distributed by a trust qualifies as a distribution under section 666, the fact that a portion thereof constitutes income in respect of a decedent shall be disregarded for the purposes of determining the deduction of the trust and of the beneficiaries under section 691 (c) since the deduction for estate taxes was taken into consideration in computing the undistributed net income of the trust for the preceding taxable year.

(b) This section shall apply only to amounts properly paid, credited, or required to be distributed in taxable years of an estate or trust beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise provided in paragraph (c) of this section.

(c) In the case of an estate or trust heretofore taxable under the provisions of the Internal Revenue Code of 1939, amounts paid, credited, or to be distributed during its first taxable year subject to the Internal Revenue Code of 1954 which would have been treated as paid, credited, or to be distributed on the last day of the preceding taxable year if the Internal Revenue Code of 1939 were still applicable shall not be subject to the provisions of section 691 (c) (1) (B) or this section. See section 683 and the regulations thereunder.

(d) The provisions of this section may be illustrated by the following example, in which it is assumed that the estate and the beneficiary make their returns on the calendar year basis:

Example. (1) The fiduciary of an estate receives taxable interest of $5,500 and income in respect of a decedent of $4,500 during the taxable year. Neither the will of the decedent nor local law requires the allocation to corpus of income in respect of a decedent. The estate tax attributable to the income in respect of a decedent is $1,500. In his discretion, the fiduciary distributes $2,000 (falling within sections 661 (a) and 662 (a)) to a beneficiary during that year. On these facts the fiduciary and beneficiary are respectively entitled to estate tax deductions of $1,200 and $300, computed as follows:

(2) Distributable net income computed under section 643 (a) without regard to the estate tax deduction under section 691 (c) is $10,000, computed as follows:

Taxable interest	$5,500
Income in respect of a decedent	4,500
Total	10,000

(3) Inasmuch as the distributable net income of $10,000 exceeds the amount of $2,000 distributed to the beneficiary, the deduction allowable to the estate under section 661 (a), and the amount taxable to the beneficiary under section 662 (a) is $2,000.

(4) The character of the amounts distributed to the beneficiary under section 662 (b) is shown in the following table:

	Taxable interest	Income in respect of a decedent	Total
Distributable net income	$5,500	$4,500	$10,000
Amount deemed distributed under section 662 (b)	1,100	900	2,000

(5) Accordingly, the beneficiary will be entitled to an estate tax deduction of $300 (900/4,500 x $1,500) and the estate will be entitled to an estate tax deduction of $1,200 (3,600/4,500 x $1,500).

(6) The taxable income of the estate is $6,200, computed as follows:

Gross income		$10,000
Less:		
Distributions to the beneficiary	$2,000	
Estate tax deduction under section 691 (c)	1,200	
Personal exemption	600	
		3,800
Taxable income		6,200

§ 1.691 (d) *Statutory provisions; recipients of income in respect of decedents; amounts received by surviving annuitant under joint and survivor annuity contract.*

SEC. 691. *Recipients of income in respect of decedents.* • • •

(d) *Amounts received by surviving annuitant under joint and survivor annuity contract*—(1) *Deduction for estate tax.* For purposes of computing the deduction under subsection (c) (1) (A), amounts received by a surviving annuitant—

(A) As an annuity under a joint and survivor annuity contract where the decedent annuitant died after December 31, 1953, and after the annuity starting date (as defined in section 72 (c) (4)), and

(B) During the surviving annuitant's life expectancy period,

shall, to the extent included in gross income under section 72, be considered as amounts included in gross income under subsection (a).

(2) *Net value for estate tax purposes.* In determining the net value for estate tax purposes under subsection (c) (2) (B) for purposes of this subsection, the value for estate tax purposes of the items described in paragraph (1) of this subsection shall be computed—

(A) By determining the excess of the value of the annuity at the date of the death of the deceased annuitant over the total amount excludable from the gross income of the surviving annuitant under section 72 during the surviving annuitant's life expectancy period, and

(B) By multiplying the figure so obtained by the ratio which the value of the annuity for estate tax purposes bears to the value of the annuity at the date of the death of the deceased.

(3) *Definitions.* For purposes of this subsection—

(A) The term "life expectancy period" means the period beginning with the first day of the first period for which an amount is received by the surviving annuitant under the contract and ending with the close of the taxable year with or in which falls the termination of the life expectancy of the surviving annuitant. For purposes of this subparagraph, the life expectancy of the surviving annuitant shall be determined, as of the date of the death of the deceased annuitant, with reference to actuarial tables prescribed by the Secretary or his delegate.

(B) The surviving annuitant's expected return under the contract shall be computed, as of the death of the deceased annuitant, with reference to actuarial tables prescribed by the Secretary or his delegate.

§ 1.691 (d)–1 *Amounts received by surviving annuitant under joint and survivor annuity contract*—(a) *In general.* Under section 691 (d), annuity payments received by a surviving annuitant under a joint and survivor annuity contract (to the extent indicated in paragraph (b) of this section) are treated as income in respect of a decedent under section 691 (a) for the purpose of allowing the deduction for estate tax provided for in section 691 (c) (1) (A). This section applies only if the deceased annuitant died after December 31, 1953, and after the annuity starting date as defined in section 72 (c) (4).

(b) *Special value for surviving annuitant's payments.* Section 691 (d) provides a special value for the surviving annuitant's payments to determine the amount of the estate tax deduction provided for in section 691 (c) (1) (A). This special value is determined by multiplying—

(1) The excess of the value of the annuity at the date of death of the deceased annuitant over the total amount excludable from the gross income of the surviving annuitant under section 72

during his life expectancy period (see paragraph (d) (1) (i) of this section) by

(2) A fraction consisting of the value of the annuity for estate tax purposes over the value of the annuity at the date of death of the deceased annuitant.

This special value is used for the purpose of determining the net value for estate tax purposes (see section 691 (c) (2) (B) and paragraph (a) (1) of §1.691 (c)-1) and for the purpose of determing the portion of estate tax attributable to the survivor's annuity (see paragraph (a) of § 1.691 (c)-1).

(c) *Amount of deduction.* The portion of estate tax attributable to the survivor's annuity (see paragraph (a) of § 1.691 (c)-1) is allowabale as a deduction to the surviving annuitant over his life expectancy period. If the surviving annuitant continues to receive annuity payments beyond this period, there is no further deduction under section 691 (d). If the surviving annuitant dies before expiration of such period, there is no compensating adjustment for the unused deduction.

(d) *Definitions.* (1) For purposes of section 691 (d) and this section—

(i) The term "life expectancy period" means the period beginning with the first day of the first period for which an amount is received by the surviving annuitant under the contract and ending with the close of the taxable year with or in which falls the termination of the life expectancy of the surviving annuitant.

(ii) The life expectancy of the surviving annuitant shall be determined as of the date of death of the deceased annuitant, with reference to actuarial Table I set forth in § 1.72–9 (but without making any adjustment under paragraph (a) (2) of § 1.72–5).

(iii) The value of the annuity at the date of death of the deceased annuitant shall be the entire value of the survivor's annuity determined by reference to the principles set forth in section 2031 and the regulations thereunder, relating to the valuation of annuities for estate tax purposes.

(iv) The value of the annuity for estate tax purposes shall be that portion of the value determined under subdivision (iii) of this subparagraph which was includible in the deceased annuitant's gross estate.

(2) The determination of the "life expectancy period" of the survivor for purposes of section 691 (d) may be illustrated by the following example:

Example. H and W file their income tax returns on the calendar year basis. H dies on July 15, 1955, on which date W is 70 years of age. On August 1, 1955, W receives a monthly payment under a joint and survivor annuity contract. W's life expectancy determined as of the date of H's death is 15 years as determined from Table I in § 1.72–9; thus her life expectancy ends on July 14, 1970. Under the provisions of section 691 (d), her life expectancy period begins as of July 1, 1955, and ends as of December 31, 1970, thus giving her a life expectancy period of 15½ years.

(e) *Examples.* The application of section 691 (d) and this section may be illustrated by the following examples:

Example (1). (1) H and W, husband and wife, purchased a joint and survivor annuity contract for $203,800 providing for monthly payments of $1,000 starting January 28, 1954, and continuing for their joint lives and for the remaining life of the survivor. H contributed $152,850 and W contributed $50,950 to the cost of the annuity. As of the annuity starting date, January 1, 1954, H's age at his nearest birthday was 70 and W's age at her nearest birthday was 67. H dies on January 1, 1957, and beginning on January 28, 1957, W receives her monthly payments of $1,000. The value of the annuity at the date of H's death is $159,000 (see paragraph (d) (1) (iii) of this section), and the value of the annuity for estate tax purposes (see paragraph (d) (1) (iv) of this section) is $119,250 (152,850/203,800 of $159,000). As of the date of H's death, W's age is 70 and her life expectancy period is 15 years (see paragraph (d) of this section for method of computation). Both H and W reported income by use of the cash receipts and disbursements method and filed income tax returns on the calendar year basis.

(2) The following computations illustrate the application of section 72 in determining the excludable portions of the annuity payments to W during her life expectancy period:

Amount of annuity payments per year (12×$1,000)	$12,000
Life expectancy of H and W as of the annuity starting date (see section 72 (c) (3) (A) and Table II of § 1.72–9 (male, age 70; female, age 67))	19.7
Expected return as of the annuity starting date, January 1, 1954 ($12,000×19.7 as determined under section 72 (c) (3) (A) and paragraph (b) of § 1.72–5)	$236,400
Investment in the contract as of the annuity starting date, Jan. 1, 1954 (see section 72 (c) (1) and paragraph (a) of § 1.72–6)	$203,800
Exclusion ratio (203,800/236,400 as determined under section 72 (b) and § 1.72–4) (percent)	86.2
Exclusion per year under section 72 ($12,000×86.2 percent)	$10,344
Excludable during W's life expectancy period ($10,344×15)	$155,160

(3) For the purpose of computing the deduction for estate tax under section 691 (c), the value for estate tax purposes of the amounts includible in W's gross income and considered income in respect of a decedent by virtue of section 691 (d) (1) is $2,880. This amount is arrived at in accordance with the formula contained in section 691 (d) (2), as follows:

Value of annuity at date of H's death	$159,000
Total amount excludable from W's gross income under section 72 during W's life expectancy period (see subparagraph (2) of this example)	$155,160
Excess	$3,840
Ratio which value of annuity for estate tax purposes bears to value of annuity at date of H's death (119,250/159,000) (percent)	75
Value for estate tax purposes (75 percent of $3,840)	$2,880

This amount ($2,880) is included in the items of income under section 691 (a) (1) for the purpose of determining the estate tax attributable to each item under section 691 (c) (1) (A). The estate tax determined to be attributable to the item of $2,880 is then allowed as a deduction to W over her 15-year life expectancy period (see example (2) of this paragraph).

Example (2). Assume, in addition to the facts contained in example (1) of this paragraph, that H was an attorney and was entitled at the date of his death to a fee for services rendered in a case not completed at the time of his death, which fee was valued at $1,000, and to accrued bond interest, which was valued at $500. Taking into consideration the annuity payments of example (1), valued at $2,880, a total of $4,380 was included in his gross estate in respect of income described in section 691 (a) (1). There were deducted as claims against his estate $280 for business expenses for which his estate was liable and $100 for taxes accrued on certain property which he owned. In all, $380 was deducted for claims which represent amounts described in section 691 (b) which are allowable as deductions to his estate or to the beneficiaries of his estate. His gross estate was $404,250 and considering deductions of $15,000, a marital deduction of $119,250 (assuming the annuity to be the only qualifying gift) and an exemption of $60,000, his taxable estate amounted to $210,000. The estate tax on this amount is $53,700 from which is subtracted a $175 credit for State death taxes, leaving an estate tax liability of $53,525. W may deduct, in computing her taxable income during each year of her 15-year life expectancy period, $14.73 on account of the estate tax attributable to the value for estate tax purposes of that portion of the annuity payments considered income in respect of a decedent, computed as follows:

(1) (i) Value of income described in section 691 (a) (1) included in computing gross estate	$4,380.00	
(ii) Deductions in computing gross estate for claims representing deductions described in section 691 (b)	380.00	
(iii) Net value of items described in section 691 (a) (1)		4,000.00
(2) (i) Estate tax	53,525.00	
(ii) Less: Estate tax computed without including $4,000 (item (1) (iii)) in gross estate and by reducing marital deduction by $2,880 (portion of item (1) (iii) allowed as a marital deduction)	53,189.00	
(iii) Portion of estate tax attributable to net value of income items		336.00
(3) (i) Value in gross estate of income attributable to annuity payments	2,880.00	
(ii) Value in gross estate of all income items described in section 691 (a) (1) (item (1) (i))	4,380.00	
(iii) Part of estate tax attributable to annuity income (2,880/4,380 of $336)		220.93
(iv) Deduction each year on account of estate tax attributable to annuity income ($220.93÷15 (life expectancy period))		14.73

§ 1.691 (e) *Statutory provisions; recipients of income in respect of decedents; cross reference.*

SEC. 691. *Recipients of income in respect of decedents.* • • •

(e) *Cross reference.* For application of this section to income in respect of a deceased partner, see section 753.

§ 1.691 (e)–1 *Cross reference.* See section 753 and the regulations thereunder for application of section 691 to income in respect of a deceased partner.

§ 1.692 *Statutory provisions; income taxes on members of Armed Forces on death.*

SEC. 692. *Income taxes on members of Armed Forces on death.* In the case of any individual who dies during an induction period (as defined in section 112 (c) (5)) while in active service as a member of the Armed Forces of the United States, if such death occurred while serving in a combat zone (as determined under section 112) or as a result of wounds, disease, or injury incurred while so serving—

(1) Any tax imposed by this subtitle shall not apply with respect to the taxable year in which falls the date of his death, or with respect to any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950; and

(2) Any tax under this subtitle and under the corresponding provisions of prior revenue laws for taxable years preceding those specified in paragraph (1) which is unpaid at the date of his death (including interest, additions to the tax, and additional amounts) shall not be assessed; and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

§ 1.692–1 *Abatement of income taxes of certain members of the Armed Forces of the United States upon death.* (a) If an individual dies during an induction period (as defined in section 112 (c) (5)) while in active service as a member of the Armed Forces of the United States, and such death occurs while serving in a combat zone (as determined under section 112) or at any place as a result of wounds, disease, or injury incurred while so serving, then—

(1) The tax liability of such individual, under subtitle A of the Internal Revenue Code of 1954 or under chapter 1 of the Internal Revenue Code of 1939, for the taxable year ending on the date of his death, and for any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950, is cancelled and if the tax (including interest, additions to the tax, and additional amounts) is assessed, the assessment shall be abated, and if the amount of such tax is collected (regardless of the date of collection) the amount so collected shall be credited or refunded as an overpayment; and

(2) That amount of tax of such individual for taxable years preceding those specified in subparagraph (1) of this paragraph, under subtitle A of the Internal Revenue Code of 1954, chapter 1 of the Internal Revenue Code of 1939 or corresponding provisions of prior revenue laws, which remains unpaid as of the date of death shall not be assessed, and if any such unpaid tax (including interest, additions to the tax, and additional amounts) has been assessed, such assessment shall be abated, and if the amount of any such unpaid tax is collected subsequent to the date of death, the amount so collected shall be credited or refunded as an overpayment.

As to what constitutes an induction period, active service as a member of the Armed Forces, service in a combat zone, and wounds, disease, or injury incurred while serving in a combat zone, see section 112 and the regulations thereunder. As to who are members of the Armed Forces, see section 7701 (a) (15) and the regulations thereunder.

(b) If such an individual and his spouse have for any such year filed a joint return, the tax abated, credited, or refunded pursuant to the provisions of section 692 for such year shall be an amount equal to that portion of the joint tax liability which is the same percentage of such joint tax liability as a tax computed upon the separate income of such individual is of the sum of the taxes computed upon the separate income of such individual and his spouse, but with respect to taxable years ending before June 24, 1950, and with respect to taxable years ending before the first day such individual served in a combat zone, as determined under section 112, the amount so abated, credited, or refunded shall not exceed the amount unpaid at the date of death. For such purpose, the separate tax of each spouse—

(1) For taxable years beginning after December 31, 1953, and ending after August 16, 1954, shall be the tax computed under subtitle A of the Internal Revenue Code of 1954 before the application of sections 31, 32, 6401 (b), and 6402, but after the application of section 33, as if such spouse were required to make a separate income tax return; and

(2) For taxable years beginning before January 1, 1954, and for taxable years beginning after December 31, 1953, and ending before August 17, 1954, shall be the tax computed under chapter 1 of the Internal Revenue Code of 1939 before the application of sections 32, 35, and 322 (a), but after the application of section 31, as if such spouse were required to make a separate income tax return.

(c) If such an individual and his spouse filed a joint declaration of estimated tax for the taxable year ending with the date of his death, the estimated tax paid pursuant to such declaration may be treated as the estimated tax of either such individual or his spouse, or may be divided between them, in such manner as his legal representative and such spouse may agree. Should they agree to treat such estimated tax, or any portion thereof, as the estimated tax of such individual, the estimated tax so paid shall be credited or refunded as an overpayment for the taxable year ending with the date of his death.

(d) For the purpose of determining the tax which is unpaid at the date of death, amounts deducted and withheld under chapter 24, subtitle C of the Internal Revenue Code of 1954, or under subchapter D, chapter 9 of the Internal Revenue Code of 1939 (relating to income tax withheld at source on wages), constitute payment of tax imposed under subtitle A of the Internal Revenue Code of 1954 or under chapter 1 of the Internal Revenue Code of 1939, as the case may be.

(e) This section shall have no application whatsoever with respect to the liability of an individual as a transferee of property of a taxpayer where such liability relates to the tax imposed upon the taxpayer by subtitle A of the Internal Revenue Code of 1954 or by chapter 1 of the Internal Revenue Code of 1939.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 3, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8242; Filed, Oct. 7, 1957; 8:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 22]

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments have been made to this subchapter:

PART 1—INTRODUCTION

SUBPART C—GENERAL POLICIES

Section 1.303 has been added. Section 1.303 implements and codifies Department of Defense policy providing that approval signatures on contracts or purchase authorizations shall be minimized. Where multiple approval signatures are required, the objective shall be to obtain them concurrently. Section 1.303 reads as follows:

§ 1.303 *Approval signatures.* Approval signatures on contracts or purchase authorizations shall be minimized to the greatest practical extent and, in the event that multiple approval signatures are required, they shall, where possible, be obtained concurrently.

§ 1.304 [Reserved.]

SUBPART F—DEBARRED, INELIGIBLE, AND SUSPENDED BIDDERS

1. Section 1.602 (d), as amended, now requires that, following debarment for violation of the Buy American Act, findings upon which the debarment is based shall be published in the FEDERAL REGISTER. Section 1.602 (d), as revised, reads as follows:

§ 1.602 *Basis for addition of firms and individuals on list.* • • •

(d) Those determined by the Secretary of a Department in accordance with section 3 (b) of the Buy American Act (Public Law 428, 72d Congress; 47 Stat. 1520; 41 U. S. Code 10b (b)), to have failed to comply with the provisions of section 3 (a) of that act under any contract containing the specific provisions required by said section 3 (a) and made by the Department for construction, alteration, or repair of any public building or public work. The findings which support such a determination under section 3 (b) of that act shall be published in the FEDERAL REGISTER.

2. Section 1.603–1 has been amended to provide that debarred bidders shall not be furnished with invitations for bids and requests for proposals. Section 1.603–1, as revised, reads as follows:

§ 1.603 *Treatment to be accorded firms or individuals in debarred or ineligible status.*

§ 1.603–1 *Total restrictions.* (a) Contracts shall not be awarded to, nor shall bids or proposals be solicited from, nor shall invitations for bids or requests for proposals be furnished to, firms or individuals which are listed on the following bases: (1) Violation of agreements or representations required by the Walsh-Healey Public Contracts Act (see

§ 1.602 (a); (2) violation of the Davis-Bacon Act (see § 1.602 (b)); and (3) debarment by the Secretary of the Department considering the proposed procurement (see § 1.602 (c)). However, with respect to (3) above, when it is determined to be in the best interests of the Government by the Secretary of a Department, or his authorized representative, an exception may be made with respect to a particular procurement action.

(b) Administration of current contracts in all phases may be continued unless otherwise directed by the Secretary of the Department concerned, or his authorized representative.

(c) Payment of all or part of funds due or to become due may be withheld when such action is determined to be in the best interest of the Government by the Secretary of the Department concerned, or his authorized representative.

(d) In those contracts where the Government has reserved the right of approval of subcontracts, and the name of the proposed subcontractor is carried on a consolidated list, the contracting officer should, where appropriate, disapprove an award of a subcontract to such firm or individual.

3. (a) Sections 1.604–1 (a) and 1.605–1 have been amended to authorize suspension and debarments, respectively, of bidders for suspicions of commission or the actual commission of several specific crimes not necessarily connected with Government business, "or any other offense indicating a lack of business integrity or business honesty, which seriously and directly affects the question of present responsibility as a Government contractor".

(b) Section 1.604.1 (c) has been added, to authorize debarment "for such other cause of such serious and compelling nature as may be determined by the Secretary of the Department concerned to justify debarment".

(c) Section 1.604–3 (a) has been amended to provide for notice of a proposed debarment, as well as a notice of subsequent action, i. e., either debarment or decision not to debar.

(d) Section 1.605–4 has been amended to authorize inclusion of additional reasons for suspension included in the changes discussed above.

Sections 1.604 and 1.605, as revised, read as follows:

§ 1.604 *Causes and conditions under which Departments may debar contractors.* The Secretary of each Department, or his authorized representative except as limited below, is authorized to debar in the public interest a firm or an individual for any of the causes and under all the conditions set forth below. Debarment of a firm or individual under this subpart shall operate to debar such firm or individual throughout the Department of Defense. Placing the name of an individual or firm on the consolidated list will be for the purpose of protecting the interest of the Government and not for punishment.

§ 1.604–1 *Causes for debarment.* (a) Conviction by or a judgment obtained in a court of competent jurisdiction for (1) commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract; (2) violation of the Federal antitrust statutes arising out of the submission of bids or proposals; or (3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty, which seriously and directly affects the question of present responsibility as a Government contractor. If the conviction or judgment is reversed on appeal, the debarment shall be removed upon receipt of notification thereof. The foregoing does not necessarily require that a firm or individual be debarred. The decision to debar is discretionary; the seriousness of the offense, and all mitigating factors should be considered in making the decision to debar.

(b) Clear and convincing evidence of violation of contract provisions, as set forth below, when the violation is of a character so serious as to justify debarment action:

(1) Willful failure to perform in accordance with the specifications or delivery requirements in a contract.

(2) A history of failure to perform, or of unsatisfactory performance, in accordance with the terms of one or more contracts: *Provided*, That such failure or unsatisfactory performance is within a reasonable period of time preceding the determination to debar. Failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered as a basis for debarment.

(3) Violation of the contractual provision against contingent fees.

(4) Violation of the "Gratuities" clause, as determined by the Secretary in accordance with the provisions of the clause.

(c) For other cause of such serious and compelling nature as may be determined by the Secretary of the Department concerned to justify debarment.

(d) Debarment for any of the above causes by some other executive agency of the Government. Such debarment may be based entirely upon the record of facts obtained by the original debarring agency, or upon a combination of additional facts with the record of facts of the original debarring agency.

§ 1.604–2 *Period of debarment.* All debarments shall be for a reasonable, definitely stated period of time, commensurate with the seriousness of the cause therefor. As a general rule, a period of debarment should not exceed 5 years following the date of conviction for fraud or other criminal offense, or 3 years following the date of debarment for any other cause. In the event debarment is preceded by suspension, consideration shall be given to such period of suspension in determining the period of debarment.

§ 1.604–3 *Notice of debarment.* (a) The firm or individual concerned shall be furnished with a written notice of the proposed debarment stating as a minimum: (1) the fact that debarment is being considered; (2) the reasons for the proposed debarment; and (3) the period of time to be afforded to present information for consideration. If debarment is effected, the firm or individual shall be notified in writing within 10 days after determination of debarment has been made. This notice shall (i) reference the earlier notice of proposed debarment, (ii) specify the reasons for debarment, (iii) state the period of debarment, including effective dates, and (iv) advise that the debarment is effective throughout the Department of Defense. If, following the notice of proposed debarment, a determination is made that debarment will not be effected, the firm or individual shall be notified in writing accordingly.

(b) Copies of the notice of debarment and of any removals from such debarment shall be furnished to the General Services Administration.

§ 1.605 *Suspension of bidders.* Suspension of a contractor or bidder is a drastic action which must be based upon adequate evidence rather than mere accusation. Placing the name of an individual or firm on the consolidated list will be for the purpose of protecting the interest of the Government and not for punishment. The suspension of a bidder is an administrative determination which may be modified when determined to be in the interest of the Government.

§ 1.605–1 *Causes and conditions under which Departments may suspend contractors.* The Secretary of a Department or his authorized representative may, in the interest of the Government, suspend a firm or individual:

(a) Suspected of—

(1) Commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract;

(2) Violation of the Federal antitrust statutes arising out of the submission of bids and proposals; or

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty, which seriously and directly affects the question of present responsibility as a Government contractor, or,

(b) For other cause of such serious and compelling nature as may be determined by the Secretary of the Department concerned to justify suspension.

Suspension of a firm or individual by the Secretary of a Department, or his authorized representative, shall operate to suspend such firm or individual throughout the Department of Defense.

§ 1.605–2 *Period of suspension.* All suspensions shall be for a temporary period pending the completion of investigation and such legal proceedings as may ensue. Upon the completion of such investigation or proceedings, the suspension shall be removed and, if appropriate, changed to a debarment in accordance with § 1.604.1 (a).

§ 1.605–3 *Restrictions during period of suspension.* During a period of suspension of a firm or individual, the following policies and procedures shall be applicable:

(a) Bids and proposals will not be solicited from suspended contractors. If received, bids and proposals will not be considered and award for contracts may not be made to suspended contractors unless it is determined to be in the best interest of the Government by the Secretary of a Department or his authorized representative.

(b) Suspended contractors will be subject to the provisions of paragraphs (b), (c), and (d) of § 1.603–1.

§ 1.605–4 *Notice of suspension.* The firm or individual concerned shall be furnished a written notice by the Secretary of the Department concerned, or his authorized representative, of the suspension within 10 days after the effective date of the suspension. The notice of suspension shall state—

(a) That the suspension is based on information that the firm or individual has committed irregularities of a serious nature in business dealings with the Government or that the suspension is based on irregularities which seriously reflect on the propriety of further dealings of the firm or individual with the Government;

(b) That the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue;

(c) That bids and proposals will not be solicited from the firm or individual and if received will not be considered, and awards of contracts may not be made unless it is determined to be in the best interest of the Government by the Secretary of the Department or his authorized representative to do so; and

(d) That the suspension is effective throughout the Department of Defense.

All inquiries concerning suspended contractors shall be referred to the Secretary of the Department concerned or his authorized representative for appropriate action. The Department shall not give further information to the contractor or his representatives concerning the reasons for suspension beyond that stated in the notice of suspension set forth above until the Department of Justice has been advised of the inquiry.

(R. S. 161; 5 U. S. C. 22)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART E—QUALIFIED PRODUCTS

Section 2.504–7 authorizes denial or withdrawal of qualification of a product manufactured by a firm or individual listed on the consolidated list of debarred, etc., contractors.

§ 2.504 *Qualified Products Lists.* • • •

§ 2.504–7 *Effect of debarment or suspension.* Notwithstanding any other provision of this Subpart E, the inclusion of a product on the Qualified Products List may be denied, and the approval of a listed product may be withdrawn, by the Department concerned, without notification to the manufacturer, if the name of the manufacturer appears on the list of debarred or ineligible bidders which is kept pursuant to Part 1, Subpart F. With reference to Type B listings (see § 1.608), the provisions of this paragraph shall be applicable only if the qualified product is in the category prescribed by the Secretary of Labor (see § 1.603–3).

(R. S. 161; 5 U. S. C. 22)

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART D—DETERMINATIONS AND FINDINGS

Sections 3.403, 3.403–3 (b) (5) (iii), and 3.403–3 (c) (2) have been revised to clarify the point that ceiling prices, target prices, or minimum prices may be adjusted when such adjustment results solely from the operation of any contract clause providing for equitable adjustment, escalation, or other revision of the contract price upon the occurrence of an event or a contingency, as follows:

§ 3.403 *Fixed-price type contracts.* The fixed-price type contract generally provides for a firm price, or under appropriate circumstances may provide for an adjustable price, for the supplies or services which are being procured. In providing for an adjustable price, the contract may fix a ceiling price, target price (including target cost), or minimum price. However, unless otherwise provided in the contract, any such ceiling, target, or minimum price is subject to adjustment resulting solely from the operation of any contract clause which provides for equitable adjustment, escalation, or other revision of the contract price upon the occurrence of an event or a contingency. Fixed-price contracts are of several types so designed as to facilitate proper pricing under varying circumstances.

§ 3.403–3 *Fixed-price contract providing for the redetermination of price.* • • •

(b) *Types of price redetermination clauses.* • • •

(5) *Retroactive price redetermination after completion.* • • •

(iii) *Limitation.* This clause shall only be used upon the written approval of (a) Office of the Deputy Chief of Staff for Logistics or Offices of Heads of the Technical Services, for the Army; (b) Office of Naval Material, for the Navy; and (c) Headquarters, Air Materiel Command, for the Air Force. The criteria for the use and submitting of requests for approval within each respective Department shall be the responsibility of the aforementioned offices. A price ceiling shall be established for this type of contract in accordance with the policy set forth in § 3.403–3 (c).

3. (c) *Ceiling price provision.* • • •

(2) Ceiling prices may be subject to adjustment by reason of the operation of other contract clauses. (See § 3.403.)

SUBPART F—SMALL PURCHASES

§ 3.606–3 has been amended so as to delete the requirement that supplies or services involved be readily available from the local trade area, as a condition for use of the blanket purchase agreement method. Section 3.606–3, as revised, reads as follows:

§ 3.606 *Blanket purchase agreement method.* • • •

§ 3.606–3 *Conditions for use.* Blanket purchase agreements are authorized when—

(a) There is a repetitive need for small quantities of supplies or services of closely related types, such as electrical supplies, plumbing supplies, repair parts or services, or miscellaneous items of hardware;

(b) The maximum aggregate amount of all requests to be issued against one blanket purchase agreement shall not exceed the amount, if any specified in departmental procedures and the maximum period of time covered by the blanket purchase agreement shall not exceed the period, if any, specified in departmental procedures;

(c) No individual request issued against one blanket purchase agreement shall exceed $1,000; and

(d) The use of individual purchase instruments is deemed more costly administratively to the Government.

(R. S. 161; 5 U. S. C. 22)

PART 5—INTERDEPARTMENTAL PROCUREMENT

Section 5.000 has been amended by deletion of the word "continental." Section 5.000, as revised, reads as follows:

§ 5.000 *Scope of part.* This part deals with the procurement of supplies and services by the Military Departments from or through any other Government department or agency, with the exception of the procurement of supplies and services under the authority of Part 4, Coordinated Procurement. This subpart is not applicable to procurement effected outside the continental United States except as otherwise provided by Departmental procedures.

SUBPART A—PROCUREMENT UNDER FEDERAL SUPPLY SCHEDULE CONTRACTS

Section 5.103–2 (c) has been added to provide for an additional exception to the mandatory use of Federal Supply Schedules where special requirements preclude use of the scheduled items. Section 5.103–2 (c) reads as follows:

§ 5.103–2 *Exceptions to mandatory use.* • • •

(c) *Similar items.* Where specific articles or services listed in a mandatory Federal Supply Schedule will not meet a special requirement, open-market purchase of articles or services to meet such a special requirement is authorized. When articles or services having the same general characteristics and intended use are so procured, a written statement, citing the articles or services together with the reasons why items listed in the applicable Federal Supply Schedule would not serve the purpose, shall be prepared, signed by an authorized official of the using agency, and furnished the General Services Administration office which issued the Schedule within 15 days after date of purchase.

(R. S. 161; 5 U. S. C. 22)

PART 6—FOREIGN PURCHASES

1. Subpart B (Canadian Purchases) has been renumbered under Subpart E. Subpart B is Reserved.

2. In Subpart C—Duties and Customs, § 6.301 has been amended to provide for a corrected reference to 10 U. S. C. 2383. Section 6.301, as revised, reads as follows:

§ 6.301 *Customs duties on foreign purchases.* Duty must ordinarily be paid in connection with the importation of supplies purchased outside of the United States, except that the importation of "emergency purchases of war material abroad" by a military department is exempt from duty (10 U. S. C. 2383). Where the importation of supplies is subject to customs duties, a military department is exempt from any requirements of a customs bond.

(R. S. 161; 5 U. S. C. 22)

3. In Subpart E—Canadian Purchases, § 6.503 has been added to provide general information concerning the Government-to-Government agreement with the Canadian Department of Defence Production. Subpart E, as revised, reads as follows:

SUBPART E—CANADIAN PURCHASES

Sec.
6.501 Purchases from Canadian suppliers.
6.502 Guarantee by Canadian Government.
6.503 Agreement with Department of Defence Production (Canada).

AUTHORITY: §§ 6.501 to 6.503 issued under R. S. 161; 5 U. S. C. 22.

§ 6.501 *Purchases from Canadian suppliers.* Any contract with a supplier or contractor located in the Dominion of Canada may be made with and administered through the Canadian Commercial Corporation (a corporation owned and controlled by the Government of Canada), which has offices at 2450 Massachusetts Avenue NW., Washington, D. C. Under any such contract made with the Canadian Commercial Corporation, direct communication with the Canadian supplier or contractor is authorized only in connection with problems of inspection and technical matters: *Provided,* That, if any such problem would affect the contract price, approval of the Canadian Commercial Corporation shall be obtained. All payments under any such contract made with the Canadian Commercial Corporation shall be made to that Corporation at its Washington office.

§ 6.502 *Guarantee by Canadian Government.* The Canadian Government guarantees to the United States Government all commitments, obligations, and covenants of the Canadian Commercial Corporation in connection with any contract or order issued to said Corporation by any procuring activity of the United States Government. The Canadian Government has likewise waived notice of any change or modification which may be made from time to time in these commitments, obligations, or covenants.

§ 6.503 *Agreement with Department of Defence Production (Canada).* (a) An agreement, dated 27 July 1956, as amended 17 December 1956, between the Department of Defence Production (Canada) and the Departments of the Army, Navy, and Air Force, sets forth policies and provides procedures with respect to all contracts for supplies and services placed with the Canadian Commercial Corporation on or after October 1, 1956.

(b) The Agreement provides, in pertinent part, that the Canadian Commercial Corporation may, in submitting proposals for negotiated contracts, provide for prices or cost reimbursement, as the case may be, in terms of Canadian currency and that the resulting contract will provide for payment to be made in such currency. In evaluating proposals submitted by the Canadian Commercial Corporation in terms of Canadian currency, the rate of exchange in effect on the date of evaluation of all proposals, submitted in response to a given Request for Proposals, shall be used. When required, the precise rate of exchange of Canadian currency may be obtained from a financial paper of general circulation which reflects the rate as fixed and published by the Federal Reserve Bank of New York, such as the Wall Street Journal or the Journal of Commerce.

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Sections 7.106–3 and 7.106–4 have been amended to eliminate superfluous language. While these are not substantive changes, departmental and local forms containing these clauses should be revised at the earliest opportunity. Sections 7.106–3 and 7.106–4, as revised, read as follows:

§ 7.106–3 *Escalation clause for standard supplies.* The following price escalation clause is authorized for use in negotiated fixed-price supply contracts for standard supplies for which established prices exist. The clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within six months after the contract date. The percentage figure to be used in subparagraph (d) (3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the contractor against its list or catalog price are taken into account in negotiating the contract unit price, the Contracting Officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts.

PRICE ESCALATION

(a) The Contractor warrants that the unit prices stated herein, excluding any part of the prices which reflects requirements for preservation, packaging, and packing beyond standard commercial practice, are not in excess of the Contractor's applicable established prices in effect on the contract date for like quantities of the supplies covered by this contract. The term "established price" as used in this clause is the net price after applying any applicable standard trade discounts offered by the Contractor from its list or catalog price.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any applicable established price, and each applicable contract unit price shall be decreased by the same percentage that the applicable established price is decreased. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the contract date; or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ____ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (b) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, within 30 days after receipt of the Contractor's request, cancel without liability to either party the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such cancellation.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or cancellation of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d), and provided further that if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor cancels the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

§ 7.106–4 *Escalation clause for semistandard supplies.* The following price escalation clause is authorized for use in negotiated fixed-price supply contracts for semistandard supplies, the prices of which can be reasonably related to the prices of nearly equivalent standard supplies for which established prices exist. The clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within six months after the contract date. A clear understanding should be set forth in writing prior to making the contract as to the identity of the standard supply items which are applicable. The percentage figure to be used in subpargraph (d) (3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the Contractor against its list or catalog price are taken into account in negotiating the contract unit price, the Contracting Officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts. When the supplies being purchased are standard supplies in all respects except for preservation, packaging, and packing requirements, the following clause should not be used; in such cases the Escalation Clause for Standard Supplies, in § 7.106–3, is the appropriate clause.

PRICE ESCALATION

(a) The Contractor warrants that the supplies covered by this contract are supplies which the Contractor customarily offers for sale commercially, except for modifications in accordance with the specifications of this contract, and that as of the contract date any differences between the unit prices stated herein and the Contractor's established prices for like quantities of the supplies which are the nearest commercial equivalents of the supplies covered by this contract (herein referred to as "the established prices") are due to compliance with such specifications, and to compliance with any requirements which this contract may contain for preservation, packaging, and packing beyond standard commercial practice. The term "established price" as used in this clause is the net price after applying any applicable standard trade discounts offered by the Contractor from its list or catalog price.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any applicable established price, and each applicable contract unit price shall be decreased by the same percentage that the applicable established price is decreased. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. If the Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the contract date, or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ____ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (b) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, pursuant to the clause of the contract entitled "Termination for Convenience of the Government," terminate the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such termination.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or termination of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d), and provided further that if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer either reaches an agreement with the Contractor on the requested adjustment, nor terminates the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested, provided that such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

2. Section 7.204–9 has been amended to correct the reference therein as follows:

§ 7.204–9 *Copyright.* In accordance with the requirements of Subpart B of Part 9 of this subchapter, insert the contract clause set forth in § 9.203 or § 9.204, as appropriate.

(R. S. 161; 5 U. S. C. 22)

PART 13—GOVERNMENT PROPERTY

SUBPART F—USE OF GOVERNMENT-OWNED INDUSTRIAL FACILITIES ON WORK OTHER THAN FOR A MILITARY DEPARTMENT

1. The U. S. Code citations in § 13.600 have been amended. Section 13.600, as revised, reads as follows:

§ 13.600 *Scope of subpart.* The preceding subparts of this part are intended to be applicable only to those situations in which Government property is provided to contractors or subcontractors of any tier, for use in connection with procurement by the military departments. This subpart relates to making available to contractors, former contractors, or other parties, Government-owned industrial facilities under the control of a military department for use solely or principally on work other than for a military department. (As to making industrial facilities available principally for use in connection with procurement by the military departments, and incidentally for use on work other than for a military department, see § 13.407.) The question of making industrial facilities available for use on work other than for a military department may arise with respect to such property in the possession of the Government (e. g., machine tools in reserve storage) or in the possession of the potential user (e. g., where a contractor has completed the contract under which the property was originally provided). Basic authority to permit the use of Government property on work other than for a military department is found in statutes authorizing the Secretaries to lease property under their control (see 10 U. S. C. 2667 and 50 U. S. C. App. 1173).

2. Section 13.601–1 has been amended to authorize use of industrial facilities under contracts of a foreign government without payment of rental under specified circumstances. Section 13.601–1, as amended, reads as follows:

§ 13.601 *Rental.*

§ 13.601–1 *General.* Whenever industrial facilities are made available for use on work other than for a military department, the user shall be charged a fair and reasonable rental; provided, that under departmental procedures consistent with § 13.407 (a) (1) and (2) rental may be waived with regard to such property furnished solely for use in performing work for Government agencies. Such rental shall be established on the

basis of sound commercial practice, including any prevailing commercial rates. Except as otherwise provided in § 13.601–2 (a), such rental may, where permitted by the law under which the contract or agreement is executed (see statutes cited in § 13.600), take into consideration obligations assumed by the user to protect and maintain the property as well as to perform other services as all or part of the consideration for the contract or agreement. The rental shall, in any event, be such as to prevent the user from obtaining an unfair competitive advantage by reason thereof over competitors who own their facilities or obtain them from private sources. The rental shall be charged on the basis of the time during which the property is available for use rather than on the basis of the time during which the property is actually used, unless determined by the Secretary of the Department concerned, or his representative duly authorized to approve the contract or agreement by which the property is made available, to be impracticable or contrary to the best interest of the Government. The Government shall make no warranty, express or implied, regarding the condition or fitness for use of any item of property. Industrial facilities may be authorized for use under contracts of a foreign government or subcontracts thereunder, without the payment of rental determined in accordance with this subpart, where use on such basis is requested by the foreign government, and is specifically approved by the Secretary concerned, taking into consideration any existing government-to-government agreements.

(R. S. 161; 5 U. S. C. 22)

PART 14—INSPECTION AND ACCEPTANCE

SUBPART B—ACCEPTANCE

Sections 14.201–1 and 14.201–2 have been amended so as to tighten procedures regarding assurance of delivery prior to certification of invoices for payment when deliveries are made f. o. b. origin. Sections 14.201–1 and 14.201–2, as revised, read as follows:

§ 14.201–1 *Evidence of delivery under f. o. b. origin contracts.* Satisfactory evidence of delivery is required before payment other than progress or advance payments may be made under fixed-price supply contracts. Under contracts calling for deliveries f. o. b. origin, the contracting officer or his authorized representative, in certifying that delivery has been made, may in his discretion rely on the contractor's signed statement on its invoice that delivery has been made on a specified date to a named carrier or to a representative of the Government. In addition, when necessary to protect the Government's interest, the contracting officer may require either that the contractor furnish a receipted copy of the bill of lading or postal receipt, or that a representative of the Government certify as to actual delivery on the applicable inspection and receiving report form. Invoicing instructions to f. o. b. origin contractors shall require that the contractor state on all invoices (a) the date of shipment, name of carrier, and bill of lading number, or (b) the name and title of the Government representative to whom delivery was made and the date of such delivery.

§ 14.201–2 *Confirmation of delivery at destination under f. o. b. origin contracts.* Where payment has been made on the basis of a certificate, and the supplies have not been received at destination, prompt follow-up and remedial action will be initiated in accordance with departmental procedures.

(R. S. 161; 5 U. S. C. 22)

PART 16—PROCUREMENT FORMS

SUBPART C—PURCHASE AND DELIVERY ORDER FORMS

Section 16.303–2 (a) (1) (iii) has been revised, as follows:

§ 16.303–2 *Conditions for use.* DD Form 1155 shall be used as a purchase order or as a delivery order, regardless of the number of deliveries or payments contemplated, except where utility services are procured under GSA area contracts as provided in Part 5, Subpart H.

(a) *Use as a Purchase Order.*

(1) DD Form 1155 shall be used as a purchase order for supplies, as defined in § 7.102, or for services other than personal services when:

(i) The amount involved is $1,000 or less;

(ii) The procurement is unclassified and is effected by negotiation in accordance with Part 3;

(iii) Only the contract clauses set forth on the back of the form are to be used; if additional clauses covering the subject matter of any clause set forth in this subchapter are to be used, the procurement shall be effected by use of some other form authorized by this subchapter or departmental procedures.

SUBPART G—CONTRACT TERMINATION FORMS

Section 16.702–5 has been revised as follows:

§ 16.702 *Settlement proposal forms.*

* * *

§ 16.702–5 *Inventory schedules (DD Forms 542, 543, 544, 545, and 832).* (a) The following forms are prescribed for use by contractors to support settlement proposals submitted on DD Forms 540, 541, or 547:

(1) DD Form 542 (Inventory Schedule A—Metals) and DD Form 542–1 (Continuation Sheet);

(2) DD Form 543 (Inventory Schedule B—Raw Materials) and DD Form 543–1 (Continuation Sheet);

(3) DD Form 544 (Inventory Schedule C—Work in Process) and DD Form 544–1 (Continuation Sheet); and

(4) DD Form 545 (Inventory Schedule D—Dies, Jigs, Fixtures, etc., and Special Tools) and DD Form 545–1 (Continuation Sheet).

In addition, the Inventory Schedule forms may be used for reporting inventory in connection with adjustments under the Changes clause and inventory excess to completed contract.

(R. S. 161; 5 U. S. C. 22)

PERKINS MCGUIRE,
Assistant Secretary of Defense,
(Supply and Logistics).

[F. R. Doc. 57–8239; Filed, Oct. 7, 1957; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, I have determined that the taking of pheasants may be permitted by hunting during the 1957 open season prescribed therefor by the State of California on portions of the Tule Lake National Wildlife Refuge, California, without interfering with the primary purpose of the area. Accordingly, § 31.351, reading as follows: is added:

§ 31.351 *Hunting of pheasants permitted.* Pheasants may be taken by hunting during the 1957 open season on portions of the Tule Lake National Wildlife Refuge, California, subject to the following conditions and requirements:

(a) During the period from November 16 to December 1, 1957, both dates inclusive, the hunting of pheasants is permitted on that part of the Tule Lake National Wildlife Refuge lying and being north of the following described line:

Beginning on the east boundary of the refuge at the E¼ corner of sec. 20, T. 47 N., R. 5 E., M. D. M., thence west along the center line of secs. 20 and 19, T. 47 N., R. 5 E., and the center line of secs. 24, 23, 22, 21, 20, and 19, T. 47 N., R. 4 E., to the point of intersection with the west boundary of the refuge.

(b) On November 16, 17, and 18, 1957, the hunting of pheasants is permitted on those lands of the refuge commonly known as the Frog Pond and Lower Sump areas of the refuge, and bounded on the south by the Lava Beds Road, on the east by the refuge boundary, on the north by the center line of secs. 20 and 19, T. 47 N., R. 5 E., and the center line of secs. 23 and 24, T. 47 N., R. 4 E., and on the west by the east dike of the Upper Sump and the west berm of the west dike of the Lower Sump, and on those lands of the refuge commonly known as the Panhandle buffer strip, as posted by the officer in charge, situated west of the west bank of the N Canal in the S½N½ sec. 16, T. 46 N., R. 5 E., M. D. M., and east of the west perimeter road around the Panhandle area in the S½N½ sec. 17.

(c) Strict compliance with all State laws and regulations is required.

(d) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(e) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendment involves public property and has the effect of relieving restrictions applicable to the Tule Lake National Wildlife Refuge, notice and public procedure thereon are unnecessary, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 1, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57–8222; Filed, Oct. 7, 1957; 8:47 a. m.]

PART 32—SOUTHWESTERN REGION

SUBPART—MONTE VISTA NATIONAL WILDLIFE REFUGE, COLORADO

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, I have determined that the taking of pheasants and rabbits by hunting may be permitted on October 11, 12, and 13, 1957, on a part of the Monte Vista National Wildlife Refuge, Colorado, without interfering with the primary purpose of the area. Accordingly, a new center headnote, as set forth above, and § 32.110, reading as follows, are added:

§ 32.110 *Hunting of pheasants and rabbits permitted.* Pheasants and rabbits may be taken by hunting on October 11, 12, and 13, 1957, on lands herein designated of the Monte Vista National Wildlife Refuge, Colorado, subject to the following conditions and requirements:

(a) The hunting of pheasants and rabbits is permitted only on the lands of the refuge in secs. 2–10, incl., T. 37 N., R. 8 E., and secs. 31–34, incl., T. 38 N., R. 8 E.

(b) Strict compliance with all State laws and regulations is required.

(c) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(d) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Monte Vista National Wildlife Refuge, notice and public procedure thereon are unnecesary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U.S.C. 1003).

Issued at Washington, D. C., and dated October 1, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57–8223; Filed, Oct. 7, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWBERRIES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards (§§ 52.1981–52.1993) for Grades of Frozen Strawberries pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). The amendment as hereinafter set forth provides for changes in the allowance for defects permitted in the grade C classification.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. In § 52.1988, paragraph (d), change subparagraph (1) to read:

(1) *Whole.* A trace of grit, sand or silt may be present that does not materially affect the appearance or eating quality of the product, and for each 16 ounces of net weight there may be present an area of not more than ¾ square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than six stems, including not more than one stem which may exceed ¾ inch in length, or two small pieces of harmless extraneous material that is not measurable by area such as weeds, weed seeds, and blades of grass; and there may be present not more than a total of 12 percent, by weight, that are damaged strawberries.

2. In § 52.1988, paragraph (d), change subparagraph (2) to read:

(2) *Sliced.* A trace of grit, sand, or silt may be present that does not materially affect the apearance or eating quality of the product, and for each 16 ounces of net weight there may be present an area of not more than ¾ square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than six stems, including not more than one stem which may exceed ¾ inch in length, or two small pieces of harmless extraneous material that is not measurable by area such as weeds, weed seeds, and blades of grass; and there may be present not more than a total of 6 percent, by weight, that are damaged strawberries.

Dated: October 2, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57–8217; Filed, Oct. 7, 1957; 8:45 a. m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 945]

TOMATOES GROWN IN FLORIDA

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary is considering a proposed rule to establish a budget of expenses of the Florida Tomato Committee of $142,500 and to fix a rate of assessment of one and one-half cents ($0.015) per 60-pound crate of tomatoes, or respective equivalent quantities thereof, for the fiscal period beginning August 1, 1957. The proposed rule, which is based on recommendations of the Florida Tomato Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), regulating the handling of tomatoes grown in Florida. Said marketing agreement and order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER.

The proposed rule is as follows:

§ 945.203 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125, and Order No. 45 to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period beginning August 1, 1957, will amount to $142,500.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 125, and Order No. 45, shall be one and one-half cents ($0.015) per 60-pound crate of tomatoes, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when

used in Marketing Agreement No. 125, and Order No. 45 (7 CFR Part 945).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 2, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8218; Filed, Oct. 7, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 27]

[Draft Release 57-22]

AIRCRAFT DISPATCHER CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board a revision of Part 27 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by December 10, 1957. Copies of such communications will be available after December 12, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Part 27 of the Civil Air Regulations contains the requirements for the issuance of aircraft dispatcher certificates. This part was adopted on December 22, 1939, and became effective on July 15, 1940. Since the adoption of Part 27 many new parts have been promulgated and many revisions have been made to other parts. In view of this, it appears desirable to revise Part 27 to make it conform more closely to the other parts both in format and terminology. In addition, this revision is being proposed to clarify the section pertaining to skill, to make changes in the experience requirements, and to delete the recent experience requirements.

Draft Release No. 55-20 (20 F. R. 8390) concerning the proposed new Part 27 was circulated in November 1955. In view of the time elapsed since that draft was circulated and by reason of several changes in the proposed Part 27 it is being recirculated again at this time.

Current aeronautical experience requirements preclude the possibility of a person securing an aircraft dispatcher certificate when serving in other than scheduled air carrier or scheduled military operations. The proposed revision expands the experience which may be credited toward qualification for a certificate to include certain experience which is gained by an applicant in aircraft operations which accomplish operational control through a dispatch organization. This change recognizes the experience obtained by an applicant with an operator, other than a scheduled air carrier, who has a well organized dispatch organization, through which dispatch control is exercised over the operation of his aircraft, even though such dispatch control is not required by the Civil Air Regulations.

The paragraph in the present aeronautical knowledge section dealing with the characteristics of an aircraft used in air carrier operations has been moved to the section pertaining to skill. This was done inasmuch as the Bureau feels that an applicant's competence in this regard can be better determined by a practical examination rather than a written examination.

The section on skill has been rewritten to present clearly the aircraft characteristics with respect to which the applicant will be required to take a practical examination. Specific reference to the Morse Code has been deleted since an applicant would demonstrate his familiarity with the code sufficiently in complying with the knowledge requirements.

With respect to airman training and recent experience requirements applicable to aircraft dispatchers which are contained in certain of the air carrier operating parts of the Civil Air Regulations, the Bureau considers that these requirements should remain in the air carrier operating parts since specialized recent experience with respect to a carrier's authorized routes, and knowledge of the particular types of aircraft used, are essential for a dispatcher to perform his assigned duties competently. The recent experience requirements in present Part 27 are general in nature and may not be pertinent to the specific duties which the dispatcher is assigned; therefore, they have been omitted. This deletion in no way affects the training program or recent experience requirements found in the operating parts.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that Part 27 of the Civil Air Regulations be revised as set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., September 30, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

APPLICABILITY AND DEFINITIONS

Sec.
27.1 Applicability of this part.
27.2 Definitions.

CERTIFICATION RULES

27.5 Application for certificate.
27.6 Issuance.
27.7 Duration.
27.8 Change of address.

GENERAL CERTIFICATE REQUIREMENTS

27.21 Citizenship.
27.22 Age.
27.23 Education.
27.24 Examinations and tests.
27.25 Re-examination after failure.
27.26 Substantiation of experience.

QUALIFICATIONS FOR A CERTIFICATE

27.31 Experience.
27.32 Knowledge.
27.33 Skill.

OPERATING RULES

27.41 Certificate required.
27.42 Display.

APPLICABILITY AND DEFINITIONS

§ 27.1 *Applicability of this part.* This part establishes certification and general operating rules for aircraft dispatchers.

§ 27.2 *Definitions.* As used in this part terms shall be defined as follows:

Administrator: The Administrator is the Administrator of Civil Aeronautics.

Air carrier: An air carrier is any citizen of the United States who undertakes directly, or by lease or by other arrangement, the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft.

Aircraft dispatcher: An aircraft dispatcher is an individual holding a valid aircraft dispatcher certificate issued by the Administrator who exercises responsibility with the pilot in command in the operational control of each flight.

Approved: Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator: An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Operational control: Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Pilot in command: The pilot in command is the pilot designated by the air carrier as the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

CERTIFICATION RULES

§ 27.5 *Application for certificate.* An application for a certificate shall be made on a form and in a manner prescribed by the Administrator.

§ 27.6 *Issuance.* (a) An aircraft dispatcher certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) Pending a review of an applicant's application and supplementary documents and the issuance of a certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue a temporary aircraft dispatcher certificate to an applicant who meets the requirements of this part.

§ 27.7 *Duration.* (a) An aircraft dispatcher certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance; however, it may be reissued without further demonstration of technical competence.

(b) A temporary aircraft dispatcher certificate shall remain in effect for a period no longer than 90 days after the date of issuance.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

§ 27.8 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated aircraft dispatcher, he shall notify the Administrator in writing of his new address. This notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 27.21 *Citizenship.* An applicant for an aircraft dispatcher certificate may be a citizen of any country or a person without nationality.

§ 27.22 *Age.* 23 years is the minimum age for the issuance of an aircraft dispatcher certificate.

§ 27.23 *Education.* An applicant shall be able to read, write, and understand the English language and speak the same without any accent or impediment of speech that would interfere with two-way radio conversation.

§ 27.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for such examinations and tests shall be at least 70 percent.

§ 27.25 *Re-examination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for re-examination within a 30-day period from the date of such failure unless he presents a statement signed by a certificated aircraft dispatcher, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for re-examination.

§ 27.26 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications for an aircraft dispatcher certificate.

QUALIFICATIONS FOR A CERTIFICATE

§ 27.31 *Experience.* (a) An applicant shall have served for 2 of the 3 years immediately preceding the date of application with an organization which accomplishes operational control of aircraft operations through a dispatch organization as:

(1) A pilot member of the crew, or
(2) A flight radio operator or ground radio operator, or
(3) A flight navigator, or
(4) A meteorologist, or
(5) A technical supervisor of aircraft dispatchers, or
(6) An individual who was primarily and immediately responsible for dispatching; or
(7) An assistant in the dispatching of scheduled military aircraft, or

(b) An applicant shall have served for at least 2 of the 3 years immediately preceding the date of application as a certificated airport or air route traffic controller; or

(c) An applicant shall have served for at least one year of the 2 years immediately preceding the date of application as an assistant in the dispatching of air carrier aircraft under the supervision of a certificated aircraft dispatcher; or

(d) An applicant, within 90 days immediately preceding the date of application, shall have completed successfully a course of instruction which the Administrator approves as adequate for the training of an aircraft dispatcher.

(e) An applicant may credit any combination of experience in paragraph (a) of this section or in paragraphs (a) and (b) of this section provided that the aggregate of such experience is at least 2 years.

§ 27.32 *Knowledge.* An applicant shall satisfactorily pass a written examination on the following subjects:

(a) The provisions of the Civil Air Regulations applicable to the duties of an aircraft dispatcher;

(b) The general system of collection and dissemination of weather information;

(c) The interpretation of aviation weather reports, including the abbreviations and symbols employed therein, as prescribed in Department of Commerce Weather Bureau Circular N, (Instructions for Airway Meteorological Service), as amended;

(d) The fundamentals of meteorology as applied to aircraft operations, with particular reference to:

(1) Surface and upper air weather maps and the general characteristics of air masses, pressure systems, and frontal systems, including the symbols and nomenclature pertaining thereto,
(2) Cloud forms and their significance,
(3) Icing,
(4) Turbulence,
(5) Thunderstorms,
(6) Fog and low ceilings,
(7) Winds aloft,
(8) Pressure pattern flying,
(9) Influence of terrain on meteorological conditions, and
(10) General principles of forecasting and analysis;

(e) Principles of aircraft navigation with particular respect to instrument operation and procedures;

(f) Communications facilities and procedures;

(g) Air navigation facilities and procedures; and

(h) Air traffic control procedures.

§ 27.33 *Skill.* An applicant shall satisfactorily pass a practical examination on at least the following:

(a) With respect to one type of large aircraft used in air carrier operations:
(1) Weight and balance limitations;
(2) Performance operating limitations;
(3) Use of cruise control charts; and
(4) Fuel and oil capacities and rates of consumption.
(b) The characteristics of air routes and airports with particular reference to:
(1) Landing areas;
(2) Lighting facilities; and
(3) Approach and landing facilities and procedures.
(c) The use and limitations of sensitive type altimeters.
(d) The application of available weather forecasts and reports for purposes of determining whether a flight can be made with safety.
(e) The dispatch and assistance of a flight under adverse weather conditions.
(f) Emergency procedures.

OPERATING RULES

§ 27.41 *Certificate required.* No individual shall serve as an aircraft dispatcher in air commerce without, or in violation of the terms of, a certificate required by the Civil Air Regulations and issued in accordance with the provisions of this part. He shall have his certificate in his personal possession when performing his duties.

§ 27.42 *Display.* An aircraft dispatcher shall, upon request, present his airman certificate for examination by any authorized representative of the Civil Aeronautics Board or the Administrator, or by any State or local law enforcement officer.

[F. R. Doc. 57-8240; Filed, Oct. 7, 1957; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 32153]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

BETTERMENT AND DEPRECIATION ACCOUNTING; RAILROADS

SEPTEMBER 30, 1957.

A notice of proposed rule making dated April 23, 1957, in this proceeding which was published in the FEDERAL REGISTER April 27, 1957 (22 F. R. 3016), provided that interested persons could on or before July 1, 1957, file written views or suggestions in the matter of betterment accounting as prescribed for railroad companies. Also involved is the matter of depreciation accounting in lieu of treating track replacements as repair expense.

So that the Commission may be more fully advised in these matters, the time for filing views and suggestions has been extended to December 31, 1957. If, after consideration of replies so received oral argument or public hearing is deemed

necessary, notice of the time and place thereof will be given. Any orders entered in this connection will be under authority in sections 12 and 20 of the Interstate Commerce Act; 24 Stat. 382, 386, as amended; 49 U. S. C. 12, 20, as amended.

This notice will be published in the FEDERAL REGISTER.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8230; Filed, Oct. 7, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

[Power Site Cancellation 124]

MARIAS RIVER, MONTANA

POWER SITE CLASSIFICATION NO. 376 CANCELLED IN PART; CORRECTION

In F. R. Doc. 57-7778, appearing at page 7565 of the issue for Tuesday, September 24, 1957, the following correction should be made:

Within that portion of the land description reading T. 30 N., R. 4 E., the following should be included:

Sec. 28, N½NW¼.

There is no change in the aggregate area described in the cancellation.

Dated: September 30, 1957.

THOMAS B. NOLAN, *Director.*

[F. R. Doc. 57-8224; Filed, Oct. 7, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MORLAN J. GRANDBOIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 12, 1957, 22 F. R. 2512.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 26, 1957.

MORLAN J. GRANDBOIS.

SEPTEMBER 27, 1957.

[F. R. Doc. 57-8221; Filed, Oct. 7, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 8934, 8946]

METEOR AIR TRANSPORT, INC., AND METROPOLITAN AIR TERMINAL CO.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Meteor Air Transport, Inc., Docket No. 8934; Metropolitan Air Terminal Co., Docket No. 8946.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the prehearing conference in the above-entitled applications, originally assigned for October 7, 1957, at 10:30 a. m., e. d. s. t., in Room 1417, Tempo Bldg. No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer, is hereby postponed to October 9, 1957, at 2:00 p. m. in the same place.

Dated at Washington, D. C., October 3, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-8277; Filed, Oct. 7, 1957; 9:36 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12896 etc.]

CONTINENTAL OIL CO. AND D. H. ROWLAND

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 2, 1957.

In the matters of Continental Oil Company and D. H. Rowland, Dockets Nos. G-12896, G-12897, G-12898.

Take notice that on July 15, 1957, Continental Oil Company (Continental) and D. H. Rowland (Rowland)[1] filed joint applications in Docket Nos. G-12896 through G-12898, pursuant to section 7 of the Natural Gas Act, for authority to abandon certain sales of natural gas and to continue certain sales of natural gas, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Rowland seeks, pursuant to section 7 (b) of the Natural Gas Act, to abandon sales to Consolidated Gas Utilities Corporation (Consolidated) of natural gas produced from the Noble-Olson Zone in the Chickasha Field, Grady County, Oklahoma, and Continental seeks, pursuant to section 7 (c) of the Natural Gas Act, to continue the sales to Consolidated proposed to be abandoned by Rowland.

Applicants state that Continental acquired Rowland's interest in the gas producing properties herein involved effective as of April 1, 1957, and on and since that date has sold natural gas to Consolidated under Rowland's contracts. Applicants add that Continental took possession of the subject properties on May 1, 1957, but reimbursed Rowland for the operating expenses incurred during the month of April 1957, and further that production runs during April were for Continental's account.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 7, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8244; Filed, Oct. 7, 1957; 8:58 a. m.]

[1] Formerly doing business as General Drilling Company and Rowland Oil Company.

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request 17-DPAV 17 (d)]

NOTICE OF WITHDRAWAL OF REQUEST TO PARTICIPATE IN ACTIVITIES OF THE ARMY ORDNANCE INTEGRATION COMMITTEE ON 3.5" ROCKET

The Army Ordnance Integration Committee on 3.5" Rocket formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has completed its mission and has been deactivated. Accordingly, the request published in 17 F. R. 1527, February 19, 1952, to participate in the formation and activities of that Committee in accordance with the "Plan and Regulations of Ordnance Corps Governing the Integration Committee on 3.5" Rocket" transmitted to and accepted by those companies listed in the above cited FEDERAL REGISTER has been withdrawn. Subsequent changes in membership were published in 17 F. R. 2793, 5353 and 18 F. R. 3700.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953; 18 F. R. 4939)

Dated: October 3, 1957.

GORDON GRAY, *Director.*

[F. R. Doc. 57-8238; Filed, Oct. 7, 1957; 8:55 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-V-5]

BRANCH MANAGER, BIRMINGHAM, ALA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Birmingham Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in section 201 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline Limited Loan Participation Loans.

2. To approve or decline disaster loans not in excess of $20,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

C. To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Birmingham, Alabama, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 26, 1957.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta Regional Office.*

[F. R. Doc. 57-8227; Filed, Oct. 7, 1957; 8:49 a. m.]

[Delegation of Authority 30-V-7]

BRANCH MANAGER, MEMPHIS, TENN.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4) dated July 1, 1957, there is hereby delegated to the Branch Manager, Memphis Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in section 201 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $20,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

C. To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Memphis Tennessee, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 26, 1957.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta Regional Office.*

[F. R. Doc. 57-8228; Filed, Oct. 7, 1957; 8:49 a. m.]

[Delegation of Authority 30-V-6]

BRANCH MANAGER, MIAMI, FLA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Miami Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in section 201 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $20,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

C. To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Miami, Florida, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 26, 1957.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta Regional Office.*

[F. R. Doc. 57-8229; Filed, Oct. 7, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-760]

NORTH AMERICAN URANIUM AND OIL CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

OCTOBER 2, 1957.

Notice is hereby given that North American Uranium and Oil Corporation

("North American") a corporation which was organized under the laws of the State of Delaware on December 2, 1953, and which is registered under the Investment Company Act of 1940 ("act") as a closed-end non-diversified investment company, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that North American has ceased to be an investment company.

The application recites that on July 11, 1957 the stockholders of North American approved the dissolution of the corporation and distribution of its sole asset, namely 656,160 shares of stock of South Texas Oil & Gas Co., (South Texas) on the basis of 48 shares of South Texas stock for each 100 shares of North American stock; that as of September 13, 1957, a total of 496,552 shares of South Texas had been distributed to 1,524 North American stockholders; that distribution has now been made to the holders of more than 75 percent of the stock of North American; that the assets of North American are being held by its exchange agent, Registrar & Transfer Co., solely for distribution pro rata to North American shareholders; that on August 1, 1957, North American filed its Certificate of Dissolution and its dissolution has since become effective; and that North American has taken all action within its power to effect the distribution of its assets.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 16, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8226; Filed, Oct. 7, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 196

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE NAVY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (5) is added to § 6.306 as set out below.

§ 6.306 *Department of the Navy*—(a) *Office of the Secretary.* * * *

(5) One Private Secretary to the Naval Aide to the President.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8275; Filed, Oct. 8, 1957; 8:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Soil and Water Conservation Loans

[Adm. Letter 531 (440)]

PART 351—POLICIES AND AUTHORITIES

Subchapter G—Miscellaneous Regulations

[Adm. Letter 531 (440)]

PART 383—FARM HOUSING LOANS

RESTRICTION ON LOANS TO FULL-TIME FEDERAL EMPLOYEES

Sections 351.2 (c) and 383.3 in Title 6, Code of Federal Regulations (20 F. R. 1964, 21 F. R. 3477), are amended by addition of §§ 351.2 (c) - (3) and 383.3 (c) as follows:

§ 351.2 *Loans to individuals.* * * *

(c) *Eligibility.* * * *

(3) Although not prohibited by law, as a general policy the Farmers Home Administration will not make Soil and Water Conservation loans to applicants who are full-time employees of the Federal Government. Exceptions may be granted in individual cases by the State Director for Federal employees who are working at relatively low wages, such as janitors, maintenance workers, and so forth, when he determines that making the loan will not adversely affect the Farmers Home Administration program in the area.

(R. S. 161, sec. 6, 50 Stat. 870, sec. 10, 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w, 590x-3)

§ 383.3 *Qualifications for Farm Housing loan.* * * *

(c) *Loans to full-time Federal employees.* Although not prohibited by law, as a general policy the Farmers Home Administration will not make Farm Housing loans to applicants who are full-time employees of the Federal Government. Exceptions may be granted in individual cases by the State Director for Federal employees who are working at relatively low wages, such as janitors, maintenance workers, and so forth, when he determines that making the loan will not adversely affect the Farmers Home Administration program in the area.

(Sec. 510, 63 Stat. 437; 42 U. S. C. 1480)

Dated: October 3, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-8261; Filed, Oct. 8, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR LETTUCE [1]

Pursuant to the authority contained in the Agricultural Marketing Act of

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(Continued on p. 8013)

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FEDERAL REGISTER

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1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.), the existing United States Standards for Lettuce (7 CFR 51.2510 to 51.2524) are hereby amended to read as follows:

GRADES

Sec.
51.2510 U. S. No. 1.
51.2511 U. S. No. 2.

UNCLASSIFIED

51.2512 Unclassified.

APPLICATION OF TOLERANCES

51.2513 Application of tolerances.

STANDARD PACK

51.2514 Standard pack.

SOLIDITY

51.2515 Solidity.

DEFINITIONS

51.2516 Similar varietal characteristics.
51.2517 Fresh.
51.2518 Burst.
51.2519 Doubles.
51.2520 Damage.
51.2521 Fairly well trimmed.
51.2522 Closely trimmed.
51.2523 Serious damage.
51.2524 Fairly uniform in size.

AUTHORITY: §§ 51.2510 to 51.2524 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2510 *U. S. No. 1.* "U. S. No. 1" consists of heads of lettuce of similar varietal characteristics which are fresh, which are not soft, split, or burst, and which are free from decay, doubles, and from damage caused by tipburn, opening, seedstems, broken midribs, freezing, dirt, sunburn, discoloration, disease, aphis or other insects, or mechanical or other means. Each head shall be fairly well trimmed unless specified as closely trimmed. Not less than 75 percent of the heads in any lot of Iceberg type lettuce shall be hard or firm, unless a lower percentage is specified in connection with the grade statement. Heads of Big Boston type lettuce shall be fairly firm. (See § 51.2515.)

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the heads in any lot may fail to meet the requirements of this grade, including therein not more than one-fifth of this amount, or 2 percent, for decay affecting any portion of the head exclusive of wrapper leaves. No part of any tolerance shall be allowed to reduce the percentage of hard or firm heads required in the grade.

§ 51.2511 *U. S. No. 2.* "U. S. No. 2" consists of heads of lettuce of similar varietal characteristics which are not split or burst and which are free from decay, and from serious damage caused by seedstems, wilting, tipburn, freezing, disease, insects, or mechanical or other means. There are no solidity requirements in this grade for Big Boston type lettuce, but heads of Iceberg type lettuce which are distinctly open and leafy with practically no head formation shall not be permitted.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the heads in any lot may fail to meet the requirements of this grade, including therein not more than one-half of this amount, or 5 percent, for decay affecting any portion of the head exclusive of wrapper leaves.

UNCLASSIFIED

§ 51.2512 *Unclassified.* "Unclassified" consists of heads of lettuce which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2513 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 30 specimens or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective specimen may be permitted in any package.

STANDARD PACK

§ 51.2514 *Standard pack.* (a) In standard lettuce crates, heads of lettuce shall be fairly uniform in size, and tightly packed in uniform layers according to the approved and recognized methods, except that a "bridge" may be used with sizes smaller than 5-dozen count. In standard cartons, heads of lettuce shall be fairly uniform in size and tightly packed in uniform layers according to the approved and recognized methods, except that a "bridge" of six heads may be used in a 2½ dozen pack.

(b) In order to allow for variations incident to proper packing, not more than a total of 15 percent of the containers in any lot may not meet the requirements for standard pack, but no part of this allowance shall be permitted for packs which are excessively loose in the layers.

SOLIDITY

§ 51.2515 *Solidity.* (a) The following terms are used in describing the solidity of lettuce:

(1) *Hard.* "Hard" means that the head is compact and solid. This term represents the highest degree of solidity.

(2) *Firm.* "Firm" means that the head is compact, but may yield slightly to moderate pressure.

(3) *Fairly firm.* "Fairly firm" means that although the head is not firm, it is not soft and spongy. A fairly firm head has good head formation and edible content.

(4) *Soft.* "Soft" means that the head is easily compressed or spongy.

DEFINITIONS

§ 51.2516 *Similar varietal characteristics.* "Similar varietal characteristics" means that the heads in any container have the same characteristic leaf growth. For example, lettuce of the Iceberg and Big Boston types shall not be mixed.

§ 51.2517 *Fresh.* "Fresh" means that the head as a whole has normal succulence but the wrapper leaves and the outermost head leaves may be slightly wilted.

§ 51.2518 *Burst.* "Burst" means that the head is broken open.

§ 51.2519 *Doubles.* "Doubles" means two heads on the same stem.

§ 51.2520 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the lettuce, except defects affecting wrapper leaves as restricted under definitions of "fairly well trimmed", and "closely trimmed". Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Tipburn when more than one spot is present, or when the area of any spot exceeds that of a rectangle one-fourth inches in length and one-eighth inch in width;

(b) Opening in a hard or firm head which has one-fourth or more of the head separated from the remainder, or any degree of opening in a fairly firm head;

(c) Seedstems which are apparent upon external examination of the head;

(d) Broken midribs when more than 2 of the outer head leaves have midribs broken in two;

(e) Freezing when the head leaves show a brown discoloration over more than half of the crown, or when more than 3 of the head leaves are materially blistered or show appreciable injury by freezing;

(f) Dirt when the head is smeared with mud, or when wrapper leaves are badly smeared with mud, or when the basal portion of the head is caked with mud or dry dirt;

(g) Sunburn when the head leaves show a brown discoloration over more than half of the crown of the head; and,

(h) Aphis when the head proper is infested, or when the wrapper leaves are badly infested.

§ 51.2521 *Fairly well trimmed.* "Fairly well trimmed" means that the butt is trimmed off close to the point of attachment of the outer leaves; that wrapper leaves are free from serious injury by any cause; that, on a head of Iceberg type lettuce, wrapper leaves do not exceed 8 in number, not more than 6 of which may be excessively large and coarse, and; that the outermost leaves of the head show some shade of green color on a part of the leaves. "Wrapper leaves" means all leaves which do not fairly closely enfold the compact portion of the head. A head shall not be considered fairly well trimmed when the wrapper leaves show yellow or brown discoloration or brown margins to an extent that the appearance

of the head is seriously injured. Any blistering except that causing yellow or brown discoloration which seriously affects the appearance of the wrapper leaves or any tearing of wrapper leaves shall not be considered as serious injury.

! 51.2522 *Closely trimmed.* "Closely trimmed" means that the head meets all requirements of "fairly well trimmed" except that the wrapper leaves shall be not more than 3 in number, none of which may be excessively large and coarse.

§ 51.2523 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the lettuce. The loss of crispness due to freezing shall not be considered serious damage. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Seedstems which have caused the head to split or which are protruding through the outer head leaves; and,

(b) Tipburn when any spot is more than 1½ inches in length, or three-fourths inch in width.

§ 51.2524 *Fairly uniform in size.* "Fairly uniform in size" means that not more than 10 percent, by count, of the heads in any one container may be one standard size smaller than the standard size head for the count pack.

(a) *Example of standard size head.* The standard size head for a 4-dozen pack is that size which will pack tightly 4 rows with 4 heads of uniform size in each row in a layer in a standard crate, assuming that the head has the average number of wrapper leaves found on all the heads in the crate.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making procedure with respect to the aforementioned amended standards and that good cause exists for not postponing the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see sections 4 (a) and 4 (c) of the Administrative Procedure Act, 5 U. S. C. 1001 et seq.). The amendatory action relates solely to the provisions of § 51.2514. Heretofore, this section permitted the use of a "bridge" only in the packing of sizes smaller than 5 dozen count, when certified as standard pack. The States of California and Arizona, where a majority of lettuce shipments originate, have recently enacted legislation establishing a standard carton for the packing of lettuce. The approved methods of packing this carton require the use of a "bridge" of six heads in a 2½ dozen pack. Section 51.2514, as amended, provides for the use of such a "bridge" in packing 2½ dozen heads in standard cartons to be certified as standard pack. It is necessary that this amendatory change be made effective as soon as possible in order that the aforementioned requirement will be in conformity with current industry practices and will not be in conflict with regulatory legislation of the two major lettuce producing States.

The amended United States Standards for Lettuce contained in this subpart shall become effective upon publication in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Lettuce which have been in effect since November 27, 1954 (7 CFR 51.2510 to 51.2524).

Dated October 4, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-8305; Filed, Oct. 8, 1957; 9:02 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 10]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

AIRSPEED INDICATORS

Minimum performance standards for instruments which specifically are required to be approved for use in civil aircraft of the United States are defined in regulation § 514.12.

Section 514.12 appeared as a notice of proposed rule making in 22 F. R. 4325-4326 on June 19, 1957. All interested persons have been afforded an opportunity to submit written views, data or argument. No comments were received.

Section 514.12 is amended to read as follows:

§ 514.12 *Airspeed indicator (pitot static)—TSO-C2b*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airspeed indicators which specifically are required to be approved for use in the civil aircraft of the United States. New models of airspeed indicators (pitot static) manufactured for installation on civil aircraft on or after November 1, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS-391B, "Airspeed Indicator (Pitot Static)," dated December 15, 1954.[1] Airspeed indicators (pitot static) approved by the Civil Aeronautics Administration prior to November 1, 1957, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of the marking requirement of paragraph (c) of § 514.3 the range shall be shown.

(c) *Data requirements.* One copy of manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

(d) *Effective date.* November 1, 1957.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

OCTOBER 2, 1957.

[F. R. Doc. 57-8248; Filed, Oct. 8, 1957; 8:45 a. m.]

[Amdt. 210]

PART 608—RESTRICTED AREAS

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

Section 608.37, the New Boston, New Hampshire, area (R-48), amended May 4, 1956 in 21 F. R. 2977, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 14, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

OCTOBER 2, 1957.

[F. R. Doc. 57-8249; Filed, Oct. 8, 1957; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6767]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KASNOW FURS

Subpart—*Advertising falsely or misleadingly:* § 13.140 *Old, reclaimed, or reused as new;* § 13.155 *Prices:* Exaggerated as regular and customary; usual as reduced, special, etc. Subpart—*Concealing or obliterating law required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Manuel Kasnow trading as Kasnow Furs, Chicago, Ill., Docket 6767, Sept. 20, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Chicago with violating the Fur Products Labeling Act by removing the original manufacturer's label and substituting his own which failed to include all the information required by the act, and with failing in other respects to comply with the labeling requirements; with advertising in newspapers which failed to disclose that certain fur products were used or secondhand, and represented falsely sale prices as reduced from regular prices which were in fact fictitious; and with failing to maintain adequate records as basis for such claims of savings.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Manuel Kasnow, an individual trading as Kasnow Furs, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising, or offering for sale in commerce, or the transportation or distribution of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact.

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce or transported or distributed it in commerce.

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form.

(b) Non-required information mingled with required information.

(c) Required information in handwriting.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose that the fur product is composed of used fur, as required by Rule 21, when such is the fact.

2. Fails to disclose that the fur product is secondhand, in violation of Rule 23, when such is the fact.

3. Represents directly or by implication that respondent's regular price of any fur product is any amount which is in excess of the price at which the respondent has regularly or customarily sold or offered for sale in good faith fur products of like grade and quality in the recent regular course of his business.

C. Making use in advertising of comparative prices or percentage-savings claims unless such compared prices or claims are based upon current market value of the fur product or upon a bona fide compared price at a designated time.

D. Making comparative or percentage pricing claims of the nature set out in paragraphs B. 3. and C hereof, unless there are maintained by respondent full and adequate records disclosing facts upon which such claims and representations are based, as required by Rule 44 (e) of the rules and regulations.

It is further ordered, That respondent Manuel Kasnow, an individual trading as Kasnow Furs, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from misbranding fur products, in violation of section 3 (e) of the Fur Products Labeling Act, by substituting his own labels on such fur products, following their receipt in commerce, which labels fail to show all of the information required by section 4 (2) of the said act and the rules and regulations promulgated thereunder.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 20, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8255; Filed, Oct. 8, 1957; 8:48 a. m.]

[Docket 6818]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SWIFT & ANDERSON, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1255 *Manufacture or preparation;* § 13.1325 *Source or origin:* Maker or seller, etc.; place: *Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign product as domestic.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Swift & Anderson, Inc., et al., Boston, Mass., Docket 6818, Sep. 17, 1957]

In the Matter of Swift & Anderson, Inc., a Corporation, Robert W. Swift, Jr., Humphrey H. Swift, Clifford O'Brien, and Charles H. Kent, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a firm in Boston, Mass., importing lenses from Japan and movements for weather instruments from England and Germany which they fit into frames and cases, respectively, for sale to the purchasing public, with failing to properly label such products to show the place of origin of the component parts, falsely representing them to be of domestic manufacture, and misrepresenting all air-to-glass surfaces of lenses of their binoculars as "coated".

Following approval of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Swift & Anderson, Inc., a corporation, and its officers and Robert W. Swift, Jr., Humphrey H. Swift, Clifford O'Brien and Charles H. Kent, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of binoculars, reading glasses, magnifiers and weather instruments in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling reading glasses or magnifiers containing imported lenses without affirmatively disclosing thereon or in immediate connection therewith such foreign origin.

2. Representing in any manner that their reading glasses or magnifiers containing lenses imported from foreign countries are of domestic manufacture.

3. Offering for sale or selling weather instruments containing movements imported from foreign countries without affirmatively disclosing thereon or in immediate connection therewith such foreign origin.

4. Representing in any manner that their weather instruments containing movements imported from foreign countries are domestic made.

5. Representing directly or by implication that all the air-to-glass surfaces of the lenses of their binoculars are coated, unless such is a fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after

service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 17, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8254; Filed, Oct. 8, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1521]

[Fairbanks 012024]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Army for military purposes:

FAIRBANKS MERIDIAN

T. 2. S., R. 2 E.,
Sec. 22, lots 1, 2, 3, and those portions of the NW¼, SW¼NE¼, NW¼SE¼, and SE¼SE¼ situated southwest of the Richardson Highway;
Sec. 23, SW¼SW¼, that portion situated southwest of the Richardson Highway;
Sec. 26, lots 1, 2, NE¼SW¼, and NW¼;
Sec. 27, lots 1, 2, 3, and NW¼NE¼.

Also, all of the unsurveyed islands within the Tanana River situated between the south line of sec. 35, T. 2 S., R. 2 E., F. M., extended to the west bank of the Tanana River and the east-west center section of secs. 21 and 22, T. 2 S., R. 2 E., F. M., extended to the west bank of the Tanana River.

The areas described aggregate approximately 2,285 acres.

2. It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior. No disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

3. This order shall be subject to the withdrawal made by Executive Order No. 8020 of December 2, 1938, temporarily withdrawing public lands for flood control purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

OCTOBER 2, 1957.

[F. R. Doc. 57-8250; Filed, Oct. 8, 1957; 8:46 a. m.]

[Public Land Order 1522]

[Oregon 04836]

OREGON

WITHDRAWING PUBLIC LAND WITHIN WILLAMETTE NATIONAL FOREST FOR USE OF DEPARTMENT OF THE ARMY AS ADDITION TO WITHDRAWAL MADE BY PUBLIC LAND ORDER NO. 604 OF SEPTEMBER 3, 1949, FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President, by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use in the construction of the Detroit Dam and Reservoir on the North Santiam River, under the supervision of the Department of the Army; as an addition to those withdrawn by Public Land Order No. 604 of September 3, 1949.

WILLAMETTE MERIDIAN

T. 10 S., R. 5 E.,
Sec. 2, SE¼SE¼SE¼NW¼;
Sec. 12, SW¼NE¼NE¼SE¼, E½SE¼NE¼SE¼;
Sec. 16, SE¼SE¼SE¼NE¼SW¼.
T. 10 S., R. 6 E.,
Sec. 18, W½W½NW¼NE¼, SE¼SW¼NW¼NE¼, S½SE¼NW¼NE¼, NE¼NE¼NW¼.

The areas described aggregate 36.25 acres.

2. It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable U. S. mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such leasing.

3. This order shall be subject to existing withdrawals for power purposes so far as they affect any of the above-described lands, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

OCTOBER 3, 1957.

[F. R. Doc. 57-8251; Filed, Oct. 8, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11896; FCC 57-1106]

[Rules Amdt. 3-96]

PART 3—RADIO BROADCAST SERVICES

UNIQUE SERVICE RULE

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on January 4, 1957 (FCC 57-11), proposing to delete the present text of § 3.182 (c) and the first sentence of Footnote 1 to the Table contained in § 3.182 (v) of the rules. These sections, commonly called the "unique service" rules, provide, in pertinent part, that when it is shown that primary service is provided by any station beyond its normally protected contour, and primary service to approximately 90 percent of the population of the area between the normally protected contour and the contour to which the station actually serves is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded will be determined on the basis of the facts in each case.

2. Interested parties have been afforded an opportunity to submit comments directed to the proposal, and we are now in a position to issue our Report.

3. Comments favoring the proposal were tendered by E. Harold Munn, Jr., KXOL, Inc. and by Harry J. Daly and Lenore H. Ehrig. Mr. Munn submits that, because of the large number of stations which have gone on the air since World War II, few persons still listen to signals of less than 0.5 mv/m field intensity; that the "unique program service" contention has frequently been used to protect noncommercial educational stations whose programs of value to outlying areas have almost invariably been made available to and been carried by commercial stations serving the same areas; and that establishment of uniform fixed rules of allocation resulting from the Commission's proposal will foster the more rapid and efficient spread of radio service across the nation. KXOL, Inc. emphasizes that the action proposed by the Commission will expedite administrative processes and will permit improved utilization of AM frequencies without harming existing stations or potential operations. The Daly-Ehrig comments point out that numerous adjudicated cases involving § 3.182 (c) and (v) reveal unsuccessful efforts by existing standard broadcast stations to show that they are entitled to extraordinary protection beyond their normally protected contours because of the "uniqueness" of their programming; and that the rule in question has been used to intimidate newcomers with threatened hearings, and has driven some applicants to alter their proposals for the sole benefit of established stations. The parties favoring the proposal urge that there has been no noticeable benefit to either the broadcast industry or the public from the rule in question.

4. Comments opposing the proposal have been filed by the following groups: (1) noncommercial educational station interests, (2) "good music" stations, (3) a foreign language station, (4) two national radio networks and (5) various individual station licensees. In addition, several parties who oppose the Commission's proposal suggest certain modifications in the present rules to eliminate the difficulties that have been encountered in applying § 3.182 (c) and (v) of the rules.

5. Comments filed by noncommercial educational station interests include those of Purdue University (WBAA), the University of Illinois Board of Trustees (WILL), Oregon State College (KOAC), the State College of Washington (KWSC), Iowa State College of Agriculture and Mechanic Arts (WOI), and the National Association of Educational Broadcasters. These parties submit that noncommercial educational stations render an especially meritorious type of unique program service not supplied by any other stations serving the areas between the educational stations' 0.1 and 0.5 mv/m contours; that these noncommercial educational stations concentrate upon in-school educational programming, adult education programs, agricultural and home economics programs, farm market reports, NAEB tape network features, special athletic events, special musical renditions and addresses and forums by local and state governmental officials; that the public interest requires that such unique and especially meritorious programming should be protected from destructive interference beyond the educational stations' normally protected contours, at least the stations' 0.1 mv/m contours; that the individual merit standard embodied in § 3.182 (c) and (v) is no more vague nor indefinite than are the "public interest, convenience and necessity" and section 307 (b) standards in the Communications Act and is no harder to apply than are the criteria propounded in § 3.24 of the rules; and that if any action is called for to make more precise the meaning and intent of § 3.182 (c) and (v), the rules should not be abolished but should merely be clarified.

6. Interstate Broadcasting Company, Inc. (WQXR) alleges that stations which render good music programs as well as "accurate, factual and unbiased news" and public service programs are sufficiently unique to warrant protection beyond their normally protected contours; that § 3.182 (c) and (v), if properly applied, would afford the necesary protection from interference to good music stations and hence serve a useful purpose and should be retained.

7. WOV Broadcasting Corporation (WOV) asserts that stations which broadcast primarily foreign language programs present unique and highly meritorious programming; that such program service should be protected beyond the station's normally protected contours, as is now the case; and that while the rule may need some clarification to make it more definite and precise, it should not be abolished.

8. Columbia Broadcasting System, Inc. (CBS) avers that § 3.182 (c) and (v) is no more difficult to apply than § 3.24 (b), which requires the Commission to evaluate comparatively the relative needs of areas for existing service which would be lost and for new service that would be gained; and that the Commission has not encountered any appreciable difficulty in interpreting and applying the subject rule in any of the reported decisions.

9. The American Broadcasting Company (ABC) and May Broadcasting Company (KMA) argue that the rule not only protects stations with "unique service" but also protects stations which may provide the only interference-free primary service to an area; that accordingly, a Class II or Class III station is in a position to call the Commission's attention to the fact that areas beyond its normally protected contour or within its interference-free contour have no other or very little other primary service at night; that an applicant, in order to provide a 6th or 7th service with a high nighttime limitation in a metropolitan area could cause co-channel interference to existing regional operations in areas which, although outside the limits of normally protected contours, receive no other primary AM service at night, and that when such a circumstance arises, the public interest requires a weighing of the need for the new service against the need for the existing service; that the deletion of the rule would have the consequence of hemming in Class III operations which now serve beyond their 2.5 mv/m contours at night, thereby denying primary nighttime service to small communities and rural areas which would then be dependent solely on secondary service; and that although the subject rule has not often been relied upon in reported cases, it has had a salutary effect—applicants have known that when they proposed to encroach upon the interference-free primary service contours of existing stations they would run the risk of a hearing, and many of them have therefore seen fit to install an additional tower or have agreed to limit radiation in the direction of the existing station to a figure which would not encroach upon the latter's interference-free contour.

10. Stations KIMO, KPHO, WHEN, WOW, KPQ, and WKOW urge that where an existing station renders a service to the public in a particular area, the Commission should give appropriate weight to the effect on the public interest of loss of service which would result from interference by a proposed station rendering a different service, and that the "unique service" rule is the only provision of the rules which takes this factor into account. These parties argue that in any case in which the Commission determines that protection is available, the "need" standard of § 3.24 (b) (2) rather than the present "unique service" standard should govern in determining whether the existing stations should not be placed under the extreme burden of showing "unique service"; and that a proposed service should not be authorized unless the need therefor outweighs the need for the service being replaced. Stations KGHL, WBIW, and KFYR allege that deletion of the subject rule would place an abritrary limitation on the protection of service areas of standard broadcast stations without appropriate recognition of the fact that particular areas and populations may have needs and interests which have been and may continue to be served solely by a particular station.

11. Various modifications of § 3.182 and of § 3.24 have been advanced. Charlotte Radio & Television Corporation (WGIV) urges that § 3.182 be amended to allow the Commission to resolve, on a case-by-case basis, questions involving interference to existing stations from new proposals, which interference would be beyond the existing stations' normally protected contours; and that such problems as may be posed in such case-by-case determinations can be screened on the basis of: (1) Type of program service (2) length of program service (3) population appeal and (4) engineering proof of interference to existing operations. Interstate Broadcasting Company, Inc. (WQXR) urges that the Table setting forth protected service contours and permissible interference signals for broadcast stations should be modified to provide that Class I–A and I–B stations be protected from objectionable interference from adjacent channel stations during daytime hours within their 100 uv/m contours, just as they now receive such protection from co-channel stations. Stations KCMO, KPHO, WHEN, and WOW assert that the standard embodied in § 3.24 (b) (2) with respect to interference to new stations within protected contours should be equally applicable to interference to interference-free service outside such contours. ABC and May Broadcasting Company suggest that the difficulty with § 3.182 (c) can be remedied by modifying § 3.24 (b) to define "objectionable interference" as including interference to a station's interference-free primary service area as well as interference to its normally protected contour.

12. William E. Benns, Jr. asserts that the proposed changes make the 0.5 mv/m contour the limit of protection to Class II, III, and IV stations, leaving Class I stations protected from co-channel interference to the 0.1 mv/m contour. He argues that the proposal should not be adopted unless § 3.182 (v) is amended to limit the daytime protection to Class I stations to their 0.5 mv/m contours instead of their present 0.1 mv/m contours.

13. Upon our consideration of the comments filed in this proceeding, we have concluded that our proposal to delete the "unique service" rule embodied in § 3.182 (c) and the first sentence of footnote 1 to the Table set out in § 3.182 (v) should be adopted. The "unique service" rule has served little or no useful purpose since its adoption. Its provisions are too vague and indefinite to be of any assistance in the filing and processing of applications for new and improved standard broadcast facilities and have prompted much uncertainty as to the protection to be afforded to and by standard broadcast stations. Nor would making the rule more specific resolve the difficulty since we are not aware of any satisfactory criteria for determining what constitutes the "same general program service". We are concerned, furthermore, by the fact that the rule may discourage applicants and prospective applicants for new and improved AM facilities by threatening expensive, time consuming hearings and may tend to persuade applicants to alter their proposals to protect established stations despite the fact that the watered-down proposals may render less

service. For these reasons we believe that the "unique service" rule is an unsatisfactory allocation tool and should be dispensed with. We believe that this amendment will encourage the establishment of more uniform, fixed allocations rules, thereby fostering a more effective and efficient AM broadcast service throughout the country.

14. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (b), (c), (d), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended.

15. *Accordingly, it is ordered,* That, effective November 7, 1957, § 3.182 of the Commission's rules and regulations is amended as follows:

1. Delete text of paragraph (c) and substitute the word [Reserved].

2. Delete the first sentence of footnote 1 to the table contained in paragraph (v).

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: October 2, 1957.

Released: October 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-8278; Filed, Oct. 8, 1957; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

[29 CFR Part 526]

INDUSTRIES OF A SEASONAL NATURE

NOTICE OF PROPOSED RULE MAKING

The regulations contained in Part 526 of Title 29, Code of Federal Regulations, are applicable to determinations of industries of a seasonal nature under section 7 (b) (3) of the Fair Labor Standards Act of 1938. This section of the act provides a partial exemption from the overtime provisions of the act "for a period or periods of not more than fourteen workweeks in the aggregate in any calendar year in an industry found by the Administrator to be of a seasonal nature."

The Administrator of the Wage and Hour and Public Contracts Divisions proposes to revise the regulations contained in Part 526 (29 CFR Part 526). The purpose of such revision is to make it clear (1) that the exemption does not go into effect without a prior finding by the Administrator that the specific industry is seasonal in nature, and (2) that it applies only to such operations and activities specified by the Administrator in his finding which defines or describes the seasonal industry.

Interested persons may, within 15 days from the date of the publication of this notice in the FEDERAL REGISTER, submit to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C., written data, views and comments relative to the proposed revised regulations.

Accordingly, pursuant to authority under section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063, as amended; 29 U. S. C. 207 (b) (3)), Reorganization Plan No. 6 of 1950 (64 Stat. 1253; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F. R. 3290), notice is hereby given that the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, proposes to revise Part 526, Title 29, Code of Federal Regulations, as follows:

1. Amend § 526.2 by adding the following paragraph:

(c) The operations and activities included within a seasonal industry shall be limited to those specified by the Administrator in his determination.

2. Amend § 526.3 to read as follows:

§ 526.3 *Standards for Administrator's determination that an industry is of a seasonal nature.* The exemption provided under section 7 (b) (3) shall apply only to those industries which the Administrator has determined to be of a seasonal nature. The Administrator will find an industry to be of a seasonal nature if it:

(a) Engages in the handling, extracting, or processing of materials during a season or seasons occurring in a regularly, annually recurring part or parts of the year not substantially greater than six months, and ceases production, apart from work such as maintenance, repair, clerical, and sales work, in the remainder of the year because of the fact that, owing to climate or other natural conditions, the materials handled, extracted, or processed, in the form in which such materials are handled, extracted, or processed, are not available in the remainder of the year; or

(b) Engages in the handling, preparing, packing or storing of agricultural commodities in their raw or natural state, and receives for handling, preparing, packing or storing 50 percent or more of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks.

Signed at Washington, D. C., this 2d day of October 1957.

C. T. LUNDQUIST, *Acting Administrator.*

[F. R. Doc. 57-8253; Filed, Oct. 8, 1957; 8:47 a. m.]

[1] Commissioner Doerfer dissenting.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[Docket No. 12195; FCC 57-1089]

LAND TRANSPORTATION RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend § 16.251 (b) of its rules governing the Motor Carrier Radio Service to simplify and more clearly set forth the information which should be submitted by an applicant in that service for the purpose of establishing his eligibility therein.

3. The proposed amendment, which is set forth below, is issued under authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 15, 1957, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 2, 1957.

Released: October 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

Delete paragraph (b) of § 16.251 and substitute the following new paragraph:

(b) For the purpose of establishing eligibility in this service, each applicant shall submit a statement in sufficient detail to clearly establish the extent and type of transportation activity in which engaged, describing the area or points served, and identifying the authorization under which such service is rendered (as for example, a valid certificate of public convenience or an equivalent document issued by a federal, state, or territorial or local regulatory body) or stating that there is no requirement for such authorization in the area in which he operates. In the case of a non-profit corporation or association for which provision is made in this section, the application shall be accompanied by a listing of all persons to whom radiocommunication service is proposed to be furnished, together with the foregoing information with respect to each such proposed participant. Certificates, permits, or similar documents to which reference is made for the purpose of establishing eligibility need not be submitted to the Commission, unless specifically requested, but shall be clearly identified by document title and number, together with the name of the issuing jurisdiction and the date of issuance.

[F. R. Doc. 57-8279; Filed, Oct. 8, 1957; 8:57 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-73]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to General Electric Company substantially in the form set forth in Annex "A" below unless on or before fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is set forth below Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Notice is also hereby given that if the Commission issues the construction permit the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor at the proposed site if it is found that the reactor has been constructed in accordance with the specifications contained in the terms and conditions of the construction permit, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

Dated at Washington, D. C., this 4th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE, *Director, Division of Civilian Application.*

ANNEX "A"

CONSTRUCTION PERMIT

General Electric Company on July 1, 1957, filed an application for a Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, CFR, to construct and operate a 30 kilowatt (heat) water-cooled and -moderated, graphite-reflected research reactor (hereinafter "the facility"). An amendment to the application was filed on August 2, 1957. The original application together with said amendment is hereinafter referred to as "the application".

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. General Electric Company proposes to utilize the facility in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. General Electric Company is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter 1, CFR.

D. General Electric Company is technically qualified to design and construct the facility.

E. General Electric Company has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to General Electric Company will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 (hereinafter referred to as "the Act") and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to General Electric Company to construct the facility as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest completion date of the facility is October 23, 1957. The latest date for completion of the facility is January 1, 1958. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The site proposed for the location of the facility is General Electric Company's Vallecitos Atomic Laboratories, Alameda County, California, as described in the application.

C. The facility authorized for construction is a 30 KW (heat) water-cooled and -moderated, graphite-reflected research reactor utilizing highly enriched uranium fuel.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to General Electric Company pursuant to section 104c of the act, which license shall expire ten (10) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

———— ————, *Director, Division of Civilian Application.*

ANNEX "B"

MEMORANDUM

Part I—Description of the facility—Site. The proposed site for the reactor is General Electric Company's Vallecitos Atomic Laboratory in the Pleasanton-Livermore area of California. The site is described in the Notice of Proposed Issuance of Facility License to General Electric Company previously published in the FEDERAL REGISTER on July 12, 1957, 22 F. R. 4919.

Building. The reactor will be housed in a cell, having heavy concrete walls, in the Critical Experiment Building, approximately 2,000 feet from the nearest property line. The reactor will be about 200 feet from the nearest adjacent building and about 2,000 feet east of a 40 megawatt boiling water reactor presently on the site.

Reactor. The reactor will be a 30 kilowatt (heat) light water-cooled and -moderated, graphite-reflected research reactor utilizing highly enriched uranium fuel and will be similar to existing reactors at the Commission's Knolls Atomic Power Laboratory and Savannah River facility.

The main purposes of the facility are to provide neutrons for calibrating foils, to measure absorption of neutrons in small samples of structural materials, to measure neutron multiplication in fuel samples and to provide neutron flux for experimental studies.

The reactor will consist of a core in the form of a horizontal, cylindrical annulus centered in a 5-foot tube of graphite. The aluminum core cylinder (fuel container) will be 19 inches long with an outside diameter of 18 inches and an inside diameter of 12 inches. A graphite thermal column will be inserted into the 12-inch diameter. The 3-inch annulus formed will be fitted with sixteen fuel assemblies, each consisting of up to 37 aluminum clad uranium-aluminum fuel discs, 2¾ inches outside diameter, arranged on aluminum rods to form a skewered assembly. Adjacent discs will be separated by small washers and each disc may be removed individually. Each disc will be 0.142 inches thick and will contain 6.47 grams of highly enriched uranium. The uranium-aluminum alloy meat will be physically bonded and completely clad for fission product containment.

The initial loading of the core will be approximately 3 kilograms of U-235, the exact quantity being adjustable within the one dollar excess reactivity limitation on the reactor. The fuel elements will be uniformly spaced in the annulus on a reel assembly to facilitate loading of the reactor. Loading will be accomplished through a chute inclined at an angle of 30 degrees to the horizontal and attached to the annulus fuel can. The chute will connect to an adjacent storage tank through an expansion joint. A seal gate will isolate the loading chute and core from the tank during operation.

Control of the reactor will be maintained through a combination of 6 shut-down sheets, 4 safety rods and 3 regulating rods. The shut-down sheets, worth a total of 6 percent in reactivity, are to be inserted and withdrawn to provide adequate poisoning to insure complete shut-down of the reactor during all non-operating periods. The safety rods, worth a total of 1.6 percent in reactivity, will be used to shut down the reactor in case of an accident. The regulat-

ing rods, worth a total of 1.52 percent in reactivity are to be used for precision neutron flux control. All rods will move horizontally. The safety rods will be spring loaded and held out of the core by electromagnets.

Coolant for the reactor will be high purity demineralized water. Water will be circulated through the primary system at approximately 20 gallons per minute at full power. Inlet temperature will be 90° F., outlet temperature 100° F. Heat absorbed by the primary coolant system will be dissipated to the secondary coolant system via a shell and tube heat exchanger. Secondary coolant will be supplied from laboratory water mains at line pressure and will be discharged to the drains. Adequate standby and emergency cooling capacity will be provided.

Three experimental facilities will be provided. One, a 3-inch diameter horizontal sample tube along the axis of the internal graphite cylinder will extend the complete length of the reactor and thermal column. Several sections of graphite plugs will be fastened together and inserted when the tube is not in use. A concrete plug will prevent radiation streaming into the operating area. Scram interlocks will require full insertion of the plugs before operation and will prevent removal of samples or shielding plugs during reactor operation. The second experimental facility will be an external thermal column, a 4-foot cube of high purity reactor-grade graphite to be located against the back of the main graphite moderator. The third experimental facility will be a tube comprised of a 4 inch by 4 inch aluminum can which will extend vertically through the graphite pack tangentially to the periphery of the fuel container. This tube is to be used for samples too large for the horizontal central sample tube and, when not in use, will be filled with high purity graphite.

Part II—Safety evaluation. General Electric Company's research reactor will be similar to reactors at Knolls Atomic Power Laboratory and Savannah River, whose operation has been stable and satisfactory. Design features of General Electric Company's reactor which enhance safety are:

1. Low excess reactivity (less than one dollar).
2. Negative void coefficient (minus 2.5×10^{-3} delta k/k/% void water).
3. Prompt negative temperature coefficient in the fuel region (minus 1.5×10^{-4} delta k/k/° C).

The hazards evaluation submitted by the applicant considers a number of potential mechanisms for producing a reactor accident and in each of these cases adequate means are provided by which the accident will be prevented. In considering possible hazards that could result from operation of the reactor the applicant also postulated several accidents which differ from those referred to above in that no mechanism is described by which the accidents are initiated. These latter accidents include the following:

1. Rupture of the primary coolant system.
2. Failure of fuel disc cladding.
3. Steam blanketing of the core, which is the maximum credible accident presented.

In each of these accidents the applicant has concluded, and we agree with the conclusions, that resulting radiation levels within the reactor cell and, accordingly, off-site also, would have values less than those permissible under such circumstances by the Commission's regulations "Standards for Protection Against Radiation" (10 CFR Part 20).

Part III—Technical qualifications. General Electric Company is well qualified for activities in nuclear science and technology. The company has had more than fifteen years' experience in the field of atomic energy. This included participation in the work of the Manhattan District Project and, since 1946, operation of the Commission's Hanford facility. General Electric Company presently also operates the AEC's Knolls Atomic Power Laboratory and the Aircraft Nuclear Propulsion Project in Evendale, Ohio.

Part IV—Financial qualifications. General Electric Company's Consolidated Statement for 1956 shows current assets of $1,242 million and current liabilities of $651 million for a current ratio of 1.9 to 1.0. Total assets at the end of 1956 were $2,221 million and stockholders' equity therein amounted to approximately 51 per cent.

Part V—Conclusions. Based on the above consideration, it is concluded that:

a. There is reasonable assurance that the facility can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

For the Division of Civilian Application.

Dated: October 4, 1957.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8269; Filed, Oct. 8, 1957; 8:54 a. m.]

[Docket No. 50-47]

ORDNANCE MATERIALS RESEARCH OFFICE

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for formal hearing having been filed following the filing of notice of proposed action with the Federal Register Division on September 16, 1957, the Atomic Energy Commission has issued Construction Permit No. CPRR-16 authorizing the Ordnance Materials Research Office to construct a research reactor at the Watertown Arsenal site described in its application. Notice of proposed action was published in the FEDERAL REGISTER on September 17, 1957, 22 F. R. 7410.

Dated at Washington, D. C., this 2d day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8270; Filed, Oct. 8, 1957; 8:54 a. m.]

[Docket No. 50-13]

BABCOCK & WILCOX CO.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on September 16, 1957, the Atomic Energy Commission has issued Construction Permit CPCX-9 authorizing The Babcock & Wilcox Company to construct a second critical experiment facility at the location near Lynchburg, Virginia, described in the application in Docket 50-13. Notice of the proposed action was published in the FEDERAL REGISTER on September 17, 1957, 22 F. R. 7411.

Dated at Washington, D. C., this 2d day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8271; Filed, Oct. 8, 1957; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 435]

MARKET AGENCIES AT UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on September 14, 1956, authorizing the respondents, the Market Agencies at Union Stock Yards, Denver, Colorado, to assess the current schedule of rates and charges to and including September 23, 1958, unless changed by further order before the latter date.

On September 23, 1957, a petition was filed on behalf of the respondents requesting authority to make certain modifications in the current schedule of rates and charges. The proposed modifications are set forth below.

1. Section F of Article 2 would be amended to read:

Dairy and breeding animals:	*Per head*
Purebred or registered bulls	$10.00
Purebred or registered cows or heifers	6.00
Milk cows with or without calf at side	2.00
Rams for breeding purposes	1.50

During the National Western Stock Show there will be a service charge on all breeding animals consigned to market agencies and returned to owners unsold:

	Per head
Purebred or registered bulls	$5.00
Purebred or registered cows or heifers	3.00

2. Section I of Article 2 would be amended to read:

A market agency, using livestock out of a consignment received by them for sale to fill in whole or part an order received from a buyer will be presumed to be acting solely as the agent of the consignor and shall collect the regular selling charges from the consignor. Collection shall also be made from the buyer to cover extraordinary expenses and other services incurred, of an amount not to exceed one-half the regular selling charges. Collection for this purpose shall be as follows:

	Per head
Cattle	$0.50
Calves	.27
Hogs	.19
Sheep	.08
Bulls	[1] .85
Purebred or registered bulls	2.50
Purebred or registered cows or heifers	1.50

[1] For slaughter or feeders.

Otherwise no member firm shall act in a dual capacity.

The modifications, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 3d day of October 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-8260; Filed, Oct. 8, 1957; 8:51 a. m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

OCTOBER 1957 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in October under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4⅛ percent per annum.

For periods over 6 months up to and including 18 months, 4⅞ percent per annum.

For periods over 18 months up to and including 36 months, 5⅜ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

OCTOBER 1957 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	All sales are under LD-26, as amended. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. (See amendment 3.) Domestic price: For unrestricted use price is "in store" [1] at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26, as amended. Export prices are on the basis of delivery f. o. b. point of export. CCC will convert to "in store" price as provided in LD-26, as amended. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter (as available)	Domestic, unrestricted use: 63.5 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.75 cents per pound, Washington, Oregon, and California. All other States 62.5 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (spray, roller) as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 17.0 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade, in barrels and drums, 15.0 cents per pound; in bags, 14.15 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound. Export, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese (cheddars, flats, twins, and rindless blocks) (standard moisture basis) 167,000,000 pounds.	Domestic: 38 cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States, 37 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements CN-EX-4 and NO-C-9, as amended.
Cotton, Extra Long Staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended and NO-C-10, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wool, shorn approximately 16,000,000 pounds.	Domestic or export: Limited quantities (not more than 6,225,000 pounds in October) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis ex warehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 23 cents per bushel if received by truck, or (2) 18 cents per bushel if received by rail or barge. Examples of the foregoing minimum price per bushel (ex rail or barge): Chicago, No. 1 RW, $2.50; Minneapolis, No. 1 DNS, $2.54; Kansas City, No. 1 HW, $2.50; Portland, No. 1 SW, $2.40. Noncommercial wheat-producing area: Market price, basis in store,[2] but not less than 133 percent of applicable 1957 county loan rate plus (1) 23 cents per bushel if received by truck or (2) 18 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-291 revised, as amended, for application to certain barter contracts and specially approved credit sales only, at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR-345.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Chicago, and Portland when announced.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1957 applicable loan rate for corn produced in compliance with 1957 acreage allotments plus: (1) a markup of 11 cents per bushel for corn in storage at point of production, (2) a markup of 13 cents per bushel and the rail freight (including transportation tax) from point of production to the present point of storage for corn in storage at other than point of production. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 110 percent of the applicable 1957 loan rate plus markups as above. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstorable corn is also available at the above offices. Export: Competitive bid basis as announced by the Portland, Dallas, and Chicago CSS Commodity Offices.[3]

See footnotes at end of table.

OCTOBER 1957 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Oats, bulk	Domestic: Market price, basis in store,[1] but not less than the 1957 applicable loan rate plus: (1) a markup of 12 cents per bushel for oats in storage at point of production, (2) a markup of 14 cents per bushel and the rail freight (including transportation tax) from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Illinois, to Chicago and Redwood County, Minnesota, to Minneapolis respectively: Chicago, No. 3 oats or better, $0.82¾; Minneapolis, No. 3 oats or better, $0.77. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[2]
Barley, bulk	Domestic: Market price in store,[1] but not less than the 1957 applicable loan rate plus (1) 16 cents per bushel if received by truck, or (2) 13 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 barley, $1.31. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[2]
Rye, bulk	Domestic: Market price basis in store,[1] but not less than the 1957 applicable loan rate, plus (1) 19 cents per bushel if received by truck, or (2) 14 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 or better, $1.54. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[2]
Grain sorghums, bulk	Domestic: Market price, basis in store,[1] but not less than the 1957 applicable loan rate plus (1) 33 cents per hundredweight, if received by truck, or (2) 24 cents per hundredweight, if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (ex rail or barge): Kansas City, No. 2 or better, $2.55. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.[2]
Flaxseed, bulk (carlots as available).	Domestic (for crushing) or export: Market price basis in-store but not les than the 1956 applicable loan rate at point of storage plus 7½ cents per bushel If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 1 Flax, $3.465; Duluth, No. 1 Flax, $3.465. Also L. C. L. lots at best prices obtainable. Available Minneapolis CSS Commodity Office.
Rice, milled 1956 crop (as available).	Domestic, unrestricted use (1956 crop): Market price but not less than equivalent 1957 loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling, plus 25 cents per hundredweight basis in store. Prices and quantities available by varieties and grade may be obtained from Dallas CSS Commodity Office. Example of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 3	U. S. No. 4	U. S. No. 5
Blue Bonnet	$10.68	$9.83	$8.90
Century Patna	9.85	9.00	8.18

Rice, rough	Export: Competitive bid under DL-MR-400/57 as announced by Dallas CSS Commodity Office. Special export: Competitive bid on "as is" basis, under DL-MR/53 as announced by Dallas CSS Commodity Office. Domestic, unrestricted: Market price but not less than the 1957 loan rate plus 5 percent, plus 21 cents per hundredweight basis in store. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office or from Portland CSS Commodity Office for Pearl and Calrose. Export: For export as milled rice. Competitive bid as announced by Portland CSS Commodity Office.
Gum rosin	Domestic or export: Offer and acceptance basis "as is", in galvanized metal drums (averaging 517# net) in the stated quantities and on the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is," bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through American Turpentine Farmers Association Cooperative, Valdosta, Ga.

[1] At the processors plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat 901)

Issued: October 3, 1957.

[SEAL]

CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-8306; Filed, Oct. 8, 1957; 9:03 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54455]

LEGAL FUNCTIONS AT PORT OF NEW YORK

In order to secure better coordination and supervision of the legal activities of the Bureau of Customs in New York City, effective October 15, 1957, the Solicitor to the Collector of Customs will have the operating title of Solicitor for the Port of New York. On that date the functions of serving as legal advisor to the Collector will be combined under the Solicitor with the additional functions of serving as legal advisor to all other branches of the Customs Service in New York City and supervising the maintenance at New York, on behalf of the Customs Service throughout the country, of liaison with the United States Customs Court and the Department of Justice attorneys charged with the trial of Customs Court litigation. The Solicitor will be under the general supervision of the Chief Counsel of Customs.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

OCTOBER 7, 1957.

[F. R. Doc. 57-8331; Filed, Oct. 8, 1957; 9:04 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DESIGNATION OF OUTER CONTINENTAL SHELF AREA NEEDED FOR NATIONAL DEFENSE

The following designation made by the Deputy Secretary of Defense on August 8, 1957, was approved by the President on September 21, 1957.

Pursuant to the provisions of section 12(d) of the Outer Continental Shelf Lands Act (67 Stat. 462), approved August 7, 1953, that portion of the Outer Continental Shelf lands underlying Warning Area W–92 hereinafter described, is needed for National Defense and is hereby designated as an area restricted from exploration and operation.

Warning Area W–92 is defined as the area encompassed by a line originating at Lat. 28 31 00 N; Long. 91 12 00 W; thence to Lat. 28 31 00 N; Long. 90 21 00 W; thence to Lat. 26 50 00 N; Long. 90 21 00 W; thence to Lat. 27 33 00 N; Long. 91 30 00 W; thence to Lat. 28 12 00 N; Long. 91 30 00 W; thence to point of origin.

The designation of Warning Area W–92 is made subject to the following provisions and conditions, each of which has been subscribed to by the Department of Defense and the Department of the Interior:

1. Except with the concurrence of the Navy, Interior will not, prior to July 1, 1958, issue mineral leases on Outer Continental Shelf lands underlying that part of Warning Area W–92 south of Lat. 28 31 00 N.

2. Except with the concurrence of Navy, Interior will not, prior to July 1, 1961, issue mineral leases on Outer Continental Shelf lands underlying that part of Warning Area W–92 south of Lat. 28 15 00 N.

3. Navy will not conduct aerial operations which are hazardous to fixed installations on the Outer Continental Shelf lands underlying Warning Area W–92. "Fixed installations" as used herein means installations or equipment, whether permanent, mobile, or floating, used or to be used in drilling or producing operations or in the erection or construction of drilling or producing facilities.

4. If and when Interior offers mineral leases in accordance with the provisions detailed, Interior will notify Navy of the offering and will give Navy as much advance notice as possible of proposed initial placement of fixed installations.

5. Geophysical surveys may be conducted on the Outer Continental Shelf underlying Warning Area W–92 after prior coordination with the Naval controlling authority having operational jurisdiction of Warning Area W–92 to assure that there will be no interference with aerial operations of Navy and for the safety of the geophysical parties.

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 57-8247; Filed, Oct. 8, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[California No. 139]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER; AMENDMENT

OCTOBER 1, 1957.

Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), paragraph 10 of Federal Register Document 49–3815 appearing in the issue of May 13, 1949, is hereby amended to include the following sentence after the first sentence: "The north boundary line of the S½NE¼NE¼SE¼, Section 21, will not be subject to the 33 feet width right-of-way for road purposes and public utilities."

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-8252; Filed, Oct. 8, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9043]

TRANSATLANTIC CHARTER POLICY

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, and regulations thereunder, that oral argument in the above-entitled matter is assigned to be held on November 7, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue and 14th Street, NW., Washington, D. C., before the Board.

On September 6, 1957, the Board announced, by press release, that it was undertaking a complete review of its Transatlantic Charter Policy based on the experience gained from the handling of applications for transatlantic air charter service during the 1957 summer season. All interested parties were invited to submit their comments on this subject, including proposed revisions or modifications of the 1957 charter policy, prior to September 27, 1957. The comments which have been received are available for inspection by all interested parties in the Docket Section, Room 5410, Commerce Building, Constitution Avenue and 14th Street NW., Washington, D. C.

Requests for allocation of time should be forwarded to the Chief Examiner within 7 days of the date of this notice.

Dated at Washington, D. C., October 3, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8276; Filed, Oct. 8, 1957; 8:56 a. m]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12098–12101; FCC 57M–946]

MOUNTAIN VIEW BROADCASTING ET AL.

ORDER CONTINUING HEARING

In re applications of Mountain View Broadcasting Company, Jonesboro, Tennessee, Docket No. 12098, File No. BP–10900; Eugene Slatkin and Boyce H. Hanna, d/b as Cleveland County Broadcasting Company, Shelby, North Carolina, Docket No. 12099, File No. BP–11062; L. C. Young, tr/as Scott County Broadcasting Co., Gate City, Virginia, Docket No. 12100, File No. BP–11082; Daniel Gabriel and Arnold H. Johnson d/b as Lee County Broadcasting Company, Pennington Gap, Virginia, Docket No. 12101, File No. BP–11141; for construction permits.

The Hearing Examiner having under consideration a petition filed by Mountain View Broadcasting Company on September 20, 1957, requesting that the hearing in the above-entitled proceeding presently scheduled for October 7, 1957, be continued until after October 15, 1957, and the discussion of the hearing date at the pre-hearing conference; and

It appearing that a continuance is necessary and that November 6, 1957, for the evidentiary hearing is a date satisfactory to all counsel in the proceeding;

It is ordered, This 2d day of October 1957, that the hearing in the above-entitled proceeding be and it is hereby continued to November 6, 1957.

Released: October 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8280; Filed, Oct. 8, 1957; 8:57 a. m.]

[Docket No. 11878; FCC 57M–938]

MOBILE COMMUNICATIONS

ORDER CONTINUING HEARING

In the matter of the application of J. B. Wathen, III d/b as Mobile Communications, Docket No. 11878, File No. 2184–C2–P–56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky.

On the basis of reasons advanced by petitioner, Louisville 2-way Radio Service, Inc., on the record at the pre-hearing conference held in this proceeding on October 1, 1957: *It is ordered,* This 1st day of October 1957, that the date for formal hearing now scheduled for October 8, 1957, is continued to October 16, 1957.

Released: October 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8281; Filed, Oct. 8, 1957; 8:58 a. m.]

[Docket Nos. 12079, 12080; FCC 57M–918]

JACK A. BURNETT AND UNITED TELECASTING AND RADIO CO.

ORDER FOLLOWING PRE-HEARING CONFERENCE (SCHEDULING HEARING)

In re applications of Jack A. Burnett, Ogden, Utah, Docket No. 12079, File No. BPCT–2255; United Telecasting and Radio Company, Ogden, Utah, Docket No. 12080, File No. BPCT–2270; for construction permits for new television broadcast stations.

On September 30, 1957, a pre-hearing conference was held in the above-entitled matter. Pursuant to agreements reached and rulings made at that conference: *It is ordered,* This 1st day of October 1957,

(1) That the direct presentation of each applicant shall be made in written form;

(2) That the direct presentations shall be exchanged between applicants and counsel for the Broadcast Bureau on October 28, 1957;

(3) That formal hearing shall commence on November 7, 1957;

(4) That both applicants have available for cross-examination at the formal hearing a majority stockholder thoroughly familiar with the contents of the direct written presentation to be introduced on behalf of the applicant with which he is associated;

(5) That counsel for both parties and the Broadcast Bureau will meet informally sometime after the exchange of direct written presentations and before formal hearing with a view toward eliminating from the direct written presentations any matter patently inadmissible as evidence;

(6) That no further conference will be held unless expressly requested by one

of the parties or by counsel for the Broadcast Bureau.

Released: October 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8282; Filed, Oct. 8, 1957; 8:58 a. m.]

[Docket No. 12142; FCC 57M-916]

NORTH AMERICAN BROADCASTING CO. (WMNI)

ORDER CONTINUING HEARING

In re application of North American Broadcasting Company (WMNI), Columbus, Ohio, Docket No. 12142, File No. BP-10937; for construction permit.

It is ordered, This 30th day of September 1957, that the hearing now scheduled for October 7, 1957, is continued to a date to be subsequently fixed; and that in accordance with the arrangements made at the further prehearing conference of September 27, 1957, a further prehearing conference will be held on Monday, October 7, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: October 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8283; Filed, Oct. 8, 1957; 8:58 a. m.]

[Docket Nos. 12146-12148; FCC 57M-940]

UNITED BROADCASTING CO., INC., ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of United Broadcasting Company, Inc., Wilmington, North Carolina, Docket No. 12146, File No. BPCT-2169; Carolina Broadcasting System, Inc., Wilmington, North Carolina, Docket No. 12147, File No. BPCT-2191; New Hanover Broadcasting Company, Wilmington, North Carolina, Docket No. 12148, File No. BPCT-2310; for construction permits for new television broadcast stations (Channel 3).

Pursuant to §§ 1.813 and 1.841 of the Commission's rules and in accordance with informal consent by the attorneys for each party: *It is ordered and directed*, This 1st day of October 1957, that the parties or their attorneys in this proceeding shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m. on Friday, October 11, 1957, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification or limitation of the issues;
2. The possibility of stipulating with respect to facts;
3. The procedures to be followed prior to and at the hearing;
4. The limitation of the number of witnesses;
5. The procedures and schedules for the prior mutual exchange among the parties of prepared testimony and exhibits; and
6. Such other matters as may aid in the disposition of this proceeding.

Released: October 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8284; Filed, Oct. 8, 1957; 8:58 a. m.]

[Docket No. 12164; FCC 57M-936]

WALTER T. GAINES (WGAV)

ORDER SETTING PRE-HEARING CONFERENCE

In re application of Walter T. Gaines (WGAV), Amsterdam, New York, Docket No. 12164, File No. BP-10986; for construction permit.

It is ordered, This 1st day of October 1957, that, pursuant to the provisions of § 1.813 of the Commission's rules, and in accordance with request of counsel, all parties to the above-entitled proceeding or their legal counsel are directed to appear for a pre-hearing conference at the offices of the Commission in Washington, D. C., at 2:00 p. m., October 4, 1957.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8285; Filed, Oct. 8, 1957; 8:58 a. m.]

[Docket No. 12167; FCC 57M-934]

CAPITOL BROADCASTING CO. (WJTV)

ORDER SCHEDULING HEARING

In re modification of construction permit of Capitol Broadcasting Company (WJTV), Jackson, Mississippi, Docket No. 12167; pursuant to section 316 of the Communications Act of 1934, as amended.

It is ordered, This 27th day of September 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 5, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8286; Filed, Oct. 8, 1957; 8:58 a. m.]

[Docket No. 12168; FCC 57M-935]

MARTIN BROTHERS

ORDER SCHEDULING HEARING

In the matter of Jacob A. Martin and William A. Martin d/b as Martin Brothers, Lancaster, Pennsylvania, Docket No. 12168; order to show cause why the license for Special Industrial Radio Station KGD 462 should not be revoked.

It is ordered, This 27th day of September 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is scheduled to commence on November 18, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8287; Filed, Oct. 8, 1957; 8:58 a. m.]

[Docket No. 12174; FCC 57M-919]

ATLANTIC COAST BROADCASTING CORPORATION OF CHARLESTON (WTMA-TV)

ORDER SCHEDULING HEARING

In re application of Atlantic Coast Broadcasting Corporation of Charleston (WTMA-TV), Charleston, South Carolina, Docket No. 12174, File No. BPCT-2346; for construction permit for a new television broadcast station.

It is ordered, This 27th day of September 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 4, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8288; Filed, Oct. 8, 1957; 8:59 a. m.]

[Docket No. 12175; FCC 57M-920]

AMERICAN COLONIAL BROADCASTING CORP. (WKBM-TV)

ORDER SCHEDULING HEARING

In re application of American Colonial Broadcasting Corporation (WKBM-TV), Caguas, Puerto Rico, Docket No. 12175, File No. BMPCT-4515; for modification of construction permit.

It is ordered, This 27th day of September 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 6, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8289; Filed, Oct. 8, 1957; 8:59 a. m.]

[Docket Nos. 12176-12178; FCC 57M-922]

KTAG ASSOCIATES (KTAG-TV) ET AL.

ORDER SCHEDULING HEARING

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox, R. B. McCall, Jr., d/b as KTAG Associates (KTAG-TV), Lake Charles, Louisiana, Docket No. 12176, File No. BMPCT-4632; for modification of construction permit; Evangeline Broadcasting Company, Inc., Lafayette, Louisiana, Docket No. 12177, File No. BPCT-2335; Acadian Television Corporation, Lafayette, Louisiana, Docket No. 12178, File No. BPCT-2351; for construction permits for new television broadcast stations.

It is ordered, This 27th day of September 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 6, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8290; Filed, Oct. 8, 1957; 8:59 a. m.]

[Docket Nos. 12179-12181; FCC 57M-923]

RADIO ST. CROIX, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Radio St. Croix, Incorporated, New Richmond, Wisconsin, Docket No. 12179, File No. BP-10925; Florida East Coast Broadcasting Company, Inc., South St. Paul, Minnesota, Docket No. 12180, File No. BP-11170; Hennepin County Broadcasting Company, Golden Valley, Minnesota, Docket No. 12181, File No. BP-11341; for construction permits.

It is ordered, This 27th day of September 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 25, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8291; Filed, Oct. 8, 1957; 8:59 a. m.]

[Docket No. 12183; FCC 57M-928]

WILEY J. DOBY

ORDER SCHEDULING HEARING

In re application of Wiley J. Doby, Winston-Salem, North Carolina, Docket No. 12183, File No. 1819-C2-R-57; for the renewal of the license for the station KIE954, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 31, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8292; Filed, Oct. 8, 1957; 9:00 a. m.]

[Docket No. 12184; FCC 57M-929]

HARRIS CO.

ORDER SCHEDULING HEARING

In re Application of The Harris Company, Portland, Maine, Docket No. 12184, File No. 2223-C2-R-57; for the renewal of the license for the station KCB892, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 30, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8293; Filed, Oct. 8, 1957; 9:00 a. m.]

[Docket No. 12185; FCC 57M-927]

JAMES G. PRESTWOOD, JR.

ORDER SCHEDULING HEARING

In re application of James G. Prestwood, Jr., Augusta, Georgia, Docket No. 12185, File No. 1981-C2-R-57; for the renewal of the license for the station KIE960, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 1, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8294; Filed, Oct. 8, 1957; 9:00 a. m.]

[Docket No. 12186; FCC 57M-925]

W. H. KELLEY

ORDER SCHEDULING HEARING

In re application of W. H. Kelley, Centralia, Illinois, Docket No. 12186, File No. 170-C2-R-57; for the renewal of the license for the station KSA620, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 4, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8295; Filed, Oct. 8, 1957; 9:00 a. m.]

[Docket No. 12187; FCC 57M-932]

M & M TRUCKING CO.

ORDER SCHEDULING HEARING

In re application of M & M Trucking Company, Akron, Ohio, Docket No. 12187, File No. 1180-C2-R-57; for the renewal of the license for the station KQC575, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled for October 25, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8296; Filed, Oct. 8, 1957; 9:00 a. m.]

[Docket No. 12188; FCC 57M-931]

MORGAN CLEANERS-FURRIERS, INC.

ORDER SCHEDULING HEARING

In re application of Morgan Cleaners-Furriers, Inc., Mansfield, Ohio, Docket No. 12188, File No. 1355-C2-R-57; for the renewal of the license for the station KQC876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled for October 28, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8297; Filed, Oct. 8, 1957; 9:00 a. m.]

[Docket No. 12189; FCC 57M-930]

HARRY WILLIAM OVERHOLTZER

ORDER SCHEDULING HEARING

In re application of Harry William Overholtzer, Pottstown, Pennsylvania;

Docket No. 12189, File No. 953–C2–R–57; for the renewal of the license for the station KGB876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled for October 29, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8298; Filed, Oct. 8, 1957; 9:01 a. m.]

[Docket No. 12190; FCC 57M–926]

RADIO BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Radio Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 12190, File No. 1239–C2–R–57; for the renewal of the license for the station KGB874, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 6, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8299; Filed, Oct. 8, 1957; 9:01 a. m.]

[Docket No. 12191; FCC 57M–933]

RADIO DISPATCH SERVICE

ORDER SCHEDULING HEARING

In re application of Radio Dispatch Service, St. Louis, Missouri, Docket No. 12191, File No. 848–C2–R–57; for the renewal of the license for the station KAA888, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled for October 24, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8300; Filed, Oct. 8, 1957; 9:01 a. m.]

[Docket No. 12192; FCC 57M–924]

H. B. SCHULTZ

ORDER SCHEDULING HEARING

In re application of H. B. Schultz, Fort Wayne, Indiana, Docket No. 12192, File No. 1584–C2–R–57; for the renewal of the license for the station KSC868, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 27th day of September 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 7, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8301; Filed, Oct. 8, 1957; 9:01 a. m.]

[Docket No. 12193; FCC 57M–921]

MULTNOMAH COMMUNICATIONS SERVICE

ORDER SCHEDULING HEARING

In the matter of the application of Virgil U. Tillery, d/b as Multnomah Communications Service, Docket No. 12193, File No. 1810–C2–P–57; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Portland, Oregon (Station KOF919).

It is ordered, This 27th day of September 1957, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence November 4, 1957, in Washington, D. C.

Released: October 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8302; Filed, Oct. 8, 1957; 9:01 a. m.]

[Docket No. 12194; FCC 57–1084]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER INSTITUTING INVESTIGATION

In the matter of American Telephone and Telegraph Company, et al., Docket No. 12194; charges, classifications, regulations and practices for and in connection with Channels for Data Transmission.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on September 30, 1957;

The Commission having under consideration certain new and revised tariff schedules filed by American Telephone and Telegraph Company (A. T. & T.) on August 28, 1957, under Transmittal No. 5530 and designated as follows:

Tariff F. C. C. No. 237

Channels for Data Transmission.

Tariff F. C. C. No. 231

First revised page 6.
First revised page 7.

Tariff F. C. C. No. 208

Eleventh revised page 7.
Second revised page 57.
Original page 58.

Tariff F. C. C. No. 145

Seventh revised page 3B.
Twelfth revised page 6.

Tariff F. C. C. No. 135

Fourteenth revised page 2A.
Twelfth revised page 6.
Second revised page 107.
Third revised page 108.
Original page 112.
Original page 113.
Supplement No. 7.

Tariff F. C. C. No. 134

Eighteenth revised page 3.
Sixteenth revised page 5.
Second revised page 10DA.
Sixth revised page 10E.
Seventh revised page 10F.
Fifth revised page 10G.
Eighteenth revised page 14.

and also having under consideration Tariffs F. C. C. Nos. 134, 135, 208, 220 and 231 of the American Telephone and Telegraph Company; a Petition filed by General Services Administration on September 20, 1957 which requests that the above-mentioned tariff schedules be suspended and that the Commission enter upon an investigation thereof; and a reply thereto filed by A. T. & T. on September 25, 1957; and

It appearing that the services and facilities offered under the provisions of A. T. & T. Tariff F. C. C. No. 237 are available under the provisions of currently effective tariff schedules of A. T. & T. on file with this Commission; and

It further appearing that the above-mentioned new and revised tariff schedules will result in substantially higher charges for certain interstate and foreign communications services and facilities; and

It further appearing that the Commission is unable to determine that the charges, classifications, regulations, and practices contained in the above-mentioned new and revised tariff schedules are or will be just and reasonable or otherwise lawful; and

It further appearing that if the above-mentioned new and revised tariff schedules are permitted to become effective on the date specified thereon, substantial injury to the public may result;

It is ordered, That, pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the operation of the above-mentioned new and revised tariff schedules is hereby suspended until January 1, 1958; and that during that period A. T. & T. shall make no changes in such tariff schedules except as authorized or directed by the Commission;

It is further ordered, That, pursuant to the provisions of sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned new and revised tariff schedules;

It is further ordered, That without in any way limiting the scope of the proceeding it shall include inquiry into the following:

1. Whether any of the charges, classifications, regulations, and practices contained in such new and revised tariff schedules are or will be unjust or unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended;

2. Whether such new and revised tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202 (a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the service governed by the new and revised aforementioned tariff schedules, and, if so, what charges, classifications, regulations and practices should be prescribed;

It is further ordered, That a hearing shall be held herein at the Commission's offices in Washington, D. C. at a time to be hereafter specified, and that the Hearing Examiner hereafter to be designated to preside at the hearings herein shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision;

It is further ordered, That American Telephone and Telegraph Company and all companies listed as concurring carriers in the above-mentioned tariff schedules are hereby made parties respondent hereto;

It is further ordered, That, in the event a decision as to the lawfulness of the tariff schedules herein suspended has not been made during the suspension period, and such tariff schedules go into effect, American Telephone and Telegraph Company and its connecting and concurring carriers shall, until further order of the Commission, keep accurate accounts of all amounts charged, collected or received by reason of the charges set forth in the above-mentioned tariff schedules, specifying by whom and in whose behalf such amounts are paid; and shall file with the Commission on or before the 10th day of each month, commencing February 10, 1958 showing the amounts accounted for during the previous month;

It is further ordered, That General Services Administration is hereby granted leave to intervene herein upon filing of notice of intention to do so within 20 days of the date of this order.

Released: September 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8303; Filed, Oct. 8, 1957; 9:02 a. m.]

[FCC 57–1105]

[Amdt. 0–34]

CHIEF, BROADCASTING BUREAU

AMENDMENT TO DELEGATION OF AUTHORITY RELATIVE TO FORFEITURE OF CONSTRUCTION PERMITS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of October 1957;

The Commission having under consideration amendment of section 0.241 of its rules, which provides for the delegation of certain Commission functions to the Chief of the Broadcast Bureau, by promulgating a new sub-section (r), delegating to the said Chief, authority to declare broadcast construction permits forfeited, when such forfeitures occur pursuant to the provisions of section 319 (b) of the Communications Act and § 1.314 (a) of the Commission's rules, and when no application for extension of construction permit has been granted by the Commission or timely filed by the permittee.

It appearing that the amendment herein ordered would promote greater efficiency in Commission operations; and

It further appearing that the amendment herein ordered is procedural in nature and, therefore, compliance with the requirements of section 4 (a), (b) and (c) of the Administrative Procedure Act is not required;

It is ordered, That, pursuant to sections 4 (i), 5 (d) and 303 (r) of the Communications Act of 1934, as amended, section 0.241 of the Commission's rules and regulations is amended, effective October 9, 1957, by the promulgation of a new sub-section (r), to read as follows:

(r) To declare a construction permit for a broadcast facility automatically forfeited if the station authorized by the construction permit is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and no application for extension of construction permit has been granted by the Commission or timely filed by the permittee, and to place a notation of the forfeiture in the records of the Commission as of the expiration date of the construction permit.

Released: October 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8304; Filed, Oct. 8, 1957; 9:02 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–10060]

UNION PRODUCING CO. AND UNITED GAS PIPE LINE CO.

ORDER TO SHOW CAUSE AND FIXING DATE FOR HEARING

OCTOBER 3, 1957.

The Commission, by order issued March 9, 1956, herein, instituted an investigation of Union Producing Company (Union) for the purpose of determining all facts concerning Union's operations to enable the Commission to determine whether Union is a "natural-gas company" within the meaning of the Natural Gas Act[1] (15 FPC 1218). The investigation also concerned the operations of United Gas Pipe Line Company (United Gas) as such operations pertain to and affect the operations of Union.

To this end, the Commission by such order, as modified by order issued April 26, 1956 (15 FPC 1367), required Union and United Gas, jointly or severally, to submit the following:

(i) A legible map showing full details of the facilities at the point or points of deliveries of natural gas by Union to United Gas and to other purchasers from Union, by field or fields.

(ii) A legible map showing the pipeline facilities by which the gas is transported from each well, owned or partially owned by Union, to the points of delivery to United Gas and to other customers, by field or fields.

(iii) A legible map showing important pipeline facilities such as dehydration and gasoline plants, whether owned or not, compressor stations, products removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above, by field or fields.

(iv) A legible geographic map showing the pipeline system of United Gas, the points of delivery of natural gas by United Gas to other natural gas pipeline companies and the facilities of such natural gas pipeline companies from such point of delivery to a point in an adjacent state.

(v) A combination flow diagram and map for each main operating district of United Gas, similar to that submitted by United Gas in proceedings in Docket Nos. G–2019 and G–2074 (Hearing Exhibits 12, 13, etc.) showing the flow of gas through its main transmission system from points of receipt into the main transmission lines of United Gas to points of delivery by United Gas to others; however, such combination flow diagram and map, which is schematic in character, shall show schematically where any pipelines of United Gas cross state lines. The volumes received by United Gas should be broken down at each point of receipt between those volumes received from Union and those aggregate volumes

[1] The order also provided for a public hearing to be held in Washington, D. C. on May 21, 1956. Subsequently, the hearing was postponed at the request of Union. Still later, at request of the staff of the Commission, the hearing was postponed indefinitely.

received from others. The names of the parties receiving gas from United Gas should be stated at each point of delivery together with the volumes received by each party. If convenient, tabulations of gas receipts and deliveries with appropriate key references to map locations may be used. The volumes of gas flowing shall be on a net annual basis for the year ended December 31, 1955, and on the actual system peak day of the 1955–56 winter season.

(vi) A flow chart (similar to that submitted by United Gas as Hearing Exhibit No. 121 in Docket No. G–1869) showing the flow of gas between the districts of United Gas, thus coordinating the separate district maps mentioned in (v). One flow chart should be submitted for the net annual flow for the year ended December 31, 1955, and one for the 1955–56 system peak day.

(vii) A tabular statement showing all gas purchase contracts under which United Gas purchases natural gas from Union, including the gas purchase contract number, field (by name and by number), and location of the field, by district, state, county, or parish.

(viii) A statement setting forth for the calendar year 1955 the total quantities of natural gas transported or sold through the lines and facilities set forth in (i), (ii), and (iii), above, and segregated by field and by contract, between natural gas sold to (a) United Gas, (b) other interstate transmission pipeline companies, and (c) other purchasers; and such statement shall also set forth the gas purchase contract number.

In response to these requirements, United Gas, on August 13, 1956, filed the respective maps, charts, and statements described in (iv), (v), (vi), and (vii). On August 21, 1956, Union filed certain data, information, and maps described in (i), (ii), (iii), and (viii). Later, on September 8, 1956, Union filed additional information relating to three fields. And on September 14, 1956, Union submitted copies of its gas sales contracts.

Union Producing Company, a Delaware corporation with its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, is a wholly-owned subsidiary of United Gas Corporation (United Corporation), which is also a Delaware corporation having its principal executive offices in Shreveport. United Gas, which is Union's principal customer, is also a Delaware corporation having its principal place of business at the same address as does Union and United Corporation, and is also a wholly-owned subsidiary of United Corporation.

Union is engaged, among other things, in the production, exploration, development, transportation, and the sale of natural gas, principally in the States of Louisiana, Mississippi, and Texas.

From the information and data submitted in response to the aforementioned March 9, 1956 order, as amended, it appears that in 1955 Union sold 232,576,915 Mcf of natural gas produced in the States of Louisiana, Texas, and Mississippi, of which 216,532,002 Mcf was sold to United Gas, 9,330,919 Mcf to other pipeline companies, and 6,713,994 Mcf to other purchasers. The bulk of Union's sales in 1955 was to pipeline companies which are natural-gas companies within the meaning of the Natural Gas Act, such as, but not limited to, United Gas, Olin Gas Transmission Company, Arkansas-Louisiana Gas Company, Louisiana-Nevada Transit Company, Southern Natural Gas Company, Trunkline Gas Company, Wilcox Trend Gathering System, Inc., and Lone Star Gas Company.

From the information and data submitted it appears that Union owns, in whole or in part, many producing gas wells in numerous fields in Louisiana, Mississippi, and Texas. In addition, Union also owns, and shows in detail, pipeline facilities running from many of its wells to points of delivery to customers. Analysis of these data discloses that the natural gas was delivered and sold by Union and that facilities owned or operated by Union, either at the wells or running therefrom, were used to effect the deliveries and sales to Union's customers.

A study of the schematic flow diagrams submitted by United Gas, showing the volumes of gas flowing on a net annual basis for the calendar year 1955 and on the actual system peak day of the 1955–1956 winter season, demonstrates that Union sells natural gas to United Gas and other customers which transport and resell such gas in interstate commerce for ultimate public consumption.[2]

Union produces natural gas from many wells in many fields located along the arc of the Gulf Coast in Texas. The gas so produced is sold by Union, for the most part, to United Gas at or near the wells. From the points of delivery the gas is moved through pipeline facilities owned and operated by United Gas in Texas. There the gas purchased from Union is commingled with gas produced in the same or different fields in Texas and purchased by United Gas from other producers in the area. The commingled gas stream flows through facilities of United Gas in Texas (where some sales are made by United Gas) into Louisiana and Mississippi, where it is sold by United Gas to its customers in the area, which include natural-gas companies, such as Texas Gas Transmission Corporation, Mississippi River Fuel Corporation, Southern Natural Gas Company, and Texas Eastern Transmission Corporation, among others, for transportation and/or resale. The foregoing natural-gas companies serve large areas in the Appalachian area, the Atlantic seaboard, and portions of the midcontinent area of the United States. The gas sold and delivered by Union to United Gas, among others, is not wholly consumed in the State of Texas and is sold for transportation and resale in interstate commerce. Thus, some of the gas produced by Union flows in a continuous and uninterrupted stream from the point of production in Texas to a point of consumption in another state.

Also, Union produces natural gas from many wells in many fields located in a broad tier along north central and eastern Texas and northern Louisiana. The gas produced by Union in Texas is sold, for the most part, to United Gas at or near the wells. From the points of delivery the gas is moved through pipeline facilities of United Gas commingled with other gas purchased by United Gas. Some of the commingled gas is sold by United Gas in Texas. The balance flows into the States of Louisiana and Mississippi where it is sold by United Gas to natural-gas companies and others for transportation and/or resale in interstate commerce. The gas produced by Union in Louisiana is sold to United Gas at or near the wells. From the points of delivery the gas is commingled in pipeline facilities of United Gas with gas purchased by the latter from other producers in the area. The gas so purchased and commingled by United Gas is sold in Louisiana to many customers, including natural-gas companies and others for transportation and resale in interstate commerce. Some of the gas so purchased and commingled moves through pipeline facilities of United Gas across the State line into Mississippi, and does or can move across the State line into Texas, where it is sold for resale in interstate commerce by United Gas. Thus some of the gas produced by Union in north central and eastern Texas and northern Louisiana flows in a continuous and uninterrupted stream from points of production in Texas and Louisiana to points of consumption in other states.

Union produces natural gas from many wells in many fields located in south Louisiana. The gas so produced is sold by Union, for the most part, to United Gas at or near the wells. From the points of delivery the gas is moved through pipeline facilities owned and operated by United Gas in Louisiana. There the gas purchased from Union is commingled with gas purchased by United Gas from other producers in the area, and some of it is sold in Louisiana. Some of the commingled gas stream flows through facilities of United Gas across Louisiana into Mississippi, Alabama, and Florida, where it is sold by United Gas to customers in the area for resale, including natural-gas companies such as Texas Eastern Transmission Corporation and Southern Natural Gas Company. Some of the gas produced by Union in southern Louisiana thus flows in a continuous and uninterrupted stream from points of purchase in southern Louisiana to points of consumption in other States.

Lastly, Union produces natural gas from many wells in many fields located in Mississippi. The gas so produced is sold by Union, for the most part, to United Gas at or near the wells. From the points of delivery the gas is moved through pipeline facilities owned and operated by United Gas in Mississippi. There the gas purchased from Union is commingled with gas purchased by United Gas from other producers in the area. The commingled gas stream is sold in Mississippi by United Gas to customers, including natural-gas companies such as Texas Eastern Transmission Corporation and Southern Natural Gas Company, for transportation and resale. Some of the commingled gas, including some portion of the gas purchased from Union, flows through facilities of United Gas across Mississippi into the States of Alabama and Florida, where it is sold by United Gas for resale. Gas produced in Mississippi by Union thus flows in a continuous and uninterrupted stream from points of production in Mississippi to points of consumption in other States.

Clearly, from the factual situation disclosed by Union's and United Gas' submittals, Union is manifestly an "independent producer" of natural gas within the meaning of Part 154 of the Commission's Regulations under the Natural Gas Act. It sells the gas it produces to United Gas which in turn sells gas to several large natural-gas companies, which in turn sell gas to other pipeline companies and distributing utilities for transportation and/or resale in interstate commerce for ultimate public consumption as well as to other customers. Additionally, United Gas also sells natural gas at city borders and to other pipeline companies (in addition to the large natural-gas companies referred to above), for transportation and/or resale in interstate commerce for ultimate public consumption as well as to large industrial concerns. The submittals show that there is a continuous and uninterrupted flow of natural gas from the wells of Union through the pipelines of United Gas to ultimate intrastate and interstate destinations. Union is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption.

In Deep South Oil Company of Texas, Docket No. G–2952, Opinion No. 284 and accompanying order issued September 9, 1955, 10 PUR 3d 113, we affirmed a presiding examiner's decision that Deep South was engaged in the sale of natural gas in interstate commerce and held it to be a "natural-gas company" within the meaning of the Natural Gas Act. That case involved, as does this, sales of natural gas by an "independent producer" at or near the wells. There, as here, the natural gas produced was sold to a natural-gas company subject to the jurisdiction of the Commission. There, as here, there was a commingling of gas purchased from Deep South with gas purchased from other producers in the area. There, as here, the gas produced from the wells of Deep South was placed in the sales lines of a natural-gas company for both intrastate and interstate destinations. There, as here, there was an uninterrupted flow of a portion of the natural gas produced from the wells across state lines. There, as here, the gas was transported by the natural-gas company and sold to another natural-gas company in the state of production and transported in interstate commerce for resale. Upon the authority of Deep South and the cases there cited, we hold that the submittals show that Union is a natural-gas company within the meaning of the Natural Gas Act. Our holding in Deep South was affirmed by the United States Court of Appeals for the Fifth Circuit in Deep South Oil Company of Texas v. F. P. C. No. 15849, decided June 29, 1957.

The submittals also show that Union owns and operates facilities which are used to effect the sale of natural gas to United Gas and others. These facilities are sales facilities and subject to the jurisdiction of the Commission in light of the foregoing. Cf., J. M. Huber Corp. v. F. P. C., 236 F. 2d 550 (1956); certiorari denied 352 U. S. 971; continental Oil Co., Docket Nos. G–6349, et al., 16 F. P. C. 1, 14 PUR 3d 225; Mississippi River Fuel Corp. v. F. P. C., decided July 8, 1957, CADC, No. 13199.

The Commission finds:

(1) Union Producing Company is and has been engaged in the sale in interstate commerce of natural gas for resale, and is, therefore, a natural-gas company within the meaning of the Natural Gas Act.

(2) Union Producing Company does not now have—nor has it ever had—on file with this Commission schedules showing rates and charges for sales of natural gas subject to the jurisdiction of the Commission, as required by section 4 of the Natural Gas Act and Part 154 of the Commission's regulations thereunder.

(3) There is not now—nor has there ever been—in force with respect to Union Producing Company a certificate or certificates of public convenience and necessity issued by this Commission authorizing Union Producing Company to engage in the transportation or sale of natural gas, subject to the jurisdiction of the Commission, or undertake the construction or extension of any facilities therefor, or acquire or operate any such facilities or extensions thereof, as required by section 7 of the Natural Gas Act and Part 157 of the Commission's regulations thereunder; nor has Union Producing Company ever applied to the Commission for any such certificate.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, 16, 20, and 21 thereof, Union Producing shall show cause, if any there be, at a public hearing to be held commencing on November 12, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.:

(i) Why it has not filed with this Commission, as required by section 4 of the Natural Gas Act and Part 154 of the Commission's regulations thereunder, schedules showing rates and charges for sales of natural gas subject to the jurisdiction of the Commission, and the classifications, practices, and regulations affecting such rates and charges, together with all contracts which in any manner affect or relate to such rates, charges, classifications, and services.

(ii) Why, since it has not filed with the Commission the schedules and related contracts referred to in paragraph (i) above, Union Producing Company has and continues to engage in the sale of natural gas, subject to the jurisdiction of the Commission.

(iii) Why, since there is not in force with respect to Union Producing Company a certificate or certificates of public convenience and necessity issued by the Commission, pursuant to section 7 of the Natural Gas Act and Part 157 of the Commission's regulations thereunder, authorizing such acts or operations, Union Producing Company has and continues to engage in the sale of natural gas, subject to the jurisdiction of the Commission.

(iv) Why, since it appears to the Commission that Union Producing Company is engaged—and apparently proposes to continue to engage—in acts or practices which constitute and will constitute violations of the provisions of the Natural Gas Act, or of the Commission's rules, regulations, or orders thereunder, the Commission should not, in its discretion, bring an action in a proper district court of the United States to enjoin such acts or practices and to enforce compliance with the Natural Gas Act and the Commission's rules, regulations, and orders thereunder.

(v) Why, since it appears to the Commission that Union Producing Company, its officers, and directors have willfully and knowingly done or caused or suffered to be done—and apparently propose knowingly and willfully to continue to do or cause or suffer to be done—acts, matters, or things in the Natural Gas Act prohibited or declared to be unlawful, and since Union Producing Company, its officers, and directors willfully and knowingly omitted or failed—and apparently propose knowingly and willfully to continue to omit or fail—to do acts, matters, or things in the Natural Gas Act required to be done, the Commission should not, in its discretion, transmit evidence concerning such acts, matters, or things, and such omissions or failures to the Attorney General with the request that he, in his discretion institute any necessary proceedings.

(vi) Why, since it appears to the Commission that Union Producing Company, its officers, and directors have willfully and knowingly violated or caused or suffered to be violated—and apparently propose knowingly and willfully to continue so to do—rules, regulations, conditions, or orders made or imposed by the Commission under authority of the Natural Gas Act, the Commission should not, in its discretion, transmit evidence concerning such violations to the Attorney General with the request that he, in his discretion, institute any necessary proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8265; Filed, Oct. 8, 1957; 8:53 a. m.]

[Docket No. G–10771]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 3, 1957.

Take notice that Colorado Interstate Gas Company (Applicant), a Delaware

[2] United Gas Pipe Line Co., Docket No. G–1447, 10 F. P. C. 35; Olin Gas Transmission Co., Docket No. G–10377, 16 F. P. C. 996; Arkansas-Louisiana Gas Co., Docket No. G–10216, 15 F. P. C. 1614; Louisiana-Nevada Transit Co., Docket No. G–9775, 15 F. P. C. 1288; Southern Natural Gas Co., Docket No. G–8742, 15 F. P. C. 642; Trunkline Gas Co., Docket No. G–6508, 15 F. P. C. 1001; Wilcox Trend Gathering Systems, Inc., Docket No. G–5919, 15 F. P. C. 1316; Lone Star Gas Co., Docket No. G–9430, 15 F. P. C. 1108.

corporation, with principal place of business at Colorado Springs National Bank Building, Colorado Springs, Colorado, filed an application on July 19, 1956, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 3,840 feet of 6-inch pipeline extending northeasterly from a point of connection with Natural Gas Pipeline Company of America's (Natural's) gathering system to Applicant's Sneed E–1 Well located on Applicant's lease in Tract 7, Mary S. Johnson Survey, Moore County, Texas, and, as a continuation of the line to said well, approximately 7,720 feet of 4-inch line extending to the Storm, et al., No. 1 Sneed Well located in Tract 1, Henry S. Ward Survey, Moore County, Texas, together with 2 field meter stations. These facilities will be used for the purpose of enabling Applicant to take its own and purchased gas respectively produced from these two wells. The estimated total cost of these facilities is $33,910, which will be financed by Applicant out of cash on hand.

Applicant states that the gas produced from these wells will not constitute additional volumes of gas to be delivered at the proposed new delivery point to Natural but will merely displace an equal amount of gas which is presently being delivered to Natural by Applicant at existing delivery points on Applicant's gathering system under an existing service agreement.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rule of practice and procedure, a hearing will be held on October 31, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8266; Filed, Oct. 8, 1957; 8:53 a. m.]

[Docket No. G-13337]

PERMIAN BASIN PIPELINE CO.

ORDER INSTITUTING INVESTIGATION AND PROVIDING FOR HEARING

OCTOBER 3, 1957.

Permian Basin Pipeline Company, a Delaware corporation, having its principal place of business at Omaha, Nebraska, owns and operates, among other facilities, a natural-gas pipeline system located in the States of Texas and New Mexico, and by such operations is engaged in the transportation and sale in interstate commerce of natural gas for resale for ultimate public consumption, and, therefore, is a natural-gas company within the meaning of the Natural Gas Act, as heretofore found by the Commission by order issued February 1, 1954, in Docket No. G–2283.

On the basis of data available to the Commission, it appears that the rates, charges, or classifications for or in connection with the sale or transportation of natural gas by Permian Basin Pipeline Company, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission on its own motion into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Permian Basin Pipeline Company for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

The Commission orders:

(A) An investigation of Permian Basin Pipeline Company be and it hereby is instituted for the purpose of enabling the Commission (1) to determine with respect to said Permian Basin Pipeline Company whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission, after hearing has been had, shall find that any such rates, charges, or classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing be held, at a date later to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8267; Filed, Oct. 8, 1957; 8:53 a. m.]

[Docket No. G-13338]

NORTHERN NATURAL GAS PRODUCING CO.

ORDER INSTITUTING INVESTIGATION AND PROVIDING FOR HEARING

OCTOBER 3, 1957.

Northern Natural Gas Producing Company, a Delaware corporation, having its principal place of business at Omaha, Nebraska, is engaged in the production of natural gas in the States of Texas and Kansas and in the sale thereof in interstate commerce for resale for ultimate public consumption, and, therefore, is a natural-gas company within the meaning of the Natural Gas Act, as heretofore found by the Commission by order issued September 2, 1955, in Docket No. G–8589.

On the basis of data available to the Commission, it appears that the rates, charges, or classifications for or in connection with the sale or transportation of natural gas by Northern Natural Gas Producing Company, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission on its own motion into and concerning all rates, charges, or classifications demanded, charged, or collected by Northern Natural Gas Producing Company for or in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Northern Natural gas Producing Company be and it hereby is instituted for the purpose of enabling the Commission (1) to determine with respect to said Northern Natural Gas Producing Company whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission, after hearing has been had, shall find that any such rates, charges, or classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing be held at a date later to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8268; Filed, Oct. 8, 1957; 8:54 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–VIII–2]

MANAGER, DISASTER FIELD OFFICE, FARGO, NORTH DAKOTA

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Notice is hereby given that this delegation is rescinded in its entirety.

Dated: September 27, 1957.

ROBERT C. ALM,
Regional Director,
Region VIII.

[F. R. Doc. 57-8258; Filed, Oct. 8, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 185]

MOTOR CARRIER APPLICATIONS

OCTOBER 4, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time (or 9:30 o'clock a. m., Local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 102), filed July 15, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline Street., Oakland, Calif. Applicant's attorney: Carll V. Kretsinger, 1014 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Natural Cold Storage Plant near Loring, Kans., as an off-route point in connection with applicant's authorized regular route operations between Kansas City, Mo. and Denver, Colo. restricted to traffic having origin or destination west of the Kansas-Colorado State line. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Nevada, California, Idaho, Missouri, Kansas, Illinois, Idaho, Washington, Oregon and Montana.

HEARING: October 22, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 730 (Sub No. 110), filed September 25, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Hotpoint Company Plant located approximately five miles northwest of Chicago, Ill., near Elk Grove, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to transport the commodities specified in California, Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 1150 (Sub No. 20), filed July 18, 1957, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feeds, poultry feeds, agricultural machinery and implements*, other than hand, *tractors, industrial machinery, road construction machinery and equipment*, and *parts* thereof, between points in South Dakota and North Dakota, restricted to traffic originating in said states.

HEARING: November 25, 1957, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 158.

No. MC 1263 (Sub No. 10), filed September 5, 1957, J. H. McCARTHY, doing business as J. H. McCARTHY TRUCK LINE, Trenton, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–1018 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between points in the Kansas City, Mo.-Kans. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, South Lineville, Mo.: from Kansas City, Mo., over U. S. Highway 69 to junction Missouri Highway 6, thence over Missouri Highway 6 to junction U. S. Highway 65, and thence over U. S. Highway 65 to South Lineville, and return over the same route, serving the intermediate points of Mable, Winston, Altamont, Gallatin, Jamesport, Edinburg, Trenton, Tindall, Spickard, Princeton and Mercer, and the off-route points of Modena, Mill Grove, Cainsville, Mt. Moriah, Ravanna, Lucerne and Powersville; and between the St. Joseph, Mo., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, South Lineville, Mo.: from St. Joseph over U. S. Highway 36 to junction U. S. Highway 69, thence over U. S. Highway 69 to junction Missouri Highway 6, thence over Missouri Highway 6 to junction U. S. Highway 65, and thence over U. S. Highway 65 to South Lineville, and return over the same route, serving the intermediate points of Mable, Winston, Altamont, Gallatin, Jamesport, Edinburg, Trenton, Tindall, Spickard, Princeton and Mercer, and the off-route points of Modena, Mill Grove, Cainsville, Mt. Moriah, Ravanna, Lucerne and Powersville. Applicant is authorized to transport general commodities with exceptions from Kansas City, Kans., to Trenton, Mo., and specified commodities in Missouri, Kansas, Illinois, Iowa, and Nebraska.

HEARING: November 26, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36.

No. MC 1422 (Sub No. 24), filed June 7, 1957, VOSS TRUCK LINES, INC., 900 West Washington, Box 917, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Springfield, Mo., and Mountain Home, Ark., from Springfield over U. S. Highway 160 to Branson, Mo., thence over

U. S. Highway 65 to Harrison, Ark., thence over U. S. Highway 62 to Mountain Home, and return over the same route, serving the intermediate points of Harrison, Yellville, Flippin, and Pyatt, Ark.

NOTE: Applicant may presently transport General commodities between Harrison, Ark., and Mountain Home, Ark. It may also transport Groceries to Pyatt, Yellville, and Flippin, Ark., via Harrison. Duplication with present authority to be eliminated.

HEARING: November 29, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 91.

No. MC 2230 (Sub No. 7), filed September 18, 1957, MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, Box 1908, Lincoln, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, except trailers, in secondary movements, in truckaway service, between points in Iowa and points in Nebraska. Applicant is authorized to conduct operations in Idaho, Illinois, Indiana, Iowa, Michigan, Montana, Nebraska, South Dakota, and Wyoming.

HEARING: December 4, 1957, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138.

No. MC 2962 (Sub No. 17), filed September 24, 1957, A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plant site of the Hotpoint Company located on Tonne Road, Landmeir Road, Busse Road and Devon Ave., approximately 2 miles west of the Chicago, Ill. Commercial Zone as defined by the Commission, as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 2974 (Sub No. 19), filed September 26, 1957, O. I. M. TRANSIT CORPORATION, Commerce Drive, Fort Wayne, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant in Cook County, Ill., situated between Devon Ave. on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, approximately 2 miles west of the boundary of the Chicago, Ill. Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. in its Certificates Nos. MC 2974, MC 2974 (Sub No. 15) and MC 2974 (Sub No. 16).

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 3083 (Sub No. 25), filed August 23, 1957, ARMORED MOTOR SERVICE CO., INC., Hickman Building, 248 Madison Avenue, P. O. Box 66, Memphis, Tenn. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin, currency* and *other valuables*, in armored vehicles, escorted by armed guards, between Memphis, Tenn., on the one hand, and, on the other, Hernando, Coldwater, Senatobia, Tunica, Como, Sardia, Batesville, Clarksdale, Pope, Oakland, Webb, Sumner, Grenada, Duck Hill, Winona, North Carrollton, and Greenwood, Miss. Applicant is authorized to conduct operations in Arkansas, Georgia, Kentucky, Mississippi, South Carolina, Tennessee and West Virginia.

NOTE: Applicant states that there is no intention of transporting any shipments to or from West Memphis, Ark.

HEARING: November 27, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 4, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 3468 (Sub No. 140), filed September 20, 1957, F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint 7, Mich. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial truckaway and driveaway service, from Flint, Mich. to points in California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada. Applicant is authorized to conduct operations in Michigan, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Delaware, Massachusetts, Indiana, Kentucky, Illinois, Vermont, Rhode Island, New Hampshire, Maine, Connecticut, Virginia, North Carolina, South Carolina, and the District of Columbia.

HEARING: November 14, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 4405 (Sub No. 288), filed July 10, 1957, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer and semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from New London, Ohio and points within 5 miles thereof to points in the United States; (2) *Truck-tractors*, in secondary movements by driveaway method, only when drawing trailers moving in initial movements in driveaway service, from New London, Ohio, and points within 5 miles thereof to points in Arizona, Nevada, Oregon and Vermont; (3) *Trucks with bodies mounted*, in secondary movements by driveaway method, from New London, Ohio and points within 5 miles thereof to points in Arizona, Nevada, Oregon and Vermont; (4) *Truck and trailer bodies*, from New London, Ohio and points within 5 miles thereof to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 22, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 4405 (Sub No. 291), filed August 19, 1957, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in initial movements, in driveaway service, from Fort Valley, Ga., to all points in the United States. Applicant is authorized to transport the commodity specified throughout the United States.

HEARING: November 15, 1957, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 4814 (Sub No. 2), filed September 11, 1957, ROBERT M. GIER, Valley Falls, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* (dry) from St. Joseph and Kansas City, Mo., to Nortonville, Kans., and points within 12 miles thereof. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: November 27, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36.

No. MC 10761 (Sub No. 69), filed August 29, 1957, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the City of Avonmore, Pa., as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and New York, N. Y., over U. S. Highways 22 and 1 and New Jersey Highway 29. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: November 26, 1957, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 10761 (Sub No. 71), filed September 3, 1957, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Lititz, Pa., as an off-route point in connection with applicant's authorized regular route operations between Harrisburg, Pa., and Newark, N. J. over U. S. Highways 230, 30 and 1, in MC 10761 (Sheet No. 11).

HEARING: November 26, 1957, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 10761 (Sub No. 72), filed September 6, 1957, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Mt. Pleasant, Pa., as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Harrisburg, Pa., over U. S. Highway 30, the Pennsylvania Turnpike and U. S. Highway 11. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Wisconsin.

HEARING: November 26, 1957, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 10928 (Sub No. 34), filed September 20, 1957, SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, P. O. Box 837, Dallas 21, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Centex Industrial Center, Ill., and the site of the Hotpoint Company, at or near the junction of Illinois Highway 83 and Landmeier Road, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Missouri, Illinois, Texas, Tennessee, Arkansas, and Oklahoma.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 17731 (Sub No. 6), filed August 27, 1957, KEAL DRIVEAWAY COMPANY, a Corporation, 836–838 East 73d Street, Cleveland, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Farm and industrial tractors*, and *farm and industrial machinery*, from Minneapolis, Minn., and points within 10 miles thereof, to all points in the United States. Applicant is authorized to transport various commodities in the United States.

HEARING: November 21, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Reece Harrison.

No. MC 30470 (Sub No. 3), filed July 10, 1957, CONSOLIDATED MOTOR FREIGHT, INC., 107 North Lexington, Hastings, Nebr. Applicant's attorney: Fred R. Irons, Tribune Building, Hastings, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and those requiring special equipment, between Hastings, Nebr., and junction U. S. Highway 6 and Nebraska Highway 44, from Hastings over U. S. Highway 6 to junction Nebraska Highway 44, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in Nebraska.

HEARING: December 4, 1957, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 30605 (Sub No. 96), filed June 24, 1957, THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, Broadway and English Streets, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Department, The Atchison, Topeka, and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, and except sand, coal, rock, hay, Class A and B explosives, commodities exceeding capacity of equipment and articles prohibited by law from transportation in motor vehicles, serving The Toronto Dam Site, located on the Verdigris River, approximately five (5) miles south of Toronto, Kans., as an off-route point in connection with applicant's authorized regular route operations between Madison, Kans., and Toronto, Kans. Applicant is authorized to transport similar commodities in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE: Dual operations or common control may be involved.

HEARING: December 2, 1957, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 30837 (Sub No. 225), filed June 13, 1957, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, not including trailers, in secondary movements, by the truckaway method, from Montebello, the Los Angeles Harbor Commercial Zone as defined in 3 M. C. C. 248, San Francisco and Oakland, Calif., to all points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming. Applicant is authorized to conduct similar operations throughout the United States.

NOTE: Any duplication with present authority to be eliminated.

HEARING: November 18, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 227), filed June 27, 1957, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses* (as defined in Descriptions in Motor Carrier Certificates, Ex Parte MC–45), in secondary movements, by the truckaway method, (1) from Kenosha, Wis., to points in the United States; and (2) from New Orleans, La., Mobile, Ala., Houston, Galveston, and Brownsville, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Applicant is authorized to transport similar commodities throughout the United States. Duplication with present authority to be eliminated.

HEARING: November 18, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 230), filed September 23, 1957, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, not including trailers, in intial movements, by driveaway method, from Fort Valley, Ga. to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 15, 1957, at the Peachtree-Seventh Building, 50 Seventh Street, NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 30867 (Sub Nos. 166 through 168), CENTRAL FREIGHT LINES, INC., Waco, Tex. Assigned for hearing to determine whether the motor vehicle

operations of the said carrier are and will be managed and operated in a common interest with those of Central Forwarding, Inc., a multiple-State operator under certificate issued in No. MC 24670 and MC 24670 (Sub No. 5), and of the eligibility of the said CENTRAL FREIGHT LINES, INC., to engage in operations in interstate or foreign commerce within the State of Texas, under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

HEARING: December 6, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 37755 (Sub No. 2), filed June 24, 1957, LLOYD GRAHAM, Ozawakie, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt coated crushed stone (Saturock)*, in bulk, or in containers, between Valley Falls, Kans., and points within 16 miles of Valley Falls, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo.

HEARING: December 2, 1957, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 38183 (Sub No. 40), filed September 10, 1957, WHEELOCK BROS., INC., 720 East Third Street, Kansas City, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company Plant, located approximately two (2) miles west of the Chicago, Ill., Commercial Zone boundary, as defined by the Commission, near the Chicago, Ill., International Airport, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, and Missouri.

HEARING: November 15, 1957, in Room 852, U. S. Customs House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 40351 (Sub No. 1), filed August 12, 1957, FRED G. SCHULER, Nortonville, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dry fertilizer*, in truckload lots, from St. Joseph and Kansas City, Mo., to points within twelve miles of Nortonville, Kans. Applicant is authorized to transport other commodities in Kansas and Missouri.

HEARING: December 2, 1957, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 41432 (Sub No. 77), filed September 18, 1957, EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Street, Dallas 10, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire State Building, Dallas 1, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Centex Industrial Center, Ill., at or near junction of Illinois Highway 83 with Landmeier Road, including site of Plant of the Hotpoint Company, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Indiana, Missouri, Tennessee and Texas.

HEARING: November 15, 1957, in Room 852, U. S. Custom House 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 42487 (Sub No. 334), filed June 19, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highway 12 and Wisconsin Highway 13 at Wisconsin Dells, Wis., and Mauston, Wis., from junction U. S. Highway 12 and Wisconsin Highway 13 at Wisconsin Dells over Wisconsin Highway 13 to junction Wisconsin Highway 82, thence over Wisconsin Highway 82 to Mauston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Fairchild, Wis., and Madison, Wis., over U. S. Highway 12. Applicant is authorized to transport similar commodities in Arizona, California, Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming.

HEARING: November 29, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 42614 (Sub No. 25), filed July 23, 1957, CHICAGO AND NORTH WESTERN RAILWAY COMPANY, 400 West Madison Street, Chicago 6, Ill. Applicant's attorney: Edgar Vanneman, Jr., 400 West Madison Street, Chicago 6, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Express*, in substituted motor for rail service, between Mankato, Minn., and Huron, S. Dak., from Mankato over Minnesota Highway 60 to junction Minnesota Highway 83, thence over Minnesota Highway 83 to junction Minnesota Highway 15, thence over Minnesota Highway 15 to junction U. S. Highway 14, and thence over U. S. Highway 14 to Huron, S. Dak. (also between junction U. S. Highway 71 and Sanborn over U. S. Highway 71); (also between junction U. S. Highway 14 and South Dakota Highway 13 and Elkton over South Dakota Highway 13); and return over the same routes serving all intermediate points.

NOTE: Applicant advises that there will be no explosives nor other dangerous articles handled in express shipments.

HEARING: November 20, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 26.

No. MC 47038 (Sub No. 14), filed July 15, 1957, SHIP-BY-TRUCK COMPANY, a Corporation, doing business as GRAHAM SHIP-BY-TRUCK CO., 1321 West Eighth Street, Kansas City, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–1018 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Natural Storage Company, Inc. Plant at or near Loring, Kans., as an off-route point in connection with applicant's authorized regular route operations between Kansas City, Mo., and Leavenworth, Kans., over U. S. Highway 40. Applicant is authorized to conduct similar operations in Kansas and Missouri.

HEARING: October 22, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 50132 (Sub No. 29), filed July 29, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting the following canning company products: *Catsup, prepared cereal, (also in bulk in cartons), chili con carne, chili sauce, fish, fruits, fruit juices, fruit salads, fruit preserves, grapefruit, hominy, jams, jellies, kraut and tomato juice, horseradish, macaroni (also in bulk in cartons), meat with cereal and/or vegetable ingredients, milk, molasses, mustard, olives, peanut butter or paste, pickles, pimentos, pineapple, pepper, pork and beans, salad dressing, sandwich spread, table sauces, sauerkraut, soup, broth, chowder, spaghetti, (also in bulk in cartons), syrup, malted syrup, syrup malt, tomato puree, pulp, or paste, vegetables, vegetables with sauce or meat ingredients, vermicelli, (also in bulk in cartons)*, and *vinegar*, from Converse, Lebanon, Mount Summit, and Shirley, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and Wisconsin. Applicant is authorized to transport similar commodities in Alabama, Georgia, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: November 12, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo A. Riegel.

No. MC 50132 (Sub No. 30), filed August 14, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meat packing houses*, (1) from Memphis, Tenn., to points in Tennessee lying west of Sumner, Wilson, Rutherford, Bedford, and Lincoln Counties; (2) from Memphis, Tenn., to points in Alabama lying north and west of Jackson, De Kalb, Etowah, Saint Clair, Shelby, Bibb, Hale, Marengo, and Choctaw Counties; (3) from Memphis, Tenn., to points in Mississippi lying north of Clarke, Jasper, Smith, Simpson, Copiah, and Claiborne Counties; (4) from Memphis, Tenn., to points in Louisiana lying northeast of Madison, Richland, Ouachita, and Union Counties; and (5) from Memphis, Tenn., to points in Arkansas lying east of Columbia, Nevada, Pike, Montgomery, Scott, Logan, Johnson, Madison, and Carroll Counties; and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, *returned shipments* of the commodities specified in this application, and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

HEARING: November 22, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Lucian A. Jackson.

No. MC 52356 (Sub No. 2), filed August 12, 1957, FRANCIS M. KELLY, doing business as FARMERS PRODUCE, 110 South Sanborn Street, Mitchell, S. Dak. Applicant's attorney: David M. Rogers, Woelfel Building, Mitchell, S. Dak. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Beer*, from Minneapolis and St. Paul, Minn., and La Crosse, Wis., to Mitchell and Yankton, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting beer on return. Applicant is authorized to conduct operations, over regular routes, in Minnesota and South Dakota.

NOTE: Applicant has authority in Certificate No. MC 5964, dated April 23, 1957, Section 210 (dual operations) may be involved.

HEARING: November 25, 1957, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 303.

No. MC 52746 (Sub No. 51), filed September 23, 1957, KNAUS TRUCK LINES, INC., 201 West 21st Street, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling, serving the new plant of The Hotpoint Company, to be constructed at a location directly west of the Chicago Commercial Zone as defined by the Commission, and situated between Devon Avenue on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Kansas, Iowa, Indiana, Illinois, Missouri, and Colorado.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 52858 (Sub No. 72), filed August 14, 1957, CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Trucks, truck tractors* and *truck chassis*, in secondary movements, in truckaway service, from points in Minnesota, to points in Montana, Oregon, Washington, and Idaho, except that no service is proposed from Duluth, Minn., to points in Montana on traffic having an immediately prior movement by water; and (b) *motor vehicles*, not including trailers, in secondary movements, in truckaway service, from points in Minnesota, to points in California, Nevada, Utah, Wyoming, Colorado, Nebraska and Kansas. Applicant is authorized to transport similar commodities in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, North Dakota, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming.

HEARING: November 26, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Reece Harrison.

No. MC 55236 (Sub No. 32), filed July 18, 1957, OLSON TRANSPORTATION COMPANY, a Corporation, P. O. Box 1187, Green Bay, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Escanaba, Mich., and points within 15 miles thereof, to points in Wisconsin; and (2) from Kewaunee, Wis., to points in the Upper Peninsula of Michigan. *Damaged shipments* of the above-specified commodities and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return in (1) and (2). Applicant is authorized to conduct similar operations in Michigan and Wisconsin.

HEARING: November 27, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 55873 (Sub No. 24), filed September 30, 1957, GREAT AMERICAN TRANSPORT, INC., 347 23d Street, Detroit, Mich. Aplicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 58948 (Sub No. 77), filed July 15, 1957, UNION TRANSFER COMPANY, doing business as UNION FREIGHTWAYS, a corporation, 720 Leavenworth Street, P. O. Box 1586, Omaha, Nebr. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Natural Storage Company, Inc. plant, at or near Loring, Kans., as an off-route point in connection with applicant's authorized regular route operations to and from points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, as described in Certificate No. MC 58948 and Subs thereunder, restricted against having origin or destination east of the Mississippi River, and west of the Kansas-Colorado and Nebraska-Wyoming State lines. Applicant is authorized to transport similar commodities in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska.

HEARING: October 22, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 62835 (Sub No. 6), filed July 15, 1957, C. E. S. TRUCK LINES, INC., Highway 61, Crystal City, Mo. Applicant's attorney: B. W. LaTourette, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Potosi, Mo., and the plant site of Meramec Mining Company, near Stanton, Mo., from Potosi over Missouri Highway 114 to the junction with unnumbered county highway, thence oyer unnumbered county highway to the plant site of Meramec Mining Company, and return over the same route, serving all intermediate points; (2) between the junction of Missouri Highways 32 and 21 and the plant site of Meramec Mining Company, near Dillard, Mo., from the junction of Missouri Highways 32 and 21 over Missouri Highway 32 to Bixby, Mo., thence over Missouri Highway 49 to junction unnumbered county highway, thence over unnumbered county highway to the plant site of Meramec Mining Company, and return over the same route, serving all inter-

mediate points, and serving the junction of Missouri Highways 32 and 21 for joinder purposes. Applicant is authorized to conduct operations in Missouri, Illinois and Arkansas.

HEARING: November 21, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 64932 (Sub No. 231), filed September 16, 1957, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago 3, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Champaign, Ill., and points within ten (10) miles thereof, to points in Indiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: November 14, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 66900 (Sub No. 19), filed September 11, 1957, HOUFF TRANSFER, INCORPORATED, P. O. Box 61, Weyers Cave, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Wheeling, W. Va., and points in West Virginia, Ohio, and Pennsylvania within thirty (30) miles of Wheeling, including Wheeling, on the one hand, and, on the other, points in Virginia. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that the purpose of the instant application is to clarify its presently held operating authority.

HEARING: November 29, 1957, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 68105 (Sub No. 6), filed September 5, 1957, ALFRED E. ANDING, Arena, Wis. Applicant's attorney: Edward A. Solie, 1 South Pinkney Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Explosives*, other than liquid explosives, from Cross Plains, Dane County, Wis., to points in Illinois, Iowa, Minnesota, and Wisconsin, and *empty containers* used in the transportation of explosives, and *rejected shipments* of the commodities specified above, from points in Illinois, Iowa, Minnesota, and Wisconsin to Cross Plains, Dane County, Wis. Applicant is authorized to transport Explosives, other than liquid explosives, from Ishpeming, Mich., and Madison, Wis., to points in Illinois, Iowa, Minnesota, and Wisconsin, and other commodities in Illinois, Indiana, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: November 20, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Examiner Reece Harrison.

No. MC 69833 (Sub No. 51), filed September 27, 1957, ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich. Applicant's attorney: A. C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *Scrap metals*, in bulk, and *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including scrap metals in bulk), and commodities requiring special equipment, serving the site of the Hotpoint Company plant located approximately 2 miles west of the Chicago, Ill., Commercial Zone, bounded on the north by Landmeier Road, on the west by Tonne Road, on the south by Devon Ave., and on the East by (Illinois Highway 83), Busse Road in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 71478 (Sub No. 21), filed July 15, 1957, THE CHIEF FREIGHT LINES COMPANY, 1229½ Union Ave., Kansas City, Mo. Applicant's attorney: Carll V. Kretsinger, 1014 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Natural Storage Company, Inc. at or near Loring, Kans. as an off-route point in connection with applicant's authorized regular route operations to and from points in the Kansas City, Kans.-Kansas City, Mo. Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Kansas, Oklahoma and Texas.

HEARING: October 22, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 71722 (Sub No. 4), filed July 25, 1957, ARDEN L. BROWN, R. D. No. 1, St. Johns, Ohio. Applicant's attorney: Carl S. Clark, 3510 Leveque Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brass rods, brass tubing*, and *scrap brass*, between East St. Louis, Ill., on the one hand, and, on the other, Lexington (Henderson County), Tenn., and East Liberty (Logan County), Ohio. Applicant is authorized to transport similar commodities in Illinois, Indiana, Michigan, Ohio, and Tennessee.

HEARING: November 21, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 78400 (Sub No. 9), filed July 29, 1957, JOHN MEYER, LEO FLOTTMANN, ROY FLOTTMANN, AND OLIN FLOTTMANN, doing business as BEAUFORT TRANSFER COMPANY, Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Owensville, Mo. and the plant site of Hickory Charcoal, Inc. located approximately five miles northwest of Owensville, from Owensville over Gasconade County Road "P" approximately four miles to junction unnumbered road, thence over unnumbered road easterly approximately one mile to the plant site of Hickory Charcoal, Inc., and return over the same route, with authority to tack said route to the authority now held by applicant in order to render through service between said point and points now authorized to be served by applicant; (2) between the Kansas City, Kans.-Kansas City, Mo. Commercial Zone, as defined by the Commission, and the above-indicated plant site of Hickory Charcoal, Inc., from the Kansas City, Kans.-Kansas City, Mo. Commercial Zone over U. S. Highway 50 to junction Missouri Highway 28, thence over Missouri Highway 28 to junction Gasconade County Road "P" at Owensville, thence over the above-described routes to the plant site of Hickory Charcoal, Inc., and return over the same routes.

NOTE: Applicant states it does not intend to tack the foregoing routes together or to tack said routes to any authority now held by applicants, in order to render through service between any points now authorized to be served and the Kansas City, Kans.-Kansas City, Mo. Commercial Zone.

HEARING: November 22, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 195.

No. MC 78400 (Sub No. 10), filed August 1, 1957, JOHN MEYER, LEO FLOTTMANN, ROY FLOTTMANN, and OLIN FLOTTMANN, a Partnership, doing business as BEAUFORT TRANSFER COMPANY, Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Alton, Ill., and St. Louis, Mo., over U. S. Highway 67, serving all intermediate points, with authority to tack said authority to that now held by applicants under Certificates No. MC 78400 and subnumbers thereunder, in order to render through service between Alton, Ill., and all points now authorized to be served by applicants under such certificates, except that no through service between Alton, Ill., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone is sought. Applicant is authorized to transport the commodities specified and other commodities in Illinois and Missouri.

HEARING: November 22, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 82266 (Sub No. 5), filed June 28, 1957, RALPH R. HOWARD, doing business as MAINLINE HAULING COMPANY, St. Clair, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, transporting: *Heavy machinery*, and *general commodities*, including *commodities in bulk*, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, serving Oak Grove Village, Mo., as an intermediate point in connection with applicant's applied-for operations sought in MC 82266 (Sub No. 3). Applicant is authorized to transport similar commodities in Missouri.

HEARING: November 21, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 82266 (Sub No. 6), filed July 8, 1957, RALPH R. HOWARD, doing business as MAIN LINE HAULING COMPANY, St. Clair, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Heavy machinery* and *general commodities*, including *commodities in bulk*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between St. Louis, Mo., and Parkway Village, Mo., over Missouri Highway 30, serving all intermediate points. Applicant is authorized to transport similar commodities between specified points in Missouri.

HEARING: November 22, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 83539 (Sub No. 26) (CORRECTION), published issue September, 11, 1957, at page 7253, filed July 12, 1957, C & H TRANSPORTATION CO., INC., 1935 Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes. This application has been filed on applicant's contention that it is presently authorized to transport the commodities listed below, and seeks, hereby, to obtain a clarification of its present authority to transport contractors equipment and supplies, heavy machinery, heavy machinery parts, road and bridge-building machinery and equipment, and commodities, the transportation of which because of size or weight require the use of special equipment and parts: (1) *tractors*, (other than truck tractors), *tractor tool bars and tractor attachments;* (2) *contractors equipment and contractors equipment attachments;* (3) *construction machinery and equipment* as defined by the Commission in Appendix VIII to MC–45, 61 M. C. C. 286; (4) *road and street building* and *maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows and attachments;* (5) *excavating, dirt moving, loading and unloading machinery and equipment, and attachments;* (6) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines, and accessories*, with or without electrical generators attached, and *empty containers;* (7) *cranes, derricks, lift trucks and attachments;* (8) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power; (9) *logging and mining machinery, equipment and attachments;* (10) *lathes and machine shop machinery and equipment;* (11) *printing presses, accessories and attachments;* (12) *generators and boilers;* (13) *electric welders, weld rods*, plain or flux coated; (14) *castings;* (15) *airplanes;* (16) *artillery, artillery carriages, gun barrels, half-tracks, tanks, tank engines, and cargo or freight trailers;* (17) *Conex, seal bins and plastic or metal containers*, empty or fully loaded; (18) *buildings, silos and grain or feed storage bins*, knocked down or erected; (19) *steel*, bar, plate, sheet, or structural, singly or in bundles; (20) *heavy machinery and attachments;* (21) *commodities*, the loading, unloading or transportation of which, because of size, weight or shape, require use of special equipment, special rigging, or special handling; and (22) *parts and accessories of commodities* described in Items 1 through 21 above. RESTRICTION: In instances of overlapping in the above commodity description, applicant seeks only one right; applicant agrees that the above commodity descriptions shall be non-severable by sale or otherwise. (A) From Beloit, Milwaukee, Racine, Waukesha, and West Allis, Wis., to points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, with no transportation for compensation on return except as otherwise authorized. From Houston, Tex., New Orleans, La., and Oklahoma City, Okla., to Beloit, Manitowoc, Milwaukee, Racine, and Two Rivers, Wis., with no transportation on return except as otherwise authorized, (B) Between points in Texas and Oklahoma, on the one hand, and, on the other, points in North Dakota, South Dakota, and Wisconsin, except from Beloit, Milwaukee, Racine, Waukesha, and West Allis, Wis., to points in Texas and Oklahoma, and From Houston, Tex., and Oklahoma City, Okla., to Beloit, Manitowoc, Racine, and Two Rivers, Wis., (C) Between Wichita, Kans., on the one hand, and, on the other, points in Missouri, Nebraska, Colorado, and those in Texas on and north of U. S. Highway 80., (D) Between points in that part of Texas on and north of U. S. Highway 80 from the Texas-Louisiana State line through Marshall, Dallas, and Fort Worth, to Mineral Wells, Tex., and on and east of U. S. Highway 281 from Mineral Wells through Wichita Falls to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Colorado, Nebraska, and Missouri, (E) Between points in Kansas, New Mexico, Texas, Oklahoma and Louisiana; Between points in New Mexico, Texas, and Oklahoma, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Mississippi, and Arkansas; Between points in Illinois, Indiana, Kentucky, Mississippi and Arkansas. RESTRICTION: The authority sought in Items 3, 10, and E above, is to be subject to the following restrictions; Heavy machinery parts which are not transported with the machinery of which they are a part or on which they are to be installed, shall not be transported between points in Illinois, on the one hand, and, on the other, points in Mississippi and Louisiana and those in Arkansas on U. S. Highway 61. No service shall be performed in the stringing or picking up of pipe in connection with main or trunk pipelines. (F) From Oil City, Pa., and Braddock, Pa., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, North Dakota, Oklahoma, and Wyoming, with no transportation for compensation on return except as otherwise authorized; From points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Oklahoma, and Texas to Oil City and Braddock, Pa., with no transportation for compensation on return except as otherwise authorized, From Wichita Falls, Tex., to points in Pennsylvania except Oil City and Braddock, with no transportation for compensation on return except as otherwise authorized; (G) Between points in Texas, on the one hand, and, on the other, points in Ohio, Pennsylvania, Indiana, Illinois, Minnesota, Wisconsin, Michigan, Iowa, New Jersey and New York; (H) From points in Ohio to points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

NOTE: This paragraph of the application will be amended in accordance with territorial grant of authority in MC 83539 (Sub No. 20).

(I) Between points in Illinois, on the one hand, and, on the other, points in Louisiana.

NOTE: This paragraph will be amended in accordance with final order of the Commission in MC 83539 (Sub No. 21).

(J) Between points in Illinois, on the one hand, and, on the other, points in Kansas.

NOTE: This paragraph will be amended in accordance with final order of the Commission in MC 83539 (Sub No. 23).

NOTE: Upon approval of this application, applicant will request cancellation of duplicating authority. Applicant states that it does not seek any extension of territory, nor elimination of any of its present gateway restrictions.

HEARING: Remains as assigned December 9, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 87231 (Sub No. 9), filed August 29, 1957, BAY & BAY TRANSFER CO., INC., 315 Ninth Avenue North, Minneapolis, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bulk, in tank or hopper vehicles, from Minneapolis, St. Paul, and Winona, Minn., to points in Iowa and Wisconsin. Applicant is authorized to conduct operations in Minnesota, Iowa, South Dakota, North Dakota, and Wisconsin.

HEARING: November 19, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 181.

No. MC 92983 (Sub No. 250), filed August 2, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Escanaba, Mich., and points within 15 miles of Escanaba, to points in Wisconsin, and from Kewaunee, Wis., to points in the Upper Peninsula of Michigan. Applicant is authorized to transport petroleum and petroleum products in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Arkansas and Kansas.

HEARING: November 27, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 92983 (Sub No. 254), filed September 12, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids*, in bulk, in tank vehicles, from Memphis, Tenn., to points in New Jersey. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kansas, Indiana, Minnesota, Ohio, Arkansas, Kentucky, Louisiana, Tennessee, Michigan, New York, Texas, North and South Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, Alabama, North and South Carolina and Florida.

HEARING: November 21, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Lucian A. Jackson.

No. MC 98952 (Sub No. 6), filed August 9, 1957, M. W. CROSBY AND C. E. MAXEY, doing business as GENERAL TRANSFER CO., 2800 North Main Street, Decatur, Ill. Applicant's attorney: Grover C. Hoff, Suite 1121 Ridgely Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products, articles distributed by meat-packing houses, empty containers* used in transporting such commodities, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, between Decatur, Ill., on the one hand, and, on the other, Paducah, Owensboro, and Henderson, Ky., and points within five miles of each, and points in Bartholomew, Benton, Boone, Brown, Caroll, Cass, Clay, Clinton, Daviess, Delaware, Dubois, Fayette, Fountain, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Howard, Jasper, Johnson, Knox, Lawrence, Madison, Marion, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Owen, Parke, Pike, Posey, Pulaski, Putnam, Randolph, Rush, Shelby, Spencer, Sullivan, Tippecanoe, Tipton, Vanderburgh, Vermillion, Vigo, Warrick, Warren, Wayne and White Counties, Ind. Applicant is authorized to conduct similar operations in Illinois.

HEARING: November 18, 1957, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 1.

No. MC 101075 (Sub No. 44), filed June 3, 1957, TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aggregates*, in bulk, in appropriate bulk vehicles, from, to and between points in North Dakota, South Dakota and Minnesota. Applicant is authorized to conduct operations in Nebraska, Iowa, North Dakota, South Dakota, Minnesota, Wisconsin, Wyoming, and Montana.

HEARING: November 13, 1957, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 143.

No. MC 101117 (Sub No. 1), filed August 19, 1957, W. J. PLUMLY, Somerton, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New and used mining cars*, and *parts* thereof, between Barnesville, Ohio, and points in Pennsylvania and West Virginia.

HEARING: November 22, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 101476 (Sub No. 9), filed May 28, 1957, HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004–1005 Trust Building, Lincoln 8, Nebr. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Soybeans* and *soybean products*, as more fully described in the application, from points in Iowa to points in Kansas and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return.

HEARING: December 3, 1957, at 11:00 o'clock a. m., at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 139.

No. MC 102138 (Sub No. 25), filed September 5, 1957, REFINERS TRANSPORT, INC., 412 Illinois Building, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from Lawrenceville, Ill., to St. Louis, Mo. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: November 18, 1957, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 102541 (Sub No. 5), filed August 2, 1957, NEWMAN AND PEMBERTON CORPORATION, 412½ Fifth Avenue, NW., Knoxville, Tenn. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Materials, equipment, and supplies*, used in the production and distribution of canned goods, from Cincinnati, Ohio to Newport, Sevierville, Jefferson City, and Tellico Plains, Tenn., and *Used canning machinery; damaged, defective, rejected, or returned shipments* of materials, equipment and supplies used in the production and distribution of canned goods; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from Newport, Sevierville, Jefferson City, and Tellico Plains, Tenn., to Cincinnati, Ohio. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and West Virginia.

HEARING: November 14, 1957, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 209, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 103435 (Sub No. 76), filed July 26, 1957, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, other than those requiring special handling because of weight or size, between Hamilton, N. Dak., and Pembina, N. Dak., over U. S. Highway 81, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Fargo, N. Dak., and the boundary of the United States and Canada.

HEARING: November 12, 1957, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 300.

No. MC 103654 (Sub No. 40), filed June 10, 1957, SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the Report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, from the site of the Lake Superior Refining Company in Superior, Wis., to points in Cook, Lake, Saint Louis, Koochiching, Itasca, Aitkin and Carlton Counties, Minn. Applicant is authorized to transport similar commodities in Illinois, Indiana, Minnesota, and Wisconsin.

HEARING: November 18, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 106760 (Sub No. 35), filed May 27, 1957; WHITEHOUSE TRUCKING, INC., 2905 Wayne Street, Toledo 9, Ohio. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Truck bodies* and *trailer bodies, including equipment and accessories*, when moving therewith, from points in Crawford, Richland, Huron, Seneca, Wyandot, Marion and Morrow Counties, Ohio, to points in the United States. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: November 15, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 106760 (Sub No. 36), filed May 27, 1957, WHITEHOUSE TRUCKING, INC., 2905 Wayne Street, Toledo 9, Ohio. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Excavating, construction, and roadbuilding equipment, including cranes, motor graders, road rollers and tractors and attachments and all parts of all such machinery and equipment*, when moving with the unit being transported, from points in Crawford, Richland, Huron, Seneca, Wyandot, Marion, and Morrow Counties, Ohio, to points in the United States.

HEARING: November 15, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 106920 (Sub No. 10), filed June 12, 1957, RIGGS DAIRY EXPRESS, INC., 403 East Wood Street, Versailles, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from St. Louis and St. Joseph, Mo., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island; and from St. Joseph, Macon, Marshall, Milan, and Moberly, Mo., to St. Louis, Mo.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to transport similar commodities in each of the above-named states.

HEARING: November 20, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 106920 (Sub No. 11), filed August 21, 1957, RIGGS DAIRY EXPRESS, INC., 408 East Wood Street, Box 57, Versailles, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Icing powder* moving in mixed shipments with dairy products, from Indianapolis, Ind., to points in Alabama, Delaware, Florida, Georgia (except Atlanta), Maryland (except Baltimore), Massachusetts, New Jersey (except Trenton and New Jersey points within 25 miles of New York, N. Y.), New York (except New York, N. Y., and points within 25 miles thereof), North Carolina, Pennsylvania (except Philadelphia), Rhode Island, Tennessee (except Chattanooga and points west of U. S. Highway 27), Virginia, West Virginia, and the District of Columbia. Applicant is authorized to transport various commodities in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: November 13, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo A. Riegel.

No. MC 106943 (Sub No. 60), filed September 26, 1957, EASTERN EXPRESS, INC., 128 Cherry Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the plant of the Hotpoint Company at or near Elk Grove, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. and the Chicago, Ill. Commercial Zone as set forth in its Certificate No. MC 106943.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 107002 (Sub No. 111), filed July 8, 1957, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Naval stores*, including *turpentine, rosin, pine oil, pine tar, pine tar oil, pitch* and *rosin oil*, and *naval stores products* (products of the above named commodities), in bulk, in tank vehicles, from Hattiesburg, Miss., and points within five miles of Hattiesburg, to Memphis, Tenn. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: November 29, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 108586 (Sub No. 41), filed July 18, 1957, STEFFKE FREIGHT CO., Box 990, Wausau, Wis. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Kewaunee, Wis., to points in the Upper Peninsula of Michigan. Applicant is authorized to transport similar commodities in Wisconsin, Michigan, and Illinois.

HEARING: November 27, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 108678 (Sub No. 17), filed August 15, 1957, LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Adhesive paste liquid*, in bulk, from Indianapolis, Ind., to Urbana, Ohio. Applicant is authorized to transport specified commodities (not including adhesive paste liquid) from and to points in Indiana, Ohio, Michigan, Illinois, Kentucky, Iowa, Missouri, Wisconsin, and Louisiana.

HEARING: November 14, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 109026 (Sub No. 7), filed August 19, 1957, H. K. DAVIS AND LELLA H. DAVIS, a Partnership, doing business as BURKESVILLE TRANSFER COMPANY, Burkesville, Ky. Applicant's attorney: A. O. Buck, Nashville Trust Building, Nashville 3, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Albany, Ky., and Monticello, Ky.: from Albany over Kentucky Highway 35 to junction with Kentucky Highway 90, thence over Kentucky Highway 90 to Monticello, and return over the same route. Applicant is authorized to conduct similar operations in Kentucky and Tennessee.

HEARING: November 13, 1957, at the Department of Motor Transportation State Office Building, Frankfort, Ky., before Joint Board No. 105, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 109873 (Sub No. 9), filed September 23, 1957, EXPRESSWAYS, INC., North Martha Street, Angola, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Hotpoint Company located west of the Chicago, Ill., Com-

mercial Zone and bounded by Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations between Corunna, Ind., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, and Michigan.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 110388 (Sub No. 8), (CORRECTION AND REVISION), published at page 6310, issue of August 7, 1957, filed May 6, 1957, UNION PACIFIC MOTOR FREIGHT COMPANY, a corporation, 1416 Dodge Street, Omaha 2, Nebr. Applicant's attorney: John J. Burchell, Union Pacific Railroad Company, Omaha 2, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Umatilla, Oreg., and Yakima, Wash.: (a) from Umatilla over U. S. Highway 730 to junction with U. S. Highway 410, thence over U. S. Highway 410 to junction with unnumbered county road approximately 3 miles west of Donald, Wash., thence over unnumbered county road to junction with Washington Highway 3A, thence over Washington Highway 3A to junction with U. S. Highway 410 at Union Gap, Wash., and thence over U. S. Highway 410 to Yakima, and return over the same route; (b) between Prosser, Wash., and U. S. Highway 410 at a point 6 miles west of Prosser: from Prosser over unnumbered county road to North Prosser, thence over unnumbered county road (Johnson Road) to junction with U. S. Highway 410 at a point approximately 6 miles west of Prosser, and return over the same route; (c) (alternate route) between Umatilla, Oreg., and Kennewick, Wash.: from Umatilla over Columbia River Bridge at Umatilla to Plymouth, Wash., and thence over U. S. Highway 8 to Kennewick, and return over the same route; and (d) (alternate route) between a point located on U. S. Highway 410 approximately 3 miles west of Donald, Wash., and Union Gap, Wash.: from a point located on U. S. Highway 410, 3 miles west of Donald over U. S. Highway 410 to Union Gap, and return over the same route, and in connection with the above-specified routes, serving the following intermediate and/or off-route points: Wallula, Attalia, Kennewick, Grandview, Sunnyside, Granger, Zilla, Buena, Flint, Sawyer, Donald, Parker, Union Gap, Hedges, Villard, Richland, Grosscup, Acton, Benton City, Chaffee, North Prosser, Biggam, Midvale, Emerald, and Yakima, Wash., and Umatilla, Oreg. RESTRICTIONS: The service proposed by applicant shall be limited to service which is auxiliary to or supplemental of rail service of Union Pacific Railroad Company. No service shall be rendered to or from any point not a station on the rail lines of Union Pacific Railroad Company. Shipments transported shall be limited to those which are received from or delivered to a railroad under a through bill of lading covering, in addition to its movement by applicant, a prior or subsequent movement by rail. All contractual arrangements between applicant and Union Pacific Railroad Company shall be reported to the Commission and shall be subject to revision by it if and as it may be found necessary in order that such arrangements shall be fair and equitable to the parties. Such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operation by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of Union Pacific Railroad Company. Applicant is authorized to conduct similar operations in Wyoming, Idaho, Utah, Kansas, Missouri, Colorado, Iowa, Oregon and Nevada.

CONTINUED HEARING: November 13, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 110969 (Sub No. 6), filed September 3, 1957, W. L. BUTLER, doing business as W. L. BUTLER TRANSFER, Elizabethtown, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, (except veneer and plywood), between points in North Carolina within fifty (50) miles of Elizabethtown, N. C., including Elizabethtown. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: November 13, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 103, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 110988 (Sub No. 45), filed August 12, 1957, KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in La Salle County, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

HEARING: November 20, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Examiner Reece Harrison.

No. MC 111069 (Sub No. 17), filed September 16, 1957, COLDWAY CARRIERS, INC., P. O. Box 38, Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products* as defined in Part A of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, as modified in 61 M. C. C. 766, from Lexington, Ky., to points in Florida, North Carolina, South Carolina, and Virginia, and to Chattanooga and Knoxville, Tenn. Applicant is authorized to transport the commodities named above in Connecticut, Florida, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia.

HEARING: November 18, 1957, at the Kentucky Hotel, Louisville, Ky., before Examiner Lucian A. Jackson.

No. MC 111159 (Sub No. 41), filed July 15, 1957, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dairy wax*, in bulk, in tank vehicles, from Deer Park, Tex. to Washington, Ga., Jackson, Miss., Columbia and Greenville, S. C., and Kingsport and Knoxville, Tenn.

HEARING: November 25, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Lucian A. Jackson.

No. MC 111159 (Sub No. 42), filed July 15, 1957, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 900 Milner Building., P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitromethane*, in bulk, in tank vehicles, from Sterlington, La. to points in Perry County, Ill. Applicant is authorized to conduct operations in Mississippi, Arkansas, Louisiana, and Florida.

HEARING: November 25, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Lucian A. Jackson.

No. MC 111159 (Sub No. 43), filed July 15, 1957, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 900 Milner Building., P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, from the site of Mississippi Valley Portland Cement Company Plant located in Warren County, Miss. to points in Arkansas, Louisiana, and those in Tennessee west of the Tennessee River.

HEARING: November 25, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Lucian A. Jackson.

No. MC 111159 (Sub No. 44), filed August 5, 1957, MILLER PETROLEUM TRANSPORTERS, LTD., a Corporation, P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, except asphalt, in bulk, in tank vehicles, from points in Shelby County, Tenn., to (a) points in Alabama on and north of U. S. Highway 11; (b) points in Arkansas on and east of U. S. Highway 65; (c) points in Missouri on and east and south of a line extending along U. S. Highway 65 from the Missouri-Arkansas State line to Springfield, Mo., thence along U. S. Highway 66 to St. James, Mo., thence along Missouri Highway 8 to junction of U. S. Highway 67, thence along U. S. Highway 67 to Farmington, Mo., and thence along Missouri Highway 32 to Sainte Genevieve; (d) points in Illinois on and south of a line extending along Illinois Highway 150 from Chester, Ill., to junction of Illinois Highway 154, thence along Illinois Highway 154 to junction of U. S. Highway 51, thence along U. S. Highway 51 to Ashley, Ill., and thence along U. S. Highway 460 to Illinois-Indiana State Line; and (e) points in Kentucky on and west of U. S. Highway 231. Applicant is authorized to transport the commodities specified in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee, and other commodities in the same States and in Oklahoma.

HEARING: November 20, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Lucian A. Jackson.

No. MC 111196 (Sub No. 10), filed June 12, 1957, R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plumbing fixtures* (enameled sheet steel, china, porcelain or earthenware), from Alliance, Ohio, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. *Empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return. Applicant is authorized to transport specified commodities (not including plumbing fixtures) from and to points in Ohio, Pennsylvania, Maryland, New York, New Jersey, West Virginia, Delaware, Indiana, and Michigan.

HEARING: November 18, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 111231 (Sub No. 31), filed July 15, 1957, JONES TRUCK LINES, INC., West Emma Street, Springdale, Ark. Applicant's attorney: Carll V. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Natural Storage Company, Inc., at or near Loring, Kans., as an off-route point in connection with applicant's authorized regular route operations to and from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: October 22, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 111320 (Sub No. 33), (CORRECTION) published issue September 18, 1957, at page 7441, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street, and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Road building, earthmoving and construction equipment, and parts thereof*, (excluding commercial trucks) via the Driveaway method, between New Philadelphia, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *Road building, earthmoving and construction equipment and parts*, via the truckaway method, between New Philadelphia, Ohio, on the one hand, and, on the other points in Arkansas, Colorado, Connecticut, Iowa, Kentucky, Maine, Minnesota, New Hampshire, New Mexico, Nebraska, Rhode Island, South Dakota, Vermont, Virginia, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: Remains as assigned October 22, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 111375 (Sub No. 2), filed August 16, 1957, OTTO PIRKLE, doing business as PIRKLE REFRIGERATED FREIGHT LINES, 2475 South Archer Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products*, and articles distributed by meat packing houses as described in Appendix 1 in 61 M. C. C. 209, from points in Wisconsin to Salt Lake City, Utah, Tucson and Phoenix, Ariz., Las Vegas and Reno, Nev., and points in California, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in California and Wisconsin.

HEARING: November 18, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Examiner Reece Harrison.

No. MC 111397 (Sub No. 24), filed September 6, 1957, WADE E. DAVIS, doing business as DAVIS TRANSPORT, 1345 South Fourth Street, Paduch, Ky. Applicant's attorney: Herbert S. Melton, Jr., Williams Building, Broadway at Seventeenth, Paducah, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Compressed gases*, in shipper-owned cylinder and manifold tube semi-trailers, from Calvert City, Ky., to points in Missouri, Ohio, West Virginia, Virginia, North Carolina, Georgia, Alabama, Mississippi, and Arkansas; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movements. Applicant is authorized to transport petroleum and petroleum products in Arkansas, Illinois, Indiana, Kentucky, Missouri and Tennessee.

HEARING: November 19, 1957, at the Kentucky Hotel, Louisville, Ky., before Examiner Lucian A. Jackson.

No. MC 111545 (Sub No. 27), filed August 22, 1957, HOME TRANSPORTATION COMPANY, INC., 928 Four Lane Highway, Marietta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cast iron pipe and fittings*, moving on flatbed trailers, from Chattanooga and Rockwood, Tenn. to points in Kentucky, Michigan, and Ohio and those in Pennsylvania and West Virginia on and west of U. S. Highway 219.

HEARING: November 18, 1957, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 111623 (Sub. No. 12), filed June 26, 1957, SCHWERMAN TRUCKING CO. OF OHIO, a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aqua ammonia, anhydrous ammonia, nitrogen fertilizer solutions*, and *nitric acid*, in bulk, in tank vehicles, and *urea*, in bulk, in tank vehicles, and in bags, from Lima, Ohio, to points in Wisconsin, except points in Kenosha, Racine, and Milwaukee Counties, Wis. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and Wisconsin.

HEARING: November 21, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 111717 (Sub No. 15), filed July 24, 1957, TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Farm and industrial tractors*, and *farm and industrial machinery*, from Minneapolis and Hopkins, Minn., to points in the United States, and *damaged, rejected, and returned experimental machines* on return. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant requests that duplication with present authority be eliminated.

HEARING: November 22, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Reece Harrison.

No. MC 111747 (Sub No. 1), filed September 12, 1957, MARYLAND MOTOR LINES, INC., 27 Laing Avenue, Cumber-

land, Md. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, and except household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Cumberland, Md., and Pittsburgh, Pa., from Cumberland over U. S. Highway 220 to Bedford, Pa. Turnpike Gateway, thence over Pennsylvania Turnpike to Somerset, Pa. Turnpike Gateway, thence over Pennsylvania Turnpike to Irwin, Pa. Turnpike Gateway, and thence over U. S. Highway 30 to Pittsburgh, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Cumberland, Md., with the right to interchange equipment at Bedford and Somerset Turnpike Gateways. Applicant is authorized to transport the commodities specified in Pennsylvania, Maryland, and West Virginia.

NOTE: Applicant states it has alternate route authority in MC–C–2078 to transport the commodities specified herein over the applied-for alternate route and requests that the instant application be set aside if it is determined that applicant has the privilege of interchange of equipment without infringing upon any other operating rights.

HEARING: November 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 111812 (Sub No. 41), filed September 9, 1957, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Loyal Kaplan, 924 City Nat'l. Bank Building, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packing-house products and commodities used by packing-houses*, as defined in Appendix 1 to the report in *Description, in Motor Carrier Certificates, 61 M. C. C. 209, and 61 M. C. C. 766*, from Madison and Sioux Falls, S. Dak., and Estherville and Ottumwa, Iowa, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D. C.; and *shipper-owned hooks and racks* used in transporting the commodities specified, on return. Applicant is authorized to transport the above named commodities in California, Iowa, Minnesota, Nebraska, Nevada, Oregon, South Dakota, Utah, and Washington and other commodities in all of those states except Nebraska.

HEARING: December 3, 1957, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 112020 (Sub No. 35), filed August 28, 1957, COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorneys: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex., *and* Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fish solubles*, in bulk, in tank vehicles, (1) from points in Texas (except points in Jefferson County) points in Louisiana (except points in Calcasieu, Cameron, Jefferson, Orleans, and Plaquemines Parishes), and points in Mississippi to points in Iowa, Missouri, Kansas, Nebraska, and Oklahoma; and (2) from points in Texas, Louisiana, and Mississippi to points in South Dakota, Tennessee, Kentucky, Arkansas, and Wisconsin, except from points in Jefferson County, Tex., to Springdale, Ark. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Reece Harrison.

No. MC 112497 (Sub No. 93), filed July 15, 1957, HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tung oil*, in bulk, in tank vehicles, from Picayune, Miss., to Little Rock, Ark.; *naval stores*, in bulk, in tank vehicles, between Hattiesburg, Laurel, and Gulfport, Miss., on the one hand, and, on the other, Mobile, Ala. Applicant is authorized to conduct operations in Louisiana, Alabama, Mississippi, Florida, and Georgia.

HEARING: November 29, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Lucian A. Jackson.

No. MC 112595 (Sub No. 11), filed August 21, 1957, FORD BROTHERS, INC., 2940 South Third Street, Ironton, Ohio. Applicant's attorney: Charles T. Dodrill, 600 Fifth Avenue, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, as described by the Commission in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 294, in bulk, in tank vehicles, between Siloam, Greenup County, Ky., and points within 10 miles thereof, on the one hand, and, on the other, points in Delaware, Georgia, Indiana, Kentucky, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to transport similar commodities between specified points in West Virginia, Kentucky, Ohio, and Michigan.

HEARING: November 22, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 113192 (Sub No. 7), filed August 9, 1957, A. E. SCHUELKE, doing business as SCHUELKE TRUCKING, 217 State Street, New London, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Plymouth and Indianapolis, Ind., to points in Racine, Kenosha, Walworth, Green, Rock, Milwaukee, Lafayette, Waukesha, Jefferson, Dane, Iowa, Ozaukee, Washington, Dodge, Columbia, Sauk, Richland, Sheboygan, Fond Du Lac, Green Lake, Marquette, Adams, Juneau, Monroe, Manitowoc, Calumet, Winnebago, Waushara, Door, Kewaunee, Brown, Outagamie, Waupaca, Portage, Wood, Jackson, Oconto, Shawano, Marathon, Clark, Eau Claire, Marinette, Langlade, Lincoln, Taylor, Chippewa, Oneida, Price, Rusk, Barron, and Vilas Counties, Wis. Applicant is authorized to transport commodities, other than those applied for herein, in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin.

NOTE: Duplication should be eliminated.

HEARING: November 13, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17.

No. MC 113291 (Sub No. 1), filed September 16, 1957, ADOLPH BECKER, Hayti, S. Dak. Applicant's attorney: R. G. May, Security Bank Building, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed, poultry feed*, and *livestock feed*, and *dry fertilizer*, and *rejected or damaged shipments* of the commodities specified above, between points in Minnesota and Iowa, on the one hand, and, on the other, points in Hamlin County, S. Dak.

HEARING: November 25, 1957, at the South Dakota Public Utilities Commission, Pierre S. Dak., before Joint Board No. 147.

No. MC 113459 (Sub No. 13), (CORRECTION) published issue September 11, 1957, at page 7258, filed July 12, 1957, H. J. JEFFERIES TRUCK LINE, INC., P. O. Box 4877, Capitol Hill Station, 4720 South Shields, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes. This application has been filed on applicant's contention that it is presently authorized to transport the commodities listed below, and seeks thereby to obtain a clarification of its present authority to transport road building machinery and road building machinery parts, heavy machinery and heavy machinery parts, and commodities, and parts of such commodities, which because of size or weight require use of special equipment: (1) *tractors* (other than truck tractors), *tractor tool bars and tractor attachments;* (2) *contractors equipment* and *contractors equipment attachments;* (3) *construction machinery and equipment*, as defined by the Commission in Appendix VIII to MC–45, 61 M. C. C. 286; (4) *road and street building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows and attachments;* (5) *excavating, dirt moving, loading and unloading machinery and equipment, and attachments;* (6) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines, and accessories*, with or without electrical generators attached and *empty containers;* (7) *cranes, derricks, lift trucks and attachments;* (8) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power; (9) *logging and mining machinery, equipment and attachments;* (10) *lathes and machine shop machinery and equipment;* (11) *printing presses, accessories and attachments;* (12) *generators and boilers;* (13) *electric welders and weld rods*, plain or flux coated; (14) *airplanes;* (15) *castings;* (16) *artillery, artillery carriages, gun barrels, half-tracks, tanks, tank engines, and cargo or freight trailers;* (17) *conex, seal bins and plastic or metal containers*, empty or fully loaded; (18) *buildings, silos and grain or feed storage bins*, knocked down or erected; (19) *steel*, bar, plate, sheet, or structural, singularly or in bundles; (20) *heavy machinery and attachments;* (21) *commodities*, the loading, unloading or transportation of which because of size, weight or shape require use of special equipment, special rigging or special handling; (22) *parts and accessories of commodities* described in 1 through 21 above, either when incidental to the transportation thereof, or when transported as separate and independent shipments. RESTRICTIONS: In instances of overlapping in the above commodity description, applicant seeks only one right. Applicant agrees that the above commodity description shall be nonseverable by sale or otherwise. (A) From Peoria, Ill., to points in Texas, with no transportation for compensation on return except as otherwise authorized; From Chicago and Springfield, Ill., La Porte, Indianapolis, and Evansville, Ind., and Cedar Rapids, Iowa, to points in Oklahoma and Texas, with no transportation for compensation on return except as otherwise authorized; Between Peoria, Ill., on the one hand, and, on the other, points in Oklahoma, (B) Between points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma, and Texas; Between points in Illinois, on the one hand, and, on the other, points in Louisiana; Between points in Illinois and Indiana, on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma, and Texas, (C) Between points in Colorado, Kansas, Louisiana, Oklahoma, Texas, and Wyoming, (D) Between points in Oklahoma, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, South Dakota, and Utah, (E) Between points in Illinois, on the one hand, and, on the other, points in Montana, North Dakota, and South Dakota, (F) From Fort Morgan, Colo., to points in Banner, Cheyenne, and Kimball Counties, Nebr., with no transportation for compensation on return except as otherwise authorized, (G) From points in Ohio to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and from Galion, Ohio, to points in Wyoming.

NOTE: This paragraph will be amended in accordance with final order of the Commission in MC 113459 (Sub No. 11).

RESTRICTION: The authority sought in Item E is to be restricted against the stringing or picking up of pipe in connection with main or trunk pipe lines.

NOTE: Applicant states that if this application is approved, it will request cancellation of any duplicating authority simultaneously with the issuance of a Certificate embracing the authority applied for herein. Applicant does not seek any extension of territory nor elimination of any of its present gateway restrictions.

HEARING: Remains as assigned December 9, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 113666 (Sub No. 2), filed August 19, 1957, ANDREW SMETANICK, Box 215, Freeport, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grant Building, Pittsburgh, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, tile* and *sewer pipe*, from points in Armstrong County, Pa., to points in Ohio, Michigan, West Virginia, Virginia, Maryland, New York, New Jersey, the District of Columbia, Delaware, Rhode Island, Connecticut and Massachusetts. *Empty containers or other such incidental facilities* used in transporting the commodities specified, on return.

HEARING: December 2, 1957, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 114362 (Sub No. 5), filed June 10, 1957, H. A. PIERCE, doing business as PIERCE TRUCK LINES, Freeborn, Minn. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *comon carrier*, over irregular routes, transporting: *Butter*, from points in Mower, Freeborn, Faribault, Waseca, Blue Earth, and Steel Counties, Minn., and Worth County, Iowa, to Albert Lea, Minn., for consolidation into carload and truckload shipments. Applicant is authorized to transport manufactured fertilizer and agricultural lime from and to specified points in Minnesota and Iowa.

HEARING: November 20, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 146.

No. MC 115502 (Sub No. 4), filed August 2, 1957, LEE COMER, 709 East Eighth Street, Metropolis, Ill. Applicant's representative: C. W. Craig, Citizens Bank Building, Paducah, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Untreated wooden ties* and *lumber*, from points in Ballard, Caldwell, Carlisle, Fulton, Graves, Hickman, and Lyon Counties, Ky., and Montgomery County, Tenn., to points in Massac County, Ill. Applicant is authorized to transport similar commodities from and to specified counties in Tennessee, Kentucky and Illinois.

HEARING: November 13, 1957, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 281, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 115601 (Sub No. 5), filed September 20, 1957, BROOKS ARMORED CAR SERVICE, INC., Delaware Trust Building, Wilmington, Del. Applicant's attorney: James L. Givan, 1025 Connecticut Avenue NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cash letters* and *securities*, negotiable and non-negotiable, in armored vehicles or other than armored vehicles, between Wilmington, Del., and New York, N. Y. Applicant is authorized to transport cash letters between Philadelphia, Pa., and specified points in Delaware.

HEARING: November 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 115989 (Sub No. 3), filed August 16, 1957, MACY L. NELSON, doing business as NELSON MOTOR FREIGHT, Joy, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Facing brick*, from Shale City, Ill., to points in that part of Missouri east of U. S. Highway 63, north of U. S. Highway 50, including points on the indicated portions of the highways specified, and points in Jefferson County, Mo., except no authority is sought to serve St. Louis or points in St. Louis County, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to transport facing brick from Shale City, Ill., to points in St. Louis County, Mo.

NOTE: Applicant states that the Post Office for Shale City is located at Aledo, Mercer County, Ill.

HEARING: November 18, 1957, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 116145 (Sub No. 1), filed August 15, 1957, G. G. PARSONS, P. O. Box 615, North Wilkesboro, N. C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Feed* and *feed ingredients*, from points in Wood, Henry, Ottawa and Lucas Counties, Ohio, and Monroe and Lenawee Counties, Mich., to points in North Carolina, South Carolina, Virginia, Georgia, and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

HEARING: November 21, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 116145 (Sub No. 2), filed August 31, 1957, G. G. PARSONS, P. O. Box 615, North Wilkesboro, N. C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dehydrated or suncured alfalfa meal or alfalfa pellets*, in bulk, or in bags, from President Isle, Tenn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

HEARING: November 22, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Lucian A. Jackson.

No. MC 116185 (Sub No. 1), filed May 24, 1957, RALPH McBRIDE, 405 South

11th Street, St. Louis, Mo. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A and B explosives*, between the U. S. Government Ordnance Area known as Ordill in Williamson County, Ill., to St. Louis, Mo.

HEARING: November 25, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 116279 (Sub No. 1) (REPUBLICATION), filed July 29, 1957, published issue of August 21, 1957, at page 6732, JOHN H. BLACK, doing business as BLACK'S TRANSFER, 123 Harding Street, Appalachia, Va. Applicant's attorney: B. W. Hamilton, Appalachia, Va. Through inadvertence the summary of the authority sought in this application was not accurately set forth in the prior publication. The first publication notice of this application indicated Appalachia, Va., as the origin point, instead of Winston Salem, N. C. At a hearing held on October 1, 1957, evidence was received in support of the application as filed. The Examiner's Report and Recommended Order will not be served until a lapse of 30 days after this republication within which any person who may have been prejudiced by the failure of the original notice to correctly state the authority sought may file an appropriate petition for further hearing. If any such petition is received applicant may reply thereto within 50 days from the date of this republication and further proceedings on the application will be deferred until the petition has been acted upon. Authority sought: *contract carrier*, over irregular routes, transporting: *Bakery products, including cakes, cookies, and fig bars*, from Winston Salem, N. C., to Johnson City and Kingsport, Tenn., and Pineville, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return. Applicant is authorized to transport similar commodities in Kentucky, North Carolina, and Virginia.

No. MC 116285 (Sub No. 4), filed September 9, 1957, BENNETT TRUCK LINES, INC., 9 Broughton Drive, Charleston, S. C. Applicant's attorney: Joseph R. Young, Hagood, Rivers & Young, Charleston, S. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glazed tile, manufactured stone* from limestone base, *concrete blocks* and *pipe*, from Charleston, S. C., to points in Lowndes, Dooly, Stephens, McIntosh, Fulton, DeKalb, Cobb, Richmond, and Chatham Counties, Ga.; and *damaged shipments of the commodities specified* on return movements.

HEARING: November 14, 1957, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 131, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 116455 (Sub No. 1), filed September 23, 1957, E. W. COLBERT, doing business as B. & C. TRANSPORT COMPANY, Airpark Drive, Nashville, Tenn. Applicant's attorney: John Cabler Corbitt, Nashville Trust Building, Nashville, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Surplus government property* consisting of *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those injurious or contaminating to other lading, from U. S. Government installations located in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, to points in Tennessee.

HEARING: December 2, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Lucian A. Jackson.

No. MC 116467 (Sub No. 1) (Correction), published issue August 7, 1957, on page 6311, filed June 11, 1957, MOFFATT TRUCKING LIMITED, a corporation, 816 Cabell Street., London, Ontario, Canada. Applicant's representative: Raymond A. Richards, 13 Lapham Park, P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points on the International Boundary line between the United States and Canada at International Crossings between Ontario Province, Canada, and Michigan and New York, to New York, N. Y., West Elizabeth, Pa., Chicago, Ill., St. Louis, Mo., Springfield, Tenn., Grand Rapids and Muskegon, Mich., Louisville, Ky., and Boston, Mass. *Barrels* and *component parts thereof, including* (but not limited to) *wood staves* and *heading; steel for manufacture of barrels and hoops; lumber for manufacture of bungs; bungs, hoops* and *flagging*, between points on the International Boundary line between the United States and Canada at International Crossings between Ontario Province, Canada, and Michigan and New York, and points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, Ohio, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, and West Virginia, restricted to shipments originating at or destined to London and/or Waterloo, Ontario, Canada.

CONTINUED HEARING: November 20, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Isadore Freidson.

No. MC 116608, filed April 22, 1957, THEODORE C. MARTCHINSKE, Faulkton, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods, livestock and poultry feeds, lubricating oil* in containers, and *farm machinery*, between points in Minnesota and Iowa, and Faulkton, S. Dak., and points within 20 miles thereof.

HEARING: November 22, 1957, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 147.

No. MC 116634, filed May 7, 1957, ERNEST BRAUN, doing business as BRAUN TRANSPORT, Box 470, Dickinson, N. Dak. Applicant's attorneys: Greenwood & Swanson, P. O. Box 1007, Dickinson, N. Dak. For authority to operate as a *common carrier*, over a regular route, transporting: *Cement*, in bulk and in bags, from Rapid City, S. Dak., to Dickinson, N. Dak., from Rapid City over U. S. Highway 14 to junction South Dakota Highway 24, thence over South Dakota Highway 24 to Belle Fourche, S. Dak., thence over U. S. Highway 85 to junction North Dakota Highway 21, thence over North Dakota Highway 21 to junction North Dakota Highway 22, thence over North Dakota Highway 22 to Dickinson, serving no intermediate points.

HEARING: November 12, 1957, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158.

No. MC 116719 (Sub No. 1), filed August 26, 1957, ROBERT MARTIN, Box 111, Bridgeton, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Empty (shipper-owned) semi-trailers*, intended for loading with scrap iron, scrap metal, or mixed loads thereof, from St. Louis, Mo., to Fairfield, Mt. Vernon, Mt. Carmel, and Quincy, Ill. *Semi-trailers loaded with scrap iron, scrap metal*, or *mixed loads thereof*, from Fairfield, Mt. Vernon, Mt. Carmel, and Quincy, Ill., to St. Louis, Mo.

NOTE: Applicant states all such transportation is to be performed under the direction of Lefton Iron and Metal Co.; the semi-trailers to be transported being the property of Lefton Iron and Metal Co.

HEARING: November 27, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 116727 (Sub No. 1), filed August 26, 1957, NELSON TRANSPORTATION COMPANY, INC., P. O. Box 1011, 827 Endor Street, Sanford, N. C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, wooden pallets*, and *wooden boxes*, from Sanford, N. C., and points within 50 miles thereof to points in Florida, Tennessee, Kentucky, Ohio, Delaware, Pennsylvania, New Jersey, Connecticut, and New York including the commercial zone of New York City, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: November 12, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Charles H. Riegner.

No. MC 116763 (Sub No. 3), filed August 13, 1957, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Mail: North West Street, Versailles, Ohio. Applicant's attorneys: Benjamin J. Brooks, Washington Loan and Trust Building, Washington 4, D. C., and Herbert Baker, A. I. U. Building, Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned, prepared or preserved foodstuffs*, not requiring refrigeration, from Covington, Defiance, Orrville, and Union City, Ohio and Nashville, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Ohio, Florida, Michigan, Illinois, Wisconsin, Minnesota, Indiana, and Georgia.

HEARING: November 25, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 116763 (Sub No. 4), filed August 13, 1957, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Mail: North West Street, Versailles, Ohio. Applicant's attorneys: Benjamin J. Brooks, Washington Loan and Trust Building, Washington 4, D. C., and Herbert Baker, A. I. U. Building, Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned, prepared or prserved foodstuffs*, not requiring refrigeration, from points in Florida and Georgia to points in Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Ohio, Florida, Michigan, Illinois, Wisconsin, Minnesota, Indiana, and Georgia.

HEARING: November 25, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 116791, filed July 3, 1957, LEONARD R. GREEN, doing business as FARMERS ELEVATOR, Kensington, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feeds*, from New Richmond, Wis., to points in Douglas, Grant, Kandiyohl, Otter Tail, Pope, Stearns, Stevens, and Todd Counties, Minn.; and *manufactured feed ingredients*, in bulk, from points in Anoka, Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to New Richmond, Wis.

HEARING: November 15, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 116804, filed July 10, 1957, SAM KOLMON, doing business as KOLMAN DRAYAGE CO., 2415 East Milton, Overland 14, Mo. Applicant's representative: Donald U. Blemdiek, Suite 1118 Arcade Building, 812 Olive Street, St. Louis 1, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated new household furniture, household furnishings and household appliances*, from St. Louis, Mo., to points in that part of Illinois bounded by a line beginning at the Mississippi River and extending along unnumbered Illinois Highway to junction Illinois Highway 96, thence east along Illinois Highway 96 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction U. S. Highway 66, thence north along U. S. Highway 66 to junction Illinois Highway 48, thence east along Illinois Highway 48 to junction Illinois Highway 127, thence south along Illinois Highway 127 to junction Illinois Highway 154, thence west along Illinois Highway 154 to junction Illinois Highway 150, thence along Illinois Highway 150 to the Mississippi River, serving points on the portions of the highways specified; and *used and damaged household furniture, household furnishings and household appliances*, from points in that part of Illinois described above, to St. Louis, Mo.

HEARING: November 25, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 116807, filed July 18, 1957, WENDELL MOORE, doing business as CARPENTER TRANSFER, 252 West Sixth Street, Winona, Minn. Applicant's representative: William A. Lindquist, 78½ East Third Street, Winona, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pickles*, in salt brine, from Oxford and Grand Marsh, Wis., to Winona, Minn.

HEARING: November 19, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 116817, filed July 15, 1957, MERRIL D. ROBERTS, BEACH W. ROBERTS AND ROBERT A. ROBERTS, a partnership, doing business as ROBERTS TRUCK LINES, Sleeply Eye, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feeds*, from New Richmond, Wis., to points in Blue Earth, Brown, Cottonwood, Faribault, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, Watonwan, and Yellow Medicine Counties, Minn. *Manufactured feed ingredients*, in bulk, from points in Anoka, Blue Earth, Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to New Richmond, Wis.

HEARING: November 15, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 116822, filed July 22, 1957, LEONARD JENKINS, doing business as JENKINS TRUCK LINE, 715 Lewis Boulevard, Grand Forks, N. Dak. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Manufactured fertilizer and insecticides*, in seasonal operations between January 1 and July 1, of each year, and in occasional operations between July 1 and January 1, of each year, from Grand Forks, N. Dak., to points in Kittson, Marshall, Polk, Norman, Clay, Roseau, Pennington, Red Lake, Mahnomen, Becker, Clearwater, Beltrami, Lake of the Woods, and Wilkin Counties, Minn.

NOTE: Applicant states that his operations between July 1 and January 1 will be occasional and will vary in number.

HEARING: November 14, 1957, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 24.

No. MC 116842, filed July 29, 1957, ROBERT G. HUSTON, doing business as BOB'S FUEL WOOD AND TRUCKING SERVICE, 1221 South Third Street, Stillwater, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coal and charcoal briquets*, in bulk, from barge terminals in Stillwater, Minn., to points of distribution in Barron, Bayfield, Buffalo, Chippewa, Clark, Burnett, Douglas, Dunn, Eau Claire, Jackson, La Crosse, Monroe, Pierce, Pepin, Polk, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, and Washburn Counties, Wis.

HEARING: November 15, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 116861, filed August 8, 1957, ALBERT SIMPSON, doing business as SIMPSON FEED MILL, Columbia, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm machinery, including but not limited to, hay bailers, rakes, mowing machines, and manure spreaders*, between New Holland, Pa., and points in Adair, Clinton, Green, Cumberland, Wayne, Casey, Russell, Boyle, Metcalfe, Taylor, Barren, Monroe, Allen, Pulaski, Lincoln, Marion, and Hart Counties, Ky.

HEARING: November 14, 1957, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Examiner Lucian A. Jackson.

No. MC 116867, filed August 12, 1957, JOSEPH E. McGRANAHAN, doing business as M. C. TANK TRANSPORT, 48 Gahl Terrace, Reading, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between Cincinnati, Ohio, and points in Illinois, Indiana, and Kentucky.

HEARING: November 12, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo A. Riegel.

No. MC 116872, filed August 14, 1957, J. R. BULLOCK, doing business as BULLOCK'S TRUCK, 1708 South Main Street, Corbin, Ky. For authority to operate as a *contract carrier*, over a regular route, transporting: *Malt beverages*, (near brew), and *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages, in seasonal operations between April 1 and November 1 of each year, between Corbin, Ky., and Sheboygan, Wis., from Corbin, in a northerly direction, over U. S. Highway 25 to Mount Vernon, Ky., thence over U. S. Highway 150 to Danville, Ky., thence over Kentucky Highway 35 to Alton Station, Ky., thence over Kentucky Highway 151 to Graefenburg, Ky., thence over U. S. Highway 60 to Louisville, Ky., thence over U. S. Highway 31 to Indianapolis, Ind., thence over U. S. Highway 52 to Kentland, Ind., thence over U. S. Highway 41 to Dyer, Ind., thence over U. S. Highway 30 to junction U. S. Highway 45, thence over U. S. Highway 45 to junction Illinois Highway 83, thence over Illinois Highway 83 to junction U. S. Highway 45, thence over

U. S. Highway 45 to junction Wisconsin By-Pass Highway 100, thence over Wisconsin By-Pass Highway 100 to junction of U. S. Highway 141, north of Milwaukee, Wis., thence over U. S. Highway 141 to Sheboygan, and return over the same route, serving no intermediate points.

HEARING: November 15, 1957, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Examiner Lucian A. Jackson.

No. MC 116874, filed August 15, 1957, CLINCH CO., INC., Hamilton National Bank Building, Morristown, Tenn. Applicant's attorney: W. J. Barron, 21–22 Hamilton Nat'l. Bank Building, Morristown, Tenn. For authority to operate as a *contract carrier*, over a regular route, transporting: *Zinc concentrates*, and *supplies* necessary for the operation of the Flat Gap Mine, which supplies will consist of *mine and mill supplies, including grinding rods and balls, flotation re-agents and spare parts for equipment maintenance*, between the site of the Flat Gap Mine of the New Jersey Zinc Company plant located at Treadway (Hancock County), Tenn., and Morristown, Tenn.: From the Site of the Flat Gap Mine of the New Jersey Zinc Company plant located at Treadway (Hancock County), over unnumbered County Highway to junction U. S. Highway 11–W at Mooresburg (Hawkins County), Tenn., thence in a westerly direction over U. S. Highway 11–W to Bean Station junction, Tenn., thence southwardly over U. S. Highway 25–E to Morristown, and return over the same route, serving no intermediate points.

HEARING: December 3, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 116884, filed August 22, 1957, LEROY GRAVELLE, 128 University Avenue SE., Minneapolis, Minn. For authority to operate as a *contract carrier*, over regular routes, transporting: *Dairy products* and *ice cream*, (1) from Minneapolis, Minn., to Sioux Falls, S. Dak., from Minneapolis over U. S. Highway 169 to Mankato, Minn., thence over Minneapolis Highway 60 to Worthington, Minn., and thence over U. S. Highway 16 to Sioux Falls, and return over the same routes; (2) from Minneapolis, Minn. to Ashland, Wis., from Minneapolis over U. S. Highway 8 to Turtle Lake, Minn., and thence over U. S. Highway 63 to Ashland, and return over the same routes; (3) from Minneapolis, Minn. to Mandan, N. Dak., over U. S. Highway 10, serving the intermediate points of St. Cloud, Minn. and Fargo and Jamestown, N. Dak., and return over the same route; (4) from Minneapolis to Virginia, Minn., from Minneapolis over U. S. Highway 8 to Forest Lake, Minn., thence over U. S. Highway 61 to Carlton, Minn., thence over Minnesota Highway 33 to Independence, Minn., and thence over U. S. Highway 53 to Virginia, Minn., and return over the same routes; (5) from Minneapolis, Minn., to Duluth, Minn., over U. S. Highway 61, and return over the same route; *empty containers or other such incidental facilities* (not specified) on return.

HEARING: November 22, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minnesota, before Examiner Reece Harrison.

No. MC 116903, filed September 3, 1957, HAROLD HACKEL AND RAYMOND E. HACKEL, doing business as HACKEL CARTAGE, 221 West 65th Street, Chicago, Ill. Applicant's attorney: James L. Beattey, Suite 1021–1029, 130 East Washington Street, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Electric home appliances*, including but not limited to electric refrigerators, gas and electric ranges, home laundry equipment, uncrated, between Chicago, Ill., and points in Lake and Porter Counties, Ind., and *rejected shipments and trade-ins* of the commodities specified in this application on return.

HEARING: November 14, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 116909, filed September 5, 1957, RAYMOND J. FALKNER, doing business as BARRON DRAY AND TRANSFER, Route 2, Barron, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Barron, Wis., and Ridgeland, Wis., over Wisconsin Highway 25, serving the intermediate point of Hillsdale and the off-route points of Dallas and Prairie Farm; (2) between Barron, Wis., and Clear Lake, Wis., from Barron over U. S. Highway 8 to junction U. S. Highway 63, thence over U. S. Highway 63 to Clear Lake, and return over the same route, serving the intermediate points of Poskin, Almena, Turtle Lake and Clayton, Wis., only; and (3) between Clear Lake, Wis., and Prairie Farm, Wis., from Clear Lake over Polk County Trunk A to junction Barron County Trunk A, thence over Barron County Trunk A to Prairie Farm, and return over the same route, serving the intermediate point of Reeve, Wis., only.

HEARING: November 29, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 116911, filed September 5, 1957, WILBON HAMMACK, 1020 Seventh Avenue West, Williston, N. Dak. Applicant's attorney: Dean Winkjer, Hapip Building, 311–A Main, Williston, N. Dak. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cement*, from Rapid City, S. Dak., and points within five miles thereof, to points in Williams, Burke, Mountrail, and Divide Counties, N. Dak.

HEARING: November 12, 1957, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158.

No. MC 116913, filed September 6, 1957, RAYMOND BUIS, doing business as BUIS TRUCKING, Box 337, Somerset, Ky. Applicant's attorney: Fritz Krueger, Alverson Building, Somerset, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Feed, seed, grain, fertilizer*, and *salt*, (1) from Cincinnati, Ohio, to Somerset, London, and Whitley City, Ky.; (2) from Sheffield, Ala., to Somerset and London, Ky.; and (3) from Rittman, Ohio, to Somerset, London, Frankfort, and Whitley City, Ky.

HEARING: November 15, 1957, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Examiner Lucian A. Jackson.

No. MC 116925, filed September 12, 1957, CARL ADOLPH FRANK, Rt. No. 1, Box 503, Anchorage, Ky. Applicant's attorneys: Fisher and McConnell, Republic Building, Louisville 2, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Leaf tobacco*, (in the same vehicle with manufactured products), and *manufactured tobacco products*, from Louisville, Ky., to Tampa, Fla., and *kitchen cabinets*, from Louisville, Ky., to points in Ohio, Indiana, Illinois, Michigan, West Virginia, Missouri, Kansas, Iowa, Pennsylvania, and Tennessee, and *unmanufactured agricultural commodities*, primarily leaf tobacco, from the above destination points to Louisville, Ky., on return.

HEARING: November 18, 1957, at the Kentucky Hotel, Louisville, Ky., before Examiner Lucian A. Jackson.

No. MC 116927, filed September 12, 1957, SPENCER EQUIPMENT COMPANY, INC., Rockport, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Packaged clay products*, in equipment especially designed for loading and unloading, (1) between Louisville, Lexington, and Owensboro, Ky., and points within five miles of Lexington and Owensboro, East St. Louis and Harrisburg, Ill., and points within five miles of East St. Louis and Harrisburg, and Chattanooga, Knoxville, Nashville, Kingsport, and Johnson City, Tenn., and within five miles of Kingsport and Johnson City, and points in Tennessee, Illinois, Indiana, Kentucky, Ohio, Michigan, Wisconsin, and Missouri; and (2) between points in Indiana and points in Tennessee, Illinois, Indiana, Kentucky, Ohio, Michigan, Wisconsin, and Missouri.

HEARING: November 13, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo A. Riegel.

No. MC 116940, filed September 18, 1957, VINCENT HUHN AND JEROME HUHN, doing business as HUHN BROS. FEED STORE, Box 131, Westphalia, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Feed* and *fertilizer*, from East St. Louis, Ill., to points in Osage County, Mo.; and (2) *Bulk feed*, from Quincy, Ill., to points in Osage County, Mo.

HEARING: November 27, 1957, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 116945, filed September 19, 1957, RICHARD P. DORIA, doing business as R & L CARTAGE, 7 South Park Avenue, Lombard, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building materials, including bricks, concrete blocks, gravel and cut stone*, from Munster, Ind., to points in Cook, Du Page, Lake, and Will Counties, Ill.; and *empty containers or other such incidental facilities* (not specified), used in transporting the above-named commodities on return.

HEARING: November 13, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

MOTOR CARRIERS OF PASSENGERS

No. MC 2698 (Sub No. 1), filed September 13, 1957, VANDALIA BUS LINE, INC., 108 St. Louis Road, Collinsville, Ill. Applicant's attorney: Harold M. Olsen, 712 South Second Street, Springfield, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between Collinsville, Ill., and Edwardsville, Ill., from Collinsville over U. S. Highway 40 to junction Illinois Highway 159, thence over Illinois Highway 159 to Edwardsville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: November 19, 1957, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 28572 (Sub No. 5), filed May 17, 1957, GREAT NORTHERN RAILWAY COMPANY, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: Newell Gough, Jr., P. O. Box 862, Helena, Mont. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail, newspapers, milk and cream*, in the same vehicle with passengers and in separate vehicles, between Williston, N. Dak. and Scobey, Mont., from Williston over U. S. Highway 2 to Culbertson, Mont., thence over Montana Highway 16 to Plentywood, Mont., thence over Montana Highway 5 to junction Montana Highway 13, and thence over Montana Highway 13 to Scobey; (also from junction Montana Highway 16 and unnumbered highway over unnumbered highway to Homestead, Mont.); (also from junction Montana Highway 16 and unnumbered highway over unnumbered highway to Reserve, Mont.); and return over the same routes, serving all intermediate points which are stations on the rail line of Great Northern Railway Company. Applicant is authorized to conduct operations in Montana.

HEARING: November 14. 1957, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 110845 (Sub No. 2), filed August 22, 1957, CASEYVILLE BUS LINE, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers* and *baggage*, between Edwardsville, Ill., and St. Louis, Mo., from the Courthouse Square, Edwardsville, over Illinois Highway 159, through Maryville, Ill., to junction U. S. Highway 40 at the intersection of Main and Morrison Streets in Collinsville, Ill., thence over City U. S. Highway 40 to junction Illinois State Aid Route 51, thence over State Aid Route 51 to junction U. S. Highway 40, thence over U. S. Highway 40 to Fairmount City, Ill., and continuing over U. S. Highway 40 to St. Louis, Ill., thence over city streets to St. Louis, Mo., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: November 19, 1957, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 179.

No. MC 116712, filed May 20, 1957, WASHINGTON-UNION-ST. LOUIS BUS CO., a corporation, 8th and Elm Streets, Washington, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, their baggage*, and *mail, express* and *newspapers* in the same vehicle with passengers, (1) between St. Louis, Mo., and Hermann, Mo., over Missouri Highway 100; (2) between Washington, Mo., and St. Louis, Mo., from Washington over Missouri Highway 47 to Union, thence over U. S. Highway 50 to St. Louis, and return over the same route; and (3) between the junction of U. S. Highway 50 and Missouri Highway 141 at Valley Park, Mo., and the junction of Missouri Highways 141 and 100, over Missouri Highway 141, serving all intermediate points on the routes specified above.

HEARING: November 20, 1957, at 1 o'clock p. m., at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 1388 (Sub No. 6), filed September 27, 1957, OVERSEAS TRANSPORTATION CO., INC., 3355 Northwest 41st Street, Miami, Fla. Applicant's attorney: Norman J. Bolinger, 713–17 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *Automobiles, trucks* and *buses*, in secondary movement, by truckaway and driveaway, between Miami, Fla., and Key West, Fla.: from Miami south over U. S. Highway 1 to Key West, and return over the same route, serving no intermediate or offroute points. Applicant is authorized to transport general commodities, with exceptions, and explosives and articles of unusual value, between Miami, Fla., and Key West, Fla.

No. MC 4963 (Sub No. 10), filed September 27, 1957, JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. Applicant's attorney: Roland Rice, Suite 618 Perpetual Building, Washington 4, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Exton, Pa., and Baltimore, Md., from Exton over Pennsylvania Highway 100 to the junction of U. S. Highways 202 and 322, thence over U. S. Highways 202 and 322 to Wilmington, Del., thence over U. S. Highway 13 to junction of U. S. Highway 40, thence over U. S. Highway 40 to Baltimore, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, New York, Connecticut, Maryland, Rhode Island, Delaware, Massachusetts, and the District of Columbia.

No. MC 35396 (Sub No. 23), filed September 26, 1957, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, U. S. 41 South, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 7th Floor McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such bulk commodities* as are usually transported in dump trucks or dump trailers, between points in Ballard, Butler, Caldwell, Carlisle, Calloway, Christian, Crittenden, Edmondson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky. Applicant is authorized to conduct operations in Indiana, Kentucky, Tennessee, Ohio, Pennsylvania, West Virginia, New York, New Jersey, and Illinois.

No. MC 44605 (Sub No. 5), filed September 3, 1957, MILNE TRUCK LINES, INC., 1000 South Third West, Salt Lake City, Utah. Applicant's attorney: Wood R. Worsley, 1501 Walker Bank Building, Salt Lake City 11, Utah. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Barstow, Calif., and Las Vegas, Nev., over U. S. Highway 91, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (1) from St. George, Utah, to Los Angeles, Calif., over U. S. Highways 91 and 66; and (2) between Los Angeles, Calif., and Las Vegas, Nev., through a combination of routes (a) between Los Angeles and Needles, Calif., over U. S. Highway 99 and unnumbered highways to U. S. Highway 66 thence U. S. Highway 66 to Needles; and (b) between Las Vegas and Phoenix, Ariz., over U. S. Highway 95 to Vidal Junction, Calif., unnumbered highway to Earp, Calif., across Colorado River to Parker, Ariz., over Arizona Highway 72 to Hope, Ariz., thence U. S. Highway 60 to Phoenix. Applicant is authorized to transport similar commodities in Arizona, California, Nevada, and Utah.

No. MC 46829 (Sub No. 6) (Correction), published issue September 25, 1957, at page 7623, filed September 9, 1957, ALLARD EXPRESS, INC., 315 Hart Street, Watertown, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Wild Rose, Wis., (as an off-route point) to points on applicant's presently certificated routes as described in Certificate No. MC 46829.

NOTE: Applicant is presently authorized to transport general commodities to Wild Rose, as an off-route point.

No. MC 50069 (Sub No. 187), filed September 27, 1957, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, including *lubricating oil additives*, in bulk, in tank vehicles, from Wickliffe and Painesville, Ohio, to Chicago, Cicero, Robinson, Roxana, and Wood River, Ill., and East Chicago, Indianapolis, and Whiting, Ind. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and West Virginia.

No. MC 55898 (Sub No. 30), filed September 23, 1957, HARRY A. DECATO AND EUGENE J. DECATO, doing business as DECATO BROS. TRUCKING CO., Dartmouth College Highway, Box 421, Lebanon, N. H. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Maine, New Hampshire, and Vermont to Walton, N. Y. Applicant is authorized to conduct operations in New Hampshire, Massachusetts, Vermont, Connecticut, New York, New Jersey, and Rhode Island.

No. MC 66562 (Sub No. 1385), filed September 24, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Expressway Agency (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Danville, Va., and Martinsville, Va., from Danville over U. S. Highway 29 to the Virginia-North Carolina State line, thence over U. S. Highway 29 to junction North Carolina Highway 700, thence over North Carolina Highway 700 to junction North Carolina Highway 770, thence over combined North Carolina Highways 700 and 770 to Spray-Leaksville, N. C., thence from Leaksville, N. C., over North Carolina Highway 87 to the North Carolina-Virginia State line, thence over Virginia Highway 87 to junction U. S. Highway 220, thence over U. S. Highway 220 to junction U. S. Highway 58, thence over combined U. S. Highways 58 and 220 to junction Virginia Highway 57, thence over Virginia Highway 57 to Fieldale, Va., thence over Virginia Highway 57 to Martinsville (also from junction U. S. Highway 58 and Virginia Highway 610 over Highway 610 to the Virginia-North Carolina State line, thence over North Carolina Highway 610 to Spray-Leaksville, N. C. (also from Martinsville over U. S. Highway 58 to Danville, Va.), and return over the same route, serving the intermediate points of Draper and Leaksville, N. C., and Axton and Fieldale, Va. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 75463 (Sub No. 16), filed September 26, 1957, REED LINES, INC., 209 Canal Street, Defiance, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Mineral wool, rock, slag*, and *glass wool products*, from Lagro, Ind., to points in Pennsylvania and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that the instant application is for the purpose of changing the wording in the commodity description in its Permits Nos. MC 75463 (Sub No. 5) and MC 75463 (Sub No. 11), which authorizes applicant to transport rock wool and rock wool products from Lagro, Ind., to points in Pennsylvania and West Virginia. Applicant further states that there are no changes in the commodity or territorial description and is willing to surrender said permits if and when the Commission authorizes the revised description of the commodities as above stated.

No. MC 75872 (Sub No. 18), filed September 27, 1957, BOSTON & MAINE TRANSPORTATION COMPANY, 1 Monsignor O'Brien Highway, Cambridge, Mass. Applicant's attorney: R. G. Bleakney, Jr., Boston and Maine Railroad, Boston 14, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, without exceptions, in substitute motor-for-rail service which is auxiliary to or supplemental of rail service of the Boston and Maine Railroad, (1) between Concord, N. H., and Plymouth, N. H., from Concord over U. S. Highway 3 to Plymouth; also from Concord over U. S. Highway 4 to junction New Hampshire Highway 106, thence over New Hampshire Highway 106 to junction U. S. Highway 3; also from Tilton over New Hampshire Highway 3B to junction U. S. Highway 3 at Ashland; also from Franklin over New Hampshire Highway 127 to Gaza; and return over the same routes, serving all intermediate points which are stations on the rail line of the Boston and Maine Railroad, including Franklin, Tilton, Laconia, Meredith, and Ashland, N. H.; (2) between Concord, N. H., and White River Junction, Vt., from Concord over U. S. Highway 4 to White River Junction, Vt.; also from Concord over U. S. Highway 3 to Franklin, thence over New Hampshire Highway 11 to junction U. S. Highway 4; also from West Andover over New Hampshire Highway 4A to Mascoma; and return over the same routes, serving all intermediate points which are stations on the rail line of the Boston and Maine Railroad, including Gerrish, Potter Place, Canaan, and Lebanon, N. H.; (3) between White River Junction, Vt., and Littleton, N. H., from White River Junction over U. S. Highway 5 to Wells River, Vt., thence over U. S. Highway 302 to Littleton, and return over the same routes, serving all intermediate points which are stations on the rail lines of the Boston and Maine Railroad, including Norwich, Thetford, Fairlee, and Bradford, Vt., and Woodsville, Bath, and Lisbon, N. H. RESTRICTIONS: The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Boston and Maine Railroad, hereinafter called the Railroad. Carrier shall not serve any point not a station on the rail lines of the Railroad. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement, an immediately prior or immediately subsequent movement by rail. Such further conditions as the Commission, in the future, may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, rail service. The authority granted, to the extent that it authorized the transportation of Class A and B explosives shall be limited, in point of time, to a period expiring five years after the effective date of any authority granted. Applicant is authorized to conduct operations in New Hampshire, Massachusetts, and Maine.

No. MC 107403 (Sub No. 242), filed September 16, 1957, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wax*, in bulk, in tank vehicles, from Paoli, Pa., to Milford, N. J. Applicant is authorized to transport similar commodities in Maryland, New Jersey, and Pennsylvania.

No. MC 115024 (Sub No. 2), filed September 23, 1957, JOHN J. SMITH TRUCKING, INC., 15675 Brookpark Road, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, in truckload lots, from Manistee, Mich., to points in Pennsylvania on and west of U. S. Highway 219; and *empty containers or other such incidental facilities* (not specified) used in transporting salt, on return. Applicant is authorized to transport salt and other commodities in Michigan and Ohio.

No. MC 115691 (Sub No. 3), filed September 17, 1957, R. J. COKER, doing business as COKER TRUCKING COMPANY, P. O. Box 398, Demopolis, Ala. Applicant's attorney: H. A. Lloyd, Demopolis, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Metal bleachers, pipe* and *pipe fittings*, from Demopolis, Ala., to points in Georgia and Florida; and *defective shipments of the commodities specified* on return. Applicant is authorized to transport the lumber in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Ohio, and Tennessee.

No. MC 116854 (Sub No. 2), filed September 26, 1957, JOHN N. ADAMS, P. O. Box 602, Evans, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Limestone*, in bulk, in specially constructed dump vehicles, from the site of the Kelly-Tedrow Company plant at or near Evans, Wash., to the Port of Entry on the International Boundary between the United States and Canada near Northport, Wash.

No. MC 116859 (Sub No. 1), filed September 4, 1957, CLARK TRANSFER, INC., 236 North 23d Street, Philadelphia 3, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, transporting: *Films* and *articles associated with the exhibition of motion pictures* as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 766, *magazines* and *newspapers*, serving Hightstown, Phillipsburg and Trenton, N. J., and Bayside, Craddock, Fort Story and Cape Henry, Oceana, Suffolk, Thomas Corners, Virginia Beach, Wakefield and Waverly, Va.; and Petersburg, Va., for *magazines* and *newspapers* only, as off-route points in connection with certain regular route operations authorized to be acquired by applicant from Highway Freight Lines, Inc. under Certificate No. MC 60580 upon consummation of No. MC–F 6466.

PETITION FOR DECLARATORY ORDER

The following petition relative to the jurisdiction of the Commission over certain activities by freight forwarders and motor carriers, and to the conduct of operations by freight forwarders and motor carriers under the Interstate Commerce Act has been received and will be processed in the manner hereinafter indicated.

In No. FF–C–2, a petition has been filed on June 29, 1957, by Movers' & Warehousemen's Association of America, Inc., and by Household Goods Carriers' Bureau seeking a declaratory order in response to certain queries. Petitioners' attorney: Herbert Burstein, 135 Broadway, New York, N. Y. The questions propounded are as follows:

(1) Except as specifically provided in section 402 (b), is there any type of freight forwarder service with respect to household goods which is subject to regulation by the Interstate Commerce Commission?

(2) May a motor common carrier enter into a contract with an unregulated freight forwarder of household goods which provides for the utilization by such freight forwarders of the services and instrumentalities of such common carriers by motor vehicle and fix any terms, conditions and provisions, including arrangements for compensation, which the parties elect?

(3) May a regulated motor carrier enter into a contract with a freight forwarder of household goods which provides that in the case of line-haul transportation between concentration points and break bulk points, in truckload lots, (where such line-haul transportation exceeds 450 highway miles) that the compensation to the regulation motor carrier shall be less than the latter's published rates and charges?

(4) May a freight forwarder, regulated under Part IV, lawfully create a subsidiary or affiliate or a company directly or indirectly under its control whose activities will be limited to the service with respect to used household goods? If so, is such latter service exempt from the provisions of Part IV?

(5) Is an unregulated freight forwarder of household goods deemed to be a shipper so that the motor carrier employed by the freight forwarder must assess and collect his published tariff charges?

(6) May an unregulated freight forwarder submit a bid for a military shipment at a lower rate than the published rate of the motor carrier who is employed for the line-haul transportation and may the latter lawfully perform the line-haul movement at less than his published rate (considering the effect, if any, of section 22)?

(7) If an unregulated freight forwarder of household goods is not restricted as to terminal areas may he engage, as his agent, a regulated motor carrier to pick up a shipment for consolidation at a point which the regulated motor carrier is not authorized, under his certificate, to provide service?

(8) If an unregulated freight forwarder of household goods is not restricted as to terminal areas, may he engage, as his agent, a regulated motor carrier, to deliver a shipment to a point which the motor carrier is not authorized to serve?

(9) If the operations described in "(7)" and "(8)" above are permitted, what arrangements, if any, must exist between the unregulated freight forwarder and the motor carrier?

(10) If a regulated freight forwarder is authorized to provide service between points "A" and "B" in interstate commerce, may it engage a certificated carrier at point "B" to deliver the goods by truck from point "B" to point "C" if point "C" is outside the terminal area of "B" but if the motor carrier is authorized to provide service between "B" and "C"?

(11) If a regulated freight forwarder is authorized to provide service from, to and between all points in the United States, may the regulated freight forwarder enter into an agreement with a certificated motor carrier to provide service between any point authorized to be served by the freight forwarder and the final destination of the shipment if the regulated motor carrier is authorized to provide such motor service between the two following points: the break bulk point and the point of final destination?

(12) If a regulated freight forwarder is authorized to provide service from, to and between all points in the United States, may the regulated freight forwarder enter into an agreement with a certificated motor carrier to provide service between any point authorized to be served by the freight forwarder, and the final destination of the shipment if the certificated motor carrier is not authorized to provide such motor service between the two points?

(13) In the cases described in "(11)" and "(12)" above must the motor carrier assess his published tariff rate?

No oral hearing is contemplated at this time with respect to the petition, but interested parties, including petitioners, may, on or before 45 days from the date of this publication, submit written statements containing data, views, or arguments upon the issues presented, verified under oath by a person having knowledge of such data, views, or arguments. One signed copy and fourteen additional copies of such statements should be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C.

Subsequent to the receipt of such statements, unless oral hearing should be necessary, a report of an examiner proposing such relief as may appear warranted will be issued.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6271, published in the May 23, 1956, issue of the FEDERAL REGISTER on page 3447. Application filed September 30, 1957, for temporary authority under section 210a (b).

No. MC–F 6704, published in the October 2, 1957, issue of the FEDERAL REGISTER on page 7828. Application filed September 27, 1957, for temporary authority under section 210a (b).

No. MC–F 6706. Authority sought for control by CARROLL J. ROUSH, 675 Brannan Street, San Francisco 7, Calif., of SOUTHERN CALIFORNIA FREIGHT LINES, INTERNATIONAL EXPRESS, INC., doing business as A. B. C. TRUCK COMPANY, UNITED TRUCK SERVICE, and DIRECT DELIVERY SYSTEM,

LTD., all of 1121 Mateo Street, Los Angeles 21, Calif. Applicant's attorneys: John R. Turney, J. M. Verner, and D. W. Markham, all of 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be controlled: (SOUTHERN CALIFORNIA FREIGHT LINES) *general commodities*, with certain exceptions including household goods and petroleum products in bulk, as a *common carrier* over regular routes including routes between Los Angeles Harbor, Calif., and the boundary of the United States and Mexico, between Escondido, Calif., and Riverside, Calif., between Oceanside, Calif., and Vista, Calif., between San Diego, Calif., and the California-Arizona State line, between Potrero, Calif., and the boundary of the United States and Mexico, between Calipatria, Calif., and the boundary of the United States and Mexico, between Los Angeles, Calif., and Oasis, Yorbe Linda, Olive, El Toro, Sierra Madre, Santa Monica, Ocean Park, El Segundo, Terminal Island, and Sunland, Calif., and between San Bernardino, Calif., and Idyllwild, Calif., serving certain intermediate and off-route points; *general commodities*, (moving on Government bills of lading), with certain exceptions including household goods and commodities in bulk, from Los Angeles, Calif., to Port Chicago, Calif., and from Port Hueneme, Calif., to Nebo and West Yermo, Calif., serving certain intermediate and off-route points; *general commodities*, except those of unusual value, and household goods as defined by the Commission, over an alternate regular route for operating convenience only between Los Angeles, Calif., and El Centro, Calif.; *class A, B, and C explosives*, moving on Government bills of lading, over irregular routes, from Fallbrook, Calif., to Port Chicago, Calif.; operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation, in the State of California, of *general commodities*, with certain exceptions, as a *common carrier* over irregular routes, between specified points; (INTERNATIONAL EXPRESS, INC.) *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between San Diego, Calif., and the boundary of the United States and Mexico, serving the intermediate point of San Ysidro, Calif.; (UNITED TRUCK SERVICE) *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier*, over irregular routes, between Hemet, Calif., on the one hand, and, on the other, points within 15 miles of Hemet, between Indio, Calif., on the one hand, and, on the other, certain points in California, and between points in that part of Riverside County, Calif., on and within ten miles of a line extending from Cabazon along U. S. Highway 99 to Coachella, and thence along California Highway 111 to Mecca; (DIRECT DELIVERY SYSTEM, LTD.), *powdered earth* and *powdered non-metallic mineral*, as a *contract carrier*, over irregular routes, from Palos Verdes and Torrance, Calif., to Los Angeles Harbor and Long Beach Harbor, Calif., and from Palos Verdes to Torrance and Harbor City, Calif. CARROLL J. ROUSH holds no authority from this Commission, but is affiliated with OREGON NEVADA CALIFORNIA FAST FREIGHT, INC., which is authorized to operate as a *common carrier* in Oregon, California, Nevada, and Washington. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6708. Authority sought for control by MEADORS FREIGHT LINE, INC., 310 East Usher Street, Covington, Ga., of ATLANTA-UNION POINT TRUCKING CO., INC., Box 237, Greensboro, Ga. Applicant's representative: D. M. Clower, General Manager, Meadors Freight Line, Inc., Box 70, Covington, Ga. Operating rights sought to be controlled: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation of *general commodities*, as a *common carrier*, over a regular route between Greensboro and Sparta, Ga., via Siloam and White Plains (State Highway No. 15). MEADORS FREIGHT LINE, INC., holds no authority from this Commission. However, it has an application pending in Docket No. MC–FC 60595 to acquire the operating rights of T. RUCKER GINN, doing business as MEADORS FREIGHT LINE, Covington, Ga., which is authorized to operate as a *common carrier* in Georgia. Said carrier is also authorized to operate in Georgia under the Second Proviso of section 206 (a) (1) of the Act. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6709. Authority sought for purchase by G. M. S. TRUCKING, INC., 531 Frank Nelson Building, Birmingham, Ala., of the operating rights and property of JOHN H. ELDRED TRUCKING, INC., 132 Parkway Drive, Trussville, Ala., and for acquisition by SAM T. POZONITZ, 101 Broad Street, Akron 8, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Vernon L. Stouffer, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Grave vaults, road rollers, farm machinery, wagons, burial vaults, dump-truck bodies, hoists, coal conveyors, parts* for dump-truck bodies, hoists, and coal conveyors, *materials, supplies*, and *equipment* used in the manufacture of commodities described above, *damaged and used parts* for dump-truck bodies, hoists, and coal conveyors, *semi-trailer dump bodies, tank truck bodies*, (both separate and when mounted on trailer or semi-trailers), *winches, cranes, derricks, tail gate lifts, chutes, farm equipment, parts* for tail gate lifts, chutes and farm equipment, *split shaft power take-offs and parts therefor*, and *road building machinery and equipment*, as a *contract carrier* over irregular routes, from, to or between points and areas, varying with the commodity transported, in all States in the United States and the District of Columbia. Vendee holds no authority from this Commission, but its controlling stockholder, SAM T. POZONITZ, doing business as GENERAL CARTAGE COMPANY, Akron, Ohio, is authorized to operate as a *common carrier* in Ohio. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6707. Authority sought for purchase by TRAILWAYS OF NEW ENGLAND, INC., 179 Allyn Street, Room 606, Hartford, Conn., of a portion of the operating rights and certain property of BOSTON & MAINE TRANSPORTATION COMPANY, North Station, Boston 14, Mass., and for acquisition by SAFEWAY TRAILS, INC., WILLIAM A. ROBERTS and CHARLES B. McINNIS, all of Washington, D. C., VIRGINIA STAGE LINES, INC., C. A. JESSUP, S. A. JESSUP, VIRGINIA PEPSI COLA BOTTLING CO., JAMES L. JESSUP, BETTY SUE JESSUP, and MARY IRVA JESSUP, all of Charlottesville, Va., and MARVIN E. WALSH, Silver Spring, Md., of control of such rights and property through the purchase. Applicants' attorney: William C. Battle, Post Office Box 1110, Charlottesville, Va. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, with no seasonal restrictions, as a *common carrier* over regular routes, between Salisbury, Mass., and Portland, Maine, between Boston, Mass., and Concord, N. H., between Boston, Mass., and Lawrence, Mass., between Portland, Maine, and Biddeford, Maine, between Kittery, Maine, and Kittery Navy Yard, Maine, between Lowell, Mass., and Worcester, Mass., between Ayer, Mass., and North Chelmsford, Mass., between Portsmouth, N. H., and Rye, N. H., between Hampton, N. H., and Hampton Beach, N. H., between Concord, N. H., and Littleton, N. H., and between North Woodstock, N. H., and junction unnumbered highway and U. S. Highway 3, serving all intermediate points; several alternate routes for operating convenience only; *passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, during the season extending from the 15th day of May to the 30th day of October, inclusive, between North Conway, N. H., and Glen, N. H., between Rye, N. H., and Hampton Beach, N. H., and between Bethlehem, N. H., and Bretton Woods, N. H., serving all intermediate points; *passengers and their baggage* in the same vehicle with passengers, in a seasonal operation from April 18 to October 31, both inclusive, of each year, between Lowell, Mass., and Boston, Mass., serving the intermediate points of Revere and East Boston, Mass. Vendee is authorized to operate as a *common carrier* in New York, Massachusets, Connecticut, New Hampshire and Rhode Island. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6710. Authority sought for purchase by TENNESSEE COACH COMPANY, 710 Sevier Avenue, Knoxville, Tenn., of a portion of the operating rights and certain property of SOUTHEASTERN MOTOR LINES, INC., 37 Alabama Street, Carrollton, Ga., and for acquisition by JAMES E. BURKE, 925 West First North, Morristown, Tenn., AL. KRAEMER and CLYDE R. BROWNSEY, both of Knoxville, of control of such rights and property through the purchase. Applicants' attorneys: Charles D. Snepp, 411 Fidelity Bank Building, Knoxville, Tenn., and James E. Pryor, 710 Sevier Avenue, Knoxville, Tenn. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, as a *common carrier* over a regular route between Chattanooga, Tenn., and Chatsworth, Ga., serving all intermediate points and the off-route point of Spring Place, Ga. Vendee is authorized to operate as a *common carrier* in West Virginia, Georgia, Tennessee and Virginia, and to perform charter operations, over irregular routes, restricted to traffic originating from points in Tennessee, Virginia, West Virginia, and Georgia, to points in the United States. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–8264; Filed, Oct. 8, 1957; 8:52 a. m.]

[Notice No. 12]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 4, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–3419 (Deviation No. 1), THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 215 Euclid Avenue, Cleveland 14, Ohio, filed September 3, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Toledo, Ohio, and Detroit, Mich., as follows: from Toledo over Ohio Highway 51 to Junction Toledo-Detroit Expressway, thence over Alternate Route 24 to junction U. S. Highway 25, thence over U. S. Highway 25 to Detroit and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Toledo, Ohio, and Detroit, Mich., over U. S. Highway 24.

No. MC–10928 (Deviation No. 2), SOUTHERN-PLAZA EXPRESS, INC., P. O. Box 837, Dallas 21, Tex., filed September 27, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Krebs, Okla., and junction Oklahoma Highway 9 and U. S. Highway 271, near Spiro, Okla., as follows: from Krebs over Oklahoma Highway 31 to junction Oklahoma Highway 71 (at or near Quinton), thence over Oklahoma Highway 71 to junction Oklahoma Highway 9 at or near Enterprise, Okla., thence over Oklahoma Highway 9 to junction U. S. Highway 271, near Spiro and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities, between Krebs, Okla., and junction U. S. Highway 271 and Oklahoma Highway 9, near Spiro, Okla., over the following pertinent route: from Krebs over U. S. Highway 270 to junction U. S. Highway 271 (at or near Caston, Okla.), thence over U. S. Highway 271 via Poteau, Okla. to junction Oklahoma Highway 9 near Spiro.

No. MC–31600 (Deviation No. 1), P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass., filed September 25, 1957. Attorney for said carrier, Wilmer B. Hill, 216 Transportation Building, Washington 6, D. C. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Springfield, Mass., and Boston, Mass., as follows: from Springfield over the Massachusetts Turnpike to Boston and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between New York, N. Y., and Boston, Mass., over the following pertinent routes: from Springfield, Mass., over U. S. Highway 20 to Boston; and from Sturbridge, Mass. over U. S. Highway 20 to Worcester, Mass., thence over Massachusetts Highway 9 to Boston; and return over the same routes.

No. MC–52986 (Deviation No. 2), NORTHWEST FREIGHT LINES, INC., 4300 State, Billings, Mont., filed September 30, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Billings, Mont., and Minneapolis, Minn., as follows: from Billings over U. S. Highway 87 to the junction U. S. Highway 87 and Montana Highway 8 near Crow Agency, thence over Montana Highway 8 to junction Montana Highway 8 and U. S. Highway 212 near Broadus, Mont., thence over U. S. Highway 212 via Belle Fourche, S. Dak., Watertown, S. Dak., Montevideo, and Olivia, Minn., to junction U. S. Highway 212 and U. S. Highway 169 near Shakopee, Minn., thence over U. S. Highway 212 and 169 to Minneapolis and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Billings, Mont., and Minneapolis, Minn., over U. S. Highway 10.

No. MC–1510 (Deviation No. 3), THE GREYHOUND CORP. (SOUTHWESTERN GREYHOUND LINES, INC.), 210 East Ninth St., Fort Worth, Tex., filed September 26, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route, between Kansas City, Kans., and Topeka, Kans., as follows: from Kansas City over the Kansas Turnpike to Topeka and return over the same route; for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities, between Kansas City, Kans., and Topeka, Kans., over the following pertinent routes: from Kansas City over U. S. Highways 24 and 40 via Tonganoxie, Kans. to junction U. S.. Highways 24 and 40 north of Lawrence, Kans., thence over U. S. Highway 40 via Lawrence and Topeka to junction U. S. Highways 24 and 40 at a point northwest of Topeka (also from Kansas City over unnumbered highway, formerly U. S. Highway 40, via Maywood, Kans. to junction unnumbered Access Highway at Victory Junction, Kans., thence over unnumbered Access Highway to junction U. S. Highways 24 and 40 south of Victory Junction, thence via Tonganoxie as specified to Junction U. S. Highways 24 and 40 north of Lawrence, Kans., thence over U. S. Highway 24 via Williamstown, Perry and Newman, Kans., to junction U. S. Highways 24 and 40 at a point northwest of Topeka) and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC–2866 (Deviation No. 1), EDWARDS MOTOR TRANSIT COMPANY, 56 East Third St., Williamsport, Pa., filed September 27, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *Passengers*, over a deviation route, between Easton, Pa., and junction Pennsylvania Highway 29 and U. S. Highway 209, near Lehighton, Pa., as follows: from Easton over U. S. Highway 22 to junction Northeastern Extension Pennsylvania Turnpike at Interchange No. 33 (Lehigh Valley), thence over Northeastern Extension Pennsylvania Turnpike to Interchange No. 34 (Mahoning Valley), thence over Turnpike approach to junction U. S. Highway 209, thence over U. S. Highway 209 to junction Pennsylvania Highway 29 near Lehighton and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Easton, Pa., and junction Pennsylvania Highway 29 and U. S. Highway 209, near Lehighton, Pa., over the following pertinent route: from Easton over

Pennsylvania Highway 45 to junction Pennsylvania Highway 29 (formerly U. S. Highway 309), thence over Pennsylvania Highway 29 to junction U. S. Highway 209 near Lehighton.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8263; Filed, Oct. 8, 1957; 8:52 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 4, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34196: *Soda ash—Louisiana and Texas points to Coronet, Fla.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7129), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, carloads from Lake Charles, West Lake Charles, Corpus Christi and Velasco, Tex., to Coronet, Fla.

Grounds for relief: Market competition.

Tariffs: Supplement 258 to Agent Kratzmeir's tariff I. C. C. 4087. Supplement 381 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34197: *Flooring—Laona, Wis., to southern territory.* Filed by W. J. Prueter, Agent (WTL No. A-1931), for interested rail carriers. Rates on flooring or flooring blocks or squares, wooden, carloads from Laona, Wis., to specified points in southern territory, also Helena, Ark.

Grounds for relief: Grouping.

Tariff: Supplement 44 to Agent Prueter's tariff I. C. C. A-3978.

FSA No. 34198: *Iron or steel rods—Kansas City, Mo., to Chicago, Ill.* Filed by W. J. Prueter, Agent, (WTL No. A-1930), for interested rail carriers. Rates on iron or steel rods, coiled, carloads, from Kansas City, Mo., to Chicago, Ill.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 91 to Agent Prueter's tariff I. C. C. A-4038.

FSA No. 34199: *Lumber and related articles—Michigan points to points in south.* Filed by W. J. Prueter, Agent (WTL No. A-1932), for interested rail carriers. Rates on lumber and related articles, carloads from specified stations in Michigan on the Duluth, South Shore, and Atlantic Railroad Company to specified points in Alabama, Florida, and Georgia as described in the application.

Grounds for relief: Grouping.

Tariff: Supplement 44 to Agent Prueter's tariff I. C. C. A-3978.

FSA No. 34200: *Fertilizer and materials—Western Trunk Line to southern points.* Filed by W. J. Prueter, Agent (WTL No. A-1933), for interested rail carriers. Rates on fertilizer, dry, and fertilizer materials, dry, in bulk in packages as described in the application, carloads from points in Colorado, Iowa, Kansas, Michigan (upper peninsula), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming to specified base points in Alabama, Kentucky, Louisiana (east of the Mississippi River), Mississippi, and Tennessee, also Helena, Ark., and points taking same rates in the National Rate Basis Tariff.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 8 to Agent Prueter's tariff I. C. C. A-4207.

FSA No. 34201: *Wheat—Texas points to Port Arthur, Tex., for export.* Filed by J. F. Brown, Agent (No. 311), for interested rail carriers. Rates on wheat, carloads from specific points in Texas on the Panhandle and Santa Fe Railway to Port Arthur, Tex., for export.

Grounds for relief: Truck competition.

Tariff: Supplement 21 to Agent Brown's tariff I. C. C. 878.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8262; Filed, Oct. 7, 1957; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ARNOLD MUNZINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Arnold Munzinger, Sallstrasse 60, Olten, Switzerland; Claims Nos. 61642 and 61643; $2,375.56 in the Treasury of the United States. Vesting Orders Nos. 17829 and 17903.

Executed at Washington, D. C., on September 30, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-8272; Filed, Oct. 8, 1957; 8:55 a. m.]

OTTO LOUIS ABAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

(Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the securities described below.)

Dr. Otto Louis Abas, Ramat Gan, Isreal; L. S. Claim No. 877; Cities Service Company 5/58, Debenture No. 21421, in the principal amount of $1,000, and Southern Pacific Company 4/49, Bond No. 9825, in the principal amount of $500.

Bertha deVries, London, England; L. S. Claim No. 887; $5,995.00.

Judith Gompen, Vught, Holland; Sophia van den Bergh, The Hague, Holland, and Hanni Ligtenstein, Amsterdam, Holland; L. S. Claim No. 892; $784.16.

Hermann Plaut, Surrey, England; L. S. Claim No. 910; Southern Pacific Company—San Francisco Terminal 4/50, Bonds Nos. 13370 and 13711, in the principal amount of $500 each.

Vesting Order No. 18521.

Executed at Washington, D. C., on September 30, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-8273; Filed, Oct. 8, 1957; 8:55 a. m.]

SALOMON BEFFIE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

(Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the securities described below.)

Salomon Beffie, Antwerp, Belgium; L. S. Claim No. 879; $1,176.24.

Hugo de Vries, Los Angeles, California; L. S. Claim No. 885; $2,798.50. International Power Securities Corporation 6½/55, Bond No. 1902, in the principal amount of $1,000.

Nicolaas de Vries, London, England; L. S. Claim No. 886; $2,798.50. International Power Securities Corporation 6½/55, Bond No. 1848, in the principal amount of $1,000.

Vesting Order No. 18521.

Executed at Washington, D. C., on September 30, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-8274; Filed, Oct. 8, 1957; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3618]

MONONGAHELA POWER CO. AND MARIETTA ELECTRIC CO.

ORDER PERMITTING PROPOSED ISSUANCE AND SALE OF CAPITAL STOCK BY SUBSIDIARY AND ACQUISITION AND PLEDGE OF SUCH SHARES BY PARENT COMPANY

OCTOBER 2, 1957.

Monongahela Power Company ("Monongahela"), a public utility company and an exempt holding company which is a subsidiary of The West Penn Electric Company, a registered holding company, and Monongahela's wholly-owned public utility subsidiary, The Marietta Electric Company ("Marietta"), have filed a joint application-declaration pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

Marietta proposes to issue and sell 7,500 additional shares of its authorized capital stock of $100 par value, and Monongahela proposes to acquire such shares for a cash consideration of $750,000, the aggregate par value thereof. Marietta will apply the proceeds from the sale to repay open account advances in the amount of $100,000 made to it by Monongahela and to provide for property additions and improvements. Marietta's construction expenditures are estimated at $824,000 for 1957 and $500,000 for 1958.

Monongahela will purchase the additional shares with available treasury funds, and will forthwith pledge such shares with City Bank Farmers Trust Company as Trustee (along with the presently outstanding 20,000 shares of Marietta's capital stock, heretofore pledged) pursuant to the terms of the Indenture dated August 1, 1945, as supplemented, securing Monongahela's First Mortgage Bonds.

No legal fees are to be incurred in connection with the transactions. Expenses incident thereto are estimated at $875 consisting of Federal stamp tax of $825 and miscellaneous expenses of $50.

Monongahela renders electric utility service in West Virginia, and Marietta serves a contiguous area in Ohio. The issuance and sale of the additional shares by Marietta have been approved by the Public Utilities Commission of Ohio; and the acquisition of said shares by Monongahela has been approved by the Public Service Commission of West Virginia.

Due notice of the filing of the application-declaration having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13546), and no hearing having been requested of, or ordered by, the Commission; and

It appearing that there is no basis for adverse findings or the imposition of special terms and conditions, and that the expenses to be incurred in connection with the proposed transactions are not unreasonable; and the Commission finding that the applicable provisions of the act, and of the rules and regulations thereunder, are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration be granted and permitted to become effective forthwith:

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration be, and it hereby is, granted and permitted to become effective, forthwith, subject to the conditions prescribed by Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-8257; Filed, Oct. 8, 1957; 8:50 a. m.]

[File No. 7-1897]

WARNER-LAMBERT PHARMACEUTICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 3, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Warner-Lambert Pharmaceutical Company common stock; File No. 7-1897.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before October 18, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-8256; Filed, Oct. 8, 1957; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 197

Washington, Thursday, October 10, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE WHEAT; DAMAGED KERNELS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2405, 5733 and 7200 containing the specific requirements of the 1957-crop wheat price support program are hereby amended as follows:

Section 421.2238 (c) (1) is amended to also make wheat grading No. 4, 5 or "Sample" because of damaged kernels (other than heat damaged) eligible so that the amended subparagraph (1) reads as follows:

§ 421.2238 *Eligible wheat.* • • •

(c) • • •

(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or 5 because of containing "Durum" and/or "Red Durum", but otherwise grading No. 3 or better; (iii) wheat of any class which grades No. 4, 5, or "Sample" on the factor of test weight, provided the test weight is not less than 40 pounds per bushel and/or on the factor of damaged kernels (other than heat damaged), provided such wheat with damaged kernels contains not more than 14 percent moisture, and which except for such test weight or damaged kernel factor would meet the requirements stated in subdivision (i) or (ii) of this subparagraph; or (iv) wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i), (ii) or (iii) of this subparagraph, provided such mixtures are the natural products of the field.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 7th day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-8344; Filed, Oct. 9, 1957; 8:56 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES; DISCOUNTS FOR DAMAGED KERNELS

The regulations issued by the Commodity Credit Corporation and Commodity Stabilization Service, published in 22 F. R. 2405, 5733 and 7200, containing the specific requirements of the 1957-crop wheat price support program are hereby amended to also provide discounts for eligible wheat which grades No. 4, No. 5 or "Sample" because of damaged kernels.

Section 421.2243 *Determination of support rates* • • •, paragraph (d) *Support rates* • • •, subparagraph (3) *Premiums and discounts for classification, grade, variety, and protein content,* is amended as follows:

1. Subdivision (i) (*a*) is amended by changing the footnote 1 to read as follows:

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule or to Hard Amber Durum or Amber Durum grading No. 4, 5 or "Sample" because of damaged kernels.

2. Subdivision (v) is amended by changing the footnote 1 to read as follows:

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule or to wheat grading No. 4, 5 or "Sample" because of damaged kernels.

3. Section 421.2243 (d) (3) is further amended by the addition of a new subdivision (vi) as follows:

(vi) Special discounts for wheat grading No. 4, 5 or "Sample" on factor of

(Continued on p. 8057)

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total damaged kernels (other than heat damaged).

Total damaged kernels: [1]	*Cents per bushel*
7.1–8 percent	—1
8.1–9 percent	—2
9.1–10 percent	—3
10.1–11 percent	—4
11.1–12 percent	—5
12.1–13 percent	—6
13.1–14 percent	—7
14.1–15 percent	—8
15.1–16 percent	—10
16.1–17 percent	—12
17.1–18 percent	—14
18.1–19 percent	—16
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[1] The discount for total damaged kernels (not in excess of 30 percent damage) shall be in addition to any applicable classification, grade and variety discounts and in addition to the special discounts for test weight provided in subdivision (iii) of this subparagraph. If the wheat grades No. 4, 5 or "Sample" because of the factor total damaged kernels (not in excess of 30 percent damage) but otherwise grades No. 3 or better, the discount for total damaged kernels shall be in addition to the applicable discount for grade No. 3.

Wheat of any class which grades "Sample" only because it contains in excess of 30 percent damaged kernels (other than heat damaged), which contains not more than 14 percent moisture, which is not musty, sour, heating or hot, and which meets all other eligibility requirements shall be discounted 60 cents per bushel from the applicable basic terminal or county support rate. The discounts set forth in subdivisions (iii) and (iv) of this subparagraph shall be applicable to wheat of this quality. The discounts set forth in subdivisions (i) (*b*) and (ii) (*b*) of this subparagraph, shall not be applicable to wheat of this quality.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Issued this 7th day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-8345; Filed, Oct. 9, 1957; 8:56 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

MINNESOTA; BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2321 and 7206 containing the specific requirements for the 1957-crop soybean price support program are amended as follows:

Section 421.2637 (a) (1) is amended by adding the following to the list of basic county support rates:

MINNESOTA

County:	*Rate per bushel*
Cass	$1.98

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 7th day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-8343; Filed, Oct. 9, 1957; 8:55 a. m.]

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 4]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SOIL BANK BASE PERIOD AND ADJUSTMENTS IN BASE

The regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program (22 F. R. 6397, 6644, 7631, and 7675) are hereby further amended as provided herein.

Paragraph (b) of § 485.313 is hereby amended to read as follows:

(b) *Soil bank base period and adjustments in base.* (1) Except as provided in subparagraph (2) of this paragraph, the soil bank base for the farm shall be the average acreage of land devoted to soil bank base crops during the years 1956 and 1957, subject to (i) adjustment by the county committee where necessary to make due allowance for abnormal weather conditions to the extent that such abnormal weather conditions affected the acreage of such crops during such period, (ii) such downward adjustment of 1957 crop acreages as is necessary to eliminate any soil bank base acreage credit for new land brought into the production of soil bank base crops after December 31, 1956, to the extent that such new land is not offset by the retirement of cropland on the farm to non-cropland, and (iii) such downward adjustment as may be necessary to eliminate soil bank base acreage credit resulting from considering the 1956 or 1957 acreage reserve as being devoted to a crop of the commodity covered by the agreement in cases where the soil bank base acreage credit thus given would, if not adjusted, result in increasing the soil bank base acreage above the acreage which would have been grown on the farm in 1956 or 1957 in the absence of participation in the acreage reserve program. The soil bank base established hereunder may provide different acreages for alternate years when necessary to reflect an established summer fallow rotation system, provided the average of the acreages for such alternate years shall equal the acreage as determined above.

(2) If the soil bank base established as provided in subparagraph (1) of this paragraph is less than the sum of the 1957 "old farm" allotments for all commodities, the soil bank base so determined shall be subject to upward adjustment as follows: If the 1956 or 1957 acreage devoted to a commodity (including acreage placed in the acreage reserve) is less than the respective 1956 or 1957 allotment for such commodity but is not less than 90 percent of such allotment, the 1956 or 1957 acreage devoted to the commodity shall be increased to equal the respective 1956 or 1957 allotment: *Provided*, That the resulting adjusted soil bank base shall not exceed the sum of the 1957 "old farm" allotments for the farm.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 7th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8346; Filed, Oct. 9, 1957; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

NOTICE OF QUARANTINE

On September 6, 1957, there was published in the FEDERAL REGISTER (22 F. R. 7151), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of proposed rule making concerning an amendment of notice of quarantine No. 79 relating to the soybean cyst nematode (7 CFR 301.79, 22 F. R. 5911). After due consideration of all relevant matters presented pursuant to the notice, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 106 of the Federal Plant Pest Act (Public Law 85-36), it has been

determined that it is necessary to quarantine the States of Arkansas, Kentucky,

ILLINOIS—continued

MINNESOTA—continued

NEBRASKA—continued

determined that it is necessary to quarantine the States of Arkansas, Kentucky, and Mississippi to prevent the spread of the soybean cyst nematode, which causes a dangerous disease of soybeans and certain other plants, and which has not heretofore been widely prevalent or distributed within and throughout the United States. Accordingly, the first sentence of 7 CFR 301.79 is hereby amended to read as follows:

§ 301.79 *Notice of quarantine.* Under the authority conferred by sections 103 and 106 of the Federal Plant Pest Act (Public Law 85–36, 71 Stat. 32, 33) and sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended, 7 U. S. C. 161, 162), and after public hearing, it has been determined that it is necessary to quarantine the States of Arkansas, Kentucky, Mississippi, Missouri, North Carolina, and Tennessee to prevent the spread of the soybean cyst nematode (Heterodera glycines Ichinohe), which causes a dangerous disease of soybeans and certain other plants, and which has not heretofore been widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined and regulations are hereinafter prescribed (§§ 301.79–1 to 301.79–11) governing the movement of the soybean cyst nematode and carriers thereof. • • •

The purpose of this amendment is to include the States of Arkansas, Kentucky, and Mississippi in the soybean cyst nematode quarantine. The amendment should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of the soybean cyst nematode. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall be effective October 10, 1957.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 7th day of October 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57–8341; Filed, Oct. 9, 1957; 8:55 a. m.]

[P. P. C. 624, Amdt. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

On September 6, 1957, there was published in the FEDERAL REGISTER (22 F. R. 7151), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to a proposed amendment of administrative instructions designating regulated areas, now appearing as 7 CFR 301.79–2a (22 F. R. 5915). After due consideration of all relevant matters presented, and pursuant to § 301.79–2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79–2, 22 F. R. 5911), under the Federal Plant Pest Act (Pub. Law 85–36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions appearing as 7 CFR 301.79–2a are hereby amended by adding to the counties, other civil divisions, farms, and other premises, and parts thereof, designated therein as regulated areas, the following premises and parts of civil divisions in Arkansas, Kentucky, and Mississippi, wherein it has been determined that soybean cyst nematode infestation exists or is likely to exist.

ARKANSAS

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

The property known as the Bert Hardesty Farm, shown on some ownership maps as the E. C. Adkisson Farm, located 1½ miles north and 3¼ miles east of the Town of Armorel on State Highway 137, this tract of land being the S½ of SE¼ of sec. 6, T. 15 N., R. 13 E.

KENTUCKY

Fulton County. The property owned and operated by Whitson Bros., in secs. 24 and 25, T. 1 N., R. 7 W., in the detached portion of Fulton County.

MISSISSIPPI

De Soto County. That portion of secs. 28, 29, 31, and 32, T. 2 S., R. 10 W., lying between the Mississippi River levee and the Mississippi-Arkansas State line.

This amendment shall become effective October 10, 1957.

It should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of the soybean cyst nematode. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 7th day of October 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57–8342; Filed, Oct. 9, 1957; 8:55 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA FOR 1958

§ 721.901 *Basis and purpose.* (a) This document is issued to proclaim the commercial corn-producing area for 1958 pursuant to sections 301 (b) (4) and 327 of the Agricultural Adjustment Act of 1938, as amended.

(b) In making the determinations contained in § 721.902, the corn acreage estimates of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the statistics of the Bureau of the Census relating to numbers of farms and acreage of farmland were used, adjusted where necessary to reflect the difference in the definition of "farm" used by the Commodity Stabilization Service and the Agricultural Conservation Program Service from that of the Bureau of the Census. It is hereby found and determined that the statistics of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the Bureau of the Census, as so adjusted and supplemented by Agricultural Conservation Program Service data constitute the latest and most reliable statistics of the Federal Government.

§ 721.902 *Commercial corn-producing area for the year 1958.* The commercial corn-producing area for the year 1958 comprises the following counties:

ALABAMA

Counties

Baldwin
Cherokee.
Coffee.
Conecuh.
Covington.
Dale.
De Kalb.
Etowah.
Escambia.

Clay.
Craighead.

All counties.

Calhoun.
Gadsden.
Holmes.

Appling.
Baker.
Berrien.
Brooks.
Bulloch.
Candler.
Colquitt.
Cook.
Decatur.
Early.
Emanuel.
Evans.
Grady.
Houston.
Geneva.
Houston.
Jackson.
Limestone.
Madison.
Marshall.
Monroe.
Morgan.

ARKANSAS

Counties

Greene.
Mississippi.

DELAWARE

All counties.

FLORIDA

Counties

Jackson.
Santa Rosa.

GEORGIA

Counties

Jenkins.
Lowndes.
Macon.
Miller.
Mitchell.
Peach.
Screven.
Seminole.
Tattnall.
Thomas.
Tift.
Toombs.
Wayne.
Worth.

ILLINOIS

All counties.

INDIANA

All counties.

IOWA

All counties.

KANSAS

Counties

Anderson.
Atchison.
Brown.
Clay.
Cloud.
Doniphan.
Douglas.
Franklin.
Jackson.
Jefferson.
Jewell.
Johnson.
Leavenworth.
Marshall.
Miami.
Nemaha.
Phillips.
Pottawatomie.
Republic.
Riley.
Shawnee.
Smith.
Washington.

KENTUCKY

Counties

Allen.
Ballard.
Barren.
Boone.
Boyle.
Breckenridge.
Bullitt.
Butler.
Caldwell.
Calloway.
Carlisle.
Carroll.
Christian.
Crittenden.
Daviess.
Edmonson.
Fulton.
Graves.
Grayson.
Green.
Hancock.
Hardin.
Hart.
Henderson.
Hickman.
Hopkins.
Jefferson.
Larue.
Livingston.
Logan.
Lyon.
Mason.
McCracken.
McLean.
Marion.
Meade.
Monroe.
Muhlenberg.
Nelson.
Ohio.
Oldham.
Shelby.
Simpson.
Spencer.
Taylor.
Todd.
Trigg.
Trimble.
Union.
Warren.
Washington.
Webster.

MARYLAND

Counties

Baltimore.
Caroline.
Carroll.
Cecil.
Dorchester.
Frederick.
Harford.
Howard.
Kent.
Montgomery.
Queen Annes.
Somerset.
Talbot.
Washington.
Wicomico.
Worchester.

MICHIGAN

Counties

Allegan.
Barry.
Bay.
Berrien.
Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Genesee.
Gratiot.
Hillsdale.
Ingham.
Ionia.
Isabella.
Jackson.
Kalamazoo.
Kent.
Lapeer.
Lenawee.
Livingston.
Macomb.
Mecosta.
Midland.
Monroe.
Montcalm.
Oakland.
Ottawa.
Saginaw.
Sanilac.
St. Clair.
St. Joseph.
Shiawassee.
Tuscola.
Van Buren.
Washtenaw.
Wayne.

MINNESOTA

Counties

Anoka.
Benton.
Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Chisago.
Cottonwood.
Dakota.
Dodge.
Douglas.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Hennepin.
Houston.
Isanti.
Jackson.
Kandiyohi.
Lac qui Parle.
LeSueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mille Lacs.
Morrison.
Mower.
Murray.
Nicollet.
Nobles.
Olmsted.
Otter Tail.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sherburne.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Todd.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Wilkin.
Winona.
Wright.
Yellow Medicine.

MISSOURI

Counties

Adair.
Andrew.
Atchison.
Audrain.
Bates.
Benton.
Bollinger.
Boone.
Buchanan.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clay.
Clinton.
Cole.
Cooper.
Daviess.
De Kalb.
Dunklin.
Franklin.
Gasconade.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jefferson.
Johnson.
Knox.
Lafayette.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mercer.
Mississippi.
Moniteau.
Monroe.
Montgomery.
Morgan.
New Madrid.
Nodaway.
Perry.
Pettis.
Pike.
Platte.
Putnam.
Ralls.
Randolph.
Ray.
St. Charles.
St. Clair.
St. Louis.
Ste. Genevieve.
Saline.
Schuyler.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.
Warren.
Wayne.
Worth.

NEBRASKA

Counties

Adams.
Antelope.
Boone.
Boyd.
Buffalo.
Burt.
Butler.
Cass.
Cedar.
Clay.
Colfax.
Cuming.
Custer.
Dakota.
Dawson.
Dixon.
Dodge.
Douglas.
Fillmore.
Franklin.
Furnas.
Gage.
Garfield.
Gosper.
Greeley.
Hall.
Hamilton.
Harlan.
Holt.
Howard.
Jefferson.
Johnson.
Kearney.
Knox.
Lancaster.
Lincoln.
Madison.
Merrick.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Phelps.
Pierce.
Platte.
Polk.
Richardson.
Saline.
Sarpy.
Saunders.
Seward.
Sherman.
Stanton.
Thayer.
Thurston.
Valley.
Washington.
Wayne.
Webster.
York.

NEW JERSEY

Counties

Burlington.
Cumberland.
Gloucester.
Hunterdon.
Mercer.
Middlesex.
Monmouth.
Ocean.
Salem.
Somerset.
Warren.

NORTH CAROLINA

Counties

Beaufort.
Bertie.
Camden.
Chowan.
Columbus.
Craven.
Currituck.
Duplin.
Edgecombe.
Gates.
Greene.
Halifax.
Harnett.
Hertford.
Hyde.
Johnston.
Jones.
Lenoir.
Martin.
Nash.
Northhampton.
Onslow.
Pasquotank.
Perquimans.
Pitt.
Robeson.
Sampson.
Tyrrell.
Washington.
Wake.
Wayne.
Wilson.

NORTH DAKOTA

County

Richland.

OHIO

Counties

Adams.
Allen.
Ashland.
Athens.
Auglaize.
Brown.
Butler.
Champaign.
Clark.
Clermont.
Clinton.
Columbiana.
Coshocton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hamilton.
Hancock.
Hardin.
Henry.
Highland.
Hocking.
Holmes.
Huron.
Jackson.
Knox.
Lawrence.
Licking.
Logan.
Lorain.
Lucas.
Madison.
Mahoning.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morgan.
Morrow.
Muskingum.
Ottawa.
Paulding.
Perry.
Pickaway.
Pike.
Preble.
Putnam.
Richland.
Ross.
Sandusky.
Scioto.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Vinton.
Warren.
Wayne.
Williams.
Wood.
Wyandot.

PENNSYLVANIA

Counties

Adams.	Lancaster.
Berks.	Lebanon.
Blair.	Lehigh.
Bucks.	Lycoming.
Carbon.	Mifflin.
Centre.	Monroe.
Chester.	Montgomery.
Clinton.	Montour.
Columbia.	Northampton.
Cumberland.	Northumberland.
Dauphin.	Perry.
Delaware.	Schuylkill.
Franklin.	Snyder.
Fulton.	Union.
Huntingdon.	York.
Juniata.	

SOUTH CAROLINA

Counties

Dillon.	Horry.

SOUTH DAKOTA

Counties

Aurora.	Hanson.
Beadle.	Hutchinson.
Bon Homme.	Jerauld.
Brookings.	Kingsbury.
Brule.	Lake.
Charles Mix.	Lincoln.
Clark.	McCook.
Clay.	Miner.
Codington.	Minnehaha.
Davison.	Moody.
Day.	Roberts.
Deuel.	Sanborn.
Douglas.	Tripp.
Grant.	Turner.
Gregory.	Union.
Hamlin.	Yankton.

TENNESSEE

Counties

Benton.	Lauderdale.
Bedford.	Lincoln.
Carroll.	Marion.
Cheatham.	Montgomery.
Coffee.	Moore.
Crockett.	Obion.
Dyer.	Robertson.
Franklin.	Sequatchie.
Gibson.	Stewart.
Grundy.	Tipton.
Haywood.	Warren.
Henry.	Weakley.
Lake.	

VIRGINIA

Counties

Accomack.	Northumberland.
Charles City.	Princess Anne.
Clarke.	Richmond.
Isle of Wight.	Southhampton.
Loudoun.	Surry.
Nansemond.	Sussex.
Norfolk.	Westmoreland.
Northhampton.	

WEST VIRGINIA

Counties

Berkeley.	Jefferson.

WISCONSIN

Counties

Adams.	Green Lake.
Buffalo.	Iowa.
Columbia.	Jackson.
Crawford.	Jefferson.
Dane.	Juneau.
Dodge.	Kenosha.
Dunn.	La Crosse.
Eau Claire.	Lafayette.
Fond du Lac.	Marquette.
Grant.	Milwaukee.
Green.	Monroe.

WISCONSIN—continued

Counties—Continued

Outagamie.	Sauk.
Pepin.	Trempealeau.
Pierce.	Vernon.
Polk.	Walworth.
Racine.	Waukesha.
Richland.	Waupaca.
Rock.	Waushara.
St. Croix.	Winnebago.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 327, 52 Stat. 38, 51, as amended, 7 U. S. C. 1301, 1327)

Done at Washington, D. C., this 7th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8347; Filed, Oct. 9, 1957; 8:56 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

ESTABLISHMENT OF SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES FOR 1957–58 FISCAL YEAR

Pursuant to Marketing Agreement No. 115 and Order No. 97 regulating the handling of filberts grown in Oregon and Washington, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et.seq.), the Secretary published a proposed rule in the FEDERAL REGISTER on September 10, 1957 (22 F. R. 7211) which would establish a salable percentage of 66⅔ percent, a surplus percentage of 33⅓ percent, and a withholding percentage of 50 percent applicable to merchantable filberts handled during the 1957–58 fiscal year. The notice provided that written data, views, or arguments would be considered prior to issuance of a final order establishing said percentages.

After the proposed rule was published a revised crop estimate was issued by the Department of Agriculture increasing the filbert production forecast for the crop year 1957–58 to 11,800 tons. On the basis of the larger crop estimate and a reappraisal of marketing conditions, the Filbert Control Board has submitted revised estimates and recommendations. After consideration of all relevant information available, it is hereby determined that the proposed percentages should be revised and that the percentages hereinafter set forth will most effectively tend to accomplish the purposes of the act and should be established.

The percentages are based on the following revised estimates (unshelled weight basis) for the fiscal year beginning August 1, 1957: (1) Merchantable production from the 1957–58 crop year of 18,172,000 pounds; (2) uncertified handler carryover on August 1, 1957, of 8,200 pounds; (3) total merchantable filberts subject to regulation of 18,180,200 pounds; (4) trade demand of 10,000,000 pounds; (5) an increase in trade and handler carryover from August 1, 1957, to July 30, 1958, of 1,500,000 pounds; and (6) total trade and carryover requirements for 1957 crop inshell filberts of 11,500,000 pounds.

It is hereby ordered, That the salable, surplus, and withholding percentages for filberts received by handlers during the 1957–58 fiscal year shall be as follows:

§ 997.207 *Salable, surplus, and withholding percentages for merchantable filberts during fiscal year beginning August 1, 1957.* The salable percentage of merchantable filberts shall be 63 percent, the surplus percentage shall be 37 percent, and the withholding percentage shall be 59 percent during the fiscal year beginning August 1, 1957.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give further notice of rule making and engage in further rule making procedure as to the foregoing revised percentages and that good cause exists for not postponing the effective date of this order for 30 days, or any lesser period, after publication in the FEDERAL REGISTER (section 4 (a) and (c), Administrative Procedure Act, 5 U. S. C. 1001, et seq.), in that (1) harvest of the 1957–58 filbert crop is now under way, (2) establishment of these percentages will facilitate trading between growers and handlers, and (3) compliance with the percentages herein established will require no special preparation on the part of handlers. Accordingly, this order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 7, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8340; Filed, Oct. 9, 1957; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6470]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MCCORMICK & CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, McCormick & Co., Inc., Baltimore, Md., Docket 6470, Sept. 17, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in Baltimore, Md., of spices, extracts, teas, coffees, and condiments on a nation-wide basis, with sales for 1954 approaching $44,000,000, with violating section 2 (d) of the Clayton Act through such practices as payment of a sum of money to a Philadelphia chain of food stores as compensation for advertising respondent's products, while not offering proportionally equal allowances to all competitors of the favored customer.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent McCormick & Company, Inc., a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of spices, extracts, teas, coffees, condiments and other products in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of spices, extracts, teas, coffees, condiments and other products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such spices, extracts, teas, coffees, condiments and other products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 17, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8330; Filed, Oct. 9, 1957; 8:52 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.334]

PART 75—UNITED STATES MUNITIONS LIST: ENUMERATIONS OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR, INCLUDING TECHNICAL DATA RELATING THERETO; AND REGULATIONS GOVERNING SAME

MISCELLANEOUS AMENDMENTS

The regulations of the Secretary of State, issued August 26, 1955, as amended May 15, 1956, November 5, 1956, and August 31, 1957, are amended as follows:

1. Section 75.26 is amended to read:

§ 75.26 *Certificate of registration.* (a) Upon receipt of an application for registration properly executed, accompanied by the registration fee, the Secretary of State shall issue to the applicant a certificate of registration valid for one year if $75 is paid or for four years if $300 is paid. Certificates of registration are not transferable. Certificates of registration are renewable for a further period of one year if a renewal fee of $75 is paid or for four years if a renewal fee of $300 is paid and the fee payment is accompanied by an application for registration properly executed on the prescribed form.

(b) Registration certificates issued prior to April 1, 1955, shall remain in effect during the period of validity indicated therein, without any additional fee being required.

(c) A refund of the registration fee covering a single year or a part thereof cannot be made by reason of changed conditions or new facts developed subsequent to the issuance of the registration certificate.

2. Section 75.41 is amended to read:

§ 75.41 *Export licenses.* Licenses to export articles on the United States Munitions List including helium gas and related unclassified technical data must be applied for on form DSP–5. The Secretary of State will not issue export licenses if a proposed exportation is considered contrary to security and/or foreign policy interests of the United States. Prior to the issuance of an export license the Secretary of State may also require documentary evidence pertinent to the proposed transaction. Licenses are valid only if the article to be exported is physically within the territorial jurisdiction of the United States.

3. Section 75.42 is amended to read:

§ 75.42 *Import licenses.* Licenses to import articles on the United States Munitions List must be applied for on form DSP–38. The Secretary of State will not issue import licenses if a proposed importation is considered contrary to security and/or foreign policy interests of the United States. Prior to the issuance of an import license the Secretary of State may also require documentary evidence pertinent to the proposed transaction.

4. Section 75.43 (a) is amended to read:

§ 75.43 *Intransit licenses.* (a) When articles are to be moved intransit through the United States, its territories or possessions, an intransit license must be obtained except as indicated in paragraphs (b) and (c) of this section, and an application for license must be submitted on form DSP–61. The Secretary of State will not issue intransit licenses if the proposed shipment is considered contrary to the security and/or foreign policy of the United States.

5. Section 75.54 is amended to read:

§ 75.54 *Export of vessels of war.* (a) The transfer of a vessel of war, as defined in § 75.17, from United States registry to foreign registry or the registration of an undocumented vessel of war under a foreign flag shall be considered an exportation for which an approval or license from the Secretary of State shall be requested. An export license must be obtained if the vessel to be exported is physically located in the United States. If the vessel is located abroad, the Department's written approval in the form of a letter must be obtained prior to its transfer of registry.

(b) The provisions of the regulations in this part shall be considered as binding in addition to and not in lieu of the provisions of the United States Shipping Act of 1916, as amended (46 U. S. C. 835). United States Maritime Administration approval is required prior to the sale and/or transfer to alien ownership, registry, and/or flag of vessels of war. United States registry of a documented vessel is cancelled under the regulations of the United States Maritime Administration where such vessel is sold to a purchaser for use under foreign registry.

6. Section 75.110 (a) is amended to read:

§ 75.110 *Exportation of technical data.* (a) A written approval by the Secretary of State is required for the exportation of unclassified technical data relating to arms, ammunition and implements of war to any of the destinations referred to in §75.140 (f) (see also §§ 75.2, 75.41, and 75.102).

7. Section 75.114 is amended to read:

§ 75.114 *Exportation of technical data with patent applications.* The exportation of technical data relating to arms, ammunition and implements of war with any patent application for foreign patents is subject to the jurisdiction of the Secretary of State. A Department of State written approval or export license is required for the exportation of unclassified technical data included as part of or with an application for a foreign patent. The written approval of the Secretary of State is in addition to the specific licensing requirement of the Patent Office during the first six months after the filing of the application with that office. If the subject matter is covered by a secrecy order, the provisions of § 75.110 (d) are applicable.

8. Section 75.120 is amended to read:

§ 75.120 *Unclassified technical data relating to sales bulletins, operational manuals, etc.* (a) Collectors of customs or postal authorities may permit the exportation without written approval to any destination other than those listed in § 75.140 (f) of unclassified technical data in the form of sales bulletins, operational, maintenance and sales promotion manuals which relate to equipment previously approved for export.

(b) Collectors of customs or postal authorities may permit the exportation without a new written approval or license to any destination other than those listed in § 75.140 (f) of unclassified technical data relating to sales bulletins, operational maintenance and sales promotion manuals previously approved for export to those destinations.

9. Section 75.122 is amended to read:

§ 75.122 *Unclassified technical data on small arms and ammunition.* Collec-

tors of customs or postal authorities may permit the exportation without written approval (subject to the provisions of § 75.140) of unclassified technical data relating to small arms and machine guns not in excess of caliber .50 and ammunition for such weapons except unclassified technical data containing advanced design, processes and manufacturing techniques.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

Dated: September 30, 1957.

For the Secretary of State.

HARRIS H. HUSTON,
Acting Administrator,
Bureau of Security
and Consular Affairs.

[F. R. Doc. 57-8339; Filed, Oct. 9, 1957; 8:54 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

LIBERALIZED CRITERIA FOR DETERMINING ELIGIBILITY OF WIDOWS FOR BENEFITS

A new § 4.494 is added to read as follows:

§ 4.494 *Liberalized criteria for determining eligibility of widows for benefits*—(a) *Child born of marriage.* The term "child * * * born of the marriage", as used in paragraph X (a), Veterans Regulation 10, as amended (38 U. S. C. ch. 12A), means a child as defined in § 4.438 (b).

(b) *Scope of benefit coverage.* The provisions of paragraph X (b), Veterans Regulation 10, as amended by Public Law 85-209, apply to claims filed by widows for gratuitous death benefits under laws administered by the Veterans Administration, including claims for compensation, pension, dependency and indemnity compensation, servicemen's indemnity, or loan guaranty.

(c) *Absence of knowledge of legal impediment.* Where a legal impediment existed it must be shown that, at the time the marriage to the veteran was entered into, the claimant did not know of the impediment. The fact that the claimant acquired such knowledge later (either before or after the death of the veteran) is not relevant to the issue.

(d) *Evidence requirements as to knowledge of legal impediment.* In the absence of evidence to the contrary, the claimant's signed statement that, at the time she married the veteran, she did not know of any legal impediment, will be accepted as establishing the fact that she was without such knowledge. Where the contrary is indicated and all procurable evidence has been obtained, the issue will be determined upon a preponderance of the evidence assembled. Where a reasonable doubt exists the policy of the Veterans Administration that such doubt will be resolved in favor of the claimant will be observed in all such cases.

(e) *Cohabitation with veteran for five or more years.* Paragraph X (b) provides that, after her marriage to the veteran, the claimant must have "cohabited with him for five or more years immediately before his death." This requirement will be fulfilled where the parties were married for the period specified and the requirements of § 4.16 with regard to continuous cohabitation are otherwise met.

(f) *Effective dates of awards*—(1) *General.* This paragraph applies to claims of widows (i) who, with respect to dates of marriage, are eligible for compensation or pension solely under the liberalized criteria provided in paragraph X (a) or (ii) who, because of legal impediments to marriage, are eligible for benefits solely under the provisions of paragraph X (b).

(2) *Pending claims.* Where otherwise in order, the effective date of an award as to a claim pending on the date of approval of the act will be August 28, 1957. For the purposes of this subparagraph a pending claim will include:

(i) A claim not previously disallowed by the adjudicating activity of original jurisdiction.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence, or inquiry on which action was pending on August 28, 1957.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence, or inquiry after August 28, 1957, within the appeal period.

(3) *Reopened claims.* Where otherwise in order, the effective date of an award as to a previously disallowed or abandoned claim reopened under the act after August 28, 1957 and after expiration of the appeal period will be the date of receipt of a formal or informal claim, but in no event prior to August 28, 1957.

(4) *New claims.* The effective date of an award as to a new claim received on or after August 28, 1957, will be the date determined under other applicable Veterans Administration laws and regulations, provided, that in no event shall payments be made for any period prior to August 28, 1957.

(g) *Benefits previously awarded*—(1) *Children on the rolls.* Where any woman is eligible as a "widow" for benefits (other than servicemen's indemnity) under the provisions of paragraph X (a) or X (b), but was not eligible for such benefits under the laws in effect on August 27, 1957, and a child was receiving the same benefits on August 28, 1957, to which the woman is eligible, any benefits payable to the woman shall be subject to payments made to all children for the period commencing the effective date of her award through the date of last payment to the children.

(2) *Servicemen's indemnity.* Where servicemen's indemnity is in course of payment to another relative which would not have been awarded if there had been no impediment to the marriage of a woman who has filed a claim as the veteran's "widow" under paragraph X (b), such claim will be adjudicated as provided in Veterans Administration adjudication procedures concerning contested claims filed subsequent to approval of awards. Only the remaining unpaid installments in such a case will be awarded to the widow whose claim is allowed under paragraph X (b).

(3) *Subsequent claim filed by legal widow.* Where benefits have been awarded to a woman whose marriage to the veteran has been deemed valid under the provisions of paragraph X (b) and a claim is received from another person as the legal widow, such claim will be adjudicated as provided in Veterans Administration adjudication procedures concerning contested claims filed subsequent to approval of awards. If the second claimant is determined to be the legal widow, her award will be effective the day following the date of last payment to the woman whose marriage was recognized as valid under paragraph X (b).

(h) *Dependency and indemnity compensation.* Widows who are eligible for death compensation solely under the criteria provided in paragraph X (a) or X (b), Veterans Regulation 10, may, upon application therefor, receive dependency and indemnity compensation under Public Law 881, 84th Congress, except under the circumstances described in section 501 (a) (3) (B) of that act. Dependency and indemnity compensation may not be paid for any period prior to the date of entitlement to death compensation in cases covered by this section. (Instruction 1, Public Law 85-209)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 10, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-8332; Filed, Oct. 9, 1957; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1520]

[749365]

[LA 035753]

CALIFORNIA

POWER SITE RESTORATION NO. 534; REVOKING EXECUTIVE ORDER OF DECEMBER 12, 1917, WHICH CREATED POWER SITE RESERVE NO. 671

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of December 12, 1917, reserving (A) all portions of certain lands within a strip approximately 210 feet in width for electrical transmission lines as Power Site Reserve No. 671, and (B) all portions of lands lying within 50 feet of the centerline of the transmission line location, is hereby revoked in its entirety, affecting the following described lands:

(A) MOUNT DIABLO MERIDIAN

T. 5 S., R. 31 E.,
Sec. 16, W½E½.
T. 6 S., R. 31 E.,
Sec. 10, SE¼SW¼;
Sec. 14, NW¼SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 15, NW¼NE¼ and SE¼NE¼;
Sec. 23, N½NE¼ and SE¼NE¼;
Sec. 24, SW¼NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 25, N½NE¼.
T. 6 S., R. 32 E.,
Sec. 30, SW¼NW¼ and SE¼SW¼.
T. 7 S., R. 32 E.,
Sec. 4, SW¼NW¼;
Sec. 25, SE¼NE¼.
T. 7 S., R. 33 E.,
Sec. 30, SW¼NW¼ and SW¼.
T. 8 S., R. 33 E.,
Sec. 5, NW¼SW¼;
Sec. 17, NE¼NW¼;
Sec. 33, NW¼NE¼.
T. 9 S., R. 33 E.,
Sec. 2, lots 12 and 13.
T. 10 S., R. 34 E.,
Sec. 30, SW¼SW¼;
Sec. 31, W½W½.
T. 12 S., R. 34 E.,
Sec. 27, W½NW¼ and SW¼.
T. 13 S., R. 34 E.,
Sec. 1, lots 3, 4, and 5 of W½NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 2, lots 5 and 6 of E½NE¼;
Sec. 12, NW¼NE¼, S½NE¼, and E½SE¼;
Sec. 13, NE¼NE¼.
T. 13 S., R. 35 E.,
Sec. 18, W½NW¼ and SW¼;
Sec. 19, W½SE¼;
Sec. 29, W½SW¼;
Sec. 30, E½E½ and NW¼NE¼;
Sec. 32, NW¼NW¼, S½NW¼, and E½SW¼.
T. 14 S., R. 35 E.,
Sec. 5, W½NE¼, NE¼NW¼, and SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, W½SW¼;
Sec. 16, N½NW¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 21, W½NE¼ and E½SE¼;
Sec. 27, NE¼SW¼ and S½SW¼.
T. 15 S., R. 35 E.,
Sec. 3, N½NE¼;
Sec. 11, SW¼NW¼, E½SW¼, and SW¼SE¼;
Sec. 14, W½NE¼, NE¼NW¼, and SE¼;
Sec. 23, E½NE¼;
Sec. 24, W½NW¼, NW¼SW¼, and S½SW¼;
Sec. 25, SW¼NE¼, E½NW¼, NW¼SE¼, and S½SE¼;
Sec. 36, E½NE¼ and NE¼SE¼.
T. 15 S., R. 36 E.,
Sec. 31, NW¼SW¼.
T. 16 S., R. 36 E.,
Sec. 17, N½SW¼, SW¼NW¼, and SE¼SW¼;
Sec. 20, W½NE¼; NE¼NW¼, and SE¼;
Sec. 28, SW¼NW¼, NW¼SW¼, and S½SW¼;
Sec. 29, E½NE¼;
Sec. 33, SW¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and W½SE¼.
T. 17 S., R. 36 E.,
Sec. 11, SW¼NW¼, NW¼SW¼, and S½SW¼;
Sec. 14, N½NW¼, SE¼NW¼, and E½SW¼;
Sec. 23, W½SE¼;
Sec. 26, NW¼NE¼, S½NE¼, and E½SE¼;
Sec. 36, W½SW¼.

T. 18 S., R. 36 E.,
Sec. 1, W½SW¼;
Sec. 12, N½NW¼, SE¼NW¼, and E½SW¼;
Sec. 13, SW¼NE¼, E½NW¼, and W½SE¼;
Sec. 24, W½E½ and SE¼SW¼;
Sec. 25, NW¼NE¼, E½NW¼, and E½SW¼;
Sec. 36, NE¼NW¼ and W½W½.
T. 19 S., R. 36 E.,
Sec. 1, W½NW¼;
Sec. 12, SW¼SW¼;
Sec. 13, W½NW¼, N½SW¼, and SE¼SW¼;
Sec. 24, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 25, E½NE¼.
T. 31 S., R. 36 E.,
Sec. 24, SE¼SE¼;
Sec. 36, W½NW¼.
T. 32 S., R. 36 E.,
Sec. 2, NE¼NW¼, S½NW¼, and W½SW¼;
Sec. 10, N½NE¼, SW¼NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 16, E½NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 20, E½SE¼;
Sec. 32, NW¼NW¼.
T. 19 S., R. 37 E.,
Sec. 30, SW¼NW¼ and W½SW¼;
Sec. 31, N½NW¼, SE¼NW¼, NE¼SW¼, and W½SE¼.
T. 20 S., R. 37 E.,
Sec. 5, SW¼SW¼;
Sec. 6, NW¼NE¼, S½NE¼, and E½SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, W½NW¼ and SW¼;
Sec. 17, E½W½ and W½SE¼;
Sec. 20, W½NE¼; N½SE¼, and SE¼SE¼;
Sec. 28, W½SW¼;
Sec. 29, E½NE¼ and NE¼SE¼;
Sec. 33, NW¼NW¼, S½NW¼, and E½SW¼.
T. 21 S., R. 37 E.,
Sec. 3, N½NW¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 10, N½NE¼ and SE¼NE¼;
Sec. 11, SW¼NW¼, NW¼SW¼, and S½SW¼;
Sec. 14, E½W½;
Sec. 23, W½SE¼;
Sec. 26, W½NE¼ and SE¼;
Sec. 35, E½E½.
T. 22 S., R. 37 E.,
Sec. 1, W½W½;
Sec. 2, E½NE¼;
Sec. 12, W½NW¼, N½SW¼, and SE¼SW¼;
Sec. 13, E½W½ and W½SE¼;
Sec. 24, W½E½ and SE¼SE¼;
Sec. 25, E½E½ and NW¼NE¼;
Sec. 36, E½NE¼.
T. 28 S., R. 37 E.,
Sec. 1, E½NE¼, N½SE¼; and SW¼SE¼;
Sec. 12, W½NE¼, E½NW¼, NE¼SW¼, and S½SW¼;
Sec. 13, W½NW¼ and NW¼SW¼;
Sec. 14, SE¼NE¼, and E½SE¼;
Sec. 23, N½NE¼, SW¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 26, NW¼ and W½SW¼;
Sec. 27, SE¼SE¼;
Sec. 34, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼.
T. 29 S., R. 37 E.,
Sec. 2, N½NW¼ (lots 3 and 4), SW¼NW¼, and NW¼SW¼;
Sec. 3, E½SE¼;
Sec. 10, N½NE¼, SW¼NE¼, E½SW¼, and W½SE¼ (lots 1, 2, 7, 10, 11, 14, and 15);
Sec. 15, NW¼ and W½SW¼ (lots 3, 4, 5, 6, 12, and 13);
Sec. 16, SE¼SE¼;
Sec. 21, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼ (lots 1, 7, 8, 10, 14, and 15);
Sec. 28, NW¼NE¼ and E½W½ (lots 2, 3, 6, 11, and 14);
Sec. 33, NE¼NW¼ (lot 3).
T. 30 S., R. 37 E.,
Sec. 4, W½E½ and NE¼NW¼ (lots 6, 7, SW¼NE¼ and W½SE¼);
Sec. 16, E½E½;
Sec. 21, SE¼NE¼;
Sec. 22, W½W½;
Sec. 28, NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼ (lot 4, NE¼, E½SW¼, and NW¼SE¼);
Sec. 32, NE¼NE¼, S½NE¼, NE¼SW¼, and S½SW¼ (lots 7, 8, 9, 12, and 13).
T. 31 S., R. 37 E.,
Sec. 5, N½NW¼, SW¼NW¼, and SW¼SW¼;
Sec. 6, E½SE¼;
Sec. 7, NE¼NE¼;
Sec. 18, W½E½ and SE¼SW¼.
T. 22 S., R. 38 E.,
Sec. 31, SW¼NW¼, NW¼SW¼, and SW¼SW¼.
T. 23 S., R. 38 E.,
Sec. 18, SE¼SE¼;
Sec. 20, W½W½ and SE¼SW¼;
Sec. 29, N½NW¼, SE¼NW¼, E½SW¼, and SW¼SE¼;
Sec. 32, W½NE¼, N½SE¼, and SE¼SE¼.
T. 24 S., R. 38 E.,
Sec. 4, SW¼SW¼;
Sec. 5, E½E½;
Sec. 9, W½W½;
Sec. 16, W½W½;
Sec. 21, W½W½;
Sec. 28, NW¼ and E½SW¼;
Sec. 33, E½W½.
T. 25 S., R. 38 E.,
Sec. 3, NW¼ and E½SW¼;
Sec. 15, E½W½;
Sec. 22, E½NW¼ and W½E½;
Sec. 27, W½E½;
Sec. 34, W½E½ and SE¼SE¼.
T. 26 S., R. 38 E.,
Sec. 3, N½NE¼, SW¼NE¼, and E½SE¼;
Sec. 10, lots 3 and 9, and E½NE¼;
Sec. 15, lots 1 and 7, and E½SE¼;
Sec. 22, NE¼, SE¼SW¼, and W½SE¼;
Sec. 27, NE¼NW¼, S½NW¼, and W½SW¼;
Sec. 33, E½NE¼ and SE¼;
Sec. 34, NW¼NW¼.
T. 27 S., R. 38 E.,
Sec. 4, NW¼NE¼, E½W½, and SW¼SW¼;
Sec. 8, SE¼NE¼ and E½SE¼;
Sec. 9, W½NW¼;
Sec. 17, N½NE¼, SW¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 19, E½SE¼;
Sec. 20, NE¼NW¼ and W½W½;
Sec. 30, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼;
Sec. 31, NE¼NW¼, S½NW¼, and W½SW¼.
T. 28 S., R. 38 E.,
Sec. 6, NW¼NW¼.

SAN BERNARDINO MERIDIAN

T. 11 N., R. 12 W.,
Sec. 8, N½NW¼ and SW¼NW¼;
Sec. 18, N½NE¼, SW¼NE¼, and SE¼NW¼;
T. 12 N., R. 12 W.,
Sec. 32, SE¼SE¼.
T. 10 N., R. 13 W.
Sec. 16, SE¼SE¼.
T. 11 N., R. 13 W.,
Sec. 24, NE¼SE¼ and S½SE¼;
Sec. 36, NW¼NW¼.
T. 7 N., R. 14 W.,
Sec. 28, S½NE¼;
Sec. 33, SW¼SW¼.
T. 9 N., R. 14 W.,
Sec. 36, W½NE¼, SE¼NW¼, and E½SW¼.

(B) MOUNT DIABLO MERIDIAN

T. 17 S., R. 36 E.,
Sec. 23, N½SW¼.

SAN BERNARDINO COUNTY

tion of Microwave Auxiliary station; corrections; and

full load conditions have

SAN BERNARDINO COUNTY

T. 5 N., R. 16 W.,
Sec. 36, W½E½, and SE¼SE¼.

2. The Federal Power Commission on April 17, 1922, issued its general determination that where lands of the United States had theretofore been or thereafter were reserved or classified as power sites, solely because such lands were either occupied by power transmission lines or their occupancy and use for such purposes had been applied for or authorized under appropriate laws of the United States, that the value of such lands would not be injured or destroyed for purposes of power development by location entry or selection under the public land laws subject to the reservation of section 24 of the Federal Power Act. The lands, therefore, to the extent that they are not included in other withdrawals or reservations, will continue open to application and appropriation under the public land laws, but without reference to the provisions of section 24 of the Federal Power Act.

3. Portions of the lands are included in the grant of a right-of-way to the City of Los Angeles (LA 035753) for telephone and transmission lines under the act of June 5, 1920 (41 Stat. 983) amending the act of June 20, 1906 (34 Stat. 801).

A power reservation (Power Project No. 134) affecting the lands was created by the filing of applications by the City with the Federal Power Commission on February 14, 1922, and September 18, 1922, for a proposed transmission line right-of-way. The applications were withdrawn by the City, and the Commission on May 23, 1925, vacated the reserve created by Project No. 134, effective upon approval of the grant under Los Angeles 035753.

ROGER C. ERNST,
Assistant Secretary of the Interior.

OCTOBER 2, 1957.

[F. R. Doc. 57-8311; Filed, Oct. 9, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12042; FCC 57-1107]

[Rules Amdt. 21-8]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Subparts A, B, D, G, I, and J of Part 21 of the Commission's rules, Domestic Public Radio Services (Other than Maritime Mobiles).

1. On June 3, 1957, the Commission released a notice of proposed rule making in the above-entitled matter. The notice of proposed rule making was published in the FEDERAL REGISTER on June 6, 1957 (22 F. R. 109) and the time allowed for filing comments has now expired. The purpose of the proposed amendments is to allow fixed installation of Microwave Auxiliary station; correct a typographical error with respect to frequency assignments for Microwave Auxiliary stations; clarify procedures to be followed precedent to establishing a fixed radio communication circuit between the United States and Canada or Mexico; set forth, in definitive rules, established policies and requirements which have consistently been applicable (1) in cases where Domestic Public Land Mobile miscellaneous common carrier licensees seek to operate additional channels in an established system, and (2) in cases where certain Point-to-Point Microwave Radio licensees operate facilities at temporary fixed locations; add a provision to the present rule which designates the service areas of base stations in the Domestic Public Land Mobile Radio Service, to specify the contours shown by this section as the limits of service areas in which a licensee shall be entitled to protection in relation to harmful co-channel electrical interference and the limits within which consideration will be accorded claims of economic injury; and to clarify the status of construction permits, which, by the terms stated therein, expire at a date subsequent to the expiration date of a related station license or licenses.

2. Comments directed to the matters involved in this rule-making proceeding have been received from, or in behalf of, the American Telephone and Telegraph Company, the United States Independent Telephone Association and Television Microwave, Inc. Although several of these comments are critical in nature, none of the parties have requested that a hearing be held to resolve the points of contention set forth.

3. The various comments will be discussed in connection with the separate rules to which they pertain. These are disposed of in the same order in which they appeared in the notice of proposed rule-making:

A. Section 21.1: The only comment on this rule change was a supporting one by Television Microwave, Inc.

B. Section 21.801 (b): Television Microwave, Inc., invites Commission attention to a typographical error in this proposed rule which appeared in the original mimeographed notice of proposed rule-making but was subsequently corrected in the FEDERAL REGISTER printing. In corrected form, the word "ommissions" which appeared in the original printing should read "emissions".

C. Section 21.214: No comments were received with regard to this proposed rule.

D. Section 21.516: Comments on this rule were received from the American Telephone and Telegraph Company, United States Independent Telephone Association and Television Microwave, Incorporated.

The American Telephone & Telegraph Co. is opposed to the adoption of the proposed rule, since the stated objective of the associated telephone companies is to provide facilities in advance of the time in which they are needed by customers rather than withholding applications for additional channels until full-load conditions have been achieved and there are "held" orders on hand from new customers who cannot be accommodated on the existing channels. Applications for additional facilities submitted under these conditions would not reflect full-channel loading and it is felt that such information would be of little use to the Commission. It is stated that it would not be in the public interest, convenience or necessity to require a showing of saturation conditions on present channels before application is made for additional facilities in view of the need of planning for future expansion and the delay which would result in providing service when needed by customers. As an alternative to the proposed rule, it is suggested that such information be provided, where applicable, in connection with the required showing that the facilities are in the public interest and that such information could be provided in individual cases when requested by the Commission.

The proposed rule, to which the foregoing comments were directed, did not imply that applications for additional channels cannot be submitted until full channel loading is achieved on channels already licensed.

Comments from United States Independent Telephone Association indicate support of the rule, but propose two modifications. It is stated that revealing the names of prospective subscribers would identify them to competitors, and the rule should be changed to require the number rather than the names of prospective customers. It is also suggested that the need for additional facilities be based on a busy hour traffic study.

The comments from Television Microwave, Incorporated are not concerned with operation in the Domestic Public Land Mobile Radio Service and are not pertinent to this proposed rule.

Upon consideration of the comments filed, it has been decided to limit the application of the rule to miscellaneous common carriers only because they are the only potential licensees who might be competitive within a common geographical service area. Additionally, the rule will be amended to require disclosure of the number, but not the names, of potential subscribers.

E. Section 21.708: The American Telephone and Telegraph Company's comments on this rule object to the showing of public interest which would be required for each fixed operation at a temporary location and further requests that the proposed requirement of two day prior notice of operation be changed to require that the Commission be notified "promptly" of each operation.

It would appear that, if a notice is furnished the Commission, it should not be burdensome to state therein the communication need, or purpose to be served, by the installation.

In so far as advance notice is concerned, two days notice would not appear to be unreasonable or extraordinary for any usual situation. Such notice is essential to the orderly administration of the Commission's responsibilities in dealing with problems of interference, and other matters. In cases where such notice cannot, for a valid reason, be afforded, provision will be made in the rule for prompt notification on shorter notice, provided the reason in justification for such shorter notice is made clear.

F. Section 21.504: Comments on this proposed rule were submitted only by the American Telephone and Telegraph Company. It is contended in these comments that reliable service areas for stations in this service, as described by the present § 21.504, is a helpful guide in estimating the size and character of service areas but that such limits should not be made a hard and fast rule in determining the service area in which a licensee could claim protection from electrical interference and competitive injury. It is pointed out that acceptable service may be rendered in areas where the field strength contour is less than that specified by the present rule. American Telephone and Telegraph Company is of the opinion that changes in the present rule are not warranted.

The Commission recognizes that radio systems in the Domestic Public Land Mobile Radio Service are capable of rendering acceptable communication service beyond the base station's field strength contours which the proposed rule seeks to protect. However, unless definite field strength contours are defined, it creates a rather impossible situation in engineering radio systems on an interference-free basis, as contemplated in § 21.100 (a) of Part 21 of the Commission's rules. Clearly, the American Telephone and Telegraph Company comments contemplate offering protection against harmful interference and economic injury to field strength contours of far less intensity than those specified in the proposed rule. If weaker field strength contours were to be recognized, many of the stations now authorized would undoubtedly not qualify as operating on a interference-free basis and mileage separation between co-channel radio systems would probably have to be increased to the point where the overall utility of the radio spectrum would be substantially diminished. Adoption of these criteria, which we believe to be both realistic and reasonable, will serve the public interest in lessening the administrative burden of the Commission in processing applications and administering this service. Likewise, it will benefit the public in establishing criteria for their guidance in this service. Therefore, the proposed rule is adopted without change.

G. Section 21.32: No comments.

H. Section 21.30: No comments.

4. Although the foregoing concludes the comments pertinent to the rule changes proposed in this docket, the comments of Television Microwave, Inc. include a proposal to permit operation of microwave auxiliary stations on two frequencies, and other rule changes to allow the unattended operation of repeater transmitters in this service in order to permit voice communication for control and maintenance purposes over the full length of a point-to-point microwave radio system. Since this proposal is a matter not connected with the instant proceedings, it cannot be considered at this time but should be made the subject of a properly supported petition for pertinent rule changes, in accordance with the appropriate sections of Part 1 of the Commission's rules.

5. In view of the considerations and determinations related above, and pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, it is ordered, effective November 15, 1957, that the amendments to Part 21, Domestic Public Radio Services (Other Than Maritime Mobile), are adopted as set forth below and the proceedings in Docket No. 12042 are terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 2, 1957.

Released: October 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 21 of the Commission's rules is amended in the following particulars:

1. Delete the definition of a Microwave Auxiliary station under § 21.1 and substitute the following:

Mobile microwave auxiliary station. A mobile station used in connection with (1) the alignment of microwave transmitting and receiving antenna systems and equipment, (2) coordination of microwave radio survey operations, and (3) cue and contact control of television pickup station operations.

Fixed microwave auxiliary station. A fixed station used in connection with (1) the alignment of microwave transmitting and receiving antenna systems and equipment, (2) coordination of microwave radio survey operations, and (3) cue and contact control of television pickup station operations.

2. Delete the present text of § 21.801 (h) and substitute the following:

(h) The frequency 27.255 Mc in the 27.23–27.28 Mc band is allocated for assignment to microwave auxiliary stations in this service on a shared basis with other radio services. Assignments to stations on this frequency will not be protected from such interference as may be experienced from the emissions of industrial, scientific and medical equipment operating on 27.12 Mc in accordance with § 2.104 (a) of this chapter.

3. Add a new § 21.214 to read as follows:

§ 21.214 *Operation of stations at temporary fixed locations for communication between the United States and Canada or Mexico.* Stations authorized to operate at temporary fixed locations shall not be used for transmissions between the United States and Canada, or the United States and Mexico, without prior specific notification to, and authorization from, the Commission. Notification of such intended usage of the facilities should include a detailed showing of the operation proposed, including the parties involved, the nature of the communications to be handled, the terms and conditions of such operations, the time and place of operation, such other matters as the applicant deems relevant, and a showing as to how the public interest, convenience and necessity would be served by the proposed operation. Such notification should be given sufficiently in advance of the proposed date of operation to permit any appropriate correlation with the respective foreign government involved (see §§ 21.611, 21.708, and 21.806).

4. Add a new § 21.516 to read as follows:

§ 21.516 *Additional showing required with application for assignment of additional channel.* An application for the assignment of an additional channel at an existing Domestic Public Land Mobile radio station (other than control or repeater), by a licensee who is not engaged in providing public wire line communication service, in addition to the information required by other sections of these rules, shall include a showing of the following:

(a) The number of prospective subscribers for whom an order for service is being held including information as to the type of business or other activity for which communication is required, and the number of mobile units desired by each prospective subscriber.

(b) Data showing the actual traffic loading on the present radio system during three days of normal message traffic selected at random within 30 days prior to the date of filing. This information should be reported separately for each of the three days selected, which should be identified by dates, and should disclose, but not necessarily be limited to, the following:

(1) The number of mobile units using the service during a 24-hour period commencing at midnight.

(2) The number of messages handled each hour.

(3) The number of calls held due to busy radio circuit conditions during each hour.

(4) The total holding time of calls held during each hour.

(5) The maximum holding time on any call during each hour.

5. Add a new § 21.708 to read as follows:

§ 21.708 *Notification of station operation at temporary fixed locations.* (a) The licensee of stations which are authorized pursuant to the provisions of § 21.707 shall notify the Commission, and its Engineer-in-Charge of the radio district wherein operation is to be conducted, at least two days prior to installation of the facilities, stating:

(1) The call sign and specific location of transmitter.

(2) The location of the transmitting or receiving station with which it will communicate and the identity of the correspondent operating such facilities.

(3) The exact frequency or frequencies to be used.

(4) The public interest, convenience and necessity to be served by operation of the proposed installation.

(5) The commencement and termination dates of operation from each location.

(b) Less than two days advance notice may be given when circumstances require shorter notice provided such notice is promptly given and the reasons in support of such shorter notice are stated.

(c) A copy of this notification shall be posted with the station license. (See § 21.214).

6. Designate the present text of § 21.504 as paragraph (a) and add paragraph (b). As amended, § 21.504 reads as follows:

§ 21.504 *Service area of base station.* (a) The limits of reliable service area of a base station are considered to be described by a field strength contour of 37 decibels above one microvolt per meter for stations engaged in two-way communication service with mobile stations and 43 decibels above one microwave per meter for stations engaged in one-way signaling service. Service within that area is generally expected to have an average reliability of not less than ninety percent.

(b) The field strength contours described in paragraph (a) of this section shall be regarded as determining the limits of the reliable service area of the related base stations for the purpose of providing protection to such stations from co-channel electrical harmful interference and defining the area within which consideration will be accorded claims of economic competitive injury.

7. Designate the present text of § 21.32 as paragraph (a) and add paragraph (b). As amended, § 21.32 reads as follows:

§ 21.32 *License period.* (a) Licenses for stations in the Point-to-Point Microwave Radio and Local Television Transmission Services will be issued for a period not to exceed five years: licenses for stations in the Domestic Public Land Mobile Radio and Rural Radio Services will be issued for a period not to exceed three years; except that licenses for developmental stations will be issued for a period not to exceed one year.[9] The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of July in the year of expiration; the expiration date of licenses in the Rural Radio Services shall be the first day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave Radio and Local Television Transmission Services shall be the first day of February in the year of expiration; and the expiration date of developmental licenses shall be one year from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

(b) Upon the expiration or termination of any station license, any related construction permit, which bears a later expiration date, shall be automatically terminated concurrently with the related station license, unless it shall have been determined by the Commission that the public interest, convenience or necessity would be served by continuing in effect said construction permit.

8. Amend § 21.30 to read as follows:

§ 21.30 *Period of construction.* (a) Except for stations in the Point-to-Point Microwave Radio Service, and except as may be limited by § 21.32 (b), each construction permit for a radio station in the Domestic Common Carrier Radio Services will specify a maximum of 60 days from the date of grant thereof as the time within which construction of the station shall begin, and a maximum of eight months from the date of grant as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case (see §§ 21.29 (d) and 21.31 (a)).

(b) For stations in the Point-to-Point Microwave Radio Service, and except as may be limited by § 21.32 (b), the construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and a maximum of 18 months thereafter as the time within which construction shall be completed and the station be ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

[F. R. Doc. 57-8333; Filed, Oct. 9, 1957; 8:53 a. m.]

[9] In the case of common carrier Television-STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

Basic and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, I have determined that minor modifications in the existing regulations governing access to the hunting areas and the aids which may be employed in hunting on portions of the Tule Lake National Wildlife Refuge, California, will be of benefit to the hunting public and will not be incompatible with sound wildlife management. Accordingly, §§ 31.341, 31.344, 31.347, 31.348, 31.349, and 31.350 are amended as follows:

§ 31.341 *Hunting of migratory waterfowl and coots permitted.* Migratory waterfowl and coots may be taken by hunting in accordance with the provisions of Part 6 of this chapter within the area of the Tule Lake National Wildlife Refuge, California, described in § 31.342, subject to the conditions and restrictions prescribed in §§ 31.342 to 31.350, inclusive.

§ 31.344 *Permits.* Any person who hunts within the refuge must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State of California, and if hunting migratory waterfowl and having attained the age of 16 years, he shall possess a properly validated migratory bird hunting stamp. The Federal stamp and the State license shall serve as a Federal permit for hunting on the refuge.

§ 31.347 *Use of boats.* The use of boats for the purpose of hunting in accordance with the provisions of Part 6 of this chapter is permitted: *Provided,* That the use of airthrust or scull boats is prohibited.

§ 31.348 *Guides.* No person shall act as a guide or offer to guide or assist any hunter or group of hunters in the taking of migratory game birds on the Tule Lake National Wildlife Refuge with or without payment of a monetary fee or other consideration without first having obtained a special permit from the refuge officer in charge.

§ 31.349 *Abandonment of personal property.* The abandonment of boats, decoys, or other items of personal property on the public hunting area or elsewhere on the refuge is prohibited: *Provided,* That boats and trailers may be moored or parked in areas designated for the purpose during the waterfowl hunting season.

§ 31.350 *Access to the hunting areas.* Hunters may not enter the public hunting areas earlier than 2½ hours before sunrise and must be off the refuge 1 hour after sunset.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Tule Lake National Wildlife Refuge, California, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 3, 1957.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-8329; Filed, Oct. 9, 1957; 8:51 a. m.]

PART 35—NORTHEASTERN REGION

SUBPART—PARKER RIVER NATIONAL WILDLIFE REFUGE, MASSACHUSETTS

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, I have determined that the taking of deer may be permitted by hunting on a part of the Parker River National Wildlife Refuge, Massachusetts, without interfering with the primary purpose of the area. Accordingly, a new center headnote, as set forth above, and § 35.81, reading as follows, are added:

§ 35.81 *Hunting of deer permitted.* Deer may be taken solely by means of bow (except crossbow) and arrow from November 21 to November 27, 1957, both dates inclusive, on that part of the Parker River National Wildlife Refuge, Massachusetts, lying east of the Plum Island road, subject to the following conditions and requirements:

(a) Strict compliance with all State laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) The possession or use of firearms on the refuge is prohibited.

(d) Dogs are not permitted on the refuge for use in the hunting of deer.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Parker River National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 1, 1957.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-8310; Filed, Oct. 9, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 937]

[Docket No. AO-289]

MILK IN BATTLE CREEK-KALAMAZOO, MICHIGAN, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR COMPLETING REFERENDUM PROVIDED FOR IN DECISION OF SECRETARY

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for completing the referendum pursuant to the referendum order in the Assistant Secretary's decision, issued on September 13, 1957 (22 F. R. 7470) with respect to a proposed marketing agreement and order regulating the handling of milk in the Battle Creek-Kalamazoo, Michigan, marketing area, is hereby extended to October 14, 1957.

Dated: October 4, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8324; Filed, Oct. 9, 1957; 8:49 a. m.]

[7 CFR Part 945]

TOMATOES GROWN IN FLORIDA

EXEMPTION PROCEDURES

Notice is hereby given that the Secretary of Agriculture has under consideration a proposed revision of the Exemption Procedures (7 CFR 945.130 to 945.135) issued under Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945) regulating the handling of tomatoes grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq: 68 Stat. 906, 1047). The proposed revision, as hereinafter set forth, is in accordance with recommendations of the Florida Tomato Committee.

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The Exemption Procedures as proposed to be revised are as follows:

EXEMPTION PROCEDURES

§ 945.130 *Application.* Any person applying for exemption from regulations issued pursuant to § 945.52 shall file such application with the committee, or its duly authorized agent for such purpose, on forms to be furnished by such committee. Each application shall state the name and address of the applicant, the grade, size, and quality regulations from which exemption is requested; and facts demonstrating that the tomatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producers' applications by paragraphs (a) and (b) of this section.

(a) The location and acreage of the farm on which tomatoes for which exemption is requested, the location where such tomatoes are to be prepared for market, and the loading point from which such tomatoes are to be shipped if exemption is granted;

(b) Quantity (by grade, size, quality, and variety) of tomatoes harvested during the current season or any specific portion thereof prior to the date of application and to be harvested, subsequent to such date, during the remainder of the current season or any specific portion thereof (as may be determined pursuant to this part); an estimate of the portion of such tomatoes which can be handled under regulation issued pursuant to § 945.52, during the remainder of the season; and the reasons why all of such tomatoes cannot be handled under such regulations.

§ 945.131 *Investigations.* The committee may authorize investigations of applications by its employees, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

§ 945.132 *Issuance.* (a) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of this part, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 945.71: *Provided,* That a separate certificate may be issued, at the request of an applicant, for each affected field.

(b) The applicant shall be notified in writing if his request for exemption is denied.

(c) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of such committee. At least one copy of each exemption certificate issued shall be retained in the committee records. Each such certificate shall contain the name and address of the recipient, the location of all tomatoes authorized to be shipped thereunder, the quantity (by grade, size, quality and variety) of tomatoes which will be permitted in the exempted shipments and such other information as may be deemed necessary by the committee to provide such committee, the recipient, or both, with adequate and specific information regarding such exempted tomatoes.

§ 945.133 *Disposition of certificates.* (a) Each lot of tomatoes handled under an exemption certificate shall be accompanied by such certificate, or such appropriate identifying information with respect to such certificate, as the com-

mittee may require, to facilitate the administration of regulatory provisions applicable thereto.

(b) Each shipment of a lot or portion thereof, of tomatoes covered by an exemption certificate shall be accompanied by a Federal-State Inspection Certificate which shall show the exemption certificate number covering the lot.

§ 945.134 *Reports.* Persons handling tomatoes under exemption certificates shall, at such time as may be specified in such certificates, report thereon to the committee the names and addresses of the receivers of such tomatoes, the quantity shipped (by grade, size, quality, and variety), the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by such committee in order to administer the regulatory provisions applicable thereto.

§ 945.135 *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate an appeal by such applicant may be taken to such committee in accordance with § 945.73.

Dated: October 4, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8325; Filed, Oct. 9, 1957; 8:50 a. m.]

[7 CFR Part 959]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon except Malheur County, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq; 68 Stat. 906, 1047).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 959.210 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period beginning July 1, 1957, and ending June 30, 1958, will amount to $19,487.50.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended, shall be three-eighths cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 7, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8326; Filed, Oct. 9, 1957; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 779]

RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF THE 13 (a) (2) EXEMPTION TO LIQUEFIED-PETROLEUM-GAS DEALERS

The Administrator has conducted an investigation of the sales practices of liquefied-petroleum-gas dealers with a view to determining the type of sales recognized in the industry as retail and the type of sales not recognized as retail within the meaning of section 13 (a) (2) of the Fair Labor Standards Act of 1938. The investigation indicates that the following classification of sales of liquefied-petroleum-gas reflects the recognition in the industry on this question.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F. R. 3290), notice is hereby given that I propose to amend Part 779 of Title 29, Code of Federal Regulations, by the addition of a new § 779.37 to read as follows:

§ 779.37 *Application of the section 13 (a) (2) exemption to liquefied-petroleum-gas dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the section 13 (a) (2) exemption apply to liquefied-petroleum-gas dealers' establishments.

(b) In applying the tests of the section 13 (a) (2) exemption, all sales to the ultimate consumer of liquefied-petroleum-gas, whether delivered in portable cylinders or in bulk to the customer's storage tanks, are recognized as retail in the industry except the following: (1) Sales in single lot deliveries exceeding 1,000 gallons; (2) sales made on a competitive bid basis (this term covers sales made pursuant to an invitation to bid, particularly sales to Federal, state and local governments; sales made in a like manner to commercial and industrial concerns and institutions are also included); and (3) sales for use in the production of a specific product in which the gas is an essential ingredient or principal raw material, such as sales of liquefied-petroleum-gas for the production of chemicals and synthetic rubber.

(c) As used in this section, liquefied-petroleum-gas means butane, propane and mixtures of butane and propane gases.

(d) The sale or repair of a tank for the storage of liquefied-petroleum-gas is recognized as retail in the industry, except: (1) Any tank exceeding 1,000 gallons in capacity; (2) any tank sold or repaired on the basis described in paragraph (b) (2) of this section or for the purposes described in paragraph (b) (3) of this section; and (3) sales in quantity larger than involved in the ordinary sales to a farm or household customer.

(e) Sales and installation of units for converting tractors, trucks, pumps, stoves, furnaces and other equipment and appliances to the use of liquefied-petroleum-gas, are recognized as retail sales except: (1) Sales of the installation of such conversion units which involve substantial modification of the appliance or equipment; (2) sales and installations of such units to be used in industrial machinery or equipment; and (3) sales and installations made on the basis described in paragraph (b) (2) of this section or in quantity as described in paragraph (d) (3) of this section.

(f) If more than 50 percent of the retail or service establishment's annual dollar volume of sales of goods or services is made within the state in which the establishment is located and if 75 percent or more of the annual dollar volume of sales of the establishment consists of sales of goods or services, or both, which are not for resale and are recognized as retail sales or services in the industry as herein set forth, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment.

Prior to final adoption of this amendment, consideration will be given to any data, views or arguments submitted in writing within 30 days from the date of publication.

Signed at Washington, D. C., this 4th day of October 1957.

C. T. LINDQUIST,
Acting Administrator.

[F. R. Doc. 57-8338; Filed, Oct. 9, 1957; 8:54 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order 151-57]

REMOVAL OF ORGANIZATIONS FROM LIST OF ORGANIZATIONS DESIGNATED IN CONNECTION WITH FEDERAL EMPLOYEE SECURITY PROGRAM

Order No. 39-54 of the Attorney General dated January 22, 1954, published at 19 F. R. 655, which concerned in part the designation of the following organizations pursuant to Executive Order No. 10450 in connection with the Federal employee security program for failure to comply with § 41.3 of the rules of procedure with respect to notice, hearing and designation of organizations (Title 28, Chapter I, Part 41 et seq. CFR) as it pertains to these organizations is hereby rescinded, and said organizations are removed from the list of organizations designated pursuant to Executive Order No. 10450:

American Lithuanian Workers Literary Association (also known as Amerikos Lietuviu Darbininku Literaturos Draugija).

Association of Lithuanian Workers (also known as Lietuviu Darbininku Susivienijimas).

HERBERT BROWNELL, Jr.
Attorney General.

OCTOBER 4, 1957.

[F. R. Doc. 57-8316; Filed, Oct. 9, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ORGANIZATION AND FUNCTIONS

FEDERAL-STATES RELATIONS; AGRICULTURAL RESEARCH SERVICE

The statement of delegations of authority and assignment of functions of the Department of Agriculture (19 F. R. 74, as amended) is further amended by adding at the end of section 200 the following paragraph (m):

(m) Administration of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36).

Done at Washington, D. C., this 7th day of October 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-8348; Filed, Oct. 9, 1957; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Fairbanks 011951]

ALASKA

WITHDRAWING PUBLIC LANDS AT TANANA FOR SCHOOL AND HOSPITAL PURPOSES; PARTIALLY REVOKING DEPARTMENTAL ORDERS OF JUNE 24 AND AUGUST 19, 1926

OCTOBER 4, 1957.

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U. S. C. 353a), and pursuant to Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior, for school and hospital purposes as indicated:

TANANA HOSPITAL SITE

Beginning at the southeast corner of Air Navigation Site Withdrawal No. 161, dated July 2, 1941, on the right bank of the Yukon River, thence

N. 0°41' W., 750 feet along east boundary of A. N. S. 161,
N. 89°19' E., 1,050 feet,
S. 0°41' E., 882 feet to a point on the right bank of the Yukon River,
Westerly 1,075 feet along said right bank to point of beginning.

The tract described contains 19.3 acres.

TANANA SCHOOL SITE

(A) U. S. Survey 2754 A-B, Block 7, lot 11.

The tract described contains 4,322 square feet, or 0.1 acre.

(b) Beginning at meander corner No. 1 of U. S. Survey 2754 A-B, thence

N. 0°05' E., 291.40 feet;
N. 82°29' W., 100.87 feet;
S. 0°05' W., 291.40 feet;
S. 82°29' E., 100.87 feet to point of beginning.

The tract described contains 0.67 acre.

The areas described aggregate 20.07 acres.

2. Departmental orders of June 24 and August 19, 1926, as amended, which withdrew lands for the Fort Gibbon Military Reserve, are hereby revoked so far as they affect the lands described in paragraph 1 of this order.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57-8312; Filed, Oct. 9, 1957; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 2, 1957.

The United States Department of Agriculture, has filed an application, Serial No. Sacramento 048180, for the withdrawal of the lands described below, from location and entry, under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for right-of-way in connection with the construction of the Big Oak Flat Highway leading to Yosemite National Park.

For a period of 30 days from the publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

A strip of land 200 feet on either side of the centerline as surveyed on the ground of the Big Oak Flat Forest Highway Route 39 (State of California Route 120) through the following legal subdivisions:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 S., R. 18 E.,
Sec. 25, S½SW¼;
Sec. 26, SW¼NW¼, N½S½, SE¼SE¼;
Sec. 27, NW¼NE¼, S½NE¼, SE¼NW¼, N½SW¼;
Sec. 28, N½SW¼, SE¼;
Sec. 29, N½S½;
Sec. 36, N½NE¼, NE¼NW¼.
T. 1 S., R. 19 E.,
Sec. 27, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 28, SE¼NE¼, SW¼NW¼, N½S½;
Sec. 29, S½N½, N½SW¼;
Sec. 30, NE¼SE¼, S½SE¼;
Sec. 31, NW¼NE¼, N½NW¼;
Sec. 34, N½NE¼;
Sec. 35, W½NW¼.

Within the areas described are approximately 1,840 acres, more or less, of public lands in Stanislaus National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-8313; Filed, Oct. 9, 1957; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 2, 1957.

The United States Department of Agriculture, has filed an application, Serial No. Sacramento 048492, for the withdrawal of lands described below from location and entry, under the general mining laws, subject to existing valid claims.

The applicant desires the land for right-of-way in connection with the reconstruction of the Klamath River Forest Highway, State Highway No. 46.

For a period of 30 days from the date of the publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice

will be sent to each interested party of record.

The lands involved in the application are:

A strip of land 200 feet on either side of the centerline as surveyed and staked on the ground of the Klamath River Forest Highway Route 2 (California Highway Route No. 46) through the following legal subdivisions:

HUMBOLDT MERIDIAN, CALIFORNIA

T. 16 N., R. 7 E.,
Sec. 1, W½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, NE¼SE¼;
Sec. 2, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 11, NW¼NE¼, E½NW¼.
T. 16 N., R. 8 E.,
Sec. 5, SW¼NE¼, SW¼NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 6, SE¼NE¼, W½SW¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 7, W½E½, NW¼.

The area described totals approximately 480 acres, more or less, in the Klamath National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-8314; Filed, Oct. 9, 1957; 8:47 a. m.]

[Misc. 71179—Alabama]

ALABAMA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

Pursuant to a determination of the Federal Power Commission issued February 17, 1956, Docket No. DA-10-Alabama and in accordance with Order No. 541, section 1.5 (d) Part I and 2.0 (a) Part II of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes in Power Site Reserve Project No. 618, of July 8, 1931, are hereby restored to disposition under the public land laws, subject to the provisions of section 24, of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the condition that in the event the said tract is required for additional power development, any improvement or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittee or licensees; and subject to the proviso that such disposition shall be subject to the prior right of the Alabama Power Company, licensee for Project No. 618, its successors and assigns, to use the portion of S½ of fractional Lot B lying within the flowage area 290-foot maximum pool elevation of Jordan Lake of Project No. 618, for project purposes pursuant to the license thereof:

ST. STEPHENS MERIDIAN, ALABAMA

T. 21 N., R. 16 E.,
Sec. 25, S½ of fractional Lot B.

The area described embraces 56.70 acres of public land.

The land is located in Perry County and is severed by Chestnut Creek that flows east across the north end of the tract. Chestnut Creek is a shallow, rocky, swift stream not readily accessible by boat although the creek widens out into an arm of a Lake formed by a dam on the Coosa River about ¼ mile below the tract. The surface of the land is rough, steep and mountainous, with no level area. The soil is of medium fertility composed of sandy clay loam subject to severe erosion as evidenced by the deep gullies found in each small drainage where it enters the creek. The land supports a growth of pine and hardwood with some merchantable timber.

No applications for the land will be allowed under any of the nonmineral public land laws unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration on an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

The land above-described will be subject to application by the State of Alabama for a period of 90 days from the date of publication of this order, for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended (16 U. S. C. 1946 ed., Supp. IV, 818).

Subject to any existing rights and the requirements of applicable law, the land described is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Small Tract laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 747; 43 U. S. C. 279-284) as amended, presented prior to 10:00 a. m., on November 4, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 30, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2), above, presented prior to 10:00 a. m., on February 3, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, according to the provisions of the act of August 11, 1955 (69 Stat. 683).

Persons claiming veterans' preference rights under paragraph a (2), above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D. C.

LUTHER T. HOFFMAN,
Supervisor.

[F. R. Doc. 57-8315; Filed, Oct. 9, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket S-74]

AMERICAN PRESIDENT LINES, LTD.

AMENDED NOTICE OF HEARING

The notice published in the FEDERAL REGISTER on June 22, 1957, concerning a public hearing to be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of American President Lines, Ltd., for an increase in the number of subsidized sailings under its operating-differential subsidy agreement from 24-28 subsidized sailings per year to 34-38 subsidized sailings per year in its Round-the-World Westbound Service by the employment of three additional owned vessels, is hereby amended by including in its service description the privilege of calling at ports on the Red Sea and Gulf of Aden, both with respect to the present 24-28 sailings and the requested increase to 34-38.

The amended service description would read as follows: "From United States North Atlantic ports via the Panama Canal to California, thence to Japan, Hong Kong, Philippine Islands, Malaya-Indonesia, Singapore, Ceylon, India, Pakistan, via Suez Canal to Egypt, Italy, France in the Mediterranean, returning to United States North Atlantic ports; with permissive calls at China, Formosa, Okinawa, and with the privilege of calling at Indo-China, Thailand, and ports on the Red Sea and Gulf of Aden. Freight ships may call at Korea (privilege call) and combination ships may call at Havana, Cuba (permissive call), at Hawaiian Islands (permissive call) and Gibraltar (privilege call)."

In all other respects the notice of June 22, 1957 remains unchanged.

The hearing will be before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's rules of practice and procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding are requested to notify the Secretary of the Federal Maritime Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: October 7, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-8327; Filed, Oct. 9, 1957; 8:51 a. m.]

Office of the Secretary

FEDERAL HIGHWAY ADMINISTRATOR

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS IN CONNECTION WITH ACCELERATED HIGHWAY PROGRAM

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Federal Highway Administrator is hereby authorized to exercise the authority delegated on August 23, 1957 to the Secretary of Commerce by the Administrator, General Services Administration, to negotiate, without advertising, under section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended, contracts with qualified individuals, or firms, for appraisal services deemed necessary by the Bureau of Public Roads in its administration of the accelerated highway program.

The authority delegated herein, which expires at the close of business on June 30, 1958, shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act of 1949, as amended, particularly sections 304 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

The Federal Highway Administrator is authorized to redelegate the authority granted herein to such officers or employees of the Bureau of Public Roads as he deems necessary.

Dated: September 27, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-8328; Filed, Oct. 9, 1957; 8:51 a. m.]

[B. F. C. Case 232]

JARACH-GUETTA INDUSTRIAL OVERSEAS CO., INC., ET AL.

APPEALS BOARD DECISION

In the matter of Jarach-Guetta Industrial Overseas Co., Inc., Lawrence M. Jarach, Amedeo H. Guetta, 120 Wall Street, New York 5, N. Y., Appeals Board Docket No. FC-46, B. F. C. Case No. 232.

This appeal is from an Order of the Director, Office of Export Supply, Bureau of Foreign Commerce, Revoking Export Licenses and Denying Export Privileges dated June 24, 1957. The above stated appellants are herein joined as one appellant. (22 F. R. 4510, June 27, 1957).

The order denied appellant, an exporter, export privileges for two years from the date of the order, but provided automatic restoration of these privileges after seven months (January 24, 1958) conditioned upon appellant's compliance with the order and the export control laws and regulations during the entire two year period. The order provided in part that any privileges restored may be revoked summarily and without notice upon a finding by appropriate officials of the Office of Export Supply, Bureau of Foreign Commerce (BFC), that appellant has knowingly failed to comply with the conditions set forth in the order.

In brief, appellant had received an order for borax from Italy, applied for and received a validated export license to ship to Italy, via Rotterdam, and caused the borax to be exported in 1955. Following its arrival at Rotterdam, the borax was transshipped by a Belgian firm to an unauthorized destination (Poland), in contravention of U. S. laws and regulations. In substance, appellant was charged with misuse of the validated license by shipping to the Belgian firm borax licensed for export to the Italian firm, non-disclosure of the Belgian firm's participation in the transaction to BFC, failure to place the name and address of the Italian firm as licensed ultimate consignee on the order bill of lading, and failure to place on the commercial invoice the required destination control statement showing the borax licensed for Italy.

Appellant's defense generally was that the shipment was made in conformity with the license as issued since they had been informed that financing would come through a third country; had considered the Belgian firm to be the expected, although not previously named, financing agent; and had no knowledge of any intention to illegally transship.

On these issues appellant was suspended following a hearing by a Compliance Commissioner whose recommendation for suspension was accepted.

Appellant admitted its omission of the required ultimate destination control notice on the invoice covering the export, which was addressed to the Belgian firm. Appellant did place on this invoice, in the box under customers order number, the name and place of location of the ultimate consignee in Italy. Appellant admits that the omission of the destination control notice was a violation of the regulations and states that it was an oversight.

While the required statement "These Commodities Licensed By U. S. For Ultimate Destination Italy. Diversion Contrary to U. S. Law Prohibited" was placed on the bill of lading, and the Rotterdam freight forwarder to be notified, who was chosen by the ultimate consignee in Italy, was shown on the bill of lading, the ultimate consignee and its Italian address were not shown.

This bill of lading was prepared by appellant's freight forwarder. Appellant had requested this freight forwarder to arrange for shipment from Los Angeles and clear the shipment in accordance with shipping instructions attached. These shipping instructions, although stating that the ultimate destination of the goods was Italy, omitted the name of the ultimate consignee. However, the name and address of the ultimate consignee were on the export license and hence, obtainable by the freight forwarder which had an obligation to prepare the bill of lading in accordance with U. S. regulations.

Appellant is represented as being a firm of two individuals, Jarach and Guetta, assisted by a staff of two girls in their New York office. One or the other of these principals customarily spent considerable periods in Europe for the purpose of obtaining export business, largely in Italy through their familiarity with the language, and largely falling within the general export license categories. Most of their business appears to have been done through brokers, agents and commission men in Europe.

As to the subject transaction, the record indicates that appellant Guetta met a man in Italy who styled himself as representative of an Italian firm which later became the ultimate consignee named in the export license application. The subject of borax exports was discussed. Guetta was advised that financing of an order would have to be arranged through Switzerland. In due course, and in brief, an order for borax was received from the Italian firm, accompanied by an acceptable consignee statement and an export license was then issued. Upon appellant's representations that the letter of credit had not been established when termination of the 6 month license period approached, BFC extended the license for one month.

Appellant then received from a firm in Belgium, previously unknown to appellant, a short straight cablegram giving it a letter of credit number in a New York bank for borax. Finding from the bank that this letter of credit was not in its favor, appellant cabled the Belgian firm and eventually a letter of credit in its favor was opened, apparently by amendment of the letter of credit first mentioned.

Injected into the situation was a letter from a Swiss firm, or individual, advising of close association with the Belgian firm, referring to the borax order, and initiating negotiations for further borax transactions. This letter indicates a Swiss interest of some sort, and gives support to appellant's claim that financing would come through Switzerland.

However, in view of the record, it is clear to the Board that the ultimate consignee in Italy, his representative who initiated the transaction, the S. ..s firm or individual, and the Belgian firm, all were undoubtedly engaged, in varying degree, in exporting this particular shipment from the U. S. for transshipment into the Soviet Bloc in contravention of U. S. laws and regulations. With this intent, as evidenced by the fact that this illegal transshipment was made, it would seem apparent that these foreign individuals endeavored to conceal their intentions from the U. S. exporter and use it as a dupe and, as indicated by the letter from the Swiss firm or individual, hoped to use appellant for further illegal transactions until appellant was caught.

It was stipulated in effect, that BFC had no evidence and did not charge that appellant knew that the borax, after arrival at Rotterdam, was to be transshipped to Poland. Although this stipulation clears the appellant of any charge of being a participant in an illegal transshipment to Poland, appellant, through carelessness, negligence and omissions contributed to the illegal transshipment from Belgium to Poland.

It was unrefuted that this was the only order for borax that appellant had and that it had never shipped borax before. Appellant contends that it had no reason to doubt that the letter of credit established was for anything other than the subject borax and, therefore, had no reason to doubt that the Belgian firm was acting for the ultimate consignee as a financing agent or factor. The mention of the Belgian firm and the Italian firm in the Swiss letter would tend to confirm appellant's belief.

The omission of the ultimate destination notice on the invoice furnished the Belgian firm was clearly a violation of U. S. export control regulations. The Belgian firm's requirement in the letter of credit that the invoice be made out to it rather than to the Italian firm, or to it as agent for the Italian firm, apparently did not strike appellant as suspicious, though it should have done so. There is no direct evidence that the Belgian firm became a new ultimate consignee but the evidence of appellant's negligence led to strong inferences as to this point.

The omission of the ultimate consignee's name on the bill of lading was an omission by appellant's Los Angeles freight forwarder, who had all the information necessary to prepare a bill of lading in accordance with Government regulations, although responsibility also rests in appellant for this act of its forwarding agent.

The failure of appellant to inform the Bureau of Foreign Commerce of the participation of the Belgian firm in the transaction at the time appellant first learned its name and role was a serious act of negligence on their part. Whether appellant correctly or incorrectly regarded the Belgian firm as a financing intermediary or as buyer or even as ultimate consignee is beside the point, on this score, because in any view of its participation, the Belgian firm, under BFC regulations, was a party in interest to the export transaction that should have been disclosed to BFC.

An applicant for a validated export license is required to make disclosure in his export license application as to the parties concerned in the transaction and all of his representations are, under the regulations, deemed to be continuing in effect, unless and until BFC is notified of a change and approves the requisite amendment or license, if one has been issued.

This obligation of an exporter exists both before, and continues after, the license has been issued, and even after shipment may have been made.

Appellant's failure in this regard deprived BFC of its right and opportunity to check on the reliability and good faith of the newly introduced Belgian party, and disclosure thereof might well have prevented the illegal transshipment which ultimately occurred.

The Board agrees that a suspension is appropriate and just and that much of the basis for determining the degree of suspension was sound. But the Board differs with the recommendation and the order in the weight given certain evidence and the conclusions drawn therefrom. This is principally because of the unrefuted statement of appellant that this was the only order of borax it had, or had ever exported, and that it had been advised that the financing was coming through Switzerland. The Board believes that in the light of these circumstances appellant was justified in assuming that a letter of credit opened for approximately the same amount of borax licensed, by expected third party financing, was a natural part of this transaction in which the third party was a financing agent or factor with the intermediate and ultimate consignee remaining unchanged.

The Board believes that there was no change intended by appellant as to the ultimate consignee but that planned and actual illegal use of the bill of lading and invoice by the Belgian firm caused the transshipment to Poland. This leads the Board to give different weight to certain other points stressed in the order.

It is the opinion of the Board that, in view of the whole record, the order should be sustained but modified as to the period of active suspension only.

Now therefore it is ordered, That the Order Revoking Export Licenses and Denying Export Privileges, Bureau of Foreign Commerce Case No. 232, dated June 24, 1957, be sustained except that Part IV thereof, shall be changed to provide that the respondents shall have their export privileges restored to them conditionally on November 24, 1957, instead of a period of seven months (January 24, 1958) following the order as originally provided.

FREDERIC W. OLMSTEAD,
Chairman,
Appeals Board.

OCTOBER 3, 1957.

[F. R. Doc. 57-8337; Filed, Oct. 9, 1957; 8:54 a. m.]

CLARENCE BLUMOEHR

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 28, 1956, 21 F. R. 2795; October 2, 1956, 21 F. R. 7553; April 11, 1957, 22 F. R. 2441.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 22, 1957.

Dated: September 30, 1957.

CLARENCE BLUMOEHR.

[F. R. Doc. 57-8307; Filed, Oct. 9, 1957; 8:45 a. m.]

HAROLD J. VORZIMER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 3, 1956, 21 F. R. 7581; March 29, 1957, 22 F. R. 2093.

A. Deletions: None.
B. Additions: Magic Chef, Harsco.

This statement is made as of September 12, 1957.

Dated: September 12, 1957.

HAROLD J. VORZIMER.

[F. R. Doc. 57-8308; Filed, Oct. 9, 1957; 8:45 a. m.]

CARL M. VUCKEL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8942; January 13, 1956, 21 F. R. 273; April 25, 1956, 21 F. R. 2666; September 27, 1956, 21 F. R. 7419; April 4, 1957, 22 F. R. 2257.

A. Deletions. None.
B. Additions: Champlin Oil.

This statement is made as of September 16, 1957.

Dated: September 16, 1957.

CARL M. VUCKEL.

[F. R. Doc. 57-8309; Filed, Oct. 9, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9019]

QANTAS EMPIRE AIRWAYS LTD.

NOTICE OF HEARING

In the matter of the application of Qantas Empire Airways Limited for amendment of its foreign air carrier permit authorizing foreign air transportation of persons, property and mail from Australia to San Francisco and beyond to Vancouver via New Caledonia, the Fiji Islands, American Samoa, Canton Island and Honolulu by extending said route beyond Vancouver to New York and beyond to points in the British Isles and beyond to Europe and beyond.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled application is assigned for October 14, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., October 4, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8349; Filed, Oct. 9, 1957; 8:57 a. m.]

[Docket No. 8687]

RESORT AIRLINES, INC.; REFINANCING CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of aircraft transactions involving Resort Airlines, Inc., a certificated air carrier.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205, and 408 of said act, and the applicable regulations thereunder, that a hearing in the above-entitled proceeding heretofore assigned to be held on October 8, 1957, is hereby postponed to October 11, 1957, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., October 7, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8386; Filed, Oct. 9, 1957; 8:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1112]

ATOMIC DEVELOPMENT MUTUAL FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATED PERSONS AND PURCHASE OF SECURITIES DURING AN UNDERWRITING

OCTOBER 3, 1957.

Notice is hereby given that Atomic Development Mutual Fund, Inc. ("Applicant"), a registered open-end, nondiversified management investment company, has filed an application pursuant to section 10 (f) and section 17 (b) of the Investment Company Act of 1940 ("act"), for an order exempting from the provisions of such sections of the act the purchase of $500,000 principal amount of 6 percent Subordinated Debentures due October 1, 1982, with Common Stock Purchase Warrants attached issued by the General Tire & Rubber Company ("General Tire").

On October 2, 1957, a registration statement under the Securities Act of 1933 became effective pursuant to which General Tire is offering through an underwriting group $12,000,000 principal amount of said debentures. The warrants represent the right for each $1,000 debenture purchased to acquire 20 shares of common stock of General Tire at a price of $25 per share until October 1, 1962, and at $27.50 per share until October 1, 1967. The last sale price of such common stock on the New York Stock Exchange on September 30, 1957, was 22⅞. Auchincloss, Parker and Redpath, investment adviser to Applicant is a member of the underwriting group which is offering said debentures. Applicant will not purchase any debentures from Auchincloss, Parker & Redpath although purchases are expected to be made from a representative of the underwriting group selling for group account.

It is represented that the proposed purchase of such debentures is consistent with the protection of investors and the investment policies of Applicant as recited in its registration statement filed with the Commission.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since Applicant's investment adviser will be a member of the underwriting group offering the bonds the purchase thereof by Applicant is subject to the provisions of section 10 (f) of the act.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Insofar as the purchase by Applicant from a representative of the underwriting group selling for group account may be construed to be a purchase from Applicant's investment adviser, the proposed purchase of securities by Applicant is subject to the provisions of section 17 (a) of the act.

Notice is further given that any interested person may, not later than October 18, 1957, at 1:00 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 57-8321; Filed, Oct. 9, 1957; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

NEW YORK REGIONAL OFFICE; LIST OF OFFICIALS

Section I *Description of agency and programs*, is amended as follows: Effective July 23, 1957, paragraph F is amended by deleting from the list of officials designated therein under the New York Regional Office "2. John P. Prescott, Assistant Director for Management" and by inserting in place thereof "2. Horton H. Nielson, Regional Attorney."

Date approved: September 27, 1957.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 57-8320; Filed, Oct. 9, 1957; 8:48 a. m.]

TARIFF COMMISSION

TUNA FISH

NOTICE OF HEARING ORDERED FOR SUPPLEMENTAL INVESTIGATION

The United States Tariff Commission has ordered that a public hearing in connection with the supplemental investigation instituted August 26, 1957, under section 332 of the Tariff Act of 1930, in accordance with a resolution of the Committee on Finance, United States Senate,

relating to tuna fish, be held beginning at 10 a. m., e. s. t., on December 11, 1957. The announcement regarding institution of the supplemental investigation appeared in the FEDERAL REGISTER (22 F. R. 7008).

Interested parties desiring to appear and to be heard at the hearing should notify the Secretary, United States Tariff Commission, Washington 25, D. C., at least five days before the date of the hearing. The hearing will be held in the Tariff Commission hearing room on the third floor of the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Issued: October 4, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-8322; Filed, Oct. 9, 1957; 8:49 a. m.]

[Investigation 65]

LEAD AND ZINC

NOTICE OF INVESTIGATION AND HEARING

Upon application of the Emergency Lead-Zinc Committee, received September 27, 1957, the United States Tariff Commission, on the 4th day of October 1957, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, as amended, instituted an investigation to determine whether the articles provided for in paragraphs 391, 392 (except Babbitt metal, solder, lead in sheets, pipe, shot, glaziers' lead, and lead wire), 393, and 394 (except zinc dust and zinc in sheets) of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon in a trade agreement entered into under the authority of section 350 of the Tariff Act of 1930, as amended, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing. A public hearing in connection with this investigation will begin at 10 a. m., e. s. t., on November 19, 1957, in the Hearing Room of the United States Tariff Commission, Eighth and E Streets NW., Washington, D. C.

Request to appear. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at its office in Washington, D. C. at least five days in advance of the opening date of the hearing.

Issued: October 4, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-8323; Filed, Oct. 9, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13346]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 4, 1957.

The Texas Company (Texas) on September 12, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Phillips Petroleum Company.
Rate schedule designation: Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 144.
Effective date:[1] October 13, 1957.

In support of the proposed spiral escalation rate increase,[2] Texas states that its actual booked expenses more than justify the increase. It refers to its testimony in the rate hearing in Docket No. G-8969 indicating that Texas' net producing investment per million Btu's of hydrocarbons produced was $.40826 in 1956 compared with $.26208 in 1947, and that its expenses increased from 13.7¢ per million Btu's in 1947 to 20.67¢ in 1956. Texas states that its expenses are currently increasing and cites hourly wage incerases of 6 percent on May 1, 1957, and incerases in cost of steel of 3 percent in February, 1957, and 5.3 percent in July, 1957. Texas further states that current increased expenditures, required to replace gas reserves, by far exceed the requested increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 144 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 144.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 14, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8318; Filed, Oct. 9, 1957; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice.

[2] The proposed increase results from a contract provision to the effect that whenever Phillips Petroleum Company's (Phillips) rates to its buyer, Michigan-Wisconsin Pipe Line Company, are increased above a specified base rate (7.5930¢), Texas' base rate to Phillips shall be increased by a like percentage.

[Project No. 2149]

PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR LICENSE

OCTOBER 4, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Public Utility District No. 1 of Douglas County, Washington, having its principal place of business at Bridgeport, Washington, for license for proposed water power Project No. 2149 on the Columbia River in Douglas, Chelan, and Okonogan Counties, Washington, affecting navigable waters and lands of the United States, including tribal lands within the Colville Indian Reservation. The proposed project known as the Wells Hydro-Electric Development, would consist of a dam approximately 4,000 feet overall composed of a concrete non-overflow abutment section with top elevation 787.0 feet, a spillway section with fixed overflow crest elevation 695.0 feet surmounted by vertical lift gates, an integral power plant—intake structure, an earthfill embankment section, two fish ladders, a reservoir with normal pool at elevation 775.0 feet extending 30 miles upstream to Chief Joseph Dam, a powerhouse containing an initial installation of six units, each consisting of a 93,500 horsepower hydraulic turbine at 63.7-foot head and direct connected to a 67,000 kilowatt (0.95 p. f.) generator, and structural provision for a similar future unit and ultimate installation of possibly twelve units, and two 230 KV transmission lines about 10 miles in length to the Chief Joseph Dam switchyard.

Protests and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 18, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8319; Filed, Oct. 9, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9369, 11298; FCC 57M-945]

AMERICAN CABLE AND RADIO CORP. ET AL.

ORDER CONTINUING HEARING CONFERENCE

In the matter of American Cable and Radio Corporation and its subsidiaries, All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, v. The Western Union Telegraph Company, Docket No. 9369; RCA Communications, Inc. v. The Western Union Telegraph Company, Docket No. 11298; lawfulness of certain practices of Western Union under the International Formula.

The Hearing Examiner having under consideration a joint motion, filed on October 2, 1957, on behalf of The Western Union Telegraph Company, American Cable and Radio Corporation, and its subsidiaries, All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company and RCA Communications, Inc., requesting that a pre-hearing conference in the above-entitled proceeding, now scheduled to be held on October 3, 1957, be postponed until November 7, 1957; and

It appearing that sufficient good cause has been set forth in the said motion to justify a grant of the relief requested therein, and that counsel for the Commission's Common Carrier Bureau does not object to such grant;

It is ordered, This 2d day of October 1957, that the above motion be, and it is hereby, granted, and that the pre-hearing conference in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Thursday, November 7, 1957, in the offices of this Commission, Washington, D. C.

Released: October 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8334; Filed, Oct. 9, 1957; 8:53 a. m.]

[Cuban Change List 4]

CUBAN RADIO STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATIONS, AND DELETIONS OF EXISTING STATIONS

AUGUST 22, 1957.

Notification of new Cuban radio stations, and of changes, modification and deletions of existing stations, in accordance with part III, section F of the North American Regional Broadcasting Agreement Washington, D. C. 1950.

CUBAN RADIO STATIONS

Call letters	Location	Power kw	Antenna	Time of operation	Class	Expected date of commencement of operation
		800 kilocycles				
CMJS	Ciego de Avila, Camaguey	1	ND	U	II	Now in operation.
		840 kilocycles				
CMJM	Ciego de Avila, Camaguey (continue on this frequency, vide 1080 kilocycles).	0.5	ND	U	II	
		1020 kilocycles				
CMHS	Caibarien, Las Villas	0.1	ND	D	II	Do.
		1080 kilocycles				
CMJM	Ciego de Avila, Camaguey (vide 840 kilocycles).	0.5	ND	U	II	Delete assignment.
CMHE	Encrucijada, Las Villas	0.25	ND	U	II	Immediately on this freq.
		1090 kilocycles				
CMHE	Encrucijada, Las Villas (vide 1080 kilocycles).	0.25, 0.1-N	LS	U	II	Delete assign.
		1110 kilocycles				
New	Camaguey, Camaguey	1-D, 0.25-N	DA	U	II	Immediately.
		1280 kilocycles				
CMDP	Victoria de las Tunas, Oriente	0.25	ND	U	IV	Now in operation.
		1580 kilocycles				
CMDS	Holguin, Oriente	0.25	ND	D	II	Do.
New	Varadero, Matanzas (correction to List No. 2/57).	0.25	DA	U	II	

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8336; Filed, Oct. 9, 1957; 8:53 a. m.]

[Docket No. 12107; FCC 57M-955]

RIVERSIDE CHURCH IN CITY OF NEW YORK

ORDER CONTINUING HEARING

In re application of the Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; for construction permit.

The Hearing Examiner having under consideration the above-entitled application for a construction permit to erect a new Class B FM Broadcast Station in New York City, New York, to be operated on 106.7 megacycles, which was designated for hearing by the Commission in its order of July 25, 1957 (released on July 31, 1957)[1], and on which the hearing is now scheduled to be held on October 14, 1957; and

It appearing that on July 1, 1957, an application (File No. BPH-2233) was filed by Huntington-Montauk Broadcasting Company, Inc., for a construction permit for a new FM broadcast station at Huntington, Long Island, New York, which was amended on August 1, 1957, to specify operation on 106.7 megacycles; and

It further appearing that on August 22, 1957, the Commission addressed a letter to Huntington-Montauk Broadcasting Company, Inc., pursuant to section 309 (b) of the Communication's Act of 1934, as amended, advising that applicant that its proposal would involve mutually destructive interference with the proposal of The Riverside Church in the City of New York; that therefore a hearing appears to be necessary; and that under § 1.724 (b) of its rules the application of Huntington-Montauk Broadcasting Company, Inc. is entitled to be consolidated in the hearing proceeding on the application of The Riverside Church in the City of New York; and

It further appearing that in view of the above circumstances, a hearing solely on the above-entitled application of The Riverside Church in the City of New York, on the date now scheduled, namely, October 14, 1957, would be premature and futile and could not therefore serve any useful purpose;

It is ordered, This 3d day of October 1957, by the Hearing Examiner, on his own motion, that the hearing in the above-entitled proceeding is hereby postponed without date.

Released: October 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8335; Filed, Oct. 9, 1957; 8:53 a. m.]

[1] In the above order The Riverside Church application was designated for hearing in consolidation with a conflicting application of Highland Broadcasting Corporation (Docket No. 12108), for a new Class B FM station at Peekskill, New York. However, on September 20, 1957, the Hearing Examiner issued an order granting a petition of that applicant to amend its application to specify a different channel and returning the application, as amended, to the Commission's processing line. In the same order The Riverside Church application was retained in hearing status.

DEPARTMENT OF LABOR

Wage and Hour Division

Learner Employment Certificates

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ann Lee Frocks, 108 South Main Street, Pittston, Pa.; effective 10–13–57 to 10–12–58 (dresses).

Anvil Brand, Inc., 318 Willowbrook Street, High Point, N. C.; effective 10–1–57 to 9–30–58 (pants, sport pants).

Asba Manufacturing Corp., South Cedar Lane, Greencastle, Pa.; effective 9–28–57 to 9–27–58 (ladies' housecoats).

H. W. Carter & Sons, Bank Street, Lebanon, N. H.; effective 10–1–57 to 9–30–58 (dungarees and overalls).

Cluett, Peabody & Co., Inc., 2022 Murphy Avenue SW., Atlanta, Ga.; effective 10–1–57 to 9–30–58 (men's shirts).

Cluett, Peabody & Co., Inc., Buchanan, Ga.; effective 10–1–57 to 9–30–58 (men's shirts).

Cluett, Peabody & Co., Inc., 139 First Street, Leominster, Mass.; effective 10–1–57 to 9–30–58 (men's, boys' dress shirts).

Foster Brothers Manufacturing Co., Inc., Luverne, Ala.; effective 9–25–57 to 9–24–58 (men's and boys' slacks).

Fuller Shirt Co., Chester, S. C.; effective 9–27–57 to 9–26–58 (men's dress shirts).

Glaser Brothers, Inc., Eldon, Mo.; effective 10–15–57 to 10–14–58 (men's dress and sport slacks).

Hartsville Garment Corp., Hartsville, Tenn.; effective 10–1–57 to 9–30–58 (sport shirts)

Hicks Hayward Co., Del Rio, Tex.; effective 9–23–57 to 9–22–58 (work clothing and wash slacks).

Hollywood Corset Co., 202 North College Street, Eastland, Tex.; effective 10–4–57 to 10–3–58 (brassieres).

International Latex Corp., Lafayette, Ala.; effective 9–23–57 to 9–22–58 (brassieres).

Lakeland Manufacturing Co., 1331 Alabama Avenue, Sheboygan, Wis.; effective 10–1–57 to 9–30–58 (wool jackets, cotton jackets, leather jackets).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10–15–57 to 10–14–58 (men's and boys' trousers).

Moyers & Son Manufacturing Co., Inc., Corner First and Jefferson Streets, Madison, Ind.; effective 10–3–57 to 10–2–58 (men's one-piece work suits).

N & W Industries, Inc., Lynchburg, Va.; effective 10–1–57 to 9–30–58 (men's and boys' pants, shirts).

N & W Industries, Inc., Rocky Mount, Va.; effective 10–1–57 to 9–30–58 (work pants, dungarees).

Regal Shirt Corp., Second and Pine Streets, Catawissa, Pa.; effective 10–1–57 to 9–30–58 (men's sport shirts).

Rob Roy Co., Inc., Ridgely, Md.; effective 10–1–57 to 9–30–58 (boys' shirts).

Rosenau Brothers, Inc., Fulton Street, Ephrata, Pa.; effective 10–6–57 to 10–5–58 (children's dresses).

Rosenau Brothers, Inc., West Bertsch Street, Lansford, Pa.; effective 10–21–57 to 10–20–58 (children's dresses).

Rosenau Brothers, Inc., Main Street, Red Hill, Pa.; effective 10–6–57 to 10–5–58 (children's dresses).

Samoset Processing Co., Inc., 128 Singleton Street, Woonsocket, R. I.; effective 10–1–57 to 9–30–58 (men's and boys' rainwear, outerwear, sportswear).

Southland Manufacturing Co., Inc., 1510 South Third Street, Wilmington, N. C.; effective 9–27–57 to 9–26–58 (dress and sport shirts).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; effective 10–1–57 to 9–30–58 (ladies' and girls' jeans).

Troutman Shirt Co., Inc., Troutman, N. C.; effective 10–10–57 to 10–9–58 (work shirts and sport shirts).

Universal Manufacturing Corp., 318 Gidney Street, Shelby, N. C.; effective 9–23–57 to 9–22–58 (ladies' dusters, pajamas, housecoats).

The Warner Brothers Co., Moultrie, Ga.; effective 10–8–57 to 10–7–58 (corsets and brassieres).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs-Baker Manufacturing Co., Sheldon, Iowa; effective 10–1–57 to 9–30–58; 10 learners (men's and boys' blue jeans).

The Buckeye Overall Co., Versailles, Ohio; effective 10–1–57 to 9–30–58; 10 learners (dungarees).

C. B. S. Dress Co., Inc., 101–117 Third Street, Henderson, Ky.; effective 10–8–57 to 10–7–58; 5 learners (ladies' cotton dresses).

Form O Uth Brassiere Co., McLean, Tex.; effective 9–30–57 to 9–29–58; 10 learners (brassieres).

Gross Galesburg Co., 152–62 East Ferris Street, Galesburg, Ill.; effective 10–1–57 to 9–30–58; 5 learners (overalls and dungarees).

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill.; effective 10–1–57 to 9–30–58; 10 learners (knit cotton polo shirts for infants).

Sarmont, Inc., Caruthersville, Mo.; effective 9–30–57 to 9–29–58; 10 learners engaged in the manufacture of pants only (boys' pants).

A. Stein & Co., 606 North Vermillion, Streator, Ill.; effective 9–27–57 to 9–26–58; 8 learners (women's bras and girdles).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Madison, Va.; effective 9–23–57 to 3–22–58; 25 learners (kiddie overalls, boxer long dungarees).

Form O Uth Brassiere Co., McLean, Tex.; effective 9–30–57 to 3–29–58; 25 learners (brassieres).

Fuller Shirt Co., Chester, S. C.; effective 9–27–57 to 12–25–57; 25 learners (replacement certificate) (men's dress shirts).

Greenwood Shirt Co., Inc., 145 Maxwell Avenue, Greenwood, S. C.; effective 9–26–57 to 3–25–58; 25 learners (men's and boys' sport shirts).

The Roswell Co., Alphretta, Ga.; effective 9–27–57 to 3–26–58; 50 learners (men's work pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Wells Lamont Corp., McGhee, Ark.; effective 9–26–57 to 3–25–58; 5 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Adams-Millis Corp., Tryon, N. C.; effective 9–27–57 to 9–26–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Alamance Hosiery Co., Inc., Burlington, N. C.; effective 9–25–57 to 3–24–58; 55 learners for plant expansion purposes (seamless).

Charles H. Bacon Co., Loudon, Tenn.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Balfour Hosiery Co., Burlington Industries, Inc., Spero Road, Asheboro, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Beaver Hosiery Co., Hickory, N. C.; effective 9–26–57 to 3–25–58; five learners for plant expansion purposes (seamless).

Black Mountain Hosiery Mills, Inc., 111 East Vance Avenue, Black Mountain, N. C.; effective 10–1–57 to 9–30–58; 5 learners for normal labor turnover purposes (seamless).

Claussner Hosiery Co., Plant #2 Seamless Division, 30th and Adams Streets, Paducah, Ky.; effective 9–26–57 to 3–25–58; 25 learners for plant expansion purposes (seamless).

Commonwealth Hosiery Mills, Randleman, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

W. B. Davis Hosiery Mill, Inc., Eighth Street and Williams Avenue, NE., Fort Payne, Ala.; effective 9–30–57 to 9–29–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Huffman Full Fashioned Mills, Inc., Morganton, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Hunter Hosiery, Inc., 1269 Union Avenue, Laconia, N. H.; effective 10–1–57 to 9–30–58; 5 learners for normal labor turnover purposes (seamless).

Kosciusko Hosiery Mills, Kosciusko, Miss.; effective 10–1–57 to 9–30–58; five learners for normal labor turnover purposes (seamless).

Kosciusko Hosiery Mills, Kosciusko, Miss.; effective 9–24–57 to 2–22–58; 10 additional learners for plant expansion purposes (supplemental certificate) (seamless).

Meadowbrook Hosiery Mill, Hickory, N. C.; effective 9–30–57 to 9–29–58; two learners for normal labor turnover purposes (seamless).

Morganton Full Fashioned Hosiery Co., Morganton, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

The Nolde & Horst Co., Hickory, N. C.; effective 9–30–57 to 3–29–58; 20 learners for plant expansion purposes (seamless).

The Nolde & Horst Co., Dayton, Tenn.; effective 9–27–57 to 3–26–58; 30 learners for plant expansion purposes (seamless).

Outlook Manufacturing Co., Belmont, N. C.; effective 10–1–57 to 9–30–58; five learners for normal labor turnover purposes (seamless).

Peerless Hosiery Co., West Jefferson, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Runnymede Mills, Inc., Tarboro, N. C.; effective 9–24–57 to 9–23–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Vance Hosiery Co., Burlington Industries, Inc., Kernersville, N. C.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Williamson Hosiery Mills, Inc., 615 North Jackson Street, Athens, Tenn.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Northern Ohio Telephone Co., Lodi, Ohio; effective 10–1–57 to 9–30–58.

Northern Ohio Telephone Co., Loudonville, Ohio; effective 10–1–57 to 9–30–58.

Northern Ohio Telephone Co., McComb, Ohio; effective 10–1–57 to 9–30–58.

Western States Telephone Co., Inc., Holbrook, Ariz.; effective 9–25–57 to 9–24–58.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Century Mills, Division of A. H. Schreiber Co., Inc., Lincoln and Reeder Streets, Riverside, N. J.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's rayon, nylon and cotton underwear).

Dri-Set, Inc., Graysville, Tenn.; effective 10–1–57 to 9–30–58; 5 learners for normal labor turnover purposes (children's knitted sleeping wear).

Harvey Manufacturing Co., Vine and Ninth Streets, Berwick, Pa.; effective 9–26–57 to 9–25–58; 5 learners for normal labor turnover purposes (women's slips).

Roanoke Mills, Inc., 505 Sixth Street, SW., Roanoke, Va.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear, sportswear and sleepwear).

The Russell Manufacturing Co., Alexander City, Ala.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear).

A. H. Schreiber Co., Inc., Washington Street, Mt. Holly, N. J.; effective 10–1–57 to 9–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's rayon, nylon and cotton underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Gettysburg Shoe Co., Gettysburg, Pa.; effective 10–1–57 to 9–30–58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 9–20–57 to 9–19–58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Ft. Wayne Tailoring Corp., 115 East Brackenridge Street, Ft. Wayne, Ind.; effective 9–29–57 to 3–28–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (made to measure and ready-made clothing).

Hi-Jae Corp., 717 Williams Avenue, Fort Payne, Ala.; effective 9–26–57 to 3–25–58; authorizing the employment of 5 learners for normal labor turnover purposes, in the occupations of machine knitter for a learning period of 120 hours at the rate of 85 cents an hour (coasters and shoe bags).

Hickey-Freeman Co., 1155 Clinton Avenue North, Rochester, N. Y.; effective 9–25–57 to 3–24–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (suits, overcoats, topcoats).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annuled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to Section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act has been issued to the firm listed below. Effective and expiration dates, occupations, wage rates, number or proportion of student-workers as learners, and learning periods for the certificate issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Oak Park Academy, Nevada, Iowa; effective 9–16–57 to 8–31–58; authorizing the employment of: (1) 4 student-workers in the printing industry in the occupations of compositor, pressman and related skilled and semi-skilled occupations including incidental clerical work in shop, each for a learning period of 1,000 hours at the rates of 80 cents an hour for the first 500 hours and 85 cents an hours for the remaining 500 hours; and (2) 6 student-workers in the broom shop industry in the occupations of broom maker, stitcher and related skilled and semi-skilled occupations, each for a learning period of 360 hours at the rates of 80 cents an hour for the first 180 hours and 85 cents an hour for the remaining 180 hours.

This student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 2d day of October 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–8317; Filed, Oct. 9, 1957; 8:48 a. m.]

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6760]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NEW HAVEN QUILT & PAD CO., INC., ET AL.

Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Wool Products Labeling Act. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition:* Wool Products Labeling Act; § 13.1680 *Manufacture or preparation:* [*Misrepresenting oneself and goods*]—Prices: § 13.1811 *Fictitious preticketing.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c). [Cease and desist order, New Haven Quilt & Pad Co., Inc., et al., New Haven, Conn., Docket 6760, September 18, 1957]

In the Matter of New Haven Quilt & Pad Co., Inc., a Corporation, and David H. Levine, Paul B. Levine, and Edward I. Levine, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New Haven, Conn., with violating the Wool Products Labeling Act by labeling as "All new material consisting of wool batting" bed comforters which contained substantial amounts of fibers other than wool, by failing to label some of the comforters, and by furnishing false guaranties that their wool products were not misbranded; and with representing falsely that some of the comforters were mothproofed for five years by "Westinghouse Ultra-Violet" process, contained all new wool and "chlorophyll", and sold regularly at retail at the fictitious price of $24.95, all on streamers enclosed in the individual containers, thereby placing in the hands of retailers a means for deceiving the purchasing public.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, New Haven Quilt & Pad Co., Inc., a corporation, and its officers, and David H. Levine, Paul B. Levine and Edward I. Levine, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of bed comforters or other "wool products", as such products are defined in and subject to said Wool Products Labeling Act, which products contain, purport to contain, or in any way are represented as containing, "wool", "reprocessed wool" or "reused wool" as those terms are defined in said Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any

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FEDERAL REGISTER

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Title 3, 1943–1948 Compilation ($7.00)

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non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

B. Furnishing false guaranties that bed comforters, or other wool products are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

It is further ordered, That New Haven Quilt & Pad Co., Inc., a corporation, and its officers, and David H. Levine, Paul B. Levine and Edward I. Levine, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bed comforters or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that bed comforters or other products are mothproof, when such is not the fact.

2. Representing, directly or indirectly, that bed comforters or other products have been treated with chlorophyll or any other substance, when such is not the fact.

3. Misrepresenting the constituent fiber of material used in products or the respective percentages thereof.

4. Representing that certain amounts are the regular and usual retail prices of bed comforters or other products, when such amounts are in excess of the prices at which such comforters or other products are usually and regularly sold at retail.

5. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 18, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57–8364; Filed, Oct. 10, 1957; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54454]

PART 22—DRAWBACK

RETURN OF MERCHANDISE TO CUSTOMS CUSTODY

Section 22.33 (a) of the Customs Regulations now provides that the collector of customs may extend the period for the return of merchandise to customs custody where conformance to sample or specifications can be established only by test or use and the test or use cannot reasonably be completed before the expiration of the 90-day period. All other extensions must be authorized by the Bureau. It is believed that collectors should be given authority to grant extensions in all cases where the importer has been or will be prevented by circumstances beyond his control from returning the merchandise within 90 days, if the collector is satisfied that the importer acted within a reasonable time to return his merchandise. Accordingly, § 22.33 (a) is amended as follows:

The second sentence is amended by inserting ", either before or after the return of the merchandise," after "unless". The third sentence is amended to read: "The collector, upon written application, may extend the period in those cases where he is satisfied that the importer has been or will be prevented by circumstances beyond his control from returning the merchandise within the 90-day period, and that the importer proposes to return, or has returned, the merchandise within a reasonable time."

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: October 3, 1957.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 57–8372; Filed, Oct. 10, 1957; 8:49 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 113—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES AFTER JUNE 30, 1956, OF LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

FINAL DATE FOR FILING APPLICATIONS FOR FINANCIAL ASSISTANCE FROM FUNDS APPROPRIATED FOR FISCAL YEAR 1957, AND THEREAFTER; CHANGES IN BOUNDARIES, CLASSIFICATION, AND GOVERNING AUTHORITY OF APPLICANTS

1. Paragraph (a) of § 113.5 of Part 113, 45 CFR Chapter 1 (21 F. R. 6754, September 7, 1956) issued pursuant to P. L. 874, 81st Congress (64 Stat. 1100), as amended, is hereby amended (A) by adding a new subparagraph (3) which would extend the time for filing applications where a local educational agency has acquired all or a portion of the territory of another local educational agency which had duly filed an application but no longer has any legal existence, and (B) by deleting the limitation that even in the exceptional circumstances referred to in this paragraph, the filing date cannot be extended beyond the fiscal year. Paragraph (a) of § 113.5 as so amended reads as follows:

(a) The final date for filing applications for financial assistance under sections 2, 3, or 4 of the act, or under any subsection thereof, and this part, out of funds appropriated for any fiscal year shall be March 31st of such fiscal year for all applicants; except that, whenever such date shall fall on a Saturday, Sunday, or other legal holiday, the final date for filing applications shall be the next succeeding week day. An application must be received by the Commissioner, or under cover postmarked, on or before the final filing date after transmittal through and certification by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing transmittal of the application to the Commissioner of Education by the final filing date. The applicant, in order to give the State educational agency time in which it may process the application, should file its application with the State educational agency by March 1 of the fiscal year. The final date for filing the application with the Commissioner is subject to the following exceptions:

(1) With respect to an applicant whose eligibility for financial assistance under this act is established by an activity of the United States initiated or reactivated, or by the acquisition of Federal property, during the fiscal year, the filing date shall be extended 60 days beyond the date of such occurrence establishing eligibility;

(2) With respect to an applicant whose eligibility for financial assistance is established under or pursuant to an amendment to the act adopted during the fiscal year, the filing date shall be extended 60 days beyond the date of such amendment;

(3) With respect to a local educational agency which, during the fiscal year, acquired administrative control and direction of free public education in all or any portion of an area of a previously existing local educational agency under the circumstances described in § 113.53 (b), the filing date shall be extended to the extent necessary to allow sixty days beyond the effective date of the change in district organization for the filing of an application under sections 3 and 4 of the act: *Provided*, That where an application is filed directly with the Commissioner within the applicable filing date, and a copy is filed within such time with the State educational agency, the application, for good cause shown, will be considered to be timely filed if within fifteen days after the applicable filing date the applicant obtains and files with the Commissioner approval, verification, and certification of the application by the State educational agency: *And provided, further*, That an application timely filed may be amended to obtain additional or alternative financial assistance based upon a Federal activity which has been initiated or reactivated, or upon property which has been acquired by the United States after the application was filed, or upon an amendment to the act enacted after the application was filed, or upon a determination of the Commissioner first communicated to the applicant that property is or is not "Federal property".

under the act, if such amendment is made within 60 days of the occurrence or communication of the Commissioner's ruling to the applicant.

2. Section 113.53 of Part 113 is amended by redesignating this section as paragraph (a) under a modified heading and adding paragraph (b), which would provide that an applicant losing its legal identity by reason of a change in district organization during the fiscal year shall not be entitled to any payments under section 3 or 4 for such year and that the successor local educational agency to such applicant may be entitled under certain conditions. Section 113.53 as so amended reads as follows:

§ 113.53 *Changes in boundaries, classification, and governing authority of applicants.* (a) The Commissioner shall be notified without undue delay by all applicants of the effective date for all purposes, the extent and character of, and the legal authority under which, any modifications in school districts that have occurred as a result of merger, consolidation, annexation, deconsolidation, or other similar action, which may affect the boundaries, identity, governing authority, classification, or control of any applicant. This shall include the original applicant and the successor district or districts.

(b) If, as a result of a change in district organization through merger, annexation, consolidation, or other similar action, effective within the fiscal year, a local educational agency which had timely filed an application ceases to be a legally constituted local educational agency, it shall not be entitled to any payments under section 3 or 4 of the act for such fiscal year. However, a local educational agency whose administrative control and direction of free public education on the last day of such fiscal year includes all or any portion of the area of such previously existing local educational agency, shall, provided that (if not already an applicant under the section involved) it files an application in accordance with § 113.5 (a) (3), be entitled to have its eligibility under section 3 (c) (2) or (3), or section 4 (a) (1) and the amount of its entitlement for the entire fiscal year, insofar as such eligibility or entitlement relates to the number of federally connected children, determined in accordance with either of the following, whichever is more favorable to it:

(1) On the basis of the entire area under its jurisdiction on the last day of such year; or

(2) On the basis only of the area acquired by the local educational agency from the previously existing local educational agency: *Provided however,* That this latter basis may be used (i) for an application under section 3 only if a favorable finding has been made (or would have been made in due course but for such change in district organization) on the basis of the estimates required under section 3 (c) (2) or (3), with respect to the previously existing agency, and (ii) for an application under section 4 only if such favorable finding has been made (or would have been made in due course but for such change in district organization) under section 4 (a) (1).

Dated: September 30, 1957.

(Sec. 7, 64 Stat. 1107; 20 U. S. C. 242)

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: October 4, 1957.

JOHN A. PERKINS,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-8352; Filed, Oct. 10, 1957; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF 1-METHOXY-CARBONYL-1-PROPEN-2-YL-DIMETHYL-PHOSPHATE AND ITS BETA ISOMER

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of 1-methoxycarbonyl-1-propen-2-*yl*-dimethylphosphate and its beta isomer in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.3; 22 F. R. 4017, 6589, 7503) are amended as indicated below:

1. In § 120.3 *Tolerances for related pesticide chemicals,* paragraph (e) is amended by inserting in subparagraph (5), after the item "Malathion", the item "'1-Methoxycarbonyl-1-propen-2-*yl*-dimethylphosphate and its beta isomer."

2. Part 120 is amended by adding the following new section:

§ 120.157 *Tolerances for residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer.* Tolerances for residues of 1-methoxycarbonyl-1-propen-2-*yl*-dimethylphosphate and its beta isomer are established in or on raw agricultural commodities, as follows:

(a) 1.0 part per million in or on alfalfa, broccoli, brussels sprouts, cabbage, cauliflower, clover, collards, corn forage, kale, mustard greens, peaches, pea vines, plums, sorghum forage, sorghum grain, spinach, strawberries, turnip tops.

(b) 0.5 part per million in or on apples, lettuce, pears.

(c) 0.25 part per million in or on beans, corn grain (including field corn, popcorn, sweet corn), cucumbers, onions, (green), peas, potatoes, tomatoes, turnips.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: October 7, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-8373; Filed, Oct. 10, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 38]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled; the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bryceville FM or Int W crs JAX LFR and 165 brg to Cecil RBn or Radar fix over Bryceville.	Riverview Fix* (Final)	090-12	700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitude 1500′ within 25 mi. Radar Control must provide 3 mi separation from Restricted Area R-161.
Procedure turn N side W crs, 270 Outbnd, 090 Inbnd, 1200′ within 10 mi of JAX LFR (nonstandard to avoid danger area).
Minimum altitude over facility on final approach crs, 700′ (over Riverview fix*).
Crs and distance, facility to airport, 090—2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi of Riverview Fix*, climb to 1300′ on E crs within 20 mi.
*Riverview fix is the Int of the W crs of JAX LFR and 359 bearing from JAX LOM.
NOTE: Procedure authorized only for aircraft equipped to receive JAX LFR and JAX LOM bearings simultaneously.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev, 52′; Fac Class, SBRAZ; Ident, JAX; Procedure No. 2, Amdt 5; Eff Date, 2 Nov 57; Sup Amdt No. 4: Dated, 4 Jun 55

La Habra FM	LGB-LFR	Direct	1,800	T-dn	300-1	300-1	*200-½
Int SE crs LGB LFR, and SW crs EL TORO LFR.	LGB-LFR	Direct	1,400	C-dn	500-1	600-1	600-2
				S-dn-30	500-1	500-1	500-1
Huntington Beach FM	LGB-LFR (Final)	Direct	1,000	A-dn	800-2	800-2	800-2
Long Beach VOR	LGB-LFR	Direct	1,500				

*300-1 required for take-off runways 16, 16R, 25L, 34R.
Procedure turn S side SE crs, 118° Outbnd, 298° Inbnd, 1500′ within 10 miles, beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 298—3.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles, climb to 800′ on NW crs, then turn left to 200° continuing climb to Int. of 160° crs from LAX RBn and proceed to San Pedro Int at 2500′, or when directed by ATC, climb to 800′ on NW crs LGB, reverse course to left and return to LGB LFR at 1500′.
CAUTION: 500′ hill with oil derricks one mile S of airport; standard clearance not provided over obstructions for circling minimums.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev, 56′; Fac Class, SBMRLZ; Ident, LGB; Procedure No. 1, Amdt 14; Eff Date, 2 Nov 57; Sup Amdt No. 13; Dated, 29 Aug 57

Muscle Shoals VOR	MSL-LFR	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side SE crs, 131 Outbnd, 311 Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 282—3.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, climb to 2000′ on W crs within 20 miles.
CAUTION: Transmission line poles 654′ MSL located 1.5 miles E of approach end of runway 29.

City, Muscle Shoals; State, Ala; Airport Name, Muscle Shoals; Elev, 545′; Fac Class, SBRAZ; Ident, MSL; Procedure No. 1, Amdt 6; Eff Date, 2 Nov 57; Sup Amdt No. 5; Dated, 28 Jun 54

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DLH-VOR	LOM	Direct	2,600	T-dn	300-1	300-1	200-½
DLH-LFR	LOM	Direct	2,600	C-d	500-1	500-1	500-1
Int R-320 DLH-VOR and 180° brng to LOM.	LOM	Direct	2,600	C-n	500-1½	500-1½	500-1½
				S-dn-9	400-1	400-1	400-1
Int brg 142° to DLH-LFR & 180° brng to LOM.	LOM	Direct	2,600	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 268° Outbnd, 088 Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 088°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 3000′ on 088° crs from LOM within 20 miles.
CAUTION: 2049′ msl tower approximately 4.5 miles SE of airport.

City, Duluth; State, Minn.; Airport Name, Williamson-Johnson; Elev, 1430′; Fac Class, LOM; Ident, DL; Procedure No. 1, Orig.; Eff Date, 2 Nov 57

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Charleston LFR	CHW-VOR	Direct	2500	T-dn	300–1	300–1	200–½
				C-dn	800–2	800–2	800–2
				A-dn	1000–2	1000–2	1000–2

Procedure turn S side of crs, 244 Outbnd, 064 Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 064—10.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.0 mi, climb to 2500′ on R–067 within 20 mi of VOR.

City, Charleston; State, W Va; Airport Name, Kanawha County; Elev, 981′; Fac Class, BVOR; Ident, CHW; Procedure No. 1, Amdt 2; Eff Date, 2 Nov 57; Sup Amdt No. 1; Dated, 5 May 54

Columbia LFR	CAE-VOR	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-34			500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 147 Outbnd, 327 Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 327—5.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi, climb to 1600′ on R–327 within 20 mi.

City, Columbia; State, SC; Airport Name, Columbia; Elev, 244′; Fac Class, BVOR; Ident, CAE; Procedure No. 1, Amdt 2; Eff Date, 2 Nov 57; Sup Amdt No. 1; Dated, 14 Jan 56.

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 154 Outbnd, 334 Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 334°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles, climb to 2500′ on R–334 of DBQ-VORW within 20 miles.
CAUTION: No control zone. Official weather information indicating that conditions at Dubuque are at or above minimums specified must be obtained prior to the time a letdown is started.

City, Dubuque; State, Iowa; Airport Name, Dubuque; Elev, 1075′; Fac Class, VOR; Ident, DBQ; Procedure No. 1, Orig; Eff Date, 2 Nov 57

Ft Smith Rbn	FSM-VOR	Direct	2200	T-dn	300–1	300–1	200–½
				C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2
				S-d	600–1	600–1	600–1
				S-n-25	600–2	600–2	600–2
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 046 Outbnd, 226 Inbnd, 1900′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 226—5.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 mi, climb to 1800 on R–235 within 20 mi. or, when directed by ATC, climb to 2200′ direct to Ft. Smith RBn.
CAUTION: 620 MSL unlighted Hill 1.5 mi E of airport.
AIR CARRIER NOTE: 300–1 required for T. O. Runways 1–19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in T. O. or landing minima authorized for Cargo or Ferry flights.

City, Fort Smith; State, Ark; Airport Name, Municipal; Elev, 468′; Fac Class, BVOR; Ident, FSM; Procedure No. 1, Amdt 4; Eff Date, 2 Nov 57; Sup Amdt No. 3; Dated, 16 Mar 57

Muscle Shoals LFR	MSL-VOR	Direct	1700	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-29	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 108 Outbnd, 288 Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 288—5.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles, climb to 2000′ on R–288 within 20 miles.
CAUTION: Transmission line poles 654′ MSL located 1.5 mi E of approach end of Runway 29.

City, Muscle Shoals; State, Ala; Airport Name, Muscle Shoals; Elev, 548′; Fac Class, BVOR; Ident, MSL; Procedure No. 1, Amdt 9; Eff Date, 2 Nov 57; Sup Amdt No. 1; Dated, 15 Jun 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Evanston Int*	ORD-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Dundee Int	ORD-VOR	Direct	2500	C-dn	600–1	600–1	600–1½
Midway LOM	ORD-VOR	Direct	2000	S-dn-22	600–1	600–1	600–1
Glenview LFR	ORD-VOR	Direct	2000	A-dn	800–2	800–2	800–2
Wheeling VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
*Evanston Int: Int R–075 ORD and R–135 OBK.
Procedure turn N side of crs, 032 Outbnd, 212 Inbnd, 2000′ within 10 mi.
Minimum altitude over Int on final approach crs (Int R–032 ORD and R–146 OBK or Radar Fix), 1500′; Brng and distance, Int or Radar Fix to airport, 212—5.0.
Crs and distance, breakoff point to app end of rny 22, 217—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make immediate left turn, climb to 2500′ or higher altitude if specified by ATC and proceed to Wheeling VOR via R–030 ORD and R–135 OBK, or if directed by ATC: (1) make immediate left turn, climb to 3500′, proceed to Evanston Int* via R–075 ORD, (2) make immediate left turn, climb to 2500′, proceed to Glenview LFR via 030 crs and SE crs Glenview LFR.

City, Chicago; State, Ill; Airport Name, O'Hare Int'l; Fac Class, VOR; Ident, ORD; Procedure No. Ter VOR–22, Amdt 4; Eff Date, 2 Nov 57; Sup Amdt No. 3; Dated, 14 Sep 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Atlanta LFR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
Atlanta VOR	LOM	Direct	2200	C-dn	400–1	500–1	500–1½
Madras Int (LF or VHF)	LOM	Direct	2100	S-dn-9R:*			
Fulton Int	LOM	Direct	2300	ILS	200–½	200–½	200–½
Chattahoochee Int. (LF)	LOM (Final-ILS)	Direct	2500	ADF	400–1	500–1	500–1
Chattahoochee Int. (LF)	LOM (Final-ADF)	Direct	1600	A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Procedure turn S side W crs, 268 Outbnd, 088 Inbnd, 2500 within 10 miles.
Minimum altitude at G. S. Int inbnd, 2500′ ILS, minimum altitude over LOM inbnd final 1600′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 2450—4.0; at MM 1320—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM (ADF) climb to 2200′ and E crs ILS (088) within 20 miles.
*400–¾ required when glide slope not utilized.
CAUTION: 1182′ tower ¾ miles W.

City, Atlanta; State, Ga; Airport Name, Atlanta; Elev, 1024′; Fac Class, ILS–IATL; Ident, LOM–AT; Procedure No. ILS–9R, Amdt 17, Comb ILS and ADF; Eff Date, 2 Nov 57; Sup Amdt No. 16; Dated, 9 Feb 57

BHM LFR	LOM	Direct	2600	T-dn#	300–1	300–1	300–1
BHM VOR	LOM	Direct	2000	C-dn*	800–1	900–1	900–1½
Chelsea Int	LOM	Direct	2600	S-dn-5:			
Crossville Int	LOM	Direct	2600	ILS**	500–¾	500–¾	500–¾
Bradford FM	LOM	Direct	2000	ADF	600–1	600–1	600–1
Bessemer Int	LOM (Final)	Direct	2000	A-dn	1000–2	1000–2	1000–2

#200–½ authorized for take-off on runway 23 for more than two-engine aircraft only.
*ILS circling: 700–3 authorized rny 36, except more than 2-eng aircraft, provided no maneuvering done N or E of airport.
**600–1 required when glide slope or approach lights inoperative.
Procedure turn N side of SW crs, 232 Outbnd, 052 Inbnd, 2000′ within 10 mi. (Nonstandard to avoid obstructions.)
Minimum altitude at G. S. int inbnd 2000′ ILS, minimum altitude over LOM inbnd final 2000 ADF.
Altitude of G. S. and distance to approach end of rny at OM 2000—4.7; at MM 830—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles (ADF), climb to 2500′ on N crs BHM LFR within 20 miles, or climb to 2000′ and proceed to BHM VOR.
AIR CARRIER NOTE: Sliding scale not authorized. No reduction in 2-eng or less T. O. min authorized with ILS inoperative. No straight-in approach authorized with any ILS components inoperative except as noted. No reduction in minimum authorized on cargo or ferry flights.

City, Birmingham; State, Ala; Airport Name, Municipal; Elev, 643′; Fac Class, ILS–BHM; Ident, LOM–BH; Procedure No. ILS–5, Amdt 11, Comb ILS–ADF; Eff Date, 2 Nov 57; Sup Amdt No. 10; Dated, 9 Feb 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
BRO VOR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
BRO LFR	LOM	Direct	1200	C-dn	500-1	500-1	500-1½
Los Fresnos FM via crs 113°	N crs ILS or Brng 173 to LOM	Direct	1200	S-dn-17:			
Int BRO VOR R 330 and N crs ILS	LOM (Final) ILS	Direct	1200	ILS	*200-½	*200-½	*200-½
Int BRO VOR R 330 and N crs	LOM (Final) ADF	Direct	600	ADF	500-1	500-1	500-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-¾ required when glide slope not utilized.
Procedure turn W side N crs, 353 Outbnd, 173 Inbnd, 1200′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 1200′ ILS, minimum altitude over LOM inbnd final 600′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 1150—3.8; at MM 240—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM (ADF) climb to 1200′ on S crs ILS (173) within 4.5 miles, or when directed by ATC, turn left, climb to 1200′ on R-062 BRO within 20 miles.

City, Brownsville; State, Texas; Airport Name, Rio Grande Valley International; Elev, 22′; Fac Class, ILS-BRO; Ident, LOM-BR; Procedure No. ILS-17, Amdt 13, Comb ILS and ADF; Eff Date, 2 Nov 57; Sup Amdt No. 12; Dated 9 Feb 57

Int EVV R-062 and 254 Brg to LOM	LOM	Direct	1800	T-dn**	300-1	300-1	200-½
Int EVV R-077 and 284 Brg to LOM	LOM	Direct	2000	C-d	600-1	600-1	600-1½
Int EVV R-030 and 190 Brg to LOM	LOM	Direct	1800	C-n	600-2	600-2	600-2
EVV-VOR	LOM	Direct	2000	S-dn-21: ILS*	400-1	400-1	400-1
EVV R-010 and 153 Brg to LOM	LOM	Direct	2000	S-d-21: ADF	500-1	500-1	500-1
				S-n-21: ADF	500-1½	500-1½	500-1½
				A-dn:			600-2
				ILS#	600-2	600-2	800-2
				ADF	800-2	800-2	

**300-1 on rny 9-27.
*500-1 required with glide slope inoperative. Inoperative ILS components provisions regarding approach lights not applicable.
#All installed components of ILS must be operating; otherwise, alternate minimums of 800-2 apply.
Procedure turn N side NE crs, 035 Outbnd, 215 Inbnd, 1800′ within 10 miles.
Minimum altitude at G. S. int inbnd, 1800′ ILS, 1300′ ADF.
Altitude of G. S. and distance to approach end of rny at OM 1704—3.9, at MM 631—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left climbing turn, climb to 2000′ on 180 crs from LMM (or airport) to R-80, proceed to EVV-VOR on R-80. If further instructions not received, hold SW of VOR at 2000′. When directed by ATC: (1) Make climbing right turn, climb to 2000′ on 309° crs from LMM (or airport) until intercepting R-355, then proceed N on R-355 for 2 minutes. If no further instructions given, return to VOR on R-355 at 2000′ and hold.
AIR CARRIER NOTE: Sliding scale authorized only on rny 3-21 and 18-36.
CAUTION: Radio tower 975′ MSL 3.6 miles SW of airport.

City, Evansville; State, Ind; Airport Name, Dress Memorial; Elev, 389′; Fac Class, ILS-EVV; Ident, LOM-EV; Procedure No. ILS-21, Amdt 6 Comb ILS and ADF; Eff Date, 2 Nov 57; Sup Amdt No. 5; Dated, 20 Mar 57

Ft Smith VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
Int E crs ILS and 288 brng to Ft Smith RBn.	LOM	Direct	1600	C-d	600-1	600-1	600-1½
Int E crs ILS and R 090 FSM VOR	LOM	Direct	1600	C-n	600-2	600-2	600-2
Int E crs ILS and 343 brng to Ft Smith RBn.	LOM	Direct	1600	S-dn-25:			
Ft Smith R Bn	LOM	Direct	2200	ILS#	300-¾	300-¾	300-¾
Int E crs ILS and R-110 FSM	LOM (Final)-ILS	Direct	1600	ADF	500-1	500-1	500-1
Int E crs ILS and R-110 FSM	LOM (Final)-ADF	Direct	1100	A-dn:			
				ILS##	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

#500-¾ when G. S. not utilized.
##All installed components of the ILS must be operating otherwise alternate minima of 800-2 apply.
Procedure turn N side of crs, 073 Outbnd, 253 Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 1600′ ILS, minimum altitude over LOM inbnd final 1100′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 1530—3.2, at MM 702—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 mi after passing LOM (ADF) climb to 1800′ on crs of 253 within 15 mi, or climb to 1800′ on R-235 FSM within 15 miles or, when directed by ATC, climb to 2200′ direct to Ft Smith RBn.
NOTE: No approach lights.
AIR CARRIER NOTE: 300-1 required for T. O. runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in take-off or landing minima authorized for cargo and ferry flights.
CAUTION: Water tower 611′ 1 mile W of W end of runway 7.

City, Fort Smith; State, Ark; Airport Name, Municipal; Elev, 468′; Fac Class, ILS-FSM; Ident, LOM-FS; Procedure No. ILS-25, Amdt 6, Comb ILS and ADF; Eff Date, 2 Nov 57; Sup Amdt No. 5; Dated, 17 Mar 57

Int S crs Syracuse LFR and W crs ILS	Liverpool Int* (Final)	Direct	1400	T-dn	**300-1	**300-1	**200-½
Syracuse VOR via R-235	W crs ILS	Direct	1700	C-dn	600-1	700-1	700-1½
Int W crs ILS and R-235 Syracuse VOR	Liverpool Int* (Final)	Direct	1400	S-dn-10	400-1	400-1	400-1
Syracuse LFR via crs 180	W crs ILS	Direct	2000	A-dn	800-2	800-2	800-2

**600-1 required for take-off to the SE.
Procedure turn S side W crs, 278 Outbnd, 098 Inbnd, 2000′ within 10 mi of *Liverpool Int.
No glide slope or marker. Minimum altitude over Liverpool Int *1400′. Crs and distance to approach end of runway 098° 3.4 mi. Descent to indicated landing minimums authorized after passing Liverpool Int*.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing Liverpool Int*, make a climbing left turn to 2000′ returning to Syracuse LFR. Alternate missed approach (when directed by ATC) climb to 3000′ on E crs ILS.
*Liverpool Int, int W crs Syracuse ILS and R-190 Syracuse VOR.
NOTE: This procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for take-offs to the SE.

City, Syracuse; State, N Y; Airport Name, Hancock; Elev, 419′; Fac Class, ILS-SYR Back Crs; Ident, ILS Localizer; Procedure No. ILS-10, Amdt 4; Eff Date, 2 Nov 57; Sup Amdt No. 3; Dated, 1 Apr 54

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
0	360	Within 25 mi	3000	Precision approach			
270	290	Within 15 mi	2200	S-dn 9R	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn*	400-1	400-1	400-1
				S-dn-15R	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
*Runways 27L, 33L, 3, 9R
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 9R and 3, climb to 3000′ and proceed to Conyers Int via E crs ILS or climb to 3000′ on NE crs ATL LFR within 20 mi, 15 R, climb to 2200′, turn right and proceed to ATL VOR or proceed on SE crs of ATL LFR within 20 mi. 27L, 33L, climb to 3000′ and proceed to Campbellton Int via W crs ILS, or turn left and proceed on SW crs of ATL LFR within 20 miles.

City, Atlanta; State, Ga; Airport Name, Atlanta; Elev, 1024′; Fac Class, Atlanta; Ident, Radar; Procedure No. 1, Amdt 2; Eff Date, 2 Nov 57; Sup Amdt No. 1; Dated, 29 Sept 56

200	343	Within 20 mi	1600	Precision approach			
				T-d-All	300-1	300-1	300-1
				T-n 6-24	300-1	300-1	300-1
				C-d-All	400-1	500-1	500-1½
				C-n 6-24	400-1	500-1	500-1½
				S-dn-6	300-¾	300-¾	300-¾
				Surveillance approach			
				T-d-All	300-1	300-1	300-1
				T-n 6-24	300-1	300-1	300-1
				C-d-All	400-1	500-1	500-1½
				C-n 6-24	400-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1
				A-d-All	1500-3	1500-3	1500-3
				A-n 6-24	1500-3	1500-3	1500-3

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished to Runway 6, turn left and climb to 1600′ on R-282 of OZR TVOR or proceed to Enterprise MIIW or, when directed by ATC, climb to 2000′ on R-330 of OZR TVOR within 20 miles.
NOTE: Military authority required. Airport not available to general public.

City, Ft Rucker; State, Ala; Airport Name, Ozark AAF; Elev, 305′; Fac Class, Ozark AAF; Ident, Radar; Procedure No. 1, Orig; Eff Date, 2 Nov 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

SEPTEMBER 27, 1957.

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-8243; Filed, Oct. 10, 1957; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

CHRISTINA RIVER, DEL.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.235 governing the operation of drawbridges across Christina River is hereby amended prescribing special regulations to govern the operation of the Pennsylvania Railroad Company bridge at Mile 4.12 by amending paragraph (g) (6) (i), as follows:

§ 203.235 *Christina River, Del.; bridges.* • • •

(g) *Bridges requiring advance notice for prompt opening.* • • •

(6) The bridges to which the special regulations in this paragraph apply, the periods when draws need not be operated and advance notice required, are as follows:

(i) *Pennsylvania Railroad Company bridge at Mile 4.12, Reading Company bridge at Mile 4.15 and Pennsylvania Railroad Company bridge at Mile 5.38.* Between 8:00 p. m. and 6:00 a. m. the draws need not be opened for the passage of vessels. Between 6:00 a. m. and 8:00 p. m., at least 24 hours' advance notice required.

[Regs., September 25, 1957, 823.01 (Christina River, Del.)-ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-8350; Filed, Oct. 10, 1957; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—LOWER KLAMATH NATIONAL WILDLIFE REFUGE, CALIFORNIA AND OREGON

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, I have determined that pheasants may be taken by hunting on portions of the Lower Klamath National Wildlife Refuge, California and Oregon, without interfering with the primary purpose of the area. It also appears that minor modifications in the existing regulations governing access to the hunting areas and the aids which may be employed in hunting on the refuge will be of benefit to the hunting public and will not be in-

compatible with sound wildlife management. Accordingly, §§ 31.191, 31.194, 31.195, 31.197, 31.198, 31.199, and 31.200 are amended as follows:

§ 31.191 *Hunting of migratory waterfowl and coots permitted.* Migratory waterfowl and coots may be taken by hunting in accordance with the provisions of Part 6 of this title within the area of the Lower Klamath National Wildlife Refuge, California and Oregon, described in § 31.192, subject to the conditions and restrictions prescribed in §§ 31.192 to 31.199, inclusive.

§ 31.194 *Use of hunting blinds.* Any person may construct and use a hunting blind in the public hunting areas except that entry for the construction of such blinds shall not be permitted during the period from September 16 to the opening day of the waterfowl hunting season. Any blind not removed on or before January 15 shall be deemed to have been abandoned, and it shall become the property of the United States. Where a blind is constructed in open water, such blind shall be placed at least 200 yards from emergent vegetation. The construction of a blind shall not be deemed to establish priority of use by the person who constructs such blind. The digging of a pit for use as a hunting blind or for any other purpose is prohibited except in such areas as may be designated by posting by the refuge officer in charge.

§ 31.195 *Use of boats.* The use of boats for the purpose of hunting subject to the provisions of Part 6 of this title is permitted: *Provided,* That the use of airthrust of scull boats is prohibited.

§ 31.197 *Entry.* Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this title: *Provided,* That hunters may not enter the public hunting areas earlier than 2½ hours before sunrise and must be off the public hunting areas 1 hour after sunset.

§ 31.198 *Guides.* No person shall act as a guide or offer to guide or assist any hunter or group of hunters in the taking of migratory game birds on the Lower Klamath National Wildlife Refuge with or without payment of a monetary fee or other consideration.

§ 31.199 *Abandonment of personal property.* The abandonment of boats, decoys, or other items of personal property on the public hunting areas or elsewhere on the refuge is prohibited: *Provided,* That boats and trailers may be moored or parked in areas designated for the purpose during the waterfowl hunting season.

§ 31.200 *Hunting of pheasants permitted.* Pheasants may be taken by hunting on portions of the Lower Klamath National Wildlife Refuge, California and Oregon, during the 1957 open season prescribed by the respective State conservation departments, subject to the following conditions and restrictions:

(a) Strict compliance with all State laws and regulations is required.

(b) Entry and use of the refuge shall be in accordance with Parts 18 and 21 of this title.

(c) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) The hunting of pheasants is permitted on all of the lands of the refuge except units 1, 2, 3, 5, 6, 12, and 12a during the period from November 16 to December 1, 1957, both dates inclusive.

(e) The hunting of pheasants on units 1, 5, 6, 12, and 12a shall be permitted only during the period November 17, 18, and 19, 1957.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Lower Klamath National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 7, 1957.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-8353; Filed, Oct. 10, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 192]

OIL AND GAS LEASES

NOTICE OF PROPOSED RULE MAKING

OCTOBER 7, 1957.

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437; 30 U. S. C. sec. 181, et set.), as amended and supplemented, it is proposed to amend 43 CFR 192.9, as hereinafter set forth.

Interested parties may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication hereof in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

Section 192.9 is revised to read as follows:

§ 192.9 *Leasing of wildlife refuge lands, game range lands, and coordination lands*—(a) *Wildlife refuge lands.* Such lands are those embraced in a withdrawal of public domain and acquired lands of the United States for the protection of all species of wildlife within a particular area. Sole and complete jurisdiction over such lands for wildlife conservation purposes is vested in the United States Fish and Wildlife Service even though such lands may be subject to prior rights for other public purposes or, by the terms of the withdrawal order, may be subject to mineral leasing. No offers for oil and gas leases covering such lands will be accepted and no leases covering such lands will be issued except where it is determined by the Geological Survey that the lands are subject to drainage and the United States Fish and Wildlife Service recommends the issuance of leases thereon. In such instances the Bureau of Land Management will process an offering inviting competitive bids in accordance with the then existing regulations relating to competitive oil and gas leasing. Such leases shall be issued only upon approval by the Secretary of the Interior or his representative and shall contain such stipulations as are necessary to assure that leasing activities and drilling shall be carried out in such a manner as will result in a minimum of damage to wildlife resources. The special stipulations will be made available at the time of the offering of the lands for lease.

(b) *Game range lands.* (1) Game ranges created by a withdrawal of public lands and reserved for dual purposes, namely protection and improvement of the public grazing lands and natural forage resources and conservation and development of natural wildlife resources, are under the joint jurisdiction of the Bureau of Land Management and the United States Fish and Wildlife Service.

(2) Representatives of the appropriate office of the Bureau of Land Management and the United States Fish and Wildlife Service will confer for the purpose of entering into agreement specifying those lands which shall not be subject to oil and gas leasing, except where it is determined by the Geological Survey that the lands are subject to drainage and the United States Fish and Wildlife Service recommends the issuance of leases thereon. In such instances the Bureau of Land Management will process an offering inviting competitive bids in accordance with the then existing regulations relating to competitive oil and gas leasing. Such leases shall be issued only upon approval by the Secretary of the Interior or his representative and shall contain such stipulations as are necessary to assure that leasing activities and drilling shall be carried out in such a manner as will result in a minimum of damage to wildlife resources. The special stipulations will be made available at the time of the offering of the lands for lease. The description of the lands and the agreements shall be published in the FEDERAL REGISTER.

(3) The remaining lands in each game range will be subject to such leasing on the imposition of such stipulations agreed upon by the United States Fish and Wildlife Service and the Bureau of Land Management as are necessary to assure that leasing activities and drilling shall be carried out in such a manner as will result in a minimum of damage to wildlife resources.

(4) Such agreements supplemented by maps or plats specifically delineating the categories of lands mentioned above will be filed in the appropriate land offices of the Bureau of Land Management where they may be inspected by the public at the usual hours specified for that purpose.

(c) *Coordination lands.* (1) These lands are withdrawn by the Government and made available to the States by cooperative agreements entered into between the United States Fish and Wildlife Service and the game commissions of the various States, in accordance with the Act of March 10, 1934 (48 Stat. 401), as amended by the Act of August 14, 1946 (60 Stat. 1080). Representatives of the Bureau of Land Management and representatives of the United States Fish and Wildlife Service will, in cooperation with the authorized members of the various State game commissions, examine such lands for the purpose of determining by agreement those lands which shall not be subject to oil and gas leasing, except where it is determined by the Geological Survey that the lands are subject to drainage and the United States Fish and Wildlife Service recommends the issuance of leases thereon. In such instances the Bureau of Land Management will process an offering inviting competitive bids in accordance with the then existing regulations relating to competitive oil and gas leasing. Such leases shall be issued only upon approval by the Secretary of the Interior or his representative and shall contain such stipulations as are necessary to assure that leasing activities and drilling shall be carried out in such a manner as will result in a minimum of damage to wildlife resources. The special stipulation will be made available at the time of the offering of the lands for lease. The description of the lands and the agreements shall be published in the FEDERAL REGISTER.

(2) The remaining lands in each coordination withdrawal will be subject to such leasing on the imposition of such stipulations agreed upon by the State game commissions, the United States Fish and Wildlife Service and the Bureau of Land Management as are necessary to assure that leasing activities and drilling shall be carried out in such a manner as will result in a minimum of damage to wildlife resources.

(3) Such agreements supplemented by maps or plats specifically delineating the categories of lands mentioned above will be filed in the appropriate land offices of the Bureau of Land Management where they may be inspected by the public at the usual hours specified for that purpose.

(d) *Alaska Wildlife Areas.* (1) Such lands are areas in Alaska created by a withdrawal of public lands for the management of natural wildlife resources and administered by the United States Fish and Wildlife Service.

(2) Representatives of the appropriate office of the Bureau of Land Management and the United States Fish and Wildlife Service will confer for the purpose of entering into agreement specifying those lands which shall not be subject to oil and gas leasing, except where it is determined by the Geological Survey that the lands are subject to drainage and the United States Fish and Wildlife Service recommends the issuance of leases thereon. In such instances the Bureau of Land Management will process an offering inviting competitive bids in accordance with the then existing regulations relating to competitive oil and gas leasing. Such leases shall be issued only upon approval by the Secretary of the Interior or his representative, and shall contain such stipulations as are necessary to assure that leasing activities and drilling shall be carried out in such a manner as will result in a minimum of damage to wildlife resources. The special stipulations will be made available at the time of the offering of the lands for lease. The description of the lands and the agreements shall be published in the FEDERAL REGISTER.

(3) The remaining lands in each wildlife area will be subject to such leasing on the imposition of such stipulations agreed by the United States Fish and Wildlife Service and the Bureau of Land Management as are necessary to assure that leasing activities and drilling shall be carried out in such a manner as will result in a minimum of damage to wildlife resources.

(4) Such agreements supplemented by maps or plats specifically delineating the categories of lands mentioned above will be filed in the appropriate land offices of the Bureau of Land Management where they may be inspected by the public at the usual hours specified for that purpose.

(e) *Suspension of pending applications.* All pending applications for oil and gas leases covering game ranges and coordination lands will continue to be suspended until, as to game ranges, the agreements between the Bureau of Land Management and the United States Fish and Wildlife Service shall have been completed, and as to coordination lands, until such agreements shall have been entered into between the United States Fish and Wildlife Service, the Bureau of Land Management, and the State game commissions.

(f) *Lands in requested withdrawal.* All existing offers or applications for oil and gas leases covering lands included in requests for withdrawals for wildlife refuges, game ranges or coordination lands, shall be suspended until after the consummation of the withdrawal, and thereafter such offers shall be considered in accordance with the provisions of this section.

[F. R. Doc. 57-8356; Filed, Oct. 10, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11757; FCC 57M-956]

TELEVISION BROADCAST STATIONS (EVANSVILLE, IND., AND LOUISVILLE, KY.)

ORDER SCHEDULING HEARING

In the matters of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Evansville, Indiana, and Louisville, Kentucky) and order directing Evansville Television, Inc. to show cause why its authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7, Docket No. 11757.

It is ordered, This 4th day of October 1957, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 9, 1957, in Washington, D. C.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8377; Filed, Oct. 10, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

PROCEDURE WITH RESPECT TO APPLICATIONS AND OTHER MATTERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise Rule N-5 (§ 270.0-5) under the Investment Company Act of 1940. This rule provides a simplified general procedure designed to expedite the disposition of proceedings initiated by application or upon the Commission's own motion pursuant to any section of the act or any rule or regulation thereunder, except in cases under specific sections where a different procedure is provided by a specific rule.

As presently in effect paragraph (c) of the rule may be interpreted to provide that the Commission will order a hearing on a matter upon the request of any interested person whether or not it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors.

If Rule N-5 is revised as proposed it would clearly provide that a hearing would be ordered upon the request of an interested person or upon the Commission's own motion if it appears to the Commission that a hearing is necessary or appropriate in the public interest or for the protection of investors.

The proposed revision relates only to paragraph (c) of the rule which would be amended to read as follows:

§ 270.0–5 *Procedure with respect to applications and other matters.* • • •

(c) The Commission will order a hearing on the matter, if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors, (1) upon the request of any interested person or (2) upon its own motion.

All interested persons may submit views and comments on the proposed revision of paragraph (c) of § 270.0–5 in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before October 24, 1957.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 4, 1957.

[F. R. Doc. 57–8369; Filed, Oct. 10, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

REMOVAL OF AN OBSTRUCTION OF JUSTICE WITHIN THE STATE OF ARKANSAS

IMPLEMENTATION OF EXECUTIVE ORDER 10730, SEPTEMBER 24, 1957

The Secretary of Defense signed the following order on September 24, 1957:

ORDER

I, Charles E. Wilson, Secretary of Defense of the United States of America, by virtue of the direction to me from the President of the United States under Executive Order dated 24 September 1957, entitled "Providing Assistance for the Removal of an Obstruction of Justice within the State of Arkansas", hereby call into the Federal service all of the units and the members thereof of the Army National Guard and Air National Guard of the State of Arkansas, to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders.

I order the members of such National Guard units to hold themselves in readiness for further orders as to the time and date of reporting to active duty by the Secretary of the Army, acting for me.

Copies hereof shall be furnished forthwith to the Governor of Arkansas and to the commanding officers of the Army National Guard and Air National Guard of the State of Arkansas.

I further direct that the Secretary of the Army take such action as he deems necessary to implement such Executive Order and this Order, and I hereby vest in the Secretary of the Army the right to exercise any and all of the authority conferred upon me by sections 2 and 3 of the above-mentioned Executive Order of 24 September 1957.

C. E. WILSON, *Secretary of Defense.*

24 SEPTEMBER 1957.

MAURICE W. ROCHE, *Administrative Secretary.*

[F. R. Doc. 57–8376; Filed, Oct. 10, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

OCTOBER 4, 1957.

The notice of proposed withdrawal and reservation of lands, Serial No. Sacramento 048741, Sierra National Forest, published in the FEDERAL REGISTER of Thursday, September 19, 1957, pages 7490–7491 (F. R. Doc. 57–7665), is corrected as to the land description shown as N½SW¼ section 16, T. 8 S., R. 25 E., M. D. M., Huntington Lake Recreation Area to read as N½, and SW¼.

R. R. BEST, *State Supervisor.*

[F. R. Doc. 57–8354; Filed, Oct. 10, 1957; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 3, 1957.

The United States Department of Agriculture, has filed an application, Serial No. Sacramento 048740, for the withdrawal of the lands described below, from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for administrative sites and public recreation areas within the Modoc National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determintion of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

MOUNT DIABLO MERIDIAN, CALIFORNIA

ADMINISTRATIVE SITES

Lava Ridge

T. 41 N., R. 5 E.,
Sec. 12, SE¼.

Timber Mountain Lookout

T. 44 N., R. 6 E.,
Sec. 29, NW¼SE¼NE¼.

Dry Lake

T. 45 N., R. 6 E.,
Sec. 28, SW¼SE¼;
Sec. 33, W½NE¼, SE¼NE¼.

Happy Camp Lookout

T. 41 N., R. 7 E.,
Sec. 1, SW¼ of Lot 15.

Happy Camp

T. 42 N., R. 7 E.,
Sec. 27, NW¼SE¼.

Hayden Hill

T. 37 N., R. 9 E.,
Sec. 23, S½SE¼;
Sec. 26, N½NE¼.

Howard Gulch

T. 42 N., R. 9 E.,
Sec. 18, NE¼NE¼.

Willow Creek

T. 37 N., R. 10 E.,
Sec. 28, SE¼NW¼, NE¼SW¼.

Rush Creek

T. 40 N., R. 10 E.,
Sec. 21, E½NE¼;
Sec. 22, W½NW¼.

Blue Mountain Lookout

T. 46 N., R. 10 E.,
Sec. 18, SE¼SW¼NE¼.

Lakeside

T. 47 N., R. 13 E.,
Sec. 32, Lots 2 and 3.

Sugar Hill Lookout

T. 46 N., R. 14 E.,
Sec. 26, W½NE¼NW¼.

Lake City

T. 44 N., R. 15 E.,
Sec. 34, E½NE¼NE¼;
Sec. 35, NW¼NW¼.

Patterson

T. 39 N., R. 16 E.,
Sec. 32, W½SW¼.

CAMPGROUND

Blue Lake

T. 38 N., R. 15 E.,
Sec. 20, Lots 5, 6, 7, and 8;
Sec. 21, Lots 1, 2, 3, 4, 5, 6, NE¼NW¼, SE¼SW¼;
Sec. 28, N½NW¼;
Sec. 29, NE¼NE¼.

RECREATION AREAS

Medicine Lake

T. 43 N., R. 3 E.,
Sec. 1, All;
Sec. 2, All;
Sec. 3, All;
Sec. 4, Lots 1 and 2, S½NE¼, SE¼;
Sec. 9, E½;
Sec. 10, Lot 1, NW¼NE¼, W½, SW¼SE¼;
Sec. 11, Lots 1, 2, 3, 4, 5, 7, and 8, NE¼NE¼;
Sec. 12, All;
Sec. 13, All;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, NE¼;
Sec. 24, all.
T. 43 N., R. 4 E.,
Sec. 19, All.

Lily and Cove Lake

T. 47 N., R. 15 E.,
Sec. 1, Lot 4, SW¼NW¼;
Sec. 2, Lot 1, SE¼NE¼.
T. 48 N., R. 15 E.,
Sec. 35, SE¼SE¼;
Sec. 36, SW¼SW¼.

The area described totals approximately 8,364.91 acres in Modoc National Forest.

R. R. BEST, *State Supervisor.*

[F. R. Doc. 57–8355; Filed, Oct. 10, 1957; 8:46 a. m.]

National Park Service

[Yosemite National Park Order No. 2]

ASSISTANT SUPERINTENDENT, ADMINISTRATIVE OFFICER, PROCUREMENT AND PROPERTY MANAGEMENT OFFICER AND PURCHASING AGENT

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

SEPTEMBER 12, 1957.

SECTION 1. *Assistant Superintendent and Administrative Officer.* The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any coordinated area.

SEC. 2. *Procurement and Property Management Officer.* The Procurement and Property Management Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any coordinated area.

SEC. 3. *Purchasing Agent.* The Purchasing Agent may execute and approve contracts not in excess of $2,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any coordinated area.

SEC. 4. *Revocation.* This order supersedes Order No. 1, issued March 23, 1955, as amended.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Four Order No. 3 of February 17, 1956)

KEITH NEILSON, *Acting Superintendent, Yosemite National Park.*

[F. R. Doc. 57–8357; Filed, Oct. 10, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket Nos. S–64, S–67, S–69]

ISBRANDTSEN CO., INC., ET AL.

NOTICE OF PREHEARING CONFERENCE

Isbrandtsen Company, Inc., application for operating-differential subsidy on Trade Route No. 32; Docket No. S–64.

T. J. McCarthy Steamship Company, application for operating-differential subsidy on Trade Route No. 32; Docket No. S–67.

United States Lines Company, application for operating-differential subsidy on Trade Route No. 32; Docket No. S–69.

Notice is hereby given that, in accordance with Rule 6 (d) of the Board's rules of practice and procedure (18 F. R. 3720), a joint prehearing conference will be held in these proceedings before Examiner C. W. Robinson on October 25, 1957, at 9:00 a. m., in Room 4519, New General Accounting Office Building, Washington, D. C.

In addition to the matters enumerated in Rule 6 (d), consideration will be given to the consolidation of these proceedings for the purpose of hearing.

Dated: October 8, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 57–8374; Filed, Oct. 10, 1957; 8:50 a. m.]

Foreign-Trade Zones Board

[Order 44]

BOARD OF STATE HARBOR COMMISSIONERS FOR PORT OF SAN FRANCISCO

APPLICATION TO CHANGE LOCATION OF FOREIGN-TRADE ZONE NO. 3

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Board of State Harbor Commissioners for the Port of San Francisco, as Grantee of Foreign-Trade Zone No. 3, filed an application dated January 18, 1957, requesting that Order No. 43 approved December 20, 1956, be amended by deleting Pier #46B from the zone area; and

Whereas, the Board of Harbor Commissioners for the Port of San Francisco, states that the change of zone location to a smaller area will enable the facility to cater to manipulation, small manufacturing and exhibiting and that waterfront piers will no longer be used for the storage of merchandise.

Now, therefore, The Foreign-Trade Zones Board, after full consideration and a finding that the proposal is not in the public interest, hereby (a) denies the application to delete Pier #46B from the proposed new zone area as approved in Order No. 43, dated December 20, 1956; (b) authorizes and instructs the Executive Secretary to notify the Grantee that the time to carry out Order No. 43 is extended for as long as desired, but not to exceed six (6) months from the date of publication of this order in the FEDERAL REGISTER; and (c) further authorizes and instructs the Executive Secretary to render all necessary assistance in seeking out satisfactory alternative locations for a zone.

It is found that compliance with the notice; public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary in connection with the issuance of this order, because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 7th day of October 1957.

Foreign-Trade Zones Board.

[SEAL] SINCLAIR WEEKS, *Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.*

Attest:

JOSEPH M. MARRONE, *Executive Secretary, Foreign-Trade Zones Board.*

[F. R. Doc. 57–8351; Filed, Oct. 10, 1957; 8:45 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

OPERATION OF TARIFF-RATE QUOTA ON WOOLEN FABRICS

NOTICE OF PUBLIC HEARING; SUBMISSION OF INFORMATION TO COMMITTEE

Closing date for application to be heard, November 22, 1957.

Closing date for submission of briefs by persons desiring to be heard, November 22, 1957.

Closing date for submission of briefs by persons not desiring to be heard, November 22, 1957.

Public hearings open, December 9, 1957.

Notice is hereby given by the Committee for Reciprocity Information that a public hearing will be held before the Committee in order to obtain the views of interested persons with regard to the operation of the tariff-rate quota on certain woolen fabrics described in items 1108 and 1109 (a) in Part I of Schedule XX annexed to the General Agreement on Tariffs and Trade (61 Stat. (Parts 5 and 6) A7, A11, and A2051, and 3 U. S. T. (pt. 1) 615, (pt. 2) 1841), established by Presidential Proclamation No. 3160 of September 28, 1956 (3 CFR, 1956 Supp., p. 44; T. D. 54212).

All applications for oral presentation of views in regard to this matter shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, November 22, 1957. Persons who desire to be heard shall also submit written statements to the Committee not later than 12:00 noon, November 22, 1957. Written statements of persons who do not desire to be heard shall be submitted not later than 12:00 noon, November 22, 1957. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C.". Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked, "For official use only of Commitee for Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard.

The first hearing will be at 10:00 a. m. on December 9, 1957, in the Hearing Room in the Tariff Commission Building, Seventh and E Streets NW., Washington 25, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

All communications regarding this notice, including requests for appearance at hearings before the Committee for Reciprocity Information, should be addressed to the Secretary, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C.

By direction of the Committee for Reciprocity Information this 9th day of October 1957.

EDWARD YARDLEY,
Secretary,
Committee for
Reciprocity Information.

[F. R. Doc. 57-8390; Filed, Oct. 9, 1957; 12:30 p. m.]

ATOMIC ENERGY COMMISSION

[Docket F-44]

AEROJET-GENERAL NUCLEONICS

NOTICE OF PROPOSED ISSUANCE OF AMENDMENT TO LICENSE FOR OPERATION OF UTILIZATION FACILITY AT NEW YORK, NEW YORK

Please take notice that the Atomic Energy Commission proposes to issue the amendment to License No. R-29 set out below unless on or before fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as prescribed in § 2.102 (b) of the Commission's Rules of Practice (10 CFR Part 2). For further details see the application for license amendment at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Notice is also hereby given that the Commission on October 8, 1957, issued Amendment No. 1 to License R-29 authorizing Aerojet-General Nucleonics, the licensee, to transfer AGN reactor serial 105, and the special nuclear material used as fuel therein, to New York, New York, for storage only, pending the effective issuance of the amendment proposed herein.

Under the license, as amended by the proposed amendment set out below, Aerojet-General Nucleonics will be authorized to operate the reactor, at power levels not exceeding 100 milliwatts, at the Trade Fair of the Atomic Industry, New York Coliseum, during the period October 28 to October 31, 1957, inclusive.

License No. R-29; Amdt. 2: Pursuant to the regulations in Part 50, 10, CFR, "Licensing of Production and Utilization Facilities," License No. R-29, as amended, is further amended in the following respects:

A new subparagraph is added to the third paragraph of the license as follows:

F. Pursuant to the act and Title 10, CFR, Chapter 1, Part 50, to operate the reactor, at power levels not exceeding 100 milliwatts, at the Trade Fair of the Atomic Industry, New York Coliseum, New York, New York, during the period October 28 to October 31, 1957, inclusive provided that the supplementary procedures described in AGN's request for license amendment dated October 4, 1957, are followed.

Dated at Washington, D. C., this 8th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8375; Filed, Oct. 10, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11945; FCC 57M-959]

BOROUGH OF LEMOYNE, PA.

ORDER CONTINUING HEARING

In re application of Borough of Lemoyne, Pennsylvania, Lemoyne, Pennsylvania, Docket No. 11945, File No. 9350-PF-P/L-L; for authorization in the fire radio service.

The Hearing Examiner having under consideration the motion for continuance filed by the Commissioners of Cumberland County, protestant in the above-entitled proceeding on October 3, 1957; and

It appearing that the hearing is presently scheduled for October 7, 1957, and that the interest of the parties, as well as the public interest, convenience and necessity requires immediate consideration of said motion for continuance; and

It further appearing that pursuant to the Examiner's Notice, oral argument on the motion for continuance was held on October 4, 1957; and

It further appearing that the parties have been negotiating with a view toward settling the issues involved in this proceeding and that additional time for further negotiations might conduce to an early settlement hereof;

It is ordered, This 4th day of October 1957, that the hearing scheduled to be held on October 7, 1957, is hereby continued to December 9, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8378; Filed, Oct. 10, 1957; 8:51 a. m.]

[Docket Nos. 12049, 12050; FCC 57M-952]

JEFFERSON BROADCASTING CO. AND BESSEMER BROADCASTING CO., INC. (WBCO)

ORDER CONTINUING HEARING

In re applications of W. D. Frink, tr/as Jefferson Radio Company, Irondale, Alabama, Docket No. 12049, File No. BP-10672; The Bessemer Broadcasting Company, Incorporated (WBCO), Bessemer, Alabama, Docket No. 12050, File No. BP-10886; for construction permits.

At the oral request of Jefferson Radio Company and without objection from the other participants in the proceedings: *It is ordered,* This 3d day of October 1957, that the hearing in the above-entitled proceedings now scheduled for October 4, 1957, is continued to October 17, 1957.

Released: October 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8379; Filed, Oct. 10, 1957; 8:51 a. m.]

[Docket No. 12110; FCC 57M-961]

GRAND HAVEN BROADCASTING CO. (WGHN)

ORDER CONTINUING HEARING

In re application of Grand Haven Broadcasting Company (WGHN), Grand Haven, Michigan, Docket No. 12110, File No. BP-11160; for construction permit.

The Hearing Examiner having under consideration the desirability of continuing the date of hearing;

It appearing that there is an application pending for facilities in Oil City, Michigan, which appears to involve problems of interference with the application of Grand Haven Broadcasting Company; and

It further appearing that it would be unwise to proceed with this hearing until the processing of the Oil City application has been completed by the Commission:

It is ordered, This 7th day of October 1957, on the Hearing Examiner's own motion, that the hearing now scheduled for October 9 is continued to December 9, 1957.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8380; Filed, Oct. 10, 1957; 8:51 a. m.]

[Docket No. 12143; FCC 57M-957]

DISPATCH, INC. (WICU)

ORDER CONTINUING HEARING

In re application of Dispatch, Inc. (WICU), Erie, Pennsylvania, Docket No. 12143, File No. BMPCT-1113; for modification of construction permit.

The Hearing Examiner having under consideration a motion filed October 1, 1957, by the above-entitled applicant requesting that the date for the pre-hearing conference now scheduled for October 7, 1957, be continued to November 5, 1957, and that the date for the hearing be continued from October 16, 1957, to November 14, 1957; and

It appearing that the reason for the requested continuance arises out of the fact that the applicant's present attorney is now actively participating in a pending rule making proceeding involving the possible de-intermixture of Erie, Pennsylvania, by the shift of Channel 12, the channel upon which Station WICU is licensed, from Erie, Pennsylvania; and

It further appearing that Great Lakes Television Company, protestant in the above-entitled proceeding, has filed a petition requesting the dismissal of its protest which was the basis for the designation of the above application for hearing; and

It further appearing that there are no objections to the granting of the motion for the requested postponement, that the time element requires action thereon and that good cause for the granting of the motion has been shown;

It is ordered, This the 4th day of October 1957 that the motion for postponement is granted and the date scheduled for the pre-hearing conference is continued from October 7, 1957, to November 5, 1957, and the date for the evidentiary hearing is continued from October 16, 1957, to November 14, 1957.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8381; Filed, Oct. 10, 1957; 8:51 a. m.]

[Docket Nos. 1296-1298; FCC 57-1091]

RADIO VOICE OF NEW HAMPSHIRE, INC. (WMUR-TV), AND TELEVISION FOR NEW HAMPSHIRE, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of The Radio Voice of New Hampshire, Inc. (WMUR-TV), Manchester, New Hampshire, Docket No. 12196, File No. BRCT-130; for renewal of license.

In re application of The Radio Voice of New Hampshire, Inc. (WMUR-TV), Manchester, New Hampshire, Docket No. 12197, File No. BLCT-488; for license to cover construction permit.

In re application of Television for New Hampshire, Inc., Manchester, New Hampshire, Docket No. 12198, File No. BPCT-2290; for construction permit for a television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 2d day of October 1957;

The Commission having under consideration the applications (BRCT-130 and BLCT-488) of The Radio Voice of New Hampshire, Inc., for renewal of license and for license to cover the present operation of Television Station WMUR-TV, Channel 9, Manchester, New Hampshire, and the application (BPCT-2290) of Television for New Hampshire, Inc., requesting a construction permit for a new television broadcast station to operate on Channel 9 in Manchester; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications are mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that each of the above-named applicants is legally, financially, technically and otherwise qualified to construct, own, and operate the proposed television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of The Radio Voice of New Hampshire, Inc. and Television for New Hampshire, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order to determine upon a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issue in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, The Radio Voice of New Hampshire, Inc. and Television for New Hampshire, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8382; Filed, Oct. 10, 1957; 8:52 a. m.]

[Docket Nos. 12199, 12200; FCC 57-1092]

KOOS, INC. (KOOS-TV) AND PACIFIC TELEVISION, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KOOS, Inc. (KOOS-TV), Coos Bay, Oregon, Docket No. 12199, File No. BMPCT-4680; for modification of construction permit, Pacific Television, Inc., Coos Bay, Oregon, Docket No. 12200, File No. BPCT-2309; for construction permit for a new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of October 1957;

The Commission, having under consideration the above-entitled applications, one requesting a construction permit for a new television broadcast station to operate on Channel 11 in Coos Bay, Oregon, the other requesting a modification of construction permit to operate on Channel 11 in lieu of Channel 16 in Coos Bay, Oregon; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing, and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications and the replies to the above letters, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary; that KOOS, Inc. is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Pacific Television, Inc. is legally and financially qualified to construct, own and operate the proposed television broadcast station, is technically so qualified except as to issue "1" below, and is otherwise qualified except as to issues "2" and "3" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of KOOS, Inc., and Pacific Television, Inc., are designated for hearing in a consolidated proceeding at a

time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna system and site proposed by Pacific Television Inc., would constitute a hazard to air navigation;

2. To determine, in view of the overlap which would result between the Grade B contours of the station proposed by Pacific Television Inc. and Stations KVAL–TV, Eugene, Oregon, and KPIC, Roseburg, Oregon, all under common ownership, whether a grant would be consistent with the provisions of § 3.636 of the Commission's rules.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, KOOS, Inc., and Pacific Television, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8383; Filed, Oct. 10, 1957; 8:52 a. m.]

[Docket Nos. 12201, 12202; FCC 57–1094]

SOUTH NORFOLK BROADCASTING CO., INC., AND DENBIGH BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of South Norfolk Broadcasting Company, Incorporated, South Norfolk, Virginia, Docket No. 12201, File No. BP–10981; Cy Blumenthal tr/as Denbigh Broadcasting Co., Denbigh, Virginia, Docket No. 12202, File No. BP–11250; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of October 1957;

The Commission having under consideration the above-captioned applications of the South Norfolk Broadcasting Company, Incorporated, and Cy Blumenthal tr/as Denbigh Broadcasting Co., each for a construction permit for a new standard broadcast station to operate on 1570 kilocycles, daytime only, with powers of one kilowatt and 250 watts, respectively, at South Norfolk and Denbigh, Virginia, respectively;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; that the proposed operation of the South Norfolk Broadcasting Company, Incorporated, would cause interference to Station WTOW, Towson, Maryland (1570 kc, 1 kw, Day); and that a grant of the application of Cy Blumenthal may be in contravention of § 3.35 of the Commission's rules on multiple ownership because a portion of the proposed service area is now served by Station WCMS, Norfolk, Virginia, of which Cy Blumenthal is licensee; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated June 3 and August 8, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either applications would be in the public interest; and

It further appearing that timely replies to the Commission's letters were filed by both subject applicants; and

It further appearing that the licensee of Station WTOW expressed an intention of participating at a hearing on the application of the South Norfolk Broadcasting Company, Incorporated; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of the South Norfolk Broadcasting Company, Incorporated, would cause interference to Station WTOW, Towson, Maryland, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether a grant of the application of Cy Blumenthal would be in contravention of § 3.35 of the Commission's rules on multiple ownership.

4. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That WTOW, Inc., licensee of Station WTOW, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8384; Filed, Oct. 10, 1957; 8:53 a. m.]

[Docket Nos. 12203–12205; FCC 57–1098]

HALL BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hall Broadcasting Company, Inc., Los Angeles, California, Docket No. 12203, File No. BPH–2175; Hogan Broadcasting Corporation, Long Beach, California, Docket No. 12204, File No. BPH–2180; Richard C. Simonton, Los Angeles, California, Docket No. 12205, File No. BPH–2239; for construction permits.

At a session of the Federal Comunications Commission held at its offices in Washington, D. C., on the 2d day of October 1957;

The Commission having under consideration the above-captioned applications of the Hall Broadcasting Company, Inc., the Hogan Broadcasting Corporation, and Richard C. Simonton, for construction permits for new Class B FM broadcast stations to operate on 102.7 megacycles, Channel No. 274, in Los Angeles, Long Beach, and Los Angeles, California, respectively;

It appearing that each of the applicants is legally, technically, financially, and otherwise qualified to operate the proposed stations, but that the operation of all the stations as proposed would result in mutually destructive interference and it has not yet been determined

whether the proposed antenna system of the Hogan Broadcasitng Corporation would constitute a hazard to air navigation; and

It further appearing that pursuant to section 309 (b) of the Comunications Act of 1934, as amended, the subject applicants were advised by letter dated August 23, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of any application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Commission, after consideration of the above is of the opinion that a hearing is necessary; and

It further appearing that the transmitters proposed by the Hogan Broadcasting Corporation and Richard C. Simonton have not been type accepted by the Commission; and

It further appearing that the Hall Broadcasting Company, Inc., proposes to mount its FM antenna on the existing antenna structure of Station KLAC for which construction an application, File No. BP–11078, is pending; and

It further appearing that Richard C. Simonton suggested that issues be included concerning the past broadcast performances of Stations KLAC (Hall Broadcasting Company, licensee) and KFOX and KFOX–FM (Hogan Broadcasting Corporation, licensee) and the relationship to the new FM proposals; however, Issue 1 (a) specified below contemplates the introduction of testimony concerning prior and existing broadcast operations by the applicants and a specific issue therefore is not necessary;

It is ordered, That, pursuant to section 309 (b) of the Comunications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of either the application of the Hogan Broadcasting Corporation or the application of Richard C. Simonton, the construction permit shall contain a condition requiring the submission of data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That, in the event of a grant of the application of the Hall Broadcasting Company, Inc., the construction permit shall contain a condition that construction shall not be commenced until application, File No. BP–11078, is approved.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: October 2, 1957.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8385; Filed, Oct. 10, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–10713]

J. GLENN TURNER AND MERCANTILE NATIONAL BANK AT DALLAS

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 7, 1957.

Take notice that on July 5, 1956, J. Glenn Turner (Turner) and Mercantile National Bank at Dallas, Trustee[1] (Mercantile), filed a joint application in Docket No. G–10713, pursuant to section 7 of the Natural Gas Act, for approval and authority to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application, which is on file with the Commission and open to public inspection.

The joint application seeks approval and authority for:

(1) Turner to abandon the sale of natural gas made to El Paso Natural Gas Company from a certain lease in the Blanco Field, San Juan County, New Mexico, under a contract dated April 18, 1951, as amended, which sale, in addition to the sale from other acreage, was authorized on January 9, 1956, in Docket No. G–6907.

(2) Mercantile to continue the sale proposed to be abandoned by Turner.

Applicants state that on February 17, 1956, Turner assigned his undivided 9.445 percent interest in the communitized tract covering the north half of Section 15, T. 30 N., R. 9 W., to Mercantile, which has continued the sale of natural gas therefrom under the aforementioned contract since the date of said transfer.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–8358; Filed, Oct. 10, 1957; 8:47 a. m.]

[1] Mercantile files as Trustee of the Elizabeth Jeanne Turner Trust; the James Glenn Turner, Jr., Trust; the Frederick Eugene Turner Trust; and the John Lee Turner Trust.

[Docket Nos. G–11075, G–11203]

NATURAL GAS PRODUCTS CO. AND COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 7, 1957.

Take notice that Natural Gas Products Company (Natural), a Colorado limited partnership with principal place of business at 1018 Patterson Building, Denver, Colorado, by and through its duly authorized general partner, The New Drilling Co., Inc., a Colorado corporation, and Colorado Interstate Gas Company (Colorado), a Delaware corporation with principal place of business at Colorado Springs National Bank Building, Colorado Springs, Colorado, separately filed in Docket No. G–11075 on September 13, 1956, and in Docket No. G–11203 on October 8, 1956, respectively, applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing

Natural and Colorado (Applicants) to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Natural proposes to sell natural gas in interstate commerce to Colorado for resale. This gas, produced from some 10 wells in the Kiowa Field, Roggen Field and Southwest Roggen Field, Weld County, Colorado, will be purchased by Natural at the Wellheads from some 7 producers in said fields, gathered through Natural's facilities for processing in Natural's expandable 5,000 Mcf per day gasoline plant located in or near said fields and delivered, after processing in said plant, to Colorado near the outskirts of Keenesburg, Colorado, through approximately 6 miles of Natural's pipeline which will run from the outlet side of said plant to Colorado's proposed meter station (hereinafter described).

Colorado proposes to sell natural gas in interstate commerce to Colorado Wyoming Gas Company (Colorado-Wyoming) for resale and, in connection with said sale, to construct and operate a meter station near the outskirts of Keenesburg, Colorado, at the end of Natural's proposed line as described above. Colorado-Wyoming will take the gas purchased from Colorado into its existing 4½-inch Keenesburg-Hudson line, authorized in Docket No. G–9442. The total estimated cost of the facilities proposed to be constructed by Colorado is $28,694, which will be financed by Colorado out of funds on hand. Of this amount, $3,694 is the cost of the meter station and $25,000 is a contribution in aid of construction by Colorado to Colorado-Wyoming.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 12, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8359; Filed, Oct. 10, 1957; 8:47 a. m.]

[Docket No. G–12660]

MARION GAS CO. AND A. C. RADFORD

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 7, 1957.

Take notice that Marion Gas Company (Marion) and A. C. Radford (Radford) filed a joint application on June 3, 1957, pursuant to section 7 of the Natural Gas Act, for authority to abandon and render natural gas service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

The joint application seeks permission and authority for:

(1) Marion to abandon service to Hope Natural Gas Company (Hope) from certain acreage in the Hamilton District, Nicholas County, West Virginia, being rendered pursuant to a sales contract dated June 30, 1954, as amended, which service was authorized on July 13, 1955, in Docket No. G–8505.

(2) Radford to continue the sale to Hope proposed to be abandoned by Marion.

The application states that by indenture dated April 29, 1957, Radford purchased from Marion for the sum of $45,000, effective as of midnight, April 30, 1957, a 1,030-acre lease and the four producing wells thereon, among other things, subject to the aforementioned contract of June 30, 1954.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 7, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8360; Filed, Oct. 10, 1957; 8:47 a. m.]

[Docket No. G–13205]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 7, 1957.

Take notice that on September 3, 1957, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, filed in Docket No. G–13205 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain replacements and construction on its "Sayre-Altus System", a lateral natural gas pipeline extending south about 65 miles from Applicant's main line system in southwest Oklahoma, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the construction and operation of:

(1) Approximately 10.5 miles of 12-inch pipeline replacing an equivalent length of existing 8-inch pipeline from Applicant's existing 750 horsepower Erick Compressor Station to a point near Sayre, Oklahoma;

(2) Approximately 10 miles of 12-inch pipeline replacing an existing looped 6⅝-inch and 7-inch pipeline from a point about 4 miles north of the City of Willow, Greer County, to the existing Granite take-off;

(3) Approximately 5 miles of 8-inch pipeline looping the existing 8-inch line running south between the Granite take-off and Mangum, Oklahoma; and

(4) Approximately 5 miles of 8-inch pipeline looping the existing 8-inch line running southeasterly between the City of Martha and the Olustee-Duke take-off about ¾ of a mile northwest of Altus in Jackson County.

The purpose of the changes proposed by Applicant is stated to be to supply the increased requirements of Altus Air Force Base and of Applicant's distribution system in the City of Altus, served from the same pipeline.

The estimated over-all capital cost of the proposed new facilities is $658,128, which will be defrayed from cash reserves.

The estimated additional annual sales resulting from the proposed increase in lateral line capacity are stated to be about 269,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., on or before October 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8361; Filed, Oct. 10, 1957; 8:47 a. m.]

[Project No. 2173]

PACIFIC NORTHWEST POWER CO.

ORDER FIXING ORAL ARGUMENT

OCTOBER 7, 1957.

Pacific Northwest Power Company (Applicant), on September 7, 1955, filed application, which was subsequently supplemented, for a license under Part I of the Federal Power Act for a proposed hydroelectric project (Project No. 2173) known as the Mountain Sheep-Pleasant Valley project which would be located on the Snake River immediately upstream from the junction of the Imnaha River with the Snake.

A public hearing was held before a Presiding Examiner intermittently from June 25, 1956 to December 19, 1956 at which the Applicant, various interveners and the Commission's staff participated. The Presiding Examiner filed his decision on July 23, 1957, to which various parties, including the Commission's staff, have filed exceptions.

The Commission finds: It is appropriate and in the public interest that the parties be given opportunity to present oral argument before the Commission respecting the issues involved in this proceeding.

The Commission orders:

(A) Oral argument shall be held before the Commission at 10:00 a. m., e. s. t., on November 21, 1957, in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., respecting the issues involved in this proceeding.

(B) Any party to this proceeding desiring to participate in the oral argument shall advise the Secretary of the Commission on or before November 4, 1957 to that effect and shall state the amount of time they wish to have allotted to them for argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8363; Filed, Oct. 10, 1957; 8:47 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASHINGTON

NOTICE OF LAND WITHDRAWAL

OCTOBER 7, 1957.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 553 for which amendatory applications for license have been filed by the City of Seattle, Washington. These applications, filed August 9, 1948 and January 3, 1950, were supplemented by the filing of the required map exhibits with this Commission on December 31, 1953. Under said section 24, these lands are from December 31, 1953, the date of filing of the completed amendatory maps, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN, WASHINGTON

All portions of the following described subdivisions lying within the project area of the dam, reservoir, waterways and power plant of the Gorge development as delimited on map sheet designated "Exhibit K, Sheet T–47" (FPC 553–173) entitled "Project No. 553, The City of Seattle—Department of Lighting, Transmission System Right-of-Way, Ross Power House to Bothell Substation:"

T. 37 N., R. 12 E.,
Sec. 11, S½S½ (Unsurveyed);
Sec. 12, S½NE¼N½SE¼, SW¼SE¼, SW¼ (Unsurveyed);
Sec. 13, NW¼NW¼ (Unsurveyed);
Sec. 14, N½N½, SW¼NW¼ (Unsurveyed);
Sec. 15, SE¼NE¼, N½SE¼, SW¼SE¼, E½SW¼ (Unsurveyed);
Sec. 21, Lots 4, 5, 8, 9, 11, 12;
Sec. 22, N½NW¼, SW¼NW¼ (Unsurveyed).
T. 37 N. R. 13 E. (Unsurveyed),
Sec. 5, SW¼SW¼;
Sec. 6, S½SE¼;
Sec. 7, N½NE¼, NW¼, NW¼SW¼.

All portions of the following described subdivisions lying within a strip of land, of variable width, embracing the transmission line right-of-way location as delimited on map sheets designated "Exhibit K", Sheets T–31 and T–32, and T–40 through T–47 inclusive (FPC 553—157, 158, 166–173) entitled "Project No. 553, The City of Seattle, Department of Lighting, Transmission System Right-of-Way, Ross Powerhouse to Bothell Substation:"

T. 35 N., R. 10 E.,
Sec. 12, E½NW¼NE¼.
T. 36 N., R. 11 E.,
Sec. 1, Lots 12, 14, 15;
Sec. 2, Lot 1, NE¼SE¼, SW¼SE¼;
Sec. 10, SE¼NE¼, SE¼SW¼ (Unsurveyed);
Sec. 15, Lots 2, 7, NW¼SW¼;
Sec. 20, Lots 1, 3;
Sec. 21, NE¼NE¼, SW¼NE¼;
Sec. 29, NW¼SW¼;
T. 37 N., R. 11 E.,
Sec. 36, Lot 1, E½NE¼, SW¼NE¼, E½SW¼;
T. 37 N., R. 12 E.,
Sec. 11, S½SE¼, SE¼SW¼ (Unsurveyed);
Sec. 12, S½NE¼, NW¼SE¼, N½SW¼, SW¼SW¼ (Unsurveyed);
Sec. 14, N½NW¼, SW¼NW¼ (Unsurveyed);
Sec. 15, S½NE¼, SE¼NW¼, SW¼ (Unsurveyed);
Sec. 20, Lots 1, 2, 3;
Sec. 21, Lots 1, 4, 5, NE¼SW¼;
Sec. 22, NW¼NW¼ (Unsurveyed);
Sec. 29, Lots 2, 3;
Sec. 30, Lots 3, 5, 7, NE¼NE¼, SW¼NE¼, NE¼SW¼.
T. 37 N., R. 13 E. (Unsurveyed),
Sec. 5, SW¼SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, N½NE¼, SW¼NE¼, S½NW¼, NE¼NW¼;
Sec. 8, NW¼NW¼.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Annual Report 128), with respect to lands reserved for transmission line rights-of-way is applicable to those portions of the above described lands reserved for that purpose only.

The area reserved by the filing of the subject applications is approximately 891.53 acres, of which 833.36 acres have been heretofore reserved for power purposes in Power Site Classification No. 207 or by previous applications for this project.

A copy of each of the aforesaid maps have been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8362; Filed, Oct. 10, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1898]

MINNEAPOLIS-HONEYWELL REGULATOR CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 7, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Minneapolis-Honeywell Regulator Company common stock; File No. 7–1898.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before October 23, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he

proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8366; Filed, Oct. 10, 1957; 8:48 a. m.]

[File No. 24W-1854]

MCCULLOUGH MOTOR CORP.

NOTICE OF AND ORDER FOR HEARING

OCTOBER 7, 1957.

McCullough Motor Corporation (McCullough), a Delaware corporation, Room 1111, Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pennsylvania, filed with the Commission on October 19, 1955, a notification and an offering circular, and subsequently filed amendments thereto, relating to an offering of 7,500 shares of no par Class A common stock, and 7,500 shares of no par Class B common stock in units of 1 share of Class A common and 1 share of Class B common at $6.00 per unit, or in units of 1 share of Class B common at $3.00 per unit, for a maximum aggregate offering price of $45,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder; and

The Commission on August 29, 1957 issued an order pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 223 (b). A written request for a hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on October 21, 1957, at 10:00 a. m., at the offices of the Commission, 425 Second Street, NW., Washington, D. C., with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that the notification and offering circular, filed as a part thereof, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to its failure to disclose:

1. That William L. McCullough, listed as president, director, general manager, principal promoter, and controlling stockholder of the issuer, and the person upon whose designs and inventions the success of the issuer's business depended, has severed all relationship and connection with the issuer;

2. That William L. McCullough, both prior to and subsequent to the incorporation of the issuer, was vice president and general manager of another corporation which was organized for identical purposes as the issuer, to develop a "light weight truck";

3. That while employed by such other corporation, William L. McCullough had assigned to it all present and future rights, title and interest in his designs and inventions for such "light weight truck"; and

4. That such other corporation is to receive royalties on all of the "light weight trucks" produced and sold by the issuer.

B. Whether the use of said offering circular in connection with the offering of the issuer's securities would and did operate as a fraud or deceit upon the purchasers; and

C. Whether the order dated August 29, 1957 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

It is further ordered, That Mr. Sidney L. Feiler, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on McCullough Motor Corporation, Room 1111 Lewis Tower Building, 225 South 15th Street, Philadelphia, Pennsylvania; that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before October 18, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8367; Filed, Oct. 10, 1957; 8:48 a. m.]

[File No. 24A-1129]

TRULY NOLEN PRODUCTS, INC.

NOTICE OF AND ORDER FOR HEARING

OCTOBER 7, 1957.

Truly Nolen Products, Inc., a Florida corporation, 6721 Northeast Fourth Avenue, Miami, Florida, filed with the Commission on July 19, 1957, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 100,000 shares of its common stock, 50¢ par value, at $2.00 per share, aggregating $200,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, (the act) pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on September 20, 1957, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on October 17, 1957, at 10:00 a. m., e. s. t., at room 249, U. S. Post Office Building, Miami, Florida, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered thereunder in that:

1. The aggregate offering price as required to be computed under Rules 254 (a) and 253 (c) exceeds $300,000.

2. Alfred D. Laurence & Co., 201 Southeast First Avenue, Miami, Florida, the person named as underwriter of the securities proposed to be offered, is the defendant in a pending proceeding within the meaning of Rule 261 (a) (6) of Regulation A, initiated by the Commission on August 5, 1957 in the United States District Court for the Southern District of Florida to enjoin said defendant from using the mails or any means or instrumentalities of interstate commerce to effect transactions in or to induce or attempt to induce the purchase or sale of securities otherwise than on a national securities exchange at a time when its aggregate indebtedness to all other persons exceeds 2,000 percent of its net capital in contravention of Rule 240.15C3-1 under the Securities Exchange Act of 1934.

B. Whether the terms and conditions of Regulation A have not been complied with in that the offering circular fails to contain the information required by paragraph 9 (d) of Schedule I.

C. Whether the offering circular is misleading within the meaning of Rule 261 (a) (2) and the offering would be made in violation of section 17 (a) of the act within the meaning of Rule 261 (a) (3) in that:

1. The amended offering circular fails to state, in connection with the statement under "Experts", the extent of review by the accountant; whether or not the accountant made an independent audit; and whether or not the accountant gave the issuer any certificate as to the financial statements contained in the offering circular.

2. The balance sheet made part of the amended offering circular fails to state the analysis of the capital surplus reflected therein.

3. The amended offering circular states in the first full paragraph on page 8 that the contract described therein is not assignable, whereas it later states in the last sentence of the paragraph that it has been assigned.

4. The amended offering circular, on page 9, describes a contract as providing for the payment of $100 a month as rent under a 14-year lease, whereas apparently the same payment is described in the last paragraph of Exhibit "A" as being compensation for the use of a name for 15 years.

D. Whether the order dated September 20, 1957 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

It is further ordered, That James G. Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Truly Nolen Products, Inc., 6721 Northeast Fourth Avenue, Miami, Florida, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before October 15, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8368; Filed, Oct. 10, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

UTAH STATE BOARD OF AGRICULTURE

PROPOSED AUTHORIZATION TO CHARGE AND COLLECT FEES FOR INSPECTION OF LIVESTOCK

The Utah State Board of Agriculture has, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217a), made written application to the Secretary of Agriculture for authorization to charge and collect at posted stockyards within the State of Utah a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from the State of Utah for the purpose of determining the ownership of such livestock.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue such an authorization to the Utah State Board of Agriculture in accordance with the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 8th day of October 1957.

[SEAL] DAVID M. PETTUS, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 57-8387; Filed, Oct. 10, 1957; 8:53 a. m.]

CENTRAL CITY SALES CO. ET AL.

DEPOSTING OF STOCKYARDS

It has been ascertained that the Central City Sales Company, Central City, Iowa, originally posted on May 1, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), and the Davis-Johnston-Patrick Sales & Commission Company, Inc., Boonville, Missouri, originally posted on July 23, 1957, as being subject to said act, no longer come within the definition of a stockyard under the act for the reason that they no longer meet the area requirements. Accordingly, notice is given to the owners thereof and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 8th day of October 1957.

[SEAL] DAVID M. PETTUS, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 57-8370; Filed, Oct. 10, 1957; 8:49 a. m.]

WESTRA SALES CO.

PROPOSED POSTING OF STOCKYARD

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the Westra Sales Co., Orange City, Iowa, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of October 1957.

[SEAL] DAVID M. PETTUS, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 57-8371; Filed, Oct. 10, 1957; 8:49 a. m.]

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS, OGDEN, UTAH

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 10, 1957, continuing in effect to and including December 19,

1957, an order issued on June 9, 1955 (14 A. D. 446), as modified by orders issued on April 9, 1956 (15 A. D. 381), and December 20, 1956 (15 A. D. 1306), authorizing the respondents, Market Agencies at the Union Stock Yards, Ogden, Utah, to assess the current rates and charges.

On September 12, 1957, petitions were filed by the respondents which, as clarified by a document filed on September 27, 1957, requested that the current schedules of rates and charges be modified as indicated below:

1. The definitions of "Cattle" and "Calves" would be amended to read:

Cattle are animals of the bovine species, weighed in drafts, the average weight of the animals in which is over 400 pounds.

Calves are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 400 pounds or under.

2. In the schedule of rates and charges for livestock sold by auction, the definition of "Bulls" would be amended to read:

Bulls are uncastrated male animals of the bovine species, weighed in drafts, the average weight of the animals in which is over 400 pounds.

3. In the schedule of rates and charges for livestock sold by auction, the phrases "weighing over 450 pounds" and "weighing 450 pounds and under" would be deleted under the heading "Cattle and Calves" in Article II entitled "Selling Commissions."

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petitions and their contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 8th day of October 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-8388; Filed, Oct. 10, 1957; 8:54 a. m.]

[P. & S. Docket No. 311]

MARKET AGENCIES AT KANSAS CITY STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on August 15, 1957, authorizing the respondents, Market Agencies at Kansas City Stock Yards, Kansas City, Missouri, to assess the current schedule of rates and charges to and including August 31, 1959, unless modified or extended by further order before the latter date.

On September 23, 1957, a petition was filed on behalf of the respondents requesting authority to make certain modifications in their current schedule of rates and charges. Such modifications are indicated below.

SECTION B

BUYING, SELLING AND RESELLING CHARGES

Irrespective of the manner of arrival

CATTLE.
• • • • •
BULLS.
• • • • •
CALVES.
• • • • •
HOGS.[1]
• • • • •
SHEEP.[2]
• • • • •

[1] Exception: The charge of any one consignment arriving by rail shall not exceed an amount equal to $27.50 multiplied by the number of single-deck cars in the consignment plus an amount equal to $37.50 multiplied by the number of double-deck cars in the consignment.

[2] Exception: The charge of a consignment arriving by rail shall not exceed an amount equal to $25.00 multiplied by the number of single-deck cars in the consignment plus an amount equal to $35.00 multiplied by the number of double-deck cars in that consignment.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of October, 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-8389; Filed, Oct. 10, 1957; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 8, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34202: *Iron and steel articles—Houston, Tex., to Plaquemine, La.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7124), for interested rail carriers. Rates on iron and steel articles, carloads from Houston, Tex., to Plaquemine, La.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 140 to Agent Kratzmeir's tariff I. C. C. No. 4170.

FSA No. 34203: *Crushed stone from Chicago, Ill., to Indiana.* Filed by H. R. Hinsch, Agent (CTR No. 2357), Stone, crushed, in bulk, in open top cars, not protected by tarpaulin or other protective covering, carloads from Chicago, Ill., and Chicago district stations, Joliet and Lehigh, Ill., to De Motte and Kersey, Ind.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 4 to Agent Hinsch's tariff I. C. C. 4767. Supplement 64 to E. J. & E. RR tariff I. C. C. 2312. Supplement 109 to N. Y. C. RR tariff I. C. C. 1438.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-8365; Filed, Oct. 10, 1957; 8:48 a. m.]

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TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023 (Cigar-Binder and Cigar-Filler and Binder Tobacco—58)-1, Amdt. 1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

1958–59 MARKETING YEAR; MISCELLANEOUS AMENDMENTS

These amendments are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–15), the Soil Bank Act (70 Stat. 188) and Public Law 85–266, 85th Congress, approved September 2, 1957.

In conformance with the provisions of the Administrative Procedure Act, (5 U. S. C. 1003) notice of the formulation of the amendment was published in the FEDERAL REGISTER (22 F. R. 7539). The views, data, and recommendations of interested persons have been followed within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

1. Section 723.912 (g) is hereby amended to read as follows:

(g) "New farm" means a farm on which tobacco will be harvested in 1958 for the first time since 1952. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 723.916.

2. Section 723.912 (h) is hereby amended to read as follows:

(h) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1953 through 1957. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957 respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 723.916.

3. Section 723.916 is hereby amended to read as follows:

§ 723.916 *Determination of 1958 preliminary acreage allotments for old farms.* (a) The 1958 preliminary acreage allotment for an old tobacco farm shall be the 1957 farm acreage allotment established for such farm except that where a quantity of tobacco produced on a farm prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1957 acreage allotment for such farm was not fully harvested, the 1958 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1958 preliminary acreage allotment for an old farm equal to the 1957 farm acreage allotment for such farm, the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1958 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1957

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allotment was not fully harvested. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of Cigar-binder or Cigar-filler and binder tobacco on such old farm in each of the three years 1955–57 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1958 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1953–57: *Provided*, That any such 1958 preliminary allotment shall not exceed the 1957 farm acreage allotment or be less than 0.01 acre.

(1) For the purposes of this paragraph the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 723.816 (b) (tobacco marketing quota regulations for the 1957–58 marketing year (21 F. R. 7202)); and the 1957 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in the following subparagraphs (2) and (3) of this paragraph to be devoted or diverted in 1957 to participation in the acreage reserve program or conservation reserve program.

(2) The tobacco acreage devoted in 1957 to the acreage reserve program shall be the smaller of (i) the acreage reserve entered in the agreement or (ii) the 1957 allotment minus the actual acreage devoted in 1957 to tobacco.

(3) The acreage diverted from allotment crops in 1957 to the conservation reserve program shall be the smallest of (i) the acreage determined to be in the conservation reserve at the regular rate, (ii) the reduction in soil bank base crops from the farm's soil bank base, or (iii) the amount by which the sum of all acreage allotments for the farm for crops for which there was a reduction in the quantity of excess commodity stored pursuant to the regulations to postpone or avoid payment of penalty because the 1957 allotments were not fully planted, or as to tobacco was not fully harvested, exceeds the sum of the acreage actually devoted to such allotment crops and the acreage reserve, if any, credited under subparagraph (2) of this paragraph to such crops. The crops involved will share pro rata in the acreage so determined on the basis of the respective reductions made in such crops. Such respective reductions will be the amount by which the 1957 allotment exceeds the sum of the acreage actually devoted to the crop and the acreage devoted to the acreage reserve.

(d) Notwithstanding the foregoing provisions of this section, no 1958 preliminary allotment or 1958 farm tobacco acreage allotment shall be determined for any farm that the county and State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 723.920.

4. Section 723.921 (b) and (c) is hereby amended to read as follows:

(b) Subject to the requirements for reconstituting farms contained in the definition of a farm, if two or more farms operated separately in 1957 are combined and operated in 1958 as a single farm, the 1958 allotment shall be the sum of the 1958 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1958 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments, subject, however, to the requirements for reconstituting farms contained in the definition of a farm.

5. Section 723.922 is hereby amended by deleting the expression "these regulations" contained in the sixth sentence thereof and substituting therefor the expression "this section".

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interpret or apply sec. 313, 52 Stat. 47 as amended, Pub. Law 85–266, 85th Cong.; secs. 106, 112, 70 Stat. 191, 195; 7 U. S. C. 1313, 1377, 1824, 1836)

Done at Washington, D. C., this 8th day of October 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57–8412; Filed, Oct. 11, 1957; 8:51 a. m.]

[1023 (Burley, Flue, Fire, Air and Sun—58)–1, Amdt. 1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

1958–59 MARKETING YEAR; MISCELLANEOUS AMENDMENTS

These amendments are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–15), the Soil Bank Act (70 Stat. 188) and Public Law 85–266, 85th Congress, approved September 2, 1957.

In conformance with the provisions of the Administrative Procedure Act (5 U. S. C. 1003), notice of the formulation of the amendment was published in the FEDERAL REGISTER (22 F. R. 7539). The views, data, and recommendations of interested persons have been followed within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

1. Section 725.912 (g) is hereby amended to read as follows:

(g) "New farm" means a farm on which tobacco will be harvested in 1958 for the first time since 1952. If in accordance with applicable law and regulations, no 1955, 1956, or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, or 1957, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 725.916.

2. Section 725.912 (h) is hereby amended to read as follows:

(h) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1953 through 1957. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957 respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 725.916.

3. Section 725.916 is hereby amended to read as follows:

§ 725.916 *Determination of 1958 preliminary acreage allotments for old farms.* (a) The 1958 preliminary acreage allotment for an old tobacco farm shall be the 1957 farm acreage allotment established for such farm except that where a quantity of tobacco produced on a farm prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1957 acreage allotment for such farm was not fully harvested, the 1958 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1958 preliminary acreage allotment for an old farm equal to the 1957 farm acreage allotment for such farm, the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1958 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1957 allotment was not fully harvested. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco on such old farm in each of the three years 1955–57 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1958 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1953–57: *Provided*, That any such 1958 preliminary allotment shall not exceed the 1957 farm acreage allotment or be less than 0.01 acre. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of burley tobacco on an old farm subject to this paragraph in each of the five years 1953–57 was less than 50 percent of the farm acreage allotment for each of such respective years, the 1958 preliminary allotment for such farm shall be the largest acreage of tobacco harvested on the farm in any one of such five years, but not less than 0.01 acre.

(1) For the purposes of this paragraph the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 725.816 (c) (tobacco marketing quota regulations for the 1957–58 marketing year (21 F. R. 6803)); and the 1957 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in the following subparagraphs (2) and (3) of this paragraph to be devoted or diverted in 1957 to participation in the acreage reserve program or conservation reserve program.

(2) The tobacco acreage devoted in 1957 to the acreage reserve program shall be the smaller of (i) the acreage reserve entered in the agreement or (ii) the 1957 allotment minus the actual acreage devoted in 1957 to tobacco.

(3) The acreage diverted from allotment crops in 1957 to the conservation reserve program shall be the smallest of (i) the acreage determined to be in the conservation reserve at the regular rate, (ii) the reduction in soil bank base crops from the farm's soil bank base, or (iii) the amount by which the sum of all acreage allotments for the farm for crops for which there was a reduction in the quantity of excess commodity stored pursuant to the regulations to postpone or avoid payment of penalty because the 1957 allotments were not fully planted or as to tobacco was not fully harvested exceeds the sum of the acreage actually devoted to such allotment crops and the acreage reserve, if any, credited under subparagraph (2) of this paragraph to such crops. The crops involved will share pro rata in the acreage so determined on the basis of the respective reductions made in such crops. Such respective reductions will be the amount by which the 1957 allotment exceeds the sum of the acreage actually devoted to the crop and the acreage devoted to the acreage reserve.

(d) Notwithstanding the foregoing provisions of this section, no 1958 preliminary allotment or 1958 farm tobacco acreage allotment shall be determined for any farm that the county and State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 725.920.

4. Section 725.921 (b) and (c) is hereby amended to read as follows:

(b) Subject to the requirements for reconstituting farms contained in the definition of a farm, if two or more farms operated separately in 1957 are combined and operated in 1958 as a single farm, the 1958 allotment shall be the sum of the 1958 allotments determined for each of the farms comprising the combination, or, in the case of burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1958.

(c) If a farm is to be divided in 1958 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments, subject, however, to the requirements for reconstituting farms contained in the definition of a farm.

5. Section 725.922 is hereby amended by deleting the expression "§§ 725.911 to 725.928" contained in the sixth sentence thereof and substituting therefor the expression "this section".

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1875. Interpret or apply sec. 313, 52 Stat. 47 as amended, Pub. Law 85–266, 85th Cong.; secs. 106, 112, 70 Stat. 191, 195; 7 U. S. C. 1313, 1377, 1824, 1836)

Done at Washington, D. C., this 8th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–8411; Filed, Oct. 11, 1957; 8:51 a. m.]

[1023 (Maryland–58)–1, Amdt. 1]

PART 727—MARYLAND TOBACCO

1958–59 MARKETING YEAR; MISCELLANEOUS AMENDMENTS

These amendments are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–15), the Soil Bank Act (70 Stat. 188) and Public Law 85–266, 85th Congress, approved September 2, 1957.

In conformance with the provisions of the Administrative Procedure Act, (5 U. S. C. 1003) notice of the formulation of the amendment was published in the FEDERAL REGISTER (22 F. R. 7539). The views, data, and recommendations of interested persons have been followed within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

1. Section 727.912 (g) is hereby amended to read as follows:

(g) "New farm" means a farm on which tobacco will be harvested in 1958 for the first time since 1952. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, or 1957, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 727.916.

2. Section 727.912 (h) is hereby amended to read as follows:

(h) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1953 through 1957. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957 respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 727.916.

3. Section 727.916 is hereby amended to read as follows:

§ 727.916 *Determination of 1958 preliminary acreage allotments for old farms.* (a) The 1958 preliminary acreage allotment for an old tobacco farm shall be the 1957 farm acreage allotment established for such farm except that where a quantity of tobacco produced on a farm prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1957 acreage allotment for such farm was not fully harvested, the 1958 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1958 preliminary acreage allotment for an old farm equal to the 1957 farm acreage allotment for such farm, the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1958 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1957 allotment was not fully harvested. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of Maryland tobacco on such old farm in each of the three years 1955–57 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1958 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1953–57: *Provided*, That any such 1958 preliminary allotment shall not exceed the 1957 farm acreage allotment or be less than 0.01 acre.

(1) For the purposes of this paragraph the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 727.816 (b) (tobacco marketing quota regulations for the 1957–58 marketing year (21 F. R. 6882)); and the 1957 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in the following subparagraphs (2) and (3) of this paragraph to be devoted or diverted in 1957 to participation in the acreage reserve program or conservation reserve program.

(2) The tobacco acreage devoted in 1957 to the acreage reserve program shall be the smaller of (i) the acreage reserve entered in the agreement or (ii) the 1957 allotment minus the actual acreage devoted in 1957 to tobacco.

(3) The acreage diverted from allotment crops in 1957 to the conservation reserve program shall be the smallest of (i) the acreage determined to be in the conservation reserve at the regular rate, (ii) the reduction in soil bank base crops from the farm's soil bank base, or (iii) the amount by which the sum of all acreage allotments for the farm for crops for which there was a reduction in the quantity of excess commodity stored pursuant to the regulations to postpone or avoid payment of penalty because the 1957 allotments were not fully planted or as to tobacco was not fully harvested exceeds the sum of the acreage actually devoted to such allotment crops and the acreage reserve, if any, credited under subparagraph (2) of this section to such crops. The crops involved will share pro rata in the acreage so determined on the basis of the respective reductions made in such crops. Such respective reductions will be the amount by which the 1957 allotment exceeds the sum of the acreage actually devoted to the crop and the acreage devoted to the acreage reserve.

(d) Notwithstanding the foregoing provisions of this section, no 1958 preliminary allotment or 1958 farm tobacco acreage allotment shall be determined for any farm that the county and State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 727.920.

4. Section 727.921 (b) and (c) is hereby amended to read as follows:

(b) Subject to the requirements for reconstituting farms contained in the definition of a farm, if two or more farms operated separately in 1957 are combined and operated in 1958 as a single farm, the 1958 allotment shall be the sum of the 1958 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1958 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments, subject, however, to the requirements for reconstituting farms contained in the definition of a farm.

5. Section 727.922 is hereby amended by deleting the expression "§§ 727.911 to 727.928" contained in the seventh sentence thereof and substituting therefor the expression "this section".

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 313, 52 Stat. 47, as amended, Pub. Law 85–266, 85th Cong.; secs. 106, 112, 70 Stat. 191, 195; 7 U. S. C. 1313, 1377, 1824, 1836)

Done at Washington, D. C., this 8th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–8413; Filed, Oct. 11, 1957; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 8]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

1957; MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 and to establish, pursuant to sections 202, 204 and 411 of the act sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1957 and prescribe the time in which quotas may be filled. This regulation also establishes pursuant to section 207 of the act the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that a decrease in the estimate of requirements for the calendar year 1957 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act, as amended, and give effect to the revised determination.

The purpose of this action, also, is to further amend § 811.93 to determine and

prorate deficits in the quotas for Puerto Rico and the Virgin Islands for 1957 as established in § 811.91, as amended herein.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811, Amendment 7 (22 F. R. 6481). To permit all areas to adjust their marketing plans and to accomplish the marketing of their revised quotas or prorations in an orderly manner, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.90, 811.91 (a), 811.92 and 811.93 of Sugar Regulation 811, as amended (21 F. R. 10332; 22 F. R. 369, 423, 3751, 4360, 4466, 4847, 5785, 6481), are further amended to read as hereinafter set forth.

1. Section 811.90 is amended to read:

§ 811.90 *Sugar requirements, 1957.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 is hereby determined to be 9,050,000 tons, raw value.

2. Section 811.91 (a) is amended to read:

§ 811.91 *Quotas for domestic areas.* (a) For the calendar year 1957 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established, pursuant to section 202 of the act, in column (1) and the amounts of such quotas for off-shore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the act, in column (2) as follows:

[Short tons, raw value]

Area	Quota (1)	Direct-consumption limit (2)
Domestic beet sugar	1,965,143	(1)
Mainland cane sugar	604,694	(1)
Hawaii	1,096,742	30,876
Puerto Rico	1,146,783	133,826
Virgin Islands	15,638	0

[1] No limit.

3. Section 811.92 is amended to read:

§ 811.92 *Quotas for foreign countries.* For the calendar year 1957, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established, pursuant to section 202 of the act, in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established, pursuant to section 207 of the act, in column (2) as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	980,000	59,920
Cuba	3,016,090	375,000
Peru	80,372	9,627
Dominican Republic	64,132	8,582
Mexico	46,959	15,589
Nicaragua	12,018	10,280
Haiti	6,283	6,283
Netherlands	3,487	3,487
China	3,416	3,416
Panama	3,416	3,416
Costa Rica	3,411	3,411
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other	0	0

4. Section 811.93 is amended to read:

§ 811.93 *Determination and proration of area deficits and adjusted quotas.*—(a) *Deficit in quotas established in § 811.91.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1957 Puerto Rico and the Virgin Islands will be unable by 226,783 and 638 short tons of sugar, raw value, respectively, to market the quotas established for such areas in § 811.91.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.91 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 67,421 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.91 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.91 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	49,065	2,014,208
Mainland cane sugar	15,098	619,792
Hawaii	3,258	1,100,000
Puerto Rico	0	1,146,783
Virgin Islands	0	15,638

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 160,000 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.92 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.92 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in par. (b)
Domestic beet sugar	57,039	2,071,247
Mainland cane sugar	17,551	637,343
Hawaii	0	1,100,000
Puerto Rico	0	1,146,783
Virgin Islands	0	15,638
Cuba	85,410	3,101,500

Quotas for foreign countries other than Cuba remain as established in § 811.92.

STATEMENT OF BASES AND CONSIDERATION

Requirements. Sugar regulations for 1957 were originally established in December, 1956, at 8,800,000 short tons, raw value. During the first half of 1957, excessive prices prevailed in the world market which made necessary progressive increases in requirements to 9,300,000 tons to provide the supply needed for U. S. consumption at prices consistent with the objectives of the act and to insure the continuity of adequate supplies. In July, sugar prices declined and on August 9 requirements were lowered to 9,200,000 tons.

Since August 9 domestic sugar prices have been relatively stable but world prices have fluctuated widely at levels significantly below U. S. prices. Sugar distribution has been low. The total for the year through September 28 was reported to be about 160,000 tons below that for the corresponding period last year.

Accordingly, it appears that total quotas of 9,050,000 tons will provide adequate supplies at fair prices.

Quotas. The quotas established in §§ 811.91 and 811.92 were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedures for determining the others.

The deficits in the quotas for Puerto Rico and the Virgin Islands are determined in § 811.93 (a) on the basis of their respective abilities to market sugar in 1957 and the quotas for those areas as amended in § 811.91.

Accordingly, deficits of 226,783 and 638 short tons, raw value, respectively, in the mainland quotas for Puerto Rico and the Virgin Islands were determined. All of the deficit for the Virgin Islands and 66,783 short tons, raw value, of the deficit for Puerto Rico are within that portion of the respective quotas established in § 811.91 pursuant to section 202 (a) (2) of the act and the remaining 160,000 short tons, raw value, of the deficit for Puerto Rico is applicable to that portion of the quota established pursuant to section 202 (a) (1) of the act. Thus, pursuant to section 204 (a) of the act 67,421 tons representing the section 202 (a) (2) portions of the deficit are prorated to domestic areas, to the extent each such area is able to market additional sugar, on the basis of quotas for such areas as established in § 811.91, as amended, and 160,000 tons are prorated to domestic areas, able to market the additional sugar, and to Cuba on the basis of the quotas in effect after proration of the 67,421 tons.

Despite these prorations of deficits, the quotas for Puerto Rico and the Virgin Islands remain in effect at the levels provided for in § 811.91, as amended, as provided for in section 204 (c) of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 202, 204; 61 Stat. 924; 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 8th day of October 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

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Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

PROPORTIONATE SHARES FOR FARMS; 1958 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 850.76 *Proportionate shares for farms in the domestic beet sugar area.*—(a) *Definitions.* For the purpose of this section, the terms:

(1) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated to act in his stead.

(2) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, U. S. Department of Agriculture.

(3) "Director" means the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture.

(4) "State Committee" means the persons in a State designated by the Secretary of Agriculture as the Agricultural Conservation and Stabilization State Committee, under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(5) "County Committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(6) "Operator" means the person who controls and directs the operations on the farm.

(7) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(8) "Producer" shall have the meaning set forth in section 101 (k) of the act.

(9) "Old producer" means the operator of a farm for which a 1958-crop base is established pursuant to paragraph (j) of this section.

(10) "New producer" means the operator of a farm for which a 1958-crop base may not be established pursuant to the provisions of paragraph (j) of this section, or if the context indicates, the term "new producer" shall have the meaning which has been applied under the previous years' proportionate share determinations referred to in the text.

(11) "The most recently established farm share" means the most recent of the 1957, 1956 or 1955 crop proportionate shares established for the farm, including adjustments made under appeals but excluding any other upward adjustment made because the shares of other farms were not fully planted and excluding any downward adjustment made because the acreage planted on the farm was less than the share originally established for the farm, except that in States that did not initially distribute the 1957 new producer set-aside of a minimum of two percent, the term "the most recently established farm share" with respect to a farm for which a new producer share was established in 1957, shall mean the 1957-crop proportionate share for such farm including upward adjustments made under appeals and any other upward adjustments made in order to comply with the minimum acreage set-aside requirement for new producers, unless the approval of the Director is obtained to exclude any adjustments other than adjustments made under appeals, in order that a base established for such a farm will not be out of proportion with bases established for other comparable old farms.

(12) "Accredited acreage" means the planted acreage for any of the crops of 1950 through 1954, and for the 1955 or any subsequent crop it means the total of the planted acreage and any prevented acreage approved for the area, farm or tenant, as the case may be, in accordance with Part 849 of this chapter (22 F. R. 7267).

(b) (1) *National acreage and State acreage allocations.* A national acreage limitation for 1958-crop sugar beets of 915,000 acres is hereby established and allocated as follows:

State:	Acres
California	200,503
Colorado	143,101
Idaho	86,965
Illinois	1,972
Indiana	41
Iowa	1,342
Kansas	7,934
Michigan	76,386
Minnesota	73,070
Montana	55,672
Nebraska	63,892
Nevada	548
New Mexico	774
North Dakota	38,027
Ohio	22,125
Oregon	19,343
South Dakota	5,952
Texas	1,771
Utah	33,257
Washington	33,473
Wisconsin	8,607
Wyoming	37,745
Reserve	2,500
Total	915,000

(2) Acreage within the reserve of 2,500 acres may be allocated by the Director to States not listed in this paragraph for the purpose of establishing proportionate shares for farms having sugar beet production records in the crop period 1950–54 or for new producers in such States; if necessary to provide acreage for increases in proportionate shares granted by the Director in accordance with paragraph (p) of this section; to provide additional acreage to any State listed above which the Director determines is required to meet the objectives of the act and to offset the loss of sugar beet production resulting from urbanization or the transfer of land to any Federal or State agency, or county, township, municipality or instrumentality thereof, or public or private association or corporation having a right of eminent domain; and to provide acreage for establishing a proportionate share for any farm operator whose sugar beet operations in the period 1950–57 were seriously affected by drought, storm, flood, freeze, disease, insects or other similar abnormal and uncontrollable conditions, whose operations were conducted in a local producing area in which there was serious and general crop damage in such period due to one or more of such conditions and who, primarily because of such damage, undertakes in another State to continue sugar beet production and applies to the State Committee of such other State on or before February 14, 1958, for a farm proportionate share. For each such farm operator, the State Committee shall compute a share in accordance with paragraph (j) of this section, on the basis of the accredited acreage record of the land formerly operated by such producer or his personal accredited acreage record or combination thereof as obtained from the State Committee of the State wherein he formerly operated. As soon as practicable, the State Committee shall furnish the Director a statement showing such computation and recommending action for his consideration in allocating acreage from the reserve for a proportionate share for such operator.

(c) *Instructions and forms.* The Director shall cause to be prepared for issuance to the State Committees such forms and internal management instructions as are necessary for carrying out the regulations of this section. Such instructions shall be approved and issued by the Deputy Administrator.

(d) *Proportionate shares.* The proportionate share of the 1958 crop of sugar beets for a farm shall be the acres established for the farm pursuant to this section within the allocation provided under subparagraph (b) (1) of this section for the State in which the headquarters of the farm are located, subject to any increase in acreage granted by the Director in accordance with paragraph (b) (2) or (p) of this section.

(e) *Administration of proportionate share program.* In each State, the State Committee shall establish individual farm proportionate shares in accordance with the provisions of this section. In carrying out the proportionate share program within the State, the State Committee may utilize the services and facilities of Agricultural Stabilization and Conservation county committees and offices and may cooperate with advisory committees consisting of sugar beet growers, representatives of sugar beet grower associations, representatives of sugar beet processors or combinations of these groups. The State Committee shall formulate the standards and procedures in written form for establishing proportionate shares within the State in accordance with the provisions of this section. Such standards and procedures shall be reviewed by the Director for conformity with the provisions of this section and to assure reasonable uniformity between adjoining areas in adjacent States, shall be subject to the approval of the Director, and shall be available for public inspection in State and county offices. The basic standards and procedures for each State shall become effective when published in the FEDERAL REGISTER.

(f) *Requests for proportionate shares.* Except as hereinafter provided, any operator of a farm for the 1958-crop season desiring a proportionate share shall file a written request therefor with the local Agricultural Stabilization and Conservation county office on or before the closing date set forth below for the State. Each request shall specify the location of the land and identity of the farm, and shall include a statement that the person signing the request will be the operator of the farm at the time of planting 1958-crop sugar beets thereon, and the name of the owner or lessor of the land comprising the farm, if different from the operator thereof. Where the operator of a 1958-crop farm, or the specific land to be included in a 1958-crop farm may be unknown before such closing date, the owner of a farm, or a prospective farm operator may file a preliminary request which shall serve as the basis for computing a tentative proportionate share pursuant to paragraph (j) or (k) of this section, pending the filing of a completed request for a farm proportionate share in full detail within 60 days following such closing date or such later date established as hereinafter provided. The computation of a tentative proportionate share as aforesaid shall not constitute the establishment of a proportionate share for a farm, but will merely serve as a representation that a farm proportionate share may be established upon the filing of a fully complete request for a farm proportionate share in the time and in the manner as provided above in this paragraph. A request form may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldmen of sugar companies or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests. To assure consideration in the initial distribution of acreage pursuant to paragraph (j) or (k) of this section, a request shall be filed on or before the effective closing date: *Provided*, That a request may be accepted after the effective date for consideration with respect to available acreage, if the State Committee determines that the person desiring a share was prevented from filing before such date because of absence, illness or other reason beyond his control: *And provided, further*, That requests may be accepted generally by the State Committee after such date if the total acreage covered by bona fide requests filed by such date by old producers is less than the acreage available for distribution to old producers, or if acreage is available within the area allotment, as established pursuant to paragraph (i) of this section:

State:	Date
California:	
Northern Area	November 8, 1957.
Imperial Area	March 28, 1958.
Colorado	January 31, 1958.
Idaho	January 17, 1958.
Illinois	March 14, 1958.
Indiana	March 14, 1958.
Iowa	February 28, 1958.
Kansas	January 31, 1958.
Michigan	February 14, 1958.
Minnesota	January 31, 1958.
Montana	January 31, 1958.
Nebraska	January 31, 1958.
Nevada	February 14, 1958.
New Mexico	February 14, 1958.
North Dakota	January 31, 1958.
Ohio	February 28, 1958.
Oregon:	
Amalgamated Area	January 17, 1958.
Utah-Idaho Area	December 13, 1957.
South Dakota	February 14, 1958.
Texas	January 24, 1958.
Utah	January 31, 1958.
Washington	December 13, 1957.
Wisconsin	February 14, 1958.
Wyoming	January 31, 1958.

(g) *Waiver of requirements.* If the requested acreage in any State indicates that the planted acres will be less than the State allocation, the actions required in paragraph (h), (i), (j), (k), or (p) of this section may be deferred until needed, and if the planted acres are less than such allocation, the requirements of such paragraphs shall not apply and the proportionate shares for individual farms in such State shall be established within the State allocation so as to coincide with the acreages of 1958-crop sugar beets planted on individual farms.

(h) *Set-aside acreage for new producers, appeals, and adjustments.* Not less than one percent of the State acreage allocation shall be set aside for establishing proportionate shares for farms operated by new producers, except that such set-aside may be reduced to one-half of one percent if the acreage representing the difference between one percent of the State acreage allocation and one-half of one percent of such allocation is set aside for use to increase the 1958 shares for all farms with small proportionate shares (small producers) to provide for the efficient operation of such farms. Not less than one percent shall be set aside for adjustments under appeals. Any acreage required to supplement the acreage available from initial proportionate shares in excess of requested acreages in making adjustments in initial proportionate shares pursuant to paragraph (j) (4) of this section may also be set aside.

(i) *Subdivision of State acreage allocation.* Before establishing individual farm proportionate shares, the State Committee may subdivide the State acreage allocation into allotments for areas within the State, such as an area served by a beet sugar company, a county, or a group of counties. In making any such subdivision, appropriate weightings, approved by the Director, shall be given to the past production of sugar beets and the ability to produce sugar beets. "Past production" shall be measured by the average accredited acreage of the area for not less than three crop years during the period 1950 through 1957. "Ability" shall be measured by the area's largest accredited acreage during any of the crop years used to measure "past production" or by a combination of accredited acreages for any such years. If the State acreage allocation is not subdivided, proportionate shares will be established directly from such allocation and the State shall be deemed to be one allotment area. Subject to the provisions of paragraph (l) of this section, unused acreage in any area may be reallotted by the State Committee among other areas within the State.

(j) *Establishment of individual proportionate shares for old-producer farms*—(1) *General.* In establishing proportionate shares for individual farms from area allotments, the State Committee shall consider the factors of past production of sugar beets and ability to produce sugar beets. These factors shall be measured as hereinafter provided in this paragraph by reference to the sugar beet accredited acreage record or the most recent share established for the farm, or if the farm operator is a tenant in an area where sugar beet production is organized around tenant-operators rather than around units of land, they may be measured by reference to the personal sugar beet accredited acreage record of the farm operator within the State or allotment area, as specified in the procedure formulated by the State Committee, or the most recent share established for the farm of which he was the operator, or they may be measured by a combination of such personal and farm records. In case of death or incapacity of a tenant, his personal sugar beet production record shall be credited to the administrator or executor of his estate or to a member of his family, if in the year of such death or incapacity, or in the following year, such administrator, executor, or family member continues as a tenant the customary sugar beet operations of the deceased or incapacitated tenant.

(2) *Farm bases.* To give effect to the factors of past production and ability to produce, 1958-crop farm bases shall be established in the allotment area by one of two methods, as follows:

(i) *By using the most recently established farm share as the 1958 farm base.* In an area not utilizing personal production records of tenants, the farm base shall equal the most recently established farm share for the farm, except that no base shall be established for any farm without an accredited acreage record during at least one of the crop years 1955 through 1957. In an area utilizing personal production records of tenants, the farm base for any farm operated by a tenant in the 1958-crop year shall equal the most recently established farm share for the farm which such tenant last operated; except that for any farm which is operated in 1958 by a tenant who has no personal accredited acreage record during any of the crop years 1955, 1956, or 1957, the farm base shall be established upon the basis of the landowner's share of the sugar beet crop covered by the most recently established farm share for such farm; except that no such base shall be established for a farm without an accredited acreage record during at least one of the crop years 1955 through 1957. Also in an area utilizing personal production records of tenants, the farm base for any farm operated by the owner thereof shall equal the most recently established farm share for the farm; except that no such base shall be established for a farm without an accredited acreage record during at least one of the crop years 1955 through 1957; and except that in any such area where the State Committee determines that the most recently established farm share for a farm operated by the owner shall be limited to correspond to the landowner's interest in the sugar beet crop produced on the farm subject to such share, and the most recently established farm share for the farm operated by the owner is used as the personal production record of a tenant operating another farm in 1958, the farm base for the farm operated by the owner shall be determined upon the basis of the farm owner's interest in the sugar beet crop covered by the most recently established farm share for such farm.

(ii) *By using a formula.* In an area not utilizing personal production records, the farm base for any farm shall be determined by applying a formula to the accredited acreage record of the farm for not less than three crop years of the period 1950 through 1957; except that no base shall be established for any farm without an accredited acreage record during at least one of the crop years 1955 through 1957: *Provided*, That in the case of any farm having accredited acreage for either the 1955, 1956 or 1957 crop year for which a new producer proportionate share was established under regulations applicable to such year, the base for such a farm shall not be less than the most recent accredited acreage record. In an area utilizing personal records of tenants, the farm base for any farm operated by a tenant in 1958 shall be determined by applying a formula to the personal sugar beet accredited acreage record of the farm operator for not less than three crop years of the period 1950 through 1957, or to a combination of such personal acreage record and the record of the farm during the same selected years: *Provided*, That the tenant has a personal accredited acreage record for at least one of the crop years 1955 through 1957, or the farm which he is operating in 1958 has an accredited acreage record for one of such 3 years: *And provided further*, That in the case of any farm in such an area operated by a tenant having a personal accredited acreage record for either the 1955, 1956 or 1957 crop year under a new producer proportionate share as established under regulations applicable to such year, the base for such a farm shall be not less than the accredited acreage for the farm most recently operated by him during such years. In an area utilizing personal production records the farm base for any farm having an accredited sugar beet acreage record for any of the crop years 1955, 1956 or 1957, which is operated in 1958 either by the owner or by a tenant without a personal accredited acreage record during the years selected in the period 1950 through 1957 and without such a record for at least one of the crop years 1955 through 1957, shall be determined by applying a formula either to the accredited acreage record of the farm for not less than three crop years of the period 1950 through 1957, or to that portion of the farm's accredited acreage record for such selected crop years as corresponds to the farm owner's interest in the sugar beet crop produced in such selected years: *Provided*, That the farm's accredited acreage record for any of such years shall be limited to correspond to the farm owner's interest in the sugar beet crop, only if such farm accredited acreage record is used as the personal production record of a tenant in determining a base for another farm in 1958, and such farm is located in an area where the State Committee determines that the accredited acreage record of a farm operated by the owner or by a tenant without a personal accredited acreage record shall be limited to correspond to the farm owner's share of the sugar beet crops produced on such farm during the crop years which are used to determine the accredited acreage record of the farm.

(3) *Initial shares.* In any allotment area in which the total of farm bases is smaller than the area allotment less the set-asides of acreage made pursuant to paragraph (h) of this section, initial farm proportionate shares shall be established as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases the area allotment less such set-asides and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases. In any allotment area in which the total of farm bases equals or exceeds the area allotment less the set-asides of acreage made pursuant to paragraph (h) of this section, initial farm proportionate shares shall be computed by prorating to the farms in accordance with their respective bases, the area allotment less such set-asides.

(4) *Adjustments.* Initial proportionate shares shall be adjusted by the State Committee to the extent determined by it to be necessary to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the allotment area, by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(k) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set-aside for new producers from the State acreage allocation pursuant to paragraph (h) of this section and other unused acreage that the State Committee determines should be used for new producers, proportionate shares will be established in an equitable manner for farms which are to be operated by new producers during the 1958-crop year. In determining proportionate shares for new producers, the State Committee shall take into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Each new-producer share shall be of sufficient size as the State Committee shall determine is economically feasible to warrant the planting of the acreage on the farm. The entire acreage set aside for new producers shall be allotted to new producers, if requested, unless the State Committee finds that new producer farms would then be allotted shares out of proportion to the shares established for old producer farms and such committee obtains the approval of the Director to allot a lesser acreage. Any acreage set aside for new producers and not requested and any acreage allotted to new producers and remaining unused, shall be available for distribution to other farms.

(l) *Redistribution of unused proportionate share acreage.* Adjustments in proportionate shares may be made within the State acreage allocation in accordance with procedures established by the State Committee to offset underplanting and failure to plant: *Provided*, That any acreage which is released by producers prior to the beginning of planting in the allotment area as determined by the State Committee, and acreage set aside pursuant to paragraph (h) of this section for farms with small proportionate shares (small producers) shall be used to increase the proportionate shares of farms with small proportionate shares to the extent determined by such Committee as is necessary to provide for the more efficient operation of such farms by taking into consideration generally the size of the beet operations in the area for small farms, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production: *And provided*, That in case of a disagreement between producers and a sugar beet processor with respect to the sugar beet

purchase contract to be effective in the settlement area, or where no company offers a contract to producers to cover fully the shares established for their farms, the shares allotted to the farms operated by such producers shall not be reduced unless the affected producers voluntarily agree to reductions in their respective proportionate shares or the State Committee determines that such shares should be reduced because of unusual circumstances and for good cause.

(m) *Small producers, cash tenants, share tenants, and sharecroppers.* In establishing proportionate shares, the State Committee shall, insofar as practicable, protect the interests of small producers and the interests of producers who are cash tenants, share tenants and sharecroppers.

(n) *Notification of proportionate shares.* Each farm operator filing a request shall be notified in writing on behalf of the State Committee of the proportionate share established in response to his request, even if the acreage established is "none", and such notice shall inform him of his right to appeal under paragraph (p) of this section; and each such farm operator shall be notified in writing of any adjustment made in the proportionate share as provided in this section. In any State to which the provisions of paragraph (g) of this section apply, producers may be furnished a general notice informing them that their proportionate shares will coincide with their respective planted acreages, notwithstanding any prior notices to the contrary. In any case in which a tentative proportionate share is computed pursuant to a preliminary request for a proportionate share as provided in paragraph (f) of this section, the person filing the preliminary request shall be furnished a notice which shall inform him that the acreage stated thereon as a tentative proportionate share does not constitute the establishment of a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended, and that a farm proportionate share for such purpose may be established only upon the filing of a fully completed request for a farm proportionate share within the time and in the manner as provided in paragraph (f) of this section. The farm operator of each farm for which a farm proportionate share is redetermined in accordance with the provisions of paragraph (o) of this section shall be notified in writing on behalf of the State Committee of the redetermined proportionate share and of the right to appeal therefrom as provided in paragraph (p) of this section, and in addition in the case of a farm proportionate share redetermined under the provisions of subparagraph (2) of paragraph (o) of this section the farm operator shall be furnished with a statement explaining the reasons for such redetermination.

(o) *Redetermination of proportionate shares.* Farm proportionate shares shall be redetermined under the following circumstances:

(1) *Reconstitution of farms*—(i) *Before planting time.* Where a farm, as constituted at the time a 1958-crop proportionate share is established for it, is subdivided or is combined with or becomes a part of another farm prior to planting time, the share shall be cancelled and new shares shall be established for each farm in accordance with paragraph (j) or (k) of this section.

(ii) *After planting time but prior to harvest.* Where a farm as constituted at the time a 1958-crop proportionate share is established for it, is combined with another 1958 farm or part thereof subsequent to planting time but prior to harvest of the 1958-crop beets, the proportionate share established for such farm shall be added to the share, if any, established for the farm with which it is combined to establish a proportionate share for the combined farm. Where a farm, as constituted at the time a 1958-crop proportionate share is established for it, is subdivided and each division becomes a separate farm or part of another farm, subsequent to planting time but prior to harvest of the 1958-crop beets, the proportionate share established for such farm shall be prorated to the subdivisions on the basis of the acreage planted to 1958-crop sugar beets on each subdivision. Such prorated portions of the 1958-crop proportionate share so determined shall then be added to the 1958-crop proportionate share, if any, of the land with which it is combined to establish a proportionate share for each such reconstituted farm. Notwithstanding the foregoing provisions of this subdivision, if the county committee finds and reduces such findings to writing that a division of a farm or a combination of farms has been undertaken after planting as a means or a device to effect a transfer of a farm proportionate share with the purpose of circumventing the provisions of the proportionate share determination, compliance with the proportionate share and other conditions of payment will be determined on the basis of the farm or farms as originally constituted for the 1958 program.

(2) *Improper credit for personal history.* If the county committee determines that the proportionate share for any farm was established with consideration for the personal history of a person who had no interest or did not acquire any interest in such farm as a tenant, or who was not the operator of the farm at the time of planting sugar beets on the farm, the State Committee shall be notified of the circumstances, and the proportionate share for the farm shall be redetermined on the basis of the personal history of the operator of the farm at the time of redetermination, the farm history, or new producer procedure, whichever is applicable, under the provisions of paragraph (j) or (k) of this section, whichever is applicable, even though a downward adjustment to 0 acres may be required.

(p) *Appeals.* A farm operator who believes that the proportionate share established for his farm pursuant to this section is inequitable may file a written appeal for reconsideration of such proportionate share at the local Agricultural Stabilization and Conservation county office, not later than the date shown in the notification of proportionate share as established by the State Committee. The appeal shall be accompanied by a statement of facts constituting the basis for such appeal. The appeal shall be reviewed in such county office and forwarded with recommendations to the Agricultural Stabilization and Conservation State Office. The appeal shall be reviewed and acted upon by the State Committee, or in lieu thereof, by a sugar beet appeals committee to be designated by the State Committee and to be composed of three members, including at least one member of the State Committee. The other two members shall be either State committeemen or employees of the ASC State Office, or one of each. Any increase in the proportionate share approved by reason of the appeal shall be within the acreage set aside for appeals pursuant to paragraph (h) of this section and any other acreage remaining unused within the State allocation. The operator shall be notified in writing as soon as possible regarding the decision in his case. If the farm operator is dissatisfied with the decision in his case, he may appeal in writing to the Director, whose decision shall be final. In acting upon the appeal, the State Committee, the Sugar Beet Appeals Committee, or the Director shall consider only such matters as under the provisions of this determination are required or permitted to be considered by the State Committee in the establishment of the farm proportionate share to be reviewed.

(q) *Eligibility for payment under the act.* For any producer of 1958-crop sugar beets on the farm to be eligible for payment under the act, the acreage of sugar beets grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugar beets grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugar beets were sold by him, or were processed by or for him, for the extraction of sugar or liquid sugar for livestock feed, or for the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Also, the requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugar beets marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugar beets. In addition, the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugar beets shall have been met.

(r) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugar beets planted on a farm for harvest during the 1958-crop season shall be made on form SU–110 by the producer on the farm, or his legal representative, who must sign the form and file it in the Agricultural Stabilization and Conservation county office for the county where the farm or major portion thereof is located or with a representative of such office no later than December 31, 1960.

(s) *Determination of eligibility and basis for payment; and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the county committee. Determinations by the county committee shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case. Within 15 days after notice of such a determination is forwarded to or made available to a producer, he may request the county committee in writing to reconsider such determination. The county committee shall notify him of its decision in writing. If the produced is dissatisfied with the decision of the county committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. The State Committee shall notify him of its decision in writing within 30 days after the submission of his appeal. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the date of mailing of the decision to him, request the Secretary to review the decision of the State Committee. The decision of the Secretary shall be final.

(t) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the county committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State Committee or the Secretary in reviewing, upon appeal, any such determination by the county committee, any such information with respect to acreage or compliance shall be obtained as provided in the applicable provisions of Part 718 of this title (22 F. R. 3747, 5675). If the operator, or his representative, of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar act requirements. As a condition for payment, section 301 (b) of the act provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an acreage of sugar beets grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm as determined by the Secretary pursuant to section 302 of the act. In the domestic beet sugar area, the term "proportionate share" is the individual farm's share of the total acreage of sugar beets required to enable the producing area to meet its quota (and provide a normal carryover inventory) as estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugar beets grown on a farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share established for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugar beets marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugar beets, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers, and of the producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, storm, flood, freeze, disease or insects, or other similar abnormal and uncontrollable conditions.

General. Restrictive proportionate shares are required when the indicated sugar supply for an area will be greater than the quantity needed to fill the quota and provide a normal carryover inventory for such area.

The sugar extracted from each crop in the beet sugar area is normally marketed during two calendar years. Since the processing of the crop in most of the beet sugar factory districts usually begins in the month of October, only a minor portion of the total sugar extracted from a crop is marketed during the balance of the calendar year.

Restrictive proportionate shares were made effective beginning with the 1955 crop, following the large production from the 1953 and 1954 crops. The 1955 and 1956 crops, which were limited to 850,000 acres each, yielded about 1,730,000 and 1,975,000 tons of sugar respectively. The larger 1956 crop, which reflected a record yield of beet sugar per planted acre, was slightly in excess of the final marketing quota for 1956. For the 1957 crop, a national limitation of 950,000 acres was established. It is currently estimated that the 1957 crop will yield approximately 2,166,000 tons, an amount exceeding slightly the current beet sugar quota which has been increased by the proration of deficits in the marketings of other domestic sugar areas. In view of adequate supplies of beet sugar and a strong interest in sugar beet production, the limitation of the 1958 sugar beet crop appears necessary to prevent accumulation of stocks larger than necessary to fill the quota and provide a normal carryover.

Public hearing. On June 25–26, 1957, an informal public hearing was held by the Department in Denver, Colorado, for the purpose of discussing the 1958 Sugar Beet Acreage Program. The possibility of voluntary acreage control by the growers and processors was thoroughly reviewed. Although a number of industry representatives favored voluntary control, the majority preferred the continuation of restrictive proportionate shares by the Department because of the uncertainties involved. Recommendations with respect to the 1958-crop limitation varied from about 900,000 acres about 950,000 acres.

After it had been generally concluded that the Department should continue to restrict acreage, a proposal was made on behalf of the Department covering the following items:

(a) Although a specific national acreage limitation was not proposed at that time, it would be set forth in the required proportionate share determination and would reflect related data available at the time of issuance of the determination.

(b) A national reserve of 2,500 acres would be set aside for specified purposes.

(c) While State allocations would be established generally upon the basis of 1957-crop allocations, the allocations for six States would be reduced to bring them more in line with current ability to produce.

(d) Allotment areas within States and allotments therefor would be established as provided for the 1957 crop except that recognition would be given to any prevented acreage credits if the crop years 1955–57 were used in the formula.

(e) Individual farm bases would be determined by applying a formula to planted acreage (plus any prevented acreage credits) for not less than three crop years in the period 1950–57, or by providing that bases would coincide with the 1957-crop established shares.

(f) The required minimum set-aside of acreage for new producers would be one percent.

General approval of the proposal made by the Department was indicated at the hearing and in briefs filed subsequently, although questions raised at the hearing and briefs filed by a few grower and processor representatives indicated dissatisfaction with the reductions in the allocations proposed for certain States.

Determination. This determination provides for the establishment of a limitation of 915,000 acres for the 1958 crop of sugar beets. In establishing this acreage level, consideration has been given to the prospective sugar supply and inventory situation, the probable sugar mar-

keting opportunities for the area, to recommendations made by the beet sugar industry, to factors such as variations in yields, and to other pertinent data. The resultant planted acreage and sugar production therefrom, together with inventory stocks should enable the area to meet its 1959 quota and provide a normal carryover inventory of sugar.

A reserve of 2,500 acres is established for possible contingencies as specified for a similar reserve in the 1957-crop determination and in addition, provision is made to utilize acreage in the reserve to carry out the objectives of the act by offsetting losses of sugar beet production resulting from urbanization or by the exercise of the right of eminent domain. The remainder of the national acreage limitation is pro-rated to States using the 1957-crop allocation as the base for each State wherein for any one of the crop years 1955, 1956, or 1957, the planted acreage equalled or exceeded 95 percent of the effective State allocation, and using as the base for each other State 105.3 percent of the largest acreage planted in such State for any one of such crop years. The plantings in a total of 16 States meet this 95 percent requirement. Considering the 1957-crop allocations and the plantings of recent crops, the resulting 1958-crop allocations for these States adequately reflect the prescribed factors of "past production" and "ability to produce." The reduced allocations for the other States (Illinois, Indiana, Iowa, Michigan, New Mexico, and Wisconsin) recognize a lack of ability in the production of recent crops. In view of the curtailment of acreages on individual farms in most States for the last three crops, while plantings in these six States have been virtually unrestricted, these reductions in allocations provide for a more equitable distribution of acreages. The percentage of 105.3 (100÷95) disregards a full 5 percent of underplanting of allocations, a degree of underplanting which is about the national average for the 1955–57 crops. Moreover, this percentage is applied to the largest planted acreage for each State for any one of these three crops. It is believed that the combining of this percentage with such largest planted acreage compensates for the adverse effects of abnormal and uncontrollable conditions of nature on the planted acreages for recent crops in each of these States.

A provision has been included to protect the interests of small producers by providing that acreage resulting from released acreage prior to planting and set-aside for the following purposes shall first be reapportioned to farms with small proportionate shares in order to provide for the efficient operation of such farms.

Inasmuch as the Department has issued a regulation and the instructions under which credits for "prevented acreage" in accordance with section 302 (b) of the act may be approved for the 1955, 1956 and 1957 crops, this determination provides that if any of such crops are included in base periods used in establishing area allotments or individual farm shares, any such credits for areas, farms or tenants, as the case may be, shall be recognized. In this connection, the term "accredited acreage" means the total of "planted acreage" and "prevented acreage."

For the 1958-crop program, farm bases of old-producer farms may be established either by using a formula in measuring "past production" and "ability to produce" in a selected base period or by using previously e s t a b l i s h e d shares. Where previously established shares are used as bases, changes are made to simplify the procedure for farms on which beets are produced irregularly. Under this option, farm bases will not be established for farms (or for farms operated by tenants in personal history areas) without accredited acreage records in the 1955-57 crop period. The most recently established farm share for a farm with such an accredited acreage record will be the 1958-crop base for the farm. If a formula is used, farm bases will not be established for farms (or for farms operated by tenants in personal history areas) without accredited acreage records in any one of the years 1955 through 1957, regardless of the years used in the base period to meaure "past production" and "ability to produce." The requirement of an accredited acreage record in the years 1955 through 1957 places emphasis on recent past production and assures proper consideration of the factor "past production", even when supplemented by the use of past production in earlier years.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Secs. 301, 302, 61 Stat. 929, 930; 7 U. S. C. 1131, 1132)

Issued this 8th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8408; Filed, Oct. 11, 1957; 8:50 a. m.]

[Sugar Determination 855.5]

PART 855—MAINLAND CANE SUGAR AREA

PROPORTIONATE SHARES FOR SUGARCANE FARMS; 1958 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 855.5 *Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1958 crop*—(a) *Farm proportionate share.* A 1958-crop proportionate share for each sugarcane farm in the Mainland Cane Sugar Area, as constituted at the beginning of harvest of the 1958 crop on such farm shall be established as hereinafter provided in terms of acres by the Agricultural Stabilization and Conservation County Committee (hereinafter referred to as "county committee") for the county in which the farm headquarters is located. The minimum proportionate share established for any farm pursuant to subparagraph (1), (2), or (3) of this paragraph shall be 5.0 acres. "Acreage" or "acres" as used in this section means the area of sugarcane harvested for seed or abandoned and classified as bona fide abandonment under procedure issued by the Commodity Stabilization Service and the area on which sugarcane is grown and marketed (or processed) for the extraction of sugar or liquid sugar, except sugar or liquid sugar for use as livestock feed, or for the production of livestock feed (referred to in this section as "sugar for livestock"). The term "operator" as used in this section means the person who as producer controls and directs the operations on the farm.

(1) *For farm reconstituted in 1957 on basis of 1957 measured sugarcane acreage.* (i) In the case of any 1958-crop farm for which the 1957-crop proportionate share was determined in whole or in part on the basis of the 1957 measured sugarcane acreage at the request of interested parties pursuant to paragraph (a) (5) of § 855.4 (Determination of Proportionate Shares for the 1957 Crop, 21 F. R. 6218), the 1958 proportionate share for such farm shall be such 1957-crop proportionate share.

(ii) In the event that on or before January 15, 1958, any person, having an interest as an owner or operator of a farm for which a 1958 proportionate share has been or would be established as heretofore provided in this subparagraph, files a written request with the county committee that the 1958 proportionate share for such a farm not be established as heretofore provided in this subparagraph, a 1958 proportionate share for such farm and for each of the other farms which, together with the farm for which such a request has been filed, constituted in 1957 all of the subdivisions of a 1956 farm shall be determined and established as follows: By multiplying the total of the 1957 proportionate shares established for all such subdivisions by the percentage that the cropland suitable for the production of sugarcane in each subdivision is of the total cropland acreage suitable for the production of sugarcane in the 1956 farm of which such subdivisions were a part; or if the county committee determines that the use of the cropland relationship as heretofore provided results in the establishment of proportionate shares for the farms involved which are not consistent with the acreage of sugarcane which was grown on the land of such subdivision farms in the years 1954, 1955 and 1956, by apportioning the total of the acreage comprised of the 1957 proportionate shares established for all such subdivisions among such farms in the same proportion that the total acreage of sugarcane grown on each subdivision for the years 1954, 1955 and 1956 bears to the total acreage of sugar cane grown on all such farms for the years 1954, 1955 and 1956.

(2) *For farms reconstituted for the 1958 program.* (i) Where a farm as constituted for the 1957-crop proportionate share program is subdivided for the purpose of the 1958-crop proportionate share program, a 1958-crop proportionate share for each subdivision shall be determined by multiplying the 1957 proportionate share of the farm of which such subdivisions were a part by the percentage that the cropland suitable for the production of sugarcane in each subdivision is of the total cropland acreage suitable for the production of sugarcane in the 1957 farm, except that if the county committee determines that the use of the cropland relationships in any case results in the establishment of a proportionate share which is inconsistent with any written evidence of the acreage of sugarcane on any subdivision during the crop years 1955, 1956 and 1957, or is not representative of the 1958-crop sugarcane acreage on any subdivision at the time of subdivision, a proportionate share for each subdivision shall be redetermined by the county committee in the manner set forth in subdivision (ii) or (iii) of this subparagraph whichever is applicable.

(ii) Upon written application joined in by all the parties concerned in any subdivision of a farm, and filed with the county committee not later than the beginning of harvest of the 1958-crop sugarcane on the farm, and upon approval by the county committee, a proportionate share for each subdivision may be established or re-established by multiplying the 1957 proportionate share of the farm which is subdivided, by the percentage that the total acreage of sugarcane in each subdivision of the farm for the crop years 1955, 1956 and 1957 is of the total acreage of sugarcane grown within proportionate shares for said three years on the 1957 farm or on the ownership tract (a farm or a portion of a farm which is separately owned).

(iii) If the subdivision of a farm occurs after the planting of the 1958-crop sugarcane and, if prior to the beginning of harvest of such crop, all interested parties join in a written request to the county committee, and upon approval by the county committee, the 1958-crop proportionate share for each subdivision shall be determined by multiplying the 1957 proportionate share for the farm of which the subdivision was a part by the percentage that the 1958 measured sugarcane acreage on each subdivision is of the total measured 1958 sugarcane acreage within the proportionate share on such farm.

(iv) If two or more farms or subdivisions are combined, or there is a combination of one or more farms and one or more subdivisions, the proportionate share for the combined farm shall be the sum of the proportionate shares determined as provided in this section for the parts of the combined farm.

(3) *Other farms.* The 1958 proportionate share for any farm for which a 1957 proportionate share was established pursuant to § 855.4 and for which a 1958 proportionate share is not determined pursuant to subparagraph (1) or (2) of this paragraph, whichever is applicable, shall be such 1957 proportionate share: *Provided,* That for each farm in Avoyelles, St. Landry and Rapides Parishes, Louisiana, the proportionate share shall be the 1957 proportionate share established for such farm excluding any reallotment of unused acreage made to or from the farm pursuant to paragraph (a) (6) of § 855.4.

(4) *New farms.* The proportionate share for any farm for which a proportionate share is not established pursuant to subparagraphs (1), (2), or (3) of this paragraph shall be 5.0 acres.

(5) *Transfer of farm proportionate shares.* The proportionate share established or which would have been established pursuant to subparagraphs (1), (2), (3) or (4) of this paragraph for any land either removed from sugarcane production because of transfer by sale, lease or donation to any Federal, State or other agency or entity, having the right of eminent domain, or transferred to such an agency or entity for use primarily for the production of sugarcane for experimental purposes, shall, upon application to the appropriate Agricultural Stabilization and Conservation State Office (referred to in this section as "State Office") within five years from the date of such transfer, be added to the proportionate share, if any, established for other land owned, purchased, or leased by the owner of the land so transferred.

(6) *Reallotment of unused acreage.* If it is determined by the Agricultural Conservation and Stabilization Louisiana State Committee that the proportionate share established in accordance with the foregoing provisions for any farm in Avoyelles, St. Landry and Rapides Parishes of Louisiana will not be fully used, the proportionate shares for other farms within such parishes on which the producers desire to market sugarcane for sugar or liquid sugar or harvest sugarcane for seed from an acreage in excess of the proportionate shares established as provided in this paragraph may be increased prior to August 1, 1958, by prorating the total unused acreage among such farms on the basis of their proportionate shares. Before prorating unused acreage from any farm, such State Committee shall obtain a statement from the operator thereof as to the number of acres within the proportionate share that will not be used.

(7) *Adjustments of proportionate shares.* Wherever the county committee determines that the proportionate share established for a farm is not fair and equitable as compared with proportionate shares for other farms in the county or parish, considering the availability and suitability of land, adequacy of drainage, availability of production facilities, and the production experience of the operator, the county committee shall, after review of all the facts, forward the case, together with its recommendations, to the appropriate Agricultural Stabilization and Conservation State Committee (referred to in this section as "State Committee"). The State Committee shall review the county committee's recommendation, make such adjustments in the proportionate share as are determined to be necessary to establish a proportionate share for the farm which is fair and equitable considering the foregoing factors and return the case to the county committee indicating appropriate disposition. For the purpose of making such adjustments, a maximum of 440 acres is hereby established for the State of Louisiana, and a maximum of 60 acres is established for the State of Florida.

(8) *Notification of proportionate shares.* Each operator of a farm for which a proportionate share is established pursuant to this section shall be notified in writing on behalf of the county committee of the proportionate share established for his farm and of his right to appeal under subparagraph (10) of this paragraph.

(9) *Notification of excess sugarcane acreage.* If the county committee determines that the measured acreage of sugarcane for any farm is in excess of the acreage established as the proportionate share for such farm, written notice of the acreage in excess of the proportionate share (referred to in this section as "excess acreage") and of the eligibility requirements for payment as set forth in subparagraph (6) of paragraph (b) of this section shall be furnished to the operator of such farm.

(10) *Appeals.* A producer of sugarcane who believes that the proportionate share established for his farm pursuant to this section is inequitable may file an appeal in writing at the local Agricultural Stabilization and Conservation County Office (referred to in this section as "county office") prior to July 1, 1958. The county committee shall make such adjustments as are necessary due to the use of any incorrect data in determining the proportionate share. In all other cases, the county committee shall, after review of all the facts, forward the case, together with its recommendation, to the State Committee. The State Committee shall review the county committee's recommendation, act upon the appeal, and return the case to the county committee indicating the appropriate disposition. Upon receipt thereof, the county committee shall notify the producer in writing as soon as possible regarding the decision on his appeal. If the producer is dissatisfied with the decision, he may appeal in writing before September 1, 1958, to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D: C., whose decision shall be final. In acting upon the appeal, the State Committee or the Director shall consider only such matters as under the provision of this section are required or permitted to be considered by the county committee in the establishment of the farm proportionate share to be reviewed.

(11) *Erroneous notice of 1958 proportionate share.* If through error, a producer is officially notified of a 1958 proportionate share for his farm greater than the proportionate share properly established pursuant to this section, and it is found by the State Committee that such producer, acting solely on the information contained in the erroneous notice, marketed 1958-crop sugarcane from an acreage in excess of the proportionate share properly established, the producer will be deemed to be in compliance with the farm proportionate share unless he marketed sugarcane for sugar

from an acreage in excess of the proportionate share stated in the erroneous notice or unless it is determined by the State Committee that the error was so gross as to place the producer on notice regarding the error. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within the properly established proportionate share.

(b) *Eligibility for payment under the act.* The eligibility of any producer of sugarcane for payment under the act shall be subject to the following conditions:

(1) That the acreage of sugarcane grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugarcane grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugarcane was sold by him, or was processed by or for him for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this subparagraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the farm proportionate share where sugarcane was marketed (or processed) for sugar or liquid sugar from an acreage on the farm exceeding the farm proportionate share, provided that: (i) Such excess acreage is not more than the larger of two-tenths acre or one percent of the farm proportionate share but not to exceed three acres, and (ii) within one year from the date of the processing of such excess sugarcane, the producer has arranged for a quantity of sugar which was produced from sugarcane in the Mainland Cane Sugar Area, which had not been marketed to fill a quota for such area as provided in Part 815 of this chapter and which is equivalent to the quantity of sugar produced from such excess acreage, to be made subject to a bond given pursuant to the provisions of Part 815 of this chapter which provides that a condition of such bond be that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within such share;

(2) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1958 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval the State Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecroppers, or whether the reduction was beyond the control of the producer;

(3) That the producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect;

(4) That the requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugarcane marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugarcane;

(5) That the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugarcane shall have been met;

(6) That if the county committee determines there is excess acreage of sugarcane on a farm:

(i) Any such excess acreage to be plowed-out, abandoned, or harvested separately must be so disposed of before or after the harvest of sugarcane for sugar and appropriate notification must be given by the operator to permit verification by a county office representative of the action taken, except that in Florida excess acreage may be plowed-out or harvested for cattle feed during the period that sugarcane is being harvested for sugar if the county office is notified prior thereto and a representative of that office verifies that such acreage has been plowed-out or harvested for cattle feed;

(ii) Any excess acreage of sugarcane harvested for feed, the manufacture of sirup, or sugar for livestock feed or for the production of livestock feed concurrently with acreage within the proportionate share which is being harvested for sugar or liquid sugar must be staked out or similarly and clearly identified by a representative of the county office and the staked-out acreage must be so located on the farm that it may be harvested readily without interfering with the harvest of proportionate share acreage and the identity of the sugarcane from excess acreage must be maintained separately after harvest to assure its marketing for such purposes: *Provided,* That if sugarcane is harvested from excess acreage for the manufacture of sirup concurrently with the harvest of sugarcane for the production of sugar or liquid sugar, other than sugars for livestock feed, and such acreage is not staked-out or identified as provided above in this subdivision, the producer shall not market a quantity of sugarcane for the production of sugar or liquid sugar greater than the total of the tonnages of sugarcane marketed for both sugar and sirup multiplied by the percentage that the acreage harvested for sugar on the farm is of the total acreage of sugarcane marketed for both of such purposes.

(iii) An estimate of the average tons of sugarcane per acre growing on excess acreage which has been staked-out or similarly identified and which has been designated for harvest for sirup or sugar for livestock feed must be made jointly and before harvest by a representative of the county office and by the operator of the farm, which estimate must be reduced to writing and signed by the operator and placed on record in the county office.

(iv) Any farm operator who markets sugarcane from excess acreage for sirup must furnish to the county committee weight tickets evidencing that such sugarcane was sold by him or processed by him for such purpose, and in the case where excess acreage is staked out and an estimate is made as provided in subdivision (iii) of this subparagraph, if the average tonnage of sugarcane per acre grown on such excess acreage, as computed by dividing the total tonnage of sugarcane marketed for sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to subdivision (iii) of this subparagraph, no payment shall be made until the operator furnishes proof acceptable to the county committee that the sugarcane from all of the excess acreage on the farm was marketed or disposed of other than for seed or the production of sugar or liquid sugar except sugar or liquid sugar for livestock feed.

(v) The operator must maintain a record of the excess acreage in each field or parts of fields and the method and purpose of disposal of sugarcane grown on excess acreage in each such case.

(c) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1958-crop season shall be made on Form SU–120 by a producer on the farm (as used in this section the term "producer" means any person who is the legal owner at the time of harvest or abandonment of a portion or all of the crop of sugarcane grown on the farm for the extraction of sugar or liquid sugar) or his legal representative or heirs who must sign and file the form in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than June 30, 1960.

(d) *Determination of eligibility and basis for payment and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof shall be determined by the county committee. Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider such determination. The county committee shall notify the producer of its decision in writing. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. The State Committee shall, after giving the producers an opportunity to appear before the Committee, if so requested, notify the producer of its decision in writing within 30 days after the submission of the appeal. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the date of mailing of the decision to him, request the Secretary to review the decision of the State Committee. The decision of the Secretary shall be final. Determinations by the county and State Committees and reviews thereof shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case.

(e) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the county committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State Committee or the Secretary in reviewing, upon appeal, any such determination by the county committee, any such information with respect to acreage or compliance shall be obtained as provided in the applicable provisions of Part 718 of this title, as amended (22 F. R. 3747, 5675). If the operator or his representative, of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar act requirements. Section 301 (b) of the act provides as a condition for payment to producers that there shall not have been marketed (or processed), except for livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm as determined by the Secretary pursuant to section 302 of the act. For the Mainland Cane Sugar Area, the term "proportionate share" means the individual farm's share of the total acreage of sugarcane required to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary, for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, freeze, flood, disease, insects, or other similar abnormal and uncontrollable conditions.

General. Pursuant to the foregoing provisions of the act, proportionate shares for sugarcane farms are established for each crop since the marketing of sugarcane within such shares by producers constitutes one of the conditions for payment. Restrictive proportionate shares are required in any area when the indicated production will be greater than the quantities needed to fill the quota and provide a normal carryover inventory for such area.

Acreage restrictions have been in effect in the Mainland Sugarcane Area beginning with the 1954 crop. During the first three crop years of restrictions (1954–56), a total reduction of approximately 27 percent was effected from the 1953–crop level of about 345,000 acres. For the 1957 crop, farm proportionate shares were established generally at the 1955-crop level and it is estimated that the resultant acreage will approximate 290,000.

Situation indicated for 1958. At the time the 1957-crop determination was issued, it was estimated that the 1956 crop would yield approximately 530,000 tons and that the January 1, 1957 effective inventory (i. e., sugar on hand at the beginning of the year, plus sugar processed after January 1, from sugarcane of the previous year's designation) would approximate 349,000 tons. Although increased yields of sugar per acre from the 1956-crop of sugarcane resulted in a total production of 557,000 tons of sugar, such increased production was more than offset by increases in the 1956 Mainland Cane Sugar quota. Hence, the effective inventory on January 1, 1957 was about 347,000 tons.

Recent information concerning 1957-crop prospects indicates that effective inventories on January 1, 1958, are likely to be as high or higher than a year earlier. Accordingly, restrictions on the 1958 crop are clearly needed to prevent accumulation of stocks larger than necessary to fill the quota and provide a normal carryover.

Public hearing. An informal public hearing was held in New Orleans, Louisiana, on July 9, 1957, to receive information and recommendations for establishing farm proportionate shares for the 1958 crop. To provide a basis for discussion at the hearing, the Department issued a press release on June 24, 1957, suggesting that the provisions of the 1958-crop determination be generally similar to those for the 1957 crop. In addition, the Department asked for the views of interested persons relating to: (1) Alternative methods that might be considered for establishing proportionate shares, and (2) the total acreage which should be alloted for sugarcane production in the Mainland Sugarcane Area for the 1958 crop. The hearing was attended by a large number of persons from Louisiana and Florida, and testimony was presented by persons representing essentially all producers of sugarcane.

There was concurrence with the Department's proposal that the 1957-crop provisions generally be extended for the 1958 crop. Recommendations for changes from the 1957-crop determination included the following: (1) That the base for any farm on which the 1957 planted acreage is less than 80 percent of the 1957 proportionate share be limited to the larger of 5.0 acres and 125 percent of such planted acreage unless the reason for the failure to plant more than 80 percent was due to flood, drought, storm, freeze, disease, or insects or any other cause beyond the control of the operator; (2) that a producer who it is determined marketed inadvertently sugarcane for sugar from an acreage in excess of the proportionate share for his farm be permitted to use the sugar produced therefrom for livestock feed or for the production of livestock feed without becoming ineligible for a Sugar Act payment; (3) that the establishment of the proportionate shares on the basis of the current year's measured sugarcane acreage for farms which are subdivided to be made subject to the approval of the county committee; (4) that any 1957 proportionate shares determined for subdivided farms on the basis of the 1957 measured acreage become the 1958 bases unless written objection is received by the county committee from one or more of the parties having an interest in one of the subdivisions, that the proportionate share determined for any such subdivision not exceed 75 percent of the cropland suitable for the production of sugarcane, and that county committees be authorized to make modifications in the 1958 shares for such farms, when requested by all of the interested parties; and (5) that county committees be given broader authority to minimize differences in proportionate shares among comparable farms.

Those who testified recommended unanimously that the 1957 acreage level for the area to be extended for the 1958 crop and that such acreage be increased if later conditions should warrant such action. Those testifying also agreed that the industry would be willing to carry the increased sugar inventories that might result from an extension of the 1957 acreage level for the 1958 crop even though 1958 marketing opportunities might be lower than in 1957. This matter has been discussed fully with indus-

try representatives since the hearing and the recommendations with respect to the 1958-crop acreage level have been reaffirmed.

Determination. This determination provides for the establishment of total 1958-crop proportionate shares at approximately the same level as for the 1957-crop. In establishing this acreage level, consideration has been given to the prospective sugar supply and inventory situation, the probable sugar marketing possibilities for the area in 1957 and 1958, to factors, such as variations in yield and the possibilities of freeze damage, which may affect production, to testimony presented at the hearing, and to market developments and changes in the sugar supply situation since the hearing.

Although the production of sugar from the acreage level provided for in this determination may, in view of the foregoing factors, result in some addition to the inventory and may necessitate a larger reduction of acreage in subsequent years, in the circumstances, a 1958 acreage approximating the 1957 level will permit the production of a quantity of sugar which will enable the area to fill its quota and provide a normal carryover. Industry representatives have indicated clearly that they are willing to carry such inventories.

For farms which in 1958 are identical with 1957 farms, the 1957 proportionate shares will become the 1958 proportionate shares, except that in the parishes of Avoyelles, St. Landry and Rapides, Louisiana, the 1958 farm shares shall equal the 1957 established shares prior to any reallotment of unused acreage provided under the 1957-crop determination. If one or more of the parties having an interest in a farm which was reconstituted for the 1957 crop and for which the 1957 proportionate share was determined on the basis of the 1957 measured sugarcane acreage makes written objection to the continued use of the 1957 measured acreage as basis for establishing the 1958 proportionate share, the 1958 proportionate shares may be redetermined on the basis of the relationships between the cropland on 1954, 1955 and 1956 planted sugarcane acreages on the subdivisions and on the 1956 farm of which the subdivisions were a part.

The provisions of this determination with respect to (1) proportionate shares for new farms, (2) proportionate shares for farms removed from sugarcane production because of transfer to any agency or entity having the right of eminent domain or for use primarily for the production of sugarcane for experimental purposes, (3) the division or combining of acreage records where farms are subdivided or combined, and (4) other general provisions are substantially the same as those included in the 1957-crop determination. The recommendations of the industry have been adopted generally with respect to (1) the approval of the county committee of requests for the establishment of farm shares on the basis of the current crop's measured acreage, (2) authority to make equitable adjustment in farm proportionate shares, and (3) the use of livestock feed or for the production of livestock feed of any sugar produced from acreage which is harvested inadvertently in excess of the proportionate share. The acreages (440 in Louisiana and 60 in Florida) made available for adjustments in proportionate shares represent the percentage relationship to the total acreage made available as the planted acreages in such States for the year 1956 bore to the total acreage planted to sugarcane in the area in such year. Based upon experience during the past three years, such acreage will be sufficient to make equitable adjustments in farm proportionate shares. The industry recommendations to limit the 1958 proportionate share for any farm to the larger of 5.0 acres and 125 percent of the 1957 planted acreage where such acreage was less than 80 percent of the 1957-crop proportionate share, except where the failure to plant up to 80 percent was due to a reason beyond the producer's control, and to limit proportionate shares for farms which were subdivided in 1957 on the basis of the 1957 measured acreage, have not been adopted because of the limited applicability of these provisions.

This determination provides for a written notice to any farm operator for whose farm it is determined that the growing sugarcane acreage is in excess of the proportionate share and provides further that such farm operator shall be notified of the requirements that must be met with respect to such excess acreage in order to be eligible for payment. To make it more practicable for county committees to determine compliance with proportionate shares, farm operators of farms having excess acres are required to dispose of such acreage at certain times and under certain conditions and to furnish proof that the sugarcane from the excess acreage was marketed for purposes other than for sugar.

This determination has been prepared pursuant to the provisions of the Sugar Act of 1948, as amended, and provides an equitable basis for establishing proportionate shares for the 1958 Mainland Sugarcane Crop.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 8th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8409; Filed, Oct. 11, 1957; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 123]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.423 *Valencia Orange Regulation 123*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 10, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 13, 1957, and ending at 12:01 a. m., P. s. t., October 20, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 646,800 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8487; Filed, Oct. 11, 1957; 11:14 a. m.]

[Lemon Reg. 708]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.815 *Lemon Regulation 708*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 9, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 13, 1957, and ending at 12:01 a. m., P. s. t., October 20, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 130,200 cartons;
(iii) District 3: 9,300 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8469; Filed, Oct. 11, 1957; 9:13 a. m.]

[Avocado Order 9, Amdt. 7]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

CONTAINER REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513) regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and good cause exists for making the provisions hereof effective not later than October 14, 1957. The Avocado Administrative Committee at its meeting on October 8, 1957, considered the effects of container regulation as currently prescribed by Avocado Order 9, as amended; such meeting was held after due notice thereof and growers and handlers were given opportunity to submit views and data concerning such regulation, it was concluded that it is necessary to specify a minimum net weight for the prescribed containers other than that with dimensions 11 x 16¾ x 10 inches inasmuch as the use of excelsior and similar packing materials in such containers makes deception possible as to the pack of avocados contained therein; the recommendation and supporting information for such container regulation subsequent to October 14, 1957, and in the manner provided herein, were promptly submitted to the Department after such meeting and information concerning such recommendation was disseminated among handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective at the time hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered, That subparagraph (1) of paragraph (b) of § 969.309 (Avocado Order 9, as amended; 20 F. R. 5627, 6571, 9173; 21 F. R. 4514, 6269, 8142, 9990) is hereby further amended by adding at the end thereof a new subdivision (viii) reading as follows:

(viii) With respect to the containers prescribed in subdivisions (ii) through (vi) of this subparagraph the net weight of the avocados in any such container shall be not less than 13½ pounds.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., October 14, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8450; Filed, Oct. 11, 1957; 9:13 a. m.]

[Avocado Order 14, Amdt. 6]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY AND MATURITY REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of

handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date specified herein. This amendment establishes maturity requirements for the listed varieties of avocados which will be applicable on and after the time the shipment of each such variety is permitted. A reasonable determination as to the time of maturity of a particular variety of avocados must await the development of the crop thereof, and adequate information thereon, with respect to the varieties specified in this amendment, was not available to the Avocado Administrative Committee until October 8, 1957; determinations as to the time of maturity of the varieties of avocados covered by this amendment were made at the meeting of said committee on October 8, 1957, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is therefore ordered, That the provisions of § 969.314 (Avocado Order 14, as amended; 22 F. R. 3652, 4251, 5679, 6746, 7173, 7357) are hereby further amended as follows:

1. Amend Table I, paragraph (b) (2), by deleting therefrom the references and dates pertaining to the Hickson, Collinson, Avon, Booth 5, Blair, Nelson, Winslowson, Monroe, Hall, Herman, Booth 10, Booth 11, Ajax (Booth 7B), Booth 3, Booth 1, Taylor, Dunedin, Choquette, Linda, Byars 1, Nabal, Wagner, and Schmidt varieties of avocados.

2. Amend Table II, paragraph (b) (3), by adding thereto the following:

TABLE II

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Hickson	10-21-57	14 ounces	11- 4-57	12 ounces	11-18-57	10 ounces	12- 9-57
		3 5/16 inches		3 1/16 inches		2 15/16 inches	
Collinson	10-21-57	16 ounces	11- 4-57	14 ounces	11-18-57	10 ounces	12- 9-57
		3 1/16 inches		3 5/16 inches		3 1/16 inches	
Avon	10-21-57	14 ounces	11- 4-57	12 ounces	11-18-57	9 ounces	12- 9-57
		3 5/16 inches		3 5/16 inches		2 15/16 inches	
Booth 5	10-21-57	16 ounces	11- 4-57	14 ounces	11-18-57	10 ounces	12- 9-57
		3 1/16 inches		3 5/16 inches		3 3/16 inches	
Nelson	10-21-57	14 ounces	11- 4-57	12 ounces	11-18-57	10 ounces	12- 9-57
		3 5/16 inches		3 5/16 inches		3 1/16 inches	
Winslowson	10-28-57	18 ounces	11-11-57	16 ounces	11-25-57	10 ounces	12-24-57
		3 1/16 inches		3 1/16 inches		3 3/16 inches	
Monroe	10-28-57	24 ounces	11-25-57	20 ounces	12-16-57	14 ounces	1- 6-58
Hall	10-21-57	24 ounces	11- 4-57	18 ounces	12- 2-57	14 ounces	12-24-57
		3 1/16 inches		3 7/16 inches		3 3/16 inches	
Herman	11- 4-57	16 ounces	11-18-57	14 ounces	12- 2-57	10 ounces	12-24-57
		3 9/16 inches		3 7/16 inches		3 1/16 inches	
Booth 10	11- 4-57	16 ounces	11-18-57	14 ounces	12- 2-57	10 ounces	12-24-57
Booth 11	10-28-57	16 ounces	11-11-57	14 ounces	12- 2-57	10 ounces	12-24-57
		3 1/16 inches		3 5/16 inches		3 3/16 inches	
Ajax (Booth 7B)	11-11-57	18 ounces	11-25-57	15 ounces	12- 9-57	11 ounces	12-31-57
		3 3/16 inches		3 5/16 inches		3 3/16 inches	
Booth 3	11-11-57	16 ounces	11-25-57	14 ounces	12- 9-57	10 ounces	12-31-57
		3 9/16 inches		3 7/16 inches		3 1/16 inches	
Booth 1	11-18-57	16 ounces	12- 2-57	14 ounces	12-16-57	10 ounces	1- 6-58
		3 1/16 inches		3 5/16 inches		3 1/16 inches	
Taylor	11-18-57	14 ounces	12- 2-57	12 ounces	12-16-57	9 ounces	1- 6-58
		3 4/16 inches		3 2/16 inches		2 13/16 inches,	
Dunedin	11-18-57	16 ounces	12- 2-57	14 ounces	12-16-57	10 ounces	1- 6-58
		3 9/16 inches		3 5/16 inches		3 1/16 inches	
Choquette	10-28-57	30 ounces	11-18-57	22 ounces	12- 2-57	18 ounces	1- 6-58
		4 3/16 inches		3 15/16 inches		3 1/16 inches	
Linda	12- 9-57	18 ounces	12-23-57	15 ounces	1- 6-58	12 ounces	1-20-58
Byars 1	12- 9-57	16 ounces	12-23-57	14 ounces	1- 6-58	10 ounces	1-27-58
Nabal	12- 9-57	14 ounces	12-23-57	12 ounces	1- 6-58	9 ounces	1-27-58
		3 5/16 inches		3 3/16 inches		3 inches	
Wagner	12-16-57	12 ounces	12-30-57	10 ounces	1-13-58	8 ounces	2- 3-58
		3 5/16 inches		3 1/16 inches		2 9/16 inches	
Schmidt	1-27-58	16 ounces	2-10-58	14 ounces	2-24-58		
Blair	10-21-57	16 ounces	11- 4-57				

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., October 14, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8451; Filed, Oct. 11, 1957; 9:13 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Part 146; 22 F. R. 5769) are amended as indicated below:

1. In the following designated sections, the reference "of this part" is changed to read "of this chapter".

a. Section 146.1 (d) (concluding sentence of paragraph).

b. Section 146.2 (c) and (d).

c. Section 146.3 (a) (1) and (2), (b) and (c).

d. Section 146.4 (a) (2) and (3), and (b) (1) and (2).

e. Section 146.6 (last clause of section).

f. Section 146.7 (introduction to section).

g. Section 146.8 (a), (b), (d) and (g).

2. In § 146.4 *Conditions on the effectiveness of certificates*, paragraphs (a) (4) and (b) (5) are changed to read as follows:

(a) • • •

(4) With respect to any package of a certifiable antibiotic drug subject to the regulations in this chapter, when it is included in a packaged combination with another drug, unless such other drug complies with the requirements of the regulations in this chapter.

• • • • • •

(b) • • •

(5) With respect to any package of a certifiable antibiotic drug subject to the regulations in this chapter, included in a packaged combination with another drug, when such other drug fails to meet the requirements of the regulations in this chapter; or

3. In § 146.8 *Fees*, paragraph (c) is changed to read as follows:

(c) When the Commissioner considers it necessary to make investigations of a new product containing a certifiable antibiotic drug on which a request has been submitted in accordance with § 146.7, the fee for such service shall be the cost thereof. In such case the request shall be followed by an advance deposit in such amount as the Commissioner specifies, and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

4. In § 146.9 *Antibiotics for agricultural use*, the words "described in this part" are changed to read: "subject to certification under section 507 of the act".

5. Section 146.11 (a) is amended to read as follows:

§ 146.11 *Assay requirements for antibiotic drugs exempted from certification.* (a) On December 3, 1953, the regulations for the certification of antibiotic and antibiotic-containing drugs were amended to exempt penicillin troches and bacitracin ointment from the certification requirements under sections 502 (l) and 507 of the act, provided the drugs comply with certain prescribed standards. Since that time a number of veterinary preparations that contain the antibiotic drugs subject to the regulations in this chapter have also been exempted, under certain conditions. One of these conditions is that the label of each package shall bear an expiration date which is determined from the date "during which the batch was last assayed and released by the manufacturer."

6. In § 146.20 *Exemptions for processing*, paragraph (a) is changed to read as follows:

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of any certifiable antibiotic drug subject to the regulations in this chapter in concentrated aqueous solution which is to be processed at an establishment located elsewhere than at the place of manufacture shall be exempt during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (l) of the act, if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for processing in such establishment, and each package of such solution bears the batch mark of the drug.

7. Section 146.22 (a) is changed to read as follows:

§ 146.22 *Exemptions for manufacturing use.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of any certifiable antibiotic drug subject to the regulations in Parts 146a, 146b, 146c, 146d, and 146e of this chapter which is packed in containers of not less than 10,000,000 units of penicillin or 10 grams of streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, chloramphenicol, or bacitracin each shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in the establishment where it is so used, from the requirements of section 502 (l) of the act, if it conforms to the standards prescribed therefor by the section of the regulations in this chapter which is specifically applicable to such other drug, if the label of each container bears the batch mark of the drug, the number of units or grams per package, and the date on which the latest assay of the drug was completed, and if the person who introduced each shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for manufacturing use in such establishment.

8. The headnote of § 146.25 and the introduction to the section are amended to read as follows:

§ 146.25 *Antibiotic drugs for use in animal feed.* Any certifiable antibiotic drug subject to the regulations in this chapter or any combination of two or more such drugs, with or without those ingredients specified in § 146.26, intended for use solely as an ingredient in the manufacture of animal feed and conspicuously so labeled shall be exempt from the requirements of sections 502 (l) and 507 of the act if it complies with the following conditions:

9. Section 146.28 is amended to read as follows:

§ 146.28 *Antibiotics for bull semen.* Any certifiable antibiotic drug subject to the regulations in this chapter intended for use solely as a preservative for bull semen, and conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act.

10. Section 146.29 is amended to read as follows:

§ 146.29 *Biological drugs that contain antibiotics.* Biological drugs that contain any certifiable antibiotic drug subject to the regulations in this chapter, and the purpose of the antibiotic is for use only as a preservative and the biological drug is conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act, if such drugs are licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682; 42 U. S. C. 201 et seq.) or under the Virus-Serum-Toxin Act of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, since the amendments are either editorial in nature and made for the purpose of conforming the affected sections to the requirements of the Code of Federal Regulations or effect editorial revisions made for the purpose of simplifying future amendments in certain specific sections.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: October 8, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-8414; Filed, Oct. 11, 1957; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.335]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

WAIVER OF FINGERPRINTING REQUIREMENT

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respect:

Section 41.19 *Registration and fingerprinting of nonimmigrants*, is amended to read as follows:

§ 41.19 *Registration and fingerprinting of nonimmigrants.* The provisions of section 221 (b) of the Immigration and Nationality Act which require the fingerprinting of aliens in connection with their applications for visas are waived in pursuance of the authority contained in section 221 (b) of that act for the nonimmigrant classes specified in paragraph (a) of this section, and in pursuance of the authority contained in section 8 of the act of September 11, 1957 (71 Stat. 641) for the nonimmigrant classes specified in paragraph (b) of this section:

(a) An alien who is within a class of nonimmigrants enumerated in section 101 (a) (15) (A) and section 101 (a) (15) (G) of the Immigration and Nationality Act, or an alien who is granted a diplomatic visa on a diplomatic passport or on the equivalent thereof. (See § 41.7 (e)).

(b) An alien who is a national of a country whose government does not require fingerprinting in connection with an application for, or the issuance of, a visa to a national of the United States who intends to proceed to such country for a similar purpose, and who is classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (B), (C), (D), (E), (F), (H), or (I) of the Immigration and Nationality Act, including a nonimmigrant alien who is classifiable under the visa symbol EX, NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, or NATO–6.

(c) In the case of any nonimmigrant alien who is not exempted from the fingerprinting requirement under the provisions of this section, the fingerprints of such alien shall be taken in connection with his application for a nonimmigrant visa on Form AR–4 or in such other manner as may be authorized by the Department.

(d) Form FS–257, when duly executed, shall constitute the alien's registration record for the purposes of section 221 (b) of the act.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves

foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: October 10, 1957.

HARRIS H. HUSTON,
Acting Administrator,
Bureau of Security
and Consular Affairs.

[F. R. Doc. 57-8453; Filed, Oct. 11, 1957; 8:59 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

COLD SPRING AND OYSTER BAY HARBORS, NEW YORK; BISCAYNE BAY, FLORIDA

1. Pursuant to the provisions of section 1 of an act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), paragraphs (t) and (u) of § 202.60 are hereby prescribed designating special anchorage areas in Cold Spring and Oyster Bay Harbors, New York, wherein vessels not more than 65 feet in length shall not be required to carry or exhibit lights, when at anchor, as follows:

§ 202.60 *Port of New York and vicinity.* • • •

(t) *Cold Spring Harbor.* That portion of the waters of Cold Spring Harbor easterly of a line ranging from the Cupola in the extreme inner harbor through Cold Spring Harbor Light; southerly of a line ranging from the southernmost point of an L-shaped pier off Wawepex Grove through the Clock Tower at Laurelton and northerly of a line ranging from the outer end of the Socony Mobil Oil Company's pier at Cold Spring Harbor through the Clock Tower at Laurelton, with the exception of an area within a 300-foot radius of the outer end of the Socony Mobil Oil Company's pier.

(u) *Oyster Bay Harbor, N. Y.* That portion of Oyster Bay Harbor adjacent to the easterly side of Centre Island, westerly of a line on range with Cold Spring Harbor Light and the Stone House on the end of Plum Point, Centre Island.

[Regs., Sept. 30, 1957, 800.212 (Cold Spring Hbr., N. Y.)—ENGWO] (Sec. 1, 54 Stat. 150; 33 U. S. C. 180)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.447a is hereby prescribed to govern the operation of the bridge known as the Rickenbacker Causeway across Biscayne Bay, Florida, as follows:

§ 203.447a *Biscayne Bay, Fla.; Dade County Bridge (Rickenbacker Causeway), Miami, Fla.* (a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the owner or agency controlling the bridge shall not be required to open the drawspan for the passage of vessels from 4:00 p. m. to 5:00 p. m. and from 5:15 p. m. to 6:00 p. m. on Saturdays, Sundays and the following legal holidays:

New Year's Day.
Independence Day.
Labor Day.
Veterans Day (November 11).
Thanksgiving Day.
Christmas Day.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) During the display of small craft warnings or warnings for winds of greater force by the United States Weather Bureau affecting the area, the bridge shall be opened for the passage of vessels giving the usual signal at any time.

(d) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(e) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both sides thereof, in such manner that it can be easily read at any time.

[Regs., Sept. 30, 1957, 823.01 (Biscayne Bay, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-8391; Filed, Oct. 11, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 43, 2d Revision]

PART 246—FORMULAE FOR DETERMINING SEA SPEED OF VESSELS

Part 246, as revised below, includes the provisions of former War Shipping Administration Order No. 10 and Supplements 1 and 2, 46 CFR, 1944 Supp., 302.44 to 302.47 (7 F. R. 10299 and 9 F. R. 2241) which were deleted from the Code of Federal Regulations on December 18, 1948 (13 F. R. 7867):

Sec.
246.1 Method of calculating sea speed of vessels.
246.2 Other provisions.
246.3 Speed formula requiring the substantiating data of § 246.2 (b).
246.4 Applicability.
246.5 Modification of formulae.

AUTHORITY: §§ 246.1 to 246.5 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

§ 246.1 *Method of calculating sea speed of vessels.* The speeds of vessels shall be based on the methods of calculation described herein, which calculation is to be submitted to the American Bureau of Shipping for checking and certification.

(a) The basis for calculation shall be the data relating to the vessel as certified in the register of the appropriate Classification Society. The American Bureau Record shall be used except for vessels not having this classification.

(b) The charts and methods outlined in "Speed and Power of Ships" by D. W. Taylor, shall be the bases for determining effective horsepower required, except that of the four methods given therein for wetted surface determination, the one based on Froude's formula shall be used. Calculations for effective horsepower required shall be made at a speed-length ratio of 0.60 and corrected to actual speed-length ratio by the cube rule.

(c) The maximum total continuous horsepower available for propulsion (IHP, SHP, BHP) as determined from the register of the appropriate Classification Society, shall be used as a basis for determining the shaft horsepower available except that for all machinery of a steam reciprocating type, 0.90 mechanical efficiency shall be used with the IHP. The effective horsepower available to be used in conjunction with the speed calculations for single screw vessels shall be determined by multiplying the shaft horsepower available by an appropriate factor based on vessels of 450' length. For all vessels constructed subsequent to January 1, 1925, this factor shall be 0.50. For all vessels constructed prior to January 1, 1925, this factor shall be 0.50 for vessels having 6,000 SHP or more, 0.47 for vessels having power less than 6,000 SHP but more than 3,000 SHP, and 0.44 for vessels having 3,000 SHP or less. The above factors are to be corrected for length with an increase or decrease of 0.1 per 150' of length that the vessel is greater or less than 450'. (For new vessels 0.4 at 300 feet and 0.6 at 600 feet, etc.)

(d) For twin screw vessels the foregoing factors for single screw vessels shall be reduced by 10 percent.

§ 246.2 *Other provisions.* (a) At any time the Maritime Administrator has the privilege to request a trial in deep water, either on a standard deep water measured mile or other course approved by the Maritime Administration. On this trial, the operator shall determine, to the satisfaction of representatives of the Maritime Administration, the speed at which the vessel runs when the engines are developing 80 percent of their normal power and the vessel has a mean draft corresponding to its assigned freeboard. All expenses, etc. in connection with such a trial shall be borne by the Operator.

(b) Notwithstanding the provisions herein, the Maritime Administrator will consider the request of any owner for a waiver of the speed required herein and the acceptance of a speed certificate computed in accordance with § 246.3, upon submission by the owner of pertinent applicable data proving to the satisfaction of the Administrator that the speed of the vessel, as determined in accordance with § 246.3, is not in excess of fair and reasonable speed satisfactory to the Administrator but the determinations of the Administrator, in this respect, shall be final and conclusive.

§ 246.3 *Speed formula requiring the substantiating data of § 246.2 (b).* The speed of vessels calculated under this section shall be calculated on the same basis as set forth in § 246.1, (a), (b), (c), and (d), except for the following:

(a) Section 246.1 (c) is modified to eliminate the correction for vessels constructed prior to January 1, 1925.

(b) Upon request and the submission by the owner of pertinent applicable data, such as standardization trial and self-propelled model test results, the American Bureau of Shipping shall give consideration to modifications of results obtained by the foregoing method but the extent to which such data may affect the results shall be determined by the American Bureau of Shipping.

§ 246.4 *Applicability.* All certificates heretofore issued by the American Bureau of Shipping shall be corrected, where necessary, to reflect the foregoing if the changes herein are applicable. All certificates of the American Bureau of Shipping heretofore submitted to the Maritime Administrator which certify a speed differing from that produced by the foregoing calculations are hereby declared to be unsatisfactory to the Maritime Administrator, subject to the provisions of § 246.3.

§ 246.5 *Modification of formulae.* The formulae set forth herein are subject to modification, as may be determined hereafter.

Dated: October 8, 1957.

WALTER C. FORD,
Acting Maritime Administrator.

[F. R. Doc. 57-8420; Filed, Oct. 11, 1957; 8:54 a. m.]

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 37, Revised]

PART 275—OUTFITTING MATERIALS AND EQUIPMENT FOR CONSTRUCTION-DIFFERENTIAL SUBSIDY VESSELS

Part 275 is revised as follows:

Sec.
275.1 Foreword.
275.2 Allowance purchases by Contractor and by Applicant.
275.3 Contractors' and Applicants' purchase procedure.
275.4 Determination of applicable construction-differential subsidy.
275.5 Furnishing of material or equipment by Board.

AUTHORITY: §§ 275.1 to 275.5 issued under sec. 204, 46 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 502, 49 Stat. 1996, as amended; 46 U. S. C. 1152.

§ 275.1 *Foreword.* In order that a purchaser or an Owner receiving construction-differential subsidy aid under the provisions of Title V of the Merchant Marine Act, 1936, as amended, may receive the subsidy aid granted by the Board upon items of material or equipment to be purchased by such vessel purchaser or Owner or upon items to be furnished by the shipbuilding contractor pursuant to a contract allowance provision, the procedure set out in this part shall be followed.

§ 275.2 *Allowance purchases by Contractor and by Applicant.* (a) The Applicant's proposed plans and specifications for the construction of the vessel for which aid is applied or the proposed plans and specifications for the reconstruction or reconditioning work for which aid is applied shall state what, if any, materials or equipment will be furnished by the Contractor upon the basis of a contract price "allowance" and what, if any, materials or equipment will be furnished to the Contractor by the Applicant (without charge to the Contractor). Such "allowance" materials and equipment and such Applicant furnished materials and equipment shall be listed and each item thereof priced on the basis of its estimated acquisition cost, and shall be subject to approval by the Board.

(b) In the event the Applicant cannot at the time of its submittal to the Board of its proposed plans and specifications furnish the itemized and priced lists of materials and equipment to be covered by a contract price "allowance" or to be furnished to the Contractor by the Applicant, Applicant should so state and should at the same time request to be adivsed that the Board will consider such lists at a later date. Such lists and prices shall be furnished before the proposed plans and specifications are submitted to shipyard bidders.

(c) Each item of material or equipment purchased by an Applicant or the Contractor shall be purchased upon the basis of competitive bids; provided however, with the prior approval and subject to such conditions as the Board may require, the following items of material or equipment may be purchased upon a negotiated basis.

(1) "Art objects".

(2) Patented items of material and equipment.

(3) Items of material and equipment for which the need was not initially foreseen when the original lists were submitted or which subsequently became necessary because of changes in plans and specifications, the purchase of which on a competitive basis will unduly delay the work.

The Applicant or the Contractor, if directed by the Applicant, may select material or equipment not of the lowest bidder, the subsidy to be determined in such case as provided in § 275.4.

§ 275.3 *Contractors' and applicants' purchase procedure.* (a) Prior to the inviting of any bid, the Applicant or the Contractor shall submit to the Board the specifications covering the item of material or equipment in question and shall also submit a list of the vendors from whom bids will be invited.

(b) Bids shall be invited on such specifications, as approved, or as modified by the Board from the submitted list of bidders as that list is approved and amplified by the Board. Bids shall be invited upon the basis of terms and conditions approved by the Board, which will include the section 505 (b) of the Merchant Marine Act, 1936, recapture of profits provisions and other provisions applicable to Government procurement.

(c) Bids shall be transmitted to the Board's representatives as designated in the invitation request, and shall be enclosed in sealed envelopes.

(d) The bids will be opened by the Board's representative who shall tabulate the bids and deliver one copy to the Applicant or the Contractor with the bids and one copy to the Board. The Applicant or the Contractor will evaluate the bids and forward to the Board his recommendation of award with copy of bids.

§ 275.4 *Determination of applicable construction-differential subsidy.* The construction-differential subsidy applicable to an item of material or equipment selected or purchased by the Applicant or the Contractor shall be determined upon the basis of the lowest responsible responsive bid as determined by the Board, and the Applicant or the Contractor duly notified.

§ 275.5 *Furnishing of material or equipment by Board.* In lieu of approving the Applicant's or the Contractor's inviting bids for an item of material or equipment on specifications approved by the Board, the Board reserves the right to furnish to the Contractor or to the Applicant, as the case may be, such item of material or equipment procured by the Board. In the event such an item of material or equipment is furnished to the Contractor by the Board under an "allowance" provision of the shipyard contract, the total "allowance" in the specifications will be deducted from the contract price. In the event such an item of equipment or material is furnished by the Board to the Applicant, the full estimated price of the item to the Applicant will be deducted from the sum approved by the Board for the Owner's Budget. In either event the unsubsidized portion of the sum of the Board's cost of acquisition of such item and the Board's cost of delivery of such item to the shipyard will be recovered from any amounts which may be due the Applicant or otherwise as the Board may direct.

In view of direct notice of the proposed revision of the foregoing regulation having been given to interested persons and comments received thereon having been considered, it is deemed impracticable and unnecessary to postpone the effective date; therefore, in accordance with the provisions of section 4 (c) of the Administrative Procedure Act, the effective date shall be upon publication in the FEDERAL REGISTER.

Dated: September 3, 1957.

By order of the Federal Maritime Board/Maritime Administrator.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8419; Filed, Oct. 11, 1957; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—UPPER KLAMATH NATIONAL WILDLIFE REFUGE, OREGON

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, I have determined that a portion of the Upper Klamath National Wildlife Refuge, Oregon, may be administered primarily as a wildlife management area, and that the hunting of migratory waterfowl and coots within the area hereinafter described would be compatible with sound wildlife management. Accordingly, a new subpart and center headnote, as set forth above, and § 31.371, reading as follows, are added:

§ 31.371 *Hunting of migratory waterfowl and coots permitted.* Migratory waterfowl and coots may be taken by hunting in accordance with the provisions of Part 6 of this chapter that part of the Upper Klamath National Wildlife Refuge, Oregon, described in this section, subject to the following conditions and restrictions:

(a) Strict compliance with all applicable State and Federal laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter: *Provided,* That hunters may not enter the public hunting area earlier than 2½ hours before sunrise and must be off the public hunting area 1 hour after sunset.

(c) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) The use of boats for the purpose of hunting, subject to the provisions of Part 6 of this chapter, is permitted: *Provided,* That the use of airthrust or scull boats is prohibited.

(e) Any person may construct and use a hunting blind in the public hunting areas except that entry for the construction of such blinds shall not be permitted during the period from September 16 to the opening day of the waterfowl hunting season. Any blind not removed from the refuge on or before January 15 shall be deemed to have been abandoned, and it shall become the property of the United States. When a blind is constructed in open water, such blind shall be placed at least 200 yards from emergent vegetation. The construction of a blind shall not be deemed to establish priority of use by the person who constructs such blind. The digging of a pit for use as a hunting blind or for any purpose is prohibited except in such areas as may be designated by posting by the refuge officer in charge.

(f) No person shall act as a guide or offer to guide or assist any hunter or group of hunters in the taking of migratory game birds on the Upper Klamath National Wildlife Refuge with or without payment of a monetary fee or other consideration.

(g) The abandonment of boats, decoys, or other items of personal property on the public hunting areas or elsewhere on the refuge is prohibited: *Provided,* That boats and trailers may be moored or parked in areas designated for the purpose during the waterfowl hunting season.

(h) The hunting area consists of: The portions of the refuge in secs. 35 and 36, T. 35 S., R. 6 E., and in secs. 1, 2, 3, 11, 12, 13, and 14, T. 36 S., R. 6 E., W. M.

(i) State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for these purposes. In the event that such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Upper Klamath National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 7, 1957.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-8422; Filed, Oct. 11, 1957; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 222]

STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

NOTICE OF PROPOSED RULE MAKING

In "Report of the Board on Motions for Interim Order and Related Petitions," Federal Maritime Board Docket No. 767, Agreements and Practices Pertaining to Brokerage—Pacific Coast European Conference (Agreement No. 5200), decided November 30, 1955, the Federal Maritime Board advised that it would initiate a rule making proceeding for purposes of defining agreements requiring Board approval under section 15 of the Shipping Act, 1916. The Board stated:

• • • that a more definitive guide for distinguishing agreements which require specific approval from those which constitute routine, pre-authorized agreements is highly desirable. We will, therefore, initiate a rule-making proceeding, for the guidance of conferences, for the purpose of defining both specifically and generally those agreements between carriers which must receive our approval under section 15 of the act before effectuation.

In keeping with the above pronouncement, the following proposed rule making proceeding is instituted.

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that pursuant to section 204 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1114), and section 15 of the Shipping Act, 1916, as amended (46 U. S. C. 814), the rules and regulations set forth in tentative form below are proposed to be prescribed by the Federal Maritime Board. Prior to the adoption of such rules and regulations, consideration will be given to any written data, views, or arguments pertaining thereto which are submitted in writing, fifteen (15) copies, to the Secretary, Federal Maritime Board, Washington 25, D. C., within sixty (60) days after the publication of this notice in the FEDERAL REGISTER.

The proposed rules and regulations, which are intended to be prospective in nature, and will apply only to agreements entered into subsequent to their effective date, are as follows:

RULE 1. (a) Every common carrier by water or other person subject to the Shipping Act, 1916, immediately upon entering into the same shall file with the Board a true copy, or, if oral, a true and complete memorandum of every agreement with another such carrier or other person subject to the Shipping Act, 1916, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement. Every agreement so filed shall be submitted in duplicate and accompanied by a letter signed by or on behalf of all parties to the agreement or their duly authorized representatives and requesting approval of the agreement under section 15. All agreements, modifications, or cancellations made shall be lawful only when and as long as approved by the Board, and before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation.

(b) The term "agreement" as used in these rules includes understandings, conferences, and other arrangements, and any modification or cancellation thereof. The term "agreement" does not include actions of a "routine" nature which carry out the ordinary, day by day activities under the plan or program which is provided for by the express language or reasonable intendment of such language of a previously approved section 15 agreement; such as (but not limited to), tariffs of rates, fares, charges, rules and regulations, corrections and supplements thereto and reissues thereof adopted by the parties under approved section 15 agreements. Notwithstanding the foregoing, an action is not "routine" and is, therefore, an "agreement" as used in these rules, which introduces a new or modified plan, program, method, concept, practice or condition, or which imposes a penalty upon or denies a benefit to persons not parties to said agreements.

RULE 2. (a) The parties to each agreement approved under section 15 shall file with the Board, by way of minutes of meetings or other reports, information of all actions taken under the agreement. Every action taken which constitutes a new agreement, in addition to being included in the information thus furnished the Board, shall be filed separately for prior approval pursuant to Rule 1 hereof. Such actions which the parties consider to be routine actions under the agreement shall be so declared by them in the information furnished the Board.

(b) Such minutes or other reports (except tariffs of rates, fares, charges, rules, and regulations, and supplements thereto and reissues thereof) shall be filed with the Board within ten (10) days following the taking of the action, except in instances where the action is taken outside Continental United States, in which case such minutes or other reports shall be filed with the Board within twenty (20) days following the taking of action. Date of receipt by the Federal Maritime Board, Washington 25, D. C., shall be considered the date of filing.

(c) If, upon such filing, the Board determines that any such action declared by the parties as routine is not routine under the applicable approved agreement, but is in fact a separate or new "agreement" within the meaning of these rules, it will promptly notify the parties that no action should be taken under such unapproved agreement pending its filing by the parties pursuant to Rule 1 hereof and approval by the Board under section 15 of the Shipping Act, 1916.

(d) Tariffs of rates, fares, charges, rules, and regulations, and supplements thereto and reissues thereof adopted by the parties under approved section 15 agreements shall be filed with the Board promptly upon issuance unless time for filing is otherwise specified by an applicable statute, rule or order of the Board.

(e) All copies or memoranda of agreements, modifications, or cancellations thereof submitted for the Board's approval under section 15, Shipping Act, 1916, shall clearly show (preferably in the opening paragraph) their nature, the parties, ports and subject matter in detail, and reference to any previously filed agreements to which they may relate.

RULE 3. Every agreement filed pursuant to Rule 1 which the Board finds on its face to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be in violation of the Shipping Act, 1916, as amended, may be disapproved; parties aggrieved by such disapproval may file written protests with reasons therefor and request a hearing.

RULE 4. Notice of every agreement filed pursuant to Rule 1 which is not disapproved by the Board as provided in Rule 3 will be promptly published in the FEDERAL REGISTER, unless the Board dispenses with the publication of notice and the receipt of public comment in circumstances it deems to warrant such omission pursuant to section 4 of the Administrative Procedure Act or other applicable laws. The publication in the FEDERAL REGISTER shall provide that interested parties may submit to the Federal Maritime Board, within twenty (20) days after publication, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with a request for hearing, should a hearing be desired.

RULE 5. On receipt of a protest or statement as provided in either Rule 3 or 4, the Board will determine whether any further proceeding is necessary, and if so whether to grant a full public hearing or other method of hearing, such as briefs and/or oral argument. Notice of the hearing will be published in the FEDERAL REGISTER. After all proceedings are submitted, the Board will decide whether the agreement is to be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916, and will enter an appropriate order.

RULE 6. Immediately upon the existence of a state of war between the United States and any country, the parties to each of said agreements in effect, any provisions thereof to the contrary notwithstanding, shall eliminate forthwith from membership and/or participation in every such agreement all nationals, and/or their agents or representatives, of said country.

Dated: September 12, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-8417; Filed, Oct. 11, 1957; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 55]

GRADING AND INSPECTION OF EGG PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55) issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment would provide that only Federal or State employees may be licensed as graders, inspectors and samplers.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than fifteen (15) days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

Change paragraph (a) of § 55.10 *Licensed graders, inspectors, and samplers* to read as follows:

(a) Any person who is a Federal or State employee, possessing proper quallfications as determined by an examination for competency and who is to perform services pursuant to this part may be licensed by the Secretary as a grader, inspector, or sampler.

Issued at Washington, D. C., this 9th day of October 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 57-8433; Filed, Oct. 11, 1957; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 16, 19, 21]

[Docket No. 11959 etc.]

RADIO SERVICES

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Part 2 of the Commission's rules and regulations; reallocation of certain fixed, land mobile and maritime mobile bands between 25 and 470 Mc, Docket No. 11959; amendment of Part 16, rules governing the Land Transportation Radio Services, to implement "channel splitting" in the frequency range 152–162 Mc, and to suballocate the new frequencies thus made available, Docket No. 11992; amendment of Part 16, rules governing the Land Transportation Radio Services, to make additional frequencies in the bands 27.23–27.28 Mc and 450–460 Mc available for assignment, Docket No. 11993; com-

plete revision of Part 19, rules governing the Citizens Radio Service, and reallocation of frequencies in the range of 26.96–27.23 Mc from the Amateur Radio Service (Part 12) to the Citizens Radio Service, Docket No. 11994; amendment of Subparts G and H of Part 21 of the Commission's rules—Domestic Public Radio Services (Other than Maritime Mobile), Docket No. 11995.

The Commission has before it for consideration the petition of the Vocaline Company of America, Inc. seeking to extend the time in which to file reply comments in Dockets Nos. 11959, 11994 and 11995 until October 21, 1957.

Pursuant to prior Commission Orders, date August 28 and 30, 1957, an extension of time was granted to file original comments in Docket Nos. 11991 and 11990 by October 3, 1957, and to file reply comments by October 21, 1957. No extension of time was requested for Docket Nos. 11992 and 11993.

On the basis of the considerations set forth in the Vocaline Company's petition, which considerations are equally applicable to Docket Nos. 11992 and 11993, the Commission finds that the public interest would best be served by a granting of the requested extension of time.

In view of the foregoing and pursuant to sections 0.258 (c), 0.291 (b) (4) and 0.322 (b) of the Commission's rules, *It is ordered*, That the time for filing reply comments in Docket Nos. 11959, 11992, 11993, 11994, and 11995 be extended to October 21, 1957.

Date adopted: October 2, 1957.

Date released: October 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8426; Filed, Oct. 11, 1957; 8:56 a. m.]

[47 CFR Part 3]

[Docket No. 11957]

TELEVISION BROADCAST STATIONS (PROVIDENCE, R. I.; NEW HAVEN, CONN.; PORTLAND AND ORONO, MAINE)

ORDER EXTENDING TIME FOR FILING COMMENTS AND RESPONSES TO SHOW CAUSE ORDERS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Providence, Rhode Island; New Haven, Connecticut; Portland, Maine and Orono, Maine).

The Commission has before it for consideration the petition of Cherry & Webb Broadcasting Company, licensee of television Station WPRO–TV, Providence, Rhode Island, requesting the Commission to extend the time for responding to the Show Cause Orders issued in this proceeding from October 10 to November 1, 1957.

Cherry & Webb operates television Station WPRO–TV on Channel 12 in Providence and notes that the Commission in the above-entitled proceeding is proposing, inter alia, to delete this frequency from Providence and has directed Cherry & Webb to show cause why its license for Station WPRO–TV should not be modified to specify operation on either Channel 8 or Channel 13.

Cherry & Webb submits that immediately upon the issuance of the Commission's Notice in this proceeding, it commenced detailed investigations to determine whether it could agree to the Commission's proposal, which involves a new site; that it has not been possible to complete its investigation within the time afforded; and that it will require an additional 20 days to prepare its response to the Show Cause Order. Cherry & Webb submits, further, that it has contacted the Regional Airspace Subcommittee to determine whether a transmitter site that would meet the Commission's mileage separation requirements could be obtained and the requisite air space granted; that it has not yet received word from the Subcommittee; and that Cherry & Webb should not be required to respond to the Commission's proposal until it can be assured that a transmitter site would be available. Accordingly, Cherry & Webb requests that the time for filing responses to the Orders to Show Cause in this proceeding be extended from October 10 to November 1, 1957. Cherry & Webb states that counsel for Channel 16 of Rhode Island, Inc., permittee of Station WNET in Providence; Triangle Publications, Inc., licensee of Station WNHC–TV, New Haven, Connecticut; and Guy Gannett Broadcasting Services, licensee of Station WGAN–TV, Portland, Maine, have indicated that they would have no objection to the requested extension.

The Commission believes that Cherry & Webb has established good cause for extending the time for responding to Show Cause Orders in this proceeding and that such extension would serve the public interest, convenience and necessity. The Commission believes, further, that the time for filing comments in this proceeding with respect to the Commission's proposed rule making should be similarly extended.

In view of the foregoing: *It is ordered*, That the time for filing comments and responses to the Orders to Show Cause in the above-entitled proceeding is extended from October 10, 1957 to November 1, 1957, and the time for filing reply comments is extended from October 20, 1957 to November 12, 1957.

Adopted: October 7, 1957.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8427; Filed, Oct. 11, 1957; 8:56 a. m.]

[47 CFR Part 3]

[Docket No. 12076]

TELEVISION BROADCAST STATIONS (ERIE, PA.; AKRON-CLEVELAND, OHIO; CLARKSBURG AND WESTON, W. VA.; FLINT-SAGINAW-BAY CITY, MICH.)

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations. (Erie, Pa.; Akron-Cleveland, Ohio; Clarksburg and Weston, W. Va.; Flint-Saginaw-Bay City, Michigan).

The Commission has before it for consideration the petition of Dispatch, Inc., licensee of television Station WICU on Channel 12 in Erie, Pennsylvania, requesting that the time for filing reply comments in the above-entitled proceeding be extended from October 15, 1957 to November 5, 1957.

The Commission in this proceeding is proposing, inter alia, to delete Channel 12 from Erie, Pennsylvania, the frequency on which petitioner is licensed to operate television Station WICU. Dispatch submits that some 17 parties have filed voluminous comments in this proceeding including extensive engineering, legal and economic treatment of the issues and that the preparation of adequate reply comments entails exhaustive analysis on the part of its engineering consultant, legal counsel and management. Dispatch notes, in this connection, that it has recently changed its legal representation in the proceeding and that, in view of the complicated nature of this matter, it is imperative that its new counsel have sufficient time to familiarize themselves with the background and issues involved and with the comments submitted heretofore. Dispatch alleges, also, that its engineering consultant, in light of other commitments, has been unable to complete the engineering phase of its reply comments. Dispatch estimates that an extension of time until November 5 will be required in order to enable it to prepare its reply comments in view of the above factors. Dispatch states that counsel for Summit Radio Corporation (WAKR–TV, Akron, Ohio) and Great Lakes Television Company (WSEE, Erie, Pennsylvania) have advised they will impose no objection to its request.

The Commission believes that Dispatch has established good cause for extending the time for filing reply comments in this proceeding and that such extension will serve the public interest, convenience and necessity.

In view of the foregoing: *It is ordered*, That the time for filing reply comments in the above-entitled proceeding is extended from October 15, 1957, to November 5, 1957.

Adopted: October 7, 1957.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8428; Filed, Oct. 11, 1957; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 211]

[MC–C–2077]

SCOPE OF OPERATING AUTHORITY; ROUTES

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commision, Division 1, held at its office in Washington, D. C., on the 17th day of September A. D. 1957.

In the matter of Administrative Ruling No. 102:

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Carolina Scenic Stages, dated December 28, 1956, for reconsideration and reversal of Administrative Ruling No. 102;

(2) Reply of Atlantic Greyhound Corporation, dated January 17, 1957;

(3) Amended petition of petitioner above, dated February 4, 1957;

(4) Second amended petition of petitioner above, dated February 6, 1957;

(5) Motion of replicant in (2) above, dated March 7, 1957, to strike the second amended petition;

(6) Reply of petitioner above, dated March 14, 1957, to motion in (5) above;

and good cause appearing therefor:

It is ordered, That said motion to strike be, and it is hereby, overruled, for the reason that the filing of the said second amended petition is warranted in the circumstances.

It is further ordered, That said petition and amendments thereto be, and they are hereby, denied insofar as they seek a determination of the right of replicant to serve Fort Jackson, S. C., by virtue of Informal Ruling No. 102, for the reason that such matter will be determined in proceedings Nos. MC–C–2083 and MC–1504 (Sub-No. 136).

It is further ordered, That pursuant to section 4 (a) of the Administrative Procedure Act and sections 204 (a) (1) and (6) and 208 of the Interstate Commerce Act, a rule making proceeding be, and it is hereby, instituted to determine whether, and under what circumstances and conditions, if any, a regular-route motor carrier of passengers, in interstate or foreign commerce, may lawfully provide service to or from points, which are within one airline mile of the highway or highways composing the regular route or routes over which it is expressly authorized to operate.

It is further ordered, That interested persons may file, on or before November 4, 1957 with the Commission, written statements containing data, views, and arguments concerning the matter which is the subject of this order, in accordance with the Commission's general rules of practice.

And it is further ordered, That notice of this proceeding shall be given by depositing a copy of this order in the Office of the Secretary of the Commission for public inspection, by filing a copy with the Director, Division of the Federal Register, and by serving copies on Carolina Scenic Stages and Atlantic Greyhound Corporation.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–8406; Filed, Oct. 11, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPUTY SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY

In accordance with the provisions of subsection 202 (f) and subsection 203 (a) of the National Security Act, as amended (61 Stat. 495; 5 U. S. C. 171a and 171c), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 639), I hereby delegate to Deputy Secretary of Defense Donald A. Quarles full power and authority to act for and in the name of the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

The authority delegated herein may not be redelegated.

Delegation of authority published at 22 F. R. 3396 is hereby superseded and cancelled.

NEIL MCELROY,
Secretary of Defense.

[F. R. Doc. 57–8430; Filed, Oct. 11, 1957; 8:57 a. m.]

CONTINUATION OF OFFICIAL ACTIONS

All memoranda, directives, delegations of authority, appointments of individuals to stated positions, and all other official actions heretofore taken by or executed in the name of the Secretary of Defense shall continue to have full force and effect, subject to such modifications, revocations, or other alterations as may hereafter be made by appropriate authority.

NEIL MCELROY,
Secretary of Defense.

[F. R. Doc. 57–8431; Filed, Oct. 11, 1957; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Railroad has filed an application, Serial No. Anchorage 033201, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for future industrial expansion area.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 12 N., R. 4 W., S. M.,
Section 1: SW¼NW¼; NW¼SW¼; and S½SW¼; and NE¼SW¼;
Section 2: S½ of Lot 34.

Containing 202.5 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 57–8432; Filed, Oct. 11, 1957; 8:57 a. m.]

Bureau of Reclamation

[Public Notice 48, Amdt. 1]

MINIDOKA IRRIGATION PROJECT, IDAHO; NORTH SIDE PUMPING DIVISION

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

OCTOBER 3, 1957.

Public notice of the availability of public lands to entry in the North Side Pumping Division, Minidoka Project, Idaho, dated March 15, 1957, and published in the FEDERAL REGISTER at 22 F. R. 2252, is amended as follows:

In section 1 by deleting from the list of farm units offered, the farm units listed below:

BOISE MERIDIAN, IDAHO

Irrigation Block No. 6		Description	Total irrigable acres
Section	Farm unit		
2	A	Township 9 South, Range 21 East: Tract A	149.9
	C	Tract C	113.3

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 57–8395; Filed, Oct. 11, 1957; 8:46 a. m.]

[No. 60]

KLAMATH IRRIGATION PROJECT, OREGON-CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES

SEPTEMBER 30, 1957.

1. For irrigation or waste water furnished lands from Klamath or Lost

Rivers, Upper or Lower Klamath Lakes, and the P or P–1 Canals, the charge shall be $0.75 per acre-foot from the date of this notice, until further notice.

2. Place of payment: Payment for an estimated requirement shall be made to the Bureau of Reclamation at its Klamath Falls, Oregon, office before the delivery of water is commenced.

B. P. BELLPORT,
Regional Director.

[F. R. Doc. 57-8396; Filed, Oct. 11, 1957; 8:46 a. m.]

Fish and Wildlife Service

[Commissioner's Order 3]

DIRECTOR, BUREAU OF COMMERCIAL FISHERIES

DELEGATION OF AUTHORITY

OCTOBER 8, 1957.

SECTION 1. *Delegation.* Except as provided in section 2 of this order, the Director, Bureau of Commercial Fisheries, is authorized to exercise the authority of the Commissioner of Fish and Wildlife with respect to any matter relating to commercial fisheries, whales, seals, sea-lions, and other activities of the Bureau, including authority with respect to any administrative matter.

SEC. 2. *Limitations.* This authority granted in section 1 of this order does not include:

(a) Authority which the Commissioner of Fish and Wildlife may not redelegate;

(b) Authority to execute project agreements with respect to participation by the Bureau of Commercial Fisheries in programs of the Foreign Operations Administration; or

(c) Authority to lease bottoms in Alaskan Territorial waters for oyster cultivation for commercial purposes under 48 U. S. C. 223b.

SEC. 3. *Redelegation.* The Director, Bureau of Commercial Fisheries may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order: *Provided,* That authority to approve fisheries loan authorizations may not be redelegated: *Provided further,* That authority may not be redelegated to any officer or employee of a field organization to

(a) Perform or exercise any defense function or power relating to fishery commodities or products delegated to the Commissioner of Fish and Wildlife by the Secretary of the Interior pursuant to the Defense Production Act of 1950, as amended (50 U. S. C. App., sec. 2153);

(b) Authorize or approve allowances for officers and employees permanently stationed in foreign countries; or

(c) Transfer, donate, or dispose of excess or surplus real property and related personal property, other than buildings or other improvements (except industrial improvements) having a total estimated fair market value of $1,000 or less which are to be disposed of for off-site use.

ARNIE J. SUOMELA,
Commissioner of Fish and Wildlife.

[F. R. Doc. 57-8393; Filed, Oct. 11, 1957; 8:45 a. m.]

[Commissioner's Order 4]

DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY

OCTOBER 8, 1957.

SECTION 1. *Delegation.* Except as provided in section 2 of this order, the Director, Bureau of Sport Fisheries and Wildlife, is authorized to exercise the authority of the Commissioner of Fish and Wildlife with respect to any matter relating to migratory birds, game management, wildlife refuges, sport fisheries, sea mammals (except whales, seals, and sea-lions) and other activities of the Bureau, including authority with respect to any administrative matter.

SEC. 2. *Limitations.* The authority granted in section 1 of this order does not include

(a) Authority which the Commissioner of Fish and Wildlife may not redelegate;

(b) Authority to execute project agreements with respect to participation by the Bureau of Sport Fisheries and Wildlife in programs of the Foreign Operations Administration; or

(c) Authority to issue orders or regulations which

(1) Extend or reopen, pursuant to Part 6, Title 50, Code of Federal Regulations, the hunting seasons on migratory game birds to compensate for emergency closures to prevent forest fires; or

(2) Prescribe a temporary closure of the open seasons on any species of big game animals, pursuant to Part 46, Code of Federal Regulations, in any area in Alaska where necessary.

SEC. 3. *Redelegation.* The Director, Bureau of Sport Fisheries and Wildlife may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order, except that authority may not be redelegated to any officer or employee of a field organization to

(a) Authorize or approve allowances for officers and employees permanently stationed in foreign countries; or

(b) Transfer, donate, or dispose of excess or surplus real property and related personal property, other than buildings or other improvements (except industrial improvements) having a total estimated fair market value of $1,000 or less which are to be disposed of for off-site use.

ARNIE J. SUOMELA,
Commissioner of Fish and Wildlife.

[F. R. Doc. 57-8392; Filed, Oct. 11, 1957; 8:45 a. m.]

Office of the Secretary

[Order 2825]

COMMISSIONER OF FISH AND WILDLIFE

DELEGATION OF AUTHORITY FOR NEGOTIATED PURCHASES AND CONTRACTS

OCTOBER 7, 1957.

SECTION 1. *Delegation.* The Commissioner of Fish and Wildlife is authorized, subject to the provisions of section 2 of this order, to exercise the following authority under the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), delegated by the Administrator of General Services to the Secretary of the Interior:

(a) Except as provided in section 2 of this order, the authority contained in the delegation dated January 15, 1951 (16 F. R. 515), to negotiate, without advertising, purchases and contracts of the following supplies and services, when it is determined that the facts are such as to bring the purchase or contract in question within the following provisions of the act.

(1) Subsection 302 (c) (4), to procure personal and professional services of naval architects and marine engineers.

(2) Subsection 302 (c) (5), to procure services to be rendered by any university, college, or other educational institution.

(3) Subsection 302 (c) (7), to procure medicines and medical supplies required to be furnished to the inhabitants of the Pribilof Islands.

(4) Subsection 302 (c) (9), to procure perishable and semiperishable foods.

(5) Subsection 302 (c) (10), to procure experimental, developmental, or research work or the manufacture or furnishing of supplies for experimentation, development, research, or test in connection with research and development programs.

(b) Except as provided in section 2 of this order, the authority contained in the delegation dated April 21, 1955 (20 F. R. 2837), to negotiate, without advertising, under subsection 302 (c) (12) contracts for the purchase of outboard motors for use in Alaska.

SEC. 2. *Limitations; exercise of authority.* (a) The authority granted by section 1 of this order does not include authority to make the written determination required by subsection 302 (c) (12) of the act irrespective of the amount of expenditure involved; and authority to make the written determination required by subsection 302 (c) (10) of the act when a contract pursuant to that subsection will require the expenditure of more than $25,000. Until any such determination has been made by the Secretary, neither the Commissioner nor any other officer or employee of the United States Fish and Wildlife Service shall enter into such a contract pursuant to subsections 302 (c) (10) or 302 (c) (12) of the act.

(b) The authority granted by section 1 of this order shall be exercised in accordance with applicable limitations and requirements in the act and in accordance with the policies, procedures and controls prescribed by the General Services Administration.

SEC. 3. *Redelegation.* The Commissioner of Fish and Wildlife may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order, except that authority to make the determinations with respect to negotiated contracts which involve the expenditure of $25,000 or less under subsection 302 (c) (10) of the act may be redelegated in accordance with subsection 307 (b) only to a chief officer responsible for procurement. Each such redelegation shall be published in the FEDERAL REGISTER.

SEC. 4. *Revocation.* Orders Nos. 2620 and 2789 (20 F. R. 3853) are revoked.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-8394; Filed, Oct. 11, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBERS OF PACIFIC COAST OCEAN FREIGHT FORWARDERS CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8330–1 between the members of the Pacific Coast Ocean Freight Forwarders Conference modifies Art. 8 of the basic agreement of the Conference to provide that the Conference be divided into three regional divisions instead of four as at present. The members of the Puget Sound Division and the Columbia River Division desire to function as a single division to be known as the Pacific Northwest Division.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: October 9, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8415; Filed, Oct. 11, 1957; 8:52 a. m.]

J. WALTER JONES FORWARDING AGENCY ET AL.

NOTICE TO SHOW CAUSE WHY CERTAIN FREIGHT FORWARDER REGISTRATIONS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 30th day of September 1957, the Board entered the following order:

Whereas, the following registrants were assigned freight forwarder registration numbers pursuant to General Order 72 (46 CFR Part 244):

Name	Reg. No.	Date issued
J. Walter Jones Forwarding Agency (New York) (James Walter Jones, dba).	1750	June 22, 1954
Meridian Trading Co. (Miami) (A. M. Adams, Jr., dba).	1802	Nov. 15, 1954
Pacific World Shipping Company (Portland, Oregon) (R. B. Gilliam, dba).	678	Jan. 2, 1953
W. H. Richardson Company (Port Arthur).	692	July 20, 1950
Servi-Cargo Agency (Miami) (Gustavo J. Arriola, dba).	1979	Feb. 8, 1956
Herminio Silva (New York)	1836	Feb. 23, 1955
Laurence Stein (New York)	1984	Feb. 29, 1956
James P. Gallagher Co. (New York) (James P. Gallagher, dba).	1099	Aug. 28, 1951
Frank J. Oliva (New York)	1807	Dec. 7, 1954
Overseas Marine Service Company (New York) (Primitivo Augullera, dba).	1973	Jan. 16, 1956
Reymund Forwarding Co. (New York) (Jacqueline D. Rolat, dba).	1840	Mar. 14, 1955

Whereas, the Board has by registered letters requested these registrants to furnish certain information in connection with their forwarding operations, pursuant to § 244.3 of General Order 72; and

Whereas, registered letters sent to the last four registrants have been returned by the post office as undeliverable, and the Board is unable to exercise regulatory authority over them because their present whereabouts is unknown; and

Whereas, the other registrants named above have failed to respond to registered letters in violation of General Order 72; now, therefore,

It is ordered, That the above named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, with thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be cancelled for the reasons above stated, and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify the registrant by letter to be sent by registered mail to the last known address of the registrant; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: October 9, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8416; Filed, Oct. 11, 1957; 8:52 a. m.]

[Docket No. 816]

INVESTIGATION OF GENERAL PRACTICES, CHARGES, SERVICES, DEFINITIONS AND AGREEMENTS OF TERMINAL OPERATORS AT ATLANTIC AND GULF PORTS

EXTENSION OF TIME FOR FILING RESPONSES

Notice is hereby given that the Federal Maritime Board issued the following order on October 8, 1957:

Whereas, by its section 21 order of September 16, 1957, the Board required all respondents in Docket No. 816, investigation and hearing of general practices, charges, services, definitions and agreements of terminal operators at Atlantic and Gulf ports, to file full and complete responses thereto within 30 days after service; and

Whereas, petitions, concurrences and a request have been filed asking that the time of filing response to said section 21 order be extended; and

Whereas, consideration has been given to such petitions, concurrences and request, and good cause appearing, now therefore

It is ordered, That the date for filing responses to said section 21 order be and it hereby is extended to December 2, 1957; and

It is further ordered, That a copy of this order be served upon respondents in Docket No. 816, and published in the FEDERAL REGISTER.

By the Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8418; Filed, Oct. 11, 1957; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGAR BEETS IN CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

NOTICE OF HEARING ON WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held as follows:

At Berkeley, California, in the basement meeting room in the Farm Credit Building, Milvia at Center, on November 1, 1957, at 10:00 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in California, southwestern Arizona, western Nevada, and southern Oregon, during the crop year 1958 on farms with respect to which applications for payments under the said act are made, and (2) pursuant to the

provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1958 crop of sugar beets in California, southwestern Arizona, western Nevada, and southern Oregon, to be paid under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the said act.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matters.

Thomas H. Allen and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 8th day of October 1957.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division.

[F. R. Doc. 57-8410; Filed, Oct. 11, 1957; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF UTILIZATION FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to License DPR-1 authorizing General Electric Company to modify its procedures in connection with the operation of its developmental boiling water reactor located at the Company's Vallecitos Atomic Laboratory near Pleasanton, California. The Commission has found that prior public notice of proposed issuance of this amendment is not required in the public interest because the modified procedures authorized in the amendment do not present substantial questions affecting health and safety which were not resolved in connection with the licensee's application for the original license. Further details may be obtained by examination of Docket 50-18 on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 4th day of October 1957.

For the Atomic Energy Commision.

H. L. PRICE,
Director,
Division of Civilian Application.

[License No. DPR-1, Amdt. 1]

Paragraph 4a (1) of License No. DPR-1 issued to General Electric Company on August 31, 1957, reading as follows:

GE shall operate the facility in accordance with the procedures and limitations described in the application.

is hereby amended to read as follows:

GE shall operate the facility in accordance with the procedures and limitations described in the application; provided, that GE may adopt the procedures described in its telegram to the Commission dated September 24, 1957; and, provided further, if such procedures are adopted, that the decrease of the reactivity of the reactor, due to the burnout of U-235 and the buildup of fission products, does not exceed three percent.

The Atomic Energy Commission has found that operation of the facility under the amended procedures and conditions set out above will not be inimical to the common defense and security or to the health and safety of the public.

Date of issuance: October 4, 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8421; Filed, Oct. 11, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12164; FCC 57M-963]

WALTER T. GAINES (WGAV)

ORDER GOVERNING HEARING

In re application of Walter T. Gaines (WGAV), Amsterdam, New York, Docket No. 12164, File No. BP-10986; for construction permit.

Appearances. Frank U. Fletcher, on behalf of Walter T. Gaines (WGAV); John B. Kenkel, on behalf of Community Service Broadcasting Corp. (WCSS), protestant; and Thomas B. Fitzpatrick, on behalf of the Broadcast Bureau.

Pursuant to the provisions of § 1.813 and in accordance with notice given a pre-hearing conference in the above-entitled proceeding was held on October 4, 1957. Agreements among the parties, as set forth in the transcript of the prehearing conference, are formally approved by the Hearing Examiner; and the course of the hearing shall be governed by the procedure agreed upon.

Accordingly, it is ordered, This 4th day of October 1957 that counsel for the protestant shall make available to counsel for the applicant certain data, as set forth in the transcript, on or before October 22, 1957; that the exhibits to be offered in evidence in support of the affirmative case of the applicant and the exhibits of the protestant then contemplated shall be exchanged by the parties and furnished to counsel for the Broadcast Bureau on or before October 30, 1957; and that the evidentiary hearing be and it is continued from October 22, 1957 to November 8, 1957, at 10 o'clock a. m., in Washington, D. C.

Released: October 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8429; Filed, Oct. 11, 1957; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9036]

CERTIFICATED AIR CARRIER MILITARY TENDER INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 31, 1957, at 10:00 a. m., e. s. t., in room 1417, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., October 8, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8434; Filed, Oct. 11, 1957; 8:57 a. m.]

[Docket No. 8761]

NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on November 18, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., October 8, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8435; Filed, Oct. 11, 1957; 8:58 a. m.]

[Docket No. 8977]

ALASKA AIRLINES; PERMANENT CERTIFICATE CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 17, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., October 9, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8436; Filed, Oct. 11, 1957; 8:58 a. m.]

[Docket No. 8984]

PACIFIC NORTHERN AIRLINES; PERMANENT CERTIFICATE CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as

amended, that a hearing in the above-entitled proceeding is assigned to be held on October 17, 1957, at 11:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., October 9, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8437; Filed Oct. 11, 1957; 8:58 a. m.]

[Docket No. 8813]

ABC AIR FREIGHT CO., INC.; ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled matter now assigned to be held on October 10, 1957, is further postponed to October 31, 1957, at 10 a. m., e. s. t., Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., October 8, 1957.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F. R. Doc. 57-8438; Filed, Oct. 11, 1957; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12936]

CONSOLIDATED GAS UTILITIES CORP. AND OKLAHOMA NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 8, 1957.

Take notice that Consolidated Gas Utilities Corporation (Consolidated) and Oklahoma Natural Gas Company (Oklahoma), hereinafter referred to collectively as "Applicants", Delaware Corporations having their principal places of business at Oklahoma City and Tulsa, Oklahoma, respectively, filed a joint application on July 22, 1957, pursuant to section 7 of the Natural Gas Act, for authorization to exchange natural gas, as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

Applicants propose to exchange equivalent volumes of gas on an interruptible basis, through existing interconnections between the two companies, for a period terminating not later than October 1, 1958. Consolidated would deliver volumes of gas to Oklahoma Natural near Sayre, in Beckham County, Oklahoma, and Oklahoma Natural would simultaneously redeliver equivalent volumes to Consolidated at a point of intersection of their lines south of Enid, in Garfield County, Oklahoma. It is estimated that from 10,000 to 15,000 Mcf per day will be exchanged, and the total volume of exchange is estimated to be approximately 2 million Mcf.

The joint application states that Oklahoma Natural has recently opened the Sayre Storage Field on its isolated Clinton System. It does not have sufficient gas reserves connected to this system to supply its market requirements as well as fill the Sayre Storage Field to capacity. Only about 11 billion cubic feet of gas have been stored in this field, which has a capacity of approximately 80 billion cubic feet. However, on its system near Enid, which is not connected to the Clinton System, Oklahoma Natural has temporarily available an excess supply of residue gas from the Ringwood Gasoline Plant, to the point of having to curtail its dry gas takes and face underproduction problems in regard to its dry gas wells. Eighty-five percent of Oklahoma Natural's gas supply is residue gas which must be taken on a day-to-day basis or vented and wasted. During winter months this gas can be sold, but with the much lower summer consumption, the residue gas is used to fill storage fields to capacity.

Applicants propose, therefore, that Consolidated, which has supplies of available gas in the Clinton area, deliver gas to Oklahoma Natural from its main interstate system near Sayre, Oklahoma, thus permitting the latter to build up its storage volumes in the Sayre Storage Field for use during periods of peak demand. From its supply of excess residue gas on its general distribution system, Oklahoma Natural will return equal volumes of gas to Consolidated near Enid, approximately 120 miles north and east of the point of delivery to Oklahoma Natural. Thus, an excess of gas on one part of Oklahoma Natural's system will, in effect, be used to meet storage and market requirements on another.

In addition, the application states this will result in reducing Consolidated's compression requirements and transportation costs, since the redelivery will be at a higher pressure than Consolidated's line pressure at the point of return (over 500 psig compared to a maximum of 275 psig), and the redelivery will be made 120 miles closer to its principal markets.

No additional facilities will be required since the proposed exchange and deliveries will be made through existing interconnections between the two companies.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 7, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8397; Filed, Oct. 11, 1957; 8:47 a. m.]

[Docket No. G-13376]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 8, 1957.

Cities Service Oil Company (Cities Service) on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Letter of Agreement,[1] dated July 24, 1957. (2) Notice of Change, dated September 13, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 7 to Cities Service's FPC Gas Rate Schedule No. 2. (2) Supplement No. 8 to Cities Service's FPC Gas Rate Schedule No. 2.

Effective Date:[2] November 1, 1957.

In support of the proposed rate increase, Cities Service states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area going rate, is economically desirable and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4

[1] Bilateral agreement to favored-nations increase.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective day proposed by Cities Service, if later.

and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8398; Filed, Oct. 11, 1957; 8:47 a. m.]

[Docket No. G-13377]

ARKANSAS FUEL OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 8, 1957.

Arkansas Fuel Oil Corporation (Arkansas) on September 20, 1957, tendered for filing proposed changes in its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated September 17, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 4 to its FPC Gas Rate Schedule No. 52. Supplement No. 4 to its FPC Gas Rate Schedule No. 54. Supplement No. 4 to its FPC Gas Rate Schedule No. 55. Supplement No. 4 to its FPC Gas Rate Schedule No. 56.
Effective date: [1] November 1, 1957.

In support of the proposed rate increase, Arkansas states that the contracts were negotiated at arm's length, the proposed rates are not unreasonable and less than the area going rate, are economically desirable, and will not result in an excess return.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.[2]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8399; Filed, Oct. 11, 1957; 8:47 a. m.]

[Docket No. G-13378]

TIDEWATER OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 8, 1957.

Tidewater Oil Company (Operator) et al. (Tidewater) on September 9, 1957, tendered for filing a proposed change in its presently effective rate schedule [3] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 6, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 3 to Tidewater's FPC Gas Rate Schedule No. 25.
Effective date: [4] November 1, 1957.

In support of the proposed periodic rate increase, Tidewater states the increase is an integral part of the whole contract consideration; that the rate is just and reasonable, and that natural gas is being sold in the area by other producers at rates equal to or greater than the proposed rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Tidewater's FPC Gas Rate Schedule No. 25 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Tidewater's FPC Gas Rate Schedule No. 25.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8400; Filed, Oct. 11, 1957; 8:48 a. m.]

[Docket No. G-8921 etc.]

ARKANSAS FUEL OIL CORP. ET AL.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

OCTOBER 9, 1957.

In the matters of Arkansas Fuel Oil Corporation, Docket Nos. G-8921, G-9386, G-9571, G-9800, G-10036, G-11289, G-11290, and G-12997; Arkansas Fuel Oil Corporation (Operator), Docket Nos. G-11311 and G-11327; R. H. Goodrich, Docket Nos. G-8977, G-9575, G-12231; W. H. Cocke, Docket Nos. G-8978 and G-9570; C. N. Johnston et al., Docket Nos. G-9136 and G-9569; John W. Mecom (doing business as Mecom Petroleums), Docket No. G-10357.

On February 26, 1957, a Notice was issued which, among other things, consolidated proceedings and fixed date of hearing with respect to Arkansas Fuel Oil Corporation, Docket Nos. G-8921, G-9386, G-9571, G-9800, G-10036, G-11289, and G-11290, Arkansas Fuel Oil Corporation (Operator) Docket Nos. G-11311 and G-11327, R. H. Goodrich, Docket Nos. G-8977 and G-9575, W. H. Cocke, Docket Nos. G-8978 and G-9570, C. N. Johnston, et al., Docket Nos. G-9136 and G-9569, and with respect to John W. Mecom (doing business as Mecom Petroleums) Docket No. G-10357.

The proceedings in Docket No. G-12997 also relates to proposed changes in rates of Arkansas Fuel Oil Corporation which have heretofore been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

The proceeding in Docket No. G-12231 relates to proposed changes in rates of R. H. Goodrich which have heretofore been suspended by order of the Commission; with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that these related proceedings in Docket No. G-12997 and Docket No. G-12231 are hereby consolidated with the proceedings in Docket Nos. G-8921, et al., to the end that they may be disposed of as promptly as possible.

Take further notice that the hearing provided for in Docket Nos. G-8921, et al., by the Notice of February 26, 1957, was postponed by order of the Commission to June 10, 1957. The said hearing was convened on that date and recessed on June 12, 1957 to resume on October 14, 1957 at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., and will concern the matters involved and the issues presented in Docket Nos. G-12997 and G-12231 as well as in the above-mentioned other consolidated proceedings.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8442; Filed, Oct. 11, 1957; 8:59 a. m.]

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Arkansas, if later.

[2] Commissioner Digby dissenting. Commissioner Kline not participating.

[3] Present rate previously suspended and is in effect subject to refund in Docket No. G-11318.

[4] The stated effective date is the effective date proposed by Tidewater.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3620]

MONTAUP ELECTRIC CO. ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION

OCTOBER 7, 1957.

In the matter of Montaup Electric Company, Brockton Edison Company, Blackstone Valley Gas and Electric Company, Fall River Electric Light Company, Eastern Utilities Associates; File No. 70-3620.

Notice is hereby given that Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Blackstone Valley Gas and Electric Company, exempt holding companies and public utility subsidiaries of Eastern Utilities Associates ("EUA"), a registered holding company and Montaup Electric Company ("Montaup"), a public utility company owned by Brockton, Fall River and Blackstone, have filed a joint application-declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. The applicants-declarants have designated sections 6 (a), 7, 9 (a), 10, 12 (c), 12 (f) and 12 (g) of the act and Rules U-42 (b) (2), U-43, and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Montaup proposes to issue and sell 8,000 additional shares of common stock of the aggregate par value of $800,000 and $5,700,000 principal amount of 5 percent Debenture Bonds to be dated October 1, 1957 and to mature on October 1, 1987. The debenture bonds are to be sold pursuant to an agreement dated as of October 1, 1957 between Montaup and two of its three stockholders, Brockton and Fall River. The agreement provides for interest to be paid quarterly on the unpaid balance of the principal amount at the rate of 5 percent per annum, and also provides that the bonds may be redeemed as a whole at any time or pro rata in part from time to time, at the option of Montaup, at the principal amount thereof plus accrued interest. Brockton proposes to acquire all of the additional common stock and $4,200,000 principal amount of the debenture bonds and Fall River proposes to acquire $1,500,000 of the debenture bonds. Blackstone and Fall River will assign to Brockton the preemptive rights to subscribe for their proportionate share of the 8,000 additional shares of the common stock of Montaup.

Montaup proposes to use the proceeds from the sale of its common stock and debenture bonds to reduce or repay short-term bank indebtedness incurred in the initial steps of its construction program estimated to cost in excess of $19,000,000, principally to provide additional capacity in its steam electric generating plant.

The filing states that the acquisition of the common stock and debenture bonds by Brockton, the acquisition of the debenture bonds by Fall River, and the assignment to Brockton of their preemptive rights by Blackstone and Fall River will be pursuant to the provisions of Article VI of the agreement between Montaup and its three owner companies dated September 11, 1923, as amended.

It is represented that the proposed issue and sale of bonds and common stock by Montaup and the acquisition thereof by Brockton and Fall River is subject to the jurisdiction of the Department of Public Utilities of Massachusetts and that a copy of the order of that Commission approving these transactions will be filed by amendment.

Estimates of fees and expenses in connection with the above transactions will be filed by amendment.

Notice is further given that any interested person may, not later than October 21, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8401; Filed, Oct. 11, 1957; 8:48 a. m.]

[File No. 70-3622]

MERRIMACK-ESSEX ELECTRIC CO.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

OCTOBER 8, 1957.

Notice is hereby given that Merrimack-Essex Electric Company ("Merrimack"), an electric utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Merrimack proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $20,000,000 principal amount of First Mortgage Bonds, Series B, -- percent due 1987. The interest rate (a multiple of ⅛ of 1 percent and not in excess of 6 percent) and the price (exclusive of accrued interest) to be paid for the bonds (which shall be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the bidding. The bonds are to be issued under a First Mortgage Indenture and Deed of Trust of Merrimack to Boston Safe Deposit and Trust Company, Trustee, dated as of February 1, 1954 and a First Supplemental Indenture thereto, to be dated as of November 1, 1957.

The net proceeds from the sale of the bonds are to be applied (a) to the redemption of securities of two of the constituent companies of Merrimack heretofore assumed in a merger and (b) to the payment, in part, of short-term indebtedness amounting to $14,600,000 as of September 1, 1957, of which $8,075,000 is payable to banks and $6,525,000 is payable to NEES.

According to the application the Massachusetts Department of Public Utilities has jurisdiction over the pro-

UNIVERSITY OF MICHIGAN

posed issue and sale of bonds and a copy of that Commission's order to be entered in respect thereof is to be supplied by amendment.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $75,000, including services of New England Power Service Company, an affiliated service company, $15,000; Lybrand, Ross Bros. & Montgomery, accountants, $3,200; Jackson & Moreland, engineers, $6,700.

Choate, Hall & Stewart, have been designated as counsel for the underwriters, and the amount of their fees and expenses, which are to be paid by the purchasers of the bonds, are to be supplied by amendment.

Notice is further given that any interested person may, not later than October 22, 1957 request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as it may be amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8402; Filed, Oct. 11, 1957; 8:48 a. m.]

[File No. 7-1899]

NORBUTE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 8, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Norbute Corporation Common Stock; File No. 7-1899.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American Stock Exchange.

Upon receipt of a request, on or before October 21, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8403; Filed, Oct. 11, 1957; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-11]

MANAGER, DISASTER FIELD OFFICE, LAKE CHARLES, LA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Manager of the Disaster Field Office, Lake Charles, Louisiana, the following authority:

A. *General.* To carry out all of the functions listed for the Disaster Field Offices in section 202 of SBA-100, Administrative Manual.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for disaster loans of $20,000 or less approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.
By ——— ———,
Manager,
Lake Charles Disaster Field Office.

3. To execute modifications or amendments to loan authorizations for disaster loans approved under delegated authority by the Manager, Lake Charles Field Office, by issuance of Certificates of Modification.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

6. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Disaster Field Office.

II. The authority delegated in subsection I. C. may be redelegated limiting such redelegation to routine correspondence only. All other authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Disaster Field Office.

IV. All previous authority delegated to the Manager of the Lake Charles, Louisiana Disaster Field Office is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: October 1, 1957.

C. W. FERGUSON,
Regional Director,
Region X.

[F. R. Doc. 57-8404; Filed, Oct. 11, 1957; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 247, Revocation]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO APPOINT SPECIAL POLICEMEN FOR PROTECTION OF ELECTRO DEVELOPMENT LABORATORY, ALBANY, OREGON

OCTOBER 7, 1957.

1. Pursuant to the authority vested in the Administrator of General Services by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, the delegation of authority dated September 12, 1957, to the Secretary of the Interior to appoint special policemen for the protection of the Electro Development Laboratory, Albany, Oregon, is hereby revoked.

2. The revocation of this delegation of authority shall be effective as of the date hereof.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-8423; Filed, Oct. 11, 1957; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

PIERO CARONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Piero Caroni, 9 Via dei Ronchi, Lugano, Switzerland; Vesting Order No. 17903; $89.50 in the Treasury of the United States. Claim No. 63190.

Executed at Washington, D. C., on October 4, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-8424; Filed, Oct. 11, 1957; 8:55 a. m.]

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OCT 15 1957
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 200

Washington, Tuesday, October 15, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3206

IMMIGRATION QUOTA—FEDERATION OF MALAYA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the provisions of section 202 (a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201 (b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202 (a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS the Federation of Malaya was on August 31, 1957, granted independence by the Government of the United Kingdom within the British Commonwealth of Nations; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of the said Act, and have fixed, in accordance therewith, an immigration quota for the Federation of Malaya as hereinafter set forth:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota area	Quota
89	Federation of Malaya	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 2980 of June 30, 1952, entitled "Immigration Quotas", is amended by the addition of the immigration quota for the Federation of Malaya as set forth in this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of October in the year of our Lord nineteen hundred and [SEAL] fifty-seven and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 57-8534; Filed, Oct. 14, 1957; 10:14 a. m.]

PROCLAMATION 3207

SECOND WORLD METALLURGICAL CONGRESS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress of the United States, by joint resolution approved August 31, 1957, has extended its official welcome to the overseas metal scientists

(Continued on p. 8135)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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who will attend the Second World Metallurgical Congress to be held at Chicago, Illinois, from November 2 to November 8, 1957, under the sponsorship of the American Society for Metals; and

WHEREAS the world's growing demand for metal emphasizes the need for the conservation of our present resources and for the discovery and development of new sources of supply; and

WHEREAS the meeting of the Second World Metallurgical Congress will encourage the free exchange of scientific information among the metallurgists of the world and stimulate the search for minerals and for improved techniques in the field of metallurgy; and

WHEREAS the joint resolution requests the President to grant recognition to the World Metallurgical Congress and to the American Society for Metals for its sponsorship of this world gathering of metallurgical scientists, and to call upon officials and agencies of the Government to assist and cooperate with such congress:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby extend recognition to the Second World Metallurgical Congress and commend the American Society for Metals for initiating and sponsoring this meeting. I also extend the welcome of this Government to the Congress and to the scientists attending its proceedings, and I request that all Federal departments and agencies assist and cooperate with the Second World Metallurgical Congress as occasion may warrant.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of October in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 57-8535; Filed, Oct. 14, 1957; 10:14 a. m.]

EXECUTIVE ORDER 10731

DELEGATING TO THE DIRECTOR OF THE BUREAU OF THE BUDGET THE AUTHORITY OF THE PRESIDENT TO TRANSFER CERTAIN RECORDS, PROPERTY, AND PERSONNEL

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that the authority vested in the President by the last sentence of section 4 of the Airways Modernization Act of 1957 (71 Stat 351) to provide for appropriate transfers of records, property, and personnel, in connection with transfers of functions made under other provisions of the said section 4, be, and it is hereby, delegated to the Director of the Bureau of the Budget.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 10, 1957.

[F. R. Doc. 57-8500; Filed, Oct. 11, 1957; 2:28 p. m.]

EXECUTIVE ORDER 10732

AMENDMENT OF EXECUTIVE ORDER NO. 10250,[1] PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS OF THE PRESIDENT BY THE SECRETARY OF THE INTERIOR

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10250 of June 5, 1951 (16 F. R. 5385), entitled "Providing for the performance of certain functions of the President by the Secretary of the Interior", be, and it is hereby, amended as follows:

1. Section 1 is amended by adding at the end thereof the following paragraph (r):

"(r) The authority vested in the President by section 55 of the act of April 30, 1900, 31 Stat. 150, as amended (48 U. S. C. 562), and by section 4 of the act of August 24, 1954, 68 Stat. 785, as amended (48 U. S. C. 562o), to approve the issuance of bonds or other instruments of indebtedness by the Territory of Hawaii."

2. Paragraph (f) of section 1 is amended to read as follows:

"(f) The authority vested in the President by section 4705 (b) of the Internal Revenue Code of 1954 to authorize certain persons in the Virgin Islands to obtain certain drugs for legitimate medical purposes without regard to order forms, and by section 4762 (b) of such Code to provide for the registration of and the imposition of special and transfer taxes upon persons in the Virgin Islands who import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, or give away marihuana: *Provided*, that the Secretary of the Interior shall perform the functions referred to in this subsection in consultation with the Department of the Treasury."

[1] 16 F. R. 5385; 3 CFR, 1951 Supp., p. 437.

3. Section 2 is amended by deleting therefrom paragraph (c), pertaining to roads, trails, and tolls in Alaska.

4. There is added to the order at the end thereof the following section 5:

"5. The Secretary of the Interior is hereby authorized to redelegate to the Under Secretary of the Interior any of the authority delegated to the Secretary of the Interior by section 1 of this order."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 10, 1957.

[F. R. Doc. 57-8501; Filed, Oct. 11, 1957; 2:28 p. m.]

EXECUTIVE ORDER 10733

PROVIDING FOR AN ADDITIONAL MEMBER AND FOR AN EXECUTIVE VICE CHAIRMAN OF THE GOVERNMENT CONTRACT COMMITTEE

By virtue of the authority vested in me by the Constitution and statutes and as President of the United States, it is ordered that section 3 of Executive Order No. 10479 of August 13, 1953, entitled "Establishing the Government Contract Committee" as amended by Executive Order No. 10482 of August 15, 1953, shall be, and it is hereby, amended (1) by striking from the preamble of the said section the word "fifteen" and inserting in lieu thereof the word "sixteen", and (2) by amending paragraph (b) of the said section to read as follows: "(b) Ten other members to be appointed by the President. The Chairman and Vice Chairman, and an Executive Vice Chairman who shall assist the Chairman and Vice Chairman in the carrying out of the functions of the Committee, shall be designated by the President."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 10, 1957.

[F. R. Doc. 57-8540; Filed, Oct. 14, 1957; 11:02 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to § 6.102 (h) as set out below.

§ 6.102 *Department of State.* • • •

(h) *Office of the Assistant Secretary for Public Affairs.* • • •

(5) One Special Assistant to the Chief, News Division.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8448; Filed, Oct. 14, 1957; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL AERONAUTICS BOARD

Effective upon publication in the FEDERAL REGISTER, paragraphs (a), (f), and (g) of § 6.337 are revoked, paragraph (h) is amended, and paragraphs (l) and (m) are added as set out below.

§ 6.337 *Civil Aeronautics Board.* • • •

(h) Chief, Office of Compliance.

• • • • •

(l) One Executive Assistant and Legal Adviser to the Chairman.

(m) Director, Bureau of Safety.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8468; Filed, Oct. 14, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ALLOTMENT FOR THE 1958 CROP OF UPLAND COTTON

Sec.
722.901 Basis and purpose.
722.902 Findings and determinations with respect to a national marketing quota for the 1958 crop of cotton.
722.903 Determination of a national allotment for the 1958 crop of cotton.

AUTHORITY: §§ 722.901 to 722.903 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 341-348, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1341-1348.

§ 722.901 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1957, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national allotment for the 1958 crop of upland cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act"). The term "upland cotton" (referred to herein as "cotton") and the data appearing in §§ 722.902 and 722.903 do not include extra long staple cotton described in section 347 (a) of the act or similar types of such cotton which are imported. Section 342 of the act provides, in part, that, whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed, the Secretary is required by section 344 (a) of the act to determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The act further provides that the proclamation with respect to a national marketing quota shall be made not later than October 15 of the calendar year in which the determinations relating thereto are made.

(b) The terms "total supply", "carryover", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carryover at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carryover" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carryover.

The findings and determinations made by the Secretary are contained in §§ 722.902 and 722.903 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER on August 10, 1957 (22 F. R. 6431), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), that the Secretary was preparing to examine the supply situation with respect to cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of the notice, which was August 10, 1957. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.902 *Findings and determinations with respect to a national marketing quota for the 1958 crop of cotton*—(a) *Total supply.* The total supply of cotton for the marketing year beginning August 1, 1957 (in terms of running bales or the equivalent), is 23,162,000 bales, consisting of (1) a carryover on August 1, 1957, of 10,942,000 bales, (2) estimated production from the 1957 crop of 12,170,000 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1957, of 50,000 bales.

(b) *Normal supply.* The normal supply of cotton for the marketing year beginning August 1, 1957 (in terms of running bales or the equivalent), is 17,550,000 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1957, of 8,500,000 bales, (2) estimated exports during the marketing year beginning August 1, 1957, of 5,000,000 bales, and (3) 30 percent of the sum of items (1) and (2) as an allowance for carryover, or 4,050,000 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of cotton for the marketing year beginning August 1, 1957, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1958. It is further determined and proclaimed that the amount of the national marketing quota for the 1958 crop of cotton shall be 11,920,290 bales (standard bales of 500 pounds gross weight). The amount of such quota has been determined under section 342 of the act which, in effect, provides that the 1958 quota shall be the largest of the following:

(1) The number of bales of cotton (standard bales of 500 pounds gross weight) adequate, together with (i) the estimated carryover at the beginning of the 1958–59 marketing year and (ii) the estimated imports during the 1958–59 marketing year, to make available a normal supply of cotton. The number of bales of cotton determined under this provision is 7,918,000 bales.

(2) The number of bales of cotton (standard bales of 500 pounds gross weight) equal to the smaller of (i) 10,000,000 bales, or (ii) 1,000,000 bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending July 31, 1957. The number of bales of cotton determined under (ii) of this subparagraph (2) is 15,043,000 bales. Therefore, the smaller of (i) and (ii) is 10,000,000 bales.

(3) The number of bales of cotton (standard bales of 500 pounds gross weight) required to provide a national allotment for the 1958 crop of cotton equal to the national allotment for the 1956 crop of cotton. The number of bales of cotton determined under this provision is 11,920,290 bales.

§ 722.903 *Determination of national allotment for the 1958 crop of cotton.* It is hereby further determined and proclaimed that a national allotment shall be in effect for the crop of cotton produced in the calendar year 1958. The amount of such national allotment shall be 17,391,304 acres. The amount of such national allotment has been determined under section 342 of the act, which provides that the national allotment for cotton for 1958 shall be not less than the national allotment for 1956. The national allotment for the 1956 crop of cotton was 17,391,304 acres. The 1958 national allotment will be apportioned to

the States in the regulations pertaining to acreage allotments for the 1958 crop of upland cotton. These regulations will also contain the additional allotment which each State will receive under the 100,000-acre national reserve provision and under the 99 percent minimum State allotment provision which were added to the act by the Agricultural Act of 1956.

Done at Washington, D. C., this 11th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-8503; Filed, Oct. 11, 1957; 3:01 p. m.]

PART 722—COTTON

SUBPART — REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1958 CROP OF UPLAND COTTON

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AUTHORITY: §§ 722.911 to 722.932 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 342-347, 361-368, 373, 374, 377, 388, 52 Stat. 38, as amended, 71 Stat. 592; 7 U. S. C. 1301, 1342-1347, 1361-1368, 1373, 1374, 1377, 1388.

GENERAL

§ 722.911 *Basis and purpose.* (a) The regulations pertaining to acreage allotments for the 1958 crop of upland cotton contained in §§ 722.911 to 722.932 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) and govern the establishment of State, county and farm allotments for the 1958 crop of upland cotton and the determination of the acreage planted to cotton on individual farms in 1958. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.911 to 722.932. Notice of proposed formulation of acreage allotment regulations for the 1958 crop of upland cotton was published in the FEDERAL REGISTER on August 10, 1957 (22 F. R. 6431) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data and recommendations received in response to such notice have been duly considered.

(b) In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and establish farm allotments as early as possible prior to the holding of the cotton referendum, it is essential that §§ 722.911 to 722.932 be made effective at the same time as any proclamation is made relating to a national marketing quota and national allotment for the 1958 crop of upland cotton. Such proclamation, if required for the 1958 crop of upland cotton, is expected to be made as soon as possible after the official estimate of the 1957 cotton crop is made on October 8, 1957. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.911 to 722.932 shall be effective on the date of filing with the Director, Division of the Federal Register, of a proclamation of a national marketing quota and national allotment for the 1958 crop of upland cotton.

§ 722.912 *Definitions.* As used in §§ 722.911 to 722.932 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number.

(a) *Terms relating to administrative organization.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(3) "Deputy Administrator" means the Deputy Administrator, or Acting Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(4) "Director" means the Director, or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(5) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(6) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (21 F. R. 8385, 8843; 22 F. R. 3222), as amended.

(7) "Community committee" means the group of persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (21 F. R. 8385, 8843; 22 F. R. 3222), as amended.

(8) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 263 of the act.

(b) *General terms.* (1) "Upland cotton" (herein referred to as "cotton") means any cotton other than extra long staple cotton.

(2) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sea-land cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates, as provided under section 347 (a) of the act.

(3) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area.

(4) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(5) "County" means county or parish of a State.

(6) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(c) *Terms relating to farms.* (1) "Farm" as defined in Part 718 of this chapter (22 F. R. 3747, 5675), as heretofore or hereafter amended, shall apply to the regulations in §§ 722.911 to 722.932. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(3) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for

a fixed amount of cash or a commodity to be paid as rent.

(4) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(5) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(6) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(7) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on a farm, is entitled to all or a share of the 1958 crop of cotton produced thereon or of the proceeds thereof.

(8) "Farm allotment" means a cotton acreage allotment established for a farm under §§ 722.911 to 722.932. Farm allotments are initially established on the basis of the data for farms as constituted at the time such allotments are established; where a farm is subsequently reconstituted for 1958, the farm allotment will be redetermined in accordance with § 722.917 (h) and (i).

(9) "Farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(10) "Old cotton farm" means a farm having an acreage planted to cotton in any one or more of the years 1955, 1956, and 1957. Released allotments shall not be considered as acreage planted to cotton for purposes of determining eligibility of the farm for allotment as an old cotton farm.

(11) "New cotton farm" means a farm on which cotton is to be planted in 1958 but on which no acreage was planted to cotton in any of the years 1955, 1956, and 1957.

(12) "Small farm" means a farm for which an allotment, exclusive of allocations to the farm from State and county reserves, for 1958 is 15 acres or less.

(13) "Normal yield" means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

(14) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(15) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1958.

(16) "Actual yield" per acre means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm by the acreage planted to cotton on the farm in 1958.

(17) "Acreage planted to cotton in the State and county" (excluding acreage devoted to production of extra long staple cotton) for use in establishing State and county allotments means:

(i) *For 1952.* The official planted acreage of cotton (acreage in cultivation on July 1, 1952 plus the estimated acreage planted but abandoned prior to July 1, 1952), as determined by the Agricultural Marketing Service of the United States Department of Agriculture.

(ii) *For 1953.* The measured acreage of cotton as determined in accordance with instructions issued by the Deputy Administrator.

(iii) *For 1954 and 1955.* The measured acreages of cotton as determined for purposes of the 1954 and 1955 cotton marketing quota programs (as adjusted under section 344 (g) (3), (i), and (m) (2) of the act).

(iv) *For 1956.* The measured acreages of cotton as determined for purposes of the 1956 cotton marketing quota program (as adjusted under section 344 (g) (3), (i), and (m) (2) of the act; and including acreage history credit required under section 377 of the act and sections 106 (a) and 112 (2) of the Agricultural Act of 1956 (70 Stat. 191, 195; 7 U. S. C. 1824 (a), 1836)).

(18) "Acreage planted to cotton on the farm" (excluding acreage devoted to production of extra long staple cotton) for use in establishing farm allotments, means:

(i) *For 1955.* The measured acreage of cotton on the farm as determined for purposes of the 1955 cotton marketing quota program (as adjusted under section 344 (g) (3), (i), and (m) (2) of the act).

(ii) *For 1956.* The measured acreage of cotton on the farm as determined for purposes of the 1956 cotton marketing quota program (as adjusted under section 344 (g) (3), (i), and (m) (2) of the act; and including acreage history credit required under section 377 of the act and sections 106 (a) and 112 (2) of the Agricultural Act of 1956 (70 Stat. 191, 195; 7 U. S. C. 1824 (a), 1836)).

(iii) *For 1957.* The farm allotment for 1957, excluding any allotment released from the farm or reapportioned to the farm, as provided by section 377 of the act, as amended (71 Stat. 592, approved September 2, 1957) plus acreage history credit for released allotment pursuant to section 344 (m) (2) of the act.

(19) "Acreage planted to cotton on the farm in 1958", for purposes of determining compliance with the farm allotment, shall be the acreage seeded to cotton on the farm in 1958, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under § 722.928 for disposing of excess cotton acreage or (ii) is disposed of in accordance with § 722.928.

(20) "Cropland" means farmland which in 1957 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (i) bearing orchards and vineyards (except the acreage of cropland therein), (ii) plowable non-crop open pasture, and (iii) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community. Insofar as the acreage of cropland on the farm enters into the determination of the farm allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into under the conservation reserve program by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses under such contract.

(d) *Terms relating to national reserve.* (1) "National reserve" means the national reserve provided in section 344 (b) of the act for apportionment to States on the basis of needs for additional allotments to establish minimum farm allotments. The allotment to Nevada from such national reserve is 1,000 acres.

(2) "State's share of the national reserve" means the part of the national reserve allocated to the State on the basis of State needs for additional allotments to establish minimum farm allotments (1,000 acre allotment to Nevada from the national reserve as provided by the act).

(3) "State reserve for minimum farm allotments" means that part of the State reserve allocated to counties to assist in establishing minimum farm allotments.

(4) "County allocation for minimum farm allotments" means the allocations to the county from the State's share of the national reserve and from the State reserve for minimum farm allotments which become a part of the county allotment for apportionment to farms.

§ 722.913 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out §§ 722.911 to 722.932. The forms shall be issued by the Director with the approval of the Deputy Administrator and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.914 *Extent of calculations and rule of fractions.* Farm allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0. For purposes of determining compliance with the farm allotment, the measurement of cotton acreage planted on the farm shall be as follows:

(1) Each field or subdivision of a farm shall be measured and recorded in acres and hundredths of acres, dropping all thousandths.

(2) The total cotton acreage planted on the farm shall be the sum of the field and subdivision acreage computed under (1) and recorded in acres and tenths, dropping all hundredths.

STATE AND COUNTY ALLOTMENTS

§ 722.915 *Apportionment of national allotment and national reserve among States*—(a) *Statutory basis.* The national allotment proclaimed for the 1958 crop of cotton, less the acreage required pursuant to section 344 (k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1955, 1956, and 1957, is apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1952, 1953, 1954, 1955, and 1956, with adjustments in such acreage for abnormal weather conditions. Such adjustments for abnormal weather conditions are made in the acreages planted to cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture and take into consideration failure to seed cotton because of abnormal weather conditions. Any such adjustment in the acreage planted to cotton in a State is the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions. In accordance with section 342 of the act, any such State allotment which is less than the State allotment for 1957 by more than 1 percent shall be increased so that the State allotment for 1958 is 99 percent of such 1957 State allotment. The acreage required for such increase shall be in addition to the 1958 national allotment. An additional apportionment among the States shall be made from the national reserve as provided by section 344 (b) of the act, on the basis of the needs of each State for additional acreage for establishing minimum farm allotments under section 344 (f) (1) of the act (except that the amount apportioned to Nevada shall be 1,000 acres).

(b) *Total allotment in acres available for distribution to each State.* This paragraph will be amended at a later date to establish the total allotment in acres available for distribution to each State showing the components thereof.

§ 722.916 *Apportionment of State allotment among counties*—(a) *State reserve*—(1) *State reserve for minimum farm allotments.* The State committee shall determine what portion of the State allotment, if any, is to be reserved for establishing minimum farm allotments in the State. The term "State allotment" means the State's share of the national allotment as adjusted under section 342 of the act. The total State reserve for this purpose shall not be less than the smaller of (i) three percent of the State allotment, or (ii) the estimated allotment needed in the State to increase factored farm allotments to minimum farm allotments determined under paragraphs (c) and (d) of § 722.917 minus the allocation to the State from the national reserve. The factored farm allotments mentioned in item (ii) of this subparagraph shall be determined by apportioning the State allotment (with no State reserve deducted) to counties on the basis of the acreages planted to cotton in 1952 to 1956, inclusive, with such adjustments for abnormal weather conditions for such years prior to 1956 as were used in establishing county allotments for 1957, and by apportioning the county allotment thus determined among farms on the basis of the three-year average of the acreage planted to cotton in the years 1955 and 1956 and the farm allotment established for the year 1957 without regard to any release or reapportionment of farm allotments.

(2) *State reserve for all other categories.* The State committee shall determine what portion, if any, of the State allotment, remaining after the State reserve for minimum farm allotments is established, is to be reserved for each of the following categories:

(i) Adjusting computed county allotments for trends in acreage,

(ii) Adjusting computed county allotments for abnormal conditions affecting plantings,

(iii) Establishing allotments for new cotton farms,

(iv) Adjusting farm allotments to correct inequities and to prevent hardships, and

(v) Adjusting allotments determined for small farms.

(3) *Limitation on size of State reserve.* The total State reserve established for the several categories under subparagraphs (1) and (2) of this paragraph shall not exceed 10 percent of the State allotment (15 percent in the case of Oklahoma).

(b) *Computed county allotments.* The State allotment for the 1958 crop of cotton, less the State reserve established pursuant to paragraph (a) of this section, shall be apportioned among counties on the basis of the average acreage planted to cotton in each county in 1952, 1953, 1954, 1955, and 1956 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. Such adjustments take into consideration failure to seed cotton because of abnormal weather conditions and are made in the acreages planted to cotton in the county on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a county is the amount established by reference to available information and data as the net reduction of planted acreage in the county attributed solely to abnormal weather conditions. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county allotment".

(c) *Use of State reserve.* The State reserve established under paragraph (a) of this section shall be used by the State committee for the purposes set forth in subparagraphs (1) through (6) of this paragraph.

(1) *To adjust computed county allotments for trends in the acreage of cotton.* A part of the State reserve established pursuant to paragraph (a) (2) of this section, may be used by the State committee, as determined to be necessary, to adjust the computed county allotments for trends in the acreage planted to cotton in the counties during recent years (the period of years may include the year 1957 but shall not include the year 1949). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.* A part or all of the State reserve established pursuant to paragraph (a) (2) of this section may be used by the State committee, as determined to be necessary, to adjust the computed county allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) Abnormal weather conditions such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to cotton production or are increasing the acreage in cotton after having been out of production or having been on a reduced level of cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other defense activities; (iii) abnormal reduction in planted cotton acreages because of an unusual movement of labor from farms in the area or county to defense industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under item (i) of this subparagraph for abnormal weather conditions, the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in allotments determined for small farms.* The

State reserve established pursuant to paragraph (a) (2) of this section shall be available for allocation by the State committee to counties to supplement that part of the county reserve established as provided in subparagraphs (1) and (2) of § 722.917 (e) for adjusting indicated farm allotments for old cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.917. The State committee shall determine the acreage, if any, to be allocated to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1958 allotments for new cotton farms.* Where the State committee determines that the needs for acreage to establish allotments for new cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish allotments for new cotton farms shall be provided from the State reserve or the county reserve, or from both such reserves. In determining the source of acreage for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.917 (e) (3). Where it is determined by the State committee that the entire county reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.917 (e), the State committee shall consider allocating acreage from the State reserve as provided in paragraph (a) (2) of this section to supplement the acreage, if any, set aside by the county committee from the county reserve for establishing allotments for new cotton farms. In determining the estimated acreage to be set aside for establishing allotments for new cotton farms, on the basis of the factors set forth in § 722.917 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing allotments for new cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State reserve as provided in paragraph (a) (2) of this section for making adjustments in farm allotments to correct inequities and to prevent hardship and shall allocate such reserve to the counties. Such reserve may also be used for establishing and adjusting farm allotments as provided in § 722.917 (i).

(6) *To establish minimum farm allotments.* The State reserve established for minimum farm allotments pursuant to paragraph (a) (1) of this section shall be apportioned among counties on the basis of their respective needs for additional allotment to establish minimum farm allotments, as determined in accordance with paragraph (a) (1) of this section. The allotment so apportioned to each county shall become a part of the county allotment.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested cotton producer: (1) The amount of the State reserve; (2) the formula, if any, and data developed and used under paragraph (c) (1) and (2) of this section; and (3) the total acreage set aside from the State reserve for the purposes set forth in paragraph (c) (3), (4), (5) and (6) of this section.

(e) *County allotment.* The county allotment shall be the sum of (1) the computed county allotment determined under paragraph (b) of this section, (2) the acreages from the State reserve which are added to the computed county allotment under paragraph (c) (1) and (2) of this section, (3) the allocation, if any, to the county from the national reserve, and (4) the allocation, if any, to the county from the State reserve for minimum farm allotments.

(f) *Administrative areas.* If the county committee with the approval of the State committee or if the State committee, determines with respect to a county in which farm allotments are to be established under § 722.917 (c) that because of different conditions pertaining to the production of cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the allotment for the area and in establishing farm allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage surrendered to the State committee pursuant to § 722.918 shall be apportioned by the State committe to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(h) *Apportionment of State's share of national reserve among counties.* Each State's share of the national reserve established pursuant to § 722.915 shall be apportioned among counties on the basis of their respective needs for additional allotment to establish minimum farm allotments, as determined in accordance with paragraph (a) (1) of this section, except that the additional allotment of 1,000 acres for Nevada from such reserve shall be apportioned among counties on the same basis that the State allotment, less the State reserve, is apportioned among counties pursuant to § 722.916 (b). The allotment apportioned to each county pursuant to this paragraph shall become a part of the county allotment.

(i) *County allotment, allocations from State reserve, county reserve, and related data.* This paragraph will be amended at a later date to establish county allotments showing components thereof (computed county allotment, allocation from national reserve, adjustments from State reserve for trends, abnormal conditions, and minimum farm allotments); to establish county reserves, allocations to counties from State reserve for small farms, to correct inequities and prevent hardships; to designate whether counties use the historical or cropland basis for establishing farm allotments; and to designate counties which use the 50 percent of the cropland limitation.

§ 722.917 *Apportionment of county allotment among farms*—(a) *Determination of method to be used in apportioning county allotment among farms.* Section 344 (f) (2) of the act provides that the county allotment, less the county reserve and the acreage required to establish minimum farm allotments under section 344 (f) (1) of the act, shall be allotted to old cotton farms by multiplying the adjusted cropland for such farm, other than minimum allotment farms, by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to in this section as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county allotment, less the county reserve and the acreage required to establish minimum farm allotments under section 344 (f) (1) of the act, shall be apportioned to old cotton farms on the basis of the acreage planted to cotton on each such farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting planting (this method will be referred to in this section as the "historical basis"). The county committee shall study these two methods of apportioning the county allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.916 (i) is amended to include the county allotment established for each county, the Secretary will designate the basis on which farm allotments are to be established in the county.

(b) *Determination of county reserve.* The county committee shall establish a county reserve of not in excess of 15 percent of the sum of (1) the computed county allotment, and (2) the allotment allocated to the county pursuant to paragraph (c) (1), and (2) of § 722.916 which may be used to adjust indicated farm allotments for old cotton farms determined under paragraph (c) or (d) of this section and to establish allotments for new cotton farms under paragraph (e) (3) of this section. Such reserves shall be published in an amendment of § 722.916 (i).

(c) *Indicated allotments for old cotton farms in counties, where farm allotments are determined on the cropland basis.* If farm allotments are to be determined in the county on the cropland basis, the county allotment, less the acreage reserved pursuant to paragraph (b) of this seciton shall be used to determine indicated allotments for old cotton farms as follows:

(1) *Indicated minimum allotments for old cotton farms with highest cotton acreage less than four acres.* The indicated minimum allotment for each old cotton farm on which the highest acreage planted to cotton in any of the years 1955, 1956, and 1957 was less than four acres, shall be equal to such highest acreage.

(2) *Pro rata reduction of indicated allotments for old cotton farms.* If the sum of (i) the indicated allotments determined under subparagraph (1) of this paragraph (c), and (ii) the acreage determined by multiplying the number of old cotton farms with four acres or more planted to cotton in any of the years 1955, 1956, and 1957 by four exceeds the county allotment (less the acreage reserved pursuant to paragraph (b) of this section), an indicated allotment of four acres shall be established for each old cotton farm having four acres or more planted to cotton in any of the years 1955, 1956, and 1957. Where indicated allotments of four acres are established under this subparagraph, each indicated allotment determined under this subparagraph and under subparagraph (1) of this paragraph for each old cotton farm shall be reduced pro rata so that the sum of the indicated allotments for all old cotton farms, does not exceed the county allotment, (less the acreage reserved pursuant to paragraph (b) of this section).

(3) *Indicated allotments for old cotton farms with highest cotton acreage of four acres or more in counties where subparagraph (2) of this paragraph is not applicable*—(i) *Determination of adjusted cropland.* If subparagraph (2) of this paragraph is not applicable in the county, the county committee shall determine an adjusted cropland acreage for each old cotton farm on which the highest acreage planted to cotton in any of the years 1955, 1956, and 1957, was four acres or more, by deducting from the cropland on the farm the sum of the following acreages:

(*a*) The 1957 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(*b*) The 1957 acreage of tobacco for market, including all acreage considered for history purposes to have been devoted to tobacco for 1957;

(*c*) The 1957 acreage of peanuts picked and threshed, including all acreage considered for history purposes to have been devoted to peanuts for 1957;

(*d*) The 1957 seeded acreage of wheat for market (including the seeded acreage of wheat for feeding to livestock for market) including all acreage considered for history purposes to have been devoted to wheat for 1957. In the counties designated in item (*f*) of this subdivision the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this item (*d*) exceeds the acreage deducted under item (*f*) of this subdivision;

(*e*) The 1957 acreage of rice for market (including the acreage of rice for feeding to livestock for market and all acreage considered for history purposes to have been devoted to rice for 1957) plus the acreage of other riceland on the farm for which water is available and which is not used for the production of cotton under the rotation system for the farm; and

(*f*) In Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, Yavapai and Yuma Counties, Arizona; and in Butte, Fresno, Glenn, Imperial, Kern, Kings, Los Angeles, Madera, Merced, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Stanislaus, Tehama, Tulare, and Yuba Counties, California; and in Clark and Nye Counties, Nevada; and in Bernalillo, Chaves, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Luna, Otero, Sierra, Socorro and Valencia Counties, New Mexico; and in Brewster, Crockett, Culbertson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Upton, Ward, and Winkler Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the cotton-producing season (seeding to maturity).

(ii) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (*a*) the remainder of the county allotment (less the acreage reserved pursuant to paragraph (b) of this section) after indicated allotments have been made under subparagraph (1) of this paragraph, by (*b*) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this subparagraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (*a*) the available county allotment remaining after maximum and minimum indicated farm allotments, as defined in subdivision (iii) of this subparagraph, have been determined for such old cotton farms by (*b*) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this subparagraph, which under the preceding factor were not affected by either the maximum or minimum allotment provisions. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(iii) *Indicated farm allotment.* An indicated allotment shall be computed for each old cotton farm under this subparagraph (3) by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that (*a*) the maximum indicated allotment for any such farm shall not exceed the highest acreage planted to cotton on the farm in any of the years 1955, 1956, and 1957, and (*b*) the minimum indicated allotment for any such farm shall not be less than four acres.

(d) *Indicated allotments for old cotton farms in counties where farm allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county allotment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1958 on the historical basis and the Deputy Administrator approves such recommendation, indicated allotments for old cotton farms shall be determined in accordance with subparagraph (1) of this paragraph. For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to cotton on the farm during each of the three years 1955, 1956, and 1957 (sum of the acreages divided by three), with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings. Adjustments for abnormal conditions affecting plantings will be made by the county committee on the basis of data and information available in the county office records or furnished by producers on the farm.

(1) *Indicated allotments for old cotton farms.* Indicated farm allotments shall be determined as provided in subdivisions (i), (ii), and (iii) of this subparagraph, but subject to the provisions of subdivision (iv) of this subparagraph if the county committee so elects.

(i) *Indicated minimum allotments for old cotton farms with highest acreage planted to cotton less than four acres.* The indicated minimum allotment for each old cotton farm on which the highest acreage planted to cotton in any of the years 1955, 1956, and 1957 was less than four acres, shall be equal to such highest acreage.

(ii) *Pro rata reduction of indicated allotments for old cotton farms.* If the sum of (*a*) the indicated allotments determined under subdivision (i) of this subparagraph and (*b*) the acreage determined by multiplying the number of old cotton farms with four acres or more planted to cotton in any of the years 1955, 1956, and 1957 by four exceeds the county allotment (less the acreage reserved pursuant to paragraph (b) of this section) an indicated allotment of four acres shall be established for each cotton farm having four acres or more planted to cotton in any of the years 1955, 1956, and 1957. Where indicated allotments of four acres are established under this subdivision, each indicated allotment determined under this subdivision and under subdivision (i) of this subparagraph for each old cotton farm shall be reduced pro rata so that the sum of the indicated allotments for all old cotton farms does not exceed the county allotment (less the acreage reserved pursuant to paragraph (b) of this section).

(iii) *Indicated allotments for old cotton farms with highest acreage planted to cotton of four acres or more.* In counties where subdivision (ii) of this subparagraph is not applicable, the indicated allotments for old cotton farms with four acres or more planted to cotton in any of the years 1955, 1956, and 1957,

shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of the allotment base for all such farms into the county allotment, less the acreage reserved pursuant to paragraph (b) of this section and the sum of the indicated allotments determined under subdivision (i) of this subparagraph: *Provided*, That, if the indicated allotment thus determined for any farm is less than four acres, it shall be four acres. Second and additional factors shall be determined, if necessary, by dividing (*a*) the available county allotment after minimum indicated farm allotments have been determined for such old farms by (*b*) the sum of the allotment bases for the farms which under the preceding factor were not affected by the minimum allotment provision. The last county history factor computed and applied shall be referred to herein as the "final county history factor".

(iv) *Limitation of farm allotments to 50 percent of cropland.* If the county committee so elects, the indicated farm allotment determined for each farm in accordance with subdivision (iii) of this subparagraph shall not exceed an acreage equal to 50 percent of the cropland on the farm, but in no event shall such reduced indicated farm allotment be less than 4 acres except as reduced by any pro rata reduction under subdivision (ii) of this subparagraph, and any part of the county allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section. Counties in which the 50 percent of cropland limitation is applicable will be listed in an amendment of § 722.916 (i).

(e) *Use of county reserve.* The county reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm allotments of 15 acres or less.* Not less than 20 percent of the County reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (c) or (d) of this section to be 15 acres or less, excluding minimum indicated farm allotments established under section 344 (f) (1) (B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to cotton in 1955, 1956, and 1957; the land, labor, and equipment available for the production of cotton; cotton-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production.

(2) *Adjustments in indicated allotments for other farms.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (3), and (4) of this paragraph, shall be used by the county committee to adjust indicated farm allotments which are more than 15 acres and minimum indicated farm allotments established under section 344 (f) (1) (B) of the act. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to cotton on the farm in 1955, 1956, or 1957 as reflecting such factors and use such acreage as the basis for adjusting the indicated farm allotment under this subparagraph.

(3) *Allotments for new cotton farms*—(i) *Determination of acreage needed for establishing allotments for new cotton farms.* The county committee with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new cotton farms in the county. In counties where farm allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new cotton farms; and in counties where farm allotments are established on the historical basis, an estimate shall be made of the cropland on new cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing allotments for new cotton farms. In determining the acreage from the county reserve which is to be used for establishing allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve pursuant to § 722.916 (c) (4) for establishing allotments for new cotton farms. The total acreage reserved for establishing allotments for new cotton farms in the county, including any acreage allocated to the county for new cotton farms from the State reserve, shall not exceed 75 percent of the total of the farm allotments which the county committee estimates will be determined for the same number of old cotton farms in the county which are similar except for the acreage planted to cotton during the years 1955, 1956, and 1957.

(ii) *Eligibility of a new cotton farm for a cotton allotment.* A cotton allotment for a new cotton farm may be established by the county committee if each of the following conditions is met:

(*a*) An application for a cotton allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1958.

(*b*) The farm operator is largely dependent on income from the farm for his livelihood. Where the farm operator is a partnership, each partner must be largely dependent on income from the farm for his livelihood; where the farm operator is a corporation, it must have no major corporate purpose other than operation, and ownership where applicable, of such farm, and the officers and general manager of the corporation must be largely dependent on income, whether dividends or salary, from the corporation for their livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which a cotton allotment is established for 1958.

(iii) *Establishment of allotments for new cotton farms.* If the applicant's farm is eligible for a cotton allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The allotment so determined for any such farm shall not exceed the smallest of (*a*) the allotment established for old cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the allotment requested by the applicant, and (c) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1955, 1956, and 1957. The sum of the allotments determined by the county committee for new cotton farms shall not exceed the reserves available for such farms in the county under this subparagraph. The allotments for new cotton farms shall be subject to review and approval by the State committee or an employee of the State office, as provided in § 722.931. If the acreage planted to cotton on the new cotton farm is less than the cotton allotment established for the farm pursuant to this subparagraph, such allotment shall be automatically reduced to the acreage planted to cotton on the farm.

(4) *Adjustments in farm allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments as provided in paragraph (i) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve which is made pursuant to § 722.916 (c) (5) may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to cotton in 1955, 1956, and 1957, the land, labor, and equipment available for production of cotton, crop-rotation practices, the soil and other physical facilities affecting the production of cotton and abnormal conditions of production and any other factors for correcting inequities and preventing hardship.

(f) *Use of acreage allocated to county from State reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the reserves provided for in paragraphs (e) (1), (2), and (4) and (f) of this section shall be subject to approval by the State committee or an employee of the State office.

(h) *Reconstitution of farms*—(1) *Conditions under which a farm must be reconstituted.* Farm allotments are initially established for farms as finally constituted for the year 1957 unless complete data regarding the ownership and operation of the land for 1958 are available to the county committee in time to reconstitute the farm for 1958 as provided in paragraph (i) of this section prior to initial establishement of allotments for 1958. If any change in the ownership or operation of a part or all of the land constituting a farm for which a 1958 allotment is initially established occurs prior to the planting of cotton in 1958 or if it is found that the land for which the initial 1958 allotment was established did not constitute a farm for 1958 as that term is defined, the land constituting each such farm shall be determined and the data for the farm for which the allotment was initially established shall be reconstituted and established for the land which constitutes a farm as provided in paragraph (i) of this section. If a farm as constituted at the time 1958 farm allotments are initially established consists in part of land owned by the Federal Government which for 1958 is covered by a lease executed by an agency of the Federal Government as lessor which restricts the production of price-supported crops in surplus supply, such federally-owned land shall be reconstituted as a separate farm for 1958. Likewise, such federally-owned land shall not be combined with any other land to constitute a farm for 1958.

(2) *Conditions under which a farm shall not be reconstituted.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the 1958 cotton allotment initially established and the 1955, 1956, and 1957 cotton acreage histories for any farm from which 15 percent or less of the cropland was acquired for a governmental or other public purpose for non-agricultural use shall not be reconstituted. In such cases the cropland and farmland shall be corrected on county office records.

(i) *Allotments for late and reconstituted farms and correction of errors.* The reserves provided for in paragraph (e) (4) of this section and in § 722.916 (c) (5) shall be used by the county committee for the purposes specified therein and also (i) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to cotton on the farm in 1955, 1956, and 1957, (ii) for correcting errors in farm allotments, and (iii) for use in establishing allotments for farms which are divided or combined for 1958. Where reconstitutions of farms are made for 1958 after farm allotments for 1958 are initially established, the cotton acreage histories and allotments for all such reconstituted farms shall be established as provided in subparagraphs (1) and (2) of this paragraph.

(1) If land which was constituted as a single farm is divided into two or more tracts for 1958:

(i) The acreages planted to cotton on the farm in 1955, 1956 and 1957 (as defined in § 722.912 (c) (18) and as shown in Col. (2), Cotton Table 2 of the county committee's farm cotton acreage record) shall be divided among the tracts in proportion to the acreage of cropland on each tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland, and sugarcane land may be excluded from the cropland on each tract in apportioning the cotton acreage history among the tracts: *Provided*, That, if two or more tracts of land were combined for 1956 or for 1957 to form the single farm and the single farm is divided for 1958, the cotton acreage history for any year in the farm base period prior to the combination which was contributed by each tract to the history for the single farm will be restored to such tract; and if any such tract is divided into two or more parts in connection with a reconstitution for 1958 the cotton acreage history for such tract for any year in the farm base period prior to the combination shall be divided among such parts in proportion to the acreage of cropland in each such part, except that, upon agreement by the owners and operators and approval by the county committee, the acreages, normally considered as riceland, wheatland, and sugarcane land may be excluded from the cropland in apportioning the cotton acreage history for the tract among the parts.

(ii) In counties where farm allotments are determined on the historical basis, if the acreage planted to cotton in 1955, 1956, or 1957 is adjusted for abnormal conditions affecting plantings, as provided in § 722.917 (d), such adjusted acreage shall be divided among the tracts as follows:

(*a*) For any of the years 1955, 1956, and 1957, when the farm being divided was operated as a single farm, the cropland ratio determined under subdivision (i) of this subparagraph shall be used in apportioning such adjusted cotton acreage among the tracts.

(*b*) In case the farm being divided was established by combining two or more tracts of land for 1956 or for 1957 each such tract shall be referred to herein as an "identical tract", and the adjusted cotton acreage for 1955 (in case of a combination for 1956) or for 1955 and 1956 (in case of a combination for 1957) shall be divided among the identical tracts as follows:

(*1*) Where any such adjustment in the acreage planted to cotton was made prior to the combination and the adjusted cotton acreage for that year for the combined farm which was used in establishing the original 1958 farm allotment is the same as when the combination was made, the adjusted cotton acreage which was used for the identical tract in making the combination shall be reestablished for the tract for that year.

(*2*) Where any such adjustment in the acreage planted to cotton was made prior to the combination and the adjusted cotton acreage for that year for the combined farm which was used in establishing the original 1958 farm allotment is less than when the combination was made, the adjustment for each identical tract in making the combination shall be reduced by the same percentage that the adjustment previously applicable for the combined farm was reduced.

(*3*) Where any such adjustment (upward) for any year for the combined farm which was used in establishing the original 1958 farm allotment is larger than the adjustment in effect at the time the combination was made, the county committee shall determine the share of the increase in the adjustment which is to be assigned to each identical tract on the basis of the conditions obtaining on the tract which were the cause for the increase and shall add its share of such increase to the adjusted cotton acreage determined for each such tract for that year prior to the combination.

(*4*) Where any such adjustment (upward) in the acreage planted to cotton in a year prior to the combination was initially made in establishing the original 1958 farm allotment the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and shall add its share of such increase to the planted cotton acreage for each such tract for that year.

(*5*) If, in establishing the original 1958 farm allotment for a farm which was established by combining two or more tracts of land for 1956 or for 1957, the acreage planted to cotton on the combined farm was adjusted downward for abnormal conditions affecting plantings, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and make a corresponding reduction in the acreage planted to cotton on such tract for that year.

(*c*) Where an identical tract is divided, the adjusted cotton acreage for that year

for the identical tract shall be divided among the tracts thereof in proportion to the acreage of cropland on each such tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland, and sugarcane land may be excluded from the cropland on each tract in apportioning the adjusted cotton acreage for the identical tract among the tracts thereof.

(iii) In counties where farm allotments are determined on the cropland basis the 1958 farm allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1957 cotton acreage among the tracts pursuant to subdivision (i) of this subparagraph.

(iv) In counties where farm allotments are determined on the historical basis the 1958 farm allotment established for the single farm shall be apportioned among the tracts in proportion to the allotment bases determined for such tracts.

(v) The sum of the 1958 allotments established for the several tracts shall not exceed the 1958 allotment established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part shall be increased to the extent required by the minimum farm allotment provisions and may be (a) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (b) increased with released acreage available to the county committee under § 722.918.

(2) If two or more tracts of land are combined and operated as a single farm in 1958, the allotment established for such single farm shall be the sum of the allotments established for such tracts, except that (i) the allotment for the single farm shall be increased to the extent required by the minimum allotment provisions, and (ii) the allotment for such single farm shall not exceed the maximum farm allotment if such maximum allotment limitation is in effect in the county: *Provided*, That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (a) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship and (b) increased with released acreage available to the county committee under § 722.918.

§ 722.918 *Release and reapportionment of cotton allotments*—(a) *Conditions under which farm allotments cannot be released.* The following farm allotments shall not be released in whole or in part:

(1) Allotments for new cotton farms.

(2) The allotment for an old cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government as lessor on condition that no land on the farm shall be planted to cotton.

(3) The allotment for an old cotton farm where such allotment was established or adjusted as provided in § 722.920 (a), (b) and (e).

(4) The allotment for any farm where such release is opposed by the owner or operator or the holder of a real estate lien on the farm.

(5) The allotment for any farm where the county committee, prior to approval of the particular release and prior to the final date for reapportionment of released allotments established for the county, determines that the farm is being acquired for governmental or other public purpose.

(b) *Allotments which may be released.* Except as provided otherwise in paragraph (a) of this section, any part of any 1958 farm allotment for an old cotton farm which will not be used in 1958 and which is voluntarily released to the county committee by the farm owner or operator by the applicable closing date shall be deducted from the farm allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of cotton, land, labor, and equipment available for the production of cotton, crop-rotation practices, and soil and other physical facilities affecting the production of cotton: *Provided, however*, That any allotment released from a farm which on the date of the release is covered by a Soil Bank Conservation Reserve Contract, shall not be reapportioned by the county committee or released to the State committee for reapportionment to other counties. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm allotments shall be the date on which the planting of cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.916 (g). Any farm allotment released for 1958 only, shall, in determining future farm cotton allotment, be regarded as having been planted on the farm from which such allotment was released if cotton was seeded on such farm (or acreage history credit is provided for the farm under section 377 of the act or section 106 (a) or 112 (2) of the Agricultural Act of 1956) in at least one of the years in the three-year farm base period. Except as provided otherwise in paragraph (a) of this section, all or any part of any farm allotment for an old cotton farm may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm cotton allotments, the planting in 1958 of reapportioned allotments shall not be considered. For the purpose of determining future State and county allotments, reapportioned acreage to the extent planted will be credited to the State and to the county in which such acreage was planted.

(c) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under § 722.916 (g) may be used by the county committee for establishing and adjusting farm allotments for new cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of § 722.917.

§ 722.919 *Preservation of acreage history.* The farm allotment for 1958, excluding any allotment released from the farm or reapportioned to the farm, shall be considered for purposes of future State, county and farm allotments to have been planted, as provided by section 377 of the act as amended (71 Stat. 592, approved September 2, 1957).

§ 722.920 *Allotments for special farms*—(a) *Allotments for farms returned to agricultural production.* (1) The owner or operator of any cotton farm, in an area acquired in 1940 or thereafter for nonfarming purposes by the United States or by any State or agency thereof, which has been returned to agricultural production and which is not eligible under §§ 722.911 to 722.932 for an allotment as an old cotton farm, may apply to the county committee for a 1958 cotton allotment for such farm. Any such application shall be in writing and shall be filed within three years after the date of acquisition of such farm by the applicant but not later than the closing date established by the State committee, which shall not be later than March 1, 1958.

(2) No such owner or operator shall be eligible for an allotment under this paragraph unless it is established to the satisfaction of the county committee that such person was the owner or operator of a cotton farm at the time it was acquired by the United States or any State or agency thereof. The allotment established for any such farm shall compare with the allotments established for other farms in the same area which are similar, taking into consideration the cotton allotment, if any, last established for such farm; the land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton.

(b) *Allotments for other farms owned or operated by persons from whom cotton farms were acquired.* The county committee shall establish an allotment or consider an adjustment in the allotment determined under § 722.917, for any farm within the State owned or operated by a person from whom a cotton farm was acquired in the State in 1940 or thereafter for governmental or other public purposes, provided application therefor is filed within three years after acquisition of such farm by the applicant. The allotment established for any such farm shall compare with the allotments established for other farms in the same area which are similar, taking into consideration the cotton allotment, if any, of the farm so acquired from the owner or operator; the land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton: *Provided*, That no person shall be entitled to receive an allotment under both this paragraph and paragraph (a) of this section, and no person who, since his farm was acquired for governmental or other public purpose, has acquired an old cotton farm that for 1958 will have a representative cotton allotment, shall be entitled to receive an allotment under this paragraph.

(c) *Cotton farm.* For the purposes of paragraphs (a) and (b) of this section "cotton farm" means any farm on which there was an acreage planted to cotton (or regarded as planted to cotton under Public Law 12, 79th Congress, and section 344 (1) of the act) during any of the three years immediately preceding the year in which the farm was acquired by the United States, or any State or any agency thereof, or for any public purpose.

(d) *Acreage allotted in addition to county and State allotments.* Except to the extent that the production of any farm for which an allotment is established under paragraphs (a) and (b) of this section has contributed to the county and State allotments, the additional acreage allotted to farms under paragraphs (a) and (b) of this section shall be in addition to the allotments otherwise established for the county and State under §§ 722.911 to 722.932 and the production of the additional acreage so allotted shall be in addition to the national marketing quota established for 1958 pursuant to section 342 of the act.

(e) *Reallocation of allotments for flooded farms.* In any county in which a major flood control reservoir constructed by the United States Government is located wholly or in part, farm allotments established pursuant to the provisions of § 722.917 for the production of cotton on the lands within such reservoir, which lands, because of permanent or perennial flooding occasioned by the construction of such reservoir, shall be unfit for further cotton production, may be reallocated, within the discretion of the county committee, to other farms within the county as will in the opinion of the committee best serve the public interest.

(f) *Publicly owned agricultural experiment stations*—(1) *Allotments for farms operated by publicly owned agricultural experiment station.* A farm allotment shall be established pursuant to the provisions of § 722.917 for a farm operated by a publicly owned agricultural experiment station.

(2) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any cotton of the 1958 crop which is grown, for experimental purposes only, on a farm operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to cotton on a farm operated by a publicly owned agricultural experiment station is in excess of the farm allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (i) the acreage planted to cotton on the farm in excess of the farm allotment, or (ii) the acreage planted to cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

EXTRA LONG STAPLE COTTON

§ 722.921 *Conditions of exemption of extra long staple cotton*—(a) *If marketing quotas under section 347 of the act are in effect for 1958 crop.* If marketing quotas for extra long staple cotton are in effect for the 1958 crop, the provisions of this subpart relating to upland cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 of the act.

(b) *If marketing quotas under section 347 of the act are not in effect for the 1958 crop.* If marketing quotas for extra long staple cotton are not in effect for the 1958 crop:

(1) All of the 1958 crop of American-Egyptian cotton which is produced from pure strain seed in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and Imperial, and Riverside Counties, California; and Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1958 crop of upland cotton; provided, the American-Egyptian cotton is ginned on a roller-type gin, or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes, or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain American-Egyptian cottonseed is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the American-Egyptian seed to be planted showing that such seed is of pure strain.

(2) All of the 1958 crop of Sea Island and Sealand cotton which is produced from pure strain seed in Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumber, Suwannee, Union, and Volusia Counties, Florida; and Berrien, Cook, and Lanier Counties, Georgia; and all of the 1958 crop of Sea Island cotton which is produced from pure strain seed in Puerto Rico, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1958 crop of upland cotton; provided the Sea Island and Sealand cotton is ginned on a roller-type gin, or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes, or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain Sea Island cottonseed, or pure strain Sealand cottonseed, is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the Sea Island seed and the Sealand seed to be planted showing that such seed is of pure strain.

(3) Any cotton produced from the 1958 crop which staples one and one-half inches or more in length and which is ginned on a roller-type gin, or the Deputy Administrator authorizes the cotton to be ginned on another type gin for experimental purposes, or to prevent loss of the cotton due to frost or other adverse conditions, shall be exempted from the provisions of the regulations in this subpart with respect to marketing quotas for the 1958 crop of upland cotton regardless of where the cotton is produced in the United States or the variety of cotton from which such cotton is produced.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.922 *Notice of farm allotment and marketing quota.* Immediately after farm allotments in a county or other local administrative area are established and approved by the State committee or an employee of the State office pursuant to § 722.931 (b), the

county committee shall mail to the operator of each such farm a written notice of the farm allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new cotton farm for which application for an allotment is made but for which it is determined that no farm allotment and marketing quota will be established a similar written notice showing "None" as the allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will for crop year shown above be interested in the above-designated commodity produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1958 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether cotton farmers favor or oppose marketing quotas for the 1958 crop. Farm allotments shall not become effective unless (1) proper approval is obtained as provided under § 722.931 and (2) written notice of farm allotment is issued as provided under §§ 722.911 to 722.932. The farm operator shall immediately notify the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, for which a notice of farm allotment is issued for 1958 and, where required, the county committee shall issue a revised notice of farm allotment.

§ 722.923 *Amount of farm marketing quota.* The farm marketing quota for any farm for the 1958 crop of cotton shall be the actual production of lint cotton on the farm less the farm marketing excess.

§ 722.924 *Amount of farm marketing excess.* The farm marketing excess for the 1958 crop of cotton shall be the normal production of the acreage of cotton on the farm in excess of the farm allotment: *Provided*, That, such farm marketing excess shall not be larger than the amount by which the actual production of cotton on the farm exceeds the normal production of the farm allotment if the producer established such actual production in accordance with regulations to be issued under this part by the Secretary.

§ 722.925 *Publication of farm allotments and marketing quotas.* One copy of each notice of the farm allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments and quotas shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area. Either the copies of notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees.

§ 722.926 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.927 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and except as specifically provided for in §§ 722.918 and 722.920 (d) and (e) may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.928 *Measurement of farms to determine compliance with allotments.*—(a) *Premeasurement.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm allotment if the farm operator requests such measurement and pays the cost thereof, as determined by the county committee, and any farm on which such measured acreage is the only acreage planted to cotton shall be deemed to have an acreage not in excess of the farm allotment. The acreage of fields premeasured in accordance with this paragraph will not be redetermined for 1958 unless it is found that all of the premeasured area was not planted to cotton or that cotton was planted outside the premeasured area.

(b) *Measurement after planting.* Determination of the acreage planted to cotton on each farm in the county shall be made under the general supervision of the county committee in accordance with §§ 718.5 to 718.11 of the regulations pertaining to Determination of Acreage and Performance (22 F. R. 3747, 5675), as amended.

(c) *Notice of measured acreage and disposition of excess acreage.* The county committee or the county office manager shall mail to the farm operator a notice of the 1958 measured cotton acreage on the farm. If such acreage is in excess of the farm allotment, the notice mailed to the farm operator shall include (1) a statement of the basis for determining the farm marketing excess, and (2) authorization to dispose of the excess acreage within 15 days after the date of such notice. Notice so given shall constitute notice to each producer having an interest in the 1958 crop of cotton produced on the farm. If producers on the farm are unable because of conditions beyond their control to dispose of the excess cotton acreage within 15 days after notice of the measured cotton acreage is mailed to the farm operator as provided in this paragraph, a request in writing for additional time may be filed at the county office by any producer on the farm within the 15-day period. Such request shall set forth the reasons why producers on the farm were unable to destroy the excess acreage within the 15-day period. If the county committee or the county office manager is satisfied that the producers on the farm were unable to dispose of the excess cotton acreage within the 15-day period because of conditions beyond their control, the date for disposing of the excess cotton acreage may be extended to 30 days after the date the original notice of measured cotton acreage is mailed to the farm operator. The county office shall notify the farm operator in writing of the final date so established for disposing of the excess acreage.

(d) *Remeasurement.* The county committee or the county office manager shall provide for the remeasurement of the acreage planted to cotton on the farm upon request thereof by any producer on the farm and deposit with the treasurer of the county committee of an amount equal to the estimated cost of such remeasurement within 15 days after the date the original notice of measured cotton acreage is mailed to the farm operator pursuant to paragraph (c) of this section. Such deposit shall be returned to the producer only when the remeasurement reduces the acreage sufficiently to bring the acreage within the farm allotment or when the original measurement is claimed to be too small and the remeasurement reveals that an error of at least three percent or five-tenths (0.5) of an acre, whichever is larger, was made in the original determination and the redetermined acreage is within the farm allotment. The State committee may, upon approval of the Deputy Administrator, decrease the five-tenths (0.5) acre minimum error provided in this paragraph. If within a reasonable time after the end of the 15-day period provided in this paragraph any producer on the farm applies for a remeasurement of the acreage planted to cotton and deposits the estimated cost of such remeasurement and established to the satisfaction of the county committee or county office manager that failure to request remeasurement within such 15-day period was due to conditions beyond the control of producers on the farm, the county committee or county office manager shall grant the request for remeasurement and shall so notify the farm operator in writing. The county committee or the county office manager shall notify the farm operator by mail of the 1958 remeasured cotton acreage on the farm. If such remeasured acreage is in excess of the farm allotment, the notice mailed to the farm operator shall include (1) a statement of the basis for determining the farm marketing excess, and (2) authorization to dispose of the excess acreage within 7 days after the date of such notice.

(e) *Insufficient cotton acreage disposed of initially.* If measurement of the acreage initially disposed of is made as provided in paragraph (f) of this section and such measurement shows that excess acreage still remains on the farm, the notice mailed to the farm operator shall include (1) a statement of the basis for determining the farm marketing excess, and (2) authorization to dispose of the excess acreage within 7 days after the date of such notice.

(f) *Measurement of acreage disposed of.* If, within the time allowed pursuant to this section, the excess cotton acreage on any farm is disposed of and a producer on the farm requests that the acreage disposed of be measured and pays the estimated cost of measuring such acreage, the county committee shall provide for such measurement. Excess cotton acreage shall not be deemed to have been disposed of unless disposition thereof is determined as provided under this paragraph.

(g) *Extension of time for disposing of excess acreage because of conditions beyond the control of producers on the farm.* If due to circumstances beyond their control producers on the farm were unable to dispose of the excess cotton acreage within the time established under paragraphs (c), (d), or (e) of this section, any producer on the farm may file written application containing proper justification with the county office after expiration of the time established under the applicable paragraph requesting the State committee or an employee of the State office to authorize the county office to grant an extension of time for disposing of the excess cotton acreage. If the county committee or the county office manager determines that producers on a farm were unable because of conditions beyond their control to dispose of the excess acreage by the dates applicable under paragraphs (c), (d) and (e) of this section, the county committee or the county office manager, with the approval of the State committee or an employee of the State office, may extend such date in order to provide the producers a reasonable opportunity to dispose of the excess cotton acreage and shall notify the farm operator in writing of the final date so established for disposing of the excess cotton acreage. In any case where the excess cotton acreage on a farm was disposed of within the time allowed pursuant to this section, but payment of the estimated cost of measuring the excess acreage disposed of was not made, the county committee or the county office manager, with the approval of the State committee or an employee of the State office, may extend the date for payment of such costs and, upon payment thereof, the county committee shall provide for such measurement.

(h) *No adjustment of cotton acreage to allotment after harvest.* No cotton acreage shall be disposed of under this section for purposes of adjusting the planted acreage of cotton to the farm allotment after any cotton has been harvested from such planted acreage.

§ 722.929 *No credit for overplanting the farm allotment.* Any acreage planted to cotton in 1958 in excess of the farm allotment for the 1958 crop of cotton shall not be taken into account in establishing State, county, and farm allotments for the 1959 and subsequent crops of cotton.

§ 722.930 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving cotton allotments, all records pertaining to cotton allotments and marketing quotas, including the allocations to the county from the State reserve and the total amount and the distribution of the county reserve.

§ 722.931 *Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.*—(a) *Approval of State reserves, county allotments, and county reserves.* Determination of State reserves and county allotments as provided for in § 722.916 (a) and § 722.916 (e), and of county reserves, as provided in § 722.917 (b), shall be subject to review and approval by the Secretary and such allotments and reserves as approved by the Secretary shall be published at a later date in an amendment to § 722.916 (i).

(b) *Approval of county committee determinations.* The State committee or employees of the State office shall review all farm allotments and may revise or require revision of any determinations made under §§ 722.917 to 722.928. Cotton allotments for both old and new cotton farms shall be approved by the State committee or employees of the State office. No official notice of farm allotment and marketing quota shall be mailed to a farm operator until such approval has been obtained.

(c) *Additional authority for determination of farm allotments and farm marketing quotas.* In addition to the authority established in §§ 722.911 to 722.931 (b) for determination of farm allotments and farm marketing quotas for both old and new farms, including revised allotments to correct errors, such determinations may be made by the Secretary and Assistant Secretary of Agriculture, or the Administrator of Commodity Stabilization Service. A notice conforming to the requirements of § 722.922 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.922. A copy of each notice shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of § 722.922 to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1958 on the farm for which the notice is given.

§ 722.932 *Review of farm allotment.*—(a) *Review committees.* Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.922, have such allotment reviewed by a review committee composed of three farmers appointed by the Secretary pursuant to section 363 of the act. The review committee shall, upon proper application, review the action of the county committee. In all cases, the review committee shall consider only such matters as under the applicable provisions of the act and the regulations in this part, are required or permitted to be considered by the county committee in establishing the allotment. Unless such application is made within 15 days, the original determination of the farm allotment shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting and record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 11th day of October, 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-8504; Filed, Oct. 11, 1957; 3:01 p. m.]

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ALLOTMENT FOR THE 1958 CROP OF EXTRA LONG STAPLE COTTON

Sec.

722.1501 Basis and purpose.
722.1502 Findings and determinations with respect to a national marketing quota for the 1958 crop of extra long staple cotton.
722.1503 Determination of a national allotment for the 1958 crop of extra long staple cotton.

AUTHORITY: §§ 722.1501 to 722.1503 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 341–348, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1341–1348.

§ 722.1501 *Basis and purpose.* (a) This proclamation is issued to announce

findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of extra long staple cotton for the marketing year beginning August 1, 1957, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national allotment for the 1958 crop of extra long staple cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act").

(b) The term "extra long staple cotton", as used in § 722.1502 (a) and (b), means the kinds of cotton described in section 347 (a) of the act, including all American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sealand cotton, and all imports of similar type cotton produced in Egypt and Peru. The term "extra long staple cotton", as used in §§ 722.1502 (c) and 722.1503, means the kinds of cotton described in section 347 (a) of the act. The term "carryover" as used herein does not include Commodity Credit Corporation and General Services Administration stocks of extra long staple cotton which were acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act. Section 347 (c) of the act provides that, with certain exceptions, all provisions of the act shall, insofar as applicable, apply to marketing quotas and acreage allotments for extra long staple cotton.

(c) The terms "total supply", "carryover", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carryover at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carryover" of cotton for any marketing year shall be the quantity of cotton on hand, in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carryover.

(d) Section 347 (b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary of Agriculture determines that the total supply of extra long staple cotton for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of such cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed under the act, the Secretary is also required to determine and proclaim a national allotment for the crop to be produced in the next calendar year.

(e) The findings and determinations made by the Secretary are contained in §§ 722.1502 and 722.1503 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER (22 F. R. 5966) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) that the Secretary was preparing to examine the supply situation with respect to extra long staple cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of such notice, which was July 27, 1957. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.1502 *Findings and determinations with respect to a national marketing quota for the 1958 crop of extra long staple cotton*—(a) *Total supply.* The total supply of extra long staple cotton for the marketing year beginning August 1, 1957 (in terms of running bales or the equivalent) is 210,300 bales, consisting of (1) a carryover on August 1, 1957, of 49,900 bales, (2) estimated production from the 1957 crop of 90,400 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1957, of 70,000 bales.

(b) *Normal supply.* The normal supply of extra long staple cotton for the marketing year beginning August 1, 1957 (in terms of running bales or the equivalent) is 188,500 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1957, of 115,000 bales, (2) estimated exports during the marketing year beginning August 1, 1957, of 30,000 bales, and (3) 30 percent of the sum of items (1) and (2) as an allowance for carryover, or 43,500 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of extra long staple cotton for the marketing year beginning August 1, 1957, will exceed the normal supply of such cotton for such marketing year by more than 8 per centum. Therefore, a national marketing quota shall be in effect for the crop of extra long staple cotton produced in the calendar year 1958. It is further determined and proclaimed that the amount of the national marketing quota for the 1958 crop of extra long staple cotton shall be 79,022 bales of cotton (standard bales of 500 pounds gross weight), which represents the quantity of cotton needed to make available a normal supply, taking into account the estimated carryover on August 1, 1958, and the estimated imports during the 1958–59 marketing year.

§ 722.1503 *Determination of national allotment for the 1958 crop of extra long staple cotton.* It is hereby determined and proclaimed that the national allotment for the 1958 crop of extra long staple cotton shall be 83,286 acres. The amount of such national allotment has been determined under section 344 (a) of the act, which provides that the national allotment shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

Done at Washington, D. C., this 11th day of October, 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-8502; Filed, Oct. 11, 1957; 3:01 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 1015.301 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083), hereinafter referred to as Order No. 115, regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of cucumbers in the manner set forth below, on and after the effective date of this section; (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted, under the circumstances, for such preparation; and (v) information regarding the committee's recommendations has been made available to handlers in the production area.

(b) *Order.* During the period from October 20, 1957 through December 15, 1957, the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area:

(1) No person shall handle any cucumbers unless such cucumbers meet the requirements of U. S. Fancy, U. S. No. 1, U. S. No. 1 Small, or U. S. No. 1 Large;

(2) Each handler subject to these regulations may handle up to, but not to exceed one bushel (48 pounds net), or equivalent, of cucumbers per day without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment over one bushel of cucumbers;

(3) No person shall handle any cucumbers unless such cucumbers are inspected and certified pursuant to the provisions of § 1015.60; and

(4) The grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title), including the tolerances set forth therein; and "cucumbers" and all other terms shall have the same meaning as when used in Order No. 115 (22 F. R. 6083).

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated: October 10, 1957, to become effective October 21, 1957.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8471; Filed, Oct. 14, 1957; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6819]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ELLISBERG'S, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees:* § 13.155 *Prices:* Comparative; usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price:* § 13.1355 *Value.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Ellisberg's, Inc., et al., Raleigh, N. C., Docket 6819, Sept. 18, 1957]

In the Matter of Ellisberg's, Inc., a Corporation, and Elias Ellisberg and Mortimer Ellisberg, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Raleigh, N. C., with violating the Fur Products Labeling Act by making false representations concerning fur products and failing otherwise to comply with the labeling, invoicing, and advertising requirements of the act.

Following approval of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 18, 1957, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Ellisberg's, Inc., a corporation, and its officers, and Elias Ellisberg and Mortimer Ellisberg, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped or received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product by affixing thereto any label or tag containing a price which is greater than the price normally charged in the usual and regular course of business;

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

3. Setting forth on labels attached to such fur products nonrequired information mingled with information that is required under section 4 (2) of the act and the rules and regulations thereunder;

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(c) The name of the country of origin of any imported fur contained in such fur products;

2. Sets forth information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

3. Fails to set forth in type of equal size and conspicuousness information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder;

4. Represents prices of fur products as being reduced from regular or usual prices where the so-called regular or usual prices are in fact fictitious, in that they are not the prices at which said merchandise is usually sold by respondents in the recent regular course of business in violation of section 5 (a) (5) of the Fur Products Labeling Act and Rule 44 (a) of the rules and regulations thereunder;

5. Guarantees that prices will be higher later in the season unless such is the fact;

D. Making use of comparative prices and percentage savings claims in advertising unless such prices and claims are based on current market values or unless

the designated time of a bona fide compared price is given;

E. Making pricing claims and representations of the type referred to in paragraphs C 4 and D unless full and adequate records disclosing the facts upon which such claims and representations are purportedly based are maintained, as required under Rule 44 (e) of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 18, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8445; Filed, Oct. 14, 1957; 8:46 a. m.]

[Docket 6790]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OLD YORK DISTRIBUTORS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1435 *History;* [*Misrepresenting oneself and goods*] — Goods: § 13.1725 *Refunds;* § 13.1740 *Scientific or other relevant facts;* § 13.1760 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1995 *Job guarantee and employment.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Old York Distributors, Inc., et al., Philadelphia, Pa., Docket 6790, Sept. 18, 1957]

In the Matter of Old York Distributors, Inc., a Corporation, and Kolman Freedman, and Henry Perkins, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an incorporated concern in Philadelphia, Pa., with using in advertising in newspapers and otherwise purported offers of employment to sell its candy vending machines and with misrepresenting profits customers would make operating them; and with falsely representing orally and through salesmen that it represented the Hershey Chocolate Corporation and that vending machine purchasers would also be Hershey representatives—among a variety of false and misleading claims, all made for the purpose of inducing purchase of their products.

Following approval of an agreement between complaint counsel and all but one of the respondents for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 18 the decision of the Commission. One charge of the complaint was dismissed and the complaint remains pending as to one individual respondent.

The order to cease and desist is as follows:

It is ordered, That respondents Old York Distributors, Inc., a corporation, and its officers, and Henry Perkins, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of vending machines or candies, or both, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that:

1. Employment is offered when, in fact, the purpose of the offer is to obtain purchases of respondents' products.

2. The route the prospective purchaser would serve is in any way connected with or under the supervision or control of the Hershey Chocolate Corporation, or that said route had been established prior to the time of the purchase of respondents' machines.

3. It is necessary for a purchaser to own a car or furnish references in order to qualify for respondents' offer, or misrepresenting in any manner the necessary qualifications.

4. The earnings or profits derived from the operation of respondents' machines are any amounts that are in excess of those which have been, in fact, customarily earned by operators of said machines.

5. The amounts invested in respondents' products are secured by inventory or otherwise.

6. Respondents' salesmen or the purchasers of their products represent the Hershey Chocolate Corporation.

7. Respondents will place the machines sold by them in choice locations from a revenue producing standpoint.

8. Purchasers of respondents' machines and supplies are allowed to purchase additional machines and supplies on credit.

9. Salesmen or placement men render services to purchasers after the machines purchased are located.

10. Freight, express or other delivery charges on the initial shipment are paid by respondents or any of them.

11. Candy dispensed by respondents' machines cannot be bought in local stores at retail.

12. Respondents pay any or all taxes or licenses on machines sold by them.

13. Respondents have had 43 years of experience in the vending machine business or for any period of time that is not in accordance with the facts.

14. Purchasers of respondents' machines are under respondents' jurisdiction for any period of time or are required to operate in accordance with respondents' standards.

15. In the event purchasers of their machines desire to sell the machines, respondents will assist them in finding buyers, unless such is a fact.

16. Respondents will refund the purchase price of machines.

17. Purchasers are given exclusive territorial franchises.

18. The amount paid for respondents' machines is a surety bond or anything other than the purchase price.

It is further ordered, That the charge set out in subparagraph 4 of Paragraph Six of the complaint be, and the same hereby is, dismissed without prejudice as to the respondents Old York Distributors, Inc., a corporation, and Henry Perkins, individually and as an officer of said corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Old York Distributors, Inc., a corporation, and Henry Perkins, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 18, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8444; Filed, Oct. 14, 1957; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1523]

[Anchorage 030682 et al.]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES AND CORRECTING PUBLIC LAND ORDER NO. 1345 OF OCTOBER 16, 1956

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following-described lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and the lands, excluding their mineral resources, are hereby reserved for use of the Department of the Army for military purposes, jurisdiction over the mineral resources being retained in the Department of the Interior:

a. As an addition to the area containing 992.96 acres reserved by Public Land Order No. 1345 under Anchorage 030682:

SEWARD MERIDIAN

T. 15 N., R. 3 W.,
Sec. 17, lots 1 and 2, N½NE¼.

The areas described aggregate 151.67 acres.

b. As an addition to the area containing 992.96 acres reserved by Public Land Order No. 1345 under Fairbanks 012881:

FAIRBANKS MERIDIAN

T. 4 S., R. 4 E.,
Sec. 33, NW¼NW¼NE¼, W½SW¼NW¼NE¼, W½W½SW¼NE¼, NW¼, and N½N½N½SW¼.

The areas described aggregate 205 acres.

2. The land description in Public Land Order No. 1345 of October 16, 1956, so far as such description relates to lands in Fairbanks 012866 and 012867, is hereby corrected to read as follows:

FAIRBANKS 012866

Commencing at the intersection of latitude 64°40' N., longitude 146°45' W., thence East 1,000 feet to the true point of beginning for this description, thence
N. 69°00' W., 5,700 feet;
North, 4,200 feet;
East, 4,800 feet;
S. 51°45' E., 3,600 feet;
South, 5,250 feet;
West, 2,306 feet;
North, 1,236 feet to point of beginning.

The tract described contains 961.42 acres.

FAIRBANKS 012867

Commencing at the intersection of latitude 64°35' N., longitude 146°45' W., thence South 27°00' W., 2,560 feet to the true point of beginning for this description, thence
North, 2,608 feet;
East, 1,250 feet;
N. 31°15' E., 3,950 feet;
N. 78°00' E., 3,200 feet;
S. 54°00' E., 3,550 feet;
S. 36°00' W., 5,640 feet;
West, 5,986 feet to point of beginning.

The tract described contains 926.91 acres.

3. Public Land Order No. 1345 of October 16, 1956, is further amended by substituting the words "Department of the Army" for "Department of the Air Force" wherever they appear.

The withdrawal made by this order shall take precedence over but not otherwise affect Public Land Order No. 1102 of March 23, 1956, so far as it reserved certain lands for use of the Alaska Aeronautics and Communications Commission.

ROGER ERNST,
Assistant Secretary of the Interior.

OCTOBER 8, 1957.

[F. R. Doc. 57-8439; Filed, Oct. 14, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12134; FCC 57-1130]

[Rules Amdt. 3-97]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS (SOUTH BEND, ELKHART, AND PLYMOUTH, IND., ELGIN AND WAUKEGAN, ILL., BENTON HARBOR AND KALAMAZOO, MICH.

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on August 7, 1957 (FCC 57-890), and published in the FEDERAL REGISTER on August 10, 1957 (22 F. R. 6432), in response to petitions filed by Truth Publishing Company, Inc., and South Bend Tribune, proposing to assign lower UHF channels in the South Bend-Elkhart area.

2. Truth Publishing Company, licensee of Station WSJV, Elkhart, Indiana, on Channel 52, proposed to amend the Table of Assignments as follows:

City	Channel No.	
	Delete	Add
South Bend, Ind	*40+	*52
Elkhart, Ind	52	----
South Bend-Elkhart, Ind	----	28+
Elgin, Ill	28+	83
Benton Harbor, Mich	42	40+

WSJV also requested that it be directed to show cause why its authorization should not be modified to specify operation on Channel 28+ at South Bend-Elkhart in lieu of its present operation on Channel 52 at Elkhart.

3. South Bend Tribune, licensee of Station WSBT-TV, South Bend, Indiana, on Channel 34, proposed to amend the Table as follows:

City	Channel No.	
	Delete	Add
South Bend, Ind	34	22
Waukegan, Ill	22+	79+
Kalamazoo, Mich	36—	46
Plymouth, Ind	----	34

WSBT also requested that it be directed to show cause why its authorization should not be modified to specify operation on Channel 22 in lieu of Channel 34 in South Bend.

4. Comments were filed by Zenith Radio Corporation and the two petitioners. No comments opposing the proposals advanced by the petitioners were filed. Zenith points out that it holds an experimental authorization for Channel 22 but that it has filed for a modification for Channel 38. It states that it does not oppose the assignment of Channel 22 to South Bend if the public interest requires it.

5. In support of its proposal WSJV asserts that South Bend and Elkhart are approximately 15 miles apart in the same market; that WSJV provides a city-grade service to both South Bend and Elkhart, as do both of the South Bend stations (WSBT-TV and WNDU-TV); that its proposal is in full conformity with the Rules; that the lower UHF channels are more effective and desirable for improving service; that UHF receivers pick up lower UHF channels better than they do higher UHF channels and that its proposal will not disturb any operating station or outstanding permit and will not deprive any city of a television channel assignment.

6. In support of its proposal WSBT-TV alleges that the South Bend-Elkhart area is a "UHF island"; that operation on lower UHF channels would result in better coverage than is now the case on the higher channels; that there are no authorizations or applications for Channel 22 in Waukegan or Channel 36 in Kalamazoo; and that the proposal conforms with our Rules.

7. We are of the view that the proposed channel changes would serve the public interest by making more effective utilization of available facilities and improving the television service in the South Bend-Elkhart area. We also believe that the channels assigned to the communities of South Bend and Elkhart should be assigned to these communities on a hyphenated basis. We believe, further, that improved television service for this area under the amendments herein can be expedited by modifying the outstanding licenses of Stations WSJV and WSBT-TV to specify operation on the lower UHF channels added to the community. We do not believe, however, that it would be appropriate in this rule making proceeding to modify the authorization of Truth Publishing Company for Station WSJV as requested to specify operation on Channel 28 as a "South Bend-Elkhart" station rather than an Elkhart station. We determined in Docket No. 11660 (see Report and Order issued March 14, 1957, FCC 57-239) that authority to identify a television station with more than one city would be considered on the basis of requests for waiver of the rules. Accordingly, in this proceeding we are merely modifying Truth Publishing Company's authorization for Station WSJV to specify the lower UHF channel added to the community and are not changing the station location.

8. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered,* That, effective November 15, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

1. Amend the table to read as follows:

City	*Channel No.*
South Bend-Elkhart, Ind	16, 22, 28+, *52
Elgin, Ill	83
Waukegan, Ill	79+
Benton Harbor, Mich	40+
Kalamazoo, Mich	3—, 46, *74

2. Add to the table under the State of Indiana:

Plymouth	34—

10. *It is further ordered,* Pursuant to section 316 of the Communications Act of 1934, as amended, That effective November 15, 1957, the license of Truth Publishing Company, Inc. for the operation of Station WSJV is modified to specify operation on Channel 28+ in lieu of Channel 52 at Elkhart, Indiana and the license of South Bend Tribune for the operation of Station WSBT-TV is modified to specify operation on Channel 22 in lieu of Channel 34 at South Bend, Indiana, subject to the following conditions:

(a) Truth Publishing Company and the South Bend Tribune should submit to the Commission by November 1, 1957,

all necessary information for the preparation of engineering specifications to cover operation of Station WSJV meeting all requirements of the Commission's Rules for operation at Elkhart, Indiana on Channel 28+ and of Station WSBT-TV meeting such requirements on Channel 22 at South Bend.

(b) Construction looking to a change of operation of Stations WSJV and WSBT-TV should not commence until specifically authorized by the Commission after the information requested above is submitted.

(c) In the event Truth Publishing Company, Inc. and South Bend Tribune are unable to commence operation of Stations WSJV and WSBT-TV by the effective date specified above, the Commission will consider requests for continued operation of the stations in accordance with the terms and conditions of the current authorizations until operation on the new channels can be commenced.

(d) Acceptance of said modifications of the licenses for Stations WSJV and WSBT-TV to operate on Channels 28 and 22, respectively, shall be deemed a surrender of any and all rights that Truth Publishing Company and South Bend Tribune may have with respect to operation on Channels 52 and 34.

(e) Truth Publishing Company and South Bend Tribune should advise the Commission in writing by October 25, 1957, whether they accept the modification of their respective licenses for the operation of Stations WSJV and WSBT-TV at Elkhart and South Bend, Indiana, subject to the conditions described above.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: October 9, 1957.

Released: October 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8454; Filed, Oct. 14, 1957; 8:53 a. m.]

[Docket No. 12115; FCC 57-1118]

[Rules Amdt. 9-15]

PART 9—AVIATION SERVICES

AVAILABILITY OF FREQUENCY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of October 1957;

The Commission having under consideration the amendment of § 9.433 (b) (6), Part 9—Aviation Services, to make provision for the use of the frequency 127.3 Mc for international aeronautical enroute operations on the east coast of the United States on a secondary basis to domestic operations; and

It appearing that in order to serve expanding international air carrier operations, it is necessary that the frequency 126.9 Mc (which is the only very high frequency exclusively available for international enroute communications) be supplemented on the east coast of the United States by use of the frequency 127.3 Mc; and

It further appearing that notice of proposed rule making in the above-entitled matter was released on July 29, 1957; and

It further appearing that the notice which made provision for filing of comments by September 3, 1957, was duly published in the FEDERAL REGISTER August 2, 1957 (22 F. R. 6120); and

It further appearing that no comments were received in this proceeding; and

It further appearing that authority for issuance of this order is contained in section 303 (c), (h) and (r) of the Communications Act of 1934, as amended:

It is ordered, That Part 9 of the Commission's rules be amended, effective Nov. 15, 1957, as set forth below; and

It is further ordered, That the proceedings in Docket 12115 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 9—Aviation Services, as indicated below:

Delete subparagraph (6) of § 9.433 (b) and substitute a new subparagraph (6) to read as follows:

(6) *Common frequencies.*

126.9 Mc (for use by aeronautical enroute stations serving international operations).
127.3 Mc (for use, on a secondary basis to operations on domestic routes, by aeronautical enroute stations serving international operations on the east coast of the United States).
129.5 Mc (for use on all chains).

[F. R. Doc. 57-8455; Filed, Oct. 14, 1957; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

OPEN SEASON, NORTHERN SECTION, NORTH OF SULLIVAN ISLAND

Basis and purpose. On the basis of continuing good runs of chum salmon in the northern section of the western district in Southeastern Alaska it has been determined that additional fishing time can be permitted.

Therefore effective immediately upon publication in the FEDERAL REGISTER § 118.4 is amended in text by deleting "to 12 o'clock noon October 11" and substituting in lieu thereof "until further notice" and by deleting "Friday" and substituting in lieu thereof "Saturday."

These changes shall be effective in 1957 only.

Since immediate action is necessary notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-8513; Filed, Oct. 11, 1957; 4:01 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957-58 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $192,500.00 will be necessarily incurred during the fiscal period August 1, 1957, to July 31, 1958, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as each handler's share of such expenses, the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, at five and one-half mills ($0.0055) per standard packed box of fruit shipped by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," "fiscal period," and "standard packed box" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 10, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8473; Filed, Oct. 14, 1957; 8:52 a. m.]

[7 CFR Part 955]

GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF., AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957-58 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $22,750.00 will be necessarily incurred during the fiscal period August 1, 1957, to July 31, 1958, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at one and three-fourths cents ($0.0175) per standard box of fruit shipped by such handler as the first handler thereof during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," "fiscal period," and "standard box" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 10, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8472; Filed, Oct. 14, 1957; 8:52 a. m.]

[7 CFR Part 1065]

TOMATOES

PROPOSED RULE MAKING WITH RESPECT TO REGULATIONS GOVERNING IMPORTS

Notice is hereby given that the Secretary of Agriculture is giving consideration to the grading and inspection regulations that are to be made applicable to the importation of tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable General Regulations (7 CFR Part 1060; 19 F. R. 7707, 8012).

The regulations under consideration are to apply to all imports of tomatoes on the same basis as regulations now proposed to be imposed upon handlers of tomatoes grown in Florida pursuant to regulations issued under Marketing Agreement No. 125 and Order No. 45 (§ 945.304; 22 F. R. 7984).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1065.3 (a) *Tomato Regulation No. 3.* During the period from November 10, 1957, to June 30, 1958, both dates inclusive, and subject to the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marrano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of the U. S. No. 3, or better grade, and are 1⅞ inches minimum diameter or larger: *Provided*, That not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 8 (1⅞ inches minimum diameter to 2⅛ inches maximum diameter) may be smaller than the specified minimum diameter.

(b) *Minimum quantities.* Any importation which in the aggregate does not exceed 60 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported tomatoes is required pursuant to § 1060.3 of this chapter and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports, Office, and Advance Notice

All Texas points; W. T. McNabb, 222 McClendon Building, 305 East Jackson Street, Harlingen, Tex (Telephone, Garfield 3-5644); 1 day.

All Arizona points; R. H. Bertelson, Room 202, Trust Building, 305 American Avenue, P. O. Box 1646, Nogales, Ariz. (Telephone, Atwater 7-2902); 1 day.

All California points; Carley D. Williams, 284 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles 2, Calif. (Telephone, Vandike 8756); 3 days.

All Florida points; Lloyd W. Boney, Room 5, Dade County Growers Market, 1200 Northwest 21st Terrace, Miami 42, Fla. (Telephone, Franklin 1-6932); 3 days.

All other points; E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D. C. (Telephone, Republic 7-4142, Ext. 5870); 3 days.

(3) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this chapter). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;
(ii) The name of the shipper, or applicant;
(iii) The name of the importer (consignee);
(iv) The commodity inspected;
(v) The quantity of the commodity covered by the certificate;
(vi) The principal identifying marks on the containers;
(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
(viii) The following statement, if the facts warrant; Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(e) *Definitions.* (1) The term "U. S. No. 3" means the U. S. No. 3 grade, as set forth in the United States Standards for Tomatoes (§§ 51.1855 to 51.1877, inclusive, of this title; 21 F. R. 9559), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities.

Dated: October 10, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8470; Filed, Oct. 14, 1957; 8:52 a. m.]

Commodity Stabilization Service

[7 CFR Part 717]

HOLDING OF REFERENDA ON MARKETING QUOTAS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, 7 U. S. C. 1281 et seq., and the Soil Bank Act, 7 U. S. C. 1281, is considering amending the regulations governing the holding of referenda on marketing quotas (21 F. R. 3960, 4799, 8793; 22 F. R. 2982) in the following respects:

1. Amend § 717.1 (h) to read as follows:

(h) *Engaged in the production.* The term "engaged in the production" shall include planting a crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. In addition, with respect to a farm on which the acreage allotment for the pertinent commodity was not fully planted but for which the acreage allotment was preserved under the provisions of section 377 of the Agricultural Adjustment Act, sections 106 (a) or 112 (2) of the Soil Bank Act, and applicable regulations, any person who it is determined by the county committee would have shared in the crop as landlord, tenant, or sharecropper, if such crop had been fully planted, shall be deemed to have been engaged in the production of such commodity for the year in which the crop would have been harvested from the preserved acreage allotment to the extent of the acreage allotment so preserved for the purposes of the regulations in this subpart.

2. Amend § 717.3 (a) (4), (5) and (6) to read as follows:

(4) *Wheat.* Farmers who will be engaged in the production of wheat for harvest in the calendar year in which the marketing year with respect to which the referendum is held begins on a farm located in an area not designated at the time of the referendum as being outside the commercial wheat-producing area for the marketing year with respect to which the referendum is held and who intend to harvest in any manner in excess of fifteen acres of wheat for grain on the farm, including as harvested acreage any acreage on the farm which will be preserved for allotment purposes under the provisions of section 377 of the Agricultural Adjustment Act or section 106 (a) or 112 (2) of the Soil Bank Act as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper, shall be eligible to vote in a referendum with respect to wheat: *Provided*, That no person who signs a form MQ-32 Wheat, Application for Exemption from Provisions of Wheat Marketing Quota Obligations under the Provisions of Public Law 85-203, for any farm with respect to any crop of wheat, which is filed with and approved by the county committee and which remains uncancelled on the date of the referendum on the next succeeding crop of wheat shall be eligible to vote in such referendum. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(5) *Rice.* Farmers eligible to vote in a referendum with respect to rice will be those farmers who, in the continental United States and with respect to the crop of rice harvested immediately preceding the date of the referendum, engaged in the production of irrigated rice, or engaged in the production of more than three acres of non-irrigated rice on a farm, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant (including an irrigation company furnishing water for a share of the crop), or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. A person who obtained a rice allotment with respect to the crop of rice harvested immediately prior to the referendum as a new producer under applicable regulations and did not plant any of such rice allotment shall not be eligible to vote in the referendum.

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who were engaged in the production of more than one acre of peanuts for nuts on a farm in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

All persons who desire to submit written data, views and recommendations in connection with the above proposals or any changes not included in the proposals above should file the same with the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within fifteen days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 10th day of October 1957.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 57-8475; Filed, Oct. 14, 1957; 8:53 a. m.]

[7 CFR Part 729]

PEANUTS

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO 1958 NATIONAL MARKETING QUOTA AND APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT TO STATES

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393 and Sups.), the Secretary of Agriculture is required by section 358 (a) thereof to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358 (a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358 (a) of the act further provides that the national marketing quota established for any year subsequent to 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941, which was 1,610,000 acres.

Section 358 (c) (1) of the act provides that for any year subsequent to 1951, the national acreage allotment for that year, less the acreage to be allotted to new farms under section 358 (f) of the act shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1958 crop of peanuts will be apportioned to States on the basis of their shares of the 1957 national acreage allotment.

Prior to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States and determining the percentage of the national acreage allotment to be reserved for new farms consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 10 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 10th day of October 1957.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-8474; Filed, Oct. 14, 1957; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC-19]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

EXTENSION OF TIME FOR FILING REPRESENTATIONS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 24th day of September A. D. 1957.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Movers Conference of America, filed August 23, 1957, for modification of notice of proposed rule making dated July 15, 1957; for oral hearing; and for extension of time for filing representations;

(2) Petition of United Van Lines, Inc., filed August 30, 1957, for oral hearing, or, in the alternative, for extension of time for filing representations;

(3) Reply of Regular Common Carrier Conference of American Trucking Associations, Inc., filed August 30, 1957, to petition of Movers Conference of America described above;

and good cause appearing therefor:

It is ordered, That the time for filing representations in the above-entitled proceeding be, and it is hereby, extended from October 1, 1957, to December 1, 1957;

It is further ordered, That said petitions be, and they are hereby, denied in all other respects.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-8452; Filed, Oct. 14, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 12212; FCC 57-1132]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

INCLUSION OF PHOTOGRAPHS IN AN APPLICATION FOR EQUIPMENT TYPE ACCEPTANCE

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The amendment to § 2.523 (b) proposed herein would require the submission of photographs of equipment for which type acceptance is requested. This contemplated requirement would serve the double purpose of (1) completing, or rounding out, the showing made concerning the equipment's conformity with outstanding constructional and operational requirements, and (2) provide an authoritative basis for making decisions as to the permissive equipment changes set forth in § 2.540 which are so frequently requested by equipment users.

3. As detailed in the proposed rule change, it is considered that, in accordance with § 2.523 (b) (3), most, if not all, of the photographs required by the proposed amendment normally would be available in the instruction books or manuals furnished with a type acceptance request. In such case, little or no further burden is placed upon the applicant, since such photographs would comply with the proposed amendment.

4. Those applicants who do not provide with their type acceptance application an illustrated instruction book, or provide one in which the equipment is not illustrated in sufficient detail, would be required to provide such photographs as part of the type acceptance application. It is proposed that these photographs show clearly the controls and metering arrangements of the equipment, together with their labeling, and that additional views should provide a clear and definite showing of the construction and component placement of the unit or units comprising the equipment.

5. The proposed amendment to the rules is set forth below and is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before December 1, 1957 written data, views or arguments setting forth his comments. Comments in support of the proposed amendments also may be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: October 9, 1957.

Released: October 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend § 2.523 (b) to add a subparagraph (4) as follows:

(4) *Photographs of equipment.* Adequately identified photographs of sufficient size and clarity to reveal equipment construction and layout should be furnished. These should include at least one view showing the control panel or panels, including meters and labels for controls and meters, and sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in the instruction manuals supplied with the type acceptance request, additional photographs need be sufficient only to complete the required showing.

[F. R. Doc. 57-8458; Filed, Oct. 14, 1957; 8:49 a. m.]

[47 CFR Parts 2, 9]

[Docket No. 12211; FCC 57-1131]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; AVIATION SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In response to a request by National Headquarters, Civil Air Patrol (CAP), it is proposed to amend §§ 9.912 and 9.913 (a), Part 9 of the Commission's rules governing aviation services, as set forth below, to make additional frequencies available for use by the CAP and to make provision for the operation of CAP land stations at temporary locations for periods of time not exceeding 48 hours.

3. Provision in the Commission's rules to make possible the operation of CAP land stations at temporary locations would permit more effective use of available radio equipment, from the standpoint of improved communications, as

well as from the standpoint of personnel training which could be conducted under a variety of conditions.

4. In addition, it is proposed to amend § 2.104 (a) (5), Part 2 of the Commission's rules governing frequency allocations and radio treaty matters, as set forth below, to make the additional frequencies available on a non-interference basis to government operations.

5. The proposed amendments are issued under the authority of sections 303 (c), (d), (f), (h), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 15, 1957, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 9, 1957.

Released: October 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Amend Part 9, rules governing Aviation Services, as indicated below:

1. Amend § 9.912 to read as follows:

§ 9.912 *Frequencies available.* The following frequencies are available for assignment to Civil Air Patrol land and mobile stations within the United States, its territories and possessions, except as otherwise provided in this section.

(a) 2374 kc, A–1, A–2, A–3 emission, 400 watts maximum power.

(b) 4467.5 kc, A–1, A–2, A–3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the District of Columbia and the following States:

Alabama.	New Jersey.
Connecticut.	New York.
Delaware.	North Carolina.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Maine.	South Carolina.
Maryland.	Tennessee.
Massachusetts.	Vermont.
Mississippi.	Virginia.
New Hampshire.	West Virginia.

(c) 4507.5 kc, A–1, A–2, A–3 emission, 400 watts maximum power. This frequency is available for assignment to stations in all areas of the continental United States, except those listed in paragraph (b) of this section.

(d) 4585 kc, A–1, A–2, A–3 emission, 400 watts maximum power.

(e) 26620 kc, A–1, A–2, A–3 emission, 250 watts maximum power. Assignment of this frequency is limited to stations in the territory of Hawaii.

(f) 143.91 Mc, A–1, A–2, A–3 emission, 10 watts maximum power. Assignment of this frequency is limited to stations in the continental United States.

(g) 148.14 Mc, A–2, A–3 emission, 50 watts maximum power.

2. Amend § 9.913 (a) to read as follows:

(a) Civil Air Patrol land stations may communicate with other land stations and mobile stations of the Civil Air Patrol. Such stations may be moved from the authorized location for temporary operation in the same general area for short periods of time not to exceed 48 hours.

B. Amend Part 2 as indicated below:

1. Amend footnote US21 to the Table of Frequency Allocations, § 2.104 (a) (5), to read as follows:

US21 The use of the frequencies 26.62 Mc (in the Territory of Hawaii), 143.91 Mc (in the Continental United States), and 148.14 Mc (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

2. Amend the appropriate portions of columns 5, 10, and 11 of the Table of Frequency Allocations to read as follows:

Band (Mc)					Frequency (Mc)	Nature of services of stations
5	6	7	8	9	10	11
26.48–26.95 (US17, US21).	---	---	---	---	26.62	Civil Air Patrol land, Civil Air Patrol mobile.
132–144 (US17, US21).	---	---	---	---	143.91	Civil Air Patrol land, Civil Air Patrol mobile.

[F. R. Doc. 57–8457; Filed, Oct. 14, 1957; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 12005; FCC 57–1129]

RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 9th day of October 1957;

The Commission has before it for consideration its notice of proposed rule making (FCC 57–407) released in this proceeding on April 26, 1957, proposing to delete partially the television Table of Assignments and to make other related amendments.

Upon its review of the comments submitted in response to the notice and its further consideration of the matter, the Commission has concluded that the proposed amendments should not be adopted at this time. The Television Allocations Study Organization (TASO) is currently engaged in a study with respect to possible basic changes in the Commission's television allocations structure. It would be inappropriate, in the Commission's judgment, to adopt the amendments proposed in the notice before TASO has issued its report and the Commission shall have had the benefit of the work now being done by that organization.

In view of the foregoing: *It is ordered*, That the notice of proposed rule making (FCC 57–407) released in this proceeding on April 26, 1957, is withdrawn; and that this proceeding is terminated.

Released: October 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8456; Filed, Oct. 14, 1957; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 11757; FCC 57–1102]

TELEVISION BROADCAST STATIONS (EVANSVILLE, IND., AND LOUISVILLE, KY.)

MEMORANDUM OPINION AND ORDER DESIGNATING MATTER FOR HEARING

In the matters of amendment of § 3.606 *Table of assignments* and order directing Evansville Television, Inc., to show cause why its authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7.

1. The Commission has under consideration (a) the Response of Evansville Television, Inc. (WTVW) to the order to show cause included in the Commission's Report and Order adopted February 26, 1957 (22 FCC 382), and (b) a "Petition to Dissolve Show Cause Proceeding" filed by Evansville Television, Inc., on August 23, 1957.

2. For the reasons stated in its Report and Order of February 26, 1957, it was the judgment of the Commission that the public interest, convenience and necessity would be promoted by amending the Table of Assignments for Television Broadcast Stations § 3.606 (b) of the Commission's rules) in the following respects, inter alia: shifting Channel 7 from Evansville, Indiana, to Louisville, Kentucky; assigning Channel 31 to Evansville; and shifting Channel 9 from Hatfield, Indiana, to Evansville where it would be reserved for noncommercial educational use. Inasmuch as it held a construction permit for a station to operate on Channel 7 in Evansville, Evansville Television, Inc., was directed to show cause why its permit should not be modified to specify operation on Channel 31 instead of Channel 7. On June 20, 1957, the Commission denied Evansville Television's petition for reconsideration of the Report and Order of February 26, 1957 (23 FCC 49).

3. In its response to the show cause order (filed August 14, 1957) Evansville

Television has reiterated contentions made in comments and reply comments in the rule making proceeding and in its petition for reconsideration. These contentions have been discussed in the Report and Order of February 26, 1957 (22 FCC, 382) and the Memorandum Opinion and Order of June 20, 1957 (23 FCC, 49), and no good purpose would be served by repeating or elaborating on such discussion herein. Rather, it seems to us that the factual question of whether the public interest would be served by the deletion of Channel 7 from Evansville should be tried in the crucible of an evidentiary hearing, which, pursuant to its rights under sections 303 (f) and 316 of the Communications Act of 1934, as amended, Evansville Television has demanded.

4. In its "Petition to Dissolve Show Cause Proceeding" (filed August 23, 1957) Evansville Television has referred to language in the Commission's Memorandum Opinion and Order of August 22, 1957 (par. 10, FCC 57–940); treated the language as a recognition that effective competition already existed in the Evansville area and that competitive factors were in favor of the UHF stations; and, on the assumption that the show cause proceeding was instituted on the sole ground that the UHF stations in the Evansville area could not be expected to compete effectively with the VHF station, has asserted that it would be arbitrary and capricious to continue with the show cause proceeding under the circumstances. Petitioner's contention, based as it is upon the often repudiated assumption that the deintermixture program was instituted to afford economic protection to UHF stations, is without merit. The basis for deintermixture goes far beyond any desire to protect UHF stations from competition, and, in order to set the record straight for the hearing to come, it may be well to discuss briefly the reasons for the program of selective deintermixture in general and for the deintermixture of Evansville in particular.

5. On April 11, 1952, the Commission adopted its Sixth Report and Order on Television Allocations and determined that in the assignment of television channels to the various communities the VHF and UHF channels should be intermixed (17 F. R. 3905, 3926). Because of developments, it may never be known with any certainty whether, as the Commission assumed in 1952, intermixture would ultimately result in the establishment of a truly nationwide television service. However, it is now certain that the constant repetition since 1952 of the claim that UHF stations could not successfully compete with VHF stations in the same market produced a climate in which the development of UHF television service was, to say the least, seriously impeded. By 1955, the number of UHF stations which had ceased operations, the number of construction permits for UHF stations which had been relinquished or, at least, not activated, and the decreasing number of applications for UHF facilities clearly indicated a need for reexamination of the television allocations structure.

6. Thus, in November 1955, the Commission opened a general rule making proceeding (Docket No. 11532) to consider possible overall solutions to the problem on a broad, nationwide basis. In its Report and Order of June 25, 1956 (FCC 56–587) terminating that proceeding the Commission rejected as impractical suggestions for deintermixture on a nationwide basis[1] and determined that the best hope of a solution to the problems facing the development of television broadcasting was in the long-range consideration of a proposal to shift television broadcasting in all or a substantial portion of the country to the UHF band. However, because the full implementation of an all-UHF system would in any event require many years, and in recognition of the need for some action in the meantime, the Commission determined to embark on a program of selective deintermixture "to improve the opportunities for effective competition among a greater number of stations." By the elimination of VHF channel assignments in some communities it was hoped to encourage a greater use of UHF channels in the general area. At the same time, it would be practical in some instances to add the VHF channels in other communities where there was a demand for additional service. While the implementation of such a program would undoubtedly improve the economic position of existing UHF stations in the selected areas, such a result was purely incidental to the primary purpose of providing additional television service to the public and encouraging the development of a more competititive nationwide television system.

7. Evansville, Indiana, was one of the areas selected for consideration of the feasibility of deintermixture. At the time of the issuance of the Notice of Proposed Rule Making, two UHF stations were in operation in the area, VHF station WTVW (Channel 7) was under construction, and Channel 9 at nearby Hatfield was the subject of a comparative hearing. There were no other VHF assignments within 75 miles of Evansville. Under the conditions existing in the television industry there was greater prospect that Evansville would have three or more television services if the area were deintermixed than if the existing allocations were retained. Moreover, deintermixture was practical. The terrain in the area was reasonably favorable for UHF propagation, and a very high proportion of the television receivers was equipped for the reception of UHF signals. The "white area" that would be created by the deletion of the VHF channels was not ascertainable with any certainty in the rule making proceeding. But in any event, it appeared that any white area would be substantially, if not entirely, eliminated by anticipated improvements in the technical facilities of the existing UHF stations or by the possible activation or reactivation of other UHF assignments in the surrounding area. Thus, the elimination of VHF assignments in the Evansville area not only offered greater promise of the future operation of three or more television stations in the Evansville area, but also would serve to encourage the utilization of UHF assignments in surrounding areas.

8. Moreover, consideration of the proposed deintermixture of Evansville is not complete without consideration of the situation at Louisville, Kentucky. At Louisville two VHF assignments are in use, but three commercial UHF assignments lie dormant with little or no prospect of activation in the reasonably near future. Channel 7, if deleted from Evansville, can be assigned to Louisville. Hence, the deintermixture of Evansville also affords a practical means of making available an additional, much needed service at Louisville, a service which because of the restricted transmitter location will provide a first service to a substantial number of people and will thus offset any "white area" created in the Evansville area. Hence, in weighing all factors, none of which may be isolated from the others, the Commission reached the conclusion that there was a greater need for Channel 7 at Louisville, the much larger market, than at Evansville, and that the public interest would be served by deleting Channel 7 from Evansville and assigning it to Louisville. In reaching this conclusion, the economic status of the existing UHF stations in comparison with that of the VHF station was of no consequence.

9. In view of the above: *It is ordered*, That the "Petition to Dissolve Show Cause Proceeding" filed by Evansville Television, Inc. is denied.

10. *It is further ordered*, That, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, a hearing be held at the offices of the Commission in Washington, D. C., at a time to be specified in a subsequent order, before an Examiner to be later designated, to determine whether the public interest, convenience and necessity would be promoted by the proposed modification of the construction permit issued to Evansville Television, Inc., for television Station WTVW, Evansville, Indiana, to specify operation on Channel 31 instead of Channel 7.

11. *It is further ordered*, That the Chief of the Broadcast Bureau is made a party to the proceeding.

12. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission.

Adopted: October 2, 1957.

Released: October 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8459; Filed, Oct. 14, 1957; 8:49 a. m.]

[1] The lack of UHF set saturation, reception of VHF signals from neighboring communities and the creation of "white areas" were cited as some of the reasons for finding a nationwide deintermixture program to be impractical.

[2] Commissioners Doerfer and Mack dissenting.

NOTICES

DEPARTMENT OF COMMERCE

Bureau of the Census

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct the annual surveys covering 1957 listed below, under the authority of Title 13, United States Code, section 181 approved August 31, 1954. These surveys are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from non-Governmental or other Governmental sources.

The establishments covered by these surveys directly employ about 17 million persons. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the Annual Survey of Manufacturers which will be conducted on a sample basis and which calls for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on products shipped, and the lumber production and stocks survey which will also be conducted on a sample basis.

Annual survey of manufactures.
Stocks of wool (as of Jan. 1, 1958).
Cotton and synthetic woven goods finished.
Knit cloth.
Woolen and worsted machinery activity.
Gloves and mittens.
Apparel.
Softwood plywood.
Softwood veneer.
Red cedar shingles.
Lumber.
Paper and board—detailed grade.
Sulfuric acid.
Compressed and liquefied gases.
Inorganic chemicals.
Office furniture.
Pressed and blown glassware.
Steel mill products.
Aluminum foil converted.
Steel boilers.
Heating and cooking equipment.
Internal combustion engines.
Construction machinery.
Machine tools.
Metalworking machinery.
Tractors.
Farm machines and equipment.
Radios, televisions, and phonographs.
Mechanical stokers.
Refrigeration equipment.
Office, computing, and accounting machines.

The following list of surveys represents annual counterparts of monthly, quarterly, and semi-annual surveys. The content of these annual reports will be identical with that of the monthly, quarterly, and semi-annual reports. However, there will be no duplication inasmuch as establishments that file the monthly, quarterly, and semi-annual reports during the year covered by the annual report will not need to submit annual reports on these products.

Flour milling products.
Confectionery products.
Broad woven goods (cotton, wool, silk and synthetic).
Consumption of wool and other fibers, and production of tops and noils.
Shoes and slippers.
Hardwood plywood (for sale).
Pulp, paper, and board.
Consumers of wood pulp.
Mattresses and bedsprings.
Converted flexible packaging products.
Superphosphate.
Paint, varnish, and lacquer.
Refractories.
Clay construction products.
Asphalt and tar roofing and siding products.
Glass containers.
Nonferrous castings.
Plumbing fixtures.
Steel shipping barrels, drums and pails.
Commercial and home canning closures.
Metal cans.
Farm pumps.
Fans, blowers, and unit heaters.
Electric lamps.
Fluorescent lamp ballasts.
Farm and household water conditioning equipment.
Complete aircraft and aircraft engines.
Backlog of orders for aircraft companies.
Aircraft propellers.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census and will receive consideration.

Dated: October 10, 1957.

[SEAL] ROBERT W. BURGESS,
Director.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-8499; Filed, Oct. 14, 1957; 9:27 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

ORDER RECONVENING HEARING

The following order has been issued by the Hearing Examiner.

It is ordered, This 11th day of October 1957, that, pursuant to "motion to reconvene hearing" filed herein by counsel for the Commission with the concurrence of counsel for the applicant, that the hearing in this proceeding will reconvene on October 24, 1957 at 10 o'clock a. m., in Conference Room A, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C.

JAY A. KYLE,
Hearing Examiner,
Atomic Energy Commission.

Dated at Washington, D. C. this 11th day of October 1957.

U. S. ATOMIC ENERGY COMMISSION,
HAROLD D. ANAMOSA,
Acting Secretary.

[F. R. Doc. 57-8520; Filed, Oct. 11, 1957; 4:44 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11645, 11646; FCC 57M-971]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of American Telephone and Telegraph Company, Docket No. 11645; Charges, classifications, regulations and practices for and in connection with private line services and channels. The Western Union Telegraph Company, Docket No. 11646; Charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service.

The Hearing Examiner having under consideration a motion filed October 2, 1957 on behalf of AT&T, requesting that the dates for: (a) serving copies of the written testimony and exhibits by the respondents; (b) notification to the respondents of requests for additional information; and (c) commencement of the hearing, be extended; (a) from October 15 to November 15, 1957; (b) from November 1 to November 29, 1957; and (c) from November 19 to December 16, 1957; and

It appearing that a recent labor strike has caused delays to AT&T in the preparation of information and exhibits, and that substantial additional time is required to comply with various requests from the other parties for additional information and data; and

It further appearing that no opposition to the motion has been filed on behalf of any party, that the circumstances alleged show good cause for granting the relief requested, and that the granting of the motion will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 8th day of October 1957, that the above motion is granted, and that subparagraphs g, h, and i of paragraph 9 and the last paragraph of the order after second prehearing conference, released August 13, 1957, are amended to specify respectively: Friday, November 15, 1957, in lieu of Tuesday, October 15, 1957; Friday, November 29, 1957, in lieu of Friday, November 1, 1957; Monday, December 16, 1957, in lieu of Tuesday, November 19, 1957; and the hearing of evidence in this proceeding shall be commenced at 10:00 a. m. on Monday, December 16, 1957, at Washington, D. C.

Released: October 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8460; Filed, Oct. 14, 1957; 8:49 a. m.]

[Docket No. 12051; FCC 57M-970]

PILLAR OF FIRE (KPOF)

ORDER CONTINUING HEARING

In re application of Pillar of Fire (a corporation) (KPOF), Denver, Colorado; Docket No. 12051, File No. BML-1703; for modification of license.

The Hearing Examiner having under consideration a petition filed October 3, 1957 by Red River Valley Broadcasting Corporation, party in the above-entitled proceeding, requesting that the hearing on the above-entitled application now scheduled to begin on October 14, 1957 be continued to October 21, 1957; and

It appearing that the reason for the requested continuance arises from the fact that counsel for the petitioner will be in the Middle West on the date of October 14, 1957; and

It further appearing that the requested date of October 21, 1957, is satisfactory to counsel for all parties, that counsel have no objection to the immediate consideration of the above-entitled petition and that good cause for the requested continuance having been shown;

It is ordered, This the 8th day of October 1957 that the above-entitled petition for continuance is granted and the hearing now scheduled to begin on October 14, 1957 is continued to October 21, 1957.

Released: October 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8461; Filed, Oct. 14, 1957; 8:50 a. m.]

[Docket No. 12196 etc.; FCC 57M-966]

RADIO VOICE OF NEW HAMPSHIRE, INC. AND TELEVISION FOR NEW HAMPSHIRE, INC.

ORDER SCHEDULING HEARING

In re application of The Radio Voice of New Hampshire, Inc., (WMUR-TV), Manchester, New Hampshire; Docket No. 12196, File No. BRCT-130; for renewal of license. In re application of The Radio Voice of New Hampshire, Inc., (WMUR-TV), Manchester, New Hampshire; Docket No. 12197, File No. BLCT-488; for license to cover construction permit. In re application of Television for New Hampshire, Inc., Manchester, New Hampshire; Docket No. 12198, File No. BPCT-2290; for construction permit for a television broadcast station.

It is ordered, This 4th day of October 1957, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 17, 1957, in Washington, D. C.

Released: October 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8462; Filed, Oct. 14, 1957; 8:50 a. m.]

[Docket Nos. 12199, 12200; FCC 57M-969]

KOOS, INC. (KOOS-TV) AND PACIFIC TELEVISION, INC.

ORDER SCHEDULING HEARING

In re applications of KOOS, Inc. (KOOS-TV), Coos Bay, Oregon; Docket No. 12199, File No. BMPCT-4680; for modification of construction permit. Pacific Television, Inc., Coos Bay, Oregon; Docket No. 12200, File No. BPCT-2309; for construction permit for a new television broadcast station.

It is ordered, This 4th day of October 1957, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 19, 1957, in Washington, D. C.

Released: October 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8463; Filed, Oct. 14, 1957; 8:50 a. m.]

[Docket Nos. 12201, 12202; FCC 57M-968]

SOUTH NORFOLK BROADCASTING CO., INC., AND DENBIGH BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of South Norfolk Broadcasting Company, Incorporated, South Norfolk, Virginia; Docket No. 12201, File No. BP-10981; Cy Blumenthal, tr/as Denbigh Broadcasting Co., Denbigh, Virginia; Docket No. 12202, File No. BP-11250; for construction permits.

It is ordered, This 4th day of October 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 20, 1957, in Washington, D. C.

Released: October 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8464; Filed, Oct. 14, 1957; 8:50 a. m.]

[Docket No. 12203 etc.; FCC 57M-967]

HALL BROADCASTING CO., INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Hall Broadcasting Company, Inc., Los Angeles, California; Docket No. 12203, File No. BPH-2175; Hogan Broadcasting Corporation, Long Beach, California; Docket No. 12204, File No. BPH-2180; Richard C. Simonton, Los Angeles, California; Docket No. 12205, File No. BPH-2239; for construction permits.

It is ordered, This 4th day of October 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 17, 1957, in Washington, D. C.

Released: October 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8465; Filed, Oct. 14, 1957; 8:50 a. m.]

[Docket No. 12175; FCC 57M-973]

AMERICAN COLONIAL BROADCASTING CORP. (WKBM-TV)

ORDER FOR PRE-HEARING CONFERENCE

In re application of: American Colonial Broadcasting Corporation (WKBM-TV), Caguas, Puerto Rico; Docket No. 12175, File No. BMPCT-4515; for modification of construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Wednesday, October 16, 1957, beginning at 2:00 p. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 9th day of October 1957.

Released: October 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8466; Filed, Oct. 14, 1957; 8:51 a. m.]

[Mexican List No. 205]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 14, 1957.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the Appendix Containing Assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power, kw	Antenna	Schedule	Class	Probable date of change or commencement of operation
		670 kilocycles				
XEGG	Culiacan, Sinalea (new)	1000 w D/250 w N		U	IV	Mar. 14, 1958
		680 kilocycles				
XEFJ	Tezlutlan, Puebla (provisional—operation with 100 watts night without directional antenna and modified classification).	1 kw D/100 w N	ND	U	II	Do.
		960 kilocycles				
XEIQ	Ciudad Obregon, Sonora (change in call letters from XEOI).	750 w D/500 w N		U	III	Aug. 14, 1957
		990 kilocycles				
XET	Monterrey, Nuevo Leon (increase night power).	50 kw	DA-N	U	II	Dec. 14, 1957
		1010 kilocycles				
XEDX	El Zauzal, Baja California (modification of the conditions of operation).	0.500 kw D/250 w N		U	II	Aug. 14, 1957
		1110 kilocycles				
XEVS	Villa de Seris, Sonora (correction in time of operation).	250 w	ND	D	II	Do.
		1190 kilocycles				
XEWK	Guadalajara, Jalisco (change in call letters from XERP).	10 kw	DA-N	U	I-B	Do.
		1330 kilocycles				
XEFJ	Tezlutlan, Puebla (delete assignment upon commencement of operation on 980 kc.).	1000 w D/1000 w N	ND	U	IV	
		1360 kilocycles				
New	Manzanillo, Colima (correction in classification).	1000 w D/100 w N		U	IV	Do.
		1380 kilocycles				
XEVW	Ciudad Victoria (new), Tamaulipas.	1000 w D		D	II	Mar. 14, 1958
		1450 kilocycles				
XEPY	Progreso, Yucatan (new)	250 w	ND	U	IV	Do.
		1480 kilocycles				
XEPR	Poza Rica, Veracruz (increase day power).	10 kw D/500 w N		U	III	July 14, 1957
		1490 kilocycles				
XEPA	Puebla, Puebla (correction in the characteristics of operation).	250 w	ND	U	IV	Aug. 14, 1957

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8467; Filed, Oct. 14, 1957; 8:51 a. m.]

FEDERAL RESERVE SYSTEM

WISCONSIN BANKSHARES CORP.

ORDER GRANTING APPLICATION FOR ACQUISITION OF VOTING SHARES OF SOUTHGATE NATIONAL BANK OF MILWAUKEE

In the matter of the application of Wisconsin Bankshares Corporation for approval of acquisition of voting shares of Southgate National Bank of Milwaukee, Milwaukee, Wisconsin.

The above matter having come before the Board on the application of Wisconsin Bankshares Corporation, Milwaukee, Wisconsin, dated February 27, 1957, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of acquisition by Wisconsin Bankshares Corporation of direct ownership of 2,950 shares of a total of 3,000 voting shares of the proposed Southgate National Bank of Milwaukee, Milwaukee, Wisconsin, and it appearing after due consideration thereof in the light of the factors enumerated in section 3 (c) of the Bank Holding Company Act of 1956 that such application should be granted,

It is hereby ordered, That the said application be and hereby is granted and the acquisition by Wisconsin Bankshares Corporation of 2,950 voting shares of Southgate National Bank of Milwaukee is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated: October 9, 1957.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57-8443; Filed, Oct. 14, 1957; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JAN MUUSSES ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jan Muusses, Purmersteenweg 9, Purmerend, Holland; $695.91 in the Treasury of the United States.

Nine Muusses Yff, Purmerend, Holland; $695.91 in the Treasury of the United States.

Annie Muusses Dene, Voorburg, Holland; $695.91 in the Treasury of the United States.

Maria Jacoba Muusses, Epe, Holland, $695.90 in the Treasury of the United States. Claim No. 61083.

Vesting Order Nos. 17902, 17908 and 17912.

Executed at Washington, D. C., on October 7, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-8425; Filed, Oct. 11, 1957; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12797]

MCCARTHY OIL AND GAS CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 9, 1957.

In the matter of McCarthy Oil and Gas Corporation, The Equitable Life Assurance Society of the United States, and Houston Natural Gas Production Company; Docket No. G-12797.

Take notice that McCarthy Oil and Gas Corporation (McCarthy), Equitable Life Assurance Society of the United States (Equitable), and Houston Natural Gas Production Company (Houston Production) filed a joint application on June 26, 1957, pursuant to section 7 of the Natural Gas Act, for authority to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application, which is on file with the Commission and open to public inspection.

The joint application seeks authority for:

(1) McCarthy to abandon services authorized in Docket Nos. G-3606, G-3607, G-3663, and G6328, pursuant to section 7 (b) of the act.

(2) Equitable and Houston Production to continue the services covered in Docket Nos. G-3606, G-3607, G-3663, and G-6328, subject to the existing gas sales contracts, pursuant to section 7 (c) of the act.

(3) Equitable and Houston Production to be substituted as Applicants in lieu of McCarthy in pending Docket Nos. G-3664, G-9045 and G-9046.

The joint application states that all of the stock of McCarthy is owned by Equitable which will, on or about August 1, 1957, acquire and immediately convey to Houston Production all of McCarthy's producing and non-producing properties and equipment thereon, in addition to the related gas sales contracts pursuant to a plan of liquidation of McCarthy. Said plan of liquidation was approved by Equitable, as sole stockholder, at a stockholder's meeting on July 3, 1957. Equitable will retain a production payment interest of 60 percent (subsequently to be reduced to 50 percent) of the oil and gas in place and of the proceeds from the sale thereof.

The pending and authorized applications of McCarthy involved herein and the sales related thereto are as follows:

Docket No.	Field	Buyer	Contract date	Related FPC gas rate schedule No.
G-3606	Big Hill Area, Jefferson County, Tex.	Texas Gas Pipe Line	June 1, 1954, as amended.	1
G-3607	South Mayes Area, Chambers County, Tex.	do	do	1
G-3663	Hankamer Field, Liberty County, Tex.	Texas Eastern Transmission Corp.	May 19, 1948,[1] as amended.	3
[2] G-6328	Stowell and Fannett Fields, Chambers and Jefferson Counties, Tex.	Texas Gas Corp	Mar. 1, 1952, as amended.	4
[3] G-3664	Jackson Pasture Field, Chambers County, Tex., North Big Hill, North Stowell and West Beaumont Fields, Jefferson County, Tex.	do	June 1, 1954, as supplemented.	2
[4] G-9045	North Big Hill Field, Jefferson County, Tex.	do	do	2
[4] G-9046	Big Hill Area	Texas Gas Pipe Line Corp.	June 1, 1954, as amended.	1

[1] Gas Sales contract between Sun Oil Company and Texas Eastern Transmission Corporation. McCarthy ratified said contract on April 20, 1953.

[2] Et al., parties to this application are: H. L. Brown; W. R. Wheeler; H. J. Porter; Wheeler Zazro; H. G. Nelms; J. S. Wheless, Jr., Gus F. Schreiner; R. W. Davis, Jr.; Estate of Robert William Davis; R. L. Wheelock; Estate of J. L. Collins; W. L. Pickins; Lenoir M. Josey, Inc., and J. R. Pearson.

[3] Pending.

[4] In Docket No. G-9045, McCarthy proposes to abandon service from the C. E. Byrne No. 1 Well in the North Big Hill Field, Jefferson County, Tex., to Texas Gas Corporation (Texas Gas), and in Docket No. G-9046 to sell said gas to Texas Gas Pipe Line Corporation, a subsidiary of Texas Gas. Docket No. G-9045 involves a partial abandonment of the service applied for in pending Docket No. G-3664. Docket Nos. G-3664, G-9045, and G-9046 were originally set for formal hearing on February 14, 1956, but hearing has been postponed to a date to be set by further notice.

That portion of the application for abandonment of service in Docket No. G-12797 related to Docket No. G-6328 falls into the category of percentage sales as defined in § 154.91 (e) of the rules, and hence subject to dismissal.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 13, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8440; Filed, Oct. 14, 1957; 8:45 a. m.]

[Docket No. G-12414]

AMERICAN LOUISIANA PIPE LINE CO.

ORDER DENYING PETITION TO REOPEN AND FIXING DATE FOR ORAL ARGUMENT

OCTOBER 9, 1957.

On August 7, 1957, the Presiding Examiner issued his decision in the above-designated proceeding. Exceptions to that decision were filed by Commission staff counsel, the Lincoln Natural Gas Company, the Public Service Commission of Wisconsin, the City of Detroit, Michigan, and by American Louisiana Pipe Line Company, which also requested opportunity to present oral argument before the Commission.

Commission staff counsel, on August 16, 1957, also filed a petition to reopen the proceedings for the sole purpose of receiving in evidence a letter of the Michigan Public Service Commission submitted after the record had been closed. The aforementioned letter sets forth the Michigan Commission's position on the form of rate issue in this case and also makes reference to advice it received from the Attorney General of Michigan, that one of the contentions of American Louisiana Pipe Line Company is without substance.

Although the Michigan Commission filed a notice of intervention in this docket, it was not represented at the hearing nor was its position on the issues disclosed during the course of the hearing. The views of the Michigan Commission as contained in the letter proposed to be introduced into a reopened record are not offered subject to cross-examination and rebuttal. Under the circumstances it would be improper to reopen the record herein to receive the aforementioned letter in evidence.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the request for oral argument before the Commission be granted as herein ordered and provided.

(2) Good cause has not been shown to warrant the granting of staff counsel's petition to reopen.

The Commission orders:

(A) The petition to reopen filed by Commission staff counsel on August 16, 1957, is denied.

(B) Oral argument shall be had before the Commission on November 7, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the exceptions to the Presiding Examiner's decision.

(C) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of this Commission on or before October 25, 1957, of such intention and the time requested for presentation of their argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8441; Filed, Oct. 14, 1957; 8:45 a. m.]

TARIFF COMMISSION

[Investigation 16]

PHONOGRAPH PICKUP CARTRIDGES, ELEMENTS, AND NEEDLES

INVESTIGATION ORDERED AND HEARING SCHEDULED

In the matter of complaints of unfair methods of competition and unfair acts in the importation and sale of certain foreign phonograph pickup cartridges, elements, and needles; Investigation No. 16, section 337, Tariff Act of 1930.

The United States Tariff Commission—having considered the two complaints filed under oath with the Commission on February 25, 1957, by the Brush Electronics Company (a division of the Clevite Corporation) of Cleveland, Ohio, and The Astatic Corporation of Conneaut, Ohio, respectively, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain foreign phonograph pickup cartridges, elements, and needles in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U. S. C. 1337; 1337a), and having conducted a preliminary inquiry with respect to the matters alleged in the said

complaints in accordance with section 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) on the 7th day of October 1957 *Ordered:*

(1) That an investigation pursuant to the said section 337 of the Tariff Act of 1930 in the matter of the foregoing allegations be instituted, and

(2) That a public hearing in said investigation be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. s. t., on the 4th day of February 1958, at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the said alleged unfair methods of competition and unfair acts.

Public notice of the receipt of the aforesaid complaints was duly issued on March 18, 1957, and published in volume 21 of the FEDERAL REGISTER at page 8273 and in the March 21, 1957, issue of Treasury Decisions, and the said complaints (except material submitted in confidence) have been available for inspection by interested persons continuously since issuance of the notice, at the office of the Secretary, located in the Tariff Commission Building, and also in the New York City office of the Commission, located in room 437 of the Custom House.

Interested persons desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least five days in advance of the opening date of the hearing.

I hereby certify that institution of the foregoing investigation and the hearing therein were ordered by the United States Tariff Commission on the 7th day of October 1957.

Issued October 9, 1957.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-8449; Filed, Oct. 14, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2136]

MIA NINA MINING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 9, 1957.

I. Mia Nina Mining Corporation, 535 Atlas Building, Salt Lake City, Utah, filed with the Commission on August 11, 1955, a Notification on Form 1-A and an Offering Circular relative to a proposed offering of 1,196,000 shares at 25¢ per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission having reasonable grounds to believe that:

A. The offering, if continued, would operate as a fraud or deceit upon purchasers in that material changes have occurred in the affairs of the corporation which are not reflected in its Offering Circular, to wit: the underwriter of the issue has withdrawn and the corporation has never obtained title to the mining properties described in the Offering Circular.

B. The terms and conditions of Regulation A have not been complied with in that the corporation has wilfully failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A and has ignored requests by the Commission's staff for such reports.

It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8446; Filed, Oct. 14, 1957; 8:46 a. m.]

[File No. 24SF-2233]

ESCALANTE GARLIC CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 9, 1957.

I. Escalante Garlic Corporation, a Nevada corporation, 63 Clover Street, Caliente, Nevada, filed with the Commission on January 20, 1956, a Notification and Offering Circular relative to a proposed offering of 97,417 shares at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8447; Filed, Oct. 14, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 9, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34204: *Substituted service, motor and rail, Erie Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 57), for the Erie Railroad Company, and interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., on the one hand, and Jersey City, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34205: *Substituted service, motor and rail, Pennsylvania R. R. Co., D. & H. R. R. Corp., and B. & M. R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 58), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Cleveland, Ohio, on the one hand, and East Cambridge and Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34206: *Substituted service, motor and rail, Erie R. R. Co., D. & H. R. R. Corp., and B. & M. R. R.*. Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 59), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., on the one hand, and Holyoke, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34207: *Substituted service, motor and rail, Erie R. R. Co., D. & H. R. R. Corp., and B. & M. R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 60), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Cleveland, Ohio, on the one hand, and East Cambridge, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplment 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34208: *Substituted service, motor and rail, Pennsylvania Railroad Company.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 61), for the Pennsylvania Railroad Company and interested motor carriers. Rates on freight loaded in mobilvans and transported on railroad flat cars between Chicago, Ill., on the one hand, and Kearny, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34209: *Substituted service, motor and rail, Pennsylvania R. R. Co., and N. Y., N. H. & H. R. R. Co.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 62), for interested rail and motor carriers. Rates on freight loaded in mobilvans and transported on railroad flat cars between Chicago, Ill., on the one hand, and Boston, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34210: *Substituted service, motor and rail, Pennsylvania R. R. Co., D. & H. R. R. Corp., and B. & M. R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 63), for interested rail and motor carriers. Rates on freight loaded in mobilvans and transported on railroad flat cars between Chicago, Ill., on the one hand, and Boston, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34211: *Substituted service, motor and rail, Pennsylvania Railroad Company.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 64), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between points in central territory, on the one hand, Baltimore, Md., Kearny, N. J., Harrisburg and Philadelphia, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34212: *Substituted service, motor and rail, Pennsylvania R. R. Co., D. & H. R. R. Corp., and B. & M. R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 65), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between points in central territory, on the one hand, and East Cambridge and Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34213: *Substituted service, motor and rail, Erie R. R. Co., D. & H. R. R. Corp., and B. & M. R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 66), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., on the one hand, and East Cambridge, Holyoke, and Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34214: *Grain from Missouri to Louisiana and Texas ports.* Filed by The Chicago, Rock Island and Pacific Railroad Company (No. 880), for itself, and on behalf of Kansas City Southern Railway Company. Rates on grain, grain products, and related articles, carloads from Chicago, Rock Island and Pacific Railroad stations in Missouri to Lake Charles, La., Beaumont and Port Arthur, Tex., for export.

Grounds for relief: Rail carriers and market competition.

Tariff: Supplement 73 to Chicago, Rock Island and Pacific R. R. Co. tariff I. C. C. No. C-13346.

FSA No. 34215: *Trailer-on-flat-car service in W. T. L. Territory.* Filed by W. J. Prueter, Agent (WTL No. A-1934), for interested rail carriers. Rates on freight loaded in or on highway trailers, or in demountable trailer bodies, and transported on railroad flat cars, or in open top cars between points in Illinois, Indiana, Iowa, Kansas, Minnesota, and Missouri, on the one hand, and points in Kansas, Missouri, and Nebraska, on the other.

Grounds for relief: Motor truck competition.

Tariff: Agent Prueter's tariff I. C. C. No. A-4213.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-8405; Filed, Oct. 11, 1957; 8:49 a. m.]

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VOLUME 22 NUMBER 201

Washington, Wednesday, October 16, 1957

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55) was published in the FEDERAL REGISTER on June 21, 1957 (22 F. R. 4394). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment provides for rejection of any application for grading or inspection service by the Administrator whenever the applicant fails to meet the requirements of the regulations or commitments concerning the inauguration of the service; sets forth prohibited acts in connection with employees of the Service as grounds for denial of service; and makes other minor changes in the programs. The amendment hereinafter set forth is essentially the same as was published in the aforesaid notice.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective thirty (30) days after publication in the FEDERAL REGISTER.

The amendment is as follows:

1. Change § 55.24 *When application may be rejected,* to read as follows:

§ 55.24 *When application may be rejected.* Any application for grading service, inspection service, or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant, after an initial survey has been made in accordance with § 55.23 (a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; or (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

2. Change paragraph (a) (4) of § 55.30 *Denial of service,* to read as follows:

(4) *Interfering with a grader, inspector, or employee of the Service.* Any interference with or obstruction or any attempted interference or obstruction of or assault upon any grader, licensee, inspector or employee of the Service in the performance of his duties. The giving or offering, directly or indirectly, of any money, loan, gift, or anything of value to an employee of the Service or the making or offering of any contribution to or in any way supplementing the salary, compensation or expenses of an employee of the Service or the offering or entering into a private contract or agreement with

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FEDERAL REGISTER

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an employee of the Service for any services to be rendered while employed by the Service.

3. Change the title and provisions of § 55.42 *Use of presently approved labels,* to read as follows:

§ 55.42 *Unauthorized use or disposition of approved labels.* (a) Containers or labels which bear an official identification approved for use pursuant to § 55.35 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved containers or labels which bear any official identification may result in cancellation of the approval and denial of the use of containers or labels bearing official identification or denial of the benefits of the act pursuant to the provisions of § 55.30; (b) the use of simulations or imitations of any official identification by any person is prohibited; (c) once a year, or more often, if requested, each applicant shall submit to the Administrator a list in triplicate of approved labels which bear any official identification that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval and the name of the product.

4. Change § 55.47 *Disposition of grading certificates* to read as follows:

§ 55.47 *Disposition of grading certificates.* The original and a copy of each grading certificate, issued pursuant to § 55.46, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and all other copies shall be filed in such manner as the Administrator may approve. Additional copies of any such certificate may be supplied to any interested party, as provided in § 55.63.

5. Add the following sentence to paragraph (b) of § 55.61 *On a fee basis* to read as follows: "The minimum time charged for grading any lot of product in excess of 180 pounds shall be one-half hour."

6. Change paragraph (c) of § 55.61 *On a fee basis* to read as follows:

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day or at a time other than during the grader's normal working hours, he shall be charged for such service at a rate one and one-half times the rate which would be applicable for such service if performed during the grader's normal working hours.

7. Change paragraph (a) (2) of § 55.68 *On a resident grading basis* to read as follows:

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader;

8. Insert a new paragraph (a) (12) of § 55.68 *On a resident inspection basis,* to read as follows:

(12) An amount equal to 7 percent of all charges made to the applicant for travel and per diem paid by AMS to graders assigned to the applicant.

9. Change the first two sentences of paragraph (g) (4) of § 55.79 *Candling room operations,* to read as follows:

(4) All loss or inedible eggs shall be placed in a designated container and be handled as required in § 55.77 (c). Inedible and loss eggs, for the purposes of this section and § 55.83 are defined to include black rots, white rots, mixed rots, green whites, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood-ring state, moldy eggs, sour or musty eggs, and any other filthy and decomposed eggs including the following:

10. Change paragraph (n) of § 55.83 *Breaking room operations,* to read as follows:

(n) All inedible egg liquid must be placed in a clearly identified container containing a denaturant. This container shall be kept adjacent to, or in the sanitizing room, or near the inspection table and shall be removed from the breaking or sanitizing room as often as is necessary to maintain satisfactory operating conditions, but at least once daily. Notwithstanding the foregoing and upon written permission of the Administrator, the applicant may temporarily hold inedible liquid in conspicuously marked containers which do not contain a denaturant if such inedible liquid or inedible product produced therefrom is denatured prior to shipment from the plant.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Issued at Washington, D. C., this 10th day of October 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-8489; Filed, Oct. 15, 1957; 8:49 a. m.]

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of shell eggs and United States standards, grades, and weight classes for shell eggs (7 CFR Part 56) was published in the FEDERAL REGISTER on June 21, 1957 (22 F. R. 4395). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment provides for rejection of any application for grading or inspection service by the Administrator whenever the applicant fails to meet the requirements of the regulations or commitments concerning the inauguration of the service; sets forth prohibited acts in connection with employees of the Service as grounds for denial of service; and makes other minor changes in the programs. The amendment hereinafter set forth is essentially the same as was published in the aforesaid notice.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective thirty (30) days after publication in the FEDERAL REGISTER.

The amendment is as follows:

1. Change the third sentence of paragraph (a) of § 56.4 *Basis of grading service* to read as follows: "However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications or specifications of the applicant and such service, when approved by the Administrator, shall be rendered on the basis of such specifications."

2. Change § 56.24 *When application may be rejected* to read as follows:

§ 56.24 *When application may be rejected.* An application for grading service, inspection service, or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; or (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

3. Change paragraph (a) (4) of § 56.31 *Denial of service,* to read as follows:

(4) *Interfering with a grader, inspector, or employee of the Service.* Any interference with or obstruction or any

attempted interference or obstruction of or assault upon any grader, licensee, inspector or employee of the Service in the performance of his duties. The giving or offering, directly or indirectly, of any money, loan, gift, or anything of value to an employee of the Service or the making or offering of any contribution to or in any way supplementing the salary, compensation or expenses of an employee of the Service or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service.

4. Change § 56.35 *Authority to use official identification*, to read as follows:

§ 56.35 *Authority to use official identification.* Authority to officially identify product, graded pursuant to this part, is granted only to applicants who make the services of a grader, inspector or supervisor of packaging available for use in accordance with this part. Packaging materials bearing official identification marks shall be approved pursuant to §§ 56.36 to 56.40, both inclusive, and shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labels or packaging material which bears any official identification may result in cancellation of the approval and denial of the use of labels or packaging material bearing official identification or denial of the benefits of the act pursuant to the provisions of § 56.31. The use of simulations or imitations of any official identification by any person is prohibited.

5. Delete the last sentence of § 56.36 *Approval of official identification.*

6. Insert a new § 56.39 *Rescindment of approved labels*, to read as follows:

§ 56.39 *Rescindment of approved labels.* Once a year, or more often, if requested, each applicant shall submit to the Administrator a list in triplicate of approved labels which bear any official identification that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval, and the grade, weight class, and brand name of the product.

7. Change § 56.40 *Supervisor of packaging required*, to read as follows:

§ 56.40 *Supervisor of packaging required.* The official identification of any graded or inspected product, as provided in §§ 56.36 to 56.43, both inclusive, shall be done only under the supervision of a grader, inspector, or supervisor of packaging. The grader, inspector, or supervisor of packaging shall have supervision over the use and handling of all material bearing any official identification.

8. Add the following sentence to paragraph (b) of § 56.46 *On a fee basis*, to read as follows: "The minimum time charged for grading any lot in excess of 10 cases shall be one-half hour, except when grading multiple lots for contract deliveries as provided for in § 56.50."

9. Change paragraph (c) of § 56.46 *On a fee basis*, to read as follows:

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day or at a time other than during the grader's normal working hours, he shall be charged for such service at a rate one and one-half times the rate which would be applicable for such service if performed during the grader's normal working hours.

10. Change paragraph (a) (2) of § 56.52 *On a resident grading basis*, to read as follows:

(2) A charge of $100 for the final survey and the inauguration of the grading service including the assignment of one grader;

11. Insert a new paragraph (a) (12) to § 56.52 *On a resident grading basis*, to read as follows:

(12) An amount equal to 7 percent of all charges made to the applicant for travel and per diem paid by AMS to graders assigned to the applicant.

12. Change the first sentence of § 56.57 *Disposition of grading certificates*, to read as follows: "The original and a copy of each grading certificate, issued pursuant to § 56.56, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him."

13. Change paragraph (b) (5) of § 56.76 *Minimum facility and operating requirements for shell egg grading and packing plants*, to read as follows:

(5) Weighing equipment, whether manual or automatic, shall be kept reasonably clean and shall be capable of ready adjustment.

14. Delete § 56.101 *Application for the privilege to use official identification and grade labels on consumer packages of graded products.*

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Issued at Washington, D. C., this 10th day of October 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-8488; Filed, Oct. 15, 1957; 8:49 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

A notice of a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) was published in the FEDERAL REGISTER on November 29, 1956 (21 F. R. 9326) and June 21, 1957 (22 F. R. 4395). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment requires licensed graders to be Federal or State employees, effective January 1, 1958; provides for limited license graders; provides for rejection of any application for grading or inspection service by the Administrator whenever the applicant fails to meet the requirements of the regulations or commitments concerning the inauguration of the service; and sets forth prohibited acts in connection with employees of the Service as grounds for denial of service. In addition, the amendment will strengthen the provisions relating to unauthorized use of official identification marks and makes other minor changes in the programs. The proposed change which appeared in the aforesaid notice in the definition of "Ready-to-cook poultry" with respect to removal of kidneys is being given further study and action with respect thereto is being deferred at this time.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective thirty (30) days after publication in the FEDERAL REGISTER except as otherwise provided.

The amendment is as follows:

1. Change the last sentence of § 70.11 *Grading service* to read as follows: "However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications or specifications of the applicant and such service, when approved by the Administrator, shall be rendered on the basis of such specifications."

2. Change paragraph (a) of § 70.30 *Licensed graders and inspectors*, to read as follows:

(a) Effective January 1, 1958, any person, who is a Federal or State employee, posssesing proper qualifications as determined by an examination for competency and who is to perform services under this part, may be licensed by the Secretary as a grader.

3. Add a new paragraph (d) to § 70.30 which reads as follows:

(d) To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to grade poultry on the basis of the United States classes, standards, and grades, provided that all such grading is performed under the immediate supervision of a grader licensed in accordance with paragraph (a) of this section and all product graded is check graded by a grader licensed in accordance with paragraph (a) of this section. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate. All limited licenses issued by the Secretary are to be countersigned by the officer in charge of the Poultry Grading Service of the Agricultural Marketing Service or by any other official of such service designated by such officer.

4. Change § 70.34 *Financial interest of inspectors and graders*, to read as follows:

§ 70.34 *Financial interest of inspectors and graders.* No inspector or grader shall render service on any product in which he is financially interested.

5. Change § 70.45 *Rejection of application*, to read as follows:

§ 70.45 *Rejection of application.* Any application for grading or inspection service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant, after an initial survey has been made in accordance with § 70.44 (a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; or (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

6. Change § 70.64 *Interfering with a grader or inspector*, to read as follows:

§ 70.64 *Interfering with a grader, inspector or employee of Service.* Any interference with or obstruction or any attempted interference or obstruction of or assault upon any grader, licensee, inspector or employee of the Service in the performance of his duties. The giving or offering, directly or indirectly, of any money, loan, gift, or anything of value to an employee of the Service or the making or offering of any contribution to or in any way supplementing the salary, compensation or expenses of an employee of the Service or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service.

7. Change paragraph (g) of § 70.93 *Marketing inspected products*, to read as follows:

(g) *Unauthorized use or disposition of approved labels.* (1) Labels approved for use pursuant to §§ 70.90 to 70.94 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labels or labels bearing official identification may result in concellation of the approval an denial of the use of labels bearing official identification or denial of the benefits of the act pursuant to the provisions of § 70.60.

(2) The use of simulations or imitations of any official identification by any person is prohibited.

8. Insert a new paragraph (h) of § 70.93 *Marketing inspected products*, to read as follows:

(h) *Rescindment of approved labels.* Once a year, or more often, if requested, each applicant shall submit to the Administrator a list in triplicate of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval, and the name of product or other designation showing the class of material.

9. Add the following sentence to paragraph (b) of § 70.131 *Grading service on a fee basis*, to read as follows: "The minimum time charged for grading any lot in excess of 180 pounds shall be one-half hour, except when grading multiple lots for contract deliveries as provided for in § 70.133."

10. Change paragraph (c) of § 70.131 *Grading service on a fee basis*, to read as follows:

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day or at a time other than during the grader's normal working hours, he shall be charged for such service at a rate one and one-half times the rate which would be applicable for such service if performed during the grader's normal working hours.

11. Change paragraph (a) (2) of § 70.138 *Grading performed on a resident basis*, to read as follows:

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader;

12. Insert a new paragraph (a) (12) of § 70.138 *Grading performed on a resident grading basis*, to read as follows:

(12) An amount equal to 7 percent of all charges made to the applicant for travel and per diem paid by AMS to graders assigned to the applicant.

13. Change the first sentence of paragraph (b) of § 70.171 *Issuance and disposition of dressed poultry inspection certificates*, to read as follows:

(b) The original and a copy of each inspection certificate, issued pursuant to §§ 70.170 to 70.174, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. * * *

14. Change the first sentence of paragraph (a) (2) of § 70.182 *Dressed poultry and ready-to-cook* poultry, to read as follows:

(2) Only such ready-to-cook poultry which has been graded on an individual carcass basis by a grader or by a limited licensee, pursuant to § 70.30 (d) and thereafter check graded by a grader may be individually identified with the appropriate grade mark, and any container of such ready-to-cook poultry may also be so identified. * * *

15. Change the first sentence of paragraph (b) of § 70.201 *Issuance and disposition*, to read as follows:

(b) The original and a copy of each grading certificate, issued pursuant to §§ 70.200 to 70.202, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. * * *

16. Change paragraph (a) (3) of § 70.252 *Floors, walls, ceilings, etc.*, to read as follows:

(3) The junction of walls and floors shall be constructed and maintained in a manner to permit thorough cleaning. It is preferable to have the junction of the wall with the floor coved and the window ledges set at an angle of approximately 45°. All upper horizontal surfaces shall be kept to a minimum.

17. Change paragraph (a) of § 70.284 *Temperatures and cooling and freezing procedures*, to read as follows:

§ 70.284 *Temperatures and cooling and freezing procedures.* (a) All dressed poultry and ready-to-cook poultry that is prepared in the official plant shall be cooled immediately after processing so that the internal temperature is reduced to 40° F. or less. Poultry to be shipped from the plant in packaged form shall be maintained at 40° F. or less except that during the packaging operations, the internal temperature may rise to a maximum of 55° F. provided that immediately after packaging the poultry is placed under refrigeration at a temperature that will promptly lower the temperature of the product to 40° F. or less, or placed in a freezer promptly. Poultry held at the plant in packaged form in excess of 24 hours shall be held at 36° F. or less. The Administrator may approve, upon written request, the shipment of packaged poultry from the plant prior to cooling to 40° F. if such poultry is handled in accordance with subparagraphs (1) and (2) of this paragraph.

18. Change paragraph (c) of § 70.356 *A quality*, to read as follows:

(c) Has the breast, back, hips, and pin bones well covered with fat except that young tom turkeys and turkey fryers or roasters may have only a moderate amount of fat covering these parts.

(60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 10th day of October 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-8490; Filed, Oct. 15, 1957; 8:49 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 810]

PART 810—PROCESSINGS OF SUGAR WHICH CONSTITUTE FURTHER REFINEMENT OR IMPROVEMENT IN QUALITY, AND DISTINCTION OF SUGARS OF SPECIFIC QUALITIES AS RAW SUGAR OR DIRECT-CONSUMPTION SUGAR

Basis and purpose. This regulation is issued pursuant to the provisions of the Sugar Act of 1948, as amended, (61 Stat. 922; sec. 4, Pub. Law 545, 84th Cong.; 7 U. S. C. 1101, hereinafter referred to as the "act") for the purpose of establishing the specific processes that subject sugar to further refinement or improvement in quality as defined in section 101 (n) of the act, and the specific qualities of raw sugar and direct-consumption sugar as contemplated by section 101 (n) of the act.

Preliminary statement. Section 101 (n) of the Sugar Act of 1948, as amended, authorizes the Secretary, after such hearing and upon such notice as he may by regulation prescribe, to determine (1) whether the specific processes to which sugars are subjected meet the requirements of the definition of the phrase "to be further refined or improved in quality" as contained in such section; and (2) whether sugars of specific qualities are raw sugar or direct-consumption sugar within the meanings respectively of paragraphs (d) and (e) of section 101 of the act.

Pursuant to the applicable rules of practice and procedure, a Notice was published on July 11, 1956 (21 F. R. 5141) of a public hearing to be held in Washington, D. C. at the United States Department of Agriculture, on July 30, 1956, at 10: 00 a. m., e. d. t., for the purpose of receiving evidence to enable the Secretary to determine whether specific processes to which sugars are subjected are sufficient to fulfill the requirements of the definition of the phrase "to be further refined or improved in quality" as set forth in paragraph 101 (n) of the act, and whether sugars of specific qualities are raw sugar within the definition of the term "raw sugar" as set forth in paragraph 101 (d) of the act, or direct-consumption sugar within the definition of the term "direct-consumption sugar" as set forth in paragraph 101 (e) of the act.

The hearing was held at the place and time specified in the Notice. Subsequently, written briefs and proposed findings and conclusions were filed by interested persons within the period reserved for that purpose. Based upon the record of the hearing and pursuant to the applicable rules of practice and procedure, the Acting Administrator, Commodity Stabilization Service, USDA, on December 27, 1956, filed a recommended decision and proposed order with the Hearing Clerk, USDA, Washington 25, D. C. Notice of such filing and opportunity to file written exceptions thereto were given to all interested persons in the manner provided in the rules of practice and procedure by publication thereof in the FEDERAL REGISTER of January 8, 1957 (22 F. R. 170). An extension of time for submitting written exceptions was filed with the Hearing Clerk by the Acting Administrator, Commodity Stabilization Service, United States Department of Agriculture on January 15, 1957, and notice thereof was published in the FEDERAL REGISTER of January 16, 1957 (22 F. R. 319). Within the period reserved therefor, interested persons filed exceptions to certain of the findings, conclusions and actions recommended by the Acting Administrator.

After carefully considering the record of the proceedings, including written briefs, proposed findings and conclusions and written exceptions, filed with respect to the recommended decision the Acting Secretary found it desirable in the public interest to issue a tentative decision. Such tentative decision was issued pursuant to the applicable rules of practice and procedure (21 F. R. 4251; 22 F. R. 3699) and notice of the filing of such tentative decision and opportunity to file written exceptions thereto were given to all interested persons in the manner provided in the rules of practice and procedure by publication thereof in the FEDERAL REGISTER of June 26, 1957 (22 F. R. 4472).

In arriving at the findings, conclusions, and regulations contained herein, each of the exceptions filed and all written briefs and proposed findings and conclusions were carefully and fully considered with the record evidence pertaining thereto. To the extent that exceptions filed and findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, such exceptions and the specific or implied requests to make such findings or reach such conclusions are overruled and denied on the basis of the facts found, the conclusions reached and the reasons therefor as herein set forth.

Reasons for findings and conclusions. Section 101 (n) of the act defines the phrase "to be further refined or improved in quality" which is contained in the definition of raw sugar to mean "to be subjected substantially to the processes of (1) affination or defecation, (2) clarification, and (3) further purification by adsorption or crystallization." The definition of this phrase makes it evident that the term "raw sugar" as defined in section 101 (d) of the act should apply only when the sugar is to be subjected to the processes enumerated in section 101 (n) which in fact bring about a significant or material change in the sugar.

While the purport of the language of section 101 (n) is clear, that section authorizes the Secretary to implement the language contained therein. It appears that more detailed descriptions of the processes referred to in that section are needed as a basis for (1) evaluating refining operations, (2) classifying sugar as raw sugar or direct-consumption sugar under those provisions of the act which require such classification and (3) specifying the conditions under which sugar brought in or imported may be classified as "raw sugar" rather than "direct-consumption sugar".

This regulation, in the course of making determinations authorized under section 101 (n) of the act, (1) further describes processes named in that section, (2) specifies the circumstances under which the processes will be recognized as having been applied to given importations of sugar, (3) specifies standards to distinguish raw from direct-consumption sugar, and (4) prescribes the necessary procedures and requirements.

The descriptions of the specific processes in the regulation were developed from evidence with respect thereto. The record also discloses generally the refining processes currently employed and that, although processes of individual refineries vary considerably in detail, certain fundamental operations are common to all. Thus, the description of specific processes are based upon processing principles rather than upon the machinery and equipment or the sequence of operations, although equipment and materials are referred to in an illustrative manner.

With respect to processing requirements, considerable testimony in the record relates to the evaluation of what constitutes substantial subjection of sugars to the specified processes. Some witnesses contended that subjection of any sugars to the required processes represents a substantial degree of processing and accordingly that any criterion for determining the quality of sugar which may be substantially subjected to the processes is unnecessary. There is other testimony that the application of the processes must be evaluated by some standard. Proposals were made that process evaluation be based on the quality of raw material input, difference in quality between raw material input and refined product output and descriptions of both the manner and purpose of the processing, such bases to be used singly or in combination.

It seems evident that consideration must be given to process evaluation in order to lend significance to the words, "subjected substantially", in section 101 (n). As the quality of sugar increases, the quantity of impurities contained decreases. Therefore, sugar of lower quality may be further refined or improved in quality to a greater degree than sugar of higher quality. When sugar of sufficiently low quality is passed through all the processes of either affination or defecation, clarification, and further purification by either adsorption or crystallization in accordance with the description of such processes set forth in the regulation, it is reasonable to conclude that the sugar has been subjected substantially to such processes.

Consideration was given to the various proposals, special situations created by brown or soft sugar and other pertinent factors in arriving at those provisions of

this regulation which undertake to evaluate the specified processes on the basis of the quality of the raw material processed. A significant body of testimony held a quality dividing line to be essential. It was also maintained that a standard is useful to provide a clear-cut line of demarcation for resolving cases with finality. Such evidence and the specific provision in section 101 (n) of the act for applying a quality standard in differentiating between raw sugar and direct-consumption sugar under the definitions thereof in paragraphs (d) and (e) of section 101 of the act as either to be further refined or improved in quality or not to be further refined or improved in quality, adequately support inclusion of such standard in this regulation in evaluating processes and distinguishing raw sugar from direct-consumption sugar.

With respect to methods for implementing a quality standard, the record shows general agreement that the quality of sugar principally of crystalline structure should be determined by the direct polariscopic method. In view of the fact that the direct polariscopic test is widely used in commerce and is simple and rapid in its application, it appears that such test is the most satisfactory of those available for measuring the quality of crystalline sugar. For sugar principally not of crystalline structure there is no quality test exactly comparable to the direct polarization of crystalline sugar. Proposals were made that the quality determination for such sugar should be based on "calculated total sugars" ratio of total sugars to total solids, polarization of crystalline sugar from which such sugar was made and ratio of ash to total solids. Measurement of total sugar content as a percent of total soluble solids is most nearly comparable to the results obtained by the direct polarization of crystalline sugar but an ash determination, because of the precision with which it may be made, is also a desirable quality indicator. Inasmuch as measurement of total sugar content as a percentage of total soluble solids is an index most comparable to that used for crystalline sugar and since total sugar content is also currently in use for quota purposes and in view of the desirable characteristics of ash measurements, the use of both total sugar and ash content as quality determinants appears most advisable in this regulation.

Testimony in the record as to the proper level for a quality dividing line varied from a low of 98.0 to a high of 99.5 sugar degrees by direct polarization. The various proposals with respect to a specific dividing line tended to center either at 98.5 degrees or around 99.3 degrees.

Those who proposed a dividing line in the lower range (98.5 degrees) based such proposal primarily on an interpretation of the words "substantially subjected" and contended that only sugar which tests 98.5 degrees or less can be subjected "substantially" to the required processes. Additional testimony supported that dividing line on the bases that: (1) Standards set at a higher level permitted encroachment by raw sugar producers into the historic functions of the refiner; (2) current raw sugar imports test on the average much less than 98.5 degrees; (3) less than 4 percent of imports in 1955 tested above 98.5 degrees; and (4) such a dividing line would still permit normal technical progress and efficiency in the production of raw sugar.

Those who proposed a dividing line in the higher range (around 99.3 degrees) contended that such sugar could be subjected "substantially" to the required processes. Additional support for such a dividing line was based on consumers' buying habits and it was pointed out that affined sugar which tests as high as 99.3 degrees is not satisfactory for direct consumption unless first subjected to other processes. Objections to a lower dividing line included (1) establishment of a relatively low level would have the effect of making affination a necessary refining process even though not required by the act; (2) progress in the development of improved varieties of sugarcane and in more efficient raw sugar processes would be retarded; (3) raw sugar producers cannot closely control the quality of sugar produced and lower efficiency of raw sugar production might actually result from efforts to limit quality of output sufficiently below the demarcation line in order to avoid the possibility of penalties; and (4) the relatively low standard could bring about an inadvertent preemption of the direct-consumption portions of quotas by refiners.

It is evident from the record that many factors must be considered in establishing a satisfactory quality standard distinguishing raw from direct-consumption sugar. To accept the point of view of those who propose that quality distinction is unnecessary and that subjection of sugar of any quality to the enumerated processes is sufficient is to suggest that eventually the direct-consumption sugar limitations would no longer perform the function for which they were designed. On the other hand, a very low dividing line when considered in the light of its effect on technical progress in the production of raw sugar, of its potential effect on direct-consumption portions of quotas and of the penalty provisions of the act would undoubtedly have an unduly restrictive effect. Neither extreme would properly serve the purposes of the act.

The data contained in Exhibits 5, 35, 36, 37, and 38 show that in the past there has been an area which significantly separates entries of sugar on the basis of quality, as indicated by reported polarization tests. The data reported with respect to individual entries of sugar from Cuba during the period January through July 1956 show that all such entries were either below 99.200 sugar degrees or above 99.840 sugar degrees with only negligible quantities between 99.000 and 99.200 sugar degrees. Comparable data for entries from Puerto Rico show a break between 98.416 and 99.400; those for Hawaii, between 98.680 and 100.000; and those for the Republic of the Philippines between 98.200 and 100.000. Data for entries of sugar in 1955 indicate a similar pattern. Accordingly, the gap disclosed by substantially all of the foregoing polarization data affords a suitable area within which to distinguish raw sugar from direct-consumption sugar on a quality basis.

There is substantial evidence in the record that subjection of a raw material of not more than 99 percent sugar content to the specified processes improves the sugar sufficiently to constitute substantial subjection. Moreover, a fair inference may be drawn from the record that a quality standard set at that level would not have an unduly restrictive effect upon technological progress in the production of raw sugar, would permit normal operation of the raw sugar industry in producing and marketing raw sugar without intrusion upon the functions of refiners as recognized in the act, and that such a level should not result in inadvertent incurrence of penalties nor result in the preemption of the direct-consumption portions of quotas.

As previously stated, the quality of sugar principally of crystalline structure, as indicated by sugar content, is most conveniently determined by the direct polariscopic method. Thus, such sugar which tests 99 sugar degrees on the International Sugar Scale as adopted by the Association of Official Agricultural Chemists would be deemed to contain 99 percent of sugar content. The quality of sugar principally not of crystalline structure is adequately determined by tests of total sugar content and ash content as percentages of total soluble solids content and the levels of such tests which would reflect a quality standard comparable to that provided for crystalline sugar are 99.00 and 0.20 percent, respectively.

The establishment of a quality standard requires that provision be made for the unit quantity of sugar to which such standard is to be applied. In the recommended decision the unit of sugar was related to the quantity covered by a single manifest or bill of lading. In this regulation the unit of sugar is related to the entire quantity brought or imported into the continental United States under a single "Sugar Quota Clearance Record". Such provision coordinates the procedures under the regulation with those prescribed for quota control. In some cases, sugar covered by a single Sugar Quota Clearance Record may be transshipped in more than one lot prior to its evaluation and in such cases part of the sugar from one shipment may be transshipped with sugar from a subsequent shipment and evaluated therewith as a unit. This regulation recognizes and makes provision for such practice.

A number of exceptions were taken to procedures in the recommended decision for weighing, sampling, testing and evaluating units of sugar. Generally, such exceptions were based on differences between the prescribed procedures and those usually followed by the sugar industry. It was pointed out that the weighing and sampling procedures prescribed differed from current trade practices to the extent that many such practices would fail to qualify. The exceptions pertaining to testing methods were mostly directed to the method for determining direct polarization of crystalline sugar. Although the method proposed specified "wet lead" clarification (which

is generally used by the industry), exception was taken to the method because no provision was made for subtracting 0.1 degree from the polarization reading as customarily practiced by the industry.

Exceptions taken with respect to the method proposed for evaluating a unit of sugar were primarily concerned with cases involving intracompany settlements or transactions between a cooperative and its members. In such cases the recommended decision required that evaluation of those units of sugar be based on tests of samples made by an independent sugar testing laboratory. That procedure was objected to as an unnecessary and costly requirement and not used with respect to over-all quota control.

The arguments opposing the procedures prescribed in the recommended decision pertaining to weighing, sampling, testing and evaluating units of sugar are not without merit. From such arguments it appears in many instances the prescribed procedures would have departed from normal trade practice to a degree that is not necessary for effective administration of the regulation. Accordingly, this regulation provides that weighing and sampling shall be performed in accordance with procedures acceptable to United States Customs Service, or in accordance with the applicable provisions of a standard raw sugar purchase contract used by the refiner or importer, and that testing of sugar shall be performed by established trade practices which yield results substantially equivalent to those obtained by methods to be used by the Secretary.

Also, provision is made for evaluation of those units of sugar involved in intracompany settlements or transactions between a cooperative and its members on the basis of tests made by the United States Customs Service or by the refiner or importer. However, further provision is made for units which are evaluated on the basis of tests made by the refiner or importer when the applicable tests exceed 98.80 percent of sugar, in which case such units shall be reevaluated on the basis of tests made by the United States Customs Service or by an independent sugar testing laboratory.

Whenever the Secretary determines that the weighing, gauging, sampling or testing performed by or on behalf of refiners or importers may be inadequate, the regulation provides that he may weigh, gauge, sample or test any unit of sugar in accordance with specified procedures and may use the results obtained in evaluating such unit of sugar.

A further matter to be dealt with in connection with the use of physical and chemical methods for evaluating the quality of sugar relates to the fact that the results of such methods may be inadequate under some circumstances. For example, the direct polarization of sugar may be lowered by the addition of water or invert sugar sirup. Both direct polarization and total sugar content as a percentage of total solids content may be lowered by adding optically inactive and non-reducing solids. Ash content determinations can be affected by the addition of small quantities of mineral matter. In view of these circumstances, the regulation provides that the Secretary may correct for the effect of foreign substances in evaluating any unit of sugar.

An allowance of 0.20 percent sugar content and in the case of sugar principally not of crystalline structure 0.02 percent ash content was provided in the recommended decision in recognition of the variability that may be encountered in sampling, testing and evaluating units of sugar. Such allowance was strongly attacked in several written exceptions. The principal issue raised related to the potential effect of the allowance on the quality demarcation line. It was contended that the allowance would have the effect of changing the demarcation line from 99.00 to 99.20 percent sugar and that the practices of the industry are such that a variability allowance is unnecessary. If refiners and importers would in fact use the variability allowance as a shield for importing sugar known to test in excess of 99.00 percent sugar, the effect would be to increase the demarcation line and impair the effectiveness of the regulation. Accordingly, such allowance for variability is eliminated from this regulation.

The following changes have been made in the recommended decision for purposes of clarification. The applicability of the terms "raw sugar" and "direct-consumption sugar" has been reworded but such rewording does not affect the sugar or liquid sugar which is subject to the regulation. The reporting requirements and the manner of reporting has been specified in greater detail.

Finally, in connection with the establishment of a quality standard, attention must be directed toward a trade practice pertaining to direct-consumption sugar. Many entries of such sugar are not actually subjected to polariscopic or other tests but are declared to test 100 sugar degrees as a matter of convenience and as a method for avoiding wastage which results from piercing bags to obtain samples for testing. Such practice appears reasonable and insistence upon application of tests for evaluating such sugar would serve no useful purpose so long as the sugar is entered as testing 100 degrees. Furthermore, the entire purpose of a demarcation line would be defeated if unevaluated sugar could qualify as raw sugar. Accordingly, the regulation provides that sugar which is not tested for evaluation shall be classified as direct-consumption sugar.

Findings and conclusions. On the basis of the record of the proceeding, I hereby find and conclude that:

(1) A regulation that sets forth specific processes which are sufficient to meet the requirements of the definition of the phrase "to be further refined or improved in quality" contained in section 101 (n) of the act, and one that distinguishes sugars of specific qualities as of the qualities of raw sugar or direct-consumption sugar is necessary for the effective administration of the Sugar Act of 1948, as amended, and to facilitate compliance therewith.

(2) Specific processes for processing sugar which further refine or improve the quality of sugar and are sufficient to meet the requirements of section 101 (n) of the act, when applied to sugar of the specific quality of raw sugar are (a) the alternative processes of affination or defecation, (i) affination consisting of the removal of molasses and other surface impurities from crystalline sugar by mingling such sugar with water, sirup or molasses, and by separating the crystalline sugar from such admixture, and (ii) defecation consisting of the treatment of aqueous sugar solutions with defecating agents, and heat to coagulate and precipitate nonsugars; (b) the process of clarification consisting of the separation of precipitated, coagulated, and suspended matter from aqueous sugar solutions to produce an effluent which is as clear and free of turbidity as may be obtained practicably; and (c) the process of further purification by the alternative processes of adsorption or crystallization, (i) adsorption consisting of the removal of nonsugars by treating aqueous sugar solutions with adsorbents and (ii) crystallization consisting of the removal of nonsugars by concentrating aqueous sugar solutions to produce sugar crystals and separating such crystals from the residual liquor.

(3) Any sugars of not more than 99.00 percent sugar content and in addition in the case of sugar principally not of crystalline structure of not less than 0.20 percent ash content which either are brought or imported into the continental United States to be subjected to the specific processes set forth in finding (2) and thereafter are subjected to such processes, or are brought or imported into the continental United States not to be subjected to the specific processes set forth in finding (2) but thereafter are subjected to such processes are sugars of the specific qualities which are raw sugar within the meaning of section 101 (d) of the act.

(4) Any sugars of more than 99.00 percent sugar content, or in the case of sugar principally not of crystalline structure of less than 0.20 percent ash content; any sugars of not more than 99.00 percent sugar content and in addition in the case of sugar principally not of crystalline structure of not less than 0.20 percent ash content which are brought or imported into the continental United States either to be subjected to or not to be subjected to the specific processes set forth in finding (2) and thereafter are not subjected to such processes; or any sugar not subjected to quality evaluation as provided in this regulation are sugars of the specific qualities which are direct-consumption sugar within the meaning of section 101 (e) of the act.

(5) The direct polariscopic test is widely used for determining the quality of sugar principally of crystalline structure, gives satisfactory results, and is used for determining the percent of sugar content of such sugar for the purpose of this regulation. For sugar principally not of crystalline structure, measurement of the total sugar content as a percentage of total soluble solids content is most nearly comparable to the direct polariscopic test for sugar principally of crystalline structure, and when supplemented by an ash content measurement, affords a suitable basis for determining the quality of sugar

principally not of crystalline structure, and such combined tests are used for the purpose of this regulation.

(6) Measurement of specific qualities of sugar should apply to a unit comprised of the entire quantity of sugar brought or imported into the continental United States under an individual Sugar Quota Clearance Record, except that (1) a separate evaluation should be made for each individual lot of sugar identified under a separate mark, (2) a separate evaluation should be made for the quantity delivered to each refinery, and (3) a separate evaluation may be made upon request to and approval by the Secretary, with respect to sugar transshipped when the entire quantity covered by a Sugar Quota Clearance Record is not delivered to the refinery as a unit, for a portion of the quantity covered by such Sugar Quota Clearance Record and the remainder of such quantity shall be evaluated with the unit covered by a subsequent Sugar Quota Clearance Record with which it is shipped to the refinery. Also provision should be made for separate evaluations of portions of a unit when only one portion is subjected to the specific processes set forth in finding (2).

(7) The use of current trade practices which accurately reflect weights, volume, representative sampling and quality of specific lots of sugar is adequate and will avoid incurring unnecessary expense. Thus, for the purpose of this regulation, trade practices for weighing and sampling which produce accurate results should be prescribed and trade practices for testing which produce accurate results and results substantially equivalent to those produced by the methods prescribed for use by the Secretary should be used. However, for units of sugar involved in intra-company settlements or transactions between a cooperative and its members the regulation should provide that where the unit of sugar is evaluated on the basis of tests made by the refiner or importer which fall on or between 98.80 and 99.00 percent of sugar such unit should, because of the proximity of the test to the demarcation line, be reevaluated on the basis of tests made by United States Customs Service or by an independent sugar testing laboratory.

(8) A regulation which establishes a maximum level for identifying as raw sugar specific qualities of sugar testing at or less than such level does not require a provision for an allowance in excess of such level as a tolerance for error or variability in tests, and such an allowance would be undesirable if it should have the effect of changing the quality demarcation line between raw sugar and direct-consumption sugar, or if it should be used as a device for importing sugar as raw sugar known to test in excess of 99.00 percent sugar.

(9) To assure compliance with the regulation it is necessary that the Secretary retain the right in accordance with prescribed methods to weigh, gauge, sample, test or evaluate units of sugar subject to this regulation.

(10) Tests provided for in this regulation may be subject to error when extraneous materials have been added to the sugar tested. Accordingly, the Secretary should have the right to correct for the effect of such materials in evaluating specific lots of sugar.

(11) The submission to the Secretary of reports and information and the access to facilities and records by representatives of the Department of Agriculture, as specified in the regulation, are necessary for assuring that the provisions of section 101 (n) of the Sugar Act of 1948, as amended, and the regulation issued pursuant thereto may be effectively enforced.

Sec.
810.1 Bases, purposes and persons affected.
810.2 Definitions.
810.3 Specific processes.
810.4 Applicability of term "raw sugar".
810.5 Applicability of term "direct-consumption sugar".
810.6 Weighing, guaging, sampling.
810.7 Methods for testing sugar.
810.8 Evaluation of tests.
810.9 Costs, records, reports and inspections.
810.10 Delegation of authority.

AUTHORITY: §§ 810.1 to 810.10 issued under sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret and apply secs. 101, 406, 410, 61 Stat. 922, 933; 7 U. S. C. 1101, 1156, 1160.

§ 810.1 *Bases, purposes and persons affected.* The regulations contained in §§ 810.1 to 810.11 are issued pursuant to the Sugar Act of 1948, as amended. Section 101 (n) of the act defines the phrase "to be further refined or improved in quality". Other provisions of that section authorize the Secretary to determine whether specific processes meet the requirements of the definition of that phrase and to further distinguish raw from direct-consumption sugar on the basis of quality. The regulations in this part provide the basis for finally identifying for quota classification purposes sugar and liquid sugar brought or imported into the continental United States from domestic offshore areas and foreign countries as raw sugar or direct-consumption sugar pursuant to the definitions in the act in terms of processes and qualities as prescribed in section 101 (n) of the act. Accordingly, all persons, as defined herein, are subject to the requirements of the regulations in §§ 810.1 to 810.11 with respect to all offshore sugar brought or imported into the continental United States for consumption therein, after the effective date of such regulations except that liquid sugar from foreign countries and sugar to which the provisions of section 212 of the act apply are not subject to the provisions of such regulations.

§ 810.2 *Definitions.* As used in this part:

(a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; Public Law 545, 84th Congress; 7 U. S. C. 1100).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust or other business enterprise, and, wherever applicable, a unit, instrumentality or agency of a Government, domestic or foreign.

(c) The term "Secretary" means the Secretary of Agriculture including any officer or employee of the Department of Agriculture to whom the Secretary has delegated authority or to whom authority may be delegated hereafter to act in his stead with respect to the act.

(d) The term "importer" means any person who brings or imports sugar or liquid sugar into the continental United States including but not limited to the owner, consignor, consignee, transferee, purchaser, or broker acting on behalf of such person.

(e) The term "refiner" means any person who subjects sugar or liquid sugar to specific processes as described in this part.

(f) The terms "sugar", "raw sugar", "direct-consumption sugar", "liquid sugar", and "total sugar content" have the meanings ascribed to each in section 101 (c), (d), (e), (f), and (i), respectively, of the act, as implemented herein pursuant to section 101 (n) of the act.

(g) The term "Sugar Quota Clearance Record" means the official form or forms furnished by the Department of Agriculture which an importer is required to use in making application for entry or Custom release, obtaining approval thereof and furnishing required information pursuant to the applicable provisions of this part and Part 817 of this chapter, with respect to sugar or liquid sugar brought or imported into the continental United Statets.

§ 810.3 *Specific processes.* (a) The requirements of this part and of the definition of the phrase "to be further refined or improved in quality" set forth in section 101 (n) of the act, are met when one of the alternative processes described in paragraph (b) of this section, one of the alternative processes described in paragraph (d) of this section and the process described in paragraph (c) of this section are applied to sugar which is of the specific quality of raw sugar prescribed in § 810.4 (b) and (c).

(b) Of the alternative processes of affination and defecation:

(1) Affination shall consist of the removal of molasses and other surface impurities from crystalline sugar by mingling such sugar with water, sirup or molasses, and by separating the crystalline sugar from such admixture utilizing equipment which performs functions such as those performed by minglers, centrifuges and the necessary auxiliaries thereto; and

(2) Defecation shall consist of the treatment of aqueous sugar solutions with defecating agents, such as lime, phosphoric acid, diatomaceous earth, and carbon dioxide or various combinations thereof, and heat to coagulate and precipitate nonsugars, utilizing equipment for adding and mixing defecating agents with such aqueous solutions of sugar and for heating the resulting mixture.

(c) Clarification shall consist of the separation of precipitated, coagulated, and suspended matter from aqueous sugar solutions to produce an effluent which is as clear and free of turbidity as may be obtained practicably by application of pressure or gravity filters, or flotation or sedimentation separators.

(d) Of the alternative processes of adsorption and crystallization:

(1) Adsorption shall consist of the removal of nonsugars by treating aqueous sugar solutions with adsorbents such as bone char, activated carbon, ion-exchange resins, or other adsorbents, utilizing equipment which performs functions such as those performed by char filters, pressure filters, or ion-exchange systems; and

(2) Crystallization shall consist of the removal of nonsugars by concentrating aqueous sugar solutions to produce sugar crystals and separating such crystals from the residual liquor by the use of evaporators, vacuum pans and centrifuges or other equipment which perform the same functions.

§ 810.4 *Applicability of term "raw sugar".* For quota purposes sugar is of the specific quality of raw sugar within the meaning of section 101 (d) of the act: *Provided,*

(a) The sugar is subjected to the specific processes as provided in § 810.3; and

(b) The sugar, if principally of crystalline structure, contains not more than 99.00 percent of sugar content; or

(c) The sugar, if principally not of crystalline structure, has a total sugar content of not more than 99.00 percent of the total soluble solids content and an ash content of not less than 0.20 percent of the total soluble solids content.

§ 810.5 *Applicability of term "direct-consumption sugar".* For quota purposes sugar is of the specific quality of direct-consumption sugar within the meaning of section 101 (e) of the act: *Provided,*

(a) The sugar, if principally of crystalline structure, contains more than 99.00 percent of sugar content; or

(b) The sugar, if principally not of crystalline structure, has a total sugar content of more than 99.00 percent of the total soluble solids content or an ash content of less than 0.20 percent of the total soluble solids content; or

(c) The sugar, if principally of crystalline structure, contains not more than 99.00 percent of sugar content, or, if principally not of crystalline structure, has a total sugar content of not more than 99.00 percent of the total soluble solids content and an ash content of not less than 0.20 percent of the total soluble solids content, and is not subjected to the specific processes as provided in § 810.3; or

(d) The sugar is not subjected to quality evaluation as provided in § 810.8.

§ 810.6 *Weighing, gauging and sampling.* (a) For each separate unit of sugar specified in § 810.8, weights or gallonage shall be determined in a manner that will reflect accurate weights or volume and shall be made in accordance with methods acceptable to the United States Customs Service, or in accordance with the provisions of a standard raw sugar purchase contract in use by the refiner or importer of such unit of sugar.

(b) For each separate unit of sugar specified in § 810.8, samples shall be drawn in a manner to make them representative of such unit of sugar and shall be drawn in accordance with methods acceptable to the United States Customs Service or in accordance with the provisions of a standard raw sugar purchase contract used by the refiner or importer of such unit of sugar.

(c) Whenever the Secretary determines that the weighing, gauging or sampling performed by or on behalf of a refiner or importer may not accurately reflect the weight or volume or may not adequately represent a unit of sugar, respectively, he may accept the weight, volume or sample of any unit of sugar taken in accordance with methods acceptable to the United States Customs Service or may cause any unit of sugar of such refiner or importer to be weighed, gauged or sampled in accordance with methods acceptable to the United States Customs Service and use such weight, volume or sample so accepted or so caused to be taken as a basis for evaluating such unit of sugar.

(d) A reserve portion of approximately 8 ounces of each sample taken with respect to each unit of sugar shall be placed in a sealed, moisture-proof container and retained by the refiner or by any person on whose behalf the sample is taken, in cases where the sample has not been taken on behalf of the refiner, for delivery to the Secretary if requested in accordance with § 810.9 (h). Each container shall be labeled so as to include the name of the vessel, mark or identification of the unit of sugar, serial number of sample, quantity of sugar represented by sample, total quantity in unit of sugar, date and place of sampling, and names of buyer, seller and samplers.

§ 810.7 *Methods for testing sugar.* (a) Percent of sugar content, total sugar content as a percent of total soluble solids content, and ash content as a percent of total soluble solids content shall be ascertained as follows from the results of the measurements provided in paragraph (b) or (c) of this section:

(1) Percent of sugar content of sugar principally of crystalline structure shall be deemed to be the sugar content determined in sugar degrees by direct polarization;

(2) Total sugar content as a percent of total soluble solids content with respect to sugar principally not of crystalline structure shall be the ratio, expressed as a percentage, of the total sugar content to the total soluble solids content; and

(3) Ash content as a percent of total soluble solids content with respect to sugar principally not of crystalline structure shall be the ratio, expressed as a percentage, of the ash content to the total soluble solids content.

(b) Sugar content, total sugar content, ash content, and total soluble solids content shall be measured in accordance with established trade practices which accurately reflect such contents and which yield results substantially equivalent to results obtained by use of the methods enumerated in paragraph (c) of this section.

(c) Whenever the Secretary determines that measurements made as provided in paragraph (b) of this section may be inadequate for evaluating any unit of sugar specified in § 810.8, the following official methods of the Association of Official Agricultural Chemists as set forth in the Eighth Edition (1955) of Official Methods of Analysis of the Association of Official Agricultural Chemists will be used by the Secretary for measuring sugar content, total sugar content and ash content for evaluating such unit of sugar:

(1) Sugar content of sugar principally of crystalline structure by method 29.20;

(2) Total sugar content of sugar principally not of crystalline structure by (i) reducing or invert sugar content by the Lane-Eynon method as set forth in methods 29.35, 29.36 and 29.37 or by the Munson-Walker method set forth in methods 29.38, 29.39 and 29.42, and (ii) sucrose content by the double polarization method as set forth in methods 29.24 and 29.25 or by the chemical method as set forth in method 29.32 using either of the methods prescribed in subdivision (i) of this subparagraph for measuring reducing or invert sugar content before and after inversion of sucrose by method 29.25 (b);

(3) Ash content by method 29.14; and United States Customs Laboratory Method No. 502.6 of the United States Customs Service, as approved December 8, 1952, will be used for evaluating such unit of sugar as to the total soluble solids content.

(4) Whenever the Secretary determines that foreign substances have been added to any such unit of sugar, he may correct for the effect of such foreign substances in determining the results of the applicable test.

§ 810.8 *Evaluation of tests.* (a) For the purposes of §§ 810.4 and 810.5, the entire quantity of sugar brought or imported into the continental United States under an individual Sugar Quota Clearance Record shall be evaluated as a unit using the applicable test as provided for in paragraph (b) of this section and weight or volume and samples and tests specified in §§ 810.6 and 810.7, respectively, except that (1) a separate evaluation shall be made for each individual lot of sugar identified under a separate mark, (2) a separate evaluation shall be made for the quantity delivered to each refinery, and (3) with respect to sugar transshipped when the entire quantity covered by a Sugar Quota Clearance Record is not delivered to the refinery as a unit, a separate evaluation may be made upon request to and approval by the Secretary, for a portion of the quantity covered by such Sugar Quota Clearance Record and the remainder of such quantity shall be evaluated with the unit covered by a subsequent Sugar Quota Clearance Record with which it is shipped to the refinery: *Provided,* That, if any portion of a unit of sugar is subjected to the specific processes as provided in § 810.3 and the remaining portion is not, such portions may be evaluated separately.

(b) The applicable test for a unit of sugar specified in paragraph (a) of this section shall be the weighted average of the tests of all the samples pertaining to such unit. The test of each sample taken in accordance with § 810.6 shall be ascertained as follows:

(1) When settlement between a refiner or importer and a seller is based on the average of the two nearest of the three results obtained by the refiner or importer, seller, and an independent sugar testing laboratory selected jointly by refiner or importer and seller, each using portions of the same sample and performing tests in accordance with the procedures provided in § 810.7, the test of the sample shall consist of such average;

(2) When settlement is not based on the method referred to in subparagraph (1) of this paragraph, the test of a sample shall be the result obtained by the United States Custom Service or the result obtained by the refiner or importer: *Provided,* That, when the applicable test for any unit of sugar falls on or between 98.80 and 99.00 percent of sugar content or of total sugar content as a percent of total soluble solids and the tests of the samples were made pursuant to this subparagraph by the refiner or importer, such applicable test shall be voided and the applicable test for such unit of sugar shall be based upon tests of the samples made by the United States Customs Service or by an independent sugar testing laboratory.

§ 810.9 *Costs, reports, records and inspection.* (a) All costs incident to the weighing, gauging, sampling and testing required to be performed hereunder by refiners, importers, or sellers shall be borne by such persons.

(b) For each unit of sugar as prescribed in § 810.8, the following information shall be reported on the appropriate copy of the Sugar Quota Clearance Record:

(1) Mark or identification,

(2) Type of sugar and purpose for which brought or imported into the continental United States,

(3) Weight, if principally of crystalline structure, or volume, percent total soluble solids, percent total sugars content, and percent ash content if principally not of crystalline structure,

(4) The applicable test, or when the proviso of § 810.8 (b) (2) is applicable, the results of both the initial determination of the applicable test and the redetermination of the applicable test,

(5) Name of person retaining the reserve portion of each sample as required under § 810.6 (d).

(c) Any person who, after the effective date of this part undertakes to subject sugar subject to this regulation to the specific processes described in § 810.3 in a facility existing on the date this part becomes effective shall submit in writing to the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 90 days after such undertaking the following information with respect to each sugar processing facility operated by him, and thereafter such additional information with respect to each such facility as the Secretary may request:

(1) A description of the processes to which sugar is subjected;

(2) A description of the equipment and machinery used in each process together with their capacities under normal operating conditions;

(3) A list of chemicals and other materials used in conjunction with processing and their rate of use in relation to the amount of sugar processed; and,

(4) A description of the types of refined products and by-products which were normally produced together with the quantities produced from a given quantity and average quality of raw sugar during a representative period of operation.

(d) Any person who undertakes to subject sugar subject to this part to the specific processes described in § 810.3 in a facility not in existence on the date §§ 810.1 to 810.10 become effective, shall, prior to the subjection of sugar subject to this part to the processes described in § 810.3, submit in writing to the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., information comparable to that required in paragraph (c) of this section.

(e) Any person who has submitted the information required under paragraphs (c) or (d) of this section and who contemplates any major change in the processes, equipment, machinery, chemicals, or production pattern, shall, prior to making such change, submit in writing to the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., full information relating to such major change.

(f) Information submitted pursuant to paragraphs (c), (d) and (e) of this section shall not be made public with respect to the individual operations of any person, unless the Secretary determines that the disclosure of such information is necessary to carry out the provisions of the act.

(g) All records pertaining to the requirements of this part shall be retained for a period of two years following the end of the calendar year in which the sugar is brought or imported into the continental United States and information relating thereto shall be submitted to the Secretary upon written request therefor.

(h) Within 30 days of the date on which the report of the applicable test of a unit of sugar is first transmitted on a Sugar Quota Clearance Record and upon written request by the Secretary sent by registered mail to the general offices of the person required to retain the reserve portion of each sample pursuant to § 810.6, such person shall transmit to the Secretary the reserve portion of each such sample.

(i) Any person subject to this part, upon request of any employee of the Department of Agriculture authorized in writing by the Secretary, shall permit such employee to enter during working hours upon the premises and any other location where business operations of such person are being conducted to observe such operations and to inspect facilities and records, and to weigh, gauge, sample or test any unit of sugar subject to this part.

§ 810.10 *Delegation of authority.* The Director or Deputy Director of the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, is authorized to act for and on behalf of the Secretary in administering this part.

Effective date. The regulations in §§ 810.1 through 810.10 shall become effective on January 1, 1958.

Issued this 11th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8531; Filed, Oct. 15, 1957; 8:57 a. m.]

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

PROPORTIONATE SHARES FOR FARMS; 1958 CROP

Correction

In Federal Register Document 57-8408, published at page 8107 of the issue for Saturday, October 12, 1957, the following change should be made: In the first column on page 8112, immediately preceding the paragraph beginning "Inasmuch as * * *", three paragraphs were inadvertently omitted. These paragraphs read as follows:

The other provisions of the determination are generally similar to those effective for the 1957 crop, although a number of minor changes are incorporated for purposes of clarification and simplification. Allotment areas and acreage allotments therefor and individual farm shares again will be established by ASC State Committees. In these operations, the utilization of industry advisory committees is authorized and strongly recommended.

The details regarding requests for shares are amplified to provide for preliminary requests and tentative shares where operators of farms or the land in farms are not known definitely by the closing date for filing requests. In order to receive a final share, a request must be filed subsequently specifying the operator of the farm and the land in the farm. In general, such requests must be filed within 60 days after the general closing date.

As for both the 1955 and 1956 crops, the minimum requirement for a set-aside of acreage for new producers is established at one percent, with a provision that one-half of such set-aside may be used to increase shares for farms of small producers in order to provide for the efficient operation of such farms. For the 1957 crop, the minimum requirement was two percent. In consideration of the reduction in acreage for 1958, a return to the one percent basis is deemed appropriate.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF. AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

SUBPART—RULES AND REGULATIONS

Notice of rule making regarding a proposed revision of the current rules and regulations (Subpart—Rules and Regulations, 7 CFR 959.100 through 959.132), to be made effective under Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, was published in the FEDERAL REGISTER September 6, 1957 (F. R. Doc. 57-7283; 22 F. R. 7149). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee (established pursuant to the aforesaid marketing agreement and order), the rules and regulations (Subpart—Rules and Regulations; 7 CFR 959.100 through 959.132) are hereby revised to read as follows:

GENERAL

Sec.
959.100 Communications.

DEFINITIONS

959.110 Order.
959.111 Marketing agreement.
959.112 Terms.
959.113 Area determinations.

EXEMPTIONS

959.120 Application.
959.121 Investigation of applications.
959.122 Issuance of certificate.
959.123 Reports and records.

SAFEGUARDS

959.130 Application for Certificates of Privilege.
959.131 Issuance.
959.132 Reports.
959.133 Denial and appeals.

AUTHORITY: §§ 959.100 to 959.133 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

GENERAL

§ 959.100 *Communications.* Unless otherwise provided in the marketing agreement and order (§§ 959.1 to 959.88), or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection therewith shall be addressed to the committee at its principal office.

DEFINITIONS

§ 959.110 *Order.* "Order" means Order No. 59, as amended (§§ 959.1 to 959.88), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon, except Malheur County.

§ 959.111 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 114, as amended.

§ 959.112 *Terms.* Terms used in this subpart shall have the same meaning as when used in said marketing agreement and order.

§ 959.113 *Area determinations.* "Immediate production area," and "immediate shipping area," respectively, are each synonymous with "district."

EXEMPTIONS

§ 959.120 *Application.* (a) Any producer or handler applying for an exemption pursuant to §§ 959.65 through 959.68 from regulations issued pursuant to § 959.52, shall file such application with the committee, or its duly designated agent for such purpose, on forms to be furnished by the committee. Each application shall state (1) the name and address of the applicant, (2) the grade, size, and quality regulations for which exemption is requested, (3) facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond the applicant's reasonable expectation and control, and (4) any further information, in addition to the information required in paragraphs (b) and (c) of this section, as the committee may find necessary in making determinations with respect to such an application.

(b) Producer applications shall set forth the information required by subparagraphs (1), (2), (3), and (4) of this paragraph:

(1) The immediate production area, the location of the applicant's farms or ranches, and the fields and storage facilities where the applicant's potato crop may be inspected;

(2) The applicant's acreage and production of potatoes for the current season, varieties produced, and the quantity of each variety stated in terms of hundredweights, grades, and sizes;

(3) An estimate of the percentage of such applicant's potato crop which cannot be shipped because of regulations issued and in effect pursuant to §§ 959.52, 959.54, 959.65 through 959.68 inclusive, or any combination thereof, stated in terms of varieties, grades, and sizes; and

(4) A statement of the respective aggregate amounts of the applicant's potato crop (i) which have been sold during the current marketing season, and (ii) are remaining to be sold, each stated in terms of varieties, hundredweights, grades, and sizes.

(c) Handler applications shall set forth the information required by subparagraphs (1), (2), (3), and (4) of this paragraph:

(1) The quantity of potatoes acquired by the applicant during and immediately following the current digging season and stored, stated in terms of varieties, hundredweights, grades and sizes;

(2) The immediate shipping area and the location of the cellars, warehouses, and other storage facilities where such potatoes are stored;

(3) An estimate of the percentage of applicant's holdings of ungraded potatoes which cannot be shipped because of regulations issued and in effect pursuant to §§ 959.52, 959.54, 959.65 through 959.68, inclusive, or any combination thereof, stated in terms of varieties, grades and sizes; and

(4) A statement of the respective aggregate amounts of potatoes referred to in subparagraph (1) of this paragraph which (i) have been sold by the applicant during the current marketing season and (ii) are remaining to be sold, each in terms of varieties, hundredweights, grades, and sizes.

§ 959.121 *Investigation of applications.* (a) Each exemption application filed with the committee shall be accompanied by the applicant's certified statement setting forth the total quantity of such applicant's potatoes which have been graded; the quantity of such potatoes which meet the requirements in effect pursuant to § 959.52 on the date of the application; the quantity of such potatoes (exclusive of culls) which fail to meet such requirements on such date; and the quantity of such potatoes which are culls. Such certified statement shall be based upon the actual packout or grading of such potatoes. The committee, or any specifically authorized representative thereof, including a Federal-State inspector, may make such further investigations deemed necessary by the committee to verify the foregoing statements, and the cost of any such Federal-State inspection shall be borne by the applicant for exemption. If more than one exemption certificate is issued to an applicant during a marketing season, the total quantity of potatoes authorized to be shipped by such certificates shall not exceed the proportion specified in § 959.122.

(b) The committee shall keep account of the exemptions issued to applicants in those cases where the exemption certificate covers only a portion of the applicant's production or storage holdings. The quantity of potatoes exempted, if computed on a part of an applicant's production or storage holdings, shall be taken into consideration prior to issuing any future exemptions on the remainder of such applicant's production or storage holdings and shall be computed as part of the exemptions granted to such applicant during the then current season.

(c) In any case where the committee determines that the total quantity of graded potatoes referred to in paragraph (a) of this section is not representative of the applicant's entire production or ungraded storage holdings, the committee may require the exemption application to be accompanied by a report of a Federal-State inspector, which report shall contain the following:

(1) A statement by the inspector that he personally visited the farm, ranch, cellar, warehouse, and storage facility described in the application, and that a representative sample of the potatoes remaining therein or contained thereon was taken by him;

(2) A statement of the percentage of the potatoes so sampled by him which meet the grade, size, and quality requirements of regulations then in effect;

(3) A statement of the defects or damage causing such potatoes, or stated percentage thereof, to fail to meet such grade, size, and quality requirements. In the event that different regulations are in effect for different varieties of potatoes, the inspector's report shall show such percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The committee, or any specifically authorized representative thereof, may make such investigation as is deemed necessary to determine whether the exemption requested should be granted.

§ 959.122 *Issuance of certificate.* (a) Whenever the committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall authorize the applicant to ship, or cause to be shipped, such quantity of potatoes, which may fail to meet the minimum grade, size, and quality requirements in effect at the time thereof, as is authorized by §§ 959.65 through 959.68, inclusive.

(b) The manager of the committee, or any employee authorized by him, may issue exemption certificates for and on behalf of the committee: *Provided,* That the committee shall have first determined the "average proportions" or percentages referred to in § 959.66.

(c) If it is determined by the committee that an applicant is not entitled to an exemption certificate, the applicant shall be so advised in writing and given the reasons therefor.

(d) Each certificate of exemption issued as provided in this section shall contain the applicable producer's or handler's name and address, the location of his farm, ranch, cellar, warehouse, and storage facility, as the case may be, the quantities of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the applicant to ship, or cause to be shipped, potatoes which do not meet the requirements of the then current grade, size, and quality regulations. Each certificate of exemption shall be transferable, in whole or in part, with the potatoes in accordance with the amount of potatoes transferred.

§ 959.123 *Reports and records.* For the purpose of enabling the committee to perform its functions pursuant to the provisions of this part, each handler shall report shipments under exemption certificates to the committee in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence, and documents used, pursuant to this subpart, shall be kept on file by the committee and records thereof shall be maintained by the manager of the committee. A record of all exemption certificates issued (if any) shall be furnished weekly by the manager to the Secretary of Agriculture.

SAFEGUARDS

§ 959.130 *Application for Certificates of Privilege.* (a) All handlers desiring to make shipments of potatoes for the following purposes shall, when such shipments are regulated pursuant to §§ 959.40 to 959.60, inclusive, or any combination thereof, obtain from the committee prior to initiating such shipments, a Certificate, or Certificates, of Privilege permitting such shipments:

(1) Grading or storing in the production area;

(2) Export;

(3) Distribution by relief agencies or consumption by charitable institutions;

(4) Manufacture or conversion into specified products or byproducts;

(5) Livestock feed.

(b) Handlers desiring to make shipments of seed potatoes may be required to first apply to the committee for and obtain a Certificate, or Certificates, of Privilege permitting such shipments.

(c) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, the quantity of potatoes to be shipped, name of the consignee, designation, certification as to correctness of statements made, a statement that the applicant will comply with disposition stated therein, and such other information, or be accompanied by such other documents, as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate, or Certificates, of Privilege were granted.

§ 959.131 *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

§ 959.132 *Reports.* Each handler shipping potatoes under, and pursuant to, a Certificate of Privilege shall supply to the committee, upon request, a report thereon, showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulations in effect at the time of such shipment), loading point, destination, and consignee.

§ 959.133 *Denial and appeals.* The committee may rescind a Certificate, or Certificates, of Privilege, issued to a handler pursuant to this part, or deny Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to provisions of this part. Such committee action denying or rescinding a Certificate, or Certificates, of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Dated: October 11, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-8529; Filed, Oct. 15, 1957; 8:57 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

SUBPART—RULES AND REGULATIONS

Notice of rule making regarding a proposed revision of the current rules and regulations (Subpart—Rules and Regulations; 7 CFR 992.110 through 992.124), to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER August 27, 1957 (F. R. Doc. 57-7013; 22 F. R. 6896). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the State of Washington Potato Committee (established pursuant to the aforesaid marketing agreement and order), the rules and regulations (Subpart—Rules and Regulations; 7 CFR 992.100 through 992.124) are hereby revised to read as follows:

DEFINITIONS

Sec.
992.100 Order.
992.101 Marketing agreement.
992.102 Terms.
992.103 Area determinations.
992.104 Reapportionment of committee membership.

EXEMPTION CERTIFICATES

992.110 Application.
992.111 Issuance of certificate.
992.112 Transfer of certificate.
992.113 Reports.
992.114 Appeals.

CERTIFICATES OF PRIVILEGE

992.120 Application.
992.121 Issuance.
992.122 Reports.
992.123 Denial and appeals.

AUTHORITY: §§ 992.100 to 992.123 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

DEFINITIONS

§ 992.100 *Order.* "Order" means Order No. 92 (§§ 992.1 to 992.78), regulating the handling of Irish potatoes grown in the State of Washington.

§ 992.101 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 113.

§ 992.102 *Terms.* Terms used in this subpart shall have the same meaning as set forth in said marketing agreement and order.

§ 992.103 *Area determinations.* The State of Washington Potato Committee determines, pursuant to §§ 992.56 to 992.59 inclusive, that:

(a) "Immediate production area" means each of the districts established pursuant to § 992.31, and

(b) "Immediate shipping area" means each of the districts established pursuant to § 992.31.

§ 992.104 *Reapportionment of committee membership.* On and after June 1, 1955, pursuant to paragraph (b) of § 992.31, the producer membership of the State of Washington Potato Committee shall be reapportioned among the 5 districts of the production area so as to provide the following representation:

Four producer members, with their respective alternates from District No. 1; one producer member, with his alternate from District No. 2; two producer members, with their respective alternates, from District No. 3; two producer members, with their respective alternates, from District No. 4; and one producer member, with his alternate, from District No. 5, each of whom shall be a certified seed producer.

EXEMPTION CERTIFICATES

§ 992.110 *Application.* Any producer or handler applying for exemption from grade and size regulations issued under this part shall make application to the State of Washington Potato Committee on forms to be furnished by the committee. Such application shall, when applicable, state:

(a) The name and address of the applicant for exemption;

(b) The location of the farm or farms on which potatoes for which the exemption is requested were produced or the location of the storage where such potatoes are held;

(c) The quantity of pototoes produced by the applicant, by grades and sizes for each variety produced;

(d) The quantity of ungraded potatoes purchased by the applicant during or immediately following the digging season and stored, and the grades and sizes thereof by varieties;

(e) The quantity of potatoes, by varieties, grades, and sizes, which have been sold or otherwise disposed of during the current season and the quantity remaining to be shipped of (1) potatoes produced, and (2) ungraded potatoes purchased and stored by the applicant;

(f) A statement (1) of the reason why the quantity of potatoes for which exemption is requested do not meet the requirements of the grade and size regulation in effect, and (2) that by reason of such regulation the applicant will be prevented from handling as large a proportion of production shipped by all producers in said applicant's immediate production area, or as large a proportion of his storage holdings as the average proportion of storage holdings handled by all handlers in said applicant's immediate shipping area;

(g) The name and address of the handler who will ship the potatoes; and

(h) Such other information as the committee may find necessary in making a determination regarding the granting of a certificate of exemption.

§ 992.111 *Issuance of certificate.* (a) The State of Washington Potato Committee shall give prompt consideration to all statements and facts relating to each application for exemption and shall determine from such statements and facts, and from the applicable terms of the marketing agreement and order, whether or not the application shall be approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to §§ 992.56 to 992.59 inclusive. If the applicant's request for exemption is denied he shall be so notified in writing.

(b) Each certificate of exemption issued, as provided in this subpart, shall contain the name and address of the applicant; the location of all the applicant's remaining potatoes; the total quantity of potatoes which may be handled under the certificate of exemption; and the exceptions from the grade and size regulations which will be permitted by the exemption granted.

§ 992.112 *Transfer of certificate.* (a) Certificates of exemption issued to producers shall be transferred with the exempted potatoes at time of sale: *Provided, however,* That the committee may issue appropriate subcertificates to a producer applicant to whom a certificate of exemption is granted in cases where more than one sale is involved in disposing of such potatoes. Each such sale shall be covered by a subcertificate and such subcertificate shall be transferred with such potatoes at the time of sale.

(b) The producer shall notify the committee promptly following each such transfer and shall state the name and address of the person to whom the potatoes were sold, quantity sold, date of transfer, and such other information as the committee may request.

§ 992.113 *Reports.* Handlers shall report to the committee each shipment of potatoes made under a certificate of exemption and shall supply the committee with such other information as the committee finds necessary to keep the handling of potatoes pursuant to such exemptions within the quantity and terms specified in the certificates applicable thereto.

§ 992.114 *Appeals.* Appeals from determinations of the committee pursuant to this subpart shall be submitted to the committee pursuant to § 992.58 within ten days after receipt of the determination by an applicant for exemption.

CERTIFICATES OF PRIVILEGE

§ 992.120 *Application.* (a) Whenever shipments are regulated pursuant to the provisions of § 992.50, each handler desiring to make shipments of potatoes for the following purposes shall obtain from the committee prior to initiating such shipments, a Certificate of Privilege permitting such shipments:

(1) Export.

(2) Shipment of potatoes for distribution by relief agencies, or for consumption by charitable institutions.

(3) Manufacture or conversion into specified products or by-products.

(b) Application for Certificates of Privilege shall be made on forms furnished by the committee. Such application shall contain the name and address of the handler, and such other information the committee may require, such as, but not limited to, the estimated amount of potatoes to be shipped, the grades and sizes of potatoes to be shipped, name of consignee, destination, certification as to correctness of statements made, statement that applicant will comply with disposition stated therein, and other information or documents as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

§ 992.121 *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

§ 992.122 *Reports.* Each handler shipping potatoes under and pursuant to a Certificate of Privilege shall supply the committee upon request, with a report thereon showing the name and address of the handler, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination and consignee.

§ 992.123 *Denial and appeals.* The committee may rescind a Certificate, or Certificates, of Privilege issued to a handler or deny Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to the provisions of this subpart. Such committee action denying a Certificate, or Certificates, of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Dated: October 11, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-8528; Filed, Oct. 15, 1957; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6468]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

POMPEIAN OLIVE OIL CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 Advertising expenses.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Pompeian Olive Oil Corp., Baltimore, Md., Docket 6468, September 20, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation in Baltimore, Md., engaged in selling its "Pompeian Oilve Oil" through food brokers and direct to large retail chain organizations, with sales in 1954 amounting to $1,747,493, with violating section 2 (d) of the Clayton Act by paying money to a Philadelphia food chain as an allowance for advertising or other service, while not making such allowance available on proportionally equal terms to all competitors of the chain.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 20 the decision of the Commission

The order to cease and desist is as follows:

It is ordered, That respondent Pompeian Olive Oil Corporation, a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of olive oil and other products in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of olive oil and other products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such olive oil and other products.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 20, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8483; Filed, Oct. 15, 1957; 8:47 a. m.]

[Docket 6467]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

J. H. FILBERT, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, J. H. Filbert, Inc., Baltimore, Md., Docket 6467, September 19, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Baltimore, Md., of food products—principally salad dressing and oleomargarine sold under the trade name "Mrs. Filbert's", with annual sales of approximately $16,000,000—with violating section 2 (d) of the Clayton Act by such practices as paying sums of money to a Philadelphia food chain as compensation or allowance for advertising or other service furnished in connection with the sale of its products, while not making any allowance available on proportionally equal terms to competitors of the chain.

Following extensive hearings in due course, the hearing examiner made his initial decision, including findings and conclusion that jurisdiction had not been established, and dismissed the complaint. Hearing the matter on appeal by complaint counsel, the Commission variously adopted and rejected certain findings and conclusions of the initial decision, and on September 19, in lieu of the order of dismissal, issued its own order to cease and desist.

The Commission's order to cease and desist, including provision for compliance with same, is as follows:

It is ordered, That respondent J. H. Filbert, Inc., a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of food products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of Food Fair Stores, Inc., or any other customer, any payment of anything of value as compensation or in consideration for advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of the respondent's products, unless such payment is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 19, 1957.

By the Commision.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8484; Filed, Oct. 15, 1957; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1458—RECEIPTS OR ACCRUALS UNDER STATUTORY MINIMUM

NO REDUCTION BY REFUND BELOW STATUTORY MINIMUM

Section 1458.3 *No reduction by refund below statutory minimum* is amended in the following respects:

1. In the second sentence of paragraph (c), insert "to be eliminated" after "excessive profits".

2. At the end of paragraph (c), add the following: "For the purposes of this paragraph, when related contractors having different fiscal years are renegotiated concurrently (see § 1464.10 of this subchapter), renegotiation will be deemed to have been concluded, in the absence of unusual circumstances, in the order in which the fiscal years of such contractors ended or, if such fiscal years ended on the same date, then in the order in which such fiscal years began."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: October 11, 1957.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 57-8498; Filed, Oct. 15, 1957; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

ST. LAWRENCE RIVER, N. Y.

Pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.610a is hereby prescribed to govern the use, administration and navigation of the United States Waters of the St. Lawrence River, Tibbetts Point to Raquette River, New York, excluding the section between Richards Point and the mouth of Grass River, as below. Section 207.610a shall become effective five (5) days after publication in the FEDERAL REGISTER in order to safeguard floating equipment presently engaged or to be engaged in the construction of the Saint Lawrence Seaway in the reach of the river covered by § 207.610a.

§ 207.610a *St. Lawrence River from Tibbetts Point to Raquette River excluding the section between Richards Point and the mouth of Grass River, New York; use, administration and navigation in United States Waters*—(a) *General*—(1) *Supervision.* The waters of the St. Lawrence River on the United States side of the International Boundary are under the general supervision of the District Engineer, U. S. Army Engineer District, Buffalo, New York.

(2) *Local representatives.* The Commander, Ninth Coast Guard District, as the duly authorized representative of the

District Engineer, will enforce the regulations in this section and in an emergency, will have authority to take such steps as may be considered immediately necessary without waiting for specific instructions.

(3) *Patrol vessel.* The anchorage and movement of vessels shall be under the direction and subject to the control of the U. S. Coast Guard. The following sound signal will be used by the patrol vessel: Four long blasts of a whistle, siren or horn will indicate that the vessel to which it is given must stop until further orders are received from the patrol vessel.

(4) *Section.* The regulations in this section shall apply to United States waters of the St. Lawrence River from abreast of Tibbetts Point, New York, to the junction of the St. Lawrence and Raquette Rivers, and from the general shoreline of the New York mainland to the International Boundary, excepting the section from Richards Point to the mouth of the Grass River.

(b) *Speed.* From abreast of Bartlett Point Light, about one mile upstream from Clayton, New York, to abreast of Whiskey Island Shoal Lighted Buoy 12A, approximately 3¾ miles downstream from Alexandria Bay, New York, and from the general shoreline of the New York mainland to the southerly shoreline of Grindstone and Wellesley Islands and the larger islands downstream from these named islands, no vessel shall exceed a speed of 9 miles per hour over the bottom, or from point to point without regard to the velocity of the current; however, no vessel will be navigated through waters to which the regulations in this section apply, at a speed which will endanger other vessels or structures or interfere with any work in progress incident to maintaining, improving, surveying or marking the channel. The 9 miles per hour speed regulation will not apply to small craft under 40 feet in length.

(c) *Obstruction of traffic.* (1) No person shall willfully or carelessly obstruct the free navigation of the waters to which the regulations of this section apply, or delay any vessel having the right to use the waters.

(2) No vessel shall anchor within the limits of the improved channel except in distress or under stress of weather. Any vessel so anchored shall be moved as quickly as possible to such anchorage as will leave the channel clear for the passage of vessels.

(3) Motorboats (as defined by the Motorboat Act of April 25, 1940), sailboats, rowboats, and other small craft shall not anchor or drift in the regular ship channel except under stress of weather or in case of breakdown.

(4) Whenever vessels collect in the channel by reason of fog, smoke, ice or other obstruction, their anchorage and movement shall be under the direction and control of the U. S. Coast Guard. Regularly scheduled vessels carrying passengers or mail may be advanced in order and any vessel not ready to move when directed to do so may lose its position. The masters of all vessels shall execute with promptness all orders issued by the U. S. Coast Guard.

(5) Whenever a vessel, boat, watercraft, raft or other similar obstruction, sinks, grounds, or is unnecessarily delayed in the channel in such a manner as to stop, seriously interfere with, or specially endanger navigation, the U. S. Coast Guard may order all vessels to stop, direct their anchorage, designate the order in which vessels may proceed after the channel is clear, and do all things necessary and proper to safeguard and expedite the passage of vessels.

(d) *Vessels aground or not under command.* (1) A vessel over 65 feet in length aground or disabled in or near the channel, in addition to displaying the lights or day signals required by Rule 30, Pilot Rules for the Great Lakes, shall sound the danger signal of several short and rapid blasts of the whistle, not less than five, upon the approach of another vessel bound up or down the channel. If the approaching vessel cannot pass with safety, it shall stop at a safe distance from, and make proper dispositions to avoid fouling the grounded or disabled vessel, and upon the approach of another vessel coming up astern shall repeat the danger signal for that vessel's benefit. Should additional vessels approach from that same direction, it shall be the duty of the last vessel in line to sound this signal. Each vessel shall keep a safe distance from the vessel ahead until the channel has been cleared, and shall pass a grounded or disabled vessel at reduced speed and with caution. In times of low visibility, the signal described in this paragraph shall be in addition to the prescribed fog signal.

(2) The first vessel passing a stranded or disabled vessel shall report the location and nature of the accident to the U. S. Coast Guard.

[Regs., Sept. 30, 1957, 800.212 (St. Lawrence River, N. Y.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-8476; Filed, Oct. 15, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO-10-A22]

MILK IN ST. LOUIS, MO., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO A RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, which was issued on September 12, 1957 (22 F. R. 7398; F. R. Doc. 57-7626), is hereby further extended to November 7, 1957. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business as of that date.

Dated: October 11, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-8530; Filed, Oct. 15, 1957; 8:57 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.225 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1958, will amount to $1,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8525; Filed, Oct. 15, 1957; 8:55 a. m.]

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

PACK SPECIFICATIONS

Notice is hereby given that the Secretary of Agriculture is considering the approval of the pack specifications, hereinafter set forth, which were recommended by the Florida Cucumber Committee, established pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015; 22 F. R. 6083), hereinafter referred to as Order No. 115, regulating the handling of cucumbers grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., no later than October 23, 1957.

The proposals are as follows:

§ 1015.101 *Pack specifications.* (a) On and after November 10, 1957, and until modified, suspended or terminated, each of the grades defined and set forth in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title) shall be a pack of cucumbers pursuant to § 1015.11 and the pack specifications for each such grade shall be the same as set forth in such standards, which are:

(1) *U. S. Fancy.* (i) U. S. Fancy consists of cucumbers which are well colored, well formed, not overgrown and which are fresh, firm, and free from decay, sunscald and from injury caused by scars; and from damage caused by yellowing, sunburn, dirt or other foreign material, freezing, mosaic or other disease, insects, mechanical or other means.

(ii) The maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than six inches.

(2) *U. S. No. 1.* (i) U. S. No. 1 consists of cucumbers which are fairly well colored, fairly well formed, not overgrown and which are fresh, firm, and free from decay, sunscald and from damage caused by scars, yellowing, sunburn, dirt or other foreign material, freezing, mosaic or other disease, insects, mechanical or other means.

(ii) Unless otherwise specified, the maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 6 inches.

(3) *U. S. No. 1 Small.* U. S. No. 1 Small consists of cucumbers which meet all requirements for the U. S. No. 1 grade except for size. The diameter of each cucumber shall be not less than 1½ inches or larger than 2 inches. There are no requirements for length.

(4) *U. S. No. 1 Large.* U. S. No. 1 Large consists of cucumbers which meet all requirements for the U. S. No. 1 grade except for size. The minimum diameter of each cucumber shall be not less than 2¼ inches and unless otherwise specified, the length of each cucumber shall be not less than 6 inches. There are no requirements for maximum diameter or maximum length.

(5) *U. S. No. 2.* (i) U. S. No. 2 consists of cucumbers which are moderately colored, not badly deformed, not overgrown and which are fresh, firm, free from decay and free from damage caused by freezing, sunscald and from serious damage caused by scarring, yellowing, sunburn, dirt or other foreign material, mosaic or other disease, insects, mechanical or other means.

(ii) Unless otherwise specified, the maximum diameter (6) of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 5 inches.

(b) The terms, and grades and sizes as used in this section shall have the same meaning as set forth in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title), including the tolerances set forth therein. All other terms used in this section shall have the same meaning as when used in Order No. 115 (§§ 1015.1 to 1015.88; 22 F. R. 6083).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and 608c)

Dated: October 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-8526; Filed, Oct. 15, 1957; 8:56 a. m.]

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Notice is hereby given that the Secretary of Agriculture is considering the approval of the limitation of shipments, hereinafter set forth, which was recommended by the Florida Cucumber Committee, established pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015; 22 F. R. 6083), hereinafter referred to as Order No. 115, regulating the handling of cucumbers grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views or arguments pertaining thereto, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., no later than October 23, 1957.

The proposals are as follows:

The provisions of § 1015.301 (b) (22 F. R. 8148) are hereby amended by renumbering subparagraphs (3) and (4) as (4) and (5) and adding a new subparagraph (3) which reads as follows:

(3) No person shall handle cucumbers unless such cucumbers are so packed that they meet the grade and size requirements of this section, and one of the applicable pack specifications, established in § 1015.101.[1] Each container in each lot, or portion of a lot, of such cucumbers shall be marked or stamped to show, pursuant to the pack specifications established in § 1015.101 and as certified by the Federal-State Inspection Service, the United States grade applicable to such lot. Such marking or stamping shall be in letters at least one inch high and shall be so placed on each container as to be conspicuous and legible.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and 608c)

Dated: October 11, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8527; Filed, Oct. 15, 1957; 8:56 a. m.]

Commodity Stabilization Service

[7 CFR Parts 817, 818, 819]

REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318, and Public Law 545, 84th Congress, 7 U. S. C. 1100), is considering amendment of Sugar Regulation 817 (16 F. R. 12847), and supersedure of Sugar Regulations 818 (16 F. R. 11951) and 819 (13 F. R. 2063, redesignated at 14 F. R. 466 and 19 F. R. 396).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director of the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after the publication of this notice in the FEDERAL REGISTER.

Purpose of amendment in general. Heretofore procedures to be followed to bring or import sugar and liquid sugar into the continental United States under the sugar quota system provided for in the Sugar Act of 1948, as amended, have

[1] See F. R. Doc. 57-8527, *supra.*

been established in Part 817, and additional procedures applicable to sugar and liquid sugar not subject to quotas at the time of importation have been established in Parts 818 and 819. The purpose of this amendment is to consolidate all procedures applicable to bringing in or importing sugar or liquid sugar in the one Part 817, to clarify the regulation by incorporating material which has required supplemental instructions and interpretations, to take into consideration the requirement of Part 810, and to take more fully into account recent developments in the handling of sugar.

The specific changes are as follows:

1. *Purpose and persons affected.* A new § 817.1 is added so that the purpose of the regulation and the persons who are subject to its provisions will be apparent from a reading of the first section of the part as it will appear in the Code of Federal Regulations as well as from a more complete reading or reference to the entire document as published in the FEDERAL REGISTER.

2. *Definitions.* In § 817.2 certain definitions have been reworded and those appearing as paragraphs (e), (f), (g), (h), (i) and (j) have been added to clarify the requirements and delegations of authority and simplify the text of the regulation.

3. *Restrictions on entry of sugar and liquid sugar.* The manner of stating the restrictions in § 817.3 is changed to establish more clearly that all persons responsible for a shipment of sugar or liquid sugar to be brought in or imported into the United States, including masters of ships, must comply with the control procedures even though the cargo may not be subject to Customs' regulations as dutiable sugar. The new wording is intended, also, to establish more clearly the authority of Collectors to take custody of domestic sugar as well as foreign sugar, by applying procedures established for Customs purposes to implement the quota system pursuant to this part.

4. *Procedures for quota sugar.* The provisions for the submission and approval of a "Sugar Quota Clearance Record" for each shipment of sugar or liquid sugar have been rewritten in §§ 817.4 through 817.7 to incorporate, in substance, the instructions and interpretations which have been found necessary to meet operating situations during the years for which Revision 1 of S. R. 817 has been in effect.

Heretofore specific authorization (certification) by the Secretary has been required after notice that 80 percent of certain quotas have been filled. The time of year at which this situation is reached differs greatly among quotas and from year to year, and problems arise as a result of the lag in the flow of information covering shipments which arrive shortly before the notice is issued. Section 817.5 would make specific authorization apply for all shipments arriving after August 31 or such earlier date on which notice is filed with the FEDERAL REGISTER for publication that 80 percent of the quota has been filled. This change should enable importers to anticipate clearance requirements for more effective handling of their shipments and will make available more reliable current information on quota balances as the year progresses.

5. *Effect on quotas and allotments of sugar brought in or imported.* This subject is spelled out in detail in this regulation for the first time. Section 817.7 is intended to make more readily apparent the significance of the information required on Sugar Quota Clearance Records. The procedures set forth in paragraph (b) *Allotment*, are needed partly because of the change-over to bulk handling of raw sugar shipments. In 1956 a comparable provision was added to the allotment order for Puerto Rico late in the year. However, the procedure applies to actions taken by importers and establishes distinctions which, if maintained in the absence of allotments, will provide continuity of statistical bases for later allotments, making the subject more appropriately treated in this regulation.

Paragraph (c) *Quantity and time of effect*, is added to make clear how the quantities required in reports are taken into consideration in filling the quotas both at the time of importation and finally on the basis of tests and weights required pursuant to Part 810.

6. *Procedures for non-quota sugar.* A new paragraph (a) is added in § 817.8 to clarify the handling of sugar or liquid sugar which may be brought in or imported under the exemptions provided for in section 212 of the Sugar Act of 1948, as amended, for the distillation of alcohol, or for livestock feed, or for the production of livestock feed. The other provisions of §§ 817.8 and 817.9 represent a revision of the provisions of Parts 818 and 819 relating to bringing in or importing sugar or liquid sugar for the distillation of alcohol, for livestock feed or for the production of livestock feed under section 212 of the Sugar Act of 1948, as amended, for exportation as sugar or in manufactured products under section 211 (a) of that act, and to maintain refinery operations pending availability of quota. The principal changes in the substance of these provisions are as follows: (a) Provision is made for a term bond to be used to cover all entries for any of the allowable purposes to be made during the time prescribed in the bond. Previously the regulations, forms and instructions contemplated that a separate bond would cover each entry. (b) A uniform method for determining the obligation under all bonds is provided. (c) The destinations and conditions of shipment or exportation that qualify for fulfilling the conditions of a bond are more clearly established.

7. *Records and reports.* A new § 817.11 is added to establish more clearly the rules to be followed in maintaining and providing access to pertinent records and in reporting information necessary to the proper administration of the other rules in this part.

The regulation, as amended, would read as follows:

Sec.
817.1 Purpose and persons affected.
817.2 Definitions.
817.3 Restrictions on importing sugar and liquid sugar.
817.4 Application by importer.
817.5 Release by a Collector.
817.6 Specific authorization for release.
817.7 Applicable quota and allotment.
817.8 Authorization for purposes other than to fill current quotas.
817.9 Bonds to cover releases.
817.10 Credits to quotas.
817.11 Records and reports.
817.12 Delegation of authority.

AUTHORITY: §§ 817.1 to 817.12 issued under sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 101, 205, 209, 211, 212, 301 (b); 61 Stat. 922, as amended, 926, as amended, 928, 929, as amended; 7 U. S. C. 1101, 1115, 1119, 1121, 1122, 1131.

§ 817.1 *Purpose and persons affected.* (a) The regulations in this part establish, under authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318 and Public Law 545, 84th Congress; 7 U. S. C. 1100), the procedures applicable to (1) importing sugar and liquid sugar into the continental United States (excluding Alaska) from all domestic offshore areas and all foreign countries and (2) reporting the evaluation provided for in Part 810 of this chapter and the subsequent processing and movement of such sugar and liquid sugar.

(b) Persons affected by the provisions of this part include importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies engaged in the transportation of sugar and liquid sugar to ports in the continental United States, persons otherwise engaged in the movement of sugar in interstate or foreign commerce and surety companies undertaking obligations with respect to imported sugar or liquid sugar.

§ 817.2 *Definitions.* As used in this part:

(a) The term "act" means the Sugar Act of 1948, as amended (60 Stat. 922, 65 Stat. 318; Pub. Law 545, 84th Cong., 7 U. S. C. Sup. 1100).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity, and, wherever applicable, any unit, instrumentality, or agency of a government, domestic or foreign.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority or to whom authority may hereafter be delegated to act in his stead.

(e) The term "Sugar Division" means the Sugar Division of the Commodity Stabilization Service, of the Department, Washington 25, D. C., or any other organizational unit within the Department to which administration of the Sugar Act may hereafter be delegated.

(f) The term "Collector" means the Collector of Customs, U. S. Bureau of Customs, for the District in which the port of entry is located or any officer of the Bureau of Customs designated to act in his stead.

(g) The terms "import," "importation" and "importing" mean the act of bringing sugar or liquid sugar into the continental United States (excluding Alaska) from either an insular domestic area or a foreign country.

(h) The term "importer" means any person who brings or imports sugar or liquid sugar into the continental United States (excluding Alaska), including but not limited to the owner, consignor, consignee, transferee or purchaser of such sugar or the broker acting on behalf of such person.

(i) The term "refiner" means any person who subjects offshore sugar or liquid sugar to processes as provided in Part 810 of this title.

(j) The terms "sugars," "sugar," "raw sugar," "direct-consumption sugar" and "liquid sugar" have the meanings ascribed to each in section 101 (b), (c), (d), (e) and (f), respectively, of the act subject to the provisions of Part 810 of this chapter with respect to the distinction between raw and direct-consumption sugar.

(k) The term "quota" means any quota or the direct-consumption portion of any quota or proration of either established by the Secretary in Part 811 of this chapter pursuant to the act.

(l) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205 (a) of the act.

§ 817.3 *Restrictions on importing sugar and liquid sugar.* (a) All persons are hereby prohibited from importing more than 10 pounds of sugar or liquid sugar except pursuant to the provisions of this part.

(b) Sugar and liquid sugar shall be imported only at Customs ports of entry.

(c) Subsequent provisions of this part do not apply to operators of common carriers importing a quantity of sugar or liquid sugar no larger than reasonably required for consumption by passengers and crew to the termination of a trip beginning in an insular area or foreign country.

(d) Sugar or liquid sugar of any origin (either foreign or domestic) which is imported shall not be removed from the carrier until a copy of the ship's manifest, bills of lading, or other shipping document covering all sugar or liquid sugar in the shipment are submitted to the Collector.

(e) In any case in which the Collector is not authorized pursuant to § 817.5 to permit the release of any sugar or liquid sugar at the time of arrival at the port of entry, he shall take custody of such sugar or liquid sugar whether of domestic or foreign origin and shall retain custody, at the risk and expense of the consignee or owner, until authorized to permit release thereof in accordance with § 817.5. In taking and retaining custody pursuant to these regulations of sugar or liquid sugar of foreign origin, the Collector shall be governed by the provisions of §§ 4.37, 4.38, 19.1 through 19.9 and 19.12 of Chapter I, Title 19, Code of Federal Regulations, which are made applicable to such custody by reference as fully as if set forth in full herein. In taking and retaining custody pursuant to these regulations of sugar or liquid sugar of domestic origin, the Collector shall place and hold such sugar or liquid sugar in a public warehouse or in a private warehouse; provided, that, if sugar is retained in custody in a private warehouse, it shall be either (1) segregated from all other sugar or liquid sugar or (2) be subject to additions or withdrawals from the unsegregated mass only in the presence of a Customs officer.

(f) Sugar or liquid sugar held in Customs' custody under paragraph (e) of this section and not withdrawn within ten days after notification of release is given by the Secretary may be treated as abandoned to the Government and may be sold at such time and under such conditions as the Collector shall determine will best protect the interests of the Government and the owner, subject to payment to the said owner of the surplus proceeds, if any, after the payment of all charges and other expenses. Any sugar or liquid sugar which has become subject to sale hereunder may, at any time before sale, be withdrawn under such conditions as the Collector may prescribe.

(g) Any quantity of sugar or liquid sugar of any origin removed from a vessel or carrier and placed in the custody of a Collector or in a Foreign Trade Zone shall be reported within 24 hours from the time such sugar is removed from the carrier. Such report shall be made by the importer and shall furnish all information required pursuant to § 817.4 (a) (1) through (6). The report shall be made on appropriate copies of the "Sugar Quota Clearance Record" and must be submitted to the Collector for confirmation and transmittal to the Sugar Division.

(h) Sugar released by a Collector pursuant to § 817.5 for further processing shall not be delivered for direct consumption without prior authorization by the Secretary. The application for such authorization (change of purpose) must be made on appropriate copies of the "Sugar Quota Clearance Record" and all of the information specified in paragraph (a) of § 817.4 shall be furnished.

§ 817.4 *Application by importer.* (a) A separate application must be submitted on appropriate copies of the "Sugar Quota Clearance Record" not more than 10 days prior to the departure date stated thereon, showing the following information regarding the sugar or liquid sugar to be delivered to a single refinery or importer from each cargo:

(1) Port and date of arrival. If the port is not known when the application is submitted, this information must be supplied before a Collector will be authorized to release the sugar or liquid sugar.

(2) Name of the vessel or other specific identification of the carrier.

(3) Name of the producing area, the port of loading and the date the carrier is committed to depart from such port. If from Puerto Rico, or any area after its quota or portion thereof is allotted, name of the processor of the sugar from sugarcane, and for direct-consumption sugar, the name of the refiner, if another person than the processor.

(4) Name and address of the person to whom delivery is to be made from the importing carrier. If not known when an application is submitted to the Sugar Division, this information must be supplied before a Collector will be authorized to release the sugar or liquid sugar.

(5) Separate quantities in pounds if crystalline, or in gallons if liquid, to be imported as shown on the application: (i) In bags identified by a separate mark; (ii) for further processing; (iii) for direct-consumption; (iv) subject to a separate quota or allotment; and (v) for a purpose other than to fill a current quota.

(6) Name, address and authorized signature of the applicant.

(b) Any application made pursuant to this section constitutes a representation by the applicant that at the time the application is made:

(1) He has control of the sugar or liquid sugar;

(2) Firm commitment has been made by the shipping company for shipment as described on the application; and

(3) The date of departure of the vessel or carrier stated on the application is the date specified to the applicant by the Master, Owner or Agent of such vessel or carrier.

(c) When specific authorization by the Secretary is required pursuant to § 817.5, the application specified in paragraph (a) of this section shall be submitted to the Sugar Division, Commodity Stabilization Service, of the Department, Washington 25, D. C., for action and transmittal to the Collector. When specific authorization by the Secretary is not so required, appropriate copies of the "Sugar Quota Clearance Record" shall be submitted directly to the Collector at the port of entry of the sugar.

(d) When specific authorization by the Secretary is required pursuant to § 817.5 such authorization may be issued prior to the receipt of an application on appropriate copies of the "Sugar Quota Clearance Record"; *Provided*, That all of the information required pursuant to paragraph (a) of this section is transmitted to the Sugar Division by telegram and such advance authorization is necessary to avoid delay in the delivery of the sugar.

(e) Any application made pursuant to this section for a purpose stated in § 817.8 shall show, over the signature of the applicant, his agreement as follows:

This application is made subject to the conditions of bond on Form SU-17 numbered _____ (Insert bond number, if already approved) on which _____ is principal and _____ (Insert name of bond principal) _____ of _____ (Insert name of surety) is surety, under _____ (Address of surety) which all of the sugar authorized on this application to be brought or imported into the continental United States is to be _____ _____ (Insert one of the purposes stated in paragraph (b) of § 817.8)

(f) Within 20 days after release of sugar or liquid sugar by the Collector pursuant to § 817.5, the results of weights, samples and tests and the name of the person retaining the reserve portion of each sample as provided for in Part 810 of this chapter shall be re-

ported on the applicable copy of the "Sugar Quota Clearance Record" or a duplicate of such copy, together with the information specified in paragraph (a) of this section.

§ 817.5 *Release by a Collector.* (a) With respect to raw sugar imported to fill the quotas for Cuba or the Republic of the Philippines and, when allotments are not in effect, with respect to raw sugar imported to fill the quotas for Hawaii or Puerto Rico, Collectors may release the quantities requested on applications provided for in § 817.4 which are submitted to them for shipments arriving in any calendar year on or before August 31 of that year or such earlier date as the Secretary shall have given notice by publication in the FEDERAL REGISTER that on such date 80 percent or more of the applicable quota has been filled.

(b) With respect to raw sugar imported to fill the quotas for foreign countries other than Cuba and the Republic of the Philippines, and, when allotments are in effect, for Hawaii or Puerto Rico, and with respect to direct-consumption and liquid sugar imported to fill the quotas for any area or country, a Collector may release such sugar only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application.

(c) With respect to sugar or liquid sugar to be imported for any purpose other than to fill a current quota, a Collector may release such sugar only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application, except that the quantities for which no application is required pursuant to § 817.3 may be released by a Collector at any time.

§ 817.6 *Specific authorization for release*—(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the vessel or other carrier on which the sugar or liquid sugar is to be shipped. The authorization shall be valid for the period specific thereon, subject to extension by the Secretary for good cause, and shall be cancelled only if mistakenly issued, a misrepresentation was made, the shipment does not depart within 3 days of the date stated on the application, or importation does not occur during the period specified. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the Collector until all the information required by paragraph (a) of § 817.4 is received in the Sugar Division.

(b) *Order of eligibility for authorization.* Whenever the quota or allotment applicable pursuant to § 817.7 has not been filled, applications received no more than 10 days prior to the date of departure stated thereon which apply to sugar or liquid sugar subject to the same quota or allotment shall become eligible in the order of the departure dates shown thereon (beginning with the earliest), except that quantities remaining at Customs ports of entry after a portion of the sugar imported in the same shipment was authorized for release pursuant to this part and for shipments departing on the same date, the application first received in the Sugar Division shall be the first to become eligible. If two or more applications are received at the same time, such applications shall be eligible simultaneously and the quantities authorized, if less than requested, will be in the same proportion as the quantity requested on each such application is to the sum of the quantities requested on all such applications.

(c) *Substitution.* Release of a quantity of sugar or liquid sugar subject to a quota or allotment may be authorized by the Secretary after such quota or allotment has been filled provided that an equivalent quantity of sugar or liquid sugar previously released pursuant to § 817.5 within the same quota or allotment has been delivered into the custody of a Collector. The Collector shall retain custody of such equivalent quantity of sugar or liquid sugar in accordance with § 817.3 (e) until release is authorized pursuant to § 817.5 within a quota or allotment established for the area or allottee from which the sugar or liquid sugar released pursuant to this paragraph was imported.

(d) *Importation for quota-exempt purposes.* Authorization may be issued by the Secretary on applications to import sugar or liquid sugar for the purposes stated in sections 211 and 212 of the act, subject to the limitations specified in those sections and the conditions established in § 817.8

(e) *Extent of authorizations.* Except as provided in paragraphs (c) and (d) of this section, no authorization shall be issued when the quantity of sugar or liquid sugar released for consumption in the continental United States, together with the quantity covered by valid authorizations for such purposes issued hereunder, equals the applicable quota or allotment.

(f) *Authorizations denied.* Authorizations on applications otherwise eligible may be denied if the applicant has failed to report in the manner and within the time prescribed in this part with respect to shipments previously imported.

§ 817.7 *Applicable quota and allotment*—(a) *Quota.* Sugar or liquid sugar imported shall be subject to the quota for the area or country in which the sugar was produced, as shown on the application provided for in § 817.4, or as otherwise determined, except as provided in § 817.8.

(b) *Allotment.* (1) When the quota which is applicable pursuant to paragraph (a) of this section has been allotted pursuant to section 205 (a) of the act, the sugar imported pursuant to the application shall be subject to the allotment made to the person represented thereon as the allottee who processed such sugar, unless the provisions of subparagraph (3) of this paragraph are applicable. Subject to the provisions of subparagraph (3) of this paragraph, any application shall constitute a representation to the Department that the sugar covered thereby was processed by the person named thereon as allottee if the application is made by (i) such allottee; (ii) a person authorized by the allottee by letter to the Sugar Division to make such representations on behalf of the allottee for all or a specified portion of his allotment for the designated year, or (iii) an applicant who certifies on such application that the sugar was purchased from the allottee or a person holding an authorization under (ii).

(2) When sugar is imported in bulk, the quantity represented to have been processed by each allottee named shall not be greater than the quantity of sugar processed by each allottee which was present at the point of bulk loading when the shipment was loaded.

(3) Sugar imported in bags bearing the mark of another allottee may have the effect of filling the allotment of the allottee named in the application if jointly requested by the allottees for the specific shipment and approved by the Secretary prior to shipment, and if prior to shipment the allottee indicated by the mark has acquired and holds for later importation pursuant to this part an equivalent quantity of sugar processed by the allottee named on the application.

(4) Nothing in this paragraph (b) shall preclude the Secretary from applying imported sugar or liquid sugar to fill the allotment of the allottee who processed such sugar or liquid sugar in any case where he determines that the foregoing provisions of this paragraph have been evaded, not complied with or are inapplicable. The term "processed" as used in this paragraph means the production of sugar from sugarcane or the production of direct-consumption sugar from raw sugar.

(c) *Quantity and time of effect.* (1) When specific authorization by the Secretary is required pursuant to § 817.5, the quantity authorized for release shall be effective for filling the applicable quota and allotment at the time such application is eligible for authorization pursuant to § 817.6. For this purpose the raw value of the authorized quantity shall be estimated by applying a factor determined on the basis of the relationship between other authorized quantities for recent shipments subject to the same quota or allotment and the raw values thereof determined as provided in Title I of the act and on the basis of weights and tests determined pursuant to Part 810 of this chapter.

(2) When the Collector is authorized pursuant to § 817.5 to release the sugar without specific authorization by the Secretary, the quantity shown on the applicable copy of the "Sugar Quota Clearance Record" as having been released by the Collector shall be effective for filling the applicable quota and allotment at the time of such release to the extent of the estimated short tons, raw value, thereof determined in the manner provided for in subparagraph (1) of this paragraph.

(3) Upon receipt of the report required pursuant to § 817.4 (f) covering each application initially given effect pursuant to subparagraph (1) or (2) of this paragraph, the applicable quota and allotment shall have been filled by the sugar or liquid sugar imported pursuant to the authorization represented by either raw or direct-consumption sugar, determined as prescribed in Part 810 of this chapter, to the extent of its raw value, as defined in Title I of the act and as finally computed from the weights and tests determined pursuant to Part 810, except that the raw value of liquid sugar imported from Puerto Rico shall be computed as prescribed in § 817.11 (a) for sugar converted to liquid sugar subsequent to importation.

(4) Whenever the Secretary determines that (i) a default in a condition of a bond accepted pursuant to § 817.9 has occurred or, (ii) a quantity of sugar or liquid sugar authorized for release for importation as raw sugar is direct-consumption sugar pursuant to § 810.5 (c) of this chapter by virtue of its use for which authorization pursuant to § 817.3 (h) was not granted or (iii) a quantity of sugar or liquid sugar has been imported without authorization for release as required pursuant to § 817.5, the quantity of sugar or liquid sugar involved in such default, change of purpose, or importation without authorization shall be effective for filling the applicable quota and allotment in effect at the time of importation and shall be applied to such quota and allotment after all importations made in accordance with the regulations in this part to which the same quota and allotment was applicable have been applied thereto.

§ 817.8 *Authorization for purposes other than to fill current quotas.* (a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization provided for in § 817.6 may be given to the Collector to release sugar or liquid sugar for importation for the purposes specified in this section without effect on a quota at the time of importation.

(b) Sugar or liquid sugar may be released for importation by or delivery to the principal on a bond accepted pursuant to § 817.9 to fulfill the following purposes:

(1) Exportation as sugar or liquid sugar within the provisions of section 313 of the Tariff Act of 1930, as amended, or direct shipment (otherwise than under the provisions of section 313 of the Tariff Act of 1930, as amended) as sugar or liquid sugar by the importer or refiner to a territory or possession of the United States. (Sugar shipped to Hawaii or Puerto Rico is subject to the provisions of section 211 (c) of the act and the applicable provisions of regulations of the Secretary establishing (i) sugar requirements and quotas for Hawaii and Puerto Rico, (ii) allotments of sugar quotas for Hawaii and Puerto Rico, and, (iii) requirements relating to the marketing of sugar for consumption in the Territory of Hawaii and Puerto Rico.)

(2) Manufacture and exportation of other articles within the provisions of section 313 of the Tariff Act of 1930, as amended.

(3) Distillation of alcohol.

(4) Livestock feed or the production of livestock feed.

(c) Whenever the Secretary has given public notice establishing conditions under which he determines that such action will not interfere with the effective administration of the act, raw sugar or liquid sugar may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar so imported in his exclusive actual possession until release within the applicable quota or allotment is authorized by the Secretary.

(d) Upon fulfillment of the requirements of § 817.3 and § 817.4 the authorization provided for in § 817.6 may be issued to the Collector for the release of sugar or liquid sugar for purposes stated in section 212 of the act, other than those specified in paragraph (b) of this section, within the limitations specified in such section 212 of the act.

§ 817.9 *Bonds to cover releases.* (a) No authorization for the purposes specified in § 817.8 (b) and (c) shall be issued until the Secretary has notified the principal and surety that he has accepted a bond meeting the requirements of this section and which is of sufficient amount to establish the obligation provided for in paragraph (c) of this section with respect to the sugar or liquid sugar covered by the authorization.

(b) *Principal and surety.* Any person having an interest therein may be the principal on the bond covering sugar or liquid sugar to be exported with benefit of drawback of duty. Only the importer or refiner may be the principal on a bond to cover sugar or liquid sugar to be shipped to a territory or possession of the United States or used for distillation of alcohol, for livestock feed, or for the production of livestock feed. Only a refiner may be the principal on a bond covering sugar or liquid sugar to be imported for further processing as provided for in § 817.8 (c). The surety or sureties shall be among those listed by the Secretary of the Treasury as acceptable on Federal bonds.

(c) *Obligation.* The obligation under the bond shall be established by the Secretary's issuance of the authorization required pursuant to § 817.5 (c) for release of the sugar by the Collector. The obligation under the bond shall not be less than the sum of the amounts applicable to all quantities of sugar or liquid sugar covered at any one time thereunder and shall be effective whether or not the surety receives notice from the Secretary of the approval of such application. The amount applicable to each quantity of sugar authorized to be imported or used under a bond accepted under this part shall be the "spot" quotation (Cuban in bond equivalent) per pound of raw sugar for consumption in the continental United States determined by the New York Coffee and Sugar Exchange for the last business day before the date of application to the Secretary for approval of the transaction under the bond, multiplied by the weight in pounds of sugar comprising such transaction. The amount applicable to liquid sugar shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content," as defined in section 101 (i) of the act, of the sugar comprising each transaction. The quantity of sugar or liquid sugar covered by each approved application shall be the quantity stated therein, or the quantity reported in accordance with § 817.4 (f) if differing from the quantity stated in the application.

(d) *Conditions.* Any bond accepted pursuant to this part shall provide for the following conditions to apply to sugar and liquid sugar authorized to be released by the Collector pursuant to the provisions of § 817.8.

(1) The raw value equivalent of the sugar or liquid sugar authorized under the bond to be imported for the purpose of exporting sugar or liquid sugar shall be:

(i) Exported within six months after the date of importation with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance from the principal and the Collector of Customs, as provided for in paragraph (e) of this section;

(ii) Shipped within six months after the date of importation to a territory or possession of the United States as evidenced by bills of lading or other shipping documents and the report by the principal of such shipment as provided for in paragraph (e) of this section; or,

(iii) Delivered within six months after the date of importation to the principal on another bond accepted pursuant to this part.

(2) The raw value equivalent of the sugar or liquid sugar authorized under the bond to be imported, or authorized to be delivered subsequent to importation under another bond, for the manufacture of products to be exported, shall be exported in manufactured products within three years after the date of importation of the sugar or liquid sugar and drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance of drawback by the principal and the Collector, as provided for in paragraph (e) of this section.

(3) The raw value equivalent of the sugar or liquid sugar authorized under the bond to be imported for the distillation of alcohol, for livestock feed or for the production of livestock feed shall be so used within one year after the date of importation as subsequently evidenced by a certificate of use as provided for in paragraph (e) of this section.

(4) The raw value equivalent of the sugar or liquid sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8 (c) shall be held in the exclusive actual possession of the refiner until release of such sugar or liquid sugar within the applicable quota is authorized by the Secretary.

(5) Any bond furnished pursuant to this part shall provide that the obligation thereunder will remain in full force and effect until the Secretary notifies the

principal and surety of release thereof with respect to all quantities authorized by the Secretary for import or delivery during the period stated in the bond.

(6) Nothing in this section shall preclude the Secretary from accepting evidence other than that provided for in subparagraphs (1), (2) and (3) of this paragraph to establish that the conditions of a bond have been fulfilled or to release the obligation upon acceptance of evidence of non-delivery or other disposition of similar effect to that required to fulfill the conditions of the bond.

(7) Upon default in any applicable condition heretofore set forth, and the expiration of any extension of time for fulfillment thereof that may be granted in writing by the Secretary, payment shall be made to the United States of America of a sum equal to the full amount of the obligation prescribed in paragraph (c) of this section applicable to the quantity of sugar or liquid sugar imported or delivered pursuant to an authorization therefor, and with respect to which quantity the default occurred in whole or in part.

(e) *Reports of evidence that conditions of bond have been fulfilled.* (1) All principals on bonds given for the purpose specified in § 817.8 (b) (1) or (2) shall, by the 10th of each month, submit a report to the Sugar Division showing the following information: (i) With respect to allowances of drawback of duty for exportations for which drawback of duty was allowed in the month preceding the month in which the report is submitted, the identity, by number, of the bond to which the exported quantity of sugar should apply, the date of exportation of the sugar or liquid sugar, the quantity of sugar exported or used in the manufacture of the exported sugar or liquid sugar or the sugar or liquid sugar used in the manufacture of the exported articles, the port and date of entry or withdrawal of the sugar designated as a basis for drawback of duty and the consumption entry or warehouse withdrawal number, the country of origin of the sugar designated as a basis for drawback of duty, and the quantity and polarization or, if liquid sugar, the total sugar content of the designated sugar or liquid sugar on which drawback of duty was allowed; and (ii) with respect to sugar or liquid sugar shipped to a territory or possession of the United States within the preceding month; the identity, by number, of the bond to which the shipped quantity of sugar or liquid sugar should apply, the date of shipment and the destination of the sugar or liquid sugar, and the country or area of origin of the shipped sugar or liquid sugar.

(2) All principals on bonds given for the purpose specified in § 817.8 (b) (3) or (4) shall transmit to the Sugar Division no later than 30 days after the expiration of the performance period of the bond certifications by the persons who used the sugar showing the following information:

	Hundredweight
(i) Sugar used since January 1 this year for:	
Distillation of alcohol	------
Livestock feed	------
Production of livestock feed	------
Total	------
(ii) Part of total so used which was covered by certificates previously executed	------
(iii) Part of total to be covered by other certificates (sugar obtained from other suppliers or produced by other processors)	------
(iv) Quantity to which this certificate applies	------

Each certificate shall be endorsed by the principal of the bond acknowledging that the use of the sugar to which the certificate applies is to apply to the fulfillment of the conditions of his bond.

(3) Each Collector of Customs shall, by the 10th of each month, report all allowances of drawback in the preceding month which were based on exportations of sugar or manufactured sugar-containing articles. Such report shall show the following information: the person to whom the drawback was allowed; the date of exportation and the quantity of sugar exported or used in the manufacture of the exported sugar-containing articles; and, with respect to the sugar designated as a basis for the claim for drawback of duty, the date and port of entry or withdrawal, the consumption entry or warehouse withdrawal number, the country of origin, the quantity and polarization or, if liquid sugar, the total sugar content, on which drawback was allowed.

§ 817.10 *Credits to quotas.* The raw value equivalent of any sugar or liquid sugar in any form, including sugar or liquid sugar in manufactured products, exported from the continental United States under the provisions of section 313 of the Tariff Act of 1930, as amended, shall be credited to the applicable quota or proration for the country of origin of the imported sugar or liquid sugar designated as a basis for the allowance of drawback of duty on the exported sugar or liquid sugar or manufactured articles: *Provided,* That, the exportation has not been reported to the Secretary to fulfill the conditions of a bond furnished pursuant to § 817.9. The applicable quota or proration shall be that quota or proration for the country of origin of the designated sugar in effect when the Collector's report of the allowance of drawback is received and acted upon by the Secretary.

§ 817.11 *Records and reports.* (a) For the purposes of this part, any quantities of sugar imported as crystalline sugar which are subsequently converted into and marketed as liquid sugar shall be reported subsequent to such conversion as the quantities of crystalline sugar so converted and the raw value thereof shall be determined as prescribed in paragraph (1), (2) or (3) of section 101 (h) of the act, applicable to the crystalline sugar so converted. Liquid sugar, exclusive of that identified as imported within a liquid sugar quota, for which the quantities of converted crystalline sugar are unknown shall be reported in terms of the total sugar content and the raw value thereof shall be determined by multiplying the total sugar content by the factor 1.07.

(b) Each person subject to the provisions of this part shall keep and preserve, for a period of two years following the end of the calendar year in which the sugar or liquid sugar was imported into the continental United States, an accurate record of the receipt, processing and movement of such sugar and liquid sugar and of all tests, gallonages and weights pertaining thereto, except that all records relating to the receipt and disposition of sugar or liquid sugar authorized for release pursuant to § 817.8 shall be kept and preserved for a period of two years following the end of the calendar year in which the sugar was disposed of pursuant to the requirements of § 817.9 (d). Upon request by any authorized employee of the Department, such records shall be made freely available for examination by such employee during the regular working hours of any business day.

(c) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942. In addition to the applications, authorizations and reports otherwise specifically referred to in this part, this requirement shall include, but is not necessarily limited to, the information prescribed on Form SU-73 or Form SU-74 for refiners, or on Form SU-75 for other importers.

§ 817.12 *Delegation of authority.* The Director, or Deputy Director, of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, is hereby authorized to act for and on behalf of the Secretary in administering §§ 817.1 through 817.11, except for the issuance of notices provided for in paragraph (c) of § 817.8.

Regulations superseded. Sections 817.1 through 817.13 supersede 7 CFR 818.1 through 818.6 (16 F. R. 11951) and 7 CFR 819.1 through 819.3 (13 F. R. 2063 redesignated at 14 F. R. 466 and 19 F. R. 396).

NOTE: All reporting requirements of these regulations have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 11th day of October 1957.

[SEAL] CLARENCE D. PALMBY,
Acting Administrator, CSS.

[F. R. Doc. 57-8532; Filed, Oct. 15, 1957; 8:57 a. m.]

[7 CFR Parts 723, 725, 727]

CERTAIN TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO TOBACCO MARKETING QUOTAS FOR 1958-59 MARKETING YEAR

In the matter of cigar-filler tobacco, cigar-binder tobacco, and cigar-filler and binder tobacco; burley, flue-cured, fire-cured (type 21), fire-cured (types 22, 23 and 24), dark air-cured, and Virginia sun-cured tobacco; Maryland tobacco.

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to (a) proclaim a national marketing quota for (1) fire-cured (type 21) tobacco, (2) fire-cured (types 22, 23 and 24) tobacco, and (3) dark air-cured tobacco for each of the three marketing years beginning October 1, 1958; (b) determine and announce the amount of the national marketing quota for each of such kinds of tobacco, and for burley tobacco, flue-cured tobacco, cigar-binder (types 51 and 52) tobacco, cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, Virginia sun-cured tobacco, and Maryland tobacco for the 1958-59 marketing year; (c) apportion the national marketing quotas for such kinds of tobacco for the 1958-59 marketing year among the several States; and (d) convert the State marketing quotas into State acreage allotments.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that the Secretary shall, not later than December 1 of any marketing year with respect to flue-cured tobacco, and February 1 of any marketing year with respect to other kinds of tobacco, proclaim a national marketing quota for any kind of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco that a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor, or that such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect. Certain other conditions and provisions are included in the Act stating the circumstances under which the Secretary is required to proclaim a national marketing quota, but such conditions and provisions do not affect the circumstances under which the Secretary is required to proclaim national marketing quotas as outlined above for the 1958-59 marketing year.

The act (7 U. S. C. 1301 (b) (15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23 and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and
Cigar-filler tobacco, comprising type 41.

The act provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority the Secretary has determined (15 F. R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco. Pursuant to such authority, the Secretary has also determined (22 F. R. 367) that cigar-binder (types 51 and 52) tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1957 and subsequent crops of such tobacco.

The act (7 U. S. C. 1313 (i)) provides that notwithstanding any other provision of the act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carry over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carryover requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 of this act. The increase in acreage under this subsection shall not be considered in establishing future State or farm acreage allotments.

The act (7 U. S. C. 1312 (b)) provides that the Secretary shall also determine and announce not later than the first day of December with respect to flue-cured tobacco and not later than the first day of February with respect to other kinds of tobacco the amount of the national marketing quota which is in effect for the 1958-59 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The act provides further that the amount of the 1958-59 national marketing quota may, not later than March 1, 1958, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carryover at the beginning of the marketing year (or on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The act (7 U. S. C. 1312 (c)) requires that within 30 days after a national marketing quota is proclaimed for the 1958-59, 1959-60 and 1960-61 marketing years for (1) fire-cured (type 21) tobacco, (2) fire-cured (types 22, 23 and 24) tobacco, and (3) dark air-cured tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1957 crop of each such kinds of tobacco to determine whether such farmers are in favor of or opposed to such quota for the next three succeeding marketing years. The act provides that for such referendum purposes all fire-cured tobacco shall be considered as a single kind of tobacco. (Pub. Law 85-92, 85th Congress, approved July 10, 1957.) If more than one-third of the farmers voting in the referendum oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no wise affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the act, of a national marketing quota.

Burley, flue-cured, cigar-binder, cigar-filler and binder, Virginia sun-cured and Maryland tobacco growers favored marketing quotas for the 1958-59 marketing year in referenda held pursuant to the act as follows: burley tobacco, 21 F. R. 668; flue-cured tobacco, 20 F. R. 6543; cigar-binder tobacco, 22 F. R. 2035; cigar-filler and binder tobacco, 22 F. R. 2035; Virginia sun-cured tobacco, 21

F. R. 668; and Maryland tobacco, 21 F. R. 668.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms), among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The act (7 U. S. C. A. 1313 (g)) provides than any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments. Section 377 of the act, as revised by Public Law 85–266, 85th Congress, provides further that in any case in which, during any year within the period 1956 to 1959, inclusive, for which acreage planted to tobacco on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to such commodity in such year: *Provided*, That with respect to 1956 the owner or operator of such farm notifies the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his deisre to preserve such allotment; the act further provides that the allotment may not be so preserved if the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Public Law 540, 84th Congress, 2d Session, also provides that the acreage withdrawn or diverted from the production of tobacco under the acreage reserve program and conservation reserve program shall for allotment purposes be considered devoted to the production of tobacco.

The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, the conversion of State marketing quotas into State acreage allotments, and of the date(s) of the referenda with respect to fire-cured tobacco and dark air-cured tobacco, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 11th day of October 1957.

[SEAL] CLARENCE D. PALMBY,
Acting Administrator.

[F. R. Doc. 57–8533; Filed, Oct. 15, 1957; 8:58 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGRICULTURAL CREDIT; FARMERS HOME ADMINISTRATION

ASSIGNMENT AND RESERVATION OF FUNCTIONS

Pursuant to authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, sections 1400 and 1401 of the Acting Secretary's order dated December 24, 1953 (19 F. R. 74), as amended, are further amended and reissued to (1) include new authorities, particularly those with respect to operating loans under Title II of the Bankhead-Jones Farm Tenant Act, and those with respect to debt settlement under section 41 (g) of that act; (2) clarify the responsibilities of the Farmers Home Administration in connection with the Emergency Livestock Feed Programs in view of recent transfers of authority to the Commodity Stabilization Service; and (3) reorganize subject matter and bring current citations of authority. As thus amended and reissued sections 1400 and 1401 read as follows:

SEC. 1400. *Assignment of functions.* The following assignment of functions is hereby made to the Farmers Home Administration:

a. The Farm Ownership Program (7 U. S. C. 1001).

b. The Operating Loan Program (7 U. S. C. 1007).

c. The Soil and Water Conservation Loan Program (16 U. S. C. 590r–x, 7 U. S. C. 1006a).

d. The Production Emergency and Economic Emergency Loan Programs (12 U. S. C. 1148a–2).

e. The Special Emergency Loan Program (12 U. S. C. 1148a–1 note).

f. The Special Livestock Loan Program (12 U. S. C. 1148a–2).

g. The Fur Loan Program (12 U. S. C. 1148a–1 and note).

h. The Farm Housing Program (42 U. S. C. 1471).

i. The making of loans or advancements under section 8 of the Watershed Protection and Flood Prevention Act (16 U. S. C. 1006a).

j. The exercise of authorities, functions, powers and duties vested in the Secretary of Agriculture under the Rural Rehabilitation Corporation Trust Liquidation Act (40 U. S. C. 440), and under trust agreements entered into pursuant to section 2 (f) thereof.

k. The disposition of Government-owned reserved mineral interests under the jurisdiction of the Department of Agriculture (7 U. S. C. 1033).

l. Authority to issue notes to the Secretary of the Treasury, authorized by section 13 (b) of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1005), provided that the aggregate unpaid principal balance on notes issued and outstanding under this authorization shall not exceed $20,000,000.

m. The servicing, collection, and liquidation functions incidental to the foregoing existing programs of the Farmers Home Administration and to the prior programs and authorities of the Farmers Home Administration and its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D. C., and also those functions with respect to:

(1) The collection of deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U. S. C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) The collection of Puerto Rican Hurricane Relief Loans under the act of July 11, 1956 (70 Stat. 525).

(3) The liquidation functions pertaining to (a) claims in connection with the emergency roughage programs for the year 1956–57 under cooperative agreements entered into with the several States pursuant to section 2 (d) of the act of April 6, 1949 (12 U. S. C. 1148a–2); and (b) determinations of eligibility of farmers and ranchers under regulations issued by the Farmers Home Administration for other emergency livestock feed and hay programs pursuant to Public Law 875, 81st Congress, as amended (42 U. S. C. 1855), section 2 (d) of the act of April 6, 1949, as amended (12 U. S. C. 1148a–2), and section 301 of Public Law 480, 83d Congress (7 U. S. C. 1427).

(4) The disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture may be authorized to dispose of by the Administrator of the General Services Administration (40 U. S. C. 486).

SEC. 1401. *Reservations.* The following functions are reserved to the Secretary:

a. The control of the revolving fund established under the act of April 6, 1949, as amended (12 U. S. C. 1148a).

b. The finding that production disasters exist in particular areas and the designation of such areas for the making of Production Emergency loans (12 U. S. C. 1148a–2), provided that credit may be extended by the Farmers Home Administration without further designation by the Secretary when a new production disaster occurs in an area previously designated as a disaster area by the Secretary, but only during the period within which initial applications for loans in the area are authorized.

c. The finding that economic disasters exist in particular areas and the designation of such areas for the making of Economic Emergency loans (12 U. S. C. 1148a–2). Such loans may be made only in areas affected by major disasters as determined by the President under Public Law 875, 81st Congress, as amended (42 U. S. C. 1855).

d. The designation of areas in which Special Emergency Loans may be made (12 U. S. C. 1148a–1 note).

e. The appointment of Special Livestock Loan Committees (12 U. S. C. 1148a–2).

f. The approval of Special Livestock loans which would cause the unpaid principal balance on such loans for any one borrower to exceed $50,000 (12 U. S. C. 1148a–2).

g. The determination, under Public Law 760, 81st Congress (7 U. S. C. 1033), as to whether there is any active mineral development or leasing in any area.

h. Requests to the Secretary of the Treasury for loans for the prosecution and administration of any of the programs enumerated herein, except as otherwise provided in paragraph 1 of section 1400.

Dated: October 10, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–8491; Filed, Oct. 15, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF TEMPORARY CLOSING OF ANCHORAGE LAND OFFICE

Notice is hereby given that the Anchorage Land Office will be temporarily closed to the public on October 31 and November 1, 1957, and no application under the public land laws, including those under the mining and mineral leasing laws, will be received on those dates.

On November 4, 1957, at 10:00 a. m., this office will open to the public at its new location, 131 Fifth Avenue, Anchorage, Alaska, and all applications received by mail on October 31 and November 1, 1957, will be considered as filed simultaneously at 10:00 a. m., November 4, 1957.

The mailing address of the Anchorage Land Office will remain P. O. Box 1740, Anchorage, Alaska.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 57–8514; Filed, Oct. 15, 1957; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RUSSELL C. FLOM

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 31, 1956, 21 F. R. 8333; April 13, 1957, 22 F. R. 2540.

A. Deletions: None.
B. Additions: None.

This statement is made as of October 3, 1957.

Dated: October 3, 1957.

RUSSELL C. FLOM.

[F. R. Doc. 57–8508; Filed, Oct. 15, 1957; 8:52 a. m.]

WILLIAM J. KAESTNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 13, 1956, 21 F. R. 7834; April 13, 1957, 22 F. R. 2541.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 1, 1957.

WILLIAM J. KAESTNER.

[F. R. Doc. 57–8509; Filed, Oct. 15, 1957; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50–78]

AMERICAN RADIATOR AND STANDARD SANITARY CORP.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to American Radiator & Standard Sanitary Corporation, substantially in the form set forth in Annex "A" below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR 2). There is set forth below as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Notice is also hereby given that if the Commission issues the construction permit the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor at the proposed site if it is found that the reactor has been constructed in accordance with the specifications contained in the terms and conditions of the construction permit, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

Dated at Washington, D. C., this 10th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

CONSTRUCTION PERMIT

No. CPRR—

American Radiator & Standard Sanitary Corporation (hereinafter "American-Standard") on July 12, 1957, filed its application for Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate a nuclear reactor.

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. American-Standard proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. American-Standard is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. American-Standard is technically qualified to design and to construct the reactor.

E. American-Standard has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to American-Standard will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a con-

struction permit to American-Standard to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is December 15, 1957. The latest date for completion of the reactor is June 15, 1958. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Mountain View, California, specified in the application.

C. The facility authorized for construction is a graphite- and light-water-moderated reactor designed to operate at a power level of one watt as described in the application.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to American-Standard pursuant to section 104c of the act, which license shall expire five (5) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

———,
Director,
Division of Civilian Application.

APPENDIX "B"

MEMORANDUM

I. *Description of the site.* American Radiator and Standard Sanitary Corporation has proposed the construction and operation of a nuclear reactor to be known as UTR–1 (University Training Reactor–1) on its ten-acre site in Mountain View, California. The site will accommodate administration offices, engineering, research, and production facilities for the manufacture of specialized equipment for nuclear applications. Approximately 150 people will occupy the building during the daylight working hours.

II. *Description of the facility.* The reactor building will be located 180 feet from the administrative office building and 500 feet from the nearest public road. The total population within one mile of the site is 6,610. Of this total, 1,820 are present only during daylight working hours. The site is located within a zone 3 (major damage) type earthquake area and consequently the building is appropriately designed.

The reactor will be housed in a prefabricated steel building of standard construction. The building will be supported on a reinforced concrete foundation around its periphery and will be provided with a concrete floor, sealed with a waterproofing agent. Gas tight construction will not be required. Access to the building will be provided by a pair of sliding doors at one end of the structure.

The UTR–1 reactor design is based on Argonne National Laboratory's "Argonaut". The main differences are in design and construction of the fuel element-containing vessel and the arrangement of the reflector. The "Argonaut" has a 6-inch thick by 48-inch long annular core reflected externally and internally with graphite. Light water moderator surrounds the plate-type fuel elements, with additional wedge-shaped graphite moderator pieces located between the fuel elements. The UTR–1 core consists of a 44-inch by 56-inch stack of graphite 48 inches high. The fuel elements are positioned within two parallel core tanks measuring 6 inches by 20 inches by 58 inches high, which are within the graphite stack. Light water also serves as a coolant and reflector above and below the fuel elements.

This modification of design restricts the core configurations and enhances the safety aspects inasmuch as it reduces the possible sources of error in loading. This restriction in geometry, however, in no way restricts the flexibility of the UTR–1 in the verification of critical mass and the related experimental programs.

A maximum of 144 fuel element plates, clad with aluminum can be inserted into the reactor core at any one time. This maximum loading would contain 3.3 kilograms of U–235. The calculated critical mass is 2.7 Kg. of U–235.

There are 4 vertical cadmium control plates which are positioned by a "window shade" type of mechanism. This device utilizes the stored potential energy of a torque spring to give additional acceleration to the gravity actuated control plates in case of a scram.

Light water is used for cooling and partial moderating; (moderating is also achieved by the graphite). The water circulating system consists of a dump tank, pump, the two core tanks and the associated pipes. The dump tank is located below the bottom level of the reactor. The water is pumped at 1 gallon per minute and 40 pounds per square inch gauge from the dump tank to the bottom of the two core tanks, then drawn off the top of the core tanks and back to the dump tank.

A quick-opening emergency dump valve is located between the bottom of the core tanks and the dump tank. The estimated water capacity of the reactor core tanks is less than 50 gallons. The dump tank has a nominal capacity of 200 gallons. In the normal operation, the dump tank will be partially filled with water and thus will be able to accommodate the water contained in the associated piping system, if so desired.

An electric water heater is located in the dump tank. The function of this heater is to maintain the reactor inlet temperature at a pre-set value and thus prevent "cold water" reactivity increase during startup or operation.

Part III — Safety evaluation. The UTR–1 is similar to the Argonaut reactor which is currently in operation at the Argonne National Laboratory, the principal difference being the lower power level (1 watt vs. 10 kilowatts). The design of the UTR–1 has been changed somewhat from that of the Argonaut in that the core tanks are rectangular instead of annular in shape.

In both the Argonaut and the UTR–1, the inherent safety characteristics are the negative temperature coefficient, the negative void coefficient, the long prompt neutron lifetime, and the high thermal conductivity of the fuel plates.

Design features of the UTR–1 which enhance safety are (1) low excess reactivity, 0.5 percent, (2) slow rates at which reactivity can be inserted in the reactor, 0.045 percent per second maximum, and (3) fast response time of the scram system. These safety design features in conjunction with the inherent safety characteristics of the reactor will tend to limit any nuclear excursion.

The accidents which have been analyzed by the applicant for the UTR–1 are: (1) Power failure, (2) Rupture of core tank or piping, (3) Instrumentation system failure, and (4) Sudden insertion of the full excess reactivity of 0.5 percent. The applicant also considered the possibility and resulting consequences of an earthquake, fire, flood, strike, riot, and storm. We agree with the conclusion of the applicant that the sudden insertion of the full excess reactivity is the maximum credible accident for this facility.

The maximum credible accident can be stated as: (1) The failure of the automatic safety system and, (2) The sudden addition of the full excess reactivity of 0.5 percent. The positive period on which reactor power would start increasing is 2.5 seconds. At this rate, it would take approximately 30 seconds to go from a power level of 1 watt to 100 kilowatts. If the operator fails to take the required corrective action, the excursion would be limited by the negative temperature coefficient and by the formation of steam voids in the moderator by boiling. The reactor would eventually stabilize at a power level determined by heat dissipation to the atmosphere which was calculated to be approximately 6 kilowatts. The peak power was estimated to be 1 megawatt and the total energy generated during the excursion was calculated to be 95 megawatt-seconds.

From this incident the dose to the operator at the console was calculated by the applicant to be 5.6 rem for the excursion and 1.2 rem per hour under the stabilized condition at 6 kilowatts. No melting of fuel or release of fission products would occur.

The applicant has demonstrated that the total dose to any individual in unrestricted areas will not exceed those established in 10 CFR Part 20.102 (a).

Thus, it is concluded that such an accident would not result in injury to the occupants of the reactor building or to the public.

Part IV—Technical qualifications. The Corporation's Atomic Energy Division has a staff of 140 which includes 56 graduate engineers and scientists. Of this group, 7 hold doctorate degrees, 4 are graduates of the Oak Ridge School of Reactor Technology, and 15 hold masters degrees.

Part V—Financial qualifications. Current assets of American Radiator and Standard Sanitary Corporation for 1956, were $150 million while current liabilities were $34 million, equivalent to a current ratio of 4.4 to 1. Total assets at the end of 1956 were $261 million with the stockholders having a $225 million equity therein. The net sales for 1956 were $401 million with a net profit after taxes of $19.6 million. In each of the preceding four years, the net profit has exceeded $20 million. The company does not have long term indebtedness.

Conclusions. 1. Based on the information contained in the application and on general knowledge of the behavior of a reactor of this type, it is concluded that the proposed facility can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

2. The applicant is technically and financially qualified to engage in the proposed activities.

Dated: October 10, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57–8521; Filed, Oct. 15, 1957; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 8934, 8946]

METEOR AIR TRANSPORT, INC., AND METROPOLITAN AIR TERMINAL CO.; AIRCRAFT SALE AND LEASE-BACK AGREEMENTS CASE

NOTICE OF HEARING

In the matter of aircraft sale and lease-back agreements between Meteor Air Transport, Inc., and Metropolitan Air Terminal Company.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned for October 18, 1957, at 10:00 a. m., e. d. s. t., in Room E–224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., October 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–8523; Filed, Oct. 15, 1957; 8:55 a. m.]

[Docket No. 5132 et al.]

LARGE IRREGULAR AIR CARRIER INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled investigation is assigned to be held on November 12, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–8522; Filed, Oct. 15, 1957; 8:55 a. m.]

[Docket No. SA-325]

ACCIDENT OCCURRING AT NEW BEDFORD, MASS.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 34417, which occurred at New Bedford, Mass., September 15, 1957.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, October 29, 1957, at 9:00 a. m. (local time) in the New Bedford Hotel, New Bedford, Massachusetts.

Dated at Washington, D. C., October 10, 1957.

[SEAL] THOMAS K. MCDILL,
Presiding Officer.

[F. R. Doc. 57–8524; Filed, Oct. 15, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12206; FCC 57–1122]

CHINOOK TELEVISION CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Robert S. McCaw, tr/as Chinook Television Company, Yakima, Washington, Docket No. 12206, File No. BPCT–2206; for construction permit to replace expired permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of October 1957;

The Commission having under consideration the above-captioned application requesting a construction permit to replace the expired permit; and

It appearing that Robert S. McCaw, tr/as Chinook Television Company, has held a construction permit from March 30, 1955, until July 16, 1956, during which time no construction of the proposed facilities was commenced; and

It further appearing that the applicant's construction permit (BPCT–1924) by its terms expired on July 16, 1956, and that the applicant filed the above-captioned application on September 25, 1956; and

It further appearing that the applicant was notified by letter dated June 27, 1957, that the Commission was unable to find that the applicant had been diligent in proceeding with the construction of his station or that he had been prevented from commencing construction by causes not under his control; and that the applicant was given an opportunity to reply to said letter and to request a hearing on its application; and

It further appearing that the applicant replied to the Commission letter on July 17, 1957; that the substance of the applicant's reply was to the effect that he has proceeded diligently with the construction of his station, and, conversely, that the reason for the delay in commencing construction has been due to circumstances beyond his control, including severe weather, economic circumstances and the uncertainties of UHF generally; and that a hearing was requested in the event that the Commission was unable to grant the above-captioned application; and

It further appearing that upon consideration of the above-captioned application and the above correspondence, the Commission is unable to determine that a grant of said application would be in the public interest;

It is ordered, That the above-captioned application is designated for hearing in Washington, D. C., at a time to be specified in a subsequent order, upon the following issues:

1. To determine whether Robert S. McCaw, tr/as Chinook Television Company, has within the period of his construction permit (BPCT–1924) diligently proceeded with construction of the proposed television broadcast facilities authorized by such permit.

2. To determine whether the aforementioned applicant has been prevented from commencing construction of the proposed facilities during the period of his construction permit (BPCT–1924) by causes not under his control within the meaning of section 319 (b) of the Communications Act of 1934, as amended.

3. To determine whether, on the basis of the evidence adduced with respect to the above issues, a grant of the above-entitled application would serve the public interest, convenience and necessity.

It is further ordered, That the Chief, Broadcast Bureau, is hereby made a party to the proceeding herein.

It is further ordered, That to avail himself of the opportunity to be heard, Robert S. McCaw tr/as Chinook Television Company, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

Released: October 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8510; Filed, Oct. 15, 1957; 8:53 a. m.]

[Docket Nos. 12207, 12208; FCC 57–1125]

GRADY M. SINYARD AND KARL KEGLEY

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Grady M. Sinyard, Fullerton, Kentucky, Docket No. 12207, File No. BP–11076; Karl Kegley Vanceburg, Kentucky, Docket No. 12208, File No. BP–11296; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of October 1957;

The Commission having under consideration the above-captioned applications of Grady M. Sinyard and Karl Kegley, each for a construction permit for a new standard broadcast station to operate on 1570 kilocycles with a power of 250 watts, daytime only at Fullerton and Vanceburg, Kentucky, respectively;

It appearing that both applicants, except as may appear from the issues specified below, are legally, technically, financially and otherwise qualified to operate the proposed stations, but that the proposals are mutually exclusive in that the simultaneous operation of both proposals would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 22, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants filed timely replies to the Commission's letter; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: October 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8511; Filed, Oct. 15, 1957; 8:53 a. m.]

[Docket Nos. 12209, 12210; FCC 57-1126]

DAVID M. SEGAL ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP-10427; Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-11289; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of October 1957;

The Commission having under consideration the above-captioned applications of David M. Segal and of Kenneth G. Prather and Misha S. Prather, each for a construction permit for a new standard broadcast station to operate on 1360 kilocycles with powers of 500 watts and one kilowatt, respectively, daytime only, at Boulder, Colorado;

It appearing that both applicants, except as may appear from the issues specified below, are legally, technically, financially, and otherwise qualified to operate their proposed stations, but that the proposals are mutually exclusive in that the simultaneous operation of both proposals would result in mutually destructive interference; that the proposed operations would cause objectionable interference to Station KDEN, Denver, Colorado (1340 kc. 250 w, U); that the transmitter site proposed by David M. Segal would not be satisfactory in that a minimum field intensity of 25 mv/m would not be provided over the business and factory areas of Boulder and would therefore not be in compliance with § 3.188 (b) (1) of the Commission's rules; and that a grant of the application of David M. Segal may be in contravention of § 3.35 of the Commission's rules on multiple ownership because of the overlap of the service area of the proposed Boulder operation and the service area of Station KOSI, Aurora, Colorado, the licensee of which is controlled by David M. Segal as majority stockholder; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated July 18, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that by amendment dated August 20, 1957, David M. Segal submitted exhibits purporting to show that the operation from the site proposed would provide a minimum field intensity of 25 mv/m over the business and factory areas of Boulder; that his proposed operation would not cause objectionable interference to Station KDEN; and that a grant of his application would not be in contravention of § 3.35 of the Commission's rules; and

It further appearing that reexamination of David M. Segal's proposal indicates that the 25 mv/m contour may not extend as far as the applicant contends; that insufficient data was submitted to prove that no objectionable interference would be caused to Station KDEN; and that, while the applicant contends that the 5 mv/m contour of KOSI would not overlap the proposed 5 mv/m contour, it appears that most of the proposed station's service area is encompassed within Station KOSI's service area; and

It further appearing that Kenneth G. Prather and Misha S. Prather filed a timely reply to the Commission's letter; and

It further appearing that by letter of July 19, 1957, the licensee of Station KDEN requested that the applications be designated for hearing; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations would cause objectionable interference to Station KDEN, Denver, Colorado, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the transmitter site proposed by David M. Segal would comply with the requirements of § 3.188 (b) (1) of the Commission's rules.

4. To determine whether a grant of the application of David M. Segal would be in contravention of the provisions of § 3.35 of the Commission's rule on multiple ownership.

5. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate the proposed stations.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the KDEN Broadcasting Company, licensee of Station KDEN, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: October 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8512; Filed, Oct. 15, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13247]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 11, 1957.

Take notice that on September 9, 1957, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation having its principal place of business in Pittsburgh, Pennsylvania, filed in Docket No. G-13247 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon an existing 300 horsepower compressor unit at its Delmont Compressor Station, Westmoreland County, Pennsylvania, and for a certificate of public convenience and necessity to install and operate said compressor unit at Hundred Compressor Station, Church District, Wetzel County, West Virginia, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant states that the 300 horsepower unit at Delmont is unnecessary at its present location because of a new connection with Texas Eastern Transmission Corporation there and the securing of additional gas reserves in the Central Pennsylvania area. Its use at Hundred is necessary to increase the present maximum operating pressure of 500 psig at Hundred in order to make possible the introduction of some 15,000 Mcf of natural gas per day received from Hope Natural Gas Company into Applicant's high pressure Line No. 1570 at Hundred.

No abandonment of service will result from the proposed change. The estimated cost of installing the 300 horsepower compressor unit at Hundred is $20,000, with the estimated cost of abandonment at Delmont $500.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8515; Filed, Oct. 15, 1957; 8:54 a. m.]

[Docket No. G-13397]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 11, 1957.

Shell Oil Company (Shell) on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 12, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 8 to Shell's FPC Gas Rate Schedule No. 1.
Effective Date: [1] November 1, 1957.

In support of the proposed rate increase, Shell states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area rate, is economically desirable, and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8516; Filed, Oct. 15, 1957; 8:54 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Shell, if later.

[Docket No. G-13398]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 11, 1957.

Phillips Petroleum Company (Phillips) on September 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 4 to Phillips' FPC Gas Rate Schedule No. 286.
Effective date: [3] November 1, 1957.

In support of the proposed rate increase, Phillips states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area rate, is economically desirable, and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective

[2] Commissioner Digby dissenting. Commissioner Kline not participating.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Phillips, if later.

in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unles otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8517; Filed, Oct. 15, 1957; 8:54 a. m.]

[Docket No. G-13386]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 10, 1957.

Tidewater Oil Company (Tidewater) on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 19, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 7 to Tidewater's FPC Gas Rate Schedule No. 24.
Effective date:[2] November 1, 1957.

In support of the proposed periodic rate increase, Tidewater states the increase is an integral part of the whole contract consideration; that the rate is just and reasonable, and that natural gas is being sold in the area by other producers at rates equal to or greater than the proposed rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Tidewater's FPC Gas Rate Schedule No. 24 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Tidewater's FPC Gas Rate Schedule No. 24.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8477; Filed, Oct. 15, 1957; 8:45 a. m.]

[Docket No. G-13387]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 10, 1957.

Tidewater Oil Company (Tidewater), on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 13, 1957.
Purchaser: Iroquois Gas Corporation.
Rate schedule designation: Supplement No. 11 to Tidewater's FPC Gas Rate Schedule No. 1.
Effective date:[2] November 1, 1957.

In support of the proposed periodic rate increase, Tidewater states the increase is but a part of the whole consideration of the 20-year term contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Tidewater's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing to be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Tidewater's FPC Gas Rate Schedule No. 24.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8478; Filed, Oct. 15, 1957; 8:45 a. m.]

[Docket No. G-13388]

CITIES SERVICE PRODUCTION CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 10, 1957.

Cities Service Production Company (Operator), et al., (Cities Service) on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule[4] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 20, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 7 to Cities Service's FPC Gas Rate Schedule No. 1.
Effective date:[5] November 1, 1957.

In support of the proposed periodic rate increase, Cities Service states the increase is an integral part of the whole contract consideration; that the rate is just and reasonable, and that natural gas is being sold in the area by other producers at rates equal to or greater than the proposed rate.

Cities Service, while filing as operator for the aforementioned increase, specifically requests that such filing not be considered to cover the interest of Forest Oil Corporation (who stated by letter that it does not intend to collect the increased rate), nor the interest of Union Producing Company.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that the requirement of § 154.91 (b) of the Commission's regulations under the Natural Gas Act relating to the filing by an operator for all party sellers be waived with respect to Supplement No. 7 to Cities Service's FPC Gas Rate Schedule No. 1 to exclude the interests of Forest Oil Corporation and Union Producing Company from such filing.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Cities Service's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The requirement of § 154.91 (b) of the Commission's regulations under the Natural Gas Act is hereby waived with respect to Supplement No. 7 to Cities Service's FPC Gas Rate Schedule No. 1 and such Supplement is accepted for filing without the interests of Forest Oil Corporation and Union Producing Company being covered thereby.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Cities Service's FPC Gas Rate Schedule No. 1.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8479; Filed, Oct. 15, 1957; 8:45 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11357.

[2] The stated effective date is the effective date proposed by Tidewater.

[3] Commissioner Digby dissenting. Commissioner Kline not participating.

[4] Present rate previously suspended and is in effect subject to refund in Docket No. G-11325.

[5] The stated effective date is the effective date proposed by Cities Service.

[Docket No. G-13389]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 10, 1957.

Shell Oil Company (Operator), (Shell), on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 12, 1957.
Purchaser: Iroquois Gas Corporation.
Rate schedule designation: Supplement No. 8 to Shell's FPC Gas Rate Schedule No. 13.
Effective date:[2] November 1, 1957.

In support of the proposed periodic rate increase, Shell states the increase results from a fixed escalation clause (i. e., a periodic increase), a type of escalation that has not been found contrary to public interest and the alternative to such periodic increases is to use a weighted average rate for the whole term of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Shell's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Shell's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8480; Filed, Oct. 15, 1957; 8:46 a. m.]

[Docket No. G-13390]

SEABOARD OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 10, 1957.

Seaboard Oil Company (Seaboard) on September 13, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 2 to Seaboard's FPC Gas Rate Schedule No. 27.
Effective date:[2] November 1, 1957.

In support of the proposed rate increase, Seaboard states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area rate, is economically desirable, and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed

[1] Commissioner Digby dissenting. Commissioner Kline not participating.

[2] The stated effective date is the effective date proposed by Shell.

[3] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Seaboard, if later.

[1] The stated effective date is the effective date proposed by Seaboard.

until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8481; Filed, Oct. 15, 1957; 8:46 a. m.]

[Project No. 2128]

EAST BAY MUNICIPAL UTILITY DISTRICT

NOTICE OF APPLICATION FOR LICENSE

OCTOBER 10, 1957.

Public notice is hereby given that East Bay Municipal Utility District, of Oakland, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2128, to be known as the Mokelumne River Project and located on the Mokelumne River and South Fork of Mokelumne River in Amador, Calaveras, and San Joaquin Counties, California, in the region of Clements, Valley Springs, Mokelumne Hill, Railroad Flat and West Point and to consist of (1) Middle Bar development, consisting of a concrete dam on the Mokelumne River near Middle Bar, about 180 feet high backing water to the tailrace of the Electra Power Plant of Pacific Gas and Electric Company; a reservoir with maximum elevation of 690 feet (top of crest gates) with a capacity of about 46,500 acre-feet, and at fixed spillway crest, elevation 659 feet, the capacity will be 27,300 acre-feet; and a powerhouse, at the downstream face of the dam containing three 8,400-horsepower turbines connected to three 6,000-KW generators; (2) Camanche development, consisting of an earthfill dam on Mokelumne River near Camanche, about 120 feet high with minor wing dams up to 50 feet high; a reservoir with a capacity of 212,000 acre-feet at spillway crest elevation of 202 feet; a powerhouse located downstream from the dam containing two 4,200-horsepower turbines connected to two 3,000-KW generators; and a pumping plant of approximately 15,000 horsepower; (3) improvements to the Pardee development, consisting of crest gates to be constructed on the existing South Spillway at Pardee Dam, 8 feet high raising the maximum water surface level to 576 feet elevation, and increasing the maximum storage capacity to 226,950 acre-feet; a second Pardee outlet tower and tunnel to be constructed adjacent to and paralleling the existing tower and tunnel which interconnects Pardee reservoir and Mokelumne Aqueducts 1 and 2; the proposed tunnel will be about 11,600 feet long and about 7.5 feet diameter; and present Pardee powerhouse at the downstream face of the dam containing two 10,000-horsepower turbines connected to two 7,500-KW generators will be expanded to include an additional 7,500-KW turbine generator unit bringing the total installed capacity to 22,500 KW; and (4) Railroad Flat development, consisting of a concrete dam on the South Fork of Mokelumne River below its confluence with Licking Fork near Railroad Flat about 327 feet high creating a reservoir containing approximately 80,000 acre-feet at the proposed spillway crest elevation of 2,459 feet. No powerhouse is contemplated, the storage will be diverted to Middle Bar, Camanche and Pardee Reservoir for power or municipal water supply. Applicant proposes to develop the project by the initial construction of the Middle Bar development to be followed by improvements to the Pardee and construction of the Camanche and Railroad Flat developments. Applicant states that ultimate development will depend on future water consumption, flood control storage requirements, construction costs, and market value of power.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is November 25, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8482; Filed, Oct. 15, 1957; 8:46 a. m.]

[1] Commissioner Digby dissenting. Commissioner Kline not participating.

SECURITIES AND EXCHANGE COMMISSION

[File No. 20-3621]

YANKEE ATOMIC ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUANCE AND SALE AND ACQUISITION OF COMMON STOCK OF UTILITY SUBSIDIARY

In the matter of Yankee Atomic Electric Company, New England Power Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Companies, Public Service Company of New Hampshire, Montaup Electric Company; File No. 70-3621.

Notice is hereby given that Yankee Atomic Electric Company ("Yankee"), a public-utility subsidiary of New England Electric System, a registered holding company; New England Power Company ("NEPCO"), a public-utility subsidiary of New England Electric System and an exempt holding company; The Connecticut Light and Power Company ("Connecticut Light"), a public-utility company and an exempt holding company; The Hartford Electric Light Company ("Hartford"), a public-utility company and an affiliate of a public-utility company; Western Massachusetts Companies ("Western Massachusetts"), an exempt holding company; Public Service Company of New Hampshire ("New Hampshire"), a public-utility company and an exempt holding company; and Montaup Electric Company ("Montaup"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b), 9, and 10 of the act and Rule U-42 (b) (2) as applicable to transactions therein proposed, which are summarized below:

Yankee has outstanding $1,000,000 par value of common stock and $1,000,000 of non-interest bearing notes held by stockholder companies as follows:

	No. of shares	Aggregate par value	Percent of total	Amount of notes
New England Power Co	3,000	$300,000	30.0	$300,000
The Connecticut Light and Power Co	1,500	150,000	15.0	150,000
Boston Edison Co	950	95,000	9.5	95,000
Central Maine Power Co	950	95,000	9.5	95,000
The Hartford Electric Light Co	900	90,000	9.0	90,000
The Connecticut Power Co	50	5,000	.5	5,000
Western Massachusetts Electric Co	700	70,000	7.0	70,000
Public Service Co. of New Hampshire	700	70,000	7.0	70,000
Montaup Electric Co	450	45,000	4.5	45,000
New Bedford Gas and Edison Light Co	250	25,000	2.5	25,000
Cambridge Electric Light Co	200	20,000	2.0	20,000
Central Vermont Public Service Corp	350	35,000	3.5	35,000
	10,000	1,000,000	100.0	1,000,000

Yankee proposes to construct and operate a nuclear power plant of approximately 134,000 kw net electrical capacity. The estimated total capital investment in Yankee recently has been increased to between $55,000,000 and $60,000,000. It is stated that the Atomic Energy Commission will provide financial assistance in Yankee's preliminary research and development program up to a total of $5,000,000 and will waive use charges on the nuclear fuel during the first five years of the plant's operation. It is anticipated that plant construction will begin in early 1958 for completion in 1960.

Yankee now proposes to issue and sell 30,000 additional shares of common stock of the aggregate par value of $3,000,000. The proceeds will be used, in part, to retire its outstanding short-term notes in the amount of $1,000,000 and the balance will be used for construction. The shares will be offered at a price of $100 a share as fixed by Yankee's board of directors to the stockholder companies during a 15 day subscription period on the basis of three new shares for each share presently held. The stockholder companies propose to acquire the additional shares of Yankee common stock in the proportions indicated in the table above. Treasury funds will be used to effectuate such acquisitions. Upon completion of the proposed stock issue Yankee's total capitalization will be $4,000,000 par value of common stock.

It is stated that New England Power Service Company, an affiliated service company, will perform incidental services in connection with the proposed transactions and such services will be performed at the actual cost thereof estimated not to exceed $2,500. Other expenses to be borne by Yankee are the original issue stamp taxes of $3,300 and a state filing fee of $1,500 making total estimated expenses of Yankee of $7,300. Expenses in connection with the proposed acquisition of stock and the preparation of regulatory Commission applications by the other applicant companies, are estimated not to exceed $1,300 in the aggregate.

It is represented that the Massachusetts Department of Public Utilities has jurisdiction over the proposed issuance of common stock by Yankee and the acquisition thereof by the Massachusetts participants. An application is now pending before that commission and a copy of its order will be supplied by amendment.

Notice is further given that any interested person may, not later than October 28, 1957, at 5:30 p. m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8505; Filed, Oct. 15, 1957; 8:52 a. m.]

[File No. 24SF-2124]

IDEX CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 10, 1957.

I. Idex Corporation, and Idaho corporation, Commercial Hotel, Glenns Ferry, Idaho, filed with the Commission on July 26, 1955, a Notification relative to a proposed offering of 49,000 shares at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file on Form 2–A reports of sales as required by Rule 224 of Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-8506; Filed, Oct. 15, 1957; 8:52 a. m.]

[File No. 24SF-2148]

RAINBOW URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 10, 1957.

I. Rainbow Uranium Corporation, a Nevada corporation, No. 1 Dodge Building, Main Street, Tonopah, Nevada, filed with the Commission on August 29, 1955, a Notification and Offering Circular relative to a proposed offering of 6,000,000 shares at 5¢ per share, for the purpose of obtaining an exemption from registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file on Form 2–A reports of sales as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby is temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-8507; Filed, Oct. 15, 1957; 8:52 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 4), Amdt. 1]

REGIONAL DIRECTORS

DELEGATION RELATING TO FINANCIAL ASSISTANCE INCLUDING DISASTER LOANS, PROCUREMENT AND TECHNICAL ASSISTANCE, AND ADMINISTRATION

Delegation of Authority No. 30 (Revision 4), dated July 1, 1957, (22 F. R. 5811) is hereby amended by deleting section I. B. 2 in its entirety and substituting the following in lieu thereof:

2. To decline original applications but not reconsideration of such applications for the following types of loans:

(a) Direct business loans;
(b) Participation business loans;
(c) Disaster loans.

Dated: October 10, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-8485; Filed, Oct. 15, 1957; 8:48 a. m.]

[Delegation of Authority 30–V–1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30–V–1, dated September 16, 1957, (22 F. R. 7570), is hereby amended by deleting Part II in its entirety and substituting the following in lieu thereof:

II. The authority delegated herein may not be redelegated, with the exception of I. C.

Dated: September 26, 1957.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta Regional Office.*

[F. R. Doc. 57-8486; Filed, Oct. 15, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 186]

MOTOR CARRIER APPLICATIONS

OCTOBER 11, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by

brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 222 (Sub No. 20), filed October 1, 1957, LIBERTY MOTOR FREIGHT LINES, INC., 1535 Paterson Plank Road, Secaucus, N. J. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Ohio, Pennsylvania, Maryland, Illinois, Indiana, Kentucky, Delaware, Missouri, and Michigan.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 891 (Sub. No. 9), filed September 30, 1957, GERARD MOTOR EXPRESS, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities including Class A and B explosives*, and excepting malt beverages (beer, ale and porter), and *empty containers for general commodities*, serving the site of the new Hotpoint Company plant in Cook County, Ill., located approximately two miles west of the Chicago, Ill., commercial zone, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 2401 (Sub No. 17), filed October 1, 1957, MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 2990 (Sub No. 14), filed October 2, 1957, BLUE ARROW TRANSPORT LINES, INC., 525 Burton Avenue SW., Grand Rapids, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 2998 (Sub No. 18), filed September 30, 1957, WOLVERINE EXPRESS, INC., 701 Erie Avenue, Muskegon, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 3107 (Sub No. 14), filed October 1, 1957, WHITE OWL EXPRESS, INC., 212 Osmun Street, Pontiac, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone. Applicant is authorized to conduct operations in Illinois, Indiana, and Michigan.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 3261 (Sub No. 24), filed October 2, 1957, KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant (a Division of General Electric Company), at Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 5888 (Sub No. 18), filed October 3, 1957, MID-AMERICAN TRUCK LINES, INC., 1700 West Ninth Street, Kansas City 1, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Hotpoint Company plant located in Cook County, Ill., bounded by Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., on the one hand, and, points in Missouri, Kansas, and Nebraska, on the other. Applicant is authorized to conduct operations in Missouri, Illinois, Kansas, and Nebraska.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 11220 (Sub No. 62), filed September 27, 1957, GORDON'S TRANSPORTS, INC., 185 West McLemore St., Memphis, Tenn. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except automobiles set up on wheels, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant in Cook County, Ill., situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, approximately 2 miles west of the boundary of the Chicago, Ill. Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 13087 (Sub No. 15), filed September 25, 1957, STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bulk and in bags, (1) From Mason City, Iowa to points in Minnesota, South Dakota, and Wisconsin, and (2) from Winona, Minn., to points in Winnebago, Hancock, Wright, Franklin, Cerro Gordo, Worth, Mitchell, Floyd, Butler, Howard, Chickasaw, Bremer, Winneshiek, Fayette, and Allamakee Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant is authorized to transport Liquid Fertilizer, in bulk, in tank vehicles, from Mason City, Iowa to points in Minnesota, South Dakota, and Wisconsin.

HEARING: November 29, 1957, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 14421 (Sub No. 15), filed September 30, 1957, CHICAGO DUBUQUE MOTOR TRANSPORTATION COMPANY, a Corporation, 51 Main Street, Dubuque, Iowa. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 17793 (Sub No. 14), filed September 30, 1957, FOSTER FREIGHT LINES, INC., 1240 South Holt Road, Indianapolis, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant, located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 20356 (Sub No. 9), filed September 30, 1957, BADGER FREIGHTWAYS INC., 2720 North 19th Street, Box 514, Sheboygan, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 22229 (Sub No. 26), filed September 30, 1957, TERMINAL TRANSPORT COMPANY, INC., 180 Harriet Street SE., Atlanta, Ga. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household goods, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 27970 (Sub No. 27), filed September 30, 1957, CHICAGO EXPRESS, INC., 72 Fifth Avenue, New York, N. Y. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 28008 (Sub No. 3), filed September 30, 1957, MIDWEST FREIGHT FORWARDING COMPANY, INC., 3220 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in conection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 29555 (Sub No. 29), filed October 2, 1957, BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road C, St. Paul, Minn. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 29894 (Sub No. 4), filed July 1, 1957, JAMES B. BEARD, JR., doing business as BEARD TRUCK LINE, Sardis, Miss. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Hernando, Miss., as an intermediate point in connection with applicant's authorized regular route operations between Sardis, Miss., and Memphis, Tenn., over U. S. Highway 51.

HEARING: November 29, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint

Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 29988 (Sub No. 68), filed September 30, 1957, DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue and Jackson Street, Denver, Colo. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 30311 (Sub No. 13), filed September 19, 1957, FREIGHT, INC., 408 Wellington Street, P. O. Box 1311, Akron, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) serving the site of the new Hotpoint Company plant located about two (2) miles west of Chicago O'Hare Airport, bounded by Devon Avenue, Tonne Road, Landmeir Road, and Busse Road, in Cook County, Ill., and (B) serving the site of the Centex Industrial Center, a new industrial development of 720 acres in the newly incorporated village of Elk Grove, Ill., located between Chicago O'Hare Airport and the new Hotpoint Company site, described in (A) above, and other points in Elk Grove, Ill., as off-route points in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Nebraska, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 30378 (Sub No. 46), filed September 5, 1957, ASSOCIATED TRANSPORTS, INC., P. O. Box 85, Robertson, Mo. Applicant's attorney: T. D. Drury, 506 Olive Street, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks, new chassis*, and *automobile parts and accessories*, incidental to equipment of vehicles being transported, in secondary movements, by truckaway method, from Hazelwood, Mo., to points in North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and Wyoming, and *damaged shipments* of commodities specified on return movements, restricted to transportation of named commodities assembled and produced by the Ford Motor Company at Louisville, Ky. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Wisconsin, and Wyoming.

HEARING: December 13, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Alfred B. Hurley.

No. MC 33087 (Sub No. 20), filed October 2, 1957, DOHRN TRANSFER COMPANY, a Corporation, Robinson Building, Rock Island, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 35484 (Sub No. 33), filed September 30, 1957, VIKING FREIGHT COMPANY, a Corporation, 614 South Sixth Street, St. Louis, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant in Cook County, Ill., located approximately 2 miles west of the Chicago, Ill., Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 35334 (Sub No. 42), filed October 2, 1957, COOPER-JARRETT, INC., 2113 West 73d Street, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 35628 (Sub No. 208), filed September 30, 1957, INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids 2, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metal in bulk), and those requiring special equipment, serving the site of the Hotpoint Company plant in Cook County, Ill., approximately two miles west of the Chicago, Ill., Commercial Zone, bounded by Devon Avenue Tonne Road, Landmeier Road, and Busse Road, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 36442 (Sub No. 4), filed September 12, 1957, LLOYD MORRISON, ALTA MORRISON AND KENNETH MORRISON, a partnership, doing business as LLOYD MORRISON, 718 United Building, Salina, Kans. Applicant's attorney: Tom B. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid grain fumigants, mill spray* and *insecticides*, in bulk, in tanks and in barrels and cans, from Wichita, Kans., to points in Oklahoma, Kansas, Missouri, Nebraska, Texas, Colorado, Illinois, and Iowa. *Grain*, from the above specified destination points, to Wichita, Kans. Applicant is authorized to transport the same commodities in bulk in tanks from Velasco, Tex., to points in Oklahoma, Kansas, Missouri, Nebraska, and Colorado, and specified commodities from and to points in Missouri, Kansas, Colorado, and Nebraska.

HEARING: December 9, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Alfred B. Hurley.

No. MC 37248 (Sub No. 13), filed October 1, 1957, VIRGINIA, CAROLINA FREIGHT LINES, INCORPORATED, P. O. Box 832, Martinsville, Va. Applicant's representative: T. C. Clark, same address as applicant. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in packages, and *anti-freeze* and *anti-freeze preparations*, in packages, from Norfolk and South Norfolk, Va., to Bluefield, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Maryland, North Carolina, Pennsylvania, Virginia, and the District of Columbia.

HEARING: November 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 245.

No. MC 38551 (Sub No. 12), filed September 30, 1957, RAMUS TRUCKING LINE, INC., 2652 East 34th Street, Cleveland, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Hotpoint Company located at or near the village of Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 42329 (Sub No. 136), filed September 30, 1957, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Toone Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in conection with applicant's authorized regular route operations to and from the Chicago, Ill:, Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 42487 (Sub No. 348), filed September 30, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 4, Oreg. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 43177 (Sub No. 26), filed October 4, 1957, B B & I MOTOR FREIGHT, INC., 501 North Rogers Street, Bloomington, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, inflammables, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant of the Hotpoint Company in Cook County, Ill., situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east (approximately 2 miles west of the boundary of the Chicago, Ill., Commercial Zone), as an off-route point in connection with applicant's presently authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Indiana, Illinois and Kentucky.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 43421 (Sub No. 22) filed October 2, 1957, STANDARD FREIGHT LINES, INC., Robinson Building, Rock Island, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 43475 (Sub No. 42), filed September 30, 1957, GLENDENNING MOTORWAYS, INC., 820 Hampden Avenue, St. Paul, Minn. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 45657 (Sub No. 18), filed September 30, 1957, PIC FREIGHT CO., 731 Campbell Avenue, St. Louis, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatman's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant in Cook County, Ill., located approximately two (2) miles west of the Chicago, Ill., Commercial Zone as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Illinois, Ohio, and Indiana.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 50132 (Sub No. 31), filed September 16, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products*, and *articles used by bakeries in the preparation and merchandising of their products*, from Birmingham, Ala., and Louisville, Ky., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. Applicant is authorized to transport commodities other than those specified herein in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

HEARING: December 13, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Alfred B. Hurley.

No. MC 51255 (Sub No. 14), filed September 30, 1957, HAECKL'S EXPRESS, INCORPORATED, doing business as HAECKL, 1255 Corwin Avenue, Hamilton, Ohio. Applicant's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Co., a Division of General Electric Company, located approximately two miles west of the Chicago, Ill., Commercial Zone as defined by the Commission, bounded by Landmeir Road on the north, Busse Road on the east, Devon Avenue on the south, and Tonne Road on the west, as an off-route point in connection with applicant's authorized regular route operations between Indianapolis, Ind., and Chicago, Ill., over U. S. Highway 30

and Illinois Highway 49, and between Chicago, Ill., and Lincoln, Nebr., over Alternate U. S. Highway 30. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Iowa, Nebraska and Ohio, and irregular route operations in Kentucky and Ohio.

NOTE: Common control under section 5 may be involved.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 52310 (Sub No. 17), filed October 1, 1957, BRUCE MOTOR FREIGHT, INC., 2011 Easton Boulevard, Des Moines, Iowa. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's regular route operations to and from the Chicago Commercial Zone. Applicant is authorized to conduct operations in Minnesota, Illinois, Iowa and Missouri.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 52629 (Sub No. 39), filed September 30, 1957, HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission and commodities requiring special equipment, serving the site of the new plant of the Hotpoint Company located in Cook County, Ill., approximately two miles west of the Chicago, Ill., Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations between Louisville, Ky., and Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 52858 (Sub No. 72) (CORRECTION), published issue October 9, 1957 at page 8035, filed August 14, 1957, CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks* and *busses* (except trailers, and except trucks, truck tractors, and truck chassis, from Duluth, Minn., to points in Montana on traffic having an immediately prior movement by water), in secondary movements, in truckaway service, from points in Minnesota, to points in Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Nevada, Idaho, California, Oregon, and Washington. Applicant is authorized to transport similar commodities in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, North Dakota, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: Remains as assigned November 26, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Reece Harrison.

No. MC 52862 (Sub No. 4), filed September 26, 1957, EDWARD J. BOYLE, doing business as E. J. BOYLE, 622 Arlington Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, 512 Hamilton Street, Allentown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anthracite coal*, from Tamaqua, Pa., and points within twenty-five miles of Tamaqua, excluding points in Monroe, Northampton, Lehigh and Berks Counties, Pa., to points in that part of New York State bounded by a line beginning at the New York-Pennsylvania boundary line and extending northwardly along the western boundary line of Allegany, Livingston and Monroe Counties, N. Y., thence along the shore of Lake Ontario to the northern boundary of Oswego County, thence along the northern and eastern boundaries of Oswego County to the northern boundary of Oneida County, thence along the northern boundary of Oneida County to the western boundary of Adirondack Park, thence along the boundary line of Adirondack Park eastwardly and northwardly to the New York State line and New York Highway 22 near Whitehall, thence along the New York-Vermont, New York-Massachusetts and New York-Connecticut boundary lines, and thence along the southern limits of Westchester County to the New York-New Jersey boundary line; thence along the New York-New Jersey boundary to Port Jervis, thence along the Delaware River and New York-Pennsylvania boundary line to point of beginning. Applicant is authorized to transport coal in New York and Pennsylvania.

NOTE: Applicant requests that if the applied-for authority is granted, the existing permanent rights in the Counties of Orange, Dutchess, Putnam, Rockland, Ulster, and Westchester Counties, N. Y., in MC 52862, be cancelled, as well as the temporary authority in the Counties of Allegany, Cayuga, Steuben, Tioga, Tompkins, Wayne, Chenango, Cortland, Livingston, Schuyler, Seneca, and Yates, N. Y., in MC 52862 Sub 3 TA.

HEARING: November 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 53087 (Sub No. 19), filed October 3, 1957, CLIPPER TRANSIT CO., 924 York Street, Manitowoc, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household goods, 17 M. C. C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Hotpoint Company's new plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., approximately two miles beyond the Chicago, Ill., Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 56382 (Sub No. 2), filed September 6, 1957, ANDREW J. KOZEL, 14 Albourne Street, Fords, N. J. Applicant's attorney: Milton J. Diehl, 1383 National Press Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, from Perth Amboy, N. J., to points in Wayne, Pike, Montgomery, Delaware, and Susquehanna Counties, Pa.; (2) points in Rockland, Delaware, Greene, Albany, Schenectady, Dutchess, Columbia, Nassau, Suffolk, Schoharie, Otsego, Westchester, Putnam, and Rensselaer Counties, N. Y.; and (3) those in Litchfield, Fairfield, Hartford, New Haven, Middlesex, Tolland, Windham, and New London Counties, Conn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to transport Groceries in New Jersey, New York, and Pennsylvania.

HEARING: November 13, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 58948 (Sub No. 78), filed September 19, 1957, UNION TRANSFER COMPANY, doing business as UNION FREIGHTWAYS, a corporation, 720 Leavenworth Street, P. O. Box 1586, Omaha 8, Nebr. For authority to operate as a *common carrier*, transporting: *General commodities*, except bank bills, coin, currency, deeds, drafts, notes, postage stamps, precious metals, or articles manufactured therefrom, precious stones, or papers of extraordinary value, tank truck shipments, wild animals, dead animals, Class A and B explosives, coal, sand, gravel, and automobiles, serving the site of the Hotpoint Company plant situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wyoming.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 59120 (Sub No. 14), filed September 30, 1957, EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 22, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives and livestock, serving the site of the plant of the Hotpoint Co., located at the intersection of Tonne Road and Landmeir Road, Elk Grove Township, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations between (a) Chicago, Ill., and Pittsburgh, Pa., (b) Edgerton, Ohio, and the junction of Ohio Highway 18 and U. S. Highway 224 near Tiffin, Ohio, (c) Bryan, Ohio, and Columbiana, Ohio, (d) Perrysburg, Ohio, and New Rochester, Ohio, (e) New Rochester, Ohio, and Fremont, Ohio, (f) Canfield, Ohio, and junction Ohio Highways 7 and 14. Applicant is authorized to conduct similar operations in Illinois, Indiana, New York, Ohio, and Pennsylvania.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 59681 (Sub No. 45), filed September 30, 1957, DAKOTA TRANSFER & STORAGE COMPANY, 11 Oak Street SE., Minneapolis, Minn. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone. Applicant is authorized to conduct operations in Illinois, Minnesota, Wisconsin, and Iowa.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 66788 (Sub No. 19), filed September 30, 1957, RAYMOND MOTOR TRANSPORTATION, INC., 1912 Broadway NE., Minneapolis, Minn. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Hotpoint Plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's regular route operations to and from the Chicago Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Minnesota, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 67111 (Sub No. 10), filed September 30, 1957, KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind. Applicant's attorney: David M. Cook, 1006 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of a new industrial area situated west of the Chicago, Ill., Commercial Zone at the intersection of Tonne Road and Landmeir Road, including a new plant being constructed by the Hotpoint Company, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to transport the commodities specified in Illinois and Indiana.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 67818 (Sub No. 62), filed September 30, 1957, MICHIGAN EXPRESS, INC., 505 Monroe Avenue, NW., Grand Rapids, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 69224 (Sub No. 26), filed October 2, 1957, URBAN J. HAAS and CYRIL H. WISSEL, a partnership, doing business as H. & W. MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, Iowa. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 70267 (Sub No. 9) (CORRECTION), published issue September 18, 1957, at page 7440, ELI E. WAGNER, JR., 724 East Boundary Avenue, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. The highway description as U. S. Highway 17 and U. S. Highway 7, referred to in Item 1 should have been properly referred to as New York Highway 17 and New York Highway 7.

HEARING: Remains as assigned October 21, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 70451 (Sub No. 196), filed September 30, 1957, WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 71096 (Sub No. 31), filed September 27, 1957, NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio. Applicant's attorney: Edwin C. Reminger, 1016 Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant, located in the Village of Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations from and to Chicago, Ill., and the Commercial Zone thereof as defined by the Commission. Applicant is authorized to transport similar commodities in Illinois, Indiana, Michigan, Ohio, and Pennsylvania.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 75320 (Sub No. 80), filed September 30, 1957, CAMPBELL SIXTY SIX EXPRESS, INC., P. O. Box 390, 2333 East Mill Street, Springfield, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined

by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Hotpoint Company, located in Cook County, Ill., approximately two miles west of the Chicago, Ill., Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations between Springfield, Mo., and Chicago, Ill. Applicant is authorized to conduct similar operations in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 78712 (Sub No. 5), filed August 26, 1957, MILLER TRANSPORTATION, INC., 1200 Home Avenue, Kokomo, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, and *pallets*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Danville, Ill., and points within five miles thereof, and Lansing, Detroit, Flint, and Pontiac, Mich., and points contiguous and adjacent thereto, as prescribed by the order of the Commission in Ex Parte No. MC 37, and Willow Run and Ypsilanti, Mich., and the site of the Detroit Transmission Division of the General Motors Corporation plant, Detroit, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, and Wisconsin.

HEARING: November 20, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 80430 (Sub No. 88), filed September 30, 1957, GATEWAY TRANSPORTATION CO., a Corporation, 2130 South Avenue, La Crosse, Wis. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 103051 (Sub No. 31), filed August 29, 1957, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid vegetable oils*, in bulk, in tank vehicles, between Chattanooga, Tenn., on the one hand, and, on the other, points in Alabama and Georgia. Applicant is authorized to conduct operations in Georgia, Tennessee, Alabama, Florida, and South Carolina.

HEARING: November 19, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 239, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 103051 (Sub No. 32), filed August 29, 1957, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid tallow*, in bulk, in tank vehicles, from points in Florida, Alabama, Tennessee, and South Carolina to Gainesville, Macon, and Atlanta, Ga. Applicant is authorized to conduct operations in Georgia, Alabama, Tennessee, Florida, and South Carolina.

HEARING: November 20, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 103051 (Sub No. 34), filed September 23, 1957, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, 1403 Citizens & Southern Nat'l. Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dry sulfur*, in bulk, in dump trailers or other special highway equipment, from points in Decatur County, Ga., to points in Alabama, Florida, and Georgia. Applicant is authorized to conduct operations from and to specified points in Georgia, Alabama, Florida, Tennessee, and North Carolina.

HEARING: November 19, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 103051 (Sub No. 35), filed September 25, 1957, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern Nat'l. Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Doraville, Ga., to Oak Ridge, Tenn. Applicant is authorized to conduct operations from and to specified points in Georgia, Tennessee, Alabama, Florida, and North Carolina.

HEARING: November 19, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 238, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 103051 (Sub No. 36), filed September 25, 1957, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern Nat'l. Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mineral spirits*, in bulk, in tank vehicles, from Birmingport, Ala., to points in Muscogee and Troup Counties, Ga., and *toluene, benzine* and *xylene*, in bulk, in tank vehicles, from Birmingport, Ala., to points in Muscogee, Troup, Barrow, Carroll, Cobb, DeKalb, Douglas, Floyd, Fulton, Haralson, Paulding and Polk Counties, Ga. Applicant is authorized to conduct operations from and to specified points in Georgia, Tennessee, Alabama, Florida, and South Carolina.

HEARING: November 20, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 103993 (Sub No. 93), filed September 3, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from all points in Georgia (except Waynesboro, Thomson, Wadley, Soperton, Warrenton, East Point, and Macon, Ga.) to all points in the United States (except Mt. Clemens, Detroit, and Flint, Mich.). Applicant is authorized to conduct operations throughout the United States.

HEARING: November 21, 1957, at Peachtree-Seventh Building, 50 Seventh Street, NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 106049 (Sub No. 29), filed September 18, 1957, ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., a corporation, 260 University Avenue SW., Atlanta 15, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Monroeville, Ala., and Jackson, Ala., from Monroeville over Alabama Highway 47 to junction U. S. Highway 84, thence over U. S. Highway 84 to junction U. S. Highway 43 near Grove Hill, Ala., thence over U. S. Highway 43 to Jackson, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, and Mississippi.

HEARING: November 22, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 106282 (Sub No. 6), filed September 27, 1957, SPEEDWAY TRANSPORTS, INC., 7933 Clayton Road, St. Louis 17, Mo. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, as defined in Descriptions in Motor Carrier Certificates, Ex Parte No. MC 45, in secondary movements, via driveaway and truckaway methods, and *parts* and *accessories* thereof transported at the same time and with the vehicle of which they are a part and on which they are to be installed, from Kenosha, Wis., to points in Missouri, Oklahoma, and Texas, and those in Illinois on and south of U. S. Highway 36, points in Kentucky on and west of a line extending along U. S. Highway 41 from the Indiana-Kentucky State line to Hopkinsville, Ky., thence along Alternate U. S. Highway 41 to the Kentucky-Tennessee State line, and points in Marion, Boone, Madison, Benton, Washington, Greene, and Clay Counties, Ark., and *damaged, rejected, or returned shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Wisconsin.

HEARING: November 20, 1957, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 106398 (Sub No. 86), filed September 3, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 9096 Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from all points in Georgia (except Waynesboro, Thomson, Wadley, Soperton, Warrenton, East Point, and Macon, Ga.), to all points in the United States (except Mt. Clemens, Detroit, and Flint, Mich.).

HEARING: November 21, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 106965 (Sub No. 115), filed October 2, 1957, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphur dioxide gas*, in tank vehicles, from West Norfolk, Va. to points in New York, New Jersey, Rhode Island, Pennsylvania, Ohio, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana.

HEARING: November 21, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 107605 (Sub No. 7), filed September 30, 1957, UNITED SHIPPING CO., a Corporation, 2601 Broadway Road, Minneapolis, Minn. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 108158 (Sub No. 47), filed September 30, 1957, MID CONTINENT FREIGHT LINES, INC., 4350 West Roosevelt Road, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 109132 (Sub No. 10), filed October 2, 1957, FREIGHWAYS, INC., 1309 North Mosley, Wichita 1, Kans. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 109914 (Sub No. 14), filed September 30, 1957, DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant, located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 111472 (Sub No. 52), filed September 9, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Street, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Mountable spreaders*, from Appleton, Wis., to points in Connecticut, Delaware, Colorado, Illinois, Iowa, Indiana, Idaho, Kansas, Kentucky, Minnesota, Michigan, Missouri, Montana, Massachusetts, Maryland, Maine, Nebraska, North Dakota, New York, New Hampshire, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, West Virginia, and Wyoming. Applicant is authorized to transport commodities other than those named above in all states in the United States except Nevada.

HEARING: November 18, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 111594 (Sub No. 12), filed October 1, 1957, CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, 610 High Street, Wisconsin Rapids, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone. Applicant is authorized to conduct operations in Wisconsin, Minnesota, and Illinois.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 111651 (Sub No. 6), filed September 30, 1957, MIDDLEWEST FREIGHTWAYS, INC., 507 South Theresa Avenue, St. Louis, Mo. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on

the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 111700 (Sub No. 10), filed September 30, 1957, PRUCKA TRANSPORTATION, INC., 4610 South 26th Street, Omaha, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant, located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Wyoming.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 112148 (Sub No. 10), filed August 26, 1957, JAMES H. POWERS, Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods* and *frozen foods*, from Benton Harbor, Decatur, Lawton, and Mattawan, Mich., to points in Minnesota, except Alexandria, Bemidji, Marshall, Pipestone, and Thief River Falls: *Damaged and defective shipments* of canned goods and frozen foods on return. Applicant is authorized to conduct similar operations in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Pennsylvania, and South Dakota.

HEARING: November 27, 1957 at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 112497 (Sub No. 97), filed September 5, 1957, HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Anniston, Ala., to points in South Carolina and Tennessee. Applicant is authorized to conduct similar operations in Louisiana, Mississippi, Alabama, Tennessee, Georgia, Arkansas, Texas, and Florida.

HEARING: November 21, 1957, at Peachtree-Seventh Building, 50 Seventh Street, Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 113313 (Sub No. 1) (CORRECTION), published issue October 2, 1957, at page 7823, filed August 12, 1957, UNION TRUCKING CO., INC., 361 Monroe Avenue, Kenilworth, N. J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plastic powder, granules, pellets, flakes, lumps or solid mass, rubber tires, tybes, flaps, treads* and *cement*, from the warehouse of the General Tire Company at East Rutherford, N. J. to New York, N. Y., and points in Nassau, Suffolk, and Westchester Counties, N. Y. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: Remains as assigned November 12, 1957, at 346 Broadway, New York City, N. Y., before Examiner Isadore Freidson.

No. MC 113524 (Sub No. 10), filed October 2, 1957, JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum coke (dry fluid coke)* in bulk, in covered hopper vehicles, from the site of the Tidewater Oil Company refinery near Delaware City, Del., to points in Maryland, New York, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to transport commodities, other than petroleum coke, in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia.

HEARING: November 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 113524 (Sub No. 11), filed October 2, 1957, JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Green salted cattle hides*, from Baltimore, Md., to Cincinnati, Ohio. Applicant is authorized to transport similar commodities in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: November 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 113855 (Sub No. 22), filed October 2, 1957, INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities* in bulk, in special container, from points in California, Oregon, Washington, and Montana, to points in Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Kentucky, Ohio, and Pennsylvania.

HEARING: November 21, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 114360 (Sub No. 6), filed September 30, 1957, SOUTHERN EXPRESS CO., a Corporation, 3333 South Cicero Avenue, Cicero, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Ill., Commercial Zone. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Customs House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 115841 (Sub No. 19), filed September 11, 1957, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Westfield, N. Y., and North East and Erie, Pa., to points in North Carolina, South Carolina, Georgia, and Florida. Applicant is authorized to conduct operations in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, Arkansas, and the District of Columbia.

HEARING: November 22, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Charles H. Riegner.

No. MC 116535 (Sub No. 1), (Correction) published issue of September 11, 1957, at page 7260, O. E. FLING, doing business as O. E. FLING TRUCKING COMPANY, 647 Cherrybark Lane, Houston, Tex. Applicant's attorney: John W. Carlisle, 422 Perry-Brooks Building, Austin, Tex. Applicant's name and address have been changed.

No. MC 116750 (Sub No. 2), filed October 2, 1957, CARLSON AND MABE WELDING WORKS, INC., 419 First Avenue, South, Fort Dodge, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bread, buns* and *doughnuts*, from the Pan-O-Gold Baking Company, Fort Dodge, Iowa, to the Hinky Dinky Grocery Stores, Inc., Omaha, Nebr.

HEARING: November 27, 1957, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 116891, filed August 26, 1957, JOHN LAVARDA, doing business as KOHLSVILLE TRUCKING CO., Route No. 3, West Bend, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cheese*, from Fond du Lac, Lomira, Kohlsville, and Plymouth, Wis., to Lansing and Detroit, Mich., Chicago and Calumet City, Ill., and Toledo, Ohio; and *salt*, from St. Claire, Mich., to Fond du Lac, Lomira, Kohlsville, and Plymouth, Wis.

HEARING: November 19, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 116902, filed September 3, 1957, WATSON B. GARDNER, doing business as GARDNER'S SERVICE STATION, East 50 Highway and Gregory, Raytown 33, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked, disabled, or repossessed motor vehicles* and *housetrailers*, from points in Kansas, Illinois and Iowa, to Kansas City, Mo., and *replacement motor vehicles*, from Kansas City, Mo., to point of wreck or disablement in Kansas, Illinois, and Iowa.

HEARING: December 9, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Alfred B. Hurley.

No. MC 116906, filed September 3, 1957, JULIUS C. TOPOLSKI, doing business as TOPS SERVICE STATION, 3800 South Ashland Avenue, Chicago 9, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Disabled and/or wrecked automobiles, trucks, tractors, busses, trailers, semi, and other vehicles*, in towaway service, from points in Illinois to points in Indiana, Michigan, and Wisconsin.

HEARING: November 19, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 116914, filed September 6, 1957, DUBUQUE TANK TRANSPORT COMPANY, a Corporation, 1208 American Trust Building, Dubuque, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Edible lard* and *edible rendered pork fat*, in bulk, in tank vehicles, from Austin, Albert Lea and St. Paul, Minn., Madison, Wis., and Omaha, Nebr., to Dubuque, Iowa; *salt*, in bulk and in sacks, from Dubuque, Iowa, to points in Wisconsin, Minnesota, and Illinois; and *empty containers or other such incidental facilities* (not specified) used in transporting edible lard, edible rendered pork fat and salt, on return.

HEARING: November 18, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 116962, filed September 27, 1957, J. K. WYATT, Gatesville, N. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Cucumbers*, in brine, *pickles*, and *pickle condiments*, from Ahoskie and Windsor, N. C., to New York, N. Y., and points in Nassau County, N. Y., and Bridgeport, Conn.; and (2) *Pickles* and *pickle condiments, barrels, glass and metal containers, vinegar*, and *spices*, from New York, N. Y., and points in Nassau County, N. Y., and Bridgeport, Conn., to Ahoskie and Windsor, N. C.

HEARING: November 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 116964, filed September 30, 1957, KEDRIC C. HARVEY, doing business as CLOVERLEAF GARAGE, U. S. 20, R. R. 3, Box 420, Michigan City, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Used tractors*, in secondary movement, by the truckaway method, to be used as a replacement for a wrecked or disabled tractor; (b) *wrecked and disabled motor vehicles;* and (c) *gasoline, oil, grease, tires, wheels, rims*, and *motor vehicle parts, accessories, supplies* and *materials* used in connection with the repairing and/or reconditioning of damaged, disabled, or wrecked motor vehicles, trailers and semi-trailers, between points in Illinois, Indiana, Ohio, Michigan, and Kentucky.

HEARING: November 19, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 116968, filed October 1, 1957, LESTER I. CLAYCOMB, doing business as CLAYCOMB TRUCKING, 932 Fourth Avenue, Duncansville, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer* and *malt beverages*, from Milwaukee, Wis., St. Louis, Mo., Buffalo and Brooklyn, N. Y., and Newark, N. J., to points in Pennsylvania on and west of U. S. Highway 15, extending north and south from the New York-Pennsylvania State line at Lawrenceville, Pa., to the Maryland-Pennsylvania State line at Fairplay, Pa., and *empty beer and malt beverage containers* on return.

HEARING: November 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1386), filed October 2, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorneys: William H. Marx and Fulmer Long, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Corbin, Ky., and Jellico, Tenn., from Corbin over Kentucky Highway 26 to junction U. S. Highway 25–W, thence over U. S. Highway 25–W to Jellico, and return over the same route, serving Williamsburg, Ky., as an intermediate point. RESTRICTIONS: The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by carrier shall be limited to those moving under a through bill of lading, or express receipt, covering in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that interchange with rail express service will be made at Corbin, Ky.

No. MC 86687 (Sub No. 45), filed October 7, 1957, SEABOARD AIR LINE RAILROAD COMPANY, Seaboard Air Line Railroad Building, Norfolk 10, Va. Applicant's attorney: Richard A. Hollander, same address as above. For authority to operate as a *common carrier*, transporting: *General commodities*, serving Hopewell, Va., as an off-route point in connection with applicants presently authorized regular route operations between Richmond, Va., and Henderson, N. C. Applicant is authorized to conduct operations in North Carolina, Florida, South Carolina, Virginia, and Georgia.

No. MC 101126 (Sub No. 82), filed October 3, 1957, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal and vegetable fatty acids, resin plasticizers*, and *animal grease*, in bulk, in insulated stainless steel tank vehicles, from St. Bernard, Ohio to Kankakee, Ill. Applicant is authorized to conduct operations in Ohio, Illinois, Indiana, Kentucky, Michigan, New York, Virginia, Maryland, and Tennessee.

No. MC 116972, filed October 2, 1957, RAND'S DELIVERY SERVICE, INC., 802 Fellows Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uncrated furniture, household appliances* and *parcels or packages of commodities* as are usually dealt in by chain, retail, mail order, department stores and printers, and returned or traded in merchandise of the above commodities, between South Bend and Mishawaka, Ind., and points in Elkhart, Kosciusko, La Grange, LaPorte, Marshall, Saint Joseph, and Starke Counties, Ind., and points in Berrien, Cass, Saint Joseph, and Van Buren Counties, Mich.

No. MC 116975, filed October 7, 1957, CANADIAN FREIGHTWAYS, LTD., a corporation, 410 Riverside Boulevard, Calgary, Alberta, Canada. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *household goods* as defined by the Commission and *commodities requiring special equipment*, but excluding commodities of unusual value,

portion of McDowell County lying north

Class A and B explosives and commodities in bulk, between Oroville, Wash., and the port of entry on the International Boundary between the United States and Canada at or near the junction of U. S. Highway 97 with said boundary, over U. S. Highway 97, serving no intermediate points.

PETITION

No. MC 86687 and MC 86687 (Sub Nos. 33 and 39), SEABOARD AIR LINE RAILROAD COMPANY, Norfolk, Va. Applicant's attorneys: Chas. P. Reynolds and Richard A. Hollander, 545 Seaboard Air Line Railroad Building, Norfolk 10, Va. By PETITION FOR MODIFICATION OF RESTRICTIONS, filed September 26, 1957, applicant petitions the Commission to enter an order modifying its present motor carrier certificates as now contained in consolidated Certificate No. MC 86687, dated November 19, 1947, No. MC 86687 (Sub No. 33), dated July 24, 1951, and No. MC 86687 (Sub No. 39) dated July 23, 1951, so as to eliminate therefrom restrictions against service from Richmond to Petersburg, Va., and from Jacksonville to Starke, Fla., and so as to remove therefrom the key points of Tallahassee, Live Oak, and Ocala, Fla., Columbia, S. C., and Charlotte, Wilmington, Raleigh, and Henderson, N. C. Applicant is authorized to conduct operations of an auxiliary motor carrier service over regular routes in Virginia, North Carolina, South Carolina, and Florida, restricted as follows: "No shipments shall be transported by applicant as a common carrier by motor vehicle from Richmond to Petersburg, Va., or from Jacksonville to Starke, Fla., or between any of the following points, or through or to or from more than one of said points: Richmond, Va., Henderson, Raleigh, Hamlet, Wilmington, and Charlotte, N. C., and Columbia and Greenwood, S. C., and Jacksonville, Ocala, Live Oak, Tallahassee, and Tampa, Fla." As a result of changing conditions since the issuance of said Certificates, applicant seeks modification and removal of the restrictions against motor service from Richmond to Petersburg, Va., and from Jacksonville to Starke, Fla., as well as elimination of Henderson, Raleigh, Wilmington, Charlotte, Columbia, Ocala, Live Oak, and Tallahassee as key points.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 2253 (Sub No. 17), filed October 5, 1957, CAROLINA FREIGHT CARRIERS CORPORATION, Box 707, Cherryville, N. C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Yancey, Mitchell, Avery, McDowell, Burke, Buncombe, Mecklenburg, Catawba, Alexander, Randolph, Pitt, and Wilkes Counties, N. C. Applicant is authorized to conduct operations in North Carolina, New York, Virginia, District of Columbia, Maryland, Pennsylvania, New Jersey, South Carolina, Florida, Georgia, Rhode Island, Massachusetts, Connecticut, and Delaware.

NOTE: This matter is directly related to MC–F 6717.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6675, published in the August 28, 1957, issue of the FEDERAL REGISTER on page 6055. Application filed October 3, 1957, for temporary authority under section 210a (b).

No. MC–F 6685 (correction) published in the September 18, 1957, issue of the FEDERAL REGISTER on page 7444. Vendee's name should have been shown as OVERNITE TRANSPORTATION COMPANY rather than OVERNIGHT TRANSPORTATION COMPANY.

No. MC–F 6711. Authority sought for control and merger by NORTHEASTERN TRUCKING COMPANY, 4612 Wilkinson Boulevard, Charlotte, N. C., of the operating rights and property of WINECOFF MOTOR LINES, INC., Concord, N. C., and for acquisition by JOHN F. GUIGNARD, LEWIS B. GUIGNARD, and William H. Guignard, all of Charlotte, of control of such rights and property through the transcation. Applicants' attorney: Philip R. Hedrick, 805 Johnston Building, Charlotte, N. C. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Concord, N. C., on the one hand, and, on the other, points within 225 miles of Concord, except those in South Carolina, and between Concord, N. C., on the one hand, and, on the other, points in South Carolina and certain points in Virginia; *household goods*, as defined by the Commission, between points in North Carolina and South Carolina, and from Orwigsburg, Pa., Greenville, Ky., Princeton, W. Va., New York, N. Y., and Charlotte, N. C., to Philadelphia, Pa., and Concord, N. C., and points in North Carolina and Georgia; *beer*, from Philadelphia, Pa., to Concord, N. C., and points in North Carolina within 225 miles of Concord; *textile commodities*, from Concord, Kannapolis, and Salisbury, N. C., to Chicago, Ill., Baltimore and Perryville, Md., Philadelphia, Pa., Norfolk, Va., Columbus, Ohio, and New York, N. Y.; *automobiles*, from Detroit, Mich., to Concord, N. C.; *cotton yarn*, from Landis, N. C., to Bloomsburg, Pa., and Broadalbin, N. Y.; *empty Coca Cola barrels*, from Concord, N. C., to Baltimore, Md.; *canned goods*, from Baltimore and Frederick, Md., and Wilmington, N. C., to Concord, N. C.; *machinery*, from Salisbury, N. C., and Chattanooga, Tenn., to Conshohocken, Pa., and Concord, N. C.; *empty steel barrels*, from Concord, N. C., to Canton, Md. NORTHEASTERN TRUCKING COMPANY is authorized to operate as a *common carrier* in Illinois, New York, New Jersey, Pennsylvania, South Carolina, North Carolina, Maryland and Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6712. Authority sought for control by TRANSINC, OHIO CORP., 11700 Shaker Boulevard, Cleveland 20, Ohio, of J. E. BEJIN CARTAGE COMPANY, 1910 Trombly Avenue, Detroit 11, Mich., and for acquisition by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of Cleveland, of control of J. E. BEJIN CARTAGE COMPANY through the acquisition by TRANSINC, OHIO CORP. Applicant's attorney: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. Operating rights sought to be controlled: *Such merchandise* as drugs, pharmaceuticals, toiletries and drug store sundries as is dealt in by wholesale drug supply houses, as a *contract carrier*, over irregular routes, from Detroit, Mich., to Toledo, Ohio, and points in Ohio within 25 miles of Toledo; *plumbing and heating equipment, fixtures*, and *materials and supplies* incidental to the installation thereof, from Detroit, Mich., to Toledo, Ohio, and points in Ohio within 40 miles thereof; *such merchandise* as is dealt in by mail-order and chain retail department stores, from Detroit, Mich., to Ann Arbor, Saginaw, and Port Huron, Mich.; *building materials and equipment*, and *supplies and materials* incidental to the installation thereof, from Detroit, Mich., to Toledo, Ohio, and points in Ohio within 40 miles of Toledo. TRANSINC, OHIO CORP., holds no authority from this Commission, but its controlling stockholders are in joint control of the following motor carriers: ANCHOR MOTOR FREIGHT, INC. OF DELAWARE, ANCHOR MOTOR FREIGHT, INC. OF MICHIGAN, ANCHOR MOTOR FREIGHT, INC., (N. Y. CORP.), RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., WAREHOUSE TRANSPORTATION CO., CONLEY'S EXPRESS, INC., FOOD TRANSPORT, INC., SUGAR TRANSPORT, INC., and QUICK DELIVERIES, INC., which are authorized to operate as *contract carriers* in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, North Carolina, South Carolina, Pennsylvania, Ohio, Rhode Island, Tennessee, West Virginia, Virginia, Vermont, Wisconsin, Georgia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6713. Authority sought for control and merger by GORDONS TRANSPORTS, INC., 185 West McLemore Street, Memphis, Tenn., of the

operating rights and property of DECATUR TRANSIT TRUCK LINE, INC., 1230 Sixth Avenue South, Birmingham, Ala., and for acquisition by A. W. GORDON, SR., also of Memphis, of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Florence, Ala., and Birmingham, Ala., serving the intermediate points of Sheffield, Tuscumbia, and Russellville, Ala., and the off-route point of Muscle Shoals, Ala.; *general commodities*, with certain exceptions including commodities in bulk and excluding household goods, over irregular routes, between Decatur, Ala., and points within 25 miles of Decatur, on the one hand, and, on the other, points in Mississippi, Tennessee, Georgia and Alabama; *cotton*, from Decatur, Ala., and points within 100 miles of Decatur, to points in Mississippi, Tennessee, Georgia and Alabama. GORDONS TRANSPORTS, INC., is authorized to operate as a *common carrier* in Mississippi, Tennessee, Louisiana, Alabama, Illinois, Missouri, Arkansas, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6714. Authority sought for purchase by LYON VAN LINES, INC., 1950 South Vermont Avenue, Los Angeles 7, Calif., of a portion of the operating rights of MOVE-WAY VANS, INC., 1021 Washington Avenue SE., Minneapolis, Minn., and for acquisition by LYON VAN & STORAGE CO., also of Los Angeles, of control of such rights through the purchase. Applicants' attorney: Wyman C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in North Dakota, South Dakota, Minnesota, and Montana, and between points in Montana, North Dakota, South Dakota, and Minnesota, on the one hand, and, on the other, points in Wisconsin, Iowa, Illinois, and Indiana; *household goods*, as defined by the Commission, and *emigrant movables*, between points in North Dakota north of U. S. Highway 2 and east of North Dakota Highway 14, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Minnesota. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, Idaho, Montana, Arizona, New Mexico, Texas, Arkansas, Illinois, Iowa, Kansas, Louisiana, Oklahoma, Missouri, Nebraska, Indiana, Ohio, Michigan, Nevada, Wyoming, and Colorado. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6715. Authority sought for purchase by LIPPA TRANSPORTATION CO., INC., 14 Hardy Street, Peabody, Mass., of the operating rights of LICHTMAN'S EXPRESS CO., INC. (JOSEPH MORITZ, TRUSTEE), 75 Montgomery Street, Jersey City, N. J., and for acquisition by ELMER N. LIPPA, 138 Steuben Street, Jersey City, N. J., and LEO P. LIPPA, 14 Hardy Street, Peabody, Mass., of control of such rights through the purchase. Applicants' attorneys: Bowes and Millner, 1060 Broad Street, Newark, N. J. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between New York, N. Y., on the one hand, and, on the other, points in New Jersey within 25 miles of New York, N. Y. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, New York, New Hampshire, Maine, Connecticut, New Jersey, and Vermont. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6716. Authority sought for purchase by SIMS MOTOR TRANSPORT LINES, INC., 600 West 138th Street, Riverdale 27, Ill., of the operating rights and property of JOHN HOEKSTRA AND EDITH BEUKEMA, doing business as HOEKSTRA MOTOR EXPRESS, and for acquisition by ELMER W. SIMS and MARGARET SIMS, both of Riverdale, of control of such rights and property through the purchase. Applicants' attorney: Bernard G. Colby, both of One North La Salle Street, Chicago 2, Ill., and Harold T. Halfpenny, 111 West Washington Street, Chicago 2, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in the CHICAGO ILL., COMMERCIAL ZONE, as defined by the Commission, on the one hand, and, on the other, Joliet, Rockdale, Lemont, and Lockport, Ill.; *iron and steel articles*, between Joliet, Ill., on the one hand, and, on the other, certain points in Illinois and Indiana. Vendee is authorized to operate as a *common carrier* in Indiana, Missouri, Kentucky, Ohio, Michigan, Iowa, Illinois, Pennsylvania, West Virginia, New York, New Jersey, Delaware, Kansas, Maryland, Virginia, Tennessee, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6717. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORPORATION, Box 707, Cherryville, N. C., of the operating rights and property of MARION FREIGHT LINES, INC., Airport Road, Hickory, N. C., and for acquisition by C. G. BEAM and D. F. BEAM, both of Cherryville, of control of such rights and property through the purchase. Applicants' attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D. C. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act covering the transportation, in the State of North Carolina, of *general commodities*, except those requiring special equipment, as a *common carrier* over irregular routes, in the following territory: All of Yancey, Mitchell and Avery and that portion of McDowell County lying north of U. S. Highway 70; *general commodities*, except those requiring special equipment and except unmanufactured tobacco, between points in the counties of McDowell, Burke, Buncombe, Mecklenburg, Catawba, Alexander, Randolph, Pitt, and Wilkes. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Maryland, North Carolina, Virginia, South Carolina, Florida, Georgia, Rhode Island, Massachusetts, Delaware, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 2253 Sub 17 is a matter directly related.

No. MC–F 6719. Authority sought for control and merger by EARL C. SMITH, INC., 1424 Fourth Street, Port Huron, Mich., of the operating rights and property of EARL C. SMITH EXPRESS COMPANY, 1424 Fourth Street, Port Huron, Mich., and for acquisition by C. CARLTON PRICHARD, 411 La Salle Boulevard, Port Huron, Mich., and EARL C. SMITH, 1103 North River Road, St. Clair, Mich., of control of such rights and property through the transaction. Applicants' representative: C. Carlton Prichard, President of Earl C. Smith, Inc., 1424 Fourth Street, Port Huron, Mich. Operating rights sought to be controlled and merged: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation, in the State of Michigan, of *bread, cakes, empty bread boxes and containers*, as a *common carrier* over irregular routes, between Port Huron and Detroit and certain specified points; *films*, between Detroit and certain specified points; *newspapers*, between Detroit and certain specified points; *fresh meats, salted meats* and *packing house products*, excluding soap, soap powders, canned milk and articles not requiring refrigeration, between Port Huron and certain specified points; *fresh meats, salted meats* and *packing house products requiring refrigeration*, also *fresh yeast*, between Detroit and certain specified points; EARL C. SMITH, INC., is authorized to operate as a *common carrier* in Michigan. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6720. Authority sought for purchase by WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa., of the operating rights and property of EUGENE GLUCK, doing business as GLUCK MOTOR SERVICE, P. O. Box 126, 468 Peacock Street, Pottsville, Pa., and for acquisition by WINFIELD A. WEST, also of Boyertown, of control of such rights and property through the purchase. Applicants' attorney: Jacob Polin, P. O. Box 317, Bala-Cynwyd, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Allentown, Pa., and points in Pennsylvania within ten miles of Allen-

town, on the one hand, and, on the other, points in the New York, N. Y., Commercial Zone, as defined by the Commission, and between points within three miles of Reading, Pa., including Reading: *building materials, such bulk commodities* as are transported in dump trucks, *metal doors, metal door frames, metal door and door frame fittings and parts, steel ship's fittings trim, and bulkheads, steel plates, beams, channels, and angles, mining machinery and equipment, sheet steel, iron, steel and metal articles, steel moldings, metal building and shipbuilding materials, construction materials, such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging, *waste woolens, agricultural commodities, iron and steel articles, dairy products, feed, paper, paper products, twine, motor oils* in containers, *such commodities* as are dealt in by wholesale grocery houses, *food products, ventilating machinery and equipment, metal products, machinery and machine parts,* and *ship stores and supplies,* from, to or between points and areas, varying with the commodity transported, in Pennsylvania, Delaware, New Jersey, New York, Maryland, Virginia, Connecticut, Kentucky, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island, Vermont, West Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Indiana, Illinois, Michigan, Vermont, Georgia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 6718. Authority sought for purchase by CAPITOL BUS COMPANY, Fourth and Chestnut Streets, Harrisburg, Pa., of a portion of the operating rights of THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill., and for acquisition by JOSEPH L. MAGUIRE and JOHN T. MAGUIRE, both of Harrisburg, of control of such rights through the purchase. Applicants' attorneys: James E. Wilson, 1111 E Street NW., Washington, D. C., and Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D. C. Operating rights sought to be transferred: *Passengers and their baggage,* and *express, mail,* and *newspapers* in the same vehicle with passengers, as a *common carrier* over a regular route between Frederick, Md., and Gettysburg, Pa., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8495; Filed, Oct. 15, 1957; 8:51 a. m.]

[Nos. 31629, 31629 (Sub. 1), I. & S. No. 6780]

LEAD AND ZINC

REOPENING OF PROCEEDINGS ON JOINT THROUGH RATES AND DATE OF HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of October A. D. 1957.

Consolidated Mining & Smelting Company of Canada, Ltd. et al. v. New York Central Railroad Company et al., No. 31629.

Minneapolis, St. Paul & Sault Ste. Marie Railroad Company v. Akron, Canton & Youngstown Railroad Company et al., No. 31629 (Sub. No. 1).

Investigation and Suspension Docket No. 6780, Ores—U. S.—Canada Origins to Eastern United States.

The Commission, by Division 2, entered its report and order in No. 31629 and No. 31629 (Sub-No. 1) finding, in substance, that the defendant railroads in transporting in the United States through Chicago, Ill., lead and zinc from Tadanac, B. C., Canada, to eastern destinations in the United States, at rates that exceed those (in which they also participate), on lead and zinc from western United States origins through Chicago to the same destinations cause undue prejudice to complainants and their traffic and undue preference of shippers at western origins and their traffic.

No. 31629 (Sub-No. 1) dealt with movements of lead and zinc by railroad from Tadanac over the line of the Minneapolis, St. Paul and Sault Ste. Marie Railroad (Soo Line). Division 2 found in that proceeding that the defendant railroads unlawfully discriminate in their rates between connecting railroad lines at Chicago in charging rates therefrom which exceed the amounts of their divisions of joint rates maintained on like traffic from western origins in the United States through Chicago to the same eastern destinations or the amounts of the rates they charge for like traffic beyond Chicago.

In I. & S. No. 6780, the Commission suspended, as more specifically described in the suspension orders, certain schedules of rates filed by the respondent railroads in purported compliance with the order in No. 31629 and No. 31629 (Sub-No. 1), and instituted an investigation of such rates.

It appears that the decision in No. 31629 may have unduly restricted the relief sought by limiting the findings and orders to rates from western origins in the United States to eastern destinations through Chicago and making no findings as to rates from the same origins to the same destinations through other gateways such as, for example, Peoria, Ill., and St. Louis, Mo.

It further appears that the suspended schedules may not accomplish removal of undue prejudice and preference in instances where defendants continue to participate in joint rates from the western United States origins to the eastern destinations through gateways other than Chicago.

It further appears that the investigation in I. & S. No. 6780, if the hearing is held as now scheduled, may in large measure duplicate the testimony and documentary evidence already of record in No. 31629 and 31629 (Sub-No. 1) and unduly delay the final settlement of the matters in dispute.

Upon consideration of the record in these proceedings and for good cause appearing;

It is ordered, That on the Commission's own motion, No. 31629 and No. 31629 (Sub-No. 1) be, and they are hereby, reopened for further hearing with I. & S. No. 6780 to determine if on the present record, and on such additional evidence as may be submitted, additional findings should be made in these proceedings and supplementary orders entered, upon the question of whether undue prejudice, undue preference, or discrimination result from the maintenance of joint through rates on the commodities and traffic in issue in such proceedings from Tadanac, on the one hand, and, on the other, from western origins in the United States through other gateways (such as Peoria and St. Louis), in addition to the Chicago gateway to eastern destinations.

It is further ordered, That the proceeding as reopened be set for hearing with the hearing in I. & S. 6780, scheduled for October 16, 1957, in the office of the Commission in Washington, D. C.

It is further ordered, That a copy of this order be served on the parties in Nos. 31629 and 31629 (Sub-No. 1) and on the respondents in I. & S. No. 6780 and that notice be given to the public by posting a copy of this order in the office of the Secretary of the Commission and filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8493; Filed, Oct. 15, 1957; 8:50 a. m.]

[No. 32253]

UTAH

INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 2d day of October A. D. 1957.

It appearing that a petition dated August 13, 1957, has been filed on behalf of The Denver and Rio Grande Western Railroad Company and other common carriers by railroad operating to, from and between points in the State of Utah, in interstate and intrastate commerce, averring that in Ex Parte No. 196, Increased Freight Rates, 1956, 298 I. C. C. 279, and Ex Parte No. 206, Increased Freight Rates, Eastern, Western and Southern Territories, 1956 (decided December 17, 1956 and August 6, 1957), the Commission authorized carriers, subject to the Interstate Commerce Act, parties thereto, to make certain increases in their rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing that the petitioners allege that the Public Service Commission of Utah has failed to authorize or permit petitioners to establish for the intrastate transportation upon their railroads in Utah increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceedings above cited which refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

And it further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Utah:

It is ordered, That, in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested parties to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Utah, for the intrastate transportation of property, made or imposed by authority of the State of Utah, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by the Commission for interstate traffic in Ex Parte Nos. 196 and 206, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Utah, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Utah be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State, and to the Public Service Commission of Utah at Salt Lake City, Utah;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the FEDERAL REGISTER, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8494; Filed, Oct. 15, 1957; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 11, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34216: *Coal to Alexandria, Va.* Filed by the Norfolk and Western Railway Company (24-B), for itself and other interested rail carriers. Rates on bituminous coal and coal briquets, carloads, from mines in Virginia on the Carolina, Clinchfield and Ohio Railway Company and the Interstate Railroad Company, to Alexandria, Va.

Grounds for relief: Rail carrier and market competition.

Tariff: Supplement 2 to Norfolk and Western Railway ICC 3442-B.

FSA No. 34217: *Tructrain service—Pennsylvania Railroad (TT-6) Company.* Filed by The Pennsylvania Railroad Company, for itself and one other rail carrier. Rates on freight loaded in highway trailers and transported on railroad flat cars, between stations on the Pennsylvania Railroad.

Grounds for relief: Motor truck competition.

Tariff: Supplement 12 to Pennsylvania Railroad ICC 3543.

FSA No. 34218: *Caustic soda from Brunswick, Ga., to Tennessee.* Filed by O. W. South, Jr., Agent (SFA A3537), for interested rail carriers. Rates on caustic soda, liquid, in tank-car loads, from Brunswick, Ga., to Chattanooga, Boyce, Calhoun, and Lowland, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 16 to Agent C. A. Spaninger's ICC 1536.

FSA No. 34219: *Fresh meats and packing house products.* Filed by F. C. Kratzmeir, Agent (SWFB B-7126), for interested rail carriers. Rates on fresh meats, packing house products, and related articles, carloads, from points in the Southwest, to points in the Southeast.

Grounds for relief: Motor truck competition.

Tariff: Agent Kratzmeir's ICC 4267.

FSA No. 34220: *Liquefied petroleum gas from Mandan, N. Dak.* Filed by the Northern Pacific Railway Company (NP-106), for itself and other interested rail carriers. Rates on liquefied petroleum gas, tank-car loads, from Mandan, N. Dak., to Inver Grove, Refinery Spur (St. Paul Park), and Roseport, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Northern Pacific Railway ICC 9897.

FSA No. 34221: *Liquefied chlorine gas from Virginia to Tennessee.* Filed by O. W. South, Jr., Agent (SFA A3541), for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads, from Hopewell and Saltville, Va., to Boyce, Calhoun, Chattanooga, and North Chattanooga, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 50 to Agent C. A. Spaninger's ICC 1538.

FSA No. 34222: *Clay between points in the South.* Filed by O. W. South, Jr., Agent (SFA A3534), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, crude, washed, shredded or ground, in bags, barrels, or in bulk, carloads, from points in Alabama, Florida, Georgia, North Carolina, and South Carolina, to points in southern territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 81 to Agent C. A. Spaninger's ICC 1491.

FSA No. 34223: *Fullers earth from Florida and Georgia to south.* Filed by O. W. South, Jr., Agent (SFA A3535), for interested rail carriers. Rates on clay, viz: Fullers earth, in bags, sacks, barrels, boxes, drums, or in bulk, carloads, from Jamieson, Magnet Cove, Quincy, Fla., Attapulgus, Faceville, Quality and Roddenbery, Ga., to points in southern territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 81 to Agent C. A. Spaninger's ICC 1491.

FSA No. 34224: *Clay in the south.* Filed by O. W. South, Jr., Agent (SFA A3536), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads, from points in Alabama, Kentucky, Mississippi, and Tennessee, to points in southern territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 5 to Agent C. A. Spaninger's ICC 1613.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8492; Filed, Oct. 15, 1957; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

ROBERT C. SPRAGUE

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Robert C. Sprague, Chairman, Sprague Electric Co., North Adams, Mass., as an Advisor, (Director, Security Resources Panel) with the Science Advisory Committee in the Office

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of Defense Mobilization. Mr. Sprague's statement of his business interest is set forth below.

Dated: October 4, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Sprague Electric Company, North Adams, Mass.
Sprague Products Company, North Adams, Mass.
Sprague of Wisconsin, Grafton, Wis.
United-Carr Fastener Corporation, Cambridge, Mass.
Small interest in various oil and gas Exploratory Programs.

Dated: October 4, 1957.

ROBERT C. SPRAGUE.

[F. R. Doc. 57-8518; Filed, Oct. 15, 1957; 8:54 a. m.]

BENJAMIN CAPLAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions: Philadelphia Electric, Caplan Bros., Ltd., Nalpac Co., Ltd.
Deletions: Columbia Gas.

This supersedes statement previously published in the FEDERAL REGISTER March 2, 1957 (22 F. R. 1324).

Dated: August 1, 1957.

BENJAMIN CAPLAN.

[F. R. Doc. 57-8519; Filed, Oct. 15, 1957; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HERMANN BREHM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hermann Brehm, Santiago, Chile; Claim No. 58833; $5,027.82 in the Treasury of the United States.
Vesting Order No. 16036.

Executed at Washington, D. C., on October 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-8496; Filed, Oct. 15, 1957; 8:51 a. m.]

ERNST HELLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ernst Heller, Ludwigsburg, Wuerttemberg, Pflugfelderstrasse 5, Germany; Claim No. 66507; $40.10 in the Treasury of the United States.

All right, title, interest and claim of any kind or character whatsoever of Ernst Heller as an heir of Mathilde Heller, also known as Gertrud Heller, in and to the estate of Robert Kanter, which was vested by Vesting Order No. 12627. Such property was in the process of administration by Byron R. Forster, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York, and is presently in the process of administration by his successor, Marie D. Forster, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York.
Vesting Orders Nos. 12626 and 12627.

Executed at Washington, D. C., on October 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-8497; Filed, Oct. 15, 1957; 8:51 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 202

Washington, Thursday, October 17, 1957

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1958-59 MARKETING YEAR

Regulations pertaining to exemption of certain wheat producers from liability for marketing quota penalties where all the wheat crop is fed or used for seed or food on the farm.

The regulations herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the exemption of producers from marketing quota penalties, if all of the wheat crop is fed or used for seed or human food on the farm where produced.

The provision in the regulations permitting sale or exchange of wheat produced on the exempt farm to a subsequent owner or operator of the farm without constituting a violation of any of the conditions of exemption is to give effect to section 335 (f) (3) of the Agricultural Adjustment Act of 1938, as amended, which specifically authorizes the use of the wheat on the farm by a subsequent owner or operator. This is not deemed to be contrary to the provisions of section 335 (f) (2) of the act.

The regulations require that at least one producer on the farm must sign and file the application for the exemption not later than October 15, 1957, or the date the seeding of wheat is started on the farm, whichever is later. It is felt that, in the interests of good administration and to avoid the necessity of acreage adjustments after seeding by farmers who do not fully understand the provisions of the law and regulations, all farmers who may wish to apply for the exemption with respect to the 1958 crop should be fully informed of the provisions of the amendment to the Agricultural Adjustment Act of 1938, as amended, upon which the regulations herein are based (Public Law 85-203), and the regulations thereunder, prior to or at the time of seeding their 1958 crop wheat, and if so informed will be prepared to make the decision as to whether to apply for the exemption at that time. Therefore, the closing date for filing applications for the exemption by at least one producer on each farm has been established as October 15, 1957, or the date the seeding of wheat is started on the farm, whichever is later. The closing date for filing applications signed by all producers on the farm where there is more than one producer on the farm will be thirty days after the original application was filed. This will permit obtaining the signature of all other wheat producers on the farm, approval of the application by the ASC county committee, and measurements of acreage in a timely manner. Farmers who wish to cancel their applications for exemption may do so at any time. Under these circumstances, no hardship should result because of the closing date provisions.

Since farmers in many areas are now engaged in preparing to seed their 1958 crop wheat, it is imperative that they be notified of the regulations herein as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the regulations in §§ 728.841 to 728.846 shall become effective upon their publication in the FEDERAL REGISTER.

Sec.
728.841 Definitions.
728.842 Application for exemption.
728.843 Conditions of exemption.
728.844 Cancellation of exemption.
728.845 Violations.
728.846 Miscellaneous.

AUTHORITY: §§ 728.841 to 728.846 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 335, 373, 52 Stat. 54, 65, as amended; 71 Stat. 477; 7 U. S. C. 1335, 1373.

§ 728.841 *Definitions.* As used in the regulations in §§ 728.841 to 728.846 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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(b) "Secretary" means the Secretary of Agriculture of the United States or the officer of the Department acting in his stead pursuant to delegated authority.

(c) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(d) "County committee" means the persons elected within a county as the county committee, pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(e) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(f) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(g) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(h) "Landlord" or "owner" means a person who owns land.

(i) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Producer" or "farmer" means a person who as owner, landlord, tenant, or sharecropper is entitled to all or a share of the 1958 crop wheat or of the proceeds thereof.

(m) "Farm" means the land comprising a farm as shown on the records of the county committee, determined in accordance with the definition of the term contained in the regulations pertaining to determination of acreage and performance (Part 718 of this chapter, 22 F. R. 3747).

(n) "Farm acreage allotment" means the wheat acreage allotment established for the farm under §§ 728.810 through 728.827 as published in the FEDERAL REGISTER under date of May 8, 1957 (22 F. R. 3223), and amendments thereto.

(o) "Wheat acreage" means any acreage of seeded wheat, or self-seeded (volunteer) wheat which reaches maturity, excluding any acreage (1) of a wheat mixture in wheat-mixture counties, or of a mixture of other grains and wheat in non-wheat-mixture counties which does not contain enough wheat to cause the grain to be graded as "mixed grain" under the Official Grain Standards of the United States (Part 26 of this title), (2) of wheat cover crop, (3) in case of a delayed notice of the acreage of wheat, of unharvested wheat plowed or disced under within 15 days after such notice has been mailed to the operator of the farm, and (4) of unharvested wheat seeded in excess of the allotment which is completely destroyed by some cause beyond the control of the operator prior to (i) 30 days before the date wheat harvest normally begins in the county or areas within the county (as determined and set out in regulations to be issued later) or (ii) within 15 days after a delayed notice of the acreage of wheat is mailed to the operator of the farm. Notice of 1958 Acreage of Wheat (Form CSS–597), if practicable, should be mailed to the operator of the farm on which the first inspection shows there is an excess acreage of wheat at least 15 days prior to the date established for utilizing wheat acreage as wheat cover crop; however, if for any reason the notice is not so mailed, it shall be mailed as soon thereafter as possible and upon mailing shall be fully effective and construed as a delayed notice under this paragraph. Wheat acreage shall not include any acreage of emmer, spelt, einkorn, Polish wheat and poulard wheat.

(p) "Excess wheat acreage" means the acreage of wheat determined for the farm which is in excess of the farm acreage allotment, except that there shall be no excess wheat acreage for any farm on which (1) the wheat acreage does not exceed 15 acres, (2) the farm normal yield times the wheat acreage is less than 200 bushels, (3) the wheat is grown for experimental purposes only by a publicly-owned experiment station, (4) all the wheat is produced on a Federal or State wildlife refuge farm solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm, or (5) an exemption from marketing quota obligations is obtained under § 728.842 and the conditions of the exemption are fully complied with.

(q) "Farm marketing quota" means the wheat marketing quota established under the act for the farm for the 1958 crop.

(r) "Farm marketing excess" means the farm marketing excess determined for any farm under the 1958 Wheat Marketing Quota Regulations to be issued later.

(s) "Market" means to dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift, or by feeding (in any form) to poultry or livestock which or the products of which, are sold, bartered, or exchanged, or are to be so disposed of.

(1) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift. The penalty on excess wheat is due regardless of what use is made of the excess wheat.

(2) The terms "barter" and "exchange" mean transfer of title to wheat by a producer in return for wheat or any other commodity, service, or property, in cases where the value of the wheat or such other commodity, service or property is not considered in terms of money, or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(3) The term "gift" means any transfer of title to wheat accompanied by delivery of the wheat by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed," "marketing," and for "market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(t) "Penalty" means the penalty provided in paragraph (2) of Public Law No. 74, 77th Congress, as amended by section 3 of Public Law No. 117, 83d Congress.

(u) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee, or the person acting in such capacity.

§ 728.842 *Application for exemption.* All the producers who are entitled to share in the 1958 wheat crop, or the proceeds thereof, on any farm for which an exemption from marketing quota obligations is sought under the regulations in §§ 728.841 to 728.846 must sign a Form MQ–32—Wheat, Application for Exemption from Provisions of Wheat Marketing Quota Obligations under Provisions of Public Law 85–203 (hereinafter referred to as "Application for Exemption"), and file such form at the office of the county committee. The application for exemption must be signed by at least one wheat producer on the farm and filed in the county office not later than October 15, 1957, or the date on which the seeding of the 1958 crop of wheat is started on the farm, whichever is later. Where there are two or more producers on the farm, all other wheat producers on the farm must sign a duplicate of the Application for Exemption and it must be filed in the county office, signed by all wheat producers on the farm not later than sixty days after the date the original Application for Exemption was filed in the office by the first producer. If the county committee finds that the Application for Exemption has been signed by all persons determined by it to be entitled to share in the 1958 wheat crop, or the proceeds thereof, to be produced on the farm, and filed in the county office prior to the closing date for filing the application, it shall approve the application, which approval shall be evidenced by the signature on the form of one member of the county committee, acting for the committee. No exemption shall be applicable to any farm under the regulations in §§ 728.841 to 728.846 until the Application for Exemption for such farm has been so signed, filed and approved.

§ 728.843 *Conditions of exemption.* If the Application for Exemption has been signed by all producers on the farm, filed in the county office, and approved by the county committee in accordance with the provisions of § 728.842, producers on the farm will be exempt from any obligation under the Agricultural Adjustment Act of 1938, as amended, to pay the marketing penalty on, deliver to the Secretary, or store the farm mar-

keting excess with respect to the 1958 crop of wheat on the farm, subject to compliance with the following conditions:

(a) The total wheat acreage on the farm for 1958 shall not exceed 30 acres: *Provided*, That this condition shall not apply to farms operated by or as part of State and county institutions or religious or eleemosynary institutions.

(b) All the 1958 crop of wheat removed from the farm for processing for use as human food or for livestock or poultry feed on such farm, including the by-products from such wheat, shall be returned to the farm and consumed on the farm.

(c) None of the 1958 crop of wheat shall be sold or exchanged for goods or services except to a subsequent owner or operator of the farm. A sale or exchange to another producer on the farm shall constitute a violation of this condition.

(d) The entire 1958 crop of wheat shall be used on the farm for seed, human food, or feed for livestock, including poultry, owned by any producer on the farm or a subsequent owner or operator of the farm.

(e) None of the 1958 crop of wheat shall be removed to any other farm for use as feed, seed, food, or for any other use.

(f) None of the 1958 crop of wheat produced on the farm shall be commingled with any other wheat, except wheat which is to be fed or used for food or seed on the farm. If any of the 1958 crop of wheat produced on the farm is otherwise commingled, any sale, barter, or exchange of such commingled wheat, except to a subsequent owner or operator of the farm, shall constitute a violation of paragraph (b) of this section.

(g) Each producer on the farm shall maintain records of the disposition of the 1958 crop of wheat produced on the farm and any other farm in which he has an interest for two years after complete disposal of such crop, and shall permit inspection of such records and of any wheat on the farm by any member of the county committee or county office manager or any employee of the county committee, any authorized representative of the State administrative officer, and investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) Each producer on the farm shall furnish to the county committee, when requested by the county committee, or to a representative of the Secretary, when requested by such representative, prior to September 1, 1959, or within one year after the 1958 crop of wheat is completely disposed of, whichever is later, a report indicating the disposition of the 1958 crop of wheat produced on the farm and on all other farms in which he has an interest in the 1958 crop of wheat.

§ 728.844 *Cancellation of application.* An Application for Exemption may be cancelled at any time at the request of all producers on the farm who signed the application, or their successors-in-interest. Request for cancellation shall be made by signing a Form MQ–34—Wheat, Request for Cancellation of Application for Exemption from Provisions of Wheat Marketing Quota Obligations under Provisions of Public Law 85–203 (hereinafter referred to as "Request for Cancellation") and filing such form in the county office. Cancellation shall be made by the county committee if it determines that all producers who signed the Application for Exemption, or their successors-in-interest, have signed the Request for Cancellation, and shall be evidenced by the word "Cancelled" written across the face of the Application for Exemption, followed by the signature of a member of the county committee acting for the county committee. If cancellation is made prior to the date for utilizing as wheat cover crop, the acreage in excess of the farm acreage allotment or 15 acres, whichever is larger, as provided in the 1958 Wheat Marketing Quota Regulations to be issued later, the producers on the farm shall have the same rights and obligations with respect to adjusting the farm wheat acreage and in all other respects under the wheat marketing quota program as any producer who did not file an Application for Exemption under § 728.842. If the cancellation is made after the final date for utilizing wheat acreage as wheat cover crop mentioned in the preceding sentence, the producers on the farm shall have no right to adjust their wheat acreage, but shall have the same rights and obligations with respect to the marketing of their 1958 crop wheat as other producers who did not file an Application for Exemption under § 728.842.

§ 728.845 *Violations.* In the event any of the conditions outlined in § 728.843 are violated, the exemption of all producers on the farm from wheat marketing quota obligations shall become null and void, and each producer on the farm shall have the same rights and obligations as any other wheat producer who did not sign an approved Application for Exemption: *Provided*, That if the failure to comply with such condition was beyond the control of the producers, as determined by the State committee upon recommendation of the county committee, the exemption shall continue in effect with respect to wheat of the 1958 crop remaining on the farm.

§ 728.846 *Miscellaneous*—(a) *Acreage reserve program.* Any producer on a farm for which there is in effect an acreage reserve agreement with respect to the 1958 crop of wheat shall not be eligible to apply for or receive an exemption under the provisions of §§ 728.841 to 728.846, with respect to such farm unless the acreage reserve agreement is cancelled on or before the closing date for cancelling such agreements.

(b) *Effect on future allotments and quotas.* No wheat acreage in excess of the acreage allotment for a farm covered by an exemption under the provisions of §§ 728.841 to 728.846, shall be considered in determining future State and county wheat acreage allotments and wheat acreage allotments and marketing quotas for the farm.

(c) *Referendum voting eligibility.* No producer who signs an approved Application for Exemption under the provisions of §§ 728.841 to 728.846 shall be eligible to vote in the referendum held to determine if farmers favor or oppose marketing quotas on the 1959 crop of wheat: *Provided*, That the producer shall not be ineligible to vote in the referendum because of signing an approved Application for Exemption if prior to the date of the referendum such application is cancelled or the exemption becomes null and void because of a violation of any condition thereof.

(d) *Marketing cards and certificates.* No marketing card or marketing certificate shall be issued with respect to wheat of the 1958 crop produced on any farm covered by an exemption under the provisions of §§ 728.841 to 728.846.

(e) *Successor-in-interest.* Any person who succeeds to the interests of a producer in the farm who signed an approved Application for Exemption shall obtain the same rights and obligations with respect to the exemption as his predecessor, if he signs the Application for Exemption and files it in the county office within 60 days after becoming such successor-in-interest, and the application for exemption is approved by the county committee. If the Application for Exemption is not signed and filed within the 60-day period by the successor-in-interest, the exemption for the farm shall become null and void.

NOTE: The reporting requirements contained herein have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Done at Washington, D. C., this 11th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–8566; Filed, Oct. 16, 1957; 8:53 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.33, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1957

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.33 (22 F. R. 24, 4597) which established allotments amounting to 1,838,036 tons, of the 1957 sugar quota then effective for the Domestic Beet Sugar Area totaling 2,042,262 short tons, raw value.

This amendment is necessary to substitute final data for estimated data on the processings of sugar from 1956-crop beets, marketings of sugar in 1956, and January 1, 1957, inventories of sugar used in the determination of allotments and to allot the larger quota for the area established by Sugar Regulation 811, Amendment 8 (22 F. R. 8105) which established

continental sugar requirements of 9,050,000 short tons, raw value, declared and prorated a deficit in the 1957 quotas for Puerto Rico and the Virgin Islands totaling 227,421 tons and established a quota of 2,071,247 short tons, raw value, for the Domestic Beet Sugar Area. Such quota for the area, 233,211 tons greater than the quantity previously allotted, is allocated by this order.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of (1) substituting final data for estimated data used in the determination of allotments, and (2) adjusting allotments to take account of any change in the quota for the area resulting from any change in sugar requirements for the continental United States and the proration of any deficit in the quota for another supply area.

The quantities of sugar and the percentages, based upon final data, to be used in the determination of allotments are as set forth in the following table:

Processor	Processings: 1956 crop production		Marketings: 1952–56 average marketings		Ability to market: Jan. 1, 1957, effective inventory plus 1952–56 average new crop marketings		Processor's percentage share: Total of: col. (2) x.45, col. (4) x.10, col. (6) x.45
	Hundredweight refined (1)	Percent of total (2)	Hundredweight refined (3)	Percent of total (4)	Hundredweight refined (5)	Percent of total (6)	Percent of total (7)
Amalgamated Sugar Co., The	4,916,433	13.3872	4,282,823	12.9285	4,795,927	13.8686	13.5580
American Crystal Sugar Co	5,291,448	14.4084	4,632,387	13.9837	5,064,468	14.6452	14.4725
Buckeye Sugars, Inc	183,469	.4996	139,337	.4206	172,686	.4994	.4916
Franklin County Sugar Co	194,826	.5305	163,335	.4931	187,770	.5430	.5324
Great Western Sugar Co., The	8,976,228	24.4418	8,094,147	24.4337	8,030,988	23.2237	23.8928
Holly Sugar Corp	5,928,504	16.1430	5,275,866	15.9262	5,586,560	16.1550	16.1267
Layton Sugar Co	205,831	.5605	122,200	.3689	202,859	.5866	.5531
Menominee Sugar Co	232,339	.6327	212,138	.6404	236,600	.6842	.6566
Michigan Sugar Co	1,233,126	3.3577	1,188,031	3.5863	1,211,580	3.5036	3.4462
Monitor Sugar Div. of Robert Gage Coal Co	555,870	1.5136	537,048	1.6212	535,526	1.5486	1.5401
National Sugar Mfg. Co., The	75,535	.2057	93,743	.2830	76,249	.2205	.2201
Northern Ohio Sugar Co	380,578	1.0363	385,908	1.1649	358,484	1.0366	1.0493
Spreckels Sugar Co	3,680,909	10.0229	3,439,833	10.3858	3,457,438	9.9981	10.0478
Union Sugar Div., Consolidated Foods Corp	1,311,739	3.5718	1,347,935	4.0690	1,277,461	3.6941	3.6766
Utah-Idaho Sugar Co	3,558,016	9.6883	3,212,227	9.6967	3,386,453	9.7928	9.7362
Total	36,724,851	100.0000	33,126,958	100.0000	34,581,049	100.0000	100.0000

The allotments set forth herein have been established on the same basis as those in Sugar Regulation 814.33, Amendment 1 (22 F. R. 4597), except that final data have been substituted for estimated data, and have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding. Such allotments afford a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the act.

Effective date. Allotments established by this order are larger than the allotments established in S. R. 814.33, Amendment 1 (22 F. R. 4597). To afford adequate opportunities to plan marketings and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered*, That paragraph (a) of § 814.33 as amended, be further amended to read as follows:

§ 814.33 *Allotment of the 1957 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* The 1957 sugar quota for the Domestic Beet Sugar Area of 2,071,247 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Allotments: Short tons, raw value	Allotments: Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	280,820	5,248,972
American Crystal Sugar Co	299,761	5,603,009
Buckeye Sugars, Inc	10,182	190,318
Franklin County Sugar Co	11,027	206,112
Great Western Sugar Company, The	494,879	9,250,075
Holly Sugar Corp	334,024	6,243,439
Layton Sugar Co	11,456	214,131
Menominee Sugar Co	13,600	254,206
Michigan Sugar Co	71,379	1,334,187
Monitor Sugar Div. of Robert Gage Coal Co	31,899	596,243
National Sugar Manufacturing Co., The	4,559	85,215
Northern Ohio Sugar Co	21,734	406,243
Spreckels Sugar Co	208,115	3,890,000
Union Sugar Division, Consolidated Foods Corp	76,151	1,423,383
Utah-Idaho Sugar Co	201,661	3,769,364
Any other person	000	000
Total	2,071,247	38,714,897

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 11th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–8567; Filed, Oct. 16, 1957; 8:54 a. m.]

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 857.10]

PART 857—SUGARCANE, PUERTO RICO

DETERMINATION OF PROPORTIONATE SHARES, 1957–58 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 857.10 *Proportionate shares for sugarcane farms in Puerto Rico for the 1957–58 crop*—(a) *Farm proportionate share.* The proportionate share for each farm in Puerto Rico for the 1957–58 crop shall be the amount of sugar, raw value, commercially recoverable from the sugarcane grown thereon and marketed (or processed by the producer) during the 1957–58 crop season for the extraction of sugar or liquid sugar.

(b) *Share tenant and sharecropper protection and compliance with other conditions for payment.* Notwithstanding the establishment of a proportionate share for each farm under paragraph (a) of this section, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1957–58 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the Director of the Agricultural Stabilization and Conservation Caribbean Area Office (referred to in this section as "Director"). In considering such approval, the Director shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect; and

(3) That such producer has met all other requirements of the act and the determinations issued pursuant thereto, with respect to child labor, wage rates, and, in the case of a processor-producer, prices paid for sugarcane, as determined by the Director.

(c) *Filing application for payments.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1957–58 crop season shall be made on Form SU-150 by the producer of the sugarcane or his legal representative or heirs, who must sign and file the form with the Agricultural Stabilization and Conservation Caribbean Area Office (referred to in this section as "Area Office") at San Juan, Puerto Rico, or with a representative of such office no later than June 30, 1960. The form shall be made available for signing at the Area Office, a District ASC Office, the producer's farm, or such other place and time as designated by the Area Office and the

producer shall be notified of the time and place by such office.

(d) *Determination of eligibility and basis for payment and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof shall be determined by the Area Office. If the producer is dissatisfied with the decision, he may, within 15 days after the date of the mailing of the decision to him, request the Area Office in writing to reconsider such determination. The Area Office shall, after giving the producer an opportunity to appear before it, if so requested, notify the producer in writing of its decision, as soon as practicable, after the submission of the appeal. If the producer is dissatisfied with the decision of the Area Office, he may, within 30 days after the date of mailing of the decision to him, appeal in writing to the Secretary to review the decision of the Area Office. The decision of the Secretary shall be final. Determinations by the Area Office and reviews thereof shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case.

(e) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the Area Office in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the Secretary in reviewing, upon appeal, any such determination by the Area Office, any such information with respect to acreage or compliance shall be obtained as provided in the applicable provisions of Part 718 of this title, as amended (22 F. R. 3747, 5675). If the operator or his representative of any farm with respect to which application is made for any payment authorized under Title III of the act, prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis for any such payment, or the amount thereof as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

(f) *Transfer of sugarcane production records.* To provide an opportunity for records to be made and preserved in the Area Office of the transfer of sugarcane production records from one parcel of land to another for possible use in establishing restrictive proportionate shares under future programs, the following procedures are made available: The sugarcane production record for any parcel of land which is to be utilized for purposes other than the production of sugarcane for sugar shall, upon written application by the owner to the Agricultural Stabilization and Conservation Caribbean Area Committee (referred to in this section as "Committee") be transferred to any other parcel or parcels of land owned by such applicant in Puerto Rico, if such Committee finds that the transfer of the production record will encourage a wise use of land resources, foster greater diversification of agricultural production and promote the conservation of soil and water resources in Puerto Rico, and the Committee determines that such transfer of production record is in the public interest and will facilitate the sale or rental of the land for other productive purposes. The production record for any land removed from sugarcane production because of transfer by sale, lease or donation to any Federal, Commonwealth, or any other agency or entity having the right of eminent domain, shall, upon application to the Committee within five years from the date of such transfer and upon approval by the Committee, be added to the production record, if any, for other land owned, purchased, or leased by the owner of the land so transferred.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 301 (b) of the act provides as a condition for payment to producers that there shall not have been marketed (or processed) except for livestock feed or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary pursuant to section 302 (b) of the act. For Puerto Rico, the term "proportionate share" means the individual farm's share of the total quantity of sugar required to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary, for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

To comply with the foregoing requirements of the act, the proportionate share for any farm may be filled only by sugar produced from sugarcane grown on that farm. Sugarcane grown on one farm may not be marketed for the production of sugar within the proportionate share for another farm.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) for sugar or liquid sugar, not in excess of the farm proportionate share.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects or other similar abnormal and uncontrollable conditions. Section 302 (b) also provides that for purposes of establishing proportionate shares and in order to encourage wise use of land resources, foster greater diversification of agricultural production, and promote the conservation of soil and water resources in Puerto Rico, the Secretary, on application by any owner of a farm in Puerto Rico, is authorized whenever he determines it to be in the public interest and to facilitate the sale or rental of land for other productive purposes, to transfer the sugarcane production record for any parcel or parcels of land in Puerto Rico owned by the applicant to any other parcel or parcels of land owned by such applicant in Puerto Rico.

General. Restrictive proportionate shares are required in an area only when the indicated sugar supply will be greater than the quantities needed to fill the quota and provide a normal carryover inventory for such area. Although marketing restrictions were in effect in Puerto Rico for the crop years 1952–53 through 1955–56, restrictions were unnecessary for the 1956–57 crop because indicated supplies appeared to be inadequate to fill the Islands' marketing quotas and provide a normal carryover. Production from the 1956–57 crop, which was damaged by unfavorable weather, was 990,000 tons. This production, together with carryover supplies, fell far short of the sum of the marketing quotas and the deficit was prorated to other areas. Production from the 1957–58 crop is estimated to be less than the quantity needed to enable the area to fill its quotas and provide for a normal carryover inventory. Therefore, restrictions for the 1957–58 crop are unnecessary.

Determination. This determination provides that the proportionate share for each farm in Puerto Rico for the 1957–58 crop shall be the quantity of sugarcane grown thereon and marketed for the extraction of sugar during the 1957–58 crop year. This will permit the marketing of all of the sugarcane on each farm. The other provisions of the determination are continued unchanged from those for the 1956–57 crop, except that the date by which applications for Sugar Act payments must be filed has been extended one year to June 30, 1960.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 305, 306, 61 Stat. 929, as amended, 930, as amended, 932; 7 U. S. C. 1131, 1132, 1135, 1136)

Issued this 11th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8568; Filed, Oct. 16, 1957; 8:54 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 905—MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

DELETION

Notice is hereby given that effective May 1, 1957, the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area was merged with and superseded by the order, as amended, regulating the handling of milk in the Oklahoma Metropolitan marketing area (22 F. R. 2825), and therefore since that date such order has not been effective as a separate order. Accordingly, the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area (Part 905) should be deleted from the Code of Federal Regulations.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8543; Filed, Oct. 16, 1957; 8:46 a. m.]

PART 963—MILK IN STARK COUNTY, OHIO, MARKETING AREA

DELETION

Notice is hereby given that effective February 1, 1957, the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area was merged with and superseded by the order, as amended, regulating the handling of milk in the Akron-Stark County, Ohio, marketing area (22 F. R. 537), and therefore since that date such order has not been effective as a separate order. Accordingly, the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Part 963) should be deleted from the Code of Federal Regulations.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8542; Filed, Oct. 16, 1957; 8:46 a. m.]

PART 980—MILK IN TOPEKA, KANSAS, MARKETING AREA

DELETION

Notice is hereby given that effective October 1, 1957, the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area was merged with and superseded by the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area (22 F. R. 7575), and therefore since that date such order has not been effective as a separate order. Accordingly, the order, as amended, regulating the handling of milk in the Topeka, Kansas marketing area (Part 980) should be deleted from the Code of Federal Regulations.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8541; Filed, Oct. 16, 1957; 8:46 a. m.]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Correction

In Federal Register Document 57-8471, appearing at page 8148 of the issue for Tuesday, October 15, 1957, the date paragraph at the end of the document should read: "Dated: October 10, 1957, to become effective October 20, 1957.

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

ION GENERATING TUBE

The following amendment to 10 CFR Part 30 is published for the purpose of adding a new type of device to the list of items which may be transferred, possessed and used under general license pursuant to § 30.21 (a) (1). Notice of the proposed rule was published in the FEDERAL REGISTER on August 27, 1957 (22 F. R. 6899).

Effective upon publication in the FEDERAL REGISTER, Title 10, Chapter I, Part 30, Code of Federal Regulations, entitled "Licensing of Byproduct Material" is amended in the following respect:

Paragraph (d) of § 30.71 *Schedule A* is amended to read as follows:

(d) *Ion generating tube.* Devices designed for ionization of air which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of Polonium 210 per device or of a total of not more than 50 millicuries of Hydrogen 3 (tritium) per device.

(Sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201)

Dated at Washington, D. C., this 9th day of October 1957.

For the Atomic Energy Commission.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 57-8536; Filed, Oct. 16, 1957; 8:44 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 251—ARRIVAL MANIFESTS AND LISTS: SUPPORTING DOCUMENTS

AIRCRAFT ARRIVAL MANIFEST EXEMPTION

Reference is made to the amendment of Part 251, published in the FEDERAL REGISTER on October 5, 1957 (22 F. R. 7938). The last sentence of paragraph (a) *Presentation* of § 251.1 *Arrival manifests and lists* should have read as follows: "The master or agent of every aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest on Customs Form 7507 of all crewmen on board, except that a manifest shall not be required of an aircraft arriving in the continental United States or Alaska directly from Canada on a flight originating in that country."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Dated: October 11, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57-8552; Filed, Oct. 16, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 39]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
North Platte VOR	LBF-LFR	Direct	4200	T-dn	*300-1	*300-1	*200-½
				C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

AIR CARRIER NOTE: *On runways 26 and 30, 300-1 required.
Procedure turn E side S crs, 167 Outbnd, 347 Inbnd, 4200' within 10 miles.
Minimum altitude over facility on final approach crs, 3700'.
Crs and distance, facility to airport, 352—1.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 4500' on N crs within 20 miles.
CAUTION: 2983' MSL tower 1.7 miles NW of airport, and 3270' MSL tower 3.9 miles NW of airport.

City, North Platte; State, Nebr.; Airport Name, Lee Bird Field; Elev., 2779'; Fac. Class, SBRAZ; Ident., LBF; Procedure No. 1, Amdt 7; Eff. Date, 9 Nov. 57; Sup. Amdt. No. 6; Dated, 15 Dec. 56

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Columbus LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Columbus VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Marvyn Int	LOM	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 232 Outbnd, 052 Inbnd, 2000' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1500' over LOM. 1100' over LMM.
Crs and distance, facility to airport, LOM 5.9—052. LMM 0.7—052.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 mile of LMM climb to 2000' on crs of 052 within 20 miles.
CAUTION: Tower 762 MSL 1 mi SE Final Approach crs between LOM and LMM. Tower 1049' immediately adjacent LOM.

City, Columbus; State, Ga.; Airport Name, Muscogee County; Elev., 397'; Fac. Class, LOM LMM; Ident., CS SG; Procedure No. 1, Amdt. 5; Eff. Date, 9 Nov. 57; Sup. Amdt. No. 4; Dated, 22 Jan. 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-2	300-2	300-2
				C-dn	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 168 Outbnd, 348 Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 348—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles, climb to 2000' on crs of 348 within 20 miles.
CAUTION: 1040' MSL hill, 1 mi NW of airport.
AIR CARRIER NOTE: Sliding scale NA, no reduction in minim for local condition or on cargo and ferry flights.

City, McAlester; State, Okla.; Airport Name, New Municipal; Elev., 770'; Fac. Class, BVOR; Ident., MLC; Procedure No. 1, Amdt. 4; Eff. Date, 9 Nov. 57; Sup Amdt No. 3; Dated, 6 June 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
North Platte LFR	LBF-VOR	Direct	4200	T-dn	*300-1	*300-1	*200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

AIR CARRIER NOTE: *On runways 26 and 30, 300-1 required.
Procedure turn E side crs, 196 Outbnd, 016 Inbnd, 4300' within 10 miles.
Minimum altitude over facility on final approach crs, 3800'.
Crs and distance, facility to airport, 016-4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 4500' on R-016 within 20 miles of VOR.
CAUTION: 2983' tower (MSL) 2 mi NW of airport and 3270' MSL tower 4½ mi NW of airport.

City, North Platte; State, Nebr.; Airport Name, Lee Bird Field; Elev., 2779'; Fac. Class, BVOR; Ident., LBF; Procedure No. 1, Amdt. 6; Eff. Date, 9 Nov. 57; Sup. Amdt. No. 5; Dated, 14 Oct. 53.

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mango Int.*	Int LNY R-082 and OGG R-193	Direct	3000	T-d	500-1	500-1	500-1
Int LNY R-082 and OGG R-193	OGG VOR (Final)	Direct	800	T-n	600-2	600-2	600-2
				C-d	700-1	700-1	700-1½
				C-n	700-3	700-3	700-3
				A-dn	800-3	800-3	800-3

*Int. LNY R-100 and OGG R-193.
Minimum altitude over facility on final approach crs, 800'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 3000' on R-027 within 20 miles reverse course climbing to 4000' over station.

City, Kahului; State, Maui, T. H.; Airport Name, Kahului; Elev., 59'; Fac. Class VOR; Ident., OGG; Procedure No. TerVOR-2, Amdt. Orig.; Eff. Date, 26 Oct. 57

				T-d	500-1	500-1	500-1
				T-n	600-2	600-2	600-2
				C-d	700-1	700-1	700-1½
				C-n	700-3	700-3	700-3
				A-dn	800-3	800-3	800-3

Procedure turn West* side of crs. 027° Outbnd, 207° Inbnd, 1500' within 20 miles.
*High terrain SE and SW.
Minimum altitude over facility on final approach crs, 700'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 3000' on R-027 within 20 miles, reverse course climbing to 4000' over station.

City, Kahului; State, Maui, T. H.; Airport Name, Kahului; Elev., 59'; Fac Class, VOR; Ident., OGG; Procedure No. TerVOR-20, Amdt. Orig.; Eff Date, 26 Oct. 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Macon VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
Macon LFR	LOM	Direct	1600	C-dn	500-1	500-1	500-1½
Robbins RBn	LOM	Direct	1600	S-dn-5:			
Powersville Int	LOM (Final—ILS)	Direct	1600	ILS*	300-¾	300-¾	300-¾
				ADF	500-1	500-1	500-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn S side of SW crs, 227 Outbnd, 047 Inbnd, 1600' within 10 miles.
Minimum altitude at G. S. int inbnd, 1600' ILS, minimum altitude over LOM inbnd final 1200' ADF.
Altitude of G. S. and distance to approach end of rny at OM 1400-3.8, at MM 540—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM (ADF) climb to 1800' on NE crs ILS (047) within 20 miles.
CAUTION: 848' tower 5.5 miles NE of airport on missed approach crs.
*NOTE: No approach lights. Provisions of inoperative ILS components not applicable unless ceiling is at least 800'.
MRA Powersville Int, 2700'.

City, Macon; State, Ga.; Airport Name, Macon (Cochran); Elev. 354'; Fac. Class, ILS-IMCN; Ident., LOM-MC; Procedure No. ILS-5, Comb. ILS and ADF, Amdt. 3; Eff. Date, 9 Nov. 57; Sup. Amdt. No. 2; Dated, 13 Aug. 54

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

OCTOBER 10, 1957.

[F. R. Doc. 57-8570; Filed, Oct. 16, 1957; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; PUERTO RICO

1. The subdivision designation and average value for Rio Piedras are hereby revoked (§§ 331.16 and 331.17).

2. For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average values of efficient family-type farm management units in Juana Diaz County (subdivision) and Bayamon and Carolina Counties (subdivisions) as reconstituted in 22 F. R. 4436 were determined on October 1, 1957 to be as herein set forth. The average values heretofore established for said counties which appear in the tabulations of average values under § 331.17, Chapter III, Title 6, Code of Federal Regulations are hereby superseded by the average values set forth below.

PUERTO RICO	*Average value*
County:	
Bayamon	$25,000
Carolina	21,000
Juana Diaz	20,000

(Sec. 41, 60 Stat. 1064, as amended; 7 U. S. C. 1015)

Dated: October 11, 1957.

[SEAL] DARREL A. DUNN,
Acting Administrator, Farmers Home Administration.

[F. R. Doc. 57-8544; Filed, Oct. 16, 1957; 8:46 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2971, 3172, 3249, 4045 and 6611 containing the specific requirements of the 1957-crop barley price support program are hereby amended as follows:

1. Section 421.2283 (a) (1) is amended to increase all basic terminal support rates in the amount of 1 cent per bushel.

2. Section 421.2283 (c) (1) is amended to increase all basic county support rates in the amount of 1 cent per bushel.

§ 421.2283 *Support rates.* • • •

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for barley of the Classes Barley, and Western Barley, grading No. 2 or better, and stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	*Rates per bushel*
Atchison, Kans.	$1.17
Kansas City, Mo.	1.17
Saint Joseph, Mo.	1.17
Omaha, Nebr.	1.17
Sioux City, Iowa	1.17
Minneapolis, Minn.	1.18
Duluth, Minn.	1.18
Superior, Wis.	1.18
Saint Paul, Minn.	1.18
Galveston, Tex.	1.24
Houston, Tex.	1.24
New Orleans, La.	1.24
Chicago, Ill.	1.19
Milwaukee, Wis.	1.19
Saint Louis, Mo.	1.19
Memphis, Tenn.	1.19
Longview, Wash.	1.21
Tacoma, Wash.	1.21
Vancouver, Wash.	1.21
Seattle, Wash.	1.21
Portland, Oreg.	1.21
Astoria, Oreg.	1.21
San Francisco, Calif.	1.21
Stockton, Calif.	1.21
Oakland, Calif.	1.21
Los Angeles, Calif.	1.21
Albany, N. Y.	1.28
Philadelphia, Pa.	1.28
Baltimore, Md.	1.28
New York, N. Y.	1.28
Norfolk, Va.	1.28

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(c) *Basic county support rates.* (1) The following basic county support rates per bushel are established for barley of the Classes Barley, and Western Barley, grading No. 2 or better. Farm-storage loans and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the barley is stored:

If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	*Rate per bushel*
All counties	$1.03

ARIZONA

County	*Rate per bushel*	*County*	*Rate per bushel*
Apache	$0.63	Mohave	$0.63
Cochise	.92	Navajo	.63
Coconino	.63	Pima	.97
Gila	.72	Pinel	1.02
Graham	.84	Santa Cruz	.97
Greenlee	.78	Yavapai	.73
Maricopa	1.02	Yuma	1.04

ARKANSAS

County	*Rate per bushel*	*County*	*Rate per bushel*
Arkansas	$0.96	Mississippi	$1.01
Clay	.99	Monroe	.98
Cleburne	.98	Phillips	.98
Craighead	1.00	Poinsett	1.00
Crittenden	1.04	Prairie	.98
Cross	1.02	Randolph	.99
Fulton	.96	St. Francis	1.01
Greene	.99	Sharp	.96
Independence	.97	White	.99
Jackson	.99	Woodruff	.99
Lawrence	.99	All other counties	.95
Lee	1.02		
Lonoke	.98		

CALIFORNIA

County	*Rate per bushel*	*County*	*Rate per bushel*
Alameda	$1.10	Placer	$1.06
Alpine	.94	Plumas	.92
Amador	1.05	Riverside	1.05
Butte	1.03	Sacramento	1.07
Calaveras	1.05	San Benito	1.07
Colusa	1.04	San Bernardino	1.08
Contra Costa	1.10	San Diego	1.05
El Dorado	1.03	San Joaquin	1.08
Fresno	1.04	San Luis Obispo	1.03
Glenn	1.03	San Mateo	1.11
Humboldt	.90	Santa Barbara	1.04
Imperial	1.03	Santa Clara	1.10
Inyo	.92	Santa Cruz	1.08
Kern	1.04	Shasta	.98
Kings	1.04	Sierra	.92
Lake	1.05	Siskiyou	.91
Lassen	.91	Solano	1.09
Los Angeles	1.09	Sonoma	1.09
Madera	1.05	Stanislaus	1.07
Marin	1.10	Sutter	1.05
Mariposa	1.06	Tehama	1.01
Mendocino	1.03	Tulare	1.04
Merced	1.07	Tuolumne	1.08
Modoc	.87	Ventura	1.09
Mono	.87	Yolo	1.07
Monterey	1.06	Yuba	1.06
Napa	1.10		
Orange	1.08		

COLORADO

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.87	Kit Carson	$0.88
Alamosa	.79	La Plata	.72
Arapahoe	.87	Larimer	.87
Archuleta	.72	Las Animas	.86
Baca	.88	Lincoln	.87
Bent	.87	Logan	.87
Boulder	.87	Mesa	.72
Chaffee	.76	Moffat	.72
Cheyenne	.89	Montezuma	.66
Conejos	.78	Montrose	.72
Costilla	.79	Morgan	.87
Crowley	.87	Otero	.87
Custer	.82	Ouray	.72
Delta	.72	Phillips	.89
Denver	.87	Pitkin	.72
Dolores	.60	Prowers	.88
Douglas	.87	Pueblo	.87
Eagle	.73	Rio Blanco	.72
Elbert	.87	Rio Grande	.78
El Paso	.87	Routt	.72
Fremont	.83	Saguache	.78
Garfield	.72	San Miguel	.63
Grand	.76	Sedgwick	.89
Huerfano	.85	Summit	.76
Jackson	.78	Washington	.87
Jefferson	.87	Weld	.87
Kiowa	.88	Yuma	.88

CONNECTICUT

County	*Rate per bushel*
All counties	$1.07

DELAWARE

County	*Rate per bushel*
All counties	$1.07

FLORIDA

County	*Rate per bushel*
All counties	$1.08

GEORGIA

County	*Rate per bushel*
All counties	$1.06

IDAHO

County	*Rate per bushel*	*County*	*Rate per bushel*
Ada	$0.84	Bannock	$0.75
Adams	.82	Bear Lake	.76

IDAHO—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Benewah	$0.92	Idaho	$0.90
Bingham	.74	Jefferson	.74
Blaine	.77	Jerome	.79
Boise	.84	Kootenai	.92
Bonner	.90	Latah	.92
Bonneville	.74	Lemhi	.73
Boundary	.88	Lewis	.91
Butte	.74	Lincoln	.78
Camas	.77	Madison	.74
Canyon	.85	Minidoka	.78
Caribou	.76	Nez Perce	.92
Cassia	.77	Oneida	.74
Clark	.72	Owyhee	.84
Clearwater	.92	Payette	.86
Custer	.74	Power	.77
Elmore	.82	Shoshone	.90
Franklin	.74	Teton	.74
Fremont	.74	Twin Falls	.76
Gem	.85	Valley	.83
Gooding	.80	Washington	.86

ILLINOIS

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.99	Lee	$1.02
Alexander	1.02	Livingston	1.02
Bond	1.03	Logan	1.02
Boone	1.03	McDonough	1.00
Brown	1.00	McHenry	1.04
Bureau	1.02	McLean	1.02
Calhoun	1.02	Macon	1.02
Carroll	1.01	Macoupin	1.04
Cass	1.02	Madison	1.04
Champaign	1.02	Marion	1.02
Christian	1.02	Marshall	1.02
Clark	1.01	Mason	1.02
Clay	1.01	Massac	1.01
Clinton	1.04	Menard	1.02
Coles	1.02	Mercer	1.00
Cook	1.06	Monroe	1.03
Crawford	1.00	Montgomery	1.02
Cumberland	1.02	Morgan	1.02
De Kalb	1.04	Moultrie	1.02
De Witt	1.02	Ogle	1.02
Douglas	1.02	Peoria	1.02
Du Page	1.05	Perry	1.02
Edgar	1.01	Piatt	1.02
Edwards	1.00	Pike	1.01
Effingham	1.01	Pope	.98
Fayette	1.02	Pulaski	1.02
Ford	1.02	Putnam	1.02
Franklin	1.02	Randolph	1.02
Fulton	1.01	Richland	1.01
Gallatin	.98	Rock Island	1.00
Greene	1.03	Saint Clair	1.04
Grundy	1.03	Saline	.98
Hamilton	1.01	Sangamon	1.01
Hancock	.99	Schuyler	1.01
Hardin	.95	Scott	1.02
Henderson	.99	Shelby	1.02
Henry	1.01	Stark	1.01
Iroquois	1.02	Stephenson	1.01
Jackson	1.02	Tazewell	1.02
Jasper	1.01	Union	1.02
Jefferson	1.02	Vermilion	1.02
Jersey	1.04	Wabash	.99
Jo Daviess	1.00	Warren	1.00
Johnson	.96	Washington	1.02
Kane	1.04	Wayne	1.00
Kankakee	1.04	White	.98
Kendall	1.04	Whiteside	1.01
Knox	1.00	Will	1.05
Lake	1.07	Williamson	1.02
La Salle	1.03	Winnebago	1.01
Lawrence	1.01	Woodford	1.02

INDIANA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.98	Clinton	$1.00
Allen	.98	Crawford	.94
Bartholomew	.95	Daviess	.96
Benton	1.01	Dearborn	.94
Blackford	.99	Decatur	.96
Boone	.98	De Kalb	.98
Brown	.95	Delaware	.98
Carroll	1.01	Dubois	.94
Cass	1.01	Elkhart	1.00
Clark	.94	Fayette	.96
Clay	.98	Floyd	.94

INDIANA—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Fountain	$0.99	Ohio	$0.94
Franklin	.96	Orange	.94
Fulton	1.01	Owen	.96
Gibson	.96	Parke	.99
Grant	.99	Perry	.90
Greene	.96	Pike	.95
Hamilton	.98	Porter	1.03
Hancock	.98	Posey	.96
Harrison	.94	Pulaski	1.02
Hendricks	.98	Putnam	.98
Henry	.98	Randolph	.99
Howard	1.00	Ripley	.94
Huntington	.98	Rush	.97
Jackson	.95	Saint Joseph	1.00
Jasper	1.03	Scott	.94
Jay	.98	Shelby	.96
Jefferson	.94	Spencer	.90
Jennings	.94	Starke	1.01
Johnson	.97	Steuben	.98
Knox	.96	Sullivan	.96
Kosciusko	1.00	Switzerland	.91
Lagrange	.99	Tippecanoe	1.00
Lake	1.05	Tipton	.99
La Porte	1.02	Union	.96
Lawrence	.96	Vanderburgh	.96
Madison	.99	Vermillion	.99
Marion	.98	Vigo	.99
Marshall	1.00	Wabash	1.00
Martin	.95	Warren	1.00
Miami	1.00	Warrick	.93
Monroe	.96	Washington	.94
Montgomery	.99	Wayne	.98
Morgan	.96	Wells	.98
Newton	1.02	White	1.02
Noble	.99	Whitley	1.00

IOWA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adair	$1.00	Jefferson	$0.96
Adams	1.01	Johnson	.98
Allamakee	.98	Jones	.98
Appanoose	.87	Keokuk	.96
Audubon	1.01	Kossuth	.98
Benton	.97	Lee	.99
Black Hawk	.97	Linn	.97
Boone	.99	Louisa	.98
Bremer	.97	Lucas	.98
Buchanan	.93	Lyon	.98
Buena Vista	.93	Madison	.98
Butler	.97	Mahaska	.95
Calhoun	.99	Marion	.97
Carroll	1.01	Marshall	.97
Cass	1.00	Mills	1.04
Cedar	.98	Mitchell	.99
Cerro Gordo	.99	Monona	1.02
Cherokee	.99	Monroe	.96
Chickasaw	.98	Montgomery	1.02
Clarke	.99	Muscatine	.98
Clay	.98	O'Brien	.98
Clayton	.97	Osceola	.98
Clinton	.99	Page	1.02
Crawford	1.01	Palo Alto	.98
Dallas	.99	Plymouth	1.00
Davis	.97	Pocahontas	.98
Decatur	.97	Polk	.98
Delaware	.97	Pottawattamie	1.04
Des Moines	.98	Poweshiek	.96
Dickinson	.98	Ringgold	.97
Dubuque	.98	Sac	.99
Emmet	.99	Scott	.99
Fayette	.97	Shelby	1.02
Floyd	.99	Sioux	.99
Franklin	.97	Story	.98
Fremont	1.03	Tama	.96
Greene	.99	Taylor	1.00
Grundy	.97	Union	.99
Guthrie	1.00	Van Buren	.97
Hamilton	.97	Wapello	.96
Hancock	.98	Warren	.98
Hardin	.97	Washington	.97
Harrison	1.03	Wayne	.97
Henry	.97	Webster	.98
Howard	.99	Winnebago	.99
Humboldt	.97	Winneshiek	.98
Ida	1.00	Woodbury	1.00
Iowa	.96	Worth	.99
Jackson	.99	Wright	.97
Jasper	.97		

KANSAS

County	*Rate per bushel*	*County*	*Rate per bushel*
Allen	$1.00	Linn	$1.00
Anderson	1.01	Logan	.91
Atchison	1.02	Lyon	.99
Barber	.94	McPherson	.96
Barton	.94	Marion	.96
Bourbon	1.00	Marshall	.99
Brown	1.00	Meade	.91
Butler	.96	Miami	1.02
Chase	.98	Mitchell	.96
Chautauqua	.98	Montgomery	.99
Cherokee	.99	Morris	.97
Cheyenne	.90	Morton	.88
Clark	.92	Nemaha	1.00
Clay	.97	Neosho	1.00
Cloud	.96	Ness	.94
Coffey	1.00	Norton	.94
Comanche	.93	Osage	1.00
Cowley	.96	Osborne	.95
Crawford	1.00	Ottawa	.96
Decatur	.92	Pawnee	.94
Dickinson	.96	Phillips	.94
Doniphan	1.00	Pottawatomie	.99
Douglas	1.02	Pratt	.94
Edwards	.94	Rawlins	.91
Elk	.98	Reno	.95
Ellis	.94	Republic	.96
Ellsworth	.95	Rice	.95
Finney	.91	Riley	.99
Ford	.93	Rooks	.94
Franklin	1.02	Rush	.94
Geary	.98	Russell	.94
Gove	.92	Saline	.96
Graham	.94	Scott	.91
Grant	.90	Sedgwick	.96
Gray	.92	Seward	.90
Greeley	.90	Shawnee	1.00
Greenwood	.98	Sheridan	.92
Hamilton	.90	Sherman	.90
Harper	.95	Smith	.95
Harvey	.96	Stafford	.94
Haskell	.91	Stanton	.90
Hodgeman	.94	Stevens	.90
Jackson	1.01	Sumner	.96
Jefferson	1.02	Thomas	.91
Jewell	.96	Trego	.94
Johnson	1.03	Wabaunsee	.99
Kearny	.90	Wallace	.90
Kingman	.96	Washington	.97
Kiowa	.94	Wichita	.90
Labette	.99	Wilson	.99
Lane	.92	Woodson	1.00
Leavenworth	1.03	Wyandotte	1.04
Lincoln	.95		

KENTUCKY

County	*Rate per bushel*
All counties	$1.01

LOUISIANA

County	*Rate per bushel*
All counties	$0.94

MAINE

County	*Rate per bushel*
All counties	$1.07

MARYLAND

County	*Rate per bushel*
All counties	$1.07

MASSACHUSETTS

County	*Rate per bushel*
All counties	$1.07

MICHIGAN

County	*Rate per bushel*	*County*	*Rate per bushel*
Alcona	$0.87	Chippewa	$0.88
Alger	.91	Clare	.95
Allegan	.97	Clinton	.96
Alpena	.87	Crawford	.88
Antrim	.88	Delta	.92
Arenac	.91	Dickinson	.93
Baraga	.95	Eaton	.97
Barry	.97	Emmet	.87
Bay	.95	Genesee	.97
Benzie	.95	Gladwin	.93
Berrien	1.00	Gogebic	.97
Branch	.98	Grand Traverse	.90
Calhoun	.98	Gratoit	.96
Cass	1.00	Hillsdale	.97
Charlevoix	.87	Houghton	.92
Cheboygan	.86	Huron	.93

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Ingham	$0.97	Montcalm	$0.95
Ionia	.97	Montmorency	.87
Iosco	.88	Muskegon	.95
Iron	.91	Newaygo	.94
Isabella	.94	Oakland	.96
Jackson	.97	Oceana	.92
Kalamazoo	1.00	Ogemaw	.93
Kalkaska	.88	Ontonagon	.91
Kent	.97	Osceola	.93
Keweenaw	.92	Oscoda	.93
Lake	.92	Otsego	.87
Lapeer	.96	Ottawa	.97
Leelanau	.88	Presque Isle	.86
Lenawee	.97	Roscommon	.88
Livingston	.97	Saginaw	.96
Luce	.88	Saint Clair	.97
Mackinac	.87	Saint Joseph	1.00
Macomb	.98	Sanilac	.95
Manistee	.92	Schoolcraft	.90
Marquette	.93	Shiawassee	.97
Mason	.92	Tuscola	.95
Mecosta	.92	Van Buren	.99
Menominee	.94	Washtenaw	.97
Midland	.95	Wayne	.97
Missaukee	.92	Wexford	.93
Monroe	.98		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.02	Martin	$0.99
Anoka	1.05	Meeker	1.03
Becker	.97	Mille Lacs	1.03
Beltrami	.98	Morrison	1.01
Benton	1.02	Mower	1.00
Big Stone	.98	Murray	.98
Blue Earth	1.01	Nicollet	1.02
Brown	1.01	Nobles	.97
Carlton	1.03	Norman	.96
Carver	1.04	Olmstead	1.01
Cass	1.00	Otter Tail	.99
Chippewa	1.00	Pennington	.95
Chisago	1.03	Pine	1.02
Clay	.97	Pipestone	.98
Clearwater	.97	Polk	.96
Cottonwood	.99	Pope	1.00
Crow Wing	1.01	Ramsey	1.05
Dakota	1.04	Red Lake	.96
Dodge	1.01	Redwood	1.00
Douglas	1.00	Renville	1.01
Faribault	.99	Rice	1.03
Fillmore	.99	Rock	.97
Freeborn	1.01	Roseau	.94
Goodhue	1.02	Saint Louis	1.01
Grant	.99	Scott	1.04
Hennepin	1.05	Sherburne	1.03
Houston	.98	Sibley	1.02
Hubbard	.98	Stearns	1.02
Isanti	1.03	Steele	1.01
Itasca	1.01	Stevens	.99
Jackson	.98	Swift	1.00
Kanabec	1.02	Todd	1.00
Kandiyohi	1.02	Traverse	.98
Kittson	.93	Wabasha	1.02
Koochiching	.94	Wadena	1.00
Lac Qui Parle	.98	Waseca	1.01
Lake of the Woods	.95	Washington	1.05
Le Sueur	1.03	Watonwan	1.00
Lincoln	.98	Wilkin	.97
Lyon	.99	Winona	1.01
McLeod	1.02	Wright	1.03
Mahnomen	.98	Yellow Medicine	1.00
Marshall	.95		

MISSISSIPPI

All counties	$1.03

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.98	Boone	$1.00
Andrew	1.01	Buchanan	1.02
Atchison	1.01	Butler	.99
Audrain	1.01	Caldwell	1.01
Barry	.98	Callaway	1.01
Barton	1.00	Camden	.98
Bates	1.02	Cape Girardeau	1.00
Benton	1.00	Carroll	1.01
Bollinger	1.00	Carter	$0.92
Cass	1.02	Cedar	1.00
Charlton	1.00	Christian	.98
Clark	.99	Clay	1.03
Clinton	1.02	Cole	.99
Cooper	.99	Crawford	1.02
Dade	.99	Dallas	.97
Daviess	1.01	DeKalb	1.01
Dent	1.00	Douglas	.95
Dunklin	.99	Franklin	1.04
Gasconade	1.02	Gentry	1.00
Greene	.98	Grundy	1.00
Harrison	.99	Henry	1.02
Hickory	1.00	Holt	1.00
Howard	1.00	Howell	.93
Iron	1.02	Jackson	1.03
Jasper	.99	Jefferson	1.05
Johnson	1.01	Knox	.99
Laclede	.98	Lafayette	1.02
Lawrence	.98	Lewis	1.00
Lincoln	1.04	Linn	.99
Livingston	1.01	McDonald	.98
Macon	.98	Madison	1.01
Maries	1.01	Marion	1.01
Mercer	.99	Miller	.98
Mississippi	$0.99	Moniteau	.98
Monroe	1.00	Montgomery	1.02
Morgan	.99	New Madrid	.99
Newton	.98	Nodaway	1.00
Oregon	.96	Osage	1.00
Ozark	.93	Pemiscot	.99
Perry	1.02	Pettis	1.00
Phelps	1.01	Pike	1.01
Platte	1.04	Polk	.99
Pulaski	.99	Putnam	.98
Ralls	1.01	Randolph	1.00
Ray	1.02	Reynolds	.98
Ripley	.99	Saint Charles	1.07
Saint Clair	1.01	Saint Francois	1.02
Sainte Genevieve	1.02	Saint Louis	1.07
Saline	1.01	Schuyler	.98
Scotland	.98	Scott	.99
Shannon	.92	Shelby	1.00
Stoddard	.99	Stone	.97
Sullivan	.99	Taney	.96
Texas	.95	Vernon	1.00
Warren	1.04	Washington	1.02
Wayne	.99	Webster	.96
Worth	.99	Wright	.95

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.70	Madison	$0.78
Big Horn	.74	Meagher	.78
Blaine	.75	Mineral	.83
Broadwater	.78	Missoula	.83
Carbon	.76	Musselshell	.77
Carter	.82	Park	.78
Cascade	.78	Petroleum	.78
Chouteau	.78	Phillips	.76
Custer	.81	Pondera	.78
Daniels	.79	Powder River	.80
Dawson	.82	Powell	.78
Deer Lodge	.78	Prairie	.81
Fallon	.82	Ravalli	.79
Fergus	.78	Richland	.82
Flathead	.82	Roosevelt	.82
Gallatin	.78	Rosebud	.77
Garfield	.80	Sanders	.83
Glacier	.79	Sheridan	.81
Golden Valley	.77	Silver Bow	.78
Granite	.79	Stillwater	.77
Hill	.78	Sweet Grass	.78
Jefferson	.78	Teton	.78
Judith Basin	.78	Toole	.78
Lake	.82	Treasure	.77
Lewis and Clark	.78	Valley	.79
Liberty	.78	Wheatland	.78
Lincoln	.84	Wibaux	.83
McCone	.80	Yellowstone	.77

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.97	Box Butte	$0.90
Antelope	.98	Boyd	.96
Arthur	.91	Brown	.94
Banner	.87	Buffalo	.97
Blaine	.94	Burt	1.02
Boone	.89	Butler	1.02
Cass	$1.03	Knox	$0.97
Cedar	.98	Lancaster	1.03
Chase	.91	Lincoln	.93
Cherry	.92	Logan	.94
Cheyenne	.87	Loup	.96
Clay	.98	McPherson	.93
Colfax	1.02	Madison	1.00
Cuming	1.02	Merrick	1.00
Custer	.96	Morrill	.89
Dakota	1.00	Nance	1.00
Dawes	.88	Nemaha	1.01
Dawson	.96	Nuckolls	.98
Deuel	.89	Otoe	1.02
Dixon	.99	Pawnee	1.00
Dodge	1.03	Perkins	.91
Douglas	1.04	Phelps	.96
Dundy	.91	Pierce	.99
Fillmore	.99	Platte	1.01
Franklin	.96	Polk	1.00
Frontier	.94	Red Willow	.94
Furnas	.94	Richardson	1.00
Gage	1.01	Rock	.94
Garden	.90	Saline	1.01
Garfield	.97	Sarpy	1.04
Gosper	.95	Saunders	1.03
Grant	.91	Scotts Bluff	.88
Greeley	.99	Seward	1.02
Hall	.98	Sheridan	.90
Hamilton	.99	Sherman	.97
Harlan	.95	Sioux	.87
Hayes	.91	Stanton	1.00
Hitchcock	.92	Thayer	.99
Holt	.97	Thomas	.93
Hooker	.92	Thurston	1.01
Howard	.98	Valley	.97
Jefferson	1.00	Washington	1.03
Johnson	1.01	Wayne	.99
Kearney	.96	Webster	.97
Keith	.91	Wheeler	.93
Keya Paha	.94	York	1.00
Kimball	.87		

NEVADA

All counties	$0.92

NEW HAMPSHIRE

All counties	$1.07

NEW JERSEY

All counties	$1.07

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$0.77	Mora	$0.77
Catron	.70	Otero	.79
Chaves	.90	Quay	.94
Colfax	.81	Rio Arriba	.72
Curry	.94	Roosevelt	.93
De Baca	.90	Sandoval	.77
Dona Ana	.77	San Juan	.56
Eddy	.90	San Miguel	.77
Grant	.74	Santa Fe	.75
Guadalupe	.81	Sierra	.77
Harding	.89	Socorro	.77
Hidalgo	.82	Taos	.78
Lea	.94	Torrance	.79
Lincoln	.79	Union	.92
Luna	.82	Valencia	.73
McKinley	.66		

NEW YORK

All counties	$1.07

NORTH CAROLINA

All counties	$1.07

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.87	Cavalier	$0.91
Barnes	.95	Dickey	.94
Benson	.91	Divide	.86
Billings	.87	Dunn	.87
Bottineau	.88	Eddy	.92
Bowman	.86	Emmons	.90
Burke	.87	Foster	.93
Burleigh	.91	Golden Valley	.84
Cass	.96	Grand Forks	.94

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Grant	$0.87	Ransom	$0.95
Griggs	.94	Renville	.87
Hettinger	.87	Richland	.97
Kidder	.92	Rolette	.90
La Moure	.93	Sargent	.96
Logan	.92	Sheridan	.91
McHenry	.90	Sioux	.88
McIntosh	.91	Slope	.84
McKenzie	.84	Stark	.87
McLean	.89	Steele	.95
Mercer	.87	Stutsman	.93
Morton	.89	Towner	.91
Mountrail	.87	Traill	.95
Nelson	.93	Walsh	.93
Oliver	.89	Ward	.88
Pembina	.92	Wells	.92
Pierce	.91	Williams	.86
Ramsey	.92		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.97	Licking	$0.99
Allen	.98	Logan	.97
Ashland	.99	Lorain	.99
Ashtabula	1.02	Lucas	.98
Athens	.99	Madison	.98
Auglaize	.98	Mahoning	1.01
Belmont	.99	Marion	.98
Brown	.97	Medina	.99
Butler	.97	Meigs	.97
Carroll	.99	Mercer	.98
Champaign	.97	Miami	.98
Clark	.97	Monroe	.99
Clermont	.97	Montgomery	.97
Clinton	.97	Morgan	.99
Columbiana	1.00	Morrow	.99
Coshocton	.99	Muskingum	.99
Crawford	.99	Noble	.99
Cuyahoga	.99	Ottawa	.99
Darke	1.00	Paulding	.98
Defiance	.98	Perry	.99
Delaware	.99	Pickaway	.98
Erie	.99	Pike	.97
Fairfield	.99	Portage	.99
Fayette	.97	Preble	.97
Franklin	.99	Putnam	.98
Fulton	.97	Richland	.99
Gallia	.97	Ross	.98
Geauga	1.02	Sandusky	.99
Greene	.97	Scioto	.97
Guernsey	.99	Seneca	.99
Hamilton	.97	Shelby	.98
Hancock	.99	Stark	.99
Hardin	.99	Summit	.99
Harrison	.99	Trumbull	1.02
Henry	.98	Tuscarawas	.99
Highland	.97	Union	.99
Hocking	.99	Van Wert	.98
Holmes	.99	Vinton	.99
Huron	.99	Warren	.97
Jackson	.97	Washington	.99
Jefferson	1.01	Wayne	.99
Knox	.99	Williams	.98
Lake	1.01	Wood	.99
Lawrence	.97	Wyandot	.99

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$0.94	Ellis	$0.88
Alfalfa	.93	Garfield	.93
Atoka	.88	Garvin	.87
Beaver	.88	Grady	.87
Beckham	.86	Grant	.94
Blaine	.89	Greer	.86
Bryan	.86	Harmon	.86
Caddo	.87	Harper	.90
Canadian	.88	Haskell	.92
Carter	.86	Hughes	.91
Cherokee	.95	Jackson	.86
Choctaw	.86	Jefferson	.86
Cimarron	.87	Johnston	.87
Cleveland	.88	Kay	.95
Coal	.88	Kingfisher	.90
Comanche	.86	Kiowa	.86
Cotton	.86	Latimer	.90
Craig	.98	Le Flore	.90
Creek	.94	Lincoln	.90
Custer	.87	Logan	.91
Delaware	.98	Love	.86
Dewey	.87	McClain	.87
McCurtain	$0.86	Pontotoc	$0.88
McIntosh	.94	Pottawatomie	.88
Major	.90	Pushmataha	.87
Marshall	.86	Roger Mills	.86
Mayes	.97	Rogers	.97
Murray	.86	Seminole	.90
Muskogee	.94	Sequoyah	.94
Noble	.94	Stephens	.86
Nowata	.99	Texas	.88
Okfuskee	.91	Tillman	.86
Oklahoma	.88	Tulsa	.96
Okmulgee	.94	Wagoner	.96
Osage	.95	Washington	.98
Ottawa	.98	Washita	.87
Pawnee	.94	Woods	.93
Payne	.91	Woodward	.89
Pittsburg	.90		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$0.90	Lake	$0.84
Benton	1.05	Lane	1.03
Clackamas	1.08	Lincoln	1.00
Clatsop	1.04	Linn	1.05
Columbia	1.06	Malheur	.85
Coos	.97	Marion	1.07
Crook	1.04	Morrow	1.04
Curry	.96	Multnomah	1.09
Deschutes	1.04	Polk	1.06
Douglas	.99	Sherman	1.06
Gilliam	1.05	Tillamook	1.09
Grant	1.04	Umatilla	.98
Harney	.81	Union	.91
Hood River	1.09	Wallowa	.90
Jackson	.93	Wasco	1.09
Jefferson	1.05	Washington	1.09
Josephine	.94	Wheeler	1.04
Klamath	.93	Yamhill	1.08

PENNSYLVANIA

All counties	$1.07

RHODE ISLAND

All counties	$1.07

SOUTH CAROLINA

All counties	$1.07

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.94	Jackson	$0.87
Beadle	.95	Jerauld	.95
Bennett	.90	Jones	.89
Bon Homme	.97	Kingsbury	.96
Brookings	.97	Lake	.96
Brown	.95	Lawrence	.84
Brule	.94	Lincoln	.98
Buffalo	.94	Lyman	.91
Butte	.84	McCook	.96
Campbell	.91	McPherson	.93
Charles Mix	.95	Marshall	.95
Clark	.96	Meade	.85
Clay	.99	Mellette	.92
Codington	.97	Miner	.96
Corson	.89	Minnehaha	.97
Custer	.86	Moody	.97
Davison	.96	Pennington	.85
Day	.96	Perkins	.87
Deuel	.97	Potter	.92
Dewey	.88	Roberts	.97
Douglas	.96	Sanborn	.95
Edmunds	.93	Shannon	.90
Fall River	.86	Spink	.95
Faulk	.94	Stanley	.91
Grant	.97	Sully	.91
Gregory	.95	Todd	.92
Haakon	.87	Tripp	.94
Hamlin	.97	Turner	.98
Hand	.94	Union	.99
Hanson	.96	Walworth	.92
Harding	.86	Washabaugh	.87
Hughes	.92	Yankton	.98
Hutchinson	.96	Ziebach	.86
Hyde	.93		

TENNESSEE

Shelby	$1.04
All other counties	1.03

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$1.08	Hartley	$0.93
Archer	.96	Haskell	.96
Armstrong	.96	Hays	1.08
Atascosa	1.04	Hemphill	.94
Austin	1.13	Henderson	1.06
Bailey	.96	Hidalgo	.99
Bandera	1.04	Hill	1.06
Baylor	.96	Hockley	.96
Bee	1.07	Hood	1.02
Bell	1.08	Hopkins	1.00
Bexar	1.06	Houston	1.10
Blanco	1.07	Howard	.96
Borden	.96	Hudspeth	.86
Bosque	1.04	Hunt	1.03
Bowie	1.00	Hutchinson	.94
Brazoria	1.14	Irion	.90
Brazos	1.11	Jack	.99
Brewster	.87	Jackson	1.10
Brisco	.96	Jasper	1.10
Brown	1.01	Jeff Davis	.86
Burleson	1.11	Jefferson	1.11
Burnet	1.05	Jim Wells	1.05
Callahan	.98	Johnson	1.06
Cameron	.99	Jones	.96
Camp	1.02	Karnes	1.07
Carson	.96	Kaufman	1.05
Cass	1.01	Kendall	1.03
Castro	.96	Kenedy	1.02
Chambers	1.10	Kent	.96
Cherokee	1.08	Kerr	1.02
Childress	.96	Kimble	1.00
Clay	.98	King	.96
Cochran	.96	Kinney	.99
Coke	.96	Knox	.96
Coleman	.99	Lamar	.99
Collin	1.03	Lamb	.96
Collingsworth	.96	Lampasas	1.06
Comal	1.08	Leon	1.09
Comanche	1.01	Liberty	1.13
Concho	.99	Limestone	1.08
Cooke	.99	Lipscomb	.92
Coryell	1.06	Live Oak	1.07
Cottle	.96	Llano	1.04
Crane	.91	Loving	.87
Crockett	.89	Lubbock	.96
Crosby	.96	Lynn	.96
Dallam	.92	McCulloch	1.01
Dallas	1.03	McLennan	1.07
Dawson	.96	Madison	1.11
Deaf Smith	.96	Marion	1.02
Delta	1.00	Martin	.95
Denton	1.03	Mason	1.01
De Witt	1.09	Medina	1.04
Dickens	.96	Menard	.99
Donley	.96	Midland	.95
Eastland	1.00	Milam	1.10
Ector	.94	Mills	1.06
Edwards	.95	Mitchell	.96
Ellis	1.06	Montague	.98
El Paso	.85	Montgomery	1.13
Erath	1.01	Moore	.93
Falls	1.08	Morris	1.02
Fannin	1.00	Motley	.96
Fayette	1.10	Nacogdoches	1.08
Fisher	.96	Navarro	1.06
Floyd	.96	Newton	1.10
Foard	.96	Nolan	.96
Fort Bend	1.14	Ochiltree	.92
Franklin	1.02	Oldham	.95
Freestone	1.07	Orange	1.10
Gaines	.96	Palo Pinto	1.00
Garza	.96	Panola	1.04
Gillespie	1.02	Parker	1.02
Goliad	1.09	Parmer	.95
Gonzales	1.09	Pecos	.87
Gray	.96	Polk	1.12
Grayson	1.00	Potter	.96
Gregg	1.04	Presidio	.85
Grimes	1.12	Rains	1.00
Guadalupe	1.08	Randall	.96
Hale	.96	Reagan	.89
Hall	.96	Red River	.98
Hamilton	1.02	Reeves	.87
Hansford	.93	Roberts	.94
Hardeman	.96	Robertson	1.09
Hardin	1.10	Rockwall	1.03
Harris	1.14	Runnels	.98
Harrison	1.03	Rusk	1.04

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Sabine	$1.07	Trinity	$1.11
San Augustine	1.07	Tyler	1.10
San Jacinto	1.13	Upshur	1.03
San Saba	1.01	Upton	.88
Schleicher	.90	Uvalde	1.02
Scurry	.96	Val Verde	.96
Shackelford	.97	Van Zandt	1.00
Shelby	1.07	Victoria	1.10
Sherman	.92	Walker	1.12
Smith	1.04	Waller	1.13
Somervell	1.03	Ward	.91
Starr	.98	Washington	1.12
Stephens	.98	Wharton	1.12
Sterling	.90	Wheeler	.95
Stonewall	.96	Wichita	.97
Sutton	.89	Wilbarger	.96
Swisher	.96	Willacy	.99
Tarrant	1.04	Williamson	1.08
Taylor	.97	Wilson	1.07
Terrell	.90	Winkler	.94
Terry	.96	Wise	1.00
Throckmorton	.97	Wood	1.02
Titus	1.02	Yoakum	.96
Tom Green	.96	Young	.99
Travis	1.08		

UTAH

All counties	$0.79

VERMONT

All counties	$1.07

VIRGINIA

All counties	$1.07

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.94	Lewis	$1.04
Asotin	.92	Lincoln	.94
Benton	.99	Mason	1.00
Chelan	.98	Okanogan	.93
Clallam	.91	Pacific	1.00
Clark	1.09	Pend Oreille	.90
Columbia	.98	Pierce	1.09
Cowlitz	1.08	San Juan	1.06
Douglas	.93	Skagit	1.06
Ferry	.86	Skamania	1.09
Franklin	.96	Snohomish	1.06
Garfield	.98	Spokane	.93
Grant	.94	Stevens	.90
Grays Harbor	1.02	Thurston	1.05
Island	1.06	Wahkiakum	1.08
Jefferson	.99	Walla Walla	.98
King	1.09	Whatcom	1.04
Kitsap	.99	Whitman	.93
Kittitas	1.00	Yakima	.99
Klickitat	1.06		

WEST VIRGINIA

All counties	$1.04

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.97	Dodge	$1.00
Ashland	.99	Door	.95
Barron	1.00	Douglas	1.04
Bayfield	1.00	Dunn	1.01
Brown	.98	Eau Claire	1.00
Buffalo	1.00	Florence	.94
Burnett	1.03	Fond Du Lac	1.00
Calumet	.99	Forest	.95
Chippewa	.99	Grant	.97
Clark	.97	Green	1.00
Columbia	.99	Green Lake	.98
Crawford	.97	Marathon	.97
Dane	1.00	Marinette	.95

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Marquette	$0.98	Price	$0.98
Milwaukee	1.05	Racine	1.05
Monroe	.97	Richland	.98
Oconto	.96	Rock	1.01
Oneida	.94	Rusk	1.00
Outagamie	.98	Saint Croix	1.03
Ozaukee	1.01	Sauk	.98
Pepin	1.01	Sawyer	1.00
Pierce	1.03	Shawano	.97
Polk	1.03	Sheboygan	1.00
Iowa	.98	Taylor	.98
Iron	.98	Trempealeau	.99
Jackson	.99	Vernon	.97
Jefferson	1.01	Vilas	.93
Juneau	.98	Walworth	1.02
Kenosha	1.05	Washburn	1.01
Kewaunee	.96	Washington	1.01
LaCrosse	.98	Waukesha	1.01
Lafayette	.98	Waupaca	.97
Langlade	.95	Waushara	.98
Lincoln	.94	Winnebago	.99
Manitowoc	.99	Wood	.97
Portage	.97		

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$0.79	Natrona	$0.76
Big Horn	.74	Niobrara	.84
Campbell	.80	Park	.73
Carbon	.79	Platte	.84
Converse	.80	Sheridan	.78
Crook	.81	Sublette	.72
Fremont	.74	Sweetwater	.72
Goshen	.87	Teton	.74
Hot Springs	.74	Uinta	.72
Johnson	.78	Washakie	.74
Laramie	.87	Weston	.83
Lincoln	.72		

(Sec. 421.2276 to 421.2286 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 sec. 401, 63 Stat. 1054, sec. 308, 70 Stat. 206, 15 U. S. C. 714, 7 U. S. C. 1421, 1442)

Issued this 11th day of October 1957.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-8564; Filed, Oct. 16, 1957; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 528—ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR EMPLOYMENT OF LEARNERS, HANDICAPPED PERSONS, STUDENT WORKERS, STUDENT LEARNERS, APPRENTICES, AND MESSENGERS AT SUBMINIMUM WAGE RATES

WITHDRAWAL OF CERTIFICATE

This amendment is issued for the purpose of clarifying the regulations by stating the particular special minimum wage certificates which Regional Directors may withdraw for cause pursuant to the present provisions of Part 528 of Title 29, Code of Federal Regulations. As no substantive or procedural changes are effected by this amendment, notice and public procedure thereon are found to be impractical and unnecessary.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614), § 528.3 (a) of Title 29, Code of Federal Regulations, Part 528, is hereby amended to read as follows:

(a) The Regional Director may withdraw a certificate from any employer who, acting under color of any certificate or application for the employment of learners, handicapped persons, student workers, student learners, apprentices, or messengers at subminimum wages under section 14 of the act, fails to comply with the limitations in such certificate or otherwise violates the act.

(Sec. 214, 52 Stat. 1068, as amended; 29 U. S. C. 214)

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-8561; Filed, Oct. 16, 1957; 8:52 a. m.]

PART 593—VEGETABLE, FRUIT, AND FRUIT JUICE CANNING INDUSTRY IN PUERTO RICO

PART 659—RUM AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

PART 663—MANUFACTURED COCONUT INDUSTRY IN PUERTO RICO

PART 665—PAPER BOX MANUFACTURING INDUSTRY IN PUERTO RICO

PART 669—DESIGNATED INDUSTRIES IN THE VIRGIN ISLANDS

PART 680—WOVEN AND KNITTED FABRIC GLOVE DIVISION AND LEATHER GLOVE DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

PART 682—MINIMUM WAGE RATES IN THE LEATHER AND SKIN PRODUCTS DIVISION OF THE LEATHER, TEXTILE, RUBBER, STRAW, AND RELATED PRODUCTS INDUSTRIES IN PUERTO RICO

PART 685—MINIMUM WAGE RATE IN THE FOUNDRY, MACHINE SHOP AND FABRICATED METAL PRODUCTS INDUSTRY IN PUERTO RICO

REVOCATION OF PARTS

Recent amendments in the wage orders for Puerto Rico and the Virgin Islands issued pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) have caused certain wage orders to be superseded as follows:

1. The wage order for the Vegetable, Fruit, and Fruit Juice Canning Industry in Puerto Rico (29 CFR Part 593) has been superseded by the wage order for the Food and Related Products Industry in Puerto Rico (29 CFR Part 673; 22 F. R. 160).

2. The wage order for the Rum and Industrial Alcohol Industry in Puerto Rico (29 CRF Part 659) has been superseded by the wage order for the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico (29 CFR Part 706; 22 F. R. 160).

3. The wage order for the Manufactured Coconut Industry in Puerto Rico (29 CFR Part 653) has been superseded by the wage order for the Food and Related Products Industry in Puerto Rico (29 CFR Part 673; 22 F. R. 160).

4. The wage order for the Paper Box Manufacturing Industry in Puerto Rico (29 CFR Part 665) has been superseded by the wage order for the Paper, Paper Products, Printing, and Publishing Industry in Puerto Rico (29 CFR Part 677; 22 F. R. 7559).

5. The wage order for the Designated Industries in the Virgin Islands (29 CFR Part 669) has been superseded by the wage order entitled "Minimum Wage Rates in the Industries in the Virgin Islands" (29 CFR Part 694; 22 F. R. 2710).

6. The wage order for the Woven and Knitted Fabric Glove Division and Leather Glove Division of the Needlework Industries in Puerto Rico (29 CFR Part 680) has been superseded by the wage order for the Fabric and Leather Glove Industry in Puerto Rico (29 CFR Part 715; 21 F. R. 7232).

7. The wage order entitled "Minimum Wage Rates in the Leather and Skin Products Division of the Leather, Textile, Rubber, Straw, and Related Products Industries in Puerto Rico" (29 CFR Part 682) has been superseded by the wage order for the Leather, Leather Goods, Shoe, and Related Products Industry in Puerto Rico (29 CFR Part 686; 22 F. R. 1744).

8. The wage order entitled "Minimum Wage Rates in the Foundry, Machine Shop and Fabricated Metal Products Industry in Puerto Rico" (29 CFR Part 685) has been superseded by the wage order for the Metal, Machinery, Transportation Equipment, and Allied Products Industry in Puerto Rico (29 CFR Part 712; 21 F. R. 8656).

It is now necessary to amend Title 29 of the Code of Federal Regulations to eliminate the obsolete provisions of the Code. Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F. R. 3290), Parts 593, 659, 663, 665, 669, 680, 682, and 685 of Title 29, Code of Federal Regulations are hereby revoked.

(52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.)

Signed at Washington, D. C., this 11th day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-8560; Filed, Oct. 16, 1957; 8:52 a. m.]

PART 786—MISCELLANEOUS EXEMPTIONS

SUBPART F—NEWSPAPER PUBLISHING

In accordance with section 3 of the Administrative Procedure Act (5 U. S. C. 1002) and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F. R. 3290), Subpart F, Part 786, Title 29, Code of Federal Regulations is hereby amended to read as follows:

SUBPART F—NEWSPAPER PUBLISHING

§ 786.250 *Enforcement policy.* For the purpose of enforcement it is the Division's position that the exemption provided by section 13 (a) (8) of the Fair Labor Standards Act of 1938[1] applies to an employee engaged also in job printing activities for commerce, if less than 50 percent of the employee's time during the workweek is spent in job printing work. If none of the job printing is covered by the act the exemption applies even if the job printing activities exceed 50 percent of the employee's time. However, this exemption is not applicable if the employee spends 50 percent or more of his time in a workweek on job printing, any portion of which is covered work.

(52 Stat. 1060; 29 U. S. C. 201 et seq.)

Signed at Washington, D. C., this 14th day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-8562; Filed, Oct. 16, 1957; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. P. L. 16[2]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
775080	De-ionizing or ion-exchange units employing resins, for demineralization and treatment of water.

This part of the amendment shall become effective as of October 10, 1957.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Electronic-type components:				
707910	Linear potentiometers having a rated linearity of 0.1 percent or less[1]	No.	RARA 52	100	RO
707910	Non-linear potentiometers having a rated conformity of 1 percent or less.[1]	No.	RARA 52	100	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this chapter) effective November 25, 1957, and may be exported under the Foreign Distribution licensing procedure (see Part 376 of this chapter).

This part of the amendment shall become effective as of October 17, 1957.

3. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

[1] The exemption in section 13 (a) (8) reads: "the provisions of sections 6 and 7 shall not apply with respect to * * * any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where printed and published or counties contiguous thereto". (29 U. S. C. 213 (a) (8))

[2] This amendment was published in Current Export Bulletin 792, dated October 10, 1957.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Optical instrument glass and glass blanks, including synthetic crystal:				
523110	Crystal blanks, rough and semifinished, of lithium fluoride or calcium fluoride (report optical crystals in 596098; and lenses, prisms and windows, including finished blanks, in 914750). (3) [18]	Lb.	SATE 1	None	RO
	Abrasives (report abrasive refuse in 596098):				
541140	Boron carbide [17]	Lb.	MINL 1	100	R
644000	Copper-base alloy scrap (new and old) (see § 399.2, interpretations 10 and 12). (1 and 2) [12]	Lb.	NONF 3	500	RO
	Electrical apparatus, n. e. c. and parts, n. e. c. (specify by name):				
709998	Servo control units, and the following specially fabricated parts: synchros; resolvers; linear induction potentiometers; induction rate generators; and servo motors (report amplifiers in 708820 and nonlinduction type potentiometers in 707910). (10 and 11) [4 20 26]	----------	ELME 10	None	RO
	Steam engines and turbines, n. e. c., and parts, n. e. c.:				
711510	Gas turbines, 2,000 horsepower and over. (Specify horsepower.) (Report aircraft turbines in 794631.) (2) [24 25]	No.	GIEQ 9	None	RO
711510	Gas turbines, under 2,000 horsepower. (Specify horsepower.) (Report aircraft turbines in 794631.) (2) [3 17 24 25]	No.	GIEQ 9	None	R
711900	Parts, n. e. c., specially fabricated for gas turbines 2,000 horsepower and over. (Specify horsepower.) (Report parts for aircraft turbines in 794814.) (3) [24]	----------	GEIQ 9	100	RO
711900	Parts, n. e. c., specially fabricated for gas turbines under 2,000 horsepower. (Specify horsepower.) (Report parts for aircraft turbines in 794814.) (3) [3 17 24]	----------	GEIQ 9	100	R
776820	Other mechanical vacuum pumps capable of producing a vacuum of 0.1 mm. or less mercury pressure absolute, except pumps having a capacity of less than 60 liters of free air per minute. (2) [18]	No.	GIEQ 1	None	R
795170	Marine propeller shafts ¾ inch and over in diameter. (Specify metal.) (Report shafting not machined under appropriate Schedule B number for metal rods.) [18]	Lb.	GIEQ 5	250	RO
829940	Radium emanation (Radon), radium salts and compounds, all forms (including radium needles and radium ore concentrate) (state radium content) (report paints containing radium in 843800). (1) [1]	----------	DRUG 1	25	RO
836220	Boron nitride. [1 17 24]	Lb.	SALT 1	100	R
836220	Other boric acid and borates, crude, refined, and compounds, except sodium perborate (including but not limited to boron trifluoride, boron oxide, boron hydrides, and fluoroborates). [24]	Lb.	SALT 1	100	RO
900238	Oscillograph; photomicrographic; and X-ray powder cameras. (2 and 3) [26]	No.	FINP 5	None	RO
	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c. (report counter current solvent extractors and bowl-type centrifuges in 773360):				
919080	X-Y plotters. (9) [22]	No.	SATE 1	None	RO
919080	Parts, n. e. c., specially fabricated for X-Y plotters. (10) [22]	----------	SATE 1	25	RO
919080	Magnets, and other specially fabricated parts, n. e. c. (including positive ion sources), specially designed for electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or an ion. (37, 38 and 39) [1 26]	----------	SATE 2	25	RO

[1] The GLV dollar-value limit is increased.
[4] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the IC/DV procedure (see § 373.2 of this chapter), effective November 25, 1957.
[5] The letter "A" is deleted in the column headed "Commodity Lists," indicating the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this chapter).
[17] The destination control is changed from RO to R.
[18] The commodity description is revised without substantive change.
[20] The commodity coverage is decreased.
[22] The commodity coverage is increased, effective October 17, 1957.
[23] The requirement to specify zinc content is removed. See § 373.41 of this chapter for requirement to specify copper and nickel content.
[24] Two entries are substituted for one entry presently on the Positive List under this Schedule B number.
[25] The requirement to specify horsepower is added.
[26] One entry is substituted for two entries presently on the Positive List under this Schedule B number.

This part of the amendment shall become effective as of October 10, 1957, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 2 and 3 of this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., October 17, 1957, may be exported under the previous general license provisions up to and including November 9, 1957. Any such shipment not laden aboard the exporting carrier on or before November 9, 1957 requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-8559; Filed, Oct. 16, 1957; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

PART 12—LABOR

OVERTIME POLICY FOR PROCUREMENT CONTRACTS

The Deputy Secretary of Defense signed the following DOD Directive on October 1, 1957. The directive affects § 12.102 and supersedes instruction published at 22 F. R. 4685.

I. *Purpose.* The purpose of this Directive is to effect an immediate, continuing and sharp curtailment in the use of overtime in the performance of all kinds and types of Department of Defense procurement contracts, including production, research and development, and construction. This Directive amplifies the provisions of § 12-102 with respect to the use of and payment for overtime.

II. *Effect upon § 12-102.* To the extent that this Directive differs from the provisions of § 12-102 with respect to overtime, this Directive shall govern.

III. *General policy.* (A) Department of Defense contracts shall be performed without the use of overtime, except as otherwise authorized in this Directive. Before authorizing overtime pay, either in the negotiation of contracts or during the performance of contracts, consideration shall be given to using other sources to obtain required supplies or services. The use of overtime pay as a regular part of employee compensation is contrary to the principles of this Directive. This policy is applicable to all contracts entered into after the effective date of this Directive.

(B) Unless a determination has been made pursuant to paragraph IV, the cost of performance of overtime shall not be considered or allowed in the negotiation, repricing, or administration of negotiated contracts.

(C) Unless a determination as specified in paragraph IV (1) or (11) is made, no solicitation for bids or proposals shall require a delivery schedule which may be reasonably anticipated to necessitate overtime.

IV. *Exceptions to general policy.* Overtime pay may be authorized at Government expense only when the Secretary of a military department or his designee determines in writing that such overtime:

(1) Is necessary to meet delivery or performance schedules, and such schedules are determined to be extended to the maximum consistent with essential military objectives; or,

(11) Will result in lower over-all cost to the Government, as well as reduced current payments; or,

(111) Is necessary:

(A) To eliminate specific production bottlenecks which cannot be eliminated in any other way;

(B) To cope with emergencies resulting from accidents, or natural disasters;

(C) To perform tests, industrial processes, and laboratory procedures which are continuous in nature and cannot reasonably be interrupted or otherwise completed.

V. *Approval of overtime.* (A) When determinations are made pursuant to paragraph IV, an authorization to perform overtime shall be included in each contract other than firm-fixed price type either at the time of execution, by amendment, or by written notice to the contractor, as may be appropriate.

(B) Determinations made pursuant to paragraph IV (111), shall be supported by written request of the contractor. The contractor's request shall specify the reasons why overtime is (or has been) necessary, and shall indicate (i) the specific operations and class of personnel which will be (or have been) affected, (ii) the estimated (or actual) number of hours and cost of overtime to be (or which have been) required for each operation and class of personnel, and (iii) the estimated (or actual) period of contract performance during which overtime will be (or was) required.

(C) Contract provisions or determinations approving overtime shall be limited strictly to the minimum required for the accomplishment of specific work, and shall specifically indicate (i) the operations and class of personnel affected; (ii) the location of the plant or other facility and the department or other subdivision thereof; (iii) the maximum number of hours and cost of overtime authorized and (iv) the period of time during which the authorization is effective.

(D) Contract provisions and notices when on a prospective basis, shall provide for review and alteration by the Government upon a unilateral basis. Authorizations shall be reviewed periodically after they have been in effect for a reasonable period of time not exceeding 60 days to insure that the reasons upon which the determinations were based continue to be valid. Contract provisions shall provide for equitable adjustment pursuant to the Changes clause in the event of reduction or discontinuance of overtime.

(E) Authority to make determinations and approve the performance of overtime may be delegated to any officers or employees of the military departments, but only to the of determinations in connection with or approvals of overtime (1) under paragraph IV (ii) and (iii) and (2) amounting to not more than 2 percent of the total labor-hours or labor-dollars under any Department of Defense contract.

(F) Overtime pay for certain indirect labor employees whose duties are essential for administration or for protection and maintenance of plant and equipment, such as standby plant protection, operation of utilities, required maintenance of an emergency nature, or accounting, may be allowed or considered on the same basis as other indirect costs providing (1) a written request is made pursuant to paragraph (B), and (ii) the amount thereof is reasonable and allocated on a pro rata basis to commercial as well as Government work. Such overtime pay shall not be subject to paragraphs IV or V (E) and when approved under this paragraph, such indirect labor shall be excluded from the base of total labor-hours or labor-dollars. Other indirect labor overtime, normally associated with production activities, such as engineering, supervision, or inspection, shall be subject to paragraphs IV and V (E).

(G) Overtime may be considered and approved on a plantwide basis when it is determined to be impracticable on a contract-by-contract basis.

VI. *Departmental coordination.* (A) In the absence of evidence to the contrary, personnel within a military department authorized to approve performance of overtime may rely upon the representation of a contractor that such approval will not affect the performance of, or payments in connection with other Department of Defense contracts.

(B) 1. Where it becomes known that two or more military contracting activities have current contracts at a single facility so scheduled that the authorization of overtime by one contracting activity may affect the performance of, or payments in connection with contracts of another activity, the contracting activities involved shall agree upon the appointment of one of such activities as their representative to make determinations with regard to overtime pay for all Department of Defense activities affected.

2. If agreement upon appointment of a representative is not reached within a reasonable time, the Assistant Secretary of Defense (Supply and Logistics) shall be requested to appoint a representative.

3. Contractors shall be notified in writing when a representative has been agreed upon or appointed.

4. Determinations made by such representatives shall be made in accordance with Sections IV and V (E) and shall be binding upon all military contracting activities concerned. Representatives shall seek agreement acceptable to all military departments involved wherever practicable in advance of making determinations, and, in any event, representatives shall furnish all contracting activities involved with copies of determinations made under this Directive.

VII. *Action with respect to existing contracts.* (A) Existing Department of Defense contracts under which overtime work is authorized, or in which it is known that the contract price includes a factor for overtime, shall be reviewed without delay. To the extent that such overtime work does not fall within the exceptions set forth in paragraph IV and savings to the Government may be expected, the following action shall be taken.

1. Contractors shall be requested to reduce or eliminate payment of overtime wages to the maximum extent possible, and, where contractually appropriate, authorization for overtime shall be withdrawn.

2. Where appropriate, performance and delivery schedules shall be extended by (1) supplemental agreement, (ii) change order (if permitted by the contract), and adjustments shall be made in authorizations for overtime or the contract price.

(B) Reviews referred to in paragraph (A) shall include consideration of major first-tier subcontracts, particularly those under prime contracts providing for price redetermination, escalation, or incentives; or cost-reimbursement, time and material, and labor-hour type contracts.

VIII. *Effective date.* This Directive is effective immediately.

IX. *Implementing instructions.* The military departments shall disseminate the provisions of this Directive and shall furnish a copy of each implementing directive and instruction issued at all levels to the office of the Assistant Secretary of Defense (Supply and Logistics) within 30 days after the date of this Directive. All implementing instructions shall be made effective upon receipt.

X. *Records.* Records will be maintained sufficient to enable the military departments to provide this office, upon request by separate action, with information concerning the progress made in the objectives of this Directive.

(R. S. 161; 5 U. S. C. 22)

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 57-8545; Filed, Oct. 16, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

ALLOTMENT OF 1958 DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1958 mainland sugar quota for Puerto Rico is necessary to prevent disorderly importation of such sugar and to afford all interested persons an equitable opportunity to bring such sugar into the continental United States and hereby give notice that a public hearing will be held at Washington, D. C., in Room 2-W, Administration Building of the Department of Agriculture on November 4, 1957, at 11:00 a. m. The portion of the quota to be allotted is referred to herein as the "direct-consumption portion of the mainland quota".

The findings made above are in the nature of preliminary findings based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable allotment of the direct-consumption portion of the 1958 mainland quota for Puerto Rico among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

At the hearing, the Government witness will propose that 200 short tons, raw value, of the direct-consumption portion of the 1958 mainland quota for Puerto Rico be reserved for sugar to be brought in as raw sugar for direct consumption and that allotments of the balance of the direct-consumption portion of the mainland quota be established on the basis of giving 50 percent weight to each of the two following factors: (1) "Past marketings"—to be measured for each allottee by the average quantity of direct-consumption sugar, processed by such allottee, which was brought into the continental United States during the years 1953 through 1957, expressed in percentage of the

total of such quantities for all allottees and (2) "ability to market"—to be measured for each allottee by the largest quantity of direct-consumption sugar, processed by such allottee, which was brought into the continental United States during any calendar year since 1934, expressed in percentage of the total of such quantities for all allottees. The factors so measured and weighted shall determine for each processor his percentage share of the 1958 direct-consumption portion of the mainland quota exclusive of the 200 tons to be reserved for raw sugar.

It will be proposed that pending the availability of final 1957 data on the quantity of direct-consumption sugar brought into the continental United States applicable to each allottee that estimates of each such quantity, equal to the respective 1957 allotment for each such allottee as established in Sugar Regulation 814.18, Amendment 2 (22 F. R. 7067), be used in the measure of "past marketings".

Further, it will be proposed that allotments be revised or amended without further notice or hearing for the purpose of: (1) Allotting any increase or decrease in the direct-consumption portion of the mainland quota on the same basis as used for determining 1958 allotments otherwise established, (2) allotting any deficit in the allotment of any allottee to other allottees, to the extent such other allottees collectively are able to utilize additional allotments, on the basis of allotments otherwise established for them and (3) for substituting 1957 final data for estimates of such data.

It will also be proposed that the allottees of the direct-consumption portion of the 1958 mainland quota for Puerto Rico should be the following: Central Aguirre Sugar Company, a trust; Central Roig Refining Company; Central San Francisco; Porto Rican American Sugar Refinery, Inc.; South Porto Rico Sugar Company of Puerto Rico and Western Sugar Refining Company.

It will be proposed that provisions for transfer of allotments under circumstances of a succession of interest and for restricting marketings be essentially the same as made for 1957.

The proposals herein set forth would, if adopted, result in a method for determining allotments identical to that used in determining allotments during 1957 and other recent years.

Issued this 11th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8565; Filed, Oct. 16, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

OCTOBER 10, 1957.

The notice of proposed withdrawal and reservation of lands, Serial No. Sacramento 047049, Stanislaus National Forest, published in the FEDERAL REGISTER of Friday, August 30, 1957, pages 6995-6996 (F. R. Doc. 57-7081), is corrected as to the N½NE¼ section 28, T. 5 N., R. 18 E., M. D. M., under Roadside Zones to read as E½NE¼.

C. K. CARON,
Acting State Supervisor.

[F. R. Doc. 57-8538; Filed, Oct. 16, 1957; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Anchorage 024197, for the withdrawal of the lands described below, from all forms of appropriation under the public laws, including the mining laws, but excepting provisions of the mineral leasing and the Materials Act.

The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOOSE CREEK CAMPGROUND

T. 18 N., R. 2 E., S. M.,
Section 2: S½NW¼NW¼, Lots 10, 11, 14, 15, and part of lot 16.
Containing 39 acres more or less.

PETERS CREEK CAMPGROUND

T. 15 N., R. 1 W., S. M.,
Section 10: W½SW¼SW¼NW¼SW¼, W½NW¼NW¼SW¼SW¼;
Section 9: E½NW¼NE¼SE¼SE¼, NE¼NE¼SE¼SE¼, E½SW¼SE¼NE¼SE¼, SE¼SE¼NE¼SE¼.
Containing 10 acres more or less.

EAGLE RIVER CAMPGROUND

T. 14 N., R. 2 W., S. M.,
Section 14: Lots 1, 2, 3, 11, 12, 13, 14, 15, 16, 31, 32, SW¼NE¼NE¼, E½NE¼NE¼.
Containing 75.31 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 57-8546; Filed, Oct. 16, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[Administrative Memorandum 101.1, Amdt.]

ORGANIZATION, FUNCTIONS AND AUTHORITIES

ASSIGNMENT OF FUNCTIONS

The notice of Organization, Functions and Authorities published in 22 F. R. 2679 on April 17, 1957, is amended as follows:

Section II, A on page 2679 entitled "Assignment of functions" is amended by the addition of the following as a numbered paragraph 13:

13. Administration of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36).

Done at Washington, D. C., this 14th day of October 1957.

[SEAL] B. T. SHAW,
Administrator, Agricultural Research Service.

[F. R. Doc. 57-8563; Filed, Oct. 16, 1957; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 825]

PACIFIC COAST-PUERTO RICO GENERAL INCREASES IN RATES AND CHARGES

NOTICE OF EXPANSION OF INVESTIGATION

On October 10, 1957, the Federal Maritime Board entered the following supplemental order in this proceeding:

It appearing that there is currently pending in this proceeding an investigation relating to general increases in rates and charges, and new rules, regulations and practices affecting such rates and charges, between Pacific Coast ports on the one hand and ports in Puerto Rico on the other, published by Pacific Coast-Puerto Rican Conference, effective August 20, 1957;

It further appearing that there have been filed with the Federal Maritime Board new tariff schedules published by Isbrandtsen Company, Inc., setting forth increased rates which are generally on the same level as those published by the Pacific Coast-Puerto Rican Conference from U. S. Pacific West Coast ports to ports in Puerto Rico, to become effective October 16, 1957, designated as follows:

Loose-leaf revised pages to Isbrandtsen Company, Inc., Tariff No. 2, F. M. B.-F. No. 2, specified in Appendix attached hereto.

It further appearing that by order of August 13, 1957, in Docket No. 825, the operation of the increased rates and charges of the Pacific Coast-Puerto Rican Conference, as specified in said order, was suspended to and including December 15, 1957;

It further appearing that the carrier members of the Pacific Coast-Puerto Rican Conference named in aforesaid order, thereafter represented that they were in need of the additional revenues contemplated in the described rate increases in order that they would be able to continue to perform adequate and efficient transportation services; and

It further appearing that the aforesaid carrier members of the Pacific Coast-Puerto Rican Conference agreed (1) to keep account of all freight monies received by reason of the proposed increased rates and charges for a period commencing with August 20, 1957, and terminating with December 15, 1957; and (2) to refund to the person who paid the freight, upon proper authorization by the Federal Maritime Board, any freight charges collected during the said period which may be in excess of those determined by the Board to be just and reasonable, provided the proposed increased rates and charges are permitted to go into effect without further suspension;

It further appearing that in view of the aforementioned representations and undertakings of the aforesaid carriers, the Board thereafter vacated, effective August 20, 1957, the suspension order aforesaid by amended order of August 16, 1957, but continued the investigation of said increased rates;

It further appearing that Isbrandtsen Company, Inc., has agreed to keep a similar account of all freight monies received and Isbrandtsen has agreed to a similar undertaking to reimburse any portions of freight collected which may exceed the rates found by the Board in Docket No. 825 to be just and reasonable;

It is ordered, That this proceeding be and it hereby is expanded to include, in addition to matters now under investigation, an investigation into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said new loose-leaf revised pages set forth in Appendix attached, with a view to making such findings and order in the premises as the facts and circumstances shall warrant; and

It is further ordered, That Isbrandtsen Company, Inc., be, and it hereby is, made a respondent in this proceeding;

It is further ordered, That Isbrandtsen Company, Inc., shall keep an account of all freight monies received by reason of the increases in rates published in said revised pages over the rates presently in effect for a period commencing October 21, 1957 and terminating February 21, 1958; and the carrier, upon final determination by the Board, shall repay, out of its general funds, the sums if any to which the respective persons who pay the freight may be entitled;

It is further ordered, That this order amends the order entered in this proceeding on the 13th day of August 1957; and

It is further ordered, That copy of this order shall be filed with said tariff in the Regulation Office of the Federal Maritime Board, and that a copy hereof shall be forthwith served upon all respondents in this proceeding; and

It is further ordered, That public hearing be held in this proceeding before an Examiner of the Hearing Examiners Office, at a time and place to be announced, to receive evidence which will provide an adequate record for proper disposition of the issues, and an initial decision will be issued; and

It is further ordered, That notice of the further hearing be published in the FEDERAL REGISTER, served on all respondents and mailed to all protestants herein.

APPENDIX

ISBRANDTSEN COMPANY, INC.

Outward Freight Tariff F. M. B.-F-No. 2

Revised pages as follows:
Second Revised Page No. 37.
Fifth Revised Page No. 38.
Second Revised Page No. 39.
Second Revised Page No. 40.
Second Revised Page No. 41.
Second Revised Page No. 42.
Second Revised Page No. 43.
Second Revised Page No. 44.
Second Revised Page No. 45.
Fourth Revised Page No. 46.
Second Revised Page No. 47.
Second Revised Page No. 48.
Second Revised Page No. 49.
Second Revised Page No. 50.
Fourth Revised Page No. 51.
Fourth Revised Page No. 52.
Third Revised Page No. 53.
Fourth Revised Page No. 54.
Second Revised Page No. 55.
Second Revised Page No. 56.
Second Revised Page No. 57.
Second Revised Page No. 58.

Hearing in this proceeding is scheduled to be held at Washington, D. C., on October 28, 1957, before Examiner Arnold J. Roth, beginning at 10 a. m., in Room 4519 New General Accounting Office Building, 441 G Street NW. The hearing will be conducted in accordance with the Board's rules of practice and procedure (46 CFR Part 201), and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), not now a party to this proceeding, having an interest and desiring to intervene therein, should notify the Secretary of the Board immediately, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules.

Dated: October 14, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8558; Filed, Oct. 16, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8456 et al.]

CAPITAL AIRLINES, INC.; GROUP STUDENT FARES

NOTICE OF FURTHER HEARING

In the matter of group student fares proposed by Capital Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 4, 1957, at 10:00 a. m., e. s. t., in Room E-210 Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., October 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8569; Filed, Oct. 16, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12002; FCC 57M-980]

FERNANDINA BEACH BROADCASTERS (WSIZ)

ORDER SCHEDULING FURTHER CONFERENCE

In re application of Marshall W. Rowland & Carol G. Rowland d/b as Fernandina Beach Broadcasters (WSIZ) Douglas, Georgia; Docket No. 12002, File No. BP-10822; for construction permit.

The Hearing Examiner has under consideration the oral motion of the applicant for a continuation, made at a prehearing conference on September 30, 1957, and the oral oppositions of the protestant and the Chief of the Broadcast Bureau to said motion; and

It appearing that on May 23, 1957, a hearing was held with respect to certain issues designated by the Commission in its original order of designation, and that an appeal to the Commission was made by the protestant from certain rulings of the Examiner during the conduct of the hearing; and

It further appearing that, on appeal, on July 18, 1957, the Commission sustained the Examiner, but on its own motion enlarged the issues in the case, and placed the burden of proceeding with the introduction of evidence and the burden of proof upon the applicant; and

It further appearing that on August 1, 1957, the applicant filed a petition requesting the Commission to reconsider and set aside that portion of its July 18, 1957, order which enlarged the issues; that on August 12, 1957, oppositions to said petition for reconsideration were filed by the protestant and the Broadcast Bureau; and that a reply to said oppositions was filed on August 16, 1957, by the applicant; and

It further appearing that a conference was held on September 30, 1957, looking toward reopening the record and scheduling a hearing on the issue designated by the Commission in its July 18, 1957, order, at which said conference the motion herein under consideration to continue further proceedings pending Commission action on the petition for reconsideration was made by the applicant and opposed by the two other parties; and

It further appearing that the applicant has failed to show sufficient cause to justify the requested continuance;

Now, therefore, it is ordered, This 10th day of October, 1957, that the motion for continuance be, and is, hereby denied; and

It is further ordered, That a further conference in the above-entitled matter is hereby scheduled for October 30, 1957, in the offices of the Commission, Washington, D. C., at 2:00 p. m.

Released: October 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8553; Filed, Oct. 16, 1957; 8:50 a. m.]

[Docket Nos. 12058, 12059; FCC 57M-977]

KBR STATIONS, INC., AND WKNE CORP.

ORDER CONTINUING HEARING CONFERENCE

In re applications of The KBR Stations, Inc., Keene, New Hampshire; Docket No. 12058, File No. BP-10732; WKNE Corporation, Brattleboro, Vermont; Docket No. 12059, File No. BP-10919; for construction permits.

The Hearing Examiner having under consideration a motion filed October 8, 1957, by WKNE Corporation requesting that the date for the exchange of exhibits in the above-entitled proceeding be continued from October 14, 1957, to November 25, 1957, and that the date for further hearing conference be continued from November 4, 1957, to December 16, 1957; and

It appearing that the reason for the requested continuance is the fact that because of other commitments of counsel for both of the applicants, it is deemed to be impossible to meet the schedule presently set; and

It further appearing that all counsel have consented to the requested continuance, agreed to waive the requirement of § 1.745 of the Commission's Rules and that good cause for the requested continuance having been shown;

It is ordered, This the 10th day of October 1957 that the motion for continuance is granted and the date for the exchange of exhibits is continued from October 14, 1957, to November 25, 1957, and the date for the further hearing conference is continued from November 4, 1957, to December 16, 1957.

Released: October 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8554; Filed, Oct. 16, 1957; 8:50 a. m.]

[Docket No. 12162; FCC 57M-978]

BASIN BROADCASTING CO.

ORDER FOR PRE-HEARING CONFERENCE

In re application of Basin Broadcasting Company, Durango, Colorado; Docket No. 12162, File No. BP-11051; for construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Tuesday, October 29, 1957, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 10th day of October 1957.

Released: October 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8555; Filed, Oct. 16, 1957; 8:50 a. m.]

[Docket Nos. 12170, 12171; FCC 57M-984]

WESTBROOK BROADCASTING CO., INC., AND SHERWOOD J. TARLOW

NOTICE OF PREHEARING CONFERENCE

In re applications of Westbrook Broadcasting Co., Inc., Westbrook, Maine; Docket No. 12170, File No. BP-10911; Sherwood J. Tarlow, Saco, Maine; Docket No. 12171, File No. BP-11080; for construction permits.

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding at 10:00 a. m. on Tuesday, October 22, 1957, in Washington, D. C.

Dated: October 11, 1957.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8556; Filed, Oct. 16, 1957; 8:50 a. m.]

[Docket No. 12179 etc.; FCC 57M-983]

RADIO ST. CROIX, INC., ET AL.

NOTICE OF PREHEARING CONFERENCE

In re applications of Radio St. Croix, Incorporated, New Richmond, Wisconsin; Docket No. 12179, File No. BP-10925; Florida East Coast Broadcasting Company, Inc., South St. Paul, Minnesota; Docket No. 12180, File No. BP-11170; Hennepin County Broadcasting Company, Golden Valley, Minnesota; Docket No. 12181, File No. BP-11341; for construction permits.

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding at 10:00 a. m. on Friday, October 25, 1957, in Washington, D. C.

Dated: October 11, 1957.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8557; Filed, Oct. 16, 1957; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRIEDRICH N. HORN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Friedrich N. Horn, Amsterdam Z, Holland; Claim No. 60896; $1,180.72 in the Treasury of the United States.
Vesting Order Nos. 17840 and 17912.

Executed at Washington, D. C., on October 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-8547; Filed, Oct. 16, 1957; 8:47 a. m.]

FRIEDERIKE KOEROESSZEGI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Friederike Koeroesszegi, Halbgasse 20, Vienna VII, Austria; Claim No. 44983; $442.20 in the Treasury of the United States.
Vesting Order No. 3259.

Executed at Washington, D. C., on October 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-8548; Filed, Oct. 16, 1957; 8:47 a. m.]

IGNAZ PFITZER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Ignaz Pfitzer, Ingenbohl (SZ), Switzerland; Claim No. 48112; $6,476.89 in the Treasury of the United States. 200 shares Chicago and Eastern Illinois Railway Company $100 PV common stock, bearing Certificate Nos. 8757 and 8758, presently in the custody of this Office.
Vesting Order No. 10833.

Executed at Washington, D. C., on October 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-8549; Filed, Oct. 16, 1957; 8:48 a. m.]

KAZUSO SHIBATA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kazuso Shibata, Hiroshima Ken, Japan, Claim No. 45439; $548.03 in the Treasury of the United States.
Vesting Order Nos. 16891 and 17382.

Executed at Washington, D. C., on October 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-8550; Filed, Oct. 16, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

OCTOBER 11, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with Section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On October 1, 1957 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending October 11, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, October 12 to 21, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8539; Filed, Oct. 16, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 14, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34225: *Cement and mortar in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3539), for interested rail carriers. Rates on masonry cement, mortar cement or dry building mortar, in hopper cars, carloads between points in southern territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 103 to Agent Spaninger's I. C. C. 1447.

FSA No. 34226: *Phosphate rock from Florida to Clare, Kansas.* Filed by O. W. South, Jr., Agent (SFA No. A3540), for interested rail carriers. Rates on phosphate rock, ground or not ground, slush and floats, and soft phosphate, in bags or in bulk, carloads from Florida mines to Clare, Kans.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 66 to Agent Spaninger's I. C. C. 1514.

FSA No. 34227: *Tructrain service between the east and Dallas and Fort Worth, Texas.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7133), for interested rail carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania, on the one hand, and Dallas and Fort Worth, Tex., on the other.

Grounds for relief: Motor-water-motor or water-motor-carrier competition.

Tariffs: Supplement 9 to Agent Kratzmeir's I. C. C. 4256. Supplement 28 to Agent Kratzmeir's I. C. C. 4242.

FSA No. 34228: *Coal from Kentucky and Tennessee to Krannert, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3542), for carriers parties to schedule listed below. Rates on coal, carloads from C. C. & O. Group 1 mines in Kentucky and Tennessee to Kranner, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 35 to Agent Spaninger's I. C. C. 1481.

FSA No. 34229: *Tructrain service between the west and southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7127), for interested rail carriers. Rates on freight loaded on highway trailers and transported on railroad flat cars between points in Colorado and Wyoming, on the one hand, and points in Arkansas, Louisiana, Oklahoma, and Texas; also Natchez, Miss., and Memphis, Tenn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Agent Kratzmeir's tariff I. C. C. 4269.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-8551; Filed, Oct. 16, 1957; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 203

Washington, Friday, October 18, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—NONCOMPETITIVE ACQUISITION OF COMPETITIVE STATUS

INCUMBENTS OF POSITIONS BROUGHT INTO THE COMPETITIVE SERVICE

Section 3.101 (a) is amended as set out below.

§ 3.101 *Incumbents of positions brought into the competitive service.* (a) When the Commission has determined that one of the following situations exists, a person occupying a continuing position when it is brought into the competitive service may be retained in such position and may acquire a competitive status subject to the requirements of this section:

(1) A permanent excepted position has been brought into the competitive service by statute, Executive order, or revocation of a paragraph of Schedules A, B, or C in accordance with § 06.6 of this chapter, or is otherwise made subject to competitive examination.

(2) The Postmaster General has issued an order for the advancement of any post office from the fourth class to a higher class, or for the consolidation of any post office with one in which the employees are in the competitive service.

(3) The Federal Government has taken over a public or private enterprise, or an identifiable unit thereof, and continues its functions on a permanent basis.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8606; Filed, Oct. 17, 1957; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (1) of § 6.333 is amended as set out below.

§ 6.333 *General Services Administration*—(a) *Office of the Administrator.* (1) Four Members of the Board of Review.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8589; Filed, Oct. 17, 1957; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 475—EMERGENCY FEED PROGRAMS

SUBPART—1954, 1955 AND 1956 EMERGENCY FEED PROGRAMS

This bulletin contains regulations pertaining to the granting of relief pursuant to Public Law 85-312 with respect to claims arising out of deliveries of eligible surplus feed grains on ineligible dates in connection with purchase orders issued under the 1954, 1955, and 1956 Emergency Feed Programs.

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475.101 General statement.
475.102 Administration.
475.103 Definitions.
475.104 When relief may be granted.
475.105 Adjustment of claims without application.
475.106 Adjustment of claims with application.
475.107 Burden of proof.
475.108 Findings and notice to applicant.
475.109 Refunds.
475.110 Appeals.
475.111 Claims settled by or pending in the Department of Justice.
475.112 Regulations under Emergency Feed Programs.

AUTHORITY: §§ 475.101 to 475.112 issued under Pub. Law 85-312.

§ 475.101 *General statement.* (a) Under Public Law 85-312, Commodity Credit Corporation is authorized, under

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FEDERAL REGISTER

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regulations approved by the Secretary of Agriculture, to grant relief to farmers and dealers on claims arising out of early and late deliveries under purchase orders for emergency feed issued under the 1954, 1955 and 1956 Emergency Feed Programs. The act authorizes the recognition of purchases and deliveries of designated surplus feed grains and approved mixed feeds which were actually purchased on or after the date the county was declared eligible by the Secretary of Agriculture for assistance under the Emergency Feed Program and which were physically delivered not later than six months from the expiration date of the purchase order.

(b) The purpose of the act, as explained in the Committe Reports H. Rep. 341 and S. Rep. 1041, 85th Congress, 1st Session was to permit the Commodity Credit Corporation to dismiss claims against feed dealers and farmers for technical violations of regulations relating to the 1954, 1955 and 1956 Emergency Feed Programs involving early and late deliveries of feed under such programs. In a number of instances feed was delivered to the farmer before the Farmers Home Administration county committee had formally approved his application or after the delivery date on the purchase order had expired. None of the cases covered by this act involve substantive violations of the regulations such as underdelivery, delivery of ineligible feed or delivery without a purchase order.

§ 475.102 *Administration.* The relief authorized in this part will be administered by Commodity Credit Corporation (hereinafter called CCC) under the general direction and supervision of the Executive Vice President of CCC through the Commodity Stabilization Service (hereinafter called CSS) in the field through the Agricultural Stabilization and Conservation State office (hereinafter called ASC State office). No representative nor employee of any of the above has authority to modify or waive any of the provisions of this part, except that the Executive Vice President may grant such waivers (other than a waiver of subparagraphs (1) through (4) of § 475.104 (a)) upon such terms and conditions as he determines necessary to effectuate the purposes of the act.

§ 475.103 *Definitions.* The following terms shall have the following meanings in this subpart and in all forms and documents used in connection herewith except where the subject matter otherwise specifically requires or provides:

(a) "Dealer" means any person including but not limited to an individual, partnership, corporation, cooperative or other business entity who was eligible to present a purchase order to the ASC county office in exchange for a dealer's certificate under the 1954, 1955, or 1956 Emergency Feed Programs.

(b) "Farmer" means a farmer, rancher or stockman to whom was issued a purchase order under the 1954, 1955, or 1956 Emergency Feed Programs.

(c) "Feed" means designated surplus feed grains and approved mixed feed as defined in the 1954, 1955, and 1956 Emergency Feed Programs.

(d) "The date on which the county was declared to be eligible for assistance" means the date on which the county was first declared by the Secretary of Agriculture to be eligible to receive assistance under the Emergency Feed Program for a particular program year.

Where only a portion or portions of the county were declared eligible for assistance at any one time, the date as to any particular portion shall be the one on which that portion of the county was first declared eligible for assistance by the Secretary of Agriculture under the particular program year.

(e) "Early deliveries" means purchases of feed by a farmer and deliveries thereon by a dealer on or after the date the county was declared to be eligible for assistance during a particular program year and within not more than 30 days prior to the date the farmer's application for the purchase order, on which credit is claimed, was approved by the FHA county committee.

(f) "Late deliveries" means physical deliveries of feed to a farmer after the expiration date of the purchase order, but not later than six months after such date: *Provided,* That the purchase order was transferred by the farmer to the dealer before its expiration date as part payment on an agreement to purchase such feeds and the dealer allowed the farmer credit for the applicable value of the purchase order.

(g) "Expiration date of the purchase order" means the following number of calendar days after the date the purchase order was issued under the respective Emergency Feed Program plus, with respect to a particular purchase order, any extension of time heretofore granted by CCC:

1954 Emergency Feed Program—120 calendar days or such shorter period as shown on the purchase order by the ASC county committee.

1955 Emergency Feed Program—60 calendar days.

1956 Emergency Feed Program—60 calendar days.

(h) "A calendar month" means that period of time commencing on a given date in a month and extending to, but not including, the same date in the following month.

(i) "Six months from the expiration date of the purchase order" means the six calendar months commencing on the first day after the expiration date of a particular purchase order.

(j) "Purchase" means a purchase, or an agreement, oral or written, for the purchase of feed.

§ 475.104 *When relief may be granted.* (a) Any claim by CCC against a dealer under the 1954, 1955, or 1956 Emergency Feed Programs will be adjusted to the extent that the following is established:

(1) That such claim includes early and late deliveries as defined in § 475.103 (e) and (f);

(2) That as to any deliveries the purchase order was accepted by the dealer before its expiration date as part payment on the farmer's purchase of feeds;

(3) That actual, physical delivery was made of the feeds not later than six months from the expiration date of the applicable purchase order;

(4) That the dealer gave full credit to the farmer for the amount of the purchase order on which the early and late deliveries were made, and

(5) As to any amounts included in the application for relief, (i) the dealer has collected no portion thereof from the farmers, or (ii) if the dealer has collected any portion thereof from the farmers, the dealer has repaid to the farmers the amount so collected or the farmers, from whom such collections were made and who have not been repaid, consent to the application of the dealer for claim adjustment and to any refund by CCC to the dealer.

(b) A farmer may receive relief in the form of a payment from CCC to the extent that he can establish that he has paid the dealer the value of the purchase order with respect to any early or late deliveries on which the dealer has paid the claim of CCC and would be entitled to relief under these regulations, except for such dealer's refusal to repay the farmer or reclaim from CCC the amount collected. For the purposes of this part, a dealer will be deemed to have refused repayment if such dealer (1) has declined to repay or to file with CCC an application or request to which the farmer may consent as hereinafter provided or (2) within 30 days after a written request by the farmer to the dealer for repayment fails to repay or to file with CCC such application or request.

§ 475.105 *Adjustment of claims without application.* Any claim by CCC against a dealer under the 1954, 1955 or 1956 Emergency Feed Programs will, as to early and late deliveries, be adjusted by the ASC State office, without application by the dealer for claim relief, to the extent that information in the possession of CSS establishes that such deliveries meet the requirements of subparagraphs (1) through (4) of § 475.104 (a): *Provided, however,* That the dealer (a) certifies that no part of the amount being considered for adjustment has been collected by the dealer from farmers or (b) if any such collection has been made, either certifies that the amount of such collection has since been repaid to farmers or files with the ASC State office written consent by the farmers to claim adjustment and to any refund by CCC to the dealer. If any portion of the amount by which the claim is being adjusted has been paid by the dealer to CCC, in order to obtain a refund thereof as provided in § 475.109, the dealer must file with the ASC State office a written request for such refund. As to any portion of a claim not adjusted as provided in this section, if the dealer believes that he can qualify for claim relief, he shall file an application for relief as provided in § 475.106.

§ 475.106 *Adjustment of claims with application.* As to any claim with respect to early or late deliveries not adjusted pursuant to § 475.105 hereof application for adjustment of such claim may be made as follows:

(a) *When to apply.* Applications by dealers must be filed within six months after the date the regulations in this subpart are issued or within six months after the demand by CCC for payment of the claim is first received, whichever is later. A farmer who believes he is entitled to relief under § 475.104 (b) must make application within six months after the date these regulations are issued.

(b) *Where to apply.* Applications for adjustments of claims or refunds of amounts paid shall be made at the ASC State office which established the claim.

(c) *Application by a dealer.* The application by a dealer shall be in writing and shall include and be accompanied by the following:

(1) Amount of adjustment or refund requested.

(2) The identification of each purchase order on which credit is claimed including the name of the farmer to whom the purchase order was issued, the number of such purchase order, and the ASC county office which issued it.

(3) The dates of the purchases and quantities and types of feed purchased.

(4) The dates of actual physical deliveries and the quantities and types of feeds delivered on each of such dates.

(5) The credits given the farmer on the purchase orders listed and the dates such credits were given.

(6) Such other information as will establish that the dealer is entitled to relief under the requirements of § 475.104 (a).

(7) A certification by the dealer as follows:

I certify that the information set forth herein is true and correct and that no amount covered by this application has been collected from any of the farmers whose purchase orders are referred to in this application or that, if collections have been made from said farmers, the amount so collected has been repaid to them, or they have consented to this application and refund to the dealer by CCC. I have been informed and am fully aware that any false certification or representation herein or any documents supplied in support of this claim which are not, in fact, true and correct, may subject me to prosecution under the Federal Criminal Statutes and to action under the Civil False Claims Act.

This certification shall be sworn and subscribed to by the dealer or his authorized representative before a notary or other official authorized to administer oaths.

(8) The application shall be accompanied by any documentary evidence of purchase and delivery which the dealer desires to present including, but not limited to, sales slips, sales tickets, invoices, and delivery slips or certified or photostatic copies thereof, photostats of books or records of the dealer, or affidavits from farmers or others with actual knowledge of the facts, sworn and subscribed to as true and correct before a notary or other official authorized to administer oaths. Where the dealer has collected from farmers any amounts included in the application and not repaid to the farmers the amounts so collected, the application shall be accompanied by written statements of the farmers consenting to the dealer's application and refund by CCC to the dealer.

To the extent that any of the information or documents are in the possession of CSS, such information or documents need not be furnished by the dealer with his application. The dealer may inquire at the ASC State office as to the information and documents which are in the possession of that office.

(d) *Application by a farmer.* The application by a farmer for refund of any amount, which he paid to the dealer on a claim based on early and late deliveries and which in turn was paid by the dealer to CCC, shall be in writing and shall include the following:

(1) The amount of refund requested.

(2) The identification of each purchase order on which credit is claimed, including the number of such purchase order and the ASC county office which issued it, and the dealer to whom such purchase order was transferred.

(3) The dates of the purchases and the quantities and types of feed purchased.

(4) The dates of actual physical deliveries and the quantities and types of feeds delivered to the farmer on each of such dates.

(5) The credit received by the farmer on the purchase orders and the dates such credits were allowed.

(6) Such other information as will establish that the farmer is entitled to relief under the provisions of § 475.104.

(7) A certification by the farmer as follows:

I certify that the information set forth herein is true and correct and that I paid the amount herein claimed to ----------, the dealer to whom the purchase order was transferred, who has refused or failed to repay such amount to me. I have been informed and am fully aware that any false certification or representation herein which is not true and correct may subject me to prosecution under the Federal Criminal Statutes and to action under the Civil False Claims Act.

This certification shall be sworn and subscribed to before a notary or other official authorized to administer oaths.

(8) The application shall be accompanied by any documentary evidence which the farmer desires to submit, including but not limited to, sales slips, sales tickets, invoices, delivery slips, certified or photostatic copies thereof and photostats of books or records of the dealer or affidavits from persons with knowledge of the facts, and must include a receipt or other statement from the dealer reciting that payment has been made. Such affidavits shall be sworn and subscribed to as true and correct before a notary or other official authorized to administer oaths.

§ 475.107 *Burden of proof.* The burden of proof shall be upon the dealer or farmer to establish that he qualifies for an adjustment or refund as to early or late deliveries under this part. Such dealer or farmer may be requested to furnish any information and documents not previously furnished and CCC may make such verification or investigation as may be deemed necessary.

§ 475.108 *Findings and notice to applicants.* On the basis of all information made available to it, the ASC State office shall make a determination as to whether relief shall be granted to the applicant and, if so, the extent of such relief. If relief is denied in whole or in part, the ASC State office shall state the reasons for such denial. A copy of the determination and the reasons for the denial, if any part is denied, shall be mailed to the applicant.

§ 475.109 *Refunds.* Refunds will be made by the ASC State office of any amounts that have been collected by CCC from dealers on claims to the extent such claims have been adjusted hereunder except as provided in § 475.111.

§ 475.110 *Appeals.* Any dealer or farmer whose application for relief has been denied in whole or in part and who considers that the denial was unjustified and desires to appeal therefrom must notify the ASC State office within 30 days after receipt of its determination that he desires to appeal to the Executive Vice President of Commodity Credit Corporation or his designee. With such notification, the applicant shall submit to the ASC State office a written statement of his evidence or reasons in support of the appeal. The ASC State office shall promptly forward to the Executive Vice President, CCC, the complete file on the applicant together with any comments or statements which are considered pertinent. The ASC State office may, on its own motion, refer any application for adjustment or refund to the Executive Vice President, CCC, for determination. Any determination of the Executive Vice President, or his designee, shall be final and conclusive.

§ 475.111 *Claims settled by or pending in the Department of Justice.* Notwithstanding any provisions in these regulations, as to claims settled by or pending in the Department of Justice, CCC shall forward the determination as to any adjustment to the Office of the General Counsel for transmittal to the Department of Justice, and no refunds based on such determinations shall be allowed except to the extent the Department of Justice concurs therein.

§ 475.112 *Regulations under Emergency Feed Programs.* The regulations, as amended, issued in connection with each of the respective 1954, 1955, and 1956 Emergency Feed Programs shall remain in effect with respect to each such program except to the extent that they may be modified by the provisions of this subpart.

Issued this 15th day of October, 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

Approved:

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-8607; Filed, Oct. 16, 1957; 12:30 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958; 19 F. R. 9368), regulating the handling of Irish potatoes grown in Colorado, was published in the FEDERAL REGISTER September 18, 1957 (22 F. R. 7434). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 2, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.224 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.88), to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period ending May 31, 1958, will amount to $3,024.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 15, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-8605; Filed, Oct. 17, 1957; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

PIECE RATES FOR HAND-LACING OF PLASTIC AND LEATHER WALLETS, LEATHER WALLET COVERS, AND LEATHER MOCCASIN PLUGS

On August 9, 1957, notice was published in the FEDERAL REGISTER (22 F. R. 6385) that the Administrator of the Wage and Hour and Public Contracts Divisions proposed to amend Part 681 of Title 29, Code of Federal Regulations, by the issuance of piece rates for the hand-lacing of plastic and leather wallets, leather wallet covers, and leather moccasin plugs. In the proposal, interested persons were given until August 26, 1957, to submit for consideration data, views, or arguments, pertaining to the proposed amendment.

The sole response to the notice of amendment objected to the proposed rates on the ground that they were in excess of the piece rates actually justified by the operations in question. After consideration of all relevant material presented by the respondent and after re-examination of the data upon which the proposal was based, I am convinced that the proposed rates are fully justified. The objection is hereby overruled. This amendment is based upon the statutory authority contained in section 6 (a) (2) of the Fair Labor Standards Act of 1938. Its purpose is to establish minimum piece rates commensurate with the minimum hourly rates which became effective April 4, 1957, for the leather, leather goods, shoe, and related products industry in Puerto Rico (22 F. R. 1744).

Accordingly, pursuant to authority provided in section 6 (a) (2) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U. S. C. 206 (a) (2)), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85A of the Secretary of Labor (22 F. R. 7614), § 681.9 of Title 29, Code of Federal Regulations, is hereby amended by the addition of a new paragraph (b) to read as follows:

(b) *Piece rates for the hand-lacing of plastic and leather wallets, leather wallet covers, and leather moccasin plugs.* A minimum piece rate of $^{55}/_{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum rate of $^{70}/_{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather moccasin plugs; a minimum piece rate of 1 and $^{35}/_{100}$ cents per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers, and a minimum piece rate of 1 and $^{68}/_{100}$ cents per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

(Secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211)

This amendment shall become effective November 18, 1957.

Signed at Washington, D. C., this 15th day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-8604; Filed, Oct. 17, 1957; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949 (63 Stat. 600; 16 U. S. C. 718d (a)), I have determined that portions of the Willapa National Wildlife Refuge, Washington, may be administered primarily as a wildlife management area, not subject to the prohibitions against the taking of migratory game birds, and that the hunting of migratory waterfowl and coots within the area hereinafter described would be compatible with sound wildlife management. Accordingly, a new subpart and center headnote, as set forth above, and § 35.21, reading as follows, are added:

§ 35.21 *Hunting of migratory waterfowl and coots.* Migratory waterfowl and coots may be taken by hunting in accordance with the provisions of Part 6 of this chapter on the portions of the Willapa National Wildlife Refuge, Washington, described in this section, subject to the following conditions and restrictions:

(a) Strict compliance with all applicable State and Federal laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retreiving, but such dogs shall not be permitted to run at large on the refuge.

(d) The use of boats for the purpose of hunting, subject to the provisions of Part 6 of this chapter, is permitted: *Provided,* That the use of airthrust or scull boats is prohibited.

(e) State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting.

(f) The hunting areas are described as follows:

Area I. The area of the refuge bounded on the east by the channel of Bear River; on the north by the line (projected) between Townships 10 and 11 North, W. M.; on the west by the line (projected) between Ranges 10 and 11 West; on the south by a dike running easterly and southerly and by the south line of Section 7, T. 10 N., R. 10 W., thence east to the channel of Bear River.

Area II. The area of the refuge bounded on the east by the north and south center line (projected) of Sections 1 and 12, T. 10 N., R. 11 W.; on the north by the line (projected) between Townships 10 and 11 north; on the west by the east bank of Tarlett Slough; and on the south by the refuge boundary.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Willapa National Wildlife Refuge, Washington, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 14, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-8586; Filed, Oct. 17, 1957; 8:48 a. m.]

PART 35—NORTHEASTERN REGION

SUBPART—BRIGANTINE NATIONAL WILDLIFE REFUGE, NEW JERSEY

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31 and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949 (63 Stat. 600; 16 U. S. C. 718d (a)), I have determined that portions of the Brigantine National Wildlife Refuge, New Jersey, may be administered primarily as a wildlife management area, not subject to the prohibitions against the taking of migratory game birds, and

that the hunting of migratory waterfowl, coots, and rails within the area hereinafter described would be compatible with sound wildlife management. Accordingly, a new subpart and center headnote, as set forth above, and § 35.21, reading as follows, are added:

§ 35.21 *Hunting of migratory waterfowl, coots, and rails.* Migratory waterfowl, coots, and rails may be taken by hunting in accordance with the provisions of Part 6 of this chapter on the portions of the Brigantine National Wildlife Refuge, New Jersey, described in this section, subject to the following conditions and restrictions:

(a) Strict compliance with all applicable State and Federal laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) The use of boats for the purpose of hunting, subject to the provisions of Part 6 of this chapter, is permitted: *Provided*, That the use of airthrust or scull boats is prohibited.

(e) State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting.

(f) The hunting areas are described as follows:

Area I. All areas of marshland and water on the peninsula lying east of Landing Creek, which is about three-fourths (¾) mile east of Leeds Point Road, said area being bounded on the northeast by Great Bay; on the southeast by Main Marsh Thorofare; on the south by Drag Island Thorofare and Hammock Cove; and bounded on the southwest by: The shoreline of Hammock Cove to a point at the westerly mouth and on the south bank of Turtle Creek; thence northwesterly a straight line crossing Hammock Cove to a point at the mouth of and on the south (right) bank of Hammock Creek; thence upstream with the southwest (right) bank of Hammock Creek northwesterly to a point on the westerly (right) bank of Sedge Creek; thence upstream with the westerly bank of Sedge Creek northerly to a cut-through; thence with the southwest bank of the cut-through northwesterly to its junction with Landing Creek. Included within said area are all of Main Marsh and all of Big Main Marsh, Big Turtle, Broad, Cabin, Clam, Little Clam, Little Main Marsh, Little Turtle, Rowleys, and Sedge Creeks.

Area II. An area of marshland lying in the southeasterly part of the refuge, being all of the marsh islands known as Rock Islands in Little Bay west of Middle Thorofare; and all of the islands or parts of islands lying west of the southeast refuge boundary, as now surveyed across Marsh Elder Island, north of Brigantine Channel, east of Middle Thorofare, and south of a line described as follows: Beginning at a corner in the east refuge boundary on the north side of Marsh Elder Island at Rack Point, a concrete post monument with bronze cap; thence northwest with the shore of Marsh Elder Island to the most northerly point thereof; thence northwesterly to the center of Big Mud Thorofare at the junction with Rack Thorofare; thence westerly with the center line of Big Mud Thorofare, approximately sixty-five (65) chains to a point opposite the most westerly north point of Marsh Elder Island, thence southwesterly crossing part of the large island between Little Mud Thorofare and Big Mud Thorofare, approximately twenty-five (25) chains to a point in a channel of Big Mud Thorofare north of an island in said thorofare; thence westerly with the center line of that channel and with the center line of Big Mud Thorofare, approximately fifty (50) chains to a point in said thorofare due east of Hospital Point; thence west across part of the aforesaid island south of Little Mud Thorofare, approximately twenty-five (25) chains to a point in Little Mud Thorofare at the junction with Little Bay.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Brigantine National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 14, 1957.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-8587; Filed, Oct. 17, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

NOTICE OF PROPOSAL TO AMEND REGULATIONS GOVERNING CONFIDENTIALITY OF INFORMATION CONTAINED IN NEW-DRUG APPLICATIONS

Notice is given that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052, 1055; 21 U. S. C. 355, 371) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F. R. 1045) hereby announces his proposal to amend the regulation relating to confidentiality of information contained in new-drug applications (21 CFR, 1956 Supp., 130.32) and offers an opportunity to all interested persons to submit their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

It is proposed to amend § 130.32 *Confidentiality of information contained in new-drug applications*, by adding the following new paragraph (c):

(c) The Food and Drug Administration may disclose to State feed control officials who have been commissioned by the Commissioner of Food and Drugs to conduct examinations and investigations under the Federal Food, Drug, and Cosmetic Act, prior or subsequent to the effective date of a new-drug application, the details of analytical control methods contained in an application or master file covering a drug intended for use in the manufacture of a medicated feed, when such methods are intended for use by feed manufacturers to control the composition of the medicated feed. The Commissioner will give consideration to any requests that such analytical control methods not be so disclosed, as well as the reasons given to support the request.

The proposed amendment is based upon the following considerations:

1. A suitable analytical procedure for use by a feed manufacturer to control the content of a drug in a medicated feed is an important part of a new-drug application for a medicated feed. A collaborative study with State feed control officials acting as duly commissioned officers of the Department of Health, Education, and Welfare as authorized by law may assist the Food and Drug Administration in evaluating the proposed analytical control procedures. The results of such a study may have a significant bearing in determining the safety of a proposed use of a drug in a feed.

2. Most States have specific laws regulating the distribution of medicated feeds. In general, such laws require registration of such products before they may be sold. The availability of a suitable analytical control procedure for a medicated feed may facilitate its registration under State laws and its control after registration.

Dated: October 11, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-8584; Filed, Oct. 17, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[77180]

MISSISSIPPI

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LAND

Plat of survey of the lands described below, accepted August 1, 1957, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on November 20, 1957:

ST. STEPHENS MERIDIAN, MISSISSIPPI

T. 9 S., R. 4 W.,
Sec. 31, Lots 3, 4, 5, 6;
Sec. 32, Lot 1.
T. 10 S., R. 4 W.,
Sec. 6, Lots 9, 10, 11.
T. 9 S., R. 5 W.,
Sec. 31, Lot 1;
Sec. 32, Lots 1, 2, 3, 4;
Sec. 33, Lots 1, 2, 3.
T. 10 S., R. 5 W.,
Sec. 3, Lots 4, 5, 6, 7;
Sec. 4, Lots 1, 2, 3, 4;
Sec. 5, Lot 1.

This survey was undertaken as an administrative measure to identify and provide adequate descriptions for the public lands on Petit Bois Island since radical changes have taken place in the island's general formation and configuration since the date of the original survey to disappearance of portions of the island and the creation of additional lands through the normal process of accretion.

Petit Bois Island is of sand formation with the higher dunes reaching approximately 15 feet above the water level. The general formation between the dunes is low and flat, with basins that are sloughy. There are several small lakes and ponds on the island. The vegetation consists mostly of small brush and grass with some small pine timber in sec. 1, T. 10 S., R. 5 W., and in sec. 36 T. 9 S., R. 5 W.

The lands in Ts. 9 and 10 S., R. 4 W., were withdrawn by Executive Order No. 1775 of May 6, 1913, for Petit Bois Island Reservation for birds, name changed to Petit Bois National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940.

Frac'l. sec. 31, T. 9 S., R. 5 W., and secs. 3 and 5, T. 10 S., R. 5 W., were reserved for military purposes by Executive Order of August 30, 1847; also reserved for Lighthouse purposes by Executive Orders of February 20, 1931 and September 3, 1900, respectively.

No application for the lands in Secs. 32, 33, T. 9 S., R. 5 W., and Sec. 4 T. 10 S., R. 5 W., may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274–284 as amended), presented prior to 10:00 a. m., on November 20, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on February 24, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2), above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on November 20, 1957, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-8588; Filed, Oct. 17, 1957; 8:49 a. m.]

Fish and Wildlife Service

[Director's Order 1]

DESIGNATED OFFICIALS OF BUREAU OF COMMERCIAL FISHERIES

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES FOR SPACE

OCTOBER 14, 1957.

SECTION 1. *Contracts for procurement.* (a) Except as provided in section 2 of this order, the officers and employees designated in this paragraph are severally authorized, within the monetary limits indicated in each case, to enter into contracts for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

(1) *Headquarters organization.* Assistant Director, Bureau of Commercial Fisheries; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount; and Supply Officer, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(2) *Regional offices.* Regional Directors and Assistant Regional Directors; and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(3) *Other offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations, $100,000; and General Manager and Administrative Officer, Pribilof Islands Reservation, $5,000.

(4) *Field units.* Project leaders and chiefs of field parties, open market purchases not exceeding $500 in any one case and emergency purchases unlimited as to amount.

(b) With respect to any such contract, the officers and employees designated in paragraph (a) of this section may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, the Assistant Director of the Bureau of Commercial Fisheries may, with respect to contracts entered into on United States standard form number 23, act as the authorized representative of the Secretary of the Interior within the meaning of Articles 3 and 4 of that form, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23.

SEC. 2. *Limitations.* The authority granted in section 1 of this order shall not be construed as including authority to negotiate contracts, without advertising, pursuant to the authority conferred under section 302 (c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 2052 et seq.).

SEC. 3. *Leases.* (a) The officers and employees designated in paragraph (b) of this section may exercise the authority vested in the Secretary of the Interior pursuant to Regulations of the General Services Administration, Title 2, Real Property Management, to perform all functions with respect to acquisition by lease of space in buildings and land incidental to the use thereof, limited to the amounts indicated in each case, when:

(1) The space is found by the Administration to be special purpose in character under section 1 (d) of Reorganization Plan 18 of 1950 (5 U. S. C. 133z–15, note).

(2) The space is required for use incidental to, in conjunction with, and in close proximity to, space which has been found by the Administration to be special purpose.

(3) The space is leased for no rental, or for a nominal consideration of $1.00 per annum.

(4) The space is located in Puerto Rico, the Virgin Islands, or the Territories of Alaska and Hawaii.

(5) The agency has been specifically authorized by the Administration to perform any or all such functions.

(b) *Authorized officers*—(1) *Headquarters organization.* Assistant Director, Bureau of Commercial Fisheries; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(2) *Regional offices.* Regional Directors and Assistant Regional Directors, and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(3) *Other offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations, $100,000.

SEC. 4. *Redelegation.* The authority granted in this order may not be redelegated.

SEC. 5. *Revocation.* Director's Order 1, Amdt. 1, of the former Fish and Wildlife Service (21 F. R. 1374) is superseded.

[Secretary's Order No. 2509, Amdts. 16 and 25; Commissioner's Order No. 3]

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57–8571; Filed, Oct. 17, 1957; 8:45 a. m.]

[Director's Order 1]

DESIGNATED OFFICIALS OF BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES FOR SPACE

OCTOBER 14, 1957.

SECTION 1. *Contracts for procurement.* (a) Except as provided in section 2 of this order, the officers and employees designated in this paragraph are severally authorized, within the monetary limits indicated in each case, to enter into contracts for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

(1) *Headquarters organization.* Assistant Directors, Bureau of Sport Fisheries and Wildlife; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount; and Supply Officer, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(2) *Regional offices.* Regional Directors and Assistant Regional Directors; and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(3) *Field units.* Project leaders and chiefs of field parties, open market purchases not exceeding $500 in any one case and emergency purchases unlimited as to amount.

(b) With respect to any such contract, the officers and employees designated in paragraph (a) of this section may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, any Assistant Director of the Bureau of Sport Fisheries and Wildlife may, with respect to contracts entered into on United States standard form number 23, act as the authorized representative of the Secretary of the Interior within the meaning of Articles 3 and 4 of that form, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23.

SEC. 2. *Limitations.* The authority granted in section 1 of this order shall not be construed as including authority to negotiate contracts, without advertising, pursuant to the authority conferred under section 302 (c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 2052 et seq.).

SEC. 3. *Leases.* (a) The officers and employees designated in paragraph (b) of this section may exercise the authority vested in the Secretary of the Interior pursuant to Regulations of the General Services Administration, Title 2, Real Property Management, to perform all functions with respect to acquisition by lease of space in buildings and land incidental to the use thereof, limited to the amounts indicated in each case, when:

(1) The space is found by the Administration to be special purpose in character under section 1 (d) of Reorganization Plan 18 of 1950 (5 U. S. C. 133z–15, note).

(2) The space is required for use incidental to, in conjunction with, and in close proximity to, space which has been found by the Administration to be special purpose.

(3) The space is leased for no rental, or for a nominal consideration of $1.00 per annum.

(4) The space is located in Puerto Rico, the Virgin Islands, or the Territories of Alaska and Hawaii.

(5) The agency has been specifically authorized by the Administration to perform any or all such functions.

(b) *Authorized officers*—(1) *Headquarters organization.* Assistant Directors, Bureau of Sport Fisheries and Wildlife; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(2) *Regional offices.* Regional Directors and Assistant Regional Directors, and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, $100,000.

SEC. 4. *Redelegation.* The authority granted in this order may not be redelegated.

SEC. 5. *Revocation.* Director's Order 1, Amdt. 1, of the former Fish and Wildlife Service (21 F. R. 1374) is superseded.

[Secretary's Order No. 2509, Amdts. 16 and 25; Commissioner's Order No. 4]

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57–8572; Filed, Oct. 17, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN H. SPRAGGON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 27, 1956, 21 F. R. 8245; May 2, 1957, 22 F. R. 3135.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 11, 1957.

Dated: October 11, 1957.

JOHN H. SPRAGGON.

[F. R. Doc. 57–8590; Filed, Oct. 17, 1957; 8:49 a. m.]

OLIVER J. GREENWAY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 25, 1956, 21 F. R. 2666; October 23, 1956, 21 F. R. 8123; April 20, 1957, 22 F. R. 2784.

A. Deletions: None.
B. Additions: Thatcher Glass Company, Canada General Fund (Mutual).

This statement is made as of October 10, 1957.

Dated: October 10, 1957.

OLIVER J. GREENWAY.

[F. R. Doc. 57–8591; Filed, Oct. 17, 1957; 8:50 a. m.]

ROBERT D. JAMES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 7, 1956, 21 F. R. 8545; April 20, 1957, 22 F. R. 2784.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 10, 1957.

Dated: October 14, 1957.

ROBERT D. JAMES.

[F. R. Doc. 57–8592; Filed, Oct. 17, 1957; 8:50 a. m.]

HAROLD LARSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 6, 1956, 21 F. R. 8514; November 20, 1957, 22 F. R. 2784.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 11, 1957.

Dated: October 11, 1957.

HAROLD LARSEN.

[F. R. Doc. 57–8593; Filed, Oct. 17, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–4]

AMERICAN MAIL LINES

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICES

Please take notice that an application for a license to provide radioactive waste disposal services has been filed by the American Mail Lines, 740 Stuart Building, Seattle 1, Washington.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 4th day of October 1957.

For the Atomic Energy Commission.

HAROLD L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–8594; Filed, Oct. 17, 1957; 8:50 a. m.]

[Docket No. 27–3]

CALIFORNIA SALVAGE CO.

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICES

Please take notice that an application for a license to provide radioactive waste disposal services has been filed by the California Salvage Company, 709 North Pacific Avenue, San Pedro, California.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 4th day of October 1957.

For the Atomic Energy Commission.

HAROLD L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–8595; Filed, Oct. 17, 1957; 8:51 a. m.]

[Docket No. 50–81]

MITSUBISHI INTERNATIONAL CORP.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on October 11, 1957, issued License No. XR–15 to Mitsubishi International Corporation authorizing the export of a ten megawatt tank-type research reactor to the Japan Atomic Energy Research Institute, Tokyo, Japan. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on September 26, 1957, 22 F. R. 7666.

Dated at Washington, D. C., this 11th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–8596; Filed, Oct. 17, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11888, 11889; FCC 57M–991]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

ORDER FOLLOWING PRE-HEARING CONFERENCE (CONTINUING HEARING)

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP–10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP–10691; for construction permits.

1. Pursuant to agreements reached and rulings made at a prehearing conference held on October 3, 1957, looking toward disposition of the two issues designated for hearing by Commission Order released August 8, 1957 (FCC 57–843): *It is ordered,* This 11th day of October 1957, that the following procedure shall control future steps in this proceeding:

1. The burden of proof in the two issues shall be assumed by Kermit F. Tracy.

2. Direct presentation will be made in writing.

3. Kermit F. Tracy will furnish copies of his direct presentation to counsel for Jefferson County Broadcasting Company and to counsel for the Chief of the Broadcast Bureau on or before November 14, 1957.

4. Hearing will be held on November 18, 1957.[1]

5. In the event Jefferson County Broadcasting Company determines, after review of Kermit F. Tracy's direct presentation, that it intends to call witnesses to the stand in rebuttal of Tracy's showing, notice will be promptly given of that decision to counsel for Tracy and counsel for the Chief of the Broadcast Bureau, together with the names of the proposed witnesses.

6. No further pre-hearing conference will be held in this proceeding unless requested by the parties.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8597; Filed, Oct. 17, 1957; 8:51 a. m.]

[Docket Nos. 12126, 12127; FCC 57M–987]

GOLD COAST BROADCASTING CO. AND PUBLIC SERVICE BROADCASTING

ORDER CONTINUING HEARING

In re applications of Garland C. Burt and Sam C. Phillips, d/b as Gold Coast Broadcasting Company, Lake Worth, Florida, Docket No. 12126, File No. BP–11005; Robert Hecksher, tr/as Public Service Broadcasting, Riviera Beach, Florida, Docket No. 12127, File No. BP–11256; for construction permits.

The Hearing Examiner having under consideration a motion for continuance, filed by Robert Hecksher, tr/as Public Service Broadcasting on October 10, 1957, requesting that the date for the exchange of the direct narrative presentations of each of the above-designated parties be continued from October 15, to November 8, 1957; that the date for the further prehearing conference be continued from October 22 to November 13, 1957; and that the date for the commencement of the hearing be continued from October 31 to November 20, 1957;

[1] At the conference on October 3, 1957, exchange of Tracy's direct presentation was scheduled for October 14, 1957, and hearing was scheduled for October 18, 1957. At the oral request of counsel for Tracy, made to the Examiner on October 7, 1957, and with the consent of all other participants in the proceedings those dates were each extended one month.

It appearing that counsel for other parties to the proceeding have consented to a grant of the motion and to a waiver of the "four-day" rule; and that the purpose of the continuance is to allow the parties to explore the possibility of resolving the conflict between their applications;

It further appearing that no prehearing conference has been scheduled in this proceeding for October 22, 1957, but that notice of witnesses desired for cross-examination is presently scheduled to be given by that date;

It is ordered, This 11th day of October 1957, that the date for the exchange of applicants' direct cases is continued from October 15 to November 8, 1957; that the date for giving notice as to witnesses desired for cross-examination is continued from October 22 to November 13, 1957; that the date for the commencement of the hearing is continued from October 31 to November 20, 1957; and that the above motion is granted to the extent indicated.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8598; Filed, Oct. 17, 1957; 8:51 a. m.]

[Docket Nos. 12144, 12145; FCC 57M-992]

BEEHIVE TELECASTING CORP. AND JACK A. BURNETT

ORDER FOLLOWING FIRST PREHEARING CONFERENCE (CONTINUING HEARING)

In re applications of Beehive Telecasting Corporation, Provo, Utah, Docket No. 12144, File No. BPCT-2051; Jack A. Burnett, Provo, Utah, Docket No. 12145, File No. BPCT-2264; for construction permits for new television broadcast stations.

On the basis of agreements reached and rulings made at a prehearing conference held on October 4, 1957: *It is ordered*, This 14th day of October 1957, that the following procedures shall govern the future course of hearings:

1. Direct presentation will be made in writing.

2. Each of the applicants will have available at the hearing witnesses conversant with the direct presentation and qualified to answer all relevant and material questions on cross-examination.

3. Counsel for Beehive will furnish counsel for Burnett a written itemization of the program logs and equipment lists which he desires to obtain from Burnett in connection with the preparation of Beehive's showing. Unless the request constitutes a substantial expansion in the data orally referred to at the prehearing conference, Burnett is directed to furnish the requested information.

4. Both applicants will, insofar as possible, make their direct presentations in such a manner as to obviate objection based on incompetence of witnesses or hearsay.

5. Counsel for both applicants will, prior to the tender of direct presentations in evidence, point out to their adversaries those portions of their adversary's showings which appear patently inadmissible as evidence, with a view toward the deletion of objectionable data prior to tender.

6. Exhibits will be submitted insofar as possible on legal-size paper.

7. Exchange of direct presentations will be effected October 30, 1957; a further preliminary conference will not be held unless specifically requested by the participants; date of hearing now scheduled for October 21, 1957, is continued to November 14, 1957.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8599; Filed, Oct. 17, 1957; 8:52 a. m.]

[Docket No. 12167; FCC 57M-965]

CAPITOL BROADCASTING CO. (WJTV)

ORDER SCHEDULING PREHEARING CONFERENCE

In re modification of construction permit of Capitol Broadcasting Company (WJTV), Jackson, Mississippi, Docket No. 12167; pursuant to section 316 of the Communications Act of 1934, as amended.

It is ordered, This 8th day of October 1957, that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 10:00 a. m., October 23, 1957, in the Commission's offices at Washington, D. C.

Released: October 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8600; Filed, Oct. 17, 1957; 8:52 a. m.]

[Docket No. 12174; FCC 57M-993]

ATLANTIC COAST BROADCASTING CORPORATION OF CHARLESTON (WTMA-TV)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Atlantic Coast Broadcasting Corporation of Charleston (WTMA-TV), Charleston, South Carolina, Docket No. 12174, File No. BPCT-2346; for construction permit for a new television broadcast station.

It is ordered, This 14th day of October 1957, that a prehearing conference will be held in the above-entitled proceeding at the offices of the Commission in Washington, D. C., at 10:00 a. m., Friday, October 18, 1957.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8601; Filed, Oct. 17, 1957; 8:52 a. m.]

[Docket No. 12206; FCC 57M-988]

CHINOOK TELEVISION CO.

ORDER SCHEDULING HEARING

In re application of Robert S. McCaw, tr/as Chinook Television Company, Yakima, Washington, Docket No. 12206, File No. BPCT-2206; for construction permit to replace expired permit.

It is ordered, This 11th day of October 1957, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled for November 13, 1957, in Washington, D. C.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8602; Filed, Oct. 17, 1957; 8:52 a. m.]

[Docket Nos. 12209, 12210; FCC 57M-989]

DAVID M. SEGAL ET AL.

ORDER SCHEDULING HEARING

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP-10427; Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-11289; for construction permits.

It is ordered, This 11th day of October 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 20, 1957, in Washington, D. C.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8603; Filed, Oct. 17, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13401]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Amerada Petroleum Corporation (Amerada) on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 10, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 6 to Amerada's FPC Gas Rate Schedule No. 53.
Effective date: [1] November 1, 1957.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Amerada, if later.

In support of the proposed rate increase, Amerada states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area rate, is economically desirable, and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8573; Filed, Oct. 17, 1957; 8:45 a. m.]

[Docket No. G-13402]

TIDEWATER OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Tidewater Oil Company (Operator) et al. on September 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 16, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 3 to Tidewater's FPC Gas Rate Schedule No. 57.
Effective date: [1] November 1, 1957.

In support of the proposed rate increase, Tidewater states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area going rate, is economically desirable and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8574; Filed, Oct. 17, 1957; 8:45 a. m.]

[Docket No. G-13403]

BERT FIELDS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Bert Fields et al. (Fields) on September 20, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 18, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 4 to Fields' FPC Gas Rate Schedule No. 9.
Effective date: [1] November 1, 1957.

In support of the proposed rate increase, Fields states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area rate, is economically desirable, and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8575; Filed, Oct. 17, 1957; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Fields if later.

[Docket No. G-13404]

ARKANSAS FUEL OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Arkansas Fuel Oil Corporation (Operator) et al. on September 20, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 17, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 5 to Arkansas' FPC Gas Rate Schedule No. 53.
Effective date:[1] November 1, 1957.

In support of the proposed rate increase, Arkansas states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area going rate, is economically desirable and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8576; Filed, Oct. 17, 1957; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Arkansas, if later.

[Docket No. G-13417]

ADA OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 14, 1957.

Ada Oil Company (Ada) on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 13, 1957.
Purchaser: Phillips Petroleum Company.
Rate schedule designation: Supplement No. 2 to Ada's FPC Gas Rate Schedule No. 3.
Effective date:[3] October 17, 1957.

In support of the proposed increased rate, Ada states that the re-sale price escalation clause in its sale contract with Phillips Petroleum Company (Phillips), the Buyer, has been "triggered" by the latter's increase in rates to Michigan-Wisconsin Pipe Line Company. Phillips' increased rate presently effective is being collected subject to possible refund in Docket No. G-10793 and has not, therefore, been shown to be just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Ada's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Ada's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 18, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8577; Filed, Oct. 17, 1957; 8:46 a. m.]

[2] Commissioner Digby dissenting. Commissioner Kline not participating.

[3] The stated effective date is the first day after expiration of the required thirty days' notice.

[Docket No. G-12248]

C. N. HOUSH ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 14, 1957.

Take notice that C. N. Housh et al.[4] (Applicants), filed an application on March 18, 1957, for permission and approval to abandon service, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants seek permission and approval to abandon their sale of natural gas in interstate commerce to Texas Illinois Natural Gas Pipeline Company. The aforesaid sale is made from the Whitehead-Rash & Phillips #1 Well in the Fairbanks Field, Harris County, Texas, which sale, in addition to sales of gas from other wells in said field, was authorized on May 31, 1956, in Docket No. G-3970.

Applicants state that the sand formation from which the aforesaid well produced has been depleted and production of commercial quantities of gas therefrom is no longer possible. Applicants state, further, that said well was plugged and abandoned on March 12, 1957, including the abandonment of the lease thereunder.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 26, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) and (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8578; Filed, Oct. 17, 1957; 8:46 a. m.]

[4] Applicants are C. N. Housh, E. G. Thompson, L. G. Housh, W. L. Ginther, H. C. Warren, N. C. Ginther, L. A. Grelling, and Jackie Proler.

[Docket No. G-12976]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 14, 1957.

Take notice that The Texas Company (Applicant), filed an application on July 29, 1957, for permission and approval to abandon service, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas in interstate commerce to Tennessee Gas Transmission Company (Tennessee), from the Edinburg Field, Hidalgo County, Texas, rendered pursuant to a gas sales agreement dated June 12, 1952, as amended. Said service, among others, was authorized on December 5, 1955, in Docket No. G-4820.

Applicant states that its only well on the Biewener Gas Unit was shut in during March 1957 due to the high percentage of water produced, that said well was abandoned and no further development of the unit was made due to the influx of water in the gas reservoir, and, in addition, that the leases on said unit have terminated. Prior thereto, Applicant's Brown and Snitily Gas Units, the other two units and the leases thereunder covered by the sales contract, terminated for the same reason.

This matter is one that should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8579; Filed, Oct. 17, 1957; 8:47 a. m.]

[Docket No. G-13084]

WISCONSIN SOUTHERN GAS CO., INC.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 14, 1957.

Take notice that Wisconsin Southern Gas Company, Inc. (Applicant), a Wisconsin corporation, with its principal place of business at Lake Geneva, Wisconsin, filed an application on August 19, 1957, for an order, pursuant to section 7 (a) of the Natural Gas Act, directing either (a) Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and Natural Gas Pipeline Company of America (Natural), to use existing facilities for the purpose of transporting gas to Applicant and requiring Michigan Wisconsin to sell Applicant an emergency supply of gas for a period of one year, including the 1957–1958 heating season, or (b) Michigan Wisconsin to make a direct interconnection of its facilities with the facilities of Applicant and to sell to Applicant such one-year emergency supply of gas.

Applicant states that it is engaged in the distribution of gas in Lake Geneva, Burlington, Geneva City and other towns in Wisconsin and is an existing customer of Natural.

Applicant states that it expects a peak demand of 8,084 Mcf per day this coming winter. Applicant further alleges that the quantities of gas available to meet this demand are:

Daily contract quantity from Natural, 4,622 Mcf/day.
Natural Gas Storage Company of Illinois, 2,063 Mcf/day.

plus propane-air plant having a capacity of about 2,000 Mcf per day of natural gas equivalent. Applicant states, however, that since total storage withdrawals during the season are limited to about 40,000 Mcf, the amount available on cold days during the second half of the heating season may be substantially less than the 2,063 Mcf per day. Applicant also estimates a seasonal deficiency of 122,517 Mcf above the contract quantity from Natural, which would have to be met by about 40,000 Mcf from storage and 82,500 Mcf from the propane-air plant, assuming that the plant could meet the load imposed on it, which assumption Applicant doubts. Applicant also claims financial hardship if such quantity of propane-air gas is required to be made as it is expected to seriously reduce Applicant's net operating income and ability to pay established dividends.

Natural and Michigan Wisconsin now have an emergency interconnection (Docket No. G-10057) a few miles from the point where Natural delivers gas to Wisconsin Southern. Michigan Wisconsin's main line to Milwaukee crosses Applicant's system but there is no connection between the two systems.

Applicant alleges that the cheapest and most expeditious method for Michigan Wisconsin to furnish a one-year emergency supply of gas to Applicant, to include the 1957–1958 heating season, would be through the existing facilities of Michigan Wisconsin and Natural. Applicant states that it will pay any costs and expenses incident to securing an emergency supply of gas through such existing facilities and will pay such tariff charges for such gas at the Wisconsin-Illinois state line as the Commission may prescribe or approve.

Applicant states that an alternative method of providing the one-year emergency service is through a direct connection of Applicant's pipeline facilities with the facilities of Michigan Wisconsin. Such connection would make it possible for Applicant to receive, during the emergency period of the 1957–1958 heating season, sufficient gas from Michigan Wisconsin to enable Applicant to operate through the winter on a normal basis without restricting service to any firm load customers.

Applicant states that it will pay all costs and expenses of metering facilities and an interconnection of its transmission pipeline with the pipeline facilities of Michigan Wisconsin, and will contract to take 150,000 to 200,000 Mcf of natural gas for the one-year emergency period, at a daily maximum rate not to exceed 2,000 Mcf. Applicant will also pay such tariff charges for said emergency service as may be prescribed or approved by the Commission.

Applicant states on information and belief that the temporary emergency service requested in this application will not impair the ability of either Michigan Wisconsin or Natural to render adequate service to their customers and will not place any undue burden on either of said companies or their natural gas transmission facilities.

On September 20, 1957, Michigan Wisconsin filed its answer to the instant application stating that it is under no obligation to furnish natural gas to Applicant and requested that the petition of Applicant insofar as it relates to Michigan Wisconsin, be denied.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 21, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applic .tion.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8580; Filed, Oct. 17, 1957; 8:47 a. m.]

[Docket No. G-13418]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Shell Oil Company, (Shell), on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 12, 1957.

Purchaser: Texas Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 29.

Effective date: [1] November 1, 1957.

In support of the proposed increased rate, Shell states that the periodic increase in price contained in the rate schedule resulted from arm's length bargaining and is needed to offset increased operating costs. The rate presently in effect is being collected subject to possible refund, having been suspended by order issued October 30, 1956, in Docket No. G-11336, and, therefore, has not been shown to be just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8581; Filed, Oct. 17, 1957; 8:47 a. m.]

[1] The stated effective date is the date proposed by Shell.

[2] Commissioner Digby dissenting. Commissioner Kline not participating.

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-2059]

DEUTSCHE RENTENBANK-KREDITANSTALT

NOTICE OF APPLICATION FOR EXEMPTION

OCTOBER 11, 1957.

In the matter of Deutsche Rentenbank-Kreditanstalt (Landwirtschaftliche Zentralbank) German Central Bank for Agriculture; File No. 22-2059.

Notice is hereby given that Deutsche Rentenbank-Kreditanstalt (the Bank), a corporation organized and existing under the laws of Germany, has filed an application pursuant to sections 304 (d) and 310 (b) (1) (ii) of the Trust Indenture Act of 1939 for an order to be entered by the Commission declaring, pursuant to section 304 (d) of the act, that the Eastern Quota Certificates to be issued by the Bank shall be exempt from the provisions of the act on the basis that compliance with the provisions of the act is not necessary in the public interest and for the protection of investors, and declaring, pursuant to section 310 (b) (1) (ii) of the act, that trusteeship under a new Indenture between the Bank and The First National City Bank of New York to be qualified under the Trust Indenture Act and trusteeship of The National City Bank of New York under Trust Indentures under which certain Bonds were issued by the Bank is not so likely to involve a material conflict of interest as to make it necessary in the public interest and for the protection of investors to disqualify The First National City Bank of New York from acting as trustee under the Indenture to be qualified.

Exemption of the Eastern Quota Certificates. Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states with respect to the request for exemption of the Eastern Quota Certificates from the provisions of the Trust Indenture Act, as follows:

(1) Between 1925 and 1928 the Bank issued the following dollar obligations (old Bonds):

(i) First Lien 7 Percent Farm Loan Sinking Fund Bonds of 1925, due September 15, 1950 (hereinafter called the "First Loan").

(ii) Farm Loan Secured 6 Percent Gold Sinking Fund Bonds of 1927, due July 15, 1960 (hereinafter called the "Second Loan").

(iii) Farm Loan Secured 6 percent Gold Sinking Fund Bonds, Second Series of 1927, due October 15, 1960 (hereinafter called the "Third Loan").

(iv) Farm Loan Secured 6 percent Gold Sinking Fund Bonds, Series of 1928, due April 15, 1938 (hereinafter called the "Fourth Loan").

(2) None of the security provided for in the respective Trust Indentures remains, but in lieu thereof, all of the old Bonds are entitled to the benefits of an agreement between the Bank and the Central Agent and Deputy Central Agent appointed by the Bank Deutscher Lander (now the Deutsche Bundesbank) with the approval of the Federal Ministry of Food Supply, Agriculture and Forestry, dated March 22, 1957, which subjects certain claims of the Bank against the Federal Republic of Germany and the various States thereof to the control of the Central Agent for the protection of the holders of the old Bonds and of the Debt Adjustment Debentures to be issued under the Indenture to be qualified.

(3) After extended negotiations with the United States Committee for German Corporate Dollar Bonds the Company, on March 29, 1957, submitted an Offer to the holders of its old Bonds. In substance the Offer was as follows:

(i) Cash settlement of Bonds and related interest coupons of the Fourth Loan, which has a Western Quota of 100 percent.

(ii) A Purchase Offer for the Bonds and related coupons of the First, Second and Third Loans, terminating September 30, 1957 and extended to December 31, 1957.

(iii) As an alternative to the Purchase Offer an Exchange Offer by the Bank under which the Bank offers to refund the Western Quotas of the First, Second and Third Loans by the issuance of Twenty Year Debt Adjustment Debentures having a principal amount equal to the London Agreement Value of such Western Quotas and bearing interest, in accordance with the provisions of London Agreement Annex II, Article V, Section 5 and to issue Certificates evidencing the rights of the holders of Bonds with respect to the Eastern Quotas thereof. The Exchange Offer will remain open for acceptance for a period of five years.

(4) The estimated maximum principal amounts of Debt Adjustment Debentures issuable under the Exchange Offer (assuming that no holder of such Bonds accepts the Purchase Offer after September 1, 1957) are as follows:

Title of issue:	*Principal amount*
5¼ percent Debt Adjustment Debentures, Series A	$470,000
4½ percent Debt Adjustment Debentures, Series B	1,070,000

(5) The Eastern Quota Certificates evidence a combined indebtedness for unpaid principal and accrued interest on the Bonds estimated to exceed $1,000,000. The offer and issuance thereof in the form and manner proposed is prohibited by the provisions of section 306 of the act, since it is not contemplated that they will be issued under a qualified Indenture or accompanied by the statement referred to in section 306 (b) of the act. Because of the novel nature of the Eastern Quota Certificates which really evidence only a right to future settlement, compliance with the provisions of section 306 of the act is neither necessary nor desirable in the public interest or for the protection of investors.

Application pursuant to section 310 (b) (1) (ii) of the act as to Dual Trusteeship. The application states, as follows, with respect to the request for an order declaring, pursuant to section 310 (b) (1) (ii) of the act, that dual trusteeship under the Indenture to be qualified and the Trust Indentures under which the old Bonds were issued does not make it necessary to disqualify The First National City Bank of New York from acting as trustee under the Indenture to be qualified.

(1) The First National City Bank of New York, the proposed trustee under the Indenture, is also trustee under the Trust Indentures pursuant to which the old Bonds were issued. No possibility of a material conflict of interest, however, makes it necessary in the public interest or for the protection of the holders of either the Debt Adjustment Debentures or the old Bonds to disqualify The First National City Bank of New York from acting as trustee under the Indenture. Even though the old Bonds have either matured by their terms or been declared due and payable, the trustee under the Trust Indentures cannot as a practical matter take any action for enforcement thereof.

(2) No security for the old Bonds presently exists and any rights to security (which right would also be subject to the provisions of section 12 of the Implementation Law) have been effectively eliminated by the terms of the Offer which, as permitted by the London Agreement, Annex II, Article V, Section 12, provide for the release and discharge of all security and right to security.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after October 28, 1957 unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than October 25, 1957 at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8582; Filed, Oct. 17, 1957; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 167]

LOUISIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of September, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Plaquemines (Hurricane Esther and subsequent rains occurring on or about September 16).

Offices: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex. Small Business Administration Branch Office, Masonic Temple Building, Room 708, 333 St. Charles Street, New Orleans 12, La.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1958.

Dated: October 7, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-8583; Filed, Oct. 17, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 15, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34230: *Substituted service, motor-rail, Boston and Maine Railroad et al.* Filed by The Middle Atlantic Conference, Agent (No. 12), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Pittsburgh, Pa., on the one hand, and Boston, East Cambridge, and Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Middle Atlantic Conference, Agent, Substituted Freight Service Directory, I. C. C. No. 8.

FSA No. 34230: *Sulphuric acid from Le Moyne, Ala., to Baton Rouge, La.* Filed by O. W. South, Jr., Agent for interested rail carriers. Rates on sulphuric acid tank-car load from Le Moyne, Ala., to Baton Rouge, La.

Grounds for relief: Water competition.

Tariff: Supplement 156 to Agent Spaninger's tariff I. C. C. 1357.

FSA No. 34232: *Plastics from Texas to official territory.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7132), for interested rail carriers. Rates on synthetic plastics, carloads, from points in Texas to points in official territory.

Grounds for relief: Short-line distance formula and market competition.

Tariffs: Supplement 8 to Agent Kratzmeir's tariff I. C. C. 4258. Supplement 8 to Agent Kratzmeir's tariff I. C. C. 4259.

FSA No. 34233: *Aluminum from the southwest to Detroit, Mich.* Filed by F. C. Kratzmeir, Agent (SWFB No.

UNIVERSITY OF MICHIGAN

B–7134), for interested rail carriers. Rates on aluminum billets, blooms, pigs, or slabs, carloads, from Ballinger, Houston, San Antonio, Tex., and Tulsa, Okla., to Detroit, Mich.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 26 to Agent Kratzmeir's tariff I. C. C. 4225.

FSA No. 34234: *Sintered clay aggregate from Denie, Tenn., to Cape Girardeau, Mo.* Filed by F. C. Kratzmeir, Agent (SWFB No. 7137), for interested rail carriers. Rates on sintered clay aggregate, carloads from Denie, Tenn., to Cape Girardeau, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 120 to Agent Kratzmeir's tariff I. C. C. 4135.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–8585; Filed, Oct. 17, 1957; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 204

Washington, Saturday, October 19, 1957

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 124]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.424 *Valencia Orange Regulation 124*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 17, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 20, 1957, and ending at 12:01 a. m., P. s. t., October 27, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 646,800 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 18, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57–8672; Filed, Oct. 18, 1957; 11:11 a. m.]

[Tangerine Reg. 192]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.863 *Tangerine Regulation 192*—(a) *Findings.* (1) Pursuant to the mar-

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FEDERAL REGISTER

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keting agreement, as amended, and Order No. 33, as amended (Part 933 of this chapter), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1957, such meeting was

held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., October 21, 1957, and ending at 12:01 a. m., e. s. t., October 28, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 120 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 16, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8634; Filed, Oct. 18, 1957; 8:53 a. m.]

[Grapefruit Reg. 272]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.864 *Grapefruit Regulation 272*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (Part 933 of this chapter), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title; and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., October 21, 1957, and ending at 12:01 a. m., e. s. t., November 4, 1957, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 16, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8632; Filed, Oct. 18, 1957; 8:53 a. m.]

[Orange Reg. 324]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATIONS OF SHIPMENTS

§ 933.865 *Orange Regulation 324*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (Part 933 of this chapter), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified

herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 15, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., October 21, 1957, and ending at 12:01 a. m., e. s. t., November 4, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1, or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter and smaller.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 16, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8633; Filed, Oct. 18, 1957; 8:53 a. m.]

[Lemon Reg. 709]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.816 *Lemon Regulation 709*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 16, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 20, 1957, and ending at 12:01 a. m., P. s. t., October 27, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 148,800 cartons.
(iii) District 3: 13,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 17, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8668; Filed, Oct. 18, 1957; 9:03 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 993.0 *Findings and determinations*—(a) *Previous findings and determinations.* The findings and determinations set forth below in this section are in addition to and supplement the findings and determinations previously made in connection with the original issuance of this marketing agreement and order (14 F. R. 5254) issued on August 22, 1949, as supplemented by further findings and determinations made in connection with amendments of the marketing agreement and order (16 F. R. 437) issued on August 17, 1951, and (20 F. R. 1301) issued on March 3, 1954. Except for the finding as to the base period for the parity computation, all of the said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure thereunder (Part 900 of this chapter; 19 F. R. 57), a public hearing was held in San Francisco, California, on April 8, 1957, upon proposed amendments of Marketing Agreement No. 110, as amended, and Order No. 93, as amended, regulating the handling of dried prunes produced in California. Upon the basis of the evidence adduced at such hearing and the record thereof, it is hereby found that:

(1) The said amended marketing order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said amended marketing order, as hereby amended, is applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held; and

(3) There are no differences in the production and marketing of dried prunes in the production area covered by the said amended marketing order, as hereby amended, which make necessary different terms applicable to different parts of such area.

(c) *Additional findings.* It is hereby found and determined that good cause exists for making all of the provisions of this amendatory order effective not later than the date of its publication in the FEDERAL REGISTER and that it would be impracticable and contrary to the public interest to postpone the effective date of this order until 30 days after its publication (see 5 U. S. C. 1001 et seq.). The new crop year under the marketing order began on August 1, 1957, and dried prunes are now being handled under the current provisions of the order. The provisions of these amendments particularly those relating to the minimum size limitation on prunes packed in consumer packages and the authority to establish pack specifications as to size, should be made effective as early in the current crop year as practicable. The provisions of this amendatory order are well known to handlers. The public hearing in connection therewith was held in San Francisco, California, on April 8, 1957, and the recommended decision and the final decision were published in the FEDERAL REGISTER on July 17, 1957 (22 F. R. 5639) and August 17, 1957 (22 F. R. 6630), respectively. Copies of the amendments to the order were made available to all known interested persons. Dried prune handlers will need no further time to prepare for compliance with the provisions of these amendments.

(d) *Determinations.* It is hereby determined that:

(1) The "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Dried Prunes Produced in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dried prunes covered by the amended order which is hereby further amended who, during the period August 1, 1956, through July 31, 1957, handled not less than 50 percent of the volume of such dried prunes covered by the amended order which is hereby further amended;

(2) The issuance of this amendatory order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1956, through July 31, 1957), were engaged, within the State of California, in the production for market of prune plums for drying or dehydrating into prunes; and

(3) The issuance of this amendatory order is favored or approved by producers who participated in the aforesaid referendum on the question of its approval and who, during the determined representative period, produced for market, at least two-thirds of the volume of prune plums for drying or dehydrating into prunes represented in such referendum and produced within the State of California for market.

It is therefore, ordered, That, on and after the date of the publication of this document in the FEDERAL REGISTER, all handling of dried prunes produced in California, shall, from the effective time of this order, be in conformity to, and in compliance with, the terms and conditions of the aforesaid amended order, as hereby amended as follows:

1. Renumber present § 993.20, *Part and subpart,* as § 993.21 and insert, immediately prior thereto, a new § 993.20 to read as follows:

§ 993.20 *Consumer package.* "Consumer package" means: (a) Any container of prunes holding less than 10 pounds of standard processed prunes or standard prunes; or (b) any container holding less than 10 pounds of prunes and other dried fruit if more than 60 percent of the net weight of mixed dried fruit in the lot consists of standard processed prunes or standard prunes.

2. Amend paragraph (b), *Regulation,* of § 993.49, by deleting the same and inserting, in lieu thereof, the following:

(b) *Regulation*—(1) *Grade.* Continuing until such grade regulation is modified or changed by subsequent grade regulation prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(2) *Size.* No handler shall ship or otherwise make final disposition of any lot of consumer packages of prunes unless the average count of the prunes contained in such lot is 100 or less per pound. In determining whether a lot of consumer packages of prunes conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, modify or change this tolerance for uniformity of size.

(3) *Establishment of pack specifications as to size.* The Secretary shall, upon the basis of the recommendation and information submitted by the committee and other available information, prescribe pack specifications for the packing of prunes in consumer packages according to such commercially recognized size categories as may be deemed to be reasonable and appropriate, and also such tolerances for use in connection with such size categories as may be deemed to be reasonable and appropriate. As a part of, and in implementation of, the pack specifications prescribed, each consumer package of prunes shall be identified by an appropriate label, seal, stamp, or tag affixed to such container by the handler, showing that the size of the prunes in the lot from which the container was packed conforms to the applicable pack specification: *Provided,* That the Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, exempt any particular type of consumer package of prunes from these identification requirements if these requirements, under particular circumstances, are unnecessary. Continuing until such pack specifications are modified or changed by other pack specifications prescribed by the Secretary, no handler shall ship or otherwise make final disposition of consumer packages of prunes unless such prunes are packed and labeled in accordance with such specifications as to size.

3. Amend paragraph (c), *Superseding regulation,* of said § 993.49 to read as follows:

(c) *Subsequent regulation.* In case the committee should recommend to the Secretary that the minimum standards as to grade, or the requirement as to uniformity of size in connection with the minimum size, or the pack specifications as to size, as provided for respectively in subparagraphs (1), (2), and (3) of paragraph (b) of this section, should be modified or changed, or that minimum standards as to sizes of prunes should be made effective for application to prunes other than those packed in consumer packages, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, and such other information as the Secretary may request. The Secretary, upon the basis of the recommendation and information submitted by the committee and other available information, shall issue such subsequent regulation if he finds that to do so would tend to effectuate the declared policy of the act. Any such subsequent regulation, insofar as it applies to grade, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A). Any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any such pack specifications as to size shall provide reasonable and appropriate tolerances for each of the respective size categories. Any subsequent regulation issued by the Secretary may later be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefore to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: *Provided,* That, at all times, the regulation as to grade and size (except the size requirement, referred to in subparagraph (2) of paragraph (b) of this section) shall be comparable, so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. So long as any subsequent regulation is in effect, each handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes in con-

formity therewith. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each subsequent regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall give written notice by registered mail of each subsequent regulation issued by the Secretary to all handlers of whom the committee has a record.

4. Amend paragraph (d), *Inspection*, of said § 993.49 to read as follows:

(d) *Inspection.* Each handler shall, at his own expense, before shipping or otherwise making final dispostion of prunes (unless they are specifically excepted in this section), cause an inspection to be made of such prunes to determine whether they meet the grade requirements referred to in subparagraph (1) of paragraph (b) of this section and, for consumer packages, the minimum grade and size requirements and pack specifications, including labeling, referred to in subparagraphs (1), (2), and (3) of paragraph (b) of this section, and, if any are in effect, the subsequent requirements made effective pursuant to paragraph (c) of this section. Each such handler shall not ship or otherwise make final disposition of such prunes for any use (unless they are specifically excepted in this section) if they do not meet the then applicable requirements. Such handler shall obtain a certificate that such prunes meet the aforementioned requirements which are then applicable, and shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory.

5. Amend paragraph (a), *Determination*, of § 993.50 to read as follows:

(a) *Determination.* If, prior to or at any time during a crop year, the Secretary should find that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year or remaining portion thereof, as the case may be, the handling of prunes shall be in accordance with the provisions set forth in this section and, if applicable, in accordance with the provisions of § 993.64.

6. Amend paragraph (c), *Disposition of prunes by handlers*, of said § 993.50 to read as follows:

(c) *Disposition of prunes by handlers.* In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards as to grade set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be. No handler shall ship or otherwise make final disposition of any lot of consumer packages of prunes unless the average count of the prunes contained in such lot is 100 or less per pound. In determining whether a lot of consumer packages of prunes conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of a recommendation and information submitted by the committee and other available information, modify or change this tolerance for uniformity of size. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than the uses above referred to in this paragraph. Such disposition without regard to quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet all applicable grade standards and the minimum size requirement, as set forth in this paragraph, and he shall obtain from that inspection agency a certificate that such prunes meet the aforementioned applicable requirements and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each interhandler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the minimum grade and size requirements prescribed in this paragraph.

7. Add a new section, § 993.64, immediately after § 993.63 to read as follows:

§ 993.64 *Disposition of unsold surplus tonnage in case of a determination during a crop year that the estimated season average price for prunes for that crop year will exceed parity.* In the event that the Secretary should find, during a crop year when surplus tonnage withholding requirements have been in effect pursuant to this part, that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order providing for the orderly disposition of the unsold surplus tonnage (standard and substandard) then on hand in such outlets, at such times, and in accordance with such terms and conditions as he may determine to be appropriate in the circumstances. In determining what terms and conditions shall be imposed, the Secretary shall give consideration to recommendations, if any, which may be submitted by the committee.

8. Amend paragraph (c), *Use and refund of excess funds from assessments*, of § 993.81 to read as follows:

(c) *Use and refund of excess funds from assessments.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be applied to certain expenses as hereinafter set forth but, in any event, shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be applied by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler who paid more than his pro rata share of the committee's expenses for the previous crop year. Each such handler's share of such excess shall be the difference between the assessments he paid to the committee in connection with its previous year's operations and his pro rata share of such expenses. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated October 15, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8613; Filed Oct. 18, 1957; 8:46 a. m.]

PART 1066—IRISH POTATOES

POTATO REGULATION NO. 4

§ 1066.10 *Potato Regulation No. 4*—(a) *Findings and determinations*—(1) *Findings.* (i) Notice of rule making regarding proposed restrictions on importation of Irish potatoes into the United States, to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), was published in the FEDERAL REGISTER September 27, 1957 (22 F. R. 7712). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties, it is hereby found that the restrictions on the importation of Irish potatoes into the United States, as hereinafter provided are in accordance with said section 8e.

(ii) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this section beyond that herein specified (5 U. S. C. 1001 et seq.) in that (*a*) the requirements established by this section are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such section mandatory; (*b*) grade, size and quality regulations (§ 970.304 of this chapter, 22 F. R. 7358; and § 957.316 of this chapter, 22 F. R. 4785, 5862, 5993, 7420, 7583) are now in effect on domestic shipments of potatoes; (*c*) the general regulations (Part 1060 of this chapter) relating to prohibition of imported commodities were published in the FEDERAL REGISTER on November 30, 1954 (19 F. R. 7707, 8012); (*d*) notice that this action was being considered to become effective October 21, 1957, was published in the FEDERAL REGISTER on September 27, 1957 (22 F. R. 7712); (*e*) compliance with this potato import regulation will not require any special preparation by importers which cannot be completed by the effective date; (*f*) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this potato import regulation; and (*g*) such notice is hereby determined, under the circumstances, to be reasonable.

(2) *Determinations with respect to imports of Irish potatoes.* Pursuant to section 8e of the Agricultural Adjustment Act of 1933, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby determined that during the effective time hereof imports of Irish potatoes of the long varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 57 (Part 957 of this chapter; designated counties in Idaho and Malheur County, Oregon) and imports of Irish potatoes of the round white or red skin varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 70 (Part 970 of this chapter; the State of Maine).

(b) *Import restrictions.* During the period from October 21, 1957, through July 12, 1958, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any Irish potatoes of any variety, other than certified seed potatoes, unless at least 90 percent of such potatoes are "fairly clean" and (1) if they are of the round white or red skin varieties, such potatoes meet the requirements of the U. S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter, and (2) if they are of the long white varieties (including, but not limited to, Russet Burbank variety), such potatoes meet the requirements of the U. S. No. 2, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight.

(c) *Minimum quantities.* Any importation which, in the aggregate, does not exceed 500 pounds may be imported without regard to the provisions of paragraph (b) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on potatoes under the Plant Quarantine Act of 1912.

(e) *Certified seed imports.* Any person may import certified seed potatoes, which shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Science Service, Canada Department of Agriculture.

(f) *Designation of Governmental Inspection Service.* The Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the act.

(g) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 of this chapter.

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by a particular importer.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title; 20 F. R. 4842). The cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) *Definitions.* (1) The terms "U. S. No. 1", "U. S. No. 2", "fairly clean", and "Size A" mean the U. S. No. 1 grade, the U. S. No. 2 grade, fairly clean, and Size A, respectively, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive, of this title), including the tolerances set forth therein. For the purposes of this regulation, potatoes meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U. S. No. 1 grade and U. S. No. 2 grade, respectively, and the tolerances for size, as set forth in the said United States Standards, may be used.

(2) All other terms have the same meaning as when used in the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 15, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8615; Filed, Oct. 18, 1957; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54462]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 16—LIQUIDATION OF DUTIES

AMERICAN GOODS RETURNED, LIQUIDATION OF APPRAISEMENT ENTRIES

To abolish foreign service Form 129 because of discontinuance of certification by American consular officers and to require in its place a declaration by

the foreign shipper, § 10.1 (a) (1) of the Customs Regulations is amended to read as follows:

(1) A declaration by the foreign shipper in substantially the following form, if the value of the returned articles exceeds $500:

I, _____, declare that the articles herein specified are, to the best of my knowledge and belief, the growth, produce, or manufacture of the United States; that they were exported from the United States, from the port of _____ on or about _____, 19__; that they are returned without having been advanced in value or improved in condition by any process of manufacture or other means.

Marks	Number	Quantity	Description	Value, U. S. Coin

_____ (Signature)

_____ (Capacity)

_____ (Date)

_____ (Address)

To clarify § 10.1 (b) of the Customs Regulations, the period at the end is changed to a comma and the following added: "except when used as an entry under paragraph (d), (e), or (f) of this section."

To delete references to foreign service Form 129, the following regulations are amended:

Section 10.1 (e) is amended by deleting in the second sentence "on foreign service Form 129".

Section 10.2 (a) is amended by deleting "on foreign service Form 129".

Section 10.2 (c) is amended by deleting ", foreign service Form 129".

As it has been found that a statement of cost or value from the person who performed repairs, alterations, or processing is needed in connection with all entries under paragraph 1615 (g) (1) and (2) of the Tariff Act of 1930, as amended, § 10.8 (i) is amended by deleting "where the value of the repairs, alterations, or processing performed exceeds $500.".

In view of the amendment to § 10.8 (i), § 10.8 (j) is deleted and § 10.8 (k), (l), and (m) are redesignated § 10.8 (j), (k), and (l), respectively.

(Par. 1615, sec. 201, 46 Stat. 674, as amended; 19 U. S. C. 1201, par. 1615)

To supply an omission, § 16.12 (a) of the Customs Regulations is amended as follows:

The last sentence is deleted and the following matter substituted therefor: "The notice of liquidation shall be dated with the date of posting or lodging and the entries covered thereby shall be stamped "Liquidated," with the date of liquidation, which shall be the same as the notice of liquidation. Such stamping shall be deemed the legal evidence of liquidation."

(Sec. 505, 46 Stat. 732; 19 U. S. C. 1505) (R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 15, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8629; Filed, Oct. 18, 1957; 8:52 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (5) is added to § 6.302 as set out below.

§ 6.302 *Department of State.* • • •

(f) *Office of the Special Assistant—Intelligence.* • • •

(5) One Assistant to the Special Assistant.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8627; Filed, Oct. 18, 1957; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (j) (4) of § 6.310 is revoked and paragraph (j) (2) is amended as set out below.

§ 6.310 *Department of the Interior.* • • •

(j) *Bureau of Indian Affairs.* • • •

(2) Three Assistants to the Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8628; Filed, Oct. 18, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-389A, amdt. 1]

PART 4b — AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

SPECIAL CIVIL AIR REGULATION; EMERGENCY EXITS FOR AIRPLANES CARRYING PASSENGERS FOR HIRE; CORRECTION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of October 1957.

Special Civil Air Regulation No. SR-389A, effective September 13, 1957, specifies "49" as the maximum number of occupants, including all crew members, that may be carried in a Viscount 700 series airplane having 7 exits. However, the number "49" is in error since the approved specifications for this airplane permit a maximum of 53 occupants to be carried.

The purpose of this amendment is to correct the aforementioned error and specify "53" as the maximum number of occupants that can be carried on a Viscount 700 series airplane having 7 exits.

Since this amendment corrects an error, is minor in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Special Civil Air Regulation No. SR-389A effective October 17, 1957.

By deleting the number "49" specified for the Viscount 700 series airplane with 7 exits in the column of the table titled "Maximum number of occupants including all crew members" and inserting in lieu thereof the number "53".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

Effective: October 17, 1957.

Adopted: October 17, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-8670; Filed, Oct. 18, 1957; 9:44 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 40]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TUS VOR	TUS-LFR	Direct	6000	T-dn	300–1	300–1	300–1
Vail FM	TUS-LFR	Via E crs TUS-LFR.	7000	C-dn*	700–2	700–2	700–2
				A-dn*	800–2	800–2	800–2

Procedure turn N side W crs, 243 Outbnd, 063 Inbnd, 6000′ within 10 mi. Beyond 10 mi NA. Terrain 6536′ and 6875′ 4 mi S of W crs at 20 and 24 mi from LFR. (Procedure turn N for more favorable terrain.)

Minimum altitude over facility on final approach crs, TUS LFR 5000′. Mission FM* 4200′.

*If Mission FM not received 4200′ MSL must be maintained and minimums are 1600–2.

Crs and distance, facility to airport, TUS LFR 082—10.7. Mission FM 082—3.7.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.7 mi (TUS LFR) or 3.7 mi from Mission FM, turn right, climb on a heading of 200° to 4700′, then home on LFR, continuing climb to minimum of 6000′. Alternate missed approach when directed by ATC; Turn left, climb on a heading of 330 to intercept TUS radial of 302 outbnd, continuing, climb to 7000′ Outbnd on radial 302.

SHUTTLE: to 6000′ on W crs within 10 mi all turns N side o. crs.

City, Tucson; State, Ariz.; Airport Name, Tucson Municipal; Elev.. 2630′; Fac. Class, SBRAZ; Ident., TUS; Procedure No. 1, Amdt. 3; Eff. Date, 16 Nov. 57; Sup. Amdt. No. 2; Dated, 14 Sept. 57

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mermaid Int (via R-228 PMM)	Int R-266 ELX and R-228 PMM	Direct	1600	T-dn	300–1	300–1	200–½
Int R-271 ELX and R-328 SBN (via R-328 RBN).	Int R-266 ELX and R-328 SBN	Direct	1600	C-dn	400–1	500–1	500–1½
				S-dn-9	400–1	400–1	400–1
Int R-266 ELX and R-328 SBN	Int* (Final)		1600	A-dn	800–2	800–2	800–2

*Int R-266 ELX and R-338 SBN.

Procedure turn S side of crs, 266 Outbnd, 086 Inbnd, 1900′ within 10 miles of Int.*

Minimum altitude over Int*, 1600′.

Crs and distance, Int*, 0863—0.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles of Int*, climb to 2000′ on R-266 ELX, proceed to ELX, contact SBN radio for further instructions.

ADVISORY NOTE: Close flight plan with South Bend radio at minimum approach altitude or by long distance phone immediately upon landing.

City, Benton Harbor; State, Mich.; Airport Name, Ross Fld.; Elev., 642′; Fac. Class, VOR; Ident., ELX; Procedure No. 2, Amdt. 1; Eff. Date, 16 Nov. 57; Sup. Amdt. No. Orig.; Dated, 28 Sept. 57

Downey FM/JIW	LAX OM (Final)	Direct	1500	T-dn	300–1	300–1	200–½
Los Angeles RBn	LAX-VOR	Direct	1500	C-dn	500–1	600–1	600–1½
Hollywood FM	LAX-VOR	Direct	3000	S-dn-25L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach course authorized.

Procedure turn S side of crs, 069 Outbnd, 249 Inbnd, 2000′ within 15 miles. E of Downey FM/RBn NA. (Nonstandard due to terrain.)

Minimum altitude over LAX OM on final approach crs, 1500′*.

*Descend to landing minimums after passing LAX OM.

Crs and distance, LAX OM to Runway 25L, 249—5.2.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles of LAX OM, climb to 2000′ on LAX R-249 within 20 miles.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class, BVOR; Ident., LAX; Procedure No. 2, Amdt. 2; Eff. Date, 16 Nov. 57; Sup. Amdt. No. 1; Dated, 5 Oct. 57.

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-2	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side crs, 193 Outbnd, 013 Inbnd, 2000′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 023—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on R–062 within 20 mi.
CAUTION: Tower 1038′ msl 4 miles W of facility.

City, Athens; State, Ga.; Airport Name, Athens; Elev., 807′; Fac. Class, VOR; Ident., AHN; Procedure No. TerVOR-2, or com. of facility, Amdt. Orig.; Eff. Date, 16 Nov. 57

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-27	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 077 Outbnd, 257 Inbnd, 1900′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 267—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on R–191 within 20 mi.
CAUTION: Tower 1038′ msl 4 miles W of facility.

City, Athens; State, Ga.; Airport Name, Athens; Elev., 807′; Fac. Class, VOR; Ident., AHN; Procedure No. TerVOR-27, or com. of facility, Amdt. orig.; Eff. Date, 16 Nov. 57

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LGB LFR	LOM	Direct	1500	T-dn*	300–1	300–1	200–½
Huntington Beach FM	LOM (Final)	Direct	1400	C-dn	500–1	600–1	600–2
San Pedro Int	LOM	Direct	1500	S-dn 30:			
LGB VOR	LOM	Direct	1500	ILS#	300–¾	300–¾	300–¾
Int SW crs El Toro LFR and SE crs LGB LFR.	LOM (Final)	Direct	1400	ADF	500–1	500–1	500–1
				A-dn:			
Int SW crs EL TORO LFR and LGB R–120.	LOM (Final)	Direct	1400	ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*300–1 required for take-off runways 16, 16R, 25L, 34R.
#Straight-in landing minimums are 400–1 with glide slope inoperative.
Procedure turn S side SE crs, 120 Outbnd, 300 Inbnd, 1500′ within 10 mi of LOM. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd—1400 ILS. Min. alt. inbnd final—1100′ ADF.
Altitude of glide slope and distance to approach end of runway at OM 1320—4.7; at MM 245—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi. after passing LOM (ADF) climb to 800′ on NW crs LGB LFR; turn left to 200 continuing climb to intersect 160° crs from LAX Rbn and proceed to San Pedro Int at 2500′, or when directed by ATC, climb to 800′ on NW crs LGB–LFR, reverse crs to left and return to Long Beach LFR at 1500′.
NOTE: Glide slope unit now at beginning of usable portion runway 30. 800′ SE end closed permanently.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks one mi S of airport.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56′; Fac. Class, ILS–LGB; Ident., LOM–LG; Procedure No. ILS–30, Comb. ILS–ADF, Amdt. 13; Eff. Date, 16 Nov. 57; Sup. Amdt. No. 12; Dated, 19 Sept. 57

Rochester LFR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Rush Int	LOM	Direct	2000	C-dn	500–1	600–1	600–1½
Farmington Int	LOM	Direct	2000	*S-dn-28 ILS	300–¾	300–¾	300–¾
Farmington Int via crs 333	ILS E crs (Final)	Direct	2000	A-dn:			
				#ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*Circling minimums applicable for ADF approach or with glide slope inoperative.
#All installed components of the ILS must be operating otherwise alternate minimums of 800–2 apply.
Procedure turn N side E crs, 097 Outbnd, 277 Inbnd, 2000′ within 10 mi of LOM.
Minimum altitude at G. S. int inbnd 2000′ ILS, minimum altitude over LOM inbnd final 1500′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 2000—4.5; at MM 780—0.6.**
**Minimum Altitude 1300′ over LMM with glide slope inoperative or when conducting ADF approach.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 2000′ on W crs of Rochester LFR.
NOTE: Glide slope provides approximately 183′ clearance over smoke spire 756′ MSL located 3.2 mi W of the LOM.
AIR CARRIER NOTE: Take-off on Runway 12 and landing on Runway 30 not authorized.

City, Rochester; State, N. Y.; Airport Name, Monroe County; Elev., 559′; Fac. Class, ILS–ROC, LMM–OC; Ident., LOM–RO; Procedure No. ILS–28, Comb. ILS–ADF, Amdt. 6; Eff. Date, 16 Nov. 57; Sup. Amdt. No. 5; Dated, 17 Nov. 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

OCTOBER 10, 1957.

[F. R. Doc. 57–8637; Filed, Oct. 18, 1957; 8:54 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 46[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 373.24 is added to read as follows:

§ 373.24 *Applicability of multiple commodity group provisions to Commodity Group 3 commodities.* All commodities within Commodity Group 3 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

2. Section 373.81 *Supplement 1; Time schedules for submission of applications to export certain Positive List commodities* is amended by adding the following entries:

Department of Commerce Schedule B No.	Commodity	Submission dates, fourth quarter, 1957
619159	Nickel, powder, pure	Before Nov. 16, 1957.[4]
654502	Nickel anodes, cast and rolled,[5] and nickel and nickel alloy shot.	Before Nov. 16, 1957.[4]

[4] Generally applications for licenses to export nickel powder, shot and anodes will not be approved prior to Nov. 16, 1957.
[5] Licenses will be issued principally for Latin American countries and the Philippines since these countries lack facilities for producing nickel anodes and are traditionally dependent upon United States for their supplies thereof.

3. Section 379.3 *Presentation of Shipper's Export Declaration,* paragraph (c) *Number of copies to be presented,* subparagraph (3) (i) is amended to read as follows:

(i) Exportations of any commodity to Poland (including Danzig). The additional copy shall bear in the upper right corner the notation, "FC–2651".

[1] This amendment was published in Current Export Bulletin 792, dated October 10, 1957, and Current Export Bulletin 793, dated October 17, 1957.

4. Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges,* paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Eastern Steel Supplies, Ltd., c/o Panchaud Freres, S. A., 3 Saint-Pierre, Lausanne, Switzerland.	Dec. 8, 1950	Duration.	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F. R. 8868, Dec. 14, 1950.
Galiron Ltd., Buckingham House, 19/21 Palace Street, London, S. W. 1, England.	do	do	do	Do.
Larkins, G. D. & Co., Ltd., Buckingham House, 19/21 Palace Street, London, S. W. 1, England.	do	do	do	Do.

b. The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Gambaro, A. G., Gambaro Corporation Construction Co., Gambaro, Hans, Gambaro, Johann, Lucerne, Switzerland.	Apr. 20, 1951	Duration.	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F. R. 3670, Apr. 28, 1951 22 F. R. 7492, Sept. 19, 1957.
Mineral A. G., Brunnen, Switzerland.	do	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gambaro Corporation Construction Company, which see.)	16 F. R. 3670, Apr. 28, 1951. 22 F. R. 7492, Sept. 19, 1957.

c. The following entry is amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Melman, P., d/b/a Gebrs. Melman, Zuid Oosterfront 122, 's Hertogenbosch, Netherlands.	Apr. 5, 1956	Duration.	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 2302, Apr. 10, 1956. 22 F. R. 7408, Sept. 17, 1957.

This amendment shall become effective as of October 17, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director, Bureau of Foreign Commerce.

[F. R. Doc. 57–8630; Filed, Oct. 18, 1957; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF SODIUM 2,2-DICHLOROPROPIONATE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of sodium 2,2-dichloropropionate in or on certain agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 22 F. R. 32, 348, 637, 4076) are amended by changing § 120.150 to read as follows:

§ 120.150 *Tolerances for residues of sodium 2,2-dichloropropionate.* Tolerances for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, in or on raw agricultural commodities, are established as follows:

(a) 35 parts per million in or on cottonseed.

(b) 30 parts per million in or on asparagus.

(c) 10 parts per million in or on potatoes.

(d) 5 parts per million in or on sugar beets and sugar beet tops.

(e) 3 parts per million in or on apples, grapes, pears, and pineapples.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the

effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: October 15, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-8616; Filed, Oct. 18, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 955]

[Docket No. AO 143-A2]

GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Coachella Valley County Water Office, Coachella, California, beginning at 9:00 a. m., P. s. t., October 31, 1957, with respect to proposed further amendments to the amended marketing agreement and Order No. 55, as amended (7 CFR Part 955), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of grapefruit grown in the State of Arizona; and in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Delete the provisions of §§ 955.1 through 955.4 and substitute in lieu thereof the following:

§ 955.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 955.2 *Act.* "Act" means Public Law No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047).

§ 955.3 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 955.4 *Grapefruit.* "Grapefruit" means grapefruit grown in the State of Arizona; Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California.

2. Amend the provisions of paragraph (b) of § 955.5 by deleting therefrom the words "the San Gorgonio Pass" and inserting in lieu thereof the words "White Water, California."

3. Delete the provisions of §§ 955.6 through 955.9 and substitute in lieu thereof the following:

§ 955.6 *Producer.* "Producer" means any person engaged in a proprietary capacity in the commercial production of grapefruit.

§ 955.7 *Handler.* "Handler" means any person (except a common or contract carrier of grapefruit owned by another person) who handles grapefruit in fresh form.

§ 955.8 *Handle.* "Handle" means to transport, ship, buy, sell, or in any other way to place grapefruit in the current of commerce between the State of California and any point outside thereof, or between the State of Arizona and any point outside thereof.

§ 955.9 *Carton.* "Carton" means either standard container No. 58 or standard container No. 59 as described in section 828.23 of the Agricultural Code of California, as amended, having a capacity of approximately 32 pounds of grapefruit, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

4. Delete the provisions of § 955.11 and substitute in lieu thereof the following:

§ 955.11 *Variety.* "Variety" or varieties means either or both of the following classifications or groupings of grapefruit: (a) White seeded grapefruit, and white seedless grapefruit, and (b) pink or red seeded grapefruit, and pink or red seedless grapefruit.

5. Delete the provisions of §§ 955.20 through 955.22 and substitute in lieu thereof the following:

§ 955.20 *Establishment and membership.* (a) An Administrative Committee, consisting of the number of members which will result from the application of paragraph (c) of this section, is hereby established for the 1958-59 fiscal year and for each fiscal year thereafter. There shall be an alternate member for each member of the committee, who shall have the same qualifications as the member. Each such member and alternate member shall be a producer.

(b) The members and alternate members shall hold office for a period of one year commencing on the first day of August and continuing for one year, or until their successors are selected and qualified. The members, alternates, and their respective successors shall be nominated by the producers and shall be selected by the Secretary as provided in §§ 955.21 and 955.22.

(c) Each district shall be entitled to representation on the committee on the basis of one member for each million cartons, or fraction thereof, of production of grapefruit from such district during the fiscal year preceding the date on which the nominations are held: *Provided,* That no district shall be entitled to more than three members regardless of the production of grapefruit from such district. If production in any district during any fiscal year is less than the preceding year by 25 percent or more, the average production for the immediately preceding three year period shall be used to determine the representation from each district. The number of members constituting the Administrative Committee may be increased or decreased from time to time by the Administrative Committee with the approval of the Secretary in order that the representation may be based upon production in the various districts as provided in this paragraph.

§ 955.21 *Nomination.* (a) The Secretary shall cause to be held each year a meeting or meetings of the producers in each of the several districts for the purpose of making nominations for members and alternate members of the Administrative Committee.

(b) Producers in each district shall nominate not less than one producer for each member and one producer for each alternate member to which they are entitled.

(1) In any district entitled to two members on the Administrative Committee at least one nominee for the member position and one nominee for the alternate member position shall be affiliated with cooperative marketing organizations, and one nominee for the member position and one nominee for the alternate member position shall not be affiliated with cooperative marketing organizations.

(2) In those districts entitled to one member on the Administrative Committee and one alternate member on the Administrative Committee, the nominee in odd numbered years shall be affiliated with cooperative marketing organizations and in even numbered years shall not be affiliated with cooperative marketing organizations.

(3) In those districts entitled to three members, two nominees for members and two nominees for alternate members shall be affiliated with cooperative marketing organizations in even numbered years and shall not be affiliated with cooperative marketing organizations in odd numbered years.

(4) In the event that there are no cooperative producers nominated from a district, or that there are no non-cooperative producers nominated from a district as members or alternate members of the Administrative Committee, the limitations provided in subparagraphs (1), (2), and (3) of this paragraph shall not apply.

(5) Not more than one nominee for a member position, and not more than one nominee for an alternate member position on the Administrative Committee from each district may be affiliated with the same packing house or marketing organization.

(6) The committee may, with the approval of the Secretary, change the representation on the committee with respect to the number of nominees affiliated with cooperative marketing associations and those not affiliated with cooperative marketing associations in the event there is a substantial change in the number of producers affiliated with cooperative marketing associations in any district.

(c) In voting for nominees each producer shall be entitled to vote in only one district, regardless of the number of districts in which he is producing grapefruit. Each vote shall be cast on behalf of himself, his agents, partners, subsidiaries, affiliates, and representatives. Producers who are affiliated with cooperative marketing organizations may cast one vote for each of the members and alternate members from the district in which they are producing grapefruit, who are affiliated with cooperative marketing organizations. Producers who are not affiliated with cooperative marketing organizations may cast one vote for each of the members and alternate members from the district in which they are producing grapefruit who are not affiliated with cooperative marketing associations.

(d) Nominations shall be submitted to the Secretary on or before July 1 each year.

§ 955.22 *Selection.* From the nominations made pursuant to § 955.21 or from other qualified producers, the Secretary shall select the members and alternate members from each district. If a district is represented by two members and two alternate members, the Secretary shall select one member and one alternate member who are affiliated with cooperative marketing associations and one member and one alternate member from those nominees not affiliated with cooperative marketing associations. If a district is represented by one member and one alternate member, in the odd numbered years the Secretary shall select a member and an alternate member who are affiliated with cooperative marketing associations and in even numbered years shall select a member and an alternate member who are not affiliated with cooperative marketing associations. If a district is represented by three members and three alternate members, in even numbered years the Secretary shall select two members and two alternate members who are affiliated with cooperative marketing associations, and in odd numbered years two members and two alternate members who are not affiliated with cooperative marketing associations. In the event there are no producers nominated from a district affiliated with groups as required in subparagraphs (1), (2), and (3) of paragraph (b) of § 955.21, the Secretary may select the members and alternate members without regard to their affiliation.

6. Delete the provisions of paragraphs (h) and (i) of § 955.28 and substitute in lieu thereof the following:

(h) To determine as near as practicable the total crop of grapefruit, and to make such determinations, including determinations by grade and size as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart; and

(i) To investigate the growing, handling and marketing conditions with respect to grapefruit and to assemble data in connection therewith.

7. Delete the provisions of paragraphs (a), (b), and (d) of § 955.31 and substitute in lieu thereof the following:

§ 955.31 *Procedure.* (a) Three-fourths (to the nearest fraction) of the members of the Administrative Committee shall be necessary to constitute a quorum of the committee.

(b) For any decision of the Administrative Committee to be valid, three-fourths (to the nearest fraction) of the members of the Administrative Committee must cast a concurring vote. At all assembled meetings each vote must be cast in person.

• • • • •

(d) Except at an assembled meeting, the Administrative Committee may vote by telephone, telegraph, or other means, and any such vote so cast shall be confirmed promptly in writing.

8. Add to § 955.41 a new paragraph (c) as follows:

(c) The payment of assessments for the maintenance and functioning of the Administrative Committee may be required under this part throughout the period it is in effect, irrespective of whether regulations are established by the Secretary, or whether particular provisions thereof are suspended or become inoperative.

9. Re-letter paragraph (b) of § 955.42 as paragraph (c) and insert a new paragraph (b) as follows:

(b) The Administrative Committee may, with the approval of the Secretary, establish an operating reserve from funds collected pursuant to § 955.41. Such operating reserve shall be accumulated over such period of time as the committee determines is fair and equitable to all handlers and shall not exceed an amount in excess of the preceding year's budget. The fund shall remain as a revolving fund and the credits and refunds provided in paragraph (a) of this section may be deferred until such time as the reserve reaches the amount prescribed by the committee.

10. Delete the provisions of paragraph (a) of § 955.51 and substitute in lieu thereof the following:

(a) It shall be the duty of the Administrative Committee to investigate the supply and demand conditions for grades and sizes of the varieties of grapefruit. Whenever the committee finds that such conditions make it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend the paritcular grades or sizes thereof deemed advisable by it to be handled during such period, and any such recommendation may include a proposal that the handling of such variety in export, including Canada, shall be limited to sizes different from the proposed size limitation applicable to the handling of the same variety in interstate commerce: *Provided,* That no limitation as to either grade or size shall apply to exports of grapefruit made by a handler direct to Mexico. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

11. Delete the word "ships" wherever it appears in § 955.41 and substitute in lieu thereof the word "handles." Delete the word "shipment" wherever it appears in §§ 955.41, 955.50, paragraph (b) of § 955.53, and substitute in lieu thereof the word "handling." Delete the words "shipper or shippers" wherever they appear in § 955.41 and substitute in lieu thereof the words "handler or handlers." Delete the word "shipped" wherever it appears in § 955.41 and substitute in lieu thereof the word "handled."

12. Delete the provisions of paragraph (a) of § 955.53, and substitute in lieu thereof the following:

§ 955.53 *Issuance of regulations.* (a) Whenever the Secretary shall find, from the recommendation and information submitted by the Administrative Committee or from other available information, that to limit the handling of any variety or varieties of grapefruit to particular grades and sizes thereof would tend to effectuate the declared policy of the act, he shall so limit the handling of such variety or varieties during a specified period; and any such regulation may provide that shipments of such variety or varieties in export, including Canada, shall be limited to sizes different from the limitation applicable to shipments

of the same variety or varieties in interstate commerce: *Provided*, That no limitations as to either grade or size shall apply to exports of grapefruit made by handlers direct to Mexico. The Administrative Committee shall be informed immediately of any such regulation issued by the Secretary, and the said committee shall promptly give adequate notice thereof to handlers.

13. Delete the provisions of § 955.55 and substitute in lieu thereof the following:

§ 955.55 *Inspection and certification.* (a) During any period in which the Secretary has regulated the handling of any variety or varieties of grapefruit pursuant to § 955.53, each handler shall, prior to the handling of any lot of such variety or varieties, cause such lot to be inspected by an authorized representative of the Fresh Products Standardization and Inspection Branch, United States Department of Agriculture. Promptly thereafter, such handler shall submit to the Administrative Committee a copy of the inspection certificate issued thereon: *Provided*, That this provision shall not be applicable to a handler who handles any lot which has been so inspected and a copy of such inspection certificate has been submitted to the Administrative Committee.

(b) The Administrative Committee may enter into an agreement with a representative of the Fresh Products Standardization and Inspection Branch, United States Department of Agriculture, to collect inspection fees for such services and to make such collections and remit them to the inspection service.

14. Delete the words "standard box" wherever they appear in § 955.60 and substitute in lieu thereof the word "carton."

15. Delete the provisions of § 955.70 and substitute in lieu thereof the following:

§ 955.70 *Grapefruit not subject to regulation.* Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle grapefruit (a) by express, parcel post, or common carrier in units of five cartons or less; or (b) for consumption by charitable institutions or distribution by relief agencies, or (c) for conversion into by-products, or (d) for direct export by a handler to Mexico. No assessment shall be levied on grapefruit shipped under the exemptions provided in this section. The committee may prescribe adequate safeguards to prevent grapefruit shipped for the purposes designated in this section from entering commercial fresh fruit channels of trade contrary to the provisions of this subpart. The term "by-products" as used in this section includes all processed and manufactured products of grapefruit, including canned or bottled grapefruit or grapefruit juices.

16. Delete the word "fruit" wherever it appears throughout this subpart and substitute in lieu thereof the word "grapefruit."

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: October 16, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 57-8614; Filed, Oct. 18, 1957; 8:47 a. m.]

[7 CFR Part 1070]

IMPORTS OF CUCUMBERS

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that the Secretary of Agriculture is giving consideration to the grading and inspection regulations that are to be made applicable to the importation of cucumbers into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable general regulations (7 CFR Part 1060; 19 F. R. 7707, 8012).

The regulations under consideration are to apply to all imports of cucumbers on the same basis as regulations that will become effective October 20, 1957 (§ 1015.301; 22 F. R. 8148) upon handlers of cucumbers grown in Florida pursuant to regulations issued under Marketing Agreement No. 118 and Order No. 115.

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1070.1 *Cucumber Regulation No. 1*—(a) *Import restrictions.* During the period from November 18, 1957, to December 15, 1957, both dates inclusive, and subject to the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any cucumbers of any variety unless such cucumbers meet the requirements of U. S. Fancy, U. S. No. 1, U. S. No. 1 Small, or U. S. No. 1 Large.

(b) *Minimum quantities.* Any importation which, in the aggregate, does not exceed 48-pounds may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on cucumbers under the Plant Quarantine Act of 1912.

(d) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of cucumbers that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal State Inspection Service of each lot of imported cucumbers is required pursuant to § 1060.3 of this chapter and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified cucumbers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the cucumbers will be imported.

Ports; Office; and Advance Notice

All Texas points; W. T. McNabb, 222 McClendon Building, 305 East Jackson Street, P. O. Box 111, Harlingen, Tex. (Telephone—Garfield 3-5644); 1 day.

All Arizona points; R. H. Bertelson, Room 202 Trust Building, 305 American Avenue, P. O. Box 1646, Nogales, Ariz. (Telephone—Atwater 7-2902); 1 day.

All California points; Carley D. Williams, 284 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles 21, Calif. (Telephone—Vandike 8756); 3 days.

All Florida points; Lloyd W. Boney, Room 5, Dade County Growers Market, 1200 Northwest 21st Terrace, Miami 42, Fla. (Telephone—Franklin 1-6932); 3 days.

All other points; E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D. C. (Telephone—Republic 7-4142, Ext. 5870); 3 days.

(3) Inspection certificates shall cover only the quantity of cucumbers that is being imported at a particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any cucumbers to be imported into the United Sttes shall be set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant; Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(e) *Definitions.* (1) The grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238, inclusive, of this title), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in general regulations (Part 1060 of this Chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities.

Dated: October 14, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-8635; Filed, Oct. 18, 1957; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 662, 672, 675, 678, 700]

[Administrative Order 492]

VARIOUS INDUSTRIES IN PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp. p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 35–A for the Lumber and Wood Products Industry in Puerto Rico, Industry Committee No. 35–B for the Construction, Business Service, Motion Picture, and Miscellaneous Industry in Puerto Rico, and Industry Committee No. 35–C for the Stone, Clay, Glass, Cement, and Related Products Industry in Puerto Rico.

Industry Committee No. 35–A is composed of the following representatives:

For the public: Candido Oliveras, Chairman, Santurce, P. R.; Nathan Cayton, Washington, D. C.; Bernard J. Seff, Baltimore, Md.

For the employees: Ralph Reiser, Columbus, Ohio; James L. Rhodes, Indianapolis, Ind.; Sarah Torres-Peralta, Rio Piedras, P. R.

For the employers: Joseph M. Wells, Jr., Newell, W. Va.; Frank Romero, San Juan, P. R.; Eugenio J. Geigel, San Juan, P. R.

For the purposes of this order, the lumber and wood products industry in Puerto Rico is defined as follows:

Logging and the manufacture of all products made from lumber, wood and related materials, including but without limitation, sawmill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving; trays, bowls, and other woodenware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however*, That the definition shall not include any product or activity in the button, jewelry, and lapidary work industry (22 F. R. 3852), the construction, business service, motion picture, and miscellaneous industry, as defined in the Administrative Order appointing Industry Committee No. 35–B for Puerto Rico, the metal, machinery, transportation equipment, and allied products industry (22 F. R. 6633), the straw, hair, and related products industry (22 F. R. 3931), or in the paper, paper products, printing, and publishing industry (22 F. R. 7559).

Industry Committee No. 35–B is composed of the following representatives:

For the public: Candido Oliveras, Chairman, Santurce, P. R.; Nathan Cayton, Washington, D. C.; Bernard J. Seff, Baltimore, Md.

For the employees: Ralph Reiser, Columbus, Ohio; James L. Rhodes, Indianapolis, Ind.; Sarah Torres-Peralta, Rio Piedras, P. R.

For the employers: Joseph M. Wells, Jr., Newell, W. Va.; Frank Romero, San Juan, P. R.; Arturo Diaz, Jr., Rio Piedras, P. R.

For the purpose of this order the construction, business service, motion picture, and miscellaneous industry in Puerto Rico is defined as follows:

The design, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; the production of photographs and blueprints; the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however*, That the definition shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

Industry Committee No. 35–C is composed of the following representatives:

For the public: Candido Oliveras, Chairman, Santurce, P. R.; Nathan Cayton, Washington, D. C.; Bernard J. Seff, Baltimore, Md.

For the employees: Ralph Reiser, Columbus, Ohio; James L. Rhodes, Indianapolis, Ind.; Sarah Torres-Peralta, Rio Piedras, P. R.

For the employers: Joseph M. Wells, Jr., Newell, W. Va.; Frank Romero, San Juan, P. R.; E. Kenneth Koos, Vega Baja, P. R.

For the purpose of this order the stone, clay, glass, cement, and related products industry in Puerto Rico is defined as follows:

The mining, quarrying, or other extraction and the further processing of all minerals (other than metal ores, chemical and fertilize minerals, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, structural clay products, china, pottery, tile, and other ceramic products and refractories; glass and glass products; dimension and cut stone; crushed stone, sand and gravel; hydraulic cement; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and similar natural materials: *Provided, however*, That the definition shall not include (1) any products or activity included in the button, jewelry, and lapidary work industry (22 F. R. 3852); (2) the chemical, petroleum, rubber, and related products industry (22 F. R. 7680); (3) the electrical, instrument, and related products industry (22 F. R. 6633); (4) the metal, machinery, transportation equipment, and allied products industry (22 F. R. 6633); or (5) in the construction, business service, motion picture, and miscellaneous industry, as defined in the administrative order appointing Industry Committee No. 35–B for Puerto Rico.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the act for the industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 35–A shall commence its hearing on November 18, 1957, at 2 p. m. in the office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Following the hearing of Industry Committee No. 35–A, Industry Committees Nos. 35–B and 35–C will hold their hearings at the same place.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its forthcoming hearing. Industry Committee No. 35–A will meet at 10 a. m. on November 18, 1957, and Industry Committees Nos. 35–B and 35–C will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to eco-

nomic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and the Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than November 8, 1957.

Signed at Washington, D. C., this 16th day of October 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-8631; Filed, Oct. 18, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of North Carolina a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Carteret.	Gates.
Craven.	Onslow.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 16th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8636; Filed, Oct. 18, 1957; 8:54 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

PRECEDENCE OF MEMBERS OF ARMED FORCES OF UNITED STATES WHEN IN FORMATIONS

Certain organizational titles appearing in the Notice "Precedence of Members of Armed Forces of United States When in Formations", published on Page 6377 of the FEDERAL REGISTER dated August 17, 1957 (22 F. R. 6877), are corrected as follows:

1. Item 6, United States Marines, should read:

6. United States Marine Corps.

2. Item 10, National Guard of the United States, should read:

10. Army National Guard of the United States.

3. Item 11, Organized Reserve Corps of the Army, should read:

11. Army Reserve.

4. Item 14, Air Force National Guard of the United States, should read:

14. Air National Guard of the United States.

5. Item 15, United States Air Force Reserve, should read:

15. Air Force Reserve.

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 57-8617; Filed, Oct. 18, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Public Roads has filed an application, Serial No. Anchorage 034750, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining, but excepting provisions of the mineral leasing laws and the Materials Act. The applicant desires the land for radio transmitter site purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

RABBIT CREEK AREA

T. 12 N., R. 3 W., Seward Meridian, Section 36: N½SW¼SE¼NW¼.
Containing approximately 5 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 57-8608; Filed, Oct. 18, 1957; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Anchorage 033717, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for Air Force Station purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PORT MOLLER AREA

Tracts of land located near Port Moller on the Alaska Peninsula, Alaska, more exactly described as follows:

TRACT A

Commencing at U. S. L. M. S. 1147, Latitude 55°59'28" N., Longitude 160°34'29.374" W., 1927 N. A. D.; thence S. 73°32'44" E. 16,049.33 feet to Point "Site"; thence North 1,000 feet to the Point of Beginning for this description;
Thence East, 1,000 feet; Thence South 2,000 feet;
Thence West 2,000 feet; Thence North 2,000 feet;
Thence East 1,000 feet to the Point of Beginning.
Containing 91.83 acres, more or less.

TRACT B

Commencing at U. S. L. M. S. 1147, latitude 55°59'28" N., longitude 160°34'29.374" W., 1927 N. A. D.; thence N. 30°18'42" E., 3785.54 feet to the Point of Beginning for this description; thence N. 59°32'30" W., 750 feet; thence N. 30°27'30" E., 5,500 feet; thence S. 59°32'30" E., 1,500 feet; thence S. 30°27'30" W., 5,500 feet; thence N. 59°32'30" W., 750 feet to the Point of Beginning.
Containing 189.39 acres, more or less.

TRACT C

Commencing at U. S. L. M. S. 1147, latitude 55°59'28" N., longitude 160°34'29.374" W., 1927 N. A. D.; thence S. 73°32'44" E., 10,830 feet, more or less, to the Point of Beginning for this description identical with a point on the mean high tide line of Herendeen Bay; then meandering Northwesterly, 600 feet, more or less, along the mean high tide line to a point; thence N. 26°30' E., 1,000 feet; thence S. 63°30' E., 1,000 feet; thence S. 26°30' W., 1,000 feet, more or less, to a point on the mean high tide line of said Bay; thence Northwesterly, 400 feet, more or less, to the Point of Beginning.
Containing 22.96 acres, more or less.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 57-8609; Filed, Oct. 18, 1957; 8:45 a. m.]

Bureau of Reclamation

NEWLANDS PROJECT, NEVADA

ORDER OF REVOCATION

JULY 18, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of July 2, 1902 and August 26, 1902, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 N., R. 25 E.,
Sec. 3, Lots 1 to 4 incl., S½N½ and S½;
Sec. 8, all.

The above areas aggregate approximately 1,308.12 acres, of which 640.00 acres are vacant lands.

E. G. NIELSEN,
Assistant Commissioner.

[76383]

OCTOBER 14, 1957.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. Section 3 has been patented with reservation of minerals to the United States.

2. The land in section 8 is within the boundaries of Nevada Grazing District No. 3 and located approximately four miles east of Fernley, Nevada. U. S. Highway 40 crosses through this section and the lands are readily accessible. The land is arid in character and unsuitable for agricultural purposes due to an absence of water and inferior soils. Vegetation consists of desert type shrubs and annual weeds and grasses.

3. No application for the lands in section 8 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands in section 8 are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on November 19, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 18, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on February 18, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on February 18, 1958.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 57-8610; Filed, Oct. 18, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF UNITED STATES GREAT LAKES—BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7830-4, between the member lines of the United States Great Lakes—Bordeaux/Hamburg Range Westbound Conference, modifies the basic agreement of that conference (No. 7830, as amended), by changing the voting and withdrawal provisions thereof.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, to-

gether with request for hearing should such hearing be desired.

Dated: October 16, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8625; Filed, Oct. 18, 1957; 8:51 a. m.]

MEMBER LINES OF UNITED STATES GREAT LAKES—BORDEAUX/HAMBURG RANGE EASTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7820-3, between the member lines of the United States Great Lakes—Bordeaux/Hamburg Range Eastbound Conference, modifies the basic agreement of that conference (No. 7820, as amended), by changing the voting and withdrawal provisions thereof.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 16, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8626; Filed, Oct. 18, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9692]

ARKANSAS FUEL OIL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 15, 1957.

In the Matters of Arkansas Fuel Oil Corporation, Docket No. G-9692; George W. Jackson, Docket No. G-11574; Loris Swadley et al.,[1] Docket Nc. G-11596; Carter-Jones Drilling Company, Operator, et al.,[2] Docket No. G-12014; Gulf Oil Corporation, Operator,[3] Docket No. G-12017; Murphy Corporation,[4] Docket No. G-12025; Jett Drilling Company, Inc., Operator, et al.,[5] Docket No. G-12505; Noel L. Adams, Sr., and Noel L. Adams, Jr.,[6] Docket No. G-12507; Southwestern Exploration Company, Operator et al.,[7] Docket No. G-12532; L. B. Jackson Company,[8] Docket No. G-12541; F. Julius Fohs, Operator, et al.,[9] Docket No. G-12544; Claud E. Aikman and Gladys J. Aikman,[10] Docket No. G-12550; Vickers Petroleum Company., Inc., Docket No. G-12552; Magnolia Petroleum Company, Docket No. G-12728; Smith and Justice Gas Company et al.,[11] Docket No. G-12756; Star Fork Oil & Gas Company (J. O. Nay, Agent),[12] Docket No. G-12768; Meadows Oil Company,[13] Docket No. G-12789; Amy Oil & Gas Company, Docket No. G-12790; Loffland Brothers Company, Operator, et al.,[14] Docket No. G-12935; Leonard Cain Gas Company, Docket No. G-12942; T. Minter Lawson and Mary L. Lawson, Docket No. G-12943; Jake L. Hamon, Operator, et al.,[15] Docket No. G-13005.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; Buyer

9692; Bourg Field, Terrebonne Parish, Louisiana; United Fuel Gas Company.

11574; Acreage in Washington District, Calhoun County, West Virginia; Hope Natural Gas Company.

11596, 12789, 12790; Acreage in Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

12014; Willow Springs Field, Gregg County, Texas; Texas Eastern Transmission Corporation.

12017; Buna West Field, Jasper County, Texas; Texas Eastern Transmission Corporation.

12025; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

12505; Maxie Field, Forrest County, Mississippi; United Gas Pipe Line Company.

12507; Rodessa Field, Caddo Parish, Louisiana; United Gas Pipe Line Company.

12532; Hugoton Field, Finney County, Kansas; Northern Natural Gas Company.

12541; Witcher Field, Oklahoma County, Oklahoma; Champlin Oil & Refining Company.

12544; Martisak (Sublime Area), Lavaca County, Texas; Tennessee Gas Transmission Company.

12550; San Juan Basin, San Juan County, New Mexico; Pacific Northwest Pipeline Corporation.

12552; Richfield Field, Morton County, Kansas; Panhandle Eastern Pipe Line Company.

12728; Hugoton Field, Morton County, Kansas; Panhandle Eastern Pipe Line Company.

12756; Acreage in Oceana District, Wyoming County, West Virginia; Hope Natural Gas Company.

12768; Acreage in Union District, Ritchie County, West Virginia; Carnegie Natural Gas Company.

12935; Hearn North Field, Pawnee County, Kansas; Northern Natural Gas Company.

12942; Acreage in Sheridan District, Calhoun County, West Virginia; Hope Natural Gas Company.

12943; Acreage in Elk District, Harrison County, West Virginia; Hope Natural Gas Company.

13005; North Riverside Field, San Patricio County, Texas; Texas Eastern Transmission Corporation.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 14, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 6, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision precedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Those parties comprising the et al. are not indicated in either the application or the rate schedule filing.

[2] Carter-Jones Drilling Company is a partnership composed of J. K. Maxwell, H. C. Jones, C. C. Woodruff and W. T. Maxwell, which operates the subject unit. Operator is filing for itself and on behalf of the nonoperators and lists the following owners of working interests: Carter-Jones Drilling Company, Operator; John Young and Harold Donnell; Allen Shivers and C. L. Du Puy; and Bobby Manziel Estate. All are signatory seller parties to the gas sales contract dated January 22, 1957, except Harold Donnell and Allen Shivers, which parties have authorized the Operator to dispose of their shares of the production pursuant to the provisions of the operating agreement.

[3] Gulf Oil Corporation, Operator, is filing for itself and on behalf of Pure Oil Company. Each owns 50% interest in the subject acreage. Gulf is the only signatory seller party to the gas sales contract involved herein.

[4] Murphy Corporation, Nonoperator, is filing for its interest in the Maggie Burke Unit No. 2 and the C. F. Cooke, Jr., Unit No. 1 Wells. Applicant is a signatory seller party to the ratification agreement dated December 20, 1956, which has also been signed by the purchaser.

[5] Jett Drilling Co., Inc., Operator, is filing for itself and on behalf of 17 nonoperators listed in the application, together with the percentage of ownership of each. All are signatory seller parties to the gas sales contract dated April 29, 1957.

[6] Noel L. Adams, Sr., and Noel L. Adams, Jr., are co-owners and are filing individually. Both are signatory seller parties to the gas sales contract dated April 30, 1957. Amendment filed May 14, 1957, corrects contract date in original application from January 7, 1955, to April 30, 1957.

[7] Southwestern Exploration Company, Operator, is a co-partnership composed of W. H. Bird and A. Leon Derby. Operator is filing for itself and on behalf of the nonoperator, Vickers Petroleum Company, Inc. Both are signatory seller parties to the gas sales contract dated April 8, 1957.

[8] L. B. Jackson Company is filing for its 6.25% interest in the Spencer Unit and is the only signatory seller party to the gas sales contract dated January 14, 1957. The subject contract is subject to two prior contracts between Applicant and the Oklahoma Natural Gas Company dated January 12, 1954, and January 15, 1954. Production is limited to the Cleveland Sand.

[9] F. Julius Fohs, Operator, Lovett Abercrombie, Benjamin Clayton, William Clayton, Coast Properties Company, Trustee, Cora B. Fohs, Estate of J. R. Harrigan, deceased, and Ruth M. Harrigan are filing as individuals and are all signatory seller parties to the gas sales contract dated March 18, 1957.

[10] Claud E. Aikman and Gladys J. Aikman, co-owners, are filing individually, and both are signatory sellers to the gas sales contract dated March 18, 1957.

[11] Smith and Justice Gas Company is a partnership composed of Roy Brown, E. B. Wilkinson, E. C. Donahue, Dan Donahue, Frank Zsoldos, Clyde Ferrell, C. S. Smith, K. H. Justus, Daisy K. Hall and Marshall G. West. Each of the above-named individuals is a signatory seller party to the gas sales contract dated April 19, 1957. In addition, E. B. Wilkinson, a partner in the above-mentioned partnership, is filing as Attorney-in-Fact for David E. Neal, Samuel R. Smith, J. D. Long, Mahalia Long, Hal S. McComas, Atchley Childers, Archie Roberts, James R. Mink, John Talman, R. D. Bailey, Frank Zsoldos, Jr., Julia M. Zsoldos, H. E. Crews, Eddie Crews, Jack Pizzino, Audrey Wilkinson, A. P. Wilkinson, Stanley V. Conriski, Lewis Boumann, Ralph Justice and Pineville Motor Sales, Inc.

[12] Star Fork Oil & Gas Company is a partnership composed of J. O. Nay and John R. Bullock. J. O. Nay, Agent, is the only signatory seller party to the gas sales contract dated March 19, 1957.

[13] Clarence W. Meadows; Ruth Nichols, Executrix of Estate of C. O. Nichols; Oscar A. Broten, Ward D. Martin, Sam R. Heller, Royal G. Sanborn, A. L. Duckwall, Jr., and Gordon Mark, d. b. a. Meadows Oil Company, a partnership, are all signatory seller parties to the gas sales contract dated April 8, 1957.

[14] Loffland Brothers Company, Operator, is filing for its undivided interest and as agent for the interests of T. A. Manhart, Clark Millison, B. W. Beebe, Georgia Millison, Jos. Bowes, Thomas E. Matson, Albert L. Ballou, Jr., Chet H. Jameson, Jr., and John J. Rupnik, nonoperators. Loffland is the only signatory seller party to the contract dated December 18, 1956. The other interest holders, with the exception of Georgia Millison, are signatory seller parties to a contract dated October 19, 1956. The application lists percentage interest held by each.

[15] Jake L. Hamon, Operator, is filing for himself and for the interests of Dan Clark and Rupert Cox, nonoperators. All are signatory seller parties to the same sales contract involved herein. Dan Clark and Rupert Cox are signatories by virtue of a ratification agreement dated April 5, 1957.

[F. R. Doc. 57-8622; Filed, Oct. 18, 1957; 8:50 a. m.]

[Docket No. G-12775]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 15, 1957.

Take notice that on June 20, 1957, Tennessee Gas Transmission Company (Tennessee Gas) filed in Docket No. G-12775 an application for a certificate of public convenience and necessity authorizing a field sale of natural gas from the Stone "A" Lease in Southeast Fox Graham Field, Carter County, Oklahoma, to be made pursuant to a gas sales contract dated November 2, 1956, executed by and between Signal Oil and Gas Company (Signal) and Tennessee Gas, to which contract Tennessee Gas is the sole signatory seller party.

The application indicates that Tennessee Gas and Dick Wegener Incorporated (Wegener), the operator of the subject lease, each owns a 50 percent interest in the subject lease.

Tennessee Gas states that Signal will purchase the gas produced by it in the Southeast Fox Graham Field for resale to Cities Service Gas Company (Cities Service). Cities Service will transport such gas received from Signal commingled with its other gas supplies for sale in other states.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 13, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8623; Filed, Oct. 18, 1957; 8:50 a. m.]

[Docket No. G-13419]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 15, 1957.

Phillips Petroleum Company (Phillips) on September 19, 1957, tendered for filing a proposed change in one of its presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 17, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 12 to Phillips' FPC Gas Rate Schedule No. 2-A.

Effective date: November 1, 1957.[1]

In support of its proposed increased rate, Phillips states, in effect, that its negotiation of its sales contract was premised upon an average price whereby lower prices in the earlier years would be offset by higher prices in later years of the contract term. It urges that unless it is permitted the higher prices to offset the lower prices agreed to by Phillips an unfairness will result. The presently effective rate is subject to possible refund in Docket No. G-11309 and has not, therefore, been shown to be just and reasonable.

The increased rate and charge as proposed by Phillips in Supplement No. 12 to its FPC Gas Rate Schedule No. 2-A has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of Phillips said proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8618; Filed, Oct. 18, 1957; 8:48 a. m.]

[1] The stated effective date is the date proposed by Phillips.

[2] Commissioner Digby dissenting.

[Docket No. G–13420]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 15, 1957.

Phillips Petroleum Company (Phillips), on September 20, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of change undated.
Purchaser: Texas Gas Pipe Line Corporation.
Rate schedule designation: Supplement No. 6 to Phillips' FPC Gas Rate Schedule No. 145.
Effective date: November 1, 1957.[1]

In support of its proposed increased rate, Phillips states, in effect, that its negotiation of its sales contract was premised upon an average price whereby lower prices in the earlier years would be offset by higher prices in later years of the contract term. It urges that unless it is permitted the higher prices to offset the lower prices agreed to by Phillips an unfairness will result. The presently effective rate is subject to possible refund in Docket No. G–11326 and has not, therefore, been shown to be just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's general rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8619; Filed, Oct. 18, 1957; 8:49 a. m.]

[1] The stated effective date is the date proposed by Phillips.

[Docket No. G–13421]

BYRD OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 15, 1957.

Byrd Oil Corporation, et al. (Byrd) on September 20, 1957, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 12, 1957.
Purchaser: Mississippi River Fuel Corporation.
Rate schedule designation: Supplement No. 6 to Byrd's FPC Gas Rate Schedule No. 7.
Effective date: October 26, 1957.[3]

In support of the proposed increased rate Byrd states that its sales contract was negotiated at arm's length and contends that the periodic increase requested does not constitute a change in rate which may be suspended under section 4 of the act. The presently effective rate is subject to possible refund in Docket No. G–11326.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 26, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8620; Filed, Oct. 18, 1957; 8:49 a. m.]

[2] Commissioner Digby dissenting.
[3] The stated effective date is the date proposed by Byrd.

[Docket No. G–13422]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 15, 1957.

Sunray Mid-Continent Oil Company (Sunray) on September 16, 1957, tendered for filing proposed changes in its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated September 11, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 4 to its FPC Gas Rate Schedule No. 122. Supplement No. 2 to its FPC Gas Rate Schedule No. 126. Supplement No. 2 to its FPC Gas Rate Schedule No. 127.
Effective date: [4] November 1, 1957.

In support of the proposed rate increases, Sunray states that the contracts were negotiated at arm's length, it would not have entered into long term contracts without assurance that it would receive the full market value of the gas, the proposed rates are just and reasonable and not greater than the fair, market, or commodity value and that the proposed rates are in line with area field rates and are economically desirable to all parties.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8621; Filed, Oct. 18, 1957; 8:50 a. m.]

[4] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Sunray, if later.

[Project No. 2075]

WASHINGTON WATER POWER CO.

NOTICE OF WITHDRAWAL OF LANDS; CORRECTION

OCTOBER 15, 1957.

The notice of withdrawal of lands given pursuant to the filing of application for Power Project No. 2075 by the Washington Water Power Company, published in the FEDERAL REGISTER, Saturday September 21, 1957, page 7547 (F. R. Doc. 57–7747) is amended to include:

PRINCIPAL MERIDIAN, MONTANA

T. 24 N., R. 31 W.,
Sec. 23, NW¼NE¼.
T. 25 N., R. 32 W.,
Sec. 32, SE¼NW¼NW¼SW¼.
T. 26 N., R. 32 W.,
Sec. 34, SE¼SW¼.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8612; Filed, Oct. 18, 1957; 8:46 a. m.]

[Project No. 2173]

PACIFIC NORTHWEST POWER CO.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

OCTOBER 14, 1957.

Notice is hereby given that the oral argument now scheduled for November 21, 1957, is hereby postponed to be held at 10:00 a. m., e. s. t., on November 26, 1957, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8624; Filed, Oct. 18, 1957; 8:50 a. m.]

[1] Commissioner Digby dissenting.

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blount Manufacturing Co., Blountsville, Ala.; effective 10–1–57 to 9–30–58 (children's pants and boxer longies).

J. H. Bonok Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La.; effective 10–26–57 to 10–25–58 (sport shirts).

Cluett, Peabody & Co., Inc., 105 Mill Street, Corinth, N. Y.; effective 10–1–57 to 9–30–58 (men's dress shirts).

Crisfield Shirt & Pajama Co., Crisfield, Md.; effective 10–3–57 to 10–2–58 (boys' shirts and pajamas).

Elder Garment Co., Vandalia, Mo.; effective 10–4–57 to 10–3–58 (ladies' dresses, lounge robes and dusters).

Elder Manufacturing Co., Webb City, Mo.; effective 10–22–57 to 10–21–58 (boys' shirts).

Exquisite Form Brassiere, Inc., 432 Lackawanna Avenue, Scranton, Pa.; effective 10–1–57 to 9–30–58 (brassieres).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa.; effective 10–3–57 to 10–2–58. Workers engaged in the manufacture of children's shorts, pedal pushers and blouses (children's sportswear).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa.; effective 10–3–57 to 10–2–58. Workers engaged in the manufacture of men's jackets (men's jackets).

Hazlehurst Manufacturing Co., Inc., Vidalia Division, Vidalia, Ga.; effective 10–8–57 to 10–7–58 (bras, garter belts and girdles).

F. Jacobson & Sons, Inc., Charlottesville, Va.; effective 10–7–57 to 10–6–58 (men's pajamas).

Lebro Shirt Manufacturing Co., Lykens, Pa.; effective 10–1–57 to 9–30–58 (men's shirts).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 10–7–57 to 10–6–58 (men's work clothing, bib overalls, waistband overalls).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 10–8–57 to 10–7–58 (cotton work pants and casual pants for men).

Oshkosh B'Gosh, Inc., 33 Otter Street, Oshkosh, Wis.; effective 10–4–57 to 10–3–58 (men's, women's and children's work clothing).

Pool Manufacturing Co., 1601 South Montgomery Street, Sherman, Tex.; effective 10–4–57 to 10–3–58 (work shirts, pants and overalls).

Reliance Manufacturing Co., Factory No. 40, Water Valley, Miss.; effective 10–15–57 to 10–14–58 (men's shirts and pajamas).

Standard Romper Co., Inc., Maine Street, Brunswick, Maine; effective 10–4–57 to 10–3–58 (boys' shirts and pants).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R. I.; effective 10–4–57 to 10–3–58. Workers engaged in the manufacture of garments from woven material (children's outer garments).

Standard Romper Co., Inc., 335 Forest Avenue, Portland, Maine; effective 10–4–57 to 10–3–58 (children's outer garments).

Levi Strauss & Co., 250 Valencia Street, San Francisco, Calif.; effective 10–4–57 to 10–3–58 (denim overalls).

Levi Strauss & Co., 1808 Cherry Street, Knoxville, Tenn.; effective 10–3–57 to 10–2–58 (denim waist overalls for men, women, and children).

Vesta Corset Co., Inc., McGraw, N. Y.; effective 10–4–57 to 10–3–58 (corsets, girdles).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carter & Churchill Co., Lebanon, N. H.; effective 10–1–57 to 9–30–58; 10 learners (ski clothing).

Chance Pajama Manufacturing Co., 331 Main Street, Lilly, Pa.; effective 10–1–57 to 9–30–58; 10 learners (pajamas).

Delta Shirt Manufacturing Co., Inc., Deming, N. Mex.; effective 9–30–57 to 12–31–57; 10 learners (replacement certificate) (boys' sport shirts).

Higginsville Garment Co., Inc., Higginsville, Mo.; effective 10–1–57 to 9–30–58; 10 learners (nylon and dacron uniforms).

Hyde Park Sportswear, Inc., 1128 Jackson Street, Scranton, Pa.; effective 10–2–57 to 10–1–58; 5 learners (children's snow suits and sport jackets).

Kent Uniforms, Inc., Burkesville, Ky.; effective 9–30–57 to 9–29–58; 10 learners (nurses' and waitresses' uniforms).

Scott & Kurt Manufacturing Co., Rothsville, Lancaster County, Pa.; effective 10–4–57 to 10–3–58; 5 learners (ladies' blouses).

Strutwear, Inc., Glencoe, Minn.; effective 10–1–57 to 9–30–58; 9 learners engaged in the production of women's blouses from woven or purchased knit fabric and women's underwear from woven fabric (women's blouses and underwear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Byrds Manufacturing Corp., Star City, Ark.; effective 9–30–57 to 3–29–58; 50 learners (sport shirts).

Elsing Manufacturing Co., South on Highway 69, McAlester, Okla.; effective 10–7–57 to 4–6–58; 15 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (blouses and dresses).

International Latex Corp., Lafayette, Ala.; effective 10–12–57 to 4–11–58; 100 learners (brassieres).

International Latex Corp., LaGrange, Ga.; effective 10–4–57 to 4–3–58; 100 learners (brassieres).

Kent Uniforms, Inc., Burkesville, Ky.; effective 9–30–57 to 3–29–58; 20 learners (nurses' and waitresses' uniforms).

Reidbord Brothers Co., Gulland-Clark Building, Elkins, W. Va.; effective 10–1–57 to 3–31–58; 35 learners (men's work trousers and shirts).

Standard Romper Co., Inc., Maine Street, Brunswick, Maine; effective 10-4-57 to 4-3-58; 30 learners (boys' shirts and pants).

Standard Romper Co., Inc., 335 Forest Avenue, Portland, Maine; effective 10-4-57 to 4-3-58; 25 learners (children's outer garments).

Sylvania Garment Co., Inc., Sylvania, Ga.; effective 10-2-57 to 4-1-58; 25 learners (sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Hanover Glove Co., Inc., 2-6 Exchange Place, York County, Hanover, Pa.; effective 10-3-57 to 10-2-58; 10 learners for normal labor turnover purposes (leather and fabric work gloves and mittens).

Jomac Products, Inc., 1624 East Winona Avenue, Warsaw, Ind.; effective 10-3-57 to 4-2-58; 10 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ashburn Hosiery Mills, Inc., 719 South Street, Mount Airy, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Auburn Hosiery Mills, Inc., Plant No. 2, Adairville, Ky.; effective 10-4-57 to 10-3-58; 5 learners for normal labor turnover purposes (full-fashioned, seamless).

Auburn Dyeing & Finishing Co., Auburn, Ky.; effective 10-4-57 to 10-3-58; 5 learners for normal labor turnover purposes (dyeing and finishing women's nylon hosiery).

Charles H. Bacon Co., Loudon, Tenn.; effective 10-2-57 to 4-1-58; 15 learners for plant expansion purposes (seamless).

Commonwealth Hosiery Mills, Ellerbe, N. C.; effective 10-3-57 to 10-2-58; five learners for plant expansion purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N. C.; effective 10-5-57 to 10-4-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Excel Hosiery Mills, Union, S. C.; effective 10-3-57 to 10-2-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Greensboro Hosiery Mills, Inc., Howard and Hiatt Streets, Greensboro, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Greensboro Hosiery Mills, Inc., Howard and Hiatt Streets, Greensboro, N. C.; effective 10-8-57 to 4-7-58; 20 learnera for plant expansion purposes (seamless).

Hanover Mills, Inc., 716 South 16th Street, Wilmington, N. C.; effective 10-2-57 to 10-1-58; 10 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knit Products Corp., Belmont, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Wm. C. Leininger Knitting Co., Mohnton, Pa.; effective 10-2-57 to 10-1-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Lorimer Hosiery Mills, Inc., 127 North Broad Street, Burlington, N. C.; effective 10-4-57 to 10-3-58; 5 learners for normal labor turnover purposes (seamless).

Lynne Hosiery Mills, Inc., North South Street, Mount Airy, N. C.; effective 10-4-57 to 10-3-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Peerless Hosiery Co., West Jefferson, N. C.; effective 10-4-57 to 4-3-58; 15 learners for plant expansion purposes (seamless).

Tower Hosiery Mills, Inc., Broad Street, Burlington, N. C.; effective 10-2-57 to 10-1-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Union Manufacturing Co., Union Point, Ga.; effective 10-4-57 to 10-3-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Waldensian Hosiery Mills, Inc., Ladies' Seamless Knitting Plant, Lenoir, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Waldensian Hosiery Mills, Inc., Finishing Plant, Valdese, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Waldensian Hosiery Mills, Inc., Pauline Seamless Knitting Plant, Valdese, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Walnut Cove Hosiery Mills, Walnut Cove, N. C.; effective 10-3-57 to 10-2-58; 5 learners for normal labor turnover purposes (seamless).

Wee-Sox Hosiery Mills, Randleman, N. C.; effective 10-4-57 to 10-3-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Willis Hosiery Mills, Inc., Concord, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wytheville Knitting Mills, Inc., Wytheville, Va.; effective 10-2-57 to 10-1-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Beltex Corp., 106 South Main Street, Belmont, N. C.; effective 10-4-57 to 10-3-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted underwear).

Debies Manufacturing Co., 312 16th Street, San Diego, Calif.; effective 10-7-57 to 4-6-58; six learners for plant expansion purposes (panties and half slips).

Geissler Knitting Mills, Inc., 129-131 East Broad Street, Hazleton, Pa.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, boys' polo shirts).

Ithaca Textile, Inc., 402 East State Street, Ithaca N. Y.; effective 10-3-57 to 4-2-58; 10 learners for plant expansion purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (women's knitted and nylon tricot underwear).

Russell Manufacturing Corp., Lebanon, Va.; effective 10-2-57 to 4-1-58; 5 percent of the total number of factory production workers for normal labor turnover purposes engaged in the manufacture of: (1) pillow cases and sheets—sewing machine operators only for a learning period of 320 hours; and (2) ladies' underwear of woven and knit fabric—sewing machine operator, hand sewer, finishing operations involving hand sewing and presser for a learning period of 320 hours, and final inspection of fully assembled garments for a learning period of 160 hours, each at the rate of 85 cents an hour (ladies' underwear and sheets and pillow cases).

Russell Manufacturing Corp., Lebanon, Va.; effective 10-2-57 to 4-1-58; 50 learners for plant expansion purposes engaged in the manufacture of: (1) pillow cases and sheets—sewing machine operators only for a learning period of 320 hours; and (2) ladies' underwear of woven and knit fabric—sewing machine operator, hand sewer, finishing operations involving hand sewing and presser for a learning period of 320 hours, and final inspection of fully assembled garments for a learning period of 160 hours, each at the rate of 85 cents an hour (ladies' underwear, pillow cases and sheets).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R. I.; effective 10-4-57 to 10-3-58; 5 percent of the total number of factory production workers engaged in the manufacture of garments from knitted fabric, for normal labor turnover purposes (children's outer garments of knit fabric).

Standard Romper Co., Inc., Building No. 7, 200 Connant Street, Pawtucket, R. I.; effective 10-1-57 to 3-31-58; 100 learners for plant expansion purposes (children's outer garments of knit fabric).

Strutwear, Inc., Glencoe, Minn.; effective 10-1-57 to 9-30-58; 1 learner for normal labor turnover purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (women's underwear, slips).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 10-2-57 to 4-1-58; 30 learners for plant expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The Graham Co., 3720 Gorman Avenue, Waco, Tex.; effective 10-4-57 to 4-3-58; authorizing the employment of 5 learners for normal labor turnover purposes in the occupation of embroidery machine operator for a learning period of 320 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (embroidery and chenilled sport letters and monograms, pennants, banners).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Barca Knit Corp., Building No. 3, San Jose Industrial Development, Rio Piedras, P. R.; effective 9-15-57 to 9-14-58; authorizing the employment of 8 learners for normal labor turnover purposes in the occupations of: (1) power and hand knitting machine operators for a learning period of 480 hours; and (2) hand and machine sewing, and hand crocheting and finishing for a learning period of 320 hours. Each occupation shall be paid for at the rates of 68 cents an hour for the first half and 80 cents an hour for the second half of the respective authorized learning periods (knitted outerwear).

The Carib Co., Aibonito, P. R.; effective 9-16-57 to 3-15-58; authorizing the employment of 50 learners for plant expansion purposes in the occupation of machine sewing for a learning period of 480 hours at the rates of 50 cents an hour for the first 240 hours and 58 cents an hour for the remaining 240 hours (women's underwear).

Contessa, Inc., 151 Marina Street, Maigor Building, San Juan, P. R.; effective 9-1-57 to 6-10-58; authorizing the employment of 12 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 50 cents an hour for the first 240 hours and 58 cents an hour for the remaining 240 hours (replacement certificate) (ladies' underwear).

Delia Mejia, Inc., 106 Comercio Street, Ponce, P. R.; effective 9-12-57 to 3-11-58; authorizing the employment of 30 learners for plant expansion purposes in the occupation of Merrow sewing machine operators for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (satin bags and seagram bottles).

Denicotea Panamerican, Inc., Santurce, P. R.; effective 9-11-57 to 3-10-58; authorizing the employment of 10 learners for plant expansion purposes in the occupation of filter assembling for a learning period of 160 hours at the rate of 65 cents an hour (denicotea filters).

Economy Industries, Inc., Rio Grande, P. R.; effective 9-9-57 to 3-8-58; authorizing the employment of 31 learners for plant expansion purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 480 hours at the rates of 50 cents an hour for the first 240 hours and 58 cents an hour for the remaining 240 hours (ladies' blouses).

El Dorado Import & Export, Inc., Caguas, P. R.; effective 9-9-57 to 11-14-57; authorizing the employment of 55 learners for plant expansion purposes in the occupations of millinery sewing and millinery assembling, each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (replacement certificate) (millinery).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 9-6-57 to 1-27-58; authorizing the employment of 37 learners for normal labor turnover purposes in the occupations of looping for a learning period of 480 hours and machine stitching for a learning period of 320 hours. Each occupation shall be paid for at the rates of 68 cents an hour for the first half and 80 cents an hour for the remaining half of the respective authorized learning periods (replacement certificate) (sweaters).

Marita Mills, Inc., Toa Baja, P. R.; effective 9-13-57 to 3-12-58; authorizing the employment of 14 learners for plant expansion purposes in the occupations of: (1) knitting, topping, and looping for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours; (2) machine stitching, hand sewing, and pressing for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours; and (3) winding for a learning period of 240 hours at the rate of 68 cents an hour (knitted full-fashioned sweaters).

Master Record Syndicate, Inc., Rio Piedras, P. R.; effective 9-13-57 to 3-12-58; authorizing the employment of 9 learners for plant expansion purposes in the occupations of: (1) press operators and preformers for a learning period of 320 hours at the rates of 60 cents an hour for the first 160 hours and 70 cents an hour for the remaining 160 hours; and (2) testers and final inspectors for a learning period of 160 hours at the rate of 60 cents an hour (phonograph records).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 14th day of October 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-8611; Filed, Oct. 18, 1957; 8:45 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10734

AMENDMENT OF EXECUTIVE ORDER NO. 10657,[1] RELATING TO THE TRANSFER TO THE HOUSING AND HOME FINANCE ADMINISTRATOR OF CERTAIN FUNCTIONS UNDER THE ATOMIC ENERGY COMMUNITY ACT OF 1955

By virtue of the authority vested in me by the Atomic Energy Community Act of 1955 (69 Stat. 471), as amended, and particularly by section 101 thereof, and as President of the United States, it is ordered as follows:

SECTION 1. Section 1 of Executive Order No. 10657 of February 14, 1956, is hereby amended to read as follows:

"SECTION 1. There are hereby transferred to the Housing and Home Finance Administrator (hereafter called the Administrator) all of the functions, duties, and responsiblities of the Atomic Energy Commission (hereinafter called the Commission) under sections 34 to 36, inclusive, sections 51 to 55, inclusive, section 57, sections 61 to 66, inclusive, and section 116, of the Act, and under the third sentence of section 32 of the Act, with the following exceptions and qualifications:

"(a) The Commission shall retain the power and duty of, and the responsibility for, (i) determining the property to be offered for disposal pursuant to section 52, the improvements to be designated as eligible for a credit under subsections 36a and 36b, the extent to which a lessee has been previously compensated for improvements under subsection 36a, and the provisions and procedures to be adopted pursuant to subsections 55b to 55e, inclusive, and (ii) removing or transferring property pursuant to subsections 52a (1) and 52a (2).

"(b) The Commission shall retain such duties and responsibilities under section 57a as it shall specify and give notice thereof to the Administrator.

"(c) The Administrator may reimburse the Federal Housing Commissioner, under the aforesaid third sentence of section 32 of the Act, from the Community Disposal Operations Fund established under section 117 of the Act."

SEC. 2. Each reference to "the Act" in the said Executive Order No. 10657, as amended, shall be deemed to include, except as may be inappropriate, a reference to the Atomic Energy Community Act of 1955, as amended.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 17, 1957.

[F. R. Doc. 57-8693; Filed, Oct. 18, 1957; 1:16 p. m.]

[1] 21 F. R. 1063; 3 CFR, 1956 Supp., p. 57.

EXECUTIVE ORDER 10735

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 10001 of September 17, 1948, No. 10167 of October 11, 1950, No. 10292 of September 25, 1951, No. 10420 of December 17, 1952, No. 10505 of December 10, 1953, No. 10659 of February 15, 1956, and No. 10714 of June 13, 1957, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1602.13 of Part 1602, *Definitions*, is revoked.

2. (a) Paragraph (b) of § 1622.13 of Part 1622, *Classification Rules and Principles*, is amended by striking out the word "or" at the end of subparagraph (3), by striking out the period at the end of subparagraph (4) and inserting in lieu thereof a semicolon and the word "or", and by adding a new subparagraph (5) to read as follows:

"(5) Periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training."

(b) Paragraph (b) of § 1622.40 of Part 1622 is amended by striking out the word "or" at the end of subparagraph (3), by striking out the period at the end of subparagraph (4) and inserting in lieu thereof a semicolon and the word "or",

(Continued on p. 8277)

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and by adding a new subparagraph (5) to read as follows:

"(5) Periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training."

(c) Section 1622.44 of Part 1622 is amended to read as follows:

"§ 1622.44 *Class IV–F: Physically, mentally, or morally unfit.* (a) In Class IV–F shall be placed any registrant (1) who is found to be physically or mentally unfit for any service in the Armed Forces other than a registrant who has been separated from the Armed Forces because of physical or mental disability by an honorable discharge or a discharge under honorable conditions or an equivalent type of release from service and who is eligible for Class IV–A under the provisions of § 1622.40; (2) who, under the procedures and standards prescribed by the Secretary of Defense, is found to be morally unacceptable for any service in the Armed Forces; (3) who has been convicted of a criminal offense which may be punished by death or by imprisonment for a term exceeding one year and who is not eligible for classification into a class available for service; or (4) who has been separated from the Armed Forces by discharge other than an honorable discharge or a discharge under honorable conditions, or an equivalent type of release from service, and for whom the local board has not received a statement from the Armed Forces that the registrant is morally acceptable notwithstanding such discharge or separation.

"(b) In Class IV–F shall be placed any registrant in the medical, dental, and allied specialist categories who has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and has been rejected for such appointment on the sole ground of a physical disqualification."

3. (a) Section 1631.4 of Part 1631, *Quotas and Calls*, is amended to read as follows:

"§ 1631.4 *Calls by the Secretary of Defense.* The Secretary of Defense may from time to time place with the Director of Selective Service a call or requisition for a specified number of men required for induction into the Armed Forces. The Secretary of Defense may also from time to time place with the Director of Selective Service a call or requisition for a specified number of men in any medical, dental, or allied specialist category required for induction into the Armed Forces. The Secretary of Defense shall present such calls or requisitions to the Director of Selective Service not less than 60 days prior to the period during which the delivery and induction of such men are to be accomplished."

(b) Section 1631.5 of Part 1631 is amended to read as follows:

"§ 1631.5 *Calls by the Director of Selective Service.* (a) The Director of Selective Service shall, upon receipt of a call or requisition from the Secretary of Defense for a specified number of men to be inducted into the Armed Forces, allocate such call or requisition among the several States. The Director of Selective Service in allocating such call may provide for the selection of persons by age group or groups whenever he deems such action is necessary in order that persons in older age groups shall, on a nation-wide basis, be selected and delivered for induction before persons in younger age groups.

"(b) Upon receipt of a call or requisition from the Secretary of Defense for a specified number of men in a medical, dental, or allied specialist category to be inducted into the Armed Forces, the Director of Selective Service shall allocate such call or requisition among the several States.

"(c) The Director of Selective Service shall issue a Notice of Call on State (SSS Form No. 200) to the State Director of Selective Service of each State concerned (1) for the number of men allocated to each State, or (2) for the number of men in the medical, dental, or allied specialist category allocated to each State. The Director of Selective Service shall send two copies of each such Notice of Call on State (SSS Form No. 200) to the Secretary of Defense."

(c) Section 1631.6 of Part 1631 is amended to read as follows:

"§ 1631.6 *Calls by State Director of Selective Service.* The State Director of Selective Service, upon receiving a Notice of Call on State (SSS Form No. 200) from the Director of Selective Service shall (a) allocate to the local boards concerned within his State (1) the number of men which his State is called upon to furnish for service in the Armed Forces, or (2) the number of men in the medical, dental, or allied specialist category which his State is called upon to furnish for service in the Armed Forces, and (b) issue to each local board concerned a Notice of Call on Local Board (SSS Form No. 201) directing the local board to select and deliver for induction (1) the number of men allocated to the local board, or (2) the number of men in the medical, dental, or allied specialist category allocated to the local board. The State Director of Selective Service shall send a copy of each Notice of Call on Local Board (SSS Form No. 201) to the commanding officer of the joint examining and induction station to which the selected men are directed to report for induction."

(d) (1) Paragraph (a) of § 1631.7 of Part 1631 is amended to read as follows:

"(a) Each local board, upon receiving a Notice of Call on Local Board (SSS Form No. 201) from the State Director of Selective Service (1) for a specified number of men to be delivered for induction, or (2) for a specified number of men in a medical, dental, or allied specialist category to be delivered for induction, shall select and order to report for induction the number of men required to fill the call from among its registrants who have been classified in Class I–A and Class I–A–O and have been found acceptable for service in the Armed Forces and to whom the local board has mailed a Certificate of Acceptability (DD Form No. 62) at least 21 days before the date fixed for induction: *Provided*, That a registrant classified in Class I–A or Class I–A–O who is a delinquent may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and has not been mailed a Certificate of Acceptability (DD Form No. 62): *And provided further*, That a registrant classified in Class I–A or Class I–A–O who has volunteered for induction may, if an appeal is not pending in his case and the period during which an appeal may be taken has expired, be selected and ordered to report for induction notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether or not a Certificate of Acceptability (DD Form No. 62) has been mailed to him. Such registrants, including those in a medical, dental, or allied specialist category, shall be selected and ordered to report for induction in the following order:

(1) Delinquents who have attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

(2) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(3) Nonvolunteers who have attained the age of 19 years and have not attained the age of 26 years and who do not have a child or children with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first.

(4) Nonvolunteers who have attained the age of 19 years and have not attained the age of 26 years and who have a child or children with whom they maintain a bona fide family relationship in their homes, in the order of their dates of birth with the oldest being selected first.

(5) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.

(6) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

In selecting registrants in the order of their dates of birth, if two or more registrants have the same date of birth they shall, as among themselves, be selected in alphabetical order."

(2) Paragraph (b) of § 1631.7 is redesignated as paragraph (c) and a new paragraph (b) is added to § 1631.7 to read as follows:

"(b) The term 'child' as used in this section shall include a legitimate or an illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the registrant in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped."

4. Section 1641.7 of Part 1641, *Notice*, is amended to read as follows:

"§ 1641.7 *Reporting by registrants of their current status.* (a) It shall be the duty of every classified registrant to keep his local board currently informed of his occupational, marital, family, dependency, and military status, of his physical condition, of his home address, and of his receipt of any professional degree in a medical, dental, or allied specialist category. Every classified registrant shall, within 10 days after it occurs, report to his local board in writing every change in such status and in his physical condition and home address and his receipt of any such professional degree.

"(b) A classified registrant shall submit to his local board in writing all information which the local board may at any time request from him concerning his occupational, marital, family, dependency, or military status or his physical condition or his receipt of a professional degree. The registrant shall submit such information to his local board within 10 days after the date on which the local board mails him a request therefor, or within such longer period as may be fixed by the local board."

5. Part 1650, *Registration, Classification, Physical Examination, Selection, and Induction of Persons in Medical, Dental, and Allied Specialist Categories*, is revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 17, 1957.

[F. R. Doc. 57-8692; Filed, Oct. 18, 1957; 1:16 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter IV—The President's Committee on Government Employment Policy

PART 401—OPERATIONS OF THE PRESIDENT'S COMMITTEE ON GOVERNMENT EMPLOYMENT POLICY

MISCELLANEOUS AMENDMENTS

Sections 401.3, 401.7 (a) and 401.9 (f) are amended as set out below.

§ 401.3 *Membership of the Committee.* The Committee shall be composed of seven members and not more than two alternate public members appointed in accordance with section 1 of Executive Order 10590, as amended. Four members shall constitute a quorum, provided that at least one public member (or alternate public member) and one nonpublic member are present, except (a) when decisions on fundamental questions of policy are involved, or (b) when there is a dissenting opinion. When either or both of these conditions are present, final action shall be taken by not less than five regular members or six of the nine.

§ 401.7 *Review of cases by the Committee.* (a) The Committee shall accept for review any case coming within the purview of Executive Order 10590 if such case has been referred to it either:

(1) By the head of the department or agency, or his designated representative, in accordance with section 4 of Executive Order 10590; or

(2) On the specific request of the complainant in accordance with section 3 of Executive Order 10590 provided that:

(i) The complaint was originally filed in accordance with established procedure and the complainant has acted diligently in the prosecution of his complaint and has cooperated with the department or agency in furnishing information.

(ii) The issues presented have been thoroughly investigated and a hearing held thereon, if one has been requested by the complainant.

(iii) An analysis and appraisal has been made when required by § 401.9.

(iv) Findings of fact and a recommended course of action on the resolution of the complaint have been made by the Employment Policy Officer.

The Committee will not again accept for review any case that has earlier been referred to it under this subsection unless substantial new evidence is submitted.

§ 401.9 *Action on the complaint in the agency.* * * *

(f) Following the investigation and hearing, if held, findings of fact shall be made by the Employment Policy Officer who may (1) refer the case to the Committee for an advisory opinion and inform the complainant of his findings of fact and of such referral; or (2) make a recommendation of proposed resolution of the case, inform the complainant of such proposed resolution and his findings of fact; and advise him at that time that he may have his case referred to the President's Committee on Government Employment Policy. If the complainant does not request referral of the case to the Committee, final decision thereon shall be made and furnished to him.

(E. O. 10590, 20 F. R. 409, 3 CFR, 1955 Supp.)

THE PRESIDENT'S COMMITTEE ON GOVERNMENT EMPLOYMENT POLICY,
[SEAL] GWENDOLYN TISE,
Acting Executive Director.

[F. R. Doc. 57-8662; Filed, Oct. 21, 1957; 8:52 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

LABOR ORGANIZATION REGISTRATION FORM

Pursuant to section 9 (f) and (g) of the National Labor Relations Act, as amended (49 Stat. 449, 61 Stat. 136; 29 U. S. C. 151 et seq.), Title 29, Code of Federal Regulations, Part 2, is hereby amended as follows:

1. Paragraph (a) of § 2.4 is hereby redesignated to be paragraph (a) (1).

2. A new paragraph (a) (2) is hereby added to § 2.4 to read as follows:

(2) In lieu of Labor Organization Registration Form R-1 (Revised), prescribed in subparagraph (1) of this paragraph, labor organizations whose accounts are maintained on an accrual or on a modified accrual basis may make reports pursuant to section 9 (f) and (g) of the National Labor Relations Act, as amended, on Labor Organization Registration Form RA-1[1] prescribed for such purpose. Copies of Form RA-1 may be obtained from and shall be filed with the Bureau of Labor Standards, United States Department of Labor, Washington 25, D. C.

(R. S. 161; 5 U. S. C. 22)

Signed at Washington, D. C., this 16th day of October 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-8660; Filed, Oct. 21, 1957; 8:51 a. m.]

[1] Filed as part of original document.

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1958 CROP OF UPLAND COTTON

TOTAL ALLOTMENT IN ACRES AVAILABLE FOR DISTRIBUTION IN EACH STATE

Basis and purpose. The purpose of this amendment is to establish State allotments for the 1958 crop of upland cotton pursuant to section 344 (b) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was published in the FEDERAL REGISTER of August 10, 1957 (22 F. R. 6431), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003).

Farmers engaged in the production of upland cotton in 1957 will determine in a referendum to be held on December 10, 1957, whether marketing quotas will be in effect for the 1958 crop of upland cotton. In order that county allotments may be established and apportioned to farms and notices of individual farm allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and the allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.915 (b) of the regulations pertaining to acreage allotments for the 1958 crop of upland cotton (22 F. R. 8137) is amended to read as follows:

(b) *Total allotment in acres available for distribution in each State.* There are set forth below the apportionment to each State from the national allotment, the additional acreage, of any, required to make each State allotment equal 99 percent of the allotment for such State in 1957, the 1958 State allotment for each State, the apportionment to each State from the national reserve, and the total allotment available for distribution in each State.

State	Apportionment to States from national allotment (1)	Additional acreage required for 1958 State allotment to equal 99 percent of 1957 State allotment (2)	1958 State allotment (3)	Apportionment to States from national reserve (4)	Total allotment available for distribution in State (5)
Alabama	1,022,317		1,022,317	13,146	1,035,463
Arizona	367,366		367,366	206	367,572
Arkansas	1,406,198		1,406,198	5,786	1,411,984
California	812,019		812,019	468	812,487
Florida	37,405		37,405	1,257	38,662
Georgia	895,483		895,483	9,904	905,387
Illinois	3,110		3,110	61	3,171
Kansas	23		23	1	24
Kentucky	7,379	80	7,459	316	7,775
Louisiana	605,303		605,303	4,619	609,922
Maryland	15		15		15
Mississippi	1,647,196		1,647,196	12,914	1,660,110
Missouri	376,715		376,715	1,104	377,819
Nevada	2,343		2,343	1,000	3,343
New Mexico	184,045		184,045	202	184,247
North Carolina	479,767		479,767	14,316	494,083
Oklahoma	798,700	23,300	822,000	5,162	827,162
South Carolina	731,454		731,454	8,503	739,957
Tennessee	575,762		575,762	6,761	582,523
Texas	7,421,320	39,844	7,461,164	13,497	7,474,661
Virginia	17,384		17,384	777	18,161
United States	17,391,304	63,224	17,454,528	100,000	17,554,528

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 342-347, 361-368, 373, 374, 377, 388, 52 Stat. 38, as amended, 71 Stat. 592; 7 U. S. C. 1301, 1342-1347, 1361-1368, 1373, 1374, 1377, 1388)

Done at Washington, D. C., this 17th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8663; Filed, Oct. 21, 1957; 8:52 a. m.]

PART 722—COTTON

SUBPART — REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1958 CROP OF EXTRA LONG STAPLE COTTON

GENERAL

Sec.
722.1511 Basis and purpose.
722.1512 Definitions.
722.1513 Issuance of forms and instructions.
722.1514 Extent of calculations and rule of fractions.

STATE AND COUNTY ALLOTMENTS

Sec.
722.1515 Apportionment of national allotment among States.
722.1516 Apportionment of State allotment among counties.

ESTABLISHMENT OF FARM ALLOTMENT

722.1517 Apportionment of county allotment among farms.
722.1518 Release and reapportionment of cotton allotments.
722.1519 Preservation of acreage history.
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FARM MARKETING QUOTA AND FARM MARKETING EXCESS

722.1521 Notice of farm allotment and marketing quota.
722.1522 Amount of farm marketing quota.
722.1523 Amount of farm marketing excess.
722.1524 Publication of farm allotments and marketing quotas.
722.1525 Successors-in-interest.
722.1526 Marketing quotas not transferable.

MISCELLANEOUS PROVISIONS

722.1527 Measurement of farms to determine compliance with allotments.
722.1528 No credit for overplanting the farm allotment.
722.1529 Availability of records.
722.1530 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.
722.1531 Review of farm allotment.

AUTHORITY: §§ 722.1511 to 722.1531 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 343-347, 361-368, 373, 374, 377, 388, 52 Stat. 38, as amended, 71 Stat. 592; 7 U. S. C. 1301, 1343-1347, 1361-1368, 1373, 1374, 1377, 1388.

GENERAL

§ 722.1511 *Basis and purpose.* (a) The regulations pertaining to acreage allotments for the 1958 crop of extra long staple cotton contained in §§ 722.1511 to 722.1531 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) and govern the establishment of State, county and farm allotments for the 1958 crop of extra long staple cotton and the determination of the acreage planted to extra long staple cotton on individual farms in 1958. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.1511 to 722.1531. Notice of proposed formulation of acreage allotment regulations for the 1958 crop of extra long staple cotton was published in the FEDERAL REGISTER on July 27, 1957 (22 F. R. 5966) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data and recommendations received in response to such notice have been duly considered.

(b) In order that the Agricultural Stabilization and Conservation State and County Committees may perform their functions in an orderly manner and establish farm allotments as early as possible prior to the holding of the extra long staple cotton referendum, it is essential that §§ 722.1511 to 722.1531 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.1511 to 722.1531 shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.1512 *Definitions.* As used in §§ 722.1511 to 722.1531 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number.

(a) *Terms relating to administrative organization.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore, or hereafter made.

(2) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(3) "Deputy Administrator" means the Deputy Administrator, or Acting Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(4) "Director" means the Director, or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(5) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the State committee.

(6) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (21 F. R. 8385, 8843; 22 F. R. 3222), as amended. In Puerto Rico, the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the county committee.

(7) "Community committee" means the group of persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (21 F. R. 8385, 8843; 22 F. R. 3222), as amended.

(8) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(b) *General terms.* (1) "Extra long staple cotton" (herein referred to as "ELS cotton") means American-Egyptian, Sea Island and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates, as provided under section 347 (a) of the act.

(2) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of ELS cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to ELS cotton and must have continued until the end of the planting season for the area.

(3) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(4) "County" means county or parish of a State. The North Area (ELS cotton producing areas in the northern part of Puerto Rico) and the South Area (ELS cotton producing areas in southern Puerto Rico) are considered as separate counties.

(5) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(c) *Terms relating to farms.* (1) "Farm" as defined in Part 718 of this chapter (22 F. R. 3747, 5675), as heretofore or hereafter amended, shall apply to the regulations in §§ 722.1511 to 722.1531. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(3) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(4) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(5) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(6) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(7) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on a farm, is entitled to all or a share of the 1958 crop of ELS cotton produced thereon or of the proceeds thereof.

(8) "Farm allotment" means an ELS cotton acreage allotment established for a farm under §§ 722.1511 to 722.1531. Farm allotments are initially established on the basis of the data for farms as constituted at the time such allotments are established; where a farm is subsequently reconstituted for 1958, the farm allotment will be redetermined in accordance with § 722.1517 (h) and (i).

(9) "Farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(10) "Old ELS cotton farm" means a farm having an acreage planted to ELS cotton in any one or more of the years 1955, 1956, and 1957. Released allotments shall not be considered as acreage planted to ELS cotton for purposes of determining eligibility of the farm for allotment as an old ELS cotton farm.

(11) "New ELS cotton farm" means a farm on which ELS cotton is to be planted in 1958 but on which no acreage was planted to ELS cotton in any of the years 1955, 1956, and 1957.

(12) "Small farm" means a farm for which an allotment, exclusive of allocations to the farm from State and county reserves, for 1958 is 15 acres or less.

(13) "Normal yield" means the average yield per harvested acre of ELS lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of ELS cotton.

(14) "Normal production" of any number of acres means the normal yield per acre of ELS lint cotton for the farm multiplied by such number of acres.

(15) "Actual production" of ELS cotton on the farm means the total number of pounds of ELS lint cotton determined to have been produced on the farm in 1958.

(16) "Actual yield" per acre means the number of pounds of ELS lint cotton determined by dividing the actual production of ELS cotton on the farm by the acreage planted to ELS cotton on the farm in 1958.

(17) "Acreage planted to ELS cotton in the State and county" for use in establishing State and county allotments means:

(i) *For 1952.* The official planted acreage of ELS cotton as determined by the Agricultural Marketing Service of the United States Department of Agriculture.

(ii) *For 1953.* The measured acreage of ELS cotton as determined in accordance with instructions issued by the Deputy Administrator.

(iii) *For 1954 and 1955.* The measured acreages of ELS cotton as determined for purposes of the 1954 and 1955 ELS cotton marketing quota programs (as adjusted under section 344 (g) (3), (l), and (m) (2) of the act).

(iv) *For 1956.* The measured acreages of ELS cotton as determined for purposes of the 1956 ELS cotton marketing quota program (as adjusted under section 344 (g) (3), (i), and (m) (2) of the act; and including acreage history credit required under section 377 of the act and sections 106 (a) and 112 (2) of the Agricultural Act of 1956 (70 Stat. 191, 195; 7 U. S. C. 1824 (a), 1836)).

(18) "Acreage planted to ELS cotton on the farm" for use in establishing farm allotments means:

(i) *For 1955.* The measured acreage of ELS cotton on the farm as determined for purposes of the 1955 ELS cotton marketing quota program (as adjusted under section 344 (g) (3), (l), and (m) (2) of the act).

(ii) *For 1956.* The measured acreage of ELS cotton on the farm as determined for purposes of the 1956 ELS cotton marketing quota program (as adjusted under section 344 (g) (3), (l), and (m) (2) of the act; and including acreage history credit required under section 377 of the act and sections 106 (a) and 112 (2) of the Agricultural Act of 1956 (70 Stat. 191, 195; 7 U. S. C. 1824 (a), 1836)).

(iii) *For 1957.* The farm allotment for 1957, excluding any allotment released from the farm or reapportioned to the farm, as provided by section 377 of the act, as amended (71 Stat. 592, approved September 2, 1957) plus acreage history credit for released allotment pursuant to section 344 (m) (2) of the act.

(19) "Acreage planted to ELS cotton on the farm in 1958", for purposes of determining compliance with the farm allotment, shall be the acreage seeded to ELS cotton on the farm in 1958, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under § 722.1527 for disposing of excess ELS cotton acreage or (ii) is disposed of in accordance with § 722.1527.

(20) "Cropland" means farmland which in 1957 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (i) bearing orchards and vineyards (except the acreage of cropland therein), (ii) plowable non-crop open pasture, and (iii) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community. Insofar as the acreage of cropland on the farm enters into the determination of the farm allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into under the conservation reserve program by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses under such contract.

§ 722.1513 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out §§ 722.1511 to 722.1531. The forms shall be issued by the Director with the approval of the Deputy Administrator and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.1514 *Extent of calculations and rule of fractions.* Farm allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0. For purposes of determining compliance with the farm allotment, the measurement of ELS cotton acreage planted on the farm shall be as follows:

(a) Each field or subdivision of a farm shall be measured and recorded in acres and hundredths of acres, dropping all thousandths.

(b) The total ELS cotton acreage planted on the farm shall be the sum of the field and subdivision acreage computed under paragraph (a) of this section and recorded in acres and tenths, dropping all hundredths.

STATE AND COUNTY ALLOTMENTS

§ 722.1515 *Apportionment of national allotment among States*—(a) *Statutory basis.* The national allotment proclaimed for the 1958 crop of ELS cotton is apportioned among the States (including Puerto Rico) on the basis of the average acreage planted to ELS cotton in each such State for the years 1952, 1953, 1954, 1955, and 1956, with adjustments in such acreages for abnormal weather conditions. Such adjustments for abnormal weather conditions are made in the acreages planted to ELS cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture and take into consideration failure to seed ELS cotton because of abnormal weather conditions. Any such adjustment in the acreage planted to ELS cotton in a State is the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions.

(b) *State allotment.* The acreage allotted to a State pursuant to this section is referred to herein as the "State allotment". The State allotment for each State for the 1958 crop of ELS cotton is as follows:

State:	*State allotments*
Arizona	35,050
California	603
Florida	1,020
Georgia	124
New Mexico	16,194
Puerto Rico	2,466
Texas	27,829
United States, total	83,286

§ 722.1516 *Apportionment of State allotment among counties*—(a) *State reserve.* The State committee shall determine what portion, if any, of the State allotment is to be reserved for each of the following categories:

(1) Adjusting computed county allotments for trends in acreage.

(2) Adjusting computed county allotments for abnormal conditions affecting plantings.

(3) Establishing allotments for new ELS cotton farms.

(4) Adjusting farm allotments to correct inequities and to prevent hardships.

(5) Adjusting allotments determined for small farms.

The total State reserve established for the several categories under this paragraph shall not exceed 10 percent of the State allotment.

(b) *Computed county allotments.* The State allotment for the 1958 crop of ELS cotton, less the State reserve established pursuant to paragraph (a) of this section, shall be apportioned among the following counties designated pursuant to section 347 (a) of the act: Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma counties, Arizona; Imperial and Riverside counties, California; Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia counties, Florida; Berrien, Cook, and Lanier counties, Georgia; Dona Ana, Eddy, Luna, Otero, and Sierra counties, New Mexico; North Area (ELS cotton producing areas in northern part of Puerto Rico) and South Area (ELS cotton producing areas in southern part of Puerto Rico), Puerto Rico (North Area and South Area shall be considered as counties); and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward counties, Texas. Such apportionment is made on the basis of the average acreage planted to ELS cotton in each such county in 1952, 1953, 1954, 1955, and 1956, (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. Such adjustments take into consideration failure to seed ELS cotton because of abnormal weather conditions and are made in the acreages planted to ELS cotton in the county on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to ELS cotton in a county is the amount established by reference to available information and data as the net reduction of planted acreage in the county attributed solely to abnormal weather conditions. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county allotment".

(c) *Use of State reserve.* The State reserve established under paragraph (a) of this section shall be used by the State committee for the purposes set forth in subparagraphs (1) through (5) of this paragraph.

(1) *To adjust computed county allotments for trends in the acreage of ELS cotton.* A part of the State reserve established pursuant to paragraph (a) of this section, may be used by the State committee, as determined to be necessary, to adjust the computed county allotments for trends in the acreage planted to ELS cotton in the counties during recent years (the period of years may include the year 1957 but shall not include the year 1949). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county allotments for counties adversely affected by abnormal conditions affecting plantings of ELS cotton.* A part or all of the State reserve established pursuant to paragraph (a) of this section may be used by the State committee, as determined to be necessary, to adjust the computed county allotments for abnormal condi-

tions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to ELS cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) Abnormal weather conditions such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to ELS cotton production or are increasing the acreage in ELS cotton after having been out of production or having been on a reduced level of ELS cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other defense activities; (iii) abnormal reduction in planted ELS cotton acreages because of an unusual movement of labor from farms in the area or county to defense industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under subdivision (i) of this subparagraph for abnormal weather conditions the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in allotments determined for small farms.* The State reserve established pursuant to paragraph (a) of this section shall be available for allocation by the State committee to counties to supplement that part of the county reserve established as provided in subparagraphs (1) and (2) of § 722.1517 (e) for adjusting indicated farm allotments for old ELS cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.1517. The State committee shall determine the acreage, if any, to be allocated to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1958 allotments for new ELS cotton farms.* Where the State committee determines that the needs for acreage to establish allotments for new ELS cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish allotments for new ELS cotton farms shall be provided from the State reserve or the county reserve, or from both such reserves. In determining the source of acreage for new ELS cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.1517 (e) (3). Where it is determined by the State committee that the entire county reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.1517 (e), the State committee shall consider allocating acreage from the State reserve as provided in paragraph (a) of this section to supplement the acreage, if any, set aside by the county committee from the county reserve for establishing allotments for new ELS cotton farms. In determining the estimated acreage to be set aside for establishing allotments for new ELS cotton farms on the basis of the factors set forth in § 722.1517 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing allotments for new ELS cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new ELS cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State reserve as provided in paragraph (a) of this section for making adjustments in farm allotments to correct inequities and to prevent hardship and shall allocate such reserve to the counties. Such reserve may also be used for establishing and adjusting farm allotments as provided in § 722.1517 (i).

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested ELS cotton producer: (1) The amount of the State reserve; (2) the formula, if any, and data developed and used under paragraph (c) (1) and (2) of this section; and (3) the total acreage set aside from the State reserve for the purposes set forth in paragraph (c) (3), (4), and (5) of this section.

(e) *County allotment.* The county allotment shall be the sum of (1) the computed county allotment determined under paragraph (b) of this section, and (2) the acreages from the State reserve which are added to the computed county allotment under paragraph (c) (1) and (2) of this section.

(f) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county in which farm allotments are to be established under § 722.1517 (c) that because of different conditions pertaining to the production of ELS cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the allotment for the area and in establishing farm allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage surrendered to the State committee pursuant to § 722.1518 shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(h) *County allotment, allocations from State reserve, county reserve, and related data.* This paragraph will be amended at a later date to establish county allotments showing components thereof (computed county allotment, adjustments from State reserve for trends, and abnormal conditions); to establish county reserves, allocations to counties from State reserve for small farms, to correct inequities and prevent hardships; to designate whether counties use the historical or cropland basis for establishing farm allotments; and to designate counties which use the 50 percent of cropland limitation.

ESTABLISHMENT OF FARM ALLOTMENTS

§ 722.1517 *Apportionment of county allotment among farms—(a) Determination of method to be used in apportioning county allotment among farms.* Section 344 (f) (2) of the act provides that the county allotment, less the county reserve, shall be allotted to old ELS cotton farms by multiplying the adjusted cropland for such farm by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to in this section as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county allotment, less the county reserve, shall be apportioned to old ELS cotton farms on the basis of the acreage planted to ELS cotton on each such farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting planting (this method will be referred to in this section as the "historical basis"). The county committee shall study these two methods of apportioning the county allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.1516 (h) is amended to include the county allotment established for each county, the Secretary will designate the basis on which farm allotments are to be established in the county.

(b) *Determination of county reserve.* The county committee shall establish a county reserve of not in excess of 15 percent of the sum of (1) the computed county allotment, and (2) the allotment allocated to the county pursuant to paragraph (c) (1) and (2) of § 722.1516, which may be used to adjust indicated farm allotments for old ELS cotton farms

determined under paragraph (c) or (d) of this section and to establish allotments for new ELS cotton farms under paragraph (e) (3) of this section. Such reserves shall be published in an amendment of § 722.1516 (h).

(c) *Indicated allotments for old ELS cotton farms in counties where farm allotments are determined on the cropland basis.* If farm allotments are to be determined in the county on the cropland basis, the county allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be used to determine indicated allotments for old ELS cotton farms as follows:

(1) *Determination of adjusted cropland.* The county committee shall determine an adjusted cropland acreage for each old ELS cotton farm by deducting from the cropland on the farm the sum of the following acreages:

(i) The 1957 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(ii) The 1957 acreage of tobacco for market including all acreage considered for history purposes to have been devoted to tobacco for 1957;

(iii) The 1957 acreage of peanuts picked and threshed including all acreage considered for history purposes to have been devoted to peanuts for 1957;

(iv) The 1957 seeded acreage of wheat for market (including the seeded acreage of wheat for feeding to livestock for market) including all acreage considered for history purposes to have been devoted to wheat for 1957. In the counties designated in item (vi) of this subdivision the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this subdivision exceeds the acreage deducted under subdivision (vi) of this subparagraph;

(v) The 1957 acreage of rice for market (including the acreage of rice for feeding to livestock for market and all acreage considered for history purposes to have been devoted to rice for 1957) plus the acreage of other riceland on the farm for which water is available and which is not used for the production of ELS cotton under the rotation system for the farm; and

(vi) In Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and in Imperial and Riverside Counties, California; and in Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the ELS cotton-producing season (seeding to maturity).

(2) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (i) the county allotment (less the acreage reserved pursuant to paragraph (b) of this section) by (ii) the total of the adjusted cropland acreages determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (*a*) the available county allotment remaining after maximum indicated farm allotments, as defined in subparagraph (3) of this paragraph, have been determined for such old ELS cotton farms by (*b*) the total of the adjusted cropland acreages determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph, which under the preceding factor were not affected by the maximum allotment provisions. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(3) *Indicated farm allotment.* An indicated allotment shall be computed for each old ELS cotton farm under this subparagraph by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that the maximum indicated allotment for any such farm shall not exceed the highest acreage planted to ELS cotton on the farm in any of the years 1955, 1956, and 1957.

(d) *Indicated allotments for old ELS cotton farms in counties where farm allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county allotment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1958 on the historical basis and the Deputy Administrator approves such recommendation, indicated allotments for old ELS cotton farms shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of all such allotment bases into the county allotment (less the acreage reserved pursuant to paragraph (b) of this section). For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to ELS cotton on the farm during each of the three years 1955, 1956, and 1957 (sum of the acreages divided by three), with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings. Adjustments for abnormal conditions affecting plantings will be made by the county committee on the basis of data and information available in the county office records or furnished by producers on the farm. If the county committee so elects, any such indicated farm allotment shall not exceed an acreage equal to 50 percent of the cropland on the farm and any part of the county allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section. Counties in which the 50 percent of cropland limitation is applicable will be listed in an amendment of § 722.1516 (h).

(e) *Use of county reserve.* The county reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm allotments of 15 acres or less.* Not less than 20 percent of the county reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (c) or (d) of this section to be 15 acres or less. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to ELS cotton in 1955, 1956, and 1957; the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton; and abnormal conditions of production.

(2) *Adjustments in indicated allotments for other farms.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (3), and (4) of this paragraph, shall be used by the county committee to adjust indicated farm allotments which are more than 15 acres. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; the soil and other physical facilities affecting the production of ELS cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of ELS cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to ELS cotton on the farm in 1955, 1956, or 1957, as reflecting such factors and use such acreage as the basis for adjusting the indicated farm allotment under this subparagraph.

(3) *Allotments for new ELS cotton farms—(i) Determination of acreage needed for establishing allotments for new ELS cotton farms.* The county committee with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new ELS cotton farms in the county. In counties where farm allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new ELS cotton farms; and in counties where farm allotments are established on the historical basis, an estimate shall be made of the cropland on new ELS cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing allotments for new ELS cotton farms. In determining the acreage from the county reserve which is to be used for establishing allotments for new ELS cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve pursuant to § 722.1516 (c) (4) for establishing allotments for new ELS cotton

farms. The total acreage reserved for establishing allotments for new ELS cotton farms in the county, including any acreage allocated to the county for new ELS cotton farms from the State reserve, shall not exceed 75 percent of the total of the farm allotments which the county committee estimates will be determined for the same number of old ELS cotton farms in the county which are similar except for the acreages planted to ELS cotton during the years 1955, 1956, and 1957.

(ii) *Eligibility of a new ELS cotton farm for an ELS cotton allotment.* An ELS cotton allotment for a new ELS cotton farm may be established by the county committee if each of the following conditions is met:

(*a*) An application for an ELS cotton allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1958. (January 15, 1958, in Puerto Rico.)

(*b*) The farm operator is largely dependent on income from the farm for his livelihood. Where the farm operator is a partnership, each partner must be largely dependent on income from the farm for his livelihood; where the farm operator is a corporation, it must have no major corporate purpose other than operation, and ownership where applicable, of such farm, and the officers and general manager of the corporation must be largely dependent on income, whether dividends or salary, from the corporation for their livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which an ELS cotton allotment is established for 1958.

(iii) *Establishment of allotments for new ELS cotton farms.* If the applicant's farm is eligible for an ELS cotton allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of ELS cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of ELS cotton. The allotment so determined for any such farm shall not exceed the smallest of (*a*) the allotment established for old ELS cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the allotment requested by the applicant, and (*c*) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old ELS cotton farms in the county which are similar except for the acreages planted to ELS cotton during the years 1955, 1956, and 1957. The sum of the allotments determined by the county committee for new ELS cotton farms shall not exceed the reserves available for such farms in the county under this subparagraph. The allotments for new ELS cotton farms shall be subject to review and approval by the State committee or an employee of the State office, as provided in § 722.1530. If the acreage planted to ELS cotton on a new ELS cotton farm is less than the ELS cotton allotment established for the farm pursuant to this subparagraph, such allotment shall be automatically reduced to the acreage planted to ELS cotton on the farm.

(4) *Adjustments in farm allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments as provided in paragraph (i) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve which is made pursuant to § 722.1516 (c) (5) may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to ELS cotton in 1955, 1956, and 1957, the land, labor, and equipment available for the production of ELS cotton, crop-rotation practices, the soil and other physical facilities affecting the production of ELS cotton and abnormal conditions of production and any other factors for correcting inequities and preventing hardship.

(f) *Use of acreage allocated to county from State reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old ELS cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the reserves provided for in paragraphs (e) (1), (2), and (4) and (f) of this section shall be subject to approval by the State committee or an employee of the State office.

(h) *Reconstitution of farms*—(1) *Conditions under which a farm must be reconstituted.* Farm allotments are initially established for farms as finally constituted for the year 1957 unless complete data regarding the ownership and operation of the land for 1958 are available to the county committee in time to reconstitute the farm for 1958 as provided in paragraph (i) of this section prior to initial establishment of allotments for 1958. If any change in the ownership or operation of a part or all of the land constituting a farm for which a 1958 allotment is initially established occurs prior to the planting of ELS cotton in 1958 or if it is found that the land for which the initial 1958 allotment was established did not constitute a farm for 1958 as that term is defined, the land constituting each such farm shall be determined and the data for the farm for which the allotment was initially established shall be reconstituted and established for the land which constitutes a farm as provided in paragraph (i) of this section. If a farm as constituted at the time 1958 farm allotments are initially established consists in part of land owned by the Federal Government which for 1958 is covered by a lease executed by an agency of the Federal Government as lessor which restricts the production of price-supported crops in surplus supply, such federally owned land shall be reconstituted as a separate farm for 1958. Likewise, such federally owned land shall not be combined with any other land to constitute a farm for 1958.

(2) *Conditions under which a farm shall not be reconstituted.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the 1958 ELS cotton allotment initially established and the 1955, 1956, and 1957 ELS cotton acreage histories for any farm from which 15 percent or less of the cropland was acquired for a governmental or other public purpose for nonagricultural use shall not be reconstituted. In such cases the cropland and farmland shall be corrected on county office records.

(i) *Allotments for late and reconstituted farms and correction of errors.* The reserves provided for in paragraph (e) (4) of this section and in § 722.1516 (c) (5) shall be used by the county committee for the purposes specified therein and also (1) for establishing allotments for old ELS cotton farms for which allotments were not established at the time allotments were originally established for old ELS cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to ELS cotton on the farm in 1955, 1956, and 1957, (ii) for correcting errors in farm allotments, and (iii) for use in establishing allotments for farms which are divided or combined for 1958. Where reconstitutions of farms are made for 1958 after farm allotments for 1958 are initially established, the ELS cotton acreage histories and allotments for all such reconstituted farms shall be established as provided in subparagraphs (1) and (2) of this paragraph.

(1) If land which was constituted as a single farm is divided into two or more tracts for 1958:

(i) The acreages planted to ELS cotton on the farm in 1955, 1956, and 1957 (as defined in § 722.1512 (c) (18) and as shown in Col. (2), Cotton Table 2 of the county committee's farm ELS cotton acreage record) shall be divided among the tracts in proportion to the acreage of cropland on each tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland on each tract in apportioning the ELS cotton acreage history among the tracts: *Provided*, That, if two or more tracts of land were combined for 1956 or for 1957 to form the single farm and

the single farm is divided for 1958, the ELS cotton acreage history for any year in the farm base period prior to the combination which was contributed by each tract to the history for the single farm will be restored to such tract; and if in any such tract is divided into two or more parts in connection with a reconstitution for 1958 the ELS cotton acreage history for such tract for any year in the farm base period prior to the combination shall be divided among such parts in proportion to the acreage of cropland in each such part, except that, upon agreement by the owners and operators and approval by the county committee, the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland in apportioning the ELS cotton acreage history for the tract among the parts.

(ii) In counties where farm allotments are determined on the historical basis, if the acreage planted to ELS cotton in 1955, 1956, or 1957 is adjusted for abnormal conditions affecting plantings, as provided in § 722.1517 (d), such adjusted acreage shall be divided among the tracts as follows:

(*a*) For any of the years 1955, 1956, and 1957, when the farm being divided was operated as a single farm, the cropland ratio determined under subdivision (i) of this subparagraph shall be used in apportioning such adjusted ELS cotton acreage among the tracts.

(*b*) In case the farm being divided was established by combining two or more tracts of land for 1956 or for 1957 each such tract shall be referred to herein as an "identical tract", and the adjusted ELS cotton acreage for 1955 (in case of a combination for 1956) or for 1955 and 1956 (in case of a combination for 1957) shall be divided among the identical tracts as follows:

(*1*) Where any such adjustment in the acreage planted to ELS cotton was made prior to the combination and the adjusted ELS cotton acreage for that year for the combined farm which was used in establishing the original 1958 farm allotment is the same as when the combination was made, the adjusted ELS cotton acreage which was used for the identical tract in making the combination shall be reestablished for the tract for that year.

(*2*) Where any such adjustment in the acreage planted to ELS cotton was made prior to the combination and the adjusted ELS cotton acreage for that year for the combined farm which was used in establishing the original 1958 farm allotment is less than when the combination was made, the adjustment for each identical tract in making the combination shall be reduced by the same percentage that the adjustment previously applicable for the combined farm was reduced.

(*3*) Where any such adjustment (upward) for any year for the combined farm which was used in establishing the original 1958 farm allotment is larger than the adjustment in effect at the time the combination was made, the county committee shall determine the share of the increase in the adjustment which is to be assigned to each identical tract on the basis of the conditions obtaining on the tract which were the cause for the increase and shall add its share of such increase to the adjusted ELS cotton acreage determined for each such tract for that year prior to the combination.

(*4*) Where any such adjustment (upward) in the acreage planted to ELS cotton in a year prior to the combination was initially made in establishing the original 1958 farm allotment the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and shall add its share of such increase to the planted ELS cotton acreage for each such tract for that year.

(*5*) If, in establishing the original 1958 farm allotment for a farm which was established by combining two or more tracts of land for 1956 or for 1957, the acreage planted to ELS cotton on the combined farm was adjusted downward for abnormal conditions affecting plantings, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and make a corresponding reduction in the acreage planted to ELS cotton on such tract for that year.

(c) Where an identical tract is divided, the adjusted ELS cotton acreage for that year for the identical tract shall be divided among the tracts thereof in proportion to the acreage of cropland on each such tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland, and sugarcane land may be excluded from the cropland on each tract in apportioning the adjusted ELS cotton acreage for the identical tract among the tracts thereof.

(iii) In counties where farm allotments are determined on the cropland basis the 1958 farm allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1957 ELS cotton acreage among the tracts pursuant to subdivision (i) of this subparagraph.

(iv) In counties where farm allotments are determined on the historical basis the 1958 farm allotment established for the single farm shall be apportioned among the tracts in proportion to the allotment bases determined for such tracts.

(v) The sum of the 1958 allotments established for the several tracts shall not exceed the 1958 allotment established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*b*) increased with released acreage available to the county committee under § 722.1518..

(2) If two or more tracts of land are combined and operated as a single farm in 1958, the allotment established for such single farm shall be the sum of the allotments established for such tracts, except that the allotment for such single farm shall not exceed the maximum farm allotment if such maximum allotment limitation is in effect in the county: *Provided*, That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (*1*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*ii*) increased with released acreage available to the county committe under § 722.1518.

§ 722.1518 *Release and reapportionment of ELS cotton allotments*—(a) *Conditions under which farm allotments cannot be released.* The following farm allotments shall not be released in whole or in part:

(1) Allotments for new ELS cotton farms.

(2) The allotment for an old ELS cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government, as lessor on condition that no land on the farm shall be planted to ELS cotton.

(3) The allotment for any farm where such release is opposed by the owner or operator or the holder of a real estate lien on the farm.

(4) The allotment for any farm where the county committee, prior to approval of the particular release and prior to the final date for reapportionment of released allotments established for the county, determines that the farm is being acquired for governmental or other public purpose.

(b) *Allotments which may be released.* Except as provided otherwise in paragraph (a) of this section, any part of any 1958 farm allotment for an old ELS cotton farm which will not be used in 1958 and which is voluntarily released to the county committee by the farm owner or operator by the applicable closing date shall be deducted from the farm allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of ELS cotton, land, labor, and equipment available for the production of ELS cotton, crop-rotation practices, and soil and other physical facilities affecting the production of ELS cotton: *Provided, however*, That any allotment released from a farm which on the date of the release is covered by a Soil Bank Conservation Reserve Contract, shall not be reapportioned by the county committe or released to the State committee for reapportionment to other counties. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm allotments shall be the date on which the planting of ELS cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be

the latest date on which ELS cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1516 (g). Any farm allotment released for 1958 only shall, in determining future farm ELS cotton allotments, be regarded as having been planted on the farm from which such allotment was released if ELS cotton was seeded on such farm (or acreage history credit is provided for the farm under section 377 of the act or section 106 (a) or section 112 (2) of the Agricultural Act of 1956) in at least one of the years in the three-year farm base period. Except as provided otherwise in paragraph (a) of this section, all or any part of any farm allotment for an old ELS cotton farm may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm ELS cotton allotments, the planting in 1958 of reapportioned allotments shall not be considered. For the purpose of determining future State and county allotments, reapportioned acreage to the extent planted will be credited to the State and to the county in which such acreage was planted.

(c) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under § 722.1516 (g) may be used by the county committee for establishing and adjusting farm allotments for new ELS cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of § 722.1517.

§ 722.1519 *Preservation of acreage history.* The farm allotment for 1958 excluding any allotment released from the farm or reapportioned to the farm shall be considered for purposes of future State, county and farm allotments to have been planted, as provided by section 377 of the act as amended (71 Stat. 592, approved September 2, 1957).

§ 722.1520 *Publicly owned agricultural experiment stations*—(a) *Allotments for farms operated by publicly owned agricultural experiment station.* A farm allotment shall be established pursuant to the provisions of § 722.1517 for a farm operated by a publicly owned agricultural experiment station.

(b) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any ELS cotton of the 1958 crop which is grown, for experimental purposes only, on a farm operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to ELS cotton on a farm operated by a publicly owned agricultural experiment station is in excess of the farm allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (1) the acreage planted to ELS cotton on the farm in excess of the farm allotment, or (2) the acreage planted to ELS cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to ELS cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the ELS cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1521 *Notice of farm allotment and marketing quota.* Immediately after farm allotments in a county or other local administrative area are established and approved by the State committee or an employee of the State office pursuant to § 722.1530 (b), the county committee shall mail to the operator of each such farm a written notice of the farm allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new ELS cotton farm for which application for an allotment is made but for which it is determined that no farm allotment and marketing quota will be established, a similar written notice showing "None" as the allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will for crop year shown above be interested in the above-designated commodity produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the ELS cotton produced in 1958 on the farm for which the notice is given. Insofar as practicable, the notice for each old ELS cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether ELS cotton farmers favor or oppose marketing quotas for the 1958 crop. Where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for in this section, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice. Farm allotments shall not become effective unless (a) proper approval is obtained as provided under § 722.1530 and (b) written notice of farm allotment is issued as provided under §§ 722.1511 to 722.1531. The farm operator shall immediately notify the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, for which a notice of farm allotment is issued for 1958 and, where required, the county committee shall issue a revised notice of farm allotment.

§ 722.1522 *Amount of farm marketing quota.* The farm marketing quota for any farm for the 1958 crop of ELS cotton shall be the actual production of ELS lint cotton on the farm less the farm marketing excess.

§ 722.1523 *Amount of farm marketing excess.* The farm marketing excess for the 1958 crop of ELS cotton shall be the normal production of the acreage of ELS cotton on the farm in excess of the farm allotment: *Provided,* That such farm marketing excess shall not be larger than the amount by which the actual production of ELS cotton on the farm exceeds the normal production of the farm allotment if the producer establishes such actual production in accordance with regulations to be issued under this part by the Secretary.

§ 722.1524 *Publication of farm allotments and marketing quotas.* One copy of each notice of the farm allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments and quotas shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area. Either the copies of notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees.

§ 722.1525 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in an ELS cotton crop, or in ELS cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of ELS cotton.

§ 722.1526 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and except as specifically provided for in § 722.1518 may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.1527 *Measurement of farms to determine compliance with allotments*—(a) *Premeasurement.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm allotment if the farm operator requests such measurement and pays the cost thereof, as determined by the county committee, and any farm on which such measured acreage is the only acreage planted to ELS cotton shall be deemed to have an acreage not in excess of the farm allotment. The acreage of fields premeasured in accordance with this paragraph will not be redetermined for 1958 unless it is found that all of the premeasured area was not planted to ELS cotton or that ELS cotton was planted outside the premeasured area.

(b) *Measurement after planting.* Determination of the acreage planted to ELS cotton on each farm in the county shall be made under the general supervision of the county committee in accordance with §§ 718.5 to 718.11 of this chapter (Determination of Acreage and Performance; 22 F. R. 3747, 5675), as amended.

(c) *Notice of measured acreage and disposition of excess acreage.* The county committee or the county office manager shall mail to the farm operator a notice of the 1958 measured ELS cotton acreage on the farm. If such acreage is in excess of the farm allotment, the notice mailed to the farm operator shall include (1) a statement of the basis for determining the farm marketing excess, and (2) authorization to dispose of the excess acreage within 15 days after the date of such notice. Notice so given shall constitute notice to each producer having an interest in the 1958 crop of ELS cotton produced on the farm. If producers on the farm are unable because of conditions beyond their control to dispose of the excess ELS cotton acreage within 15 days after notice of the measured ELS cotton acreage is mailed to the farm operator as provided in this paragraph, a request in writing for additional time may be filed at the county office by any producer on the farm within the 15-day period. Such request shall set forth the reasons why producers on the farm were unable to destroy the excess acreage within the 15-day period. If the county committee or the county office manager is satisfied that the producers on the farm were unable to dispose of the excess ELS cotton acreage within the 15-day period because of conditions beyond their control, the date for disposing of the excess ELS cotton acreage may be extended to 30 days after the date the original notice of measured ELS cotton acreage is mailed to the farm operator. The county office shall notify the farm operator in writing of the final date so established for disposing of the excess acreage.

(d) *Remeasurement.* The county committee or the county office manager shall provide for the remeasurement of the acreage planted to ELS cotton on the farm upon request thereof by any producer on the farm and deposit with the treasurer of the county committee of an amount equal to the estimated cost of such remeasurement within 15 days after the date the original notice of measured ELS cotton acreage is mailed to the farm operator pursuant to paragraph (c) of this section. Such deposit shall be returned to the producer only when the remeasurement reduces the acreage sufficiently to bring the acreage within the farm allotment or when the original measurement is claimed to be too small and the remeasurement reveals that an error of at least three percent or five-tenths (0.5) of an acre, whichever is larger, was made in the original determination and the redetermined acreage is within the farm allotment. The State committee may, upon approval of the Deputy Administrator, decrease the five-tenths (0.5) acre minimum error provided in this section. If within a reasonable time after the end of the 15-day period provided in this paragraph any producer on the farm applies for a remeasurement of the acreage planted to ELS cotton and deposits the estimated cost of such remeasurement and establishes to the satisfaction of the county committee or county office manager that failure to request remeasurement within such 15-day period was due to conditions beyond the control of producers on the farm, the county committee or county office manager shall grant the request for remeasurement and shall so notify the farm operator in writing. The county committee or the county office manager shall notify the farm operator by mail of the 1958 remeasured ELS cotton acreage on the farm. If such remeasured acreage is in excess of the farm allotment, the notice mailed to the farm operator shall include (1) a statement of the basis for determining the farm marketing excess, and (2) authorization to dispose of the excess acreage within 7 days after the date of such notice.

(e) *Insufficient ELS cotton acreage disposed of initially.* If measurement of the acreage initially disposed of is made as provided in paragraph (f) of this section and such measurement shows that excess acreage still remains on the farm, the notice mailed to the farm operator shall include (1) a statement of the basis for determining the farm marketing excess, and (2) authorization to dispose of the excess acreage within 7 days after the date of such notice.

(f) *Measurement of acreage disposed of.* If, within the time allowed pursuant to this section, the excess ELS cotton acreage on any farm is disposed of, and a producer on the farm requests that the acreage disposed of be measured and pays the estimated cost of measuring such acreage, the county committee shall provide for such measurement. Excess ELS cotton acreage shall not be deemed to have been disposed of unless disposition thereof is determined as provided under this paragraph.

(g) *Extension of time for disposing of excess acreage because of conditions beyond the control of producers on the farm.* If due to circumstances beyond their control producers on the farm were unable to dispose of the excess ELS cotton acreage within the time established under paragraphs (c), (d), or (e) of this section, any producer on the farm may file written application containing proper justification with the county office after expiration of the time established under the applicable paragraph requesting the State committee or an employee of the State office to authorize the county office to grant an extension of time for disposing of the axcess ELS cotton acreage. If the county committee or the county office manager determines that producers on a farm were unable because of conditions beyond their control to dispose of the excess acreage by the dates applicable under paragraphs (c), (d), and (e) of this section, the county committee or the county office manager, with the approval of the State committee or an employee of the State office, may extend such date in order to provide the producers a reasonable opportunity to dispose of the excess ELS cotton acreage and shall notify the farm operator in writing of the final date so established for disposing of the excess ELS cotton acreage. In any case where the excess ELS cotton acreage on a farm was disposed of within the time allowed pursuant to this section, but payment of the estimated cost of measuring the excess acreage disposed of was not made, the county committee or the county office manager, with the approval of the State committee or an employee of the State office, may extend the date for payment of such costs and, upon payment thereof, the county committee shall provide for such measurement.

(h) *No adjustment of ELS cotton acreage to allotment after harvest.* No ELS cotton acreage shall be disposed of under this section for purposes of adjusting the planted acreage of ELS cotton to the farm allotment after any ELS cotton has been harvested from such planted acreage.

§ 722.1528 *No credit for overplanting the farm allotment.* Any acreage planted to ELS cotton in 1958 in excess of the farm allotment for the 1958 crop of ELS cotton shall not be taken into account in establishing State, county, and farm allotments for the 1959 and subsequent crops of ELS cotton.

§ 722.1529 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving ELS cotton allotments, all records pertaining to ELS cotton allotments and marketing quotas, including the allocations to the county from the State reserve and the total amount and the distribution of the county reserve.

§ 722.1530 *Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas*—(a) *Approval of State reserves, county allotments, and county reserves.* Determinations of State reserves and county allotments as provided for in § 722.1516 (a) and § 722.1516 (e), and of county reserves, as provided in § 722.1517 (b), shall be subject to review and approval by the Secretary and such

allotments and reserves as approved by the Secretary shall be published at a later date in an amendment to § 722.1516 (h).

(b) *Approval of county committee determinations.* The State committee or employees of the State office shall review all farm allotments and may revise or require revision of any determinations made under §§ 722.1517 to 722.1527. ELS cotton allotments for both old and new ELS cotton farms shall be approved by the State committee or employees of the State office. No official notice of farm allotment and marketing quota shall be mailed to a farm operator until such approval has been obtained.

(c) *Additional authority for determination of farm allotments and farm marketing quotas.* In addition to the authority established in §§ 722.1511 to 722.1530 (b) for determination of farm allotments and farm marketing quotas for both old and new ELS cotton farms, including revised allotments to correct errors, such determinations may be made by the Secretary, an Assistant Secretary of Agriculture, or the Administrator of Commodity Stabilization Service. A notice conforming to the requirements of § 722.1521 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.1521. A copy of each notice shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of § 722.1521 to any person who as operator, landlord, tenant, or sharecropper, is interested in the ELS cotton produced in 1958 on the farm for which the notice is given.

§ 722.1531 *Review of farm allotment*—(a) *Review committees.* Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new ELS cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.1521, have such allotment reviewed by a review committee composed of three farmers appointed by the Secretary pursuant to section 363 of the act. The review committee shall, upon proper application, review the action of the county committee. In all cases, the review committee shall consider only such matters as under the applicable provisions of the act and the regulations in this part, are required or permitted to be considered by the county committee in establishing the allotment. Unless such application is made within 15 days, the original determination of the farm allotment shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting and record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 17th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8664; Filed, Oct. 21, 1957; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 708, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.815 (Lemon Regulation 708; 22 F. R. 8117) are hereby amended to read as follows:

(ii) District 2: 153,450 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 17, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8667; Filed, Oct. 21, 1957; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1602—DEFINITIONS

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1631—QUOTAS AND CALLS

PART 1641—NOTICE

PART 1650—REGISTRATION, CLASSIFICATION, PHYSICAL EXAMINATION, SELECTION, AND INDUCTION OF PERSONS IN MEDICAL, DENTAL, AND ALLIED SPECIALIST CATEGORIES

AMENDING SELECTIVE SERVICE REGULATIONS

CROSS REFERENCE: For amendments of the Selective Service Regulations, see Title 3, Executive Order 10735, *supra*.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54461]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

SAMPLING AND ASSAYING ORES; MOISTURE CONTENT

The use of commercial settlement assays as the basis of duty assessment in the liquidation of import entries of ores and similar materials, provided for in § 8.48 (f), Customs Regulations, has received the general acceptance of the trade but maximum benefits for all concerned have not been possible due to the absence of a specific provision authorizing the use in liquidation of commercial settlement tests for moisture. To provide such specific authority and thereby further reduce the number of minor adjustments in liquidation, § 8.48 of the Customs Regulations is amended as follows:

1. Paragraph (a) is amended by adding the following: "The commercial settlement test for moisture may be used as the basis for duty assessment in appropriate cases. See paragraph (f) of this section."

2. Paragraphs (f) and (g) are redesignated (g) and (h) respectively, and a new paragraph (f) inserted to read:

(f) Customs officers may secure from the importer a certified copy of the commercial settlement test for moisture. This result shall be transmitted with the commercial moisture sample to the customs laboratory where it shall be compared with the result shown by the customs moisture test. If the two results are not in substantial agreement, the chief chemist of the customs laboratory shall review his test. The import entries shall be liquidated on the basis of the result shown by the customs moisture test, except that the settlement moisture test shall be the basis of duty assessment if, in the opinion of the chief chemist, the settlement and customs tests differ with respect to the percentage of moisture contained in the importation at the time of weighing by no more than is to be expected between qualified laboratories and provided further that the use of such commercial moisture test will not require a different tariff classification or rate of duty than is indicated by the customs test.

(Secs. 312, 624, 46 Stat. 692, 759; 19 U. S. C. 1312, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 15, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8665; Filed, Oct. 21, 1957; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1524]

[Anchorage 033372]

ALASKA

WITHDRAWING PUBLIC LANDS AT HORSESHOE LAKE FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

SEWARD MERIDIAN

U. S. Survey 3519

Lots 4A and 21A.

Containing approximately 20.6 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

OCTOBER 15, 1957.

[F. R. Doc. 57-8638; Filed, Oct. 21, 1957; 8:45 a. m.]

[Public Land Order 1525]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

[Fairbanks 011003]

PARCEL NO. 1

U. S. Survey No. 3298

Tract 2, lot 4.
The tract described contains 2.62 acres.

PARCEL NO. 2

Beginning at Corner No. 2, lot 5, identical with Corner No. 1, lot 6, Tract 5, U. S. Survey 3298 thence
Northwesterly, 16 chains, approximately, following the shore line of Tangle Lake to the extreme northerly bank of the stream flowing into the lake
West, 8 chains approximately, to the 146th Meridian
South, 10 chains approximately, to the most northerly bank of the stream running between the two Tangle Lakes
Southwesterly, 40 chains along the left limit of the stream to its intersection with the north boundary of the 100 feet Denali Highway right-of-way
Easterly, along the northerly boundary of the right-of-way to the southwest corner of Tract 5, U. S. S. 3298
Easterly, along the southerly boundary to Corner 3, lot 5 and Corner 4 of lot 6, Tract 5, U. S. S. 3298
N. 3°10′ E., 7.672 chains to point of beginning.
The tract described contains approximately 60 acres of unsurveyed lands and lot 5, Tract 5, U. S. S. 3298 containing 10.33 acres.

PARCEL NO. 3

U. S. Survey No. 3298

Tract 3, lots 10 and 11;
Tract 4, lots 12, 13, and 14.
The tracts described contain 2.57 acres.

PARCEL NO. 4

All land within five chains of each bank of the stream connecting the first two lakes of the Tangle Lake Chain north of the Denali Highway and consisting of an area ten chains wide and approximately forty chains long.
The area described contains 40 acres.

[Fairbanks 012594]

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Sec. 12, SW¼NE¼SW¼SW¼, and SE¼NW¼SW¼SW¼ (part of lot 5).
The tract described contains 5 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

OCTOBER 15, 1957.

[F. R. Doc. 57-8639; Filed, Oct. 21, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 8-31]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PUBLIC COAST STATIONS AUTHORIZED TO COMMUNICATE ON CERTAIN FREQUENCY

In the matter of amendment of Part 8 of the Commission's rules for the purpose of making certain editorial changes therein to include a list of the public coast stations authorized to communicate on 2638 kc and other minor changes.

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules and regulations; and

It appearing that the amendments adopted herein, for the purpose of including in Part 8 of the Commission's rules a current listing of the public coast stations authorized to communicate on 2638 kc and making other minor changes, are editorial in nature thus making compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act unnecessary, and for the same reason, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 14th day of October 1957, that effective October 21, 1957, Part 8 of the Commission's Rules is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 8 is amended as follows:

1. Section 8.354 (b) (1) (iii): Change the note following subdivision (iii) to delete the reference to a public notice and also delete footnote [1] and footnote designator.[1] As amended the note reads as follows:

NOTE: The information required by this subparagraph may be submitted on a separate sheet attached to the completed official application form. Coast stations with which communication on 2638 kc is authorized in accordance with the provisions of this paragraph are designated in notices issued periodically by the Commission, copies of which may be obtained by each ship station licensee involved. Additionally, a listing of such notices, current to the latest practicable date, is appended to this part (§ 8.804).

2. Insert a new § 8.804, to follow § 8.803 and read as set forth below:

§ 8.804 *Appendix IV—Notices listing coast stations authorized for public shipshore telephony on 2638 kc.* (a) Notice issued October 11, 1957, listing Allatoona Yacht Club, (WHL) Cartersville, Georgia.

[F. R. Doc. 57-8657; Filed, Oct. 21, 1957; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 205—REPORTS OF MOTOR CARRIERS

POSTPONEMENT OF DATE FOR FILING RESPONSE TO QUESTIONNAIRE BY CONTRACT CARRIERS

The matter of a report in the form of a Questionnaire to be required of contract carriers by motor vehicle holding permits issued by the Commission on or before August 22, 1957, being under consideration; and

It appearing, that by order of the Commission, Division 1, dated September 10, 1957, all contract carriers by motor vehicle, of property and passengers holding a permit issued by the Commission on or before August 22, 1957, were required to file responses to a Questionnaire which was prescribed in said order of September 10, 1957, on or before October 23, 1957;

It further appearing, that a number of requests have been received asking for postponement of the due date beyond October 23, 1957, and good cause appearing therefor;

It is ordered, That the date on or before which responses to the Questionnaire must be delivered, as provided by the said order of September 10, 1957, be, and it is hereby postponed, to November 6, 1957;

It is further ordered, That § 205.15 *Questionnaire to aid in determining status of contract motor carrier operations* be, and it is hereby amended by changing the date October 23, 1957, therein to November 6, 1957;

Notice of this order shall be given all contract carriers of property and passengers and the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Dated at Washington, D. C., this 16th day of October A. D. 1957.

(Sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8651; Filed, Oct. 21, 1957; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

HUNTING

EDITORIAL NOTE: In Federal Register Document 57-8586, appearing on page 8239 in the issue for Friday, October 18, 1957, "§ 35.21" should be designated § 31.361.

PART 35—NORTHEASTERN REGION

SUBPART—BRIGANTINE NATIONAL WILDLIFE REFUGE, NEW JERSEY

HUNTING

EDITORIAL NOTE: In Federal Register Document 57-8587, appearing at page 8239 in the issue for Friday, October 18, 1957, "§ 35.21" should be designated § 35.20.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

AMOUNTS REPRESENTING TAXES AND INTEREST PAID TO COOPERATIVE HOUSING CORPORATION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] C. W. STOWE, *Acting Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under section 216 of the Internal Revenue Code of 1954, relating to amounts representing taxes and interest paid to cooperative housing corporation:

Sec.
1.216 Statutory provisions; amounts representing taxes and interest paid to cooperative housing corporation.
1.216-1 Amounts representing taxes and interest paid to cooperative housing corporation.

§ 1.216 *Statutory provisions; amounts representing taxes and interest paid to cooperative housing corporation.*

SEC. 216. *Amounts representing taxes and interest paid to cooperative housing corporation*—(a) *Allowance of deduction.* In the case of a tenant-stockholder (as defined in subsection (b) (2)), there shall be allowed as a deduction amounts (not otherwise deductible) paid or accrued to a cooperative housing corporation within the taxable year, but only to the extent that such amounts represent the tenant-stockholder's proportionate share of—

(1) The real estate taxes allowable as a deduction to the corporation under section 164 which are paid or incurred by the corporation on the houses or apartment building and on the land on which such houses (or building) are situated, or

(2) The interest allowable as a deduction to the corporation under section 163 which is paid or incurred by the corporation on its indebtedness contracted—

(A) In the acquisition, construction, alteration, rehabilitation, or maintenance of the houses or apartment building, or

(B) In the acquisition of the land on which the houses (or apartment building) are situated.

(b) *Definitions.* For purposes of this section—

(1) *Cooperative housing corporation.* The term "cooperative housing corporation" means a corporation—

(A) Having one and only one class of stock outstanding,

(B) Each of the stockholders of which is entitled, solely by reason of his ownership of stock in the corporation, to occupy for dwelling purposes a house, or an apartment in a building, owned or leased by such corporation,

(C) No stockholder of which is entitled (either conditionally or unconditionally) to receive any distribution not out of earnings and profits of the corporation except on a complete or partial liquidation of the corporation, and

(D) 80 percent or more of the gross income of which for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred is derived from tenant-stockholders.

(2) *Tenant-stockholder.* The term "tenant-stockholder" means an individual who is a stockholder in a cooperative housing corporation, and whose stock is fully paid-up in an amount not less than an amount shown to the satisfaction of the Secretary or his delegate as bearing a reasonable relationship to the portion of the value of the corporation's equity in the houses or apartment building and the land on which situated which is attributable to the house or apartment which such individual is entitled to occupy.

(3) The term "tenant-stockholder's proportionate share" means that proportion which the stock of the cooperative housing corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation (including any stock held by the corporation).

§ 1.216-1 *Amounts representing taxes and interest paid to cooperative housing corporation*—(a) *General rule.* A tenant-stockholder may deduct from his gross income amounts paid or accrued within his taxable year to a cooperative housing corporation representing certain taxes or interest paid or incurred by the corporation. Such amounts are not allowable as a deduction unless they represent the tenant-stockholder's proportionate share of—

(1) The real estate taxes allowable as a deduction to the corporation under section 164 which are paid or incurred by the corporation before the close of the taxable year of the tenant-stockholder on the houses (or apartment building) and the land on which the houses (or apartment building) are situated, or

(2) The interest allowable as a deduction to the corporation under section 163 which is paid or incurred by the corporation before the close of the taxable year of the tenant-stockholder on its indebtedness contracted in the acquisition, construction, alteration, rehabilitation, or maintenance of the houses (or apartment building), or in the acquisition of the land on which the houses (or apartment building) are situated.

(b) *Limitation.* The deduction allowable under section 216 shall not exceed the amount of the tenant-stockholder's proportionate share of the taxes and interest described therein. In case a tenant-stockholder pays or incurs all or a part of his proportionate share of such taxes and interest to the corporation, the amount so paid or incurred which represents taxes and interest is allowable as a deduction if the requirements of section 216 are otherwise satisfied. As used in this section, the tenant-stockholder's proportionate share is that proportion which the stock of the cooperative housing corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation, including any stock held by the corporation. If a tenant-stockholder pays or incurs to the corporation an amount on account of such taxes and interest and other items, such as maintenance, overhead expenses, and curtailment of mortgage indebtedness, the amount representing such taxes and interest is an amount which bears the same ratio to the total amount of the tenant-stockholder's payment or liability, as the case may be, as the total amount of the tenant-stockholder's proportionate share of such taxes and interest bears to the total amount of the tenant-stockholder's proportionate share of the taxes, interest, and other items on account of which such payment is made or liability incurred. No deduction is allowable under section 216 for such part of amounts representing the taxes or interest described in that section as is deductible by a tenant-stockholder under any other provision of the Internal Revenue Code of 1954.

(c) *Cooperative housing corporation*—(1) *One class of stock.* In order to qualify as a "cooperative housing corporation" under section 216, the corporation shall have one and only one class of stock outstanding. However, a special classification of preferred stock, in a nominal amount not exceeding $100, issued to a Federal housing agency or other governmental agency solely for the purpose of creating a security device on the mortgage indebtedness of the corporation, will not be considered as a "class of stock" within the meaning of section 216.

(2) *Right of occupancy.* Each stockholder of the corporation must be entitled to occupy for dwelling purposes an apartment in a building or a unit in a housing development owned or leased by such corporation. The stockholder is not required to occupy the premises. The right as against the corporation to occupy the premises is sufficient. Such right must be conferred on each stockholder solely by reason of his ownership of stock in the corporation, that is, the stock must entitle the owner thereof either to occupy the premises or to a lease of the premises. The fact that the right to continue to occupy the premises is dependent upon the payment of charges to the corporation in the nature of rentals or assessments is immaterial.

(3) *Distributions.* None of the stockholders of the corporation may be entitled, either conditionally or unconditionally, except upon a complete or partial liquidation of the corporation, to receive any distribution other than out of earnings or profits of the corporation.

(4) *Gross income.* It is a prerequisite to the allowance of a deduction under section 216 that at least 80 percent of the gross income of the corporation for the taxable year of the corporation in which the taxes and interest are paid or incurred is derived from tenant-stockholders.

(d) *Tenant-stockholder.* The term "tenant-stockholder" means an individual who is a stockholder in a cooperative housing corporation, as defined in section 216, and whose stock is fully paid up in an amount at least equal to an amount shown to the satisfaction of the district director as bearing a reasonable relationship to the portion of the fair market value, as of the date of the original issuance of the stock, of the corporation's equity in the building and the land on which it is situated which is attributable to the apartment or housing unit which such individual is entitled to occupy.

(e) *Examples.* The application of section 216 may be illustrated by the following examples, which refer to apartments but which are equally applicable to housing units:

Example (1). The X Corporation is, and at all times since 1957 has been, a cooperative housing corporation within the meaning of section 216. In 1957 it purchased a site and constructed thereon a building with 10 apartments at a total cost of $200,000. The fair market value of the land and building was likewise $200,000 at the time of completion of the building. Each apartment is of equal value. Upon completion of the building, the X Corporation mortgaged the land and building for $100,000, and sold its total authorized capital stock, consisting of 1,000 shares of common stock, for $100,000. The stock was purchased by 10 individuals, each of whom paid $10,000 for 100 shares. Each certificate for 100 shares provides that the holder thereof is entitled to a lease of a particular apartment in the building for a specified term of years. Each lease provides that the lessee shall pay his proportionate part of the corporation's expenses. In 1957 the original owner of 100 shares of the common stock of the X Corporation and of the lease to apartment No. 1 made a gift of the stock and lease to A, an individual. The taxable year of A and of the X Corporation is the calendar year. The corporation computes its taxable income on an accrual method, while A computes his taxable income on the cash receipts and disbusements method. In 1958 the X Corporation incurred expenses aggregating $13,800, namely, $4,000 for the real estate taxes on the land and building, $5,000 for the interest on the mortgage, $3,000 for the maintenance of the building, and $1,800 for other expenses. In 1959, A pays the X Corporation $1,380, representing his proportionate part of the expenses incurred by the corporation. The entire gross income of the X Corporation for 1958 was derived from tenant-stockholders. A is entitled under section 216 to a deduction of $900 in computing his taxable income for 1959. The deduction is computed as follows:

Shares of stock of X Corporation owned by A		100
Shares of stock of X Corporation owned by 9 other tenant-stockholders		900
Total shares of stock of X Corporation outstanding		1,000
Proportion of outstanding stock of X Corporation owned by A		1/10
Expenses incurred by X Corporation:		
Real estate taxes	$4,000	
Interest	5,000	
Maintenance	3,000	
Other expenses	1,800	
		$13,800
Amount paid by A representing his proportionate part of such expenses (1/10 of $13,800)		1,380
A's proportionate part of real estate taxes and interest based on his stock ownership (1/10 of $9,000)		900
A's proportionate part of total corporate expenses based on his stock ownership (1/10 of $13,800)		1,380
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,380)		900
A's allowable deduction		900

Since the stock which A acquired by gift was fully paid up by his donor in an amount equal to the portion of the fair market value, as of the date of the original issuance of the stock, of the corporation's equity in the land and building which is attributable to apartment No. 1, the requirement of section 216 in this regard is satisfied. The fair market value at the time of the gift of the corporation's equity attributable to the apartment is immaterial.

Example (2). The facts are the same as in example (1) except that the building constructed by the X Corporation contained, in addition to the 10 apartments, business space on the ground floor, which the corporation rented at $2,400 for the calendar year 1958. The corporation deducted the $2,400 from its expenses in determining the amount of the expenses to be prorated among its tenant-stockholders. The amount paid by A to the corporation in 1959 is $1,140 instead of $1,380. More than 80 percent of the gross income of the corporation for 1958 was derived from tenant-stockholders. A is entitled under section 216 to a deduction of $743.48 in computing his taxable income for 1959. The deduction is computed as follows:

Expenses incurred by X Corporation	$13,800.00
Less: Rent from business space	2,400.00
Expenses to be prorated among tenant-stockholders	11,400.00
Amount paid by A representing his proportionate part of such expenses (1/10 of $11,400)	1,140.00
A's proportionate part of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900.00
A's proportionate part of total corporate expenses based on his stock ownership (1/10 of $13,800)	1,380.00
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,140)	743.48
A's allowable deduction	743.48

Since the portion of A's payment allocable to real estate taxes and interest is only $743.48, that amount instead of $900 is allowable as a deduction in computing A's taxable income for 1959.

Example (3). The facts are the same as in example (2) except that the amount paid by A to the X Corporation in 1959 is $1,000 instead of $1,140. A is entitled under section 216 to a deduction of $652.17 in computing his taxable income for 1959. The deduction is computed as follows:

Total amount paid by A	$1,000.00
A's proportionate part of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900.00
A's proportionate part of total corporate expenses based on his stock ownership (1/10 of $13,800)	1,380.00
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,000)	652.17
A's allowable deduction	652.17

Since the portion of A's payment allocable to real estate taxes and interest is only $652.17, that amount instead of $900 is allowable as a deduction in computing A's taxable income for 1959.

[F. R. Doc. 57-8666; Filed, Oct. 21, 1957; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

CROW INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Notice is hereby given of intention to revise §§ 130.12, 130.13, 130.13a, 130.13b, and 130.13c, Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of these revisions is to increase the assessment for certain lands under the jurisdiction of the Bureau of Indian Affairs, to clarify the regulations regarding penalty interest charges and to provide for the delivery of water to Indian landowners who are unable to pay assessments.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed revisions to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

OCTOBER 15, 1957.

§ 130.12 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385), the operation and maintenance charges, for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1958 and subsequent years until further notice, are hereby fixed as follows:

For the assessable non-district area under constructed works on all Government-operated units excepting Coburn Ditch, per acre	$2.60
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit, per acre	1.74
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre	1.25
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation of said Works, per acre	.10
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932), per acre	.75

§ 130.13 *Payment.* The charges as fixed in § 130.12 shall become due on April 1 of each year, and are payable on or before that date. To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before July 1 of each year, there shall be added a penalty of one-half of 1 percent per month or fraction thereof from the due date, April 1, so long as the delinquency continues. No water shall be delivered until such charges have been paid; except that Indian water users who are financially unable to pay the assessment on the due date may be furnished water, provided the Superintendent of the reservation certifies to the Project Engineer that such Indian is not financially able to pay the assessment, or has made satisfactory arrangement to pay the assessments from proceeds of crops or from other sources. Penalty interest charges shall not be assessed against lands owned by an Indian water user, nor against Indian lands under lease to an Indian lessee.

§ 130.13a *Big Horn Irrigation District; charges.* Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.60 per acre is hereby fixed for the season of 1958, and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 8,000 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

§ 130.13b *Lower Little Horn and Lodge Grass Irrigation District; charges.* (a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.60 per acre is hereby fixed for the season of 1958 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of ten cents ($0.10) per acre is hereby fixed for the season of 1958 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

§ 130.13c *Upper Little Horn Irrigation District; charges.* (a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 26, 1948, notice is hereby given that an assessment of $2.60 per acre is hereby fixed for the season of 1958 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of ten cents ($0.10) per acre is hereby fixed for the season of 1958 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the Project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

[F. R. Doc. 57-8641; Filed, Oct. 21, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary is considering a proposed rule to establish a budget of expenses of the Florida Cucumber Committee of $67,500 and to fix a rate of assessment of three cents ($0.03) per 48-pound bushel of cucumbers, or respective equivalent quantities thereof, for the initial fiscal period ending July 31, 1958. The proposed rule, which is based on recommendations of the Florida Cucumber Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015, 22 F. R. 6083), regulating the handling of cucumbers grown in Florida. Said marketing agreement and order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposed rule is as follows:

§ 1015.201 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Florida Cucumber Committee, established pursuant to Marketing Agreement No. 118, and Order No. 115 (§§ 1015.1 to 1015.88), to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending July 31, 1958, will amount to $67,500.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 118, and Order No. 115, shall be three cents ($0.03) per 48-pound bushel of cucumbers, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 118, and Order No. 115 (§§ 1015.1 to 1015.88; 22 F. R. 6083).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 17, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8669; Filed, Oct. 21, 1957; 8:54 a. m.]

NOTICES

DEPARTMENT OF LABOR

Office of the Secretary

[General Order 28, Revised]

ADMINISTRATION OF VETERANS' REEMPLOYMENT RIGHTS

By virtue of and pursuant to the authority vested in me by the act of March 4, 1913 (5 U. S. C. 611), R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp. p. 165), and in order to discharge the functions and responsibilities prescribed by section 9 (h) of the Universal Military Training and Service Act of 1951, as amended, section 8 (g) of the Selective Training and Service Act of 1940, as amended, section 5 (a) of the act of March 31, 1947 (Public Law 26, 80th Congress), and section 262 (f) of the Armed Forces Reserve Act of 1952, as amended, it is hereby ordered:

1. There shall continue to be in the Department of Labor a Bureau of Veteran's Reemployment Rights, which shall be administered by a Director appointed by the Secretary of Labor. Under the general direction of the Secretary through the Under Secretary and an Assistant Secretary of Labor as provided in General Order No. 78 (Revised), the Director shall be responsible for the operation of the programs assigned to the Bureau and shall perform the following specific functions:

(a) The Director shall, through the office of the Bureau in Washington, D. C., and its regional and area offices, provide services to ex-servicemen, persons performing training duty, persons rejected by the Armed Forces, employers, labor organizations, and others affected by the reemployment statutes. To provide coverage in areas where there are no offices of the Bureau, and to promote voluntary compliance with the statutes, he shall utilize to the greatest extent possible the services of volunteer reemployment rights committees at State levels, volunteer reemployment rights advisers at local levels, the facilities of cooperating State agencies, and the facilities of cooperating employer, labor and veterans' organizations.

(b) The Director shall maintain liaison with appropriate offices of the Selective Service System, the Veterans' Administration, State Employment Security Agencies, and the Department of Defense for the dissemination of information and referral of ex-servicemen and others seeking information on reemployment rights or assistance through the facilities of those agencies. The Director shall also arrange with appropriate offices in the Department of Defense for contact with and orientation of persons separated from military service and persons transferred to the Ready Reserve at separation and transfer points.

(c) The Director shall be responsible for developing and administering a reemployment rights program for disaster and defense workers in accordance with appropriate delegations to the Department of Labor from the Office of Defense Mobilization and the Federal Civil Defense Administration and pursuant to General Order No. 63 (revised).

2. The Director of the Bureau of Employment Security shall promote and encourage the cooperation of State Employment Security Agencies in the utilization of local employment offices as points of contact for general information and referral of ex-servicemen and others in connection with reemployment rights.

3. The Solicitor of Labor shall be responsible for furnishing the Bureau of Veterans' Reemployment Rights with legal interpretations concerning reemployment rights and for providing legal advice and services required by the Bureau.

4. The Administrative Assistant Secretary, the Director of Personnel, and the Director of Information, Publications and Reports shall be responsible for furnishing budget, personnel, and information services as appropriate.

5. This order supersedes all prior orders or regulations inconsistent herewith.

JAMES P. MITCHELL,
Secretary of Labor.

OCTOBER 16, 1957.

[F. R. Doc. 57-8661; Filed, Oct. 21, 1957; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Railroad has filed an application, Serial No. Anchorage 031908, for the withdrawal of the lands described below, from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws. The applicant desires the land for administrative site and railroad storage yard.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GOLD CREEK AREA

Beginning at the most northerly corner of the homestead entry of J. A. Johnson, Anchorage 031030, at approximate station 11875+53 on the easterly 100-foot right-of-way line of the Alaska Railroad; thence N. 26°07'30" E. approximately 2,127 feet along the easterly right-of-way line to the most westerly corner of the homestead entry of N. P. Bandy, Anchorage 025383; thence S. 63°52'30" E. 500 feet; thence S. 26°07'30" W. approximately 2,127 feet; thence N. 63°52'30" W. 500 feet to the Point of Beginning.

Containing approximately 24 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 57-8640; Filed, Oct. 21, 1957; 8:45 a. m]

CIVIL AERONAUTICS BOARD

[Docket No. 9063]

TRANS WORLD AIRLINES, INC.; SLEEPERETTE SERVICE

NOTICE OF PREHEARING CONFERENCE

In the matter of fares to be charged by Trans World Airlines, Inc. for "sleeperette" service between East and West Coast points.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 24, 1957, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., October 16, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8671; Filed, Oct. 21, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12175; FCC 57M-995]

AMERICAN COLONIAL BROADCASTING CORP. (WKBM-TV)

ORDER CONTINUING HEARING

In re application of American Colonial Broadcasting Corporation (WKBM-TV), Caguas, Puerto Rico, Docket No. 12175, File No. BMPCT-4515; for modification of construction permit.

The Hearing Examiner having under consideration a petition filed October 14, 1957, by the above-entitled applicant requesting that the dates for the pre-hearing conference and the evidentiary hearing in the above-entitled proceeding be postponed until after the Commission has acted upon the petition filed October 10, 1957, by the protestant herein requesting the dismissal of its protest; and

It appearing that the issues to be resolved in the above-entitled proceeding are those which are predicated on and grow out of the protest filed by Ponce de Leon Broadcasting Company, Inc., which company on October 10, 1957, filed a petition requesting the Commission to dismiss its protest; and

It further appearing that good cause for the requested postponement of the pre-hearing conference and the evidentiary hearing has been shown and that the time element involved requires immediate action of said petition to postpone;

It is ordered, This the 14th day of October 1957 that the petition to postpone the pre-hearing conference and the evidentiary hearing is granted and the pre-hearing conference in the above-entitled proceeding scheduled to be held on October 16, 1957, and the evidentiary hearing now scheduled to be held November 6, 1957, are continued to dates to be announced after the Commission has acted on the presently pending petition of Ponce de Leon Broadcasting Company, Inc., to dismiss its protest.

Released: October 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8658; Filed, Oct. 21, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13459]

ARKANSAS LOUISIANA GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 16, 1957.

Arkansas Louisiana Gas Company (Arkansas Louisiana), on September 16, 1957, tendered for filing proposed changes in rates and charges contained in presently effective Rate Schedules XFS-2 and XFS-6 to Arkansas Louisiana FPC Gas Tariff, Original Volume No. 2. These schedules provide for the sale of natural gas to Texas Eastern Transmission Corporation from the Jefferson Field, Marion County, Texas, and the North Lansing Field, Harrison County, respectively, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in Supplement No. 6 to Arkansas Louisiana's Rate Schedule No. XFS-2 (being Original Sheets Nos. 42 through 54) and in Third Revised Sheet No. 108 to Arkansas Louisiana's aforesaid gas tariff.

The filing of Supplement No. 6 to Rate Schedule No. XFS-2 is said to result from the operation of a periodic price escalation clause, coupled with an increase in the amount of tax reimbursement. The other filing proposed to effectuate a "favored nations" provision. Arkansas Louisiana requests that the proposed increased rates and charges be allowed to become effective as of November 1, 1957.

The rates presently in effect in the aforesaid rate schedules are being collected subject to possible refund, having been suspended by order issued on October 29, 1956, In the Matter of Arkansas Louisiana Gas Company, Docket No. G-11294 (16 F. P. C. 1111). Thus, the presently effective rates and charges proposed to be increased by the instant filings have not been shown to be just and reasonable.

The increased rates and charges proposed in each of the filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of each of the proposed changes, and that Supplement No. 6 to Arkansas Louisiana's Rate Schedule No. XFS-2 (being Original Sheets Nos. 42 through 54) and Third Revised Sheet No. 108 to Arkansas Louisiana's FPC Gas Tariff, Original Volume No. 2, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations thereunder, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, Supplement No. 6 to Rate Schedule No. XFS-2 and Third Revised Sheet No. 108 to Arkansas Louisiana's FPC Gas Tariff, Original Volume No. 2, be and the same are hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement nor the revised sheet hereby suspended nor the rates schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8659; Filed, Oct. 21, 1957; 8:50 a. m.]

[Docket No. E-6780]

HARTFORD ELECTRIC LIGHT CO. AND CONNECTICUT POWER CO.

NOTICE OF APPLICATION

OCTOBER 16, 1957.

Take notice that on October 8, 1957, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by The Hartford Electric Light Company of Hartford, Connecticut (hereinafter referred to as "HE"), and The Connecticut Power Company of Wethersfield, Connecticut (hereinafter referred to as "CP"). The foregoing applicants are corporations specially chartered under the laws of the State of Connecticut. Applicants seek an order authorizing the merger of CP with and into HE, with HE to be the continuing and resulting corporation under its existing name. CP owns and operates a double circuit 115 kv transmission line which interconnects with lines of the Western Massachusetts Electric Company at the Connecticut-Massachusetts State Line in the Town of Suffield, Connecticut, and a single circuit 69 kv transmission line which interconnects with a line of the Central Hudson Gas & Electric Corporation at the Connecticut-New York State Line in the Town of Sharon, Connecticut, and is constructing a single circuit 115 kv transmission line which will interconnect with a line of the Western Massachusetts Electric Company at the Connecticut-Massachusetts State Line in the Town of Granby, Connecticut. Under the Agreement of Merger the separate existence of CP will cease and all assets (including franchises) of CP will be transferred to and vested in HE, and HE will become subject to all liabilities of CP. HE will be obligated to carry out the contracts of CP as well as those of HE and the proposed transaction will have no effect upon any contract of either Applicant for the purchase, sale, or interchange of electric energy. The Agreement of Merger provides that the merger will become effective (subject to approval of stockholders of each applicant) on January 1, 1958 or such other date not later than March 1, 1958 as may be fixed by written Agreement of the two Applicants. Under the provisions of the Agreement of Merger the outstanding shares of stock of CP will be automatically converted into shares of HE as follows:

Each share of 4.50 percent Preferred Stock of CP into one share of 4.50 percent Preferred Stock of HE; and

Each share of Common Stock of CP (including 64,956 shares of such stock owned by HE, which shares shall cease to exist and shall be cancelled) into three-fourths of one share of Common Stock of HE.

After the consummation of the proposed merger, HE proposes to use such facilities which are presently employed by CP and HE for the same purpose for which they are presently being used by the respective Applicants. The merger proposal includes all of the operating facilities of CP and HE.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 4th day of November 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8643; Filed, Oct. 21, 1957; 8:46 a. m.]

[Docket No. E-6781]

IDAHO POWER CO.

NOTICE OF APPLICATION

OCTOBER 16, 1957.

Take notice that on October 10, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Idaho Power Company ("Applicant"), as supplemented October 14, 1957. Applicant, a corporation organized under the laws of the State of Maine and doing business in the States of Idaho, Oregon, and Nevada, with its principal business office at Boise, Idaho, seeks an order authorizing the issuance of $15,000,000 principal amount of 30-year First Mortgage Bonds and the issuance of 225,000 shares of $10 par value Common Stock.

Applicant proposes to issue the aforesaid $15,000,000 of First Mortgage Bonds as a new series of __ percent bonds dated on or after November 15, 1957, due thirty years from date of issue under and pursuant to the provisions of a Trust Indenture, dated October 1, 1937, from the Applicant to Bankers Trust Company and J. C. Kennedy, Trustees as supplemented, including the Ninth Supplemental Trust Indenture to be dated as of November 15, 1957 which will set forth the items of the proposed issue. Applicant proposes to sell the $15,000,000 of First Mortgage Bonds under competitive bidding.

Applicant proposes to issue the 225,000 shares of Common Stock par value $10, on or after November 1, 1957, and is presently engaged in negotiations for the private sale of the issue of Common Stock. The application contemplates that the price to be received by the Applicant for the Common Stock, the underwriting compensation and the other terms and conditions of the sale of the Common Stock are to be supplied by further amendment to the application prior to the granting of the authorization which it seeks. As currently filed, the application includes a preliminary form of underwriting agreement for the sale of the proposed 225,000 shares of Common Stock, setting forth terms, among others, certain representations, warranties and covenants of Applicant, conditions of underwriters' and Applicant's obligations and indemnification provisions.

With respect to the issuance and sale of the aforesaid Common Stock, Applicant requests an exemption from § 34.1a of the regulations under the Federal Power Act, requiring competitive bidding.

Applicant proposes to use the proceeds from the sale of the aforesaid Bonds and Common Stock for the obtainment of permanent capital for repayment in part of the principal amount of short-term bank loans now outstanding, heretofore made by Applicant for the interim financing of the cost of construction, extension and improvement of operating facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the sixth day of November, 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8644; Filed, Oct. 21, 1957; 8:47 a. m.]

[Docket No. G-12668 etc.]

ROCK HILL OIL CO. AND SHORELINE PETROLEUM CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 16, 1957.

In the matters of Rock Hill Oil Company, and Shoreline Petroleum Corporation, Docket Nos. G-12668, G-12669, G-12670, G-12671, G-12672, G-12673, G-12674, G-12675, G-12676, G-12677.

Take notice that Rock Hill Oil Company (Rock Hill) and Shoreline Petroleum Corporation (Shoreline) filed joint applications on May 23, 1957, pursuant to section 7 of the Natural Gas Act, for authority to abandon and render natural gas service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective joint applications which are on file with the Commission and open to public inspection.

In the joint applications Rock Hill seeks permission and approval to abandon the production and sale of natural gas as indicated below:

Docket No.; Buyer; and Field

G-12668; Texas Eastern Transmission Corporation; [1] Rudman and North Mineral Fields, Bee County, Tex.

G-12669; United Gas Pipe Line Co.; North Pettus Field, Bee, Karnes and Goliad Counties, Tex.

G-12670; Texas Eastern Tranmission Corporation; [1] Brandt Field, Goliad County, Tex.

G-12671; Transcontinental Gas Pipe Line Corporation; La Gloria Field, Jim Wells and Brooks Counties, Tex.

Texas Illinois Natural Gas Pipe Line Co.; La Gloria Field, Jim Wells and Brooks Counties, Tex.

G-12672; Tennessee Gas Transmission Co.; Calallen Field, Nueces County, Tex.

G-12673; Taxas Eastern Transmission Corporation (see footnote 1); Hordes Creek Field, Goliad County, Tex.

G-12674; Transcontinental Gas Pipe Line Corporation; Greta Field, Refugio County, Tex.

G-12675; Cities Service Gas Co.; Yellowstone Field, Woods County, Okla.

G-12676; Texas Illinois Natural Gas Pipeline Co.; Bloomington Field, Victoria County, Tex.

G-12677; Tennessee Gas Transmission Company; Calallen Field, Nueces County, Tex.

Rock Hill, among others, was authorized on December 30, 1954, in Docket No. G-3133, to render the service proposed to be abandoned in Docket No. G-12668; on February 6, 1956, in Docket Nos. G-5920, G-5922, G-5923 and G-5935 to render the services proposed to be abandoned in Docket Nos. G-12669, G-12670,

[1] Assignee of Wilcox Trend Gathering System, Inc.

G–12671 and G–12673, respectively; on February 1, 1956, in Docket No. G–8759 to render the service proposed to be abandoned in Docket No. G–12675; on April 22, 1957, in Docket No. G–10652 to render the service proposed to be abandoned in Docket No. G–12676; and on June 3, 1957, in Docket No. G–11494 to render the service proposed to be abandoned in Docket No. G–12677.

Rock Hill was authorized on September 28, 1956, in Docket No. G–4808 and on February 20, 1956, in Docket No. G–8574 to render the services proposed to be abandoned in Docket No. G–12674; and on October 24, 1956, in Docket No. G–5934 to render the service proposed to be abandoned in Docket No. G–12672.

In the respective joint application Shoreline seeks certificates of public convenience and necessity authorizing it to continue the sales of natural gas proposed to be abandoned by Rock Hill.

The joint applicants state that Rock Hill has been dissolved and all of its assets, properties and contracts are now owned by Shoreline.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 13, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–8645; Filed, Oct. 21, 1957; 8:47 a. m.]

[Docket Nos. G–12818, G–12819]

PHILLIPS PETROLEUM CO. AND UNITED GAS PIPE LINE CO. ET AL.

NOTICE OF APPLICATIONS, CONSOLIDATION AND DATE OF HEARING

OCTOBER 16, 1957.

In the matters of Phillips Petroleum Company, Operator, et al., Docket No. G–12818; United Gas Pipe Line Company, Docket No. G–12819.

Take notice that Phillips Petroleum Company (Phillips), Operator, et al., a Delaware corporation, with its principal place of business in Bartlesville, Oklahoma, and United Gas Pipe Line Company (United), a Delaware corporation, with its principal place of business in Shreveport, Louisiana, hereinafter collectively referred to as "Applicants", filed separate applications in Docket Nos. G–12818 and G–12819, respectively, on June 28, 1957, for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

United proposes to construct and operate a purchase meter station, separator and tank installation and appurtenant facilities to be located in Terrebonne Parish, Louisiana, at approximate Milepost 2.4 on its existing 20-inch lateral pipeline which extends from the Kent Bayou Field to a point of connection with its existing Lirette-Napoleonville 24-inch pipeline, in order to purchase and receive natural gas produced in the Bayou Piquant area by Phillips. Said gas will be commingled by United with gas produced by others and transported in interstate commerce for resale. The estimated total cost of United's facilities is $32,425, which cost is to be financed from current working funds.

On June 28, 1957, Phillips filed in Docket No. G–12818 a certificate application covering the above sale of gas to United to be made pursuant to a 20-year gas sales contract dated May 20, 1957, executed by and between United and Phillips. Phillips filed on its own behalf and as operator for Barium Steel Corporation (Barium), a nonoperating coowner (50 percent) of the acreage involved herein and a signatory party, together with Phillips, to the same gas sales contract.

Phillips will install at an estimated cost of $190,000 facilities consisting of customary lease equipment, aproximately 6½ miles of field line and a dehydrator. Such facilities will be owned 50 percent by Barium. Proposed deliveries will be made at United's proposed meter station.

The certificate application filed by Phillips in Docket No. G–12818 on June 28, 1957, covers the above sale of gas to United, to be made pursuant to a gas sales contract dated May 20, 1957, executed by and between United and Phillips, Operator, et al. The aforementioned contract has been previously accepted by the Commission as Phillips Petroleum Company, Operator, et al., FPC Gas Rate Schedule No. 295. The rate schedule provides for an initial rate of 21 cents per Mcf at 15.025 psia (including reimbursement of the one cent per Mcf Louisiana gathering tax), and contains a schedule of periodic price increases as well as a price re-determination provision applicable to the third and fourth 5-year periods. The contract provides for annual minimum delivery of 42,945 Mcf for each 1,000 MMcf of reserves.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 3, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–8646; Filed, Oct. 21, 1957; 8:47 a. m.]

[Docket Nos. G–12712, G–12714]

UNITED GAS PIPE LINE CO. AND WM. T. BURTON INDUSTRIES, INC.

ORDER ON MOTIONS AND FIXING DATE OF HEARING

OCTOBER 16, 1957.

In the matters of United Gas Pipe Line Company, Docket No. G–12712; Wm. T. Burton Industries, Inc., Docket No. G–12714.

Wm. T. Burton Industries, Inc. (Burton), filed a motion in Docket No. G–12714 on September 18, 1957, for reconsideration of the action of the Commission in setting its application for a certificate of public convenience and necessity for a formal hearing rather than for hearing under the Commission's shortened procedure, and in the alternative, a motion for an indefinite continuance of said hearing, which was initially scheduled for September 26, 1957.

United Gas Pipe Line Company (United), filed in Docket No. G–12712 on September 20, 1957, an answer concurring in the request made by Burton for the aforesaid relief, and, a motion that its application be accorded the same procedural disposition as Burton's in the event the relief sought by Burton be granted by the Commission.

Notice of the filing of the applications in the instant proceeding, the date of hearing, viz. September 26, 1957, and their consolidation for purposes of hearing was issued on August 16, 1957, and published in the FEDERAL REGISTER on August 22, 1957 (22 F. R. 6805–06). This notice also fixed September 5, 1957, as the last day for filing protests or petitions to intervene in this proceeding.

Upon the filing of the aforesaid motions, the Secretary, pending action by the Commission upon said motions, issued a notice of postponement on September 20, 1957, which was published in the FEDERAL REGISTER on September 26, 1957 (22 F. R. 7671). This notice postponed the hearing upon the applications in this consolidated proceeding to a date to be set by further notice.

The Commission finds:

(1) Good cause has not been shown and it is not appropriate or in the public interest to grant Burton's motion requesting hearing under the Commission's shortened procedure, or in the alternative requesting an indefinite postponement.

(2) United's motion for the same procedural disposition of its application as granted Burton in connection with its application should be granted.

(3) It is in the public interest that the above-captioned consolidated proceeding upon the applications of Burton and United be re-scheduled for hearing as hereinafter ordered.

The Commission orders:

(A) The motion of Burton filed herein on September 18, 1957 is denied.

(B) The motion of United referred to in Finding 2 hereof is granted.

(C) The proceeding referred to in Finding (3) hereof be re-scheduled for hearing on November 21, 1957 at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–8647; Filed, Oct. 21, 1957; 8:48 a. m.]

[1] Commissioners Digby and Kline dissenting.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3615]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

NOTICE OF PROPOSED ACQUISITION OF ASSETS OF NON-AFFILIATED PUBLIC UTILITY COMPANY, AND STOCK OF NON-AFFILIATED PIPE LINE COMPANY, AND ISSUANCE OF SECURITIES AND ASSUMPTION OF LIABILITIES IN CONNECTION THEREWITH

OCTOBER 14, 1957.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly-owned public utility subsidiary The East Ohio Gas Company ("East Ohio") have filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (a), 6 (b), 7, 9 (a), 10, and 12 (f) thereof as applicable to the proposed transactions, which are summarized as follows:

Pursuant to an Agreement and Plan of Reorganization dated August 23, 1957, executed by Consolidated, East Ohio, The Lake Shore Gas Company ("Lake Shore"), a non-affiliated gas-utility company, and the owners of the outstanding capital stock of Lake Shore Pipe Line Company ("Pipe Line"), a nonaffiliated natural gas pipeline company, Consolidated proposes (1) to acquire the assets and assume the liabilities of Lake Shore, which will be transferred at Consolidated's direction to East Ohio; and (2) to acquire all of the capital stock of Pipe Line, which will become a direct subsidiary of Consolidated.

For the net assets of Lake Shore, Consolidated will issue and deliver to Lake Shore 63,598 shares of its capital stock; and for the capital stock of Pipe Line, Consolidated will issue and deliver to the stockholders of Pipe Line (in accordance with their several interests) 23,022 shares of its capital stock. The underlying principle upon which the Agreement was negotiated was an exchange of earnings as realized by the respective companies for the year 1956.

Consolidated proposes to value the stock which it will issue as aforesaid at $44 per share, which was the approximate average market price during the period of negotiations. Thus in capital stock equivalent, Consolidated proposes to pay $2,798,300 for Lake Shore's interest in its assets and $1,013,408 for the common stock of Pipe Line.

The total consideration (including debt-security obligations assumed) to be paid by East Ohio for the Lake Shore utility assets will be $4,677,300, and for Lake Shore's net current assets, $250,000, as follows:

55,966 shares of East Ohio's capital stock (to be issued to Consolidated in reimbursement for Consolidated's issue of 63,598 shares of its capital stock to Lake Shore)	$2,798,300
Lake Shore's debt securities assumed:	
3½% First Mortgage Bonds due in 1980	1,464,000
3¾% Note due in 1962	165,000
Note due within one year	500,000
Total	4,927,300

Upon consummating the sale of its assets, Lake Shore will distribute to its shareholders the Consolidated stock received therefor, and it will then liquidate and dissolve.

It is stated that Lake Shore and Pipe Line are affiliates, being owned by substantially the same group of stockholders; that Lake Shore distributes gas to approximately 14,000 customers in Lake and Ashtabula counties, Ohio, adjacent to East Ohio's service area; that Pipe Line's sole business is to supply natural gas to Lake Shore, East Ohio, and two other large customers by means of a pipeline connection with Tennessee Gas Transmission Company at Meadville, Pennsylvania; that, upon the consummation of the proposed acquisitions, the facilities of Lake Shore will be integrated with those of East Ohio, and the facilities of Pipe Line will be used, as heretofore, to supply gas to East Ohio and its other customers; that because East Ohio has storage facilities, it operates at a more economical load factor than Lake Shore, and it will be able to render more economical and more efficient service to the Lake Shore customers.

All the several transactions proposed by East Ohio herein, and the accounting entries with respect thereto, have been authorized by The Public Utilities Commission of Ohio, in which State such subsidiary company is organized and doing business.

The fees and expenses to be incurred by Consolidated and East Ohio in connection with the proposed transactions are estimated as follows:

	Consolidated	East Ohio
Stock issue tax	$953.70	$3,078.13
Legal fees (Jones, Day, Cockley & Reavis)		5,000.00
Total	953.70	8,078.13

Notice is further given that any interested person may, not later than October 28, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–8654; Filed, Oct. 21, 1957; 8:49 a. m.]

[File No. 70–3624]

OHIO POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF FIRST MORTGAGE BONDS, AND CAPITAL CONTRIBUTION BY PARENT TO SUBSIDIARY

OCTOBER 15, 1957.

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, and

one of its electric utility subsidiaries, Ohio Power Company ("Ohio"), have filed a joint application-declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b) and 12 of the act and Rules U-42, U-45, and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Ohio proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1987. The interest rate (a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid for the bonds (not less than 100 nor more than 102¾ percent of the principal amount) will be determined by the competitive bidding. The Bonds are to be issued under a Mortgage and Deed of Trust, dated as of October 1, 1938, made by Ohio to Central Hanover Bank and Trust Company (now The Hanover Bank), and Frank Wolfe (James T. Harrigan, successor, Individual Trustee), as Trustees, as supplemented and amended, and a new Supplemental Indenture to be dated as of November 1, 1957.

American proposes, prior to or concurrently with the sale of the above Mortgage Bonds, to make a cash capital contribution of $12,000,000 to Ohio.

The proceeds from the sale of the bonds together with the cash capital contribution are to be applied by Ohio to the prepayment of not in excess of $36,000,000 aggregate principal amount of Ohio's notes payable to Banks. The remaining proceeds together with other funds will be applied to extensions, additions and improvements to Ohio's properties.

According to the filing the proposed sale of Bonds by Ohio is subject to the jurisdiction of The Public Utilities Commission of Ohio and a copy of that Commission's order to be entered in respect thereof is to be supplied by amendment; no other State or Federal commission (other than this Commission) has jurisdiction over the proposed transactions.

The estimated fees and expenses incurred or to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than October 30, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8655; Filed, Oct. 21, 1957; 8:49 a. m.]

TARIFF COMMISSION

[List No. 21-7]

CERTAIN MAP-MAKING INSTRUMENTS AND PARTS THEREOF

NOTICE OF COMPLAINT

OCTOBER 16, 1957.

The United States Tariff Commission hereby gives notice of the receipt, on September 3, 1957, of a complaint under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337; 1337a) filed by the Kelsh Instrument Company, Inc., of Baltimore, Maryland, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain streoscopic photogrammetric projection instruments (map-making instruments).

In accordance with the provisions of § 203.3 of the rules of practice and procedure of the Commission (19 CFR 203.3) the Commission has initiated a preliminary inquiry into the allegations of this complaint to determine (a) whether the institution of an investigation under section 337, above, is warranted, and (b) whether the issuance of a temporary order of exclusion from entry under section 337 (f) of the Tariff Act of 1930 (19 U. S. C. 1337 (f)) is warranted.

A copy of the complaint (not including information submitted in confidence) is available for public inspection at the offices of the United States Tariff Commission located at Eighth and E Streets, NW., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Customs House.

Persons desiring to submit information either in favor of or in opposition to the institution of an investigation may do so by submitting their views in writing to the Secretary, United States Tariff Commission, Washington 25, D. C., within 60 days from the date of this notice. Fifteen copies of any such submission are required.

Issued: October 17, 1957.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-8656; Filed, Oct. 21, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 17, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG- AND SHORT-HAUL

FSA No. 34235: *Tructrain service within and from and to the southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7131), for interested rail carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between points in southwestern territory; also between points in southwestern territory, on the one hand, and points in official, Southern, and western trunk line territories, on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 59 to Agent Kratzmeir's tariff I. C. C. 4233 and four other tariffs.

FSA No. 34236: *Substituted service, motor and rail, Chicago Great Western Ry. Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 91), for Chicago Great Western Railway Company and interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars; also empty trailers between Chicago, Ill., and Kansas City, Mo.

Grounds for relief: Motor truck competition.

Tariff: Supplement 62 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34237: *Substituted service, motor and rail, Chicago Great Western Ry. Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 92), for the Chicago Great Western Railway Company and interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars; also empty trailers between Chicago, Ill., and St. Joseph, Mo.

Grounds for relief: Motor truck competition.

Tariff: Supplement 62 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34238: *Soybeans from St. Louis-East St. Louis to Gulf ports.* Filed by O. W. South, Jr., Agent (SFA No. A3546), for interested rail carriers. Rates on soybeans, in bulk, carloads, for export from St. Louis, Mo., and East St. Louis, Ill., to New Orleans, Baton Rouge, La., and Gulfport, Miss.

Grounds for relief: Water competition.

Tariff: Supplement 109 to Agent Spaninger's tariff I. C. C. 1353.

FSA No. 34239: *Concrete pressure pipe from Lock Joint, S. C.* Filed by O. W. South, Jr., Agent (SFA No. 3544), for interested rail carriers. Rates on reinforced concrete pressure pipe, carloads from Lock Joint, S. C., to points in southwestern and western trunk line territories.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 7 to Agent Spaninger's tariff I. C. C. 1608.

FSA No. 34240: *Tructrain service between Louisiana and the southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7136), for interested rail carriers. Rates on freight loaded in or on highway trailers and transported on railroad flat cars, or loaded in demountable trailer bodies and transported in open top railroad cars between points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; also Memphis, Tenn., on the one hand, and points in Louisiana, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 41 to Agent Kratzmeir's tariff I. C. C. 4251.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-8648; Filed, Oct. 21, 1957; 8:48 a. m.]

[No. 32290]

INCREASED LESS-THAN-CARLOAD RATES IN OFFICIAL TERRITORY

NOTICE OF INVESTIGATION AND DATE OF HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of October A. D. 1957.

A petition filed with the Interstate Commerce Commission on September 24, 1957, by The Akron, Canton & Youngstown Railroad Company and other railroads operating in eastern territory as listed in the appendix below requests authority (1) to depart from the Commission's tariff-publishing rules to the extent necessary to permit them to publish and file tariffs providing increases in their rates applicable on all less-than-carload shipments weighing less than 5,000 pounds moving within official territory, and (2) modification of outstanding orders to the extent necessary to permit petitioners to file tariffs providing the following increases on such shipments, and (3) such relief from section 4 of the Interstate Commerce Act as may be necessary to permit the increases to be made:

Class:	*Increase in cents per 100 pounds*
100 or 1st	29
85 or 2d	24
70 or 3d	20
50 or 4th	14

and increases on other classes in such amounts as will maintain the present percentage relationship to first-class rates.

Petitioners aver that the increased costs of transporting such shipments make necessary the requested increases in their rates and charges thereon and that the revenues derived from the less-than-carload shipments described are inadequate.

Upon consideration of the petition, replies thereto by The National Small Shipments Traffic Conference, Inc., The National Industrial Traffic League, and others, and it appearing that good cause has been shown to warrant instituting an investigation to determine whether or not the proposed changes in rates are just and reasonable and otherwise lawful and whether the relief requested should be granted;

It is ordered, That an investigation be, and it is hereby, instituted by the Commission, on its own motion, into and concerning matters presented in the petition and as to the reasonableness and lawfulness otherwise of the proposed increases with a view to making such findings in the premises as the facts and circumstances may warrant, and to grant such other relief and to enter such order or orders as the facts shall warrant.

It is further ordered, That this proceeding be, and it is hereby, set for hearing at the offices of the Commission in Washington, D. C., before Examiner Howard Hosmer at 9:30 a. m. (United States eastern standard time), November 18, 1957.

And it is further ordered, That the common carriers by railroad, listed in the appendix below, operating within official territory, be, and they are hereby, made respondents to this proceeding; that copies of this order be served upon such respondents; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX

The Akron, Canton & Youngstown Railroad Co.
The Ann Arbor Railroad Co.
The Baltimore and Ohio Railroad Co.
Bangor and Aroostook Railroad Co.
Boston and Maine Railroad.
The Central Railroad Company of New Jersey.
The Chesapeake and Ohio Railway Co.
The Delaware and Hudson Railroad Corporation.
The Delaware, Lackawanna and Western Railroad Co.
The Detroit and Toledo Shore Line Railroad Co.
Detroit, Toledo and Ironton Railroad Co.
Erie Railroad Co.
Grand Trunk Western Railroad Co.
Lehigh and New England Railroad Co.
Lehigh Valley Railroad Co.
Maine Central Railroad Co.
Monon Railroad.
The New York Central Railroad Co.
The New York, Chicago and St. Louis Railroad Co.
The New York, New Haven and Hartford Railroad Co.
Norfolk and Western Railway Co.
The Pennsylvania Railroad Co.
The Pittsburgh & West Virginia Railway Co.
Reading Co.
The Virginian Railway Co.
Wabash Railroad Co.
Western Maryland Railway Co.

[F. R. Doc. 57-8650; Filed, Oct. 21, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XIII-6]

BRANCH MANAGER, HELENA, MONTANA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Helena Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $50,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established interagency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Helena, Montana, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 10, 1957.

ROBERT F. BUCK, *Regional Director, Region XIII.*

[F. R. Doc. 57-8652; Filed, Oct. 21, 1957; 8:48 a. m.]

[Delegation of Authority 30–XIII–7]

BRANCH MANAGER, ANCHORAGE, ALASKA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Anchorage Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in section 202 of SBA–100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA–500, Financial Assistance Manual:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $50,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA–400, Agency Policy Manual, and SBA–600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Anchorage, Alaska, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 10. 1957.

ROBERT F. BUCK,
Regional Director,
Region XIII.

[F. R. Doc. 57–8653; Filed, Oct. 21, 1957; 8:49 a. m.]

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1934

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Washington, Wednesday, October 23, 1957

TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

SUBPART—GENERAL PROGRAM PROVISIONS

MISCELLANEOUS AMENDMENTS

The regulations governing the Great Plains Conservation Program (22 F. R. 6851) are hereby amended as provided herein.

1. Section 601.11 (c) is amended by changing the period at the end of the last sentence to a colon and adding the following: "*Provided*, That average costs will be developed and approved annually to be effective March 1 of each year."

2. Section 601.12 (a) is amended by changing the period at the end of the first sentence to a colon and adding the following: "*Provided*, That if the average cost of carrying out an eligible conservation practice in effect at the time of initial action to carry out such practice is less than the average cost of carrying out such practice at the time the contract was entered into as set out in the contract, the cost-share which the Secretary will bear will be based upon the lesser: *Provided further*, That whenever the approved average cost in effect at the time any eligible conservation practice covered by a contract is scheduled to be carried out is in excess of the average cost set out in the contract such contract may be modified by the contracting officer prior to initial action to carry out such practice to reflect such increased average cost."

(Sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d)

Done at Washington, D. C., this 18th day of October 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-8731; Filed, Oct. 22, 1957; 8:59 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.24, Amdt. 4]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1957

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.24 (22 F. R. 5, 3700, 4133, 4641, 7677), which established allotments of the 1957 sugar quota for the Mainland Cane Sugar Area totaling 656,908 short tons, raw value. This amendment is necessary to allot the smaller quota for the area established by Sugar Regulation 811, Amendment 8 (22 F. R. 8105) which established the 1957 quota for the Mainland Cane Sugar Area of 637,343 short tons, raw value, a quantity 19,565 short tons, raw value, less than the 656,908 short tons, raw value, previously allotted.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from any change in sugar requirements for the continental United States.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (22 F. R. 3700, 4133, 4641).

Because this amendment establishes smaller allotments which might be exceeded if their effective date is delayed, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be ef-

(Continued on p. 8303)

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fective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered, that paragraph (a) of § 814.24, as amended, be further amended to read as follows:

§ 814.24 *Allotment of the 1957 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1957 sugar quota for the Mainland Cane Sugar Area of 637,343 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

	Allotments (short tons, raw value)
Albania Sugar Coop., Inc	6,793
Alma Plantation, Ltd	8,622
J. Aron & Co., Inc	13,962
Billeaud Sugar Factory	8,819
Breaux Bridge Sugar Coop	7,124
J. M. Burguleres Co., Ltd., The	8,099
Burton-Sutton Oil Co., Inc	8,087
Caire & Graugnard	3,524
Caldwell Sugar Coop., Inc	11,496
Catherine Sugar Co., Inc	8,628
Columbia Sugar Company	6,283
Cora-Texas Mfg. Co., Inc	2,931
Dugas & LeBlanc, Ltd	12,719
Duhe & Bourgeois Sugar Co., Inc	10,132
Erath Sugar Co., Ltd	5,149
Evan Hall Sugar Coop., Inc	22,603
Evangeline Pepper & Food Products, Inc	5,034
Fellsmere Sugar Producers Assoc	8,641
Frisco Cane Co., Inc	918
Glenwood Coop., Inc	15,816
Gulf States Land & Industries, Inc	21,717
Helvetia Sugar Coop., Inc	9,113
Iberia Sugar Coop., Inc	15,077
LaFourche Sugar Company	14,937
Harry L. Laws & Co., Inc	11,152
Levert-St. John, Inc	9,418
Loisel Sugar Co., Inc	5,748
Louisiana State Penitentiary	3,021
Lula Factory, Inc	11,655
Meeker Sugar Coop., Inc	4,824
Milliken & Farwell, Inc	13,280
National Sugar Refining Co	13,006
Okeelanta Sugar Refinery, Inc	18,085
M. A. Patout & Son, Ltd	9,979
Poplar Grove Pltg. & Ref. Co., Inc	7,449
St. James Sugar Coop., Inc	13,064
St. Mary Sugar Coop., Inc	12,388
South Coast Corp	44,263
Southdown Sugars, Inc	42,772
Sterling Sugars, Inc	20,806
J. Supple's Sons Pltg. Co., Inc	5,315
United States Sugar Corp	120,726
Valentine Sugars, Inc	10,566
Vermilion Sugar Co., Inc	2,485
Vida Sugars, Inc	4,633
A. Wilbert's Sons Lbr. & Sh. Co	9,833
Young's Industries, Inc	6,551
Louisiana State University	100
All other persons	000
Total	637,343

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 17th day of October 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57–8728; Filed, Oct. 22, 1957; 8:59 a. m.]

Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 847.2, Supp. 4]

PART 847—PUERTO RICO

LOCAL PRODUCING AREAS FOR 1956–57 CROP

Pursuant to the provisions of the Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments for the 1950–51 and Subsequent Crops (15 F. R. 6490), as amended (20 F. R. 5963), the Director of the Agricultural Stabilization and Conservation Caribbean Area Office hereby makes the following determinations:

§ 847.6 *Local producing areas in Puerto Rico.* (a) For the 1956–57 crop year, each of the following combination of wards comprise a local producing area:

(1) All of the wards in Municipalities Bayamón, Carolina, Cataño, Guaynabo, Loíza, Luquillo, Río Grande, Río Piedras, and Trujillo Alto.

(2) All of the wards in Municipalities Corozal, Dorado, Morovis, Naranjito, Toa Alta, Toa Baja, Vega Alta, and Vega Baja.

(3) All of the wards in Municipalities Arecibo, Barceloneta, Ciales, Hatillo, Jayuya, Manatí, and Utuado.

(4) All of the wards in Municipalities Aguada, Aguadilla, Camuy, Isabela, Moca, Quebradillas and Rincón.

(5) All of the wards in municipalities Añasco, Lares, Las Marías, Maricao, Mayaguez, and San Sebastián.

(6) All of the wards in Municipalities Adjuntas, Cabo Rojo, Guayanilla, Hormigueros, Lejas, Peñuelas, Sabana Grande, San Germán, Yauco, and Guánica, except in the last named Municipality where wards Carenero and Susúa Baja are excluded.

(7) All of the wards in Municipalities Aibonito, Arroyo, Cayey, Coamo, Guayama, Juana Díaz, Patillas, Ponce, Salinas, Santa Isabel, and Villalba.

(8) All of the wards in Municipalities Aguas Buenas, Barranquitas, Caguas, Cidra, Comerío, Gurabo, Juncos, and San Lorenzo.

(9) All of the wards in Municipalities Ceiba, Fajardo, Humacao, Las Piedras, Haunabo, Náguabo, and Yabucoa.

(10) All of the wards in the Municipality of Vieques.

(b) That due to storm and/or drought in each one of the aforesaid local producing areas the actual yields of sugar for the 1956–57 crop year from ten percent or more of the sugarcane acreage harvested on all farms or parts of other farms located in each such local producing area, were not in excess of 80 percent of the applicable normal yields.

STATEMENT OF BASES AND CONSIDERATIONS

An examination of the records with respect to individual farms shows that the actual yields of sugar from 10 percent or more of the sugarcane acreage harvested on each of the aforesaid local producing areas were not in excess of 80 percent of the applicable normal yields.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

[SEAL] G. LAGUARDIA, *Director, Agricultural Stabilization and Conservation, Caribbean Area Office.*

SEPTEMBER 20, 1957.

[F. R. Doc. 57–8730; Filed, Oct. 22, 1957; 8:59 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 123, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate

the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.423 (Valencia Orange Regulation 123, 22 F. R. 8116) are hereby amended to read as follows:

(ii) District 2: 693,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 18, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8673; Filed, Oct. 22, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40-8]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

ELIMINATION OF THE REQUIREMENT IN RECURRING PROFICIENCY CHECK FOR ACTUAL OR SIMULATED MAXIMUM CERTIFICATED WEIGHT FOR TAKE-OFF WITH ONE ENGINE INOPERATIVE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of October 1957.

By virtue of presently effective Civil Air Regulations, a pilot who is to serve as a pilot in command must pass, periodically, a proficiency check in airplanes that he flies. This check flight includes a demonstration of the ability to complete a take-off at maximum take-off weight with the critical engine inoperative, a requirement which the Board has found to be no longer practical for the periodic checks.

In the large modern transport airplane a great difference exists between maximum certificated take-off weight and maximum certificated landing weight. If such an airplane is flown at maximum weight for a check flight, it must be loaded with large quantities of fuel or ballast. Then, if the flight is to be terminated within a reasonable time, fuel, ballast, or both must be dumped so as to reduce the weight to that permitted for landing.

To avoid the obvious disadvantages of the above, the Board by regulation has permitted maximum take-off weight to be simulated. This has been done by reducing take-off power, or by limiting take-off distance to the minimum required for the weight at which the airplane is being operated. Neither procedure has been fully satisfactory. Time-consuming calculations and special runway markings are required, and even with these devices the maximum take-off weight condition to be simulated cannot be fully represented. Furthermore, use of reduced power settings for take-offs has been opposed by engine manufacturers who contend that the practice is injurious to the powerplants, and by supervisory training personnel who state that the practice encourages nonstandard and improper use of the powerplant controls and induces an additional hazard to flight. It appears, therefore, that the requirement for an actual or simulated take-off at maximum certificated weight with one engine inoperative should not be continued as a regulatory requirement in the periodic proficiency check. It should be understood, however, that this amendment will not affect the present requirements in initial pilot flight training for simulation of engine failure at actual or simulated maximum weights in take-off, landing, and approach configurations.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 522), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective November 21, 1957:

By amending § 40.302 (b) (2) (i) by adding at the end thereof the phrase, "nor at actual or simulated maximum authorized weight,"

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551-554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-8733; Filed, Oct. 22, 1957; 8:59 a. m.]

[Civil Air Regs., Amdt. 41-14]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

ELIMINATION OF THE REQUIREMENT IN PERIODIC FLIGHT CHECK AND INSTRUCTION FOR SIMULATED MAXIMUM AUTHORIZED WEIGHT CONDITIONS FOR TAKE-OFF WITH ONE ENGINE INOPERATIVE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of October 1957.

By virtue of presently effective Civil Air Regulations, a pilot who is to serve as a pilot in command must pass, periodically, a proficiency check in airplanes that he flies. This check flight includes a demonstration of the ability to complete a take-off at maximum take-off weight with the critical engine inoperative, a requirement which the Board has found to be no longer practical for the periodic checks.

In the large modern transport airplane a great difference exists between maximum certificated take-off weight and maximum certificated landing weight. If such an airplane is flown at maximum weight for a check flight, it must be loaded with large quantities of fuel or ballast. Then, if the flight is to be terminated within a reasonable time, fuel, ballast, or both must be dumped so as to reduce the weight to that permitted for landing.

To avoid the obvious disadvantages of the above, the Board by regulation has permitted maximum take-off weight to be simulated. This has been done by reducing take-off power, or by limiting take-off distance to the minimum required for the weight at which the airplane is being operated. Neither procedure has been fully satisfactory. Time-consuming calculations and special runway markings are required, and even with these devices the maximum take-off weight condition to be simulated cannot be fully represented. Furthermore, use of reduced power settings for take-offs has been opposed by engine manufacturers who contend that the practice is injurious to the powerplants, and by supervisory training personnel who state that the practice encourages nonstandard and improper use of the powerplant controls and induces an additional hazard to flight. It appears, therefore, that the requirement for an actual or simulated take-off at maximum certificated weight with one engine inoperative should not be continued as a regulatory requirement in the periodic proficiency check. It should be understood, however, that this amendment will not affect the present requirements in initial pilot flight training for simulation of engine failure at actual or simulated maximum weights in take-off, landing, and approach configurations.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 522), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective November 21, 1957:

By amending § 41.53 (a) by adding at the end of the fourth sentence: *"Provided,* That subsequent to the initial check and instruction, actual or simulated maximum authorized weight on take-off shall not be required."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551-554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-8734; Filed, Oct. 22, 1957; 8:59 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, Revised]

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

This revised order, which is necessary and appropriate to carry out the provisions of the Defense Production Act of 1950, as amended, supersedes DMEA Order 1, Amended (19 F. R. 1563) and Amendments 1 to 4 inclusive (20 F. R. 337, 1698; 21 F. R. 3838; 22 F. R. 5685), with reference to the encouragement of exploration, development, and mining of critical and strategic minerals and metals pursuant to section 303 (a) of the act. It revises and completely restates the order as heretofore amended. In its formulation there has been no consultation with industry representatives or trade association representatives because special circumstances have rendered such consultation impracticable.

EXPLANATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.

APPLICATIONS

3. Form and filing.
4. Scope of application.
5. Action on applications.
6. Criteria.

EXPLORATION PROJECT CONTRACTS

7. Ratio of contributions.
8. Operator's property rights.
9. Allowable costs.
10. Repayment by operator.
11. Government not obligated to buy.
12. Title to and disposition of property.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 818, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093. E. O. 10480, 18 F. R. 4939, 3 CFR 1953 Supp. E. O. 10662, 21 F. R. 1673, 3 CFR, 1956 Supp.

EXPLANATORY PROVISIONS

SECTION 1. *What this order does.* This order sets forth procedures and regulations for obtaining Government aid in financing the cost of projects for exploration of new or undeveloped sources of strategic or critical metals and minerals.

SEC. 2. *Definitions.* As used in this order:

(a) "Exploration project" means the search for new or undeveloped sources of strategic or critical metals or minerals within a specified area or parcel of ground in the United States, its territories or possessions. Exploration may be conducted from the surface or underground, using recognized and sound procedures including standard geophysical and geochemical methods, to obtain pertinent geological and mineralogical information in those areas where favorable targets appear to exist. The work shall not go beyond a reasonable delineation and sampling of a mineral deposit, and shall not include work prosecuted primarily for mining or preparation for mining.

(b) "Operator" means a person, firm, partnership, corporation, association, or other legal entity by whom or for whose account and interest an exploration project is to be carried out.

(c) "Administrator" means the Administrator of Defense Minerals Exploration Administration, or his representative authorized in writing.

(d) "Government" means the United States of America.

APPLICATIONS

SEC. 3. *Form and filing.* An application for aid in any specified exploration project must be submitted in quadruplicate on forms which may be obtained from and filed with either:

The Defense Minerals Exploration Administration, Department of the Interior, Washington 25, D. C.

or the nearest Defense Minerals Exploration Administration field executive officer as indicated by the following addresses:

Area served and address

Region I: Idaho, Montana, Oregon, Washington, and Alaska—DMEA, South 157 Howard Street, Spokane 4, Washington. Applicants for Alaskan projects may file applications with the Bureau of Mines Office at Juneau, Alaska, for forwarding to the DMEA Executive Officer, Region I.

Region II: California and Nevada—DMEA, 1605 Evans Avenue, Reno, Nevada.

Region III: Arizona, Colorado, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming—DMEA, 224 New Customhouse Building, Denver 2, Colorado.

Region IV: Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas—DMEA, Room 303, Post Office Building, P. O. Box 431, Joplin, Missouri.

Region V: Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin—DMEA, Room 13, Post Office Building, Knoxville 2, Tennessee.

SEC. 4. *Scope of application.* Each application shall relate to and fully describe the exploration project, which shall be justified by detailed substantiating data as called for by the application form. The Administrator may require the filing of additional information, reports, maps or charts, and exhibits, in connection with the application, and may require such physical examination of the project as he deems necessary.

SEC. 5. *Action on applications.* If the application is approved, the Government, acting through the Administrator, will enter into an exploration project contract with the applicant upon such terms and conditions as are set forth in the contract form which the Administrator will supply. Exploration projects estimated to require more than two years to complete will be approved only if justified in the opinion of the Administrator by special circumstances.

SEC. 6. *Criteria.* The following factors will be considered and weighed in passing upon applications:

(a) The strategic importance of the mineral involved.

(b) The geologic probability of making a significant discovery.

(c) The availability of manpower, materials, supplies, equipment, water and power.

(d) The accessibility of the project.

(e) The operating experience and background of the applicant.

EXPLORATION PROJECT CONTRACTS

SEC. 7. *Ratio of contributions.* The Government, upon the terms specified in the contract, will contribute a percentage of the total allowable costs of a project, depending upon the mineral or minerals which are the subject of exploration, as follows:

(a) In the case of asbestos (strategic chrysotile), bauxite, cadmium, chromium, columbium, copper, corundum, diamonds (industrial), fluorspar, graphite (crucible flake), kyanite (strategic), lead, mercury, molybdenum, monazite and rare earths, platinum group metals, quartz crystals (piezo-electric), tantalum, thorium, tin, tungsten, uranium, and zinc—50 percent.

(b) In the case of antimony, beryl, cobalt, manganese, mica (strategic), nickel, rutile-brookite, selenium, and talc (block steatite)—75 percent.

(c) In the case of a combination of the minerals named in paragraphs (a) and (b) of this section—62.5 percent.

SEC. 8. *Operator's property rights.* The operator must have, preserve, and maintain a sufficient interest in the land, as owner, lessee, or otherwise, for the purposes of the exploration project contract: *Provided,* That the Administrator may waive any deficiencies in the operator's interest in the land when he finds such action to be in the best interest of the Government. The operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances to the purposes of the exploration project without any allowance for the use, rental value, depreciation, depletion, or other cost of acquiring, owning, or holding possession thereof.

SEC. 9. *Allowable costs.* (a) The Government, to the extent provided in the exploration project contract, will contribute to: (1) The necessary, reasonable, and direct actual costs of performing the exploration work, including: the costs of labor, supervision, and consultants; operating materials and supplies; operating equipment; any necessary initial rehabilitation or repairs of existing buildings, installations, fixtures, and operating equipment; any necessary buildings, fixed improvements, or installations; repairs and maintenance, analytical work, accounting, payroll deductions for the account of the operator, and liability insurance covering employment; payments by the operator to independent contractors; and such other necessary, reasonable, and direct actual costs as may be approved by the Government in the course of work; and (2) the fixed unit costs agreed upon by the operator and the Government in terms of units of work performed (per foot of drifting, per foot of drilling, etc.).

(b) No costs of acquiring, owning, or possessing the land; no costs of general overhead, corporate management, interest and taxes (other than payroll and sales taxes); and no costs incurred before the date of the contract shall be allowed as costs of the contract in which the Government will participate.

SEC. 10. *Repayment by operator.* (a) If the Government considers that a discovery or development from which production may be made has resulted from the work, the Government, within the time limited by the contract, may so certify in writing to the operator. Such certification shall describe broadly or

indicate the nature of the discovery or development.

(b) The operator shall pay to the Government a royalty on all minerals mined or produced from the land described in the contract: (1) Regardless of any certification of discovery or development, from the date of the contract until the lapse of time within which the Government may make such certification, or until the total net amount contributed by the Government without interest is fully repaid, whichever occurs first; or (2) if the Government makes a certification of discovery or development, within ten years (or other period fixed by the contract) from the date of the contract, or until the total net amount contributed by the Government is fully repaid, whichever occurs first.

(c) The Government's royalty shall be a percentage of the gross proceeds (including any bonuses, premiums, allowances, or other benefits) from the production sold, in the form sold (ore, concentrate, metal, or equivalent) at the point of delivery (the f. o. b. point); except, that charges of the buyer arising in the regular course of business, and shown as deductions on the buyer's settlement sheets, on account of the cost of treatment processes performed by the buyer, sampling and assaying to determine the value of the production sold, and freight paid by the buyer (not the operator) to a carrier, shall be allowed as deductions in arriving at the "gross proceeds" as that term is used herein. Any costs of treatment processes, sampling or assaying, or transportation performed or paid by the operator or by anyone other than the buyer are not deductible in arriving at the "gross proceeds" as that term is here used. The term "treatment processes", as here used, means those processes (such as milling, concentrating, smelting, refining, or equivalent) applied to the crude ore or other production after it is extracted from the ground to put it into a commercially marketable form, excluding fabricating or manufacturing.

(d) If any production (ore, concentrate, metal, or equivalent) remains unsold or is not used by the operator in integrated manufacturing or fabricating operations (for instance, if it is stockpiled) after the lapse of six months from the date the ore is extracted from the ground, the Government, at its option, may require the computation and payment of its royalty on the value of such production in the form (ore, concentrate, metal, or equivalent) it is in at the time the Government elects to exercise its option. If any production is used by the operator in integrated manufacturing or fabricating operations, the Government's royalty on such production shall be computed on the value thereof in the form in which and at the time when it is so used. "Value" as here used means what is or would be gross income from mining operations for percentage depletion purposes in Federal income tax determination, or the market value, whichever is greater.

(e) The percentages of the Government's royalty shall be as follows: One and one-half (1½) percent of amounts ("gross proceeds" or "value") not in excess of eight dollars ($8.00) per ton of production in the form in which sold, held, or used, plus one-half (½) percent for each additional full fifty cents ($0.50) by which such amounts exceed eight dollars ($8.00) per ton, but not in excess of five (5) percent of such amounts. (For instance: The royalty on an amount of five dollars ($5.00) per ton, would be one and one-half (1½) percent; on an amount of ten dollars ($10.00) per ton, three and one-half (3½) percent.)

(f) To secure the payment of the Government's percentage royalty, the contract shall provide for a lien upon the land or the operator's interest in the land which is the subject of the contract, and upon any production of minerals therefrom. To the extent provided in the contract, if the operator is not the producer or if the operator transfers his interest in production, the operator shall remain liable as surety for the payment of the Government's royalty, unless such liability is waived by the Administrator.

(g) If, in any particular case, the Administrator finds that it would be more economical or practicable to compute the Government's royalty upon some basis other than "gross proceeds" or "value", as those terms are used in this order, or upon the production in some form other than that in which it is sold, held, or used in integrated operations, he may agree with the operator, either in the original exploration project contract or by an amendment thereof, upon some other basis of computation. The Administrator may, in special cases, fix the term of the Government's percentage royalty and lien at more or less than ten years, when he finds such action to be in the best interest of the Government.

(h) This section is not to be construed as imposing any obligation on the operator or the operator's successor in interest to engage in any mining or production operations.

SEC. 11. *Government not obligated to buy.* Nothing in this order or in any contract entered into pursuant thereto shall be construed as imposing any obligation on the Government to purchase any materials mined or produced from the property which is the subject of such contract.

SEC. 12. *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items costing more than $50.00 each, paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contribution and the exploration project contract shall make suitable provisions for their disposal for the joint account of the operator and the Government.

Dated: October 18, 1957.

C. O. MITTENDORF,
Administrator,
Defense Minerals
Exploration Administration.

[F. R. Doc. 57-8717; Filed, Oct. 22, 1957; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1526]

[76084]

ALASKA

EXCLUDING LANDS FROM CHUGACH NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the Chugach National Forest and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

U. S. Survey No. 3306, Homesite No. 148, Slaughter Creek Group, Tract 9A. Latitude 60°30'10" N., longitude 149°48' W., 4.66 acres.

U. S. Survey No. 2520, Homesite No. 151, Falls Creek Group, Tract C. Latitude 60°24'26" N., Longitude 149°22' W., 3.85 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 17, 1957.

[F. R. Doc. 57-8680; Filed, Oct. 22, 1957; 8:47 a. m.]

[Public Land Order 1527]

[73926, 74881]

ALASKA

EXCLUDING LANDS FROM NATIONAL FORESTS AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the national forests hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

CHUGACH NATIONAL FOREST

U. S. Survey No. 2531, Tract B, 4.28 acres, latitude 60°21'35" N., longitude 149° 21'20" W., (Homesite No. 77, Lakeview Group).

U. S. Survey No. 3306, Lot 26, 1.40 acres, latitude 60°30'10" N.; longitude 149°48' W., (Homesite No. 158, Slaughter Creek Group).

U. S. Survey No. 2520, Lot E, 4.77 acres, latitude 60°24'26" N., longitude 149°22' W., (Homesite No. 147, Falls Creek Group).

U. S. Survey No. 2532, Lot 2E, 2.31 acres, latitude 60°21'24" N., longitude 149°21'20" W., (Homesite No. 176, Lakeview Homesite Group).

TONGASS NATIONAL FOREST

U. S. Survey No. 2912, Lot 20, 4.95 acres, latitude 57°58'59" N., longitude 136°14' 45" W., (Homesite No. 999, Lisianski Group).

The lands excluded from the national forests aggregate a total of 17.71 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 17, 1957.

[F. R. Doc. 57-8678; Filed, Oct. 22, 1957; 8:46 a. m.]

[Public Land Order 1528]

[1969385]

[New Mexico 012643]

PARTLY REVOKING PUBLIC LAND ORDER 629 OF JANUARY 13, 1950, WHICH WITHDREW LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE AS A BOMBING AND GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 629 of January 13, 1950, which was partly revoked by Public Land Orders No. 791 of January 19, 1952, and 1456 of July 31, 1957, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 S., R. 15 E.,
Sec. 16.
T. 25 S., R. 15 E.,
Sec. 16.
T. 25 S., R. 18 E.,
Sec. 13, S½;
Sec. 14, SW¼SE¼, SE¼SW¼;
Sec. 16, S½;
Sec. 21, E½;
Sec. 22, W½;
Sec. 23, W½NE¼, SE¼;
Sec. 24, 25 & 26, All;
Sec. 27, E½;
Sec. 32, All;
Sec. 36, All.
T. 26 S., R. 18 E.,
Sec. 1, All;
Sec. 2, All;
Sec. 3, NE¼SE¼, S½SE¼, SE¼SW¼;
Sec. 10, NE¼, SW¼;
Sec. 11, W½W½;
Sec. 14, W½NW¼;
Sec. 15, SW¼;
Sec. 16, All;
Sec. 22, W½SE¼;
Sec. 23, NW¼SW¼, S½SW¼;
Sec. 26, W½;
Sec. 27, E½, NW¼;
Sec. 34, N½N½, Lots 1–4;
Sec. 36, N½N½, Lots 1–4.
T. 23 S., R. 19 E.,
Sec. 36, All;
Sec. 25, NW¼NW¼.
T. 25 S., R. 19 E.,
Sec. 13, N½N½, SE¼NE¼;
Sec. 14, NE¼NE¼, SW¼NE¼, N½SW¼;
Sec. 15, NE¼SE¼;
Sec. 16, All;
Sec. 23, SW¼NE¼;
Sec. 25, NE¼NW¼, W½SW¼;
Sec. 26, SW¼NW¼, NE¼SW¼, N½SE¼;
Sec. 32, All;
Sec. 36, All.
T. 26 S., R. 19 E.,
Sec. 2, All;
Sec. 16, All;
Sec. 32, N½N½, Lots 1–4;
Sec. 36, N½N½, Lots 1–4.
T. 23 S., R. 20 E.,
Sec. 32, All.
T. 24 S., R. 20 E.,
Sec. 7, SE¼SE¼;
Sec. 8, S½S½;
Sec. 9, S½S½;
Sec. 16, All;
Sec. 31, Lots 1–4, E½W½, E½;
Sec. 32; All;
Sec. 33, SW¼SW¼, E½SW¼, N½SE¼;
T. 25 S., R. 20 E.,
Sec. 4, Lot 3, SE¼NW¼, S½NE¼;
Sec. 6, Lots 2, 3, and 4;
Sec. 16, All;
Sec. 18, Lots 2, SE¼NW¼, S½NE¼, E½ SW¼;
Sec. 19, SE¼SE¼;
Sec. 30, NE¼NE¼, W½E½, E½W½;
Sec. 31, W½E½, E½W½;
Sec. 32, All;
Sec. 33, E½;
T. 26 S., R. 20 E.,
Sec. 6, Lot 1, NE¼NW¼, NW¼NE¼;
Sec. 16, All;
Sec. 21, SW¼, SW¼SE¼;
Sec. 28, N½, NE¼SW¼;
Sec. 29, E½NE¼;
Sec. 32, N½N½, Lots 1–4.

The areas described aggregate 23,736.90 acres.

2. All the lands are State-owned lands or have been patented. The following-described lands which were patented under the Stockraising Homestead Act of December 29, 1916 (39 Stat. 863; 43 U. S. C. 293) with a reservation of minerals to the United States, will be open to location under the United States mining laws and to applications and offers under the mineral-leasing laws beginning at 10:00 a. m. on February 21, 1958.

T. 25 S., R. 18 E.,
Sec. 13, S½;
Sec. 14, SW¼SE¼, SE¼SW¼;
Sec. 21, E½;
Sec. 22, W½;
Sec. 23, W½NE¼, SE¼;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, E½.
T. 26 S., R. 18 E.,
Sec. 1, All.
T. 24 S., R. 20 E.,
Sec. 31, All (Lots 1–4, E½W½, E½).
T. 25 S., R. 20 E.,
Sec. 6, Lots 2, 3, and 4;
Sec. 30, E½W½, W½E½;
Sec. 31, E½W½, W½E½;
Sec. 33, E½.
T. 26 S., R. 20 E.,
Sec. 21, SW¼, SW¼SE¼;
Sec. 28, N½, NE¼SW¼;
Sec. 29, E½NE¼.

The areas described aggregate 6,386.44 acres.

Applications and offers under the mineral-leasing laws presented prior to 10:00 a. m. on February 21, 1958, will be considered as simultaneously filed at that time. Rights under such applications and selections filed after that hour will be governed by the time of filing.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 17, 1957.

[F. R. Doc. 57-8679; Filed, Oct. 22, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 172]

TORRES-MARTINEZ INDIAN RESERVATION, CALIFORNIA

ALLOTMENT OF LANDS

Rules and regulations governing the allotment of lands on the Torres-Martinez Indian Reservation, California, under section 5 of the act of August 25, 1950 (64 Stat. 470).

Notice is hereby given that it is proposed to issue rules and regulations governing the allotment of lands on the Torres-Martinez Indian Reservation, California, under the act of August 25, 1950 (64 Stat. 470).

The proposed rules and regulations are set forth below.

Interested persons may submit in writing comments, suggestions, or objections in respect to the proposed regulations to the Bureau of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

OCTOBER 15, 1957.

PART 172—ALLOTMENT OF LANDS ON THE TORRES-MARTINEZ INDIAN RESERVATION, CALIFORNIA

Sec.
172.1 Purpose.
172.2 Scope.
172.3 Size of allotments.
172.4 Description of allotments.
172.5 Method of selection.
172.6 Notice of allotment.
172.7 Priority of owners of improvements.
172.8 Priority of previous selectees.
172.9 Priority of selecting remaining lands available for allotment.
172.10 Disposition of improvements.
172.11 Submittal of allotment schedule.
172.12 Issuance of trust patents.
172.13 Special instructions.

AUTHORITY: §§ 172.1 to 172.13 issued under sec. 10, 64 Stat. 472.

§ 172.1 *Purpose.* The rules and regulations in this part will govern the preparation of allotment schedules containing the names and allotment selections of the unallotted members, hereinafter called members, of the Torres-Martinez Band of Mission Indians of the Torres-Martinez Indian Reservation.

§ 172.2 *Scope.* The rules and regulations in this part shall apply to those Indians whose names appear on the official enrollment records of the Torres-Martinez Band of Mission Indians as of June 30, 1949, approved by the Secretary of the Interior, who have not heretofore received allotments.

§ 172.3 *Size of allotments.* Each member shall be entitled to an allotment of not to exceed 40 acres of land classed as irrigable or potentially irrigable and available for allotment by the Secretary of the Interior.

§ 172.4 *Description of allotments.* Each allotment selection must be described by legal subdivision or aliquot part thereof based upon public land surveys made by the Department of the Interior and wherever possible must consist of a single tract or contiguous tracts of land.

§ 172.5 *Method of selection.* The Area Director, Sacramento Area Office, or his representative, shall be available during the periods hereinafter specified, at an office of the Bureau of Indian Affairs located in the proximity of the Torres-Martinez Reservation to assist the Indians in making allotment selections. A map of the reservation on which is shown the irrigable and potentially irrigable land which may be allotted, shall be available in such office during regular business hours for use in making the allotment selections. Each adult member shall select his allotment from tribal land available for allotment. Selections for minors shall be made by one of the parents or by the Area Director's authorized representative should the parents refuse or fail to make a selection. Selections for orphan members or members who are under legal disability shall be made by the Area Director's authorized representative. Members who are not able to appear personally and sign the required forms for their selection, may in writing appoint a representative to make the allotment selection, provided the appointment is duly acknowledged before a notary public or other officer authorized to take acknowledgments. Appropriate forms for making selections shall be furnished by the Area Director.

§ 172.6 *Notice of allotment.* The Area Director shall mail a copy of the rules and regulations in this part, together with a letter entitled "Notice of Allotment" bearing the date it is posted, by registered mail to each member eligible for an allotment to the member's last known address. The letter shall inform each member of the place and the period of time when allotment selections will be accepted. In addition, copies of the rules and regulations in this part, together with copies of the Area Director's letter, shall be posted at several conspicuous places on and in the vicinity of the reservation.

§ 172.7 *Priority of owners of improvements.* Priority in the selection of land, upon which there are improvements, will be given to those members who own the improvements, provided such improvements were placed thereon prior to July 1, 1954. The lands classed as improved tracts will be designated on the map used for allotting purposes by the Area Director. The owner of the improvements on the land shall file on such land for allotment selection within a period of 15 days from the date of the "Notice of Allotment". Failure of such member to take the required action within the specified time will constitute a forfeiture of this priority right.

§ 172.8 *Priority of previous selectees.* Priority in the selection of subjugated or unsubjugated land which has not been selected in accordance with § 172.7 will be given to those members who submit documentary evidence to show that a bona fide selection was made prior to August 25, 1950, the date of the act above cited. Acceptable proof must be in the form of an official letter or other document of acknowledgment from the Bureau of Indian Affairs. Members claiming priority rights as previous selectees will be given from the 15th day to the 45th day from the date of the "Notice of Allotment" for filing acceptable proof and 15 days following this to make selections. Priority of selection shall be based upon the order in which the previous selectees had filed their unapproved selections with the Bureau. Failure of a member to take the required action within the specified time will constitute a forfeiture of this priority right.

§ 172.9 *Priority of selecting remaining lands available for allotment.* Upon the expiration of the 60-day period, as outlined in §§ 172.7 and 172.8, the order of preference for the members who have not yet made selections for the remaining lands will be determined by a drawing of numbers conducted by the Area Director, or his authorized representative. Notice of drawing for order number shall be sent to members by registered mail ten days in advance of the date set out for the drawing. There shall be only one drawing of numbers for all members. Members who are minors and others who are under legal disability shall have a number drawn for them by a parent or the Area Director's authorized representative. Members who are unable to appear personally may appoint a representative in accordance with the procedure for such appointment contained in § 172.5 *Method of selection.* All numbers shall be taken and the drawing closed on the date selected for same. If members eligible to draw a number either for themselves or for a minor shall fail to appear on the date set for the drawing, the representative of the Area Director is authorized to make the drawing for such persons. The selection of land shall be made in the order established by the drawing. The person entitled to make the first selection by reason of drawing the number "1" will be allowed five days from the date of notification within which to appear at the allotting office and make his selection. Following the completion of the allotment selection by the person holding the number "1" or the expiration of the 5-day period, whichever comes first, the holder of number "2" will be notified in writing to appear at the allotting office as soon as possible and not later than five days from the date of the notice for the purpose of making his selection. The holders of each of the next consecutive numbers drawn will be mailed a similar notice as the selection by the holder of the preceding number is completed or at the expiration of the 5-day period for making the selection. The selection of each selectee shall be made within five days from the date of his notification. Otherwise, the order of preference obtained in the drawing will be forfeited and his selection may not be made prior to the selection of the holder of the next highest number in the drawing, unless, due to circumstances beyond his control, he is unable to appear. If his selection is not made before the holder of the second highest number to his has made his selection, then his number shall be placed next in line. In the event he again fails to make a selection for himself or a member of his family, the Area Director or his authorized representative shall make such selections as may be necessary in order that the selection process may not be unduly delayed and that the schedule of allotments may be closed.

§ 172.10 *Disposition of improvements.* Any member owning improvements on land selected properly by another member may remove, or otherwise dispose of the improvements, within a 60-day period from the date of notification by the Area Director to such member to dispose of such improvements. If in any case the whereabouts of the owner of the improvements is not immediately known, an additional reasonable time may be allowed by the Area Director in which to locate the owner so that he, or his duly appointed representative, may have an opportunity to remove or dispose of such improvements.

§ 172.11 *Submittal of allotment schedule.* Upon the completion of the allotment selections, a certified allotment schedule containing the names of the allottees, the legal descriptions of their selections and other pertinent information, shall be prepared by the Area Director. The allotment schedule shall be submitted to the Secretary of the Interior, through the Commissioner of Indian Affairs, for approval.

§ 172.12 *Issuance of trust patents.* With the request for approval of the allotment schedule, the Area Director shall also request the Secretary of the Interior to authorize the Director, Bureau of Land Management to issue trust patents for each of the selections in accordance with the act of January 12, 1891 (26 Stat. 712), as amended by the act of March 2, 1917 (39 Stat. 969, 976).

§ 172.13 *Special instructions.* To facilitate the work of the Area Director the Commissioner, Bureau of Indian Affairs may issue special instructions consistent with the rules and regulations in this part.

[F. R. Doc. 57-8642; Filed, Oct. 22, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1013]

[Docket No. AO-279-A1]

MILK IN PLATTE VALLEY, NEBRASKA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order, regulating the handling of milk in the Platte Valley, Nebraska, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Grand Island, Nebraska, on August 27, 1957, pursuant to notice thereof which was issued on August 21, 1957 (22 F. R. 6839).

The material issues of record were concerned with the following:

1. Class I price and location adjustments.

2. The Class II price.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price and location adjustments.* The Class I price at Grand Island, Hastings, Holdrege, and Kearney, Nebraska, should be equal to the Omaha-Lincoln-Council Bluffs Class I price for milk of 3.5 percent butterfat. The Class I price at Lexington and North Platte, Nebraska, located 36 and 96 miles west of Kearney, respectively, should be 10 cents per hundredweight more than the Omaha Class I price. This can be accomplished by using the Class I price at North Platte as the announced price and applying a location adjustment to the four other cities. There would be no location adjustment at plants located less than 80 miles from the City Hall at North Platte. The 0–80 mile zone would contain two plants located at North Platte which are now serving the marketing area. A location adjustment of minus 10 cents would be applied at plants located more than 80 miles but not more than 160 miles from North Platte. The 80–160 mile zone will include all the pool plants presently serving the Platte Valley marketing area except for the two plants located at North Platte. The applicable Class I price in the four above mentioned cities will then be equal to the Omaha Class I price. The location adjustment applicable to plants located beyond 160 miles would be measured from North Platte at the rate of 10 cents plus 1.5 cents per each 10 miles or fraction thereof of additional distance beyond 160 miles.

Under the original order the Class I price was 10 cents less than the Omaha price at all locations within the marketing area. Location adjustments are measured from North Platte or Grand Island, whichever is closer, at a rate of 12 cents in the 80–90 mile zone plus 1.5 cents for each 10 miles additional. By suspension action (22 F. R. 7768) the Platte Valley Class I price was increased 10 cents and is currently equal to the Omaha price. This action was effective from October 1, 1957, to the date of any amendment which may result from the hearing:

Producers supported two proposals designed to raise the Platte Valley Class I price in relation to Omaha. One would continue to base the Platte Valley price on Omaha prices but without the 10-cent discount. The alternative proposal would use a basic formula price plus a Class I differential of $1.40. On the basis of recent butter and powder quotations, the second proposal would raise the Platte Valley price approximately 10 cents per hundredweight over the Omaha price.

There are two principal reasons for raising the Platte Valley Class I price in the Grand Island zone to the Omaha level. One is that the prices negotiated prior to the inception of the order averaged only 3 cents less than the Omaha price. Even at prices nearly equal to the Omaha price, milk supplies furnished by local producers were not usually adequate for Class I needs during the months of lowest production. Raising the Class I price to the Omaha level should make it possible to develop and maintain an adequate supply for local needs. The second factor is that the Platte Valley market is farther from usual sources of supplemental milk (Iowa, Minnesota and Wisconsin) than is Omaha. For example, the principal cooperative association found it necessary to import supplemental milk during the fall of 1956. The milk was obtained from Minnesota and because of the extra distance involved it is obvious that such supplemental milk would cost more delivered to Grand Island than to points in the Omaha-Lincoln-Council Bluffs marketing area. The Platte Valley and Omaha milksheds meet with very little overlapping of producers at a north-south line approximately halfway between Lincoln and Grand Island. Each market will tend to attract the milk from its present milkshed when Class I prices in the two markets are equal.

Prices at North Platte, Nebraska, would be 10 cents higher, and would be the announced Class I prices under the order. Prices paid for milk at North Platte have been historically above those paid in the Grand Island zone by more than this amount. North Platte is also farther from sources of supplemental supplies than Grand Island and production conditions are less favorable. Also, those Grand Island distributors who sell milk in North Platte will have incurred additional transportation cost on such milk and will be on an equal competitive basis in the cost of milk delivered to North Platte.

The Platte Valley price should be tied directly to Omaha rather than being determined by a separate basic formula price. Three of the major Platte Valley handlers operate plants under both orders. Unless the two markets are kept closely in line, such handlers could rearrange their operations to take advantage of price differences whereas the purely local handlers would be unable to do so. Another handler is building a plant at Omaha from which it will serve a chain of grocery stores throughout the two markets. Plainly, the two markets are becoming more closely rather than less closely related, and Class I prices should be kept strictly in line.

The handlers' principal objection to using Omaha Class I prices rather than a separate formula related to the date of the price announcements. Under the Omaha order the Class I price for any given month is not required to be announced until the third day of the following month. Accordingly, the Platte Valley Class I price could not be announced until after the Omaha price became available. In practice, however, the butter-powder basic formula for the given month is known by the second or third day of the month and the condensery pay price by about the tenth. The Omaha market administrator notifies all interested parties of the Class I price as soon as it becomes available and the Platte Valley market administrator can do likewise.

The location adjustment to handlers on Class I milk should be measured from North Platte. There should be no location adjustment at plants located less than 80 miles from North Platte. The only two plants presently serving the market in this zone are located at North Platte. The location adjustment should be 10 cents at plants located from 80 miles to not more than 160 miles from North Platte. The price specified for this zone will apply in all the other four cities in the marketing area as well as the Naval Ammunition Depot at Hastings. The plants located in these four cities are closely competitive in both the procurement and sale of milk.

The location adjustment at plants located more than 160 miles from North Platte would be computed at a rate of 1.5 cents additional for each 10 miles or fraction thereof.

The rate of location adjustment to producers should be modified to conform to the revised rates of Class I location adjustments to handlers. The producer adjustment should, of course, continue to apply to all milk delivered to the pool plant.

2. *Class II price.* The Class II price should be increased by 10 cents per hundredweight in all months except April, May, and June. The latter months are usually the months of highest production and are so recognized in the "take-out and pay-back plan" used to encourage level production. Under the present order, the Class II price is the same as under the Omaha order. That price is determined by a butter-powder formula.

Producers proposed that the Platte Valley Class II price be based upon a butter-powder formula of slightly different form than that used under the Omaha order. However, the principal change involved in their proposal was an increase of 10 cents per hundredweight in all months except April, May, and June.

The Platte Valley handlers use most of the Class II milk in their own plants for the manufacture of cottage cheese and ice cream. These are comparatively high valued uses of milk. At the Omaha Class II price level, the cost of this milk to handlers has been considerably less than the prices paid for non-Grade A milk by local manufacturing plants. Official notice is taken that prices paid for milk at the manufacturing plants named in the Omaha order were above the Omaha Class II price by an average of 14 cents during the calendar year 1955, 16 cents in 1956, and 16 cents in the first seven months of 1957. This local plant price is a reasonably accurate measure of the price at which ungraded milk is available for the manufacture of dairy products in the midwestern states. It is concluded that Grade A producer milk should be worth at least 10 cents over the Omaha order Class II price to the Platte Valley handlers in the months other than April, May, and June.

During the flush months, not all of the pooled milk can be utilized at handlers' plants. The milk not so utilized must be manufactured into butter and nonfat dry milk or hard cheese. Frequently, it is necessary to transport the milk for considerable distances. These transportation costs and the lower prices received reduce the value of Class II milk during the period. The Class II prices presently provided by the order appear appropriate during these months.

General findings. (a) The marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained proposed findings of fact conclusions and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Platte Valley, Nebraska, marketing area is recommended as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as hereby proposed to be amended:

1. In § 1013.22 (j) (1) delete the phrases ", both for the current month;" and "both".

2. In § 1013.50 delete the phrase "10 cents less than" and substitute the phrase "10 cents more than".

3. Change § 1013.51 to read as follows:

§ 1013.51 *Class II price.* Subject to the provisions of § 1013.52, the price per hundredweight of milk of 3.5 percent butterfat content which is classified Class II milk during the months of April, May, and June shall be equal to, and in all the other months of the year the price shall be 10 cents more than, the Class II price for milk of 3.5 percent butterfat content, as determined pursuant to § 935.51 (b) of this chapter, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area (Part 935 of this chapter).

4. Change § 1013.53 to read as follows:

§ 1013.53 *Location adjustments to handlers.* For milk which is received from producers at a pool plant located more than 80 miles by shortest highway distance, as determined by the market administrator, from the City Hall in North Platte, Nebraska, and which is classified as Class I milk, the prices computed pursuant to § 1013.50 shall be reduced by 10 cents if such plant is located more than 80 miles, but not more than 160 miles, from such city hall, and by an additional 1.5 cents for each 10 miles, or fraction thereof, that such distance exceeds 160 miles.

5. Change § 1013.82 to read as follows:

§ 1013.82 *Location adjustments to producers.* In making payments pursuant to § 1013.80, for milk received from producers, the uniform price per hundredweight for milk received at plants located more than 80 miles, but not more than 160 miles, by shortest highway distance as determined by the market administrator, from the City Hall at North Platte, Nebraska, there shall be deducted 10 cents, plus 1.5 cents additional for each 10 miles, or fraction thereof, of distance beyond 160 miles.

Issued at Washington, D. C., this 18th day of October 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-8725; Filed, Oct. 22, 1957; 8:58 a. m.]

Agricultural Research Service

[7 CFR Part 301]

DOMESTIC QUARANTINE NOTICES

IMPORTED FIRE ANT

Notice of public hearing on quarantining Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas on account of the imported fire ant and notice of proposed rule making relating to such quarantine and supplemental regulations.

The Administrator of the Agricultural Research Service has information that infestations of the imported fire ant (Solenopsis saevissima richteri Forel), a dangerous insect not heretofore widely prevalent or distributed within and throughout the United States, have been discovered in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

It is therefore proposed, under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36; 71 Stat. 32, 33), to quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, and to restrict or prohibit the movement from said States, or from any locations therein designated as regulated, of products and articles that may spread such ants, and to regulate the movement of such ants, as is hereinafter more specifically stated.

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that a public hearing will be held before a representative of the Agricultural Research Service in the Riverview Room of the King Cotton Hotel, Jefferson at Front Street, Memphis, Tennessee, at

10 a. m., November 19, 1957, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service is considering issuing a notice of quarantine and regulations to read substantially as follows if it is determined, after hearing, that the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas should be quarantined as proposed:

SUBPART—IMPORTED FIRE ANT

QUARANTINE

Sec.
301.81 Notice of quarantine.

REGULATIONS

301.81-1 Definitions.
301.81-2 Designation of regulated area.
301.81-3 Imported fire ant; conditions of movement.
301.81-4 Other regulated articles; conditions of movement.
301.81-5 Use of certificates or limited permits with shipments.
301.81-6 Protecting certified articles.
301.81-7 Conditions governing the issuance of certificates and limited permits.
301.81-8 Assembly of articles for inspection.
301.81-9 Cancellation of certificates or limited permits.
301.81-10 Inspection and disposal.
301.81-11 Nonliability of Department.

SUBPART—IMPORTED FIRE ANT

QUARANTINE

§ 301.81 *Notice of quarantine.* Under the authority conferred by sections 8 and 9 of the Plant Quarantine Act, as amended, (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85-36, 71 Stat. 32, 33), and after public hearing, it has been determined that it is necessary to quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, to prevent the spread of the imported fire ant, a dangerous insect not heretofore widely prevalent or distributed within and throughout the United States, which is injurious to cultivated crops such as potatoes, peanuts, cabbage, egg plant and okra; to germinating seeds such as corn seed; to grass and other plants of pasture land; and to other plants; and regulations are hereinafter prescribed (§§ 301.81-1 to 301.81-11) governing the movement of the imported fire ant and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, from the quarantined States into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations as from time to time amended: (a) Soil, sand or gravel, separately or with other things; (b) balled and burlapped nursery stock; (c) forest, field or nursery-grown woody or herbaceous plants with soil attached; (d) plants in pots or containers; (e) grass sod; (f) forest products such as stump wood or timbers if soil is attached; and (g), unlimited by the foregoing, any other products or articles of any character whatsoever not within (a) through (f) when it is determined in accordance with the regulations that they present a hazard of spread of the imported fire ant. Moreover, movement of products and articles, designated above from a quarantined State, or portion thereof, into or through another quarantined State, or portion thereof, may be restricted or prohibited under the regulations. The requirements of this quarantine and the regulations in this subpart with respect to such products and articles shall be limited to the area in any quarantined State which may be designated as within the regulated area as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated area will be adequate to prevent the spread of the imported fire ant, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of live imported fire ants and the other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such area or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of imported fire ants within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products or articles to which the regulations apply, making it safe to modify, by making less stringent, the requirements contained in the regulations, except § 301.81-3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for all or such portion of such regulated area and for such products and articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected area. Under the Federal Plant Pest Act, no person shall knowingly move any imported fire ants in any living stage of development, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such imported fire ants so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.81-1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Imported fire ant.* The insect known as the imported fire ant (Solenopsis saevissima richteri Forel) in any stage of development.

(b) *Infestation.* The presence of the imported fire ant.

(c) *Regulated area.* The counties, parishes and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.81-2 as regulated area.

(d) *Eradication area.* That part of the regulated area where eradication may be undertaken as an objective, as designated in administrative instructions under § 301.81-2.

(e) *Generally infested area.* All of the regulated area, exclusive of the eradication area, designated in administrative instructions under § 301.81-2.

(f) *Regulated articles.* Imported fire ants, soil, and other products and articles of any character whatsoever, the movement of which is regulated by the imported fire ant quarantine (§ 301.81) and the regulations in §§ 301.81-1 through 301.81-11.

(g) *"Moved" ("movement," "move").* Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(h) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(i) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(j) *Limited permit.* A document authorizing the movement or regulated articles to a restricted destination for limited handling, utilization, or processing.

(k) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assemblying, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(l) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(m) *Inspector.* An inspector of the United States Department of Agriculture.

(n) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.81-2 *Designation of regulated area.* The Director of the Plant Pest Control Division, shall, from time to time, in administrative instructions promulgated by him, list the counties, parishes, and other minor civil divisions, or

parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions and parts thereof, as constituting the regulated area. Any civil division, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the imported fire ant therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as coming within the regulated area. The Director of the Plant Pest Control Division may, in said administrative instructions, divide the regulated area into an eradication area and a generally infested area.

§ 301.81–3 *Imported fire ant; conditions of movement.* Live imported fire ants may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District, and delivery of such imported fire ants so moving may be accepted, only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the imported fire ants when they are so moved.

§ 301.81–4 *Other regulated articles; conditions of movement*—(a) *Designated articles.* Unless exempted by administrative instructions, the following may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only if accompanied by a valid certificate or limited permit issued in compliance with § 301.81–7 and if the applicable requirements of §§ 301.81–5 and 301.81–6 are also met: Soil, sand or gravel, separately or with other things; balled and burlapped nursery stock; forest, field or nursery-grown woody or herbaceous plants with soil attached; plants in pots or containers; grass sod; and forest products such as stump wood or timbers if soil is attached. However, regulated articles of kinds within this paragraph which originate outside of the regulated area and are moving through or are being reshipped from the regulated area, may be moved from the regulated area and from the generally infested area into or through the eradication area, without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector and do not present a hazard of spread of the imported fire ant. Otherwise such regulated articles shall be subject to all applicable requirements under this suppart for articles originating in the regulated area.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with the imported fire ant, or any other reason, a hazard of spread of the ant is presented by any products or articles of any character whatsoever, not covered by paragraph (a) of this section or by § 301.81–3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated products and articles may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only after they have been cleaned, treated or otherwise disinfested to the satisfaction of the inspector or when they are moving under limited permit as required by the inspector.

§ 301.81–5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.81–4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.81–6 *Protecting certified articles.* Subsequent to certification as provided in § 301.81–7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.81–7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates.* Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.81–4 (a) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.81–4 to specified destinations for limited handling, utilization, or processing.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.81–8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.81–4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.81–9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the imported fire ant.

§ 301.81–10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with sections 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.81–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

The purpose of the proposed quarantine and regulations is to prevent the spread of the imported fire ant from the States where it is known to occur to other parts of the United States. The proposed regulations would provide methods whereby host material may be inspected and treated or otherwise made eligible for interstate movement from the regulated area. The regulations would also govern the interstate movement of live imported fire ants for scientific purposes.

All persons who desire to submit written data, views, or arguments in connection with the proposed quarantine and supplemental regulations should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., on or before November 19, 1957, or with the presiding officer at the hearing provided for above.

(Sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85–36, 71 Stat. 32, 33; 7 U. S. C. 162. Interprets or applies secs. 8 and 10, 37 Stat. 315, as amended, 7 U. S. C. 161, 164a; secs. 105 and 107, Pub. Law 85–36, 71 Stat. 32, 34)

Done at Washington, D. C., this 18th day of October 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57–8726; Filed, Oct. 22, 1957; 8:58 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

DOMESTIC BEET SUGAR AREA AND MAINLAND CANE SUGAR AREA

1958 SUGAR QUOTAS; NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information before me, I do hereby find that the allotment of the 1958 sugar quota for (a) the Domestic Beet Sugar Area and (b) the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that public hearings will be held at Washington, D. C., in Room 2W, Administration Building, of the Department of Agriculture, on November 4, 1957, beginning at 9:30 a. m., e. s. t. The hearing relative to the Domestic Beet Sugar Area will be held first. Immediately thereafter testimony will be heard relative to the Mainland Cane Sugar Area.

The preliminary findings made above are based on the best information now available. It will be appropriate to present evidence at the hearings on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings.

The purpose of such hearings is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota for each area which will enable persons who process sugar and liquid sugar from sugar beets or from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period January 1, 1958, to the date the Secretary prescribes a method for allotting the entire 1958 quota for each area on the basis of the record of other hearings to be held subsequently.

To avoid disorderly marketing by any allottee who might market early in 1958 a quantity of sugar larger than its allotment of the entire 1958 sugar quota for the applicable area, it is necessary to make allotments effective on January 1, 1958. Part of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1958 quota for each area for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding the identity of the alottees and consideration of the factors cited in section 205 (a) of the act pertinent to establishing allotments of a portion of the quota for each area to be in effect from January 1, 1958, until an order establishing the method for allotting the entire quota for the area for the calendar year 1958 is made effective.

At the hearing relating to each area, the Government witness will propose that for the period January 1, 1958, to the date an order is made effective based on a subsequent hearing that (a) for the Domestic Beet Sugar Area allotments totaling 1,600,000 short tons, raw value, of the 1958 quota be established on the basis of allotments of the 1957 quota for the area as established in Sugar Regulation 814.33, Amendment 2 (22 F. R. 8216) and (b) for the Mainland Cane Sugar Area, allotments totaling 450,000 short tons, raw value, be established on the basis of allotments of the 1957 quota for the area as established in Sugar Regulation 814.24, Amendment 2 (22 F. R. 4641). It will also be proposed that effect be given to changes in name, successions of interest and discontinuances of business recognized pursuant to paragraph (c) of Sugar Regulation 814.33, Amendment 2, and Sugar Regulation 814.24, Amendment 2, or provided for in the record of the hearing.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing for each area will be held early in 1958 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1958 quota applicable to the area for the calendar year 1958 under the provisions of the Sugar Act of 1948, as amended.

Issued this 17th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–8727; Filed, Oct. 22, 1957; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11279; FCC 57–1153]

RADIO BROADCAST SERVICES

SUBSCRIPTION TELEVISION SERVICE

In the matter of amendment of Part 3 of the Commission's rules and regulations (Radio Broadcast Services) to provide for Subscription Television Service.

Introduction. 1. The essential question before us in this proceding is whether television station licensees should be authorized to transmit programs whose reception by the public in intelligible form would require the payment of a charge.

2. Our standard of judgment is the broad statutory criterion of "the public interest". Our task is to determine whether the public interest would be served by authorizing this new kind of service.

3. In making our decision we are, at this stage, unaided by any meaningful demonstrations of the service in operation. Nor are there available to the Commission precise blueprints of the manner in which the operation would be conducted. The proponents indicate that it is difficult to elaborate further on the basic proposals already submitted until an announcement is made of the conditions under which subscription television operations would be permissible, thereby affording interested segments of the industry an opportunity to formulate specific plans, and negotiate detailed business arrangements and contracts which would govern the conduct of the operation. What is more, the need to adapt initial methods in the light of experience as it is progressively gained, is said to justify, and in fact necessitate, flexibility in the initial operations. Thus, in circumstances which offer no fixed guideposts either in past experience or in crystallized future plans, the Commission is called upon to rule on petitions to permit a service about which proponents and opponents have urged the most widely divergent views, in a debate which has necessarily been conducted more on the ground of potential implications of the service than on the basis of demonstrable facts.

4. Proponents, claiming large benefits to the public from the introduction of a broad new financial base and added programming resources into television broadcasting, urge the immediate, definitive authorization of subscription broadcasting by television stations, with a minimum of restricting conditions. Opponents, raising the spectre of a gravely impaired free television service, insist that the only proper course for the Commission is to forbid the service or to refer the question to Congress.

5. We believe the proper course for the Commission does not lie at either extreme. Having concluded that the Commission has jurisdiction in the matter, we can find little justification for either carte blanche authorization of the use of broadcast frequencies for an untried service of this kind or, on the other

hand, for refusal by the Commission to afford a suitable opportunity for subscription television to demonstrate its capacity to render a useful service; for the public to appraise its desirability and register its reaction—favorable or otherwise—to what that service may have to offer; and for the Commission to determine what legislative recommendations it may be desirable to submit to Congress concerning the appropriate methods for regulating the service, in the event a trial indicates it should be permitted on a continuing basis.

6. We are taking action at this time because this Commission is responsible, under both the Communications Act and the Administrative Procedure Act, for acting on the proposals before us, and in our opinion further delay in reaching our decision would not be consistent with our duties.

7. Our review of the record and a painstaking study of the numerous issues it presents have led us to the conclusion that our responsibilities can best be discharged by opening the way to the consideration of applications by television station licensees for authorization to conduct subscription television operations within the limitations laid down herein. Our decision in each case will be governed by whether the specific operation proposed meets the stated requirements and in our judgment would serve the objectives set out in this Report.

The present proceeding. 8. This proceeding was initiated by Notice of Proposed Rule Making adopted on February 10, 1955 (FCC 55–165) inviting interested parties to comment on questions of law, fact and public interest considerations which were raised by petitions requesting the Commission to authorize the transmission by television stations of programs in scrambled or encoded form, which could be received in intelligible form only by the use of decoders attached to the receivers and the payment of a charge. Two such petitions had been filed by the holders of patents for encoding processes: a revised petition filed November 29, 1954, by Zenith Radio Corporation and Teco, Inc. (replacing a petition previously filed by Zenith on February 25, 1952); and a petition filed September 14, 1954, by Skiatron Television, Inc. Other petitions requesting authorization of subscription television operations had been filed previously by a number of other petitioners—principally holders of construction permits for UHF television stations.[1]

9. The comments received in response to the foregoing Notice included proposals for the use of three systems of encoding and decoding signals and of imposing charges on a per-program basis:

[1] Home News Publishing Company, Pennsylvania Broadcasting Company, Stamford-Norwalk Television Company, Connecticut Radio Foundation, Inc., Eastern Broadcasting Corporation, Big Spring Broadcasting Company, Appalachian Company, Northwest Television Company, Matta Enterprises, Peoples Broadcasting Company, and Joseph Brenner.

Phonevision, proposed by Zenith Radio Corporation and Teco, Inc.

Subscriber-Vision, proposed by Skiatron Electronics and Television Company and Skiatron Television, Inc.

Telemeter, proposed by International Television Corporation.

Subsequently, during the week of September 15, 1957, the Commission was informed of two additional proposed methods of conducting subscription television operations:

Bi-Tran, proposed by Blonder-Tongue Laboratories, Inc.

Teleglobe, proposed by Teleglobe Pay-Television System, Inc.

10. In a Notice of Further Proceedings adopted May 23, 1957, the Commission announced its conclusion that it has the statutory authority under the Communications Act of 1934, as amended, to authorize the use of television broadcast freqencies for subscription television operations, if it finds that it would be in the public interest to do so; and invited interested parties to comment on the desirability of authorizing subscription television operations on a trial basis, with particular reference to a series of specific questions relating to the conditions under which it might be feasible to conduct meaningful, but suitably limited trial operations.

The proposals. 11. Phonevision, Subscriber-Vision and Telemeter each contemplates the encoding or scrambling of both the visual and aural portions of the programs. All three of these systems also require the use of a decoding device attached to the receiver. Phonevision and Subscriber-Vision contemplate periodic billings, while Telemeter would require the deposit of coins in a coin box associated with the decoder. All three systems provide, in different ways, for the dissemination to subscribers of the information needed to activate the decoder and for the recording of payments or charges.

12. Teleglobe calls for the conventional transmission, in the clear, of the visual portion of subscription television programs. The aural portion would be transmitted by wire and made available only to subscribing members of the public.

13. Bi-Tran envisages the simultaneous transmission, on a single television channel, of two programs, one of which could be made available as at present, without the payment of any charge, and the other of which could be subjected to a charge, if it were to be used for subscription television operations.

14. Phonevision, Telemeter and Subscriber-Vision have been sufficiently developed to permit experimental field testing and some demonstration of their technical capacities. The Commission does not have data indicating the field testing of the Teleglobe system which, in any case, employs relatively simple techniques for the separate transmission by wire of the aural portion of the program. The Commission does not have detailed information concerning the operation of the Bi-Tran system which, according to its sponsor, requires further development before reaching the operational stage.

15. Various terms such as "pay-as-you-see television", and "toll-television" have been popularly used to describe systems requiring the payment of charges for the intelligible reception of television programs. In this report we adhere to the term "subscription television" which has been employed in this proceeding to refer to all methods for the transmission of television programs by broadcast stations, for which a charge is imposed. Thus, except where the context indicates that reference is made to one or another of the individual systems which have been specifically proposed to the Commission, the term "subscription television" will be used in this Report to describe generally any system meeting the requirements stated herein, whether such system has already been proposed or is proposed hereafter.

16. The Commission is concerned here only with the transmission of subscription programs by broadcast stations, and the term "subscription television" as used here, excludes reference to methods which are under development for the transmission of programs by wire over closed circuits. Such systems, which do not call for the use of radio frequencies, are not within the scope of this proceeding.

The parties. 17. Detailed comments favoring the authorization of subscription television operations by broadcast stations have been filed by proponents of the Phonevision, Telemeter and Subscriber-Vision systems. Favorable action by the Commission has also been urged in a number of briefer comments filed by television stations and organizations.

18. Parties opposed include the ABC, CBS, and NBC television networks, the National Association of Radio and Television Broadcasters, the Joint Committee on Toll Television (said to represent 75 percent of the motion picture exhibitors in this country), and a number of television stations and organizations.

19. In addition to the foregoing formal comments, letters, resolutions and post cards have been received from over 25,000 members of the public and educational, civic and other organizations and groups.

Questions of law. 20. Several of the parties have submitted helpful briefs on the threshold question of whether under present law the Commission possesses the requisite statutory authority to authorize the use of television frequencies for subscription television operations. In our Notice of Further Proceedings of May 23, 1957, we announced our conclusion that the Commission has the statutory authority to do so if it finds that such action would be in the public interest. That conclusion was reached after a painstaking review of the briefs submitted in this proceeding and additional research by the Commission staff. The basis for the conclusion that the Commission has the requisite statutory authority may be briefly summarized as follows.

The statute. 21. The Communications Act of 1934, like the Radio Act of 1927, defines the regulatory authority conferred on the Commission in broad terms. In the excerpts quoted below the underscoring is added, and indicates the language which we think is particularly relevant. Section 301, for example, states:

> It is the purpose of this act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmissions; and *to provide for the use of such channels,* but not the ownership thereof, by persons for limited periods of time *under licenses granted by Federal authority.*

22. Section 303, in relevant part, empowers and directs the Commission "as public convenience, interest, or necessity requires" to:

> (a) Classify radio stations;
> (b) *Prescribe the nature of the service to be rendered by each class of licensed stations* and each station within any class;
> (c) Assign bands of frequencies to the various classes of stations, and assign frequencies for each individual station and determine the power which each station shall use and the time during which it may operate;
> (d) Determine the location of classes of stations or individual stations;
> (e) *Regulate the kind of apparatus to be used* with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;
> (f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act • • •;
> (g) *Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest.*

Section 307 (a) provides:

> The Commission, if public convenience, interest, or necessity will be served thereby subject to the limitations of this Act, shall grant to any applicant therefor a station license provided by this Act.

23. As in the case of numerous other types of services which have been authorized by the Commission, the statute makes no specific mention of subscription television which can be construed as a direct authorization or prohibition of such a service. It was not possible when the legislation was enacted, any more than it is now, to foresee all possible developments in the use of the radio spectrum. From the beginning all phases of radio have undergone continual development and change, spurred by the inventiveness of a dynamic industry. Manifestly this fact was fully recognized by Congress and explains the latitude of the licensing powers the Commission was authorized and directed to exercise in conformity with the basic standards and specific requirements laid down in the act.

24. It is in the light of these circumstances that we find that the provisions of section 303 (g), quoted above, have particular relevance not only to the jurisdictional question, but also to the question of the appropriateness of the action we are taking herein looking toward a trial of subscription television.

25. The broad licensing powers of the Commission deriving from the foregoing excerpts from the Communications Act are qualified in certain respects by specific limitations legislated in express provisions of the law. For example, section 310 (a) provides, in part, that station licenses shall not be granted to or held by aliens, foreign governments, or corporations organized under the law of any foreign government. Section 311 prohibits the grant of a station license to any person whose license has been revoked by a Court under section 313, relating to application of anti-trust laws to Commission licensees. Section 315 lays down the familiar requirements of equal opportunities in the use of broadcast facilities by candidates for public office. Section 317 requires that all matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person. Section 325 (a) prohibits broadcasting stations from rebroadcasting programs of other broadcasting stations without express authority from the originating stations. Section 325 (b) requires that prior authorization be obtained from the Commission for transmission of programs from a broadcast studio located in the United States to a station located in a foreign country for broadcasting from such foreign station if broadcasts from the foreign station may be consistently received in the United States. Section 326 prohibits censorship by the Commission of any radio communications, including broadcasts.

26. The foregoing examples illustrate the Congressional practice of legislating in specific terms the limitations Congress desired to impose on the Commission's general power to license the use of radio frequencies. Apart from such specific limitations as the foregoing, Congress has laid down the general requirement that as a condition to the issuance of licenses authorizing the use of radio frequencies, the Commission determine that the public interest, convenience or necessity would be served thereby. Thus, the authorization of subscription television would be subject to the requirement of such a finding. There appears to be no other language in the statute suggesting Congressional intent to limit further or to prohibit authorization by the Commission of subscription radio or television operations.

27. A question has been raised as to whether authorization of subscription television would be consistent with that portion of section 1 defining the general purposes of the act which states, in relevant part, that the Federal Communications Commission is created "For the purpose of regulating inter-state and foreign commerce in communication by wire and radio so as to make available, as far as possible, to all the people of the United States a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges • • •" This language, and the definition of "broadcasting" in section 3 (o) of the act—"• • • the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations"—have been relied on in support of an argument to the effect that the act did not contemplate or permit, and in fact bars authorization by the Commission of a program service, by broadcast stations, which would be available only to such members of the public as were able and willing to pay a charge. We believe, however, that such a construction cannot reasonably be made of these excerpts. Section 1 states the general purposes of the act in broad terms. The reference to "all the people of the United States" does not, for example, preclude licensing the use of radio frequencies for the safety and special radio services. Frequencies so allocated are not available to all the people of the United States. While the words "at reasonable charges" evidently refer to the Commission's regulation of rates charged by common carriers for message communications, and does not, presumably, refer to charges for programs disseminated over broadcast stations, it may be noted that this express reference to charges is unaccompanied by any prohibitive language concerning charges for programs transmitted by broadcast stations.

28. Nor do we agree with the argument put forward by some parties that the above quoted definition of "broadcasting" in section 3 (o) per se bars the authorization of subscription broadcasting. The evident intention of any station transmitting subscription programs would be to make them available to all members of the public within range of the station. In any event, the question of whether the imposition of a charge would take subscription programs out of the scope of "radio communications intended to be received by the public" is not controlling, since we may authorize the use of broadcast frequencies for a nonbroadcast service. An example is furnished by our authorization of the use of FM radio frequencies for the simplex or multiplex transmission of functional music programs by FM stations to subscribers to this nonbroadcast service.

29. We think, moreover, that it is not reasonable to infer Congressional intent to prohibit charges for the reception of programs transmitted by broadcast stations, from language which makes no express reference to the question, and which in our opinion could be so construed only on a strained interpretation. Such a construction of the statute seems to us especially unwarranted in view of the fact that in the several respects, mentioned above, in which Congress decided to impose specific limitations on the broadly defined licensing powers of the Commission, it did so in express, explicit language.

Legislative history. 30. In analyzing the jurisdictional question, it is appropriate to refer to legislative history. No enlightenment on the question has been found in the Congressional debates and reports relating to the adoption of the Communications Act of 1934, which as already noted, substantially reenacted much of the substance of the provisions of the Radio Act of 1927 relating to the regulation of radio. There was, however, some mention of the question of possible charges for radio broadcasts during the debates on the Radio Act of

1927. In addition, certain actions were taken which had a bearing on the question of charges for radio broadcasts.

31. The legislative history of the Radio Act of 1927 has been variously interpreted in relation to jurisdictional questions under consideration here. Parties who contend that the FCC lacks the requisite jurisdiction, as well as parties who have argued that it exists, have drawn on portions of the legislative history to support their views. The legislative history of the act does not offer uncontradicted support to either view. We believe, however, that to the limited extent of the indications it offers as to Congressional intent on the question, the legislative history gives appreciably more support to a conclusion that the Commission has the statutory power to authorize subscription television, than to the contrary view.

32. When Congress debated the legislation which emerged as the Radio Act of 1927, the practice of "free" broadcasting had become established and was universally followed. This had not, however, resulted from any legislative requirement. It was the way radio broadcasting grew up. The Secretary of Commerce—the predecessor licensing authority—was not limited to issuing broadcast licenses only to licensees proposing free broadcasts. The practice of free broadcasting resulted from what at that stage was the voluntary choice of the industry. The question here is whether under the Radio Act of 1927 and subsequent legislation that voluntary practice became mandatory. We think it did not.

33. On several occasions, Senator Dill, sponsor of the Senate Bill and Chairman of the Conference Committee which reported the legislation, in response to questions on the subject, made statements on the record which clearly indicated that he understood the proposed legislation as not prohibiting the authorization of subscription broadcasting.[1] Other legislators including Senators Pittman, Walsh, and Copeland and Representative Davis similarly expressed the belief that the proposed legislation would permit authorizing broadcasters to transmit programs for the reception of which a charge could be imposed.[2] At least one legislator, however, (then Representative White of Maine) stated his belief that "The legislation gives no such authority * * *".[3]

34. In interpreting the legislative history we do not rely exclusively on the preponderance of the views of legislators who referred expressly to the matter, that the legislation would permit the authorization of subscription broadcasting. Apart from official utterances on the subject several actions were taken which lend support to a conclusion that Congress did not intend to make "free" broadcasting mandatory. The inference is unmistakable in two cases, and the third is consistent with this interpretation.

[1] For example see 68 Congressional Record 2880–2881 and 3033.

[2] 68 Congressional Record 2576–77, 3033, 8257, 4109–4111.

[3] 68 Congressional Record 2580.

35. While the Senate Bill was pending an amendment was introduced and adopted authorizing the Commission to control charges to listeners. There could be little doubt that this action was predicated on the assumption that the Bill at least permitted authorization by the Commission of subscription broadcasting.

36. In the House of Representatives, Representative Bloom introduced a bill which would prohibit a charge to radio listeners. It is reasonable to assume that this action reflected an assumption on Representative Bloom's part that the legislation as it then stood did not bar Commission authorization of subscription broadcasting. This Bill died in Committee.

37. The third action in question was the striking by the Conference Committee of the Senate amendment which would have authorized the Commission to control charges to listeners. Whether this action reflected an intention to leave charges to the discretion of licensees or whether, as has been contended, it was based upon an assumption that such charges would in any case be subject to the jurisdiction of the Interstate Commerce Commission, the action itself is entirely consistent without interpretation of the statute.

38. In our effort to arrive at a reasonable and proper interpretation of the legislative history we have not failed to consider the fact that, despite the foregoing utterances and actions supporting a conclusion that jurisdiction exists, there were apparently no active industry proposals at that time for subscription broadcasting, and that Congress as a whole concentrated its attention primarily on the regulation of the broadcast industry in the context of the then universal practice of "free" broadcasting. We do not agree, however, that these circumstances support the conclusion that the licensing authority of the Commission was confined to authorizing broadcast operations according to the then current practice. At least some consideration was given the question by a number of legislators, and the actions referred to above were presumably premised upon the understanding that the legislation as proposed, and as finally adopted, left the question within the discretion of the Commission, subject to the basic requirements of the law, including the requisite finding that the public interest would be served by any authorization to use radio frequencies.

39. We have mentioned that the question of subscription broadcasting received little attention when the Federal Communications Act of 1934, superseding the Radio Act of 1927, was enacted. The fact that this is explainable by the absence of any change in 1934 in the still universal practice of "free" broadcasting hardly adds weight to a contention that the Communications Act barred subscription broadcasting any more than did the predecessor act.

40. In recent years, a number of bills have been introduced in Congress to prohibit subscription broadcasting. None of these bills has been reported out of Committee. As in the case of the first bill of this kind, introduced by Congressman Bloom, their introduction would appear to reflect an assumption on the part of the sponsors that in the absence of specific prohibition, the Commission is not clearly barred under the present statute from authorizing subscription broadcasting.

Classification of subscription television under the Communications Act of 1934, as amended. 41. The Radio Act of 1927 contained no definition of broadcasting. The Communications Act of 1934, as amended, in section 3 (o) defines "broadcasting" as "the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations." Section 3 (h) of the Act defines "common carrier" or "carrier" as:

> * * * any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this act; *but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.* [Italics added.]

Thus, under the statute, broadcasting and common carrier services are mutually exclusive classifications. However, while a service authorized by the Commission cannot at the same time be classified as both broadcasting and common carrier, it does not follow that all services which may be authorized by the Commission must be classifiable as either one or the other. There is no question as to the Commission's authority to authorize the use of radio frequencies for numerous kinds of services which are neither broadcast services nor common carrier services. The safety and special radio services abound in examples, including the use of radio for aviation and marine navigation, and by industrial firms, fire and police departments, taxis, and many other non-broadcast users.

42. Nor, in our opinion, does the fact that selected frequencies have been allocated primarily for broadcast uses bar our authorization of the use of such frequencies for non-broadcast purposes. Thus, as we have already stated, we believe that the question of whether subscription television as proposed on this record is or is not properly classifiable as "broadcasting" under the definition in section 3 (o) of the Communications Act is not controlling as to whether the Commission has the statutory power to authorize the use of television channels for a subscription TV service.

43. In these circumstances we find it unnecessary, and for the reasons stated below, undesirable, to decide at this stage the proper classification of subscription television under the Communications Act. We may observe that there would appear to be little basis for classifying the proposed kind of service as a common carrier service within the meaning of section 3 (h). As for the question of whether subscription television is properly classifiable as broadcasting or not, we believe that the additional information which can be expected to be produced by trial experience will furnish a better basis on which to determine the answer to this question. It may be that trial experience would suggest the desirability of creating an entirely new service classification and of subjecting such a service to controls differing in some respects from those available now with respect to broadcast services. We therefore conclude that it would be preferable to defer at this time a decision concerning whether subscription television is properly classifiable under section 3 (o) of the Communications Act.

44. We believe, however, that certain of the requirements imposed upon holders of broadcast licenses should be met by any licensees authorized to conduct trial subscription television operations. These requirements are, accordingly, included below among the conditions which the Commission is establishing for the conduct of trial subscription television operations.

Other questions of law. 45. We defer also decisions on the remaining two "Questions of Law" posed in the Notice of Proposed Rule Making of February 10, 1955. The question as to suitable amendments to the Communications Act cannot, we believe, be intelligently answered until we have the benefit of examining the results of a trial operation. We have stated that in our opinion the Commission has the power to authorize subscription television operations. For the reasons discussed below, we make the further finding that it would be in the public interest to exercise this power to the extent of the action we are taking herein concerning trial operations.

46. As for the final Question of Law under the original Notice, we do not find it necessary or desirable at this stage to amend any of the existing rules, since the action contemplated in this Report does not envisage the definitive establishment of a new service, but merely a trial, under suitably limited conditions. This, we think, can more properly be accomplished by waiving such rules as now preclude the filing of applications for, and the conduct of, operations involving the scrambling of signals transmitted by television stations, or the use of any other acceptable technique which may be proposed for imposing a charge for television programs.

Public interest considerations. 47. The central issue on which the voluminous comments filed in this proceeding have been concentrated is whether subscription television would provide a beneficial supplement to the program choices now available to the public and an increase of financial resources which would facilitate significant increases in the numbers of services available to the public under the present system; or whether it would seriously impair the capacity of the present system to continue to provide advertiser-financed programming of the present or foreseeable quantity and quality, free of direct charge to the public. The case is argued with great force on both sides. As we have already indicated in the introduction of this report, it is particularly difficult, without the benefit of any significant demonstration of the proposed systems in operation, to reach final conclusions concerning the validity of the arguments made on either side.

48. Insofar as a judgment can be made on the present record, the Commission believes that in some respects the claims of proponents and opponents alike are not free from exaggeration. Proponents, for example, have tended to stress the capacity of subscription television to bring to the public new kinds of programming hitherto unavailable or available on a very limited basis. In support of this argument proponents refer to the incentive to the advertiser to concentrate his support on programs of wide general interest. They allege that subscriber financed broadcasts could and would provide a wider choice to members of the public interested in the fine arts, operas, educational and informative material and other similar kinds of programs.

49. As against this picture of greatly enhanced variety of programs, the opponents insist that the incentive to offer programs of the widest popular appeal would be if anything greater in subscription television. Time availabilities, it is claimed, which could yield substantially greater returns for programs of wider popular appeal would not be sacrificed to any appreciable extent for the transmission of programs which may be expected to attract such smaller audiences.

50. Opponents do not, however, stop here, but urge insistently that subscription television would eventually oblige the public to pay for the very same kinds of programs it now receives free. To an extent, information available up to the present gives some indication that some kinds of programs hitherto available under the present system would probably be subjected to a charge on the viewer. Negotiations looking toward the imposition of a charge for viewing some baseball games are a matter of public knowledge. The fact that the negotiations contemplate the transmission of the games by wire over closed circuit does not alter their significance in this respect. Motion pictures are currently offered to home viewers over a trial closed circuit transmission system. These include not only first run feature films, but also second run films. Thus it would be difficult to demonstrate with certainty that a system of on-the-air subscription television would in no case take over films which might overwise be made available for free broadcasting. On the other hand, first run feature films have not, with rare exceptions, been made available for television broadcasting. Nor is there any indication that they are likely to become available in the foreseeable future for free broadcasting. Thus, to the extent that first run films might become a substantial feature of on-the-air transmissions they would provide a kind of entertainment not now generally available to the television audience.

51. It is not possible, however, without a demonstration of the service in operation, to determine reliably where the practical realities lie—in the glowing prospects pictured by proponents, with the alarms raised by the opponents, or somewhere between these extremes.

52. Perhaps the most critical question which has been raised is whether subscription television would gravely impair the free television service which it now provides to the public. The argument is that because of the potentially higher returns from subscription television, program producers, sports promoters, talent, writers, directors and station outlets would migrate to a disastrous degree away from the present system over to subscription television. The reduced audiences would, it is argued, oblige advertising sponsors to reduce the levels of their financial support to free television and this, it is said, would in turn frustrate any possible effort to continue to provide a free television service anywhere near the present quantity or quality.

53. Impressively as this fear has been argued, and recognizing the limited support it receives from the developments noted above in the closed circuit television field, we have been unable to reach the conclusion that it provides convincing support for denial of any opportunity for this novel service to demonstrate its potential contribution to the public interest.

54. An important factor—the degree of acceptance and support which the new service might be able to obtain from members of the public in a position to make a free choice—could be reasonably tested in suitably limited trial demonstrations. We think it is neither necessary nor desirable that decisions upon which this factor and other important factors have an immediate bearing, should be made on the unsatisfactory basis of speculation and conjecture which, with few exceptions, is the only ground available in support of the argument that even a limited trial would disserve the public.

55. We are especially hesitant to adopt the theory apparently underlying arguments made by some of the opponents of subscription television that advertiser-financed television, which has accomplished such impressive growth during its short existence, can continue to render its valuable public service only if protected against competition from the proposed new service. While it would seem reasonable to suppose that subscription television, as a new competitor for audience, would exert some competitive impact on the present system, we are unable to conclude on the basis of information available to us that competition would inevitably result in such a serious impairment of the present service as has been so forcefully argued by the opponents. In any event, there is certainly no basis for believing that such grave impairment could occur within the relatively brief period of the proposed three year trial of subscription television.

56. Even the opponents argue that a trial would not unleash the detrimental forces they predict for a fully established subscription television service. We cannot, however, agree with their further contention that a trial would not even disclose the nature or potential extent of those forces. While a trial may not be expected to give, in itself, a complete demonstration of the effects of a subse-

quently expanded subscription television service—should it be found desirable later to authorize it—it could, nevertheless, provide useful information concerning what subscription television can offer, how the public responds to what is offered, how the service would operate in practice, what, if any abuses require curbing, whether it imposes a genuine threat to the free service (as distinguished from a challenge to that service to meet fresh competition of a new kind) what legislative and administrative safeguards would be desirable and effective, and a host of other important questions, such as the desirability of standardizing the equipment used, on which a largely argumentative record affords inadequate basis for final conclusions and decisions at this time.

57. This is not to say that the potential disadvantages or abuses of the new kind of service which has been proposed could justifiably be ignored, even during a trial period. All the arguments which have been so forcefully advanced concerning the potential harm in the new service have been most carefully considered by the Commission in establishing the limitations and conditions within which we believe it would be in the public interest to permit the conduct of trial operations. Bearing in mind the importance of avoiding unnecessary constriction on trial operations which are intended to provide an opportunity for the service to demonstrate its potential, with reasonable flexibility to work out patterns which have yet to be evolved in practice, we have at the same time endeavored to establish requirements which in our considered opinion would minimize the possibility for abusive or harmful practices during a trial period.

58. We have, moreover, reserved our ultimate judgment, which we believe can be made only in the light of the trial experience, as to whether the public interest would be served by the definitive establishment, after trial, of a subscription television service employing TV broadcast channels.

59. Opponents of subscription television have charged that the conduct of subscription television operations on the lines proposed in this proceeding would permit or foster monopolistic control of the medium. It is pointed out, for example, that a sole franchise holder in an individual community of a system employed exclusively in the local community for the encoding and decoding of subscription television programs might become the sole medium of channeling of subscription programs into the community. This, it is argued, would enable the franchise holder, and through him the persons controlling patents on the equipment, to control the program availabilities, determine the terms of services to the subscribers and otherwise control the operation without competition from any other persons performing similar services locally. It is also argued that any system which by virtue of nation-wide standardization by the Commission, or otherwise, established a nation-wide network of local outlets, may gain monopolistic control over provision of subscription television service for the public in all the communities where that system was exclusively used for subscription television operations.

60. As already noted, however, three systems which appear to meet the technical requirements prescribed herein have already been proposed, and very recently information has been submitted indicating the possibility of developing at least two additional technical methods of conducting subscription television operations. The conditions laid down herein for trial operations permit the use of any system or systems which meet the necessary technical requirements, such as non-interference to other users of radio frequencies. We neither limit each trial community to a single system nor to a single participating station. This opens the way to competitive efforts by the sponsors of all qualifying systems. Whether this will result in the simultaneous operation of competing systems within individual communities during a trial period remains to be seen. And whether (in the case a subscription television service were definitely established after a trial period) operations would eventually be confined to a single system, locally or nationally, either as a result of natural economic forces or through standardization by the Commission, we do not believe that these possibilities preclude a finding that trial operations, with ultimate decision reserved, would be against the public interest.

61. It is superfluous to say that the Commission favors competition in the conduct of subscription television operations. The conditions set out herein for trial operations have been carefully determined with that objective in view. A trial conducted under these conditions would, we believe, provide useful indication of the extent to which it is possible to create and maintain competition in all phases of subscription television operations: among program producers and distributors, among manufacturers and distributors of equipment, and among stations, to name several. Should a trial disclose that competition among several systems is not feasible, or that the need for standardization of equipment precludes it, there would be ample opportunity, after trial data are available, for deciding whether the continuation of such a service should be prohibited as contrary to the public interest, or whether its continuation and expansion should be governed by new regulatory controls furnished if need be by amendments to the present statute.

62. Our decision respecting trial operations has been reached only after the most careful consideration of all arguments made by parties who foresee dangers of monopolistic control of subscription television. We recognize fully the crucial importance of these questions. But it is one thing for opponents to assert that the service would be adverse to the public interest because of monopolistic potentials they perceive in a new, untried service. It is quite another for the Commission to decide that we should not permit even its trial—despite our duty "to study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest"[5] because it is possible to foresee circumstances under which monopoly could possibly develop. Neither are we persuaded that such a result is inevitable, nor do we think that if monopolistic dangers or potentialities were disclosed during a trial, they would lie beyond the authority or the capacity of the Government to correct or prevent. This aspect of trial operations is one to which we will give the closest attention as actual experience proceeds and furnishes a sound basis for judgment.

Conditions of trial operations; scope of trial operations. 63. As we have stated previously, we think that a trial should neither be so limited as to preclude meaningful results, nor so extensive as to constitute the virtual establishment of a service about which final decisions on a number of important points must be reserved until later. We think both these considerations will be reasonably met if each subscription television system (qualifying under paragraph 72) be permitted a trial in no more than three markets (meeting the requirements of paragraph 69). We have accordingly decided to observe the limit of three markets for any single system, during the trial period.

Trial cities. 64. We have concluded that it would be desirable for any trial subscription television operations which may be authorized hereunder to be conducted in markets with sufficient numbers of stations to permit the continued availability of substantial amounts of free program services and the maximum opportunities for competition both within the local subscription television service, and between that service and the present free service. For these reasons, we have decided to limit authorizations at this stage to stations in cities with at least four commercial television services (including the applicant's station). There are over 20 markets meeting the specific requirements stated below, thus affording a reasonable range of choice and some diversity of size and conditions adequate for a meaningful trial.

65. It may be argued that this limitation to cities with at least four services would preclude experience indicative of the effects of subscription television if it were ultimately authorized in markets with fewer than four television services. We believe, however, that a trial on the basis contemplated herein would afford ample opportunity, during a three-year period, to obtain significant and reliable data which would shed useful light on the probable effects of a subsequent broadening of the service to markets excluded during the initial trial period. Such matters, for example, as public reaction, and the extent to which subscription television would be capable of diverting audience (and, indirectly support) from free television would, we think, be sufficiently disclosed in the designated markets to facilitate a judgment of the probable effect of extending the service later into other types of markets.

[5] Communications Act of 1934, as amended, section 303 (g).

66. It would be necessary, of course, in evaluating the experience gained in the trials contemplated hereunder, to avoid the error of an undiscriminating projection of results obtained under one set of conditions, into markets where different conditions prevail. But the very evident need for care in this regard does not strip the trial of the usefulness we believe it would have as a basis for appraising the potentials of the service in other types of circumstances. Not only the judgment of the public but other important factors as well can, we think, be helpfully disclosed under the trial conditions set out herein. These include the modus operandi of the service, the technical performance of the systems, the methods to be employed, the nature of the programs offered, the role of participating broadcast station licensees, the important questions which have been raised by opponents concerning possible monopolistic features of a subscription service, and other factors bearing on the public interest, about which little more is available now than arguments based to a large extent on unsupported and highly contradictory claims about an untried service.

67. It would be premature, moreover, to decide at this stage whether or not, and if so, in what circumstances it may be found in the public interest, after initial trials, to authorize subscription television operations in cities served by fewer than four television stations. If, as the proponents have urged, this new service would provide the financial support and added program resources and audience needed to permit the construction of additional stations, the new service might well result eventually in overcoming the present obstacles to the use of many idle channel assignments—particularly in the UHF band. If this were the case, and numbers of markets limited now to two or three outlets could find requisite support for additional stations on currently unused channels, the spread of a subscription television service would not necessitate crowding a dual free and subscription television service into the already scarce time availabilities on the two or three stations now operating in such markets. These are additional reasons why we are not persuaded that a trial limited at this stage to markets with at least four services would fail to have relevance to the situation in other areas where there are at present fewer than four services.

68. The single station markets offer more difficulty, but industry statistics indicate that over 75 percent of all the present television homes are already within the range of two stations, and in a great many cases additional channels are available in places where only one service is now available.

69. It is neither necessary nor desirable to confine trial operations to cities to which four or more operating stations are directly assigned. The objectives stated in paragraph 64 can, we think, be met by limiting authorizations hereunder to stations whose principal city is within the Grade A contours of at least four commercial television stations, whether they are assigned to the same city as the applicant, or to other nearby cities.

Eligibility of both VHF and UHF stations. 70. Some parties have suggested that the authorization to conduct subscription television operations be confined exclusively, or principally to UHF stations. Skiatron, however, the original proponent of this policy, withdrew it in recently filed comments. We would welcome any possibilities for enhancing the opportunities for increased use of the UHF television channels. After careful analysis of this proposal we have concluded, however, that at this stage, confining the trial of the proposed new service to UHF stations would create needless complications without significant benefits to UHF broadcasting as a whole.

71. Limited trial operations in a few cities during the initial three-year period of a subscription service could hardly contribute significantly toward a solution of the nationwide UHF problem. We think it possible, on the other hand, that if subscription television successfully demonstrated a capacity to make a desirable contribution to the television service, it might well provide fresh impetus to the utilization of many of the now idle UHF channels. Thus, while we think no useful purpose could be realistically served by confining trial subscription television operations to the UHF band, the possibility that subscription television may in the longer run contribute significantly toward wider utilization of the UHF channels underscores the desirability of affording an opportunity for the new service to demonstrate its potential value on a trial basis.

Applications. 72. Applications for authorization to conduct subscription television operations in accordance with all conditions set out herein will be accepted from any holder of a construction permit or license for a television station and any person who has filed or simultaneously files an application on Form No. 301 for a construction permit for a television station, who requests the waiver of such rules as now preclude subscription television operations. The citation of specific rules will not be necessary.

Systems. 73. Applicants for authorizations to conduct subscription operations may propose the use of any technical method of encoding and decoding of video or audio signals, or of otherwise establishing the means of imposing a charge for the intelligible reception of programs, which meets the following requirements:

(a) The operation must not cause interference either within or without the frequency employed, to any greater extent than is permissible under the present rules and standards of the Commission.

(b) The operation must not cause perceptible degradation in the quality of video or audio signals on any receivers during either a subscription program or a non-subscription program.

Non-exclusivity. 74. We do not believe that it would be in the public interest to authorize subscription television operations in circumstances under which any individual station acquired contractual or other rights to serve as the exclusive subscription television outlet in the local area, or in which competing subscription television systems were barred from operation in an area in which a trial of one system is permitted hereunder. Accordingly, applicants hereunder are required to file, with their applications, a contract between the applicant and any local subscription television franchise holder or any other person participating in the local trial operation, in which it is provided that the franchise holder or such other contracting party as may be appropriate in the circumstances, will, upon request of the licensee of any other television station serving the local area, participate with such other station licensee or licensees in local subscription television operations under the same terms and conditions as are set out in the contract with the applicant station.

75. It is also required that such contracts provide that nothing therein shall be understood to preclude any station licensee with whom the community franchise holder or other appropriate party has entered into agreements or arrangements for the conduct of subscription television operations using a particular system, from transmitting subscription programs for which any other system would be employed.

76. While we do not prescribe the precise language of the foregoing required contractual provisions, they must be so couched as to permit any station contracting to transmit subscription programs under one system to transmit programs of other system, if so authorized by the Commission. Thus, more than one station will be free to participate in the trial operation of any individual system, more than one system will have an opportunity to be tried in the community, and any single station will have an opportunity if it desires and obtains the requisite authorization, to transmit subscription television programs under more than one system.

Public service responsibilty of station licensees. 77. We think it important that station licensees retain the freedom of decision necessary to the discharge of their responsibilty to program their stations in the public interest. To this end, it is required that contracts between applicants and community franchise holders or other appropriate persons provide expressly that the licensee may reject any subscription television programs which he considers unsuitable, and will schedule the hours of transmission of subscription programs in such manner as he deems desirable in the discharge of his public service responsibility as the licensee of a television broadcast station.

78. The discharge of a station licensee's responsibility to program his station in the public interest cannot, however, be fully achieved merely by the exercise of the discretion, covered in the previous paragraph, to reject unsuitable programs, or to control the scheduling

of such programs as are transmitted. We think that in order for a broadcaster to retain the full freedom of discretion necessary to enable him to discharge his public service responsibilities, he must also be in a position to make a free choice among programs, whatever their source, which may become available for use, and which he may find it would be in the public interest to transmit over his station. We will examine closely all aspects of the proposed operation and all operating agreements to which the applicant station licensee is a party, with a view to determining whether the applicant station has retained such freedom.

79. We believe also that the transmission facilities of a broadcast station licensee should not be made available for a charge unless the station licensee participates in a determination of the amount of the charges to be imposed upon subscribers for the reception of programs. We recognize that other persons participating in the operation, who may have substantial investments at stake, will have a natural interest in the levels of such program charges. We think, however, that the licensee of the station transmitting the programs should be insured an opportunity to participate in the determination of the charges. It would seem reasonable to anticipate that in normal circumstances the station licensee and other parties participating in the operation would have little difficulty in reaching agreement as to the appropriate charge. We believe, however, that the station licensee, who will be transmitting the program over frequencies owned by the public, and whose license to use those frequencies imposes on him a clear public service responsibility, should retain the right of ultimate decision concerning the maximum amount of program charges in the event the station licensee and the other participants in the operation are unable to agree concerning the appropriate amount. The reservation of this right must be provided for in agreements between applicant licensees and any other person participating in the determination of program charges.

Commencement of operation. 80. The transmission of subscription programs must commence no later than six months from the date the authorization is granted unless for good cause shown the Commission, in its discretion, extends the date for the commencement of subscription programming.

Period of trial. 81. Authorizations granted hereunder will permit trial operations for three years from the date the transmission of subscription programs commences, subject to renewal of the regular station license, if it expires prior to the end of such three year period. While we are not at this time designating any fixed date after which additional applications for trial subscription television operations would no longer be accepted, it would not be appropriate for the purposes of the trial contemplated herein to continue to process such applications indefinitely. It is desirable that the several individual trial operations be conducted during the same general period, although not necessarily precisely within the same fixed dates. Some flexibility is desirable, not only with respect to the commencement of operation in different cities of the three systems which have already been proposed, but also with respect to any additional systems which may seek an opportunity for trial, but which may not be ready for a start as quickly as the others. In these circumstances the Commission will take such action as it may deem appropriate on any applications for trial operations which may be filed after dates are fixed for three year trials under such authorizations as may be initially granted hereunder. Depending on the timing and other circumstances, it may be appropriate to grant such additional authorizations only for the remainder of the three year period already established.

82. Authorizations granted hereunder will be subject to suspension upon notice to the grantee by the Commission that the requirements of paragraph 73 (a) hereof concerning electrical interference are not being complied with; such suspension to remain in effect until provision is made, satisfactory to the Commission, for compliance therewith.

83. Authorizations granted hereunder may be revoked or modified prior to the expiration of the three year period stated above if in the judgment of the Commission such action is required in the public interest. No order of revocation or modification shall become final until the grantee shall have been notified in writing of the proposed action and the reasons therefor, and shall have been afforded an opportunity to show cause, in writing, within thirty days, why such action should not be ordered. Grantees to whom notices to show cause are issued hereunder may request oral argument or evidentiary hearings. In such cases the Commission will designate for oral argument or evidentiary hearing, as the case may be, such issues, proposed by the grantee or the Commission, as the Commission may find appropriate.

Renewal of authorizations. 84. The question of whether the trial experience will afford a basis for a finding that the public interest would be served by authorizing subscription television operations on some extended or permanent basis, and if so under what conditions, and the related questions of whether the trial experience will disclose the need for additional legislation, and if so of what nature, cannot be decided until operating experience sheds additional light on subscription television. If it should be determined later that the public interest would be served by the definitive authorization of a subscription television service on an extended or continuing basis, timely announcement will be made of the conditions for the conduct of such a service, with ample notice to the public and the industry, and applications to use radio frequencies for that purpose will be accepted in accordance with whatever procedural and other requirements it may be found desirable to establish at that time. It would be premature to anticipate at this stage the conditions it may be found desirable to establish for subscription television operations subsequent to the trial period. It would be unlikely, in any event, that such conditions would correspond precisely to those laid down herein for trial operations. For these reasons, authorizations hereunder will not be renewable, as such. If, however, at the time of their expiration the Commission requires additional time to complete the hearings contemplated in paragraph 92 hereof, or to reach final decision, it may, if it finds it would be in the public interest to do so, permit the filing of applications for continued subscription television operations, under the same or other conditions as may be found desirable, and for such limited periods as may be appropriate in the circumstances. Timely public notice of such action would be provided.

Minimum hours of non-subscription television broadcasts. 85. Grantees authorized to perform subscription operations will be required to broadcast the minimum hours of free programs required by § 3.651 of the rules.

Charges, terms and conditions of service. 86. Charges and terms and conditions of service to subscribers must be applied uniformly. This requirement is not intended to preclude the division of subscribers into classes, and the imposition of different sets of terms and conditions to subscribers in different classifications. Authorizations will be granted hereunder only, however, on the condition that charges and terms or conditions of service will be applied uniformly to all subscribers within reasonable classifications. Contracts between the station licensee and other persons participating in the determination of charges and terms of service to subscribers must provide for compliance with this requirement.

Reports. 87. Grantees authorized hereunder to conduct subscription television operations will be required to furnish such periodical and other reports as may be requested by the Commission concerning all aspects of the subscription television operation, including functions performed by the grantee as well as the conduct by other persons of the functions of installing and maintaining encoding and decoding equipment, entering into contracts with subscribers, the dissemination of all decoding information to subscribers, the fixing and collection of charges, distribution of the proceeds, the obtaining of programs, and generally all aspects of the technical operation of the system and its business administration. Contracts between the station licensee and any other persons, such as the system franchise holder, participating in the operation, must provide for full disclosure by the latter of all information concerning these matters which may be requested by the Commission.

Rules applicable to subscription television operations. 88. Except insofar as they may be waived by the Commission in authorizations issued hereunder, the rules applicable to regular television broadcasting operations will be applicable to subscription television operations. These include:

Section 3.654 concerning disclosure of the identities of persons providing consideration directly or indirectly for transmissions by the station. (This is not intended to require the announcement of names of subscribers.)

Section 3.655 concerning the rebroadcasting of television programs.

Section 3.657 concerning equal opportunities for the use of facilities of television stations by candidates for political office.

Sections 3.663 and 3.664 concerning the maintenance and retention of logs, except that logs covering all station operations, both subscription and regular, during the period of any authorizations issued hereunder, must be retained until further notice, and may not be disposed of after two years, as permitted under § 3.664 for stations performing regular operations only.

Information to be submitted by applicants. 89. Applications for authorizations to conduct subscription television operations must contain the following information and be accompanied by executed contracts between the applicant and the persons designated below covering the matters indicated. Applications and documents submitted therewith must be filed in an original and fourteen copies.

A. Complete, detailed description of the design and method of operation of any encoding and decoding or other equipment to be used in the proposed subscription television operation. If requested by the Commission, applicants must furnish to the Commission's laboratory at Laurel, Maryland, models of all decoding and other portable equipment to be used in the operation, and must make available for inspection by Commission representatives any non-portable equipment such as encoders proposed to be used. At the Commission's discretion, action may be withheld on applications until the Commission has had an opportunity to inspect models of the equipment proposed to be used and to observe the operation of such equipment.

B. Complete, detailed statement describing in all particulars the manner in which the proposed operation will be conducted, including:

(1) The methods for disseminating any decoding information needed by subscribers, and for billing and collecting charges, including installation charges, monthly charges, charges per program or any other charges payable by subscribers.

(2) A complete statement of the terms and conditions under which contracts will be entered into with subscribers; also, a statement as to whether the proposed subscription television service will be made available to all persons applying for it, and if not, a statement of the basis upon which subscribers will be selected.

(3) The approximate number of subscribers it is intended to serve during the proposed operation.

(4) Available information concerning the contemplated range of minimum and maximum charges to subscribers for the various types of subscription television programs it is proposed to offer to the public.

(5) Answers to questions in Table I, Section II and Question No. 4 in Section III of FCC Form No. 301, with respect to any person or persons who would perform, supervise, participate in or control the performance of any of the following functions: [6]

(a) Provision of encoders and any other equipment required for the transmission of subscription television programs other than equipment used by the television station for its regular operation.[7]

(b) Provision of decoding or other equipment required for the intelligent reception of subscription television programs by the subscriber.[7]

(c) Determination of the charges, terms and conditions of service to subscribers and of payments to the television station for its participation in the proposed subscription television operation.

(d) Selection and procurement of subscription television programs for local transmission.

(e) Dissemination of decoding information to subscribers, billing, and other related functions.

(6) Detailed information concerning commitments obtained and negotiations under way for the provision of subscription programs to be offered to subscribers during the proposed subscription television operations.

(7) Statement of intention with respect to the transmission of commercial announcements during subscription television programs. (The Commission understands from proposals before it in this proceeding that the proponents do not contemplate the inclusion of commercial announcements in subscription television programs.)

C. Applications must be accompanied by copies of executed operating agreements between the applicant licensee and any person (local community franchise holder for the subscription television system to be employed, holder of patents on equipment to be used, patent licensees or any other person) who would perform, supervise, participate in or control the performance of any of the functions enumerated under B (5) above. Such agreements must:

(1) State, in full detail, all the undertakings and understandings between the applicant and such other persons which will govern the conduct of all aspects of the proposed subscription television operation.

(2) Contain the provisions required by paragraphs 74, 75, 77, 78, 79, 86 and 87 hereof, and provide that participation in the operation by the station licensee is conditional on compliance therewith by the other contracting party or parties.

(3) Provide that no amendments thereto shall take effect until they have been filed with the Federal Communications Commission.

D. If the performance of any of the functions listed under B (5), above, by the person with whom applicant enters into an operating agreement, is the subject of any contract, agreement or understanding between such person and any third person, applications filed hereunder must be accompanied by copies of such contracts, agreements or understandings.

Action on applications. 90. In view of the necessity for careful review of all aspects of any subscription television operations which may be proposed, applicants are informed that the Commission does not believe it will be practicable to take action before March 1958 on applications filed hereunder.

Conclusion. 91. In our belief, trial subscription television operations conducted within the framework of the foregoing conditions and requirements would afford much needed opportunity:

(a) To enable the public to register its own judgment with respect to the subscription television service offered.

(b) To obtain data and information which would assist the Commission to determine the probable competitive impact of a subscription television service upon the free system. The present record affords an inadequate basis for sound judgment as to whether the systems as presently proposed would provide stimulating competition with the present system which would be beneficial to the public, or whether subscription television could potentially impair the operation of the present system to such a degree that it could not continue to provide service of the present or foreseeable quantity or quality of free programming, and would oblige the public to pay eventually for the reception of numerous programs of the kind it now receives free of direct charge.

(c) To obtain information, based on operating experience, concerning the possible need to standardize equipment and methods used in the technical operation of a subscription television service.

(d) To determine, on the basis of experience, whether and the extent to which any aspects of a subscription television service would call for the imposition of additional controls, whether such controls require the adoption of amendments to the Communications Act, and if so, what recommendations should be made to Congress.

92. The Commission will, when it finds that sufficient, meaningful data are available from trial subscription television operations, conduct a public hearing at which all interested parties will have full opportunity to submit information, data and views concerning the foregoing and any other questions which remain to be answered in reaching a decision as to whether the authorization of a subscription television service on some extended or continuing basis would serve the public interest.

93. The present proceeding will remain pending until the further steps

[6] References in Form 301 to "applicant" will be understood to include both the applicant hereunder and any other person or persons described in B (5). References in section III, Question 4 of Form 301 to "station" and to "the purchase or construction of the station" will be understood to refer to the local subscription television operation. Applicants need not resubmit information already on file with the Commission.

[7] In the case of equipment manufacturers, the name and address will suffice, except where the information specified under B (5) is required for such manufacturers under B (5) (c), (d) or (e).

contemplated herein have been completed.

Adopted: October 17, 1957.

Released: October 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-8720; Filed, Oct. 22, 1957; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54466]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

TARIFF-RATE QUOTA

OCTOBER 17, 1957.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 771 (second), Part I, Schedule XX, of the General Agreement on Tariffs and Trade, as modified (T. D.'s 51802 and 54406), for the 12-month period beginning September 15, 1957, is 600,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes including seed potatoes, in the United States for the calendar year 1957, made by the United States Department of Agriculture as of September 1, 1957, was 383,828,333 bushels.

In accordance with the third proviso to the aforesaid item 771, as modified, the 600,000 bushels and the 1,000,000 bushels prescribed in the second proviso are not increased, because the estimated production is greater than 350,000,000 bushels.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F. R. Doc. 57-8694; Filed, Oct. 22, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

1. Pursuant to the authority delegated to me by the Area Administrator, Area 2, Bureau of Land Management, by Order No. 4, dated May 5, 1954, I hereby classify for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682 a), the following lands for homesite purposes.

NEVADA SMALL TRACT CLASSIFICATION NO. 134

MOUNT DIABLO MERIDIAN

T. 36 N., R. 38 E.,
Sec. 32, NE¼.

2. Classification of the above described lands by this order segregates them from all appropriation including location under the mining laws except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are adjacent to the south boundary of the City of Winnemucca. A dirt road forming a part of the east boundary of the city provides access to the land. The topography is generally flat with little change in elevation. Schools, stores and other public facilities are available in the City of Winnemucca. The soil is a sandy loam. The native vegetation consists of sagebrush, hopsage, cheatgrass and perennial bunchgrass. A small stream, whose waters are appropriated, passes through the tract. Culinary water can be obtained from wells. There is no evidence of metalliferous or non-metalliferous minerals.

4. The individual tracts are 5 acres in size and rectangular in shape. The longer dimensions of all tracts will extend east and west. Rights-of-way 33 feet in width for street and road purposes and for public utilities will be reserved along the north, south, east and west boundaries of all tracts. Rental for the tracts will be $50.00 for a 3 year period, payable in advance.

5. Leases will issue for a term of 3 years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above, providing that during the period of their leases they either (a) construct the improvements specified in paragraph 6, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. The improvements placed on the lease must meet the following minimum requirements before purchase will be approved.

1. Building must be suitable for yearround habitation, must be neat and attractive and must be placed on a permanent foundation.

2. All buildings must be built in a workmanlike manner of attractive properly finished materials and may consist of wood or masonry construction.

3. All habitable rooms used for eating, sleeping, or living shall be provided with not less than one window with an area of not less than 12 square feet.

4. Every dwelling shall have not less than two rooms and one bathroom. Any room designed for sleeping shall have a space of not less than 100 square feet. The bathroom shall be of sufficient size to accommodate the fixtures associated with this type of room.

5. The dwelling shall have a floor space of not less than 400 square feet.

6. There shall be at least two doors as a means of access to each dwelling unit.

7. All dwellings must be connected to a sewage disposal system in accordance with the requirements of the Nevada State Department of Health as to type, size and construction. No other type of sewage disposal will be permitted. For information relative to sanitary requirements the lessee may contact the Nevada State Department of Health at 325 West Street, Reno, Nevada. An applicant for purchase will be required to submit a certificate of approval signed by the proper authority of the Health Department.

7. Applicants must file in duplicate with the Manager, Land Office, P. O. Box 1551, Reno, Nevada, application Form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render it invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to 10:00 a. m. October 14, 1957 will be granted the preference-right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veteran's preference filed after 10:00 a. m. October 14, 1957 and prior to 10:00 a. m. November 18, 1957 will be considered as simultaneously filed at that time. All valid applications from persons entitled to veteran's preference filed after 10:00 a. m. November 18, 1957 and prior to 10:00 a. m. February 16, 1958 will be considered in the order of filing. All valid applications from other persons filed after 10:00 a. m. October 14, 1957 and prior to 10:00 a. m. February 16, 1958 will be considered as simultaneously filed at that time. All applications filed after 10:00 a. m. February 16, 1958 will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, P. O. Box 1551, Reno, Nevada, or Range Manager, Nevada Grazing District No. 4, P. O. Box 1289, Ely, Nevada.

E. R. GREENSLET, *State Supervisor.*

OCTOBER 14, 1957.

[F. R. Doc. 57-8715; Filed, Oct. 22, 1957; 8:56 a. m.]

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, COLORADO

ORDER OF REVOCATION

JULY 9, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, as amended, I hereby revoke Departmental Withdrawal Order of May 24, 1949, and concurred in by the Bureau of Land Management on December 22, 1949, in so far as said Order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said Order or affect any other Orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 N., R. 59 W.,
Sec. 31, NE¼SE¼.
T. 1 N., R. 60 W.,
Sec. 24, NW¼SE¼.
T. 4 N., R. 60 W.,
Sec. 30, Lot 4, SE¼SW¼;
Sec. 31, Lots 1, 2, 3, and 4, E½W½.

The above area aggregates 466.10 acres.

E. G. NIELSEN, *Acting Commissioner.*

[52750]

OCTOBER 17, 1957.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The lands are level to generally sloping with sandy soil that supports sandsage with grasses, weeds and forbs. They are nonagricultural due to poor quality soil and lack of adequate precipitation. About 360 acres are inundated by a reservoir under a right-of-way grant.

2. The public lands in T. 4 N., R. 60 W., aggregating 386.10 acres, are included in an application for withdrawal filed by the U. S. Fish and Wildlife Service, Colorado 09807. Applications for these lands under the public land laws will be suspended in accordance with 43 CFR 295.10 until final action on the application for withdrawal has been taken.

3. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on November 22, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 21, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on February 21, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The restored lands have been opened to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws, subject to existing valid rights, beginning at 10:00 a. m. on February 21, 1958.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

EDWARD WOOZLEY, *Director, Bureau of Land Management.*

[F. R. Doc. 57-8681; Filed, Oct. 22, 1957; 8:47 a. m.]

Fish and Wildlife Service

[Director's Order 4]

DESIGNATED OFFICIALS; BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY WITH RESPECT TO RESTORATION PROJECTS

SECTION 1. *Delegation.* Except as provided in section 2 of this order, the Assistant Directors and the Chief, Division of Technical Services, Bureau of Sport Fisheries and Wildlife, are severally authorized to exercise the authority conferred upon the Secretary of the Interior by the Federal Aid to Wildlife Restoration Act of September 2, 1937, as amended (50 Stat. 917; 16 U. S. C. 669), and the Federal Aid to Fish Restoration and Management Act of August 9, 1950, as amended (64 Stat. 430; 16 U. S. C. 777), and they severally may act as the authorized representative of the Secretary in performing all actions required of the Secretary under the regulations implementing said acts appearing in Part 41, Title 50, Code of Federal Regulations.

SEC. 2. *Limitations.* The authority granted by section 1 of this order does not include authority to make apportionments of funds in connection with Federal aid in fish and wildlife restoration, nor authority to issue regulatory documents subject to codification in the Code of Federal Regulations (44 U. S. C. 305; 1 CFR 1.10).

SEC. 3. *Redelegation.* The authority granted by this order may not be redelegated.

(Commissioner's Order No. 4, 22 F. R. 8126.)

D. H. JANZEN, *Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 17, 1957.

[F. R. Doc. 57-8676; Filed, Oct. 22, 1957; 8:46 a. m.]

[Director's Order 2]

DESIGNATED OFFICIALS; BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY FOR NEGOTIATED PURCHASES AND CONTRACTS

SECTION 1. *Delegation.* The officers and employees designated in this section are severally authorized, subject to the provisions of section 2 of this order, to exercise the following authority under the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), delegated by the Administrator of General Services to the Secretary of the Interior:

(a) Except as provided in section 2 of this order, the authority contained in the delegation dated January 15, 1951 (16 F. R. 515), to negotiate, without advertising, purchases and contracts of the supplies and services described in this paragraph may be exercised by the officers and employees designated below in relation to the respective class of supplies or services, limited to the amounts indicated in each case, when it is determined that the facts are such as to bring the particular purchase or contract within the cited provisions of the act.

(1) Subsection 302 (c) (4), to procure personal and professional services of naval architects and marine engineers.

(i) *Headquarters Organization.* Assistant Directors, Bureau of Sport Fisheries and Wildlife; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(ii) *Regional Offices.* Regional Directors and Assistant Regional Directors; and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(2) Subsection 302 (c) (5), to procure services to be rendered by any university, college, or other educational institution.

(i) *Headquarters Organization.* Assistant Directors, Bureau of Sport Fisheries and Wildlife, unlimited as to amount.

* Dissenting statement of Commissioner Bartley and concurring statement of Commissioner Mack filed as part of original document, Commissioner Ford not participating.

(3) Subsection 302 (c) (9), to procure perishable and semiperishable foods.

(i) *Headquarters Organization.* Assistant Directors, Bureau of Sport Fisheries and Wildlife; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(ii) *Regional Offices.* Regional Directors and Assistant Regional Directors; and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(iii) *Other Offices.* Project leaders in charge of fish cultural stations, laboratories, experimental projects or vessels, $10,000.

(4) Subsection 302 (c) (10), to procure experimental, developmental, or research work or the manufacture or furnishing of supplies for experimentation, development, research, or test in connection with research and development programs.

(i) *Headquarters Organization.* Assistant Directors, Bureau of Sport Fisheries and Wildlife, unlimited as to amount: *Provided,* That no contract may be entered into pursuant to this subparagraph until the written determination required under subsection 302 (c) (10) and section 307 (b) of the act has been made either by the Director or any Assistant Director of the Bureau of Sport Fisheries and Wildlife, when the contract will require the expenditure of $25,000 or less; or until the written determination so required has been made by the Secretary of the Interior when the contract will require the expenditure of more than $25,000.

(b) Except as provided in section 2 of this order, the authority contained in the delegation dated April 21, 1955 (20 F. R. 2837), to negotiate, without advertising, under subsection 302 (c) (12), contracts for the purchase of outboard motors for use in Alaska may be exercised by the officers and employees designated in this paragraph in amounts not exceeding the monetary limits indicated in each case.

(1) *Headquarters Organization.* Assistant Directors, Bureau of Sport Fisheries and Wildlife; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(2) *Regional Offices.* Regional Directors and Assistant Regional Directors, Regions 1 and 6; and Administrative Officers and Property Management Officers, Regions 1 and 6, Office of the Commissioner, Fish and Wildlife Service, $100,000.

SEC. 2. *Limitations; exercise of authority.* (a) The authority granted by section 1 of this order does not include authority to make the written determination required by subsection 302 (c) (12) of the act irrespective of the amount of expenditure involved; nor authority to make the written determination required by subsection 302 (c) (10) of the act when a contract pursuant to that subsection will require the expenditure of more than $25,000. Until any such determination has been made by the Secretary of the Interior, no officer or employee of the Bureau of Sport, Fisheries and Wildlife shall enter into such a contract pursuant to subsections 302 (c) (10) or 302 (c) (12) of the act.

(b) The authority granted by section 1 of this order shall be exercised in accordance with applicable limitations and requirements in the act and in accordance with the policies, procedures and controls prescribed by the General Services Administration.

SEC. 3. *Redelegation.* The authority granted by this order may not be redelegated.

(Secretary's Order No. 2825; Commissioner's Order No. 4, 22 F. R. 8126)

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

OCTOBER 17, 1957.

[F. R. Doc. 57-8677; Filed, Oct. 22, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GREAT PLAINS AREA OF THE TEN GREAT PLAINS STATES

DESIGNATION OF COUNTIES WHERE THE GREAT PLAINS CONSERVATION PROGRAM IS SPECIFICALLY APPLICABLE

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the act of August 7, 1956 (70 Stat. 1115-1117), the following counties of the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

NEBRASKA

Buffalo.

NORTH DAKOTA

Burleigh.	Mountrail.
Dunn.	Sioux.
Emmons.	Stark.
Hettinger.	Stutsman.
McHenry.	Williams.

TEXAS

Glasscock.

Done at Washington, D. C., this 18th day of October 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-8732; Filed, Oct. 22, 1957; 8:59 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 238]

A. C. MONK & CO., INC.

PROBATION ORDER CONDITIONED UPON COMPLIANCE WITH EXPORT CONTROL ACT OF 1949, AS AMENDED

In the matter of A. C. Monk & Co., Inc., Farmville, North Carolina, Respondent, Case No. 238.

The respondent, A. C. Monk & Co., Inc., having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, was duly served with the charging letter and appeared and was represented herein by counsel. Prior to this proceeding, respondent was indicted in the United States District Court for the Eastern District of North Carolina, Washington Division, upon eleven counts alleging numerous violations of the Trading With the Enemy Act, Title 50, United States Code Appendix, section 5 (b) (1952 Ed.), the Export Control Act of 1949, as amended, Title 50, United States Code Appendix, section 2025 (1952 Ed.), Title 18, United States Code, section 371 (1952 Ed.), and various administrative regulations duly promulgated. Respondent filed the plea nolo contendere to said indictment, and it has been convicted thereunder and fined the sum of thirty thousand dollars ($30,000).

While said indictment was pending, respondent, pursuant to § 382.10 of the export regulations, by agreement with the Export Control Investigation Staff of the Bureau of Foreign Commerce, submitted to the Compliance Commissioner a proposal for the issuance of this consent order, and, in connection with said proposal, respondent admitted, for the purpose of this proceeding only, that the facts as alleged in the said charging letter were true. The Compliance Commissioner has considered said proposal, and, after reviewing the evidence submitted in support of the charging letter, has found that said evidence is sufficient to support the charges and has reported the facts of the case to the Director, Office of Export Supply, together with his recommendation that the proposal be accepted.

Now, after carefully reviewing the entire record herein, it is hereby found that the respondent, with knowledge that the Department of Commerce would not permit the exportation of commodities from the United States to Nanyang Brothers Tobacco Company, Ltd., of Hong Kong, a designated national of Communist China, without prior authorization from the Treasury Department, nevertheless, and without such prior authorization, exported large quantities of tobacco to said Nanyang Brothers Tobacco Company, Ltd., of Hong Kong, which exportations it accomplished: (1) By obtaining validated export licenses from the Department of Commerce through the device of submitting applications therefor in which it falsely represented and stated that the ultimate consignee was a person other than said Nanyang Brothers Tobacco Company, Ltd.; (2) after a relaxation of export controls, which relaxation permitted exportations of tobacco to Hong Kong under General License, by exporting additional quantities of tobacco to said Nanyang Brothers Tobacco Company, Ltd., through the device of having authenticated shipper's export declarations in which it falsely represented and stated that the exportations were being made under said General License to a person other than said Nanyang Brothers Tobacco Company, Ltd.; from all of which it is concluded that respondent did thereby violate the Export Control Act of 1949, as amended, and §§ 379.1 (d), 381.2, 381.5, 381.7, and 381.8 of the regulations promulgated thereunder, as then in effect.

Now, upon the whole record, the Compliance Commissioner's Report and his Recommendation, having concluded, in view of the proceedings in the United States District Court for the Eastern District of North Carolina, and other circumstances reported by the Compliance Commissioner, that his recommendation is fair and just, and that effective enforcement of the Export Control Act of 1949, as amended, will be achieved thereby, and, for the purpose of effectuating the policies therein set forth.

It is hereby ordered, Upon the condition that the respondent, A. C. Monk & Co., Inc., during six months from the date hereof, shall not knowingly violate the Export Control Act of 1949, as amended, or any regulation promulgated thereunder, it shall be permitted all export privileges as though this order had not been made and, at the expiration of six months from the date hereof, this order, without further action, shall be and become terminated. In the event, however, that it be found by the Director, Office of Export Supply, or such other officer as may at that time be exercising the duties now exercised by him, that the respondent has knowingly violated the Export Control Act of 1949, as amended, or any regulation promulgated thereunder, at any time during the said period of six months, such officer summarily may enter and publish an order against it, which order may contain, as one of the decretal portions thereof, an effective denial of all the export privileges of the respondent for a period of six months following the date thereof and, in addition, such further provisions in implementation thereof as are at about that time being included in denial orders determining export control violation cases. The determination as to the content of such provisions shall be within the discretion of said officer, but the content shall be according to § 382.1, or the then governing section of the export regulations. By taking such action, the agency at that time concerned shall not be precluded from taking such other and further action by reason of such new violation as it shall deem warranted. In the event that such order is issued, respondent shall have the right to appeal therefrom, as provided in the export regulations then in effect.

Dated: October 17, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-8675; Filed, Oct. 22, 1957; 8:45 a. m.]

Federal Maritime Board

GARRETT FORWARDING CO., INC., AND DIXIE FORWARDING CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8223 between Garrett Forwarding Company, Inc., New York, New York, and Dixie Forwarding Co., Houston, Texas, is a cooperative working arrangement between the parties under which they will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 18, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8724; Filed, Oct. 22, 1957; 8:58 a. m.]

Office of the Secretary

WILLIAM M. FIRSHING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 5, 1956—21 F. R. 3029; October 13, 1956—21 F. R. 7834; April 17, 1957—22 F. R. 2677.

A. DELETIONS

Olin Mathieson Chemical Corp.,[1] 460 Park Avenue, New York 22, N. Y.

Raytheon Manufacturing Co.,[1] Willow Street, Waltham 54, Mass.

Erie Railroad Co., Midland Building, 101 Prospect Avenue NW., Cleveland 15, Ohio.

Bell Aircraft Corp., P. O. Box 1, Buffalo 5, N. Y.

Getty Oil Co.,[1] Pennsylvania Building, Wilmington, Del.

Westinghouse Air Brake Co., Three Gateway Center, Pittsburgh 22, Pa.

B. ADDITIONS

Olin Mathieson Chemical Corp.,[1] 460 Park Avenue, New York 22, N. Y.

United States Pipe & Foundry Co., 3300 First Avenue, North Birmingham 2, Ala.

Getty Oil Co.,[1] Pennsylvania Building, Wilmington, Del.

Virginian Railway Co., Terminal Building, Norfolk, Va.

Raytheon Manufacturing Co.,[1] Willow Street, Waltham 54, Mass.

NOTE: The name of 1 interest "Intertype Corporation" has been changed to—Harris-Intertype Corp., 4510 East 71st Street, Cleveland 5, Ohio.

This statement is made as of October 6, 1957.

WILLIAM M. FIRSHING.

OCTOBER 6, 1957.

[F. R. Doc. 57-8674; Filed, Oct. 22, 1957; 8:45 a. m.]

[1] These interests were added and deleted during the past 6 months.

ATOMIC ENERGY COMMISSION

[Docket No. 50-69]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued License No. CX-5 to General Electric Company authorizing operation of a nuclear check-out test facility (Spanish Swimming Pool Reactor) at the Company's Vallecitos Laboratory, Pleasanton, California. A notice of proposed issuance of this license was published in the FEDERAL REGISTER on September 6, 1957, 22 F. R. 7158.

Dated at Washington, D. C., this 16th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8718; Filed, Oct. 22, 1957; 8:56 a. m.]

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on October 17, 1957, issued Construction Permit No. CPCX-10 to Westinghouse Electric Corporation authorizing the construction of a "zero power" thermal reactor. The notice of proposed issuance of this Construction Permit was published in the FEDERAL REGISTER on October 2, 1957, 22 F. R. 7803.

Dated at Washington, D. C., this 17th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8719; Filed, Oct. 22, 1957; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2564]

REOPENED DELTA-C & S MAIL RATE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 20, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8735; Filed, Oct. 22, 1957; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12194; FCC 57M–1003]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER SCHEDULING HEARING

In the matter of American Telephone and Telegraph Company, et al., Docket No. 12194; charges, classifications, regulations and practices for and in connection with channels for data transmission.

It is ordered, This 16th day of October 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 13, 1957, in Washington, D. C.

Released: October 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8722; Filed, Oct. 22, 1957; 8:58 a. m.]

[Docket No. 12021; FCC 57–1154]

OK BROADCASTING CO.

ORDER REGARDING INITIAL DECISION

In re application of Jules J. Paglin and Stanley W. Ray, Jr., d/b as OK Broadcasting Company, Mobile, Alabama, Docket No. 12021, File No. BP–10590; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 17th day of October 1957;

The Commission having under consideration (1) the matters of record in the above-styled proceeding involving the application of OK Broadcasting Company, for a construction permit to operate on 900 kc, 1 kw power, daytime only, directional antenna, at Mobile, Alabama;[1] (2) the purported Initial Decision herein released September 10, 1957, by Examiner Thomas H. Donahue proposing to grant the application; (3) a petition to make Initial Decision effective immediately, filed on September 11, 1957 by OK Broadcasting Company; and comments on Initial Decision, filed on September 27, 1957, by the Chief, Broadcast Bureau;

It appearing that no formal hearing session has been held despite a request from the Broadcast Bureau and that such a hearing is regarded by the Commission as a prerequisite to the issuance of a valid Initial Decision;

It further appearing that, among other things, the purpose of such a hearing is to provide an opportunity for the development of a formal hearing record on the basis of which it can be determined whether a grant of the instant application would be in the public interest and that this purpose is not adequately served by following the informal procedure employed in the instant case;

It further appearing that although such a procedure as that followed by the Examiner in this case may result in a saving of time and effort by all concerned, this does not justify the elimination of an essential step in the administrative process in such cases;

It is ordered, That the said petition to make Initial Decision effective immediately filed by OK Broadcasting Company is denied;

It is further ordered, That the above-styled proceeding is hereby remanded to the Hearing Examiner for the purpose of establishing a hearing record upon which an Initial Decision may be prepared.

Released: October 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8721; Filed, Oct. 22, 1957; 8:58 a. m.]

[Docket Nos. 12207, 12208; FCC 57M–990]

GRADY M. SINYARD AND KARL KEGLEY

ORDER SCHEDULING HEARING

In reapplications of Grady M. Sinyard, Fullerton, Kentucky, Docket No. 12207, File No. BP–11076; Karl Kegley, Vanceburg, Kentucky, Docket No. 12208, File No. BP–11296; for construction permits.

It is ordered, This 11th day of October 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 20, 1957, in Washington, D. C.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8723; Filed, Oct. 22, 1957; 8:58 a. m.]

[1] E. O. Roden & Associates BP–10879, had been an applicant for similar facilities at Gulfport, Mississippi, but its application was dismissed without prejudice pursuant to a reimbursement arrangement with OK Broadcasting, on August 15, 1957. A third application, Tri-County Broadcasting Company, BP–11295, which was filed on May 13, 1957, was dismissed August 19, 1957.

FEDERAL POWER COMMISSION

[Docket No. E–6782]

CANEY ELECTRIC CO.

NOTICE OF APPLICATION

OCTOBER 17, 1957.

Take notice that on October 11, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by The Caney Electric Company. ("Applicant"), a corporation organized under the laws of the State of Kansas, with its principal business office at Wichita, Kansas, seeking an order authorizing the issuance of 500 shares of Common Stock, par value $100.00 per share and the issuance of 500 shares of Preferred Stock, 5 percent Cumulative, par value $100.00 per share. Applicant proposes to issue the aforesaid Common and Preferred Stock as a stock dividend out of earned surplus to the present common stockholders pro rata according to their stockholdings. Applicant states that its authorized capital is $150,000.00, which is divided into 1,000 shares of Common Stock of a par value of $100.00 each and 500 shares of 5 percent Cumulative Preferred Stock. 500 shares of Common Stock is presently issued and outstanding. No shares of Preferred Stock are presently issued or outstanding. Applicant proposes to issue the Common and Preferred Stock on December 1, 1957, upon authorization from the proper regulatory bodies. Neither class of stock will have a maturity date. Applicant states that the purpose of the issue of securities is to establish an adequate capital stock structure to the extent of Applicant's total authorized capital.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 6th day of November 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–8685; Filed, Oct. 22, 1957; 8:48 a. m.]

[Docket No. E–6783]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

OCTOBER 17, 1957.

Take notice that on October 14, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Florida Power Corporation ("Applicant"), a corporation organized under the laws of the State of Florida, with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance on or after November 10, 1957, of $21,000,000 of unsecured promissory notes payable on or before August 10, 1958. Applicant proposes to borrow the funds from banks listed below:

Guaranty Trust Company of New York	$7,720,000
The Hanover Bank	4,000,000
Chemical Corn Exchange Bank	2,500,000
The Chase Manhattan Bank	2,000,000
Bankers Trust Company	2,000,000
Irving Trust Company	1,000,000
Florida National Bank at St. Petersburg	500,000
The First National Bank at Orlando	350,000
Union Trust Company, St. Petersburg	330,000
The First National Bank in St. Petersburg	400,000
Bank of Clearwater	100,000
First National Bank at Winter Park	100,000
Total	21,000,000

and will issue to said banks the unsecured promissory notes referred to above. Borrowings will be made at the times and in the amounts shown on a tabulation marked "Schedule A" which is attached to Exhibit L filed with this application. Interest rate on the proposed borrowings will be determined at the time each loan is made and Applicant does not anticipate that such interest rate will be in excess of ¼ of 1 percent above the then current prime rate (presently 4½ percent) for similar loans in New York City. Applicant under its line of credit will reserve the right to pay off all or any portion of the loans and later, if necessary, to reborrow up to the limit of the line of credit. Applicant proposes to use the proceeds to finance temporarily a portion of its current construction program, all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the sixth day of November 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–8686; Filed, Oct. 22, 1957; 8:48 a. m.]

[Docket Nos. G–9572, G–9573]

UNITED CARBON CO. AND COLUMBIAN FUEL CORP.

ORDER FIXING DATE FOR ORAL ARGUMENT

OCTOBER 17, 1957.

The presiding examiner on August 5, 1957, filed and served on all the parties his decision in these proceedings as well as certifying the record herein to the Commission.

Thereafter exceptions were filed by United Carbon Company and Columbian Fuel Corporation, including requests by each for oral argument before the Commission.

It appears reasonable and appropriate in the public interest that oral argument be had in these proceedings concerning the matters involved and the issues presented by the exceptions filed to the decision of the presiding examiner.

The Commission orders:

(A) Oral argument be had before the Commission on November 18, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commision, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the said exceptions to the decision of the presiding examiner.

(B) Those parties to these proceedings who intend to participate in the oral argument shall notify the Secretary of the Commission on or before November 8, 1957, of such intention and of the time requested for presentation of such argument.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–8684; Filed, Oct. 22, 1957; 8:48 a. m.]

[Docket No. G–13437]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 17, 1957.

Magnolia Petroleum Company (Magnolia), on September 26, 1957, tendered for filing proposed changes in its presently effective rate schedules[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of changes, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 1. Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 2.
Effective date:[2] November 1, 1957.

In support of the proposed periodic rate increases, Magnolia states, among other things, that the contracts resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract prices; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 1, and Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 2, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 1, and Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–8683; Filed, Oct. 22, 1957; 8:47 a. m.]

[1] Present rates previously suspended and are in effect subject to refund in Docket No. G–12193.

[2] The stated effective date is the effective date proposed by Magnolia.

[Docket No. G–13438]

UNION OIL COMPANY OF CALIFORNIA

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 17, 1957.

Union Oil Company of California (Union Oil), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 1 to Union Oil's FPC Gas Rate Schedule No. 12.
Effective date:[4] November 1, 1957.

In support of the proposed periodic rate increase, Union Oil states among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Union Oil's FPC Gas Rate Schedule No. 12 be suspended and the use thereof deferred as hereinafter ordered.

[3] Commissioner Digby dissenting.

[4] The stated effective date is the effective date proposed by Union Oil.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Union Oil's FPC Gas Rate Schedule No. 12.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8682; Filed, Oct. 22, 1957; 8:47 a. m.]

[Docket No. G-13433]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 17, 1957.

The Texas Company, (Operator), (Texas), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule [2] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 2.
Effective date: [3] November 1, 1957.

In support of the proposed periodic rate increase, Texas states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area. Texas also states that the proposed increase is partially to compensate it for continuously increasing investment and operating costs and cites increases in producing investment per million Btu of hydrocarbons produced from $0.26 in 1947 to $0.41 in 1956; increases in expenses per million Btu from $0.137 in 1947 to $0.207 in 1956; increases in wages of 6 percent May 1, 1957, and increases in cost of steel of 3 percent in February, 1957, and 5.3 percent in July, 1957. Texas also cites other equal or higher rates being paid in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be filed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8695; Filed, Oct. 22, 1957; 8:50 a. m.]

[Docket No. G-13434]

TEXAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 17, 1957.

The Texas Company (Operator), et al. (Texas), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule [4] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 3.
Effective date: [5] November 1, 1957.

In support of the proposed periodic rate increase, Texas states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area. Texas also states that the proposed increase is partially to compensate it for continuously increasing investment and operating costs and cites increases in producing investment per million Btu of hydrocarbons produced from $0.26 in 1947 to $0.41 in 1956; increases in expenses per million Btu from $0.137 in 1947 to $0.207 in 1956; increases in wages of 6 percent May 1, 1957, and increases in cost of steel of 3 percent in February, 1957, and 5.3 percent in July, 1957. Texas also cites other equal or higher rates being paid in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

[1] Commissioner Digby dissenting.
[2] Present rate previously suspended and is in effect subject to refund in Docket No. G-11321.
[3] The stated effective date is the effective date proposed by Texas.
[4] Present rate previously suspended and is in effect subject to refund in Docket No. G-11324.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8696; Filed, Oct. 22, 1957; 8:50 a. m.]

[Docket No. G-13435]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 17, 1957.

The Texas Company (Texas), on September 26, 1957, tendered for filing proposed changes in its presently effective rate schedules [2] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of changes, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 4. Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 5.
Effective date: [3] November 1, 1957.

In support of the proposed periodic rate increases, Texas states, among other things, that the contracts resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract prices; the pricing provisions are economically desirable to all parties, and the contracts would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area. Texas also states that the proposed increases are partially to compensate it for continuously increasing investment and operating costs and cites increases in producing investment per million Btu of hydrocarbons produced from $0.26 in 1947 to $0.41 in 1956; increases in expenses per million Btu from $0.137 in 1947 to $0.207 in 1956; increases in wages of 6 percent May 1, 1957, and increases in cost of steel of 3 percent in February, 1957, and 5.3 percent in July, 1957. Texas also cites other equal or higher rates being paid in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 4, and Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 5, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the said proposed changes and charges contained in Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 4, and Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8697; Filed, Oct. 22, 1957; 8:51 a. m.]

[Docket No. G-13436]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 17, 1957.

Tidewater Oil Company (Tidewater), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 24, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 1 to Tidewater's FPC Gas Rate Schedule No. 60.
Effective date: [4] November 1, 1957.

In support of the proposed periodic rate increase, Tidewater states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Tidewater's FPC Gas Rate Schedule No. 60 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Tidewater's FPC Gas Rate Schedule No. 60.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8698; Filed, Oct. 22, 1957; 8:52 a. m.]

[1] Commissioner Digby dissenting.
[2] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-11322 and G-11323.
[3] The stated effective date is the effective date proposed by Texas.
[4] The stated effective date is the effective date proposed by Tidewater.

[Docket No. G-13444]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 17, 1957.

Sun Oil Company (Sun), on October 1, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of changes, dated September 11, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 38. Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 75. Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 76.
Effective date: [2] November 1, 1957.

In support of the proposed periodic rate increases, Sun states, among other things, that the contracts resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract prices; the pricing provisions are economically desirable to all parties, and the contracts would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 38, Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 75, and Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 76, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 38, Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 75, and Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 76.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8699; Filed, Oct. 22, 1957; 8:52 a. m.]

[1] Present rate contained in Sun's Supplement No. 2 to its FPC Gas Rate Schedule No. 38 previously suspended and is in effect subject to refund in Docket No. G-11287.

[2] The stated effective date is the effective date proposed by Sun.

[Docket No. G-13443]

HUMBLE OIL & REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 17, 1957.

Humble Oil & Refining Company (Humble), on September 30, 1957, tenderer for filing proposed changes in its presently effective rate schedule [4] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, dated September 30, 1957.
Purchaser: United Fuel Gas Company.
Rate Schedule designation: Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 24. Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 25. Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 26.
Effective date: [5] November 1, 1957.

In support of the proposed periodic rate increases, Humble states, among other things, that the contracts resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract prices; the pricing provisions are economically desirable to all parties, and the contracts would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 24, Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 25, and Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 26, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 24, Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 25, and Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 26.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[6]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8700; Filed, Oct. 22, 1957; 8:52 a. m.]

[3] Commissioner Digby dissenting.

[4] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-11314, G-11315, and G-11316.

[5] The stated effective date is the effective date proposed by Humble.

[Docket No. G-13442]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 17, 1957.

Pan American Petroleum Corporation (Pan American), on September 30, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of changes, dated September 25, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 190. Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 174. Supplement No. 6 to Pan American's FPC Gas Rate Schedule No. 78.
Effective date: [2] November 1, 1957.

In support of the proposed periodic rate increases, Pan American states, among other things, that the contracts resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract prices; the pricing provisions are economically desirable to all parties, and the contracts would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 190, Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 174, and Supplement No. 6 to Pan American's FPC Gas Rate Schedule No. 78, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 190, Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 174, and Supplement No. 6 to Pan American's FPC Gas Rate Schedule No. 78.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8701; Filed, Oct. 22, 1957; 8:52 a. m.]

[1] The stated effective date is the effective date proposed by Pan American.

[2] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-11446, G-11332, and G-11331.

[3] Commissioner Digby dissenting.

[Docket No. G-13441]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 17, 1957.

Shell Oil Company (Shell) on September 30, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of changes, dated September 27, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 27. Supplement No. 4 to Shell's FPC Gas Rate Schedule No. 26.
Effective date: [2] November 1, 1957.

In support of the proposed periodic rate increases, Shell states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 27, and Supplement No. 4 to Shell's FPC Gas Rate Schedule No. 26, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 27, and Supplement No. 4 to Shell's FPC Gas Rate Schedule No. 26.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8702; Filed, Oct. 22, 1957; 8:52 a. m.]

[3] Commissioner Digby dissenting.

[4] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-11353 and G-11320.

[5] The stated effective date is the effective date proposed by Shell.

[Docket No. G-13440]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 17, 1957.

The Atlantic Refining Company (Atlantic), on September 30, 1957, and October 1, 1957, tendered for filing proposed changes in its presently effective rate schedules [4] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of change, dated September 27, 1957. (2) Notice of change, dated September 19, 1957. (3) Notice of change, dated September 30, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: (1) Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 63. (2) Supplement No. 3, to Atlantic's FPC Gas Rate Schedule No. 115. (3) Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 166.
Effective date: [5] November 1, 1957.

In support of the proposed periodic rate increases, Atlantic states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an ex-

[4] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-11247 and G-12159.

[5] The stated effective date is the effective date proposed by Atlantic.

tended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 63, Supplement No. 3 to Atlantic's FPC Gas Rate Schedule No. 115, and Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 166 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 63, Supplement No. 3 to Atlantic's FPC Gas Rate Schedule No. 115. and Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 166.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8703; Filed, Oct. 22, 1957; 8:53 a. m.]

[Docket No. G-13439]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 17, 1957.

Sunray Mid-Continent Oil Company (Sunray), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule[2] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 26, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 71.
Effective date:[3] November 1, 1957.

In support of the proposed periodic rate increase, Sunray states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 71 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Sunray's FP Gas Rate Schedule No. 71.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)),

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8704; Filed, Oct. 22, 1957; 8:53 a. m.]

[Docket No. G-13423]

BERT FIELDS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 17, 1957.

Bert Fields, et al. (Fields) on September 20, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 18, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 2 to Fields' FPC Gas Rate Schedule No. 8.
Effective date:[4] November 1, 1957.

In support of the proposed rate increase, Fields states that the contract was negotiated at arm's length, it would not have entered into a long-term contract without assurance that it would receive the full market value of the gas, the proposed rate is just and reasonable and not greater than the fair, market, or commodity value and that the proposed rate is in line with area field rates and is economically desirable to all parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8705; Filed, Oct. 22, 1957; 8:53 a. m.]

[Docket No. G-13424]

ARKANSAS FUEL OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 17, 1957.

Arkansas Fuel Oil Corporation (Operator) et al. (Arkansas) on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 20, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 6 to Arkansas' FPC Gas Rate Schedule No. 48.
Effective date:[3] November 1, 1957.

In support of the proposed rate increase, Arkansas states that the contract was negotiated at arm's length, it would not have entered into a long-term contract without assurance that it would receive the full market value of the gas, the proposed rate is just and reasonable and not greater than the fair, market, or commodity value and that the proposed rate is in line with area field rates and is economically desirable to all parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change; and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8706; Filed, Oct. 22, 1957; 8:54 a. m.]

[Docket No. G-13425]

SUN OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 17, 1957.

Sun Oil Company (Operator) et al. (Sun), on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 18, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 10 to Sun FPC Gas Rate Schedule No. 35.
Effective date:[3] November 1, 1957.

In support of the proposed rate increase, Sun states that the contract was negotiated at arm's length, it would not have entered into a long-term contract without assurance that it would receive the full market value of the gas, the proposed rate is just and reasonable and not greater than the fair, market or commodity value and that the proposed rate is in line with area field rates and is economically desirable to all parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8707; Filed, Oct. 22, 1957; 8:54 a. m.]

[Docket No. G-13426]

SUN OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 17, 1957.

Sun Oil Company, et al. (Sun), on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 18, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 7 to Sun's FPC Gas Rate Schedule No. 36.
Effective date:[3] November 1, 1957.

In support of the proposed rate increase, Sun states that the contract was negotiated at arm's length, it would not have entered into a long-term contract without assurance that it would receive the full market value of the gas, the proposed rate is just and reasonable and not greater than the fair, market or commodity value and that the proposed rate is in line with area field rates and is economically desirable to all parties.

[1] Commissioner Digby dissenting.

[2] Present rate previously suspended and is in effect subject to refund in Docket No. G-11246.

[3] The stated effective date is the effective date proposed by Sunray.

[4] The stated effective date is the effective date proposed by Fields.

[1] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Arkansas, if later.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Sun, if later.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8708; Filed, Oct. 22, 1957; 8:54 a. m.]

[Docket No. G-13427]

MIDSTATES OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 17, 1957.

Midstates Oil Corporation (Midstates), on September 25, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated September 24, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: (1) Supplement No. 12 to Midstates' FPC Gas Rate Schedule No. 4. (2) Supplement No. 4 to Midstates' FPC Gas Rate Schedule No. 52.
Effective date:[2] November 1, 1957.

In support of the proposed rate increase, Midstates states that the contract was negotiated at arm's length, it would not have entered into a long-term contract without assurance that it would receive the full market value of the gas, the proposed rate is just and reasonable and not greater than the fair, market or commodity value and that the proposed rate is in line with area field rates and is economically desirable to all parties.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8709; Filed, Oct. 22, 1957; 8:54 a. m.]

[Docket No. G-13429]

MURPHY CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 17, 1957.

Murphy Corporation (Murphy), on September 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 20, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 3 to Murphy's FPC Gas Rate Schedule No. 18.
Effective date:[3] November 1, 1957.

In support of the proposed rate increase, Murphy states that the contract was negotiated at arm's length, that it would not have entered into a long-term contract without assurance that it would receive the full market value of the gas, the proposed rate is just and reasonable and not greater than the fair, market or commodity value and that the proposed rate is in line with area field rates and is economically desirable to all parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8710; Filed, Oct. 22, 1957; 8:54 a. m.]

[1] Commissioner Digby dissenting.
[2] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Midstates, if later.
[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Murphy, if later.

[Docket No. G-13430]

ARKANSAS FUEL OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 17, 1957.

Arkansas Fuel Oil Corporation (Arkansas) on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 20, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 4 to Arkansas' FPC Gas Rate Schedule No. 49.
Effective date:[2] November 1, 1957.

In support of the proposed periodic rate increase, Arkansas states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Arkansas' FPC Gas Rate Schedule No. 49 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge containing in Supplement No. 4 to Arkansas' FPC Gas Rate Schedule No. 49.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8711; Filed, Oct. 22, 1957; 8:55 a. m.]

[Docket No. G-13431]

MIDSTATES OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 17, 1957.

Midstates Oil Corporation (Midstates), on September 25, 1957, tendered for filing a proposed change in its presently effective rate schedule[4] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 24, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 3 to Midstates' FPC Gas Rate Schedule No. 36.
Effective date:[5] November 1, 1957.

In support of the proposed periodic rate increase, Midstates states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Midstates' FPC Gas Rate Schedule No. 36 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Midstates' FPC Gas Rate Schedule No. 36.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8712; Filed, Oct. 22, 1957; 8:55 a. m.]

[Docket No. G-13432]

MURPHY CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 17, 1957.

Murphy Corporation (Murphy), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule[6] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 20, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 3 to Murphy's FPC Gas Rate Schedule No. 15.
Effective date:[7] November 1, 1957.

In support of the proposed periodic rate increase, Murphy states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an ex-

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11290.
[2] The stated effective date is the effective date proposed by Arkansas.
[3] Commissioner Digby dissenting.
[4] Present rate previously suspended and is in effect subject to refund in Docket No. G-11039.
[5] The stated effective date is the effective date proposed by Midstates.
[6] Present rate previously suspended and is in effect subject to refund in Docket No. G-11160.
[7] The stated effective date is the effective date proposed by Murphy.

tended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Murphy's FPC Gas Rate Schedule No. 15 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Murphy's FPC Gas Rate Schedule No. 15.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.18 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8713; Filed, Oct. 22, 1957; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-2117]

ELEKTROWERKE AKTIENGESELLSCHAFT

APPLICATION FOR EXEMPTION

OCTOBER 16, 1957.

Notice is hereby given that Elektrowerke Aktiengesellschaft ("Company"), a corporation organized under the laws of Germany, has filed an application for exemption pursuant to section 304 (d) of the Trust Indenture Act of 1939 and for a finding by the Commission pursuant to section 310 (b) (1) (ii) in connection with Deutsche Treuhand Gesellschaft acting as trustee under two indentures of the same obligor.

The company proposes to issue a maximum of $2,130,000 of 4⅞ percent Debt Adjustment Bonds, due January 1, 1973, to be issued by it under an Indenture to be dated as of January 1, 1953 between the Company and The First National City Bank of New York, as Trustee, and Deutsche Treuhand Gesellschaft, as co-trustee, in connection with the Company's offer of settlement to be made pursuant to Annex II of the London Agreement of February 27, 1953 between the Government of the Federal Republic of Germany, the United States of America and other countries. The principal and interest of the Debt Adjustment Bonds will be guaranteed by Vereinigte Industrie Unternehmungen Aktiengesellschaft ("VIAG").

The Debt Adjustment Bonds will be offered in Exchange for the company's outstanding first mortgage bonds in two series, designated as First Mortgage Sinking Fund Gold Bonds 6½ percent Series due 1950, and as First Mortgage Sinking Fund Gold Bonds, 6½ percent Series due 1953, which mortgage bonds are guaranteed by VIAG. The company and VIAG have filed with the Commission applications to quality the indenture and the guarantee under which the Debt Adjustment Bonds will be issued.

Deutsche Treuhand is also trustee under an indenture dated as of December 1, 1925 between VIAG and Innwerk, Bayerische Aluminium-Aktiengesellschaft, and Bayerische Kraftwerke Aktiengesellschaft securing Hydro Electric First (Closed) Mortgage 6% Sinking Fund Gold Bonds due December 1, 1945, which have been in default for many years. On March 3, 1955 VIAG made an offer to all holders of validated bonds to pay cash for the bonds and the coupons attached thereto.

The application pursuant to section 304 (d) and section 310 (b) (1) (ii) of the act requests a finding by the Commission that the trusteeship of Deutsche Treuhand under the VIAG Indenture and its co-trusteeship under the company's indenture guaranteed by VIAG is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the co-trustee from acting as trustee under the VIAG indenture and as co-trustee under the company's indenture.

The application states as follows:

(1) VIAG made an offer dated March 3, 1955, pursuant to the London Agreement, to holders of validated bonds and coupons secured by the VIAG indenture whereby the bonds and coupons could be surrendered for cash. As of July 26, 1957, approximately $65,570 remained payable with respect to the bonds secured by the VIAG indenture.

(2) The provisions of the German Implementation Law, which was adopted in order to allow an orderly and nondiscriminatory settlement of debts under the London Agreement, prohibit the German debtor from making payments or any other performance with respect to any old obligations until all refunding obligations issued by all German debtors have been paid in full.

(3) By virtue of the provisions of the Implementation Law, the trustee under the old indenture is without the power or incentive to seek payment of the old bonds in preference to payment on the new bonds or to prevent orderly payment in full of the new bonds in accordance with their terms.

(4) Any remaining conflict of interest between the trustee under the old and the co-trustee under the new indenture would appear to be eliminated by reason of the powers in the American institutional trustee to direct action by the co-trustee under the indenture to be qualified.

For a more detailed statement of the matters of fact and law asserted all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after October 30, 1957, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than October 28, 1957, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8691; Filed, Oct. 22, 1957; 8:49 a. m.]

[File No. 24FW-1111]

SOUTHWESTERN CHEMICAL & MINERAL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 17, 1957.

I. Southwestern Chemical & Mineral Corporation ("Southwestern"), a Delaware corporation, Suite 2301, 52 Wall Street, New York, New York, filed with the Commission on September 3, 1957, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of its $0.10 par value common stock at $1.00 per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that an exemption under Regulation A is not available under Rule 252 (a) (1) for the proposed offering by the issuer in that the issuer's principal business operations will be in countries other than the United States or Canada.

III. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The response to Item 1 (c) of the notification appears inaccurate in stating that the States of Delaware, New Jersey and New York are the jurisdictions in which the principal operations of Southwestern are conducted: when, in fact, the offering circular indicates that operations of Southwestern are presently conducted in the State of Texas and proposed operations are to be conducted in Canada, the Middle East and Argentina;

2. The notification fails to contain the information required by Item 2 with respect to promoters, predecessors and affiliates of Southwestern;

3. The notification fails to contain the information required by Item 9 with respect to the issuance of 295,000 shares of the common stock of Southwestern; stock issued to officers, directors and promoters; and prior offerings of securities by the issuer, its predecessors and affiliated issuers;

4. The notification fails to disclose as required by Item 10 the proposed sale by International Oil & Nuclear Exploration Corporation of 60,000 shares of Southwestern's stock to the underwriter of the proposed offering; and

5. Exhibits and information furnished in response to Item 11 (a) do not fully define the rights of holders of the equity securities proposed to be offered.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The Texas properties, in that:

a. Sufficient description of such properties such as their area, the name of the operator, the name of the farm, the name of the pool, and county in which located, and the actual participation of issuer in the gross production and issuer's percentage of the working interest in each lease has not been made;

b. The production history of the properties has not been set forth in sufficient detail preferably by the inclusion of the net production of oil to issuer's interest from each lease in which issuer has an interest during each of the past twelve months and during each of preceding calendar years any such property may have been productive and setting forth a total for each time period;

c. The engineering report prepared by Basil V. Zavoico dated July 22, 1957, has not been prepared in sufficient detail to enable a determination of its reliability;

d. The maps purporting to show the location of the Texas properties do not set forth the name of the pool in which the production is located, the name of the operator, and in one instance the name of the county involved;

e. The "farmout" with respect to certain acreage has not been adequately described with respect to the number of acres subject to such farmout, its location on the maps, the participation of issuer, the amount of production presently being obtained from such farmedout acreage, and depth to which such well will be drilled;

2. The acreage owned in Northwest Territory, Canada, in that:

a. The terms and provisions of any interest in oil and gas interests have not been set forth;

b. The distances from such acreage to the nearest production of oil, to the nearest production of gas, and to the nearest dry hole of consequential depth have not been disclosed;

c. The geological report prepared by A. R. Allen, consulting geological engineer, is so general in nature as to tend to misinform the public investor as to the conditions existing therein, and such report includes information as to favorable seismic survey results and the intention of other parties to drill without setting forth data in support thereof;

d. Such geological report does not state whether any geological or geophysical exploration has taken place which resulted in determining the existence of favorable structure, and therefore predictions as to what might be found are misleading.

3. The Argentina oil interests, in that the inclusion of hearsay information as to operations of German engineers without supporting data may be misleading;

4. The Middle East possibilities, in that:

a. The information in the text of the offering circular based on a report of Mr. Rudolph F. Anderson is incomplete by omission to state that the geologic province in which Syria is located is entirely separate from the geological province containing the prolific oil fields in the Near East;

b. The statement with respect to the prolific oil fields of Turkey is misleading, since the average oil well in Iraq produces approximately as much oil as all the wells in Turkey;

c. The distance from the concession in which issuer might obtain an interest to the production in Iraq, Iran, and Israeli has not been set forth;

5. The failure to describe the rights attaching to the shares proposed to be offered as required by Item 7 (a) of Schedule I;

6. The failure to furnish the names and residence addresses of the promoters of "Southwestern" as required by Item 9 (a) of Schedule I;

7. The "Capital Shares" section of "Southwestern's" financial statement in that it inaccurately states that only 295,000 shares of the stock of "Southwestern" is outstanding; when, in fact, taking into consideration the 12,000 shares which were issued to officers, directors and promoters, there appear to be 307,000 shares of stock outstanding.

8. The statement under the heading "Prospects for Future Profit" that "Oil wells in Texas owned by a fully-owned subsidiary (Texas Panhandle Oil Producers, Inc.) are presently producing approximately $10,000 a year revenue for the company on a consolidated basis" in that there is a failure to disclose that the $10,000 amount represents gross income and a failure to disclose the net income to the company from such properties;

9. The statement on page 1 of the offering circular that "the Texas oil producing properties have an important place in that this income pays for an office staff and other operating expenses at no drain to the treasury. Thus, a continued well-operated organization is assured, even during periods of low return" in that the present revenue from the property is insufficient to support the above claim; and

10. The failure to include as part of the offering circular:

a. A statement of cash receipts and disbursements for the company from the date of incorporation;

b. The financial statements of the subsidiary companies;

c. The financial statements for the predecessor company for the two years and interim period to the date of acquisition by the company.

d. The failure to furnish sufficient information to support the figure of $205,000 represented as the cost of leases and properties in the company's Statement of Financial Condition on July 31, 1957.

IV. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Southwestern Chemical & Mineral Corporation and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8690; Filed, Oct. 22, 1957; 8:49 a. m.]

[1] Commissioner Digby dissenting.

INTERSTATE COMMERCE COMMISSION

[Notice 187]

MOTOR CARRIER APPLICATIONS

OCTOBER 18, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1263 (Sub. No. 10), published issue October 9, 1957, at page 8031, filed September 5, 1957, J. H. McCARTY, doing business as J. H. McCARTY TRUCK LINE, Trenton, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–1018 Temple Building, Kansas City 6, Mo. Applicant's trade name was misspelled. The correct name is as above.

No. MC 1422 (Sub No. 26), filed October 8, 1957, VOSS TRUCK LINES, INC., 900 West Washington Street, Oklahoma City, Okla. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company Plant, located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from points in the Chicago, Ill., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Tennessee.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 3560 (Sub No. 11), filed October 7, 1957, GENERAL EXPRESSWAYS, INC., 221 West Roosevelt Road, Chicago 5, Ill. Applicant's attorney: Floyd F. Shields, Suite 2900, 33 North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company a division of General Electric Company plant, located directly west of the Chicago, Ill., Commercial Zone and situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Michigan, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 7920 (Sub No. 2), filed October 7, 1957, HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, Ohio. Applicant's attorney: Robert N. Krier, 3440 Leveque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located 2 miles west of the Chicago Commercial Zone as an off-route point in connection with applicant's authorized operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 10207 (Sub No. 6), filed October 8, 1957, McCLAIN DRAY LINE, INC., 404 Railroad Ave., Marion, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 10761 (Sub No. 72) (CLARIFICATION), published issue October 9, 1957, at page 8033, filed September 6, 1957, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Mt. Pleasant, *Westmoreland County*, Pa., as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Harrisburg, Pa., over U. S. Highway 30, the Pennsylvania Turnpike and U. S. Highway 11. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Missouri.

HEARING: Remains as assigned November 26, 1957, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 15214 (Sub No. 32), filed October 7, 1957, MERCURY MOTORWAYS, INC., 945 Louise Street, P. O. Box 689, South Bend, Ind. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant of the Hotpoint Company located about 2 miles west of the Chicago, Ill., Commercial Zone between Devon Road on the south, Landmier Road on the north, Tonne Road on the west and Busse Avenue on the east, in Cook County, Ill., as an off-route point in conection with applicant's presently authorized regular route operations betwen Chicago, Ill., and Cleveland, Ohio. Applicant is authorized to conduct operations in Illinois, Ohio, Indiana, Michigan, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 15318 (Sub No. 32), filed October 14, 1957, KIMBEL LINES, INC., 3 South Park Avenue, Cape Girardeau, Mo. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 22229 (Sub No. 25), filed September 5, 1957, TERMINAL TRANSPORT COMPANY, INC., 180 Harriet Street SE., Atlanta, Ga. Applicant's attorney: Harold H. Clokey, Jr., Hurt Building, Atlanta, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Jacksonville, Fla., and Mayport, Fla., from Jacksonville over Florida Highway 10 to junction of U. S. Highway A1A, thence over U. S. Highway A1A to Mayport, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Florida, Georgia, Illinois, Indiana, Kentucky, Alabama, and Tennessee.

HEARING: December 5, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 28067 (Sub No. 9), filed October 7, 1957, WILLIAMS MOTOR TRANSFER, INC., 18 West Street, Barre, Vt. Applicant's representative: Oliver C. Peterson, 1340 Melrose Avenue South, St. Petersburg, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite*, from Barre, Montpelier and South Ryegate, Vt., to points in that part of Pennsylvania located west of U. S. Highway 15, and points in West Virginia. Applicant is authorized to conduct operations in Vermont, Pennsylvania, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, Ohio, Virginia, and the District of Columbia.

HEARING: November 29, 1957, at the Fulton Bldg., 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 28439 (Sub No. 77), filed October 4, 1957, DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Bldg., 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements, agricultural machinery, agricultural implement and machinery parts and accessories*, from Coldwater, Ohio, and points within five miles thereof, to points in New Jersey, Delaware, Maryland, Virginia, West Virginia, and those points in Pennsylvania east of the eastern boundaries of McKean, Cameron, Clearfield, Indiana, West Moreland, and Fayette Counties.

HEARING: November 22, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 39406 (Sub No. 9), filed October 7, 1957, CENTRAL MOTOR LINES, INCORPORATED, 124 East Sixth Street, Charlotte 1, N. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant located in Cook County, Ill., near O'Hare Field, approximately 2 miles west of the western boundary of the Chicago Commercial Zone bounded by Tonne Road on the west, Landmeir Road on the north, Busse Road on the east, and Devon Avenue on the south, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 41255 (Sub No. 27), filed May 23, 1957, GRUBB MOTOR LINES, INC., P. O. Box 567, Lexington, N. C. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, in cartons or in crates, from Winston Salem and Lexington, N. C., to points in Connecticut, Massachusetts, and Rhode Island. Applicant is authorized to conduct similar operations in North Carolina, New York, Delaware, the District of Columbia, Maryland, Virginia, New Jersey, Pennsylvania, Georgia, South Carolina, Massachusetts, and Rhode Island.

HEARING: November 13, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Charles H. Riegner.

No. MC 46599 (Sub No. 28), filed October 7, 1957, HEALZER CARTAGE CO., a Corporation, 1428 West Ninth Street, Kansas City 1, Mo. Applicant's attorney: Floyd F. Shields, Suite 2900, 33 North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, and household goods as defined by the Commission, serving the site of the Hotpoint Company plant, a division of General Electric Company, located directly west of the Chicago, Ill., Commercial Zone as defined by the Commission, and situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill., and points in the Chicago, Ill., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 46737 (Sub No. 33), filed October 9, 1957, GEO. F. ALGER COMPANY, a Corporation, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Hotpoint Company (a Division of General Electric Company) at Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct similar operations in Illinois, Indiana, Michigan, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 48958 (Sub No. 32), filed October 7, 1957, ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's representative: R. W. Wright, Jr., same address as above. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located directly west of the Chicago Commercial Zone in the village of Elk Grove, Ill., and situated between Devon Avenue on the south, Landmeir Road on the north, Busse Road on the east and Tonne Road on the west, as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 52709 (Sub No. 77), filed October 8, 1957, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, same address as above. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant in the Village of Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 58954 (Sub No. 30), filed October 7, 1957, McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich. Applicant's attorney: Floyd F. Shields, Suite 2900, 33 North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located directly west of the Chicago Commercial Zone and situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago and the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 59266 (Sub No. 6), filed October 8, 1957, JOHN H. YOURGA, doing business as JOHN H. YOURGA TRUCKING, 104 Church Street, Wheatland (Mercer County), Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to

operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles* in Groups I, II, and III of Appendix V to the report in Ex Parte No. MC–45, Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 and 61 M. C. C. 766, from Greenville, Pa., to points in Maryland, New Jersey, Michigan, New York, Ohio, West Virginia, and the District of Columbia, and *damaged shipments* of the above-described commodities on return. Applicant is authorized to transport Iron and steel articles in Delaware and Pennsylvania.

HEARING: November 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 64994 (Sub No. 24), filed October 4, 1957, HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston-Salem, N. C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the site of the Hotpoint Company plant located approximately two miles west of the Chicago, Ill., Commercial Zone, on the one hand, and points in the Chicago, Ill., Commercial Zone as defined by the Commission, on the other.

NOTE: Applicant states it proposes to join or tack the above requested authority with its existing operating rights for the purpose of performing through service between the plant of the Hotpoint Company referred to above, on the one hand, and, on the other, points now authorized to be served by HENNIS FREIGHT LINES, INC.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 68105 (Sub No. 6) (CLARIFICATION), published issue of October 9, 1957, at page 8036, filed September 5, 1957, ALFRED E. ANDING, Arena, Wis. Applicant's attorney: Edward A. Solie, 1 South Pinkney Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Explosives*, other than liquid explosives, from the *Town* of Cross Plains, Dane County, Wis., to points in Illinois, Iowa, Minnesota, and Wisconsin, and *empty containers* used in the transportation of explosives, and *rejected shipments* of the commodities specified above, from points in Illinois, Iowa, Minnesota, and Wisconsin to the *Town* of Cross Plains, Dane County, Wis. Applicant is authorized to transport Explosives, other than liquid explosives, from Ishpeming, Mich., and Madison, Wis., to points in Illinois, Iowa, Minnesota, and Wisconsin, and other commodities in Illinois, Indiana, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: Remains as assigned November 20, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Examiner Reece Harrison.

No. MC 68909 (Sub No. 51), filed October 8, 1957, DECATUR CARTAGE CO., 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's presently authorized regular route operations to and from the Chicago Commercial Zone. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 92983 (Sub No. 252), filed August 22, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brandy* and *wine*, in bulk, in tank vehicles, from points in Florida to points in Illinois, Indiana, Michigan, and Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: December 5, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Charles H. Riegner.

No. MC 95627 (Sub No. 14), filed October 7, 1957, EUGENE NELMS, P. O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packing house products, commodities used by packing houses*, and *dairy products*, between Smithfield, Va., and points in Connecticut, Massachusetts, and Rhode Island. Applicant is authorized to conduct operations in Maryland, New York, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

HEARING: November 22, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 102608 (Sub No. 9), filed October 7, 1957, BURLINGTON CHICAGO CARTAGE, INC., 604 North Tremont Street, Kewanne, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Centex Industrial Center, Ill., including the site of the Hotpoint Company plant as an off-route point in connection with applicant's authorized operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 103017 (Sub No. 14), filed October 9, 1957, MERCURY MOTOR FREIGHT LINES, INC., 954 Hersey Street, St. Paul 14, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Elk Grove Township, Cook County, Ill., as off-route points in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Minnesota, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 103378 (Sub No. 91), filed September 9, 1957, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (a) from terminal of Bay Petroleum Corporation near Hilton, Ga., to points in Alabama located on, south and east of a line commencing at the Alabama-Florida state line near Atmore, Ala., on Alabama Highway 21 (formerly 11) and continuing on Alabama Highway 21 to junction with U. S. Highway 84, thence along U. S. Highway 84 to Grove Hill, Ala., thence along Alabama Highway 5 to Centerville, Ala., thence along Alabama Highways 25 and 53 to Pell City, Ala., and thence along U. S. Highway 78 to the Georgia-Alabama state line at a point west of Bremen, Ga., and (b) from terminal of Bay Petroleum Corporation near Hilton, Ga., to points in Florida on and west of a line commencing at the Florida-Georgia state line on U. S. Highway 129 north of Jasper, Fla., and continuing along U. S. Highway 129 to Old Town, Fla., and thence along the Suwanee River to the Gulf of Mexico. Applicant is authorized to conduct operations in Florida, Georgia, North and South Carolina, Alabama, and Tennessee.

HEARING: December 6, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 103378 (Sub No. 92), filed September 9, 1957, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sulphate of alumina*, in bulk, in tank vehicles, from Port St. Joe, Fla., to Attapulgus, Ga., and Brewton and Naheloa, Ala. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, Alabama, North Carolina, and Tennessee.

HEARING: December 6, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 103378 (Sub No. 93), filed September 30, 1957, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tall oil*, in bulk, in tank vehicles, from Palatka and Jacksonville, Fla., to Savannah, Ga. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, Alabama, North Carolina, and Tennessee.

HEARING: December 9, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 107107 (Sub No. 93), filed September 3, 1957, ALTERMAN TRANSPORTATION LINES, INC., 2424 Northwest 46th Street, Miami, Fla. MAIL: P. O. Box 65, Altapatlah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food, food products, and food materials;* and *packing house products* as defined by the Commission in Ex Parte No. MC 45, (1) from Jacksonville, Fla., and points within twenty (20) miles thereof, to points in Florida; (2) from points in Dade and Palm Beach Counties, Fla., to points in Florida; and (3) from points within 100 miles of Lakeland, Fla., including Lakeland, to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 10, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 107998 (Sub No. 4), filed July 5, 1957, WALTER A. ECHOLS, doing business as FURNITURE CARRIER COMPANY, 370–2 Lee Street SW., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *New Furniture*, between points in South Carolina and points in that part of North Carolina, Tennessee and Virginia bounded by a line beginning at the South Carolina-North Carolina State line on U. S. Highway 17 to and including Wilmington, N. C., thence U. S. Highway 117 to Wilson, N. C., thence U. S. Highway 301 to Richmond, Va., thence U. S. Highway 360 to Burkeville, Va., thence U. S. Highway 460 to Roanoke, Va., thence U. S. Highway 11 to Bristol, Va.-Tenn., thence U. S. Highway 11E to Johnson City, Tenn., thence U. S. Highway 23 to the Tennessee-North Carolina State line, thence the Tennessee-North Carolina State line to the North Carolina-Georgia State line, thence the North Carolina-Georgia State line to the intersection with the South Carolina-Georgia State line, thence the South Carolina-Georgia State line to the Atlantic Ocean, including all points located on the indicated portions of such highways, on the one hand, and, on the other, points in Alabama and points in that part of Florida bounded by a line beginning at U. S. Highway 90 and the Atlantic Ocean, thence U. S. Highway 90 to junction with Florida Highway 20 at Tallahassee, thence Florida Highway 20 to junction with U. S. Highway 231, thence over U. S. Highway 231 to Panama City, Fla., thence U. S. Highway 98 to junction with U. S. Highway 90, thence U. S. Highway 90 to the Florida-Alabama State line, thence the Florida-Alabama State line to its intersection with the Florida-Georgia State line, and thence the Florida-Georgia State line to the Atlantic Ocean, and thence to the point of beginning, including all points located on the indicated portions of such highways.

NOTE: Applicant states that it seeks no duplicating authority. Applicant is authorized to transport similar commodities in Georgia, Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

HEARING: November 27, 1957, at the Peachtree-Seventh Building., 50 Seventh Street NE, Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 109106 (Sub No. 8), filed September 18, 1957, A. O. FENWICK AND HARRY PRIEBE, doing business as FENWICK & PRIEBE, P. O. Box 264, Highway M–139, Benton Harbor, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plumbing goods, china and earthenware, plumbers' brass fittings* and *water closet seats*, from the site of the Kohler plant at Camp Croft, S. C., (approximately four (4) miles southeast of Spartanburg, S. C., on or near South Carolina Highway 56), to points in Florida. Applicant is authorized to conduct operations in Wisconsin, Florida, Illinois, Indiana, Missouri, Ohio, and Michigan.

HEARING: December 9, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 109633 (Sub No. 9), filed October 14, 1957, ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 110698 (Sub No. 86), filed May 16, 1957, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, J. ARCHIE CANNON, JR., SUCCESSOR TRUSTEE, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, as defined by the Commission in Maxwell Co. Extension-Addyston, 63 M. C. C. 677, from Atlanta and Savannah, Ga., to points in Alabama, Florida and those in Tennessee west of U. S. Highway 27. Applicant is authorized to transport similar commodities in Georgia, South Carolina, North Carolina, West Virginia, Virginia, New York, New Jersey, Maryland, Delaware, Pennsylvania, and Florida.

HEARING: November 26, 1957, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 115119 (Sub No. 3), filed October 8, 1957, SERVICE TRANSFER & STORAGE, INC., La Crosse, Wis. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant, located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from points in the Chicago, Ill., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Minnesota, Ohio, South Dakota, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 115491 (Sub No. 7), filed August 26, 1957, COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 120

East Davidson Street, Bartow, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Phosphate, superphosphate*, and *triple superphosphate*, in bags, palletized, from points in Hillsborough and Polk Counties, Fla., to Tampa, Fla. Applicant is authorized to conduct operations in Florida, Iowa, Kansas, Minnesota, Missouri, and Nebraska.

NOTE: Applicant states that the above commodities are to be for further movement by water in interstate and foreign commerce, said movement to be made on flatbed equipment, palletized.

HEARING: December 5, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

No. MC 116695 (Sub No. 1), filed August 12, 1957, ARDMORE FREIGHT CORPORATION, 189 Charles Street, Providence, R. I. Applicant's attorney: Herbert Burstein, 135 Broadway, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tubing* (aluminum, copper, brass, iron and steel), from Providence, R. I., to Chicago, Ill.

NOTE: Applicant states: Stockholders of applicant are stockholders of Shulman, Inc. a Massachusetts corporation holding common carrier authority issued by the Massachusetts D. P. U. which, in turn, holds all of the stock of its subsidiary, Shulman, Inc., a Delaware corporation which holds a permit as a freight forwarder under FF 211 and FF 211 (Sub No. 1). The Massachusetts Corporation has pending an application with this Commission to conduct operations under the second proviso of section 206 (a).

HEARING: November 14, 1957, in Room 308, Main Post Office Building, Providence, R. I., before Examiner Lacy W. Hinely.

No. MC 116763 (Sub No. 4), (Correction) published at page 8045, issue of October 9, 1957, filed August 13, 1957, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Mail: North West Street, Versailles, Ohio. Applicant's attorneys: Benjamin J. Brooks, Washington Loan and Trust Building, Washington 4, D. C., and Herbert Baker, A. I. U. Building, Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned prepared or preserved foodstuffs*, not requiring refrigeration, from points in Florida and Georgia to points in Ohio, Ashland, Covington, and Maysville, Ky., Sharon, Pa., and Charleston, Parkersburg, and Wheeling, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Ohio, Florida, Michigan, Illinois, Wisconsin, Minnesota, Indiana, and Georgia.

HEARING: Remains as assigned November 25, 1957, at the New Post Office Building, Columbus, Ohio, before Examiner Leo A. Riegel.

No. MC 116852, filed August 2, 1957, GRADY HANDLEY AND W. L. JOHNSON, doing business as HANDLEY TRANSFER, P. O. Box 806, Millen, Ga. Applicant's representative: G. B. Sasser, P. O. Box 827, Millen, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Insecticides, lumber* and *building materials, cotton*, and *cotton seed*, from points in Georgia, South Carolina, and North Carolina to points in Florida and Tennessee, and *citrus pulp* on return movements.

HEARING: November 29, 1957, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

MOTOR CARRIERS OF PASSENGERS

No. MC 58915 (Sub No. 33), filed September 24, 1957, LINCOLN TRANSIT CO., INC., U. S. Highway 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Somers Point, N. J., and Ocean City, N. J., from the junction of Garden State Parkway and Garden State Parkway Interchange Road No. 30 over Garden State Parkway Interchange Road No. 30 to the junction of New Jersey Highway 52, thence over New Jersey Highway 52 to Ocean City, and return over the same route, serving all intermediate points; (2) between Marmora, N. J., and Ocean City, N. J., from the junction of Garden State Parkway and Garden State Parkway Interchange Road No. 25 over the Garden State Parkway Interchange Road No. 25 to the junction of Ocean County Highway 585, thence over Ocean County Highway 585 to Ocean City, and return over the same route, serving all intermediate points; (3) between Rio Grande, N. J., and Wildwood, N. J., from the junction of Garden State Parkway and Garden State Parkway Interchange Road No. 4 over Garden State Parkway Interchange Road No. 4 to the junction of New Jersey Highway 47, thence over New Jersey Highway 47 to Wildwood, and return over the same route, serving all intermediate points. (4) (This is numbered 5. in Appendix "E" of this application) To lift the restriction contained in Certificate MC 58915 (Sub No. 25) to serve all intermediate points on the presently authorized route between Ocean City and North Wildwood, N. J. This concerns the third described route in Certificate No. MC 58915 (Sub No. 25) which authorizes service as follows: Between Atlantic City, N. J., and North Wildwood, N. J., serving all intermediate points except those between Ocean City and North Wildwood, from Atlantic City over unnumbered highway (Ocean Drive) through Ventnor, Margate City, Ocean City, Sea Isle City, Avalon, and Stone Harbor, N. J., to North Wildwood, and return over the same route. Applicant is authorized to conduct operations in New York and New Jersey.

HEARING: December 2, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 116969, filed October 2, 1957, DOMINGO MARTINEZ AND ESTHER MARTINEZ, 621 Fairmount Avenue, Philadelphia 20, Pa. Applicant's attorney: Harold S. Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, between Idlewild and La Guardia Airports, New York, N. Y., Newark Airport, Newark, N. J., and all other commercial airports serving New York, N. Y., located in New York, N. Y. and Newark, N. J., on the one hand, and, on the other, points in the City of Philadelphia, the Counties of Bucks, Chester, Delaware and Montgomery, Pa., and the Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem, N. J., limited and restricted to such transportation as shall have had a prior movement or will have a subsequent movement by aircraft, and other than such transportation as is within the partial exemption of section 203 (b) (7a) of the act.

HEARING: December 3, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 42.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3261 (Sub No. 25), filed October 7, 1957, KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment, (1) between junction Pennsylvania Highway 41 and U. S. Highway 30 at Gap, Pa., and junction Pennsylvania Highway 41 and U. S. Highway 13 at Wilmington, Del., over Pennsylvania Highway 41, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Atlantic City, N. J., and (2) between junction Pennsylvania Highway 100 and U. S. Highway 30 at Exton, Pa., and Wilmington, Del., from junction Pennsylvania Highway 100 and U. S. Highway 30 at Exton over Pennsylvania Highway 100 to junction U. S. Highway 202, thence over U. S. Highway 202 to Wilmington, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Atlantic City, N. J. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia.

No. MC 25798 (Sub No. 22), filed October 1, 1957, CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Hendersonville, N. C. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Citrus products*, not canned and not frozen, and *frozen citrus products*, from points in Florida to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and points in North Carolina on and west of U. S. Highway 52, and *exempt commodities* on return.

NOTE: Applicant states it presently has authority to serve the origin territory of Winter Haven, Fla., and points within 75 miles thereof, to all destination states mentioned above, and serves other points in Florida by interchange by using the gateway of Winter Haven. Applicant further states that the purpose of the instant application is to eliminate the interchange and to render service for all shippers of citrus products in the state of Florida, which at times requires storage of their products at points not in the 75 mile area of Winter Haven. Duplication with present authority to be eliminated.

No. MC 35893 (Sub No. 2), filed October 10, 1957, FRANCIS S. BLACKWOOD, 246 Wildwood Avenue, Akron, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities* as are manufactured, processed and/or dealt in by plastic and/or rubber manufacturers, and steel product manufacturers, and *equipment, materials* and *supplies* used in the conduct of such businesses, (1) from all points in Connecticut, Massachusetts, that part of New York east of a line beginning at Port Jervis, N. Y., and extending along U. S. Highway 209 to Kingston, N. Y., thence along U. S. Highway 9W to Albany, N. Y., thence along U. S. Highway 20 to Syracuse, N. Y., thence along U. S. Highway 11 to Watertown, N. Y., and thence along New York Highway 12 to Clayton, N. Y., including New York, N. Y., Long Island, N. Y., and points on the indicated portions of the highways specified; and those in New Jersey located on and north of New Jersey Highway 33, and all points within the State of Rhode Island to Akron, Bellevue and Dorset, Ohio; (2) from Akron, Bellevue and Dorset, Ohio to the above-defined origin points and territory. Applicant is authorized to conduct operations in Ohio, Rhode Island, Massachusetts, Connecticut, New York, and New Jersey.

NOTE: Applicant states the following: The authority sought herein, if granted, would result in an authorized operation between Akron, Bellevue and Dorset, Ohio, on the one hand, and, on the other, the eastern points and territory hereinabove defined, which is the same eastern territory as applicant is presently authorized to serve from Akron, Ohio. Summarized, the instant application seeks to extend applicant's present authority, (a) by adding plastics to the present authorized commodity description; (b) by adding Bellevue and Dorset, Ohio, as both origin and destination points; and (c) by adding between the above-defined eastern points and territory, on the one hand, and, on the other, Akron, Bellevue and Dorset, Ohio, traversing the State of Pennsylvania for operating convenience only. To the extent that the authority sought herein would duplicate any authority heretofore granted to applicant, such should not be construed as here seeking more than one operating right between the same points.

No. MC 59759 (Sub No. 8), filed October 7, 1957, FOOD PRODUCTS TRUCKING Co., 235 Keats Avenue, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Premium stamp books with stamps affixed and tax moneys*, from the Merchants Green Trading Stamp Company's redemption centers in Fairfield County, Conn. and those in New York within 80 miles of Newark, N. J. to the warehouse of Merchants Green Trading Stamp Company in Linden, N. J.; (2) *Tax moneys*, from the Merchants Green Trading Stamp Company's redemption centers in Pennsylvania on and east of U. S. Highway 15, and in Baltimore, Md., to the warehouse of Merchants Green Trading Stamp Company in Linden, N. J.; (3) *Such merchandise* as is distributed by a premium stamp redemption center in the redemption of trading stamps, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, from the warehouse of Merchants Green Trading Stamp Company in Linden, N. J. to Merchants Green Trading Stamp Company's redemption centers in Wilmington, Del.; (4) *Refused, rejected*, and *returned* shipments of the commodities specified above, and *premium stamp books with stamps attached*, and *tax moneys*, from the above-specified redemption centers to the above-specified warehouse. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Connecticut, and Maryland.

No. MC 59759 (Sub No. 9), filed October 8, 1957, FOOD PRODUCTS TRUCKING CO., 235 Keats Avenue, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Potato chips, pretzels, salted nuts* and *bakery goods*, from Food Fair Stores baking plant and warehouse in Philadelphia, Pa., to its markets in New Jersey, those in New York within 80 miles of Newark, N. J. and those in Fairfield County, Conn. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Connecticut, and Maryland.

No. MC 67646 (Sub No. 44), filed October 10, 1957, HALL'S MOTOR TRANSIT COMPANY, a Corporation, Fourth Street and Shikellamy Avenue, Sunbury, Pa. Applicant's attorney: John E. Fullerton, 131 State Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (a) serving Kane and Sergeant, McKean County, Pa., as intermediate points in connection with applicant's authorized regular route operations between Johnsonburg, Pa., and Cleveland, Ohio; (b) serving Kane, McKean County, Pa., as an intermediate point, and Sergeant, McKean County, Pa., as an off-route point in connection with applicant's authorized regular route operations between Erie, Pa., and Williamsport, Pa.; and (c) serving Kane and Sergeant, McKean County, Pa., as off-route points in connection with applicant's authorized regular route operations between Lock Haven, Pa., and Du Bois, Pa. Applicant is authorized to conduct similar operations in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia.

No. MC 71207 (Sub No. 2), filed October 10, 1957, W. H. KILBOURNE, 1294 Tioga Street, Akron, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities* as are manufactured, processed and/or dealt in by plastic and/or rubber manufacturers, and steel product manufacturers, and *equipment, materials* and *supplies* used in the conduct of such businesses, (1) from all points in Connecticut, Massachusetts, that part of New York east of a line beginning at Port Jarvis, N. Y., and extending along U. S. Highway 209 to Kingston, N. Y., thence along U. S. Highway 9W to Albany, N. Y., thence along U. S. Highway 20 to Syracuse, N. Y., thence along U. S. Highway 11 to Watertown, N. Y., and thence along New York Highway 12 to Clayton, N. Y., including New York, N. Y., Long Island, N. Y., and points on the indicated portions of the highways specified; and those in New Jersey located on and north of New Jersey Highway 33, and all points within the State of Rhode Island to Akron, Bellevue, and Dorset, Ohio; (2) from Akron, Bellevue, and Dorset, Ohio, to the above-defined origin points and territory. Applicant is authorized to conduct operations in Ohio, Rhode Island, Massachusetts, Connecticut, New York, and New Jersey.

NOTE: Applicant states the following: The authority sought herein, if granted, would result in an authorized operation between Akron, Bellevue, and Dorset, Ohio, on the one hand, and, on the other, the eastern points and territory hereinabove defined, which is the same eastern territory as applicant is presently authorized to serve from Akron, Ohio. Summarized, the instant application seeks to extend applicant's present authority, (a) by adding plastics to the present authorized commodity description; (b) by adding Bellevue and Dorset, Ohio, as both origin and destination points; and (c) by adding between the above-defined eastern points and territory, on the one hand, and, on the other, Akron, Bellevue, and Dorset, Ohio, traversing the State of Pennsylvania for operating convenience only. To the extent that the authority sought herein would duplicate any authority heretofore granted to applicant, such should not be construed as here seeking more than one operating right between the same points.

No. MC 72420 (Sub No. 1), filed October 7, 1957, THE ACE MOTOR TRANSPORT COMPANY, a Corporation, 330 Tiffin Avenue, Sandusky, Ohio. Applicant's representative: G. Robert Hallett, Jr., 504 Langfitt Street, Vermilion, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of

unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company plant near the intersection of U. S. Highway 6 and Baumhart Road, Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Sandusky, Ohio, and Detroit, Mich. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 112846 (Sub No. 16), filed October 4, 1957, CLARE M. MARSHALL, INC., P. O. Box 611, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum dairy wax*, in bulk, in insulated tank vehicles, from Emlenton, Pa., to Fort Wayne, Ind. Applicant is authorized to conduct operations in Delaware, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 2306 (Sub No. 2), filed October 14, 1957, STRICKLAND MOTOR FREIGHT LINES, INC., P. O. Box 5689, 3011 Gulden Street, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio. Applicant is authorized to conduct regular route operations in Illinois, Missouri, New Jersey, New York, and Ohio, and irregular route operations in New Jersey and New York. This application is directly related to MC–F 6721 published in this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6716 (correction) published in the October 16, 1957, issue of the FEDERAL REGISTER on page 8209. The following should have been inserted between the words "purchase" and "Bernard": "Applicants' attorneys: Eugene L. Cohn and".

No. MC–F 6721. Authority sought for purchase by STRICKLAND MOTOR FREIGHT LINES, INC., P. O. Box 5689, Dallas, Tex., of the operating rights of C. O. SMITH CARTAGE, INC., 1041 Front Street, Cleveland, Ohio, and for acquisition by STRICKLAND TRANSPORTATION CO., Dallas, Tex., and in turn by L. R. STRICKLAND, Dallas, Tex., of control of such rights through the purchase. Applicants' attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation of *property*, as a *common carrier*, over irregular routes, in the State of Ohio, from and to Cleveland. Vendee is authorized to operate as a *common carrier* in Missouri, New Jersey, Illinois, Ohio, and New York. Application has been filed for temporary authority under section 210a (b).

NOTE: MC 2306 Sub 2 is a matter directly related.

No. MC–F 6722. Authority sought for purchase by EUGENE NELMS, P. O. Box 912, Suffolk, Va., of the operating rights of JOSEPH R. LAWSON, doing business as BAY TRUCKING CO., 14 Water Street, Phoebus, Va. Applicants' attorney: Chester E. King, 1507 M Street NW., Washington 5, D. C. Operating rights sought to be transferred: *Oil* and *grease*, as a *common carrier*, over a regular route from Newark, N. J., to Hampton, Va., serving no intermediate points but serving the off-route point of Sewaren, N. J., for pick-up only. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, North Carolina, South Carolina, Pennsylvania, New York, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6723. Authority sought for purchase by SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans., of a portion of the operating rights of MARTHA PAYNE, EDWIN L. PAYNE, AND RUTH M. SPANN, doing business as The PITTSBURG TRANSFER AND STORAGE COMPANY, 207 North Locust Street, Pittsburg, Kans., and for acquisition by JOSEPH E. GRINPAS, also of Kansas City, of control of such rights through the purchase. Applicants' attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D. C. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment, as a *common carrier* over irregular routes between Pittsburg, Kans., on the one hand, and, on the other, points in Kansas and Missouri within 80 miles of Pittsburg. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, Missouri, Iowa, Arkansas, Oklahoma, Colorado, Wyoming, Indiana, Nebraska, South Dakota, and Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6724. Authority sought for purchase by C & H TRANSPORTATION CO., INC., P. O. Box 5976, Dallas, Tex., and DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind., of portions of the operating rights of ROYAL TRANSIT, INC., 735 South 39th Street, Milwaukee, Wis., and for acquisition by W. O. HARRINGTON, P. O. Box 5976, Dallas, Tex., and PAUL A. MAVIS, 4000 West Sample Street, South Bend, Ind., respectively, of control of such rights through the purchases. Applicants' attorneys: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla., Charles Pieroni, 4000 West Sample Street, South Bend 11, Ind., and Franklin Overmyer, Harris Trust Building, 111 West Monroe Street, Chicago 3, Ill. Operating rights sought to be transferred: *Machinery, machine parts, contractor equipment* and *supplies*, and *commodities* requiring specialized handling or rigging because of weight or bulk, as a *common carrier*, over irregular routes (to C & H TRANSPORTATION CO., INC.), between points in Sheboygan, Ozaukee, Milwaukee, Racine, Kenosha, Washington and Waukesha Counties, Wis., on the one hand, and, on the other, points in Illinois; (to DALLAS & MAVIS FORWARDING CO., INC.), between points in Sheboygan, Ozaukee, Milwaukee, Racine, Kenosha, Washington and Waukesha Counties, Wis., on the one hand, and, on the other, points in Indiana. C & H TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, North Dakota, South Dakota, Missouri, Nebraska, Colorado, Pennsylvania, Montana, and Wyoming. DALLAS & MAVIS FORWARDING CO., INC., is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6725. Authority sought for control by JAMES N. TAGGART, 131 Matzinger Road, Toledo, Ohio, of MOTORWAY CORPORATION, 1185 Alum Creek Drive, Columbus 9, Ohio. Applicant's attorney: Ralph W. Sanborn, 808 Hartman Building, Columbus 15, Ohio. Operating rights sought to be controlled: *Glass containers, caps, covers, disks, tops, fence, fence posts, fence materials, cod liver, oil, insecticides, fertilizer, empty bags, glass bottles and glass jars*, with or without caps, covers, tops, or stoppers, *glassware*, other than cut, *stoppers*, for glass containers, *boxes, containers*, wooden or corrugated-paper, set up or knocked down, *machinery, equipment, materials, and supplies* used or useful in the manufacture of the above-named commodities, *glass blocks and materials* used in the installation thereof, *poultry equipment, dairy equipment, grease, lubricating oil, anti-freeze*, in containers, *agricultural implements, agricultural implement parts, cereal food preparations, macaroni, spaghetti, dog food and advertising matter therefor, composition roofing, asphalt roofing, composition siding, asphalt siding, materials* used in the installation of such roofing and siding, *paving materials, insulating materials, roofing materials, asphalt and composition floor tile and wall tile, materials and supplies* incidental to or used in the installation of such tile, *oleomargarine, salad dressing, lard substitutes, cooking oils, vegetables stearine, seed*, and *plastic containers*, as a *contract carrier*, over irregular routes, from, to or between points and areas, varying with the commodity transported, in West Virginia, Ohio, Kentucky, Indiana, Pennsylvania, Illinois, Michigan, Missouri, New York, New Jersey, and Maryland. JAMES N. TAGGART holds no authority from this Commission, but is the majority stockholder of FREIGHTWAYS CORPORATION, Toledo, Ohio, which is authorized to operate as a *contract carrier* in Ohio, Michigan, Indiana, Kentucky, West Virginia, Connecticut, Delaware, Illinois, Maryland, Massachusetts, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6726. Authority sought for purchase by AKERS MOTOR LINES, INCORPORATED, P. O. Box 79, New Hope Road, Gastonia, N. C., of the operating rights and property of NEAL HAWKINS TRANSFER COMPANY, INC., 701 East Davis Street, Gastonia, N. C., and for acquisition by W. W. AKERS, JR., JOHN M. AKERS and J. ROBERT WREN, all of Gastonia, and C. SCOTT AKERS, 723 Forrest Road NE., Atlanta, Ga., of control of such rights and property through the purchase. Applicants' attorney: Edgar Watkins, Munsey Building, Washington, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Gaston County, N. C., on the one hand, and, on the other, points in South Carolina; *cotton yarn*, from points in York County, S. C., to Charlotte and Lincolnton, N. C.; *paper*, from Charlotte, N. C., to Chester, Greenville, and Spartanburg, S. C.; *cotton* and *cotton waste*, between points in North Carolina, on the one hand, and, on the other, points in South Carolina; *machinery*, between York, S. C., and Charlotte, N. C. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Rhode Island, Connecticut, North Carolina, Maryland, New Jersey, Pennsylvania, Virginia, Delaware, Georgia, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6727. Authority sought for purchase by P & M AUTO TRANSPORT, INCORPORATED OF ILLINOIS, P. O. Box 224, Lebanon, Pa., of the operating rights of MARTIN L. SPECK, Dillsburg, Pa., and PAUL W. SNYDER, INC., Pitt and K Streets, Carlisle, Pa., and for acquisition by P & M AUTO TRANSPORT, INC., A DELAWARE CORPORATION, 100 West Tenth Street, Wilmington, Del., P. O. Box 224, Lebanon, Pa., and in turn by NICHOLAS KALAMAN, P. O. Box 6228, Baltimore, Md., of control of such rights through the purchase. Applicants' attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md.. Operating rights sought to be transferred: (MARTIN L. SPECK) *New automobiles*, and *accompanying accessories*, by the truckaway method, restricted to secondary movements, as a *common carrier* over irregular routes from certain points in Ohio to Milford, Del., and from Buffalo, N. Y., and certain points in Ohio to Paterson, N. J., and certain points in Pennsylvania; *new automobiles*, from Buffalo, N. Y., to Selbyville, Georgetown, Milford and Milton, Del., Onancock, Va., Crisfield, Cambridge, Salisbury, Easton and Denton, Md., and from Detroit, Mich., to Selbyville, Georgetown, Lewes and Milford, Del., Onancock, Va., Crisfield and Denton, Md.; *new motor vehicles*, and *accompanying accessories*, in initial movements, during the closed season of navigation on the Great Lakes, from places of manufacture and assembly in Wayne County and Warren Township, Macomb County, Mich., to certain points in Maryland, Virginia and Delaware; *new motor vehicles*, and *accompanying accessories*, in secondary movements, during the open season of navigation on the Great Lakes, from Buffalo, N. Y., and Cleveland, Ohio, to certain points in Maryland, Virginia and Delaware; *new motor vehicles*, in initial movement, in driveaway and truckaway service, from points in Wayne County, and in Warren Township, Macomb County, Mich., to certain points in Delaware, Maryland, and Virginia; *new motor vehicles*, in secondary movement, in driveaway and truckaway service, from Cleveland, Ohio, and Buffalo, N. Y., to certain points in Delaware, Maryland, and Virginia; (PAUL W. SNYDER, INC.) *Automobiles, trucks*, and *chassis*, in initial movements in truckaway service, and *cabs* and *bodies*, as a *common carrier* over irregular routes, from points in Wayne County and Warren Township, in Macomb County, Mich., to certain points in Pennsylvania, Delaware, and Maryland; *new automobiles, new trucks, new cabs, new bodies*, and *new chassis*, restricted to secondary movements, during the season of open navigation on the Great Lakes, in truckaway service, from Cleveland, Ohio, and Buffalo, N. Y., to certain points in Pennsylvania, Delaware, and Maryland; *new passenger automobiles and hearses*, and *automobile chassis*, in initial movements, by truckaway method, from Newark, Del., to Wilmington, Del., and certain points in Pennsylvania and Maryland. Vendee is authorized to operate as a *common carrier* in Michigan, Iowa, Missouri, Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–8688; Filed, Oct. 22, 1957; 8:49 a. m.]

[Notice 13]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 18, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–111231 (Deviation No. 3), JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark., filed October 14, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Pittsburg, Kans., and the junction of Kansas Highway 96 and U. S. Highway 54 as follows: from Pittsburg over U. S. Highway 160 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction of Kansas Highway 47, thence over Kansas Highway 47 to junction Kansas Highway 96, at or near Fredonia, thence over Kansas Highway 96 to junction U. S. Highway 54 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Pittsburg, Kans., and the junction of Kansas Highway 96 and U. S. Highway 54 over the following pertinent route: from Pittsburg over U. S. Highway 69 to Fort Scott, Kans., thence over U. S. Highway 54 to the junction of Kansas Highway 96.

MOTOR CARRIERS OF PASSENGERS

No. MC–46047 (Deviation No. 1), READING TRANSPORTATION COMPANY, Reading Terminal, Reading, Pa., filed October 14, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over two deviation routes, (A) between Philadelphia, Pa., and Reading, Pa., as follows: from Philadelphia over Schuylkill Expressway to junction Pennsylvania Turnpike at Valley Forge Interchange, thence over Pennsylvania Turnpike to Morgantown Interchange, thence over U. S. Highway 122 to Reading; and (B) between Philadelphia, Pa., and Harmonville, Pa., as follows: from Philadelphia over Schuylkill Expressway to West Conshohocken, Pa., thence over Fayette Street and Butler Pike to junction U. S. Highway 422 at Harmonville; and return over the same routes, for operating convenience only, serving no intermediate points. The notices indicates that the carrier is presently authorized to transport passengers between Philadelphia, Pa., and

Pottsville, Pa., over the following pertinent route: from Philadelphia over U. S. Highway 422 to Reading, Pa., thence over U. S. Highway 122 to Pottsville.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8689; Filed, Oct. 22, 1957; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 18, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34241: *Tankage between points in official territory.* Filed by O. E. Schultz, Agent (ER No. 2408), for interested rail carriers. Rates on tankage, dry-rendered, in bulk, in pressed cakes or otherwise, carloads from points in official territory to Boston, Mass., Buffalo, N. Y., and Cincinnati, Ohio.

Grounds for relief: Short-line distance formula, and grouping.

Tariff: Agent H. R. Hinsch's tariff I. C. C. No. 4772.

FSA No. 34242: *Superphosphate from southwest to W. T. L. territory.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7138), for interested rail carriers. Rates on superphosphate, not defluorinated or feed grade, in bulk, carloads from points in the Southwest to points in western trunk line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 233 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 34243: *Tructrain service from and to Louisiana.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7135), for interested rail carriers. Rates on freight loaded in or on highway trailers and transported on railroad flat cars, or loaded in demountable trailer bodies and transported in open-top cars between Atchison, Leavenworth, Kans., Kansas City, Mo.-Kans., St. Louis, St. Joseph, Mo., and East St. Louis, Ill., and points grouped therewith, on the one hand, and points in Louisiana, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 64 to Agent Kratzmeir's tariff I. C. C. 4233.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8687; Filed, Oct. 22, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BIRGER JOHNSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Birger Johnsen, Lura, Sandnes, Norway, Claim No. 58428, Vesting Order No. 294, property described in Vesting Order No. 294 (7 F. R. 9840, November 26, 1942), relating to United States Patent Application Serial No. 373,033 (now United States Letters Patent No. 2,351,971).

Executed at Washington, D. C., on October 16, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-8716; Filed, Oct. 22, 1957; 8:56 a. m.]

UNIVERSITY OF MICHIGAN

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OCT 23 1957
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 207

Washington, Thursday, October 24, 1957

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 620, Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

REVISED ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

Pursuant to pink bollworm quarantine No. 52 (7 CFR 301.52; 22 F. R. 7013), sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and section 106 of the Federal Plant Pest Act (Pub. Law 85-36), the administrative instructions appearing in 7 CFR 301.52a (22 F. R. 7016) are hereby revised to read as follows:

§ 301.52a *Administrative instructions exempting certain articles from specified requirements.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of § 301.52-4 (a) with respect to the movement of such articles from any point in the regulated area into or through any point outside of the regulated area or from the generally infested area into or through the eradication area, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.52-4 (a) under the conditions set forth below:

(a) Compressed bale cotton lint moving by common carrier when such lint has been given standard or equivalent compression.

(b) Baled cotton lint moving from the generally infested area into the eradication area when the lint is from seed cotton produced in the eradication area and moved to the generally infested area for ginning.

(c) Samples of cotton lint and cotton linters of the usual trade size.

(d) Cottonseed cake.

(e) Cottonseed meal.

(f) Kenaf and edible okra produced in the eradication area (Arizona, Arkansas, Louisiana) or in Oklahoma or New Mexico.

(g) Edible okra produced in Texas during the period December 1 to April 30, inclusive.

(h) Edible okra produced in Texas during the period May 1 to November 30, inclusive, moving to the District of Columbia or to the following States or parts of States for immediate processing or consumption therein, when the containers are marked as noncertified Texas okra by a stamp as required by the inspector: Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, and that part of Virginia, Missouri, Illinois, and Kentucky north of the 38th parallel.

These administrative instructions shall become effective October 24, 1957.

The purpose of this revision is to limit the exemption relating to "baled cotton lint moving from the generally infested area into the eradication area" to lint that is from seed cotton produced in the eradication area and moved to the generally infested area for ginning. This limitation is considered necessary to prevent the spread of the pink bollworm into the eradication area. Therefore, the revision should be made effective as soon as practicable. Accordingly, it is found upon good cause that notice and other public procedure under the Administrative Procedure Act are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 21st day of October 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57-8758; Filed, Oct. 23, 1957; 8:48 a. m.]

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PART 728—WHEAT

SUBPART—1958–59 MARKETING YEAR

EXEMPTION OF CERTAIN WHEAT PRODUCERS FROM LIAPILITY FOR MARKETING QUOTA PENALTIES WHERE ALL OF THE WHEAT CROP IS FED OR USED FOR SEED OR FOOD ON THE FARM; EXTENSION OF TIME FOR FILING APPLICATION

The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is for the purpose of extending the final date for filing applications for an exemption under the regulations.

Since farmers in many areas have already seeded, or are preparing to seed, their 1958 crop of wheat it is imperative that they be notified of the amendment herein as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 728.842 is amended by striking out in the second sentence thereof the language "October 15" and inserting in lieu thereof "October 25".

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 335, 52 Stat. 54, as amended; 7 U. S. C. 1335)

Done at Washington, D. C., this 22d day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-8803; Filed, Oct. 23, 1957; 10:21 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 193]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.866 *Tangerine Regulation 193*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 22, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) Tangerine Regulation 192 (§ 933.863; 22 F. R. 8251) is hereby terminated effective at 12:01 a. m., e. s. t., October 25, 1957.

(3) During the period beginning at 12:01 a. m., e. s. t., October 25, 1957, and ending at 12:01 a. m., e. s. t., November 18, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 22, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8811; Filed, Oct. 23, 1957; 11:23 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART 1958

The protection and conservation of the soil and water resources of farm and ranch lands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers and ranchers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farm and ranch lands. Recognizing this, the Congress appropriates funds to share with farmers and ranchers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers and ranchers.

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AUTHORITY: §§ 1105.700 to 1105.774 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 329; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1105.700 *Introduction.* (a) The United States Department of Agriculture offers every farmer and rancher in the Territory of Hawaii an opportunity to conserve and improve the productivity of their land through participation in the 1958 Agricultural Conservation Program.

(b) Under this program, part of the costs of the conservation practices is borne by the Government, and this represents the Nation's interest in what happens to its basic land and water resources.

(c) Costs will be shared on the performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

(d) The information contained in this subpart outlines the general provisions of the 1958 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

§ 1105.701 *General program principles.* The 1958 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the Territory.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1958 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in the program are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices through their life span. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm or ranch operator.

DEFINITIONS

§ 1105.702 *Definitions.* For the purposes of the 1958 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Territory of Hawaii.

(d) "State Office" means the Hawaii Agricultural Stabilization and Conservation Office in Honolulu, Territory of Hawaii.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, the Territory of Hawaii or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(f) "Farm" or "ranch" means (1) all adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person, and (2) all additional farm, wood, or range land under different ownership operated by such person which the State Office determines (i) is nearby and easily accessible, (ii) is approximately equally productive, and (iii) for the past 2 years has been operated by such person and will be so operated during the current year, or has been operated by such person for 1 year with proof satisfactory to the State Office that it will be operated by such person for at least 2 more years. Notwithstanding the conditions set forth in subparagraphs (1) and (2) of this paragraph, fields and subdivisions of fields which are part of a farm or ranch shall remain a part of such farm or ranch when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or ranch or part of another farm or ranch under this definition. Land which is properly constituted as a farm or ranch shall not be reconstituted when a change of farm or ranch operators is the only basis for such action.

(g) "Cropland" means farmland which in 1957 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means the Division of Forestry, Territorial Board of Agriculture and Forestry.

ALLOCATION OF FUNDS

§ 1105.703 *Allocation of funds.* The amount of funds available for conservation practices under this program is $188,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1105.718.

STATE AGRICULTURAL CONSERVATION PROGRAM

§ 1105.704 *Agencies participating in development of State program.* This program was developed within the pattern of the national program authorized by the Congress under the provisions of the Soil Conservation and Domestic Allotment Act of 1938, as amended. Adaptation to Hawaii's needs has been accomplished over a period of years through the cooperative assistance and advice of interested farmers and ranchers, as well as Government agency representatives from the Extension Service, Farmers Home Administration, Soil Conservation Service, Board of Agriculture and Forestry, and Agricultural Stabilization and Conservation Office. The program has been approved by the Administrator, ACPS, in Washington.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.705 *Method and extent of approval.* The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1958. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1105.706 *Selection of practices.* (a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

(b) Each farmer or rancher shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The State Office, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.707 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with the approval of the State Office, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.708 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started. For practices for which (a) approval was given under the 1957 Agricultural Conservation Program, (b) performance was started but not completed during the 1957 program year, and (c) the State Office believes the extension of the approval to the 1958 program is justified under the 1958 program regulations and provisions, the filing of the request for cost-sharing under the 1957 program may be regarded as meeting the requirement of the 1958 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.709 *Program year and technical aid.* (a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period from October 1, 1957, through December 31, 1958, the conservation practices, or components thereof, included in this subpart which are approved for a farm or ranch, except that for practices performed during the period October 1, 1957, through December 31, 1957, for which specifications and requirements are identical with those for comparable practices under the 1957 Agricultural Conservation Program, cost-share rates shall be those prescribed for the 1957 program.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.741, 1105.742, 1105.744, 1105.753, 1105.754, 1105.756 to 1105.762, 1105.764 to 1105.770, 1105.773, and 1105.774 (practices 1, 2, 4, 13, 14, 16 to 22, 24 to 30, 33, and 34). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1105.743 (practice 3), the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.745 and 1105.752 (practices 5 and 12), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State Office and the Territorial Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service. The Territorial Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. The Soil Conservation Service will utilize to the full extent available resources of the Territorial forestry agency in carrying out its assigned responsibilities for the practice contained in § 1105.764 (practice 24).

(c) The Forest Service (Forestry Division, Territorial Board of Agriculture and Forestry) is responsible for the technical phases of the practice contained in § 1105.763 (practice 23). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the State Office, determining compliance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1105.710 *Practice specifications and approval.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in this subpart. Additional specifications may be secured from the State Office or the Soil Conservation Service Territorial Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: *Provided, however,* That if the State Office determines available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

(d) Costs for the practices contained in §§ 1105.743, 1105.746 to 1105.748, 1105.763, 1105.764, and 1105.772 (practices 3, 6 to 8, 23, 24, and 32) may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out.

§ 1105.711 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1105.712 and 1105.713, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.712 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1958 program year, if the State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 1105.713.

§ 1105.713 *Practices requiring more than one program year for completion.* Cost-shares approved under the 1958 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the State Office which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid to him. If an approved practice is not substantially completed by the end of the 1958 program year, the practice may be considered for reapproval under the 1959 program.

§ 1105.714 *Initial establishment or installation of practices.* Under the initial establishment principle as it applies to the 1958 program, Federal cost-sharing may be authorized for the first establishment or installation of a practice with cost-sharing since the 1953 program on a particular piece of land while under the control of the current operator. Federal cost-sharing may also be authorized for replacement, enlargement, or restoration of practices for which cost-sharing has been allowed since the 1953 program if the practice has served for its normal life span, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

§ 1105.715 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

FEDERAL COST-SHARES

§ 1105.717 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1105.718 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	[1]
$200 and over	[2]

[1] Increase to $200.
[2] No increase.

§ 1105.719 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1958 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1958 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1105.721 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1958 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1105.722 *Practices defeating purposes of programs.* If the State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1958 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1958 program.

§ 1105.723 *Depriving others of Federal cost-share.* If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1958 program.

§ 1105.724 *Filing of false claims.* If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the 1958 program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1958 program and shall refund

all amounts that may have been paid to him under the 1958 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.725 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1105.726, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.726 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1958 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1958, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

§ 1105.727 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1958 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.728 *Compliance with regulatory measures.* Persons who carry out conservation practices for cost-sharing under the 1958 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.730 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.731 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the State Office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to each farm inspector and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the applicable time limit.

(c) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may subsequently apply for his share of the cost-share, provided he does so on or before December 31, 1959.

APPEALS

§ 1105.733 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.735 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958.

§ 1105.736 *Availability of funds.* (a) The provisions of the 1958 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1958 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1959.

§ 1105.737 *Applicability.* (a) The provisions of the 1958 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands, the use of which the State Office determines will probably change within 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Territory of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.741 *Practice 1: Constructing terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.* Cost-sharing will be allowed, provided the structures are properly laid out and constructed in accordance with specifications contained in Soil Conservation Service Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour or suitable grade lines. Diversion ditches should be used on slopes between 16 percent and 20 percent and bench-type terraces on land of 20 percent or more slope. Necessary protective outlets must be provided.

Maximum Federal cost-share. (a) $0.30 per cubic yard of earth moved in terrain permitting normal operations of tillage equipment.

(b) $0.40 per cubic yard of earth moved in other terrain (rocky, broken, steep, or with exposed substratum).

§ 1105.742 *Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.* This practice does not apply to infield surface water interception on farmlands. (See § 1105.741 (practice 1) for infield interception of runoff water.) Channels having an erosive grade must be protected against erosion damage by adequate sod or other lining. Outlets must be protected to discharge water without gullying. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of material moved, other than by dynamiting.

(b) 50 percent of the cost of materials and labor in dynamiting rock.

§ 1105.743 *Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.* This practice is to prevent erosion in permanent waterways and is applicable only to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. Satisfactory sod lining (dense enough to prevent soil cutting) must be established before cost-sharing may be allowed for this practice. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Soil Conservation Service Technical Standards on file in the State Office. Bermuda, Giant Bermuda, Kikuyu, or any other locally adapted species approved by the State Office may be used.

Maximum Federal cost-share. (a) $2 per 1,000 square feet of surface established by shaping and seeding, sodding, or sprigging.

(b) 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for establishment of the cover. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.744 *Practice 4: Constructing erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farmland or reduce runoff of water.* Receipts or invoices showing purchase of pipe and/or flume material and receipts or records showing payment for labor will be required by inspectors as evidence of accomplishment under (d) and (f) of this section. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 75 percent of the cost, but not in excess of $0.40 per cubic yard of earth moved in the construction of dams, wings, and walls.

(b) $20 per cubic yard of concrete used.

(c) $13 per cubic yard of rubble masonry used.

(d) 75 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) $3 per cubic yard of rock used, for rock or rock-and-brush dams.

(f) 75 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) $0.50 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) $3 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 1105.745 *Practice 5: Initial planting of orchards on the contour to help prevent erosion.* This practice is to conserve water and reduce erosion from irrigation or storm water, with orchard rows running on nonerosive grades across the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches.

Maximum Federal cost-share. $7.50 per acre.

§ 1105.746 *Practice 6: Establishment of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.* In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.747 (practice 7)), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

	Minimum seeding rate (pounds per acre)
(a) Pigeon peas	30
(b) Velvetbeans	50
(c) Field beans	30
(d) Purple vetch	50
(e) Clover:	
Large like Kaimi	10
Small like Alsike	5
(f) Kudzu	8
(g) Crotalaria juncea	10
(h) Crotalaria spectabilis	10
(i) Cowpeas	30

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre of area planted.

(b) $7.50 per acre planted to sprigs or cuttings.

(c) 75 percent of the average cost of the minimum required application of fertilizer, but not in excess of $18 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.747 *Practice 7: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.* Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before year-end if for green manure. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.746 (practice 6) for ratio specifications.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre actually planted.

(b) $7.50 per acre planted to sprigs, stools, or cuttings.

(c) 75 percent of the average cost of the minimum required application of fertilizer, but not in excess of $18 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.748 *Practice 8: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.* All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation

shall be done in contour strips and established to improved pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or legume-grass mixture is established within 6 months after clearing, unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of crops. Receipts or invoices showing purchase of seed, or records of collecting, will be required as evidence of cost. If liming materials must be applied in the quantity determined to be needed for successful establishment of the cover, cost-sharing for the minimum required application of liming materials may be authorized under § 1105.749 (practice 9).

Maximum Federal cost-share. (a) 75 percent of the cost of seed in straight grass or legume seedings, but not in excess of $10 per acre, for seeding after land preparation.

(b) 75 percent of the cost of seed in mixed grass-legume seedings, but not in excess of $12.50 per acre seeded.

(c) $7.50 per acre planted to slips or stools.

(d) 75 percent of the average cost at the farm of the minimum required application of approved commercial fertilizers, including nitrogen, for the establishment of the cover, but not in excess of $18 per acre. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.749 *Practice 9: Initial treatment of cropland, orchardland, or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.* This practice is applicable to land which is devoted in 1958 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Except as provided in § 1105.714, cost-sharing may not be authorized for this practice on land on which this practice or another practice involving the application of liming material was carried out in 1954 or a subsequent year, unless a current soil test shows a need for a substantial application of liming material. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the farm inspector at the time of inspection.

Maximum Federal cost-share. (a) 50 percent of the cost of liming material delivered to the farm on an island having locally produced lime available.

(b) 75 percent of the cost of liming material delivered to the farm on an island without locally produced lime available.

§ 1105.750 *Practice 10: Initial controlling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture land by poisoning, gyro-mowing, or hand grubbing.* Costs will be shared for each treatment, but not in excess of three treatments during the year, made according to accepted practices. Receipts or invoices showing purchase of poisons used or grubbing labor employed will be required by inspectors as evidence of cost. Analysis of poisons will also be required. Competitive shrubs eligible under this practice are as listed below and described in Extension Bulletin 62, University of Hawaii, available at the State Office.

Guava (Psidium guajava).
Opiuma (Pithecellobium dulce).
Emex (Emex spinosa).
Melastoma (Melastoma malabathricum).
Firebush (Myrica faya).
Pepper tree (Schinus molle).
Cactus (Opuntia megaxantha).
Java plum (Eugenia cumini).
Christmas berry (Schinus terebinthifolius).
Cat's claw (Caesalpinia sepiaria).
Aalii (Dodonaea eriocarpa).
Joee (Stachytarpheta cayennensis).
Lantana (Lantana camara).
Walawi (Psidium cattleianum var. lucidum).
Pamakani (Eupatorium adenophorum).
Puakeawe (Styphelia tamelameiae).
Sacramento bur (Triumfetta semitriloba).
Staghorn fern (Gleichenia linearis).
Apple of Sodom (Solanum sodomeum).
Black wattle (Acacia decurrens).
Gorse (Ulex europaeus).
Blackberry (Rubus penetrans).

Maximum Federal cost-share. (a) 50 percent of the average cost of State Office approved chemicals, but not in excess of $2 per acre per application.

(b) 50 percent of the cost of grubbing labor, but not in excess of $3 per acre per treatment.

(c) 50 percent of the cost of gyro-mowing, but not in excess of $2 per acre for each mowing.

§ 1105.751 *Practice 11: Initial application of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.* Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings or chips, as well as macadamia nut husks and shells, will be eligible. At time of application, finely shredded material like bagasse and sawdust should lie at least 2 inches thick, medium fine material like coffee husks and wood shavings should lie at least 3 inches thick, and coarse material like pineapple trash and cane leaf trash should lie at least 6 inches thick. Receipts or invoices showing purchase of materials and cost of transportation will be required by inspectors as evidence of compliance. For protection of mulch cover from damage by flowing water, terraces and/or diversion ditches must be installed where necessary and feasible.

Maximum Federal cost-share. (a) 50 percent of the cost of organic material at the farm, but not in excess of $50 per acre treated with materials secured from outside the farm.

(b) $2.50 per acre treated with material produced on the farm.

(c) 50 percent of the cost of acceptable organic material grown for the purpose on the farm, but not in excess of $50 per acre.

§ 1105.752 *Practice 12: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum Federal cost-share. 35 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.753 *Practice 13: Construction of permanent artificial watersheds for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. Construction for purposes of starting new grazing operations is not eligible. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.754 *Practice 14: Construction of permanent artificial water tanks for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. Construction for purposes of starting new grazing operations is not eligible. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost.

Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.755 *Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.* No cost may be shared for the maintenance or repair of existing fences or for the construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is ineligible. Receipts or invoices showing purchase of materials will be required to determine cost.

Maximum Federal cost-share. (a) 35 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.25 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.756 *Practice 16: Constructing or sealing dams, pits, or ponds for livestock water, including the enlargement* of inadequate structures. The development must contribute to a better distribution of grazing or better pasture management. This practice is applicable only to livestock enterprises on lands established for grazing. Receipts or invoices showing purchase of material used in construction will be required by inspectors as evidence of cost. Earth fills must be constructed in accordance with supplemental specifications for "Small Earth Storage Dams," provided on request by SCS or ASC offices.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of fencing materials, pipe, and seeding or sodding the dam and filter strips.

(e) 50 percent of the cost at site of materials, other than concrete and rubble masonry, and including soil sealing.

§ 1105.757 *Practice 17: Constructing or sealing dams, pits, or ponds for irrigation water.* The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Receipts or invoices showing purchase of materials used will be required by inspectors as evidence of cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of pipe and outlet gates.

(e) 50 percent of the cost of seeding or sodding dams or filter strips.

(f) 50 percent of the cost of materials, other than concrete and rubble masonry, used in permanent structures, including soil sealing.

§ 1105.758 *Practice 18: Constructing or enlarging permanent ditches, dikes, or laterals in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing records of employment of equipment and/or labor will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for cleaning a ditch. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals.

§ 1105.759 *Practice 19: Lining ditches in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials used will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of approved material used, other than concrete and rubble masonry.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.760 *Practice 20: Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of material used will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of material used in permanent structures, other than concrete and rubble masonry, but excluding forms.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.761 *Practice 21: Installation of portable sprinklers or gated pipes in reorganizing farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials or equipment will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the average cost of portable pipe and fittings or gated pipe used for reorganized irrigation. The total cost-share for portable pipe or gated pipe shall not exceed $100 per acre of reorganized irrigation.

§ 1105.762 *Practice 22: Construction or enlargement of permanent open drainage systems to dispose of excess water on farmland under cultivation or on pastureland.* No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by inspectors as evidence of construction work costs. No cost-sharing will be allowed for ditches, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area

during at least 2 of the last 5 years. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of material moved, other than by dynamiting.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditch banks and rights-of-way, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

(e) 50 percent of the cost of materials and labor in dynamiting rock.

(f) 50 percent of the average cost of material used, other than concrete and rubble masonry.

§ 1105.763 *Practice 23: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.* Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.755 (practice 15) are employed. Acceptable plant species and spacing are those recommended by the Forestry Division of the Territorial Board of Agriculture and Forestry.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.764 *Practice 24: Initial establishment of a stand of trees or shrubs to prevent wind or water erosion.* Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.755 (practice 15) are employed. Acceptable plant species are those recommended by the Forestry Division of the Territorial Board of Agriculture and Forestry. The spacing of trees and shrubs shall be in accordance with specifications developed by the Soil Conservation Service.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.765 *Practice 25: Installation of facilities for sprinkler irrigation of permanent pasture for developing forage resources to encourage rotation grazing and better pasture management for protection of all grazing land in the farm against overgrazing and erosion.* Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture. The installation must be in accordance with a written plan approved by the responsible technician.

Maximum Federal cost-share. 50 percent of the cost at the farm of all necessary pipe and fittings, but not in excess of $100 per acre irrigated by the installation. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.766 *Practice 26: Constructing wells or developing seeps or springs for livestock water as a means of protecting established vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management.* Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing payment for labor and/or purchase of materials used will be required by inspectors. Pumping equipment must be installed for wells, except artesian wells, and adequate storage facilities must be provided. Cost-sharing will be allowed only for constructing or deepening wells and for water storage facilities. No cost-sharing will be allowed for wells constructed primarily for the use of headquarters.

Maximum Federal cost-share. 50 percent of the cost of construction or development, excluding pumping equipment.

§ 1105.767 *Practice 27: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for shaping or grading performed through farming operations connected with land preparation for planting or cultivating crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost of shaping or grading. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.768 *Practice 28: Leveling or grading land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade. However, the leveling operation may be completed over a period of more than one program year on a component basis where the size and cuts of fills are such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Leveling or grading must be carried out in accordance with a plan approved by the responsible SCS technician. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing payment of labor and equipment will be required by inspectors.

Maximum Federal cost-share. 50 percent of the cost of earth moving.

§ 1105.769 *Practice 29: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 75 percent of the cost of construction and protective measures. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.770 *Practice 30: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. $5 per acre established in contour farming during the year.

§ 1105.771 *Practice 31: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.* All cultural operations, including row crop planting, must be performed across the prevailing slope.

Maximum Federal cost-share. $5 per acre established in cross-slope stripcropping during the year.

§ 1105.722 *Practice 32: Establishment of permanent vegetative strips between tree rows in young (less than 5 years old) coffee orchards as a protection against erosion.* Federal cost-sharing will be limited to the establishment of vegetative strips not less than 3 feet wide across the slope.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre of area planted to grasses and legumes listed in §§ 1105.756 and 1105.757 (practices 6 and 7). (Receipts, invoices, or other evidence of cost are required.)

(b) $7.50 per acre planted to sprigs or cuttings.

(c) 50 percent of the average cost at the farm of the minimum required application of approved commercial fertilizer, including nitrogen, and liming material for the establishment of the vegetative strips, but not in excess of $7 per acre of area treated. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.773 *Practice 33: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.* No cost-sharing will be allowed unless the soil surface is protected by a blanket of settled mulch not less than 1 inch thick.

Maximum Federal cost-share. $5 per acre subtilled, but not in excess of two subtilling operations a year. The total cost-share shall not be in excess of $300 per farm.

§ 1105.774 *Practice 34: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.* Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing purchase of materials will be required by inspectors as evidence of material used. Federal cost-sharing will not be allowed for forms or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of material used.

Done at Washington, D. C., this 21st day of October 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-8751; Filed, Oct. 23, 1957; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

STATEMENT OF COMMISSION RELATING TO PUBLICATION OF INFORMATION PRIOR TO OR AFTER EFFECTIVE DATE OF REGISTRATION

§ 231.3844 *Statement of the Commission relating to publication of information prior to or after the effective date of a registration statement.*

Questions frequently are presented to the Securities and Exchange Commission and its staff with respect to the impact of the registration and prospectus requirements of section 5 of the Securities Act of 1933 on publication of information concerning an issuer and its affairs by the issuer, its management, underwriters and dealers. Some of the more common problems which have arisen in this connection and the nature of the advice given by the Commission and its staff are outlined herein for the guidance of industry, underwriters, dealers and counsel.

A basic purpose of the Securities Act of 1933, the Securities Exchange Act of 1934 and the Investment Company Act of 1940 is to require the dissemination of adequate and accurate information concerning issuers and their securities in connection with the offer and sale of securities to the public, and the publication periodically of material business and financial facts, knowledge of which is essential to an informed trading market in such securities.

There has been an increasing tendency, particularly in the period since World War II, to give publicity through many media concerning corporate affairs which goes beyond the statutory requirements. This practice reflects a commendable and growing recognition on the part of industry and the investment community of the importance of informing security holders and the public generally with respect to important business and financial developments.

This trend should be encouraged. It is necessary, however, that corporate management, counsel, underwriters, dealers and public relations firms recognize that the Securities Acts impose certain responsibilities and limitations upon persons engaged in the sale of securities and that publicity and public relations activities under certain circumstances may involve violations of the securities laws and cause serious embarrassment to issuers and underwriters in connection with the timing and marketing of an issue of securities. These violations not only pose enforcement and administrative problems for the Commission, they may also give rise to civil liabilities by the seller of securities to the purchaser.

Absent some exemption, section 5 (c) of the Securities Act of 1933 makes it unlawful for any person directly or indirectly to make use of any means or instruments of interstate commerce or of the mails to offer to sell a security unless a registration statement has been filed with the Commission as to such security.

Section 5 (a) of the act makes it unlawful to sell a security unless a registration statement with respect to such security has become effective. Section 5 (b) makes it unlawful to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to transmit a prospectus with respect to any security as to which a registration statement has been filed unless such prospectus contains the information specified by section 10 of the act.

A prospectus is defined to include any notice, circular, advertisement, letter or communication, written or by radio or television, which offers any security for sale except that any communication sent after the effective date of a registration statement shall not be deemed a prospectus if, prior to or at the same time with such a communication, a written prospectus meeting the requirements of section 10 of the act was sent or given.

Stated otherwise, it is illegal to offer a security prior to the filing of a registration statement.[1] A security may be offered legally after filing and before the effective date of a registration statement, provided that any prospectus employed for this purpose meets the standards of section 10 of the act.[2] Thus, in general during this period (after the filing and before the effective date), no written communication offering a security may be transmitted through the mails or in interstate commerce other than a prospectus authorized or permitted by the statute or relevant rules thereunder.[3] After the effective date, sales literature in addition to the prospectus may be employed legally, provided the section 10 (a) prospectus precedes or accompanies the supplemental literature.[4]

[1] By virtue of internal procedural standards, or agreements with stock exchanges on which securities are listed, managements wish, or are required, to advise security holders promptly of important decisions which may affect materially their interests as security holders. In recognition of the propriety of such action, Rule 230.135 permits a brief announcement, which does not "offer a security," of a forthcoming rights offering.

[2] Rule 230.433 permits the use of a "preliminary" prospectus which contains substantially all of the information in the registration statement which at this stage does not usually include the offering price, related and underwriting data. Rule 230.134 also permits a form of brief advertisement or written communication advising of the pendency of the offering and indicating where the preliminary prospectus may be obtained.

[3] Rule 230.434 provides in certain cases for the use of cards prepared by independent statistical organizations which fairly summarize the information contained in the prospectus filed with the Commission. Rule 230.434A permits the use in many cases of a similar summary prospectus prepared by or on behalf of the issuer.

[4] Rule 230.494 provides for the use, in addition, of the so-called "newspaper prospectus" in an offering by certain issuers.

These provisions with respect to the time and manner of offering and selling securities apply during the period of distribution of the security, i. e., the statutory prospectus must be employed by an underwriter or a dealer participating in the distribution so long as he is offering an unsold allotment. All underwriters and dealers must use the prospectus during the 40-day period following the effective date of a registration statement or the commencement of the public offering, whichever later occurs.

The terms "sale," "sell," "offer to sell" and "offer for sale" are broadly defined in section 2 (3) of the act and these definitions have been liberally construed by the Commission and the courts.

It follows from the express language and the legislative history of the Securities Act that an issuer, underwriter or dealer may not legally begin a public offering or initiate a public sales campaign prior to the filing of a registration statement. It apparently is not generally understood, however, that the publication of information and statements, and publicity efforts, generally, made in advance of a proposed financing, although not couched in terms of an express offer, may in fact contribute to conditioning the public mind or arousing public interest in the issuer or in the securities of an issuer in a manner which raises a serious question whether the publicity is not in fact part of the selling effort.

Nor is it generally understood that the release of publicity and the publication of information between the filing date and the effective date of a registration statement may similarly raise a question whether the publicity is not in fact a selling effort by an illegal means; i. e., other than by means of the statutory prospectus. Similar problems will arise from publicity and the release of information after the effective date, but before a distribution is completed.

Apart from the impropriety of such publicity under the Securities Act, a collateral problem is presented by reason of the fact that the dissemination of information, other than that contained in a prospectus, prior to or during a distribution may tend to affect the market price of the issuer's securities artificially.

Instances have come to the attention of the Commission in which information of a misleading character, gross exaggeration and outright falsehood have been published by various means for the purpose of conveying to the public a message designed to stimulate an appetite for securities—a message which could not properly have been included in a statutory prospectus in conformity with the standards of integrity demanded by the statute.

Many of the cases have reflected a deliberate disregard of the provisions and purpose of the law. Others have reflected an unawareness of the problems involved or a failure to exercise a proper control over research and public relations activities in relation to the distribution of an issue of securities.

Example 1. An underwriter-promoter is engaged in arranging for the public financing of a mining venture to explore for a mineral which has certain possible potentialities for use in atomic research and power. While preparing a registration statement for a public offering, the underwriter-promoter distributed several thousand copies of a brochure which described in glowing generalities the future possibilities for use of the mineral and the profit potential to investors who would share in the growth prospects of a new industry. The brochure made no reference to any issuer or any security nor to any particular financing. It was sent out, however, bearing the name of the underwriting firm and obviously was designed to awaken an interest which later would be focused on the specific financing to be pre-

sented in the prospectus shortly to be sent to the same mailing list.

The distribution of the brochure under these circumstances clearly was the first step in a sales campaign to effect a public sale of the securities and as such, in the view of the Commission, violated section 5 of the Securities Act.

Example 2. An issuer in the promotional stage intended to offer for public sale an issue of securities the proceeds of which were to be employed to explore for and develop a mineralized area. The promoters and prospective underwriter prior to the filing of the required registration statement or notification under Regulation A arranged for a series of press releases describing the activities of the company, its proposed program of development of its properties, estimates of ore reserves and plans for a processing plant. This publicity campaign continued after the filing of a registration statement and during the period of the offering. The press releases, which could be easily reproduced and employed by dealers and salesmen engaged in the sales effort, contained representations, forecasts and quotations which could not have been supported as reliable data for inclusion in a prospectus or offering circular under the sanctions of the act.

It is the Commission's view that issuing information of this character to the public by an issuer or underwriter through the device of the press release and the press interview is an evasion of the requirements of the act governing selling procedures, a violation of sections 5 and 17 (a) of the act, and that such activity subjects the seller to the risk of civil and penal sanctions and liabilities of the act.

Example 3. An issuer filed a registration statement for an issue of securities to be offered through underwriters. Following the effective date of the registration statement, efforts to market the issue were not wholly successful and a substantial amount of the securities remained in the hands of the underwriters and dealers. At this point the issuer published an advertisement which received wide newspaper and magazine circulation and which included data purporting to show reserves of raw materials in terms of estimated future dollar realization per share. The advertisement took the conventional form of a product advertisement except for the inclusion of calculations of per-share asset values.

The Commission brought an action to enjoin further publication of the advertisement on the theory that its content and use, at a time when the existence of unsold allotments in the hands of underwriters and dealers indicated clearly that the distribution of the registered securities had not been completed, involved a violation of sections 5 and 17 (a) of the Securities Act.

Example 4. An issuer negotiating with a prospective underwriter for a public offering of common stock supplied the underwriter with financial information concerning the issuer's operations for the first quarter of the fiscal year. The prospective underwriter incorporated this material in a brochure containing other information concerning the issuer and its prospects and distributed the brochure widely among the membership of the N. A. S. D. at a time when a registration statement was being prepared but prior to its filing. When the registration statement was filed it was discovered that the financial statements included therein reflected a history of operations and a current position much less favorable than suggested by the first quarter figures shown in the brochure.

In the view of the Commission the distribution of the brochure violated section 5 of the act and in addition raised questions as to violation of section 17 (a) of the act. The Commission also considered that these activities of the underwriter justified denial of acceleration of the effective date of the registration statement pending a circulation of the prospectus co-extensive with the distribution of the brochure.

Example 5. Immediately preceding the filing of a registration statement for an issue of securities by a large industrial company, the research department of an investment banking firm distributed to a substantial number of the firm's institutional customers a brochure which referred specifically to the securities and described the business and prospects of the parent company of the prospective issuer. The business of the prospective issuer represented the principal part of the over-all operations of the total enterprise. The investment banking firm had been a principal underwriter of prior issues of securities by the parent and in accordance with policy of the firm from time to time distributed reports to its clients concerning securities of issuers which the firm had financed. It appeared, in this particular case, that the research department of the banking firm had prepared and distributed such a report to its clients without being fully aware of the activities of the underwriting department or the timing of the forthcoming offering.

The Commission advised the representatives of the issuer and the prospective underwriters that under all the circumstances, including the content, timing and distribution given to the brochure, participation of the firm in the distribution of the securities would pose difficulties from the point of view of the enforcement of the provisions of section 5 of the Securities Act. In order to avoid any question as to violations of this provision of the act, the banking firm did not participate in the distribution.

Example 6. In recognition of the problems presented, the Commission's staff frequently receives inquiries from company officials or their counsel with respect to circumstances such as the following:

The president of a company accepted, in August, an invitation to address a meeting of a security analysts' society to be held in February of the following year for the purpose of informing the membership concerning the company, its plans, its record and problems. By January a speech had been prepared together with supplemental information and data, all of which was designed to give a fairly comprehensive picture of the company, the industry in which it operates and various factors affecting its future growth. Projections of demand, operations and profits for future periods were included. The speech and the other data had been printed and it was intended that several hundred copies would be available for distribution at the meeting. In addition, since it was believed that stockholders, creditors, and perhaps customers might be interested in the talk, it was intended to mail to such persons and to a list of other selected firms and institutions copies of the material to be used at the analysts' meeting.

Later in January, a public financing by the company was authorized, preparation of a registration statement was begun and negotiation with underwriters was commenced. It soon appeared that the coming meeting of analysts, scheduled many months earlier, would be at or about the time the registration statement was to be filed. This presented the question whether, in the circumstances, delivery and distribution of the speech and the supporting data to the various persons mentioned above would contravene provisions of the Securities Act.

It seemed clear that the scheduling of the speech had not been arranged in contemplation of a public offering by the issuer at or about the time of its delivery. In the circumstances, no objection was raised to the delivery of the speech at the analysts' meeting. However, since printed copies of the speech might be received by a wider audience, it was suggested that printed copies of the speech and the supporting data not be made available at the meeting nor be transmitted to other persons.

Example 7. Two weeks prior to the filing of a registration statement the president of the issuer had delivered, before a society of security analysts, a prepared address which had been booked several months previously. In his speech the president discussed the company's operations and expansion program, its sales and earnings. The speech contained a forecast of sales and referred to the issuer's proposal to file with the Commission later in the month a registration statement with respect to a proposed offering of convertible subordinated debentures. Copies of the speech had been distributed to approximately 4,000 security analysts.

The Commission denied acceleration of the registration statement and requested that the registrant distribute copies of its final prospectus to each member of the group which had received a copy of the speech.

Example 8. A registration statement had become effective for the purpose of competitive bidding. Prior to the opening of the bids, it was learned that an investment banking member of one of the bidding groups had published a brochure discussing the prospects of the company and forecasting a rise in the market price of its stock. It appeared that neither the company nor other members of the bidding group had received advance information as to the publication of the brochure. In the circumstances, counsel for the proposed underwriters' group was advised that publication and distribution of the brochure must be deemed to contravene the provisions of Section 5 of the Securities Act if the firm publishing it was a member of the underwriting or selling group. This group was the successful bidder. However, the firm publishing the brochure was not included either as an underwriter or as a member of the selling group.

Example 9. An issuer was about to file a registration statement for a proposed offering on behalf of a controlling person. The timing of the issue was fixed in accommodation to the controlling person. It appeared, however, that registration would coincide with the time when the company normally distributed its annual report to security holders and others. In recognition of the problem posed, inquiry was made whether such publication and distribution of the report at such time would create any problems. The issuer was advised that, if the annual report was of the character and content normally published by the company and did not contain material designed to assist in the proposed offering, no question would be raised.

Example 10. A report concerning a registrant had been prepared by an engineering firm for use by prospective underwriters. The report contained a 5-year projection of earnings. It appeared that, in addition to the distribution of the report among prospective underwriters, copies of the report had been made available, after the filing of a registration statement but before it became effective, to broker-dealers, to salesmen who would be engaged in the offering and sale of the securities and to certain investors. One broker-dealer firm had made available to salesmen excerpts from the report. The Commission advised the persons responsible for the distribution of the report that in its view distribution of the report to persons other than to persons bona fide concerned with the question of considering and undertaking an underwriting commitment, contravened the provisions of section 5.

This release becomes effective October 4, 1957.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 4, 1957.

[F. R. Doc. 57-8748; Filed, Oct. 23, 1957; 8:47 a. m.]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

STATEMENT OF COMMISSION CONCERNING INTERPRETATION AND APPLICATION OF RULE 133

§ 231.3846 *Statement of the Commission concerning the interpretation and application of § 230.133 (Rule 133).*

Rule 133. Rule 133 under the Securities Act of 1933 provides that, for the purpose of determining the application of the registration and prospectus provisions of section 5 of the act, no "offer" or "sale" shall be deemed to be involved, so far as stockholders of a corporation are concerned, where, pursuant to statutory provisions or provisions contained in a certificate of incorporation, there is submitted to the vote of such stockholders a plan involving a statutory merger, consolidation, reclassification of securities or transfer of assets of the corporation in consideration of the issuance of the securities of the acquiring corporation.

On October 2, 1956, in Release No. 3698 under the Securities Act, the Commission invited comment upon a proposal, the effect of which would have been to repeal Rule 133 and to provide that transactions of the character referred to in the rule involve an "offer" and "sale" of a security subject to the registration and prospectus provisions of the act. The Commission received numerous comments and a public hearing was held on January 17, 1957. On March 15, 1957, in Securities Act Release No. 3761, the Commission announced deferral of action upon the proposal pending further study of the problems and questions which had been raised and that any future modification of Rule 133 would be undertaken only after ample opportunity for further public comment thereon.

The staff of the Commission is continuing its study of the proposal and related matters.

A number of inquiries have been presented to the Commission and staff concerning the application of Rule 133. To assist issuers, their counsel and others, the Commission has determined to publish an opinion recently expressed concerning the interpretation and application of Rule 133.

A merger of two companies had been authorized by the Boards of Directors of the respective corporations, over the objections of one director of the company to be merged who represented the largest single stockholder, a trust holding a substantial block of stock of that company. It was understood that upon receipt of shares in consummation of the merger, this trust might effect a distribution of such shares. In response to a request for a ruling as to the applicability of Rule 133 to the proposed merger, the Commission authorized that counsel be advised that:

"• • • no question will be raised by the Commission with respect to the applicability of Rule 133 concerning the issuance of the shares of [the surviving company] to the security holders of [the company to be merged] in consummation of the merger. I am also authorized to advise you, however, that in the opinion of the Commission, Rule 133 would provide no exemption from the registration and prospectus provisions of section 5 of the act with respect to any subsequent public distribution of the shares received by any security holder of [the company to be merged] who might be deemed a statutory underwriter. Under the circumstances of this case it would appear that the trust referred to above would be a statutory underwriter if it acquires shares of [the surviving company] in the merger with a view to a distribution of such shares. In this event, there would be no exemption under the first clause of section 4 (1) either for the issuer or an underwriter participating in a public offering.

"Rule 133 merely provides that a transaction authorized by a vote of shareholders does not for the purpose of section 5 involve an offer or sale to them so as to require prior registration of the securities and the presentation of a prospectus to such security holders in connection with the submission of the plan of merger and the receipt of shares in consummation. The definition of 'offer' and 'sale' contained in Rule 133 is, as appears on the face of the rule, so limited.

"The Commission stated in the Great Sweet Grass case (Securities Exchange Act Release No. 5483, April 8, 1957) at pages 10 and 11 of the mimeograph copy of its Findings and Opinion (a copy of which is enclosed) that:

'The theory of Rule 133 is that no sale to stockholders is involved where the vote of stockholders as a group authorizes a corporate act such as a transfer of assets for stock of another corporation, a merger or a consolidation because there is not present the element of individual consent ordinarily required for a 'sale' in the contractual sense. However, this does not mean that the stock issued under such a plan is 'free' stock which need not be registered insofar as subsequent sales are concerned. Unless the Securities Act provides an exemption for a subsequent sale of such non-registered stock, registration would be required. Of course, subsequent casual sales of such stock by non-controlling stockholders which follow the normal pattern of trading in the stock would be deemed exempt from the provisions of section 5 of that act as transactions not involving an issuer, underwriter or dealer under the first clause of section 4 (1) of the Securities Act. However, if the issuer or persons acting on its behalf participate in arrangements for a distribution to the public of any of the stock issued to stockholders or have knowledge of a plan of distribution by, or concerted action on the part of, such stockholders to effect a public distribution in connection with the transaction, a section 4 (1) exemption would not be available since an underwriting within the meaning of the statute would be involved.' "

Following receipt of the foregoing advice, a registration statement was filed on Form S–1 to cover the shares issuable in consummation of the merger. The prospectus included in the registration statement consisted essentially of the information contained in the definitive proxy statement of the surviving company which had been prepared previously in accordance with the Commission's proxy rules (Regulation X-14 under the Securities Exchange Act of 1934) and which had been forwarded to security holders of the surviving company in connection with the solicitation of proxies to be voted upon the plan of merger. Upon request of the issuer, the Commission, acting under section 8 (a) of the act, declared the registration statement effective.

This release becomes effective October 8, 1957.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 8, 1957.

[F. R. Doc. 57-8749; Filed, Oct. 23, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF 2,4-DICHLORO-6-(O-CHLOROANILINO)-TRIAZINE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of 2,4-dichloro-6-*O*-chloroanilino)-triazine in or on celery, tomatoes, and potatoes. Subsequently, the request with respect to a tolerance for residues of this pesticide chemical on celery was withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding thereto the following new section:

§ 120.158 *Tolerances for residues of 2,4-dichloro-6-(O-chloroanilino)-triazine.* Tolerances for residues of 2,4-dichloro-6-(*O*-chloroanilino)-triazine in or on raw agricultural products are established as follows:

(a) 10 parts per million in or on tomatoes.

(b) 1 part per million in or on potatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objection-

able and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: October 17, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-8754; Filed, Oct. 23, 1957; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6258]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

DETERMINATION OF SOURCES OF INCOME AND TAXATION OF NONRESIDENT ALIENS AND FOREIGN CORPORATIONS

On May 1, 1956, notice of proposed rule making regarding the regulations under sections 861 to 894, inclusive, of the Internal Revenue Code of 1954, relating to determination of sources of income and taxation of nonresident aliens and foreign corporations, was published in the FEDERAL REGISTER (21 F. R. 2819). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby adopted:

TAX BASED ON INCOME FROM SOURCES WITHIN OR WITHOUT THE UNITED STATES

DETERMINATION OF SOURCES OF INCOME

Sec.
1.861 Statutory provisions; income from sources within the United States.
1.861-1 Income from sources within the United States.
1.861-2 Interest.
1.861-3 Dividends.
1.861-4 Compensation for labor or personal services.
1.861-5 Rentals and royalties.
1.861-6 Sale of real property.
1.861-7 Sale of personal property.
1.861-8 Computation of taxable income from sources within the United States.
1.862 Statutory provisions; income from sources without the United States.
1.862-1 Income specifically from sources without the United States.
1.863 Statutory provisions; items not specified in section 861 or 862.
1.863-1 Allocation of gross income under section 863 (a).
1.863-2 Income derived partly from sources within and partly from sources without the United States.
1.863-3 Income from the sale of personal property derived partly from within and partly from without the United States.
1.863-4 Transportation service.
1.863-5 Telegraph and cable services.
1.863-6 Income from sources within a foreign country or possession of the United States.
1.864 Statutory provisions; definitions.

NONRESIDENT ALIENS AND FOREIGN CORPORATIONS

Nonresident Alien Individuals

1.871 Statutory provisions; tax on nonresident alien individuals.
1.871-1 Taxation of aliens.
1.871-2 Determining residence of alien individuals.
1.871-3 Residence of alien seamen.
1.871-4 Proof of residence of aliens.
1.871-5 Loss of residence by an alien.
1.871-6 Duty of employer to determine status of alien employee.
1.871-7 Tax on nonresident alien individuals.
1.871-8 Definition of engaging in trade or business within the United States.
1.872 Statutory provisions; gross income.
1.872-1 Gross income of nonresident alien individuals.
1.872-2 Exclusions from gross income of nonresident alien individuals.
1.873 Statutory provisions; deductions.
1.873-1 Deductions allowed nonresident alien individuals.
1.874 Statutory provisions; allowance of deductions and credits.
1.874-1 Allowance of deductions and credits to nonresident alien individuals.
1.875 Statutory provisions; partnerships.
1.875-1 Partnerships.
1.876 Statutory provisions; alien residents of Puerto Rico.
1.876-1 Alien residents of Puerto Rico.
1.877 Statutory provisions; certain foreign exempt organizations.

Forcign Corporations

1.881 Statutory provisions; tax on foreign corporations not engaged in business in the United States.
1.881-1 Taxation of foreign corporations.
1.881-2 Tax on nonresident foreign corporations.
1.882 Statutory provisions; tax on resident foreign corporations.
1.882-1 Tax on resident foreign corporations.
1.882-2 Gross income of foreign corporations.
1.882-3 Deductions allowed foreign corporations.
1.882-4 Allowance of deductions to foreign corporations.
1.883 Statutory provisions; exclusions from gross income.
1.883-1 Exclusions from gross income of foreign corporations.
1.884 Statutory provisions; cross references.

Miscellaneous Provisions

1.891 Statutory provisions; doubling of rates of tax on citizens and corporations of certain foreign countries.
1.892 Statutory provisions; income of foreign governments and of international organizations.
1.892-1 Income of foreign governments and international organizations.
1.893 Statutory provisions; compensation of employees of foreign governments or international organizations.
1.893-1 Compensation of employees of foreign governments or international organizations.
1.894 Statutory provisions; income exempt under treaty.
1.894-1 Income exempt under treaty.

AUTHORITY: §§ 1.861 to 1.894-1, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

TAX BASED OF INCOME FROM SOURCES WITHIN OR WITHOUT THE UNITED STATES

DETERMINATION OF SOURCES OF INCOME

§ 1.861 *Statutory provisions; income from sources within the United States.*

SEC. 861. *Income from sources within the United States*—(a) *Gross income from sources within United States.* The following items of gross income shall be treated as income from sources within the United States:

(1) *Interest.* Interest from the United States, any Territory, any political subdivision of a Territory, or the District of Columbia, and interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, not including—

(A) Interest on deposits with persons carrying on the banking business paid to persons not engaged in business within the United States,

(B) Interest received from a resident alien individual, a resident foreign corporation, or a domestic corporation, when it is shown to the satisfaction of the Secretary or his delegate that less than 20 percent of the gross income of such resident payor or domestic corporation has been derived from sources within the United States, as determined under the provisions of this part, for the 3-year period ending with the close of the taxable year of such payor preceding the payment of such interest, or for such part of such period as may be applicable, and

(C) Income derived by a foreign central bank of issue from bankers' acceptances.

(2) *Dividends.* The amount received as dividends—

(A) From a domestic corporation other than a corporation entitled to the benefits of section 931, and other than a corporation less than 20 percent of whose gross income is shown to the satisfaction of the Secretary or his delegate to have been derived from sources within the United States, as determined under the provisions of this part, for the 3-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence), or

(B) From a foreign corporation unless less than 50 percent of the gross income of such foreign corporation for the 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of this part; but only in an amount which bears the same ratio to such dividends as the gross income of the corporation for such period derived from sources within the United States bears to its gross income from all sources; but dividends from a foreign corporation shall, for purposes of subpart A of part III (relating to foreign tax credit), be treated as income from sources without the United States to the extent exceeding the amount of the deduction allowable under section 245 in respect of such dividends.

(3) *Personal services.* Compensation for labor or personal services performed in the United States; except that compensation for labor or services performed in the United States shall not be deemed to be income from sources within the United States if—

(A) The labor or services are performed by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during the taxable year,

(B) Such compensation does not exceed $3,000 in the aggregate, and

(C) The compensation is for labor or services performed as an employee of or under a contract with—

(i) A nonresident alien, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or

(ii) A domestic corporation, if such labor or services are performed for an office or place of business maintained in a foreign country or in a possession of the United States by such corporation.

(4) *Rentals and royalties.* Rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using in the United States patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other like property.

(5) *Sale of real property.* Gains, profits, and income from the sale of real property located in the United States.

(6) *Sale of personal property.* Gains, profits, and income derived from the purchase of personal property without the United States (other than within a possession of the United States) and its sale within the United States.

(b) *Taxable income from sources within United States.* From the items of gross income specified in subsection (a) as being income from sources within the United States there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as taxable income from sources within the United States.

§ 1.861-1 *Income from sources within the United States*—(a) *Categories of income.* Sections 861 to 864, inclusive, and the regulations thereunder determine the sources of income for purposes of the income tax. These sections explicitly allocate certain important sources of income to the United States or to areas outside the United States, as the case may be; and, with respect to the remaining income (particularly that derived partly from sources within and partly from sources without the United States), authorize the Secretary or his delegate to determine the income derived from sources within the United States, either by rules of separate allocation or by processes or formulas of general apportionment. The statute provides for the following three categories of income:

(1) *Within the United States.* The gross income from sources within the United States, consisting of the items of gross income specified in section 861 (a) plus the items of gross income allocated or apportioned to such sources in accordance with section 863 (a). See §§ 1.861-2 to 1.861-7, inclusive, and § 1.863-1. The taxable income from sources within the United States, in the case of such income, shall be determined by deducting therefrom, in accordance with sections 861 (b) and 863 (a), the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. See §§ 1.861-8 and 1.863-1.

(2) *Without the United States.* The gross income from sources without the United States, consisting of the items of gross income specified in section 862 (a) plus the items of gross income allocated or apportioned to such sources in accordance with section 863 (a). See §§ 1.862-1 and 1.863-1. The taxable income from sources without the United States, in the case of such income, shall be determined by deducting therefrom, in accordance with sections 862 (b) and 863 (a), the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. See §§ 1.862-1 and 1.863-1.

(3) *Partly within and partly without the United States.* The gross income derived from sources partly within and partly without the United States, consisting of the items specified in section 863 (b) (1), (2), and (3). The taxable income allocated or apportioned to sources within the United States, in the case of such income, shall be determined in accordance with section 863 (a) or (b). See §§ 1.863-2 to 1.863-5, inclusive.

(b) *Taxable income from sources within the United States.* The taxable income from sources within the United States shall consist of the taxable income described in paragraph (a) (1) of this section plus the taxable income allocated or apportioned to such sources, as indicated in paragraph (a) (3) of this section.

(c) *Computation of income.* If a taxpayer has gross income from sources within or without the United States, together with gross income derived partly from sources within and partly from sources without the United States, the amounts thereof, together with the expenses and investment applicable thereto, shall be segregated; and the taxable income from sources within the United States shall be separately computed therefrom.

§ 1.861-2 *Interest*—(a) *General.* There shall be included in the gross income from sources within the United States all interest received or accrued, as the case may be, from the United States, any Territory, any political subdivision of a Territory, or the District of Columbia, and interest on bonds, notes, or other interest-bearing obligations of residents of the United States, whether corporate or otherwise, except—

(1) *Deposits.* Interest paid on deposits with persons, including individuals, partnerships, or corporations, carrying on the banking business, to persons not engaged in business within the United States;

(2) *Payer deriving income abroad.* Interest received from a resident alien individual, a resident foreign corporation, or a domestic corporation, when it is shown to the satisfaction of the district director (or, if applicable, the Director of International Operations) that less than 20 percent of the gross income of such resident payer or domestic corporation has been derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive, and the regulations thereunder, for the 3-year period ending with the close of the taxable year of the payer which precedes the payment of such interest, or for such part of that period as may be applicable; and

(3) *Bankers' acceptances.* Income derived by a foreign central bank of issue from bankers' acceptances. A foreign central bank of issue means a bank which is by law or government sanction the principal authority, other than the government itself, issuing instruments intended to circulate as currency. Such banks are generally the custodians of the banking reserves of their countries.

(b) *Interest on refunds.* Interest received from the United States on a refund of Federal income taxes constitutes income from sources within the United States.

(c) *Statement with return.* Any taxpayer who excludes from gross income items of the type specified in paragraph (a) (1), (2), or (3) of this section shall file with his return a statement setting forth the amount of such income and such information as may be necessary to show that the income is of the type specified therein.

§ 1.861-3 *Dividends*—(a) *General.* Gross income from sources within the United States includes dividends, as defined by section 316 and the regulations thereunder, from—

(1) *Domestic corporation.* A domestic corporation other than one entitled to the benefits of section 931, and other than a corporation less than 20 percent of the gross income of which is shown to the satisfaction of the district director (or, if applicable, the Director of International Operations) to have been derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive, and the regulations thereunder, for the 3-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividends, or for such part of such period as the corporation has been in existence; or

(2) *Foreign corporation.* A foreign corporation unless less than 50 percent of its gross income for the 3-year period ending with the close of its taxable year preceding the declaration of such dividends, or for such part of such period as it has been in existence, was derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive and the regulations thereunder; but only in an amount which bears the same ratio to such dividends as the gross income of the corporation for such period derived from sources within the United States bears to its gross income from all sources. However, for purposes of sections 901 to 905, inclusive, and the regulations thereunder, relating to the foreign tax credit, dividends from a foreign corporation shall be treated as income from sources without the United States to the extent exceeding the amount of the deduction allowable under section 245 in respect of such dividends.

(b) *Presumption as to source.* Dividends will be treated as income from sources within the United States (except for purposes of sections 901 to 905, inclusive, and the regulations thereunder) unless the taxpayer submits with his return sufficient data to establish to the satisfaction of the district director (or, if applicable, the Director of Inter-

national Operations) that, in accordance with paragraph (a) (1) or (2) of this section, they are not income from sources within the United States.

§ 1.861–4 *Compensation for labor or personal services*—(a) *General.* Gross income from sources within the United States includes compensation for labor or personal services performed in the United States regardless of the residence of the payer, of the place in which the contract for service was made, or of the place of payment; except that such compensation shall be deemed not to be income from sources within the United States, if—

(1) The labor or services are performed by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during the taxable year;

(2) The compensation does not exceed $3,000 in the aggregate; and

(3) The compensation is for labor or services performed as an employee of, or under a contract with—

(i) A nonresident alien, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or

(ii) A domestic corporation, if the labor or services are performed for an office or place of business maintained in a foreign country or in a possession of the United States by that corporation.

(b) *Amount includible in gross income.* If a specific amount is paid for labor or personal services performed in the United States, that amount (if income from sources within the United States) shall be included in the gross income. If no accurate allocation or segregation of compensation for labor or personal services performed in the United States can be made, or when such labor or service is performed partly within and partly without the United States, the amount to be included in the gross income shall be determined by an apportionment on the time basis; that is, there shall be included in the gross income an amount which bears the same relation to the total compensation as the number of days of performance of the labor or services within the United States bears to the total number of days of performance of labor or services for which the payment is made.

(c) *Coastwise travel.* Except as to income excluded by paragraph (a) of this section, wages received for services rendered inside the territorial limits of the United States and wages of an alien seaman earned on a coastwise vessel are to be regarded as from sources within the United States.

§ 1.861–5 *Rentals and royalties.* Gross income from sources within the United States includes rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, in the United States, patents, copyrights, secret processes and formulas, goodwill, trade-marks, trade brands, franchises, and other like property. The income arising from the rental of property, whether tangible or intangible, located within the United States, or from the use of property, whether tangible or intangible, within the United States, is from sources within the United States.

§ 1.861–6 *Sale of real property.* Gross income from sources within the United States includes gain, computed under the provisions of section 1001 and the regulations thereunder, derived from the sale or other disposition of real property located in the United States. For the treatment of capital gains and losses, see sections 1201 to 1241, inclusive, and the regulations thereunder.

§ 1.861–7 *Sale of personal property*—(a) *General.* Gains, profits, and income derived from the purchase and sale of personal property shall be treated as derived entirely from the country in which the property is sold. Thus, gross income from sources within the United States includes gains, profits, and income derived from the purchase of personal property without the United States and its sale within the United States.

(b) *Purchase within a possession.* Notwithstanding paragraph (a) of this section, income derived from the purchase of personal property within a possession of the United States and its sale within the United States shall be treated as derived partly from sources within and partly from sources without the United States. See section 863 (b) (3) and § 1.863–2.

(c) *Country in which sold.* For the purposes of sections 861 to 864, inclusive, and the regulations thereunder, a sale of personal property is consummated at the time when, and the place where, the rights, title, and interest of the seller in the property are transferred to the buyer. Where bare legal title is retained by the seller, the sale shall be deemed to have occurred at the time and place of passage to the buyer of beneficial ownership and the risk of loss. However, in any case in which the sales transaction is arranged in a particular manner for the primary purpose of tax avoidance, the foregoing rules will not be applied. In such cases, all factors of the transaction, such as negotiations, the execution of the agreement, the location of the property, and the place of payment, will be considered, and the sale will be treated as having been consummated at the place where the substance of the sale occurred.

(d) *Production and sale.* For provisions respecting the source of income derived from the sale of personal property produced by the taxpayer, see section 863 (b) (2) and §§ 1.863–1 (b) and 1.863–2.

(e) *Section 306 stock.* For determining the source of gain on the disposition of section 306 stock, see section 306 (f) and the regulations thereunder.

§ 1.861–8 *Computation of taxable income from sources within the United States*—(a) *General.* From the items of gross income specified in §§ 1.861–2 to 1.861–7, inclusive, as being income from sources within the United States there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as taxable income from sources within the United States. The ratable part is based upon the ratio of gross income from sources within the United States to the total gross income.

Example. A taxpayer engaged in trade or business receives for the taxable year gross income from all sources in the amount of $180,000, one-fifth of which ($36,000) is from sources within the United States, computed as follows:

Interest on bonds of a domestic corporation	$9,000
Dividends on stock of a domestic corporation	4,000
Royalty for the use within the United States of patents	12,000
Gain from sale of real property located within the United States	11,000
Total	36,000

The remainder of the gross income is from sources without the United States, as determined under § 1.862–1. The expenses of the taxpayer for the year amount to $78,000. Of these expenses the amount of $8,000 is properly allocated to income from sources within the United States, and the amount of $40,000 is properly allocated to income from sources without the United States. The remainder of the expenses ($30,000) cannot be definitely allocated to any item or class of gross income. A ratable part thereof, based upon the relation of gross income from sources within the United States to the total gross income, shall be deducted in computing taxable income from sources within the United States. Thus, there are deducted from the $36,000 of gross income from sources within the United States expenses amounting to $14,000, representing $8,000 properly apportioned to the income from sources within the United States and $6,000 of the expenses (one-fifth thereof) which cannot definitely be allocated to any item or class of gross income. The remainder ($22,000) is the taxable income from sources within the United States.

(b) *Personal exemptions.* The deductions for the personal exemptions allowed by section 151 or 642 (b) shall not be taken into account for purposes of paragraph (a) of this section but shall be allowed as deductions from the taxable income computed thereunder, if and to the extent that such deductions are allowable for purposes of computing the taxable income of the taxpayer. See sections 641 (b), 873 (d), 904 (b), and 931 (e), and the regulations thereunder.

(c) *Special deductions.* The special deductions allowed in the case of a corporation by section 241 (relating to the deductions for partially tax-exempt interest, dividends received, etc.), section 922 (relating to Western Hemisphere trade corporations), and section 941 (relating to China Trade Act corporations) shall be taken into account for purposes of paragraph (a) of this section.

(d) *Exempt income.* No deduction shall be allowed under this section for the amount of any item or part thereof allocable to a class or classes of exempt income. See section 265 and the regulations thereunder.

§ 1.862 *Statutory provisions; income from sources without the United States.*

SEC. 862. *Income from sources without the United States*—(a) *Gross income from sources without United States.* The following items of gross income shall be treated as income from sources without the United States:

(1) Interest other than that derived from sources within the United States as provided in section 861 (a) (1);

(2) Dividends other than those derived from sources within the United States as provided in section 861 (a) (2);

(3) Compensation for labor or personal services performed without the United States;

(4) Rentals or royalties from property located without the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using without the United States patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like properties;

(5) Gains, profits, and income from the sale of real property located without the United States; and

(6) Gains, profits, and income derived from the purchase of personal property within the United States and its sale without the United States.

(b) *Taxable income from sources without United States.* From the items of gross income specified in subsection (a) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto, and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be treated in full as taxable income from sources without the United States.

§ 1.862–1 *Income specifically from sources without the United States*—(a) *Gross income.* The following items of gross income shall be treated as income from sources without the United States:

(1) Interest other than that specified in section 861 (a) (1) as being derived from sources within the United States;

(2) Dividends other than those derived from sources within the United States as provided in section 861 (a) (2);

(3) Compensation for labor or personal services performed without the United States (for the treatment of compensation for labor or personal services performed partly within the United States and partly without the United States, see paragraph (b) of § 1.861–4);

(4) Rentals or royalties from property located without the United Sates or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, without the United States, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other like property;

(5) Gains, profits, and income from the sale of real property located without the United States; and

(6) Gains, profits, and income derived from the purchase of personal property within the United States and its sale without the United States. Income derived from the purchase of personal property within the United States and its sale within a possession of the United States shall be treated as derived entirely from within that possession of the United States. For determining the time and place of sale of personal property for purposes of this subparagraph, see paragraph (c) of § 1.861–7.

(b) *Taxable income.* The taxable income from sources without the United States, in the case of the items of gross income specified in paragraph (a) of this section, shall be determined on the same basis as that used in § 1.861–8 for determining the taxable income from sources within the United States.

§ 1.863 *Statutory provisions; items not specified in section 861 or 862.*

SEC. 863. *Items not specified in section 861 or 862*—(a) *Allocation under regulations.* Items of gross income, expenses, losses, and deductions, other than those specified in sections 861 (a) and 862 (a), shall be allocated or apportioned to sources within or without the United States, under regulations prescribed by the Secretary or his delegate. Where items of gross income are separately allocated to sources within the United States, there shall be deducted (for the purpose of computing the taxable income therefrom) the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of other expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as taxable income from sources within the United States.

(b) *Income partly from within and partly from without the United States.* In the case of gross income derived from sources partly within and partly without the United States, the taxable income may first be computed by deducting the expenses, losses, or other deductions apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income; and the portion of such taxable income attributable to sources within the United States may be determined by processes or formulas of general apportionment prescribed by the Secretary or his delegate. Gains, profits, and income—

(1) From transportation or other services rendered partly within and partly without the United States,

(2) From the sale of personal property produced (in whole or in part) by the taxpayer within and sold without the United States, or produced (in whole or in part) by the taxpayer without and sold within the United States, or

(3) Derived from the purchase of personal property within a possession of the United States and its sale within the United States,

shall be treated as derived partly from sources within and partly from sources without the United States.

§ 1.863–1 *Allocation of gross income under section 863 (a)*—(a) *General.* Items of gross income other than those specified in section 861 (a) (§§ 1.861–2 to 1.861–7, inclusive) and section 862 (a) (§ 1.862–1) shall be allocated or apportioned to sources within or without the United States, as provided in section 863 (a); however, see § 1.863–2 for alternative method of determining the taxable income from sources within the United States in the case of the items specified in paragraph (b) of § 1.863–2.

(b) *Natural resources.* The income derived from the ownership or operation of any farm, mine, oil or gas well, other natural deposit, or timber, located within the United States, and from the sale by the producer of the products thereof within or without the United States, shall ordinarily be included in gross income from sources within the United States. If, however, it is shown to the satisfaction of the district director (or, if applicable, the Director of International Operations) that, due to the peculiar conditions of production and sale in a specific case or for other reasons, not all of the gross income derived therefrom should be allocated to sources within the United States, an apportionment thereof to sources within the United States and to sources without the United States shall be made as provided by section 863 (b) and § 1.863–2.

(c) *Taxable income.* The taxable income from sources within or without the United States, in the case of the items of gross income allocated under section 863 (a), shall be determined on the same basis as that used in § 1.861–8 for determining the taxable income from sources within the United States. See also paragraph (b) of § 1.862–1.

§ 1.863–2 *Income derived partly from sources within and partly from sources without the United States*—(a) *General.* Section 863 (b) provides an alternative method for determining the taxable income from sources within the United States in the case of gross income derived from sources partly within and partly without the United States. Under this method the entire taxable income in the case of such income is first determined by deducting the expenses, losses, or other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. Then, pursuant to processes or formulas of general apportionment prescribed by the Secretary or his delegate, a portion of such entire taxable income is determined as being attributable to sources within the United States. Thus, the income treated as derived partly from sources within and partly from sources without the United States may be allocated to sources within or without the United States pursuant to § 1.863–1 or apportioned to such sources in accordance with the method described in this section.

(b) *Applicable items.* The income to which this section applies (and which is treated as derived partly from sources within and partly from sources without the United States) shall consist of gains, profits, and income—

(1) From transportation or other services rendered partly within and partly without the United States;

(2) From the sale of personal property produced (in whole or in part) by the taxpayer within and sold without the United States, or produced (in whole or in part) by the taxpayer without and sold within the United States; or

(3) Derived from the purchase of personal property within a possession of the United States and its sale within the United States.

(c) *Cross reference.* For allocation or apportionment under § 1.863–1 or this section in the case of the principal items to which this section applies, see §§ 1.863–3, 1.863–4, and 1.863–5.

§ 1.863–3 *Income from the sale of personal property derived partly from*

within and partly from without the United States—(a) *General*—(1) *Classes of income.* Income from the sale of property to which paragraph (b) (2) and (3) of § 1.863–2 applies is divided into two classes for purposes of this section, namely, income which is treated as derived partly from sources within the United States and partly from sources within a foreign country, and income which is treated as derived partly from sources within the United States and partly from sources within a possession of the United States.

(2) *Definition.* For purposes of this section, the word "produced" includes created, fabricated, manufactured, extracted, processed, cured, or aged. For determining the time and place of sale of personal property for purposes of this section, see paragraph (c) of § 1.861–7.

(b) *Income partly from sources within a foreign country*—(1) *General.* This paragraph relates to gains, profits, and income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a foreign country, or produced (in whole or in part) by the taxpayer within a foreign country and sold within the United States. Pursuant to section 863 (b) such items shall be treated as derived partly from sources within the United States and partly from sources within a foreign country.

(2) *Allocation or apportionment.* The taxable income from sources within the United States, in the case of the items to which this paragraph applies, shall be determined according to the examples set forth in this subparagraph. For such purposes, the deductions for the personal exemptions shall not be taken into account, but the special deductions described in paragraph (c) of § 1.861–8 shall be taken into account.

Example (1). Where the manufacturer or producer regularly sells part of his output to wholly independent distributors or other selling concerns in such a way as to establish fairly an independent factory or production price—or shows to the satisfaction of the district director (or, if applicable, the Director of International Operations) that such an independent factory or production price has been otherwise established—unaffected by considerations of tax liability, and the selling or distributing branch or department of the business is located in a different country from that in which the factory is located or the production carried on, the taxable income attributable to sources within the United States shall be computed by an accounting which treats the products as sold by the factory or productive department of the business to the distributing or selling department at the independent factory price so established. In all such cases the basis of the accounting shall be fully explained in a statement attached to the return for the taxable year.

Example (2). (i) Where an independent factory or production price has not been established as provided under example (1), the taxable income shall first be computed by deducting from the gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a foreign country or produced (in whole or in part) by the taxpayer within a foreign country and sold within the United States, the expenses, losses, or other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income.

(ii) Of the amount of taxable income so determined, one-half shall be apportioned in accordance with the value of the taxpayer's property within the United States and within the foreign country, the portion attributable to sources within the United States being determined by multiplying such one-half by a fraction the numerator of which consists of the value of the taxpayer's property within the United States, and the denominator of which consists of the value of the taxpayer's property both within the United States and within the foreign country. The remaining one-half of such taxable income shall be apportioned in accordance with the gross sales of the taxpayer within the United States and within the foreign country, the portion attributable to sources within the United States being determined by multiplying such one-half by a fraction the numerator of which consists of the taxpayer's gross sales for the taxable year or period within the United States, and the denominator of which consists of the taxpayer's gross sales for the taxable year or period both within the United States and within the foreign country.

(iii) The term "gross sales", as used in this example, refers only to the sales of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a foreign country or produced (in whole or in part) by the taxpayer within a foreign country and sold within the United States.

(iv) The term "property", as used in this example, includes only the property held or used to produce income which is derived from such sales. Such property should be taken at its actual value, which in the case of property valued or appraised for purposes of inventory, depreciation, depletion, or other purposes of taxation shall be the highest amount at which so valued or appraised, and which in other cases shall be deemed to be its book value in the absence of affirmative evidence showing such value to be greater or less than the actual value. The average value during the taxable year or period shall be employed. The average value of property as above prescribed at the beginning and end of the taxable year or period ordinarily may be used, unless by reason of material changes during the taxable year or period such average does not fairly represent the average for such year or period, in which event the average shall be determined upon a monthly or daily basis.

(v) Bills and accounts receivable shall (unless satisfactory reason for a different treatment is shown) be assigned or allocated to the United States when the debtor resides in the United States, unless the taxpayer has no office, branch, or agent in the United States.

Example (3). Application for permission to base the return upon the taxpayer's books of account will be considered by the district director (or, if applicable, the Director of International Operations) in the case of any taxpayer who, in good faith and unaffected by considerations of tax liability, regularly employs in his books of account a detailed allocation of receipts and expenditures which reflects more clearly than the processes or formulas herein prescribed the taxable income derived from sources within the United States.

(c) *Income partly from sources within a possession of the United States*—(1) *General.* This paragraph relates to gains, profits, and income which, pursuant to section 863 (b), are treated as derived partly from sources within the United States and partly from sources within a possession of the United States. The items so treated are described in subparagraphs (3) and (4) of this paragraph.

(2) *Allocation or apportionment.* The taxable income from sources within the United States, in the case of the items to which this paragraph applies, shall be determined according to the examples set forth in subparagraphs (3) and (4) of this paragraph. For such purposes, the deductions for the personal exemptions shall not be taken into account, but the special deductions described in paragraph (c) of § 1.861–8 shall be taken into account.

(3) *Personal property produced and sold.* This subparagraph relates to gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a possession of the United States, or produced (in whole or in part) by the taxpayer within a possession of the United States and sold within the United States.

Example (1). Same as example (1) under paragraph (b) (2) of this section.

Example (2). (i) Where an independent factory or production price has not been established as provided under example (1), the taxable income shall first be computed by deducting from the gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a possession of the United States, or produced (in whole or in part) by the taxpayer within a possession of the United States and sold within the United States, the expenses, losses, or other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income.

(ii) Of the amount of taxable income so determined, one-half shall be apportioned in accordance with the value of the taxpayer's property within the United States and within the possession of the United States, the portion attributable to sources within the United States being determined by multiplying such one-half by a fraction the numerator of which consists of the value of the taxpayer's property within the United States, and the denominator of which consists of the value of the taxpayer's property both within the United States and within the possession of the United States. The remaining one-half of such taxable income shall be apportioned in accordance with the total business of the taxpayer within the United States and within the possession of the United States, the portion attributable to sources within the United States being determined by multiplying such one-half by a fraction the numerator of which consists of the amount of the taxpayer's business for the taxable year or period within the United States, and the denominator of which consists of the amount of the taxpayer's business for the taxable year or period both within the United States and within the possession of the United States.

(iii) The "business of the taxpayer", as used in this example, shall be measured by the amounts which the taxpayer paid out during the taxable year or period for wages, salaries, and other compensation of employees and for the purchase of goods, materials, and supplies consumed in the regular course of business, plus the amounts received during the taxable year or period from gross sales, such expenses, purchases, and gross sales being limited to those attributable to the production (in whole or in part) of personal property within the United States and its sale within a possession of the United States or to the production (in whole or in part) of personal property within a possession of the United States and its sale within the United States. The term "property", as used in this example, includes only the property held or used to produce income which is derived from such sales.

Example (3). Same as example (3) under paragraph (b) (2) of this section.

(4) *Personal property purchased and sold.* This subparagraph relates to gross income derived from the purchase of personal property within a possession of the United States and its sale within the United States.

Example (1). (i) The taxable income shall first be computed by deducting from such gross income the expenses, losses, or other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income.

(ii) The amount of taxable income so determined shall be apportioned in accordance with the total business of the taxpayer within the United States and within the possession of the United States, the portion attributable to sources within the United States being that percentage of such taxable income which the amount of the taxpayer's business for the taxable year or period within the United States bears to the amount of the taxpayer's business for the taxable year or period both within the United States and within the possession of the United States.

(iii) The "business of the taxpayer", as that term is used in this example, shall be measured by the amounts which the taxpayer paid out during the taxable year or period for wages, salaries, and other compensation of employees and for the purchase of goods, materials, and supplies sold or consumed in the regular course of business, plus the amount received during the taxable year or period from gross sales, such expenses, purchases, and gross sales being limited to those attributable to the purchase of personal property within a possession of the United States and its sale within the United States.

Example (2). Same as example (3) under paragraph (b) (2) of this section.

§ 1.863–4 *Transportation service*—(a) *General.* A taxpayer carrying on the business of transportation service between points in the United States and points outside the United States derives income partly from sources within and partly from sources without the United States.

(b) *Gross income.* The gross income from sources within the United States derived from such services shall be determined by taking such a portion of the total gross revenues therefrom as (1) the sum of the costs or expenses of such transportation business carried on by the taxpayer within the United States and a reasonable return upon the property used in its transportation business while within the United States bears to (2) the sum of the total costs or expenses of such transportation business carried on by the taxpayer and a reasonable return upon the total property used in such transportation business. Revenues from operations incidental to transportation services, such as the sale of money orders, shall be apportioned on the same basis as direct revenues from transportation services.

(c) *Allocation of costs or expenses.* In allocating the total costs or expenses incurred in such transportation business, costs or expenses incurred in connection with that part of the services which was wholly rendered in the United States shall be assigned to the cost of transportation business within the United States. For example, expenses of loading and unloading in the United States, rentals, office expenses, salaries, and wages wholly incurred for services rendered to the taxpayer in the United States belong to this class. Costs and expenses incurred in connection with services rendered partly within and partly without the United States may be prorated on a reasonable basis between such services. For example, ship wages, charter money, insurance, and supplies chargeable to voyage expenses shall ordinarily be prorated for each voyage on the basis of the proportion which the number of days the ship was within the territorial limits of the United States bears to the total number of days on the voyage; and fuel consumed on each voyage may be prorated on the basis of the proportion which the number of miles sailed within the territorial limits of the United States bears to the total number of miles sailed on the voyage. For other expenses entering into the cost of services, only such expenses as are allowable deductions under the internal revenue laws shall be taken into account.

(d) *Items not included as costs or expenses*—(1) *Taxes and interest.* Income, war profits, and excess profits taxes shall not be regarded as costs or expenses for the purpose of determining the proportion of gross income from sources within the United States; and, for such purpose, interest and other expenses for the use of borrowed capital shall not be taken into the cost of services rendered, for the reason that the return upon the property used measures the extent to which such borrowed capital is the source of the income. See paragraph (f) (2) of this section.

(2) *Other business activity and general expenses.* If a taxpayer subject to this section is also engaged in a business other than that of providing transportation service between points in the United States and points outside the United States, the costs and expenses, including taxes, properly apportioned or allocated to such other business shall be excluded both from the deductions and from the apportionment process prescribed in paragraph (c) of this section; but, for the purpose of determining taxable income, a ratable part of any general expenses, losses, or deductions, which cannot definitely be allocated to some item or class of gross income, may be deducted from the gross income from sources within the United States after the amount of such gross income has been determined. Such ratable part shall ordinarily be based upon the ratio of gross income from sources within the United States to the total gross income. See paragraph (f) (3) of this section.

(3) *Personal exemptions and special deductions.* The deductions for the personal exemptions, and the special deductions described in paragraph (c) of § 1.861–8, shall not be taken into account for purposes of paragraph (c) of this section.

(e) *Property used while within the United States*—(1) *General.* The value of the property used shall be determined upon the basis of cost less depreciation. Eight percent may ordinarily be taken as a reasonable rate of return to apply to such property. The property taken shall be the average property employed in the transportation service between points in the United States and points outside the United States during the taxable year.

(2) *Average property.* For ships, the average shall be determined upon a daily basis for each ship, and the amount to be apportioned for each ship as assets employed within the United States shall be computed upon the proportion which the number of days the ship was within the territorial limits of the United States bears to the total number of days the ship was in service during the taxable period. For other assets employed in the transportation business, the average of the assets at the beginning and end of the taxable period ordinarily may be taken, but if the average so obtained does not, by reason of material changes during the taxable year, fairly represent the average for such year either for the assets employed in the transportation business in the United States or in total, the average must be determined upon a monthly or daily basis.

(3) *Current assets.* Current assets shall be decreased by current liabilities and allocated to services between the United States and foreign countries and to other services. The part allocated to services between the United States and foreign countries shall be based on the proportion which the gross receipts from such services bear to the gross receipts from all services. The amount so allocated to services between the United States and foreign countries shall be further allocated to services rendered within the United States and to services rendered without the United States. The portion allocable to services rendered within the United States shall be based on the proportion which the expenses incurred within the territorial limits of the United States bear to the total expenses incurred in services between the United States and foreign countries.

(f) *Taxable income*—(1) *General.* In computing taxable income from sources within the United States there shall be allowed as deductions from the gross income from such sources, determined in accordance with paragraph (b) of this section, (i) the expenses of the transportation business carried on within the United States (as determined under paragraphs (c) and (d) of this section) and (ii) the expenses and deductions determined in accordance with this paragraph.

(2) *Interest and taxes.* Interest and income, war profits, and excess profits taxes shall be excluded from the apportionment process, as indicated in paragraph (d) of this section; but for the purpose of computing taxable income there may be deducted from the gross income from sources within the United States, after the amount of such gross income has been determined, a ratable part of all interest deductible under section 163 and of all income, war profits, and excess profits taxes deductible under section 164, paid or accrued in respect of the business of transportation service

between points in the United States and points outside the United States. The ratable part shall ordinarily be based upon the ratio of gross income from sources within the United States to the total gross income, from such transportation service.

(3) *General expenses.* General expenses, losses, or deductions shall be deducted under this paragraph to the extent indicated in paragraph (d) (2) of this section.

(4) *Personal exemptions.* The deductions for the personal exemptions shall be allowed under this paragraph to the same extent as provided by paragraph (b) of § 1.861–8.

(5) *Special deductions.* The special deductions allowed in the case of a corporation by sections 241, 922, and 941 shall be allowed under this paragraph to the same extent as provided by paragraph (c) of § 1.861–8.

(g) *Allocation based on books of account.* Application for permission to base the return upon the taxpayer's books of account will be considered by the district director (or, if applicable, the Director of International Operations) in the case of any taxpayer subject to this section, who, in good faith and unaffected by considerations of tax liability, regularly employs in his books of account a detailed allocation of receipts and expenditures which more clearly reflects the income derived from sources within the United States than does the process prescribed by paragraphs (b) to (f), inclusive, of this section.

§ 1.863–5 *Telegraph and cable services*—(a) *General.* A taxpayer carrying on the business of transmission of telegraph or cable messages between points in the United States and points outside the United States derives income partly from sources within and partly from sources without the United States.

(b) *Gross income.* The gross income from sources within the United States derived from such services shall be determined by adding the gross revenues derived from messages originating in the United States and amounts collected abroad on collect messages originating in the United States and then deducting from such sum amounts paid or accrued for transmission of messages beyond the taxpayer's own circuit. Amounts received by the taxpayer in the United States with respect to collect messages originating without the United States shall be excluded from such gross income.

(c) *Taxable income.* In computing taxable income from sources within the United States, the following items shall be allowed as deductions from the gross income determined in accordance with paragraph (b) of this section:

(1) All expenses incurred in the United States (not including any general overhead expenses) incident to the carrying on of the business in the United States;

(2) All direct expenses incurred abroad in the transmission of messages originating in the United States (not including any general overhead expenses or maintenance, repairs, and depreciation of cables and not including any amount already deducted in computing gross income);

(3) Depreciation of property (other than cables) located in the United States and used in the trade or business therein; and,

(4) A proportionate part of the general overhead expenses (not including any items incurred abroad corresponding to those enumerated in subparagraphs (1), (2), and (3) of this paragraph) and of maintenance, repairs, and depreciation of cables of the entire cable system of the enterprise, based on the ratio which the number of words originating in the United States bears to the total words transmitted by the enterprise.

(5) The deductions for the personal exemptions, and the special deductions allowed by sections 241, 922, and 941, but only to the extent provided by paragraphs (b) and (c) of § 1.861–8.

§ 1.863–6 *Income from sources within a foreign country or possession of the United States.* The principles applied in §§ 1.861–1 to 1.863–5, inclusive, for determining the gross and the taxable income from sources within and without the United States shall be applied, for purposes of the income tax, in determining the gross and the taxable income from sources within and without a foreign country, or within and without a possession of the United States.

§ 1.864 *Statutory provisions; definitions.*

SEC. 864. *Definitions.* For purposes of this part, the word "sale" includes "exchange"; the word "sold" includes "exchanged"; and the word "produced" includes "created", "fabricated", "manufactured", "extracted", "processed", "cured", or "aged".

NONRESIDENT ALIENS AND FOREIGN CORPORATIONS

Nonresident Alien Individuals

§ 1.871 *Statutory provisions; tax on nonresident alien individuals.*

SEC. 871. *Tax on nonresident alien individuals*—(a) *No United States business and gross income of not more than $15,400*—(1) *Imposition of tax.* Except as otherwise provided in subsection (b) there is hereby imposed for each taxable year, in lieu of the tax imposed by section 1, on the amount received, by every nonresident alien individual not engaged in trade or business within the United States, from sources within the United States, as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income (including amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235, which are considered to be gains from the sale or exchange of capital assets), a tax of 30 percent of such amount.

(2) *Capital gains of aliens temporarily present in the United States.* In the case of a nonresident alien individual not engaged in trade or business in the United States, there is hereby imposed for each taxable year, in addition to the tax imposed by paragraph (1)—

(A) If he is present in the United States for a period or periods aggregating less than 90 days during such taxable year—a tax of 30 percent of the amount by which his gains, derived from sources within the United States, from sales or exchanges of capital assets effected during his presence in the United States exceed his losses, allocable to sources within the United States, from such sales or exchanges effected during such presence; or

(B) If he is present in the United States for a period or periods aggregating 90 days or more during such taxable year—a tax of 30 percent of the amount by which his gains, derived from sources within the United States, from sales or exchanges of capital assets effected at any time during such year exceed his losses, allocable to sources within the United States, from such sales or exchanges effected at any time during such year.

For purposes of this paragraph, gains and losses shall be taken into account only if, and to the extent that, they would be recognized and taken into account if such individual were engaged in trade or business in the United States, except that such gains and losses shall be computed without regard to section 1202 (relating to deduction for capital gains) and such losses shall be determined without the benefits of the capital loss carryover provided in section 1212.

(b) *No United States business and gross income of more than $15,400.* A nonresident alien individual not engaged in trade or business within the United States shall be taxable without regard to subsection (a) if during the taxable year the sum of the aggregate amount received from the sources specified in subsection (a) (1), plus the amount by which gains from sales or exchanges of capital assets exceed losses from such sales or exchanges (determined in accordance with subsection (a) (2)) is more than $15,400, except that—

(1) The gross income shall include only income from the sources specified in subsection (a) (1) plus any gain (to the extent provided in subchapter P; sec. 1201 and following, relating to capital gains and losses) from a sale or exchange of a capital asset if such gain would be taken into account were the tax being determined under subsection (a) (2);

(2) The deductions (other than the deduction for charitable contributions and gifts provided in section 873 (c)) shall be allowed only if and to the extent that they are properly allocable to the gross income from the sources specified in subsection (a), except that any loss from the sale or exchange of a capital asset shall be allowed (to the extent provided in subchapter P without the benefit of the capital loss carryover provided in section 1212) if such loss would be taken into account were the tax being determined under subsection (a) (2);

(3) The taxes imposed by this subtitle (under section 1, or under section 1201 (b)) shall, in no case, be less than 30 percent of the sum of—

(A) The aggregate amount received from the sources specified in subsection (a) (1), plus

(B) The amount, determined under subsection (a) (2), by which gains from sales or exchanges of capital assets exceed losses from such sales or exchanges.

(c) *United States business.* A nonresident alien individual engaged in trade or business within the United States shall be taxable without regard to subsection (a). For purposes of part I, this section, sections 881 and 882, and chapter 3, the term "engaged in trade or business within the United States" includes the performance of personal services within the United States at any time within the taxable year, but does not include the performance of personal services—

(1) For a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or

(2) For an office or place of business maintained by a domestic corporation in a foreign country or in a possession of the United States,

by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during the taxable year and whose compensation for such services does not exceed in the aggregate $3,000. Such term does not include the effecting, through a resident broker, commission agent, or custodian, of transactions in the United States in stocks or securities, or in commodities (if of a kind customarily dealt in on an organized commodity exchange, if the transaction is of the kind customarily consummated at such place, and if the alien, partnership, or corporation has no office or place of business in the United States at any time during the taxable year through which or by the direction of which such transactions in commodities are effected).

(d) *Doubling of tax.* For doubling of tax on citizens of certain foreign countries, see section 891.

§ 1.871–1 *Taxation of aliens.* For purposes of the income tax, alien individuals are divided generally into two classes, namely, resident aliens and nonresident aliens. Resident aliens are, in general, taxable the same as citizens of the United States; that is, a resident alien is taxable on income derived from all sources, including sources without the United States. Nonresident aliens are taxable only on income from sources within the United States. For classification of nonresident aliens, see § 1.871–7. For determination of the sources of income, see §§ 1.861–1 to 1.863–6, inclusive.

§ 1.871–2 *Determining residence of alien individuals*—(a) *General.* The term "nonresident alien individual" means an individual whose residence is not within the United States, and who is not a citizen of the United States. The term includes a nonresident alien fiduciary. For such purpose the term "fiduciary" shall have the meaning assigned to it by section 7701 (a) (6) and the regulations thereunder. For presumption as to an alien's nonresidence, see paragraph (b) of § 1.871–4.

(b) *Residence defined.* An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax. Whether he is a transient is determined by his intentions with regard to the length and nature of his stay. A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient; but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident, though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.

§ 1.871–3 *Residence of alien seamen.* In order to determine whether an alien seaman is a resident of the United States for purposes of the income tax, it is necessary to decide whether the presumption of nonresidence (as prescribed by paragraph (b) of § 1.871–4) is overcome by facts showing that he has established a residence in the United States. Residence may be established on a vessel regularly engaged in coastwise trade, but the mere fact that a sailor makes his home on a vessel which is flying the United States flag and is engaged in foreign trade is not sufficient to establish residence in the United States, even though the vessel, while carrying on foreign trade, touches at American ports. An alien seaman may acquire an actual residence in the United States within the rules laid down in § 1.871–4, although the nature of his calling requires him to be absent for a long period from the place where his residence is established. An alien seaman may acquire such a residence at a sailors' boarding house or hotel, but such a claim should be carefully scrutinized in order to make sure that such residence is bona fide. The filing of Form 1078 or taking out first citizenship papers is proof of residence in the United States from the time the form is filed or the papers taken out, unless rebutted by other evidence showing an intention to be a transient.

§ 1.871–4 *Proof of residence of aliens*—(a) *Rules of evidence.* The following rules of evidence shall govern in determining whether or not an alien within the United States has acquired residence therein for purposes of the income tax.

(b) *Nonresidence presumed.* An alien, by reason of his alienage, is presumed to be a nonresident alien.

(c) *Presumption rebutted*—(1) *Departing alien.* In the case of an alien who presents himself for determination of tax liability before departure from the United States, the presumption as to the alien's nonresidence may be overcome by proof—

(i) That the alien, at least six months before the date he so presents himself, has filed a declaration of his intention to become a citizen of the United States under the naturalization laws; or

(ii) That the alien, at least six months before the date he so presents himself, has filed Form 1078 or its equivalent; or

(iii) Of acts and statements of the alien showing a definite intention to acquire residence in the United States or showing that his stay in the United States has been of such an extended nature as to constitute him a resident.

(2) *Other aliens.* In the case of other aliens, the presumption as to the alien's nonresidence may be overcome by proof—

(i) That the alien has filed a declaration of his intention to become a citizen of the United States under the naturalization laws; or

(ii) That the alien has filed Form 1078 or its equivalent; or

(iii) Of acts and statements of the alien showing a definite intention to acquire residence in the United States or showing that his stay in the United States has been of such an extended nature as to constitute him a resident.

(d) *Certificate.* If, in the application of paragraphs (c) (1) (iii) or (2) (iii) of this section, the internal revenue officer or employee who examines the alien is in doubt as to the facts, such officer or employee may, to assist him in determining the facts, require a certificate or certificates setting forth the facts relied upon by the alien seeking to overcome the presumption. Each such certificate, which shall contain, or be verified by, a written declaration that it is made under the penalties of perjury, shall be executed by some credible person or persons, other than the alien and members of his family, who have known the alien at least six months before the date of execution of the certificate or certificates.

§ 1.871–5 *Loss of residence by an alien.* An alien who has acquired residence in the United States retains his status as a resident until he abandons the same and actually departs from the United States. An intention to change his residence does not change his status as a resident alien to that of a nonresident alien. Thus, an alien who has acquired a residence in the United States is taxable as a resident for the remainder of his stay in the United States.

§ 1.871–6 *Duty of employer to determine status of alien employee*—(a) *Proof of status required.* If wages are paid to an alien without withholding the tax under chapter 3 of the 1954 Code, or, if applicable, under section 143 of the 1939 Code, except insofar as the regulations thereunder permit exemption from withholding, then the employer must be prepared to prove the status of the alien as provided in §§ 1.871–1 to 1.871–5, inclusive.

(b) *Evidence of residence.* An employer may rely upon the evidence of residence afforded by the fact that an alien has filed Form 1078 or an equivalent written statement. In the case of payments made after December 31, 1956, this statement or form shall be filed in the manner prescribed in § 1.1441–5. An employer need not secure Form 1078 or written statement from the alien employee if he is satisfied that the alien is a resident alien. An employer who seeks to account for failure to withhold in the past, if he did not at that time secure Form 1078 or its equivalent, is permitted to prove the former status of the alien by any competent evidence.

§ 1.871–7 *Tax on nonresident alien individuals*—(a) *Classes of nonresident aliens.* For purposes of the income tax, nonresident alien individuals are divided into four classes:

(1) *Class 1.* Nonresident alien individuals not engaged in trade or business within the United States at any time during the taxable year and receiving in such year an aggregate of not more than $15,400 gross income (determined without regard to section 116) from sources within the United States consisting of—

(i) Fixed or determinable annual or periodical income, and

(ii) Amounts constituting, or considered to be, gains from the sale or exchange of capital assets, as described in paragraph (b) of this section;

(2) *Class 2.* Nonresident alien individuals not engaged in trade or business within the United States at any time during the taxable year and receiving in such year an aggregate of more than $15,400 gross income (determined without regard to section 116) described under class 1;

(3) *Class 3.* Nonresident alien individuals who at any time during the taxable year are engaged in trade or business within the United States; and

(4) *Class 4.* Nonresident alien individuals who are bona fide residents of Puerto Rico during the entire taxable year.

Individuals within classes 1 to 3, inclusive, are subject to tax pursuant to the provisions of sections 871 to 877, inclusive, and the regulations thereunder. The provisions of those sections do not apply to individuals within class 4, but such individuals are subject to the tax imposed by section 1. See § 1.876–1. If the gross income of a nonresident alien individual includes income on which the tax is limited by tax convention, see paragraph (e) of this section.

(b) *No United States business; gross income of not more than $15,400*—(1) *Imposition of tax.* Except as otherwise provided by paragraph (e) of this section, a nonresident alien individual within class 1 is not subject to the tax imposed by section 1 but, pursuant to the provisions of section 871 (a), is liable to a flat tax of 30 percent upon the aggregate of the amounts determined under subparagraphs (2), (3), and (4) of this paragraph and received during the taxable year from sources within the United States. For this purpose the source of the income shall be determined in accordance with the provisions of sections 861 to 864, inclusive, and the regulations thereunder. For the purposes of section 871 (a) (1) "amount received" means "gross income."

(2) *Fixed or determinable annual or periodical income*—(i) *Items subject to tax.* The tax of 30 percent applies to the gross amount received as fixed or determinable annual or periodical gains, profits, and income. Specific items of fixed or determinable annual or periodical income are enumerated in section 871 (a) (1) as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, and emoluments, but other fixed or determinable annual or periodical gains, profits, and income are also subject to the tax as, for instance, royalties. As to the determination of fixed or determinable annual or periodical income, see paragraph (a) of § 1.1441–2. For special rules treating gain on the disposition of section 306 stock as fixed or determinable annual or periodical income, see section 306 (f) and the regulations thereunder.

(ii) *Losses.* In computing the income subject to tax under this subparagraph no deduction shall be allowed for any loss sustained during the taxable year.

(3) *Amounts considered to be capital gains*—(i) *Items subject to tax.* The tax of 30 percent also applies, pursuant to the provisions of section 871 (a) (1), to amounts received during the taxable year from sources within the United States which are described in section 402 (a) (2), section 631 (b) and (c), and section 1235 and are considered to be gains from the sale or exchange of capital assets. Thus, the tax applies to gain recognized on certain distributions by a qualified employees' trust where the total distributions, with respect to any employee, are payable to the distributee within one taxable year; to gain recognized under specified circumstances on the disposal of timber and coal and considered in accordance with section 1231 to be gain from the sale or exchange of a capital asset; and to gain recognized on certain transfers of patent rights by an individual.

(ii) *Ninety-day rule not applicable.* The provisions of section 871 (a) (2) do not apply to the gains described in this subparagraph; as a consequence, the taxpayer receiving these gains during a taxable year is subject to the tax of 30 percent thereon without regard to the 90-day rule of that section and even though he has not been present in the United States at any time during the taxable year.

(iii) *Recognized gain fully taxable.* The tax of 30 percent imposed upon the gains described in this subparagraph shall apply (*a*) to the full amount of gain recognized upon the transaction, (*b*) without regard to the alternative tax imposed by section 1201 upon the excess of the net long-term capital gain over the net short-term capital loss, and (*c*) without regard to the deduction allowed by section 1202 in respect of capital gains.

(iv) *Losses.* In computing the gain subject to tax under this subparagraph no deduction shall be allowed for any loss sustained during the taxable year, even though the loss is taken into account under section 1231 in determining whether the gain is considered to be gain from the sale or exchange of a capital asset.

(4) *Capital gains and losses*—(i) *Items subject to tax.* The tax of 30 percent also applies, pursuant to the provisions of section 871 (a) (2), to the excess of capital gains derived from sources within the United States over capital losses allocable to such sources, determined under the provisions of sections 861 to 864, inclusive, and the regulations thereunder, and in accordance with the provisions of this subparagraph.

(ii) *Present less than 90 days.* If he has been present in the United States for a period or periods aggregating less than 90 days during the taxable year, a nonresident alien individual not engaged in trade or business within the United States at any time during the taxable year is liable to a tax of 30 percent upon the amount by which his gains, derived from sources within the United States, from sales or exchanges of capital assets effected during his presence in the United States exceed his losses, allocable to sources within the United States, from such sales or exchanges effected during such presence. Gains and losses from sales or exchanges of capital assets effected during the taxable year at times other than during such presence in the United States are not to be taken into account for this purpose.

(iii) *Present 90 days or more.* If he has been present in the United States for a period or periods aggregating 90 days or more during the taxable year, a nonresident alien individual not engaged in trade or business within the United States at any time during the taxable year is liable to a tax of 30 percent upon the amount by which his gains, derived from sources within the United States, from sales or exchanges of capital assets effected at any time during that year exceed his losses, allocable to sources within the United States, from sales or exchanges effected at any time during the taxable year are to be taken into account for this purpose even though the alien individual is not present in the United States at the time the sales or exchanges are effected.

(iv) *Separate periods to be aggregated.* In computing the total period of presence in the United States for a taxable year, all separate periods of presence in the United States during the taxable year are to be aggregated.

(v) *Other provisions applicable.* For the purpose of the computation of the excess of capital gains over capital losses subject to tax under this subparagraph, gains and losses shall, subject to the 90-day rule of section 871 (a) (2), be taken into account only if, and to the extent that, they would be recognized and taken into account if the nonresident alien individual were engaged in trade or business within the United States, except that the gains and losses shall be computed without regard to the provisions of section 1202, relating to the deduction for capital gains, and the losses shall be determined without the benefits of the capital loss carryover provided in section 1212. For example, any amount (other than the gains specified in subparagraph (3) of this paragraph) which, under the provisions of subtitle A of the Internal Revenue Code of 1954, is considered to be gain or loss from the sale or exchange of a capital asset shall be taken into account but only in accordance with this subdivision and subject to the provisions of section 873 and the regulations thereunder. Thus, an amount described in section 631 (b) or (c) which is considered to be loss from the sale or exchange of a capital asset would be taken into account in such manner. Also, for example, no deduction shall be allowed, pursuant to the provisions of section 267, for losses from sales or exchanges of property between related taxpayers.

(vi) *Alternative tax.* The tax shall be computed under this subparagraph without regard to the alternative tax imposed by section 1201 upon the excess of the net long-term capital gain over the net short-term capital loss.

(vii) *Allowance of losses.* In computing the tax under this subparagraph

losses from sales or exchanges of capital assets shall be allowed only to the extent of gains from sales or exchanges of capital assets.

(viii) *Gains not included.* The provisions of this subparagraph do not apply to amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235, which are considered to be gains from the sale or exchange of capital assets. See subparagraph (3) of this paragraph.

(5) *Deductions allowable.* For the allowance of deductions in computing the tax under this paragraph, see paragraph (b) (1) of § 1.873–1.

(6) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), and section 35 (relating to partially tax-exempt interest) shall be allowed against the tax computed in accordance with this paragraph.

(c) *No United States business; gross income of more than $15,400*—(1) *Imposition of tax.* Except as otherwise provided by paragraph (e) of this section and subparagraph (4) of this paragraph, a nonresident alien individual within class 2 is, in accordance with the provisions of section 871 (b), subject to tax under section 1 or, in the alternative, under section 1201 (b) upon the income computed in accordance with this paragraph and received during the taxable year from sources within the United States. In computing the alternative tax under section 1201 (b) for this purpose, all amounts constituting, or considered to be, gains and losses from the sale or exchange of capital assets, whether described in paragraph (b) (3) or (4) of this section, shall be taken into account to the extent prescribed by subparagraphs (2) and (3) of this paragraph.

(2) *Gross income.* For the purposes of subparagraph (1) of this paragraph, the gross income shall include only those items of gains, profits, and income which would be taken into account if the tax were being determined in accordance with paragraph (b) of this section, that is, the gross amount of fixed or determinable annual or periodical income determined in accordance with paragraph (b) (2) of this section, the full amount of any gain taxable in accordance with paragraph (b) (3) of this section, and all other gains (computed without regard to any losses) which are to be taken into account in determining the tax under paragraph (b) (4) of this section. For such purposes, all such gains derived from the sale or exchange of capital assets, whether taken into account under paragraph (b) (3) or (4) of this section, shall be included to the same extent as provided by sections 1201 to 1241, inclusive, and the regulations thereunder.

(3) *Deductions.* In computing, for purposes of subparagraph (1) of this paragraph, the income subject to tax under section 1 or section 1201 (b), there shall be allowed as deductions—

(i) *Capital losses.* Any loss, allocable to sources within the United States, from the sale or exchange of a capital asset which would be taken into account if the tax were being determined in accordance with paragraph (b) (4) of this section, except that such loss shall be allowed only to the extent provided by sections 1201 to 1241, inclusive, and the regulations thereunder, but without the benefit of the capital loss carryover provided by section 1212;

(ii) *Charitable contributions.* The deduction for charitable contributions and gifts to the extent allowed by section 170, whether or not connected with income from sources within the United States, but (in accordance with section 873 (c)) only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States; and

(iii) *Other deductions.* Any other deduction (including the deduction allowed by section 1202 in respect of capital gains) allowed by section 873, but only if, and to the extent that, they are properly allocable to the gross income specified in subparagraph (2) of this paragraph. See also § 1.873–1.

(4) *Minimum tax.* Notwithstanding the provisions of subparagraph (1) of this paragraph, and except as otherwise provided by paragraph (e) of this section, the tax of a nonresident alien individual within class 2 shall in no case be less than 30 percent of the aggregate of the amounts determined under paragraph (b) (2), (3), and (4) of this section and received during the taxable year from sources within the United States.

(5) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 34 (relating to dividends received by individuals), and section 35 (relating to partially tax-exempt interest), shall be allowed against the tax computed in accordance with this paragraph, even though such tax is computed in accordance with subparagraph (4) of this paragraph.

(d) *United States business*—(1) *Imposition of tax.* Except as otherwise provided by paragraph (e) of this section, a nonresident alien individual within class 3 is, in accordance with the provisions of section 871 (c), subject to tax under section 1 or, in the alternative, under section 1201 (b) upon his taxable income.

(2) *Taxable income.* For purposes of this paragraph, the taxable income includes only the taxable income from sources within the United States, determined in accordance with the provisions of sections 63 (a), 861 to 864, inclusive, 872, and 873, and the regulations thereunder.

(3) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 34 (relating to dividends received by individuals), and section 35 (relating to partially tax-exempt interest) shall be allowed against the tax computed in accordance with this paragraph.

(4) *Inapplicable provisions.* The provisions of paragraphs (b) and (c) of this section have no application in determining the tax of a nonresident alien individual engaged in trade or business within the United States.

(e) *Treaty income*—(1) *Definitions.* For purposes of this paragraph, the term "treaty income" shall be construed to mean the gross income of a nonresident alien individual the tax on which is limited by tax convention. Thus, for example, the term would include dividends derived by such an individual from sources within the United States which, in accordance with a tax convention, are subject to United States tax at a rate not to exceed 15 percent. The term "nontreaty income" shall be construed, for such purposes, to mean the gross income of a nonresident alien individual other than treaty income. In either case the gross income shall be determined in accordance with §§ 1.872–1 and 1.872–2, except that the provisions of section 116 shall be disregarded when determining (i) whether the individual is within class 1 or class 2 for the purposes of paragraph (a) of this section, (ii) whether the partial tax under subparagraph (3) (i) of this paragraph shall be computed in accordance with section 871 (a) or (b), and (iii) the tax under subparagraph (3) (ii) of this paragraph upon the separate items of treaty income.

(2) *Application of $15,400 limitation.* Treaty income shall be taken into account in determining whether a nonresident alien individual not engaged in trade or business within the United States at any time during the taxable year is within class 1 or class 2 for the purposes of paragraph (a) of this section; however, the tax upon such income shall be separately computed to the extent required by subparagraph (3) of this paragraph.

(3) *Computation of tax.* If the gross income of a nonresident alien individual within class 1, 2, or 3 consists of both treaty and nontreaty income, the tax liability for the taxable year shall be the sum of the amounts determined in accordance with subdivisions (i) and (ii) of this subparagraph. In no case, however, may the tax liability so determined exceed the tax liability with respect to the taxpayer's entire gross income, determined in accordance with paragraph (b), (c), or (d) of this section as though the tax convention had not come into effect and without reference to the provisions of this paragraph. This subparagraph shall not be construed to deny the credits provided by sections 31, 32, and 6402.

(i) Compute a partial tax upon only the nontreaty income in accordance with section 871 (a), (b), or (c), whichever applies, as determined under paragraph (b), (c), or (d) of this section, and as though the tax convention had not come into effect. To the extent allowed by such paragraph, the credits allowed by sections 34 and 35 shall then be allowed against the tax so computed but only with respect to items included in the nontreaty income. For this purpose, the nontreaty income alone shall be used as a basis for determining whether the partial tax shall be computed in accordance with section 871 (a) or (b).

(ii) Compute a tax upon the gross amount of each separate item of treaty income at the reduced rate applicable to

that item under the tax convention. Notwithstanding any other provision to the contrary, this tax shall be determined without the allowance of any deduction, credit (other than the credits provided by sections 31, 32, and 6402), or exclusion in respect of any item included in the treaty income.

(4) *Illustration.* The application of this paragraph may be illustrated by the following examples:

Example (1). (i) A nonresident alien individual who is a resident of a foreign country with which the United States has entered into a tax convention receives during the taxable year 1955 from sources within the United States total gross income of $125,000, consisting of the following items and computed by taking into account the exclusion granted by section 116 (a):

Oil royalties the tax on which is limited by the convention to a rate not to exceed 15 percent	$100,000
Interest the tax on which is limited by the convention to a rate not to exceed 5 percent	5,000
Dividends the tax on which is not limited by the convention	10,000
Rents the tax on which is not limited by the convention	10,000
Total gross income	125,000

The dividends are assumed to be paid by a domestic corporation not disqualified by section 34 (c) or 116 (b). There are no allowable deductions, other than the deductions allowed by sections 613 and 873 (d). The taxpayer has not engaged in trade or business within the United States or had a permanent establishment therein at any time during the taxable year. Although entitled to do so under the convention, the taxpayer does not elect to be taxed for the taxable year as though he did have a permanent establishment within the United States.

(ii) The tax liability for the taxable year is $21,792, computed as follows:

Nontreaty gross income		$20,000
Less: Deduction for personal exemption		600
Nontreaty taxable income		19,400
Tax computed under section 1 on nontreaty taxable income		6,942
Minimum tax prescribed by section 871 (b) (3) upon nontreaty gross income ($20,000×30 percent)		6,000
Tax for the taxable year upon nontreaty taxable income, as above		6,942
Less: Credit under section 34 in respect of the nontreaty dividends received, that is, the smallest of the following:		
4 percent of the dividends included in nontreaty gross income ($10,000×4 percent)	$400	
The tax for the taxable year upon nontreaty taxable income, as above	6,942	
4 percent of the nontreaty taxable income for the taxable year ($19,400×4 percent)	776	
		400
Partial tax computed in accordance with subparagraph (3) (i)		6,542
Plus: Tax on oil royalties ($100,000×15 percent)		15,000
Tax on interest ($5,000×5 percent)		250
Total		21,792

Example (2). (i) A nonresident alien individual who is a resident of a foreign country with which the United States has entered into a tax convention receives during the taxable year 1955 from sources within the United States total gross income of $4,050, consisting of the following items and computed without regard to the exclusion granted by section 116 (a):

Dividends the tax on which is limited by the convention to a rate not to exceed 15 percent	$3,050
Compensation for personal services, the tax on which is not limited by the convention	1,000
Total gross income	4,050

The dividends are assumed to be paid by a domestic corporation not disqualified by section 34 (c) or 116 (b). The taxpayer was engaged in trade or business within the United States during the taxable year, but did not have a permanent establishment therein. Interest expense in the amount of $2,100 connected with the dividend income was paid by the taxpayer during the taxable year.

(ii) The tax liability for the taxable year is $208, computed as follows:

Total gross income computed by taking into account the exclusion granted by section 116 (a)		$4,000
Less: Deduction for interest expense paid	$2,100	
Deduction for personal exemption	600	
		2,700
Taxable income		1,300
Tax computed under section 1 on taxable income		260
Less: Credit under section 34 in respect of the dividends received, that is, the smallest of the following:		
4 percent of the dividends included in gross income ($3,000×4 percent)	$120	
The tax for the taxable year, as above	260	
4 percent of taxable income for the taxable year ($1,300×4 percent)	52	
		52
Balance		208

Example (3). (i) A nonresident alien individual who is a resident of a foreign country with which the United States has entered into a tax convention receives during the taxable year 1955 from sources within the United States total gross income of $22,000, consisting of the following items:

Compensation for personal services, the tax on which is not limited by the convention	$20,000
Oil royalties the tax on which is limited by the convention to a rate not to exceed 15 percent	2,000
Total gross income	22,000

The taxpayer was engaged in trade or business within the United States during the taxable year but did not have a permanent establishment therein. Although entitled to do so under the convention, the taxpayer does not elect to be taxed for the taxable year as though he did have a permanent establishment within the United States. There are no allowable deductions, other than the deductions allowed by sections 613 and 873 (d).

(ii) The tax liability for the taxable year is $7,242, computed as follows:

Nontreaty gross income	$20,000
Less: Deduction for personal exemption	600
Nontreaty taxable income	19,400
Tax computed under section 1 on nontreaty taxable income	6,942
Plus: Tax on oil royalties ($2,000×15%	300
Total	7,242

(5) *Exceptions.* This paragraph shall not apply to a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year or to a nonresident alien individual who, in accordance with a tax convention, is entitled, and does elect, to be subject to tax on a net basis as though he were engaged in trade or business within the United States through a permanent establishment situated therein. See §§ 1.873–1 (b) (3) and 1.876–1.

§ 1.871–8 *Definition of engaging in trade or business within the United States*—(a) *Personal services.* As used in sections 861 to 864, inclusive, 871, 881, 882, and 1441 to 1465, inclusive, and the regulations thereunder, the term "engaged in trade or business within the United States" includes the performance of personal services within the United States at any time within the taxable year, but does not include the performance of personal services, (1) for a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or (2) for an office or place of business maintained by a domestic corporation in a foreign country or in a possession of the United States, by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during the taxable year and whose compensation for such services does not exceed in the aggregate $3,000. See section 7701 (a) (5) and the regulations thereunder for the meaning of "foreign" when applied to a corporation or partnership. As to the source of compensation for personal services, see §§ 1.861–4 and 1.862–1.

(b) *Exchange transactions.* The term "engaged in trade or business within the United States" when used in such sections does not include the effecting of transactions in the United States in stocks or securities through a resident broker, commission agent, or custodian. Nor does it include the effecting of transactions in the United States in commodities (including hedging transactions) through such a person if (1) the goods are of a kind customarily dealt in on an organized commodity exchange, such as a grain futures or a cotton futures market, (2) the transaction is of the kind customarily consummated at such place, and (3) the alien, partnership, or corporation, by whom the transactions are effected, has no office or place of business in the United States at any time during the taxable year through which, or by the direction of which, such transactions in commodities are effected. For this purpose the term "commodities" does not include merchandise in the ordinary channels of commerce. See paragraph (a) (3) of § 1.872–1.

(c) *Trusts.* Neither the beneficiary nor the grantor of a trust, whether revocable or irrevocable, is deemed to be engaged in trade or business within the United States merely because the trustee is engaged in trade or business within the United States.

§ 1.872 *Statutory provisions; gross income.*

SEC. 872. *Gross income*—(a) *General rule.* In the case of a nonresident alien individual gross income includes only the gross income from sources within the United States.

(b) *Exclusions.* The following items shall not be included in gross income of a nonresident alien individual, and shall be exempt from taxation under this subtitle:

(1) *Ships under foreign flag.* Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

(2) *Aircraft of foreign registry.* Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

§ 1.872–1 *Gross income of nonresident alien individuals*—(a) *General*—(1) *United States sources.* The gross income of a nonresident alien individual includes only the gross income from sources within the United States. Except as may otherwise be provided by tax convention, the sources of the income for that purpose shall be determined in accordance with the provisions of sections 861 to 864, inclusive, and the regulations thereunder.

(2) *Change of status.* Income received by a resident alien from sources without the United States is taxable although he may become a nonresident alien subsequent to its receipt and before the close of the taxable year. Conversely, income received by a nonresident alien from sources without the United States is not taxable although he may become a resident alien subsequent to its receipt and before the close of the taxable year.

(3) *Exchange transactions.* Even though a nonresident alien individual may not be engaged in trade or business within the United States through the effecting of certain transactions in stocks, securities, or commodities, as described in paragraph (b) of § 1.871–8, nevertheless he shall be required to include in gross income the gains and profits from those transactions to the extent prescribed by § 1.871–7.

(4) *Sales or exchanges of property.* Amounts constituting, or considered to be, gains from the sale or exchange of capital assets, and profits derived from the sale within the United States of personal property, or from the sale of real property located therein, shall also be included in the gross income of a nonresident alien individual to the extent prescribed by § 1.871–7.

(5) *Exclusions.* For exclusions from gross income see § 1.872–2.

(b) *No United States business.* To determine the gross income of a nonresident alien individual who is not engaged in trade or business within the United States at any time during the taxable year, see paragraphs (b) and (c) of § 1.871–7. If that alien is also a bona fide resident of Puerto Rico during the entire taxable year, see § 1.876–1.

(c) *United States business.* To determine the gross income of a nonresident alien individual who at any time within the taxable year is engaged in trade or business within the United States, see paragraph (d) of § 1.871–7. If that alien is also a bona fide resident of Puerto Rico during the entire taxable year, see § 1.876–1.

§ 1.872–2 *Exclusions from gross income of nonresident alien individuals*—(a) *Earnings of foreign ships or aircraft*—(1) *Basic rule.* So much of the income from sources within the United States of a nonresident alien individual as consists of earnings derived from the operation of a ship or ships documented, or of aircraft registered, under the laws of a foreign country which grants an equivalent exemption to citizens of the United States nonresident in that foreign country and to corporations organized in the United States shall not be included in gross income.

(2) *Equivalent exemption*—(i) *Ships.* A foreign country which either imposes no income tax, or, in imposing that tax, exempts from taxation so much of the income of a citizen of the United States nonresident in that foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of a ship or ships documented under the laws of the United States is considered as granting an equivalent exemption for purposes of the exclusion from gross income of the earnings of a foreign ship or ships.

(ii) *Aircraft.* A foreign country which either imposes no income tax, or, in imposing that tax, exempts from taxation so much of the income of a citizen of the United States nonresident in that foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of aircraft registered under the laws of the United States is considered as granting an equivalent exemption for purposes of the exclusion from gross income of the earnings of foreign aircraft.

(b) *Tax conventions.* Income of any kind which is exempt from United States tax under the provisions of a tax convention or treaty to which the United States is a party shall not be included in the gross income of a nonresident alien individual. Income on which the tax is limited by tax convention shall, however, be included in the gross income of such an individual if it is not otherwise excluded from gross income. *See* §§ 1.871–7 (e) and 1.894–1.

(c) *Other exclusions.* Income which is from sources without the United States, as determined under the provisions of sections 861 to 864, inclusive, and the regulations thereunder, or under the provisions of an applicable tax convention, shall not be included in the gross income of a nonresident alien individual. To determine specific exclusions in the case of other items which are from sources within the United States, see the applicable sections of the Internal Revenue Code of 1954.

§ 1.873 *Statutory provisions; deductions.*

SEC. 873. *Deductions*—(a) *General rule.* In the case of a nonresident alien individual the deductions shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in part I, under regulations prescribed by the Secretary or his delegate.

(b) *Losses.* (1) The deduction, for losses not connected with the trade or business if incurred in transactions entered into for profit, allowed by section 165 (c) (2) (relating to losses) shall be allowed whether or not connected with income from sources within the United States, but only if the profit, if such transaction had resulted in a profit, would be taxable under this subtitle.

(2) The deduction for losses of property not connected with the trade or business if arising from certain casualties or theft, allowed by section 165 (c) (3), shall be allowed whether or not connected with income from sources within the United States, but only if the loss is of property within the United States.

(c) *Charitable contributions.* The deduction for charitable contributions and gifts provided by section 170 shall be allowed whether or not connected with income from sources within the United States, but only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States.

(d) *Personal exemption.* In the case of a nonresident alien individual who is not a resident of a contiguous country, only one exemption under section 151 shall be allowed as a deduction.

(e) *Standard deduction.* For disallowance of standard deduction, see section 142 (b) (1).

§ 1.873–1 *Deductions allowed nonresident alien individuals*—(a) *General provisions*—(1) *Allocation of deductions.* In computing the taxable income of a nonresident alien individual the deductions otherwise allowable shall be allowed only if, and to the extent that, they are connected with income from sources within the United States. No deduction shall be allowed in respect of any item, or portion thereof, which is not connected with income from such sources. For this purpose, the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in sections 861 to 864, inclusive, and the regulations thereunder, except as may otherwise be provided by tax convention. Thus, from the items of gross income specifically from sources within the United States and from the items allocated thereto under the provisions of section 863 (a), there shall be deducted (i) the expenses, losses, and other deductions which are connected with those items of income and are properly apportioned or allocated thereto, and (ii) a ratable part of any other expenses, losses, or deductions which are connected with those items of income but cannot definitely be allocated to some item or class of gross income. The ratable part shall be based upon the ratio of gross income from sources within the United States to the

total gross income. See §§ 1.861–8 and 1.863–1. In the case of income partly from within and partly from without the United States the expenses, losses, and other deductions connected with income from sources within the United States shall also be deducted in the manner prescribed by §§ 1.863–2 through 1.863–5 in order to ascertain under section 863 the portion of the taxable income attributable to sources within the United States.

(2) *Personal exemptions.* The deductions for the personal exemptions allowed by section 151 or 642 (b) shall not be taken into account for purposes of subparagraph (1) of this paragraph but shall be allowed to the extent provided by paragraphs (b) and (c) of this section.

(3) *Adjusted gross income.* The adjusted gross income of a nonresident alien individual shall be the gross income from sources within the United States, determined in accordance with § 1.871–7, minus the deductions prescribed by section 62 to the extent such deductions are allowed under this section in computing taxable income.

(4) *Standard deduction.* The standard deduction shall not be allowed in computing the taxable income of a nonresident alien individual. See section 142 (b) (1) and the regulations thereunder.

(5) *Exempt income.* No deduction shall be allowed under this section for the amount of any item or part thereof allocable to a class or classes of exempt income, including income exempt by tax convention. See section 265 and the regulations thereunder.

(b) *No United States business—(1) Income of not more than $15,400—(i) Deduction for losses only.* A nonresident alien individual within class 1 shall not be allowed any deductions other than the deduction for losses from sales or exchanges of capital assets determined in the manner prescribed by paragraph (b) (4) (vii) of § 1.871–7. Thus, an individual within this class shall not be allowed any deductions for the personal exemptions otherwise allowed by section 151 or 642 (b).

(ii) *Source of losses.* Notwithstanding the provisions of section 873 (b) (1), losses from sales or exchanges of capital assets shall be allowed under this subparagraph only if allocable to sources within the United States. See paragraph (b) (4) (i) of § 1.871–7.

(2) *Aggregate more than $15,400—(i) Deductions allowed.* In computing the income subject to tax under section 1 or section 1201 (b), a nonresident alien individual within class 2 shall be allowed deductions to the extent prescribed by paragraph (c) (3) of § 1.871–7, but subject to the limitations of this section. For this purpose, the deduction for the personal exemptions shall be allowed in accordance with subdivision (iii) of this subparagraph.

(ii) *Deductions disallowed.* In computing the minimum tax prescribed by section 871 (b) (3), that individual shall not be allowed any deductions other than the deduction for losses from sales or exchanges of capital assets determined in the manner precribed by paragraph (b) (4) (vii) of § 1.871–7. For this purpose, the deductions for the personal exemptions shall not be allowed. See paragraph (c) (4) of § 1.871–7.

(iii) *Personal exemptions.* When the deductions for personal exemptions are allowed under this subparagraph, only one exemption under section 151 shall be allowed in the case of an individual who is not a resident of Canada or Mexico. A resident of either of those countries shall be allowed all the exemptions granted by section 151 to the extent prescribed therein. An estate or trust, whether or not a resident of Canada or Mexico, shall determine its deduction for the personal exemption in accordance with section 642 (b) and the regulations thereunder.

(iv) *Source of losses.* Notwithstanding the provisions of section 873 (b), losses from sales or exchanges of capital assets shall be allowed under this subparagraph only if allocable to sources within the United States. See paragraph (c) (3) (i) of § 1.871–7.

(3) *Election to be taxed on a net basis.* Notwithstanding the other provisions of this paragraph, a nonresident alien individual within class 1 or 2 shall be allowed the deductions allowed by paragraph (c) of this section, if pursuant to a tax convention he is entitled, and does elect, to be subject to United States tax on a net basis as though he were engaged in trade or business within the United States through a permanent establishment situated therein.

(c) *United States business—(1) Deductions in general.* For purposes of computing the income subject to tax, a nonresident alien individual within class 3 shall be allowed deductions to the extent prescribed by paragraph (d) of § 1.871–7, but subject to the limitations of this section. For this purpose, the deductions for the personal exemptions shall be allowed in accordance with subparagraph (3) of this paragraph.

(2) *Special deductions.* Notwithstanding the rule of source prescribed in paragraph (a) of this section, an individual within class 3 shall be allowed the following deductions whether or not they are connected with income from sources within the United States:

(i) *Losses on transactions for profit.* Any loss sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with a trade or business, shall be allowed to the extent allowed by section 165 (c) (2), but only if and to the extent that the profit, if the transaction had resulted in a profit, would be taxable to such individual. Losses allowed under this subdivision shall be deducted in full, as provided in §§ 1.861–8 and 1.863–1, when the profit from the transaction, if it had resulted in a profit, would, under the provisions of section 861 (a) or 863 (a), have been taxable in full as income from sources within the United States; but shall be deducted under the provisions of § 1.863–3 when the profit from the transaction, if it had resulted in profit, would have been taxable only in part.

(ii) *Casualty losses.* Any loss of property not connected with a trade or business, sustained during the taxable year and not compensated for by insurance or otherwise, if the loss arises from fire, storm, shipwreck, or other casualty, or from theft, shall be allowed to the extent allowed by section 165 (c) (3), but only if the loss is of property within the United States. Losses allowed under this subdivision shall be deducted in full, as provided in §§ 1.861–8 and 1.863–1, from the items of gross income specified under sections 861 (a) and 863 (a) as being derived in full from sources within the United States; but, if greater than the sum of those items, the unabsorbed loss shall be deducted from the income apportioned under the provisions of § 1.863–3 to sources within the United States.

(iii) *Charitable contributions.* The deduction for charitable contributions and gifts, to the extent allowed by section 170, shall be allowed under this subparagraph, but only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States.

(3) *Personal exemptions.* Only one exemption under section 151 shall be allowed in the case of an individual who is not a resident of Canada or Mexico. A resident of either of those countries shall be allowed all the exemptions granted by section 151 to the extent prescribed therein. An estate or trust, whether or not a resident of Canada or Mexico, shall determine its deduction for the personal exemption in accordance with section 642 (b) and the regulations thereunder.

§ 1.874 *Statutory provisions; allowance of deductions and credits.*

SEC. 874. *Allowance of deductions and credits—(a) Return prerequisite to allowance.* A nonresident alien individual shall receive the benefit of the deductions and credits allowed to him in this subtitle only by filing or causing to be filed a true and accurate return of his total income received from all sources in the United States, in the manner prescribed in subtitle F (sec. 6001 and following, relating to procedure and administration), including therein all the information which the Secretary or his delegate may deem necessary for the calculation of such deductions and credits. This subsection shall not be construed to deny the credits provided by sections 31 and 32 for tax withheld at the source.

(b) *Tax withheld at source.* The benefit of the deduction for exemptions under section 151 may, in the discretion of the Secretary or his delegate, and under regulations prescribed by the Secretary or his delegate, be received by a nonresident alien individual entitled thereto, by filing a claim therefor with the withholding agent.

(c) *Foreign tax credit not allowed.* A nonresident alien individual shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 901.

§ 1.874–1 *Allowance of deductions and credits to nonresident alien individuals—(a) Return required.* A nonresident alien individual shall receive the benefit of the deductions and credits allowed to him with respect to the income tax, only if he files or causes to be filed with the district director (or, if applicable, with the Director of International Operations), in accordance with section 6012 and the regulations thereunder, a true and accurate return of his total income

received from all sources within the United States. This paragraph shall not be construed, however, to deny the credits provided by sections 31 and 32.

(b) *Tax on gross income.* If a return is not so filed, the tax shall be collected on the basis of gross income, determined in accordance with § 1.871–7 but without regard to any deductions otherwise allowable, and the only credits allowable against the tax so computed shall be those allowed by sections 31 and 32. This paragraph shall apply even though the tax determined in accordance with § 1.871–7 has been fully satisfied at the source. See also § 1.872–1.

(c) *Return by district director.* If a nonresident alien individual has various sources of income within the United States, so that from any one source, or from all sources combined, the amount of income shall call for the assessment of a tax greater than that withheld at the source in the case of that individual, and a return of income has not been filed by him or on his behalf, the district director (or, if applicable, the Director of International Operations) shall (1) cause a return of income to be made, (2) include therein the income described in § 1.871–7 of that individual from all sources concerning which he has information, and (3) assess the tax and collect it from one or more of those sources of income within the United States, without allowance for deductions or credits (other than the credits provided by sections 31 and 32).

(d) *Alien resident of Puerto Rico.* This section shall not apply to a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year. See § 1.876–1.

§ 1.875 *Statutory provisions; partnerships.*

SEC. 875. *Partnerships.* For purposes of this subtitle, a nonresident alien individual shall be considered as being engaged in a trade or business within the United States if the partnership of which he is a member is so engaged.

§ 1.875–1 *Partnerships.* Whether a nonresident alien individual who is a member of a partnership is taxable in accordance with subsection (a), (b), or (c) of section 871 may depend on the status of the partnership. A nonresident alien individual who is a member of a partnership which is not engaged in trade or business within the United States is subject to the provisions of section 871 (a) or (b), as the case may be, depending on whether or not he receives during the taxable year an aggregate of more than $15,400 gross income described in section 871 (a), if he is not otherwise engaged in trade or business within the United States. A nonresident alien individual who is a member of a partnership which at any time within the taxable year is engaged in trade or business within the United States is considered as being engaged in trade or business within the United States and is therefore taxable under section 871 (c). For definition of what the term "partnership" includes, see section 7701 (a) (2) and the regulations thereunder. The test of whether a partnership is engaged in trade or business within the United States is the same as in the case of a nonresident alien individual. See § 1.871–8.

§ 1.876 *Statutory provisions; alien residents of Puerto Rico.*

SEC. 876. *Alien residents of Puerto Rico—(a) No application to certain alien residents of Puerto Rico.* This subpart shall not apply to an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, and such alien shall be subject to the tax imposed by section 1.

(b) *Cross reference.* For exclusion from gross income of income derived from sources within Puerto Rico, see section 933.

§ 1.876–1 *Alien residents of Puerto Rico—(a) General.* A nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year is, in accordance with the provisions of section 876, subject to tax under section 1 or, in the alternative, under section 1201 (b) in generally the same manner as in the case of an alien resident of the United States. See §§ 1.1–1 (b) and 1.871–1. The tax is imposed upon the taxable income of such a resident of Puerto Rico, determined in accordance with section 63 (a) and the regulations thereunder, from sources both within and without the United States, except that under the provisions of section 933 income derived from sources within Puerto Rico (other than amounts received for services performed as an employee of the United States or any agency thereof) is excluded from gross income. For determining the form of return to be used by such an individual, see section 6012 and the regulations thereunder.

(b) *Exceptions.* Though subject to the tax imposed by section 1, a nonresident alien individual who is a bona fide resident of Puerto Rico during his entire taxable year shall nevertheless be treated as a nonresident alien for the purpose of many provisions of the Internal Revenue Code of 1954 relating to nonresident alien individuals. Thus, for example, such a resident of Puerto Rico is not allowed to compute his tax in accordance with the optional tax table (section 4 (d) (1)); is not allowed the standard deduction (section 142 (b) (1)); is not allowed a deduction for a "dependent" who is a resident of Puerto Rico unless the dependent is a citizen of the United States (section 152 (b) (3)); is subject to withholding of tax at source under chapter 3 (sections 1441 (d) and 1451 (e)); is generally not subject to the collection of income tax at source on wages (section 3401 (a) (6)); is not allowed to make a joint return or a joint declaration of estimated tax (sections 6013 (a) (1) and 6015 (b)); must pay his estimated tax on or before the 15th day of the fourth month of the taxable year (sections 6015 (a), 6073 (a), and 6153 (a) (1)); and must pay his income tax on or before the 15th day of the sixth month following the close of the taxable year (sections 6072 (c) and 6151 (a)).

(c) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 33 (relating to taxes of foreign countries), section 34 (relating to dividends received by individuals), and section 35 (relating to partially tax-exempt interest) shall be allowed against the tax computed in accordance with this section. No credit shall be allowed under section 37 in respect of retirement income.

§ 1.877 *Statutory provisions; certain foreign exempt organizations.*

SEC. 877. *Foreign educational, charitable, and certain other exempt organizations.* For special provisions relating to unrelated business income of foreign educational, charitable, and other exempt trusts, see section 512 (a).

Foreign Corporations

§ 1.881 *Statutory provisions; tax on foreign corporations not engaged in business in the United States.*

SEC. 881. *Tax on foreign corporations not engaged in business in United States—(a) Imposition of tax.* In the case of every foreign corporation not engaged in trade or business within the United States, there is hereby imposed for each taxable year, in lieu of the taxes imposed by section 11, a tax of 30 percent of the amount received from sources within the United States as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income (including amounts described in section 631 (b) and (c) which are considerd to be gains from the sale or exchange of capital assets).

(b) *Doubling of tax.* For doubling of tax on corporations of certain foreign countries, see section 891.

§ 1.881–1 *Taxation of foreign corporations—(a) Classes of foreign corporations.* For purposes of the income tax, foreign corporations are divided into two classes, namely, nonresident foreign corporations and resident foreign corporations. A nonresident foreign corporation is a foreign corporation which is not engaged in trade or business within the United States at any time during the taxable year. A resident foreign corporation is a foreign corporation which, at some time during the taxable year, is engaged in trade or business within the United States. See also section 7701 and the regulations thereunder.

(b) *Manner of taxing.* A foreign corporation, whether resident or nonresident, is taxable only on income derived from sources within the United States, to the extent indicated in § 1.881–2 or § 1.882–1.

(c) *Meaning of terms.* For the meaning of the term "engaged in trade or business within the United States", as used in this section, see § 1.871–8. For the definition of the term "foreign corporation", see section 7701 (a) (3) and (5), and the regulations thereunder.

(d) *Corporations included as foreign.* The following corporations shall be included as foreign corporations for purposes of this section:

(1) A foreign life insurance company not carrying on an insurance business within the United States, as described in section 816 (b) (section 807 (b) in the case of taxable years beginning before January 1, 1955);

(2) A foreign mutual insurance company (other than a life or marine insurance company or a fire insurance

company subject to the tax imposed by section 831) not carrying on an insurance business within the United States, as described in section 821 (d); and

(3) A foreign insurance company (other than a life or mutual insurance company), a foreign mutual marine insurance company, and a foreign mutual fire insurance company, not carrying on an insurance business within the United States, as described in section 831 (b).

(e) *Other provisions applicable to foreign corporations*—(1) *Insurance companies.* For the taxation of foreign insurance companies carrying on an insurance business within the United States, see sections 816 (a) (section 807 (a) in the case of taxable years beginning before January 1, 1955), 822 (e), and 832 (d), and the regulations thereunder.

(2) *Accumulated earnings tax.* For the imposition of the accumulated earnings tax upon the accumulated taxable income of a foreign corporation, whether resident or nonresident, formed or availed of for tax avoidance purposes, see section 532 and the regulations thereunder.

(3) *Personal holding company tax.* For the imposition of the personal holding company tax upon the undistributed personal holding company income of a foreign corporation, whether resident or nonresident, see sections 541 and 545, and the regulations thereunder.

(4) *Foreign personal holding companies.* For the mandatory inclusion in the gross income of the United States shareholders of the undistributed foreign personal holding company income of a foreign personal holding company, see section 551 and the regulations thereunder.

§ 1.881–2 *Tax on nonresident foreign corporations*—(a) *Imposition of tax.* Except as otherwise provided by paragraph (f) of this section, a nonresident foreign corporation is not subject to the tax imposed by section 11 or 1201 (a) but, pursuant to the provisions of section 881 (a), is liable to a flat tax of 30 percent upon the aggregate of the amounts determined under paragraphs (b) and (c) of this section and received during the taxable year from sources within the United States. For this purpose the source of the income shall be determined in accordance with the provisions of § 1.882–2. For the purposes of section 881 (a), "amount received" means "gross income".

(b) *Fixed or determinable annual or periodical income.* The tax of 30 percent applies to the gross amount received as fixed or determinable annual or periodical gains, profits, and income. Specific items of fixed or determinable annual or periodical income are enumerated in section 881 (a) as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, and emoluments, but other fixed or determinable annual or periodical gains, profits, and income are also subject to the tax as, for instance, royalties. As to the determination of fixed or determinable annual or periodical income, see paragraph (a) of § 1.1441–2. For special rules treating gain on the disposition of section 306 stock as fixed or determinable annual or periodical income, see section 306 (f) and the regulations thereunder.

(c) *Amounts considered to be capital gains.* The tax of 30 percent also applies, pursuant to the provisions of section 881 (a), to amounts received during the taxable year from sources within the United States which are described in section 631 (b) and (c) and are considered to be gains from the sale or exchange of capital assets. Thus, the tax applies to gain recognized under specified circumstances on the disposal of timber and coal and considered in accordance with section 1231 to be gain from the sale or exchange of a capital asset.

(d) *Losses and other deductions.* In computing the income subject to tax under this section no deduction shall be allowed for any loss sustained during the taxable year, even though the loss is taken into account under section 1231 in determining whether the gain is considered to be gain from the sale or exchange of a capital asset. For the general disallowance of deductions in computing the tax under this section, see paragraph (a) (1) of § 1.882–3.

(e) *Credit against tax.* The credit allowed by section 32 (relating to tax withheld at source on foreign corporations) shall be allowed against the tax computed in accordance with this section.

(f) *Treaty income.* If the gross income of a nonresident foreign corporation consists of both treaty and nontreaty income, the tax liability for the taxable year shall be determined in a manner consistent with that prescribed by paragraph (e) of § 1.871–7 in the case of a nonresident alien individual.

§ 1.882 *Statutory provisions; tax on resident foreign corporations.*

SEC. 882. *Tax on resident foreign corporations*—(a) *Imposition of tax.* A foreign corporation engaged in trade or business within the United States shall be taxable as provided in section 11.

(b) *Gross income.* In the case of a foreign corporation, gross income includes only the gross income from sources within the United States.

(c) *Allowance of deductions and credits*—(1) *Deductions allowed only if return filed.* A foreign corporation shall receive the benefit of the deductions allowed to it in this subtitle only by filing or causing to be filed with the Secretary or his delegate a true and accurate return of its total income received from all sources in the United States, in the manner prescribed in subtitle F, including therein all the information which the Secretary or his delegate may deem necessary for the calculation of such deductions.

(2) *Allocation of deductions.* In the case of a foreign corporation the deductions shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in part I, under regulations prescribed by the Secretary or his delegate.

(3) *Charitable contributions.* The deduction for charitable contributions and gifts provided by section 170 shall be allowed whether or not connected with income from sources within the United States.

(4) *Foreign tax credit.* Foreign corporations shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 901.

(d) *Returns of tax by agent.* If any foreign corporation has no office or place of business in the United States but has an agent in the United States, the return required under section 6012 shall be made by the agent.

§ 1.882–1 *Tax on resident foreign corporations*—(a) *General*—(1) *Imposition of tax.* Except as otherwise provided by subparagraph (7) of this paragraph, a resident foreign corporation is, in accordance with section 882 (a), subject to tax as prescribed by paragraphs (b) and (c) of this section or, in the alternative, to the tax imposed by section 1201 (a).

(2) *Taxable income.* For purposes of this section, the taxable income of a resident foreign corporation includes only the taxable income from sources within the United States, determined in accordance with the provisions of sections 63 (a), 861 to 864, inclusive, 882, and 883, and the regulations thereunder.

(3) *Credit against tax.* The credit allowed by section 32 (relating to tax withheld at source on foreign corporations) shall be allowed against the tax computed in accordance with this section.

(4) *Changes in tax rate.* For provisions respecting the effect of any change in rate of tax during the taxable year, see section 21 and the regulations thereunder.

(5) *Declarations of estimated tax.* Every foreign corporation which for its taxable year expects to be subject to tax under this section shall make a declaration of estimated tax in accordance with the provisions of section 6016 and the regulations thereunder.

(6) *Consolidated returns.* Except in the case of certain corporations organized under the laws of Canada or Mexico and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, a foreign corporation is not an includible corporation for purposes of the privilege of making a consolidated return by an affiliated group of corporations. See § 1.1502–2 (b) (1) and (3).

(7) *Treaty income.* If the gross income of a resident foreign corporation consists of both treaty and nontreaty income, the tax liability for the taxable year shall be determined in a manner consistent with that prescribed by paragraph (e) of § 1.871–7 in the case of a nonresident alien individual.

(b) *Normal tax.* A resident foreign corporation is liable to the normal tax imposed by section 11 (b). See that section and the regulations thereunder.

(c) *Surtax.* A resident foreign corporation is also liable to the surtax imposed by section 11 (c). See that section and the regulations thereunder.

§ 1.882–2 *Gross income of foreign corporations*—(a) *United States sources.* The gross income of a foreign corporation, whether resident or nonresident, includes only the gross income from sources within the United States. Except as may otherwise be provided by tax convention, the sources of the income for that purpose shall be determined in accordance with the provisions of sections 861 to 864, inclusive, and the regulations thereunder.

(b) *Nonresident foreign corporations.* The gross income of a nonresident foreign corporation consists only of the items of income specified in section 881 (a) and described in § 1.881–2.

(c) *Resident foreign corporations*—(1) *Gross income not limited to specified items.* The gross income of a resident foreign corporation is not limited to the items of income specified in section 881 (a) but includes every item of gross income which, in accordance with paragraph (a) of this section, is treated as gross income from sources within the United States. See also paragraph (a) (2) of § 1.882–1.

(2) *Income from sale of property.* The gross income of a resident foreign corporation shall, subject to the provisions of paragraph (a) of this section, include gains derived from the sale or exchange of capital assets, gains from hedging transactions, and profits derived from the sale within the United States of personal property or from the sale of real property located therein.

(3) *Exchange transactions.* Even though a foreign corporation may not be engaged in trade or business within the United States through the effecting of certain transactions in stocks, securities, or commodities, as described in paragraph (b) of § 1.871–8, nevertheless, it shall, subject to the provisions of paragraph (a) of this section, be required to include in gross income the gains and profits from those transactions if at any time during the taxable year it has otherwise engaged in trade or business within the United States.

(d) *Exclusions.* For exclusions from gross income see § 1.883–1.

§ 1.882–3 *Deductions allowed foreign corporations*—(a) *Nonresident foreign corporations*—(1) *General.* For purposes of computing the tax imposed by section 881 (a) and described in § 1.881–2, a nonresident foreign corporation shall not be allowed any deductions, since the tax is imposed upon the gross amount received from sources within the United States.

(2) *Election to be taxed on a net basis.* Notwithstanding the provisions of subparagraph (1) of this paragraph, a nonresident foreign corporation shall be allowed the deductions allowed by paragraph (b) of this section, if pursuant to a tax convention it is entitled, and does elect, to be subject to United States tax on a net basis as though it were engaged in trade or business within the United States through a permanent establishment situated therein.

(b) *Resident foreign corporations*—(1) *General.* For purposes of computing the income subject to tax, a resident foreign corporation shall be allowed deductions to the extent prescribed by paragraph (a) (2) of § 1.882–1, but subject to the limitations of this paragraph.

(2) *Allocation of deductions.* In computing the taxable income of a resident foreign corporation the deductions otherwise allowable shall be allowed only if, and to the extent that, they are connected with income from sources within the United States. For this purpose, the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined in the same manner as provided in paragraph (a) (1) of § 1.873–1 with respect to nonresident alien individuals.

(3) *Special deductions.* The special deductions allowed by section 241 (relating to the deductions for partially tax-exempt interest, dividends received, etc.) in the case of a corporation shall be taken into account for purposes of subparagraph (2) of this paragraph. Thus, these deductions shall be allowed only in respect of amounts included in gross income pursuant to § 1.882–2.

(4) *Exempt income.* No deduction shall be allowed under this paragraph for the amount of any item or part thereof allocable to a class or classes of exempt income, including income exempt by tax convention. See section 265 and the regulations thereunder.

(5) *Charitable contributions.* Notwithstanding the rule of source prescribed in subparagraph (2) of this paragraph, a resident foreign corporation shall be allowed the deduction for charitable contributions and gifts, to the extent allowed by section 170, whether or not the deduction is connected with income from sources within the United States.

§ 1.882–4 *Allowance of deductions to foreign corporations*—(a) *Nonresident foreign corporations.* As indicated in § 1.882–3, a nonresident foreign corporation is not allowed any deductions, whether or not a return of income is filed. The deductions allowed such a corporation electing under a tax convention to be subject to tax on a net basis shall be obtained by filing a return of income in the manner prescribed in the regulations under the tax convention. See paragraph (a) (2) of § 1.882–3.

(b) *Resident foreign corporations*—(1) *Return necessary.* A resident foreign corporation shall receive the benefit of the deductions allowed to it with respect to the income tax, only if it files or causes to be filed with the district director, in accordance with section 6012 and the regulations thereunder, a true and accurate return of its total income received from all sources within the United States.

(2) *Tax on gross income.* If a return is not so filed, the tax shall be collected on the basis of gross income, determined in accordance with § 1.882–1 but without regard to any deductions otherwise allowable.

(3) *Return by district director.* If a resident foreign corporation has various sources of income within the United States and a return of income has not been filed by it or on its behalf, the district director shall (i) cause a return of income to be made, (ii) include therein the income described in § 1.882–1 of that corporation from all sources concerning which he has information, and (iii) assess the tax and collect it from one or more of those sources of income within the United States, without allowance for any deductions.

§ 1.883 *Statutory provisions; exclusions from gross income.*

SEC. 883. *Exclusions from gross income.* The following items shall not be included in gross income of a foreign corporation, and shall be exempt from taxation under this subtitle:

(1) *Ships under foreign flag.* Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

(2) *Aircraft of foreign registry.* Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

§ 1.883–1 *Exclusions from gross income of foreign corporations*—(a) *Earnings of foreign ships or aircraft*—(1) *Basic rule.* So much of the income from sources within the United States of a foreign corporation as consists of earnings derived from the operation of a ship or ships documented, or of aircraft registered, under the laws of a foreign country which grants an equivalent exemption to citizens of the United States nonresident in that foreign country and to corporations organized in the United States shall not be included in gross income.

(2) *Equivalent exemption*—(i) *Ships.* A foreign country which either imposes no income tax, or, in imposing that tax, exempts from taxation so much of the income of a citizen of the United States nonresident in that foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of a ship or ships documented under the laws of the United States is considered as granting an equivalent exemption for purposes of the exclusion from gross income of the earnings of a foreign ship or ships.

(ii) *Aircraft.* A foreign country which either imposes no income tax, or, in imposing that tax, exempts from taxation so much of the income of a citizen of the United States nonresident in that foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of aircraft registered under the laws of the United States is considered as granting an equivalent exemption for purposes of the exclusion from gross income of the earnings of foreign aircraft.

(b) *Tax conventions.* Income of any kind which is exempt from United States tax under the provisions of a tax convention or treaty to which the United States is a party shall not be included in the gross income of a foreign corporation. Income on which the tax is limited by tax convention shall, however, be included in the gross income of such a corporation if it is not otherwise excluded from gross income. See §§ 1.881–2 (f), 1.882–1 (a) (7), and 1.894–1.

(c) *Other exclusions.* Income which is from sources without the United States, as determined under the provisions of sections 861 to 864, inclusive, and the regulations thereunder, or under the

provisions of an applicable tax convention, shall not be included in the gross income of a foreign corporation. To determine specific exclusions in the case of other items which are from sources within the United States, see the applicable sections of the Internal Revenue Code of 1954.

§ 1.884 *Statutory provisions; cross references.*

SEC. 884. *Cross references.* (1) For withholding at source of tax on income of foreign corporations, see section 1442.

(2) For rules applicable in determining whether any foreign corporation is engaged in trade or business within the United States, see section 871 (c).

(3) For special provisions relating to foreign insurance companies, see subchapter L (sec. 801 and following).

(4) For special provisions relating to unrelated business income of foreign educational, charitable, and certain other exempt organizations, see section 512 (a).

Miscellaneous Provisions

§ 1.891 *Statutory provisions; doubling of rates of tax on citizens and corporations of certain foreign countries.*

SEC. 891. *Doubling of rates of tax on citizens and corporations of certain foreign countries.* Whenever the President finds that, under the laws of any foreign country, citizens or corporations of the United States are being subjected to discriminatory or extraterritorial taxes, the President shall so proclaim and the rates of tax imposed by sections 1, 3, 11, 802, 811, 821, 831, 852, 871, and 881 shall, for the taxable year during which such proclamation is made and for each taxable year thereafter, be doubled in the case of each citizen and corporation of such foreign country; but the tax at such doubled rate shall be considered as imposed by such sections as the case may be. In no case shall this section operate to increase the taxes imposed by such sections (computed without regard to this section) to an amount in excess of 80 percent of the taxable income of the taxpayer (computed without regard to the deductions allowable under section 151 and under part VIII of subchapter B). Whenever the President finds that the laws of any foreign country with respect to which the President has made a proclamation under the preceding provisions of this section have been modified so that discriminatory and extraterritorial taxes applicable to citizens and corporations of the United States have been removed, he shall so proclaim, and the provisions of this section providing for doubled rates of tax shall not apply to any citizen or corporation of such foreign country with respect to any taxable year beginning after such proclamation is made.

[Sec. 891 as amended in respect of taxable years beginning after December 31, 1954, by sec. 5 (6), Life Insurance Company Tax Act for 1955]

§ 1.892 *Statutory provisions; income of foreign governments and of international organizations.*

SEC. 892. *Income of foreign governments and of international organizations.* The income of foreign governments or international organizations received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments or by international organizations, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments or international organizations, or from any other source within the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

§ 1.892–1 *Income of foreign governments and international organizations—*(a) *Foreign governments.* The exemption of the income of foreign governments applies also to their political subdivisions. Any income collected by foreign governments from investments in the United States in stocks, bonds, or other domestic securities which are not actually owned by, but are loaned to, such foreign governments is subject to tax.

(b) *International organizations—*(1) *Exempt from tax.* Subject to the provisions of section 1 of the International Organizations Immunities Act (the provisions of which section are set forth in paragraph (b) (3) of § 1.893–1), the income of an international organization (as defined in section 7701 (a) (18)) received from investments in the United States in stocks, bonds, or other domestic securities, owned by such international organization, or from interest on deposits in banks in the United States of moneys belonging to such international organization, or from any other source within the United States, is exempt from Federal income tax.

(2) *Income received prior to Presidential designation.* An organization designated by the President through appropriate Executive order as entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act may enjoy the benefits of the exemption with respect to income of the prescribed character received by such organization prior to the date of the issuance of such Executive order, if (i) the Executive order does not provide otherwise and (ii) the organization is a public international organization in which the United States participates, pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation for such participation, at the time such income is received.

§ 1.893 *Statutory provisions; compensation of employees of foreign governments or international organizations.*

SEC. 893. *Compensation of employees of foreign governments or international organizations—*(a) *Rule for exclusion.* Wages, fees, or salary of any employee of a foreign government or of an international organization (including a consular or other officer, or a nondiplomatic representative), received as compensation for official services to such government or international organization shall not be included in gross income and shall be exempt from taxation under this subtitle if—

(1) Such employee is not a citizen of the United States, or is a citizen of the Republic of the Philippines (whether or not a citizen of the United States); and

(2) In the case of an employee of a foreign government, the services are of a character similar to those performed by employees of the Government of the United States in foreign countries; and

(3) In the case of an employee of a foreign government, the foreign government grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country.

(b) *Certificate by Secretary of State.* The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign countries which grant an equivalent exemption to the employees of the Government of the United States performing services in such foreign countries, and the character of the services performed by employees of the Government of the United States in foreign countries.

§ 1.893–1 *Compensation of employees of foreign governments or international organizations—*(a) *Employees of foreign governments—*(1) *Exempt from tax.* Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act, all employees of a foreign government (including consular or other officers, or nondiplomatic representatives) who are not citizens of the United States, or are citizens of the Republic of the Philippines (whether or not citizens of the United States), are exempt from Federal income tax with respect to wages, fees, or salaries received by them as compensation for official services rendered to such foreign government, provided (i) the services are of a character similar to those performed by employees of the Government of the United States in that foreign country and (ii) the foreign government whose employees are claiming exemption grants an equivalent exemption to employees of the Government of the United States performing similar services in that foreign country.

(2) *Certificate by Secretary of State.* Section 893 (b) provides that the Secretary of State shall certify to the Secretary of the Treasury the names of the foreign countries which grant an equivalent exemption to the employees of the Government of the United States performing services in such foreign countries, and the character of the services performed by employees of the Government of the United States in foreign countries.

(3) *Items not exempt.* The income received by employees of foreign governments from sources other than their salaries, fees, or wages, referred to in subparagraph (1) of this paragraph, is subject to Federal income tax.

(4) *Immigration and Nationality Act.* Section 247 (b) of the Immigration and Nationality Act provides as follows:

(b) The adjustment of status required by subsection (a) [of section 247 of the Immigration and Nationality Act] shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a).

(5) *Effect of waiver.* An employee of a foreign government who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 893 of the Internal Revenue Code of 1954. As a consequence, that exemption does not apply to income received by that alien after the date of filing of the waiver.

(6) *Citizens of the United States.* The compensation of citizens of the United States (other than those who are also citizens of the Republic of the Philippines) who are officers or employees of a foreign government is not exempt from income tax pursuant to this paragraph. But see section 911 and the regulations thereunder.

(b) *Employees of international organizations—*(1) *Exempt from tax.* Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act and subject to the provisions of sections 1, 8, and 9 of the International Organizations Immunities Act, wages, fees, or salary of any officer or employee of an international organization (as defined in section 7701 (a) (18)) received as compensation for official services to that international organization is exempt from Federal income tax, if that officer or employee (i) is not a citizen of the United States or (ii) is a citizen of the Republic of the Philippines (whether or not a citizen of the United States).

(2) *Income earned prior to executive action.* An individual of the prescribed class who receives wages, fees, or salary as compensation for official services to an organization designated by the President through appropriate Executive order as entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act and who has been duly notified to, and accepted by, the Secretary of State as an officer or employee of that organization, or who has been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective officer or employee of that organization, may enjoy the benefits of the exemption with respect to compensation of the prescribed character earned by that individual, either prior to the date of the issuance of the Executive order, or prior to the date of the acceptance or designation by the Secretary of State, for official services to that organization, if (i) the Executive order does not provide otherwise, (ii) the organization is a public international organization in which the United States participates, pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation for such participation, at the time the compensation is earned, and (iii) the individual is an officer or employee of that organization at that time.

(3) *International Organizations Immunities Act.* Sections 1, 8, and 9 of the International Organizations Immunities Act provide in part as follows:

SECTION 1. For the purposes of this title [International Organizations Immunities Act], the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

* * * * *

SEC. 8. (a) No person shall be entitled to the benefits of this title [International Organizations Immunities Act] unless he (1) shall have been duly notified to and accepted by the Secretary of State as a * * * officer, or employee; or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective * * * officer, or employee; * * *.

(b) Should the Secretary of State determine that the continued presence in the United States of any person entitled to the benefits of this title is not desirable, he shall so inform the * * * international organization concerned * * *, and after such person shall have had a reasonable length of time, to be determined by the Secretary of State, to depart from the United States, he shall cease to be entitled to such benefits.

(c) No person shall, by reason of the provisions of this title, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein.

SEC. 9. The privileges, exemptions, and immunities of international organizations and of their officers and employees * * * provided for in this title [International Organizations Immunities Act], shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: *Provided*, That nothing contained in this title shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions, and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States.

(4) *Effect of waiver.* An officer or employee of an international organization who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 893 of the Internal Revenue Code of 1954. As a consequence, that exemption does not apply to income received by that individual after the date of filing of the waiver.

(5) *Citizens of the United States.* The compensation of citizens of the United States (other than those who are also citizens of the Republic of the Philippines) who are officers or employees of an international organization is not exempt from income tax pursuant to this paragraph. But see section 911 and the regulations thereunder.

(c) *Tax conventions, consular conventions, and international agreements—*(1) *Exemption dependent upon internal revenue laws.* A tax convention or consular convention between the United States and a foreign country, which provides that the United States may include in the tax base of its residents all income taxable under the internal revenue laws, and which makes no specific exception for the income of the employees of that foreign government, does not provide any exemption (with respect to residents of the United States) beyond that which is provided by the internal revenue laws. Accordingly, the effect of the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act by an employee of a foreign government which is a party to such a convention is to subject the employee to tax to the same extent as provided in paragraph (a) (5) of this section with respect to the waiver of exemption under section 893.

(2) *Exemption not dependent upon internal revenue laws.* If a tax convention, consular convention, or international agreement provides that compensation paid by the foreign government or international organization to its employees is exempt from Federal income tax, and the application of this exemption is not dependent upon the provisions of the internal revenue laws, the exemption so conferred is not affected by the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act. For examples of exemptions which are not affected by the Immigration and Nationality Act, see article X of the income tax convention between the United States and the United Kingdom (60 Stat. 1383); article IX, section 9 (b), of the Articles of Agreement of the International Monetary Fund (60 Stat. 1414); and article VII, section 9 (b), of the Articles of Agreement of the International Bank for Reconstruction and Development (60 Stat. 1458).

§ 1.894 *Statutory provisions; income exempt under treaty.*

SEC. 894. *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

§ 1.894–1 *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from income tax. A tax convention shall be considered as a treaty for this purpose. See § 1.871–7 (e), 1.881–2 (f), or 1.882–1 (a) (7) for the manner of computing the tax liability of a nonresident alien individual or foreign corporation whose gross income includes income on which the tax is limited by tax convention.

NOTE: The provisions of § 1.6012, and §§ 1.6012–7 to 1.6012–9, inclusive, as contained in the appendix attached to the notice of proposed rule making which was published

in the FEDERAL REGISTER on May 1, 1956, will be incorporated in substance in a later Treasury decision prescribing regulations under the administrative provisions applicable to the income tax.

All regulations inconsistent herewith are modified accordingly.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 16, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8760; Filed, Oct. 23, 1957; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12106; FCC 57-1146]

[Rules Amdt. 3-98]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS (BRAINERD-FAIRMONT-MANKATO, MINN.; ESTHERVILLE, IOWA)

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations. (Brainerd-Fairmont-Mankato, Minn., Estherville, Iowa); Docket No. 12106.

1. The Commission has before it for consideration the conflicting proposals set out in its Notice of Proposed Rule Making (FCC 57-786), released July 19, 1957, in this proceeding, (1) to assign Channel 12 to Mankato, Minnesota, by substituting Channel 37 for Channel 12 at Brainerd, Minnesota; (2) to assign Channel 12 to either Fairmont, Minnesota, by changing the offset carrier requirements for Channel 12 at Brainerd and Ironwood, Michigan; or (3) to Estherville, Iowa, without any other changes in the Table of Assignments, in response to petitions filed respectively by KNUJ, Inc., Minnowa Broadcasting Co. and Lee Radio, Inc.

2. Comments and reply comments were filed by the petitioners named above and by Northwest Television Company and Brainerd Broadcasting Company. Comments were also filed by the Brainerd Chamber of Commerce, the Brainerd Junior Chamber of Commerce, the Mayor of Brainerd and Fairmont Broadcasting Corporation.

3. In support of its proposal to assign Channel 12 to Mankato by deleting the channel from Brainerd, KNUJ urges that Mankato, with a 1950 population of 18,809, is larger and economically more important that Brainerd, Fairmont and Estherville, and that Channel 12 at Mankato would comply with all technical requirements and would provide a first local television service to an area where its potential for public service would be greater than that in these smaller communities. KNUJ also urges that the use of Channel 12 at Mankato should take precedence over its retention at Brainerd since no applications have been filed for its use in that community. KNUJ states that if the channel is assigned to Mankato, it will file an application for its use.

4. In support of its proposal to assign Channel 12 to Fairmont, Minnowa Broadcasting Co. submits that the television stations nearest to Fairmont are the VHF stations located at Austin, Minnesota and Mason City, Iowa, both of which are approximately 75 miles from Fairmont; that Fairmont is not within the Grade B service area of any television station; and that the use of Channel 12 at Fairmont would provide the community with its first local television outlet and the surrounding area with its first satisfactory television service. Minnowa contends that a Channel 12 station in Fairmont, operating with an effective radiated power of 25 dbk and an antenna height of 1,000 feet, would provide Grade A television service to an area of 6,500 square miles with a population of 203,038 persons, and Grade B service to an area of 12,670 square miles with a population of 414,091 persons; that a "white area" of 6,940 square miles containing 229,636 persons would receive a first Grade B service; and that only 80 square miles of the total Grade A service area of a Channel 12 station at Fairmont would be within the Grade A service area of an existing station. Minnowa urges that Fairmont, with a 1950 population of 8,193, and the county seat of Martin County with a 1950 population of 25,655, could provide the nucleus of support for a television station and that the assignment could be made in full compliance with the Rules without any other changes in the Table of Assignments. It states that it intends to apply for use of Channel 12 at Fairmont if the channel is allocated to that community. Fairmont Broadcasting Corporation, licensee of Radio Station KSUM at Fairmont, also states that it will file an application for the use of Channel 12 in the event it is assigned to Fairmont.

5. In opposition to the conflicting proposal of KNUJ for Mankato, Minnowa contends that the use of Channel 12 at Mankato would afford a first Grade B or better service to only 5,330 square miles and 182,597 persons, or 47,039 fewer persons than would receive a first television service from Channel 12 at Fairmont, and that, accordingly, assignment of the channel to Fairmont would better serve the Commission's objective of providing at least one television service to all parts of the country. Minnowa also argues that the allocation of Channel 12 to Mankato would require the deletion of the channel from Brainerd, whereas the channel can be utilized at Fairmont without disturbing the Brainerd assignment; that Brainerd had a 1950 population of 12,637; and that Channel 12 at Brainerd would bring a Grade A service to 6,500 square miles and 120,529 persons and a Grade B television service to 12,670 square miles and 267,498 persons and would provide a first Grade B or better service to a "white area" of 10,210 square miles with a population of 224,181 persons; and that the allocation of Channel 12 to Fairmont and its retention at Brainerd, would provide two important communities with local television outlets and would bring a first television service to a total of 453,817 persons, while its assignment to Mankato would provide a local outlet to only one community and a first television service to only 182,597 persons. With respect to the proposed assignment of Channel 12 to Estherville, Minnowa contends that the allocation of Channel 12 to Estherville, a community with a 1950 population of only 6,719 persons, would provide a first Grade B or better service to an area of 5,760 square miles and a population of 165,498 persons, or 1,180 square miles and 64,138 persons less than would its allocation to Fairmont.

6. Lee Radio, Inc., requests the assignment of Channel 12 to Estherville and Fairmont on a hyphenated basis. Lee Radio argues that a station using an Estherville-Fairmont Channel 12 allocation could be located to provide city-grade service to both communities; that a Channel 12 station at Mankato would embrace Fairmont but not Estherville within its Grade B contour, while an Estherville-Fairmont station, operating with power of 316 kw and an antenna height of 1,000 feet, would provide Mankato with Grade B service. Lee Radio alleges that an Estherville-Fairmont station would provide Grade B service to a "white area" of 6,618 square miles with a population of 205,730; that a Mankato station would serve a white area of 5,145 square miles with a population of 180,730 with a Grade B signal and that an Estherville-Fairmont station would include within its Grade B contour more than two-thirds of the white area which would be within the Grade B contour of a Mankato station. It submits that Channel 12 stations in both Brainerd and Fairmont-Estherville would include within their Grade B contours a total population of 437,346 not now within the Grade B contour of any authorized station, or 256,616 more persons than would be included within the Grade B contour of a Mankato station. Lee Radio states that in the event Channel 12 is allocated to Estherville-Brainerd, it will either apply for, or be a party to, an application for use of the channel.

7. In reply, KNUJ contends that the data furnished by Minnowa and Lee Radio as to the population and area that would be served by a Channel 12 station at Mankato are not truly indicative since all calculations made by these parties were based on the assumption that the transmitter site of a Mankato station would be located in the center of Mankato. KNUJ maintains that if the transmitter site of a Channel 12 station at Mankato is located southwest of the city in the center of the general area where it could be located in accordance with technical requirements, a Channel 12 station, operating with power of 316 kw at antenna height of 1,000 feet, would provide city-grade service to Mankato, Fairmont and Estherville, would serve an area of 12,690 square miles containing a population of 440,204 within its Grade B contour; and would provide a first Grade B service to a "white area" of 6,730 square miles containing a population of 252,292. It adds that the area and population data submitted relating to the "white area" which would be served by a Brainerd station do not reflect pending applications for stations at both Bemidji and St. Cloud, nor the proposed substitution of a UHF channel for Channel 12 at Brainerd.

8. Northwest Television Company, operator of UHF station KQTV in Fort Dodge, Iowa, urges that if any of the instant proposals are to be adopted it should be the proposal to assign Channel 12 to Mankato rather than those proposing the allocation of the channel to either Estherville or Fairmont or to both communities on a hyphenated basis. Northwest states that it has operated Station KQTV on Channel 21 at Fort Dodge, Iowa, since November of 1953; that Station KQTV is the only UHF station in operation in either Iowa or Minnesota; that the contours of VHF stations at Des Moines, Iowa, and at Ames, Iowa, penetrate the southern and eastern portions of KQTV's service area and that the VHF station at Mason City, Iowa, penetrates its service area on the north and east, leaving only the area served by KQTV to the north and west in the direction of Estherville and Fairmont free of VHF service; and that a station on Channel 12 at either Estherville or Fairmont would almost completely cover this UHF area with a VHF signal. It urges that the area northwest of Fort Dodge is a UHF island; that there are no VHF channels assigned to the area; and that operation of UHF stations on the UHF channels assigned to Estherville and Fairmont could provide a satisfactory service to this area without serious competition from outside VHF signals. Northwest urges that a VHF station operating in either of these cities would invade the UHF service area of its Fort Dodge station; would make effective competition impossible, and would result in the failure of the only UHF station operating in Iowa. In addition, Northwest contends that since the combined population of Estherville and Fairmont is only 14,912, it is questionable whether these communities could support a regular VHF operation; that the population comparisons between Fairmont and Estherville-Fairmont and a Mankato allocation submitted by both Lee Radio and Minnowa Broadcasting were based on facilities utilizing maximum power and antenna height of 1,000 feet and cannot be considered a reliable indication of coverage of a Channel 12 station at Fairmont or Estherville-Fairmont since the use of such facilities in cities of this size is doubtful; and that, on the basis of size alone, the larger city of Mankato should be preferred since it would meet an existing need and provide a greater opportunity for economic success. Northwest urges that since it is in a VHF fringe area, if Mankato is ever to have a local outlet it will have to be VHF but that a VHF allocation to either Estherville or Fairmont would create a channel intermixture situation in a predominantly UHF area.

9. In reply, Minnowa and Lee Radio argue that Northwest Television's opposition to their proposals for the use of Channel 12 at Fairmont and Estherville is merely an attempt to avoid competition in a portion of the present service area of its UHF station at Fort Dodge at the expense of depriving a substantial population in the Fairmont and Estherville area of a first and only television service; that it has failed to support its objective with any factual information; and that the assignment of Channel 12 to Estherville or Fairmont does not involve any threat to the existence of UHF Station KQTV at Fort Dodge. Lee Radio states that the Grade A overlap of a station on Channel 12 at Estherville and Station KQTV at Fort Dodge would be an area of about 7.5 square miles with a population of 116, and that the Grade B overlap would be an area of about 1,632 square miles containing a population of 31,046.

10. The Brainerd Broadcasting Company, the Mayor of Brainerd, the Brainerd Chamber of Commerce and the Brainerd Junior Chamber of Commerce oppose the deletion of Channel 12 from Brainerd. They urge that there is a need and demand for the use of Channel 12 in Brainerd to provide a local outlet for serving a significant number of people. Brainerd Broadcasting Company submits that there are no existing television stations within 100 miles of Brainerd, whereas Mankato is located in the fringe area of several stations. It states that it intends to file an application for a television station on Channel 12 within the next six months.

11. We have carefully examined the comments and the various proposals for the allocation of Channel 12, and we believe that the public interest would best be served by assigning the channel to the larger community of Mankato. While it was proposed that Channel 12 be deleted from Brainerd in order to permit its assignment to Mankato, we believe the channel may be utilized in both Mankato and Brainerd by judicious selection of transmitter sites meeting the separation and coverage requirements of the Rules. In view of the need and demand indicated in the comments for its use in both communities, we believe that Channel 12 should not be deleted from Brainerd and should be made available for use in both communities and that applicants for use of the channel in Brainerd and Mankato should specify transmitter sites which would not preclude its use in the other community. Mankato is larger than either Fairmont or Estherville and the two communities combined, and we believe that the assignment of a first VHF channel to Mankato rather than to either or both of these smaller communities would make possible a more effective use of the channel. Moreover, the computations made by the parties indicate that both Fairmont and Estherville would receive Grade A or better service from a Channel 12 station at Mankato and that substantially the same number of persons would receive a first service from the use of Channel 12 at Mankato in an area south of the city as would receive a first service from its use in the Fairmont and Estherville area.

12. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), (r) and 307 (b) of the Communications Act, as amended.

13. In view of the foregoing, *It is ordered*, That effective November 20, 1957, the Table of Assignments, contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

a. Amend the Table under the State of Minnesota, as follows:

City	*Channel No.*
Mankato	12, 15—

b. Change the offset carrier requirement only for Channel 12 in Brainerd, Minnesota, from 12 even to 12 minus.

c. Change the offset carrier requirement only for Channel 12 in Ironwood, Michigan, from 12 minus to 12 plus.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: October 16, 1957.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8761; Filed, Oct. 23, 1957; 8:49 a. m.]

[Rules Amdt. 14-4]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

LOCATION CHANGE OF NAME IN ALASKAN COMMUNICATIONS SYSTEM

In the matter of amendment of §§ 14.206 (a) and 14.260 (a) of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in §§ 14.206 and 14.260 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This sixteenth day of October 1957, that effective October 23, 1957, Part 14 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended: 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Issue of 1957 as they relate to records

Having been advised that the Alaska Communications System changed the name of the location of its facilities from "Naknek" to "King Salmon", the Commission is amending Part 14 of its Rules to reflect such change; further, since ACS radio station ALB–44 at Petersburg, Territory of Alaska, no longer maintains service to Alaska-public fixed stations, the table in § 14.260 (a) is also amended to reflect the deletion of Petersburg.

1. Section 14.206 (a) (2) is amended by changing "Naknek" to "King Salmon". As amended, subparagraph (2) reads as follows:

(2) 1666 for telegraphy only; normally for communication with ACS stations located at Ketchikan and King Salmon. The use of this frequency shall be coordinated as necessary with use of the frequency 1660 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The frequency 1666 kc may be used also for transmission by ACS fixed stations to public fixed stations.

2. Section 14.206 (a) (4) is amended to delete "Naknek" and insert "King Salmon" therefor. As amended, subparagraph (4) reads as follows:

(4) 2466 for telegraphy and/or telephony; normally for communication with ACS stations located at Wrangell, King Salmon, and Kotzebue. The use of this frequency shall be coordinated as necessary with use of the frequencies 2450 kc, 2474 kc, and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

3. In the table in § 14.260 (a) "Naknek" is changed to "King Salmon" and "Petersburg" is deleted therefrom. As amended, the table reads as follows:

ACS coast station location:	*Respective transmitting frequency [kc]*
Anchorage	2312
Barrow	2312
Cold Bay	2312
Cordova	2300
Craig	2312
Juneau	2784
Ketchikan	2300
Kodiak	2784
King Salmon	2312
Nome	2784
Seward	2312
Sitka	2312
Skagway	2312
Unalaska	2312
Valdez	2300
Whittier	2312
Wrangell	2312

[F. R. Doc. 57–8762; Filed, Oct. 23, 1957; 8:49 a. m.]

[Docket No. 12136; FCC 57–1151]

[Rules Amdt. 16–20]

PART 16—LAND TRANSPORTATION RADIO SERVICES

LICENSING OF SPEED MEASURING DEVICES

In the matter of amendment of Part 16 of the Commission's Rules to provide for the licensing of Speed Measuring Devices in the Land Transportation Radio Services; Docket No. 12136.

1. On August 6, 1957, the Commission released a Notice of Proposed Rule Making, which was published in the FEDERAL REGISTER of August 10, 1957 (22 F. R. 6433) in accordance with the provisions of section 4 (a) of the Administrative Procedure Act, proposing to amend Part 16 of its Rules to provide for the licensing of Land Radiopositioning Stations and Mobile Radiopositioning Stations for the operation of speed measuring devices utilizing continuous wave (CW) emissions, in the various Land Transportation Radio Services, on the frequencies 2455 and 10525 Mc.

2. The period in which interested persons were afforded an opportunity to submit comments thereon has expired. The only comments received on the proposed amendments were submitted by the Association of American Railroads. While the AAR supports the proposed rule making, it suggests that provisions should be made for regular rather than developmental operation of speed measuring devices in the Land Transportation Radio Services or, in the alternative, that Land and Mobile Radiopositioning Stations be exempted from the provisions of certain sections of the rules governing stations in those services.

3. Pending the outcome of the proceedings it is conducting in the matter of allocation of frequencies in the bands above 890 Mc (Docket No. 11866), the Commission does not deem it advisable to remove the developmental classification of the frequencies in that portion of the spectrum. Therefore, that request of the AAR is denied at this time. As to the alternative request of the AAR, the Commission is of the opinion that some of the exemptions requested are too broad in scope and at the same time that the AAR overlooked some other necessary exemptions. Accordingly, the Commission accepts its suggestion in part and the proposed amendments are modified herewith to include the exemption of speed measuring devices from the normal provisions of Part 16 of the Commission's Rules with respect to (1), coordination of frequency selection, (2) modulation standards, (3) measurements of modulation, (4) station control points, (5) transmission time, (6) station identification, (7) operators for normal operation, (8) developmental showings and (9) developmental reports, as specifically provided below.

4. Accordingly, *It is ordered*, That effective November 15, 1957, Part 16 of the Commission's Rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 16, 1957.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 16.6 by the addition of the following new paragraphs:

(z) [Reserved.]

(aa) *Land radiopositioning station.* A station in the radiolocation service, other than a radionavigation station, not intended for operation while in motion.

(bb) *Mobile radiopositioning station.* A station in the radiolocation service, other than a radionavigation station, intended to be used while in motion or during halts at unspecified points.

2. Insert a new § 16.258 in Subpart F (Motor Carrier Radio Service), to read as follows:

§ 16.258 *Speed measuring devices.* (a) The frequencies 2455 and 10525 Mc are available for assignment under the terms of a developmental grant to Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service for use by speed measuring devices only: *Provided*, That unmodulated continuous wave (CW) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. The use of the frequency 2455 Mc is subject to the condition that harmful interference will not be caused to stations in the fixed and mobile services, and is further subject to no protection from interference which may be experienced from the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

(b) Pending further development of the Commission's microwave program and the establishment of technical standards to govern the operation of transmitting equipment to be utilized by speed measuring devices, stations licensed under the provisions of this section shall be exempt from the requirements of §§ 16.9, 16.105, 16.107 (c), 16.108 (c), 16.151 (d), 16.152 (a), 16.154 (e), 16.202, and 16.208.

3. Insert a new § 16.358 in Subpart H (Railroad Radio Service), to read as follows:

§ 16.358 *Speed measuring devices.* (a) The frequencies 2455 and 10525 Mc are available for assignment under the terms of a developmental grant to Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service for use by speed measuring devices only: *Provided*, That unmodulated continuous wave (CW) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. The use of the frequency 2455 Mc is subject to the conditions that harmful interference will not be caused to stations in the fixed and mobile services, and is further subject to no protection from interference which may be experienced from the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

(b) Pending further development of the Commission's microwave program and the establishment of technical standards to govern the operation of transmitting equipment to be utilized by speed measuring devices, stations licensed under the provisions of this section shall be exempt from the requirements of §§ 16.9, 16.105, 16.107 (c), 16.108 (c), 16.151 (d), 16.152 (a), 16.154 (e), 16.202, and 16.208.

4. Insert a new § 16.405 in Subpart I (Taxicab Radio Service), to read as follows:

§ 16.405 *Speed measuring devices.* (a) The frequencies 2455 and 10525 Mc are available for assignment under the terms of a developmental grant to Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service for use by speed measuring devices only: *Provided*, That unmodulated continuous wave (CW) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. The use of the frequency 2455 Mc is subject to the condition that harmful interference will not be caused to stations in the fixed and mobile services, and is further subject to no protection from interference which may be experienced from the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

(b) Pending further development of the Commission's microwave program and the establishment of technical standards to govern the operation of transmitting equipment to be utilized by speed measuring devices, stations licensed under the provisions of this section shall be exempt from the requirements of §§ 16.9, 16.105, 16.107 (c), 16.108 (c), 16.151 (d), 16.152 (a), 16.154 (e), 16.202, and 16.208.

[F. R. Doc. 57–8763; Filed, Oct. 23, 1957; 8:49 a. m.]

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5. Insert a new § 16.505 in Subpart K (Automobile Emergency Radio Service), to read as follows:

§ 16.505 *Speed measuring devices.* (a) The frequencies 2455 and 10525 Mc are available for assignment under the terms of a developmental grant to Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service for use by speed measuring devices only: *Provided*, That unmodulated continuous wave (CW) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. The use of the frequency 2455 Mc is subject to the condition that harmful interference will not be caused to stations in the fixed and mobile services, and is further subject to no protection from interference which may be experienced from the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

(b) Pending further development of the Commission's microwave program and the establishment of technical standards to govern the operation of transmitting equipment to be utilized by speed measuring devices, stations licensed under the provisions of this section shall be exempt from the requirements of §§ 16.9, 16.105, 16.107 (c), 16.108 (c), 16.151 (d), 16.152 (a), 16.154 (e), 16.202, and 16.208.

[F. R. Doc. 57–8764; Filed, Oct. 23, 1957; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 110—DESTRUCTION OF RECORDS

SUBPART A—RAILROAD COMPANIES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 15th day of October A. D. 1957.

The matter of regulations to govern the destruction of railroad records being under consideration pursuant to provisions of section 20 (7) (b) of the Interstate Commerce Act, as amended (34 Stat. 594, 35 Stat. 648, 54 Stat. 918; 49 U. S. C. 20); and

It appearing that provisions of an order entered August 21, 1957 prescribing the Regulations to Govern the Destruction of Records of Railroad Companies—Issue of 1957, as they relate to records and documents listed hereinafter, are more restrictive than necessary for proper administration of part I of the act; relaxing which restrictions would be permissive in nature and therefore not subject to the public rule making requirements of section 4 (a) of the Administrative Procedure Act; and otherwise good cause appearing;

It is ordered, That the following items be, and they hereby are, deleted from the list in § 110.3 (a) (2) of the regulations and inserted in their proper numerical order in the corresponding list in § 110.3 (a) (3):

Item	
51 (a)	Original payrolls and summaries.
55 (b)	Paid drafts, paid checks, and receipts for cash paid out.
55 (c)	Paid and canceled vouchers, audit office copies of vouchers, and supporting papers.

It is further ordered, That in all other respects the order entered August 21, 1957, shall remain in full force and effect as therein ordered;

And it is further ordered, That this modifying order shall be served on all carriers by railroad which are subject to provisions of the said order entered August 21, 1957, and that notice of this modifying order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57–8747; Filed, Oct. 23, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

[Docket No. AO–260–A3]

MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Drake Hotel, Watertown, South Dakota, beginning at 10:00 a. m., on December 4, 1957, with respect to the proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Eastern South Dakota marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to enlargement of the marketing area raises the issue whether applicable provisions of the present order would tend to effectuate the declared policy of the Act as applied to the proposed marketing area and, if not, what modifications of the provisions of the order would be applicable.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Aberdeen Milk Producers Association, Aberdeen, South Dakota; Beadle County Cooperative Milk Producers Association, Huron, South Dakota; Spink County Cooperative Milk Producers Association, Redfield, South Dakota; and Watertown Cooperative Milk Association, Watertown, South Dakota:

1. Amend § 929.6 to read as follows:

§ 929.6 *Eastern South Dakota Marketing Area.* "Eastern South Dakota Marketing Area" hereinafter called the "marketing area", means all the territory within the corporate limits of the cities of Aberdeen, Huron, Pierre, Redfield, Watertown, and Webster, all in the State of South Dakota.

2. Amend § 929.7 to read as follows:

§ 929.7 *Pool plant.* "Pool plant" means (a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such plant from diary farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than an average of 750 pounds per day or not less than 5 percent of such receipts are so disposed of to such out-

lets in the marketing area: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of Class I milk or milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers duri g such month: *Provided,* That if such shipments are not less than 60 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year: *And provided further,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

3. Delete § 929.8.

4. Amend § 929.10 to read as follows:

§ 929.10 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more distributing or supply plants, or (b) any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

5. Add the following definitions of "distributing plant" and "supply plant."

§ 929.17 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any Class I product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 929.18 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 929.7 (a).

6. Add the following definitions of "base milk" and "excess milk".

§ 929.19 *Base milk.* "Base milk" means the amount of milk received by a handler from a producer during each of the months of January through June which is not in excess of such producer's daily base computed pursuant to § 929.88 multiplied by the number of days in such month on which milk was received by the handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for the purposes of this section and § 929.88.

§ 929.20 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during each of the months of January through June which is in excess of base milk received from such producer during such month.

7. Insert a new section as follows, to be designated as § 929.62.

§ 929.62 *Handlers operating nonpool plants.* None of the provisions from §§ 929.43 through 929.53, or from §§ 929.70 through 929.84, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 929.63.

8. Insert a new section as follows, to be designated as § 929.63.

§ 929.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of March through June, subtract from the Class I price the Class II price; and

(b) During the months of July through February subtract from the Class I price the weighted average value per hundredweight of all producer milk.

9. Amend § 929.70 to read as follows:

§ 929.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices specified in § 929.51, as adjusted pursuant to § 929.52 and adding any amounts computed pursuant to paragraphs (a) and (b) of this section. (a) If a handler had overage of either skim milk or butterfat, an amount computed by multiplying the pounds of overage by the applicable class prices; and (b) An amount obtained by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by (1) the hundredweight of producer milk classified in Class II, less shrinkage, in the preceding month, or (2) the hundredweight of milk subtracted from Class I pursuant to § 929.46 (a) (3) and (b), whichever is less; and (c) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 929.46 (a) (2), and the corresponding step of (b), by the rate of payment on unpriced milk determined pursuant to § 929.63.

10. Substitute the following section for the present § 929.71.

§ 929.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate value from which to determine uniform prices per hundredweight for producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 for such month, except those in default of payments required pursuant to § 929.83 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk; and

(c) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund.

11. Amend present § 929.71 to read as follows and designate it as § 929.72.

§ 929.72 *Computation of uniform price.* For each of the months of July through December the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 929.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "uniform price" for milk received from producers.

12. Add a new section as follows, to be designated as § 929.73.

§ 929.73 *Computation of price for base milk.* For each of the months of January through June the market administrator shall compute a price per hundredweight for base milk and for excess milk of 3.5 percent butterfat received from producers as follows:

(a) From the reports submitted by handlers pursuant to § 929.30, determine the aggregate classification of producer milk included in the computation of value pursuant to § 929.71 and the total hundredweight of such milk which is base milk and which is excess milk;

(b) Compute the total value of such excess milk on a 3.5 percent butterfat basis by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk pursuant to paragraph (a) of this section by the price for Class II milk of 3.5 percent butterfat content, and by adding thereto the value obtained by multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat received from producers at pool plants;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of milk computed pursuant to § 929.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content received from producers at pool plants.

13. Add a new section as follows, to be designated as § 929.74.

§ 929.74 *Notification of handlers.* On or before the 10th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 929.45 and 929.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 929.72 or the price for base milk and excess milk computed pursuant to § 929.73 whichever is applicable;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 929.80 and 929.83; and

(e) The amount to be paid by such handler pursuant to § 929.86.

14. Amend § 929.81 to read as follows:

§ 929.81 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 929.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 929.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

15. Insert new sections as follows, to be designated as §§ 929.82, 929.83, and 929.84.

§ 929.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 929.83 and 929.85 and out of which he shall make all payments to handlers pursuant to §§ 929.84 and 929.85: *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 929.83 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month (a) each handler shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 929.70 for such month is greater than the sum required to be paid to producers by such handler pursuant to § 929.80.

§ 929.84 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 929.80 is greater than the total value computed for him pursuant to § 929.70.

16. Amend § 929.82 as follows, and designate it as § 929.85. Renumber current §§ 929.83 and 929.84 to conform to the changes recommended in proposals 15 and 16.

§ 929.85 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 929.83 and 929.84, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 929.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

17. Add two new sections as follows, to be designated as §§ 929.88 and 929.89.

§ 929.88 *Determination of daily base.* The daily base of each producer which shall be applicable during the months of January through June, shall be determined by the market administrator as follows:

(a) For each producer from whom milk was received by a handler(s) at a pool plant on at least 120 days during the immediately preceding months of August through December, the daily base shall be computed by dividing such producer's total deliveries of milk to a handler(s) during such five-month period by the number of days on which milk was received from such producer: *Provided,* That any producer for whom a daily base has been computed may relinquish his daily base computed pursuant to this paragraph and be allotted a daily base computed pursuant to paragraph (b) of this section upon written notice to the market administrator prior to January 31, of each year; and

(b) Any producer who has not established a daily base pursuant to the provisions of paragraph (a) of this section or one who elects to relinquish his daily base under such paragraph shall be assigned a daily base for each of the months of January through June, computed as follows:

(1) From the total quantity of producer milk received by all handlers during the month subtract the total receipts from producers who did not establish daily bases or who have relinquished them;

(2) Determine the percentage that total base deliveries were of the remaining pounds of producer milk; and

(3) Multiply the resulting percentage by 0.80 and then by the total pounds of milk received by a handler from the producer during such delivery period and divide the result by the number of days on which such milk was received.

§ 929.89 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producers for whose account that milk was delivered during the months of August through December; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable upon receipt of such application signed by all joint holders.

18. Amend § 929.22 (j) (2) by changing "the 8th day" to "the 10th day."

19. Amend the order by making such other changes as may be necessary to effectuate the above-described proposed amendments.

Proposed by the Eastern South Dakota Dairy Processor's Association composed of Equity Union Creamery, Aberdeen, South Dakota; Lacy Ice Cream Company, Aberdeen, South Dakota; Franklyn Dairy, Aberdeen, South Dakota; DeVries Dairy, Aberdeen, South Dakota; Spink County Dairy, Redfield, South Dakota; Oviatt Dairy, Huron, South Dakota; Rogers Dairy, Watertown, South Dakota; and Jorgenson Dairy, Watertown, South Dakota:

20. Amend § 929.6 to read as follows:

§ 929.6 *Eastern South Dakota marketing area.* "Eastern South Dakota marketing area", hereinafter called the "marketing area," means all the territory within the counties of Beadle, Brown, Codington, Day, Hughes and Spink, all in the State of South Dakota.

21. Provide that handlers pay producers 46 cents per hundredweight less

for all milk sold out of the marketing area.

22. Amend § 929.7 (a) to read as follows:

(a) "Pool plant" means any plant from which any volume of Class I milk is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

23. Amend § 929.8 to read as follows:

§ 929.8 *Approved plant.* "Approved Plant" means a pool plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except pool plants) and a producer-handler selling Class I milk direct to the consumer or on the open market located in the marketing area.

24. Amend § 929.15 to read as follows:

§ 929.15 *Producer-handler.* "Producer-handler" means any person who produces milk and who operates an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers, except that any such person selling Class I milk direct to the consumer or on the open market shall be prohibited from establishing a base under this subpart.

25. Amend § 929.46 (a) (1) and (2) to read as follows:

(a) (1) Subtract from total pounds of Class I milk the pounds of skim milk in other source of milk.

(2) Subtract from the remaining pounds of skim milk in Class I the pounds of skim in producers milk, provided that if the receipts of the skim milk in producer milk is greater than remaining pounds of skim milk in Class I milk the balance shall be allocated as Class II milk.

26. Amend § 929.83 to provide that the expense of administration shall be paid by each handler but shall not exceed 3 cents per hundredweight each month.

27. Delete § 929.50 (a).

Proposed by Tyler's Dairy, Pierre, South Dakota and Crescent Dairy, Webster, South Dakota.

28. No expansion of Federal Order No. 29, Eastern South Dakota Milk Marketing Area, be made at this time.

29. Federal Order No. 29, Eastern South Dakota Milk Marketing Area, be amended to allow 5,000 pounds of milk daily to be admitted to the milk marketing area without coming under regulations of Federal Order No. 29.

30. The present Class I prices of Federal Order No. 29 be reduced by 23 cents per hundredweight.

Copies of this notice of hearing may be procured from the Market Administrator, 423½ S. Phillips Avenue, Sioux Falls, South Dakota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 18, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-8752; Filed, Oct. 23, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 11513 etc.; FCC 57-1148]

AVIATION SERVICES

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 6 and 9 of the Commission's Rules and Regulations to require the use of single sideband transmission in fixed radiotelephone service below 25,000 kc, except Alaskan and maritime fixed; Docket No. 11513; and in the matter of amendment of Part 9 of the Commission's Rules to require the use of single sideband transmission in the aeronautical mobile service for radiotelephony on frequencies below 25,000 kc.; Docket No. 11678; and in the matter of amendment of Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, and 19 of the Commission's Rules concerning type acceptance of transmitters, bandwidth and spurious emissions; Docket No. 11654.

1. Further notice is hereby given of proposed rule making in the above-entitled matters insofar as Part 9 of the rules is concerned.

2. In the original Notices of Proposed Rule Making in Dockets 11513 and 11678, the Commission invited comments in the matter of amendment of its Rules to require the use of single sideband transmission by stations operating on frequencies below 25,000 kc in the aeronautical mobile service, and in the fixed radiotelephone service, except Alaskan and martime fixed. Comments were requested on technical criteria and on factors involved in the scheduling of a possible compulsory conversion program from conventional double sideband to single sideband operation.

3. In the original Notice of Proposed Rule Making in Docket 11654, the Commission invited comments relative to proposed amendments of various parts of its Rules to change the requirements concerning measurement of occupied bandwidths and spurious emissions of transmitters for type acceptance purposes.

4. Based on the comments received in these Dockets, and other information which has subsequently become available, the Commission now proposes amendment of Part 9 to incorporate specific technical standards to govern single sideband operation. The subject matter of Docket No. 11654, to the extent applicable to the Aviation Services, is being included in this proceeding because amendment of Part 9 of the Rules to provide for single sideband operation necessitates a change in the requirements for attenuation of spurious emissions.

5. Owing to the present unavailability of commercial airborne single sideband equipment, the Commission is not now proposing a schedule for compulsory conversion to single sideband operation. It is proposed at this time only to specify applicable technical standards for voluntary single sideband operation in the Aviation Services.

6. While it is the Commission's intention to encourage continuing development of single sideband operating techniques, it is necessary to insure (1) compatibility with double sideband equipment on existing channels during any transition period, and (2) realization of maximum frequency spectrum utilization. Compatibility with existing double sideband equipment can be achieved through operation in the full-carrier mode of single sideband, and it appears that maximum frequency utilization may be realized through ultimate adoption of the suppressed carrier mode of single sideband operation. Accordingly, both full carrier and suppressed carrier operating capabilities are proposed as requirements for type acceptance of single sideband transmitting equipment. This is not intended to prohibit operation in other modes of single sideband; it is intended only to preclude the use of large amounts of equipment which may eventually prove unsuitable for integration into the ultimate single sideband system.

7. The Commission is aware that general agreement does not exist among the interested parties as to the ultimate mode of single sideband operation in the Aviation Services. Although the suppressed carrier mode is proposed in this proceeding, comments are specifically invited from proponents of other modes or systems of operation as to the relative merits of the various operating techniques, together with recommended technical standards.

8. The matter of a possible conversion program to compulsory single sideband operation will be considered again at a later date when development and implementation have progressed sufficiently to enable the Commission to accumulate more detailed data on equipment and systems performance under normal operating conditions.

9. The proposed amendment is issued under the authority of section 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

10. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 3, 1958, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

11. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 20 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 16, 1957.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Add a new paragraph (c) to § 9.178 to read as follows:

(c) The frequency coinciding with the center of an authorized bandwidth of emission shall be specified as the assigned frequency; for single sideband emission, the carrier frequency shall also be specified.

2. Delete paragraph (b) of § 9.179 and substitute a new paragraph (b) to read as follows:

(b) Except as indicated in (c) below, the power authorized for use at any station shall be specified in terms of peak power at the transmitter output terminals. Peak power is defined as the mean power during one radio frequency cycle at the highest crest of the modulation envelope.

3. Delete paragraph (c) of § 9.179 and insert new paragraphs (c) and (d) to read as follows:

(c) For stations using amplitude modulated emission and transmitting both sidebands and a full carrier, authorized power will be specified in terms of unmodulated radio frequency carrier power at the transmitter output terminals.

(d) Power may be determined either by direct measurement or by multiplying the plate input power to the final amplifier by an appropriate factor.

4. Delete paragraph (a) of § 9.180 (except for the table) and substitute a new paragraph (a) to read as follows:

(a) Except when transmitting single sideband emissions, the carrier frequency shall be maintained within the applicable following percentage of the assigned frequency.

5. Delete paragraphs (c) and (d) of § 9.180 and insert new paragraphs (c), (d), and (e) to read as follows:

(c) When transmitting single sideband emissions, the carrier frequency shall be maintained within the applicable following number of cycles per second of the specified carrier frequency.

(1) All ground stations---------- 5 cps
(2) All aircraft stations---------- 20 cps

(d) Radar transmitters operated on frequencies above 2400 Mc shall meet the following requirements in lieu of a frequency tolerance: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T Mc to the upper and lower limits of the authorized bandwidth, where T is the pulse duration in microseconds.

(e) Tolerances other than those specified in this section may be authorized upon a satisfactory showing of need therefor. In such cases, the tolerance authorized may be specified on the instrument of authorization.

6. Delete the table following paragraph (b) of § 9.181 and insert a new table to read as follows:

Class of emission	Emission designator	Authorized band width	
		Below 50 Mc	Above 50 Mc
		Kilocycles	*Kilocycles*
A1	0.1A1	0.25	
A2	2.1A2	2.724	
A3	6A3	8.0	50
A3a	3A3a	4.0	
F1	1.7F1	1.7	
F1	2.5F1	2.5	
P	(1)		(1)

[1] To be specified on the authorization.

7. Delete paragraph (d) of § 9.181 and substitute a new paragraph (d) to read as follows:

(d) An authorization to use radiotelephone emission will be construed to include use of tone signals or signaling devices whose sole function is to establish or maintain voice communications.

8. Delete paragraph (a) of § 9.183 and substitute a new paragraph (a) to read as follows:

(a) The power of any spurious emission originating in a type accepted transmitter authorized in the Aviation Services shall be reduced below output power in accordance with the following schedule:

(1) On any frequency removed from the center of authorized frequency band of emission by 50 to 100 per cent of the authorized emission bandwidth: at least 26 decibels;

(2) On any frequency removed from the center of the authorized frequency band of emission by 100 to 250 per cent of the authorized emission bandwidth: at least 35 decibels.

(3) On any frequency removed from the center of the authorized frequency band of emission by more than 250 per cent of the authorized emission bandwidth: at least the number of decibels indicated in the following table:

(i) Aircraft stations below 30 Mc: 40 db.

(ii) Aircraft stations above 30 Mc: $43+10 \log_{10}$ (power in watts) db.

(iii) All ground stations: $43+10 \log_{10}$ (power in watts) db, or 80 db whichever is the lesser attenuation.

9. Delete paragraph (a) of § 9.184 and substitute a new paragraph (a) to read as follows:

(a) When double sideband full carrier amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 per cent on peaks but shall not exceed 100 per cent.

10. Delete paragraph (c) of § 9.184 and substitute a new paragraph (c) to read as follows:

(c) In order to meet requirements for type acceptance in the Aviation Services, a double sideband full carrier amplitude modulated radiotelephone transmitter with rated carrier power output exceeding 10 watts shall be capable of automatically preventing modulation in excess of 100 percent. In the event that operation of any licensed radiotelephone transmitter causes harmful interference to any authorized radio service because of excessive modulation, the Commission may require that the use of such transmitter be discontinued until it is rendered capable of automatically preventing modulation in excess of 100 percent.

11. Add a new paragraph (d) to § 9.184 to read as follows:

(d) In order to meet requirements for type acceptance in the Aviation Services, a single sideband transmitter shall be capable of operation in both of the following modes:

(1) With the carrier suppressed at least 26 db below peak power.

(2) With the carrier transmitted at a level between 3 and 6 db below peak power.

12. Add new paragraph (e) to § 9.184 to read as follows:

(e) In single sideband operation, the sideband on the higher frequency side of the carrier frequency shall be transmitted.

[F. R. Doc. 57-8764; Filed, Oct. 23, 1957; 8:50 a. m.]

[47 CFR Part 11]

[Docket No. 12221; FCC 57-1150]

INDUSTRIAL RADIO SERVICES

SINGLE SIDEBAND TECHNICAL SPECIFICATIONS

In the matter of amendment of Part 11 of the Commission's rules to provide technical standards for the governing of single sideband systems operating on frequencies below 10 Mc.; Docket No. 12221.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In a Public Notice of October 5, 1955 (FCC 55-988), the Commission announced an intention to give future consideration to a possibility of requiring single sideband operation for the mobile radiotelephone service. In that Public Notice it was pointed out that because single sideband operation offered a possible means of reducing the bandwidth required by stations using conventional double sideband methods, additional frequency-channels might be thereby derived to aid in the relief of congestion on existing channels.

3. During the past two years the Commission has received expressions of single sideband interest at an increasing rate in many of its radio services. Although the most interest has so far been displayed in the Aviation service, important advances have also been made in some of the other services, particularly the In-

dustrial Radio Services, the Public Safety Radio Services, and the Land Transportation Radio Services.

4. Accordingly, it is proposed to amend Part 11 of the Commission's rules to provide technical standards for the operation of single sideband systems in the Industrial Radio Services, the Public Safety Radio Services, and the Land Transportation Radio Services.

5. Authority for the proposed rule making is contained in section 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 3, 1958, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 20 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 16, 1957.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Add a new paragraph (c) to § 11.178 to read as follows:

(c) The frequency coinciding with the center of an authorized bandwidth of emission shall be specified as the assigned frequency; for single sideband emission, the carrier frequency shall also be specified.

2. Delete paragraph (b) of § 11.179 and substitute a new paragraph (b) to read as follows:

(b) Except as indicated in (c) below, the power authorized for use at any station shall be specified in terms of peak power at the transmitter output terminals. Peak power is defined as the mean power during one radio frequency cycle at the highest crest of the modulation envelope.

3. Delete paragraph (c) of § 11.179 and insert new paragraphs (c) and (d) to read as follows:

(c) For stations using amplitude modulated emission and transmitting both sidebands and a full carrier, authorized power will be specified in terms of unmodulated radio frequency carrier power at the transmitter output terminals.

(d) Power may be determined either by direct measurement or by multiplying the plate input power to the final amplifier by an appropriate factor.

4. Delete paragraph (a) of § 11.180 (except for the table) and substitute a new paragraph (a) to read as follows:

(a) Except when transmitting single sideband emissions, the carrier frequency shall be maintained within the applicable following percentage of the assigned frequency.

5. Delete paragraphs (c) and (d) of § 11.180 and insert new paragraphs (c), (d), and (e) to read as follows:

(c) When transmitting single sideband emissions, the carrier frequency shall be maintained within the applicable following number of cycles per second of the specified carrier frequency.

(1) All ground stations---------- 5 cps
(2) All aircraft stations---------- 20 cps

(d) Radar transmitters operated on frequencies above 2400 Mc shall meet the following requirements in lieu of a frequency tolerance: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T Mc to the upper and lower limits of the authorized bandwidth, where T is the pulse duration in microseconds.

(e) Tolerances other than those specified in this section may be authorized upon a satisfactory showing of need therefor. In such cases, the tolerance authorized may be specified on the instrument of authorization.

6. Delete the table following paragraph (b) of § 11.181 and insert a new table to read as follows:

Class of emission	Emission designator	Authorized band width	
		Below 50 Mc	Above 50 Mc
		Kilocycles	*Kilocycles*
A1	0.1A1	0.25	
A2	2.1A2	2.724	
A3	6A3	8.0	50
A3a	3A3a	4.0	
F1	1.7F1	1.7	
F1	2.5F1	2.5	
P	(1)		(1)

[1] To be specified on the authorization.

7. Delete paragraph (d) of § 11.181 and substitute a new paragraph (d) to read as follows:

(d) An authorization to use radiotelephone emission will be construed to include use of tone signals or signaling devices whose sole function is to establish or maintain voice communications.

8. Delete paragraph (a) of § 11.183 and substitute a new paragraph (a) to read as follows:

(a) The power of any spurious emission originating in a type accepted transmitter authorized in the Industrial Radio Services shall be reduced below output power in accordance with the following schedule:

(1) On any frequency removed from the center of authorized frequency band of emission by 50 to 100 per cent of the authorized emission bandwidth: at least 26 decibels;

(2) On any frequency removed from the center of the authorized frequency band of emission by 100 to 250 per cent of the authorized emission bandwidth: at least 35 decibels.

(3) On any frequency removed from the center of the authorized frequency band of emission by more than 250 per cent of the authorized emission bandwidth: at least the number of decibels indicated in the following table:

(i) Stations below 30 Mc: 40 db.

(ii) Stations above 30 Mc: $43+10 \log_{10}$ (power in watts) db.

9. Delete paragraph (a) of § 11.184 and substitute a new paragraph (a) to read as follows:

(a) When double sideband full carrier amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 per cent on peaks but shall not exceed 100 per cent.

10. Delete paragraph (c) of § 11.184 and substitute a new paragraph (c) to read as follows:

(c) In order to meet requirements for type acceptance in the Industrial Radio Services, a double sideband full carrier amplitude modulated radiotelephone transmitter with rated carrier power output exceeding 10 watts shall be capable of automatically preventing modulation in excess of 100 percent. In the event that operation of any licensed radiotelephone transmitter causes harmful interference to any authorized radio service because of excessive modulation, the Commission may require that the use of such transmitter be discontinued until it is rendered capable of automatically preventing modulation in excess of 100 percent.

11. Add a new paragraph (d) to § 11.184 to read as follows:

(d) In order to meet requirements for type acceptance in the Industrial Radio Services, a single sideband transmitter shall be capable of operation in both of the following modes:

(1) With the carrier suppressed at least 26 db below peak power.

(2) With the carrier transmitted at a level between 3 and 6 db below peak power.

12. Add new paragraph (e) to § 11.184 to read as follows:

(e) In single sideband operation, the sideband on the higher frequency side of the carrier frequency shall be transmitted.

[F. R. Doc. 57-8765; Filed, Oct. 23, 1957; 8:50 a. m.]

dustrial Radio Services. In these services a number of developmental grants for single sideband operation have already been extended, and the Commission anticipates that additional industrial grants will be issued in coming months. In order to protect the recipients of these grants as much as possible against unnecessary and untimely obsolescence of equipment, the Commission is here proposing the adoption of technical standards for the governing of these single sideband systems. Because virtually all of the grants in question for some time to come will be on frequencies below 10 Mc, only standards for these frequencies are being proposed at this time.

4. The proposed standards are set forth below, and authority for their adoption is set forth in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed standards should not be adopted or should not be adopted in the form set forth below, may file with the Commission, on or before February 3, 1958, written data, views, or arguments setting forth his comments. Comments in support of the proposed standards may also be filed on or before the same date. Comments in reply to original comments may be filed on or before the tenth day following the last day for the filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all timely-filed comments prior to taking final action in this matter, and, if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, any statement, brief or comment filed in the above-entitled proceeding must be accompanied by 14 additional copies thereof.

Adopted: October 16, 1957.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 11 of the Commission's Rules to add a new § 11.111 to read as follows:

§ 11.111 *Single sideband technical specifications.* (a) Where the use of single sideband type A3a emission is authorized in these services on frequencies below 10 Mc, the authorization and all operation thereunder shall be in accordance with the provisions of this section, notwithstanding any other technical provisions of this part to the contrary.

(b) The frequency coinciding with the center of the authorized frequency band of emission shall be the "assigned frequency;" in addition the carrier frequency shall also be specified. The specified carrier frequency will be 1650 cycles lower than the assigned frequency.

(c) When transmitting single sideband emissions, the carrier frequency shall be maintained within 20 cycles of the specified carrier frequency.

(d) For type A3a emission the bandwidth occupied by the emission shall not exceed 2.7 kc. The authorized frequency band of emission extends from 300 to 3000 cycles above the carrier frequency. The authorization to use type A3a emission will be construed to include the use of tone signals or signaling devices whose sole function is to establish or maintain communications between stations.

(e) Except for short periods necessary for testing or tuning, the carrier frequency power of transmitters authorized to use type A3a emission shall be suppressed at least 50 db below the output power. The power of any other emission outside the authorized frequency band of emission shall be suppressed below the output power in accordance with the following schedule:

(1) On any frequency removed from the center of the authorized frequency band of emission by between 50 and 100 percent of the authorized bandwidth, at least 26 db.

(2) On any frequency removed from the center of the authorized frequency band of emission by between 100 and 250 percent of the authorized bandwidth, at least 35 db.

(3) On any frequency removed from the center of the authorized frequency band of emission by more than 250 percent of the authorized emission bandwidth, at least the number of db equal to $43+10 \log_{10} P$, where P is the output power.

(f) Power determinations for transmitters authorized to use type A3a emission shall be in accordance with the following:

(1) For the purpose of demonstrating compliance with paragraph (e) of this section, the term "output power" means peak power at the transmitter output terminals and is defined as the mean power during one radio frequency cycle at the highest crest of the modulation envelope.

(2) The maximum permissible power input which may be authorized for single sideband operation is one kilowatt.

(3) Transmitters employing type A3a emission shall be equipped with a means of determining that the power input during operation does not exceed that specified in the station license. This determination shall be made during voice modulation by the peak reading of a meter, which with its associated circuits, has a rise time constant not slower than 0.25 second.

[F. R. Doc. 57-8765; Filed, Oct. 23, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–75, 78]

[Notice 33; Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

OCTOBER 4, 1957.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments and the reasons therefor are set forth below.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before November 5, 1957. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

(62 Stat. 738, 18 U. S. C. 831–835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

PART 71—GENERAL INFORMATION AND REGULATIONS

In § 71.8 amend paragraph (f) (1) (15 F. R. 8263, Dec. 2, 1950) to read as follows:

§ 71.8 *Definitions.* * * *
(f) * * *

(1) Any tank designed to be permanently attached to any motor vehicle or any container not permanently attached to any motor vehicle which by reason of its size, construction, or attachment to any motor vehicle must be loaded and/or unloaded without being removed from the motor vehicle and which tank or container is to be used to transport any flammable liquid, corrosive liquid, poisonous liquid, class B, or compressed gas, hereby designated "cargo tank".

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (15 F. R. 8263, 8264, 8265, 8266, 8268, 8269, 8270, 8271, 8273, Dec. 2, 1950) (21 F. R. 9355, Nov. 30, 1956) (19 F. R. 8524, Dec. 14, 1954) (21 F. R. 4431, June 23, 1956) (17 F. R. 4293, May 10, 1952) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantities in container by rail express
(Change)				
Acids, liquid, n. o. s.	Cor. L	73.244, 73.245	White	5 pints.
Alcohol, allyl	Pois. B	73.315, 73.336	Poison	55 gallons.
Alcohol, wood (methanol, methyl alcohol).	F. L	73.118, 73.125	Red	10 gallons.
Allyl alcohol. *See* Alcohol, allyl.				
Ammonium bichromate (ammonium dichromate).	F. S	73.153, 73.154, 73.235	Yellow	100 pounds.
Benzyl bromide (bromotoluene, alpha)	Cor. L	No exemption, 73.281	White	5 pints.
Bromotoluene, alpha. *See* Benzyl bromide.				
Dicumyl peroxide, solid	Oxy. M	73.153, 173.154	Yellow	25 pounds.
Dinitrochlorbenzol, solid. *See* Dinitrochlorobenzene, chlorodinitrobenzol.	Pois. B	73.364, 73.365	Poison	200 pounds.
Hydrofluoric and sulfuric acids, mixtures	Cor. L	No exemption, 73.290	White	10 pints.
Hydrofluoric and sulfuric acids, mixtures. *See* Hydrofluoric and sulfuric acids, mixtures.	Expl. B	No exemption, 73.92	None	550 pounds.
Igniters, jet thrust (*jato*), class B explosives	Expl. B	No exemption, 73.92	None	550 pounds.
Mercuric sulfo cyanate, solid (mercuric thiocyanate).	Pois. B	73.364, 73.365	Poison	200 pounds.
Mercury bichloride, solid (mercuric chloride).	Pois. B	73.364, 73.372	Poison	200 pounds.
Methanol (methyl alcohol). *See* Alcohol, wood.				
Mixtures of hydrofluoric and sulfuric acids. *See* Hydrofluoric and sulfuric acids, mixtures.				
Propellant explosives, class A	Expl. A	No exemption, 73.64 (d)		See § 73.80.
Propellant explosives, class B	Expl. B	No exemption, 73.93	Red	10 pounds.
(Add)				
Cigarette lighters charged with fuel	See § 73.21 (d).			
Chlorodinitrobenzol. *See* Dinitrochlorbenzol, solid.	Oxy. M	No exemption, 73.157, 73.158.	Yellow	25 pounds.
Dimethylhexane dihydroperoxide				
Lighter fluid. *See* Cigar and cigarette lighter fluid.	F. L	No exemption, 73.141	Red	10 gallons.
Mercaptan mixtures, aliphatic*				
Mercuric chloride. *See* Mercury bichloride, solid.				
Methyl alcohol (methanol). *See* Alcohol, wood.				
Nitric ether. *See* Ethyl nitrate.				
Oil of mirbane. *See* Nitrobenzol, liquid.				
Self-lighting cigarettes	See § 73.21 (d).			
*Weed killing compounds, liquid. *See* *Compounds, tree or weed killing, liquid.				
(Cancel)				
*Aliphatic mercaptan mixtures	F. L	No exemption, 73.141	Red	10 gallons.
Mercuricyanamid solid	Pois. B	73.364, 73.365	Poison	200 pounds.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. In § 73.21 add paragraph (d) (18 F. R. 802, Feb. 7, 1953) to read as follows:

§ 73.21 *Prohibited packing.* * * *

(d) The offering for transportation of any package containing a cigarette lighter charged with fuel and equipped with an ignition element, or any similar heating, lighting, or ignition device, or any self-lighting cigarette, is forbidden unless the design and method of packaging insofar as they affect safety in transportation have been approved by the Bureau of Explosives.

2. In § 73.31 amend paragraph (a) and Note 12 to paragraph (a) of the table; add paragraph (f); amend paragraph (h) (16 F. R. 9372, Sept. 15, 1951) (21 F. R. 4789, 4562, 4563, June 26, 1956) (22 F. R. 4789, July 9, 1957) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) Tank cars built to one specification and stenciled to another specification to accommodate a different valve setting must be retested in accordance with the higher specification test pressure stenciled on the tank or jacket.

(h) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. Tank cars proposed for a commodity service other than authorized, must be approved for such service by the Association of American Railroads, the Association of American Railroads, Transfer of Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Class ICC–105A type tank cars may be used for any commodity for which they are approved by the Committee on Tank Cars when stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

[No change in Note 1.]

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.92 cancel paragraph (d) (21 F. R. 3009, May 5, 1956) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, or igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.* * * *

(d) [Canceled.]

2. In § 73.93 amend paragraph (f) (1) (20 F. R. 950, Feb. 15, 1955) to read as follows:

§ 73.93 *Propellant explosives for cannon, small-arms, rockets, guided missiles, or other devices.* * * *

(f) * * *

(1) In tightly closed metal cans or fiber containers, not exceeding 1 pound each, or in inside metal cans or fiber containers containing not more than one grain of propellant, not exceeding 5 pounds each, packed in outside wooden boxes, spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter), or outside fiberboard boxes, spec. 12B, 23F, or 23H (§ 78.205, § 78.214, or § 78.219 of this chapter). Not more than 10 pounds of propellant powder may be shipped in one outside container. Each outside container must be plainly marked "PROPELLANT EXPLOSIVES, CLASS B".

Note 1: The distance in the table must be

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.135 amend paragraph (a) (9) (21 F. R. 7600, Oct. 4, 1956) to read as follows:

§ 73.135 *Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.* (a) • • •

(9) Spec. MC 300, MC 303 or MC 304 (§ 78.321, § 78.324 or § 78.325 of this chapter). Tank motor vehicles.

2. In § 73.141 add paragraphs (a) (9) and (b) (16 F. R. 11777, Nov. 21, 1951) to read as follows:

§ 73.141 *Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.* (a) • • •

(9) Specification cylinders as prescribed for any compressed gas, except acetylene.

(b) Warning or odorizing devices containing not more than one ounce of a mercaptan or an aliphatic mercaptan mixture in a hermetically sealed container or in a hermetically sealed portion of the device are not subject to the regulations in Parts 71–78 and 197 of this chapter.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.153 add paragraphs (c) (65), (66), and (67) (15 F. R. 8303, Dec. 2, 1950) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(c) • • •

(65) Hafnium metal powder or sponge, dry.

(66) Hafnium metal powder, wet or sludge.

(67) Dimethylhexane dihydroperoxide.

2. In § 73.157 amend the heading and introductory text of paragraph (a) (15 F. R. 8304, Dec. 2, 1950) to read as follows:

§ 73.157 *Benzoyl peroxide, chlorobenzoyl peroxide (para), dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.* (a) Benzoyl peroxide, chlorobenzoyl peroxide (para), dimethylhexane dihydroperoxide, lauroyl peroxide, and succinic acid peroxide, wet with at least 30 percent of water by weight must be packed in specification containers as follows:

• • • • •

3. In § 73.158 amend the heading and introductory text of paragraph (a); amend paragraph (a) (3) (21 F. R. 7600, Oct. 4, 1956) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) Benzoyl peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry, may be shipped when packed in specification containers as follows:

• • • • •

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with polyethylene not less than 0.002 inch thick, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in Spec. 12B65 boxes may be more than 65 but not more than 80 pounds provided net weight of contents does not exceed 50 pounds.

4. In § 73.187 amend paragraph (a) (1) (15 F. R. 8308, Dec. 2, 1950) to read as follows:

§ 73.187 *Peroxide of sodium.* (a) • • •

(1) Spec. 11A, 11B, 15A, 15B, 15C, 16A, or 19A (§§ 78.160, 78.161, 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden barrels, kegs, or boxes, with inside containers which must be airtight metal cans.

5. In § 73.221 amend paragraphs (a) (2) and (3) (15 F. R. 8311, Dec. 2, 1950) to read as follows:

§ 73.221 *Liquid peroxides other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.* (a) • • •

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass, earthenware, or metal, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container. Metal inside containers authorized only for materials which will not react dangerously with or be decomposed by contact with metal.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be glass, earthenware, or metal, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container. Not more than one 1-gallon inside container shall be packed in one outside fiberboard box. Metal inside containers authorized only for materials which will not react dangerously with or be decomposed by contact with metal.

6. In § 73.235 amend the heading and introductory text of (a) (21 F. R. 9356, Nov. 30, 1956) to read as follows:

§ 73.235 *Ammonium bichromate (ammonium dichromate).* (a) Ammonium bichromate (ammonium dichromate) must be packed in specification containers as follows:

• • • • •

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.244 amend paragraph (c) (11) (15 F. R. 8313, Dec. 2, 1950) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* • • •

(c) • • •

(11) Bromotoluene, alpha.

2. In § 73.272 add paragraph (f) (3); cancel paragraphs (i) (5) and (6) (15 F. R. 8321, Dec. 2, 1950) (21 F. R. 673, Jan. 31, 1956) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(f) • • •

(3) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside Spec. 2S (§78.35 of this chapter) polyethylene drum. Authorized for sulfuric acid concentrations not over 76 percent. Gross weight restriction indicated by the gross weight embossment in the steel barrels or drums shall be waived.

• • • • •

(i) • • •

(5) [Canceled.]

(6) [Canceled.]

3. In § 73.273 add paragraph (a) (5) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.273 *Sulfur trioxide, stabilized.* (a) • • •

(5) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles. Authorized only for stabilized sulfur trioxide. Tanks must be equipped with spring-relief safety valves. Tanks equipped with interior heater coils not permitted.

4. In § 73.281 amend the heading and introductory text of paragraph (a) (15 F. R. 8322, Dec. 2, 1950) to read as follows:

§ 73.281 *Benzyl bromide (bromotoluene, alpha).* (a) Benzyl bromide (bromotoluene, alpha) must be packed in specification containers as follows:

• • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.306 amend paragraph (c) (1) (15 F. R. 8326, Dec. 2, 1950) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* • • •

(c) • • •

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications".

2. In § 73.308 paragraph (a) table amend the entry "Dichlorodifluoromethane" (20 F. R. 951, Feb. 15, 1955) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(*Change*) Dichlorodifluoromethane	119	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-4B240ET; ICC-9; ICC-41.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.372 amend the heading and introductory text of paragraph (a) (15 F. R. 8328, Dec. 2, 1950) to read as follows:

§ 73.372 *Mercury bichloride (mercuric chloride).* (a) Mercury bichloride (mercuric chloride) must be packed in specification containers as follows:

• • • • •

2. In § 73.392 amend paragraph (c) (19 F. R. 6209, Sept. 29, 1954) to read as follows:

§ 73.392 *Exemptions for radioactive materials.* • • •

(c) Radioactive materials such as ores, residues, salts of natural uranium and thorium, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipments in carload lots by rail freight only, provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541 (b) and 74.553 of this chapter. Except when handling is supervised by the Atomic Energy Commission, shipments must be loaded by consignor and unloaded by consignee.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

In § 74.532 amend paragraph (j) (1) (15 F. R. 8348, Dec. 2, 1950) to read as follows:

§ 74.532 *Loading other dangerous articles.* • • •

(j) • • •

(1) The amount of radioactive ores, residues, and similar materials loaded in a car must be limited as provided in § 73.392 of this chapter. The amount of any other radioactive materials loaded in a freight car shall be limited so that the quantity does not exceed 40 units as determined by totaling the number of units shown on the individual labels on the packages.

NOTE 1: For purposes of these regulations 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect of film as 1 mrhm of hard gamma rays of radium filtered by ½ inch of lead.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

In § 74.586 add paragraph (h) (15 F. R. 8355, Dec. 2, 1950) to read as follows:

§ 74.586 *Handling explosives and other dangerous articles.* • • •

(h) A container of radioactive material bearing red label must not be placed in cars, depots or other places closer than 3 feet to an area which may be continuously occupied by passengers, employees, or shipments of animals. When more than one such container is present, the distance from occupied areas must be computed from the table in subparagraph (2) of this paragraph by adding the number of units shown on labels on the containers.

(1) In a combination car carrying passengers and/or express shipments, a container of radioactive material must not be placed closer than 3 feet to the dividing partition. For more than one such container the distance must be computed by method described in subparagraph (2) of this paragraph.

(2) A container of radioactive material, red label, must not be placed closer than 15 feet to any package containing undeveloped film. If more than one such container is present, the distance must be computed from the table in this subparagraph by adding the number of units shown on the labels on the packages.

TABLE

Total number of units	Minimum distance in feet to nearest undeveloped film	Distance in feet to area that may be continuously occupied by passengers or employees	Distance in feet from dividing partition of a combination car
1 to 10	15	3	3
11 to 20	20	4	4
21 to 30	25	5	5
31 to 40	30	6	6

NOTE 1: The distance in the table must be measured from the nearest point of the radioactive container or containers.

NOTE 2: 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm. of hard gamma rays of radium filtered by ½ inch of lead.

(3) Not more than 40 units of radioactive material (red label) shall be transported in any car or stored in any location at one time.

(4) All containers of radioactive material (red label) must be carried by the handles when handles are provided.

PART 75—CARRIERS BY RAIL EXPRESS

In § 75.655 paragraph (j) (2) table amend the fourth column heading (15 F. R. 8359, Dec. 2, 1950) to read as follows: "Distance in feet from dividing partition of a combination car".

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

In § 78.55–2 amend paragraph (a) (15 F. R. 8417, Dec. 2, 1950) to read as follows:

§ 78.55 *Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.*

§ 78.55–2 *Type, spinning process, size and service pressure*—(a) *Type.* Cylinders must be of brazed type made from electric resistance welded tubing which has been certified to have been pressure tested to a fiber stress of 24,000 pounds per square inch, as calculated by the formula:

$$P=\frac{24{,}000(D^2-d^2)}{(1.3D^2+0.4d^2)}$$

where P is the pressure required for pressure testing of tubing. Pressure shall be maintained for not less than 30 seconds. Lengths of tubing that leak must be rejected. No repairs permitted.

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

1. In § 78.165–8 (a) table amend the subcolumn heading "Ends" by inserting a reference to a footnote 3; add footnote 3 to paragraph (a) table (15 F. R. 8460, Dec. 2, 1950) to read as follows:

[3] As provided by § 73.65 (a) (1), Note 1, of this chapter, boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end which must be not more than one inch by four inches and centered laterally not nearer than 1⅝ inches from top edge of end of box.

2. In § 78.168–3 add paragraph (b) (15 F. R. 8460, Dec. 2, 1950) to read as follows:

§ 78.168 *Specification 15A; wooden boxes, nailed.*

§ 78.168–3 *Ends.* • • •

(b) As provided by § 73.65 (a) (1), Note 1, of this chapter, wooden boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end

which must be not more than one inch by four inches and centered laterally not nearer than 1⅝ inches from top edge of end of box.

3. In § 78.185–9 add paragraph (b) (15 F. R. 8470, Dec. 2, 1950) to read as follows:

§ 78.185 *Specification 16A; plywood or wooden boxes, wirebound.*

§ 78.185–9 *Ends.* • • •

(b) As provided by § 73.65 (a) (1), Note 1, of this chapter, wooden boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end which must be not more than one inch by four inches and centered laterally not nearer than 1⅝ inches from top edge of end of box.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. In § 78.209–8 paragraph (a) (2) add Note 1 (20 F. R. 8110, Oct. 28, 1955) to read as follows:

§ 78.209 *Specification 12H; fiberboard boxes.*

§ 78.209–8 *Type authorized.* (a) • • • (2) • • •

NOTE 1: Hand-holes oval in shape, not more than 1 inch in width by 3 inches in length, and horizontal with top score line, are authorized in ends of top section of boxes.

2. In § 78.219–7 add paragraph (b) (17 F. R. 1564, Feb. 20, 1952) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219–7 *Type authorized.* • • •

(b) Hand-holes oval in shape, not more than 1 inch in width by 3 inches in length and horizontal with top score line, are authorized in ends of top section of full depth cover telescope type boxes.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.281–21 amend paragraph (a) (1) (22 F. R. 4794, July 9, 1957) to read as follows:

§ 78.281 *Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.281–21 *Marking.* (a) • • •

(1) ICC–103A–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103A–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

2. In § 78.282–20 amend paragraph (a) (1) (22 F. R. 4794, July 9, 1957) to read as follows:

§ 78.282 *Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.282–20 *Marking.* (a) • • •

(1) ICC–103B–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103B–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

3. In § 78.299–8 amend the section heading, and add paragraph (b) (21 F. R. 4623, June 26, 1956) to read as follows:

§ 78.299 *Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.*

§ 78.299–8 *Manway rings, safety vent flange, or other attachments.* • • •

(b) Botton washout nozzle may be riveted or fusion-welded. Riveted joints must be made metal to metal without interposition of other materials. Rivets, if used, must be driven hot and calked inside. For computing areas the effective diameter of a driven rivet is the diameter of its hole, which hole must in no case exceed nominal diameter of rivet by more than $\frac{1}{16}$ inch. Use of rivets of less than ⅝ inch diameter prohibited. Joints formed by attachment to tank must be calked on the inside. Fusion welding for securing this attachment to tank must be as prescribed in paragraph (a) of this section.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. In § 78.321–12 paragraph (a) amend the heading of Table I, and amend the heading of Table III in paragraph (b); amend entire § 78.321–13; in § 78.321–18 amend the section heading and paragraph (a), the introductory text of paragraph (b), paragraph (b) (2), and add paragraph (b) (6) (16 F. R. 11785, Nov. 21, 1951) (21 F. R. 7610, Oct. 4, 1956) (15 F. R. 8546, Dec. 2, 1950) to read as follows:

§ 78.321 *Specification MC 300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or of stainless steel.*

§ 78.321–12 *Thickness of steel sheets.* (a) • • •

TABLE I—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED, OR ROLLED) AND RING STIFFENERS

• • • • •

(b) *Thickness of high-tensile and stainless steel sheets.* • • •

TABLE III—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED, OR ROLLED) AND RING STIFFENERS

§ 78.321–13 *Cargo tanks constructed of a combination of mild and high-tensile steels or stainless steel.* (a) Mild steel sheets as specified in § 78.321–12 (a) may be used in combination with high-tensile steel sheets or stainless steel sheet as specified in § 78.321–12 (b) in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements for the material used in the construction for that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods on condition that the stainless steel electrodes or filler rods used in the welding be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturer of the stainless steel electrodes or filler rods.

§ 78.321–18 *Bulkheads, baffles, and ring stiffeners.* (a) No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than eighty percent (80%) full or in which no compartment of the tank is ever loaded less than eighty percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

• • • • •

(2) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

• • • • •

(6) (i) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

Width of tank	*Section modulus*
42 inches or less	0.0104L.[1]
Over 42 inches to 60 inches	0.0162L.[1]
Over 60 inches to 96 inches	0.0234L.[1]

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener.

(ii) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between any two adjacent baffles or ring stiffeners, or between any baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

• • • • •

3. In § 78.323–12 amend the section heading and paragraph (a) table; in § 78.323–13 amend the section heading and paragraph (a), amend the introductory text of paragraph (b), amend paragraph (b) (2), and add paragraph (b) (6) (15 F. R. 8550, 8551, Dec. 2, 1950) to read as follows:

§ 78.323 *Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B178–54T).*

§ 78.323–12 *Thickness of sheets and ring stiffeners.* (a) The minimum thickness of tank sheets and ring stiffeners shall be as follows:

Aggregate capacity, United States gallons	Shell		Head, dished, corrugated, or reinforced, and ring stiffener	
	United States gauge No.	Inch [1]	United States gauge No.	Inch [1]
600 or less	14	0.078	14	0.078
Over 600 to 1,200	12	.109	12	.109
Over 1,200:				
(a) Divided into compartments of 600 gallons or less	12	.109	10	.141
(b) If not divided into compartments, or if divided into compartments of 1,200 or more	10	.141	8	.172

[1] Approximate.

NOTE 1: Flat heads without reinforcement no longer permitted.

§ 78.323–18 *Bulkheads, baffles and ring stiffeners.* (a) No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than eighty percent (80%) full or in which no compartment of the tank is ever loaded less than eighty percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

• • • • •

(2) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

• • • • •

(6) (i) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR ALUMINUM RING STIFFENERS

Width of tank	*Section modulus*
42 inches or less	0.0180L.[1]
Over 42 inches to 60 inches	0.0280L.[1]
Over 60 inches to 96 inches	0.0400L.[1]

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener.

(ii) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between any two adjacent baffles or ring stiffeners, or between any baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

• • • • •

4. In § 78.324–12 paragraph (a) amend the entire table 1; in § 78.324–17 amend the section heading and paragraph (a),

§ 78.322–18 *Bulkheads, baffles and ring stiffeners.* (a) No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than eighty percent (80%) full or in which no compartment of the tank is ever loaded less than eighty percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles for ring stiffeners as follows:

• • • • •

(2) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

• • • • •

(6) (i) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR ALUMINUM RING STIFFENERS

Width of tank	*Section modulus*
42 inches or less	0.0180L.[1]
Over 42 inches to 60 inches	0.0280L.[1]
Over 60 inches to 96 inches	0.0400L.[1]

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener.

(ii) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between any two adjacent baffles or ring stiffeners, or between any baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

• • • • •

amend the introductory text of paragraph (b), amend paragraph (b) (2), and add paragraph (b) (6) (15 F. R. 8552, 8553, Dec. 2, 1950) to read as follows:

§ 78.324 *Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel.*

§ 78.324–12 *Thickness of sheets.*

(a) • • •

TABLE 1—MINIMUM THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS

Distances between bulkhead attachments to shell in inches	Volume capacity of tank in gallons per inch of length									
	6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
	Bulkhead and baffle (dished, corrugated, or reinforced) sheet and ring stiffener thicknesses in United States gauge numbers and inches depending upon distances between attachments thereof to shell									
	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.
30 inches or less	17	0.056	16	0.062	15	0.070	14	0.078	13	0.094
Over 30 inches	16	.062	15	.070	14	.078	13	.094	12	.109

NOTE 1: Flat heads without reinforcement no longer permitted.

§ 78.324–17 *Bulkheads, baffles, and ring stiffeners.* (a) No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than eighty percent (80%) full or in which no compartment of the tank is ever loaded less than eighty percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

• • • • •

(2) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

• • • • •

(6) (i) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

Width of tank	*Section modulus*
42 inches or less	0.0104L.[1]
Over 42 inches to 60 inches	0.0162L.[1]
Over 60 inches to 96 inches	0.0234L.[1]

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener.

(ii) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus twenty (20) times the shell thickness adjacent to the welds, whichever is less.

5. In § 78.325–8 paragraph (d) amend the first line in the first column in the first and third tables, now reading, "Heads, bulkheads and baffles" to read "Heads, bulkheads, baffles, and ring stiffeners"; in § 78.325–9 amend the section heading, and amend paragraph (d); in § 78.325–14 amend paragraphs (a) and (b) (20 F. R. 8113, 8114, Oct. 28, 1955) (22 F. R. 2237, April 4, 1957) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids, class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100° F.*

§ 78.325–9 *Bulkheads, baffles, and ring stiffeners.* • • •

(d) (1) Baffles for shell stiffeners: Every cargo tank or compartment of a cargo tank over ninety inches (90 in.) in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener and the nearest tank head or bulkhead shall not exceed sixty inches (60 in.). Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

Width of tank	Section modulus	
	Steel	Aluminum
42 inches or less	0.0104 L [1]	0.0180 L.[1]
Over 42 inches to 60 inches	0.0162 L [1]	0.0280 L.[1]
Over 60 inches to 96 inches	0.0234 L [1]	0.0400 L.[1]

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener.

(2) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus twenty (20) times the shell thickness adjacent to the welds, whichever is less.

§ 78.325–14 *Safety devices*—(a) *Safety relief devices required.* Each tank and each compartment of a tank shall be provided with one or more safety relief valves of the springloaded type, provided that emergency pressure relief devices may be used for part of the required capacity thereof. All such valves and devices shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank. The emergency pressure relief devices shall be either springloaded type or frangible type.

(b) *Relief device capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 pounds per square inch gauge (25 psig.), and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 40 pounds per square inch gauge (40 psig.) they shall have a discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 35 square feet (35 sq. ft.) of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required; alternatively, such valve or valves may at a pressure of 30 pounds per square inch gauge (30 psig.) have a total discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 350 square feet (350 sq. ft.) of exterior area of the tank or compartment to which they are connected, if in addition thereto each such tank or compartment be provided with one or more frangible-type safety devices having a total discharge capacity not less than that of an unobstructed opening of nine square inches (9 sq. in.) for each 350 square feet (350 sq. ft.) of exterior area and bursting pressure not less than 30 pounds per square inch gauge (30 psig.) nor more than 40 pounds per square inch gauge (40 psig.).

6. Add § 78.326 (15 F. R. 8554, Dec. 2, 1950) to read as follows:

§ 78.326 *Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction.* To be mounted on and to form part of tank motor vehicles for transportation of flammable liquids and poisonous liquids, class B.

§ 78.326–1 *Scope.* (a) This specification is primarily designed to apply to cargo tanks of tank motor vehicles to be used for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.326–2 *New cargo tank motor vehicles.* (a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of this specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank motor vehicle is employed in the transportation of flammable liquids or poisonous liquids, class B by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such cargo tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

§ 78.326–3 *Novel cargo tanks of tank motor vehicles, special authorization.* (a) The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new cargo tank motor vehicles which fail to meet the requirements of this specification. In the event of such authorization, the carrier shall furnish those details concerning the design and construction of the tank as seem necessary for the determination of its ability safely to transport flammable liquids or poisonous liquids, class B.

§ 78.326–4 *Marking of cargo tanks*—(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's serial number [1]
Manufacturer's name
Date of manufacture
ICC MC 305

Nominal tank cap'y---------- U. S. gallons

(b) *Test date markings.* The date of the last test or retest required by this specification and the due date of the next required routine test or retest shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Certification by markings.* The markings specified in paragraphs (a) and (b) of this section shall serve to certify that the tank complies with all requirements of this specification.

[1] Carriers are not required to number their cargo tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

§ 78.326–5 *No hazardous repairs on loaded motor vehicles.* (a) No repairs shall be performed on any motor vehicle containing any flammable liquid or poisonous liquid, class B, or on a cargo tank, whether empty or loaded, except in such cases that such repair can be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

§ 78.326–6 *No repair with flame unless gas-free.* (a) No repair of a cargo tank used for the transportation of any flammable liquid or poisonous liquid, class B, or any compartment thereof, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless the tank or compartment shall first have been made gas-free.

§ 78.326–7 *Times of retesting of cargo tanks.* Every cargo tank used for the transportation of any flammable liquid or poisonous liquid, class B, shall be tested or retested as follows:

(a) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it shall successfully have fulfilled the requirements set forth under § 78.326–8.

(b) *Specification tanks.* Every cargo tank complying with the requirements of this specification shall be tested at least once in every 5 year period. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5 year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.326–8; and if no such tests have ever been made, such tanks shall be tested within 6 months after ----------

(c) *Novel cargo tanks.* Every cargo tank which shall have been authorized by this Commission for transportation of flammable liquids or poisonous liquids, class B under the provisions of § 78.326–3 shall be tested under requirements specifically set forth in the terms of such authorization.

(d) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under § 78.326–8; if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(e) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commision may, in its discretion, cause any cargo tank to be retested in accordance with the requirements of § 78.326–8 at any time.

§ 78.326–8 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) Every cargo tank to which this specification applies shall be tested by pressure prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

§ 78.326–9 *Workmanship, general.* (a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

§ 78.326–10 *Material.* (a) All sheets for shell, heads, bulkheads, and baffles of such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation) GR40A (5154 commercial designation) or GM40A (5086 commercial designation) conforming to American Society for Testing Materials Specification B178–54T.

§ 78.326–11 *Thickness of sheets.* (a) The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets; as follows:

TABLE I—THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS [1]

	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
	Heads or bulkheads—dished, corrugated or reinforced			
Thickness in decimal of inches	0.096	0.109	0.130	0.151

[1] Thickness of exterior head sheets shall never be less than the maximum requirements for shell sheets.

TABLE II—THICKNESS OF SHELL SHEETS

Distance between bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners			
36 inches or less	0.087	0.087	0.096	0.109
Over 36 inches to 54 inches	.087	.097	.109	.130
Over 54 inches	.096	.109	.130	.151
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 70 inches or more, but less than 90 inches, depending on spacing of shell stiffeners			
36 inches or less	0.087	0.096	0.109	0.130
Over 36 inches to 54 inches	.096	.109	.130	.151
Over 54 inches	.109	.130	.151	.173
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 90 inches or more, but less than 125 inches, depending on spacing of shell stiffeners			
36 inches or less	0.096	0.109	0.130	0.151
Over 36 inches to 54 inches	.109	.130	.151	.173
Over 54 inches	.130	.151	.173	.194
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 125 inches or more, depending on spacing of shell stiffeners			
36 inches or less	0.109	0.130	0.151	0.173
Over 36 inches to 54 inches	.130	.151	.173	.194
Over 54 inches	.151	.173	.194	.216

§ 78.326–12 *Joints*—(a) *Method of joining.* All joints in and to tank shells, head and bulkheads shall be welded.

(b) *Strength of joints.* All welded aluminum joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall not be less than 85 percent of the annealed properties of the material in question. Aluminum alloys for high-strength welded construction shall be joined by an inert gas arc welding process using filler metals R–GR40A, E–GR40A (5154 alloy) or R–GM50A, E–GM50A (5356 alloy) conforming to American Society of Testing Materials Specification No. B285–54T (American Welding Society Specification No. A5, 10–54T). Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two (2) test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within six (6) months after the tests on such samples have been completed.

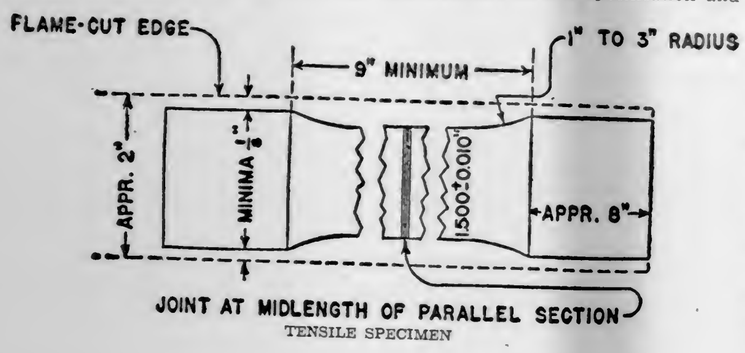

TENSILE SPECIMEN

§ 78.326–13 *Tank outlets.* (a) Outlet fixtures of tanks shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.326–14 *Bulkheads, baffles and ring stiffeners*—(a) *When bulkheads not required.* The bulkhead requirement in subparagraph (b) of this section does not apply to any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent (80%) full or in which no compartment of the tank is ever loaded less than 80 percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point. Flat bulkheads and baffles without reinforcement not permitted.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section every cargo tank having a total capacity in excess of 1,800 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be arranged for venting and be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* (1) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.). Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

Width of tank	Section modulus
42 inches or less	0.0180L.[1]
Over 42 inches to 60 inches	0.0280L.[1]
Over 60 inches to 96 inches	0.0400L.[1]

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener.

(2) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus twenty (20) times the shell thickness adjacent to the welds, whichever is less.

§ 78.326–15 *Tank vents.* (a) Each tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of forty-four hundreds of a square inch (0.44 sq. in.), and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed two hundred degrees Fahrenheit (200° F.).

§ 78.326–16 *Valve and faucet connections.* (a) All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

§ 78.326–17 *Emergency discharge control.* (a) Each tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable aud effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet. The operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall also be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed two hundred degrees Fahrenheit (200° F.).

§ 78.326–18 *Shear section.* (a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

§ 78.326–19 *Protection of valves and faucets.* (a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected by steel bumpers or other equally effective devices, against collision.

§ 78.326–20 *Overturn protection.* (a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

§ 78.326–21 *Tank supports.* (a) The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener, shall not exceed forty (40) times the thickness of the tank shell at the point of support.

§ 78.326–22 *Anchoring of tank.* (a) Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the tank to prevent movement between them due to starting, stopping and turning. These stops or anchors shall be installed so as to be readily accesible for inspection and maintenance except that lagging for lagged tanks is permitted to cover such stops and anchors.

(c) *Anchoring integral tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the tank.

§ 78.326–23 *Pumps.* (a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power take-off or other mechanical, electrical or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

7. In § 78.330–8 amend paragraph (a) (15 F. R. 8555, Dec. 2, 1950) to read as follows:

§ 78.330 *Specification MC 310; cargo tanks.*

§ 78.330–8 *Must comply with A. S. M. E. Code.* (a) Tanks built under this specification shall be designed and constructed in accordance with the A. S. M. E. Code for Unfired Pressure Vessels, 1949, 1950, 1951, or 1952 editions, no revisions, which is hereinafter referred to as "the Code".

8. In § 78.331–8 amend paragraph (a); in § 78.331–9 amend paragraph (a) (18 F. R. 6783, 6784, Oct. 27, 1953) to read as follows:

§ 78.331–*Specification MC 311; cargo tanks.*

§ 78.331–8 *Design requirements*—(a) *A. S. M. E. Code construction.* Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with the A. S. M. E. Code for Unfired Pressure Vessels, 1949, 1950, 1951, or 1952 editions—no revisions, except that wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply. Such tanks shall not have head, bulkhead, baffle or shell thicknesses less than that specified in paragraphs (c) and (d) of this section, nor shall the spacing of bulkheads, baffles, or shell stiffeners exceed that specified in those sections.

§ 78.331–9 *Materials.* * * *

(a) *A. S. M. E. Code materials.* Cargo tanks required to comply with the A. S. M. E. Code for Unfired Pressure Vessels must be manufactured of materials authorized by the Code except that wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.

Section, Paragraph, and Reason for Amendment

71.8 (f) (1): To insure safe use of large containers.

72.5 (a) Commodity List: Makes additions, changes, and cancellations to keep commodity list on a current basis.

73.21 (d): To provide adequate restrictions on shipping certain cigarette lighters and self-lighting cigarettes.

73.31 (a): Service trials no longer required account fusion welding acceptable.

73.31 (a): table: Provides for the alternate use of spec. 105A100–W and 105A100AL–W tank cars.

73.31 (a) table, Note 12: Provides for the upgrading of spec. 105A100–W and 105A100-AL–W tank cars.

73.31 (f): Provides certificate that altered tank cars comply with a given specification.

73.31 (g) (10): Indicates that tank car tanks must be retested in accordance with the test pressure under which they were fabricated and classified.

73.31 (h): Clarification.

73.92 (d): Removes certain restrictions against shipping jet thrust units by rail express.

73.93 (f) (1): Requires marking of outside container to coincide with commodity description.

73.135 (a) (9): Authorizes the use of spec. MC 304 tank motor vehicles for certain flammable chlorosilanes.

73.141 (a) (9): Authorizes certain cylinders for various mercaptans.

73.141 (b): Exempts necessity to regulate limited amounts of warning or odorizing devices.

73.153 (c) (65), (66), (67): Clarifies that certain hafnium metal products and dimethylhexane dihydroperoxide are regulated.

73.157 (a): Provides packaging requirements for the transportation of dimethylhexane dihydroperoxide, wet.

73.158 (a): Provides packaging requirements for the transportation of dimethylhexane dihydroperoxide, dry.

73.158 (a) (3): Authorizes greater gross weight of package containing certain peroxides.

73.187 (a) (1): Clarifies that inside metal containers for peroxide of sodium must be airtight.

73.221 (a) (2), (3): Authorizes the use of metal inside containers for certain liquid peroxides.

73.235 (a): Coincides the commodity name with the description in § 72.5.

73.244 (c) (11): Makes the commodity name uniform with the description in § 72.5.

73.272 (f) (3), (i) (5), (6): The provisions of paragraphs (i) (5), and (6) are now in paragraphs (f) (2) and (3), respectively, for consistency.

73.273 (a) (5): Authorizes spec. MC 310 and MC 311 tank motor vehicles for the transportation of stabilized sulfur trioxide.

73.281 Heading and (a): Makes the commodity name uniform with the description in § 72.5.

73.306 (c) (1): Authorizes the transportation of refrigerant gases in spec. 2P inside metal containers not equipped with safety devices.

73.308 (a) table: Authorizes the use of spec. 41 cylinder for dichlorodifluoromethane.

73.372 Heading and (a): Makes the commodity name uniform with the description in § 72.5.

73.392 (c): Provides certain exemptions from the regulations for salts of natural uranium and thorium.

74.532 (j) (1): Provides for the shipment of a limited amount of radioactive materials.

74.586 (h): Provides distance charts for the safe handling of radioactive materials by rail freight.

75.655 (j) (2): Corrects a printing error.

78.55–2 (a): Authorizes the tubing manufacturer, cylinder manufacturer, or qualified agency to conduct pressure test on spec. 4B240ET cylinders.

78.165–8 (a) table and footnote 3: Authorizes spec. 14 wooden box to be constructed with hand-holes when used for certain high explosives.

78.168–3 (b): Reason for § 78.165–8 applies also to spec. 15A wooden box.

78.185–9 (b): Reason for § 78.165–8 applies also to spec. 16A wooden box.

78.209–8 (a) (2) Note 1: Authorizes hand-holes in full depth telescope type spec. 12H fiberboard box.

78.219–7 (b): Authorizes hand-holes in full depth telescope type spec. 23H fiberboard box.

78.281–21 (a) (1): Corrects an omission.

78.282–20 (a) (1): Corrects an omission.

78.299–8 (a) and (b): Authorizes bottom washout nozzle to be riveted as well as fusion-welded on spec. 103A–N–W tank car.

78.321–12 (a) Table I heading, and (b) Table III heading: Provides minimum thickness for ring stiffeners on spec. MC 300 cargo tanks.

78.321–13 (a): Authorizes the combination of stainless steel with mild and high-tensile steels for the construction of spec. MC 300 cargo tanks.

78.321–18 (a): Clarifies the condition under which bulkheads are not required for cargo tank.

78.321–18 (b), (b) (2), (b) (6): Provides requirements for the optional use of ring stiffeners in lieu of baffles.

78.322–12 Heading and (a) table: Provides minimum thickness for ring stiffeners and prohibits use of flat heads without reinforcement in the construction of spec. MC 301 cargo tanks.

78.322–18 (a): Clarifies the conditions under which bulkheads are not required for cargo tank.

78.322–18 (b), (b) (2), (b) (6): Provides requirements for the optional use of ring stiffeners in lieu of baffles.

78.323–12 Heading and (a) table: Provides minimum thickness for ring stiffeners and prohibits use of flat heads without reinforcement in the construction of spec. MC 302 cargo tanks.

78.323–18 (a): Clarifies the conditions under which bulkheads are not required for cargo tank.

78.323–18 (b), (b) (2), (b) (6): Provides requirements for the optional use of ring stiffeners in lieu of baffles.

78.324–12 (a) Table 1: Provides minimum thickness for baffles and ring stiffeners; prohibits use of flat heads without reinforcement in the construction of spec. MC 303 cargo tanks.

78.324–17 (a): Clarifies the conditions under which bulkheads are not required for cargo tank.

78.324–17 (b), (b) (2), (b) (6): Provides requirements for the optional use of ring stiffeners in lieu of baffles.

78.325–8 (d)—1st and 3d tables: Provides minimum thickness for ring stiffeners for spec. MC 304 cargo tanks.

78.325–9 Heading and (d): Provides requirements for the optional use of ring stiffeners in lieu of baffles.

78.325–14 (a), (b): Authorizes an alternate means of satisfying the safety relief devices requirements.

78.326 (entire section): Provides for the construction of new spec. MC 305 for the transportation of flammable liquids and poisonous liquids, class B.

78.330–8 (a): Provides for the construction of spec. MC 310 cargo tank under later editions of the A. S. M. E. Code for Unfired Pressure Vessels.

78.331–8 (a): Exempts spec. MC 311 cargo tanks from the Code requirements pertaining to the maximum limits of tensile value of materials.

78.331–9 (a): Same as § 78.331–8.

[F. R. Doc. 57–8649; Filed, Oct. 23, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

UNIONVILLE SALE CO.

PROPOSED POSTING OF STOCKYARD

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the Unionville Sale Co., Unionville, Missouri, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of October 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57–8772; Filed, Oct. 23, 1957; 8:51 a. m.]

Commodity Stabilization Service

1958 CROP SUGAR BEETS

NOTICE OF HEARINGS ON WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Detroit, Michigan, December 3, 1957 in Room 859, Federal Building, at 10:00 a. m.;

At Fargo, North Dakota, December 6, 1957 in the Student Lounge, Library Building, North Dakota Agricultural College, at 10:00 a. m.;

At Billings, Montana, December 9, 1957 in the Roosevelt School Building, 4th Avenue North at 23d Street, at 10:00 a. m.;

At Salt Lake City, Utah, December 11, 1957 in Room 230, Federal Building, at 10:00 a. m.;

At Greeley, Colorado, December 13, 1957 in the Camfield Hotel, at 10:00 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon and western Nevada, for the 1958 crop on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1958 crop of sugar beets in regions other than those noted above to be paid under purchase or

toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the act.

Exhibit A set forth below contains proposed provisions to be included in the determination applicable to the 1958 crop. Attached to Exhibit A is an explanatory statement regarding the proposed provision.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to all points relative to the subject matter of the hearings and especially with regard to the proposals in Exhibit A.

The hearings after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood, Ward S. Stevenson, and William N. Garrott are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 18th day of October 1957.

[SEAL] LAWRENCE MYERS,
Director,
Sugar Division, CSS.

EXHIBIT A

PROPOSED FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN THE PRODUCTION, CULTIVATION, OR HARVESTING OF THE 1958 CROP OF SUGAR BEETS IN REGIONS OTHER THAN THE STATE OF CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

(a) *Requirements.* A producer of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon, and western Nevada shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm, in the production, cultivation, or harvesting of the 1958 crop shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker but after the beginning of work on the 1958 crop of sugar beets or the date of publication of this section in the FEDERAL REGISTER, whichever is later, not less than the following:

NOTE: The piecework rates used herein are based on the rates applicable to the 1957 crop and are solely for the purpose of illustration. They are not to be considered as the actual rates to be applicable to the 1958 crop.

(i) *When employed on a time basis:*

(a) For thinning, hoeing or weeding: -- cents per hour.

(b) For pulling, topping or loading: -- cents per hour.

(ii) *When employed on a piecework basis for thinning, hoeing, weeding or harvesting.* The piecework rates for the operations of thinning, hoeing, weeding, pulling, topping or loading shall be those agreed upon between the producer and the worker: *Provided,* That the average hourly rate of earnings paid to each worker for each operation shall be not less than -- cents per hour for thinning, hoeing or weeding, and -- cents per hour for pulling, topping or loading, when computed on the basis of the total time employed on the farm for that operation: *Provided further,* That in lieu of agreed upon piecework rates with a minimum hourly guarantee of earnings to workers as provided above, the producer shall pay not less than the following piecework rates for the operations specified:

Hand labor operations and methods of cultivation	Wage district I: Michigan, Ohio, Illinois, Indiana, Wisconsin, Minnesota, Iowa, North Dakota (Eastern)	Wage district II: Colorado, Nebraska, South Dakota, Wyoming, Montana, North Dakota (Western) Utah, Idaho (Southern and Eastern), Kansas, New Mexico, Texas, Nevada (Northern)	Wage district III: Idaho (Western), Oregon (except Southern), Washington
First hoeing completely machine thinned fields or hoe-thinning only on fields with any type cultivation	$9.00	$9.50	$9.00
Hoe and finger thinning partially machine thinned fields	11.00	11.50	11.00
Hoe and finger thinning fields which have not been machine thinned	14.00	14.50	14.00
First hoeing, except completely machine thinned fields	5.50	6.00	7.50
Second and each subsequent hoeing or weeding	3.50	4.00	6.00

Combined operations. A written agreement between the producer and the worker is required in instances where a combined rate for "summer work" is agreed upon. In such case, the rate for "summer work" regardless of the number of hoeings or weedings required, shall be the sum of the applicable thinning, hoeing, and weeding rates specified above. In the absence of a written agreement, the rate for each operation performed by the worker shall be the applicable rate specified above.

Wide row planting. The above thinning, hoeing, or weeding rates may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

(iii) *When employed on a time or piecework basis for other operations.* For operating mechanical equipment, irrigating, and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, the rate shall be as agreed upon between the producer and the worker.

Statement. The foregoing provisions set forth proposed wage rate requirements for the 1958 crop of sugar beets other than in California and adjacent regions.

Wage determinations have been issued for the sugar beet area beginning with the harvesting of the 1937 crop. The early determinations provided specific piecework rates for a number of wage districts, the rate differentials between such districts having been based upon historical wage patterns, differences in labor supply sources, man-hour requirements and cultural practices, and other pertinent factors. Historically, the piecework method of payment has been used in the sugar beet area due to the nature of the work and the types of workers available. Since 1941 significant changes have occurred in the elements which are considered in developing a piecework rate structure. Among the more important of these changes was the development of processed seed, mechanical harvesting, increased use of mechanical thinning of sugar beets, changes in methods of cultivation, variations in the methods of performing hand labor operations and changes in the labor supply pattern.

Throughout this period efforts were made to recognize in the piecework rate scale of the determination the effects on wage rates of the many changes which occurred. As a result, the wage determinations of recent years have become complex and subject to misinterpretation of producers and workers.

Intensive studies have been made to ascertain a more practical approach to the problem of wage determinations within the concepts of the wage provisions of the Sugar Act. These studies have revealed that:

(a) Provision for the piecework method of payment should be continued because of preference for such method by many producers and workers;

(b) Producers and workers have assumed greater responsibility in negotiating wage rates;

(c) Greater flexibility is needed in the piecework rate structure to give increased recognition to changes in hand labor operations and improvements in agricultural practices;

(d) Man-hour requirements for the several hand labor operations indicate less variation throughout the sugar beet producing area than in former years;

(e) The labor supply pattern has become more uniform throughout the sugar beet area.

Accordingly, these proposed provisions have been developed to recognize current conditions. The following changes are proposed as compared with the 1957 crop determination:

1. The number of wage districts has been reduced from 8 to 3. The reduction in the number of wage districts is based upon the 3 significant geographical regions of the sugar beet area other than California. Studies indicate that man-hour requirements for the several operations are similar for the states or parts of states within each of the three wage districts.

2. The reference that rates for certain operations are applicable to fields planted with processed seed is eliminated and the specific rate for certain operations applicable to fields planted with whole seed has been excluded. Most sugar companies do not issue whole seed and it is expected that only processed seed or mono-germ seed will be planted for the 1958 and subsequent crops.

3. The separate rate for first hoeing following hoe thinning only has been deleted. The man-hour requirements for this operation do not appear to be substantially different in most districts from those for first hoeing following hoe and finger thinning.

4. The qualifications applicable to the rate for first hoeing following complete machine thinning have been omitted. These qualifications appear to be no longer necessary in view of advances in machine thinning and changes in worker requirements.

5. The rate reductions applicable to hoeing and weeding where cross-cultivation is performed prior to such operations have been eliminated. The practice of cross-cultivation prior to hoeing and weeding has been discontinued by most producers.

6. The piecework rate for the operations of first hoeing completely machine thinned fields and hoe-thinning only on fields with any type cultivation, have been combined.

These operations are similar in regard to method of work and man-hour requirements.

7. Producers and workers may agree upon the piecework rate for any hand labor operation of thinning, hoeing or weeding provided that the earnings of the worker are not less than the hourly rate specified for the operation involved.

In summary the proposed wage rate provisions provide for the three separate wage districts, specific piecework rates for stated operations of thinning, hoeing or weeding sugar beets and permit the use of the hourly rate of payment, or agreed-upon piecework rates with a minimum hourly guarantee of earnings for workers, for any hand labor operation in the thinning, hoeing, weeding, pulling, topping or loading of sugar beets. The piecework rates specified in this proposal are based on the rates provided in the 1957 determination and reflect the adjustments that would appear to be equitable. The effect of these adjustments would be nominal particularly in view of the fact that the rates paid have exceeded the determination rates in many regions.

It is anticipated that the hourly rates and the provision for agreed-upon piecework rates for thinning, hoeing, and weeding will provide the necessary flexibility in the wage determination to meet changes in types of seed planted and changes in cultivation practices or in methods of performing hand labor operations, and will provide a means for reducing labor costs for those producers who prepare, plant, and cultivate their fields in the most efficient manner. The proposed provisions also have the effect of placing greater responsibility on producers and workers for the development of agreed-upon wage rates.

No changes are proposed in other provisions of the wage determination relating to compensable working time, rate applicability and workers covered, proof of compliance, subterfuge, and claims for unpaid wages.

[F. R. Doc. 57-8729; Filed, Oct. 23, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 17, 1957.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Oregon 05337, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not including the mineral leasing laws. The withdrawal, if made, will be subject to valid existing rights. The applicant desires the land for the Bald Ridge Administrative Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1001 NE. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 11 S., R. 40 E.,
Sec. 23: SW¼SW¼, W½SE¼SW¼
Sec. 26: NW¼NW¼, W½NE¼NW¼.
Baker County, 120.00 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 57-8738; Filed, Oct. 23, 1957; 8:45 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 16, 1957.

Bureau of Sport Fisheries and Wildlife has filed an application, Serial No. Idaho 08499, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws including the Mining Laws, but not the Mineral Leasing Laws. The applicant desires the land for use in connection with the Snake River National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Thirteen unsurveyed islands on the Idaho side of the Snake River extending from Homedale downstream to Olds Ferry in the following subdivisions:

BOISE MERIDIAN, IDAHO

T. 4 N., R. 5 W.,
Sec. 29.
T. 7 N., R. 5 W.,
Sec. 29.
T. 9 N., R. 5 W.,
Secs. 2 and 15.
T. 10 N., R. 5 W.,
Secs. 17 and 20.
T. 5 N., R. 6 W.,
Secs. 14, 15, 22 and 23.
T. 6 N., R. 6 W.,
Secs. 26 and 27.
T. 11 N., R. 6 W.,
Secs. 19, 20, 35 and 36.

The area includes approximately 264 acres.

NOLAN F. KEIL,
Acting State Supervisor.

[F. R. Doc. 57-8739; Filed, Oct. 23, 1957; 8:45 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 16, 1957.

Bureau of Sport Fisheries and Wildlife has filed an application, Serial No. Idaho 06678, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and general mining laws, but not the Mineral Leasing Laws. The applicant desires the land for the Grandview Snake River Wildlife management area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 5 S., R. 3 E.,
Sec. 4, Lot 5;
Sec. 9, Lots 1, 4, N½NE¼, NE¼SE¼, SE¼NE¼.

This area includes 291.60 acres.

NOLAN F. KEIL,
Acting State Supervisor.

[F. R. Doc. 57-8740; Filed, Oct. 23, 1957; 8:45 a. m.]

ALASKA

TALKEETNA TOWNSITE; NOTICE OF SALE

Notice is hereby given that there will be offered at public sale to the highest bidder at 1:00 p. m. on November 18, 1957, in the Fairview Inn, Talkeetna, Alaska, the lots listed at the end of this notice.

These lots will not be sold for less than the appraised price. No bid exceeding that amount will be accepted unless made in multiples of $5. Bids may be offered by all who may care to do so, and when there will be no further offers, the lots will be declared sold to the last and highest bidder.

Full payment may be made in cash, postal money order, or bank draft at the date of sale. On all bids, a minimum of $100 will be required at time of sale. The balance must be paid to the Manager, Anchorage Land Office, within three months from date of sale. A charge of 4 percent will be made on the deferred balance. If any person who has made partial payment for a lot fails to make succeeding payment, the money theretofore paid and his rights to the lot will be forfeited.

The officer conducting the sale is authorized to reject any and all bids, to suspend, adjourn, or postpone the sale of the lots, and to reappraise the lots at the time of sale or after the sale has been adjourned or closed. If the lots remain unsold, they may, at the discretion of the Superintendent of Sales, be sold at private entry for the appraised price. Lots, the rights to which have been declared forfeited for nonpayment of the succeeding installment, or for any other reason, shall be subject to private entry upon reappraisement at the sale price. All persons are warned against violation of the provisions of 18 U. S. C., 1860, prohibiting unlawful combinations or intimidation of bidders.

Following are the lots being offered for sale, the area embraced by each and the minimum acceptable bids for these lots:

Block 26:	
Lot 1, 31,000 square feet	$250.00
Lot 2, 31,000 square feet	200.00
Lot 5, 16,002 square feet	200.00
Lot 7, 31,000 square feet	200.00
Lot 8, 31,000 square feet	250.00
Lot 9, 31,000 square feet	250.00
Block 27:	
Lot 1, 32,550 square feet	150.00
Lot 2, 32,550 square feet	150.00
Lot 3, 32,550 square feet	250.00
Lot 4, 32,550 square feet	250.00
Lot 5, 32,550 square feet	150.00
Lot 6, 32,550 square feet	150.00
Block 28:	
Lot 1, 44,100 square feet	200.00
Lot 2 44,100 square feet	200.00
Lot 3, 44,100 square feet	300.00
Block 29:	
Lot 1, 42,000 square feet	300.00
Lot 2, 42,000 square feet	250.00
Lot 3, 21,460 square feet	200.00

ROGER R. ROBINSON,
Superintendent of Sales,
Alaska Railroad Townsites.

[F. R. Doc. 57-8741; Filed, Oct. 23, 1957; 8:45 a. m.]

Bureau of Mines

ASSISTANT DIRECTOR—HELIUM

REDELEGATION OF AUTHORITY TO EXECUTE CONTRACTS FOR SALE, PRODUCTION, AND DISTRIBUTION

.1 *Redelegation of authority to execute contracts for sale of helium.* Pursuant to the authority delegated to the Director, Bureau of Mines by Secretary's Order No. 2302 of March 13, 1947 (12 F. R. 1840), as amended February 26, 1955, by Amendment No. 1 to Order 2302 (20 F. R. 1349), final authority to execute contracts for the sale of helium is hereby redelegated to the Assistant Director—Helium, except that where the Assistant Director—Helium or any official of the Bureau connected with the sale of helium has information or reason to believe that the helium is to be (1) exported; (2) used in airship flights to foreign countries; or (3) used for novel industrial purposes, the Assistant Director—Helium shall transmit to the Secretary of the Interior, through the Director, Bureau of Mines, all relevant papers, with any evidence that he or any officials of the Bureau connected with the sale of helium may have concerning the proposed use of the helium and the prospective purchaser or purchasers. In addition, he shall specify whether he believes the provision for liquidated damages referred to in 30 CFR 1.14 (c) should be invoked, and if so, the amount of such damages. The Assistant Director—Helium may, by written order published in the FEDERAL REGISTER, redelegate to the Chief, Helium Operations the authority granted in this paragraph.

.2 *Redelegation of authority to execute contracts for the production and distribution of helium gas.* Pursuant to the authority delegated to the Director, Bureau of Mines by Secretary's Order No. 2785 of January 18, 1955 (20 F. R. 552), the Assistant Director—Helium, is hereby redelegated the authority to make negotiated purchases or contracts for supplies and services necessary for the production and distribution of helium gas, provided that the facts are such as to bring the purchase or contract in question within the provisions of paragraphs (1), (2), (3), (4), (9), (10), (12), (13), or (14), of section 302 (c) of the Federal Property and Administrative Services Act of 1949 as amended (41 U. S. C., Sec. 251 et seq.), and to make written determinations that the facts are such as to bring the purchase or contract in question within the provisions of paragraphs (1), (2), (3), (4), (9), (13), or (14) of section 302 (c) of the act.

The above authority may not be redelegated and is subject to the fiscal limitations set forth in paragraph 205.2.4A (1) of the Manual (21 F. R. 1205).

THOS. H. MILLER,
Acting Director,
Bureau of Mines.

[F. R. Doc. 57-8756; Filed, Oct. 23, 1957; 8:48 a. m.]

Fish and Wildlife Service

[Director's Order No. 2]

DESIGNATED OFFICIALS OF BUREAU OF COMMERCIAL FISHERIES

DELEGATION OF AUTHORITY FOR NEGOTIATED PURCHASES AND CONTRACTS

OCTOBER 18, 1957.

SECTION 1. *Delegation.* The officers and employees designated in this section are severally authorized, subject to the provisions of section 2 of this order, to exercise the following authority under the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), delegated by the Administrator of General Services to the Secretary of the Interior:

(a) Except as provided in section 2 of this order, the authority contained in the delegation dated January 15, 1951 (16 F. R. 515), to negotiate, without advertising, purchases and contracts of the supplies and services described in this paragraph may be exercised by the officers and employees designated below in relation to the respective class of supplies or services, limited to the amounts indicated in each case, when it is determined that the facts are such as to bring the particular purchase or contract within the cited provisions of the act.

(1) Subsection 302 (c) (4), to procure personal and professional services of naval architects and marine engineers.

(i) *Headquarters Organization.* Assistant Director, Bureau of Commercial Fisheries; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(ii) *Regional Offices.* Regional Directors and Assistant Regional Directors; and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(iii) *Other Offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations, $100,000.

(2) Subsection 302 (c) (5), to procure services to be rendered by any university, college, or other educational institution.

(i) *Headquarters Organization.* Assistant Director, Bureau of Commercial Fisheries, unlimited as to amount.

(3) Subsection 302 (c) (7), to procure medicines and medical supplies required to be furnished to the inhabitants of the Pribilof Islands.

(i) *Headquarters Organization.* Assistant Director, Bureau of Commercial Fisheries; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(ii) *Regional Offices.* Regional Director, and Assistant Regional Director, Region 1; and Administrative Officer and Property Management Officer, Region 1, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(iii) *Other Offices.* General Manager, Pribilof Islands Reservation, $5,000.

(4) Subsection 302 (c) (9), to procure perishable and semiperishable foods.

(i) *Headquarters Organization.* Assistant Director, Bureau of Commercial Fisheries; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(ii) *Regional Offices.* Regional Directors and Assistant Regional Directors; and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, $100,000.

(iii) *Other Offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations, $100,000; all project leaders in charge of fish cultural stations, laboratories, experimental projects or vessels, $10,000; and General Manager, Pribilof Islands Reservation, $5,000.

(5) Subsection 302 (c) (10) to procure experimental, developmental, or research work or the manufacture or furnishing of supplies for experimentation, development, research, or test in connection with research and development programs.

(i) *Headquarters Organization.* Assistant Director, Bureau of Commercial Fisheries, unlimited as to amount: *Provided*, That no contract may be entered into pursuant to this subparagraph until the written determination required under subsection 302 (c) (10) and section 307 (b) of the act has been made either by the Director or Assistant Director of the Bureau of Commercial Fisheries, when the contract will require the expenditure

of $25,000 or less; or until the written determination so required has been made by the Secretary of the Interior when the contract will require the expenditure of more than $25,000.

(b) Except as provided in section 2 of this order, the authority contained in the delegation dated April 21, 1955 (20 F. R. 2837), to negotiate, without advertising, under subsection 302 (c) (12), contracts for the purchase of outboard motors for use in Alaska may be exercised by the officers and employees designated in this paragraph in amounts not exceeding the monetary limits indicated in each case.

(1) *Headquarters Organization.* Assistant Director, Bureau of Commercial Fisheries; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(2) *Regional Offices.* Regional Directors and Assistant Regional Directors, Regions 1 and 5; and Administrative Officers and Property Management Officers, Regions 1 and 5, Office of the Commissioner, Fish and Wildlife Service, $100,000.

SEC. 2. *Limitations; exercise of authority.* (a) The authority granted by section 1 of this order does not include authority to make the written determination required by subsection 302 (c) (12) of the act irrespective of the amount of expenditure involved; nor authority to make the written determination required by subsection 302 (c) (10) of the act when a contract pursuant to that subsection will require the expenditure of more than $25,000. Until any such determination has been made by the Secretary of the Interior, no officer or employee of the Bureau of Commercial Fisheries shall enter into such a contract pursuant to subsections 302 (c) (10) or 302 (c) (12) of the act.

(b) The authority granted by section 1 of this order shall be exercised in accordance with applicable limitations and requirements in the act and in accordance with the policies, procedures and controls prescribed by the General Services Administration.

SEC. 3. *Redelegation.* The authority granted by this order may not be redelegated.

(Secretary's Order No. 2825; Commissioner's Order No. 3, 22 F. R. 8126)

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-8755; Filed, Oct. 23, 1957; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54468]

FOREIGN CURRENCIES

RATES OF EXCHANGE FOR FINLAND MARKKA

OCTOBER 18, 1957.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Finland markka between September 16, 1957, and September 30, 1957.

The Federal Reserve Bank of New York has certified rates of exchange for the Finland markka during the period from September 16, 1957, to September 30, 1957, which vary by 5 per centum or more from the rate ($0.00435401) first certified by the Bank under the provisions of section 522 (c), Tariff Act of 1930, as amended (31 U. S. C. 372 (c)), for a day in the quarter beginning July 1, 1957, as published in T. D. 54392.

Wherever, in connection with merchandise exported on the dates listed, it is necessary for customs purposes to convert Finnish currency into currency of the United States such conversion shall be at the rates certified by the Bank, as herewith published:

Finland Markka:

September 16, 1957	[1]	$0.00311756
September 17, 1957	[1]	.00311878
September 18, 1957	[1]	.00311878
September 19, 1957	[1]	.00311878
September 20, 1957	[1]	.00311878
September 23, 1957	[1]	.00311634
September 24, 1957	[1]	.00311807
September 25, 1957	[1]	.00311807
September 26, 1957	[1]	.00311807
September 27, 1957	[1]	.00311807
September 30, 1957	[1]	.00311807

[1] Nominal rate.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-8759; Filed, Oct. 23, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8957]

WESTERN TRANSPORTATION CO., INC; ENFORCEMENT CASE

NOTICE OF HEARING

In the matter of Western Transportation Co., Inc., doing business as W. T. C. Airfreight Enforcement Proceeding.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on December 2, 1957, at 10:00 a. m., e. s. t., in Room 2051, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., October 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8773; Filed, Oct. 23, 1957; 8:51 a. m.]

[Docket No. 8727]

BLATZ AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of Blatz Airlines, Inc. Enforcement Proceeding.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on November 5, 1957, at 10:00 a. m., e. s. t., in Room 1417, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., October 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8774; Filed, Oct. 23, 1957; 8:51 a. m.]

[Docket No. 8619]

CALIFORNIA AIR CHARTER, INC., AND D. W. MERCER; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of California Air Charter, Inc. and D. W. Mercer Enforcement Proceeding.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on November 19, 1957, at 10:00 a. m., e. s. t.. in Room E-224, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., October 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8775; Filed, Oct. 23, 1957; 8:51 a. m.]

[Docket No. 8258 et al.]

INTRA-AREA CARGO CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a public hearing in the above-entitled proceeding will be held on October 30, 1957, at 10 a. m., e. s. t., in room E-224, Temporary Building 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues presented by the dockets consolidated for hearing, particular attention will be directed to the issue of whether the provisions in the certificates of public convenience and necessity of Slick Airways, Inc., and The Flying Tiger Line, Inc., prohibiting intra-area operations should be modified or removed.

Notice is further given that any interested person other than the parties of record desiring to be heard regarding the issues involved in this proceeding must file with the Civil Aeronautics Board on or before October 30, 1957, a statement setting forth the matters of fact or law on which he desires to be heard.

Dated at Washington, D. C., October 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8776, Filed, Oct. 23, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12220; FCC 57-1145]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Tacoma, Wash.	227	
Olympia, Wash.	279	224
Centralia, Wash.	284	289

3. The purpose of the proposed amendment is to make Channel 280, a Class A channel, available for assignment to a new station in Tacoma, Washington, as proposed in an application (File No. BPH-2282) filed by Thomas Wilmot Read.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 207 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 29, 1957 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's Rules and Regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 16, 1957.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8771; Filed, Oct. 23, 1957; 8:51 a. m.]

[Docket No. 7634, etc.; FCC 57-1144]

ROBERT BURDETTE ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert Burdette, San Fernando, California, Docket No. 7634, File No. BP-4799; Charles R. Bramlett, Torrance, California, Docket No. 11978, File No. BP-9833; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; Radio Orange County, Inc., Anaheim, California, Docket No. 12218, File No. BP-11236; Anaheim-Fullerton Broadcasting Co., Inc., Anaheim-Fullerton, California, Docket No. 12219, File No. BP-11242; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of October 1957;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations to operate on 1190 kilocycles by Robert Burdette at San Fernando, California with a power of 5 kilowatts, daytime only; by Charles R. Bramlett at Torrance, California with a power of 250 watts, directional antenna, unlimited time; by Latin-American Broadcasting Corporation at Monterey Park, California with a power of 1 kilowatt, directional antenna, unlimited time; by Radio Orange County, Inc. at Anaheim, California with a power of 1 kilowatt, directional antenna, unlimited time; and by Anaheim-Fullerton Broadcasting Co., Inc. at Anaheim-Fullerton, California with a power of 1 kilowatt, directional antenna, unlimited time; and

It appearing that, by an Order released on April 10, 1957, the Commission designated for hearing in a consolidated proceeding the mutually exclusive applications herein of Robert Burdette, Charles R. Bramlett, and Latin-American Broadcasting Corporation; that, within ten days of said Order, Radio Orange County, Inc. and Anaheim-Fullerton Broadcasting Co., Inc. filed, on April 12 and 15, 1957, respectively, applications which are mutually exclusive therewith and are entitled, therefore, to be consolidated in said hearing proceeding, pursuant to § 1.724 (b) of the Commission's rules; and

It further appearing that Radio Orange County, Inc. and Anaheim-Fullerton Broadcasting Co., Inc. are legally, financially, technically, and otherwise qualified, except as may appear from the issues specified below, to construct and operate their proposed stations, but that operation of the stations as proposed would result in mutually destructive interference with each other and with the proposals herein by Robert Burdette, Charles R. Bramlett, and Latin-American Broadcasting Corporation; and

It further appearing that, in the event of a grant of the application of Radio Orange County, Inc., the construction permit should contain conditions that the permittee will take prompt corrective action necessary to eliminate any interference from harmonic or other spurious emissions to the FCC Monitoring Station at Santa Ana, California; and that, before program tests are authorized, Clifford Gill, 50.5 percent stockholder therein, will resign as Vice President of John Poole Broadcasting, Inc., licensee of Stations KBIG, Avalon, California, and KBIF, Fresno, California, in accordance with his statement to that effect in Exhibit 2 of this application; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant five applicants were notified of the foregoing by letter dated July 18, 1957, and that Radio Orange County, Inc. and Anaheim-Fullerton Broadcasting Co., Inc. were given thirty days in which to reply to said letter; and

It further appearing that timely replies were filed by Radio Orange County, Inc. and Anaheim-Fullerton Broadcasting Co., Inc.; and

It further appearing that in a letter dated August 15, 1957 Anaheim-Fullerton Broadcasting Co., Inc. pointed out that no notification has been made of the directional antenna pattern for the proposed operation of Station XERP on 1190 kilocycles with a power of 50 kilowatts at Guadalajara, Jalisco, Mexico, submitted what it believes to be a reasonable directional pattern for the XERP proposal; claims that the proposals of Charles R. Bramlett and Radio Orange County, Inc. would not protect a station operating with said assumed directional pattern; and, therefore, requests that an issue be included in the instant hearing to determine whether said applications are in compliance with §§ 1.300 (b) and 3.28 (b) of the Commission's rules; that in a letter dated August 20, 1957, Radio Orange County, Inc. states, in substance, that the assumed pattern is purely speculative and without merit; and that we are of the opinion that said pattern assumed for XERP by Anaheim-Fullerton Broadcasting Co., Inc. is too speculative to serve as a basis for calculating interference to Station XERP's proposed operation or to include an issue as here requested by Anaheim-Fullerton Broadcasting Co., Inc.; and

It further appearing that, in a letter dated September 18, 1957, legal counsel for Charles R. Bramlett claims that Anaheim-Fullerton Broadcasting Co., Inc., in support of its request for dual city operation, has not made a satisfactory showing under § 3.30 of our rules that an unreasonable burden would result from being licensed to serve only one city; that dual city operation by Anaheim-Fullerton Broadcasting Co., Inc., "may be a material factor in resolving" the section 307 (b) issue in the instant hearing as to which of the cities here involved has the greatest need for a new radio facility; and asks that an issue be included in the hearing as to whether, in fact, an unreasonable burden would be placed on Anaheim-Fullerton Broadcasting Co., Inc., if it were to be located in one city only; that, in a reply dated September 20, 1957, legal counsel for Anaheim-Fullerton claims that Exhibit H-2 of its application "constitutes the prima facie showing required under § 3.30 (b) of the rules"; that the Commission, in its section 309 (b) letter of July 18, 1957 raised no question as to the showing and therefore, presumably, had already determined that it was sufficient; and that "Bramlett does nothing more than raise the question and presents no information whatsoever under oath to

rebut the presentation made by applicant in its verified application"; and that, we are of the opinion that the showing made by Anaheim-Fullerton Broadcasting Co., Inc. in Exhibit H–2 of its instant application is sufficient, within the meaning of § 3.30 of our rules; and that, therefore, said request of Charles R. Bramlett should be denied; and

It further appearing that the cities of Anaheim and Fullerton are geographically contiguous; that the antenna sites proposed by Radio Orange County, Inc., and Anaheim-Fullerton Broadcasting Co., Inc. are less than two miles apart; and that although the proposals of Radio Orange County, Inc. and Anaheim-Fullerton Broadcasting Co., Inc. will not provide service to identical areas, they will provide a substantial duplication of service areas so as to preclude further consideration of the provisions of section 307 (b) of the act relative to their respective station locations; and

It further appearing that, after consideration of the foregoing, we are of the opinion that a consolidated hearing proceeding on the applications herein is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, said applications of Radio Orange County, Inc. and Anaheim-Fullerton Broadcasting Co., Inc. are consolidated in the hearing proceeding on the other applications herein, Docket No. 7634, et al.; and

It is further ordered, That this Order shall supersede, with respect to the issues only, the Commission's above-referenced Order released on April 10, 1957, in designating for hearing said applications of Robert Burdette, Charles R. Bramlett, and Latin-American Broadcasting Corporation; and that the issues in said hearing proceeding shall be as follows:

1. To determine the areas and populations which would receive primary service from each of the proposals herein, and the availability of other primary service to such areas and populations.

2. To determine whether the proposal by Charles R. Bramlett would involve objectionable interference with Station KEX, Portland, Oregon, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the transmitter sites proposed by Robert Burdette and Charles R. Bramlett would be satisfactory.

4. To determine whether Robert Burdette is legally, financially, and otherwise qualified.

5. To determine whether the antenna systems proposed by Robert Burdette and Charles R. Bramlett would be a hazard to air navigation and whether Burdette's would otherwise be satisfactory.

6. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the cities of San Fernando, Torrance, Monterey Park, and Anaheim-Fullerton, California has the greater need for a new radio facility.

7. To determine, in the event that pursuant to Issue 6, above, it is found that Anaheim-Fullerton, California, has the greatest need for a new radio facility, which of the operations proposed by Radio Orange County, Inc., and Anaheim-Fullerton Broadcasting Co., Inc., would better serve the public interest in light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between said two applicants as to:

(a) The background and experience of each to own and operate its proposed station.

(b) The proposal of each with respect to the management and operation of its proposed station.

(c) The programming service proposed by each.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications herein should be granted.

It is further ordered, That specification of issues herein is without prejudice to whatever action the Commission may take on presently pending petitions to enlarge the issues in this proceeding as set forth in our above-referenced Order released on April 10, 1957; and

It is further ordered, That, in the event of a grant of the application of Radio Orange County, Inc., the construction permit shall include a condition requiring this permittee to take prompt corrective action to eliminate any interference from harmonic or other spurious emissions to the FCC Monitoring Station at Santa Ana, California; and shall, before program test authorization is granted, submit to the Commission sufficient evidence to show that Clifford Gill has severed all connection with John Poole Broadcasting, Inc., licensee of Station KBIG, Avalon, California, in accordance with a statement to that effect in Exhibit 2 of this application; and

It is further ordered, That the request of Anaheim-Fullerton Broadcasting Co., Inc. that an issue be included in the hearing as to whether the proposals of Radio Orange County, Inc. and Charles R. Bramlett are in compliance with §§ 1.300 (b) and 3.28 (b) of our rules is denied; and

It is further ordered, That the request of Radio Orange County, Inc. that issue be included in the hearing as to whether an unreasonable burden would result to Anaheim-Fullerton Broadcasting Co., Inc. from being licensed to operate in one city only is denied; and

It is further ordered, That to avail themselves of the opportunity to be heard, Radio Orange County, Inc. and Anaheim-Fullerton Broadcasting Co., Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8766; Filed, Oct. 23, 1957; 8:50 a. m.]

[Docket No. 12179, etc.; FCC 57M–999]

RADIO ST. CROIX, INC., ET AL.

NOTICE CONTINUING HEARING CONFERENCE

In re applications of Radio St. Croix, Incorporated, New Richmond, Wisconsin, Docket No. 12179, File No. BP–10925; Florida East Coast Broadcasting Company, Inc., South St. Paul, Minnesota, Docket No. 12180, File No. BP–11170; Hennepin County Broadcasting Company, Golden Valley, Minnesota, Docket No. 12181, File No. BP–11341; for construction permits.

Notice is hereby given that the prehearing conference heretofore scheduled for October 25, 1957, is continued to Wednesday, November 20, 1957, at 10:00 a. m. in Washington, D. C.

Dated: October 15, 1957.

Released: October 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8767; Filed, Oct. 23, 1957; 8:50 a. m.]

[Docket No. 12206; FCC 57M–1010]

CHINOOK TELEVISION CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Robert S. McCaw, tr/as Chinook Television Company, Yakima, Washington, Docket No. 12206, File No. BPCT–2206; for construction permit to replace expired permit.

It is ordered, This 21st day of October 1957, that a hearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., at 11:00 a. m., Tuesday, October 29, 1957.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8768; Filed, Oct. 23, 1957; 8:50 a. m.]

[Docket Nos. 12209, 12210; FCC 57M–1004]

DAVID M. SEGAL ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP–10427; Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP–11289; for construction permits.

It is ordered, This 17th day of October 1957, that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 10:00 A. M., November 21, 1957, in the Commission's offices at Washington, D. C.

Released: October 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8769; Filed, Oct. 23, 1957; 8:50 a. m.]

[Docket No. 12217; FCC 57–1139]

OREGON RADIO, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Oregon Radio, Inc., Salem, Oregon, Docket No. 12217, File No. BMPCT–4564; for extension of time to complete construction of television station KSLM–TV.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of October 1957;

The Commission having under consideration the above-entitled application of Oregon Television, Inc., for an extension of time to complete construction of Television Station KSLM–TV, Channel 3, Salem, Oregon; and

It appearing that on September 30, 1953, the Commission granted application (BPCT–1180) of Oregon Radio, Inc., for a permit to construct a new television station on Channel 3 at Salem, Oregon; that said permit specified the construction of the station was to begin by November 30, 1953, and to be completed by May 30, 1954; that based upon successive applications of Oregon Radio, Inc., the Commission granted several extensions of time for completion of the station; that on September 26, 1956, the Commission granted an application of Oregon Radio, Inc., (BMPCT–4171) to extend the completion of construction date to March 27, 1957; that on February 26, 1957, the applicant filed the above-entitled application; that on June 27, 1957, the applicant was notified by letter that the Commission was unable to find that the applicant had been diligent in proceeding with the construction of its station since it was last granted an extension of completion date or that it had been prevented from commencing construction by causes not under its control; and that applicant was given an opportunity to reply to said letter and to request a hearing on its application; and

It further appearing that the applicant replied to the Commission letter on July 8, 1957, requesting that its subject application be designated for hearing to afford the applicant an opportunity to present evidence of its earlier inability to construct the television station and its willingness to proceed with construction, and requesting also that its pending application (BMPCT–4687) for modification of construction permit for Television Station KSLM–TV be consolidated for hearing with the above-captioned application; and

It further appearing that upon consideration of the above-entitled application and the above correspondence the Commission is unable to determine that a grant of said application would be in the public interest; and

It further appearing that a hearing on the above-mentioned modification application of Oregon Radio, Inc., would be premature prior to a determination on its above-captioned extension application and that consideration of said modification application should properly be deferred until such determination; and

It further appearing that C. H. Fisher, d/b as Salem Television Company, Salem, Oregon, has requested that the subject application of Oregon Radio, Inc., be designated for hearing, and has requested that he be made a party to the hearing on said application; and

It further appearing that C. H. Fisher is not a party in interest within the meaning of section 309 (b) of the Communications Act of 1934, as amended, and that the public interest would be better served, and C. H. Fisher's interest would at the same time be adequately safeguarded, by restricting his participation to the presentation of evidence as provided in § 1.723 of the Commission's rules;

It is ordered, That the above-entitled application is designated for hearing at the Commission's offices in Washington, D. C. at a time to be specified in a subsequent order, upon the following issues:

1. To determine whether or not Oregon Radio, Inc., has been diligent in proceeding with the construction of television station KSLM–TV as authorized in its construction permit File No. BMPCT–4171.

2. To determine whether or not Oregon Radio, Inc., has been prevented from completing construction of television station KSLM–TV as authorized in its construction permit File No. BMPCT–4741 by causes not under its control within the meaning of section 319 (b) of the Communications Act of 1934, as amended.

3. To determine whether a grant of the above-entitled application would serve the public interest, convenience and necessity.

It is further ordered, That the request of C. H. Fisher to be made a party is denied.

It is further ordered, That to avail itself of the opportunity to be heard, Oregon Radio, Inc., pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

It is further ordered, That the request of Oregon Radio, Inc., that its pending application (BMPCT–4687) for modification of its construction permit be consolidated for hearing with the above-entitled application, is denied.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8770; Filed, Oct. 23, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–13536]

MIDWEST OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 18, 1957.

Midwest Oil Corporation (Midwest), on September 20, 1957, tendered for filing proposed changes in its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated September 18, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to its FPC Gas Rate Schedule No. 8. Supplement No. 3 to its FPC Gas Rate Schedule No. 9. Supplement No. 4 to its FPC Gas Rate Schedule No. 9.

Effective date: [1] October 21, 1957.

In support of the proposed rate increases, Midwest states that the amount of the increases in the low initial prices in the contract is fixed from the inception of the contract, is not of the revenue-sharing or favored-nation type, and is advantageous to both buyer and seller.

Midwest requests waiver of the 30-day notice period provided in the Natural Gas Act in order that the increase may become effective as of November 1, 1956, as provided by the contract.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

[1] The stated effective date is the first day after expiration of the required 30 days' notice.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 22, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Secretary.*

[F. R. Doc. 57-8742; Filed, Oct. 23, 1957; 8:45 a. m.]

[Docket No. G-13146]

TENNESSEE GAS TRANSMISSION CO. AND ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 18, 1957.

Take notice that on August 27, 1957, Tennessee Gas Transmission Company (Tennessee) and Algonquin Gas Transmission Company (Algonquin) filed in Docket No. G-13146 a joint application for a certificate of public convenience and necessity authorizing (1) the exchange of natural gas between applicants and (2) the construction and operation by Algonquin of certain facilities appurtenant to its existing transmission line in Danbury, Connecticut, to serve gas to The Housatonic Public Service Company (Housatonic) for the account of Tennessee, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

At present Tennessee sells gas to Housatonic at Shelton, Connecticut. Housatonic operates a 20-mile long pipeline from there to the Danbury market area. This line is no longer fully adequate for the gas requirements of Danbury. In the future, as demand grows, it will become increasingly inadequate. A new pipeline paralleling the old would cost over one million dollars. Algonquin estimates that for $36,220 it can build a tap and metering station on its 24-inch main line which passes through Danbury and supply the amount of gas needed for emergencies and to overcome the deficiency of the old line. Tennessee would, under the terms of a 15-year contract, return equivalent volumes of gas to Algonquin at one of three existing interconnections located at Southington, Connecticut, Ashland, Massachusetts; and Bergen County, New Jersey.

Algonquin proposes to construct the tap with metering and regulating appurtenances on its 26-inch pipeline on a site provided by Housatonic which will then reimburse Algonquin for the cost and will then own the station. Algonquin will rent the station from Housatonic for one dollar per year and will operate and maintain it.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 12, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 8, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8743; Filed, Oct. 23, 1957; 8:46 a. m.]

[Docket No. G-12446 etc.]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF HEARING

OCTOBER 18, 1957.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-12446; Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G-12447; Continental Oil Company, Docket No. G-12432; M. H. Marr, Docket No. G-12885; Sun Oil Company, Docket No. G-12913; General Crude Oil Company, Docket No. G-12931.

Applications for certificates of public convenience and necessity under the Natural Gas Act were filed by Texas Eastern Transmission Corporation (Texas Eastern), and Texas Eastern Penn-Jersey Transmission Corporation (Penn-Jersey), to construct and operate certain natural gas transportation pipeline facilities as enlargements of their respective operating facilities.

Continental Oil Company, M. H. Marr, Sun Oil Company, and General Crude Oil Company each has filed an application for a certificate of public convenience and necessity to sell natural gas in interstate commerce to Texas Eastern for resale. Each of the applicants is an independent producer of the natural gas to be sold.

Notice of the filing of the foregoing applications and their consolidation for purposes of hearing has been given including publication in the FEDERAL REGISTER on August 21, 1957 (22 F. R. 6726-6727).

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 19, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8744; Filed, Oct. 23, 1957; 8:46 a. m.]

[Docket No. G-13538]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER GRANTING REQUEST FOR RECONSIDERATION OF REJECTION OF RATE FILING, ACCEPTING FILING, ORDERING HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 18, 1957.

Pan American Petroleum Corporation (Operator) et al. (Pan American), on September 20, 1957, filed a request for reconsideration of the Commission's action of August 23, 1957, in rejecting, as prematurely filed, Supplement No. 18 to Pan American's FPC Gas Rate Schedule No. 57, which was tendered for filing on August 14, 1957. The rejected supplement provides for an increased rate for sales of natural gas to Phillips Petroleum Company (Phillips), and results from the effect of a resale price escalation clause in Pan American's contract with Phillips which was "triggered" by an increase resulting from a similar clause in Phillips' FPC Gas Rate Schedule No. 4 covering the sale of gas to Michigan-Wisconsin Pipe Line Company. By Commission order issued August 16, 1957, in Docket No. G-13069, Phillips' increased rate as proposed in Supplement No. 21 to its FPC Gas Rate Schedule No. 4 was suspended until February 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

While the increased rate and charge tendered by Pan American has not been shown by Pan American to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful, it is appropriate that it be accepted for filing and its effectiveness be deferred until such time as Phillips' rate increase becomes effective.

The Commission finds:

(1) The request for reconsideration of the Commission's action of August 23, 1957 in rejecting Supplement No. 18 to Pan American's FPC Gas Rate Schedule No. 57 should be granted and said supplement permitted to be filed.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 18 to Pan American's FPC Gas Rate Schedule No. 57 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The aforementioned request for reconsideration filed by Pan American on September 20, 1957 is hereby granted and Supplement No. 18 to Pan American's FPC Gas Rate Schedule No. 57 is accepted for filing.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 18 to Pan American's FPC Gas Rate Schedule No. 57.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until February 16, 1958, or until one day after such time as the increased rate of Phillips Petroleum Company under Supplement No. 21 to its FPC Gas Rate Schedule No. 4 is placed in effect in Docket No. G-13069 pursuant to the provisions of the Natural Gas Act, if Phillips does not move to make said Supplement No. 21 to its Rate Schedule No. 4 effective, subject to refund, as of February 15, 1958.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8757; Filed, Oct. 23, 1957; 8:48 a. m.]

[Docket No. G-13541]

COLORADO INTERSTATE GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEETS

OCTOBER 18, 1957.

On September 19, 1957, Colorado Interstate Gas Company (Colorado) tendered for filing Fourth Revised Sheets 5, 8, and 11, and Third Revised Sheet No. 13g in Colorado's Tariff, Original Volume No. 1, and Second Revised Sheet No. 2 of Colorado's Tariff, First Revised Volume No. 2, and Third Revised Sheet No. 2 in Colorado's Tariff, Original Volume No. 3. Fourth Revised Sheet 11 and Third Revised Sheet 13g pertain to sales of gas for resale for industrial use only. Colorado proposes an effective date of October 21, 1957, for the tendered tariff sheets.

The aforesaid revised tariff sheets pertain to gas sold for resale for general service, pipeline service, special use, and for industrial use only, and increase the rates for such classes of sale, subject to the jurisdiction of the Commission, in the approximate amount of $2,553,000 per year over those rates presently being collected pursuant to undertakings filed in proceedings in Docket Nos. G-2260, G-2576, and G-11717.

Colorado alleged as reason for these proposed increased rates that it will experience increased purchased gas costs, due partly to the proposed increased rates filed by Pacific Northwest Pipeline Corp. (Pacific) in Docket No. G-18202, and suspended by order of the Commission on September 4, 1957, and also due partly to change in accounting in reference to deferred charges arising from sales made by Colorado to El Paso Natural Gas Company of gas purchased from Pacific. Colorado stated that increased rates proposed by its filing tendered on September 19, 1957, are based upon the same basis and contentions as asserted by Colorado in Docket No. G-11717, and that except for difference in the dollar amount of these increased rates proposed herein the same reasons for increase apply as submitted by Colorado in Docket G-11717.

On October 4, 1957, the Secretary of the Commission rejected the proposed filing made by Colorado on September 19, 1957, upon the ground, among others, that Colorado had failed to submit all of the information prescribed by the Regulations of the Commission in reference to proposals for increased rates. On October 18, 1957, Colorado refiled its proposed revised tariff sheets, together with additional information relating to the proposed increased rates. Colorado also filed a request for waiver of the Commission's Regulations pertaining to long form rate filing.

The increased rates and charges proposed by Colorado in the revised tariff sheets covering sales of gas for resale subject to the jurisdiction of the Commission and filed on September 19, 1957, and October 18, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It would be appropriate and in the public interest to grant Colorado's request for waiver of Commission Regulations in reference to Section 154.63 pertaining to data submitted in reference to proposed changes in tariffs.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of the rates, charges, classifications and services provided in Colorado's FPC Gas Tariffs and contracts related thereto, and as proposed to be amended by Fourth Revised Sheets 5, 8, and 11, and Third Revised Sheet No. 13g in Original Volume No. 1, Second Revised Sheet No. 2 in Revised Volume No. 2, and Third Revised Sheet No. 2 in Original Volume No. 3, and that said tariff sheets, excepting Fourth Revised Sheet No. 11 and Third Revised Sheet No. 13g in Original Volume No. 1, be suspended as hereinafter ordered, and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Waiver in part of the requirements of § 154.63 of the Commission's Regulations pertaining to data submitted in connection with proposed tariff changes is granted to Colorado in this instance.

(B) Pursuant to the authority contained in the Natural Gas Act, particularly sections 4 and 15 thereof, a public hearing be held, commencing on a date to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado Interstate Gas Company's FPC Gas Tariff and contracts related thereto, and as proposed to be amended by the aforesaid revised tariff sheets tendered by Colorado on September 19, 1957, and October 18, 1957, pertaining to sales of natural gas for resale, subject to the jurisdiction of the Commission.

(C) Pending such hearing and decision thereon, Colorado Interstate Gas Company's proposed Fourth Revised Sheets 5 and 8, in Original Volume No. 1, Second Revised Sheet No. 2 in Revised Volume No. 2, and Third Revised Sheet No. 2 in Original Volume No. 3 of its FPC Gas Tariff be and the same are hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8758; Filed, Oct. 23, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1102]

GIANT PETROLEUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 18, 1957.

I. Giant Petroleum Corporation, a Delaware corporation, Room 1-C, 225 East 46th Street, New York, New York, filed with the Commission on July 22, 1957, a notification on Form 1-A and an

offering circular, and subsequently filed amendments thereto, relating to an offering of 150,000 shares of its 10 cent par value common stock at $2.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

(1) The failure to disclose that the public offering price has no reasonable relation to the net value of the underlying assets to be acquired from the promoters.

(2) The failure to disclose that the issuer's net income per share of outstanding stock is almost negligible despite claims of productive properties.

(3) The inadequate and misleading information concerning the Cox lease, particularly

(a) The failure to set forth the actual net production accruing to the issuer's interest during each of the past months the properties have been productive.

(b) The failure to qualify information on page 7 concerning daily allowable production by disclosing that the wells did not make their allowables between March and July, 1957.

(c) The failure to set forth a reasonable and reliable estimation of reserves net to the issuer.

(d) The statement on page 8 relating to recoverable reserves from two wells is not supported by adequate factual basis.

(4) The inadequate and misleading information concerning the T. B. Autery Ranch, particularly

(a) The statement on page 10 relating to the owner's one-quarter royalty interest is misleading in that the owner's interest is actually one-fourth of one-eighth, or a 1/32d royalty interest.

(b) The statement on page 12 that the property is a "good wildcat prospect" is misleading in the absence of sufficient factual basis.

(c) The statement on page 12 inferring favorable prospects because of its proximity to the Continental-Noelke well is misleading in failing to disclose that that well has never been produced.

(d) The failure to disclose on page 12 that before Giant could drill on the property it would have to contract with the owners of the remaining ¾ mineral interests.

(5) The inadequate and misleading information concerning the Latch Lease, particularly

(a) The failure to disclose the distance to the nearest oil production and the nearest dry holes in each general direction.

(b) The statement on page 14 to the effect that the lease is "very well located" is misleading in the absence of sufficient factual basis.

(c) The inference on page 15 that operators drilling wells in 1940 used poor completion methods is misleading in that it is without factual basis and inaccurate.

(6) The statements on pages 16 to 19 relating to a nonproductive well on the Sutton Lease are misleading by failure to disclose that the well was not drilled on favorable geological structure but was drilled at random, thus making future prospects unpredictable.

(7) The failure to disclose on page 19 concerning the Tom Green County Lease that the Phillips Petroleum Company does not ordinarily "farm out" acreage if there is a reasonable chance for such acreage to yield average or better than average wells.

(8) The misleading and inaccurate information at pages 49–52 concerning the Sherrill report on the Tom Green County Lease, particularly

(a) The failure to state that Mr. Sherrill has an interest in the lease and therefore he cannot be considered as disinterested or independent.

(b) The failure to include a geologic structural map.

(c) The failure to disclose on pages 49 to 50 that the Phillips 1–A well has averaged only 15 barrels per day since its completion despite an initial production of 170 barrels per day.

(d) The statement on page 52 that development could establish reserves of two to four million barrels of oil is misleading in view of the fact that no overall profitable production has been obtained in the immediate area as yet.

(9) The misleading and inaccurate information on pages 20 to 21 concerning the Smalley Lease, particularly

(a) The failure to disclose the number of abandoned oil wells and dry holes on the lease.

(b) The failure to disclose that it would be unusual if a lease of value remained unexploited for secondary recovery possibilities in an area that has been extensively exploited in this manner for the past 23 years.

(10) The misleading and inaccurate information on pages 22 to 24 concerning the Bateman lease, particularly

(a) The failure to disclose that the lease is located in a specific area that has been waterflooded for 20 or so years and that Phillips Petroleum Company, a foremost secondary recovery operator in the field, would not have abandoned or sold this lease if the lease had any particular profit possibilities in the future.

(b) The statement on page 23 concerning the north and south water flood projects and the inference that the Bateman lease has similar possibilities is misleading in that it is not known what past recovery from this lease was by means of waterflooding and there is no showing that issuer's lease was or is comparable to the north and south waterfloods.

(c) The inclusion of statements attributed to the Jay Robertson report is misleading in that it infers favorable possibilities which are not supported by the report.

(d) The map of the Bateman lease is misleading in showing the lease to include 160 acres of producing oil wells when, in fact, the lease only actually covers 50 acres which have no presently producing wells.

(e) The statement on page 22 indicating that the sum of $25,000 is payable to Mr. Bateman out of production for his 7/128ths interest is misleading in view of the fact that there is no reasonable possibility that oil in sufficient value ($457,144) will ever be produced to liquidate the payment.

(11) The statements on page 28 that the Board of Directors determined that the value of properties to be acquired from the promoter equalled at least the par value of the shares issued to him plus $100,000 or a total of $130,000 is misleading in that the reasonable value of the properties over and above the indebtedness assumed by the issuer does not approach $130,000.

(12) The failure to disclose the expenditures on the Cox Lease in the table of oil sales for that lease.

(13) The failure to include maps for the Branyon district and Sutton County acreage that are legibly prepared so as to show clearly the location of the issuer's acreage.

(14) The failure to disclose as to each area and property the interest of the promoters and their families therein which may be enhanced through the issuer's operations.

III. *It is ordered*, Pursuant to Rule 261 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days herefrom; that within 20 days after receipt of such request, the Commission will, or at any time upon it own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8750; Filed, Oct. 23, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 21, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within

15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34244: *Methanol from Sterlington, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7139), for interested rail carriers. Rates on methanol (methyl alcohol), tankcar loads from Sterlington, La., to Chicago, Ill., switching district.

Grounds for relief: Water and market competition.

Tariff: Supplement 117 to Agent Kratzmeir's tariff I. C. C. 4064.

FSA No. 34246: *Frozen citrus fruit sections from Florida.* Filed by O. W. South, Jr., Agent (SFA No. A3547), for interested rail carriers. Rates on citrus fruit sections, frozen, in containers in barrels or boxes, in bulk in barrels, or in metal cans in crates, carloads from points in Florida to points in southern, official (including Illinois) and western trunk line territories.

Grounds for relief: Short-line distance formula, grouping and motor truck competition.

Tariff: Supplement 6 to Agent Spaninger's tariff I. C. C. 1578.

FSA No. 34247: *Frozen citrus fruit juices form Deland Freight Agency, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3548), for interested rail carriers. Rates on frozen citrus fruit juice and pulp, pineapple juice, and citrus fruit sections, carloads from Deland Freight Agency, Fla., to points in southern, official (including Illinois), and western trunk line territories.

Grounds for relief: Short-line distance formula, grouping, market and motor truck competition.

Tariff: Supplement 6 to Agent Spaninger's tariff I. C. C. 1578.

FSA No. 34248: *Cast iron pipe and fittings from the South.* Filed by O. W. South, Jr., Agent (SFA No. A3549), for interested rail carriers. Rates on cast iron pipe and fittings, and related articles, carloads from points in southern territory to points in southwestern, western trunk line and Illinois territories.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 129 to Agent Spaninger's tariff I. C. C. 1374.

AGGREGATE OF INTERMEDIATES

FSA No. 34245: *Methanol from Sterlington, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7140), for interested rail carriers. Rates on methanol (methyl alcohol), tankcar loads from Sterlington, La., to Chicago, Ill., switching district.

Grounds for relief: Water and market competition.

Tariff: Supplement 117 to Agent Kratzmeir's tariff I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-8746; Filed, Oct. 23, 1957; 8:46 a. m.]

FOURTH SECTION APPLICATION FOR RELIEF; CORRECTION

OCTOBER 21, 1957.

Application filed by O. W. South, Jr., Agent, for interested rail carriers, published on Page 8249 issue of October 18, 1957, No. 203, was erroneously assigned FSA No. 34230. The correct application number is FSA No. 34231.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-8745; Filed, Oct. 23, 1957; 8:46 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 208

Washington, Friday, October 25, 1957

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10736

ADOPTING AN OFFICIAL SEAL FOR THE DEPARTMENT OF THE NAVY

WHEREAS the Secretary of the Navy, with the approval of the Secretary of Defense, has caused to be made, and has recommended that I approve, a seal for the Department of the Navy, the design of which accompanies and is hereby made a part of this order and which is described, in heraldic terms, as follows:

On a circular background of fair sky and moderate sea with land in sinister base, a three-masted square-rigged ship under way before a fair breeze with after topsail furled, commission pennant atop the foremast, National Ensign atop the main, and the commodore's flag atop the mizzen. In front of the ship a Luce-type anchor inclined slightly bendwise with the crown resting on the land and, in front of the shank and in back of the dexter fluke, an American bald eagle rising to sinister regarding to dexter, one foot on the ground, the other resting on the anchor near the shank; all in proper colors. The whole within a blue annulet bearing the inscription "DEPARTMENT OF THE NAVY" at the top and "UNITED STATES OF AMERICA" at the bottom, separated on each side by a mullet and within a rim in the form of a rope; inscription, rope, mullet, and edges of annulet all gold;

AND WHEREAS the central device of the seal is essentially the same as that used for more than one hundred years and reflects the denomination given in the act of April 30, 1798, which officially established the Department of the Navy; and

WHEREAS it appears that this seal is of suitable design and appropriate for use as the official seal of the Department of the Navy:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve this seal as the official seal of the Department of the Navy.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 23, 1957.

[F. R. Doc. 57-8829, Filed, Oct. 23, 1957; 2:36 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (2) of § 6.313 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8801; Filed, Oct. 24, 1957; 8:50 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

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All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEXICAN FRUIT FLY

QUARANTINE AND REGULATIONS

Pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85–36; 71 Stat. 32, 33), notice of quarantine No. 64 relating to the Mexican fruit fly and the regulations supplemental to said quarantine (7 CFR 301.64, 301.64–1 et seq.) are hereby revised to read as follows:

QUARANTINE

Sec.
301.64 Notice of quarantine.

REGULATIONS

301.64–1 Definitions.
301.64–2 Designation of regulated area.
301.64–3 Mexican fruit flies; conditions of movement.
301.64–4 Other regulated articles; conditions of movement.
301.64–5 Use of certificates or limited permits with shipments.
301.64–6 Protecting certified articles.
301.64–7 Conditions governing the issuance of certificates and limited permits.
301.64–8 Assembly of articles for inspection.
301.64–9 Cancellation or denial of certificates or limited permits.
301.64–10 Inspection and disposal.
301.64–11 Nonliability of Department.

AUTHORITY: §§ 301.64 to 301.64–11 issued under sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85–36; 7 U. S. C. 162. Interpret or apply secs. 8, 10, 37 Stat. 318, as amended, 45 Stat. 468, secs. 105, 107, Pub. Law 85–36; 7 U. S. C. 161, 164a.

QUARANTINE

§ 301.64 *Notice of quarantine.* Under the authority conferred by sections 8 and 9 of the Plant Quarantine Act, as amended, (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85–36, 71 Stat. 32, 33), the State of Texas which has heretofore been quarantined under said Plant Quarantine Act after public hearing, is hereby continued to be quarantined to prevent the spread of the Mexican fruit fly, a dangerous insect of foreign origin injurious to fruits and not heretofore

widely prevalent or distributed within and throughout the United States, and regulations are hereinafter prescribed (§§ 301.64–1 to 301.64–11) governing the movement of the Mexican fruit fly and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, from the quarantined State into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations as from time to time amended: (a) Fruits that are hosts of the Mexican fruit fly; and (b) fruit-picking equipment; trucks, wagons, railway cars, aircraft, boats, and other means of conveyance and containers which have been or are being used in conveying host fruits; other products and articles which have been associated with the production of, or commerce in, host fruits; and, unlimited by the foregoing, any other products and articles of any character whatsoever, not within paragraph (a) of this section; when it is determined in accordance with the regulations that the products, articles, or means of conveyance within paragraph (b) of this section present a hazard of spread of Mexican fruit flies. However, the requirements of this quarantine and the regulations in this subpart with respect to such products, articles, and means of conveyance are hereby limited to the area in the quarantined State which may be designated as regulated area as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated area will be adequate to prevent the spread of Mexican fruit flies, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of live Mexican fruit flies and the other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such area or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of Mexican fruit flies within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles, and means of conveyance to which the regulations apply, making it safe to modify, by making less stringent, the requirements contained in the regulations, except § 301.64–3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated area or portions thereof and for such products, articles, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected area. Under the Federal Plant Pest Act, no person shall knowingly move any Mexican fruit flies in any living stage of development, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such Mexican fruit flies so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.64–1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Mexican fruit fly.* The insect known as the Mexican fruit fly (Anastrepha ludens (Loew)) in any stage of development.

(b) *Infestation.* The presence of the Mexican fruit fly.

(c) *Host fruits.* Fruits susceptible to infestation by the Mexican fruit fly, namely, mangoes; sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus Casimiroa and all other fruits commonly called sapotas or sapotes); peaches; guavas; apples; pears; plums; quinces; apricots; mameys; ciruelas; fruits of species of the genus Sargentia; avocados; all citrus fruits except lemons and sour limes; and any other fruits which are susceptible to infestation.

(d) *Regulated area.* The counties and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.64–2 as regulated area.

(e) *Regulated articles.* Mexican fruit flies, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the Mexican fruit fly quarantine (§ 301.64) and the regulations in §§ 301.64–1 through 301.64–11.

(f) *"Moved" ("movement," "move").* Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(g) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(h) *Certificate.* A document evidencing compliance with the requirments of this subpart.

(i) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(j) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(k) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(l) *Inspector.* An inspector of the United States Department of Agriculture.

(m) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.64–2 *Designation of regulated area.* The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the counties and other minor civil divisions, or parts thereof, in the quarantined State, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions and parts thereof, as constituting the regulated area. Any civil division, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the Mexican fruit fly therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as a regulated area.

§ 301.64–3 *Mexican fruit flies; conditions of movement.* Live Mexican fruit flies may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District, and delivery of such Mexican fruit flies so moving may be accepted, only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the Mexican fruit flies when they are so moved.

§ 301.64–4 *Other regulated articles; conditions of movement*—(a) *Designated articles.* Unless exempted by administrative instructions, host fruits may be moved from the regulated area into or through any point outside thereof only if accompanied by a valid certificate or limited permit issued in compliance with § 301.64–7 and if the applicable requirements of §§ 301.64–5 and 301.64–6 are also met. However,

host fruits which originate outside of the regulated area and are moving through or are being reshipped from the regulated area, may be moved from the regulated area into or through any point outside thereof without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector and do not present a hazard of spread of the Mexican fruit fly. Otherwise such host fruits shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with the Mexican fruit fly or any other reason, a hazard of spread of the fly is presented by any fruit-picking equipment; any trucks, wagons, railway cars, aircraft, boats, other means of conveyance or containers which have been or are being used in conveying host fruits; any other products or articles which have been associated with the production of, or commerce in, host fruits; or, unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) of this section or by § 301.64–3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated articles may be moved from the regulated area into or through any point outside thereof only after they have been cleaned, treated, or otherwise disinfested to the satisfaction of the inspector or when they are moving under limited permit as required by the inspector.

§ 301.64–5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.64–4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.64–6 *Protecting certified articles.* Subsequent to certification as provided in § 301.64–7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.64–7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates.* (1) Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.64–4 (a) under any one of the following conditions except as provided in subparagraph (2) of this paragraph:

(i) When, in the judgment of the inspector, they have not been exposed to infestation.

(ii) When they have been examined by the inspector and found to be free of infestation.

(iii) When they have been treated under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(2) Certificates may not be issued for the movement into the citrus-producing States of Arizona, California, or Florida, or into the States of Alabama, Arkansas, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, and South Carolina, of regulated citrus fruits or other host fruits, except upon the basis of treatment under subparagraph (1) (iii) of this paragraph, unless exemption from such treatment is provided in administrative instructions.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.64–4 to specified destinations for limited handling, utilization, or processing.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.64–8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.64–4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.64–9 *Cancellation or denial of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and certificates or permits for such articles may be denied by the inspector whenever he determines that the use of such certificates or permits might result in the spread of the Mexican fruit fly.

§ 301.64–10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.64–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

This revision authorizes the Director of the Plant Pest Control Division to designate the regulated area and otherwise conforms the quarantine and regulations more closely to the pattern of other quarantines and regulations under the acts. It limits the fruits to be regulated to those that are hosts of the Mexican fruit fly, and includes among regulated articles other products, articles, and means of conveyance that are determined to present a hazard of spread of the fly.

This revision should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of Mexican fruit flies. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for the issuance thereof less than 30 days after publication in the FEDERAL REGISTER.

The foregoing quarantine and regulations shall be effective October 25, 1957, and on said date shall supersede the quarantine and regulations effective November 26, 1945, as amended (7 CFR 301.64, 301.64–1 et seq.). The administrative instructions effective December 23, 1955 (7 CFR 301.64–4a) shall also cease to be effective on the effective date of the foregoing quarantine and regulations. However, said prior quarantine and regulations and administrative instructions shall be deemed to continue in full force and effect for the purpose of sustaining any right that accrued, liability that was incurred or violation that occurred before the effective date of the foregoing quarantine and regulations.

Done at Washington, D. C., this 22d day of October 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57–8798; Filed, Oct. 24, 1957; 8:49 a. m.]

[P. P. C. 625]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEXICAN FRUIT FLY

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.64–2 of the regulations supplemental to the Mexican fruit fly quarantine (7 CFR 301.64–2, supra), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and the Federal Plant Pest Act (Pub. Law 85–36), administrative instructions to appear in 7 CFR 301.64–2a are hereby issued as follows:

§ 301.64–2a *Administrative instructions designating regulated area under the Mexican fruit fly quarantine.* Infestations of the Mexican fruit fly have been determined to exist, in the quarantined State, in the civil divisions or parts thereof listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the Mexican fruit fly regulated area within the meaning of the provisions in this subpart:

Texas. Counties of Brooks, Cameron, Dimmit, Hidalgo, La Salle, Webb, and Willacy, and that portion of Jim Wells county lying south of Highway 141 and a line projected due west to the Jim Wells-Duval county line from the point where Highways 141 and 66 intersect.

These administrative instructions shall become effective October 25, 1957. They list the localities that are regulated under the revised Mexican fruit fly quarantine and supplemental regulations which are to be made effective as soon as possible. They must be made effective concurrently with such quarantine and regulations to effectuate the purposes thereof. The regulated area so listed is identical with the previously existing regulated area as designated in 7 CFR 301.64–2 effective November 26, 1945. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the instructions are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 22d day of October 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57–8799; Filed, Oct. 24, 1957; 8:49 a. m.]

[P. P. C. 626]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEXICAN FRUIT FLY

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN FRUITS FROM SPECIFIED REQUIREMENTS

Pursuant to the authority conferred on the Director of the Plant Pest Control Division by the Mexican fruit fly quarantine (Notice of quarantine No. 64, 7 CFR 301.64 supra), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and the Federal Plant Pest Act (Pub. Law 85–36) administrative instructions to appear in 7 CFR 301.64a are hereby issued as follows:

§ 301.64a *Administrative instructions exempting certain fruits from specified requirements.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from the regulated area, as hereinafter provided.

(a) The following fruits are hereby exempted from the certification and related requirements of § 301.64–4 (a) and from the treatment requirements of § 301.64–7 (a) (2), under the conditions hereinafter set forth:

(1) Oranges, tangerines, and avocados which are shipped to points outside of and are not diverted in transit to the States of Arizona, California, and Florida.

(2) Host fruits (other than oranges, tangerines, and avocadoes) which are shipped to points in or north of the States of Oregon, Nevada, Utah, Colorado, Kansas, Missouri, Tennessee, and North Carolina: *Provided,* That such fruits shall not be diverted in transit to the States of Arizona, California, or Florida, and shall not be diverted in transit to the States of Alabama, Arkansas, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, or South Carolina unless shipment direct to such States would be authorized under subparagraph (3) of this paragraph.

(3) Host fruits (other than oranges, tangerines, and avocadoes) which are shipped, after the beginning of the harvesting season but prior to March 1, to the States of Alabama, Arkansas, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, and South Carolina: *Provided,* That if a larval infestation of the Mexican fruit fly is detected prior to March 1 in the groves or other premises where the fruits are produced or within a mile radius of such premises, the fruits shall not thereafter be so exempted: *And provided further,* That the fruits shall not be diverted in transit to Arizona, California, or Florida.

(b) The following fruits are hereby exempted from the treatment requirements of § 301.64–7 (a) (2) but not from the certification and related requirements of § 301.64–4 (a), under the conditions hereinafter set forth:

(1) Regulated citrus fruits and other host fruits which are shipped to the States of Arizona, California, and Florida, if they are shipped after the beginning of the harvesting season but prior to December 1, and if no Mexican fruit fly larvae have been found, and no adult Mexican fruit flies have been caught in traps, in the groves or other premises where such fruits were produced, or within a mile radius thereof during said period.

These administrative instructions shall become effective October 25, 1957. They relieve restrictions under the revised Mexican fruit fly quarantine and supplemental regulations which are to be made effective as soon as possible. The instructions must be made concurrently effective with such quarantine and regulations to effectuate the purposes thereof. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the instructions are impracticable and contrary to the public interest, and since they relieve restrictions they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 22d day of October 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57–8800; Filed, Oct. 24, 1957; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 709, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publica-

tion hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.816 (Lemon Regulation 709; 22 F. R. 8254) are hereby amended to read as follows:

(ii) District 2: 195,300 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 22, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8797; Filed, Oct. 24, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 23]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.105 *Amber civil airway 5* is amended to read in part:

From Waterloo INT, Mo.; to Barracks INT, Mo.; MEA 2,600.
From Barracks INT, Mo.; to St. Louis, Mo., LFR; MEA 2,200.

Section 610.616 *Blue civil airway 16* is amended to delete:

From Boykins INT, Va., to Waverly, Va., LFR; MEA 1,500.

Section 610.628 *Blue civil airway 28* is amended to delete:

From Charleston, S. C., LFR; to Columbia, S. C., LFR; MEA 1,500.

Section 610.658 *Blue civil airway 58* is amended to delete:

From Nantucket, Mass., LF/RBN; to Hyannis, Mass., LF/RBN; MEA 1,500.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Aberdeen, S. Dak., LFR; to Miles City, Mont., LFR; MEA 5,500.
From Aberdeen, S. Dak., LFR; to Billings, Mont., LFR; MEA 6,500.
From Clint, Tex., LF/RBN; to Columbus, N. Mex., LFR; MEA 8,500.
From Clint, Tex., LF RBN; to Harrington Ranch, N. Mex., FM; MEA 8,500.
From Farwell, INT, N. Mex., VOR; to Lubbock, Tex., LFR; MEA 6,500.
From Grand Junction, Colo., VOR; to Cherokee, Wyo., VOR; MEA 12,000.
From Gila Bend, Ariz., LFR; to Blythe, Calif., LFR; MEA 7,000.
From Gila Bend, Ariz., VOR; to Blythe, Calif., VOR; MEA 7,000.
From Hassayampa, Ariz., VOR; to Needles, Calif., LFR; MEA 8,000.
From Hassayampa, Ariz., VOR; to Needles, Calif., VOR; MEA 8,000.
From Waco, Tex., LFR; to Grand Prairie, Tex., LF/RBN; MEA 2,800.
From Waco, Tex., LFR; to Trinity Fork INT, Tex.; MEA 1,800.

Section 610.6002 *VOR civil airway 2* is amended by adding:

From Billings, Mont., VOR via N alter.; to Miles City, Mont., VOR via N alter.; MEA 5,000.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From Muskegon, Mich., VOR; to *Ada INT, Mich.; MEA 2,500. *4,000—MRA.
From Ada INT, Mich.; to Lansing, Mich., VOR; MEA 2,500.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From *Burton INT, S. C.; to Charleston, S. C., VOR; MEA 1,400. *5,500—MRA.

Section 610.6005 *VOR civil airway 5* is amended to read in part:

From Chattanooga, Tenn., VOR; to Nashville, Tenn., VOR; MEA 4,400.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From *Taylor INT, Wis.; to **Oakwood INT, Wis.; MEA ***3,000. *4,500—MCA Taylor INT, southbound. **3,000—MRA. ***2,100—MOCA.

Section 610.6009 *VOR civil airway 9* is amended to read in part:

From *Crystal City INT, Mo.; to Meramec INT, Mo.; MEA 2,600. *3,000—MRA.

Section 610.6012 *VOR civil airway 12* is amended to delete:

From Albuquerque, N. Mex. VOR via S alter.; to Otto, N. Mex., VOR via S alter.; MEA 10,000.
From Appleton, Ohio, VOR via S alter.; to Cambridge INT, Ohio, via S alter.; MEA 2,400.
From Cambridge INT, Ohio, via S alter.; to Wheeling, W. Va., VOR via S alter.; MEA 2,600.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From Albuquerque, N. Mex., VOR via S alter.; to Anton Chico, N. Mex., VOR via S alter.; MEA 10,000.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Zuni, N. Mex., VOR via S alter.; to Lava INT, N. Mex., via S alter.; MEA 10,000.
From Lava INT, N. Mex., via S alter.; to Suwanee INT, N. Mex., via S alter.; MEA 10,500.

Section 610.6015 *VOR civil airway 15* is amended to delete:

From Ardmore, Okla., VOR; to *Mounds INT, Okla.; MEA **4,600, *3,500—MRA. **2,700—MOCA.
From Mounds INT, Okla.; to Tulsa, Okla., VOR; MEA 2,400.
From Tulsa, Okla., VOR; to *Coffeyville INT, Kans.; MEA 2,200. *7,000—MRA.
From Coffeyville INT, Kans.; to Chanute, Kans., VOR; MEA 2,200.
From Ardmore, Okla., VOR via E alter.; to Tulsa, Okla., VOR via E alter.; MEA *4,600, *2,600—MOCA.
From Ardmore, Okla., VOR via W alter.; to Shawnee INT, Okla., via W alter.; MEA *3,000. *2,700—MOCA.
From Shawnee INT, Okla., via W alter.; to Prague INT, Okla., via W alter.; MEA *6,000, *2,300—MOCA.
From Prague INT, Okla., via W alter.; to *Supulpa INT, Okla., via W alter.; MEA **4,300. *3,500—MRA. **2,000—MOCA.
From Supulpa INT, Okla., via W alter.; to Tulsa, Okla., VOR via W alter.; MEA 2,400.

Section 610.6015 *VOR civil airway 15* is amended by adding:

From Ardmore, Okla., VOR; to Okmulgee, Okla., VOR; MEA *4,000. *2,700—MOCA.
From Okmulgee, Okla., VOR; to Pryor INT Okla., MEA 2,700.
From Pryor INT, Okla.; to Neosho, Mo. VOR; MEA 2,000.
From Ardmore, Okla., VOR via E alter.; to Okmulgee, Okla., VOR via E alter.; MEA *4000. *2,400—MOCA.
From Ardmore, Okla., VOR via W alter.; to Shawnee INT, Okla., via W alter.; MEA *3,000. *2,700—MOCA.
From Shawnee INT Okla., via W alter.; to Okmulgee, Okla., VOR via W alter.; MEA *3,000. *2,400—MOCA.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Meridian, Miss., VOR; to Moundville INT, Ala.; MEA *3,500. *2,000—MOCA.
From Moundville INT, Ala.; to Abernant INT, Ala.; MEA *3,500. *1,700-MOCA.

Section 610.6019 *VOR civil airway 19* is amended by adding:

From *Sheridan, Wyo., VOR via E alter.; to Billings, Mont., VOR via E alter.; MEA 8,000. *8,500—MCA Sheridan VOR, southeast bound.

Section 610.6021 *VOR civil airway 21* is amended by adding:

From Mormon Mesa, Nev., VOR via W alter.; to Milford, Utah, VOR via W alter.; MEA 10,000.
From Milford, Utah, VOR via W alter.; to Delta, Utah, VOR via W alter.; MEA 10,000.
From Delta, Utah, VOR via W alter.; to Utah Lake, Utah, VOR via W alter.; MEA 11,000.
From Great Falls, Mont., VOR via E alter.; to Cut Bank, Mont., VOR via E alter.; MEA 6,000.

Section 610.6023 *VOR civil airway 23* is amended by adding:

From Medford, Oreg., VOR via E alter.; to Eugene, Oreg., VOR via E alter.; MEA *10,000. *7,500—MOCA.
From Eugene, Oreg., VOR via E alter.; to Portland, Oreg., VOR via E alter.; MEA 5,000.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From Eugene, Oreg., VOR via W alter.; to Newberg, Oreg., VOR via W alter.; MEA 5,000.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From Rapid City, S. Dak., VOR via N alter.; to Philips, S. Dak., VOR via N alter.; MEA 4,500.
From White Cloud, Mich., VOR; to *Trufant INT, Mich.; MEA 2,000. *3,000—MRA.
From Trufant INT, Mich.; to *Orleans INT, Mich.; MEA 2,000.. *4,000—MRA.

From Orleans INT, Mich.; to Lansing, Mich., VOR; MEA 2,000.

Section 610.6030 *VOR civil airway 30* is amended to read in part:

From *Oakwood INT, Wis., via S alter.; to Taylor INT, Wis., via S alter.; MEA **3,000. *3,000—MRA. **2,100—MOCA.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Appleton, Ohio, VOR; to Zanesville, Ohio, VOR; MEA 2,500.
From Zanesville, Ohio, VOR; to Parkersburg, W. Va., VOR; MEA 2,500.

Section 610.6045 *VOR civil airway 45* is amended to delete:

From Int. Waterville, Ohio, VOR 330 M. and Litchfield, Mich., VOR 091 M rads.; to *Leslie INT, Mich.; MEA 2,300.
From Leslie INT, Mich.; to Lansing, Mich., VOR; MEA 2,300.

Section 610.6045 *VOR civil airway 45* is amended by adding:

From New Bern, N. C., VOR; to La Grange INT, N. C.; MEA 1,400.
From La Grange INT, N. C.; to Raleigh, N. C., VOR; MEA 2,500.
From Raleigh, N. C., VOR; to Greensboro, N. C., VOR; MEA 2,500.
From Greensboro, N. C., VOR; to *Cove INT, Va.; MEA 3,000. *3,900—MRA.
From Cove INT, Va.; to Pulaski, Va., VOR; MEA 6,000.
From Pulaski, Va., VOR; to Charleston, W. Va., VOR; MEA 6,000.
From Raleigh, N. C., VOR via W alter.; to Moncure INT, N. C., via W alter.; MEA 1,600.
From Moncure INT, N. C., via W alter.; to Greensboro, N. C., VOR via W alter.; MEA 2,100.
From Raleigh, N. C., VOR via E alter.; to *Reid INT, N. C., via E alter.; MEA 3,500. *3,500—MRA.
From Reid INT, N. C., via E alter.; to Greensboro, N. C., VOR via E alter.; MEA 2,300.
From Lansing, Mich., VOR; to Saginaw, Mich., VOR; MEA 2,000.
From Moscow INT, Mich.; to *Leslie INT, Mich.; MEA 2,300. *3,000—MRA.
From Leslie INT, Mich.; to Lansing, Mich., VOR; MEA 2,300.

Section 610.6063 *VOR civil airway 63* is amended to read in part:

From *Ennis INT, Tex.; to Crandall INT, Tex.; MEA **4,500. *2,400—MRA. **1,600—MOCA.
From Crandall INT, Tex.; to Sabine INT, Tex.; MEA *2,800. *1,800—MOCA.

Section 610.6067 *VOR civil airway 67* is amended by adding:

From Cedar Rapids, Iowa, VOR; to Waterloo, Iowa, VOR; MEA 2,500.

Section 610.6074 *VOR civil airway 74* is amended by adding:

From Tulsa, Okla., VOR via S alter.; to Okmulgee, Okla., VOR via S alter.; MEA 2,700.
From Okmulgee, Okla., VOR via S alter.; to Fort Smith, Ark., VOR via S alter.; MEA *2,300. *2,200—MOCA.

Section 610.6074 *VOR civil airway 74* is amended to read in part:

From Wagoner INT, Okla.; to Mazie INT, Okla. (deletes MRA at Mazie INT); MEA 2,200.

Section 610.6094 *VOR civil airway 94* is amended to read in part:

From Waxahachie INT, Tex.; to Kemp INT, Tex. (deletes MRA at Kemp INT); MEA 1,900.

Section 610.6094 *VOR civil airway 94* is amended by adding:

From San Simon, Ariz., VOR; to *Deming INT, N. Mex.; MEA **14,000. *14,000—MRA. **9,000—MOCA.
From Deming INT, N. Mex.; to Lanark INT, N. Mex.; MEA *14,000. *9,000—MOCA.
From Lanark INT, N. Mex.; to Newman, Tex., VOR; MEA 9,000.

Section 610.6107 *VOR civil airway 107* is amended to delete:

From Long Beach, Calif., VOR; to Hermosa INT, Calif.; MEA 2,000.

Section 610.6112 *VOR civil airway 112* is amended to delete:

From Pendleton, Oreg., VOR; to Lamar INT, Wash.; MEA 4,000.
From Lamar INT, Wash.; to Spokane, Wash., VOR; MEA 5,000.

Section 610.6112 *VOR civil airway 112* is amended by adding:

From Portland, Oreg., VOR via N alter.; to The Dalles, Oreg., VOR via N alter.; MEA *8,000. *7,000—MOCA.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From Dallas, Tex., VOR; to Kemp INT, Tex. (deletes MRA at Kemp INT); MEA 2,000.

Section 610.6120 *VOR civil airway 120* is amended by adding:

From Ephrata, Wash., VOR; to Pine City, Wash., LF/RBN; MEA *8,000. *4,600—MOCA.
From Pine City, Wash., LF/RBN; to Mullen Pass, Mont., VOR; MEA 9,000.

Section 610.6128 *VOR civil airway 128* is amended to delete:

From Charleston, W. Va., VOR; to Pulaski, Va., VOR; MEA 6,000.
From Pulaski, Va., VOR; to *Cove INT, Va.; MEA 6,000. *3,900—MRA.
From Cove INT, Va.; to Greensboro, N. C., VOR; MEA 3,000.
From Greensboro, N. C., VOR; to Raleigh, N. C., VOR; MEA 2,500.
From Greensboro, N. C., VOR via S alter.; to Moncure INT, N. C., via S alter.; MEA 2,100.
From Moncure INT, N. C., via S alter.; to Raleigh, N. C., VOR via S alter.; MEA 1,600.
From Greensboro, N. C., VOR via N alter.; to *Reid INT, N. C., via N alter.; MEA 2,300.
From *Reid INT, N. C., via N alter.; to Raleigh, N. C., VOR via N alter.; MEA 3,500. *3,500—MRA.
From Raleigh, N. C., VOR; to La Grange INT, N. C.; MEA 2,500.
From La Grange INT, N. C., to New Bern, N. C., VOR; MEA 1,400.

Section 610.6131 *VOR civil airway 131* is amended by adding:

From Tulsa, Okla., VOR; to *Coffeyville INT, Kans.; MEA 2,200. *7,000—MRA.
From Coffeyville INT, Kans.; to Chanute, Kans., VOR; MEA 2,200.

Section 610.6132 *VOR civil airway 132* is amended to read in part:

From Cheyenne, Wyo., VOR; to *Grover INT, Colo.; MEA 7,300. *8,000—MRA.
From Grover INT, Colo.; to Akron, Colo., VOR; MEA 7,300.

Section 610.6133 *VOR civil airway 133* is amended to delete:

From Salem, Mich., VOR; to Flint INT, Mich.; MEA 2,600.

Section 610.6133 *VOR civil airway 133* is amended to read in part:

From Parkersburg, W. Va., VOR; to Zanesville, Ohio, VOR; MEA 2,500.
From Zanesville, Ohio, VOR; to Tiverton, Ohio, VOR; MEA 2,500.

Section 610.6144 *VOR civil airway 144* is amended to read in part:

From Appleton, Ohio, VOR; to Zanesville, Ohio, VOR; MEA 2,500.
From Zanesville, Ohio, VOR; to Proctor INT, W. Va.; MEA 2,500.
From Proctor INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6147 *VOR civil airway 147* is amended to read in part:

From Philadelphia, Pa., ILS loc.; to Ardmore INT, Pa.; MEA 2,000.

Section 610.6133 *VOR civil airway 133* is amended by adding:

From Salem, Mich., VOR; to Fenton INT, Mich.; MEA 2,600.
From Fenton INT, Mich.; to Flint, Mich., ILS/LOM; MEA 2,200.
From Flint, Mich., ILS/LOM; to Saginaw, Mich., VOR; MEA 2,200.
From Saginaw, Mich., VOR; to Traverse City, Mich., VOR; MEA *3,000. *2,500—MOCA.

Section 610.6154 *VOR civil airway 154* is amended to read in part:

From *Lotts INT, Ga.; to **Marlow INT, Ga.; MEA 1,400. *4,000—MRA. **2,000—MRA.
From Marlow INT, Ga.; to Savannah, Ga., VOR; MEA 1,400.

Section 610.6157 *VOR civil airway 157* is amended by adding:

From Allendale, S. C., VOR; to Florence, S. C., VOR; MEA 1,900.

Section 610.6161 *VOR civil airway 161* is amended to read in part:

From Ardmore, Okla., VOR; to Okmulgee, Okla., VOR; MEA *4,000. *2,700—MOCA.
From Okmulgee, Okla.; to Tulsa, Okla., VOR; MEA 2,700.

Section 610.6162 *VOR civil airway 162* is amended to read in part:

From Reinholds INT, Pa., via S alter.; to *Fleetwood INT, Pa., via S alter.; MEA 2,500. *4,000—MRA.
From Fleetwood INT, Pa., via S alter.; to Allentown, Pa., VOR via S alter.; MEA 2,500.

Section 610.6174 *VOR civil airway 174* is amended to read in part:

From Vichy, Mo., VOR; to Meramec INT, Mo.; MEA 2,200.
From Meramec INT, Mo.; to Troy, Ill., VOR; MEA 2,600.

Section 610.6182 *VOR civil airway 182* is amended to read in part:

From Eight Mile INT, Oreg.; to *Heppner INT, Oreg.; MEA 9,000. *10,000—MRA.
From Heppner INT, Oreg.; to Ukiah INT, Oreg.; MEA 9,000.

Section 610.6185 *VOR civil airway 185* is amended to read in part:

From Savannah, Ga., VOR; to Kildare INT, Ga. (deletes MRA at Kildare INT); MEA 1,300.

Section 610.6187 *VOR civil airway 187* is added to read:

From Grand Junction, Colo., VOR; to Rock Springs, Wyo., VOR; MEA 13,000.

Section 610.6191 *VOR civil airway 191* is amended to read in part:

From Taylor INT, Wis.; to *Oakwood INT, Wis.: MEA **3,000. *3,000—MRA. **2,100—MOCA.

Section 610.6193 *VOR civil airway 193* is amended to read in part:

From White Cloud, Mich., VOR; to Traverse City, Mich., VOR; MEA 2,700.

Section 610.6193 *VOR civil airway 193* is amended by adding:

From Traverse City, Mich., VOR; to Pellston, Mich., LF/RBN; MEA 2,400.
From Pellston, Mich., LF/RBN; to Sault Ste. Marie, Mich., VOR; MEA 2,200.

Section 610.6210 *VOR civil airway 210* is amended to read in part:

From Sidney, Ohio, VOR; to Tiverton, Ohio, VOR; MEA 4,000.
From Dawes Station INT, Calif.; to Goffs, Calif., VOR; MEA 8,000.
From Goffs, Calif., VOR; to Union Pass INT, Ariz.; MEA 8,000.
From Union Pass INT, Ariz.; to *Hackberry INT, Ariz.; MEA 9,000. *13,200—MRA.
From Hackberry INT, Ariz.; to Valle, Ariz., VOR; MEA 9,000.

Section 610.6213 *VOR civil airway 213* is amended to read:

From Rocky Mount, N. C., VOR; to Hopewell, Va., VOR; MEA 1,500.
From Hopewell, Va., VOR; to Tappahannock INT, Va.; MEA 1,500.

Section 610.6214 *VOR civil airway 214* is added to read:

From Columbus, Ohio, ILS loc.; to Zanesville, Ohio, VOR; MEA 2,500.
From Zanesville, Ohio, VOR; to Fairview INT, Ohio; MEA 2,500.
From Fairview INT, Ohio; to Wheeling, W. Va., VOR; MEA 2,500.

Section 610.6216 *VOR civil airway 216* is amended to read in part:

From Muskegon, Mich., VOR; to Kent City INT, Mich.; MEA 2,000.
From Kent City INT, Mich.; to *Trufant INT, Mich.; MEA **3,000. *3,000—MRA. **2,400—MOCA.
From Trufant INT, Mich.; to Saginaw, Mich., VOR; MEA *3,000. *2,400—MOCA.

Section 610.6217 *VOR civil airway 217* is amended to read in part:

From Taylor INT, Wis.; to *Oakwood INT, Wis.; MEA **3,000. *3,000—MRA. **2,100—MOCA.

Section 610.6257 *VOR civil airway 257* is amended to read in part:

From Delta, Utah, VOR; to Sevier INT, Utah; MEA 11,000.
From Sevier INT, Utah; to Ogden, Utah, VOR; MEA 13,000.

Section 610.6274 *VOR civil airway 274* is added to read:

From Grand Rapids, Mich., ILS/LOM; to *Ada INT, Mich.; northeastbound, MEA **4,000; southwestbound, MEA 2,000. *4,000—MRA. **2,000—MOCA.
From Ada INT, Mich.; to *Orleans INT, Mich.; MEA **4,000. *4,000—MRA. **2,000—MOCA.
From Orleans INT, Mich.; to Saginaw, Mich., VOR; MEA *4,000. *2,200—MOCA.

Section 610.6281 *VOR civil airway 281* is added to read:

From Redmond, Oreg., VOR; to *Heppner INT, Oreg.: MEA **12,000. *10,000—MRA. **8,000—MOCA.
From Heppner INT, Oreg.; to Pendleton, Oreg., VOR; MEA *10,000. *6,000—MOCA.
From Pendleton, Oreg., VOR; to Lamar INT, Wash.; MEA 4,000.
From Lamar INT, Wash.; to Spokane, Wash., VOR; MEA 5,000.

Section 610.6283 *VOR civil airway 283* is added to read:

From Redmond, Oreg., VOR; to Portland, Oreg., VOR; MEA *13,800. *10,000—MOCA.

Section 610.6285 *VOR civil airway 285* is added to read:

From Cherokee, Wyo., VOR; to Myton, Utah, VOR; MEA 12,500.

Section 610.6287 *VOR civil airway 287* is added to read:

From North Bend, Oreg., VOR; to Kings Valley INT, Oreg.; MEA *8,000. *6,000—MOCA.
From Kings Valley INT, Oreg.; to Newberg, Oreg., VOR; MEA 5,000.

Section 610.6606 *VOR civil airway 1506* is amended to read in part:

From Appleton, Ohio, VOR; to Zanesville, Ohio, VOR; MEA 2,500.
From Zanesville, Ohio, VOR; to Proctor INT, W. Va.; MEA 2,500.
From Proctor INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Dawes Station INT, Calif.; to Goff, Calif., VOR; MEA 8,000.
From Goff, Calif., VOR; to Union Pass INT, Ariz.; MEA 8,000.
From Union Pass INT, Ariz.; to *Hackberry INT, Ariz., MEA 9,000. *13,200—MRA.
From Hackberry INT, Ariz.; to Valle, Ariz., VOR; MEA 9,000.

Section 610.6182 *VOR civil airway 182* is amended by adding:

From Portland, Oreg., VOR via N alter.; to The Dalles, Oreg., VOR via N alter.; MEA *8,000. *7,000—MOCA.
From Douglas, Wyo., VOR; to Chadron, Nebr., VOR; MEA 8,000.

Section 610.6612 *VOR civil airway 1512* is amended by adding:

From Johnstown, Pa., VOR; to Reedsville, INT, Pa.; MEA *8,000. *4,500—MOCA.
From Reedsville INT, Pa.; to Selinsgrove, Pa., VOR; MEA *8,000. *4,000—MOCA.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective November 21, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

OCTOBER 18, 1957.

[F. R. Doc. 57-8737; Filed, Oct. 24, 1957; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.336]

PART 100—EXAMINATIONS FOR THE APPOINTMENT OF FOREIGN SERVICE OFFICERS

Part 100, Chapter I, Title 22 of the Code of Federal Regulations is amended as follows under authority of section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151 (c) and section 302 of the act of August 13, 1946 (60 Stat. 1001; 22 U. S. C. 842):

Sec.
100.1 Examinations for appointment as Foreign Service officer.
100.2 When and where given.
100.3 Designation to take examination.
100.4 The written examination.
100.5 Eligibility to take oral examination.
100.6 The oral examination.
100.7 Eligibility to take physical examination.
100.8 The physical examination.
100.9 Certifications for appointment.
100.10 Affiliations.
100.11 Expenses of candidates.

AUTHORITY: §§ 100.1 to 100.11 issued under sec. 212, 60 Stat. 1001; 22 U. S. C. 827.

§ 100.1 *Examinations for appointment as Foreign Service officer.* In addition to the requirement set out in § 100.9 (a), eligibility for appointment as Foreign Service officer, class 8, is established by means of competitive written and oral examinations, a physical examination, and a suitability investigation.

§ 100.2 *When and where given.* The written examination will be given annually, or semi-annually if required, in designated cities in the United States and at Foreign Service posts abroad on dates established by the Board of Examiners for the Foreign Service. The oral examination will be given at Washington throughout the year and periodically in selected cities throughout the United States and at selected Foreign Service posts abroad. The physical examination will be given as indicated in § 100.8.

§ 100.3 *Designation to take examination.* (a) No person will be permitted to take the written examination for appointment as Foreign Service officer who has not been specifically designated by the Board of Examiners for the particular examination.

(b) Prior to each written examination the Board will establish a closing date for the receipt of applications for designation to take that examination. No person who has not as of that closing date filed an application with the Board of Examiners will be designated for the examination.

(c) To be designated for the written examination an applicant must be, as of the closing date for the filing of applications, at least 20 years of age and under the age of 31, and must have been a citizen of the United States for at least 9 years.

§ 100.4 *The written examination.* The written examination is designed to permit the Board to test the candidate's intelligence and the breadth and quality of his knowledge and understanding. It will consist of four parts: a general ability test, an English expression test, a general background test, and a test in a modern language (French, German, Russian or Spanish). The several parts of the written examination, exclusive of the modern language test, will be weighted in accordance with rules laid down by the Board of Examiners. The modern language examination will be graded separately.

§ 100.5 *Eligibility to take oral examination.* (a) A candidate who receives a weighted average grade of 70 or higher on the first three parts of the written examination will be eligible to take the oral examination.

(b) A candidate who receives a grade of 70 or above in the written Modern Language examination will receive a bonus of five points to be added to the weighted average grade he receives in the first three parts of the written examination.

(c) A candidate whose weighted average grade on the first three parts of the written examination, with the addition of the five bonus points mentioned in paragraph (b) of this section, is 70 or higher will be eligible to take the oral examination.

§ 100.6 *The oral examination.* (a) The oral examination will be given by a panel of deputy examiners selected by the Board of Examiners from a roster of Foreign Service officers and officers from the Department of State and other Government departments and agencies. The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine his competence to perform the work of a Foreign Service officer at home and abroad, his potential for growth in the Service, and his suitability to serve as a representative of the United States abroad.

(b) Candidates appearing for the oral examination will be graded "passed", "deferred", or "failed."

(c) Candidates graded "deferred" may take another oral examination without repeating the written examination after the expiration of one year and before the expiration of two years. The interval of one year between oral examinations may in exceptional cases be reduced to nine months.

§ 100.7 *Eligibility to take physical examination.* A candidate accorded a passing grade on the oral examination will be eligible for the physical examination and for an investigation to determine his loyalty to the Government and his personal suitability to represent this country.

§ 100.8 *The physical examination.* (a) The physical examination will be designed to determine the candidate's physical fitness to perform the duties of a Foreign Service officer and to determine the presence of any physical, nervous, or mental disease or defect of such a nature as to make it unlikely that he would become a satisfactory officer.

(b) The physical examinations will be conducted by medical officers of the Armed Services, the Public Health Service, or the Foreign Service or, in exceptional circumstances, by private physicians designated by the Board of Examiners.

(c) The Board of Examiners will determine, on the basis of the report of the physician or physicians who have conducted the physical examination, whether or not the candidate has met the requirements.

§ 100.9 *Certification for appointment.* (a) No person will be certified as eligible for appointment as Foreign Service officer of class 8 unless he is at least 21 years of age, has been a citizen of the United States for at least 10 years, and, if married, is married to a citizen of the United States.

(b) A candidate who meets the requirements of paragraph (a) of this section, who passes his physical examination and who, on the basis of the suitability investigation, is adjudged suitable, will be certified for appointment in accordance with the needs of the Service.

(c) Any candidate certified for appointment without first having passed the written examination in a modern language will enter on duty subject to the condition that he may not be promoted to a higher class unless he passes the written examination in French, German, Russian or Spanish, or an oral examination in a modern language of his choice administered by the Foreign Service Institute in accordance with standards approved by the Board of Examiners.

§ 100.10 *Affiliations.* The religion, race, and political affiliations of candidates will not be considered in designations, examinations, or certifications, except that candidates will be required to demonstrate their loyalty to the Government of the United States and their attachment to the principles of the Constitution.

§ 100.11 *Expenses of candidates.* The traveling and other personal expenses of candidates in connection with taking the written and oral examinations will not be borne by the Government.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

OCTOBER 16, 1957.

[F. R. Doc. 57-8794; Filed, Oct. 24, 1957; 8:48 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 612—REGULATIONS TO IMPLEMENT THE MEXICAN LABOR PROGRAM

SUBPART D—ENFORCEMENT AND APPEALS PROCEDURES [1]

Pursuant to Article 7 of the Migrant Labor Agreement of 1951, as amended, and for the reasons therein enumerated, the Secretary of Labor or his duly authorized representative has the authority to revoke or to refuse to issue to an employer a certification to contract Mexican National agricultural workers. The regulation which follows prescribes the procedures applicable in such cases.

By virtue of and pursuant to the authority vested in me by R. S. 161 (5 U. S. C. 22), Reorganization Plan No. 2 of 1949 (3 CFR 1949 Supp., p. 136), Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165), Title V of the Agricultural Act of 1949 (7 U. S. C. 1461 et seq.) as amended, the Wagner-Peyser Act (29 U. S. C. 49) as amended, the Migrant Labor Agreement of 1951 (TIAS 2260, Aug. 1, 1949, 2 U. S. T. 1048) as amended, and General Order No. 56 (20 F. R. 8972) as revised, regulations constituting Subpart D of Title 20, Code of Federal Regulations, Part 612, are hereby issued to read as follows:

Sec.
612.50 General.
612.51 Notice to employer before Regional Director may revoke or refuse to issue a certification.
612.52 Procedure for submitting evidence; time limitation; form and content of evidence.
612.53 Requests for additional evidence by Regional Director.
612.54 Procedure where Regional Director deems immediate action necessary to protect lives, health, or safety of Mexican Nationals.
612.55 Scope of evidence considered; decision; right to appeal.
612.56 Appeal procedure; time for appeal; form and content.
612.57 Maintenance of status quo pending final decision.
612.58 Director's decision.
612.59 Service of notice.
612.60 Inconsistent rules, regulations and procedures superseded.

AUTHORITY: §§ 612.50 to 612.60 issued under sec. 12, 48 Stat. 117, sec. 501, 65 Stat. 119; 29 U. S. C. 49k, 7 U. S. C. 1461.

§ 612.50 *General.* The procedure outlined in this subpart shall apply in all cases where a Regional Director of the Bureau of Employment Security, as the duly authorized representative of the Secretary of Labor, proposes either to refuse to issue or to revoke the certification of an employer to contract Mexican National agricultural workers for any of the reasons enumerated in Article 7 of the Migrant Labor Agreement of 1951, as amended (hereinafter called the "Agreement"). All violations involved in such proceedings affect the public interest and may also affect the public health or safety or be willful in character.

§ 612.51 *Notice to employer before Regional Director may revoke or refuse to issue a certification.* Whenever investigation reveals an employer has engaged in, or proposes to engage in, a course of conduct which would constitute grounds for a Regional Director unilaterally to revoke or refuse to issue a certification under Article 7 of the Agreement, the Regional Director shall promptly notify the employer of the facts or conduct revealed by the investigation in sufficient detail to inform the employer of the charges against him.

§ 612.52 *Procedure for submitting evidence; time limitation; form and content of evidence.* The Regional Director's notice shall be in writing and shall inform the employer that he may, within seven (7) days after the date of mailing of the notice, submit to the Regional Director any written evidence or argu-

[1] Subpart D is issued out of regular order and Subparts A, B, and C will be issued in the future.

ment which he deems appropriate in support of his position. The Regional Director may, for good cause shown by affidavit filed with him within such seven (7) day period, permit the employer to submit such evidence or argument after such period. The written evidence or argument need not be in any particular form except that statements in support of the employer's position should be made under oath or affirmation.

§ 612.53 *Requests for additional evidence by Regional Director.* The Regional Director may, within his discretion, request the employer to furnish additional facts and evidence in the matter within a period of time specified by him in such request.

§ 612.54 *Procedure where Regional Director deems immediate action necessary to protect lives, health or safety of Mexican Nationals.* Notwithstanding any other provision of this subpart, a Regional Director may revoke or refuse to issue a certification to an employer before following the procedure provided in §§ 612.52 and 612.53 when, in his judgment, the lives, health or safety of Mexican Nationals will be jeopardized by a delay. Whenever a Regional Director revokes or refuses to issue a certification under this section, he shall give written notice to the employer of the action taken, specifying the facts and circumstances which form the basis of his action. Said notice shall advise the employer that the action taken is without prejudice to his right to be heard in accordance with the procedure provided in §§ 612.52 and 612.53, and shall specify that the employer may, within seven (7) days after the date of mailing of the notice, submit any written evidence which he deems appropriate in support of his position. The Regional Director shall consider all the facts and evidence, as provided in § 612.55, and shall modify or reverse his decision if the evidence submitted warrants such modification or reversal.

§ 612.55 *Scope of evidence considered; decision; right to appeal.* The Regional Director will consider all the facts, evidence and argument in the matter which relate either to the merits of the alleged conduct constituting the basis of his proposed action, or to the propriety of the proposed sanction: *Provided, however,* That whenever a Regional Director proposes either to refuse to issue a certification to any employer or to revoke one that has been previously issued on the ground that there has been a joint determination under Article 30 that the employer has failed to meet his obligations under any previous contract entered into pursuant to the Agreement, consideration of the evidence or argument shall be limited only to the propriety of the proposed sanction. In such cases neither the validity nor the merits of any such prior joint determination shall be within the scope of the Regional Director's consideration. The Regional Director shall promptly notify the employer of his decision and the reasons therefor by mailing him a copy of the decision. Said notice of decision shall inform the employer that unless the decision is appealed within five (5) days from the date of mailing thereof, it shall become final.

§ 612.56 *Appeal procedure; time for appeal; form and content.* Within five (5) days after the date of mailing of the notice of decision, the employer may appeal the decision by submitting to the Regional Director any further written evidence or argument which he deems appropriate in support of his position. The written evidence or argument need not be in any particular form, except that statements in support of the employer's position should be made under oath or affirmation. The Regional Director shall immediately transmit the appeal to the Director of the Bureau of Employment Security in Washington, together with the record of the proceedings at the Regional level.

§ 612.57 *Maintenance of status quo pending final decision.* Pending the Director's decision in the event an appeal is filed, the status quo will be maintained insofar as practicable: *Provided, however,* That where the Regional Director has revoked an employer's certification because the lives, health, or safety of Mexican Nationals were imperiled, the status quo shall not be maintained.

§ 612.58 *Director's decision.* The Director shall consider the appeal, including the entire record as certified to him by the Regional Director, and shall render his written decision in the matter by affirming, modifying or reversing the Regional Director's decision. A copy of the Director's decision and the reasons therefor shall be mailed to the employer promptly.

§ 612.59 *Service of notice.* Whenever any notice is required to be given pursuant to this subpart, it shall be given by certified mail with return receipt requested. The notice shall be deposited in the United States mails with proper postage prepaid, addressed to the employer at his address as it appears in the Regional Office records, and such notice shall be deemed to have been given on the date such notice is deposited, as shown by the postmark.

§ 612.60 *Inconsistent rules, regulations, instructions and procedures superseded.* A Regional Director shall not unilaterally revoke or refuse to issue any certification under Article 7 of the Agreement except in accordance with the procedure provided in this subpart. Any rule, regulation, procedure or instruction issued by the Director which is inconsistent with this subpart is hereby superseded.

This subpart shall take effect on October 25, 1957.

Signed at Washington, D. C., this 9th day of October 1957.

ROBERT C. GOODWIN,
Director,
Bureau of Employment Security.

[F. R. Doc. 57-8782; Filed, Oct. 24, 1957; 9:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

FISCAL POLICIES PERTAINING TO DEPENDENTS' MEDICAL CARE

Section 577.92 is revised to read as follows:

§ 577.92 *Claims for reimbursement.* (a) An individual will not pay for civilian medical care of eligible dependents which is authorized at Government expense except for that amount determined by the joint uniformed services regulations referred to in § 577.81 to be the responsibility of the patient. Appropriate contract channels have been established through which bills for civilian medical care may be submitted by civilian medical sources for prompt payment. In cases where spouses and children received authorized civilian medical care and the patient or sponsor paid the charges for such care, reimbursement may be made in accordance with guidance furnished by the executive agent for that portion of the charge which the Government would have paid had contract facilities or services been utilized.

(b) Where authorized civilian medical care was provided in areas outside the jurisdiction of the executive agent, claims will be processed in accordance with applicable regulations of the uniformed service concerned.

(c) Claims for reimbursement for authorized civilian medical care provided spouses and children in the continental United States, Alaska, Hawaii, or Puerto Rico may be submitted by the patient or sponsor direct to the appropriate major Army commander (Commanding General, ZI army or Military District of Washington), who has jurisdiction over the geographical area in which the treatment was rendered, for review and disposition in accordance with instructions issued by the executive agent. Such claims for reimbursement will include the following forms and documentations:

(1) Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal), in triplicate. In applicable oversea areas Standard Form 1146 (Public Voucher for Purchases and Services Other Than Personal) and Standard Form 1146a (Memorandum) may be used in place of Standard Form 1034.

(2) Department of the Army Form 1863 (Statement of Services Provided by Civilian Medical Sources), in triplicate, with items in sections I through IV completed. A separate Department of the Army Form 1863 is required for each source of care, e. g., physician, hospital, nurse, or dentist.

(3) Itemized bill of the physician, hospital, nurse, or dentist, etc., rendering the medical care, showing the first name, middle initial, and last name of the authorized person signing, including his business title or designation, and acknowledging receipt of payment from the patient or sponsor.

(4) Statement from the claimant as to the reasons for having made direct payment rather than submission of the billing through contractual channels.

[C1, AR 40-122, October 3, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 101-303, 70 Stat. 250-254; 37 U. S. C. 401-423)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-8778; Filed, Oct. 24, 1957; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 57-43]

PART 1—GENERAL PROVISIONS

SUBPART 1.25—FEES AND CHARGES FOR COPYING, CERTIFYING, OR SEARCHING RECORDS AND FOR DUPLICATE DOCUMENTS AND CERTIFICATES

MISCELLANEOUS AMENDMENTS

By virtue of the authority described with the regulations below, the following amendments in this document are prescribed and shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER:

1. Section 1.25-25 is amended to read as follows:

§ 1.25-25 *Fees for services.* (a) The fees prescribed in this subpart include the charges for the services necessary in granting the request.

(b) The fee of $2.00 shall be charged for the service necessary in searching Coast Guard records for the information desired when such information cannot be found.

2. Section 1.25-40 is amended by adding the following at the end thereof:

§ 1.25-40 *Excerpts from official documents or records.* • • • The minimum fee charged shall be $1.00.

3. Section 1.25-45 is amended by adding the following at the end thereof:

§ 1.25-45 *Marine casualty or accident record.* • • • The minimum fee charged shall be $1.00.

4. Section 1.25-50 is amended by adding the following at the end thereof:

§ 1.25-50 *Suspension and revocation proceeding record.* • • • The minimum fee charged shall be $1.00.

5. Section 1.25-55 is amended to read as follows:

§ 1.25-55 *Excerpts from certain merchant marine records.* The fees for certain types of excerpts from merchant marine records are as follows:

(a) For each copy of an entry or excerpt from merchant vessel log book, the fee shall be $1.00 for each entry or excerpt with a minimum fee of $3.00.

(b) For each transcript of service of a merchant seaman prepared in report form as authorized by 46 CFR 154.07 the fee shall be $.25 for each entry with a minimum fee of $3.00.

6. Section 1.25-60 is amended to read as follows:

§ 1.25-60 *Shipping articles.* (a) For a photostat copy of a shipping article the fee shall be $1.00 for each sheet of photostat used, with a minimum fee of $3.00 for each request.

(b) For each excerpt from a shipping article, the fee shall be $.25 for each excerpt, with a minimum fee of $3.00 for each request.

7. Section 1.25-70 is amended to read as follows:

§ 1.25-70 *Certification or validation of records or documents.* (a) The fees for the certification or validation of any record described in this subpart, except duplicate documents or certificates listed in § 1.25-65, shall be in addition to any other fee prescribed in this subpart governing the information desired.

(b) The fee for certification or validation with appropriate Treasury Department seal shall be $5.00.

(c) The fee for certification or validation with appropriate Coast Guard seal, when performed at Headquarters in Washington, D. C., shall be $3.00. The fee for other certification or validation with appropriate Coast Guard seal shall be $2.50. The fee for certification or validation without a Coast Guard seal shall be $1.00.

(d) When the record or document is copied or duplicated by some one other than the Coast Guard and it is requested that such record or document be certified as a true copy of the Coast Guard record or document, the fee for such certification, without Coast Guard seal, shall be $1.00 for each page or less. If the certification includes the appropriate Treasury Department or Coast Guard seal, the fees in paragraphs (b) and (c) of this section will also apply.

(Sec. 501, 65 Stat. 290, 5 U. S. C. 140)

Dated: October 1, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

Approved: October 18, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8796; Filed, Oct. 24, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1985]

PART 9—LEASES, PERMITS, AND EASEMENTS FOR PUBLIC WORKS

On pages 5775 and 5776 of the FEDERAL REGISTER of July 19, 1957, there was published a notice of proposed rule making to issue regulations implementing the act of September 3, 1954 (68 Stat. 1146), so far as it relates to public lands administered by the Department of the Interior. Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed regulations.

No comments or suggestions were submitted within the 30-day period. Consequently, the proposed regulations are hereby adopted without charge, and are set forth below.

FRED A. SEATON,
Secretary of the Interior.

OCTOBER 18, 1957.

A new part is added as follows:

Sec.
9.1 Statutory authority.
9.2 Applicability of regulations; where to apply.
9.3 General provisions.
9.4 Applications; modification; transfers; renewals.
9.5 Terms and conditions of easements.
9.6 Terms and conditions of leases and permits.
9.7 Appeals.

AUTHORITY: §§ 9.1 to 9.7 issued under R. S. 2478; 43 U. S. C. 1201.

§ 9.1 *Statutory authority.* The act of September 3, 1954 (68 Stat. 1146; 43 U. S. C. 931c, 931d) authorizes the head of any Federal department or agency having jurisdiction over public lands and national forests of the United States, to grant permits, leases, or easements, under certain conditions, to States, counties, cities, towns, townships, municipal corporations, or other public agencies for the purpose of constructing and maintaining public buildings and other public works on such lands. National parks and monuments are not subject to the provisions of the act. The authority granted by the act is in addition to and not in derogation of any authority conferred upon the Seretary of the Interior to grant permits, leases, easements, or rights-of-way.

§ 9.2 *Applicability of regulations; where to apply.* (a) The regulations of this part apply only to public lands under the administration of the Department of the Interior. For regulations applicable to other Federal public lands, the appropriate titles of this code should be consulted.

(b) For public lands under the administration of the Bureau of Land Management, applications shall be filed in the proper land office in the State or for lands in a State in which there is no land office, shall be filed with the Bureau of Land Management, Washington 25, D. C., except that applications for lands in North Dakota or South Dakota shall be filed in the land office at Billings, Montana, applications for lands in Kansas or Nebraska shall be filed in the land office at Cheyenne, Wyoming, and for lands in Oklahoma in the land office at Sante Fe, New Mexico.

(c) For public lands under the administration of the United States Fish and Wildlife Service, applications shall be filed in the local office of the hatchery, refuge, or other station which has jurisdiction over the lands.

(d) For public lands under the administration of the Bureau of Reclamation, applications shall be filed in the office of

the Regional Director who has jurisdiction over the lands.

(e) For public lands under the administration of the Bureau of Indian Affairs, applications shall be filed in the office of the superintendent of the agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands.

(f) For public lands under the administration of other Bureaus of the Department of the Interior, applications shall be filed in the appropriate local office of such Bureau.

§ 9.3 *General provisions.* The following terms and conditions apply to all leases, permits, and easements granted under the regulations of this part.

(a) All minerals, together with the right to mine and remove the same under applicable laws and regulations, will be reserved to the United States.

(b) The term of all leases, permits, and easements will be fixed by the authorized officer but may not exceed 30 years. Such instruments will be renewable at the discretion of such officer who at the request of the grantee, may also authorize modification of the permitted use of the lands and the transfer of the instrument to another qualified public agency.

(c) Applicants will be required to pay the fair market value of the permit, lease, or easement, as determined by appraisal by the authorized officer. Periodic payments or a lump-sum payment, both payable in advance, will be required at the discretion of such officer: (1) When periodic payments are required, the applicant will be required to make the first payment before the lease, permit, or easement will be issued; (2) upon the voluntary relinquishment of such an instrument before the expiration of its term, any payment made for any unexpired portion of the term will be returned to the payer upon a proper application for repayment to the extent that the amount paid covers a full permit, lease, or easement year or years after the formal relinquishment. The amount to be so returned will be the difference between the total payments made and the value of the expired portion of the term calculated on the same basis as the original payments.

(d) Leases, permits, and easements will be terminable by the authorized officer upon a finding (1) of failure by the holder to comply with their terms, (2) that all or part of the land is being devoted to uses other than the use specified in the lease, permit, or easement, (3) that the lands are not being used for the purpose so specified, or (4) that the lease, permit, or easement has been transferred to another without the consent of the authorized officer.

§ 9.4 *Applications; modifications; transfers; renewals.* (a) Applicants for a permit, lease, or easement must file an application, in triplicate (quadruplicate if the lands are administered by the United States Fish and Wildlife Service) and in typewritten form. No particular form is prescribed, but the application must include (1) the name and post office address of the applicant, (2) the legal description of the lands desired or, if not surveyed according to the rectangular system of surveys, the description of the lands in sufficient detail to permit their accurate identification on the ground, and if an easement for a right-of-way is involved, the maps specified in § 244.6 of this title, (3) a statement showing the purposes for which the lands would be used, and (4) the name and title of the person making application, together with a statement showing his authority to make application on behalf of the applicant.

(b) Holders of leases, permits, or easements may make application (1) to add to or change the use of the lands, (2) to transfer the instrument to another public agency qualified under the act and complying with these regulations, or (3) to renew the instrument at the end of its term. No form is specified but the matter should be fully explained by the applicant. Each such application must be in triplicate (quadruplicate if the lands are administered by the United States Fish and Wildlife Service).

§ 9.5 *Terms and conditions of easements.* The terms and conditions of easements issued under the regulations of this part will be governed by the regulations of Part 244 of this title, including § 244.17 of this title, insofar as they are applicable and insofar as they do not conflict with regulations in this part.

§ 9.6 *Terms and conditions of leases and permits.* (a) Leases and permits issued under the regulations of this part will contain (1) the usual terms and conditions required by law, public policy, and insofar as possible, by Department of the Interior procedures and (2) such other terms and conditions which the authorized officer considers necessary for the proper development of the land, for the protection of public property, and for the protection of the public interest.

(b) Any minerals subject to the leasing laws in the lands under lease or permit under the regulations may be disposed of to any qualified person under applicable laws and regulations. Until other rules and regulations are issued, other minerals are not subject to disposition or, except by an authorized Federal agency, to prospecting.

(c) A lessee or permittee will not be permitted to cut timber from the land without prior permission from the authorized officer.

§ 9.7 *Appeals.* An appeal pursuant to the rules of practice of the Department of the Interior may be taken from the decision of an authorized officer.

[F. R. Doc. 57-8781; Filed, Oct. 24, 1957; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 1529]

[Wyoming 043372]

WYOMING

RESERVING PUBLIC LANDS FOR USE OF FOREST SERVICE AS RECREATION AREAS AND ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Bighorn National Forest in Wyoming are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas and administrative sites:

SIXTH PRINCIPAL MERIDIAN

BIGHORN NATIONAL FOREST

FIVE SPRINGS CAMP GROUNDS AND WINTER SPORTS AREA

T. 56 N., R. 92 W.,
Sec. 20, SE¼SW¼NW¼, S½SE¼NW¼, S½NE¼, E½NW¼SW¼, NE¼SW¼, N½SE¼, NE¼SW¼SW¼, N½SE¼SW¼, N½SW¼SE¼, and NW¼SE¼SE¼;
Sec. 21, S½SW¼NW¼ and N½NW¼SW¼.
The areas described aggregate 350 acres.

BALD MOUNTAIN CAMP GROUNDS

T. 56 N., R. 91 W.,
Sec. 30, lots 1 and 2, S½NE¼NW¼, S½NW¼NE¼, SE¼NW¼, and SW¼NE¼.
The areas described aggregate 180 acres.

PORCUPINE CREEK RECREATION AREA

T. 56 N., R. 91 W.,
Sec. 7, lots 1, 2, 3, 4, E½W½, and SE¼;
Sec. 18, lots 1, 2, 3, 4, E½W½, and N½N½NE¼.
T. 56 N., R. 92 W.,
Sec. 12;
Sec. 13, lots 1, 2, 3, 4, W½E½, and N½NW¼.
The areas described aggregate 1,706.06 acres.

MEDICINE WHEEL RANGER STATION ADMINISTRATIVE SITE

T. 56 N., R. 91 W.,
Sec. 17, SW¼NW¼, SW¼NW¼, NW¼SW¼, and N½SW¼SW¼;
Sec. 18, S½NW¼NE¼, S½NE¼NE¼, N½SW¼SE¼, and N½SE¼SE¼.
The areas described aggregate 200 acres.

BURGESS RANGER STATION ADMINISTRATIVE SITE

T. 56 N., R. 89 W.,
Sec. 25, SW¼ and W½W½SE¼;
Sec. 26, SE¼NE¼SE¼ and E½SE¼SE¼;
Sec. 35, E½E½NE¼;
Sec. 36, NW¼, NW¼SW¼, and W½NE¼SW¼.
The areas described aggregate 490 acres.

The public lands withdrawn by this order aggregate a total of 2,926.06 acres.

This order shall take precedence over, but not otherwise affect, the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 18, 1957.

[F. R. Doc. 57-8779; Filed, Oct. 24, 1957; 8:45 a. m.]

[Public Land Order 1530]

[Fairbanks 013138]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF PUBLIC ROADS FOR HIGHWAY PROTECTION

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not the act of March 4, 1927 (44 Stat. 1452; 48 U. S. C. 471, 471a–471o), and reserved for use of the Bureau of Public Roads, Department of Commerce for the construction of permanent erosion control measures to protect the Richardson Highway:

HARDING LAKE AREA

U. S. SURVEY NO. 2285

The area described contains 12 acres.

2. The lands shall be administered by the Bureau of Land Management for grazing purposes under the act of March 4, 1927.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 18, 1957.

[F. R. Doc. 57-8780; Filed, Oct. 24, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

IMPLEMENTATION OF EXECUTIVE ORDER 10730, SEPTEMBER 24, 1957

The Secretary of Defense signed the following order on October 17, 1957:

ORDER

I, Neil H. McElroy, Secretary of Defense of the United States, by direction of the President of the United States and pursuant to the authority granted under Executive Order No. 10730 dated September 24, 1957, entitled "Providing Assistance for the Removal of an Obstruction of Justice Within the State of Arkansas", hereby relieve from the active military service of the United States the units and parts of units, and the members thereof, of the Army National Guard and the Air National Guard of the State of Arkansas listed on Exhibit 1 attached hereto, which were called into the active military service of the United States pursuant to Section 1 of that Executive Order. All other units and parts of units, and the members thereof, which were called into the active military service of the United States under that Executive Order are hereby retained in the active military service of the United States under that Executive Order.

The relief from active military service provided by this Order shall take effect, for particular units or parts of units, and the members thereof, at the earliest practicable time, as determined by the Secretary of the Army.

All other steps appropriate in connection with relief from active military service under this Order shall be taken by the Secretary of the Army and the Secretary of the Air Force, as the case may be.

NEIL H. MCELROY,
Secretary of Defense.

OCTOBER 17, 1957.

MAURICE W. ROCHE,
Administrative Secretary.

EXHIBIT 1

ARKANSAS ARMY NATIONAL GUARD

UNITS TO BE RELIEVED FROM ACTIVE FEDERAL SERVICE

Unit

Hq & Hq Det, Ark NG
Hq, 39th Inf Div (Part)
39th MP Co
Hq & Hq Btry (Part), 39th Div Arty
Med Det, 39th Div Arty
Hq & Hq Co, 125th Med Bn
Amb Co, 125th Med Bn
Clr Co, 125th Med Bn
Co A, 153d Inf Regt
Co B, 153d Inf Regt
Hq & Hq Co, 2d Bn, 153d Inf Regt
Co E, 153d Inf Regt
Co F, 153d Inf Regt
Co G, 153d Inf Regt
Co H, 153d Inf Regt
Co I, 153d Inf Regt
Co M, 153d Inf Regt
Hv Mortar Co, 153d Inf Regt
Tk Co (90mm Gun), 153d Inf Regt
Hq, Hq & Svc Co, 206th Tank Bn (90mm Gun)
Co A, 206th Tank Bn (90mm Gun)
Co B, 206th Tank Bn (90mm Gun)
Co C, 206th Tank Bn (90mm Gun)
Co D, 206th Tank Bn (90mm Gun)
Med Det, 206th Tank Bn (90mm Gun)
Hq, Hq & Svc Co, 217th Engr Bn (C)
Co A, 217th Engr Bn (C)
Co B, 217 Engr Bn (C)
Co C, 217th Engr Bn (C)
Co D, 217th Engr Bn (C)
Med Det, 217th Engr Bn (C)
Hq & Hq Btry, 437th FA Bn (105mm How, Tow)
Btry A, 437th FA Bn (105mm How, Tow)
Btry B, 437th FA Bn (105mm How, Tow)
Btry C, 437th FA Bn (105mm How, Tow)
Svc Btry, 437th FA Bn (105mm How Tow)
Hq & Hq Btry, 445th FA Bn (155mm How, Tow)
Btry A, 445th FA Bn (155mm How, Tow)
Btry B, 445th FA Bn (155mm How Tow)
Btry C, 445th FA Bn (155mm How Tow)
Svc Btry, 445th FA Bn (155mm How Tow)
Co A, (Fwd), 739th Ord Bn (Inf Div)
Hq & Hq Det, 101st Med Bn
106th Army Band
Hq & Hq Det, 142d FA Gp
148th Evac Hosp (Semi-Mbl)
Hq & Hq Btry, 151st AAA Bn (AW) (SP)
Btry A, 151st AAA Bn (AW) (SP)
Btry B, 151st AAA Bn (AW) (SP)
Btry C, 151st AAA Bn (AW) (SP)
Btry D, 151st AAA Bn (AW) (SP)
Med Det, 151st AAA Bn (AW) (SP)
172d Engr Co (FM)
176th Ord Co (DS)
Hq & Hq Co, 212th Sig Bn (Corps)
Co A, 212th Sig Bn (Corps)
Co B, 212th Sig Bn (Corps)
Co C, 212th Sig Bn (Corps)
Co D, 212th Sig Bn (Corps)
Co E, 212th Sig Bn (Corps)
216th Med Co (Clearing) (Sep)
217th Med Co (Coll) (Sep)
218th Med Co (Amb) (Sep)
219th Med Co (Amb) (Sep)
233d Med Co (Amb) (Sep)
235th Med Co (Clr) (Sep)
295th Med Co (Holding)
296th Med Co (Holding)
Hq & Hq Btry, 326th AAA Bn (AW) (SP)
Btry A, 326th AAA Bn (AW) (SP)
Btry B, 326th AAA Bn (AW) (SP)
Btry C, 326th AAA Bn (AW) (SP)
Btry D, 326th AAA Bn (AW) (SP)
Med Det, 326th AAA Bn (AW) (SP)
Hq & Hq Btry, 327th AAA Bn (AW) (SP)
Btry A, 327th AAA Bn (AW) (SP)
Btry B, 327th AAA Bn (AW) (SP)
Btry C, 327th AAA Bn (AW) (SP)
Btry D, 327th AAA Bn (AW) (SP)
Med Det, 327th AAA Bn (AW) (SP)
Hq & Hq Btry, 709th FA Bn (8" How, SP)
Btry A, 709th FA Bn (8" How, SP)
Btry B, 709th FA Bn (8" How, SP)
Btry C, 709th FA Bn (8" How, SP)
Svc Btry, 709th FA Bn (8" How. SP)
Hq & Svc Co, 875th Engr Bn (Hv Const)
Co A, 875th Engr Bn (Hv Const)
Co B, 875th Engr Bn (Hv Const)
Co C, 875th Engr Bn (Hv Const)
Med Det, 875th Engr Bn (Hv Const)
Hq & Hq Btry, 936th FA Bn (155mm How, Tow)
Btry A, 936th FA Bn (155mm How, Tow)
Btry B, 936th FA Bn (155mm, How, Tow)
Btry C, 936th FA Bn (155mm, How, Tow)
Svc Btry, 936th FA Bn (155mm How, Tow)
Med Det, 936th FA Bn (155mm How, Tow)
Hq & Hq Btry, 937th FA Bn (155mm Gun, SP)
Btry A, 937th FA Bn (155mm Gun, SP)
Btry B, 937th FA Bn (155mm Gun, SP)
Btry C, 937th FA Bn (155mm Gun, SP)
Svc Btry, 937th FA Bn (155mm Gun, SP)
Med Det, 937th FA Bn (155mm Gun, SP)

ARKANSAS AIR NATIONAL GUARD UNITS TO BE RELIEVED FROM FEDERAL ACTIVE SERVICE

Unit

Hq Arkansas Air National Guard (less Maj. Gen. Sherman Clinger)
154th Tactical Recon Squadron
118th Air Base Group Hq
118th Communication Squadron
118th Air Police Squadron
118th Food Service Squadron
118th Installation Squadron
118th Recon Technical Squadron
154th Weather Flight
223d Radio Relay Squadron
184th Tactical Recon Squadron

[F. R. Doc. 57-8792; Filed, Oct. 24, 1957; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-5]

WALKER TRUCKING CO., INC.

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICES

Please take notice that an application for a license to provide radioactive waste disposal services has been filed by The Walker Trucking Co., Inc., 1283 East St., New Britain, Connecticut.

The application specifies a maximum possession limit of 2,000 millicuries of radioactivity at any one time and proposes to dispose of the radioactive waste material in the Atlantic Ocean, 39°30' N latitude, 70° W longitude.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 14th day of October 1957.

For the Atomic Energy Commission.

HAROLD L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8777; Filed, Oct. 24, 1957; 8:45 a. m.]

[Docket No. 50-45]

DAYSTROM, INC.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on October 11, 1957, issued Construction Permit No. CPRR-17 to Daystrom, Incorporated authorizing the construction of a research reactor at West Caldwell, New Jersey. The notice of proposed issuance of this permit was published in the FEDERAL REGISTER on September 26, 1957, 22 F. R. 7667.

Dated at Washington, D. C., this 11th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-8793; Filed, Oct. 24, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9012; Order No. E-11891]

NORTHWEST AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of October 1957.

In the matter of the application of Northwest Airlines, Inc., under section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration, Docket No. 9012.

Northwest Airlines, Inc. (Northwest) on September 18, 1957, filed an application pursuant to section 401 (e) (5) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Northwest a certificate of public convenience and necessity of indefinite duration for its route authorizing air transportation of persons, property and mail between the co-terminal points New York, N. Y., and Chicago, Ill., the intermediate points Minneapolis-St. Paul, Minn., Edmonton, Alberta, Canada, and the terminal point Anchorage, Alaska, as described in paragraph 2 of Northwest's present certificate of public convenience and necessity.

Section 401 (e) (5) of the act (effective August 26, 1957) provides:

(5) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1957, until the effective date of this paragraph, it, or its predecessor in interest, was an air carrier furnishing service between points in the United States and points in the Territory of Alaska (including service to intermediate points in Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service between such points, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during such period was inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation with respect to persons, property and mail between the terminal and intermediate points between which it or its predecessor was temporarily authorized to operate by such certificate or certificates as of the date of enactment of this paragraph.

Northwest alleges in its application that it is a citizen of the United States of America as defined by Section 1 (13) of the act. Proof of this fact has been submitted by Northwest in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Northwest further alleges that prior to and as of the effective date of enactment of section 401 (e) (5) (August 26, 1957), it was an air carrier authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to provide service between points in the United States and Anchorage, Alaska, via the intermediate point Edmonton, Canada, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Northwest so operated between January 1, 1957, and August 26, 1957.

Section 401 (e) (5) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Northwest that the service rendered by Northwest from January 1, 1957, until the effective date of enactment of section 401 (e) (5) has not been inadequate and inefficient. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during such period has been inadequate or inefficient within the meaning of section 401 (e) (5) of the act.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (5) of the act, of a certificate of unlimited duration authorizing the applicant to engage in air transportation between the terminal and intermediate points between which it was temporarily authorized to operate as of August 26, 1957. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Northwest to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Northwest's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Northwest and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Northwest is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1957, to August 26, 1957, Northwest was an air carrier furnishing service between points in the United States, the intermediate point Edmonton, Alberta, Canada, and the terminal point Anchorage, Alaska, authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that transportation of persons, property, and mail between such points, as described in paragraph 2 of Northwest's present certificate of public convenience and necessity, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

3. The service rendered by Northwest during the period from January 1, 1957, to August 26, 1957, has been adequate and efficient within the meaning of section 401 (e) (5) of the act.

Therefore, it is ordered, That:

1. Northwest is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A.

2. Northwest and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed.

4. Copies of this order shall be served on Northwest, the Mayor of each city authorized to be served by Northwest on its States-Alaska route on August 26, 1957, and on every certificated air carrier serving a point authorized to be served by Northwest on such route on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A—CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Northwest Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in overseas air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Seattle-Tacoma, Wash., and the terminal point Anchorage, Alaska.

2. Between the co-terminal points New York, N. Y., and Chicago, Ill., the intermediate points Minneapolis-St. Paul, Minn.; Edmonton, Alberta, Canada; and the terminal point Anchorage, Alaska.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) Nothwithstanding any other provision of this certificate the holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate shall be subject to compliance with such treaties and agreements and to any orders of the Board issued pursuant to, or for the purpose of requiring compliance with, such treaties and agreements.

(2) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(3) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate; and may continue to maintain regularly scheduled nonstop service between any two points not consecutively named herein if nonstop service was regularly scheduled by the holder between such points prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed regularly serve a point named herein through any airport convenient thereto, and render scheduled nonstop service between any two points not consecutively named herein, between which service is authorized hereby.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

This certificate shall be effective on ------ ------, 1957: *Provided, however,* That prior to the date on which this certificate would otherwise become effective, the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ------ ------, 1957 (Order No. E-----), insofar as such order authorizes the issuance of this certificate, may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ------ day of ----------, 1957.

[SEAL] ——— ———,
Chairman.

Attest:

——— ———,
Secretary.

[F. R. Doc. 57-8802; Filed, Oct. 24, 1957; 8:50 a. m.]

[1] This statement does not necessarily represent the views of all members of the Board with respect to all issues.

DEPARTMENT OF COMMERCE

Office of the Secretary

STANLEY W. DENNIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 15, 1956; 21 F. R. 8892; April 26, 1957; 22 F. R. 2956.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 16, 1957.

STANLEY W. DENNIS.

OCTOBER 16, 1957.

[F. R. Doc. 57-8791; Filed, Oct. 24, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4544]

WESTERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 21, 1957.

Take notice that Western Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed on October 22, 1954, as amended on March 18, 1957, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to continue to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application and amendment thereto which are on file with the Commission and open for public inspection.

The application in Docket No. G-4544 was scheduled for hearing on February 26, 1957, in the consolidated proceedings In the Matters of Wunderlich Development company, et al., Docket Nos. G-2858, et al., but was severed therefrom by Notice of Severance and Postponement of Hearing dated February 18, 1957, for the reason that some of the acreage designated in the application in Docket No. G-4544 was also the subject of another application filed in Docket No. G-11897 on February 4, 1957, by Holland-American Petroleum Corporation, Operator, et al.

On March 18, 1957, Applicant amended its application in Docket No. G-4544 so as to exclude therefrom certain leases comprising the Albrecht-Lassman Unit located in the West Mission Valley Field, Goliad and Victoria Counties, Texas, which leases had been assigned by instrument dated March 9, 1956, to George A. Musselman and partially reassigned by him to Holland-American Petroleum Corporation and Gulf Oil Corporation.

Applicant sells natural gas in interstate commerce from production of certain leases, units or acreage, located as hereinafter indicated, to Transcontinental Gas Pipe Line Corporation for resale, under an agreement dated January 10, 1948, between Trancontinental Gas Pipe Line Corporation, as buyer, and Applicant, as seller. The afore-mentioned agreement has been designated in the Commission's files as Applicant's FPC Gas Rate Schedule No. 7.

Source of Gas and Location of Fields

St. Charles, Black Jack, San Antonio Bay and St. Charles Bay Fields: Arkansas and Calhoun Counties, Texas.
Mission Valley, West Mission Valley, Arneckeville and Thomaston Fields: Goliad, Victoria and Dewitt Counties, Texas.
Coquat, Goebel, Oakville, Clayton, Albert West, Harris and Kittie West Fields: Live Oak County, Texas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 25, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8785; Filed, Oct. 24, 1957; 8:46 a. m.]

[Docket Nos. G–12929, 12937]

JAMES DOUGHTY ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 21, 1957.

In the matters of James Doughty, operator, et al, Docket No. G–12929; Texas Illinois Natural Gas Pipeline Company, Docket No. G–12937.

Take notice that Texas Illinois Natural Gas Pipeline Company (Texas Illinois), an Illinois corporation with its principal place of business at 122 S. Michigan Avenue, Chicago, Illinois, and James Doughty, Operator et al. (Doughty), an independent producer, with his principal place of business at 502 Oil Industries Building, Corpus Christi, Texas, filed in Docket Nos. G–12937 and G–12929 on July 22 and July 23, 1957, respectively, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Texas Illinois to construct and operate certain facilities in order to purchase and receive certain natural gas produced by Doughty, and to authorize Doughty to make the aforesaid sale as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

Texas Illinois proposes to construct and operate a 2-inch tap on its existing 16-inch Clayton lateral pipeline in Live Oak County, Texas, in order to purchase and receive natural gas produced in the Sanger Heirs Area located in the Tex-Am, South Field, also in Live Oak County, by Doughty, Operator, et al. The estimated total initial cost of the proposed tap is $1,090, which cost will be financed from funds on hand.

Doughty proposes to sell natural gas in interstate commerce to Texas Illinois, pursuant to a gas sales contract dated January 1, 1957, executed between Texas Illinois and Doughty.

Proposed deliveries will be made at Texas Illinois' proposed tap and will commence upon receipt of authorization and completion of facilities. Daily contract volume consists of a minimum of 250 Mcf averaged annually.

Texas Illinois will transport the gas received from Doughty, et al., commingled with its other gas supplies in interstate commerce for resale for ultimate public consumption.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957, at 9:30 a.m., e. s. t., in a hearing room of the Federal Power Commission, 411 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–8786; Filed, Oct. 24, 1957; 8:46 a. m.]

[Docket No. G–13428]

MURPHY CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 21, 1957.

Murphy Corporation, et al. (Murphy), on September 25, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated September 3, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 10 to Murphy's FPC Gas Rate Schedule No. 1. Supplement No. 11 to Murphy's FPC Gas Rate Schedule No. 2. Supplement No. 6 to Murphy's FPC Gas Rate Schedule No. 16.
Effective date:[1] November 1, 1957.

In support of the proposed rate increases, Murphy states that the contracts were negotiated at arm's length, that it would not have entered into long-term contracts without assurance that it would receive the full market value of the gas, the proposed rates are just and reasonable and not greater than the fair, market or commodity value and that the proposed rates are in line with area field rates and are economically desirable to all parties.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)),

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–8783; Filed, Oct. 24, 1957; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Murphy, if later.

[Docket No. G–13550]

SOUTH GEORGIA NATURAL GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF

OCTOBER 21, 1957.

South Georgia Natural Gas Company (South Georgia), on September 23, 1957, tendered for filing First Revised Sheets Nos. 5, 6, 7, 10 and 11, and Second Revised Sheet No. 9, to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective October 23, 1957. South Georgia alternatively proposes that if the increased rates are suspended by the Commission, that they be permitted to become effective February 14, 1958, the date to which the Commission suspended the proposed increased rates of its supplier, Southern Natural Gas Company, in Docket No. G–13258.

The tendered filing proposes an increase in rates and charges for its jurisdictional customers which would yield increased revenues of approximately $305,000, or 26.2 percent annually, based upon sales for the year ended July 31, 1957. The only reason for the increase stated by the company is that it anticipates an increase of $650,000 in purchased gas costs, due to a proposed increase in rates filed by its sole supplier, Southern Natural, suspended as aforesaid. However, since South Georgia's jurisdictional customers received only 27.8 percent of its annual sales, the company's allocation of $305,000, or 46.8 percent of the $650,000 increase, to jurisdictional customers raises substantial issues concerning the company's allocation method which should be determined upon full hearing. Moreover, the company's supporting statements show that it seeks to receive a 6¾ percent rate of return on its total system average rate base. This rate of return has not been adequately shown by the company's supporting statements to be necessary to assure confidence in the financial integrity of the company.

Objections from six customers have been received to date, of whom four are municipalities who complain of an increase in rates within two years after commencement of operations. The customers state that the increase in rates at this time may have an adverse effect upon their anticipated growth in load, and may cause a loss of customers to competing fuels.

The increased rates and charges and the amended rate schedules and revised sheets, as tendered for filing on September 23, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in South Georgia's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the revised sheets tendered for filing on September 23, 1957; and that said revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in South Georgia's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the aforesaid sheets tendered for filing on September 23, 1957.

(B) Pending such hearing and decision thereon, South Georgia's proposed First Revised Sheets Nos. 5, 6, 7, 10 and 11 and Second Revised Sheet No. 9, to its FPC Gas Tariff, Original Volume No. 1, are hereby suspended and the use thereof deferred until March 23, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–8784; Filed, Oct. 24, 1957; 8:46 a. m.]

[1] Commissioner Digby dissenting.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 308]

SECRETARY OF THE INTERIOR

NEGOTIATION OF CONTRACTS FOR PROFESSIONAL SERVICES

OCTOBER 18, 1957.

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for the period ending November 1, 1958, to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (4) of the act, contracts for professional engineering services for topography, alignment, and land ties for the line and terminal facilities in connection with the administration of the construction program of the Southwestern Power Administration at Table Rock Dam, State of Missouri.

2. This delegation of authority shall be subject to all provisions of Title III of the act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof, and shall not extend beyond November 1, 1958.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57–8795; Filed, Oct. 24, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3623]

AMERICAN NATURAL GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING REGARDING ACQUISITIONS BY REGISTERED HOLDING COMPANY OF ITS PREFERRED STOCK

OCTOBER 18, 1957.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations of the Commission promulgated thereunder. American Natural has designated section 12 (c) of the act and Rules U-42 and U-100 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

American Natural has outstanding 27,481 shares of non-callable 6 percent Cumulative Preferred Stock, par value $25 per share. In 1948 and prior years, exclusive of treasury shares, there were 536,324 shares of such stock outstanding. During 1948 with Commission approval American Natural made an offer to purchase all such shares tendered at a price of $33 per share and accrued dividends (The United Light and Railways Co., et al., 5 S. E. C. 441, 476). The offer was open between November 5 and December 6, 1948, during which period the company acquired 505,770 shares thereby reducing the number of shares outstanding to 30,554. Thereafter, American Natural purchased 3,073 additional shares in the open market. These later acquisitions were made pursuant to Commission Rule U-42 (b) (6) which permits a registered holding company during any calendar year to acquire its securities, other than common stock, if the aggregate cost thereof for such year does not exceed $50,000. The authority granted by Rule U-42 (b) (6) has been exhausted by American Natural for the year 1957.

American Natural now seeks Commission authorization to purchase from time to time additional shares of its 6 percent preferred stock without regard to the limitations imposed by Rule U-42. It is proposed to purchase such additional shares of preferred stock at such prices as are considered by American Natural's management to be reasonable in relation to current market quotations for the stock and other factors. Prior to making any such purchases. American Natural by letter will advise each preferred stockholder of record of its intention to acquire such shares of preferred stock as may be available.

As at June 30, 1957, American Natural's total capitalization and surplus amounted to $196,127,517. Its outstanding securities consisted of 4,863,246 shares of $25 par value Common Stock, 27,481 shares of $25 par value 6% Cumulative Preferred Stock and $10,500,000 principal amount of 3¼% installment promissory notes, due serially to 1962. According to American Natural the proposed further reduction of its outstanding shares of preferred stock will contribute to the simplification of its capital structure. American Natural states in the application-declaration that the proposed acquisitions will not be detrimental to its or the holding company system's financial integrity; will not endanger its working capital or the working capital of any system company; and will not result in the payment of dividends out of capital or unearned surplus or result in the circumvention of the provisions of the act or the Commission's rules, regulations or orders thereunder. American Natural further states that only customary brokerage fees or dealer's commissions will be paid in connection with the proposed acquisitions of its preferred stock and estimates the amount of other fees and expenses, including legal fees, at $1,000. According to counsel for American Natural no approval or consent of any State regulatory commission or any Federal commission, other than this Commission, is necessary in order to consummate the proposed acquisitions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions and that such application-declaration should not be granted or permitted to

become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held on said matter on November 19, 1957, at 10:00 a. m., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which the hearing will be held. Any person desiring to be heard in connection with these proceedings shall file with the Secretary of this Commission on or before November 15, 1957, a written request relative thereto, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Sidney L. Feiler, or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed acquisitions by American Natural of its 6 percent preferred stock provide fair and equitable treatment to its stockholders.

2. Whether the proposed acquisitions by American Natural of its 6 percent preferred stock will be detrimental to the carrying out of section 11 of the act or circumvent the provisions of the act or any rule, regulation, or order thereunder.

3. Whether the proposed acquisitions by American Natural will adversely affect the public interest, the interest of investors or consumers, or the interests of American Natural or of other companies in its holding company system.

4. Whether the accounting treatment proposed by American Natural in connection with the proposed acquisitions of its 6 percent preferred stock is proper.

5. Whether the fees, commission, and other expenses are for necessary services and reasonable in amount.

6. What terms or conditions, if any, the Commission's order should contain.

7. Generally, whether the proposed acquisitions by American Natural of its 6 percent preferred stock are in all respects compatible with the provisions and standards of the applicable sections of the act and of the rules and regulations promulgated thereunder.

It is further ordered, That on or before November 1, 1957, American Natural Gas Company mail or cause to be mailed a copy of this Notice of Filing and Order for Hearing to each holder of record of its 6 percent Cumulative Preferred Stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8787; Filed, Oct. 24, 1957; 8:47 a. m.]

[24W-1912]

SIMPLEX PRECAST INDUSTRIES, INC.

ORDER VACATING ORDER OF SUSPENSION

OCTOBER 18, 1957.

Simplex Precast Industries, Inc. (Simplex), a Delaware corporation, 54 East Penn Street, Norristown, Pennsylvania, filed with the Commission on March 9, 1956, a notification and an offering circular, and subsequently filed amendments thereto, relating to an offering of 300,000 shares of its 1¢ par value common stock at $1.00 per share for an aggregate of $300,000.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

The Commission on August 6, 1957, ordered, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the ground that the terms and conditions of Regulation A had not been complied with in that Form 2-A reports of sales, as required by Rule 224, had not been filed.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2-A report reflecting the sale of 12,925 shares was filed, a petition was made that the said order be vacated and information was submitted to establish that the failure to file the report of sales was due entirely to inadvertence.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors;

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8789; Filed, Oct. 24, 1957; 8:47 a. m.]

[File No. 59-102]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER POSTPONING HEARING AND DESIGNATING NEW HEARING EXAMINER

OCTOBER 18, 1957.

In the matter of New England Electric System and its subsidiary companies, Respondents; (File No. 59-102).

This Commission, by order dated August 5, 1957, (Holding Company Act Release No. 13525) having instituted proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act") in respect of New England Electric System, a registered holding company, and its subsidiary companies and said order having directed that a hearing be held on such matter before a Hearing Examiner on November 12, 1957 at the offices of the Commission in Washington, D. C.; and

It appearing to the Commission that by reason of the illness of the Hearing Examiner and the necessity for designating a substitute that there should be a short postponement of the date of the hearing as presently scheduled;

It is ordered, That the hearing heretofore scheduled to be held in this proceeding on November 12, 1957 be, and the same hereby is, postponed until November 18, 1957 at the same time and place and before Hearing Examiner, James G. Ewell.

It is further ordered, That the Secretary of this Commission shall serve notice of the postponed hearing and of the designation of the new Hearing Examiner by mailing a copy of this order by registered mail to all persons previously served in this proceeding and to all persons having heretofore filed herein applications to be heard; and that notice of said postponed hearing is hereby given to New England Electric System and its subsidiaries to all States, municipalities and political subdivisions of States within which are located any of the physical assets of said company or under the laws of which any of said companies are incorporated, to the Federal Power Commission, all State commissions, State security commissions, and all agencies, authorities, and instrumentalities of any State, municipality or other political subdivision having jurisdiction over New England Electric System or its subsidiaries and to all other interested persons, such notice to be given by a general release of this commission distributed to the press and mailed to the mailing list for releases issued under the act and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8788; Filed, Oct. 24, 1957; 8:47 a. m.]

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

OCTOBER 21, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On October 11, 1957 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending October 21, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, October 22 to 31, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8790; Filed, Oct. 24, 1957; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 209

Washington, Saturday, October 26, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3208

THEODORE ROOSEVELT CENTENNIAL YEAR
OCTOBER 27, 1957–OCTOBER 27, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Theodore Roosevelt loved America with impassioned devotion and served her greatly in public office and as a private citizen. As President of the United States, his name is associated with epochal readjustments in the relations of government and industry, with the policy of conservation which he established, with the building of the Panama Canal, and with the peace that ended the Russo-Japanese War. His appeals to conscience sank deep into the American heart and mind and wrought enduring changes.

A man of rich gifts in many fields, at home alike in the world of books, the world of politics, and in the wild waste spaces where adventure called, he was historian and ranchman, huntsman and naturalist, Rough Rider, preacher, family man, and explorer. His contemporaries cherished him as a two-fisted fighter who loved life, loved people, feared nobody, and was as much at ease with kings as with cowboys, a wielder alike of the winged phrase and of the sledge hammer, a dangerous antagonist, and an unforgetting, unforgettable friend.

Upon us who stand outside the circle of time in which men felt his personal spell, Theodore Roosevelt exercises a different and, perhaps, a deeper power. We see, and claim for our own, the word, the spirit, and the example that survive for us in this teacher of the principles underlying democratic institutions—this summoner to participation in the procedures of free government, adjuring us, as he entreated the men and women of his own time, to accept the responsibilities of free citizenship. He was a man on fire for his country, who kindles fires in our hearts. He was a prophet, calling upon us to fulfill our responsibilities not only for the sake of our own Nation and people but for the sake of those, throughout the world, who look to us for hope, inspiration, and leadership.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in consonance with a request made by the Congress in its joint resolution approved by me on September 4, 1957 (Public Law 85–297), do hereby call upon the American people to observe the one hundredth anniversary of Theodore Roosevelt's birth throughout the centennial year beginning October 27, 1957, by appropriate activities and ceremonies, by the study of his life and teachings, and above all, by individual, personal rededication to those responsibilities of American citizenship which he so zestfully fulfilled.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 22d day of October in the year of our Lord nineteen hundred and
[SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-8937; Filed, Oct. 25, 1957; 11:26 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter II—Veterans' Education Appeals Board

REVOCATION OF CHAPTER

Pursuant to the provisions of Public Law 200, 85th Cong., 71 Stat. 474, Chapter II of Title 38, Code of Federal Regulations, is hereby revoked effective October 27, 1957.

By the Board.

E. L. ARPIN,
Member, Presiding.

[F. R. Doc. 57-8714; Filed, Oct. 25, 1957; 8:45 a. m.]

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1957–58 Edition

(Revised through June 1)

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TITLE 26—INTERNAL REVENUE, 1954

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[T. D. 6259]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

COLLECTION OF INCOME TAX AT SOURCE ON WAGES

On March 9, 1957, notice of proposed rule making with respect to regulations under chapter 24 (Collection of Income Tax at Source on Wages) of the Internal Revenue Code of 1954, as amended, was published in the FEDERAL REGISTER (22 F. R. 1552). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, and subject to the changes set forth below, the regulations as so published are hereby adopted:

PARAGRAPH 1. Subparagraph (8) (i) of § 31.3401 (a)–1 (b) is changed to read as set forth below.

PAR. 2. Section 31.3401 (a) (7)–1 is changed to read as set forth below.

PAR. 3. Section 31.3401 (a) (8) (B)–1 (a) is changed by striking out the period at the end thereof and adding the following: ", even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that at least 80 percent of the remuneration paid by the employer to the employee during the calendar year was for services performed within such a possession of the United States."

PAR. 4. Section 31.3401 (a) (8) (C)–1 (a) is changed by striking out the period at the end thereof and adding the following: ", even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that the employee was a bona fide resident of Puerto Rico for the entire calendar year."

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 22, 1957.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

The following regulations, relating to collection of income tax at source on wages, are hereby prescribed under chapter 24 of the Internal Revenue Code of 1954, as amended, and, except as specifically provided otherwise, are applicable with respect to remuneration paid after December 31, 1954:

SUBPART E—COLLECTION OF INCOME TAX AT SOURCE ON WAGES (CHAPTER 24, INTERNAL REVENUE CODE OF 1954)

Sec.
31.3401 (a) Statutory provisions; definitions; wages.
31.3401 (a)–1 Wages.
31.3401 (a)–2 Exclusions from wages.
31.3401 (a) (1) Statutory provisions; definitions; wages; certain remuneration of members of the Armed Forces.
31.3401 (a) (1)–1 Remuneration of members of the Armed Forces of the United States for active service in combat zone or while hospitalized as a result of such service.
31.3401 (a) (2) Statutory provisions; definitions; wages; remuneration paid for agricultural labor.
31.3401 (a) (2)–1 Agricultural labor.
31.3401 (a) (3) Statutory provisions; definitions; wages; remuneration paid for domestic service.
31.3401 (a) (3)–1 Remuneration for domestic service.
31.3401 (a) (4) Statutory provisions; definitions; wages; cash remuneration for service not in the course of employer's trade or business.
31.3401 (a) (4)–1 Cash remuneration for service not in the course of employer's trade or business.
31.3401 (a) (5) Statutory provisions; definitions; wages; remuneration for services for foreign government or international organization.
31.3401 (a) (5)–1 Remuneration for services for foreign government or international organization.
31.3401 (a) (6) Statutory provisions; definitions; wages; remuneration for services of certain nonresident alien individuals.
31.3401 (a) (6)–1 Remuneration for services of certain nonresident alien individuals.
31.3401 (a) (7) Statutory provisions; definitions; wages; remuneration for services performed by nonresident alien individuals who are residents of a contiguous country and who enter and leave at frequent intervals.
31.3401 (a) (7)–1 Remuneration for services performed by nonresident alien individuals who are residents of a contiguous country and who enter and leave the United States at frequent intervals.
31.3401 (a) (8) (A) Statutory provisions; definitions; wages; remuneration paid for services performed by citizens outside the United States.
31.3401 (a) (8) (A)–1 Remuneration for services performed outside the United States by citizens of the United States.
31.3401 (a) (8) (B) Statutory provisions; definitions; wages; remuneration for services performed in possession of the United States (other than Puerto Rico) by citizen of the United States.
31.3401 (a) (8) (B)–1 Remuneration for services performed in possession of the United States (other than Puerto Rico) by citizen of the United States.
31.3401 (a) (8) (C) Statutory provisions; definitions; wages; remuneration for services performed in Puerto Rico by citizen of the United States.
31.3401 (a) (8) (C)–1 Remuneration for services performed in Puerto Rico by citizen of the United States.
31.3401 (a) (9) Statutory provisions; definitions; wages; remuneration for services performed by a minister of a church or a member of a religious order.
31.3401 (a) (9)–1 Remuneration for services performed by a minister of a church or a member of a religious order.
31.3401 (a) (10) Statutory provisions; definitions; wages; remuneration for services in the delivery or distribution of newspapers, shopping news, or magazines.
31.3401 (a) (10)–1 Remuneration for services in delivery or distribution of newspapers, shopping news, or magazines.
31.3401 (a) (11) Statutory provisions; definitions; wages; remuneration other than in cash for services not in the course of employer's trade or business.
31.3401 (a) (11)–1 Remuneration other than in cash for service not in the course of employer's trade or business.
31.3401 (a) (12) Statutory provisions; definitions; wages; payments from or to certain tax-exempt trusts or under or to certain annuity plans.
31.3401 (a) (12)–1 Payments from or to certain tax-exempt trusts or under or to certain annuity plans.
31.3401 (b) Statutory provisions; definitions; payroll period.
31.3401 (b)–1 Payroll period.
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31.3401 (c)–1 Employee.
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31.3401 (d)–1 Employer.
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Sec.
31.3401 (e)–1 Number of withholding exemptions claimed.
31.3402 (a) Statutory provisions; income tax collected at source; requirement of withholding.
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31.3402 (f) (3)–1 When withholding exemption certificate takes effect.
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31.3402 (f) (4)–1 Period during which withholding exemption certificate remains in effect.
31.3402 (f) (5) Statutory provisions; income tax collected at source; withholding exemptions; form and contents of exemption certificate.
31.3402 (f) (5)–1 Form and contents of withholding exemption certificate.
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31.3402 (g)–1 Supplemental wage payments.
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31.3402 (h)–1 Withholding on basis of average wages.
31.3402 (i) Statutory provisions; income tax collected at source; additional withholding.
31.3402 (i)–1 Additional withholding.
31.3402 (j) Statutory provisions; income tax collected at source; noncash remuneration to retail commission salesman.
31.3402 (j)–1 Remuneration other than in cash for service performed by retail commission salesman.
31.3403 Statutory provisions; liability for tax.
31.3403–1 Liability for tax.
31.3404 Statutory provisions; return and payment by governmental employer.
31.3404–1 Return and payment by governmental employer.

AUTHORITY: §§ 31.3401 (a) to 31.3401–1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 31.3401 (a) *Statutory provisions; definitions; wages.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid—

§ 31.3401 (a)–1 *Wages*—(a) *In general.* (1) The term "wages" means all remuneration for services performed by an employee for his employer unless specifically excepted under section 3401 (a) or excepted under section 3402 (e). See §§ 31.3401 (a) to 31.3401 (a) (12)–1, inclusive, and § 31.3402 (e)–1.

(2) The name by which the remuneration for services is designated is immaterial. Thus, salaries, fees, bonuses, commissions on sales or on insurance premiums, pensions, and retired pay are wages within the meaning of the statute if paid as compensation for services performed by the employee for his employer.

(3) The basis upon which the remuneration is paid is immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework, or a percentage of profits; and may be paid hourly, daily, weekly, monthly, or annually.

(4) Generally the medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, as for example, stocks, bonds, or other forms of property. (See, however, § 31.3401 (a) (11)–1, relating to the exclusion from wages of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business.) If services are paid for in a medium other than cash, the fair market value of the thing taken in payment is the amount to be included as wages. If the services were rendered at a stipulated price, in the absence of evidence to the contrary, such price will be presumed to be the fair value of the remuneration received. If a corporation transfers to its employees its own stock as remuneration for services rendered by the employee, the amount of such remuneration is the fair market value of the stock at the time of the transfer.

(5) Remuneration for services, unless such remuneration is specifically excepted by the statute, constitutes wages even though at the time paid the relationship of employer and employee no longer exists between the person in whose employ the services were performed and the individual who performed them.

Example. A is employed by R during the month of January 1955 and is entitled to receive remuneration of $100 for the services performed for R, the employer, during the month. A leaves the employ of R at the close of business on January 31, 1955. On February 15, 1955 (when A is no longer an employee of R), R pays A the remuneration of $100 which was earned for the services performed in January. The $100 is wages within the meaning of the statute.

(b) *Certain specific items*—(1) *Pensions and retirement pay.* (i) In general, pensions and retired pay are wages subject to withholding. However, no withholding is required with respect to amounts paid to an employee upon retirement which are taxable as annuities under the provisions of section 72 or 403. So-called pensions awarded by one to whom no services have been rendered are mere gifts or gratuities and do not constitute wages. Those payments of pensions or other benefits by the Federal Government under Title 38 of the United States Code which are excluded from gross income are not wages subject to withholding.

(ii) Retirement pay for service in the Armed Forces of the United States, the Coast and Geodetic Survey, or the Public Health Service is subject to withholding unless such pay is excluded from gross income under section 104 (a) (4), or is taxable as an annuity under the provisions of section 72. Where such retirement pay (not excluded from gross income under section 104 (a) (4) and not taxable as an annuity under the provisions of section 72) is paid to a nonresident alien individual, withholding is required only in the case of such amounts paid to a nonresident alien individual who is a resident of Puerto Rico.

(2) *Traveling and other expenses.* Amounts paid specifically—either as advances or reimbursements—for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not wages and are not subject to withholding. Traveling and other reimbursed expenses must be identified either by making a separate payment or by specifically indicating the separate amounts where both wages and expense allowances are combined in a single payment.

(3) *Vacation allowances.* Amounts of so-called "vacation allowances" paid to an employee constitute wages. Thus, the salary of an employee on vacation, paid notwithstanding his absence from work, constitutes wages.

(4) *Dismissal payments.* Any payments made by an employer to an employee on account of dismissal, that is, involuntary separation from the service of the employer, constitute wages regardless of whether the employer is legally bound by contract, statute, or otherwise to make such payments.

(5) *Deductions by employer from remuneration of an employee.* Any amount deducted by an employer from the remuneration of an employee is considered to be a part of the employee's remuneration and is considered to be paid to the employee as remuneration at the time that the deduction is made. It is immaterial that any act of Congress, or the law of any State or of Puerto Rico, requires or permits such deductions and the payment of the amounts thereof to the United States, a State, a Territory, Puerto Rico, or the District of Columbia, or any political subdivision of any one or more of the foregoing.

(6) *Payment by an employer of employee's tax, or employee's contributions under a State law.* The term "wages" includes the amount paid by an employer on behalf of an employee (without deduction from the remuneration of, or other reimbursement from, the employee) on account of any payment required from an employee under a State unemployment compensation law, or on account of any tax imposed upon the employee by any taxing authority, including the taxes imposed by sections 3101 and 3201.

(7) *Remuneration for services as employee of nonresident alien individual or foreign entity.* The term "wages" includes remuneration for services performed by a citizen or resident of the United States as an employee of a nonresident alien individual, foreign partnership, or foreign corporation whether or not such alien individual or foreign entity is engaged in trade or business within the United States. Any person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States (including Puerto Rico as if a part of the United States), is subject to all the provisions of law and regulations applicable with respect to an employer. See § 31.3401 (d)–1, relating to the term "employer", and § 31.3401 (a) (8) (C)–1, relating to remuneration paid for services performed by a citizen of the United States in Puerto Rico.

(8) *Amounts paid under wage continuation plans*—(i) *Amounts paid before January 1, 1956*—(a) *Amounts paid by employer for whom services are performed.* (1) Withholding is not required upon amounts paid before January 1, 1956, to an employee by his employer under a wage continuation plan for a period during which the employee is absent from work on account of personal injuries or sickness, if such amounts are excludable from the gross income of the employee under section 105 (d) and the records maintained by the employer in accordance with the provisions of sections 6001 and 6051 and the provisions thereunder in Subpart G of the regulations in this part—

(*i*) Separately show the amounts of such payments and distinguish such amounts from all other payments, and

(*ii*) Establish the facts necessary to show that the employee is entitled to the exclusion provided by section 105 (d), either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept for purposes of payments under the wage continuation plan.

(2) For the purpose of section 6051 and the regulations thereunder, relating to the requirement of receipts for employees, amounts paid before January 1, 1956, which are excludable from gross income under the provisions of section 105 (d) shall be included in the total wages required to be shown on Form W–2. The amount of any such wages on which the employer, in reliance on section 105 (d), does not withhold must be shown separately, and properly identified, on Form W–2 in such manner that it may be read on each copy of the form.

(3) See sections 6001 and 6051 and the provisions thereunder in Subpart G of the regulations in this part for rules with respect to the records which must be maintained in connection with wage continuation payments and for rules with respect to the statements which must be furnished an employee in connection with wage continuation payments, respectively. See also section 105 and the provisions thereunder in the Income Tax Regulations (Part 1 of this chapter).

(*b*) *Amounts paid by person other than employer for whom services are performed.* Withholding is not required upon any amounts paid before January 1, 1956, to an employee for a period during which the employee is absent from work on account of personal injuries or sickness, whether or not such amounts are excludable from the gross income of the employee, if such amounts are paid through accident or health insurance or under an accident or health plan by a person who is not the employer for whom the employee performs services but who is regarded as an employer under section 3401 (d) (1). For example, no withholding is required in connection with accident or health benefits paid by an insurance company under an accident or health policy, by a separate trust under an accident or health plan, or by a State agency from a sickness and disability fund maintained under State law.

(ii) *Amounts paid after December 31, 1955* * * *.

NOTE: For regulations under this subdivision, see Treasury Decision 6155, approved December 27, 1955 (20 F. R. 10097; 26 CFR 31.3401 (a)–1 (b) (8) (ii)).

(9) *Value of meals and lodging.* The value of any meals or lodging furnished to an employee by his employer is not subject to withholding if the value of the meals or lodging is excludable from the gross income of the employee. See the Income Tax Regulations (Part 1 of this chapter) under section 119.

(10) *Facilities or privileges.* Ordinarily, facilities or privileges (such as entertainment, medical services, or so-called "courtesy" discounts on purchases), furnished or offered by an employer to his employees generally, are not considered as wages subject to withholding if such facilities or privileges are of relatively small value and are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees.

(11) *Tips or gratuities.* Tips or gratuities paid directly to an employee by a customer of an employer, and not accounted for by the employee to the employer, are not subject to withholding.

(12) *Remuneration for services performed by permanent resident of Virgin Islands*—(i) *Exemption from withholding.* No tax shall be withheld for the United States under chapter 24 from a payment of wages by an employer, including the United States or any agency thereof, to an employee if at the time of payment it is reasonable to believe that the employee will be required to satisfy his income tax obligations with respect to such wages under section 28 (a) of the Revised Organic Act of the Virgin Islands. That section provides that all persons whose permanent residence is in the Virgin Islands "shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands".

(ii) *Claiming exemption.* If the employee furnishes to the employer a statement in duplicate that he expects to satisfy his income tax obligations under section 28 (a) of the Revised Organic Act of the Virgin Islands with respect to all wages subsequently to be paid to him by the employer during the taxable year to which the statement relates, the employer may, in the absence of information to the contrary, rely on such statement as establishing reasonable belief that the employee will so satisfy his income tax obligations. The employee's statement shall identify the taxable year to which it relates, and both the original and the duplicate copy thereof shall be signed and dated by the employee.

(iii) *Disposition of statement.* The original of the statement shall be retained by the employer. The duplicate copy of the statement shall be sent by the employer to the Director of International Operations, Washington 25, D. C., on or before the last day of the calendar year in which the employer receives the statement from the employee.

(iv) *Applicability of subparagraph.* This subparagraph has no application with respect to any payment of remuneration which is not subject to withholding by reason of any other provision of the regulations in this subpart.

§ 31.3401 (a)–2 *Exclusions from wages*—(a) *In general.* (1) The term "wages" does not include any remuneration for services performed by an employee for his employer which is specifically excepted from wages under section 3401 (a) (see paragraph (b) of this section and §§ 31.3401 (a) (1)–1 to 31.3401 (a) (12)–1, inclusive).

(2) The exception attaches to the remuneration for services performed by an employee and not to the employee as an individual; that is, the exception applies only to the remuneration in an excepted category.

Example. A is an individual who is employed part time by B to perform domestic service in his home (see § 31.3401 (a) (3)–1). A is also employed by C part time to perform services as a clerk in a department store owned by him. While no withholding is required with respect to A's remuneration for services performed in the employ of B (the remuneration being excluded from wages), the exception does not embrace the remuneration for services performed by A in the employ of C and withholding is required with respect to the wages for such services.

(3) For provisions relating to the circumstances under which remuneration which is excepted is nevertheless deemed to be wages, and relating to the circumstances under which remuneration which is not excepted is nevertheless deemed not to be wages, see § 31.3402 (e)–1.

(b) *Fees paid a public official.* (1) Authorized fees paid to public officials such as notaries public, clerks of courts, sheriffs, etc., for services rendered in the performance of their official duties are excepted from wages and hence are not subject to withholding. However, sal-

aries paid such officials by the Government, or by a Government agency or instrumentality, are subject to withholding.

(2) Amounts paid to precinct workers for services performed at election booths in State, county, and municipal elections and fees paid to jurors and witnesses are in the nature of fees paid to public officials and therefore are not subject to withholding.

§ 31.3401 (a) (1) *Statutory provisions; definitions; wages; certain remuneration of members of the Armed Forces.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

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(1) For active service as a member of the Armed Forces of the United States performed in a month for which such member is entitled to the benefits of section 112; or

§ 31.3401 (a) (1)–1 *Remuneration of members of the Armed Forces of the United States for active service in combat zone or while hospitalized as a result of such service.* Remuneration paid for active service as a member of the Armed Forces of the United States performed in a month during any part of which such member served in a combat zone (as determined under section 112) or is hospitalized at any place as a result of wounds, disease, or injury incurred while serving in such a combat zone is excepted from wages and is, therefore, not subject to withholding. The exception with respect to hospitalization is applicable, however, only if during all of such month there are combatant activities in some combat zone (as determined under section 112). See the Income Tax Regulations (Part 1 of this chapter) under section 112.

§ 31.3401 (a) (2) *Statutory provisions; definitions; wages; remuneration paid for agricultural labor.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

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(2) For agricultural labor (as defined in section 3121 (g)); or

§ 31.3401 (a) (2)–1 *Agricultural labor.* The term "wages" does not include remuneration for services which constitute agricultural labor as defined in section 3121 (g). For regulations relating to the definition of the term "agricultural labor", see § 31.3121 (g)–1 in Subpart B of this part.

§ 31.3401 (a) (3) *Statutory provisions; definitions; wages; remuneration paid for domestic service.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

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(3) For domestic service in a private home, local college club, or local chapter of a college fraternity or sorority; or

§ 31.3401 (a) (3)–1 *Remuneration for domestic service*—(a) *In a private home.* (1) Remuneration paid for services of a household nature performed by an employee in or about a private home of the person by whom he is employed is excepted from wages and hence is not subject to withholding. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling unit maintained by an individual in an apartment house, hotel, or other similar establishment may constitute a private home. If a dwelling house is used primarily as a boarding or lodging house for the purpose of supplying board or lodging to the public as a business enterprise, it is not a private home, and the remuneration paid for services performed therein is not within the exception.

(2) In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governesses, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use.

(b) *In a local college club or local chapter of a college fraternity or sorority.* (1) Remuneration paid for services of a household nature performed by an employee in or about the club rooms or house of a local college club or of a local chapter of a college fraternity or sorority by which he is employed is excepted from wages and hence is not subject to withholding. A local college club or local chapter of a college fraternity or sorority does not include an alumni club or chapter. If the club rooms or house of a local college club or local chapter of a college fraternity or sorority is used primarily for the purpose of supplying board or lodging to students or the public as a business enterprise, the remuneration paid for services performed therein is not within the exception.

(2) In general, services of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority include services rendered by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers, and housemothers.

(c) *Remuneration not excepted.* Remuneration paid for services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's private home or in a local college club or local chapter of a college fraternity or sorority, is not within the exception. Remuneration paid for services of a household nature is not within the exception if performed in or about rooming or lodging houses, boarding houses, clubs (except local college clubs), hotels, hospitals, eleemosynary institutions, or commercial offices or establishments.

§ 31.3401 (a) (4) *Statutory provisions; definitions; wages; cash remuneration for service not in the course of employer's trade or business.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

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(4) For service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if—

(A) On each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business; or

(B) Such individual was regularly employed (as determined under subparagraph (A)) by such employer in the performance of such service during the preceding calendar quarter; or

§ 31.3401 (a) (4)–1 *Cash remuneration for service not in the course of employer's trade or business.* (a) Cash remuneration paid for services not in the course of the employer's trade or business performed by an employee for an employer in a calendar quarter is excepted from wages and hence is not subject to withholding unless—

(1) The cash remuneration paid for such services performed by the employee for the employer in the calendar quarter is $50 or more; and

(2) Such employee is regularly employed in the calendar quarter by such employer to perform such services.

Unless the tests set forth in both subparagraphs (1) and (2) of this paragraph are met, cash remuneration for service not in the course of the employer's trade or business is excluded from wages. (For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, see § 31.3401 (a) (11)–1.)

(b) The term "services not in the course of the employer's trade or business" includes services that do not promote or advance the trade or business of the employer. As used in this section, the term does not include service not in the course of the employer's trade or business performed on a farm operated for profit or domestic service in a private home, local college club, or local chapter of a college fraternity or sorority. Accordingly, this exception does not apply with respect to remuneration which is excepted from wages under section 3401 (a) (2) or section 3401 (a) (3) (see §§ 31.3401 (a) (2)–1 and 31.3401 (a) (3)–1, respectively). Remuneration paid for service performed for a corporation does not come within the exception.

(c) The test relating to cash remuneration of $50 or more is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. However, for purposes of determining whether the test is met, it is also required that the remuneration be paid, although it is immaterial when the remuneration is paid. Furthermore, in determining whether

$50 or more has been paid for service not in the course of the employer's trade or business, only cash remuneration for such service shall be taken into account. The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met.

(d) For purposes of this exception, an individual is deemed to be regularly employed by an employer during a calendar quarter only if—

(1) Such individual performs service not in the course of the employer's trade or business for such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(2) Such individual was regularly employed (as determined under subparagraph (1) of this paragraph) by such employer in the performance of service not in the course of the employer's trade or business during the preceding calendar quarter.

(e) In determining whether an employee has performed service not in the course of the employer's trade or business on at least 24 days during a calendar quarter, there shall be counted as one day—

(1) Any day or portion thereof on which the employee actually performs such service; and

(2) Any day or portion thereof on which the employee does not perform service of the prescribed character but with respect to which cash remuneration is paid or payable to the employee for such service, such as a day on which the employee is sick or on vacation.

An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform service not in the course of the employer's trade or business shall be considered to be engaged in the actual performance of such service on that day. For purposes of this exception, a day is a continuous period of 24 hours commencing at midnight and ending at midnight.

§ 31.3401 (a) (5) *Statutory provisions; definitions; wages; remuneration for services for foreign government or international organization.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(5) For services by a citizen or resident of the United States for a foreign government or an international organization; or

§ 31.3401 (a) (5)–1 *Remuneration for services for foreign government or international organization*—(a) *Services for foreign government.* (1) Remuneration paid for services performed as an employee of a foreign government is excepted from wages and hence is not subject to withholding. The exception includes not only remuneration paid for services performed by ambassadors, ministers, and other diplomatic officers and employees but also remuneration paid for services performed as a consular or other officer or employee of a foreign government or as a nondiplomatic representative of such a government. However, the exception does not include remuneration for services performed for a corporation created or organized in the United States or under the laws of the United States or any State (including the District of Columbia or the Territory of Alaska or Hawaii) or of Puerto Rico even though such corporation is wholly owned by such a government.

(2) The citizenship or residence of the employee and the place where the services are performed are immaterial for purposes of the exception.

(b) *Services for international organization.* (1) Subject to the provisions of section 1 of the International Organizations Immunities Act, remuneration paid for services performed within or without the United States by an employee for an international organization as defined in section 7701 (a) (18) is excepted from wages and hence is not subject to withholding. The term "employee" as used in the preceding sentence includes not only an employee who is a citizen or resident of the United States but also an employee who is a nonresident alien individual. The term "employee" also includes an officer. An organization designated by the President through appropriate Executive order as entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act may enjoy the benefits of the exclusion from wages with respect to remuneration paid for services performed for such organization prior to the date of the issuance of such Executive order, if (i) the Executive order does not provide otherwise and (ii) the organization is a public international organization in which the United States participates, pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation for such participation, at the time such services are performed.

(2) Section 7701 (a) (18) provides as follows:

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

• • • • •

(18) *International organization.* The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U. S. C. 288–288f).

(3) Section 1 of the International Organizations Immunities Act provides as follows:

SECTION 1. [*International Organizations Immunities Act.*] For the purposes of this title [International Organizations Immunities Act], the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

§ 31.3401 (a) (6) *Statutory provisions; definitions; wages; remuneration for services of certain nonresident alien individuals.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(6) For services performed by a nonresident alien individual, other than—

(A) A resident of a contiguous country who enters and leaves the United States at frequent intervals; or

(B) A resident of Puerto Rico if such services are performed as an employee of the United States or any agency thereof; or

§ 31.3401 (a) (6)–1 *Remuneration for services of certain nonresident alien individuals.* (a) Except in the case of certain nonresident alien individuals who are residents of Canada, Mexico, or Puerto Rico, remuneration for services performed by nonresident alien individuals does not constitute wages subject to withholding under section 3402. For withholding of income tax on remuneration paid for services performed within the United States in the case of nonresident alien individuals generally, see the Income Tax Regulations (Part 1 of this chapter) under section 1441.

(b) Remuneration paid to nonresident aliens who are residents of a contiguous country (Canada or Mexico) and who enter and leave the United States at frequent intervals is not excepted from wages under section 3401 (a) (6). See, however, § 31.3401 (a) (7)–1, relating to remuneration paid to such nonresident alien individuals when engaged in transportation service.

(c) Remuneration paid to a nonresident alien individual for services performed in Puerto Rico for an employer (other than the United States or any agency thereof) is excepted from wages and hence is not subject to withholding, even though such alien individual is a resident of Puerto Rico at the time when such services are performed. Wages paid for services performed by a nonresident alien individual who is a resident of Puerto Rico are subject to withholding if such services are performed as an employee of the United States or any agency thereof. The place

of performance of such services is immaterial, provided such alien individual is a resident of Puerto Rico at the time of performance of the services. Wages representing retirement pay for service in the Armed Forces of the United States, the Coast and Geodetic Survey, or the Public Health Service are subject to withholding, under the limitations specified in § 31.3401 (a)–1 (b) (1) (ii), in the case of an alien resident of Puerto Rico.

§ 31.3401 (a) (7) *Statutory provisions; definitions; wages; remuneration for services performed by nonresident alien individuals who are residents of a contiguous country and who enter and leave the United States at frequent intervals.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(7) For such services, performed by a nonresident alien individual who is a resident of a contiguous country and who enters and leaves the United States at frequent intervals, as may be designated by regulations prescribed by the Secretary or his delegate; or

§ 31.3401 (a) (7)–1 *Remuneration for services performed by nonresident alien individuals who are residents of a contiguous country and who enter and leave the United States at frequent intervals*—(a) *Transportation service.* Remuneration paid to nonresident aliens who are residents of a contiguous country (Canada or Mexico) and who, in the performance of their duties in transportation service between points in the United States and points in a contiguous country, enter and leave the United States at frequent intervals, is excepted from wages and hence is not subject to withholding. This exception applies to personnel engaged in railroad, bus, ferry, steamboat, and aircraft services and applies whether the employer is a domestic or foreign entity. Thus, the remuneration of a nonresident alien individual who is a resident of Canada and an employee of a domestic railroad, for services as a member of the crew of a train operating between points in Canada and points in the United States, is not subject to withholding under section 3402.

(b) *Service on international projects.* Remuneration paid to nonresident aliens who are residents of a contiguous country (Canada or Mexico) and who, in the performance of their duties in connection with the construction, maintenance, or operation of a waterway, viaduct, dam, or bridge traversed by or traversing the boundary between the United States and Canada or the boundary between the United States and Mexico, as the case may be, enter and leave the United States at frequent intervals, is excepted from wages and hence is not subject to withholding. Thus, the remuneration of a nonresident alien individual who is a resident of Canada, for services as an employee in connection with the construction, maintenance, or operation of the Saint Lawrence Seaway and who, in the performance of such services, enters and leaves the United States at frequent intervals, is not subject to withholding under section 3402.

(c) *Limitation on application of section.* The exception provided by this section has no application to the remuneration of a resident of Canada or of Mexico who is employed wholly within the United States as, for example, where such a resident is employed to perform service at a fixed point or points in the United States, such as a factory, store, office, or designated area or areas within the United States, and who commutes from his home in Canada or Mexico in the pursuit of his employment within the United States.

(d) *Certificate required.* In order for the exception to apply, the nonresident alien employee must furnish his employer a statement setting forth the employee's name and address and certifying (1) that he is not a citizen of the United States, (2) that he is a resident of Canada or Mexico, as the case may be, and (3) the approximate period of time during which he has had such status. Such statement shall be dated, shall be signed by the employee, and shall contain, or be verified by, a written declaration that it is made under the penalties of perjury. No particular form is prescribed for this statement.

§ 31.3401 (a) (8) (A) *Statutory provisions; definitions; wages; remuneration paid for services performed by citizens outside the United States.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(8) (A) For services for an employer (other than the United States or any agency thereof)—

(i) Performed by a citizen of the United States if, at the time of the payment of such remuneration, it is reasonable to believe that such remuneration will be excluded from gross income under section 911; or

(ii) Performed in a foreign country or in a possession of the United States by such a citizen if, at the time of the payment of such remuneration, the employer is required by the law of any foreign country or possession of the United States to withhold income tax upon such remuneration; or

[Sec. 3401 (a) (8) as amended by act of Aug. 9, 1955 (Pub. Law 321, 84th Cong., 69 Stat. 617), which added "or in a possession of the United States" and "or possession of the United States" to subparagraph (A) (ii). Effective with respect to remuneration paid on or after August 9, 1955.]

§ 31.3401 (a) (8) (A)–1 *Remuneration for services performed outside the United States by citizens of the United States*—(a) *Remuneration excluded from gross income under section 911*—(1) *Resident of a foreign country.* (i) Remuneration paid for services performed outside the United States for an employer (other than the United States or any agency thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income under the provisions of section 911 (a) (1). The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that the remuneration is excludable from gross income under the provisions of section 911 (a) (1).

(ii) If an individual citizen of the United States establishes to the satisfaction of the district director that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received by such individual from sources without the United States (except amounts paid by the United States or any agency thereof) are excluded from gross income under the provisions of section 911 (a) (1), provided that such amounts constitute earned income, as defined in section 911 (b), which is attributable to such uninterrupted period. See the Income Tax Regulations (Part 1 of this chapter) under section 911.

(iii) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that remuneration for services performed outside the United States during the taxable year, or applicable portion thereof, will be excluded from gross income under the provisions of section 911 (a) (1) for each taxable year in respect of which the employee properly executes and furnishes in duplicate to the employer a statement in the following form:

Statement for claiming benefits of Section 911 (a) (1) for calendar year ------ or fiscal year beginning ------ and ending ------.

(A) My name is ---------- My present address is ---------- I am employed by ----------.

(B) My last address in the United States was ---------- The internal revenue district in which I filed my last income tax return is ----------.

(C) I ---------- file my income tax return
(Do or do not)
on the calendar-year basis.

(D) I file my income tax return on the basis of the fiscal year beginning ----------, 19--, and ending ----------, 19--.

(E) I am a citizen of the United States.

(F) I have been a bona fide resident of the following foreign country or countries, namely, ----------, for an uninterrupted period which began on ----------, 19--.

(G) I expect to remain a bona fide resident of a foreign country or countries from the date of this statement until the end of the taxable year in respect of which this statement is executed.

(H) On the basis of the facts in my case I have good reason to believe that, with respect to the above period of foreign residence falling within the taxable year, I will satisfy the bona fide foreign-residence requirement prescribed by section 911 (a) (1) of the Internal Revenue Code of 1954.

(I) I understand that any exemption from withholding of tax permitted by reason of the furnishing of this statement is not a determination by the district director of internal revenue that any remuneration paid to me for any services performed during the taxable year is excludable from gross income under the provisions of section 911 (a) (1).

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

(Signature of taxpayer)

Date: ----------, 19--.

(iv) If the employer was entitled to presume for the two consecutive taxable years immediately preceding an employee's current taxable year that such employee's remuneration for services performed outside the United States during such preceding taxable years would be excluded from gross income under the provisions of section 911 (a) (1) (or section 116 (a) (1) of the Internal Revenue Code of 1939), he may, if such employee is residing in a foreign country on the first day of such current taxable year, presume that, in the absence of cause for a reasonable belief to the contrary, the remuneration for services performed outside the United States during such current taxable year will be excluded from gross income under the provisions of section 911 (a) (1) without obtaining from the employee the statement prescribed in subdivision (iii) of this subparagraph.

(2) *Physical presence in a foreign country.* (i) Remuneration paid for services performed outside the United States for an employer (other than the United States or any agency thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income under the provisions of section 911 (a) (2). The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that the remuneration is excludable from gross income under the provisions of section 911 (a) (2).

(ii) If an individual citizen of the United States is present in a foreign country or countries during at least 510 full days during any period of 18 consecutive months, amounts received by such individual from sources without the United States (except amounts paid by the United States or any agency thereof) are excluded from gross income under the provisions of section 911 (a) (2), provided that such amounts constitute earned income, as defined in section 911 (b), which is attributable to such period. However, the total amount so excluded from gross income under the provisions of such section may not exceed $20,000 for each taxable year if the 18-month period includes the entire taxable year. If the 18-month period does not include the entire taxable year, the amount excluded from gross income under such section for such taxable year may not exceed an amount which bears the same ratio to $20,000 as the number of days in the part of the taxable year within the 18-month period bears to the total number of days in such year. See the Income Tax Regulations (Part 1 of this chapter) under section 911.

(iii) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that remuneration for services performed outside the United States during the taxable year, or applicable portion thereof, will be excluded from gross income under the provisions of section 911 (a) (2) for each taxable year in respect of which the employee properly executes and furnishes in duplicate to the employer a statement in the form set forth below. The presumption shall not apply after the total payments made during the taxable year of the employee equal $20,000 or such lesser amount as may be allowable under section 911 (a) (2) on the basis of the facts shown in such statement.

Statement for claiming benefits of Section 911 (a) (2) for calendar year ------ or fiscal year beginning ------ and ending ------.

(A) My name is ---------- My present address is ---------- I am employed by ----------.

(B) My last address in the United States was ---------- The internal revenue district in which I filed my last income tax return is ----------.

(C) I ---------- file my income tax
(Do or do not)
return on the calendar-year basis.

(D) I file my income tax return on the basis of the fiscal year beginning ----------, 19--, and ending ----------, 19--.

(E) I am a citizen of the United States.

(F) Except for occasional absences which have not disqualified me for the benefit of section 911 (a) (2) of the Internal Revenue Code of 1954, I have been present in the following foreign country or countries, namely ----------, during the period of time which began on ----------, 19--.

(G) I expect to be present in a foreign country or countries, except for occasional absences not disqualifying me for the benefit of section 911 (a) (2), from the date of this statement until the end of the taxable year in respect of which this statement is executed, or, if not for such period, from the date of this statement until the following date within such taxable year, namely, ----------, 19--.

(H) On the basis of the facts in my case I have good reason to believe that, with respect to the above period of presence in a foreign country or countries falling within the taxable year, I will satisfy the 510 full-day requirement prescribed by section 911 (a) (2).

(I) In the event I become disqualified for the exclusion provided by section 911 (a) (2) in respect of all or part of the above period of presence in a foreign country or countries falling within the taxable year, I will immediately notify my employer, giving sufficient facts to indicate the part, if any, of such period falling within such year in respect of which I am qualified for such exclusion.

(J) I understand that any exemption from withholding of tax permitted by reason of the furnishing of this statement is not a determination by the district director of internal revenue that any remuneration paid to me for any services performed during the taxable year is excludable from gross income under the provisions of section 911 (a) (2).

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

(Signature of taxpayer)

Date: ----------, 19--.

(3) *Disposition of statements for claiming benefits of section 911.* The original of each statement furnished to the employer pursuant to subparagraph (1) (iii) or (2) (iii) of this paragraph shall be transmitted to the district director with the employer's return filed pursuant to the provisions of Subpart G of the regulations in this part for the tax-return period in which such statement is received by the employer. The duplicate copy of each such statement shall be retained by the employer.

(b) *Remuneration subject to withholding of income tax under law of a foreign country or a possession of the United States.* (1) Remuneration paid for services performed in a foreign country or in a possession of the United States for an employer (other than the United States or any agency thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if at the time of the payment of such remuneration the employer is required by the law of any foreign country or of any possession of the United States to withhold income tax upon such remuneration. This paragraph, insofar as it relates to remuneration paid for services performed in a possession of the United States, applies only with respect to remuneration paid on or after August 9, 1955.

(2) Remuneration is not exempt from withholding under this paragraph if the employer is not required by the law of a foreign country or of a possession of the United States to withhold income tax upon such remuneration. Mere agreements between the employer and the employee whereby the estimated income tax of a foreign country or of a possession of the United States is withheld from the remuneration in anticipation of actual liability under the law of such country or possession will not suffice.

(3) The exemption from withholding provided by this paragraph does not apply by reason of withholding of income tax pursuant to the law of a territory of the United States, of a political subdivision of a possession of the United States, or of a political subdivision of a foreign state.

(4) For provisions relating to remuneration for services performed by a permanent resident of the Virgin Islands, see paragraph (b) (12) of § 31.3401 (a)–1.

(c) *Limitation on application of section.* This section has no application to the remuneration paid to a citizen of the United States for services performed outside the United States as an employee of the United States or any agency thereof.

§ 31.3401 (a) (8) (B) *Statutory provisions; definitions; wages; remuneration for services performed in possession of the United States (other than Puerto Rico) by citizen of the United States.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(8) (B) For services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within a possession of the United States (other than Puerto Rico), if it is reasonable to believe that at least 80 percent

of the remuneration to be paid to the employee by such employer during the calendar year will be for such services; or

§ 31.3401 (a) (8) (B)–1 *Remuneration for services performed in possession of the United States (other than Puerto Rico) by citizen of the United States.* (a) Remuneration paid for services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within a possession of the United States (other than Puerto Rico) does not constitute wages and hence is not subject to withholding, if it is reasonable to believe that at least 80 percent of the remuneration to be paid to the empoyee by such employer during the calendar year will be for such services. The reasonable belief contemplated by section 3401 (a) (8) (B) may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that at least 80 percent of the remuneration paid by the employer to the employee during the calendar year was for services performed within such a possession of the United States.

(b) This section has no application to remuneration paid to a citizen of the United States for services performed in any possession of the United States as an employee of the United States or any agency thereof.

(c) For provisions relating to remuneration for services performed by a permanent resident of the Virgin Islands, see paragraph (b) (12) of § 31.3401 (a)–1.

§ 31.3401 (a) (8) (C) *Statutory provisions; definitions; wages; remuneration for services performed in Puerto Rico by citizen of the United States.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(8) (C) For services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within Puerto Rico, if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of Puerto Rico; or

§ 31.3401 (a) (8) (C)–1 *Remuneration for services performed in Puerto Rico by citizen of the United States.* (a) Remuneration paid for services performed within Puerto Rico for an employer (other than the United States or any agency thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of Puerto Rico. The reasonable belief contemplated by section 3401 (a) (8) (C) may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that the employee was a bona fide resident of Puerto Rico for the entire calendar year.

(b) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that an employee will be a bona fide resident of Puerto Rico during the entire calendar year—

(1) Unless the employee is known by the employer to have maintained his abode at a place outside Puerto Rico at some time during the current or the preceding calendar year; or

(2) In any case where the employee files with the employer a statement (containing a declaration under the penalties of perjury that such statement is true to the best of the employee's knowledge and belief) that such employee has at all times during the current calendar year been a bona fide resident of Puerto Rico and that he intends to remain a bona fide resident of Puerto Rico during the entire remaining portion of such current calendar year.

(c) This section has no application to remuneration paid to a citizen of the United States for services performed in Puerto Rico as an employee of the United States or any agency thereof.

§ 31.3401 (a) (9) *Statutory provisions; definitions; wages; remuneration for services performed by a minister of a church or a member of a religious order.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(9) For services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

§ 31.3401 (a) (9)–1 *Remuneration for services performed by a minister of a church or a member of a religious order*—(a) *In general.* Remuneration paid for services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, is excepted from wages and hence is not subject to withholding.

(b) *Service by a minister in the exercise of his ministry.* Except as provided in paragraph (c) (3) of this section, service performed by a minister in the exercise of his ministry includes the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination. The following rules are applicable in determining whether services performed by a minister are performed in the exercise of his ministry:

(1) Whether service performed by a minister constitutes the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of the particular religious body constituting his church or church denomination.

(2) Service performed by a minister in the control, conduct, and maintenance of a religious organization relates to directing, managing, or promoting the activities of such organization. Any religious organization is deemed to be under the authority of a religious body constituting a church or church denomination if it is organized and dedicated to carrying out the tenets and principles of a faith in accordance with either the requirements or sanctions governing the creation of institutions of the faith. The term "religious organization" has the same meaning and application as is given to the term for income tax purposes.

(3) (i) If a minister is performing service in the conduct of religious worship or the ministration of sacerdotal functions, such service is in the exercise of his ministry whether or not it is performed for a religious organization.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged to perform service as chaplain at N University. M devotes his entire time to performing his duties as chaplain which include the conduct of religious worship, offering spiritual counsel to the university students, and teaching a class in religion. M is performing service in the exercise of his ministry.

(4) (i) If a minister is performing service for an organization which is operated as an integral agency of a religious organization under the authority of a religious body constituting a church or church denomination, all service performed by the minister in the conduct of religious worship, in the ministration of sacerdotal functions, or in the control, conduct, and maintenance of such organization (see subparagraph (2) of this paragraph) is in the exercise of his ministry.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by the N Religious Board to serve as director of one of its departments. He performs no other service. The N Religious Board is an integral agency of O, a religious organization operating under the authority of a religious body constituting a church denomination. M is performing service in the exercise of his ministry.

(5) (i) If a minister, pursuant to an assignment or designation by a religious body constituting his church, performs service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization, all service performed by him, even though such service may not involve the conduct of religious worship or the ministration of sacerdotal functions, is in the exercise of his ministry.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is assigned by X, the religious body constituting his church, to perform advisory service to Y Company in connection with the publication of a book dealing with the history of M's church denomination. Y is neither a religious organization nor operated as an integral agency of a religious organization. M performs no other service for X or Y. M is performing service in the exercise of his ministry.

(c) *Service by a minister not in the exercise of his ministry.* (1) Section 3401 (a) (9) does not except from wages remuneration for service performed by a duly ordained, commissioned, or licensed minister of a church which is not in the exercise of his ministry.

(2) (i) If a minister is performing service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization and the service is not performed pursuant to an assignment or designation by his ecclesiastical superiors, then only the service performed by him in the conduct of religious worship or the ministration of sacerdotal functions is in the exercise of his ministry. See, however, subparagraph (3) of this paragraph.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by N University to teach history and mathematics. He performs no other service for N although from time to time he performs marriages and conducts funerals for relatives and friends. N University is neither a religious organization nor operated as an integral agency of a religious organization. M is not performing the service for N pursuant to an assignment or designation by his ecclesiastical superiors. The service performed by M for N University is not in the exercise of his ministry. However, service performed by M in performing marriages and conducting funerals is in the exercise of his ministry.

(3) Service performed by a duly ordained, commissioned, or licensed minister of a church as an employee of the United States, or a State, Territory, or possession of the United States, or the District of Columbia, or a foreign government, or a political subdivision of any of the foregoing, is not considered to be in the exercise of his ministry for purposes of the collection of income tax at source on wages, even though such service may involve the ministration of sacerdotal functions or the conduct of religious worship. Thus, for example, service performed by an individual as a chaplain in the Armed Forces of the United States is considered to be performed by a commissioned officer in his capacity as such, and not by a minister in the exercise of his ministry. Similarly, service performed by an employee of a State as a chaplain in a State prison is considered to be performed by a civil servant of the State and not by a minister in the exercise of his ministry.

(d) *Service in the exercise of duties required by a religious order.* Service performed by a member of a religious order in the exercise of duties required by such order includes all duties required of the member by the order. The nature or extent of such service is immaterial so long as it is a service which he is directed or required to perform by his ecclesiastical superiors.

§ 31.3401 (a) (10) *Statutory provisions; definitions; wages; remuneration for services in the delivery or distribution of newspapers, shopping news, or magazines.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(10) (A) For services performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(B) For services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back; or

§ 31.3401 (a) (10)–1 *Remuneration for services in delivery or distribution of newspapers, shopping news, or magazines*—(a) *Services of individuals under age 18.* Remuneration for services performed by an employee under the age of 18 in the delivery or distribution of newspapers, or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, is excepted from wages and hence is not subject to withholding. Thus, remuneration for services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, is excepted from wages. The remuneration is excepted irrespective of the form or method thereof. Remuneration for incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, is considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(b) *Services of individuals of any age.* Remuneration for services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his remuneration being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, is excepted from wages and hence is not subject to withholding. The remuneration is excepted whether or not the employee is guaranteed a minimum amount of remuneration, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the remuneration is excepted without regard to the age of the employee. Remuneration for services performed other than at the time of sale to the ultimate consumer is not within the exception. Thus, remuneration for services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer is not within the exception. However, remuneration for incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, is considered to be within the exception.

§ 31.3401 (a) (11) *Statutory provisions; definitions; wages; remuneration other than in cash for services not in the course of employer's trade or business.*

SEC. 3401. *Definition*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(11) For services not in the course of the employer's trade or business, to the extent paid in any medium other than cash; or

§ 31.3401 (a) (11)–1 *Remuneration other than in cash for service not in the course of employer's trade or business.* (a) Remuneration paid in any medium other than cash for services not in the course of the employer's trade or business is excepted from wages and hence is not subject to withholding. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, or other goods or commodities, for services not in the course of the employer's trade or business does not constitute wages. Remuneration paid in any medium other than cash for other types of services does not come within this exception from wages. For provisions relating to cash remuneration for service not in the course of employer's trade or business, see § 31.3401 (a) (4)–1.

(b) As used in this section, the term "services not in the course of the employer's trade or business" has the same meaning as when used in § 31.3401 (a) (4)–1.

§ 31.3401 (a) (12) *Statutory provisions; definitions; wages; payments from or to certain tax-exempt trusts or under or to certain annuity plans.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(12) To, or on behalf of, an employee or his beneficiary—

(A) From or to a trust described in section 401 (a) which is exempt from tax under section 501 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust; or

(B) Under or to an annuity plan which, at the time of such payment, meets the requirements of section 401 (a) (3), (4), (5), and (6).

§ 31.3401 (a) (12)–1 *Payments from or to certain tax-exempt trusts or under or to certain annuity plans.* The term "wages" does not include—

(a) Any payment made by an employer, on behalf of an employee or his beneficiary, into a trust or annuity plan, if at the time of such payment the trust is exempt from tax under section 501 (a) as an organization described in section 401 (a) or the annuity plan meets the

requirements of section 401 (a) (3), (4), (5), and (6); or

(b) Any payment made to, or on behalf of, an employee or his beneficiary from a trust or under an annuity plan, if at the time of such payment the trust is exempt from tax under section 501 (a) as an organization described in section 401 (a) or the annuity plan meets the requirements of section 401 (a) (3), (4), (5), and (6).

A payment made to an employee of a trust described in section 401 (a) which is exempt from tax under section 501 (a) for services rendered as an employee of such trust and not as a beneficiary of the trust is not within this exception from wages.

§ 31.3401 (b) *Statutory provisions; definitions; payroll period.*

SEC. 3401. *Definitions.* • • •

(b) *Payroll period.* For purposes of this chapter, the term "payroll period" means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

§ 31.3401 (b)–1 *Payroll period.* (a) The term "payroll period" means the period of service for which a payment of wages is ordinarily made to an employee by his employer. It is immaterial that the wages are not always paid at regular intervals. For example, if an employer ordinarily pays a particular employee for each calendar week at the end of the week, but if for some reason the employee in a given week receives a payment in the middle of the week for the portion of the week already elapsed and receives the remainder at the end of the week, the payroll period is still the calendar week; or if, instead, that employee is sent on a 3-week trip by his employer and receives at the end of the trip a single wage payment for three weeks' services, the payroll period is still the calendar week, and the wage payment shall be treated as though it were three separate weekly wage payments.

(b) For the purpose of section 3402, an employee can have but one payroll period with respect to wages paid by any one employer. Thus, if an employee is paid a regular wage for a weekly payroll period and in addition thereto is paid supplemental wages (for example, bonuses) determined with respect to a different period, the payroll period is the weekly payroll period. For computation of tax on supplemental wage payments, see § 31.3402 (g)–1.

(c) The term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

§ 31.3401 (c) *Statutory provisions; definitions; employee.*

SEC. 3401. *Definitions.* • • •

(c) *Employee.* For purposes of this chapter, the term "employee" includes an officer, employee, or elected official of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a corporation.

§ 31.3401 (c)–1 *Employee.* (a) The term "employee" includes every individual performing services if the relationship between him and the person for whom he performs such services is the legal relationship of employer and employee. The term includes officers and employees, whether elected or appointed, of the United States, a State, Territory, Puerto Rico, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing.

(b) Generally the relationship of employer and employee exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is not an employee.

(c) Generally, physicians, lawyers, dentists, veterinarians, contractors, subcontractors, public stenographers, auctioneers, and others who follow an independent trade, business, or profession, in which they offer their services to the public, are not employees.

(d) Whether the relationship of employer and employee exists will in doubtful cases be determined upon an examination of the particular facts of each case.

(e) If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, independent contractor, or the like.

(f) All classes or grades of employees are included within the relationship of employer and employee. Thus, superintendents, managers, and other supervisory personnel are employees. Generally, an officer of a corporation is an employee of the corporation. However, an officer of a corporation who as such does not perform any services or performs only minor services and who neither receives nor is entitled to receive, directly or indirectly, any remuneration is not considered to be an employee of the corporation. A director of a corporation in his capacity as such is not an employee of the corporation.

(g) Although an individual may be an employee under this section, his services may be of such a nature, or performed under such circumstances, that the remuneration paid for such services does not constitute wages within the meaning of section 3401 (a).

§ 31.3401 (d) *Statutory provisions; definitions; employer.*

SEC. 3401. *Definitions.* • • •

(d) *Employer.* For purposes of this chapter, the term "employer" means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that—

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "employer" (except for purposes of subsection (a)) means the person having control of the payment of such wages, and

(2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "employer" (except for purposes of subsection (a)) means such person.

§ 31.3401 (d)–1 *Employer.* (a) The term "employer" means any person for whom an individual performs or performed any service, of whatever nature, as the employee of such person.

(b) It is not necessary that the services be continuing at the time the wages are paid in order that the status of employer exist. Thus, for purposes of withholding, a person for whom an individual has performed past services for which he is still receiving wages from such person is an "employer."

(c) An employer may be an individual, a corporation, a partnership, a trust, an estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization, group or entity. A trust or estate, rather than the fiduciary acting for or on behalf of the trust or estate, is generally the employer.

(d) The term "employer" embraces not only individuals and organizations engaged in trade or business, but organizations exempt from income tax, such as religious and charitable organizations, educational institutions, clubs, social organizations and societies, as well as the governments of the United States, the States, Territories, Puerto Rico, and the District of Columbia, including their agencies, instrumentalities, and political subdivisions.

(e) The term "employer" also means (except for the purpose of the definition of "wages") any person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States (including Puerto Rico as if a part of the United States).

(f) If the person for whom the services are or were performed does not have

legal control of the payment of the wages for such services, the term "employer" means (except for the purpose of the definition of "wages") the person having such control. For example, where wages, such as certain types of pensions or retired pay, are paid by a trust and the person for whom the services were performed has no legal control over the payment of such wages, the trust is the "employer."

(g) It is a basic purpose to centralize in the employer the responsibility for withholding, returning, and paying the tax, and for furnishing the statements required under section 6051 (see Subpart G of the regulations in this part). The two special definitions of the term "employer" in paragraphs (e) and (f) of this section are designed solely to meet unusual situations. They are not intended as a departure from the basic purpose.

§ 31.3401 (e) *Statutory provisions; definitions; number of withholding exemptions claimed.*

SEC. 3401. *Definitions.* • • •

(e) *Number of withholding exemptions claimed.* For purposes of this chapter, the term "number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under section 3402 (f), or in effect under the corresponding section of prior law, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero.

§ 31.3401 (e)–1 *Number of withholding exemptions claimed.* (a) The term "number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under section 3402 (f) or in effect under section 1622 (h) of the Internal Revenue Code of 1939. If no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero. The number of withholding exemptions claimed must be taken into account in determining the amount of tax to be deducted and withheld under section 3402, whether the employer computes the tax in accordance with the provisions of subsection (a) or subsection (c) of section 3402.

(b) The employer is not required to ascertain whether or not the number of withholding exemptions claimed is greater than the number of withholding exemptions to which the employee is entitled. If, however, the employer has reason to believe that the number of withholding exemptions claimed by an employee is greater than the number to which such employee is entitled, the district director should be so advised.

(c) As to the number of withholding exemptions to which an employee is entitled, see § 31.3402 (f) (1)–1.

§ 31.3402 (a) *Statutory provisions; income tax collected at source; requirement of withholding.*

SEC. 3402. *Income tax collected at source—*

(a) *Requirement of withholding.* Every employer making payment of wages shall deduct and withhold upon such wages (except as provided in subsection (j)) a tax equal to 18 percent of the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in subsection (b) (1).

[Sec. 3402 (a) as amended by Act of Aug. 9, 1955 (Pub. Law 306, 84th Cong., 69 Stat. 605), which added "(except as provided in subsection (j))". Effective only with respect to remuneration paid after August 9, 1955.]

§ 31.3402 (a)–1 *Requirement of withholding.* (a) Section 3402 provides alternative methods, at the election of the employer, for use in computing the income tax to be collected at source on wages. Under the percentage method of withholding (see § 31.3402 (b)–1), the employer is required to deduct and withhold a tax computed in acordance with the provisions of section 3402 (a). Under the wage bracket method of withholding (see § 31.3402 (c)–1), the employer is required to deduct and withhold a tax determined in accordance with the tables provided in section 3402 (c). The employer may elect to use the percentage method in the case of one group of employees and the wage bracket method in the case of another group of employees.

(b) The employer is required to collect the tax by deducting and withholding the amount thereof from the employee's wages as and when paid, either actually or constructively. Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case, the wages must be credited to or set apart for the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn upon at any time, and their payment brought within his own control and disposition.

(c) Except as provided in section 3402 (j) (see § 31.3402 (j)–1, relating to noncash remuneration paid to retail commission salesmen), an employer is required to deduct and withhold the tax notwithstanding the wages are paid in something other than money (for example, wages paid in stocks or bonds; see § 31.3401 (a)–1) and to pay over the tax in money. If wages are paid in property other than money, the employer should make necessary arrangements to insure that the amount of the tax required to be withheld is available for payment in money.

(d) For provisions relating to the circumstances under which tax is not required to be deducted and withheld from certain wage payments, see paragraph (b) (8) of § 31.3401 (a)–1 relating to amounts paid under wage continuation plans.

(e) As a matter of business administration, certain of the mechanical details of the withholding process may be handled by representatives of the employer. Thus, in the case of an employer having branch offices, the branch manager or other representative may actually, as a matter of internal administration, withhold the tax or prepare the statements required under section 6051. Nevertheless, the legal responsibility for withholding, paying, and returning the tax and furnishing such statements rests with the employer. For provisions relating to statements under section 6051, see the regulations under such section in Subpart G of this part.

(f) The amount of any tax withheld and collected by the employer is a special fund in trust for the United States. See section 7501.

§ 31.3402 (b) *Statutory provisions; income tax collected at source; percentage method of withholding.*

SEC. 3402. *Income tax collected at source.* • • • (b) *Percentage method of withholding.* (1) The table referred to in subsection (a) is as follows:

PERCENTAGE METHOD WITHHOLDING TABLE

Payroll period:	Amount of one withholding exemption
Weekly	$13.00
Biweekly	26.00
Semimonthly	28.00
Monthly	56.00
Quarterly	167.00
Semiannual	333.00
Annual	667.00
Daily or miscellaneous (per day of such period)	1.80

(2) If wages are paid with respect to a period which is not a payroll period, the withholding exemption allowable with respect to each payment of such wages shall be the exemption allowed for a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days in the period with respect to which such wages are paid.

(3) In any case in which wages are paid by an employer without regard to any payroll period or other period, the withholding exemption allowable with respect to each payment of such wages shall be the exemption allowed for a miscellaneous payroll period containing a number of days equal to the number of days (including Sundays and holidays) which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(4) In any case in which the period, or the time described in paragraph (3), in respect of any wages is less than one week, the Secretary or his delegate, under regulations prescribed by him, may authorize an employer, in computing the tax required to be deducted and withheld, to use the excess of the aggregate of the wages paid to the employee during the calendar week over the withholding exemption allowed by this subsection for a weekly payroll period.

(5) In determining the amount to be deducted and withheld under this subsection, the wages may, at the election of the employer, be computed to the nearest dollar.

§ 31.3402 (b)–1 *Percentage method of withholding*—(a) *In general.* (1) The percentage method of computing the amount of tax to be withheld makes use of the percentage method withholding table contained in section 3402 (b) (1). This table shows with respect to each of the designated payroll periods the amount allowable for one withholding exemption. The amount of the withholding exemption allowable with respect to a particular payroll period depends upon the number of withholding exemptions claimed. The term "payroll period" is defined in section 3401 (b)

(see § 31.3401 (b)–1). The term "number of withholding exemptions claimed" is defined in section 3401 (e) (see § 31.3401 (e)–1).

(2) The steps in computing the tax under the percentage method of withholding are summarized as follows:

Step 1. Determine the amount of one withholding exemption for the particular payroll period from the percentage method withholding table.

Step 2. Multiply the amount determined in Step 1 by the number of exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Multiply the difference by the applicable percentage figure under section 3402 (a) (see § 31.3402 (a)).

The result is the amount of tax to be withheld.

Example. During a period in which the rate under the percentage method of withholding is 18 percent, an employee has a weekly payroll period, for which he is paid $75, and has in effect a withholding exemption certificate claiming three withholding exemptions. His employer, using the percentage method, computes the tax to be withheld as follows:

Step 1:	
Amount of one withholding exemption	$13.00
Step 2:	
Multiplied by number of exemptions claimed on Form W–4	×3
Total withholding exemption	39.00
Step 3:	
Total wage payment	$75.00
Less amount determined in Step 2	39.00
Balance subject to tax	36.00
Step 4:	
Tax to be withheld (balance multiplied by 0.18)	6.48

(3) For provisions relating to the treatment of wages paid under wage continuation plans and wages paid other than in cash to retail commission salesmen, see paragraph (b) (8) of § 31.3401 (a)–1 and § 31.3402 (j)–1, respectively.

(b) *Established payroll periods, other than daily or miscellaneous, as shown in percentage method withholding table.* The amount of one withholding exemption, allowable with respect to each of the established payroll periods contained in the percentage method withholding table, is determined by reference to the line applicable to such payroll period and without reference to the time the employee is actually engaged in the performance of services during such payroll period.

Example (1). During 1955 employee C has a semimonthly payroll period. The number of withholding exemptions claimed by C is two. C's wages are determined at the rate of $1.20 per hour. During a certain payroll period he works only 40 hours and earns $48. Although C worked only 40 hours during the semimonthly payroll period, the applicable withholding exemption is $28, and the amount of two withholding exemptions, or $56, is allowable. Since the amount of the wages paid for the semimonthly payroll period is less than the amount allowed for two withholding exemptions for such period, the employer is not required to withhold any tax.

Example (2). During 1955 employee D has a weekly payroll period. The number of withholding exemptions claimed by D is two. D's wages are determined at the rate of $1.20 per hour. During a certain payroll period D works 30 hours and earns $36. Although D worked only 30 hours during the weekly payroll period, the applicable withholding exemption is $13, and the amount of two withholding exemptions, or $26, is allowable. The balance of $10 is subject to withholding.

(c) *Periods to which the daily or miscellaneous withholding exemption is applicable—(1) In general.* The percentage method withholding table shows for a daily or miscellaneous payroll period the amount of one withholding exemption allowable with respect to one day. For the purpose of determining the amount of tax to be withheld with respect to wages paid for a particular miscellaneous payroll period (see paragraph (c) of § 31.3401 (b)–1), the amount of one withholding exemption shown in the table for one day of such period and the wages paid for the period must be placed on a comparable basis. The amount of tax to be withheld may be determined by either of the following methods:

(i) Under the first method the following steps are taken:

Step 1. Multiply the amount shown in the percentage method withholding table as applicable per day of a miscellaneous payroll period by the number of days (including Sundays and holidays) in such period.

Step 2. Multiply the amount determined in Step 1 by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Multiply the difference by the applicable percentage figure under section 3402 (a) (see § 31.3402 (a)).

(ii) Under the second method the following steps are taken:

Step 1. Divide the wages paid to the employee for the period by the number of days (including Sundays and holidays) in the period.

Step 2. Multiply the amount shown in the percentage method withholding table as applicable per day of a miscellaneous payroll period by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the amount determined in Step 1.

Step 4. Multiply the difference by the applicable percentage figure under section 3402 (a) (see § 31.3402 (a)).

Step 5. Multiply the amount determined in Step 4 by the number of days (including Sundays and holidays) in the period.

(2) *Period not a payroll period.* If wages are paid for a period which is not a payroll period, the withholding exemption allowable with respect to each payment of such wages shall be the exemption allowable for a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) in the period with respect to which such wages are paid.

Example. During 1955 an individual is hired by a contractor to perform services in connection with a building project. The number of withholding exemptions claimed by such individual is two. Wages are fixed at the rate of $9 per day, to be paid upon completion of the project. The project is completed during 1955 in 12 consecutive days, at the end of which period the individual is paid wages of $90 for 10 days' services performed during the period. For the purpose of computing the tax the amount of the withholding exemption allowable for the 12-day period is $43.20 (12×(2×$1.80)). Tax is required to be withheld with respect to $46.80 ($90 minus $43.20).

(3) *Wages paid without regard to any period.* In the case of wages paid to an employee without regard to any particular period, as, for example, commissions paid to a salesman upon completion of a sale, the withholding exemption is measured by the number of days (including Sundays and holidays) which have elapsed, beginning with the latest of the following days:

(i) The first day after the last payment of wages to such employee by such employer in the calendar year, or

(ii) The date on which such individual's employment with such employer began in the calendar year, or

(iii) January 1 of such calendar year,

and ending with (and including) the date on which such wages are paid.

Example. On April 2, 1955, A is employed by the X Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. The number of withholding exemptions claimed by A is one. On May 21, 1955, A receives a commission of $300. Again, on June 16, 1955, A receives a commission of $400. The amount of the withholding exemption with respect to the commission paid on May 21 is $90 ($1.80×50). With respect to the commission paid on June 16, the amount of the withholding exemption is $46.80 ($1.80×26).

(d) *Period or elapsed time less than one week.* (1) It is the general rule that if wages are paid for a payroll period or other period of less than one week, the withholding exemption allowable shall be the exemption allowable for a daily payroll period, or a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the payroll period or other period for which such wages are paid. The same rule is applicable in the case of wages paid without regard to a payroll period or other period, where the elapsed time as determined in accordance with the rule prescribed in paragraph (c) of this section is less than 1 week.

Example (1). During 1955 an employee having a daily payroll period is paid wages of $12 per day. The number of withholding exemptions claimed by such employee is one. The amount of each such daily wage payment subject to withholding is $10.20 ($12.00–$1.80).

Example (2). During 1955 an employee works for a certain employer on four consecutive days, for which he is paid wages of $36. The number of withholding exemptions claimed by the employee is two. The amount of the withholding exemption allowable is $14.40 (4×$3.60).

(2) Under certain conditions, if the payroll period, other period, or elapsed time where wages are paid without regard to any period, is less than one week, the employer may, at his election, compute the tax to be withheld as if the aggregate of the wages paid to the employee during the calendar week were paid for a weekly payroll period. Such election may be made by the employer only if he is the only employer for whom the employee works for wages during the calendar week. Any employer electing to compute the tax upon the excess of the wages paid during the calendar week over the weekly exemption must secure a statement in writing from the employee, stating that he works for wages for such employer only, and that if he should thereafter secure additional employment for wages, he will within 10 days after the beginning of such additional employment, notify such employer of that fact. Such statement shall be signed by the employee and shall contain or be verified by a written declaration that it is made under the penalties of perjury. No particular form is prescribed for the statement.

Example. During 1955 an employee works for a certain employer on four consecutive days, for which he is paid wages of $36. The number of withholding exemptions claimed by the employee is two. The employer elects to use the weekly withholding exemption after securing the proper statement from the employee. In such case, the amount of the withholding exemption allowable is $26 (2×$13).

(3) If such employee secures additional employment for wages, the daily or miscellaneous exemption will take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the thirtieth day following the date on which such employee notifies such employer that he has secured additional employment for wages. After the daily or miscellaneous exemption takes effect the employer may not thereafter use the weekly exemption in computing the amount of tax to be withheld from the wages of such employee.

(4) As used in this paragraph the term "calendar week" means a period of 7 consecutive days beginning with Sunday and ending with Saturday.

(e) *Rounding off of wage payment.* In determining the amount to be deducted and withheld under the percentage method, the last digit of the wage amount may, at the election of the employer, be reduced to zero, or the wage amount may, at the election of the employer, be computed to the nearest dollar. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1.00 Thus, if the weekly wage is $45.37, the employer may, in determining the amount of tax to be deducted and withheld, determine the tax on the basis of a wage payment of $45.30 or on the basis of a wage payment of $45. If the weekly wage is $45.50, the employer may determine the tax to be deducted and withheld on the basis of a wage payment of $46.

§ 31.3402 (c) *Statutory provisions; income tax collected at source; wage bracket withholding.*

SEC. 3402. *Income tax collected at source.* • • • (c) *Wage bracket withholding.* (1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with the following tables, which shall be in lieu of the tax required to be deducted and withheld under subsection (a):

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$13	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$13	$14	$2.40	.10	0	0	0	0	0	0	0	0	0
$14	$15	2.60	.30	0	0	0	0	0	0	0	0	0
$15	$16	2.80	.50	0	0	0	0	0	0	0	0	0
$16	$17	3.00	.70	0	0	0	0	0	0	0	0	0
$17	$18	3.20	.80	0	0	0	0	0	0	0	0	0
$18	$19	3.30	1.00	0	0	0	0	0	0	0	0	0
$19	$20	3.50	1.20	0	0	0	0	0	0	0	0	0
$20	$21	3.70	1.40	0	0	0	0	0	0	0	0	0
$21	$22	3.90	1.60	0	0	0	0	0	0	0	0	0
$22	$23	4.10	1.70	0	0	0	0	0	0	0	0	0
$23	$24	4.20	1.90	0	0	0	0	0	0	0	0	0
$24	$25	4.40	2.10	0	0	0	0	0	0	0	0	0
$25	$26	4.60	2.30	0	0	0	0	0	0	0	0	0
$26	$27	4.80	2.50	.20	0	0	0	0	0	0	0	0
$27	$28	5.00	2.60	.30	0	0	0	0	0	0	0	0
$28	$29	5.10	2.80	.50	0	0	0	0	0	0	0	0
$29	$30	5.30	3.00	.70	0	0	0	0	0	0	0	0
$30	$31	5.50	3.20	.90	0	0	0	0	0	0	0	0
$31	$32	5.70	3.40	1.10	0	0	0	0	0	0	0	0
$32	$33	5.90	3.50	1.20	0	0	0	0	0	0	0	0
$33	$34	6.00	3.70	1.40	0	0	0	0	0	0	0	0
$34	$35	6.20	3.90	1.60	0	0	0	0	0	0	0	0
$35	$36	6.40	4.10	1.80	0	0	0	0	0	0	0	0
$36	$37	6.60	4.30	2.00	0	0	0	0	0	0	0	0
$37	$38	6.80	4.40	2.10	0	0	0	0	0	0	0	0
$38	$39	6.90	4.60	2.30	0	0	0	0	0	0	0	0
$39	$40	7.10	4.80	2.50	.20	0	0	0	0	0	0	0
$40	$41	7.30	5.00	2.70	.40	0	0	0	0	0	0	0
$41	$42	7.50	5.20	2.90	.50	0	0	0	0	0	0	0
$42	$43	7.70	5.30	3.00	.70	0	0	0	0	0	0	0
$43	$44	7.80	5.50	3.20	.90	0	0	0	0	0	0	0
$44	$45	8.00	5.70	3.40	1.10	0	0	0	0	0	0	0
$45	$46	8.20	5.90	3.60	1.30	0	0	0	0	0	0	0
$46	$47	8.40	6.10	3.80	1.40	0	0	0	0	0	0	0
$47	$48	8.60	6.20	3.90	1.60	0	0	0	0	0	0	0
$48	$49	8.70	6.40	4.10	1.80	0	0	0	0	0	0	0
$49	$50	8.90	6.60	4.30	2.00	0	0	0	0	0	0	0
$50	$51	9.10	6.80	4.50	2.20	0	0	0	0	0	0	0
$51	$52	9.30	7.00	4.70	2.30	0	0	0	0	0	0	0
$52	$53	9.50	7.10	4.80	2.50	.20	0	0	0	0	0	0
$53	$54	9.60	7.30	5.00	2.70	.40	0	0	0	0	0	0
$54	$55	9.80	7.50	5.20	2.90	.60	0	0	0	0	0	0
$55	$56	10.00	7.70	5.40	3.10	.80	0	0	0	0	0	0
$56	$57	10.20	7.90	5.60	3.20	.90	0	0	0	0	0	0
$57	$58	10.40	8.00	5.70	3.40	1.10	0	0	0	0	0	0
$58	$59	10.50	8.20	5.90	3.60	1.30	0	0	0	0	0	0
$59	$60	10.70	8.40	6.10	3.80	1.50	0	0	0	0	0	0
$60	$62	11.00	8.70	6.40	4.10	1.70	0	0	0	0	0	0
$62	$64	11.30	9.00	6.70	4.40	2.10	0	0	0	0	0	0
$64	$66	11.70	9.40	7.10	4.80	2.50	.20	0	0	0	0	0
$66	$68	12.10	9.80	7.40	5.10	2.80	.50	0	0	0	0	0
$68	$70	12.40	10.10	7.80	5.50	3.20	.90	0	0	0	0	0
$70	$72	12.80	10.50	8.20	5.90	3.50	1.20	0	0	0	0	0
$72	$74	13.10	10.80	8.50	6.20	3.90	1.60	0	0	0	0	0
$74	$76	13.50	11.20	8.90	6.60	4.30	2.00	0	0	0	0	0
$76	$78	13.90	11.60	9.20	6.90	4.60	2.30	0	0	0	0	0
$78	$80	14.20	11.90	9.60	7.30	5.00	2.70	.40	0	0	0	0
$80	$82	14.60	12.30	10.00	7.70	5.30	3.00	.70	0	0	0	0
$82	$84	14.90	12.60	10.30	8.00	5.70	3.40	1.10	0	0	0	0
$84	$86	15.30	13.00	10.70	8.40	6.10	3.80	1.50	0	0	0	0
$86	$88	15.70	13.40	11.00	8.70	6.40	4.10	1.80	0	0	0	0
$88	$90	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0	0	0	0
$90	$92	16.40	14.10	11.80	9.50	7.10	4.80	2.50	.20	0	0	0
$92	$94	16.70	14.40	12.10	9.80	7.50	5.20	2.90	.60	0	0	0
$94	$96	17.10	14.80	12.50	10.20	7.90	5.60	3.30	.90	0	0	0
$96	$98	17.50	15.20	12.80	10.50	8.20	5.90	3.60	1.30	0	0	0
$98	$100	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70	0	0	0
$100	$105	18.50	16.10	13.80	11.50	9.20	6.90	4.60	2.30	0	0	0
$105	$110	19.40	17.00	14.70	12.40	10.10	7.80	5.50	3.20	.90	0	0
$110	$115	20.30	17.90	15.60	13.30	11.00	8.70	6.40	4.10	1.80	0	0
$115	$120	21.20	18.80	16.50	14.20	11.90	9.60	7.30	5.00	2.70	.40	0
$120	$125	22.10	19.70	17.40	15.10	12.80	10.50	8.20	5.90	3.60	1.30	0
$125	$130	23.00	20.60	18.30	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0
$130	$135	23.90	21.50	19.20	16.90	14.60	12.30	10.00	7.70	5.40	3.10	.80
$135	$140	24.80	22.40	20.10	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70
$140	$145	25.70	23.30	21.00	18.70	16.40	14.10	11.80	9.50	7.20	4.90	2.60
$145	$150	26.60	24.20	21.90	19.60	17.30	15.00	12.70	10.40	8.10	5.80	3.50
$150	$160	27.90	25.60	23.30	21.00	18.70	16.40	14.10	11.70	9.40	7.10	4.80
$160	$170	29.70	27.40	25.10	22.80	20.50	18.20	15.90	13.50	11.20	8.90	6.60
$170	$180	31.50	29.20	26.90	24.60	22.30	20.00	17.70	15.30	13.00	10.70	8.40
$180	$190	33.30	31.00	28.70	26.40	24.10	21.80	19.50	17.10	14.80	12.50	10.20
$190	$200	35.10	32.80	30.50	28.20	25.90	23.60	21.30	18.90	16.60	14.30	12.00
		18 percent of the excess over $200 plus—										
$200 and over		36.00	33.70	31.40	29.10	26.80	24.50	22.20	19.80	17.50	15.20	12.90

If the payroll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$26	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$26	$28	$4.90	.20	0	0	0	0	0	0	0	0	0
$28	$30	5.20	.60	0	0	0	0	0	0	0	0	0
$30	$32	5.60	1.00	0	0	0	0	0	0	0	0	0
$32	$34	5.90	1.30	0	0	0	0	0	0	0	0	0
$34	$36	6.30	1.70	0	0	0	0	0	0	0	0	0
$36	$38	6.70	2.00	0	0	0	0	0	0	0	0	0
$38	$40	7.00	2.40	0	0	0	0	0	0	0	0	0
$40	$42	7.40	2.80	0	0	0	0	0	0	0	0	0
$42	$44	7.70	3.10	0	0	0	0	0	0	0	0	0
$44	$46	8.10	3.50	0	0	0	0	0	0	0	0	0
$46	$48	8.50	3.80	0	0	0	0	0	0	0	0	0
$48	$50	8.80	4.20	0	0	0	0	0	0	0	0	0
$50	$52	9.20	4.60	0	0	0	0	0	0	0	0	0
$52	$54	9.50	4.90	.30	0	0	0	0	0	0	0	0
$54	$56	9.90	5.30	.70	0	0	0	0	0	0	0	0
$56	$58	10.30	5.60	1.00	0	0	0	0	0	0	0	0
$58	$60	10.60	6.00	1.40	0	0	0	0	0	0	0	0
$60	$62	11.00	6.40	1.70	0	0	0	0	0	0	0	0
$62	$64	11.30	6.70	2.10	0	0	0	0	0	0	0	0
$64	$66	11.70	7.10	2.50	0	0	0	0	0	0	0	0
$66	$68	12.10	7.40	2.80	0	0	0	0	0	0	0	0
$68	$70	12.40	7.80	3.20	0	0	0	0	0	0	0	0
$70	$72	12.80	8.20	3.50	0	0	0	0	0	0	0	0
$72	$74	13.10	8.50	3.90	0	0	0	0	0	0	0	0
$74	$76	13.50	8.90	4.30	0	0	0	0	0	0	0	0
$76	$78	13.90	9.20	4.60	0	0	0	0	0	0	0	0
$78	$80	14.20	9.60	5.00	.40	0	0	0	0	0	0	0
$80	$82	14.60	10.00	5.30	.70	0	0	0	0	0	0	0
$82	$84	14.90	10.30	5.70	1.10	0	0	0	0	0	0	0
$84	$86	15.30	10.70	6.10	1.50	0	0	0	0	0	0	0
$86	$88	15.70	11.00	6.40	1.80	0	0	0	0	0	0	0
$88	$90	16.00	11.40	6.80	2.20	0	0	0	0	0	0	0
$90	$92	16.40	11.80	7.10	2.50	0	0	0	0	0	0	0
$92	$94	16.70	12.10	7.50	2.90	0	0	0	0	0	0	0
$94	$96	17.10	12.50	7.90	3.30	0	0	0	0	0	0	0
$96	$98	17.50	12.80	8.20	3.60	0	0	0	0	0	0	0
$98	$100	17.80	13.20	8.60	4.00	0	0	0	0	0	0	0
$100	$102	18.20	13.60	8.90	4.30	0	0	0	0	0	0	0
$102	$104	18.50	13.90	9.30	4.70	.10	0	0	0	0	0	0
$104	$106	18.90	14.30	9.70	5.10	.40	0	0	0	0	0	0
$106	$108	19.30	14.60	10.00	5.40	.80	0	0	0	0	0	0
$108	$110	19.60	15.00	10.40	5.80	1.20	0	0	0	0	0	0
$110	$112	20.00	15.40	10.70	6.10	1.50	0	0	0	0	0	0
$112	$114	20.30	15.70	11.10	6.50	1.90	0	0	0	0	0	0
$114	$116	20.70	16.10	11.50	6.90	2.20	0	0	0	0	0	0
$116	$118	21.10	16.40	11.80	7.20	2.60	0	0	0	0	0	0
$118	$120	21.40	16.80	12.20	7.60	3.00	0	0	0	0	0	0
$120	$124	22.00	17.30	12.70	8.10	3.50	0	0	0	0	0	0
$124	$128	22.70	18.10	13.40	8.80	4.20	0	0	0	0	0	0
$128	$132	23.40	18.80	14.20	9.60	4.90	.30	0	0	0	0	0
$132	$136	24.10	19.50	14.90	10.30	5.70	1.00	0	0	0	0	0
$136	$140	24.80	20.20	15.60	11.00	6.40	1.80	0	0	0	0	0
$140	$144	25.60	20.90	16.30	11.70	7.10	2.50	0	0	0	0	0
$144	$148	26.30	21.70	17.00	12.40	7.80	3.20	0	0	0	0	0
$148	$152	27.00	22.40	17.80	13.20	8.50	3.90	0	0	0	0	0
$152	$156	27.70	23.10	18.50	13.90	9.30	4.60	0	0	0	0	0
$156	$160	28.40	23.80	19.20	14.60	10.00	5.40	.70	0	0	0	0
$160	$164	29.20	24.50	19.90	15.30	10.70	6.10	1.50	0	0	0	0
$164	$168	29.90	25.30	20.60	16.00	11.40	6.80	2.20	0	0	0	0
$168	$172	30.60	26.00	21.40	16.80	12.10	7.50	2.90	0	0	0	0
$172	$176	31.30	26.70	22.10	17.50	12.90	8.20	3.60	0	0	0	0
$176	$180	32.00	27.40	22.80	18.20	13.60	9.00	4.30	0	0	0	0
$180	$184	32.80	28.10	23.50	18.90	14.30	9.70	5.10	.50	0	0	0
$184	$188	33.50	28.90	24.20	19.60	15.00	10.40	5.80	1.20	0	0	0
$188	$192	34.20	29.60	25.00	20.40	15.70	11.10	6.50	1.90	0	0	0
$192	$196	34.90	30.30	25.70	21.10	16.50	11.80	7.20	2.60	0	0	0
$196	$200	35.60	31.00	26.40	21.80	17.20	12.60	7.90	3.30	0	0	0
$200	$210	36.90	32.30	27.70	23.10	18.40	13.80	9.20	4.60	0	0	0
$210	$220	38.70	34.10	29.50	24.90	20.20	15.60	11.00	6.40	1.80	0	0
$220	$230	40.50	35.90	31.30	26.70	22.00	17.40	12.80	8.20	3.60	0	0
$230	$240	42.30	37.70	33.10	28.50	23.80	19.20	14.60	10.00	5.40	.80	0
$240	$250	44.10	39.50	34.90	30.30	25.60	21.00	16.40	11.80	7.20	2.60	0
$250	$260	45.90	41.30	36.70	32.10	27.40	22.80	18.20	13.60	9.00	4.40	0
$260	$270	47.70	43.10	38.50	33.90	29.20	24.60	20.00	15.40	10.80	6.20	1.50
$270	$280	49.50	44.90	40.30	35.70	31.00	26.40	21.80	17.20	12.60	8.00	3.30
$280	$290	51.30	46.70	42.10	37.50	32.80	28.20	23.60	19.00	14.40	9.80	5.10
$290	$300	53.10	48.50	43.90	39.30	34.60	30.00	25.40	20.80	16.20	11.60	6.90
$300	$320	55.80	51.20	46.60	42.00	37.30	32.70	28.10	23.50	18.90	14.30	9.60
$320	$340	59.40	54.80	50.20	45.60	40.90	36.30	31.70	27.10	22.50	17.90	13.20
$340	$360	63.00	58.40	53.80	49.20	44.50	39.90	35.30	30.70	26.10	21.50	16.80
$360	$380	66.60	62.00	57.40	52.80	48.10	43.50	38.90	34.30	29.70	25.10	20.40
$380	$400	70.20	65.60	61.00	56.40	51.70	47.10	42.50	37.90	33.30	28.70	24.00
		18 percent of the excess over $400 plus—										
$400 and over		72.00	67.40	62.80	58.20	53.50	48.90	41.30	39.70	35.10	30.50	25.80

If the payroll period with respect to an employee is semimonthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$28	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$28	$30	$5.20	.20	0	0	0	0	0	0	0	0	0
$30	$32	5.60	.60	0	0	0	0	0	0	0	0	0
$32	$34	5.90	.90	0	0	0	0	0	0	0	0	0
$34	$36	6.30	1.30	0	0	0	0	0	0	0	0	0
$36	$38	6.70	1.70	0	0	0	0	0	0	0	0	0
$38	$40	7.00	2.00	0	0	0	0	0	0	0	0	0
$40	$42	7.40	2.40	0	0	0	0	0	0	0	0	0
$42	$44	7.70	2.70	0	0	0	0	0	0	0	0	0
$44	$46	8.10	3.10	0	0	0	0	0	0	0	0	0
$46	$48	8.50	3.50	0	0	0	0	0	0	0	0	0
$48	$50	8.80	3.80	0	0	0	0	0	0	0	0	0
$50	$52	9.20	4.20	0	0	0	0	0	0	0	0	0
$52	$54	9.50	4.50	0	0	0	0	0	0	0	0	0
$54	$56	9.90	4.90	0	0	0	0	0	0	0	0	0
$56	$58	10.30	5.30	.30	0	0	0	0	0	0	0	0
$58	$60	10.60	5.60	.60	0	0	0	0	0	0	0	0
$60	$62	11.00	6.00	1.00	0	0	0	0	0	0	0	0
$62	$64	11.30	6.30	1.30	0	0	0	0	0	0	0	0
$64	$66	11.70	6.70	1.70	0	0	0	0	0	0	0	0
$66	$68	12.10	7.10	2.10	0	0	0	0	0	0	0	0
$68	$70	12.40	7.40	2.40	0	0	0	0	0	0	0	0
$70	$72	12.80	7.80	2.80	0	0	0	0	0	0	0	0
$72	$74	13.10	8.10	3.10	0	0	0	0	0	0	0	0
$74	$76	13.50	8.50	3.50	0	0	0	0	0	0	0	0
$76	$78	13.90	8.90	3.90	0	0	0	0	0	0	0	0
$78	$80	14.20	9.20	4.20	0	0	0	0	0	0	0	0
$80	$82	14.60	9.60	4.60	0	0	0	0	0	0	0	0
$82	$84	14.90	9.90	4.90	0	0	0	0	0	0	0	0
$84	$86	15.30	10.30	5.30	.30	0	0	0	0	0	0	0
$86	$88	15.70	10.70	5.70	.70	0	0	0	0	0	0	0
$88	$90	16.00	11.00	6.00	1.00	0	0	0	0	0	0	0
$90	$92	16.40	11.40	6.40	1.40	0	0	0	0	0	0	0
$92	$94	16.70	11.70	6.70	1.70	0	0	0	0	0	0	0
$94	$96	17.10	12.10	7.10	2.10	0	0	0	0	0	0	0
$96	$98	17.50	12.50	7.50	2.50	0	0	0	0	0	0	0
$98	$100	17.80	12.80	7.80	2.80	0	0	0	0	0	0	0
$100	$102	18.20	13.20	8.20	3.20	0	0	0	0	0	0	0
$102	$104	18.50	13.50	8.50	3.50	0	0	0	0	0	0	0
$104	$106	18.90	13.90	8.90	3.90	0	0	0	0	0	0	0
$106	$108	19.30	14.30	9.30	4.30	0	0	0	0	0	0	0
$108	$110	19.60	14.60	9.60	4.60	0	0	0	0	0	0	0
$110	$112	20.00	15.00	10.00	5.00	0	0	0	0	0	0	0
$112	$114	20.30	15.30	10.30	5.30	.30	0	0	0	0	0	0
$114	$116	20.70	15.70	10.70	5.70	.70	0	0	0	0	0	0
$116	$118	21.10	16.10	11.10	6.10	1.10	0	0	0	0	0	0
$118	$120	21.40	16.40	11.40	6.40	1.40	0	0	0	0	0	0
$120	$124	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0	0
$124	$128	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0	0
$128	$132	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0	0
$132	$136	24.10	19.10	14.10	9.10	4.10	0	0	0	0	0	0
$136	$140	24.80	19.80	14.80	9.80	4.80	0	0	0	0	0	0
$140	$144	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0	0
$144	$148	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0	0
$148	$152	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0
$152	$156	27.70	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0
$156	$160	28.40	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0
$160	$164	29.20	24.20	19.20	14.20	9.20	4.20	0	0	0	0	0
$164	$168	29.90	24.90	19.90	14.90	9.90	4.90	0	0	0	0	0
$168	$172	30.60	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0
$172	$176	31.30	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0
$176	$180	32.00	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0
$180	$184	32.80	27.80	22.80	17.80	12.80	7.80	2.80	0	0	0	0
$184	$188	33.50	28.50	23.50	18.50	13.50	8.50	3.50	0	0	0	0
$188	$192	34.20	29.20	24.20	19.20	14.20	9.20	4.20	0	0	0	0
$192	$196	34.90	29.90	24.90	19.90	14.90	9.90	4.90	0	0	0	0
$196	$200	35.60	30.60	25.60	20.60	15.60	10.60	5.60	.60	0	0	0
$200	$210	36.90	31.90	26.90	21.90	16.90	11.90	6.90	1.90	0	0	0
$210	$220	38.70	33.70	28.70	23.70	18.70	13.70	8.70	3.70	0	0	0
$220	$230	40.50	35.50	30.50	25.50	20.50	15.50	10.50	5.50	.50	0	0
$230	$240	42.30	37.30	32.30	27.30	22.30	17.30	12.30	7.30	2.30	0	0
$240	$250	44.10	39.10	34.10	29.10	24.10	19.10	14.10	9.10	4.10	0	0
$250	$260	45.90	40.90	35.90	30.90	25.90	20.90	15.90	10.90	5.90	.90	0
$260	$270	47.70	42.70	37.70	32.70	27.70	22.70	17.70	12.70	7.70	2.70	0
$270	$280	49.50	44.50	39.50	34.50	29.50	24.50	19.50	14.50	9.50	4.50	0
$280	$290	51.30	46.30	41.30	36.30	31.30	26.30	21.30	16.30	11.30	6.30	1.30
$290	$300	53.10	48.10	43.10	38.10	33.10	28.10	23.10	18.10	13.10	8.10	3.10
$300	$320	55.80	50.80	45.80	40.80	35.80	30.80	25.80	20.80	15.80	10.80	5.80
$320	$340	59.40	54.40	49.40	44.40	39.40	34.40	29.40	24.40	19.40	14.40	9.40
$340	$360	63.00	58.00	53.00	48.00	43.00	38.00	33.00	28.00	23.00	18.00	13.00
$360	$380	66.60	61.60	56.60	51.60	46.60	41.60	36.60	31.60	26.60	21.60	16.60
$380	$400	70.20	65.20	60.20	55.20	50.20	45.20	40.20	35.20	30.20	25.20	20.20
$400	$420	73.80	68.80	63.80	58.80	53.80	48.80	43.80	38.80	33.80	28.80	23.80
$420	$440	77.40	72.40	67.40	62.40	57.40	52.40	47.40	42.40	37.40	32.40	27.40
$440	$460	81.00	76.00	71.00	66.00	61.00	56.00	51.00	46.00	41.00	36.00	31.00
$460	$480	84.60	79.60	74.60	69.60	64.60	59.60	54.60	49.60	44.60	39.60	34.60
$480	$500	88.20	83.20	78.20	73.20	68.20	63.20	58.20	53.20	48.20	43.20	38.20
		18 percent of the excess over $500 plus—										
$500 and over		90.00	85.00	80.00	75.00	70.00	65.00	60.00	55.00	50.00	45.00	40.00

If the payroll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$56	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$60	$10.40	.40	0	0	0	0	0	0	0	0	0
$60	$64	11.20	1.20	0	0	0	0	0	0	0	0	0
$64	$68	11.90	1.90	0	0	0	0	0	0	0	0	0
$68	$72	12.60	2.60	0	0	0	0	0	0	0	0	0
$72	$76	13.30	3.30	0	0	0	0	0	0	0	0	0
$76	$80	14.00	4.00	0	0	0	0	0	0	0	0	0
$80	$84	14.80	4.80	0	0	0	0	0	0	0	0	0
$84	$88	15.50	5.50	0	0	0	0	0	0	0	0	0
$88	$92	16.20	6.20	0	0	0	0	0	0	0	0	0
$92	$96	16.90	6.90	0	0	0	0	0	0	0	0	0
$96	$100	17.60	7.60	0	0	0	0	0	0	0	0	0
$100	$104	18.40	8.40	0	0	0	0	0	0	0	0	0
$104	$108	19.10	9.10	0	0	0	0	0	0	0	0	0
$108	$112	19.80	9.80	0	0	0	0	0	0	0	0	0
$112	$116	20.50	10.50	.50	0	0	0	0	0	0	0	0
$116	$120	21.20	11.20	1.20	0	0	0	0	0	0	0	0
$120	$124	22.00	12.00	2.00	0	0	0	0	0	0	0	0
$124	$128	22.70	12.70	2.70	0	0	0	0	0	0	0	0
$128	$132	23.40	13.40	3.40	0	0	0	0	0	0	0	0
$132	$136	24.10	14.10	4.10	0	0	0	0	0	0	0	0
$136	$140	24.80	14.80	4.80	0	0	0	0	0	0	0	0
$140	$144	25.60	15.60	5.60	0	0	0	0	0	0	0	0
$144	$148	26.30	16.30	6.30	0	0	0	0	0	0	0	0
$148	$152	27.00	17.00	7.00	0	0	0	0	0	0	0	0
$152	$156	27.70	17.70	7.70	0	0	0	0	0	0	0	0
$156	$160	28.40	18.40	8.40	0	0	0	0	0	0	0	0
$160	$164	29.20	19.20	9.20	0	0	0	0	0	0	0	0
$164	$168	29.90	19.90	9.90	0	0	0	0	0	0	0	0
$168	$172	30.60	20.60	10.60	.60	0	0	0	0	0	0	0
$172	$176	31.30	21.30	11.30	1.30	0	0	0	0	0	0	0
$176	$180	32.00	22.00	12.00	2.00	0	0	0	0	0	0	0
$180	$184	32.80	22.80	12.80	2.80	0	0	0	0	0	0	0
$184	$188	33.50	23.50	13.50	3.50	0	0	0	0	0	0	0
$188	$192	34.20	24.20	14.20	4.20	0	0	0	0	0	0	0
$192	$196	34.90	24.90	14.90	4.90	0	0	0	0	0	0	0
$196	$200	35.60	25.60	15.60	5.60	0	0	0	0	0	0	0
$200	$204	36.40	26.40	16.40	6.40	0	0	0	0	0	0	0
$204	$208	37.10	27.10	17.10	7.10	0	0	0	0	0	0	0
$208	$212	37.80	27.80	17.80	7.80	0	0	0	0	0	0	0
$212	$216	38.50	28.50	18.50	8.50	0	0	0	0	0	0	0
$216	$220	39.20	29.20	19.20	9.20	0	0	0	0	0	0	0
$220	$224	40.00	30.00	20.00	10.00	0	0	0	0	0	0	0
$224	$228	40.70	30.70	20.70	10.70	.70	0	0	0	0	0	0
$228	$232	41.40	31.40	21.40	11.40	1.40	0	0	0	0	0	0
$232	$236	42.10	32.10	22.10	12.10	2.10	0	0	0	0	0	0
$236	$240	42.80	32.80	22.80	12.80	2.80	0	0	0	0	0	0
$240	$248	43.90	33.90	23.90	13.90	3.90	0	0	0	0	0	0
$248	$256	45.40	35.40	25.40	15.40	5.40	0	0	0	0	0	0
$256	$264	46.80	36.80	26.80	16.80	6.80	0	0	0	0	0	0
$264	$272	48.20	38.20	28.20	18.20	8.20	0	0	0	0	0	0
$272	$280	49.70	39.70	29.70	19.70	9.70	0	0	0	0	0	0
$280	$288	51.10	41.10	31.10	21.10	11.10	1.10	0	0	0	0	0
$288	$296	52.60	42.60	32.60	22.60	12.60	2.60	0	0	0	0	0
$296	$304	54.00	44.00	34.00	24.00	14.00	4.00	0	0	0	0	0
$304	$312	55.40	45.40	35.40	25.40	15.40	5.40	0	0	0	0	0
$312	$320	56.90	46.90	36.90	26.90	16.90	6.90	0	0	0	0	0
$320	$328	58.30	48.30	38.30	28.30	18.30	8.30	0	0	0	0	0
$328	$336	59.80	49.80	39.80	29.80	19.80	9.80	0	0	0	0	0
$336	$344	61.20	51.20	41.20	31.20	21.20	11.20	1.20	0	0	0	0
$344	$352	62.60	52.60	42.60	32.60	22.60	12.60	2.60	0	0	0	0
$352	$360	64.10	54.10	44.10	34.10	24.10	14.10	4.10	0	0	0	0
$360	$368	65.50	55.50	45.50	35.50	25.50	15.50	5.50	0	0	0	0
$368	$376	67.00	57.00	47.00	37.00	27.00	17.00	7.00	0	0	0	0
$376	$384	68.40	58.40	48.40	38.40	28.40	18.40	8.40	0	0	0	0
$384	$392	69.80	59.80	49.80	39.80	29.80	19.80	9.80	0	0	0	0
$392	$400	71.30	61.30	51.30	41.30	31.30	21.30	11.30	1.30	0	0	0
$400	$420	73.80	63.80	53.80	43.80	33.80	23.80	13.80	3.80	0	0	0
$420	$440	77.40	67.40	57.40	47.40	37.40	27.40	17.40	7.40	0	0	0
$440	$460	81.00	71.00	61.00	51.00	41.00	31.00	21.00	11.00	1.00	0	0
$460	$480	84.60	74.60	64.60	54.60	44.60	34.60	24.60	14.60	4.60	0	0
$480	$500	88.20	78.20	68.20	58.20	48.20	38.20	28.20	18.20	8.20	0	0
$500	$520	91.80	81.80	71.80	61.80	51.80	41.80	31.80	21.80	11.80	1.80	0
$520	$540	95.40	85.40	75.40	65.40	55.40	45.40	35.40	25.40	15.40	5.40	0
$540	$560	99.00	89.00	79.00	69.00	59.00	49.00	39.00	29.00	19.00	9.00	0
$560	$580	102.60	92.60	82.60	72.60	62.60	52.60	42.60	32.60	22.60	12.60	2.60
$580	$600	106.20	96.20	86.20	76.20	66.20	56.20	46.20	36.20	26.20	16.20	6.20
$600	$640	111.60	101.60	91.60	81.60	71.60	61.60	51.60	41.60	31.60	21.60	11.60
$640	$680	118.80	108.80	98.80	88.80	78.80	68.80	58.80	48.80	38.80	28.80	18.80
$680	$720	126.00	116.00	106.00	96.00	86.00	76.00	66.00	56.00	46.00	36.00	26.00
$720	$760	133.20	123.20	113.20	103.20	93.20	83.20	73.20	63.20	53.20	43.20	33.20
$760	$800	140.40	130.40	120.40	110.40	100.40	90.40	80.40	70.40	60.40	50.40	40.40
$800	$840	147.60	137.60	127.60	117.60	107.60	97.60	87.60	77.60	67.60	57.60	47.60
$840	$880	154.80	144.80	134.80	124.80	114.80	104.80	94.80	84.80	74.80	64.80	54.80
$880	$920	162.00	152.00	142.00	132.00	122.00	112.00	102.00	92.00	82.00	72.00	62.00
$920	$960	169.20	159.20	149.20	139.20	129.20	119.20	109.20	99.20	89.20	79.20	69.20
$960	$1,000	176.40	166.40	156.40	146.40	136.40	126.40	116.40	106.40	96.40	86.40	76.40
		18 percent of the excess over $1,000 plus—										
$1,000 and over		180.00	170.00	160.00	150.00	140.00	130.00	120.00	110.00	100.00	90.00	80.00

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
$0	$2.00	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.00	$2.25	$0.40	.05	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.45	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.45	.15	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.50	.20	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.55	.25	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.60	.30	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.65	.30	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.70	.35	.05	0	0	0	0	0	0	0	0
$4.00	$4.25	.75	.40	.10	0	0	0	0	0	0	0	0
$4.25	$4.50	.80	.45	.15	0	0	0	0	0	0	0	0
$4.50	$4.75	.85	.50	.15	0	0	0	0	0	0	0	0
$4.75	$5.00	.90	.55	.20	0	0	0	0	0	0	0	0
$5.00	$5.25	.90	.60	.25	0	0	0	0	0	0	0	0
$5.25	$5.50	.95	.65	.30	0	0	0	0	0	0	0	0
$5.50	$5.75	1.00	.70	.35	.05	0	0	0	0	0	0	0
$5.75	$6.00	1.05	.75	.40	.05	0	0	0	0	0	0	0
$6.00	$6.25	1.10	.75	.45	.10	0	0	0	0	0	0	0
$6.25	$6.50	1.15	.80	.50	.15	0	0	0	0	0	0	0
$6.50	$6.75	1.20	.85	.55	.20	0	0	0	0	0	0	0
$6.75	$7.00	1.25	.90	.60	.25	0	0	0	0	0	0	0
$7.00	$7.25	1.30	.95	.60	.30	0	0	0	0	0	0	0
$7.25	$7.50	1.35	1.00	.65	.35	0	0	0	0	0	0	0
$7.50	$7.75	1.35	1.05	.70	.40	.05	0	0	0	0	0	0
$7.75	$8.00	1.40	1.10	.75	.45	.10	0	0	0	0	0	0
$8.00	$8.25	1.45	1.15	.80	.50	.15	0	0	0	0	0	0
$8.25	$8.50	1.50	1.20	.85	.50	.20	0	0	0	0	0	0
$8.50	$8.75	1.55	1.20	.90	.55	.25	0	0	0	0	0	0
$8.75	$9.00	1.60	1.25	.95	.60	.30	0	0	0	0	0	0
$9.00	$9.25	1.65	1.30	1.00	.65	.35	0	0	0	0	0	0
$9.25	$9.50	1.70	1.35	1.05	.70	.35	.05	0	0	0	0	0
$9.50	$9.75	1.75	1.40	1.05	.75	.40	.10	0	0	0	0	0
$9.75	$10.00	1.80	1.45	1.10	.80	.45	.15	0	0	0	0	0
$10.00	$10.50	1.85	1.50	1.20	.85	.55	.20	0	0	0	0	0
$10.50	$11.00	1.95	1.60	1.30	.95	.60	.30	0	0	0	0	0
$11.00	$11.50	2.05	1.70	1.35	1.05	.70	.40	.05	0	0	0	0
$11.50	$12.00	2.10	1.80	1.45	1.15	.80	.45	.15	0	0	0	0
$12.00	$12.50	2.20	1.90	1.55	1.20	.90	.55	.25	0	0	0	0
$12.50	$13.00	2.30	1.95	1.65	1.30	1.00	.65	.30	0	0	0	0
$13.00	$13.50	2.40	2.05	1.75	1.40	1.05	.75	.40	.10	0	0	0
$13.50	$14.00	2.50	2.15	1.80	1.50	1.15	.85	.50	.15	0	0	0
$14.00	$14.50	2.55	2.25	1.90	1.60	1.25	.90	.60	.25	0	0	0
$14.50	$15.00	2.65	2.35	2.00	1.65	1.35	1.00	.70	.35	0	0	0
$15.00	$15.50	2.75	2.40	2.10	1.75	1.45	1.10	.75	.45	.10	0	0
$15.50	$16.00	2.85	2.50	2.20	1.85	1.50	1.20	.85	.55	.20	0	0
$16.00	$16.50	2.95	2.60	2.25	1.95	1.60	1.30	.95	.60	.30	0	0
$16.50	$17.00	3.00	2.70	2.35	2.05	1.70	1.35	1.05	.70	.40	.05	0
$17.00	$17.50	3.10	2.80	2.45	2.10	1.80	1.45	1.15	.80	.45	.15	0
$17.50	$18.00	3.20	2.85	2.55	2.20	1.90	1.55	1.20	.90	.55	.25	0
$18.00	$18.50	3.30	2.95	2.65	2.30	1.95	1.65	1.30	1.00	.65	.35	0
$18.50	$19.00	3.40	3.05	2.70	2.40	2.05	1.75	1.40	1.05	.75	.40	.10
$19.00	$19.50	3.45	3.15	2.80	2.50	2.15	1.80	1.50	1.15	.85	.50	.20
$19.50	$20.00	3.55	3.25	2.90	2.55	2.25	1.90	1.60	1.25	.90	.60	.25
$20.00	$21.00	3.70	3.35	3.05	2.70	2.35	2.05	1.70	1.40	1.05	.75	.40
$21.00	$22.00	3.85	3.55	3.20	2.90	2.55	2.25	1.90	1.55	1.25	.90	.60
$22.00	$23.00	4.05	3.70	3.40	3.05	2.75	2.40	2.10	1.75	1.40	1.10	.75
$23.00	$24.00	4.25	3.90	3.55	3.25	2.90	2.60	2.25	1.95	1.60	1.25	.95
$24.00	$25.00	4.40	4.10	3.75	3.40	3.10	2.75	2.45	2.10	1.80	1.45	1.10
$25.00	$26.00	4.60	4.25	3.95	3.60	3.25	2.95	2.60	2.30	1.95	1.65	1.30
$26.00	$27.00	4.75	4.45	4.10	3.80	3.45	3.15	2.80	2.45	2.15	1.80	1.50
$27.00	$28.00	4.95	4.60	4.30	3.95	3.65	3.30	3.00	2.65	2.30	2.00	1.65
$28.00	$29.00	5.15	4.80	4.45	4.15	3.80	3.50	3.15	2.85	2.50	2.15	1.85
$29.00	$30.00	5.30	5.00	4.65	4.30	4.00	3.65	3.35	3.00	2.70	2.35	2.00
		18 percent of the excess over $30 plus—										
$30.00 and over		5.40	5.05	4.75	4.40	4.10	3.75	3.45	3.10	2.75	2.45	2.10

(2) If wages are paid with respect to a period which is not a payroll period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days in the period with respect to which such wages are paid.

(3) In any case in which wages are paid by an employer without regard to any payroll period or other period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days equal to the number of days (including Sundays and holidays) which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(4) In any case in which the period, or the time described in paragraph (3), in respect of any wages is less than one week, the Secretary or his delegate, under regulations prescribed by him, may authorize an employer to determine the amount to be deducted and withheld under the tables applicable in the case of a weekly payroll period, in which case the aggregate of the wages paid to the employee during the calendar week shall be considered the weekly wages.

(5) If the wages exceed the highest wage bracket, in determining the amount to be deducted and withheld under this subsection, the wages may, at the election of the employer, be computed to the nearest dollar.

§ 31.3402 (c)–1 *Wage bracket withholding*—(a) *In general.* (1) The employer may elect to use the wage bracket method provided in section 3402 (c) instead of the percentage method with respect to any employee. The tax computed under the wage bracket method shall be in lieu of the tax required to be deducted and withheld under section 3402 (a). Wage bracket withholding tables for weekly, biweekly, semimonthly, monthly, and daily or miscellaneous payroll periods are contained in section 3402 (c).

(2) For provisions relating to the treatment of wages paid under wage continuation plans and wages paid other than in cash to retail commission salesmen, see paragraph (b) (8) of § 31.3401 (a)–1 and § 31.3402 (j)–1, respectively.

(b) *Established payroll periods, other than daily or miscellaneous, covered by wage bracket withholding tables.* The wage bracket withholding tables contained in section 3402 (c) for established payroll periods other than daily or miscellaneous should be used in determining the tax to be withheld for any such period without reference to the time the employee is actually engaged in the performance of services during such payroll period.

Example (1). During 1955 employee C has a semimonthly payroll period. The number of withholding exemptions claimed by C is two. During a certain payroll period C works only 40 hours and earns $48. Although C worked only 40 hours during the semimonthly payroll period, the wage bracket withholding table for a semimonthly payroll period should be used in determining the tax to be withheld. Under this table it will be found that no tax is required to be withheld from a wage payment of $48 when two withholding exemptions are claimed.

Example (2). During 1955 employee D has a weekly payroll period. The number of withholding exemptions claimed by D is two. D's wages are determined at the rate of $1.20 per hour. During a certain payroll period D works 30 hours and earns $36. Although D worked only 30 hours during the weekly payroll period, the wage bracket withholding table for a weekly payroll period should be used in determining the tax to be withheld. Under this table it will be found that $2.00 is the amount of tax to be withheld from a wage payment of $36 when two withholding exemptions are claimed.

(c) *Periods to which the table for a daily or miscellaneous payroll period is applicable*—(1) *In general.* The table applicable to a daily or miscellaneous payroll period shows the tax on the amount of wages for one day. Where the withholding is computed under the rules applicable to a miscellaneous payroll period, the wages and the amounts shown in the table must be placed on a comparable basis. This may be accomplished by reducing the wages paid for the period to a daily basis by dividing the total wages by the number of days (including Sundays and holidays) in the period. The amount of the tax shown in the table as the tax required to be withheld from the wages, as so reduced to a daily basis, should then be multiplied by the number of days (including Sundays and holidays) in the period.

(2) *Period not a payroll period.* If wages are paid for a period which is not a payroll period, the amount to be deducted and withheld under the wage bracket method shall be the amount applicable in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) in the period with respect to which such wages are paid.

Example. During 1955, an individual is hired by a contractor to perform services in connection with a construction project. The number of withholding exemptions claimed by the individual is two. Wages are fixed at the rate of $9 per day, to be paid upon completion of the project. The project is completed during 1955 in 12 days, at the end of which period the individual is paid wages of $90 for ten days' services performed during the period. Under the wage bracket method the amount to be deducted and withheld from such wages is determined by dividing the amount of the wages ($90) by the number of days in the period (12), the result being $7.50. The amount of tax required to be withheld is determined under the table applicable to a miscellaneous payroll period. Under this table the tax required to be withheld is $8.40 (12×$0.70).

(3) *Wages paid without regard to any period.* If wages are paid to an employee without regard to any particular period, as, for example, commissions paid to a salesman upon consummation of a sale, the amount of tax to be deducted and withheld shall be determined in the same manner as in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) which have elapsed, beginning with the latest of the following days:

(i) The first day after the last payment of wages to such employee by such employer in the calendar year, or

(ii) The date on which such individual's employment with such employer began in the calendar year, or

(iii) January 1 of such calendar year, and ending with (and including) the date on which such wages are paid.

Example. On April 2, 1955, A is employed by the X Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. The number of withholding exemptions claimed by A is one. On May 21, 1955, A receives a commission of $300. Again, on June 16, 1955, A receives a commission of $400. Under the wage bracket method, the amount of tax to be deducted and withheld in respect of the commission paid on May 21, is $37.50, which amount is obtained by multiplying $0.75 (tax under wage bracket table for a daily or miscellaneous payroll period where wages are at least $6 but less than $6.25 a day) by 50 (number of days elapsed); and the amount of tax to be withheld with respect to the commission paid on June 16 is $62.40, which amount is obtained by multiplying $2.40 (tax under wage bracket table for a daily or miscellaneous payroll period where wages are at least $15 but less than $15.50 a day) by 26 (number of days elapsed).

(d) *Period or elapsed time less than one week.* (1) It is the general rule that if wages are paid for a payroll period or other period of less than one week, the tax to be deducted and withheld under the wage bracket method shall be the amount computed for a daily payroll period, or for a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the payroll period, or other period, for which such wages are paid. In the case of wages paid without regard to any period, if the elapsed time computed as provided in paragraph (c) of this section is less than 1 week, the same rule is applicable.

Example (1). During 1955 an employee having a daily payroll period is paid wages of $7 per day. The number of withholding exemptions claimed by the employee is one. Under the table applicable to a daily payroll period, the amount of tax to be deducted and withheld from each such payment of wages is $0.95.

Example (2). During 1955 an individual is employed for four days, for which he is paid wages of $36. The number of withholding exemptions claimed by him is two. The amount of tax to be deducted and withheld under the wage bracket method is $4.00 (4×$1.00).

(2) If the payroll period, other period, or elapsed time where wages are paid without regard to any period, is less than one week, the employer may, under certain conditions, elect to deduct and withhold the tax determined by the application of the wage table for a weekly payroll period to the aggregate of the wages paid to the employee during the calendar week. The election to use the weekly wage table in such cases is subject to the limitations and conditions prescribed in paragraph (d) of § 31.3402 (b)–1 with respect to employers using the percentage method in similar cases.

(3) As used in this paragraph the term "calendar week" means a period of seven consecutive days beginning with Sunday and ending with Saturday.

(e) *Rounding off of wage payment.* In determining the amount to be deducted and withheld under the wage bracket method the wages may, at the election of the employer, be computed to the nearest dollar, provided such wages are in excess of the highest wage bracket of the applicable table. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1.00. Thus, if the payroll period of an employee is weekly and the wage payment of such employee is $255.49, the employer may compute the tax on the excess over $200 as if the excess were $55 instead $55.49. If the weekly wage payment is $255.50, the employer may, in computing the tax, consider the excess over $200 to be $56 instead of $55.50.

§ 31.3402 (d) *Statutory provisions; income tax collected at source; tax paid by recipient.*

SEC. 3402. *Income tax collected at source.*
• • •

(d) *Tax paid by recipient.* If the employer, in violation of the provisions of this chapter, fails to deduct and withhold the tax under this chapter, and thereafter the tax against which such tax may be credited is paid, the tax so required to be deducted and withheld shall not be collected from the employer; but this subsection shall in no case relieve the employer from liability for any penalties or additions to the tax otherwise applicable in respect of such failure to deduct and withhold.

§ 31.3402 (d)–1 *Failure to withhold.* If the employer in violation of the provisions of section 3402 fails to deduct and withhold the tax, and thereafter the income tax against which the tax under section 3402 may be credited is paid, the tax under section 3402 shall not be collected from the employer. Such payment does not, however, operate to relieve the employer from liability for penalties or additions to the tax applicable in respect of such failure to deduct and withhold. The employer will not be relieved of his liability for payment of the tax required to be withheld unless he can show that the tax against which the tax under section 3402 may be credited has been paid. See § 31.3403–1, relating to liability for tax.

§ 31.3402 (e) *Statutory provisions; income tax collected at source; included and excluded wages.*

SEC. 3402. *Income tax collected at source*
• • •

(e) *Included and excluded wages.* If the remuneration paid by an employer to an employee for services performed during one-half or more of any payroll period of not more than 31 consecutive days constitutes wages, all the remuneration paid by such employer to such employee for such period shall be deemed to be wages; but if the remuneration paid by an employer to an employee for services performed during more than one-half of any such payroll period does not constitute wages, then none of the remuneration paid by such employer to such employee for such period shall be deemed to be wages.

§ 31.3402 (e)–1 *Included and excluded wages.* (a) If a portion of the remuneration paid by an employer to his employee for services performed during a payroll period of not more than 31 consecutive days constitutes wages, and the remainder does not constitute wages, all the remuneration paid the employee for services performed during such period shall for purposes of withholding be treated alike, that is, either all included as wages or all excluded. The time during which the employee performs services, the remuneration for which under section 3401 (a) constitutes wages, and the time during which he performs services, the remuneration for which under such section does not constitute wages, determine whether all the remuneration for services performed during the payroll period shall be deemed to be included or excluded.

(b) If one-half or more of the employee's time in the employ of a particular employer in a payroll period is spent in performing services the remuneration for which constitutes wages, then all the remuneration paid the employee for services performed in that payroll period shall be deemed to be wages.

(c) If less than one-half of the employee's time in the employ of a particular employer in a payroll period is spent in performing services the remuneration for which constitutes wages, then none of the remuneration paid the employee for services performed in that payroll period shall be deemed to be wages.

(d) The application of the provisions of paragraphs (a), (b), and (c) of this section may be illustrated by the following examples:

Example (1). Employer B, who operates a store and a farm, employs A to perform services in connection with both operations. The remuneration paid A for services on the farm is excepted as remuneration for agricultural labor, and the remuneration for services performed in the store constitutes wages. Employee A is paid on a monthly basis. During a particular month, A works 120 hours on the farm and 80 hours in the store. None of the remuneration paid by B to A for services performed during the month is deemed to be wages, since the remuneration paid for less than one-half of the services performed during the month constitutes wages. During another month A works 75 hours on the farm and 120 hours in the store. All of the remuneration paid by B to A for services performed during the month is deemed to be wages since the remuneration paid for one-half or more of the services performed during the month constitutes wages.

Example (2). Employee C is employed as a maid by D, a physician, whose home and office are located in the same building. The remuneration paid C for services in the home is excepted as remuneration for domestic service, and the remuneration paid for her services in the office constitutes wages. C is paid on a weekly basis. During a particular week C works 20 hours in the home and 20 hours in the office. All of the remuneration paid by D to C for services performed during that week is deemed to be wages, since the remuneration paid for one-half or more of the services performed during the week constitutes wages. During another week C works 22 hours in the home and 15 hours in the office. None of the remuneration paid by D to C for services performed during that week is deemed to be wages, since the remuneration paid for less than one-half of the services performed during the week constitutes wages.

(e) The rules set forth in this section do not apply (1) with respect to any remuneration paid for services performed by an employee for his employer if the periods for which remuneration is paid by the employer vary to the extent that there is no period which constitutes a payroll period within the meaning of section 3401 (b) (see § 31.3401 (b)–1), or (2) with respect to any remuneration paid for services performed by an employee for his employer if the payroll period for which remuneration is paid exceeds 31 consecutive days. In any such case withholding is required with respect to that portion of such remuneration which constitutes wages.

§ 31.3402 (f) (1) *Statutory provisions; income tax collected at source; withholding exemptions.*

SEC. 3402. *Income tax collected at source.*
• • •

(f) *Withholding exemptions*—(1) *In general.* An employee receiving wages shall on any day be entitled to the following withholding exemptions:

(A) An exemption for himself;

(B) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151 (c) (1) (relating to old age) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit;

(C) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151 (d) (1) (relating to the blind) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit;

(D) If the employee is married, any exemption to which his spouse is entitled, or would be entitled if such spouse were an employee receiving wages, under subparagraph (A), (B), or (C), but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption; and

(E) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151 (e) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit.

§ 31.3402 (f) (1)–1 *Withholding exemptions*—(a) *In general.* (1) An employee receiving wages shall on any day be entitled to withholding exemptions as provided in section 3402 (f) (1). In order to receive the benefit of such exemptions, the employee must file with his employer a withholding exemption certificate as provided in section 3402 (f) (2). See § 31.3402 (f) (2)–1.

(2) The number of exemptions to which an employee is entitled on any day depends upon his status as single or married, upon his status as to old age and blindness, upon the number of his dependents, and, if married, upon the number of exemptions claimed by his spouse.

(b) *Withholding exemptions to which an employee is entitled in respect of himself.* An employee is entitled to one withholding exemption for himself. An employee shall on any day be entitled to an additional withholding exemption for himself if he will have attained the age of 65 before the close of his taxable year which begins in, or with, the calendar year in which such day falls. If the employee is blind, he may claim an additional withholding exemption for blindness. For purposes of claiming a withholding exemption for blindness, an individual shall be considered blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. For definition of the term "blindness", see section 151 (d) (3).

(c) *Withholding exemptions to which an employee is entitled in respect of his spouse.* (1) A married employee, whose spouse is an employee receiving wages, is entitled to claim any withholding exemption to which his spouse is entitled under paragraph (b) of this section, unless the spouse has in effect a withholding exemption certificate claiming such withholding exemption. A married employee, whose spouse is not an employee receiving wages, is entitled to claim any withholding exemption to which his spouse would be entitled under paragraph (b) of this section if the spouse were an employee receiving wages.

Example (1). Assume that both the husband and wife have attained the age of 65 and are employees receiving wages. Each spouse is entitled under paragraph (b) of this section to claim 2 withholding exemptions in respect of himself or herself. Either spouse may claim, in addition to the withholding exemptions to which he or she is entitled in respect of himself or herself, any withholding exemption to which the other spouse is entitled under such paragraph (b) but does not claim on a withholding exemption certificate.

Example (2). Assume the same facts as in Example (1) except that only the husband is an employee receiving wages. The husband is entitled to claim 4 withholding exemptions, that is, the 2 withholding exemptions to which he is entitled in respect of himself and the 2 withholding exemptions to which his spouse would be entitled under paragraph (b) of this section if she were an employee receiving wages.

(2) In determining the number of withholding exemptions to which an employee is entitled for himself and his spouse on any day, the employee's status as a single person or a married person and, if married, whether a withholding exemption is claimed by his spouse shall be determined as of such day. However, in the case of an employee whose spouse dies in the taxable year of the employee which begins in, or with, the calendar year in which the spouse dies, any withholding exemption which would be allowable to the employee in respect of such spouse, if living and not an employee receiving wages, may be claimed by the employee for that portion of the calendar year which occurs after his spouse's death. For provisions applicable in the case of an employee whose taxable year is not a calendar year, and whose spouse dies in that portion of the calendar year which precedes the first day of the taxable year of the employee which begins in the calendar year, see paragraph (b) of § 31.3402 (f) (2)–1.

(d) *Withholding exemptions to which an employee is entitled in respect of dependents.* Subject to the limitations stated in this paragraph, an employee shall be entitled on any day to a withholding exemption for each individual who may reasonably be expected to be his dependent for his taxable year beginning in, or with, the calendar year in which such day falls. For purposes of the withholding exemption for an individual who may reasonably be expected to be a dependent, the following rules shall apply:

(1) The determination that an individual may or may not reasonably be expected to be a dependent shall be made on the basis of facts existing at the beginning of the day for which a withholding exemption for such individual is to be claimed. The individual in respect of whom an exemption is claimed by an employee must, on the day in question, be in existence and be within one of the categories listed in section 152 (a), which defines the term "dependent". However, a withholding exemption for a dependent who dies continues for the portion of the calendar year which occurs after the dependent's death, except that, in the case of an employee whose taxable year is not a calendar year, the withholding exemption does not continue for a dependent, within the meaning of section 152 (a) (9) or (10), whose death occurs before the first day of the employee's taxable year beginning in the calendar year of death.

(2) The determination that an individual may or may not reasonably be expected to be a dependent shall be made for the taxable year of the employee in respect of which amounts de-

ducted and withheld in the calendar year in which the day in question falls are allowed as a credit. In general, amounts deducted and withheld during any calendar year are allowed as a credit against the tax imposed by chapter 1 of the Code for the taxable year which begins in, or with, such calendar year. Thus, in order for an employee to be able to claim for a calendar year a withholding exemption with respect to a particular individual as a dependent there must be a reasonable expectation that the employee will be allowed an exemption with respect to such individual under section 151 (e) for his taxable year which begins in, or with, such calendar year.

(3) For the employee to be entitled on any day of the calendar year to a withholding exemption for an individual as a dependent, such individual must on such day—

(i) Be an individual referred to in one of the numbered paragraphs in section 152 (a),

(ii) Reasonably be expected to receive over one-half of his support, within the meaning of section 152, from the employee in the calendar year, and

(iii) Either (*a*) reasonably be expected to receive less than $600 of gross income in the calendar year or (*b*) be a child (son, stepson, daughter, stepdaughter, adopted son, or adopted daughter) of the employee who (*1*) will not have attained the age of 19 at the close of the calendar year or (2) is a student as defined in section 151.

(4) An employee is not entitled to claim a withholding exemption for an individual otherwise reasonably expected to be a dependent of the employee if such individual is not a citizen of the United States, unless such individual (i) is at any time during the calendar year a resident of the United States, Canada, Mexico, the Canal Zone, or the Republic of Panama, or (ii) is a child of the employee born to him, or legally adopted by him, in the Philippine Islands before January 1, 1956, and the child is a resident of the Republic of the Philippines, and the employee was a member of the Armed Forces of the United States at the time the child was born to him or legally adopted by him.

§ 31.3402 (f) (2) *Statutory provisions; income tax collected at source; withholding exemptions; exemption certificates.*

SEC. 3402. *Income tax collected at source.* • • •

(f) *Withholding exemptions*—• • •

(2) *Exemption certificates*—(A) *On commencement of employment.* On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled.

(B) *Change of status.* If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by the employee on the withholding exemption certificate then in effect with respect to him, the employee shall within 10 days thereafter furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is greater than the number of withholding exemptions claimed, the employee may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day.

(C) *Change of status which affects next calendar year.* If on any day during the calendar year the number of withholding exemptions to which the employee will be, or may reasonably be expected to be, entitled at the beginning of his next taxable year under subtitle A is different from the number to which the employee is entitled on such day, the employee shall, in such cases and at such times as the Secretary or his delegate may by regulations prescribe, furnish the employer with a withholding exemption certificate relating to the number of withholding exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he will be, or may reasonably be expected to be, so entitled.

§ 31.3402 (f) (2)–1 *Withholding exemption certificates*—(a) *On commencement of employment.* On or before the date on which an individual commences employment with an employer, the individual shall furnish the employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled. For form and contents of such certificate, see § 31.3402 (f) (5)–1. The employer is required to request a withholding exemption certificate from each employee, but if the employee fails to furnish such certificate, such employee shall be considered as claiming no withholding exemptions.

(b) *Change in exemptions which affects calendar year.* (1) If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by him on the withholding exemption certificate then in effect, the employee must within 10 days after the change occurs furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which must in no event exceed the number to which he is entitled on such day. The number of withholding exemptions to which an employee is entitled decreases, for example, for any one of the following reasons:

(i) The employee's wife (or husband) for whom the employee has been claiming a withholding exemption (*a*) is divorced or legally separated from the employee, or (*b*) claims her (or his) own withholding exemption on a separate certificate.

(ii) In the case of an employee whose taxable year is not a calendar year, the employee's wife (or husband) for whom the employee has been claiming a withholding exemption dies in that portion of the calendar year which precedes the first day of the taxable year of the employee which begins in the calendar year in which the spouse dies.

(iii) The employee finds that no exemption for his taxable year which begins in, or with, the current calendar year will be allowable to him under section 151 (e) in respect of an individual claimed as a dependent on the employee's withholding exemption certificate.

(2) If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is more than the number of withholding exemptions claimed by him on the withholding exemption certificate then in effect, the employee may furnish the employer with a new withholding exemption certificate on which the employee must in no event claim more than the number of withholding exemptions to which he is entitled on such day.

(c) *Change in exemptions which affects next calendar year.* (1) If, on any day during the calendar year, the number of exemptions to which the employee will be, or may reasonably be expected to be, entitled under section 151 for his taxable year which begins in, or with, the next calendar year is different from the number to which the employee is entitled on such day, the following rules shall be applicable:

(i) If such number is less than the number of withholding exemptions claimed by the employee on a withholding exemption certificate in effect on such day, the employee must, on or before December 1 of the year in which the change occurs, unless such change occurs in December, furnish his employer with a new withholding exemption certificate reflecting the decrease in the number of withholding exemptions. If the change occurs in December, the new certificate must be furnished within 10 days after the change occurs. The number of exemptions to which an employee is entitled for his taxable year which begins in, or with, the next calendar year decreases, for example, for any of the following reasons:

(*a*) The spouse or a dependent of the employee dies.

(*b*) The employee finds that it is not reasonable to expect that an individual claimed as a dependent on the employee's withholding exemption certificate will qualify as a dependent of the employee for such taxable year.

(ii) If such number is greater than the number of withholding exemptions claimed by the employee on a withholding exemption certificate in effect on such day, the employee may, on or before December 1 of the year in which such change occurs, unless such change occurs in December, furnish his employer with a new withholding exemption certificate reflecting the increase in the number of withholding exemptions. If the change occurs in December, the certificate may be furnished on or after the date on which the change occurs.

(2) Before December 1 of each year, every employer should request each of his employees to file a new withholding extemption certificate for the ensuing calendar year, in the event of change in the employee's exemption status since the filing of his latest certificate.

§ 31.3402 (f) (3) *Statutory provisions; income tax collected at source; withholding exemptions; when exemption certificate takes effect.*

SEC. 3402. *Income tax collected at source.* • • •

(f) *Withholding exemptions*—• • •

(3) *When certificate takes effect*—(A) *First certificate furnished.* A withholding exemption certificate furnished the employer in cases in which no previous such certificate is in effect shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.

(B) *Furnished to take place of existing certificate.* A withholding exemption certificate furnished the employer in cases in which a previous such certificate is in effect shall take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least 30 days from the date on which such certificate is so furnished, except that at the election of the employer such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished; but a certificate furnished pursuant to paragraph (2) (C) shall not take effect, and may not be made effective, with respect to any payment of wages made in the calendar year in which the certificate is furnished. For purposes of this subparagraph the term "status determination date" means January 1 and July 1 of each year.

§ 31.3402 (f) (3)–1 *When withholding exemption certificate takes effect.* (a) A withholding exemption certificate furnished the employer in any case in which no previous withholding exemption certificate is in effect with such employer, shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.

(b) A withholding exemption certificate furnished the employer in any case in which a previous withholding exemption certificate is in effect with such employer shall, except as hereinafter provided, take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least 30 days after the date on which such certificate is so furnished. However, at the election of the employer, except as hereinafter provided, such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished and before such status determination date.

(c) A withholding exemption certificate furnished the employer pursuant to section 3402 (f) (2) (C) (see paragraph (c) of § 31.3402 (f) (2)–1 which effects a change for the next calendar year, shall not take effect, and may not be made effective, with respect to the calendar year in which the certificate is furnished.

(d) For purposes of this section the term "status determination date" means January 1 and July 1 of each year.

§ 31.3402 (f) (4) *Statutory provisions; income tax collected at source; withholding exemptions; period during which exemption certificate remains in effect.*

SEC. 3402. *Income tax collected at source.* • • •

(f) *Withholding exemptions*—• • •

(4) *Period during which certificate remains in effect.* A withholding exemption certificate which takes effect under this subsection, or which on December 31, 1954, was in effect under the corresponding subsection of prior law, shall continue in effect with respect to the employer until another such certificate takes effect under this subsection.

§ 31.3402 (f) (4)–1 *Period during which withholding exemption certificate remains in effect.* A withholding exemption certificate which takes effect under section 3402 (f), or which on December 31, 1954, was in effect under section 1622 (h) of the Internal Revenue Code of 1939, shall continue in effect with respect to the employee until another withholding exemption certificate takes effect under section 3402 (f).

§ 31.3402 (f) (5) *Statutory provisions; income tax collected at source; withholding exemptions; form and contents of exemption certificate.*

SEC. 3402. *Income tax collected at source.* • • •

(f) *Withholding exemptions*—• • •

(5) *Form and contents of certificate.* Withholding exemption certificates shall be in such form and contain such information as the Secretary or his delegate may by regulations prescribe.

§ 31.3402 (f) (5)–1 *Form and contents of withholding exemption certificate.* Form W–4 is the form prescribed for the withholding exemption certificate required to be filed under section 3402 (f) (2). See § 31.3402 (f) (2)–1. A withholding exemption certificate on Form W–4 shall be prepared in accordance with the instructions and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Blank copies of Form W–4 will be supplied employers upon request to the district director. In lieu of the prescribed form of certificate, employers may prepare and use a form the provisions of which are identical with those of the prescribed form.

§ 31.3402 (g) *Statutory provisions; income tax collected at source; overlapping pay periods, and payment by agent or fiduciary.*

SEC. 3402. *Income tax collected at source.* • • •

(g) *Overlapping pay periods, and payment by agent or fiduciary.* If a payment of wages is made to an employee by an employer—

(1) With respect to a payroll period or other period, any part of which is included in a payroll period or other period with respect to which wages are also paid to such employee by such employer, or

(2) Without regard to any payroll period or other period, but on or prior to the expiration of a payroll period or other period with respect to which wages are also paid to such employee by such employer, or

(3) With respect to a period beginning in one and ending in another calendar year, or

(4) Through an agent, fiduciary, or other person who also has the control, receipt, custody, or disposal of, or pays, the wages payable by another employer to such employee,

the manner of withholding and the amount to be deducted and withheld under this chapter shall be determined in accordance with regulations prescribed by the Secretary or his delegate under which the withholding exemption allowed to the employee in any calendar year shall approximate the withholding exemption allowable with respect to an annual payroll period.

§ 31.3402 (g)–1 *Supplemental wage payments*—(a) *In general.* (1) An employee's remuneration may consist of wages paid for a payroll period and supplemental wages, such as bonuses, commissions, and overtime pay, paid for the same or a different period, or without regard to a particular period. When such supplemental wages are paid (whether or not at the same time as the regular wages) the amount of the tax required to be withheld under section 3402 (a) (the percentage method) or under section 3402 (c) (the wage bracket method) shall be determined in accordance with this paragraph or paragraph (b) of this section.

(2) The supplemental wages, if paid concurrently with wages for a payroll period, shall be aggregated with the wages paid for such payroll period. If not paid concurrently, the supplemental wages shall be aggregated with the wages paid or to be paid within the same calendar year for the last preceding payroll period or for the current payroll period. The amount of tax to be withheld shall be determined as if the aggregate of the supplemental wages and the regular wages constituted a single wage payment for the regular payroll period.

Example (1). A is employed as a salesman at a monthly salary of $100 plus commissions on sales made during the month. The number of withholding exemptions claimed is one. During January 1955 A earns $275 in commissions, which together with the salary of $100 is paid on February 10, 1955. Under the wage bracket method the amount of the tax required to be withheld is shown in the table applicable to a monthly payroll period. Under this table it will be found that the amount of tax required to be withheld is $57.00.

Example (2). B is employed at a salary of $3,000 per annum paid semimonthly on the 15th day and the last day of each month, plus a bonus and commission determined at the end of each 3-month period. The number of withholding exemptions claimed is four. The bonus and commission for the 3-month period ending on March 31, 1955, amount to $250, which is paid on April 10, 1955. Under the wage bracket method, the amount of tax required to be withheld on the aggregate of the bonus of $250 and the last preceding semimonthly wage payment of $125, or $375, is $46.60. Since tax in the amount of $2.70 was withheld on the semimonthly wage payment of $125, the amount to be withheld on April 10, 1955, is $43.90.

If, however, supplemental wages are paid and tax has been withheld from the employee's regular wages, the employer may determine the tax to be withheld from supplemental wages by using the applicable rate under section 3402 (a) without allowance for exemption and without reference to any regular payment of wages.

(3) For provisions relating to the treatment of wages paid other than in cash to retail commission salesmen, see § 31.3402 (j)–1.

(b) *Special rule where aggregate withholding exemption exceeds wages paid.* (1) If supplemental wages are paid to

an employee during a calendar year for a period which involves two or more consecutive payroll periods, for which other wages also are paid during such calendar year, and the aggregate of such other wages is less than the aggregate of the amounts determined under the table provided in section 3402 (b) (1) as the withholding exemptions applicable for such payroll periods, the amount of the tax required to be withheld on the supplemental wages shall be computed as follows:

Step 1. Determine an average wage for each of such payroll periods by dividing the sum of the supplemental wages and the wages paid for such payroll periods by the number of such payroll periods.

Step 2. Determine a tax for each payroll period as if the amount of the average wage constituted the wages paid for such payroll period.

Step 3. From the sum of the amounts of tax determined in Step 2 subtract the total amount of tax withheld, or to be withheld, from the wages, other than the supplemental wages, for such payroll periods. The remainder, if any, shall constitute the amount of the tax to be withheld upon the supplemental wages.

Example. An employee has a weekly payroll period ending on Saturday of each week, the wages for which are paid on Friday of the succeeding week. On the 10th day of each month he is paid a bonus based upon production during the payroll periods for which wages were paid in the preceding month. The employee is paid a weekly wage of $64 on each of the five Fridays occurring in April 1955. On May 10, 1955, the employee is paid a bonus of $125 based upon production during the five payroll periods covered by the wages paid in April. On the date of payment of the bonus, the employee, who is married and has three children, has a withholding exemption certificate in effect claiming five withholding exemptions. The amount of the tax to be withheld from the bonus paid on May 10, 1955, is computed as follows:

Wages paid in April 1955 for 5 payroll periods (5×$64)	$320.00
Bonus paid May 10, 1955	125.00
Aggregate of wages and bonus	445.00
Average wage per payroll period ($445÷5)	$89.00
Computation of tax under percentage method: Withholding exemptions (5×$13)	65.00
Remainder subject to tax	24.00
Tax on average wage for 1 week (18 percent of $24)	$4.32
Tax on average wage for 5 weeks	$21.60
Less: Tax previously withheld on weekly wage payments of $64	None
Tax to be withheld on supplemental wages	21.60
Computation of tax under wage bracket method:	
Tax on $89 wage under weekly wage table ($4.50 per week for 5 weeks)	$22.50
Less: Tax previously withheld on weekly wage payments of $64 ($0.20 per week for 5 weeks)	1.00
Tax to be withheld on supplemental wages	21.50

(2) The rules prescribed in this paragraph shall, at the election of the employer, be applied in lieu of the rules prescribed in paragraph (a) of this section except that this paragraph shall not be applicable in any case in which the payroll period of the employee is less than one week.

(c) *Vacation allowances.* Amounts of so-called "vacation allowances" shall be subject to withholding as though they were regular wage payments made for the period covered by the vacation. If the vacation allowance is paid in addition to the regular wage payment for such period, the rules applicable with respect to supplemental wage payments shall apply to such vacation allowance.

§ 31.3402 (g)–2 *Wages paid for payroll period of more than one year.* If wages are paid to an employee for a payroll period of more than one year, for the purpose of determining the amount of tax required to be deducted and withheld in respect of such wages—

(a) Under the percentage method, the amount of the tax shall be determined as if such payroll period constituted an annual payroll period, and

(b) Under the wage bracket method, the amount of the tax shall be determined as if such payroll period constituted a miscellaneous payroll period of 365 days.

§ 31.3402 (g)–3 *Wages paid through an agent, fiduciary, or other person on behalf of two or more employers.* (a) If a payment of wages is made to an employee by an employer through an agent, fiduciary, or other person who also has the control, receipt, custody, or disposal of, or pays the wages payable by another employer to such employee, the amount of the tax required to be withheld on each wage payment made through such agent, fiduciary, or person shall, whether the wages are paid separately on behalf of each employer or paid in a lump sum on behalf of all such employers, be determined upon the aggregate amount of such wage payment or payments in the same manner as if such aggregate amount had been paid by one employer. Hence, under either the percentage method or the wage bracket method the tax shall be determined upon the aggregate amount of the wage payment.

(b) In any such case, each employer shall be liable for the return and payment of a pro rata portion of the tax so determined, such portion to be determined in the ratio which the amount contributed by the particular employer bears to the aggregate of such wages.

(c) For example, three companies maintain a central management agency which carries on the administrative work of the several companies. The central agency organization consists of a staff of clerks, bookkeepers, stenographers, etc., who are the common employees of the three companies. The expenses of the central agency, including wages paid to the foregoing employees, are borne by the several companies in certain agreed proportions. Company X pays 45 percent, Company Y pays 35 percent and Company Z pays 20 percent of such expenses. The amount of the tax required to be withheld on the wages paid to persons employed in the central agency should be determined in accordance with the provisions of this section. In such event, Company X is liable as an employer for the return and payment of 45 percent of the tax required to be withheld, Company Y is liable for the return and payment of 35 percent of the tax and Company Z is liable for the return and payment of 20 percent of the tax. (See § 31.3504–1, relating to acts to be performed by agents.)

§ 31.3402 (h) *Statutory provisions; income tax collected at source; withholding on basis of average wages.*

SEC. 3402. *Income tax collected at source.*
• • •

(h) *Withholding on basis of average wages.* The Secretary or his delegate may, under regulations prescribed by him, authorize employers—

(1) To estimate the wages which will be paid to any employee in any quarter of the calendar year,

(2) To determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid, and

(3) To deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount required to be deducted and withheld during such quarter without regard to this subsection.

§ 31.3402 (h)–1 *Withholding on basis of average wages.* The Commissioner may authorize the employer to withhold the tax under section 3402 on the basis of the employee's average estimated wages, with necessary adjustments, for any quarter. Before using such method the employer must receive authorization from the Commissioner. Applications to use such method must be accompanied by evidence establishing the need for the use of such method.

§ 31.3402 (i) *Statutory provisions; income tax collected at source; additional withholding.*

SEC. 3402. *Income tax collected at source.*
• • •

(i) *Additional withholding.* The Secretary or his delegate is authorized by regulations to provide, under such conditions and to such extent as he deems proper, for withholding in addition to that otherwise required under this section in cases in which the employer and the employee agree (in such form as the Secretary or his delegate may by regulations prescribe) to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this chapter.

§ 31.3402 (i)–1 *Additional withholding.* (a) In addition to the tax required to be deducted and withheld in accordance with the provisions of section 3402, the employer and employee may agree that an additional amount shall be withheld from the employee's wages. The agreement shall be in writing and shall be in such form as the employer may prescribe. The agreement shall be effective for such period as the employer and employee mutually agree upon. However, unless the agreement provides for an earlier termination, either the employer or the employee, by furnishing a written notice to the other, may terminate the agreement effective with respect to the first payment of wages made on or after the first "status determination date" (January 1 and July 1 of each year) which occurs at least 30 days after the date on which such notice is furnished.

(b) The amount deducted and withheld pursuant to an agreement between the employer and employee shall be considered as tax required to be deducted and withheld under section 3402. All provisions of law and regulations applicable with respect to the tax required to be deducted and withheld under section 3402 shall be applicable with respect to any amount deducted and withheld pursuant to the agreement.

§ 31.3402 (j) *Statutory provisions; income tax collected at source; noncash remuneration to retail commission salesman.*

SEC. 3402. *Income tax collected at source.* • • •

(j) *Noncash remuneration to retail commission salesman.* In the case of remuneration paid in any medium other than cash for services performed by an individual as a retail salesman for a person, where the service performed by such individual for such person is ordinarily performed for remuneration solely by way of cash commission an employer shall not be required to deduct or withhold any tax under this subchapter [chapter] with respect to such remuneration, provided that such employer files with the Secretary or his delegate such information with respect to such remuneration as the Secretary or his delegate may by regulation prescribe.

[Sec. 3402 (j) as added by Act of Aug. 9, 1955 (Pub. Law 306, 84th Cong., 69th Stat. 605), effective with respect to remuneration paid after the date of enactment.]

§ 31.3402 (j)–1 *Remuneration other than in cash for service performed by retail commission salesman*—(a) *In general.* (1) An employer, in computing the amount to be deducted and withheld as tax in accordance with section 3402, may, at his election, disregard any wages paid, after August 9, 1955, in a medium other than cash for services performed for him by an employee if (i) the noncash remuneration is paid for services performed by the employee as a retail commission salesman and (ii) the employer ordinarily pays the employee remuneration solely by way of cash commissions for services performed by him as a retail commission salesman.

(2) Section 3402 (j) and this section are not applicable with respect to noncash wages paid to a retail commission salesman for services performed by him in a capacity other than as such a salesman. Such sections are not applicable with respect to noncash wages paid by an employer to an employee for services performed as a retail commission salesman if the employer ordinarily pays the employee remuneration other than by way of cash commissions for such services. Thus, noncash remuneration may not be disregarded in computing the amount to be deducted and withheld in a case where the employee, for services performed as a retail commission salesman, is paid both a salary and cash commissions on sales, or is ordinarily paid in something other than cash (stocks, bonds, or other forms of property) notwithstanding that the amount of remuneration paid to the employee is measured by sales.

(b) *Retail commission salesman.* For purposes of section 3402 (j) and this section, the term "retail commission salesman" includes an employee who is engaged in the solicitation of orders at retail, that is, from the ultimate consumer, for merchandise or other products offered for sale by his employer. The term does not include an employee salesman engaged in the solicitation on behalf of his employer of orders from wholesalers, retailers, or others, for merchandise for resale. However, if the salesman solicits orders for more than one principal, he is not excluded from the term solely because he solicits orders from wholesalers or retailers on behalf of one or more principals. In such case the salesman may be a retail commission salesman with respect to services performed for one or more principals and not with respect to services performed for his other principals.

(c) *Noncash remuneration.* The term "noncash remuneration" includes remuneration paid in any medium other than cash, such as goods or commodities, stocks, bonds, or other forms of property. The term does not include checks or other monetary media of exchange.

(d) *Cross reference.* For provisions relating to records required to be kept and statements which must be furnished an employee with respect to wage payments, see sections 6001 and 6051 and the regulations thereunder in Subpart G of this part.

§ 31.3403 *Statutory provisions; liability for tax.*

SEC. 3403. *Liability for tax.* The employer shall be liable for the payment of the tax required to be deducted and withheld under this chapter, and shall not be liable to any person for the amount of any such payment.

§ 31.3403–1 *Liability for tax.* Every employer required to deduct and withhold the tax under section 3402 from the wages of an employee is liable for the payment of such tax whether or not it is collected from the employee by the employer. If, for example, the employer deducts less than the correct amount of tax, or if he fails to deduct any part of the tax, he is nevertheless liable for the correct amount of the tax. See, however, § 31.3402 (d)–1. The employer is relieved of liability to any other person for the amount of any such tax withheld and paid to the district director or deposited with a duly designated depositary of the United States.

§ 31.3404 *Statutory provisions; return and payment by governmental employer.*

SEC. 3404. *Return and payment by governmental employer.* If the employer is the United States, or a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, the return of the amount deducted and withheld upon any wages may be made by any officer or employee of the United States, or of such State, Territory, or political subdivision, or of the District of Columbia, or of such agency or instrumentality, as the case may be, having control of the payment of such wages, or appropriately designated for that purpose.

§ 31.3404–1 *Return and payment by governmental employer.* If the United States, or a State, Territory, Puerto Rico, or a political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, is an employer required to deduct and withhold tax under chapter 24, the return of the amount deducted and withheld as such tax may be made by the officer or employee having control of the payment of the wages or other officer or employee appropriately designated for that purpose. (For provisions relating to the execution and filing of returns, see Subpart G of the regulations in this part.)

[F. R. Doc. 57–8804; Filed, Oct. 25, 1957; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—DESERT GAME RANGE, NEVADA

HUNTING OF BIGHORN SHEEP PERMITTED

Basis and purpose. Pursuant to the authority conferred upon me by Commissioner's Order 4 (22 F. R. 8126), I have determined that the taking of bighorn sheep during the 1957 season prescribed by the Nevada Fish and Game Commission on parts of the Desert Game Range, Nevada, would be compatible with sound wildlife management. Accordingly, § 31.116, reading as follows, is added:

§ 31.116 *Hunting of bighorn sheep permitted.* Subject to the provisions of §§ 31.113, 31.114, and 31.115, bighorn sheep may be taken by hunting at the times and on the parts of the Desert Game Range as follows:

(a) During the period from November 30 to December 15, 1957, both dates inclusive, the hunting of bighorn sheep is permitted on that part of the Desert Game Range lying north and east of U. S. Highway 95 and east of the Alamo Road.

(b) During the period from December 19 to December 23, 1957, both dates inclusive, the hunting of bighorn sheep is permitted on that part of the Desert Game Range lying north of U. S. Highway 95, west of the Alamo Road, and east of the Indian Springs—Groom Road.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendment involves public property, it is exempt from the procedural requirements of section 4 of the Administrative Procedures Act of June 11, 1946 (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 23, 1957.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57–8850; Filed, Oct. 25, 1957; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration, Department of State

REVISION OF REGULATIONS

Chapter II of Title 22 is revised, reading as set forth below. This revision includes all amendments issued to date.

Part
201 Procedures for furnishing assistance to cooperating countries.
202 Ocean shipments of supplies by voluntary nonprofit relief agencies.
203 Registration of agencies for voluntary foreign aid.
204 Guaranties under the Mutual Security Act of 1954.
205 Per diem payments to participants in non-military Mutual Security Training Programs.

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

Sec.
201.1 Definition of terms.
201.2 What this part does.

Subpart A—Authorization Procedure

201.3 Non-project type assistance: Allotments, procurement authorization applications, procurement authorizations and sub-authorizations.
201.4 Project type assistance: Allotments for projects, project proposals, project agreements and project implementation orders.
201.5 Contracts and deliveries eligible for financing under procurement authorizations and project implementation orders.
201.6 General provisions incorporated in PAs and PIOs.
201.7 Ocean transportation.
201.8 Ships' dollar disbursements.
201.9 Procurement by U. S. Government agencies.

Subpart B—Responsibilities of Importers and Suppliers

201.10 Information to be furnished by importer to supplier.
201.11 Contracts and deliveries.
201.12 Marking requirements.
201.13 Information for Office of Small Business/ICA.

Subpart C—Reimbursement for Assistance

201.14 Types of reimbursement.
201.15 Reimbursement for specific procurement payments by a cooperating country.
201.16 Letter of commitment to a banking institution.
201.17 Letter of commitment to a supplier.
201.18 Documents required for reimbursement.
201.19 Procurement by United States Government agencies.

Subpart D—Price Provisions

201.20 Purchase in bulk of commodities.
201.21 Purchase prices.

Subpart E—Responsibilities of Banking Institutions

201.22 Responsibilities of banking institutions in connection with letters of commitment issued to them.

Subpart F—Waiver Authority and Transitory Provisions

201.23 Waiver and amendment authority.
201.24 Continuation in effect of certain prior issuances.
201.25 Transitory provision.

AUTHORITY: §§ 201.1 to 201.25 issued under sec. 525, 68 Stat. 856, as amended; 22 U. S. C. 1785. Interpret or apply secs. 131, 132, 201, 302, 504, 509, 510, 522, 68 Stat. 838, as amended, 840, as amended, 841, 851, 853, as amended, 855; 22 U. S. C. 1756, 1761, 1762, 1782, 1841, 1842, 1871, 1892.

§ 201.1 *Definition of terms.* For the purposes of this part:

(a) "The act" means the Mutual Security Act of 1954 (Pub. Law 665, 83d Cong.), as amended.

(b) "ICA" means the International Cooperation Administration, including, when applicable, each USOM (paragraph (e) of this section).

(c) "The Director" means the Director of the International Cooperation Administration or the Deputy Director or any person authorized to perform the functions of the Director or Deputy Director in respect of this part.

(d) "Cooperating country" means any country in which ICA has a program under the act.

(e) "USOM" means the ICA mission to any cooperating country.

(f) "The Director, USOM" means the head of the ICA mission to any cooperating country or the Deputy Director of any such mission or any person authorized to perform the functions of the Director or Deputy Director, USOM, in respect of this part.

(g) "Banking institution in the United States" means a banking institution organized under the laws of the United States, any State, territory or possession thereof, or the District of Columbia.

(h) "Approved applicant" means the cooperating country or any person or organization, governmental or otherwise, named as approved applicant in any letter of commitment issued to a banking institution in the United States pursuant to Subpart C of this part; and shall include any agent authorized to act on behalf of an approved applicant.

(i) "Reimbursement" means any of the methods set forth in Subpart C of this part used by ICA to pay for any commodity or service furnished to a cooperating country under the act.

(j) "Delivery" means the transfer to or for the account of a cooperating country of custody and right of possession of any commodity or the rendering to or for the account of a cooperating country of any service.

(k) "Importer" means any person or organization, governmental or otherwise, to which a cooperating country has made a subauthorization (see § 201.3 (d)), or which has been designated as an "authorized agent" in a project implementation order (called "PIO" in this part) or subauthorized by any such authorized agent (see § 201.4).

(l) "Supplier" means any person or organization, governmental or otherwise, which furnishes any commodity or service under the act.

(m) "Source" means the country or area from which a commodity is shipped to the cooperating country. Where, however, a commodity is shipped from a free port or bonded warehouse in the form in which received therein, "source" shall mean the country or area from which the commodity was shipped to the free port or bonded warehouse.

(n) "Commission" means any sum paid or to be paid to an agent, broker, or other representative in connection with a sale financed by ICA.

(o) "Discount" means that amount by which the supplier's gross sales price is reduced by a credit, refund or other allowance made or to be made to the buyer or consignee.

(p) "Project" means a single integrated undertaking or enterprise within a cooperating country, which has been mutually agreed upon by ICA and the cooperating country government and which requires financing by ICA of services and/or commodities specifically needed for the accomplishment of the undertaking or enterprise.

§ 201.2 *What this part does*—(a) *Subpart A.* (1) *Non-project type assistance.* Subpart A of this part describes the procedures for enabling cooperating countries to use ICA funds to get commodities and services under the act. Subpart A is divided into two broad categories. The first category deals with the authorization procedures for procurement of commodities and services in non-project type assistance programs. In general, it provides for the submission of procurement authorization applications by cooperating countries and the issuance of procurement authorizations (called "PAs" in this part) by ICA and subauthorizations thereunder by cooperating countries.

(2) *Project type assistance.* The second broad category deals with the authorization procedures for the procurement of commodities and services required for projects. In general, it provides for the development of a project proposal jointly by the cooperating country and the applicable USOM, the execution of a project agreement between the cooperating country and ICA, and the issuance of PIOs thereunder. PIOs may be issued for various segments of a project but the only PIOs subject to this part (except where otherwise indicated in the applicable PIOs) are those PIOs which provide for the procurement of those commodities and services covered by the ICA Commodity Code Book.

(b) *Subpart B.* In general, the fact that a particular purchase is to be paid for by ICA will not basically affect the way in which an importer or supplier does business. Subpart B of this part, however, describes certain things which an importer must do when he has been told that he is buying under the act, and which a supplier must do when he obtains an order that is to be paid with ICA funds.

(c) *Subpart C.* Subpart C of this part describes the procedures for obtaining reimbursement for assistance furnished under the act.

(d) *Subpart D.* Subpart D of this part contains the price provisions applicable to purchases of commodities that are to be paid with ICA funds.

(e) *Subpart E.* Subpart E of this part describes the responsibility of banking institutions in the United States in connection with letters of commitment issued to them by the Director.

SUBPART A—AUTHORIZATION PROCEDURE

§ 201.3 *Non-project type assistance: Allotments, procurement authorization applications, procurement authorizations and sub-authorizations*—(a) *Allotments and procurement authorization applications.* ICA will from time to time determine an amount of ICA funds to be allotted for various cooperating countries for non-project type assistance, to be available for the purchase of commodities and services. From time to time the cooperating country will indicate on PA applications the dollar and/or local currency amounts of the commodities and services which the cooperating country desires to procure with its allotted funds. Supplementary information with respect to PA applications may be required from time to time.

(b) *Procurement authorizations*—(1) *Issuance and scope of authorization.* ICA will review each PA application to determine that the proposed purchases of commodities and services for delivery to the cooperating country are in accordance with the objectives of the act. Upon such a determination, ICA will, as soon as practicable, issue appropriate PAs for acceptance by the cooperating country. These PAs will cover the commodities and services for the purchase of which the cooperating country may make sub-authorizations to importers, and will specify the maximum dollar and/or local currency amounts which ICA will finance, the source from which the commodities and services (other than ocean transportation) are to be obtained, the periods during which contracts and/or deliveries are to be made, and any other provisions deemed necessary by ICA. Each PA will bear a PA number, and the issuance of a PA will constitute authority to the cooperating country to sub-authorize its importers to use the procurement authorization number in placing orders for the purchase of the commodities and services specified in the procurement authorization to be delivered to the cooperating country. Cooperating countries may request ICA to make changes in PAs.

(2) *PA numbers.* PA numbers will indicate the cooperating country to which the authorization is given, the commodity code number, the source from which the commodity or services are to be obtained, and a serial number. An example of a PA number is as follows:

40	010	00	5001
Cooperating country	Commodity code	Source	Serial No.
Greece	Bread Grains	U. S. and Possessions.	

(c) *Commodity codes.* PA applications will be made in terms of the ICA Commodity Codes which are listed in the official ICA Commodity Code Book, as revised July 1, 1952, or in subsequent revisions. Authorization will normally be made in the same commodity codes, but in certain instances the PA may be restricted to one or more commodities within a commodity code.

(d) *Sub-authorizations.* For all procurement under PAs, the cooperating country will make sub-authorizations to importers within the terms of the PAs. The cooperating country, in sub-authorizing, will instruct the importer to use the PA number in placing orders, and will specify to importers the commodities or services, source, applicable currency, periods during which contracts and deliveries must be made, and all of the special provisions of the PA which are applicable to the sub-authorization.

§ 201.4 *Project type assistance: Allotments for projects, project proposals, project agreements and project implementation orders*—(a) *Allotments for projects and project proposals.* Apart from the allotments referred to in § 201.3 (a), ICA will from time to time determine an amount of ICA funds to be allotted for project purposes. From time to time project proposals developed jointly by the applicable USOM and the cooperating country will be prepared showing the nature of the project and the dollar and/or local currency amounts of commodities and services needed for the project.

(b) *Project agreements and project implementation orders*—(1) *Issuance and scope of authorization.* ICA will review each project proposal to determine that the proposed project and purchases of commodities and services for the project are in accordance with the objectives of the act, and, upon such a determination, ICA will, as soon as practicable, enter into an appropriate project agreement with representatives of the cooperating country. The project agreement will describe the nature of the project, indicate amounts of funds by currency allocated to the project by ICA and the cooperating country, respectively, the duration of the agreement, and such other provisions as may be deemed necessary by ICA. Procurement for the project of commodities and services covered by the ICA Commodity Code Book shall, unless otherwise provided, be made only upon issuance of a PIO and in accordance with the terms of the PIO issued by ICA in Washington, D. C. or the applicable USOM and accepted by the cooperating country representative. With regard to the use of ICA funds, these PIOs will cover the commodities and services to be procured for the project, will designate the importers authorized to purchase such commodities and services therefor, and will specify the maximum dollar and/or local currency amounts which ICA will finance, the source from which the commodities and services (other than ocean transportation) are to be obtained, the periods during which contracts and/or deliveries are to be made, and any other provisions deemed necessary by ICA. Each PIO will have a PIO number, and the issuance of a PIO will constitute authority to importers to use the PIO number in placing orders for the purchase of the commodities and services specified in the PIO to be delivered to the project on behalf of the cooperating country. Cooperating countries may request ICA to make changes in any PIO.

(2) *PIO numbers.* PIO numbers will indicate the applicable cooperating country, the field of activity (e. g., public health, education), the project number, and a serial number. An example of a PIO number is as follows:

65	23	001	550001
Cooperating country	Activity	Project No.	Serial No.
Iran	Industry (cement plant).		

(c) *Commodity codes.* Commodities and services needed for projects will be indicated on project proposals in terms of the ICA Commodity Codes which are listed in the official ICA Commodity Code Book, as revised July 1, 1952, or in subsequent revisions.

§ 201.5 *Contracts and deliveries eligible for financing under procurement authorizations and project implementation orders*—(a) *Commodity and service PAs and PIOs*—(1) *Contracts*—(i) *Initial contracting date.* Contracts for the purchase of commodities and services will not be eligible for financing under a PA or PIO if made prior to the date of issuance, or in the event that an initial contracting date is specified, if made prior to the specified date.

(ii) *Terminal contracting date.* PAs and PIOs will indicate, in addition to an initial contracting date, a terminal contracting date. The terminal contracting date will normally be three to six months subsequent to the first day of the month following the month in which the PA or PIO is issued. In making subauthorizations under a PA or PIO the cooperating country or authorized agent, as the case may be, must specify that contracts under the sub-authorizations must be made on or before the terminal contracting date. Contracts made after the terminal contracting date will not be eligible for financing under the PA or PIO unless deliveries under such contracts are made within the specified delivery period (see subparagraph (3) of this paragraph).

(2) *Reporting.* With respect to PAs only, the cooperating country shall, in accordance with instructions issued by ICA, report within 30 days after the terminal contracting date the total or estimated total value of all contracts entered into pursuant to sub-authorizations made under the PA, whether or not deliveries have actually been made. If the total or estimated total value of such contracts, as so reported, is less than the total dollar and/or local currency amount of the PA, the PA will be reduced by the amount of the difference. If no such report is filed by the cooperating country within 30 days after the terminal contracting date, ICA will assume that the PA has been fully subauthorized and contracted for, and no reduction in the PA will be made.

(3) *Deliveries.* Each PA or PIO will also state a delivery period. The period will be indicated normally by two dates: (i) The date before which deliveries may not be made (initial delivery date) and (ii) the date on or before which deliveries must be made (terminal delivery

date). Where however, an initial delivery date is not specified, the date of issuance of the PA or PIO shall be deemed to be the initial delivery date. Deliveries made before the initial delivery date or after the terminal delivery date will not be eligible for ICA financing under the PA or PIO. ICA may extend the terminal delivery date for limited periods on an individual contract basis, if the contract was made on or before the terminal contracting date.

(4) *Inland transportation.* Inland transportation other than within the cooperating country (except to the first port of entry) will be eligible for financing under commodity and service PAs or PIOs provided that such transportation services are delivered on or after the initial delivery date and on or before the terminal delivery date specified on the PA or PIO. The date of delivery of inland transportation services shall be deemed to be the date of the related railway, barge, truck or airway bill of lading, submitted under § 201.18.

(b) *Submission of documentation of delivery.* In the case of reimbursement by letter of commitment to a bank, the submission of documentation shall be in accordance with § 201.16 (c) (2). In the case of other types of reimbursement, proper documentation of deliveries, in accordance with § 201.18 must be presented within 90 days after the latest date on which deliveries may take place under the PA or PIO, to the Controller, ICA, Washington, D. C., or to the appropriate USOM Controller if so specified in the PA or PIO.

(c) *Ocean transportation PAs or PIOs.* Ocean transportation PAs or PIOs will not be subject to the provisions of paragraphs (a) and (b) of this section, but will be subject to the following provisions:

(1) *Deliveries—(i) Between initial and terminal delivery dates.* Delivery of ocean transportation services may be made at any time on or after the initial delivery date and on or before the terminal delivery date specified on the PA or PIO.

(ii) *Fixing of delivery date.* The date of delivery of ocean transportation services shall be deemed to be the date of the related bill of lading, airway bill, or the cablegram alternatively submitted under § 201.18.

(2) *Submission of documentation of delivery.* In the case of reimbursement by letter of commitment to a bank, the submission of documentation shall be in accordance with § 201.16 (c) (2). In the case of other types of reimbursement, proper documentation in accordance with § 201.18 (b) must be presented, within 120 days after the date of the bill of lading covering ocean shipment, to the Controller, ICA, Washington, D. C. or to the appropriate USOM Controller if so specified in the PA or PIO.

§ 201.6 *General provisions deemed incorporated in PAs and PIOs.* Each PA or PIO issued shall be deemed to incorporate the following provisions:

(a) *Reimbursement.* Upon receipt of the documents required for reimbursement by this part, ICA will make reimbursement up to the amount specified in the PA or PIO for the assistance described in the PA or PIO, such reimbursement to be made by any one of the methods prescribed in Subpart C of this part.

(b) *Assignment of right to receive reimbursement.* The right to receive reimbursement under a PA or PIO may be assigned, in whole or in part, to a banking institution in the United States, but no such assignment shall be valid unless the proposed assignee has been named in a letter of commitment or otherwise approved by the Director or a Director, USOM.

(c) *Modification or revocation.* The Director with respect to a PA or PIO, and a Director, USOM, with respect to a PIO, reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke any PA or PIO (including termination of deliveries under the PA or PIO). In the event of any supplement, modification, or revocation, the right of reimbursement will be modified or terminated accordingly, except that if a letter of commitment has been issued, the rights of the holder of any such letter of commitment shall not be affected except to the extent specified in such letter of commitment.

(d) *Refund to Director—(1) Obligation of cooperating country.* The cooperating country will pay promptly to the Director upon demand the entire amount reimbursed (or such lesser amount as the Director may demand) whenever full documentation is not furnished within the specified time, or whenever it appears to the Director that the documentation submitted by or on behalf of the cooperating country (or any approved applicant named in a letter of commitment) does not support the expenditure for which the reimbursement was made, or whenever the Director determines that the reimbursement was improper as being in violation of any of the provisions of the act, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of ICA promulgated under any of said acts.

(2) *Period for making refund demands.* Demands for refunds from cooperating countries under this part may be made by the Director within five years after the date of reimbursement by ICA.

(e) *Discounts.* If a contract for which reimbursement is claimed provides for one or more discounts, only the invoice amount after discount (seller's gross price less all discounts) will be eligible for reimbursement.

(f) *Commissions—(1) Purchasing agents.* No commission paid or to be paid to an agent, broker or other representative of an importer will be eligible for reimbursement.

(2) *Sales agents.* A commission paid or to be paid to an agent, broker, or other representative of the supplier (domestic or foreign) is not prohibited and will be eligible for reimbursement. However, if the amount of any such commission exceeds the amounts paid by the supplier's competitive sellers or exceeds the amounts paid by the supplier in comparable sales, the Director may, subsequent to reimbursement, request repayment from the importing country of the amount of such commission. The amount of such commission shall be fully reported by the supplier on ICA Form 280 (see § 201.18 (d)). A payment, credit, or other allowance to a foreign distributor of a supplier, in connection with direct imports by such a distributor for his own account, however, is not to be considered as an agent's commission but as a discount, as defined in paragraph (e) of this section, and must be deducted from the gross amount of the supplier's invoice.

(g) *Adjustment refunds and adjustment credits—(1) Requirements for credit to ICA.* If an importer receives an adjustment refund, or an adjustment credit, arising out of the terms of a contract or out of the normal customs of the trade, the Director will, in making reimbursement directly to a cooperating country, withhold the amount of such refund or credit; in case of other types of reimbursement, the Director will request repayment of the amount of such refund or credit from the cooperating country.

(2) *Notice to ICA from supplier.* Upon settlement of a claim for an adjustment refund or an adjustment credit, the supplier shall immediately give written notice to the Controller, ICA, Washington, D. C., indicating the PA or PIO number, the name and address of the importer, the date and amount of the original invoice, and the reason for the refund or credit and the amount thereof.

(h) *Insurance—(1) Eligibility for ICA financing.* Dollar payments of premiums for ocean marine insurance (including war risk insurance) on ICA-financed commodities procured in the United States will be eligible for financing by ICA under a commodity PA or PIO if such insurance is:

(i) Placed by the importer (or by the supplier or any other person if authorized so to do by the importer in a cable, written document, or the letter of credit); and

(ii) Placed at the lowest available competitive rate.

(2) *Advice to insurer of PA or PIO number.* The importer, supplier, or other person placing such insurance shall furnish the PA or PIO number to the insurer.

(3) *Instructions by cooperating country to importer.* In authorizing or subauthorizing procurement under a commodity PA or PIO, the cooperating country will instruct each importer that, with respect to commodities procured in the United States pursuant to the PA or PIO, dollar funds made available under the authorization or subauthorization may, at the election of the importer, be used to purchase in the United States marine insurance for such commodities.

(4) *Documentation for reimbursement of premiums.* As documentation to support ICA reimbursement for marine insurance dollar premiums, the insurer, insurance broker, or underwriter will execute a supplier's certificate (Form ICA–280) in accordance with § 201.18 (a) (2) (i), (c),

(5) *Anti-discrimination requirement.* In the event a cooperating country, by statute, decree, rule or regulation, discriminates with respect to ICA financed procurement against any marine insurance company authorized to do business in any State of the United States, then commodities procured in the United States with ICA funds, destined for such country, and insured against marine risk, shall be so insured in the United States with a company or companies authorized to do a marine insurance business in any State of the United States.

(i) *Airmail distribution of ocean bills of lading.* The cooperating country or authorized agent will instruct importers to advise shippers to airmail at the time of loading one copy (or photostat) of ocean or charter party bill of lading or airway bill to the Controller, USOM, American Embassy, in the capital city of the cooperating country receiving the shipment.

(j) *Price limitations.* ICA will not make reimbursement directly to a cooperating country for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States, adjusted as provided in § 201.20, nor will ICA make reimbursement directly to a cooperating country for a purchase of any commodity at a price higher than the price calculated in accordance with the applicable price provisions in § 201.21; in cases of other types of reimbursement, the Director will demand repayment from the cooperating country of the entire amount so reimbursed.

(k) *Export licenses.* Where procurement is effected in the United States for any commodity covered by a PA or PIO, export licenses, to the extent required, must be obtained from the U. S. Department of Commerce. All exports from the United States of commodities furnished under the act are subject to such export quotas as may be established and such export license controls as may be exercised by the U. S. Department of Commerce.

(l) *Diversions—(1) Agreement by cooperating country and importer.* The cooperating country agrees, and, as a condition of the receipt by an importer of authority to use the PA or PIO in placing orders, the importer shall be deemed to have agreed, that, upon a determination by the Director that such action is necessary to accomplish the purposes of the act, ICA shall be vested with title to ICA-financed commodities which have been delivered but not then off-loaded in ports of the cooperating country, and the cooperating country will, upon such determination, assign, execute and furnish, or cause to be assigned, executed and furnished, to ICA documents requested by ICA relating to such ICA-financed commodities including, but not limited to, negotiable bills of lading, supplier's invoices, packing lists and inspection certificates. The Director is authorized to take such action with respect to such commodities as he may deem necessary and proper including, without limiting the generality of the foregoing, the following: (i) To direct masters of vessels carrying such commodities to divert them from the designated ports of destination to such other ports as may be designated by ICA, and (ii) to cause to be inserted in relevant charter parties, bills of lading and other shipping documents a diversion clause substantially in the following form:

ICA may designate an alternate port of discharge within the range of ports covered by the applicable conference tariff. Diversion charges as per tariff to apply including deviation insurance and extra handling cost if incurred.

(2) *ICA financial responsibility.* In the event of any such determination by the Director and action taken pursuant to subparagraph (1) of this paragraph, ICA will, subject to availability of funds therefor, assume responsibility for extra costs of transportation services (including, where applicable, marine insurance and extra handling costs) caused by such action but ICA shall not be subject to any liability to the cooperating country, its importers or the approved applicant, except for the payment of such costs as ICA, in its sole discretion, may deem appropriate under the circumstances.

(3) *Rights of holder of letter of commitment.* Notwithstanding the foregoing subparagraphs (1) and (2) of this paragraph, if a letter of commitment has been issued, the rights of the holder of any such letter of commitment shall not be affected except to the extent specified in such letter of commitment.

(m) *Re-export.* The re-export of commodities financed by ICA, within three years of the date of reimbursement therefor, in the form or substantially in the form received, except as authorized by ICA, is not permitted, and in the event of any unauthorized re-export the cooperating country will pay promptly to the Director upon demand the entire amount reimbursed or such lesser or greater amount as the Director may deem appropriate under the circumstances of the particular transaction, not to exceed, however, the amount realized from the sale of any such commodity.

(n) *U. S. flag vessel shipping requirement—(1) Scope of cooperating country responsibility.* The cooperating country will ensure that at least 50 percent of the gross tonnage of all ICA-financed commodities transported to it on ocean vessels during each U. S. fiscal year as well as each quarterly period thereof is transported on privately-owned U. S. flag commercial vessels. The foregoing requirement applies separately for dry bulk carrier shipments, dry cargo liner shipments, and tanker shipments and also applies separately for shipments (i) from the U. S.; (ii) from Europe and Africa; (iii) from the area of the Near East and South Asia; (iv) from Latin America and Canada; and (v) from the area of the Far East. If the foregoing requirement is not met with respect to shipments made during any fiscal year or quarter thereof, the cooperating country will pay promptly to the Director upon demand whatever amount, reimbursed by ICA for commodities, marine insurance, and transportation in shipments directed to the cooperating country during that period of time, as the Director in his discretion shall consider necessary to effect a compliance by the cooperating country with the foregoing requirement for that period of time.

(2) *Non-availability of U. S. flag vessels.* Any cooperating country may at any time apply to the Office of Transportation, ICA, Washington, D. C., for an administrative determination with respect to any proposed shipment that no privately-owned U. S. flag commercial vessel is available for such shipment at fair and reasonable rates for such a vessel. In the event that the Office of Transportation shall make such a determination of non-availability, it will advise the cooperating country thereof. Tonnage involved in any or all shipments included in the determination of non-availability of U. S. flag vessels may or may not be excluded from the total tonnage of the fiscal year and the relevant quarter thereof for at least 50 percent of which the cooperating country must ensure transportation on U. S. flag vessels. The determination concerning such exclusion shall be made by the Office of Transportation after a review of all pertinent factors relating to all ICA-financed shipments to the cooperating country during the relevant fiscal year and quarterly period, and the cooperating country shall be advised thereof by the Office of Transportation.

(o) *Transportation limitations.* ICA will not finance commodities or the transportation thereof which are shipped to cooperating countries by any transportation medium owned, operated or under the control of any country not included within the meaning of Code 99 as defined in the ICA Geographic Code Book (as amended).

(p) *Special provisions.* The provisions of this section may be waived, amended or supplemented by special provision in the PA or PIO, or otherwise, pursuant to § 201.23.

§ 201.7 *Ocean transportation—(a) Eligibility for ICA financing.* Ocean transportation PAs and, in the case of shipments where the supplier pays the ocean freight either for his own or the buyer's account, the PAs or PIOs for the commodity involved, may be used by the cooperating country to cover dollar and/or local currency services furnished in connection with the shipment to the cooperating country of:

(1) *ICA-financed cargoes.* (i) On flag vessels of countries included within the meaning of Code 99 as defined in the ICA Geographic Code Book (as amended) but excluding those of the cooperating country, (ii) where ICA dollar reimbursement is requested, to the extent that payment for such services is made in dollars in accordance with the custom of the trade, or, if not in accordance with the custom of the trade, only if approved by the Office of Transportation, ICA, Washington, D .C.; and (iii) where ICA local currency reimbursement is requested, to the extent that payment for such services is made in the

specified local currency in accordance with the custom of the trade or other acceptable local currencies.

(2) *Non-ICA financed cargoes.* (i) On United States flag vessels.

(ii) On flag vessels of countries included within the meaning of Code 99 as defined in the ICA Geographic Code Book (as amended), but excluding the United States or the cooperating country, but only in special circumstances where specifically authorized in writing by ICA to do so pursuant to a request in writing.

(b) *Rate limitations.* The rate charged by a supplier of ocean transportation services shall not exceed the prevailing rate for similar freight contracts nor the rate paid to the supplier for similar ocean transportation services by other customers similarly situated.

(c) *Reimbursement.* Reimbursement will be made as follows:

(1) *Dry bulk cargo shipments*—(i) *Costs under charter party.* Reimbursement will be made for cost of shipment from ports of loading to ports of discharge at rates established by charter parties.

(ii) *Loading, trimming and related costs.* Reimbursement for loading, trimming and other related shipping expenses may be made when such expenses are not for the account of the ship nor included in inland transportation charges.

(iii) *Demurrage and dispatch earnings.* Reimbursement will not be made for demurrage incurred in excess of dispatch earnings. Amounts earned for dispatch shall be credited first against demurrage, if any, incurred in connection with the same voyage; the balance supported by the vessel's signed laytime statement(s), shall then be refunded to the Controller, ICA, Washington, D. C., within 90 days after date of discharge of the cargo on which dispatch was earned.

(iv) *Brokerage and address commissions.* No brokerage commissions in excess of 2½ percent of the freight and no address commission will be eligible for reimbursement; the names of all persons participating in the eligible brokerage commission must be indicated on the charter party.

(2) *Dry cargo liner shipments*—(i) *Costs under conference rates.* Reimbursement will be made for cost of shipment from ports of loading to ports of discharge at the rates indicated in the bill of lading, but not in excess of the conference rates for such services.

(ii) *Related shipping costs.* Reimbursement for related shipping expenses may be made when such expenses are not for the account of the ship nor included in inland transportation charges.

(3) *Tanker shipments*—(i) *Costs under charter parties or contracts.* Reimbursement will be made for cost of shipment from ports of loading to ports of discharge at rates established by charter parties or contracts of affreightment.

(ii) *Related shipping costs.* Reimbursement for related shipping expenses may be made when such expenses are not for the account of the ship nor included in inland transportation charges.

(d) *Prior review of charter parties by ICA.* All charters (whether single voyage charters, or consecutive voyage charters, or time charters) of all vessels must be submitted to the Office of Transportation, ICA, Washington, D. C., for prior review and approval.

§ 201.8 *Ships' dollar disbursements.* Ships' dollar disbursement PAs may be authorized by ICA in special circumstances and may be used by the cooperating country to cover dollar costs of bunker supplies (and bunker trimming) for flag vessels of the cooperating country under rules and procedures to be specified by ICA.

§ 201.9 *Procurement by U. S. Government agencies.* When a determination has been made that any commodity or service authorized on a PA or PIO is to be procured by a U. S. Government agency, ICA will authorize the U. S. Government agency to procure the commodity or service in accordance with procedures established for such procurement. In the event that such determination is made prior to the issuance of a PA, ICA may issue a "Procurement Authorization and U. S. Government Agency Purchase Requisition."

SUBPART B—RESPONSIBILITIES OF IMPORTERS AND SUPPLIERS

§ 201.10 *Information to be furnished by importer to supplier*—(a) *Duty of importer.* Each importer must inform his supplier that the transaction is to be financed by ICA, and must give to his supplier the PA or PIO number that has been given to him, together with all instructions given to him by the cooperating country which will affect the supplier in carrying out the transaction, such as, for example, eligible source of commodities, periods during which contracts and deliveries must be made, shipping provisions, and documentation requirements.

(b) *Duty of supplier.* The supplier must put the PA or PIO number on all documents required for reimbursement (see § 201.18), and, when procurement is effected in the United States, should put the PA or PIO number on his export license application (see § 201.6 (k)). The supplier is required to request the importer to furnish the information described in paragraph (a) of this section.

§ 201.11 *Contracts and deliveries.* An importer must comply with the specified contract and delivery dates. A supplier must not accept orders identified by a PA or PIO number unless he expects to comply with the specified contract and delivery dates as notified to him by the importer.

§ 201.12 *Marking requirements*—(a) *Affixation of ICA emblem and authorization numbers.* All commodities, and their shipping containers, furnished to cooperating countries under ICA-financing (whether from the United States or other source country), must carry the official ICA emblem designed for the purpose. This identification shall be affixed by metal plate, decalomania, stencil, label, tag, or other means, depending upon the type of commodity or shipping container and the nature of the surface to be marked. The emblems placed on the commodities must be approximately as durable as the trademark or company or brand name affixed by the producer; the emblems on the shipping containers must be legible until they reach the consignee. In addition, the shipping container will indicate clearly the last set of digits of the ICA, PA, PIO, or other authorization number in characters at least equal in height to the shipper's marks.

(1) *Size of emblem.* The size of the emblem may vary depending upon the size of the commodity, package or shipping container to be marked, but must be large enough to be clearly visible at a reasonable distance.

(2) *Color of emblem.* The emblem will appear in the colors shown on the samples available in the Office of Small Business, International Cooperation Administration, Washington 25, D. C., or in the offices of the USOMs in the respective cooperating countries.

(b) *Exception to requirement*—(1) *For certain commodities.* Raw materials (including grain, coal, petroleum, oil and lubricants) shipped in bulk, vegetable fibers packaged in bales, and semifinished products which are not packaged in any way are, to the extent compliance is impracticable, excepted from the marking requirements of this section.

(2) *For other commodities upon approval by ICA.* If compliance with the provisions of this section is found to be impracticable with respect to other commodities, the cooperating country or supplier will promptly request the Office of Small Business, International Cooperation Administration, Washington 25, D. C., for an exception from the requirements of this section.

(c) *Emblem display on ships.* The ICA emblem must be prominently displayed on all ships during loading and unloading when their cargoes consist entirely of ICA-financed goods. Instructions relating to display of the emblem by ships will be furnished by the charterers to the carriers with their charter parties.

§ 201.13 *Information for Office of Small Business/ICA*—(a) *Notice of proposed procurement.* To permit ICA, in accordance with section 504 of the act, to give United States suppliers (particularly small independent enterprises) an opportunity to participate in supplying commodities and services financed by ICA, the importer, or anyone acting in his behalf, before placing or agreeing to place any order covered by a subauthorization of more than $5,000, shall, insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of the act, furnish by registered mail to the Office of Small Business, ICA, Washington, D. C., the following information in the following form in duplicate in the English language with specifications stated in terms of United States standards.

Name and address of importer.	ICA PA or PIO/C number (if known).	Quotations will be accepted until ---------- (Date)
Subauthorization or import license number (if known).	Cabled quotations will ( ) will not ( ) be accepted. If yes, give cable address.	Approximate dollar amount of proposed purchase.

Full description of commodities and services (excluding ocean transportation and marine insurance) to be imported, including sizes, quantities, etc., and any special conditions: ----------

---------- (Name of importer)

By ---------- (Authorized signature)

(b) *Waiting period.* The importer or anyone acting in his behalf shall not accept any offer or place any order or agree to accept any offer or place any order under such a subauthorization until after 30 days have elapsed from the time that the information described in paragraph (a) of this section reaches, or in the normal course of the mail would reach, the Office of Small Business, ICA, Washington, D. C. The Office of Small Business may, upon application by the importer or anyone acting in his behalf, waive or reduce the 30 day waiting period where such action is deemed appropriate by the Office of Small Business.

(c) *Notice of formal bid invitations and waiting period.* When procurement is undertaken on the basis of formal bids, the importer or anyone acting in his behalf, in lieu of furnishing the information described in paragraph (a) of this section, shall transmit so as to be received by the Office of Small Business, ICA, Washington, D. C., at least 30 days before the closing date for bids three copies in the English language of the complete invitation for bids (including specifications according to United States standards, terms and conditions, the closing hour and date for bids, the applicable invitation number, and the address where invitation forms and complete specifications may be obtained by prospective suppliers). English language copies of the foregoing complete invitation for bids will be furnished free of charge to both the Office of Small Business and, upon their request, to prospective American suppliers. For this purpose, the importer or anyone acting in his behalf at the time he transmits the three aforementioned copies to the Office of Small Business will likewise transmit fifty copies to a place in the United States designated to him by the cooperating country, which place shall be mutually agreed upon by the Office of Small Business and the cooperating country.

(d) *Waiting periods where incomplete notice furnished.* In all cases where the information or complete invitation for bids required by paragraphs (a) and (c) of this section as received by the Office of Small Business does not fully comply with the requirements of those respective paragraphs, the Office of Small Business will return the same to the sender with instructions for revision and the 30-day period prescribed by paragraph (b) or (c) of this section, whichever is relevant, shall be considered to run from the date the Office of Small Business receives such information or complete invitation to bid as fully complies with the requirements of paragraph (a) or (c) of this section, respectively.

(e) *Exception to notice requirement for agricultural commodities.* The provisions of paragraphs (a), (b), (c), and (d) of this section shall not apply to imports of agricultural commodities (as included in ICA Commodity Codes 010 through 236 except 220) except as otherwise specifically provided for in any PA or PIO covering agricultural commodities.

(f) *Notice of bids received*—(1) *When bids received on basis of formal invitation.* Where purchases of any commodity (including any agricultural commodity) are made on the basis of formal invitation for bids, the importer or anyone acting in his behalf shall, within 30 days after making the award, furnish the Office of Small Business, ICA, Washington, D. C., an abstract in the English language of the bids showing the names and addresses of all bidders and their principals, if any (including manufacturers or processors of the commodity wherever known); the bids they submitted in terms of commodities, quantity, and prices; and the name and address of the successful bidder or bidders.

(2) *When bids received on basis other than formal bid invitations.* The abstract shall not be required where purchases are undertaken on any basis other than a formal invitation for bids unless the Office of Small Business, ICA, Washington, D. C., specifically requests such an abstract. In the case of such a request, the importer, or anyone acting in his behalf, shall, within 30 days, furnish the Office of Small Business an abstract in the English language of all price quotations or offers received showing the names and addresses of all offerors and their principals, if any (including manufacturers or processors of the commodity wherever known); the offers they made in terms of commodities; quantity and price; and the name and address of the person or persons with whom the order was placed or agreed to be placed.

SUBPART C—REIMBURSEMENT FOR ASSISTANCE

§ 201.14 *Types of reimbursement.* The financing of procurement of commodities or services may be by:

(a) *Direct reimbursement.* Reimbursement directly to a cooperating country for payments made by it for procurement (see § 201.15);

(b) *Letters of commitment to United States banks.* Issuance of letters of commitment to banking institutions in the United States, undertaking to make reimbursement for payments made by them to suppliers through commercial letters of credit or otherwise on behalf of a cooperating country or an approved applicant (see § 201.16);

(c) *Letters of Commitment to United States suppliers.* Issuance of letters of commitment to suppliers in connection with specific contracts with or on behalf of a cooperating country providing for payments for commodities or services (see § 201.17);

(d) *Charges to allocations to other United States Government agencies* Charges to funds allocated to other departments, agencies, or establishments of the United States Government to cover costs incurred in procurement of commodities or services which the Director authorizes from time to time (see § 201.19).

§ 201.15 *Reimbursement for specific procurement payments by a cooperating country.* Reimbursement shall be allowed only for specific payments made by a cooperating country for procurement covered by PAs or PIOs and supported by the documents required for reimbursement by § 201.18.

§ 201.16 *Letter of commitment to a banking institution*—(a) *Nature and purpose.* For the purpose of financing procurement through commercial letters of credit or other forms of bank credit, the Director or a Director, USOM, may, at the request of a cooperating country or its authorized agent, issue a letter of commitment to a banking institution in the United States for the purpose of assuring reimbursement, not in excess of a specified amount in dollars or other specified currency and in accordance with the terms of such letter of commitment, for sight payments made for the account of an approved applicant including sight payments for procurement outside the United States (including its territories and possessions). Any such payment by a banking institution in the United States made in anticipation of a letter of commitment and falling within the scope of payments authorized by such letter when issued will be deemed to be payments to be reimbursed by the Director thereunder. The letter of commitment shall be substantially in the form of Exhibit I,[1] adapted to special circumstances. Each letter of commitment may also be issued with the PA or PIO in one document substantially in the form of Exhibit 1–A.[1]

(b) *Documentation for payment.* Reimbursement under a letter of commitment to a banking institution shall be effected in the amounts specified therein upon presentation of the documents required for reimbursement by § 201.18 and by the letter of commitment.

(c) *General provisions deemed incorporated in letter of commitment.* Each letter of commitment to a banking institution issued shall be deemed to incorporate the following terms and provisions:

(1) *Form and terms of letter of credit.* The application or request for, and any agreement relating to, any commercial letter of credit issued or confirmed, or payment made, under a letter of commitment to a banking institution

[1] Filed with the original document.

in the United States, may be in such form and contain such terms and provisions as the approved applicant and banking institution may agree upon, and the approved applicant and banking institution may agree to any extension of the life of, or any other modification of, or variation from, the terms of any such letter of credit or any agreement covering payments to be made by the banking institution: *Provided,* That such terms and provisions and any such extension, modification or variance are in no respect inconsistent with or contrary to the terms and provisions of the letter of commitment, and in case of any inconsistency or conflict, the terms and provisions of the letter of commitment shall control. In any event every application for a letter of credit and every request for payment shall include the substance of the directions as to documentation required for reimbursement by this part.

(2) *Conditions for reimbursement.* Reimbursement shall be made by the Director promptly (but in no event later than 30 days) after receipt by the Director of the documents required for reimbursement by this part, which documents in normal course should be forwarded to the Director promptly, after the banking institution has made the payment for the amount of which reimbursement is sought.

(i) *Certification of payee.* The Voucher SF–1146 shall bear the following certification by the payee: "I certify that the above bill is correct and just; that payment therefor has not been received," shall be addressed to the International Cooperation Administration, and shall be signed as "Payee" by the approved applicant, or by the banking institution as agent for and in behalf of the approved applicant.

(ii) *Non-responsibility of bank for supplier statements in ICA Form 280.* The banking institution shall have no responsibility for the truth or accuracy of the statements contained in the supplier's certificate, or invoice-and-contract abstract. The right of reimbursement for payments made by the banking institution will not be affected by the fact that such abstract may be incomplete, or may indicate non-compliance with any provision of this part, or of the PA or PIO, or of the letter of commitment, or may be inconsistent with other documents required for reimbursement.

(3) *Documents for ICA.* The banking institution shall make available to the Director, upon request, a copy of each letter of credit issued or confirmed by it, together with any extension or modification thereof; a copy of each application and agreement relating to such a letter of credit, or to a payment instruction or request, together with any extension or modification thereof; a copy of each document in its possession received by it against payment; and detailed advice of the interest, commissions, expenses, or other items charged by it in connection with each such letter of credit or payment instruction or request.

(4) *Form of reimbursement.* Reimbursement to the approved applicant shall be made by check mailed to the banking institution and payable to its order for the account of the approved applicant.

(5) *Protection of bank making payment.* Acceptance by the banking institution of any document in the ordinary course of business in good faith as being a genuine and valid document and sufficient in the premises, and the delivery thereof to the Director, shall constitute full compliance by the banking institution with any provision of this part, the PA, PIO, or of the letter of commitment requiring delivery of a document of the sort that the document actually so delivered purports to be. The banking institution shall be entitled to receive and retain reimbursement of the amount of all payments made by it against documents so accepted, notwithstanding that such payments may be made in connection with a purchase at a price in excess of the market price prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment, or in excess of the price calculated in accordance with the applicable provisions of §§ 201.7 and 201.21.

(6) *Rights of bank where PA or PIO modified.* (i) The Director, with respect to a PA or PIO, and a Director, USOM, with respect to a PIO, reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify or revoke the PA or PIO (including termination of deliveries thereunder): *Provided, however,* That no supplement, modification or revocation shall become effective as to the banking institution until the receipt by it from the Director, or a Director, USOM, of written notice of such supplement, modification or revocation, and such supplement, modification or revocation shall in no event affect or impair the right of reimbursement to the extent of any payment made prior to receipt of such notice, or any obligation incurred under an irrevocable letter of credit issued or confirmed prior to receipt of such notice, for which the banking institution has not been repaid by the approved applicant (without, however, any obligation on its part to obtain such repayment). The term "PA" or "PIO" as used in a letter of commitment shall be deemed to include each such supplement or modification from and after receipt by the banking institution from the Director, or a Director, USOM, of written notice of the same, subject always, however, to the foregoing terms and provisions preserving rights of reimbursement in its behalf.

(ii) In the event the Director, or a Director, USOM, shall direct termination of deliveries under the PA or PIO or revoke such PA or PIO or supplement or modify the same in relation to the disposition of any document or documents and shall give the banking institution written notice thereof, the banking institution shall in all respects comply with the instruction of the Director, or a Director, USOM, to the extent it may do so without impairing or affecting any irrevocable obligation or liability theretofore incurred by it under any letter of credit issued or confirmed by it, and it shall be repaid and reimbursed by the Director for the costs, expenses and liabilities paid or incurred by it in relation to such instruction. The banking institution shall have no obligation or liability whatsoever to the approved applicant for anything done or omitted to be done by it pursuant to such instructions of the Director, or a Director, USOM.

(7) *Reimbursement under bank certificate.* In the event that the banking institution shall file with ICA a certificate as specified in § 201.18 (a) (3) (iii), or a modified certificate as permitted in § 201.22 (o), it shall be repaid and reimbursed by the Director for the costs, expenses and liabilities paid or incurred by it subsequent to the receipt by ICA of the certificate, as a result either of its following instructions received from the Director, or of its continued holding of documents pending the receipt of such instructions.

(8) *Successors and assigns.* The letter of commitment shall inure to the benefit of the banking institution's legal successors and assigns.

§ 201.17 *Letter of commitment to a supplier*—(a) *Nature and purpose.* For the purpose of financing specific procurement contracts, the Director or a Director, USOM, may, at the request of a cooperating country or its authorized agent, issue a letter of commitment to a supplier assuring reimbursement under such contract not in excess of a specified amount of dollars and/or local currency. The letter of commitment will be issued only in connection with a specific contract, will specify that PA or PIO under which it is issued, and will contain such further provisions as may be required by the Director or a Director, USOM.

(b) *Assignment of monies receivable.* The monies due or to become due under such letter shall be assignable by the supplier only through signing the certification in the space provided on the letter, and only to a banking institution in the United States. If a notice of assignment is sent to the Director and the Department of the Treasury under the Assignment of Claims Act of 1940, as amended, such notice shall not be effective unless the date and fact of such notice is indicated on the letter of commitment.

(c) *Documentation for payment.* Reimbursement under a letter of commitment to a supplier shall be effected in the amounts specified therein upon presentation of the documents required for reimbursement by § 201.18 and the letter of commitment.

§ 201.18 *Documents required for reimbursement.* Claims for reimbursement must be supported by the following documents (each of which must be identified by the appropriate PA or PIO number), except when and to the extent specifically waived in writing by the Director, or a Director, USOM;

(a) *For cost of commodity.* For cost of any commodity including the costs of freight and/or marine insurance where the supplier pays such costs either for his own or the buyer's account under a commodity PA or PIO:

(1) *Voucher SF–1146.* Voucher SF–1146 in original and three copies, to be prepared by the supplier or his assignee where a letter of commitment is issued by ICA to the supplier; or, in other cases, by the cooperating country, by the approved applicant, or by the banking institution as assignee, or as agent for and in behalf of the approved applicant.

(2) *Supplier's certificate*—(i) *Coverage.* Supplier's certificate, in triplicate, with invoice-and-contract abstract on reverse side (Form ICA–280), set out in paragraph (d) of this section), covering the following:

(*a*) *Cost of commodity.* The cost of the commodity, including the costs of ocean freight and/or marine insurance when such costs are paid by the supplier for his own or the buyer's account under a commodity PA or PIO to be executed by the supplier of the commodity.

(*b*) *Cost of ocean freight.* The cost of ocean freight to be executed by the ocean carrier.

(*c*) *Cost of marine insurance.* The cost of marine insurance to be executed by the insurer, insurance broker, or underwriter.

(ii) *Special provision in case of direct reimbursement to cooperating country.* In the case of financing by reimbursement directly to a cooperating country for payments made by it for procurement (this does not include financing by letters of commitment to banking institutions in the United States or letters of commitment to suppliers), the supplier may, if he desires, submit, and ICA will accept, in lieu of the certificate and abstract described in subdivision (i) of this subparagraph, a supplier's certificate in duplicate, with invoice-and-contract abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and domestic unit price information, accompanied by a sealed envelope, addressed to the Controller, ICA, Washington, D. C., with the following statement upon its face, signed by the supplier:

> The undersigned certifies that enclosed in this envelope is a copy of an executed Supplier's Certificate (Form ICA–280) covering the item invoiced, which has been filled in wherever applicable. This envelope contains a document intended only for ICA and is to be opened only by ICA.

If such alternative procedure is used, the signer of the supplier's certificate shall be deemed to have satisfied the requirement in paragraph (10) of the supplier's certificate (paragraph (d) of this section) that he has filled in the applicable portions of the invoice-and-contract abstract.

(3) *Evidence of shipment*—(i) *Bill of lading or substitute.* One copy (or photostat) of ocean or charter party bill of lading, or airway bill, or parcel post receipt.

(ii) *Tanker shipments.* In the case of tanker shipments only, one copy (or photostat) of cablegram from ship's agent showing loaded cargo figures and a certificate by the supplier that the bill of lading is not immediately available, and that a copy (or photostat) of the bill of lading will be submitted by the supplier to the Controller, ICA, Washington, D. C., within 120 days from the date of loading.

(iii) *Bank certificate for shipments from United States.* In the case of any commodity shipped from the continental United States (excluding Alaska) and financed under a letter of commitment to a banking institution in the United States, ICA will accept in lieu of the documents referred to in subdivisions (i) and (ii) of this subparagraph, a certificate from the banking institution to the effect that it has been informed by the approved applicant or supplier that the sale is on an f. o. b. or f. a. s. basis and it is impracticable to furnish an ocean or charter party bill of lading, airway bill or parcel post receipt, and that either:

(*a*) *Shipment document sent by bank.* The banking institution has received a common carrier bill of lading, warehouse receipt, mate's receipt, master's receipt, dock receipt or domestic parcel post receipt (if in non-negotiable form, showing that the commodity has been consigned to or is being held for a person or organization designated by the approved applicant); it has delivered or sent the same, in accordance with the instructions of the approved applicant, to a person or organization designated by the approved applicant; and it has in its possession a written undertaking of such person or organization (*1*) to arrange for ocean shipment and to deliver to the banking institution a copy (or photostat) of the ocean or charter party bill of lading, airway bill, or parcel post receipt for forwarding to ICA, or (2) if unable to arrange for ocean shipments within 90 days of the date of the undertaking, to so notify the Controller, ICA, Washington, D. C., and at such time as ICA may request, to deliver to the banking institution for forwarding to ICA, a common carrier bill of lading or warehouse receipt in negotiable form for the commodity; or

(*b*) *Shipment document held by bank.* The banking institution has received a common carrier bill of lading or warehouse receipt in negotiable form, and is in possession of the same; it has been unable to deliver the same to a person or organization designated by the approved applicant against the written undertaking described in (*a*) of this subdivision; and it is holding the negotiable common carrier bill of lading or negotiable warehouse receipt subject to the instructions of ICA, and will forward same to ICA when and if so instructed, except that if it becomes possible before any such instructions are received, it will proceed in accordance with (*a*) of this subdivision.

(iv) *Bank certificate for shipments from outside United States.* In the case of shipments, other than by ocean vessel or aircraft, to a cooperating country from an authorized source country or area other than the continental United States but including Alaska, if the banking institution furnishes a certificate to the effect that it has been informed by the approved applicant or the supplier that it is impracticable to furnish any of the documents described in subdivision (i) of this subparagraph, such other documents evidencing shipment to or receipt by the cooperating country as are acceptable under good commercial practice, such as railway, barge, or truck bills of lading, or importers' receipts.

(4) *Supplier's invoice.* One copy (or photostat) of supplier's detailed invoice showing quantity, description, gross sales price, net sales price (after deducting all discounts and purchasing agents' commissions applicable) and basis of delivery (e. g., f. o. b. vessel, f. a. s.) of the commodities or services, and either (i) marked "Paid" by the supplier or (ii) endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice. In the case of commodities shipped from a free port or bonded warehouse, a statement by the supplier shall be endorsed on, or attached to, the copy (or photostat) of the supplier's invoice indicating (*a*) shipment from either a free port or bonded warehouse, in accordance with the facts, and (*b*) the country or area from which the commodity was shipped into such free port or bonded warehouse.

(5) *Additional or substitute documents.* Such additional or substitute documentation as may be required for reimbursement by endorsement upon the PA or PIO or letter of commitment, if any.

(b) *For cost of ocean freight.* For cost of ocean transportation, including ocean freight paid by the supplier of the commodity under instructions to pay the same under an ocean transportation PA:

(1) *Voucher SF–1146.* Voucher SF–1146 in original and three copies to be prepared by the cooperating country, by the approved applicant, or by the banking institution as assignee, or as agent for and in behalf of the approved applicant.

(2) *Supplier's certificate.* Supplier's certificate, in triplicate, with invoice-and-contract abstract on reverse side (Form ICA–280, set out in paragraph (d) of this section) to be executed by the supplier of the ocean transportation. If the supplier of ocean transportation is not the carrier, an additional supplier's certificate, in triplicate, with invoice-and-contract abstract on reverse side, executed by the carrier, covering the cost of ocean freight.

(3) *Charter party or contract of affreightment.* For cargoes shipped under charter party, one copy (or photostat) of charter party. In the case of tanker shipments only, if shipment is not made under charter party, one copy (or photostat) of the contract of affreightment. In the case of a term charter party or term contract of affreightment, ICA will accept, in lieu of either of the above, a certificate by the supplier of the ocean transportation, to the effect that a copy (or photostat) of the charter party or contract of affreightment has previously been submitted to ICA in support of a request for reimbursement.

(4) *Bill of lading or other evidence of shipment.* One copy (or photostat) of

ocean or charter party bill of lading or airway bill. In the case of tanker shipments only, one copy (or photostat) of cablegram from ship's agent showing loaded cargo figures, and a certificate by the supplier of the ocean transportation that the bill of lading is not immediately available, and that a copy (or photostat) of the bill of lading will be submitted by the supplier of the ocean transportation to the Controller, ICA, Washington, D. C., within 120 days from date of loading.

(5) *Supplier's invoice.* One copy (or photostat) of the detailed invoice of the supplier of the ocean transportation indicating the vessel, flag and the dollar and/or local currency cost of ocean freight and related transportation charges, and either (i) marked "Paid" by the supplier of the ocean transportation or (ii) endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice. If the bill of lading (required by subparagraph (4) of this paragraph) meets the requirements of this subparagraph no invoice is required.

(6) *Additional or substitute documents.* Such additional or substitute documentation as may be required for reimbursement by endorsement upon the PA, PIO, or letter of commitment, if any.

(c) *For cost of services.* For the cost of services (other than ocean transportation and marine insurance):

(1) *Voucher SF–1146.* Voucher SF–1146, in original and three copies, to be prepared by the supplier or his assignee where letter of commitment is issued by ICA to the supplier; or, in other cases, by the cooperating country by the approved applicant, or by the banking institution as assignee, or as agent for and in behalf of the approved applicant.

(2) *Supplier's certificate.* Supplier's certificate, in triplicate, with invoice-and-contract abstract on reverse side (Form ICA–280, set out in paragraph (d) of this section), covering the total amount for which reimbursement is requested, to be executed by the supplier.

(3) *Supplier's invoice and works progress certificate.* One copy (or photostat) of supplier's detailed invoice describing the services performed, itemizing in detail all dollar and/or local currency costs reimbursable by ICA (showing separately costs of travel, material and equipment, if any) and fees earned and payable, and either (i) marked "Paid" by the supplier, or (ii) endorsed by, or accompanied by a certificate of an officer of a banking institution indicating that payment has been made in the amount shown on the invoice. The invoice shall also indicate: (*a*) The total estimated dollar and/or local currency cost of services and fees under the contract and reimbursable by ICA; (*b*) the total amount previously received and/or claimed from ICA as partial payments, detailed by amounts and dates; (*c*) the amount invoiced; (*d*) total estimated cost of services and fees not yet invoiced and reimbursable by ICA. In addition, attached to or endorsed on the invoice, shall be one copy of a Works Progress Certificate signed by the supplier in the following form:

The undersigned certifies that the cost of services reimbursable to the supplier and the amount of fee earned by the supplier up to the date of this certificate are not less than the total payments received or claimed by the supplier under the contract (including the payment claimed under the invoice), and that the supplier has fully complied with the terms and conditions of the contract.

(4) *Documents where service supplier reimbursement includes travel, material, or equipment costs.* In the event that the dollar and/or local currency cost of services reimbursable by ICA to the supplier includes travel or material or equipment costs:

(i) *Vendors' invoices.* Receipted vendors' invoices, appropriately detailed as to quantity, description and price; provided that, in respect of individual transactions involving less than $50 each, the supplier may furnish, in lieu of such receipted invoices, a detailed itemization of the vendors' invoices with payment indicated by the supplier's check numbers or other certification.

(ii) *Bill of lading or other evidence of shipment.* In the case of material or equipment costs only, one copy (or photostat) of the ocean bill of lading, airway bill, parcel post receipt or a certificate by the supplier as follows:

It is impracticable to furnish to ICA an ocean bill of lading, airway bill or parcel post receipt as evidence of delivery of—(material or equipment)—which has been delivered to the undersigned for use in performing services under the contract. Covering vouchers in the files of the undersigned are available for inspection.

(5) *Certificate of performance.* Certificate by an authorized representative of the cooperating country as follows:

The undersigned certifies that (i) the services for which reimbursement is requested have been satisfactorily rendered; (ii) the costs thereof are properly reimbursable, and the fees earned, in accordance with the terms of the contract; and (iii) any reports or recommendations required under the terms of the contract have been received.

(6) *Additional or substitute documents.* Such additional or substitute documentation as may be required for reimbursement by endorsement upon the PA, PIO or letter of commitment, if any.

(d) *Supplier's certificate and invoice-and-contract abstract*—(1) *Form of supplier's certificate.* The supplier shall in all cases execute the supplier's certificate (Form ICA–280) referred to in paragraphs (a) (2), (b) (2) and (c) (2) of this section, which certificate is as follows:

Form 280 (10/55 Revised)
International Cooperation Administration

SUPPLIER'S CERTIFICATE

ICA Proc. Auth. or Project Implementation Order No. ----

The supplier hereby acknowledges notice that the sum indicated on the accompanying invoice, as claimed to be due and owing under the terms of the underlying contract, is to be paid out of funds made available by the United States under the Mutual Security Act, as in effect on the date hereof, and subject to ICA Regulation 1, as amended, and further certifies and agrees with the Director of the International Cooperation Administration as follows:

(1) The supplier is entitled under said contract to the payment of the sum claimed, and he will promptly make appropriate refund to ICA upon request of the Director, in the event of his nonperformance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate.

(2) Adjustment refunds or credits arising out of the terms of the contract or the customs of the trade shall be made direct to the buyer, but the supplier will promptly notify the Director concerning any such adjustment refunds or credits, so that the Director may obtain appropriate refund from the cooperating country. If an adjustment results in an additional charge to the purchaser, the supplier will promptly notify the Director of such additional charge.

(3) If the said contract is on a c. & f. (cost and freight) or c. i. f. (cost, insurance, and freight) basis, the supplier is entitled to payment, under ICA Regulation 1, as amended, of any ocean freight charges included in the sum claimed. The supplier is entitled to payment, under ICA Regulation 1, as amended, of any ocean marine insurance premium charges included in the sum claimed.

(4) The supplier is the producer, manufacturer, processor, or exporter of, or a regular dealer in the commodity, or furnishes the service covered by said contract and has not employed any person to obtain said contract under any agreement for a commission, percentage, or contingent fee, except to the extent, if any, of the payment of a commission to a bona fide established commercial or selling agent employed by the supplier as disclosed on the reverse of this form.

(5) The supplier has not given or received and will not give or receive by way of side payments, "kickbacks," or otherwise, any benefit in connection with said contract except as is disclosed on the reverse of this form, or as is the result of the adjustments referred to in Paragraph 2.

(6) If the supplier is the producer, manufacturer or processor of a commodity, said contract is not a cost-plus-a-percentage-of-cost contract.

(7) The supplier further certifies, on the basis of information obtained from such sources as are available to him, that to the best of his information and belief the purchase price is no higher than the market price (which shall mean the export market price, where such a price is customary in the trade) prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(8) The supplier further certifies that (a) on the basis of information obtained from such sources as are available to him, and to the best of his information and belief, the purchase price is no higher than the price calculated in accordance with the applicable price provisions of ICA Regulation 1, as amended, and he has complied with the rules provided therein; and (b) he has allowed all discounts, including discounts for quantity purchases and prompt payment, customarily allowed his other customers similarly situated.

(9) If the supplier furnishes only a service, he shall not be deemed to certify to paragraphs 7 and 8 but instead certifies that the rate indicated on the reverse of this form for the service rendered does not exceed the prevailing rate, if any, for similar services or the rate paid to the supplier for similar services by other customers similarly situated.

(10) The supplier has filled in the applicable portions of the invoice-and-contract abstract on the reverse hereof, certifies to the correctness of the information shown therein, and will furnish promptly to the Director at his request such additional information in such form as the Director may require concerning price or any other details of the purchase.

Date ----------
Place executed (City, State, Country) ------

(Authorized signature)

(Title)

NOTES: (a) Any amendments, deletions of applicable provisions, or substitutions will invalidate this certificate.

(b) False statements herein are punishable by United States law.

(c) The word "Duplicate" must be written after signature on all signed copies other than the original.

(2) *Execution of supplier's certificate.* Before executing the supplier's certificate, the supplier shall fill in the invoice-and-contract abstract on the reverse side in accordance with the instructions attached to the form. The certificate shall be signed by a responsible official of the supplier, indicating capacity in which signed. Normally, only the original of the supplier's certificate should be signed; if for any reason, copies other than the original need to be signed, they should be clearly marked "Duplicate" after the signature.

(3) *Contents of abstract.* The information required by the abstract is generally as follows:

(1) Invoice information, including the supplier's name and address, the importer's name and address, and detailed billing and shipping data.

(2) Information relating to agents' commissions payable.

(3) Contract and price information including a reconciliation of the contract, invoice and domestic unit prices applicable.

§ 201.19 *Procurement by United States Government agencies.* When procurement of a commodity or service is made through United States Government procurement facilities in accordance with § 201.9, arrangements will be made for the reimbursement of the procuring department, agency or establishment by ICA.

SUBPART D—PRICE PROVISIONS

§ 201.20 *Purchase in bulk of commodities*—(a) *Adjusted market price.* The term "adjusted market price" means the market price prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment, as determined by the Director.

(b) *Scope.* This section establishes the procedures for compliance with section 510 of the act, which section applies to all purchases in bulk.

(c) *Determination of adjusted market price.* Determination of the adjusted market price may be made by the Director in such manner as to reflect commonly accepted trade practices. In the case of purchases in bulk made outside the United States, the Director may determine that the purchase price complies with said section 510 of the act, if he determines that such price, plus cost of transportation and related charges at established rates from place of purchase to the cooperating country, does not exceed the market price prevailing in the United States (adjusted for differences in quality and terms of payment), plus cost of transportation and related charges at established rates to the cooperating country. If the price of any purchase in bulk exceeds the adjusted market price, the cooperating country shall pay promptly to the Director upon demand the entire amount of the purchase price.

§ 201.21 *Purchase prices*—(a) *Scope of this section*—(1) *Price limitations*—(i) *Criteria.* Section 510 of the act establishes an upper limit to the prices that may be approved by ICA for purchases in bulk of commodities (see § 201.20). Within that limitation, it is the policy of ICA to make payment for purchases of commodities, whether or not in bulk, which are made at prices that approximate, as nearly as practicable, lowest competitive market prices. It is expected that buyers, making adequate solicitation of suppliers from authorized sources and exercising prudence in their negotiations, will agree to pay no more than such prices.

(ii) *Compliance.* The rules set forth in this section are intended as a guide to buyers and sellers in conducting their negotiations. The rules in this part fix the point beyond which purchases will not be eligible for reimbursement by ICA. Compliance with them will make a purchase eligible for financing, and post-audit will be made by ICA to determine whether there has been compliance. If, apart from the rules set forth herein, it appears that the objective of lowest competitive market prices is not being met, ICA will take appropriate action to impose additional limitations, and may, in cases where failure to follow this policy is deemed unreasonable by the Director, require from the cooperating country a refund of the entire amount reimbursed.

(2) *Applicability of section.* The provisions of this section shall apply to all purchases.

(b) *Meaning of terms in this section*—(1) *Similar commodity.* One commodity shall be deemed similar to another commodity if both have the same use, afford the purchaser equivalent serviceability, and belong to a type which would ordinarily be sold in the same price line.

(2) *Comparable sale*—(i) *In general.* The term "comparable sale" includes all sales which are comparable as to quantity, quality, grade, period of delivery, supply area, terms of sale and class of customer.

(ii) *Under special market conditions.* If special market conditions exist in a country other than the United States, a sale for export to such country shall not necessarily be deemed to be comparable to a sale for export to any other country.

(3) *Competitive sellers.* "Competitive sellers" means sellers of the same class (manufacturers, merchant exporters, etc.) who are selling the same or similar commodities from the same supply area.

(4) *Manufacturers, producers or processors.* "Manufacturers, producers or processors" means sellers who operate a factory, mill, assembly plant, well, mine or similar facility in which, by mechanical or chemical apparatus or other similar means, raw materials or ingredients are processed, component parts assembled or manipulated, in the preparation of the product for sale. A seller shall not be deemed to be a manufacturer, producer or processor in an export sale which involves a commodity which he did not manufacture, produce or process.

(5) *Export differential.* "Export differential" means the difference between a domestic sale price and an export sale price computed either as a percentage of the domestic price or in accordance with any other established practice of the seller.

(6) *Time of purchase.* "Time of purchase" means the date of the purchase contract unless the contract fixes the price as of the delivery date or postpones the date of delivery longer than is customary in the trade for such contracts in which cases "time of purchase" means the date of delivery.

(c) *Comparison of prices*—(1) *When to use same or similar commodity.* Wherever, in this section, the term "same or a similar commodity" is used, comparison, where possible, shall be made with reference to the same commodity. Where such comparison is not possible, comparison shall then be made with a reference to a similar commodity.

(2) *Adjustment of domestic price.* Wherever, in this section, a comparison with a domestic sales price is required and such domestic price is on a different delivered basis than the export sales price as, for example, where the domestic price is on an f. o. b. plant basis and the export price is on an f. a. s. basis, addition of inland transportation costs and other related and necessary inland costs to the domestic price may be made in order to afford a proper comparison with the export sales price.

(d) *Prices for purchases in the United States*—(1) *Class I; certain listed commodities*—(i) *Transactions included.* Transactions in Class I shall include all purchases in the United States of any of the following listed commodities:

Silk, raw.
Wool, raw.
Soft hemp.
Flax fiber.
Ramie fiber.
Abaca or manila fiber.
Rye.
Coir or cocos fiber.
Animal hairs other than wool.
Corn.
Oats.
Barley.
Grain sorghum.
Buckwheat.
Rye flour.
Wheat flour.
Corn flour.
Corn grits.
Cornmeal.
Rolled oats.
Soy flour.
Rice.
Babassu kernels or nuts.
Castor beans.
Castor oil.
Cocoa butter.
Cottonseed oil.
Coconut oil.
Copra.
Cotton, raw.
Cotton, linters.
Cotton waste.
Fatty acids; animal, vegetable or marine origin.
Fish oils.
Flaxseed.
Wheat.
Soap.
Soybeans.
Soybean oil.
Sperm oil.
Sunflower seed.
Sunflower seed oil.
Tallow.
Tung oil.
Whale oil.
Cottonseed cake or meal.
Soybean cake or meal.
Sesame seed oil.
Sisal or henequen fiber.
Istle or tula fiber.
Couch grass or broom root fiber.
Jute fiber.
Linseed cake or meal.
Peanut cake or meal.

Other oilseed cakes and meals.	Peanut oil.
Wheat mill feeds.	Rapeseed.
Mixed animal and poultry feeds.	Rapeseed oil.
Fish scrap and meal.	Sesame seed.
Corn byproducts feeds.	Meat byproducts feeds.
Milk byproducts feeds.	Brewers and distillers byproducts feeds.
Grease, inedible.	Turpentine.
Lanolin.	Natural resins.
Lard.	Tall oil, crude and refined.
Linseed oil.	Beans, dry edible.
Mustard seed.	Cocoa beans.
Mustard seed oil.	Coffee, green.
Neat's foot oil.	Fruit, dried.
Olive oil.	Fruit, fresh.
Palm oil.	Peas, dry edible.
Palm kernels.	Sugar, raw.
Palm kernel oil.	Sugar, refined.
Peanuts.	

(ii) *Price limitation.* The price (not including ocean freight or ocean marine insurance) for a Class I purchase shall not exceed the price prevailing in the United States in comparable sales of the commodity, at the time of the purchase, as evidenced by current bid and ask quotations in the appropriate market, adjusted by costs customarily and necessarily incurred in making the export sale.

(2) *Class II; purchases of unlisted commodities from manufacturers, producers or processors (primary sellers)*—(i) *Transactions included.* Transactions in Class II shall include all purchases in the United States from a manufacturer, producer, or processor of any commodity except commodities listed in Class I, or subject to special rules under Class IV below.

(ii) *Price limitation.* The price (not including ocean freight or ocean marine insurance) for a Class II purchase shall in no case exceed any price charged by the supplier at the time of purchase in a comparable export sale of the same or a similar commodity. Nor shall it exceed the sum of the applicable figures determined under (*a*) and (*b*) of this subdivision.

(*a*) *Domestic price base*—(*1*) *Supplier's comparable sales.* The price charged by the supplier in comparable domestic sales of the same or a similar commodity made during the period in which the supplier's current domestic prices have been in effect. If, during that period, more than one price was charged in such sales, the figure under this subdivision shall be the price charged in the comparable domestic sale made nearest, in point of time, to the purchase being submitted for ICA reimbursement.

(*2*) *Supplier's non-comparable sales.* If the supplier made domestic sales of the same or a similar commodity during the aforementioned period, but such sales were not comparable, the figure under this subdivision shall be the price charged in the domestic sale made nearest, in point of time, to the purchase being submitted for ICA reimbursement, adjusted by the supplier's customary differential between such sales and the sale involved in the ICA transaction.

(*3*) *Competitor's comparable sales.* If the supplier made no domestic sales of the same or a similar commodity during the aforementioned period, the figure under this subdivision shall be the price prevailing in the United States at the time of purchase, in comparable domestic sales of the same or a similar commodity by the supplier's competitive sellers.

(*b*) *Export differential*—(*1*) *Supplier's comparable sales.* An export differential, if any, customarily used by the supplier in comparable sales of the same or a similar commodity by any of the supplier's competitive sellers.

(*2*) *Competitor's comparable sales.* If the supplier has not previously made any export sales of the same or a similar commodity, the figure under this subdivision shall be an export differential which would be recognized for reimbursement by ICA, in comparable sales, at the time of purchase of the same or a similar commodity by any of the supplier's competitive sellers.

(iii) *Non-recognition of excessive export differential.* With respect to Class II transactions, ICA may refuse to recognize for reimbursement any purchase price which includes an export differential that is patently out of line with appropriate export differentials of the supplier's competitive sellers.

(3) *Class III; purchases of unlisted commodities from sellers (secondary sellers) other than manufacturers, producers or processors*—(i) *Transactions included.* Transactions in Class III shall include all purchases within the United States from a seller other than a manufacturer, producer, or processor of any commodity except commodities listed in Class I or subject to special rules under Class IV below.

(ii) *Price limitation.* The price (not including ocean freight or ocean marine insurance) for a Class III purchase shall in no case exceed any price charged by the supplier at the time of purchase in a comparable export sale of the same or a similar commodity except to the extent necessary to reflect a difference in his acquisition cost of the commodity. Nor shall it exceed the sum of the applicable figures determined under (*a*) and (*b*) of this subdivision:

(*a*) *Domestic price base*—(*1*) *Domestic price of manufacturer, producer or processor.* The domestic price of the manufacturer, producer or processor of the commodity, in effect at the time of the purchase by the importer.

(*2*) *Domestic price of other manufacturers, producers or processors.* If the supplier is unable to ascertain the domestic price of the manufacturer, producer or processor of the commodity, the figure under this subdivision shall be the domestic price of manufacturers, producers or processors of the same or a similar commodity, prevailing at the time of purchase by the importer.

(*3*) *Supplier's cost of acquisition.* If the same or a similar commodity is not sold in the domestic market, the figure under this subdivision shall be the supplier's cost of acquisition.

(*b*) *Export differential*—(*1*) *Supplier's comparable sales.* An export differential, if any, customarily used by the supplier in comparable sales of the same or a similar commodity or currently being used by the supplier in comparable non-ICA sales of the same or a similar commodity.

(*2*) *Competitor's comparable sales.* If the supplier has not previously made any export sales of the same or a similar commodity the figure under this subdivision shall be an export differential which would be recognized for reimbursement by ICA, in comparable sales at the time of purchase of the same or similar commodity by any of the supplier's competitive sellers.

(iii) *Non-recognition of excessive export differential.* With respect to Class III transactions, ICA may refuse to recognize for reimbursement any purchase price which includes an export differential that is patently out of line with appropriate export differentials of the supplier's competitive sellers.

(*4*) *Class IV; special rules for certain commodities.* Special rules for certain commodities may be established from time to time by the Director.

(*l*) *Petroleum products*—(*a*) *Purchases from any source.* Purchases from any source: A price for a purchase of a petroleum product from any source will not be approved for reimbursement if it results in a delivered cost to the cooperating country which is in excess of the lowest prevailing delivered cost on the date the purchase price is fixed for a comparable export sale of the same or similar commodity to such cooperating country from any alternative source of supply from which the commodity is available for export in sufficient quantity.

(*b*) *Purchases from non-United States sources.* Purchases from sources other than the United States: A price for a purchase of a petroleum product from sources other than the United States will be approved for reimbursement if it complies with the requirements of § 201.20 and of paragraph (e) (2) of this section, and, unless from a supply area excepted by ICA, does not exceed the lowest competitive market price in the United States for a comparable export sale of the same or a similar commodity on the date the purchase price is fixed.

(*c*) *Special meaning of price.* For purposes of this subdivision "price" shall mean the realized f. o. b. price or realized netback.

(*e*) *Prices for purchases outside the United States*—(*1*) *Commodities listed in Class I in paragraph (d) (1) of this section*—(*i*) *Price limitation*—(*a*) *United States export price.* The price plus cost of transportation to the port of entry in the cooperating country for a purchase outside the United States of a commodity listed in Class I in paragraph (d) (1) of this section shall not exceed the price prevailing in the United States in comparable sales of the commodity at the time of purchase, as evidenced by current bid and ask quotations, adjusted by costs customarily and necessarily incurred in making the export sale, plus cost of transportation to the port of entry in the cooperating country.

(*b*) *Source country export price.* Nor shall the price exceed the prevailing export market price at the time of purchase in comparable sales of the commodity from the source country.

(ii) *Additional price limit for sugar.* In addition, in the case of sugar, the purchase price shall not exceed the world price as derived from the daily market quotation on World Raws, No. 4 Contract, F. A. S. Cuban Ports, adjusted for differences in quality, bagging, cost of transportation to destination, and other appropriate considerations.

(2) *Unlisted commodities*—(i) *Price limitation.* A price for a purchase outside the United States of a commodity which is not listed in Class I in paragraph (d) (1) of this section or subject to special rules under Class IV in paragraph (d) (4) of this section will be approved for reimbursement if:

(ii) *Suppliers' comparable export sale.* It does not exceed any price charged by the supplier at the time of purchase in a comparable export sale of the same or a similar commodity; and

(iii) *Source country principal supplier's export sale.* It does not exceed the export market price prevailing at the time of purchase in comparable sales of the same or a similar commodity by the "principal suppliers" in the source country, determined by applying to that country as nearly as may be, the rules set forth in paragraph (d) (2) or (3) of this section as applicable; and

(iv) *United States principal supplier's export sale.* It results in a delivered cost to the port of entry in the cooperating country no higher than the delivered cost which would have been incurred in a purchase for export of the same or a similar commodity from one of the "principal suppliers" in the United States.

(v) *Meaning of principal supplier.* For the purposes of this subparagraph, a supplier shall be deemed a "principal supplier" if he is one of the group of the largest volume sellers responsible for 50 percent of the export sales of the commodity from the United States, or source country, whichever is applicable.

SUBPART E—RESPONSIBILITIES OF BANKING INSTITUTIONS

§ 201.22 *Responsibilities of banking institutions in connection with letters of commitment issued to them*—(a) *Documents required for reimbursement.* Documents required for reimbursement are enumerated in § 201.18. Any additional documents required for reimbursement with respect to any particular transaction will be specified as such in the PA or PIO related to that transaction and to the corresponding letter of commitment, or in the letter of commitment itself. A banking institution in the United States (called "bank" in this subpart) holding a letter of commitment is not required by ICA to obtain any documents other than those enumerated in § 201.18 and any additional documents so specified.

(b) *Non-responsibility of bank for contents of documents.* A bank is not responsible for the truth or accuracy of the statements contained in any of the documents required for reimbursement. A bank is not obliged to look beyond these documents nor to make independent investigation as to the accuracy of statements made therein. A bank has no responsibility for the terms or conditions of any project agreement.

(c) *Responsibility of bank for examination of documents*—(1) *Nature of responsibility.* A bank's examination of the documents required for reimbursement[3] must be made in accordance with good commercial practice. A bank is responsible to see that the documents required for reimbursement are consistent with the relative PA or PIO and letter of commitment in the following particulars, and no other:

(i) Delivery, to the extent described in paragraph (d) of this section;

(ii) Source, to the extent described in paragraph (e) of this section;

(iii) Destination, to the extent described in paragraph (f) of this section;

(iv) Description, to the extent described in paragraph (g) of this section;

(v) Discounts and purchasing agents' commissions, to the extent described in paragraph (h) of this section;

(vi) If the bank is to be responsible for any additional particulars, these will be specified in the PA, PIO or letter of commitment as additional documents required for reimbursement, or as additional statements to be contained in the documents required for reimbursement.

(2) *Limitation on responsibility.* The right of reimbursement for payments made by a bank in accordance with good commercial practice will not be affected by the information contained in the invoice-and-contract abstract, nor, except with respect to those particulars listed in subdivisions (i) through (vi) of subparagraph (1) of this paragraph, by the fact that the other documents received by the bank, or information or notice received from any source, indicate noncompliance with any provision of this part, or of the PA, PIO or of the letter of commitment.

(3) *Reservation of rights by ICA against supplier and cooperating country.* The foregoing shall not be construed to limit any rights the Director may have against a supplier by reason of statements contained in the supplier's certificate, nor against a cooperating country under § 201.6 (d).

(d) *Delivery.* Section 201.5 (a) (3) and (c) (1) permit delivery under a PA or PIO at any time on or after the initial delivery date and on or before the terminal delivery date specified on the PA or PIO. If any of the documents specified in § 201.18 (a) (3), (b) (4), or (c) (3) (or in the PA, PIO, or letter of commitment) are dated at any time within the period during which delivery is permissible under the above subsections, or any other period permitted by ICA they are acceptable.

(e) *Source.* If the documents required for reimbursement show shipment from or storage in the area shown as "source" in the PA or PIO, they are acceptable unless a statement furnished under § 201.18 (a) (4) indicates that the "source" is not the one shown in the PA or PIO. If such documents show shipment from or storage in another area, the requirement as to source will be satisfied if the bank receives a certificate from the supplier, indicating that the area of "source", as that term is defined in § 201.1 (m), is in fact the same as that indicated in the PA or PIO.

(f) *Destination.* The PA or PIO will show the recipient country. If the documents required for reimbursement are consistent, under good commercial practice, with shipment or transshipment to such country, they are acceptable.

(g) *Description.* The PA or PIO will show the commodity or services by description and ICA commodity code number. In issuing or confirming credits, a bank should see that the commodities or services described are not inconsistent with the ICA description and commodity code number. In making payment, whether under letters of credit or otherwise, the bank should act in accordance with good commercial practice, based on the description contained in the documents required for reimbursement, and without regard to the commodity code number.

(h) *Discounts and purchasing agents' commissions.* A bank is not required to make independent inquiry as to whether an invoice price includes either discounts or commissions payable to purchasing agents, but should not make payment of any such items when disclosed by the documents required for reimbursement.

(i) *General provisions of PAs and PIOs*—(1) *Reliance by bank on supplier's certificate.* Section 201.6 sets forth certain provisions to be deemed incorporated in each PA or PIO, unless otherwise specified. The documents required for reimbursement by § 201.18 include a supplier's certificate showing compliance with some of these provisions. A bank is entitled to rely on such certificate. Special certificates may also be required by the terms of particular PAs or PIOs or letters of commitment; in such cases, a bank is entitled to rely on such certificates.

(2) *Provisions beyond bank responsibility.* Certain other provisions of § 201.6 are included solely for the instruction of suppliers, purchasers, and the cooperating countries themselves, and are not matters for which banks are to assume responsibility. In this category are the provisions of § 201.6 (f) (2), (g), (h), (i), (j), (k), (l) and (m).

(j) *Ocean transportation.* A bank which obtains a supplier's certificate is not required to assume responsibility for compliance with § 201.7, regardless of whether other documentation or information received indicates compliance or non-compliance with such section.

(k) *Contracting and reporting under PAs and PIOs.* Banks financing transactions under letters of commitment or PAs or PIOs are not required to assume responsibility for compliance with the provisions of § 201.5 (a) (1) and (2).

(l) *Responsibility of importers and suppliers.* Subpart B of this part (§§ 201.10 to 201.13) contains provisions concerning use of the PA or PIO number, placement of orders and delivery dates, markings of commodities, and notice to the ICA Office of Small Business. Banks financing transactions un-

[3] In paragraphs (c), (e), (f), (g), and (h) of this section, the phrase "documents required for reimbursement" does not include the invoice-and-contract abstract, as to which, see § 201.16 (c) (2) (ii).

der letters of commitment or PA's or PIO's are not required to assume responsibility for compliance with this subpart.

(m) *Bank letter of commitment; expiration in letter of credit transactions.* The letter of commitment constitutes an obligation to reimburse for any drafts or documents negotiated under letters of credit prior to the date of maturity specified in the letter of commitment, even though such drafts or documents are paid after such date.

(n) *Bank letter of commitment; payment to third persons.* The right of reimbursement for a payment made by a bank under a letter of commitment will not be affected by the fact that such payment is made to the approved applicant named in the letter of commitment, or, at the request of the approved applicant, to a person other than the supplier, provided the bank has complied with the other requirements of the letter of commitment and has satisfied itself in good faith that the person to whom it makes payment has made payment to the supplier.

(o) *Bank unable to deliver or send non-negotiable document to forwarding agent under § 201.18 (a) (3).* The right of reimbursement for payment made by a bank under a letter of commitment will not be affected by the fact that the bank is unable to deliver or send a non-negotiable shipping document or receipt to the designated person as contemplated by § 201.18 (a) (3) (iii) (*a*), if the bank is prevented from doing so because of any action by the United States Government or other causes beyond its control. In such case, the bank's certificate may be altered accordingly, and may state that the bank does not have a written undertaking from the designated person, but the certificate may not be altered in any other way, and the bank will continue to hold the document involved subject to the instructions of ICA, except that if it becomes possible before any such instructions are received, the bank will deliver or send such document to the designated person.

SUBPART F—WAIVER AUTHORITY AND TRANSITORY PROVISIONS

§ 201.23 *Waiver and amendment authority.* The Director may waive, withdraw, or amend at any time, or from time to time, any or all of the provisions of this part.

§ 201.24 *Continuation in effect of certain prior issuances.* Cooperating country allotments, PAs or PIOs, U. S. Government agency purchase requisitions, letters of commitment to banking institutions and letters of commitment to suppliers, issued by ECA under ECA Regulation 1, as amended, and by MSA under MSA Regulation 1, as amended, and by FOA under FOA Regulation 1, as amended, are reaffirmed and will continue in effect, subject to the terms and conditions thereof. The provisions of this part may be satisfied by the submission of a certificate or writing in a form: (a) Prescribed by or provided for by corresponding provisions of ECA Regulation 1, as in effect on December 29, 1951, or authorized by ECA on that date, or referring to an ECA Commodity Code number; or (b) prescribed by or provided for by corresponding provisions of MSA Regulation 1, as in effect on July 31, 1953, or authorized by MSA on that date, or referring to an MSA Commodity Code number; (c) or prescribed by or provided for by corresponding provisions of FOA Regulation 1, as in effect on June 30, 1955, or authorized by FOA on that date, or referring to an FOA Commodity Code number; or (d) prescribed by or provided for by corresponding provisions of ICA Regulation 1, as in effect on October 24, 1955, or authorized by ICA on that date, or referring to an ICA Commodity Code number. Authorizations, bank contracts, letters of guaranty to banking institutions or suppliers issued by The Institute of Inter-American Affairs, the Technical Cooperation Administration, the Foreign Operations Administration, and the International Cooperation Administration, all prior to October 25, 1955, are reaffirmed and will continue in effect subject to the terms and conditions thereof. Amendments to any of the above documents may continue to be made in accordance with the procedures in effect prior to October 25, 1955.

§ 201.25 *Transitory provision.* This revision of Part 201 shall become effective as of November 11, 1957. However, none of the amendments to Part 201 made effective by this revision will be applicable to claims for reimbursement from, or payments made to, a supplier pursuant to letters of credit issued, confirmed, or advised, or payment instructions received prior to November 11, 1957.

PART 202—OCEAN SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

Sec.
202.1 Definition of terms.
202.2 Shipments eligible for payment of ocean freight charges.
202.3 Applications for payment or reimbursement of ocean freight charges.
202.4 Manner of payment of ocean freight charges.
202.5 Refund by agencies.
202.6 Saving clause.

AUTHORITY: §§ 202.1 to 202.6 issued under sec. 521, 68 Stat. 855; 22 U. S. C. 1781. Interpret or apply secs. 409, 525, 68 Stat. 845, as amended; 856, as amended; 22 U. S. C. 1928, 1785; E. O. 10575, 19 F. R. 7249, 3 CFR, 1954 Supp., E. O. 10610, 20 F. R. 3179.

§ 202.1 *Definition of terms.* For the purposes of this part:

(a) "The Director" means the Director of the International Cooperation Administration.

(b) "The Committee" means the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration.

(c) "Supplies" means relief and rehabilitation supplies shipped in support of programs registered with the Committee as well as administrative supplies and equipment shipped in support of such programs. In no case shall such supplies include items for the personal use of representatives of the registered agency.

(d) "Agency" or "agencies" means the American Red Cross and any United States voluntary nonprofit relief agency registered with, and approved by, the Committee.

(e) "Duty free" means exempt from all customs duties, and other duties, tolls, and taxes of any kind.

§ 202.2 *Shipments eligible for payment of ocean freight charges.* The Director, in order to further the efficient use of United States voluntary contributions for relief in nations or areas designated by him from time to time, may pay ocean freight charges from United States ports to initial foreign ports of entry of such nations or areas on shipments by agencies of supplies donated to, or purchased by, such agencies.

§ 202.3 *Applications for payment or reimbursement of ocean freight charges.* Any agency may make application for payment or reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within foreign nations and areas designated by the Director pursuant to § 202.2, provided:

(a) An agreement for duty-free entry and defrayment of inland transportation costs of relief supplies within the scope of the regulations in this part has been concluded between the United States and the recipient country, or in the case of supplies of surplus agricultural commodities made available pursuant to the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress), as amended, the agency concerned has submitted evidence satisfactory to the Committee that the recipient country in fact accords duty-free entry and defrays the inland transportation costs of the commodities.

(b) The general program and projects, by countries of operation of the agency, and the supplies in support thereof, have been approved by the Committee and by the recipient country.

§ 202.4 *Manner of payment of ocean freight charges.* By means of an equitable apportionment of the funds available for this purpose the Director will pay or reimburse agencies for ocean freight on shipments made in conformity with the regulations in this part: *Provided*, That application for such payment or reimbursement is submitted to the Director of the International Cooperation Administration, Attention: Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, Washington 25, D. C., within forty-five days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement, or unit basis, and free of any other charges.

§ 202.5 *Refund by agencies.* Any agency to or for whom ocean freight charges have been paid or reimbursed under this part will refund promptly to the Director upon demand the entire amount, or any lesser amount specified, of ocean freight charges paid or reimbursed, and to the recipient country upon demand the entire amount, or any lesser amount specified, of inland transportation costs paid or reimbursed, (a) whenever the Director determines that the payments or reimbursements were improper as being in violation of any of the provisions of the Mutual Security Act of 1954 (Public Law 665, 83d Congress), any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the International Cooperation Administration, or (b) unless such agency files, within ninety days after reimbursement has been made, a certificate stating that all supplies for which such reimbursement was made have been accorded duty free status by the recipient country.

§ 202.6 *Saving clause.* The Director may waive, withdraw, or amend at any time or from time to time any or all of the provisions of the regulations in this part.

PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

Sec.
203.1 A register of voluntary foreign aid agencies and their activities.
203.2 Application for registration.
203.3 Requirements for registration.
203.4 Validation of registration.
203.5 Amendments to registration.
203.6 Validation of programs and projects.
203.7 Representation of registrants.
203.8 Acceptance and termination of registration.
203.9 Saving clause.

AUTHORITY: §§ 203.1 to 203.9 issued under sec. 521, 68 Stat. 855; 22 U. S. C. 1781. Interpret or apply sec. 525, 68 Stat. 856, as amended; 22 U. S. C. 1785; E. O. 10610, 20 F. R. 3179, 3 CFR, 1955 Supp.

§ 203.1 *A register of voluntary foreign aid agencies and their activities.* To foster the public interest in the field of voluntary foreign aid and the activities of nongovernmental organizations which serve the public interest therein, the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration (referred to in this part as the Committee) is hereby authorized and directed to establish and to maintain, pursuant to the rules set forth in this part, a register of such nongovernmental organizations qualified for and voluntarily accepting registration; such register (a) to serve as a repository of information, including currently recording therein the organization, purposes, programs, finances and other pertinent activities of the registrants for public guidance; (b) to enable the Committee to facilitate the programs and projects of the registrants through the exercise of its good offices and the provisions of facilities authorized by the laws, regulations and procedures related to voluntary foreign aid as administered by the Committee, other United States agencies, or by international governmental agencies supported by the United States; and (c) to provide information and advice, and perform such other functions, as may be necessary in furtherance of the purposes of this section.

§ 203.2 *Application for registration.* Any person or nongovernmental organization or agency carrying on any nonprofit activities in the United States for the purpose of furthering or engaging in voluntary aid in areas outside the United States, including, but not limited to, projects and services of relief, rehabilitation, reconstruction and welfare in the fields of health, education, agriculture and industry, emigration and resettlement, may voluntarily make application for registration to the Chairman, Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, Washington 25, D. C. Any person, organization, or agency whose application for registration is accepted under this part shall be referred to in this part as a registrant.

§ 203.3 *Requirements for registration.* To establish that the primary purpose to be served is the provision of voluntary foreign aid, an applicant for registration shall submit evidence by its charter, articles of incorporation, constitution, bylaws, and other relevant documents, and a statement upon forms to be provided by the Committee or otherwise as may be required that:

(a) It maintains its principal place of business in the United States;

(b) It is controlled by an active and responsible body composed principally of United States citizens, who serve without compensation, who have accepted the responsibility to carry out the activities of the agency to be reported to the Committee, and who will exercise satisfactory controls to assure that its services and resources are administered competently in the public interest;

(c) It has been authorized by the Internal Revenue Service to inform donors that their contributions may be deducted for Federal income tax purposes;

(d) It is not engaged, or will not be engaged, in any activities or enterprises inconsistent with the fulfillment of the purposes and objectives as set forth in the application, or which may be recorded in the registration, or in any programs or projects thereunder;

(e) The funds and resources of the registrant, will be obtained, expended and distributed in ways which conform to accepted ethical standards without unreasonable cost for promotion, publicity, fund raising and administration at home and abroad;

(f) The Committee will be informed of any plans, including projected publicity, for popular drives for funds or other forms of support to permit the Committee to offer suggestions and where appropriate to lend its good offices. Such popular drives will be timed, insofar as practicable, to avoid conflict with national appeals for public support during the limited periods of the countrywide campaigns of the American National Red Cross, the Community Chests, Savings Bond drives of the United States Treasury, or similar campaigns of accepted general national interest;

(g) It will refer to the Committee for appropriate consideration any proposed programs, procedures or agreements affecting other Federal agencies or international governmental agencies but which also affect the action responsibilities of the Committee before formal steps are concluded with such agencies, and in order that the Committee may lend its good offices and that coordination may be assured pursuant to the President's Directive of May 14, 1946;

(h) Such current and periodic reports and information will be provided as the Committee may require from time to time pertaining to the registrant's organization, programs, projects, and finances, including audits by a certified public accountant, or other pertinent activities. All records pertaining to responsibilities as a registrant and related to activities as such shall be made available for official inspection. Information on registration, organization, periodic reports on programs and finances shall be available for public inspection.

§ 203.4 *Validation of registration.* Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in § 203.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the United States Government, and otherwise are deemed to serve the public interest. Such certificates may be withheld, in the discretion of the Committee, until an initial program has been recorded under the terms set forth in § 203.6. Notice of issuance of certificates will be published in the FEDERAL REGISTER.

§ 203.5 *Amendments to registration.* A registrant's certificate of registration shall be amended whenever a material change is made in the registrant's organization, its purposes or governing personnel. The application for amendment shall be supported by a resolution of the controlling body or other evidence certified by an authorized official. Notice of amendment of certificates will be published in the FEDERAL REGISTER.

§ 203.6 *Validation of programs and projects.* (a) Registrants, to carry out and fulfill the purposes and objectives of their organization and to obtain appropriate official United States support and facilities, will submit applications upon forms provided by the Committee or otherwise as may be required, for the recording of specific country programs or specific projects of relief, rehabilitation, reconstruction and welfare as these are developed in the fields of health, education, agriculture, industry, emigration and resettlement. Notices of acceptance will be issued by the Committee as supplements to certificates of registration: *Provided*, That:

(1) The specific program or specific project is within the scope of any agreement that has been concluded between the United States Government and the government of the country of interest in furtherance of the operations of registrants acceptable to such governments;

(2) In the absence of such an agreement as set forth in subparagraph (1)

of this paragraph satisfactory assurances are:

(i) Obtained from the government of the country in question that appropriate facilities are or will be afforded for the necessary and economical operations of the program or project including (*a*) acceptance of the specific program or specific project; (*b*) the supplies approved in support of the program or project are free of customs duties, other duties, tolls, and taxes; (*c*) treatment of supplies as a supplementary resource and not as a substitute for public rations; (*d*) the identification of the supplies, to the extent practicable, as to their United States origin and their free provision by the donor agency; and (*e*) insofar as practicable the reception, unloading, warehousing and transport of the supplies free of cost to points of distribution.

(ii) Provided by the registrant that (*a*) shipments will be made only to consignees reported to the Committee and full responsibility is assumed by such consignees for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them; and (*b*) distribution is under the supervision of United States citizens specifically charged with the responsibility for the program or project, or by nationals, upon notification to the Committee in justification of their selection on account of the character and economy of the operation, and the degree of cooperation and acceptance of responsibility of the indigenous agency.

(b) Programs and projects which involve the contractual support of United States or international governmental agencies and acceptance of measures of responsibility by the Committee will be recorded following an understanding between the Committee and the contracting official agency to assure correlation in the attainment of common objectives, and pursuant to the President's Directive of May 14, 1946.

§ 203.7 *Representation of registrants.* The Committee, in appropriate cases, may exercise its good offices or recommend to and appear before United States agencies or international agencies supported by the United States Government, to facilitate the recorded programs of any registrants or committees of such registrants, and to further the provision of facilities authorized by laws, regulations, and procedures in support of voluntary foreign aid.

§ 203.8 *Acceptance and termination of registration.* (a) Registrations shall remain in force until relinquished voluntarily by the registrant upon written notice to the Committee or formal notice from the Committee is published in the FEDERAL REGISTER stating that they are:

(1) Amended in accordance with § 203.5; or

(2) Suspended or terminated.

(b) Acceptance of a notice of relinquishment of registration shall be subject to submittal of final reports to the Committee, including the plans for disposition of the registrant's residual assets acquired in support of its registered programs.

§ 203.9 *Saving clause.* The Director of the International Cooperation Administration may waive, withdraw, or amend from time to time any or all of the provisions of the regulations in this part.

PART 204—GUARANTIES UNDER THE MUTUAL SECURITY ACT OF 1954

Sec.

204.1 Definitions.
204.2 Scope of this part.
204.3 Application for guaranties and place of filing.
204.4 Designation of Export-Import Bank of Washington as agent.
204.5 Effect of making investment prior to issuance of guaranty.
204.6 Saving clause.
204.7 Transitory provision.

AUTHORITY: §§ 204.1 to 204.7 issued under sec. 413, 68 Stat. 846; 22 U. S. C. 1933.

§ 204.1 *Definitions.* (a) The "act" means the Mutual Security Act of 1954, Public Law 665, 83d Congress.

(b) "ICA" means the International Cooperation Administration.

(c) "Director" means the Director of the International Cooperation Administration.

(d) "ICA guaranties" means guaranties of investments pursuant to section 413 (b) (4) of the act (other than guaranties of investments in enterprises producing or distributing informational media).

§ 204.2 *Scope of this part.* This part covers ICA guaranties, which may be made in accordance with this part in furtherance of the purposes of the act and to encourage and facilitate participation by private enterprise in achieving such purposes.

§ 204.3 *Applications for guaranties and place of filing.* Applications for ICA guaranties should be made in writing to the Investment Guaranties Branch, ICA, Washington 25, D. C. There is no prescribed form of application, but published information on current policies of the guaranty program, including the contents of applications, may be obtained on request from ICA. Each applicant will be notified in writing when his application has been found to be complete and is accepted for processing.

§ 204.4 *Designation of Export-Import Bank of Washington as agent.* Export-Import Bank of Washington is hereby designated by the Director as his agent, upon such terms as may be specified by the Director, to issue in its name, and to administer, ICA guaranties.

§ 204.5 *Effect of making investment prior to issuance of guaranty.* The purpose of the guaranty provisions of the act is to stimulate private investment from the United States which contributes to the objectives of the act. Ordinarily this purpose is not served by issuing a guaranty on an investment which has already been made. Accordingly, the making of an investment by an applicant prior to the issuance of a guaranty covering such investment shall be grounds on which the application may be denied. However, after an application has been filed and accepted as complete, the investor may obtain a statement in writing from ICA which will permit him to proceed with the investment without prejudice to the application on the above grounds.

§ 204.6 *Saving clause.* The Director may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this part.

§ 204.7 *Transitory provision.* Guaranties and statements provided for in the last sentence of § 204.5 previously issued under authority of section 111 (b) (3) of the Economic Cooperation Act of 1948, as amended, and section 520 of the Mutual Security Act of 1951, as amended, and pursuant to ECA Regulation 4 issued by the Economic Cooperation Administration, as amended, or MSA Regulation 4 issued by the Mutual Security Agency, as amended, and FOA Regulation 4 issued by the Foreign Operations Administration, are reaffirmed and will continue in effect subject to the terms and conditions thereof.

PART 205—PER DIEM PAYMENTS TO PARTICIPANTS IN NONMILITARY MUTUAL SECURITY TRAINING PROGRAMS

§ 205.1 *Per diem rates.* Participants in any training program under the Mutual Security Act of 1954, as amended, other than Chapter 1 of Title I, may receive a per diem allowance in accordance with the following rates:

(a) For participants in programs of training in the United States, a per diem allowance not to exceed $12, or, in exceptional circumstances, such other rate, not to exceed $17, as the Director of the International Cooperation Administration or his designee may prescribe;

(b) For participants in programs of training in countries other than the continental United States, a per diem allowance not to exceed those prescribed by the Standardized Government Travel Regulations.

(Sec. 521, 68 Stat. 855, as amended; 22 U. S. C. 1781)

J. H. SMITH, Jr.,
Director, International Cooperation Administration.

Date: October 22, 1957.

[F. R. Doc. 57-8827; Filed, Oct. 25, 1957; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP GRAIN SORGHUMS LOANS AND PURCHASE AGREEMENT

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3216, 3379, 5975 and 6961 containing the specific requirements of the 1957-crop grain sorghums price support program are hereby amended as follows:

1. Section 421.2433 (a) (1) is amended by adding Cairo, Illinois to the list of terminal markets for which support rates are established and to increase all other basic terminal support rates in the amount of 3 cents per 100 pounds.

2. Section 421.2433 (a) (5) is amended to provide a deduction from the terminal rate for grain sorghums received by truck at Cairo, Illinois.

3. Section 421.2433 (c) (1) is amended to increase all basic county support rates in the amount of 3 cents per 100 pounds.

§ 421.2433 *Support rates.* • • •

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per 100 pounds for grain sorghums of the Classes I to IV inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per hundredweight
Omaha, Nebraska	$2.23
Sioux City, Iowa	2.23
Atchison, Kansas	2.31
Kansas City, Missouri	2.31
Saint Joseph, Missouri	2.31
Corpus Christi, Texas	2.36
Galveston, Texas	2.36
Houston, Texas	2.36
New Orleans, Louisiana	2.36
Port Arthur, Texas	2.36
St. Louis, Missouri	2.43
Memphis, Tennessee	2.43
Cairo, Illinois	2.43
Los Angeles, California	2.73
San Francisco, California	2.73
Stockton, California	2.73

• • • • •

(5) The support rates for grain sorghums received by truck and stored at any designated terminal market shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	Amount of deduction (cents per 100 pounds)
Omaha, Nebraska, Sioux City, Iowa, Kansas City, Missouri, St. Louis, Missouri, Saint Joseph, Missouri, Atchison, Kansas, Cairo, Illinois	29
Memphis, Tennessee	31

• • • • •

(c) *Basic county support rates.* (1) (i) The following basic county support rates are established per 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better and containing not in excess of 13 percent moisture. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section will be based on the support rate established for the county in which the grain sorghums are stored.

(ii) If two or more warehouses are located in the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per hundredweight
All counties	$1.93

ARIZONA

County	Rate per hundredweight	County	Rate per hundredweight
Apache	$1.51	Mohave	$1.51
Cochise	2.12	Navajo	1.51
Coconino	1.51	Pima	2.24
Gila	1.70	Pinal	2.33
Graham	1.97	Santa Cruz	2.22
Greenlee	1.83	Yavapai	1.73
Maricopa	2.33	Yuma	2.38

ARKANSAS

Arkansas	$1.93	Lonoke	$1.96
Clay	1.98	Mississippi	2.02
Cleburne	1.96	Monroe	1.97
Cleveland	1.91	Phillips	1.97
Craighead	2.00	Poinsett	2.00
Crittenden	2.09	Prairie	1.96
Cross	2.04	Pulaski	1.92
Fulton	1.92	Randolph	1.98
Greene	1.98	St. Francis	2.03
Independence	1.95	Sharp	1.92
Jackson	1.98	White	1.98
Jefferson	1.92	Woodruff	1.99
Lawrence	1.98	All other counties	1.91
Lee	2.04		

CALIFORNIA

Alameda	$2.50	Riverside	$2.40
Amador	2.40	Sacramento	2.44
Butte	2.36	San Benito	2.44
Calaveras	2.40	San Bernardino	2.46
Colusa	2.38	San Diego	2.39
Contra Costa	2.50	San Joaquin	2.46
El Dorado	2.34	San Luis Obispo	2.36
Fresno	2.37	San Mateo	2.52
Glenn	2.35	Santa Barbara	2.37
Imperial	2.34	Santa Clara	2.49
Inyo	2.12	Santa Cruz	2.45
Kern	2.37	Shasta	2.26
Kings	2.37	Sierra	2.13
Lake	2.40	Siskiyou	2.10
Lassen	2.11	Solano	2.48
Los Angeles	2.49	Sonoma	2.48
Madera	2.41	Stanislaus	2.44
Marin	2.51	Sutter	2.40
Merced	2.43	Tehama	2.32
Modoc	2.01	Tulare	2.37
Mono	2.02	Ventura	2.47
Monterey	2.41	Yolo	2.44
Napa	2.49	Yuba	2.41
Orange	2.45		
Placer	2.41		
Plumas	2.13		

COLORADO

Adams	$1.67	Kit Carson	$1.70
Alamosa	1.50	La Plata	1.37
Arapahoe	1.67	Larimer	1.67
Archuleta	1.37	Las Animas	1.66
Baca	1.69	Lincoln	1.67
Bent	1.68	Logan	1.67
Boulder	1.67	Mesa	1.37
Chaffee	1.44	Moffat	1.37
Cheyenne	1.71	Montrose	1.37
Conejos	1.49	Morgan	1.67
Costilla	1.50	Otero	1.67
Crowley	1.67	Ouray	1.37
Custer	1.58	Phillips	1.71
Delta	1.37	Pitkin	1.37
Denver	1.67	Prowers	1.71
Dolores	1.15	Pueblo	1.67
Douglas	1.67	Rio Blanco	1.37
Eagle	1.38	Rio Grande	1.49
Elbert	1.67	Routt	1.37
El Paso	1.67	Saguache	1.49
Fremont	1.60	San Miguel	1.17
Garfield	1.37	Sedgwick	1.67
Grand	1.44	Summit	1.44
Huerfano	1.63	Washington	1.67
Jackson	1.48	Weld	1.67
Jefferson	1.67	Yuma	1.70
Kiowa	1.70		

FLORIDA

County	Rate per hundredweight
All counties	$1.93

GEORGIA

All counties	$1.98

ILLINOIS

All counties	$1.78

INDIANA

All counties	$1.83

IOWA

All counties	$1.78

KANSAS

County	Rate per hundredweight	County	Rate per hundredweight
Allen	$1.94	Linn	$1.95
Anderson	1.96	Logan	1.76
Atchison	1.99	Lyon	1.93
Barber	1.82	McPherson	1.85
Barton	1.82	Marion	1.86
Bourbon	1.95	Marshall	1.93
Brown	1.96	Meade	1.76
Butler	1.86	Miami	1.99
Chase	1.90	Mitchell	1.87
Chautauqua	1.90	Montgomery	1.93
Cherokee	1.93	Morris	1.89
Cheyenne	1.75	Morton	1.70
Clark	1.77	Nemaha	1.94
Clay	1.88	Neosho	1.94
Cloud	1.87	Ness	1.81
Coffey	1.94	Norton	1.82
Comanche	1.79	Osage	1.95
Cowley	1.86	Osborne	1.85
Crawford	1.94	Ottawa	1.86
Decatur	1.78	Pawnee	1.82
Dickinson	1.86	Phillips	1.82
Doniphan	1.95	Pottawatomie	1.93
Douglas	1.98	Pratt	1.82
Edwards	1.82	Rawlins	1.76
Elk	1.90	Reno	1.85
Ellis	1.82	Republic	1.87
Ellsworth	1.85	Rice	1.85
Finney	1.76	Riley	1.93
Ford	1.80	Rooks	1.83
Franklin	1.98	Rush	1.82
Geary	1.90	Russell	1.83
Gove	1.78	Saline	1.86
Graham	1.82	Scott	1.76
Grant	1.75	Sedgwick	1.86
Gray	1.78	Seward	1.74
Greeley	1.75	Shawnee	1.95
Greenwood	1.91	Sheridan	1.78
Hamilton	1.75	Sherman	1.75
Harper	1.84	Smith	1.85
Harvey	1.86	Stafford	1.82
Haskell	1.76	Stanton	1.73
Hodgeman	1.81	Stevens	1.74
Jackson	1.96	Sumner	1.86
Jefferson	1.98	Thomas	1.76
Jewell	1.86	Trego	1.82
Johnson	2.01	Wabaunsee	1.93
Kearny	1.75	Wallace	1.75
Kingman	1.85	Washington	1.89
Kiowa	1.82	Wichita	1.75
Labette	1.93	Wilson	1.93
Lane	1.78	Woodson	1.94
Leavenworth	2.02	Wyandotte	2.03
Lincoln	1.85		

KENTUCKY

All counties	$1.93

LOUISIANA

All counties	$1.93

MICHIGAN

All counties	$1.78

MINNESOTA

All counties	$1.73

MISSISSIPPI

All counties	$1.93

MISSOURI

All counties	$1.93

NEBRASKA

County	Rate per hundredweight	County	Rate per hundredweight
Adams	$1.85	Jefferson	$1.90
Antelope	1.83	Johnson	1.92
Arthur	1.67	Kearney	1.83
Banner	1.63	Keith	1.67
Blaine	1.74	Keya Paha	1.74
Boone	1.85	Kimball	1.67
Box Butte	1.65	Knox	1.80
Boyd	1.78	Lancaster	1.92
Brown	1.74	Lincoln	1.72
Buffalo	1.81	Logan	1.74
Burt	1.91	Loup	1.79
Butler	1.90	McPherson	1.73
Cass	1.93	Madison	1.86
Cedar	1.82	Merrick	1.86
Chase	1.71	Morrill	1.64
Cherry	1.70	Nance	1.86
Cheyenne	1.67	Nemaha	1.91
Clay	1.86	Nuckolls	1.86
Colfax	1.90	Otoe	1.91
Cuming	1.90	Pawnee	1.93
Custer	1.78	Perkins	1.73
Dakota	1.87	Phelps	1.82
Dawes	1.62	Pierce	1.85
Dawson	1.78	Platte	1.88
Deuel	1.67	Polk	1.87
Dixon	1.85	Red Willow	1.78
Dodge	1.92	Richardson	1.93
Douglas	1.94	Rock	1.75
Dundy	1.71	Saline	1.91
Fillmore	1.89	Sarpy	1.95
Franklin	1.83	Saunders	1.93
Frontier	1.78	Scotts Bluff	1.61
Furnas	1.80	Seward	1.90
Gage	1.92	Sheridan	1.65
Graden	1.66	Sherman	1.81
Garfield	1.80	Sioux	1.59
Gosper	1.81	Stanton	1.87
Grant	1.67	Thayer	1.88
Greeley	1.84	Thomas	1.73
Hall	1.83	Thurston	1.89
Hamilton	1.85	Valley	1.80
Harlan	1.82	Washington	1.93
Hayes	1.73	Wayne	1.83
Hitchcock	1.74	Webster	1.85
Holt	1.80	Wheeler	1.85
Hooker	1.70	York	1.87
Howard	1.83		

NEW MEXICO

Dona Ana	$1.80	All other counties	$1.76
Hidalgo	1.89		
Luna	1.89		

NORTH CAROLINA

All counties $1.98

NORTH DAKOTA

All counties $1.68

OKLAHOMA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.80	Grady	$1.76
Alfalfa	1.79	Grant	1.80
Atoka	1.76	Greer	1.76
Beaver	1.69	Harmon	1.76
Beckham	1.76	Harper	1.73
Blaine	1.76	Haskell	1.76
Bryan	1.78	Hughes	1.76
Caddo	1.76	Jackson	1.76
Canadian	1.76	Jefferson	1.76
Carter	1.76	Johnston	1.76
Cherokee	1.82	Kay	1.82
Choctaw	1.76	Kingfisher	1.76
Cimarron	1.68	Kiowa	1.76
Cleveland	1.76	Latimer	1.76
Coal	1.76	Le Flore	1.76
Comanche	1.76	Lincoln	1.76
Cotton	1.76	Logan	1.76
Craig	1.89	Love	1.78
Creek	1.80	McClain	1.76
Custer	1.76	McCurtain	1.76
Delaware	1.88	McIntosh	1.79
Dewey	1.74	Major	1.73
Ellis	1.68	Marshall	1.76
Garfield	1.78	Mayes	1.86
Garvin	1.76	Murray	1.76
Muskogee	$1.80	Roger Mills	$1.75
Noble	1.80	Rogers	1.86
Nowata	1.90	Seminole	1.76
Okfuskee	1.76	Sequoyah	1.79
Oklahoma	1.76	Stephens	1.76
Okmulgee	1.80	Texas	1.68
Osage	1.83	Tillman	1.76
Ottawa	1.89	Tulsa	1.85
Pawnee	1.80	Wagoner	1.84
Payne	1.76	Washington	1.89
Pittsburg	1.76	Washita	1.76
Pontotoc	1.76	Woods	1.78
Pottawatomie	1.76	Woodward	1.71
Pushmataha	1.76		

SOUTH CAROLINA

All counties $1.98

SOUTH DAKOTA

All counties $1.73

TENNESSEE

All counties $1.93

TEXAS

County	Rate per hundredweight	County	Rate per hundredweight
Anderson	$2.01	De Witt	$2.05
Andrews	1.76	Dickens	1.76
Angelina	2.05	Dimmit	1.94
Aransas	2.12	Donley	1.76
Archer	1.76	Duval	2.09
Armstrong	1.76	Eastland	1.85
Atascosa	2.05	Ector	1.73
Austin	2.11	Edwards	1.82
Bailey	1.76	Ellis	1.96
Bandera	2.02	El Paso	1.56
Bastrop	2.01	Erath	1.87
Baylor	1.76	Falls	2.01
Bee	2.11	Fannin	1.86
Bell	2.00	Fayette	2.06
Bexar	2.03	Fisher	1.76
Blanco	1.99	Floyd	1.76
Borden	1.76	Foard	1.76
Bosque	1.94	Fort Bend	2.12
Bowie	1.85	Franklin	1.90
Brazoria	2.13	Freestone	2.00
Brazos	2.06	Frio	2.00
Brewster	1.63	Gaines	1.76
Brisco	1.76	Galveston	2.14
Brooks	2.06	Garza	1.76
Brown	1.88	Gillespie	2.02
Burleson	2.06	Glasscock	1.76
Burnet	1.95	Goliad	2.08
Caldwell	2.01	Gonzales	2.03
Calhoun	2.06	Gray	1.76
Callahan	1.82	Grayson	1.86
Cameron	1.99	Gregg	1.93
Camp	1.90	Grimes	2.05
Carson	1.76	Guadalupe	2.01
Cass	1.87	Hale	1.76
Castro	1.76	Hall	1.76
Chambers	2.05	Hamilton	1.90
Cherokee	2.01	Hansford	1.71
Childress	1.76	Hardeman	1.76
Clay	1.81	Hardin	2.06
Cochran	1.76	Harris	2.13
Coke	1.76	Harrison	1.90
Coleman	1.84	Hartley	1.71
Collin	1.92	Haskell	1.76
Collingsworth	1.76	Hays	2.01
Colorado	2.08	Hemphill	1.72
Comal	2.01	Henderson	1.96
Comanche	1.88	Hidalgo	2.00
Concho	1.84	Hill	1.97
Cooke	1.83	Hockley	1.76
Coryell	1.96	Hood	1.89
Cottle	1.76	Hopkins	1.86
Crane	1.66	Houston	2.05
Crockett	1.64	Howard	1.76
Crosby	1.76	Hudspeth	1.56
Culberson	1.57	Hunt	1.91
Dallam	1.70	Hutchinson	1.72
Dallas	1.92	Irion	1.65
Dawson	1.76	Jack	1.84
Deaf Smith	1.76	Jackson	2.05
Delta	1.85	Jasper	2.05
Denton	1.92	Jeff Davis	1.56
Jefferson	$2.07	Presidio	$1.56
Jim Hogg	2.06	Rains	1.86
Jim Wells	2.11	Randall	1.76
Johnson	1.96	Reagan	1.64
Jones	1.78	Real	1.99
Karnes	2.06	Red River	1.82
Kaufman	1.94	Reeves	1.59
Kendall	2.03	Refugio	2.08
Kenedy	2.10	Roberts	1.73
Kent	1.76	Robertson	2.02
Kerr	2.02	Rockwall	1.92
Kimble	1.85	Runnels	1.82
King	1.76	Rusk	1.94
Kinney	1.94	Sabine	1.99
Kleberg	2.11	San Augustine	1.99
Knox	1.76	San Jacinto	2.10
Lamar	1.84	San Patricio	2.14
Lamb	1.76	San Saba	1.88
Lampasas	1.96	Schleicher	1.66
La Salle	1.99	Scurry	1.76
Lavaca	2.05	Shackelford	1.79
Lee	2.05	Shelby	1.99
Leon	2.03	Sherman	1.70
Liberty	2.11	Smith	1.94
Limestone	2.02	Somervell	1.90
Lipscomb	1.70	Starr	1.98
Live Oak	2.09	Stephens	1.82
Llano	1.94	Sterling	1.66
Loving	1.59	Stonewall	1.76
Lubbock	1.76	Sutton	1.64
Lynn	1.76	Swisher	1.76
McCulloch	1.86	Tarrant	1.93
McLennan	1.99	Taylor	1.79
McMullen	2.07	Terrell	1.76
Madison	2.06	Terry	1.76
Marion	1.90	Throckmorton	1.79
Martin	1.75	Titus	1.90
Mason	1.88	Tom Green	1.76
Matagorda	2.07	Travis	2.01
Maverick	1.93	Trinity	2.07
Medina	2.03	Tyler	2.04
Menard	1.84	Upshur	1.92
Midland	1.74	Upton	1.60
Milam	2.04	Uvalde	1.99
Mills	1.96	Val Verde	1.90
Mitchell	1.76	Van Zandt	1.86
Montague	1.81	Victoria	2.07
Montgomery	2.11	Walker	2.09
Moore	1.72	Waller	2.11
Morris	1.90	Ward	1.66
Motley	1.76	Washington	2.08
Nacogdoches	2.01	Webb	2.02
Navarro	1.98	Wharton	2.09
Newton	2.04	Wheeler	1.76
Nolan	1.76	Wichita	1.79
Nueces	2.14	Wilbarger	1.76
Ochiltree	1.69	Willacy	2.00
Oldham	1.76	Williamson	2.02
Orange	2.06	Wilson	2.05
Palo Pinto	1.84	Winkler	1.72
Panola	1.94	Wise	1.86
Parker	1.89	Wood	1.88
Parmer	1.76	Yoakum	1.76
Pecos	1.58	Young	1.84
Polk	2.08	Zapata	1.98
Potter	1.76	Zavala	1.94

VIRGINIA

All counties $1.98

WASHINGTON

All counties $1.83

WYOMING

All counties $1.73

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 713c, 7 U. S. C. 1447, 1421)

Issued this 22d day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-8854; Filed, Oct. 25, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 1]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

BARLEY, MARYLAND AND PENNSYLVANIA; CLOSING AND CANCELLATION DATES

The above identified regulations (22 F. R. 6557, 7210) are hereby amended, effective beginning with the 1959 crop year as follows:

1. The table following paragraph (a) of § 401.3 is amended by establishing a closing date of September 15 for barley in all counties in Maryland and Pennsylvania.

2. Subsection (a) of section 7 of the barley endorsement shown in § 401.17 is amended by establishing March 15 as the cancellation date and the termination date for indebtedness for all counties in Maryland and Pennsylvania.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on October 18, 1957.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved on October 23, 1957.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-8858; Filed, Oct. 25, 1957; 8:51 a. m.]

[Amdt. 2]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1957 AND SUCCEEDING CROP YEARS

NORTH CAROLINA; CLOSING AND CANCELLATION DATES

The above identified regulations, as amended (20 F. R. 10015; 21 F. R. 5164, 9397; 22 F. R. 7018), are hereby amended as of August 20, 1957 effective beginning with the 1958 crop year as follows:

1. The table following paragraph (a) of § 418.3, as amended, is amended by establishing a closing date of October 15 for North Carolina.

2. Section 22, as amended, of the policy shown in § 418.6 is amended by establishing a cancellation date of March 15 for North Carolina.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on October 18, 1957.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved on October 23, 1957.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-8856; Filed, Oct. 25, 1957; 8:51 a. m.]

[Amdt. 1]

PART 422—CITRUS CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

AVAILABILITY OF CITRUS CROP INSURANCE; LAKE COUNTY, FLA.

The above identified regulations (21 F. R. 1002) are hereby amended, effective beginning with the 1958 crop year as follows:

Section 422.1 is amended to establish Lake County, Florida as an additional county in which citrus crop insurance will be provided beginning with the 1958 crop year.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on October 18, 1957.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved on October 23, 1957.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-8857; Filed, Oct. 25, 1957; 8:51 a. m.]

PART 425—PEACH CROP INSURANCE

SUBPART—REGULATIONS FOR CONTRACTS FOR THE 1958 CROP YEAR

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to peach crop insurance contracts for the 1958 crop year.

Sec.
425.21 Availability of peach crop insurance.
425.22 Coverages, premium rates, and guaranteed production.
425.23 Application for insurance.
425.24 Public notice of indemnities paid.
425.25 Creditors.
425.26 The policy.

AUTHORITY: §§ 425.21 to 425.26 issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509.

§ 425.21 *Availability of peach crop insurance.* (a) Peach crop insurance may be provided for experimental purposes in counties designated by the Manager of the Corporation from a list approved by the Board of Directors of the Corporation. A list of the designated counties shall be published by appendix to this section.

(b) Insurance will not be provided in a county unless the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is met. For the purpose of determining whether the minimum participation requirement is met, each insurance unit shall be counted as one farm.

§ 425.22 *Coverages, premium rates, and guaranteed production.* (a) The Corporation shall establish dollar coverage(s), premium rate(s), and a bushel guaranteed production(s) per acre which shall be shown on the county actuarial table on file in the county office.

(b) The premium shall be paid on or before December 31, 1957, except that the payment may be deferred to February 1, 1958 upon the insured making arrangements satisfactory to the Corporation for payment of the premium.

§ 425.23 *Application for insurance.* Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, or tenant in a peach crop. Applications shall be submitted to the county office on or before December 31, 1957.

§ 425.24 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in the county.

§ 425.25 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract.

§ 425.26 *The Policy.* The provisions of the policy for the 1958 crop year are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure the applicant (herein called the "insured") subject to the acceptance of his application against unavoidable loss on his peach crop due to frost, freeze, hurricane, tornado, hail, or windstorm when accompanied by hail.

TERMS AND CONDITIONS

1. *Insurable acreage.* Any acreage is insurable if a coverage for such acreage is shown on the county actuarial table.

2. *Responsibility of insured to report acreage and interest.* The insured shall specify on his application all the insurable acres of peaches in the county in which he has an interest on the date the application is signed, and his interest in each such acreage. These data shall be revised by the insured on or before December 31, 1957, provided that the data on the application or latest revision are incorrect, to show the actual insurable acreage of peaches in which he has an interest on such date and his interest therein. If such data are not so revised, the data on the latest revision, or the application if there has been no revision, shall constitute the insured's report of his peach acreage and his interest therein on December 31, 1957.

3. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the insurable acreage of peaches in which the insured has an interest on December 31, 1957, as reported by the insured, or as determined by the Corporation, whichever the Corporation shall elect.

4. *Insured interest.* The insured interest in the peach crops covered by the contract shall be the insured's interest on December 31, 1957, as reported by the insured, or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss.

5. *Coverage, premium rate, and guaranteed production per acre.* (a) The coverage(s) and premium rate(s) per acre shall be those established by the Corporation for the area in which the insured acreage is located, and shown on the county actuarial table on file in the county office.

(b) Where more than one coverage per acre is established for a county, the amount of coverage elected by the insured shall be specified on the application for insurance. *Provided, however,* That on any acreage the Corporation reserves the right to limit the amount of coverage per acre which may be elected by the insured.

(c) The guaranteed production of peaches per acre shall be the number of bushels of peaches established by the Corporation for the area in which the insured acreage is located, and shown on the county actuarial table on file in the county office.

6. *Insurance period.* Insurance shall attach on January 1, 1958. Insurance shall cease with respect to any portion of a peach crop covered by the contract upon harvest but in no event shall the insurance remain in effect after September 15, 1958, unless such time is extended in writing by the Corporation.

7. *Causes of loss not insured against.* The contract shall not cover loss caused by (a) failure to follow good orchard practices, (b) failure properly and without unreasonable delay to care for, harvest, salvage, or market the insured peach crops, (c) failure of a marketing agency or buyer to accept delivery of marketable fruit, (d) drought, (e) flood, (f) lightning, (g) fire, (h) excessive rain, (i) wildlife, (j) insect infestation, (k) plant disease, (l) normal dropping of fruit, (m) neglect or malfeasance of the insured or of any person in his household or employment or connected with the orchard as caretaker, sharecropper, tenant, or wage hand, or (n) any cause of loss other than frost, freeze, hurricane, tornado, hail, or windstorm when accompanied by hail.

8. *Amount of premium.* (a) The premium for each insurance unit under the contract will be based upon (1) the insured acreage, (2) the applicable premium rate(s), and (3) the insured interest(s) in the peach crop(s) on December 31, 1957. The premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to any insured coverage shall be regarded as earned on January 1, 1958.

(b) If a premium is earned under this contract and totals less than $50.00 the amount shall be increased to $50.00.

9. *Notice of loss or damage.* (a) Notice shall be given within seven days after each material damage to the insured crop on any insurance unit from an insured cause. Such notice shall state the cause and date of damage.

(b) Notice of the time of intended harvesting shall be given at least seven days before the beginning of harvest if a loss is to be claimed, and final adjustment has not been made by that time. Provided, however, if damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

(c) Any notice required by this section shall be given the Corporation in writing at the county office and if any such notice is not so given, the Corporation reserves the right to reject any claim for indemnity.

10. *No abandonment.* There shall be no liability under the contract on any peach crop or part thereof which is abandoned by the insured without the written consent of the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

11. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period unless the entire crop on the insurance unit was destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

12. *Proof of loss.* For each insurance unit on which a loss is claimed, the insured shall submit to the Corporation, on a form prescribed by the Corporation, such information regarding the manner and extent of the loss as may be required by the Corporation. This form containing such information shall be executed and submitted within 30 days after the time of loss, unless additional time is granted in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss is not due to an uninsured cause(s) and has been directly caused by one or more of the hazards insured against by the contract during the insurance period.

13. *Insurance unit.* An insurance unit means (a) all the insurable acreage of peaches in the county in which the insured has 100 percent interest on December 31, 1957, that is located on contiguous land under the same ownership, or (b) all the insurable acreage of peaches in the county in which two or more persons have 100 percent interest on December 31, 1957, that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. Any acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table.

14. *Amount of loss.* (a) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) subtracting from the guaranteed production of peaches for the insurance unit the bushels of peaches produced plus the estimated bushels lost from causes not insured against other than normal dropping, (2) dividing the result by the said guaranteed production of peaches, (3) multiplying the ratio thus obtained by the coverage for the insurance unit, and (4) deducting from this amount 40 percent of the coverage for the insurance unit: *Provided, however,* That peaches which do not grade U. S. No. 2 or better (determined in accordance with U. S. Standards for Peaches, effective June 15, 1952 (17 F. R. 4473)) because of poor quality due to insurable causes occurring within the insurance period shall not be counted as production.

(b) The amount of coverage with respect to any insurance unit shall be determined by multiplying the insured acreage of peaches on the insurance unit by the insured interest and the result by the applicable coverage per acre.

(c) The Corporation reserves the right in any case to delay settlement until the amount of loss can be determined.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

15. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. In no event shall the Corporation be liable for interest or damage in connection with any claim for indemnity.

(b) If the insured dies, is judicially declared incompetent or disappears during an insurance period, any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid.

16. *Transfer of interest.* If the insured transfers all or part of his insured interest in a peach crop before the end of the insurance period the transferee upon written request made by the transferor will be entitled to the benefits of the contract, subject to its terms and conditions, accruing after the transfer with respect to the interest so transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 17. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

17. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form prescribed by the Corporation, and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

18. *Records and access to orchard.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all peaches produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. Any person(s) designated by the Corporation shall have access to such records and the orchard(s) for purposes related to the contract.

19. *Avoidance of contract.* The Corporation may void the contract without affecting the insured's liability for premium(s) or waiving any right or remedy including the right to collect any unpaid premium(s), if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed.

20. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or a change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized representative of the Corporation; nor shall any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder.

21. *Forms.* Copies of forms referred to in the contract are available at the county office.

22. *Meaning of terms.* For the purpose of the peach insurance program:

(a) "County" means the area shown on the county actuarial table which may include orchards located in a local producing area(s) bordering on the county.

(b) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved by the Corporation and show the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the Corporation office for the county shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period beginning January 1, 1958, and extending through September 15, 1958.

(e) "Harvest" means (1) any severance of the fruit from the tree by picking or (11) picking up marketable fruit from the ground.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on October 18, 1957.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved on October 23, 1957.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-8855; Filed, Oct. 25, 1957; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 729—PEANUTS

ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR PEANUTS OF 1957 AND SUBSEQUENT CROPS; MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281 et seq.), for the purpose of revising the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760; 22 F. R. 6741, 6987) to (a) replace the definition of "cropland" with the one approved for use in connection with all agricultural programs administered through the Commodity Stabilization Service; (b) add provisions made necessary or advisable by the passage of legislation (Public Law 127, 85th Congress; 71 Stat. 344) amending section 359 (c) of the Agricultural Adjustment Act of 1938 to exclude, for the 1957, 1958 and 1959 crops, "green peanuts" from the definition of peanuts contained therein; (c) amend sections relating to the determination of "farm peanut history acreage" and the definition of "old farm" to reflect the provisions of Public Law 266, 85th Congress (71 Stat. 592) which relate to acreage history for the period 1956 to 1959 inclusive; (d) clarify the closing dates by which applications for new farm allotments must be filed; (e) reduce the reserve held for establishing allotments for new farms from one-half of one percent to one-fourth of one percent of the national allotment; (f) provide for the use of facsimile signature to indicate approval of farm allotments on Form MQ–24 or MQ–24a; and (g) provide authority for agents of the Compliance and Investigation Division, Commodity Stabilization Service, to examine pertinent records and reports of peanut buyers and others.

Public notices of intention to so amend these regulations were published in the FEDERAL REGISTER (22 F. R. 6659, 7713) in accordance with the Administrative Procedure Act (5 U. S. C. 1003). Views and recommendations received in response to such notice have been duly considered within the limits prescribed by law. This Amendment 2 shall be effective upon filing with the Director, Division of the Federal Register, as it has been and is hereby, determined and found that, because such Amendment affects the determination of farm peanut allotments for 1958 and work preparatory to determining such allotments is now in progress, compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest.

1. The definition of cropland contained in § 729.811 (g) is hereby deleted and there is substituted therefor the definition of cropland, as it now reads or as it may be amended to read from time to time, contained in § 718.2 (e) of the Farm Marketing Quotas and Acreage Allotments Regulations governing the determination of acreage and performance signed by the Acting Secretary of Agriculture on May 24, 1957, and published in the FEDERAL REGISTER of May 29, 1957 (22 F. R. 3747, 5675, 7481).

2. Section 729.811 (p) is hereby amended to read as follows:

(p) "Farm peanut acreage" means the acreage on the farm planted to peanuts excluding any acreage not picked or threshed as determined by the county office manager in accordance with subparagraphs (1), (2) or (3) of this paragraph, and any acreage from which the peanuts are dug and marketed by the producer before drying or removal of moisture from such peanuts either by natural or artificial means for consumption exclusively as boiled peanuts, hereinafter referred to as "green peanuts", as determined by the county office manager in accordance with subparagraph (4) of this paragraph.

(1) If any of the acreage planted to peanuts on the farm is to be hogged-off, the farm operator shall so notify the county office manager who will arrange to have the hogged-off acreage inspected by a representative of the county committee to determine if any of the peanuts from the hogged-off acreage have been or can be dug. Either the hogged-off acreage or the picked or threshed acreage shall be measured to establish the exact acreage picked or threshed. However, if the planted acreage of peanuts on a farm is not in excess of the larger of the effective farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be hogged-off, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be left in the ground, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been hogged-off in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (2), (3) and (4) of this paragraph shall be the farm peanut acreage.

(2) If any acreage planted to peanuts on the farm is to be left in the ground, the farm operator shall so notify the county office manager who will arrange to have such acreage inspected at a time when the nuts can no longer be removed from the ground by digging to determine if any peanuts from such acreage have been dug. Either the acreage of peanuts left in the ground or the picked or threshed acreage of peanuts shall be measured to determine the exact picked or threshed acreage. However, if the planted acreage is not in excess of the larger of the effective farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be left in the ground, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be left in the ground, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been left in the ground in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (1), (3) and (4) of this paragraph shall be the farm peanut acreage.

(3) Any acreage of peanuts that is dug, except the acreage dug under provisions of subparagraph (4) of this paragraph, shall be considered as picked or threshed, unless the farm operator arranges with the county office manager for a representative of the county committee to inspect the dug peanuts that are in such condition that they cannot then or in the future be picked or threshed, and furnishes satisfactory evidence from which the percentage of the total farm peanut production represented by the quantity of dug peanuts which have not been and cannot in the future be picked or threshed can be determined. Such percentage of the acreage of dug peanuts shall be the acreage to be deducted from the planted acreage under the provisions of this subparagraph.

(4) If any peanuts on the farm are to be marketed as green peanuts the farm operator shall so notify the county office manager. If the acreage planted to peanuts on the farm is not in excess of the

larger of the effective farm allotment or one acre, the county office manager may accept the farm operator's estimate of the acreage on which such green peanuts were produced, in which case, the remaining acreage, subject to the provisions of subparagraphs (1), (2) and (3) of this paragraph and § 729.857 (b), will be the farm peanut acreage. Where the entire production of peanuts on the farm is to be marketed as green peanuts, the farm peanut acreage (subject to the provisions of § 729.857 (b)) will be "zero". Where the acreage planted to peanuts on the farm is in excess of the larger of the effective farm allotment or one acre and a portion of the peanuts produced on such farm are to be marketed as green peanuts, the acreage on which such green peanuts are produced may be deducted from the acreage planted to peanuts on the farm in determining the farm peanut acreage provided such acreage is measured and the requirements of § 729.857 (b) are met. The estimated cost of measurement shall be paid by the producer.

Provided, however, That:

(5) The farm peanut acreage shall be considered equal to the effective farm allotment on a farm for which such allotment equals or exceeds one acre, if the acreage in excess of the effective farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the effective farm allotment, whichever is larger;

(6) The farm peanut acreage shall be considered equal to one acre on a farm for which the effective farm allotment is equal to or less than one acre and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of this subparagraph and of subparagraph (5) of this paragraph shall not apply unless a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the larger of the effective farm allotment, or one acre, is disposed of on the farm in a manner approved by the county committee so that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further,* That these acreage limits and those prescribed in subparagraph (5) of this paragraph shall not be applicable if the State committee concurs in findings and recommendations of the county committee that the excess acreage was picked or threshed notwithstanding a bona fide effort on the part of the producer to comply with the effective farm allotment.

3. Section 729.811 (q) is hereby amended to read as follows:

(q) "Farm peanut history acreage" means the sum of (1) the farm peanut acreage, (2) the acreage diverted from the production of peanuts under provisions of the Soil Bank Act (70 Stat. 188, 191, 195) and (3) the acreage temporarily released to the county committee under provisions of § 729.825; except that, the farm peanut history acreage for any year shall not exceed the farm peanut allotment for such year: *Provided,* That for 1956 the farm peanut history acreage shall be equal to the farm allotment if the farm owner or operator requested in writing preservation of unused allotment on or before June 1 of such year. For each year within the period 1957–1959 inclusive the farm peanut history acreage shall be equal to the farm allotment.

4. Section 729.811 (x) is hereby amended to read as follows:

(x) "Old farm" means any farm on which peanuts were picked or threshed in one or more years during the base period, including also any farms for which old farm allotments were established or which were eligible for old farm allotments for the preceding year, if peanuts were planted for harvest for nuts on any such farm in any year during the base period and the county committee determines that no peanuts were picked or threshed from the farm in any such year because of abnormal conditions affecting production. For 1956 and subsequent years any part of the farm peanut allotment which is diverted from the production of peanuts under provisions of the Soil Bank Act (70 Stat. 188, 191, 195) shall be considered as picked or threshed peanut acreage for purposes of this paragraph. For 1956 the entire farm allotment shall be considered to have been picked or threshed for purposes of this paragraph if the farm owner or operator requested in writing preservation of allotment history acreage on or before June 1 of such year. For each year within the period 1957–1959 inclusive the entire farm allotment, less the acreage released to the county committee, shall be considered to have been picked or threshed for purposes of this paragraph.

5. Section 729.811 (z) is hereby amended to read as follows:

(z) "Peanuts" means all peanuts produced, excluding any peanuts which it is established by the producer or otherwise, in accordance with this part, were not picked or threshed either before or after marketing from the farm or were marketed by the producer before drying or removal of moisture from such peanuts either by natural or artificial means for consumption exclusively as boiled peanuts.

6. Section 729.822 (b) (1) is hereby amended to read as follows:

(1) An application for a new farm allotment is filed by the farm operator and farm owner with the county committee on or before a closing date established by the State committee. In no event is the closing date to be earlier than January 15, or later than February 15 of the calendar year for which application for an allotment is being filed.

7. The first paragraph of § 729.822 (c) and § 729.822 (c) (1) and (2) are hereby amended to read as follows:

(c) Beginning with the reserve which is set aside to provide allotments for new farms for 1958, one-fourth of one percent of the national peanut acreage allotment shall be available for establishing allotments for new farms; except that, if the total of the acreages required to establish allotments and reserves for old farms hereunder in any State is less than the State allotment, the balance of each State allotment shall, upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms as determined by the State and county committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments determined by the State and county committees does not exceed one-fourth of one percent of the State's share of the current year national peanut acreage allotment, no adjustment will be made in the new farm allotments determined by the State and county committees and there shall be made available to each such State an acreage equal to the total of the new farm allotments;

(2) For any State for which the total of the new farm allotments determined by the State and county committees exceeds one-fourth of one percent of the State's share of the national acreage allotment there shall be made available for new farm allotments in each such State an acreage equal to one-fourth of one percent of the State's share of the national acreage allotment;

8. Section 729.822 (c) (4) (i) is hereby amended to read as follows:

(i) An application for an allotment is filed by the farm operator and farm owner with the county committee on or before a closing date established by the State committee which shall not be earlier than February 1 or later than March 1 of the calendar year for which application for an allotment is being filed.

9. Section 729.828 is hereby amended to read as follows:

§ 729.828 *Approval of determinations and notice of farm allotment.* The State committee shall review farm allotments and normal yields and the State committee may correct or require correction of any determination made in connection therewith. Farm allotments shall be approved by the State committee and official notice of the farm allotment on Form MQ–24 or MQ–24a shall not be issued for a farm until such allotment has been so approved. After approval of farm allotments by both State and county committees a Form MQ–24 or MQ–24a, Notice of Farm Acreage Allotment and Marketing Quota, shall be prepared and mailed to the operator of each farm for which a farm allotment is established. Forms MQ–24 or MQ–24a shall be signed by a member of the county committee who may utilize a facsimile signature. Forms MQ–24 or MQ–24a that are prepared for farms for which the farm allotments are reduced in accordance with § 729.824 shall be mailed to operators by certified mail.

10. Section 729.857 is hereby amended to read as follows:

§ 729.857 *Producer's records and reports.*—(a) *Report on marketing card.* Each marketing card issued with respect to a farm on which peanuts are produced shall be returned to the ASC county office as soon as marketings from the farm are completed or at such earlier time as the county office manager may request. Failure to return the marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that an account, satisfactory to the county committee, of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced as provided in § 729.824.

(b) *Report of marketing green peanuts.* (1) The operator of each farm from which green peanuts are marketed shall within 15 days after the marketing of green peanuts is generally complete in the county, and at such other date(s) as may be requested by the county office manager, file with the county committee a written report containing a record of the peanuts marketed from the farm before drying or removal of moisture by natural or artificial means for consumption exclusively as boiled peanuts. Such written report shall show for the farm:

(i) The number of acres on the farm planted to peanuts;

(ii) The acreage on the farm from which peanuts were marketed as green peanuts;

(iii) The name and address of the buyer to or through whom each lot of green peanuts was marketed, the type and quantity in each lot marketed and the date marketed: *Provided,* That where green peanuts are marketed by the producer in small lots direct to consumers, such as in the case of local street sales, the report may be made as either a daily or weekly summary of the quantity so marketed and the name and address of each buyer need not be shown but in lieu thereof the place of marketing shall be shown.

(2) Failure to file any report of the marketing of green peanuts as required by this subsection, or the filing of a report which the county committee finds to be false, shall constitute failure to account for the disposition of the peanuts produced on the acreage involved and such acreage shall not be deducted in determining the farm peanut acreage.

(c) *Additional reports by producers.* (1) In addition to any other reports which may be required under §§ 729.840 to 729.865 the operator of each farm or any other producer on the farm (even though the farm has no excess acreage) shall, upon written request from the State administrative officer sent by certified mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the same to the ASC State office within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(i) The farm peanut acreage as defined in § 729.811 (p);

(ii) The total production of peanuts;

(iii) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed: *Provided,* That where peanuts are marketed in small lots to numerous persons who are not established commercial buyers of peanuts the report may be made as either a daily or weekly summary of the number of pounds marketed and the name and address of the buyer(s) need not be shown but in lieu thereof the place of marketing shall be shown;

(iv) The quantity and disposition of harvested peanuts not marketed; and

(v) In the case of a farm for which an agreement was approved under § 729.855, the gross value received for each lot of peanuts.

(2) Failure to file the report as requested or the filing of a report which is found by the State committee to be false shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for such farm shall be reduced as provided in § 729.824.

11. Section 729.862 is hereby amended to read as follows:

§ 729.862 *Examination of records and reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or threshing machine, shall make available for examination upon written request by the Director, the State administrative officer, or any agent of the Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the Director, the State administrative officer or such agent has reason to believe are relevant to any matter under investigation in connection with enforcement of the act and regulations issued thereunder and which are within the control of such person.

(Sec. 375, 52 Stat. 38, 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 373, 52 Stat. 38, 65, as amended; secs. 358, 359, 55 Stat. 88, 90, as amended; sec. 377, 70 Stat. 206, as amended; 7 U. S. C. 1373, 1358, 1359, 1377)

NOTE: The record-keeping and reporting requirements of this amendment have been approved by, and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 22d day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–8816; Filed, Oct. 25, 1957; 8:46 a. m.]

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO PRODUCER AND FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1958 CROP OF RICE

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AUTHORITY: §§ 730.910 to 730.936 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 353, 363, 377, 52 Stat. 38, 61; 63, as amended, 70 Stat. 206; 7 U. S. C. 1301, 1353, 1363, 1377.

GENERAL

§ 730.910 *Basis and purpose.* (a) The regulations contained in §§ 730.910 to 730.936, inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm acreage allotments and normal yields for the 1958 crop of rice. The purpose of the regulations in this subpart is to provide the procedure for apportioning in the States of California, Florida, North Carolina, Tennessee, and Texas, the 1958 State rice acreage allotments among rice producers in the State, and, in the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma, and South Carolina, the appor-

tionment of the 1958 county rice acreage allotments among farms in the county. In the latter group of States the respective State committees have recommended that the farm acreage allotments be determined on the basis of the past production of rice on farms and the acreage allotments previously established for farms in lieu of the past production of rice by producers on farms and acreage allotments previously established for the producers, and the Secretary has determined that such action will facilitate the effective administration of the act.

(b) In view of the provisions of the act which preclude any acreage planted to rice in excess of the farm acreage allotment being taken into account in establishing State, county, and farm acreage allotments and the recently enacted Public Law 85–266 which requires that, with a minor exception, the entire farm allotment (excluding released and reapportioned acreage) be considered planted to rice in 1957 for the purpose of determining future State, county and farm allotments, the acreage planted or considered planted to rice on any farm in 1957 is indicative of the past production of rice on farms, of the producer's shares therein, and of allotments previously established. Accordingly, such acreages, except where limited adjustments are necessary to reflect the statutory factors for the establishment of allotments other than the past production of rice and allotments previously established will be the 1958 base acreages for producer or farms, as applicable. Individual adjustments shall be limited to 10 per cent of the 1957 farm or producer rice acreage allotment, as applicable.

(c) Prior to preparing the regulations in this subpart, public notice (22 F. R. 6465) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in this subpart which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 730.911 *Definitions.* As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(c) Committees: (1) "Community committee" means the persons elected within a community as the community committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(3) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(d) "Farm" means a farm as defined in regulations governing determination of acreage and performance (Part 718 of this chapter; 22 F. R. 3747, 7418).

(e) "Cropland" means cropland as defined in regulations governing determination of acreage and performance (Part 718 of this chapter; 22 F. R. 3747, 7418).

(f) "Developed rice land" means cropland on which rice has been produced and for which water and other irrigation facilities are readily available for the production of rice in 1958.

(g) "Old farm" means any farm on which there was rice acreage, including any acreage considered as rice acreage under the provisions of section 106 (a) or 112 (2) of the Soil Bank Act or section 377 of the Act, during any one or more of the years 1953, 1954, 1955, 1956 or 1957.

(h) "New farm" means any farm other than one defined under paragraph (g) of this section and for which an allotment is requested for the production of rice in 1958.

(i) "Old producer" means any person engaged in the production of rice during one or more of the years 1953, 1954, 1955, 1956 or 1957, including any person who was engaged in the production of rice in 1955, 1956 or 1957 on a farm for which no rice acreage allotment was determined for such year.

(j) "New producer" means any producer other than one defined under paragraph (i) of this section who requests an allotment for the production of rice in 1958.

(k) "Engaged in the production of rice" means actively participating as landlord, tenant, or sharecropper in the conduct of the farming operations necessary to produce and harvest a crop of rice on a farm and the sharing in a predetermined and fixed portion of the rice crop, or the proceeds thereof, at the time of harvest by virtue of having contributed in the capacity of landlord, tenant, or sharecropper, the land, labor, water or equipment necessary for the production of the rice crop. Any landowner and any producer, including a tenant, who holds a lease or rental agreement, provided the land under lease or rental agreement meets the definition of developed rice land, who requests the allocation of his producer allotment to a farm for the purpose of diverting an acreage from the production of rice under the Soil Bank acreage reserve or conservation reserve programs or preserving his allotment shall be considered to be engaged in the production of rice. Any person who shares in a rice crop by virtue of an assignment of the crop for furnishing equipment, seed, fertilizer, or supplies (other than irrigation water), or as security for cash or credit advanced or for furnishing labor only for a particular phase of production, or any tenant who the county committee finds not to be actively participating in the conduct of the farming operations on a farm to which such tenant has allocated allotment acreage shall not be deemed to be engaged in the production of rice.

(l) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (1) any acreage of non-irrigated rice of three acres or less, (2) any acreage of sweet, glutenous, or candy rice commonly known as Mochi Gomi, (3) any acreage of rice grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station, (4) any acreage of rice grown by any Federal or State wildlife refuge farm where all rice on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm, and (5) any acreage planted to rice in excess of the farm rice acreage allotment, or when applicable, the permitted acreage of rice under an acreage reserve agreement or conservation reserve contract under the Soil Bank program which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the date established by the county committee with the approval of the State committee so that rice cannot be harvested therefrom.

(m) "Rice history acreage" means: (1) for 1953 and 1954, the rice acreage on the farm; (2) for 1955 the acreage determined for the farm as provided by §§ 730.716 (a) and 730.724 (a) of the 1956 rice acreage allotment regulations issued by the Secretary (21 F. R. 73, 76); (3) for 1956 the acreage determined for the farm as provided by §§ 730.816 (a) and 730.824 (a) of the 1957 rice acreage allotment regulations issued by the Secretary (21 F. R. 8423); and (4) for 1957 the acreage determined for the farm as provided by §§ 730.916 (d) and 730.927 (c).

(n) "Producer" means any person engaged in the production of rice as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm; a tenant operating a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop or the proceeds thereof. For purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop or the proceeds thereof.

(o) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or legal entity and, whenever, applicable, a State, a political subdivision of a State, the Federal Government, or any agency thereof.

(p) "Tenant" means a producer who is engaged in the production of rice on land owned by another, paying rent either in cash or in shares of the rice crop, and also includes an irrigation company which furnishes water for a share of the crop.

(q) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(r) "Producer State" means the States of California, Florida, North Carolina, Tennessee, and Texas in which 1958 farm rice acreage allotments are determined on the basis of past production of rice in the State by the producer on the farm and the acreage allotments previously established in the State for the producer.

(s) "Farm State" means the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma, and South Carolina in which 1958 farm rice acreage allotments are determined on the basis of past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for the producer.

§ 730.912 *Extent of calculations and rule of fractions.* All rice acreage allotments and other computations shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 39.051 would be 39.1 and 39.050 would be 39.0.

§ 730.913 *Forms and instructions.* The Director of the Grain Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as may be deemed necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this subpart. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator, Production Adjustment, Commodity Stabilization Service.

§ 730.914 *Supervision, review, and approval by State committees.* State committees shall have over-all responsibility for the administration of the regulations herein in their respective States. All acreage allotments shall be reviewed by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman who may revise or require revision of any determination made under the regulations in this subpart. All acreage allotments for rice shall be approved by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman and no official notice thereof shall be mailed until such allotment has been approved by or on behalf of the State committee.

FARM ACREAGE ALLOTMENTS BASED ON PAST PRODUCTION OF RICE BY PRODUCERS

§ 730.915 *Report of producer data.* In a producer State, each producer, to the extent that such information is found necessary and is not already available to the county committee, shall furnish the county committee of the county in which such producer is or will be engaged in the production of rice in 1958 the names, addresses, and acreage shares of other persons having an interest in each rice crop in which such producer shared during the years 1953 through 1957. Information not so furnished shall be determined or appraised by the county committees on the basis of records in the county offices, available production and sales records, and other available information.

§ 730.916 *Establishment of base acreages for old producers*—(a) *Basic factors.* In a producer State, the past production of rice in the State by the producer on farms and the acreage allotments previously established in the State for such producer; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices and the soil and other physical factors affecting the production of rice, are the factors for apportioning the State rice acreage allotment, less appropriate reserves, to farms owned or operated by persons who have produced rice in any one of the five calendar years immediately preceding the year for which the allotment is determined. To reflect these factors, the county committee, with the approval of the State committee, shall establish a 1958 base acreage of rice for each old producer in the county. Prior to establishing such base acreages in the county for 1958, the county committee shall, in accordance with paragraphs (b), (c) and (d) of this section, establish for each farm for which a 1957 farm rice acreage allotment was determined under § 730.817 or § 730.818 of the 1957 regulations for establishment of rice acreage allotments (21 F. R. 8423), and for each farm on which an acreage was planted to rice in 1957 and for which no farm rice acreage allotment was determined (1) the acreage planted or considered planted to rice on the farm in 1957, (2) the acreage planted and diverted or considered planted and diverted from the production of rice on the farm in 1957, and (3) each producer's share of such acreages.

(b) *Acreage planted or considered planted to rice on the farm in 1957.* The acreage planted or considered planted to rice on any farm in 1957 shall be the 1957 farm rice acreage allotment established under § 730.819 or § 730.820, as applicable, of the 1957 regulations for the establishment of rice acreage allotments, except as provided for in subparagraph (1), (2) or (3) of this paragraph.

(1) If the 1957 farm rice acreage allotment on any farm is underplanted in 1957 for the purpose of reducing an amount of rice from a prior crop which was previously stored to postpone or avoid payment of a marketing quota penalty, incurred by overplanting the farm rice acreage allotment in any year prior to 1957, the acreage planted or considered planted to rice on such farm in 1957 shall be the rice acreage on the farm, and the acreage, if any, diverted from the production of rice through participation in the Soil Bank under a 1957 acreage reserve agreement and/or conservation reserve contract.

(2) The acreage diverted from the production of rice under a 1957 acreage reserve agreement on any farm in 1957 shall be the smaller of (i) the rice acreage entered on the 1957 acreage reserve agreement or (ii) the 1957 farm rice acreage allotment minus the acreage actually devoted to rice on the farm.

(3) The acreage diverted from the production of rice under a 1957 conservation reserve contract on any farm in 1957 shall be the acreage, if any, which represents the percentage of the total acreage credited to the farm because of participation in the conservation reserve program that is credited to rice because of underplanting the farm rice acreage allotment. Such total acreage credited to the farm shall be the smallest of (i) the acreage determined to be under a conservation reserve contract at the regular rate; (ii) the reduction in the Soil Bank base crops from the farm's Soil Bank base; or (iii) the amount by which the sum of the acreage allotments for the farm for which such allotments have not been considered planted under the provisions of section 377 of the Agricultural Adjustment Act of 1938, as amended, exceeds (*a*) the acreage actually devoted to such crops on the farm, plus (*b*) the acreage, if any, credited to the acreage reserve program on the farm.

(4) Notwithstanding any provision herein, the acreage planted or considered planted to rice on any farm shall not exceed the 1957 farm rice acreage allotment referred to in this section.

(c) *Producer's share of the acreage planted, or considered planted to rice on any farm in 1957 and the acreage, if any, released for reapportionment.* (1) The acreage planted or considered planted to rice as determined under paragraph (b) of this section for any farm for 1957 shall be divided among the producers who are engaged in the production of rice on the farm in 1957 in the same proportion that each producer's preliminary rice acreage allotment, or part thereof, allocated to such farm bears to the 1957 farm rice acreage allotment established for such farm.

(2) Any preliminary rice acreage allotment voluntarily released by a producer to the county committee for reapportionment to farms under § 730.821 of the 1957 regulations for establishment of rice acreage allotments shall be added to such producer's share of the acreage planted or considered planted to rice on farms in 1957 as determined under subparagraph (1) of this paragraph.

(d) *Acreage planted and diverted or considered planted and diverted from the production of rice on any farm in 1957.* (1) The acreage planted and diverted or considered planted and diverted from the production of rice on any farm in 1957, for which the 1957 rice acreage on the farm is not knowingly in excess of the 1957 farm rice acreage allotment established in accordance with § 730.819, § 730.820 or § 730.821, as applicable, of the 1957 regulations for establishment of rice acreage allotments, shall be determined by multiplying the acreage planted, or considered planted to rice on

the farm in 1957, as determined under paragraph (b) of this section, by a diversion credit factor. Such diversion credit factor shall be a decimal fraction computed and rounded to four places beyond the decimal point and will be obtained by dividing the State allotment proration factor into 1.0000.

(2) Any farm on which the 1957 farm rice acreage allotment, established in accordance with § 730.819, § 730.820 or § 730.821, as applicable, of the 1957 regulations for establishment of rice acreage allotments, was knowingly exceeded the 1957 farm history acreage for such farm shall be an acreage equal to the 1957 rice acreage allotment established in accordance with § 730.819 or § 730.820, as applicable, for such farm or a zero in the event no 1957 farm rice acreage allotment was established for such farm.

(3) The acreage planted and diverted or considered planted and diverted from the production of rice on any farm, as determined under subparagraph (1) or (2) of this paragraph, shall hereinafter be referred to as the 1957 farm rice history acreage for such farm.

(e) *Producer's share of the acreage planted and diverted or considered planted and diverted from the production of rice on the farm in 1957.* (1) The 1957 farm rice history acreage for any farm as determined under paragraph (d) (1) or (2) of this section shall be divided among the producers who are engaged in the production of rice on the farm in 1957 in the same proportion that each producer's preliminary rice acreage allotment allocated to such farm bears to the 1957 farm rice acreage allotment established for such farm.

(2) Any preliminary rice acreage allotment voluntarily released by a producer to the county committee for reapportionment to farms under § 730.821 of the 1957 regulations for establishment of rice acreage allotments shall be multiplied by the State diversion credit factor and the result added to such producer's share of 1957 farm rice history acreage determined for the producer under subparagraph (1) of this paragraph.

(3) The acreage determined under subparagraphs (1) and (2) of this paragraph, shall hereinafter be referred to as the 1957 producer rice history acreage for such producer.

(f) *Recommended producer base acreage.* (1) If the county committee finds for any old producer that such producer's share of the acreage planted or considered planted to rice on farms on which he was a producer in 1957, including any acreage released by such producer for reapportionment, adequately reflects the factors referred to in paragraph (a) of this section base acreage shall be the 1958 recommended base acreage for the producer. In making such finding the county committee shall take into consideration the factors referred to in subparagraph (2) of this paragraph.

(2) If the county committee finds for any old producer that such producer's share of the acreage planted or considered planted to rice on the farms on which he was a producer in 1957, including any acreage released by such producer for reapportionment, does not adequately reflect the factors referred to in paragraph (a) of this section because the acreage planted or considered planted to rice in 1957 on such farms is substantially above or below the 1957 rice acreage planted or considered planted to rice on other farms in the county which are similar with respect to:

(i) The acreage of developed rice land on the farm;

(ii) The number of rice producing tenants or other labor on the farm;

(iii) The equipment available for producing the rice crop;

(iv) The soil, water and other physical factors affecting the production of rice; or

(v) An established crop rotation system being carried out on the farm;

the producer's share of the acreage planted or considered planted to rice on farms on which he was a producer in 1957, including any acreage released by such producer for reapportionment, shall, for the purposes of establishing a 1958 recommended base acreage, be adjusted so as adequately to reflect the factors referred to in paragraph (a) of this section: *Provided*, That in no case shall such adjusted acreage exceed 110 percent or be less than 90 percent of the 1957 preliminary rice acreage allotment for such producer, except that if a producer planted rice in 1957 without an allotment or planted rice in a farm State during the period 1953 through 1957 but will produce rice in 1958 in a producer State the 1958 recommended base acreage for such a producer shall not exceed the 1958 recommended base acreage established or which might have been established for the producer if he had been engaged in the production of rice in 1957 as a new producer.

§ 730.917 *Determination of allotments for old producers.* (a) The base acreages of rice determined for producers under § 730.916, adjusted pro rata to equal the State allotment minus (1) a reserve established by the State committee, and approved by the Secretary of not to exceed 3 per centum of the State allotment for new producers, and (2) an appropriate reserve established by the State committee and approved by the Secretary of not to exceed 5 per centum of the State allotment for appeals and corrections, missed producers, and adjustments under paragraph (b) of this section, except as may be adjusted under paragraphs (b) and (c) of this section, shall be the rice acreage allotments for old producers. If, as a result of corrections, the total acreage allotted to producers in any State for which corrections are made is less than the total acreage originally allotted to such producers, such difference in acreage shall be added to the State reserve for appeals and corrections provided for in this paragraph without regard to the limitation thereon.

(b) The allotment determined for any old producer under paragraph (a) of this section may be increased if the State committee, with the assistance of the county committee, determines that the allotment is small in relation to allotments established for other old producers in the county on the basis of the crop-rotation practices, the land, labor, water and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice during the years 1953 through 1957: *Provided*, That such increased allotments shall not exceed the allotments determined for other producers in the county which are similarly situated with respect to the factors set forth above. The acreage used in any State for increasing producers' allotments under this paragraph shall not exceed the acreage made available therefor under paragraph (a) of this section.

(c) The acreage allotment determined for any producer under paragraph (a) or (b) of this section may be increased if the State committee, with the assistance of the county committee, determines that such allotment for the producer is inadequate because of an insufficient State acreage allotment or because rice was not planted by the producer during all of the preceding five years, taking into consideration the producer's investment in equipment and other facilities for the production of rice and the acreage required to make such allotment for the producer an economic unit: *Provided*, That the total of such increases in allotments under this paragraph shall not exceed the acreage, if any, made available to the State from the national reserve provided for by section 353 (a) of the act.

§ 730.918 *Determination of allotments for new producers.* (a) In a producer State, the State committee, with the assistance of the county committee, shall determine for each eligible new producer a rice acreage allotment and allocate such allotment to the farm or farms in accordance with the provisions of § 730.921.

(b) Each person desiring a rice acreage allotment as a new producer shall file an application therefor with the county committee on or before January 31, 1958. Each such application shall contain information as follows: the name, address, and age of the applicant; the applicant's past experience in the production of rice; the acreage allotment requested by the applicant; whether arrangements have been made for the land and the water necessary to produce a rice crop; the equipment owned by the applicant or otherwise available to him for producing rice in 1958; the reason the applicant was not engaged in the production of rice during the years 1953 through 1957; and whether the applicant expects to derive 50 percent or more of his livelihood in 1958 from rice farming operations.

(c) To be eligible for a rice acreage allotment as a new producer, the applicant must have filed his application for an allotment on or before the date provided herein, and must establish to the satisfaction of the county committee that (1) he has had past rice producing experience; (2) he has previously arranged for the land and water necessary for the production of rice in 1958; (3) he owns or had available for his use adequate equipment for producing rice in 1958; (4) that he expects to derive 50 percent or more of his livelihood in 1958 from farming operations; and (5) he has not filed his application for the purpose of obtaining a rice acreage allotment as a new producer which would be used, if obtained, as a device to offset a reduction in the 1958 rice acreage of an old producer with whom he was previously associated in financing, producing, or marketing rice.

(d) The sum of the acreages allocated to eligible new producers in a State shall not exceed the reserve established by the State committee in accordance with § 730.917.

§ 730.919 *Notice of producer allotment.* The allotment as determined under § 730.917 or § 730.918, as applicable, for each producer, when approved by or on behalf of the State committee, shall be the official producer rice acreage allotment for such producer. The county committee shall officially notify each producer, at his last known address, of the producer rice acreage allotment established for him. Insofar as practicable all producer allotment notices in a county shall be mailed on the same date and in time to be received prior to the date on which the referendum to determine whether farmers favor or oppose rice marketing quotas will be held. A copy of each producer allotment notice approved shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept freely available for public inspection in the office of the county committee.

§ 730.920 *The right to appeal producer allotment to county and State committees.* Any producer in a producer State who is dissatisfied with his 1958 producer rice acreage allotment may, within 15 days after the date of mailing of the notice of such allotment, file an appeal in writing to the county committee for reconsideration of such allotment. If the appellant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal in writing to the State committee within 15 days after the date of mailing the notice of the decision of the county committee. The decision of the State committee shall be final with respect to a producer's appeal of his producer rice acreage allotment. However, when his producer allotment has been allocated to a farm and he has been officially notified of the allotment for the farm on which he will be engaged in the production of rice, he may file an application in accordance with the provisions of § 730.933 for a review of the farm rice acreage allotment.

§ 730.921 *Allocation of producer allotments to farms.* (a) Each producer who desires to have a farm rice acreage allotment established for a farm on which he will be engaged in the production of rice in 1958 shall file a request with the county committee for allocating his producer allotment as determined under §730.917, § 730.918 or §730.920, as applicable, to such farm or farms. Each such request shall contain the name (or code number) of the State and county in which the farm is located and the farm serial number, the total acreage in the farm, the cropland acreage, the developed rice land acreage, the name and address of the applicant, the name and address of the farm operator and the name and address of the farm owner where different from the farm operator, the location of the farm, the applicant's 1958 producer rice allotment, the rice acreage allotment to be allocated to the farm, the acreage intended to be planted by the applicant on the farm in 1958, the applicant's interest in the rice crop to be produced on the farm by virtue of furnishing the land, labor, water and/or equipment, the applicant's capacity in connection with the rice crop to be produced, including his share of the crop to be produced as the result of furnishing the land, labor, water and/or equipment and, if known, the names and addresses of any other persons who will have an interest in the 1958 rice crop to be produced on the farm.

(b) In the event a producer fails or refuses to file a request for the allocation of his producer allotment to a farm, the county committee, after a reasonable effort to obtain a request from such producer has been made, shall, on the basis of information available to it, prepare the application on the producer's behalf and allocate his allotment, or unallocated part thereof, to the farm or farms on which the producer is engaged in the production of rice for the purposes of administering the provisions of the acreage allotment and marketing quota programs. If a producer, who does not have a producer allotment, or who is not eligible for an allotment, refuses to furnish the county committee with the applicable information requested herein regarding his farming operations, the county committe shall prepare a request on his behalf from any information available to it.

(c) The State committee, with the assistance of county committees, shall allocate the allotment determined under § 730.917, § 730.918 or § 730.920, as applicable, for a producer to the farm or farms on which it has been determined that the producer will be engaged in the production of rice in 1958. The sum of the producer allotments allocated to any farm, adjusted where necessary to establish an allotment for the farm within its capabilities for producing rice consistent with practical farming operations, taking into consideration crop-rotation practices, the land, labor, water and equipment available for the production of rice, the sizes of fields, the arrangement of levees and drainage facilities, the soil and other physical factors affecting the production of rice on the farm in 1958, and the acreage available for such adjustments, shall be the official farm rice acreage allotment for such farm: *Provided*, That the total acreage allocated to all farms for any producer shall not exceed such producer's 1958 producer allotment determined under § 730.917, § 730.918 or § 730.920, as applicable, by more than 5 per centum or 5 acres, whichever is larger: *And provided further*, That the total acreage allocated to all farms for any new producer shall not exceed the smaller of (1) such producer's 1958 rice acreage allotment including the adjustment, if any, under this paragraph, or (2) the sum of the producer's shares in the acreages planted to rice in 1958 by the new producer on all farms in which he has an interest in the acreage planted to rice. The sum of the upward adjustments in allocated acreages under this paragraph shall be limited to the sum of the downward adjustments that are not released by the producer for reapportionment to other farms under § 730.924. The acreage resulting from the reduction of new producer allotments under this section shall be transferred to the reserve available to the State committee for appeals and corrections, missed farms, and adjustments under § 730.917.

(d) Before approving a producer's request for the allocation of allotment acreage to a farm, the county committee must satisfy itself that the applicant will be actively engaged in the production of rice on such farm or, if not, that he is requesting the allocation of his producer allotment acreage to the farm for the purpose of (1) participating in the Soil Bank acreage reserve or conservation reserve program, or (2) in order that his allotment may be preserved under the provisions of Public Law 266—85th Congress for history purposes. To be considered actively engaged in the production of rice, the applicant must meet the definition of the term "engaged in the production of rice" as stated in paragraph (k) of § 730.911. No request for the allocation of producer allotment acreage to a farm by a tenant will be approved unless the county committee is satisfied that such tenant will be making an active contribution toward the production of the crop on the farm throughout the normal period required to produce and harvest a crop of rice.

(e) If the county committee has reason to believe, after the establishment of any farm acreage allotment in accordance with this section, that a tenant whose allotment acreage was allocated to such farm is not in fact actively participating in the production of the rice crop which is being produced on the farm, a hearing shall be scheduled by the county committee and the tenant shall be invited to be present, or to be represented, at which time he shall be given an opportunity to substantiate his claim that he is engaged in the production of rice on the farm as was stated at the time of filing his request for the allocation of his producer allotment to the farm. If the county committee finds that such tenant is not actively participating in the production of the rice crop on the farm, except where allocation was made for the purpose of the Soil Bank or for the preservation of acreage, and therefore not considered engaged in the production of rice on such farm, it shall with the approval of the State committee recall the producer's allotment acreage previously allocated to the farm and adjust the farm rice acreage allotment accordingly. The county committee, immediately following the State committee's approval of such action, shall notify the farm

operator of the revised farm acreage allotment. Such notice shall be on an official Form MQ–24 and will be accompanied by a letter of explanation as to the reason such action was taken to reduce the farm acreage allotment. A copy of the notice and letter shall be forwarded to all persons engaged in the production of rice on the farm. Any allotment acreage recalled by the county committee under this section shall not be available for apportionment or reallocation to any other farm.

§ 730.922 *Determination of allotments for farms to which producer allotments have been allocated.* The sum of the rice acreage allotments determined for both old and new producers that are allocated to any farm under § 730.921, including the adjustments, if any, as provided for under paragraph (c) of such section, shall be the 1958 farm rice acreage allotment for such farm. The sum of the farm rice acreage allotments so determined in any producer State shall not exceed the State rice acreage allotment for such State and the acreage, if any, made available to the State from the national reserve provided for by section 353 (a) of the act, minus any balance which is held in reserve for appeals, corrections, and missed producers.

§ 730.923 *Mailing of notices of allotments for farms to which producer allotments have been allocated.* An official notice of the 1958 farm rice acreage allotment established for a farm in accordance with § 730.922 shall be mailed by the county committee to the operator of the farm and to all other persons who will be engaged in the production of rice on such farm in 1958. A copy of each farm allotment notice approved shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept freely available for public inspection in the office of the county committee.

§ 730.924 *Release and reapportionment of producer rice acreage allotments.* (a) In a producer State, a producer may, not later than the applicable closing date prescribed in this section, voluntarily release to the county committee all or any part of his 1958 producer rice acreage allotment that will not be allocated to a farm in 1958. Such released acreage shall be deducted from the allotment established for such producer and may be reapportioned by the county committee not later than the applicable closing date prescribed in this section to other producers (old or new) in the same county in amounts determined to be fair and reasonable on the basis of the production of rice by the producer during the years 1953 through 1957; previous rice acreage allotments established for the producer; abnormal conditions affecting acreage; land, labor, water and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing dates in each producer State for the release and reapportionment of rice acreage allotments are as follows:

State	Release	Reapportionment
California	Apr. 15, 1958	May 1, 1958
Florida	Feb. 28, 1958	Mar. 14, 1958
North Carolina	Feb. 28, 1958	Mar. 5, 1958
Tennessee	May 30, 1958	June 6, 1958
Texas	Feb. 21, 1958	Mar. 7, 1958

(b) Any part of a producer's allotment which is not assigned to a farm by reason of a field-size adjustment under § 730.921 (c), shall, upon request of the producer, be considered as released acreage under this paragraph. In considering producers to receive additional allotment from released acreage, preference shall be given to producers having small allotments. Any producer rice acreage allotment released for 1958 shall, in determining future rice acreage allotments, be regarded as having been planted in 1958 by the producer releasing such allotment if the producer is otherwise eligible for an old producer allotment, and shall not be considered as having been planted by the producer on the farm to which such released acreage is reapportioned.

(c) The release and reapportionment of rice acreage allotments under this section shall not become effective until approved by the State committee or upon behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman.

§ 730.925 *Succession of interest in producer allotments.* (a) If a producer voluntarily retires from the production of rice, dies, or is declared incompetent by a court of competent jurisdiction, his history of rice production shall be apportioned in whole or in part among the heirs, devisees, or members of his family according to the extent to which they may continue, or have continued, his farming operations, if satisfactory proof of such relationship and succession of farming operations is furnished the county committee.

(b) If a producer voluntarily withdraws in whole or in part from the production of rice through the voluntary sale of rice land, all or such part of such producer's history of rice production as may be ascribed to such land shall pass to the purchaser if such transfer of rice history is approved by the State committee.

(c) If a producer voluntarily withdraws in whole from the production of rice through the voluntary sale of a leasehold of rice land or five or more years duration, all of such producer's history of rice production as may be ascribed to such land shall pass to the purchaser if (1) such sale includes all irrigation equipment and other permanently installed rice-producing facilities attached to such land, and (2) such transfer of rice history is approved by the State committee.

(d) Upon dissolution of a partnership, the partnership's history of rice production shall be apportioned among the partners in such proportion as agreed upon in writing by the partners and approved by the State committee: *Provided,* That if a partnership was formed in a year when allotments were in effect and is dissolved after July 31, 1957, in less than five consecutive crop years after the partnership became effective, the rice acreage allotment established for the partnership and the rice history acreages credited to the partnership for each of the years during its existence shall be divided among the partners in the same proportion that each contributed to the allotment established for the partnership at the time such partnership was formed. The rice history acreage credited to each of the partners for the years prior to the time the partnership was formed shall revert to the person to whom it was originally credited.

FARM ACREAGE ALLOTMENTS BASED ON PAST PRODUCTION OF RICE ON FARMS

§ 730.926 *Report of farm data.* In a farm State, each producer, to the extent that such information is found necessary and is not already available to the county committee, shall furnish the county committee of the county in which such farm is located information requested by the county committee relative to changes in operations or control of the farm, size of the farm, or changes in the acreage of developed rice land on the farm. Information not so furnished shall be determined or appraised by the county committees on the basis of records in the county offices, available production and sales records, and other available information.

§ 730.927 *Establishment of base acreages for old farms—*(a) *Basic factors.* In a farm State, the past production of rice on the farms and the acreage allotments previously established for such farms; abnormal conditions affecting acreage; land, labor and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice are the factors for apportioning the State rice acreage allotment among counties and, less appropriate reserves, to old farms. To reflect these factors, the county committee with the approval of the State committee or its representative shall establish a 1958 base acreage of rice for each old farm in the county. Prior to establishing such base acreages in the county for 1958 the county committee shall, in accordance with paragraphs (b) and (c) of this section, establish for each farm for which a 1957 farm rice acreage allotment was determined under § 730.825, § 730.826 or § 730.828, of the 1957 regulations for establishment of rice acreage allotments, and for each farm on which an acreage was planted to rice in 1957 and for which no rice acreage allotment was determined (1) the acreage planted or considered planted to rice on the farm in 1957 and (2) the acreage planted and diverted or considered planted and diverted from the production of rice on the farm in 1957.

(b) *Acreage planted or considered planted to rice on the farm in 1957.* The acreage planted or considered planted to rice on any farm in 1957 shall be the 1957 farm rice acreage allotment, established under § 730.825, § 730.826, § 730.828 or § 730.829, as applicable, of

the 1957 regulations for the establishment of rice acreage allotments, except as provided for in subparagraphs (1), (2) and (3) of this paragraph.

(1) If the 1957 farm rice acreage allotment on any farm is underplanted in 1957 for the purpose of reducing an amount of rice from a prior crop which was previously stored to postpone or avoid payment of a marketing quota penalty incurred by overplanting the farm rice acreage allotment in any year prior to 1957, the acreage planted or considered planted to rice on such farm in 1957, shall be the rice acreage on the farm, plus the acreage, if any, released under § 730.830 of the 1957 regulations for the establishment of rice acreage allotments, and any acreage diverted from the production of rice through participation in the Soil Bank under a 1957 acreage reserve agreement and/or conservation reserve contract.

(2) The acreage diverted from the production of rice under a 1957 acreage reserve agreement on any farm in 1957 shall be the smaller of (i) the rice acreage entered on the 1957 acreage reserve agreement, or (ii) the 1957 farm rice acreage allotment minus the acreage actually devoted to rice on the farm.

(3) The acreage diverted from the production of rice under a conservation reserve contract on any farm in 1957 shall be the acreage, if any, which represents the percentage of the total acreage credited to the farm because of participation in the conservation reserve program that is credited to rice because of underplanting the farm rice acreage allotment. Such total acreage credited to the farm shall be the smallest of (i) the acreage determined to be under a conservation reserve contract at the regular rate, (ii) the reduction in Soil Bank base crops from the farm's Soil Bank base, or (iii) the amount by which the sum of the acreage allotments for the farm for which such allotments have not been considered planted under the provisions of section 377 of the act exceeds (*a*) the acreage actually devoted to such crops on the farm, plus (*b*) the acreage, if any, credited to the acreage reserve program on the farm.

(4) Notwithstanding any provision herein, the acreage planted or considered planted to rice on any farm shall not exceed the 1957 farm rice acreage allotment referred to in this paragraph.

(c) *Acreage planted and diverted or considered planted and diverted from the production of rice on any farm in 1957.* (1) The acreage planted and diverted or considered planted and diverted from the production of rice on any farm in 1957 for which the 1957 rice acreage on the farm is not knowingly in excess of the 1957 farm rice acreage allotment established in accordance with § 730.825, § 730.826, § 730.828, § 730.829 or § 730.830, as applicable, of the 1957 regulations for establishment of rice acreage allotments shall be determined by multiplying the acreage planted or considered planted to rice on the farm in 1957, as determined under paragraph (b) of this section, by a diversion credit factor. Such diversion credit factor shall be a decimal fraction computed and rounded to four places beyond the decimal point and will be obtained by dividing the county allotment proration factor into 1.0000.

(2) Any farm on which the 1957 farm rice acreage allotment, established in accordance with § 730.825, § 730.826, § 730.828, § 730.829 or § 730.830, as applicable, of the 1957 regulations for establishment of rice acreage allotments, including any farm on which rice was planted in 1957 and for which no 1957 rice acreage allotment was established, was knowingly exceeded, the 1957 farm history acreage for such farm shall be an acreage equal to the 1957 rice acreage allotment established in accordance with § 730.825, § 730.826, § 730.828 or § 730.829, as applicable for such farm, or a zero in the event no 1957 farm rice acreage allotment was established for the farm.

(3) The acreage planted and diverted or considered planted and diverted from the production of rice on any farm as determined under subparagraph (1) or (2) of this paragraph, shall hereinafter be referred to as the 1957 farm rice history acreage for such farm.

(d) *Recommended farm base acreage.* (1) If the county committee finds for any farm that the acreage planted or considered planted to rice on the farm in 1957 adequately reflects the factors referred to in paragraph (a) of this section such acreage shall be the 1958 recommended base acreage for the farm. In making such finding the county committee shall take into consideration the factors referred to in subparagraph (2) of this paragraph.

(2) If the county committee finds that the acreage planted or considered planted to rice on any farm in 1957 does not adequately reflect the factors referred to in paragraph (a) of this section because the acreage planted or considered planted to rice in 1957 on such farm is substantially above or below the 1957 rice acreage planted or considered planted to rice on other farms in the county which are similar with respect to:

(i) The acreage of developed rice land on the farm;

(ii) The number of rice producing tenants or other labor on the farm;

(iii) The equipment available for producing a rice crop;

(iv) The soil, water and other physical factors affecting the production of rice; or

(v) An established crop-rotation system being carried out on the farm;

the acreage planted or considered planted to rice in 1957 on such farm, shall, for the purposes of establishing a 1958 recommended base acreage, be adjusted so as adequately to reflect the factors referred to in paragraph (a) of this section: *Provided,* That in no case shall such adjusted acreage exceed 110 per cent or be less than 90 per cent of the 1957 rice acreage allotment for such farm, except that (*a*) if because of a definitely established crop-rotation system an allotment of zero was established for any farm in 1957 such limitation shall apply to the 1956 rice acreage allotment established for the farm, (*b*) if because of a definitely established crop-rotation system it is determined that no rice will be planted on a farm in 1958 a base acreage of zero shall be established for such farm, and (*c*) if rice was planted on a farm in only one of the years 1955, 1956, or 1957, without an allotment for such year, the 1958 recommended base acreage for such farm shall not exceed the 1958 recommended base acreage established or which might have been established for a farm if such farm had been a new farm in 1957.

§ 730.928 *Determination of allotments for old farms.* (a) The base acreages of rice determined under section 730.927, adjusted pro rata to the county allotment minus an appropriate reserve established by the county committee with the approval of the State committee and the Secretary of not to exceed 5 per centum of the county allotment for appeals and corrections, missed farms, and adjustments under paragraph (b) of this section, shall be the acreage allotments for old farms. If, as a result of corrections, the total acreage allotted to farms in any county for which corrections are made is less than the total acreage originally allotted to such farms, such difference in acreage shall be added to the county reserve provided for in this paragraph without regard to the limitation thereon.

(b) The acreage allotment determined for any farm under paragraph (a) of this section may be increased if the county committee determines that the allotment is small in relation to allotments for other old farms in the county on the basis of the crop-rotation practices, the land, labor, water and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice, taking into consideration the acreage required for the economic operation of the farm and the acreage available for such increases: *Provided,* That such increased allotments shall not exceed the allotments determined for other farms which are similar with respect to the factors set forth above. The acreage used in any county for increasing allotments under this paragraph shall not exceed the acreage made available therefor under paragraph (a) of this section.

(c) The acreage allotment determined for any farm under paragraph (a) or (b) of this section may be increased if the county committee determines that such allotment is inadequate for the farm because of an insufficient county acreage allotment or because rice was not planted on the farm during all of the preceding five years, taking into consideration the land, labor, water and equipment available for the production of rice and the acreage required for the economic operation of the farm: *Provided,* That the total of such increases in allotments under this paragraph shall not exceed the acreage made available to the county from the national reserve provided for by section 353 (a) of the act.

§ 730.929 *Determination of allotments for new farms.* (a) In a farm State, the State committee with the assistance of the county committee, shall determine a 1958 rice acreage allotment for each eligible new farm for which an acreage allotment is requested in writ-

ing not later than January 31, 1958. The rice acreage allotments for eligible new farms shall be determined on the basis of tillable land suitable for the production of rice, labor, water and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice, and shall not exceed the allotments determined under § 730.928 for old farms which are similar with respect to such factors.

(b) The request for a new farm rice acreage allotment shall be made by the farm operator, who must furnish the county committee with the following information relating to the farm for which the allotment is requested: the location and identification of the farm; the name and address of the farm owner; the acreage of tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available; and the reason why rice was not produced on the farm in any of the years 1953 through 1957. In addition, the applicant shall state his past experience in the production of rice; whether or not 50 percent or more of his livelihood in 1958 is expected to be derived from rice farming operations on the farm; and the location and identification of any other farms in which the owner or operator has or will have an interest in 1958.

(c) To be eligible for a new farm rice acreage allotment, the application must be filed on or before January 31, 1958, and the county committee must be satisfied that (1) the land on the farm for which the allotment is being requested is well suited to the production of rice; (2) that water and other irrigation facilities are readily available for use on such land in 1958; (3) that the applicant owns or has available for his use in 1958 adequate rice-producing equipment; (4) that the applicant expects to derive 50 percent or more of his livelihood in 1958 from farming operations on the farm for which the allotment is being requested, and (5) that neither the owner nor the operator of the farm will have an interest in the rice produced on any other farm in 1958.

(d) The rice acreage allotment for any new farm shall not exceed the smaller of (1) the rice acreage allotment requested or (2) the acreage of tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available: *Provided*, That if the acreage planted to rice on the farm in 1958 is less than the allotment established under this section, the rice acreage allotment for the farm shall be reduced to the acreage planted to rice on the farm. The acreage resulting from any such reduction in each county shall be transferred to the reserve available to the county committee for appeals and corrections, missed farms, and adjustments as provided for under § 730.928.

(e) The sum of all new farm rice acreage allotments established in any State in accordance with the provisions of this section shall not exceed the reserve made available by the State committee for new farms in the State and such reserve shall not exceed 3 percent of the State rice acreage allotment.

§ 730.930 *Mailing of 1958 farm allotment notices.* Notice of the 1958 farm acreage allotment shall be mailed by the county committee to the operator of the farm and to each other producer on the farm who will have an interest in the 1958 rice crop. Insofar as practicable all allotment notices in the county shall be mailed on the same date and in time to be received prior to the date on which the referendum to determine whether farmers favor or oppose farm marketing quotas will be held. A copy of each allotment notice approved shall be maintained for not less than thirty days in a conspicuous place in the county office and shall thereafter be permanently kept freely available for public inspection in the office of the county committee.

§ 730.931 *Allotment for farms divided or combined*—(a) *Divisions.* (1) If land operated as a single farm in 1957 will be operated in 1958 as two or more farms, the 1958 farm acreage allotment previously determined for the parent farm shall be apportioned among the divided parts of the farm. In such apportionment the 1958 farm rice acreage allotment and the rice history acreages credited to the parent farm for each of the years 1953 through 1957 shall, except as provided for in subparagraphs (2) and (3) of this paragraph, be apportioned among the subdivided parts on the basis of the ratio that the acreage of developed rice land on each part is to the acreage of developed rice land on the parent farm.

(2) If the parent farm resulted from the combination of two or more separate and distinct farms that were combined in 1955, 1956 or 1957, and the subdivided parts will each revert to its status as a farm prior to being combined, the 1958 farm acreage allotment and the rice history acreage credited to the parent farm during its existence as a combination shall be apportioned among the subdivided parts in the same proportion that each part, as a farm, contributed to the rice acreage allotment established for the combination at the time the combination was approved. The rice history acreages credited to the farms for each of the years prior to the year in which they were combined shall be credited to such farms as they existed prior to the approval of the combination.

(3) If the county committee, after giving due consideration to any request for subdivision, determines that the division of a parent farm rice acreage allotment and rice history acreages, in accordance with the provisions of subparagraphs (1) or (2) of this paragraph would result in allotments not representative of the farming operations normally carried out on each subdivided part, the rice history acreages during the period 1953 through 1957 for the parent farm shall be divided for each year on the basis of the ratio that the acreage planted or considered planted to rice on each part is to the acreage planted or considered planted to rice on the parent farm for such year. The 5-year average of such acreages shall then be obtained. The rice acreage allotment for the parent farm will then be divided among the subdivided parts on the basis of the ratio that the 5-year acreage on each part is to the 5-year average for the parent farm.

(4) If a part of a farm is owned by the Federal Government and is under a lease restricting the production thereon of price supported crops in surplus supply, the farm shall be reconstituted so that the Government-owned land is a separate farm.

(5) Notwithstanding the provisions herein for subdividing the 1958 rice acreage allotment for a farm, the sum of the allotment thus determined under this paragraph for each part shall not exceed the allotment originally determined for the entire farm.

(b) *Combinations.* If two or more farms, or parts thereof, for which 1958 rice acreage allotments were determined are combined to be and operated as a single farm in 1958, the 1958 allotment shall be the sum of the allotments determined for each of the units comprising the combination.

§ 730.932 *Release and reapportionment of farm rice acreage allotments.* (a) In a farm State, any part of the 1958 rice acreage allotment determined for a farm that will not be planted in 1958 and which is voluntarily released by the owner or operator of the farm to the county committee not later than the applicable closing date prescribed in this section shall be deducted from the rice acreage allotment determined for such farm, and may be reapportioned by the county committee not later than the applicable closing date prescribed in this section to other farms (old or new) in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of the production of rice on the farm during the years 1953 through 1957; the 1955 and 1956 farm acreage allotment; abnormal conditions affecting acreage; land, labor, water and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing dates in each State for the release and reapportionment of farm rice acreage allotments are as follows:

State	Release	Reapportionment
Arkansas	May 1, 1958	May 9, 1958
Illinois	May 1, 1958	May 9, 1958
Louisiana	Apr. 25, 1958	May 2, 1958
Mississippi	May 1, 1958	May 15, 1958
Missouri	May 1, 1958	May 9, 1958
Oklahoma	May 1, 1958	May 9, 1958
South Carolina	Apr. 1, 1958	Apr. 15, 1958

(b) In considering farms to receive apportionments from released acreage, preference shall be given to farms having small allotments. Any rice acreage allotments released for 1958 shall, in determining future farm rice acreage allotments, be regarded as having been planted in 1958 on the farm releasing such allotment if the farm is otherwise eligible for an old farm allotment, and shall not be considered as having been planted on the farm to which such released acreage is reapportioned.

(c) The release and reapportionment of rice acreage allotments under this section shall not become effective until approved by the State committee by the State administrative officer, program specialist, or farmer fieldman.

MISCELLANEOUS

§ 730.933 *Right to appeal of farm allotment to review committee.* (a) In the event marketing quotas are applicable to the 1958 crop of rice, any producer who is dissatisfied with the farm rice acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm rice acreage allotment and marketing quota, file an application to have such allotment reviewed by a review committee appointed by the Secretary. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter), which are available at the office of the county committee.

(b) In the event marketing quotas are not applicable to the 1958 crop of rice, any producer who is dissatisfied with his farm rice acreage allotment may file an appeal for reconsideration of such allotment by the county committee. The appeal and the facts constituting the basis therefor must be submitted in writing and postmarked or delivered to the office of the county committee within 15 days after the date of mailing of the notice of allotment. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing the notice of the decision of the county committee. If the appellant is dissatisfied with the decision of the State committee, he may, within 15 days after the date of mailing of the notice of the decision of the State committee, request a review of his case by the Director of the Grain Division, Commodity Stabilization Service, whose decision shall be final.

§ 730.934 *Farm normal yields.* The normal yield for any farm when required to be established for the 1958 crop of rice shall be the average yield per acre of rice for such farm during the period 1953 through 1957, adjusted for abnormal weather conditions and for trends in yields. If for any such year the data are not available or there is no actual yield, the normal yield for the farm shall be appraised taking into consideration abnormal weather conditions, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year, and the yield in years for which data are available. If on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such period is less than 75 percent of such average, 75 percent of such average shall be substituted therefor in calculating the normal yield per acre for the farm. If on account of abnormally favorable weather conditions, the yield for any year of such period is in excess of 125 percent of the average, 125 percent of such average shall be substituted therefor in calculating the normal yield per acre for the farm.

§ 730.935 *Redelegation of authority.* Any authority delegated to the State committee by §§ 730.910 to 730.935 may be redelegated by the State committee.

§ 730.936 *Applicability of regulations.* (a) Sections 730.910 to 730.936, inclusive, shall govern the establishment of farm and producer rice acreage allotments in connection with the marketing quota and price support programs for the 1958 crop of rice.

(b) The regulations in this subpart are contingent upon the proclamation of a national acreage allotment of rice for 1958 by the Secretary pursuant to section 352 of the Agricultural Adjustment Act of 1938, as amended.

NOTE: The reporting and record-keeping requirements contained herein have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 18th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8813; Filed, Oct. 25, 1957; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

ORDER AMENDING ORDER REGULATING HANDLING

§ 909.0 *Findings and determinations*—(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations which were made in connection with the original issuance of this marketing order effective August 4, 1950 (15 F. R. 4993), and the amendments thereto effective July 1, 1957 (22 F. R. 3781). All of said previous findings and determinations are hereby ratified and confirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings based on the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held in San Francisco, California, July 16, 1957, on proposed amendments to Marketing Agreement No. 119 and Order No. 9 (7 CFR Part 909), regulating the handling of almonds grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, will be applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which the amendment hearing was held;

(3) There are no differences in the production and marketing of almonds in the production area covered by the said order, as hereby amended, which make necessary different terms and provisions applicable to different parts of such area;

(4) The said order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and

(5) All handling of almonds, as defined in the said order, as hereby amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby further found that good cause exists for not postponing the effective date of these amendments for 30 days or any lesser period after publication thereof in the FEDERAL REGISTER (see 5 U. S. C. 1001 et seq.), in that, (1) it is desirable that the provisions of the amended order be made effective during the 1957–58 crop year which began on July 1, 1957, (2) harvesting of new crop almonds is in progress and handlers have already shipped considerable quantities of almonds in export channels in anticipation of ultimate use for surplus credit, and (3) the provisions of the order as hereby amended are known to handlers of almonds and compliance with such provisions will not place any undue burdens on handlers or other interested parties.

(d) *Determinations.* It is hereby determined that:

(1) The amended marketing agreement regulating the handling of almonds grown in California, which included the amendments upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers which are not engaged in processing, distributing, or shipping almonds covered by this order as amended) who, during the determined representative period of July 1, 1956, through June 30, 1957, handled not less than 50 percent of the volume of such almonds covered by the said order; and

(2) The issuance of this amendatory order is favored or approved by growers who were engaged, within the production area specified in the aforesaid order, in the production of almonds for market, and marketed at least two-thirds of the volume of such almonds marketed during the determined representative period of July 1, 1956, through June 30, 1957.

It is hereby ordered, That on and after the day of publication of this document in the FEDERAL REGISTER, all handling of almonds grown in the State of California shall be in conformity to and in compliance with the terms and conditions of Marketing Agreement No. 119

and Order No. 9 (7 CFR Part 909) hereby amended as follows:

1. Delete the provisions of § 909.16 and insert in lieu thereof the following:

§ 909.16 *To handle.* "To handle" means to sell, consign, transport, ship (except as a common carrier of almonds owned by another person) or in any other way to put into the channels of trade, either within the area of production or from such area to points outside thereof, or to receive as the first receiver thereof at any point of entry in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone, almonds which have been exported from and are submitted for reentry or reentered into such area, free of duty: *Provided,* That sales or deliveries by growers to handlers within the area of production shall not be considered as handling.

2. Delete the provisions of § 909.65 and insert in lieu thereof the following:

§ 909.65 *Prohibition on the use or disposition of surplus almonds.* Except as provided in §§ 909.66 and 909.67, almonds that are withheld as surplus pursuant to the requirements of § 909.50 or are creditable in satisfaction of a surplus withholding obligation thereunder, shall not be used or disposed of by any handler or any other person.

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. 608c)

Dated: October 22, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8812; Filed, Oct. 25, 1957; 8:45 a. m.]

[Orange Reg. 325]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.867 *Orange Regulation 325*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 28, 1957. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 4, 1957; the recommendation and supporting information for regulation of Temple oranges, grown in the State of Florida in the manner and for the period herein set forth was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 22; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Temple oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the regulation of the handling of Temple oranges, at the beginning of their marketing season; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., October 28, 1957, and ending at 12:01 a. m., e. s. t., November 18, 1957, no handler shall ship:

(i) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1; or

(ii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 3$^{2}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 23, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8853; Filed, Oct. 25, 1957; 8:51 a. m.]

[Lemon Reg. 710]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.817 *Lemon Regulation 710*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 23, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 27, 1957, and ending at 12:01 a. m., P. s. t., November 3, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 153,450 cartons;
(iii) District 3: 32,550 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 24, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8924; Filed, Oct. 25, 1957; 8:56 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 165—CERTAIN CHEMICAL DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502 (d) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT DESIGNATED AS HABIT FORMING

DESIGNATIONS OF CERTAIN HABIT-FORMING DRUGS

A notice was published in the FEDERAL REGISTER of August 20, 1957 (22 F. R. 6660), setting forth proposals of the Commissioner of Food and Drugs to amend the regulations with respect to habit-forming drugs for the purpose of designating more informatively the habit-forming drugs presently listed in § 165.1.

Consideration having been given to all comments received in response to this notice, the Commissioner of Food and Drugs, under authority of the Federal Food, Drug, and Cosmetic Act (secs. 502 (d), 701, 52 Stat. 1050, 1055, as amended 53 Stat. 854, 70 Stat. 919; 21 U. S. C. 352 (d), 371), delegated to him by the Secretary of Health, Education, and Welfare (22 F. R. 1045): *It is ordered,* That the regulations concerning habit-forming drugs (21 CFR 165.1) be amended and reissued to read as set forth below:

§ 165.1 *Habit-forming drugs which are chemical derivatives of substances specified in section 502 (d) of the Federal Food, Drug, and Cosmetic Act.* Each of the following chemical derivatives of a substance named in section 502 (d) of the Federal Food, Drug, and Cosmetic Act is hereby designated as habit forming:

PARENT SUBSTANCE—BARBITURIC ACID

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts[1]
5-Allyl-5-cyclopentenylbarbituric acid		Cyclopal. Cyclopen.
5-Allyl-5-isobutylbarbituric acid	Allylbarbituric acid. Allylisobutylbarbituric acid.	Sandoptal.
5-Allyl-5-isopropylbarbituric acid	Aprobarbital. Allylisopropylbarbituric acid. Allylisopropylmalonylurea.	Alurate. Numal.
5-Allyl-5-isopropyl-1-methylbarbituric acid		Narconumal.
5-(2-Bromoallyl)-5-isopropyl-1-methylbarbituric acid.		Eunarcon.
5-(2-Bromoallyl)-5-(1-methylbutyl)-barbituric acid.	β-Bromoallyl *sec*-amylbarbituric acid.	Sigmodal. Rectidon. R239.
5-*sec*-Butyl-5-(2-bromoallyl)-barbituric acid	Butallylonal	Pernoston. Pernocton.
5,5-Diallylbarbituric acid	Diallyl barbituric acid	Dial. Allobarbital. Allobarbitone. Curral. Diadol.
5,5-Diethylbarbituric acid	Barbital. Barbitone. Diethylbarbituric acid. Diethylmalonylurea.	Deba. Dormonal. Hypnogene. Malonal. Medinal. Sedeval. Veronal. Uronal. Vesperal.
1,5-Dimethyl-5-(1-cyclohexenyl)-barbituric acid.	Hexobarbital sodium	Cyclonal Sodium. Dorico Soluble. Evipal Sodium. Evipan Sodium. Hexanastab. Hexobarbitone Sodium. Methenexyl Sodium.
5,5-Dipropylbarbituric acid	Dipropylbarbituric acid	Proponal.
5-Ethyl-5-butylbarbituric acid	Butethal. Butobarbital.	Etoval. Neonal Butobarbital. Soneryl.
5-Ethyl-5-*sec*-butylbarbituric acid	Butabarbital sodium	Butisol Sodium.
5-Ethyl-5-(1-cyclohexenyl)-barbituric acid	Cyclobarbital	Cyclobarbitone. Namuron. Pallnum. Phanadorm. Phanadorn. Tetrahydrophenobarbital.
5-Ethyl-5-cyclopentenyl-barbituric acid		Pentenal.
5-Ethyl-5-hexylbarbituric acid	Hexethal sodium	Hebaral. Ortal Sodium.
5-Ethyl-5-isoamylbarbituric acid	Amobarbital	Amytal.
5-Ethyl-5-isopropylbarbituric acid	Probarbital	Ipral.
5-Ethyl-5-(1-methylbutyl)-barbituric acid	Pentobarbital sodium. Soluble pentobarbital.	844. Eunbutal. Nembutal. Napethal. Pentyl.
5-Ethyl-5-(1-methylbutyl)-2-thiobarbituric acid.	Thiopental sodium. Thiopentone sodium.	Intraval Sodium. Nesdonal Sodium. Pentothal Sodium. Thiothal Sodium.
5-Ethyl-5-(1-methyl-1-butenyl)-barbituric acid.	Vinbarbital	Delvinal Sodium.
5-Ethyl-5-phenylbarbituric acid	Phenobarbital. Phenobarbitone. Phenylethylmalonylurea.	Barbenyl. Barbiphenyl. Dormiral. Eunervl. Gardenal. Luminal. Nunol. Neurobarb. Phenonyl. Somonal.
5-Ethyl-5-phenyl-1-methylbarbituric acid	Mephobarbital	Mebaral. Phemitone. Prominal.

See footnote at end of table.

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts [1]
PARENT SUBSTANCE—CHLORAL [1]		
Trichloroacetaldehyde hydrate	Chloral hydrate	2,2,2-Trichloro-1,1-ethanediol. Trichloroethylidene glycol.
Trichloroethylidenetimine	Chloralimide	
N'-(β-Trichloro-α-hydroxyethyl)-formamide	Chloralformamide	Chloralamide. Chloramide.
α-(β-trichloro-α-hydroxyethyl)-*D*-glucoside	α-Chloralose	A-D-Glucochloralose. Anhydro-Glucochloral. Glucochloral. Chloralosone.
2-(Trichloromethyl)-2-propanol	Chlorbutanol. Chlorbutol. Chlorobutanol.	Acetone chloroform. Chloretone. Methoform. Setaform. 1,1,1-trichloro-2-methyl-2-propanol. β,β,β-trichloro-*tert*-butyl alcohol.
PARENT SUBSTANCE—COCAINE		
All salts of cocaine obtained by combining cocaine with any acid.	Cocaine hydrochloride. Cocainium chloride.	
PARENT SUBSTANCE—CODEINE		
Codeine methylbromide	Eucodin	
Dihydrocodeinone	Dicodid	
Dihydrohydroxycodeinone	Eucodal	Oxycodone hydrochloride. 14-hydroxydihydrocodeinone.
All salts of the foregoing chemical derivatives of codeine obtained by combining any such derivative of codeine with any acid.		
PARENT SUBSTANCE—HEROIN		
All salts of heroin obtained by combining heroin with any acid.		
PARENT SUBSTANCE—MORPHINE		
Dihydromorphine	Paramorphan	Dilaudid. Dimorphone. Hydromorphone hydrochloride.
Dihydromorphinone	Dihydromorphinone hydrochloride. Dihydromorphinonium chloride.	
Ethylmorphine	Ethylmorphine hydrochloride. Ethylmorphinium chloride.	Dionin.
All salts of the foregoing chemical derivatives of morphine and all salts of morphine obtained by combining any such derivative or morphine with any acid.		
PARENT SUBSTANCE—OPIUM		
Extract of opium		
Fluidextract of opium		
Camphorated opium tincture. Deodorized opium tincture. Laudanum. Opium tincture. Paregoric. Tincture of opium.		
PARENT SUBSTANCE—PARALDEHYDE		
Metaldehyde		
PARENT SUBSTANCE—SULFONMETHANE		
2,2-Diethylsulfonylbutane	Sulfonethylmethane	Diethylsulfonmethylethylmethane. Ethylsulfonal. 2,2-*bis*-(Ethylsulfonyl)-butane. Methylsulfonal. Sulfonethylmethanum. Trional.
3,3-Diethylsulfonylpentane	Sulfondiethylmethane	

[1] This list of trade or other names is not a complete list of the many proprietary names under which the designated habit-forming chemical derivatives are distributed.

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts [1]
PARENT SUBSTANCE—BARBITURIC ACID—Continued		
5-Ethyl-5-(1-piperidyl)-barbituric acid		Eldoral.
5-Isopropyl-5-(2-bromoallyl)-barbituric acid	Propallylonal	Noctal. Nostal.
5-Methyl-5-phenylbarbituric acid	Phenylmethylbarbituric acid	Rutonal.
All lithium, sodium, potassium, magnesium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of barbituric acid.		
Sodium-5-allyl-5-(1-methylbutyl)-barbiturate	Secobarbital sodium. Soluble secobarbital.	Seconal Sodium. Evronal Sodium.
All salts of the foregoing chemical derivatives formed by replacing the sodium with lithium, potassium, magnesium, calcium, strontium, or ammonium radical.		
PARENT SUBSTANCE—BROMAL		
Tribromoacetaldehyde hydrate	Bromal hydrate	
Tribromomethane	Bromoform	
2-(Tribromomethyl)-2-propanol	Tribromo-*tert*-butyl alcohol	Acetone-Bromoform. Brometone.
PARENT SUBSTANCE—CANNABIS (MARIHUANA)		
	Extract of cannabis. Fluidextract of cannabis. Tincture of cannabis.	
PARENT SUBSTANCE—CARBROMAL		
α-Bromo-α-ethylbutyryl-acetyl urea	Acetylcarbromal	Abasin. Acetyl Adalin. N-Acetyl-N'-bromodiethylacetylurea. N'-Acetyl-N'-α-bromo-α-ethylbutyryl carbamide.
α-Bromoisovaleryl urea	Bromisovalum	Bromisoval. α-Bromo-β-dimethyl-propanoylurea. Bromural. Bromvalone. Brovalurea. Dibrolene. Isobromyl. 2-Monobromolsovalerylurea. Pivadorm. Uvaleral.
α-Bromo-α,α-diethylacetamide	Diethylbromo acetamide	Neuronal.
α-Allylisovaleryl-urea		Allyl-isopropyl-acetyl-carbamide. (2-Isopropyl-4-pentenoyl)-urea. Sedormid.

See footnote at end of table.

Any person who will be adversely affected by the foregoing order may, within 30 days from the date of its publication in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto, showing wherein he will be adversely affected by the order, specifying with particularity the provisions of the order deemed objectionable and stating reasonable grounds therefor, and requesting a public hearing on the provisions of the order to which objections are filed. A memorandum or brief supporting the objections filed may be submitted. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER unless it is stayed in whole or in part by the filing of objections and the requesting of a public hearing as set forth above. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U. S. C. 371. Interpret or apply sec. 502, 52 Stat. 1050; 21 U. S. C. 352)

Dated: October 22, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-8830; Filed, Oct. 25, 1957; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 326—PUBLIC USE OF THE JIM WOODRUFF RESERVOIR AREA, FLORIDA AND GEORGIA

Sec.
326.0 Determination of the Secretary.
326.1 Area covered.
326.2 Boats, commercial.
326.3 Boats, private.
326.4 Houseboats.
326.5 Swimming and bathing.
326.6 Hunting and fishing.
326.7 Camping.
326.8 Picnicking.
326.9 Access to water area.
326.10 Destruction of public property.
326.11 Firearms and explosives.
326.12 Gasoline and oil storage.
326.13 Sanitation.
326.14 Advertisement.
326.15 Unauthorized solicitations and business activities.
326.16 Commercial operations.
326.17 Recreational activity programs.
326.18 Abandonment of personal property.

AUTHORITY: §§ 326.0 to 326.18 issued under sec. 4, 58 Stat. 889, as amended; 16 U. S. C. 460d.

SOURCE: Regs., Oct. 15, 1957, ENGWO.

§ 326.0 *Determination of the Secretary.* The Secretary of the Army having determined that the use of the Jim Woodruff Reservoir Area by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purpose, hereby prescribes the rules and regulations of this part pursuant to the provision of section 4 of the act of Congress approved December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (60 Stat. 641), and the Flood Control Act of 1954 (68 Stat. 1266), for the public use of the Jim Woodruff Reservoir Area, Florida and Georgia.

§ 326.1 *Area covered.* (a) The regulations contained in this part shall be applicable to lands of the Jim Woodruff Reservoir Area, excluding the lock area, Apalachicola River, Florida and Georgia, under the jurisdiction of the Department of the Army and to access and use of the reservoir from such lands.

(b) In those portions of the reservoir area which are now or which hereafter are managed by other governmental agencies (including state, county and municipal) pursuant to leases or licenses granted by the Department of the Army, such agencies may make and enforce such rules and regulations as are necessary, and within their legal authority.

§ 326.2 *Boats, commercial.* No boat, barge or other vessel shall be placed upon or operated upon any water of the reservoir from any lands covered by § 326.1, for a fee or profit, either as a direct charge to a second party or as an incident to other services provided to the second party, except as specifically authorized by lease, license, or concession contract with the Department of the Army.

§ 326.3 *Boats, private.* (a) The operation of boats on the reservoir for fishing and recreational use is permitted, except in prohibited areas designated by the District Engineer in charge of the reservoir area.

(b) A permit shall be obtained from the District Engineer or his authorized representative for placing and operating any boat not exceeding 16 feet in length on the reservoir for any one period longer than three days. No charge will be made for this permit. The permit shall be kept aboard the boat at all times that the boat is in operation in the reservoir.

(c) All boats using the reservoir area shall be equipped for safe operation and operated in a safe manner.

(d) Boats shall be moored only in areas designated by the District Engineer.

(e) A permit shall be obtained from the District Engineer for any special boat-mooring facilities.

(f) The District Engineer in charge of the area shall have authority to revoke the permit for the boat mooring facilities and to require their removal upon the failure of the premittee to comply with the terms and conditions of the permit or with the regulations in this part.

§ 326.4 *Houseboats.* (a) A permit shall be obtained from the District Engineer for moorage of any houseboat on the water of Jim Woodruff Reservoir, Apalachicola River, Florida and Georgia.

(b) Refuse, garbage, rubbish, or waste of any kind shall be disposed of in the manner designated by the District Engineer or his authorized representative.

(c) Houseboats shall be securely moored in the area designated by the District Engineer.

(d) Houseboats shall be maintained in a condition satisfactory to the District Engineer and shall not be abandoned on the reservoir area.

(e) The District Engineer shall have authority to revoke the permit and require the removal of the houseboat upon failure of the permittee to comply with the terms and conditions or with the regulations in this part.

§ 326.5 *Swimming and bathing.* Swimming and bathing are permitted except in prohibited areas designated by the District Engineer.

§ 326.6 *Hunting and fishing.* (a) Hunting and fishing are permitted in accordance with all applicable Federal,

State, and local laws for the protection of fish and game, except in prohibited areas designated by the District Engineer.

(b) Hunting shall be with shotgun only.

(c) A permit shall be obtained from the District Engineer or his authorized representatives to construct a duckblind on the water of the reservoir or upon the reservoir land.

§ 326.7 *Camping.* (a) Camping is permitted only in areas designated by the District Engineer in charge of the reservoir or his authorized representative, or the managing agency referred to in § 326.1 (b).

(b) Approval of the District Engineer, or his authorized representative, or the managing agency referred to in § 326.1 (b), is required to camp in the reservoir area for any one period of two weeks or longer.

(c) Camping equipment shall not be abandoned or left unattended for 48 hours or more.

(d) The installation of any permanent facilities at any public campground is permitted only on written authorization of the District Engineer or his authorized representative, or the managing agency referred to in § 326.1 (b).

(e) Campers shall keep their campgrounds clean and dispose of combustibles and refuse in accordance with instructions posted at each campground by the District Engineer, or the managing agency referred to in § 326.1 (b).

(f) Due diligence shall be exercised in building and putting out campfires to prevent damages to trees and vegetation and to prevent forest and grass fires.

(g) Camps must be completely razed and the sites cleaned before the departure of the campers.

§ 326.8 *Picnicking.* Picnicking is permitted except in prohibited areas designated by the District Engineer or his authorized representative, or the managing agency referred to in § 326.1 (b).

§ 326.9 *Access to water area.* (a) Pedestrian access is permitted along the shores of the reservoir except in areas designated by the District Engineer or his authorized representatives.

(b) Automobile access is permitted only over open public and reservoir roads.

(c) Access for the general public to launch boats is permitted except in prohibited areas designated by the District Engineer or his authorized representative or by the managing agency referred to in § 326.1 (b).

§ 326.10 *Destruction of public property.* The destruction, injury, defacement, or removal of public property or of vegetation, rock or minerals, except as authorized, is prohibited.

§ 326.11 *Firearms and explosives.* Loaded rifles, loaded pistols, and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement officer on official duty or when specifically authorized. Loaded shotguns are also prohibited in the area except during the hunting season, as permitted under § 326.6, or when in the possession of a law enforcement officer on official duty, or when specifically authorized.

§ 326.12 *Gasoline and oil storage.* Gasoline and other inflammable or combustible liquids shall not be stored in, upon, or about the reservoir or shores thereof without the written permission of the District Engineer or his authorized representative.

§ 326.13 *Sanitation.* Refuse, garbage, rubbish, or waste of any kind shall not be thrown on or along roads, picnicking or camping areas, in the reservoir waters, or on any of the lands around the reservoir, but shall be burned or buried, or disposed of at designated points or places designed for the sanitary disposal thereof.

§ 326.14 *Advertisements.* Private notices and advertisements shall not be posted, distributed, or displayed in the reservoir areas except such as the District Engineer or his authorized representative may deem necessary for the convenience and guidance of the public using the area for recreation purposes.

§ 326.15 *Unauthorized solicitations and business activities.* No person, firm, or corporation or their representatives shall engage in or solicit any business on this reservoir area without permission in writing from the District Engineer or except in accordance with terms of a lease, license, or concession contract with the Department of the Army.

§ 326.16 *Commercial operations.* All commercial operations or activities on the lands under the control of the Department of the Army around the reservoir shall be in accordance with lease, license, or other agreements with the Department of the Army.

§ 326.17 *Recreational activity programs.* (a) Special recreational programs requiring the temporary use of lands covered in § 326.1 (a) are permitted in areas designated by the District Engineer or his authorized representative or by the managing agency referred to in § 326.1 (b).

(b) The responsible agency conducting such special recreation program shall obtain a permit for the program. No charge will be made for this permit.

(c) The District Engineer in charge of the area shall have authority to revoke any permit granted under this section and to require the removal of any equipment upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

§ 326.18 *Abandonment of personal property.* Abandonment of personal property on the land or waters of the reservoir area is prohibited. Personal property shall not be left unattended upon the lands and waters of the reservoir area except in accordance with the regulations prescribed in this part or under permits issued therefor. The Government assumes no responsibility for personal property and if such property is abandoned or left unattended in other than places designated in a permit issued therefor or under a regulation for a period in excess of 48 hours it will be impounded, and if not reclaimed by the owners thereof within ninety days will be sold, destroyed, converted to Government use, or otherwise disposed of as determined by the District Engineer or his designated representative.

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-8828; Filed, Oct. 25, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1493]

[Colorado 016619]

COLORADO

RESERVING PUBLIC LANDS WITHIN ROOSEVELT NATIONAL FOREST FOR USE OF FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS RECREATION AREAS AND ADMINISTRATIVE SITES

Correction

In F. R. Document 57-7535, appearing in the issue for Friday, September 13, 1957, at page 7312, make the following change:

Under "Chambers Lake Campground", Sec. 7 should read "Sec. 7, NW¼NE¼ NW¼, NW¼NW¼NE¼."

[Public Land Order 1531]

[68986]

WASHINGTON

POWER SITE RESTORATION NO. 532; PARTIALLY REVOKING EXECUTIVE ORDER OF JULY 2, 1910, WHICH CREATED POWER SITE RESERVE NO. 44

By virtue of the authority contained in section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental order of September 3, 1909, creating Temporary Power Site Reserve No. 44, and the Executive order of July 2, 1910, confirming that order, are hereby revoked so far as they affect the following-described lands:

WILLIAMETTE MERIDIAN, WASHINGTON

T. 14 N., R. 19 E.,
Sec. 4, lots 1, 2, S½NE¼, N½SE¼, and SE¼SE¼.
T. 15 N., R. 19 E.,
Sec. 4, E½SE¼;
Sec. 10, E½NW¼ and NE¼SW¼;
Sec. 28, W½NW¼;
Sec. 32, W½NE¼ and NW¼SE¼.
T. 16 N., R. 19 E.,
Sec. 6, lots 4, 5, 6, 7, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 8, S½SW¼ and SW¼SE¼;
Sec. 18, NE¼, N½SE¼, and SE¼SE¼;
Sec. 20, W½ and S½SE¼;
Sec. 28, E½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 29, NW¼NE¼, N½NW¼, and SE¼NW¼.

The areas described aggregate 2179.39 acres.

2. Of the lands described, the following have been patented:

T. 16 N., R. 19 E.,
Sec. 6, lots 4, 5, SE¼NW¼, and NW¼SE¼;
Sec. 28, SE¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 29, NW¼NE¼, N½NW¼, and SE¼NW¼.

The areas described aggregate 446.78 acres.

3. The remaining lands are in Kittitas and Yakima Counties and are adjacent or in close proximity to the Yakima River. They are mostly steep, rough and rocky, semi-arid sagebrush covered slopes, with small flats along the river. The soil is too shallow and rocky to permit farming.

4. No application for the restored lands may be allowed under the homestead, desert land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the public lands released from withdrawal by this order, are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on November 28, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 27, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws presented prior to 10:00 a. m. on February 27, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The restored lands have been open to applications and offers under the mineral-leasing laws. They also have been open to location under the U. S. mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621).

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. The restored lands shall be subject until 10:00 a. m. on February 27, 1958, to application by the State of Washington under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 209 Federal Building, Spokane 1, Washington.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 23, 1957.

[F. R. Doc. 57-8851; Filed, Oct. 25, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 11991]

INDUSTRIAL RADIO SERVICES

EXTENSION OF TIME FOR FILING REPLY COMMENTS

In the matter of amendment of Part 11, Industrial Radio Services, to delete, modify and create Services, and to effect changes in the availability of frequencies; Docket No. 11991.

By order of August 28, 1957, the Commission extended the time for filing original comments in the above-entitled proceeding to October 3, 1957, and the time for filing reply comments to October 21, 1957.

The Commission now has before it for consideration two petitions of October 16, 1957, seeking further extension of the above reply date to November 12, 1957. One of the petitions was filed by the Central Committee on Radio Facilities of the American Petroleum Institute, and the other was jointly filed by the American Mining Congress, the American Iron Ore Association and the Mesabi Radio Corporation.

On the basis of the representations set forth in the above petitions the Commission concludes that the public interest would be served by an extension of the above reply date to November 12, 1957.

In view of the foregoing, and pursuant to section 0.291 (b) (4) of the Commission's rules: *It is ordered,* That the time for filing reply comments in the above-entitled proceeding is extended to November 12, 1957.

Adopted: October 18, 1957.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8831; Filed, Oct. 25, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

UPLAND COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1958 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of upland cotton produced in 1958 (22 F. R. 8136).

A referendum of the farmers who were engaged in the production of upland cotton in the calendar year 1957 will be held on December 10, 1957, pursuant to the provisions of the act and the Regulations Governing the Holding of Referenda on Marketing Quotas (21 F. R. 3960, 4799, 8793; 22 F. R. 2982) as amended, to determine whether such farmers are in favor of or opposed to the 1958 quota. If two-thirds or more of the cotton farmers voting in the upland cotton referendum favor the quota, such quota will be in effect for the 1958 upland cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1958 upland cotton crop; however, farm acreage allotments

established for such crop pursuant to the Agricultural Adjustment Act of 1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

Notice of the proposed holding of a referendum for the 1958 crop of upland cotton was published in the FEDERAL REGISTER of August 10, 1957 (22 F. R. 6431) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted in response to such notice have been duly considered. In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8814; Filed, Oct. 25, 1957; 8:46 a. m.]

EXTRA LONG STAPLE COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1958 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agriculutral Adjustment Act of 1938, as amended, a national marketing quota for the crop of extra long staple cotton produced in 1958 (22 F. R. 8147).

A referendum of the farmers who were engaged in the production of extra long staple cotton in the calendar year 1957 will be held on December 10, 1957, pursuant to the provisions of the act and the Regulations Governing the Holding of Referenda on Marketing Quotas (21 F. R. 3960, 4799, 8793; 22 F. R. 2982), as amended, to determine whether such farmers are in favor of or opposed to the 1958 quota. If two-thirds or more of the cotton farmers voting in the extra long staple cotton referendum favor the quota, such quota will be in effect for the 1958 extra long staple cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1958 extra long staple cotton crop; however, farm acreage allotments established for such crop pursuant to the Agricultural Adjustment Act of 1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

Notice of the proposed holding of a referendum for the 1958 crop of extra long staple cotton was published in the FEDERAL REGISTER of July 27, 1957 (22 F. R. 5966) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted in response to such notice have been duly considered. In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8815; Filed, Oct. 25, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

ORDER DESIGNATING ANOTHER PRESIDING OFFICER

Because of the illness of Jay A. Kyle, the hearing examiner heretofore designated as Presiding Officer in this proceeding, Frank Hier is designated as Presiding Officer pursuant to § 2.732 of the Commission's rules of practice (10 CFR Part 2) to act in the place and stead of Mr. Kyle.

Dated at Washington, D. C., this 23d day of October 1957.

ATOMIC ENERGY COMMISSION,
WOOLFORD B. MCCOOL,
Secretary.

[F. R. Doc. 57-8817; Filed, Oct. 25, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11880, 11881; FCC 57M-1009]

BIRNEY IMES, JR. (WMOX) AND MISSISSIPPI BROADCASTING CO.

ORDER FOLLOWING PRE-HEARING CONFERENCE (SCHEDULING HEARING)

In re applications of Birney Imes, Jr. (WMOX) Meridian, Mississippi, Docket No. 11880, File No. BP-10163; Mississippi Broadcasting Company, Carthage Mississippi, Docket No. 11881, File No. BP-10637; for construction permits.

1. Pursuant to appropriate orders of the Commission, a pre-hearing conference in the above-entitled proceeding was begun January 22, 1957 and resumed on October 8, 1957. Subsequent to the first pre-hearing conference session referred to, the petition of Southern Television Corporation (WTOK), Meridian, Mississippi, that its application be dismissed was granted and said application was dismissed on April 8, 1957. At both hearing conference sessions, counsel representing the applicants and the Chief, Broadcast Bureau were present and participated.

2. By Memorandum Opinion and Order adopted July 18, 1957, released July 22, 1957, the Commission modified the issues originally specified so as to bring the issues current with the present situation and specified the issues to be resolved at the evidentiary hearing as follows:

1. To determine the areas and populations which would receive primary service from the operation proposed by the Mississippi Broadcasting Company, and the availability of other primary service to such areas and population.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMOX, and the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by Birney Imes, Jr. would comply with §§ 3.28 (c) and 3.188 (b) (1) of the Commission's rules, and whether, if it does not comply, circumstances exist which warrant waivers of said sections.

4. To determine whether Mississippi Broadcasting Company in view of its proposals as to staff and operating expenses is qualified to operate its station in the manner proposed by its application.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient, and equitable distribution of radio service.

6. To determine in light of the evidence adduced pursuant to the foregoing which, if either, of the applications should be granted.

3. It was agreed at the hearing conference that the applicants would meet Issues 1, 2 and 3 in so far as they related to their respective proposals by the preparation and introduction in evidence of engineering exhibits which would disclose the areas and populations within the appropriate service contours of the proposed stations, and that in preparing such exhibits, the coverage of existing or proposed stations would be predicated upon the Commission's soil conductivity map or proof of performance or measurements taken in accordance with Commission requirements.

4. It was agreed that Station WMOX, Meridian, Mississippi, operating as proposed, would not cause interference to Station CMBQ, Havana, Cuba, and that Station CMBQ, operating in accordance with its existing license, would not cause objectionable interference to Station WMOX, Meridian, Mississippi. It was also agreed that consideration could be given to the fact that Station CMBQ, Havana, Cuba, which now operates with power of 5 kw, nondirectional, under the North American Regional Broadcasting Agreement, hereinafter sometimes referred to as NARBA, may increase its power to 25 kw using a directional antenna which would limit the signal radiated towards Alberta, Canada, to 50 microvolts per meter or less. Birney Imes, Jr. (WMOX) does not object to preparing an exhibit which would show possible interference to Station WMOX should Station CMBQ operate with the maximum power authorized by the NARBA agreement but contends that in the absence of a specific proposal by that station, it will be impossible to anticipate the type of directional array which might be proposed by and used by Station CMBQ if it operates with the maximum power contemplated by the NARBA agreement. The validity of such position was recognized by all parties at the hearing conference and it was agreed that informal conferences would be held between the applicants and Commission counsel and attorneys in the hope and expectation of resolving the issue as to the maximum radiation which, under normal circumstances, might be expected to be directed towards Meridian, Mississippi. In the event engineers and counsel are unable to agree on such matter, Birney Imes, Jr. may, if this applicant desires, submit an exhibit showing the interference to Station WMOX, operating as proposed, on the assumption that Station CMBQ operates with a directional antenna such as Birney Imes, Jr. has reason to believe CMBQ may use, and by the same token, other parties to the proceeding may introduce engineering exhibits showing the maximum interference to Station WMOX which may result if Station CMBQ uses a directional antenna which the parties believe may be used by that station.

5. In view of the possible difficulties in resolving the engineering matter referred to in the preceding paragraph, the following schedule was agreed to: The parties will endeavor to exchange drafts of their engineering exhibits on or before November 8, 1957, it being contemplated that all exhibits to be offered on behalf of each applicant in support of its affirmative case, including the engineering and lay exhibits, will be exchanged on or before November 22, 1957 and that the evidentiary hearing will begin on December 10, 1957. The exchange of the engineering exhibits on November 22, 1957 will not deprive any party of an opportunity to introduce other engineering exhibits relating to possible interference to Station WMOX from Station CMBQ.

It is ordered, This the 18th day of October 1957, that pursuant to the agreements reached at the hearing conference, the applicants will exchange drafts of their engineering exhibits on or before November 8, 1957, that all exhibits to be offered on behalf of each applicant in support of its affirmative case, including the engineering and lay exhibits, will be exchanged on or before November 22, 1957, and that the evidentiary hearing will begin on December 10, 1957.

Released: October 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8832; Filed, Oct. 25, 1957; 8:48 a. m.]

[Docket No. 12021; FCC 57M-1013]

OK BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Jules J. Paglin and Stanley W. Ray, Jr., d/b as OK Broadcasting Company, Mobile, Alabama, Docket No. 12021, File No. BP-10590; for construction permit.

It is ordered, This 21st day of October 1957, that pursuant to the Commission's order of remand, issued October 18, 1957 (FCC 57-1154), a formal hearing session will be held in the above-entitled proceedings at the offices of the Commission at 10:00 a. m., October 25, 1957.

Released: October 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8833; Filed, Oct. 25, 1957; 8:48 a. m.]

[Docket Nos. 12146-12148; FCC 57M-1014]

UNITED BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of United Broadcasting Company, Inc., Wilmington, North Carolina, Docket No. 12146, File No. BPCT-2169; Carolina Broadcasting System, Inc., Wilmington, North Carolina, Docket No. 12147, File No. BPCT-2191; New Hanover Broadcasting Company, Wilmington, North Carolina, Docket No. 12148, File No. BPCT-2310; for construction permits for new television broadcast stations (Channel 3).

Pursuant to agreement of counsel for all parties made on the record at the prehearing conference on October 11, 1957: *It is ordered,* This 21st day of October 1957, that the hearing now scheduled to be commenced on this date is continued without date, and that a further prehearing conference shall be held at 10:00 a. m., on Monday, January 27, 1958.

Released: October 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8834; Filed, Oct. 25, 1957; 8:48 a. m.]

[Docket No. 12165]

DANIEL BOTELHO, JR.

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Daniel Botelho, Jr., c/o Seafood Producers Association, 60 North Water Street, New Bedford, Massachusetts, Docket No. 12165; suspension of restricted radiotelephone operator permit.

The Commission having under consideration the suspension of the Restricted Radiotelephone Operator Permit, RP-1-67868, issued to Daniel Botelho, Jr.; and

It appearing, that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission within the time provided therefor an application requesting a hearing on the Commission's Order dated August 5, 1957, suspending for a period of two months his restricted radiotelephone operator permit; and

It further appearing, that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said permittee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of Suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, This 20th day of September 1957, that the matter of the suspension of the Restricted Radiotelephone Operator Permit of Daniel Botelho, Jr. is hereby designated for hearing before a Commission Examiner at the Commission's office in Washington, D. C., at a time to be specified by a further order on the following issues:

1. To determine whether Daniel Botelho, Jr., violated § 8.364 (a) of the Commission's rules in that he failed to identify by transmitting the official call sign at the completion of a communication while operating Station WD-2999 on board the vessel "Ruth and Nancy" on March 14, 1957 at approximately 1435 GMT, after a written warning.

2. In the light of the evidence adduced in the preceding issue to determine whether the terms of the original Order of Suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this order be transmitted by Registered Mail, Return Receipt Requested, to Daniel Botelho, Jr. and that he notify the Commission in writing within 10 days after the receipt of this order that he will appear in person or by counsel at said hearing.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8835; Filed, Oct. 25, 1957; 8:48 a. m.]

[Docket No. 12166]

MATHIAS BENDIKSEN

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Mathias Bendiksen c/o Ben Sal, Inc., 148 Adams Street, New Bedford, Massachusetts, Docket No. 12166; suspension of restricted radiotelephone operator permit.

The Commission having under consideration the suspension of the Restricted Radiotelephone Operator Permit, RP-1-52984, issued to Mathias Bendiksen; and

It appearing, that acting in accordance with the provisions of section 303

(m) (2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission within the time provided therefor an application requesting a hearing on the Commission's order dated August 5, 1957, suspending for a period of two months his restricted radiotelephone operator permit; and

It further appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said permittee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of Suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, This 20th day of September 1957, that the matter of the suspension of the Restricted Radiotelephone Operator Permit of Mathias Bendiksen is hereby designated for hearing before a Commission Examiner at the Commission's office in Washington, D. C. at a time to be specified by a further order on the following issues:

1. To determine whether Mathias Bendiksen violated § 8.364 (a) of the Commission's rules in that while operating radiotelephone station WE–2712 on board the vessel "Captain Bill 2nd" on May 23, 1957 at approximately 1025 GMT, he failed to identify the station by transmitting the official call sign at the completion of a communication, after a written warning.

2. In the light of the evidence adduced in the preceding issue to determine whether the terms of the original Order of Suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this order be transmitted by Registered Mail, Return Receipt Requested, to Mathias Bendiksen and that he notify the Commission in writing within 10 days after the receipt of this order that he will appear in person or by counsel at said hearing.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8836; Filed, Oct. 25, 1957; 8:48 a. m.]

[Docket Nos. 12170, 12171; FCC 57M–1020]

WESTBROOK BROADCASTING CO., INC., AND SHERWOOD J. TARLOW

ORDER CONTINUING HEARING

In re applications of Westbrook Broadcasting Co., Inc., Westbrook, Maine, Docket No. 12170, File No. BP–10911; Sherwood J. Tarlow, Saco, Maine, Docket No. 12171, File No. BP–11080; for construction permits.

The Hearing Examiner having under consideration a revised date for the commencement of hearing;

It appearing that a conference was held on Tuesday, October 22, 1957, at which the parties agreed on dates for the exchange of exhibits and other matters, including a date for the formal introduction of affirmative cases;

It is ordered, This 22d day of October 1957, that the hearing now scheduled to commence on November 14, 1957, is continued to December 19, 1957.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8837; Filed, Oct. 25, 1957; 8:48 a. m.]

[Docket Nos. 12176—12178; FCC 57M–1021]

KTAG ASSOCIATES (KTAG-TV) ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox, R. B. McCall, Jr., d/b as KTAG ASSOCIATES (KTAG-TV), Lake Charles, Louisiana, Docket No. 12176, File No. BMPCT–4682; for modification of construction permit; Evangeline Broadcasting Company, Inc., Lafayette, Louisiana, Docket No. 12177, File No. BPCT–2335; Acadian Television Corporation, Lafayette, Louisiana, Docket No. 12178, File No. BPCT–2351; for construction permits for new television broadcast stations.

By agreement of the parties; *It is ordered*, This 22d day of October, 1957, that a prehearing conference in the above-entitled matter will be held on October 25, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8838; Filed, Oct. 25, 1957; 8:48 a. m.]

[Docket No. 12185; FCC 57M–1018]

JAMES G. PRESTWOOD, JR.

ORDER CONTINUING HEARING

In re application of James G. Prestwood, Jr., Augusta, Georgia, Docket No. 12185, File No. 1981–C2–R–57; for the renewal of the license for the station KIE960, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 21st day of October 1957, with the consent of all interested parties, that hearing in the above-entitled proceeding is continued indefinitely, pending action by the Commission on the applicant's petition for reconsideration and grant of his application without hearing.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8839; Filed, Oct. 25, 1957; 8:49 a. m.]

[Docket No. 12189; FCC 57M–1022]

HARRY WILLIAM OBERHOLTZER

ORDER CONTINUING HEARING

In re application of Harry William Oberholtzer, Pottstown, Pennsylvania, Docket No. 12189, File No. 953–C2–R–57; for the renewal of the license for the station KGB876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration a request of the applicant, filed October 21, 1957, for continuance of hearing in the above-entitled proceeding;

It appearing that the applicant is presently carrying forward certain plans, the completion of which, in his judgment, would have the effect of eliminating the necessity for a hearing;

It appearing further that the Commission's Common Carrier Bureau agrees to the continuance herein requested and to a waiver of the provisions of § 1.745 of the rules to permit immediate consideration of the matter;

It appearing further that the request is supported by a showing of good and sufficient cause and that the granting thereof would be in the public interest;

It is ordered, This 22d day of October, 1957, that the request upon consideration is granted and that the hearing in the above-entitled proceeding is continued to December 9, 1957.

Released: October 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8840; Filed, Oct. 25, 1957; 8:49 a. m.]

[Docket No. 12213]

RICHARD G. COLLIS

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Richard G. Collis, 60 North Water Street, New Bedford, Massachusetts, Docket No. 12213; suspension of restricted radiotelephone operator permit.

The Commission having under consideration an application from Richard G. Collis for a hearing on the Commission's order, dated July 30, 1957 suspending his Restricted Radiotelephone Operator Permit, RP–1C4331, for a period of two months for violation of § 8.364 (a) of the Commission's rules in that he failed to identify radiotelephone station WA–6138 on board the vessel "Ivanhoe" by transmitting the official call sign at the beginning and upon completion of a communication while operating that station on May 27, 1957 at approximately 2208 GMT; and

It appearing that Richard G. Collis filed with the Commission within the time provided therefor, a request for hearing.

It is ordered, This 16th day of October 1957, that the matter of suspension of the restricted radiotelephone operator permit of Richard G. Collis is hereby designated for hearing before a Commission Examiner at the Commission's office in Washington, D. C., at a time to be specified by a further order on the following issues:

1. To determine whether Richard G. Collis failed to identify radiotelephone station WA–6138 on board the vessel "Ivanhoe" by transmitting the official call sign at the beginning and upon completion of a communication while operating the station on May 27, 1957, after a written warning.

2. To determine in the light of the evidence adduced under the foregoing issues whether any change in the terms of the Commission's Order of Suspension would be warranted.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8842; Filed, Oct. 25, 1957; 8:49 a. m.]

[Docket No. 12217; FCC 57M–1011]

OREGON RADIO, INC.

ORDER SCHEDULING HEARING

In re application of Oregon Radio, Inc., Salem, Oregon, Docket No. 12217, File No. BMPCT–4564; for extension of time to complete construction of Television Station KSLM–TV.

It is ordered, This 18th day of October 1957, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 19, 1957, in Washington, D. C.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8845; Filed, Oct. 25, 1957; 8:49 a. m.]

[Docket Nos. 12111, 12112; FCC 57M–1016]

K. C. LAURANCE AND PHILIP D. JACKSON

ORDER CONTINUING HEARING CONFERENCE

In re applications of K. C. Laurance Medford, Oregon, Docket No. 12111, File No. BP–10622; Philip D. Jackson, Weed, California, Docket No. 12112, File No. BP–11268; for construction permits.

The Hearing Examiner having under consideration a motion filed October 14, 1957 on behalf of K. C. Laurance, requesting that the date for notification to all parties of the direct affirmative case testimony and exhibits be extended from October 23 to November 5, 1957; and

It appearing that "due to the press of other legal business" West Coast counsel "will not be able to assist Mr. Laurance in the preparation of his direct case in time for it to be submitted October 23"; and

It further appearing that counsel for all parties have informally consented to a grant of the motion, that good cause for granting the relief is shown, and that the granting thereof will conduce to the orderly dispatch of the Commission's business; and

It further appearing that the date for the further prehearing conference after exchange of the written case exhibits should also be postponed, and that counsel for the applicants have informally consented to the continuance hereinafter ordered; now therefore;

It is ordered, This 22d day of October 1957, that the above motion is granted; that paragraphs 3 and 7 of the Order After Prehearing Conference, released September 20, 1957, are amended to specify on or before Tuesday, November 5, 1957, in lieu of on or before Wednesday, October 23, 1957; *And, it is further ordered*, That the convening of the further prehearing conference is continued from Wednesday, October 30, 1957 to Thursday, November 21, 1957.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8841; Filed, Oct. 25, 1957; 8:49 a. m.]

[Docket No. 12214]

IVAN R. WILLIAMS

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Ivan R. Williams, 327 Main Street, Gloucester, Massachusetts, Docket No. 12214; suspension of restricted radiotelephone operator permit.

The Commission having under consideration an application from Ivan R. Williams for a hearing on the Commission's order, dated July 19, 1957, suspending his Restricted Radiotelephone Operator Permit, RP–1–73065, for a period of two months for violation of § 8.364 (a) of the Commission's rules in that he failed to identify radiotelephone station WA–4227 on board the vessel "Dolphin" by transmitting the official call sign on completion of a communication while operating the station on March 3, 1957, at approximately 2227 GMT; and

It appearing that Ivan R. Williams filed with the Commission within the time provided therefor, a request for hearing.

It is ordered, This 16th day of October 1957, that the matter of suspension of the restricted radiotelephone operator permit of Ivan R. Williams is hereby designated for hearing before a Commission Examiner at the Commission's office in Washington, D. C., at a time to be specified by a further order on the following issues:

1. To determine whether Ivan R. Williams failed to identify radiotelephone station WA–4227 on board the vessel "Dolphin" by transmitting the official call sign on completion of a communication while operating the station on March 3, 1957, after a written warning.

2. To determine in the light of the evidence adduced under the foregoing issues whether any change in the terms of the Commission's Order of Suspension would be warranted.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8843; Filed, Oct. 25, 1957; 8:49 a. m.]

[Docket No. 12215]

FRED E. WALTER

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Fred E. Walter, c/o Corixa Corporation, 54 Shore Drive, Larchmont, New York, Docket No. 12215; suspension of restricted radiotelephone operator permit.

The Commission having under consideration an application from Fred E. Walter for a hearing on the Commission's order, dated August 5, 1957 suspending his Restricted Radiotelephone Operator Permit, RP–2D0309, for a period of two months for violation of § 8.364 (a) of the Commission's rules in that he failed to identify by transmitting the official call sign of the station at the conclusion of a communication while operating radiotelephone station WG–9242 on board the vessel "Corixa" on February 25, 1957 at approximately 2142 GMT; and

It appearing that Fred E. Walter filed with the Commission within the time provided therefor, a request for hearing.

It is ordered, This 16th day of October 1957, that the matter of suspension of the restricted radiotelephone operator permit of Fred E. Walter is hereby designated for hearing before a Commission Examiner at the Commission's office in Washington, D. C. at a time to be specified by a further order on the following issues:

1. To determine whether Fred E. Walter failed to identify radiotelephone station WG–9242 on board the "Corixa" by transmitting the official call sign at the conclusion of a communication while operating the station on February 25, 1957, after a written warning.

2. To determine in the light of the evidence adduced under the foregoing issues whether any change in the terms of the Commission's Order of Suspension would be warranted.

Released: October 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8844; Filed, Oct. 25, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–10426]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF DATE OF HEARING

OCTOBER 22, 1957.

Take notice that pursuant to the authority conferred upon the Federal Power

Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 12, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application of Pacific Northwest Pipeline Corporation in the above-entitled proceeding: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8818; Filed, Oct. 25, 1957; 8:47 a. m.]

[Docket No. G-13206]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 22, 1957.

Take notice that on September 3, 1957 Cities Service Gas Company (Cities Service), a Delaware corporation, having its principal place of business in Oklahoma City, Oklahoma, filed in Docket No. G-13206 an application, pursuant to section 7 (c) of the Natural Gas Act, authorizing (1) the sale and delivery of a portion of the natural gas requirements of The Tri-City Gas Company (Tri-City) of Chetopa, Kansas, and (2) the construction and operation of a 2-inch tap, with regulating and metering appurtenances, on Cities Service's 20-inch transmission line passing west to east through Labette County, southeastern Kansas, for the purpose of making said sale and delivery, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Tri-City will use the gas to supplement its local supply for distribution in Edna, Bartlett and Chetopa, Kansas.

The application indicates that since Tri-City's locally produced gas supply is diminishing, it has entered into a five-year sales contract dated June 7, 1957, with Cities Service to supply an indefinite portion of Tri-City's needs under Cities Service emergency Rate Schedule E, on file with the Commission. Rate Schedule E provides for a minimum monthly bill of $25.00 and a price of 40 cents per Mcf. The gas deliveries under this rate schedule are subordinate to Applicant's other firm and interruptible deliveries.

Tri-City will build six miles of 2-inch transmission line running south from the proposed tap to Tri-City's system. Cities Service will build the tap for $1,810, and will be reimbursed in full by Tri-City.

The gas volume to be delivered is not stated, as it is supplemental to Tri-City's own sources. The service area has roughly 2,500 population and therefore only a relatively minor volume would most likely be delivered by Cities Service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 14, 1957 at 9:30 a. m. (e. s. t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8819; Filed, Oct. 25, 1957; 8:47 a. m.]

[Project Nos. 1503, 2234]

ARIZONA POWER AUTHORITY AND CITY OF LOS ANGELES, CALIF.

NOTICE OF APPLICATIONS FOR PRELIMINARY PERMITS

OCTOBER 22, 1957.

Public notice is hereby given that the Arizona Power Authority (the Authority) and the City of Los Angeles, California, (the City) have filed competing applications for a preliminary permit under the Federal Power Act (16 U. S. C. 791a-825r) for the potential Bridge Canyon Project on the Colorado River, a navigable waterway of the United States, in the Counties of Coconino and Mohave, Arizona, and affecting lands of the United States in the Lake Mead National Recreation area, Hualpai Indian Reservation, Grand Canyon National Monument, Grand Canyon National Park, and Kaibab National Forest. The potential Bridge Canyon Project would consist of a concrete dam about 673 feet high located about 117.5 miles upstream from Hoover Dam in unsurveyed Section 22. T. 28 N., R. 12 W., Gila and Salt River Base and Meridian; a reservoir extending upstream about 100 miles with an area of 17,300 acres at the maximum water surface elevation of 1876 feet and a capacity of 3,720,000 acre-feet at a normal water surface elevation of 1866 feet; a powerhouse with an installation of 750,000 kilowatts; and appurtenant mechanical and electrical facilities. In the alternative, the Authority has requested a preliminary permit covering so much of the 100-mile reach of the Colorado River (covered by the potential Bridge Canyon Project) as can be authorized within the jurisdiction of the Commission.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 16, 1957. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8821; Filed, Oct. 25, 1957; 8:47 a. m.]

[Docket No. G-13420]

PHILLIPS PETROLEUM CO.

ERRATUM NOTICE

OCTOBER 21, 1957.

In the Order For Hearing and Suspending Proposed Change in Rates, issued October 15, 1957, and published in the FEDERAL REGISTER on October 19, 1957 (22 F. R. 8270), under the Ordering paragraph (A): the date "April 1, 1957" should be corrected to read "April 1, 1958."

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-8820; Filed, Oct. 25, 1957; 8:47 a. m.]

[Docket No. G-13488]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 22, 1957.

Tidewater Oil Company (Tidewater), on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 20, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 1 to Tidewater's FPC Gas Rate Schedule No. 64.
Effective date:[1] November 1, 1957.

In support of the proposed rate increase, Tidewater states, among other things, that the contract was arrived at by bargaining at arm's length between the parties, that the rate filed is less than rates presently being offered and paid for natural gas in the same area under similar conditions, and that the rate is in all respects fair, reasonable and just.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8822; Filed, Oct. 25, 1957; 8:47 a. m.]

[1] The stated effective date is the effective date proposed by Tidewater.
[2] Commissioners Digby and Kline dissenting.

[Docket No. G-13489]

C. H. LYONS, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 22, 1957.

C. H. Lyons, Jr., et al. (Lyons), on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 16, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 3 to Lyons' FPC Gas Rate Schedule No. 3.
Effective date:[3] October 24, 1957.

In support of the proposed rate increase, Lyons states, among other things, that the contract would not have been entered into unless he had been assured of prices designed to give him a reasonably uniform net operating income per Mcf and of receiving the same price per Mcf as the buyer would be paying to other sellers in the area, that the cost of labor, taxes and other costs have increased, and that the price is fair and reasonable and not excessive in relation to the prices payable by buyer to others in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 24, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8824; Filed, Oct. 25, 1957; 8:47 a. m.]

[3] The stated effective date is the first day after expiration of the required thirty days' notice.

[Docket No. G-13490]

A. O. PHILLIPS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 22, 1957.

A. O. Phillips, et al. (Phillips), on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 17, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 6 to Phillips' FPC Gas Rate Schedule No. 2.
Effective date:[3] October 24, 1957.

In support of the proposed rate increase, Phillips states that the contract prices are in accord with the fair market value of the gas and the prevailing practice in the gas industry.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 24, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed

of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8823; Filed, Oct. 25, 1957; 8:47 a. m.]

[Docket No. G-13492]

TEXAS GAS CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 22, 1957.

Texas Gas Corporation (Texas), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 1.
Effective date: [2] November 1, 1957.

In support of the proposed rate increase, Texas states, among other things, that the price was arrived at by arm's length bargaining and that the price is substantially less than many of the prices paid by other interstate pipeline companies to other sellers for gas purchased in the same district and sold under terms and conditions more favorable to sellers than are those contained in this contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8825; Filed, Oct. 25, 1957; 8:47 a. m.]

[Docket No. G-13081]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 22, 1957.

Take notice that on August 20, 1957, Algonquin Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business in Boston, Massachusetts, filed in Docket No. G-13081 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 270 feet of 8-inch lateral line, a 6-inch main line tap, and an 8-inch orifice measuring station at Medford, Massachusetts.

Applicant states the proposed facilities will enable it to sell and deliver to the Mystic Valley Gas Company (Mystic Valley) a maximum of 24,000 Mcf daily of natural gas on an emergency basis, when Applicant is able to make such deliveries without impairment of service to its firm customers. Mystic Valley is represented as serving approximately 100,000 customers in thirteen cities and towns in the suburban area north and west of the City of Boston, and now purchases its entire requirements from Tennessee Gas Transmission Company up to an authorized maximum daily quantity of 36,900 Mcf.

The estimated over-all capital cost of the proposed facilities is $9,740 which will be defrayed from current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 12, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., on or before November 6, 1957. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-8826; Filed, Oct. 25, 1957; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 309]

ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACT FOR SUPPLIES AND SERVICES IN CONNECTION WITH SMALL BUSINESS ADMINISTRATION RESEARCH PROGRAMS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called "the act," authority is hereby delegated to the Administrator of the Small Business Administration to negotiate, without advertising, under sections 302 (c) (4), (5) and (10) of the act, a contract for supplies and services relating to authorized programs of the Small Business Administration.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. Subject to the provisions of 2 above, the authority herein delegated under sections 302 (c) (4) and (5) may be redelegated to any official or employee of the Small Business Administration. The authority under section 302 (c) (10) may be redelegated only in accordance with section 307 (b) of the act.

4. This delegation shall be effective as of the date hereof, and shall not permit execution of a contract after December 31, 1958.

Dated: October 21, 1957.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 57-8805; Filed, Oct. 25, 1957; 8:45 a. m.]

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[1] Present rate previously suspended is in effect subject to refund in Docket No. G-11514.

[2] The stated effective date is the date proposed by Texas.

[3] Commissioners Digby and Kline dissenting.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

POSITION SCHEDULE SURETY BOND

INVITATION TO BID

The Office of the Administrator, Housing and Home Finance Agency will receive sealed proposals for a position schedule surety bond covering certain Federal employee positions in various locations within the United States. Bidding will be limited to corporate surety companies holding certificates of authority as acceptable sureties on Federal bonds from the Secretary of the Treasury under the act of July 30, 1947, as amended (6 U. S. C. 1–15) and Treasury regulations issued pursuant thereto (31 CFR 226.1–226.18). Approximately thirty-four (34) positions are to be bonded in penalty amounts ranging from $3,500 to $25,000 as follows: 3 at $3,500; 20 at $5,000; and 11 at $25,000. The bond will be conditioned upon the faithful performance of the duties of the individuals occupying the positions bonded and will run solely in favor of the United States. The effective date of the bond will be January 1, 1958, and the term will be two years.

Requests for Invitation to Bid and Specifications should be directed to the Insurance Advisor, 901 Lafayette Building, Office of the Administrator, Housing and Home Finance Agency, Washington 25, D. C. Bids will be opened at 10 o'clock a. m., e. s. t., on November 26, 1957, in Room 901, Lafayette Building, Washington, D. C.

Issued as of the 26th day of October 1957.

[SEAL] ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 57-8852; Filed, Oct. 25, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3627]

MYSTIC VALLEY GAS CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF BONDS

OCTOBER 21, 1957.

Notice is hereby given that Mystic Valley Gas Company ("Mystic"), a public utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act and Rules U-50 and U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application on file in the offices of the Commission for a statement of the proposed transactions, which are summarized as follows:

Mystic proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,500,000 principal amount of First Mortgage Bonds ("New Bonds"), Series B, __ percent, to be dated November 1, 1957 and to mature November 1, 1977. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent and not in excess of 6 percent) and the price, exclusive of accrued interest, to be paid to Mystic (which shall not be less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding.

The New Bonds are proposed to be issued under Mystic's First Mortgage Indenture and Deed of Trust dated as of February 1, 1954, to the Merchants National Bank of Boston, Trustee, as proposed to be amended and supplemented by a First Supplemental Indenture to be dated as of November 1, 1957.

The proceeds from the sale of the New Bonds, exclusive of accrued interest, will be applied to the payment of short-term note indebtedness incurred for capitalizable expenditures, and the balance, if any, will be used to pay for capitalizable expenditures or to reimburse the treasury therefor. Mystic desires to consummate the proposed transactions in order to permanently finance capitalizable additions to its properties.

The application states that the Massachusetts Department of Public Utilities has jurisdiction over the proposed issue and sale of securities by Mystic and that an application has been made for approval of the proposed issue and sale and the use of the proceeds therefrom. The application also states that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Mystic in connection with the above transactions are estimated at $44,000, including services of Lybrand, Ross Bros. & Montgomery, accountants, $2,000, and $18,000 payable to New England Power Service Company, an affiliated service company, consisting of $10,000 for legal services, $7,000 for accounting services, and $1,000 for miscellaneous services. The fee and expenses of counsel for the purchasers are to be paid by the successful bidders.

Notice is further given that any interested person may, not later than November 5, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8806; Filed, Oct. 25, 1957; 8:45 a. m.]

[File No. 70-3629]

MIDDLE SOUTH UTILITIES, INC.

NOTICE OF PROPOSED ISSUANCE OF COMMON STOCK AND SALE AT COMPETITIVE BIDDING OF SUCH STOCK

OCTOBER 21, 1957.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Middle South proposes to issue 450,000 shares of its authorized but unissued common stock, of the par value of $10 per share, and to sell, pursuant to the competitive bidding requirements of Rule U-50, 451,894 shares of such stock consisting of the 450,000 shares to be issued and 1,894 shares held in Middle South's treasury.

Middle South proposes to invest approximately $10,300,000 of the proceeds from the sale of its Common Stock in additional shares of the Common Stocks of two of its subsidiaries (Louisiana Power & Light Company and New Orleans Public Service Inc.), prior to December 31, 1957, for the purpose of providing the subsidiaries with a portion of the funds necessary for the carrying out of their construction programs, and to repay $1,275,000 of loans owing by Middle South to banks. The remainder of the proceeds will be held in Middle South's treasury for further investments in Common Stocks of its operating subsidiaries and for other corporate purposes. All of the proposed investments by Middle South, however, will be separate transactions from the proposed issuance and sale of its Common Stock and will be covered by separate applications or declarations.

According to the declaration no State or Federal commission, other than this Commission, has jurisdiction over the proposed issuance and sale of Common Stock.

The fees and expenses to be incurred in connection with the proposed transactions including those of Winthrop, Stimson, Putnam, and Roberts, who have been designated as counsel for the underwriters, and are to be paid by the purchasers of the Common Stock, are to be supplied by amendment.

Notice is further given that any interested person may, not later than November 5, 1957 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the

issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8807; Filed, Oct. 25, 1957; 8:45 a. m.]

[File No. 70-3626]

LAWRENCE GAS CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE AND SALE OF NEW BONDS

OCTOBER 21, 1957.

Notice is hereby given that Lawrence Gas Company ("Lawrence"), a public utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Lawrence has designated section 6 (b) of the act and Rules U-50 and U-42 (b) (2) as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Lawrence proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $2,000,000 principal amount of First Mortgage Bonds ("New Bonds"), Series A, to be dated as of November 1, 1957 and to mature November 1, 1977. The Series A Bonds will be issued under a First Mortgage Indenture and Deed of Trust to be dated as of November 1, 1957 between Lawrence and the Merchants National Bank of Boston and will be secured by First Mortgage on substantially all properties now owned and, to the extent permitted by law, hereafter acquired by Lawrence except for the properties specifically excepted from the lien of the Indenture. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent and not in excess of 6 percent) and the price exclusive of accrued interest to be paid Lawrence for the New Bonds, which price shall not be less than 100 percent and not more than 102.75 percent of the principal amount thereof, will be determined by the competitive bidding.

Lawrence had outstanding at September 30, 1957, $1,675,000 of short-term notes payable to banks and expects that further borrowings, pursuant to Commission authorization, will be made prior to the issuance and sale of the securities proposed herein. The proceeds from the sale of Series A Bonds, exclusive of accrued interest, estimated for the purpose herein at $2,000,000, will be applied to the payment of short-term note indebtedness incurred for capitalizable expenditures, and the balance, if any, will be used to pay for capitalizable expenditures or to reimburse the treasury therefor.

The application states that the Massachusetts Department of Public Utilities has jurisdiction over the proposed issue and sale of securities by Lawrence. No Federal commission other than this Commission has jurisdiction over the proposed transactions. An application has been made to the Massachusetts Department of Public Utilities for approval of the issue and sale of the Series A Bonds, and the use of proceeds therefrom.

It is estimated that Lawrence's expenses in connection with the above transactions will not exceed in the aggregate $46,000 including $3,000 for independent public accountants and $19,000 payable to New England Power Service Company, an affiliated service company, consisting of $11,000 for legal services, $7,000 for accounting services, and $1,000 for miscellaneous services. Fees and expenses of counsel for the underwriters will be paid by the successful bidders.

Notice is further given that any interested person may not later than November 4, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8808; Filed, Oct. 25, 1957; 8:45 a. m.]

[File No. 812-943]

INVESTORS DIVERSIFIED SERVICES, INC.

ORDER MODIFYING PRIOR ORDER WITH RESPECT TO AGGREGATE AMOUNT OF ADVANCES AND LOANS TO CERTAIN PERSONS

OCTOBER 21, 1957.

By order dated August 8, 1955 (Investment Company Act Release No. 2211), this Commission, pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") exempted from the provisions of section 17 (a) (3) thereof, certain transactions between Investors Diversified Services, Inc. ("IDS"), a registered face-amount certificate company, and certain persons engaged in the offering and sale of securities for which IDS is the underwriter to the extent necessary or appropriate to effect the lending of money in the form of periodic advances or secured lump-sum loans from time to time by IDS to its divisional managers, district managers and sales representatives whose income was derived from the sale of securities.

IDS has filed a further amendment to the application in this matter in which it is stated that because of the substantial increase in both the size of the IDS sales organization and the volume of business done which has occurred since the issuance of the modified order of August 8, 1955, and the reasonable belief of IDS that this trend will continue, the present limitation with respect to the aggregate amount of all loans and advances which may be outstanding at any one time with members of the sales organization shall be increased from $600,000 to $900,000.

The Commission having considered the matter and finding that the proposed modification of its order with respect to the aggregate amount of all loans and advances which may be outstanding at any one time as contemplated in the amended application is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act,

It is ordered, That condition (4) of the order of this Commission dated August 8, 1955, be modified, effective forthwith, as follows:

(4) The maximum debit balance of periodic advances and lump-sum loans shall at no time exceed an aggregate of $7,000 for any one salesman or district manager or $15,000 for any one divisional manager. The aggregate amount of all loans and advances outstanding at any one time shall not exceed $900,000.

[The other provisions of such order shall remain unchanged.]

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8809; Filed, Oct. 25, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 23, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34249: *Substituted service—Rail for motor—Erie Railroad Company.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 15), for the Erie Railroad Company and interested rail carriers. Rates on freight loaded in or on highway motor truck trailers and transported on railroad flat cars between Hammond, Ind., and Leavittsburg, Ohio.

Grounds for relief: Motor truck competition.

Tariff: Supplement 6 to Central States Motor Freight Bureau, Inc., Agent, tariff I. C. C. 27.

FSA No. 34250: *Liquefied petroleum gas—Witcher, Okla., to interstate points.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7122), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Witcher, Okla., to destinations in the Southwest intermediate to and in the general direction of (a) Kansas City and St. Louis, Mo., (b) to Nebraska border points, and (c) lower Mississippi River Crossings, Memphis, Tenn., and south, as described in the schedules listed below.

Grounds for relief: Grouping and short-line distance formulas.

Tariffs: Supplement 137 to Agent Kratzmeir's tariff I. C. C. 4086. Supplement 89 to Agent Kratzmeir's tariff I. C. C. 4102. Supplement 29 to Agent Kratzmeir's tariff I. C. C. 4154.

FSA. No. 34251: *Fertilizer—Southwest to Illinois territory and Wisconsin.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7141), for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from specified points in Arkansas, Louisiana (west of the Mississippi River), southeastern Missouri, Oklahoma, and Texas to all points in Illinois, specified west-bank Mississippi River Crossings in Iowa and Missouri, and specified points in southern Wisconsin.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 234 to Agent Kratzmeir's tariff I. C. C. 4112.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-8810; Filed, Oct. 25, 1957; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JEANETTE KRAEMER AND IDA STERNAU

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jeanette Kraemer, c/o Fred Kramer, 8th Avenue North, Highland Park, New Jersey; $377.79 in the Treasury of the United States.

Ida Sternau, Beth Horim, Montefiore, Jerusalem, Israel; $755.58 in the Treasury of the United States.

Claim No. 46258, Vesting Order No. 9853.

Executed at Washington, D. C., on October 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-8847; Filed, Oct. 25, 1957; 8:50 a. m.]

E. WOUTHUYSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. E. Wouthuysen, Amsterdam, The Netherlands, Claim No. 61742, $67.48 in the Treasury of the United States.

Vesting Order No. 17836.

Executed at Washington, D. C., on October 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-8848; Filed, Oct. 25, 1957; 8:50 a. m.]

R. HOUWINK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

R. Houwink, Nassaulaan 13, Wassenaar, Netherlands, Claim No. 57542; $97.73 in the Treasury of the United States.

The right to receive the percentages described below of all royalties payable or to become payable to the Attorney General of the United States pursuant to License No. A-393 (superseded by A-1605), issued to J. W. Edwards, Publisher, Inc. of Ann Arbor, Michigan, for publication of the second revised edition of "Chemie und Technologie Der Kunststoffe." 1942, Volumes I and II, edited by R. Houwink, as listed in Exhibit A of Vesting Order No. 500A-56 (9 F. R. 8208, July 20, 1944):

Ten percent as editor's fee for Volumes I and II, respectively; plus seven and nine-tenths per cent of the contributors' share for Volume I, and eleven and six-tenths per cent of the contributors' share for Volume II; the contributors' share being forty per cent of royalties from exploitation of the respective volumes of the above described work.

Executed at Washington, D. C., on on October 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-8846; Filed, Oct. 25, 1957; 8:50 a. m.]

MARIA HONISCH ET AL.

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The Notice of Intention to Return Vested Property to Hubert Honisch, among others, which was published in the FEDERAL REGISTER on September 12, 1956 (21 F. R. 6909), is hereby amended to delete therefrom the identity of claimant Hubert Honisch and the description of the property listed next to his name and to substitute therefor the following:

Claimant, Claim No., Property, and Location

Maria Honisch, Blindenmarkt 4, Austria, $190.32 in the Treasury of the United States.

Hubert Honisch, Jr., Blindenmarkt 4, Austria, $285.48 in the Treasury of the United States.

Hannelore Honisch, Blindenmarkt 4, Austria, $285.48 in the Treasury of the United States.

Claim No. 42382, Vesting Order No. 2137.

Executed at Washington, D. C., on October 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-8849; Filed, Oct. 25, 1957; 8:50 a. m.]

PART I

FEDERAL REGISTER

VOLUME 22 NUMBER 210

Washington, Tuesday, October 29, 1957

UNIVERSITY OF MICHIGAN
NOV 1 1957
MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART A—DATE DIVERSION PAYMENT PROGRAM YMD 29A (1957 MARKETING SEASON)

Sec.

518.561 General statement.
518.562 Rate of payment.
518.563 Eligibility for payment.
518.564 Payment to date producers.
518.565 Claims for payment supported by evidence of compliance.
518.566 Records and accounts.
518.567 Amendment and termination.
518.568 Persons not eligible for payment.
518.569 Set-off.
518.570 Joint payee or assignment.
518.571 Good faith.
518.572 Definitions.

AUTHORITY: §§ 518.561 to 518.572 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 518.561 *General statement.* (a) In order to encourage the domestic consumption of dates produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments on dates diverted under the terms and conditions hereinafter set forth.

(b) Information pertaining to this program and forms prescribed for use hereunder may be obtained from the following:

Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1031 South Broadway, Los Angeles 15, California.

C. P. Sivertson, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 14th Street and Independence Avenue SW., Washington 25, D. C.

§ 518.562 *Rate of payment.* The rate of payment applicable to dates diverted in accordance with the terms and conditions contained herein shall be three cents per net pound of dates whose moisture content does not exceed an average of 25 percent. A deduction of 0.05 cents per pound shall be made for each whole or fractional percent by which the moisture content exceeds 25 percent.

§ 518.563 *Eligibility for payment*—(a) *Program participation.* (1) Payments will be made to any individual, partnership, association of growers or packers, or corporation located in the continental United States (i) who executes and files with the Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, 25, D. C., no later than July 31, 1958, an application, in triplicate, to divert as set forth on forms prescribed for use, (ii) whose application is approved by the Administrator, (iii) who diverts eligible dates, either directly or through an agent or subcontractor, (iv) who files claim as provided in § 518.565, and (v) who otherwise complies with all the terms and conditions of this program. Applications will be considered in the order submitted and in accordance with the availability of funds. An application must be submitted for each additional product or poundage and must be approved before the diversion of dates. The Administrator will give notice to the diverter of the approval or nonapproval of each application. Approved applications may be modified or amended with the written consent of the Administrator.

(2) The Administrator reserves the right to limit diversion to the diverter's "restricted" poundage of dates estimated to be acquired by him during the 1957–58 crop year pursuant to the Order Reg-

(Continued on p. 8505)

This issue includes two parts bound together. Part II begins on page 8559 and contains United States Coast Guard regulations consisting of miscellaneous amendments respecting dangerous cargoes.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ulating the Handling of Domestic Dates Produced or Packed in Los Angeles and Riverside Counties of California (7 CFR Part 1003; 20 F. R. 5056) plus any such "restricted" poundage acquired from other handlers by the diverter.

(b) *Eligible dates.* Dates diverted under this program shall: (1) Have been produced in the United States, (2) be whole or pitted, (3) be of the Deglet Noor or Zahidi variety, (4) be not less than U. S. Grade C or U. S. Grade C (Dry) of the United States Standards for Grades of Dates, effective August 26, 1955, and (5) have been purchased, directly or indirectly, from producers who have been paid or will be paid or, if members of a grower marketing cooperative, have been credited or will be credited, not less than three cents per net pound for the dates diverted under this program.

(c) *Inspection.* The dates diverted shall have been inspected, check weighed and the moisture content determined prior to diversion or prior to processing into macerate or paste. The inspection, check weighing, moisture test and the observation of diversion into approved date products, or processing into macerate or paste, shall be performed by an inspector of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "USDA Inspector"). Where diverter sells macerated or paste form dates for use in manufacturing outside the States of California and Arizona, the outbound shipment shall also be checkloaded by a USDA inspector. The cost of inspection, weighing, issuance of certificates, observation of diversion into approved products or processing into macerate or paste, and checkloading shall be borne by the diverter.

(d) *Period of diversion.* No payment under this program will be made in connection with any dates diverted unless the diversion began on or after the date of approval of the application and was completed prior to 12 o'clock midnight, P. s. t., September 30, 1958.

§ 518.564 *Payment to date producers.* All producers of dates which were diverted or sold for diversion under this program shall be paid or, in the case of a grower marketing cooperative, credited for all dates so diverted or sold for diversion not less than three cents per net pound not later than November 30, 1958, or, in the event that a handler's diversion operations or sales for diversion are completed prior to said date, not later than 30 days after final payment is received by him for such diversion or sale for diversion, whichever date is earlier: *Provided*, That, if dates of various producers have been commingled by a handler, such handler shall determine the percentage of his acquisitions of dates which were diverted or sold for diversion and shall pay, or in the case of a grower marketing cooperative, shall credit the producers not less than three cents per net pound on the same percentage of their deliveries.

§ 518.565 *Claims for payment supported by evidence of compliance.* (a) Diverters shall file claim for payment not later than October 31, 1958, with the Western Area Administrative Division, Agricultural Marketing Service, U. S. Department of Agriculture, 2180 Milvia Street, Berkeley 4, California, *Provided*, That, upon written request of the diverter stating substantial reason therefor, the Administrator may, if he deems it desirable, grant an extension of time for the filing of claims.

(b) Each claim for payment shall be in the form of an original and one copy of an invoice to USDA, Agricultural Marketing Service, stating (1) the name of the diversion product, the number of pounds of dates diverted into each product and the amount of payment claimed, (2) the number assigned by USDA to the related approved application, and (3) the following certification: "I certify that the above bill is correct and just; that payment has not been received; that the transactions enumerated above were performed as stated and that the payment is authorized to be made as indicated above" and shall be supported by:

(i) The original or one signed copy of the inspection certificate or certificates required in § 518.563 (c) and, except in the case of date macerate or paste, a signed statement by a USDA Inspector stating date of diversion and that he observed the diversion of dates covered by the certificate into the approved product.

(ii) Certification to the USDA that date producers have been or will be paid or, in the case of a grower marketing cooperative, have been or will be credited, with a rate of payment of not less than three cents per net pound for all diverted dates covered by the claim for payment. With respect to dates purchased by diverter from date producers, such certification shall be executed by the diverter. With respect to dates purchased by diverter from a person other than a date producer, such certification shall be executed by such other person. Such certification shall be on Form FV–492 (10–25–57) Grower-Price Certification.

(iii) Where diverter sells dates in macerated or paste form for use in manufacturing outside of the States of California and Arizona, the following additional documents must be submitted: (*a*) One signed copy of railroad or truck bill of lading. The bill of lading must indicate the lot number, code, brand markings or other reference sufficient to identify the dates loaded on board the carrier; (*b*) one signed or certified copy of the sales contract or written agreement of the buyer stipulating that the macerated or paste form dates will be used in manufacturing only outside of the States of California and Arizona and in products of which at least 75 percent of the volume is distributed for consumption outside such States; (*c*) a signed statement by a USDA Inspector stating the date of processing and that he observed the processing of eligible dates into macerate or paste; (*d*) certification of checkloading by USDA Inspector; and (*e*) such other documents as may be required by the Secretary as evidence of diversion hereunder.

§ 518.566 *Records and accounts.* Each diverter shall maintain accurate records of diversion hereunder. Such records, accounts, and other documents relating to dates diverted under this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved until October 31, 1960.

§ 518.567 *Amendment and termination.* This program may be amended or terminated by the Administrator at any time, but the amendment or termination shall not be effective earlier than the date

of filing with the Federal Register Division. No amendment or termination shall be applicable to any dates diverted under an approved application before the effective time of such amendment or termination.

§ 518.568 *Persons not eligible for payment.* No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, or to any such person acting in his capacity as a date producer.

§ 518.569 *Set-off.* The Secretary may set off, against any amount owed to any diverter hereunder, any amount owed by such diverter to the Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Setting off as provided in this subpart shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 518.570 *Joint payee or assignment.* A diverter may name a joint payee on claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That, such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the Administrator, together with a true copy of the instrument of assignment, in accordance with the instructions on Form AMS–66 "Notice of Assignment," which form must be used in giving notice of assignment to the Administrator. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment. The AMS forms may be obtained from the Administrator or the Western Area Administrative Division.

§ 518.571 *Good faith.* If the Administrator determines that any diverter has not acted in good faith in connection with any transaction under this program, or has failed to discharge fully any obligation assumed by him under this program, such diverter may be denied the right to continue participating in this program or the right to receive payment under this program in connection with any diversion previously made under this program, or both.

§ 518.572 *Definitions.* As used herein, the following terms have the following meanings:

(a) *Secretary.* "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) *Administrator.* "Administrator" means the Administrator, Agricultural Marketing Service, USDA, or any Representative of the Secretary to whom said Administrator has delegated authority to perform functions vested in him.

(c) *Diversion.* "Diversion" means (1) the processing of domestically produced Deglet Noor or Zahidi variety dates into date pieces, table date syrup, manufacturers date syrup, consumer date butter, manufacturer date butter, date granules or chopped dates, date powder, date sugar, flattened dates for manufacturing use, or other products approved by the Administrator wherein the dates lose their form as whole or pitted dates (except dates in macerated or paste form for use inside the States of California or Arizona), or (2) the sale for use in manufacturing outside of the States of California and Arizona of macerated dates or date paste processed from such dates, and used in products of which at least 75 percent of the volume is distributed for consumption outside such States. Approved products, other than those specifically named herein, shall be restricted to those for which it is determined, on the basis of Departmental and such other sources as are reasonably available, that there has been no commercial sale, other than on an experimental basis or under a previous Department diversion program, prior to the effective date of this program.

(d) *Styles of dates.* (1) "Whole" or "whole dates" means whole unpitted dates from which the pits have not been removed and which may be slit longitudinally.

(2) "Pitted" or "pitted dates" means whole dates from which the pits have been removed.

(e) *Checkloaded.* "Checkloaded" means identifying the commodity as that produced from previously inspected eligible dates, container weight, count of number of containers loaded in car or truck, and any other examination necessary to determine compliance with program requirements.

(f) *Application.* "Application" means Form FV–488, 10–25–57, "Application for Participation in Date Diversion Payment Program YMD 29a and For Approval of Diversion Product."

(g) *Filed.* Applications, claims and related documents are deemed to be filed on the date postmarked by a U. S. Post Office if mailed, or when received by the appropriate USDA office if otherwise delivered.

Effective date: This program shall become effective at 12:01 a. m., P. s. t., October 28, 1957.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 24th day of October 1957.

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture.

[F. R. Doc. 57-8925; Filed, Oct. 28, 1957; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.18, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT-CONSUMPTION PORTION OF MAINLAND QUOTA FOR PUERTO RICO, 1957

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of further amending Sugar Regulation 814.18 (22 F. R. 104, 4074, 7067) which established allotments of the direct-consumption portion of the mainland quota for Puerto Rico.

This amendment of S. R. 814.18 is necessary to: (1) Give effect to Amendment 8 of Sugar Regulation 811 (22 F. R. 8105) which established the direct-consumption portion of the 1957 mainland quota for Puerto Rico of 133,826 short tons, raw value, a quantity less than the 136,113 short tons, raw value, previously allotted and to allot such smaller quantity in accordance with findings heretofore made and (2) prorate a deficit in the allotments declared by two allottees to other allottees to the extent they are able to utilize additional allotments.

Each named allottee under the order indicated to the Department of Agriculture the maximum quantity of the direct-consumption portion of the 1957 mainland quota for Puerto Rico he will be able to utilize. These maximum use quantities were compared with the respective allotment each allottee would receive if no deficits existed. Thereby, it was determined that two allottees had a deficit which collectively totaled 2,190 tons and four allottees collectively could use larger allotments to the extent of 1,359 tons.

Accordingly, the allotments of the allottees able to utilize larger allotments than they otherwise would receive, were increased by a total of 1,359 tons and were established at the maximum quantity each such allottee could utilize. The total allotments that would otherwise be established for allottees with deficits were decreased by a total of 1,359 tons, each such allottee's reduction in allotment being in the proportion which his deficit was of the total deficit.

Findings heretofore made by the Secretary in the course of this proceeding (22 F. R. 104) provide that this order shall be revised without further notice or hearing for the purpose of adjusting allotments to take account of any change in the direct-consumption portion of the 1957 mainland sugar quota for Puerto Rico and prorating any deficit to other allottees able to use larger allotments.

It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered*, That paragraph (a) and subparagraph (3) of paragraph (b) of § 814.18, as amended, be further amended to read as follows:

§ 814.18 *Allotment of the direct-consumption portion of 1957 sugar quota for Puerto Rico.*—(a) *Allotments.* The direct-consumption portion of the 1957 sugar quota for Puerto Rico, amounting to 133,826, as established in § 811.91, is hereby allotted as follows:

Allottee:	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	6,966
Central Roig Refining Co	21,400
Central San Francisco	1,376
Porto Rican American Sugar Rfy., Inc	82,018
So. Porto Rico Sugar Co. of P. R.	653
Western Sugar Refining Co	21,213
All other persons (raw sugar only)	200
Total	133,826

(b) *Restrictions on marketings.* * * *

(3) Of the total quantity of direct-consumption sugar allotted in paragraph (a) of this section, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure and the balance may be filled by sugar whether or not principally of crystalline structure.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 23d day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Administrator, Commodity Stabilization Service.

[F. R. Doc. 57-8936; Filed, Oct. 28, 1957; 8:55 a. m.]

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53, Supp. 10]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

INDIANA FARM PROPORTIONATE SHARES FOR THE 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation Indiana State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 68 acres established for Indiana by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 215 E. New York Street, Indianapolis, Indiana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Indiana. These bases and procedures incorporate the following:

§ 850.63 *Indiana.*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53, revised.

(b) *Establishment of individual farm proportionate shares.* For each farm in Indiana for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 68 acres so as to coincide with the acreage of 1957-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, revised.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Indiana State Committee for determining farm proportionate shares in Indiana in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C., Sup. 1132)

Dated: July 30, 1957.

[SEAL] LOUIS N. ROBERTS,
Chairman, Agricultural Stabilization and Conservation Indiana State Committee.

Approved: October 17, 1957.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-8932; Filed, Oct. 28, 1957; 8:55 a. m.]

[Sugar Determination 850.53, Supp. 12]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MONTANA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR THE 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation Montana State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 57,210 acres established for Montana by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 211 North Grand Avenue, Bozeman, Montana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Montana. These bases and procedures incorporate the following:

§ 850.65 *Montana.*—(a) *Proportionate share areas.* Montana shall be divided into three proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: American Crystal, Great Western and Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a minimum of 97.4 percent of the 1954–55 average and pro rata adjustments to a total of 57,210 acres. Acreage allotments computed as aforestated are established as follows: American Crystal Area—5,255 acres; Great Western Area—27,245 acres; and Holly Area—24,710 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment of 2 percent for new producers and 1 percent for appeals, and for making adjustments in initial proportionate shares as follows: American Crystal Area—0 acres; Great Western Area—2,713 acres; and Holly Area—764 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53, revised.

(d) *Establishment of individual farm proportionate shares.*—(1) *For old producers.*—(i) *Farm basis.* The farm base for each farm in each proportionate share area shall equal the "1956-crop share established for the farm". The term "1956-crop share established for the farm" shall mean either the 1956-

crop share established for the farm, including adjustments made under appeals but excluding any downward adjustments made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, and Supplement 7 thereto (21 F. R. 181) if it has been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotments less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53, rev.) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53, rev., applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103. Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice.

(e) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, revised.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Montana State Committee for determining farm proportionate shares in Montana in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 and 1956 crops. Montana is again divided into three areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. Sup. 1132)

Dated: August 30, 1957.

[SEAL] FRANK A. CLELAND,
Chairman, Agricultural Stabilization and Conservation Montana State Committee.

Approved: October 17, 1957.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–8931; Filed, Oct. 28, 1957; 8:54 a. m.]

[Sugar Determination 850.53, Supp. 18]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MICHIGAN FARM PROPORTIONATE SHARES FOR THE 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation Michigan State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 83,344 acres established for Michigan by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Cahill Building, 200 N. Capitol Avenue, Lansing, Michigan, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Michigan. These bases and procedures incorporate the following:

§ 850.71 *Michigan*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53.

(b) *Establishment of individual farm proportionate shares.* For each farm in Michigan for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 83,344 acres so as to coincide with the acreage of 1957-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Michigan State Committee for determining farm proportionate shares in Michigan in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. Sup. 1132)

Dated: July 16, 1957.

[SEAL] HENRY E. VANDEUSEN,
Chairman, Agricultural Stabilization, and Conservation Michigan State Committee.

Approved: October 17, 1957.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–8933; Filed, Oct. 28, 1957; 8:55 a. m.]

[Sugar Determination 850.53, Rev., Supp. 19]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEW MEXICO FARM PROPORTIONATE SHARES FOR THE 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation New Mexico State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 853 acres established for New Mexico by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1015 Tijeras Avenue NW., Albuquerque, New Mexico, and at the office of the Agricultural Stabilization and Conservation Committee in Estancia, Torrance County, New Mexico. These bases and procedures incorporate the following:

§ 850.72 *New Mexico*—(a) *Set-asides of acreage.* From the State allocation there are set aside 256.0 acres for use in establishing farm proportionate shares for new producers, 9.2 acres for adjusting individual farm proportionate shares under appeals, and 184.9 acres for adjusting initial farm proportionate shares.

(b) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53, revised.

(c) *Establishment of individual farm proportionate shares*—(1) *For old producers*—(i) *Farm bases.* For each farm operated by an old producer (any producer except a new producer), the factors of "past production" and "ability to produce" shall be given effect by establishing a farm base, as follows: (*a*) If sugar beets were planted on the farm for three or more years during the period 1950 through 1954, the average planted sugar beet acreage for the years in which sugar beets were grown on the farm, but not in excess of the 1956-crop proportionate share established for the farm; (*b*) if sugar beets were planted on the farm for only one or two years during the period 1950 through 1954, 70 percent of the planted sugar beet acreage if beets were planted in one year only, or 70 percent of the average planted sugar beet acreage for two years; and (*c*) if sugar beets were planted on the farm in either the 1955 or 1956 crop year as a "new producer" farm, the 1956-crop proportionate share if established for the farm, or if a 1956 proportionate share was not established, the 1955 crop proportionate share established for the farm.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53, rev.) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53, rev., applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, revised.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation New Mexico State Committee for determining farm proportionate shares in New Mexico in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The establishment of individual farm proportionate shares directly from the State allocation, without subdividing the State into proportionate share areas, is reasonable considering that the sugar beet producing region of the State is relatively small and ordinarily only one beet sugar company contracts for the acreage. The formula used for establishing individual farm shares for old producers from the State allocation recognizes the factors of "past production" and "ability to produce". Its use in conjunction with relatively large set-asides of acreage for adjustments in initial proportionate shares and for new producers assures shares for old producers approximating the acreages desired by them and permits the establishment of new producer shares totaling far in excess of the minimum requirement specified in § 850.53, revised.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: July 30, 1957.

[SEAL] ED. HERINGA,
Chairman, Agricultural Stabilization and Conservation New Mexico State Committee.

Approved: October 17, 1957.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–8929; Filed, Oct. 28, 1957; 8:54 a. m.]

[Sugar Determination 850.53, Rev., Supp. 20]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

SOUTH DAKOTA FARM PROPORTIONATE SHARES FOR THE 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation South Dakota State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 6,116 acres established for South Dakota by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 56 Third Street, SE., Huron, South Dakota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of South Dakota. These bases and procedures incorporate the following:

§ 850.73 *South Dakota*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53, revised.

(b) *Establishment of individual farm proportionate shares.* For each farm in South Dakota for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 6,116 acres so as to coincide with the acreage of 1957-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, revised.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation South Dakota State Committee for determining farm proportionate shares in South Dakota in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended. 7 U. S. C. Sup. 1132)

Dated: July 31, 1957.

[SEAL] ROBERT F. REDLIN,
Chairman, Agricultural Stabilization and Conservation South Dakota State Committee.

Approved: October 17, 1957.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–8934; Filed, Oct. 28, 1957; 8:55 a. m.]

[Sugar Determination 850.53, Rev. Supp. 31]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

IDAHO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR THE 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation Idaho State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 89,367 acres established for Idaho by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1524 Vista Street, Boise, Idaho, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Idaho. These bases and procedures incorporate the following:

§ 850.74 *Idaho*—(a) *Proportionate share areas.* Idaho shall be divided into five proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Amalgamated, Nampa-Nyssa; Amalgamated, Twin Falls-Burley-Rupert, and Layton; Utah-Idaho; Franklin County; and American Crystal. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage records for each area a weighting of 80 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 20 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 92.588 percent of the 1953–54 average acreage and with pro-rata adjustments to a total of 89,367 acres. Acreage allotments computed as aforestated are established as follows: Amalgamated, Nampa-Nyssa Area—32,360 acres; Amalgamated, Twin Falls-Burley-Rupert, and Layton Area—36,170 acres; Utah-Idaho Area—15,450 acres; Franklin County Area—5,146 acres; and American Crystal Area—241 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: For new producers—Amalgamated, Nampa-Nyssa Area—672.0 acres; Amalgamated-Twin Falls-Burley-Rupert and Layton Area—1,085.0 acres; Franklin County Area—103.0 acres; Utah-Idaho Area—305.9 acres; and American Crystal Area—10.0 acres; for appeals—Amalgamated, Nampa-Nyssa Area—323.6 acres; Amalgamated, Twin Falls-Burley-Rupert and Layton Area—362.0 acres; Franklin County Area—51.0 acres; Utah-Idaho Area—154.0 acres; and American Crystal Area—12.0 acres. For making adjustments in initial proportionate shares: Amalgamated, Nampa-Nyssa Area—603.2 acres; Amalgamated, Twin Falls-Rupert-Burley and Layton Area—331.2 acres; Utah-Idaho Area—186.9 acres; Franklin County Area—78.8 acres; and American Crystal Area—0.8 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100. Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53, revised.

(d) *Establishment of Individual Farm Proportionate Shares.* (1) *For old producers*—(i) *Farm bases.* For each farm in the Amalgamated, Nampa-Nyssa Area whose operator is a tenant, the farm base shall equal the "1956-crop share established for the farm" which was operated by him for the 1956 crop year. For each farm in such area whose operator is a tenant without a personal sugar beet production record in the period used in the area for establishing shares for the 1956 crop (§ 850.30 Supplement 2, 21 F. R. 181), and for each farm in such area whose operator is not a tenant, the farm base shall equal the "1956-crop share established for the farm". For each farm in any of the other proportionate share areas, the farm base shall equal the "1956-crop share established for the farm". The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, and supplement 2 thereto (21 F. R. 181) if it had been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53, rev.) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53, rev., applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in one area shall be reallotted to the other area.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice.

(e) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, rev.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Idaho State Committee for determining farm proportionate shares in Idaho in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops. Idaho is again divided into the same five areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers. The procedure for establishing farm shares for new producers meets the related requirements of § 850.30, revised.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: August 2, 1957.

[SEAL] HAROLD BALL,
Chairman, Agricultural Stabilization and Conservation Idaho State Committee.

Approved: October 17, 1957.

LAWRENCE MYERS,
Director, Sugar Division Commodity Stabilization Service.

[F. R. Doc. 57–8930; Filed, Oct. 28, 1957; 8:54 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

MISCELLANEOUS AMENDMENTS

§ 933.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Florida, beginning on February 25, 1957, upon proposed amendments to the marketing agreement, as amended, and to Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order) who, during the period August 1, 1956, through July 31, 1957, handled not less than 50 percent of the volume of oranges, not less than 50 percent of the volume of grapefruit, not less than 50 percent of the volume of tangerines, and not less than 50 percent of the volume of tangelos covered by the said amended order, as hereby further amended; and

(2) The issuance of this order, amending the aforesaid amended order, is fa-

vored or approved by at least two-thirds of the respective producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1956, through July 31, 1957), were engaged, within the production area specified in the aforesaid amended order, in the production for market of oranges, grapefruit, tangerines, and tangelos; such producers having also produced for market at least two-thirds of the volume of each fruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. On and after the effective date hereinafter specified the heading for Part 933 is amended to include the word "tangelos".

1a. Immediately preceding the period at the end of § 933.2 *Act* insert the following: "(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)"

2. Delete § 933.4 *Fruit* and substitute therefor the following:

§ 933.4 *Fruit.* "Fruit" means the following types of citrus fruits grown in the production area:

(a) Citrus sinensis, Osbeck, commonly called "oranges;"

(b) Citrus grandis, Osbeck, commonly called "grapefruit;"

(c) Citrus nobilis deliciosa, commonly called "tangerines;"

(d) Temple oranges; and

(e) Tangelos.

3. After changing the period at the end of § 933.5 *Variety* to a semicolon, and deleting the word "and" immediately preceding (h) of such section, add the following: "and (i) tangelos."

4. Amend § 933.7 *Handler* to read as follows:

§ 933.7 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting fruit for another person) who, as owner, agent, or otherwise, handles fruit in fresh form, or causes fruit to be handled.

5. Delete § 933.8 *Pack* and substitute therefor the following:

§ 933.8 *Prepare for market.* "Prepare for market" means to wash, grade, size, or place fruit (whether or not wrapped) into any container whatsoever; but such term shall not include the harvesting of fruit.

6. Delete § 933.9 *Ship* and substitute therefor the following:

§ 933.9 *Handle or ship.* "Handle or ship" means (a) to sell, consign, deliver, or transport fruit, or in any other way to place fruit, in the current of the commerce between the production area and any point outside thereof in the continental United States, Canada, or Mexico; and (b) to export fruit from any continental United States port to any destination other than Canada or Mexico.

7. Delete from paragraph (c) of § 933.12 *District* the following counties: Dixie, Lafayette, Hamilton, Madison, Taylor, Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Gulf, Calhoun, Jackson, Bay, Washington, Holmes, Walton, Okaloosa, Santa Rosa, and Escambia.

8. Delete from § 933.13 *Regulation Area I* the words "State of Florida" and substitute therefor the words "production area."

9. Insert immediately after § 933.14 the following new section:

§ 933.15 *Production area.* "Production area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

10. Amend paragraph (a) of § 933.41 *Assessments* to read as follows:

(a) Each handler who first handles fruit shall pay to the Growers Administrative Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for the maintenance and functioning, during each fiscal period, of the committees established under this subpart. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committees may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

11. Delete from §§ 933.31 (j) and 933.32 (c) the reference to "§§ 933.51 or 933.60" and substitute therefor "§ 933.51.",

12. Delete the center heading entitled: "Regulation by Grades and Sizes" which precedes § 933.50 and substitute therefor the center heading "Regulations."

13. Delete §§ 933.51, 933.52, and 933.53 and substitute therefor the following:

§ 933.51 *Recommendations for regulation.* (a) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety in the manner provided in § 933.52 it shall promptly submit its recommendation, with supporting information, to the Growers Administrative Committee. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (1) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (2) amount on hand at the principal markets, as evidenced by supplies on track; (3) maturity, condition, and available supply, including the grade and size thereof in the producing areas; (4) other pertinent market information; and (5) the level and trend in consumer income. The Growers Administrative Committee shall submit to the Secretary the recommendation of the Shippers Advisory Committee, together with its own recommendations and supporting information respecting the factors enumerated in this section.

(b) The failure of the Shippers Advisory Committee to make a recommendation with respect to regulations authorized by § 933.52, after having received notice of the intention of the Growers Administrative Committee to meet for the purpose of receiving such recommendations, shall not preclude the Growers Administrative Committee from submitting recommendations and supporting information to the Secretary.

(c) The Growers Administrative Committee shall give at least 24 hours notice of any meeting to consider the recommendation of regulations pursuant to § 933.52, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of the production area, and shall mail a copy of such notice to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation at least 48 hours before the time it is recommended that such regulation become effective.

§ 933.52 *Regulation by the Secretary.* (a) Whenever the Secretary shall find from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods. Such regulations may:

(1) Provide that shipments of any variety shall be limited to such grades or sizes, or both, as shall be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I;

(2) Limit the shipment of any variety by establishing and maintaining, only in terms of grades or sizes, or both, minimum standards of quality and maturity;

(3) Limit the shipment of the total quantity of any variety by prohibiting the shipment thereof: *Provided,* That no such prohibition shall apply to exports other than to Canada or Mexico or be effective during any fiscal period with respect to any variety (i) for more than two periods, (ii) for more than a total of fourteen days, and (iii) during any period other than December 20 to January 20, both dates inclusive;

(4) Provide that exports of any variety, other than to Canada and Mexico, shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of such variety in the United States, or to Canada and Mexico, and specify condition requirements for such variety; and

(5) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the shipment of fruit for export, other than to Canada and Mexico: *Provided,* That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of the Florida Citrus Code.

(b) Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers by publication in daily newspapers, selected by the said committee, of general circulation in the citrus producing districts of the production area: *Provided,* That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

(c) Whenever the Secretary finds from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of fruit in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis, and in like manner, the Secretary may terminate any such modification or suspension.

(d) Whenever any variety is regulated pursuant to paragraph (a) (3) of this section, no such regulation shall be deemed to limit the right of any person to sell, contract to sell, or export other than to Canada or Mexico such variety, but no handler shall otherwise ship any fruit of such variety which was prepared for market during the effective period of such regulation.

§ 933.53 *Inspection and certification.* (a) Whenever the handling of a variety of a type of fruit is regulated pursuant to § 933.52, each handler who handles any variety of such type of fruit shall, prior to the handling of any lot of such variety, cause such lot to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided,* That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified unless such prior inspection was not performed within such time limitations as may be prescribed pursuant to paragraph (b) of this section. Each handler shall promptly submit, or cause to be submitted, to the Growers Administrative Committee a copy of each certificate of inspection issued to him covering varieties so handled.

(b) With respect to any variety regulated pursuant to § 933.52 (a) (4), the Growers Administrative Committee may prescribe, with the approval of the Secretary, such requirements with respect to time of inspection as it may deem necessary to insure satisfactory condition of the fruit at time of export.

14. Delete §§ 933.60, 933.61, and 933.62 and the immediately preceding center heading entitled "Regulation of Shipments."

15. Amend § 933.80 *Fruit not subject to regulation* to read as follows:

§ 933.80 *Fruit not subject to regulation.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 933.52 and 933.53 and the regulations issued thereunder, ship any variety for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; or (e) in such minimum quantities, types of shipments, or for such purposes as the Growers Administrative Committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent varieties handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle a variety pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the variety will not be used for any purpose not authorized by this section.

16. Delete from § 933.81 *Compliance* the reference to "§§ 933.52 or 933.61" and substitute therefor "this part."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 24, 1957, to become effective December 2, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-8926; Filed, Oct. 28, 1957; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6757]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OTARION, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.130 *Manufacture or preparation;* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Otarion, Inc. (Dobbs Ferry, N. Y.), et al., Docket 6757, Sept. 21, 1957]

In the Matter of Otarion, Inc., a Corporation, Leland E. Rosemond, Individually and as an Officer of Otarion, Inc., Rosemond Hearing Aid Company, Inc., a Corporation, and Ward T. Rosemond, Individually and as an Officer of Rosemond Hearing Aid Company, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of hearing aid instruments, parts, and accessories, in Dobbs, Ferry, N. Y., and its franchise distributor in the District of Columbia, with representing falsely in advertisements in newspapers, magazines, circulars, etc., furnished by said manufacturer in the form of mats, that their "Listener" hearing aid was cordless, could not be seen, required nothing in either ear, and was completely contained in and could not be distinguished from ordinary eyeglasses.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Otarion, Inc., a corporation, and its officers; Leland E. Rosemond, individually and as an officer of Otarion, Inc.; Rosemond Hearing Aid Company, Inc., a corporation, and its officers; Ward T. Rosemond, individually and as an officer of Rosemond Hearing Aid Company, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the hearing aid device known as "The Listener" or any other device of substantially the same construction or operation whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mail or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product, which advertisement:

(a) Represents, directly or by implication, that said hearing aid devices are invisible or cannot be seen.

(b) Represents, directly or by implication, that when wearing said device nothing is required to be placed in the ear.

(c) Represents, directly or by implication, that said device is nothing more than a pair of eyeglasses.

(d) Uses the words or phrases "No ear button," "No cord," "100 percent cordless" or other words or phrases of the same or similar import or meaning, unless in close connection therewith and with equal prominence it is stated that a visible plastic tube runs from the eyeglass frame to the ear.

2. Disseminating any advertisement by any means for the purpose of inducing

or which is likely to induce, directly or indirectly, the purchase of respondents' product in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 20, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8883; Filed, Oct. 28, 1957; 8:48 a. m.]

[Docket 6785]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAYDAY CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Exaggerated as regular and customary; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Using misleading name—Goods:* § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, The Mayday Corporation et al., Cleveland, Ohio, Docket 6785, Sept. 21, 1957]

In the Matter of the Mayday Corporation, a Corporation, Doing Business as K. B. Company, and David B. Kangesser, and Mae Kangesser, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Cleveland, Ohio, with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements; by advertising which failed to disclose that certain fur products were composed of artificially colored fur, contained the names of animals other than those producing the fur, and misrepresented prices and values; and by failing to maintain adequate records as a basis for such pricing claims.

Following approval of an agreement for a consent order between the parties, the hearing examiner made his initial decision and order to cease and desist which became on September 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The Mayday Corporation, a corporation, doing business under its own name; as K. B. Company or under any other name; and its officers; and David G. Kangesser and May Kangesser, individually and as officers of said corporation and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped or received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

3. Setting forth on the labels attached to fur products the name or names of any animal or animals other than the name or names provided for in paragraph A (2) (a) above;

4. Setting forth on labels attached to fur products:

(a) Nonrequired information mingled with required information;

(b) Required information in handwriting;

(c) Required information in abbreviated form.

5. Failing to affix labels to fur products showing item numbers required under Rule 40 of the rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product;

2. Abbreviating required information on invoices;

3. Failing to set forth on invoices the item number of the fur product;

4. Setting forth on invoices the name or names of any animal or animals other than the name or names provided for in paragraph B (1) (a) above.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose that the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

2. Uses the name or names of an animal or animals to describe the fur of an animal other than those producing the fur in the fur product.

3. Makes use of comparative prices and percentage savings claims unless such compared prices or claims are based upon a bona fide compared price at a designated time, and full and adequate records disclosing the facts upon which such prices and claims are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 20, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8884; Filed, Oct. 28, 1957; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

PART 116—PROCEDURES FOR PURCHASING

REVISION OF PART

Part 116 is revised to read as follows:

Subpart 116.01—General Provisions

PROCUREMENT AUTHORITY AND LIMITATIONS

Sec.
116.01-1 Procurement authority.
116.01-2 Definition of terms.

DELEGATION OF AUTHORITY

116.01-5 Procurement responsibility.
116.01-6 Chief Officer Responsible for Procurement.
116.01-7 Contracting authority.
116.01-8 Authorized representatives of contracting officers.

FOREIGN PURCHASES

116.01-10 Statutory authority.
116.01-11 Policy regarding purchases from sources within Soviet-controlled countries or areas.
116.01-12 Terminology.
116.01-13 Buy-American Act determinations.
116.01-14 Violations by construction contractors.
116.01-15 Exceptions that may be authorized by the Commandant.
116.01-16 Determination of unreasonable cost.
116.01-17 Exception of printed matter.
116.01-18 Exception due to nonavailability.

POLICY TOWARD AND ASSISTANCE TO SMALL BUSINESS CONCERNS

116.01-20 Representation and definition of small business concerns.
116.01-21 Policy.
116.01-22 Setting opening of bid dates.
116.01-23 Daily synopsis of proposed purchases required.
116.01-24 Notification of contract awards to Department of Commerce and general public.

CONTRACT PLACEMENT IN DISTRESSED EMPLOYMENT AREAS

116.01-30 Classification of labor areas.
116.01-31 Effect on procurement.

Subpart 116.02—Procurement by Formal Advertising

DISTRIBUTION OF BIDS

116.02-1 Bidders' mailing lists.
116.02-2 Debarment of bidders.

RECEIPT AND OPENING OF BIDS

116.02-10 What constitutes a bid.
116.02-11 Public opening of bids mandatory.
116.02-12 Bids to be opened at the appointed time.
116.02-13 Premature information forbidden.
116.02-14 All bids to be preserved and recorded.
116.02-15 Failure of bidder to sign bid papers.
116.02-16 Withdrawal of bids prior to opening.
116.02-17 Withdrawal of bids prohibited after opening.
116.02-18 Late bids received by mail.
116.02-19 Bids delayed in the mail.
116.02-20 Attempt to gain advantage by late bids.
116.02-21 Records of late bids.
116.02-22 Late bids presented by hand.
116.02-23 Telephonic bids.
116.02-24 Telegraphic bids.
116.02-25 Bid improperly identified.
116.02-26 Recording of bids.
116.02-27 Availability of bids and records.
116.02-28 Reading bids aloud.

ACCEPTANCE OF BIDS

116.02-30 Contract awards.
116.02-31 Where time is a controlling element.
116.02-32 Liquidated damages, computation of time.
116.02-33 Tie bids.
116.02-34 Unit prices govern.
116.02-35 Interest charges in bids.
116.02-36 Inexperience of bidder.
116.02-37 Alleged incompetency of bidder.
116.02-38 Unknown trade name or makes.
116.02-39 Splitting of award.
116.02-40 Absence of competition.
116.02-41 Only one bid received.
116.02-42 Acceptance of one bid is rejection of all others.
116.02-43 Fraudulent bids.
116.02-44 Rubber stamp signature acceptable.
116.02-45 Alternative bids.
116.02-46 Bids offering modified specifications.
116.02-47 Descriptive matter and samples.
116.02-48 Bidder's option.
116.02-49 Corrections to be explained.
116.02-50 More than one bid submitted by the same bidder.
116.02-51 Modification by bidder not permitted.
116.02-52 Modification by Government not permitted.
116.02-53 Modification of bids; telegram.
116.02-54 Mistakes in bids.
116.02-55 Bidder alleges mistake.
116.02-56 Maximum prices quoted.
116.02-57 Discounts; determination of award.
116.02-58 Time limit for award.
116.02-59 Acceptance of bids in writing.
116.02-60 Forms of award.
116.02-61 Error in award.
116.02-62 Readvertisement.
116.02-63 Minor informalities or irregularities in bids.

Subpart 116.03—Procurement by Negotiation

CIRCUMSTANCES PERMITTING NEGOTIATION

116.03-20 Basic authority.
116.03-21 National emergency.
116.03-22 Public exigency.
116.03-23 Purchases not in excess of $1,000.
116.03-24 Personal or professional services.
116.03-25 Services of educational institutions.
116.03-26 Purchases outside the United States.
116.03-27 Medicines or medical supplies.
116.03-28 Supplies purchased for authorized resale.
116.03-29 Perishable subsistence supplies.
116.03-30 Supplies or services for which it is impracticable to secure competition by formal advertising.
116.03-31 Experimental, developmental, or research work.
116.03-32 Classified purchases.
116.03-33 Technical equipment requiring standardization and interchangeability of parts.
116.03-34 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.
116.03-35 Negotiation after advertising.
116.03-36 Purchases in the interest of national defense or industrial mobilization.
116.03-37 Otherwise authorized by law.

AUTHORITY: §§ 116.01-1 to 116.03-37 issued under sec. 1, 63 Stat. 545; 14 U. S. C. 633. Interpret or apply secs. 2301-2310, 2312-2314, 70A Stat. 127-133; 10 U. S. C. 2301-2310, 2312-2314.

SUBPART 116.01—GENERAL PROVISIONS

PROCUREMENT AUTHORITY AND LIMITATIONS

§ 116.01-1 *Procurement authority.* The basic authority for procurement for the Coast Guard is contained in Chapter 137, Title 10, U. S. C. (Pub. Law 1028, 84th Cong., 2d Sess.). This authority applies to the purchase, and contract to purchase, of all property named in §§ 116.01-2 (h) and all services for which payment is to be made from appropriated funds.

§ 116.01-2 *Definition of terms*—(a) *Scope of section.* The terms defined in the following paragraphs apply to procurement procedures set forth in this part.

(b) *Department.* The term "Department" means the Department of the Treasury, in which the Coast Guard has the status of a Bureau.

(c) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(d) *Agency head.* The term "agency head" means the Secretary of the Treasury.

(e) *Contracting officer.* The term "contracting officer" means any officer or civilian employee of the Coast Guard who has been or shall be designated a contracting officer (and whose designation has not been terminated or revoked) with the authority to enter into and administer contracts and make determinations and findings with respect thereto, or any part of such authority as hereinafter provided. The term "contracting officer" is construed to include his duly appointed successor or authorized representative acting within the limits of his authority.

(f) *Contracts.* The term "contracts" means all types of agreements and orders for the procurement of supplies or services. It includes, by way of description and without limitation, awards and preliminary notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job orders, task orders or task letters thereunder; letter contracts, letters of intent, and purchase orders. It also includes amendments, modifications, and supplemental agreements with respect to any of the foregoing.

(g) *Procurement.* The term "procurement" includes, by way of description and without limitation, purchasing, renting, leasing, or otherwise obtaining supplies or services.

(h) *Supplies.* The term "supplies" means all property except land. It includes, by way of description and without limitation, public works, buildings, facilities, vessels, floating equipment, aircraft, parts, accessories, equipment, and machine tools. It also includes the alteration or installation of any of the foregoing.

(i) *Source of supplies.* (1) For contracting purposes, the term "source of supplies" shall include only (i) manufacturers, (ii) construction contractors, and (iii) regular dealers in the supplies to be procured. See § 116.02-1 (a) (3) (iii)

for the definition of a "regular dealer." The above descriptions shall not apply to contracts for supplies no part of which will be manufactured or furnished within the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, or the District of Columbia.

(2) A manufacturer, construction contractor, or regular dealer may bid, negotiate and contract through an authorized agent: *Provided*, That the agency is disclosed, and the agent acts and contracts in the name of his principal.

(j) *Services.* The term "services" includes, by way of description and without limitation, personal or professional services of individuals or organizations; nonpersonal services; educational or training services; architectural or engineering services; maintenance or repair services; transportation; utility services; experimental, developmental or research work; and construction work.

DELEGATION OF AUTHORITY

§ 116.01–5 *Procurement responsibility.* The Secretary of the Treasury has designated the Commandant to be responsible for the procurement policies and activities of the Coast Guard.

§ 116.01–6 *Chief officer responsible for procurement.* The administration of procurement policies and activities as determined by the Commandant is hereby delegated to the Comptroller, who is hereby designated as the Chief Officer responsible for procurement.

§ 116.01–7 *Contracting authority.* In accordance with the authority contained in the act, and subject to the limitations set forth through this section, designated Coast Guard Contracting Officers are authorized to enter into contracts on behalf of the Government and in the name of the United States of America, by formal advertising, or by negotiation, or by procurement within the Government as hereinafter provided, for supplies and services required for the Coast Guard.

§ 116.01–8 *Authorized representatives of contracting officers.* Contracting officers may designate an officer or civilian official to act as their representative whenever necessary in connection with the performance of contracts executed by them. Such designation may be instructions referring to the particular contractual instrument, or classes of instruments, and may to the extent not specifically prohibited by the terms of the contract involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. In no event, however, shall a representative, by virtue of his designation only, be empowered to execute any contract or supplementary agreement, or change any conditions of the contract. The delegation and designation for such authority shall be contained in a letter signed by the contracting officer and addressed to the contractor, with copies to the officer so designated.

FOREIGN PURCHASES

§ 116.01–10 *Statutory authority.* Subject to the exceptions authorized therein, the "Buy American Act," approved March 3, 1933 (47 Stat. 1520) (41 U. S. C. 10a–d), prohibits the acquisition for public use by any department, or for use in connection with the performance of any department contract for the construction, alteration, or repair of any public building or public work, of (a) unmanufactured supplies unless mined or produced in the United States, and (b) manufactured supplies unless manufactured in the United States substantially all from supplies mined, produced, or manufactured in the United States.

§ 116.01–11 *Policy regarding purchases from sources within Soviet-controlled countries or areas.* (a) It is the policy of the Coast Guard not to procure supplies or manufactured products originating from sources within Soviet-controlled countries or areas. The authorizations and exceptions to the "Buy American Act" set forth in subsequent paragraphs shall not be construed so as to permit exceptions to this policy. In cases of doubt, questions as to whether a specific country or area is Soviet-controlled will be referred to the Commandant (FS).

(b) Exceptions to this policy will be made only after specific approval by the Commandant (FS).

§ 116.01–12 *Terminology.* (a) The term "United States," when used in a geographical sense, includes the United States and any place subject to the jurisdiction of the United States.

(b) The term "public use," "public buildings," and "public work" shall mean use by, public buildings of, and public work of, the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, American Samoa, the Canal Zone, and the Virgin Islands.

(c) Materials (including articles and supplies) shall be considered to be of foreign origin if the cost of the foreign products used in such materials constitutes 50 percent or more of the cost of all the products used in such materials.

(d) The term "foreign bid" means a bid or offer of materials of foreign origin delivered at the place specified in the invitation for bids or request for quotations, including duty (whether or not duty free entry certificate may be issued).

(e) The term "domestic bid" means a bid or offer of materials of domestic origin delivered at the place specified in the invitation for bids or request for quotations.

§ 116.01–13 *Buy-American Act determinations*—(a) *Delegation of authority to Commandant.* Treasury Department Order No. 184, dated May 2, 1955, transferred to the Commandant, to be exercised with respect to procurement by the Coast Guard, the functions of the Secretary of the Treasury under the Buy-American Act (41 U. S. C. 10a–10d), laws supplementary to or requiring application of the Buy-American Act, and Executive Order 10582, dated December 17, 1954. In carrying out the above delegation of authority, determinations under section 5 of Executive Order 10582 may be made by the Commandant only after approval by the Secretary, and the reports required by that section must be prepared for the signature of the Secretary.

(b) *Action addressee on requests for determinations.* Contracting officers shall address all requests for determinations, or other correspondence pertaining to the Buy-American Act, to the Commandant (FS) via the chain of command.

(c) *Annual report to Secretary.* After the close of each calendar year, the Commandant must submit a report to the Secretary of the Treasury summarizing Buy-American Act determinations made during the year.

§ 116.01–14 *Violations by construction contractors*—(a) *Report to Commandant.* Upon determining that a contractor performing a construction contract has not complied with the provisions of the Buy-American Act, the contracting officer shall submit a report to the Commandant (FS) setting out complete details relative to the use of foreign materials and supplies.

(b) *Action by Commandant.* The Commandant will review violation reports, make required determinations, and advise the contracting officers of action to be taken.

§ 116.01–15 *Exceptions that may be authorized by the Commandant.* The Commandant is authorized to grant exceptions to the Buy-American Act when application of the act would cause any one of the situations enumerated below:

(a) Would be inconsistent with the public interest.

(b) Would unreasonably increase the cost.

(c) Would be impracticable in connection with construction or repair work.

§ 116.01–16 *Determination of unreasonable cost*—(a) *Policy.* In the evaluation of bids under the Buy American Act and Executive Order 10582, dated December 17, 1954, domestic bids will be accorded a price differential of 6 percent of the foreign bid, except as provided in paragraph (b) (2) of this section. In carrying out this policy, appropriate consideration shall be given to the placement of a fair proportion of the total purchases of a unit with small business concerns and to providing a preference to domestic firms which undertake to produce substantially in labor surplus areas.

(b) *Procedures.* (1) When the price differential between the low acceptable foreign bid and the low acceptable domestic bid is 6 percent or less of the foreign bid, award will be made to the offeror of the low acceptable domestic bid.

(2) When the price differential between the low acceptable foreign bid and the low acceptable domestic bid is greater than 6 percent of the foreign bid, award will be made to the offeror of the low acceptable foreign bid, except that in the following cases the matter will be submitted to the Commandant (FS) for determination:

(i) The offeror of the low acceptable domestic bid is a small business concern, as defined in § 116.01–20 and the award under consideration to such concern, exclusive of the award of any items under the provisions of subparagraph (1) of this paragraph exceeds $10,000; or

(ii) The offeror of the low acceptable domestic bid will perform substantially in a "Group IV" labor area, as defined in § 116.01–30, and the award under consideration to such firm, exclusive of the award of any items under the provisions of subparagraph (1) of this paragraph, exceeds $10,000.

(3) Notwithstanding subparagraphs (1) and (2) of this paragraph, where there may be reason to believe in any case that an award to an offeror of an otherwise acceptable low bid (whether domestic or foreign) may be inconsistent with the public or national interest, the matter shall be referred to the Commandant (FS).

§ 116.01–17 *Exception of printed matter.* The Secretary of the Treasury, by letter dated 24 August 1953, determined that purchase of the following supplies, as required by the Coast Guard is in the public interest and such purchase is authorized: trade, text, technical, and scientific books, newspapers, magazines, periodicals and printed briefs, charts and maps, which are not printed in the United States and for which domestic editions are not available.

§ 116.01–18 *Exceptions due to nonavailability.* (a) The "Buy American Act" does not apply to the following materials:

(1) Supplies which are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(2) Such materials, from which the supplies to be used are manufactured, as are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(b) The supplies listed below may be procured without regard to country of origin, except as restricted by § 116.01–11:

(1) *Supplies authorized to be procured for public use.*

Acetylene black.
Agar, bulk.
Aluminum, pig and ingot.
Antimony, as metal or oxide.
Asbestos, amosite.
Bananas.
Beef extract.
Bismuth.
Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the U. S. and for which domestic editions are not available.
Brazil nuts.
Cadmium.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Chalk, English.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa beans.
Coconut and coconut meat in shredded, desiccated or similarly prepared form.
Coffee, raw or green bean.
Copper, refined, in ingots, cathodes or other refinery shapes.
Copra.
Cork, wood or bark and waste.
Damar gum.
Diamonds, industrial.
Emetine, bulk.
Ergot, crude.
Fiber, coir abaca and agave.
Goat and kid skins.
Graphite, crystalline, flake.
Hog bristles.
Hyoscine, bulk.
Iodine, crude.
Ipecac, root.
Jute and jute burlaps.
Kaurigum.
Lac and shellac.
Logs, veneer, and lumber from Alaskan yellow cedar, balsa, greenheart, lignum vitae, mahogany and teak.
Menthol, natural, bulk.
Mercury.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Nux vomica, crude.
Oiticica oil.
Olive oil.
Olives, green and stuffed, bulk.
Opium, crude.
Petroleum, crude, petroleum fuels, and petroleum lubricants.
Platinum and platinum group metals, refined, as sponge, powder, ingots, or cast bars.
Pulp for paper production.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin, crude.
Selenium.
Silk, unmanufactured.
Sperm, oil.
Spices and herbs.
Talc, steatite.
Tapioca, tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of tartar.
Tea.
Tin, in bars, blocks and pigs.
Vanilla beans.
Wax, carnauba.

(2) *Supplies authorized to be used in the construction, alteration, or repair of any public building or public work.*

Aluminum, pig and ingot.
Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Cadmium.
Chrome ore or chromite.
Cobalt, in cathodes, rondelles or other primary forms.
Copper, refined, in ingots, cathodes or other refinery shapes.
Cork, wood or bark and waste.
Graphite, crystalline, flake.
Jute and jute burlaps.
Lac and shellac.
Logs, veneer, and lumber from Alaskan yellow cedar, balsa, greenheart, lignum vitae, mahogany and teak.
Mercury.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Rubber, crude and latex.
Tin, in bars, blocks and pigs.

POLICY TOWARD AND ASSISTANCE TO SMALL BUSINESS CONCERNS

§ 116.01–20 *Representation and definition of small business.* It shall be the policy of the Coast Guard to place with small business concerns a fair proportion of the total procurement of supplies and services. As a means of carrying out this policy and when not clearly to the disadvantage of the Coast Guard, the supplies or services to be procured shall be procured in reasonably small lots so as to enable and encourage small business concerns to make bids or quotations thereon. Each contracting office shall, in effecting procurement, obtain necessary information to determine whether or not the supplier is a small business concern. This information is furnished by completion of item 1 of the bidder's representation in Standard Forms 21, 33 and 114, and in CG–2982. Until these forms contain the following representation, the representation presently appearing thereon shall be deleted and the following substituted therefor:

Bidder represents that ☐ he is ☐ is not, a small business concern. (For this purpose, a small business concern is one which (1) is not dominant in its field of operation and, with its affiliates, employs fewer than 500 employees; or (2) is certified as a small business concern by the Small Business Administration. See Code of Federal Regulations, Title 13, Chapter II, part 103, 21 Fed. Reg. 9709, which contains the detailed definition and related procedures). In connection with supply contracts, if bidder is a nonmanufacturer, he also represents that the products to be furnished hereunder ☐ will, ☐ will not, be produced by a small business concern.

In construction and construction-related nonpersonal service contracts, omit the last sentence of the above.

§ 116.01–21 *Policy.* It is the policy of the Coast Guard that all unclassified negotiated and advertised procurement exceeding $10,000 made in the Continental United States will be publicized when such procurements are scheduled to be opened 18 days or more from date of issue. Unclassified United States procurements exceeding $10,000 will be scheduled to be opened 18 days or more from date of issue unless circumstances make an earlier opening essential. In such case a statement of fact supporting such action must be filed in the contract folder.

§ 116.01–22 *Setting opening of bid dates.* Except in cases of urgency, contracting officers should insure that opening dates for invitations and/or requests involving the purchase of special material requiring plans, blueprints, or special specifications are set so as to allow a minimum of 30 calendar days after date of mailing. It is believed that a minimum of 21 to 25 days will be sufficient in the purchase of standard items (such as hand tools) that do not require special analysis by the bidder. Reasonable requests for postponement of the time set for the opening of bids shall be referred to the requisitioning activity if unusual delay is involved; otherwise, decision should be made by the contracting officer. It is felt that

permitting adequate bid time before the opening of bids and/or requests will decrease the number of requests by contractors for postponement of openings.

§ 116.01–23 *Daily synopsis of proposed purchases required*—(a) *General.* Subject to the requirements of § 116.01–21, a daily synopsis of proposed purchases by negotiation and advertising will be prepared and forwarded via teletypewriter to the Commerce Department Field Services, Chicago, Illinois. The synopsis will be forwarded simultaneously with or at the earliest practicable time prior to issuance of Invitation for Bids or Requests for Proposals as is deemed appropriate.

(b) *Preparation of synopsis.* Each synopsis will include the following and be prepared as follows:

(1) The first line of the text of the message shall state the number of the synopsis being sent. Synopses shall be numbered consecutively. Each office where procurement originates shall continue its current numbering series. (If a new series is used, the new series shall start with 1 (one) on January 1 of each year.) Double space between this and the next line.

(2) The second line of the text of the message shall state the name and location of the purchasing office (do not abbreviate except for state name) straight across the page, not to exceed 69 typewritten spaces, double space, and continue on the subsequent line or lines if necessary. The address may include an attention phrase directed to an official by name or title.

(3) Four spaces below the preceding line entry (the name and address of the office announcing the proposed procurement) the description of the supplies or services being procured shall begin in narrative paragraph form, double space, with each line commencing flush with the lefthand margin. If the synopsis contains a number of items having the same purchase reference number and the same bid opening date or advance notice date, the description should be preceded by a blanket statement such as, "The following described items are to be procured under ----------—Opening (Bid No.) date, 31 August 1955." The length of the lines in the description shall not exceed 69 typewritten spaces. The description shall be clear, concise and with a minimum number of words but sufficient for understanding by interested parties. It shall include, as appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, citations of specification or drawing numbers or other data. No abbreviations shall be used in describing supplies or services, although standard abbreviations may be used in listing the Quantity, Purchase Reference Number, Specifications and Bid Opening Date. Punctuation symbols will be used as in normal correspondence. Fractions on typewriter keys will not be used but fractions may be expressed by (number)/(number), e. g., 11/16, 1/4, 1/2. The symbols # or @ or * may not be used since they are not used in teletypewriter operations.

§ 116.01–24 *Notification of contract awards to Department of Commerce and general public*—(a) *Policy.* It is the policy of the Coast Guard that information be disseminated as widely as possible each week with respect to awards of unclassified contracts, exceeding $25,000 in amount, whether entered into after formal advertising or negotiation. The purpose of this dissemination is to assist small business concerns in locating prime contractors for the purpose of soliciting subcontracts.

(b) *Action.* In accordance with paragraph (a) of this section, a weekly synopsis of awards for each unclassified contract of more than $25,000 (including contracts for the construction, alteration, and repair of buildings, bridges, roads or other kinds of real property), whether entered into after negotiation or formal advertising, shall be prepared by the Commandant (FS–1), each district commander (f), and commanding officers of Headquarters units.

(1) *Data to be included.* Each synopsis will contain the following information:

(i) Name of contracting office.

(ii) Brief description of the commodity or service procured, followed in parentheses by the applicable Invitation for Bid Number or Request for Quotation Number. Description will be clear, concise, and abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested persons. It will include, where appropriate, commonly-used names of supply items, basic materials from which fabricated, general size, or dimensions, etc.

(iii) Quantity of items.

(iv) Statement of dollar amount.

(v) Name and address of the contractor.

(vi) When requested by the prime contractor, a statement of industries, crafts, processes, or component items in or for which subcontracts are available and subcontractors are desired, in substantially the following form: "Prime contractor has subcontract work for the following: (insert the applicable industries, crafts, processes, or component items), and desires that subcontractors be located in (insert the general areas, if any, indicated by the prime contractor, such as Southeast States, West Coast, New England, etc.)."

(2) *Submission.* One copy of each synopsis shall be sent by airmail before the close of business at the end of each week by reporting offices to the following addressee:

Field Service Administrative Office, U. S. Department of Commerce, 433 West Van Buren Street, Chicago 7, Ill.

If past experience indicates that regular mail will insure Monday delivery, airmail will not be necessary.

(c) *News releases.* In order that information may be given to the public with respect to the larger contracts awarded, contracting officers will issue Synopses of Award data to their public information officers for release to newspapers, newscasters, and other public information media.

CONTRACT PLACEMENT IN DISTRESSED EMPLOYMENT AREAS

§ 116.01–30 *Classification of labor areas.* The Department of Labor, Bureau of Employment Security, publishes bimonthly a summary of Labor Market Developments in Major Areas which gives a comparable measure of the related adequacy of the local labor supply among the major areas of the United States. Contracting Officers who are not receiving this publication should request that all future publications be furnished from the Bureau of Employment Security, United States Department of Labor, Washington 25, D. C. The publication classifies the various areas as follows:

Group I—Areas of labor shortage. Areas in which labor shortages exist or are expected to occur in the near future which will impede "essential activities."

Group II—Areas of balanced labor supply. Areas in which current and prospective labor demand and supply are approximately in balance.

Group III—Areas of moderate labor surplus. Areas in which current and prospective labor supply *moderately* exceeds labor requirements.

Group IV—Areas of substantial labor surplus. Areas in which the current and the prospective labor supply substantially exceeds labor requirements.

§ 116.01–31 *Effect on procurement.* To the extent possible, procurement should be avoided in labor market areas where manpower is in short supply or in approximate balance (areas classified in Group I or Group II by the U. S. Department of Labor); and should be placed in labor market areas having surplus manpower (areas classified in Group III or Group IV). Consideration of awarding contracts in accordance with the above is set forth in Subpart 116.02.

SUBPART 116.02—PROCUREMENT BY FORMAL ADVERTISING

§ 116.02–1 *Bidders' mailing lists*—(a) *General*—(1) *When required.* The contracting officer will establish and maintain a bidders' mailing list, as described below, at those units where procurement or sales transactions are solicited by advertising. This list may be utilized for soliciting negotiated transactions when the contracting officer deems that the number of prospective suppliers is sufficient to guarantee procurement by competitive negotiation.

(2) *Format of list.* The list will be comprised of two files set up in the following manner:

(i) *Bidders' index file.* An alphabetical arrangement, according to bidder's name, of all Bidder's Mailing List Applications (Standard Form 129) received from prospective suppliers under paragraph 2 below.

(ii) *Commodity index file.* An arrangement of 4 x 6" or 5 x 8" cards (with one-third cut) in alphabetical order according to tabs, to commodity group. On the card will be listed items usually included on the same invitation for the commodity group appearing on the tab. When appropriate for larger groups, such as electrical, hardware, and machinery supplies, untabbed index cards listing subdivisions of the commodity group will be prepared and filed behind the tabbed card. The name and address of every prospective supplier included in the bidders index file will appear on the commodity index card listing items in which the supplier has indicated interest.

(3) *Definitions.* As used in this section, the following terms have the meanings set forth in this subparagraph:

(i) *Supplier.* A manufacturer or producer, regular dealer, or service establishment as defined in paragraphs (b), (c), and (d) of this section, and such other persons (or concerns) as may be found by the contracting officer to be qualified and responsible as sources of supply.

(ii) *Manufacturer or producer.* A person (or concern) owning, operating, or maintaining a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment of the general character of those to be supplied.

(iii) *Regular dealer.* A person (or concern) who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described of those to be supplied are bought, kept in stock, and sold to the public in the usual course of business. In the case of supplies of particular kinds (at present petroleum, lumber and timber products, coal, machine tools, raw cotton, green coffee, or hay, grain, feed and straw), a person (or concern) satisfying the requirements of Article 101 (b) (41 CFR Part 201), issued by the Secretary of Labor pursuant to the authority conferred by 41 U. S. C. 38.

(iv) *Service establishment.* A concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of non-personal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as part of the service performed.

(b) *Method of compiling lists*—(1) *General.* The establishment of new bidders' mailing lists shall be accomplished by soliciting applications on SF–129 (Bidder's Mailing List Application) from suppliers believed qualified to fill Coast Guard requirements. Procurement officers will furnish prospective bidders such additional instructions for the preparation and transmittal of SF–129 as may be required to insure its proper completion and filing and, where practicable, a list of items or groups of items normally procured on a recurring basis. All suppliers who appear from the bidders' mailing list applications (SF–129), or other available information, to be qualified and eligible to fill the unit's procurement needs will be placed on the bidders' mailing list.

(2) *Procurement of application forms.* Supplies of SF–129 (Bidder's Mailing List Application) may be obtained from the appropriate regional office of the General Services Administration.

(c) *Removal of names from bidders' mailing list*—(1) *Failure to respond to invitation for bids.* Where a supplier fails to respond to two consecutive invitations for bids (or pre-invitation notices), his name shall be removed from the bidders' mailing list without notice to the supplier, but only for the item or items involved in the invitation (or pre-invitation notice), except that, in individual cases only, bidders thus failing to respond may be retained on a bidders' mailing list if such retention is determined to be in the best interests of the Government. For the purpose of this subparagraph, a response to an invitation for bids (or pre-invitation notice) shall be understood to include both actual bids and written requests from non-bidding suppliers for retention on the bidders' mailing list.

(2) *Debarred contractors.* The names of suppliers who have been debarred from entering into Government contracts, or otherwise determined to be ineligible to receive an award of a Government contract, shall be removed from the bidders' mailing list of the unit to the extent required by such debarment or determination of ineligibility.

(3) *Periodic review.* Procurement officers shall provide for a periodic review of bidders' mailing lists to insure conformance with subparagraphs (1) and (2) of this paragraph.

(4) *Reinstatement of suppliers on bidders' mailing lists.* Suppliers whose names have been removed from bidders' mailing lists may be reinstated upon their request and, where required, by filing a new application on SF–129, in accordance with the procedures of the unit; provided that no supplier who has been debarred shall be reinstated until after termination of the period of his debarment.

(d) *Utilization of bidders' mailing lists*—(1) *General.* The degree of use of the entire mailing list in any procurement shall be as broad as is compatible with efficiency and economy in securing adequate competition, as required by law. In addition to the operation of bidders' mailing lists, the available facilities of the Department of Commerce for the dissemination of synopses of proposed purchases, as covered by § 116.01–23, shall be utilized to make more widely available to all business enterprises (particularly small business concerns and concerns in surplus labor areas) public notice of procurement information sufficiently in advance of bid closing date to insure the broadest participation of qualified suppliers.

(2) *Economy of operation.* The administrative cost of each purchase in relation to the dollar value of the articles or services being procured should be considered in order to achieve maximum economy in procurement. For example, on items having local supply characteristics (such as sand and gravel), bids should be solicited only in the geographic area where performance can be expected.

(3) *Excessively long bidders' mailing lists.* When the number of names on a bidders' mailing list is deemed to be excessive in relation to a specific procurement, the following methods, in addition to such others as the unit concerned may determine to be advantageous in this respect, may be employed to provide a reduced list of names for use in making the specific procurement:

(i) *Rotation of mailing lists.* Bidders' mailing lists may be rotated; that is, if there is an excessive number of names on the list for a specific article or service, the procurement officer may mail invitations to the first 20 percent of names on the list. When the same item is needed again, invitations may be sent to the second 20 percent, etc. This system will require considerable judgment on the part of the purchasing officer as to the size of transactions where rotation is justifiable, the interests of small business concerns, the existence of surplus labor areas, the adequacy of the curtailed list, and the best interests of the Government. This system does not preclude consideration of bids received from bidders other than those to whom invitations were originally sent.

(ii) *Pre-invitation notice.* In lieu of forwarding complete bid sets in the first instance, a postcard or other suitable notice containing a condensation of essential information from the invitation for bids approved for issuance, and instructions for obtaining bid sets, may be mailed to suppliers on the established list. Upon receipt of the reply to such notice within the specified time, bid sets should be forwarded to those persons or concerns showing an interest in the proposals. Such notices must (*a*) be sufficiently informative to provide the supplier an intelligent basis for judging whether he has an interest in the procurement, and (*b*) provide the means for indicating the suppliers' desire to be retained on the bidders' mailing list. Also, it is of utmost importance that the closing date for receipt of bids be sufficiently subsequent to the mailing of such notice to assure adequate time for submission of bids. This device is particularly adaptable to major purchasing units where lengthy invitations for bids and long bidders' mailing lists are common.

(4) *Release of bidders' mailing lists.* Except as provided below, the list of prospective bidders to whom invitations for bids or requests for proposals for a specific procurement have been submitted will not be released outside the Coast Guard, and will not be made available for inspection to individuals, firms, or trade organizations. Such lists may be made available to other Government agencies, at their specific written request, and upon the condition that the lists will not be made available for inspection to anyone outside the Government.

(5) *Release of names of prospective bidders on construction contracts.* When invitations for bids for construction contracts have been issued, trade journals, prospective subcontractors, material suppliers, and others having a bona fide interest in such information, will be supplied, upon request, with a list of all prospective bidders who have been furnished copies of the plans and specifications.

§ 116.02–2 *Debarment of bidders*—(a) *General*—(1) *Scope.* This section prescribes policies and procedures relating to the debarment of bidders for any cause and ineligibility of bidders under section 1 (a) of the Walsh-Healey Public Contracts Act (41 U. S. C. 35a). It is

applicable to both advertised and negotiated procurement.

(2) *Administrative and Buy American Act debarments.* When the public interests warrant the administrative debarment of a firm or individual for any of the causes listed in paragraph (e) of this section, or for violation of section 3 (a) of the Buy American Act (Pub. Law 428, 72d Cong., 47 Stat. 1520; 41 U. S. C. 10–b (b)), a detailed report shall be submitted to the Commandant (FS). The Commandant will review the evidence submitted, make the necessary debarment determination, and advise all Coast Guard contracting officers and other agencies concerned of any debarment made as a result of such determination.

(b) *Lists of debarred or ineligible bidders*—(1) *Interchange of debarment information*—(i) *General Services Administration.* The General Services Administration is charged by GSA Regulation 1–II–207.07 with compiling from notifications of debarments furnished by the military departments and executive agencies a combined list of such debarments, including the basis of action, and distributing a copy of such lists to all executive agencies including the military departments. In general application, this listing, known as the General Services Administration Refer List, will be for information only and is not intended to take the place of, or be in addition to, the lists maintained by the various agencies. The Commandant (FS) will notify the General Services Administration of debarment actions taken by the Coast Guard.

(ii) *Department of Labor.* The Wage and Hour and Public Contract Divisions of the Department of Labor disseminate listings of ineligible bidders under section 1 (a) of the Walsh-Healey Public Contracts Act. Listings of ineligible bidders under section 1 (a) of the above act and the extent of ineligibility are published to contracting and purchasing offices of the federal government by the Department of Labor in the form of circular letters and supplements thereto.

(iii) *Navy.* The Chief of Naval Material, in behalf of the Department of the Navy, exchanges listings of debarred bidders with the Departments of the Army and Air Force and the General Services Administration and, to the extent deemed appropriate, periodically publishes listings received from such agencies, together with lists promulgated by the Department of Labor. The publication NAVEXOS P–1205, Consolidated List of Debarred, Ineligible and Suspended Contractors, contains the names of firms and individuals who have been debarred, declared ineligible, or suspended and the extent of the restriction imposed with respect to awarding contracts to such firms or individuals.

(iv) *Coast Guard.* The Chief, Procurement Section at Headquarters, in behalf of the Commandant, maintains a master file of all firms or individuals debarred by the Coast Guard. Notification of such debarments will be made to the General Services Administration by the Commandant (FS) pursuant to GSA Regulation 1–II–207.06. Likewise, replies to direct inquiries from other agencies concerning any debarment case processed by the Coast Guard will be made by the Commandant (FS).

(2) *Lists to be maintained*—(i) *General.* Due to its extensive coverage, Navy publication NAVEXOS P–1205 shall be used as the official list of debarred, ineligible and suspended contractors by Coast Guard contracting officers. Supplemental lists will be promulgated by the Commandant, when necessary, to furnish information regarding firms or individuals debarred by the Coast Guard and debarments made by other agencies which are not included in NAVEXOS P–1205, but which are to be observed by Coast Guard contracting officers. In using NAVEXOS P–1205, requests for administrative determinations shall be addressed to the Commandant (FS) in lieu of the Chief of Naval Material. (See § 116.02–1 (c) (2) regarding the use of debarred bidders' lists in connection with bidders' mailing lists.)

(ii) *Headquarters.* The following lists of debarred and ineligible bidders shall be maintained by the Chief, Procurement Section at Headquarters. Requests for information concerning these lists originated by field and Headquarters' units shall be addressed to the Commandant (FS).

A. NAVEXOS P–1205.
B. GSA Refer List.
C. Department of Labor circular letters.
D. Master file of Coast Guard debarment actions.

(iii) *Other units.* The following lists of debarred and ineligible bidders shall be maintained by contracting officers.

A. NAVEXOS P–1205.
B. Coast Guard supplements to NAVEXOS P–1205 (see subparagraph (2) (i) above).

(c) *Bases for debarment and ineligible list entry.* Firms or individuals are entered on the debarment and ineligible lists indicated in paragraph (b) of this section on the following bases:

(1) *Section 3, Walsh-Healey Public Contracts Act.* Those listed by the Comptroller General in accordance with the provisions of section 3 of the Walsh-Healey Public Contracts Act (41 U. S. C. 37), which have been found by the Secretary of Labor to have violated any of the agreements or representations required by that act.

(2) *Section 3, Davis-Bacon Act.* Those listed by the Comptroller General in accordance with the provisions of section 3 of the Davis-Bacon Act (40 U. S. C. 276a–2 (a)), as found by the Comptroller General to have violated said act.

(3) *Administrative debarments.* Those an executive agency, including the Coast Guard, determines to debar administratively for any of the causes and under all of the appropriate conditions listed in paragraph (e) of this section.

(4) *Section 3 (b), Buy American Act.* Those determined by an executive agency, including the Coast Guard, in accordance with section 3 (b) of the Buy American Act (Public Law 428, 72d Congress; 47 Stat. 1520; 41 U. S. C. 10b (b)), to have failed to comply with the provisions of section 3 (a) of that act under any contract containing the specific provision required by said section 3 (a) and made by the agency for construction, alteration, or repair of any public building or public work.

(5) *Section 1 (a), Walsh-Healey Public Contracts Act.* Those found by the Secretary of Labor ineligible to be awarded contracts for the reason that they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1 (a) of the Walsh-Healey Public Contracts Act (Public Law 846, 74th Congress; 49 Stat. 2036; 41 U. S. C. 35 (a)).

(6) *Regulations of the Secretary of Labor, 29 CFR 5.6 (b).* Those listed by the Comptroller General in accordance with the provisions of 29 CFR 5.6 (b), regulations of the Secretary of Labor issued pursuant to authority granted under Reorganization Plan 14 of 1950, as found by the Secretary of Labor to be in aggravated or willful violation of the prevailing wage or overtime pay provisions of any of the following statutes:

(i) Davis-Bacon Act, as amended, 46 Stat. 994.

(ii) Anti-Kickback Act, as amended, 48 Stat. 948, 62 Stat. 740, 63 Stat. 108, 18 U. S. C. 874, 40 U. S. C. 276b, c.

(iii) Eight Hour Law, as amended, 27 Stat. 340, 37 Stat. 726, 37 Stat. 137, as amended, 54 Stat. 884, 39 Stat. 1192, 40 U. S. C. 321 et seq.

(iv) National Housing Act, as amended, 53 Stat. 804; 12 U. S. C. 1703 et seq.

(v) Hospital Survey and Construction Act, 60 Stat. 1040; 42 U. S. C. 291 et seq.

(vi) Housing Act of 1949, 63 Stat. 413; 42 U. S. C. 1401 et seq.

(vii) School Survey and Construction Act of 1950, 64 Stat. 967 et seq.; 20 U. S. C. 251 et seq.

(d) *Treatment to be accorded firms or individuals in debarred or ineligible status.* Firms or individuals listed as debarred or ineligible shall be treated as follows:

(1) *Total restrictions.* Contracts shall not be awarded to firms or individuals that are listed on the basis of paragraph (c) (1), (2), or (3) of this section, nor shall bids or proposals be solicited therefrom: *Provided, however,* That when it is determined essential in the public interest by the Commandant (FS), an exception may be made with respect to a particular procurement action even when a firm or individual is listed as debarred on the basis of paragraph (c) (3) of this section.

(2) *Buy American Act restrictions.* As specified in the Buy American Act (41 U. S. C. 10b (b)), contracts shall not be awarded for construction, alteration, or repair of public buildings or public works in the continental United States or elsewhere to firms or individuals listed on the basis of paragraph (c) (4) of this section, nor shall bids or proposals therefor be solicited therefrom. However, firms or individuals listed on this basis may be awarded contracts and may be solicited for bids or proposals for other than construction, alteration, or repair of public buildings or public works in the continental United States or elsewhere.

(3) *Ineligibility restrictions of the Walsh-Healey Act.* Contracts shall not be awarded to firms or individuals in any amount exceeding $10,000 for those materials, supplies, articles, or equipment with respect to which the firm or individual has been found to be ineligible to be awarded a contract by the Secretary of Labor, as provided in paragraph (c) (5) of this section. However, firms or individuals listed on this basis may, in the discretion of the Commandant (FS), be awarded contracts and may be solicited by bids or proposals for: (i) such materials, supplies, articles, or equipment when the amount does not exceed $10,000; (ii) services regardless of amount; and (iii) commodities in which not declared ineligible regardless of amount.

(4) *Restrictions under statutes designated in the regulations of the Secretary of Labor, Title 29 of the Code of Federal Regulations.* A contractor listed on the basis of paragraph (c) (6) of this section or any firm, corporation, partnership, or association in which such contractor has a controlling interest, shall be ineligible for a period of three years (from the date of publication by the Comptroller General) to receive any contracts subject to any of the statutes listed in paragraph (c) (6) of this section.

(e) *Causes and conditions applicable to determination of debarment.* Each executive agency, including the Coast Guard, is authorized to debar in the public interest a firm or individual for any of the causes and under all appropriate conditions listed below. (See paragraph (a) (3) of this section.)

(1) *Causes.* (i) Conviction for commission of a criminal offense as an incident to obtaining a contract or in an attempt to obtain a contract or in the performance thereof.

(ii) Conviction under the Federal Antitrust Statutes arising out of the submission of bids or proposals.

(iii) Violation of contract provisions, as follows, of a character which is regarded by the agency involved to be so serious as to justify debarment action; willful failure to perform in accordance with the specifications or within the time limit provided in the contract; a history of unsatisfactory performance of one or more Government contracts; violation of the contractual provision against contingent fees; acceptance of a contingent fee, which is paid in violation of contractual provision against contingent fees.

(iv) Debarment by some other executive agency.

(2) *Conditions.* (i) Debarment for any of the above causes shall be made only upon approval of the head of the executive agency (the Commandant in the case of the Coast Guard) or his duly authorized representative.

(ii) Causes (i) and (ii) of subparagraph (1) of this paragraph shall have been established by criminal conviction by a court of competent jurisdiction. In the event appeal taken from such conviction results in reversal of conviction, the debarment shall be removed if the bidder so requests. Criminal conviction for the above mentioned offenses does not necessarily require that the firm or individual be debarred, since the decision to debar is still within the discretion of the executive agency concerned. The seriousness of the offense, the civil satisfaction received by the Government or available to the Government, and all mitigating factors should be considered in making the determination to debar.

(iii) Cause (iii) of subparagraph (1) of this paragraph shall be established by evidence which the executive agency determines to be clear and convincing.

(iv) Debarment for cause (iv) of subparagraph (1) of this paragraph shall be made on the same bases as provided for whichever of causes (i) to (iii) of subparagraph (1) of this paragraph is appropriate, and may be based entirely upon the record of facts obtained by the original debarring agency, or upon a combination of additional facts with the record of facts of the original debarring agency.

(v) The debarment shall be for a reasonable, definitely stated period of time commensurate with the seriousness of the offense.

(vi) The firm or individual shall be given written notice of the debarment or of the intent to debar, except in the case of cause (iv) of subparagraph (1) of this paragraph. The notice shall state as a minimum the period of the proposed debarment, including effective dates; the reasons for debarment, including a statement of the specific instances of dereliction; and shall provide reasonable opportunity for the contractor to present information for consideration upon his behalf. When the contractor does present such information he shall be given written notice of the final decision, and, if the decision provides for debarment, the period and effective dates thereof.

RECEIPT AND OPENING OF BIDS

§ 116.02–10 *What constitutes a bid.* The submission of a bid on Standard Forms 21 or 33, or a letter embodying the specifications and conditions, signed by the bidder, constitutes a bid in connection with procurement by advertising.

§ 116.02–11 *Public opening of bids mandatory.* (a) All bids must be opened in public, by or in the presence of an officer or civilian administrative assistant designated by the contracting officer.

(b) Whenever bids have been solicited, the parties responding to such solicitations shall be duly notified of the time and place of opening of the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.

§ 116.02–12 *Bids to be opened at the appointed time.* Bids shall not be opened in advance of the appointed time, which shall be stated on the invitation for bids.

§ 116.02–13 *Premature information forbidden.* No information relating to competitive projects which might affect competition shall be disclosed to anyone until the bids are publicly opened.

§ 116.02–14 *All bids to be preserved and recorded.* A copy of each bid received shall be preserved and recorded and retained in the permanent files of the contracting office.

§ 116.02–15 *Failure of bidder to sign bid papers.* When a bidder fails to sign his bid and the bid is accompanied by a letter proposal properly signed, his bid is entitled to the same consideration as a properly signed bid.

§ 116.02–16 *Withdrawal of bids prior to opening.* Bids may be withdrawn at any time prior to the opening of the bids.

§ 116.02–17 *Withdrawal of bids prohibited after opening.* Except as limited by an option, a bid cannot after an opening be withdrawn before a reasonably sufficient time has elapsed for the proper examination of all bids received. In the case of bids submitted under a guaranty the bidder, if he attempts a withdrawal or an evasion after award, is held by the bond of agreement to execute a contract. Where no guaranty is required with the bid the bidder cannot be forced to execute a contract, recourse being to purchase against his account and collect the excess cost. Headquarters approval shall be requested prior to making a purchase against a contractor's account in the event of default.

§ 116.02–18 *Late bids received by mail.* Bids received in the mails after the hour of opening, which show by their respective postmarks that they were not mailed in proper time or manner to have been received by the specified hour of opening shall not be opened, but shall be returned to the bidder with a letter stating the time and place of mailing as shown by the postmark. When necessary to open the envelope to ascertain the name and address of the bidder, or to obtain any other identifying information, the circumstances of the opening shall be stated in the letter to the bidder.

§ 116.02–19 *Bids delayed in the mail.* Bids received after the hour fixed for the opening due to delays in the mail, but before award is made, will be considered provided the envelope containing the bid bears evidence of its mailing in time for arrival before the hour of opening. The following will be accepted as satisfactory evidence of its mailing in time for arrival before the hour of opening:

(a) When the envelope containing the bid bears a post office cancellation mark showing clearly that the bid was mailed in proper time and manner to have been received in the ordinary course of mail before the time fixed for the opening of bids.

(b) When the envelope containing the bid bears a metering device indicium and (1) the indicium includes the hour in addition to the city, state, and date, the indicium will be given the same recognition as a post office postmark and the rule in paragraph (a) of this section applies; or (2) the date only is shown in the indicium, and that date is such that the bid if mailed as late as the last hour of that day, would have arrived in the normal course of the mail at or before the time stated for the opening of the bid; or (3) the date only is shown in the indicium, and that date is such that the bid if mailed at some hour before the end of that day, would have arrived in the normal course of the mail at or before the time set for the opening, provided that before any award is made to the bidder concerned, an affidavit secured from him setting forth the actual hour of mailing shows that the bid was

mailed on or before the hour which would have permitted the bid to have been received in the ordinary course of the mail at or before the time of opening of bids.

§ 116.02–20 *Attempt to gain advantage by late bids.* Evidence of an attempt on the part of the bidder to secure an advantage in the late mailing of a bid will be reported to the Commandant (FS). Frequency of late bids by the same bidder may be prima facie evidence requiring investigation.

§ 116.02–21 *Records of late bids.* All bids received in the mails after the time fixed for the opening shall be entered in the permanent record showing for each the time and place of mailing as indicated by the postmark. The witnessing officer shall initial the entry for each bid which, having been mailed in time, must be considered in deciding the awards. The envelopes for those particular bids shall be retained for at least one month after the opening of bids, available for inspection by bidders.

§ 116.02–22 *Late bids presented by hand.* A bid presented by hand after time of opening specified in the advertisement is a late bid and shall not be received.

§ 116.02–23 *Telephonic bids.* Telephonic bids may be solicited in cases of emergency. An adequate number of bona fide bids must be obtained, and all the procedure must harmonize as nearly as possible with the regular purchase procedure.

§ 116.02–24 *Telegraphic bids.* When bids are requested by purchasing officers to be submitted by telegram, the request for such bids will be worded as follows: "Telegraphic bids requested, to be received in (office concerned) by (hour and date fixed)."

§ 116.02–25 *Bid improperly identified.* No responsibility will be attached to an officer for the premature opening of a bid not properly addressed and identified.

§ 116.02–26 *Recording of bids.* The names of the bidders and the prices bid shall be recorded in a permanent record of the purchase transaction. When the items are too numerous to warrant recording of bids completely as in the case of periodical provisions contracts, an entry shall be made of the opening date, general description of the material, and the total number of bids received. The permanent record of bid results shall be maintained in ink or typewriter on Abstract of Bids, Form CG–3477.

§ 116.02–27 *Availability of bids and records.* The permanent record and the bids will be available for public inspection. The original bids shall not be allowed to pass out of the hands of an official of the Government, except when the duplicate cannot be made available for public inspection and then only under the immediate supervision of an official of the Government under conditions which preclude the possibility of a substitution, addition, deletion, or alteration in the bid.

§ 116.02–28 *Reading bids aloud.* When bids are received they will be placed under lock and key where they will remain until advertised time of opening, when they will be removed and opened concurrently and publicly under the supervision of an officer or civilian administrative assistant. All bids will be read aloud in the presence of bidders, press representatives, and representatives of bonding companies, and immediately recorded. After bids have been read and recorded, copies may be examined by all interested parties.

ACCEPTANCE OF BIDS

§ 116.02–30 *Contract awards*—(a) *General.* This section prescribes the methods to be used by contracting officers in making awards under advertised (or negotiated) contracts, to the extent specified in paragraph (b) of this section.

(b) *Responsibility of prospective contractors.* In order to secure adequate contract performance, it is essential to determine, prior to award, whether a person or concern submitting a bid (or offer) being considered for an award qualifies as responsible.

(1) *Criteria for determining responsibility of prospective contractors.* The contracting officer shall consider whether the prospective contractor satisfies the following requirements:

(i) Qualifies as a supplier under the definitions set forth in paragraph (a) (3) of § 116.02–1.

(ii) Has adequate financial resources, or has the ability to secure such resources;

(iii) Has the necessary experience, organization, technical qualifications, and facilities (including probable subcontractor arrangements) to perform the proposed contract;

(iv) Can comply with delivery schedules;

(v) Has a satisfactory record for performance, integrity, judgment, and skills;

(vi) Is otherwise qualified and eligible under applicable laws and regulations; and

(vii) Meets the requirements of such other factors as may be applicable to the proposed contract.

(2) *Application of criteria.* (i) When the proposed procurement involves the obtaining of a requirement from a manufacturer or a producer, each of the above criteria which is determined to be applicable shall be fully weighed.

(ii) When the proposed procurement involves the obtaining of requirements from a regular dealer or service establishment, or is a procurement of a minor nature (for example, small purchases of supplies, small one-time repair services, etc.), the above criteria should be applied only to the extent necessary to assure the contracting officer of adequate contract performance.

(3) *Pre-award clearances.* When, in the opinion of the contracting officer, information in addition to that already in his possession is necessary in order to establish the prospective contractor's qualifications, pre-award surveys and qualification checks will be made, as appropriate. When necessary, the contracting officer shall request the administrative command to which he is attached to provide such technical and professional personnel as may be available to assist him in making pre-award surveys and qualification checks.

§ 116.02–31 *Where time is a controlling element.* Where time is a controlling element, the bids must clearly show the time required for performance, and must include a liquidated damages clause for the protection of the Government. In such cases, all bids offering delivery within the required time limit shall be considered for award, and award shall be made to the lowest satisfactory bidder within the group of bidders complying with the time requirements.

§ 116.02–32 *Liquidated damages, computation of time.* Where a contract provides for liquidated damages for delay at a specific rate for each and every day or per calendar day, such damages shall be computed on the basis of calendar days rather than working days.

§ 116.02–33 *Tie bids.* (a) When two or more low bids are equal in all respects (taking into consideration cost of transportation, cash discounts, and all other factors properly to be considered), award shall be made by a drawing by lot which shall be witnessed by at least three persons and which may be attended by the bidders or their representatives, *Provided:*

(1) Subject to subparagraphs (2), (3) and (4) of this paragraph, (i) in the case of equal low bids, one of which is submitted by a small business concern, as defined in § 116.01–20, award shall be made to the small business concern, and (ii) in the case of equal low bids, two or more of which are submitted by small business concerns, award shall be made by a drawing by lot limited to the small business concerns.

(2) Where two or more equal low bids are received from small business concerns, one of which is submitted by a bidder who will perform the contract in a distressed employment area, designated as such by or on behalf of the President, award shall be made to the small business concern who will perform the contract in the distressed employment area.

(3) In the case of equal low bids, two or more of which are submitted by small business concerns who will perform the contract in a distressed employment area, award shall be made by drawing by lot limited to the small business concerns in the distressed employment area.

(4) Where two or more equal low bids are received, one bid being from a business concern (whether small or not) not in a distressed employment area and the other being from a bidder who, although not a small business concern, will perform the contract in a distressed employment area, award shall be made to the latter.

(5) The phrase "distressed employment areas" as used herein shall be interpreted to mean Group III or Group IV as classified in the latest summary of Labor Market Developments in Major Areas published by the Department of Labor.

(b) When award is to be made by lot and the information available shows that the product of a particular manufacturer is offered by more than one bidder, a preliminary drawing by lot shall be made to ascertain which of the bidders offering the product of a particular manufacturer will be included in the final drawing to determine the award.

§ 116.02–34 *Unit prices govern.* In case of error in the extension of prices quoted on a bid, the unit price shall govern unless the quoted unit price is so obviously in error as to be immediately apparent to both parties involved.

§ 116.02–35 *Interest charges in bids.* No bids shall be accepted on which a bidder insists that a provision for interest charges on overdue accounts from due date to date of payment be in and made a part of the contract. Such a bidder may be permitted to withdraw his stipulation for interest even after the opening of bids. In the absence of specific authority, no contracting officer can obligate the Government to pay interest on the amount of invoices not paid within a specified time.

§ 116.02–36 *Inexperience of bidder.* Inexperience alone of the lowest bidder does not justify the acceptance of a higher bid.

§ 116.02–37 *Alleged incompetency of bidder.* Incompetency of a bidder must be clearly shown before his bid can be rejected and a higher bid accepted. The question of competency should be carefully considered before inviting a firm to bid.

§ 116.02–38 *Unknown trade name or makes.* Acceptance of other than the lowest bid is not authorized when the lowest bid is rejected simply because the maker of the instrument or article named is unknown and there is a possibility of its becoming unserviceable. Acceptance of other than the lowest bid for the reason of previous use of a patented article is not alone sufficient. Purchase of a particular item without advertising simply because it has been found satisfactory in previous use is not authorized.

§ 116.02–39 *Splitting of award.* The splitting of an award between the lowest and a higher bidder for the alleged purpose of encouraging continued competition is not authorized. The lowest satisfactory bidder is entitled to award.

§ 116.02–40 *Absence of competition.* Absence of competition is a good reason for rejecting all bids and asking for new ones.

§ 116.02–41 *Only one bid received.* When an effort has been made to obtain competition and only one bid is received and, in the judgment of the contracting officer, it is considered reasonable, it may be accepted.

§ 116.02–42 *Acceptance of one bid is rejection of all others.* The acceptance of one bid is a rejection of all other bids for the same item, and one of the bids so rejected cannot be accepted at a later date. All bidders should be advised of the action taken on their bids, by notice of acceptance in the case of the bidder to whom award is made, and by notice of rejection to bidders whose bids were not accepted.

§ 116.02–43 *Fraudulent bids.* The United States may reject a bid in case of fraud: For example, when the lowest bidder is in collusion with other bidders or with the representatives of the United States to impose a high price upon the Government, etc. In such cases, the bids of all bidders involved in the fraud shall be rejected and the case immediately referred to the Commandant (FS).

§ 116.02–44 *Rubber stamp signature acceptable.* Rubber stamp signatures on a bid are acceptable provided the responsible officer is satisfied that it was placed on the bid by authority of the bidder.

§ 116.02–45 *Alternative bids.* Alternative bids will not be considered unless called for in the invitation.

§ 116.02–46 *Bids offering modified specifications.* If only the essential requirements are stated in the invitation for bids, all bids however modified or qualified should be considered although no bid can be accepted for material lacking in any of the essentials. Bids will not ordinarily be considered for any other quantity or description of supplies than specified but the right is reserved to accept any modification made by a bidder in the conditions therein stipulated. A bid modified to such an extent that its acceptance would be unfair to competing bidders will not be accepted.

§ 116.02–47 *Descriptive matter and samples.* Specifications, plans, illustrations, samples, or other descriptive matter, when required by the Government to be furnished by the bidder must accompany the bid. In connection with the furnishing of samples, the Comptroller General has held that failure of a bidder to submit samples as required bars consideration of his bid.

§ 116.02–48 *Bidder's option.* A bidder may specify a maximum quantity which will be furnished at the price quoted, and likewise a time limit for acceptance or delivery. If a proposal containing conditions of this kind is accepted, the contract is binding.

§ 116.02–49 *Corrections to be explained.* Corrections, erasures, or other changes in a bid must be explained or noted over the signature of the bidder.

§ 116.02–50 *More than one bid submitted by the same bidder.* If more than one bid be offered by any one party, by or in the name of his or their clerk, partner, or other person, all such bids may be rejected. This will not prevent a bidder from submitting modified or alternate bids quoting different prices on different qualities of materials or different conditions of delivery. A manufacturer who has quoted prices to one of the bidders is not thereby disqualified from himself submitting a direct bid for the same article.

§ 116.02–51 *Modification by bidder not permitted.* After bids have been publicly opened at the time set, no changes, corrections, or alterations can be made therein by the bidder.

§ 116.02–52 *Modification by Government not permitted.* In awarding the contract to the lowest bidder the contracting officer cannot modify the terms of his bid in regard to time of delivery or any other of its material elements. While the Government may not force the bidder to accept award under terms different from those contained in his bid, modifications may, after award, be made with the bidder's consent, and the changes mutually agreed upon may be embodied in the contract. No modification of the bids shall be permitted after the opening which modifies or changes the bids so as to affect the award.

§ 116.02–53 *Modification of bids; telegram.* A bidder under an advertisement for sealed bids may, previous to the opening of the bids, modify his bid by telegram, and the modified bid, if authentic, would upon acceptance before withdrawal, bind the bidder. Telegrams modifying sealed bids which are received before the hour of opening shall immediately be placed in sealed envelopes and shall publicly be opened at the appointed hour with the original bids from the senders. However, since telegrams, unlike letters, are revocable until delivered, the official time of receipt shall be the hour at which the telegram is received by the Government (which shall be stamped or written on the telegram); the hour at which sent by the bidder shall not govern.

§ 116.02–54 *Mistakes in bids*—(a) *General.* The Government is not responsible for mistakes in prices made by a bidder. Mistakes in bids which are discovered prior to award shall be processed in accordance with paragraphs (b) and (c) of this section. After award, the discretion vested in the contracting officer ceases, and requests received from contractors for release on contracts based on errors in bids shall be forwarded to the Commandant under letter of transmittal accompanied by the documents indicated in subparagraph (2) of paragraph (c) of this section. The Commandant must then refer the case to the General Accounting Office for decision.

(b) *Obvious or apparent mistakes of a clerical nature.* Any clerical mistake obvious or apparent on the face of a bid may be corrected by the contracting officer prior to award, provided there has first been obtained from the bidder, in response to a request for verification of the bid, a statement as to any such mistake therein. Illustrative examples of such obvious or apparent mistakes are the following: Obvious error in placing decimal point; obvious discount errors (for example, 1 percent 10 days, 2 percent 20 days, 5 percent 30 days); erroneous quotations of a lower price f. o. b. destination than f. o. b. factory.

(c) *Mistakes other than obvious or apparent mistakes of a clerical nature*—(1) *Action by contracting officer.* When the contracting officer suspects a mistake in a bid, other than an obvious or apparent clerical mistake covered by paragraph (b) of this section, he shall, prior to award, notify the bidder and request verification. Such notification should include mention of the suspected error (e. g., failure to bid on all specifications). When the only basis for suspecting an error is the difference in price between the low bid and all other bids, however,

only a request for verification is necessary. Cases of erroneous bids, including supporting evidence, will be forwarded to the Commandant (FS) for processing to the General Accounting Office: *Provided*, That:

(i) If the bidder fails or refuses to furnish evidence in support of the mistake, the contracting officer shall consider the bid in the form submitted; or

(ii) If time does not permit processing in accordance with customary procedures, and if there is no room for doubt as to the price or other terms intended in the bid in which a mistake occurred, the contracting officer—

(*a*) In the case of a mistake in the lowest bid which as clearly intended would not be the lowest bid, may disregard such bid, or

(*b*) In the case of a mistake in the lowest bid which as clearly intended would still be the lowest bid, shall make the award on the basis of such low bid as originally submitted, but subject to correction if authorized by the General Accounting Office, or

(c) In the case of a mistake in any bid other than the lowest bid, shall consider such bid on the basis of its price or other terms as clearly intended.

(2) *Documents to accompany reports to Commandant.* Whenever a mistake in bid has occurred which must be referred to the Commandant for action, the report shall include the following:

(i) A copy of the bid which contains the suspected or alleged mistake;

(ii) A copy of the invitation for bids;

(iii) An abstract or record of bids received;

(iv) A statement from the bidder, and any additional supporting evidence such as work sheets or other data used in preparing the bid, setting forth the complete facts on which the allegation of mistake is based and requesting such definite relief as withdrawal of the bid, change in bid price, etc.; and

(v) A statement from the contracting officer showing the date when notice of the alleged mistake was received, and any additional information he may have as to the alleged mistake, together with his recommendation.

§ 116.02–55 *Bidder alleges mistake.* Where a bid to furnish stipulated quantities of supplies is accepted, the supplies delivered, and the contract prices paid, and it is subsequently established that at the time of the opening of the bids the contracting officer was put upon notice that the contractor had made a mistake in submitting his bid, such mistake being apparent from an examination of the bid itself and from a comparison thereof with other bids submitted, the contractor is entitled to submit a claim for the difference between the contract price and the prices intended to have been submitted for such supplies provided that the intended bid of the contractor is lower than any other bid received thereon. Any such claim must be forwarded to the Commandant (FS) accompanied by all papers or certified copies thereof pertaining to the transaction for submission to the General Accounting Office for decision.

§ 116.02–56 *Maximum prices quoted.* (a) A proposal that quotes a maximum price with a provision for a reduction in the event the current market price is reduced, without a provision for increases above the quoted maximum, is a valid basis for a contract. In such case the bidder shall state the current market price at the date of the bid and each voucher must be supported by a statement of the market price at the date of delivery. This certificate is required irrespective of whether or not any changes have been made in the price.

(b) Except as shown in paragraph (a) of this section, a fixed price, effective during the entire period covered by the contract must be shown.

(c) A proposal that quotes a current price, subject to market fluctuation, does not constitute the basis for a contract and shall not be considered.

§ 116.02–57 *Discounts; determination of award*—(a) *General.* In evaluating bids, Coast Guard contracting officers will consider only discounts for payment within 20 days. Discounts for payment within shorter periods will be disregarded. Longer periods will be evaluated as though the discounts had been quoted for the standard 20-day period. Invitations to bid will convey this basic information to all bidders. The offered discount of a successful bidder will form a part of the award, whether or not such discount was considered in the evaluation of his bid, and such discount will be taken if payment is made within the discount period. If a bid is the lowest one received from a responsible bidder solely by reason of the discount offered and it is determined that the discount cannot be taken, a full statement of the facts and circumstances and of the reasons for the action taken shall be entered upon Form CG–3477, Abstract of Bids, and on Standard Form 1036, Statement and Certificate of Award, or the record substituted for Standard Form 1036.

(b) *Amendment of Standard Form 33.* When Standard Form 33 (June 1955), Invitation, Bid, and Award, is used, the following shall be made a part of the general provisions: "Bids will be evaluated only on the basis of payment within twenty (20) days. No discount offered for payment within less than twenty (20) days will be considered in evaluating bids for award. Bids offering discounts for payment within periods in excess of twenty (20) days will be evaluated for purpose of award as though they are discounts offered for payment within twenty (20) days."

§ 116.02–58 *Time limit for award.* An obligation lies upon the Government to make an award within a reasonable length of time after an opening of bids. An award should be made at the earliest practicable moment after the opening of bids and in no event later than 60 days from the date of opening. A bid that is qualified as to acceptance time must be accepted accordingly. If the qualified acceptance time has lapsed, the bidder's permission to extend the acceptance time must be obtained prior to making the award in order to hold the bidder to his offer. A low bid should not be rejected because the acceptance time has lapsed, unless the bidder refuses to extend his acceptance time.

§ 116.02–59 *Acceptance of bids in writing.* When bidders' proposals are submitted in writing, the contracting officer will endorse over his signature the word or words "Accepted" or "Accepted as to items Nos. _____" on the proposal covering the award. Acceptance shall always be in writing.

§ 116.02–60 *Forms of award.* When an award is made to a bidder, it will be embodied either on Standard Form 23 (Construction Contract) or acceptance on Standard Form 33 (Invitation, Bid and Award).

§ 116.02–61 *Error in award.* If an award is made to a higher bidder in error and the contractor has proceeded with manufacture and delivery before the error has been discovered, the contract should be considered completed with deliveries already made, and payment shall be made not in excess of the lowest satisfactory bid which was received at the original opening. The contractor should then be advised that he may submit a claim to the General Accounting Office for the difference between his price and the price quoted by the lowest satisfactory bidder. He may also submit a claim to the General Accounting Office for any damages which he may have sustained through the suspension of deliveries under his contract.

§ 116.02–62 *Readvertisement.* A readvertisement is equivalent to a rejection of all bids previously received.

§ 116.02–63 *Minor informalities or irregularities in bids*—(a) *General.* The contracting officer shall give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid, or in the alternative, when it is not to the disadvantage of the Government, may waive any such deficiency when time does not permit the curing thereof. Illustrative examples of minor informalities or irregularities are the following: failure to furnish required catalogs, cuts or descriptive data; failure to furnish information required by the Invitation for Bids concerning such matters as (1) number of employees and (2) place of manufacture.

(b) *Failure to furnish a bid bond.* Under certain circumstances, the failure to furnish a bid bond may be treated as a minor informality or irregularity in the bid. Such a deficiency may be cured or waived where it did not result from the inability of the bidder to obtain a bid bond because of its financial status or some similar reason, but was due to inadvertence or other excusable cause. The correction or waiver of such deficiency should be permitted only after a thorough investigation has been made of the facts pertinent to such deficiency and an excusable cause has been clearly established.

SUBPART 116.03—PROCUREMENT BY NEGOTIATION

CIRCUMSTANCES PERMITTING NEGOTIATION

§ 116.03–20 *Basic authority.* (a) Subject to these instructions and pursuant to the authority of Title 10, U. S. C. 2304, procurement may be effected by negotiation under any one of the circumstances set forth in §§ 116.03–21 through 116.03–37. The applicable section of Title 10, U. S. C. shall be indicated in the contracts as the negotiation authority.

(b) This section does not authorize the negotiation of a contract to construct or repair any building, road, sidewalk, sewer main, or similar item, unless (1) it is made under §§ 116.03–21 through 116.03–23, §§ 116.03–30 through 116.03–32 or § 116.03–35; or (2) it is to be performed outside the United States.

§ 116.03–21 *National emergency*—(a) *Authorization.* Pursuant to the authority of Title 10, U. S. C. 2304–a (1), purchases and contracts may be negotiated without formal advertising if: "it is determined that such action is necessary in the public interest during a national emergency declared by Congress or the President."

(b) *Application.* This authority shall be used only to the extent determined by the Commandant to be necessary in the public interest. A National Emergency was declared by the President of the United States on 16 December 1950, and in conjunction therewith the Commandant has made the following determination:

1 OCTOBER 1956

AUTHORITY TO NEGOTIATE PURCHASES AND CONTRACTS UNDER TITLE 10, U. S. C. 2304–a (1)

1. A National Emergency having been declared by the President of the United States on 16 December 1950, I hereby determine, in accordance with Title 10, U. S. C. 2304–a (1) that it is necessary in the public interests that purchases and contracts under this section be negotiated, without formal advertising, during the period of said National Emergency.

2. Accordingly, I hereby authorize the negotiations of purchases and contracts by the U. S. Coast Guard under Title 10, U. S. C. 2304–a (1) during the period of said National Emergency. Procurement, however, shall generally be effected by formal advertising.

/s/ A. C. RICHMOND,
Vice Admiral,
U. S. Coast Guard,
Commandant.

(c) *Limitation.* The use of 10 U. S. C. 2304–a (1) as authority to negotiate is limited to (i) procurements made pursuant to labor surplus and disaster area programs; (ii) procurements made in keeping with the small business programs; and (iii) procurements of nonperishable subsistence. This authority is restricted for use by Headquarters only or upon specific approval of Commandant (FS).

§ 116.03–22 *Public exigency.* Pursuant to the authority of 10 U. S. C. 2304–a (2), purchases and contracts may be negotiated if "the public exigency will not admit of the delay incident to advertising." In order for this authority to be used the need must be compelling, and of unusual urgency, as when the Government would be seriously injured, financially or otherwise, if the supplies or services were not furnished by a certain date, and when they could not be procured by that date by means of advertising. Examples are (a) Supplies or services needed at once because of a fire, explosion, or other disaster; (b) Essential equipment for or repair of a ship, where advertising would delay sailing or where the delays incident to formal advertising would result in loss to the Government; (c) Essential equipment for or repair to any aircraft grounded or about to be grounded, when such equipment or repairs is needed at once for the completion of the operational mission of such aircraft. Every contract negotiated under the authority of this section shall be accompanied by a statement signed by the contracting officer justifying the procurement.

§ 116.03–23 *Purchases not in excess of $1,000.* Pursuant to the authority of 10 U. S. C. 2304–a (3), purchases and contracts may be negotiated if "the aggregate amount involved is not more than $1,000." In arriving at the aggregate amount involved, there must be included all supplies and services which would properly be grouped together in a single transaction, and which would be included in a single advertisement if the procurement were being effected by advertising. Purchases aggregating more than $1,000 shall not be broken down into several purchases which are less than $1,000 nor shall customary purchasing or contracting procedures be altered, merely for the purpose of permitting negotiations. Under this authority, contracting officers may purchase any supplies or services when the aggregate total does not exceed $1,000, by negotiation and without formal invitation for bids. Quotations may be obtained orally (over the counter), by telephone, telegraph, or by written solicitation. Competition should be secured whenever practicable to do so without delaying procurement, unduly increasing the work involved in the procurement, or otherwise obviating the benefits derived under this authority. Written confirmation of all orders placed is required.

§ 116.03–24 *Personal or professional services.* (a) Pursuant to the authority of 10 U. S. C. 2304–a (4), purchases and contracts may be negotiated if the purchase or contract is for personal or professional services. This authority requires the approval of the Commandant and shall be used only when all of the following conditions have been satisfied.

(1) If personal services, they are required to be performed by an individual contractor in person (not by a firm), or, if professional services, they may be performed by an individual contractor in person or by a firm or organization.

(2) The services are of a professional nature or are to be performed under Government supervision and paid for on a time basis.

(3) The procurement of such services is specifically authorized by law.

(b) This authority, and the above conditions imposed upon its use, shall not apply to the procurement by negotiation of any type of services authorized under any other circumstances permitting negotiation.

§ 116.03–25 *Services of educational institutions.* Pursuant to the authority of 10 U. S. C. 2304–a (5), purchases and contracts may be negotiated if the purchase or contract is "for any service by a university, college, or other educational institution." This authority is restricted to Headquarters, and may be used for either of the two following types of services:

(a) Educational or vocational training services to be rendered by any university, college, or other educational institution in connection with the training and education of personnel, and for necessary material, services, and supplies furnished by any such institution in connection therewith.

(b) Experimental, developmental, or research work (including services, tests, and reports necessary or incidental thereto) to be conducted by any university, college, or other educational institution, and reports furnished in connection therewith.

§ 116.03–26 *Purchases outside the United States.* Pursuant to the authority of 10 U. S. C. 2304–a (6), purchases and contracts may be negotiated if "the purchase or contract is for property or services to be procured and used outside the United States, its Territories, and its possessions". This authority shall be used only for purchases made abroad, such as supplies, construction work, or other services for overseas installations or for use of occupational forces (irrespective of the actual place of negotiation or execution of the contract).

§ 116.03–27 *Medicines or medical supplies.* Pursuant to the authority of 10 U. S. C. 2304–a (7), purchases and contracts may be negotiated if "the purchase or contract is for medicine or medical supplies". This authority shall be used only when the following requirements have been satisfied.

(a) The items are not obtainable through Public Health Service or from other Government sources of supply; and

(b) Such supplies are peculiar to the field of medicine; and

(c) The cost is charged to Coast Guard appropriations (and not to Public Health Service funds); and

(d) Whenever the probable cost will exceed $10,000 the procurement is restricted to Headquarters.

§ 116.03–28 *Supplies purchased for authorized resale.* Pursuant to the authority of 10 U. S. C. 2304–a (8), purchases and contracts may be negotiated if "the purchase or contract is for property for authorized resale: *Provided*, That prior approval has been obtained from the Commandant (FS)". However, procurement shall be effected by the Commandant when the probable cost will exceed $10,000.

§ 116.03–29 *Perishable subsistence supplies.* Pursuant to the authority of 10 U. S. C. 2304–a (9), purchases and

contracts may be negotiated "for perishable subsistence supplies".

§ 116.03–30 *Supplies or services for which it is impracticable to secure competition by formal advertising.* (a) Pursuant to the authority of 10 U. S. C. 2304–a (10), purchases or contracts may be negotiated if "the purchase or contract is for property or services for which it is impracticable to obtain competition" by formal advertising. This authority will apply in the following cases, but only for transactions involving amounts in excess of $1,000 (purchases involving amounts of $1,000 or less will be made under the provisions of § 116.03–23):

(1) When the items are obtainable from a sole manufacturer or dealer; (It is not sufficient to justify the purchase of a particular make of an item under this authority while other makes are available which will accomplish the same results.)

(2) When the items have no commercial counterpart and can only be obtained from a single source of supply.

(3) When the existence of patent rights, secret processes, or similar circumstances preclude competition.

(4) When the items are parts of equipment or apparatus already in use and can only be furnished by one dealer.

(5) When the purchase is for utilities, including electricity, gas, water, sewage disposal, steam, railroad track maintenance and switching service, inspection and maintenance of fire alarm systems, boiler inspection, and maintenance of elevators.

(6) When bids have been solicited by advertisement and no bids are received, or the bids do not comply with all essential requirements of the specifications.

(b) Except for public utility contracts, every contract negotiated under the authority of this section shall be accompanied by a statement signed by the contracting officer justifying the procurement.

§ 116.03–31 *Experimental, developmental, or research work.* (a) Pursuant to the authority of 10 U. S. C. 2304–a (11), purchases and contracts may be negotiated if "the purchase or contract is for property or services that the agency head determines to be for experimental, developmental, or research work, or for making or furnishing property for experiment, test, development, or research": *Provided*, That in the case of contracts for $25,000 or less, the Comptroller of the Coast Guard is authorized, without power of redelegation, to make the required determination. This authority is restricted to Headquarters and may be used for any of the following purchases or contracts:

(1) Contracts relating to theoretical analysis, exploratory studies, and experimentation in any field of science or technology.

(2) Contracts calling for the practical application of investigative findings and theories of a scientific or technical nature.

(3) The purchase of such quantities and kinds of equipment, supplies, parts, accessories, or patent rights thereto, and drawings or designs thereof, as are necessary for experimentation, development, research, or test; and

(4) Services, tests, and reports necessary or incidental to experimental, developmental, or research work.

(b) In order for this authority to be used, the required determination to be made by the agency head (or, in the case of contracts for $25,000 or less, by the Comptroller) must be in accordance with the requirements of 10 U. S. C. 2304–a (11). This authority shall not be used for contracts for the quantity production of items developed as the result of prior experimentation, development, research, or test; however, research or development contracts which call for the production of a reasonable number of experimental or test models, or prototypes, shall not be regarded as contracts for quantity production.

(c) Headquarters is responsible for the report required by 10 U. S. C. 2304 (e) covering procurement under this authority.

§ 116.03–32 *Classified purchases.* Pursuant to the authority of 10 U. S. C. 2304–a (12) purchases or contracts may be negotiated if "the purchase or contract is for property or services whose procurement the agency head determines should not be publicly disclosed because of their character, ingredients, or components." This authority is restricted to Headquarters and shall be used only when military considerations necessitate security, and then only for such purchases or contracts as are classified as confidential or higher.

§ 116.03–33 *Technical equipment requiring standardization and interchangeability of parts.* Pursuant to the authority of 10 U. S. C. 2304–a (13), purchases and contracts may be negotiated if "the purchase or contract is for equipment that the agency head determines to be technical equipment whose standardization and the interchangeability of whose parts are necessary in the public interest and whose procurement by negotiation is necessary to assure that standardization and interchangeability." This authority is restricted to Headquarters and shall not be used until required determinations and decisions have been made by the Secretary of the Treasury.

§ 116.03–34 *Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.* Pursuant to the authority of 10 U. S. C. 2304–a (14), purchases and contracts may be negotiated if "the purchase or contract is for technical or special property that the agency head determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising and competitive bidding might require duplication of investment or preparation already made or would unduly delay the procurement of that property." This authority is restricted to Headquarters and shall not be used until required determinations and decisions have been made by the Secretary of the Treasury.

§ 116.03–35 *Negotiation after advertising.* Pursuant to the authority of 10 U. S. C. 2304–a (15), purchases and contracts may be negotiated if "the purchase or contract is for property or services for which the agency head determines that the bid prices received after formal advertising are unreasonable as to all or part of the requirements, or were not independently reached in open competition, and for which (i) he has notified each responsible bidder of intention to negotiate and given him reasonable opportunity to negotiate; (ii) the negotiated price is lower than the lowest rejected bid of any responsible bidder, as determined by the head of the agency; and (iii) the negotiated price is the lowest negotiated price offered by any responsible supplier." This authority is restricted to Headquarters and shall not be used until required determinations and decisions have been made by the Secretary of the Treasury.

§ 116.03–36 *Purchases in the interest of national defense or industrial mobilization.* Pursuant to the authority of 10 U. S. C. 2304–a (16), purchases and contracts may be negotiated if "the agency head determines that (i) it is in the interest of national defense to have a plant, mine, or other facility, or a producer, manufacturer, or other supplier, available for furnishing property or services in case of a national emergency, or (ii) the interest of industrial mobilization in case of such an emergency, or the interest of national defense in maintaining active engineering, research, and development, would otherwise be subserved." This authority is restricted to Headquarters and shall not be used until required determinations and decisions have been made by the Secretary of the Treasury. Headquarters is responsible for the report required by 10 U. S. C. 2304 (e) covering procurement under this authority.

§ 116.03–37 *Otherwise authorized by law.* Pursuant to the authority of 10 U. S. C. 2304–a (17), purchases and contracts may be negotiated if "otherwise authorized by law". This authority is restricted to Headquarters, or to field units when specifically authorized by Headquarters, under authority of any other law which is presently existing or which may hereafter be enacted, relating to or authorizing negotiated purchases or contracts.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

OCTOBER 1, 1957.

[F. R. Doc. 57–8918; Filed, Oct. 28, 1957; 8:53 a. m.]

Subchapter J—Procurement

[CGFR 57–42]

PART 118—CONTRACTS

PART 120—BONDS

CANCELLATION OF REGULATIONS

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 167–17, dated June 29, 1955 (20 F. R. 4976) and Treasury Department Order No. 167–26, dated November 8, 1956 (21 F. R. 8956) to promulgate regulations in accordance with 14 U. S. C. 633 and 10 U. S. C. 2301–2310, 2312–2314, Parts 118 and 120 are cancelled effective on publication in the FEDERAL REGISTER.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57–8919; Filed, Oct. 28, 1957; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60–8]

PART 60—AIR TRAFFIC RULES

CONTROL OF AIRSPACE AT HIGH ALTITUDES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of October 1957.

On October 1, 1957, the Civil Aeronautics Board adopted Amendment 60–7 (22 F. R. 7897) to Part 60 of the Civil Air Regulations, which, among other things established the continental control area. This action provides the regulatory authority pursuant to which the Administrator can implement the initial phase of a comprehensive plan for improved or expanded air traffic control services. The rules in this amendment were to become effective on November 1, 1957, the date on which it was expected the Administrator would implement the initial phase of the plan.

The Administrator, however, has been requested by the Departments of Air Force and Navy to postpone the implementation date of November 1, 1957, for one month in order to allow for a thorough dissemination to all military pilots of the pertinent information regarding the new rules and operating procedures. The Administrator has advised that he is willing to postpone the implementation date to December 1, 1957, as requested.

One of the provisions contained in Amendment 60–7 would delete § 60.44 (c), which prescribes the cruising altitude rules for IFR flight outside controlled airspace above 29,000 feet. This section is to be deleted because it would conflict with the continental control area which is to be designated by the Administrator. It is apparent, however, that if § 60.44 (c) is deleted on November 1, 1957, and the Administrator does not designate a continental control area until December 1, 1957, Part 60 will be void, for one month, of any compensating rules. In order to avoid a situation which could affect air safety, it is considered appropriate to change the effective date of the amendment to correspond with the revised implementation date of December 1, 1957.

Since this amendment changes only the effective date of Amendment 60–7 and does not impose any additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary and the amendment may be made effective with less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Civil Air Regulations Amendment 60–7 (14 CFR Part 60, as amended) by changing the effective date thereof from November 1, 1957, to December 1, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpert or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

Effective: October 24, 1957.

Adopted: October 24, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–8913; Filed, Oct. 28, 1957; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54469]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 16—LIQUIDATION OF DUTIES

PART 17—PROTESTS AND REAPPRAISEMENTS

INFORMAL ENTRIES, RELEASE OF MERCHANDISE UNDER SPECIAL PERMITS, RELIQUIDATION, AND EFFECTIVE DATE OF LIQUIDATION OF INFORMAL ENTRIES

It has been found that considerable savings in customs manpower, as well as the more expeditious clearance of merchandise, may be effected by permitting importers or their agents to prepare informal entries on customs Form 5119 or 5119–A. Moreover, it is deemed advisable to permit the clearance under informal entries of certain household and personal effects entered under paragraph 1615 (g) (1) of the Tariff Act of 1930, as amended, when the value of the repairs or alterations thereto does not exceed $250. To authorize these things and to prescribe the procedure to be followed when such entries are filed by importers or their agents, § 8.51 of the Customs Regulations is amended by substituting "prepared by importers or their agents or" for "which may be prepared" in the first sentence of paragraph (a); by deleting the third sentence thereof; by changing the period at the end of the fifth sentence to a comma and adding: "as well as for household and personal effects as described in section 498 (a) (4) of the Tariff Act of 1930, as amended, when entered under paragraph 1615 (g) (1) of the Tariff Act of 1930, as amended, and the value of the repairs or alterations thereto does not exceed $250."; by redesignating paragraphs (b), (c), and (d), as paragraphs (c), (d), and (e); and by inserting a new paragraph (b) to read as follows:

(b) The estimated duties and taxes, if any, shall be deposited at the time the entry is presented and accepted by a customs officer, whether at the customhouse or elsewhere. If upon examination of the merchandise further duties or taxes are found due, they shall be deposited before release of the goods by customs. When the entry is presented elsewhere than where the merchandise is examined, the permit copy shall be delivered through proper channels to the customs officer who will examine the merchandise.

(Sec. 498 (a), 46 Stat. 728, as amended; 19 U. S. C. 1498 (a))

Since it is not contemplated that customs officers will prepare informal entries for shipments not exceeding $250 in value released under immediate delivery permits, § 8.59 of the Customs Regulations is amended by substituting a period for the comma after the word "merchandise" where it appears the second time in the last sentence of paragraph (c) and deleting the remainder of the sentence, and by deleting the last two sentences of paragraph (e).

(Sec. 448, 46 Stat. 714; 19 U. S. C. 1448.)

Supplies of customs Forms 5119 and 5119–A with snap-out carbons but without serial numbers may be obtained by collectors of customs from the Section of Forms in New York, New York, for use in connection with the above prescribed procedure. These forms are for distribution to importers or their agents without charge.

In the use of the informal entry procedure it is possible that an advantage in the computation of duties on reliquidation under § 16.2 (c) of the Customs Regulations may accrue to the importer whose merchandise is released under an immediate delivery permit. To place all importers making informal entries on the same basis, to provide for the effective date of liquidation and notice of liquidation of free informal entries made for merchandise released under an immediate delivery permit, to prescribe the use of notices of refund as notices of reliquidation in certain cases, and for purposes of clarification, the Customs Regulations are amended as follows:

Section 16.2 (c) is amended by deleting "any such informal, mail," in the fifth sentence and substituting therefor the words "a mail".

(Sec. 7, 52 Stat. 1081, as amended, sec. 505, 46 Stat. 732; 19 U. S. C. 1321, 1505)

Paragraphs (b) and (c) of § 16.12 are amended to read as follows:

(b) Except as otherwise provided in this paragraph, the effective date of liquidation of informal, mail, and baggage entries [11b] shall be:

(1) The date of payment by the importer of duties and any internal-revenue taxes thereon;

(2) The date of release by customs or the postmaster when the articles are released under such an entry free of duty and tax;

(3) The date a free entry is accepted for articles released under an immediate delivery permit under § 8.59 of this chapter.

When the proper rate or amount of duty cannot be determined at the time of entry because the articles are subject to a tariff rate quota, because of a missing document which, if for free entry, is not

[11b] Baggage entries include entries on customs Form 5123, 6059, 6059–A, 6059–B, 6059–C, or 6063, whether originals or certified duplicates.

produced prior to the release of the articles to the importer, or because of any other reason, the printed notice of liquidation appearing on the receipt issued for any money collected on such entry shall be voided. When the tariff status of the articles either as dutiable or free is finally ascertained it shall be noted on the entry. The effective date of liquidation shall be the date of posting or lodging of the notice of liquidation as required in paragraph (c) of this section.

(c) Notice of liquidation is furnished under paragraph (b) (1) of this section by a suitable printed statement appearing on the receipt issued for duties and any internal-revenue taxes collected. No other notice of liquidation shall be given but notice of reliquidation of any such entry shall be given on customs Form 4333 posted or lodged in the place and manner specified in § 16.2 (d) except when a refund of the full amount of duties and internal-revenue taxes paid is due the importer. In such case, the notice of refund shall constitute the notice of reliquidation. The date of the notice of refund in such case shall be the same as the date of reliquidation. Notice of liquidation is furnished under paragraph (b) (2) of this section by release of the article free of duty and tax and under paragraph (b) (3) of this section by the acceptance of the entry. No further notice of the liquidation of such entries shall be given. When the proper rate or amount of duty cannot be determined at the time of entry under paragraph (b) of this section, notice of liquidation shall be given by scheduling the entry on customs Form 4333 or 4335, as applicable, and posting or lodging the form in the place and manner specified in § 16.2 (d) for formal entries. The form shall bear the date of such posting or lodging.

(Secs. 505, 514, 46 Stat. 732, 734; 19 U. S. C. 1505, 1514).

Section 17.1 (c) of the Customs Regulations is amended by inserting "the date the liquidation becomes effective as determined in accordance with § 16.12 (b) of this chapter." following "the date of liquidation shall be" and by deleting the remainder of the sentence.

(Secs. 514, 624, 46 Stat. 734, 759; 19 U. S. C. 1514, 1624)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 22, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8920; Filed, Oct. 28, 1957; 8:54 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Grazing

PART 72—NAVAJO GRAZING REGULATIONS

TRESPASS

OCTOBER 23, 1957.

Paragraph (b) of § 72.13 is amended to read as set forth below. The purpose of this amendment is to extend the effective date of § 72.13 (b).

§ 72.13 *Trespass.* • • •

(b) All persons running livestock in excess of their permitted number must by April 25, 1958, either obtain permits to cover their total livestock numbers or reduce to their permitted number; or be in trespass. Additional time may be granted in unusual individual cases as determined and approved by the District Grazing Committee, Central Grazing Committee, and the Superintendent or his authorized representative.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-8859; Filed, Oct. 28, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter G—Regulations Under Tax Conventions

[T. D. 6260]

PART 570—CANADA

REGULATIONS DEATH DUTY CONVENTION BETWEEN THE UNITED STATES AND CANADA

Regulations under the death duty convention between the United States and Canada of June 8, 1944, as modified and supplemented by the convention of June 12, 1950, proclaimed by the President of the United States on November 29, 1951.

On August 3, 1957, notice of proposed rule making regarding the regulations under the death duty convention between the United States and Canada was published in the FEDERAL REGISTER (22 F. R. 6226.) No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so published are hereby adopted as set forth below.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 24, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

Sec.
570.101 Introduction.
570.102 Scope of regulations.
570.103 Domicile and citizenship.
570.104 Situs of property.
570.105 Taxation on basis of domicile or citizenship.
570.106 Taxation on basis of situs of property.
570.107 Prorated specific exemption.
570.108 Credit for Dominion succession duty.
570.109 Claim for credit or refund and interest on refund.
570.110 Competent authorities.
570.111 Exchange of information.
570.112 Protests by interested persons.

AUTHORITY: §§ 570.101 to 570.112 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 570.101 *Introduction*—(a) *General.* A convention between the United States and Canada for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties was signed on June 8, 1944, and came into force on February 6, 1945, when instruments of ratification were exchanged. By its terms, however, it was made applicable to estates of decedents dying on or after June 14, 1941. On June 12, 1950, a second convention was signed to modify and supplement the convention of June 8, 1944. The supplementary convention contains seven articles. Article I states that Articles II to VI, inclusive, of the earlier convention are abrogated and replaced by Articles II to VI, inclusive, of the later convention. Articles I and VII to XIV, inclusive, of the earlier convention remain unchanged. The convention, as thus amended and supplemented, is applicable only to the estates of decedents dying on or after November 21, 1951, the date of exchange of the instruments of ratification. The period of limitation for the filing of claims for credit or refunds provided by Article VI of the supplementary convention is, however, effective as to the estates of decedents dying on or after June 14, 1941. The supplementary convention was proclaimed by the President of the United States on November 29, 1951.

(b) *Text of convention and Proclamation of President.* The text of the convention, as amended, and the text of the Proclamation of the President follow:

[UNITED STATES-CANADA DEATH DUTY CONVENTION, AS AMENDED NOVEMBER 21, 1951]

ARTICLE I

1. The taxes referred to in this convention are:

(a) For the United States of America; the Federal estate taxes;

(b) For Canada; the taxes imposed under the Dominion Succession Duty Act.

2. In the event of appreciable changes in the fiscal laws of either contracting State, the competent authorities of the contracting States will consult together.

ARTICLE II

Where a person dies a citizen of the United States of America or domiciled in the United States of America or Canada, the situs of any rights or interests, legal or equitable, in or over any of the following classes of property, which for the purposes of tax form or are deemed to form part of the estate of such person or pass or are deemed to pass on his death, shall, for the purposes of the imposition of tax and for the purposes of the credit to be allowed under Article V, be determined exclusively in accordance with the following rules, but in cases not within such rules the situs of such rights or interests shall be determined for these purposes in accordance with the laws in force in the other contracting State:

(a) Immovable property (otherwise than by way of security) shall be deemed to be situated at the place where such property is located;

(b) Tangible movable property (otherwise than by way of security and other than such property for which specific provision is hereinafter made), bank or currency notes and other forms of currency recognized as legal tender in the place of issue, shall be deemed to be situated at the place where located at the time of death, or, if in transitu, at the place of destination;

(c) Debts (including bills of exchange and promissory notes, whether negotiable or not), secured or unsecured and whether under seal or not, excluding the forms of indebtedness for which specific provision is hereinbefore or hereinafter made, shall be deemed to be situated at the place where the debtor was resident at the time of death, or, if the debtor is a company, at the place where the company is incorporated;

(d) Bank accounts shall be deemed to be situated at the place where the bank or branch thereof, at which the account was kept, is located;

(e) Securities issued by any government, municipality or public authority shall be deemed, if in bearer form, to be situated at the place where located at the time of death and, if inscribed or registered, to be situated at the place where inscribed or registered, as provided by the issuing authority;

(f) Shares, stock, bonds, debentures or debenture stock in a company (including any such property held by a nominee, whether the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place where the company is incorporated;

(g) Moneys, payable under a policy of assurance or insurance, or under an annuity contract, whether under seal or not, shall be deemed to be situated where the policy or annuity contract provides that the moneys shall be payable, or, in the absence of any such provision, at the place of residence of the issuer, or, if a company, at the place where the company is incorporated;

(h) Shares in a partnership shall be deemed to be situated at the place where its business is principally carried on;

(i) Ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft;

(j) Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the trade, business or profession to which it pertains is carried on;

(k) Patents, trade-marks and designs shall be deemed to be situated at the place where they are registered;

(l) Copyright, franchises, and rights or licenses to use any copyrighted material, patent, trade-mark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable;

(m) Rights or causes of action ex delicto surviving for the benefit of an estate of a deceased person shall be deemed to be situated at the place where such rights or causes of action arose;

(n) Judgment debts shall be deemed to be situated at the place where the judgment is recorded;

provided that this Article shall not be construed as increasing the liability of the estate of any person under the estate tax laws of the United States of America.

ARTICLE III

1. Allowance for debts shall be determined in accordance with the laws of the contracting State imposing the tax.

2. Domicile shall be determined in accordance with the laws in the contracting State imposing the tax on the basis of domicile.

ARTICLE IV

Where one of the contracting States imposes taxes by reason of the property's being situated therein such State shall, if the decedent was domiciled in the other contracting State:

(a) for the purpose of determining the tax rate or rates, take into account only property situated in such State, and

(b) allow as an exemption an amount not less than an amount which bears the same ratio to the specific exemption that would be allowed if such State were imposing the tax by reason of the decedent's being domiciled therein, as the value of the property situated in such State bears to the entire value of the property wherever situated.

ARTICLE V

1. Where either contracting State imposes taxes by reason of a decedent's being domiciled therein or being a citizen thereof, that contracting State shall allow against so much of its taxes (as otherwise computed) as is attributable to property situated in the other contracting State a credit (not exceeding the amount of the taxes so attributable) equal to so much of the taxes imposed by the other contracting State as is attributable to such property.

2. Where each contracting State imposes taxes on any property situated outside both contracting States, each contracting State shall allow against so much of its taxes (as otherwise computed) as is attributable to such property a credit which bears the same proportion to the amount of its taxes so attributable or to the amount of the other contracting State's taxes attributable to the same property, whichever is the less, as the former amount bears to the sum of both amounts.

3. For the purposes of this Article, the amount of the taxes of a contracting State attributable to any property shall be ascertained after taking into account any credit, allowance or relief, or any remission or reduction of taxes, other than the credit authorized by this Article.

ARTICLE VI

1. Any claim for a credit or for a refund of taxes founded on the provisions of the Convention signed on June 8, 1944, or of the present supplementary Convention, shall be made within six years from the date of death of the decedent in respect of whose estate the claim is made, or, in the case of a reversionary interest where payment of taxes is deferred until the date on which the interest falls into possession, within six years from that date.

2. Any such refund shall be made without payment of interest on the amount so refunded.

ARTICLE VII

1. With a view to the prevention of fiscal evasion each of the contracting States undertakes to furnish to the other contracting State as provided in the succeeding articles of this convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this convention relates.

2. The information to be furnished under this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE VIII

1. The Commissioner shall notify the Minister as soon as practicable when the Commissioner ascertains that in the case of:

(a) A decedent, any part of whose estate is subject to the Federal estate tax laws, there is property of such decedent situated in Canada;

(b) A decedent domiciled in Canada, any part of whose estate is subject to the Dominion Succession Duty Act, there is property of such decedent situated in the United States of America.

2. The Minister shall notify the Commissioner as soon as practicable when the Minister ascertains that in the case of:

(a) A decedent, any part of whose estate is subject to the Dominion Succession Duty Act, there is property of such decedent situated in the United States of America;

(b) A decedent domiciled in the United States of America, any part of whose estate is subject to the Federal estate tax laws, there is property of such decedent situated in Canada.

ARTICLE IX

1. If the Minister deems it necessary to obtain the cooperation of the Commissioner in determination of the succession tax liability of any person, the Commissioner may, upon request, furnish the Minister such information bearing upon the matter as the Commissioner is entitled to obtain under the revenue laws of the United States of America.

2. If the Commissioner deems it necessary to obtain the cooperation of the Minister in the determination of the estate tax liability of any person, the minister may, upon request, furnish the Commissioner such information bearing upon the matter as the Minister is entitled to obtain under the revenue laws of Canada.

ARTICLE X

The competent authorities of the contracting States may:

(a) Prescribe regulations to carry into effect this convention within the respective States and rules with respect to the exchange of information;

(b) If doubt arises, settle questions of interpretation or application of this convention by mutual agreement;

(c) Communicate with each other directly for the purpose of giving effect to the provisions of this convention.

ARTICLE XI

If any fiduciary or beneficiary can show that double taxation has resulted or may result in respect of the taxes to which this convention relates, such fiduciary or beneficiary shall be entitled to lodge a claim or protest with the State of citizenship or domicile of such fiduciary or beneficiary, or, if a corporation or other entity, with the State in which created or organized. If the claim or protest should be deemed worthy of consideration, the competent authority of such State may consult with the competent authority of the other State to determine whether the alleged double taxation exists or may occur and if so whether it may be avoided in accordance with the terms of this convention.

ARTICLE XII

The provisions of this convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

ARTICLE XIII

1. As used in this convention:

(a) The term "Minister" means the Minister of National Revenue of Canada or his duly authorized representative.

(b) The term "Commissioner" means the Commissioner of Internal Revenue of the United States of America, or his duly authorized representative.

(c) The term "competent authority" or "competent authorities" means the Commissioner and the Minister and their duly authorized representatives.

2. When used in a geographical sense:

(a) The term "United States of America" includes only the States, the Territory of Alaska, the Territory of Hawaii, and the District of Columbia.

(b) The term "Canada" means the Provinces, the Territories and Sable Island.

[Article XIV of the original convention signed on June 8, 1944, reads as follows:]

ARTICLE XIV

1. This convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. This convention shall be deemed to have come into effect on the 14th day of June 1941. It shall continue in effect for a period of five years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the 5-year period or at any time thereafter provided that at least six months prior notice of termination has been given.

[Article VII of the supplementary convention reads as follows:]

ARTICLE VII

1. The present supplementary convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present supplementary convention shall enter into force on the day of the exchange of the instruments of ratification and shall be applicable to estates or successions in the case of persons who die on or after that date, except as otherwise provided in Article VI. It shall continue effective indefinitely as though it were an integral part of the Convention of June 8, 1944, subject to the provisions of Article XIV of that convention with respect to termination.

[The preamble to the convention of June 8, 1944, reads as follows:]

The Government of the United States of America and the Government of Canada, being desirous of avoiding double taxation and of preventing fiscal evasion in the case of estate taxes and succession duties, have decided to conclude a Convention and for that purpose have appointed as their Plenipotentiaries:

Ray Atherton, Ambassador Extraordinary and Plenipotentiary of the United States of America at Ottawa, for the United States of America; and

W. L. Mackenzie King, Secretary of State for External Affairs, and Colin W. G. Gibson, Minister of National Revenue, for Canada.

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following Articles:

[The attestation clause of the convention of June 8, 1944, reads as follows:]

Done in duplicate, at Ottawa, this eighth day of June, 1944.

[SEAL] RAY ATHERTON,
W. L. MACKENZIE KING.
COLIN GIESON.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES, DATED NOVEMBER 29, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS a convention between the United States of America and Canada modifying and supplementing the convention of June 8, 1944 for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties was signed at Ottawa on June 12, 1950, the original of the said convention of June 12, 1950 being word for word as follows:

The Government of the United States of America and the Government of Canada, being desirous of modifying and supplementing in certain respects the Convention for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties, signed at Ottawa on June 8, 1944, have decided to conclude a supplementary Convention for that purpose and have appointed as their respective Plenipotentiaries:

The Government of the United States of America:

Julian F. Harrington, Charge d'Affaires ad interim of the United States of America at Ottawa, and

The Government of Canada:

Douglas Charles Abbott, Minister of Finance in the Government of Canada

who, having communicated to one another their respective full powers, found in good and due form, have agreed as follows:

* * * * * *

IN WITNESS WHEREOF the above-named Plenipotentiaries have signed the present Convention and have affixed thereto their respective seals.

DONE in duplicate, at Ottawa this 12th day of June 1950.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

JULIAN F. HARRINGTON

FOR THE GOVERNMENT OF CANADA:

D. C. ABBOTT

AND WHEREAS the Senate of the United States of America, by their resolution of September 17, 1951, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention of June 12, 1950;

AND WHEREAS the aforesaid convention of June 12, 1950 was duly ratified by the President of the United States of America on October 18, 1951, in pursuance of the aforesaid advice and consent of the Senate, and the aforesaid convention of June 12, 1950 was duly ratified on the part of Canada;

AND WHEREAS the respective instruments of ratification of the aforesaid convention of June 12, 1950 were duly exchanged at Washington on November 21, 1951, and a protocol of exchange was signed at that place and on that date by the respective Plenipotentiaries of the United States of America and Canada;

AND WHEREAS it is provided in Article VII of the aforesaid convention of June 12, 1950 that the convention shall enter into force on the day of the exchange of instruments of ratification and shall be applicable to estates or successions in the case of persons who die on or after that date, except as otherwise provided in Article VI;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention of June 12, 1950, to the end that the said convention and each and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-ninth day of November in the year of our Lord one thousand nine hundred fifty-one and of the Independence of the United States of America the one hundred seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

JAMES E. WEBB,
Acting Secretary of State.

(c) *Authorization of regulations.* Article X (a) of the convention authorizes regulations to be issued by each contracting country to carry the convention into effect and the issuance of rules with respect to the application of Article VII providing for the exchange of information. Paragraphs (a) and (b) of section 7805 of the Internal Revenue Code of 1954 provide as follows:

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

(d) *Internal Revenue Code of 1939.* Any reference in this part to any provision of the Internal Revenue Code of 1954 shall, where applicable, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

§ 570.102 *Scope of regulations*—(a) *General.* Sections 570.101 to 570.112, inclusive, pertain to the application of the Federal estate tax as modified by the provisions of the amended convention in the case of a decedent who at the time of death was domiciled in either the United States or Canada, or was a citizen of the United States. Sections 570.101 to 570.112 also pertain to related administrative matters and to the furnishing of information by the tax authorities of each country to the tax authorities of the other country which may be useful in the determination and enforcement of the Federal estate tax and the Dominion succession duties (Articles VII to XI, inclusive, of the convention).

(b) *Taxes covered.* The provisions of the convention are restricted to the estate tax imposed by the United States and the succession duty imposed by Canada, and do not comprehend any of the estate, inheritance, legacy and succession taxes imposed by the States, Territories, the District of Columbia, and possessions of the United States or death duties imposed by the Provinces or any other political subdivisions of Canada. (Article I (1) of the convention.)

(c) *Statutory credits not affected.* The credits against the Federal estate tax, authorized by section 2011 of the Internal Revenue Code of 1954 for estate, inheritance, legacy, or succession taxes paid any State, Territory, the District of Columbia, or possession of the United States, by section 2012 for Federal gift taxes, and by section 2013 for tax on prior transfers, are not affected. (Article V (3) of the convention.)

§ 570.103 *Domicile and citizenship*—(a) *Necessity for determination.* Determinations with respect to the decedent's domicile and citizenship at time of death are required for three principal purposes:

(1) To ascertain whether the estate is within the scope of the convention (which is restricted to estates of domiciliaries of the contracting countries and estates of citizens of the United States);

(2) To ascertain the property that may be included in the application of the tax; and

(3) To ascertain the credit authorized by the convention.

(b) *Basis of determination.* Domicile and citizenship shall be determined in accordance with the laws of the contracting country imposing the tax by reason of the decedent's being domiciled therein or a citizen thereof. (Article III (2) of the convention.) Thus, if in a particular case one of the contracting countries asserts tax by reason of the decedent's being domiciled therein, the other contracting country is bound by such determination of domicile to apply the provisions of the convention, and shall not, for instance, in the imposition of its tax on the basis of situs of property disregard the situs rules established by Article II of the convention by contending that the decedent was domiciled in a third country. For the purpose of determining whether the decedent was domiciled in the United States or Canada at the time of death, the United States includes the States thereof, the Territories of Alaska and Hawaii, and the District of Columbia, and Canada includes the Provinces and Territories thereof and Sable Island. (Article XIII (2) of the convention.)

§ 570.104 *Situs of property*—(a) *Necessity for determination.* The determination of the situs of property is necessary for the two following purposes:

(1) To ascertain the property that may be included in the application of the tax where jurisdiction is based upon situs of property within the country; and

(2) To ascertain the credit for death duties authorized by the convention.

Under paragraph (1) of Article V of the convention the country of domicile (or of citizenship in the case of the United States) allows credit with respect to property situated in the other contracting country, and under paragraph (2) thereof with respect to property situated outside both contracting countries.

(b) *Application of rules of situs*—(1) *General.* The convention provides rules of situs for specific classes of property as hereinafter set forth. These rules are applicable only in case the decedent was at the time of death a citizen of the United States or domiciled in either of the contracting countries. The convention also provides that with respect to property not within the described classes, the situs thereof shall be determined in accordance with the laws of Canada if the decedent was domiciled in or a citizen of the United States, or in accordance with the laws of the United States if the decedent was domiciled in Canada. (Article II of the convention.)

(2) *Specific application.* Specific applications of the foregoing principles follow:

(i) If one of the contracting countries taxes on the basis of domicile (or of citizenship in the case of the United States) and the other on the basis of situs of property, the allowance of credit by the former and the imposition of tax by the latter are determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the laws of the latter with respect to any property not within the described classes.

(ii) If the United States taxes on the basis of citizenship or domicile and Canada taxes on the basis of domicile, the allowance of credit by the United States is determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the laws of Canada with respect to any property not within the described classes. The allowance of credit by Canada is determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the laws of the United States with respect to any property not within the described classes.

(c) *Specific rules of situs.* Rules of situs provided by the convention for specific classes of property follow:

(1) *Immovable property.* Immovable property shall be deemed to be situated at the place where the land involved is located. Immovable property comprises real property and leases of real property. The duration of the lease is immaterial. Immovable property does not include mortgages, liens or any right or interest in real or immovable property by way of security. Although for the purpose of this situs rule leaseholds are classed with real property, this provision of the treaty does not purport to extend the scope of the term "real property situated outside the United States" as used in section 2031 and sections 2033 to 2038, inclusive, and sections 2040 and 2041 of the Internal Revenue Code of 1954, whereunder real property (but not a lease of real property) situated outside the United States is excluded from the gross estate. (Article II (a) of the convention.)

(2) *Tangible personal property.* Tangible personal property (referred to in the convention as tangible movable property), except as hereinafter specifically provided with respect to ships and aircraft, shall be deemed to be situated at the place of physical location at the time of the decedent's death, or, if in transitu, at the place of destination. Tangible personal property includes bank notes and other forms of currency recognized as legal tender at the place of issue. (Article II (b) of the convention.)

(3) *Debts.* Debts included as assets of the estate (credits), except as hereinafter provided under specifically described classes, shall be deemed to be situated at the place where the debtor, if an individual, was resident at the time of death; if a partnership, at its principal place of business; or, if a corporation, at its place of incorporation. This rule applies to simple contract debts, bills of exchange and promissory notes, negotiable or not, and in general, to any debt, under seal or not, unsecured or secured, whether by mortgage or otherwise. (Article II (c) of the convention.)

(4) *Bank accounts.* Bank accounts shall be deemed to be situated at the place where the bank, or branch thereof, at which the account is kept at the time of the decedent's death, is located. This rule refers to moneys deposited with a person carrying on the banking business, which deposits are characterized by a debtor-creditor relationship. (Article II (d) of the convention.)

(5) *Government securities.* Securities issued by any government, municipality, or public authority shall be deemed, if in bearer form, to be situated at the place where the certificate is located at the time of death. If the securities are inscribed or registered, they shall be deemed to be situated at the place where inscribed or registered as provided by the issuing authority. (Article II (e) of the convention.)

(6) *Corporate stocks and bonds.* Shares, stock, bonds, debentures or debenture stock in a company shall be deemed to be situated at the place where the company is incorporated. This rule comprehends securities held by a nominee where the beneficial ownership is evidenced by scrip certificates or otherwise. (Article II (f) of the convention.)

(7) *Insurance and annuity contracts.* Moneys payable under a policy of insurance or under an annuity contract, whether under seal or not, shall be deemed to be situated where the policy or annuity contract provides that the moneys shall be payable, or, in the absence of any such provision, at the place of residence of the issuer, or, if a company, at the place where the company is incorporated. (Article II (g) of the convention.)

(8) *Shares in a partnership.* Shares in a partnership shall be deemed to be situated where its business is principally carried on. (Article II (h) of the convention.)

(9) *Ships and aircraft.* Ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft. (Article II (i) of the convention.)

(10) *Goodwill.* Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the trade, business or profession to which it pertains is carried on. (Article II (j) of the convention.)

(11) *Patents, trade-marks and designs.* Patents, trade-marks and designs shall be deemed to be situated at the place where they are registered. (Article II (k) of the convention.)

(12) *Copyrights and licenses to use copyrights, patents, trade-marks and designs.* Copyrights, franchises, and rights or licenses to use any copyrighted material, patent, trade-mark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable. (Article II (l) of the convention.)

(13) *Actions ex delicto.* Rights or causes of action *ex delicto* surviving for the benefit of the estate of a decedent shall be deemed to be situated at the place where such rights or causes of action arose. (Article II (m) of the convention.)

(14) *Judgment debts.* Judgment debts shall be deemed to be situated at the place where the judgment is recorded. (Article II (n) of the convention.)

(d) *Limitation on application.* Article II is not to be construed as increasing the liability of the estate of any person under the estate tax laws of the United States. Thus, in the case of a decedent who was a citizen of and domiciled only

in Canada, if there is property deemed to have situs in the United States under Article II of the convention, but outside the United States in the absence of the convention, the value of the gross estate situated in the United States as determined under the convention may not exceed the amount which would have been otherwise includible. As an example of the application of this rule, assume that the estate of the decedent included a negotiable promissory note in the amount of $20,000, physically located in Canada, the maker of which is an individual residing in the United States, and a judgment for $10,000 obtained against a resident of the United States, recorded in Canada. Under Article II of the convention, the promissory note is deemed situated in the United States and the judgment is deemed situated in Canada. Without the convention, the judgment is deemed situated in the United States and the note is deemed situated in Canada. Consequently, the gross estate situated in the United States as determined under the Federal estate tax laws without regard to the convention amounts to $10,000, and under the convention to $20,000. Under this rule, however, the includible amount is limited to $10,000. (Proviso at end of Article II of the convention.)

(e) *Geographical scope.* For the purpose of determining whether property is situated in either contracting country, the United States includes the States thereof, the Territories of Alaska and Hawaii, and the District of Columbia, and Canada includes the Provinces and Territories thereof and Sable Island. (Article XIII (2) of the convention.)

§ 570.105 *Taxation on basis of domicile or citizenship.* Both the United States and Canada assume jurisdiction for the imposition of tax on the basis of the decedent's domicile within the taxing country. In addition, the United States assumes jurisdiction on the basis of the decedent's citizenship. The application of the tax (the Federal estate tax or the Dominion succession duty as the case may be) in any of the foregoing cases is not affected by the convention, except insofar as credit is authorized under Article V. The convention does not prohibit the subjection to tax in any of the foregoing cases of any property real or personal situated outside the taxing country. However, by section 2031 and sections 2033 to 2038, inclusive, and sections 2040 and 2041 of the Internal Revenue Code of 1954, real property (but not a lease of real property) situated outside the United States is excluded from the gross estate.

§ 570.106 *Taxation on basis of situs of property.* In case jurisdiction to impose tax by one of the contracting countries is based upon situs of property within such country and the decedent was at the time of death domiciled in the other contracting country, the country taxing on the basis of situs shall, for the purpose of determining the tax rate or rates, take into account only property which, in accordance with the provisions of Article II of the convention, is situated in such taxing country. (Article IV (a) of the convention.) This rule shall not be construed to prevent the necessary consideration of property situated outside such taxing country for the ascertainment of the prorated specific exemption prescribed by Article IV (b) of the convention, or the ascertainment of applicable allowances prescribed by statute (for example, section 2106 (a) (1) of the Internal Revenue Code of 1954). In the ascertainment of applicable allowances, the convention expressly provides that the allowance for debts shall be determined in accordance with the laws of the contracting country imposing the tax. (Article III (1) of the convention.) For the purpose of determining what property is situated within the contracting country imposing the tax on the basis of situs, the provisions of § 570.104 are pertinent.

§ 570.107 *Prorated specific exemption.* In the case of the estate of a decedent who at time of death was domiciled in the other contracting country, the contracting country imposing tax solely on the basis of situs of property shall allow a proportion of the specific exemption which would be applicable if the decedent had been domiciled in its territory. The specific exemption in the case of a decedent who was domiciled in the United States is $60,000 under the provisions of section 2052 of the Internal Revenue Code of 1954. The proportion allowable is a fraction of the applicable exemption, the numerator of which is the value of the property situated in the contracting country imposing tax solely on the basis of situs and the denominator of which is the value of the property which would have been subject to its tax had the decedent been domiciled therein. (Article IV (b) of the convention.) The amount of the exemption allowed by the United States shall, in no event, be less than that provided for by statute applicable to estates of decedents not residents or citizens ($2,000 in section 2106 (a) (3) of the Internal Revenue Code of 1954).

Example. The decedent was at time of death (January 1, 1955) a nonresident not a citizen of the United States domiciled in Canada. He left a gross estate (other than real property outside the United States) of $1,000,000 of which $200,000 was situated in the United States. The amount of the specific exemption is

$$\frac{200,000}{1,000,000}\times 60,000 = \$12,000.$$

§ 570.108 *Credit for Dominion succession duty*—(a) *General.* (1) In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, credits are authorized against the Federal estate tax for succession duty paid to the Dominion of Canada with respect to property situated as hereinafter provided and subject to the Federal estate tax. The credits are divided into two categories which will be hereinafter referred to as the primary credit (Article V (1) of the convention) and the secondary credit (Article V (2) of the convention). No credit is allowable for any interest or penalties paid in connection with the Dominion succession duty.

(2) The primary credit is authorized in the case of the estate of a decedent who, at time of death, was domiciled in or a citizen of the United States and who died possessed of property situated in Canada which was subject to tax by both contracting countries, regardless of the jurisdictional basis for taxation invoked by Canada.

(3) The secondary credit is authorized with respect to property deemed to be situated outside of, and subject to tax by both countries, in the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States and regarded by Canada as domiciled in its territory.

(4) For the purpose of determining the situs of property with respect to which credit is claimed, the situs rules set forth in § 570.104 are pertinent.

(5) If credit against the Federal estate tax with respect to particular property is authorized for Dominion succession duty and also, by statute or by convention, for death tax paid another foreign country, the total of the allowable credits cannot exceed the amount of the Federal estate tax with respect to such property computed before the allowance of credit for any foreign death taxes.

(6) For the relationship between credit authorized by the convention and credit authorized by section 2014 of the Internal Revenue Code of 1954, the regulations issued pursuant to such statutory provisions should be consulted. It may be noted therein that either credit authorized by the convention or credit authorized by the statute is to be allowed, whichever is the more beneficial to the estate.

(b) *Primary credit*—(1) *General.* In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States (including the case of the estate of such a decedent regarded by Canada as domiciled in its territory), credit is authorized against the Federal estate tax in the smaller of the following amounts:

(i) The Dominion succession duty attributable to property situated in Canada and subject to tax by both countries; or

(ii) The Federal estate tax attributable to such property.

(2) The amount of Dominion succession duty paid must be converted into United States money as of the date of payment.

(3) *Dominion duty attributable to particular property.* In determining the amount of the Dominion succession duty for which credit may be claimed, separate computations must be made in any case where more than one inheritance is involved. As an example of the determination of the amount of Dominion succession duty attributable to specific property, assume that a decedent was domiciled in the United States and that his widow and daughter are the beneficiaries under his will. The decedent owned real property in Canada valued at $100,000, stock of a Canadian corporation valued at $100,000, and stock of a United States corporation valued at $100,000. The estate owed debts of $30,000 which, under the will, were to be equally apportioned. The widow received the real property and one-half of the Canadian stock. The other half of the Canadian stock and the United States stock were bequeathed to the daughter. Under the Dominion Succession Duty Act, tax is computed as follows, all values being expressed in United States money. No credit for Provincial death duties is involved.

Widow's share:	
Real property in Canada	$100,000
Canadian stock	50,000
Total	150,000
Dominion succession duty	25,125
Daughter's share:	
Canadian stock	50,000
Dominion succession duty	6,227.50

The amount of Dominion succession duty attributable to personal property in the widow's share of the succession is

$$\frac{50,000}{150,000}\times 25,125 \text{ or } \$8,375.$$

The entire amount of $6,227.50 paid to Canada on the daughter's share is attributable to personal property.

Canadian tax on personalty in widow's inheritance	$8,375.00
Canadian tax on personalty in daughter's inheritance	6,227.50
Total Canadian tax attributable to included property	14,602.50

(4) *Federal tax attributable to particular property.* (i) The amount of the Federal estate tax attributable to particular property which is subject to tax by both countries and meets the required conditions of situs is a fraction of the Federal estate tax adjusted in an appropriate case in accordance with the principles set forth in subparagraph (5) of this paragraph. Except as indicated in paragraph (c) (2) of this section, relating to the secondary credit, the rules set forth below are applicable in determining the tax attributable to particular property for purposes of both the primary and secondary credits. The term "particular property," as described above, refers, in the case of the primary credit, only to property situated in Canada and, in the case of the secondary credit, only to property situated outside both countries.

(ii) The numerator of the fraction is the value of the particular property described in subdivision (i) of this subparagraph, and the denominator of the fraction is the value of the gross estate for Federal estate tax purposes. The numerator and denominator, or the denominator only as the case may be, must be reduced by an amount which properly reflects the allowance of deductions authorized by applicable provisions of the estate tax statutes. Under the Internal Revenue Code of 1954 in force on the effective date of §§ 570.101 to 570.112, the deductions referred to herein are those authorized by sections 2053, relating to expenses, etc.; 2054, relating to losses; 2055, relating to transfers for charitable, etc., uses; and 2056, relating to bequests, etc., to the surviving spouse. If any such deductions pertain specifically to the property which forms the numerator, both the numerator and the denominator must be reduced by the amount of the deductions (see example (2), subparagraph (6) of this paragraph). If the deductions pertain specifically to property other than that forming the numerator, adjustment to the denominator only is required (see example (3), subparagraph (6) of this paragraph). If any of the deductions are applicable generally, and hence pertain in equal proportions to both the property forming the numerator and to that forming the denominator, no adjustment with respect thereto is required to either the numerator or denominator (see example (1), subparagraph (6) of this paragraph). If, however, any deduction referred to herein (as, for instance, a bequest to a charitable organization or to the surviving spouse, the discharge of a liability of the estate, or the payment of administration expenses) is allowed with respect to the transfer of an interest in, or expenditure of funds derived from, a group of assets which includes both property which is part of the numerator and other property, the numerator is reduced by an amount which bears the same ratio to the allowable deductions as the portion of such numerator which is included in the group of assets bears to the total value of such group. As used in this section, the term "group of assets" has reference to those assets which, under applicable law, are chargeable with the transfers, payments, etc., referred to herein (see example (3), subparagraph (6) of this paragraph). Where the assets so chargeable are insufficient to bear the burden of such transfers, payments, etc., the term "group of assets" shall also have reference to other assets necessarily utilized (see example (4), subparagraph (6) of this paragraph).

(iii) Any reduction described in subdivision (ii) of this subparagraph with respect to the marital deduction must proportionately take into account the limitation on the aggregate amount of the marital deduction contained in section 2056 (c) of the Code, if applicable (see example (2), subparagraph (6) of this paragraph).

(5) Where credit is allowed against the Federal estate tax under applicable provisions of the estate tax statute, the following rules apply.

(i) Where such credits do not pertain to specific property, the total of such credits must be deducted from the gross Federal estate tax before applying to it the proportion prescribed in subparagraph (4) (ii) (see example (5), subparagraph (6) of this paragraph).

(ii) Where any such credit pertains to specific property, the application of the proportion prescribed in subparagraph (4) (ii) of this paragraph to the gross Federal estate tax, as adjusted in subdivision (i) of this subparagraph, shall first be completed. The amount of tax thus found to be attributable to the specific property which meets the required conditions should then be reduced by the amount of such credit pertaining to that property (see example (6), subparagraph (6) of this paragraph).

Under the Internal Revenue Code of 1954 in force on the effective date of §§ 570.101 to 570.112, credits referred to herein are those authorized by sections 2011 for State death taxes, 2012 for gift taxes, and 2013 for tax on prior transfers.

(6) *Examples of the computation of the primary credit.* All values are expressed in United States money. For purposes of simplicity, it is assumed, in all cases, that no credit against the Canadian duty for Provincial death duties is involved.

Example (1). The decedent died a domiciliary of the United States possessed of stock in a Canadian corporation valued at $100,000 and stock in United States corporations valued at $400,000. Debts, no part of which is payable out of specific property, amount to $50,000. The decedent's daughter was bequeathed $200,000 and his son, $300,000. The Dominion succession duties on Canadian stocks totaled $9,823. The Federal estate tax after credit for State inheritance tax but before any credit for foreign death taxes amounted to $102,100. The Federal estate tax attributable to the Canadian property is

$$\frac{100,000}{500,000}\times 102,100 \text{ or } \$20,420.$$

Since the total of the Canadian duties is smaller than the Federal tax attributable to the Canadian property, the credit is limited to $9,823.

Example (2). The decedent was a citizen of the United States domiciled in Canada. His gross estate consisted of stock of Canadian corporations $150,000, Canadian Government bonds $100,000, and stocks of United States corporations $500,000. There were no debts and administration expenses. He bequeathed to his widow free of all charges and taxes, the $150,000 of Canadian stocks and $350,000 of United States stocks. The residue was bequeathed to his son. The marital deduction is limited to one-half of the adjusted gross estate, or $375,000. The Dominion succession duties attributable to the Canadian property are $77,358.33. The Federal estate tax, after credit for State inheritance tax but before any credit for foreign death taxes amounts to $80,500. The Federal estate tax attributable to the Canadian property is a fraction of $80,500, the numerator of which is the total Canadian property $250,000, adjusted to reflect the allowance of the marital deduction with respect to the Canadian stocks, and the denominator of which is the entire gross estate $750,000, reduced by the amount bequeathed to the widow and allowed as a marital deduction, $375,000, or

$$\frac{250,000-\left(150,000\times\frac{375,000}{500,000}\right)}{750,000-375,000}\times 80,500 = \$29,516.67.$$

Inasmuch as the Federal estate tax attributable to the Canadian property is less than the Dominion succession duties attributable thereto, the credit is limited to $29,516.67.

Example (3). The decedent was a citizen and domiciliary of the United States. His estate consisted of stock in Canadian corporations $100,000, Canadian Government bonds $100,000, stocks in United States corporations $400,000, insurance payable to his son in the United States $100,000, and real property in the United States $100,000. The debts (of which $50,000 is a lien against the Canadian stock) and administration expenses amount to $150,000. A charitable organization in the United States was bequeathed, free of all expenses and taxes, the Canadian Government bonds and $150,000 of United States stocks. The residue of the estate was left to the decedent's son. The total gross estate is $800,000 including

$200,000 of assets situated in Canada. After deducting the specific debt of $50,000 and the specific charitable bequest of $100,000 of Canadian bonds from the Canadian assets, and the specific charitable bequest of $150,000 of United States stocks and the insurance of $100,000 from the United States assets, there remains available for the payment of the $100,000 of expenses, which are applicable generally, a group of assets totaling $400,000, of which $50,000 is situated in Canada. Accordingly, the general debts chargeable to the Canadian assets amount to

$$\frac{\$50,000}{\$400,000}\times 100,000=\$12,500.$$

The Dominion succession duties amount to $24,604.40. The Federal estate tax, after allowance of credit for State inheritance taxes, but before credit for foreign death taxes, is $87,700. The Federal estate tax attributable to the Canadian property is a fraction of $87,700, the numerator of which is the total Canadian property of $200,000, reduced by the debts, administration expenses, and bequests attributable thereto, and the denominator of which is the total gross estate $800,000, reduced by the total amount allowed for debts, administration expenses, and charitable bequests, or

$$\frac{200,000-(50,000+100,000+12,500)}{800,000-(150,000+250,000)}\times 87,700=\$8,221.88.$$

Inasmuch as the Federal estate tax attributable to the Canadian property is less than the Dominion succession duties imposed thereon, the credit is limited to $8,221.88.

Example (4). The decedent died a citizen and domiciliary of the United States. His gross estate included a revocable trust in favor of his brother, the corpus of which comprised Canadian stocks, $200,000, and United States stocks, $300,000. In addition, the gross estate included United States stocks, $200,000, a bank account of $50,000 in the United States, and real property in the United States held with his brother in joint tenancy with right of survivorship, $100,000. Debts and administration expenses, no part of which was payable out of specific property, amounted to $150,000. The decedent bequeathed $150,000 to a United States charitable organization. Under the terms of the trust, the trustee was empowered to turn over to the executor any amount necessary for the payment of debts, administration expenses, taxes, general legacies, etc., in the event the assets in his hands were insufficient for those purposes. The Canadian stocks were subjected to Dominion succession duties in the amount of $40,480. It should be noted that the legacy to the charity, the debts, and the administration expenses mentioned above, amounted to $300,000 and that only $250,000 of assets were in the hands of the executor. Accordingly, it was necessary to draw on the trust assets to the extent of $50,000. Thus, the portion of the Canadian stocks utilized is

$$\$50,000\times\frac{200,000}{500,000}=\$20,000.$$

The Federal estate tax, after credit for State inheritance taxes but before credit for foreign death taxes, amounts to $130,500. The Federal estate tax attributable to the Canadian property is a fraction of $130,500, the numerator of which is $180,000 ($200,000—$20,000), and the denominator of which is the total gross estate $850,000 reduced by the total amount of the allowances for charity, debts, etc., $300,000, or

$$\frac{\$180,000}{\$850,000-\$300,000}\times 130,500=\$42,709.09.$$

Inasmuch as the tax imposed on the Canadian stocks by the Dominion of Canada is smaller than the Federal estate tax attributable thereto, the credit is limited to $40,480.

Example (5). The decedent, a citizen and domiciliary of the United States, died on September 1, 1954. He bequeathed all of his estate consisting of stocks of Canadian corporations, $100,000, and stocks of United States corporations, $400,000, to his son. The Canadian stocks and $100,000 of the United States stocks were received by the decedent from a prior decedent who died January 15, 1952, and whose estate was subjectd to Federal estate tax and Dominion succession duty. Debts, no part of which is payable out of specific property, amount to $50,000. The Dominion succession duty amounts to $6,254. The Federal estate tax, after allowance of credit for State inheritance taxes and credit for tax on prior transfers, but before credit for foreign death taxes, amounts to $56,660. The provisions of section 2013 require that credit thereunder be treated as applying generally although, in fact, attributable to specific property. The Federal estate tax attributable to the Canadian property is a fraction of $56,660, the numerator of which is the value of the Canadian property and the denominator the value of the entire gross estate, or

$$\frac{100,000}{500,000}\times 56,660=\$11,332.00.$$

Inasmuch as the Dominion succession duty on the Canadian property is less than the Federal estate tax attributable thereto, the credit is limited to $6,254.00.

Example (6). The decedent was, at time of death, a citizen and domiciliary of the United States. His gross estate consisted of real property in the United States valued at $100,000, tangible personal property situated in the United States, $100,000, stocks of United States corporations, $100,000, stocks of Canadian corporations, $100,000, and real property in Canada valued at $100,000. The stocks of United States corporations had been the subject of an inter vivos gift by the decedent to his sister two years prior to his death. The gift was held by the United States tax authorities to have been made in contemplation of death. No deduction for debts was claimed. The decedent's sister was sole legatee of the estate. The Dominion succession duty amounted to $55,400, of which $27,700 is attributable to the doubly-taxed stocks. The Federal estate tax, after credit for State inheritance taxes, but before any credit for gift tax or for foreign death taxes, amounts to $87,700. Credit is allowable, under section 2012 of the Internal Revenue Code of 1954, in the amount of $8,595, for gift tax paid in connection with the gift of stocks. The Federal estate tax attributable to the Canadian stocks is computed as follows:

$$\frac{100,000}{400,000}\times 87,700=\$21,925.$$

Since the gift tax credit is specifically attributable to United States property, it constitutes a deduction against the tax attributable to that property and no adjustment is required to the tax attributable to the Canadian stocks as above computed. Inasmuch as the Federal estate tax attributable to the doubly-taxed Canadian property is less than the Dominion succession duty imposed thereon, the credit is limited to $21,925.

(c) *Secondary credit.* (1) In the case of the estate of a decedent who at the time of death was domiciled in or a citizen of the United States and who was regarded by Canada as being domiciled in its territory, each contracting country will allow against its tax a credit with respect to property subject to tax by both countries and deemed situated outside both countries. The total of the credits authorized under this paragraph shall be equal to the amount of tax imposed by the country imposing the smaller tax which is attributable to such property and shall be divided between the two countries in proportion to the amount of tax imposed by each which is attributable to such property. (Article V (2) of the convention.)

(2) For the purpose of determining the credit allowable with respect to property deemed situated outside both contracting countries, the term "tax attributable" to property has the same meaning and is to be computed in the same manner and on the same basis as in paragraph (b) of this section, subject to the following adjustment. Where credit is allowed by a contracting country either under its tax statute or under a treaty with a third country, for tax imposed with respect to the same property, the tax attributable to that property as otherwise computed must be reduced by such credit.

(3) Examples of the computation of the secondary credit:

Example (1). The decedent was a citizen of the United States domiciled in Canada. His estate consisted of stocks in Canadian corporations $100,000, stocks in United States corporations $100,000, and tangible personal property physically situated in country X, $100,000. Debts and charges, no part of which was attributable to specific property, amounted to $30,000. The entire estate was bequeathed to the decedent's son. The Dominion succession duty amounted to $68,370. The Federal estate tax, after credit for State inheritance taxes, but before credit for any foreign death taxes, amounted to $50,820. Country X, taxing on the basis of situs of property therein, imposed a tax of $20,000. One-third of the Federal estate tax, $16,940, is attributable to property situated in Canada. A similar amount is attributable to the property situated in country X. Under Article V (1) of the convention the United States allows credit in the amount of $16,940 for tax attributable to the stock of Canadian corporations and Canada allows a similar amount for tax attributable to property situated in the United States. Under section 2014 of the 1954 Code, the United States allows credit in the amount of $16,940 for tax attributable to property situated in country X. Under Article V (2) of the convention, neither the United States nor Canada would allow credit inasmuch as the Federal estate tax attributable to such property is reduced to zero by the allowance of the statutory credit.

Example (2). The facts are the same as in example (1) except that the tangible personal property is situated in country Y which imposes a tax of $10,000 on the basis of situs. Under section 2014 of the 1954 Code, the United States allows credit for the tax of country Y in the amount of $10,000. For the purpose of computing credit under Article V (2) of the convention, the Federal estate tax attributable to the property in country Y is $6,940 ($16,940 minus the credit allowed under section 2014). The Dominion succession duty attributable to that property is one-third of $68,370 or $22,790. The credit allowable by the United States under Article V (2) is computed as follows:

$\frac{6,940}{29,730}\times 6,940$ $1,620.03

the credit allowable by Canada is

$\frac{22,790}{29,730}\times 6,940$ 5,319.97

Total credits allowable 6,940.00

Example (3). The facts are the same as in example (1) except that the tangible personal property is situated in country Z with which Canada has a death duty convention. Country Z imposed a tax of $10,000 on the basis of situs. Under the aforementioned convention, Canada allows a primary credit of $10,000 for tax paid to country Z with respect to tangible personal property situated therein. Under section 2014 of the 1954 Code, the United States allows a primary credit of $10,000 with respect to the same property. For the purpose of computing credit under Article V (2) of the convention, the Dominion succession duty attributable to the property situated in country Z is $12,790 (13/30 of Canadian tax of $68,370 minus credit of $10,000). The United States tax attributable to the same property is $6,940 (1/3 of United States tax of $50,820 minus credit of $10,000). Credit under Article V (2) of the convention is shared by the United States and Canada in the following manner:

By the United States:

$\frac{6,940}{19,730}\times 6,940$ $2,441.14

By Canada:

$\frac{12,790}{19,730}\times 6,940$ 4,498.86

Total credits allowable 6,940.00

(d) If at the time the Federal estate tax return, Form 706, is filed, the Dominion succession duty has not been determined and paid, credit therefor may be entered on the return in an estimated amount. Before credit for the Dominion succession duty is finally allowed, however, a statement certified by an authorized official of the Canadian Department of National Revenue must be submitted. Form 706CE "Certification of Payment of Foreign Death Duty" is provided for this purpose. The certification should show (1) the amount of duty as finally determined by Canada (exclusive of any penalty or interest), (2) the amounts paid and the dates of payment, and (3) a list of the property subjected to Dominion succession duty indicating the nature, location and value of each item. The certification should also show whether the Dominion duty was computed in accordance with the provisions of the convention and whether a claim for refund is contemplated or has been filed. If a claim has been filed, the certification should contain a statement explaining the action taken or to be taken thereon. Where more than one inheritance is involved, information should be submitted with respect to the property comprising each separate inheritance and the duty imposed thereon. The Commissioner may require the submission of any additional proof (as indicated by Form 706CE, or a revision thereof, or as specially requested) deemed necessary to establish the right to credit. If subsequent to the allowance of credit for Dominion succession duty a refund of such duty is made, the person to whom the refund is made is required to notify the Commissioner of such fact and to pay any further Federal estate tax which may result from a reduction in the credit.

§ 570.109 *Claim for credit or refund and interest on refund*—(a) *Limitations on credit or refund.* Credit authorized by § 570.108 and Article V of the convention will be allowed if claimed within six years after the date of the decedent's death.

(1) No overpayment of estate tax due to the allowance of credit or to the application of any other provision of the convention may be refunded after the expiration of a period of six years from the date of the decedent's death unless during that period a claim therefor has been filed, or a petition alleging the right to credit or to other relief under the convention has been filed with The Tax Court of the United States. If a timely petition has been filed with The Tax Court of the United States, no refund shall thereafter be made except as provided in section 6512 of the Internal Revenue Code of 1954 (or corresponding provisions of subsequent statutes).

(2) In the case of a remainder or reversionary interest where payment of taxes is deferred until the date on which the interest falls into possession, the six-year period of limitation referred to above shall begin on that date. This rule applies only to cases where the executor elects to postpone payment of the taxes attributable to the remainder or reversionary interest pursuant to and in accordance with the applicable law of the country concerned. In the case of the United States, sections 6163 (a), 6601 (b) and 7101 of the Internal Revenue Code of 1954 are applicable. In the case of Canada, section 29 of the Dominion Succession Duty Act of 1941, as amended, is applicable. (Article VI (1) of the convention.)

(b) *Claims for refund.* A claim for refund should set forth under the penalties of perjury each ground upon which the refund is claimed and facts sufficient to apprise the Commissioner of the exact basis thereof. Any claim for refund which does not comply with the provisions of the preceding sentence will not be considered for any purpose as a valid claim for refund. Claim for refund should be made on Form 843 and filed with the District Director of Internal Revenue for the district in which the estate tax return was filed. A claim for refund, however, will not be considered defective solely by reason of the fact that it is not made on such form or that it is filed with the Commissioner of Internal Revenue.

(c) *Interest on refunds prohibited.* Any refund of estate tax due to the application of any of the provisions of the convention shall be made without interest. (Article VI (2) of the convention.)

§ 570.110 *Competent authorities.* (a) The term "competent authorities" or "competent authority," as used in the convention means in the case of the United States, the Commissioner of Internal Revenue or his duly authorized representative, and in the case of Canada, the Minister of National Revenue of Canada or his duly authorized representative. (Article XIII (1) (c) of the convention.)

(b) Direct communication between authorities: In cases where doubt arises with respect to the interpretation or application of the convention, the competent authorities may settle such questions by mutual agreement. For this purpose, and for the purpose of giving effect to any provision of the convention; the competent authorities are authorized to communicate directly with each other. (Article X (b) and (c) of the convention.)

§ 570.111 *Exchange of information*—(a) *General.* In order to prevent evasion and to facilitate administration, the United States and Canada will furnish each other such information as their competent authorities have at their disposal or are in a position to obtain under their respective revenue laws which may be of use in the assessment of the Federal estate tax and Dominion succession duty. (Article VII of the convention.)

(b) *Information to be furnished.* The Commissioner will notify the Minister as soon as practicable when the Commissioner ascertains that there is property situated in Canada in the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, and that there is property situated in the United States in the case of the estate of a decedent who at time of death was domiciled in Canada. The Minister will notify the Commissioner as soon as practicable when the Minister ascertains that there is property situated in the United States in the case of the estate of a decedent who at time of death was domiciled in Canada, and that there is property situated in Canada in the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States. (Article VIII of the convention.) The competent authority of each country will upon specific request also furnish information to the competent authority of the other country relative to Federal estate tax or Dominion succession duty which is available or which may be obtained under the revenue laws of the respective countries. (Article IX of the convention.) If, subsequent to the allowance by one of the contracting countries of a credit authorized by Article V of the convention, a refund of tax is made by the other contracting country, the latter shall promptly advise the former of that fact.

§ 570.112 *Protests by interested persons.* If a fiduciary or beneficiary can show that double taxation has resulted or may result with respect to the Federal estate tax and the Dominion succession duty, such fiduciary or beneficiary is entitled to file a protest with the country of which he is a citizen or in which he is domiciled. The competent authority of the country where protest is filed may, at his discretion, consult the competent authority of the other country in order to determine whether the alleged double taxation exists or may occur, and if so, whether it may be avoided in accordance with the convention. (Article XI of the convention.)

[F. R. Doc. 57-8900; Filed, Oct. 28, 1957; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 112—PARCEL POST

PART 123—INSURANCE

CHART OF RATES AND MAILING CONDITIONS; FEES AND LIMITS OF INSURANCE

1. In § 112.1 *Chart of rates and mailing conditions* amend the country item "China [1]" so as to indicate the availability of insurance service.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

2. In § 123.3 *Fees and limits of insurance* amend the table of countries in paragraph (b) (1) by inserting, in proper order, "China, Republic of", with a limit of insurance of $165.00.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

The foregoing amendments are effective November 1, 1957.

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

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TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1532]

[Anchorage 032838]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE AS A WHITE ALICE COMMUNICATION SITE, AND AIR STRIP

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for use of the Department of the Air Force, as a communication site and air strip:

PARCEL 1

Beginning at a point from which USC&GS Station "Big Mountain," latitude 59°23' 27.316" N., longitude 155°13'29.204" W., bears west 160 feet; thence

South, 200 feet; West, 1,100 feet; North, 450 feet; West, 530 feet; North, 100 feet; East, 630 feet; South, 50 feet; East, 1,000 feet; South, 300 feet to point of beginning.

The tract described contains approximately 13.97 acres.

PARCEL 2

Beginning at a point from which USC&GS Station "Big Mountain," latitude 59°23' 27.316" N., longitude 155°13'29.204" W., bears north 9,650 feet and east 1,700 feet, thence

S., 4°45' W., 1,750 feet;
N., 85°15' W., 8,000 feet;
N., 4°45' E., 1,750 feet;
S., 85°15' E., 8,000 feet to point of beginning.

The tract described contains 321.40 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 23, 1957.

[F. R. Doc. 57-8860; Filed, Oct. 28, 1957; 8:45 a. m.]

[Public Land Order 1533]

[Colorado 07761]

COLORADO

CORRECTING PUBLIC LAND ORDER NO. 1495 OF SEPTEMBER 9, 1957, WHICH WITHDREW PUBLIC LANDS FOR USE OF ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

In Federal Register Document 57-7537, appearing as Public Land Order No. 1495 at page 7313 of the issue for Friday, September 13, 1957, the land description in paragraph (b) under T. 43 N., R. 18 W., should read sec. 4, N½ instead of sec. 4, NW¼.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 23, 1957.

[F. R. Doc. 57-8861; Filed, Oct. 28, 1957; 8:45 a. m.]

[Public Land Order 1534]

[Fairbanks 013247]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force for military purposes:

NOME AREA

Beginning at a point approximately 3 miles north of the Townsite of Nome, from which U. S. C. and G. S. Station "Anvil", latitude 64°33'41.900" N., longitude 165°23'09.333" W., bears N. 74°03'11" E., 2,400 feet, thence

North, 630 feet; East, 600 feet; South, 720 feet; West, 600 feet; North, 90 feet to point of beginning.

The tract described contains approximately 9.92 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 23, 1957.

[F. R. Doc. 57-8862; Filed, Oct. 28, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-1165]

[Rules Amdt. 1-13]

PART 1—PRACTICE AND PROCEDURE

PETITIONS TO CONSOLIDATE

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of October 1957;

The Commission having under consideration an amendment of §§ 1.378 (e) and 1.724 (b), of its rules, which concern the consolidation of mutually exclusive applications for hearing;

It appearing, that since under its rules the Commission will not act on applications for broadcast facilities until at least 30 days after public notice of their acceptance for filing is given, all persons will have a minimum of 30 days in which to file applications in competition with an application or applications already on file; and

It further appearing, that the amendment herein ordered would promote greater efficiency in Commission operations; and

It further appearing, that the amendments herein ordered are procedural in nature, and, therefore, compliance with the requirements of sections 4 (a), (b) and (c) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to sections 4 (f) and 5 (g) of the Communications Act of 1934, as amended, §§ 1.378 (e) and 1.724 (b) of the Commission's rules and regulations are amended as shown below, effective December 10, 1957.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 1.724 (b) of the Commission's rules and regulations is amended to read as follows:

(b) (1) In broadcast cases, no application will be consolidated for hearing with a previously filed application or applications unless such application is substantially complete and tendered for filing not later than the close of business on the day preceding the day the previously filed application or applications are designated for hearing.

(2) In nonbroadcast cases, any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application.

(3) Any mutually exclusive application filed after the date prescribed in subparagraphs (1) or (2) of this paragraph will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

2. The last sentence of § 1.378 (e) is deleted.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

[F. R. Doc. 57-8901; Filed, Oct. 28, 1957; 8:51 a. m.]

[Rules Amdt. 3-99]

PART 3—RADIO BROADCAST SERVICES

INDICATING INSTRUMENTS

The Commission has under consideration the desirability of making certain editorial changes in Part 3 of its rules and regulations.

Section 3.39 (d) as adopted by the Commission September 19, 1957, effective October 25, 1957 (FCC 57-1015; Docket 11677); published in the FEDERAL REGISTER September 27, 1957 (22 F. R. 7682) and corrected October 3, 1957 (22 F. R. 7864) inadvertently omitted the text of existing subparagraph (9).

The amendment adopted herein is editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately.

The amendment adopted herein is issued pursuant to authority contained in sections (4) (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information.

It is ordered, This 24th day of October 1957, that, effective October 25, 1957, § 3.39 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: October 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 3.39 (d) is amended by the addition of the following subparagraph:

(9) In the event there is any question as to the method of providing, or the accuracy of the remote meter, the burden of proof of satisfactory performance shall be upon the licensee and the manufacturer of the equipment.

[F. R. Doc. 57-8903; Filed, Oct. 28, 1957; 8:51 a. m.]

[Docket No. 12135; FCC 57-1166]

[Rules Amdt. 3-100]

PART 3—RADIO BROADCAST SERVICES

CERTAIN TELEVISION BROADCAST STATIONS, TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration the proposal set out in its notice of proposed rule making released on August 7, 1957 (FCC 57-893) and published in the FEDERAL REGISTER on August 10, 1957 (22 F. R. 6433) proposing to assign Channel 13 to Fajardo, Puerto Rico, in response to a petition filed by Continental Broadcasting Corporation.

2. Continental advanced the following alternative plans:

PLAN A

City	Present	Proposed
Charlotte Amalie, V. I.	10−, 12+	10−
Aguadilla, P. R.	13+	
Aguadilla-Arecibo, P. R.		12+
Fajardo, P. R.		13+

PLAN B

City	Present	Proposed
Charlotte Amalie, V. I.	10−, 12+	10−
Aguadilla, P. R.	13+	12+
Fajardo, P. R.		13+

3. In a report and order in Docket No. 11861, released August 7, 1957, Channel 13 was assigned to Arecibo-Aguadilla, Puerto Rico. In view of this change, the petitioner supports Plan A as modified to eliminate the designation of Channel 13 to Aguadilla and to show it as assigned to Arecibo-Aguadilla. Comments were submitted by Continental, Hector Reichard, Winston-Salem Broadcasting Company, Inc., and Abacoa Radio Corporation.

4. In support of its request Continental urges that the municipality of Fajardo had a population in 1950 of 22,116 and that it is anticipated that the U. S. Naval Base near Fajardo will have a population of approximately 10,000 persons. Petitioner contends that a television station on Channel 13 at Fajardo would provide service to the communities of Laguillo (population 9,967), Ceiba (population 9,199), Naguabo (population 21,019), Humacao (population 34,853), Yabucoa (population 28,810), and Vieques (population 9,228); and would serve Charlotte Amalie and Christiansted in the Virgin Islands. Continental maintains that Fajardo and the surrounding area receives only marginal service from the San Juan television stations and no service whatsoever from other stations. Finally, it notes that there has been no demand for use of any of the three channels allocated to the Virgin Islands and submits that if it becomes economically feasible to operate a commercial television station there, the two remaining allocations are adequate. With respect to the use of Channel 12 at Arecibo-Aguadilla, Continental points out that it will be necessary to locate a proposed site so as to provide the necessary adjacent channel separation to Channel 11 at Caguas but asserts that sites are available from which the separation rules and the minimum coverage requirements may be met for operation with facilities as low as 50 kw of power and an antenna height of 1,000 feet above average terrain.

5. Hector Reichard, an applicant for a television station at Aguadilla, supports the request of Continental for the assignment of Channel 12 to Arecibo-Aguadilla and that of Channel 13 to Fajardo. Reichard states that a study has been made of the topography in the Arecibo-Aguadilla area which shows that suitable transmitter sites are available to afford adequate service to either Aguadilla or Arecibo.

6. Winston-Salem Broadcasting Company, another applicant for Channel 13 at Aguadilla, opposes Continental's proposal. It submits that its proposed site now complies with all the separation requirements for Channel 13 at Aguadilla; but that if Channel 12 is substituted for Channel 13 at Arecibo-Aguadilla as proposed, its site would not be usable since the distance between that site and Station WKVM-TV on Channel 11 at Caguas is only 58 miles. Finally, Winston-Salem supports the counterproposal advanced by Abacoa Radio Corporation outlined below.

7. Abacoa Radio Corporation states in opposition that it is a prospective applicant for a station for Channel 13 in the Arecibo area; that the area in which such a station may be located is not now limited by any co-channel or adjacent channel assignment or stations; and that the transmitted site to be specified by it would not be feasible for Channel 12. Abacoa urges that a Channel 12 station in this area would have to be more than 19 miles from Arecibo, and in view of this and the rough terrain in the area between Arecibo and Aguadilla, a practical and economical installation capable of serving both communities and the heavily populated area of northwestern Puerto Rico may not be possible. Abacoa submits that there is a greater population concentration around Arecibo than Fajardo and that accordingly there is greater need for a television station in Arecibo than in Fajardo; and that the present assignments represent a more fair and equitable distribution of facilities than the proposed assignments. Abacoa advances a counterproposal, which it argues would not affect any Puerto Rico channel and would conform to the rules. This proposal would assign Channel 8 to Fajardo by deleting this assignment from Christiansted, Virgin Islands, and by shifting either Channel 10 or 12 from Charlotte Amalie to Christiansted to replace Channel 8. Abacoa points out that site selection on Channel 8 at Fajardo would be more dif-

ficult due to the requirement that it be 60 miles from the adjacent channel Station WSUR–TV on Channel 9 at Ponce but asserts that a transmitter site could be located in the area or on islands a few miles off the coast.

8. In reply to the comments of Winston-Salem, Continental urges that the proposed substitution of Channel 12 at Arecibo-Aguadilla would require only a slight move of Winston-Salem's proposed site, and that since Winston-Salem is only an applicant, the action would not be prejudicial to it. In reply to Abacoa's contentions, Continental urges that Abacoa has not yet filed any application for a station; that its pleading is unsupported by an engineering showing; and that there is a large area in which numerous sites are available for Channel 12 which would fulfill the requirements of the Rules and would provide service to either Aguadilla or Arecibo. With respect to the counterproposal to assign Channel 8 to Fajardo, Continental argues that the location of a site for operation at Fajardo would be severely limited and would limit the service Continental proposes to provide to cities and municipalities that would normally fall within the sphere of a Fajardo station and that such communities are in need of service since they are not now receiving an acceptable signal from any other station.

9. In its reply comments, Abacoa contends that Continental has not taken into account the extremely rugged and mountainous terrain between Arecibo and Aguadilla in submitting that satisfactory sites are available for operation on Channel 12. Abacoa argues that the suitability of a site depends on many factors in addition to terrain and that none of these factors has been considered by Continental. Finally, Abacoa urges that an Arecibo station on Channel 12 would require a more costly installation than would an Arecibo station on Channel 13 and the proposed substitution of Channel 12 for Channel 13 may have the practical effect of making it economically impossible to establish a station at Arecibo.

10. Continental's proposal would assign Channel 13 to Fajardo as a first assignment by substituting Channel 12 for Channel 13 in Arecibo-Aguadilla and making other changes in assignments in the Virgin Islands. No parties have opposed the changes in the Virgin Islands. Two parties oppose the substitution in Arecibo-Aguadilla, one an applicant for Channel 13 at Aguadilla and the other a prospective applicant for Arecibo. Winston-Salem, the applicant for Channel 13 would be required to select a site about 2 miles east of its present site in the event the proposal is adopted.[1] Abacoa argues that the proposal would severely limit sites to serve Arecibo and offers a counterproposal which would permit Channel 13 to remain in Arecibo-Aguadilla and assign Channel 8 to Fajardo.

11. After careful consideration of all the comments filed in this proceeding, we are of the view that the proposal of Continental would serve the public interest and should be adopted. The Channel 12 proposal permits a rather wide area in which a site may be selected. This area ranges from about 45 square miles to several hundred square miles, depending on the power and antenna height to be employed. A site could be selected as close as 19 miles to Arecibo if any interested party wished to apply for a station to serve that city. It is significant to note that Winston-Salem has selected a site over 22 miles from Aguadilla. On the other hand, under Abacoa's proposal, the area in which Channel 8 could be utilized at Fajardo consists of a strip along the coast, roughly 3 miles wide. It thus appears that the Channel 12 proposal would be less restrictive for applicants who propose to serve either Aguadilla or Arecibo than would an applicant who plans to serve Fajardo and inland communities. It is our judgment, therefore, that the Channel 12 proposal is to be preferred. In making this determination we are not unmindful of the fact that Winston-Salem will have to amend its application to specify another site meeting the requirements of the rules and that Abacoa, in the event it files an application for a station to serve Arecibo, will not have as much freedom of choice in its selection of a site. However, we are of the view that the overall advantages of the Channel 12 proposal outweigh any possible hardship on the applicants for Arecibo or Aguadilla.

12. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

13. In view of the foregoing: *It is ordered*, That effective December 2, 1957, § 3.606 of the Commission's rules and regulations is amended, insofar as the cities named are concerned, as follows:

a. Amend the table to read:

City	Channel No.
Puerto Rico:	
Arecibo-Aguadilla	12+
Virgin Islands:	
Charlotte Amalie	10–

b. Add to the table under Puerto Rico:

Fajardo	13+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: October 23, 1957.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8902; Filed, Oct. 28, 1957; 8:51 a. m.]

[Docket No. 12136]

PART 16—LAND TRANSPORTATION RADIO SERVICES

LICENSING OF SPEED MEASURING DEVICES

In the matter of amendment of Part 16 of the Commission's rules to provide for the licensing of Speed Measuring Devices in the Land Transportation Radio Services; Docket No. 12136.

The Commission's report and order in the above-entitled proceedings (FCC 57–1151) adopted October 16, 1957, and released October 21, 1957, is corrected as follows:

In paragraph 4 of the amendments, correct § 16.405 to read § 16.406 wherever it appears.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–8904; Filed, Oct. 28, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

PROPOSED RULE ESTABLISHING MERCHANTABLE FREE, RESTRICTED, AND ALLOCATION PERCENTAGES FOR 1957–58 MARKETING YEAR

Notice is hereby given that the Secretary is considering the establishment of merchantable free, restricted, and allocation percentages for walnuts grown in California, Oregon, and Washington during the marketing year August 1, 1957, through July 31, 1958. The proposed rule, which is based upon the recommendations of the Walnut Control Board and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR, Part 934; 22 F. R. 7885). Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to data, views or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the 15th day after publication of this notice in the FEDERAL REGISTER.

The percentages are proposed on the basis that the production of merchantable unshelled walnuts in District 1 and in District 2 will not be their normal relative merchantable unshelled production, and on the basis of the following estimates for unshelled walnuts during the marketing year beginning August 1, 1957: (a) Merchantable unshelled walnut production of 96,766,000 pounds, of which 91,082,000 pounds will be produced in District 1 and 5,684,000 pounds will be produced in District 2; (b) handler carryover on August 1, 1957 of 14,418,000 pounds which were not certified for handling prior to such date; (c) total supply of merchantable unshelled walnuts subject to regulation of 111,184,000 pounds; (d) trade demand of 72,500,000 pounds; (e) handler carryover on August 1, 1957 of 5,106,000 pounds which was certified for handling prior to such date; (f) desirable handler carryover on July 31, 1958 of 10,000,000 pounds; and (g) trade demand adjusted for handler carryover at beginning and end of the marketing year of 77,394,000 pounds.

Based on the foregoing estimates for unshelled walnuts, and the following estimates for shelled walnuts during the marketing year beginning August 1, 1957, it appears that the total supply of merchantable walnuts (shelled and unshelled) will not exceed the trade demand therefor, and there will be no surplus walnuts; (a) Merchantable shelled walnut production of 26,078,000 pounds; (b) handler carryover on August 1, 1957 of 1,642,000 pounds of undeclared shelled walnuts; (c) total supply of merchantable shelled walnuts subject to regulation of 27,720,000 pounds; (d) trade demand of 27,000,000 pounds; (e) declared handler carryover on August 1, 1957 of 6,647,000 pounds; (f) desirable handler carryover on July 31, 1958, of 6,000,000 pounds; and (g) trade demand adjusted for handler carryover at beginning and end of the marketing year, of 26,533,000 pounds.

The proposed rule is as follows:

§ 984.209 *Merchantable free, restricted, and allocation percentages for walnuts during the marketing year beginning August 1, 1957.* During the marketing year beginning August 1, 1957, the following percentages shall be in effect:

	District 1	District 2
	Percent	*Percent*
Merchantable free	70	85
Merchantable restricted	30	15
Merchantable allocation	43	18

Terms used herein shall have the same meaning as when used in the said amended marketing agreement and order.

Dated: October 24, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57–8938; Filed, Oct. 28, 1957; 8:56 a. m.]

[1] It is noted that the site selected by Winston-Salem is over 22 miles from Aguadilla and only 12 miles from Mayaguez, where two channels are assigned.

[7 CFR Part 1000]

[Docket No. AO–266–A1]

MILK IN CHATTANOOGA, TENNESSEE, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Patten Hotel, 1 East Eleventh Street, Chattanooga, Tennessee, beginning at 10:00 a. m., on December 3, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chattanooga, Tennessee, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The notice contains a proposal to establish appropriate Class I prices to be effective after the present temporary pricing provision expires February 28, 1958. The hearing will be open for general consideration of long-run Class I pricing methods, including automatic adjustments based on the relationship of supplies to demand.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Chattanooga Area Milk Producers Association:

1. Amend § 1000.6 to read as follows:

§ 1000.6 *Producer.* "Producer" means any approved dairy farmer who produces milk which is received during the month at a pool plant: *Provided*, That if such milk is diverted for his own account by a handler as defined in § 1000.9 (a), to a nonpool plant or by a cooperative qualified under § 1000.15 to a pool plant or to a nonpool plant, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

2. Amend § 1000.9 to read as follows:

§ 1000.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more pool plants; or

(b) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a pool or a nonpool plant in accordance with the provisions of § 1000.6.

3. Amend § 1000.11 to read as follows:

§ 1000.11 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a pool plant or nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1000.6.

4. Amend § 1000.13 (a) to read as follows:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

5. Amend § 1000.27 (k) (1) to read as follows:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

Proposed by R. T. Cochran, attorney for certain Chattanooga handlers:

6. Provide in the order specifically for the classification of skim milk and butterfat used to produce sour cream as Class II milk.

7. Amend § 1000.43, "Transfers", paragraph (a), by deleting the first sentence in said paragraph and substituting therefor the following language: "Skim milk and butterfat transferred or diverted to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk."

8. Provide in the order that fluid milk products received by a handler in consumer packages from a plant subject to the regulation of another order issued pursuant to the act shall be classified according to use, and provide in the allocation system of the order, § 1000.45, that skim milk and butterfat in such products be allocated in the allocation system according to use.

Proposed by the Chattanooga Area Milk Producers Association:

9. Amend § 1000.51 (a) so as to establish an appropriate level of Class I prices for this marketing area, effective for March 1, 1958, and for subsequent periods since the present Class I pricing provisions expire Februray 28, 1958.

10. Amend § 1000.52 (a) to read as follows:

(a) *Class I milk price.* Multiply the Chicago butter price for the preceding month by 0.12; and

11. Amend § 1000.52 (b) to provide for any change in the Class II differential which may be considered advisable as a result of the proposed change in the Class I butterfat differential proposed above.

12. Amend § 1000.73 to read as follows:

§ 1000.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be

increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1000.52, divided by the total butterfat in producer milk and rounding to the nearest one-tenth of a cent.

13. Amend § 1000.54 by deleting paragraph (b) and by amending paragraph (a) to read as follows:

(a) During all months of the year, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and the Class I location differential of the plant at which the milk was received from farmers.

14. Amend § 1000.70 (b) to read as follows:

(b) Add an amount computed by multiplying by the rate of compensatory payment as determined pursuant to § 1000.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products: (1) The hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (2) and (b); plus (2) the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (4) and (b) which is in excess of the sum of: (i) The quantity for which a payment may be computed pursuant to paragraph (d) of this section; and (ii) the quantity subtracted from Class II milk pursuant to § 1000.45 (a) (3) and (b) in the preceding month.

15. Amend § 1000.91 by inserting a new paragraph (c) to read as follows:

(c) A base which has been established by two or more persons operating a dairy farm as a bona fide partnership, may be split between the partners on any basis agreed to in writing by the partners provided written notification of the agreed division of base signed by each partner is received by the market administrator prior to the first day of the month on which such division is to be effective.

16. Amend § 1000.92 to read as follows:

§ 1000.92 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer of the daily average base established by such producer. On or before the same date of each year, the market administrator shall notify each cooperative association, as defined in § 1000.15, of the daily average base of each member producer of such cooperative association, and shall notify each handler receiving milk from nonmember producers of the daily average base established by each nonmember producer.

Proposed by R. T. Cochran, attorney for certain Chattanooga handlers:

17. Provide in the order that the deliveries of a producer to a plant subject to the regulation of another order issued pursuant to the act, during the base-forming period provided in this order, will be recognized and included for the computation of such producer's daily average base under this order.

Specifically, delete the present § 1000.90 and substitute therefor the following:

§ 1000.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1000.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants and at plants subject to the regulation of another order issued pursuant to the act during the months of September through January immediately preceding, by the number of days from the first day of delivery of such producer during such months to the last day of January, inclusive, or by 120, whichever is more.

18. Amend § 1000.3, "Chattanooga, Tennessee, marketing area", to provide for the inclusion in said marketing area of the counties of Sequatchie, Marion and Meigs, in the State of Tennessee.

Specifically, delete the present § 1000.3 and substitute therefor the following:

§ 1000.3 *Chattanooga, Tennessee, marketing area.* "Chattanooga, Tennessee, marketing area", hereinafter called "marketing area", means all of the territory included within the boundaries of Hamilton, McMinn, Bradley, Sequatchie, Marion, and Meigs counties, all in the State of Tennessee.

Proposed by the Dairy Division, Agricultural Marketing Service:

19. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P. O. Box 9051, Chattanooga 11, Tennessee, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 24th day of October 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-8923; Filed, Oct. 28, 1957; 8:54 a. m.]

Commodity Stabilization Service

[7 CFR Part 811]

CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

SUGAR REQUIREMENTS, QUOTAS, AND QUOTA DEFICITS FOR CALENDAR YEAR 1958

Pursuant to the authority contained in the Sugar Act of 1948, as amended (7 U. S. C. 1100; Pub. Law 545, 84th Cong.), the Secretary of Agriculture is preparing to determine the sugar requirements and to establish sugar quotas for the calendar year 1958 (1) for the continental United States pursuant to sections 201 and 202 of the act, and (2) for local consumption in Hawaii and in Puerto Rico pursuant to sections 201 and 203 of the act. The Secretary is also preparing to determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area in 1958 and to reallot, pursuant to section 204, any quota deficit so determined.

Section 201 of the act provides that the Secretary of Agriculture shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. In making such determinations, the Secretary is directed to use as a basis the amount of sugar distributed for consumption during the 12 months ending October 31 of the preceding calendar year and to adjust such amount for any deficiency or surplus in inventories of sugar and for changes in consumption because of the changes in population and demand conditions. The Secretary is also directed to take into consideration certain standards with a view to providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry. The standards to be taken into consideration include those enumerated above and also the level and trend of consumer purchasing power and the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947-1949 as indicated by the Consumers Price Index as published by the Bureau of Labor Statistics of the Department of Labor.

Section 202 of the act provides the method by which the Secretary must establish quotas for domestic areas and foreign countries at different levels of total requirements.

Section 203 of the act provides that the Secretary also shall determine in accordance with such provisions of section 201 as he deems applicable, the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and shall establish quotas for local consumption in such areas equal to the amounts so determined.

Section 204 of the act provides that the Secretary shall from time to time determine whether in view of various factors specified in the act, any area will be unable to market the quota for such area. Section 204 further provides that upon a finding that any such area will be unable to market its quota, the deficit so determined shall be reallocated, in accordance with a stated formula.

A public hearing will be held in Washington, D. C., in the Freer Gallery of Art, Jefferson Drive at Twelfth Street SW., on November 19, 1957, at 10:00 a. m., e. s. t., for the purpose of affording interested persons an opportunity to present orally any data, views, or arguments with respect to the determination of sugar requirements and the establishment of sugar quotas for the continental United States for the calendar year 1958. The principal matters for consideration at the hearing relate to (1) the manner of determining deficiencies or surpluses in inventories of sugar, (2) the effect upon requirements of various changes in demand conditions, (3) the effect of the prospective 1958 level and trend of consumer purchasing power, (4) the manner in which the relationship between the wholesale price of refined sugar and the general cost of living in the United States should be employed or considered, and (5) the relative importance of the foregoing factors in determining the sugar requirements for 1958.

Prior to the issuance of regulations setting forth the sugar requirements for the continental United States for the calendar year 1958 and the sugar quotas for 1958 for domestic and foreign areas, consideration will be given to any data, views, or arguments pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. Prior to the issuance of regulations setting forth (1) the sugar requirements for Hawaii and for Puerto Rico for the calendar year 1958 and the sugar quotas for 1958 for local consumption in such areas, and (2) the amount by which any area will be unable to market the quota for such area in 1958 and the reallotment of such deficit, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Sugar Division, Commodity Stabilization Service. Written data, views or arguments must be submitted in duplicate and must be received not later than November 29, 1957. Such data, views, or arguments submitted at the hearing will be accepted as a part of the record, but will not be copied into the transcript of the oral testimony given at the hearing. All such data, views or arguments will be available for examination at the office of the Hearing Clerk.

Issued at Washington, D. C., this 23d day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-8935; Filed, Oct. 28, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12227; FCC 57-1167]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

BRADFORD, PENNSYLVANIA

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission is in receipt of an application for a new television broadcast translator station (BPTT-147) to be operated on Channel 70 at North Warren, Pennsylvania. The site selected by the applicant is only 26 miles from Bradford, Pennsylvania, where Channel 70 is assigned for a television broadcast station pursuant to § 3.606 of the rules. Since the co-channel assignment spacing requirement is 155 miles, the television translator application cannot be granted unless Channel 70 is removed from Bradford. It further appears that no other translator channel (Channels 70 through 83) is available for North Warren which would meet the requirements of the rules. In view of this, and the expressed need and demand for translator service in the area, it is proposed to substitute Channel 80— for Channel 70— in Bradford.

3. The Commission is of the view that rule making proceedings should be instituted on this proposal in order that all interested parties may submit their views and relevant data.

4. Authority for the adoption of the amendment proposed herein is contained in section 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 29, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 23, 1957.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8905; Filed, Oct. 28, 1957; 8:52 a. m.]

[47 CFR Part 19]

[Docket No. 12228; FCC 57-1172]

CITIZENS RADIO SERVICE

TYPE APPROVAL OF RECEIVER-TRANSMITTER COMBINATIONS

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. In order to simplify and facilitate the licensing of stations operating in the Citizens Radio Service, Part 19 of the Commission's rules provides for the type approval of transmitting equipment intended for use in this service. Type approval is based on tests performed by the Commission's Laboratory Division of technical characteristics of this equipment. If the results of these tests indicate that the equipment is capable of functioning in accordance with the technical specifications and regulations governing the Citizens Radio Service, type approval of that particular type may be granted. The type approval number is required by rule (§ 2.540) to be displayed on the name plate which must be located conspicuously on the unit. It should be emphasized that type approval is issued under an expressed limitation that the determination leading to such approval was made with respect to the requirements of the rules governing the Citizens Radio Service only. (See §§ 2.511 and 19.44 of the Commission's rules.) Issuance of type approval for transmitting equipment intended for use in the Citizens Radio Service should not, therefore, be construed as indicating that the equipment may be in compliance with other rule Parts.

3. Because certain radio receivers are capable of radiating signals and causing radio interference, the Commission has found it necessary to establish regulations regarding the permissible levels of radiation from such receivers. These are contained in Subpart C, Part 15, of the Commission's rules. Section 15.64 provides that no receiver to which these rules are applicable may be operated without a station license unless it has been certificated to demonstrate compliance with the radiation limits of Subpart C. Certification may be obtained either by the receiver manufacturer, the distributor, or by the user, in accordance with procedures outlined in this subpart.

4. It has come to the Commission's attention that certain equipments now being manufactured for use in the Citizens Radio Service contain in a common housing, and under a common model number, both a receiver and a transmitter, or portions of each. Models of such equipment have been sent to the Commission's Laboratory Division where the transmitting portions have been tested for type approval for use in the Citizens Radio Service. However, the associated receiver has not been certificated to show compliance with Part 15 limits. If type approval is issued, the Commission is concerned that users of the equipment, noting the indication of official Commission approval posted conspicuously on the equipment, will construe this indication as applicable to the entire apparatus including both the transmitter and the receiver portions. Although such an interpretation of the meaning of type approval is denied specifically in the rules, the Commission considers it desirable that all possibility of misinterpretation be eliminated. It is further considered that, as a matter of good policy, approval should not be accorded to one portion of a complete equipment when that portion normally would not be used separately and when other portions of the complete equipment may fail to meet the Commission's requirements.

5. Accordingly, it is proposed to amend the Commission's rules governing the Citizens Radio Service to provide that the receiving portion of integrated transmitting-receiving equipment such as that discussed above must be certificated before type approval may be granted. The Commission believes that

the public interest, convenience, and necessity would be served by adoption of an amendment such as that set forth below.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (a), (e), (f), (g), (h), and (r) of the Communications Act of 1934, as amended.

7. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before November 22, 1957, a written statement setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments in reply to the original comments may be filed within 30 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished to the Commission.

Adopted: October 23, 1957.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 19 of the Commission's rules as follows:

1. Add a new § 19.46 as follows:

§ 19.46 *Type approval of receiver-transmitter combinations.* Type approval will not be issued for transmitting equipment for operation under this part when such equipment is enclosed in the same cabinet, or is constructed on the same chassis in whole or in part, or is identified with a common type or model number, with a radio receiver unless such receiver has been certificated to the Commission as complying with the requirements of Part 15 of this chapter.

[F. R. Doc. 57-8906; Filed, Oct. 28, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Civil Aeronautics Administration has filed an application, Serial No. F. 013568, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for airport purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NOME AIRPORT

Mineral Survey 1361.
Containing 1.174 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 57-8864; Filed, Oct. 28, 1957; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Fish and Wildlife Service has filed an application, Serial No. Anchorage 039164, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but excluding the mineral leasing laws. The applicant desires the land for District Headquarters Site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 4 N., R. 2 W., Copper River Meridian,
Sec. 23: W½NW¼SE¼NE¼SW¼SW¼, NE¼SW¼NE¼SW¼SW¼, E½NW¼SW¼NE¼SW¼SW¼, SW¼SW¼NE¼NE¼SW¼SW¼, South of Highway Centerline, SE¼NW¼NE¼SW¼SW¼, South of Highway Centerline, E½SW¼NW¼NE¼SW¼SW¼, South of Highway Centerline.

Containing approximately 1.89 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 57-8865; Filed, Oct. 28, 1957; 8:45 a. m.]

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR THE DEPARTMENT OF THE AIR FORCE

Notice of the proposed withdrawal and reservation of land for the Department of the Air Force in the Anchorage, Alaska area, was published in the FEDERAL REGISTER, April 10, 1957, Volume 22, Number 69, Page 2378. The area embraced by this application, which is identified by the serial number, Anchorage 033552, has been amended to read as follows:

PORT HEIDEN AREA

TRACT A

A tract of land located near Port Heiden on the Alaska Peninsula near Latitude 56°58'57" N., Longitude 158°38'27" W., described as follows:

Commencing at a point at latitude 56°58'57" N., longitude 158°38'27" W., thence South 1,000 feet to the point of beginning for this description; thence West 1,000 feet; thence North 2,000 feet; thence East 2,000 feet; thence South 2,000 feet; thence West 1,000 feet to the Point of Beginning;
Containing 91.83 acres, more or less.

TRACT B

A parcel of land located near Port Heiden, on the Alaska Peninsula, Territory of Alaska, more particularly described as follows:

Commencing at U. S. C. & G. S. Monument "Meshik", latitude 56°54'59.688" N., longitude 158°40'41.814" W., 1949 N. A. D.; thence S. 51°02'30" W., 726.4 feet; thence S. 14°06' W., 148.9 feet to the point of beginning for this description; thence S. 75°54' E. 300 feet; thence S. 14°06' W., 700 feet; thence N. 75°54' W., 170 feet, more or less to a point on the east boundary of U. S. Survey No. 1220; thence North 165 feet, more or less, to Corner No. 4 of said survey; thence West 390 feet, more or less, along the north boundary of said survey; thence N. 14°06' E., 635 feet, more or less; thence S. 75°54' E., 300 feet to the Point of Beginning.
Containing 8.62 acres, more or less.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 57-8863; Filed, Oct. 28, 1957; 8:45 a. m.]

POST OFFICE DEPARTMENT

DIRECTOR OF REAL ESTATE, BUREAU OF FACILITIES

REDELEGATION OF AUTHORITY WITH RESPECT TO LEASES AND THE ACCEPTANCE AND ASSIGNMENT OF OPTIONS TO PROCURE PROPERTY

The following is the text of Order No. 152 of the Assistant Postmaster General, Bureau of Facilities dated October 8, 1957:

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), and Order No. 55884, dated April 28, 1955 (20 F. R. 3548), authority is hereby delegated to the Director of Real Estate, Bureau of Facilities, to take final action, in my name—

To make lease extension agreements where the annual rental is $10,000 or less.

The authority delegated by this order shall be exercised by the Director of Real Estate, Bureau of Facilities, throughout the United States, its Territories and Possessions, including Guam.

This amends paragraph (B) 3 of Order No. 101, dated September 12, 1955 (20 F. R. 7399).

(R. S. 161, 396 as amended; sec. 1 (b) 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-8887; Filed, Oct. 28, 1957; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ASSOCIATE GENERAL COUNCIL AND CHIEF, ADMINISTRATIVE SERVICES BRANCH

DELEGATION OF AUTHORITY TO CERTIFY COPIES OF DOCUMENTS

Pursuant to the provisions of section 623d, Chapter 11A, Title 5, United States Code, and Reorganization Plan No. 1 of 1953, the following officials of the Office of the General Counsel are authorized to certify copies of documents on file in the Department of Health, Education, and Welfare, and to cause the seal of the Department to be affixed:

ASSOCIATE GENERAL COUNSEL

Chief, Administrative Services Branch.

Dated: October 23, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-8899; Filed, Oct. 28, 1957; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 53]

DISTRICT DIRECTORS

DELEGATION OF AUTHORITY TO CANCEL REGISTRATION CERTIFICATES

Pursuant to the authority vested in me by Commissioner Delegation Order No. 33, dated June 6, 1956:

1. District Directors are authorized to cancel registration certificates, Form 637, issued pursuant to § 314.7 or § 314.8 of Regulations 44 and § 316.20 of Regulations 46, whenever it is established to their satisfaction that:

(a) The registrant is not a bona fide manufacturer or producer of taxable articles (including a refiner, compounder or blender of gasoline and a dealer selling gasoline exclusively to producers of gasoline), or

(b) The registrant is not a manufacturer or producer of any article using automobile parts or accessories taxable under section 4061 (b), refrigerator components taxable under section 4111, radio or television components taxable under section 4141, or camera lenses taxable under section 4171 in the further manufacture of any article, or

(c) The registrant is not a vendee reselling to a manufacturer described in (a) and (b), or

(d) Tax free sales are being made for purposes not warranted by law and regulations.

2. The authority delegated herein may not be redelegated.

Issued: October 10, 1957.

Effective date: October 10, 1957.

[SEAL] C. W. STOWE,
Assistant Commissioner (Operations).

[F. R. Doc. 57-8921; Filed, Oct. 28, 1957; 8:54 a. m.]

Office of the Secretary

[1957 Dept. Cir. 997]

FEDERAL NATIONAL MORTGAGE ASSOCIATION 4⅞ PERCENT NOTES OF SERIES ML-1958-B

OFFERING OF NOTES

OCTOBER 21, 1957.

I. *Offering of notes.* 1. The Secretary of the Treasury, on behalf of the Federal National Mortgage Association, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the Federal National Mortgage Association, designated 4⅞ percent notes of Series ML-1958-B. The amount of the offering is $750,000,000, or thereabouts. The books will be open only on October 21, 1957, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated October 29, 1957, and will bear interest from that date at the rate of 4⅞ percent per annum, payable on June 26, 1958. They will mature June 26, 1958, and will not be subject to call for redemption prior to maturity. Maturing principal, and interest coupons, will be payable when due at any Federal Reserve Bank or Branch, or at the Office of the Treasurer of the United States, Washington.

2. The notes will be issued under authority contained in section 306 (b) of the Federal National Mortgage Association Charter Act (Title III of the National Housing Act, as amended), which provides that obligations, together with the interest thereon, issued thereunder are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the Association.

3. The income derived from the notes does not have any exemption, as such, under the Internal Revenue Code of 1954. The notes are subject to Federal estate, gift or other excise taxes. The Federal National Mortgage Association Charter Act does not contain any specific exemption with respect to taxes now or hereafter imposed on the principal of or interest on the notes by any State, or any of the possessions of the United States, or by any local taxing authority.

4. The notes shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof. The notes also shall be eligible as investment securities for national banking associations.

5. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

6. Transactions in the notes will be subject, so far as applicable, to the regulations and procedures now or hereafter prescribed by the Treasury for the conduct of similar transactions involving marketable United States securities.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding one-half of the combined capital, surplus and undivided profits of the subscribing bank. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before October 29, 1957, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited.

2. Under arrangements made between the Federal National Mortgage Association and the Treasury Department, the Treasury will deposit on October 29, 1957, with subscribing banks which have qualified to maintain Treasury tax and loan accounts, amounts equal to the notes allotted to such banks for themselves and their customers, but not in

excess of any amounts for which they may be qualified in excess of existing deposits. Banks desiring to avail themselves of such deposits should remit payment for the full amounts of notes allotted to them by charges to reserve accounts or by drafts payable in funds immediately available on or before October 29, 1957. They should also credit on October 29, 1957, to the Treasury tax and loan accounts on their books any amount for which they desire such credit up to the amounts of their payments for notes allotted. The Treasury has authorized Federal Reserve Banks, as fiscal agents of the United States, to pay from other funds in the account of the Treasurer of the United States amounts equivalent to such credits to the respective subscribing banks for deposit in their Treasury tax and loan accounts. Such payments will be credited to accounts on the books of the Federal Reserve Banks or remitted to or for the accounts of the subscribing banks, as the latter may direct.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. Further information with respect to the organization of the Federal National Mortgage Association, its financial position, and the notes to be issued hereunder, may be obtained upon application to any Federal Reserve Bank, or to the principal office of the Association in Washington, D. C.

3. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57-8868; Filed, Oct. 28, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8008 et al.]

GENERAL PASSENGER FARE INVESTIGATION

NOTICE OF HEARING

In the matter of the passenger-fare level of the domestic trunkline carriers.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205, 403, 404, and 1002 (d) thereof, that the above-entitled proceeding is hereby assigned for hearing on November 18, 1957, at 10 a. m., e. s. t., in Conference Room B, Departmental Auditorium, 12th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the pleadings in this proceeding, particular attention will be directed to the following matters:

1. Whether the fares and charges demanded, collected, and received by each of the respondents, individually or jointly with one or more of the other respondents, for the transportation of passengers within the continental United States, excluding Alaska, are generally unjust or unreasonable.

2. If found to be unjust or unreasonable, what overall percentage changes in the fares or charges of the respondents collectively or individually should be permitted or required.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the various orders and notices entered herein, the documents filed by the parties, the Examiner's Report of Prehearing Conference, served September 14, 1956, and the Supplemental Report of Prehearing Conference, served October 12, 1956, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before November 12, 1957, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., October 22, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-8922; Filed, Oct. 28, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11997; FCC 57-1171]

STATUTORY INQUIRY INTO ALLOCATION OF FREQUENCIES TO VARIOUS GOVERNMENTAL SERVICES

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of statutory inquiry into the allocation of frequencies to the various non-governmental services in the radio spectrum between 25 Mc and 890 Mc; Docket No. 11997.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of October 1957.

The Commission having before it for consideration its Order of Inquiry in the above-entitled matter, released on April 11, 1957, and its order of June 12, 1957, extending the time for filing comments from July 1, 1957, to September 6, 1957, its order of August 8, 1957, extending the time for filing comments from September 6, 1957, to November 1, 1957, and requests filed by the Forestry Conservation Communication Association and the Committee on Manufacturers Radio Use for further extensions of 30 days and 60 days, respectively, in which to file comments; and

It appearing that while petitions for two extensions of the time in which to file comments have previously been granted, the Commission recognizes the complexity and importance of the matters under consideration in this proceeding, and is disposed to grant some additional time for the filing of comments; and

It further appearing that the information requested by the Commission in this proceeding is expected to aid the Commission in assisting in the formulation of U. S. proposals for the forthcoming International Radio Conference, and that therefore the Commission wishes to make clear that no additional extensions of time will be granted.

It is ordered, That the final date for filing comments in this proceeding is hereby extended until November 25, 1957.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8907; Filed, Oct. 28, 1957; 8:52 a. m.]

[Docket No. 12067; FCC 57M-1026]

WHAS, INC.

ORDER CONTINUING HEARING

In re application of WHAS, Inc., Louisville, Kentucky, Docket No. 12067, File No. BPCT-1950; for construction permit to change transmitter and antenna location.

The Hearing Examiner having under consideration a motion, filed on October 16, 1957, on behalf of WHAS, Inc., applicant in the above-entitled proceeding, requesting that the hearing therein now scheduled to be held on December 4, 1957, be continued for approximately thirty days; and

It appearing, that sufficient "good cause" has been set forth in the said motion to justify a grant of the relief requested therein, and that no oppositions thereto have been filed by any of the other parties to the proceeding within the four-day period specified for that purpose in § 1.745 of the Commission's rules;

It is ordered, This 23d day of October 1957, that the above motion be, and it is hereby, granted; and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Monday, January 6, 1958, in the offices of this Commission, Washington, D. C.

Released: October 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8908; Filed, Oct. 28, 1957; 8:52 a. m.]

[Docket Nos. 12107, 12222; FCC 57-1157]

RIVERSIDE CHURCH IN THE CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Co., Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1957;

The Commission having under consideration the above-captioned applications of The Riverside Church in the City of New York and the Huntington-Montauk Broadcasting Co., Inc., for construction permits for new Class B FM broadcast stations to operate on 106.7 megacycles (Channel No. 294) in New York City and Huntington, New York, respectively;

It appearing, that by Order of July 25, 1957 (released July 31, 1957) the Commission designated the application of The Riverside Church in the City of New York for hearing in a consolidated comparative proceeding with the application of the Highland Broadcasting Corporation, Docket No. 12108, File No. BPH-2203; and

It further appearing, That the application of the Highland Broadcasting Corporation has been removed from hearing status as the result of an amendment specifying another channel; and

It further appearing, that, on August 5, 1957, the application of the Huntington-Montauk Broadcasting Co., Inc., was amended to request a construction permit for a new Class B FM broadcast station to operate on 106.7 megacycles (Channel No. 294) in Huntington, New York, which is the same channel requested by The Riverside Church in the City of New York, and, therefore, the two applications are mutually exclusive; that the amendment to the application of the Huntington-Montauk Broadcasting Co., Inc., was filed within 10 days of the date of public notice of the order designating for hearing the application of The Riverside Church, and, therefore, the application is entitled to be consolidated therewith pursuant to § 1.724 (b) of the Commission's rules; and that, except as may appear from the issues specified below, both applicants herein are legally, technically, financially and otherwise qualified to operate the proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised of the aforementioned interference and that the Commission was unable to conclude that a grant of either of the applications would be in the public interest; and

It further appearing, that, by letter dated September 23, 1957, the Huntington-Montauk Broadcasting Co., Inc., requested that the order designating the applications for hearing include issues to determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposed operations would better provide a fair, efficient and equitable distribution of radio service and to determine whether Riverside Church is qualified to own and operate a noncommercial educational FM broadcast station and, if so, to determine whether a frequency is available in New York City for such a station; and

It further appearing, that, by letter dated September 30, 1957, counsel for Riverside Church contends that both applications are for Class B FM broadcast stations; that Class B stations are "designed to render service primarily to a metropolitan district" according to § 3.204 of the Commission's rules; that the Commission has promulgated an allocation plan for FM channels in order to assure the fair, efficient and equitable distribution of facilities; that in the allocation plan Channel 294, which both applicants are seeking, has been assigned to the New York metropolitan district and that both applicants propose locations in the New York metropolitan district; that Riverside Church is entitled to have its application considered on the merits without exploring possibilities of operation on noncommercial educational frequencies; and that, moreover, no noncommercial educational channel is available for assignment in New York City; and

It further appearing, that the Commission, in adopting the Allocation Plan for Class B FM Broadcast Stations found that the assignment of Channel 294 to the metropolitan district of New York, which includes such peripheral communities as Huntington, would be consonant with the fair, efficient and equitable distribution of radio service contemplated in section 307 (b) of the Communications Act of 1934, as amended; and that, moreover, evidence bearing upon the question of which proposal would better serve a particular segment or area of the New York metropolitan district may be received under the comparative issue specified hereinafter; and that the question of whether Riverside Church can qualify as a licensee of a noncommercial educational FM broadcast station is rendered moot by the fact that there is no noncommercial educational FM channel (suitable for the Class B operation contemplated by The Riverside Church) available for assignment in New York City; and

It further appearing, that the Commission, after consideration of the foregoing, is of the opinion that a consolidated hearing on the applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application of the Huntington-Montauk Broadcasting Co., Inc., is consolidated in the hearing proceeding on the application of The Riverside Church in the City of New York, Docket No. 12107; and

It is further ordered, That this order shall supersede, with respect to the Issues only, the Commission's above-mentioned Order released on July 31, 1957, in designating for hearing the said applications of The Riverside Church in the City of New York and the Highland Broadcasting Corporation; and the issues in said hearing proceeding shall be as follows:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That the request of the Huntington-Montauk Broadcasting Co., Inc., to include the aforementioned additional issues is hereby denied.

It is further ordered, That, to avail itself of the opportunity to be heard, the Huntington-Montauk Broadcasting Co., Inc., pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8909; Filed, Oct. 28, 1957; 8:52 a. m.]

[Docket No. 12188; FCC 57M-1024]

MORGAN CLEANERS-FURRIERS, INC.

ORDER CONTINUING HEARING

In re application of Morgan Cleaners-Furriers, Inc., Mansfield, Ohio, Docket No. 12188, File No. 1355-C2-R-57; for the renewal of the license for the station KQC876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration a request of the applicant, filed October 21, 1957, for continuance of hearing in the above-entitled proceeding;

It appearing, that the applicant is presently carrying forward certain plans, the completion of which, in its judgment, would have the effect of eliminating the necessity for a hearing;

It appearing further, that the Commission's Common Carrier Bureau agrees to the continuance herein requested and to a waiver of the provisions of § 1.745

of the rules to permit immediate consideration of the matter;

It appearing further, that the request is supported by a showing of good and sufficient cause and that the granting thereof would be in the public interest;

It is ordered, This 22d day of October 1957, that the request upon consideration is granted and that the hearing in the above entitled proceeding is continued to December 10, 1957.

Released: October 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8910; Filed, Oct. 28, 1957; 8:52 a. m.]

[Docket No. 12191; FCC 57M-1023]

RADIO DISPATCH SERVICE

ORDER CONTINUING HEARING

In re application of Radio Dispatch Service, St. Louis, Missouri, Docket No. 12191, File No. 848-C2-R-57; for the renewal of the license for the station KAA888, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration a request of the applicant, filed October 21, 1957, for continuance of hearing in the above-entitled proceeding;

It appearing, that the applicant is presently carrying forward certain plans, the completion of which, in its judgment, would have the effect of eliminating the necessity for a hearing;

It appearing further, that the Commission's Common Carrier Bureau agrees to the continuance herein requested and to a waiver of the provisions of § 1.745 of the rules to permit immediate consideration of the matter;

It appearing further, that the request is supported by a showing of good and sufficient cause and that the granting thereof would be in the public interest;

It is ordered, This 22d day of October 1957, that the request upon consideration is granted and that the hearing in the above-entitled proceeding is continued to December 11, 1957.

Released: October 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8911; Filed, Oct. 28, 1957; 8:52 a. m.]

[Docket No. 12192; FCC 57M-1025]

H. B. SCHULTZ

ORDER CONTINUING HEARING

In re application of H. B. Schultz, Fort Wayne, Indiana, Docket No. 12192, File No. 1584-C2-R-57; for the renewal of the license for the station KSC868, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration a "Request for Continuance of Hearing," filed by applicant on October 21, 1957, asking that the hearing scheduled for November 7, 1957, be continued for 30 days "in order to enable the applicant to carry forward certain plans now under active consideration, the completion of which may eliminate the necessity for a hearing in this matter";

It appearing, that counsel for the Broadcast Bureau has no objection to the immediate consideration and grant of the requested continuance; and

It further appearing, that because of the Hearing Examiner's schedule it is impracticable to set a definite date for the hearing as requested, and that in any event, as alleged, the hearing may never be held;

It is ordered, This 23d of October 1957, that the request is granted to the extent that the hearing of November 7, 1957, is continued to a date to be set by subsequent order; and that the parties inform the Hearing Examiner of the status of the proceeding by December 2, 1957.

Released: October 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8912; Filed, Oct. 28, 1957; 8:52 a. m.]

[Docket Nos. 12223, 12224; FCC 57-1158]

ARMIN H. WITTENBERG, JR., AND PASADENA PRESBYTERIAN CHURCH

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Armin H. Wittenberg, Jr., Los Angeles, California, Docket No. 12223, File No. BPH-2170; Pasadena Presbyterian Church, Pasadena, California, Docket No. 12224, File No. BPH-2179; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1957;

The Commission having under consideration the above-captioned applications of Armin H. Wittenberg, Jr., and the Pasadena Presbyterian Church for construction permits for new Class B FM broadcast stations to operate on 106.7 megacycles (Channel No. 294) in Los Angeles and Pasadena, California, respectively;

It appearing, that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 15, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing on these applications is necessary; and

It further appearing, that Armin H. Wittenberg, Jr., proposes to locate his FM antenna structure in the vicinity of the antenna structures of FM broadcast stations KFMU and KBMS and that there is a possibility of some reaction between the antennas of the proposed station and of Stations KFMU and KBMS; and

It further appearing, that the power gain of the antenna proposed by Armin H. Wittenberg, Jr., is 8.4 in place of 6.93 as specified in the application;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues;

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, in the event of a grant of the application of Armin H. Wittenberg, Jr., the construction permit shall contain a condition requiring the installation and adjustment of suitable filter circuits or other equipment which may be necessary to prevent objectionable interaction between the proposed station and Stations KFMU and KBMS.

It is further ordered, That, in the event of a grant of the application of Armin H. Wittenberg, Jr., the construction permit shall specify an effective radiated power of 41 kilowatts with a transmitter power output of 5 kilowatts.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8914; Filed, Oct. 28, 1957; 8:53 a. m.]

[Docket No. 12225; FCC 57-1159]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Salinas, Calif.	233	262

3. The purpose of the proposed amendment is to delete Channel 233 from the Salinas allocations so that a station would not be established there on that channel thereby causing interference in the Salinas area to reception of the signals of Station KPFA, Berkeley, California, operating on Channel 231.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 25, 1957 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 23, 1957.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8915; Filed, Oct. 28, 1957; 8:53 a. m.]

[Docket No. 12226; FCC 57-1162]

CAPITOL BROADCASTING CORP. (WCAW)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Capitol Broadcasting Corporation (WCAW), Charleston, West Virginia, Docket No. 12226, File No. BP-11094; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1957;

The Commission having under consideration the above-captioned application of the Capitol Broadcasting Corporation for a construction permit to change the facilities of Station WCAW, Charleston, West Virginia, from operation on 1400 kilocycles with a power of 250 watts, unlimited time, to operation on 680 kilocycles with a power of 250 watts, directional antenna, unlimited time;

It appearing, that, except as may appear from the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate Station WCAW as proposed but that the nighttime interference which would be received by the proposed operation would result in a loss of more than ten percent of the population within the proposed primary service area; and, that, therefore, the proposed operation would not be in compliance with § 3.28 (c) of the Commission's rules; and the applicant has requested a waiver of said section of the rules; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised of the aforementioned interference and that the reasons advanced in support of the request for a waiver of § 3.28 (c) of the rules were not considered sufficient by the Commission to warrant a waiver; and

It further appearing, that the applicant, in a reply dated August 31, 1957, renewed the request for a waiver of § 3.28 (c); cited a recent case involving the application of Palm Springs Broadcasting Corporation (KCMJ), 15 Pike and Fischer RR 422 and contended that the proposed operation of WCAW would provide a greater improvement in service to Charleston, West Virginia, than did the KCMJ proposal provide for Palm Springs, California; and

It further appearing, that the facts involved in the Palm Springs case differ materially from the facts of the instant case; and that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information concerning the proposed operation and the grounds advanced in support of the request for a waiver of § 3.28 (c) of the rules to enable the Commission to determine whether the public interest would be served by a grant thereof;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WCAW as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether, because of the interference received, the proposed operation of Station WCAW would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8916; Filed, Oct. 28, 1957; 8:53 a. m.]

[Docket Nos. 12128, 12129; FCC 57M-1030]

ALLEGAN COUNTY BROADCASTERS AND BOOTH RADIO & TELEVISION STATIONS, INC. (WJVA)

ORDER CONTINUING HEARING

In re applications of Allegan County Broadcasters, Allegan Michigan, Docket No. 12128, File No. BP-10928; Booth Radio & Television Stations, Inc. (WJVA), South Bend, Indiana, Docket No. 12129, File No. BP-11107; for construction permits.

The Hearing Examiner having under consideration a motion filed on October 22, 1957, by Booth Radio & Television Stations, Inc., requesting that the date for exchange of exhibits in the above-entitled proceeding, presently scheduled

for October 24, be extended to October 30, 1957; and that the hearing, presently scheduled for October 31, be continued to November 21, 1957;

It appearing that Booth Radio & Television Stations, Inc. is presently engaged in preparing a petition for leave to amend its application by revision of its engineering proposal, which will result in eliminating some of the interference to Allegan County Broadcasters, and may affect the issue concerning § 3.28 (c) of the Commission's rules, set forth in the Order of Designation in the above-entitled proceeding;

It further appearing, that if the exhibits were exchanged on October 24 based upon Booth Radio & Television Stations, Inc.'s present engineering proposal, such exhibits would become moot in the event the petition for leave to amend is granted;

It further appearing, that all other counsel in the proceeding have informally agreed to a grant of the instant motion and good cause has been shown for the grant thereof;

It is ordered, This 23d day of October 1957, that the motion be and it is hereby granted; and the date for exchange of exhibits be and it is hereby extended to October 30, 1957, and the hearing in the above-entitled proceeding be and it is hereby continued to November 21, 1957, at 10 o'clock a. m., in Washington, D. C.

It is further ordered, That counsel will notify other counsel what witnesses, if any, are desired for cross-examination on or before November 15, 1957, in lieu of the date previously fixed.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8917; Filed, Oct. 28, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13514]

PAN-AMERICAN PETROLEUM CORP., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Pan-American Petroleum Corporation (Pan-American) on September 24, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 24, 1957.
Purchaser: Mississippi River Fuel Corporation.
Rate schedule designation: Supplement No. 5 to Pan-American's FPC Gas Rate Schedule No. 27.
Effective date: October 26, 1957.[2]

[1] Present rate previously suspended and is in effect subject to possible refund in Docket No. G-9499.

[2] The stated effective date is the effective date proposed by Pan-American.

In support of the proposed periodic rate increase, Pan-American states that the increased rate is a contractual obligation arising from arm's-length bargaining.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 26, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided in §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8867; Filed, Oct. 28, 1957; 8:46 a. m.]

[Docket No. G-13517]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Sunray Mid-Continent Oil Company (Sunray), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated September 25, 1957.
Purchaser: Phillips Petroleum Company.
Rate schedule designation: Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 28.
Effective date: November 1, 1957.[4]

[3] Commissioners Digby and Kline dissenting.

In support of the proposed periodic increased rate, Sunray states that the sales contract was negotiated at arm's length and that the schedule of increasing prices was an incentive to its assent given to the long-term contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8868; Filed, Oct. 28, 1957; 8:46 a. m.]

[Docket No. G-13518]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Gulf Oil Corporation (Gulf) on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and

[4] The stated effective date is the effective date proposed by Sunray.

charge, is contained in the following designated filing:

Description: Notice of Change dated September 26, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 23.
Effective date: November 1, 1957.[1]

In support of the proposed rate increase, Gulf states that the proposed rate represents the fair and reasonable market value of the gas and that its contract was negotiated at arm's length.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8869; Filed, Oct. 28, 1957; 8:46 a. m.]

[Docket No. G-13519]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Gulf Oil Corporation (Gulf) on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [2] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated September 23, 1957.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 7 to Gulf's FPC Gas Rate Schedule No. 17.
Effective date: November 1, 1957.[1]

[1] The stated effective date is the date proposed by Gulf.

[2] The presently effective rate schedule is subject to possible refund in Docket No. G-11442.

In support of the proposed periodic increased rate, Gulf states that the sales contract was negotiated at arm's length and contends that it is a just and reasonable rate, the deprivation of which would amount to confiscation.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8870; Filed, Oct. 28, 1957; 8:46 a. m.]

[Docket No. G-13520]

SOUTHLAND ROYALTY CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Southland Royalty Company (Southland) on September 30, 1957, tendered for filing a proposed change in the presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated September 25, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 6 to Southland's FPC Gas Rate Schedule No. 14.
Effective date: October 31, 1957.[4]

In support of the proposed increased rate, Southland states that the favored-nation escalation provisions of its sales contract have been "triggered" by Phillips Petroleum Company's increase in rate for natural gas sold to El Paso Natural Gas Company. This latter increased rate is in effect subject to possible refund in Docket No. G-11217. Southland requests that the increased rate be permitted to take effect as of October 5, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 31, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8871; Filed, Oct. 28, 1957; 8:46 a. m.]

[3] Commissioners Digby and Kline dissenting.

[4] The stated effective date is the first day after expiration of the required thirty days' notice.

[Docket No. G–8789 etc.]

COLORADO OIL AND GAS CORP. ET AL.

NOTICE OF APPLICATIONS, PETITION TO AMEND ORDER AND DATE OF HEARING

OCTOBER 23, 1957.

In the matters of Colorado Oil and Gas Corporation, Docket No. G–8789; Excelsior Oil Corporation, Docket No. G–12495; Lewis Drilling Company, Operator, Docket No. G–12928.

Take notice that Colorado Oil and Gas Corporation (Colorado Oil) filed a petition to amend the Commission's order issued June 20, 1955, in Docket No. G–8789, and Excelsior Oil Corporation (Excelsior) and Lewis Drilling Company, Operator (Lewis) filed applications, pursuant to section 7 of the Natural Gas Act, for authorization for the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the petition and applications which are on file with the Commission and open to public inspection.

Colorado Oil filed a petition, on July 26, 1957, to amend the Commission's order issued June 20, 1955, in Docket No. G–8789, granting a certificate of public convenience and necessity authorizing the sale of natural gas produced from the Greenwood Field, Morton and Stanton Counties, Kansas, and Baca County, Colorado, to Colorado Interstate Gas Company (Colorado Interstate) under a sales contract dated April 18, 1955, as amended.

The petition seeks to amend the certificate issued in Docket No. G–8789 to delete therefrom a certain portion of the acreage in the Greenwood Field assigned in part to Excelsior Oil Corporation (Excelsior) and in part to Lewis Drilling Company (Lewis).[1] Excelsior acquired the subject acreage by two assignments dated June 27, 1957, subject to a farm-out agreement dated February 22, 1957, and Lewis by an assignment dated June 4 and two assignments dated June 18, 1957, subject to a farm-out agreement dated April 9, 1957.

On April 29, 1957, Excelsior in Docket No. G–12495, and on July 22, 1957, Lewis,[2] in Docket No. G–12928, filed applications for authorization to sell natural gas to Colorado Interstate from the acreage acquired from Colorado Oil.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 26, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8872; Filed, Oct. 28, 1957; 8:46 a. m.]

[1] A co-partnership consisting of H. W. Lewis, Hiram W. Lewis, Jr., and Jerome A. Lewis.

[2] Lewis' application covers the following nonsignatory co-owners: Clarence Coleman, Lindsay G. Morgan, Sheldon Coleman Investment Trust and Sheldon Coleman Trust No. 5.

[Docket Nos. G–11380, 11381]

F. WILLIAM CARR AND SAN PATRICIO OIL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 23, 1957.

In the matters of F. William Carr, and San Patricio Oil Corporation, Operator, Docket Nos. G–11380, G–11381.

Take notice that F. William Carr (Carr) and San Patricio Oil Corporation (San Patricio) filed joint applications on October 29, 1956, pursuant to section 7 of the Natural Gas Act, for approval and authority to abandon and render natural gas service to Texas Eastern Transmission Corporation as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective joint applications, which are on file with the Commission and open to public inspection.

Carr seeks to abandon and San Patricio proposes to continue service to Texas Eastern Transmission Corporation as described below:

(1) *Docket No. G–11380.* Sale of gas from the Sunset Field, Live Oak County, Texas, under a contract dated March 7, 1952, as amended. Carr was authorized to make this sale by order issued February 7, 1956, in Docket No. G–4887.

(2) *Docket No. G–11381.* Sale of gas from the West George West Field, Live Oak County, Texas, under a contract dated June 1, 1953. Carr was authorized to make this sale by order issued September 28, 1956, in Docket No. G–5735.

The respective applications state that effective March 1, 1956, Carr conveyed his entire working interest in the leases involved herein to San Patricio, which succeeded him as operator. Included with the submittals were instruments executed March 1, 1956, whereby San Patricio ratified and adopted the aforementioned contracts dated March 7, 1952, and June 1, 1953.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 26, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance ith the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8873; Filed, Oct. 28, 1957; 8:46 a. m.]

[Docket No. G–13465]

OHIO OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 23, 1957.

The Ohio Oil Company (Ohio Oil), on September 26, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Letter,[2] dated August 1, 1957. Notice of Change, dated September 23, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 5 to Ohio Oil's FPC Gas Rate Schedule No. 15. Supplement No. 6 to Ohio Oil's FPC Gas Rate Schedule No. 15.
Effective date: [3] November 1, 1957.

In support of the proposed redetermined rate increases, Ohio Oil states that the pricing provision is a contractual obligation to reflect actual value of the gas sold over the long term of the contract. The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 5 and 6 to Ohio Oil's FPC Gas Rate Schedule No. 15 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 5 and 6 to Ohio Oil's FPC Gas Rate Schedule No. 15.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–8874; Filed, Oct. 28, 1957; 8:47 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G–12037.

[2] Bi-lateral agreement wherein parties agree to a redetermined base rate from 20.4¢ to 21.2¢ per Mcf.

[3] The stated effective date is the effective date proposed by Ohio Oil.

[Docket No. G–13466]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 23, 1957.

The Texas Company (Texas), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 102.
Effective date: [2] November 1, 1957.

In support of the proposed redetermined rate increase, Texas cities the pricing provisions of its contract which provide that the stipulated periodic price increases set forth therein are subject to redetermination for five-year periods, which Texas states were initially negotiated and agreed to by the parties upon and after bona fide arm's-length bargaining. Texas states current increased expenditures required to replace gas reserves by far exceed the price increase requested. Texas also cites higher prices for new service in the area, such as the CATCO price of 22.4¢ to Tennessee Gas Transmission Company; the 23.9¢ price to Texas Eastern Transmission Corporation in the Rayne Field, and 22.8¢ prices to Southern Natural Gas Company in southern Louisiana.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 102 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 102.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDGE, *Secretary.*

[F. R. Doc. 57–8875; Filed, Oct. 28, 1957; 8:47 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G–11333.

[2] The stated effective date is the effective date proposed by Texas.

[Docket No. G–13467]

ARKANSAS FUEL OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 23, 1957.

Arkansas Fuel Oil Corporation (Arkansas), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 26, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 5 to Arkansas' FPC Gas Rate Schedule No. 13.
Effective date: [2] November 1, 1957.

In support of the proposed redetermined rate increase, Arkansas states the periodic escalation and redetermination provisions of its aforementioned rate schedule collectively represent the negotiated contract price for the sale of gas made thereunder; the pricing arrangement is common to many long-term contracts, and the contract results from bargaining at arm's-length. Arkansas further states that the subject rate schedule dedicates its large gas reserves in the Duck Lake Field for a term of twenty-five years, and the pricing arrangements represent a fair consideration for this long-term commitment.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Arkansas's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Arkansas' FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G–11289.

[2] The stated effective date is the effective date proposed by Arkansas.

to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8876; Filed, Oct. 28, 1957; 8:47 a. m.]

[Docket No. G-13468]

HUNT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 23, 1957.

Hunt Oil Company (Hunt), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 27, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 7 to Hunt's FPC Gas Rate Schedule No. 5.
Effective date: [2] November 1, 1957.

In support of the proposed redetermined rate increase, Hunt states that the pricing provision is a contractual obligation agreed upon by the parties in good faith and as the result of arm's-length bargaining. Hunt also states that because of the Commission's insistence that pipeline purchasers have definite commitments of natural gas for their suppliers for an extended period of time, the parties entered into a long-term contract wherein Seller, as part of the consideration, agreed on an installment sale based on reasonable price adjustments, sufficient to insure a continuing supply of natural gas to the ultimate consumer.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Hunt's FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Hunt's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8877; Filed, Oct. 28, 1957; 8:47 a. m.]

[Docket No. G-13469]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 23, 1957.

Pan American Petroleum Corporation (Pan American), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.
Purchaser: Iroquois Gas Corporation.
Rate schedule designation: Supplement No. 11 to Pan American's FPC Gas Rate Schedule No. 105.
Effective date: [3] November 1, 1957.

In support of the proposed periodic rate increase, Pan American states that the increase results from contractual obligations arrived at by arm's-length bargaining; the value received for natural gas is below that of other heating fuels, and denial of the increase would be confiscated of Pan American's property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Pan American's FPC Gas Rate Schedule No. 105 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR Ch. I], a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Pan American's FPC Gas Rate Schedule No. 105.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[4]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8878; Filed, Oct. 28, 1957; 8:47 a. m.]

[Docket No. G-13470]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 23, 1957.

Sunray Mid-Continent Oil Company (Sunray), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 27, 1957.
Purchaser: Iroquois Gas Corporation.
Rate schedule designation: Supplement No. 10 to Sunray's FPC Gas Rate Schedule No. 17.
Effective date: [5] November 1, 1957.

In support of the proposed periodic rate increase, Sunray states that the contract was negotiated at arm's length; it would not have entered into a long term contract without assurance that it would receive the full market value of the gas; the proposed rate is a just and reasonable price, and is in line with and not greater than the market value of the gas and field prices being paid by interstate purchasers of gas for resale in the general area where the gas is produced, sold and delivered.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Sunray's FPC Gas Rate Schedule No. 17 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Sunray's FPC Gas Rate Schedule No. 17.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[6]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8879; Filed, Oct. 28, 1957; 8:47 a. m.]

[Docket No. G-13471]

BRITISH-AMERICAN OIL PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 23, 1957.

The British-American Oil Producing Company (British-American), on October 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Iroquois Gas Corporation.
Rate schedule designation: Supplement No. 6 to British-American's FPC Gas Rate Schedule No. 8.
Effective date: [1] November 2, 1957.

In support of the proposed periodic rate increase, British-American states the increased rate was arrived at by the parties as a result of arms-length negotiations, and the value of the gas is what an unrestricted willing buyer and an unrestricted willing seller mutually agreed upon, the value of the gas to the buyer being not less than the total amount payable during the life of the contract. British-American asserts the proposed increase is just and reasonable and should be permitted to become effective as provided in the contract between the parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to British-American's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to British-American's FPC Gas Rate Schedule No. 8

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8880; Filed, Oct. 28, 1957; 8:48 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11124.

[2] The stated effective date is the effective date proposed by Hunt.

[3] The stated effective date is the effective date proposed by Pan American.

[4] Commissioners Digby and Kline dissenting.

[5] The stated effective date is the effective date proposed by Sunray.

[6] Commissioners Digby and Kline dissenting.

[1] The stated effective date is the first day after expiration of the required 30 days' notice.

[Docket No. G-13515]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Shell Oil Company (Shell), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 11.
Effective date: November 1, 1957.[1]

In support of the proposed rate increase, Shell states that it is based upon the contract redetermination provisions of its contract which were an essential inducement to it to enter into the long-term contract, that the contract was negotiated at arm's length and that the increased price is the fair market price for the gas to be sold thereunder.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37

[1] The stated effective date is the effective date proposed by Shell.

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8881; Filed, Oct. 28, 1957; 8:48 a. m.]

[Docket No. G-13516]

PAN-AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Pan-American Petroleum Corporation (Pan-American), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 9 to Pan-American's FPC Gas Rate Schedule No. 88.
Effective date: November 1, 1957.[2]

In support of the proposed periodic rate increase, Pan-American states that the proposed increase is based upon the contractual obligation resulting from arm's-length bargaining.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided in §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8882; Filed, Oct. 28, 1957; 8:48 a. m.]

[Docket No. G-5224]

BIG CHIEF DRILLING CO.

NOTICE OF DATE OF HEARING

OCTOBER 23, 1957.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 14, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by the application of Big Chief Drilling Company in the above-entitled proceeding: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Notice of the application filed herein was published in the FEDERAL REGISTER on April 18, 1957 (21 F. R. 2542). The final date for filing protests and petitions to intervene was May 1, 1956.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8895; Filed, Oct. 28, 1957; 8:50 a. m.]

[Docket No. G-11567]

HARPER-TURNER OIL CO., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 23, 1957.

In the matter of Harper-Turner Oil Company et al. and Harper Oil Company, Docket No. G-11567.

Take notice that Harper-Turner Oil Company et al.[4] and Harper Oil Company (Harper Oil) filed a joint application on December 6, 1956, pursuant to section 7 of the Natural Gas Act, for approval to section 7 of the Natural Gas Act, for approval to abandon and authority to continue natural gas service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

The joint application seeks approval and authority for:

(1) Harper-Turner Oil Company, et al., to abandon service from the Coffee Creek, South Bartlesville Unit, East Edmond North Field and from the Waterloo Field, both in Oklahoma County, Oklahoma, to Cities Service Gas Company (Cities Service). Said service was authorized on January 31, 1956, in Docket No. G-6124 and is covered by a contract between the parties dated July 23, 1953, as amended.

(2) Harper Oil to continue the subject service to Cities Service proposed to be abandoned by Harper-Turner Oil Company, et al.

The joint application states that all of the assets of Harper-Turner Oil Company were transferred, effective December 1, 1954, to F. E. Harper and Roy J. Turner, in partnership as Harper-Turner, that said partnership was subsequently renamed F. E. Harper, et al., upon the withdrawal therefrom of Roy J. Turner; and that all of the producing properties of F. E. Harper, et al., were transferred on February 1, 1955, to Harper Oil.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 26, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8896; Filed, Oct. 28, 1957; 8:50 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11330.

[2] The stated effective date is the effective date proposed by Pan-American.

[3] Commissioners Digby and Kline dissenting.

[4] Applicants are Harper-Turner Oil Company, a corporation, F. E. Harper and Roy J. Turner.

[Docket No. G-11841]

THE PITTSTON CO. AND CLINCHFIELD COAL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 23, 1957.

Take notice that The Pittston Company (Pittston) and Clinchfield Coal Corporation (Clinchfield) filed a joint application on January 28, 1957, pursuant to section 7 of the Natural Gas Act, for approval to abandon and authority to continue natural gas service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application, which is on file with the Commission and open to public inspection.

The joint application seeks approval and authority for:

(1) Clinchfield to abandon service to Kentucky-West Virginia Gas Company (Kentucky-West Virginia) from its gas producing acreage in Buchanan, Wise, Russell, and Dickenson Counties, Virginia, under a contract dated November 24, 1954, which service, in addition to the construction of 16.2 miles of 12-inch transmission line, was authorized on June 17, 1955, in Docket No. G-7586.

(2) Pittston to continue the subject service proposed to be abandoned by Clinchfield.

Applicants state that, effective as of December 28, 1956, Clinchfield merged with Pittston through a merger agreement dated September 10, 1956, and Pittston succeeded thereby to all of the obligations of Clinchfield under the contract involved herein. Applicants recite, further, that Pittston has continued the service to Kentucky-West Virginia as of the effective date of said merger.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 26, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8897; Filed, Oct. 28, 1957; 8:50 a. m.]

[Docket No. G-13491]

TIDEWATER OIL CO.

ORDER DENYING MOTION FOR WITHDRAWAL OF RATE SCHEDULE AND ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

On September 23, 1957, Tidewater Oil Company (Tidewater) filed a motion requesting (i) that the Commission allow Tidewater to withdraw its FPC Gas Rate Schedule No. 49 and Supplements No. 1 through 9 thereto, (ii) that the Commission vacate the certificate issued to Tidewater in Docket No. G-6262, and (iii) that the Commission vacate the suspension proceedings at Docket No. G-11340 and release Tidewater from any further obligation or liability under its agreement and undertaking dated May 7, 1957.

In the alternative, in the event the Commission does not grant the above-stated motion, Tidewater, on September 23, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 18, 1957.
Purchaser: Shell Oil Company.
Rate schedule designation: Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 49.
Effective date: [1] November 1, 1957.

In support of the motion to withdraw, Tidewater states that its contract with Shell, dated July 20, 1950, is apparently the type referred to in § 154.91, paragraph (e) of the regulations under the Natural Gas Act as a "percentage" sale, in that Tidewater sells to Shell Oil Company, operator of a processing plant, which in turn sells the residue gas to Texas Eastern. Tidewater's contract with Shell provides for payment to Tidewater of 60 percent of the market value of liquid hydrocarbons and the whole of a fixed schedule of prices to be received from Texas Eastern for the residue gas less a charge of 3.5 cents per Mcf which Shell deducts for gathering and compressing. Tidewater, therefore, is of the opinion that the contract should not be filed with the Commission as a rate schedule.

In support of the proposed rate increase, Tidewater states, among other things, that the contract was arrived at by arm's length bargaining, that the rates herein are less than the rates being offered and paid for gas in the same area under similar circumstances, and that the sale is in all respects fair, reasonable and just.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The sale to Shell by Tidewater is not a "percentage" sale as referred to in § 154.91, paragraph (e) of the regulations under the Natural Gas Act. Accordingly, the above-mentioned motion of Tidewater should be denied.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) The aforesaid motion of Tidewater Oil Company as filed on September 23, 1957, is denied.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8890; Filed, Oct. 28, 1957; 8:49 a. m.]

[Docket No. G-13493]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Magnolia Petroleum Company (Magnolia), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased

[1] The stated effective date is the date proposed by Tidewater.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12209.

rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 42.
Effective date: [1] November 1, 1957.

In support of the proposed rate increase, Magnolia states, among other things, that the contract was entered into in good faith as the result of arm's-length negotiations, that the contract would not have been entered into for such an extended time had the seller not been assured that the increase would be included as a part of the initial sale price, and that there has been an increase in costs of exploration, discovery, production, gathering and processing of natural gas, due to increase in costs of labor and materials and that there is an increase in costs as the developed gas fields approach the depletion state.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8891; Filed, Oct. 28, 1957; 8:49 a. m.]

[1] The stated effective date is the date proposed by Magnolia.

[2] Commissioners Digby and Kline dissenting.

[Project No. 1988]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

OCTOBER 23, 1957.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 1988, located on the Kings River, North Fork of Kings River, and Helms Creek in Fresno County, California, to include certain provisions for the protection of fish and wildlife resources and to clarify a provision relating to quarry sites on national forest lands.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules or Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is November 26, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8898; Filed, Oct. 28, 1957; 8:50 a. m.]

[Docket No. G-13494]

GULF OIL CORP., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Gulf Oil Corporation (Operator), et al. (Gulf) on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 23, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 2 to Gulf's FPC Gas Rate Schedule No. 67.
Effective date: [3] November 1, 1957.

In support of the proposed rate increase, Gulf states, among other things, that the contract was negotiated at arm's-length, that the price of gas in the contract is within the range of the current prices being paid and collected for gas purchased and sold from fields in Louisiana, and that the rate is a just, fair and reasonable price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8892; Filed, Oct. 28, 1957; 8:49 a. m.]

[3] The stated effective date is the effective date proposed by Gulf.

[Docket No. G-13495]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Gulf Oil Corporation (Gulf), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [4] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 23, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 11 to Gulf's FPC Gas Rate Schedule No. 27.
Effective date: [3] November 1, 1957.

In support of the proposed rate increase, Gulf states, among other things, that the contract was negotiated by arm's-length bargaining, that the rate is within the range of the current prices being paid and collected for gas produced and sold from fields in Louisiana, and that the price proposed is a just, fair and reasonable one.

[4] Present rate previously suspended and is in effect subject to refund in Docket No. G-11444.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8893; Filed, Oct. 28, 1957; 8:50 a. m.]

[Docket No. G-13513]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 23, 1957.

Tidewater Oil Company (Tidewater) on October 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 14, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 7 to its FPC Gas Rate Schedule No. 23.
Effective Date: November 16, 1957.[1]

In support of the proposed rate increase, Tidewater states that its sales contract was negotiated at arm's-length and that this periodic increase is an integral part of the consideration for its committing the gas for the 20-year term, and is in all respects fair, reasonable and just.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 16, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8894; Filed, Oct. 28, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1759]

BINGHAM METALS CO.

APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 23, 1957.

In the matter of Bingham Metals Company, Capital Assessable Stock, File No. 1-1759.

Salt Lake Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This security has been suspended from trading since 1949. The issuer has failed to file reports since that year. Its Utah charter was revoked in 1956.

Upon receipt of a request, on or before November 8, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] OVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8888; Filed, Oct. 28, 1957; 8:49 a. m.]

[1] The stated effective date is the first day after the expiration of the required thirty days' notice.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 24, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34252: *Perlite rock—between points in official territory.* Filed by O. E. Schultz, Agent (ER No. 2407), for interested rail carriers. Rates on perlite rock, expanded (lightweight concrete or plaster aggregate), carloads between points in official territory not including Illinois territory, southern Wisconsin, extended zone C in Wisconsin, nor points in the upper peninsula of Michigan.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 17 to Agent H. R. Hinsch's tariff I. C. C. 4772.

FSA No. 34253: *Phosphate—Anaconda, Mont., to western points.* Filed by W. J. Prueter, Agent (TCFB No. 342), for interested rail carriers. Rates on phosphate, acidulated, and phosphate acidu-

lated and ammoniated, carloads from Anaconda, Mont., to specified points in Minnesota, North Dakota, and South Dakota on the Minneapolis, St. Paul & Sault Ste. Marie Railroad Company.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 62 to Agent Prueter's tariff I. C. C. 1575.

FSA No. 34254: *Caustic Potash—Anniston, Ala., to Fernald, Ohio.* Filed by O. W. South, Jr., Agent (SFA No. A3550), for interested rail carriers. Rates on potassium (potash), caustic, tank-car loads from Anniston, Ala., to Fernald, Ohio.

Grounds for relief: Market competition.

Tariff: Supplement 4 to Agent Spaninger's tariff I. C. C. 1612.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-8885; Filed, Oct. 28, 1957; 8:48 a. m.]

PART II

FEDERAL REGISTER

VOLUME 22 NUMBER 210

Washington, Tuesday, October 29, 1957

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 57-33]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 147—USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD SHIPS

MISCELLANEOUS AMENDMENTS RESPECTING DANGEROUS CARGOES

This issue is divided into two parts. Part II contains United States Coast Guard regulations consisting of miscellaneous amendments respecting dangerous cargoes.

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 7, 1957 (22 F. R. 1433-1439), March 28, 1957 (22 F. R. 2047), and May 4, 1957 (22 F. R. 3185, 3186), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council. Purusant to these notices a public hearing was held on May 7, 1957, by the Merchant Marine Council at Washington D. C. This document is the seventh of a series covering the regulations considered at this public hearing. The first document (CGFR 57-26) deals with inspection of cargo gear on passenger, cargo, and miscellaneous vessels. The second document (CGFR 57-27) deals with lifesaving, fire protection, and grain loading requirements for passenger, cargo, and miscellaneous vessels. The third document (CGFR 57-29) deals with cargo tanks for liquefied inflammable gases and anhydrous ammonia, stowage of baled cotton, and use of equivalents or alternative procedures respecting dangerous cargoes. The fourth document (CGFR 57-30) deals with crew accommodations on tank ships. The fifth document (CGFR 57-31) deals with drydocking of passenger, tank, cargo, and miscellaneous vessels. The sixth document (CGFR 57-32) deals with the first assistant engineer of vessels not over 2,000 horsepower and examination of lifeboatmen and able seamen.

The Coast Guard acknowledges the assistance given to it by those interested parties who submitted comments, views and data in connection with these items at the Merchant Marine Council public hearing. On the basis of the information received certain proposed regulations were revised. With respect to Item XVI—Dangerous Cargo Regulations; Miscellaneous Amendments, changes were made in 46 CFR 146.09-2, regarding construction of magazines, and 146.10-4, regarding car floats. These changes should eliminate any possible misinterpretation. The amendments described in Item XVI as revised are adopted and included in this document. The provisions of R. S. 4472, as amended, 46 U. S. C. 170, require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practicable. The provisions in 46 CFR 146.02-18 and 146.02-19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Orders Nos. 21 through 29 has made changes in the ICC Regulations with respect to the definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certifications which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities. For those changes in 46 CFR Parts 146 and 147 which involve changes other than shippers' requirements, the proposed amendments were considered at the Merchant Marine Council public hearing held on May 7, 1957. With the exception of changes proposed to 46 CFR 146.09-2 and 146.10-4 no comments were received. Because of the numerous changes that have been made in the commodity list, 46 CFR 146.04-5 has been amended and set forth in its entirety in this document.

Since the amendments in this document are interpretations of law, revised requirements to agree with existing ICC Regulations, relaxations of previous requirements, or are editorial in nature, it is hereby found that compliance with the Administrative Procedure Act respecting effective date requirements of regulations is unnecessary. These amendments shall become effective upon date of publication of this document in the FEDERAL REGISTER.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and Treasury Department Order CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

SUBPART—GENERAL REGULATIONS

Section 146.02-11 is amended by changing paragraphs (c) and (d) to read as follows:

§ 146.02-11 *Import shipments and transshipments.* * * *

(c) Import shipments of explosives (except commercial Class A explosives) or other dangerous articles or combustible liquids accepted for transportation in a foreign port in outside metal or wooden barrels or drums not exceeding 110 gallons capacity, wooden boxes not exceeding 300 pounds weight of box and contents, or fiberboard boxes not exceeding 65 pounds weight of box and contents, which upon arrival at domestic ports are not destined for transportation in these original import containers by common carrier by rail, or common or contract carrier by motor vehicle, may be accepted on board vessels provided the shipper certified upon the bill of lading or other shipping paper that the container is in conformity with the regulations of the country of origin. If the country of origin has no regulations governing the transportation by vessel of the explosives and dangerous substances

involved, the shipper shall certify that the container is so constructed as to maintain its complete integrity under all conditions likely to be encountered during transportation. The master of the vessel, before accepting such import shipments, shall satisfy himself that the containers are sufficiently strong to stand, without rupture or leakage of contents, all risks ordinarily incident to transportation. Stowage of import shipments on board vessels shall be in accordance with the provisions of the regulations in this part.

(d) Shipments of explosives (except commercial Class A explosives) or other dangerous articles or combustible liquids accepted for transportation in a foreign port which upon arrival at domestic ports are destined for transshipment on vessels subject to the regulations of this part, may be accepted on such vessels provided the bill of lading or other shipping paper identifies the shipment by the shipping name shown in the regulations in this part for the particular substance and provided further that the dangerous cargo is certified to be described as above and to be packaged, marked and labeled in accordance with the regulations in this part or the regulations of the country of origin of the cargo (provided such regulations are compatible with minimum safety requirements of the regulations in this part). The connecting carrier, before accepting such transshipments, shall satisfy himself that the provisions of this paragraph are complied with. The master of the vessel shall satisfy himself that the containers are sufficiently strong to withstand, without rupture or leakage of contents, all risks incident to transportation. Stowage on board vessels shall be in accordance with the provisions of the regulations in this part.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

Section 146.04–5 is amended to read as follows:

§ 146.04–5 *List of explosives and other dangerous articles and combustible liquids.*

Article	Classed as—	Label required [1]
Acetaldehyde (*ethyl aldehyde*)	Inf. L.	Red.
Acetic acid (*aqueous solution*)	Comb. L.	
Acetic acid, glacial	Comb. L.	
Acetic anhydride	Comb. L.	
Acetone	Inf. L.	Red.
Acetone cyanhydrin	Pois. B	Poison.
*Acetone oils	Comb. L.	
*Acetone oils	Inf. L.	Red.
Acetyl benzoyl peroxide, solid	Not permitted.	
Acetyl benzoyl peroxide, solution	Oxy. M.	Yellow.
Acetyl chloride	Cor. L.	White.
Acetyl peroxide, solid	Not permitted.	
Acetyl peroxide, solution	Oxy. M.	Yellow.
Acetylene	Inf. G.	Red gas.
Acid carboys, empty (see: "Carboys, empty")	Haz.	
Acid, picric. (see: "Picric acid.")		
*Acid, sludge. (see: "*Sludge acid.")	Cor. L.	White.
Acids, liquid, N. O. S.	Cor. L.	White.
Acrolein (inhibited)	Inf. L.	Red.
Acrylonitrile	Inf. L.	Red.
Aeroplane flares. (see: "Fireworks, special").		
Air, compressed	Noninf. G.	Green gas.
Alcohol, allyl, liquid	Pois. B	Poison.
Alcohol, amyl (see: "Alcohol or alcohol, N. O. S.")	Comb. L.	
*Alcohol, butyl (see: "Alcohol or alcohol, N. O. S.")	Comb. L.	
*Alcohol, butyl	Inf. L.	Red.
Alcohol, denatured	Inf. L.	Red.
Alcohol, ethyl	Inf. L.	Red.
*Alcohol or alcohol, N. O. S.	Comb. L.	
*Alcohol or alcohol, N. O. S.	Inf. L.	Red.
*Alcohol, propyl (see: "Alcohol or alcohol, N. O. S.")	Comb. L.	
*Alcohol, propyl	Inf. L.	Red.
*Alcohol, tertiary (see: "Alcohol or alcohol, N. O. S.")	Comb. L.	
Alcohol, wood (methanol)	Inf. L.	Red.
*Aldrin, cast solid (see: "Aldrin mixtures, dry, with more than 65 percent aldrin").		
Aldrin mixtures, dry, with more than 65 percent aldrin	Pois. B	Poison.
*Aldrin mixtures, dry, with 65 percent or less aldrin (see: "Aldrin mixtures, dry, with more than 65 percent aldrin").		
Aldrin mixtures, liquid, with more than 60 percent aldrin	Pois. B	Poison.
*Aldrin mixtures, liquid, with 60 percent or less aldrin (see: "Aldrin mixtures, liquid, with more than 60 percent aldrin").		
*Aliphatic mercaptan mixtures	Comb. L.	
*Aliphatic mercaptan mixtures (see: "*Mercaptans*")	Inf. L.	Red.
Alkaline battery fluid	Cor. L.	White.
*Alkaline caustic liquids, N. O. S.	Cor. L.	White.
Alkaline corrosive battery fluid with storage battery (see: "Electrolyte (acid) or alkaline corrosive battery fluid packed with storage batteries").	Cor. L.	White.
Alkaline corrosive liquids, N. O. S.	Cor. L.	White.
Allyl alcohol (see: "Alcohol, allyl, liquid")	Pois. B	Poison.
Allyl bromide	Inf. L.	Red.
Allyl chlorocarbonate	Cor. L.	White.
Allyl chloroformate	Cor. L.	White.
Allyl trichlorosilane	Cor. L.	White.
*Aluminum dross	Inf. S.	
*Aluminum liquid (or paint) (see: "Paint, enamel, etc.")	Comb. L.	
*Aluminum liquid (or paint) (see: "Paint, enamel, etc.")	Inf. L.	Red.
Aluminum nitrate (see: "*Nitrates*")	Oxy. M.	
Aluminum powder, uncoated	Haz.	
Aluminum triethyl	Inf. L.	Red.
Aluminum trimethyl	Inf. L.	Red.
Amatol (see: "High explosives").		
Ammonia, anhydrous	Noninf. G.	Green gas.
Ammonium arsenate, solid	Pois. B	Poison.
Ammonium bichromate	Inf. S.	Yellow.
Ammonium nitrate (organic coated) (see: "*Nitrates*")	Oxy. M.	Yellow.
Ammonium nitrate (no organic coating) (see: "*Nitrates*")	Oxy. M.	Yellow.
Ammonium nitrate—Carbonate mixtures (see: "*Nitrates*")	Oxy. M.	Yellow.
*Ammonium nitrate mixed fertilizer (*containing over 15 percent by weight of ammonium nitrate*) (see: "*Nitrates*").	Oxy. M.	Yellow.
Ammonium nitrate phosphate (see: "*Nitrates*")	Oxy. M.	Yellow.
Ammonium perchlorate (see: "Perchlorates")	Oxy. M.	Yellow.
Ammonium permanganate (see: "Permanganates")	Oxy. M.	Yellow.
Ammonium picrate (see: "High explosives").		
Ammonium picrate, wet (*when wet with not less than 10 percent water and in a quantity not exceeding 16 ounces in one outside package*).	Inf. S.	
Ammonium sulfate nitrate	Haz.	
Ammunition, chemical (containing class A poisons, liquids, or gases). (See: "Chemical ammunition.")		
Ammunition, chemical (containing class B poisons, liquid, or gases). (See: Chemical ammunition.")		
Ammunition, chemical (containing class C poisons, liquids, gases or solids). (See: "Chemical ammunition.")		
Ammunition, chemical, explosive	Expl. A.	
Ammunition for cannon, nonexplosive	No restrictions.	
Ammunition for cannon with empty projectiles	Expl. B.	
Ammunition for cannon with explosive projectiles	Expl. A.	
Ammunition for cannon with gas projectiles	Expl. A.	
Ammunition for cannon with illuminating projectiles	Expl. A.	
Ammunition for cannon with incendiary projectiles	Expl. A.	
Ammunition for cannon with inert-loaded projectiles	Expl. B.	
Ammunition for cannon with smoke projectiles	Expl. A.	
Ammunition for cannon with solid projectiles	Expl. B.	
Ammunition for cannon without projectiles	Expl. B.	
Ammunition for small arms with explosive bullets	Expl. A.	
Ammunition for small arms with explosive projectiles	Expl. A.	
Ammunition material	No restrictions.	
Ammunition—projectiles, grenades, bombs, mines, torpedoes	Expl. A.	
Ammunition, rocket (see: "Rocket ammunition").		
Ammunition, small arms (see: "Small-arms ammunition")	Expl. C.	
*Amyl acetate	Comb. L.	
*Amyl acetate	Inf. L.	Red.
Amyl chloride	Inf. L.	Red.
Amyl mercaptan (see: "*Mercaptans*")	Inf. L.	Red.
Amyl nitrate	Inf. L.	Red.
Amyl trichlorosilane	Cor. L.	White.
Anhydrous ammonia	Noninf. G.	Green gas.
Anhydrous ammonia in bulk (see: § 146.24–85).		
Anhydrous hydrazine (see: "Hydrazine, anhydrous")	Cor. L.	White.
Anhydrous hydrofluoric acid (see: "Hydrofluoric acid, anhydrous")	Cor. L.	White.
Aniline oil drums empty	Haz.	
Aniline oil, liquid	Pois. B	Poison.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
Anisoyl chloride	Cor. L.	White.
*Anti-freeze compounds, liquid	Comb. L.	
*Anti-freeze compounds, liquid	Inf. L.	Red.
*Anti-freeze preparations, proprietary, liquid	Comb. L.	
*Anti-freeze preparations, proprietary, liquid	Inf. L.	Red.
Antimony pentachloride	Cor. L.	White.
Antimony pentachloride, solution	Cor. L.	White.
Antimony pentafluoride	Cor. L.	White.
Apparatus (see: "Machines or apparatus").		
Argon	Noninf. G.	Green gas.
Argon, pressurized liquid	Noninf. G.	Green gas.
Arsenate of lead (see: "Lead arsenate")	Pois. B.	Poison.
Arsenic acid, liquid	Pois. B.	Poison.
Arsenic acid, solid	Pois. B.	Poison.
Arsenic bromide, solid	Pois. B.	Poison.
Arsenic chloride (arsenous) liquid	Pois. B.	Poison.
Arsenic iodide, solid	Pois. B.	Poison.
Arsenic pentoxide, solid	Pois. B.	Poison.
Arsenic, solid	Pois. B.	Poison.
Arsenic sulfide (powder), solid	Pois. B.	Poison.
Arsenic trichloride, liquid (see: "Arsenic chloride (arsenous) liquid")	Pois. B.	Poison.
Arsenic trioxide, solid	Pois. B.	Poison.
Arsenic, white, solid	Pois. B.	Poison.
Arsenical compounds or mixtures, N. O. S., liquid	Pois. B.	Poison.
Arsenical compounds or mixtures, N. O. S., solid	Pois. B.	Poison.
Arsenical dip, liquid (sheep dip)	Pois. B.	Poison.
Arsenical dust (see: "Insecticide, dry")	Pois. B.	Poison.
Arsenical flue dust (see: "Insecticide, dry")	Pois. B.	Poison.
Arsenous acid, solid (see: "Arsenic trioxide, solid")	Pois. B.	Poison.
Arsenous and mercuric iodide solution, liquid	Pois. B.	Poison.
*Asphalt	Haz.	
**Asphalt, cut-back* (see: "Road asphalt or tar, liquid").		
**Asphaltic surfacing material* (see: "Road asphalt or tar, liquid")	Comb. L.	
Automobiles, motorcycles, tractors, or other self-propelled vehicles, *new or used, when offered for transportation without boxing or crating and containing gasoline, or other motor fuel, within the fuel tank.*	Haz.	
Automobiles, motorcycles, tractors, or other self-propelled vehicles, new or used, with or without boxing or crating and containing no gasoline or other motor fuel within the motor or fuel tank. (See: "Automobiles, motorcycles, tractors, or other self-propelled vehicles, etc.").		
Bags, nitrate of soda, empty or unwashed	Inf. S.	Yellow.
Bags, nitrate of soda, empty and washed (see: "Burlap bags, used and washed").	Inf. S.	Yellow.
Barium chlorate (see: "*Chlorates*")	Oxy. M.	Yellow.
Barium chlorate, wet (see: "*Chlorates, wet*")	Oxy. M.	Yellow.
Barium cyanide, solid (see: "*Cyanides, etc.*")	Pois. B.	Poison.
Barium nitrate (see: "*Nitrates*")	Oxy. M.	
Barium perchlorate (see: "*Perchlorates*")	Oxy. M.	Yellow.
Barium permanganate (see: "*Permanganates*")	Oxy. M.	Yellow.
Barium peroxide (*binoxide, dioxide*)	Oxy. M.	Yellow.
Barrels, empty (see: "Drums, empty")	Haz.	
Batteries, dry	No restrictions.	
Batteries, electric storage, wet	Cor. L.	White.
Batteries, electric storage, wet, with automobiles or auto parts (see: "Batteries, electric storage, wet" or "Automobiles, etc.").	Cor. L.	White.
Batteries, electric storage, wet, with containers of corrosive battery fluid (see: "Electrolyte (acid) or alkaline corrosive battery fluid packed with storage batteries")	Cor. L.	White.
Battery charger with electrolyte (acid) or alkaline corrosive liquid (see: "Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger or radio current supply device or parts thereof").	Cor. L.	White.
Battery fluid (see: "Electrolyte (acid) battery fluid" or "Alkaline corrosive battery fluid").	Cor. L.	White.
Battery parts (*plates, grids, etc., unwashed, exhausted*)	Haz.	
Benzaldehyde	Comb. L.	
Benzene (benzol)	Inf. L.	Red.
*Benzine	Comb. L.	
*Benzine	Inf. L.	Red.
Benzine (export only) (see: "Gasoline")	Inf. L.	Red.
Benzol (benzene)	Inf. L.	Red.
Benzoyl chloride	Cor. L.	White.
Benzoyl peroxide, dry (*granular form*)	Oxy. M.	Yellow.
Benzoyl peroxide, wet (*with not less than 30 percent water*)	Oxy. M.	Yellow.
Benzyl bromide (see: "a-Bromotoluene").		
Benzyl chloride	Cor. L.	White.
Benzyl chlorocarbonate	Cor. L.	White.
Benzyl chloroformate	Cor. L.	White.
Beryllium metal powder	Pois. B.	Poison.
Black blasting powder (see: "Black powder")	Expl. A.	
Black pellet powder (see: "Black powder")	Expl. A.	
Black powder	Expl. A.	
Black powder igniters with empty cartridge bags (see: "Igniters")	Expl. C.	
Black rifle powder (see: "Black powder")	Expl. A.	
Blasting caps, electric—more than 1,000 (see: "*Initiating or priming explosives*").	Expl. A.	
Blasting caps, electric—1,000 or less (see: "Blasting caps")	Expl. C.	
Blasting caps—more than 1,000 (see: "*Initiating or priming explosives*").	Expl. A.	
Blasting caps—1,000 or less	Expl. C.	
Blasting caps with safety fuse—more than 1,000 (see: "*Initiating or priming explosives*").	Expl. A.	
Blasting caps with safety fuse—1,000 or less	Expl. C.	
Blasting gelatin (see: "High explosives").		
Blasting powder (see: "Black powder").		
Bleaching powder	Haz.	
*Boiler compound, liquid	Cor. L.	White.
Bombs, explosive (see: "Explosive bombs").		
Bombs, explosive, gas, smoke or incendiary (see: "*Ammunition, chemical, explosive*").		
Bombs, explosive, incendiary (see: "Explosive bombs").		
Bombs, fireworks (see: "Fireworks, special").		
Bombs, gas, smoke, or incendiary, nonexplosive (see: "Chemical ammunition").		
Bombs, incendiary or smoke without bursting charges (see: "Fireworks, special").		
Bombs, sand-loaded or empty (see: "Ammunition for cannon, nonexplosive").		
Bone, chipped (heat treated)	Haz.	
Boosters (explosive) (see: "*Initiating or priming explosives*")	Expl. A.	
Bordeaux arsenites, liquid (see: "Arsenical compounds or mixtures, N. O. S., liquid").	Pois. B.	Poison.
Bordeaux arsenites, solid	Pois. B.	Poison.
Boron trichloride	Cor. L.	White.
Boron trifluoride	Noninf. G.	Green gas.
Bottles, *acid or other corrosive liquid*, empty	Haz.	
*Box toe board (nitrocellulose base)	Haz.	
*Box toe gum	Comb. L.	
*Box toe gum	Inf. L.	Red.
Brimstone (see: "Sulfur")	Haz.	
Bromacetone, liquid	Pois. A.	Poison gas.
Brombenzyl cyanide, liquid	Pois. C.	Tear gas.
Bromine	Cor. L.	White.
Bromine pentafluoride	Cor. L.	White.
Bromine trifluoride	Cor. L.	White.
Bromobenzene	Comb. L.	
Bromobenzol (see: "Bromobenzene").		
Bromomethane, liquid (see: "Methyl bromide, liquid").		
a-Bromotoluene	Cor. L.	White.
*Bronze liquid (or paint) (see: "Paint, enamel, etc.")	Comb. L.	
*Bronze liquid (or paint) (see: "Paint, enamel, etc.")	Inf. L.	Red.
Brucine, solid (dimethoxy strychnine)	Pois. B.	Poison.
Burlap bags, new (see: "Burlap cloth")	Haz.	
Burlap bags, used and unwashed or uncleaned	Haz.	
Burlap bags, used and washed (see: "Burlap cloth")	Haz.	
Burlap bags, vacuum cleaned, wheel cleaned or otherwise mechanically brushed (see: "Burlap cloth").	Haz.	
Burlap cloth (*hessian*)	Haz.	
Burnt cotton (not repicked)	Inf. S.	Yellow.
Burnt fibers (see: "Fibers, burnt")	Inf. S.	Yellow.
Bursters (explosive) (see: "Boosters")	Expl. A.	
Butadiene, inhibited	Inf. G.	Red gas.
Butane (see: "Liquefied petroleum gas").		
*Butyl acetate	Inf. L.	Red.
*Butyl acetate	Comb. L.	
*Butyl alcohol (see: "Alcohol or alcohol, N. O. S.")	Inf. L.	Red.
Butyl ether	Comb. L.	
Butyl mercaptan (see: "*Mercaptans*")	Inf. L.	Red.
Butyl trichlorosilane	Cor. L.	White.
Butyraldehyde	Inf. L.	Red.
Cacodylic acid, solid (dimethylarsenic)	Pois. B.	Poison.
Calcium arsenate, solid	Pois. B.	Poison.
Calcium arsenite, solid	Pois. B.	Poison.
Calcium carbide	Haz.	
Calcium chlorate (see: "*Chlorates*")	Oxy. M.	Yellow.
Calcium chlorite	Oxy. M.	Yellow.
Calcium cyanamide, not hydrated	Haz.	
Calcium cyanide (see: "Cyanides, etc.")	Pois. B.	Poison.
Calcium hypochlorite (see: "Bleaching powder" or "Calcium hypochlorite compounds, dry").		
Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine.	Oxy. M.	Yellow.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
Calcium, metallic	Inf. S	Yellow.
Calcium, metallic, crystalline	Inf. S	Yellow.
Calcium nitrate (see: "*Nitrates*")	Oxy. M	
Calcium permanganate (see: "*Permanganates*")	Oxy. M	Yellow.
Calcium peroxide	Oxy. M	Yellow.
Calcium phosphide	Inf. S	Yellow.
Calcium resinate	Inf. S	Yellow.
Calcium resinate, fused	Inf. S	Yellow.
Camphene	Haz	
Camphor (crude, refined, or synthetic)	Haz	
Camphor oil	Comb. L	
Cannon powder (see: "Black powder").		
Cannon primers (see: "*Primers*")	Expl. C	
Caprylyl peroxide solution	Oxy. M	Yellow.
Caps, blasting (see: "Blasting caps").		
Caps, toy (see: "Toy caps").		
Carbolic acid (phenol), liquid	Pois. B	Poison.
Carbolic acid, fused, solid	Pois. B	Poison.
Carbolic acid (phenol), solid	Pois. B	Poison.
Carbon bisulfide (disulfide)	Inf. L	Red.
Carbon dioxide, liquefied	Noninf. G	Green gas.
Carbon dioxide-nitrous oxide mixture	Noninf. G	Green gas.
Carbon dioxide-oxygen mixture	Noninf. G	Green gas.
Carbon dioxide, solid	Haz	
Carbon disulfide (see: "Carbon bisulfide").		
Carbon monoxide	Inf. G	Red gas.
•Carbon remover, liquid (see: "Compounds, cleaning, liquid")	Comb. L	
•Carbon remover, liquid (see: "Compounds, cleaning, liquid")	Inf. L	Red.
Carbonyl chloride (see: "Phosgene").		
•Carboys, empty	Haz	
Cartridge bags, empty, with black powder igniters (see: "*Igniters*")	Expl. C	
Cartridge cases, empty, primed (see: "*Primers*")	Expl. C	
•*Case oil* (see: "Benzene, Benzine, Gasoline, etc.").		
Casinghead gasoline (see: "Gasoline").		
Caustic potash, liquid	Cor. L	White.
Caustic potash, solid	Haz	
Caustic soda, liquid	Cor. L	White.
Caustic soda, solid	Haz	
"*Cellosolve*" (see: "Ethylene glycol monoethyl ether").		
"*Cellosolve" acetate* (see: "Ethylene glycol monoethyl ether acetate").		
•Cement, container, liquid	Comb. L	
•Cement, container, liquid	Inf. L	Red.
•Cement, leather	Comb. L	
•Cement, leather	Inf. L	Red.
•Cement, linoleum	Comb. L	
•Cement, linoleum	Inf. L	Red.
•Cement, liquid, N. O. S	Comb. L	
•Cement, liquid, N. O. S	Inf. L	Red.
•Cement, pyroxylin	Comb. L	
•Cement, pyroxylin	Inf. L	Red.
•Cement, roofing, liquid	Comb. L	
•Cement, roofing, liquid	Inf. L	Red.
•Cement, rubber	Comb. L	
•Cement, rubber	Inf. L	Red.
•Cement, tile	Comb. L	
•Cement, tile	Inf. L	Red.
•Cement, wallboard	Comb. L	
•Cement, wallboard	Inf. L	Red.
Ceslum 137 (see: "Radioactive materials, groups I and II")	Pois. D	Poison radioactive materials (red).
•Charcoal, activated (•carbon, activated)	Inf. S	Yellow.
Charcoal briquets	Inf. S	
Charcoal screenings *made from "pinon" wood*	Inf. S	
Charcoal screenings, wet	Not permitted	
Charcoal, shell	Inf. S	
Charcoal, wet	Not permitted	
Charcoal, wood, crushed, granulated, ground or pulverized	Inf. S	Yellow.
Charcoal, wood, lump	Inf. S	
Charcoal, wood screenings, *other than "pinon" wood screenings*	Inf. S	Yellow.
Charged oil well jet perforating guns	Not permitted	
Chemical ammunition (containing class A poisonous gases or liquids)	Pois. A	Poison gas.
Chemical ammunition (containing class B poisons, liquids or gases)	Pois. B	Poison.
Chemical ammunition (containing class C poisons, liquids or solids)	Pois. C	Tear gas.
Chemical ammunition, explosive (see: "Ammunition, chemical, explosive").		
•Chemical kits	Cor. L	
•*Chemicals, N. O. S.* (see: "Drugs, chemicals, medicines, or cosmetics, N. O. S.").		
Chloracetophenone, gas, liquid or solid	Pois. C	Tear gas.
Chloracetyl chloride	Cor. L	White.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
•Chlorate and borate mixtures	Oxy. M	Yellow.
•Chlorate and magnesium chloride mixtures	Oxy. M	Yellow.
Chlorate explosives, dry (see: "High explosives").		
Chlorate of potash (see: "*Chlorates*")	Oxy. M	Yellow.
Chlorate of soda (see: "*Chlorates*")	Oxy. M	Yellow.
Chlorate powders (see: "High explosives").		
Chlorates	Oxy. M	Yellow.
Chlorates, N. O. S. (see: "*Chlorates*")	Oxy. M	Yellow.
Chlorates, N. O. S., wet (see: "*Chlorates, wet*")	Oxy. M	Yellow.
Chlorates, wet	Oxy. M	Yellow.
Chlorbenzene (see: "Chlorobenzol")	Comb. L	
Chlorbenzol (see: "Chlorobenzol")	Comb. L	
Chloride of lime (see: "Bleaching powder").		
Chloride of phosphorus (see: "Phosphorus trichloride")	Cor. L	White.
Chloride of sulfur (see: "Sulfur chloride")	Cor. L	White.
Chlorinated lime (see: "Bleaching powder")	Haz	
Chlorine	Noninf. G	Green gas.
Chlorine, liquid, in bulk (see: § 146.24-80).		
Chlorine trifluoride	Cor. L	White.
Chlorobenzene (see: "Chlorobenzol")	Comb. L	
Chlorobenzol	Comb. L	
Chlorobenzoyl peroxide (para), dry	Oxy. M	Yellow.
Chlorobenzoyl peroxide (para), wet	Oxy. M	Yellow.
Chlorosulfonic acid	Cor. L	White.
Chlorosulfonic acid-sulfur trioxide mixture	Cor. L	White.
4 Chloro-o-toluidine hydrochloride	Pois. B	Poison.
Chlorpicrin, absorbed	Pois. B	Poison.
Chlorpicrin and methyl chloride, mixtures	Pois. A	Poison gas.
Chlorpicrin, liquid	Pois. B	Poison.
Chlorpicrin mixtures (*containing no compressed gas or poisonous liquid, class A*).	Pois. B	Poison.
Chromic acid	Oxy. M	Yellow.
Chromic acid solution	Cor. L	White.
Chromic anhydride (see: "Chromic acid").		
Chromium trioxide (see "Chromic acid").		
Chromyl chloride	Cor. L	White.
Cigar and cigarette lighter fluid	Inf. L	Red.
Cigarette loads (see: "Explosive auto alarms, etc.")	Expl. C	
•Cleaning fluid or liquid (see: "Compounds, cleaning liquid")	Comb. L	
•Cleaning fluid or liquid (see: "Compounds, cleaning liquid")	Inf. L	Red.
Cloud gas cylinders (see: "*Chemical ammunition*").		
Coal briquets, hot	Not permitted	
Coal facings	Inf. S	Yellow.
Coal gas (see: "Hydrocarbon gas, nonliquefied").		
Coal oil (export shipment only—see "Kerosene")	Comb. L	
•Coal tar distillate	Inf. L	Red.
•Coal tar distillate, N. O. S	Comb. L	
•Coal tar light oil	Comb. L	
•Coal tar light oil (see: "Benzine")	Inf. L	Red.
•Coal tar naphtha	Comb. L	
•Coal tar naphtha	Inf. L	Red.
•Coal tar oil	Comb. L	
•Coal tar oil	Inf. L	Red.
•Coating solution (see: "Cement, leather")	Comb. L	
•Coating solution (see: "Cement, leather")	Inf. L	Red.
Cobalt resinate, fused	No restrictions	
Cobalt, resinate, precipitated (see: "Calcium resinate")	Inf. S	Yellow.
Cobalt 60 (see: "Radioactive materials, groups I and II")	Pois. D	Poison radioactive materials (red).
Coceulus, solid (fishberry)	Pois. B	Poison.
Coir (see: "Fibers").		
Coke, hot	Not permitted	
Collodion	Inf. L	Red.
Collodion cotton, wet (see: "Wet nitrocellulose").		
Collodion cotton, wet with water (export shipments only) (see: "Wet nitrocellulose").	Oxy. M	Yellow.
Cologne spirits (alcohol) (see: "Alcohol or alcohol, N. O. S.")	Inf. L	Red.
Colored fire (see: "Fireworks, common").		
Columbian spirits (*wood alcohol*) (see: "Alcohol or alcohol, N. O. S.")	Inf. L	Red.
Combination fuzes (see: "*Fuzes*")	Expl. C	
Combination primers (see: "*Primers*")	Expl. C	
Combustible liquid, N. O. S.	Comb. L	
Commercial shaped charges (see: "High explosives").		
Common fireworks (see: "Fireworks, common")	Expl. C	
•Compounds, cleaning, liquid	Comb. L	
•Compounds, cleaning, liquid	Cor. L	White.
•Compounds, cleaning, liquid	Inf. L	Red.
Compounds, cleaning, liquid (containing hydrochloric (muriatic) acid) (see: "Hydrochloric (muriatic) acid").	Cor. L	White.
Compounds, cleaning, liquid (*containing hydrofluoric acid*)	Cor. L	White.
•Compounds, enamel (see: "Paint, enamel, etc.")	Comb. L	

Article	Classed as—	Label required [1]
•Compounds, enamel (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Inf. L	Red.
•Compounds, iron or steel rust preventing or removing	Cor. L	White.
•Compounds, lacquer, paint or varnish, etc., removing, reducing, or thinning.	Comb. L	
•Compounds, lacquer, paint or varnish, etc., removing, reducing, or thinning, liquid.	Inf. L	Red.
•Compounds, lacquer, paint or varnish removing, liquid	Comb. L	
•Compounds, lacquer, paint or varnish removing, liquid	Cor. L	White.
•Compounds, lacquer, paint or varnish thinning, liquid	Comb. L	
•Compounds, polishing, liquid (see: "Polishes, metal, etc.")	Comb. L	
•Compounds, polishing, liquid (see: "Polishes, metal, etc.")	Inf. L	Red.
•Compounds, tree or weed killing, liquid	Comb. L	
•Compounds, tree or weed killing, liquid	Inf. L	Red.
•Compounds, tree or weed killing, liquid	Pois. B	Poison.
•Compounds, tree or weed killing, solid	Oxy. M	Yellow.
•Compounds, type cleaning, liquid (see: "Compounds, cleaning, liquid").	Comb. L	
•Compounds, type cleaning, liquid (see: "Compounds, cleaning, liquid").	Inf. L	Red.
•Compounds, vulcanizing, liquid (see: "Compounds, cleaning, liquid").	Comb. L	
•Compounds, vulcanizing, liquid	Cor. L	White.
•Compounds, vulcanizing, liquid (see: "Compounds, cleaning, liquid").	Inf. L	Red.
Compressed gases, N. O. S	Inf. G. or Noninf. G	Red or green gas.
Containers, empty (see: "Bottles, empty", "Carboys, empty", or "Drums, empty").		
Copper acetoarsenite, solid	Pois. B	Poison.
Copper arsenite, solid (*Scheele's green, cupric green, copper orthoarsenite, Swedish green*).	Pois. B	Poison.
Copper cyanide (see: "Cyanide of copper")	No restrictions	
Copra	Haz	
Cordeau detonant fuse	Expl. C	
Cork, granulated	Haz	
Cork, ground	Haz	
Corrosive battery fluid (see: "Electrolyte acid or alkaline battery fluid").	Cor. L	White.
Corrosive liquid, N. O. S	Cor. L	White.
Cotton	Haz	
Cotton batting	Haz	
Cotton batting dross	Haz	
Cotton, burnt (not repicked) (see: "Burnt cotton (not repicked")	Inf. S	Yellow.
Cotton seed hull fiber or shavings, pulp or cut linters	Haz	
Cotton sweepings (see: "Cotton waste")	Haz	
Cotton wadding	Haz	
Cotton waste	Haz	
Cotton waste, oily *with more than 5 percent animal or vegetable oil*	Inf. S	Yellow.
•Creosote, coal tar	Comb. L	
Creosote oil (see: "Creosote, coal tar").		
•Cresol, liquid (*cresylic acid*)	Comb. L	
•Cresylic acid (see: "Cresol, liquid").		
Crotonaldehyde	Inf. L	Red.
•Crude nitrogen fertilizer solution	Noninf. G	Green gas.
•Crude oil, petroleum	Comb. L	
•Crude oil, petroleum	Inf. L	Red.
Cumene hydroperoxide	Oxy. M	Yellow.
Cuprietheylene-diamine solution	Cor. L	White.
Cyanide of calcium, solid	Pois. B	Poison.
Cyanide of calcium mixtures, solid	Pois. B	Poison.
Cyanide of copper	No restrictions	
Cyanide of lead	No restrictions	
Cyanide of potassium, liquid	Pois. B	Poison.
Cyanide of potassium, solid	Pois. B	Poison.
Cyanide of silver	No restrictions	
Cyanide of sodium, liquid	Pois. B	Poison.
Cyanide of sodium, solid	Pois. B	Poison.
Cyanide of zinc	No restrictions	
Cyanides or cyanide mixtures, dry	Pois. B	Poison.
Cyanogen chloride containing less than 0.9 percent water	Pois. A	Poison gas.
Cyanogen gas	Pois. A	Poison gas.
Cyclohexane	Inf. L	Red.
Cyclohexenyl trichlorosilane	Cor. L	White.
Cyclohexyltrichlorosilane	Cor. L	White.
Cyclopentane	Inf. L	Red.
Cyclopentane, methyl	Inf. L	Red.
Cyclopropane	Inf. G	Red gas.
Cyclotrimethylenetrinitramine, desensitized. (see: "High explosives")		
Cyclotrimethylenetrinitramine, wet with not less than 10% of water (see: "High explosives").		

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
Cylinders, empty	Haz	
Dead oil (see: "Creosote, coal tar").		
•Decahydronaphthalene	Comb. L	
Decalin (see: "Decahydronaphthalene").		
Delay electric igniters (see: "*Igniters*")	Expl. C	
Depth bombs (see: "Explosive bombs").		
Detonating fuze parts containing an explosive (see: "*Initiating or priming explosives*").	Expl. A	
Detonating fuzes, class A explosives (see: "*Initiating or priming explosives*").	Expl. A	
Detonating fuzes, class A explosives; with or without radioactive components (see: "*Initiating or priming explosives*").	Expl. A	
Detonating fuzes, class C explosives	Expl. C	
Detonating primers (see: "*Initiating or priming explosives*")	Expl. A	
Diazodinitrophenol (see: "*Initiating or priming explosives*").		
Dichlorethylene (see: "Ethylene dichloride")	Inf. L	Red.
Dichlorodifluoromethane	Noninf. G	Green gas.
Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*).	Noninf. G	Green gas.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	Noninf. G	Green gas.
Dichlorodifluoromethane-monochlorodifluoromethane mixture	Noninf. G	Green gas.
Dichlorodifluoromethane-monofluorotrichloromethane mixture	Noninf. G	Green gas.
Dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture.	Noninf. G	Green gas.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture	Noninf. G	Green gas.
Dichloropentane	Comb. L	
Dicumyl peroxide (see: "Cumene hydroperoxide")	Oxy. M	Yellow.
Dicumyl peroxide, 50 percent solution (see: "Cumene hydroperoxide").	Oxy. M	Yellow.
Diethyl "Cellosolve" (see: "Ethylene glycol diethyl ether").		
Diethyl dichlorosilane	Cor. L	White.
Diethylamine	Inf. L	Red.
Diethylene glycol dinitrate	Prohibited	
Difluoroethane (*ethylene fluoride*)	Inf. G	Red gas.
Difluoromonochloroethane	Inf. G	Red gas.
Difluorophosphoric acid, anhydrous	Cor. L	White.
Diisobutyl ketone	Comb. L	
Dimethoxy strychnine (see: "Brucine, solid").		
Dimethyl dichlorosilane (see: "Ethyl trichlorosilane")	Inf. L	Red.
Dimethyl ether	Inf. G	Red gas.
Dimethyl sulfate	Cor. L	White.
Dimethyl sulfide	Inf. L	Red.
Dimethylamine, anhydrous	Inf. G	Red gas.
Dimethylamine, aqueous solution	Inf. L	Red.
Dimethylarsenic acid, solid (see: "Cacodylic acid, solid").		
Dimethylhydrazine unsymmetrical (see: "Methylhydrazine")	Inf. L	Red.
Dinitrobenzol, liquid	Pois. B	Poison.
Dinitrobenzol, solid	Pois. B	Poison.
Dinitrochlorbenzol, solid (*dinitrochlorbenzene*)	Pois. B	Poison.
Dinitrotoluene, liquid (*dinitrotoluol, liquid*)	Comb. L	
Dinitrotoluol, liquid (see: "Dinitrotoluene, liquid").		
Diphenyl dichlorosilane	Cor. L	White.
Diphenylaminechlorarsine gas, liquid or solid	Pois. C	Tear gas.
Diphenylchlorarsine, solid	Pois. C	Tear gas.
Diphosgene (see: "Phosgene")	Pois. A	Poison gas.
•Disinfectant liquid	Comb. L	
Dispersant gas, N. O. S	Noninf. G	Green gas.
Dodecyltrichlorosilane	Cor. L	White.
•Dressing, leather (see: "Leather dressing")	Comb. L	
•Dressing, leather (see: "Paint, enamel, etc.")	Inf. L	Red.
•Driers, paint, varnish, enamel, etc. (see: "Paint, enamel, etc.")	Comb. L	
•Driers, paint, varnish, enamel, etc. (see: "Paint, enamel, etc.")	Inf. L	Red.
Drill cartridges (see: "*Ammunition for cannon, nonexplosive*").		
•Drugs, chemicals, medicines, or cosmetics, N. O. S	Comb. L	
•Drugs, chemicals, medicines, or cosmetics, N. O. S. (limited quantity).	Comb. L	
•Drugs, chemicals, medicines, or cosmetics, N. O. S	Cor. L	White.
•Drugs, chemicals, medicines, or cosmetics, N. O. S	Inf. L	Red.
•Drugs, chemicals, medicines, or cosmetics, N. O. S. (limited quantity).	Inf. L	Red.
•Drugs, chemicals, medicines, or cosmetics, N. O. S	Inf. S. or Oxy. M	Yellow.
•Drugs, chemicals, medicines, or cosmetics, N. O. S. (liquid)	Pois. B	Poison.
•Drugs, chemicals, medicines, or cosmetics, N. O. S. (solid)	Pois. B	Poison.
•Drums, empty	Haz	
Dummy cartridges (see: "*Ammunition for cannon, nonexplosive*").		
Dynamite (see: "High explosives").		
Electric blasting caps—more than 1,000 (see: "*Initiating or priming explosives*").	Expl. A	
Electric blasting caps—1,000 or less (see: "Blasting caps").		
Electric squibs (see: "Igniters")	Expl. C	
Electric storage batteries, wet (see: "Batteries, electric storage, wet").		
Electrolyte (acid) or corrosive battery fluid	Cor. L	White.

Article	Classed as—	Label required [1]
Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment.	Cor. L	White.
Electrolyte (acid) or alkaline corrosive battery fluid packed with storage batteries.	Cor. L	White.
Empty cartridge bags—black powder igniters (see: "*Igniters*")	Expl. C	
Empty cartridge cases, primed (see: "*Primers*")	Expl. C	
•Enamel (see: "Paint, enamel, etc.")	Comb. L	
•Enamel (see: "Paint, enamel, etc.")	Inf. L	
Engines, internal combustion (see: "Automobiles, motorcycles, tractors, or other self-propelled vehicles, etc.").		
•Eradicators, paint or grease, liquid (see: "Compounds, cleaning, liquid").	Comb. L	
•Eradicators, paint or grease, liquid (see: "Compounds, cleaning, liquid").	Inf. L	Red.
Essence (export only) (see: "Gasoline")	Inf. L	Red.
Ethane	Inf. G	Red gas.
Ether	Inf. L	Red.
Ether, ethyl (*sulphuric*) (see: "Ether")	Inf. L	Red.
Ethyl acetate	Inf. L	Red.
Ethyl alcohol (see: "Alcohol or alcohol, N. O. S.")	Inf. L	Red.
Ethyl aldehyde (see: "Acetaldehyde").		
Ethyl benzene	Comb. L	
Ethyl butyl acetate	Comb. L	
Ethyl butyrate	Comb. L	
Ethyl chloride	Inf. L	Red.
Ethyl chloroacetate	Comb. L	
Ethyl chlorocarbonate (see: "Ethyl chloroformate").		
Ethyl chloroformate (Ethyl chlorocarbonate)	Cor. L	White.
Ethyl dichlorosilane	Inf. L	Red.
Ethyl formate	Inf. L	Red.
Ethyl lactate	Comb. L	
Ethyl mercaptan (see "Mercaptans")	Inf. L	Red.
Ethyl methyl ether	Inf. L	Red.
Ethyl methyl ketone	Inf. L	Red.
Ethyl nitrate (*nitric ether*)	Inf. L	Red.
Ethyl nitrite (*nitrous ether*)	Inf. L	Red.
Ethyl phenyl dichlorosilane	Cor. L	White.
Ethyl silicate	Comb. L	
Ethyl trichlorosilane	Inf. L	Red.
Ethyldichlorarsine	Pois. A	Poison gas.
Ethylene	Inf. G	Red gas.
Ethylene chlorhydrin	Comb. L	
Ethylene dichloride	Inf. L	Red.
Ethylene glycol diethyl ether (*diethyl "Cellosolve"*)	Comb. L	
Ethylene glycol monoethyl ether (*"Cellosolve"*)	Comb. L	
Ethylene glycol monoethyl ether acetate (*"Cellosolve" acetate*)	Comb. L	
Ethylene glycol monomethyl ether (*methyl "Cellosolve"*)	Comb. L	
Ethylene glycol monomethyl ether acetate (*methyl "Cellosolve" acetate*).	Comb. L	
Ethylene imine, inhibited	Inf. L	Red.
Ethylene oxide	Inf. L	Red.
Ethylhexaldehyde	Comb. L	
Excelsior (*shredded wood*)	Haz	
Explosive auto alarms	Expl. C	
Explosive bombs (see: "*Ammunition—projectiles, grenades, bombs, mines, etc.*").	Expl. A	
Explosive cable cutters	Expl. C	
Explosive compositions containing an ammonium salt and a chlorate	Prohibited	
Explosive compositions that ignite spontaneously	Prohibited	
Explosive compositions that undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167° F.	Prohibited	
Explosive hand grenades (see: "*Ammunition—projectiles, grenades, etc.*").	Expl. A	
Explosive mines (see: "*Ammunition—projectiles, grenades, bombs, mines, etc.*").	Expl. A	
Explosive projectiles (see: "*Ammunition—projectiles, grenades, etc.*")	Expl. A	
Explosive release devices (see: "Explosive cable cutters")	Expl. C	
Explosive rifle grenades (see: "*Ammunition—projectiles, grenades, etc.*").	Expl. A	
Explosive rivets	Expl. C	
Explosive torpedoes (see: "*Ammunition—projectiles, grenades, bombs, mines and torpedoes*").	Expl. A	
Explosives, samples of (see: § 146.20–13).		
•Extracts, liquid flavoring	Comb. L	
•Extracts, liquid flavoring (see: "Alcohol or alcohol, N. O. S.")	Inf. L	Red.
Fabrics or fibers *with animal or vegetable oil* (see: "Cotton waste, oily")	Inf. S	Yellow.
Feed, wet, mixed	Haz	
Felt waste (see: "Cotton waste")	Haz	
Felt waste, wet (see: "Rags, wet")	Inf. S	Yellow.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
Ferric arsenate, solid	Pois. B	Poison.
Ferric arsenite, solid	Pois. B	Poison.
Ferrophosphorus	Haz	
Ferrophosphorus briquets	No restrictions	
Ferrosilicon	Haz	
Ferrosilicon briquets	Haz	
Ferrosilicon, *containing between 45 percent and 48 percent or containing between 65 percent and 70 percent silicon.*	Haz	
Ferrosilicon, *containing between 48 percent and 65 percent silicon*	Haz	
Ferrosilicon, *containing less than 45 percent or more than 70 percent silicon.*	Haz	
Ferrous arsenate (iron arsenate), solid	Pois. B	
•Fertilizer ammoniating solution, *containing free ammonia*	Noninf. G	Green gas.
Fertilizer, tankage (see: "Tankages")	Inf. S	Yellow.
Fiberboard scrap (*when dry, clean, and free from oil*) (see: "Paper scrap").	Haz	
Fibers, burnt	Inf. S	Yellow.
Fibers (*jute, hemp, flax, sisal, coir, kapok, and similar vegetable fibers*)	Haz	
Fibers or fabrics, with animal or vegetable oil (see: "Cotton waste, oily").	Inf. S	Yellow.
Film, motion-picture (see: "Motion-picture film etc.")		
Film support (*nitrocellulose base*) (see: "Pyroxylin plastics, rods, rolls, sheets or tubes").	Inf. S	Yellow.
Fire extinguisher actuating cartridges	Expl. C	
Fire extinguisher charges	Cor. L	White.
Fire extinguisher charges containing not to exceed 50 grains of propellant explosives per unit (see: § 146.20–9 (e)).	Noninf. G	Green gas.
Fire extinguishers		
Firecracker salutes (see: "Fireworks, common" or "Fireworks, special").		
Firecrackers (see: "Fireworks, common" or "Fireworks, special").		
Fireworks, common	Expl. C	
Fireworks (except those otherwise described herein for which special packing requirements are given) (see: "Fireworks, special").	Expl. B	
Fireworks, exhibition display pieces (see: "Fireworks, special").		
Fireworks not permitted (see "Fireworks forbidden").		
Fireworks, special (*flash cartridges consisting of a paper cartridge shell, small arms primer and flash composition not exceeding 180 grains each, all assembled in one piece ready for firing*).	Expl. B	Special fireworks.
Fireworks, special (*flash or spreader cartridges not exceeding 72 grains of flash powder each*).	Expl. B	Special fireworks.
Fireworks, special (*flash sheets*)	Expl. B	Special fireworks.
Fireworks, special (*photographic flash powder*)	Expl. B	Special fireworks.
Fireworks, special (special fireworks)	Expl. B	Special fireworks.
Fireworks, special (*toy torpedoes*)	Expl. B	Special fireworks.
Fish meal (see: "Fish scrap or fish meal")	Inf. S	Yellow.
Fish oils	Haz	
Fish scrap, or fish meal (*containing at least 6 percent and not more than 12 percent moisture*).	Haz	
Fish scrap or fish meal (*containing less than 6 percent or more than 12 percent moisture*).	Inf. S	Yellow.
Fish scrap, wet acidulated	Haz	
•Flame retardant compound, liquid	Cor. L	White.
Flammable liquids, N. O. S. (see: "Inflammable liquids, N. O. S.")	Inf. L	Red.
Flammable solids, N. O. S. (see: "Inflammable solids, N. O. S.")	Inf. S	Yellow
Flares and signalling devices	Expl. C	
Flares (see: "Fireworks, common" or "Fireworks, special").		
Flares, aeroplane (see: "Fireworks, special").		
Flash cartridges (see: "Fireworks, special" or "Low explosives").		
Flash crackers (see: "Fireworks, common" or "Fireworks, special").		
Flash powder (see: "Fireworks, special" or "Low explosives").		
Flash sheets (see: "Fireworks, special" or "Low explosives").		
Flax (see: "Fibers").		
Flowers of sulfur (see: "Sulfur")	Haz	
Flue dust, poisonous (see: "Insecticide, dry")	Pois. B	Poison.
Fluorine	Inf. G	Red gas.
Fluosulfonic acid	Cor. L	White.
Formaldehyde	Comb. L	
Formalin (see: "Formaldehyde").		
Formic acid	Cor L	White.
Formic acid, solution	Cor. L	White.
•Fuel oil	Comb. L	
Fuel oil, C. S. No. 1	Comb. L	
Fuel oil, C. S. No. 2	Comb. L	
Fuel oil, C. S. No. 4	Comb. L	
Fuel oil, C. S. No. 5	Comb. L	
Fulminate of mercury, dry	Prohibited	
Fulminate of mercury, wet (see: "*Initiating or priming explosives*").		
•Furfural	Comb. L	
•Furniture or wood stain, liquid (see: "Paint, enamel, etc.")	Comb. L	
•Furniture or wood stain, liquid (see: "Paint, enamel, etc.")	Inf. L	Red.
•Furniture polish (see: "Polishes, metal, etc.")	Comb. L	

Article	Classed as—	Label required [1]
•Furniture polish (see: "Polishes, metal, etc.")	Inf. L	
Fuse igniters (see: "*Igniters*")	Expl. C	
Fuse, instantaneous (see: "Instantaneous fuse").		
Fuse lighters (see: "*Igniters*")	Expl. C	
Fuse, safety (see: "Safety fuse").		
Fusees (see: "Railway fusees" or "Highway fusees").		
Fusel oil	Comb. L	
Fuzes	Expl. C	
Fuzes, combination (see: "*Fuzes*")	Expl. C	
Fuzes, detonating, class A explosives (see: "*Initiating or priming explosives*").	Expl. A	
Fuzes, detonating, class A explosives, radioactive (see: "*Initiating or priming explosives*").	Expl. A	
Fuzes, detonating, class C explosives	Expl. C	
Fuzes, percussion (see: "*Fuzes*")	Expl. C	
Fuzes, time (see: "*Fuzes*")	Expl. C	
Fuzes, tracer (see: "*Fuzes*")	Expl. C	
Garbage tankage (*containing 8 percent or more moisture*) (see: "*Tankages*").	Haz	
Garbage tankage (*containing less than 8 percent moisture*) (see: "*Tankages*").	Inf. S	Yellow
•Gas drips, hydrocarbon	Comb. L	
•Gas drips, hydrocarbon	Inf. L	Red.
Gas identification sets	Pois. A	Poison gas.
Gas oil (see: "Fuel oil")	Comb. L	
Gasoline	Inf. L	Red.
Gazolina (export only) (see: "Gasoline")	Inf. L	Red.
Gazoline (export only) (see: "Gasoline")	Inf. L	Red.
Gelatine dynamite (see: "High explosives").		
Gold 198 (see: "Radioactive materials, groups I and II")	Pois. D	Poison radioactive materials (red).
•Gold paint (see: "Paint, enamel, etc.")	Comb. L	
•Gold paint (see: "Paint, enamel, etc.")	Inf. L	Red.
Grenades, empty, primed (see: "*Primers*")	Expl. C	
Grenades, hand, explosive (see: "Explosive hand grenades").		
Grenades, hand or rifle, explosive, with gas, smoke, or incendiary material (see: "Explosive hand or rifle grenades").		
Grenades, hand or rifle, with gas, smoke, or incendiary material but without bursting charges (see: "Chemical ammunition, class A or B poison" or "Fireworks, special").		
Grenades, rifle, explosive (see: "Explosive rifle grenades").		
Grenades, tear gas (see: "Tear gas grenades").		
Ground bituminous coal (see: "Coal facings")	Inf. S	Yellow.
Guanidine nitrate (see: "*Nitrates*")	Oxy. M	
Guanyl nitrosamino guanyl tetrazene (see: "*Initiating or priming explosives*").		
Guanyl nitrosamino guanylidene hydrazine (see: "*Initiating or priming explosives*").		
Guided missiles with war heads (see: "Explosive projectiles").		
Guided missiles without war heads (see: "Propellant explosives, class B").		
Guncotton (see: "High explosives").		
Hafnium metal powder or sponge, dry	Inf. S	Yellow.
Hafnium metal powder, wet or sludge	Inf. S	Yellow.
Hair, wet	Inf. S	Yellow.
Hand grenades (see: "*Ammunition—projectiles, grenades, etc.*")	Expl. A	
Hand ship distress signals (see: "Fireworks, common").		
Hand signal devices (see: "*Flares and signalling devices*")	Expl. C	
Hay	Haz	
Hay or straw (loose, wet or damp)	Not permitted	
Helium	Noninf. G	Green gas.
Helium-oxygen mixture	Noninf. G	Green gas.
Hemp (see: "Fibers")	Haz	
Heptane	Inf. L	Red.
Hessian (see: "Burlap cloth").		
Hexadecyltrichlorosilane	Cor. L	White.
Hexaethyl tetraphosphate and compressed gas mixtures	Pois. A	Poison gas.
Hexaethyl tetraphosphate, liquid (see: "Tetraethyl pyrophosphate, liquid").	Pois. B	Poison.
Hexaethyl tetraphosphate, mixture, dry (see: "Tetraethyl pyrophosphate, mixture, dry").	Pois. B	Poison.
Hexaethyl tetraphosphate, mixture, liquid (see: "Tetraethyl pyrophosphate, liquid").	Pois. B	Poison.
Hexafluorophosphoric acid (see: "Difluorophosphoric acid, anhydrous").	Cor. L	White.
Hexaldehyde	Comb. L	
Hexamethylene diamine solution	Cor. L	White.
Hexane	Inf. L	Red.
Hexyl trichlorosilane	Cor. L	White.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
High explosives	Expl. A	
High explosives (*containing no liquid explosive ingredient*)	Expl. A	
High explosives (*containing no liquid explosive ingredient nor any chlorate*).	Expl. A	
High explosives (*fireworks that can be exploded en masse*)	Expl. A	
High explosives (*in dry condition*)	Expl. A	
High explosives, liquid (see: "High explosives")	Not permitted	
High explosives (*nitrocellulose—guncotton and negative colton—when shipped in dry condition*).	Expl. A	
High explosives (*nitrostarch when shipped in dry condition*)	Expl. A	
High explosives (propellant explosives, class A explosives) (see: "Propellant explosives, class A explosives").	Expl. A	
High explosives (*wet with not less than 10 pounds of water to each 90 pounds of dry material*).	Expl. A	
High explosives (*when containing more than 75 percent liquid explosive ingredient*, except blasting gelatin and gelatin dynamite).	Expl. A	
High explosives (*when containing not more than 75 percent liquid explosive ingredient*).	Expl. A	
High explosives (*when containing 10 percent or less of a liquid explosive ingredient*).	Expl. A	
•*High wines* (see: "Alcohol or alcohol, N. O. S.").		
Highway fusees	Expl. C	
Hydrazine, anhydrous	Cor. L	White.
Hydrazine solution containing 50 percent or less of water	Cor. L	White.
Hydriodic acid	Cor. L	White.
Hydrobromic acid	Cor. L	White.
Hydrobromic acid, anhydrous (see: "Hydrogen bromide")	Noninf. G	Green gas.
Hydrocarbon gas, liquefied	Inf G	Red gas.
Hydrocarbon gas, nonliquefied	Inf. G	Red gas.
Hydrochloric acid, anhydrous (see: "Hydrogen chloride")		
Hydrochloric acid, in bulk (see: § 146.23–50).		
Hydrochloric acid mixtures	Cor. L	White.
Hydrochloric acid solution, inhibited	Cor. L	White.
Hydrochloric (muriatic) acid	Cor. L	White.
Hydrocyanic acid, liquefied	Pois. A	Poison gas.
Hydrocyanic acid (*prussic*), liquid	Pois. A	Poison gas.
Hydrocyanic acid (*prussic*), unstabilized	Not permitted	
Hydrocyanic acid solutions	Pois. B	Poison.
Hydrofluoric acid	Cor. L	White.
Hydrofluoric acid, anhydrous	Cor. L	White.
Hydrofluoric and sulfuric acids, mixtures (see: "Mixtures of hydrofluoric and sulfuric acids").	Cor. L	White.
Hydrofluosilicic acid	Cor. L	White.
Hydrogen	Inf. G	Red gas.
Hydrogen bromide	Noninf. G	Green gas.
Hydrogen chloride	Noninf. G	Green gas.
Hydrogen, liquefied	Not permitted	
Hydrogen peroxide (hydrogen dioxide) *solution in water containing over 8 percent hydrogen peroxide by weight*).	Cor. L	White.
Hydrogen sulfide	Inf. G	Red gas.
Hypochlorite solutions containing more than 7 percent available chlorine by weight.	Cor. L	White.
Igniter cord	Expl. C	
Igniters	Expl. C	
Igniters, jet thrust (jato) class A explosives (see: "Jet thrust unit (jato), class A explosives").	Expl. A	
Igniters, jet thrust (jato) class B explosives (see: "Jet thrust unit (jato), class B explosives").	Expl. B	
Illuminating projectiles, fuzed or not fuzed, with expelling charge (see: "Fireworks, special").		
Illuminating torches (see: "Fireworks, common").		
Inflammable liquids, N. O. S.	Inf. L	Red.
Inflammable solids, N. O. S.	Inf. S	Yellow.
Initiating explosives (see: "*Initiating or priming explosives*")	Expl. A	
Initiating explosives (*diazodinitrophenol wet with not less than 40 percent by weight of water*) (see: "*Initiating or priming explosives*").	Expl. A	
Initiating explosives (*guanyl nitrosamino guanylidene hydrazine wet with not less than 30 percent by weight of water*) (see: "*Initiating or priming explosives*").	Expl. A	
Initiating explosives (*in bulk in dry condition*)	Prohibited	
Initiating explosives (*lead azide, dextrinated type only, wet with not less than 20 percent by weight of water*) (see: "*Initiating or priming explosives*").	Expl. A	
Initiating explosives (*lead mononitroresorcinate, wet with not less than 40 percent by weight of water*).	Expl. A	
Initiating explosives (*lead styphnate, lead trinitroresorcinate—wet with not less than 20 percent by weight of water*) (see: "*Initiating or priming explosives*").	Expl. A	
Initiating explosives (*nitromannite wet with not less than 40 percent by weight of water* (see: "*Initiating or priming explosives*").	Expl. A	
Initiating explosives (*nitrosoguanidine wet with not less than 10 percent by weight of water*) (see: "*Initiating or priming explosives*").	Expl. A	

Article	Classed as—	Label required [1]
Initiating explosives (*pentaerythrite tetranitrate wet with not less than 40 percent by weight of water*) (see: "*Initiating or priming explosives*").	Expl. A	
Initiating explosives (*tetrazene (guanyl nitrosamino guanyl tetrazene) wet with not less than 30 percent by weight of water*) (see: "*Initiating or priming explosives*").	Expl. A	
Initiating or priming explosives	Expl. A	
•Ink	Comb. L	
•Ink	Inf. L	Red.
•Insecticide, dry	Pois. B	Poison.
Insecticide, liquefied gas	Noninf. G	Green gas.
•Insecticide, liquid	Pois. B	Poison.
•Insecticide, liquid (*vermin exterminator*)	Comb. L	
•Insecticide, liquid (*vermin exterminator*)	Inf. L	Red.
Instantaneous fuse	Expl. C	
Insulation tape (*varnished cloth type*) (see: "Oiled textiles")	Haz	
Iodine monochloride	Cor. L	White.
Iridium 192 (see: "Radioactive materials, groups I and II)	Pois. D	Poison radioactive materials (red).
Iron arsenate, solid (see: "Ferrous or ferric arsenate, solid").		
Iron mass, spent	Inf. S	
Iron mass, wet	Haz	
Iron oxide, wet	Haz	
Iron sponge, *not properly oxidized*	Inf. S	Yellow.
Iron sponge, spent	Inf. S	
Iron sponge, wet	Haz	
Isobutane (see: "Liquefied petroleum gas").		
Isobutylene (see: "Liquefied petroleum gas").		
Isooctane	Inf. L	Red.
Isooctene	Inf. L	Red.
Isopentane	Inf. L	Red.
Isoprene	Inf. L	Red.
•Isopropanol (see: "Alcohol or alcohol, N. O. S.")	Comb. L	
•Isopropanol (see: "Alcohol or alcohol, N. O. S.")	Inf. L	Red.
Isopropyl acetate	Inf. L	Red.
Isopropyl mercaptan (see: "*Mercaptans*")	Inf. L	Red.
Isopropyl percarbonate, stabilized	Not permitted	
Isopropyl percarbonate, unstabilized	Not permitted	
Jet thrust igniters (see: "Igniters, jet thrust").		
Jet thrust unit (jato) class A explosives	Expl. A	
Jet thrust unit (jato) class B explosives	Expl. B	
Jute (see: "Fibers").		
Jute, wet (see: "Rags, wet").		
Kapok (see: "Fibers").		
Kerosene (*coal oil*)	Comb. L	
Kerosene (export shipment only—see "Kerosene")	Comb. L	
•Lacquer (see: "Paint, enamel, etc.")	Comb. L	
•Lacquer (see: "Paint, enamel, etc.")	Inf. L	Red.
•Lacquer base, liquid (see: "Paint, enamel, etc.")	Comb. L	
•Lacquer base, liquid (see: "Paint, enamel, etc.")	Inf. L	Red.
Lacquer base, or lacquer chips, dry, *nitrocellulose base*	Inf. S	Yellow.
•Lacquer base or lacquer chips, plastic (*wet with alcohol or solvent*)	Comb. L	
•Lacquer base or lacquer chips, plastic (*wet with alcohol or solvent*)	Inf. L	Red.
•Lacquer removing, reducing and thinning compounds (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Comb. L	
•Lacquer removing, reducing and thinning compounds (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Inf. L	Red.
Lauroyl peroxide, dry	Oxy. M	Yellow.
Lauroyl peroxide, wet (*when wet with not less than 30 percent by weight of water*).	Oxy. M	Yellow.
Lead arsenate, solid	Pois. B	Poison.
Lead arsenite, solid	Pois. B	Poison.
Lead azide (see: "*Initiating or priming explosives*").		
Lead cyanide (see: "Cyanide of lead")	Pois. B	Poison.
Lead dross	Haz	
Lead mononitroresorcinate (see: "*Initiating or priming explosives*").		
Lead nitrate (see: "*Nitrates*")	Oxy. M	
Lead scrap	Haz	
Lead styphnate (*lead trinitroresorcinate*) (see: "*Initiating or priming explosives*").		
Lead type dross	No restrictions	
•Leather bleach	Comb. L	
•Leather bleach (see: "Paint, enamel, etc.")	Inf. L	Red.
•Leather dressing	Comb. L	
•Leather dressing (see: "Paint, enamel, etc.")	Inf. L	Red.
Lewisite	Pois. A	Poison gas.
Lime-nitrogen (see: "Calcium cyanamide, not hydrated").		
Lime, unslaked	Haz	
Liquefied carbon dioxide (see: "Carbon dioxide, liquefied")	Noninf. G	Green gas.
Liquefied hydrocarbon gas (see: "Hydrocarbon gas, liquefied")	Inf. G	Red gas.
Liquefied noninflammable (nonflammable) gases *charged with nitrogen, carbon dioxide or air.*	Noninf. G	Green gas.
Liquefied petroleum gas	Inf. G	Red gas.
Liquids other than those classified as inflammable, corrosive or poisonous, charged with nitrogen, carbon dioxide or air (see: "Compressed gases, N. O. S.").		
Lithium aluminum hydride	Inf. S	Yellow.
Lithium aluminum hydride, ethereal	Inf. L	Red.
Lithium amide, powdered	Inf. S	Yellow.
Lithium hydride	Inf. S	Yellow.
Lithium hypochlorite compounds, dry, containing more than 39% available chlorine (see: "Calcium hypochlorite compounds, dry, etc.").	Oxy. M	Yellow.
Lithium metal	Inf. S	Yellow.
Lithium metal in cartridges (see: "Lithium metal")	Inf. S	Yellow.
Lithium peroxide	Oxy. M	Yellow.
Lithium silicon (see: "Lithium hydride")	Inf. S	Yellow.
London purple, solid	Pois. B	Poison.
Long time burning oil (export shipment only—see: "Kerosene")	Comb. L	
Low blasting explosives (see: "Black powder")	Expl. A	
Low explosives (see: "Black powder")	Expl. A	
Lye (see: "Caustic soda, solid").		
•*Machines or apparatus* (see: "Refrigerating machines").		
Machines or apparatus (*assembled for shipment containing not over 15 pounds weight of gas or liquid for their operations*).	Noninf. G	
Magnesium arsenate, solid	Pois. B	Poison.
Magnesium dross	Inf. S	
Magnesium, metallic, powdered	Inf. S	Yellow.
Magnesium nitrate (see: "*Nitrates*")	Oxy. M	
Magnesium perchlorate (see: "*Perchlorates*")	Oxy. M	Yellow.
Magnesium peroxide, solid	Oxy. M	Yellow.
Magnesium scrap (*borings, clippings, shavings, sheets, or turnings*)	Inf. S	Yellow.
Manganese dioxide	Haz	
Matches, block (see: "Matches, strike-anywhere").		
Matches, book	Inf. S	
Matches, book, card or strike-on-box, *with other articles* (see: "Matches, book").	Inf. S	
Matches, card	Inf. S	
Matches, strike-anywhere	Inf. S	Yellow.
Matches, strike-on-box	Inf. S	
•Medicines, N. O. S. (see: "Drugs, chemicals, medicines, or cosmetics, N. O. S.").		
Mercuric acetate (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric-ammonium chloride, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric benzoate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric bromide, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric cyanide, solid (see: "Cyanides, etc.")	Pois. B	Poison.
Mercuric iodide, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric iodide, solution	Pois. B	Poison.
Mercuric oleate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric oxide (red), solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric oxide (yellow), solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric oxycyanide, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric-potassium cyanide, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric-potassium iodide, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric salicylate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric subsulfate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric sulfate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuric sulfocyanate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercuricyanamid, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercurol (mercury nucleate), solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercurous bromide, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercurous gluconate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercurous iodide, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercurous nitrate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercurous oxide, black, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercurous sulfate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercury acetate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercury bichloride, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercury bisulfate, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Mercury compounds, N. O. S. (solid) (see: "*Mercury compounds, solid*").	Pois. B	Poison.
Mercury compounds, solid	Pois. B	Poison.
Mercury cyanide, solid (see: "Cyanides, etc.")	Pois. B	Poison.
Mercury fulminate (see: "*Initiating or priming explosives*").		
Mercury nucleate, solid (see: "Mercurol, solid").		
Mesityl oxide	Comb. L	
•Metal borings, shavings, turnings, cuttings	Haz	
•Metal polish, liquid (see: "Polishes, metal, etc.")	Comb. L	
•Metal polish, liquid (see: "Polishes, metal, etc.")	Inf. L	Red.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
Metallic sodium or potassium (see: "Sodium, metallic or potassium, metallic").	Inf. S	Yellow
Methane	Inf. G	Red gas.
Methanol (*methyl hydrate*) (*methyl alcohol*) (see: "Alcohol or alcohol, N. O. S.").	Inf. L	Red.
Methyl acetate	Inf. L	Red.
Methyl acetone	Inf. L	Red.
Methyl amyl acetate	Comb. L	
Methyl amyl ketone	Comb. L	
Methyl bromide, liquid (*bromomethane*)	Pois. B	Poison
Methyl bromide and ethylene dibromide mixture, liquid	Pois. B	Poison.
Methyl "Cellosolve" (see: "Ethylene glycol monomethyl ether").		
Methyl "Cellosolve" acetate (see: "Ethylene glycol monomethyl ether acetate").		
Methyl chloride	Inf. G	Red gas.
Methyl chloroformate	Cor. L	White.
Methylchloromethyl ether, anhydrous	Inf. L	Red.
Methyldichlorarsine	Pois. A	Poison Gas.
Methyldichlorosilane	Inf. L	Red.
Methyl ethyl ketone	Inf. L	Red.
Methyl formate	Inf. L	Red.
Methylhydrazine	Inf. L	Red.
Methyl iso-propenyl ketone, inhibited	Inf. G	Red gas.
Methyl mercaptan	Inf. L	Red.
Methyl methacrylate monomer	Pois. B	Poison.
Methyl parathion, liquid (see: "Parathion, liquid")	Pois. B	Poison.
Methyl parathion mixture, dry (see: "Parathion mixture, dry")	Pois. B	Poison.
Methyl parathion mixture, liquid (see: "Parathion mixture, liquid")	Inf. L	Red.
Methyl trichlorosilane (see: "Ethyl trichlorosilane")		
Methyl vinyl ketone, inhibited (see: "Ethyl methyl ketone").		
Mines, empty (see: "*Ammunition for cannon, nonexplosive*")	No restrictions	
Mines, explosive (see: "Explosive mines").		
Mixed acid (see: "Nitrating (mixed) acid")	Cor. L	White.
Mixture of hydrofluoric and sulfuric acids	Cor. L	White.
Mixtures or solutions of liquefied noninflammable gases and liquids other than those classified as inflammable, corrosive, or poisonous, charged with nitrogen, carbon dioxide or air (see "Compressed gases, N. O. S.").		
Monobromobenzene (see: "Bromobenzene").		
Monochloracetone, stabilized	Pois. C	Tear gas.
Monochloracetone (unstabilized)	Not permitted	
Monochlorbenzol (see: "Chlorobenzol")	Comb. L	
Monochloroacetic acid, liquid	Cor. L	White.
Monochlorobenzene (see: "Chlorobenzol")	Comb. L	
Monochlorobenzol (see: "Chlorobenzol")	Comb. L	
Monochlorodifluoromethane	Noninf. G	Green gas
Monochloroethylene (see: "Vinyl chloride, inhibited").		
Monochloropentafluoroethane	Noninf. G	Green gas.
Monochlorotetrafluoroethane	Noninf. G	Green gas.
Monochlorotrifluoromethane	Noninf. G	Green gas.
Monofluorophosphoric acid, anhydrous (see: "Difluorophosphoric acid, anhydrous").	Cor. L	White.
Monomethylamine, anhydrous	Inf. G	Red gas.
Monomethylamine, aqueous solution (see: "Dimethylamine, aqueous solutions").	Inf. L	Red.
•Mortar stain, liquid (see: "Paint, enamel, etc.")	Comb. L	
•Mortar stain, liquid (see: "Paint, enamel, etc.")	Inf. L	Red.
Moth balls (see: "Naphthalene").		
Motion-picture film (*nitrocellulose base*) *including mixed shipments with noninflammable film*).	Inf. S	Yellow.
Motion-picture film, old and worn out (*nitrocellulose base*)	Inf. S	Yellow.
Motion-picture film, old and worn out (*slow-burning*)	No restrictions	
Motion-picture film (*processed, positive or negative, nitrocellulose*)	Inf. S	Yellow.
Motion-picture film (*processed, positive or negative, slow-burning*)	No restrictions	
Motion-picture film scrap (*nitrocellulose base*) *other than samples* (see: "Pyroxylin plastic scrap").	Inf. S	Yellow.
Motion-picture film scrap (*nitrocellulose base*), *samples of* (see: "Pyroxylin plastic scrap").	Inf. S	Yellow.
Motion-picture film, scrap (*slow burning*)	No restrictions	
Motion-picture film, toy (*nitrocellulose base*)	Inf. S	Yellow.
Motion-picture film, toy pieces (*nitrocellulose base*)	No restrictions	
Motion-picture film, toy (*slow-burning*)	No restrictions	
Motion-picture film, unexposed (*nitrocellulose base*)	Inf. S	Yellow.
Motion-picture film, unexposed (*slow-burning*)	No restrictions	
Motion-picture outfits, toy	No restrictions	
Motor-fuel antiknock compound	Pois. B	Poison.
Motor fuel (export only) (see: "Gasoline")	Inf. L	Red.
•Motor fuel, N. O. S.	Comb. L	
•Motor fuel, N. O. S.	Inf. L	Red.
Motor spirit (export only) (see: "Gasoline")	Inf. L	Red.
Motorcycles (see: "Automobiles, motorcycles, etc.")	Haz	
Muriatic acid (see: "Hydrochloric acid")	Cor. L	White.
Mustard gas	Pois. A	Poison gas.
Nafta (export only) (see: "Gasoline")	Inf. L	Red.
•Naphtha (see: "Benzine")	Comb. L	
•Naphtha (see: "Benzine")	Inf. L	Red.
•Naphtha distillate (see: "Benzine")	Comb. L	
•Naphtha distillate (see: "Petroleum distillate")	Inf. L	Red.
•*Naphtha, petroleum* (see: "Benzine").		
•Naphtha, solvent (see: "Coal tar naphtha")	Comb. L	
•Naphtha, solvent (see: "Coal tar naphtha")	Inf. L	Red.
Naphthalene	Haz	
Naphthalin	Haz	
Natural gasoline (see: "Gasoline").		
Negative cotton (see: "High explosives").		
Neohexane	Inf. L	Red.
Neon gas	Noninf. G	Green gas.
New explosives or explosive devices (see: § 146.20-3 (q)).		
Nickel carbonyl	Inf. L	Red.
•Nickel catalyst, finely divided, activated or spent	Inf. S	Yellow.
Nickel cyanide, solid (see: "Cyanides, etc.")	Pois. B	Poison.
Nicotine hydrochloride	Pois. B	Poison.
Nicotine, liquid	Pois. B	Poison.
Nicotine salicylate	Pois. B	Poison.
Nicotine sulfate, liquid	Pois. B	Poison.
Nicotine sulfate, solid	Pois. B	Poison.
Nicotine tartrate	Pois. B	Poison.
Nitrate of aluminum (see: "*Nitrates*")	Oxy. M	
Nitrate of ammonia (see: "*Nitrates*")	Oxy. M	
Nitrate of ammonia explosives (see: "High explosives").		
Nitrate of barium (see: "*Nitrates*")	Oxy. M	
Nitrate of lead (see: "*Nitrates*")	Oxy. M	
Nitrate of potash (Potassium nitrate) (see: "*Nitrates*")	Oxy. M	
Nitrate of soda (Sodium nitrate) (see: "*Nitrates*")	Oxy. M	
Nitrate of soda and potash (see: "*Nitrates*")	Oxy. M	
Nitrate of soda, bags, empty, unwashed (see "Bags, nitrate of soda, empty and unwashed").	Oxy. M	Yellow.
Nitrate of strontium (strontium nitrate) (see: "*Nitrates*")	Oxy. M	
Nitrates	Oxy. M	
Nitrates, N. O. S. (see: "*Nitrates*")	Oxy. M	
Nitrating (mixed) acid	Cor. L	White.
Nitric acid	Cor. L	White.
Nitrite of soda (see: "Sodium nitrite")	Oxy. M	Yellow.
Nitrobenzol, liquid (*oil of mirbane*)	Pois. B	Poison.
Nitro carbo nitrate (see: "*Nitrates*")	Oxy. M	
Nitrocellulose (*collodion cotton*), *wet with alcohol or solvent* (see: "Wet nitrocellulose—30 percent alcohol or solvent").		
Nitrocellulose (*collodion cotton*), *wet with water* (see: "Wet nitrocellulose—20 percent water").		
Nitrocellulose, colloided, granular or flake, wet with alcohol or solvent (see: "Wet nitrocellulose, colloided, granular or flake—20 percent alcohol or solvent").		
Nitrocellulose, colloided, granular or flake, wet with 20 percent water (see: "Wet nitrocellulose, colloided, granular, or flake—20 percent water").		
Nitrocellulose, dry (see: "High explosives").		
Nitrochlorbenzene, meta or para, solid	Pois. B	Poison.
Nitrochlorbenzene, ortho, liquid	Pois. B	Poison.
Nitrogen	Noninf. G	Green gas.
Nitrogen dioxide, liquid	Pois. A	Poison gas.
Nitrogen fertilizer solution	Noninf. G	Green gas.
Nitrogen peroxide	Pois. A	Poison gas.
Nitrogen, pressurized liquid	Noninf. G	Green gas.
Nitrogen tetroxide (see: "Nitrogen peroxide")	Pois. A	Poison gas.
Nitroglycerin, liquid	Prohibited	
Nitroglycerin, liquid, desensitized	Not permitted	
Nitroglycerin, spirits of (see: "Spirits of nitroglycerin").		
Nitroguanidine, dry (see: "High explosives").		
Nitroguanidine, wet with water (see: "Wet nitroguanidine—20 percent water).		
Nitrohydrochloric acid	Cor. L	White.
Nitrohydrochloric acid, diluted	Cor. L	White.
Nitro mannite (see: "*Initiating or priming explosives*").		
Nitrosoguanidine (see: "*Initiating or priming explosives*").		
Nitrostarch, dry (see: "High explosives").		
Nitrostarch, wet with alcohol or solvent (see: "Wet nitrostarch—30 percent alcohol or solvent").		
Nitrostarch, wet with water (see: "Wet nitrostarch—20 percent water").		
Nitrosyl chloride	Noninf. G	Green gas.
Nitrourea (see: "High explosives").		
Nitrous oxide	Noninf. G	Green gas.
Nitroxylol	Pois. B	Poison.
Nonliquefied gases (see: "Compressed gases, N. O. S.").		

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Article	Classed as—	Label required [1]
Nonliquefied hydrocarbon gas (see: "Hydrocarbon gas, nonliquefied").	Inf. G	Red gas.
Nonyl trichlorosilane	Cor. L	White.
Oakum	Haz	
Octadecyltrichlorosilane	Cor. L	White.
Octyltrichlorosilane	Cor. L	White.
**Oil*	Comb. L	
*Oil, [2]	Inf. L	Red.
*Oil, N. O. S	Comb. L	
*Oil, N. O. S	Inf. L	Red.
Oil of mirbane (see: "Nitrobenzol, liquid").		
Oil of vitriol (see: "Sulfuric acid").		
Oil well cartridges	Expl. C	
Oiled clothing (*manufactured articles properly dried to prevent spontaneous heating*).	Haz	
Oiled paper (*manufactured articles properly dried to prevent spontaneous heating*).	Haz	
Oiled textiles (*manufactured articles properly dried to prevent spontaneous heating*).	Haz	
Oleum (see: "Sulfuric acid").		
Oxide, spent (see: "Iron mass, spent")	Oxy. M	Yellow.
Oxidizing materials, N. O. S	Oxy. M	Yellow.
Oxygen	Noninf. G	Green gas.
Oxygen, pressurized liquid	Noninf. G	Green gas.
*Paint driers, liquid (see: "Paint, enamel, etc.")	Comb. L	
*Paint driers, liquid (see: "Paint, enamel, etc.")	Inf. L	Red.
*Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base, liquid.	Comb. L	
*Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base, liquid.	Inf. L	Red.
*Paint, lacquer and varnish removing, reducing or thinning compounds (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Comb. L	
*Paint, lacquer and varnish removing, reducing or thinning compounds (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Inf L	Red.
*Paint, liquid (see: "Paint, enamel, etc.")	Comb. L	
Paper cap ammunition for toy pistols (see: "Toy caps").		
Paper caps (see: "Toy caps").		
Paper scrap (*when dry, clean and free from oil*)	Haz	
Paper stock, wet	Inf. S	Yellow.
Paper waste, wet (see: "Paper stock, wet")	Inf. S	Yellow.
Paper waste (*when dry, clean, and free from oil*)	Haz	
Parachlorobenzoyl peroxide (see: "Chlorobenzoyl peroxide (para)")	Oxy. M	Yellow.
Paraffin (export shipment only) (see: "Kerosene")	Comb. L	
Paraldehyde	Comb. L	
Paranitraniline (paranitroaniline), solid (see: "Nitrochlorbenzene, meta or para, solid").	Pois. B	Poison.
Parathion and compressed gas mixture	Pois. A	Poison gas.
Parathion, liquid	Pois. B	Poison.
Parathion mixture, dry	Pois. B	Poison.
Parathion mixture, liquid	Pois. B	Poison.
Paris green, solid (see: "Copper acetoarsenite, solid")	Pois. B	Poison.
Pentaborane	Inf. L	Red.
Pent-acetate (see: "Amyl acetate")	Comb. L	
Pentaerythrito tetranitrate (see: *"Initiating or priming explosives"*).		
Pentane	Inf. L	Red.
Pentane, methyl	Inf. L	Red.
Pentolite, dry (see: "High explosives").		
Peracetic acid	Oxy. M	Yellow.
Perchlorate of ammonia (ammonium perchlorate) (see: *"Perchlorates"*)	Oxy. M	Yellow.
Perchlorate of potash (potassium perchlorate) (see: *"Perchlorates"*)	Oxy. M	Yellow.
Perchlorates	Oxy. M	Yellow.
Perchlorates, N. O. S. (see: *"Perchlorates"*)	Oxy. M	Yellow.
Perchloric acid (*exceeding 72 percent strength*)	Not permitted.	
Perchloric acid (*of not exceeding 72 percent strength*)	Cor. L	White.
Perchloro-methyl-mercaptan	Pois. B	Poison.
Percussion caps (see: *"Primers"*)	Expl. C	
Percussion fuzes (see: *"Fuzes"*)	Expl. C	
Permanganate of potash (potassium permanganate) (see: *"Permanganates"*).	Oxy. M	Yellow.
Permanganate of soda (sodium permanganate) (see: *"Permanganates"*).	Oxy. M	Yellow.
Permanganates	Oxy. M	Yellow.
Permanganates, N. O. S. (see: *"Permanganates"*)	Oxy. M	Yellow.
Peroxide of sodium (see: "Sodium peroxide")	Oxy. M	Yellow.
Peroxides, organic, liquid, N. O. S	Inf. L	Red.
Peroxides, organic, liquid, N. O. S	Oxy. M	Yellow.
Petrol (export only) (see: "Gasoline")	Inf. L	Red.
**Petroleum, crude* (see: "Crude oil, petroleum").		
*Petroleum distillate	Inf. L	Red.
*Petroleum distillate, N. O. S	Comb. L	

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
*Petroleum ether (see: "Benzine")	Comb. L	
*Petroleum ether (see: "Benzine")	Inf. L	Red.
Petroleum gas, liquefied (see: "Liquefied petroleum gas")	Inf. G	Red gas.
*Petroleum naphtha (see: "Benzine")	Comb. L	
*Petroleum naphtha (see: "Benzine")	Inf. L	Red.
*Petroleum oil (see: "Oil")	Comb. L	
*Petroleum oil (see: "Oil")	Inf. L	Red.
*Petroleum oil, N. O. S. (see: "Oil")	Comb. L	
*Petroleum oil, N. O. S. (see: "Oil")	Inf. L	Red.
Petroleum spirits (see: "Compounds, lacquer, etc., removing, reducing or thinning").		
Phenol, liquid (see: "Carbolic acid, liquid")	Pois. B	Poison.
Phenol, solid (see: "Carbolic acid, solid")	Pois. B	Poison.
Phenyl trichlorosilane	Cor. L	White.
Phenylcarbylamine chloride	Pois. A	Poison gas.
Phenyldichlorarsine, liquid	Pois. B	Poison.
Phosgene (*diphosgene*)	Pois. A	Poison gas.
Phosphoric anhydride	Inf. S	Yellow.
Phosphorus amorphous, red	Inf. S	Yellow.
Phosphorus oxychloride	Cor. L	White.
Phosphorus pentachloride	Inf. S	Yellow.
Phosphorus sesquisulfide	Inf. S	Yellow.
Phosphorus tribromide	Cor. L	White.
Phosphorus trichloride	Cor. L	White.
Phosphorus, white or yellow, dry	Inf. S	Yellow.
Phosphorus, white or yellow, in water	Inf. S	Yellow.
Phosphorus, white or yellow, in water in bulk (see: § 146.22—35).		
Photographic film (*cellulose acetate base*)	No restrictions	
Photographic film (*nitrocellulose base*)	Inf. S	Yellow.
Photographic film, scrap (*nitrocellulose base*) (see: "Pyroxylin plastic scrap").	Inf. S	Yellow.
Photographic film scrap (*slow-burning*) (see: "Motion-picture film (*slow-burning*)").	No restrictions	
Photographic flash lamps (*capable, upon breakage, of igniting inflammable vapors or finely divided combustible substances*).	Haz	
Photographic flash lamps (*that will not, upon breakage, ignite inflammable vapors or finely divided combustible substances*).	No restrictions	
Photographic flash powder (see: "Fireworks, special" or "Low explosives").		
Picrate of ammonia (see: "High explosives").		
Picrates, dry (see: "High explosives").		
Picric acid, dry (see: "High explosives").		
Picric acid, wet with not less than 10 percent water, and not exceeding 16 ounces.	Inf. S	
Picric acid, wet with not less than 10 percent water, *in excess of 16 ounces but not exceeding 25 pounds.*	Inf. S	Yellow.
Picric acid, wet with not less than 10 percent water, over 25 pounds (see: "High explosives").		
*Pine oil	Comb. L	
Pinwheels (see: "Fireworks, common").		
*Plastic solvent, N. O. S	Comb. L	
*Plastic solvent, N. O. S. (see: "*Solvents, N. O. S.")	Inf. L	Red.
Poisonous liquid or gas, N. O. S	Pois. A	Poison gas.
Poisonous liquids, N. O. S	Pois. B	Poison.
Poisonous liquids, N. O. S	Pois. C	Tear gas.
Poisonous solids, N. O. S	Pois. B	Poison.
Poisonous solids, N. O. S	Pois. C	Tear gas.
Police grenades, poison gas, class A	Pois. A	Poison gas.
*Polishes, metal, stove, furniture and wood, liquid	Comb. L	
*Polishes, metal, stove, furniture and wood, liquid	Inf. L	Red.
*Polishing compounds, liquid (see: "Polishes, metal, stove, furniture, and wood, liquid").	Comb. L	
Polymerizable materials (see: § 146.05-3).		
Potash, caustic, solution (see: "Caustic potash, liquid")	Cor. L	White.
Potassium arsenate, solid	Pois. B	Poison.
Potassium arsenite, solid	Pois. B	Poison.
Potassium bromate	Oxy. M	Yellow.
Potassium chlorate (see: *"Chlorates"*)	Oxy. M	Yellow.
Potassium cyanide, liquid (see: "Cyanides of potassium, liquid")	Pois. B	Poison.
Potassium cyanide, solid (see: "Cyanides, etc.")	Pois. B	Poison.
Potassium hydroxide (see: "Caustic potash, solid")	Haz	
Potassium hydroxide solution (see: "Caustic potash, liquid")	Cor. L	White.
Potassium; metallic	Inf. S	Yellow.
Potassium, metallic liquid alloy	Inf. S	Yellow.
Potassium nitrate (see: *"Nitrates"*)	Oxy. M	
Potassium nitrate mixed (fused) with sodium nitrite	Oxy. M	Yellow.
Potassium nitrite	Oxy. M	Yellow.
Potassium perchlorate (see: *"Perchlorates"*)	Oxy. M	Yellow.
Potassium permanganate (see: *"Permanganates"*)	Oxy. M	Yellow.
Potassium peroxide	Oxy. M	Yellow.
Potassium sulfide (fused or concentrated and ground)	Inf. S	Yellow.

Article	Classed as—	Label required [1]
Potassium sulfide, fused or concentrated but not ground—*may be chipped or broken.*	Inf. S	Yellow.
*Potato spray (*arsenical*), *liquid* (see: "Insecticide, liquid").		
Primers	Expl. C	
Primers, detonating (see: *"Initiating or priming explosives"*).		
Projectiles, explosive (see: "Explosive projectiles").		
Projectiles, gas, nonexplosive (see: "Chemical ammunition, classes A, B, or C").		
Projectiles, gas, smoke, or incendiary, with burster or booster with or without detonating fuze (see: "Ammunition, chemical, explosive").		
Projectiles, illuminating, incendiary or smoke with expelling charge but without bursting charge (see: "Fireworks, special").		
Projectiles, sand-loaded, empty or solid (see: *"Ammunition for cannon, nonexplosive"*).		
Propane (see: "Liquefied petroleum gas").		
Propellant explosives, Class A explosives	Expl. A	
Propellant explosives, Class B explosives	Expl. B	
Propellant explosives in water (*smokeless powder for cannon or small arms*).	Expl. B	
Propellant explosives in water, unstable, condemned, or deteriorated (*smokeless powder for cannon or small arms*).	Expl. B	
Propyl mercaptan (see "Mercaptans")	Inf. L	Red.
Propyl trichlorosilane	Cor. L	White.
Propylene (see: "Liquefied petroleum gas").		
Propylene oxide	Inf. L	Red.
Prussic acid (see: "Hydrocyanic acid, liquid").		
Prussic acid, unstabilized (see: "Hydrocyanic acid, unstabilized").		
*Pyridine	Comb. L	
Pyridine	Inf. L	Red.
Pyroforic fuel	Inf. L	Red.
Pyrosulfuryl chloride	Cor. L	White.
*Pyroxylin cement (see: "Cement, pyroxylin")	Comb. L	
*Pyroxylin cement (see: "Cement, pyroxylin")	Inf. L	Red.
Pyroxylin plastic scrap	Inf. S	Yellow.
Pyroxylin plastics, rods, rolls, sheets, tubes	Inf. S	Yellow.
*Pyroxylin solution	Comb. L	
*Pyroxylin solution (see: "*Solvents, N. O. S.")	Inf. L	Red.
*Pyroxylin solvent, N. O. S	Comb. L	
*Pyroxylin solvent, N. O. S. (see: "*Solvents, N. O. S.")	Inf. L	Red.
Quicklime (see: "Lime, unslaked")	Haz	
Radio battery charges or radio current supply device (see: "Electrolyte (acid) or alkaline corrosive battery fluid, packed with battery charger or radio current supply device or parts thereof").		
Radioactive materials, groups I and II	Pois. D	Poison radioactive materials (red).
Radioactive materials, group III	Pois. D	Poison radioactive materials (blue).
Radioactive materials (*low activity*)	Pois. D	
Radioactive materials N. O. S. (see: "Radioactive materials, groups I and II or group III").	Pois. D	Poison radioactive materials (blue or red).
Rags, oily (see: "Cotton waste, oily")	Inf. S	Yellow.
Rags, scrap (*when dry, clean and free from oil*)	Haz	
Rags, wet	Inf. S	Yellow.
Railway fusees	Expl. C	
Railway torpedoes (track torpedoes)	Expl. B	Special fireworks.
Range oil (see: "Fuel oil")	Comb. L	
*Reducing compounds, paint, varnish, lacquer, etc. (see: "Compounds, lacquer, etc., removing, reducing, or thinning, liquid").	Comb. L	
**Reducing compounds, paint, varnish, lacquer, etc.* (see: "Compounds, lacquer, etc., removing, reducing, or thinning, liquid").		
Refined oil (export shipment only) (see: "Kerosene")	Comb. L	
Refined petroleum (export shipment only) (see: "Kerosene")	Comb. L	
Refrigerant gas, N. O. S	Noninf. G	Green gas.
*Refrigerating machines (*assembled for shipment and containing not over 15 pounds of an inflammable liquid for their operation*).	Inf. L	
Refrigerating machines (*of the self-contained type containing not over 50 pounds weight of gas, or of the remote-control type, consisting of separate units shipped separately and each containing not over 25 pounds weight of gas*).	Inf. G. or Noninf. G	
*Removing compounds, paint, varnish, lacquer, etc. (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Comb. L	
**Removing compounds, paint, varnish, lacquer, etc.* (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").		
*Resin	Haz	
*Resin solution	Comb. L	
*Resin solution	Inf. L	Red.
Resinate of cobalt (see: "Cobalt resinate, precipitated")	Inf. S	Yellow.
Rifle grenades (see: *"Ammunition—projectiles, grenades, etc."*)	Expl. A	
Rifle powder (see: "Black powder").		

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
*Road asphalt or tar (see: "Asphalt")	Haz	
*Road asphalt or tar, liquid	Comb. L	
*Road asphalt or tar, liquid	Inf. L	Red.
*Road oil	Comb. L	
Rocket ammunition with empty projectiles	Expl. B	
Rocket ammunition with explosive projectiles	Expl. A	
Rocket ammunition with gas projectiles	Expl. A	
Rocket ammunition with illuminating projectiles	Expl. A	
Rocket ammunition with incendiary projectiles	Expl. A	
Rocket ammunition with inert-loaded projectiles	Expl. B	
Rocket ammunition with smoke projectiles	Expl. A	
Rocket ammunition with solid projectiles	Expl. B	
Rocket ammunition without projectiles	Expl. B	
Rocket fireworks (see: "Fireworks, common").		
Rocket heads (see: "Explosive projectiles").		
Roman candles (see: "Fireworks, common").		
Rosin (colophony) (see: "Resin")	Haz	
Rough ammoniate tankages (*containing less than 7 percent moisture*) (see: "*Tankages*").	Inf. S	Yellow.
Rough ammoniate tankages (*containing 7 percent or more of moisture*) (see: "*Tankages*").	Haz	
Rubber buffings	Inf. S	Yellow.
*Rubber cement (see: "Cement, rubber")	Comb. L	
*Rubber cement (see: "Cement, rubber")	Inf. L	Red.
*Rubber scrap, *ground, powdered or granulated*	Inf. S	Yellow.
*Rubber shoddy, regenerated rubber, or reclaimed rubber	Inf. S	Yellow.
*Rum, denatured (see: "Alcohol or alcohol, N. O. S.")	Comb. L	
*Rum, denatured (see: "Alcohol or alcohol, N. O. S.")	Inf. L	Red.
*Rust preventive coating	Comb. L	
Safety fuse	Expl. C	
Safety squibs (see: *"Igniters"*)	Expl. C	
Saltpeter (see: "Potassium nitrate").		
Saltpeter, Chile (see: "Sodium nitrate").		
Salutes (see: "Fireworks, common" or "Fireworks, special").		
Samples of explosives (see: § 146.20-13).		
Sawdust (*when dry, clean and free from oil*)	Haz	
Scheele's green, solid (see: "Copper arsenite, solid").		
Sea coal (see: "Coal facings")	Inf. S	Yellow.
Self-propelled vehicles (see: "Automobiles, motorcycles, tractors, or other self-propelled vehicles, etc.").		
Shaped charges, commercial (see: "High explosives").		
*Shellac (see: "Paint, enamel, etc.")	Comb. L	
*Shellac (see: "Paint, enamel, etc.")	Inf. L	Red.
*Shellac, liquid (see: "Paint, enamel, etc.")	Comb. L	
*Shellac, liquid (see: "Paint, enamel, etc.")	Inf. L	Red.
Shellac, raw	Haz	
Shells, fireworks (see: "Fireworks, common" or "Fireworks, special").		
Ship distress signals (see: "Fireworks, special").		
Signal flares (see: "Flares and signalling devices")	Expl. C	
Signals, highway (see: "Fireworks, common").		
Silicon chloride (*tetrachloride*)	Cor. L	White.
Silver cyanide (see: "Cyanide of silver")	Pois. B	Poison.
Silver nitrate (see: *"Nitrates"*)	Oxy. M	Yellow.
Sisal (see: "Fibers").		
*Sludge acid	Cor. L	White.
Small-arms ammunition	Expl. C	
Small-arms ammunition, tear gas cartridges	Expl. C	Tear gas.
Small-arms primers (see: *"Primers"*)	Expl. C	
Smoke candles (see: *"Flares and signalling devices"*)	Expl. C	
Smoke generators (see: *"Chemical ammunition*, class B or C").		
Smoke pots (see: *"Flares and signalling devices"*)	Expl. C	
Smoke projectiles with bursting charges (see: "Explosive projectiles").		
Smoke projectiles with expelling charge but without bursting charge (see: "Fireworks, special").		
Smoke signals (see *"Flares and signalling devices"*)	Expl. C	
Smokeless powder for cannon or small arms (see: "Propellant explosives" or "High explosives").		
Soda amatol (see: "High explosives *containing no liquid explosive ingredient nor any chlorate*").		
Soda, caustic solution (see: "Caustic soda, liquid")	Cor. L	White.
Sodium aluminate, liquid	Cor. L	White.
Sodium amide	Inf. S	Yellow.
Sodium arsenate, solid (see: "Potassium arsenate, solid")	Pois. B	Poison.
Sodium arsenite (solution) liquid	Pois. B	Poison.
Sodium azide	Pois. B	Poison.
Sodium bromate	Oxy. M	Yellow.
Sodium cacodylate, solid (*sodium dimethyl arsenate*)	Pois. B	Poison.
Sodium chlorate (*soda chlorate*) (see: *"Chlorates"*)	Oxy. M	Yellow.
Sodium chlorite	Oxy. M	Yellow.
Sodium chlorite solution (not exceeding 40 percent sodium chlorite)	Cor. L	White.
Sodium cyanide (see: "Cyanides, etc.")	Pois. B	Poison.

Article	Classed as—	Label required [1]
Tankage fertilizers (*containing less than 8 percent moisture*) (see: "*Tankages*").	Inf. S	Yellow.
Tankage, rough ammoniate (*containing less than 7 percent moisture*) (see: "*Tankages*").	Inf. S	Yellow.
•*Tankages*	Inf. S	Yellow.
•Tar, liquid (see: "Road asphalt or tar, liquid").	Haz	
•Tar, liquid (see: "Road asphalt or tar, liquid").	Comb. L	
Tear gas candles	Inf. L	Red.
Tear gas cartridges (see: "Small-arms ammunition, tear gas cartridges").	Pois. C	Tear gas.
Tear gas grenades (see: "Small-arms ammunition, tear gas cartridges").	Pois. C	Tear gas.
Tear gas material, liquid or solid, N. O. S	Pois. C	Tear gas.
Tertiary butylisopropylbenzene hydroperoxide (see "Cumene hydroperoxide").	Oxy. M	Yellow.
Tetrachloride (see: "Silicon chloride").		
Tetraethyl dithio pyrophosphate and compressed gas mixture	Pois. A	Poison gas.
Tetraethyl dithio pyrophosphate, liquid (see: Tetraethyl pyrophosphate, liquid").	Pois. B	Poison.
Tetraethyl dithio pyrophosphate, mixture, dry (see: "Tetraethyl pyrophosphate, mixture, dry").	Pois. B	Poison.
Tetraethyl dithio pyrophosphate, mixture, liquid (see: "Tetraethyl pyrophosphate, liquid").	Pois. B	Poison.
Tetraethyl lead, liquid	Pois. B	Poison.
Tetraethyl pyrophosphate and compressed gas mixture	Pois. A	Poison gas.
Tetraethyl pyrophosphate, liquid	Pois. B	Poison.
Tetraethyl pyrophosphate, mixture, dry	Pois. B	Poison.
Tetraethyl pyrophosphate, mixture, liquid (see: "Tetraethyl pyrophosphate, liquid").	Pois. B	Poison.
Tetrafluoroethylene, inhibited	Inf. G	Red gas.
Tetranitromethane	Oxy. M	Yellow.
Tetrazene (guanyl nitrosamino guanyltetrazene) (see: "*Initiating or priming explosives*").		
Thrid waste (see: "Explosives").	Haz	
Textile waste (see: "Cotton waste").	Inf. S	Yellow.
Textile waste, wet (see: "Rags, wet").	Pois. B	Poison.
Thallium salts, solid	Pois. B	Poison.
Thallium sulfate, solid	Comb. L	
•Thinners for rust preventive coating (see: "Rust preventive coating").		
•Thinning compounds, paint, varnish, lacquer, etc. (see: "Compounds, lacquer, etc., removing, reducing or thinning").		
•*Thinning compounds, paint, varnish, lacquer, etc.* (see: "Compounds, lacquer, etc., removing, reducing or thinning").		
Thiocarbonyl chloride (see: "Thiophosgene").		
Thionyl chloride (*thiocarbonyl chloride*)	Cor. L	White.
Thiophosphoryl chloride	Pois. B	Poison.
Thorium metal, powdered	Cor. L	White.
Time fuzes (see: "*Fuzes*")	Expl. C	Yellow.
Tin tetrachloride, anhydrous	Cor. L	White.
Titanium metal powder, dry	Inf. S	Yellow.
Titanium metal powder, wet, with not less than 20 percent water	Inf. S	Yellow.
Titanium tetrachloride	Cor. L	White.
Toluol (*toluene*)	Inf. L	Red.
Torches (see: "Fireworks, common").		
Torpedoes, cap (see: "Fireworks, special").		
Torpedoes, empty (see: *Ammunition for cannon, nonexplosive*").		
Torpedoes, reduced charge (see: "Explosive torpedoes").		
Torpedoes, railway or track (see: "Railway torpedoes").		
Toy caps	Expl. C	
Toy propellant devices	Expl. C	
Toy smoke devices	Expl. C	
Toy torpedoes (see: "Fireworks, special").		
Tracer fuzes (see: "*Fuzes*").	Expl. C	
Tracers (see: "*Fuzes*").	Expl. C	
Tractors (see: "Automobiles, motorcycles, tractors, etc.").	Haz	
Treated paper (*manufactured articles properly dried to prevent spontaneous heating*) (see: "Oiled clothing").	Haz	
Treated textiles (*manufactured articles properly dried to prevent spontaneous heating*) (see: "Oiled clothing").		
Trichlorosilane	Inf. L	Red.
Trick matches (see: "Explosive auto alarms, etc.").	Expl. C	
Trifluorochloroethylene	Inf. G	Red gas.
Trimethylamine, anhydrous	Inf. G	Red gas.
Trimethylamine, aqueous solution (see: "Dimethylamine, aqueous solution").	Inf. L	Red.
Trimethylchlorosilane (see: "Ethyl trichlorosilane").		
Trinitrobenzene, wet (*when wet with not less than 10 percent water and in a quantity not exceeding 16 ounces in one outside package*) (see: "High explosives (*wet with not less than 10 pounds of water to each 90 pounds of dry material*)").	Inf. S	Yellow.
Trinitrobenzene (see: "High explosives").		
Trinitrobenzoic acid, wet, *not exceeding 16 ounces*	Inf. S	Yellow.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label required [1]
Sodium dimethylarsenate (see: "Sodium cacodylate, solid").		
Sodium hydride	Inf. S	Yellow.
Sodium hydrosulfite	Inf. S	Yellow.
Sodium hydroxide (see: "Caustic soda, solid").	Haz	
Sodium hydroxide solution (see: "Caustic soda, liquid").	Cor. L	White.
Sodium, metallic, dispersed in organic solvent	Inf. S	Yellow.
Sodium, metallic liquid alloy (see: "Potassium, metallic liquid alloy").	Inf. S	Yellow.
•Sodium methylate, alcohol mixture	Comb. L	Yellow.
Sodium methylate, dry	Inf. L	Red.
Sodium nitrate (see: "*Nitrates*")	Inf. S	Yellow.
Sodium nitrite	Oxy. M	
Sodium nitrite mixed (fused) with potassium nitrate (see: "Potassium nitrate mixed (fused) with sodium nitrite").	Oxy. M	Yellow.
Sodium permanganate (see: "*Permanganates*")	Oxy. M	Yellow.
Sodium peroxide, wet with 20 percent water	Oxy. M	Yellow.
Sodium phosphide, solid	Inf. S	Yellow.
Sodium sulfide (fused or concentrated and ground) (see: "Potassium sulfide, etc.").	Inf. S	Yellow.
Sodium sulfide (fused or concentrated but not ground—*may be chipped, flaked, or broken*) (see: "Potassium sulfide, etc.").	Inf. S	Yellow.
Solvent, mineral spirits (see: "Compounds, lacquer, etc.").		
•Solvents, N. O. S	Comb. L	
•Solvents, N. O. S	Inf. L	Red.
•Sparklers (see: "Fireworks, common").		
Special fireworks (see: "Fireworks, special")	Expl. B	Special fireworks.
Spent iron mass (see: "Iron mass spent").	Inf. S	Yellow.
Spent iron sponge (see: "Iron sponge, spent").	Inf. S	Yellow.
Spent oxide (see: "Iron mass, spent").	Cor. L	White.
Spent sulfuric acid (see: "Iron mass, spent").	Inf. S	
Spent sulfuric acid in bulk (see: § 146.23-35).	Cor. L	White.
Spirits of nitroglycerin (when consisting of not more than 1 percent by weight of nitroglycerin in ethyl alcohol).	Inf. L	Red.
Spirits of nitroglycerin (when consisting of not more than 10 percent by weight of nitroglycerin in ethyl alcohol or acetone).	Inf. L	Red.
Sporting powder (see: "Black powder").		
Spreader cartridges (see: "Fireworks, special" or "Low explosives").		
Squibs, electric or safety (see: "*Igniters*").		
•Stain (see: "Paint, enamel, etc.").	Comb. L	
•Stain (see: "Paint, enamel, etc.").	Inf. L	Red.
Starter fluid, jet engine, class B explosives	Expl. B	
Stoddard solvent	Comb. L	
Storage batteries, wet (see: "Batteries, electric storage, wet").	Cor. L	White.
•Stove polish, liquid (see: "Polishes, metal, etc.").	Comb. L	
•Stove polish, liquid (see: "Polishes, metal, etc.").	Inf. L	Red.
Straw (see: "Hay").	Haz	
Strike-anywhere matches (see: "Matches, strike-anywhere").	Inf. S	Yellow.
Strike-on-box matches (see: "Matches, strike-on-box").	Inf. S	
Strontium arsenite, solid	Pois. B	Poison.
Strontium chlorate, wet (see: "*Chlorates*, *wet*").	Oxy. M	Yellow.
Strontium nitrate (see: "*Nitrates*")	Oxy. M	
Strontium peroxide	Oxy. M	Yellow.
Strychnine and salts thereof, solid (see: "Potassium arsenate, solid").	Pois. B	Poison.
Styphnate of lead (see: "*Initiating or priming explosives*").		
Styrene (styrene monomer)	Comb. L	
Succinic acid peroxide, dry	Oxy. M	Yellow.
Succinic acid peroxide, wet (*With not less than 30 percent water*)	Oxy. M	Yellow.
Sulfide of potassium (see: "Potassium sulfide")	Inf. S	Yellow.
Sulfide of sodium (see: "Potassium sulfide")	Inf. S	
Sulfur	Haz	
Sulfur chloride (mono and di)	Cor. L	White.
Sulfur dioxide (see: "Sulfur").	NonInf. G	Green gas.
Sulfur flower (see: "Sulfur").	Haz	
Sulfur trioxide (stabilized)	NonInf. G	Green gas.
Sulfur trioxide (stabilized)	Cor. L	White.
Sulfuric acid, fuming (oleum) (Nordhausen)	Cor. L	White.
Sulfuric acid in bulk (see § 146.23-35).		
Sulfuric acid (oil of vitriol)	Cor. L	White.
Sulfuric acid, spent, in bulk (see: § 146.23-35).		
Sulfuryl chloride	Cor. L	White.
Supplementary charges (explosive) (see: "Boosters")	Expl. A	
•Tank cars, empty	Haz	
•Tank trucks, empty	Haz	
Tankage fertilizers (*containing 8 percent or more of moisture*) (see: "*Tankages*").	Haz	

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed by—	Label required [1]
Trinitrobenzoic acid, wet, over 25 pounds (see: "*High explosives* (*wet with not less than 10 pounds of water to each 90 pounds of dry material*").		
Trinitrobenzoic acid, wet with not less than 10 percent water, *in excess of 16 ounces but not exceeding 25 pounds.*	Inf. S	Yellow.
Trinitroresorcinol (see: "High explosives").		
Trinitrotoluene (see: "High explosives").		
Trinitrotoluene, wet (*when wet with not less than 10 percent of water and in a quantity not exceeding 16 ounces in one outside package*).	Inf. S	Yellow.
Turpentine	Comb. L	
•Turpentine substitutes	Comb. L	
•Turpentine substitutes	Inf. L	Red.
Twisted jute packing (rope) (treated or untreated) (see: "Oakum")	Haz	
Unstable explosives	Prohibited	
Urea nitrate, dry (see: "High explosives").		
Urea nitrate, wet with not less than 10 percent water *in excess of 16 ounces but not exceeding 25 pounds.*	Inf. S	Yellow.
Urea nitrate, wet with not less than 10 percent water, not exceeding 16 ounces.	Inf. S	
Urea nitrate, wet with not less than 10 percent of water, over 25 pounds (see: "High explosives").		
Urea peroxide	Oxy. M	Yellow.
•Varnish (see: "Paint, enamel, etc.")	Comb. L	
•Varnish (see: "Paint, enamel, etc.")	Inf. L	Red.
•Varnish driers (see: "Paint, enamel, etc.")	Comb. L	
•Varnish driers (see: "Paint, enamel, etc.")	Inf. L	Red.
•Varnish remover or reducer (see: "Compounds, lacquer, etc., removing, reducing, or thinning liquid").	Comb. L	
•Varnish remover or reducer (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Inf. L	Red.
•Varnish thinning compounds (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Comb. L	
Varnish thinning compounds (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Inf. L	Red.
Very signal cartridges (see: "*Flares and signalling devices*")	Expl. C	
Vinyl acetate, inhibited	Inf. L	Red.
Vinyl chloride, inhibited	Inf. G	Red gas.
Vinyl methyl ether, inhibited	Inf. G	Red gas.
Vinyl trichlorosilane (see: "Ethyl trichlorosilane")	Inf. L	Red.
Vinylidene chloride, inhibited	Inf. L	Red.
War heads (see: "Explosive projectiles").		
Waste paper, wet (see: "Paper stock, wet")	Inf. S	Yellow.
Waste textile, wet (see: "Rags, wet")	Inf .S	Yellow.
Waste wool, wet (see: "Rags, wet")	Inf. S	Yellow.
•Water treatment compound, liquid	Cor. L	White.
Water white (export shipment only) (see: "Kerosene")	Comb. L	
•Waxes, liquid	Comb. L	
Wet hair (see: "Hair, wet")	Inf. S	Yellow.
Wet nitrocellulose—30 percent alcohol or solvent	Inf. L	Red.
Wet nitrocellulose—20 percent water	Inf. S	Yellow.
Wet nitrocellulose, colloided, granular or flake—20 percent alcohol or solvent.	Inf. L	Red.
Wet nitrocellulose, colloided, granular or flake—20 percent water	Inf. S	Yellow.
Wet nitroguanidine—20 percent water	Inf. S	Yellow.
Wet nitrostarch—30 percent alcohol or solvent	Inf. L	Red.
Wet nitrostarch—20 percent water	Inf. S	Yellow.
Wet paper stock (see: "Paper stock, wet")	Inf. S	Yellow.
Wet rags (see: "Rags, wet")	Inf. S	Yellow.
Wet textile waste (see: "Rags, wet")	Inf. S	Yellow.
Wet waste paper (see: "Paper stock, wet")	Inf. S	Yellow.
Wet waste wool (see: "Rags, wet")	Inf. S	Yellow.
•Wood filler (see: "Paint, enamel, etc.")	Comb. L	
•Wood filler (see: "Paint, enamel, etc.")	Inf. L	Red.
•Wood polish, liquid (see: "Polishes, metal, etc.")	Comb. L	
•Wood polish, liquid (see: "Polishes, metal, etc.")	Inf. L	Red.
Wood shavings (*when dry, clean, and free from oil*) (see: "Sawdust")	Haz	
•Wood stain, liquid (see: "Paint, enamel, etc.")	Comb. L	
•Wood stain, liquid (see: "Paint, enamel, etc.")	Inf. L	Red.
Wool waste (see: "Cotton waste")	Haz	
Wool waste, wet (see: "Rags, wet")	Inf. S	Yellow.
X-ray film (*nitrocellulose base*) (see: "Motion-picture film (*nitrocellulose base*)").	Inf. S	Yellow.
X-ray film (*slow-burning*) (see: "Motion-picture film (*slow-burning*)").	No restrictions	
X-ray film scrap (*nitrocellulose base*) (see: "Pyroxylin plastic scrap")	Inf. S	Yellow.
X-ray film scrap (*slow-burning*) (see: "Motion-picture film (*slow burning*)").	No restrictions	
X-ray film, unexposed (*nitrocellulose base*) (see: "Motion-picture film, unexposed (*nitrocellulose base*)").	Inf. S	Yellow.
•Xylol (xylene)	Comb. L	
•Xylol (xylene)	Inf. L	Red.
Xylyl bromide	Pois. C	Tear gas
Zinc ammonium nitrite	Oxy. M	Yellow.
Zinc arsenate	Pois. B	Poison.
Zinc arsenite, solid	Pois. B	Poison.
Zinc chlorate (see: "*Chlorates*")	Oxy. M	Yellow.
Zinc cyanide (see: "Cyanide of zinc")	Pois. B	Poison.
Zinc ethyl	Inf. L	Red.
Zinc nitrate (see: "*Nitrates*")	Oxy. M	
Zinc permanganate (see: "*Permanganates*")	Oxy. M	Yellow.
Zinc peroxide	Oxy. M	Yellow.
Zirconium metal powder or sponge, dry	Inf. S	Yellow.
Zirconium metal powder, wet or sludge	Inf. S	Yellow.
Zirconium, metallic, solutions or mixtures thereof, liquid	Inf. L	Red.
Zirconium nitrate (see: "*Nitrates*")	Oxy. M	
Zirconium picramate, wet *with 20 percent water*	Oxy. M	Yellow.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

SUBPART—SHIPPING REQUIREMENTS RE: PACKING, MARKING, LABELING AND SHIPPING PAPERS

Section 146.05–3 is amended by changing paragraph (b) to read as follows:

§ 146.05–3 *Mixed packing.* • • •

(b) The offering for transportation of any package or container of any liquid, solid or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) or decompose so as to cause dangerous evolution of heat or gas is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—CARGO HANDLING AND STOWAGE DEVICES, U. S. COAST GUARD CONTAINER SPECIFICATIONS

Section 146.09–2 is amended by changing paragraph (b) (1) to read as follows:

§ 146.09–2 *Magazines, construction of.* • • •

(b) • • •

(1) The bulkheads forming the sides and ends shall be constructed of milled commercial 1'' quality lumber, dressed on one side and both edges to not less than ⅞'' minimum finished dressed dimensions, or commercial grade plywood of a thickness not less than ¾'' secured to uprights of at least a 3'' x 4'' size, spaced not more than 18'' apart, and similarly secured, top, bottom and center, with horizontal bracing. • • •

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—BARGES

Section 146.10–4 is amended by changing the text to read as follows:

§ 146.10–4 *Carfloats and barges used as carfloats.* Explosives or other dangerous articles or substances laden in railway or highway vehicles in compliance with the provisions of the Interstate Commerce Commission regulations governing such transportation may be carried or conveyed on board carfloats and barges used as carfloats subject to the following conditions:

(a) Carfloats and barges used as carfloats shall not be utilized to transport, carry, convey or store vehicles laden with any explosive expressly prohibited by subsection 3 of R. S. 4472, as amended.

(b) Carfloats and barges used as carfloats shall not be utilized to transport, carry, convey or store vehicles laden with any permitted explosive or other dangerous article or substance unless in compliance with the provisions of the regulations in this part with respect to "Barges".

(c) Dangerous cargo laden in vehicles being transported on carfloats and barges used as carfloats is not subject to any other provision of the regulations in this part unless the packages, or the substances if in bulk, are removed from the vehicle for any reason other than transfer of the article or substance from the vehicle to a vessel.

(d) Transfer of explosives from vehicles on board carfloats and barges used as carfloats to vessels shall be governed by the permit requirements of 46 CFR 146.85, 146.87.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING EXPLOSIVES

1. Section 146.20–7 is amended by changing paragraphs (g) (2) and (3),

and paragraphs (t) and (v) to read as follows:

§ 146.20–7 *Class A explosives.* • • •

(g) *Type 7.* • • •

(2) Detonating primers are devices for commercial use which contain a detonator and an additional charge of explosives, all assembled in a suitable envelope.

(3) Detonating fuzes, class A explosives, are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component. Those that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosive devices in the same or adjacent containers are classed as class C explosives.

• • • • •

(t) *Jet thrust units (jato), Class A explosives.* Jet thrust units (jato), Class A explosives, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles and to drive moving targets for practice firing.

(1) Igniters, jet thrust (jato), Class A explosives, are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units. Under certain conditions the burning composition may explode.

• • • • •

(v) *Type 9.* Propellant explosives, Class A explosives, are solid chemicals or solid mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class A explosives, include some types of smokeless powder and some types of solid propellant explosives for jet thrust units, rockets or other devices. Any propellant explosive is Class A which detonates in any one out of five trials when tested in the packages in which it is offered for transportation. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and the absence of flame shall be considered as evidence of detonation.

2. Section 146.20–9 is amended by changing paragraph (d), adding a new subparagraph (d) (2), and changing paragraph (e) to read as follows:

§ 146.20–9 *Class B explosives.* • • •

(d) Jet thrust units (jato), Class B explosives, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing.

(1) Igniters, jet thrust, are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units.

(2) Starter cartridges, jet engine, consist of plastic/rubber cases, each containing a pressed cylindrical block of propellant explosives and having in the top of the case a small plastic compartment that encloses an electric squib, small amounts of black powder, and smokeless powder, which constitutes an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

(e) Propellant explosives, Class B explosives, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Any propellant explosive is Class B which fails to detonate in five trials when tested in the packages in which it is offered for shipment. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidences of detonation. Propellant explosives, Class B explosives, include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification and is defined in § 146.20–7 (a). Fire extinguisher charges containing not to exceed 50 grains of propellant explosives per unit are exempt from the regulations in this part.

3. Section 146.20–11 is amended by changing paragraph (c), changing paragraph (q) (11), cancelling paragraph (q) (12), changing paragraph (s), and adding new paragraphs (x), (y), and (z), as follows:

§ 146.20–11 *Class C explosives.* • • •

(c) Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene-trinitramine not exceeding 400 grains per linear foot, overspun with tapes, yarns and plastics or waterproofing compounds. Wire countering is permissible.

• • • • •

(q) • • •

(11) Novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.

(12) [Cancel.]

• • • • •

(s) Detonating fuzes, Class C explosives, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. They contain a detonator and a quantity of high explosives. Detonating fuzes, Class C explosives, must be made and packed so that they will not cause functioning of other fuzes, explosives or explosive devices if one of the fuzes detonates in a shipping container or in adjacent containers.

• • • • •

(x) Cigarette loads and trick matches must be of a type approved by the Bureau of Explosives and are described as follows:

(1) Cigarette loads consist of wooden pegs to which are affixed a small amount of explosive composition.

(2) Trick matches consist of book matches, strike anywhere matches, or strike-on-box matches which have small amounts of explosives or pyrotechnic composition affixed to the match stem just below the match head.

(y) Smoke candles, smoke pots and smoke signals containing not more than 200 grams of pyrotechnic composition each, hand signal devices, Very signal cartridges and highway or railway fusees are devices designed to produce visible effects for signal purposes.

(z) Explosive release devices consist of a rod or link fitted with means of mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning.

4. Section 146.20–27 is amended by changing paragraph (e) to read as follows:

§ 146.20–27 *Stowage and dunnaging of containers of explosives.* • • •

(e) Containers of explosives shall be so braced and dunnaged that they shall not be liable to be pierced by the dunnaging or crushed by superimposed weight.

5. Section 146.20–90 *Stowage and Storage Chart of Explosives and Other Dangerous Articles* is amended by changing various items as follows:

Amend item "2" vertical and horizontal columns to read:

2 High explosives or propellant explosives, class A explosives.

Amend item "7" vertical and horizontal columns to read:

7 Detonating fuzes, class A explosives, with or without radioactive components.

Amend item "9" vertical and horizontal columns to read:

9 Propellant explosives, class B explosives, jet thrust units (jato) class B explosives, igniters, jet thrust (jato), class B explosives, or starter cartridges, jet engine, class B explosives.

Amend item "14" vertical and horizontal columns to read:

14 Time, combination or detonating fuzes, class C explosives.

6. Section 146.20–100 *Table A—Classification: Class A; dangerous explosives* is amended as follows:

Table A—Classification: Class A; dangerous explosives

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Boosters (explosive).....	Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze.	No label required.	Stowage: Magazine..... Outside containers: Strong tight wooden or metal boxes, not over 100 lb. gr. wt. for detonating fuzes. Not for over 50 lb. net explosives charges without detonators.	Not permitted.....	Not permitted.....	Not permitted.
Bursters (explosive).....	Bursters consist of a casing containing a high explosive and a primer or a primer and detonator to permit release of its contents.					
Detonating fuzes, class A explosives, with or without radioactive components.	Detonating fuzes, class A, are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component. Radiation on the surface of any detonating fuze having a radioactive component shall not exceed 100 milliroentgens per hour at, 1 inch distance. Fuzes that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosives devices, in the same or adjacent containers are classed as class C explosives.					
Detonating fuze parts containing an explosive.	Do not stow detonating fuzes with any high explosives; and Do not load at the same time as high explosives are being loaded.					
Supplementary charges (explosive).	Each outside container must be plainly marked "BOOSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "BURSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "DETONATING FUZES, CLASS A EXPLOSIVES—HANDLE CAREFULLY—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVES," or "SUPPLEMENTARY CHARGES (EXPLOSIVE)—HANDLE CAREFULLY," as the case may be.					

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Initiating explosives (*lead mononitroresorcinate, wet with not less than 40% by weight of water*).	----do----	No label required	Stowage: Magazine Outside containers: Steel barrels or drums: (ICC-5, 5B) WIC, not over 100 lb. dry wt. Wooden barrels or kegs: (ICC-10B) WIC, not over 100 lb. dry wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	•
Initiating explosives (*pentaerythrite tetranitrate, wet with not less than 40% by weigh o water*).	----do----	No label required	Stowage: Magazine Outside containers: Steel barrels or drums (ICC-5, 5B) WIC, not over 300 lb. net dry wt. Metal drums: (ICC-17H) STC, WIC, not over 300 lb. net dry wt. Wooden barrels or kegs (ICC-10B) WIC, not over 300 lb. net dry wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Jet thrust units (jato), Class A explosives. Igniters, jet thrust (jato), Class A explosives.	Metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. ICC regulations require that igniters must not be shipped assembled in the units unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the U. S. Government. Each outside package must be plainly marked "Jet thrust units, Class A explosives" or "Igniters, jet thrust, Class A explosives," as appropriate.	No label required	Outside containers: Wooden boxes or wooden boxes, fiberboard lined (ICC-14, 15A, 15E, or 16A) not over 500 lb. gr. wt. Jett hrust units (jato), Class A explosives and Igniters, jet thrust (jato), Class A explosives, packed in any other manner must be in containers of a type approved by the Bureau of Explosives.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Propellant explosives, Class A explosives.	Propellant explosives, Class A explosives, are solid chemicals or chemical mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class A explosives, include some types of smokeless powder and some types of solid propellant explosives for jet thrust units, rockets or other devices. Each outside container must be plainly marked: "Propellant explosives, Class A explosives."	No label required	Stowage: Magazine Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Metal kegs (ICC-13) not over 150 lb. gr. wt. Bundles of metal kegs (ICC-13), roped, wrapped in burlap, canvas or similar materials, securely sewed or roped, not over 100 lb. net wt. Tight metal containers not over 200 lb. gr. wt. Tight wooden boxes with tight inside metal cases not over 200 lb. gr. wt. Wooden boxes (ICC-14, 15A, 15B, 15C) with ICC approved inside containers, not over 200 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) with ICC approved inside containers not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

7. Section 146.20–200 *Table B—Classification: Class B; less dangerous explosives* is amended as follows: Delete the item "Igniters, jet thrust" and all wording pertaining thereto in columns 2, 3, 4, 5, 6 and 7.

8. Section 146.20–200 *Table B—Classification: Class B; less dangerous explosives* is amended as follows:

Table B—Classification: Class B; less dangerous explosives

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Fireworks (except those otherwise described herein for which special packing requirements are given).	Fireworks must be in a finished state exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Each outside container will be plainly marked: "Special fireworks—Handle carefully—Keep fire away." Do not stow in same compartment with any inflammable liquid or solid, inflammable compressed gas or combustible organic material.	Special fireworks	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles and aeroplane flares.)	Stowage in metal lockers located: "On deck under cover." "Tween decks readily accessible." NOTE: Stow in an accessible location where shipment may be readily observed and with fire extinguishing equipment easily available. Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles and aeroplane flares.)	Ferry stowage (AA) Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles and aeroplane flares.)	Ferry stowage (BB). Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles and aeroplane flares.)
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Jet thrust units (jato), Class B explosives. Igniters, jet thrust (jato), Class B explosives.	Jet thrust units (jato) Class B explosives are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Igniters, jet thrust (jato) Class B explosives are devices used to ignite the propelling charge of jet thrust units. Igniters must not be shipped assembled in the unit unless shipped by, for or to the Departments of the Army, Navy and Air Force of the U. S. Government. Each outside package must be plainly marked "Jet thrust units, Class B explosives" or "Igniters, jet thrust Class B explosives," as appropriate.	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes, or wooden boxes fiberboard lined (ICC-14, 15A, 15E, 16A) not over 500 lb. gr. wt. Authorized only for Igniters, jet thrust (jato) Class B explosives: Wooden boxes: (ICC-15B) not over 200 lb. gr. wt. Fiberboard boxes: (ICC-23F) WIMC not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table B—Classification: Class B; less dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Propellant explosives, Class B, explosives.	Propellant explosives, Class B explosives, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class B explosives, include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant for rockets, jet thrust units, or other devices. Black powder is not classified as a propellant explosive. (See: Black powder, § 146.20-100.) Propellant explosives as prepared for shipment that are sensitive to detonation are Class A explosives. (See: Propellant explosives, Class A explosives, § 146.20-100.) Each outside container must be plainly marked: "Propellant Explosives, Class B explosives."	No label required.	Stowage—magazine or: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Metal kegs (ICC-13) not over 150 lb. gr. wt. Bundles of metal kegs (ICC-13) roped, wrapped in burlap, canvas or similar materials, securely sewed and roped, not over 100 lb. net wt. Tight metal containers, not over 200 lb. gr. wt. Tight wooden boxes with tight inside metal cases, not over 200 lb. gr. wt. Wooden boxes (ICC-14, 15A, 15B, 15C) with ICC approved inside containers, not over 200 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) with ICC approved inside containers, not over 65 lb. gr. wt. Authorized only for grains not less than 1 inch in diameter or 3 inches in length if tightly packed and protectively coated: Wooden boxes (ICC-14, 15A, 16A) not over 200 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Starter cartridges, jet engine, class B explosives.	Starter cartridges are used to activate a mechanical starter for jet engines. Igniter wires must be short-circuited when packed for shipment. Each outside package must be plainly marked "Starter cartridges, jet engine, class B explosives."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes: (ICC-14, 15A, 15B, 15E, 16A) not over 200 lb. gr. wt. Fiberboard boxes: (ICC-23F) WIMC, not over 75 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.

9. Section 146.20-300 *Table C—Classification: Class C; relatively safe explosives* is amended as follows:

Table C—Classification: Class C; relatively safe explosives

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Cordeau detonant fuse	Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene trinitramine not exceeding 400 grains per linear foot, overspun with tapes, yarns and plastics or waterproofing compounds. Wire countering is permissible. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container must be plainly marked: "Cordeau detonant fuse—Handle carefully."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden boxes not over 15 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.
Explosive auto alarms	Explosive auto alarms are tubular devices containing a small amount of explosive composition and igniting compound which is ignited by an electric spark.	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat."	Stowage: "On deck under cover." "Tween decks readily accessible."	Ferry stowage (AA).	Ferry stowage (BB).
Cigarette loads	Cigarette loads consist of wooden pegs to which are affixed a small amount of explosive composition.		Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.
Trick matches	Trick matches are matches which have small amounts of explosive or pyrotechnic composition affixed to the match stem just below the match head. Do not stow in the same hold or compartment with inflammable liquids, inflammable solids or oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container shall be plainly marked "Explosive Auto Alarms—Handle Carefully" or "Cigarette loads—Handle Carefully" or "Trick matches—Handle Carefully" as appropriate.					

Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Explosive cable cutters	Explosive cable cutters consist of a metal device containing a knife-edged component which is propelled by a small charge of an explosive compound.	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat."	Stowage: "On deck under cover." "Tween decks readily accessible."	Ferry stowage (AA)	Ferry stowage (BB).
Explosive release devices	Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container must be plainly marked "Explosive Cable Cutters" or Explosive Release Devices" and "Handle Carefully—Keep Fire Away."		Outside containers: Strong wooden boxes, not over 150 lb. gr. wt.	Outside containers: Strong wooden boxes, not over 150 lb. gr. wt.	Outside containers: Strong wooden boxes, not over 150 lb. gr. wt.	Outside containers: Strong wooden boxes, not over 150 lb. gr. wt.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Fireworks, common: Fireworks other than those specifically enumerated here are classed as special fireworks (see Class B explosives). Fireworks, common: *(Colored box and cone fire, total pyrotechnic composition not to exceed 100 grams each in weight.)* *(Cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight.)* *(Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube diameter shall not exceed ¾ inch.)* *(Helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight.)* *(Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight.)* *(Sky rockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight. The rocket sticks must be securely fastened to the casing.)* *(Roman candles, not to exceed ten balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight.)* *(Sparklers and dipped sticks, total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed five grams.)* *(Wheels, total pyrotechnic composition not to exceed 60 grams in weight, for each driver unit, but there may be any number of drivers on any one wheel. The inside bore of driver tubes shall not be over ½ inch.)* *(Firecrackers and salutes, with casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed 2 grains each in weight.)*	Common fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Common fireworks must be in the finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. No component part of any article listed here which is designed to produce an audible effect (other than propelling or expelling charges) shall contain pyrotechnical composition in excess of 2 grains in weight. Do not stow in the same compartment with any inflammable liquid or solid, inflammable compressed gas, or combustible organic material. Each outside container must be plainly marked: "Common fireworks—Handle carefully—Keep fire away." Fireworks, such as sparklers or fuses, with match tip or head, or similar igniting point or surface, must have each individual tip, head, or similar igniting point or surface entirely covered and securely protected against accidental contact or friction.	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden barrels or kegs (ICC–11B) not over 100 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) not over 65 lb. gr. wt. Firecrackers, Chinese, may also be shipped in the package in which they are imported, provided these packages consist of wooden boxes, or fiberboard boxes (ICC–12B) in good condition completely covered with strong matting, and do not weigh more than 100 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC–11B) not over 100 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) not over 65 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Wooden barrels or kegs (ICC–11B) not over 100 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) not over 65 lb. gr. wt.

Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Flares and signalling devices: Hand signal devices. Signal flares. Smoke candles. Smoke pots. Smoke signals. Very signal cartridges.	Do not stow in the same compartment with high explosives, inflammable liquids, inflammable solids, inflammable compressed gases or combustible organic material. Each outside container must be plainly marked: "Hand Signal Devices", "Signal Flares", "Smoke Candles", "Smoke Pots", "Smoke Signals", "Very Signal Cartridges" as the case may be and with the additional marking: "Handle Carefully—Keep Fire Away."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A), not over 200 lb. gr. wt. Wooden boxes (ICC-15C) WIMC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Mailing tubes (ICC-29) not over 5 lb. gr. wt. Wooden boxes (ICC-19B) not over 150 lb. gr. wt. Authorized for Very Signal Cartridges only: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 200 lb. gr. wt. Wooden boxes (ICC-15C) WIMC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Mailing tubes (ICC-29) not over 5 lb. gr. wt. Wooden boxes (ICC-19B) not over 150 lb. gr. wt. Authorized for Very Signal Cartridges only: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
Fuzes Percussion fuzes. Combination fuzes. Detonating fuzes, class C explosives. Time fuzes. Tracer fuzes. Tracers.	Percussion fuzes, combination fuzes, and time fuzes are devices used to ignite the powder charges of ammunition or the black powder bursting charges of projectiles. Tracer fuzes and tracers are devices which are attached to projectiles and contain a slow-burning composition to show the flight of the projectiles at night. Detonating fuzes, Class C explosives, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. Do not stow in the same compartment with any inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids, or inflammable compressed gases. Each outside box will be plainly marked with the appropriate descriptive name of the contents as: "Percussion fuzes—Handle carefully." "Combination fuzes—Handle carefully." "Detonating fuzes, Class C explosives—Handle carefully." "Time fuzes—Handle carefully." "Tracer fuzes—Handle carefully." "Tracers—Handle carefully."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. For detonating fuzes, class C explosives: Strong, tight wooden or metal boxes, not over 190 lb. gr. wt.	Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. For detonating fuzes, class C explosives: Strong, tight wooden or metal boxes, not over 190 lb. gr. wt.	Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. For detonating fuzes, class C explosives: Strong, tight wooden or metal boxes, not over 190 lb. gr. wt.	Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. For detonating fuzes, class C explosives: Strong, tight wooden or metal boxes, not over 190 lb. gr. wt.
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(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE LIQUIDS

1. Section 146.21–1 is amended by changing paragraph (a), deleting paragraph (b), footnote 1, and redesignating paragraph (c) as paragraph (b), as follows:

§ 146.21–1 *Definition of inflammable liquids.* (a) An inflammable (flammable) liquid is defined by the ICC regulations as any liquid which gives off inflammable (flammable) vapors (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F.

(b) Such definitions are binding upon all shippers making shipments of inflammable (flammable) liquids by common carrier vessels engaged in interstate or foreign commerce by water. These definitions are accepted and adopted and form part of the regulations in this subchapter applying to all shippers making shipments of inflammable (flammable) liquids by an vessel, and shall apply to the owners, charterers, agents, master or other persons, transporting, carrying, conveying, storing, stowing or using inflammable (flammable) liquids on board any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), and the regulations in this subchapter.

2. Section 146.21–65 is amended by changing the text of paragraphs (a) and (c), and adding a new paragraph (d) as follows:

§ 146.21–65 *Limited quantity shipments.* (a) Inflammable liquids, except those enumerated in paragraph (c) of this section, in inside metal containers not over 1 quart capacity each, or in inside containers not over 1 pint or 16 ounces by weight each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking other than name of contents and labeling requirements.

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(c) The following articles in any quantity are not exempt from any of the regulations in this subpart:

(1) Acrolein.
(2) Acrolein, inhibited.
(3) Aliphatic mercaptan mixtures.
(4) Aluminum triethyl.
(5) Aluminum trimethyl.
(6) Amyl mercaptan.
(7) Butyl mercaptan.
(8) Carbon bisulfide (disulfide).
(9) Dimethyldichlorosilane.
(10) Ethyl chloride.
(11) Ethyl mercaptan.
(12) Ethyl trichlorosilane.
(13) Ethyldichlorsilane.
(14) Ethylene imine, inhibited.
(15) Ethylene oxide.
(16) Inflammable (flammable) liquids which are also corrosive liquids or oxidizing materials under the regulations in this part.
(17) Isopropyl mercaptan.
(18) Lithium aluminum hydride (ethereal).
(19) Methyl dichlorosilane.
(20) Methyl vinyl ketone, inhibited.
(21) Methylchloromethyl ether, anhydrous.
(22) Methylhydrazine.
(23) Methyltrichlorosilane.
(24) Nickel carbonyl.
(25) Pentaborane.
(26) Peroxides, organic, liquids, N. O. S.
(27) Propyl mercaptan.
(28) Pyroforic fuel.
(29) Spirits of nitroglycerin in excess of one percent by weight.
(30) Trichlorosilane.
(31) Trimethylchlorosilane.
(32) Dimethylhydrazine, unsymmetrical.
(33) Vinyl trichlorosilane.
(34) Zinc ethyl.
(35) Zirconium, metallic, solutions or mixtures thereof.

(d) Such limited quantity shipments may be accepted on board vessels subject to the regulations in this part, provided the bill of lading or other shipping paper correctly describes the article and the required marking on the outside container is in accordance with the true name in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

3. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended as follows: Delete the item "Pressurized inflammable (flammable) liquid, N. O. S." and all wording pertaining thereto in columns 2, 3, 4, 5, 6 and 7.

4. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended as follows:

Table D—Classification: Inflammable liquids

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetaldehyde (*ethyl aldehyde*).	*A clear, volatile liquid with a pungent fruity odor. Will evaporate rapidly.* *Vapors when mixed with air are explosive over a very wide range of about 4% to 57%.* *Flashpoint about −17° F. Boiling point 70° F.* *Miscible with water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetone	*A clear, colorless, liquid having a pleasant odor somewhat similar to wood alcohol. Vapors are 2 times heavier than air and when mixed with air are explosive over a range of 2½% to 13% in air. Sustained inhalation of vapors in unventilated compartments is dangerous. Flashpoint about 4° F. Boiling point 133° F. Miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC 17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Acetone oils (When possessing a flashpoint at or below 80° F.)	*Oily residuum obtained as a by-product in the distillation of acetone. Flashpoint variable but usually low.*	Red.				
Acrylonitrile	*Flashpoint about 32° F. Boiling point 172° F.*	Red.				
Acrolein (*inhibited*)	*A clear greenish yellow inflammable liquid having a pungent disagreeable odor. It is irritating to the eyes and respiratory organs. It is also poisonous. Very soluble in water. Flash point about 12° F. Boiling point about 125° F. In event of leakage, flush with large quantities of water.* Keep cool. Stow well away from living quarters and all sources of heat.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Metal drums (ICC-5A) not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 5 gal. cap. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Alcohol or alcohol, N. O. S. (When possessing a flashpoint at or below 80° F.)	*General: These alcohols are colorless, volatile liquids about 80% as heavy as water and possessing a characteristic odor. Their vapors are heavier than air, and will form explosive mixtures over varying ranges of percentages with air.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-6J) WIC ICC-2S not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-6J) WIC ICC-2S not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-6J) WIC ICC-2S not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-6J) WIC ICC-2S not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Alcohol, butyl		Red.				
Alcohol, denatured		Red.				
Alcohol, ethyl		Red.				
Alcohol, propyl		Red.				
Alcohol, tertiary		Red.				
Alcohol, wood (methanol)		Red.				
Butyl alcohol		Red.				
Cologne spirits (alcohol)		Red.				
Columbian spirits (*wood alcohol*)		Red.				
Extracts, liquid flavoring		Red.				
Isopropanol		Red.				
Methanol (*methyl alcohol*) (*methyl hydrate*)		Red.				
Rum, denatured (When possessing a flashpoint at or below 80° F.)		Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Allyl bromide	*Colorless heavy liquid having a pungent odor. Insoluble in water. Does not evaporate readily. Fumes somewhat irritating to eyes and tissue.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat."	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible."	Ferry stowage (AA)	Ferry stowage (BB).
Amyl acetate (when possessing a flashpoint at or below 80° F.)	*Flashpoint below 80° F. Colorless liquid, pear or banana like odor. Flashpoint from 70 to 90° F. Immiscible with water.*	Red.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Amyl chloride	*A liquid having a straw to deep purple color. Flashpoint 34° F. Immiscible with water. Vapors are 3.67 times heavier than air and form an explosive mixture with a lower range of 1.4% in air.*	Red.				
Aluminum triethyl Aluminum trimethyl	*Colorless liquid. Highly inflammable. Keep cool.*	Red	Stowage: "On deck protected." Containers: Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R.R. car ferry, passenger or vehicle
Antifreeze compounds, liquid. (When possessing a flashpoint at or below 80° F.)	*Products added to the cooling systems (radiators) of automobiles, tractors, and to other mechanical systems to lower the freezing point of water. Among the common antifreezes are alcohol, glycerin, mixtures of both, and ethylene glycol. Flashpoint variable. Hazard similar to alcohol. Miscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC. (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
Antifreeze preparations, proprietary, liquid. (When possessing a flashpoint at or below 80° F.)		Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Benzene (benzol) Benzol (benzene).	*A clear, colorless liquid of aromatic odor, distilled from coal tar.* *Flashpoint about −12° F.* *Boiling point 174° F.* *Will freeze solid slightly above the freezing point of water. Therefore, will flash below its own freezing point.* *Immiscible with water.* *Vapors are 2.77 times heavier than air and form an explosive mixture within a range of 1.5% to 7% in air.* *Vapors are poisonous and suffocating.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lbs. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap.	Not permitted	Not permitted	Not permitted.
Benzine Coal tar light oil. Petroleum ether. Petroleum naphtha. Naphtha. (When possessing a flashpoint at or below 80° F.)	*A mixture of several of the lighter constituents of petroleum.* *Flashpoint about 5° F.* *Boiling point 104° to 158° F.* *Immiscible with water.* *Vapors are 4 to 5 times heavier than air and form an explosive mixture within a range of 2% to 6% in air.*	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Box toe gum (when possessing a flashpoint at or below 80° F.).	*A liquid cement-like solution of variable formulae used in the manufacture of shoes. It may consist of nitrocellulose, shellac, or rosin dissolved in a volatile solvent.* *Flashpoint variable, depending upon the solvent used.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC–5M, 6A) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. (ICC–37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 30 gal. cap. (ICC–37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 21B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC–5M, 6A) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. (ICC–37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 21B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC–5M, 6A) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. (ICC–37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Butyl acetate (when possessing a flashpoint at or below 80° F.).	*Colorless limpid liquid with fruity odor.* *Flashpoint variable.* *Vapors heavier than air.* *Immiscible with water.* *Lighter than water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.
Carbon bisulfide (disulfide).	*A heavy, clear, colorless to yellow liquid having a very offensive odor.* *Highly inflammable. Protect from all sources of heat. Vapor is capable of igniting without presence of naked light, as from the temperature of a warm steam pipe.* *Mixtures of vapor and air are highly explosive over a range of 1% to 60% in air.* *Self-ignition occurs at about 218° F. in air.* *Boiling point about 115° F.* *Vapor is poisonous.* *Immiscible with water.* Keep cool. Stow well away from oxygen and oxidizing materials (yellow label).	Red	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC-5, 5A) not over 55 gal. cap. (ICC-17C) STC not over 55 gal. cap. (ICC-17E) STC not over 5 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 8 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cement, leather (When possessing a flashpoint at or below 80° F.)	*These cements are chemical compounds of various ingredients such as: Asphalt with petroleum distillate; cellulose nitrate in acetone; bituminous asphalt and mineral oil; raw rubber solution and gasoline; etc., all possessing similar characteristics and hazards.* *Vapors highly inflammable and explosive when mixed in correct proportions with air.* *Sustained inhalation of vapors in unventilated compartments is dangerous.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or dums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-14A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Cement, container, liquid		Red.				
Cement, linoleum		Red.				
Cement, liquid, N. O. S.		Red.				
Cement pyroxylin		Red.				
Cement, roofing, liquid		Red.				
Cement, rubber (When possessing a flashpoint at or below 80° F.)		Red.				
Cement, tile		Red.				
Cement, wallboard		Red.				
Coating solution						

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cigar and cigarette lighter fluid.	A mixture of several of the lighter constituents of petroleum. Flashpoint variable depending on mixture used, but less than 80° F. Immiscible with water.	Red.	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal cap.	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Coal tar distillate Coal tar oil. (When possessing a flashpoint at or below 80° F.)	*Distillates of coal tar. The lighter distillates are highly inflammable and will consist of benzene, toluene and xylene.* *Properties and hazards similar to "Coal tar naphtha," which see below.* *Immiscible with water.*	Red.	Stowage: "On deck in open." "On deck under cover." "'Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G), not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Coal tar naphtha Naphtha solvent. (When possessing a flashpoint at or below 80° F. but not less than 20° F.)	*Mixtures of small amounts of benzene and toluene with xylene. The crude is a dark straw colored liquid and the refined is a water white liquid.* *Flashpoint ranges between 60° F. and 77° F.* *Mixtures of vapor in air are explosive over a range of 1.3% to 8%.* *Vapors are heavier than air.* *Vapors are poisonous and suffocating.* *Immiscible with water.*	Red.				
Collodion	*Solution of tetranitrocellulose in ether, alcohol or other solvent. Pale yellow liquid.* *Flashpoint approximately 0° F.* *Immiscible with water.* Keep cool.	Red.	Stowage: "On deck in open." "On deck under cover." "'Tween decks readily accessible." Outside container: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap (ICC-17C) STC not over 55 gal. cap. (ICC-17E) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, cleaning, liquid.	*May consist of volatile inflammable solvents having low flashpoints.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Carbon remover, liquid		Red.				
Cleaning fluid or liquid		Red.				
Compounds, type-cleaning, liquid.		Red.				
Compounds, vulcanizing, liquid.		Red.				
Eradicators, paint or grease, liquid. (When possessing a flashpoint at or below 80° F.)		Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid. (When possessing a flashpoint at or below 80° F.)	*Compounds which through solvent or detergent action remove old paint from surfaces. Exceptionally slow-drying thinners used with pyroxylin base lacquer or enamels to retard speed of drying. Clear liquid solvents and diluents for the reduction of primers, surfacers, and enamels to proper working consistencies.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37E) STC, not over 8½ gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E), WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37E) STC, not over 8½ gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Compounds, enamel		Red.				
Lacquer removing, reducing and thinning compounds.		Red.				
Paint, lacquer and varnish removing, reducing or thinning compounds.		Red.				
Varnish remover or reducer.		Red.				
Varnish thinning compounds. (When possessing a flashpoint at or below 80° F.)		Red.				
Compounds, polishing, liquid (when possessing a flashpoint at or below 80° F.)			See: "Polishes, metal, stove, furniture and wood, liquid."	See: "Polishes, metal, stove, furniture and wood, liquid."	See: "Polishes, metal, stove, furniture and wood, liquid."	See: "Polishes, metal, stove, furniture and wood, liquid."

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, tree or weed killing, liquid.	*Flashpoint variable*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.
Crotonaldehyde	*This material is in the form of a clear and almost colorless liquid, having a vapor extremely irritating to the eyes, nose and throat. Easily detected odor. Flashpoint about 55° F. Vapors about 2½ times heavier than air. Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B), not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Crude oil, petroleum (when possessing a flashpoint at or below 80° F.).	*Crude petroleum in its natural state or which has been subject only to natural weathering or settling and not blended with any other product. A heavy, oily liquid, having color varying from green to almost black. It usually has a disagreeable odor, and varies in inflammability according to percentage of more volatile ingredients. Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC not over 55 gal. cap. (ICC-17E) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Ferry stowage (BB). Outside containers: Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Cyclohexane	*A clear, volatile liquid having a pungent odor. Flashpoint below 20° F. Forms inflammable or explosive mixtures with air. Immiscible with water.* Stow well away from all sources of heat.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Cyclopentane	*Colorless liquid having organic odor. Moderately volatile. Flashpoint below 20° F. Forms inflammable and explosive mixture with air. Immiscible with water.* Stow well away from all sources of heat.	Red.				
Cyclopentane, methyl	*Colorless liquid having organic odor. Moderately volatile. Flashpoint below 20° F. Forms inflammable or explosive mixtures with air. Immiscible with water.* Stow well away from all sources of heat.	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Diethylamine	*Clear, colorless liquid.* *Flashpoint below 0° F.* *Miscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Not permitted.
Dimethyl sulfide	*A clear, volatile liquid having an offensive disagreeable odor.* *Will evolve sulfur dioxide gas in a fire.* *Boils at approximately 97° F.* *Immiscible with water.*	Red.				
Dimethylamine aqueous solution.	*An aqueous solution of an inflammable gas having a fishy, ammoniacal odor.* *Flashpoint of 25% solution 52° F.* *Boiling point 45° F.*	Red	Stowage: "On deck protected." "On deck under cover." Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard Boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
Monomethylamine aqueous solution.	Properties similar to above	Red.				
Trimethylamine aqueous solution.	Properties similar to above	Red.				
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ether	*Colorless, volatile liquid, pleasant aromatic odor.* *Suffocating and poisonous.* *The vapor of ether mixed with air is explosive over a very wide range of 1.8% to 48%.* *Vapor is 2.5 times heavier than air and will ignite at a considerable distance from the source of leakage.* *Flashpoint −42° F.* *Boiling point about 95° F.* *Immiscible with water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 30 lb. net wt. (ICC-17C, 17E) STC, not over 30 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 30 lb. net wt. (ICC-17C, 17E) STC, not over 30 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 30 lb. net wt. (ICC-17C, 17E) STC, not over 30 lb. net wt.
Ether, ethyl (sulfuric)	*Characteristic properties and cautions similar to "Ether," see above.*	Red.	Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. NOTE: Total number of one or both type packages shall not exceed ten (10) on any voyage.	Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. NOTE: Total number of one or both type packages shall not exceed ten (10) on any voyage.	Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. NOTE: Total number of one or both type packages shall not exceed ten (10) on any voyage.
Ethyl methyl ether	*Characteristic properties and cautions similar to "Ether," see above.*	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines, or cosmetics, N. O. S.	----------	Red----------	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC, (ICC-12B), not over 65 lbs. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes, WIMC (ICC-12E) not over 110 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC, (ICC-12B) not over 65 lbs. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)---------- Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC, (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC, (ICC-12B) not over 65 lbs. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal cap. Fiberboard boxes, WIMC (ICC-12E) not over 110 lb. gr. wt.
A unit substance or a compound classified as an inflammable liquid in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines, or cosmetics.						
In quantity exceeding 1 pint or 16 ounces by weight, in glass or earthenware containers, or 1 quart or 32 ounces by weight in inside metal containers.						
The following substances shall not be shipped under this designation:						
Acrolein.						
Carbon bisulfide (disulfide).						
Ethyl chloride.						
Ethyl trichlorosilane.						
Ethylene oxide.						
Inflammable liquids (flammable liquids) which are also corrosive liquids or oxidizing materials under these regulations.						
Lithium aluminum hydride (ethereal).						
Nickel carbonyl.						
Pentaborane.						
Spirits of nitroglycerin in excess of 1 percent by weight.						
Trichlorosilane.						
Zinc ethyl.						
Ethylene imine, inhibited.						
Zirconium, metallic, solutions or mixtures thereof, liquid.						
Amyl mercaptan.						
Butyl mercaptan.						
Ethyl mercaptan.						
Aliphatic mercaptan mixtures.						
Isopropyl mercaptan.						
Propyl mercaptan.						
Vinyl trichlorosilane.						
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ethyl acetate----------	*Colorless, volatile liquid having a characteristic fruity odor. Vapors are 3 times heavier than air and form an explosive mixture within a range of 2½% to 11% in air. Flashpoint at or about 24° F. Boiling point 170° F. Immiscible with water.* Keep cool.	Red----------	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted----------	Not permitted----------	Not permitted.
Ethyl chloride----------	*Colorless, volatile liquid. Gas at temperatures above 54° F. Anesthetic. Vapors in low concentrations will be suffocating. Flashpoint about −57° F. Boiling point about 54° F. Vapors when mixed with air are explosive over a range of 3.8% to 12%. Immiscible with water.* Keep cool.	Red----------	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5A) not over 33 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted----------	Not permitted----------	Not permitted.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ethyl methyl ketone Methyl ethyl ketone. Methyl vinyl ketone, inhibited. NOTE: Methyl vinyl ketone, inhibited, in a glass or metal container not over 4 fluid ounces each, packed in a strong wooden or fiberboard box, is exempt from specification packaging, marking other than name of contents, and labeling requirements.	*Colorless liquid, acetone-like odor.* *Sustained inhalation of vapors in unventilated compartments is dangerous.* *Vapors are about 2½ times heavier than air and form an explosive mixture within a range of 2% to 12% in air.* *Flashpoint approximately 30° F.* *Miscible with water.* *Colorless, inflammable liquid, pleasant odor and sweet taste.* *Vapors are more than 3 times heavier than air and will form an explosive mixture with a lower limit of 3.87% in air.* *Sustained inhalation of vapors in unventilated compartments is dangerous.* *Flashpoint approximately 50° F.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
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Ethyl trichlorosilane Methyl trichlorosilane. Vinyl trichlorosilane. Dimethyl dichlorosilane. Ethyl dichlorosilane. Trimethyl chlorosilane.	*Colorless liquids with acrid odor* *Evolves white fumes when exposed to moist air.* *React violently with water to evolve heat and white, acrid fumes.* *Fumes extremely corrosive.* *May form explosive mixtures with air.* *Flashpoints below 80° F.* Handle carefully to avoid damage to containers and exposure of contents to air.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17H, 37A) STC, with inside glass containers not over 1 gal. cap., not over 55 gal. total cap. Wooden boxes, WIC (ICC-15A, 16B) not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ethylene dichloride Dichlorethylene.	*Colorless, oily liquid, pleasant chloroform-like color.* *Anesthetic; vapors in low concentrations will be suffocating.* *Vapors are 3½ times heavier than air and form an explosive mixture within a range of 6% to 16% in air.* *Flashpoint 70° F.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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Ethylene oxide	*A colorless, highly volatile liquid with ether-like odor.* *Anesthetic vapors even in low concentrations will be suffocating.* *Vapors are 1½ times heavier than air and form an explosive mixture within a range of 3% to 80% in air.* *Flashpoint below 20° F.* *Boiling point, 51° F.* *Miscible with water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5P) lagged, not over 61 gal. cap. Drums marked "Keep this end up." Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 9 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 9 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. NOTE: Ethylene oxide may also be carried in strong incombustible nonspecification outside containers. WIC complying with ICC regulations, not over 100 grams net wt.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Gas drips, hydrocarbon	*Liquid condensate of gas.* *Has odor of illuminating gas.* *Flashpoint variable but usually low.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	NOTE: Shall not be accepted for transportation on board passenger vessels or passenger-carrying ferry vessels except such fuel as is contained within the fuel tanks of motor vehicles for use as a source of motive power for their own propulsive or auxiliary motors when such motor vehicles are being transported on board such vessels.		
Gasoline Permitted shipping names for export only: Essence. Gazoline. Motor fuel. Motor spirit. Petrol. Benzine. Gazolina. Nafta.	*Derivative of crude petroleum.* *Vapor is 3 to 4 times heavier than air and when mixed with air is explosive over a range of 1.4% to 6%.* *Flashpoint less than 0° F.* *Immiscible with water and will float on surface.*	Red				
Heptane	*Colorless, volatile liquid having organic odor.* *Forms inflammable or explosive mixtures with air.* *Flashpoint about 25° F.* *Boiling point about 208° F.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry ,passenger or vehicle
Hexane	*Colorless, extremely volatile liquid having organic odor.* *Forms inflammable or explosive mixtures with air.* *Flashpoint below 0° F.* *Boiling point about 156° F.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Inflammable liquids, N. O. S. Flammable liquids, N. O. S.	*May be any liquid classifying as an inflammable liquid in accordance with the definitions contained in these regulations, provided such inflammable liquid is not otherwise specified by name in these regulations.* *Flashpoint variable, may be less than 0° F.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. (See note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs, (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs, (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars compliyng with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ink (when possessing a flashpoint at or below 80° F.).	*A fluid or viscous material containing coloring matter in solution or suspension. Flashpoint variable.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Insecticide, liquid (*terminexterminator*) (when possessing a flashpoint at or below 80° F.). NOTE: Insecticides having a flashpoint at or below 20° F. shall not be offered for transportation or be transported on board passenger-carrying vessels.	*Insecticides frequently contain petroleum or coal tar distillates or other inflammable liquids. Flashpoint variable. Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC—17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Isooctane	*Clear, colorless, slightly volatile liquid having an organic odor. Vapors much heavier than air. Flashpoint below 20° F. Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Isooctene	*Clear, colorless liquid having an organic odor. Vapors heavier than air. Flashpoint below 20° F. Immiscible with water.*	Red.				
Isopropyl (acetate)	*Colorless, aromatic liquid. Slightly miscible with water. Flashpoint 56° F.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Mercaptans: Amyl mercaptan. Butyl mercaptan. Ethyl mercaptan. Isopropyl mercaptan. Propyl mercaptan. Aliphatic mercaptan mixtures. (When possessing a flash point at or below 80° F.)	*Water-white to yellow liquids. Strong offensive garlic-like odor. Butyl mercaptan highly toxic, others are toxic to lesser degree. Do not breathe vapors from these substance or allow in contact with eyes. Flashpoints variable (ethyl—lowest: amyl—highest). Immiscible with water.* Keep cool. Stow well away from living quarters.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 110 gal. cap. (ICC-17C, STC, not over 55 gal. cap. (ICC-17E) STC, not over 5 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC—12B) WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations. Authorized only for mercaptans having a flash point above 20° F.: Steel barrels or drums: (ICC-17E) STC, not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.
Methyl acetate	*A clear, colorless, volatile liquid with fragrant odor. Vapors are 2½ times heavier than air and form an explosive mixture within a range of 4% to 14% in air. Flashpoint about 20° F. Boiling point about 135° F. Slightly miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums, (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted
Methyl acetone	*A water-white, anhydrous liquid consisting of acetone with methanol. Flashpoint variable, may be as low as 4° F. Miscible with water.*	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methyl dichlorosilane	*Clear volatile liquid.* *Fumes strongly, in moist air.* *Fumes are irritating and corrosive.* *Flashpoint below 20° F.* Keep dry and cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17H, 37A) STC, with inside glass containers not over 1 qt. cap. each, not over 55 gal. total cap. Wooden boxes (ICC-15A, 16B) WIC not over 1 qt. cap. each, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Tank cars complying with ICC regulations.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Methylhydrazine Dimethylhydrazine, unsymmetrical.	*A colorless liquid with an ammonia like odor.* *Corrosive.* *Vapors may be explosive when exposed to high temperature.* Stow well away from corrosive liquids and organic materials.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Metal barrels or drums: (Stainless steel): (ICC-5, 5A, 5C) not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt. Authorized only for dimethylhydrazine, unsymmetrical: Metal barrels or drums: (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-42B) aluminum, not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methyl iso-propenyl ketone, inhibited.	*Nearly colorless, inflammable liquid, with a pleasant odor and sweet taste.* *Sustained inhalation of vapors in unventilated spaces is dangerous.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methyl methacrylate monomer.	*A water white liquid of low viscosity.* *Flashpoint about 55° F.* May polymerize spontaneously without addition of an inhibitor.	Red.	Stowage: "On deck in open." "On deck under cover." "'Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipment: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "'Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipment: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Motor fuel, N. O. S. (when possessing a flashpoint at or below 80° F.)	*Any fuel for internal combustion motors not otherwise specified by name in these regulations.* *Vapors when mixed with air may be explosive over a wide range.* *Flashpoint variable.* *May or may not be miscible with water.*	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted.	Not permitted.	Not permitted.

NOTE: Shall not be accepted for transportation on board passenger vessels or passenger-carrying ferry vessels except such fuel as is contained within the fuel tanks of motor vehicles for use as a source of motive power for their own propulsive or auxiliary motors when such motor vehicles are being transported on board such vessels.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Neohexane	*Clear, water-white, rather volatile liquid.* *Vapors form inflammable or explosive mixtures with air.* *Flashpoint below 0° F.* *Immiscible with water.* *Boiling point about 120° F.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Not permitted.
. . .	. . .	. . .	. . .	. . .	. . .	. . .

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Oil: Oil, N. O. S. Petroleum oil. Petroleum oil, N. O. S. (When possessing a flashpoint at or below 80° F. but not less than 20° F.) NOTE: For these liquids when possessing a flashpoint at or below 20° F. see "Petroleum distillate."	*May include any oil product derived from crude petroleum, except oils properly described by name within these regulations.* *Flashpoint variable.* *Immiscible with water.*	lled	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid.	*Flash point variable. May or may not be miscible with water.*	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E), STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E), WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
When the flashpoint of a liquid shipped under this descriptive name is 20° F. or below, the bill of lading or other shipping paper shall bear the following certification: *"This liquid possesses a flashpoint of 20° F. or less."*						
When the flashpoint is above 20° F. and not more than 80° F. the following certification shall appear hereon: *"This liquid possesses a flashpoint of above 20° F. but not more than 80° F."*						
(When possessing a flashpoint at or below 80° F.)						

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pentane	*A clear colorless, volatile liquid obtained from petroleum. Vapors when mixed with air are explosive over a range of approximately 1.4% to 8.0% in air. Flashpoint below 0° F. Boiling point 86° F. to 104° F. Immiscible with water.* Keep cool.	Red.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments of petroleum distillate or naphtha distillate: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Not permitted.
Pentane methyl	*A clear, colorless, volatile liquid having an organic odor. Vapors form inflammable or explosive mixtures with air. Flashpoint below 0° F. Boiling point about 135° F. Immiscible with water.* Keep cool.	Red.				
Petroleum distillate. Naphtha distillate. (When possessing a flashpoint at or below 80° F.)	*Any petroleum distillate not otherwise named in these regulations that is not used as motor fuel for internal combustion engines. Flashpoint variable. Vapors when mixed with air are explosive over a wide range. Immiscible with water.*	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Polishes, metal, stove, furniture and wood, liquid. (When possessing a flashpoint at or below 80° F.)	*Liquid preparations used to remove film from surfaces and restore and protect polish and finish of such surface. Flashpoint variable. May or may not be miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible. "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E,) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal .cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
Compounds, polishing, liquid.		Red			Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs. WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal, total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal, total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Furniture polish		Red				
Metal polish, liquid		Red				
Stove polish, liquid		Red				
Wood polish, liquid. (When possessing a flashpoint at or below 80° F.)		Red				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Propylene oxide	*Colorless liquid, ethereal odor. Explosive range: 2 to 22% in air. Flashpoint below 0° F. Miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 1 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Pyridine (When possessing a flashpoint at or below 80° F.).	*A slightly yellow or colorless liquid having a penetrating and offensive odor. Vapors are 2.75 times heavier than air and form an explosive mixture within a range of 1.8 to 12.4% in air. Vapors are poisonous and suffocating. Flashpoint 68° F. Miscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pyroforic fuel	*Highly inflammable. Takes fire on contact with air.* Keep cool.	Red	Stowage: "On deck protected." Outside containers: Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Refrigerating machines (assembled for shipment and containing not over 15 pounds of an inflammable liquid for their operation).	Outside containers shall be marked with proper shipping name.	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes or crates. (See Note in columns 5, 6, and 7.)	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes or crates. NOTE: It is not required that the above containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself they are sufficient in all respects for the purpose intended.	Ferry stowage (AA) Outside containers: Wooden boxes or crates.	Ferry stowage (BB). Outside containers: Wooden boxes or crates.
Resin solution (when possessing a flashpoint at or below 80° F.).	*Resin dissolved in a volatile solvent. Flashpoint variable, depending upon the solvent used.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Road asphalt or tar, liquid. *Asphalt cut-back.* Tar, liquid. (When possessing a flashpoint at or below 80° F.) (See §146.27-100 for transportation of asphalt or road tar in highway tank vehicles.)	*Substance prepared by the fluxing of asphalt with petroleum distillate. Pungent, penetrating odor. Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC, (ICC-15X) not over 10 gal. cap. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC not over 110 lbs. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, BC) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lbs. gr. wt.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium methylate, alcohol mixture. (When possessing a flashpoint at or below 80° F.)	*Sodium methylate dissolved in alcohol.* *Flash point variable.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes WIMC, not over 110 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes WIMC, not over 110 lb. gr. wt.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Solvents, N. O. S. (When possessing a flashpoint at or below 80° F.)	*Inflammable, volatile liquids used for solvents, other than those solvents specified by name in these regulations.* *May be extremely volatile liquids and if so, vapors in air will form explosive mixtures.* *Vapors may be poisonous and suffocating.* *Flashpoint variable.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A. 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12B not over 65 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes WIMC, not over 110 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes WIMC, not over 110 lb. gr. wt.
Plastic solvent, N. O. S.		Red.				
Pyroxylin solution		Red.				
Pyroxylin solvent, N. O. S. (When possessing a flashpoint at or below 80° F.)		Red.				
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Toluol (*Toluene.*)	*Colorless volatile liquid.* *Benzene-like odor, distillate from coal tar.* *Vapors are 3 times heavier than air and form an explosive mixture within a range of 1¼% to 7% in air.* *Vapors are poisonous and suffocating.* *Flashpoint 45° F.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19H) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12H), WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19H) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19H) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19H) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC not over 10 gal. cap.
Trichlorosilane	*Clear, transparent, volatile, liquid.* *Fumes strongly in moist air.* *Fumes are extremely irritating and corrosive.* *Decomposes with some violence on contact with water to liberate corrosive gas.* *Flashpoint below 20° F.* Keep Cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17H, 37A) STC, with inside glass containers not over 1 qt. cap. each, not over 55 gal. total cap. Wooden boxes (ICC-15A, 16B) WIC not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Turpentine substitutes... (When possessing a flashpoint at or below 80° F.)	*Special fractions of petroleum oils (usually with a boiling point of 290° to 320° F.) used in the place of turpentine as a paint thinner, etc.* *Flashpoint variable.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19H) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments of turpentine substitutes: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21H, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
Vinyl acetate, inhibited.	*Clear, colorless liquid having a pungent odor.* *Soluble in most organic solvents.* *Flashpoint about 30° F.* *Immiscible with water.*	Red.				Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21H, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments of turpentine substitutes: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Vinylidene chloride, inhibited.	*Clear, colorless to straw-colored, rather volatile liquid having a penetrating odor. Flashpoint below 20° F. Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Wet nitrocellulose colloided, granular or flake (must contain at least 20%, by weight of alcohol or a solvent with flashpoint not lower than 30° F.).	*Formed by the nitration of cotton by treatment with a mixture of nitric and sulfuric acids. Involved in a fire will give off nitrous fumes, deep orange in color, and extremely irritating and poisonous. Flashpoint variable, not less than 30° F.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M) not over 450 lb. gr. wt. (ICC-6A, 6B, 6C, 6J) not over 450 lb. gr. wt (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Authorized only for nitrocellulose or collodion cotton, fibrous, wet, or colloided nitrocellulose, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Wet nitrocellulose (must contain at least 30% by weight of alcohol or a solvent with a flashpoint not lower than 30° F.).		Red.				
Wet nitrostarch (must contain at least 30% by weight of alcohol or a solvent with flashpoint not lower than 30° F.). Shipping containers on above shall have marked thereon the gross, tare, and net weight of the package.	*Formed by the nitration of starch. Characteristics and hazards similar to those of "Nitrocellulose, wet with an inflammable liquid," which see above.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Xylol (Xylene.) (When possessing a flashpoint at or below 80° F.).	*Coal tar distillate. Colorless liquid having a characteristic odor. Vapors are 4 times heavier than air and will form an explosive mixture in air. Vapors are poisonous and suffocating. Flashpoint 75° F. or above. Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WMIC (ICC-15X) not over 10 gal. cap.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

1. Section 146.22–25 is amended by changing paragraphs (a) and (b), and adding an entry to paragraph (d) as follows:

§ 146.22–25 *Exemptions for inflammable solids and oxidizing materials.* (a) Inflammable solids and oxidizing materials, except those enumerated in paragraph (d) of this section, when packed in inside containers not over 1 pound net weight each, packaged in outside containers not exceeding 25 pounds net weight each are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided by the regulations in this part.

(b) Liquid or solid organic peroxides, except acetyl benzoyl peroxide, solid, and benzoyl peroxide, in strong outside containers having not over 1 pint or 1 pound net weight of the material in any one such package, having inside containers securely packed and cushioned with incombustible cushioning are, unless otherwise provided, exempt from specification packaging, marking other than name of contents, and labeling requirements.

* *

(d) * * *

Sodium potassium alloys.

2. Section 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

Table E—Classification: Inflammable solids and oxidizing materials

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Ammonium bichromate	*Orange-red odorless crystals.* *Decomposed by heat.* *Will render organic substances easily inflammable.* *Do not breathe air laden with dust of this material.* *Soluble in water.* Do not stow with acids (white label) or combustible materials. Stow well away from living quarters and foodstuffs.	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt. * * *	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt. * * *	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt. * * *	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt. * * *

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Barium peroxide (*binoxide, dioxide*).	*A heavy grayish-white powder.* *Mixed with organic material or finely divided metals, it is dangerously inflammable and may be ignited by friction or may cause spontaneous ignition of such material.* *Poisonous if taken internally.* *Insoluble in water.* Stow away from foodstuffs. Do not stow with combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 880 lb. gr. wt. (ICC–6B, 6C) not over 1,400 lb. net wt. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. * * *	Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. * * *	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A) not over 880 lb. gr. wt. (ICC–6B, 6C) not over 1,400 lb. net wt. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. * * *	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 880 lb. gr. wt (ICC–6B, 6C) not over 1,400 lb. net wt. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. * * *
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Calcium chlorite	*A strong oxidizing material in the form of crystals or crystalline powder.* *Mixed with organic material or finely divided metals it is dangerously ignitable and may be ignited by friction or may cause spontaneous ignition of such material.* *Soluble in water.* Do not stow with charcoal, sulfur, sugar, flour, and similar finely divided substances. Do not stow in same compartment with explosives, acids (white label), inflammable liquids (red label) or combustible materials. Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Under deck, but not overstowed." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 pounds gr. wt.	Not permitted	Not permitted	Not permitted.
Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine. Lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine.	*White powder.* *Decomposed by moisture.* *If exposed to excessive heat, or to the rays of the sun, it may decompose spontaneously evolving vapor with sufficient pressure to rupture container.* *The vapors from ruptured containers have been known to ignite spontaneously.* *When exposed it gives off pungent vapors (chlorine) that are corrosive.* *May destroy textiles.* Do not stow in the same compartment with corrosive liquids (white label) nor with turpentine. Stow well away from foodstuffs, living quarters, and all sources of artificial heat. Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck, but not overstowed." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal cap. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. (ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Calcium, metallic	*A highly inflammable solid in the form of gray, hard lumps with a lustrous silver-white surface when freshly cut.* *Decomposes water with evolution of hydrogen.* Do not stow with explosives, inflammable liquids (red label) or acids (white label). Stow in a well ventilated compartment. Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 50 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Calcium peroxide	*White to yellowish, odorless powder.* *Strong oxidizing agent.* *Decomposes on exposure to moist air.* *With acids forms hydrogen peroxide.* *Slightly soluble in water.* Do not stow with explosives, combustible materials, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1400 lb. net wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1400 lb. net wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1400 lb. net wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Calcium resinate	*Fine white powder with odor resembling rosin.* *Tends to heat spontaneously unless very carefully processed.* *Insoluble in water.* Do not stow with explosives, combustible materials, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Charcoal: The following requirement applies to shipments of all forms of charcoal: The originating bill of lading or other shipping paper shall bear the shipper's certifying statement that the charcoal is described by its proper shipping name as shown herein; conforms in all other respects to all of the applicable requirements as set forth in these regulations; and that the material has been prepared and packed under the conditions as set forth in the current I. C. C. regulations governing the substance. Charcoal as described and prepared for shipment as required in this subpart is exempt from specification packaging, marking other than name of contents, and labeling requirements.	*Charcoal is an artificial carbon obtained by incomplete combustion of substances such as wood, bone, nut shell, vegetable or animal matter. It is shipped in the form of fine, very light, black powder, or in heavy grains or lumps or sticks.* *Case hardening compounds are usually wood charcoal together with such energizers as sodium or barium carbonates, cyanides, etc.* Do not stow in the same compartment with explosives, inflammable liquids (red label), oxidizing materials (yellow label) or acids (white label), nor with oils or greases. Do not accept charcoal that shows signs of heat. Require a certifying statement from the shipper that the charcoal has been exposed to the air for the required period of time before shipping. Keep cool and dry.					

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chlorates Barium chlorate. Calcium chlorate. Chlorates, N. O. S. Potassium chlorate. Chlorate of potash. Sodium chlorate. Chlorate of soda. Strontium chlorate. Zinc chlorate.	*Chlorates are in the form of colorless crystals or the powder thereof and are strong oxidizing agents.* *Chlorates mixed with organic matter form very inflammable compositions, and frequently act as high explosives when mixed with finely divided organic material or finely divided metals.* *Mixtures of chlorates with organic matter or finely divided materials may be ignited by friction.* *All chlorates when brought in contact with sulfuric acid are liable to cause fire or explosion.* *Chlorates mixed with ammonium salts are liable to spontaneous decomposition and ignition.* *Soluble in water.* Chlorates should not be stowed in the same compartment with explosives, acids (white label), inflammable liquids (red label) or combustible materials such as cotton, charcoal, sulfur, etc.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B), WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 25 lb. net wt. Fiber drums (ICC-21A, 21B), WIMC, not over 220 lb. gr. wt. Plywood drums (ICC-22A, 22B) WIMC, not over 220 lb. gr. wt. Authorized only for chlorate of soda: Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chlorate and borate mixtures. Chlorate and magnesium chloride mixtures. NOTE: Such mixtures containing 28% or less chlorate and no other hazardous additives are not subject to the regulations in this part.	*Mixtures of chlorates and borates or magnesium chloride in varying proportions containing no other hazardous additives.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks, readily accessible." Outside containers: Mixtures containing 50% or more chlorate may be accepted in: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 50 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIMC, not over 25 lb. net wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIMC ICC-2F, not over 220 lb. gr. wt. Mixtures containing more than 28% chlorate but less than 50% may also be accepted in: Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIL, not over 600 lb. net wt. Wooden boxes: (ICC-15A, 15B) WIL, not over 250 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A) not over 220 lb. gr. wt. Multiwall paper bags: (ICC-44C, 44D) not over 50 lb. net wt.	Not permitted	Not permitted	Not permitted.
Chromic acid Chromic anhydride. Chromium trioxide.	*An oxidizing material in the form of red flakes, or may be ground. Can irritate skin or mucous membranes.* *Avoid breathing dust or contact with skin.* *Soluble in water.* *Reactive with many organic substances. Reaction generates heat, and ignition may occur.* Do not stow in same compartment with explosives, inflammable liquids (red label), acids (white label), or combustible materials.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B), WIC, not over 250 lb. gr. wt.	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) WIC, not over 250 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) WIC, not over 250 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines, or cosmetics, N. O. S. When packed in accordance with ICC requirements for the particular substance, and separated and cushioned by incombustible absorbent material when the characteristics of the substance so require. (See § 146.22-25 for exemptions.)	*A unit substance or a compound classified as an inflammable solid or an oxidizing material in accordance with the definitions contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines, or cosmetics.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
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Inflammable solids, N. O. S. Flammable solids, N. O. S.	*May be any substance classifying as an inflammable solid in accordance with the definitions contained in these regulations, provided such inflammable solid is not otherwise specified by name in these regulations.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. (See Note in columns 5, 6, and 7.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
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NOTE: Specification containers shall be of a design and construction of material that will not react dangerously with nor be decomposed by the chemical packed therein.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lacquer base, or lacquer chips, dry (nitrocellulose base).	*Lacquer chips are composed of nitrocellulose incorporated with a plasticizer and in the form of thin irregular-shaped pieces. Such chips are the film-forming part of lacquer which remains after the solvents or thinners have evaporated.* *Involved in a fire the products of decomposition, if inhaled, are irritating and poisonous even in small concentrations.* Provide cool stowage as in a compartment having a temperature of not exceeding 100° F., well away from any source of heat, or in position to protect or move, even to jettisoning in event of fire. Do not stow in same compartment with explosives, inflammable liquids (red label) other inflammable solids or oxidizing materials (yellow label) or acids (white label).	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt.
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Lithium amide, powdered.	*Gray, finely-divided powder having an odor resembling ammonia.* *Develops heat in contact with moisture.* Do not stow with explosives, inflammable liquids (red label), or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck under cover." "On deck protected." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC-22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC-22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lithium hydride	*Odorless, gray lumps or powder.* *Combustible, burns quietly.* *Evolves gas when in contact with moisture. The gas forms inflammable mixture with air, over a wide range.* Do not stow with explosives, inflammable liquids (red label), or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Metal drums (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Lithium metal immersed in neutral oil may be accepted in wooden boxes (ICC-15A, 15B), WIMC or (ICC-37A, 37B) STC not over 30 lb. net wt. Lithium metal in cartridges not exceeding 18 grams net weight each may be accepted in strong outside containers, not over 1 lb. net wt. of lithium metal. Lithium metal in cartridges containing more than 18 grams, but not more than 120 grams of lithium must be packed in wooden boxes (ICC-15A, 15B) WIMC, not over 75 lb. gr. wt. Authorized for lithium hydride and lithium metal only: Metal drums: (ICC-17H, 37A) STC, WIMC, not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.
Lithium metal	*Very light, soft metal.* *Burns with intense white flame.* *Reacts readily with moisture to evolve an inflammable gas.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow.				
Lithium silicon	*Black, shiny lumps, or powder with sharp irritating odor.* *Reacts readily with water to evolve an inflammable gas.* *Under certain conditions enough heat is generated to ignite the gas mixture in air.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow.				

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lithium peroxide	*Light practically odorless, straw-colored powder.* *Reacts readily with water to form the hydrate.* *Mixed with combustible organic materials it may be ignited by mild friction.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
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Magnesium metallic, powder.	*A white metal, in the form of powder.* *It is highly inflammable, burning with intense heat and light.* *In contact with water or acids it develops hydrogen gas (which is highly explosive over a wide range.)* Do not stow with inflammable liquids (red label) or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Magnesium peroxide, solid.	*White, powdery substance.* *Decomposes on heating.* *Insoluble in water: gradually decomposed by it with liberation of oxygen.* Stow separate from all combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
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Nickel catalyst, finely divided, activated or spent (*wet with not less than 40% by weight of water or other suitable liquid*).	Finely divided nickel suspended in a liquid. *When dry, subject to spontaneous heating and ignition.* Check containers to ascertain if leakage has occurred. Reject leaking containers or those showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) WIMC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIMC, not over 65 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) WIMC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIMC, not over 65 lb. gr. wt.	Stowage: Ferry stowage (AA)	Stowage: Ferry stowage (BB).

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Oxidizing materials, N. O. S.	*May be any substance classifying as an oxidizing material in accordance with the definitions contained in these regulations, provided such oxidizing material is not otherwise specified by name in these regulations.* *Invested in a fire, will greatly intensify the burning of all combustible materials.* Do not stow with combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. wt. (ICC-11A, 11B), WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 pounds gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. (See note in columns 5, 6, and 7.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A ,11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
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Perchlorates Ammonium perchlorate. Barium perchlorate. Magnesium perchlorate. Perchlorates, N.O.S. Potassium perchlorate.	*Colorless crystals or white crystalline powder: strong oxidizing agents.* *Perchlorates mixed with organic matter form very inflammable compositions, and frequently act as high explosives when mixed with finely divided organic material or finely divided metals somewhat the same as chlorates, but to a lesser degree.* *Soluble in water.* Do not stow in the same compartment with explosives, acids (white label), or combustible material such as cotton, charcoal, sulfur, etc.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck but not overstowed." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein. Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Permanganates Ammonium permanganate. Barium permanganate. Calcium permanganate. Permanganates, N.O.S. Potassium permanganate. Sodium permanganate. Zinc permanganate.	*In crystal or powder form, having a metallic sheen in rich colors purple to reddish-black, violet-brown or black, or dark purple shades.* *A powerful oxidizing material.* *All permanganates mixed with combustible materials are liable to ignition by friction, by spontaneous combustion, or if acted upon by the corrosive liquid acids.* *Such mixtures have been known to react with explosive force.* *Potassium permanganate is known to ignite spontaneously in contact with glycerin (including the anti-freeze glycerin compounds).* *Barium permanganate is also poisonous if taken internally.* *Stow away from foodstuffs.* *Soluble in water.* Do not stow with explosives, acids (white label), glycerin, formaldehyde, organic materials, chalk, charcoal, sulfur or similar substances. Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, or with liner, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, or with liner not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, or with liner, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, or with liner, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
Peroxides, organic, liquid, N. O. S.	*Combustible liquids, usually colorless, with sharp penetrating odor. Readily ignitable and burn with acceleration. Immiscible with water.* Do not stow with combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Authorized only for material which will not react dangerously with, or cause decomposition of polyethylene: Steel barrels or drums (ICC-6J) WIC (ICC-28 polyethylene) not over 15 gal. cap. Following barrels and drums authorized for materials which will not react dangerously with the drums metal, or be decomposed by contact with it: Steel barrels or drums: (ICC-17C, 17E) STC, not over 15 gal. cap. Aluminum drums: (ICC-42B) not over 15 gal. cap.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Phosphoric anhydride	*A finely divided white powder, having a strong affinity for water.* *Rapidly absorbs moisture from the air.* *Mixed with organic matter in the presence of moisture (even moisture in the air) it causes great heat and oft-times the ignition of the material.* *Soluble in water, somewhat slowly, and with evolution of much heat.* Do not stow with combustible materials, explosives, inflammable liquids (red label) or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Potassium bromate	*Potassium bromate is an oxidizing material in the form of white crystalline salts having properties similar to "potassium chlorate" but less dangerous.* *Highly inflammable.* *Soluble in water.* Do not stow in same compartment with combustible materials, explosives, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B), STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Potassium, metallic	*Potassium metallic is an inflammable, soft, white metal, with a silvery luster on freshly cut surfaces.* *Reacts violently with water evolving hydrogen which ignites from the intense heat of the reaction; also violently and similarly decomposed by acids.* Do not stow with combustible materials, explosives, acids (white label), inflammable liquids (red label), or oxidizing materials (yellow label). Do not overstow with other cargo. Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6, 6B, 6C) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Metal drums (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B), with hermetically sealed metal inside containers not over 250 lb. gr. wt. NOTE: Potassium metallic immersed in neutral petroleum oil may also be accepted in: Wooden boxes (ICC-15A, 15B), WIMC or ICC-37A, 37B STC not over 30 lb. net wt., not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Potassium, metallic liquid alloy. Sodium, metallic liquid alloy.	*A combustible alloy of potassium and sodium which flows like mercury at ordinary temperatures.* *Not volatile.* *Reacts violently with moisture or water to evolve an inflammable gas and develops considerable heat which may ignite the gas. Avoid contact with water.* Do not stow with combustible materials, explosives, acids, (white label) or oxidizing materials (yellow label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, not over 300 lb. net wt.	Not permitted	Not permitted	Not permitted.
Potassium nitrite	*White or slightly yellow granules, or rods.* *Decomposed in contact with acids evolving brown fumes of nitrous anhydride.* *Involved in a fire will intensify the burning of all combustible materials.* Do not stow with combustible materials, explosives, inflammable liquids (red label) or acids (white label). Carefully clean and remove all residue of nitrite remaining in a compartment used for the stowage of this substance.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Potassium peroxide	*Oxidizing agent in the form of a yellow, amorphous mass.* *Decomposes in water, evolving oxygen.* Do not stow with combustible materials, explosives, or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
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Potassium sulfide (fused or concentrated but not ground—*may be chipped, flaked, or broken*). Sodium sulfide (fused or concentrated but not ground—*may be chipped, flaked, or broken*). Crystallized potassium sulfide, crystallized sodium sulfide, or sodium sulfide fused solid in a metal container is not subject to these regulations. Sodium sulfide containing 35% or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked, or broken), is not subject to the regulations in this subchapter when packed in steel barrels or drums that are equipped with moisture-tight closures.	Characteristics and hazards as for "Potassium sulfide (fused or concentrated and ground)", see above.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Rubber scrap, ground, powdered or granulated.	*Rubber scrap if ground, powdered, or granulated, and the rubber content of which exceeds 45%, as determined by subtracting the sum of the percentage of ash and the percentage of acetone from 100.*	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover" "Tween decks readily accessible."	Not permitted	Ferry stowage (AA)	Ferry stowage (BB).
Rubber buffings NOTE: Rubber scrap, not ground or ground with cord or fabric insertion, or ground without cord or fabric insertion, the particles of which pass over a screen of not less than 8-mesh is not subject to the regulations in this part.	*Buffings from any grade of rubber irrespective of percentage of rubber content.*	Yellow.	Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes, (ICC-15A) WIL, not over 250 lb. gr. wt. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Paper bags (ICC-44B, 44E) not over 50 lb. net wt. Plywood drums (ICC-22A) not over 220 lb. gr. wt. Tank cars tightly and securely closed.		Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes, (ICC-15A) WIL, not over 250 lb. gr. wt. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Paper bags (ICC-44B, 44E) not over 50 lb. net wt. Plywood drums (ICC-22A) not over 220 lb. gr. wt. Tank cars tightly and securely closed.	Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes, (ICC-15A) WIL, not over 250 lb. gr. wt. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Paper bags (ICC-44B, 44E) not over 50 lb. net wt. Plywood drums (ICC-22A) not over 220 lb. gr. wt. Tank cars tightly and securely closed.
Reclaimed rubber or regenerated rubber. NOTE: Reclaimed rubber or regenerated rubber when in the form of dense homogeneous nonporous sheets or rolls, the sheets of thickness of ⅛ inch or greater, packed flat or in rolls, or in pelletized form if not less than ¼ inch in diameter, or ground, the particles of which pass over a screen of not less than 5-mesh, all properly cooled before shipment, is not subject to the regulations in this part.	*Rubber shoddy, regenerated rubber or reclaimed rubber consists of old rubber which has been subjected to chemical treatment of some kind in preparing it for further use in the rubber industry.* *Certain grades of rubber scrap if ground, powdered or granulated, or the buffings from rubber, as well as rubber shoddy, regenerated or reclaimed rubber are subject to the risk of spontaneous heating and ignition. This hazard does not apply to rubber which is not ground, powdered, or granulated, nor to rubber scrap in the form of dense homogeneous nonporous sheets or rolls.*	Yellow.				
Sodium amide	*White crystalline powder, with odor of ammonia.* *Decomposed by water forming ammonia gas and generating heat.* *Decomposed by moisture in air.* Do not stow with combustible materials, explosives, or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Metal drums (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Sodium amide immersed in neutral oil may also be accepted in: Wooden boxes (ICC-15A, 15B), WIMC or ICC-37A, 37B, STC not over 30 lb. net wt., not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium bromate	*An oxidizing material in the form of white crystals or a white crystalline powder.* *Strong oxidizing agent.* *Soluble in water.* Do not stow with combustible materials, explosives or acids (white label). Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
Sodium chlorite	*A white crystalline solid usually in flakes.* *Strong oxidizing agent.* *Decomposed by heat evolving oxygen, and will burst containers.* *Reacts violently with acids.* *Mixed with organic material or finely divided metals it is dangerously ignitible and may be ignited by friction or may cause spontaneous ignition of such material.* Do not stow with charcoal, sulfur, sugar, flour and similar finely divided substances. Do not stow in same compartment with explosives, combustible materials, inflammable liquids (red label), or acids (white label). Do not overstow. Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium, metallic	*Sodium, metallic is a light silver-white metal, lustrous when freshly cut.* *Burns with a yellow flame.* *Violently decomposes water forming sodium hydroxide and hydrogen which ignites spontaneously.* Do not stow with combustible materials, explosives, acids (white label), inflammable liquids (red label), oxidizing materials (yellow label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Sodium must be fused solid in the container. (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Tank cars complying with ICC regulations. Sodium metallic immersed in neutral oil may also be accepted in: Wooden boxes (ICC-15A, 15B) WIMC (ICC-37A, 37B) STC, not over 30 lb. net wt. or inside glass containers each in a tin container, outside container not over 250 lb. gr. wt. Sodium metallic cylindrical or rectangular blocks not less than 6 in. in length and not less than 2 in. in any other dimension may be accepted in metal drums: (ICC-17C) STC, not over 300 lb. net wt. (ICC-17H, 37A, 37B) STC, not over 30 lb. net wt.	Not permitted	Not permitted	Not permitted.
. . .	. . .	. . .	. . .	. . .	. . .	. . .

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium methylate, dry	*An inflammable solid in the form of a white amorphous free-flowing powder.* *Sensitive to oxygen.* *Decomposed by water.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Ferry stowage (BB).
Sodium nitrite	*A yellowish-white salt somewhat moist in appearance.* *It is an oxidizing material which while containing less oxygen than the nitrates, is more readily decomposed, and therefore generally more active.* *When mixed with organic matter, it is more readily ignited than a corresponding mixture of sodium nitrate.* *Sodium nitrite if mixed with ammonium salts decomposes spontaneously and may cause fires.* *Absorbs moisture.* *Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Do not stow with ammonium nitrate. Stow away from all combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium peroxide	*Yellowish-white granular powder.* *Absorbs water from the air.* *In contact with organic matter or readily oxidizable substances ignition and explosion may take place.* *Soluble in water.* Do not stow in same compartment with explosives or acids (white label). Do not stow with combustible materials or other oxidizing substances (yellow label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Sodium potassium alloys	*Alloys of sodium and potassium.* Stow separate from combustible materials, explosives and acids (white label). Keep dry. Do not overstow with other cargo. Care must be taken to prevent damage to the containers.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Metal barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Metal drums (ICC-37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes: (ICC-15A, 15B) with hermetically sealed metal loside containers, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Strontium peroxide	*Practically odorless, white fine powder.* *Active oxidizing material and dangerously accelerates combustion of organic material.* *Sparks are readily produced by mild friction.* *Decomposes on heating.* *Insoluble in water.* Do not stow with combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Zinc ammonium nitrite	*A light brown powder, active and hazardous.* *Decomposes over temperature range of 160° to 200° F., evolving undesirable oxides of nitrogen gas.* *Can be ignited by external source of flame, and burns vigorously.* Do not stow with combustible materials. Stow away from sources of heat.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Metal barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.
Zinc peroxide	*A fine, white, practically odorless powder.* *Rather active oxidizing material.* *Accelerates combustion of organic materials.* *Insoluble in water.* Do not stow with combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING CORROSIVE LIQUIDS

1. Section 146.23–30 is amended by changing the text of paragraph (c) to read as follows:

(c) The provisions of paragraph (a) of this section do not extend to shipments of the following acids, alkaline caustic liquids, and other corrosive liquids:

Acid sludge.
Allyl chloroformate.
Amyl trichlorosilane.
Antimony pentafluoride.
Benzyl bromide.
Benzyl chloroformate.
Boron trichloride.
Bromine.
Bromine pentafluoride.
Bromine trifluoride.
a-Bromotoluene.
Butyl trichlorosilane.
Chloracetyl chloride.
Chlorine trifluoride.
Chromyl chloride.
Diethyl dichlorosilane.
Difluorophosphoric acid, anhydrous.
Dimethyl sulfate.
Diphenyl dichlorosilane.
Electrolyte or alkaline corrosive battery fluid packed with storage batteries, battery chargers, or radio current supply devices.
Ethyl chloroformate.
Ethyl phenyldichlorosilane.
Fluosulfonic acid.
Hexafluorophosphoric acid.
Hexyl trichlorosilane.
Hydrazine, anhydrous.
Hydrazine solution containing 50 percent or less of water.
Hydrofluoric acid, anhydrous.
Hydrogen peroxide over 52 percent strength by weight.
Hypochlorite solution containing more than 7 percent available chlorine by weight.
Iodine monochloride.
Isopropyl percarbonate, stabilized.
Less-than-carload and less-than-truckload shipments of wet electric storage batteries.
Methyl chloroformate.
Mixtures of hydrofluoric and sulfuric acid.
Monofluorophosphoric acid, anhydrous.
Nitrating (mixed) acid.
Nitric acid.
Nitrohydrochloric acid.
Nitrohydrochloric acid diluted.
Octyl trichlorosilane.
Phenyl trichlorosilane.
Phosphorus oxychloride.
Phosphorus tribromide.
Phosphorus trichloride.
Propyl trichlorosilane.
Spent acid (sulfuric or mixed).
Sulfur chloride.
Thionyl chloride.
Thiophosphoryl chloride.

2. Section 146.23–100 *Table F—Classification: Corrosive liquids* is amended as follows:

Table F—Classification: Corrosive liquids

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetyl chloride	*A clear, colorless, fuming liquid. Gives off fumes which are extremely irritating to the eyes. Decomposes violently with water or alcohol with the evolution of hydrochloric acid fumes which are irritating and suffocating. Inflammable. Flashpoint 40° F. Boiling point 125° F.* Do not stow adjacent to alcohol. Protect stowage from water. Protect from sparks and open flame. Keep cool.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A), not over 13 gal. cap. Carboys, boxed, glass (ICC–1D), not over 6½ gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C), not over 13 gal. cap. Carboys in plywood drums, glass (ICC–1E), not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5A), not over 110 gal. cap. (ICC–17C) STC, not over 55 gal. cap. Nickel drums (ICC–5K), not over 110 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60), not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acids, liquids, N. O. S.	*Any acid not otherwise specified by name herein which qualifies under the definition contained in these regulations as a corrosive liquid.* Protect from sparks and open flame. Keep cool.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. (ICC–17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC–6J) WIC ICC–2S polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 100 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Alkaline battery fluid.	*Usually colorless, odorless, liquids.* *Neither volatile nor combustible.* *Hazardous in contact with certain textiles and metals.*	White.	Stowage: "On deck protected," "On deck under cover." "On deck in open." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks: (ICC-60) not over 8,000 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "On deck in open." Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks: (ICC-60) not over 8,000 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.
Alkaline caustic liquids, N. O. S.	*Liquid used in alkaline storage batteries.* For characteristics and hazards see "Alkaline corrosive, liquids, N. O. S.	White.				
Alkaline, corrosive liquids, N. O. S.	*May be any alkaline corrosive liquid properly described as such in accordance with the definition for a corrosive liquid and not otherwise specified by name in these regulations.* *Particularly hazardous in contact with organic substances and textiles.* *Miscible with water.* These materials in inside containers of not more than 8 fluid ounces capacity each, packed and cushioned as specified by ICC regulations are exempt from specification packaging, marking other than name of contents, and labelling requirements.	White.				

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Allyl chloroformate. Allyl chlorocarbonate.	*A clear, corrosive liquid having a pungent odor.* *Fumes irritating to eyes and tissue.* *Flashpoint below 20° F.* Protect from sparks and open flame. Keep cool.	White.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC—1A) not over 13 gal. cap. Metal drums, lead-lined (ICC-5H) not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
Allyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *Fumes readily in moist air to evolve irritating and corrosive vapors.* *Avoid prolonged breathing of fumes.* *In event of spillage, flush with large quantities of water.*	White.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC not over 55 gal. cap. (ICC-17H, 37A), STC, WIC not over 55 gal. cap. Wooden boxes: (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted.	Not permitted.	Not permitted.
Amyl trichlorosilane	*Water-white liquid having a pungent and acrid odor.* *Fumes strongly when exposed to moist air. Vapors are corrosive and irritating.* *Avoid prolonged breathing of fumes.* *In event of spillage flush with large quantities of water.*	White.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted.	Not permitted.	Not permitted.
Anisoyl chloride	*A slightly viscous, brown colored liquid having a sharp penetrating odor.* *It is reasonably stable thermally.* *Fumes somewhat when exposed to moist air, evolving a corrosive and irritating vapor.* *Avoid prolonged breathing of fumes.* *In event of spillage flush with large quantities of water.* Anisoyl chloride in inside containers of not more than 8 fluid ounces capacity each, packed and cushioned as specified by ICC regulations, are exempt from specification packaging, marking other than name of contents, and labelling requirements.	White.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5C) not over 110 gal. cap.	Not permitted.	Not permitted.	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Antimony pentachloride.	*A heavy, reddish brown liquid, having an offensive odor.* *Decomposed by water evolving hydrochloric acid, the fumes of which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Reacts strongly with organic matter giving off dense fumes.* *Boiling point 197° F.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Metal barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Wooden barrels: (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks: (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Antimony pentachloride, solution.	See "Antimony pentachloride."	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, glass, in boxes, kegs or plywood drums: (ICC-1A, 1B, 1C, 1E) not over 13 gal. cap. (ICC-1D) not over 6½ gal. cap. For export only (ICC-1X) not over 6 gal. cap. Carboys, lead, metal jacketed (ICC-2S) not over 15 gal. cap. Carboys, polyethylene, in plywood boxes, drums or wooden boxes (ICC-1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC-5A, 5C, 5M) not over 110 gal. cap. (ICC-5D) rubber lined, not over 110 gal. cap. (ICC-5I) lead lined, not over 110 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Antimony pentafluoride.	*A colorless liquid at ordinary temperature having a pungent odor.* *When anhydrous it is not very corrosive to metals but reacts violently with water to develop corrosive decomposition products.* *May cause fire if anhydrous chemical is brought into contact with readily combustible organic matter.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders (ICC-3A150, 3AA150, 3E1800, 3B240, 4B240,4BA240) closed by means of iron or steel threaded plugs.	Not permitted	Not permitted	Not permitted.
Batteries, dry. Batteries, electric storage, wet. NOTE: Electric storage batteries containing electrolyte or corrosive battery fluid of the nonspillable type, protected against short circuits and completely and securely boxed, are exempt from specification packaging, marking other than name of contents, and labeling requirements.	*Charged electric storage batteries containing electrolyte (acid) or alkaline corrosive battery fluid.* NOTE: Must be completely protected so that short circuit will be prevented. Must not be packed with other articles except auto parts, electrolyte or corrosive battery fluid, portable searchlight properly cushioned, battery parts or hydrometers, securely packed in a separate container. Observe instructions regarding "This side up" stowage.	White unless exempt from labeling requirements.	No restrictions. Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Wooden boxes (nonspecification) completely closed, having cleated ends, and two skids of at least 3" x 3" size attached to the bottom of the box. Wooden or metal trays (nonspecification). Carload or truckload shipments of electric storage batteries permitted by regulations to be shipped without being packed in an outside container, shall when stowed on board a vessel be packed in wooden or metal trays so constructed as to protect the batteries from damage, short circuit or from the weight of imposed stowage resting upon the batteries. (See Note in columns 5, 6, and 7.)	No restrictions. Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Wooden boxes (nonspecification) completely closed, having cleated ends, and two skids of at least 3" x 3" size attached to the bottom of the box. Wooden or metal trays (nonspecification). Carload or truckload shipments of electric storage batteries permitted by regulations to be shipped without being packed in an outside container, shall when stowed on board a vessel be packed in wooden or metal trays so constructed as to protect the batteries from damage, short circuit or from the weight of imposed stowage resting upon the batteries.	No restrictions. Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Carload or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from specification packaging, marking other than name of contents, and labeling requirements: *Provided*, That such shipments constitute the only commodity being transported in the railroad car or motor vehicle body.	No restrictions. Ferry stowage (BB) Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Carload or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from specification packaging, marking other than name of contents, and labeling requirements: *Provided*, That such shipments constitute the only commodity being transported in the railroad car or motor vehicle body.

NOTE: Electric storage batteries wet, with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery, box type may be packed as follows: 1 to 3 batteries not over 25 lb. each in outside box, gr. wt. not over 75 lb. specification container not required; 1 battery not over 75 lb. in 5 sided slip cover or fiberboard box meeting ICC requirements; 1 to 4 batteries not over 15 lb. each may be packed in a strong outside nonspecification fiberboard or wooden box, when securely cushioned and packed to prevent short circuits, not over 65 lb. gr. wt.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Benzoyl chloride	*A clear, colorless liquid which even at ordinary temperatures gives off a vapor very irritating to the eyes, nose, and throat.* *Decomposes on contact with water liberating fumes which are irritating to the mucous membrane and in sufficient quantities will be suffocating.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed; glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed: glass (ICC-1D) not over 6½ gal. cap.	Not permitted	Not permitted	Not permitted.
Benzyl chloride	*A colorless liquid possessing a rather unpleasant odor and vapors which are very irritating to the eyes, nose, and throat.* *Combustible. Flash point 140° F.* *Immiscible with water.*	White.	Carboys in kegs; glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys boxed, polyethylene, (ICC-1G) not over 15 gal. cap. Carboys, boxed; glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Benzyl chloride must be stabilized when packed in unlined containers. Steel drums, lead-lined (ICC-5H) not over 55 gal. cap. for benzyl chloride only. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. Benzyl chloride must be stabilized when loaded in unlined tanks. Unstabilized benzyl chloride and benzoyl chloride when anhydrous and free from impurities such as iron may be shipped in: Nickel drums (ICC-5K) not over 55 gal. cap. Nickel tank cars (ICC-103A, 103A-W) for benzyl chloride only.			
Benzyl chloroformate Benzyl chlorocarbonate	*A clear, transparent liquid having a sharp penetrating odor.* *It is both toxic and combustible.* *Will react with water to form hydrochloric acid.* *In event of leakage use soda ash, lime, or flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed; glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Boiler compound, liquid	*Usually clear, colorless, odorless liquid.* *Generally contains caustic alkali in varying proportions.* *May be corrosive to wool textiles and some metals.* *May cause painful burns to the skin and tissue.* *Miscible with water.*	White	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A) or not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-17E, 17H) STC, not over 55 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A) not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-17E, 17H) STC, not over 55 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber lined (ICC-5D)) not over 110 gal. cap. Metal drums, lead lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
Boron trichloride	*A colorless fuming liquid.* *Decomposes in contact with water evolving hydrochloric acid fumes which are irritating to mucous membranes and in sufficient quantity are suffocating.* *Boiling point 55° F.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Bromine	*A heavy, reddish brown liquid.* *At ordinary temperatures it gives off toxic, suffocating vapors of the same color as the liquid.* *It causes heat when in contact with organic matter and may cause fire.* *Caustic to the skin, inflicting deep painful burns.* *Fumes or vapors even in low concentration have a strong corrosive effect on mucous membranes and inflame the eyes.* *Slightly soluble in water.* *Boiling point 137° F.* Do not stow with combustible materials. Protect from direct rays of the sun. Keep cool.	White	Stowage: "On deck in open." "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums, lead-lined (ICC-5H) not over 10 gal. cap. Wooden boxes (ICC-15A, 15B) WIC, not over 15 qts. in any one outside box. Tank cars complying with ICC regulations. Bromine which has been dried in accordance with good commercial practice may also be shipped in: Nickel drums (ICC-5K) not over 10 gal. cap. and not over 225 lb. net wt. Monel drums (ICC-5M) not over 10 gal. cap. and not over 225 lb. net wt.	Not permitted	Not permitted	Not permitted.
Bromine pentafluoride	*A colorless, heavy liquid or white crystalline solid.* *Boiling point about 100° F.* *Is extremely reactive and may cause fires if in contact with combustible material.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders (ICC-3A150, 3AA150, 4B240) with valve protection cap. Cylinders, boxed (ICC-3E1800) not over 1 lb. of bromine pentafluoride.	Not permitted	Not permitted	Not permitted.
Bromine trifluoride	*A clear, colorless liquid.* *Will promote combustion of organic materials.* *Reacts violently with water to form corrosive and toxic products.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders (ICC-3A150, 3AA150, 3B240, 3E1800, 4B240).	Not permitted	Not permitted	Not permitted.
a-Bromotolnene *Benzyl bromide.*	*A clear, colorless liquid with a tear gas odor.* *Irritating to the eyes.* *Is soluble in water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Butyl trichlorosilane	*A water-white liquid with a pungent, irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve irritating and corrosive vapors.* *Avoid prolonged breathing of fumes.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Caustic potash, liquid Potassium hydroxide solution. Caustic soda, liquid. Sodium hydroxide solution.	*Odorless, corrosive liquids* *Will attack flesh and destroy organic material.* Stow well away from other corrosive liquids (white label). Do not stow over cargo of an organic nature.	White	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-line l (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only." Tank cars complying with ICC regulations. In tank barges, see section covering barges in these regulations.	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only."	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only." Motor truck vehicles having cargo tanks marked "For Caustic Soda, Liquid, Only", or "For Caustic Potash, Liquid, Only."	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only." Tank cars complying with ICC regulations. Motor truck vehicles having cargo tanks marked "For Caustic Soda, Liquid, Only", or "For Caustic Potash, Liquid, Only."

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chemical kits (*containing acids in inside container not exceeding 6 fluid ounces each*). Must not contain any of the items named in § 146.23-30 (c). Chemical kits containing larger amounts of acids must be packed, marked and labeled as prescribed by these regulations for these specific acids or corrosive liquids contained therein.	*Chemical kits containing small amounts of acid used for experimental or pleasure purposes.* The contents of the kit must be of such nature and/or so packed that there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas.	No label required	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Strong wooden or metal container, or packed in a strong wooden or metal container.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden or metal container, or packed in a strong wooden or metal container.	Ferry stowage (AA) Outside containers: Strong wooden or metal container, or packed in a strong wooden or metal container.	Ferry stowage (BB). Outside containers: Strong wooden or metal container, or packed in a strong wooden or metal container.
Chloracetyl chloride	*A colorless, corrosive liquid having a very pungent odor. Decomposes in water, evolving hydrochloric acid fumes, which are irritating to mucous membranes and in sufficient quantities will be suffocating.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums, lead-lined (ICC-5H) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B) WIC, not over 200 lb. gr. wt. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Nicked drums: (ICC-5K) not over 110 gal. cap.	Not permitted	Not permitted	Not permitted.
Chlorine trifluoride	*A colorless gas which liquefies into a green liquid. Reacts violently with water to develop corrosive products. May cause ignition of readily combustible organic materials on contact.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders: (ICC-3AA150, 3AA150, 3E1800, 3B240, 4B240, 4BA240).	Not permitted	Not permitted	Not permitted.
Chlorosulfonic acid. Chlorosulfonic acid sulfur trioxide, mixture.	*A colorless or slightly yellow liquid. Fumes in air giving off dense vapor clouds. In contact with water reacts violently, forming steam and giving off fumes of hydrochloric acid gas, which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating. Very caustic to the skin.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5A, 5C) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chromic acid solution	*A solution of chromic acid. Has a strong caustic effect upon the skin.* Observe containers carefully for signs of leakage and reject any which are found leaking. Do not stow with other acids (white label), inflammable liquids (red label), glycerin or any combustible material. Observe special requirements for stowage on board vessels also transporting explosives.	White	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5A) not over 110 gal. cap. (ICC-17E, 17H) STC, not over 5 gal. cap. (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass, (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, ployethylene (ICC-1F) not over 13 gal cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5A) not over 110 gal. cap. (ICC-17E, 17H) STC, not over 5 gal. cap. (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (CC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5A) not over 110 gal. cap. (ICC-17E, 17H) STC, not over 5 gal. cap. (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A 19A) WIC, not over 200 lb gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5A) not over 110 gal. cap. (ICC-17E, 17H) STC, not over 5 gal. cap. (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb gr. wt.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chromyl chloride	*Mobile, dark red liquid. Fumes in air. Hydrolyzes in water to chromic and hydrochloric acids.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, glass, in boxes, kegs, plywood drums: (ICC-1A, 1C, 1D, 1E) not over 13 gal. cap. For export only: (ICC-1X) STC, not over 6 gal. cap. Metal barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) not over 30 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-42D) not over 30 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, cleaning liquid. Compounds, iron or steel rust preventing or removing. Compounds, lacquer, paint or varnish removing liquid. Compounds, vulcanizing, liquid.	*Any compounds under these descriptive names that classify in accordance with the definitions given in these regulations as a corrosive liquid.*	White	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxdd, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drum (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, cleaning, liquid (*containing hydrofluoric acid*). Must not contain more than 60% hydrofluoric acid.	*Colorless water solutions of hydrofluoric acid in various concentrations. May also contain ammonium fluoride, etc. Extremely corrosive to glass, stoneware, and some metals. Miscible with water. Produces painful burns when allowed to contact flesh. Gives off fumes which are irritating and caustic.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes, WIC of natural rubber, ceresine, lead or other hydrofluoricacid-resistant material (ICC-15A, 15B, 15C, 16A, 19A) not over 200 lb. gr. wt. Fiberboard boxes, WIC of natural rubber, ceresine, lead, or other hydrofluoric acid-resistant material of equal strength (ICC-12B) not over 65 lb. gr. wt. Plywood drums (ICC-22B) WIL, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Corrosive liquid, N. O. S.	*Any liquid not otherwise specified by name in this chart which qualifies as a corrosive liquid according to the definition contained in these regulations.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal.cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC—5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. (See Note in columns 5, 6, and 7.)	Not permitted	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC—5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC—5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cupriethylene-diamine solution.	*A dark purple liquid with odor resembling ammonia. Dissolves cellulose products such as cotton, wood, etc. Not very corrosive to most metals. In event of leakage drench with water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.
Cyclohexenyl · trichlorosilane.	*A water white liquid with a pungent irritating odor. Fumes readily in moist air to evolve irritating and corrosive vapors. Avoid prolonged breathing of fumes. In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes: (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cyclohexyl trichlorosilane.	*A water-white liquid with a pungent irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A), STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B), WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Diethyl dichlorosilane	*Colorless liquid that fumes strongly in moist air to develop extremely corrosive products.* *Fumes are so intense in air that leaky containers may create an appearance of fire.* *Liquid may be combustible.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A), STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Difluorophosphoric acid, anhydrous.	*A clear colorless liquid* *Fumes strongly in moist air to evolve irritating and somewhat toxic vapor.* *Extremely corrosive to glass and fabrics.* *Avoid contact with skin.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Aluminum drums: (ICC-42B, 42C, 42D) not over 55 gal. cap. Carboys in plywood drums, polyethylene (ICC-1F), not over 13 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21A, 21B) WIC, not over 150 lb. gr. wt. For inhibited acids only: Portable tanks (ICC-60) not over 8000 lb. gr. wt. NOTE: Inside containers and packing must comply with special ICC regulations.	Not permitted	Not permitted	Not permitted.
Hexafluorophosphoric acid.	*A clear, colorless liquid* *Reacts violently with water to develop extremely corrosive products.* Keep dry.	White.				
Monofluorophosphoric acid, anhydrous.	*A clear, colorless, practically odorless liquid.* *Reacts strongly with water to develop corrosive products.* *Avoid contact with the skin.* *Will destroy fabrics and other organic materials.* Keep dry.	White.				

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dimethyl sulfate	*A heavy colorless liquid* *Its vapors are extremely dangerous if inhaled, likely to be fatal.* *Has a powerful caustic action on the skin.* *Immiscible with water.* Stow well away from living quarters.	White	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC-5A, 5C) not over 55 gal. cap. (ICC-5) enclosed in strong wooden crates, not over 15 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) containing one glass inside container, not over 1 quart cap. in a hermetically sealed metal can. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Diphenyl dichlorosilane	*A colorless liquid with a sharp penetrating odor.* *Fumes strongly in moist air to develop extremely corrosive products.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Dodecyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines, or cosmetics, N. O. S. When packed in accordance with ICC requirements for the particular substance and separated and cushioned by incombustible absorbent material when the characteristics of the substance so require. See §146.23-30 for limited quantity shipments.	*A unit substance or a compound classified as a corrosive liquid in accordance with the definition contained herein, when prepared, packed, and offered to the trade as drugs, chemicals, medicines or cosmetics.*	White	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Electrolyte (acid) or corrosive battery fluid. NOTE: Electrolyte (acid) must not be over 47% strength (39° Baumé).	*Electrolyte acid is a term commonly applied to dilute sulfuric acid used in electric storage batteries.* *This acid generates heat when mixed with water.* *Will char organic material.* *Miscible with water.* Do not stow with combustible materials. Observe closely for signs of leakage and reject packages which are leaking or show signs of having leaked.	White	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Carboys, boxed, (ICC-1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC-1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC-31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC-5H) lead-lined, not over 110 gal. cap. (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Woolen barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Portable tanks, lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, (ICC-1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC-1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC-31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC-5H) lead-lined, not over 110 gal. cap. (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed (ICC-1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC-1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC-31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC-5H) lead-lined, not over 110 gal. cap. (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, (ICC-1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC-1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC-31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC-5H) lead-lined, not over 110 gal. cap. (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Portable tanks, lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.
Electrolyte (acid) or alkaline corrosive battery fluid packed with storage batteries.	*Electric storage batteries in specification outside wooden or fiberboard boxes having inside containers of electrolyte packed in the same outside case.* NOTE: Must be packed in accordance with the requirements of ICC regulations.	White	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt.	Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt.
Electrolyte, acid, or alkaline battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment.	This designation provides for shipping one battery charger, one radio current supply device or electronic equipment with electrolyte packed within the same outside container, with such electrolyte container closed, cushioned, and separated from the mechanical device by wooden partition.	White	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC-12B fiberboard boxes containing strong 16-fluid ounce or smaller bottles securely closed and cushioned.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC-12B fiberboard boxes containing strong 16-fluid ounce or smaller bottles securely closed and cushioned.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC-12B fiberboard boxes containing strong 16-fluid ounce or smaller bottles securely closed and cushioned.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC-12B fiberboard boxes containing strong 16-fluid ounce or smaller bottles securely closed and cushioned.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ethyl chloroformate	*A clear, colorless, corrosive liquid.* *Vapors are extremely irritating to the eyes.* *Gradually decomposed by water.* *Flashpoint below 80° F.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Ethyl phenyl dichlorosilane.	*A colorless liquid which fumes strongly in moist air to develop extremely corrosive products.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Fire extinguisher charges (consisting of sulfuric acid in 5 pint or smaller glass bottles).	Fire extinguisher charges in 10 ounce or smaller bottles packed with neutralizer and cushioned as specified by ICC regulations are exempt from specification packaging, marking other than name of contents, and labelling requirements.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIC, not over 35 lb. gr. wt.	Stowage: "On deck protected." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIC, not over 35 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIC, not over 35 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIC, not over 35 lb. gr. wt.
Flame retardant compound, liquid.	*Solutions used for treating fabrics to reduce their fire hazards.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Wooden barrels or kegs: (ICC-10A) lined with asphalt or rubber, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Wooden barrels or kegs: (ICC-10A) lined with asphalt or rubber, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Wooden barrels or kegs: (ICC-10A) lined with asphalt or rubber, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Wooden barrels or kegs: (ICC-10A) lined with asphalt or rubber, not over 50 gal cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars complying with ICC regulations.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Fluosulfonic acid	*A clear, colorless, extremely corrosive liquid.* *Reacts violently with water.* *Fumes strongly in moist air to evolve corrosive and toxic vapors.* *Avoid contact with skin.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5A) not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Formic acid Formic acid, solution.	*A colorless liquid with a pungent irritating odor.* *It is combustible and will give off vapors which may form explosive mixtures in air.* *In concentrated form it is dangerously caustic to the skin.* *Solidifies at 45° F.* *Miscible with water.*	White	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars complying with ICC regulations stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars complying with ICC regulations stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hexadecyl trichlorosilane.	*A water-white liquid with a pungent irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Hexamethylene diamine solution.	*A colorless solution* *Miscible with water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers:	Ferry stowage (BB). Outside containers:

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hexyl trichlorosilane	*A colorless liquid with a sharp penetrating odor.* *Fumes strongly in moist air to develop extremely corrosive products.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Hydrazine, anhydrous	*A colorless, incombustible liquid with an odor resembling ammonia.* *Destroys organic substances and textiles.* *Material is alkaline and reacts violently with acids and some oxidizing materials.* *Vapors may be explosive when exposed to high temperatures.* *Miscible with water.* Stow well away from other corrosives (white label) or organic materials.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Stainless steel barrels or drums (ICC-5, 5A, 5C, 5G) not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Hydrazine solution containing 50% or less of water.	Characteristics similar to "Hydrazine, anhydrous." Stow well away from other corrosives (white label) or organic materials.	White.				

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydriodic acid	*A clear, colorless or pale yellow fuming liquid.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *It is corrosive but will not cause fire.* *Miscible with water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Steel barrels or drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined not over 5 gal. cap. (ICC-6J) WIC ICC-2S polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC not over 65 lb. gr. wt.	Stowage: "On deck protected." Outside containers: Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Steel barrels or drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined not over 5 gal. cap. (ICC-6J) WIC ICC-2S polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Steel barrels or drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined not over 5 gal. cap. (ICC-6J) WIC ICC-2S polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Steel barrels or drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined not over 5 gal. cap. (ICC-6J) WIC ICC-2S polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrobromic acid	*A corrosive, fuming liquid varying from colorless to slightly yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Is corrosive but will not cause fire.* *Miscible with water.* Shall not be accepted in metal drums.	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. For hydrobromic acid not over 49% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Rubber drums (ICC-43A) not over 30 gal. cap. Tank cars complying with ICC regulations. For hydrobromic acid greater than 49% strength but not over 63% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap.	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. For hydrobromic acid not over 49% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Rubber drums (ICC-43A) not over 30 gal. cap.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. For hydrobromic acid not over 49% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Rubber drums (ICC-43A) not over 30 gal. cap.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. For hydrobromic acid not over 49% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Rubber drums (ICC-43A) not over 30 gal. cap. Tank cars complying with ICC regulations. For hydrobromic acid greater than 49% strength but not over 63% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrochloric (muriatic) acid. NOTE: See § 146.23-50 for bulk shipments.	*A corrosive, fuming liquid, varying from colorless to yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Will damage or destroy many articles by contact but does not cause fire.* *Will dissolve tin, iron, and steel with evolution of hydrogen gas.* *Noninflammable.* *Miscible with water.* Shall not be accepted in unlined metal drums. Do not stow with sulfuric acid, nitric acid or chlorates. Do not stow over other cargo.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, polyethylene, wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 15 gal. cap.	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, polyethylene, wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 15 gal. cap.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, polyethylene, wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 15 gal. cap.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, polyethylene, wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 15 gal. cap.
Hydrochloric acid mixtures. NOTE: When hydrochloric acid contains oils or solvents it must not be shipped in rubber-lined containers.	See "Hydrochloric acid"	White.	Steel barrels or drums: (ICC-5D) rubber-lined not over 110 gal. cap. (ICC-6J) WIC (ICC-2S) polyethylene, not over 55 gal. cap.	Steel barrels or drums: (ICC-5D) rubber lined, not over 110 gal. cap. (ICC-6J) WIC (ICC-2S) polyethylene, not over 55 gal. cap.	Steel barrels or drums: (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC (ICC-2S) polyethylene, not over 55 gal. cap.	Steel barrels or drums: (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC (ICC-2S) polyethylene, not over 55 gal. cap.
Hydrochloric (muriatic) acid solution, inhibited.	See "Hydrochloric (muriatic) acid".	White.	Rubber drums (ICC-43A) not over 30 gal. cap.	Rubber drums (ICC-43A) not over 30 gal. cap.	Rubber drums (ICC-43A) not over 30 gal. cap.	Rubber drums (ICC-43A) not over 30 gal. cap.
Compounds, cleaning, liquid (containing hydrochloric (muriatic) acid).	See "Hydrochloric (muriatic) acid." Hydrochloric acid of not over 20% strength, and other corrosive liquids containing not over 20% hydrochloric acid, in inside containers not more than 8 fluid ounces capacity each, packed and cushioned as specified by ICC regulations are exempt from specification packaging, marking other than name of contents, and labeling requirements.	White.	Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Authorized for hydrochloric acid mixtures and compounds, cleaning, liquid (containing not over 28% hydrochloric (muriatic)) acid: Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Authorized only for hydrochloric acid not over 44½% strength by weight: Tank cars complying with ICC regulations. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. (See Note in columns 5, 6, and 7.) Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums; (ICC-17H, 37D) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.	Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Authorized for hydrochloric acid mixtures and compounds, cleaning, liquid (containing not over 28% hydrochloric (muriatic)) acid: Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums; (ICC-17H, 37D) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.	Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Motor truck vehicles having cargo tanks. Authorized for hydrochloric acid mixtures and compounds, cleaning, liquid (containing not over 28% hydrochloric (muriatic)) acid: Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums; (ICC-17H, 37D) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.
			NOTE: Hydrochloric acid of not over 20% strength by weight (13.25° Baume) may also be accepted in: Wooden barrels or kegs (ICC-10A) asphalt lined not over 50 gal. cap.			

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrofluoric acid	*A colorless, volatile, fuming corrosive, liquid with a pungent irritating, odor, used primarily for etching glass.* *Dissolves glass and certain metals.* *Produces painful burn when allowed to contact flesh.* *Gives off fumes which are irritating in contact with mucous membrane and caustic in their effects.* *Miscible with water.* Observe special requirements for stowage on board vessels also transporting explosives. Keep cool.	White	Stowage: "On deck protected." Outside containers: Hydrofluoric acid not over 70% strength: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 1 lb. cap. each, not over 65 lb. gr. wt. Hydrofluoric acid not less than 60% or more than 80% strength: Steel barrels or drums (ICC-5A) not over 55 gal. cap. Hydrofluoric acid not over 65% strength: Rubber drums (ICC-43A) not over 30 gal. cap. Hydrofluoric acid not over 62% strength: Metal barrels or drums, lined (ICC-5D) not over 55 gal. cap. Hydrofluoric acid not over 60% strength: Steel barrels or drums (ICC-6J) WIC (ICC-2S polyethylene drum) not over 55 gal. cap. Carboys, polyethylene, in plywood boxes, drums or wooden boxes (ICC-1F, 1G) not over 13 gal. cap. Hydrofluoric acid not over 80% strength: Tank cars complying with ICC regulations. Hydrofluoric acid solutions and concentrations of 60% up to 65%, when shipped in unlined steel containers or metal tank cars, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65% concentration.	Not permitted	Not permitted	Not permitted.
Hydrofluoric acid, anhydrous.	*Hydrofluoric acid in a gaseous state at normal temperature and pressure.* *Pressure about 30 lb. per sq. in. at 130° F.* *Boiling point 66° F.* *Vapor lighter than air.* *Fumes in moist air.* *Vapor is very corrosive.* *Produces painful burns on contact with skin, mucous membrane, or eyes.* *Very soluble in water.* Do not stow with anhydrous ammonia or ammonia liquid. Keep cool.	White	Stowage: "On deck protected." Outside containers: Cylinders (ICC-3, 3A, 3AA, 3B, 3C, 3E, 4, 4A, 25, 38) and (ICC-4B, 4BA, 4C if not brazed). Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrofluosilicic acid (must be packed in accordance with ICC requirements).	*A clear, colorless fuming liquid.* *It has a strong corrosive action on steel, lead, and glass.* *It is caustic to the skin and will inflict severe burns.* *Irritating to mucous membrane.* *Miscible with water.* Do not use paint in the vicinity of hydrofluosilicic acid.	White	Stowage: "On deck protected." Outside containers: Wooden barrels or kegs: (ICC–10A) lined with asphalt or other material of equal efficiency, resistant to hydrofluosilicic acid, not over 50 gal. cap. (ICC–11A, 11B) WIC of natural rubber or ceresine. Outside containers not over 200 lb. net wt. Wooden boxes, WIC of natural rubber or ceresine or other material of equal efficiency resistant to hydrofluosilicic acid (ICC–15A, 15B, 15C, 16A, 19A), not over 200 lb. gr. wt. Tank cars complying with ICC regulations. Hydrofluosilicic acid of not over 40% strength may also be accepted in: Steel barrels or drums, rubber-lined (ICC–5D), not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Hydrofluosilicic acid containing no free hydrofluoric acid or other ingredient which will attack glass may also be accepted in: Carboys, boxed, glass only (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass only (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Authorized only for hydrofluosilicic acid not exceeding 32% strength: Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Metal drums (ICC–6J) WIC (ICC–2S polyethylene) not over 55 gal .cap.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrogen peroxide (*hydrogen dioxide*) *containing over 8% H_2O_2 by weight.* NOTE: Hydrogen peroxide containing over 37% H_2O_2 by weight is not permitted on passenger vessels. Hydrogen peroxide containing over 52% H_2O_2 by weight is not permitted transportation except under special permission and upon freight vessels only.	*A colorless, heavy liquid having powerful oxidizing properties.* *Expands rapidly with an increase in temperature.* *Miscible with water.* Keep cool. Protect from direct rays of the sun. Stow well away from explosives, acids (white label), organic substances, and other cargo likely to give off organic vapor. Stow well away from living quarters. NOTE: In event of leakage, wash down freely with water to prevent the liquid from drying on fibrous or combustible materials.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Solution not over 52% strength by weight. Aluminum drums (ICC–42D) with vented closure, drums marked "Keep this end up" not over 55 gal. cap. Aluminum drums (ICC–42E) STC, not over 55 gal. cap. Carboys, aluminum (ICC–34B) not over 15 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars complying with ICC regulations. Highway vehicle cargo tanks. Solutions not over 37% strength by weight may also be shipped in: Carboys, boxed, glass (ICC–1A) with vented stoppers, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) with vented stoppers, not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, polyethylene, boxed, metal crated or in plywood drums (ICC–1F, 1G, 1H) not over 13 gal. cap. Fiberboard boxes (ICC–12B) WIMC, not over 65 lb. gr. wt. Metal drums (ICC–6J) WIC (ICC–2S polyethylene) not over 55 gal. cap. Solutions not over 10% strength by weight may also be shipped in: Wooden barrels, paraffin-lined (ICC–10A) not over 30 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Solution not over 37% strength by weight. Aluminum drums (ICC–42D) with vented closure, drums marked "Keep this end up" not over 55 gal. cap. Aluminum drums (ICC–42E) STC, not over 55 gal. cap. Carboys, aluminum (ICC–34B) not over 15 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Highway vehicle cargo tanks. Carboys, boxed, glass (ICC–1A) with vented stoppers, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) with vented stoppers, not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, polyethylene, boxed, metal crated or in plywood drums (ICC–1F, 1G, 1H) not over 13 gal. cap. Fiberboard boxes (ICC–12B) WIMC, not over 65 lb. gr. wt. Metal drums (ICC–6J) WIC (ICC–2S polyethylene) not over 55 gal. cap. Solutions not over 10% strength by weight may also be shipped in: Wooden barrels, paraffin-lined (ICC–10A) not over 30 gal. cap.	Ferry stowage (AA) Outside containers: Solution not over 37% strength by weight. Aluminum drums (ICC–42D) with vented closure, drums marked "Keep this end up" not over 55 gal. cap. Aluminum drums (ICC–42E) STC, not over 55 gal. cap. Carboys, aluminum (ICC–34B) not over 15 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Highway vehicle cargo tanks. Carboys, boxed, glass (ICC–1A) with vented stoppers, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) with vented stoppers, not over 6½ gal.cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, polyethylene, boxed, metal crated or in plywood drums (ICC–1F, 1G, 1H) not over 13 gal. cap. Fiberboard boxes (ICC–12B) WIMC, not over 65 lb. gr. wt. Metal drums (ICC–6J) WIC (ICC–2S polyethylene) not over 55 gal. cap. Solutions not over 10% strength by weight may also be shipped in: Wooden barrels, paraffin-lined (ICC–10A) not over 30 gal. cap.	Ferry stowage (BB). Outside containers: Solution not over 37% strength by weight. Aluminum drums (ICC–42D) with vented closure, drums marked "Keep this end up" not over 55 gal. cap. Aluminum drums (ICC–42E) STC, not over 55 gal. cap. Carboys, aluminum (ICC–34B) not over 15 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars complying with ICC regulations. Highway vehicle cargo tanks. Carboys, boxed, glass (ICC–1A) with vented stoppers, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) with vented stoppers, not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, polyethylene, boxed, metal crated or in plywood drums (ICC–1F, 1G, 1H) not over 13 gal. cap. Fiberboard boxes (ICC–12B) WIMC, not over 65 lb. gr. wt. Metal drums (ICC–6J) WIC (ICC–2S polyethylene) not over 55 gal. cap. Solutions not over 10% strength by weight may also be shipped in: wooden barrels, paraffin-lined (ICC–10A) not over 30 gal. cap.
Hypochlorite solutions containing more than 7% available chlorine by weight.	Hypochlorite solutions in glass or earthenware containers of not more than 4 fluid ounces capacity each, packed and cushioned as specified by ICC regulations, are exempt from specification packaging, marking other than name of contents, and labeling requirements.	White	Stowage: "On deck protected." Outside containers: Carboys, glass, in boxes, kegs or plywood drums (ICC–1A, 1C, 1D, 1E) not over 13 gal. cap. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Authorized only for sodium hypochlorite solution not over 16% strength: Carboys, polyethylene, in wooden boxes, plywood drums or boxes, or metal crates (ICC–1F, 1G, 1H) not over 13 gal. cap. Steel barrels or drums (ICC–6J) WIC (ICC–2S polyethylene) not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Iodine monochloride	*Reddish-brown, oily liquid. In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." Outside containers: Wooden boxes: (ICC-15A, 15B) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Isopropyl percarbonate, stabilized.			Not permitted	Not permitted	Not permitted	Not permitted.
Methyl chloroformate	*A clear, colorless liquid.* *Vapors extremely irritating to eyes.* *Gradually decomposed by water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Mixtures of hydrofluoric and sulfuric acids (containing not more than 80% by weight and not less than 70% by weight of HF and H_2SO_4 combined, with the HF content not less than 25% by weight).	*A clear, colorless, syrupy liquid with a pungent odor. Extremely corrosive to textiles, metals and tissue.* *Reacts violently with water to develop heat.* *Wash quickly with large quantities of water if accidentally spilled on skin or clothing.* Keep dry.	White	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. NOTE: Drums must have been properly passified or neutralized as required by ICC regulations.	Not permitted	Not permitted	Not permitted.
Monochloroacetic acid, liquid.	*Colorless to light brown liquid.* *Caustic to the skin.* *In event of spillage flush with water.*	White	Stowage: "On deck protected." "On deck under cover." "Tween decks." Outside containers: Carboys, glass, in boxes, kegs or plywood drums: (ICC-1A, 1B, 1C, 1E) not over 13 gal. cap. (ICC-1D) not over 6½ gal. cap. For export only: (ICC-1X) STC, not over 6 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitrating (mixed) acid	*Fuming corrosive liquid.* *Corrosive to most metals.* *Contact with skin will produce very bad burns.* *Do not breathe fumes.* *Protect eyes from fumes and liquids.* *Contact with organic matter may cause fire.* *Miscible with water with evolution of heat.* Stow well away from combustible substances. Do not accept for transportation if packed in the same container with any other substance. Must not be transported on any vessel carrying Class A or Class B explosives.	White	Stowage: "On deck protected." Outside containers: Metal barrels or drums: (ICC-5A) not over 110 gal. cap. (must comply with special ICC regulations). (ICC-5C) stainless steel drum not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. (must comply with special ICC regulations). Tank cars complying with ICC regulations. Authorized only for mixed nitric and sulfuric acids containing not over 17% nitric acid and at least 33% water: Carboys, boxed (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass, vented (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 6½ gal. cap.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitric acid	*A fuming, corrosive liquid, varying from colorless to red.* *It has a corrosive action on almost all metals.* *It is a strong oxidizing agent.* *In contact with organic matter will likely cause fire.* *Gives off very poisonous, volatile reddish-brown fumes.* *Poisonous effects, often fatal, may occur several hours after inhalation of fumes.* *Do not breathe these fumes.* *In contact with skin will produce very bad burns.* *Protect the eyes from fumes or liquid.* *Vapors heavier than air.* *Miscible with water with evolution of much heat.* Stow well away from corrosive liquids (white label) and all combustible substances. Do not accept for transportation if packed in the same container with any other substance. Must not be transported on any vessel carrying Class A or Class B explosives.	White	Stowage: "On deck protected." Outside containers: Nitric acid of any concentration: Stainless steel barrels or drums (ICC–5C) not over 110 gal. cap. Tank cars complying with ICC regulations. Nitric acid of 80% or greater concentration: Steel drums (ICC–5X) aluminum-lined, not over 110 gal. cap. Aluminum drums (ICC–42B) not over 110 gal. cap. Nitric acid of 90% or greater concentration: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC of glass within tightly closed metal cans, outside container not over 200 lb. gr. wt. Wooden barrels or kegs: (ICC–11A, 11B) WIC of glass within tightly closed metal cans, outside containers not over 200 lb. net wt. Nitric acid of less than 90% concentration: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC of glass, not over 200 lb. gr. wt. Wooden barrels or kegs (ICC–11A, 11B) WIC of glass, not over 200 lb. net wt. Nitric acid of 72% or less concentration: Carboys, boxed (ICC–1A) straight sided, not over 13 gal. cap. Carboys in kegs (ICC–1C) straight-sided, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Nitric acid of not over 50% concentration: Wooden boxes: (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 4 fl. oz. each, not over 100 lb. gr. wt. Fiberboard boxes: (ICC–12B) WIC, not over 4 fl. oz. each, not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitrohydrochloric acid (mixture of nitric acid not over 1.42 specific gravity and hydrochloric acid not over 1.19 specific gravity in the approximate proportions of one part nitric acid and three parts hydrochloric acid).	Characteristics and precautions same as for "Nitric acid" except corrosive action and oxidizing effects are greater.	White	Stowage: "On deck protected." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Additional outside containers allowed only for nitrohydrochloric acid, diluted to not less than 5 times its volume with water: Carboys, boxed, glass (ICC–1A) not over 5 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 6½ gal. cap.	Not permitted	Not permitted	Not permitted.
Nitrohydrochloric acid, diluted.	*Nitrohydrochloric acid which has been diluted to not less than 5 times its volume with water.* Characteristics and precautions same as above.	White.				
Nonyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *Fumes readily in moist air to evolve irritating and corrosive vapors.* *Avoid prolonged breathing of fumes.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. (ICC–17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes: (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Octadecyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. (ICC–17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Octyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *It is somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums, WIC: (ICC–17H, 37A) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Perchloric acid *not in excess of 72%*.	*A clear, colorless liquid.* *Powerful oxidizer. Caustic to the skin.* *Vapors are irritating.* *Mixed with combustible material in the presence of fire will burn with explosive rapidity.* *Miscible with water with evolution of heat.* Do not stow with organic substances, ether, benzol, alcohol, petroleum, or any of the inflammable gases. NOTE: Perchloric acid must not be accepted if packed with any other article.	White	Stowage: "On deck protected." Outside containers: Carboys, boxed (ICC–1A) not over 13 gal. cap. Carboys in kegs (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) not over 6 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC of glass, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Perchloric acid *in excess of 72%*.			Not permitted	Not permitted	Not permitted	Not permitted.
Phenyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *It is somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. (ICC–17H, 37A), STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Phosphorus oxychloride	*A colorless, fuming liquid, with a pungent odor.* *A strong oxidizer.* *Decomposed by water with evolution of heat, forming hydrochloric and phosphoric acids the vapors of which are irritating to mucous membrane and will be dangerous for even short exposure.* *It acts strongly on organic matter, producing great heat.* Stow well away from all organic materials. Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5H), lead-lined, not over 110 gal. cap. Nickel barrels or drums (ICC–5K) not over 110 gal. cap. Carboys, lead, metal-jacketed (ICC–28), not over 15 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks, lead-lined (ICC–60), not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Phosphorus tribromide	*A colorless, corrosive, fuming liquid.* *Very penetrating odor.* *Decomposed by water with evolution of heat.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5H), lead-lined, not over 110 gal. cap. Carboys, lead, metal-jacketed (ICC–28), not over 15 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Phosphorus trichloride	*A colorless, fuming liquid, with a pungent odor.* *A strong oxidizer.* *Decomposed by water with evolution of heat, forming hydrochloric and phosphoric acids the vapors of which are irritating to mucous membrane and will be dangerous for even short exposure.* *It acts strongly on organic matter, producing great heat.* Stow well away from all organic materials. Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5A, 5C) not over 110 gal. cap. (ICC–5H) lead-lined, not over 110 gal. cap. Nickel barrels or drums (ICC–5K) not over 110 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks, lead-lined (ICC–60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Propyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *It is somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. (ICC–17H, 37A), STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pyro sulfuryl chloride	*A colorless, corrosive, fuming liquid.* *Decomposed by water forming hydrochloric and sulfuric acid, the fumes of which are irritating to mucous membrane.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. (ICC–17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. Authorized only for "Pyro sulfuryl chloride": Nickel drums (ICC–5K) not over 110 gal. cap.	Not permitted	Not permitted	Not permitted.
Silicon chloride (*tetrachloride*).	*A colorless liquid, fuming strongly in air.* *Gives off suffocating fumes.* *Mixed with water it decomposes, forming hydrochloric acid, the fumes of which are irritating to mucous membrane.* Keep dry.	White.				
Sludge acid	*Waste or spent sulfuric acid, usually that from refining petroleum oils and crude benzenes.* *Will disintegrate organic material in general.* *Soluble in water, evolving heat.*	White	Stowage: "On deck protected." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. Bulk: in tanks, on or under deck for cargo vessels only. Authorized only for "Spent sulfuric acid": Carboys, boxed (ICC–1A) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap.	Not permitted	Not permitted	Not permitted.
Spent sulfuric acid	*Acid residue resulting from the use of sulfuric acid in various processes.* *Will disintegrate organic material in general.* *Soluble in water, evolving heat.*	White.				
Spent mixed acid	*Mixed acid which has given up part of its nitric acid resulting from its use in some process.* *Strongly corrosive.* *Soluble in water, evolving heat.* *Will disintegrate organic material in general.*	White.				

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium aluminate, liquid.	*Hazardous in contact with organic substances and textiles.* Sodium aluminate, liquid, in inside containers of not more than 8 fluid ounces capacity each packed and cushioned as specified by ICC regulations are exempt from specification packaging, marking other than name of contents, and labeling requirements.	White	Stowage: "On deck protected." "On deck under cover." "On deck in open." Outside containers: Carboys, glass, in boxes, kegs or plywood drums: (ICC–1A, 1B, 1C, 1E) not over 13 gal. cap. (ICC–1D) not over 6½ gal. cap. (ICC–1X) not over 6 gal. cap. for export. Carboys, lead, metal jacketed: (ICC–2S) not over 15 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes: (ICC–1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC–5, 5A, 5C, 5M) not over 110 gal. cap. (ICC–5D) rubber lined, not over 110 gal. cap. (ICC–5H) lead lined, not over 110 gal. cap. (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. (ICC–17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC–6J) WIC ICC–2S polyethylene, not over 55 gal. cap. Rubber drums: (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt. Portable tanks: (ICC–60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "On deck in open." Outside containers: Carboys, polyethylene in wooden boxes, plywood drums or boxes: (ICC–1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC–5, 5A, 5C) not over 110 gal. cap. (ICC–5D) rubber lined, not over 110 gal. cap. (ICC–5H) lead lined, not over 110 gal. cap. (ICC–5M) monel, not over 55 gal. cap. (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. (ICC–17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC–6J) WIC ICC–2S polyethylene, not over 55 gal. cap. Rubber drums: (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, polyethylene in wooden boxes, plywood drums or boxes: (ICC–1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC–5, 5A, 5C) not over 110 gal. cap. (ICC–5D) rubber lined, not over 110 gal. cap. (ICC–5H) lead lined, not over 110 gal. cap. (ICC–5M) monel, not over 55 gal. cap. (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. (ICC–17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC–6J) WIC ICC–2S polyethylene, not over 55 gal. cap. Rubber drums: (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, glass, in boxes, kegs or plywood drums: (ICC–1A, 1B, 1C, 1E) not over 13 gal. cap. (ICC–1D) not over 6½ gal. cap. (ICC–1X) not over 6 gal. cap. Carboys, lead, metal jacketed: (ICC–2S) not over 15 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes: (ICC–1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC–5, 5A, 5C, 5M) not over 110 gal. cap. (ICC–5D) rubber lined, not over 110 gal. cap. (ICC–5H) lead lined, not over 110 gal. cap. (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. (ICC–17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC–6J) WIC ICC–2S polyethylene, not over 55 gal. cap. Rubber drums: (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt. Portable tanks: (ICC–60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium chlorite solution (not exceeding 40% sodium chlorite).	*A colorless, odorless liquid.* *Oxidizing agent.* *Miscible with water.* *If allowed to dry in contact with organic material fire may result.* *In event of spillage flush with large quantities of water.* Observe containers carefully for signs of leakage, and reject any which are found leaking. Do not stow with organic materials, inflammable liquids (red label), or explosives.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes or metal crates: (ICC-1F, 1G, 1H) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap.	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes or metal crates: (ICC-1F, 1G, 1H) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal.cap.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes or metal crates: (ICC-1F, 1G, 1H) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Motor truck vehicles having cargo tanks. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes or metal crates: (ICC-1F, 1G, 1H) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. Motor truck vehicles having cargo tanks. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sulfur chloride (mono and di).	*A yellowish, red liquid having a penetrating odor.* *Fumes have an irritating effect on the eyes, lungs and mucous membrane and in sufficient quantities will be suffocating.* *Decomposed by water with separation of sulfur.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Sulfur trioxide, stabilized.	*A corrosive liquid possessing a pungent odor.* *Fumes strongly in contact with air.* *Crystalizes at about 60° F.* *Liquid at higher temperatures.* *Decomposed by water with evolution of much heat and sometimes with explosive violence.* *Has a destructive effect upon organic materials similar to sulfuric acid but to a stronger degree.* *Irritating to mucous membrane and caustic to the skin.* Do not stow over other cargo. Observe special requirements for stowage on board vessels also transporting explosives. Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5A, 5C) not over 55 gal. cap. (ICC-17F) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sulfuric acid (oil of vitriol). NOTE: See § 146.23-35 or bulk shipments.	*Strongly corrosive, dense, oily liquid; colorless to dark brown, depending on purity.* *Ordinary commercial (not pure) acid dissolves all metals, including platinum.* *Concentrated (65%) acid attacks most metals slowly.* *Dilute acid dissolves metals more rapidly, particularly if heated.* *Sulfuric acid rapidly disintegrates wood, textiles and organic materials in general and is extremely corrosive to flesh, producing serious and slow-healing wounds.* *Miscible with water in all proportions with evolution of heat.*	White	Stowage: "On deck protected." "On deck under cover." "Under deck" (Steel drums containing sulfuric acid only). Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC-31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC-22A, 22B) WIC of glass or earthenware, not over 1 gal. cap. For sulfuric acid of concentrations of not less than 100% and not more than 115% (approximate): ("Under deck" stowage not permitted.) Metal barrels or drums (ICC-5C) not over 55 gal. cap.	Stowage: "On deck protected." Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC-31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC-22A, 22B) WIC of glass or earthenware, not over 1 gal. cap.	Ferry stowage (AA) Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC-31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC-22A, 22B) WIC of glass or earthenware, not over 1 gal. cap.	Ferry stowage (BB). Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC-31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC-22A, 22B) WIC of glass or earthenware, not over 1 gal. cap.
Sulfuric acid, fuming (oleum) (Nordhausen) (not permitted to be stowed "under deck").	Stow well away from organic materials. Observe containers for any signs of leakage and reject any which are found leaking. In event of spillage, flush with large quantities of water. Do not accept for transportation if packed in the same container with any other substance. **Must not be transported on any vessel carrying Class A or Class B explosives.** Observe special requirements for stowage on board vessels which are also transporting Class C explosives. Sulfuric acid solutions of not over 25% concentrations, in inside containers of not more than 8 fluid ounces capacity each, packed and cushioned as specified by ICC regulations are exempt from specification packaging, marking other than name of contents, and labelling requirements.	White.	For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 95% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5II) lead lined, not over 110 gal. cap. Carboys, polyethylene, in wooden boxes, plywood drums or boxes: (ICC-1F, 1G) not over 13 gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316 or 347, authorized only for sulfuric acid of 93 percent or greater strength. (ICC-17F) STC, not over 55 gal. cap.	For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316, or 347, authorized only for sulfuric acid of 93 percent or greater strength.	For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 95% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5II) lead lined, not over 110 gal. cap. Carboys, polyethylene, in wooden boxes, plywood drums or boxes: (ICC-1F, 1G) not over 13 gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316 or 347, authorized only for sulfuric acid of 93 percent or greater strength. (ICC-17F) STC, not over 55 gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sulfuric acid, fuming (oleum) (Nordhausen) (not permitted to be stowed "under deck")—Continued			Outside containers—Continued For sulfuric acid concentrations not over 76%: Steel barrels or drums: (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. For sulfuric acid of concentrations 62.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W). For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Carboys, polyethylene, in wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 13 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Portable tank, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Outside containers—Continued For sulfuric acid concentrations not over 76%: Steel barrels or drums: (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap.	Outside containers—Continued For sulfuric acid concentrations not over 76%: Steel barrels or drums: (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. Carboys, polyethylene, in wooden boxes, plywood drums or boxes, or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap.	Outside containers—Continued For sulfuric acid concentrations not over 76%: Steel barrels or drums: (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. For sulfuric acid of concentrations 62.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W). For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Carboys, polyethylene, in wooden boxes, plywood drums or boxes, or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Portable tank, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.
Sulfuryl chloride	*Colorless liquid* *Pungent odor.* *Rapidly decomposed by alkalies and by water.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Nickel drums (ICC-5K) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Thionyl chloride	*A colorless, incombustible liquid with a sharp odor.* *Fumes strongly in moist air to develop corrosive products.* *Avoid breathing fumes.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Nickel drums (ICC-5K) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Thiophosphoryl chloride	*A clear, colorless liquid with penetrating odor.* *Reacts with moisture at slightly elevated temperatures.* *Avoid contact with tissue.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Metal barrels or drums (ICC-5A, 5C) not over 110 gal. cap. Steel barrels or drums (ICC-5II) lead-lined, not over 110 gal. cap. Nickel barrels or drums (ICC-5K) not over 110 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks, lead-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tin tetrachloride, anhydrous.	*A heavy, colorless, fuming corrosive liquid, which gives off fumes on exposure to air.* *Fumes are visible and are caustic and irritating to mucous membrane.* *Miscible with water with evolution of much heat.* *Avoid breathing fumes.* Keep dry.	White	Stowage: "On deck protected." Outside containers: Steel barrels or drums (ICC-5A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Titanium tetrachloride	*A heavy, clear, colorless liquid, fuming strongly in moist air.* *The fumes given off are visible and are irritating to mucous membrane.* *Miscible with cold water.* *Avoid breathing fumes.*	White	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC—1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Water treatment compound, liquid.	*Usually a white syrupy liquid. May be alkaline and corrosive. May be corrosive to textiles and some metals. May cause painful burns to the skin and tissue. Soluble in water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–5C) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. Metal drums (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–5C not over 110 gal. cap. (ICC–17E, 17H) STC, over not 55 gal. cap. Metal drums (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–5C) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. Metal drums (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–5C) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. Metal drums (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

1. Section 146.24–15 is amended by changing the wording in paragraph (a) and adding new paragraphs (f) and (g) to read as follows:

§ 146.24–15 *Containers.* (a) Compressed gases shall not be offered or accepted for transportation except when contained in metal cylinders, unless otherwise specifically permitted in tanks, tank motor vehicles, tank cars or other containers by the provisions of § 146.24–100 of this subpart.

* * * * *

(f) Compressed gases, except poisonous and inflammable gases as defined by the regulations in this subchapter, may be shipped in ICC–2P inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container shall not exceed 85 pounds per square inch, absolute, at 70° F. Each completed metal container filled for shipment shall be heated until content reaches a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect. Each outside shipping container shall be plainly marked "Inside containers comply with prescribed ICC specifications."

(g) Mixtures containing compressed gas or gases including insecticides, which mixtures are nonpoisonous and noninflammable may be shipped in ICC–2P metal containers in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning. Pressure in the container must not exceed 75 pounds per square inch absolute at 70° F. Each outside container must be plainly marked "Inside containers comply with prescribed ICC specifications."

2. Section 146.24–20 is amended by deleting the present wording and rewording the paragraphs as follows:

§ 146.24–20 *Exemptions for compressed gases.* Compressed gases, except poisonous gases as defined in the regulations in this part, are exempt from specification packaging, marking other than true shipping name of contents, and labeling requirements as follows:

(a) In cylinders or tubes not exceeding 2-inch outside diameter, and of not more than 4-fluid-ounce capacity.

(b) Metal containers not over 1 quart capacity charged to not over 170 pounds per square inch at 70° F., or containers not over 30 gallons capacity charged to not over 75 pounds per square inch at 70° F., filled with nondangerous material to not over 90 percent capacity at 70° F., and then charged with noninflammable, nonliquefied gas. Each container must be tested before shipment to 3 times the gas pressure at 70° F., and when refilled and reshipped, must be retested at this pressure before each shipment.

(c) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, of capacity not exceeding 32 cubic inches. Contents of the container must be nonpoisonous and if flammable as provided in § 146.24–1 (b) (2), (3), and (4), the flash point, as determined by Bureau of Explosives' Method, must be not less than 20° F. Pressure in the container must not exceed 75 pounds per square inch absolute at 70° F. and the liquid content of the material and gas must not completely fill the container at 130° F. However, if the pressure exceeds 55 pounds per square inch absolute at 70° F., an ICC–2P container must be used. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect.

(d) Carbonated beverages.

(e) Foodstuffs or soaps in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 115 pounds per square inch absolute at 70° F., or 150 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of 2 times the pressure of contents at 70° F., or 1½ times the pressure of the contents at 130° F., whichever is greater.

(f) Inside nonrefillable metal containers charged with a solution containing biological products or a medical preparation which will be deteriorated by heat and compressed gas or gases, which is nonpoisonous and noninflammable, and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the product and gas must not completely fill the container at 130° F.

(g) Electronic tubes of not more than 30 cubic inch volume charged with gas to a pressure of not more than 35 pounds per square inch gauge.

(h) Inside nonrefillable metal containers of a capacity not to exceed 31.83 cubic inches (17.6 fluid ounces) charged with a solution of nonpoisonous and noninflammable materials and nonliquefied compressed gases. Pressure in the container not to exceed 105 pounds per square inch absolute at 70° F. or 140 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of the contents at 70° F. or one and one half times the pressure of the contents at 130° F., whichever is greater.

3. Section 146.24–100 *Table G—Classification—Compressed gases* is amended as follows:

Table G—Classification: Compressed gases

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetylene	*Inflammable gas* *Violently explosive over a wide range of mixtures with air. (3 to 75%, for pure acetylene.)* *Slightly lighter than air.* *Pressure usually less than 400 lb. per square inch at 130° F.*	Red gas	Stowage: "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Air, compressed	*Non-inflammable gas* *Pressure usually about 2,250 lb. per square inch at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Anhydrous ammonia Ammonia, anhydrous. NOTE: See § 146.24-85 for bulk shipments.	*Noninflammable gas* *Toxic and suffocating even in small quantities (less than 1%). Pungent odor gives warning of dangerous quantities in air.* *Lighter than air.* *Weakly inflammable and explosive with about 16 to 27% in air, when involved in a fire at a temperature about 1,100° F.* *Pressure about 515 lb. per square inch at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC–106A500, 106A-500X). Tank motor vehicle complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected," or "On deck under cover." Portable tanks (ICC–51) not over 8,000 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicle complying with ICC motor carrier regulations.	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC–106A500, 106A500X) Tank motor vehicle complying with ICC motor carrier regulations. Portable tanks (ICC–51) not over 8,000 lb .gr. wt.
Argon	*Noninflammable gas* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Odorless.* *Heavier than air.* *Pressure usually about 2,350 lb. per square inch at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry Stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.
Argon, pressurized liquid.	*Noninflammable* *Liquid pressurized with a noninflammable, nontoxic expellant gas.* *Excessive quantities in a closed space may cause suffocation.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)
Boron trifluoride	*Noninflammable gas* *Slightly poisonous. Suffocating. Possesses easily detectable odor.* *Heavier than air.* *Boiling point −150° F.* *Pressure usually about 2,250 to 2,500 lb. per square inch at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Butadiene, inhibited	*Inflammable gas* *A hydrocarbon liquid or compressed gas with distinct odor. Forms explosive or inflammable mixtures in air. Boiling point about 24° F. Insoluble in water.* *Pressure usually about 95 lb. per square inch at 130° F.* *Heavier than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–104A, 104A-W). Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Carbon dioxide Carbon dioxide, liquefied.	*Noninflammable gas* *Will cause suffocation if breathed in excessive quantities.* *Odorless.* *Heavier than air.* *Pressure usually about 2,880 lb. per square inch at 130° F.* Do not stow with cyanides.	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tank motor vehicles complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected" or "On deck under cover." Special tank containers (approval required). Portable tanks (ICC–51) not over 8,000 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicles complying with ICC motor carrier regulations.	Ferry stowage (BB). Centainers. Cylinders. Tank cars complying with ICC regulations. Tank motor vehicles complying with ICC motor carrier regulations. Portable tanks (ICC–51) not over 8,000 lb. gr. wt.
Carbon dioxide-nitrous oxide mixture.	*Noninflammable gas* *A mixture of carbon dioxide and nitrous oxide.* *Heavier than air.* *See individual gases for hazards.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Carbon dioxide-oxygen mixture.	*Noninflammable gas* *Colorless, odorless gas.* *Main hazard is that of oxygen present. Hazard decreases with increase of carbon dioxide.* *Heavier than air.* *See individual gases for hazards.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Carbon monoxide	*Inflammable gas* *Poisonous, even in small quantities (much less than 1%).* *Inflammable and explosive with about 12 to 74% in air.* *Odorless.* *About as heavy as air.* *Pressure usually about 2,200 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Chlorine NOTE: See § 146.24-80 for bulk shipments.	*Noninflammable gas* *Poisonous: pungent odor; gives warning of dangerous quantities in air.* *Even in small quantities has a choking, smothering effect and is very injurious to membranes and tissues.* *Much heavier than air.* *May cause combustion of acetylene, turpentine, and finely divided organic material.* *Pressure about 210 lb. per sq. in. at 130° F.*	Green gas	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC–106A500, 106A-500X).	Not permitted except in an emergency involving life or health, and upon application made to the Commandant of the Coast Guard, limited shipments of chlorine may be made under such conditions as the said Commandant in his judgment may authorize.	Not permitted except in an emergency involving life or health, and upon application made to the Commandant of the Coast Guard, limited shipments of chlorine may be made under such conditions as the said Commandant in his judgment may authorize.	Not permitted except in an emergency involving life or health, and upon application made to the Commandant of the Coast Guard, limited shipments of chlorine may be made under such conditions as the said Commandant in his judgment may authorize.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions or transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compressed gases, N. O. S.	*Inflammable gas or noninflammable gas.*	Red gas or green gas (appropriate one).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Inside containers must comply with ICC requirements. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Inside containers must comply with ICC regulations.	Not permitted	Not permitted	Not permitted.
Crude nitrogen fertilizer solution.	*Noninflammable gas*	Green gas	Stowage: "On deck." "Under deck away from heat." Containers: Tank cars complying with ICC regulations.	(Shipped only in tank cars)	(Shipped only in tank cars)	Ferry stowage (BB). Containers: Tank cars complying with ICC regulations.
Cyclopropane	*Inflammable gas* *Inflammable and explosive with about 2 to 10% in air.* *Anesthetic.* *Much heavier than air.* *Pressure about 900 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Dichlorodifluoromethane	*Noninflammable gas* *Nonpoisonous but excessive quantities in an enclosed space may cause suffocation.* *Odorless.* *Very much heavier than air.* *Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Portable tanks (ICC-51) not over 8,000 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X). Portable tanks (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X). Portable tanks (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Portable tanks (ICC-51) not over 8,000 lb. gr. wt.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture. Dichlorodifluoromethane-monochlorodifluoromethane mixture. Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture. Dichlorodifluoromethane-trichlorotrifluoroethane mixture.	*Noninflammable gas.* *Nontoxic but excessive quantities in an enclosed space may cause suffocation.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Authorized for dichlorodifluoromethane-dichlorotetrafluoroethane mixture: Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Authorized for dichlorodifluoromethane-dichlorotetrafluoroethane mixture: Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Authorized for dichlorodifluoromethane-dichlorotetrafluoroethane mixture: Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (BB). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Authorized for dichlorodifluoromethane-dichlorotetrafluoroethane mixture: Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*).	Hazards similar to "Dichlorodifluoromethane." See above.	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X). Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X). Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	*Noninflammable gas mixture* *Ether-like odor.* *Excessive quantities in an enclosed space may cause suffocation.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X, 110A500W). Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X, 110A500W). Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X, 110A500W). Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X, 110A500W). Portable tanks: (ICC-51) not over 8,000 lb. gr. wt.
Difluoroethane (*ethylene fluoride*).	*Inflammable gas* *Colorless and practically odorless.* *Chemically and thermally stable.* *Forms flammable mixtures with air but will not ignite spontaneously.* *Nonpoisonous but may be suffocating.* *Much heavier than air.* *Low pressure gas.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.
Difluoromonochloroethane.	*Inflammable gas* *Colorless and practically odorless.* *Chemically and thermally stable.* *Forms flammable mixtures with air but will not ignite spontaneously.* *Nonpoisonous but may be suffocating.* *Much heavier than air.* *Low pressure gas.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.
Dimethylamine, anhydrous.	*Inflammable gas* *Colorless gas with a strong ammonia odor.* *Forms explosive and inflammable mixtures with air.* *Heavier than air.* *Very soluble in water, forming a strongly alkaline solution.* *Low pressure gas.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable). Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dimethyl ether	*Inflammable gas* *Inflammable and explosive with about 2 to 50% in air.* *Anesthetic.* *Heavier than air.* *Pressure about 170 lb. per sq. inch at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Dispersant gas, N. O. S.	*Noninflammable gas* *A noninflammable gas or mixture of gases such as the freons which are used as propellants, etc.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.
Ethane	*Inflammable gas* *Inflammable and explosive with about 3 to 12% in air.* *Odorless and about as heavy as air.* *Pressure usually about 2,500 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Ethylene	*Inflammable gas* *Inflammable and explosive with about 2 to 28% in air.* *Anesthetic.* *About as heavy as air.* *Pressure usually about 2,500 lb. per sq. inch at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Fertilizer, ammoniating solution, *containing free ammonia.*	*Noninflammable gas*	Green gas	Stowage: "On deck." "Under deck away from heat." Containers: Tank cars complying with ICC regulations.	(Shipped only in tank cars)	(Shipped only in tank cars)	Ferry stowage (BB). Containers: Tank cars complying with ICC regulations.
Fire extinguishers	*Fire extinguishers containing non-liquefied gas for purpose of expelling fire extinguishing contents.* *This applies only to fire extinguishers the gas content of which possesses a gauge pressure exceeding 25 lb. per sq. in. at 70° F.*	No label required	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Stout wooden boxes. Fiberboard boxes.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Stout wooden boxes. Fiberboard boxes.	Ferry stowage (AA) Containers: Stout wooden boxes. Fiberboard boxes.	Ferry stowage (BB). Containers: Stout wooden boxes. Fiberboard boxes.
Fluorine	*Inflammable gas* *Colorless, odorless gas.* *Extremely reactive chemically.* *Combines with moist air to form a dangerous, corrosive and irritating vapor.* *Will start fires if a jet of fluorine impinges on combustible material.* *Poisonous.* *Heavier than air.* *Shipped as a low pressure gas.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Helium	*Noninflammable gas* *Nonpoisonous, but in excessive quantities in an enclosed space may cause suffocation.* *Very much lighter than air.* *Pressure usually about 2,300 lb. per sq. inch at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC–107A****).	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC–107A****). Ferry stowage (BB).
Helium-oxygen mixture	*Noninflammable gas* *Colorless odorless gas having same oxidizing properties depending upon proportion of oxygen in mixture.* *Lighter than air in most proportions.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Containers: Cylinders.
Hydrocarbon gas, liquefied. Liquefied hydrocarbon gas.	*Inflammable gas* *May be a definite gas or mixtures of any of the liquefiable gases.* *Vapors heavier than air.* *Mixtures of vapor with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Hydrocarbon gas, non-liquefied. Non-liquefied hydrocarbon gas.	*Inflammable gas* *May be a definite gas or mixtures of nonliquefiable hydrocarbon gases.* *Mixtures of vapor with air in certain proportions will be inflammable and explosive.* *Vapors heavier than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Hydrogen	*Inflammable gas* *Inflammable and violently explosive with about 4 to 75% in air.* *Nonpoisonous but excessive quantities in an enclosed space may cause suffocation.* *Very much lighter than air.* *Pressure usually about 2,300 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC–107A****)	Not permitted	Not permitted	Not permitted.
Hydrogen bromide Hydrobromic acid, anhydrous.	*Noninflammable gas* *Colorless gas with strong penetrating odor.* *Very corrosive if moisture is present.* *Fumes strongly when exposed to moist air.* *Irritating to mucous membrane.* *Soluble in water.* *Heavier than air.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Hydrogen chloride	*Noninflammable gas* *In event of leakage fumes which are irritating in contact with mucous membrane will be formed. With moisture present it is likely the fumes will show in the form of a vapor cloud. A weak muriatic acid solution which will attack iron and steel with evolution of hydrogen gas may be formed.* *Miscible with water.* *Heavier than air.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrogen sulfide	*Inflammable gas* *Inflammable and explosive with about 4 to 46% in air.* *Foul odor gives warning of dangerous quantities in air.* *Poisonous even in small quantities (much less than 1%).* *Slightly heavier than air.* *Pressure about 550 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Insecticide, liquefied gas	*Noninflammable gas* *Mixtures of insecticides such as D. D. T., Pyrethrum, etc., in liquefied propellant gases.* *These mixtures are usually noninflammable.* *May be toxic on continued or prolonged exposure to fumes.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Liquefied noninflammable gases *charged with nitrogen, carbon dioxide, or air.* Liquefied nonflammable gases *charged with nitrogen, carbon dioxide or air.*	*Noninflammable gas* *Noninflammable gases such as freons, etc., which are pressured with nitrogen, carbon dioxide or air.* *Principal hazard is pressure.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Liquefied petroleum gas (pressure not exceeding 375 lb. per sq. in. at 130° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X).
Liquefied petroleum gas (pressure not exceeding 450 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.
Liquefied petroleum gas (pressure not exceeding 375 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Liquefied petroleum gas (pressure not exceeding 300 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.
Liquefied petroleum gas (pressure not exceeding 225 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane) butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.
Liquefied petroleum gas (pressure not exceeding 75 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Steel drums (ICC-5, 5F) not over 11 gal. cap. when authorized by ICC regulations. Tank cars complying with ICC regulations. Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Steel drums (ICC-5, 5F) not over 11 gal. cap. when authorized by ICC regulations.	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Steel drums (ICC-5, 5F) not over 11 gal. cap. when authorized by ICC regulations.	Ferry stowage (BB). Containers: Cylinders. Steel drums (ICC-5, 5F) not over 11 gal. cap. when authorized by ICC regulations. Tank cars complying with ICC regulations.
Liquefied petroleum gas (pressure not exceeding 250 lb. per sq. in. at 115° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Not permitted	Not permitted	Ferry stowage (BB). Containers: Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).
Liquefied petroleum gas (pressure exceeding 250 lb. per sq. in. at 115° F.). NOTE: Gases with vapor pressure exceeding 250 lb. per sq. in. at 115° F. shall be placed in tanks with design working pressure increased above 250 lb. per sq. in. by increments of 62.5 lb. per sq. in.	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Not permitted	Not permitted	Ferry stowage (BB). Containers: Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Machine or apparatus (assembled for shipment containing not over 15 lb. weight of gas or liquid for their operation).		No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (nonspecification).	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (nonspecification).	Ferry stowage (AA) Containers: Wooden boxes or crates (nonspecification).	Ferry stowage (BB). Containers: Wooden boxes or crates (nonspecification).
Methane	*Inflammable gas* *Nonpoisonous, but in excessive quantities in a closed space will cause suffocation.* *Forms an explosive mixture with about 5 to 14% in air.* *Nonliquefied hydrocarbon gas.* *Lighter than air.*	Red gas.	Stowage: "On deck protected." "On deck under cover." Containers: Cylinder: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Methyl chloride	*Inflammable gas* *Inflammable and explosive with about 8 to 20% in air.* *Evolves hydrochloric acid fumes when burned.* *Faintly sweet odor, like ether.* *Pressure about 160 lb. per sq. in. at 150° F.* *Heavier than air.*	Red gas.	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A-500X). Portable tanks (ICC-5I) not over 8,000 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Portable tanks (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Portable tanks (ICC-51) not over 8,000 lb. gr. wt.	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Portable tanks (ICC-51) not over 8,000 lb. gr. wt.
Methyl mercaptan	*Inflammable liquid or gas with a strong offensive odor.* *Boiling point 45.7° F.* *Vapor pressure 24.5 lb. per sq. in. at 68° F.* *Heavier than air.*	Red gas.	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations	Not permitted	Not permitted	Not permitted.
Monochlorodifluoromethane.	*Noninflammable gas* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Odorless and colorless.* *Much heavier than air.* *Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X). Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X). Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).
Monochlorotetrafluoroethane.	*Noninflammable gas* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Odorless and colorless.* *Very much heavier than air.* *Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A-500X).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X).	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X).	Ferry stowage (BB). Containers: Cylinders. (With valve protection cap.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X).

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Monochlorotrifluoromethane.	*Noninflammable gas* *Colorless and practically odorless.* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Very much heavier than air.* *Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Monochloropentafluoroethane.	*Noninflammable gas* *Excessive quantities in an enclosed space may cause suffocation.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Monomethylamine, anhydrous.	*Inflammable gas* *Pungent, suffocating gas, like ammonia.* *Slightly heavier than air.* *Pressure about 110 lb. per sq. in. at 130° F.*	Red gas.	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Portable tanks (ICC-5I) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Portable tanks (ICC-5I) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).
Neon gas	*Noninflammable gas* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Odorless.* *Lighter than air.* *Pressure usually about 2,300 lb. per sq. inch at 130° F.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Nitrogen	*Noninflammable gas* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *About as heavy as air.* *Pressure usually about 2,300 lb. per sq. in. at 130° F.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Nitrogen, pressurized liquid.	*Noninflammable* *Liquid pressurized with a noninflammable, nontoxic expellant gas.* *Excessive quantities in a closed space may cause suffocation.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) (Shipped only in tank cars.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) (Shipped only in tank cars.)	Ferry stowage (BB). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Ferry stowage (BB).
Nitrogen fertilizer solution.	Noninflammable gas	Green gas.	Stowage: "On deck." "Under deck away from heat." Containers: Tank cars complying with ICC regulations.			Containers: Tank cars complying with ICC regulations.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitrosyl chloride	*Noninflammable gas* *Corrosive to iron. Is shipped in nickel cylinders only.* *This gas involved in a fire (at high temperatures) will form chlorine and one of the oxides of nitrogen as products of decomposition.* *Pressure usually about 180 lb. per sq. in. at 130° F.* *Much heavier than air.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders.	Ferry stowage (AA) Containers: Cylinders.	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.
Nitrous oxide	*Noninflammable gas* *Will support combustion.* *Anesthetic.* *Colorless and sweet tasting.* *Heavier than air.* *Pressure usually about 2,300 lb. per sq. in. at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicles complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected." "On deck under cover." Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicles complying with ICC motor carrier regulations.	Ferry stowage (BB). Containers: Cylinders. Tank motor vehicles complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected." "On deck under cover." Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).
Oxygen	*Noninflammable gas* *Strong supporter of combustion. Accelerates fires.* *May cause self-ignition of rags, sawdust and other finely divided material when oxygen is present in excess.* *Colorless, odorless and tasteless.* *Slightly heavier than air.* *Pressure usually about 2,300 lb. per sq. in. at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Cargo hatch trunkway." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations.
Oxygen, pressurized liquid.	*Noninflammable* *Strong supporter of combustion.* *Accelerates fires.* *Liquid pressurized with a noninflammable, nontoxic expellant gas.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)
Refrigerant gas, N. O. S.	*Noninflammable, low pressure, liquefied gas.* *Avoid prolonged exposure to high concentrations.* *In event of leakage or rupture of cylinder, provide adequate ventilation.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Refrigerating machines (*of the self-contained type containing not over 50 lb. of gas in each pressure vessel and containing not more than two charged pressure vessels, or remote control type consisting of separate units shipped separately and each containing not over 25 lb. weight of gas.*)		No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (non-specification).	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (non-specification).	Ferry stowage (AA) Containers: Wooden boxes or crates (non-specification).	Ferry stowage (BB). Containers: Wooden boxes or crates (non-specification).
Hydraulic accumulators (containing nonliquefied gas).					Ferry stowage (AA)	Ferry stowage (BB).
Sulfur dioxide	*Noninflammable gas* *Pungent odor gives warning of dangerous quantities in air. Toxic and suffocating even in small quantities (less than 1%).* *Much heavier than air.* *Pressure about 125 lb. per sq. in. at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC–106A500, 106A500X). Tank motor vehicles complying with ICC motor carrier regulations. Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable.)	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicles complying with ICC motor carrier regulations.	Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC–106A500, 106A500X). Tank motor vehicles complying with ICC motor carrier regulations. Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable.)
Sulfur hexafluoride	*Noninflammable gas* *Colorless and practically odorless gas.* *Stable under normal conditions.* *Not very corrosive or toxic.* *Very much lighter than air.* *Very slightly soluble in water.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Tetrafluorethylene inhibited.	*Inflammable gas* *Colorless gas shipped with an inhibitor to prevent polymerization in transit.* *Much heavier than air.* *Insoluble in water.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Trifluorochloroethylene	*Inflammable gas* *Colorless gas.* *Reasonably stable.* *Very much heavier than air.* *Decomposes in water.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (106A500, 106A500X).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (106A500, 106A500X). Not permitted	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dishee heads.) (Boxed.) Tanks (106A500, 106A500X). Not permitted	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (106A500, 106A500X). Not permitted.
Trimethylamine anhydrous.	*Inflammable gas* *Colorless gas with a fishy, ammoniacal odor.* *Much heavier than air.* *Soluble in water.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable). Tank cars complying with ICC regulations.			

Table G—Classification: Compressed gasses—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Vinyl chloride, inhibited	*Inflammable gas* *Colorless gas having organic odor.* *Inflammable and explosive with about 4 to 22% in air.* *Susceptible to dangerous polymerization if not inhibited.* *Much heavier than air.* *Slightly soluble in water.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Vinyl methyl ether, inhibited	*Inflammable gas* *Chemically active.* *Inflammable and explosive with air.* *Susceptible to dangerous polymerization if not inhibited.* *Slightly soluble in water.* *Heavier than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

1. Section 146.25–30 is amended by changing paragraphs (a) (2) and (3), and paragraph (j) to read as follows:

§ 146.25–30 *Packing and shielding of radioactive materials.* (a) (1) • • •

(2) Not more than 300 curies of solid cesium 137, cobalt 60, gold 198, or iridium 192 may be packed in one outside container for shipment by water except by special arrangements and under conditions approved by the Commandant of the Coast Guard.

(3) For the purposes of the regulations of 46 CFR 146, one millicurie is that amount of any radioactive material wihch disintegrates at the rate of 37 million atoms per second. One thousand millicuries is equal to one curie.

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(j) Liquid radioactive materials Groups I, II or III must, in addition, be packed in tight glass, earthenware, or other suitable inside containers. The inside containers must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and of such nature that its efficiency will not be impaired by chemical reaction with the contents. Where use of shielding is necessary to reduce radiation to limits prescribed by this section, the absorbent cushioning material must be placed within the shield. If the container is packed in an ICC–2R metal container or other container approved by the Bureau of Explosives, the absorbent cushioning is not required.

2. Section 146.25–100 *Table H—Classification: Class A: extremely dangerous poisons* is amended by adding a new item as follows:

Table H—Classification: Class A; extremely dangerous poisons

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitric oxide	*A colorless gas which reacts with air to form reddish-brown nitrogen dioxide.* *Vapors are extremely toxic and may cause death.* *Accelerates fires and causes corrosion.* Stow well away from all living quarters and in a space not easily accessible to any persons. Protect from direct rays of sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC–3E1800) packed in strong wooden boxes. Each outside container must be plainly marked "Inside containers comply with prescribed specifications." Steel cylinders (ICC–3A, 3AA) with metal valve protection cap or packed in strong wooden boxes. Each outside container must be plainly marked "Inside containers comply with prescribed specifications."	Not permitted	Not permitted	Not permitted.
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(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

3. Section 146.25–200 *Table H—Classification: Class B: less dangerous poisons* is amended to read as follows:

Table H—Classification: Class B; less dangerous poisons

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetone cyanhydrin	*A clear, colorless to pale yellow liquid.* *May decompose into acetone and hydrogen cyanide if not stabilized.* *Very soluble in water.* Protect from direct rays of the sun and all sources of artificial heat. Stow away from living quarters and food stuff.	Poison	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations). Fiber drums: (ICC–21B) WIC, not over 200 lb. net wt.	Not permitted	Not permitted	Not permitted.
Alcohol, allyl, liquid Allyl alcohol	*A clear, colorless liquid having an unpleasant, irritating odor somewhat resembling mustard oil.* *Violent effect on the eyes.* *Inflammable with a flashpoint about 70° F.* *Mixed in certain proportions with air, its vapors are explosive.* *Immiscible with water.* Protect from direct rays of the sun and all sources of artificial heat. Stow away from living quarters and food stuff.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Fiber drums: (ICC–21B) WIC, not over 200 lb. net wt.	Not permitted	Not permitted	Not permitted.
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Aniline oil, liquid	*A liquid varying in color from almost colorless to brown.* *Its vapors will produce a yellow stain on wood.* *Poisonous by absorption through the skin; through digestive organs; in form of vapor and dust through the respiratory organs; into the digestive canal by contaminated food.* *Will contaminate foodstuffs and damage textiles.* *Slightly miscible with water.* Stow well away from living quarters. Protect from direct rays of the sun and sources of artificial heat. NOTE: Examine packages carefully for signs of leakage and reject any showing such signs. Marking: A returnable package notice will be shellacked in place upon the head of returnable drums.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 915 lb. net wt. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 5 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIMC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
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Arsenic chloride (arsenous), liquid. Arsenic trichloride, liquid.	*Fuming colorless oily liquid.* *Caustic and corrosive.* *Do not breathe fumes.* *Will contaminate foodstuffs.* Stow away from living quarters. Do not stow with corrosive liquids (white label).	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 5 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 5 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB).
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenical compounds or mixtures, N. O. S. liquid.	*These substances are in the form of liquids or liquid paste.* *Poisonous if taken internally.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
Arsenical dip, liquid (sheep dip).	*A liquid compound containing arsenic.* *Poisonous.* *Miscible with water.* Stow away from foodstuffs.	Poison.			Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.
Arsenous and mercuric iodide solution, liquid.	*Solutions of arsenous iodide and mercuric iodide in water.* *Also known as "Donovan's solution."* *Poisonous if taken internally.* Stow away from foodstuffs and living quarters.	Poison.				
Bordeaux arsenites, liquid.	*Poisonous when taken into the digestive canal as by contaminated food or in the form of vapors through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison.				
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Compounds, tree or weed killing, liquid.	Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB).
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dinitrobenzol, liquid	*Colorless to pale yellow liquid.* *Flashpoint variable depending on solvent, may be low.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
Dinitrobenzol, solid	*A yellow crystalline solid.* *Poisonous when taken internally and also when in contact with the skin.* *Do not breathe dust-laden air.* *Slightly soluble in water.* Do not stow with foodstuffs or near living quarters. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, hot over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars complying with ICC regulations.
Dinitrochlorbenzol solid (*Dinitrochlorbenzene*).	*A colorless or yellow crystalline solid which melts at about 100° F.* *Poisonous when taken internally and also when in contact with the skin.* *Do not breathe dust-laden air or vapors.* *Insoluble in water.* Do not stow near living quarters. Do not stow with acids (white label).	Poison				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines or cosmetics, N. O. S. (liquid). See § 146.25-55 regarding "Exemptions for poisons, Class B" for limited quantity shipments.	*A unit substance or a compound classified as a less dangerous poison, Class B, in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines or cosmetics.* Stow away from living quarters, and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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Insecticide, liquid	*Generally contains more or less of some highly poisonous substance, often an arsenic compound.* *Do not breath air containing vapors of this substance.* *Do not allow in contact with the skin.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: ICC-5, 5A, 5B, 5C) not over 55 cap. gal. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lead arsenate, solid Arsenate of lead.	*White crystalline powder* *Highly poisonous.* *Decomposes on heating.* *Poisonous if taken internally.* *Care should be taken not to breathe air laden with fine powder.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net. wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net. wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. Paper bags (ICC-44D) not over 50 lb. net wt. Tank cars complying with ICC regulations. Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. Paper bags (ICC-44D) not over 50 lb. net wt. Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. Paper bags (ICC-44D) not over 50 lb. net wt. Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. Paper bags (ICC-44D) not over 50 lb. net wt. Tank cars complying with ICC regulations. Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt.
Lead arsenite, solid	*White powder* *Poisonous if taken internally.* *Care should be taken not to breathe air laden with fine powder.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
London purple, solid	*Arsenic compound in powder form.* *Major constituent arsenic trioxide.* *Do not breathe dust.* *Poisonous if taken internally.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Magnesium arsenate, solid.	*Ivory-colored finely divided powder.* *Do not breathe dust.* *Poisonous if taken internally.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties; cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Mercuric iodide, solution	*Colorless to yellow-colored liquid.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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Methyl bromide, liquid (*bromomethane*).	*Colorless, transparent, volatile liquid. Chloroform-like odor.* *Noninflammable.* *Exists as gas under usual temperatures. Liquid form has boiling point of 40° F.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Metal spheres (ICC-4D300, 4D500) in strong boxes or crates. Tank cars complying with ICC regulations. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Metal spheres (ICC-4D300, 4D500) in strong boxes or crates. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Metal spheres (ICC-4D300, 4D500) in strong boxes or crates. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Metal spheres (ICC-4D300, 4D500) in strong boxes or crates. Tank cars complying with ICC regulations. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.
Methyl bromide and ethylene dibromide mixtures, liquid.	Keep cool. See: Methyl bromide, liquid.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Motor fuel antiknock compound.	*A mixture of tetraethyl lead and ethylene dibromide and ethylene dichloride.* *This liquid is poisonous due to the presence of tetraethyl lead.* *Absorption of this liquid through the skin or inhalation of its vapors are dangerous.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. Wooden boxes (ICC–15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC–2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. In addition to stowages listed, authorized tank cars may be stowed "Under deck away from heat."	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. Wooden boxes (ICC–15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC–2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. Wooden boxes (ICC–15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC–2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. Wooden boxes (ICC–15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC–2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
Nicotine hydrochloride	*White deliquescent crystals* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck."	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck."	Ferry stowage (AA)	Ferry stowage (BB).
Nicotine, liquid	*Water-white oily liquid turning dark brown or black with age.* *Volatile at ordinary temperature.* *Miscible with water.* Stow away from living quarters and foodstuffs.	Poison.	Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC–21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC–21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC–21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.
Nicotine sulfate, liquid	*Colorless solution having odor resembling tobacco.* *Miscible with water.* Stow away from living quarters and foodstuffs.	Poison.				
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitrobenzol, liquid (*oil of mirbane*).	*A heavy, oily liquid, yellow or brownish color, having the odor of bitter almonds.* *Ignites at a temperature of about 900° F. Gives off inflammable vapor.* *Is in the form of bright yellow crystals below a temperature of about 48° F.* *The vapors given off by this liquid are poisonous when inhaled.* *Is a powerful narcotic poison when induced into the digestive organs.* *May also be poisonous by absorption into the skin.* *Will contaminate foodstuffs.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC–21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Nitrochlorbenzene, ortho, liquid.	*A heavy, oily, yellow liquid* *Immiscible with water.* Hazards and precautions similar to "Nitrobenzol" above.	Poison.				
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Nitroxylel	*Colorless or yellow liquid or crystals, becoming reddish brown upon exposure.* Stow away from living quarters and foodstuffs. Protect from direct rays of sun and all sources of artificial heat. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC–21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. Wooden barrels or kegs: (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC–21B) WIC, not over 200 lb. net. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC–21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry Stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37B) STC, not over 10 gal. cap. (ICC–37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr wt. Fiber drums: (ICC–21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Parathion, liquid Methyl parathion, liquid Parathion mixtures liquid (*containing more than 50% parathion by weight*). Methyl parathion mixtures, liquid (*containing more than 50% parathion by weight*).	*A deep brown to yellow liquid.* *Slightly soluble in water.* *Extremely poisonous.* *May be absorbed through the skin; through digestive organs; or from vapor through respiratory organs.* Stow away from living quarters and foodstuffs. *Liquid parathion or methyl parathion mixtures (solutions, emulsions or emulsifiable liquids) containing more than 50% parathion or methyl parathion by weight.* Properties same as those listed above.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Aluminum drums: (ICC-42B) not over 55 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes (ICC-15A, 15B) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for "Parathion, liquid" and "Methyl parathion liquid". Metal drums: (ICC-17E) STC, not over 5 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Parathion mixtures, liquid (*containing not more than 50% parathion by weight*). Methyl parathion mixtures, liquid (*containing not more than 50% methyl parathion by weight*).	*Liquid parathion or methyl parathion mixtures (solutions, emulsions or emulsifiable liquids) containing not more than 50% parathion or methyl parathion by weight.* Hazards and precautions similar to "parathion, liquid" above. Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck" Outside containers: Aluminum barrels: (ICC-42B) not over 55 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 15E) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap. (See Note in columns 5, 6 and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Aluminum barrels: (ICC-42B) not over 55 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 15E) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Aluminum barrels: (ICC-42B) not over 55 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 15E) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.

NOTE: Mixtures (solutions, emulsions or emulsifiable liquids) containing not more than 25% parathion or methyl parathion by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Parathion mixtures, dry Methyl parathion mixtures, dry	*Dry mixtures in which the liquid active ingredient is absorbed in concentrations greater than 2% by weight in a dry inert material so as to form a dry mixture.* *Poisonous* *Do not breathe air laden with this substance.* *Do not permit contact with air.* Stow away from living quarters and foodstuffs.	Poison Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums: (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Authorized for dry mixtures not exceeding 27% by weight of the liquid active ingredient: Fiber drums: (ICC-21A, 21B) not over 200 lb. net wt. Authorized for dry mixtures not exceeding 15% by weight of the liquid active ingredient: Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 30 lb. net wt. Authorized for dry mixtures not exceeding 5% by weight of the liquid active ingredient: Paper bags (ICC-44D) not over 50 lb. net wt. (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Fiberboard boxes (ICC 12B, 12C) WIC, not over 65 lb gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums: (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Authorized for dry mixtures not exceeding 27% by weight of the liquid active ingredient: Fiber drums: (ICC-21A, 21B) not over 200 lb. net wt. Authorized for dry mixtures not exceeding 15% by weight of the liquid active ingredient: Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 30 lb. net wt. Authorized for dry mixtures not exceeding 5% by weight of the liquid active ingredient: Paper bags (ICC-44D) not over 50 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums: (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Authorized for dry mixtures not exceeding 27% by weight of the liquid active ingredient: Fiber drums: (ICC-21A, 21B) not over 200 lb. net wt. Authorized for dry mixtures not exceeding 15% by weight of the liquid active ingredient: Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 30 lb. net wt. Authorized for dry mixtures not exceeding 5% by weight of the liquid active ingredient: Paper bags (ICC-44D) not over 50 lb. net wt.
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NOTE: Dry mixtures containing not more than 2% by weight of parathion, and in which the liquid is absorbed in an inert material, are exempt from specification packing, marking other than name of contents, and labeling requirements.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Poisonous liquids, N.O.S.	*May be any liquid classifying as a Less Dangerous Poison, Class B, in accordance with the definitions contained in these regulations, provided such liquid is not otherwise specified by name in these regulations.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool and well away from all sources of artificial heat.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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Sodium arsenite (solution), liquid.	*Solution of arsenic trioxide and sodium carbonate or hydroxide.* *Poisonous if taken internally.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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NOTE: Poisonous liquids, N. O. S., must be packed in specification containers of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tetraethyl pyrophosphate, liquid. Tetraethyl dithio pyrophosphate, liquid. Hexaethyl tetraphosphate, liquid. Tetraethyl pyrophosphate mixtures, liquid (*containing more than 60% tetraethyl pyrophosphate by weight*). Tetraethyl dithio pyrophosphate mixtures, liquid (*containing more than 60% tetraethyl dithio pyrophosphate by weight*). Hexaethyl tetraphosphate mixtures, liquid (*containing more than 60% hexaethyl tetraphosphate by weight*).	*Water-white to amber colored liquids.* *Miscible with water.* *Very poisonous.* *May be absorbed through the skin, through digestive organs, or from vapor through respiratory organs.* *Mixtures may be solutions, emulsions or emulsifiable liquids.*	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Aluminum drums: (ICC-42B) not over 55 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC not over 10 gal. cap. Wooden boxes (ICC-15A, 15B) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 54 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for "Tetraethyl pyrophosphate, liquid", "Tetraethyl dithio pyrophosphate, liquid", and "Hexaethyl tetraphosphate, liquid.": Metal drums: (ICC-17E) STC, not over 5 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Tetraethyl pyrophosphate mixtures, liquid (*containing not more than 60% tetraethyl pyrophosphate by weight*). Tetraethyl dithio pyrophosphate mixtures, liquid (*containing not more than 60% tetraethyl dithio pyrophosphate by weight*). Hexaethyl tetraphosphate mixtures, liquid (*containing not more than 60% hexaethyl tetraphosphate by weight*).	*Solutions, emulsions or emulsifiable liquids containing not more than 60% of the active ingredient by weight.* *Hazards and precautions similar to those under "Tetraethyl pyrophosphate, liquid" above.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Aluminum barrels: (ICC-42B) not over 55 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 15E) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap. (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Aluminum barrels: (ICC-42B) not over 55 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 15E) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.	Stowage: Ferry stowage (AA) Outside containers: Aluminum barrels: (ICC-42B) not over 55 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 15E) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.	Stowage: Ferry storage (BB). Outside containers: Aluminum barrels: (ICC-42B) not over 55 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37A) STC, WIC, not over 10 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 15E) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21B) WIC, not over 200 lb. net wt. Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.

NOTE: Mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25% tetraethyl pyrophosphate, tetraethyl dithio pyrophosphate, or hexaethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material completely to absorb the liquid in the event of leakage, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tetraethyl pyrophosphate, mixture, dry. Tetraethyl dithio pyrophosphate, mixture, dry. Hexaethyl tetraphosphate, mixture, dry.	*Dry mixtures in which the liquid active ingredient is absorbed in concentrations greater than 2% by weight in a dry inert material so as to form a dry mixture.* *Poisonous.* *Do not breathe air laden with this substance.* *Do not permit contact with air.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Authorized for dry mixtures not exceeding 27% by weight of the liquid active ingredient: Fiber drums: (ICC-21A, 21B) not over 200 lb. net wt. Authorized for dry mixtures not exceeding 15% by weight of the liquid active ingredient: Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 30 lb. net wt. Authorized for dry mixtures not exceeding 5% by weight of the liquid active ingredient: Paper bags (ICC-44D) not over 50 lb. net wt. (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Authorized for dry mixtures not exceeding 27% by weight of the liquid active ingredient: Fiber drums: (ICC-21A, 21B) not over 200 lb. net wt. Authorized for dry mixtures not exceeding 15% by weight of the liquid active ingredient: Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 30 lb. net wt. Authorized for dry mixtures not exceeding 5% by weight of the liquid active ingredient: Paper bags (ICC-44D) not over 50 lb. net wt.	Ferry Stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Authorized for dry mixtures not exceeding 27% by weight of the liquid active ingredient: Fiber drums: (ICC-21A, 21B) not over 200 lb. net. wt. Authorized for dry mixtures not exceeding 15% by weight of the liquid active ingredient: Paper bags (ICC-44B; with inside paper bags, ICC-2D, not over 30 lb. net wt. Authorized for dry mixtures not exceeding 5% by weight of the liquid active ingredient: Paper bags (ICC-44D) not over 50 lb. net. wt.	Ferry Stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. (ICC-17C, 17H) STC, not over 55 gal. cap. (ICC-37A) STC, not over 100 lb. net wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Authorized for dry mixtures not exceeding 27% by weight of the liquid active ingredient: Fiber drums: (ICC-21A, 21B) not over 200 lb. net wt. Authorized for dry mixtures not exceeding 15% by weight of the liquid active ingredient: Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 30 lb. net wt. Authorized for dry mixtures not exceeding 5% by weight of the liquid active ingredient: Paper bags (ICC-44D) not over 50 lb. net wt.
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NOTE: Dry mixtures containing not more than 2% by weight of tetraethyl pyrophosphate, tetraethyl dithio pyrophosphate, or hexaethyl tetraphosphate and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

4. Section 146.25–400 *Table H—Classification: Class D: radioactive materials* is amended to read as follows:

Table H—Classification: Class D; radioactive materials

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Radioactive materials groups I and II. Cesium 137. Cobalt 60. Gold 198. Iridium 192. Radioactive materials N. O. S.	Group I: Radioactive materials that emit gamma rays only or both gamma and electrically charged corpuscular rays. Group II: Radioactive materials that emit neutrons and either or both gamma and electrically charged corpuscular rays. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials group I or group II: Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA) Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with. Ferry stowage (BB).
Radioactive materials group III. Radioactive materials, N. O. S.	Group III: Radioactive materials that emit electrically charged corpuscular rays only, i. e., alpha or beta etc., or any other radioactive material that is so shielded that the gamma radiation at the surface of the package does not exceed 10 milliroentgens per 24 hours at any time during transportation. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials, group III: Blue.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA) Outside containers: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Wooden boxes: (ICC-15A, 15B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart Must be complied with.
• • •	• • •	• • •				

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

1. Section 146.27–100 *Table K—Classification: Hazardous articles* is amended as follows:

Table K—Classification: Hazardous articles

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Calcium carbide	*A grayish-black irregular lump substance. Will absorb moisture from air and in the presence of moisture or water will generate acetylene gas, which forms dangerous mixtures in air.* Keep dry. Examine containers carefully and refuse defective ones. Do not stow with explosives, inflammable liquids (red label), inflammable compressed gases (red label), oxidizing materials (yellow label) or corrosive liquids (white label). Outside containers shall be marked either "Calcium carbide" or "Hazardous article."	No label required.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Strong fiberboard boxes, WIMC, not over 90 lb. gr. wt. Steel barrels or drums, hermetically sealed, not over 425 lbs. gr. wt., with or without slatted crates. Wooden barrels, WIMC, not over 250 lbs. gr. wt. Wooden boxes, WIMC, not over 100 lbs. gr. wt.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Strong fiberboard boxes, WIMC, not over 90 lb. gr. wt. Steel barrels or drums, hermetically sealed, not over 425 lbs. gr. wt., with or without slatted crates. Wooden barrels, WIMC, not over 250 lbs. gr. wt. Wooden boxes, WIMC, not over 100 lbs. gr. wt.	Ferry stowage (AA). Outside containers: Strong fiberboard boxes, WIMC, not over 90 lb. gr. wt. Steel barrels or drums, hermetically sealed, not over 425 lbs. gr. wt., with or without slatted crates. Wooden barrels, WIMC, not over 250 lbs. gr. wt. Wooden boxes, WIMC, not over 100 lbs. gr. wt.	Ferry stowage (BB). Outside containers: Strong fiberboard boxes, WIMC, not over 90 lb. gr. wt. Steel barrels or drums, hermetically sealed, not over 425 lbs. gr. wt. Wooden barrels, WIMC, not over 250 lbs. gr. wt. Wooden boxes, WIMC, not over 100 lbs. gr. wt. Sealed watertight railroad hopper cars. Sealed watertight metal containers, not over 10 ton net wt., mounted on railroad cars.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Metal borings, shavings, turnings, cuttings.	*May be small pieces mixed with cutting oils, and combustible waste.* *Some of these materials when shipped in bulk are subject to heating and spontaneous ignition.* *Before loading, temperature tests of the material should be taken at several points in the pile to determine if there is any heating. In the event the temperature is over 110° F., the shipment should be carefully watched. If the temperature rises to 130° F. or above, the material should not be accepted for transportation.* Remove wooden sweat battens and dunnage and clean hold of debris before loading bulk shipments. Observe temperatures of cargo during voyage for signs of heating. Do not stow explosives in a hold above, below or adjacent to stowage of this material. Do not stow in same hold or compartment with explosives, inflammable or combustible cargo or oxidizing materials.	No label required.	Stowage: "On deck." "Tween decks." "Under deck." Outside containers: Metal barrels or drums. Bulk.	Stowage: "On deck." "Tween decks." "Under deck." Outside containers: Metal barrels or drums.	Ferry stowage (AA). Outside containers: Metal barrels or drums. Bulk in highway vehicles.	Ferry stowage (BB). Outside containers: Metal barrels or drums. Bulk in railroad cars. Bulk in highway vehicles.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 147—USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

DETAILED REGULATIONS GOVERNING USE OF SHIPS' STORES AND SUPPLIES

1. Section 147.05–100 *Table S—Classification: Ships' stores and supplies of a dangerous nature* is amended as follows:

Table S—Classification: Ships' stores and supplies of a dangerous nature

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Starting fluid, inflammable, in metal containers. Not permitted in gelatin capsules.	*Used for starting engines.* *Flashpoint usually below 0° F.* Must be packaged in metal containers that will not rupture when exposed to temperatures of 200° F. or below. Protect from excessive temperature.	No label required.	Stowage: In metal locker selected and supervised by the chief engineer, with the knowledge and approval of the master.	Stowage: In metal locker selected and supervised by the chief engineer, with the knowledge and approval of the master.	Stowage: In metal locker selected and supervised by the chief engineer, with the knowledge and approval of the master.	Stowage: In metal locker selected and supervised by the chief engineer, with the knowledge and approval of the master.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: October 21, 1957.

[SEAL]

A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 57-8889; Filed, Oct. 28, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 211

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MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3209

IMPOSING A FEE ON IMPORTS OF ALMONDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), the Secretary of Agriculture advised me there was reason to believe that shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the marketing-order program of the Department of Agriculture, under Federal Marketing Order No. 9, with respect to almonds, or to reduce substantially the amount of products processed in the United States from domestically produced almonds with respect to which such program of the Department of Agriculture is being undertaken; and

WHEREAS, on June 27, 1957, under the authority of the said section 22, I caused the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS, in accordance with the said section 22, as implemented by Executive Order No. 7233 of November 23, 1935, the said Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) are practically certain to be imported into the United States during the period from October 1, 1957, to September 30, 1958, both dates inclusive, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the said program of the Department of Agriculture; and

WHEREAS I find and declare that the import fee hereinafter proclaimed is shown by such investigation of the said Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption of the said products will not render or tend to render ineffective, or materially interfere with, the said program of the Department of Agriculture:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do proclaim that shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) entered, or withdrawn from warehouse, for consumption during the period from October 23, 1957, to September 30, 1958, both dates inclusive, in excess of an aggregate quantity of five million pounds, shall be subject to a fee of ten cents per pound but not more than fifty per centum ad valorem. Such fee shall be in addition to any other duties imposed upon the importation of such almonds.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of October in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-9024; Filed, Oct. 28, 1957; 4:44 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (3) is added to § 6.105 as set out below.

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FEDERAL REGISTER

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§ 6.105 *Department of the Army.* * * *
(c) *Corps of Engineers.* * * *
(3) Positions of Academic Director, Department Head, and Instructor at the U. S. Military Academy Preparatory School, Fort Belvoir, Virginia.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8962; Filed, Oct. 29, 1957; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Dry Edible Beans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENT PROGRAM

AVAILABILITY OF PRICE SUPPORT; ELIGIBLE BEANS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (22 F. R. 3499) which contain specific requirements for the 1957-crop dry edible bean price support program are hereby amended as follows:

1. Section 421.2377 (e) (2) is amended by adding the following sentence to the end thereof:

§ 421.2377 *Availability of price support.* * * *
(e) *Eligible producer.* * * *
(2) * * * Notwithstanding the foregoing, a cooperative marketing association may qualify as an eligible producer under this subparagraph if it includes other cooperative marketing associations as members: *Provided,* That the association (i) requires in its charter, by-laws, a resolution of its board of directors or in its marketing contracts that member associations shall operate in a manner that would enable them to qualify as eligible producers under the foregoing provisions of this subparagraph; (ii) certifies to CCC that its member associations do in fact opreate in such manner, and (iii) otherwise qualifies as an eligible producer under this subparagraph.

2. Section 421.2378 (b) (1) is amended by revising the last sentence so that subparagraph (1) reads as follows:

§ 421.2378 *Eligible beans.* * * *
(b) (1) The beneficial interest in the beans must be in the producer tendering the beans for loan or for delivery under a purchase agreement and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the beneficial interest in the beans must have been in the producers who delivered the beans to the association or to member associations meeting the requirements of § 421.2377 (e) (2), and must always have been in them or in them and former producers whom they succeeded before the beans were harvested.

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421)

Issued this 25th day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice-President, Commodity Credit Corporation.

[F. R. Doc. 57-8972; Filed, Oct. 29, 1957; 8:51 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP OAT LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2875, and 4315 containing the specific requirements of the 1957-Crop Oats Price Support Program are hereby amended by increasing the basic county support rates in § 421.2483 (a) one cent per bushel.

§ 421.2483 *Basic county support rates.* (a) Loans will be made, and oats delivered under purchase agreements will be purchased at the basic support rates set forth in this section. Both farm-storage and warehouse-storage loans will be based on the support rate established for the county in which the oats are produced. Support rates per bushel for oats grading No. 3 are set forth below:

ALABAMA

County	Rate per bushel
All counties	$0.73

ARIZONA

County	Rate per bushel
All counties	$0.78

ARKANSAS

County	Rate per bushel
All counties	$0.70

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$0.80	Mariposa	$0.78
Alpine	.76	Mendocino	.77
Amador	.77	Merced	.78
Butte	.76	Modoc	.70
Calaveras	.77	Mono	.77
Colusa	.77	Monterey	.78
Contra Costa	.80	Napa	.79
Del Norte	.75	Nevada	.73
El Dorado	.76	Orange	.79
Fresno	.78	Placer	.75
Glenn	.76	Plumas	.73
Humboldt	.77	Riverside	.78
Imperial	.78	Sacramento	.77
Inyo	.78	San Benito	.78
Kern	.78	San Bernardino	.78
Kings	.78	San Diego	.78
Lake	.77	San Francisco	.80
Lassen	.73	San Joaquin	.79
Los Angeles	.80	San Luis Obispo	.78
Madera	.78		
Marin	.80		

CALIFORNIA—Continued

County	Rate per bushel	County	Rate per bushel
San Mateo	$0.80	Stanislaus	$0.79
Santa Barbara	.78	Sutter	.77
Santa Clara	.80	Tehama	.75
Santa Cruz	.79	Trinity	.77
Shasta	.73	Tulare	.78
Sierra	.73	Tuolumne	.77
Siskiyou	.70	Ventura	.79
Solano	.80	Yolo	.78
Sonoma	.79	Yuba	.76

COLORADO

County	Rate per bushel
All counties	$0.63

CONNECTICUT

County	Rate per bushel
All counties	$0.71

DELAWARE

County	Rate per bushel
All counties	$0.72

FLORIDA

County	Rate per bushel
All counties	$0.77

GEORGIA

County	Rate per bushel
All counties	$0.73

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.64	Gem	$0.64
Adams	.62	Gooding	.63
Bannock	.62	Idaho	.61
Bear Lake	.62	Jefferson	.60
Benewah	.63	Jerome	.63
Bingham	.60	Kootenai	.63
Blaine	.62	Latah	.64
Boise	.64	Lemhi	.60
Bonner	.61	Lewis	.63
Bonneville	.60	Lincoln	.63
Boundary	.61	Madison	.60
Butte	.60	Minidoka	.63
Camas	.63	Nez Perce	.64
Canyon	.64	Oneida	.62
Caribou	.61	Owyhee	.64
Cassia	.63	Payette	.64
Clark	.60	Power	.62
Clearwater	.63	Shoshone	.61
Custer	.60	Teton	.60
Elmore	.64	Twin Falls	.63
Franklin	.62	Valley	.62
Fremont	.60	Washington	.63

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.61	Iroquois	$0.61
Alexander	.64	Jackson	.64
Bond	.62	Jasper	.63
Boone	.61	Jefferson	.64
Brown	.61	Jersey	.62
Bureau	.61	Jo Daviess	.61
Calhoun	.62	Johnson	.64
Carroll	.61	Kane	.61
Cass	.61	Kankakee	.61
Champaign	.61	Kendall	.61
Christian	.61	Knox	.62
Clark	.62	Lake	.62
Clay	.63	La Salle	.61
Clinton	.63	Lawrence	.63
Coles	.61	Lee	.61
Cook	.63	Livingston	.61
Crawford	.63	Logan	.61
Cumberland	.62	McDonough	.61
De Kalb	.61	McHenry	.61
De Witt	.61	McLean	.61
Douglas	.61	Macon	.61
Du Page	.61	Macoupin	.62
Edgar	.61	Madison	.63
Edwards	.64	Marion	.63
Effingham	.62	Marshall	.61
Fayette	.62	Mason	.61
Ford	.61	Massac	.64
Franklin	.64	Menard	.61
Fulton	.61	Mercer	.61
Gallatin	.65	Monroe	.64
Greene	.62	Montgomery	.62
Grundy	.61	Morgan	.61
Hamilton	.64	Moultrie	.61
Hancock	.61	Ogle	.61
Hardin	.65	Peoria	.61
Henderson	.61	Perry	.64
Henry	.61	Platt	.61

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Pike	$0.61	Stephenson	$0.61
Pope	.65	Tazewell	.61
Pulaski	.64	Union	.64
Putnam	.61	Vermilion	.61
Randolph	.64	Wabash	.64
Richland	.63	Warren	.61
Rock Island	.61	Washington	.64
St. Clair	.64	Wayne	.64
Saline	.65	White	.64
Sangamon	.61	Whiteside	.61
Schuyler	.61	Will	.62
Scott	.61	Williamson	.64
Shelby	.61	Winnebago	.61
Stark	.61	Woodford	.61

INDIANA

Adams	$0.62	Lawrence	$0.64
Allen	.62	Madison	.62
Bartholomew	.63	Marion	.62
Benton	.61	Marshall	.62
Blackford	.62	Martin	.64
Boone	.62	Miami	.62
Brown	.64	Monroe	.64
Carroll	.62	Montgomery	.62
Cass	.62	Morgan	.62
Clark	.64	Newton	.61
Clay	.62	Noble	.62
Clinton	.62	Ohio	.65
Crawford	.64	Orange	.64
Daviess	.64	Owen	.62
Dearborn	.65	Parke	.61
Decatur	.63	Perry	.64
De Kalb	.62	Pike	.64
Delaware	.62	Porter	.62
Dubois	.64	Posey	.64
Elkhart	.63	Pulaski	.62
Fayette	.62	Putnam	.62
Floyd	.64	Randolph	.62
Fountain	.61	Ripley	.65
Franklin	.64	Rush	.62
Fulton	.62	St. Joseph	.63
Gibson	.64	Scott	.65
Grant	.62	Shelby	.62
Greene	.64	Spencer	.64
Hamilton	.62	Starke	.62
Hancock	.62	Steuben	.63
Harrison	.64	Sullivan	.63
Hendricks	.62	Switzerland	.65
Henry	.62	Tippecanoe	.62
Howard	.62	Tipton	.62
Huntington	.62	Union	.62
Jackson	.64	Vanderburgh	.64
Jasper	.61	Vermillion	.61
Jay	.62	Vigo	.62
Jefferson	.65	Wabash	.62
Jennings	.65	Warren	.61
Johnson	.62	Warrick	.64
Knox	.64	Washington	.64
Kosciusko	.62	Wayne	.62
Lagrange	.63	Wells	.62
Lake	.62	White	.62
La Porte	.63	Whitley	.62

IOWA

Adair	$0.60	Crawford	$0.58
Adams	.60	Dallas	.59
Allamakee	.61	Davis	.61
Appanoose	.60	Decatur	.60
Audubon	.59	Delaware	.61
Benton	.60	Des Moines	.61
Black Hawk	.60	Dickinson	.58
Boone	.59	Dubuque	.61
Bremer	.60	Emmet	.58
Buchanan	.60	Fayette	.61
Buena Vista	.59	Floyd	.59
Butler	.59	Franklin	.59
Calhoun	.59	Fremont	.60
Carroll	.59	Greene	.59
Cass	.60	Grundy	.59
Cedar	.61	Guthrie	.59
Cerro Gordo	.59	Hamilton	.59
Cherokee	.58	Hancock	.59
Chickasaw	.60	Hardin	.59
Clarke	.60	Harrison	.59
Clay	.59	Henry	.61
Clayton	.61	Howard	.60
Clinton	.61	Humboldt	.59

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Ida	$0.58	Palo Alto	$0.59
Iowa	.60	Plymouth	.58
Jackson	.61	Pocahontas	.59
Jasper	.59	Polk	.59
Jefferson	.61	Pottawattamie	.60
Johnson	.61	Poweshiek	.59
Jones	.61	Ringgold	.60
Keokuk	.60	Sac	.59
Kossuth	.59	Scott	.61
Lee	.61	Shelby	.59
Linn	.61	Sioux	.57
Louisa	.61	Story	.59
Lucas	.60	Tama	.59
Lyon	.57	Taylor	.60
Madison	.60	Union	.60
Mahaska	.60	Van Buren	.61
Marion	.60	Wapello	.60
Marshall	.59	Warren	.60
Mills	.60	Washington	.61
Mitchell	.59	Wayne	.60
Monona	.58	Webster	.59
Monroe	.60	Winnebago	.59
Montgomery	.60	Winneshiek	.61
Muscatine	.61	Woodbury	.58
O'Brien	.58	Worth	.59
Osceola	.57	Wright	.59
Page	.60		

KANSAS

Allen	$0.63	Linn	$0.63
Anderson	.63	Logan	.64
Atchison	.63	Lyon	.63
Barber	.66	McPherson	.64
Barton	.64	Marion	.64
Bourbon	.64	Marshall	.62
Brown	.62	Meade	.66
Butler	.65	Miami	.63
Chase	.64	Mitchell	.62
Chautauqua	.65	Montgomery	.65
Cherokee	.65	Morris	.63
Cheyenne	.63	Morton	.66
Clark	.66	Nemaha	.62
Clay	.62	Neosho	.64
Cloud	.62	Ness	.64
Coffey	.63	Norton	.62
Comanche	.66	Osage	.63
Cowley	.65	Osborne	.62
Crawford	.64	Ottawa	.62
Decatur	.62	Pawnee	.64
Dickinson	.63	Phillips	.61
Doniphan	.63	Potawatomie	.62
Douglas	.63	Pratt	.65
Edwards	.64	Rawlins	.63
Elk	.64	Reno	.64
Ellis	.63	Republic	.61
Ellsworth	.63	Rice	.64
Finney	.65	Riley	.62
Ford	.65	Rooks	.62
Franklin	.63	Rush	.64
Geary	.63	Russell	.63
Gove	.64	Saline	.63
Graham	.63	Scott	.64
Grant	.65	Sedgwick	.65
Gray	.65	Seward	.66
Greeley	.64	Shawnee	.63
Greenwood	.64	Sheridan	.63
Hamilton	.65	Sherman	.63
Harper	.66	Smith	.61
Harvey	.64	Stafford	.64
Haskell	.65	Stanton	.65
Hodgeman	.64	Stevens	.66
Jackson	.63	Sumner	.66
Jefferson	.63	Thomas	.63
Jewell	.61	Trego	.63
Johnson	.64	Wabaunsee	.63
Kearny	.65	Wallace	.64
Kingman	.65	Washington	.61
Kiowa	.65	Wichita	.64
Labette	.65	Wilson	.64
Lane	.64	Woodson	.63
Leavenworth	.64	Wyandotte	.64
Lincoln	.62		

KENTUCKY

All counties — $0.73

LOUISIANA

All counties — $0.72

MAINE

County	Rate per bushel
All counties	$0.71

MARYLAND

All counties — $0.72

MASSACHUSETTS

All counties — $0.71

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.62	Keweenaw	$0.63
Alger	.64	Lake	.64
Allegan	.64	Lapeer	.62
Alpena	.62	Leelanau	.63
Antrim	.63	Lenawee	.63
Arenac	.62	Livingston	.63
Baraga	.63	Luce	.64
Barry	.64	Mackinac	.64
Bay	.62	Macomb	.64
Benzie	.63	Manistee	.64
Berrien	.63	Marquette	.63
Branch	.63	Mason	.64
Calhoun	.63	Mecosta	.63
Cass	.63	Menominee	.63
Charlevoix	.63	Midland	.62
Cheboygan	.63	Missaukee	.63
Chippewa	.64	Monroe	.63
Clare	.63	Montcalm	.63
Clinton	.63	Montmorency	.62
Crawford	.62	Muskegon	.64
Delta	.63	Newaygo	.64
Dickinson	.63	Oakland	.63
Eaton	.63	Oceana	.64
Emmet	.63	Ogemaw	.62
Genesee	.62	Ontonagon	.63
Gladwin	.62	Osceola	.63
Gogebic	.63	Oscoda	.62
Grand Traverse	.63	Otsego	.63
Gratiot	.63	Ottawa	.64
Hillsdale	.63	Presque Isle	.62
Houghton	.63	Roscommon	.62
Huron	.62	Saginaw	.62
Ingham	.63	St. Clair	.63
Ionia	.63	St. Joseph	.63
Iosco	.62	Sanilac	.62
Iron	.63	Schoolcraft	.64
Isabella	.63	Shiawassee	.62
Jackson	.63	Tuscola	.62
Kalamazoo	.64	Van Buren	.64
Kalkaska	.63	Washtenaw	.63
Kent	.64	Wayne	.63
		Wexford	.64

MINNESOTA

Aitkin	$0.56	Kittson	$0.50
Anoka	.58	Koochiching	.53
Becker	.52	Lac Qui Parle	.54
Beltrami	.51	Lake	.58
Benton	.56	Lake of the Woods	.51
Big Stone	.53	Le Sueur	.57
Blue Earth	.57	Lincoln	.54
Brown	.56	Lyon	.54
Carlton	.57	McLeod	.57
Carver	.58	Mahnomen	.51
Cass	.54	Marshall	.50
Chippewa	.54	Martin	.56
Chisago	.58	Meeker	.56
Clay	.52	Mille Lacs	.56
Clearwater	.52	Morrison	.55
Cook	.58	Mower	.57
Cottonwood	.55	Murray	.54
Crow Wing	.55	Nicollett	.57
Dakota	.58	Nobles	.55
Dodge	.57	Norman	.51
Douglas	.54	Olmsted	.57
Faribault	.57	Otter Tail	.53
Fillmore	.58	Pennington	.51
Freeborn	.57	Pine	.57
Goodhue	.57	Pipestone	.54
Grant	.53	Polk	.51
Hennepin	.58	Pope	.54
Houston	.58	Ramsey	.58
Hubbard	.53	Red Lake	.51
Isanti	.57	Redwood	.55
Itasca	.54	Renville	.56
Jackson	.56	Rice	.57
Kanabec	.57	Rock	.55
Kandiyohi	.56		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Roseau	$0.50	Wabasha	$0.57
St. Louis	.57	Wadena	.54
Scott	.58	Waseca	.57
Sherburne	.57	Washington	.58
Sibley	.57	Watonwan	.56
Stearns	.56	Wilkin	.52
Steele	.57	Winona	.58
Stevens	.53	Wright	.57
Swift	.54	Yellow Medicine	.54
Todd	.55		
Traverse	.52		

MISSISSIPPI

All counties — $0.72

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.63	Linn	$0.63
Andrew	.62	Livingston	.63
Atchison	.61	McDonald	.65
Audrain	.62	Macon	.63
Barry	.65	Madison	.65
Barton	.64	Maries	.65
Bates	.63	Marion	.61
Benton	.63	Mercer	.62
Bollinger	.65	Miller	.64
Boone	.64	Mississippi	.64
Buchanan	.64	Moniteau	.64
Butler	.65	Monroe	.62
Caldwell	.64	Montgomery	.64
Callaway	.64	Morgan	.64
Camden	.64	New Madrid	.65
Cape Girardeau	.64	Newton	.64
Carroll	.63	Nodaway	.61
Carter	.65	Oregon	.66
Cass	.63	Osage	.65
Cedar	.63	Ozark	.66
Charlton	.63	Pemiscot	.65
Christian	.65	Perry	.64
Clark	.61	Pettis	.64
Clay	.64	Phelps	.65
Clinton	.64	Pike	.61
Cole	.64	Platte	.64
Cooper	.64	Polk	.63
Crawford	.65	Pulaski	.64
Dade	.63	Putnam	.62
Dallas	.64	Ralls	.61
Daviess	.63	Randolph	.63
De Kalb	.63	Ray	.64
Dent	.65	Reynolds	.65
Douglas	.65	Ripley	.66
Dunklin	.65	St. Charles	.63
Franklin	.65	St. Clair	.63
Gasconade	.65	Ste. Genevieve	.64
Gentry	.62	St. Francois	.65
Greene	.64	St. Louis	.64
Grundy	.62	Saline	.63
Harrison	.62	Schuyler	.62
Henry	.63	Scotland	.61
Hickory	.63	Scott	.64
Holt	.62	Shannon	.65
Howard	.64	Shelby	.62
Howell	.66	Stoddard	.65
Iron	.65	Stone	.65
Jackson	.63	Sullivan	.62
Jasper	.64	Taney	.66
Jefferson	.64	Texas	.64
Johnson	.63	Vernon	.63
Knox	.62	Warren	.64
Laclede	.64	Washington	.65
LaFayette	.63	Wayne	.65
Lawrence	.64	Webster	.64
Lewis	.61	Worth	.61
Lincoln	.63	Wright	.64

MONTANA

Beaverhead	$0.58	Dawson	$0.50
Big Horn	.54	Deer Lodge	.56
Blaine	.50	Fallon	.52
Broadwater	.54	Fergus	.52
Carbon	.54	Flathead	.56
Carter	.53	Gallatin	.54
Cascade	.54	Garfield	.50
Chouteau	.51	Glacier	.53
Custer	.52	Golden Valley	.53
Daniels	.50	Granite	.57

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Hill	$0.51	Powell	$0.56
Jefferson	.55	Prairie	.51
Judith Basin	.53	Ravalli	.58
Lake	.57	Richland	.50
Lewis and Clark	.55	Roosevelt	.50
Liberty	.52	Rosebud	.52
Lincoln	.59	Sanders	.59
McCone	.50	Sheridan	.50
Madison	.56	Silver Bow	.56
Meagher	.54	Stillwater	.54
Mineral	.59	Sweet Grass	.54
Missoula	.57	Teton	.52
Musselshell	.53	Toole	.52
Park	.54	Treasure	.54
Petroleum	.52	Valley	.50
Phillips	.50	Wheatland	.53
Pondera	.52	Wibaux	.51
Powder River	.53	Yellowstone	.54

NEBRASKA

Adams	$0.59	Jefferson	$0.59
Antelope	.56	Johnson	.60
Arthur	.57	Kearney	.59
Banner	.57	Keith	.58
Blaine	.56	Keya Paha	.55
Boone	.57	Kimball	.58
Box Butte	.57	Knox	.56
Boyd	.55	Lancaster	.59
Brown	.56	Lincoln	.58
Buffalo	.58	Logan	.57
Burt	.58	Loup	.56
Butler	.58	McPherson	.57
Cass	.59	Madison	.57
Cedar	.57	Merrick	.57
Chase	.60	Morrill	.57
Cherry	.56	Nance	.57
Cheyenne	.58	Nemaha	.59
Clay	.59	Nuckolls	.59
Colfax	.58	Otoe	.59
Cuming	.58	Pawnee	.60
Custer	.57	Perkins	.59
Dakota	.58	Phelps	.59
Dawes	.57	Pierce	.57
Dawson	.58	Platte	.57
Deuel	.58	Polk	.57
Dixon	.58	Red Willow	.60
Dodge	.59	Richardson	.60
Douglas	.59	Rock	.56
Dundy	.61	Saline	.59
Fillmore	.59	Sarpy	.59
Franklin	.59	Saunders	.59
Frontier	.59	Scotts Bluff	.57
Furnas	.60	Seward	.58
Gage	.60	Sheridan	.57
Garden	.57	Sherman	.57
Garfield	.56	Sioux	.57
Gosper	.59	Stanton	.57
Grant	.56	Thayer	.59
Greeley	.57	Thomas	.56
Hall	.58	Thurston	.58
Hamilton	.58	Valley	.57
Harlan	.59	Washington	.59
Hayes	.60	Wayne	.57
Hitchcock	.61	Webster	.59
Holt	.56	Wheeler	.56
Hooker	.56	York	.58
Howard	.57		

NEVADA

All counties — $0.75

NEW JERSEY

All counties — $0.71

NEW MEXICO

All counties — $0.70

NEW YORK

All counties — $0.70

NORTH CAROLINA

All counties — $0.73

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.51	Billings	$0.50
Barnes	.52	Bottineau	.49
Benson	.50	Bowman	.51

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Burke	$0.48	Montrail	$0.48
Burleigh	.51	Nelson	.51
Cass	.52	Oliver	.50
Cavalier	.50	Pembina	.50
Dickey	.52	Pierce	.49
Divide	.48	Ramsey	.50
Dunn	.49	Ransom	.52
Eddy	.51	Renville	.49
Emmons	.51	Richland	.52
Foster	.51	Rolette	.49
Golden Valley	.50	Sargent	.52
Grand Forks	.51	Sheridan	.50
Grant	.50	Sioux	.51
Griggs	.51	Slope	.50
Hettinger	.50	Stark	.50
Kidder	.51	Steele	.51
La Moure	.52	Stutsman	.52
Logan	.51	Towner	.50
McHenry	.49	Traill	.51
McIntosh	.51	Walsh	.50
McKenzie	.49	Ward	.49
McLean	.49	Wells	.50
Mercer	.49	Williams	.48
Morton	.50		

OHIO

Adams	$0.68	Licking	$0.65
Allen	.64	Logan	.65
Ashland	.65	Lorain	.66
Ashtabula	.69	Lucas	.64
Athens	.69	Madison	.65
Auglaize	.64	Mahoning	.69
Belmont	.70	Marion	.65
Brown	.67	Medina	.67
Butler	.64	Meigs	.69
Carroll	.69	Mercer	.63
Champaign	.65	Miami	.64
Clark	.65	Monroe	.70
Clermont	.66	Montgomery	.64
Clinton	.66	Morgan	.69
Columbiana	.69	Morrow	.65
Coshocton	.67	Muskingum	.68
Crawford	.65	Noble	.69
Cuyahoga	.67	Ottawa	.65
Darke	.63	Paulding	.63
Defiance	.63	Perry	.67
Delaware	.65	Pickaway	.65
Erie	.65	Pike	.68
Fairfield	.65	Portage	.68
Fayette	.65	Preble	.63
Franklin	.65	Putnam	.64
Fulton	.64	Richland	.65
Gallia	.69	Ross	.66
Geauga	.68	Sandusky	.65
Greene	.65	Scioto	.68
Guernsey	.69	Seneca	.65
Hamilton	.65	Shelby	.64
Hancock	.64	Stark	.68
Hardin	.64	Summit	.67
Harrison	.69	Trumbull	.69
Henry	.64	Tuscarawas	.68
Highland	.67	Union	.65
Hocking	.67	Van Wert	.63
Holmes	.67	Vinton	.68
Huron	.65	Warren	.65
Jackson	.68	Washington	.70
Jefferson	.70	Wayne	.67
Knox	.65	Williams	.64
Lake	.68	Wood	.64
Lawrence	.68	Wyandot	.65

OKLAHOMA

All counties — $0.67

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$0.66	Grant	$0.69
Benton	.72	Harney	.69
Clackamas	.72	Hood River	.72
Clatsop	.71	Jackson	.71
Columbia	.72	Jefferson	.70
Coos	.72	Josephine	.71
Crook	.70	Klamath	.70
Curry	.72	Lake	.70
Deschutes	.70	Lane	.71
Douglas	.71	Lincoln	.72
Gilliam	.70	Linn	.71

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Malheur	$0.66	Umatilla	$0.68
Marion	.72	Union	.67
Morrow	.69	Wallowa	.66
Multnomah	.72	Wasco	.70
Polk	.72	Washington	.72
Sherman	.70	Wheeler	.70
Tillamook	.72	Yamhill	.72

PENNSYLVANIA

All counties	$0.70

RHODE ISLAND

All counties	$0.71

SOUTH CAROLINA

All counties	$0.73

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$0.52	Jackson	$0.52
Aurora	.53	Jerauld	.53
Beadle	.53	Jones	.52
Bennett	.53	Kingsbury	.53
Bon Homme	.54	Lake	.53
Brookings	.54	Lawrence	.51
Brown	.52	Lincoln	.55
Brule	.53	Lyman	.52
Buffalo	.53	McCook	.53
Butte	.51	McPherson	.51
Campbell	.51	Marshall	.52
Charles Mix	.53	Meade	.51
Clark	.52	Mallette	.53
Clay	.56	Miner	.53
Codington	.52	Minnehaha	.54
Corson	.51	Moody	.54
Custer	.54	Pennington	.52
Davison	.53	Perkins	.51
Day	.52	Potter	.51
Deuel	.54	Roberts	.52
Dewey	.51	Sanborn	.53
Douglas	.53	Shannon	.54
Edmunds	.51	Spink	.52
Fall River	.54	Stanley	.52
Faulk	.51	Sully	.52
Grant	.53	Todd	.53
Gregory	.53	Tripp	.53
Haakon	.52	Turner	.55
Hamlin	.53	Union	.56
Hand	.52	Walworth	.51
Hanson	.53	Washabaugh	.53
Harding	.51	Washington	.52
Hughes	.52	Yankton	.55
Hutchinson	.54	Ziebach	.51
Hyde	.52		

TENNESSEE

All counties	$0.73

TEXAS

All counties	$0.69

UTAH

All counties	$0.70

VIRGINIA

All counties	$0.72

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.65	Lewis	$0.70
Asotin	.65	Lincoln	.65
Benton	.67	Mason	.70
Chelan	.68	Okanogan	.68
Clallam	.70	Pacific	.70
Clark	.72	Pend Oreille	.63
Columbia	.65	Pierce	.71
Cowlitz	.71	San Juan	.70
Douglas	.67	Skagit	.70
Ferry	.66	Skamania	.71
Franklin	.65	Snohomish	.70
Garfield	.65	Spokane	.64
Grant	.66	Stevens	.64
Grays Harbor	.70	Thurston	.70
Island	.70	Wahkiakum	.70
Jefferson	.70	Walla Walla	.65
King	.71	Whatcom	.70
Kitsap	.70	Whitman	.64
Kittitas	.68	Yakima	.68
Klickitat	.68		

WEST VIRGINIA

County	Rate per bushel
All counties	$0.73

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.61	Marathon	$0.61
Ashland	.61	Marinette	.62
Barron	.59	Marquette	.61
Bayfield	.60	Milwaukee	.63
Brown	.60	Monroe	.61
Buffalo	.59	Oconto	.61
Burnett	.59	Oneida	.62
Calumet	.60	Outagamie	.60
Chippewa	.60	Ozaukee	.62
Clark	.60	Pepin	.59
Columbia	.61	Pierce	.59
Crawford	.62	Polk	.59
Dane	.62	Portage	.61
Dodge	.61	Price	.61
Door	.60	Racine	.63
Douglas	.59	Richland	.62
Dunn	.60	Rock	.62
Eau Claire	.60	Rusk	.60
Florence	.62	Saint Croix	.59
Fond du Lac	.60	Sauk	.62
Fores	.62	Sawyer	.60
Grant	.62	Shawano	.61
Green	.62	Sheboygan	.61
Green Lake	.61	Taylor	.61
Iowa	.63	Trempealeau	.60
Iron	.62	Vernon	.61
Jackson	.61	Vilas	.62
Jefferson	.62	Walworth	.62
Juneau	.61	Washburn	.59
Kenosha	.63	Washington	.62
Kewaunee	.60	Waukesha	.63
LaCrosse	.60	Waupaca	.61
LaFayette	.63	Waushara	.61
Langlade	.61	Winnebago	.60
Lincoln	.61	Wood	.61
Manitowcc	.60		

WYOMING

All counties	$0.60

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054, sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421)

Issued this 23d day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-8928; Filed, Oct. 29, 1957; 8:45 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

DETERMINATION OF SUPPORT RATES

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3035, 3865, and 7555, containing the specific requirements of the 1957-crop rye price support program, are hereby amended by revising paragraph (d) of § 421.2583 *Determination of support rates* to increase all basic terminal and county support rates in the amount of 3 cents per bushel.

(d) *Support rates.* Basic support rates for rye placed under loan or delivered under purchase agreements will be as set forth in this paragraph.

(1) *Basic support rates at designated terminal markets.* Basic support rates per bushel for rye grading No. 2 or better, or grading No. 3 on the basis of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel
Omaha, Nebr	$1.40
Sioux City, Iowa	1.40
Duluth, Minn	1.40
Minneapolis, Minn	1.40
Saint Paul, Minn	1.40
Superior, Wis	1.40
Atchison, Kans	1.43
Kansas City, Mo	1.43
St. Joseph, Mo	1.43
Chicago, Ill	1.47
Milwaukee, Wis	1.47
Memphis, Tenn	1.48
St. Louis, Mo	1.48
Galveston, Tex	1.50
Houston, Tex	1.50
Astoria, Oreg	1.53
Longview, Wash	1.53
Los Angeles, Calif	1.53
Portland, Oreg	1.53
San Francisco, Calif	1.53
Seattle, Wash	1.53
Tacoma, Wash	1.53
Vancouver, Wash	1.53
Albany, N. Y	1.62
Baltimore, Md	1.62
New York, N. Y	1.62
Norfolk, Va	1.62
Philadelphia, Pa	1.62

(2) *Basic county support rates.* (i) The following basic county support rates per bushel are established for rye grading No. 2 or better, or rye grading No. 3 on the factor of test weight only, but otherwise grading No. 2 or better. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section will be made at the support rate established for the county in which the rye is stored.

(ii) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per bushel
All counties	$1.32

ARIZONA

All counties	$1.22

ARKANSAS

All counties	$1.20

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Colusa	$1.33	Plumas	$1.20
Contra Costa	1.40	Riverside	1.35
Glenn	1.32	San Joaquin	1.38
Kern	1.33	Shasta	1.27
Lassen	1.20	Sierra	1.20
Marin	1.40	Siskiyou	1.18
Merced	1.36	Sonoma	1.39
Modoc	1.14	Stanislaus	1.37
Mono	1.13	Yuba	1.35

COLORADO

Baca	$1.08	Phillips	$1.10
Bent	1.08	Prowers	1.09
Cheyenne	1.09	Yuma	1.09
Kiowa	1.09	All other counties	1.07
Kit Carson	1.09		

CONNECTICUT

County	Rate per bushel
All counties	$1.31

DELAWARE

All counties	$1.31

FLORIDA

All counties	$1.37

GEORGIA

All counties	$1.37

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.10	Gem	$1.11
Adams	1.08	Gooding	1.05
Bannock	.99	Idaho	1.17
Bear Lake	1.01	Jefferson	.98
Benewah	1.20	Jerome	1.04
Bingham	.98	Kootenai	1.19
Blaine	1.02	Latah	1.20
Boise	1.10	Lemhi	.97
Bonner	1.17	Lewis	1.17
Bonneville	.98	Lincoln	1.03
Boundary	1.15	Madison	.98
Butte	.98	Minidoka	1.03
Camas	1.02	Nez Perce	1.20
Canyon	1.11	Oneida	.98
Caribou	1.01	Owyhee	1.10
Cassia	1.02	Payette	1.12
Clark	.96	Power	1.01
Clearwater	1.19	Shoshone	1.16
Custer	.98	Teton	.98
Elmore	1.08	Twin Falls	1.01
Franklin	.98	Valley	1.08
Fremont	.98	Washington	1.12

ILLINOIS

Adams	$1.24	Lee	$1.27
Alexander	1.27	Livingston	1.27
Bond	1.29	Logan	1.27
Boone	1.28	McDonough	1.24
Brown	1.25	McHenry	1.29
Bureau	1.26	McLean	1.27
Calhoun	1.28	Macon	1.27
Carroll	1.25	Macoupin	1.29
Cass	1.27	Madison	1.30
Champaign	1.27	Marion	1.27
Christian	1.27	Marshall	1.26
Clark	1.26	Mason	1.27
Clay	1.27	Massac	1.26
Clinton	1.29	Menard	1.27
Coles	1.27	Mercer	1.24
Cook	1.32	Monroe	1.29
Crawford	1.24	Montgomery	1.28
Cumberland	1.27	Morgan	1.27
De Kalb	1.29	Moultrie	1.27
De Witt	1.27	Ogle	1.27
Douglas	1.27	Peoria	1.26
Du Page	1.31	Perry	1.27
Edgar	1.27	Piatt	1.27
Edwards	1.26	Pike	1.26
Effingham	1.27	Pope	1.23
Fayette	1.27	Pulaski	1.27
Ford	1.27	Putnam	1.26
Franklin	1.27	Randolph	1.27
Fulton	1.27	Richland	1.26
Gallatin	1.23	Rock Island	1.25
Greene	1.29	Saint Clair	1.29
Grundy	1.28	Saline	1.23
Hamilton	1.26	Sangamon	1.27
Hancock	1.24	Schuyler	1.26
Hardin	1.19	Scott	1.27
Henderson	1.24	Shelby	1.27
Henry	1.25	Stark	1.26
Iroquois	1.26	Stephenson	1.25
Jackson	1.27	Tazewell	1.27
Jasper	1.26	Union	1.27
Jefferson	1.27	Vermilion	1.26
Jersey	1.29	Wabash	1.24
Jo Daviess	1.25	Warren	1.25
Johnson	1.21	Washington	1.27
Kane	1.29	Wayne	1.26
Kankakee	1.29	White	1.23
Kendall	1.29	Whiteside	1.25
Knox	1.25	Will	1.30
Lake	1.32	Williamson	1.27
La Salle	1.28	Winnebago	1.26
Lawrence	1.26	Woodford	1.26

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.22	Lawrence	$1.19
Allen	1.22	Madison	1.22
Bartholomew	1.18	Marion	1.20
Benton	1.24	Marshall	1.24
Blackford	1.23	Martin	1.17
Boone	1.21	Miami	1.24
Brown	1.17	Monroe	1.19
Carroll	1.24	Montgomery	1.23
Cass	1.24	Morgan	1.19
Clark	1.16	Newton	1.26
Clay	1.20	Noble	1.22
Clinton	1.23	Ohio	1.16
Crawford	1.16	Orange	1.16
Daviess	1.19	Owen	1.19
Dearborn	1.21	Parke	1.22
Decatur	1.20	Perry	1.12
De Kalb	1.22	Pike	1.17
Delaware	1.22	Porter	1.27
Dubois	1.16	Posey	1.19
Elkhart	1.24	Pulaski	1.26
Fayette	1.22	Putnam	1.21
Floyd	1.16	Randolph	1.22
Fountain	1.22	Ripley	1.20
Franklin	1.23	Rush	1.22
Fulton	1.24	Saint Joseph	1.24
Gibson	1.19	Scott	1.16
Grant	1.22	Shelby	1.19
Greene	1.19	Spencer	1.15
Hamilton	1.21	Starke	1.25
Hancock	1.22	Steuben	1.22
Harrison	1.16	Sullivan	1.19
Hendricks	1.21	Switzerland	1.12
Henry	1.22	Tippecanoe	1.23
Howard	1.24	Tipton	1.22
Huntington	1.21	Union	1.22
Jackson	1.18	Vanderburg	1.18
Jasper	1.27	Vermillion	1.22
Jay	1.22	Vigo	1.22
Jefferson	1.16	Wabash	1.24
Jennings	1.18	Warren	1.23
Johnson	1.19	Warrick	1.15
Knox	1.19	Washington	1.16
Kosciusko	1.23	Wayne	1.22
Lagrange	1.22	Wells	1.22
Lake	1.29	White	1.26
La Porte	1.25	Whitley	1.23

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.19	Guthrie	$1.19
Adams	1.20	Hamilton	1.17
Allamakee	1.19	Hancock	1.16
Appanoose	1.22	Hardin	1.17
Audubon	1.21	Harrison	1.23
Benton	1.21	Henry	1.22
Black Hawk	1.19	Howard	1.18
Boone	1.18	Humboldt	1.16
Bremer	1.18	Ida	1.19
Buchanan	1.20	Iowa	1.20
Buena Vista	1.17	Jackson	1.23
Butler	1.17	Jasper	1.18
Calhoun	1.18	Jefferson	1.21
Carroll	1.21	Johnson	1.22
Cass	1.20	Jones	1.22
Cedar	1.22	Keokuk	1.20
Cerro Gordo	1.17	Kossuth	1.16
Cherokee	1.18	Lee	1.24
Chickasaw	1.18	Linn	1.21
Clarke	1.18	Louisa	1.22
Clay	1.17	Lucas	1.19
Clayton	1.20	Lyon	1.17
Clinton	1.24	Madison	1.18
Crawford	1.21	Mahaska	1.19
Dallas	1.18	Marion	1.19
Davis	1.22	Marshall	1.18
Decatur	1.18	Mills	1.24
Delaware	1.21	Mitchell	1.18
Des Moines	1.23	Monona	1.21
Dickinson	1.16	Monroe	1.21
Dubuque	1.22	Montgomery	1.22
Emmet	1.17	Muscatine	1.22
Fayette	1.20	O'Brien	1.18
Floyd	1.17	Osceola	1.17
Franklin	1.17	Page	1.22
Fremont	1.23	Palo Alto	1.16
Greene	1.19	Plymouth	1.19
Grundy	1.18	Pocahontas	1.17

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Polk	$1.18	Union	$1.19
Pottawattamie	1.24	Van Buren	1.22
Poweshiek	1.19	Wapello	1.21
Ringgold	1.17	Warren	1.18
Sac	1.19	Washington	1.21
Scott	1.24	Wayne	1.20
Shelby	1.22	Webster	1.18
Sioux	1.19	Winnebago	1.18
Story	1.17	Winneshiek	1.19
Tama	1.19	Woodbury	1.20
Taylor	1.19	Worth	1.18
		Wright	1.16

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.22	Linn	$1.23
Anderson	1.23	Logan	1.12
Atchison	1.25	Lyon	1.21
Barber	1.16	McPherson	1.17
Barton	1.16	Marion	1.18
Bourbon	1.23	Marshall	1.21
Brown	1.23	Meade	1.12
Butler	1.18	Miami	1.25
Chase	1.20	Mitchell	1.18
Chautauqua	1.20	Montgomery	1.21
Cherokee	1.21	Morris	1.20
Cheyenne	1.11	Morton	1.09
Clark	1.13	Nemaha	1.22
Clay	1.19	Neosho	1.22
Cloud	1.18	Ness	1.15
Coffey	1.22	Norton	1.16
Comanche	1.14	Osage	1.23
Cowley	1.18	Osborne	1.17
Crawford	1.22	Ottawa	1.18
Decatur	1.14	Pawnee	1.16
Dickinson	1.18	Phillips	1.16
Doniphan	1.23	Pottawatomie	1.22
Douglas	1.25	Pratt	1.16
Edwards	1.16	Rawlins	1.12
Elk	1.20	Reno	1.17
Ellis	1.16	Republic	1.18
Ellsworth	1.17	Rice	1.17
Finney	1.12	Riley	1.21
Ford	1.14	Rooks	1.16
Franklin	1.25	Rush	1.16
Geary	1.20	Russell	1.16
Gove	1.13	Saline	1.18
Graham	1.15	Scott	1.12
Grant	1.11	Sedgwick	1.18
Gray	1.13	Seward	1.11
Greeley	1.11	Shawnee	1.23
Greenwood	1.20	Sheridan	1.13
Hamilton	1.11	Sherman	1.11
Harper	1.17	Smith	1.17
Harvey	1.18	Stafford	1.16
Haskell	1.12	Stanton	1.10
Hodgeman	1.15	Stevens	1.11
Jackson	1.23	Sumner	1.18
Jefferson	1.25	Thomas	1.12
Jewell	1.18	Trego	1.15
Johnson	1.26	Wabaunsee	1.22
Kearny	1.11	Wallace	1.11
Kingman	1.17	Washington	1.19
Kiowa	1.16	Wachita	1.11
Labette	1.21	Wilson	1.21
Lane	1.13	Woodson	1.22
Leavenworth	1.27	Wyandotte	1.27
Lincoln	1.17		

KENTUCKY

All counties	$1.31

LOUISIANA

All counties	$1.22

MARYLAND

All counties	$1.31

MAINE

All counties	$1.31

MASSACHUSETTS

All counties	$1.31

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.13	Alpena	$1.13
Alger	1.13	Antrim	1.11
Allegan	1.20	Arenac	1.14

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Baraga	$1.12	Leelanau	$1.12
Barry	1.20	Lenawee	1.24
Bay	1.18	Livingston	1.22
Benzie	1.17	Luce	1.09
Berrien	1.23	Mackinac	1.09
Branch	1.21	Macomb	1.25
Calhoun	1.21	Manistee	1.14
Cass	1.24	Marquette	1.13
Charlevoix	1.11	Mason	1.17
Cheboygan	1.12	Mecosta	1.17
Chippewa	1.09	Menominee	1.16
Clare	1.17	Midland	1.17
Clinton	1.19	Missaukee	1.14
Crawford	1.14	Monroe	1.26
Delta	1.14	Montcalm	1.17
Dickinson	1.15	Montmorency	1.12
Eaton	1.20	Muskegon	1.17
Emmet	1.11	Newaygo	1.16
Genesee	1.22	Oakland	1.24
Gladwin	1.15	Oceana	1.17
Gogebic	1.14	Ogemaw	1.15
Grand Traverse	1.13	Ontonagon	1.12
Gratiot	1.19	Osceola	1.15
Hillsdale	1.22	Oscoda	1.15
Houghton	1.10	Otsego	1.12
Huron	1.19	Ottawa	1.20
Ingham	1.20	Presque Isle	1.12
Ionia	1.19	Roscommon	1.14
Iosco	1.14	Saginaw	1.20
Iron	1.13	Saint Clair	1.24
Isabella	1.17	Saint Joseph	1.23
Jackson	1.20	Sanilac	1.22
Kalamazoo	1.23	Schoolcraft	1.09
Kalkaska	1.13	Shiawassee	1.20
Kent	1.19	Tuscola	1.21
Keweenaw	1.10	Van Buren	1.22
Lake	1.17	Washtenaw	1.24
Lapeer	1.22	Wayne	1.24
		Wexford	1.15

MINNESOTA

Aitkin	$1.22	Martin	$1.18
Anoka	1.24	Meeker	1.22
Becker	1.16	Mille Lacs	1.22
Beltrami	1.16	Morrison	1.20
Benton	1.21	Mower	1.19
Big Stone	1.16	Murray	1.17
Blue Earth	1.20	Nicollet	1.22
Brown	1.20	Nobles	1.16
Carlton	1.23	Norman	1.14
Carver	1.24	Olmsted	1.20
Cass	1.19	Otter Tail	1.18
Chippewa	1.19	Pennington	1.13
Chisago	1.23	Pine	1.21
Clay	1.15	Pipestone	1.16
Clearwater	1.16	Polk	1.14
Cottonwood	1.18	Pope	1.19
Crow Wing	1.20	Ramsey	1.25
Dakota	1.24	Red Lake	1.14
Dodge	1.20	Redwood	1.19
Douglas	1.19	Renville	1.20
Faribault	1.18	Rice	1.22
Fillmore	1.17	Rock	1.15
Freeborn	1.20	Roseau	1.12
Goodhue	1.21	Saint Louis	1.20
Grant	1.17	Scott	1.24
Hennepin	1.25	Sherburne	1.23
Houston	1.17	Sibley	1.22
Hubbard	1.17	Stearns	1.21
Isanti	1.22	Steele	1.20
Itasca	1.20	Stevens	1.18
Jackson	1.17	Swift	1.19
Kanabec	1.21	Todd	1.19
Kandiyohi	1.21	Traverse	1.16
Kittson	1.11	Wabasha	1.21
Koochiching	1.12	Wadena	1.19
Lac qui Parle	1.17	Waseca	1.20
Lake of the Woods	1.13	Washington	1.24
Le Sueur	1.22	Watonwan	1.19
Lincoln	1.17	Wilkin	1.16
Lyon	1.18	Winona	1.20
McLeod	1.22	Wright	1.23
Mahnomen	1.14	Yellow Medicine	1.18
Marshall	1.13		

MISSISSIPPI

All counties $1.31

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.23	Linn	$1.23
Andrew	1.24	Livingston	1.23
Atchison	1.21	McDonald	1.20
Audrain	1.26	Macon	1.23
Barry	1.20	Madison	1.26
Barton	1.22	Maries	1.26
Bates	1.24	Marion	1.26
Benton	1.22	Mercer	1.21
Bollinger	1.26	Miller	1.23
Boone	1.26	Mississippi	1.22
Buchanan	1.24	Moniteau	1.23
Butler	1.23	Monroe	1.25
Caldwell	1.24	Montgomery	1.28
Callaway	1.26	Morgan	1.23
Camden	1.23	New Madrid	1.23
Cape Girardeau	1.25	Newton	1.20
Carroll	1.24	Nodaway	1.22
Carter	1.16	Oregon	1.16
Cass	1.25	Osage	1.26
Cedar	1.23	Ozark	1.16
Charlton	1.23	Pemiscot	1.22
Christian	1.20	Perry	1.27
Clark	1.25	Pettis	1.22
Clay	1.26	Phelps	1.26
Clinton	1.24	Pike	1.26
Cole	1.24	Platte	1.27
Cooper	1.23	Polk	1.21
Crawford	1.27	Pulaski	1.24
Dade	1.21	Putnam	1.21
Dallas	1.20	Ralls	1.26
Daviess	1.24	Randolph	1.25
De Kalb	1.24	Ray	1.24
Dent	1.25	Reynolds	1.23
Douglas	1.17	Ripley	1.23
Dunklin	1.22	St. Charles	1.33
Franklin	1.30	St. Clair	1.23
Gasconade	1.27	St. Francois	1.28
Gentry	1.22	Ste. Genevieve	1.28
Greene	1.20	St. Louis	1.33
Grundy	1.22	Saline	1.23
Harrison	1.22	Schuyler	1.22
Henry	1.24	Scotland	1.23
Hickory	1.22	Scott	1.24
Holt	1.22	Shannon	1.16
Howard	1.25	Shelby	1.25
Howell	1.16	Stoddard	1.24
Iron	1.27	Stone	1.19
Jackson	1.27	Sullivan	1.21
Jasper	1.21	Taney	1.18
Jefferson	1.31	Texas	1.17
Johnson	1.24	Vernon	1.23
Knox	1.24	Warren	1.30
Laclede	1.23	Washington	1.28
Lafayette	1.24	Wayne	1.24
Lawrence	1.20	Webster	1.20
Lewis	1.25	Worth	1.21
Lincoln	1.30	Wright	1.17

MONTANA

Beaverhead	$0.94	Lincoln	$1.10
Big Horn	.90	McCone	.96
Blaine	.98	Madison	1.03
Broadwater	1.03	Meagher	1.03
Carbon	1.00	Mineral	1.08
Carter	.98	Missoula	1.08
Cascade	1.03	Musselshell	1.02
Chouteau	1.03	Park	1.03
Custer	.97	Petroleum	1.03
Daniels	.94	Phillips	.97
Dawson	.98	Pondera	1.03
Deer Lodge	1.03	Powder River	.95
Fallon	.98	Powell	1.03
Fergus	1.03	Prairie	.97
Flathead	1.07	Ravalli	1.04
Gallatin	1.03	Richland	.98
Garfield	.95	Roosevelt	.98
Glacier	1.04	Rosebud	.95
Golden Valley	1.02	Sanders	1.08
Granite	1.04	Sheridan	.97
Hill	1.03	Silver Bow	1.03
Jefferson	1.03	Stillwater	1.02
Judith Basin	1.03	Sweet Grass	1.03
Lake	1.07	Teton	1.03
Lewis and Clark	1.03	Toole	1.03
Liberty	1.03	Treasure	.97
		Valley	.94

MONTANA—Continued

Wheatland	$1.03	Yellowstone	$1.02
Wibaux	.99		

NEBRASKA

Adams	$1.17	Jefferson	$1.20
Antelope	1.17	Johnson	1.21
Arthur	1.09	Kearney	1.16
Banner	1.05	Keith	1.09
Blaine	1.13	Keya Paha	1.13
Boone	1.19	Kimball	1.07
Box Butte	1.08	Knox	1.16
Boyd	1.15	Lancaster	1.23
Brown	1.12	Lincoln	1.12
Buffalo	1.17	Logan	1.13
Burt	1.22	Loup	1.15
Butler	1.22	McPherson	1.12
Cass	1.23	Madison	1.19
Cedar	1.17	Merrick	1.19
Chase	1.10	Morrill	1.07
Cherry	1.10	Nance	1.19
Cheyenne	1.07	Nemaha	1.21
Clay	1.18	Nuckolls	1.18
Colfax	1.22	Otoe	1.22
Cuming	1.22	Pawnee	1.21
Custer	1.15	Perkins	1.10
Dakota	1.20	Phelps	1.16
Dawes	1.06	Pierce	1.19
Dawson	1.15	Platte	1.20
Deuel	1.07	Polk	1.20
Dixon	1.19	Red Willow	1.13
Dodge	1.23	Richardson	1.22
Douglas	1.24	Rock	1.13
Dundy	1.10	Saline	1.21
Fillmore	1.19	Sarpy	1.24
Franklin	1.16	Saunders	1.23
Frontier	1.13	Scotts Bluff	1.05
Furnas	1.15	Seward	1.22
Gage	1.21	Sheridan	1.07
Garden	1.08	Sherman	1.16
Garfield	1.16	Sioux	1.04
Gosper	1.15	Stanton	1.20
Grant	1.09	Thayer	1.19
Greeley	1.18	Thomas	1.12
Hall	1.18	Thurston	1.21
Hamilton	1.19	Valley	1.16
Harlan	1.16	Washington	1.23
Hayes	1.10	Wayne	1.18
Hitchcock	1.11	Webster	1.17
Holt	1.16	Wheeler	1.19
Hooker	1.10	York	1.20
Howard	1.18		

NEVADA

All counties $1.12

NEW HAMPSHIRE

All counties $1.31

NEW JERSEY

All counties $1.31

NEW MEXICO

All counties $1.07

NEW YORK

All counties $1.32

NORTH CAROLINA

All counties $1.35

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.03	Griggs	$1.12
Barnes	1.13	Hettinger	1.04
Benson	1.09	Kidder	1.09
Billings	1.03	La Moure	1.11
Bottineau	1.05	Logan	1.09
Bowman	1.03	McHenry	1.07
Burke	1.04	McIntosh	1.09
Burleigh	1.08	McKenzie	1.00
Cass	1.14	McLean	1.06
Cavalier	1.09	Mercer	1.04
Dickey	1.12	Morton	1.06
Divide	1.02	Mountrail	1.04
Dunn	1.03	Nelson	1.10
Eddy	1.10	Oliver	1.06
Emmons	1.07	Pembina	1.10
Foster	1.11	Pierce	1.08
Golden Valley	1.00	Ramsey	1.10
Grand Forks	1.12	Ransom	1.13
Grant	1.04	Renville	1.04

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Richland	$1.15	Stutsman	$1.11
Rolette	1.07	Towner	1.08
Sargent	1.14	Traill	1.13
Sheridan	1.08	Walsh	1.10
Sioux	1.05	Ward	1.05
Slope	1.00	Wells	1.09
Stark	1.04	Williams	1.03
Steele	1.13		

OHIO

Adams	$1.24	Licking	$1.27
Allen	1.25	Logan	1.25
Ashland	1.27	Lorain	1.27
Ashtabula	1.30	Lucas	1.26
Athens	1.26	Madison	1.25
Auglaize	1.24	Mahoning	1.29
Belmont	1.27	Marion	1.26
Brown	1.24	Medina	1.27
Butler	1.24	Meigs	1.24
Carroll	1.27	Mercer	1.24
Champaign	1.24	Miami	1.24
Clark	1.24	Monroe	1.27
Clermont	1.24	Montgomery	1.24
Clinton	1.24	Morgan	1.27
Columbiana	1.28	Morrow	1.26
Coshocton	1.27	Muskingum	1.27
Crawford	1.26	Noble	1.27
Cuyahoga	1.27	Ottawa	1.26
Darke	1.24	Paulding	1.24
Defiance	1.24	Perry	1.26
Delaware	1.26	Pickaway	1.25
Erie	1.26	Pike	1.24
Fairfield	1.26	Portage	1.27
Fayette	1.24	Preble	1.24
Franklin	1.26	Putnam	1.25
Fulton	1.24	Richland	1.27
Gallia	1.24	Ross	1.25
Geauga	1.30	Sandusky	1.26
Greene	1.24	Scioto	1.24
Guernsey	1.27	Seneca	1.26
Hamilton	1.24	Shelby	1.24
Hancock	1.26	Stark	1.27
Hardin	1.26	Summit	1.27
Harrison	1.27	Trumbull	1.30
Henry	1.24	Tuscarawas	1.27
Highland	1.24	Union	1.26
Hocking	1.26	Van Wert	1.24
Holmes	1.27	Vinton	1.26
Huron	1.26	Warren	1.24
Jackson	1.24	Washington	1.27
Jefferson	1.29	Wayne	1.27
Knox	1.26	Williams	1.24
Lake	1.29	Wood	1.26
Lawrence	1.24	Wyandot	1.26

OKLAHOMA

Adair	$1.15	Hughes	$1.11
Alfalfa	1.14	Jackson	1.04
Atoka	1.07	Jefferson	1.04
Beaver	1.08	Johnston	1.06
Beckham	1.05	Kay	1.15
Blaine	1.08	Kingfisher	1.10
Bryan	1.04	Kiowa	1.05
Caddo	1.07	Latimer	1.10
Canadian	1.08	Le Flore	1.10
Carter	1.05	Lincoln	1.10
Cherokee	1.16	Logan	1.11
Choctaw	1.04	Love	1.04
Cimmaron	1.06	McClain	1.06
Cleveland	1.07	McCurtain	1.04
Coal	1.07	McIntosh	1.14
Comanche	1.05	Major	1.10
Cotton	1.04	Marshall	1.05
Craig	1.20	Mayes	1.18
Creek	1.14	Murray	1.05
Custer	1.06	Muskogee	1.15
Delaware	1.19	Noble	1.14
Dewey	1.07	Nowata	1.20
Ellis	1.07	Okfuskee	1.11
Garfield	1.13	Oklahoma	1.08
Garvin	1.06	Okmulgee	1.15
Grady	1.07	Osage	1.16
Grant	1.14	Ottawa	1.19
Greer	1.04	Pawnee	1.15
Harmon	1.04	Payne	1.11
Harper	1.10	Pittsburg	1.10
Haskell	1.12	Pontotoc	1.08

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Pottawatomie	$1.08	Tillman	$1.04
Pushmataha	1.07	Tulsa	1.17
Roger Mills	1.05	Wagoner	1.17
Rogers	1.18	Washington	1.19
Seminole	1.10	Washita	1.06
Sequoyah	1.14	Woods	1.13
Stephens	1.05	Woodward	1.09
Texas	1.08		

OREGON

Baker	$1.17	Lake	$1.10
Benton	1.34	Lane	1.31
Clackamas	1.37	Lincoln	1.28
Clatsop	1.33	Linn	1.34
Columbia	1.36	Malheur	1.11
Coos	1.25	Marion	1.37
Crook	1.33	Morrow	1.33
Curry	1.23	Multnomah	1.39
Deschutes	1.33	Polk	1.36
Douglas	1.27	Sherman	1.35
Gilliam	1.34	Tillamook	1.39
Grant	1.33	Umatilla	1.27
Harney	1.06	Union	1.39
Hood River	1.39	Wallowa	1.17
Jackson	1.21	Wasco	1.39
Jefferson	1.34	Washington	1.39
Josephine	1.21	Wheeler	1.33
Klamath	1.20	Yamhill	1.38

PENNSYLVANIA

All counties $1.31

RHODE ISLAND

All counties $1.31

SOUTH CAROLINA

All counties $1.37

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.14	Jackson	$1.05
Beadle	1.13	Jerauld	1.13
Bennett	1.09	Jones	1.07
Bon Homme	1.16	Kingsbury	1.15
Brookings	1.15	Lake	1.15
Brown	1.13	Lawrence	1.02
Brule	1.13	Lincoln	1.18
Buffalo	1.13	Lyman	1.10
Butte	1.01	McCook	1.16
Campbell	1.08	McPherson	1.11
Charles Mix	1.14	Marshall	1.13
Clark	1.15	Meade	1.01
Clay	1.19	Mellette	1.11
Codington	1.15	Miner	1.15
Corson	1.06	Minnehaha	1.16
Custer	1.04	Moody	1.15
Davison	1.15	Pennington	1.02
Day	1.14	Perkins	1.04
Deuel	1.16	Potter	1.09
Dewey	1.05	Roberts	1.15
Douglas	1.15	Sanborn	1.14
Edmunds	1.11	Shannon	1.08
Fall River	1.04	Spink	1.13
Faulk	1.11	Stanley	1.08
Grant	1.16	Sully	1.08
Gregory	1.15	Todd	1.11
Haakon	1.04	Tripp	1.13
Hamlin	1.15	Turner	1.17
Hand	1.12	Union	1.19
Hanson	1.15	Walworth	1.09
Harding	1.03	Washabaugh	1.05
Hughes	1.09	Yankton	1.18
Hutchinson	1.16	Ziebach	1.03
Hyde	1.10		

TENNESSEE

All counties $1.32

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	$1.15	Brown	$1.22
Armstrong	1.15	Callahan	1.18
Bailey	1.15	Carson	1.15
Baylor	1.15	Cass	1.22
Bosque	1.26	Castro	1.15
Bowie	1.20	Childress	1.15
Briscoe	1.15	Clay	1.18

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Cochran	$1.15	Lamb	$1.15
Collin	1.24	Lampasas	1.27
Collingsworth	1.15	Limestone	1.30
Comanche	1.22	Lipscomb	1.11
Concho	1.20	Lubbock	1.15
Coryell	1.27	Lynn	1.15
Cottle	1.15	McCulloch	1.21
Dallam	1.11	McLennan	1.29
Dawson	1.15	Mason	1.22
Deaf Smith	1.15	Montague	1.18
Denton	1.24	Moore	1.13
Dickens	1.15	Motley	1.15
Donley	1.15	Nolan	1.15
Eastland	1.20	Ochiltree	1.11
Fannin	1.21	Oldham	1.15
Floyd	1.15	Palo Pinto	1.20
Foard	1.15	Parker	1.23
Gaines	1.15	Parmer	1.15
Gillespie	1.23	Potter	1.15
Gray	1.15	Randall	1.15
Grayson	1.21	Reeves	1.05
Hale	1.15	Roberts	1.14
Hall	1.15	Runnels	1.18
Hamilton	1.23	San Saba	1.22
Hansford	1.12	Sherman	1.12
Hardeman	1.15	Smith	1.26
Hartley	1.12	Stonewall	1.15
Haskell	1.15	Swisher	1.15
Hemphill	1.13	Tarrant	1.25
Hockley	1.15	Taylor	1.17
Hood	1.23	Terry	1.15
Hunt	1.24	Wheeler	1.15
Jack	1.20	Wichita	1.17
Johnson	1.27	Wilbarger	1.15
Jones	1.16	Wise	1.21
Karnes	1.29	Yoakum	1.15
Knox	1.15	Young	1.20

UTAH

All counties $1.07

VERMONT

All counties $1.31

VIRGINIA

All counties $1.31

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.22	Klickitat	$1.35
Asotin	1.20	Lewis	1.33
Benton	1.27	Lincoln	1.21
Chelan	1.26	Mason	1.28
Clallam	1.17	Okanogan	1.20
Clark	1.39	Pacific	1.28
Columbia	1.26	Pend Oreille	1.17
Cowlitz	1.37	Pierce	1.39
Douglas	1.20	San Juan	1.35
Ferry	1.12	Skagit	1.35
Franklin	1.24	Skamania	1.39
Garfield	1.26	Snohomish	1.36
Grant	1.22	Spokane	1.21
Grays Harbor	1.30	Stevens	1.16
Island	1.36	Thurston	1.34
Jefferson	1.28	Walla Walla	1.26
King	1.39	Whatcom	1.33
Kitsap	1.39	Whitman	1.31
Kittitas	1.23	Yakima	1.23

WEST VIRGINIA

All counties $1.31

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.22	Dodge	$1.25
Ashland	1.18	Door	1.19
Barron	1.19	Douglas	1.23
Bayfield	1.19	Dunn	1.20
Brown	1.22	Eau Claire	1.19
Buffalo	1.19	Florence	1.17
Burnett	1.22	Fond Du Lac	1.24
Calumet	1.23	Forest	1.18
Chippewa	1.18	Grant	1.21
Clark	1.18	Green	1.25
Columbia	1.23	Green Lake	1.23
Crawford	1.21	Iowa	1.22
Dane	1.25	Iron	1.16

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$1.20	Price	$1.16
Jefferson	1.26	Racine	1.31
Juneau	1.22	Richland	1.22
Kenosha	1.31	Rock	1.26
Kewaunee	1.20	Rusk	1.18
La Crosse	1.20	St. Croix	1.22
Lafayette	1.22	Sauk	1.23
Langlade	1.19	Sawyer	1.19
Lincoln	1.18	Shawano	1.21
Manitowoc	1.23	Sheboygan	1.25
Marathon	1.19	Taylor	1.16
Marinette	1.19	Trempealeau	1.18
Marquette	1.22	Vernon	1.21
Milwaukee	1.30	Vilas	1.15
Monroe	1.21	Walworth	1.27
Oconto	1.21	Washburn	1.20
Oneida	1.18	Washington	1.25
Outagamie	1.22	Waukesha	1.26
Ozaukee	1.25	Waupaca	1.22
Pepin	1.21	Waushara	1.22
Pierce	1.22	Winnebago	1.23
Polk	1.22	Wood	1.21
Portage	1.21		

WYOMING

All counties $1.07

(iii) Where the State Committee determines that State or district weed control laws affect the rye crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this subparagraph. If, upon delivery of the rye to CCC the producer supplies a certificate indicating that the rye complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(3) *Discount for ergot.* Rye containing more than $^3/_{10}$ of 1 percent, but not more than 1 percent ergot, shall be discounted 1 cent per bushel for each $^1/_{10}$ of 1 percent in excess of $^3/_{10}$ of 1 percent ergot.

(4) *Discount for test weight.* For rye grading No. 4 on the factor of test weight only, but otherwise grading No. 2 or better, the discounts from the support rate for No. 2 rye, in addition to any other applicable discounts, shall be as follows:

Test weight per bushel (pounds):	Discount per bushel (cents)
51 or over, but less than 52	4
50 or over, but less than 51	8
49 or over, but less than 50	12

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 23d day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-8927; Filed, Oct. 29, 1957; 8:45 a. m.]

PART 464—TOBACCO

SUBPART—1957 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1957 crop of types 42, 43, 44, 51, 52, 53, 54, and 55 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published July 9, 1957 (22 F. R. 4777).

Sec.
464.915 1957 crop; Ohio Filler Tobacco, Types 42, 43, and 44, advance schedule.
464.916 1957 crop; Connecticut Valley Broadleaf Tobacco, Type 51, advance schedule.
464.917 1957 crop; Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.
464.918 1957 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.
464.919 1957 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.

AUTHORITY: §§ 464.915 to 464.919 issued under sec. 4, 62 Stat 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421; secs. 125, 211, 70 Stat. 198, 202, 7 U. S. C. 1813, 1860.

§ 464.915 *1957 crop; Ohio Filler Tobacco, Types 42, 43, and 44, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Fillers (farm wrappers):	
C1MB	27
C1M	26
C2M	25
C3M	24
C4M	23
Crop-run (stripped together):	
X1	26
X2	25
X3	24
X4	21
X5	19
Farm Fillers:	
Y1	19
Y2	17
Y3	15

§ 464.916 *1957 crop; Connecticut Valley Broadleaf Tobacco, Type 51, advance schedule.*[2]

Unsorted

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	61
B2M	59
B3M	57
B4M	55
B5M	50
B6M	45
B7M	40
Binder Pickers:	
R1	36
R2	33
R3	33
Non-binders:	
X1	30
X2	28
X3	26
X1DAM	28
X2DAM	26
X3DAM	24

[1] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

§ 464.917 *1957 Crop; Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	57
B2M	55
B3M	53
B4M	50
B5M	46
B6M	42
B7M	38
Binder Pickers:	
R1	36
R2	33
R3	33
Non-binders:	
X1	30
X2	28
X3	26
X1DAM	28
X2DAM	26
X3DAM	24

§ 464.918 *1957 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.*[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	42
B2M	40
B3M	38

[2] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower not more than the larger of $1.00 per hundred pounds or $10.00 per consignment to apply against receiving and overhead costs. The advance rate on any lot of tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate minus $5.00 or $9.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor symbol "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

[3] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of the R, C, X, and Y grade groups to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. Tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate for the grade minus $4.00 and $6.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Tobacco graded in a sub-grade of the C, X, or Y group and marked with the special factor "DAM" will be supported at the advance rate for that grade less $2.00. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders—Continued	
B4M	36
B5M	34
B6M	32
B7M	30
Binder Pickers:	
R1	28
R2	27
R3	26
Strippers:	
C1	27
C2	26
C3	23
Crop-run:	
X1	27
X2	26
X3	24
X4	18
X5	16
Farm Fillers:	
Y1	22
Y2	20
Y3	18

§ 464.919 *1957 crop. Northern Wisconsin Tobacco, Type 55, advance schedule.*[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	56
B2M	52
B3M	48
B4M	44
B5M	40
B6M	36
B7M	32
Binder Pickers:	
R1	30
R2	28
R3	28
Strippers:	
C1	27
C2	26
C3	23
Crop-run:	
X1	27
X2	26
X3	24
X4	18
X5	16
Farm Fillers:	
Y1	22
Y2	20
Y3	18

Issued this 25th day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-8973; Filed, Oct. 29, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

NATIONAL MARKETING QUOTA, NATIONAL ACREAGE ALLOTMENT, AND APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENT FOR THE 1958 CROP

Sec.
729.901 Basis and purpose.
729.902 Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1958.
729.903 Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1958.

AUTHORITY: §§ 729.901 to 729.903 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, 90, as amended; 66 Stat. 27; secs. 106, 112, 377, 70 Stat. 191, 195, 206; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1377, 1388.

§ 729.901 *Basis and purpose.* (a) Section 358 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which the quota is proclaimed, adjusted for current trends and prospective demand conditions. Section 358 (a) further provides that the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres, and that the national marketing quota established for any subsequent year shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941.

(b) Except for the preceding limitation, the national marketing quota would be 675,000 tons and the national acreage allotment without allowance for underharvesting would be 1,316,000 acres. When this figure is adjusted for the five year average underharvesting it becomes 1,446,000 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 826,000 tons. Section 358 (a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

(c) Section 358 (c) of the said act provides that the national acreage allotment, less the acreage to be allotted to new farms under section 358 (f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

(d) Section 729.902 establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1958 crop of peanuts. Section 729.903 apportions the 1958 national acreage allotment among the several peanut-producing States. The determinations in these sections are based on the latest available statistics of the Federal Government.

(e) Public notice of the proposed proclamation and determinations to be made with respect to the 1958 national marketing quota, the national acreage allotment, and apportionment of such allotment among the States was given (22 F. R. 8154) in accordance with the Administrative Procedure Act. The proclamation is made after due consideration of recommendations submitted in response to such notice.

§ 729.902 *Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1958*—(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1958 is 826,000 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 1,026 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop produced in the calendar year 1958 is 1,610,000 acres.

§ 729.903 *Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1958.* The national peanut acreage allotment proclaimed in § 729.902 is hereby apportioned as follows:

State:	1958 State acreage allotment
Alabama	218,513
Arizona	719
Arkansas	4,231
California	942
Florida	54,915
Georgia	525,929
Louisiana	1,968
Mississippi	7,575
Missouri	247
New Mexico	4,918
North Carolina	169,237
Oklahoma	137,668
South Carolina	13,778
Tennessee	3,573
Texas	355,955
Virginia	105,807
Total apportioned to States	1,605,975
Reserve for new farms	4,025
Total, United States	1,610,000

Issued at Washington, D. C., this 25th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-8974; Filed, Oct. 29, 1957; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 124, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.424 (Valencia Orange Regulation 124, 22 F. R. 8251) are hereby amended to read as follows:

(ii) District 2: Unlimited movement.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 25, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8968; Filed, Oct. 29, 1957; 8:50 a. m.]

PART 945—TOMATOES GROWN IN FLORIDA

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), regulating the handling of tomatoes grown in Florida, was published in the FEDERAL REGISTER October 8, 1957 (22 F. R. 8005). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Florida Tomato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 945.203 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45 (§§ 945.1 to 945.92), to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period beginning August 1, 1957, will amount to $142,500.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 125 and Order No. 45, shall be one and one-half cents ($0.015) per 60-pound crate of tomatoes, or respective equivalent quantities thereof, handled by him as the first-handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45 (§§ 945.1 to 945.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 25, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-8970; Filed, Oct. 29, 1957; 8:51 a. m.]

[Lemon Reg. 709, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) and (iii) of § 953.816 (Lemon Regulation 709; as amended, 22 F. R. 8254; 8415) are hereby further amended to read as follows:

(ii) District 2: 213,900 cartons;
(iii) District 3: 18,600 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 25, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8967; Filed, Oct. 29, 1957; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6744]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TIDEWATER PAINT & OIL CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* Usual as reduced, special, etc.; § 13.170 *Qualities or properties or products or service;* § 13.175 *Quality of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.240 *Special or limited offers:* § 13.285 *Value.* Subpart—*Using misleading name*—Goods: § 13.2325 *Qualities or properties;* § 13.2330 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Tidewater Paint & Oil Co., Inc., et al., Norfolk, Va., Docket 6744, Sept. 26, 1957]

In the Matter of Tidewater Paint & Oil Company, Inc., a Corporation, and Stanley D. Legum, Esther S. Legum, and Alvin Legum, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Norfolk, Va., seller of paints under its own labels of "Tidewater Marine Outside Paint" and "Tidewater Quality Exterior White" to shipyards and small industries, but mostly to farmers, tobacco growers, and other rural dwellers, with representing falsely in letters and advertising literature mailed to prospective purchasers that a limited quanitity of its paint was available in the prospect's vicinity and was being offered for sale at a special reduced price, saving the purchaser $2 per gallon, that it was high-quality, all-purpose paint suitable for all marine use, "guaranteed for many years outdoor exposure on every type of surface", and equal in durability to national brand paints; and with furthering such false representations by use in the brand names of the words "Marine" and "Quality".

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Tidewater Paint & Oil Company, Inc., a corporation, and its officers, and Stanley D. Legum, Esther S. Legum, and Alvin Legum, individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined by the Federal Trade Commission Act, of its Tidewater Quality Exterior Paint, or any other paint containing substantially the same ingredients or possessing substantially the same characteristics, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That the customary or regular price of respondents' said paint is any price which is in excess of the price at which such paint is regularly or customarily sold by respondents in the normal and usual course of business;

(b) That the price at which respondents offer their said paint for sale constitutes a price below or a reduction in their customary price, when in fact such price is the usual and customary price at which respondents sell their paint in the normal and usual course of business;

(c) That respondents have any quantity of paint warehoused, or on hand, in the vicinity of prospective purchasers, when respondents do not in fact have such paint warehoused or on hand in the designated locality;

(d) That respondents' paint is a "high quality" or "all purpose" paint or may be successfully used on every type of surface or is suitable for marine use;

(e) That respondents' paint will withstand adverse weather conditions for any period of time that is not a fact or misrepresenting in any manner the period of time within which it will not deteriorate;

(f) That respondents' paint is equal in durability to national brand paints unless such is the fact;

(g) That purchasers of respondents' paint will save any amount from respondents' regular and customary price unless such is the fact;

2. Using the word "Quality" as a part of the brand name for its product now designated as Tidewater Quality Exterior Paint or representing in any manner that said paint is a quality or high-grade paint;

3. Using the word "Marine" as a part of the brand name for its product now designated as Tidewater Marine Outside Paint or representing in any manner that said paint is suitable for marine use.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Tidewater Paint & Oil Company, Inc., a corporation, and Stanley D. Legum, Esther S. Legum, and Alvin Legum, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 26, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8946; Filed, Oct. 29, 1957; 8:46 a. m.]

[Docket 6805]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROLLMAN SONS CO.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Allied Stores of Ohio, Inc., trading as The Rollman Sons Company, Cincinnati, Ohio, Docket 6805, Oct. 1, 1957]

In the Matter of Allied Stores of Ohio, Inc., a Corporation, Trading as The Rollman Sons Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Cincinnati, Ohio, with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements; and by advertising which failed to disclose the names of animals producing the fur in certain products or that certain fur was artificially colored, and failed to set forth the description "dyed mouton processed lamb" as required.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Allied Stores of Ohio, Inc., a corporation, and its officers, whether trading as The Rollman Sons Company or any other trade name or in any other manner, and respondent's representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

(a) Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product;

(7) The item number or mark assigned to a fur product in violation of Rule 40 of the rules and regulations (§ 301.40).

(b) Setting forth on labels attached to fur products:

(1) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is intermingled with non-required information;

(3) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

2. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoices;

(6) The name of the country of origin of any imported furs contained in the fur product;

(7) The item number or mark assigned to the fur product in violation of Rule 40 of the rules and regulations (§ 301.40).

(b) Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

(a) Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the said rules and regulations;

(b) Fails to disclose that the fur products are bleached, dyed, or otherwise artificially colored, when such is the fact in violation of section 5 (a) (3) of the Fur Products Labeling Act.

(c) Fails to use the complete term "Mouton-processed Lamb" when an election is made to use the description provided for in Rule 9 (§ 301.9), instead of merely the animal name "Lamb."

The order to cease and desist is as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 1, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8944; Filed, Oct. 29, 1957; 8:46 a. m.]

[Docket 6808]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNITED CIGAR-WHELAN STORES CORP.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.195 *Safety;* § 13.285 *Value.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United Cigar-Whelan Stores Corporation, Brooklyn, N. Y., Docket 6808, Sept. 28, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation in Brooklyn, N. Y., operating a large number of company-owned retail stores and selling also to individually owned stores operating under franchise agreements, with representing falsely in advertising in newspapers and on display cards and circulars furnished its said dealers that its "Imported Precision-made Food Slicer" was of a value greatly in excess of the advertised selling price and was unexcelled for safety.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 28 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent United Cigar-Whelan Stores Corporation and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of food slicers, or other merchandise, do forthwith cease and desist from:

1. Representing, directly or by implication, that imported food slicers or other merchandise have a specific value when such stated value (a) is in excess of the price at which said imported food slicers or other merchandise are regularly and usually sold in the normal course of business at retail by other persons or firms; or (b) is in excess of the prevailing market price at the time of such representation;

2. Representing, directly or by implication, that a certain amount is Respondent's usual or regular retail price for its imported food slicers or any other merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail by Respondent;

3. Representing, directly or by implication, that its said food slicer is safe, or misrepresenting in any manner, the safety with which any mechanical cutting device may be used.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent United Cigar-Whelan Stores Corporation, a corporation, shall, within sixty (60) days after service upon it of tnis order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8945; Filed, Oct. 29, 1957; 8:46 a. m.]

[Docket 6814]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

R. H. BEST, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.85 *Government approval, action, connection or standards;* § 13.155 *Prices:* Comparative; § 13.175 *Quality of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, R. H. Best, Inc., et al., Rockville, Md., Docket 6814, Oct. 3, 1957]

In the Matter of R. H. Best, Inc., a Corporation, and R. H. Best, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a concern in Rockville, Md., engaged in selling pre-cut houses, building materials, home equipment and supplies, and in contracting for the construction of houses and pre-cut houses, with representing falsely in newspapers and by circular letters and catalogs that it was making a bona fide offer to sell and construct complete houses of specific design and size, at a specific price and at a designated saving over the usual cost of a comparable home; that the customer could have a "$19,000 house (or equal) for as little as $13,000" and could reduce the advertised price if he did part of the work himself; that only the finest grade of lumber was used in the construction and was guaranteed as such; that the houses were "custom built" at a predetermined price; and that the "Government and other loaning agencies" were in favor of its program and made "FHA, V. A. and conventional loans more willingly and in larger amounts than on houses built for sale".

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents R. H. Best, Inc., a corporation, and its officers and R. H. Best, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of precut houses, building materials, home equipment, and supplies in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

1. That they are making a bona fide offer to sell, and construct complete houses of specific design and size, unless such be the fact.

2. That such houses are being offered for sale at a specific price, unless such be the fact.

3. That a designated amount of money will be saved from the normal and usual cost of buying and building a house of comparable size and design when purchasing one of their advertised houses.

4. That a customer may have a $19,000 house (or equal) for as little as $13,000.

5. That the customer can reduce the advertised price of the house if he does part of the work himself, unless such be the fact.

6. That only the finest grade of lumber is used in the construction and is guaranteed to be of the finest quality.

7. That the Government is in favor of respondents' program or that it makes FHA or VA loans more willingly and in larger amounts than on houses built for sale.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 3, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-8943; Filed, Oct. 29, 1957; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 128—CONCESSIONS, PERMITS AND LEASES ON LANDS WITHDRAWN OR ACQUIRED IN CONNECTION WITH INDIAN IRRIGATION PROJECTS

AGRICULTURAL AND GRAZING PERMITS AND LEASES

Section 128.17 of Part 128 (formerly "Part 128—Granting of Concessions on Reservoir Sites, Canal Reserves, Flowage Areas, and Other Withdrawn and Acquired Lands in Connection With Indian Irrigation Projects and the Leasing of Such Lands for Agricultural Grazing, and Other Purposes,") is amended to read as set forth below. The purpose of this amendment is to include the requirement that agricultural and grazing permits and leases may be granted only after the specified lands have been classified as to use and then only for the purpose for which the land is classified.

§ 128.17 *Agricultural and grazing permits and leases.* (a) Permits or leases may be granted after the lands set forth in § 128.0 have been classified as to use and then only for the purpose for which the land is classified. Permits for grazing lands suitable for division into range units shall be granted in accordance with Part 71 of this chapter; and agricultural lands and all other grazing lands shall be leased in accordance with Part 171 of this chapter.

(b) Lands for which leases or permits are granted pursuant to the terms and conditions of this part shall not be eligible for benefit payments under the provisions and conditions of the Crop Control and Soil Conservation Act of April 27, 1935 (49 Stat. 163; 16 U. S. C. 590a), as amended by the act of February 29, 1936 (49 Stat. 1148; 16 U. S. C. 590g), and subsequent amendatory acts.

(52 Stat. 193; 25 U. S. C. 390)

ROYCE A. HARDY,
Acting Secretary of the Interior.

OCTOBER 22, 1957.

[F. R. Doc. 57-8940; Filed, Oct. 29, 1957; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

APPLICATION FEE

Section 221.11 is amended by adding a new paragraph (d) to read as follows:

§ 221.11 *Application fee.* • • •

(d) Notwithstanding the provisions of this section if the application is for insurance of a mortgage processed under the Certified Agency Program, the request for insurance endorsement made by the mortgagee shall be accompanied by the mortgagee's check for the sum of $10.00 to cover the cost of processing by the Commissioner. The entire fee of $10.00 will be considered as earned by the Commissioner when received.

Issued at Washington, D. C., October 25, 1957.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U. S. C. 1709)

CYRUS B. SWEET,
Acting Federal Housing Commissioner.

[F. R. Doc. 57-8963; Filed, Oct. 29, 1957; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 604—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

PART 712—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 489 (22 F. R. 6633), appointed, convened, and gave notice of the hearing of Industry Committee No. 33–A to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the administrator a report containing its findings and recommendations with respect to the matters referred to it. For purposes of clarity, minor editorial changes in the definition of the industry in the new wage order have been made. No alteration in the application of the wage order was effected by the modifications of this definition. The recommendations of Industry Committee No. 33–A revised the classifications within the industry and recommended new rates of pay for such classifications.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85–A of the Secretary of Labor (22 F. R. 7614), the recommendations of this committee are to be published in the following amendments to Title 29 of the Code of Federal Regulations to become effective November 15, 1957.

1. Part 712 is hereby revoked.

2. A new Part 604 is hereby issued to read as follows:

Sec.
604.1 Definition.
604.2 Wage rates.
604.3 Notices.

AUTHORITY: §§ 604.1 to 604.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 604.1 *Definition.* The metal, machinery, transportation equipment, and allied products industry in Puerto Rico to which this part shall apply is defined as the mining and other extraction of metal ore and the processing of such ore into metal; the manufacture (including repair) of any product or part made chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment, and ordnance: *Provided, however,* That the definition shall not include (a) the production of any basic material other than metal; (b) the further processing of any such basic material other than metal except when done by an establishment producing from such materials a product of this industry or subassembly of such product; and (c) any activity included within the button, jewelry, and lapidary work industry and the electrical, instrument, and related products industry as defined in the wage orders presently effective for those industries in Puerto Rico.

§ 604.2 *Wage rates.* (a) Wages at a rate of not less than 87 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fabricated wire products, steel spring, and slide fastener classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce

or in the production of goods for commerce, and this classification shall be defined as the drawing and/or redrawing of wire from rod and wire and the fabrication of wire and wire products, including, but without limitation, nails, brads, spikes, staples, chain, fencing, insect screening, welded mesh or fabric, insulated wire and wire products, bare wire rope and cable, barbed wire, bale ties, and garment hangers; the manufacture of steel springs; and the manufacture of slide fasteners.

(b) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of all products and the performance of all activities included in the metal, machinery, transportation equipment, and allied products industry except the products and activities included within the fabricated wire products, steel spring, and slide fastener classification.

§ 604.3 *Notices.* Every employer subject to the provisions of § 604.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 604.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 24th day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-8965; Filed, Oct. 29, 1957; 8:50 a. m.]

PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 711—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 489 (22 F. R. 6633) appointed, convened, and gave notice of the hearing of Industry Committee No. 33-B to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the electrical, instrument, and related products industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is contained in 29 CFR Part 711. A minor editorial clarification in the definition of the industry in the new wage order has been made. No change in the application of the wage order was effected by the editorial revision of this definition. The recommendations of the Industry Committee No. 33-B revised the classifications within the industry and recommended new rates of pay for such classifications.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85-A of the Secretary of Labor (22 F. R. 7614), the recommendations of this committee are to be published in the following amendments to Title 29 of the Code of Federal Regulations to become effective November 15, 1957.

1. Part 711 is hereby revoked.

2. Part 606 is hereby issued to read as follows:

Sec.
606.1 Definition.
606.2 Wage rates.
606.3 Notices.

AUTHORITY: §§ 606.1 to 606.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 606.1 *Definition.* The electrical, instrument, and related products industry in Puerto Rico is defined as the manufacture, assembly, and repair of machinery, apparatus, equipment, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; and the manufacture, assembly, and repair of instruments, apparatus, and equipment for for scientific, professional, industrial measurement, photographic, musical, and horological purposes: *Provided, however,* That the definition shall not include (a) industrial and commercial machinery powered by electric motors; (b) measuring-and-dispensing pumps; and (c) any activity included in the clay and clay products industry or the stone, glass, and related products industry, as defined in the wage orders for those industries in Puerto Rico.

§ 606.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shaver and hair dryer, storage battery, drafting machine, electrical terminal and connector, television antenna and lead-in cable, and portable hand tool classification of the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of electric shavers and parts and hair dryers; storage batteries and parts, except carbon-type dry cell batteries; mechanical drafting machines; solderless electric terminals and connectors; television antennas and lead-in cables; and small portable electric hand tools designed for use by home craftsmen, including sanders, hand saws and similar small electric tools.

(b) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the radio and television components and resistance-type household appliance classification of the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of parts and components for radio and television equipment and apparatus (except tubes and tube parts, transistors, and rectifiers), including, but without limitation, capacitors, coils and coil forms, hermetic seals, condensers, transformers, crystal units, and resistors; and the manufacture of household electrical appliances of the resistant type and parts therefor, used for heating, cooking, and other purposes (except illumination), including, but without limitation, electric ranges, stoves, hotplates, cooking casseroles, roasters, toasters, heaters, irons, and percolators.

(c) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the lens classification of the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the grinding and manufacture of optical and ophthalmic lenses and prisms.

(d) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of all products included in the electrical, instrument, and related products industry, as defined in this wage order, except products included in the shaver and hair dryer, storage battery, drafting machine, electrical terminal and connector, television antenna and lead-in cable, and portable hand tool classification, the radio and television components and resistance-type household appliance classification, and the lens classification, as defined herein.

§ 606.3 *Notices.* Every employer subject to the provisions of § 606.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 606.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 24th day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-8966; Filed, Oct. 29, 1957; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT SALMON FISHERIES

OPEN SEASON, NORTHERN SECTION, NORTH OF SULLIVAN ISLAND

OCTOBER 28, 1957.

Basis and purpose: The chum salmon runs in the northern section of the Western district north of Sullivan Island have dwindled sufficiently to indicate the run is over and the season should be closed.

Therefore effective immediately upon publication in the FEDERAL REGISTER, § 118.4, as amended October 11, 1957, is further amended by deleting "until further notice" and substituting in lieu thereof "to 12 o'clock noon October 28, 1957."

Since immediate action is necessary notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-9003; Filed, Oct. 28, 1957; 2:12 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATE FOR LEMONADE [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Grades of Frozen Concentrate for Lemonade (7 CFR 52.1421 through 52.1432), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These amendments as hereinafter set forth provide for the addition of suitable coloring materials and define the requirements of color with respect to the colored product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Change § 52.1421 to read:

§ 52.1421 *Product description.* Frozen concentrate for lemonade is the product prepared from lemon juice and one or more nutritive sweetening ingredients it may contain added lemon oil or concentrated lemon oil (or their extracts or emulsions) and may or may not contain water in sufficient quantities to standardize the product. The lemon juice is produced from fresh, sound, ripe, and thoroughly cleansed fruit of one or more of the high acid varieties of the species citrus limon (limonia). Such juice may be fresh or frozen or fresh concentrated or frozen concentrated: *Provided,* That not less than 20 percent, by weight of the acidity of the product, is derived from unconcentrated fresh or frozen lemon juice. The concentrate for lemonade is processed in accordance with good commercial practice and is frozen and maintained at temperatures sufficient for the preservation of the product. If properly labeled any color materials permissible under the provisions of the Federal Food, Drug, and Cosmetic Act may be added.

2. Change § 52.1426 to read:

§ 52.2526 *Color*—(a) *(A) classification.* Frozen concentrate for lemonade which, when prepared as lemonade, possesses a good color may be given a score of 17 to 20 points. "Good color" means a good bright characteristic color that reflects the appearance of lemonade prepared from freshly expressed lemon juice; or, if colored, possesses a bright attractive light-red color typical of colored lemonade.

(b) *(B) classification.* If the frozen concentrate for lemonade, when prepared as lemonade, possesses a reasonably good color a score of 14 to 16 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a characteristic color that reflects to a reasonable extent the color of lemonade prepared from freshly expressed lemon juice and is not dark or otherwise discolored for any reason; or, if colored, possesses a reasonably bright color typical of colored lemonade.

(c) *(SStd.) classification.* If the lemonade fails to meet the requirements of paragraph (b) of this section, a score of 0 to 13 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard," regardless of the total score for the product (this is a limiting rule).

Dated: October 24, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-8939; Filed, Oct. 29, 1957; 8:45 a. m.]

Agricultural Research Service

[9 CFR Part 17]

MEAT INSPECTION; LABELING

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U. S. C. 71-96), it is proposed to amend Part 17 of the Meat Inspection Regulations (9 CFR Part 17, as amended) as follows:

1. The portion of § 17.2 (b) preceding subparagraph (1) would be amended to read:

(b) Labels shall contain, prominently and informatively displayed, the true name of the product; the word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, except in the case of products for which definitions and standards of identity have been prescribed under Part 28 of this subchapter; the name and place of business of the manufacturer, packer, or person for whom the product is prepared; and an inspection legend and the number of the establishment in the form shown in this paragraph, on that portion of the label featuring the name of the product, or, when there are two or more panels, then on the principal display panels: *Provided,* That in lieu of showing the inspection legend and the establishment number in such form, in the case of large size fiberboard immediate containers, a domestic meat label may be printed directly on such containers in size, form and substance as provided in § 16.15 (a) of this subchapter for use on fiberboard shipping containers: *Provided further,* That the name and place of business of the manufacturer, packer, or person for whom the product was prepared may be omitted from labels for product not required to be labeled under § 17.1: *Provided further,* That the establishment number may be omitted from labels on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such articles are enclosed in wrappers which bear an inspection legend and establishment number; and

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[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. The product covered by these standards is essentially lemon juice sweetened for lemonade but is marketed under the name "Frozen Concentrate for Lemonade."

from a label lithographed directly on a can bearing the embossed or lithographed establishment number: *And provided further*, That a metal container on which an inspection legend is embossed or lithographed may, with the approval of the Director of the Division, bear an inspection legend of different design and in abbreviated form.

2. Section 17.2 (b) would be further amended by deleting subparagraph (4).

3. Section 17.8 (c) would be amended by inserting as the first sentence therein the following: "When a statement of quantity of contents is shown on a label it shall not be false or misleading."

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C. within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 25th day of October 1957.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 57-8971; Filed, Oct. 29, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 107, Revision 5]

CERTAIN OFFICERS

AUTHORITY TO AFFIX SEAL OF THE TREASURY DEPARTMENT

By virtue of the authority vested in me as Secretary of the Treasury, including the authority conferred by section 161 of the Revised Statutes, it is hereby ordered that:

1. Except as provided for in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U. S. C. 1733 (b):

(a) In the Office of Administrative Services:
(1) Director of Administrative Services.
(2) Chief, Printing and Office Services Division.
(3) Chief, Staff Services Section.
(4) Chief, Document Distribution Unit.
(b) In the Internal Revenue Service:
(1) Commissioner of Internal Revenue.
(2) Director, and Assistant Director, Audit Division.
(3) Chief, and Assistant Chief, Audit Operations Branch, Audit Division.
(4) Chief, and Assistant Chief, Miscellaneous Services Section, Audit Operations Branch, Audit Division.
(c) In the Bureau of Customs:
(1) Commissioner of Customs.
(2) Assistant Commissioner of Customs.
(3) Deputy Commissioner, Division of Investigations.
(4) Deputy Commissioner, Division of Appraisement Administration.
(5) Deputy Commissioner, Division of Management and Controls.
(d) In the Bureau of the Public Debt:
(1) Commissioner of the Public Debt.
(2) Deputy Commissioner in Charge of the Chicago Office.
(3) Assistant Deputy Commissioner in Charge of the Chicago Office.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1 (a) of this order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, and the Commissioner of the Public Debt are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1 (c) may make use of such dies.

Dated: October 22, 1957.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8961; Filed, Oct. 29, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL FOR RESERVATION OF LANDS

OCTOBER 24, 1957.

The Department of the Air Force, Washington 25, D. C., has filed an application 601.4, Eglin Gulf Test Range, Florida (BLM 045169), for the withdrawal of the lands, described below, from mineral leasing, mining locations and all other forms of appropriation under the public land laws except for use as a Test Range under the Guided Missile Program, subject to valid existing rights.

The applicant desires the land for the construction of instrumentation facilities as a necessary component of the Eglin Gulf Test Range, Florida.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

TALLAHASSEE MERIDIAN, FLORIDA (WALTON COUNTY)

T. 3 S., R. 18 W.,
Sec. 27, S½NW¼.

The area described contains 80 acres.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-8941; Filed, Oct. 29, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH IRISH POTATOES

DIVERSION PAYMENT PROGRAM YMD 3A

In order to encourage the further utilization of fresh Irish potatoes by diverting them from the normal channels of trade and commerce into the manufacture of potato starch and potato flour, in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a diversion payment program was made effective on October 1, 1957, and will continue as needed to and including May 31, 1958, in areas where potato surpluses have created serious marketing problems, where starch and flour manufacturing facilities are available, and where a marketing plan approved by the Department of Agriculture has been established to assist in effectuating the purpose of the program. Payments will be made to processors who participate in the program under contracts with the Department of Agriculture, for potatoes of the specified minimum grade and size diverted into the manufacture of starch and flour. The rate of diversion payment per 100 pounds of potatoes meeting the requirements of Diversion Specification A, which are diverted as prescribed, will be 50 cents for potatoes diverted during the months of October, November and December, 1957; 40 cents during the months of January, February, and March, 1958; and 30 cents during the months of April and May, 1958. Information relative to this diversion program may be obtained from: Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Dated: October 25, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8969; Filed, Oct. 29, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

NATIONAL DEVELOPMENT CO. (PHILIPPINE NATIONAL LINES) AND IVARAN LINES

NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8248, between National Development Company (Philippine National Lines) and the carriers comprising the Ivaran Lines-Far East Service joint service, covers an arrangement for the coordination of the sailings of the vessels of the parties in the trade between United States Atlantic and Gulf ports (including the loading and discharge of part or full cargoes at United States Pacific Coast ports, but not including transportation within the purview of the coastwise laws of the United States) and the ports of the Republic of the Philippines, Japan, Korea, Taiwan, Siberia, Manchuria, China, Hong Kong, Indo-China, Thailand, The Federation of Malay States and Colony of Singapore.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 24 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-8964; Filed, Oct. 29, 1957; 8:49 a. m.]

Office of the Secretary

HAROLD J. CARR

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 10, 1956, 21 F. R. 3127; October 27, 1956, 21 F. R. 8245; May 3, 1957, 22 F. R. 3165.

A. Deletions: None.
B. Additions: None.

This statement is made as of October 20, 1957.

Dated: October 21, 1957.

HAROLD J. CARR.

[F. R. Doc. 57-8952; Filed, Oct. 29, 1957; 8:47 a. m.]

GLENN E. CARTER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 5, 1956, 21 F. R. 3030; October 27, 1956, 21 F. R. 8245; May 2, 1957, 22 F. R. 3135.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 20, 1957.

Dated: October 21, 1957.

GLENN E. CARTER.

[F. R. Doc. 57-8953; Filed, Oct. 29, 1957; 8:47 a. m.]

ROBERT DES. COUCH

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 1, 1956, 21 F. R. 3728; November 6, 1956, 21 F. R. 8514; May 3, 1957, 22 F. R. 3165.

A. Deletions: Patterson Parchment Paper Company.
B. Additions: No change.

This statement is made as of October 20, 1957.

Dated: October 21, 1957.

ROBERT DES. COUCH.

[F. R. Doc. 57-8954; Filed, Oct. 29, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-12545, G-12546]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 24, 1957.

Take notice that on May 8, 1957, Tennessee Gas Transmission Company (Tennessee Gas) filed in Docket Nos. G-12545 and G-12546 applications for certificates of public convenience and necessity authorizing two new proposed field sales of natural gas from specified fields in Oklahoma as follows:

(1) Docket No. G-12545: To Colorado Interstate Gas Company (Colorado Interstate) from the Wm. J. Overton, Otto Barby, and Celestine Barby leases located in the Mocane Field, Beaver County, Oklahoma, pursuant to gas sales contract dated March 5, 1957, executed by and between Colorado Interstate and Tennessee Gas.

(2) Docket No. G-12546: To Lone Star Gas Company (Lone Star) from the Mable Payne "V" Lease located in the Doyle Field, Stephens County, Oklahoma, pursuant to a gas sales contract dated February 18, 1957, executed by and between Lone Star and Tennessee Gas.

With respect to the sale proposed in Docket No. G-12545, Tennessee Gas lists the co-owners together with their respective percentum of interest in the subject leases as follows: Tennessee Gas, 50 percent, and Cabot Carbon Company, 50 percent. Tennessee Gas is the sole signatory seller party to the sales contract involved.

With respect to the sale proposed in Docket No. G-12546, the co-owners, together with their respective fractional interests, of the Payne "V" Lease are listed as follows: Tennessee Gas, 7/16; Clark & Cowden Production Company, ½; and Mercury Drilling Company, 1/16. All three of the parties are signatory seller parties to the contract involved. Clark & Cowden Production Company filed in Docket No. G-12722 a certificate application covering its interest as well as the interest of Mercury Drilling Company in said lease.

Tennessee Gas states that its facilities consist of customary lease equipment. Proposed deliveries are to be made at the wellheads.

Tennessee Gas also states that Colorado Interstate will transport the gas purchased from Tennessee Gas in the Mocane Field commingled with its other gas supplies for sale in other states. Colorado Interstate's facilities required to enable it to take gas from the subject area were authorized in Docket No. G-10176.

Tennessee Gas further states that Lone Star will transport the gas purchased from Tennessee Gas in the Doyle Field commingled with its other gas supplies for sale in other states.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 27, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver

of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8958; Filed, Oct. 29, 1957; 8:48 a. m.]

[Docket No. G-13442]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 24, 1957.

In the Order for Hearing and Suspending Proposed Changes in Rates, issued October 17, 1957, and published in the FEDERAL REGISTER on October 23, 1957 (22 F. R. 8330-1), under Rate Schedule Designation; Finding paragraph; and Ordering paragraph the words "Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 174" should be deleted; and under Footnote one: "G-11332" should also be deleted.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8959; Filed, Oct. 29, 1957; 8:49 a. m.]

[Docket No. G-13564]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 24, 1957.

Pan American Petroleum Corporation (Operator), et al., (Pan American) on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplment No. 8 to Pan American's FPC Gas Rate Schedule No. 174.
Effective date: [2] November 1, 1957.

In support of the proposed periodic rate increase, Pan American states, among other things, that the contract resulted from arm's-length bargaining; the collective pricing provisions represent the negotiated contract price; the pricing provisions are economically desirable to all parties, and the contract would never have been entered into for such an extended term if there had not been contractual assurance of a sliding scale of rates designed to assure a reasonably uniform net operating income per Mcf during the contract term and of receiving approximately the same rate per Mcf as the buyer pays other sellers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 174 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 174.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8957; Filed, Oct. 29, 1957; 8:48 a. m.]

[Project No. 175]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

OCTOBER 24, 1957.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 175, located on the North Fork of Kings River in Fresno County, California, to include certain provisions for the protection of fish and wildlife resources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is November 26, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8960; Filed, Oct. 29, 1957; 8:49 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11332.

[2] The stated effective date is the effective date proposed by Pan American.

[3] Commissioner Digby dissenting.

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-13660 (22-2222)]

HARTFORD ELECTRIC LIGHT CO.

NOTICE OF APPLICATION FOR EXEMPTION

OCTOBER 22, 1957.

Notice is hereby given that The Hartford Electric Light Company ("HE"), a corporation organized and existing under the laws of the State of Connecticut, has filed an application pursuant to section 310 (b) (1) (ii) of the Trust Indenture Act of 1939 ("act") for an order finding that the company has sustained the burden of proving that the trusteeship of Old Colony Trust Company under the company's 1937, 1941 and 1947 indentures and under a mortgage indenture proposed to be executed is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Old Colony Trust Company from acting as trustee under such indentures.

The application states:

1. HE presently has outstanding funded indebtedness consisting of unsecured debentures issued under three different trust indentures as follows:

A. Trust Indenture dated as of April 1, 1937 to Hartford National Bank and Trust Company, Trustee, as supplemented and amended, under which are outstanding $2,097,000 principal amount of Thirty Year Three Per Centum Debentures, 1937 Series, due April 1, 1967;

B. Trust Indenture dated as of September 1, 1941 to The First National Bank of Boston, as Trustee, as supplemented and amended, under which are outstanding $2,394,000 principal amount of Thirty Year 3¼ Percent Debentures, 1941 Series, due September 1, 1971;

C. Trust Indenture dated as of July 1, 1947 to Old Colony Trust Company, as Trustee, as supplemented and amended, under which are outstanding:

(a) $10,561,000 principal amount of Thirty-Five Year 2⅝ Percent Debentures, 1947 Series, due July 1, 1982;

(b) $15,000,000 principal amount of Twenty-Five Year 3¼ Percent Debentures, 1952 Series, due September 1, 1977;

(c) $15,000,000 principal amount of Thirty Year 5 Percent Debentures, 1957 Series, due July 1, 1987.

2. Additional debentures may be issued under the 1947 indenture upon compliance with the requirements thereof. Each of the three indentures has a negative pledge covenant which obligates HE, in the event it creates any lien on its properties, to secure the debentures outstanding under the indentures equally and rateably with the obligations intended to be secured by such lien. The 1941 indenture has been qualified under the act and the 1947 indenture (and mortgage hereinafter referred to) will be so qualified.

3. HE and The Connecticut Power Company ("CP") entered into an agreement of merger by which CP is to be merged with and into HE, which is to be the continuing and resulting corporation. CP has outstanding under its First and General Mortgage, dated as of October 1, 1935, to Hartford National Bank and Trust Company, as Trustee, as supplemented and amended, the following bonds:

(a) $2,400,000 principal amount of First and General Mortgage 3 Percent Bonds due May 1, 1982, Series D.

(b) $5,457,000 principal amount of First and General Mortgage 3 Per Cent Bonds due November 1, 1978, Series E.

(c) $10,000,000 principal amount of First and General Mortgage 2¾ Per Cent Bonds due October 1, 1980, Series F.

(d) $9,897,000 principal amount of First and General Mortgage 3⅛ Per Cent Bonds due November 1, 1984, Series G.

4. HE will, prior to the merger, offer to exchange, on the effective date of the merger, for the outstanding CP bonds of Series D, E, F and G, a like principal amount of obligations to be issued in four series under the 1947 indenture. Each series of new debentures to be offered in exchange for CP bonds will be identical, with respect to maturity date, rate of interest, sinking fund payments, if any, and redemption prices to the series of CP bonds for which the new debentures will be offered in exchange, except that the maturity date of the new debentures to be offered in exchange for Series D bonds will be advanced.

5. All outstanding debentures of HE and any additional securities that may be issued under the 1937, 1941, and 1947 indentures, including the debentures to be offered in exchange for CP bonds, will be equally and rateably secured by a mortgage. The Mortgage indenture will not itself provide for the issue of any securities thereunder, but is to be for the equal and rateable protection of all debentures at any time outstanding under the 1937, 1941 and 1947 indentures.

6. Supplements to the 1937, 1941 and 1947 indentures will make the events of default specified in each of the indentures events of default under the other indentures. Old Colony Trust Company will be trustee under the mortgage indenture and will be substituted as trustee of the 1937 and 1941 indentures.

7. The proposed procedure will, as to the rights and remedies of security holders and the obligations of the trustee, be substantially similar to the situation which exists under a conventional type of mortgage indenture securing more than one series of securities thereunder; the possibility of remedial action for the benefit of only part of the debentures and contrary to the interest of the other part of the debentures appears by this procedure to be reduced to a minimum; centralization will avoid possible conflicts of interest if the trustee's powers and duties as to the different series of securities were vested in three separate trustees; separation of these powers and duties among three trustees would interfere with attaining the fundamental purpose of payment of all the security holders from the mortgage security; and a common trustee will have the power and duty in event of default to exercise all available remedies for the equal benefit of all security holders irrespective of the indenture under which issued.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C. Copies of the various indentures, mortgages, and agreements referred to above have been filed as exhibits to the registration statement referred to and may be examined at said offices.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after November 6, 1957, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than November 4, 1957, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8947; Filed, Oct. 29, 1957; 8:46 a. m.]

[File No. 70-3628]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF PROPOSED BANK BORROWINGS

OCTOBER 22, 1957.

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Pursuant to a Bank Loan ("Agreement") dated as of October 1, 1957, American proposes to borrow from time to time during a 21-month period following the initial issuance of Notes under the Agreement amounts up to but not exceeding the amounts set opposite the names of the several lending banks, as follows:

Name of bank	Address	Amount of commitment
The First National City Bank of New York.	New York, N. Y.	$7,800,000
Irving Trust Co.	do	7,800,000
Mellon National Bank and Trust Co.	Pittsburgh, Pa.	7,800,000
Continental Illinois National Bank and Trust Co. of Chicago.	Chicago, Ill.	6,240,000
Guaranty Trust Co. of New York.	New York, N. Y.	6,240,000
The Hanover Bank	do	5,200,000
Manufacturers Trust Co.	do	5,200,000
Chemical Corn Exchange Bank.	do	2,600,000
The First National Bank of Boston.	Boston, Mass.	1,560,000
The Northern Trust Co.	Chicago, Ill.	1,560,000
Total		52,000,000

The Agreement provides, among other things, that all Notes, regardless of when issued, will originally mature 24 months after the date of the initial issuance of Notes under the Agreement; that the original maturity date may be extended for an additional 12 months subject to approval of this Commission; that all Notes will bear interest at the prime commercial rate (presently 4½ percent per annum) in effect from time to time, plus ¼ of 1 percent per annum; that "substitute interest" of ¼ of 1 percent per annum will be paid on the daily average unused amount of the commitment of each Bank, to terminate 90 days prior to the original maturity date; that the Notes may be prepaid in whole or in part at any time without premium, subject to certain qualifications.

The proceeds from the issuance of the Notes will be invested by American in the common stocks of its operating subsidiary companies to assist them in financing the costs of their respective construction programs for the four-year period 1957-1960 inclusive, the total amount of which is estimated at $672,900,000. American expects to supply $84,300,000 of such total amount, including $30,720,000 of retained earnings, $1,580,000 of cash on hand, and $52,000,000 from the bank loans aforesaid. The operating subsidiaries are expected to supply the balance of $588,600,000 as follows: Funds from internal sources, $301,900,000; sale of long-term debt securities, $274,300,000; use of short-term bank loans, $12,400,000.

Prior to the maturity of the proposed bank loans, American contemplates selling such number of shares of its common stock as will produce at least sufficient proceeds to retire such loans.

It is stated that no other regulatory commission has jurisdiction over the proposed transactions.

American estimates its fees and expenses in connection with the proposed transactions at $5,500, including legal fees of its counsel Simpson, Thacher & Bartlett, $2,000; legal fees of counsel of Agent for the lending banks, $1,500; miscellaneous expenses, $2,000.

Notice is further given that any interested person may, not later than November 7, 1957 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest,

the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8948; Filed, Oct. 29, 1957; 8:47 a. m.]

[File No. 70-3625]

CENTRAL POWER AND LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING GUARANTEE OF NOTE OF A NON-AFFILIATE

OCTOBER 23, 1957.

Notice is hereby given that Central Power and Light Company ("Central Power"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed with the Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal to guarantee the Note of a non-affiliated company in connection with obtaining a supply of natural gas. Declarant has designated sections 6 (a), 7, 9 and 10 of the act as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein described and proposed which are summarized as follows:

Central in January 1957 entered into a long-term contract with Bettis & Shepherd Gas Supply Company "Supply Company") for a supply of natural gas to be used as fuel in Central's new electric generating plant now under construction near Mission, Texas. On March 25, 1957 Roy H. Bettis and G. Frederick Shepherd, the principals of Supply Company, acquired from La Gloria Oil and Gas Company ("La Gloria") an interest in certain oil and gas leases, located in Hidalgo County, Texas, and known as Penitas Gas Units Nos. 1 and 2, subject to a reservation by La Gloria to receive certain monthly cash payments (collectively referred to as the "First Production Payment") from the proceeds of 80 percent of the gas produced from the interest in said leases conveyed by La Gloria. On about the same date Valley Royalty Corporation ("Valley"), a company controlled by Bettis and Shepherd, purchased the First Production Payment from La Gloria for a cash consideration of $1,100,000. To obtain the necessary funds, Valley borrowed $1,100,000 from Southwestern Life Insurance Company ("Southwestern"), such borrowing being evidenced by a 6 percent Note dated March 28, 1957, secured by a Deed of Trust pledging the First Production Payment. The Note, by its terms, is payable in not more than 120 monthly installments entirely out of the proceeds of the First Production Payment but in any event matures ten years from the date thereof, and provides further that Vally is under no personal liability for the payment thereof.

On or about March 25, 1957 Central, in order to induce Southwestern to make the loan to Valley, entered into an agreement with Southwestern providing that on demand at any time after 12 years from the date of the agreement Central would pay to Southwestern, in exchange for transfer to Central of Valley's $1,100,000 Note and the lien securing the same, any unpaid principal and accrued interest on said Note. Central proposes, upon entry of an order by the Commission permitting this declaration to become effective, to ratify and confirm its above-described agreement with Southwestern.

Central states that by causing Valley to acquire the First Production Payment Messrs. Bettis and Shepherd were enabled to dedicate the Penitas gas reserves to performance of Supply Company's gas supply contract with Central, that Central deemed such dedication necessary to assure performance of the gas supply contract, and that accordingly it assisted the suppliers by entering into the above agreement with Southwestern. Central states further that on information and belief the reserves covered by the leasehold are sufficient to pay off the Valley Note in approximately 8 years, based on prices for gas which Central has agreed to pay under its contract with Supply Company.

No fees, commissions or expenses are to be paid by Central in connection with the proposed transactions except miscellaneous expenses estimated at not to exceed $200.

The filing states that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 7, 1957, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may permit the declaration, as filed or as it may be amended, to become effective, pursuant to the provisions of Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided by Rules U-20 (a) and U-100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8949; Filed, Oct. 29, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 188]

MOTOR CARRIER APPLICATIONS

OCTOBER 25, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 101), filed May 21, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Wyoming and Utah, to points in Utah. *Rejected or contaminated shipments* of the above-described commodities, on return. Applicant is authorized to conduct similar operations in California, Arizona, Utah, Nevada, Washington, Montana, Idaho, Oregon, Wyoming, and Colorado.

HEARING: January 22, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 85, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 730 (Sub No. 106), filed August 5, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission, from Anacortes and Everett, Wash., and points within ten miles of each, to points in Montana. Applicant is authorized to transport the commodities specified in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington; and other commodities in California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

HEARING: December 3, 1957, in Room 231, Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No MC 891 (Sub No. 9), (CORRECTION) filed September 30, 1957, published issue October 16, 1957, page 8198, GERARD MOTOR EXPRESS, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value and except Class A and B explosives, livestock, households as defined by the Commission, commodities in bulk, those requiring special equipment, malt beverages (beer, ale and porter) and empty containers therefor, serving the site of the new Hotpoint Company plant in Cook County, Ill., located approximately two miles west of the Chicago, Ill., commercial zone, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: Remains as assigned November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 2301 (Sub No. 5), filed October 9, 1957, FRANK GUTWEIN AND ROY MacDOWELL, doing business as M & G TRANSPORTATION, 51 New Brunswick Avenue, Hopelawn, Woodbridge Township, N. J. Applicant's representative: Edward A. O'Donnell, 217 Smith Street, Perth Amboy, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Packing house products, meats* and *commodities* used by packing houses as described in Appendix I of Ex Parte No. MC-45, in refrigerated trucks, from Perth Amboy, N. J., to points in Berkeley Heights and Fanwood, Union County, N. J., Bound Brook, East Millstone, Finderne, Manville, Raritan and Somerville, Somerset County, N. J., Califon, Clinton, High Bridge and Whitehouse, Hunterdon County, N. J., Dunellen and Middlesex, Middlesex County, N. J., Princeton, Mercer County, N. J., and Stirling, Morris County, N. J. Applicant is authorized to transport general commodities, with exceptions, in New Jersey and New York.

HEARING: December 18, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 2633 (Sub No. 37), filed September 9, 1957, WILLIAM F. CROSSETT, INC., P. O. Box 626, Warren, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Allegheny and Beaver Counties, Pa. to points in Chautauqua, Erie, and Niagara Counties, N. Y. Applicant is authorized to conduct operations in Pennsylvania, New York, Ohio, and in the Province of Ontario, Canada.

HEARING: December 5, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 2633 (Sub No. 39), filed September 25, 1957, WILLIAM F. CROSSETT, INC., P. O. Box 626, Warren, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Hastings, W. Va., to points in McKean, Venango, and Warren Counties, Pa. Applicant is authorized to transport similar commodities in New York, Ohio, and Pennsylvania.

HEARING: December 5, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 3581 (Sub No. 5), filed October 22, 1957, THE MOTOR CONVOY, INC., 275 Rockwell Street SW., P. O. Box 432, Hapeville, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3. Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, not including trailers, in initial movements, in driveaway and truckaway service, from Fort Valley, Ga., to points in the United States, including the District of Columbia. Applicant is authorized to conduct operations in Georgia, Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee, Louisiana, and Texas.

HEARING: November 15, 1957, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 5267 (Sub No. 9), filed July 22, 1957, WILLIAM R. BRUMFIELD AND OLIVET ATWOOD BRUMFIELD, doing business as ATWOOD TRUCK LINE, Route 1, Fort Morgan, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Cement*, from Boettcher, Colo., and points within five miles thereof, to points in Hot Springs, Carbon, Natrona, Converse, Albany, Weston, Niobrara, Platte, Goshen, Fremont, and Laramie Counties, Wyo., and to points in Nebraska in and west of Sheridan, Garden, Deuel, Keith, Perkins, Chase, and Dundy Counties, Nebr., and (2) *Irrigating pipe and materials and supplies* used in, or in connection with, the installation or construction of irrigating pipe, or irrigating systems, and *machinery, equipment, materials, and supplies* used in, or in connection with, the installation or construction of irrigating pipe and irrigating pipe systems, from Fort Morgan, Colo., and points within five (5) miles thereof, to points in Hot Springs, Carbon, Natrona, Converse, Albany, Weston, Niobrara, Platte, Goshen, Fremont, and Laramie Counties, Wyo., and to points in Nebraska in and west of Sheridan, Garden, Deuel, Keith, Perkins, Chase, and Dundy Counties, Nebr. Applicant is authorized to transport Cement and aggregates in Colorado and Wyoming.

HEARING: January 15, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 5908 (Sub No. 27), filed October 21, 1957, TRUCK TRANSPORT COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 8540 (Sub No. 32), filed October 9, 1957, HARWOOD TRUCKING, INC., P. O. Box 71, Marion, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the site of the new Hotpoint Plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., on the one hand, and, on the other, points in Indiana and Ohio. Applicant is authorized to conduct similar operations in Illinois, Indiana, Kentucky, Missouri and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 58.

No. MC 10761 (Sub No. 70), filed September 3, 1957, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Akron, N. Y., as an off-route point in connection with applicant's authorized regular route operations between Buffalo, N. Y., and Syracuse, N. Y., over New York Highway 5, in MC 10761 (Sub No. 1) (Sheet 5).

HEARING: December 4, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 10872 (Sub No. 23), filed October 21, 1957, BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, Mo. Applicant's attorney: Gregory M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in truckload shipments, serving the site of the Hotpoint Company

plant in Cook County, Ill., located approximately two miles west of the Chicago, Ill., Commercial Zone as defined by the Commission, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Missouri, Oklahoma, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 11220 (Sub No. 62) (CORRECTION), filed September 27, 1957, published at Page 8198, issue of October 16, 1957, GORDONS TRANSPORTS, INC., 185 West McLemore Street, Memphis, Tenn. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Applicant proposes to serve the following additional area, and the corrected authority should read as follows: *General commodities*, except automobiles set up on wheels, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant in Cook County, Ill., situated between Devon Avenue on the south, Tonne Road on the east, Landmeir Road on the north, and Busse Road on the east, approximately 2 miles west of the boundary of the Chicago, Ill. Commercial Zone, and the area designated as Centrex Industrial Center, Ill., situated directly east of and adjacent to the aforesaid Hotpoint Company plant, as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: Remains as assigned November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 13123 (Sub No. 20), filed October 21, 1957, WILSON FREIGHT FORWARDING COMPANY, a Corporation, 3636 Follett Avenue, Cincinnati, Ohio. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located in Cook County, Ill., situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, approximately 2 miles west of the boundary of the Chicago, Ill., Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 23939 (Sub No. 83), filed May 29, 1957, ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: Bart F. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles 13, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Experimental liquid fuel products*, in bulk, in tank semi-trailers, from Denver, Colo., to Waterton, Colo., and to the site of The Glenn Martin Company Plant near Littleton, Colo., and *empty trailers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: December 18, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 28478 (Sub No. 9), filed October 17, 1957, DOYLE FREIGHT LINES, INC., 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Hotpoint Co. (a Division of General Electric Company), at Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Michigan, Ohio, and Indiana.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 29736 (Sub No. 6), filed July 29, 1957, DAVID PATRICK JOHNSON AND CORINNE R. JOHNSON, doing business as JOHNSON TRUCKING COMPANY, Pinedale, Wyo. Applicant's attorney: Leonard S. Ralph, 15 East Fourth South, Salt Lake City 11, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) (a) *seeds* and *fertilizer*, from Idaho Falls, Pocatello, Goodling and Twin Falls, Idaho, and Salt Lake City, Utah; (b) *fertilizer*, from Midvale, Utah; (c) *cement*, from Devil Slide, Utah; (d) *lumber, millwork, fiberboard, plyboard*, and *plasterboard*, from Salt Lake City, Ogden, and Provo, Utah, to points in Sublette and Teton Counties, Wyo., and to points in Lincoln and Sweetwater Counties, Wyo., north of U. S. Highway 30, and north and east of U. S. Highway 30N, except points on the named highways and except Kemmerer, Quealy, Dines, Reliance Junction, Hay, Winton, Superior, and Thayer Junction, Wyo.; (2) *lumber, millwork, fiberboard, plyboard, plasterboard, cement, fertilizer* and *seeds* from Dines, Kemmerer, Quealy, Moyer Junction, Glencoe Junction, Glencoe, Elkol, Blazon, Granger, Green River, Reliance Junction, Reliance, Hay, Winton, Superior, Thayer Junction, and Rock Springs, Wyo., to points in Sublette and Teton Counties, Wyo., and those in Lincoln and Sweetwater Counties, Wyo., north of U. S. Highway 30 and north and east of U. S. Highway 30N, except incorporated cities and municipalities, other than Big Piney, Daniel, Pinedale, and Jackson, Wyo., restricted against the transportation of cement, lumber, millwork, fiberboard, plyboard, and plasterboard when used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, or when used in or in connection with the construction, operation, repair, serving, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; (3) *lumber*, from points in Idaho and Oregon to points in Sublette County, Wyo.; (4) *mud*, from points in Idaho to points in Sublette County, Wyo. Applicant is authorized to conduct operations in Wyoming, Idaho, Montana, Utah, and Colorado.

HEARING: January 24, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Harold W. Angle.

No. MC 31842 (Sub No. 8), filed October 7, 1957, R. S. BRINE TRANSPORTATION CO., 194 West First Street, Boston, Mass. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, transporting: *General commodities*, except those requiring special equipment and except household goods as defined by the Commission, serving the off-route point of Howland, Maine, in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island, and Vermont.

HEARING: December 17, 1957, at the Federal Building, Portland, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 32107 (Sub No. 10), filed June 21, 1957, ARCHER AND ARCHER, INC., P. O. Box 23, Julesburg, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Farm machinery*, from points in Illinois and Iowa to points within 75 miles of Julesburg, Colo., including Julesburg, but excluding points located on U. S. Highway 34; (2) *Building material, contractors' equipment, materials, and supplies*, other than those described in the Mercer Description, between points in Illinois, Iowa, Utah, Montana, and Missouri, on the one hand, and, on the other, points within 75 miles of Julesburg, Colo., including Julesburg, but excluding points located on U. S. Highway 34; (3) *Petroleum products*, in containers, (a) between points in Missouri and Wyoming, on the one hand, and, on the other, points within 75 miles of Julesburg, Colo., including Julesburg, but excluding points located on U. S. Highway 34, and (b) from points in Oklahoma, except Ponca City, Okla., to points in Nebraska within 75 miles of Julesburg, Colo., including Julesburg; (4) *Meats, meat products, and meat by-products*, and *articles distributed by meat-packing houses*, from Sidney, Nebr., to points in Iowa, Missouri, and Illinois; (5) *Fertilizer*, in containers, from points in Oklahoma, Kansas, and Texas, except Etter and Houston, Tex., to points within 75 miles of Julesburg, Colo., including Julesburg; (6) *Livestock feeds*, between points in Oklahoma, Kansas, and Texas, on the one hand, and, on the other, points within 75 miles of Julesburg, Colo., including Julesburg; and (7) *Ordinary livestock*, between points within 75 miles of Julesburg, Colo., including Julesburg, on the one hand, and, on the other, points in Colorado, Nebraska, Wyoming, Kansas, Iowa, South Dakota, Illinois, Missouri, Texas, Utah, and Montana. Applicant is authorized to transport similar commodities in Colorado, Iowa, Kansas, Nebraska, South Dakota, and Wyoming.

NOTE: Duplication with present authority to be eliminated.

HEARING: January 9, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 32474 (Sub No. 21), filed October 17, 1957, C. A. CONKLIN TRUCK LINE, INC., 247 Pearl Street, Adrian, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Hotpoint Co., (a Division of General Electric Company) at Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Michigan, Ohio, Wisconsin, Iowa, Indiana, and New York.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 32775 (Sub No. 7), filed September 23, 1957, HERMANN FORWARDING COMPANY, Mill Lane, North Brunswick, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between North Brunswick (Middlesex County), N. J., on the one hand, and, on the other, Phillipsburg, N. J., restricted to traffic moving in interstate or foreign commerce received from or delivered to a connecting carrier at Phillipsburg, N. J. Applicant is authorized to conduct operations in Connecticut, Delaware, New Jersey, New York, and Pennsylvania.

HEARING: December 16, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 33641 (Sub No. 29), filed May 22, 1957, INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City, Utah. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, over the following alternate routes, for operating convenience only, serving no intermediate points, and serving the termini as points of joinder only (1) between Strasburg, Colo., and Park, Kans., from Strasburg over U. S. Highway 40 to Park, and return over the same route; (2) between Oakley, Kans., and the junction of U. S. Highways 383 and 24 approximately two miles north of Halford, Kans., from Oakley over U. S. Highway 83 and 383 to the junction of U. S. Highway 24, and return over the same route; (3) between the junction of U. S. Highway 383 and U. S. Highway 24 approximately two miles north of Halford, Kans., and Junction City, Kans., from the junction of U. S. Highways 383 and 24 over U. S. Highway 24 to the junction of U. S. Highway 24 and Kansas Highway 18, thence over Kansas Highway 18 to Junction City, and return over the same route; (4) between the junction of U. S. Highways 383 and 24 approximately two miles north of Halford, Kans., and the junction of U. S. Highway 24, Kansas Highway 9 and U. S. Highway 281, approximately four miles north of Osborne, Kans., from the junction of U. S. Highway 383 and 24 over U. S. Highway 24 to its junction with U. S. Highway 281, thence over U. S. Highway 281 to its junction with Kansas Highway 9, U. S. Highway 24, and return over the same route; (5) between Strasburg, Colo., and Colby, Kans., from Strasburg over U. S. Highway 40 to its junction with U. S. Highway 24 at or near Limon, Colo., thence over U. S. Highway 24 to Colby, and return over the same route. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, California, Nevada, Illinois, Iowa, Nebraska, Idaho, Kansas, and Missouri.

HEARING: December 10, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 43, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 34487 (Sub No. 7), filed October 7, 1957, PHILANDER COOKE, doing business as COOKE'S EXPRESS, 19 Middletown Avenue, North Haven, Conn. Applicant's attorneys: Hugh M. Joseloff and Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the off-route points of Westport, Norwalk, Stamford, Greenwich, Newton, Danbury, New Milford, Torrington, Winstead, Riverton, and East Hampton, Conn., in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Connecticut, Massachusetts, and Rhode Island.

HEARING: December 5, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 40858 (Sub No. 46), filed October 16, 1957, THE SILVER FLEET MOTOR EXPRESS, INC., 216 East Pearl Street, Louisville 2, Ky. Applicant's attorney: Robert W. Brunow, 1511 Kentucky Home Life Building, Louisville 2, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Centex Industrial Center, Illinois, and the site of the Hotpoint Company plant at or near the junction of Illinois Highway 83 and Landmeir Road in Cook County, Ill., as off-route points in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 42487 (Sub No. 338), filed July 16, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Los Angeles, Calif., and Wells, Nev.: from Los Angeles over U. S. Highway 6 to Ely, Nev., and thence over U. S. Highway 93 to Wells, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized operations between Los Angeles and San Francisco in Certificate MC 42487 (Sub No. 260) and between San Francisco and Twin Falls, Idaho, via U. S. Highway 40 in Certificate MC 42487, Sheet 7.

HEARING: December 11, 1957, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 42487 (Sub No. 339), filed July 16, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Los Angeles, Calif., and Reno, Nev.: from Los Angeles over U. S. Highway 6 to Bishop, Calif., and thence over U. S. Highway 395 to Reno, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized operations between Los Angeles and San Francisco via U. S. Highway 101, and the combi-

plant in Cook County, Ill., located approximately two miles west of the Chicago, Ill., Commercial Zone as defined by the Commission, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Missouri, Oklahoma, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 11220 (Sub No. 62) (CORRECTION), filed September 27, 1957, published at Page 8198, issue of October 16, 1957, GORDONS TRANSPORTS, INC., 185 West McLemore Street, Memphis, Tenn. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Applicant proposes to serve the following additional area, and the corrected authority should read as follows: *General commodities*, except automobiles set up on wheels, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant in Cook County, Ill., situated between Devon Avenue on the south, Tonne Road on the east, Landmeir Road on the north, and Busse Road on the east, approximately 2 miles west of the boundary of the Chicago, Ill. Commercial Zone, and the area designated as Centrex Industrial Center, Ill., situated directly east of and adjacent to the aforesaid Hotpoint Company plant, as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: Remains as assigned November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 13123 (Sub No. 20), filed October 21, 1957, WILSON FREIGHT FORWARDING COMPANY, a Corporation, 3636 Follett Avenue, Cincinnati, Ohio. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located in Cook County, Ill., situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, approximately 2 miles west of the boundary of the Chicago, Ill., Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 23939 (Sub No. 83), filed May 29, 1957, ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: Bart F. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles 13, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Experimental liquid fuel products*, in bulk, in tank semi-trailers, from Denver, Colo., to Waterton, Colo., and to the site of The Glenn Martin Company Plant near Littleton, Colo., and *empty trailers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: December 18, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 28478 (Sub No. 9), filed October 17, 1957, DOYLE FREIGHT LINES, INC., 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Hotpoint Co. (a Division of General Electric Company), at Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Michigan, Ohio, and Indiana.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 29736 (Sub No. 6), filed July 29, 1957, DAVID PATRICK JOHNSON AND CORINNE R. JOHNSON, doing business as JOHNSON TRUCKING COMPANY, Pinedale, Wyo. Applicant's attorney: Leonard S. Ralph, 15 East Fourth South, Salt Lake City 11, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) (a) *seeds* and *fertilizer*, from Idaho Falls, Pocatello, Goodling and Twin Falls, Idaho, and Salt Lake City, Utah; (b) *fertilizer*, from Midvale, Utah; (c) *cement*, from Devil Slide, Utah; (d) *lumber, millwork, fiberboard, plyboard*, and *plasterboard*, from Salt Lake City, Ogden, and Provo, Utah, to points in Sublette and Teton Counties, Wyo., and to points in Lincoln and Sweetwater Counties, Wyo., north of U. S. Highway 30, and north and east of U. S. Highway 30N, except points on the named highways and except Kemmerer, Quealy, Dines, Reliance Junction, Hay, Winton, Superior, and Thayer Junction, Wyo.; (2) *lumber, millwork, fiberboard, plyboard, plasterboard, cement, fertilizer* and *seeds* from Dines, Kemmerer, Quealy, Moyer Junction, Glencoe Junction, Glencoe, Elkol, Blazon, Granger, Green River, Reliance Junction, Reliance, Hay, Winton, Superior, Thayer Junction, and Rock Springs, Wyo., to points in Sublette and Teton Counties, Wyo., and those in Lincoln and Sweetwater Counties, Wyo., north of U. S. Highway 30 and north and east of U. S. Highway 30N, except incorporated cities and municipalities, other than Big Piney, Daniel, Pinedale, and Jackson, Wyo., restricted against the transportation of cement, lumber, millwork, fiberboard, plyboard, and plasterboard when used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, or when used in or in connection with the construction, operation, repair, serving, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; (3) *lumber*, from points in Idaho and Oregon to points in Sublette County, Wyo.; (4) *mud*, from points in Idaho to points in Sublette County, Wyo. Applicant is authorized to conduct operations in Wyoming, Idaho, Montana, Utah, and Colorado.

HEARING: January 24, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Harold W. Angle.

No. MC 31842 (Sub No. 8), filed October 7, 1957, R. S. BRINE TRANSPORTATION CO., 194 West First Street, Boston, Mass. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, transporting: *General commodities*, except those requiring special equipment and except household goods as defined by the Commission, serving the off-route point of Howland, Maine, in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island, and Vermont.

HEARING: December 17, 1957, at the Federal Building, Portland, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 32107 (Sub No. 10), filed June 21, 1957, ARCHER AND ARCHER, INC., P. O. Box 23, Julesburg, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Farm machinery*, from points in Illinois and Iowa to points within 75 miles of Julesburg, Colo., including Julesburg, but excluding points located on U. S. Highway 34; (2) *Building material, contractors' equipment, materials, and supplies*, other than those described in the Mercer Description, between points in Illinois, Iowa, Utah, Montana, and Missouri, on the one hand, and, on the other, points within 75 miles of Julesburg, Colo., including Julesburg, but excluding points located on U. S. Highway 34; (3) *Petroleum products*, in containers, (a) between points in Missouri and Wyoming, on the one hand, and, on the other, points within 75 miles of Julesburg, Colo., including Julesburg, but excluding points located on U. S. Highway 34, and (b) from points in Oklahoma, except Ponca City, Okla., to points in Nebraska within 75 miles of Julesburg, Colo., including Julesburg; (4) *Meats, meat products, and meat by-products*, and *articles distributed by meat-packing houses*, from Sidney, Nebr., to points in Iowa, Missouri, and Illinois; (5) *Fertilizer*, in containers, from points in Oklahoma, Kansas, and Texas, except Etter and Houston, Tex., to points within 75 miles of Julesburg, Colo., including Julesburg; (6) *Livestock feeds*, between points in Oklahoma, Kansas, and Texas, on the one hand, and, on the other, points within 75 miles of Julesburg, Colo., including Julesburg; and (7) *Ordinary livestock*, between points within 75 miles of Julesburg, Colo., including Julesburg, on the one hand, and, on the other, points in Colorado, Nebraska, Wyoming, Kansas, Iowa, South Dakota, Illinois, Missouri, Texas, Utah, and Montana. Applicant is authorized to transport similar commodities in Colorado, Iowa, Kansas, Nebraska, South Dakota, and Wyoming.

NOTE: Duplication with present authority to be eliminated.

HEARING: January 9, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 32474 (Sub No. 21), filed October 17, 1957, C. A. CONKLIN TRUCK LINE, INC., 247 Pearl Street, Adrian, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Hotpoint Co., (a Division of General Electric Company) at Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Michigan, Ohio, Wisconsin, Iowa, Indiana, and New York.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 32775 (Sub No. 7), filed September 23, 1957, HERMANN FORWARDING COMPANY, Mill Lane, North Brunswick, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between North Brunswick (Middlesex County), N. J., on the one hand, and, on the other, Phillipsburg, N. J., restricted to traffic moving in interstate or foreign commerce received from or delivered to a connecting carrier at Phillipsburg, N. J. Applicant is authorized to conduct operations in Connecticut, Delaware, New Jersey, New York, and Pennsylvania.

HEARING: December 16, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 33641 (Sub No. 29), filed May 22, 1957, INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City, Utah. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, over the following alternate routes, for operating convenience only, serving no intermediate points, and serving the termini as points of joinder only (1) between Strasburg, Colo., and Park, Kans., from Strasburg over U. S. Highway 40 to Park, and return over the same route; (2) between Oakley, Kans., and the junction of U. S. Highways 383 and 24 approximately two miles north of Halford, Kans., from Oakley over U. S. Highway 83 and 383 to the junction of U. S. Highway 24, and return over the same route; (3) between the junction of U. S. Highway 383 and U. S. Highway 24 approximately two miles north of Halford, Kans., and Junction City, Kans., from the junction of U. S. Highways 383 and 24 over U. S. Highway 24 to the junction of U. S. Highway 24 and Kansas Highway 18, thence over Kansas Highway 18 to Junction City, and return over the same route; (4) between the junction of U. S. Highways 383 and 24 approximately two miles north of Halford, Kans., and the junction of U. S. Highway 24, Kansas Highway 9 and U. S. Highway 281, approximately four miles north of Osborne, Kans., from the junction of U. S. Highway 383 and 24 over U. S. Highway 24 to its junction with U. S. Highway 281, thence over U. S. Highway 281 to its junction with Kansas Highway 9, U. S. Highway 24, and return over the same route; (5) between Strasburg, Colo., and Colby, Kans., from Strasburg over U. S. Highway 40 to its junction with U. S. Highway 24 at or near Limon, Colo., thence over U. S. Highway 24 to Colby, and return over the same route. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, California, Nevada, Illinois, Iowa, Nebraska, Idaho, Kansas, and Missouri.

HEARING: December 10, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 43, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 34487 (Sub No. 7), filed October 7, 1957, PHILANDER COOKE, doing business as COOKE'S EXPRESS, 19 Middletown Avenue, North Haven, Conn. Applicant's attorneys: Hugh M. Joseloff and Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the off-route points of Westport, Norwalk, Stamford, Greenwich, Newton, Danbury, New Milford, Torrington, Winstead, Riverton, and East Hampton, Conn., in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Connecticut, Massachusetts, and Rhode Island.

HEARING: December 5, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 40858 (Sub No. 46), filed October 16, 1957, THE SILVER FLEET MOTOR EXPRESS, INC., 216 East Pearl Street, Louisville 2, Ky. Applicant's attorney: Robert W. Brunow, 1511 Kentucky Home Life Building, Louisville 2, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Centex Industrial Center, Illinois, and the site of the Hotpoint Company plant at or near the junction of Illinois Highway 83 and Landmeir Road in Cook County, Ill., as off-route points in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 42487 (Sub No. 338), filed July 16, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Los Angeles, Calif., and Wells, Nev.: from Los Angeles over U. S. Highway 6 to Ely, Nev., and thence over U. S. Highway 93 to Wells, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized operations between Los Angeles and San Francisco in Certificate MC 42487 (Sub No. 260) and between San Francisco and Twin Falls, Idaho, via U. S. Highway 40 in Certificate MC 42487, Sheet 7.

HEARING: December 11, 1957, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 42487 (Sub No. 339), filed July 16, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Los Angeles, Calif., and Reno, Nev.: from Los Angeles over U. S. Highway 6 to Bishop, Calif., and thence over U. S. Highway 395 to Reno, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized operations between Los Angeles and San Francisco via U. S. Highway 101, and the combi-

nation of U. S. Highway 99, California Highway 152, U. S. Highway 101, California Highway 17 and U. S. Highway 40, in Certificate MC 42487 Sub No. 260, and from San Francisco to Winnemucca, Nev., via U. S. Highway 40 in Certificate MC 42487, Sheet 7.

HEARING: December 11, 1957, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 42487 (Sub No. 340), filed July 29, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemical fertilizers*, dry, from ports of entry on the boundary of the United States and Canada at or near Northport and Metaline Falls, Wash., to points in Bonner, Kootenai and Benewah Counties, Idaho, and Morrow, Union, Grant, and Umatilla Counties, Oreg.

HEARING: December 13, 1957, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 43177 (Sub No. 27), filed October 4, 1957, B B & I MOTOR FREIGHT, INC., 501 North Rogers Street, Bloomington, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equiment, serving Celestine, Indiana (approximately ten miles east of Jasper, Ind.), as an off-route point in connection with applicant's presently authorized regular route operations between Louisville, Ky., and Evansville, Ind. Applicant is authorized to conduct operations in Indiana, Illinois, and Kentucky.

HEARING: December 3, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 46829 (Sub No. 7), filed October 21, 1957, ALLARD EXPRESS, INC., 315 Hart Street, Watertown, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., approximately two miles beyond the Chicago, Ill., Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 47389 (Sub No. 14), filed October 14, 1957, FEDERAL TRUCK LINES, INC., 3000 South Halsted Street, Chicago, Ill. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of Hotpoint Co., Division of General Electric Company, located between Tonne Road on the west, Landmeir Road on the north, Busse Road on the east, and Devon Avenue on the south, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 50069 (Sub No. 188), filed October 11, 1957, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Champaign, Ill., and points within 10 miles thereof to points in Indiana. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and West Virginia.

HEARING: December 4, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 50201 (Sub No. 15), filed October 21, 1957, DOUGLAS TRUCKING LINES, INC., 1011 East Main Street, Owosso, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone. Applicant is authorized to conduct operations in Illinois and Michigan.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 52709 (Sub No. 76), filed August 1, 1957, RINGSBY, TRUCKLINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excepting household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M. C. C. 467, and except commodities in bulk and those requiring special equipment, between Las Vegas, Nev., and Baker, Calif., over U. S. Highway 91, serving no intermediate points and serving Baker, Calif., for purpose of joinder only. Applicant is authorized to transport the commodities specified in California, Colorado, Illinois, Iowa, Missouri, Nebraska, Nevada, Utah, and Wyoming, and other commodities in California, Colorado, Nevada, Utah, and Wyoming.

HEARING: December 12, 1957, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 52858 (Sub No. 61), filed May 6, 1957, CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wheel mounted rock pickers*, and *accessories and parts therefor*, when moving in connection therewith, from Helena, Mont., to all points in the United States and the Territory of Alaska, including all points on the international boundaries between the United States and Canada, and between the United States and Mexico; and *returned shipments of the above commodities* on return, and *returned shipments of the above commodities for repair*, on return.

HEARING: December 16, 1957, at the Montana Board of Railroad Commissioners, Helena, Mont., before Examiner Michael B. Driscoll.

No. MC 52858 (Sub No. 70), filed August 14, 1957, CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, not exceeding 24 feet in length, and *parts, equipment and accessories for boats*, when moving in connection therewith, from points in Idaho, Oregon, and Washington, to points in Minnesota, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to transport the commodities specified in California, Idaho, Oregon, and Washington; and other commodities in those states and in Arizona, Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, North Dakota, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

HEARING: December 10, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Michael B. Driscoll.

No. MC 52869 (Sub No. 51), filed September 23, 1957, NORTHERN TANK LINE, a Corporation, 8 South Seventh Street, Miles City, Mont. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Yellowstone County, Mont., to points in South Dakota. Applicant is authorized to transport the commodities specified in Minnesota, Montana, North Dakota, South Dakota, and Wyoming.

NOTE: Applicant requests that any duplicating authority be eliminated.

HEARING: December 19, 1957, at the Montana Board of Railroad Commissioners, Helena, Mont., before Examiner Michael B. Driscoll.

No. MC 52986 (Sub No. 10), filed September 12, 1957, NORTHWEST FREIGHT LINES, INC., 4300 State Avenue, P. O. Box 1695, Billings, Mont. Applicant's attorney: Jerome Anderson, Electric Building, P. O. Box 1472, Billings, Mont. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including commodities in bulk*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment, between Missoula, Mont., and Schilling, Mont., over unnumbered Montana Highway, serving intermediate and off-route points within 5 miles of Schilling. Applicant is authorized to conduct operations in Montana, Minnesota, North Dakota, and Indiana.

HEARING: December 20, 1957, at the Montana Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 55896 (Sub No. 6), filed October 21, 1957, RAY WILLIAMS FREIGHT LINES, INC., 1750 Southfield Road, Box 403, Lincoln Park, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company Plant located between Devon Avenue on the South, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 57629 (Sub No. 21), filed October 9, 1957, THRU-WAY EXPRESS, INC., 64 Diamond Avenue, Plainville, Conn. Applicant's attorneys: Hugh M. Joseloff and Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving Hartford, Conn., as an off-route point in connection with applicant's authorized regular route operations between Plainville, Conn., and Jamestown, N. Y., restricted to interchange of freight only. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

HEARING: December 6, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No MC 59531 (Sub No. 77), filed October 7, 1957, AUTO CONVOY CO., a Corporation, 3020 Haskell Avenue, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Assembled helicopters* (with or without blade removed), *assembled rotary and fixed wing aircraft* (with or without wing removed) and *parts* when shipped with aircraft as a portion of the total shipment of such aircraft, using special equipment only, and *damaged or rejected shipments* of the above-described commodities, between points in Dallas and Tarrant Counties, Tex., and points in the United States.

HEARING: December 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Robert A. Joyner.

No. MC 59852 (Sub No. 10), filed October 16, 1957, ALL STATES FREIGHT, INC., P. O. Box 7036, 1250 Kelly Ave., Akron 6, Ohio. Applicant's attorney: Drew L. Carraway, 1111 E Street NW., 618 Perpetual Building, Washington 4, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant (division of General Electric Co.), located at or near Elk Grove, Ill., approximately two miles west of the Chicago, Ill., Commercial Zone as defined by the Commission, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Akron, Ohio. Applicant is authorized to conduct operations in Connecticut, Illinois, Maryland, Massachusetts, New York, Ohio, Pennsylvania, and Rhode Island.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 60612 (Sub No. 9), filed October 18, 1957, SAMUEL TISCHLER, Morton Avenue, Rosenhayn, N. J. Applicant's attorney: Matthew Aaron, 70 North Laurel Street, Bridgeton, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Canned goods*, from points in Cumberland, Salem, Atlantic, and Cape May Counties, N. J., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Kentucky, Tennessee, Alabama, Michigan, Indiana, Mississippi, Wisconsin, Illinois, Iowa, Missouri, Arkansas, Louisiana, Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; (2) *Empty cans*, from Baltimore, Md., and Philadelphia, Pa., to points in Cumberland, Salem, Atlantic, and Cape May Counties, N. J. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

HEARING: December 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 61440 (Sub No. 71), filed October 22, 1957, LEE WAY MOTOR FREIGHT, INC., Box 2488, 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone. Applicant is authorized to conduct similar operations in Illinois, Indiana, Kansas, Missouri, Oklahoma, and Texas.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 63081 (Sub No. 3), filed July 8, 1957, EDGAR J. DAUGHERTY AND JEANNE B. DAUGHERTY, doing business as DAUGHERTY TRUCKING, Baggs, Wyo. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, in bags or blocks, from Salt Lake City and Ogden, Utah, and points within 15 miles of Salt Lake City and Ogden, to Baggs, Wyo., and points within 25 miles of Baggs; and *ores, including uranium ores*, and *ore concentrates*, and *treated ores* and *treated concentrates*, from points in Carbon and Sweetwater Counties, Wyo., to mills, processing plants, refineries, purchasing agents or storage depots at or near Salt Lake City and Ogden, Utah, and Rifle, Grand Junction, and Maybell, Colo.

HEARING: December 3, 1957, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 280, or, if the Joint Board waives its right to participate, before Examiner Frank F. Saltzman.

No. MC 63081 (Sub No. 4), filed July 11, 1957, EDGAR J. DAUGHERTY AND

JEANNE B. DAUGHERTY, doing business as DAUGHERTY TRUCKING, Baggs, Wyo. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Farm machinery, lumber and building supplies, water, sewer and irrigation pipe, iron* and *steel*, from Craig, Colo., to Baggs, Dixon, and Savery, Wyo., and Slater, Battle Creek, and Three Forks, Colo., and to points within twenty-five (25) miles of Baggs, Wyo., and (2) *feed*, from Gering and Scottsbluff, Nebr., and from Denver, Johnstown, Greeley, and Milliken, Colo., to Rawlins, Wyo., and to points in Moffat County, Colo., and points in Sweetwater and Carbon Counties, Wyo. Applicant is authorized to conduct operations in Colorado and Wyoming.

NOTE: Duplication with present authority to be eliminated.

HEARING: December 4, 1957, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Frank F. Saltzman.

No. MC 65967 (Sub No. 22), filed October 2, 1957, WILSON TRUCK COMPANY, INC., 176 Lafayette Street, Nashville 2, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving St. Bethlehem, Tenn. (located approximately 4½ miles northeast of city limits of Clarksville, Tenn., on U. S. Highway 79), as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Georgia, Kentucky, Missouri, and Tennessee.

HEARING: December 3, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 65967 (Sub No. 23) filed October 21, 1957, WILSON TRUCK COMPANY, INC., 176 Lafayette Street, Nashville, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unsual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 66562 (Sub No. 1380), filed August 22, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 129 East 42d Street, New York 17, N. Y. Applicant's representative: C. B. Walker, Room 11 Express Annex, Union Station, Kansas City 8, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Albuquerque, N. Mex., and Taos, N. Mex.: from Albuquerque over New Mexico Highway 422 to junction U. S. Highway 85, thence over U. S. Highway 85 to Santa Fe, N. Mex., thence over U. S. Highways 64, 84, and 285 to junction New Mexico Highway 4, thence over New Mexico Highway 4 to junction New Mexico Highway 30, thence over New Mexico Highway 4 to junction New Mexico Highway 4 and Alternate New Mexico Highway 4, thence over said Alternate New Mexico Highway 4 to Los Alamos, N. Mex., thence over New Mexico Alternate Highway 4 to junction New Mexico Highway 4, thence over New Mexico Highway 4 to junction New Mexico Highway 30, thence over New Mexico Highway 30 to Espanola, N. Mex., thence over U. S. Highway 64 to junction New Mexico Highway 3, and thence over U. S. Highway 64 and New Mexico Highway 3 to Taos, and return over the same route, serving the intermediate points of Espanola, Los Alamos, and Santa Fe, N. Mex. RESTRICTIONS: The service to be performed by applicant will be limited to such service as is auxiliary to, or supplemental of, rail or air express service. All interstate shipments to be transported under the authorization sought herein will be limited to those moving under Railway Express Agency tariffs on a Railway Express Agency receipt or waybill, covering, in addition to the motor carrier movement, an immediately prior or immediately subsequent movement by rail or air.

HEARING: December 10, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 67200 (Sub No. 8), filed August 28, 1957, THE FURNITURE TRANSPORT COMPANY, INC., 111 Hallock Avenue, New Haven, Conn. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, from Philadelphia, Pa., Baltimore, Md., Washington, D. C., Newport News and Richmond, Va., Buffalo, N. Y., and points in that part of New York on and east of New York Highway 15–A, extending from Lake Ontario to Rochester, N. Y., to junction U. S. Highway 15 at Springwater, N. Y., thence on and east of U. S. Highway 15 from said junction to the New York-Pennsylvania State line, except New York, N. Y.; points in Massachusetts, except Gardner and points in Massachusetts within 25 miles of Gardner, Mass., points in Rhode Island and New Jersey, to Hartford, East Hartford, Elmwood, Glastonbury and New Britain, Conn., and Springfield, Mass. In addition to the request for authority set forth immediately above, applicant proposes a change in the commodity descriptions "New upholstered furniture, uncrated," and "New upholstered furniture, uncrated, unwrapped and unboxed," in its certificate in No. MC 67200, to read: "New furniture". Applicant is authorized to transport new furniture in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia, and other commodities in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania.

HEARING: December 4, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner James I. Carr.

No. MC 69116 (Sub No. 37), filed October 15, 1957, SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's regular route operations to and from the Chicago, Ill., Commercial Zone. Applicant is authorized to transport similar commodities in Connecticut, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street Chicago, Ill., before Joint Board No. 149.

No. MC 69833 (Sub No. 50), filed September 16, 1957, ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich. Applicant's attorney: A. C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *Scrap metals*, in bulk, and *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including scrap metals in bulk), and commodities requiring special equipment, serving the site of the Sealed Power Corporation Plant, located at Popular and Fenn Streets, La Grange, Ind., as an off-route point in connection with applicant's authorized regular route operations to and from Sturgis, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, and Michigan.

HEARING: December 3, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 70451 (Sub No. 195), filed August 23, 1957, WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha, Nebr. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, between Gallup, N. Mex., and Walsenburg, Colo., as follows: From Gallup over U. S. Highway 66 to Albuquerque, N. Mex., thence over U. S. Highway 85 to Walsenburg, and return over the same route, serving no intermediate points, but serving the termini as points of joinder only, and serving the off-route point of Los Alamos, N. Mex.; OR, in the alternative, provided applicant's Certificate No. MC 70451 (Sub No. 102), shall not be cancelled pursuant to pending litigation, for authority to transport: *Class A and B explosives*, (a) over the routes described in said Certificate No. MC 70451 (Sub No. 102), with service at Gallup, N. Mex., as a point of joinder only, and restricted against the transportation of Class A and B explosives at the termini or intermediate points, and (b) to serve Los Alamos, N. Mex., as an off-route point in connection with applicant's regular route operations in said Certificate No. MC 70451 (Sub No. 102), restricted to the transportation of Class A and B explosives. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE: Duplication with present authority to be eliminated.

HEARING: December 13, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 76032 (Sub No. 112), filed August 19, 1957, NAVAJO FREIGHT LINES, INC., 1205 So. Platte River Drive, Denver, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within thirty (30) miles of Grants, N. Mex., as off-route points in connection with applicant's authorized regular route operations between Los Angeles, Calif., and Albuquerque, N. Mex. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, and Texas.

HEARING: December 16, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 76032 (Sub. No. 116), filed October 18, 1957, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver, Colo. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone. Applicant is authorized to conduct operations in California, New Mexico, Arizona, Texas, Nevada, Colorado, Illinois, Nebraska, Missouri, Iowa, Indiana, and Oklahoma.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 76564 (Sub No. 60), filed August 9, 1957, HILL LINES, INC., 1300 Grant Street, Amarillo, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the King Gasoline Plant, approximately nine (9) miles east of McDonald, N. Mex., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Mexico, and Texas.

HEARING: December 4, 1957 at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 76985 (Sub No. 3), filed October 15, 1957, LAVERY TRANSPORTATION, INC., 7430 South Ashland Avenue, Chicago 36, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of Hotpint Co., Division of General Electric Company located between Tonne Road on the west, Landmeir Road on the north, Busse Road on the east, and Devon Avenue on the south, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Milwaukee, Wis., over U. S. Highways 41 and 42A, and between junction Illinois Highway 176 and U. S. Highway 41 and Green Bay, Wis. over U. S. Highway 41. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 82944 (Sub No. 4), filed May 13, 1957, FREDERIC A. BETHKE, doing business as BETHKE TRUCK LINES, P. O. Box 56, Gilcrest, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, including *articles of unusual value*, and *commodities in bulk*, but excluding Class A and B explosives, household goods as defined by the Commission, livestock, and those which on account of size or weight require the use of special equipment, between Platteville, Colo., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Colorado. Applicant is authorized to transport similar commodities, over regular routes, in Colorado.

NOTE: Duplication with present authority to be eliminated.

HEARING: December 12, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 87928 (Sub No. 37), filed September 27, 1957, AUTOMOBILE TRANSPORT, INC. OF DELAWARE, 36555 Michigan Avenue, Box 29, Wayne, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles* and *new automobile chassis*, in initial movements, in truckaway service, from sites of plants of the Lincoln-Mercury Division of the Ford Motor Company in Wayne County, Mich., to points in Iowa, Minnesota, Nebraska, and South Dakota. Applicant is authorized to conduct operations in the United States.

HEARING: December 3, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alvin H. Schutrumpf.

No. MC 88685 (Sub No. 14), filed April 8, 1957, L. E. WHITLOCK TRUCK SERVICE, INC., 629 West Broadway, Stafford, Kans. Applicant's attorney: Macoy A. McMurrary, Newhouse Building, Salt Lake City 11, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products, and *machinery, equipment, materials and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Utah, Colorado, and Arizona. Applicant is authorized to transport similar commodities in Kansas, Oklahoma, Nebraska, Wyoming, North Dakota, and South Dakota.

HEARING: January 20, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 407, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 88726 (Sub No. 1), filed September 16, 1957, L. M. & M. TRUCKING CO., INC., 600 East 132d Street, Bronx 54,

New York, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Component parts for wire display racks, bar accessories, and barbecue grills*, from Freeland, Pa., to Bronx, New York, N. Y.; *wire in coils*, and *steel sheets and blanks*, from Bronx, New York, N. Y., to Freeland, Pa.

HEARING: December 13, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 89084 (Sub No. 3), filed August 20, 1957, R. A. HEINTZ, JR., AND ADAM ACE HEINTZ, doing business as INTERSTATE HEAVY HAULING CO., 211 Northeast Columbia Boulevard, Portland 11, Oreg. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and of *related parts, materials, and supplies* when their transportation is incidental to the transportation by applicants of the named commodities, (1) between points in Oregon, on the one hand, and, on the other, points in Washington; (2) between points in Oregon, Washington, and Idaho, on the one hand, and, on the other, points in California on and north of U. S. Highway 40, and points in Nevada on and north of U. S. Highway 50 and on and west of U. S. Highway 93; and (3) between points in Oregon and Washington, on the one hand, and, on the other, points in Idaho. Applicant is authorized to conduct operations in Oregon and Washington. Duplication with present authority to be eliminated.

HEARING: December 5, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Michael B. Driscoll.

No. MC 90373 (Sub No. 11), filed September 23, 1957, C & R TRUCKING CO., Avenel, N. J. Applicant's attorney: Milton E. Diehl, Room 1383, National Press Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Asphalt*, from Linden, N. J. and points within 20 miles thereof to points in New York, Connecticut, and Pennsylvania. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, and Connecticut.

HEARING: December 18, 1957, at 346 Broadway, New York, N. Y., before examiner James I. Carr.

No. MC 94835 (Sub No. 1), filed October 2, 1957, BRICK TRUCKING CORPORATION, 1172 East 96th Street, Brooklyn 36, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from points in New Jersey, New York and Pennsylvania within 150 miles of Columbus Circle, N. Y., to points in Westchester, Nassau and Suffolk Counties, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting brick on return. Applicant is authorized to transport brick from points in the above-described origin territory to New York, N. Y.

HEARING: December 17, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 95627 (Sub No. 15), filed October 10, 1957, EUGENE NELMS, P. O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packing house products, commodities used by packing houses*, and *dairy products*, between Smithfield, Va., and points in Virginia, North Carolina, South Carolina, Georgia, and Florida. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

HEARING: December 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Dallas B. Russell.

No. MC 96498 (Sub No. 13), filed October 21, 1957, BONIFIELD BROS. TRUCK LINES, INC., 1200 East Second Street, Metropolis, Ill. Applicant's attorney: Lewis E. Bulkeley, Suite 805, 231 South La Salle Street, Chicago 4, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (other than those requiring specialized handling or rigging because of size or weight), serving the plant site of Hotpoint Company located on Tonne Road, Landmeir Road, Busse Road and Devon Avenue, approximately two miles west of the Chicago, Ill., Commercial Zone, as defined by the Commission, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Missouri.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 98599 (Sub No. 1), filed August 15, 1957, ZUNI TRUCKING COMPANY, a Corporation, Airport Road, P. O. Box 746, Grants, N. Mex. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a common carrier, over irregular routes, transporting: (1) *Uranium and vanadium bearing ores and concentrates*, and *reagents* for mill refining, in bulk and in containers, between points within 10 miles of Grand Junction, Colo., on the one hand, and, on the other, points within 30 miles of Grants, N. Mex.; and (2) *perlite* and *perlite ore*, in bulk, from points in New Mexico within 28 miles of Antonito, Colo., to points in Colorado within 8 miles of Antonito, Colo., and *waste materials* on return.

NOTE: Applicant's second proviso operations in No. MC 98599 should be cancelled if and when the authority applied for herein is granted.

HEARING: December 11, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 98725 (Sub No. 1), filed October 8, 1957, ANTHONY LaFACE, doing business as LaFACE EXPRESS, 867 Progress Street, Pittsburgh 12, Pa. Applicant's attorney: Edward M. Larkin, 2003 Law & Finance Building, Pittsburgh, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Pittsburgh, Pa., and points within fifteen (15) miles thereof, and Williamsport, Pa., and points within fifteen miles thereof, from Pittsburgh over U. S. Highway 22 to junction Pennsylvania Highway 220 at Duncansville, and thence over Pennsylvania Highway 220 to Williamsport, and return over the same routes, serving all intermediate points and the off-route points of Milton, Pa., and State College, Pa. Applicant conducts operations in Pennsylvania.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, in lieu of intrastate certificate on file with this Commission.

HEARING: December 3, 1957, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 101075 (Sub No. 47), filed October 21, 1957, TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphur*, dry or liquid, in bulk, between points in Wisconsin, Minnesota, and North Dakota.

HEARING: December 2, 1957, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 219.

No. MC 103993 (Sub No. 89), filed April 9, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by truckaway method, in initial movements, from points in New Mexico to points in the United States. Applicant is authorized to conduct similar operations throughout the United States

HEARING: December 3, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Harold P. Boss.

No. MC 103993 (Sub No. 95), filed September 3, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed

to be drawn by passenger automobiles, in initial movements, in truckaway service, from Pendleton, Oreg., to points in the United States. Applicant is authorized to transport trailers throughout the United States.

HEARING: December 11, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Michael B. Driscoll.

No. MC 103993 (Sub No. 97), filed September 9, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Colorado (except Loveland, Fowler, and Colorado Springs, Colo.) to points in the United States. Applicant is authorized to transport the commodity specified throughout the United States.

HEARING: January 16, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 104675 (Sub No. 5), filed September 20, 1957, FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aviation gasoline*, from Neville Island, Pa., to the Niagara Falls Naval Air Station, at or near Niagara Falls, N. Y.; and *refused or unclaimed shipments of aviation gasoline* on return. Applicant is authorized to transport similar commodities in New York and Pennsylvania.

HEARING: December 5, 1957, at the Hotel Buffalo, Washington and Swan Streets., Buffalo, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 105265 (Sub No. 36), filed April 8, 1957, DENVER AMARILLO-RED BALL MOTOR FREIGHT, INC., 200 N. Fillmore St., Amarillo, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Colorado Springs, Colo., and Burlington, Colo., from Colorado Springs over U. S. Highway 24 to Burlington, and return over the same route, serving all intermediate points. Applicant is authorized to transport similar commodities in Colorado, New Mexico, Texas, and Oklahoma.

HEARING: December 9, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 105470 (Sub No. 8), filed October 14, 1957, INDIANAPOLIS FORWARDING COMPANY, a Corporation, 2500 West Taylor Street, Chicago 12, Ill. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk (not excluding red oils, stearic acid and fatty acids in bulk in tank vehicles), and commodities requiring special equipment, serving the site of the plant of Hotpoint Co., Division of General Electric Company, located between Tonne Road on the west, Landmeir Road on the north, Busse Road on the east and Devon Avenue on the south, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 106278 (Sub No. 16), filed July 15, 1957, E. B. LAW AND SON, INC., 848 North Seventh Street, Las Cruces, N. Mex. Applicant's attorney: Donovan N. Hoover, P. O. Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Refined petroleum products*, in bulk, in tank vehicles, between points in New Mexico and points in Arizona. Applicant is authorized to transport the named commodities from certain specified points in Texas and New Mexico to points in New Mexico and Arizona and proposes that any duplicating authority be eliminated.

HEARING: December 6, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 106398 (Sub No. 80), filed April 9, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 896-Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in New Mexico, to points in the United States. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: December 3, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Harold P. Boss.

No. MC 106398 (Sub No. 85), filed July 29, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Colorado (except Loveland, Fowler and Colorado Springs, Colo.), to points in the United States. Applicant is authorized to transport the commodity specified throughout the United States.

HEARING: January 16, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 106398 (Sub No. 87), filed September 3, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Pendleton, Oreg., to points in the United States.

HEARING: December 11, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Michael B. Driscoll.

No. MC 106965 (Sub No. 116), filed October 14, 1957, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Edible oils*, in bulk, in tank vehicles, from Baltimore, Md., to Columbia, Pa. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 107151 (Sub No. 18), filed August 26, 1957, H. F. JOHNSON, INC., 1524 Lockwood Road, P. O. Box 1403, Billings, Mont. Applicant's attorney: T. H. Burke, Billings State Bank Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products, as defined in Appendix XIII to report in Description in Motor Carrier Certificates, 61 M. C. C. 209*, and *road oil*, in bulk, in tank vehicles, from Billings and Laurel, Mont. and Cody and Zube, Wyo. and points within ten (10) miles of each, to points in South Dakota; *contaminated shipments of the named commodities*, on return. Applicant is authorized to conduct operations in Montana, Idaho, Wyoming, and North Dakota.

HEARING: December 19, 1957, at the Montana Board of Railroad Commissioners, Helena, Mont., before Examiner Michael B. Driscoll.

No. MC 107527 (Sub No. 34), filed July 5, 1957, POST TRANSPORTATION COMPANY, a Corporation, 3152 East 26th Street, Los Angeles 23, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, in bulk, in hopper vehicles, from points in Trona and Amboy, Calif., and points within 25 miles of Amboy, to Las Vegas and Henderson, Nev.

NOTE: In Permit No. MC 107527 (Sub No. 5) applicant is authorized to transport salt, in bulk, over irregular routes, from Amboy,

Calif., and points within 25 miles thereof to Henderson, Nev. Any duplication of authority applied for herein with present authority should be eliminated.

HEARING: December 10, 1957, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 107643 (Sub No. 46), filed June 24, 1957, ST. JOHNS MOTOR EXPRESS CO., 7220 North Burlington Avenue, Portland, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Pasco, Wash., and points within 25 miles thereof to points in Montana and Utah. Applicant is authorized to conduct operations in Washington, Oregon, Idaho, Montana, and Utah.

HEARING: December 2, 1957, in Room 231 Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Michael B. Driscoll.

No. MC 107839 (Sub No. 22), filed July 1, 1957, DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Fruits and their products*, frozen or unfrozen, and *sea foods* and *see food products*, frozen or unfrozen, from points in Florida to Denver, Pueblo and Colorado Springs, Colo.; (2) *Frozen foods*, from points in Colorado to points in Florida. Applicant is authorized to conduct operations in Colorado, New Mexico, Texas, Louisiana, and Florida.

HEARING: January 13, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 108461 (Sub No. 58), filed September 13, 1957, WHITFIELD TRANSPORTATION, INC., 240 West Amador Street, Las Cruces, N. Mex. Applicant's attorney: Loyal G. Kaplan, Suite 924, City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, in hopper type vehicles, from the site of the Ideal Cement Company's plant near Tijeras, N. Mex. (located approximately 16 miles east of Albuquerque, N. Mex., and south of U. S. Highway 66), to points in Colorado, Texas, Arizona and Utah. Applicant is authorized to transport cement in each of the above named states, and other commodities in Arizona, California, New Mexico, Texas, and Utah.

HEARING: December 18, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Harold P. Boss.

No. MC 108678 (Sub No. 19), filed September 19, 1957, LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building., Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Alcohol, grain neutral spirits, alcoholic liquors*, NOIBN, in bulk, in tank vehicles, between Peoria and Pekin, Ill., on the one hand, and, on the other, points in California; *Alcohol, in bond*, in bulk, in tank vehicles, from Muscatine, Iowa to Los Angeles and Redwood City (near Henderson), Calif.; and *Wines, brandies*, and *alcoholic liquors*, NOIBN, in bulk, in tank vehicles, from points in California to points in Missouri, Illinois, Indiana, Ohio, Kentucky, and Tennessee. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Ohio, and Wisconsin.

HEARING: December 2, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Walter R. Lee.

No. MC 109425 (Sub No. 9), filed September 16, 1957, LEVITAN INTERSTATE TRANSPORT, INC., 670 Sayre Avenue, Perth Amboy, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel*, from Philadelphia, Pa., to points in Nassau County, N. Y., and *returned shipments* of the above commodities and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

HEARING: December 13, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 109502 (Sub No. 2), filed August 29, 1957, FRANK MORRISSEY AND FRANCES C. MORRISSEY, doing business as LAWRENCE FARMS STABLES FRANK MORRISSEY, Lawrence Farms, Mount Kisco, N. Y. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Show horses, polo ponies*, and *saddle horses*, and their equipment of *blankets, saddles, bridles* and *fittings*, between points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to transport race horses and equipment in the same vehicle with horses between the points in the States applied for herein.

HEARING: December 9, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 109637 (Sub No. 56), filed October 11, 1957, GASOLINE TRANSPORT CO., 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Compressed gases*, in shipper-owned cylinders and manifold-tube semi-trailers, from Calvert City, Ky., and points within 5 miles thereof to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Illinois, Tennessee, Kentucky, Indiana, Alabama, Florida, Georgia, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Texas, West Virginia, and Wisconsin.

HEARING: November 19, 1957, at the Kentucky Hotel, Louisville, Ky., before Examiner Lucian A. Jackson.

No. MC 109689 (Sub No. 52), filed July 25, 1957, W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Utah, to points in Utah; and *rejected and contaminated shipments* of the commodities specified on return movements. Applicant is authorized to transport similar commodities in Idaho, Nevada, Oregon, and Utah.

HEARING: January 23, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 110525 (Sub No. 346), filed October 18, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Illiopolis Ill., to Carlisle and Bloomsburg, Pa., Concord, N. C., and Austell and Dalton, Ga. Applicant is ahtorized to transport liquid chemicals in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: December 3, 1957, at the Fulton Bldg., 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 111006 (Sub No. 2), filed September 9, 1957, CURTIS J. LeROY, doing business as LeROY'S TRUCKING SERVICE, Box 37, R. D. No. 1, Whitehall, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat packing houses*, in temperature controlled vehicles, from Whitehall, N. Y., to Ludlow, Bellows Falls, Springfield, and Manchester, Vt., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in New York and Vermont.

HEARING: December 10, 1957, at the Federal Building, Albany, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 111434 (Sub No. 11), filed May 31, 1957, DON WARD, INC., 730 Equitable Building, Denver 2, Colo. Applicant's attorneys: Stockton, Linville & Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from points in Utah to points in Colorado west of the Continental Divide.

HEARING: January 6, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 213, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 112172 (Sub No. 5), filed July 15, 1957, GEO. W. SMITH, JR., P. O. Box 143, Cortez, Colo. Applicant's attorney: O. Russell Jones, P. O. Box 1437, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uranium and vanadium bearing ores*, in bulk, between points within 225 miles of Monticello, Utah, including Monticello, Utah.

NOTE: Duplication with applicant's presently authorized operations should be eliminated. Applicant is authorized to transport similar commodities in Colorado, New Mexico, and Utah.

HEARING: December 18, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 112173 (Sub No. 10), filed August 5, 1957, BOYD E. RICHNER, INC., 404 Third Avenue, Durango, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soda ash*. from the site of the Westvaco Plant near Green River, Wyo., to points in Colorado on and west of the Continental Divide and points in New Mexico within 50 miles of Grants, N. Mex. Applicant is authorized to conduct operations in Colorado, Wyoming, and Utah.

NOTE: Applicant's attorneys states that the above requested authority will be restricted against serving any points located on existing railheads.

HEARING: January 17, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 112593 (Sub No. 11), filed July 16, 1957, SIDNEY W. JOHNSON, doing business as SOUTHWESTERN FILM SERVICE, P. O. Box 97, Taos, N. Mex. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Cut flowers, potted plants* and *floral supplies*, from Denver, Colorado Springs and Trinidad, Colo., to points in New Mexico and El Paso and Amarillo, Texas, and *empty containers* on return. (2) *Newspapers, magazines, periodicals* and *printed matter*, from Denver, Colo., to points in New Mexico and El Paso, Texas; (3) *Money*, coins only, from points in New Mexico to Denver, Colo., and *empty containers* on return. Applicant is authorized to conduct operations in Colorado and New Mexico.

HEARING: January 8, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 89, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 112713 (Sub No. 70), filed October 21, 1957, YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records (same address as applicant). For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant, located in or near the Village of Elk Grove, Cook County, Ill., on Tonne Road, Landmeir Road, Busse Road and Devon Avenue, as an off-route point in connection with applicant's authorized regular route operations to and from points in the Chicago, Ill., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Michigan, Ohio, Oklahoma, and Texas.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 112750 (Sub No. 25), filed September 6, 1957, ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, Long Island, N. Y. Applicant's attorney: James K. Knudson, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commercial papers, documents and written instruments*, except currency, coin, bullion, and negotiable instruments, as are used in the businesses of banks and banking institutions when transported in containers other than trace-alarm bags and in vehicles other than armored vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between Boston, Mass., on the one hand, and, on the other, points in Kent, Bristol, Providence, Washington, and Newport Counties, Rhode Island. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Virginia, Massachusetts, and the District of Columbia.

HEARING: December 20, 1957, in Room 308, Main Post Office Building, Providence, R. I., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 113129 (Sub No. 1), filed August 16, 1957, SEXTON-CLARKE AUTO FREIGHT, INC., 1206 Sheldon Boulevard, Bremerton, Wash. Applicant's attorney: Carl A. Jonson, 400 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) serving the intermediate and off-route points between Tacoma, Wash., and Port Orchard, Wash., on and within a 5 mile radius west of Washington Highway 14, but excluding points on Washington Highway 14A west of Purdy, Wash.; and points east of Washington Highway 14 within the area bounded by Sinclair Inlet and Rich Passage on the north and West Passage and The Narrows on the east, in connection with applicant's authorized regular route operations between Tacoma and Bremerton, Wash., over Washington Highway 14; (2) serving all intermediate and off-route points in Kitsap County lying on the Kitsap Peninsula in the area north of a line between Bremerton, Wash., and Seabeck, Wash., and bounded on the west by Hoods Canal and on the east by Puget Sounds and arms or bays thereof, in connection with applicant's authorized regular route operations between Seattle and Bremerton, Wash., and between Tacoma and Bremerton, Wash.; (3) over irregular routes, between Bremerton, Wash., and all points in Kitsap County, Wash., and between points in Kitsap County, Wash., lying on the Kitsap peninsula in the area north of a line between Bremerton, Wash., and Seabeck, Wash., and bounded on the east by the Hoods Canal and on the west by Puget Sound and arms or bays thereof; (4) over the following alternate route, between Seattle, Wash., and Bremerton, Wash., from Seattle over U. S. Highway 99 to Tacoma, thence over Tacoma Narrows Bridge and Washington State Highway 14 to junction Washington Highway 21, thence over Washington Highway 21 to Bremerton, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Oregon and Washington.

HEARING: December 4, 1957, in Room 231 Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 113463 (Sub No. 3), filed September 16, 1957, W. I. DAVIS and C. M. GOEN, a Partnership, doing business as CONTRACT CARRIER CO., 609 Kinley Avenue NW., Albuquerque, N. Mex. Applicant's attorney: Joseph P. Tumulty, Jr., 1317 F Street NW., Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Beer and malt beverages*, from Golden, Colo., to Farmington and Gallup, N. Mex.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified from Farmington and Gallup, N. Mex., to Golden, Colo. Applicant is authorized to transport malt beverages in New Mexico and Colorado.

HEARING: December 12, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 114364 (Sub No. 26), filed April 22, 1957, WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, from points in Utah and Idaho, to points in Oklahoma, and points in that part of Texas bounded by a line beginning at the New Mexico-Texas state line and extending east

along U. S. Highway 180 to junction U. S. Highway 87, thence along U. S. Highway 87 to junction U. S. Highway 80, thence along U. S. Highway 80 to junction U. S. Highway 75, thence north along U. S. Highway 75 to the Texas-Oklahoma state line, thence northwesterly along the Texas-Oklahoma state line to the New Mexico-Texas state line, and thence south along the New Mexico-Texas state line to point of beginning, including points on the indicated portions of the highways specified. Applicant is authorized to transport sugar in Arkansas, Colorado, Idaho, Kansas, Missouri, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

HEARING: December 13, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 114364 (Sub No. 27), filed May 3, 1957, WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, in bulk, from Swink, Colo., to points in New Mexico; and *petroleum products*, in containers, and *lubricating oil*, in bulk, from Kansas City, Kans., and Ponca City, Okla., to Glen Canyon Dam Site, Ariz., including points in Arizona within 50 miles of said Dam Site. Applicant is authorized to transport similar commodities in Arkansas, Colorado, Idaho, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

HEARING: December 16, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 114364 (Sub No. 31), filed July 22, 1957, WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, in bulk, (1) from Rocky Ford and Swink, Colo., to points in Arkansas on and west of U. S. Highway 65 from the Arkansas-Missouri State line to Little Rock, Ark., thence on and west of U. S. Highway 67 from Little Rock, Ark., to Texarkana, Ark.; to points in that part of Kansas bounded by a line beginning at the Kansas-Colorado State line (near Coolidge, Kans.) and extending along U. S. Highway 50 to Garden City, Kans., thence along U. S. Highway 50N to junction Kansas Highway 99 (near Admire, Kans.), thence south along Kansas Highway 99 to junction U. S. Highway 54, thence east along U. S. Highway 54 to the Kansas-Missouri State line, thence north along the Kansas-Missouri State line to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to the Kansas-Colorado State line, thence along the Kansas-Colorado State line to point of beginning, including points on the indicated portions of the highways indicated; to points in Iowa and Missouri on and west of U. S. Highway 65, and to those in Nebraska; and (2) from South Torrington, Wyo., to points in Colorado and Nebraska, and those in Iowa and Missouri on and west of U. S. Highway 65. Applicant is authorized to transport Sugar in Arkansas, Colorado, Idaho, Kansas, Missouri, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

NOTE: Duplication with present authority to be eliminated.

HEARING: December 17, 1957, at the New Custom House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 114644 (Sub No. 5), filed May 2, 1957, ORVILLE DUNLAP AND HAROLD ROSS DUNLAP, doing business as ORVILLE DUNLAP & SON, 122 North Cascade, Montrose, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities, including commodities in bulk, excepting liquid commodities in bulk, and including commodities requiring special equipment*, but excepting those of unusual value, Class A and B explosives, and household goods as defined by the Commission, between the junction of Colorado Highway 145 and Colorado Highway 80 and Gladel, Colo. (including points within five (5) miles thereof) over Colorado Highway 80. Applicant is authorized to conduct operations in Colorado and Utah.

NOTE: The purpose of this application is to eliminate from Certificate No. MC 114644 (Sub No. 3) the restriction in the commodity description against the transportation of commodities in bulk other than liquid and commodities requiring special equipment.

HEARING: December 11, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 115364 (Sub No. 1), filed August 8, 1957, GOODMAN MOTOR TRANSPORT CO., LTD., Foot of Doman Street, Vancouver, British Columbia, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, between ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Sumas, and Lynden, Wash., and points in Whatcom and Skagit Counties, Wash., restricted to traffic originating at or destined to points in British Columbia, Canada, and moving in foreign commerce only.

HEARING: December 3, 1957, in Room 231 Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 115399 (Sub No. 4), filed August 5, 1957, J. J. GENTRY, 927 Southeast Seventh, Grants Pass, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* and *plywood*, (1) from points in Douglas County, Oreg., to points in California; (2) *Plywood*, from Grants Pass, Oreg., to points in California; and (3) *Box shook*, from Grants Pass, Josephine County, Oreg., to points in California, and *exempt commodities only* (miscellaneous commodities that are available for handling to prevent return trip without load) on return. Applicant has authority to transport Lumber, other than plywood, veneer, shingles, and box shook, from points in Josephine County, Oreg., to points in California.

HEARING: December 9, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 115410 (Sub No. 2), filed August 19, 1957, HAWKES TRANSPORTATION CO., INC., 848 South First Avenue, Pocatello, Idaho. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A and B explosives, blasting materials*, and *blasting supplies*, between the site of the E. I. DuPont De Nemours & Company plant at or near DuPont, Wash., and Ravensdale, Wash., on the one hand, and, on the other, points in Montana and those in Union, Baker, and Malheur Counties, Oreg. Applicant is authorized to conduct operations in Idaho, Montana, and Washington.

HEARING: December 4, 1957, in Room 231 Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Michael B. Driscoll.

No. MC 115480 (Sub No. 2), filed March 25, 1957, E. L. BANGERTER, 741 West Fifth North, Green River, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Manhole* covers, sections and cones, and *road culverts*, from Ogden, Utah to points in Moffat County, Colo., points in Uinta, Sublette, Lincoln, and Teton Counties, Wyo., and those in Uintah, Daggett, Summit, and Duchesne Counties, Utah; (2) *Reinforcing and structural steel; clay sewer pipe and tile; fire clay, pumice, cement and cinder blocks* and *bricks*, from Salt Lake City, Utah and points within ten (10) miles thereof, to points in Moffat County, Colo., points in Uinta, Sublette, Lincoln, and Teton Counties, Wyo., and those in Uintah, Daggett, Summit, and Duchesne Counties, Utah; (3) *Cement*, from Green River, Wyo., to points in Moffat County, Colo., points in Uinta, Sublette, Lincoln, and Teton Counties, Wyo., and those in Uintah, Daggett, Summit, and Duchesne Counties, Utah; and (4) *Cement*, in bulk, from Devils Slide, Utah to points in Moffat County, Colo., points in Uinta, Sublette, Lincoln, and Teton Counties, Wyo., and those in Uintah, Daggett, Summit and Duchesne Counties, Utah, and points in Sweetwater County, Wyo. Applicant is authorized to transport Cement in sacks from Devils Slide, Utah to points in Sweetwater County, Wyo.

NOTE: Duplication with present and proposed authority to be eliminated.

HEARING: December 2, 1957, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 280, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 115621 (Sub No. 4), filed July 19, 1957, ROCKY MOUNTAIN MOBILE HOME TOWING SERVICE, INC., 621 South Perry Street, Denver 19, Colo. Applicant's attorney: Truman A. Stockton, Jr., the 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* (trailer houses), in initial movements, from Limon, Colo., to points in Oklahoma, Kansas, Texas, Missouri, Nebraska, Iowa, South Dakota, Montana, Wyoming, Utah, New Mexico, Minnesota, and Colorado, and *damaged and rejected shipments* of the commodities specified in this application on return.

HEARING: January 15, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 116045 (Sub No. 2), filed June 3, 1957, NEUMAN TRANSIT CO., INC., P. O. Box 31, Rawlins, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Acids* and *chemicals*, in bulk, in tank vehicles and in packages, between points in Wyoming, Colorado, South Dakota, and Utah. (2) *Mill construction equipment, materials and supplies* (except cement), from all railheads and points in Wyoming (except Rock Springs and points within 25 miles thereof), to all points in Fremont County, Wyo., and *contaminated and rejected shipments* of mill construction equipment, materials and supplies (except cement), and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (2) on return.

HEARING: January 7, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 116062 (Sub No. 7), filed May 27, 1957, CALIFORNIA EXPRESS, INC., 1701 Vinewood, Fort Worth, Tex. Applicant's attorney: John W. Carlisle, 422 Perry Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes transporting: *Wine*, in bulk, in tank vehicles, from points in California to points in New Mexico.

HEARING: December 5, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 116062 (Sub No. 8), filed May 27, 1957, CALIFORNIA EXPRESS, INC., 1701 Vinewood, Fort Worth, Tex. Applicant's attorney: John W. Carlisle, 422 Perry Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in California to points in Colorado.

HEARING: December 19, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 116144 (Sub No. 2), filed September 11, 1957, ARTHUR W. SORENSEN, Johnson Road, Woodbridge, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over irregular routes transporting: *Wood pulp* and *processed wood pulp*, from Old Town, Maine, and Berlin, N. H., to Seymour, Conn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to transport fertilizer, in bags, from specified points in New Jersey and Massachusetts to described points in Connecticut.

HEARING: December 2, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner James I. Carr.

No. MC 116314 (Sub No. 1), filed May 16, 1957, HARRY D. BLANCHARD, 195 West Valley Boulevard, Rialto, Calif. Applicant's attorney: Waldo Willhoft, Andreson Building, San Bernardino, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, (1) from the plant of California Portland Cement Co., near Mohave, Kern County, Calif., to points in Clark, Lincoln, and Nye Counties, Nevada; (2) from the plant of Monolith Cement Co., near Tehachapi, Kern County, Calif., to points in Clark, Lincoln, and Nye Counties, Nevada; (3) from the plant of Permanente Cement Co., near Lucerne Valley Postoffice, Lucerne Valley, San Bernardino County, Calif., to points in Clark, Lincoln, and Nye Counties, Nevada; and (4) from the plant of Riverside Cement Company, near Oro Grande, San Bernardino County, Calif., to points in Clark, Lincoln, and Nye Counties, Nevada, and *empty cement containers* on return over the above four routes. Applicant is authorized to conduct operations in California and Nevada.

HEARING: December 9, 1957, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116390 (Sub No. 2), filed July 15, 1957, LYNN C. GEORGE, Pagosa Springs, Colo. Applicant's attorney: R. Franklin McKelvey, Burns National Bank Building, P. O. Box 1160, Durango, Colo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Pagosa Springs, Colo., and Dulce, N. Mex., from Pagosa Springs over U. S. Highway 84 to junction New Mexico Highway 17, and thence over New Mexico Highway 17 to Dulce, and return over the same route, serving the intermediate points of Monero and Lumberton, N. Mex., and the off-route points of Edigh (Archuleta County), Colo., and Chama, N. Mex.

HEARING: December 12, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 116450 (Sub No. 1), filed August 9, 1957, JUNIOR A. COLE and RAYMOND C. COLE, a Partnership, doing business as TRAILER HOME RENTAL SERVICE, 510½, 23 Road, Grand Junction, Colo. Applicant's attorney: Cecil S. Haynie, 200 North Sixth Street, Grand Junction, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used house trailers*, between points in Moffat, Routt, Rio Blanco, Eagle, Pitkin, Garfield, Mesa, Delta, Montrose, Montezuma, Dolores, La Plata, Ouray, San Miguel, San Juan, Archuleta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Arizona, Utah, New Mexico, and Wyoming.

HEARING: January 17, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 116542, filed March 25, 1957, MERLE J. TAGGART, 5074 Osceola Street, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poles, timbers* and *posts*, between points in Colorado, on the one hand, and on the other, points in Wyoming, Nebraska, and New Mexico.

HEARING: December 9, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 116607, filed April 22, 1957, C. T. LUCAS, doing business as C. T. LUCAS TRUCKING CO., P. O. Box 6013, 70000 Block Second Street NW., Albuquerque, N. Mex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fish feed*, from Albuquerque, N. Mex., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, except points on U. S. Highways 66, 85, 60 and 160, and except points within one (1) mile of said highways.

HEARING: December 4, 1957, at New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Harold P. Boss.

No. MC 116638 (Sub No. 1), filed July 29, 1957, COMMODITIES CARRIER, INC., P. O. Box 2013, West Parkway, Billings, Mont. Applicant's attorney: Jerome Anderson, Electric Building, P. O. Box 1472, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer* and *empty beer containers*, between Vancouver and Spokane, Wash., on the one hand, and, on the other, points in Montana.

HEARING: December 18, 1957, at the Montana Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 79, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 116638 (Sub No. 2), filed July 29, 1957, COMMODITIES CARRIER, INC., P. O. Box 2013, West Parkway, Billings, Mont. Applicant's attorney: Jerome Anderson, Electric Building, P. O. Box 1472, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer* and *empty beer containers*, between St. Louis, Mo., Chicago, Ill. and Milwaukee, Wis., on the one hand, and, on the other, points in Montana.

HEARING: December 17, 1957, at the Montana Board of Railroad Commis-

sioners, Helena, Mont., before Examiner Michael B. Driscoll.

No. MC 116645, filed May 13, 1957, FREDERIC A. BETHKE, E. BONABEL DAVIS, AND ROSINA A. BETHKE, doing business as CONSOLIDATED MILK LINES, P. O. Box 56, Gilcrest, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, edible for human consumption, in bulk, in tank vehicles, between points in Colorado, on the one hand, and, on the other, points in Utah, New Mexico, Wyoming, Kansas and Nebraska.

NOTE: One of the above-named partners, Frederic A. Bethke, doing business as Bethke Truck Lines, conducts operations in Colorado under the second proviso of Section 206 (a) (1), Interstate Commerce Act, under MC 82944 (Sub No. 2). If and when the authority herein applied for is granted, applicant will request cancellation of said proviso filing.

HEARING: December 12, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 116650, filed May 14, 1957, CLARENCE E. SMITH, doing business as SUMMIT TRUCKING SERVICE, 1214 South Fifth Street, Laramie, Wyo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *General commodities*, including *household goods* as defined by the Commission, *commodities in bulk* and *those requiring special equipment*, but excluding commodities of unusual value and Class A, B and C explosives, between points in Wyoming and points in Colorado.

HEARING: December 5, 1957, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 116699, filed May 27, 1957, FARRELL BROUGH, doing business as BROUGH TRUCKING COMPANY, Riverton, Wyo. Applicant's attorney: James L. Hettinger, Masonic Temple Building, Riverton, Wyo. For authority to operate as a *contract carrier*, over a regular route, transporting: *Uranium oxide concentrates*, otherwise known as "yellow cake", a milled product, from the Lucky Mc Uranium Corporation mill site, located approximately fifty (50) miles southeast of Riverton, Wyo., to Grand Junction, Colo., from the Lucky Mc Uranium Corporation mill site, approximately fifty (50) miles southeast of Riverton, Fremont County, Wyo., in Sections 21 and 22, Township 33 North, Range 90 West, 6th P. M., Fremont County, Wyo., over unnumbered unimproved access highway in a southerly direction, a distance of approximately thirty (30) miles, to Jeffry City, Wyo. (also as an alternate bad weather route, from the Lucky Mc Uranium Corporation mill site, approximately fifty (50) miles southeast of Riverton, Fremont County, Wyo., in Sections 21 and 22, Township 33 North, Range 90 West, 6th P. M., Fremont County, Wyo., over unnumbered unimproved access highway to Riverton, Wyo., thence over Wyoming Highway 789 to Lander, Wyo., thence over U. S. Highway 287 to Jeffry City, Wyo., a distance of approximately one hundred forty-one (141) miles, thence in a southerly direction over combined U. S. Highway 287 and Wyoming Highway 789, a distance of approximately fifty-five (55) miles to Rawlins, Wyo., thence in a westerly direction over U. S. Highway 30, a distance of approximately twenty-six (26) miles, to Creston, Wyo., thence in a southerly direction over Wyoming Highway 789, a distance of approximately fifty (50) miles, to Baggs, Wyo., and to the Wyoming-Colorado State line, thence continue in a southerly direction over combined Colorado Highways 789 and 13, a distance of approximately forty-one (41) miles, to Craig, Colo., thence continue in a southerly direction over combined Colorado Highways 13 and 789, a distance of approximately forty-nine (49) miles, to Meeker, Colo., thence over combined Colorado Highways 13 and 789, a distance of approximately forty-one (41) miles, to Rifle, Colo., thence in a southwesterly direction over combined U. S. Highways 6 and 24, a distance of approximately sixty-five (65) miles, to Grand Junction, a distance of approximately three hundred fifty-seven (357) miles, in all, one way, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application on return.

HEARING: December 4, 1957, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 116700, filed May 20, 1957, OMER KNUDSEN, Farmington, N. Mex. Applicant's representatives: Milenski & Parga, Cortez, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Milk, dairy products and animal and poultry feeds*, (1) from points in Montezuma County, Colo., to Farmington, N. Mex; and (2) from points in La Plata County, Colo., to Farmington, N. Mex.; and *empty containers or other incidental facilities*, (not specified), used in transporting the commodities specified, on return.

HEARING: December 17, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 116722 (Sub No. 2), filed July 25, 1957, DENVER-CLIMAX TRUCK LINE, INC., 5460 Colorado Boulevard, Denver 16, Colo. Applicant's attorney: Truman A. Stockton, Jr., the 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting commodities in bulk, in tank vehicles, and those requiring special equipment, from Denver, Colo., to Leadville, Colo., from Denver over U. S. Highway 6 to its junction with Colorado Highway 91, thence over Colorado Highway 91 to Leadville, and return over the same route, serving the intermediate points of Kokomo and Climax, Colo., and off-route points within five miles of Kokomo, Climax, and Leadville.

HEARING: December 6, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 116763 (Sub No. 1), filed August 12, 1957, CARL SUBLER TRUCKING, INC., 906 Magnolia Ave., Auburndale, Fla. Mail: North West Street, Versailles, Ohio. Applicant's attorneys: Benjamin J. Brooks, Washington Loan and Trust Building, Washington 4, D. C., and Herbert Baker, A. I. U. Building, Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned, prepared or preserved foodstuffs*, not requiring refrigeration, from points in Maine, New Hampshire, and Vermont to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations as a contract carrier in Ohio, Florida, Michigan, Illinois, Wisconsin, Minnesota, Indiana, and Georgia. Section 210 may be involved.

HEARING: December 12, 1957, at the Federal Building, Portland, Maine, before Examiner Lawrence A. Van Dyke.

No. MC 116763 (Sub No. 2), filed August 12, 1957, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Mail: North West Street, Versailles, Ohio. Applicant's attorneys: Benjamin J. Brooks, Washington Loan and Trust Building, Washington 4, D. C., and Herbert Baker, A. I. U. Building, Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned, prepared or preserved foodstuffs*, not requiring refrigeration, from points in Maine, New Hampshire, and Vermont to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations as a contract carrier in Ohio, Florida, Michigan, Illinois, Wisconsin, Minnesota, Indiana, and Georgia. Section 210 may be involved.

HEARING: December 12, 1957, at the Federal Building, Portland, Maine, before Examiner Lawrence A. Van Dyke.

No. MC 116765, filed June 20, 1957, KENNETH SILLIMAN, P. O. Box 146, Green River, Utah. Applicant's attorney: Royce G. Hulsey, 458 South Third East, Salt Lake City, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ores* and *ore concentrates* from Green River, Utah, and points in Utah and Colorado within 125 miles of Green River to points in Colorado; *mining supplies and equipment* which do not require special equipment on return.

HEARING: January 23, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 213, or, if the Joint Board waives its

right to participate, before Examiner Harold W. Angle.

No. MC 116809, filed July 11, 1957, CHARLES H. OLDS, JR., Route 1, Box 131, Bishop, Calif. Applicant's representative: Douglas Joseph, Bishop Wholesale Grocery, Bishop, Calif. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, moving in express service, between Bishop, Calif., and Tonopah, Nev., from Bishop over U. S. Highway 6 to Tonopah, Nev., and return over U. S. Highway 6 to Fish Lake Valley junction, approximately six (6) miles west of Coaldale, Nev., thence over Nevada Highway 3-A to the Nevada-California State line, thence over unnumbered highway through Deep Springs, Calif., to Big Pine, Calif., thence over U. S. Highway 395 to Bishop, serving all intermediate points.

HEARING: December 10, 1957, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116815, filed July 15, 1957, RONALD W. WILLIAMS, doing business as ISLAND TURF TRANSPORT, 870 Cambie Road, Richmond, British Columbia, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Horses*, other than ordinary, and in connection therewith, *personal effects* of their attendants trainers, and exhibitors, and *equipment, supplies*, and *mascots*, incidental to the care, transportation, and exhibition of such animals, (1) between points in Washington and Oregon, and (2) between points in Oregon and Washington, on the one hand, and, on the other, points in California.

HEARING: December 2, 1957, in Room 231 Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 116845, filed July 30, 1957, MARTIE N. JONES AND MORTON A. JONES, partnership, doing business as JONES WRECKING, Route 2, The Dalles, Oreg. Applicant's attorney: Harry J. Hogan, 215 East Fourth Street, The Dalles, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wrecked and disabled vehicles*, from points in Klickitat County, Wash., and points in that part of Yakima County, Wash., south of a line extending west from junction of U. S. Highways 97 and 410 at or near Buena, Wash., to junction of the Skamania and Yakima County Lines near Walupi Lake, Wash., to The Dalles, Oreg.

HEARING: December 9, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 116855, filed August 5, 1957, ROBERT H. SCOTT, JR., doing business as SCOTT TRUCKING COMPANY, 417 Prairie Avenue, Springer, N. Mex. Applicant's attorney: Harold O. Waggoner, Simms Building, P. O. Box 1035, Albuquerque, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, from points in Kansas to points in New Mexico. *Livestock feed* in bulk and in containers, between points in Colorado, Kansas, Oklahoma, Texas, and New Mexico.

NOTE: Applicant states on return movements he will transport livestock only in the same vehicle.

HEARING: December 17, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Harold P. Boss.

No. MC 116866, filed August 9, 1957, PATRICK J. SPINETTO AND ABRAHAM J. SPINETTO, doing business as PAT'S TOWING SERVICE, 76 Pearl Street, Cambridge, Mass. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, wrecked, disabled, and repossessed, between points in Suffolk and Middlesex Counties, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

HEARING: December 19, 1957, at the New Post Office and Court House Building, Boston, Mass., before Examiner Lawrence A. Van Dyke.

No. MC 116880, filed August 19, 1957, WALTER D. DAVIS, Bangor Road, Houlton, Maine. Applicant's attorney: William D. Pinansky, 403 Clapp Memorial Building, 443 Congress Street, Portland 3, Maine. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down or in sections, and *component parts thereof*, and *equipment and materials* incidental to the erection and completion of such buildings, when transported in connection therewith, from Houlton, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Indiana, Ohio, Virginia, Michigan, Georgia, North Carolina, and West Virginia; and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return.

HEARING: December 17, 1957, at the Federal Building, Portland, Maine, before Examiner Lawrence A. Van Dyke.

No. MC 116887, filed August 23, 1957, ALDEN D. WOODWARD, doing business as WOODWARD AUTO SUPPLY, 418 North Main Street, P. O. Box 335, Lovington, N. Mex. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers* and *mobile homes*, designed to be drawn by passenger automobiles, by the driveaway (tow-away) service only, between points in Lea County, N. Mex., on the one hand, and, on the other, points in Wyoming, Colorado, Arizona, Texas, Louisiana, Mississippi, Nebraska, Kansas, and Oklahoma.

HEARING: December 20, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Harold P. Boss.

No. MC 116888, filed August 26, 1957, WALLACE FOREST, doing business as FOREST BROTHERS AUTO WRECKING, 1524 North Ninth Street, Coeur d'Alene, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, house trailers, trucks, tractors*, and *other motor vehicles*, wrecked, abandoned, damaged, stalled, and/or repossessed, (1) between points in Asotin, Whitman, Spokane, and Pend Oreille Counties, Wash., on the one hand, and, on the other, points in Boundary, Bonner, Kootenai, Shoshone, Clearwater, Benewah, Latah, Nez Perce, Idaho, and Lewis Counties, Idaho, and points in Lincoln, Flathead, Sanders, Missoula, Granite, Ravalli, Mineral, Glacier, and Lake Counties, Mont.; and (2) between points in Boundary, Bonner, Kootenai, Shoshone, Clearwater, Latah, Nez Perce, Idaho, and Lewis Counties, Idaho, on the one hand, and, on the other, points in Lincoln, Flathead, Sanders, Missoula, Granite, Ravalli, Mineral, Glacier, and Lake Counties, Mont.

HEARING: December 12, 1957, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 116892, filed August 26, 1957, FREDERICK G. MARKERT, 1417 Swetland Street, Scranton, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from Scranton, Pa., and points within 30 miles thereof, to points in Montgomery County, N. Y. *Empty containers or other such incidental facilities* used in transporting coal, on return.

HEARING: December 6, 1957, at the Federal Building, Albany, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 116893, filed August 26, 1957, MARTEL EXPRESS, LTD., a Corporation, 499 Main Street, Farnham, Quebec, Canada. Applicant's attorney: John J. Wackerman, 73 Main Street, Montpelier, Vt. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wood flour* (finely ground and pulverized wood, screened and bagged, used as filler in linoleum, plastics and dynamite), and *empty containers or other such incidental facilities*, (not specified) used in transporting wood flour between Ogdensburg, N. Y., and port of entry on the United States-Canada International Boundary at or near Rouses Point, N. Y.

HEARING: December 6, 1957, at the Federal Building, Albany, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 116894, filed August 26, 1957, FRANK J. PAGNOTTA, Box 454, Priest River, Idaho. Applicant's attorney: George W. Shoemaker, 1327 ONB Building, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wood chips*, in bulk, in specially constructed trailers, between points in Bonner County, Idaho, and Pend Oreille and Spokane Counties, Wash., on the one hand, and, on the other, points in Nez Perce County, Idaho.

HEARING: December 13, 1957, at the Davenport Hotel, Spokane, Wash., be-

fore Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 116899, filed August 27, 1957, EDWARD J. FOUNTAIN, doing business as FOUNTAIN'S GARAGE, 240–242 Putnam Street, New Haven, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles*, in driveaway and truckaway service, between points in Connecticut, on the one hand, and, on the other, points in Rhode Island, Massachusetts, New York, and New Jersey.

HEARING: December 2, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner James I. Carr.

No. MC 116901, filed August 30, 1957, HARDIN-HOUSTON, INC., Box 102, Hobbs, N. Mex. Applicant's attorney: W. D. Girand, 231 Lea County State Bank Building, Hobbs, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing and storage of natural gas and petroleum and their products and byproducts, in bulk, in tank vehicles, between points within Lea, Eddy, Chaves, and Roosevelt Counties, N. Mex., and Culberson, Loving, Reeves, Winkler, Crane, Ector, Midland, Mitchell, Howard, Martin, Andrews, Scurry, Borden, Dawson, Gaines, Garza, Lynn, Terry, Yoakum, Cochran, Hockley, Lamb, and Bailey Counties, Tex. RESTRICTION: All hauls of refined petroleum products to be limited to movements to oil well locations and the resultant salvage thereof from oil well locations.

HEARING: December 9, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 116904, filed September 3, 1957, L. E. LESTER, doing business as L. E. LESTER TANK TRUCK SERVICE, 109 South Burk, Hobbs, N. Mex. Applicant's attorney: W. D. Girand, 231 Lea County State Bank Building, Hobbs, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, in bulk, in tank vehicles, used in, or in connection with, the discovery, development, production, refining, manufacture, processing and storage of natural gas, and petroleum and their products and by-products, providing that all hauls of refined petroleum products be restricted to movements to oil well locations and the resultant salvage thereof from oil well locations, between points in Lea, Eddy, Chaves, and Roosevelt Counties, N. Mex., and Winkler, Ward, Andrews, Ector, Gaines, Yoakum, Terry, Cochran, Hockley, and Lamb Counties, Texas.

HEARING: December 9, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 116909, (CORRECTION), published issue October 9, 1957, at page 8046, filed September 5, 1957, RAYMOND J. FALKNER, doing business as BARRON DRAY AND TRANSFER, Route 2, Barron, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Barron, Wis., and Ridgeland, Wis., over Wisconsin Highway 25, serving the intermediate point of Hillsdale and the off-route points of Dallas and Prairie Farm; (2) between Barron, Wis., and Clear Lake, Wis., from Barron over U. S. Highway 8 to junction U. S. Highway 63, thence over U. S. Highway 63 to Clear Lake, and return over the same route, serving the intermediate points of Poskin, Almena, Turtle Lake, and Clayton, Wis., only; and (3) between Clear Lake, Wis., and Prairie Farm, Wis., from Clear Lake over Polk County Trunk A to junction Barron County Trunk A, thence over Barron County Trunk A to Prairie Farm, and return over the same route, serving the intermediate point of Reeve, Wis., only. Previous publication stated proposed operations would be those of a *contract carrier*. This was in error.

HEARING: Remains as assigned November 29, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 116920, filed September 10, 1957, RESSIE JOHNSON, Box 703, Rock Springs, Wyo. Applicant's attorney: Joe R. Wilmetti, 104 North Side Bank Building, Rock Springs, Wyo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Steel mine cars*, from Rock Springs, Wyo., to Red Wing, Colo., *steel* and *scrap iron*, from Red Wing, Colo., to Rock Springs, Wyo., and *furniture*, from Superior, Wyo., to points in Utah and Colorado.

HEARING: December 3, 1957, at the Wyoming Public Service Commission; Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 280, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 116922, filed September 11, 1957, LEONARD G. STRUNK, 72 Pottsville, Street, Cressona, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *Coal*, in bulk, from Llewellyn (Schuylkill County), Pa., to Wilmington, Del., Brooklyn and Manhattan, N. Y., Linden, N. J., and Trenton, N. J., as follows: (1) from Llewellyn over U. S. Highway 209 to Pottsville, Pa., thence over U. S. Highway 122 through Hamburg to Reading, Pa., thence over U. S. Highway 422 to Pottstown, Pa., thence over Pennsylvania Highway 83 to Phoenixville, Pa., thence over Pennsylvania Highway 29 to West Chester, Pa., and thence over U. S. Highway 202 to Wilmington; (2) from Llewellyn over U. S. Highway 209 to Pottsville, Pa., thence over U. S. Highway 122 to Hamburg, Pa., thence over U. S. Highway 22 through Allentown and Bethlehem, Pa. to the Pennsylvania-New Jersey State line, and thence over said U. S. Highway 22 to Brooklyn and Manhattan, N. Y.; (3) from Llewellyn over U. S. Highway 209 to Pottsville, Pa., thence over U. S. Highway 122 to Hamburg, Pa., thence over U. S. Highway 22, through Allentown and Bethlehem, Pa., to the Pennsylvania-New Jersey State line, thence over said U. S. Highway 22 to junction with New Jersey Highway 27, and thence over New Jersey Highway 27 to Linden; and (4) from Llewellyn over U. S. Highway 209 to Pottsville, Pa., thence over U. S. Highway 122 to Hamburg, Pa., thence over U. S. Highway 22 to Allentown, Pa., thence over U. S. Highway 309 to Quakertown, Pa., thence over Pennsylvania Highway 313 to junction with U. S. Highway 202, thence over U. S. Highway 202 to junction with Pennsylvania Highway 413, thence over Pennsylvania Highway 413 to junction with Pennsylvania Highway 332 to the Pennsylvania-New Jersey State line, and thence over the New Jersey Highway 29 to Trenton.

HEARING: December 3, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Robert A. Joyner.

No. MC 116926, filed September 13, 1957, THOMAS PATTERSON, INC., 220 Roosevelt Avenue, Carteret, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Gasoline, lubricating oil* and *flammable chemicals*, in bulk, in tank vehicles, between points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N. J., on the one hand, and, on the other, New York, N. Y., and on the other, points on Long Island, N. Y.

HEARING: December 12, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 116928, filed September 12, 1957, WILLIAM C. VAN DE WATER, doing business as TAYLOR TRUCKING COMPANY, 118 Grassy Plain Street, Bethel, Conn. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R. I. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Telephone, telegraph or power poles or similar articles of unusual length, or crossarm*, for telephone, telegraph or power poles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between Bethel, Conn., and points in Dutchess, Putnam, Westchester, Albany, Columbia, Green, Orange, Rockland, Sullivan, and Ulster Counties, New York.

HEARING: December 3, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner James I. Carr.

No. MC 116934, filed September 16, 1957, THOMAS RAEDER, 6422 West Williamette Street, Kennewick, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials, feed*, and *seeds*, between Pasco, Wash., and Moro, Umatilla, and Union, Oreg.

HEARING: December 13, 1957, at the Davenport Hotel, Spokane, Wash, before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 116935, filed October 21, 1957, HARRY KODISH AND GEORGE NOURY, a Partnership, doing business as COMMERCIAL FURNITURE DISTRIBUTORS, 126 Grand Street, Hoboken, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Office furniture*, Hoboken, N. J., to New York, N. Y., points in Nassau, Suffolk, Westchester, Rockland, Orange and Putnam Counties, N. Y., Fairfield County, Conn., Burlington and Ocean Counties, N. J., and points in those New Jersey counties north of Burlington and Ocean Counties. *Returned, refused and rejected shipments* of office furniture, on return. RESTRICTION: Restricted to traffic having an immediately prior movement by rail or motor carrier in interstate commerce.

HEARING: December 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Richard H. Roberts.

No. MC 116944, filed September 23, 1957, THE BEST WAY LINES, INC., 507 Calvert Street, Rome, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Pk., P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cold rolled strip steel* and *cold rolled slit sheet* from Rome, N. Y., to points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont; *empty containers or other such incidental facilities (not specified) used in transporting the named commodities*, on return.

HEARING: December 10, 1957, at the Federal Building, Albany, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 116946, filed September 19, 1957, PETER GERARDO AND VITO GERARDO, doing business as GERARDO & SON MOTOR SERVICE, 1308 North Ridgeway Avenue, Chicago, Ill. Applicant's attorney: George J. Schaller, 33 North La Salle Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Macaroni products*, packaged in cartons, *edible oil* and *tomato products* (including tomato paste and macaroni sauce), between Chicago, Ill., on the one hand, and, on the other, Milwaukee, Racine, Kenosha, and Beloit, Wis.

HEARING: December 6, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 116963, filed September 27, 1957, FRANK A. YEVCHAK, doing business as FRANK A. YEVCHAK MOTOR DELIVERY SERVICE, 556 Plympton Street, New Milford, N. J. Applicant's attorney: Samuel C. Cantor, 165 Broadway, New York 6, N. Y. For authority to operate as a contract carrier, over irregular routes, transporting: *Food and food products, laboratory and testing equipment, records, supplies and similar articles* used for and in connection with taste tests, food and related experiments, laboratory experiments and consumer research surveys, as more fully described in the application, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in Westchester County, N. Y., and points in New Jersey.

HEARING: December 16, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 116970, filed October 4, 1957, HAROLD WALLACH, doing business as WALLY'S DELIVERY SERVICE, 73 Apollo St., Brooklyn, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel*, in cartons, from Elizabeth, N. J., to New York, N. Y.

NOTE: Applicant states the proposed service is for the account of Neptune Raincoat Co., Inc., and will be restricted to shipments having a subsequent movement by freight forwarders, carloaders, consolidators, motor carrier or railroads.

HEARING: December 16, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 116973, filed October 3, 1957, RALPH PAGE, R. D. No. 2, Oxford, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from points in Pennsylvania, to Guilford, N. Y.; and *empty containers or other such incidental facilities* (not specified), used in transporting coal, on return.

HEARING: December 17, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 116974, filed October 2, 1957, WILLIAM S. WILSON, 86 Greenridge Drive, P. O. Box 1213, Decatur, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal and poultry feed*, from Decatur, Ill., to Indianapolis, Ind.

HEARING: December 4, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 116976 (Sub No. 1), filed October 7, 1957, FREDERICK L. HALTER, R. R. No. 2, Vincennes, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer*, in bulk or in bags, from the site of the Federal Chemical Co. plant, at Danville, Ill., to Henderson, Ky., and to points in Knox, Gibson, Pike, Vanderburgh, Posey, and Warrick Counties, Ind., and to those in Wabash, White, Lawrence, and Edwards Counties, Ill., and *damaged or rejected shipments of fertilizer* on return.

HEARING: December 4, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 116977, filed October 7, 1957, ALBERT L. BOSSERT, doing business as ARROW ROAD & WRECKER SERVICE, 3606 North Cherry, Kansas City (North) 16, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles*, by use of wrecker equipment only, and *replacement vehicles* for wrecked or disabled motor vehicles, in secondary movement, in truckaway service, between points in Iowa, Illinois, Arkansas, Missouri, and Kansas.

HEARING: December 12, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Alfred B. Hurley.

No. MC 116991, filed October 15, 1957, PENNINGTON TRUCKING CO., INC., 111 East Gwinnett Street, Milledgeville, Ga. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products*, uncrated, from Milledgeville, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia and *incidental facilities* used in transporting uncrated clay products and *returned and rejected shipments* of clay products from the above destination points to the above origin point.

NOTE: Applicant states that the above commodities will be transported for the Oconee Clay Products Company.

HEARING: December 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

MOTOR CARRIERS OF PASSENGERS

No. MC 48561 (Sub No. 3), filed September 23, 1957, WILSON BUS LINES, INC., Central Street, Ashburnham, Mass. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in special operations, restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destination points for the purpose of participating in games commonly referred to as Beano or Bingo games, between Greenfield, Turners Falls, Millers Falls, Erving, Orange, Athol, Templeton, Gardner, Baldwinville, Winchendon, Ashburnham, Ashby; Townsend, Pepperell, Worcester, West Boylston, Boylston, Clinton, Harvard, Ayer, Groton, Leonminster, and Fitchburg, Mass., on the one hand, and, on the other, Hudson, Nashua, Pelham, Manchester, Derry and East Jaffrey, N. H., and Central Falls, Providence, Pawtucket and Manville, R. I. Applicant is authorized to conduct charter operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: December 18, 1957, at the New Post Office and Court House Build-

ing, Boston, Mass., before Joint Board No. 190, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 106293 (Sub No. 1), filed October 7, 1957, FIVE MILE BEACH ELECTRIC RAILWAY COMPANY, a Corporation, Oak and Poplar Avenues, North Wildwood, N. J. Applicant's attorney: Edwin W. Bradway, 246 East Pine Avenue, Wildwood, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Cape May County, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia.

HEARING: December 19, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 107583 (Sub No. 8), filed September 12, 1957, SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 291 Broadway, Suite 504, New York 7, N. Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and their *baggage*, in the same vehicle with passengers, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than seven passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, (1) between New York, N. Y., and Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, N. J., (2) between Atlantic City, N. J., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D. C., and (3) between Fort Dix, McGuire Air Force Base, Wrightstown, N. J., and all other points in the Townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N. J., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., and La Guardia Airport, Idlewild International Airport, Fort Hamilton, and Manhattan Beach Air Force, New York, N. Y. The sole purpose of this application is to amend the authority in applicant's Certificates No. MC 107583, MC 107583 (Sub No. 3), and MC 107583 (Sub No. 7), to transport seven passengers besides the driver and children under ten years of age who do not occupy a seat or seats, in place of the present authority for six passengers besides the driver and children under 10 years of age. Applicant states it does not seek to change any other part of its operating authority and merely seeks the amendment to seven passengers.

HEARING: December 10, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 108136 (Sub No. 5), filed September 16, 1957, JACK AXELROD, doing business as VALLEY CAB CO., Main Street, P. O. Box 8 Moodus, Conn. Applicant's attorney: Edward S. Rogin, 37 Lewis Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than six passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, during the season extending from the 28th day of May to the 10th day of September of each year, inclusive, between points in the Towns of Hebron, Branford, Guilford, Madison, Clinton, Westbrook, Old Saybrook, Old Lyme, Waterford, New London, and Groton, Conn., on the one hand, and, on the other, points in the New York, N. Y., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Connecticut and New York.

HEARING: December 6, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner James I. Carr.

No. MC 115676 (Sub No. 2), filed September 3, 1957, EUGENE R. CONWAY, doing business as CONWAY'S BUS SERVICE, Cumberland Hill, Manville, R. I. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers*, between Cumberland Hill, R. I. and Attleboro, Mass., from Cumberland Hill, Town of Cumberland, over Manville Road to Manville, R. I., thence over unnumbered highway to Woonsocket, R. I., thence over Rhode Island Highway 122 to junction Rhode Island Highway 122 and Sneech Pond Road, thence over Sneech Pond Road and Hoppin Hill Road in the Town of North Attleboro, Mass., to junction of Hoppin Hill Road and U. S. Highway 1 in North Attleboro, Mass., thence over U. S. Highway 1 to North Attleboro Center, Mass., thence over city streets through North Attleboro, Mass., to Massachusetts Highway 152, thence over Massachusetts Highway 152 to Attleboro, Mass., and return over the same route, serving all intermediate points.

HEARING: December 20, 1957, in Room 308, Maine Post Office Building, Providence R. I., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 116676 (Sub No. 1), filed September 19, 1957, WILLIAM SANTIAGO, 582 77th Street, Niagara Falls, N. Y. Applicant's attorney: Eli Roth, 914–16 Walbridge Building, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations (seasonal round-trip sightseeing operations between April 15 and October 1 of each year), limited to the transportation of not more than 6 fare-paying passengers in any one vehicle, excluding the driver thereof and excluding children under 10 years of age and children who do not occupy a seat or seats, from points in Niagara County, N. Y., to the boundary of the United States and Canada at Niagara Falls, N. Y., and return, and from points in Niagara County, N. Y., to the boundary of the United States and Canada at Lewiston, N. Y. and return, using in either direction, one of the following bridges over the Niagara River: Rainbow Bridge at Niagara Falls, N. Y., Lower Arch Bridge at Niagara Falls, N. Y., or Lewiston Bridge at Lewiston, N. Y.

NOTE: Applicant states should the Commission determine the above transportation is subject to complete regulation under Part II of the Interstate Commerce Act the application be amended to read "to transportation of not more than 7 passengers per vehicle excluding the driver and excluding children under 10 years of age and who do not occupy a seat."

HEARING: December 3, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 116744 (Sub No. 1), filed September 19, 1957, LAVERN S. POOLE, doing business as MILLERS TOURS, Schultz Road, Route 2, North Tonawanda, N. Y. Applicant's attorney: Eli Roth, 914–16 Walbridge Building, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations (seasonal round-trip sightseeing operations between April 15 and October 1 of each year), limited to the transportation of not more than 6 fare-paying passengers in any one vehicle excluding the driver thereof and excluding children under 10 years of age and children who do not occupy a seat or seats, from points in Niagara County, N. Y., to the boundary of the United States and Canada at Niagara Falls, N. Y., and return, and from points in Niagara County, N. Y., to the boundary of the United States and Canada at Lewiston, N. Y., and return, using in either direction, one of the following bridges over the Niagara River: Rainbow Bridge at Niagara Falls, N. Y., Lower Arch Bridge at Niagara Falls, N. Y., or Lewiston Bridge at Lewiston, N. Y.

NOTE: Applicant states should the Commission determine the above transportation is subject to complete regulation under Part II of the Interstate Commerce Act the application be amended to read "to transportation of not more than 7 passengers per vehicle excluding the driver and excluding children under ten years of age and who do not occupy a seat".

HEARING: December 3, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 116921, filed September 9, 1957, WEST FORDHAM TRANSPORTATION CORP., 417 West 203d Street, New York City, N. Y. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, (1) between New Rochelle, N. Y., and Stamford, Conn., from junction U. S. Highway 1 (Huguenot Street) and Lawton Street in New Rochelle, over Lawton Street to junction with U. S. Highway 1 (Main Street), thence over U. S. Highway 1 to its junction with Chatsworth

Avenue in Larchmont, N. Y., thence over Chatsworth Avenue to its junction with Palmer Avenue, thence over Palmer Avenue to its junction with Mamaroneck Avenue in Mamaroneck, N. Y., thence over Mamaroneck Avenue to its junction with Halstead Avenue, thence over Halstead Avenue to the Town of Harrison-City of Rye, N. Y., boundary line, thence over Theodore Fremd Avenue in Rye, to its junction with Purchase Street, thence over Purchase Street to its junction with Ridge Street, thence over Ridge Street to its junction with High Street thence over High Street to its junction with U. S. Highway 1 in Port Chester, N. Y., thence over U. S. Highway 1 to its junction with Mill Street in Port Chester, thence over Mill Street to Delavan Avenue in Greenwich, Conn., thence over Delavan Avenue to Ritch Avenue, thence over Ritch Avenue to Hamilton Avenue, thence over Hamilton Avenue to Old Field Pt. Road, thence over Old Field Pt. Road to Railroad Avenue, thence over Railroad Avenue to its junction with Greenwich Avenue, thence over Greenwich Avenue to its junction with U. S. Highway 1 in Greenwich, Conn., thence over U. S. Highway 1 to the Greenwich-Stamford boundary line, thence continuing over U. S. Highway 1 to its junction with Bank Street in Stamford, thence over Bank Street to its junction with Atlantic Street; and return over the following route, from junction of Bank Street and Atlantic Street in Stamford, Conn., over Atlantic Street to its junction with Park Row, thence over Park Row to its junction with Atlantic Street, thence over Atlantic Street to its junction with U. S. Highway 1, thence over U. S. Highway 1 to the Greenwich-Stamford boundary line, thence continuing over U. S. Highway 1 to its junction with Chatsworth Avenue in Larchmont, N. Y. over the before described route between said points, thence from junction of U. S. Highway 1 and Chatsworth Avenue over U. S. Highway 1 to its junction with Lawton Street (Lawton Street and Huguenot Street) in New Rochelle, serving all intermediate points; (2) between Larchmont, N. Y., and Port Chester, N. Y., from junction U. S. Highway 1 and Chatsworth Avenue in Larchmont over U. S. Highway 1 to its junction with High Street in Port Chester, and return over the same route, serving all intermediate points; and (3) between Port Chester, N. Y., and Greenwich, Conn., from junction Mill Street and U. S. Highway 1 in Port Chester over U. S. Highway 1 to its junction with Greenwich Avenue in Greenwich, and return over the same route, serving all intermediate points.

NOTE: Both terminal points of the above-described routes 2 and 3 connect with above-described route 1 and applicant proposes to use routes 2 and 3 in conjunction with the operation of route 1.

HEARING: December 9, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 116942, filed September 19, 1957, LAUREN DeGLOPPER, 586 Old Falls Boulevard, North Tonawanda, N. Y. Applicant's attorney: Eli Roth, 914–16 Walbridge Building, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, limited to the transportation of not more than 7 passengers in any one vehicle, excluding the driver thereof and excluding children under 10 years of age and children who do not occupy a seat or seats, from points in Erie and Niagara Counties, N. Y., to the boundary of the United States and Canada at Niagara Falls, N. Y., and return, using in either direction one of the following bridges over the Niagara River: Rainbow Bridge at Niagara Falls, N. Y., Lower Arch Bridge at Niagara Falls, N. Y., or Lewiston Bridge at Lewiston, N. Y.

HEARING: December 3, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lawrence A. Van Dyke.

No. MC 116943, filed September 19, 1957, EMPIRE STATE SCENIC TOURS AND INFORMATION, INC., 1139 Niagara Falls Boulevard, Buffalo, N. Y. Applicant's attorney: Eli Roth, 914–16 Walbridge Building, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, limited to not more than 7 passengers in a vehicle, not including the driver and not including children under 10 years of age and children who do not occupy a seat or seats, from points in Erie and Niagara Counties, N. Y., to port of entry on the boundary of the United States and Canada at Niagara Falls, N. Y., and return, using in either direction one of the following bridges over the Niagara River: Rainbow Bridge at Niagara Falls, N. Y., Lower Arch Bridge at Niagara Falls, N. Y., or Lewiston Bridge, at Lewiston, N. Y.

HEARING: December 3, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Lawrence A. Van Dyke.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12664, filed August 16, 1957, GREEN'S TOURS, INC., 190 Salem Street, Swampscott, Mass. For a license (BMC 5) for authority to operate as a *broker* at Swampscott, Mass., in arranging for the transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in charter service, in round trip all expense educational tours, between Lynn and Boston, Mass., Providence, R. I., Albany, N. Y., and New York, N. Y., on the one hand, and, on the other, points in the United States.

NOTE: Charles H. Green has been operating as an individual in the performance of the above-described broker operations for the past thirty years. He states that the purpose of this application is to include his son with him, to continue the said operations as a corporation; that concurrently with the issuance of a new license, if issued, he will request revocation of the brokerage license No. MC 90986 dated August 26, 1939 in the name of Charles H. Green, doing business as Green Tours.

HEARING: December 19, 1957, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub No. 85), filed September 30, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Southern Pacific Transport Company (same address as applicant). For authority to operate as a *common carrier*, transporting: *General commodities, including air freight having a prior or subsequent movement by air*, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Jeanerette, La., and junction Louisiana Highways 672 and 85, over Louisiana Highway 672 (a distance of approximately two miles), serving no new or intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Shriever and Burke, La., and between New Iberia and Patoutville, La., and (2) between junction Louisiana Highways 85 and 674 and junction Louisiana Highways 85 and 673, over Louisiana Highway 85 (a distance of approximately two miles), serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route between New Iberia and Patoutville, La. Subject to conditions under Restriction as would apply to applicant's authorized regular route operations which are restricted to service which is auxiliary to or supplemental of the Texas and New Orleans Railroad Company but to permit handling of shipments having an immediately prior or subsequent movement by air. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 30319 (Sub No. 86), filed October 14, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Eperson Building, Houston 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including air freight having a prior or subsequent movement by air*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lake Arthur, La., and Gueydan, La., from Lake Arthur over Louisiana Highway 14 to Gueydan, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Oklahoma, Texas, and Louisiana.

No. MC 66562 (Sub No. 1387), filed October 15, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East

42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as above. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities* moving in express service, between Pullman, Wash., and Colfax, Wash., from Pullman over U. S. Highway 195 to Colfax, and return over the same route, serving no intermediate points. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 79135 (Sub No. 19), filed October 21, 1957, COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Liberty, N. Y. (for the transfer of interline traffic only on traffic destined for Livingston Manor and Grahamsville, N. Y., account of Drake, Grafe, Winston, Conduit, contractor New York Board Water supply) as an intermediate point in connection with applicant's authorized regular route operations from New York, N. Y. to Oneida, N. Y., over New Jersey Highway 17, New York Highways 17, 41, 7, 8, 23, 12, 12B and 46. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states it will interline freight from transfer carrier only on return or rejected freight from Livingston Manor or Grahamsville, N. Y., sites of New York Board of water supply. It is further stated that the operations will be for a period of 5 years.

No. MC 92983 (Sub No. 257), filed October 14, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vodka and Spirits*, in bulk, in tank vehicles, from Terre Haute, Ind., to Detroit, Mich. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Minnesota, Missouri, South Dakota, Kansas, Ohio, Indiana, Arkansas, Kentucky, Tennessee, Michigan, New York, Texas, North Dakota, Pennsylvania, Massachusetts, Connecticut, Oklahoma, Georgia, Virginia, North Carolina, South Carolina, and Mississippi.

No. MC 107162 (Sub No. 9), filed October 17, 1957, BERNHART G. JOHNSON, 529 Harding Street, Iron Mountain, Mich. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Madison, Wis., to points in the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 109677 (Sub No. 14), filed October 15, 1957, FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from Corinth, N. Y., to Ambler, Van Dyke, and Womelsdorf, Pa., and ports of entry on the International boundary line between the United States and Canada at Buffalo and Niagara Falls, N. Y., in connection with shipments destined to Toronto, Ontario, Canada. Applicant is authorized to conduct operations in New York, New Jersey, Vermont, Maine, and Maryland.

No. MC 110943 (Sub No. 2), filed October 11, 1957, EDWARD WIEBELT SERVICE COMPANY, INC., 861 Hazel Street, Akron, Ohio. Applicant's attorney: Harry W. Schwab, Jr., 1702–10 First National Tower, Akron 8, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Parts and equipment* to replace wrecked and/or disabled vehicles, and the towing of said wrecked or disabled vehicles, between points in that part of Ohio on and east of Ohio Highway 13 from Sandusky through Norwalk, Mansfield, Mt. Vernon, and Newark to junction with U. S. Highway 40 at Jacksontown, and on and north of U. S. Highway 40 from said junction through Zanesville, Cambridge and St. Clairsville to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, New York, Pennsylvania, Virginia, and West Virginia. Applicant is authorized to transport wrecked or disabled vehicles in the above-described territory.

No. MC 115623 (Sub No. 1), filed October 17, 1957, L. E. GARTIN AND JOHN L. GARTIN, doing business as GARTIN TRUCK LINE, Olean, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bulk fertilizer*, from National City, Ill., to points in Audrain, Lincoln, Marion, Monroe, Pike, Ralls, Randolph and Shelby Counties, Mo., and the towns of Atlanta, Canton, Edina, Gibbs, Kirksville, Knox City, Lewistown, Macon, and Monticello, Mo. Applicant is authorized to conduct operations in Illinois, Kansas and Missouri.

NOTE: The proposed operation is indicated as seasonal between January–June and August to November.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 45657 (Sub No. 19), filed October 17, 1957, PIC FREIGHT CO., a Corporation, 731 Campbell Avenue, St. Louis 15, Mo. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Clay products*, between points in La Salle and Livingston Counties, Ill., on the one hand, and, on the other, points in Indiana within ten (10) miles of Terre Haute, including Terre Haute, those in Indiana north of U. S. Highway 40 and west of U. S. Highway 31, and those in Iowa east of U. S. Highway 63, including points on the indicated portions of the highways specified; *glass bottles*, between points in La Salle County, Ill., on the one hand, and, on the other, Clinton, Davenport, Muscatine, Burlington, Fort Madison, and Keokuk, Iowa, and points in that part of Indiana on and north of U. S. Highway 24 and on and west of U. S. Highway 31; *roofing and building materials*, between Marseilles, Ill., on the one hand, and, on the other, points in Indiana north of U. S. Highway 40 and west of U. S. Highway 31 and those in Iowa east of U. S. Highway 63 including points on the indicated portions of the highways specified; *scrap rags and paper*, from Indianapolis, Ind., to Marseilles, Ill.; *glass containers*, from Seneca, Streator, and Ottawa, Ill., to points in Missouri (except points in St. Louis, Mo., East St. Louis, Ill. Commercial Zone), Iowa, and the southern peninsula of Michigan; *fibreboard or paperboard boxes*, from Streator, Ill., to points in Missouri (except St. Louis, Mo., East St. Louis, Ill., Commercial Zone), Iowa, and the southern peninsula of Michigan; and *empty containers and pallets*, from the above-specified destination points to the designated origin points.

NOTE: This application is directly to MC–F 6732.

No. MC 111231 (Sub No. 32), filed October 22, 1957, JONES TRUCK LINES, INC., East Emma Avenue, Springdale, Ark. Applicant's attorneys: Lee Reeder and W. E. Griffin, Suite 1010, 1012 Baltimore Avenue, Kansas City 5, Mo., and John Paul Jones, 1012 Edway Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Memphis, Tenn., and Winona, Miss., from Memphis over U. S. Highway 51 to Winona, and return over the same route, serving all intermediate points; (2) between Memphis, Tenn., and Greenville, Miss., from Memphis over U. S. Highway 61 to junction of U. S. Highway 82, south of Leland, Miss., thence over U. S. Highway 82 to Greenville, and return over the same route, serving all intermediate points; (3) between Winona, Miss., and Greenville, Miss., from Winona over U. S. Highway 82 to Greenville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Missouri, Arkansas, Kansas, Oklahoma, Tennessee, Illinois, and Texas.

NOTE: This matter is directly related to MC–F 6739.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6729. Authority sought for purchase by HARRY SCHNEIDER AND ROSE SCHNEIDER, doing business as SCHNEIDER'S TRANSFER COMPANY, 201 East Second Street, Richmond, Va., of the contract *carrier operating* rights only and certain property of MORTON SCHNEIDER'S TRANSFER, INCORPORATED, Dock and Ash Streets, Richmond, Va. Applicant's attorney: Spencer T. Money, 419 Mills Building, 17th and Pennsylvania Avenue NW., Washington 6, D. C. Operating rights sought to be transferred: *Ice cream and sherbert confections*, and *ice cream*, over irregular routes, from Richmond, Va., to Washington, D. C., York, Pa., Chester, S. C., and certain points in North Carolina. Vendee holds no authority from this Commission, but HARRY SCHNEIDER is a majority stockholder in MORTON SCHNEIDER'S TRANSFER, INCORPORATED, which is authorized to operate as a *common carrier* in Virginia and as a *contract carrier* in Virginia, Pennsylvania, South Carolina, North Carolina and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6730. Authority sought for control and merger by P. S. DUBREY TRUCKING CO., INC., 539 Hartford Turnpike, Shrewsbury, Mass., of the operating rights and property of TRI-STATE MOTOR LINES, INC., Brattleboro, Vt., and for acquisition by PAUL S. DUBREY, 10 Wesley Drive, Leicester, Mass., of control of such rights and property through the transaction. Applicant's attorney: Benjamin B. Levenson, 11 Beacon Street, Boston 8, Mass. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Springfield, Mass., and Windsor, Vt., between Springfield, Mass., and South Deerfield, Mass., between South Hadley, Mass., and Sunderland, Mass., between junction U. S. Highway 5 and Vermont Highway 11 and Ascutney, Vt., between Athol, Mass., and Shelburne Falls, Mass., between Brattleboro, Vt., and Concord, N. H., between East Jaffery, N. H., and Newport, N. H., between Palmer, Mass., and Amherst, Mass., and between junction U. S. Highway 5 and Vermont Highway 103 and Rutland, Vt., serving certain intermediate and off-route points. P. S. DUBREY TRUCKING CO., INC., is authorized to operate as a *common carrier* in Massachusetts, New York, Rhode Island, New Hampshire, Pennsylvania and Connecticut. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6731. Authority sought for purchase by SEWELL'S MOTOR EXPRESS, INCORPORATED, 218 East 24th Street, Norfolk 4, Va., of a portion of the operating rights of CHURN'S TRUCK LINE, INCORPORATED, 1621 Broad Creek Road, Norfolk, Va., and for acquisition by H. P. SEWELL, JR., also of Norfolk, of control of such rights through the purchase. Applicants' attorney: Glenn F. Morgan, 1008 Warner Building, Washington 4, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between Baltimore, Md., Philadelphia, Pa., and New York, N. Y., on the one hand, and, on the other, Cape Charles, Va., and points in Virginia within 15 miles of Cape Charles. Vendee is authorized to operate as a *common carrier* in Virginia, New York, Maryland, Delaware, Pennsylvania, New Jersey, Massachusetts, Maine, North Carolina, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6732. Authority sought for purchase by PIC FREIGHT CO., 731 Campbell Avenue, St. Louis 15, Mo., of the operating rights and property of HUNTER CARTAGE COMPANY, 1608 East Main Street, Streator, Ill., and for acquisition by JULIUS BLUMOFF, also of St. Louis, of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Operating rights sought to be transferred: *Clay products*, as a *contract carrier* over irregular routes, between points in La Salle and Livingston Counties, Ill., on the one hand, and, on the other, certain points in Indiana and certain points in Iowa; *glass bottles*, between points in La Salle County, Ill., on the one hand, and, on the other, certain points in Iowa and certain points in Indiana; *roofing and building materials*, between Marseilles, Ill., on the one hand, and, on the other, certain points in Indiana and certain points in Iowa; *scrap rags* and *paper*, from Indianapolis, Ind., to Marseilles, Ill.; *glass containers*, from Seneca, Streator, and Ottawa, Ill., to certain points in Missouri, points in Iowa, and the southern peninsula of Michigan; *fibreboard or paperboard boxes*, from Streator, Ill., to certain points in Missouri, points in Iowa, and the southern peninsula of Michigan. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, Missouri, and Illinois. Application has been filed for temporary authority under section 210a (b).

NOTE: MC 45657 Sub 19 is a matter directly related.

No. MC–F 6733. Authority sought for purchase by BLAIR TRANSIT COMPANY, 142 Davenport Street, Saginaw, Mich., of the operating rights and certain property of HOLLYWOOD CARTAGE COMPANY, INC. (FRANCIS B. CROWLEY, RECEIVER), 5858 Palmer Avenue, Detroit 9, Mich., and for acquisition by WILLIAM C. BLAIR, also of Saginaw, of control of such rights and property through the purchase. Applicants' attorney: Carl H. Smith, 210–214 Phoenix Building, Bay City, Mich. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between certain points in Michigan, on the one hand, and, on the other, certain points in Ohio, from certain points in Michigan to Sharon, Pa., and certain points in Ohio, between Detroit, Mich., and the Ford Willow Run Plant located approximately four miles east of Ypsilanti, Mich., and between Detroit and Grand Blanc, Mich., *iron and steel, iron and steel products, automobile parts, machinery, burlap*, and *paper*, from certain points in Ohio and Pennsylvania to certain points in Michigan; *building material*, from Detroit, Mich., to certain points in Ohio; *automobile parts*, from Wooster, Ohio, to Willow Run, Mich.; *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, *iron and steel, automobile parts, machinery, burlap*, and *paper*, from Twinsburg, Ohio, to Albion, Battle Creek, Jackson, and Lansing, Mich. Vendee is authorized to operate as a *common carrier* in Ohio and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6734. Authority sought for purchase by CROSS TRANSPORTATION, INC., Carll's Corner, Bridgeton, N. J., of the operating rights of D. & N. MOTOR TRANSPORTATION CO., 583 Essex Street, Lawrence, Mass., and for acquisition by JOHN J. CROSS, also of Bridgeton, of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 89 State Street, Boston, Mass., and Bert Collins, 140 Cedar Street, New York, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Boston, Mass., and Newark, N. J., and between Lawrence, Mass., and Boston, Mass., serving certain intermediate and off-route points; alternate routes for operating convenience only between junction U. S. Highway 20 and Massachusetts Highway 15 and East Hartford, Conn., and between East Hartford and Wethersfield, Conn.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Boston, Mass., and points within ten miles thereof, and certain points in New York and New Jersey; *metals* and *petroleum products*, in containers, from certain points in New York and New Jersey to Bridgeport, New Haven, Hartford, East Hartford, and Middletown, Conn., and Providence, East Providence, Warwick, Central Falls, Pawtucket, and Phillipsdale, R. I.; *malt beverages, brewers' supplies*, and *empty containers*, between certain points in New York and New Jersey, on the one hand, and, on the

other, points in Connecticut, Rhode Island, and Massachusetts, and between Lawrence and Boston, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, and Massachusetts; *apples*, between certain points in New York and New Jersey, on the one hand, and, on the other, Ayer, Littleton, and Millbury, Mass., and Providence, R. I.; *shingles*, between certain points in New York and New Jersey, on the one hand, and, on the other, Fitchburg, Mass.; *hides*, between Poughkeepsie, N. Y., and Brockton, Mass. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Connecticut, Delaware, Massachusetts, Maryland, Virginia, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6735. Authority sought for purchase by OWL TRUCK & CONSTRUCTION CO., 500 South Alameda Street, Compton, Calif., of the operating rights of WILLIAM A. HUFNAGEL, doing business as CONTRACTORS CARGO COMPANY, 108 West Sixth Street, Los Angeles 14, Calif., and for acquisition by D. H. BURDEN, also of Compton, of control of such rights through the purchase. Applicants' attorney: J. Richard Townsend, 1700 Mills Tower, San Francisco 4, Calif. Operating rights sought to be transferred: *Construction materials* and *contractors' machinery, supplies, and equipment*, as a *contract carrier* over irregular routes from Los Angeles, Calif., Harbor points to sites of construction projects in California within 250 miles thereof, between rail heads in California, Arizona, New Mexico, Oregon, Washington, and Nevada, and construction projects or other points of use in the above-specified states within 100 miles of such rail heads, and between such construction projects or points of use and the nearest rail head, when none is located within 100 miles thereof. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6737. Authority sought for purchase by QUERNER TRUCK LINES, INC., 1131 Austin Street, San Antonio 8, Tex., of the operating rights of W. A. QUERNER, doing business as THRU TRUCK SERVICE, 233 North Mesquite, San Antonio 2, Tex., and for acquisition by J. L. QUERNER, also of San Antonio, of control of such rights through the purchase. Applicants' attorney: Maynard F. Robinson, 1015 Frost National Bank Building, San Antonio 5, Tex. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between San Antonio, Tex., and Houston, Tex., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Texas, Missouri, Ohio, Illinois and Oklahoma. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6739. Authority sought for purchase by JONES TRUCK LINES, INC., East Emma Avenue, Springdale, Ark., of the operating rights of CAPITOL FREIGHT LINES, INC. (EUGENE GREENER, JR., RECEIVER), 1717 Sterick Building, Memphis 3, Tenn., and for acquisition by HARVEY JONES, also of Springdale, of control of such rights through the purchase. Applicants' attorneys: Lee Reeder and W. E. Griffin, both of Suite 1010, 1012 Baltimore Avenue, Kansas City 5, Mo., and John Paul Jones, 1012 Edway Building, Memphis 3, Tenn. Operating rights sought to be transferred: *General commodities*, except articles of unusual value, Class A and B explosives, liquid commodities in bulk, and household goods as defined by the Commission, as a *common carrier* over irregular routes, between Memphis, Tenn., on the one hand, and, on the other, certain points in Mississippi. Vendee is authorized to operate as a *common carrier* in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Texas, and Illinois. Application has been filed for temporary authority under section 210a (b).

NOTE: MC 111231 Sub 32 is a matter directly related.

No. MC–F 6740. Authority sought for purchase by KINGSWAY TRANSPORTS LIMITED, 3540 St. Patrick Street, Montreal, Quebec, Canada, of the operating rights and property of CHARLES A. KUHNS DELIVERY, INC., 2259 Fairfield Avenue, Niagara Falls, N. Y., and for acquisition by CANADA STEAMSHIP LINES LIMITED, also of Montreal, of control of such rights and property through the purchase Applicants' attorneys: S. Harrison Kahn, 726–734 Investment Building, Washington 5, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a common carrier over regular routes between Buffalo, N. Y., and Niagara Falls, N. Y., between Niagara Falls, N. Y., and Fort Niagara, N. Y., between Niagara Falls, N. Y., and Youngstown, N. Y., between St. Johnsburg, N. Y., and Lockport, N. Y., between junction New York Highways 384 and 429 Lockport, N. Y., and between Martinsville, N. Y., and Lockport, N. Y., serving certain intermediate points; *wine* and *wine must*, in bulk, in shipper-owned tank trailers, over irregular routes between Niagara Falls, N. Y., and Scranton, Pa.; *benzyl chloride*, in bulk, in shipper-owned tank trailers, from Niagara Falls, N. Y., to Everett, Mass., Parlin, Newark, Delawanna, Piscataway, and East Rutherford, N. J., Bristol, Pa., Akron and Cincinnati, Ohio, and St. Louis, Mo. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Michigan. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6728. Authority sought for purchase by FERGUSON-BROADWAY BUS LINES, INC., 10100 West Florissant Avenue, St. Louis County 21, Mo., of the operating rights and certain property of SUBURBAN SERVICE BUS CO., 9625 Bellefontaine Road, Bellefontaine Neighbors 15, Mo., and for acquisition by ROY E. KRUPP, ALBERT FRANKE, WILLIAM GIBBS, WALTER FRANKE, and CARL W. BEHLE, all of Dellwood, Mo., CHARLES E. CALDWELL, WILLIAM A. CRUME and DAVID GALT, all of Ferguson, Mo., LORRAIN O. SCHMELZEL and BERT CALDWELL, both of Belleville, Ill., FRED P. BRANDENBURG, Floridal Hills, Mo., E. F. LAMMERT, Normandy, Mo., and EUGENE J. KRUPP, Millstadt, Ill., of control of such rights and property through the purchase. Applicants' attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Operating rights sought to be transferred: *Passengers and their baggage*, restricted to traffic originating at the point and in the territory indicated, in charter operations, as a *common carrier*, over irregular routes, from St. Louis, Mo., and points within 25 miles of St. Louis, to East St. Louis, Ill., and points in Illinois within 125 miles of East St. Louis, and return. Vendee holds no authority from this Commission, but BERT CALDWELL and L. O. SCHMELZEL, two of its controlling stockholders, are affiliated with BELLEVILLE-ST. LOUIS COACH COMPANY, Belleville, Ill., which is authorized to operate as a *common carrier* in Missouri and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6736. Authority sought for purchase by JOEL N. AKERS, doing business as ARKOMO COACH LINES, 208 South Norfolk Avenue, Tulsa, Okla., of a portion of the operating rights of TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. Applicants' attorney: C. Zimmerman, P. O. Box 730, Wichita 1, Kans. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Tulsa, Okla., and Springdale, Ark., and between Fayetteville, Ark., and Gateway, Ark., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Oklahoma and Arkansas. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–8956; Filed, Oct. 29, 1957; 8:48 a. m.]

[Notice 14]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 25, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–52709 (Deviation No. 2), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo., filed October 23, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Denver, Colo., and Kansas City, Mo., as follows: from Denver over U. S. Highway 36 to its junction with Kansas Highway 181 at or near Lebanon, Kans., thence over Kansas Highway 181 to its junction with U. S. Highway 24 at or near Downs, Kans., thence over U. S. Highway 24 to Kansas City and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Denver, Colo., and Kansas City, Mo., over the following pertinent route: from Denver over U. S. Highway 6 to junction Nebraska Highway 3, thence over Nebraska Highway 3 via Oxford, Nebr., to Beatrice, Nebr., thence over U. S. Highway 77 to Marysville, Kans., thence over U. S. Highway 36 to St. Joseph, Mo., thence over U. S. Highway 71 to Kansas City.

No. MC–75320 (Deviation No. 3), CAMPBELL–66–EXPRESS, INC., P. O. Box 390, Springfield, Mo., filed October 17, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Cuba, Mo., and Little Rock, Ark., as follows: From Cuba over Missouri Highway 19 to junction Missouri Highway 8, thence over Missouri Highway 8 to junction Missouri Highway 21, thence over Missouri Highway 21 to junction Missouri Highway 70, thence over Missouri Highway 70 to junction U. S. Highway 67, thence over U. S. Highway 67 to Little Rock and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Little Rock, Ark., and Fort Smith, Ark., over Arkansas Highway 10 and U. S. Highway 71; between Ola, Ark., and Hollister, Mo., over Arkansas Highway 7 and U. S. Highway 65; between Springfield, Mo., and Hollister, Mo., over U. S. Highway 65; between Springfield, Mo., and Chicago, Ill., over U. S. Highways 66 and 66–A.

No. MC–108905 (Deviation No. 1), JASPER & CHICAGO MOTOR EXPRESS, INC., Junction Indiana Highways 45 and 56, Jasper, Ind., filed October 18, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Greencastle, Ind., and Indianapolis, Ind., as follows: from Greencastle over Indiana Highway 240 to junction U. S. Highway 40 (at or near Stilesville, Ind.), thence over U. S. Highway 40 to Indianapolis and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Greencastle, Ind., and Indianapolis, Ind., over Indiana Highways 43 and 34.

No. MC–112713 (Deviation No. 1), YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut St., Kansas City 8, Mo., filed October 17, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Joplin, Mo., and Baxter Springs, Kans., as follows: from Joplin over U. S. Highway 71 to junction Will Rogers Turnpike (new U. S. Highway 66), thence over Will Rogers Turnpike to junction new U. S. Highway 66 approximately one-fourth (¼) mile east of Missouri-Oklahoma State line, thence over new U. S. Highway 66 to junction old U. S. Highway 66, thence to Baxter Springs and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Baxter Springs, Kans., over U. S. Highway 66.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–8955; Filed, Oct. 29, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

"CHATILLON S. P. A." S. A. I. PER LE FIBRE TESSILI ARTIFICIALI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

"Chatillon S. p. A." S. A. I. per le Fibre Tessili Artificiali, Milano, Italy, Claim No. 62759, Vesting Order Nos. 39 and 2642, $2,980.10 in the Treasury of the United States.

Claims of Castle Rayon Corporation against the following in the amounts shown:

S. A. Italviscosa, Milan, Italy, $13.98; Fabbriche Italiane Seterie, Milan, Italy, $23.76; Chatillon S. A. I., Milan, Italy, $8,753.61; including, but not limited to all causes of action accrued or hereafter to accrue to the said Castle Rayon Corporation, by reason of the foregoing, or otherwise, as well as all rights which Castle Rayon may, or hereafter may, be entitled to assert by virtue of the foregoing, assigned to the Alien Property Custodian by Castle Rayon Corporation on July 25, 1946, pursuant to Dissolution Order No. 10, dated June 26, 1944, as amended January 7, 1946.

Executed at Washington, D. C., on October 23, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–8950; Filed, Oct. 29, 1957; 8:47 a. m.]

TAKAYUKI KAWAMOTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Takayuki Kawamoto, APO 971, c/o Postmaster, San Francisco, California, Claim No. 63332, Vesting Order No. 10713, $794.00 in the Treasury of the United States.

Executed at Washington, D. C., on October 23, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–8951; Filed, Oct. 29, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anderson Bros. Consolidated Co's., Inc., Floyd and High Streets, Danville, Va.; effective 10–31–57 to 10–30–58 (work clothes and uniforms).

Michael Berkowitz Co., Inc., Barton Mill Road, Uniontown, Pa.; effective 10–28–57 to 10–27–58 (ladies' pajamas).

Bloomfield Co., 246 Lincoln Way West, Massillon, Ohio; effective 10–15–57 to 10–14–58 (women's dresses).

Blue Bell, Inc., Arab, Ala.; effective 10–17–57 to 10–16–58 (dungarees).

Blue Bell, Inc., Oneonta, Ala.; effective 10–17–57 to 10–16–58 (denim overalls, cotton shirts).

Blue Bell, Inc., Lee County, Tupelo, Miss.; effective 11–8–57 to 11–7–58 (western shirts).

Burlington Manufacturing Co., Miami, Okla.; effective 10–18–57 to 10–17–58 (coveralls, dungarees, western dungarees).

Carbondale Children's Dress Co., 30 Seventh Avenue, Carbondale, Pa.; effective 10–26–57 to 10–25–58 (children's and girls' dresses and play suits).

The Carthage Corp., Carthage, Miss.; effective 11–1–57 to 10–31–58. Workers engaged in the production of men's work pants (men's work pants).

The Carthage Corp., Carthage, Miss.; effective 11–1–57 to 10–31–58. Workers engaged in the production of ladies' slacks (ladies' slacks).

Cleardon Manufacturing Co., Inc., 216 West Fourth Avenue, Clearfield, Pa.; effective 11–1–57 to 10–31–58 (men's and boys' outerwear jackets).

Cleardon Manufacturing Co., Inc., Curwensville, Pa.; effective 11–1–57 to 10–31–58 (sport shirts).

Cleardon Manufacturing Co., Inc., Philipsburg, Pa.; effective 11–1–57 to 10–31–58 (sport shirts).

Cluett, Peabody & Co., Inc., Eagle Bldg., Shamokin, Pa.; effective 11–4–57 to 11–3–58 (men's sport shirts).

Decherd-Franklin Co., Decherd, Tenn.; effective 10–15–57 to 10–14–58 (men's single pants).

Dixie Manufacturing Co., Plant No. 1, 820 South Main Street, Columbia, Tenn.; effective 11–1–57 to 10–31–58 (pedal pushers, shorts, dungarees).

The Enro Shirt Co., Inc., 1008 Layne Avenue, Crawfordsville, Ind.; effective 10–16–57 to 10–15–58 (men's sport shirts).

The Enro Shirt Co., Inc., 1010 South Preston Street, Louisville, Ky.; effective 10–19–57 to 10–18–58 (men's shirts, sport shirts).

Fruitland Shirt Co., Main Avenue, Fruitland, Md.; effective 11–1–57 to 10–31–58 (sport shirts).

Hartsville Manufacturing Co., Hartsville, S. C.; effective 11–1–57 to 10–31–58 (cotton wash dresses).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 10–26–57 to 10–25–58 (sports shirts).

Hickman Garment Corp., Hickman, Ky.; effective 11–1–57 to 10–31–58 (jackets).

International Latex Corp., Newnan, Ga.; effective 11–1–57 to 10–31–58 (brassieres).

Lexington Manufacturing Co., 129–131 East Second Avenue, Lexington, N. C.; effective 11–1–57 to 10–31–58 (sport shirts).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn.; effective 11–5–57 to 11–4–58 (dress shirts, sport shirts).

McGregor-Doniger, Inc., 69 King Street, Dover, N. J.; effective 11–1–57 to 10–31–58 (sport shirts, outerwear jackets).

Nettleton Garment Co., Inc., Nettleton, Miss.; effective 10–18–57 to 10–17–58 (men's and boys' work pants).

Penn Children's Dress Co., 831 Lackawanna Avenue, Mayfield, Pa.; effective 10–26–57 to 10–25–58 (children's and girls' dresses and play suits).

Play Togs Manufacturing Co., Inc., Dolson Avenue Extension, Middletown, N. Y.; effective 10–22–57 to 10–21–58 (children's play clothes).

Press Dress & Uniform Co., Hummelstown, Pa.; effective 10–19–57 to 10–18–58 (maids' and nurses' uniforms and cotton dresses).

Princess Peggy, Inc., 1001 South Adams Street, Peoria, Ill.; effective 10–27–57 to 10–26–58 (women's house dresses).

Raleigh Corp., Picayune, Miss.; effective 10–16–57 to 12–19–57 (replacement certificate) (dungarees).

Rob Roy Co., Inc., Cambridge, Md.; effective 11–1–57 to 10–31–58 (boys' shirts).

Seminole Manufacturing Co., Aberdeen, Miss.; effective 10–21–57 to 10–20–58 (dress trousers).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass.; effective 11–1–57 to 10–31–58 (men's dress shirts, sport shirts).

Triple A. Trouser Manufacturing Co., Inc., 1431 Capouse Avenue, Scranton, Pa.; effective 11–1–57 to 10–31–58 (trousers).

Vanderbilt Shirt Co., Inc., 29–31 Walnut Street, Asheville, N. C.; effective 10–26–57 to 10–25–58 (men's western shirts).

Waldon Manufacturing Co., Walnut, Miss.; effective 10–21–57 to 10–20–58 (men's and boys' outerwear).

Washington Overall Manufacturing Co., Scottsville, Ky.; effective 10–26–57 to 10–25–58 (trousers).

Weldon Manufacturing Co. of Pennsylvania, 1307 Park Ave., Williamsport, Pa.; effective 10–18–57 to 10–17–58 (women's and girls' pajamas).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

B & F Manufacturing Co., Inc., South Main Street, Mocksville, N. C.; effective 10–31–57 to 10–30–58; 10 learners (sportshirts).

Brogan & Jennings Manufacturing Co., Kerens (Navarro County), Tex.; effective 10–18–57 to 10–17–58; eight learners (women's dresses).

Fuller Sportswear Co., Broad and Union Streets, Fullerton, Pa.; effective 10–21–57 to 10–20–58; 10 learners (blouses).

Granville Manufacturing Co., Hillsboro Street Extension, Oxford, N. C.; effective 10–21–57 to 10–20–58; 10 learners (ladies' dresses).

Hane Manufacturing Co., Shamokin Dam, Pa.; effective 10–17–57 to 10–16–58; 10 learners (dress and sport shirts).

Sun Fashions of Hawaii, Ltd., 1540–B Makoloa Street, Honolulu, Hawaii; effective 10–21–57 to 10–20–58; five learners (better grade apparel).

Sustan Garments, Inc., Winnsboro, La.; effective 11–1–57 to 10–31–58; 10 learners (sportswear and other odd outerwear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Decherd-Franklin Co., Decherd, Tenn.; effective 10–15–57 to 4–14–58; 20 learners (men's single pants).

C. R. Dix, Inc., 7 Augusta Street, Greenville, S. C.; effective 10–21–57 to 4–20–58; 10 learners (junior dresses).

Hickman Garment Corp., Hickman, Ky.; effective 10–18–57 to 4–17–58; 10 learners (jackets).

M. & W. Dress, 2725 West Cherry, Phoenix, Ariz.; effective 10–18–57 to 4–17–58; 10 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (women's dresses, blouses).

Nelly Don, Inc., Nevada, Mo.; effective 10–15–57 to 4–14–58; 100 learners (women's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

B & K Hosiery Mill, 150 41st Street, SW., Hickory, N. C.; effective 10–21–57 to 10–20–58; five learners for normal labor turnover purposes (seamless).

Bear Brand Hosiery Co., Fayetteville, Ark.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 10–31–57 to 10–30–58; five learners for normal labor turnover purposes (seamless).

Bear Brand Hosiery Co., Kankakee, Ill.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless, full-fashioned).

Bear Brand Hosiery Co., Paxton, Ill.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Bear Brand Hosiery Co., Gary, Ind.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Bear Brand Hosiery Co., Kearney, Nebr.; effective 10–31–57 to 10–30–58; five learners for normal labor turnover purposes (full-fashioned).

Mary Capana, Inc., 901 Memorial Avenue, Williamsport, Pa.; effective 10–31–57 to 10–30–58; five learners for normal labor turnover purposes (full-fashioned, seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N. C.; effective 10–17–57 to 4–16–58; 20 learners for plant expansion purposes (full-fashioned).

The Nolde & Horst Co., Hugh Grey Division, Concord, N. C.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Princeton Hosiery Mills, Princeton, Ky.; effective 10–15–57 to 10–14–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Roane Hosiery, Inc., Harriman, Tenn.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Atlanta Knitting Mills, Inc., 130 West Main Street, Catskill, N. Y.; effective 10–17–57 to 10–16–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Cullman Lingerie Corp., Cullman, Ala.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes. Authorized occupations include finishing operations involving hand sewing for a learning period of 320 hours (women's underwear and sleepwear).

Gurney Manufacturing Division, Botany Cottons, Inc., Prattville, Ala.; effective 10–21–57 to 10–20–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitting yarns).

Haleyville Textile Mills, Inc., Haleyville, Ala.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (undergarments and sleepwear).

P. H. Hanes Knitting Co., Galax Plant, Galax, Va.; effective 10–16–57 to 10–15–58; 5 percent of the total number of factory production workers for normal labor turnover purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (knitted underwear).

Ilena Mills, Inc., Manufacturers Road, Chattanooga, Tenn.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Kain-Murphey Corp., Manufacturers Road, Chattanooga, Tenn.; effective 10–31–57 to 10–30–57; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's sleeping garments).

Meck Knitting Mills, Inc., Schuylkill Haven, Pa.; effective 10–22–57 to 10–21–58; five learners for normal labor turnover purposes (men's and boys' knit underwear).

Signal Knitting Mills, Manufacturers Road, Chattanooga, Tenn.; effective 10–31–57 to 10–30–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Brinkley Pearl Works, Brinkley, Ark.; effective 10–14–57 to 4–13–58; authorizing the employment of 5 learners for normal labor turnover purposes, in the occupation of blank button cutter for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (button blanks).

Palm Beach Co., Bourne Avenue, Somerset, Ky.; effective 10–19–57 to 4–18–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's palm beach coats).

Sparta Pipes, Inc., Sparta, N. C.; effective 10–18–57 to 4–17–58; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of hand and machine production operations for a learning period of 240 hours at the rate of 85 cents an hour (smoking pipes, cigar holders, cigarette holders).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Edro Corp., Anasco, P. R.; effective 9–25–57 to 9–24–58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of cutting, sewing machine operators and laying-off, each for a learning period of 480 hours at the rates of 51 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (fabric gloves).

Rico Glove Corp., Cayey, P. R.; effective 9–26–57 to 3–25–58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 51 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (fabric and leather gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act has been issued to the firm listed below. Effective and expiration dates, occupation, wage rates, number or proportion of student-workers as learners, and learning period for the certificate issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Linfield Research Institute, Linfield College, McMinnville, Oreg.; effective 10–14–57 to 8–31–58; authorizing the employment of 15 student-workers in the scientific research industry in the occupation of research technician for a learning period of 300 hours at the rates of 80 cents an hour for the first 150 hours and 85 cents an hour for the remaining 150 hours.

This student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 23d day of October 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–8942; Filed, Oct. 29, 1957; 8:45 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; MARYLAND AND NEW HAMPSHIRE

On October 14, 1957, for the State of Maryland and on October 15, 1957, for the State of New Hampshire, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MARYLAND

County:	Average value
Anne Arundel	$20,000
Calvert	17,500
Carroll	25,000
Dorchester	25,000
Garrett	18,000
Prince Georges	20,000
Washington	25,000

NEW HAMPSHIRE

Belknap	$20,000
Carroll	20,000
Cheshire	20,000
Grafton	20,000
Strafford	20,000
Sullivan	20,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: October 25, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-9025; Filed, Oct. 30, 1957; 8:52 a. m.]

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; PUERTO RICO

On October 23, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, average values of efficient family-type farm-management units for the counties (subdivisions) identified below were determined to be as herein set forth. The average values heretofore established for said counties (subdivisions), which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties (subdivisions). Redesignations of Mayaguez and Yauco were made on August 9, 1957, and appear at 22 F. R. 6549.

PUERTO RICO

County:	Average value
Mayaguez	$20,000
San German	25,000
Yauco	24,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: October 25, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-9026; Filed, Oct. 30, 1957; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR 1958 CROP

REVISION OF OLD FARM AND NEW FARM DEFINITIONS

Basis and purpose. The amendments herein are issued under the Agricultural Adjustment Act of 1938, as amended, and

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are for the purpose of amending the definitions of an old farm and a new farm. An old farm is now defined under the regulations as a farm on which wheat was grown in one or more of the three years, 1955 through 1957, or considered grown in 1956 or 1957 because of compliance with the acreage reserve or conservation reserve program. A new farm is defined as the converse of an old farm. The amendments herein are required by enactment of Public Law 85–266, approved September 2, 1957, which provides that if the acreage planted to wheat on any farm for 1957 is less than the acreage allotment for the farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm under the provisions of section 334 (f) of the act) shall be considered for the purpose of establishing future State, county, and farm acreage allotments which have been planted to such commodity in such year on such farm, provided the underplanting of the allotment was not used to remove from storage wheat of a prior crop stored to avoid or postpone penalty.

In order that producers may proceed with farm plans as rapidly as possible, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

Section 728.811 (o) is amended to read as follows:

(o) "Old farm" means a farm on which there was wheat acreage including any acreage considered as wheat acreage under the provisions of section 106 (a) or 112 (2) of the Soil Bank Act or section 377 of the Agricultural Adjustment Act of 1938, as amended, during one or more of the three years 1955, 1956 and 1957.

Section 728.811 (p) is amended to read as follows:

(p) "New farm" means a farm which is not an old farm but for which an acreage allotment is requested for 1958.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies Secs. 301, 334, 377, 52 Stat. 38, 53; 71 Stat. 592; 7 U. S. C. 1301, 1334, 1377)

Done at Washington, D. C., this 25th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-9000; Filed, Oct. 30, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER AMENDING ORDER REGULATING HANDLING

Correction

In Federal Register Document 56–8175, published at page 7885 of the issue for Friday, October 4, 1957, subparagraph (3) of paragraph (b) of § 984.0 should read as follows:

§ 984.0 *Findings and determinations.*

* * *

(b) *Findings based on the hearing record.* * * *

(3) The said order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to differences in the production and marketing of the walnuts covered thereby;

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6688]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PARFUMERIE LIDO, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.235 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin:* Place: *Domestic product as imported.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Parfumerie Lido, Inc., et al., New York, N. Y., Docket 6688, Oct. 4, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in New York City with representing, on labels and in advertising, fictitious prices as the customary prices of perfumes and colognes and representing falsely that such products were compounded in France.

Following acceptance of agreements between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 4 the decision of the Commission.

The order to cease and desist is as follows:

In the Matter of Parfumerie Lido, Inc., a Corporation, and Alexander S. Salz, Individually and as an Officer of Said Corporation, and also Trading as Lido Products Company, and Berthold Dilloff, Trading as Lido Products Company

This proceeding was heard by a hearing examiner on the complaint of the Commisson charging a seller in New York City with representing, on labels and in advertising, fictitious prices as the customary prices of perfumes and colognes and representing falsely that such products were compounded in France.

Following acceptance of agreements between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 4 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Parfumerie Lido, Inc., a corporation, its officers, and respondent Alexander S. Salz, individually and as an officer of said corporation and formerly trading as Lido Products Company, or trading under any other name; and respondent Berthold Dilloff, individually and formerly trading as Lido Products Company, or trading under any other name; and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes, or any other related product do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products, which advertisement:

(a) Contains or lists prices or amounts when such prices or amounts are in excess of the prices at which the products are usually and customarily sold at retail;

(b) Uses the words "Design Created in Paris", "25 Rue Montgolfier, Paris", "Sole United States Distributor", "Originated in France", "Imported French Perfume", "French Perfume", "Famous French Perfume", "Imported From France", "Created in France", or "New York-Paris" in connection with any products not manufactured or compounded in France; or otherwise representing, directly or by implication, that such products are manufactured or compounded in France;

(c) Uses any French name or word as a corporate or trade name or as a part thereof or any name, word, term or depiction indicative of French origin in connection with products manufactured or compounded in the United States unless it is clearly and conspicuously revealed in immediate connection and

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conjunction therewith that such products are manufactured or compounded in the United States.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 of this order.

It is further ordered, That respondent Parfumerie Lido, Inc., a corporation, its officers, and respondent Alexander S. Salz, individually and as an officer of said corporation and formerly trading as Lido Products Company, or trading under any other name; and respondent Berthold Dilloff, individually and formerly trading as Lido Products Company, or trading under any other name; and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes or any other related product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Setting out prices or amounts on the labels or in the labeling of their products, when such prices or amounts are in excess of the prices at which such products are usually and customarily sold at retail.

2. Using the words "Design Created in Paris", "25 Rue Montgolfier, Paris", "Sole United States Distributor", "Originated in France", "Imported French Perfume", "French Perfume", "Famous French Perfume", "Imported From France", "Created in France", or "New York-Paris" on the labels or in the labeling in connection with any products not manufactured or compounded in France, or otherwise representing, directly or by implication, on the labels or in the labeling that such products are manufactured or compounded in France.

3. Using any French name or word as a corporate or trade name or as a part thereof or any name, word, term or depiction indicative of French origin, on the label or in the labeling of products manufactured or compounded in the United States unless it is clearly and conspicuously revealed in immediate connection and conjunction therewith that such products are manufactured or compounded in the United States.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 4, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8993; Filed, Oct. 30, 1957; 8:47 a. m.]

[Docket 6821]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DEXTER'S FURRIERS, INC., AND BENJAMIN ALLEN

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; usual as reduced, special, etc.; § 13.235 *Source or origin:* Maker or seller, etc.; Fur Products Labeling Act; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Dexter's Furriers, Inc., et al., Salem, Mass., Docket 6821, Oct. 3, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Salem, Mass., with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements; and by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products and that certain furs were artificially colored, which contained the names of animals other than those producing certain furs, and which misrepresented prices and values and the source of their stock; and by failing in other respects to comply with the requirements of the act.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Dexter's Furriers, Inc., a corporation, and its officers, and Benjamin Allen, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed, in whole or in substantial part, of paws, tails, bellies or waste fur, when such is the fact.

(e) The name or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

(b) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with non-required information.

(c) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

(e) The name and address of the person issuing such invoice.

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth on invoices the name or names of any animal or animals other than the name or names provided for in paragraph B (1) (a) above.

3. Abbreviating on invoices information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

2. Contains the name or names of any animal or animals other than the name or names provided for in paragraph C (1) (a) above.

3. Contains information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder in print that is not of equal size and conspicuousness.

4. Represents that fur products offered for sale constitute, "A fantastic purchase of thousands of dollars of luxurious furs from a famous reputable New England Furrier", or words of similar import, when such is not the fact.

D. Makes pricing claims or representations in advertisements respecting reduced prices, comparative prices or percentage savings claims, value or quality of furs or fur products, unless there is maintained by respondents, adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 3, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8994; Filed, Oct. 30, 1957; 8:47 a. m.]

[Dockets 6354, etc.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RIT-ZIE NOVELTY COMPANY, INC., ET AL.

Subpart—*Importing, selling, or transporting flammable wear:* § 13.1057 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111; 15 U. S. C. 45, 1191) [Cease and desist orders, Rit-Zie Novelty Co., Inc., et al., Docket 6354; Victor B. Handal & Bro., Inc., et al., Docket 6375; and Reliance Intercontinental Corp. et al., Docket 6520; all of New York, N. Y.; Oct. 7, 1957]

In the Matter of Rit-Zie Novelty Company, Inc., a Corporation, and Moe Liebowitz and Samuel Einhorn, Individually and as Officers of Said Corporation, Docket No. 6354

In the Matter of Victor B. Handal & Bro., Inc., a Corporation, and Victor B. Handal and John Handal, Individually and as Officers of Said Corporation, Docket No. 6375

In the Matter of Reliance Intercontinental Corporation, a Corporation, and Adolph Meirowitz and Jerrold Kurtz, Individually and as Officers of Said Corporation, Docket No. 6520

This proceeding was heard by a hearing examiner on complaints of the Commission charging three importers in New York City with violating the Flammable Fabrics Act by importing into the United States from Japan, selling and transporting in commerce silk scarves which were so highly inflammable as to be dangerous when worn.

Following acceptance of agreements containing consent orders, the Commission on October 7 issued its findings and orders to cease and desist.

The Commission's order to cease and desist, identical in the three cases, is as follows:

It is ordered, That respondents Rit-Zie Novelty Company, Inc., a corporation, and its officers, and Moe Liebowitz and Samuel Einhorn, individually and as officers of said corporation; Victor B. Handal & Bro., Inc., a corporation, and its officers, and respondents Victor B. Handal and John Handal, individually and as officers of said corporation; and Reliance Intercontinental Corporation, a corporation, and its officers, and respondents Adolph Meirowitz and Jerrold Kurtz, individually and as officers of said corporation; and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce; any article of wearing apparel, which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

By "Decision of the Commission", etc., reports of compliance were required as follows:

It is further ordered, That respondents Rit-Zie Novelty Company, Inc., and Moe Liebowitz and Samuel Einhorn, individually and as officers of said corporation; Victor B. Handal & Bro., Inc., and Victor B. Handal and John Handal, individually and as officers of said corporation; and Intercontinental Corporation, and Adolph Meirowitz and Jerrold Kurtz, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 7, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-8995; Filed, Oct. 30, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MALATHION

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of malathion in or on certain raw agricultural commodities. Subsequently, the petitioner amended the petition and withdrew figs and milk from the list of raw agricultural commodities on which tolerances had been requested. These withdrawals were made without prejudice to a future filing.

Data in the petition do not show that residues of malathion occur in eggs when the pesticide chemical is applied to poultry and poultry houses according to directions in the petition. A tolerance greater than zero in eggs is not required for these uses.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.111; 22 F. R. 7417) are amended by changing § 120.111 to read as follows:

§ 120.111 *Tolerances for residues of malathion.* Tolerances are established for residues of malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on raw agricultural commodities as follows:

(a) 8 parts per million in or on alfalfa, apples, apricots, asparagus, avo-

cados, barley, beans, beets (including tops), blackberries, blueberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cherries, clover, collards, corn forage, cranberries, cucumbers, currants, dandelions, dates, dewberries, eggplants, endive (escarole), garlic, gooseberries, grapefruit, grapes, guavas, horseradish, kale, kohlrabi, kumquats, leeks, lemons, lettuce, limes, loganberries, mangoes, melons, mushrooms, mustard greens, nectarines, oats, onions (including green onions), oranges, parsley, parsnips, passion fruit, peaches, peas, pears, pecans, peppermint, peppers, pineapples, plums, potatoes, prunes, pumpkins, quinces, radishes, raspberries, rice, rutabagas, rye, salsify (including tops), shallots, spearmint, spinach, squash (both summer and winter squash), strawberries, Swiss chard, tangelos, tangerines, tomatoes, turnips (including tops), walnuts, watercress, wheat.

(b) 4 parts per million in or on meat and meat byproducts from cattle, hogs, poultry. The tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, hogs, or poultry.

(c) 2 parts per million in or on corn (kernels plus cob with husk removed), cottonseed.

(d) 0 part per million in eggs.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: October 24, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9005; Filed, Oct. 30, 1957; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.337]

PART 62—PROCEDURE FOR THE HANDLING AND SETTLEMENT OF CLAIMS COGNIZABLE UNDER THE FEDERAL TORT CLAIMS ACT, THE ACT OF AUGUST 1, 1956, AND THE ACT OF JUNE 19, 1939

Part 62—Tort Claims is amended in its entirety to read as follows:

Sec.
62.1 Purpose.
62.2 Delegation of authority.

Subpart A—General Provisions

62.3 Definitions.
62.4 Action by claimant.
62.5 Penalties.
62.6 Investigation of claims.
62.7 Determination of claims.
62.8 Payment of claims.

Subpart B—Federal Tort Claims Act

62.9 General.
62.10 Allowable claims.
62.11 Claims not allowable.
62.12 Limitations.
62.13 Acceptance of award or settlement by claimant.
62.14 Attorneys' fees.

Subpart C—Act of August 1, 1956

62.15 General.

Subpart D—Act of June 19, 1939

62.16 General.
62.17 Exclusion.
62.18 Limitations.
62.19 Action by claimant.
62.20 Payment of claim.

AUTHORITY: §§ 62.1 to 62.20 issued under R. S. 161, sec. 4, 63 Stat. 111; 5 U. S. C. 22, 151c. Interpret or apply 49 Stat. 906, as amended, sec. 1, 62 Stat. 983, as amended, sec. 2, 70 Stat. 890; 22 U. S. C. 277e, 28 U. S. C. 2672, 5 U. S. C. 170g.

§ 62.1 *Purpose.* The purpose of this part is to establish and provide a procedure for the preparation and submission of claims for personal injury, death, and property loss or damage cognizable under the Federal Tort Claims Act (62 Stat. 983; 28 U. S. C. 2672) and the act of August 1, 1956 (70 Stat. 890; 5 U. S. C. Supp. IV, 170g), and claims for property loss or damage cognizable under the act of June 19, 1939 (53 Stat. 841; 22 U. S. C. 277e), and to authorize certain officers of the Department of State and of the United States Section, International Boundary and Water Commission, United States and Mexico, to consider, ascertain, adjust, determine and settle such claims.

§ 62.2 *Delegation of authority.* The Legal Adviser and the Deputy Legal Adviser are authorized to consider, ascertain, adjust, determine and settle claims cognizable under the Federal Tort Claims Act and the act of August 1, 1956, except claims arising out of activities of the Commission. Chiefs of mission and principal officers of fiscal reporting posts are authorized to consider, ascertain, adjust, determine and settle claims cognizable under the act of August 1, 1956, arising out of the activities of their respective establishments. The Commissioner is authorized to consider, ascertain, adjust, determine and settle claims cognizable under the Federal Tort Claims Act and the act of June 19, 1939, arising out of activities of the Commission.

SUBPART A—GENERAL PROVISIONS

§ 62.3 *Definitions.* As used in this part, the term—

(a) "Secretary" means the Secretary of State.

(b) "Department" means the Department of State, its offices, bureaus, and divisions and its Foreign Service establishments abroad.

(c) "Commission" means the United States Section, International Boundary and Water Commission, United States and Mexico.

(d) "Legal Adviser" means the Legal Adviser of the Department of State.

(e) "Deputy Legal Adviser" means the Deputy Legal Adviser of the Department of State.

(f) "Chiefs of mission" means principal officers appointed by the President, by and with the advice and consent of the Senate, in charge of embassies or legations of the United States.

(g) "Principal officers of fiscal reporting posts" means principal officers in charge of embassies, legations, or other diplomatic missions, or of a consulate general or consulate of the United States, which are designated fiscal reporting posts by the Department of State.

(h) "Commissioner" means the United States Commissioner, International Boundary and Water Commission, United States and Mexico.

(i) "Employee" includes any officer or employee of the Department or the Commission, or any person acting on behalf of the Department or the Commission in an official capacity, temporarily or permanently in the service of the Department or the Commission, whether with or without compensation.

§ 62.4 *Action by claimant*—(a) *Claimant.* Claims for property loss or damage may be filed by the owner of the property or his duly authorized agent or legal representative. If the property was insured and the insurer is subrogated, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim. Claims for personal injury may be filed by the injured person or his agent or legal representative. Claims for death may be filed by the personal representative of the decedent or any other legally qualified person. When filed by an agent or legal representative, the claim must show the title or capacity of the person representing the claimant and be accompanied by evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

(b) *Form of claim.* Claims arising in the United States and in the Territories and possessions of the United States should be prepared, in duplicate, on the standard form, "Claim For Damage or Injury," promulgated by the Bureau of the Budget. Copies of this form will be furnished upon a request to the Department or the Commission, as the case may be. All information requested therein should be given in detail. It is especially important that the amount claimed for property damage and for personal injury be indicated in the spaces provided. Claims arising in foreign countries should be prepared in form of a sworn statement and submitted in duplicate. The original copy of the claim should be sworn to or affirmed before an official with authority to administer oaths or affirmations and should contain the following information, at least: (1) The name and address of the claimant; (2) the amount claimed for injury or death and for property loss or damage; (3) if property was lost or damaged, the amount paid or payable by the insurer and the name of the insurer; (4) the facts and circumstances in detail giving rise to the claim including the date, place and time of the accident or incident; (5) if property was involved, a description of the same and of the nature and extent of the damage and of the cost of repair or replacement; (6) if personal injury was involved, the nature of the injury, the cost of medical services and time and income lost from incapacitation; (7) if death is involved, the names and ages of the claimants and their relationship to the decedent; (8) the name of the employee of the United States who is alleged to be responsible for the accident or incident and the name and address of the Foreign Service establishment by whom he is or was employed; (9) the names and addresses of any witnesses to the accident or incident; and (10) if desired, the law applicable to the claim.

(c) *Place of filing claim.* Claims should be submitted directly to the office, bureau, division, or Foreign Service establishment of the Department, or of the Commission, out of whose activities the acident or incident occurred, if known; or, if not known, to the Legal Adviser, Department of State, Washington 25, D. C.

(d) *Evidence to be submitted by claimant*—(1) *General.* The amount claimed on account of damage to or loss of property or on account of personal injury or death should, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like should, if possible, be obtained from disinterested parties. All evidence should be submitted in duplicate. Original evidence or certified copies should be attached to the original copy of the claim, and simple copies should be attached to the other copy of the claim. All documents in other than the English language should be accompanied by English translations.

(2) *Personal injury or death.* In support of claims for personal injury or death, the claimant should submit, as may be appropriate, itemized bills for medical, hospital or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of the injury, the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization and the like.

(3) *Damage to personal property.* In support of claims for damage to personal property which has been repaired, the claimant should submit an itemized receipt, or, if not repaired, itemized estimates of the cost of repairs by two reliable parties who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to cost, age of the property and salvage value.

(4) *Damage to real property.* In support of claims for damage to land, trees, buildings, fences, or other improvements to real property, the claimant should submit an itemized receipt if repairs have been made, or, if repairs have not been made, itemized estimates of the cost of repairs by two reliable persons who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to the value of the improvements both before and after the accident or incident and the cost of replacements.

(5) *Damage to crops.* In support of claims for damage to crops, the claimant should submit an itemized signed statement showing the number of acres, or other unit measure of crop damaged, the probable yield per unit, the gross amount which would have been realized from such probable yield and an estimate of the costs of cultivating, harvesting and marketing the crop. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated.

§ 62.5 *Penalties.* A person who files a false claim or makes a false or fraudulent statement in a claim against the United States may be liable to a fine of not more than $10,000 or to imprisonment of not more than five years, or both (62 Stat. 698, 749; 18 U. S. C. 287, 1001) and, in addition, to a forfeiture of $2,000 and a penalty of double the loss or damage sustained by the United States (12 Stat. 696, 698; 31 U. S. C. 231).

§ 62.6 *Investigation of claims.* When a claim is received, the office, bureau, division or Foreign Service establishment out of whose activities the claim arose shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, and a recommendation regarding allowance or disallowance of the claim, to the Legal Adviser, Deputy Legal Adviser, Commissioner, Chief of Mission or principal officer of fiscal reporting post, as the case may be.

§ 62.7 *Determination of claims.* Claims will be determined in accordance with the applicable statute and the applicable subpart of this part.

§ 62.8 *Payment of claims.* When a claim is approved, it will be referred to the appropriate fiscal office for payment out of funds appropriated or to be appropriated for the purpose.

SUBPART B—FEDERAL TORT CLAIMS ACT

§ 62.9 *General.* The Federal Tort Claims Act (62 Stat. 983; 28 U. S. C. 2672) authorizes the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle certain tort claims for money damages of $1,000 or less against the United States.

§ 62.10 *Allowable claims.* Tort claims, except those specifically excluded by the Federal Tort Claims Act (28 U. S. C. 2680), are allowable under the act and this subpart for damage to or loss of property and for personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Department or of the Commission, while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred. Payment of more than $1,000 in settlement of a claim may not be authorized. The claimant's only remedy, if any, for a claim exceeding $1,000 in amount or for a claim which is disallowed, is by suit in the United States District Court for the district where the claimant resides or wherein the act or omission complained of occurred.

§ 62.11 *Claims not allowable.* The following claims, among others, are not allowable under the Federal Tort Claims Act and this subpart:

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(d) Any claim arising in a foreign country. Such claims may be allowable under the act of August 1, 1956. See Subpart C of this part.

§ 62.12 *Limitations.* (a) Claims arising under the Federal Tort Claims Act must be presented in writing, within two years after accrual.

(b) A suit may not be filed while a claim is pending. The claimant may, however, upon fifteen days written notice, withdraw the claim and commence action thereon within six months from the date of notice. If a claim is denied, the claimant may commence action thereon within six months from the date of notice of denial. The amount of the suit may not exceed the amount of the claim, except where the increased amount is based upon newly discovered evidence.

§ 62.13 *Acceptance of award or settlement by claimant.* The acceptance by the claimant of an award, compromise or settlement is final and conclusive on the claimant, and constitutes a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 62.14 *Attorneys' fees.* As part of any award or settlement, reasonable attorneys' fees may be allowed out of, but not

in addition to, the amount of the award or settlement. If the award or settlement is $500 or more the fee shall not exceed 10 per centum of the amount of the award or settlement. Any attorney who receives more than the amount allowed may be liable to a fine of not more than $2,000 or imprisonment of not more than one year, or both. Attorneys' fees will be fixed only upon the written request of the claimant or his attorney.

SUBPART C—ACT OF AUGUST 1, 1956

§ 62.15 *General.* The act of August 1, 1956 (70 Stat. 890; 5 U. S. C. Supp. IV, 170g) authorizes the Secretary of State, when funds are appropriated therefor, to pay tort claims in the manner authorized in the first paragraph of 28 U. S. C. 2672, as amended, when such claims arise in foreign countries in connection with Department of State operations abroad. Consequently, the Federal Tort Claims Act and Subpart B of this part are applicable to claims filed under the act of August 1, 1956, except that no provision has been made in that act for the institution of suit if a claim is denied.

SUBPART D—ACT OF JUNE 19, 1939

§ 62.16 *General.* The act of June 19, 1939 (53 Stat. 841; 22 U. S. C. 277e), provides as follows:

> The Secretary of State acting through such officers as he may designate, is further authorized to consider, adjust, and pay from funds appropriated for the project, the construction of which resulted in damages, any claim for damages occurring after March 31, 1937, caused to owners of land or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the American Commissioner, International Boundary Commission, United States and Mexico, if such claim does not exceed $1,000 and has been filed with the American Commissioner within one year after the damage is alleged to have occurred, and when in the opinion of the American Commissioner such claim is substantiated by a report of a board appointed by the said Commissioner.

This act covers only claims for damages to lands or other private property and not claims for personal injuries. (Decision Comptroller General B–36817, September 28, 1943, unpublished.) To the extent that claims for damages to lands or other private property are based upon negligence, the provisions of this act have been superseded by the Federal Tort Claims Act (26 Comp. Gen. 452, Decision B–61757, January 6, 1947). Hence claims cognizable under the Act of June 19, 1939, are limited to claims for damages accruing after March 31, 1937; (a) for damages to lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the Commissioner; (b) where such claims do not exceed $1,000; and (c) which claims are not based upon the negligence of any officer or employee of the Government acting within the scope of his employment.

§ 62.17 *Exclusion.* Claims which are cognizable under the Federal Tort Claims Act are not cognizable under the act of June 19, 1939.

§ 62.18 *Limitations.* No claim will be considered by the Commissioner under this subpart unless filed with him within one year after the damage is alleged to have occurred.

§ 62.19 *Action by claimant.* The provisions of § 62.4 shall be applicable to claims for damages cognizable under this subpart, except those provisions relating to personal injury or death.

§ 62.20 *Payment of claim.* Upon receipt of a claim by the Commissioner, the Commissioner will appoint a board to investigate the facts surrounding the claim and to make its report and recommendations to the Commission. The Commissioner will thereupon approve the claim in whole or in part, or disapprove the claim. If the claim is approved in whole or in part, and claimant accepts the settlement tendered by the Commissioner, the claimant will execute a release of his claim in the form prescribed by the Commissioner and will execute a voucher in the sum approved by the Commissioner. The file on the case, including the claim, the findings of the board, the approval of the Commissioner, the release, and the voucher, will thereupon be transmitted by the Commissioner through the Department to the General Accounting Office for settlement.

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedures Act (60 Stat. 238, 5 U. S. C. 1003) relative to notice of proposed rule making are inapplicable and unnecessary since the regulation involves in part the foreign affairs function of the United States and incorporates interpretative rules and rules of procedure contained in Departmental Regulation 108.53, which was published in the FEDERAL REGISTER on November 1, 1947 (12 F. R. 7108).

Dated: October 18, 1957.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 57-9001; Filed, Oct. 30, 1957; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter S—Moneys, Tribal and Individual

PART 223—JUDGMENT FUNDS, SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING

MISCELLANEOUS AMENDMENTS

Part 223 (formerly titled "Judgment and Payments in Lieu of Allotment Funds") is amended as follows:

1. Sections 223.1 to 223.18 are revoked and the headnotes "Subpart A—Klamath Tribe" and "Subpart B—Shoshone Tribe of the Wind River Reservation" are deleted.

2. Sections 223.50 to 223.62 are designated §§ 223.1 to 223.13 respectively; and §§ 223.64 to 223.70 are renumbered §§ 223.14 to 223.20 respectively.

3. Section 223.10 (formerly § 223.59) is amended to read as follows:

§ 223.10 *Trust status of property.* Title to all real property to be acquired with restricted funds, when such property is situated within the diminished portion of the Wind River Reservation, shall be taken in trust for the individual. Title to personal property acquired pursuant to a purchase order shall be taken in trust. Livestock purchased and the offspring thereof shall be marked or branded with the individual brand of the owner. The provisions of this section are subject to the provisions of § 223.18.

4. Renumbered sections containing references to other sections are amended to reflect changes in numbering as follows:

In § 223.55, renumbered § 223.6, the reference to § 223.53 is changed to § 223.4 and the reference to § 223.54 is changed to § 223.5.

In § 223.58, renumbered § 223.9, the reference to § 223.68 is changed to § 223.18.

In § 223.60, renumbered § 223.11, the reference to § 223.52 is changed to § 223.3.

In § 223.68, renumbered § 223.18, the reference to § 223.58 is changed to § 223.9. Reference to §§ 223.50 through 223.55 is changed to §§ 223.1 through 223.6.

In § 223.69, renumbered § 223.19, the reference to § 223.68 is changed to § 223.18.

(Sec. 2, 52 Stat. 605, sec. 1, 53 Stat. 1252; 25 U. S. C. 541, 552)

FRED A. SEATON,
Secretary of the Interior.

OCTOBER 25, 1957.

[F. R. Doc. 57-8975; Filed, Oct. 30, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 5—THE BOARD ON WAIVERS AND FORFEITURES AND COMMITTEES ON WAIVERS IN FIELD OFFICES

MISCELLANEOUS AMENDMENTS

1. The headnote of Part 5 is amended to read as shown above.

2. Sections 5.0, 5.1, and 5.2 are revised to read as follows:

§ 5.0 *Overpayments that may be considered.* (a) The Board on Waivers and Forfeitures and the Committees on Waivers in the field offices have jurisdiction to determine whether there will be a waiver of recovery of overpayments, any indebtedness of the kind specified in paragraph (d) of this section, and erroneous payments (hereinafter referred to as overpayments) under the General Law, the acts providing for service pension, the War Risk Insurance Act, the Vocational Rehabilitation Act, the World War Veterans' Act, 1924, Public Law 2, 73d Congress, including World War I emergency officers' retirement pay thereunder, Public Laws 78, 141, and 484, of

the 73d Congress, Public Law 746, 76th Congress, the National Service Life Insurance Act of 1940, the Servicemen's Readjustment Act of 1944, Public Law 28, 82d Congress, Title II of Public Law 550, 82d Congress, Public Law 634, 84th Congress, Title II of Public Law 881, 84th Congress, Public Law 85–56 (effective January 1, 1958) or under an amendment of any of those statutory provisions; where such overpayments are submitted by the finance activity for consideration under the statutory provisions cited in § 5.1; except (1) those cases that are under the jurisdiction of the Loan Guaranty Committees on Waivers and Compromises, §§ 36.4381 and 36.4382 of this chapter; (2) those cases in which an overpayment of compensation or pension is made to a person because of his having entered on active duty; (3) readjustment allowance paid under Title V of the Servicemen's Readjustment Act of 1944 during the lifetime of the veteran; (4) National Service life insurance overpayments resulting from an authorized change in option; (5) World War I adjusted compensation overpayments; (6) and those cases in which there is not in effect an award of benefits other than insurance and the overpayment resulted from payment to an insured under a United States Government life insurance or a National Service life insurance contract.

(b) In any case where a subsistence allowance overpayment that was made to a veteran for any period beginning on or after July 13, 1950, has not been recovered or waived, the board and these committees have jurisdiction under section 7, Public Law 610, 81st Congress, as limited by Public Law 149, 83d Congress, to determine, after a hearing, whether the overpayment was the result of failure of a school to report to the Veterans Administration, as required by applicable regulation or contract, unauthorized or excessive absences from a course in which the veteran has enrolled, or the discontinuance or interruption of a course by the veteran, and to determine the school's liability for such overpayment. As to the liability of the school, the board or a committee may make a determination irrespective of amount, but the procedure and principles set forth in § 21.113 of this chapter are for application. In any case referred under said section 7, the Committee on Waivers will assume jurisdiction over both the school and the veteran and, in making a final determination, may (1) waive recovery if it finds that relief should be afforded to the veteran pursuant to existing regulations; or (2) determine whether there is liability as to the school (a finding that the school is not liable will require recovery from the veteran unless the overpayment is waived as to him); or (3) hold both liable if it finds that the veteran is not entitled to relief and that the facts establish liability on the part of the school. A waiver as to the veteran will automatically preclude recovery from the school. In the event a hearing is not requested, the action of the board or the committee will be based upon the record. Hearings will be held when requested irrespective of the amount involved.

(c) In any case where the provisions of section 266 of the Veterans' Readjustment Assistance Act of 1952 (Public Law 550, 82d Cong.) or section 506 of the War Orphans' Educational Assistance Act of 1956 (Public Law 634, 84th Cong.) are applicable, the liability of the educational institution or training establishment will be determined according to the provisions of § 21.2304 of this chapter. These committees or the board have jurisdiction to consider all overpayments of education and training allowance and educational assistance allowance and are authorized to determine under section 271 of the Veterans' Readjustment Assistance Act of 1952 or section 511 of the War Orphans' Educational Assistance Act of 1956, as the case may be, whether recovery of the overpayment or any part thereof, may be waived as to the veteran or eligible person, as the case may be. The finance activity in submitting such cases for consideration and the Committee on Waivers or the Board on Waivers and Forfeitures in its decision will be guided by established procedure and policy in regard to overpayments. As to the liability of the educational institution or training establishment, a Committee on Waivers may make a determination irrespective of amount, subject to the procedure and principles prescribed by § 21.2304 of this chapter.

(d) The board and these committees also have jurisdiction to determine whether there will be a waiver of collection in properly submitted cases of indebtedness due the Veterans Administration because of, or in connection with, the hospitalization, domiciliary care, or outpatient treatment of a veteran, a person who has claimed to be a veteran, or a person to whom such benefits have been granted on the supposition that he was an eligible veteran.

§ 5.1 *Legislation authorizing relief.* (a) The legislation under which relief from overpayments may be granted provides that there shall be no recovery of payments from any person who in the judgment of the Administrator is without fault on his part and where in the judgment of the Administrator such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience (sec. 28, World War Veterans' Act, 1924, as amended, 38 U. S. C. 453). (See also sec. 4, Public Law 323, 71st Cong., as preserved and continued by Public Law 536, 71st Cong., 38 U. S. C. 33; sec. 7, Public Law 2, 73d Cong., 38 U. S. C. 707; Public Law 324, 76th Cong., 38 U. S. C. 36; sec. 609, Public Law 801, 76th Cong., 38 U. S. C. 809; sec. 1, Public Law 866, 76th Cong., 38 U. S. C. 507a; sec. 1, Public Law 144, 78th Cong., 38 U. S. C. 727; sec. 1500, Public Law 346, 78th Cong., 38 U. S. C. 697; sec. 1 (G), Public Law 662, 79th Cong., 38 U. S. C. 739; sec. 7, Public Law 610, 81st Cong., 38 U. S. C. ch. 12A, as limited by Public Law 149, 83d Cong.; sec. 271, Public Law 550, 82d Cong., 38 U. S. C. 981; sec. 511, Public Law 634, 84th Cong.; sec. 209 (f), Public Law 881, 84th Cong.; and sec. 1002, Public Law 85-56.)

(b) The statutes enumerated in paragraph (a) of this section do not affect, retroactively, recoveries accomplished prior to the dates of their passage unless otherwise provided, and, furthermore, they do not authorize waiver of recovery of moneys recovered prior to adjudicative or appellate decision. (See also sec. 5, Public Law 866, 76th Cong., 38 U. S. C. 454a, and § 8.60.)

§ 5.2 *Scope of decisions.* The jurisdiction of Committees on Waivers and the Board on Waivers and Forfeitures, is limited to consideration of waiver or nonwaiver and to questions of liability on the part of educational institutions or training establishments as provided in § 5.0 (b) and (c). A decision of nonwaiver by the board or by a committee leaves to the finance or accounting officers the manner of recovery or collection. It is within the discretion of such board or committees to waive recovery as to certain persons and decline to waive recovery as to certain other persons whose claims are based on the same veteran's service. It is also within their discretion to waive or decline to waive recovery from specific benefits or sources, except that they shall not waive recovery out of insurance of an indebtedness secured thereby, i. e., an insurance overpayment or illegal payment made to the insured, although in appropriate cases it is proper to waive recovery of any or all of such indebtedness out of benefits other than insurance benefits then or thereafter payable to the insured.

3. In § 5.3, paragraphs (b), (d), and (e) are amended to read as follows:

§ 5.3 *Interpretations of provisions.*

* * *

(b) The authority given to the Administrator or his designee to waive recovery of an overpayment does not extend to waiving any claim which has been reduced to judgment. Further, where a refund in whole or in part of an ovrepayment has been made by a beneficiary and received by the Veterans Administration prior to the date of the administrative determination purporting to waive recovery, that amount of the overpayment which has been liquidated by the refund may not be waived.

* * * * *

(d) What would, or would not, constitute "defeat of the purpose of benefits otherwise authorized," within the meaning of the statute, must depend on the facts in the individual case. No set rule may be laid down for the application of this provision, and while great latitude is permitted for the exercise of the discretion delegated, a waiver of recovery generally should not be granted if to do so would result in a duplication of payments. The word "purpose" is significant in that while recovery might defeat benefits, it would not necessarily defeat the purpose of said benefits. There can be no defeat of the purpose of "benefits otherwise authorized" unless the person overpaid has received, or is entitled to receive, benefits subsequent to the date of the enactment of the World War Veterans' Act, 1924.

(e) The clause "or would be against equity and good conscience" is not susceptible of exact definition. Its meaning must be ascertained by resort, generally,

to the established principles of equity. The incorporation of said clause into the above-cited statutory provisions as an alternative to "would defeat the purpose of benefits otherwise authorized" establishes the grant of broad remedial powers. One maxim of equity that may be applicable is that "he who comes into equity must come with clean hands." Another is that "he who seeks equity must do equity." There is an equitable principle that money paid under mistake cannot be recovered where the payee is entitled in equity and good conscience to retain it, as in the case of a payee who did not have legal title to the money but did have an equitable title thereto. Said principle applies also where the payee has, by reason of the payment, relinquished a valuable right which he would otherwise have retained; or where the payee has, by reason of the payment, changed his position for the worse, as in the case of a person under legal disability whose guardian has disbursed, for the benefit of such person, money which he is now unable to recover. Such clause, however, was not intended to protect those who have simply spent the money and, therefore, are not financially able to repay.

4. Section 5.4 is revised to read as follows:

§ 5.4 *Jurisdiction.* The Board on Waivers and Forfeitures has exclusive jurisdiction to consider questions of forfeiture relating to the submission of false or fraudulent evidence, or mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies. (See sec. 504, World War Veterans' Act, 1924, as amended, 38 U. S. C. 555, as preserved and continued by sec. 11, Public Law 2, 73d Cong., 38 U. S. C. 711; sec. 15, Public Law 2, 73d Cong., 38 U. S. C. 715; sec. 9, Public Law 304, 75th Cong., 38 U. S. C. 510; sec. 4, Public Law 144, 78th Cong., 38 U. S. C. 728; sec. 1500, Public Law 346, 78th Cong., 38 U. S. C. 697; sec. 9, Public Law 23, 82d Cong., 38 U. S. C. 858; sec. 270, Public Law 550, 82d Cong., 38 U. S. C. 980; sec. 510, Public Law 634, 84th Cong.; sec. 501 (n), Public Law 881, 84th Cong.; and secs 1103 and 1104, Public Law 85–56.) This jurisdiction does not include questions of forfeiture under the National Service Life Insurance Act of 1940 (Public Law 801, 76th Cong.), as amended, under Title V of the Servicemen's Readjustment Act of 1944, as amended, or sec. 8, Public Law 23, 82d Congress. The Committees on Waivers have no jurisdiction over forfeiture questions.

5. In § 5.6, paragraph (a) is amended to read as follows:

§ 5.6 *Actions preliminary to submissions.* (a) Where the question relates to what is thought to be false or fraudulent evidence, it shall be the duty of the official designated in § 5.5 to review the alleged false or fraudulent evidence and authorize an investigation when in his opinion there is reasonable assumption that such evidence is fraudulent, and when in his opinion any prior investigation is inadequate. Where the question involved is one of possible guilt of an offense mentioned in section 4, Public Law 144, 78th Congress, or section 1104, Public Law 85–56, such official shall not request an investigation but shall refer the folder or folders to the Board on Waivers and Forfeitures for development, with a letter or memorandum stating the known facts. However, the Manager, Veterans Administration Regional Office, Republic of the Philippines, may authorize an investigation in the Philippines for the purpose of procuring evidence of an offense named in said section 4, Public Law 144, or section 1104, Public Law 85–56, as well as in those cases involving what is thought to be false of fraudulent evidence; and may also as to the latter class, suspend or in death cases recommend suspension of payments if warranted by circumstances.

6. Sections 5.7, 5.8, 5.9, 5.10, 5.11, and 5.12 are revised to read as follows:

§ 5.7 *Submission of forfeiture questions.* (a) When an investigation has been completed or the evidence considered as provided in § 5.6 (a) and (b), the appropriate official designated in § 5.5 shall determine whether a submission to the Board on Waivers and Forfeitures is warranted; and, if he determines that it is, shall forward the evidence and the folder or folders to said board for a decision as to whether there is a forfeiture of rights under the statutory provisions specified in § 5.4. A submission may also be made to the Board on Waivers and Forfeitures by the director of a service (or the Chairman, Board of Veterans Appeals, the Chief Medical Director, or the General Counsel) for the office concerned if the facts warrant. Prior to the submission of the folder or folders to the Board on Waivers and Forfeitures for consideration of what is thought to be false or fraudulent evidence, payments shall be suspended as of the date of last payment, pending final action by that board. Where the question is one of possible guilt of one of the offenses mentioned in section 4, Public Law 144, 78th Congress, or section 1104; Public Law 85–56, payments in an active case shall not be suspended prior to a declaration of forfeiture.

(b) In view of the drastic nature of the provisions for forfeiture prescribed by section 504, World War Veterans' Act, 1924, as amended; by section 15, Public Law 2, 73d Congress; by section 9, Public Law 304, 75th Congress; by section 1500, Public Law 346, 78th Congress; by section 9, Public Law 23, 82d Congress; by section 270, Public Law 550, 82d Congress; by section 510, Public Law 634, 84th Congress; by section 501 (n), Public Law 881, 84th Congress; and by section 1103, Public Law 85–56, it is the duty of the Veterans Administration to apply them only in those cases wherein it is established beyond a reasonable doubt that fraud has been committed. In submitting cases for consideration as to forfeiture, it shall be the duty of the official designated in § 5.5 or § 5.7 (a) to specify the nature of the fraud charged or suspected and to point out the documentary evidence upon which the charge is based. While the adequacy of evidence is in any case for the final determination of the Board on Waivers and Forfeitures, cases should not be submitted on issues that the trivial or that do not fall within the purview of the statutory forfeiture provisions, or where the evidence is clearly insufficient to support the charge, or the file fails to show that the person charged has been afforded opportunity, when possible, for explanation or defense. In connection with the foregoing, it is to be borne in mind that the statutes relating to fraud are without retroactive application. The first statute prescribing forfeiture of rights as penalty for fraudulent claims was the act of August 9, 1921, which amended the War Risk Insurance Act.

§ 5.8 *Forfeiture for mutiny, treason, sabotage, or aiding an enemy.* Section 4, Public Law 144, 78th Congress, and section 1104, Public Law 85–56, provide that any person shown by evidence satisfactory to the Administrator to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future gratuitous benefits under laws administered by the Veterans Administration. As to any person who is not beyond the jurisdiction of the United States courts, no forfeiture for any of those offenses shall be declared unless there has been a conviction in a court of competent jurisdiction or unless such person has been fully advised of the charges and has been afforded the opportunity of having a hearing as provided under procedural rules prescribed by the Administrator with representation by counsel, if desired. Pending trial or hearing and declaration of forfeiture, benefits shall not be suspended or discontinued. If in any case wherein forfeiture for such offenses has been declared, the person shall be later tried within the jurisdiction of the United States courts and found not guilty of the same offense, other than because of the defense of the statute of limitations, the forfeiture may be lifted as of its effective date, but any apportioned payments made in the meantime shall be valid and charged against amounts otherwise payable.

§ 5.9 *Decisions and actions pursuant thereto.* (a) In any case in which it appears to the board that forfeiture may be declarable, the person against whom it would be invoked shall be furnished written notice of the fact that the question is under consideration. The notice will inform the person of the charges against him and, insofar as it may be disclosed, the evidence on which the charges are based; the statute that is considered to be applicable; his right to submit evidence, make a statement in denial of the charges or explain his position; and of his right to a hearing, with representation by counsel, if desired. In cases under section 4, Public Law 144, 78th Congress, or section 1104, Public Law 85–56, the notice will be submitted to the General Counsel for approval as to its legal sufficiency.

(b) When it is determined that a forfeiture is in order, the Board on Waivers and Forfeitures shall render a decision to that effect. In cases involving mutiny, treason, sabotage, or aiding an enemy, a declaration of forfeiture must be approved by the Director, Compensation and Pension Service, and by the General Counsel. The decision shall be final unless appeal therefrom to the Administrator of Veterans Affairs is made in accordance with existing appeals regulations and procedure. In any case where there has been a forfeiture of rights, the claims folder and the rehabilitation and education folder shall be retained in the Veterans Benefits Office, District of Columbia, during the lifetime of the person whose rights are forfeited, except that in the event entitlement to Veterans Administration benefits is claimed on the basis of service in the Armed Forces subsequent to the commission of the offense on which forfeiture determination was based, veterans records will, upon request, be permanently transferred to the regonal office of jurisdiction. It is the duty of the division having jurisdiction over the benefits affected by the forfeiture to discontinue payments by stop payment notice as of the proper definite date, i. e., in cases involving fraud, the date of the commission of the offense, or in cases involving mutiny, treason, sabotage, or aiding an enemy, the date of the decision of forfeiture, or, where appropriate, date of last payment.

(c) When it is determined by the Board on Waivers and Forfeitures that the evidence presented is insufficient to justify a forfeiture of rights, said board shall render a decision to that effect, which decision shall be final, subject to an administrative appeal in accordance with existing regulations and procedure.

§ 5.10 *Board on Waivers and Forfeitures.* (a) The board is established in Central Office under a chairman and section chairmen. The chairman is responsible to the Director, Compensation and Pension Service.

(b) The board has original jurisdiction to consider:

(1) All questions involving forfeiture of rights under the statutes cited in § 5.4.

(2) All overpayments arising in field offices wherein the amount involved is $2,500 or more or where the board determines on its own motion that original jurisdiction is warranted. (See § 5.0 (b) and (c), however.)

(3) All cases in which there is a provision for an administrative review pursuant to §§ 5.13 (b) and 5.15.

(4) All other overpayments properly referred to it, irrespective of amount, subject to the provisions of § 5.12.

(c) The chairman of the board is authorized by the Administrator to certify waivers of recovery of overpayments or of collection of indebtedness specified in § 5.0 (a), (b), (c), and (d). The section chairmen are authorized to perform this function in the absence of the chairman, or when directed by him.

(d) The chairman shall determine what cases are within the board's jurisdiction.

(e) Three members of the board, including the chairman or a section chairman, must concur in a decision. When available these three members will be the same group to whom a case was assigned for consideration, hearing and decision. In case of nonconcurrence by any one member, the case will be assigned to the entire board for majority decision after full and impartial consideration. A decision declaring a forfeiture because of mutiny, treason, sabotage, or aiding an enemy shall be subject to the approval or disapproval of the Director, Compensation and Pension Service, and the General Counsel. Except as to the determinations specified in § 5.15 (c), all decisions shall be subject to an appeal to the Board of Veterans Appeals in accordance with existing appeals regulations and procedure. The board shall render a final decision on any request for an administrative review of a determination that an educational institution or training establishment is liable under section 7, Public Law 610, 81st Congress; section 266, Public Law 550, 82d Congress; or section 506, Public Law 634, 84th Congress, for an overpayment of subsistence allowance, educational and training allowance, or educational assistance allowance; and any such decision shall be valid if it is concurred in and signed by any two members of the specially constituted review section that is designated in § 5.15 (c).

(f) The board may review and modify its decisions upon the receipt of new and material evidence, or upon clear and unmistakable error.

(g) The board may postaudit any decision of a Committee on Waivers and has authority to establish procedure whereby such postaudits may be accomplished to the extent that it deems desirable.

§ 5.11 *Committees on Waivers.* (a) In each district or regional office or center with adjudication activities and in the Veterans Benefits Office, District of Columbia, there is established a Committee on Waivers, consisting of one or more sections of three members each. The members shall be designated by the Manager of the field office from among the employees of such office and their services on the committee shall be in addition to their regular duties. No authorized certifying officer of the finance activity shall serve as a member of any of these committees. In regional offices and centers with adjudication activities, the committees shall function directly under, and be administratively responsible to, the adjudication officer. In district offices and in the Veterans Benefits Office, District of Columbia, the committees shall function directly under, and be administratively responsible to, the Director, Claims Service. Questions of the jurisdiction of the committee and the assignment of cases to its members shall be determined by the chairman.

(b) A Committee on Waivers shall have one chairman and each section shall have a section chairman, all of whom shall be appointed by the Manager. The chairman and section chairmen are members of the committee. The duties of the chairman shall be discharged by a section chairman when the chairman is absent or when he authorizes the section chairman to do so. The chairman and the section chairmen have been delegated authority to certify waiver of recovery of overpayments.

§ 5.12 *Jurisdiction of Committees on Waivers.* (a) Except as modified by paragraph (b) of this section where the case is properly before the committee under applicable Veterans Administration regulations and administrative issues, the Committee on Waivers has authority to render a decision on an overpayment or other indebtedness. The decision of a duly constituted committee will be final and binding upon all field offices of the Veterans Administration and will not be subject to revision except by duly constituted appellate authorities or except as provided in §§ 5.13 (a) and (b) and 5.15.

(b) Where the amount of the overpayment or other indebtedness is $2,500 or more, the committee will prepare a tentative decision which, with the complete file, will be forwarded to the Board on Waivers and Forfeitures. If approved by the board the decision will be returned and may be released; otherwise, an appropriate decision will be prepared by the board and returned to the field office. No such tentative decision will be released or acted upon unless approved by the board.

(c) Determinations as to the liability of educational institutions or training establishments under section 7, Public Law 610, 81st Congress, section 266, Public Law 550, 82d Congress, or section 506, Public Law 634, 84th Congress, shall be made by the Committees on Waivers where the question has been properly submitted regardless of the amount of the overpayment, but where the amount is $2,500 or more there must be an administrative review as prescribed by §§ 21.113 and 21.2304 of this chapter.

6. Former § 5.13 is revised and redesignated § 5.15 and new §§ 5.13 and 5.14 are added so that the revised, redesignated, and added material reads as follows:

§ 5.13 *Revision of decisions.* (a) No committee will reverse or amend, except upon new and material evidence, a decision rendered by the same or any other committee, the Board on Waivers and Forfeitures or by an appellate authority, except where such reversal or amendment is clearly warranted by a change in law or by a specific change in interpretation thereof specifically provided for in a Veterans Administration issue: *Provided,* That a committee may reverse or amend a decision by the same or any other committee where such reversal or amendment is obviously warranted by a clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered.

(b) Whenever a committee may be of the opinion that a revision or amendment of a previous decision is warranted on the facts of record at the time the decision in question was rendered, a difference of opinion being involved rather than a finding of clear and unmistakable error, the complete file will be forwarded, accompanied by a detailed explanation of the matters supporting the conclusion that a revision or amendment of the prior decision is in order, to the Chairman, Board on Waivers and Forfeitures. Such references will, in every case, be made without any action toward amendment of the questioned decision. The question will be resolved and the com-

mittee so advised. The effective date of a waiver in such cases, if otherwise allowable, will be the date of the decision by the Chairman, Board on Waivers and Forfeitures, authorizing a favorable determination based on a difference of opinion. Refunds in whole or in part of the overpayment made by a beneficiary to the Veterans Administration prior to the administrative determination may not be waived. If an overpayment has been reduced to judgment or liquidated by refunds, such file will not be forwarded for review.

(1) Administrative review is not appellate consideration, nor may it be employed as a substitute for appellate review. An administrative review by the Chairman, Board on Waivers and Forfeitures, will be confined ordinarily to the disposition of questions of established policy, administration, doubt as to application of official regulations and instructions, etc., and will not be employed to reverse original determinations on mere differences of opinion or judgment where the policy and the intent and purpose of official directives are not in question. Except as specified in § 5.15 (c) the recourse for reversal or revision lies in appellate channels, either on appeal by or on behalf of the claimant or administrative appeal.

§ 5.14 *Administrative appeals.* The officials of the Veterans Administration who are authorized to file administrative appeals and the time limits within which such appeals must be made are prescribed in § 19.7 of this chapter.

§ 5.15 *Administrative reviews.* The Board on Waivers and Forfeitures has authority to make administrative reviews of decisions by Committees on Waivers.

(a) Except as provided in paragraph (c) of this section, a request for an administrative review of a decision by a Committee on Waivers may be made by the Manager of the field office. The request must be in writing and, unless the board extends the time, shall be presented within 90 days from receipt of notice of the committee's action. An additional period may be granted when, in the board's judgment, exceptional circumstances justify. The board may make an administrative review, on its own motion, of any decision of a Committee on Waivers.

(b) Whenever the decision of a committee is not unanimous the complete file with briefs signed by the majority and minority, respectively, will be sent to the Board on Waivers and Forfeitures for a decision.

(c) The Board on Waivers and Forfeitures has authority to act for the Administrator of Veterans Affairs in making administrative reviews of determinations by a Committee on Waivers that an educational institution or training establishment is, or is not, liable under section 7, Public Law 610, 81st Congress, as limited by Public Law 149, 83d Congress, section 266, Public Law 550, 82d Congress, or section 506, Public Law 634, 84th Congress, for an overpayment to a veteran or to a dependent of a veteran.

(1) There is established in the Board on Waivers and Forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the Director, Compensation and Pension Service, one by the Director, Vocational Rehabilitation and Education Service, and one by the General Counsel. This section will function under the jurisdiction of the Chairman of the Board on Waivers and Forfeitures who will preside over the meetings of said section or will designate one member to preside in his stead to be known as a section chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted herein will have jurisdiction to conduct administrative reviews of decisions of the Committees on Waivers in:

(i) Any case in which the decision of a committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the school or training establishment and received by the Veterans Administration field office within 60 days from the date notice of the decision is mailed to the school or training establishment, or within 90 days if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by a committee in the field, but no expenses of claimant or his witnesses, if any, are payable by the Veterans Administration.

(iii) Any case in which an administrative review is requested by the Manager of the field office concerned or by the Director, Vocational Rehabilitation and Education Service, within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the Board on Waivers and Forfeitures determines on its own motion that an administrative review is warranted.

(v) Any case involving $2,500 or more.

(2) The review section will notify the Veterans Administration field office of original jurisdiction and the school or training establishment of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of a Committee on Waivers in any case where the review section of the Board on Waivers and Forfeitures reverses a finding made by the committee that the school or training establishment was liable.

(3) The review section may review and modify its decision upon submission of new and material evidence. A committee will forward such evidence with its recommendation as to the effect, if any, thereof.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 28, 504, 43 Stat. 615, as amended, 629, as amended, sec. 4, 46 Stat. 529, as amended, secs. 11, 15, 48 Stat. 10, 11, as amended, sec. 9, 50 Stat. 662, sec. 1, 53 Stat. 1252, secs. 1, 609, 54 Stat. 1193, 1013, secs. 1, 4, 57 Stat. 554, 555, sec. 1500, 58 Stat. 300, sec. 1, 60 Stat. 908, as amended, sec. 9, 65 Stat. 35, Vet. Reg. 1 (a), Part VIII, as amended, secs. 270, 271, 66 Stat. 681, 67 Stat. 192, secs. 510, 511, 70 Stat. 422, sec. 209, 70 Stat. 857; 38 U. S. C. 33, 36, 453, 507a, 510, 555, 697, 715, 717 note, 727, 728, 739, 809, 858, 980, 981, 1042, 1043, 1119, ch. 12A)

This regulation is effective October 31, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-9006; Filed, Oct. 30, 1957; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1535]

[Florida and South Dakota]

WITHDRAWING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ROADSIDE ZONES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as roadside zones:

[BLM 040523]

TALLAHASSEE MERIDIAN

OCALA NATIONAL FOREST

A strip of land 400 feet on each side of the center line of the following highways through the following legal subdivisions:

(1) Florida Highway No. 40 (Daytona Highway) Roadside Zone

T. 15 S., R. 25 E.,
Sec. 20, NE¼
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N½;
Sec. 24, NW¼NW¼, E½NW¼; and NE¼.
T. 15 S., R. 25½ E.,
Sec. 24, N½.
T. 15 S., R. 26 E.,
Sec. 19, S½N½;
Sec. 20, SW¼NW¼; W½SE¼NW¼, SE¼SE¼NW¼, S½SW¼NE¼, and N½NW¼SW¼;
Sec. 21, SE¼NW¼, NE¼SW¼, S½ of lot 1; N½ of lots 2 and 3.
T. 15 S., R. 27 E.,
Sec. 20, lot 3;
Sec. 28, lots 2 and 3;
Sec. 29, NE¼NW¼ and NE¼.
The areas described aggregate 891 acres.

(2) Florida Highway No. 314 (Salt Springs Highway) Roadside Zone

T. 14 S., R. 24 E.,
Sec. 14, SE¼NW¼ and NW¼NE¼;

Sec. 11, SE¼SE¼;
Sec. 12, NW¼SE¼, N½SW¼, S½NE¼, and NE¼NE¼.
T. 14 S., R. 25 E.,
Sec. 5, S½ of lots 3 and 4, W½SW¼, NE¼SW¼, lots 1 and 2;
Sec. 6, SE¼SW¼ and SE¼;
Sec. 7, W½NW¼ and NE¼NW¼.
T. 13 S., R. 25 E.,
Sec. 33, S½SW¼.
The areas described aggregate 402 acres.

(3) Florida Highway No. 316 (Ft. McCoy-Salt Springs Highway) Roadside Zone

T. 13 S., R. 24 E.,
Sec. 10, W½SE¼ and SE¼SE¼;
Sec. 14, N½N½;
Sec. 12, S½SE¼.
T. 13 S., R. 25 E.,
Sec. 12, lots 5, 10 and 11;
Sec. 18, N½NW¼.
The areas described aggregate 201 acres.

(4) Florida Highway No. 19 (Altoona to Palatka Highway) Roadside Zone

T. 14 S., R. 26 E.,
Sec. 24, E½W½NE¼, W½SE¼NE¼, and E½W½SE¼;
Sec. 25, E½W½NE¼;
Sec. 36, E½ lot 1.
T. 15 S., R. 26 E.,
Sec. 25, lot 1.
T. 15 S., R. 27 E.,
Sec. 30, SW¼, W½ lot 4;
Sec. 31, W½SW¼, NW¼SE¼, NE¼SW¼, SE¼NW¼, and NW¼NW¼.
T. 16 S., R. 27 E.,
Sec. 5, SE¼SW¼;
Sec. 6, E½NE¼ and NE¼SE¼;
Sec. 17, SW¼;
Sec. 18, SE¼SE¼;
Sec. 20, SW¼NW¼ and NW¼ SW¼;
Sec. 30, E½SW¼ and NE¼;
Sec. 31, NE¼NW¼ and W½NE¼.
The areas described aggregate 639 acres.
The total areas described aggregate 2,133 acres.

[Montana 013790 (S. D.)]

BLACK HILLS MERIDIAN

BLACK HILLS NATIONAL FOREST

U. S. Highways Nos. 16 and 16A, Roadside Zone

A strip of land 330 feet on each side of the center line of U. S. Highways Nos. 16 and 16A through the following legal subdivisions:

T. 1 S., R. 5 E.,
Sec. 20, SW¼SE¼;
Sec. 21, NE¼, SE¼, and SW¼;
Sec. 22, SW¼ and NW¼;
Sec. 25, SE¼SE¼;
Sec. 26, S½SE¼ and S½SW¼;
Sec. 27, SE¼, SW¼NE¼, and NW¼;
Sec. 28, NW¼NW¼;
Sec. 29, NE¼ and NW¼;
Sec. 30, NE¼;
Sec. 35, NE¼;
Sec. 36, N½NE¼ and NW¼.
The areas described aggregate 616.80 acres.
T. 1 S., R. 6 E.,
Sec. 14, S½SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, NW¼SE¼ and NW¼SW¼;
Sec. 23, N½NE¼ and NW¼;
Sec. 28, N½NE¼ and NW¼;
Sec. 29, SE¼NE¼, SE¼, and SW¼;
Sec. 30, S½S½;
Sec. 31, N½NE¼ and N½NW¼;
Sec. 32, NW¼.
The areas described aggregate 429.00 acres.
The total areas described aggregate 1,045.80 acres.

This order shall be subject to existing withdrawals for other than forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Under Secretary of the Interior.

OCTOBER 24, 1957.

[F. R. Doc. 57-8976; Filed, Oct. 30, 1957; 8:45 a. m.]

[Public Land Order 1536]

[Anchorage 030577]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved under the jurisdiction of the Department of the Interior for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

SUSITNA RIVER AREA

An area adjoining the south side of the Denali Highway and the west side of the Susitna River at their intersection at approximately mile 56.5 of the Denali Highway as measured from the intersection of the McKinley Park-Summit-Denali Highway roads, described as follows:

Beginning at a point on the centerline of the Denali Highway where said highway intersects the west bank of the Susitna River at approximate latitude 63°07'40" N., longitude 146°31'18" W., as shown on the 1952 edition of the U. S. G. S. topographic quadrangle Healy (A-2), Alaska, thence,

Westerly, 20 chains along the centerline of the Denali Highway;

South, 40 chains;

Easterly, 23 chains parallel to the centerline of the highway to a point on the west bank of the Susitna River;

Northerly, along the west bank of the river to point of beginning.

The tract described contains 82 acres.

CLEARWATER CREEK AREA

An area embracing a portion of Clearwater Creek at the site of its crossing by the Denali Highway at approximately mile 76.5 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads, described as follows:

Beginning at a point on the centerline of the Denali Highway from which the intersection of said highway and the east bank of Clearwater Creek bears westerly 5 chains at latitude 63°02'32" N., longitude 146°52'44" W., as shown in the 1952 edition of the U. S. G. S. topographic quandrangle Mount Hayes (A-6), Alaska, thence,

S. 30° W., 60 chains;

N. 60° W., 20 chains to a point on the west side of Clearwater Creek;

N. 30° E., 75 chains;

S. 27° E., 25 chains approximately to the point of beginning.

The tract described contains 135 acres.

MACLAREN RIVER AREA

An area extending on both sides of the Denali Highway on the west side of the MacLaren River at the river crossing at approximate mile 90 on the Denali Highway as measured from the intersection of the McKinley Park-Summit-Denali Highway road described as follows:

Beginning at a point on the centerline of the Denali Highway at B. P. R. Engineer Station 2197+00, from which the west abutment of the MacLaren River bridge, latitude 63°07'11.41" N., longitude 146°31'41.57" W., B. P. R. Engineer Station 2197+23.63 bears S. 79°36' W., 23.63 feet, thence,

Northerly, 660 feet along the west bank of the MacLaren River;

West, 660 feet;

South, 1320 feet;

East, 660 feet to a point on the west bank of the river;

Northerly, 660 feet along west bank to the point of beginning.

The tract described contains approximately 20 acres.

HATFIELD CHILSON,
Undersecretary of the Interior.

OCTOBER 24, 1957.

[F. R. Doc. 57-8977; Filed, Oct. 30, 1957; 8:45 a. m.]

[Public Land Order 1537]

[Anchorage 029960 et al.]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved under the jurisdiction of the Secretary of the Interior for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

[Anchorage 029960]

AREA NO. 1

A tract of land 132 feet on either side of a stream, and an unnamed lake lying midway of the stream, running from the outlet of Little Lake Louise, in approximate latitude 62°17'50" N., longitude 146°38'20" W., easterly and northeasterly approximately 11,616 feet to the shores of a bay of Lake Louise.

The tract described contains approximately 70 acres.

AREA NO. 2

A tract of land 132 feet on either side of a stream, running from the northeastern shore of Lake Louise, in approximate latitude 62°21'40" N., longitude 146°32'40" W., northwesterly and northeasterly approximately 8,448 feet to the shores of an unnamed lake.

The tract described contains approximately 51 acres.

AREA NO. 3

A tract of land 132 feet on either side of a stream, running from the east end of a small bay on the eastern shore of Susitna Lake, in approximate latitude 62°24'27" N.,

longitude 146°36'15" W., easterly approximately 1,056 feet to the shores of an unnamed lake.

The tract described contains 6.4 acres.

AREA NO. 4

Beginning at a point on the western shore of a peninsula extending southward into Susitna Lake, approximate latitude 62°26'25" N., longitude 146°39'30" W., thence along line of mean high water of Susitna Lake southerly around the southern tip of the peninsula and then northerly approximately 26,334 feet to a point on the eastern side of the peninsula directly east of the point of beginning; thence west approximately 660 feet to the point of beginning.

The tract described contains approximately 250 acres.

[Anchorage 032236]

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Sec. 33, lots 181 and 202.
The areas described aggregate 6.7 acres.

[Fairbanks 012029]

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 28, lot 8.

The area described contains 36.92 acres.

The withdrawal made by this order shall be subject to existing withdrawals for power purposes so far as they affect lots 181 and 202, sec. 33, T. 12 N., R. 3 W., Seward Meridian.

HATFIELD CHILSON,
Under Secretary of the Interior.

OCTOBER 25, 1957.

[P. R. Doc. 57-8978; Filed, Oct. 30, 1957; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 23d day of October A. D. 1957.

The matter of an order entered September 27, 1956 being under consideration which, effective January 1, 1957, reclassified common and contract motor carriers of property for accounting purposes, pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 546, 563, as amended; 49 U. S. C. 304, 320, as amended); and,

It appearing that the classification of carriers controls the application of certain prescribed accounting provisions, so that the reclassification of carriers by the order of September 27, 1956 operated to alter the distribuiton of charges and credits as between certain primary accounts in relatively minor ways that should have been prevented by the terms of that order; and that restoration of the accounting requirements in those respects to the basis in effect prior to the order of September 27, 1956, is not subject to the public rule making requirements of section 4 (a) of the Administrative Procedure Act:

It is ordered, That, effective January 1, 1958, the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property shall include the modifications which are set forth below and are by this reference made a part hereof: *Provided, however*, That any carrier subject to provisions of that system of accounts may, at its option, make such modifications effective retroactively to January 1, 1957; and,

It is further ordered, That a copy of this order shall be served on each Class I and each Class II common or contract motor carrier of property which is subject to provisions of the act, and on every trustee, receiver, executor, administrator or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order with the Director of the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

(1) Following § 182.3000 *Operating revenues*, in the list of operating revenue accounts, the reference to account 3130—Intercity Transportation for other Class I Motor Carriers, should be corrected to read account 3130 Intercity Transportation for other Class I and Class II Motor Carriers.

(2) In § 182.3100 *Freight revenue; intercity; common carrier*, delete provisions of paragraph (a) (5) and substitute the following for them:

(5) Revenue from furnishing line haul vehicles with drivers to another motor carrier, except to a Class II carrier or another Class I carrier (see Note F), for performing any part of its intercity service.

Delete the provisions of Note F in the same subsection and substitute the following for them:

NOTE F: Revenue from furnishing line haul vehicles with drivers to a Class II motor carrier or to another Class I motor carrier under a purchased transportation arrangement for performing any part of its intercity service, shall be included in account 3130—Intercity Transportation for Other Class I and Class II Motor Carriers.

(3) In § 182.3110 *Freight revenue; intercity; contract carrier*, delete provisions of paragraph (a) (2) and substitute the following for them:

(2) Revenue from furnishing line haul vehicles with drivers to another motor carrier, except to a Class II carrier or another Class I carrier (see Note D), for performing any part of its intercity service.

Delete provisions of Note D in the same subsection and substitute the following for them:

NOTE D: Revenue from furnishing line haul vehicles with drivers to a Class II motor carrier or to another Class I motor carrier under a purchased transportation arrangement for performing any part of its intercity service, shall be included in account 3130—Intercity Transportation for other Class I and Class II Motor Carriers.

(4) Cancel the provisions including Notes A and B of § 182.3130 *Intercity transportation for other Class I motor carriers*, and substitute the following for them:

§ 182.3130 *Intercity transportation for other Class I and Class II motor carriers.* This account shall include amounts receivable from other Class I and Class II motor carriers under a purchased transportation arrangement, for performing any portion of their intercity haul such as:

(a) Revenue from furnishing a line haul vehicle with services of driver to another Class I or to a Class II motor carrier under lease or similar arrangement.

(b) Revenue from transporting freight for another Class I or for a Class II motor carrier when such transportation is purchased by the other carrier to complete any portion of its intercity haul.

(c) Revenue from the transportation in intercity service of loaded or empty trailers for another Class I motor carrier or for a Class II motor carrier.

NOTE A: Revenue received from motor carriers, other than Class I or Class II motor carriers, for similar services shall be included in account 3100—Freight Revenue—Intercity—Common Carrier, or account 3110—Freight Revenue—Intercity—Contract Carrier, as appropriate.

NOTE B: Revenue received from the lease of revenue vehicles to other carriers without the service of drivers shall be included in account 4279—Equipment Rents—Credit.

(5) In § 182.4279 *Equipment rents; credits*, cancel Note A and substitute the following for it:

NOTE A: Payments receivable from other motor carriers which cover both the rent of an intercity vehicle and wages of the driver shall be credited to account 3130 if the service is furnished to a Class I or Class II motor carrier, and to account 3100 or 3110 if furnished to motor carriers other than Class I or Class II.

[F. R. Doc. 57-8997; Filed, Oct. 30, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 205, 212, 245, 263, 264, 299, 322]

MISCELLANEOUS AMENDMENTS TO CHAPTER

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules implementing the act of September 11, 1957. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 630, 119 D Street, NE., Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

PART 205—PETITION FOR IMMIGRANT STATUS AS RELATIVE OF UNITED STATES CITIZEN OR LAWFUL RESIDENT ALIEN

Section 205.2 is added to read as follows:

§ 205.2 *Eligible orphan.* A petition by a United States citizen and spouse under section 4 (b) (2) (B) of the act of September 11, 1957, shall be filed on Form I-600. The petitioners shall be notified of the decision and, if the petition is denied, of the reasons therefor and of their right to appeal.

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS: PAROLE

Section 212.10 is added to read as follows:

§ 212.10 *Waiver of certain grounds of excludability.* (a) An alien who is excludable and seeks a waiver under section 5 or 7 of the act of September 11, 1957, shall file an application on Form I-601 at the consular office considering the application for a visa for transmittal to the Service for decision. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal.

(b) An alien who is excludable and seeks a waiver under section 6 of the act of September 11, 1957, shall file an application on Form I-601 at the consular office considering the application for a visa and shall establish, among other things, that if required he will be hospitalized upon admission into the United States and will remain so hospitalized until the United States Public Health Service approves his discharge, and thereafter submit to such examinations, treatment, isolation, and medical regime as the United States Public Health Service shall direct; shall furnish an affidavit from a sponsor or other responsible individual that financial arrangements for his care have been made, and a statement from a hospital or sanatorium; recognized by the United States Public Health Service as an institution for the treatment of tuberculosis, agreeing to submit its clinical evaluation and X-rays of the patient to the United States Quarantine Station, Staten Island, New York, and not to discharge the patient until agreed upon by the Chief Quarantine Officer; and an acknowledgment that he will comply with the provisions of "Sanitary Measures for Travel of Aliens with Tuberculosis," a copy of which is to be furnished to him, and intends in good faith to submit to the hospitalization and subsequent cost of treatment as arranged for him.

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Section 245.1 is amended to read as follows:

§ 245.1 *Application.* Any alien who believes that he meets the eligibility requirements set forth in section 245 of the Immigration and Nationality Act, or section 9 or 13 of the act of September 11, 1957, shall apply on Form I-507 for adjustment of status: An application under section 13 shall be filed with and adjudicated by the District Director, Washington, D. C., and an application under section 245 or section 9 shall be filed with the district director having administrative jurisdiction over the applicant's place of residence. An alien who has a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a) of the Immigration and Nationality Act, or has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101 (a) of the Immigration and Nationality Act, shall not be eligible to apply for adjustment of status without first executing and submitting with his application the written waiver required by section 247 (b) of the Immigration and Nationality Act and Part 247 of this chapter. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal: *Provided*, That in cases under section 245 of the Immigration and Nationality Act an appeal shall not lie from the decision denying an application on the ground that a quota immigrant visa is unavailable at the time the decision is rendered even though such a visa was available when the application was filed.

PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

1. Section 263.2 is amended to read as follows:

§ 263.2 *Other nonimmigrant aliens; fingerprint waiver.* The requirement of fingerprinting specified in section 262 of the act is waived on a basis of reciprocity in the case of every nonimmigrant alien who departs from the United States within one year of admission, provided he maintains his nonimmigrant status during that time. Every nonimmigrant alien not previously fingerprinted shall apply for fingerprinting at once if he remains in the United States in excess of one year, or if he fails to maintain his nonimmigrant status, except as a longer time is permitted for a foreign government official or representative under § 263.1, including a person holding a diplomatic passport visaed as an official.

2. Section 263.4 *Certain alien crewmen* is revoked.

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

Subparagraph (5) *Form I-95A* of paragraph (c) *Forms constituting alien-registration receipt cards under the Immigration and Nationality Act of* § 264.1 *Alien registration receipt card* is revoked.

PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended by adding the following forms in numerical sequence:

Form No. Title and Description

I-600—Petition for Approval of Assurances for Eligible Orphan to be Adopted (Section 4, Act of September 11, 1957).

I-601—Application for Waiver of Grounds of Excludability under Section 5, 6, or 7 of the Act of September 11, 1957.

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED; CHILDREN OF CITIZEN PARENT

The third sentence of § 322.11 *Procedural requirements* is amended to read as follows: "The petition for nationalization shall be filed on Form N-407, in duplicate, in a naturalization court within whose jurisdiction the petitioning parent or parents and the child reside, unless exempted therefrom by section 323 (c)."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Dated: October 22, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57-9007; Filed, Oct. 30, 1957; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 689]

[Administrative Order 493]

SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

RESIGNATION AND APPOINTMENT OF INDUSTRY COMMITTEE EMPLOYER MEMBER

Fernando A. Villamil, of Aguirre, Puerto Rico, appointed employer mem-

ber of Industry Committee No. 34–C by Administrative Order No. 490 (22 F. R. 7238) has resigned from the said Committee. The Secretary of Labor pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Juan E. Mayoral, of Mercedita, Puerto Rico, to serve in Fernando A. Villamil's stead on Industry Committee No. 34–C as an employer representative.

Signed at Washington, D. C., this 26th day of October 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57–9022; Filed, Oct. 30, 1957; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF DIURON

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington, Delaware, proposing the establishment of a tolerance of 2 parts per million for residues of diuron in or on bird's-foot trefoil (hay, forage).

The analytical method proposed in the petition for determining residues of diuron is that published in the FEDERAL REGISTER of July 8, 1955 (20 F. R. 4871).

Dated: October 24, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 57–9004; Filed, Oct. 30, 1957; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12064]

POWER LIMITATION OF CLASS IV AM BROADCAST STATIONS

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Part 3 of the Commission's rules and regulations and technical standards concerning the power limitation of Class IV AM broadcast stations; Docket No. 12064.

1. The Commission has before it for consideration a petition filed October 23, 1957, by Community Broadcasters Association, Inc., requesting that the time for filing comments in the above-entitled proceeding be extended from November 1, 1957 to December 2, 1957.

2. In support of its request petitioner states that it has made an earnest effort to have its comments prepared by November 1, 1957 but that it appears that additional time will be required to complete the detailed studies and surveys it is conducting and to complete correlation and presentation of the results of such studies and surveys, and that it is anticipated that the comments can be prepared by December 2, 1957.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments in the above-entitled proceeding.

4. In view of the foregoing: *It is ordered,* That the aforementioned petition of Community Broadcasters Association, Inc., is granted and that the time for filing comments in the above-entitled proceeding, is extended, from November 1, 1957 to December 2, 1957, and the time for filing reply comments is extended to December 12, 1957.

Adopted: October 24, 1957.

Released: October 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9008; Filed, Oct. 30, 1957; 8:50 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12008; FCC 57M–1044]

NOBLE-DE KALB BROADCASTING CO., INC. (WKTL)

ORDER CONTINUING HEARING

In re application of Noble-De Kalb Broadcasting Company, Inc. (WKTL) Kendallville, Indiana, Docket No. 12008, File No. BP–10883; for construction permit.

The Hearing Examiner having under consideration an oral request from the applicant for a continuance of the hearing scheduled for October 25, 1957, at 2:00 p. m.;

It appearing that the other parties have concurred in this request and that the continuance would facilitate the completion of engineering data;

It is ordered, This 25th day of October 1957, that the hearing now scheduled for 2:00 p. m., October 25 is continued to November 1, 1957, at 2:00 p. m.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9009; Filed, Oct. 30, 1957; 8:50 a. m.]

[Docket Nos. 12058, 12059; FCC 57M–1039]

KBR STATIONS, INC., AND WKNE CORP.

ORDER SCHEDULING HEARING

In re applications of the KBR Stations, Inc., Keene, New Hampshire, Docket No. 12058, File No. BP–10732; WKNE Corporation, Brattleboro, Vermont, Docket No. 12059, File No. BP–10919; for construction permits.

The Hearing Examiner has under consideration (1) a petition filed October 17, 1957 by The KBR Stations, Inc. for leave to amend its above-entitled application which has been supplemented by an affidavit of no consideration of its president filed on October 23, 1957; and (2) a consent to the granting of the petition for leave to amend and request for the designation of a hearing date filed October 24, 1957 by WKNE Corporation.

The KBR Stations, Inc. petition for leave to amend recites that the application identified above requests authority to construct a new standard broadcast station at Keene, New Hampshire to operate on the frequency 1490 kc with power of 250 watts, unlimited time, and that said application is mutually exclusive to the above-identified application of WKNE Corporation. The KBR Stations, Inc. in its petition requests leave to amend its application to specify authority to construct a station to operate on the frequency 1010 kc with power of 1 kw, daytime hours only. A grant of this said petition will remove the existing conflict with the WKNE Corporation application for its proposed station at Brattleboro, Vermont, and will permit the establishment of a second station at Keene, New Hampshire, at an early date.

WKNE Corporation consents to the granting of the petition of The KBR Stations, Inc. for leave to amend its application as aforesaid. Good cause for the requested amendment has been shown and there are no objections to the granting thereof. The petition for leave to amend will be granted.

The hearing on the above-entitled applications was originally scheduled to commence on September 4, 1957. A prehearing conference has been held following which the date for the evidentiary hearing was continued from September 4, 1957, to a date to be specified. WKNE Corporation requests that the evidentiary hearing on its above-entitled application be scheduled to begin on November 8, 1957. There are no objections to this request.

It is ordered, This the 25th day of October 1957, that the petition of The KBR Stations, Inc. for leave to amend its above-entitled application be and the same is amended and the application as amended is removed from hearing and returned to the processing line;

It is further ordered, That the application of WKNE Corporation be and the same is retained in hearing, the further pre-hearing conference now scheduled for December 16, 1957, is cancelled, and the evidentiary hearing will be held on November 8, 1957, beginning at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: October 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9010; Filed, Oct. 30, 1957; 8:50 a. m.]

[Docket No. 12162; FCC 57M–1041]

BASIN BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Basin Broadcasting Company, Durango, Colorado, Docket No. 12162, File No. BP–11051; for construction permit.

The Hearing Examiner having under consideration a petition filed October 24, 1957, by the above-entitled applicant requesting that the pre-hearing conference and evidentiary hearing now scheduled to be held on October 29 and November 14, 1957, respectively, be continued; and

It appearing that the reason for the requested continuance arises out of the fact that the applicant is preparing and will submit within a short period of time an amendment to the above-entitled application specifying a change in frequency and a change in site, which changes in the proposal, if authorized, would render moot the issues presently specified in the order designating the application for hearing; and

It further appearing that there are no objections to the granting of the requested continuance, that the time element requires immediate action on the pleading, and good cause for the granting of the petition having been shown;

It is ordered, This the 25th day of October 1957, that the petition of Basin Broadcasting Company for continuance of the dates for the pre-hearing conference and evidentiary hearing is granted and the date of the pre-hearing conference is continued from October 29, 1957, to November 18, 1957, and the date of the evidentiary hearing is continued from November 14, 1957, to December 2, 1957.

Released: October 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9011; Filed, Oct. 30, 1957; 8:50 a. m.]

[Docket No. 12165; FCC 57M–1048]

DANIEL BOTELHO, JR.

ORDER SCHEDULING HEARING

In the matter of Daniel Botelho, Jr., % Seafood Producers Association, 60 North Water Street, New Bedford Massachusetts, Docket No. 12165; suspension of restricted radiotelephone operator permit.

It is ordered, This 25th day of October 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 5, 1957, in Washington, D. C.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9012; Filed, Oct. 30, 1957; 8:50 a. m.]

[Docket No. 12166; FCC 57M–1047]

MATHIAS BENDIKSEN

ORDER SCHEDULING HEARING

In the matter of Mathias Bendiksen, c/o Ben Sal, Inc., 148 Adams Street, New Bedford, Massachusetts, Docket No. 12166; suspension of restricted radiotelephone operator permit.

It is ordered, This 25th day of October 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 4, 1957, in Washington, D. C.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9013; Filed, Oct. 30, 1957; 8:51 a. m.]

[Docket No. 12167; FCC 57M–1032]

CAPITOL BROADCASTING CO. (WJTV)

ORDER CONTINUING HEARING

In re modification of construction permit of Capitol Broadcasting Company (WJTV), Jackson, Mississippi, Docket No. 12167; pursuant to section 316 of the Communciations Act of 1934, as amended.

It is ordered, This 24th day of October 1957, that the hearing in the above-entitled matter heretofore scheduled to commence November 5, 1957, is hereby rescheduled to commence at 10:00 a. m., January 7, 1958, in the Commission's offices at Washington, D. C.

Released: October 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9014; Filed, Oct. 30, 1957; 8:51 a. m.]

[Docket Nos. 12176–12178; FCC 57M–1034]

KTAG ASSOCIATES (KTAG–TV) ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox, R. B. McCall, Jr., d/b as KTAG Associates (KTAG–TV), Lake Charles, Louisiana, Docket No. 12176, File No. BMPCT–4682; for modification of construction permit; Evangeline Broadcasting Company, Inc., Lafayette, Louisiana, Docket No. 12177, File No. BPCT–2335; Acadian Television Corporation, Lafayette, Louisiana, Docket No. 12178, File No. BPCT–2351; for construction permits for new television broadcast stations.

By agreement of the parties: *It is ordered,* This 24th day of October 1957, that the prehearing conference in the above-entitled matter presently scheduled to be held at 10:00 a. m. October 25, 1957, be, and the same is, hereby continued to October 31, 1957, at 10:00 a. m. in the offices of the Commission, Washington, D. C.

Released: October 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9015; Filed, Oct. 30, 1957; 8:51 a. m.]

[Docket No. 12213; FCC 57M–1050]

RICHARD G. COLLIS

ORDER SCHEDULING HEARING

In the matter of Richard G. Collis, 60 North Water Street, New Bedford, Massachusetts, Docket No. 12213; suspension of restricted radiotelephone operator permit.

It is ordered, This 25th day of October 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 4, 1957, in Washington, D. C.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9017; Filed, Oct. 30, 1957; 8:51 a. m.]

[Docket No. 12184; FCC 57M–1038]

HARRIS CO.

ORDER CONTINUING HEARING

In re application of The Harris Company, Portland, Maine, Docket No. 12184, File No. 2223–C2–R–57; for the renewal of the license for the station KCB892, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration a request of the applicant, filed October 21, 1957, for continuance of hearing in the above-entitled proceeding;

It appearing that the applicant is presently carrying forward certain plans, the completion of which, in its judgment, would have the effect of eliminating the necessity for a hearing;

It appearing further that the Commission's Common Carrier Bureau agrees to the continuance herein requested and to

a waiver of the provisions of § 1.745 of the rules to permit immediate consideration of the matter;

It appearing further that the request is supported by a showing of good and sufficient cause and that the granting thereof would be in the public interest;

It is ordered, This 24th day of October 1957, that the request upon consideration is granted and that the hearing in the above-entitled proceeding is continued to December 10, 1957.

Released: October 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9016; Filed, Oct. 30, 1957; 8:51 a. m.]

[Docket No. 12214; FCC 57M-1046]

IVAN R. WILLIAMS

ORDER SCHEDULING HEARING

In the matter of Ivan R. Williams, 327 Main Street, Gloucester, Massachusetts, Docket No. 12214; suspension of restricted radiotelephone operator permit.

It is ordered, This 25th day of October 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 3, 1957, in Washington, D. C.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9018; Filed, Oct. 30, 1957; 8:51 a. m.]

[Docket No. 12215; FCC 57M-1049]

FRED E. WALTER

ORDER SCHEDULING HEARING

In the matter of Fred E. Walter, c/o Corixa Corporation, 54 Shore Drive, Larchmont, New York, Docket No. 12215; suspension of restricted radiotelephone operator permit.

It is ordered, This 25th day of October 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 3, 1957, in Washington, D. C.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9019; Filed, Oct. 30, 1957; 8:51 a. m.]

[Docket Nos. 12223, 12224; FCC 57M-1045]

ARMIN H. WITTENBERG, JR., AND PASADENA PRESBYTERIAN CHURCH

ORDER SCHEDULING HEARING

In re applications of Armin H. Wittenberg, Jr., Los Angeles, California, Docket No. 12223, File No. BPH-2170; Pasadena Presbyterian Church, Pasadena, California, Docket No. 12224, File No. BPH-2179; for construction permits (FM Facilities).

It is ordered, this 25th day of October 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 2, 1958, in Washington, D. C.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9020; Filed, Oct. 30, 1957; 8:51 a. m.]

[Docket No. 12226; FCC 57M-1051]

CAPITOL BROADCASTING CORP. (WCAW)

ORDER SCHEDULING HEARING

In re application of Capitol Broadcasting Corporation (WCAW), Charleston, West Virginia, Docket No. 12226, File No. BP-11094; for construction permit.

It is ordered, This 25th day of October 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 2, 1958, in Washington, D. C.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9021; Filed, Oct. 30, 1957; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 68-169]

UNION ELECTRIC CO.

NOTICE OF AND ORDER REGARDING SOLICITATIONS OF PROXIES

OCTOBER 25, 1957.

The Commission has been informed by J. Raymond Dyer, a stockholder of Union Electric Company ("Union"), a registered holding company, that he proposes to continue to engage in a proxy contest with Union and in furtherance of this purpose periodically to send proxy solicitation material to Union's other stockholders.

Although Union's next annual meeting is not scheduled to be held until April 1958, Dyer has filed with the Commission, pursuant to Regulation X-14 promulgated under the Securities Exchange Act of 1934, preliminary solicitation material which he has indicated he intends to send to Union's security holders.

The Division of Corporate Regulation of the Commission has advised the Commission that on the basis of its examination of the preliminary solicitation material referred to above and of other information contained in the Commission files substantial questions of law and fact are or may be presented by the intended solicitation under the standards of section 12 (e) of the Public Utility Holding Company Act of 1935 ("act").

In view of the foregoing it appears to the Commission that, in addition to compliance with the requirements of the rules of the Commission promulgated under section 12 (e) of the act for expediting solicitation of proxies in ordinary situations, it is appropriate in the public interest and for the protection of investors and consumers to require Dyer, Union and all other persons desiring to solicit Union's security holders in connection with its next annual meeting to comply with the provisions of Rule U-62 promulgated under the act.

Wherefore it is ordered and notice is hereby given, That, pending the further order of the Commission, J. Raymond Dyer, Union and all other persons be, and hereby are, prohibited from soliciting by use of the mails or any other means or instrumentalities of interstate commerce, or otherwise, any proxy, power-of-attorney, consent, or authorization regarding the voting of any security of Union in connection with the regular annual meeting for the year 1958 of the stockholders of Union, unless pursuant to a declaration, filed under section 12 (e) of the act and Rule U-62 promulgated thereunder, which has become, or shall have been permitted by the Commission to become, effective.

It is further ordered, That the Secretary of the Commission serve copies of this notice and order by registered mail on Union and J. Raymond Dyer and that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8998; Filed, Oct. 30, 1957; 8:48 a. m.]

[File No. 812-1113]

FIRST MISSISSIPPI CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY

OCTOBER 25, 1957.

Notice is hereby given that First Mississippi Corporation ("Applicant"), has filed an application, and amendments thereto, for an Order under section 3 (b) (2) of the Investment Company Act of 1940 ("act") declaring it not to be an investment company but to be primarily engaged, directly or indirectly, in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities.

Applicant was organized under the laws of Mississippi on March 19, 1957. It is presently engaged in a public offering of its common stock pursuant to a registration statement, which has become effective under the Securities Act of 1933. Such public offering has not been underwritten. Applicant would realize net proceeds of $3,800,000 if all stock offered is sold.

Applicant's prospectus recites that it plans to develop a number of industrial, business and commercial enterprises including, but not confined to, chemicals, water transportation, real estate development and general industrial development.

Applicant's first activity is expected to be the development of an industrial sales program for chemicals which will include sulphuric acid, phosphoric acid and fertilizer compounds. The right to acquire these chemicals will be obtained through the purchase of stock, accompanied by preferred patronage rights, to be issued by Coastal Chemical Corporation ("CCC").

CCC, a Mississippi corporation, was organized to construct and operate facilities for the manufacture of high analysis water soluble fertilizer, anhydrous ammonia and nitrogen, and to sell such manufactured products to its stockholder-consumers. CCC is controlled by Mississippi Chemical Corporation ("MCC"), which also manufactures anhydrous ammonia and ammonium nitrate. The primary purpose of CCC and MCC is to manufacture fertilizer principally for agricultural producers who are their stockholder-consumers and who receive such fertilizer at cost through the receipt of patronage refunds if any are earned.

Upon the sale of the common stock of Applicant now being offered it is expected that $1,000,000 will be invested in the stock and preferred patronage rights being offered by CCC, $515,000 will be invested in facilities for packaging and processing of materials and products obtained from CCC, $600,000 in water transportation in connection with the operation of CCC and $500,000 in exploration, surveys, working capital and other expenses related to industrial developments that may be pursued by Applicant.

The stock being offered by CCC is limited to an annual noncumulative dividend of 2 percent of par value and the amount proposed to be acquired by Applicant will entitle it to acquire products with an aggregate purchase price (before patronage refunds, if any) of $1,500,000. The ownership of such stock and patronage rights may exceed forty per centum of the value of Applicant's total assets. It is stated that Applicant's primary business engagement will be the purchase and resale of a portion of these products and the purchase, processing, packaging and sale of the balance, which primary engagement may be supplemented in the future by other engagements as disclosed in Applicant's prospectus. Applicant has estimated that total net income for its first year of operation will aggregate $263,500, of which $232,500 will represent profit on its chemical and fertilizer operations. A minor portion of Applicant's income will be from dividends or interest on securities other than those in wholly-owned or controlled companies and any time given by Applicant's employees to the purchase and ownership of securities will be incidental to its primary business.

Applicant, therefore, avers that regardless of any variation in amounts or products packaged, processed and sold or services rendered, it is and will be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, and that any ownership of securities will be only incidental to its primary business.

Section 3 (a) (3) of the act defines an investment company as one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For the purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries which are not investment companies.

Section 3 (b) (2) of the act provides, that notwithstanding section 3 (a) (3), the term "investment company" does not include a person whom the Commission upon application finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar type businesses.

Since applicant may have "investment securities" with a value of more than 40 percent of its total assets (which assumption is made in the application) it is requesting that it be granted an exemption from the act pursuant to the provisions of section 3 (b) (2) thereof cited above.

Notice is further given that any interested person may, not later than November 11, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-8999; Filed, Oct. 30, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Nevada No. 11, Amdt.]

NEVADA

SMALL TRACT CLASSIFICATION ORDER

Effective upon the date of this publication, Federal Register Document 48-4828 filed June 1, 1948 is amended to change the use of Small Tract Site No. 25 from cabin site purposes to business site purposes, and to change the use of Small Tract Sites Nos. 17 and 18 from combination business and home site purposes to cabin site purposes.

The rental charge will be the same as shown for business sites in the original order.

E. R. GREENSLET,
State Supervisor for Nevada.

OCTOBER 25, 1957.

[F. R. Doc. 57-8979; Filed, Oct. 30, 1957; 8:45 a. m.]

[Classification No. 499]

CALIFORNIA

SMALL TRACT OPENING

OCTOBER 22, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby open the following described lands, which were classified by Order No. 499, dated March 6, 1957 (22 F. R. 1682) to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; U. S. C. 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 5 N., R. 2 W.,
Sec. 18: Lots 26 to 39 incl., Lots 41 to 48 incl., Lots 51, 52, W½W½NE¼SW¼SE¼, W½E½SW¼NW¼SE¼.
Containing 68.13 acres, subdivided into 26 tracts, all of which are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to applications under the mineral leasing laws.

3. The lands are situated about 3½ miles northeast of the community of Apple Valley, California and 10 miles southeast of Victorville, California, on the eastern edge of Apple Valley. Access to the lands may be had via a dirt road which leads northeasterly from State Highway 18 at a point nearly 1½ miles east of the community of Apple Valley.

The topography of the lands varies from fairly level and gently grading slopes to rough, rugged terrain of the ridges of Granite Mountains, which bound the eastern edge of the valley. The elevation ranges from 3,000 to 3,500 feet above sea level. The soil is primarily gravelly sand in texture, with rocky phases in the rough, mountainous areas. The vegetative cover consist of creosote

bush, white bur sage, annual grasses, and scattered growths of Joshua tree.

Electric power lines have been constructed to serve previously classified small tracts in the section. Culinary water is not yet available from any presently developed sources. Stores, schools, and other public facilities are available at Apple Valley and Victorville.

4. The individual tracts vary in size from 1.68 to 5.00 acres and are all rectangular in shape. The appraised value of the tracts are listed below. The tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as described below. All minerals in the lands will be reserved to the United States.

Item No.	Description	Acreage	Location of right-of-way	Appraised value
1	Lot 26	2.50	33 feet along north boundary	$320.00
2	Lot 27	2.50	33 feet along north and west boundaries	320.00
3	Lot 28	2.50	33 feet along north and east boundaries	400.00
4	Lot 29	2.50	33 feet along north boundary	400.00
5	Lot 30	2.50	33 feet along north boundary	400.00
6	Lot 31	2.50	33 feet along north boundary	400.00
7	Lot 32	1.68	33 feet along north boundary	260.00
8	Lot 33	1.72	33 feet along south boundary	260.00
9	Lot 34	2.50	33 feet along south boundary	400.00
10	Lot 35	2.50	33 feet along sough boundary	400.00
11	Lot 36	2.50	33 feet along south boundary	400.00
12	Lot 37	2.50	33 feet along south and east boundaries	400.00
13	Lot 38	5.00	33 feet along south boundary	300.00
14	Lot 39	2.50	33 feet along north boundary	240.00
15	Lot 41	2.50	33 feet along north boundary	240.00
16	Lot 42	2.50	33 feet along north and west boundaries	250.00
17	Lot 43	2.50	33 feet along north and east boundaries	400.00
18	Lot 44	2.50	33 feet along north boundary	400.00
19	Lot 45	1.75	33 feet along north boundary	280.00
20	Lot 46	1.79	33 feet along south boundary	280.00
21	Lot 47	2.50	33 feet along south boundary	400.00
22	Lot 48	2.50	33 feet along south and east boundaries	400.00
23	Lot 51	5.00	33 feet along north boundary	300.00
24	Lot 52	3.69	33 feet along north boundary	220.00
25	W½W½NE¼SW¼SE¼	2.50	33 feet along south boundary	250.00
26	W½E½SW¼NW¼SE¼	2.50	33 feet along north boundary	320.00

5. The tracts will be disposed by direct sale at the appraised values indicated in paragraph 4, above, to statutory preference claimants. All valid applications filed by such claimants prior to November 21, 1956, will be granted the preference rights provided for by 43 CFR 257.5 (a).

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract under this order unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. All inquiries concerning these lands should be addressed to Manager, Land Office, 5th Floor Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-8981; Filed, Oct. 30, 1957; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Anchorage 037066, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, but not including the mineral leasing laws. The applicant desires the land for public recreational site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CORDOVA AREA

SITE NO. 1

All of U. S. Survey No. 903 (disapproved Feb. 11, 1910), containing 56.38 acres, and including the following adjacent area:

Beginning at Corner #1 (common with Corner #4 of U. S. Survey #903, disapproved); thence W. 20 chains to Corner #2; thence N. parallel with U. S. Survey #904 (disapproved Feb. 11, 1910) approximately 14 chains to Corner No. 3 (common with Corner #2, U. S. Survey #904, disapproved); thence by meander northeasterly along the Copper River approximately 20 chains to Corner #4 (common with MC U. S. Survey #903, disapproved); thence south 14.73 chains to Corner #1 and the Point of Beginning.

Containing approximately 28 acres.

SITE NO. 2

Southerly portion of U. S. Survey #905 (disapproved February 11, 1910), more particularly described as follows:

Beginning at Corner No. 1 (common with Corner #2, W. J. Watts T&M application Anchorage 033479); thence S. approximately 19 chains to Corner #2 (common with Corner #2, U. S. Survey No. 905, disapproved); thence W. 20.4 chains to Corner #3 (common with Corner #3, U. S. Survey #905, disapproved); thence meandering northerly along the Copper River approximately 19 chains to Corner #4; thence E. approximately 19 chains parallel with S. line of above T&M application to Point of Beginning.

Containing approximately 36 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 57-8980; Filed, Oct. 30, 1957; 8:45 a. m.]

Fish and Wildlife Service

[Commissioner's Order 3, Amdt. 1]

DIRECTOR, BUREAU OF COMMERCIAL FISHERIES

DELEGATION OF AUTHORITY

OCTOBER 25, 1957.

Commissioner's Order No. 3, dated October 8, 1957 (22 F. R. 8126), is amended as hereinafter indicated.

1. Section 2 *Limitations* is amended to read as follows:

SEC. 2. *Limitations.* The authority granted in section 1 of this order does not include:

(a) Authority which the Commissioner of Fish and Wildlife may not redelegate;

(b) Authority to execute project agreements with respect to participation by the Bureau of Commercial Fisheries in programs of the Foreign Operations Administration;

(c) Authority to lease bottoms in Alaskan Territorial waters for oyster cultivation for commercial purposes under 48 U. S. C. 223b; or

(d) Authority to approve fisheries loan authorizations.

2. The introductory clause of section 3 *Redelegation* is amended to read as follows:

SEC. 3. *Redelegation.* The Director, Bureau of Commercial Fisheries may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order, except that authority may not be redelegated to any officer or employee of a field organization to * * *.

ARNIE J. SUOMELA,
Commissioner of Fish and Wildlife.

[F. R. Doc. 57-9002; Filed, Oct. 30, 1957; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9054]

SABENA FOREIGN PERMIT AMENDMENT

NOTICE OF PREHEARING CONFERENCE

In the matter of the application by SABENA for amendment of its foreign air carrier permit to delete the intermediate point Gander and substitute in its place the intermediate point Montreal.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above-entitled proceeding is hereby assigned for a prehearing conference on November 1, 1957, at 10:00 a. m., e. s. t., in Room 1064, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., October 25, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9023; Filed, Oct. 30, 1957; 8:52 a. m.]

[Docket No. 8813]

ABC AIR FREIGHT CO., INC.; ENFORCEMENT CASE

NOTICE OF CANCELLATION OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding now assigned for October 31, 1957, is cancelled.

Dated at Washington, D. C., October 28, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9089; Filed, Oct. 30, 1957; 10:36 a. m.]

[Docket No. 5726]

EASTERN AIR LINES, INC.; ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned for October 30, 1957, at 10:00 a. m., e. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer, is hereby postponed to a date, time, and place, to be later assigned.

Dated at Washington, D. C., October 28, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9090; Filed, Oct. 30, 1957; 10:37 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-12969, G-13061]

WM. BEVLY AND W. M. BEVLY, JR., AND UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 25, 1957.

On July 29, 1957, Wm. Bevly and W. M. Bevly, Jr. (Bevly), independent producers with a place of business in Corpus Christi, Texas, filed in Docket No. G-12969 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to United Gas Pipe Line Compay (United) for resale, subject to the jurisdiction of the Commission as more fully related in the application on file with the Commission, and open to public inspection.

On August 14, 1957, United Gas Pipe Line Company (United), a Delaware Corporation having its principal place of business in Shreveport, Louisiana, filed in Docket No. G-13061 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a purchase meter station together with appurtenant facilities to be installed on its existing 26-inch transmission pipeline in the North La Rosa Field, Refugio County, Texas, subject to the jurisdiction of the Commission as more fully related in the application on file with the Commission, and open to public inspection.

Bevly produces natural gas from 315 acres in the North La Rosa Field in Refugio County, Texas, and proposes to self the same in interstate commerce to United; and United proposes to construct and operate facilities to enable it to take said gas.

The estimated over-all capital cost of the proposed facilities of United is $6,870 which cost will be defrayed from current funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 18, 1957 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Bevly and United to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8992; Filed, Oct. 30, 1957; 8:46 a. m.]

[Docket No. G-13472]

HASSIE HUNT TRUST

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

Hassie Hunt Trust (Hassie Hunt), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.

Purchaser: Louisiana Nevada Transit Company.

Rate Schedule Designation: Supplement No. 4 to Hassie Hunt's FPC Gas Rate Schedule No. 14.

Effective Date: October 27, 1957 (effective date is the first day after expiration of the required thirty days' notice).

Hassie Hunt states, in effect, that the basis for the proposed change in the rate schedule is to fulfill the contractual obligations of the Seller to sell its gas and of the Buyer to pay the price contracted for by arm's-length bargaining in good faith in accordance with the terms of the contract. In addition, Hassie Hunt states that a large portion of Louisiana Nevada Transit Company's sales is for industrial use, and that the Commission does not have the authority to suspend a proposed change in rate for the sale of natural gas for resale for industrial use.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G-9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G-9086, et al. are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Hassie Hunt should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G-9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Hassie Hunt, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be sus-

[1] Present rate previously suspended is in effect subject to refund in Docket No. G-8618.

expired, unless otherwise ordered by the

pended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Hassie Hunt is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Hassie Hunt, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8989; Filed, Oct. 30, 1957; 8:46 a. m.]

[Docket No. G–13473]

HUNT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

Hunt Oil Company (Hunt Oil), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.

Purchaser: Louisiana Nevada Transit Company.

Rate Schedule Designation: Supplement No. 4 to Hunt Oil's FPC Gas Rate Schedule No. 17.

Effective Date: October 27, 1957 (effective date is the first day after expiration of the required thirty days' notice).

[1] Present rate previously suspended is in effect subject to refund in Docket No. G–8619.

Hunt Oil states, in effect, that the basis for the proposed change in the rate schedule is to fulfill the contractual obligations of the Seller to sell its gas and of the Buyer to pay the price contracted for by arm's-length bargaining in good faith in accordance with the terms of the contract. In addition, Hunt Oil states that a large portion of Louisiana Nevada Transit Company's sales is for industrial use, and that the Commission does not have the authority to suspend a proposed change in rate for the sale of natural gas for resale for industrial use.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al. are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Hunt Oil should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Hunt Oil, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Hunt Oil is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Hunt Oil, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8990; Filed, Oct. 30, 1957; 8:46 a. m.]

[Docket No. G–13474]

H. L. HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

H. L. Hunt (Hunt), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.

Purchaser: Louisiana Nevada Transit Company.

Rate Schedule Designation: Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 8.

Effective Date: October 27, 1957 (effective date is the first day after expiration of the required thirty days' notice).

Hunt states, in effect, that the basis for the proposed change in rate schedule is to fulfill the contractual obligations of the Seller to sell its gas and of the Buyer to pay the price contracted for by arm's-length bargaining in good faith in accordance with the terms of the contract. In addition, Hunt states that a large portion of Louisiana Nevada Transit Company's sales is for industrial use, and that the Commission does not have the authority to suspend a proposed change in rate for the sale of natural gas for resale for industrial use.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

[1] Present rate previously suspended is in effect subject to refund in Docket No. G–8620.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Hunt should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Hunt, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Hunt is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Hunt, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8991; Filed, Oct. 30, 1957; 8:46 a. m.]

[Docket No. G–13521]

OHIO OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 25, 1957.

The Ohio Oil Company (Ohio Oil), on September 26, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges are contained in the following designated filings:

Description: Notices of Change dated September 23, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate Schedule Designations: Supplement No. 3 to Ohio Oil's FPC Gas Rate Schedule No. 28. Supplement No. 4 to Ohio Oil's FPC Gas Rate Schedule No. 29.

Effective Date: November 1, 1957 (effective date is the date proposed by Ohio Oil).

In support of its proposed rate increases, Ohio Oil states that the contracts were negotiated at arm's-length, the periodic increases are a part of the initial rates and that the increases are no more than required to encourage continued exploration and development.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements are hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8982; Filed, Oct. 30, 1957; 8:45 a. m.]

[Docket No. G–13522]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

Magnolia Petroleum Company (Magnolia) on September 26, 1957, tendered for filing a proposed change in one of its presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate Schedule Designation: Supplement No. 10 to Magnolia's FPC Gas Rate Schedule No. 82.

Effective Date: November 1, 1957 (effective date is the date proposed by Magnolia).

In support of its proposed periodic rate increase, Magnolia states that the contract was entered into after arm's-length bargaining, constitutes the sale of gas on an installment basis, that the proposed rate does not exceed the current field price and is necessary to meet increased costs and to encourage exploration.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8983; Filed, Oct. 30, 1957; 8:46 a. m.]

[Docket No. G-13523]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 25, 1957.

Pan American Petroleum Corporation (Pan American), on September 27, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges are contained in the following designated filings:

Description: Notice of Changes dated September 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate Schedule Designations: Supplement No. 7 to Pan American's FPC Gas Rate Schedule No. 32. Supplement No. 5 to Pan American's FPC Gas Rate Schedule No. 150.

Effective Date: November 1, 1957 (effective date is the date proposed by Pan American).

In support of the proposed periodic rate increases Pan American states that the proposed rates were arrived at as a result of arms-length bargaining, are an integral part of the original contracts and are below the price of competing fuels.

The presently effective rates under Pan-American's FPC Rate Schedule Nos. 32 and 150 are subject to refund in Docket No. G-11358 and Docket No. G-11342, respectively.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements are hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8984; Filed, Oct. 30, 1957; 8:46 a. m.]

[Docket No. G-13524]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 25, 1957.

Pan American Petroleum Corporation (Pan American), on September 27, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings:

Description: Notices of Change, dated September 27, 1957.

Purchaser: Hassle Hunt Trust.

Rate Schedule designations: Supplement No. 9 to Pan American's FPC Gas Rate. Schedule No. 39; Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 149.

Effective Date: November 1, 1957 (effective date is the effective date proposed by Pan American).

In support of the proposed periodic rate increases Pan American states that the proposed rates were arrived at as a result of arm's-length bargaining, are an integral part of the original contracts and are below the price of competing fuels.

The presently effective rates under Pan American's FPC Rate Schedule Nos. 39 and 149 are subject to refund in Docket No. G-11358.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements are hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8985; Filed, Oct. 30, 1957; 8:46 a. m.]

[Docket No. G-13531]

H. L. HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

H. L. Hunt on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate Schedule Designation: Supplement No. 8 to H. L. Hunt's FPC Gas Rate Schedule No. 7.

Effective date: November 1, 1957 (effective date is the effective date proposed by H. L. Hunt).

In support of the proposed periodic rate increase, H. L. Hunt states that the contract resulted from arm's-length bargaining, that the long-term contract was an installment sale based on reasonable price adjustments and that the price increase is not a change in rate but an integral part of its initial rate schedule.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8986; Filed, Oct. 30, 1957; 8:46 a. m.]

[Docket No. G-13532]

PLYMOUTH OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

Plymouth Oil Company (Plymouth), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate Schedule Designation: Supplement No. 2 to Plymouth's FPC Gas Rate Schedule No. 10.

Effective Date: November 1, 1957 (effective date is the effective date proposed by Plymouth).

In support of the proposed increase, Plymouth states that periodic price increases constituted consideration for commitment of gas reserves for a period of twenty years, that the proposed rate is below certain field prices, will not be above the fair market value of gas being sold in this field and that costs of exploration, development and operations have increased.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc 57-8987; Filed, Oct. 30, 1957; 8:46 a. m.]

[Docket No. G-13533]

SOUTHWEST GAS PRODUCING CO., INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 25, 1957.

Southwest Gas Producing Company, Inc., et al. (Southwest), on September 30, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Changes, dated September 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate Schedule Designation: Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 5. Supplement No. 11 to Southwest's FPC Gas Rate Schedule No. 6.

Effective Date: November 1, 1957 (effective date is the effective date proposed by Southwest).

In support of the proposed periodic rate increases, Southwest states that the contracts were negotiated at arm's-length, the contract prices covered the entire volume of gas dedicated under the twenty-year contracts and the periodic rate increases were an integral part of the whole rate for the gas.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-8986; Filed, Oct. 30, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 28, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34255: *Commodities between points in Texas.* Filed by J. F. Brown, Agent (No. 313), for interested rail carriers. Rates on brick, lead or zinc glazed,

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11038.

carloads; brass bars, etc., and nickel shot, less than carloads; mud or mud-treating compounds, carloads; and pipe, wrought or steel, carloads between points in Texas over direct interstate routes.

Grounds for relief: Intrastate competition.

Tariff: Supplement 46 to Agent Brown's tariff I. C. C. 865.

FSA No. 34257: *Adipic acid—Orange, Tex., to Ampthill, Va., and Dunbar, W. Va.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7142), for interested rail carriers. Rates on adipic acid, carloads from Orange, Tex., to Ampthill, Va., and Dunbar, W. Va.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 393 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34258: *Asphalt—Blakely and Mobile, Ala., to Memphis, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3551), for interested rail carriers. Rates on asphalt, tank-car loads from Blakely and Mobile, Ala., to Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 96 to Alternate Agent J. H. Marque's tariff I. C. C. 424.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34256: *Commodities between points in Texas.* Filed by J. F. Brown, Agent (No. 312), for interested rail carriers. Rates on brick, lead or zinc glazed, carloads; brass bars, etc., and nickel shot, less than carloads; mud or mud-treating compounds, carloads; and pipe, wrought or steel, carloads between points in Texas over direct interstate routes.

Grounds for relief: Maintenance of depressed rates between points in Texas to meet intrastate competition.

Tariff: Supplement 46 to Agent Brown's tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-8996; Filed, Oct. 30, 1957; 8:47 a. m.]

UNIVERSITY OF MICHIGAN

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10737

FURTHER PROVIDING FOR THE ADMINISTRATION OF DISASTER RELIEF

By virtue of the authority vested in me by the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes," as amended (42 U. S. C. 1855–1855g), hereinafter referred to as the Act, it is hereby ordered as follows:

SECTION 1. Any State in which a major disaster has occurred which can establish the need for Federal assistance and which shall give such assurance as may be required of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purpose with respect to such disaster shall be eligible to receive Federal assistance under this order.

SEC. 2. The following procedures for qualifying for assistance under this order shall be observed upon the occurrence, or, insofar as applicable, upon the threat, of a major disaster within a State which, in the opinion of its Governor, constitutes or will eventuate in, respectively, a major disaster requiring supplementary Federal assistance:

(a) The Governor shall present to the Federal Civil Defense Administrator (hereinafter referred to as the Administrator), through the appropriate Regional Administrator of the Federal Civil Defense Administration, any request for Federal assistance, which request shall include assurance of expenditure of a reasonable amount of the funds of the State, local governments therein, or other agencies for alleviating damage resulting from such disaster, together with the following information:

(1) An estimate of the severity and extent of damage resulting from the disaster and the total funds, personnel, equipment, and material or other resources required to alleviate such damage. As used in this order, the term "damage" comprehends suffering and hardship.

(2) A statement of action taken or recommended to be taken by the State legislature or local legislative and governing authorities with regard to the disaster.

(3) An estimate of State and local funds, personnel, equipment and material or other resources, available and to be made available, to alleviate such damage.

(4) A statement of the extent and nature of Federal assistance needed, including an estimate of the minimum Federal funds, personnel, equipment, material or other resources needed to alleviate the damage.

(b) Any Regional Administrator shall forward each request for Federal assistance received by him from a Governor in consonance with the provisions of this order, together with a report and the recommendations of the Regional Administrator thereon, to the Administrator.

(c) The Administrator shall forward to the President each request of a Governor for assistance under this order, together with the Administrator's recommendation as to action by the President thereon. In arriving at his recommendation the Administrator shall consider (1) the severity and extent of the disaster, (2) the reasonableness of State and local efforts in relation to the severity of the disaster, the resources and funds available to State and local governments for the alleviation of damage resulting from the disaster, and the operational disaster plans of the State and local governments, (3) the extent and nature of Federal assistance requested, (4) the report and recommendation of the Regional Administrator, and (5) any other available information.

(d) Upon consideration of any request of a Governor hereunder and of information and recommendations pertaining thereto, a determination will be made by the President as to whether or not the conditions constitute a major disaster within the meaning of the Act,

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and the Governor will be notified immediately of such determination.

(e) If it is determined that a major disaster has occurred or threatens,

(1) Federal assistance will be made available on the basis of an agreement, which shall be jointly executed by the Governor, acting for the State, and the Administrator, acting for the Federal Government. Such agreement shall contain the assurance of the State that a reasonable amount of the funds of the State, local governments or other agencies therein will be expended in alleviating damage caused by the disaster and such other terms and conditions, consistent with the provisions of the Act, as the Administrator may require.

(2) If and as may be necessary, the President will allocate to the Administrator funds for use in connection with the specific major disaster. The funds so allocated to the Administrator may be utilized by him (i) upon a showing of need, for reallocation for use in aid of the State and local governments, and (ii) for reimbursement pursuant to the provisions of section 1 (c) of Executive Order No. 10427 of January 16, 1953, as added by this order.

(f) Federal assistance heretofore or hereafter extended under the Act shall terminate upon notice by the Administrator to the Governor of the State in which a major disaster has occurred, or upon the expiration of one year from the date of notification to the Governor of the President's determination that a major disaster exists, whichever is first: *Except, however,* in unusual circumstances, the Administrator, with the consent of the President, may extend this period: *Provided,* That upon a showing of need, the Administrator may extend such termination dates, for such purposes and such periods of time as he may determine to be necessary, with respect to disaster relief assistance solely for agricultural purposes.

SEC. 3. Section 1 of Executive Order No. 10427 of January 16, 1953, relating to the administration of disaster relief, is hereby amended by re-lettering subsections (c) and (d) thereof as (f) and (g), respectively, and by inserting the following new subsections after subsection (b) thereof:

"(c) The authority conferred upon the President by section 7 of the Act to reimburse any Federal agency for any of its authorized expenditures made under section 3 of the Act in connection with a major disaster: *Provided, however,* that such reimbursement shall be made from funds allocated by the President to the Administrator for use in aid of a specific State under section 2 (e) 2 of the Executive order by which this subsection (c) was added to this order, and, *Provided further* that such authority shall be exercised subject to the concurrence of the Director of the Bureau of the Budget.

"(d) The authority to issue rules and regulations governing such reimbursement, subject to the concurrence of the Director of the Bureau of the Budget.

"(e) The authority to prescribe such rules and regulations as may be necessary and proper to carry out the provisions of sections 3 and 5 of the Act, as amended."

SEC. 4. (a) The Federal Civil Defense Administrator may carry out any authority or function delegated or assigned to him by the provisions of this order through any other officer of the Federal Civil Defense Administration.

(b) The Federal Civil Defense Administrator may delegate or assign to the head of any agency of the executive branch of the Government, subject to the consent of the agency head concerned in each case, any authority or function delegated or assigned to the said Administrator by the provisions of this order. Any such head of agency may redelegate any authority or function so delegated or assigned to him by the Administrator to any officer or employee subordinate to such head of agency whose appointment is required to be made by and with the advice and consent of the Senate.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 29, 1957.

[F. R. Doc. 57-9118; Filed, Oct. 30, 1957; 4:07 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

[1957 C. C. C. Corn Bulletin A, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP CORN PRICE SUPPORT PROGRAM

MISCELLANEOUS AMENDMENTS

The purpose of this amendment is to modify the regulations to provide for the "in-compliance" rate and the "non-compliance" rate of price support for corn in the commercial corn-producing area.

1. Section 421.2328 is amended by adding paragraphs (g) and (h) as follows:

(g) The "in-compliance" level of price support for counties in the commercial corn-producing area means the county price support rate established on the basis of the national average price support level of $1.40 per bushel.

(h) The "non-compliance" level of price support for counties in the commercial corn-producing area means the county price support rate which is 30 cents per bushel lower than the "in-compliance" rate.

2. Section 421.2330 (a) is amended to read as follows:

(a) *Commercial corn-producing area.* A producer shall be eligible for price support at the "in-compliance" rate on corn produced in 1957 on a farm in the commercial corn-producing area, if the county committee determines that the 1957-crop corn acreage on such farm is not in excess of the corn acreage allotment established under the provisions of 7 CFR 721.810 to 721.822. Corn produced in violation of a restrictive lease on federally owned land shall not be eligible for price support.

3. The present paragraph (b) of § 421.2330 is redesignated as paragraph (c) and the new designated paragraph (b) will read as follows:

(b) Any producer in the commercial corn-producing area who does not qualify under paragraph (a) of this section for the "in-compliance" rate of price support shall be eligible for the "non-

compliance" rate of price support for the county on corn produced on a farm in 1957, regardless of whether the operator of the farm stated in writing on Form CSS–578 that he would not apply for price support, and that other producers interested in the 1957 corn crop on the farm would not apply for price support: *Provided, however,* That corn produced in violation of a restrictive lease on federally-owned land shall not be eligible for price support.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Done at Washington, D. C., this 28th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9084; Filed, Oct. 31, 1957; 8:56 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

ELIGIBILITY REQUIREMENTS, REMOVAL FROM OFFICE OR EMPLOYMENT, AND LEAVE

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations in this subpart published in the FEDERAL REGISTER of November 2, 1956 (21 F. R. 8385) and May 8, 1957 (22 F. R. 3222) are hereby amended, effective upon publication in the FEDERAL REGISTER, as follows:

1. In § 7.15 *County committeemen, community committeemen, delegates, and community election board members,* paragraph (d) is amended by deleting "or found by the State committee to be subject to removal under the provisions of §§ 7.28, 7.29, or 7.30" and substituting therefor the following: "under the provisions of § 7.28 or § 7.29".

2. In § 1.15 *County committeemen, community committeemen, delegates, and community election board members,* paragraphs (e), (f), (g), (h), and (i) are changed by redesignating such paragraphs as (f), (g), (h), (i), and (j), respectively.

3. Section 7.15 *County committeemen, community committeemen, delegates, and community election board members* is further amended by inserting between paragraphs (d) and (f) as redesignated the following:

(e) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he committed, or attempted, or conspired to commit, fraud in the conduct of his office or employment, unless such disqualification is waived by the State committee or the Deputy Administrator.

4. Section 7.15 *County committeemen, community committeemen, delegates, and community election board members* is further amended by adding a new paragraph (k) as follows:

(k) The tenure of office of any county committeeman, community committeeman, delegate, alternate to any such office, or member of a community election board, shall be terminated as soon as any such person becomes ineligible for office under the provisions of this section.

5. In § 7.16 *All other personnel,* paragraph (b) is amended by deleting "or found by the State committee to be subject to removal under the provisions of §§ 7.28, 7.29, or 7.30" and substituting therefor the following: "under the provisions of § 7.28 or § 7.29".

6. Section 7.16 *All other personnel* is also amended by adding thereto a new paragraph (c) as follows:

(c) the county office manager and other county office employees must not have been disqualified for future employment, because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he committed, or attempted, or conspired to commit, fraud in the conduct of his office or employment, unless such disqualification is waived by the State committee or the Deputy Administrator.

7. Section 7.16 *All other personnel* is further amended by adding thereto a new paragraph (d) as follows:

(d) The tenure of employment of any county office manager or other county office employee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.

8. Section 7.20 (c) *County committee* is amended by changing the reference to section "7.30" in the seventh line to section "7.29".

9. Section 7.25 (b) *County office manager* is amended by deleting the semicolon at the end of the paragraph and adding the following: "to serve at his pleasure;".

10. Section 7.28 *County and community committeemen and members of community election boards* is amended by deleting the entire section and substituting therefor the following:

§ 7.28 *County and community committeemen, delegates to county convention, and members of community election boards.* (a) Any county committeeman, community committeeman, delegate to the county convention, any alternate to any such office, or any member of a community election board, who fails to perform the duties of his office, or who commits, or attempts, or conspires to commit, fraud in the conduct of his office, or is incompetent, or who seriously impedes the effectiveness of any program administered in the county shall be suspended by the State committee. The State committee shall give a written statement of the reasons for such action. The suspended person shall have 15 days from the date of mailing in which to advise the State committee in writing, in person, or both, why he should be restored to duty. The State committee following such further investigation and review as it deems necessary or as required by applicable instructions, shall either restore to duty or remove the suspended person if such action is determined to be necessary by a majority of the State committee. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days within which to advise why he should be restored to duty.

(b) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee in such capacity shall, notwithstanding the provisions of § 7.38, have full authority to perform all duties regularly performed by a duly elected county committee.

(c) Any former county committeeman, community committeeman, delegate, any alternate to any such office, or any member of a community election board, who during such term of office committed, or attempted, or conspired to commit, fraud in the conduct of his office shall be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation and review as it deems necessary or as required by applicable instructions after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days in which to respond. The State committee may disqualify a person for future service or employment only upon determination by a majority vote of the State committee.

11. Section 7.29 *Delegate to the county convention* is deleted in its entirety and the following substituted therefor:

§ 7.29 *County office personnel.* (a) Any county office manager who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit, fraud in the conduct of his employment, or is incompetent, or who seriously impedes the effectiveness of any program administered in the county shall be suspended by the county committee or if the county committee fails to act promptly in any such case, the State committee shall suspend the person involved. The person suspended shall be given a written statement of the reasons for such action and shall have 15 days from the date of mailing in which to advise in writing, in person, or both, why he should be restored to duty. The State or county committee which made the suspension, following such further investigation and review as it deems necessary or as required by applicable instructions, shall either restore to duty or remove the suspended person if such action is determined to be necessary by a majority of the committee. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days within which to advise why he should be restored to duty.

(b) Any county office employee, other than the manager, who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit, fraud in the conduct of his employment, or is incompetent, or who seriously impedes the effectiveness of any program administered in the county shall be suspended by the county office manager or if the county office manager fails to act promptly in any such case, the county committee shall suspend the person involved. If the county committee fails to act promptly in any such case, the State committee shall suspend the person involved. The person suspended shall be given a written statement of the reasons for such action and shall have 15 days from the date of mailing in which to advise in writing, in person, or both, why he should be restored to duty. The county office manager or the State or county committee which made the suspension, following such further investigation and review as is deemed necessary or as required by applicable instructions, shall either restore to duty or remove the suspended person if such action is determined to be necessary. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days within which to advise why he should be restored to duty. Such actions by a county or State committee shall be by majority vote.

(c) Any former county office manager or other employee who during his term of employment committed, or attempted, or conspired to commit, fraud in the conduct of his employment shall be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation and review as it deems necessary or as required by applicable instructions after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days in which to respond. The State committee may disqualify a person for future service or employment only upon determination by a majority vote of the State committee.

12. Section 7.30 *County office personnel* is deleted and the following substituted therefor:

§ 7.30 *Right of appeal.* Any person removed from office or employment or disqualified for future office or employment under the provisions of § 7.28 or § 7.29 shall have the right of appeal to the State committee for review of the facts, and if dissatisfied with the decision of the State committee, to the Deputy Administrator in accordance with such procedure as he may prescribe. Notice of such appeals must be filed within 90 days of the date the notice of removal, disqualification, or decision is mailed to any such person.

13. Section 7.31 *Right of appeal* is deleted and the text of § 7.32 *Leave* is substituted therefor and identified as "§ 7.31 *Leave.*"

14. Section 7.31 (a) *Annual leave* is amended by deleting "not be granted until earned and shall" in the first sentence of this paragraph.

15. The section numbers are changed on the remaining sections in the text of the regulations as follows: § 7.32 *Location;* § 7.33 *Use of county office;* § 7.34 *Custody;* § 7.35 *Use;* § 7.36 *When;* § 7.37 *Call and notice;* § 7.38 *Quorum;* § 7.39 *Records;* § 7.40 *Implementation;* and § 7.41 *Applicability.*

(Sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d)

Done at Washington, D. C., this 28th day of October 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9088; Filed, Oct. 31, 1957; 8:56 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR THE 1958 CROP

Sec.
721.910 Basis and purpose.
721.911 Definitions.
721.912 Extent of calculations and rule of fractions.
721.913 Instructions and forms.
721.914 Method of apportioning acreage allotments.
721.915 Report of data for old corn farms in new counties.
721.916 Determination of base acreages for old farms.
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721.918 Determination of acreage allotments for old farms.
721.919 Determination of acreage allotments for new farms.
721.920 Supervision, review and approval by the State committee and mailing allotment notices.
721.921 Farms divided or combined.
721.922 Right to appeal.
721.923 Applicability of §§ 721.910 to 721.923.

AUTHORITY: §§ 721.910 to 721.923 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 329, 377, 52 Stat. 38, 52; 70 Stat. 206; 7 U. S. C. 1301, 1329, 1377.

§ 721.910 *Basis and purpose.* The regulations contained in §§ 721.910 to 721.923 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1958 farm acreage allotments for corn. The purpose of the regulations in §§ 721.910 to 721.923 is to provide the procedure for allocating the county corn acreage allotments among farms.

§ 721.911 *Definitions.* As used in the regulations in this part and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them.

(a) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(b) "Director" means the Director of the Grain Division, Commodity Stabilization Service, U. S. Department of Agriculture.

(c) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(d) "Farm" means farm as defined in regulations governing determination of acreage and performance (Part 718, 22 F. R. 3747, 7418 of this chapter).

(e) "Cropland" means cropland as defined in regulations governing determination of acreage and performance (Part 718, 22 F. R. 3747, 7418 of this chapter).

(f) "Old county" means a county included within the commercial corn-producing area both in 1957 and 1958.

(g) "New county" means a county included within the commercial corn-producing area in 1958 but which was not included in the 1957 area.

(h) "Historical base period" means the years for which corn acreages are used in establishing 1958 corn acreage allotments.

(i) For old counties, the historical base period is the years 1954 through 1957.

(2) For new counties, the historical base period is the years 1955 through 1957.

(i) "Old farm" means a farm on which acreage was planted or considered planted to corn in 1955, 1956 or 1957.

(j) "New farm" means a farm on which no acreage was planted or considered planted to corn in 1955, 1956 or 1957, but on which corn will be planted in 1958.

(k) "Acreage indicated by cropland" means the number of acres computed by multiplying the cropland for a farm by the ratio of historical corn acreage determined for a community or county pursuant to § 721.916 (a) to cropland for the community or county: *Provided*, That if the State committee finds that the historical corn acreage as determined was abnormally high or low due to abnormal weather or to the bringing into cultivation of land not previously so used, the community or county ratio shall be determined on the basis of the ratio of the average of the acreages for the years of the historical base period which the State committee determines is normal. County ratio determinations will be used subject to approval of the State committee.

(l) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(m) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(n) "Previous base acreage" means the 1957 base acreage in counties which were included within the 1957 Commercial Corn-Producing Area.

(o) "Corn acreage" means, for 1958, the number of acres of land on which field corn, including sweet corn planted for feed or silage, is planted alone or interplanted with other crops, excluding: (1) The acreage planted to corn in excess of the allotment or, where applicable, the permitted acreage under an acreage reserve agreement or conservation reserve contract, if the county committee or its authorized representative finds, on the basis of a producers request for redetermination of the corn acreage that the product from such excess acreage has been plowed or disced under, or destroyed by causes beyond his control, on or before the final date for adjusting such acreage; (2) any acreage planted to corn for wildlife feed on a Federal or State Fish and Wildlife Service Farm under a written contract which was or will be entered into with such fish and wildlife service prior to planting and which is, prior to planting, approved by the county and State committees and such acreage is not harvested; and (3) acreage sown to field corn and incorporated into the soil as an approved green manure or cover crop practice under the agricultural conservation program or the soil bank conservation program. The acreage planted to sweet corn shall not be considered as planted for feed or silage if the county committee determines that the sweet corn was planted for harvest as sweet corn but the ears therefrom could not be marketed as sweet corn for human consumption because of adverse weather or other conditions over which the producer has no control.

(p) Corn allotments:

(1) "County corn allotment" means the corn acreage allotment apportioned to the county as its share of the 1958 acreage allotment for the commercial corn-producing area as determined on the basis of the acreage planted or considered planted to corn during the five calendar years, 1952–56 (plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period, and for the promotion of soil-conservation practices.

(2) "Farm acreage allotment" means the corn acreage allotment determined for a farm as its share of the 1958 county allotment.

(q) "Commercial corn-producing area" means the area designated by the Secretary pursuant to section 301 (b) (4) of the Agricultural Adjustment Act of 1938, as amended, and includes all counties in which the average production of corn (excluding corn used for silage) during the ten calendar years, 1948–57, after adjustment for abnormal weather conditions, is 450 bushels or more per farm and 4 bushels or more for each acre of farmland in the county, and also includes any county bordering on such commercial corn-producing area which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farmland in 1958, or in which there is a minor civil division which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farmland in 1958.

§ 721.912 *Extent of calculations and rule of fractions.* All acreage determination except the farm allotment, shall be rounded to whole acres. The allotment determined for the farm shall be rounded to tenths of acres. For all computations other than the allotment, fractional acres of fifty-one hundredths of an acre or more shall be rounded upward, and fractional acres of less than fifty-one hundredths of an acre shall be dropped. In computing the allotment for the farm, fractional acres of fifty-one thousandths of an acre or more shall be rounded upward, and fractional acres of less than fifty-one thousandths shall be dropped.

§ 721.913 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator, Production Adjustment, Commodity Stabilization Service.

§ 721.914 *Method of apportioning acreage allotments.* The county acreage allotment shall be apportioned to farms in the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. The corn history acreage in the historical base period will, in general, adequately reflect these four factors.

§ 721.915 *Report of data for old corn farms in new counties.* To the extent that the information is not available in the ASC county office, the owner, operator, or any other interested person shall furnish the following information regarding the farm in which he has an interest to the ASC county office of the county in which the farm is regarded as located, if corn was planted on the farm in 1955, 1956 or 1957:

(a) The names and addresses of the owner and operator.

(b) The total acreage of all land.

(c) The acreage of cropland.

(d) The acreage of corn planted in the years 1955, 1956 and 1957.

(e) The acreage of other crops and land uses.

(f) Other pertinent information requested by the ASC county office relative to operations of the farm.

§ 721.916 *Determination of base acreages for old farms.* To reflect the factors of tillable acres, crop-rotation practices, type of soil, and topography, the county committee shall determine for each old farm a base acreage of corn. Each base acreage determined shall be fair and equitable when compared with the base acreages for all other farms in the county. In arriving at the base acreage, consideration shall be given to the corn history acreage on the farm during the years 1954, 1955, 1956 and 1957 in old counties and the corn history acreage on the farm during the years 1955, 1956 and 1957 in new counties, tillable acres, type of soil, topography, the producer's crop-rotation system for the farm, including the equipment and other facilities available for carrying out such system of crop-rotation and the base acreages for other farms in the community which are similar with respect to the foregoing factors and which are similarly operated. Such base acreages shall be established as follows:

(a) *Previous base acreage.* The previous base acreage shall be used as the 1953 base acreage for the farm, if the county committee determines that such use will result in a fair and equitable base acreage for 1958 which meets the requirements prescribed above. If the use of the previous base acreage will not result in a fair and equitable base acreage for 1958 or if a previous base acreage has not been established for the farm, a fair and equitable base acreage shall be determined as set forth in paragraphs (b) through (f) of this section.

(b) *Corn history acreage.* For the purpose of determining 1958 corn acreage allotments, corn history acreage for 1954, 1955 and 1956 means the historical acreages as defined in § 721.816 (b) of the 1957 corn acreage allocation regulations; and for 1957 it means the corn acreage as defined in § 721.811 (o) of the 1957 regulations, as amended, for the farm for knowingly overplanted farms and for farms in new counties, and the base acreage established under

§§ 721.816 and 721.817 of the 1957 regulations for farms not knowingly overplanted.

(c) *Historical average acreage.* The historical average corn acreage for any farm shall be the average of the corn history acreages for 1954, 1955, 1956 and 1957 in old counties and the average of the corn history acreages for 1955, 1956 and 1957 in new counties.

(d) *Adjusted average acreage.* The county committee shall adjust the historical average corn acreage for any farm by eliminating from the period of years used in determining the historical average acreage the corn history acreage for any year or years which it definitely finds was not representative of the acreage which normally would have been planted under the established crop-rotation system on the farm because such acreage was:

(1) Abnormally low due to excessive wet weather or flood;

(2) Abnormally low due to drought;

(3) Abnormally high because of weather conditions which caused failure of crops other than corn or which prevented the planting of crops other than corn;

(4) No longer representative because of a change in operations which results in substantial change in the established crop-rotation system for the farm; or

(5) Not representative for 1958 because of a definitely established crop-rotation system being carried out on the farm.

When one or more of the years are eliminated in accordance with the provisions of subparagraphs (1) through (5) of this paragraph, the average of the years not so eliminated shall be considered as the adjusted average acreage. If all years of the base period are eliminated, the adjusted average acreage shall be zero.

(e) *Further adjustments.* The historical average acreage or the adjusted average acreage, as the case may be, may be further adjusted so as to make such acreage comparable with those acreages for other farms which are similar with respect to the type of farming operation and to the factors of tillable acreage, topography and type of soil within the following limitations:

(1) If such acreage is unduly low, the historical average acreage or the adjusted average acreage, as the case may be, may be adjusted upward by not more than 25 percent. However, if the adjusted acreage is zero, the 25 percent limitation will not apply and the acreage shall be adjusted upward, unless the committee determines that corn will not be planted in 1958 under the crop-rotation system for the farm. The acreage thus adjusted shall, in no case, exceed the acreage indicated by cropland, except as provided in subparagraph (3) of this paragraph.

(2) If such acreage is excessively high when compared to similar farms, similarly operated or because of an increase in corn acreage as a result of diversion from other allotment crops, including sugar beets, the historical average acreage or the adjusted average acreage, as the case may be, may be adjusted downward by not more than 25 percent, but not below the acreage indicated by cropland, except as provided in subparagraph (3) of this paragraph.

(3) The acreage indicated by cropland limitations provided in subparagraphs (1) and (2) of this paragraph shall not apply in the establishment of the base acreage for a farm if the State committee finds that such acreage is not representative of similarly operated farms which are similar also with respect to tillable acreage, type of soil and topography because of extreme differences in the type of soil and topography within the different areas of the community or because of the small number of corn farms listed.

(f) *Base acreage.* The base acreage for an old farm shall be that acreage determined under paragraphs (a) through (e) of this section.

§ 721.917 *Determination of base acreages for new farms.* (a) The county committee shall determine a base acreage for use in establishing a corn acreage allotment for each eligible new farm for which a corn acreage allotment is requested for 1958 not later than January 31, 1958. Each request for such an allotment shall include the following information:

(1) The acreage of all land and total cropland on the farm for which an allotment is requested.

(2) The acreage of cropland well suited to corn.

(3) The name and address of the farm owner and, if known, the name and address of the 1958 operator.

(4) Location and description of the farm.

(5) Identification and location of any other farm in which the operator will have an interest in 1958.

(6) Acreage of corn in which the operator had an interest in 1955, 1956 and 1957, and identification and location of land on which such corn was planted.

(7) Corn acreage which would be planted in 1958 under the rotation system planned for the farm.

(8) Reason for requesting a 1958 corn acreage allotment.

(9) Reason for not planting corn on the farm in 1955, 1956 and 1957.

(b) Eligibility for a new farm allotment shall be conditioned upon the following:

(1) The land for which an allotment is requested is well suited for the production of corn;

(2) The operator expects to derive 50 percent or more of his livelihood from this farm; and

(3) The producer establishes to the satisfaction of the county committee that:

(i) The system of farming has changed or is changing to the extent that corn will be included in such system for 1958; or

(ii) The established crop-rotation system followed on the farm will include corn for 1958.

In determining the base acreage for a new farm, the county committee shall take into consideration tillable acres, type of soil, topography, the farming system to be followed by the operator, the extent to which the operator is dependent for his livelihood on his farming operations, the information required of the applicant in his request for an allotment and the 1958 base acreage, if any, established on other land farmed by the operator: *Provided*, That the base acreage determined for a new farm shall not exceed (a) the indicated acreage which would be planted in 1958 under the rotation system plan for the farm, or (b) the acreage indicated by cropland, whichever is the smaller. Notwithstanding the provisions of this section, the base acreage will be further adjusted downward in proportion to any adjustment downward in the allotment if such allotment is reduced to the corn acreage for the farm under § 721.919.

§ 721.918 *Determination of acreage allotments for old farms.* The 1958 county acreage allotment after deduction of an appropriate reserve for new farms and for appeals, correction of errors and missed farms, as determined by the county committee, shall be apportioned pro rata among the old farms within the county by the county committee on the basis of the base acreages determined under § 721.916.

§ 721.919 *Determination of acreage allotments for new farms.* (a) The 1958 corn acreage allotments for new farms shall be determined by applying the pro rata reduction factor approved for old farms to the base acreages determined under § 721.917, if there is sufficient reserve acreage therefor. If the use of the reduction factor would result in the apportionment of acreage in excess of the available reserve, the allotment shall be determined by apportioning the available reserve acreage pro rata among the new farms within the county on the basis of the base acreages determined under § 721.917.

(b) Notwithstanding the provisions of paragraph (a) of this section, the allotment will be adjusted downward to equal the acreage actually planted to corn on the farm, if the acreage planted to corn is determined to be less than the original allotment.

§ 721.920 *Supervision, review, and approval by the State committee and mailing allotment notices.* (a) The State committee shall be responsible for the work of the county committee in the apportionment of the county corn acreage allotment, the review of all allotments and reserves and the correction of any improper determinations made under §§ 721.910 to 721.923. All acreage allotments shall be approved by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman and no official notice thereof shall be mailed until such allotment has been approved by or on behalf of the State committee.

(b) Notice of the farm acreage allotment shall be prepared in the county office, signed by a member of the county committee (either actual or facsimile signature) and mailed to the operator of the farm. All notices in a county, in so far as practicable, shall be mailed on the same date.

§ 721.921 *Farms divided or combined.* (a) The 1958 corn acreage allotment determined for a farm, shall, if there is a division, be apportioned to each part on the basis of the acreage of cropland on each part, except that, if the county committee determines that this method would result in allotments for corn and other allotment crops not representative of the farming operations normally carried out on each part, the allotment may be determined for each part in the same manner as would have been done if such part had been a completely separate farm: *Provided*, That the sum of the allotments thus determined for each part shall not exceed the allotment originally determined for the entire farm which is being divided.

(b) If two or more farms for which the 1958 corn allotments are determined will be combined and operated as a single farm in 1958, the 1958 acreage allotments shall be the sum of the allotments determined for each of the farms comprising the combination.

(c) If a part of a farm is owned by the Federal Government and is under a lease restricting the production thereon of price-supported crops in surplus supply, the farm shall be reconstituted so that the Government-owned land is a separate farm.

§ 721.922 *Right to appeal.* (a) Any owner, operator, landlord, tenant, or sharecropper who believes that the acreage allotment for a farm in which he has an interest is not equitable, may file an appeal for reconsideration of the acreage allotment.

(b) The request for appeal of any acreage allotment and facts constituting the basis therefor must be submitted in writing and postmarked or delivered to the county committee within 15 days after the date of mailing the notice of allotment. If the applicant is dissatisfied with the decision of the county committee, he may appeal to the State committee within 15 days after the date of mailing of the notice of the decision of the county committee. If the applicant is dissatisfied with the decision of the State committee, he may, within 15 days after the date of mailing of the notice of the decision of the State committee, appeal to the Director, whose decision shall be final.

§ 721.923 *Applicability of §§ 721.910 to 721.923.* Sections 721.910 to 721.923 shall govern the establishment of the farm allotments for the 1958 crop of corn for use in connection with soil bank and farm price support programs.

NOTE: The reporting requirements contained herein have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of Budget in accordance with Federal Reports Act of 1942.

Done at Washington, D. C., this 28th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9080; Filed, Oct. 31, 1957; 8:55 a. m.]

[Amdt. 3]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1955 UPLAND CROP

ADJUSTMENT IN FARM MARKETING EXCESS AND ESTABLISHMENT OF TIME WHEN PENALTY BECOMES DUE

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) for the purpose of establishing procedure for adjustment in the farm marketing excess and to establish the time when penalty becomes due in any case where the initial notice of farm marketing quota and farm marketing excess is issued after a designated date. In order that this amendment may apply to cases expected to arise in the near future, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendments set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 722.652 of the Cotton Marketing Quota Regulations for the 1955 Upland Crop (20 F. R. 3979, 4939; 22 F. R. 5559) is amended by addition of a new paragraph (d) which reads as follows:

(d) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty day prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator after thirty days prior to expiration of the filing period established under paragraph (a) of this section, any producer having an interest in the cotton produced in 1955 on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1955 on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator: *Provided, however*, That any such application filed with the county committee prior to the effective date of this paragraph, shall be deemed timely filed if the Deputy Administrator determines that such application was filed within a reasonable time after the date of mailing an initial notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.650 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

2. Section 722.669 of the Cotton Marketing Quota Regulations for the 1955 Upland Crop is amended by addition of a new paragraph (d) which reads as follows:

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator after thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 345, 346, 52 Stat. 38, as amended; 7 U. S. C. 1345, 1346)

Done at Washington, D. C., this 28th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9083; Filed, Oct. 31, 1957; 8:55 a. m.]

[Amdt. 1]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1956 UPLAND CROP

ADJUSTMENT IN FARM MARKETING EXCESS AND ESTABLISHMENT OF TIME WHEN PENALTY BECOMES DUE

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) for the purpose of establishing procedure for adjustment in the farm marketing excess and to establish the time when penalty becomes due in any case where the initial notice of farm marketing quota and farm marketing excess is issued after a designated date. In order that this amendment may apply to cases expected to arise in the near future, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendments set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 722.752 of the Cotton Marketing Quota Regulations for the 1956 Upland Crop (21 F. R. 5164) is amended by addition of a new paragraph (c) which reads as follows:

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator after thirty days prior to expiration of the filing period established under paragraph (a) of this section, any producer having an interest in the cotton produced in 1956 on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1956 on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator: *Provided, however*, That any such application filed with the county committee prior to the effective date of this paragraph, shall be deemed timely filed if the Deputy Administrator determines that such application was filed within a reasonable time after the date of mailing an initial notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.750 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

2. Section 722.769 of the Cotton Marketing Quota Regulations for the 1956 Upland Crop is amended by addition of a new paragraph (d) which reads as follows:

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator after thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 345, 346, 52 Stat. 38, as amended; 7 U. S. C. 1345, 1346)

Done at Washington, D. C., this 28th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9087; Filed, Oct. 31, 1957; 8:56 a. m.]

[Amdt. 4]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1957 UPLAND CROP

ADJUSTMENT IN FARM MARKETING EXCESS AND ESTABLISHMENT OF TIME WHEN PENALTY BECOMES DUE

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) for the purpose of establishing procedure for adjustment in the farm marketing excess and to establish the time when penalty becomes due in any case where the initial notice of farm marketing quota and farm marketing excess is issued after a designated date. In order that this amendment may apply to cases expected to arise in the near future, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendments set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 722.852 of the Cotton Marketing Quota Regulations for the 1957 Upland Crop (22 F. R. 3284, 3651, 4847, 7021) is amended by addition of a new paragraph (c) which reads as follows:

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator after thirty days prior to expiration of the filing period established under paragraph (a) of this section, any producer having an interest in the cotton produced in 1957 on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1957 on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.850 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

2. Section 722.869 of the Cotton Marketing Quota Regulations for the 1957 Upland Crop is amended by addition of a new paragraph (d) which reads as follows:

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator after thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 345, 346, 52 Stat. 38, as amended; 7 U. S. C. 1345, 1346)

Done at Washington, D. C., this 28th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9085; Filed, Oct. 31, 1957; 8:56 a. m.]

[Amdt. 2]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1955 EXTRA LONG STAPLE CROP

ADJUSTMENT IN FARM MARKETING EXCESS AND ESTABLISHMENT OF TIME WHEN PENALTY BECOMES DUE

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) for the purpose of establishing procedure for adjustment in the farm marketing excess and to establish the time when penalty becomes due in any case where the initial notice of farm marketing quota and farm marketing excess is issued after a designated date. In order that this amendment may apply to cases expected to arise in the near future, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendments set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 722.1252 of the Cotton Marketing Quota Regulations for the 1955 Extra Long Staple Crop (20 F. R. 3989, 4940) is amended by addition of a new paragraph (c) which reads as follows:

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator after thirty days prior to expiration of the filing period established under paragraph (a) of this section, any producer having an interest in the ELS cotton produced in 1955 on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in 1955 on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator: *Provided, however,* That any such application filed with the county committee prior to the effective date of this paragraph, shall be deemed timely filed if the Deputy Administrator determines that such application was filed within a reasonable time after the date of mailing an initial notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.1250 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

2. Section 722.1269 of the Cotton Marketing Quota Regulations for the 1955 Extra Long Staple Crop is amended by addition of a new paragraph (d) which reads as follows:

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator after thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 345, 346, 347, 52 Stat. 38, as amended; 7 U. S. C. 1345, 1346, 1347)

Done at Washington, D. C., this 28th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-9081; Filed, Oct. 31, 1957; 8:55 a. m.]

[Amdt. 1]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1956 EXTRA LONG STAPLE CROP

ADJUSTMENT IN FARM MARKETING EXCESS AND ESTABLISHMENT OF TIME WHEN PENALTY BECOMES DUE

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) for the purpose of establishing procedure for adjustment in the farm marketing excess and to establish the time when penalty becomes due in any case where the initial notice of farm marketing quota and farm marketing excess is issued after a designated date. In order that this amendment may apply to cases expected to arise in the near future, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendments set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 722.1352 of the Cotton Marketing Quota Regulations for the 1956 Extra Long Staple Crop (21 F. R. 5173) is amended by addition of a new paragraph (c) which reads as follows:

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator after thirty days prior to expiration of the filing period established under paragraph (a) of this section, any producer having an interest in the ELS cotton produced in 1956 on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in 1956 on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator: *Provided, however,* That any such application filed with the county committee prior to the effective date of this paragraph, shall be deemed timely filed if the Deputy Administrator determines that such application was filed within a reasonable time after the date of mailing an initial notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.1350 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

2. Section 722.1369 of the Cotton Marketing Quota Regulations for the 1956 Extra Long Staple Crop is amended by addition of a new paragraph (d) which reads as follows:

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section,* in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator after thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 345, 346, 347, 52 Stat. 38, as amended; 7 U. S. C. 1345, 1346, 1347)

Done at Washington, D. C., this 28th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-9082; Filed, Oct. 31, 1957; 8:55 a. m.]

[Amdt. 3]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1957 EXTRA LONG STAPLE CROP

ADJUSTMENT IN FARM MARKETING EXCESS AND ESTABLISHMENT OF TIME WHEN PENALTY BECOMES DUE

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) for the purpose of establishing procedure for adjustment in the farm marketing excess and to establish the time when penalty becomes due in any case where the initial notice of farm marketing quota and farm marketing excess is issued after a designated date. In order that this amendment may apply to cases expected to arise in the near future, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendments set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 722.1452 of the Cotton Marketing Quota Regulations for the 1957 Extra Long Staple Crop (22 F. R. 3548, 4845, 7020) is amended by addition of a new paragraph (c) which reads as follows:

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator after thirty days prior to expiration of the filing period established under paragraph (a) of this section, any producer having an interest in the ELS cotton produced in 1957 on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in 1957 on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.1450 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

2. Section 722.1469 of the Cotton Marketing Quota Regulations for the 1957 Extra Long Staple Crop is amended by addition of a new paragraph (d) which reads as follows:

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator after thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 345, 346, 347, 52 Stat. 38, as amended; 7 U. S. C. 1345, 1346, 1347)

Done at Washington, D. C., this 28th day of October 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-9086; Filed, Oct. 31, 1957; 8:56 a. m.]

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO PRODUCER AND FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1958 CROP OF RICE

Correction

In FEDERAL REGISTER Document 57-8813, appearing at page 8477 in the issue for Saturday, October 26, 1957, the following changes should be made:

1. In § 730.916 (b) (4), the word "section" should read "paragraph".

2. The last sentence of 730.931 (a) (3) should read: "The rice acreage allotment for the parent farm will then be divided among the subdivided parts on the basis of the ratio that the 5-year average acreage on each part is to the 5-year average for the parent farm."

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 273]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.868 *Grapefruit Regulation 273*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 22, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective

time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., November 4, 1957, and ending at 12:01 a. m., e. s. t., November 18, 1957, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 29, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9058; Filed, Oct. 31, 1957; 8:50 a. m.]

[Orange Reg. 326]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.869 *Orange Regulation 326.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., November 4, 1957, and ending at 12:01 a. m., e. s. t., November 18, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze, or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{11}/_{16}$ inches in diameter and smaller.

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 325 (§ 933.867, 22 F. R. 8486).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 29, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9078; Filed, Oct. 31, 1957; 8:54 a. m.]

[1015.301 Amdt. 1]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and the information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers in the manner set forth below on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 1015.301 (b) (22 F. R. 8148) are hereby amended to read as follows:

(b) *Order.* During the period from November 2, 1957 through November 16, 1957 the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area:

(1) No person shall handle any cucumbers, except for conversion into pickles or relishes, unless such cucumbers meet the requirements of U. S. Fancy, U. S. No. 1, U. S. No. 1 Small, or U. S. No. 1 Large, and are not larger than $2\frac{1}{2}$ inches in diameter;

(2) Each handler subject to these regulations may handle up to, but not to exceed one bushel (48 pounds net), or equivalent, of cucumbers per day without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment over one bushel of cucumbers;

(3) No person shall handle any cucumbers unless such cucumbers are inspected and certified pursuant to the provisions of § 1015.60; and

(4) The grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title), including the tolerances set forth therein; and "cucumbers" and all other terms shall have the same meaning as when used in Order No. 115 (§§ 1015.1 to 1015.88; 22 F. R. 6083).

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated: October 29, 1957 to become effective November 2, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F. R. Doc. 57-9077; Filed, Oct. 31, 1957; 8:54 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of Title 8 is amended in the following respects:

PART 501—GENERAL RULES OF PROCEDURE

Section 501.25 (b) (3) of the General Rules of Procedure of the Office of Alien Property states that the Manager, Philippine Office, is authorized to sell vested property in the Philippines consisting of items, lots or quantities valued not in excess of 2,000 pesos. The Philippine Office has been discontinued and § 501.25 (b) (3) now is obsolete and should be revoked. Since such revocation relates to agency management notice, hearing and suspension of applicability are not required. Accordingly, § 501.25 (b) (3) is hereby revoked.

PART 503—AVAILABILITY OF RECORDS

Section 503.17 which states the terms on which records of the Office of Alien Property are available provides that the Manager, Philippine Office, among others, is authorized to disclose certain records therein identified. The Philippine Office has been discontinued and § 503.17 requires amendment so as to delete reference therein to the Manager. Since such amendment relates to agency management, notice, hearing and suspension of applicability are not required. Accordingly § 503.17 is hereby amended to read as follows:

§ 503.17 *General rule as to non-availability of records of the Office of Alien Property.* All official files, documents, records and information in the Office of Alien Property, or in the custody or control of any officer, employee, agent or delegate of the Office of Alien Property, are to be regarded as confidential. No officer, employee, agent or delegate may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, the Deputy Attorney General, the Director, or the Deputy Director, of the Office of Alien Property, and in the case of defense information as defined in Executive Order 10501 of November 5, 1953 (18 F. R. 7049, 3 CFR, 1953 Supp.), except in accordance with the provisions of said Executive Order and the Department of Justice regulations thereunder: *Provided, however,* That each section chief and the Intercustodial and Foreign Funds Officer, are generally authorized to make available or disclose such official files, documents, records and information in the Office of Alien Property, other than defense information, in the conduct of affairs of his section or office, unless otherwise instructed by the Director. Whenever a subpoena duces tecum is served to produce any such files, documents, records, or information, the officer, or employee, or agent, or delegate on whom such subpoena is served, unless otherwise expressly directed by the Attorney General, will appear in court to answer thereto and respectfully decline to produce the records specified therein, on the ground that the disclosure of such records is prohibited by this section.

PART 508—ADMINISTRATION OF ALIEN PROPERTY SEIZED DURING WORLD WAR I

Part 508 states the terms under which certain property seized as a consequence of World War I was returnable by the Office of Alien Property. Public Law 1007, 84th Congress, approved August 6, 1956 (70 Stat. 1071) provided for the transfer to the Secretary of the Treasury of all such seized property remaining in the hands of the Office of Alien Property. By reason of this transfer Part 508 now is obsolete and should be revoked. Since such revocation relates to agency management and public property notice, hearing and suspension of applicability are not required. Accordingly, Part 508 is hereby revoked.

PART 511—BLOCKED ASSETS

General Rulings 5 and 5B, which provide the terms under which scheduled securities may be dealt with, contain § 511.205 (e) (3) and (5) and § 511.205b (e) (3) and (5) which provide for the filing of statements and reports with respect to such securities with the former branch of the Office of Alien Property in New York City. Sections 511.205 (f) and 511.205b (f) of the General Rulings provide that applications for release of scheduled securities may be filed with the former New York branch. Since that branch is no longer in existence, the statements, reports and applications should be filed with the Office of Alien Property at Washington, D. C. and these subparagraphs and paragraphs require appropriate amendment. Since such amendments relate to agency management, notice, hearing and suspension of applicability are not required. Accordingly, these sections are hereby amended in the following respects:

§ 511.205 *General Ruling No. 5.* • • •

(e) *Duty of persons bringing, receiving or holding foreign scheduled securities.* • • •

(3) Foreign scheduled securities held on January 20, 1951, by any person within the United States (whether for himself or for any other person) shall within thirty days thereafter be forwarded by such person to the Federal Reserve Bank of New York together with the above-specified statement in triplicate. Any such person who on January 20, 1951, held foreign scheduled securities as security for an obligation owing to him shall not be required to forward the securities to the Federal Reserve Bank of New York, but shall be required to file the above-specified statement in triplicate with the Office of Alien Property, Department of Justice, Washington 25, D. C., together with a statement of the circumstances under which the securities are being held.

• • • • • •

(5) Any person required by the provisions of subparagraph (3) or (4) of this paragraph to forward securities to the Federal Reserve Bank of New York may, instead, return such securities to the person from whom he received them, if the latter is within the United States. The person initiating such return shall file a report with the Office of Alien Property, Department of Justice, Washington 25, D. C., giving the name and address of the person to whom he makes such return and he shall advise such person that they are foreign scheduled securities which should be deposited with the Federal Reserve Bank of New York pursuant to this ruling unless they are returned with a similar notice to the person in the United States from whom they were received. The last person in the United States to whom such securities are returned under this subparagraph shall forward them to the Federal Reserve Bank of New York, together with the above-specified statement in triplicate with respect to his original receipt of the securities. In case securities are returned under the rules of a securities exchange, an association of securities dealers, or a similar organization, the last member of an exchange or similar organization or dealer to whom such securities are returned under such procedure, if he is not the last person to whom such securities are returned hereunder, shall file with the Office of Alien Property, Department of Justice, Washington 25, D. C., the above-specified statement in triplicate with respect to his original receipt of the securities together with the date on which he returned such

securities to the person from whom he received them.

• • • • •

(f) *Disposition of securities delivered to Federal Reserve Bank of New York.* The Federal Reserve Bank of New York shall act only as fiscal agent of the United States under this section, and shall receive and hold securities delivered to it pursuant to this section as such fiscal agent, subject to the further order of the Director, Office of Alien Property. Applications for release of securities so held may be filed with the Office of Alien Property, Department of Justice, Washington 25, D. C.

§ 511.205b *General Ruling No. 5B.*

• • •

(e) *Duty of persons bringing, receiving, or holding domestic scheduled securities.* • • •

(3) Domestic scheduled securities held on January 20, 1951, by any person within the United States (whether for himself or for any such person) shall within thirty days thereafter be forwarded by such person to the Federal Reserve Bank of New York together with the above-specified statement in triplicate. Any such person who on January 20, 1951, held domestic scheduled securities as security for an obligation owing to him shall not be required to forward the securities to the Federal Reserve Bank of New York, but shall be required to file the above-specified statement in triplicate with the Office of Alien Property, Department of Justice, Washington 25, D. C., together with a statement of the circumstances under which the securities are being held.

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(5) Any person required by the provisions of subparagraph (3) or (4) of this paragraph to forward securities to the Federal Reserve Bank of New York may, instead, return such securities to the person from whom he received them, if the latter is within the United States. The person initiating such return shall file a report with the Office of Alien Property, Department of Justice, Washington 25, D. C., giving the name and address of the person to whom he makes such return and he shall advise such person that they are domestic scheduled securities which should be deposited with the Federal Reserve Bank of New York pursuant to this ruling unless they are returned with a similar notice to the person in the United States from whom they were received. The last person in the United States to whom such securities are returned under this subparagraph shall forward them to the Federal Reserve Bank of New York, together with the above-specified statement in triplicate with respect to his original receipt of the securities. In case securities are returned under the rules of a securities exchange, an association of securities dealers, or a similar organization, the last member of an exchange or similar organization or dealer to whom such securities are returned under such procedure, if he is not the last person to whom such securities are returned hereunder, shall file with the Office of Alien Property, Department of Justice, Washington 25, D. C., the above-specified statement in triplicate with respect to his original receipt of the securities together with the date on which he returned such securities to the person from whom he received them.

• • • • •

(f) *Disposition of securities delivered to Federal Reserve Bank of New York.* The Federal Reserve Bank of New York shall act only as fiscal agent of the United States under this section, and shall receive and hold securities delivered to it pursuant to this section as such fiscal agent, subject to the further order of the Director, Office of Alien Property. Applications for release of securities so held may be filed with the Office of Alien Property, Department of Justice, Washington 25, D. C.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U. S. C. App. and Sup. 1–40; 60 Stat. 418, 64 Stat. 1116, 22 U. S. C. and Sup. 1382; 69 Stat. 562; E. O. 8289, Apr. 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E. O. 9142, Apr. 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, Jan. 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, Jan. 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, Dec. 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10348, Apr. 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.; E. O. 10587, Jan. 13, 1955, 3 CFR, 1955 Supp.; E. O. 10644, Nov. 7, 1955, 3 CFR, 1955 Supp.)

Executed at Washington, D. C., on October 24, 1957.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57–9030; Filed, Oct. 31, 1957; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 130—NEW DRUGS

CARBETAPENTANE CITRATE PREPARATIONS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

There was published in the FEDERAL REGISTER of September 13, 1957 (22 F. R. 7315) notice of a proposed amendment to § 130.102. No comment having been filed with respect to the proposed amendment within the 30-day period stipulated in the above-referenced notice, the amendment set out below is hereby ordered, effective 30 days from the date of its publication in the FEDERAL REGISTER, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701; 65 Stat. 649, 52 Stat. 1052, 1055, as amended; 21 U. S. C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1956 Supp., 130.101 (b)).

In § 130.102 *Exemption for certain drugs limited by new-drug application to prescription sale*, paragraph (a) is amended by adding the following new subparagraph (20):

(20) Carbetapentane citrate (2-(2-diethylaminoethoxy)-ethyl-1-phenylcyclopentyl-1-carboxylate citrate) preparations meeting all the following conditions:

(i) The carbetapentane citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The carbetapentane citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of carbetapentane citrate per dosage unit; or if it is in liquid form, not more than 1.5 milligrams of carbetapentane citrate per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 30 milligrams of carbetapentane citrate per dose or 120 milligrams of carbetapentane citrate per 24-hour period; for children 4 to 12 years of age, 7.5 milligrams per dose or 30 milligrams per 24-hour period; for children 2 to 4 years of age, 4.0 milligrams per dose or 16.0 milligrams per 24-hour period.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children, and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 2 years of age, unless directed by a physician.

(*b*) Clear warning statements against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353, 355)

Dated: October 25, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57–9068; Filed, Oct. 31, 1957; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter III — Public Housing Administration, Housing and Home Finance Agency

PART 320—LOW-RENT HOUSING PROGRAM

Sec.
320.1 Definitions.
320.2 General policy.
320.3 Preliminary loan contract.

Sec.
320.4 Annual Contributions Contract.
320.5 Application; information.
320.6 Federally owned low-rent housing.

AUTHORITY: §§ 320.1 to 320.6 issued under sec. 8, 50 Stat. 891; 42 U. S. C. 1408.

§ 320.1 *Definitions.* For purposes of this part the following terms shall have the meanings ascribed:

(a) *Act.* The United States Housing Act of 1937, as amended (42 U. S. C. 1401 et seq.).

(b) *State.* Any State of the Union, the District of Columbia, and any Territory, dependency, or possession of the United States.

(c) *Low-rent housing.* Decent, safe, and sanitary dwellings within the financial reach of families of low income, and all necessary appurtenances.

(d) *Families of low income.* Families in the lowest income group who cannot afford to pay enough to cause private enterprise to build an adequate supply of low-rent housing.

(e) *Local Authority.* Any State, county, municipality, or other local governmental entity or public body authorized by State law to develop or administer low-rent housing. A "Local Authority" is a "public housing agency" as defined in the act.

(f) *Cooperation agreement.* A contract between a Local Authority and the governing body of the locality, providing for tax exemption, elimination of unsafe and insanitary dwelling units, supplying of public services, and other forms of cooperation by the local government, and for payments in lieu of taxes by the Local Authority, in connection with a low-rent housing project.

§ 320.2 *General policy.* The objectives of the program are to promote the general welfare by employing the funds and credit of the United States to assist the States and their political subdivisions to alleviate unemployment and to remedy the unsafe and insanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income, in urban and rural nonfarm areas, that are injurious to the health, safety, and morals of the citizens of the Nation. The objectives are carried out by providing financial assistance, pursuant to contracts, to Local Authorities applying for such assistance in developing and operating low-rent housing projects. Applications for financial assistance, if otherwise proper, are approved to the extent permitted by limitations contained in the Act or other statutes.

§ 320.3 *Preliminary loan contract.* A Local Authority seeking Federal financial assistance for a low-rent housing project must submit an application and a showing that the Local Authority has been organized in accordance with State law, that there is a need for the proposed low-rent housing which is not being met by private enterprise, and that the governing body of the locality has by resolution approved application for a preliminary loan and has entered into a Cooperation Agreement with the Local Authority satisfactory to the FHA. A Preliminary Loan Contract provides for advances of funds for surveys and planning. Such a contract is tendered by the FHA to the Local Authority only after approval by the Housing and Home Finance Administrator.

§ 320.4 *Annual Contributions Contract.* An Annual Contributions Contract provides for a loan to assist in the development of a low-rent housing project and for annual contributions to assist in achieving and maintaining the low-rent character of the project. As the basis for such a contract, the Local Authority must submit a plan for its project with a showing of its feasibility, including such matters as description of site, statement of number and types of structures and dwelling units, estimate of development cost, and data supporting all features of the project. The Local Authority must also show that a gap of at least 20 percent has been left between the upper rental limits for the proposed housing and the lowest rents at which private enterprise is providing housing, and may be required to include a plan for relocating displaced families. An Annual Contributions Contract is tendered by the PHA to the Local Authority only after approval by the Housing and Home Finance Administrator.

§ 320.5 *Applications; information.* (a) A Local Authority applying for financial assistance should submit its application and all related doucments to the appropriate PHA Regional Office. Application forms and other forms, procedures, policy statements, and materials issued by the PHA for the use or guidance of Local Authorities may be obtained through the appropriate Regional Office; however, after approval of its application a Local Authority will be sent copies of all relevant materials without specific request.

(b) A list of PHA Regional Offices, with their addresses and areas of jurisdiction, is published in the FEDERAL REGISTER under the heading "Housing and Home Finance Agency, Public Housing Administration, Description of Agency and Programs."

§ 320.6 *Federally owned low-rent housing.* The Federal Government owns the low-rent housing projects listed below, some of which are operated directly by the PHA and others by Local Authorities under lease agreement with the PHA. Inquiries concerning the projects listed below and requests for statements of policy, procedures, and forms issued for the use or guidance of the public should be directed to the addresses shown:

Name of Project and Address of Operating Agency

ARIZONA

Avondale; Housing Authority of Maricopa County, Post Office Box 150, Phoenix, Ariz.

CALIFORNIA

Arvin-Shafter; Housing Authority of the County of Kern, Post Office Box 1478, Bakersfield, Calif.

Brawley; Housing Authority of the County of Imperial, Post Office Box 1001, Brawley, Calif.

Indio Farm Labor Camp; Housing Authority of the County of Riverside, Route 1, Box 34, Indio, Calif.

Patterson; Housing Authority of the County of Stanislaus, Post Office Box 935, Modesto, Calif.

Soledad; Housing Authority of the County of Monterey, 134 Carneros Street, Salinas, Calif.

Winters-Woodland; Housing Authority of the County of Yolo, Post Office Box 57, Woodland, Calif.

Wasco; City of Wasco Housing Authority, 617 Sixth Street, Wasco, Calif.

ILLINOIS

Addams Homes, Lathrop Homes, Trumbull Park Homes; Chicago Housing Authority, 608 South Dearborn Street, Chicago, Ill.

INDIANA

Lockefield Gardens; Public Housing Administration, 900 Indiana Avenue, Indianapolis 2, Ind.

MASSACHUSETTS

Old Harbor Village; Boston Housing Authority, 230 Congress Street, Boston, Mass.

MINNESOTA

Field Homes; Public Housing Administration, Sumner Field Homes, 1061 Eighth Avenue, North, Minneapolis 11, Minn.

NEW YORK

Baker Homes; Public Housing Administration, Ridge and Abbott Roads, Lackawanna 18, N. Y.

OHIO

Laurel Homes; Cincinnati Metropolitan Housing Authority, 595 Armory Avenue, Cincinnati, Ohio.

OKLAHOMA

Cherokee Terrace; Public Housing Administration, Cherokee Terrace, 619 East Main Street, Enid, Okla.

Will Rogers Court; Public Housing Administration, 1620 Heyman Street, Will Rogers Court, Oklahoma City 8, Okla.

PENNSYLVANIA

Highland Homes; Delaware County Housing Authority, 1827 Constitution Avenue, Chester 36, Pa.

WASHINGTON

Salishan; Housing Authority of the City of Tacoma, 1728 East 44th Street, Tacoma 4, Wash.

Date approved: October 24, 1957.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 57–9051; Filed, Oct. 31, 1957; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments to this part have been authorized by the Secretary of Defense and the Secretary of Health, Education, and Welfare:

1. The second sentence of § 56.5–2 (i) has been amended. Section 56.5–2 (i), as amended, reads as follows:

(i) Dental care which is a necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital inpatient. Such dental care shall not include removable or fixed prosthodontic restorations, orthodontia, restorative dentistry, and prolonged periodontal treatment.

2. In § 56.5–3 (a) redesignate present subparagraph (5) as subparagraph (6). Subparagraph (5) reads as follows:

(5) *Dentist.* A person who is legally qualified to prescribe and administer all drugs and perform all procedures related to the teeth, jaws, and to structure contiguous to one or the other.

3. In § 56.5–3 (d) (1) redesignate present subdivision (iv) as subdivision (v). Subdivision (iv) reads as follows:

(iv) Those surgical procedures that are legitimately cared for by a dentist (e. g., cleft lip, cleft palate, etc.) may be treated by a dentist who is a member of the staff of a hospital and normally performs these surgical procedures in that hospital. The removal of teeth, gingivectomies, and alveolectomies are not authorized surgical procedures under the Program unless they meet the criteria of adjunctive dental care as defined in this Directive. When authorized surgical treatment is performed by a dentist, other procedures, diagnostic tests, services, and supplies authorized or ordered by him may be paid to the same extent as if a physician or surgeon authorized or ordered them under this Directive.

4. A new sentence has been added to § 56.5–3 (d) (3). Subparagraph (3), as amended, reads as follows:

(3) *Other professional services.* The authorized payments for the treatment of bodily injuries when a patient is not hospitalized, including diagnostic and therapeutic tests and procedures authorized by the attending physician, are limited to treatment of fractures, dislocations, lacerations, and other wounds as prescribed in the local schedules of allowances. Treatment of fractures, dislocations, lacerations, and other wounds that are legitimately cared for by dentists, including related diagnostic and therapeutic tests and procedures authorized by the attending dentist, may also be paid for hereunder. (See § 56.5–6 (e).)

(Secs. 101–103, 201–204, 301–305, 70 Stat. 250–254; 37 U. S. C. 401–403, 411–414, 421–423, 404–405)

MAURICE W. ROCHE,
Administrative Secretary.

Approved: October 8, 1957.

F. B. BERRY,
Assistant Secretary of Defense,
(Health and Medical).

Approved: October 22, 1957.

M. B. FOLSOM,
Secretary of Health,
Education, and Welfare.

[F. R. Doc. 57–9027; Filed, Oct. 31, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 13]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.616 is amended to read:

§ 600.616 *Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).* From the Waverly, Va., radio range station to the Tappahannock, Va., radio range station.

2. Section 600.628 is amended to read:

§ 600.628 *Blue civil airway No. 28 (Columbia, S. C., to Bulls Gap, Tenn.).* From the Columbia, S. C., radio range station via the intersection of the west course of the Columbia, S. C., radio range and the southeast course of the Spartanburg, S. C., radio range; Spartanburg, S. C., radio range station to the intersection of the northwest course of the Spartanburg, S. C. radio range and the northeast course of the Knoxville, Tenn., radio range.

3. Section 600.658 is amended to read:

§ 600.658 *Blue civil airway No. 58 (Hyannis, Mass., to Squantum, Mass.).* From the Hyannis, Mass., nondirectional radio beacon via the intersection of a line bearing 346° True from the Hyannis, Mass., nondirectional radio beacon and the southeast course of the Squantum, Mass., radio range to the Squantum, Mass., radio range station.

4. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the portion which reads: "Miles City, Mont., omnirange station;" to read: "Miles City, Mont., omnirange station, including a north alternate;".

5. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Albuquerque, N. Mex., omnirange station, including a south alternate from the Zuni, N. Mex., omnirange station to the Albuquerque, N. Mex., omnirange station via the intersection of the Zuni omnirange 105° True and the Albuquerque omnirange 254° True radials; Otto N. Mex., omnirange station, including a south alternate; Anton Chico, N. Mex., omnirange station; to read: "Albuquerque, N. Mex., omnirange station, including a south alternate from the Zuni omnirange station to the Albuquerque omnirange station via the intersection of the Zuni omnirange 111° True and the Albuquerque omnirange 254° True radials; Otto, N. Mex., omnirange station; Anton Chico, N. Mex., omnirange station, including a south alternate from the Albuquerque omnirange station to the Anton Chico omnirange station via the intersection of the Albuquerque omnirange 103° True and the Anton Chico omnirange 249° True radials;" and by changing the portion which reads: "Wheeling, W. Va., omnirange station, including a south alternate via the point of intersection of the Wheeling omnirange 252° True radial with the Appleton omnirange direct radial to the Morgantown, W. Va., omnirange station;" to read: "Wheeling, W. Va., omnirange station;".

6. Section 600.6015 *VOR civil airway No. 15 (Galveston, Tex. to Minot, N. Dak.)* is amended by changing the portion which reads: "Ardmore, Okla., omnirange station, including a west alternate from the Dallas, Tex., omnirange station to the Ardmore, Okla., omnirange station via the intersection of the Dallas omnirange 324° True and the Ardmore omnirange 176° True radials; Tulsa, Okla., omnirange station, including an east alternate and also a west alternate via the point of intersection of the Oklahoma City, Okla., omnirange 107° True and the Tulsa omnirange 228° True radials; to the Chanute, Kans., omnirange station." to read: "Ardmore, Okla., omnirange station, including a west alternate from the Dallas, Tex., omnirange station to the Ardmore omnirange station via the intersection of the Dallas omnirange 324° True and the Ardmore omnirange 176° True radials; Okmulgee, Okla., omnirange station, including an east alternate and also a west alternate via the point of intersection of the Oklahoma City, Okla., omnirange 107° True and the Tulsa, Okla., omnirange 228° True radials; point of intersection of the Tulsa, Okla., omnirange 088° True and the Neosho omnirange 223° True radials; to the Neosho, Mo., omnirange station."

7. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing the portion which reads: "Billings, Mont., omnirange station;" to read: "Billings, Mont., omnirange station, including an east alternate;".

8. Section 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border)* is amended by changing the portion which reads: "Milford, Utah, omnirange station; Delta, Utah, omnirange station; Utah Lake, Utah, omnirange station;" to read: "Milford, Utah, omnirange station, including a west alternate; Delta, Utah, omnirange station, including a west alternate; Utah Lake, Utah, omnirange station, including a west alternate via the intersection of the Delta omnirange 004° True and the Utah Lake omnirange 219° True radials;" and by changing the portion which reads: "Cut Bank, Mont., omnirange station to the United States-Canadian Border via the Cut Bank omnirange 347° True radial." to read: "Cut Bank, Mont., omnirange station, including an east alternate; to the United States-Canadian Border via the Cut Bank omnirange 347° True radial."

9. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing the portion which reads: "Eugene, Oreg., omnirange station; Portland, Oreg., omnirange station, including a west alternate via the intersection of the Eugene omnirange 341° True and the Newburg omnirange 204° True radials, the Newburg, Oreg., omnirange station, and the intersection of the Newburg omnirange 020° True and the Portland omnirange 247° True radials;" to read: "Eugene, Oreg., omnirange station, including an east alternate; Portland, Oreg., omnirange station, including an east alternate and also a west alternate via the intersection of the Eugene omnirange 341° True and the Newburg omnirange 204° True radials, the Newburg, Oreg., omnirange station, and the intersection of the Newburg omnirange 020° True and the Portland omnirange 247° True radials;".

10. Section 600.6026 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio)* is amended by changing the portion which reads: "Philip, S. Dak., omnirange station, including a north alternate;" to read: "Philip, S. Dak., omnirange station, including a north alternate via the intersection of the Rapid City omnirange 049° True and the Philip omnirange 282° True radials;".

11. Section 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.)* is amended by changing the portion which reads: "Appleton, Ohio, omnirange station; Parkersburg, W. Va., omnirange station; to the Elkins, W. Va., omnirange station." to read: "Appleton, Ohio, omnirange station; Zanesville, Ohio, omnirange station; Parkersburg, W. Va., omnirange station; to the Elkins, W. Va., omnirange station."

12. Section 600.6045 is amended to read:

§ 600.6045 *VOR civil airway No. 45 (New Bern, N. C., to Saginaw, Mich.).* From the New Bern, N. C., omnirange station via the point of intersection of the New Bern omnirange 297° True and the Wilmington, N. C., omnirange 005° True radials; Raleigh, N. C., omnirange station; Greensboro, N. C., omnirange station, including an east alternate via the intersection of the Raleigh omnirange 309° True and the Greensboro omnirange 051° True radials and a west alternate via the intersection of the Raleigh omnirange 249° True and the Greensboro omnirange 122° True radials; Pulaski, Va., omnirange station; to the Charleston, W. Va., omnirange station. From the Lexington, Ky., omnirange station via the York, Ky., omnirange station; Appleton, Ohio, omnirange station; to the Waterville, Ohio, omnirange station. From the point of intersection of the Litchfield, Mich., omnirange 081° True and the Lansing omnirange 159° True radials; Lansing, Mich., omnirange station; to the Saginaw, Mich., omnirange station. The airspace above 5,500 feet above mean sea level of that portion of this airway which lies beneath, and conflicts with, the Cherry Point Restricted Area (R–125) is excluded daily from sunset to sunrise. The portions of this airway which overlap the Wilmington Restricted Area (R–109) are excluded.

13. Section 600.6063 *VOR civil airway No. 63 (Waco, Tex., to Milwaukee, Wis.)* is amended by changing the first portion to read: "From the Waco, Tex., omnirange station via the point of intersection of the Waco omnirange 036° True and the Dallas, Tex., omnirange 133° True radials; to the Sulphur Springs, Tex., omnirange station."

14. Section 600.6067 is amended to read:

§ 600.6067 *VOR civil airway No. 67 (Cedar Rapids, Iowa, to Rochester, Minn.).* From the Cedar Rapids, Iowa, omnirange station via the Waterloo, Iowa, omnirange station; Mason City, Iowa, omnirange station; to the Rochester, Minn., omnirange station, including a west alternate.

15. Section 600.6074 *VOR civil airway No. 74 (Hugo, Colo., to Little Rock, Ark.)* is amended by changing the portion which reads: "Fort Smith, Ark., omnirange station, including a north alternate from the Tulsa omnirange station to the Fort Smith omnirange station via the point of intersection of the Tulsa omnirange 088° True and the Neosho, Mo., omnirange 223° True radials;" to read: "Fort Smith, Ark., omnirange station, including a north alternate from the Tulsa omnirange station to the Fort Smith omnirange station via the point of intersection of the Tulsa omnirange 088° True and the Neosho, Mo., omnirange 223° True radials and also a south alternate from the Tulsa omnirange station to the Fort Smith omnirange station via the Okmulgee, Okla., omnirange station;".

16. Section 600.6094 is amended by changing the caption to read: *"VOR civil airway No. 94 (San Simon, Ariz., to Longview, Tex.)"* and by changing the portion which reads: "From the Newman, Tex., omnirange station via the intersection of the Newman omnirange 091° True and the Salt Flat omnirange 312° True radials;" to read: "From the San Simon, Ariz., omnirange station via the point of intersection of the San Simon omnirange 089° True and the El Paso, Tex., omnirange 293° True radials; point of intersection of the El Paso omnirange 293° True and the Newman omnirange 272° True radials; Newman, Tex., omnirange station; intersection of the Newman omnirange 091° True and the Salt Flat omnirange 312° True radials;" and by changing the last sentence to read: "The portions of this airway which overlap the White Sands Restricted Area (R–209) and the McGregor Restricted Area (R–211) are excluded."

17. Section 600.6107 *VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.)* is amended by changing the portion which reads: "From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 287° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station;" to read: "From the point of intersection of the Long Beach, Calif., omnirange 287° True and the Los Angeles, Calif., omnirange 149° True radials via the point of intersection of the Long Beach omnirange 287° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station;".

18. Section 600.6112 is amended to read:

§ 600.6112 *VOR civil airway No. 112 (Portland, Oreg., to Pendleton, Oreg.).* From the Portland, Oreg., omnirange station via The Dalles, Oreg., omnirange station, including a north alternate; intersection of the The Dalles omnirange 096° True and the Pendleton omnirange 254° True radials; to the Pendleton, Oreg., omnirange station.

19. Section 600.6114 *VOR civil airway No. 114 (Amarillo, Tex., to New Orleans, La.)* is amended by changing the portion which reads: "intersection of the Dallas omnirange 135° True and the Gregg County omnirange 273° True radials;" to read: "intersection of the Dallas omnirange 133° True and the Gregg County omnirange 273° True radials;".

20. Section 600.6120 is amended to read:

§ 600.6120 *VOR civil airway No. 120 (Ephrata, Wash., to Miles City, Mont.).* From the Ephrata, Wash., omnirange station via the intersection of the Ephrata omnirange 096° True and the Mullan Pass omnirange 260° True radials: Mullan Pass, Mont., omnirange station; Great Falls, Mont., omnirange station; Lewistown, Mont., omnirange station; to the Miles City, Mont., omnirange station.

21. Section 600.6128 is amended to read:

§ 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to Charleston, W. Va.).* From the point of intersection of the Joliet, Ill., omnirange 056° True and the Peotone omnirange 003° True radials via the Peotone, Ill., omnirange station; Lafayette, Ind., omnirange station; intersection of the Lafayette omnirange 122° True and the Cincinnati omnirange 318° True radials; Cincinnati, Ohio, omnirange station; York, Ky., omnirange station, including a south alternate via the intersection of the Cincinnati omnirange 120° True with the York omnirange direct radial to the Nobb, Ind., omnirange station; to the Charleston, W. Va., omnirange station.

22. Section 600.6131 is amended to read:

§ 600.6131 *VOR civil airway No. 131 (Tulsa, Okla., to Topeka, Kans.).* From the Tulsa, Okla., omnirange station to the Chanute, Kans., omnirange station. From the Emporia, Kans., omnirange station via the intersection of the Emporia omnirange 050° True and the Topeka omnirange 174° True radials; to the Topeka, Kans., omnirange station.

23. Section 600.6133 is amended to read:

§ 600.6133 *VOR civil airway No. 133 (Parkersburg, W. Va., to Traverse City, Mich.).* That airspace over United States

territory from the point of intersection of the Parkersburg omnirange 172° True with the Charleston, W. Va., omnirange direct radial to the Morgantown, W. Va., omnirange station via the Parkersburg, W. Va., omnirange station; Zanesville, Ohio, omnirange station; Tiverton, Ohio, omnirange station; Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 345° True and the Salem omnirange 140° True radials; Salem, Mich., omnirange station; Flint, Mich., Bishop Airport ILS outer marker; Saginaw, Mich., omnirange station; to the Traverse City, Mich., omnirange station. The portion of this airway which overlaps the Lacarne Restricted Area (R–149) is excluded.

24. Section 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.)* is amended by changing the portion which reads: "Appleton, Ohio, omnirange station; Morgantown, W. Va., omnirange station;" to read: "Appleton, Ohio, omnirange station; Zanesville, Ohio, omnirange station; Morgantown, W. Va., omnirange station;".

25. Section 600.6157 *VOR civil airway No. 157 (Miami, Fla., to Richmond, Va.)* is amended by changing the portion which reads: "From the Miami, Fla., omnirange station via the LaBelle, Fla., omnirange station; Lakeland, Fla., omnirange station; to the Gainesville, Fla., omnirange station." to read: "From the Miami, Fla., omnirange station via the LaBelle, Fla., omnirange station; Lakeland, Fla., omnirange station; to the Gainesville, Fla., omnirange station. From the Allendale, S. C., omnirange station via the intersection of the Allendale omnirange 060° True and the Florence omnirange 216° True radials; to the Florence, S. C., omnirange station."

26. Section 600.6161 *VOR civil airway No. 161 (Fort Worth, Tex., to Alexandria, Minn.)* is amended by changing the portion which reads: "Ardmore, Okla., omnirange station; Tulsa, Okla., omnirange station;" to read: "Ardmore, Okla., omnirange station; Okmulgee, Okla., omnirange station; Tulsa, Okla., omnirange station;".

27. Section 600.6182 is amended to read:

§ 600.6182 *VOR civil airway No. 182 (Portland, Oreg., to Chadron, Nebr.).* From the Portland, Oreg., omnirange station via the The Dalles, Oreg., omnirange station, including a north alternate; to the Baker, Oreg., omnirange station. From the Douglas, Wyo., omnirange station to the Chadron, Nebr., omnirange station.

28. Section 600.6187 is added to read:

§ 600.6187 *VOR civil airway No. 187 (Grand Junction, Colo., to Rock Springs, Wyo.).* From the Grand Junction, Colo., omnirange station to the Rock Springs, Wyo., omnirange station.

29. Section 600.6193 is amended to read:

§ 600.6193 *VOR civil airway No. 193 (Keeler, Mich., to Sault Ste. Marie, Mich.).* From the Keeler, Mich., omnirange station via the Pullman, Mich., omnirange station; Grand Rapids, Mich., Kent County Airport, ILS outer marker; White Cloud, Mich., omnirange station; Traverse City, Mich., omnirange station; Pellston, Mich., non-directional radio beacon.

30. Section 600.6210 *VOR civil airway No. 210 (Los Angeles, Calif., to Wheeling, W. Va.)* is amended by changing the portion which reads: "Daggett, Calif., omnirange station; Valle, Ariz., omnirange station;" to read: "Daggett, Calif., omnirange station; Goffs, Calif., omnirange station; Valle, Ariz., omnirange station;".

31. Section 600.6213 is amended to read:

§ 600.6213 *VOR civil airway No. 213 (Rocky Mount, N. C., to Tappahannock, Va.).* From the Rocky Mount, N. C., omnirange station via the Hopewell, Va., omnirange station; to the point of intersection of the Hopewell omnirange 019° True radial with the Brooke, Va., omnirange direct radial to the Cape Charles, Va., omnirange station.

32. Section 600.6214 is added to read:

§ 600.6214 *VOR civil airway No. 214 (Columbus, Ohio, to Wheeling, W. Va.).* From the Columbus, Ohio, Port Columbus Airport ILS localizer via the Zanesville, Ohio, omnirange station; point of intersection of the Parkersburg, W. Va., omnirange 006° True and the Wheeling omnirange 252° True radials; to the Wheeling, W. Va., omnirange station.

33. Section 600.6216 is amended to read:

§ 600.6216 *VOR civil airway No. 216 (Janesville, Wis., to Saginaw, Mich.).* From the Janesville, Wis., omnirange station via the Muskegon, Mich., omnirange station; to the Saginaw, Mich., omnirange station.

34. Section 600.6274 is added to read:

§ 600.6274 *VOR civil airway No. 274 (Grand Rapids, Mich., to Saginaw, Mich.).* From the Grand Rapids, Mich., Kent County Airport ILS outer marker to the Saginaw, Mich., omnirange station.

35. Section 600.6280 *VOR civil airway No. 280 (El Paso, Tex., to Roswell, N. Mex.)* is amended by adding a new last sentence to read: "The portion of this airway which overlaps the McGregor Restricted Area (R–211) is excluded."

36. Section 600.6281 is added to read:

§ 600.6281 *VOR civil airway No. 281 (Redmond, Oreg., to Spokane, Wash.).* From the Redmond, Oreg., omnirange station via the Pendleton, Oreg., omnirange station; to the Spokane, Wash., omnirange station.

37. Section 600.6283 is added to read:

§ 600.6283 *VOR civil airway No. 283 (Redmond, Oreg., to Portland, Oreg.).* From the Redmond, Oreg., omnirange station via the intersection of the Redmond omnirange 288° True and the Portland omnirange 166° True radials; to the Portland, Oreg., omnirange station.

38. Section 600.6285 is added to read:

§ 600.6285 *VOR civil airway No. 285 (Myton, Utah, to Rawlins, Wyo.).* From the Myton, Utah, omnirange station to the Rawlins-Cherokee, Wyo., omnirange station.

39. Section 600.6286 is added to read:

§ 600.6286 *VOR civil airway No. 286.* [Unassigned.]

40. Section 600.6287 is added to read:

§ 600.6287 *VOR civil airway No. 287 (North Bend, Oreg., to Newberg, Oreg.).* From the North Bend, Oreg., omnirange station to the Newberg, Oreg., omnirange station.

41. Section 600.6606 *VOR civil airway No. 1506 (San Francisco, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Appleton, Ohio, omnirange station; Morgantown, W. Va., omnirange station;" to read: "Appleton, Ohio, omnirange station; Zanesville, Ohio, omnirange station; Morgantown, W. Va., omnirange station;".

42. Section 600.6612 *VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Daggett, Calif., omnirange station; Valle, Ariz., omnirange station;" to read: "Daggett, Calif., omnirange station; Goffs, Calif., omnirange station; Valle, Ariz., omnirange station;" and by changing the portion which reads: "to the Johnstown, Pa., omnirange station. From the Selinsgrove, Pa., omnirange station via the point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa., omnirange 211° True radials;" to read: "Johnstown, Pa., omnirange station; point of intersection of the Tower City, Pa., omnirange 279° True radial with the Philipsburg, Pa., omnirange direct radial to the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa., omnirange 211° True radials;".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., November 21, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

OCTOBER 24, 1957.

[F. R. Doc. 57-9070; Filed, Oct. 31, 1957; 8:52 a. m.]

[Amdt. 16]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. In F. R. Doc. 17–7101, appearing at page 6991 of the issue for Friday, August 30, 1957, "§ 601.2019" under item 20 should read "§ 601.2017" wherever it appears.

2. Section 601.628 is amended to read:

§ 601.628 *Blue civil airway No. 28 control areas (Columbia, S. C., to Bulls Gap, Tenn.).* All of Blue civil airway No. 28.

3. Section 601.658 is amended to read:

§ 601.658 *Blue civil airway No. 58 control areas (Hyannis, Mass., to Squantum, Mass.).* All of Blue civil airway No. 58.

4. Section 601.1106 is amended to read:

§ 601.1106 *Control area extension (Whidbey Island, Wash.).* All of the airspace bounded on the east by Green civil airway No. 10, on the south by Red civil airway No. 79, on the west by Amber civil airway No. 1 and on the north by a line drawn from a point at latitude 48°42′48″, longitude 123°11′57″ through a point at latitude 48°50′27″, longitude 122°44′33″, excluding the airspace below 20,000 feet MSL which overlaps restricted areas R–231, R–232, R–233, R–234 and R–235.

5. Section 601.1121 *Control area extension (White Plains, N. Y.)* is amended by changing the name "New Hackensack, N. Y., radio range." to read: "Poughkeepsie, N. Y., radio range."

6. Section 601.1139 is amended to read:

§ 601.1139 *Control area extension (Fort Rucker, Ala.).* Within a 35-mile radius of a point at latitude 31°14′55″, longitude 85°46′20″, Fort Rucker, Ala., excluding the portion which overlaps restricted area R–156, and excluding the portion above 19,000 feet MSL between sunset and sunrise which lies beneath and which conflicts with restricted area R–336.

7. Section 601.1143 *Control area extension (Nantucket, Mass.)* is amended by changing the words: "Nantucket, Mass., nondirectional radio beacon" to read: "Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″)" wherever they appear.

8. Section 601.1144 *Control area extension (Nantucket, Mass.)* is amended by changing the words: "Nantucket, Mass., nondirectional radio beacon" to read: "Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″)" wherever they appear.

9. Section 601.1145 *Control area extension (Nantucket, Mass.)* is amended by changing the words: "Nantucket, Mass., nondirectional radio beacon" to read: "Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″)" wherever they appear.

10. Section 601.1146 *Control area extension (New York, N. Y.)* is amended by changing the words: "Nantucket, Mass., nondirectional radio beacon" to read: "Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″)" wherever they appear.

11. Section 601.1169 *Control area extension (Idlewild, N. Y.)* is amended by changing the words: "Nantucket, Mass., nondirectional radio beacon" to read: "Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″)."

12. Section 601.1171 *Control area extension (El Paso, Tex.)* is amended by changing the words which read: "extending from the radio range station to a point 10 miles north of the Newman nondirectional radio beacon," to read: "extending from the radio range station to a point 11 miles north of the Newman, Tex., omnirange station,".

13. Section 601.1174 *Control area extension (Santa Ana, Calif.)* is revoked.

14. Section 601.1200 *Control area extension (Columbia, S. C.)* is amended by changing the words which read: "Blue civil airway No. 28," to read: "VOR civil airway No. 53," wherever they appear.

15. Section 601.1296 is amended to read:

§ 601.1296 *Control area extension (Nantucket, Mass.).* That airspace within 5 miles either side of a direct line extending from the Nantucket Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″) to the Martha's Vineyard, Mass., nondirectional radio beacon.

16. Section 601.1375 *Control area extension (Manchester, N. H.)* is amended by deleting the following phrase: "excluding the portion which overlaps Restricted Area (R–48).

17. Section 601.1410 is amended to read:

§ 601.1410 *Control area extension (Portsmouth, N. H.).* The airspace within a 10-mile radius of Pease Air Force Base, Portsmouth, N. H.

18. Section 601.2008 is amended to read:

§ 601.2008 *Concord, N. H., control zone.* Within a 5-mile radius of Concord Municipal Airport, within 2 miles either side of the southeast course of the Concord radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 284° True radial of the Concord omnirange extending from the omnirange station to a point 10 miles west.

19. Section 601.2090 *Columbus, Ohio, control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the extended centerline of Lockbourne AFB Runway 23 extending to a point 6½ miles northeast of the end of the runway."

20. Section 601.2122 is amended to read:

§ 601.2122 *Detroit, Mich., control zone.* Within a 5-mile radius of the Metropolitan Wayne County Airport, within a 12-mile radius of the Willow Run Airport, within 2 miles either side of the front and back courses of the Willow Run ILS localizer extending from a point 12 miles southwest of the Willow Run outer marker to a point 12 miles northeast of the Ford nondirectional radio beacon, and within 2 miles either side of the front and back courses of the Wayne County ILS localizer extending from a point 12 miles southwest of the Wayne County ILS outer marker to a point 15½ miles northeast of the Wayne County ILS localizer. The pie-shaped area bounded on the north by a line 2 miles south of and parallel to the 282° True radial of the Willow Run TVOR and bounded on the south by a line 2 miles north of and parallel to the 252° True radial of the Willow Run TVOR is excluded.

21. Section 601.2149 *Jacksonville, Fla., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of a line bearing 51° True extending from the Mayport NAAS nondirectional radio beacon to a point 10 miles northeast."

22. Section 601.2180 *Oakland, Calif., control zone* is amended by changing the name "Oakland Municipal Airport," to read: "Metropolitan Oakland International Airport,".

23. Section 601.2271 *Saginaw, Mich., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 35°, 107°, 147°, 235°, 257°, and 310° True radials of the Saginaw omnirange extending from the omnirange station to points 12 miles northeast, east, southeast, southwest, west and northwest of the omnirange station."

24. Section 601.2284 is amended to read:

§ 601.2284 *Traverse City, Mich., control zone.* Within a 5-mile radius of Traverse City Municipal Airport, within 2 miles either side of the southeast course of the Traverse City radio range extending from the radio range station to a point 12 miles southeast, and within 2 miles either side of the 348°/168° True radials of the Traverse City omnirange extending from the airport to a point 12 miles south of the omnirange station.

25. Section 601.2368 is amended to read:

§ 601.2368 *Sault Ste. Marie, Mich., control zone.* That airspace over United States territory within a 5-mile radius of the Sault Ste. Marie Airport, within 2 miles either side of the southeast ccurse of the radio range extending to a point 12 miles southeast of the radio range station.

26. Section 601.2375 is amended to read:

§ 601.2375 *Islip, N. Y., control zone.* Within a 5-mile radius of MacArthur Airport and within 2 miles either side

of the Islip ILS localizer front course extending from the localizer to its intersection with the southeast course of the Mitchel AFB radio range.

27. Section 601.2389 *Portsmouth, N. H., control zone* is amended by changing the name "Portsmouth Air Force Base" to read: "Pease Air Force Base, Portsmouth, N. H.,".

28. Section 601.2403 *Fort Rucker, Ala., control zone* is amended by changing the words which read: "and within 2 miles either side of the southwest course of the Ozark AAF radio range extending from the airfield to a point 10 miles southwest of the radio range station," to read: "and within 2 miles either side of the extended centerline of Ozark AAF Runway 6/24 extending to a point 15 miles southwest of the end of the runway.".

29. Section 601.2417 is added to read:

§ 601.2417 *Atlanta, Ga., control zone.* Within a 3-mile radius of the Atlanta Army General Depot (latitude 33° 37'39", longitude 84°20'04"), excluding the portion which overlaps the Atlanta Municipal Airport control zone.

30. Section 601.4628 is amended by changing the caption to read: *"Blue civil airway No. 28 (Columbia, S. C., to Bulls Gap, Tenn.)".*

31. Section 601.4658 is amended by changing the caption to read: *"Blue civil airway No. 58 (Hyannis, Mass., to Squantum, Mass.)".*

32. Section 601.5001 *Other reporting points* is amended by changing the following reporting points to read:

Cod Intersection: The intersection of a Great Circle course between the Nantucket, Mass., Consolan station (monitor site) and the Azores Santa Maria nondirectional radio beacon and the western boundary of the New York Oceanic Control Area at latitude 41°29'00" N., longitude 68°00'00" W.

East Nantucket Intersection: The intersection of a line bearing 82° True from the Nantucket, Mass., Consolan station (monitor site) and the southeast course of the Squantum, Mass., (Navy), radio range.

Haddock Intersection: The intersection of a rhumb line between the Nantucket, Mass., Consolan station (monitor site) and the Kindley AFB Bermuda nondirectional radio beacon and the western boundary of the New York Oceanic Control Area at latitude 39°50'00" N, longitude 69°14'30" W.

33. Section 601.6021 is amended to read:

§ 601.6021 *VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border.).* All of VOR civil airway No. 21 including east alternates and a west alternate.

34. Section 601.6045 is amended to read:

§ 601.6045 *VOR civil airway No. 45 control areas (New Bern, N. C., to Saginaw, Mich.).* All of VOR civil airway No. 45.

35. Section 601.6067 is amended to read:

§ 601.6067 *VOR civil airway No. 67 control areas (Cedar Rapids, Iowa, to Rochester, Minn.).* All of VOR civil airway No. 67, including a west alternate.

36. Section 601.6074 is amended to read:

§ 601.6074 *VOR civil airway No. 74 control areas (Hugo, Colo., to Little Rock, Ark.).* All of VOR civil airway No. 74, including a north and a south alternate.

37. Section 601.6094 is amended to read:

§ 601.6094 *VOR civil airway No. 94 control areas (San Simon, Ariz., to Longview, Tex.).* All of VOR civil airway No. 94.

38. Section 601.6112 is amended to read:

§ 601.6112 *VOR civil airway No. 112 control areas (Portland, Oreg., to Pendleton, Oreg.).* All of VOR civil airway No. 112 including a north alternate.

39. Section 601.6120 is amended to read:

§ 601.6120 *VOR civil airway No. 120 control areas (Ephrata, Wash., to Miles City, Mont.).* All of VOR civil airway No. 120.

40. Section 601.6128 is amended to read:

§ 601.6128 *VOR civil airway No. 128 control areas (Chicago, Ill., to Charleston, W. Va.).* All of VOR civil airway No. 128 including a south alternate.

41. Section 601.6131 is amended to read:

§ 601.6131 *VOR civil airway No. 131 control areas (Tulsa, Okla., to Topeka, Kans.).* All of VOR civil airway No. 131.

42. Section 601.6133 is amended to read:

§ 601.6133 *VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Traverse City, Mich.).* All of VOR civil airway No. 133.

43. Section 601.6182 is amended to read:

§ 601.6182 *VOR civil airway No. 182 control areas (Portland, Oreg., to Baker, Oreg.).* All of VOR civil airway No. 182 including a north alternate.

44. Section 601.6187 is added to read:

§ 601.6187 *VOR civil airway No. 187 control areas (Grand Junction, Colo., to Rock Springs, Wyo.).* All of VOR civil airway No. 187.

45. Section 601.6193 is amended to read:

§ 601.6193 *VOR civil airway No. 193 control areas (Keeler, Mich., to Sault Ste. Marie, Mich.).* All of VOR civil airway No. 193.

46. Section 601.6214 is added to read:

§ 601.6214 *VOR civil airway No. 214 control areas (Columbus, Ohio, to Wheeling, W. Va.).* All of VOR civil airway No. 214.

47. Section 601.6274 is added to read:

§ 601.6274 *VOR civil airway No. 274 control areas (Grand Rapids, Mich., to Saginaw, Mich.).* All of VOR civil airway No. 274.

48. Section 601.6281 is added to read:

§ 601.6281 *VOR civil airway No. 281 control areas (Redmond, Oreg., to Spokane, Wash.).* All of VOR civil airway No. 281.

49. Section 601.6283 is added to read:

§ 601.6283 *VOR civil airway No. 283 control areas (Redmond, Oreg., to Portland, Oreg.).* All of VOR civil airway No. 283.

50. Section 601.6285 is added to read:

§ 601.6285 *VOR civil airway No. 285 control areas (Myton, Utah, to Rawlins, Wyo.).* All of VOR civil airway No. 285.

51. Section 601.6286 is added to read:

§ 601.6286 *VOR civil airway No. 286 control areas.* [Unassigned.]

52. Section 601.6287 is added to read:

§ 601.6287 *VOR civil airway No. 287 control areas (North Bend, Oreg., to Newberg, Oreg.).* All of VOR civil airway No. 287.

53. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Saginaw, Mich., omnirange station.
Traverse City, Mich., omnirange station.

by changing the following reporting points to read:

Leslie Intersection: The intersection of the Salem, Mich., omnirange 272° True and the Lansing, Mich., omnirange 159° True radials.

Roscoe Intersection: The intersection of the Appleton, Ohio, omnirange 085° True radial with the Zanesville, Ohio, omnirange direct radial to the Tiverton, Ohio, omnirange station.

Union Pass Intersection: The intersection of the Goffs, Calif., omnirange 078° True and the Needles, Calif., omnirange 004° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., November 21, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

OCTOBER 24, 1957.

[F. R. Doc. 57-9071; Filed, Oct. 31, 1957; 8:53 a. m.]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

REVISION OF PART

Correction

In Federal Register Document 57-5296, published in Part II of the issue dated July 12, 1957, the identification of the second procedure on page 5217 should be as follows: "City and State: Baltimore, Md.; Airport Name & Elev.: Friendship Intl. 146'; Fac. Class & Ident.; SBMRLZ BAL; Procedure No. & Eff. Date: 1, Amdt 1 15 May 54; Sup. Amdt. No. Dated: Orig 10 Apr 53".

[Amdt. 41]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ambrose Int	Asbury Park FM (final)	Direct	1100	T-dn	300–1		
				C-dn	600–2		
				A-dn	1000–2		

Procedure turn *E side NE crs, 062 Outbnd, 242 Inbnd, 1500' within 10 mi. NE of Asbury Park FM.
*Procedure turn conducted to the E to avoid traffic on Red 3.
Minimum altitude over facility on final approach crs, 1100' (over Asbury Park FM).
Crs and distance, facility to airport, 258—4.4 (from Asbury Park FM).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi after passing Asbury Park FM, turn left, climb to 1500' on NE (outbnd) crs.

City, Belmar; State, N. J.; Airport Name, Monmouth County; Elev., 180'; Fac. Class, SBMRLZ; Ident., NEL; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 Nov. 57

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Sill Int	LAW-VOR	Direct	2400	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Teardrop procedure turn, 140 Outbnd, 347 Inbnd, 2200' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 347—4.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, turn left and climb to 2200' on R 186 within 20 miles.
NOTE: Communications and weather service not available to general public. Voice on VOR controlled by Army Tower Post Field.
AIR CARRIER NOTE: Procedure authorized only for carriers having approval of communications and weather service at this airport.

City, Lawton; State, Okla.; Airport Name, Municipal; Elev., 1108'; Fac. Class, VOR; Ident., LAW; Procedure No. 1, Amdt. 3; Eff. Date, 23 Nov. 57; Sup. Amdt. No. 2; Dated, 10 Dec. 54

Nashville LFR	BNA-VOR	Direct	1700	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-33	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 121 Outbnd, 301 Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 301—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 3000' on R-330 within 20 miles.
CAUTION: High tension line 137' above field elevation between the VOR station and the airport.
AIR CARRIER NOTE: Takeoff with less than 200-½ NA on Rnwy 15.

City, Nashville; State, Tenn.; Airport Name, Berry Field; Elev., 606'; Fac. Class, BVOR; Ident., BNA; Procedure No. 1, Amdt. 6; Eff. Date, 23 Nov. 57; Sup. Amdt. No. 5; Dated, 19 May 54

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int YNG R-235 and 099 brng	Hubbard MH	Direct	2600	T-dn	300–1	300–1	200–½
Int E ers YNG LFR or YNG R-105 and 229 brng to Hubbard MH.	Hubbard MH	Direct	2600	C-dn	400–1	500–1	500–1½
				S-dn-32:			
Columbia Int	Hubbard MH	Direct	3000	ILS	200–½	200–½	200–½
Palestine Int	Hubbard MH	Direct	3000	ADF	400–1	400–1	400–1
Canfield Int	Hubbard MH	Direct	3000	A-dn:			
Youngstown VOR	Hubbard MH	Direct	2600	ILS	600–2	600–2	600–2
Youngstown LFR	Hubbard MH	Direct	2600	ADF	800–2	800–2	800–2
Hubbard MH ILS	LOM (Final)	Direct	2600				
Hubbard MH ADF	LOM (Final)	Direct	2100				

Procedure turn N side SE ers, 139 Outbnd, 319 Inbnd, 2600′ within 10 mi of Hubbard MH.
Minimum altitude at G. S. int inbnd, 2600′ ILS, minimum altitude over LOM inbnd final 2100′ ADF, over Hubbard MH inbnd final 2600′ ADF.
Altitude of G. S. and distance to approach end of rnwy at OM 2630—4.7; at MM 1385—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi after passing LOM (ADF) climb to 2500′ on NW crs ILS or on crs 319° from LOM, make right turn and proceed to Youngstown LFR.

City, Youngstown; State, Ohio; Airport Name, Youngstown; Elev., 1196′; Fac. Class, ILS-YNG, MH-HBD; Ident., LOM-YN; Procedure No. ILS-32, Comb. ILS-ADF; Amdt. 5; Eff. Date, 23 Nov. 57; Sup. Amdt. No. 4; Dated, 4 Aug. 56

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
230	343	Within 20 mi	1600	Precision Approach			
				T-d-All	300–1	300–1	300–1
				T-n 6-24	300–1	300–1	300–1
				C-d-All	400–1	500–1	500–1½
				C-n 6-24	400–1	500–1	500–1½
				S-dn-6	300–¾	300–¾	300–¾
				Surveillance Approach			
				T-d-All	300–1	300–1	300–1
				T-n 6-24	300–1	300–1	300–1
				C-d-All	400–1	500–1	500–1½
				C-n 6-24	400–1	500–1	500–1½
				S-dn-6	400–1	400–1	400–1
				A-d-All	1500–3	1500–3	1500–3
				A-n 6-24	1500–3	1500–3	1500–3

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished to Runway 6, turn left and climb to 1600′ on R-282 of OZR TVOR or proceed to Enterprise MHW or, when directed by ATC, climb to 2000′ on R-330 of OZR TVOR within 20 miles.

City, Ft. Rucker; State, Ala.; Airport Name, Ozark AAF; Elev., 305′; Fac. Class, Ozark AAF; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 23 Nov. 57; Sup Amdt. No. Orig.; Dated, 2 Nov. 57

These procedures shall become effective on the dates indicated on the proce dures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

OCTOBER 18, 1957.

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-8736; Filed, Oct. 31, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 57-45]

Subchapter C—Uninspected Vessels

PART 25—REQUIREMENTS

Subchapter I—Cargo and Miscellaneous Vessels

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

ALL AROUND WHITE LIGHT AFT OR TWELVE-POINT STERN LIGHT CARRIED ON MOTORBOATS; INTERPRETATION

The Coast Guard has received many inquiries from the motorboating public and the small boat industry concerning the location, with reference to the centerline of the boat, of the all around white light aft or the white, 12-point stern light required to be carried at nighttime by motorboats. The Coast Guard has reviewed the subject and has held discussions with representatives of various boating groups, and finds that clarification and interpretation of the applicable laws, rules, and regulations on this point are necessary.

The rules and regulations governing navigation lights for small craft are to be found in the International Rules, the Inland Rules, the Western Rivers Rules, and the Great Lakes Rules, which are further supplemented by regulatory Pilot Rules. However, these rules are modified by certain provisions in the Act of April 25, 1940, as amended (46 U. S. C. 526a–526d), and certain regulatory rules incorporated in Parts 25 and 96 of Title 46 of the Code of Federal Regulations. Section 3 of the act of April 25, 1940, as amended (46 U. S. C. 526b), requires every motorboat in all weathers from sunset to sunrise shall carry and exhibit the lights specified in this act for such motorboat or the lights required by the International Rules. The International Rules require in the forward part of the boat where it can best be seen a 20-point white light arranged to show from right ahead to 2 points abaft the beam on each side and at the stern and as nearly as practicable at the same level as the side lights a 12-point white light arranged to show 6 points from right aft on each side of the boat. Section 3 of the act of April 25, 1940, as amended, requires motorboats of classes A and 1 to have a bright white light aft to show all around the horizon, and for motorboats of classes 2 and 3 to have a white 20-point light forward, as near the stem as practicable arranged to show from right ahead to 2 points abaft the beam on each side, and a bright white light aft to show all around the horizon higher than the white light forward. The purpose for navigation lights is twofold: first, means of identification, and secondly, when the lights form a range the other vessel may determine courses and prevent collisions.

It is readily apparent that on 6 points from right aft on each side of the boat only a white light can be seen on any motorboat, and is construed as being primarily for identification. However, on the all around white light aft, when used, the 20 points forward of the 12-point stern sector serve an additional purpose on certain classes of motorboats. Each of the Pilot Rules referred to in the preceding paragraph are clear on the point that where two lights are required from right ahead to 2 points abaft the beam on either side their purpose is to form a range over the keel or centerline of the vessel. It is construed that where for reasons of size a vessel is required to carry only one white light it is not intended to form a range with any other light and is primarily for purposes of identification. In view of the wording of the various Pilot Rules, it is construed that white lights on motorboats should be placed on the centerline, whether they serve as identification only or as a range. However, it is recognized that on certain small motorboats, difficulty may be experienced in locating an after light on the centerline, as indicated in the recommended practices for the location of lights promulgated by the American Boat and Yacht Council, Inc. Accordingly, it is construed further that, on motorboats of classes A and 1, as an after white light serves primarily for the purpose of identification, and in view of the small size of the boats involved, the after white light may be carried off the centerline.

Because the amendments in this document are interpretations, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulatory interpretations are prescribed and shall be in effect on and after the date of publication of this document in the FEDERAL REGISTER:

SUBPART 25.05—NAVIGATION LIGHTS AND SHAPES

1. Section 25.05–5 is amended by adding a new paragraph (b), reading as follows:

§ 25.05–5 *Motorboats operating on the high seas.* • • •

(b) Interpretative ruling: The 12-point white stern light shall be carried on the centerline of every motorboat of class A, 1, 2, or 3, except that on a motorboat of class A or 1 this light may be carried off the centerline.

2. Section 25.05–10 is amended by adding a new paragraph (g), reading as follows:

§ 25.05–10 *Motorboats operating on the navigable waters of the United States.* • • •

(g) Interpretative ruling: Every white light prescribed by this section shall be carried on the centerline of the motorboat, except that the all around white light aft on a motorboat of class A or 1 may be carried off the centerline.

(R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p)

SUBPART 96.17—NAVIGATION LIGHTS AND SHAPES

1. Section 96.17–5 is amended by adding a new paragraph (b), reading as follows:

§ 96.17–5 *Motorboats operating on the high seas.* • • •

(b) Interpretative ruling: The 12-point white stern light shall be carried on the centerline of every motorboat of class A, 1, 2, or 3, except that on a motorboat of class A or 1 this light may be carried off the centerline.

2. Section 96.17–10 is amended by adding a new paragraph (g), reading as follows:

§ 96.17–10 *Motorboats operating on the navigable waters of the United States.* • • •

(g) Interpretative ruling: Every white light prescribed by this section shall be carried on the centerline of the motorboat, except that the all around white light aft on a motorboat of class A or 1 may be carried off the centerline.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 367, 526p, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: October 22, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57-9033; Filed, Oct. 31, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 30]

TOBACCO STOCKS AND STANDARDS

REPORTS

Notice is hereby given that the Department of Agriculture is considering the issuance of an amendment to the regulations pertaining to tobacco stocks and standards (7 CFR Part 30) issued pursuant to the Tobacco Stocks and Standards Act (45 Stat. 1079 et seq.), as amended, (7 U. S. C. 502 et seq.).

It is contemplated that the proposed amendment will result in changes in both section 1 and section 2 of the reporting form now in use, Form TB–26, with respect to the quality grouping for Types 11 through 37 and in the reporting for tobacco converted into tobacco sheet. The proposal for section 1 of the form

would discontinue the reporting of stocks of Types 11 through 37 by quality groupings. No change is proposed for Form TB–6 which is used to report all stocks of Type 46 tobacco held on the Island of Puerto Rico. Tentative revised Form TB–26 may be obtained from the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. All persons who desire to submit written data, views or arguments in connection with the amendment should file same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2619, South Building, Washington 25, D. C., not later than fifteen (15) days after publication hereof in the FEDERAL REGISTER. The proposed amendment is as follows:

1. Add a new § 30.60 to read as follows:

§ 30.60 *Reports.* Within fifteen (15) days after January 1, April 1, July 1, and October 1 of each year, all manufacturers, dealers, grower cooperative associations, owners or agents, other than the original grower of the tobacco and manufacturers who produced less than 185,000 cigars, or 750,000 cigarettes or 35,000 pounds of manufactured tobacco during the first three quarters of the preceding calendar year, shall complete and file with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., in the detail required on forms available from him, reports showing the following information as to tobacco in leaf and sheet form:

(1) *Tobacco in leaf form.* The pounds of tobacco in leaf form owned on the first day of the applicable quarter, with all stocks reported by types of tobacco and whether stemmed or unstemmed, and an additional separation to broad quality grouping for cigar leaf; and

(2) *Tobacco sheet.* (a) If acquired through purchase as sheet tobacco, the pounds of such sheet tobacco owned on the first day of the applicable quarter, segregated as to whether for cigar binder or cigarettes, and the name of the firm or firms which produced such sheet tobacco; and

(b) If produced by the reporting firm, either directly or indirectly, (1) the pounds of leaf tobacco included in and represented by all stocks of tobacco sheet owned on the first day of the applicable quarter, segregated by the classification and type of tobacco included in and represented by such tobacco sheet and further segregated as to whether for cigar binder or for cigarettes; and (2) the total pounds of leaf tobacco owned by reporting firm converted to tobacco sheet during the preceding quarter.

(45 Stat. 1079, as amended; 7 U. S. C. 502)

Done at Washington, D. C., this 29th day of October 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57–9079; Filed, Oct. 31, 1957; 8:54 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR RESIDUES OF CAPTAN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by California Spray-Chemical Corporation and Stauffer Chemical Company, both of Richmond, California, proposing the establishment of tolerances for residues of captan in or on raw agricultural commodities as follows:

40 parts per million from postharvest application on apples, apricots, avicados, cantaloup, cherries, citrus citron, crabapples, cucumbers, eggplants, figs, garlic, grapefruit, grapes, Jerusalem artichokes, kumquats, leeks, lemons, limes, mangoes, honeydew melons, muskmelons, nectarines, onions, oranges, papayas, peaches, pears, peppers, persimmons, pimentos, pineapple, plums (fresh prunes), potatoes, pumpkins, quinces, shallots, summer squash, sweetpotatoes, tangelos, tangerines, tomatoes, watermelon, winter squash, yams;

and proposing an exemption from the requirement of tolerances for residues of captan from preharvest application in or on raw agricultural commodities as follows:

Almond hulls, almonds, apples, apricots, avocados, beans (dry and succulent form), beets (garden), beet tops, sugar beets, blackberries, blueberries, boysenberries, Brazil nuts, broccoli, brussels sprouts, bush nuts, butternuts, cabbage, cantaloup, carrots, cauliflower, celery, cherries, chestnuts, Chinese cabbage, citrus citron, collards, cottonseed, crabapples, cranberries, cucumbers, currants, dandelion, dewberries, eggplants, endive (escarole), fennel, figs, filberts, garlic, gooseberries, grapefruit, grapes, hazelnuts, hickory nuts, hops, horseradish, huckleberries, Jerusalem artichoke, kale, kohlrabi, kumquats, leeks, lemons, lettuce, limes, loganberries, mangoes, honeydew melons, muskmelons, mustard greens, nectarines, onions (green or dry bulb form), oranges, papayas, parsley, parsnips, peaches, pears, peas (dry and succulent form), pecans, peppers, persimmons, pimentos, pineapples, plums (fresh prunes), popcorn (grain form), potatoes, pumpkins, quinces, radishes, raspberries, romaine, rutabagas, salsify roots, salsify tops, shallots, soybeans (dry and succulent form), spinach, strawberries, summer squash, sweet corn (grain form), sweetpotatoes, Swiss chard, tangelos, tangerines, tomatoes, turnip tops, turnips, walnuts, watercress, watermelon, winter squash, yams.

The analytical method proposed in the petition for determining residues of captan is a modification of that published in Analytical Chemistry, Volume 24, page 1173 (1952).

Dated: October 25, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 57–9069; Filed, Oct. 31, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 57–46]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT OR INSTALLATIONS AND MATERIALS

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The precedures governing the granting of approvals and termination of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), 167–20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), and R. S. 4405, as amended, 4462, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U. S. C. 405, 416, 489, 367, 526p, 1333, 390b), and section 3 (c) of the act of August 9, 1954 (50 U. S. C. 198), and implementing regulations in 46 CFR Chapter I, *It is ordered,* That:

a. All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. All the approvals listed in Part II of this document are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in Part II of this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 2, 3, 5, AND 6

Approval No. 160.002/61/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C.

Approval No. 160.002/62/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C.

Approval No. 160.002/63/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The Peoples Co., 712 Buffington Street, Huntington 2, W. Va.

Approval No. 160.002/64/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The Peoples Co., 712 Buffington Street, Huntington 2, W. Va.

Approval No. 160.002/65/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va.

Approval No. 160.002/66/0, Model 5, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/22/1, Type WUG–N1 Universal Gas Mask, Bureau of Mines Approval No. 1443, Willson Catalog No. 49, P. 50, manufactured by Willson Products Division Ray-O-Vac Co., Reading, Pa. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 160.011/23/1, Type WUG–N2 Universal Gas Mask, Bureau of Mines Approval No. 1445, Willson Catalog No. 49, P. 50, manufactured by Willson Products Division Ray-O-Vac Co., Reading, Pa. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

WINCHES, LIFEBOAT

Approval No. 160.015/44/2, Type H lifeboat winch for use with mechanical davits fitted with wire rope not more than ½ inch in diameter and with not more than 7 wraps of the falls on the drums, approved for maximum working load of 6,600 pounds pull at the drums (3,300 pounds per fall), identified by left hand assembly dwg. No. L–22321–E–1 dated April 19, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.015/44/1 published in FEDERAL REGISTER January 30, 1957.)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/27/0, Model E–1004D, Type II embarkation-debarkation ladder, chain suspension, steel ears, The Marine Ladder Mfg. Co. dwg. No. LC–104, Rev. 2, dated August 6, 1957, manufactured by Don D. Fleming Co., Inc., 460 Bay Street, San Francisco 11, Calif.

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/11/0, Type JF lifeboat sea anchor, U. S. C. G. dwg. No. MMI–562 and specification dated November 1, 1943, revised August 24, 1944, manufactured by Samuel Fassman Co., 2776 Atlantic Avenue, Brooklyn 7, N. Y. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/29/0, Container for emergency provisions, MacDonald-Bernier Co. dwg. No. 1, dated March 16, 1957, packed by Lord-Mott Co., Foot of Fell Street, Baltimore 3, Md., and H. & M. Packing Corp., 913 Ruberta Avenue, Glendale 1, Calif., for MacDonald-Bernier Co., 30 Huntington Avenue, Boston, Mass.

LIFE FLOATS

Approval No. 160.027/10/1, 7.0′ x 3.5′ (10″ x 10″ body section), elliptical, solid balsa wood life float, 10-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 160.027/11/1, 8.5′ x 4.0′ (11″ x 11″ body section), elliptical, solid balsa wood life float, 15-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 160.027/12/1, 9.0′ x 5.5′ (12″ x 12″ body section), elliptical, solid balsa wood life float, 20-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 160.027/13/1, 10.0′ x 5.5′ (12″ x 12″ body section), elliptical, solid balsa wood life float, 25-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 160.027/14/1, 11.5′ x 7.0′ (14″ x 14″ body section), elliptical, solid balsa wood life float, 40-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 160.027/15/1, 13.0′ x 8.5′ (16″ x 16″ body section), elliptical, solid balsa wood life float, 60-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/27/2, Rottmer type, size 298 releasing gear, approved for maximum working load of 27,700 pounds per set (13,850 pounds per hook), identified by arrangement dwg. No. 3367–3 dated November 13, 1951, and revised June 5, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.033/27/1 published in FEDERAL REGISTER October 11, 1952.)

Approval No. 160.033/28/2, Rottmer type, size 299 releasing gear, approved for maximum working load of 15,720 pounds per set (7,860 pounds per hook), identified by arrangement dwg. No. 3372–6 dated November 8, 1954, and revised May 21, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.033/28/1 published in FEDERAL REGISTER October 11, 1952.)

Approval No. 160.033/53/0, Type L–1B, Rottmer type releasing gear, approved for maximum working load of 37,000 pounds per set (18,500 pounds per hook), identified by assembly dwg. No. M–125–17 dated May 17, 1957, and revised July 25, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

LIFEBOATS

Approval No. 160.035/12/2, 18.0′ x 5.7′ x 2.5′ steel, oar-propelled lifeboat, 15-person capacity, identified by general arrangement dwg. No. G–1815 dated July 25, 1951, and revised February 19, 1957, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No.

160.035/12/1 terminated in FEDERAL REGISTER April 10, 1957.)

Approval No. 160.035/17/2, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat, 31-person capacity, identified by general arrangement dwg. No. G–2231 dated January 1957, and revised April 5, 1957, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.035/17/1 terminated in FEDERAL REGISTER April 10, 1957.)

Approval No. 160.035/266/0, 26.0' x 7.88' x 3.35' aluminum, oar-propelled lifeboat, 41-person capacity, identified by general arrangement and construction dwg. No. 3321 dated February 20, 1956, and revised August 15, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/277/1, 20.0' x 6.5' x 2.6' aluminum, oar-propelled lifeboat, 20-person capacity, identified by general arrangement and construction dwg. No. 51–2020 dated January 9, 1951, and revised May 28, 1957, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y. (Reinstates and supersedes Approval No. 160.035/277/0 terminated in FEDERAL REGISTER August 3, 1957.)

Approval No. 160.035/279/1, 30.0' x 10.0' x 4.13' aluminum, hand-propelled lifeboat, 70-person capacity, identified by construction and arrangement dwg. No. 30–1B, revision A dated July 10, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.035/279/0 terminated in FEDERAL REGISTER August 31, 1957.)

Approval No. 160.035/280/1, 26.0' x 9.0' x 3.83' aluminum, oar-propelled lifeboat, 53-person capacity, identified by general arrangement and construction dwg. No. 26–8, revision A dated July 5, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.035/280/0 terminated in FEDERAL REGISTER May 29, 1957.)

Approval No. 160.035/284/1, 16.0' x 5.5' x 2.38' aluminum, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement dwg. No. 16–3, Rev. B, dated July 16, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.035/284/0 terminated in FEDERAL REGISTER May 29, 1957.)

Approval No. 160.035/320/0, 30.67' x 10.17' x 4.25' steel, hand-propelled lifeboat, 77-person capacity, identified by construction and arrangement dwg. No. 30–3, revision C dated August 15, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/352/0, 28.0' x 9.79' x 4.13' aluminum, motor-propelled lifeboat without radio cabin (Class B), 60-person capacity, identified by general arrangement and construction dwg. No. 80084 dated March 8, 1956, and revised April 14, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/353/0, 37.0' x 13.0' x 5.33' aluminum, motor-propelled lifeboat with radio cabin (Class A), 142-person capacity, identified by general arrangement and construction dwg. No. 80108 dated May 29, 1956, and revised August 19, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

KITS, FIRST-AID

Approval No. 160.041/4/0, First-Aid Kit Model No. H–24, dwg. No. H–24–K revised July 11, 1952, submitted by A. E. Halperin Co., Inc., 75–87 Northampton St., Boston 18, Mass. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/136/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis.

Approval No. 160.047/137/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Burlington Hills, Inc., Burlington, Wis.

Approval No. 160.047/138/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Burlington Hills, Inc., Burlington, Wis.

Approval No. 160.047/139/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Vogue Textiles, Inc., 20 Roberta Avenue, Pawtucket, R. I.

Approval No. 160.047/140/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Vogue Textiles, Inc., 20 Roberta Avenue, Pawtucket, R. I.

Approval No. 160.047/141/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N. Y., for Gem Mfg. Co., 1 Roosevelt Avenue, Clifton, N. J.

Approval No. 160.047/142/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N. Y., for Gem Mfg. Co., 1 Roosevelt Avenue, Clifton, N. J.

Approval No. 160.047/143/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N. Y., for Gem Mfg. Co., 1 Roosevelt Avenue, Clifton, N. J.

Approval No. 160.047/144/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/145/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/146/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/147/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C., for H. N. Gilman and Associates, Inc., 2010 Nicollet Avenue, Minneapolis 4, Minn.

Approval No. 160.047/148/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C., for H. N. Gilman and Associates, Inc., 2010 Nicollet Avenue, Minneapolis 4, Minn.

Approval No. 160.047/149/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C., for H. N. Gilman and Associates, Inc., 2010 Nicollet Avenue, Minneapolis 4, Minn.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/68/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N. Y. Supersedes Approval No. 160.048/68/0 published in FEDERAL REGISTER May 15, 1956.)

Approval No. 160.048/96/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by See Bentz & Sons Upholstering, 111 Fifth Street, Watertown, Wis.

Approval No. 160.048/100/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Burlington Mills, Inc., Burlington, Wis.

Approval No. 160.048/101/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N. Y., for Gem Mfg. Co., 1 Roosevelt Avenue, Clifton, N. J.

Approval No. 160.048/102/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Rainier Hassock & Cushion Co., Inc., 2339 Fawcett Avenue, Tacoma 2, Wash.

Approval No. 160.048/103/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.048/104/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C., for H. N. Gilman and Associates, Inc., 2010 Nicollet Avenue, Minneapolis 4, Minn.

Approval No. 160.048/105/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by Associated Plastics, Inc., 312 East 12th Street, Los Angeles, Calif.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/16/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U. S. C. G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c) (1), manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C.

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/5/1, automatic floating electric water light (with bracket for mounting), dwg. No. E–951, Alt. 1, Rev. B, manufactured by C. C. Galbraith & Son Electric Corp., Div. of Marine Electric Corp., 600 Fourth Avenue, Brooklyn 15, N. Y. (Supersedes Approval No. 161.001/5/0 published in FEDERAL REGISTER January 30, 1957.)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/51/0, sound powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splash-proof, with internal hand generator bell, Model SW, dwg. No. 50, Alt. O dated April 1957, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y.

Approval No. 161.005/52/0, sound powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splash-proof, with separately mounted 4", 6", 8", or cow gong bell, Model SE, dwg. No. 51, Alt. O dated April 1957, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y.

Approval No. 161.005/53/0, sound powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splash-proof, with separately mounted 4", 6", 8", or cow gong bell, with relay to operate externally powered audible signal, Model SER, dwg. No. 52, Alt. O dated 1957, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y.

Approval No. 161.005/54/0, sound powered telephone station, selective ringing, common talking, 19 stations maximum, desk type, nonwatertight, with internal bell, Model SD, dwg. No. 54, Alt. O, dated April 1957, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y.

Approval No. 161.005/55/0, sound powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, with attached 4" bell, Model SWT4, dwg. No. 55, Alt. O dated May 1957, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y.

Approval No. 161.005/56/0, sound powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, with separately mounting 6" or 8" bell, Model SWT, dwg. No. 56, Alt. O dated May 1957, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y.

Approval No. 161.005/57/0, sound powered telephone station, selective ringing, common talking, 19 stations maximum, pedestal mounting, with attached 6" bell, Model SWTP, dwg. No. 58, Alt. O dated May 1957, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y.

VALVES, SAFETY (POWER BOILERS)

Approval No. 162.001/5/1, Style HRC–MS–1 carbon steel body pop safety valve, 350 p. s. i. maximum pressure, 450° F. maximum temperature, dwg. No. B–33675 dated Aug. 22, 1941, and G–33675 dated July 16, 1952, approved for sizes 2", 2½", 3", 3½", and 4", manufactured by the Crosby Valve & Gage Company, Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.001/6/1, Style HRD–MS–2 carbon steel body pop safety valve, 450 p. s. i. maximum pressure, 650° F. maximum temperature, dwg. No. B–33676 dated July 18, 1952, and G–33676 dated July 18, 1952, approved for sizes 1½", 2", 2½", 3", 3½" and 4", manufactured by Crosby Valve & Gage Company, Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.001/7/1, Style HRD–MS–3 carbon steel body pop safety valve, 500 p. s. i. maximum pressure, 650° F. maximum temperature, dwg. No. B–33677 dated July 18, 1952, and G–33677 dated July 18, 1952, approved for sizes 1½", and 2", manufactured by the Crosby Valve & Gage Company, Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.001/8/1, Style HRSA–MS–3 carbon steel body pop safety valve, 500 p. s. i. maximum pressure, 750° F. maximum temperature, dwg. No. D–33678 dated July 16, 1952, and G–33678 dated July 16, 1952, approved for sizes 1½", and 2", manufactured by the Crosby Valve & Gage Company, Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.001/53/1, Type 38SV alloy steel pop safety valve, 1,500 p. s. i. maximum pressure, 1050° F. maximum temperature, dwg. Nos. B31432–2 Alt. 2 dated May 9, 1952, and C32258–1 undated, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Foster Engineering Co., 835 Lehigh Avenue, Union, N. J. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.001/56/1, Type 1451 Consolidated bronze body pop safety valve, 300 p. s. i. maximum pressure, 450° F. maximum temperature, dwg. No. 3VL953 dated July 28, 1952, approved for 2½" size, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.001/60/1, Type 1426 Consolidated duplex carbon steel body pop safety valve, 300 p. s. i. maximum pressure for sizes 3" and 4", and 600 p. s. i. maximum pressure for sizes 2" and 2½", 650° F. maximum temperature, dwg. No. 3VK953 dated June 13, 1952, approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.001/184/1, Type 1531–P2 consolidated drum pilot actuator pop safety valve, maximum pressure, 725 p. s. i., maximum temperature, 1000° F., dwg. No. 3VN953, Rev. 1 dated August 9, 1957, approved for 1½" and 2" sizes, bore diameter 1⅞", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/184/0 published in FEDERAL REGISTER November 22, 1952.)

BOILERS, HEATING

Approval No. 162.003/21/1, Model MSCH, Size 28–260, waste heat boiler, heat recovery silencer type, fitted with spark arrester, steel construction, dwg. Nos. B–476A revised July 24, 1952, and B–743 revised July 24, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by the Maxim Silencer Co., Hartford, Conn. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/4/1, C-O-Two Type PSH–15, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. D–56872, Rev. No. 6 dated April 12, 1957, name plate dwg. No. D–57094, Rev. No. 12 dated August 5,

1957 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Reinstates and supersedes Approval No. 162.005/4/0 terminated in FEDERAL REGISTER October 4, 1957.)

Approval No. 162.005/5/1, C–O–Two Type PSH–10, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. D–57045, Rev. No. 5 dated January 18, 1957, name plate dwg. No. 11 dated August 5, 1957 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Pyrene–C–O–Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Reinstates and supersedes Approval No. 162.005/5/0 terminated in FEDERAL REGISTER October 4, 1957.)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/29/0, C–O–Two Type PDC–4, 4-lb. dry chemical cartridge operated type hand portable fire extinguisher, assembly dwg. No. D–59146, Rev. 7 dated May 7, 1952, name plate dwg. No. C–59138, Rev. 13 dated September 25, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Pyrene–C–O–Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J.

VALVES, SAFETY (STEAM HEATING BOILERS)

Approval No. 162.012/9/0, Cat. No. 2501 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, dwg. No. A–24144, Rev. B, dated April 22, 1948, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (inches):	Capacity (pounds/hour) at 30 p. s. i.
¾	189
1	324
1¼	351
1½	495
2	711
2½	900

manufactured by the Crane Co., 836 S. Michigan Ave., Chicago 5, Ill. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.012/10/0, Series 70 pop safety valve, cast iron body enclosed spring standard outlet for steam heating boilers and unfired steam generators, dwg. No. P–20119, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (inches):	Capacity (pounds/hour) at 30 p. s. i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Marine & Industrial Products Co., 3731–35 Filbert Street, Philadelphia 4, Pa. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.012/11/0, Series 70E pop safety valve, cast iron body exposed spring standard outlet for steam heating boilers and unfired steam generators, dwg. No. P–20120, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (inches):	Capacity (pounds/hour) at 30 p. s. i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Marine & Industrial Products Co., 3731–35 Filbert Street, Philadelphia 4, Pa. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.012/12/0, Series 72 pop safety valve, cast iron body enclosed spring expanded outlet for steam heating boilers and unfired steam generators, dwg. No. P–20119, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (inches):	Capacity (pounds/hour) at 30 p. s. i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Marine & Industrial Products Co., 3731–35 Filbert Street, Philadelphia 4, Pa. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.012/13/0, Series 72E pop safety valve, cast iron body exposed spring expanded outlet for steam heating boilers and unfired steam generators, dwg. No. P–20120, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (inches):	Capacity (pounds/hour) at 30 p. s. i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Marine & Industrial Products Co., 3731–35 Filbert Street, Philadelphia 4, Pa. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

Approval No. 162.012/14/0, Series 5 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, dwg. No. D–5L–2½, dated December 14, 1948, approved for a maximum presure of 30 p. s. i. in the following sizes and capacities:

Size (inches):	Capacity (pounds/hour) at 30 p. s. i.
¾	219
1	306
1¼	576
1½	1,060
2	1,070

manufactured by Marine & Industrial Products Co., 3731–35 Filbert Street, Philadelphia 4, Pa. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/10/2, Fiberglas Insulation Type TW–MC, glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG 3610–1493, FP2569, dated November 10, 1947, and National Bureau of Standards Test Report No. TG 10210–1624: FP2806, dated August 9, 1949, modified by Owens-Corning Fiberglas Corporation letter dated July 9, 1952, approved in a 2 to 3½ pounds per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio. (Extension of the approval published in FEDERAL REGISTER October 11, 1952, effective October 11, 1957.)

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Termination of Approval No. 160.011/24/1, Type WIG–G4 Ammonia Gas Mask, Bureau of Mines Approval No. BM–1425, Willson Catalog No. 49, P. 54, manufactured by Willson Products Division Ray-O-Vac Company, Reading, Pa. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

WINCHES, LIFEBOAT

Termination of Approval No. 160.015/62/0, Type B135M lifeboat winch, approved for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by general arrangement dwg. No. 2105–8 dated January 28, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Termination of Approval No. 160.017/21/0, Master Safety Model E–1004, embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. E–1004, dated April 3, 1956, rev. May 22, 1956, manufactured by The Marine Ladder Mfg. Co., P. O. Box 2192, San Francisco, Calif. (Approved FEDERAL REGISTER July 17, 1956.)

Termination of Approval No. 160.017/23/0, Model E–1004D, Type II embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. LC–104, Rev. 1, dated October 15, 1956, manufactured by The Marine Ladder Mfg. Co., P. O. Box 2192, San Francisco, Calif. (Approved FEDERAL REGISTER January 30, 1957.)

DAVITS, LIFEBOAT

Termination of Approval No. 160.032/109/1, telescopic gravity davit, type TG–9.5, approved for maximum working load of 1,900 pounds per set (950 pounds per arm), using 1 part falls, identified by arrangement dwg. No. 3237 dated May 26, 1950, and revised April 11, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Termination of Approval No. 160.033/4/1, Rottmer type size C releasing gear, approved for maximum working load of 18,300 pounds per set (9,150 pounds per hook), identified by general arrangement dwg. No. 1498–5 dated January 8, 1951, and revised June 9, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 160.033/26/1, Rottmer type size 297 releasing gear, approved for maximum working load of 39,800 pounds per set (19,900 pounds per hook), identified by assembly dwg. No. 1895–10 dated November 22, 1948, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 160.033/39/1, Rottmer type S–1 releasing gear, approved for maximum working load of 21,300 pounds per set (10,650 pounds per hook), identified by hoist gear assembly dwg. No. M–115–1 dated October 25, 1949, and revised June 6, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 160.033/44/0, Type T–9.5 releasing gear, approved for maximum working load of 1,900 pounds per set (950 pounds per hook), identified by hoist and release gear dwg. No. 3237–2 dated June 8, 1950, and revised July 14, 1950, for use on all vessels other than ocean and coastwise, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

LIFEBOATS

Termination of Approval No. 160.035/26/1, 26.0′ x 8.75′ x 3.75′ steel, oar-propelled lifeboat, 50-person capacity, identified by general arrangement dwg. No. G–2650 dated April 2, 1952, and revised June 13, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 160.035/194/2, 35.0′ x 12.33′ x 5.25′ steel, hand-propelled lifeboat, 135-person capacity, identified by construction and arrangement dwg. No. 1871 dated April 9, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 160.035/213/1, 12.0′ x 4.4′ x 1.9′ steel, oar-propelled lifeboat, 6-person capacity, identified by general arrangement dwg. No. G–1206–S dated April 25, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 160.035/236/0, 16.0′ x 5.8′ x 2.42′ steel, oar-propelled lifeboat, 13-person capacity, identified by general arrangement dwg. No. G–1613 dated April 28, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 160.035/285/0, 18.0′ x 5.75′ x 2.42′ aluminum, oar-propelled lifeboat, 16-person capacity, identified by construction and arrangement dwg. No. 18–4 dated October 24, 1951, and revised June 6, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 160.035/288/0, 26.0′ x 9.0′ x 3.83′ steel, oar-propelled lifeboat, 53-person capacity, identified by general arrangement and construction dwg. No. 49R–2658 dated January 15, 1952, and revised July 14, 1952, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Ave., Brooklyn 14, N. Y. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

BOILERS, HEATING

Termination of Approval No. 162.003/26/1, Model 400 hot water heating boiler, forced circulation coil type, dwg. No. L–33, dated July 17, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Preferred Utilities Mfg. Corp., 1860 Broadway, New York 23, N. Y. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 162.003/27/1, Model 800T hot water heating boiler, forced circulation coil type, dwg. No. L–33, dated July 17, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Preferred Utilities Mfg. Corp., 1860 Broadway, New York 23, N. Y. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING-LIQUID TYPE

Termination of Approval No. 162.004/65/0, Badger's CTC (Symbol PY), 1-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–15791 dated June 17, 1949, no revision, name plate dwg. No. A–16174, Rev. 4 dated January 8, 1952, manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by the Pyrene–C–O–Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 162.004/66/0, Badger's CTC (Symbol PY), 1½-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–16164 dated November 22, 1950, no revision, name plate dwg. No. A–16237, Rev. 4 dated January 8, 1952, manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by the Pyrene–C–O–Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 162.004/67/0, Gorham (Symbol PY), 1-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–15791 dated June 17, 1949, no revision, name plate dwg. No. A–15759, Rev. No. 6 dated January 5, 1952, manufactured for Gorham Fire Equipment Co., 30 India Wharf, Boston, Mass., by the Pyrene-C-O-Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 162.004/68/0, Gorham (Symbol PY), 1½-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–16164 dated November 22, 1950, no revision, name plate dwg. No. A–15760, Rev. No. 6 dated January 5, 1952, manufactured for Gorham Fire Equipment Co., 30 India Wharf, Boston, Mass., by the Pyrene-C-O-Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 162.004/69/0, Kidde VL No. 6 (Symbol PY), 1-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–15791 dated June 17, 1949, no revision, name plate dwg. No. A–16158, Rev. No. 3 dated July 17, 1951, manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by the Pyrene-C-O-Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 162.004/70/0, Kidde VL No. 5 (Symbol PY), 1½-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–16164 dated November 22, 1950, no revision, name plate dwg. No. A–16159, Rev. No. 3 dated July 16, 1951, manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by the Pyrene-C-O-Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Termination of Approval No. 162.025/6/1, Figure 4312, secondary boiler water

level indicator, remote reading wall-mounted type, 700 p. s. i. maximum pressure, dwg. Nos. EL–912–108, revision A, dated February 23, 1952, and EL–14269, dated July 22, 1952, manufactured by Yarnall-Waring Co., Chestnut Hill, Philadelphia 18, Pa. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 162.025/30/1, Figure 4314, secondary boiler water level indicator, remote reading panel-mounted type, 700 p. s. i. maximum pressure, dwg. Nos. EL–912–108, revision A, dated February 23, 1952, EL–13021, revision E, dated June 16, 1952, and EL–14269, dated July 22, 1952, manufactured by Yarnall-Waring Co., Chestnut Hill, Philadelphia 18, Pa. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 162.025/31/1, Figure 4316, secondary boiler water level indicator, remote reading wall-mounted type, 1500 p. s. i. maximum pressure, dwg. Nos. EL–912–109, revision B, dated May 12, 1952, EL–13003 dated October 11, 1944, EL–12975 dated February 21, 1949, and EL–14269 dated July 22, 1952, manufactured by Yarnall-Waring Co., Chestnut Hill, Philadelphia 18, Pa. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Termination of Approval No. 162.025/32/1, Figure 4318, secondary boiler water level indicator, remote reading panel-mounted type, 1500 p. s. i. maximum pressure, dwg. Nos. EL–912–109, revision B, dated May 12, 1952, EL–13003 dated October 11, 1944, EL–12975 dated February 21, 1949 and EL–14269 dated July 22, 1952, manufactured by Yarnall-Waring Co., Chestnut Hill, Philadelphia 18, Pa. (Approved FEDERAL REGISTER October 11, 1952. Termination of approval effective October 11, 1957.)

Dated: October 28, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 57–9034; Filed, Oct. 31, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

MISCELLANEOUS AMENDMENTS

The Statement of Organization and Delegations of Final Authority of the Office of Alien Property (21 F. R. 1241) are hereby amended as follows and not otherwise:

1. By deleting subparagraph 5 (h) and by redesignating subparagraphs 5 (i) and 5 (j) as subparagraphs 5 (h) and 5 (i), respectively.

2. By deleting subparagraph 7 (b) and by redesignating subparagraphs 7 (c) and 7 (d) as subparagraphs 7 (b) and 7 (c), respectively.

3. By amending subparagraph 8 (a) to read:

(a) *General.* Requests for general information should be addressed to the Office of Alien Property, Department of Justice, Washington 25, D. C., unless the Overseas or Tokyo Office is nearer, in which event requests may be addressed to such Office.

Executed at Washington, D. C., on October 24, 1957.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57–9031; Filed, Oct. 31, 1957; 8:45 a. m.]

[Dissolution Order 118]

MORLAND CO.

Whereas, by virtue of the issuance of Vesting Order No. 2352, dated October 9, 1943 (8 F. R. 15621, November 16, 1943) and other actions taken under the Trading With the Enemy Act, as amended, the Attorney General of the United States (hereinafter referred to as "Attorney General"), successor to the Alien Property Custodian, is the owner of 800 of the 1000 issued and outstanding shares of capital stock of The Morland Company (hereinafter sometimes referred to as the "Company"), a Delaware corporation;

Whereas, pursuant to Return Order No. 1230, dated March 21, 1952, the remaining 200 shares of outstanding capital stock of The Morland Company, were returned to Christian August von Rumohr and The Marine Trust Company of Western New York as Executors and Trustees under the Last Will and Testament of Elizabeth S. von Rumohr, deceased;

Whereas, by Vesting Order 2352, the Alien Property Custodian undertook the direction, management, supervision and control of the Company to the extent deemed necessary or advisable;

Whereas, upon unanimous consent by the stockholders a Certificate of Dissolution of the Company was issued by the Secretary of State of the State of Delaware on February 5, 1953, certifying to the dissolution of the Company; and

Whereas, the Company has been substantially liquidated.

Now, therefore, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the known assets of the Company consist of cash in the amount of $38,981.83 and claims for refund of 1954 and 1955 federal income taxes in the amount of $628.71, filed with the Internal Revenue Service;

2. Finding that the Company has no known liabilities; and

3. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up and that its assets be distributed,

hereby orders, that the officers and directors of the Company (and their successors, or any of them) wind up the affairs of The Morland Company and distribute the assets of the Company coming into their possession as follows:

I. They shall first pay all current expenses and necessary charges in effecting the dissolution of the Company and winding up its affairs; and

II. They shall then pay all known federal, state, and local taxes, if any, owed by or accrued against the Company; and

III. They shall then pay over and deliver to the stockholders in proportion to their respective stock interests, all remaining cash of the Company as a liquidating distribution of assets (such distribution to be without prejudice to any right of the Attorney General as a stockholder to require contribution from other stockholders up to an amount not exceeding the amount of the liquidating dividends paid to them, in the event that the Attorney General is required to pay any presently unknown claims or obligations of the Company after such liquidating distribution has been effected); and

IV. They shall then transfer, assign, convey and deliver to the Attorney General all remaining assets or property of the Company, including after-discovered assets or property and including specifically the aforementioned claims for refund of federal income taxes (if said claims for refund have not theretofore been liquidated and the proceeds thereof, if any, distributed to stockholders pursuant to paragraph III hereof). The Attorney General, as soon as practicable, will distribute such assets or property or the net proceeds of the liquidation thereof, if any, to the stockholders in proportion to their respective stock interests;

and further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading With the Enemy Act, as amended, or any person who may have a claim against the Company to file such claim with the Attorney General against any funds or property received by the Attorney General as a liquidating distribution hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided further,* That any such claim against the Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of the Company pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5 (b) (2) of the Trading With the Enemy Act, as amended (50 U. S. C. App. 5 (b) (2)), and the acquittance and exculpation provided therein.

Executed in Washington, D. C., on October 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–9032; Filed, Oct. 31, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Gallup Area Office Redelegation Order 2, Amdt. 6]

GENERAL SUPERINTENDENTS, SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATIONS OF AUTHORITY; MISCELLANEOUS AMENDMENTS

Order No. 2, as amended (19 F. R. 8675, 20 F. R. 2894, 3941, 8780, 21 F. R. 5848 and 6286) is further amended as hereinafter indicated.

1. The heading and the general delegation of authority for Part 2 are amended to read as follows:

AUTHORITY OF GENERAL SUPERINTENDENTS, SUPERINTENDENTS AND SCHOOL SUPERINTENDENT

Subject to the provisions of Part 1, General Superintendents, Superintendents and the School Superintendent may exercise the authority of the Area Director as indicated in this part.

2. The following sections under the heading, Functions Relating to Lands and Minerals, Part 2, are amended to read as follows:

SEC. 2.16 *Mineral leases and permits.* (a) The granting of permission to negotiate permits and leases of tribal and individually owned trust or restricted lands for coal, sand, gravel, pumice, and building stone, and the approval of permits and leases for coal, sand, gravel, pumice, and building stone.

(b) The authority delegated in this section does not include:

(1) The approval of leases of ceded or surplus lands unless title thereto has been restored to the tribe, or the leasing of such lands is authorized by a specific statute.

(2) Approval of leases on lands purchased or reserved for agency or school purposes.

(3) Approval of instruments providing for the payment of overriding royalty.

(4) Assignments of separate horizons.

3. Section 2.120 under the heading, Functions Relating to Credit Matters, under Part 2 is amended and new sections 2.134, 2.135, and 2.136 are added to read as follows:

SEC. 2.120 *Loan agreements.* The approval of applications pursuant to 25 CFR Part 21, subject to the availability of funds, where the total indebtedness of the applicant to the lender does not exceed:

(a) $1,500 in case of loans to individuals.

SEC. 2.134 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian and assignments of income from trust or restricted land of an Indian as security for a loan by any lender.

SEC. 2.135 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR 21 and 23.

SEC. 2.136 *Release of United States interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

4. A new heading and section are added under Part 2 as follows:

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 2.170 *Traders' licenses.* The issuance of licenses to traders with the Indian tribes and the removal and revocation of licenses pursuant to the provisions of 25 CFR 276 and 277.

5. Section 2.251 *Enforcement of State health laws,* under the heading, Functions Relating to Medical, Hospital, and Nursing Services, is repealed.

6. The title for section 3.120, under the heading, Functions Relating to Credit Matters, Part 3, is amended to read as follows:

SEC. 3.120 *Loan agreements.*

7. Section 3.128 *Loan agreements and modifications* and section 3.132 *Approval of mortgages and deeds of trust,* under the heading, Functions Relating to Credit Matters, Part 3, are repealed.

8. A new heading and section are added under Part 4 as follows:

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 4.170 *Peddler permits.* The Assistant General Superintendent (Operations), Navajo Agency, is authorized to issue permits to peddlers on the Navajo Reservation pursuant to the provisions of 25 CFR 277.

9. Section 4.132 *Approval of mortgages and deeds of trust,* under the heading, Functions Relating to Credit Matters, Part 4, is repealed.

10. *Enforcement of State Health Laws,* under the heading, Functions Relating to Medical, Hospital and Nursing Services, Part 4, is repealed.

11. Section 5.170 is amended to read as follows:

SEC. 5.170 *Peddlers permits.* The issuance of permits to peddlers on the Navajo Reservation pursuant to the provisions of 25 CFR Part 277, provided each such permit is limited to lands under the jurisdiction of the subagency Superintendent issuing the permit.

W. WADE HEAD,
Area Director.

Approved: October 22, 1957.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 57–9028; Filed, Oct. 31, 1957; 8:45 a. m.]

Bureau of Land Management

[Document 166]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 24, 1957.

Pursuant to authority delegated to me by Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), the following described lands reconveyed to the United States in an exchange of land made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 11 W.,
Sec. 11: SW¼, SW¼SE¼.

The area described totals 200 acres of public lands.

These lands lie about 5 miles north and one mile east of Hyder, Arizona. They are level to rolling with deep sandy loam soils supporting a sparse vegetative growth of ironwood, paloverde, greasewood, catclaw, and some annual grasses and weeds. A wide, shallow wash traverses the center of the tract in a general north-south direction. The land is unsuitable for small tract development, however it does have a potential agricultural value. Minerals in the lands are reserved to the State of Arizona.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this Order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m., on November 29, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour

and before 10:00 a. m., on February 28, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on February 28, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands will be open to location under the United States mining laws beginning 10:00 a. m., February 28, 1958.

Persons claiming veteran's preference rights under paragraph (a) (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager of the Land Office, Bureau of Land Management, P. O. Box 148, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 57-9029; Filed, Oct. 31, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7912]

FREE BAGGAGE ALLOWANCES AND EXCESS BAGGAGE CHARGES

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled investigation is assigned to be held on November 26, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 25, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9091; Filed, Oct. 31, 1957; 8:57 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

GRACE LINE INC.

ANNUAL REVIEW OF BAREBOAT CHARTERS; NOTICE OF TENTATIVE FINDING

In accordance with section 5 (e) (1) of the Merchant Ship Sales Act of 1946, as amended, the bareboat charter of the government-owned, war-built, dry cargo vessel SS. "New Zealand Victory" to Grace Line Inc. has been reviewed as of October 24, 1957.

The Federal Maritime Board has tentatively found that conditions exist justifying the continuance of the charter for an additional twelve months.

Any interested party may request a hearing concerning the tentative finding by filing written objections stating the reasons therefor with the Secretary, Federal Maritime Board, on or before November 8, 1957.

The finding will become final if no objection thereto or request for a hearing is filed, as provided above. If such hearing is granted, the ultimate resulting finding will be the subject of a report by the Board.

Dated: October 31, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-9135; Filed, Oct. 31, 1957; 9:52 a. m.]

Maritime Administration

U. S. ATLANTIC/CARIBBEAN

NOTICE OF TENTATIVE CONCLUSIONS AND DETERMINATIONS BY MARITIME ADMINISTRATOR REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS OF TRADE ROUTE NO. 4

Notice is hereby given that on October 18, 1957, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 4 and, in accordance with his action of July 27, 1956, ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said route be published in the FEDERAL REGISTER:

1. Trade Route No. 4 is amended by definition to include the area previously contained in Trade Route No. 3 (U. S. Atlantic-East Coast Mexico) and is redescribed as follows:

Trade Route No. 4—U. S. Atlantic ports-Caribbean ports. Between U. S. Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West) and foreign ports in the Gulf of Mexico, Caribbean Sea and the Guianas (Mexico to southern border of French Guiana, all islands of the Caribbean and West Indies and other nearby islands including Barbados, Trinidad and Tobago).

2. Trade Route No. 4 as redescribed is affirmed as an essential foreign trade route of the United States.

3. U. S. flag sailing requirements for liner service exclusively or predominantly on Trade Route No. 4 are approximately 28–39 outbound (and approximately one-half as many inbound) freighter sailings a month and approximately 13-19 combination (passenger-cargo) sailings a month, to provide a minimum of a weekly service to the more important segments of the trade route and at least a monthly service to the less important segments.

Firm assignment of vessels to specific services cannot in all cases be made, but it appears that outbound sailings based on the following service patterns should provide adequate U. S. flag liner service.

CARGO SERVICES

Approximate Sailings Per Month and Service Description

12–16—Between United States Atlantic ports and north coasts of Colombia and Venezuela and Netherlands West Indies.

4–5—Between United States Atlantic ports and Dominican Republic.

10–14—Between United States Atlantic ports and Cuba.

2–4—Between United States Atlantic ports and East Coast Mexico.

COMBINATION PASSENGER CARGO SERVICES

8–10—Between United States Atlantic ports and the north coasts of Colombia and Venezuela and Netherlands West Indies.

2–5—Between United States Atlantic ports and Cuba.

3–4—Between United States Atlantic ports and Haiti and Panama Canal Zone.

In addition, some passenger and cargo services are needed by regularly scheduled United States flag vessels which serve Trade Route No. 4 in part en route other areas.

About 17–24 freight vessels are required to perform approximately 28–39 freighter sailings a month and about 7–9 combination vessels are required to perform about 13–19 combination passenger-cargo sailings a month.

4. Freight Ships of C–1, C–2, R–1, and R–2 types utilized on the route are suitable for operation under present conditions; however, prior to replacement of the present freighters thorough study should be made to determine the most suitable design(s) of vessels to meet the needs of the service to be rendered. The combination passenger-cargo vessels, utilized on the route, while presently suitable are nearing obsolescence. Suitable replacements are presently being constructed for two of these vessels. Thorough study is required to determine the most suitable design to replace the remaining combination passenger-cargo vessels.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. A request for hearing should be accompanied by a statement of the reasons for such request and any hearing thereby afforded will be before an Examiner on an informal advisory basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: October 29, 1957.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-9075; Filed, Oct. 31, 1957; 8:53 a. m.]

U. S. PACIFIC/WESTERN EUROPE

NOTICE OF TENTATIVE CONCLUSIONS AND DETERMINATIONS BY MARITIME ADMINISTRATOR REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS OF TRADE ROUTE NO. 26

Notice is hereby given that on October 18, 1957, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 26, and in accordance with his action of July 27, 1956, ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 26 is amended to include the areas previously contained in Trade Route Nos. 26–A and 26–B and the Baltic-Scandinavian area and is redescribed as follows:

Trade Route No. 26—U. S. Pacific/Western Europe. Between U. S. Pacific ports (Washington-Mexican border) and ports in the United Kingdom, Republic of Ireland, Continental Europe (Germany to northern border of Portugal) and Baltic-Scandinavian ports.

2. Trade Route No. 26 as redescribed is affirmed as an essential foreign trade route of the United States.

3. U. S. flag vessel sailing requirements for interim operation on Trade Route No. 26 are 2 to approximately 4 sailings per month, as follows:

a. Monthly sailings from U. S. Pacific ports to West Coast United Kingdom-Republic of Ireland ports with some (or all) sailings continuing on to East Coast United Kingdom-Continental European ports.

b. 1 to 3 sailings per month from U. S. Pacific ports to Continental European ports including calls at East Coast United Kingdom ports as needed, with some sailings continuing on to Baltic-Scandinavian ports.

4. Freight vessels of C–2, C–3, C–4 (war built) and Victory types are suitable for interim operation on Trade Route No. 26 but should be replaced in the near future with vessels particularly suited for long range operation. During the interim period 7 to 13 such vessels are required to provide necessary service on the route.

5. U. S. flag vessels sailing requirements for long range operation on Trade Route No. 26 are approximately 5 sailings per month as follows:

a. 1 to 2 sailings per month from U. S. Pacific ports to West Coast United Kingdom-Republic of Ireland ports with 1 or 2 sailings per month continuing on to East Coast United Kingdom-Continental European ports.

b. Approximately 3 sailings per month to Continental European ports with calls at United Kingdom ports as needed, with at least 1 sailing per month continuing on to Baltic-Scandinavian ports.

6. Freight vessels of 600–650,000 cubic feet bale capacity and in addition 60–100,000 cubic feet of refrigerated space, and service speed of at least 18 knots are suitable for long-range operation on Trade Route No. 26. Approximately 11 such vessels will be required to provide necessary U. S. flag liner service on the route.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal advisory basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: October 29, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-9076; Filed, Oct. 31, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12021; FCC 57M–1054]

OK BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Jules J. Paglin and Stanley W. Ray, Jr., d/b as OK Broadcasting Company, Mobile, Alabama, Docket No. 12021, File No. BP–10590; for construction permit.

It is ordered, This 28th day of October 1957, that hearing in the above-entitled proceeding, which is scheduled for October 29, 1957, is continued to Tuesday, November 5, 1957, commencing at 10:00 a. m.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9072; Filed, Oct. 31, 1957; 8:53 a. m.]

[Docket No. 12131; FCC 57M–1055]

PHILIP D. JACKSON

ORDER CONTINUING HEARING

In re application of Philip D. Jackson, Klamath Falls, Oregon, Docket No. 12131, File No. BP–11269; for construction permit.

It is ordered, This 28th day of October 1957, that hearing in the above-entitled proceeding, which is scheduled to be held on this date, is continued to Tuesday, November 5, 1957, commencing at 2:00 p. m.

Released: October 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9073; Filed, Oct. 31, 1957; 8:53 a. m.]

[Docket No. 12226; FCC 57M–1056]

CAPITOL BROADCASTING CORP. (WCAW)

NOTICE OF PREHEARING CONFERENCE

In re application of Capitol Broadcasting Corporation (WCAW) Charleston, West Virginia, Docket No. 12226, File No. BP–11094; for construction permit.

A prehearing conference will be held Thursday, November 7, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Dated: October 28, 1957.

Released: October 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9074; Filed, Oct. 31, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13481]

ALAN L. COREY

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

Alan L. Corey (Corey), on October 9, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 3 to Corey's FPC Gas Rate Schedule No. 2.
Effective date: November 9, 1957. (The stated effective date is the first day after expiration of the required thirty days' notice.)

Corey states, in effect, that the rate presently in force is an unduly low rate, which seriously discriminates in favor of Louisiana Nevada Transit Company by permitting it to obtain gas at a price lower than the price being paid by other purchasers for comparable gas in the same area and in the same field, and that this present rate, if continued in effect, would represent a complete departure from what was contemplated by the contractual arrangements of the parties and would offer discouragement to the investment and use of funds for exploration and development of natural gas. Corey also states that a large por-

tion of sales of gas made by Louisiana Nevada Transit Company is for industrial use only, and that the Commission does not have the authority to suspend the rate for the sale of natural gas for resale for industrial use only.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Corey should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Corey, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Corey is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Corey, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9059; Filed, Oct. 31, 1957; 8:51 a. m.]

[Docket No. G-13482]

JAMES CRAIG JOYNER

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

James Craig Joyner (Joyner), on October 9, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 3 to Joyner's FPC Gas Rate Schedule No. 2.
Effective date: November 9, 1957. (The stated effective date is the first day after expiration of the required thirty days' notice.)

Joyner states, in effect, that the rate presently in force is an unduly low rate, which seriously discriminates in favor of Louisiana Nevada Transit Company by permitting it to obtain gas at a price lower than the price being paid by other purchasers for comparable gas in the same area and in the same field, and that this present rate, if continued in effect, would represent a complete departure from what was contemplated by the contractual arrangements of the parties and would offer discouragement to the investment and use of funds for exploration and development of natural gas. Joyner also states that a large portion of sales of gas made by Louisiana Nevada Transit Company is for industrial use only, and that the Commission does not have the authority to suspend the rate for the sale of natural gas for resale for industrial use only.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Joyner should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Joyner, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Joyner is accepted conditionally, pending the final determination in the consolidate proceedings, inclusive of Docket No. G-9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Joyner, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9060; Filed, Oct. 31, 1957; 8:51 a. m.]

[Docket No. G-13483]

HENRY SEARS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

Henry Sears (Sears), on October 9, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 3 to Sears' FPC Gas Rate Schedule No. 2.
Effective date: November 9, 1957. (The stated effective date is the first day after expiration of the required thirty days' notice.)

Sears states, in effect, that the rate presently in force is an unduly low rate, which seriously discriminates in favor of Louisiana Nevada Transit Company by permitting it to obtain gas at a price lower than the price being paid by other purchasers for comparable gas in the same area and in the same field, and that this present rate, if continued in effect, would represent a complete departure from what was contemplated by the contractual arrangements of the parties and would offer discouragement to the investment and use of funds for exploration and development of natural gas. Sears also states that a large portion of sales of gas made by Louisiana Nevada Transit Company is for industrial use only, and that the Commission does not have the authority to suspend the rate for the sale of natural gas for resale for industrial use only.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Sears should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Sears, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Sears is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Sears, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9061; Filed, Oct. 31, 1957; 8:51 a. m.]

[Docket No. G-13484]

ST. VINCENTS ISLAND CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

St. Vincents Island Company (St. Vincents), on October 9, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 3 to St. Vincents' FPC Gas Rate Schedule No. 2.
Effective Date: November 9, 1957. (The stated effective date is the first day after expiration of the required thirty days' notice.)

St. Vincents states, in effect, that the rate presently in force is an unduly low rate, which seriously discriminates in favor of Louisiana Nevada Transit Company by permitting it to obtain gas at a price lower than the price being paid by other purchasers for comparable gas in the same area and in the same field, and that this present rate, if continued in effect, would represent a complete departure from what was contemplated by the contractual arrangements of the parties and would offer discouragement to the investment and use of funds for exploration and development of natural gas. St. Vincents also states that a large portion of sales of gas made by Louisiana Nevada Transit Company is for industrial use only, and that the Commission does not have the authority to suspend the rate for the sale of natural gas for resale for industrial use only.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by St. Vincents should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by St. Vincents, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural

Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by St. Vincents is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by St. Vincents, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9062; Filed, Oct. 31, 1957; 8:51 a. m.]

[Docket No. G–13485]

A. L. COREY, JR.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

A. L. Corey, Jr. (Corey, Jr.), on October 9, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Louisiana Nevada Transit Company.

Rate schedule designation: Supplement No. 3 to Corey, Jr's. FPC Gas Rate Schedule No. 2.

Effective date: November 9, 1957. (The stated effective date is the first day after expiration of the required thirty days' notice.)

Corey, Jr. states, in effect, that the rate presently in force is an unduly low rate, which seriously discriminates in favor of Louisiana Nevada Transit Company by permitting it to obtain gas at a price lower than the price being paid by other purchasers for comparable gas in the same area and in the same field, and that this present rate, if continued in effect, would represent a complete departure from what was contemplated by the contractual arrangements of the parties and would offer discouragement to the investment and use of funds for exploration and development of natural gas. Corey, Jr. also states that a large portion of sales of gas made by Louisiana Nevada Transit Company is for industrial use only, and that the Commission does not have the authority to suspend the rate for the sale of natural gas for resale for industrial use only.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Corey, Jr. should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Corey, Jr., and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Corey, Jr., is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Corey, Jr., as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9063; Filed, Oct. 31, 1957; 8:51 a. m.]

[Docket No. G–13486]

CAROLYN C. GILLMORE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

Carolyn C. Gillmore (Gillmore), on October 9, 1957, tendered for filing a proposed change in her presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Louisiana Nevada Transit Company.

Rate schedule designation: Supplement No. 3 to Gillmore's FPC Gas Rate Schedule No. 2.

Effective date: November 9, 1957. (The stated effective date is the first day after expiration of the required thirty days' notice.)

Gillmore states, in effect, that the rate presently in force is an unduly low rate, which seriously discriminates in favor of Louisiana Nevada Transit Company by permitting it to obtain gas at a price lower than the price being paid by other purchasers for comparable gas in the same area and in the same field, and that this present rate, if continued in effect, would represent a complete departure from what was contemplated by the contractual arrangements of the parties and would offer discouragement to the investment and use of funds for exploration and development of natural gas. Gillmore also states that a large portion of sales of gas made by Louisiana Nevada Transit Company is for industrial use only, and that the Commission does not have the authority to suspend the rate for the sale of natural gas for resale for industrial use only.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Gillmore should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Gillmore, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Gillmore is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Gillmore, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9064; Filed, Oct. 31, 1957; 8:52 a. m.]

[Docket No. G–13525]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

Gulf Oil Corporation (Gulf) on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 23, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 12 to Gulf's FPC Gas Rate Schedule No. 73.

Effective date: November 1, 1957. (The stated effective date is the effective date proposed by Gulf.)

In support of the proposed periodic rate increase, Gulf states that the increased rate is an integral part of the original contract which resulted from arm's-length bargaining, that the low initial price was a convenience to the buyer during a period of high pipeline operating costs, and the contract prices represent the total consideration for the gas to be purchased. Gulf further states that the field price of gas is too low and that the proposed increased rate is less than current field prices.

Gulf's presently effective rate is subject to refund in Docket No. G–11445.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9065; Filed, Oct. 31, 1957; 8:52 a. m.]

[Docket Nos. G–12917, G–12920]

NELLIE M. STINESPRING AND DAVIS & POWELL

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 28, 1957.

Take notice that on July 18, 1957, Nellie M. Stinespring (Stinespring), and Davis & Powell[1] filed applications in Docket Nos. G–12917 and G–12920, respectively, pursuant to sections 7 (b) and 7 (c) of the Natural Gas Act, for authority to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

The applications seek approval for:

(1) Stinespring to abandon service to Hope Natural Gas Company from the 50-acre P. B. Nutter Gas Lease in the Southwest District, Doddridge County, West Virginia, being rendered pursuant to a contract dated January 19, 1925, as amended, between S. J. Squires, Clemmie Squires and P. B. Nutter, as sellers, and Carter Oil Company (Carter),[2] as buyer.

(2) Davis & Powell to continue the sale to Hope, proposed to be abandoned by Stinespring.

Pursuant to an agreement dated February 23, 1957, Stinespring assigned to Davis & Powell, subject to a one-eighth royalty interest reservation, the oil and gas well situated on said 50-acre tract, together with all the equipment pertain-

[1] A partnership.

[2] Hope's predecessor in interest to contract.

ing thereto. By the same agreement Davis & Powell assumed the gas sales contract previously held by Stinespring, which sales contract with Hope Natural Gas Company is currently in effect.

Davis & Powell state that Hope has agreed to the transfer of the gas purchase contract from Stinespring.

Stinespring was authorized on April 11, 1955, in Docket No. G–5424, to render the service to Hope now proposed to be abandoned.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–9066; Filed, Oct. 31, 1957; 8:52 a. m.]

[Docket No. E–6784]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

OCTOBER 28, 1957.

Take notice that on October 23, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northwestern Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska, with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of not to exceed $600,000 of short-term bank notes. The aforesaid short-term notes are to be issued and delivered from time to time to the bank or banks making the loan or loans to be evidenced by such notes and are in addition to $900,000 of short-term bank notes presently outstanding. Applicant proposes to issue the notes on or about November 22, 1957, and from time to time thereafter. Each note will be dated as of the date of issuance and delivery thereof and will mature not more than 360 days from said date. Applicant states that the interest rate on such notes is expected to be ¼ of 1 percent above the prime commercial rate in New York in effect from time to time. Applicant proposes to use the proceeds from the sale of the aforesaid notes to reimburse its treasury for construction expenditures.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 18th day of November 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–9067; Filed, Oct. 31, 1957; 8:52 a. m.]

[Docket No. G–13475]

OHIO OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

The Ohio Oil Company (Operator) et al. (Ohio Oil), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 23, 1957.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 4 to Ohio Oil's FPC Gas Rate Schedule No. 18.
Effective date: October 27, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

Ohio Oil states, in effect, that the price is a part of the initial consideration, the proposed increase is not a rate change but an integral part of the schedule, and that the contract was entered into in good faith by unaffiliated parties as a result of arm's-length bargaining under competitive conditions.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al. are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Ohio Oil should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Ohio Oil, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Ohio Oil is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Ohio Oil, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be, and it is hereby suspended and the use thereof deferred until March 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–9035; Filed, Oct. 31, 1957; 8:46 a. m.]

[1] Present rate previously suspended is in effect subject to refund in Docket No. G–12045.

[Docket No. G–13476]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

Magnolia Petroleum Company (Magnolia), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 40.
Effective date: October 28, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

Magnolia states, in effect, that the price is an integral part of the complete consideration provided in the contract, which was executed in good faith as a result of extensive arm's-length negotiation at a time when there was no assertion of jurisdiction over so-called independent producers of natural gas. Magnolia also states that the contract would not have been executed had not Magnolia been assured by the terms of the agreement that these periodic adjustments in price would be included as part of the initial sale price. Magnolia further states that the price in its entirety for the gas reflects the commodity value of the gas in the field as established by the law of supply and demand in an open competitive market.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Magnolia should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Magnolia, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Magnolia is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Magnolia, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–9036; Filed, Oct. 31, 1957; 8:46 a. m.]

[Docket No. G–13477]

SENECA DEVELOPMENT CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

Seneca Development Company (Seneca), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 4 to Seneca's FPC Gas Rate Schedule No. 2.
Effective date: October 27, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

Seneca states, in effect, that the price specified in the contract is the result of arm's-length bargaining and was fair at the time that the bargaining took place in 1940, and that the periodic adjustments provided in the contract were contemplated to be fair and equitable over a long term in order to enable pipeline buyer to develop its business, and the absence of such periodic increases would tend to stifle both the pipeline companies and those exploring for new gas developments to the detriment of the consuming public. Seneca also states that a large portion of the sales of gas made by Louisiana Nevada Transit Company is for industrial use, and that the Commission does not have authority to suspend a proposed rate in reference to the sale of natural gas for resale for industrial use only.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Seneca should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Seneca, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

[1] Present rate previously suspended is in effect subject to refund in Docket No. G–12194.

[1] Present rate previously suspended is in effect subject to refund in Docket No. G–8616.

The Commission orders:

(A) The proposed change in rates filed by Seneca is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Seneca, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9037; Filed, Oct. 31, 1957; 8:46 a. m.]

[Docket No. G–13478]

JOHN W. O'BOYLE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

John W. O'Boyle (John O'Boyle), on September 26, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 3 to John O'Boyle's FPC Gas Rate Schedule No. 2.
Effective date: October 27, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

John O'Boyle states, in effect, that the rate presently in force is an unduly low rate, which seriously discriminates in favor of Louisiana Nevada Transit Company by permitting it to obtain gas at a price lower than the price being paid by other purchasers for comparable gas in the same area and in the same field, and that this present rate, if continued in effect, would represent a complete departure from what was contemplated by the contractual arrangements of the parties and would offer discouragement to the investment and use of funds for exploration and development of natural gas. John O'Boyle also states that a large portion of sales of gas made by Louisiana Nevada Transit Company is for industrial use only, and that the Commission does not have the authority to suspend the rate for the sale of natural gas for resale for industrial use only.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by John O'Boyle should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by John O'Boyle, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by John O'Boyle is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by John O'Boyle, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9038; Filed, Oct. 31, 1957; 8:47 a. m.]

[Docket No. G–13479]

KATHLEEN O'BOYLE, TRUST NO. 2

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

Kathleen O'Boyle, Trust No. 2 (Kathleen O'Boyle), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contined in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 4 to Kathleen O'Boyle's FPC Gas Rate Schedule No. 2.
Effective date: October 27, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

Kathleen O'Boyle states, in effect, that the price specified in the contract is the result of arm's-length bargaining and was fair at the time that the bargaining took place in 1940, and that the periodic adjustments provided in the contract were contemplated to be fair and equitable over a long term in order to enable pipeline buyer to develop its business, and the absence of such periodic increases would tend to stifle both the pipeline companies and those exploring for new gas developments to the detriment of the consuming public. Kathleen O'Boyle also states that a large portion of the sales of gas made by Louisiana Nevada Transit Company is for industrial use, and that the Commission does not have authority to suspend a proposed rate in reference to the sale of natural gas for resale for industrial use only.

[1] Present rate previously suspended is in effect subject to refund in Docket No. G–8617.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Kathleen O'Boyle should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Kathleen O'Boyle, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Kathleen O'Boyle is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Kathleen O'Boyle, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9039; Filed, Oct. 31, 1957; 8:47 a. m.]

[Docket No. G–13480]

NEBO OIL COMPANY, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

Nebo Oil Company, Inc. (Nebo), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 4 to Nebo's FPC Gas Rate Schedule No. 2.
Effective date: October 27, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

Nebo states, in effect, that the price specified in the contract is the result of arm's-length bargaining and was fair at the time that the bargaining took place in 1940, and that the periodic adjustments provided in the contract were contemplated to be fair and equitable over a long term in order to enable pipeline buyer to develop its business, and the absence of such periodic increases would tend to stifle both the pipeline companies and those exploring for new gas developments to the detriment of the consuming public. Nebo also states that a large portion of the sales of gas made by Louisiana Nevada Transit Company is for industrial use, and that the Commission does not have authority to suspend a proposed rate in reference to the sale of natural gas for resale for industrial use only.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

[1] Present rate previously suspended is in effect subject to refund in Docket No. G–8621.

This proposed increased rate is additional to that filed by this same applicant and involved in other proceedings consolidated with Docket No. G–9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G–9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Nebo should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Nebo, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Nebo is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G–9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Nebo, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of

practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9040; Filed, Oct. 31, 1957; 8:47 a. m.]

[Docket No. G-13512]

B. B. ORR

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

B. B. Orr (Orr), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 7 to Orr's FPC Gas Rate Schedule No. 1.
Effective date: November 1, 1957. (Effective date is the date proposed by Orr.)

In support of the proposed rate increase, Orr states, among other things, that the contract was entered into by the parties in good faith with a full understanding of the terms and provisions thereof, and with the intention of complying therewith, without fear of any ex post facto law or regulation interfering retroactively or retrospectively thereto, and that the price increase is fair and equitable, being the same prices approved by the Commission for other operators in the immediate vicinity.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9041; Filed, Oct. 31, 1957; 8:47 a. m.]

[Docket No. G-13577]

COLORADO-WYOMING GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEET

OCTOBER 25, 1957.

Colorado-Wyoming Gas Company (Colorado-Wyoming), on September 27, 1957, tendered for filing Eighth Revised Sheet No. 4 and Seventh Revised Sheet No. 7 to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective on October 21, 1957, and proposing an increase in jurisdictional rates and charges of $340,000, or 5.5 percent based on estimated sales for the year ending September 30, 1957.

Colorado-Wyoming states that the proposed increase is required to pass on increased purchased gas costs resulting from the increased rates filed by its supplier, Colorado Interstate Gas Company (Colorado Interstate) on September 19, 1957. By order issued October 18, 1957, in Docket No. G-13541, Colorado Interstate's increased rates have been suspended and their use deferred until February 5, 1958. Since the proposed increased rates and charges of Colorado Interstate have been suspended and have not been shown to be justified, Colorado-Wyoming's reliance on the proposed increased rates and charges of Colorado Interstate is subject to the same infirmity.

The increased rates and charges provided in said revised sheets, as tendered on September 27, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Seventh Revised Sheet No. 7 to Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, provides for the sale of natural gas for resale for industrial use only, and, therefore, under the provisions of the Natural Gas Act, is not subject to suspension.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the revised tariff sheets tendered on September 27, 1957; and that the aforesaid Eight Revised Sheet No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the aforesaid revised sheets tendered for filing on September 27, 1957.

(B) Pending such hearing and decision thereon, Colorado-Wyoming's proposed Eighth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, is hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9042; Filed, Oct. 31, 1957; 8:48 a. m.]

[Docket No. G-13579]

TEXAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

The Texas Company (Operator), et al., (Texas), on September 26, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 6.
Effective date: November 1, 1957. (Effective date is the effective date proposed by Texas.)

In support of the proposed rate increase, Texas states, that the contract price provisions resulted from bona fide arm's-length bargaining and that the periodic price adjustments were designed to partially compensate seller for the continuously increasing costs of development, operation and maintenance. Texas also cites other prices, not subject to suspension, which exceed the proposed increased price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11391.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9043; Filed, Oct. 31, 1957; 8:48 a. m.]

[Docket No. G-13580]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 25, 1957.

Tidewater Oil Company (Tidewater), on September 27, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 25, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 6 to Tidewater's FPC Gas Rate Schedule No. 26.
Effective date: November 1, 1957. Effective date is the effective date proposed by Tidewater.

In support of the proposed rate increase, Tidewater states, that the contract was arrived at by arm's-length bargaining, that the price increase provisions are an integral part of such contract, and that the increased rate is in all respects fair, just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioner Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9044; Filed, Oct. 31, 1957; 8:48 a. m.]

[Docket No. G-13526]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

Gulf Oil Corporation (Gulf) on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 26, 1957.
Purchaser: Hassie Hunt Trust.
Rate schedule designation: Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 83.
Effective date: November 1, 1957. (Effective date is the effective date proposed by Gulf.)

In support of the proposed periodic rate increase, Gulf states that the contract was entered into as a result of arm's-length bargaining, that the low initial price in the contract was a convenience to the buyer during a period of high pipeline operating costs and that the contract prices represent the total consideration for the gas to be purchased. Gulf further states that the field price of gas is too low and that the proposed increased rate is less than the current field prices.

Gulf's presently effective rate under this rate schedule is subject to refund in Docket No. G-11335.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9045; Filed, Oct. 31, 1957; 8:48 a. m.]

[Docket No. G-13527]

CALIFORNIA CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

The California Company (Operator), et al., (California), on September 30, 1957, tendered for filing a proposed

change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 26, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 20 to California's FPC Gas Rate Schedule No. 1.

Effective date: November 1, 1957. (Effective date is the effective date proposed by California.)

In support of the proposed periodic rate increase, California states that the price for gas under the contract was established for the entire volume of gas over the entire contract period and not on a year-to-year basis and that the increased rate is less than the present market price for a comparable sale.

Supplement No. 19 to California's FPC Gas Rate Schedule No. 1 was suspended until April 1, 1957 by order issued October 31, 1956 in Docket No. G-11329 and has not been made effective pursuant to the provisions of the Natural Gas Act.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9046; Filed, Oct. 31, 1957; 8:48 a. m.]

[Docket No. G-13528]

HIAWATHA OIL AND GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

Hiawatha Oil and Gas Company (Hiawatha), on October 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 2 to Hiawatha's FPC Gas Rate Schedule No. 6.

Effective date: November 1, 1957. (Effective date is the effective date proposed by Hiawatha.)

In support of the proposed rate increase Hiawatha states that the periodic price increases provided in the contract were reasonable consideration for the commitment of Hiawatha's reserves for a twenty-year period; the present rate is below certain existing field prices, the increased rate will not exceed the fair market value of gas and that expenses for exploration, development and operations have increased.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9047; Filed, Oct. 31, 1957; 8:48 a. m.]

[Docket No. G-13529]

HASSIE HUNT TRUST

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

Hassie Hunt Trust on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 9 to Hassie Hunt Trust's FPC Gas Rate Schedule No. 4.

Effective date: November 1, 1957. (Effective date is the effective date proposed by Hassie Hunt Trust.)

In support of the proposed periodic rate increase, Hassie Hunt Trust states that the contract resulted from arm's-length bargaining, that the long-term contract was an installment sale based on reasonable price adjustments and that the price increase is not a change in rate but an integral part of its initial rate schedule.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9048; Filed, Oct. 31, 1957; 8:49 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11123.

[Docket No. G-13530]

HUNT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 28, 1957.

Hunt Oil Company (Hunt), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 28.

Effective date: November 1, 1957. (Effective date is the effective date proposed by Hunt.)

In support of its periodic rate increase, Hunt states that the contract was entered into as a result of arm's-length bargaining for the sale of gas under a long-term contract with payment on an installment basis and that the price reflects the commodity value of the gas in the field from which it is produced.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9049; Filed, Oct. 31, 1957; 8:49 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11360.

[Project No. 1925]

FRESNO IRRIGATION DISTRICT

NOTICE OF LAND WITHDRAWAL; CALIFORNIA

OCTOBER 28, 1957.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described, insofar as title thereto remains in the United States, is included in power project No. 1925 for which completed application for license was filed December 3, 1956. Under said section 24 all land of the United States lying within the boundaries of the project as delimited upon the maps filed in support thereof, are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

T. 13 S., R. 24 E.,
Sec. 2: Government Lot 7.

The area reserved pursuant to the filing of this application is approximately 6.25 acres of land acquired by the Corps of Engineers, United States Army, in connection with Pine Flat Reservoir Project.

Copies of Project map Exhibit "K" (F. P. C. No. 1925-3) have been transmitted to the Bureau of Land Management, Geological Survey and Office of the Chief of Engineers, Department of Defense.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9050; Filed, Oct. 31, 1957; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT DIRECTORS FOR MANAGEMENT ET AL.

DELEGATIONS OF FINAL AUTHORITY WITH RESPECT TO EXECUTION OF CONTRACTS

Section II *Delegations of final authority*, is amended as follows:

Paragraph C is amended by adding subparagraph 6 as follows:

6. To execute contracts and amendments thereto for the purchase by local housing authorities of materials, equipment, and supplies.

Assistant Directors for Management.
Chiefs of the Project Fiscal Management Sections.
General Supply Officers.

Date approved: October 25, 1957.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 57-9052; Filed, Oct. 31, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 8-5200]

BATTERY SECURITIES CORP.

ORDER REVOKING BROKER-DEALER REGISTRATION AND EXPELLING FROM NATIONAL SECURITIES ASSOCIATION

OCTOBER 25, 1957.

In the matter of Battery Securities Corporation, 80 Broad Street, New York, New York; File No. 8-5200.

Private proceedings having been instituted pursuant to sections 15 (b) and 15A of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Battery Securities Corporation and whether to suspend or expel it from membership in the National Association of Securities Dealers, Inc.;

Hearings having been held after appropriate notice, a stipulation of facts and a consent to revocation and expulsion having been filed, and a recommended decision having been waived;

The Commission having this day issued its findings and opinion herein; on the basis of said findings and opinion

It is ordered, That the registration as a broker and dealer of Battery Securities Corporation be, and it hereby is, revoked and that Battery Securities Corporation be, and it hereby is, expelled from membership in the National Association of Securities Dealers, Inc., and it is found that Leo Raymond is a cause of this order of revocation and expulsion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9054; Filed, Oct. 31, 1957; 8:50 a. m.]

[File No. 24 NY-4138]

WILLIAM TELL PRODUCTIONS, INC.

ORDER VACATING ORDER OF TEMPORARY SUSPENSION

OCTOBER 24, 1957.

William Tell Productions, Inc. having filed with the Commission on November 4, 1955, a notification on Form 1-A and an Offering Circular, and amendments thereto, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, pursuant to section 3 (b) thereof and Regulation A thereunder, with respect to an offering of 295,000 shares of its 10 cents par value common stock at $1.00 per share;

The Commission having by order dated September 5, 1956, pursuant to Rule 223 (a) of Regulation A, temporarily suspended the aforesaid exemption;

The Commission having ordered a hearing to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption;

Hearings having been held after appropriate notice, and the hearing examiner having filed a recommended decision;

The Commission having this day issued its Findings and Opinion; on the basis of said Findings and Opinion

It is ordered, Pursuant to Rule 223 (b) of Regulation A, that said temporary order of suspension be, and it hereby is, vacated, effective upon the date of filing of amendments to the notification and offering circular setting forth all required information with respect to the affiliation of William Tell Productions, Inc., with W. T. Clemons Associates and prior sales of securities by W. T. Clemons Associates, and reducing the aggregate offering price in compliance with the $300,000 limitation of Regulation A.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9055; Filed, Oct. 31, 1957; 8:50 a. m.]

[File No. 24NY-4042]

FRANKLIN ATLAS CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 28, 1957.

I. Franklin Atlas Corporation, a New York corporation, 80 Wall Street, New York 5, New York, filed with the Commission on July 6, 1955, a notification on Form 1-A, and an offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of $150,000 principal amount of 10-year 6 percent Convertible Debentures due July 15, 1965 at par, 149,000 shares of 10 cents par value Class A Common Stock at $1.00 a share, and 53,800 shares of 1 cent par value Class B Common Stock at 1 cent a share, for an aggregate of $299,538, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The offering circular dated August 1, 1955 contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, more particularly with respect to:

1. Statements made as to use of the proceeds from the sale of the securities being offered;

2. Failure to disclose application of a substantial part of the proceeds to the personal use of a controlling person;

3. Statements made that acquisitions of certain properties in exchange for securities of the issuer were the result of arms-length dealings;

4. Failure to disclose John L. de Lyra as a promoter of the issuer;

5. Failure to disclose John L. de Lyra as a person directly or indirectly controlling the issuer;

6. Failure to disclose the material interests of John L. de Lyra in connection with assets proposed to be and acquired by the issuer;

7. Failure to disclose underwriters and the terms of the agreements made with underwriters;

8. Statements made that the securities being offered would be offered through the issuer's officers, directors and employees without use of any underwriter or broker.

B. The terms and conditions of Regulation A have not been complied with in that a report on Form 2-A filed by the issuer on April 6, 1956 is false and misleading with respect to statements made as to the amount of cash on hand on March 31, 1956 and the amount of securities sold.

C. The offering of the securities would and did operate as a fraud and deceit on purchasers; and

III. An injunction was issued September 4, 1957 by the United States District Court for the Southern District of New York enjoining the issuer and others from violating certain provisions of the Securities Act of 1933, as amended, in connection with the sale of issuer's securities.

IV. *It is ordered,* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9056; Filed, Oct. 31, 1957; 8:50 a. m.]

[File No. 70-3630]

SOUTHERN ELECTRIC GENERATING CO. ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE TO PARENT COMPANIES BY SUBSIDIARIES OF ADDITIONAL COMMON STOCK

In the matter of The Southern Electric Generating Company, Alabama Power Company, Georgia Power Company, The Southern Company; File No. 70-3630.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, its direct public utility subsidiaries, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), and its indirect subsidiary, Southern Electric Generating Company ("Segco"), have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding the issuance and sale to the parent companies by the subsidiaries of additional common stock. Applicants-declarants have designated sections 6 (b), 9 (a), 10 and 12 (f) of the act, and Rules U-43 and U-50 (a) (3) promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Segco proposes to issue and sell, and Alabama and Georgia, Segco's only stockholders, propose to acquire, in equal proportions, 25,000 additional shares of Segco's authorized but unissued $100 par value common stock, for a cash consideration of $2,500,000. Segco proposes to use the proceeds from the sale of its stock for the purchase of certain coal reserves, the purchase of a site for an additional generating plant, the construction of certain coal facilities, and for the continuation of the construction of its generating station now under construction.

Alabama and Georgia each proposes to issue and sell, and Southern, the owner of all of Alabama's and Georgia's outstanding common stock, proposes to acquire, 12,500 additional shares of authorized but unissued no-par common stock for a cash consideration of $1,250,000. Alabama and Georgia propose to use the funds (aggregating $2,500,000) received from the sale of their stock to purchase the additional shares of common stock to be issued by Segco.

The various transactions are to be consummated presently or from time to time during 1957 and 1958 as funds are required for the purposes stated.

The estimated fees and expenses to be incurred in connection with the proposed transactions are as follows: Alabama $1,026 (consisting of $526 of federal issue tax and $500 miscellaneous expenses); Georgia $963 (consisting of $463 federal issue tax and $500 miscellaneous expenses); and Segco $5,250 (consisting of $2,750 federal issue tax, $1,000 legal fees, and $1,500 of miscellaneous expenses).

Notice is further given that any interested person may, not later than November 12, 1957 request in writing that a hearing be held in respect of the joint application-declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may grant and permit to become effective the joint application-declaration, as filed or as it may be amended, pursuant to the provisions of Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 and U-100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9057; Filed, Oct. 31, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 29, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34259: *Iron and steel articles to Baton Rouge and New Orleans, La.* Filed by O. W. South, Jr., Agent (SFA No. A3552), for interested rail carriers. Rates on iron and steel articles, carloads from specified points in Alabama, Georgia, Kentucky, including Louisville, and Tennessee; also Alton, East St. Louis, Federal, Ill., St. Louis, Mo., Cincinnati, Ironton, New Boston, Portsmouth, Ohio, and Huntington, W. Va., to Baton Rouge and New Orleans, La.

Grounds for relief: Short-line distance formula and grouping, also destination relationship and Louisiana and Texas Gulf ports.

Tariff: Supplement 18 to Agent C. A. Spaninger's tariff I. C. C. 1592.

FSA No. 34260: *Cement—Texas producing points to Oklahoma points.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7143), for interested rail carriers. Rates on cement, hydraulic, masonry, mortar, natural or portland, and dry building mortar, straight or mixed carloads, also concrete mixture, dry, consisting of a physical mixture in the same bag of cement and aggregates, straight carloads, from Atco, Dallas, Ft. Worth, Hart Spur, Maryneal, and North Ft. Worth, Tex., to specified points in Oklahoma.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 22 to Agent Kratzmeir's tariff I. C. C. 4186.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9053; Filed, Oct. 31, 1957; 8:49 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect approvals which have been given to increased interest rates on Federal land bank loans closed through national farm loan associations, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (21 F. R. 10167; 22 F. R. 133, 653, 1318, 1586, 2095, 3863, 6214, 7129, 7833), is hereby further amended: effective October 24, 1957, by substituting "5½" for "5" in the line with "Omaha" therein; and, effective November 1, 1957: by substituting "6" for "5½" in the lines with "Springfield", "Baltimore", and "Columbia" therein; and by substituting "5½" for "5" in the lines with "New Orleans", "St. Paul", and "Houston" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 57-9120; Filed, Nov. 1, 1957; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 120]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.420 *Navel Orange Regulation 120*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the

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FEDERAL REGISTER

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aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 31, 1957.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 3, 1957, and ending at 12:01 a. m., P. s. t., November 10, 1957, are hereby fixed as follows:

(i) District 1: 246,780 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: 55,440 cartons.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: November 1, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9191; Filed, Nov. 1, 1957; 11:21 a. m.]

[Lemon Reg. 710, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) and (iii) of § 953.817 (Lemon Regulation 710; 22 F. R. 8486) are hereby amended to read as follows:

(ii) District 2: 195,300 cartons;
(iii) District 3: 37,200 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 30, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9099; Filed, Nov. 1, 1957; 8:46 a. m.]

[Lemon Reg. 711]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.818 *Lemon Regulation 711.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 30, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 3, 1957, and ending at 12:01 a. m., P. s. t., November 10, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 174,840 cartons;
(iii) District 3: 34,410 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 31, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9180; Filed, Nov. 1, 1957; 9:09 a. m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, was published in the FEDERAL REGISTER October 10, 1957 (22 F. R. 8068). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 959.210 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to this part to enable such committee to perform its functions pursuant to the provisions of this part, during the fiscal period beginning July 1, 1957 and ending June 30, 1958, will amount to $19,487.50.

(b) The rate of assessment to be paid by each handler, pursuant to this part, shall be three-eighths cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, October 30, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-9133; Filed, Nov. 1, 1957; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6631]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAURICE BALL FURS

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Fictitious marking; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products*

falsely: Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Maurice Ball trading as Maurice Ball Furs, Los Angeles, Calif., Docket 6631, Oct. 7, 1957]

In the Matter of Maurice Ball, an Individual Trading as Maurice Ball Furs

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Los Angeles, Calif., with violating the Fur Products Labeling Act by advertising and labels which falsely identified animals producing the fur in certain products and which carried fictitious prices; by failing to comply with the labeling and invoicing requirements of the act; by advertisements in newspapers which failed to disclose that certain fur products were artificially colored, and misrepresented the geographic origin of certain furs, their values, and prices; and by failing to keep adequate records as a basis for such pricing claims.

Following respondent's answer, submission of testimony and other evidence and proposed findings and conclusions, the hearing examiner made his initial decision and order to cease and desist. Upon review, the Commission, on October 7, adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Maurice Ball, an individual doing business as Maurice Ball Furs, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Falsely or deceptively labeling or otherwise identifying any such product as to the regular price or value of such product when such price is not that at which such product is regularly sold by respondent.

3. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is a fact;

c. That the fur product contains or is composed of bleached, dyed or artificially colored fur, when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

4. Setting forth on labels attached to fur products:

a. Non-required information mingled with required information;

b. Required information in handwriting.

B. Removing or participating in the removal of labels required by the Fur Products Labeling Act to be affixed to fur products, prior to the time any fur product, is sold and delivered to the ultimate consumer.

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

c. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

d. The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth required information in abbreviated form.

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

2. Represents, directly or by implication:

a. That the amount set forth on price tags attached to fur products represents the value or the usual price at which said fur products had been customarily sold by the respondent in the recent regular course of his said business, contrary to fact;

b. That the country of origin of any imported fur or furs used in said fur products sold by respondent is other or different than is the fact;

c. That any such product is of higher grade, quality, or value than is the fact;

d. That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent, regular course of his business.

E. Making use of comparative prices or percentage savings claims in advertising unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

F. Making price claims and representations of the types referred to in Paragraphs D 2a, D 2c, D 2d, and E, unless there is maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondent, Maurice Ball, shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order contained in said initial decision.

Issued: October 7, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-9097; Filed, Nov. 1, 1957; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter D—Miscellaneous Excise Taxes

[T. D. 6261]

PART 42—FACILITIES AND SERVICES TAXES

EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS OF CERTAIN AMOUNTS PAID BY PERSONNEL OF ARMED FORCES

In order to conform subpart D of the Facilities and Services Excise Tax Regulations (26 CFR Part 42), relating to the tax on the transportation of persons, to the act of June 29, 1957, 71 Stat. 243, such regulations are amended as follows:

PARAGRAPH 1. Section 42.4263 (e) is amended:

(A) By striking "2.025 cents per mile" and inserting in lieu thereof "2.5 cents per mile."

(B) By revising the historical note at the end of the statutory provisions in § 42.4263 (e) to read:

[Sec. 4262 (f) redesignated section 4263 (e) by section 2, Act of July 25, 1956 (Pub. Law 796, 84th Cong., 70 Stat. 644); section 4263 (e) as amended by act of June 29, 1957 (Pub. Law 85-74, 71 Stat. 243) which substituted "2.5 cents per mile" for "2.025 cents per mile", effective with respect to amounts paid after the date of enactment]

Par. 2. Section 42.4263 (e)-1 is amended to read:

§ 42.4263 (e)-1 *Members of the armed forces.* The tax imposed by section 4261 does not apply to amounts paid for transportation or for seating or sleeping accommodations furnished under special tariffs providing for fares of not more than 2.5 cents per mile (2.025 cents per mile with respect to amounts paid prior to June 30, 1957, for such transportation or accommodations) applicable to round-trip tickets sold to personnel of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, including authorized cadets and midshipmen, traveling in uniform of the United States at their own expense when on official leave, furlough, or pass. A person claiming exemption under this section will be required to exhibit to the agent of the carrier a properly executed certificate to show that he is traveling on official leave, furlough, or pass, but the submission of an exemption certificate on Form 731 is not necessary in such case.

Because this Treasury decision amends existing regulations merely by changing a figure representing a mileage rate limit on fares for tax exemption purposes in conformity with the amendment made by the act of June 29, 1957, 71 Stat. 243, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(Sec. 7805, 68 A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

Approved: October 30, 1957.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 57-9101; Filed, Nov. 1, 1957; 8:46 a. m.]

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6262]

PART 270—CIGARS AND CIGARETTES; MANUFACTURERS, IMPORTERS, AND DEALERS

PART 275—MANUFACTURED TOBACCO; MANUFACTURERS, IMPORTERS, AND DEALERS

RECORDS TO BE MAINTAINED BY MANUFACTURERS OF TOBACCO, CIGARS, AND CIGARETTES, FOR TOBACCO TAX PURPOSES

On August 14, 1957, a notice of proposed rulemaking with respect to regulations designated as Part 270 and Part 275 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (22 F. R. 6513). The purposes of the proposal were to amend such regulations to prescribe that manufacturers of tobacco, cigars, and cigarettes may utilize commercial records for tobacco tax purposes. No data, views, or arguments pertaining thereto having been received during the period of 30 days from the date of publication of said notice of proposed rulemaking, the regulations so published are hereby adopted as set forth below.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

Approved: October 30, 1957.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

In order to prescribe that manufacturers of tobacco, cigars, and cigarettes may utilize commercial records for tobacco tax purposes, regulations in 26 CFR Parts 270 and 275 are hereby amended as follows:

PARAGRAPH 1. Section 270.142 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.142 *Records*—(a) *General.* Every manufacturer of cigars and cigarettes shall keep records of his daily operations and transactions, which shall reflect the following information:

(1) *Tobacco materials.* The date and quantity (in pounds) of all unstemmed tobacco, and other tobacco materials (i) received (except with respect to samples as provided by § 270.159)—from a dealer in tobacco materials or manufacturer of tobacco products, together with the permit number of such dealer or manufacturer; from a farmer or grower, or tobacco growers' co-operative association, together with the name and address of such farmer, grower, or association; by reduction of tobacco products to tobacco materials; by release from customs custody; and by return to the factory; (ii) shipped or delivered—to a dealer in tobacco materials or manufacturer of tobacco products, together with the permit number of such dealer or manufacturer; to a State institution, together with the name and address of such institution; and for exportation; and (iii) lost, and destroyed.

(2) *Cigars and cigarettes.* The date and number of all small cigars, large cigars, small cigarettes, and large cigarettes (i) manufactured; (ii) received, without payment of tax—from another factory, an export warehouse, and customs custody, and by withdrawal from the market; (iii) removed subject to tax (itemizing large cigars by class); (iv) removed, without payment of tax, for—export purposes, use of the United States, transfer to another factory, experimental purposes off factory premises, and use or consumption by employees off factory premises (also showing the number of employees to whom furnished); (v) otherwise disposed of, without payment of tax, by—use or consumption by employees on factory premises, use for experimental purposes on factory premises, reduction to materials, loss, and destruction; and (vi) received taxpaid and disposed of (itemizing large cigars by class).

(3) *Stamps.* The date and value of each class of stamps (i) received; (ii) affixed to packages of cigars and cigarettes removed; and (iii) lost, destroyed, and mutilated.

The entries for each day in the records maintained or kept under this section will be considered timely if made by the close of the business day following that on which the operations or transactions occur. All records maintained or kept under this section shall be retained for two years following the close of the year covered in the records, and shall be made available for inspection by any revenue officer upon his request.

(b) *Commercial records.* A manufacturer of cigars and cigarettes who maintains commercial records which reflect his operations and transactions required to be recorded by this section may utilize such records for this purpose. No particular form of commercial records is prescribed, but the information required by paragraph (a) of this section shall be readily ascertainable from the commercial records.

(c) *Form 2142 or 2143.* Where a manufacturer of cigars and cigarettes does not maintain and utilize commercial records, as provided in paragraph (b) of this section, he shall keep a record of his operations and transactions on Form 2142 with respect to large cigars, and on Form 2143 with respect to small cigars and large and small cigarettes, together with all auxiliary and supplemental records of individual operations and transactions from which such record is compiled.

(68A Stat. 715; 26 U. S. C. 5741)

PAR. 2. Section 275.132 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 275.132 *Records*—(a) *General.* Every manufacturer of tobacco shall keep records of his daily operations and transactions, which shall reflect the following information:

(1) *Tobacco materials.* The date and quantity (in pounds) of all unstemmed tobacco, and other tobacco materials (i) received (except with respect to samples as provided by § 275.148)—from a dealer in tobacco materials or manufacturer of tobacco products, together with the permit number of such dealer or manufacturer; from a farmer or grower, or tobacco growers' co-operative association, together with the name and address of such farmer, grower, or association; by reduction of manufactured tobacco to tobacco materials; by release from customs custody; and by return to the factory; (ii) shipped or delivered—to a dealer in tobacco materials or manufacturer of tobacco products, together with the permit number of such dealer or manufacturer; to a State institution, together with the name and address of such institution; and for exportation; and (iii) lost, and destroyed.

(2) *Manufactured tobacco.* The date and quantity (in pounds) of all plug, twist and other forms of leaf, fine-cut chewing, scrap chewing, smoking tobacco, and snuff (i) produced; (ii) received, without payment of tax—from another factory, an export warehouse, and customs custody, and by withdrawal from the market; (iii) removed subject to tax; (iv) removed, without payment of tax, for—export purposes, use of the United States, transfer to another factory, experimental purposes off factory premises, and use or consumption by employees off factory premises (also showing the number of employees to whom furnished); (v) otherwise disposed of, without payment of tax, by—use or consumption by employees on factory premises, use for experimental purposes on factory premises, reduction to materials, loss, and destruction; and (vi) received taxpaid and disposed of (without itemizing the manufactured tobacco by kinds).

(3) *Stamps.* The date and value of all stamps (i) received; (ii) affixed to packages of manufactured tobacco removed; and (iii) lost, destroyed, and mutilated.

The entries for each day in the records maintained or kept under this section will be considered timely if made by the close of the business day following that on which the operations or transactions occur. All records maintained or kept under this section shall be retained for two years following the close of the year covered in the records, and shall be made available for inspection by any revenue officer upon his request.

(b) *Commercial records.* A manufacturer of tobacco who maintains commercial records which reflect his operations and transactions required to be recorded by this section may utilize such records for this purpose. No particular form of commercial records is prescribed, but the information required by paragraph (a) of this section shall be readily ascertainable from the commercial records.

(c) *Form 2141.* Where a manufacturer of tobacco does not maintain and utilize commercial records, as provided in paragraph (b) of this section, he shall keep a record of his operations and transactions on Form 2141, together with all auxiliary and supplemental records of individual operations and transactions from which such record is compiled.

(Sec. 5741, 68A Stat. 715; 26 U. S. C. 5741)

[F. R. Doc. 57-9102; Filed, Nov. 1, 1957; 8:47 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 778—OVERTIME COMPENSATION

PREMIUM AND "CALL-BACK" PAY AMENDMENTS

Pursuant to the authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), General Order No. 45–A (15 F. R. 3290), and General Order No. 85–A (22 F. R. 7614), Part 778, Subchapter B, Title 29, Code of Federal Regulations, is amended as follows:

1. Section 778.5 (c) is amended by deleting the last sentence and substituting therefor the following: "It is part of his regular rate of pay unless such extra compensation is paid the employee on infrequent and sporadic occasions so as to qualify for exclusion under section 7 (d) (2) in which event it need not be included in computing his regular rate of pay, as explained in § 778.7 (e)."

2. Section 778.7 (e) is amended by adding at the end thereof the following: "Similarly, these principles will also be applied with respect to certain types of extra payments which are similar to call-back pay, such as: (1) Extra payments made to employees, on infrequent and sporadic occasions, for failure to give the employee sufficient notice to report for work on regular days of rest or during hours outside of his regular work schedule; and (2) extra payments made, on infrequent and sporadic occasions, solely because the employee has been called back to work before the expiration of a specified number of hours between shifts or tours of duty, sometimes referred to as a "rest period". The extra payment, over and above the employee's earnings for the hours actually worked at his applicable rate (straight time or overtime, as the case may be), is considered as a payment that is not made for hours worked.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

Signed at Washington, D. C. this 28th day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-9095; Filed, Nov. 1, 1957; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS PROJECTS

SALE OF LAND IN RESERVOIR AREAS FOR COTTAGE SITE DEVELOPMENT AND USE

Section 211.81 is amended to include an additional reservoir area to which §§ 211.71 to 211.80 are applicable, effective upon date of publication in the FEDERAL REGISTER, as follows:

§ 211.81 *Reservoir areas.* • • •

(o) Allatoona Reservoir Area, Georgia.

[Regs., October 24, 1957, 602–ENGLT] (Sec. 2, 70 Stat. 1065; 16 U. S. C. 460f)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9094; Filed, Nov. 1, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO–299]

MILK IN NORTHLAND MARKETING AREA

NOTICE CONCERNING RECONVENED HEARING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing (notice of which was issued September 13, 1957; 22 F. R. 7429) was held at Escanaba, Michigan, on October 8–15, 1957, with respect to a proposed marketing agreement and order to regulate the handling of milk in the Northland marketing area. On October 15, 1957, the hearing was recessed by the Presiding Officer to reconvene November 20, 1957, at Green Bay, Wisconsin, beginning at 10:00 a. m., c. s. t. When the hearing reconvenes it will be at the Ballroom, Northland Hotel, Green Bay, Wisconsin.

Pursuant to purposes stated in the original notice of hearing, all evidence adduced at the hearing, including the previous sessions thereof, will be considered in deciding whether one order or separate orders regulating all or a part of the areas proposed in the notice of hearing would tend to effectuate the declared policy of the act.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 30th day of October 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9132; Filed, Nov. 1, 1957; 8:52 a. m.]

[7 CFR Part 968]

[Docket No. AO–173–A9]

HANDLING OF MILK IN THE WICHITA, KANSAS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Allis Hotel, Wichita, Kansas, beginning at 10: 00 a. m., local time, on November 19, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Wichita, Kansas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

Proposals 1, 4, 5, 6, and 7 refer to class prices and the distribution of returns to producers. Consideration of these proposals may also involve prices and returns at locations so distant from the market as to involve substantial transportation charges. Proposal 9 refers to the standards under which a distributing plant may qualify as a pool plant. Consideration of these standards may, in turn, involve standards under which supply plants may qualify as pool plants. Accordingly, the hearing will be open to consideration of location adjustments to handlers and producers, to all aspects of the definition of pool plant, and to such corollary provisions as the definitions of handler, producer, producer milk, and other source milk.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Wichita Milk Producers Association:

Proposal No. 1: Amend § 968.51 (b) by adding a new subparagraph (3) as follows:

(3) The price per hundredweight for skim milk and butterfat in making cottage cheese curd shall be the price computed in § 968.51 (b) (1) and or (2) plus sixty cents per hundredweight.

Proposal No. 2: Re-examine the base setting and/or the base paying months.

Proposal No. 3: Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Proposed by the Beatrice Foods Co., DeCoursey Creamery Co., Hyde Park Dairies, Inc., and Steffens Dairy Foods Co.

Proposal No. 4: Amend § 968.51 (a) whereby the Class I price will be more in line with other regulated markets in the State of Kansas.

Proposal No. 5: Amend § 968.51 (a) to provide for a supply-demand adjustment of the Class I price.

Proposal No. 6: Amend § 968.52 (a) and (b) by deleting the present language and substituting the following:

(a) *Class I milk.* Multiply such price for the preceding month by 0.135.

(b) *Class II milk.* Multiply such price for the preceding month by 0.110.

Proposal No. 7: Amend § 968.81 by deleting the present language and substituting the following: "The butterfat differential to producers shall be at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 968.52, dividing the total butterfat in producer milk and rounding to the nearest even tenth of a cent."

Proposed by Beatrice Foods Company:

Proposal No. 8: Amend § 968.3 *Marketing area* to include the territory within the County of Reno, Kansas.

Proposed by the Central Kansas Cooperative Creamery Association:

Proposal No. 9: Amend § 968.8 (a) by changing the requirement of total milk receipts to be sold in the area from 20 percent to 10 percent and (b) by changing the requirement of total milk receipts to be sold in the area from 25 percent to 15 percent.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2700 East Central, Wichita 2, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 30th day of October 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9131; Filed, Nov. 1, 1957; 8:51 a. m.]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

PROPOSED RULE WITH RESPECT TO BUDGET OF EXPENSES OF WALNUT CONTROL BOARD FOR MARKETING YEAR BEGINNING AUGUST 1, 1957

Notice is hereby given that the Secretary is considering establishment of a budget of expenses of the Walnut Control Board of $103,200 and assessment rates of 0.13 cent and 0.17 cent per pound of merchantable unshelled and shelled walnuts, respectively, for the marketing year beginning August 1, 1957. The proposed rule, which is based on recommendations of the Walnut Control Board and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 105, and Order No. 84, as amended (7 CFR, Part 984; 22 F. R. 7885), regulating the handling of walnuts grown in California, Oregon, and Washington. Said marketing agreement and order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to data, views, or arguments pertaining to the proposed rule which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than the fifteenth day after publication of this notice in the FEDERAL REGISTER.

Approximately 72.5 million pounds of unshelled walnuts and 27 million pounds of shelled walnuts are presently estimated to be assessable during the 1957–58 marketing year. On this basis, the assessment rates of 0.13 cents per pound of merchantable unshelled and 0.17 cent per pound of merchantable shelled walnuts would result in the collection of sufficient funds to meet the estimated expenses for the 1957–58 marketing year and provide a reasonable excess to defray board expenses during the first four months of the 1958–59 marketing year. The marketing agreement and order provides that funds which are collected in excess of expenditures for a marketing year may be used temporarily by the Board to defray expenses during the first four months of the following marketing year, but must be refunded to the handlers from whom collected within five months from the beginning of the new marketing year.

The proposed rule is as follows:

§ 984.309 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1957*—(a) *Budget of expenses.* The budget of expenses for the marketing year beginning August 1, 1957 shall be in the total amount of $103,200 for the maintenance and functioning of the Walnut Control Board, and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment payable by each handler to the Walnut Control Board on demand, shall be 0.13 cent per pound of merchantable unshelled walnuts handled or certified for handling, and 0.17 cent per pound of merchantable shelled walnuts handled or declared for handling by him during said marketing year.

Dated: October 29, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9134; Filed, Nov. 1, 1957; 8:52 a m.]

NOTICES

COMMITTEE FOR RECIPROCITY INFORMATION

Renegotiation of Tariff Concessions by Brazil

NOTICE OF PUBLIC HEARING; SUBMISSION OF INFORMATION TO COMMITTEE FOR RECIPROCITY INFORMATION

Closing date for application to be heard, November 25, 1957.

Closing date for submission of briefs by persons desiring to be heard, November 25, 1957.

Closing date for submission of briefs by persons not desiring to be heard, December 16, 1957.

Public hearings open, December 5, 1957.

Notice is hereby given by the Committee for Reciprocity Information that a public hearing will be held before the Committee in order to obtain the views of interested persons in connection with the participation by the United States and other contracting parties to the General Agreement on Tariff and Trade in tariff negotiations with the Government of Brazil looking toward the establishment of a new schedule of Brazilian tariff concessions in the General Agreement. These negotiations are necessary by reason of the adoption in Brazil of an overall tariff revision. The new Brazilian tariff schedules and rates of duty which entered into force on August 14, 1957, have involved the withdrawal or modification of a large number of the concessions negotiated by Brazil with other contracting parties, including the United States, which are incorporated in Schedule III annexed to the General Agreement. With reference to such adoption of the new Brazilian tariff, the Decision of the Contracting Parties dated November 16, 1956 (G. A. T. T. Basic Instruments and Selected Documents, Fifth Supp., p. 36) specified that as soon as possible after the enactment of the new tariff Brazil should enter into negotiations with other contracting parties in order to establish a new Schedule for Brazilian tariff concessions in the General Agreement. The Decision also contemplated that the negotiations with Brazil might result in modifications in the Schedules of the other negotiating contracting parties with respect to their concessions initially negotiated with Brazil.

The oral and written statements responsive to this notice may deal with the effects on United States trade of changes in Brazilian tariff legislation, including modifications in Brazil's Schedule of concessions in the General Agreement, and may take into account recent changes in the Brazilian foreign exchange system as they affect imports. Views are invited particularly with regard to any possible new concessions which the United States might request of Brazil on products not previously included in Brazil's Schedule of concessions.

All applications for oral presentation of views in regard to this matter shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, November 25, 1957. Persons who desire to be heard orally shall also submit written statements to the Committee not later than 12:00 noon, November 25, 1957. Written statements of persons who do not desire to be heard orally shall be submitted not later than 12:00 noon, December 16, 1957. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C.". Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked, "For official use only of Committee for Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard. The first hearing will be at 10:00 a. m. on December 5, 1957, in the Hearing Room in the Tariff Commission Building, Seventh and E Streets NW., Washington 25, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

All communications regarding this notice, including requests for appearance at hearings before the Committee for Reciprocity Information, should be addressed to the Secretary, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C.

Requests for information concerning commodity classifications and applicable rates of duty under the new Brazilian tariff law and also regarding the new Brazilian foreign exchange system should be addressed to the American Republics Division, Bureau of Foreign Commerce, United States Department of Commerce, Washington 25, D. C.

Annexed to this notice is a list of the principal commodities in Brazil's present Schedule in the General Agreement on which concessions were initially negotiated with the United States.

By direction of the Committee for Reciprocity Information this 31st day of October 1957.

EDWARD YARDLEY,
Secretary,
Committee for
Reciprocity Information.

LIST OF PRINCIPAL COMMODITIES ON WHICH TARIFF CONCESSIONS WERE GRANTED BY BRAZIL TO THE UNITED STATES UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Canned soups.
Palm-beach fabrics.
Fresh fruits (except citrus).
Dried fruits, not specified.
Canned fruits, including jams and jelly.
Canned vegetables.
Oat flour.
Leaf tobacco (wrapper).
Whisky.
Pine resins, Burgundy pitch, colophony, and black pitch.
Turpentine.
Collars for shirts.
Books in paper or cloth bindings.
Almanacs and calendars.
Paper, white, colored, or printed.
Stencils for duplicating.
Toilet paper.
Carbon rods for electric lamps.
Carbon electrodes.
Magnesium or white cement.
Chromite bricks for furnaces, etc.
Whetstones, grinding wheels, etc.
Mineral greases (cylinder stock).
Paraffin or vaseline oil.
Oil for transformers.
Paraffin.
Earthenware for household use.
Waterclosets of earthenware.
Steel wool.
Soldering bars and wire of iron.
Safes or strong boxes of iron or steel.
Furniture of iron or steel.
Barbed wire.
Wire of iron or steel, plain or galvanized.
Staples, galvanized, for fencing.
Containers of iron or steel (except tin plate) for the shipment of merchandise.
Lamp black or carbon black.
Scale removers for boilers.
Turpentine, natural or artificial.
Tanning extracts with a base of chromium salts.
Soap, ordinary.
Dryers or siccatives.
Tetraethyl lead.
Paints, ready-mixed.
Accelerators, and anti-oxidants for rubber.
Salicylic, sulphanilic, and suphonic acids.
Benzidine hydrochlorate.
Borax.
Dinitrochlorobenzene.
Intermediates for the manufacture of aniline dyes.
Naphthalamines and naphthols.
Nitroanilines.
Codliver oil.
Medicinal preparations, granulated.
Penicillin.
Photographic and motion picture cameras.
Radio and television receiving and transmitting sets.
Motion picture projectors and films.
Dry-cell batteries.
Photographic films and plates.
Electric transformers.
Radio transmitting and receiving tubes.
Ocular glasses.
Electro-therapeutic equipment.
Artificial teeth.
Airplanes.
Passenger cars and trucks.
Railway passenger cars.
Bicycles and tricycles, motor driven.
Automotive chassis and spare parts.
Strops and hones for knives and razors.
Autoclaves, ovens, and pasteurizers.
Weighing machines.
Pumps, hand or machine operated.
Boilers, steam generators.
Air compressors.
Excavators, dredgers, etc.
Manual tools.
Pneumatic and electric tools.
Forges.
Refrigerators, electric or gas.
Cranes and hoists.
Agricultural machinery and implements.
Rasps and files.
Sandpaper and emery paper.
Internal combustion engines.
Electric dynamos, generators and generating plants.
Kitchen and household appliances.
Calculating and accounting machines.
Air-conditioning equipment.
Typewriters.
Cash registers.
Printing, linotype and similar machines.
Bulldozers and other road-building equipment.
Mining and quarrying machinery.
Well-drilling apparatus.
Metal-working machinery.
Textile, shoe and other industrial machinery.
Grinding mills.
Miscellaneous power presses.
Machine saws.
Vises and lathes.
Spark plugs.
Centrifugal machinery.
Chewing gum.

[F. R. Doc. 57-9147; Filed, Nov. 1, 1957; 8:54 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[473.22]

BOILED SHEEPSKIN SCRAP

TARIFF CLASSIFICATION

OCTOBER 25, 1957.

The Bureau, by its letter to the collector of customs at Boston, Massachusetts, dated December 12, 1956, ruled that wool, called "tanners' wool", obtained by boiling tanned sheepskin scrap to dissolve the skin leaving the fibers, is classifiable under paragraph 1105, Tariff Act of 1930, as modified, by similitude to card waste, not carbonized, dutiable at the rate of 9 cents per pound, in the absence of evidence establishing that wool of a type other than dusted card waste, not carbonized, is more frequently used for the same purposes as that for which the involved merchandise is chiefly used, rather than classifiable as waste, not specially provided for, under paragraph 1555, Tariff Act of 1930, as modified, with duty at the rate of 4 percent ad valorem, or as scoured wool under paragraph 1102 (b) of the tariff act, as modified, with duty at the rate of 27¾ cents per pound.

This decision results in the assessment of duty at a rate higher than that which has heretofore been assessed under an established and uniform practice and will be effective only with respect to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-9096; Filed, Nov. 1, 1957; 8:45 a.m.]

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957; Supp. 171]

ROYAL EXCHANGE ASSURANCE

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

OCTOBER 30, 1957.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $256,000.00 has been established for the company.

The Royal Exchange Assurance, London, England (U. S. Office, New York, N. Y.).

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9100; Filed, Nov. 1, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket F-44]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on October 26, 1957, issued Amendment No. 2 to License R-29 authorizing Aerojet-General Nucleonics, the licensee, to operate AGN reactor Model 201M, Serial 105 at the Trade Fair of the Atomic Industry, New York Coliseum, during the period October 28 to October 31, 1957, inclusive. The notice of proposed issuance of this amendment was published in the FEDERAL REGISTER on October 11, 1957, 22 F. R. 8092.

Dated at Washington, D. C., this 26th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Civilian Application.

[F. R. Doc. 57-9092; Filed, Nov. 1, 1957; 8:45 a. m.]

[Docket 50-73]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on October 24, 1957, issued Construction Permit No. CPRR-19 to General Electric Company authorizing the construction of a 30-kilowatt (thermal) research reactor. The notice of proposed issuance of this construction permit was published in the FEDERAL REGISTER on October 9, 1957, 22 F. R. 8019.

Dated at Washington, D. C., this 24th day of October 1957.

For the Atomic Energy Commission,

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-9093; Filed, Nov. 1, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13497]

GEORGE R. BROWN

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 29, 1957.

George R. Brown (Brown), on September 30, 1957, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 1 to Brown's FPC Gas Rate Schedule No. 3.
Effective date: November 1, 1957 (effective date is the effective date proposed by Brown).

In support of the proposed rate increase, Brown states, among other things, that the contract was entered into in good faith as a result of arm's-length bargaining under competitive conditions, the price is just and reasonable and in line with, and not greater than the current market value of the gas covered thereby at the point of delivery and that the price is in line with the field prices being paid by interstate purchasers of gas in the same general area where the gas is produced, sold and delivered.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it

is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9107; Filed, Nov. 1, 1957; 8:48 a. m.]

[Docket No. G-13498]

FINLEY CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 29, 1957.

Finley Company (Operator) et al., (Finley) on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate Schedule Designation: Supplement No. 3 to Finley's FPC Gas Rate Schedule No. 1.
Effective Date: November 1, 1957 (effective date is the effective date proposed by Finley).

In support of the proposed rate increase, Finley states, among other things, that the contract was entered into in good faith, as a result of bargaining, in an arm's-length transaction, under competitive conditions, that the price is just and reasonable and in line with, and not greater than the current market value of the gas covered thereby at the point of delivery and that such price is in line with the field prices being paid by interstate purchasers of gas in the same general area where said gas is produced, sold and delivered.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9108; Filed, Nov. 1, 1957; 8:48 a. m.]

[Docket No. G-13501]

BRIGHT & SCHIFF

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 29, 1957.

Bright & Schiff, on October 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated September 30, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate Schedule Designation: Supplement No. 2 to Bright & Schiff's FPC Gas Rate Schedule No. 2.
Effective Date: November 1, 1957 (effective date is the effective date proposed by Bright & Schiff).

In support of the proposed rate increase, Bright & Schiff state, among other things, that the contract was entered into at arm's length, that they would not have entered into a long term contract without such price provisions, that such price increases are a common and accepted practice of the natural gas industry, that such price is a just and reasonable one, in line with and not greater than the market value of said gas at the point of delivery and that the price is in line with the field prices being paid by interstate purchasers of gas for resale in the same general area where the gas is produced, sold and delivered.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9109; Filed, Nov. 1, 1957; 8:48 a. m.]

[Docket No. G-13507]

SINCLAIR OIL & GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 29, 1957.

Sinclair Oil & Gas Company (Operator), et al. (Sinclair), on September 30, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated September 28, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate Schedule Designation: Supplement No. 8 to Sinclair's FPC Gas Rate Schedule No. 63. Supplement No. 8 to Sinclair's FPC Gas Rate Schedule No. 60. Supplement No. 8 to Sinclair's FPC Gas Rate Schedule No. 107.
Effective Date: November 1, 1957 (effective date is the effective date proposed by Sinclair).

[1] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-11343 and G-11197.

In support of the proposed rate increases, Sinclair states, among other things, that the rates sought will not result in an excessive rate of return to it from its regulated business and will have the effect of assisting Sinclair in obtaining just and reasonable rates and a return commensurate with the risks inherent in the exploration, production, gathering, transportation, and sale of natural gas, and that it will represent a reasonable and fair consideration to Sinclair for its commitment to the buyer of the gas during the long primary term of the contracts.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9110; Filed, Nov. 1, 1957; 8:48 a. m.]

[Docket No. G-13509]

SALT DOME PRODUCTION CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 29, 1957.

Salt Dome Production Company (Salt Dome), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: Letters of Agreement, dated July 24, 1957 and September 25, 1957. Notice of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 12 to Salt Dome's FPC Gas Rate Schedule No. 3. Supplement No. 13 to Salt Dome's FPC Gas Rate Schedule No. 3.
Effective date: November 1, 1957 (effective date is the effective date proposed by Salt Dome).

In support of the proposed rate increase, Salt Dome states, that the increase in rate is necessitated by the rise in wage costs and the price of materials and equipment needed by Salt Dome in the development and operation of the Provident City Gas Field since the inception of the contract on June 19, 1952, and that there has been an increase in the interest rate for loans by which Salt Dome finances its exploration and development program.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9111; Filed, Nov. 1, 1957; 8:48 a.m.]

[Docket No. G-13535]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 29, 1957.

Sinclair Oil & Gas Company (Operator), (Sinclair), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate Schedule Designation: Supplement No. 2 to Sinclair's FPC Gas Rate Schedule No. 143.
Effective Date: November 1, 1957 (effective date is the effective date proposed by Sinclair).

In support of the proposed rate increase, Sinclair states, among other things, that the rates sought will not result in an excessive rate of return to it from its regulated business and will have the effect of assisting Sinclair in obtaining a just and reasonable rate and a return commensurate with the risks inherent in the exploration, production, gathering, transportation, and sale of natural gas, and that it will represent a reasonable and fair consideration to Sinclair for its commitment to the buyer of the gas during the long primary term of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9112; Filed, Nov. 1, 1957; 8:48 a. m.]

[Docket No. G-8533]

GRAHAM-MICHAELIS DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 29, 1957.

Take notice that on March 2, 1955, Michaelis Drilling Company, now Graham-Michaelis Drilling Company (Applicant), an independent producer of natural gas, filed an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale of natural gas to Colorado Interstate Gas Company from the Hall Unit and the Clark Unit in Hugoton Field, Haskell County, Kansas, subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection. On April 6, 1955, Applicant supplemented its application by listing the ownership of the working interests in the units here involved.

On July 22, 1957, Applicant amended its application requesting permission to abandon service, pursuant to section 7 (b) of the Natural Gas Act, from the Clark Unit which is stated to be no longer capable of producing gas in commercial quantities.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1957, at 9:30 a. m., e. s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc 57-9113; Filed, Nov. 1, 1957; 8:49 a. m.]

[Docket No. G-12650]

EL PASO NATURAL GAS CO.

NOTICE OF PETITION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 29, 1957.

Take notice that El Paso Natural Gas Company (Petitioner), a Delaware corporation with its principal place of business in El Paso, Texas, filed a petition on September 19, 1957, seeking amendment of the Commission's order issued August 19, 1957, in Docket No. G-12650, granting a certificate of public convenience and necessity, as hereinafter described, all as more fully represented in the petition which is on file with the Commission and open to public inspection.

The certificate referred to above, authorized petitioner to construct and operate a 4-inch tap, with metering and regulating facilities, on petitioner's existing 3-inch Permian-San Juan crossover in order to serve additional gas to a present resale customer, Southern Union Gas Company in Valencia County, New Mexico. The order, among other things, authorized petitioner to sell gas to Southern Union at the tap location for resale to a uranium plant Homestake-New Mexico Partners, and to a few domestic consumers near the plant. The total peak day requirements were estimated to be 1,250 Mcf per day for the plant and 38 Mcf per day for domestic users, or a total of 1,288 Mcf per day. The facilities of El Paso were estimated to cost $5,915.

Petitioner states that Southern Union has requested further quantities of gas in order to serve additional industrial gas customers in the same general area of the uranium plant.

The petition requests the following amendment to the August 19, 1957, order:

(1) Change the required meter facilities, eliminating the regular equipment. Regulation is to be handled by Southern Union.

(2) Change the point of delivery of natural gas to Southern Union, 6,500 feet southeast, but still in Valencia County, New Mexico, and

(3) Increase the quantities of natural gas to be sold to Southern Union from up to 38 Mcf per day domestic and 1,250 Mcf per day industrial to the same amount of domestic gas but 8,150 Mcf per day industrial gas, not only for the previously mentioned uranium plant but also for four other nearby uranium plants.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9114; Filed, Nov. 1, 1957; 8:49 a. m.]

[Docket No. G-13083]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 29, 1957.

Take notice that on August 19, 1957, United Fuel Gas Company (Applicant) filed in Docket No. G-13083 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of an additional 2,000-horsepower compressor unit at its existing Ceredo compressor station in Wayne County, West Virginia; and for an order authorizing the abandonment of its existing 3,200-horsepower compressor facilities at Walgrove compressor station in Kanawha County, West Virginia, and disclaiming jurisdiction over that station and the replacement facilities proposed to be substituted for the facilities to be abandoned, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that increased operations at its Ceredo station will require 10,000 horsepower instead of the 8,000 horsepower presently installed, hence the necessity for the additional 2,000 for which authority is sought herein. Applicant further states that its operations at the Walgrove station are now wholly intrastate and that the facilities which it seeks authority to abandon will be replaced with more economic and efficient facilities which will not be subject to the Commission's jurisdiction.

The cost of the addition at Ceredo station is estimated to be $495,000 which will be financed by Applicant's parent, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9115; Filed, Nov. 1, 1957; 8:49 a. m.]

[Docket No. G-13223]

TEXAS EASTERN TRANSMISSION CORP. AND SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 29, 1957.

Take notice that on September 5, 1957, Texas Eastern Transmission Corporation (Texas Eastern) and Southern Natural Gas Company (Southern Natural) filed in Docket No. G-13223 a joint application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas through existing interconnections between the facilities of the two companies and at delivery points of a common supplier, United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to exchange gas through interconnections near Lucky, Bienville Parish, Louisiana, and near Kosciusko, Attala County, Mississippi, and at delivery points on the pipeline system of United near Kosciusko, Mississippi, all pursuant to an exchange agreement between Applicants dated August 20, 1957.

Applicants' proposal in effect seeks to modify the outstanding certificate issued to these two companies on February 13, 1952, in Docket No. G-1811, by adding the Kosciusko interconnection and the United Gas delivery points, and by eliminating the volumetric limitation of 72,000 Mcf per day contained in the original exchange agreement of October 2, 1951.

No new facilities or sales are proposed.

This matter is one that should be disposed of as promptly as possilbe under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9116; Filed, Nov. 1, 1957; 8:49 a. m.]

[Docket No. E-6741]

IOWA POWER AND LIGHT CO.

NOTICE OF AMENDMENT OF APPLICATION

OCTOBER 29, 1957.

Take notice that on October 21, 1957, an amendment to its application in the above-entitled matter was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Iowa Power and Light Company ("Applicant"), seeking a supplemental order authorizing it to issue on or before March 31, 1958, notes maturing within 90 days from date of issue to Commercial Banking Institutions in principal amounts not exceeding $12,500,000 in the aggregate and renewals thereof. This represents an additional $2,500,000 over and above the amount authorized to be issued by the Commission's order issued May 16, 1957. Notice of Applicant's original application in Docket No. E-6741 for authority to issue $10,000,000 of unsecured notes was published in the FEDERAL REGISTER on April 16, 1957 (22 F. R. 2646). Inasmuch as Applicant, among other reasons, considers it imperative to be in a flexible position to take on economic construction and to acquire bonds to satisfy sinking fund requirements for 1958 at prices advantageous to it, Applicant requests permission to increase the maximum amount of bank loans as indicated above.

Any person desiring to be heard or to make any protest with reference to said amendment to the application should on or before the 15th day of November 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9117; Filed, Nov. 1, 1957; 8:49 a. m.]

[Docket No. G-13029]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF DATE OF HEARING

OCTOBER 29, 1957.

Pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 14, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by the application of Transcontinental Gas Pipe Line Corporation in the above-entitled proceeding.

Notice of the application filed herein was published on October 3, 1957, in the FEDERAL REGISTER (22 F. R. 7876). No protests to the granting of the application or petitions to intervene have been filed.

Under the procedure provided for herein, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9121; Filed, Nov. 1, 1957; 8:50 a. m.]

[Docket No. G-13496]

ATLANTIC REFINING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 30, 1957.

The Atlantic Refining Company (Operator), et al. (Atlantic), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 26, 1957.

Purchaser: Texas Eastern Transmission Corp.

Rate schedule designation: Supplement No. 14 to Atlantic's FPC Gas Rate Schedule No. 142.

Effective date: November 1, 1957 (effective date is the date proposed by Atlantic).

In support of the proposed rate increase, Atlantic states, among other things, that the contract was negotiated at arm's-length, and that the price is substantially below the current prices being paid by major purchasers in the area under comparable contracts.

The increased rate and charge so proposed has not been shown to be justified,

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11365.

and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9123; Filed, Nov. 1, 1957; 8:50 a. m.]

[Docket No. G-13500]

SINCLAIR OIL & GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 30, 1957.

Sinclair Oil & Gas Co., et al. (Sinclair) on September 30, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated September 30, 1957.
Purchaser: Texas Eastern Transmission Corp.
Rate schedule designation: Supplement No. 14 to Sinclair's FPC Gas Rate Schedule No. 61. Supplement No. 10 to Sinclair's FPC Gas Rate Schedule No. 62.
Effective date: November 1, 1957 (effective date is the effective date proposed by Sinclair).

[1] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-11344 and G-11345.

In support of the proposed rate increases, Sinclair states, among other things, that the rates sought will not result in an excessive rate of return to it from its regulated business and will have the effect of assisting Sinclair in obtaining a just and reasonable rate and a return commensurate with the risks inherent in the exploration, production, gathering, transportation and sale of natural gas, and will represent a reasonable and fair consideration to Sinclair for its commitment to the buyer of the gas during the long primary term of the contract.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9124; Filed, Nov. 1, 1957; 8:50 a. m.]

[Docket No. G-13502]

ARKANSAS FUEL OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 30, 1957.

Arkansas Fuel Oil Corporation (Operator) et al (Arkansas), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 24, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 7 to Arkansas' FPC Gas Rate Schedule No. 50.
Effective date: November 1, 1957 (effective date is the effective date proposed by Arkansas).

In support of the proposed redetermined rate increase, Arkansas states, among other things, that the periodic escalation and redetermination provisions of its aforementioned rate schedule collectively represent the negotiated contract price for the sale of gas made thereunder; that the pricing arrangement is common to many long-term contracts, and that the contract results from bargaining at arm's-length.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9125; Filed, Nov. 1, 1957; 8:50 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11311.

[Docket No. G-13503]

ARKANSAS FUEL OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 30, 1957.

Arkansas Fuel Oil Corporation (Arkansas), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 24, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 8 to Arkansas FPC Gas Rate Schedule No. 14.
Effective date: November 1, 1957 (effective date is the effective date proposed by Arkansas).

In support of the proposed rate increase, Arkansas states, that the contract resulted from bargaining at arm's-length, and that the pricing arrangement in the contract is common to many long-term contracts.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9126; Filed, Nov. 1, 1957; 8:51 a. m.]

[Docket No. G-13581]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 30, 1957.

Gulf Oil Corporation (Gulf), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 23, 1957.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 9 to Gulf's FPC Gas Rate Schedule No. 18.
Effective date: November 1, 1957 (effective date is the effective date proposed by Gulf).

In support of the proposed periodic rate increase, Gulf states that its subject contract was negotiated under a rigid concept of "arm's length bargaining" in the East Texas area where there was keen competition among producers to find a market for their gas; that the periodic increase provision of the contract was an integral part thereof; that the general field price for gas is too low; that the proposed rate is considerably less than current prices being paid for gas produced from fields in Louisiana, and that the increased rate is just, fair and reasonable in all respects.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Gulf's FPC Gas Rate Schedule No. 18 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Gulf's FPC Gas Rate Schedule No. 18.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9127; Filed, Nov. 1, 1957; 8:51 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11443.

[Docket No. G-13582]

RENWAR OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 30, 1957.

Renwar Oil Corporation (Operator), et al., (Renwar), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 27, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 9 to Renwar's FPC Gas Rate Schedule No. 4.
Effective date: November 1, 1957 (effective date is the effective date proposed by Renwar).

In support of the proposed redetermined rate increase, Renwar states that its contract was entered into at "arm's length," that price escalation (including redetermination) is considered fair, reasonable and desirable for committing gas under long-term contracts throughout the industry, and that the proposed increased rate is fair and reasonable. Renwar further states that the proposed price is less than the present market value of the gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Renwar's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Renwar's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9128; Filed, Nov. 1, 1957; 8:51 a.m.]

[Project No. 1759]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

OCTOBER 30, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Wisconsin Michigan Power Company, of Appleton, Wisconsin, licensee for Project No. 1759 on Michigamme and Menominee Rivers, for amendment of its license for the project to reflect the removal and retirement from service of a substation located in the Twin Falls powerhouse building and the construction of a new substation outdoors within the project boundary in Dickinson County, Michigan.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 4, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9122; Filed, Nov. 1, 1957; 8:50 a.m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

ASSISTANT ADMINISTRATOR, GENERAL ADMINISTRATION

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS

1. Pursuant to the authority vested in me by General Services Administration Delegation of Authority No. 297 from the Administrator, General Services Administration, dated August 7, 1957 (22 F. R. 6540), authority is hereby delegated to the Assistant Administrator, General Administration, to negotiate and execute purchases and contracts for supplies and services without advertising under sections 302 (c) (5), (10), (11) and (12) of the Federal Property and Administrative Services Act of 1949, as amended (41 USC 252), except the power to make the determinations or decisions specified in paragraphs (11) and (12) of section 302 (c).

2. This authority shall be exercised only with respect to the procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Federal Civil Defense Administration.

3. This delegation of authority shall be subject to all limitations and requirements of Title III of the Federal Property and Administrative Services Act of 1949 with respect to negotiated contracts, particularly sections 304, 305 and 307, and shall be exercised in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. The authority herein delegated under section 302 (c) (10) may be exercised only with respect to contracts which will not require expenditure of more than $25,000, and may not be redelegated.

5. Subject to the provisions of section 4 above, the authority herein delegated may be redelegated to a designee of the Assistant Administrator, General Administration.

This delegation shall be effective as of the date hereof, and shall expire December 31, 1958.

Dated: October 10, 1957.

[SEAL] LEO A. HOEGH, *Administrator.*

[F. R. Doc. 57-9119; Filed, Nov. 1, 1957; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 310]

SECRETARY OF THE INTERIOR

NEGOTIATION OF CONTRACT FOR OBTAINING AN EICKHOFF MINING MACHINE FOR RESEARCH CONCERNING LONGWALL MINING METHOD

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called "the act," authority is hereby delegated for the period ending June 30, 1958, to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (10) of the act, a contract required by the Bureau of Mines in the administration of its program for research work in connection with the adaptability of a new type of mining machine manufactured by the Eickhoff Mining Machine Company to the mining of anthracite coal.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305, and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. Subject to the provisions of 2 above, the authority herein delegated may be redelegated to any official or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

Dated: October 29, 1957.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 57-9129; Filed, Nov. 1, 1957; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 30, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34261: *Lumber—Georgia points to the east, transited at Brunswick, Ga.* Filed by The Atlantic Coast Line Railroad Company (No. 202), for interested rail carriers. Rates on lumber, poles or piling, and related forest products, carloads, accorded preservative treatment in transit at Brunswick, Ga., enroute, from stations in Georgia on the Atlantic Coast Line Railroad, Cordele to Alma, Ga., inclusive to destinations in the east in official territory.

Grounds for relief: Cross-country or market competition with points in Georgia on the Southern Railway Company, accorded transit at Brunswick, Ga.

Tariff: Supplement 20 to Atlantic Coast Line Railroad Company's tariff I. C. C. B–3439.

FSA No. 34262—*Crushed stone—Huntington, Mo., to Illinois points.* Filed by The Wabash Railroad Company, for itself (No. 22). Rates on crushed stone, road surfacing, carloads from Huntington, Mo., to Bluffs, Chapin, Griggsville, Jacksonville, Naples, and Valley City, Ill.

Grounds for relief: Truck competition.

Tariff: Supplement 17 to Wabash Railroad Company's tariff I. C. C. 7764.

FSA No. 34263: *T. O. F. C. service—N. Y., N. H. & H. R. R. and connections.* Filed by The New York, New Haven and Hartford Railroad Company (No. 38), for interested rail carriers. Rates on freight loaded in or on trailers and transported on railroad flat cars between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and points in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, and Pennsylvania, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 15 to The New York, New Haven and Hartford Railroad Company's tariff I. C. C. F 4431.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9098; Filed, Nov. 1, 1957; 8:46 a.m.]

UNIVERSITY OF MICHIGAN
THE NATIONAL ARCHIVES
MAIN READING ROOM

FEDERAL REGISTER

VOLUME 22 NUMBER 215

Washington, Tuesday, November 5, 1957

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

ORDER ESTABLISHING BUDGET OF EXPENSES OF FILBERT CONTROL BOARD FOR FISCAL YEAR BEGINNING AUGUST 1, 1957

Notice was published in the FEDERAL REGISTER of September 18, 1957 (22 F. R. 7435) that the Secretary was considering the establishment of a budget of expenses of the Filbert Control Board in the total amount of $27,225 for the fiscal year beginning August 1, 1957. Said action was proposed to be taken in accordance with the applicable provisions of Marketing Agreement No. 115 and Order No. 97, as amended (7 CFR, Part 997), regulating the handling of filberts grown in Oregon and Washington, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

On the basis of an estimate of approximately 16.5 million pounds of assessable filberts during the 1956–57 crop year, the assessment rate of 0.2 cent per pound of filberts certified as merchantable as fixed by § 997.91 (a) of the aforesaid marketing agreement and order will result in the collection of adequate funds to defray expenses of the Filbert Control Board according to the budget established herein, and provide a reasonable excess to defray board expenses during the first four months of the 1958–59 fiscal year. The Order provides that any funds collected in excess of expenditures for a fiscal year may be used temporarily by the Board to defray expenses during the first four months of the following fiscal year, but must be refunded to handlers from whom collected within 5 months after the beginning of the new fiscal year.

The aforesaid notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposal with the Department prior to final issuance of the rule. The prescribed time has expired and no such communications have been received.

After consideration of all relevant matters it is hereby found and determined and, therefore, it is hereby ordered that the budget of expenses of the Filbert Control Board for the fiscal year beginning August 1, 1957 shall be as follows:

§ 997.302 *Budget of expenses of the Filbert Control Board for the fiscal year beginning August 1, 1957.* The budget of expenses for the fiscal year beginning August 1, 1957 shall be in the total amount of $27,225 for the maintenance and functioning of the Filbert Control Board, and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

It is hereby found and determined that good cause exists for not postponing the effective date of this order for 30 days, or any lesser period after its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), for the reasons that: (1) The action will apply to all filberts certified as merchantable by handlers during the fiscal year which began on August 1, 1957, and such certification of 1957 crop filberts has already begun; (2) prior notice of such action was given all interested parties in the notice of proposed rule making which was published in the FEDERAL REGISTER of September 18, 1957 (22 F. R. 7435); and (3) no advance or special preparation for operations hereunder will be needed. Accordingly, it is hereby further ordered that this action be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 31, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Marketing Services.*

[F. R. Doc. 57-9149; Filed, Nov. 4, 1957; 8:47 a.m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

SUBPART—1958

The protection and conservation of the soil and water resources of farmlands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farmlands. Recognizing this, the Congress appropriates funds to share with farmers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers.

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AUTHORITY: §§ 1103.700 to 1103.751 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 329; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1103.700 *Introduction.* (a) Through the 1958 Agricultural Conservation Program for the Virgin Islands (referred to herein as the "1958 program"), administered by the Department of Agriculture, the Federal Government will share with farmers of the Virgin Islands the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm, and the exact specifications and rates of cost-sharing for such practices, are set forth in this subpart. Any additional information may be obtained at the respective local offices of the Soil Conservation Service located at St. Croix and St. Thomas.

(c) The 1958 program was developed by the ASC State Office, the Director of the Soil Conservation Service of the Caribbean Area, the Forest Service representative having jurisdiction of farm forestry in the Virgin Islands, representatives of the Virgin Islands Corporation, the Director of the U. S. Experiment Station at St. Croix, and representatives of the Government of the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

§ 1103.701 *General program principles.* The 1958 Agricultural Conservation Program for the Virgin Islands has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1958 on lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed practices.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their life span. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm operator.

ALLOCATION OF FUNDS

§ 1103.702 *Allocation of funds.* The amount of funds available for conservation practices under this program is $12,000. This amount does not include the amount set aside for administrative

expenses and the amount required for increases in small Federal cost-shares in § 1103.717.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

§ 1103.703 *Selection of practices.* The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

§ 1103.704 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of practice 5 and practices 7 through 11 (§ 1103.745 and §§ 1103.747 to 1103.751). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practices, (3) necessary supervision of the installation, and (4) certification of performance. The Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for practice 5 (§ 1103.745).

(b) The Forest Service is responsible for the technical phases of practice 4 (§ 1103.744). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practices, and (3) working through the ASC State Office, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent such services are available.

§ 1103.705 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1958 program as it applies to the Virgin Islands, and forms will be made available at the ASC State Office at San Juan, Puerto Rico, and at the offices of the Soil Conservation Service at St. Thomas and St. Croix. Persons wishing to participate in this program should obtain all information needed from the offices mentioned in this section in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1103.706 *Opportunity for requesting cost-sharing.* Each farmer shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm.

§ 1103.707 *Prior request for cost-sharing.* (a) Costs will be shared only for those practices for which cost-sharing is requested by the farmer before performance thereof is started. For practices for which (1) approval was given under the 1957 Agricultural Conservation Program, (2) performance was started but not completed during the 1957 program year, and (3) the ASC State Office believes the extension of the approval to the 1958 program is justified under the 1958 program regulations and provisions, the filing of the request for cost-sharing under the 1957 program may be regarded as meeting the requirements of the 1958 program that a request for cost-sharing be filed before performance of the practice is started.

(b) Any farmer who wishes to participate in the 1958 program must file a Cert. Form No. 39–58–V. I., Request for Federal Cost-Shares, Certification of Conservation Needs, and Notice of Approval, on or before June 30, 1958. In cases of hardship, such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the offices of the Soil Conservation Service (SCS), offices of the Extension Service, and Farmers Home Administration at St. Croix or St. Thomas.

§ 1103.708 *Method and extent of approval.* The ASC State Office will determine the extent to which Federal funds will be available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1958. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedures incorparted therein. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1103.709 *Initial establishment or installation of practices.* (a) Federal cost-sharing may be authorized under the 1958 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1958 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed, if all of the following conditions exist.

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The ASC State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(b) With normal upkeep and maintenance, all practices included in this subpart, if carried out under the 1954 or a subsequent program, would not have served their life span by the end of the 1958 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

§ 1103.710 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

PRACTICE COMPLETION REQUIREMENTS

§ 1103.711 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1103.712 and 1103.713, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1103.712 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1958 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with the applicable specifications and program provisions.

§ 1103.713 *Practices involving the establishment of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the ASC State Office determines, in accordance with standards approved by the ASC State Office, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The ASC State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

FEDERAL COST-SHARES

§ 1103.715 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the ASC State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1958 program, materials and services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1103.716 *Division of Federal cost-shares.*—(a) *Federal cost-shares.* Federal cost-shares shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1103.717 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.60
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1103.718 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1958 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1958 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1103.719 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1103.720 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the SCS Work Unit Offices on the Islands forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the SCS Work Unit Offices on the Islands and making copies available to the press. Other means of notification, including individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the SCS Work Unit Offices on the Islands not later than February 28, 1959, except that the ASC State Office may accept an application filed after February 28, 1959, but not later than December 31, 1959, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the SCS Work Unit Office within the applicable time limit.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1959.

§ 1103.721 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or de-

termination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1103.723 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1958 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1103.724 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1958 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1103.725 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1958 or any previous program, including, but not limited to, failure to maintain in accordance with good farming practices, practices carried out under a previous program, it may withhold or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1958 program.

§ 1103.726 *Depriving others of Federal cost-shares.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1958 program.

§ 1103.727 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1958 program and shall refund all amounts that may have been paid to him under the 1958 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1103.728 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1103.729, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1103.729 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1958 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1958, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1103.733 *Definitions.* For the purposes of the 1958 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Virgin Islands.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means that area of land considered as a farm under the current definition of farm applicable to marketing quota and acreage allotment programs (Part 718 of this title).

(g) "Cropland" means that land considered as cropland under the current definition of cropland applicable to marketing quota and acreage allotment programs (Part 718 of this title).

(h) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Program year" means the period from August 15, 1957, through December 31, 1958.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1103.735 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958.

§ 1103.736 *Availability of funds.* (a) The provisions of the 1958 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1958 program will not be available for paying Federal cost-shares for which applications are filed in the SCS Work Unit Offices after December 31, 1959.

§ 1103.737 *Applicability.* (a) The provisions of the 1958 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section, and (3) nonprivate persons for performance on any land owned by the United States or corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1103.740 *Concurrent operation of 1957 and 1958 Agricultural Conservation Programs for the Virgin Islands.* The practices, specifications, and rates of cost-sharing included in this subpart are applicable to practices carried out on or after January 1, 1958. The practices, specifications, and rates of cost-sharing contained in the 1957 Agricultural Conservation Program for the Virgin Islands are applicable to practices carried out on or before December 31, 1957.

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 1103.741 *Practice 1: Initial establishment of permanent pasture for erosion control by seeding, sodding, or sprigging perennial grasses or other approved forage plants.* Federal cost-sharing will be allowed for planting any of the following grasses or similar approved grasses or forage plants: Guinea, Molasses, Para, Barbados, Bermuda, Sour Paspalum, St. Augustine, Merker, and Pangola. The varieties of grass must be well adapted to conditions of the particular area to be planted. The land must be properly prepared by plowing, and harrowing if necessary, and furrowing along contour lines, and sufficient quantities of slips, cuttings, or seeds used to assure a good ground cover at maturity. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and cultivating must be as near as practicable along contour lines. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.733 (f).

Maximum Federal cost-share. $4.50 per acre.

§ 1103.742 *Practice 2: Initial eradication of hurricane grass for establishing permanent pasture for erosion control.* The eradication must be carried out by plowing or disking the whole area along contour lines, where practicable, to a depth of at least 6 inches and double cutting with a heavy disk harrow at least twice at 30-day intervals. Permanent pasture of the varieties specified under practice 1 (§ 1103.741) must be established as soon as practicable after the hurricane grass has been eradicated. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.733 (f).

Maximum Federal cost-share. $3.00 per acre.

§ 1103.743 *Practice 3: Initial eradication of shrubs or trees for establishing new permanent pasture for erosion control.* Federal cost-sharing will be allowed for eradicating any of the following shrubs or trees: Acacia, Soap Brush, Kanappy (Kennep), Guava, Logwood, Marigold, Wild Cedar, Ginger Thomas, all varieties of Cactus, Sage, and Thibet (Tebit). All shrubs or trees, except such as can be used for timber or shade, must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees, and roots must be removed from the land or may be burned thereon. Permanent pasture of the varieties specified in practice 1 (§ 1103.741) must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the ASC State Office determines this is essential to establishing the grasses. Farmers must obtain prior approval from the ASC State Office of the area and acreage to be cleared before starting the practice. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.733 (f). This practice is applicable only to St. Thomas and St. John Islands.

Maximum Federal cost-share. (a) $4.00 per acre on land with light growth where the shrubs or trees cover up to 30 percent of the area.

(b) $7.00 per acre on land with medium growth where the shrubs or trees cover more than 30 percent and up to 60 percent of the area.

(c) $10.00 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

§ 1103.744 *Practice 4: Initial establishment of a stand of adapted trees on farmland for purposes other than the prevention of wind or water erosion.* Federal cost-sharing will be allowed for clearing strips of heavy brush of no economic value to permit planting of desirable tree species. Such strips must be not less than 3 feet wide and spaced at intervals of not less than 20 feet. All brush on the strips must be uprooted and removed from the spaces where the trees are to be planted. All plantings must be protected from fire and grazing. Only those trees which are well established and living at the time of inspection are eligible for Federal cost-sharing. Federal cost-sharing will be allowed for permanent barbed-wire fences needed to protect the planted area from grazing, excluding boundary and road fences. Such fences shall be constructed entirely with new materials. Federal cost-sharing will not be allowed for the repair, replacement, or maintenance of existing fences. Hardwood or steel posts or living tree posts shall be used for fencing. The posts must be spaced not more than 6 feet apart, with corner posts adequately braced. Four strands of No. 12½ standard gauge or heavier barbed wire must be used and tightly stretched.

Maximum Federal cost-share. (a) Clearing strips of heavy brush to permit planting of desirable species—$4.00 per acre.

(b) Planting trees of desirable species as recommended by the Forest Service—$0.05 per tree.

(c) Constructing new permanent barbed-wire fences for protecting the planted area—$2.20 per 100 linear feet.

§ 1103.745 *Practice 5: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.* For erosion control, trees must be planted on the contour and be protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. For windbreaks, the trees must be planted in such a pattern as to constitute an effective barrier against the prevailing winds. They must afford protection for adjacent areas which are devoted to agricultural purposes. Federal cost-sharing will be allowed for not more than 200 trees on a farm.

Maximum Federal cost-share. $0.10 per tree.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 1103.746 *Practice 6: Construction of permanent fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of the forage resources.* Federal cost-sharing will be allowed only for new fences constructed entirely of new materials. Federal cost-sharing will not be allowed for the repair, replacement, or maintenance of existing fences. To qualify for cost-sharing, fences must have pasture or range land on both sides of the fence. Eligible fences are generally those which are constructed for the purpose of dividing an original field into two or more small fields between which livestock will be rotated. It it is necessary to construct some boundary or road fence, as well as the dividing fence, to accomplish the needed protection of the vegetative cover, cost-sharing will be allowed for the boundary or road fence.

Maximum Federal cost-share. (a) If fences are established with barbed wire—$2.20 per 100 linear feet. Hardwood or steel posts or living tree posts shall be used. Posts must be spaced not more than 6 feet apart, with corner posts adequately braced. Four strands of No. 12½ standard gauge or heavier barbed wire must be used and tightly stretched.

(b) If fences are established with woven wire—$3.00 per 100 linear feet. Hardwood or steel posts or living tree posts shall be used. The posts must be spaced not more than 10 feet apart, with corner posts adequately braced. The woven wire must be not less than 4 feet high with a top and bottom strand of No. 10 standard gauge wire, and of 12½ standard gauge in all intermediate wires, and with stay wires 12 inches apart. The woven wire must be tightly stretched.

§ 1103.747 *Practice 7: Constructing wells for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting vegetative cover.* The wells should be constructed or drilled in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate storage facilities and drinking troughs for animals also must be provided. No Federal cost-sharing will be allowed for wells constructed or drilled primarily for the use of farm headquarters nor unless water is obtained. Incidental use of water at headquarters from wells constructed under the program is authorized, provided that is not the primary use, and provided that the household or farmstead use would not lessen the effectiveness of the well in achieving the conservation purpose for which it was constructed.

Maximum Federal cost-share. (a) Constructing dug wells lined with stone or concrete blocks—$3.25 per cubic yard of well dug. The wells must have a minimum diameter of not less than 8 feet, including the stone lining, which must have a thickness of not less than 12 inches.

(b) Drilling wells:

(1) $1.00 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) $2.00 per linear foot of well for wells having a bore taking a casing of 4 inches or more but less than 6 inches in diameter, excluding artesian wells.

(3) $3.00 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 1103.748 *Practice 8: Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting vegetative cover.* Federal cost-sharing will be allowed when the pipeline carries the water to areas where no other water supply for livestock is available and proper drinking troughs for livestock have been provided; and where the pipe used is new galvanized or comparable pipe meeting the following minimum specifications:

(a) Metal pipes (galvanized, wrought iron, welded steel, lead, copper, or brass) to specifications as adopted by all reputable pipe manufacturers.

(b) Plastic pipes either flexible or ridged as specified in standards established by the Society of Plastic Industry. The pipe will be buried sufficiently deep to prevent damage by farm machinery where crossings are needed.

Maximum Federal cost-share. (a) $0.10 per linear foot when pipes of from ½ to 1 inch diameter are used.

(b) $0.15 per linear foot when pipes of from 1¼ to 1½ inches diameter are used.

(c) $0.25 per linear foot when pipes of 2 inches or more diameter are used.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 1103.749 *Practice 9: Constructing concrete or rubble masonry storage tanks for accumulating water for livestock or for irrigation.* (a) Storage tanks must be constructed in places where the accumulated water may be piped to areas of the farm where the providing of water will contribute to a better distribution of grazing livestock, improvement of the pasture management, or the conservation of soil resources, and must conform to the following minimum specifications.

(1) *Concrete storage tanks.* Concrete storage tanks will be constructed to conform to plans and specifications approved by Soil Conservation Service engineers. Since the size and shape of these structures will necessarily vary greatly to meet local requirements, detailed plans must be prepared and approved before construction is begun. Construction and installation will conform to Technical Specifications for Class B Concrete as prepared by the Soil Conservation Service. These specifications may be obtained from the local Soil Conservation Service office.

(2) *Rubble masonry tanks.* Walls will have a minimum top width of 12 inches and will have a batter of 1 inch per foot height on both faces. Bottom will be excavated as nearly level and smooth as practicable to a firm foundation. A minimum of 2 inches of mortar will be poured in the bottom and the stone bedded firmly in the mortar. Stone used in paving will be at least 6 inches thick. All joints, cracks, and voids will be filled with mortar when the floor is constructed. It is recommended that the inside of tanks, floor, and walls be plastered to insure water tightness and facilitate cleaning. When reinforced concrete bottoms are used, specifications for bottom of concrete tanks will be prepared by SCS engineers. In this case the floor and footings for wall support will be poured as one continuous slab.

(i) *Mortar.* The mortar mix shall consist of one part by volume of cement to three parts of clean, well-graded sand. Sand and cement shall be thoroughly mixed dry, after which only sufficient water shall be added to produce a workable mixture. This should be not more than 5½ gallons per sack of cement, this to include free water in the sand.

(ii) *Stone.* Stone should be clean, hard, and free from decomposed or foreign materials. The use of weathered stone or stone with a deteriorated outer surface is prohibited.

(iii) *Placing.* All stone should be thoroughly cleaned and wetted before being used. All stones should be laid so as to break joints. Stratified stone should be laid on their natural beds and not on edges. All space between stone must be filled with mortar. No dressing or tooling shall be done upon any stone after it is in place.

(iv) *Curing.* During construction and for at least 7 days after completion, the new structure should be covered with wet burlap or similar material that will keep the masonry in a moist condition during its curing period.

(b) Whenever needed, adequate pumping equipment and drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for maintaining an existing structure.

Maximum Federal cost-share. (a) $12.00 per cubic yard of concrete structure.

(b) $7.00 per cubic yard of rubble masonry structure.

§ 1103.750 *Practice 10: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.* (a) The construction of bench terraces supporting rock barriers is limited by the slope of the field and the depth of the soil. No Federal cost-sharing will be allowed on slopes exceeding 60 percent. Minimum specifications for different slopes and soil depths required are given in the following table.

Slope of land (percent)	Minimum soil depth (feet)	Vertical interval (feet)	Lateral spacing (feet)	Required height of rock wall (feet)	Minimum base width of wall (inches)	Batter on exposed face (inches per foot high)
10 or less	1.5	1.5	15.0	2.5	18	3
11 to 15	2.0	2.0	13.3	3.0	21	3
16 to 20	2.25	2.5	12.5	3.5	23	3
21 to 25	2.5	3.0	12.0	4.0	24	3
26 to 30	2.75	3.5	11.6	4.5	26	3
31 to 35	3.0	4.0	11.4	5.0	27	3
36 to 40	3.25	4.5	11.2	5.5	29	3
41 to 45	3.5	5.0	11.0	6.0	30	3
46 to 50	3.5	5.0	10.0	6.0	30	3

(b) Rock barriers must be laid out or their layout approved by a Soil Conservation Service technician. They must be on the contour or across the slope with grade from ridge to or toward the natural drainageway of not more than 0.5 percent. Bench terraces must conform to, and become a part of, the overall water disposal system. Protected water disposal channels and/or structures must be provided prior to the construction of bench terraces. A water disposal trench must be established on each terrace at the base of the next higher rock barrier. This trench should be at least 6 inches deep and 1 foot wide with a maximum grade of 0.5 percent to the protected outlet. The top of the terrace must have a grade of from 0.2 percent to 0.5 percent from the outer edge toward the disposal trench at the base of the next higher barrier. When the Soil Conservation Service technician determines it necessary, a diversion ditch must be constructed above the bench terraces to intercept surface runoff from the area above.

Maximum Federal cost-share. $1.50 per cubic yard of rock used.

§ 1103.751 *Practice 11: Subsoiling to permit better penetration of water.* Federal cost-sharing will be allowed for subsoiling cropland, excluding cropland devoted to sugarcane, and pastureland to a depth that will effectively shatter the hardpan to permit better water penetration. To qualify for cost-sharing, subsoiling must be performed to a minimum depth of 14 inches, and a maximum spacing interval of 4 feet. On sloping land, subsoiling must be done following the approximate contours. Subsoiling should be performed when the soil is dry so that the maximum fracture of the hardpan results. Applicable only to land which the SCS determines can be benefited by subsoiling. Adequate implements must be used. A moldboard plow will not qualify. Cost-sharing is limited to the rate times the acres subsoiled regardless of the number of operations on the same acreage.

Maximum Federal cost-share. $2.00 per acre subsoiled.

Done at Washington, D. C., this 31st day of October 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-9179; Filed, Nov. 4, 1957; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1957 C. C. C. Grain Price Support Bulletin 1 (22 F. R. 2321), issued by the Commodity Credit Corporation and Commodity Stabilization Service and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1957 was supplemented by 1957 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn (22 F. R. 5521) containing specific requirements applicable to price support operations on the 1957 crop. The regulations are further supplemented as follows:

§ 421.2347 *Support rates*—(a) *County support rates.* (1) Basic county support rates for corn placed under loan and for corn delivered under purchase agreements are as set forth in this paragraph. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made at the support rate established for the county in which the corn is produced.

(2) Basic county support rates per bushel for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, are set forth below.

(3) In accordance with § 421.2330 (Corn Bulletin A, as amended), basic county support rates per bushel for producers not complying with corn acreage allotments in the commercial corn producing area shall be 30 cents per bushel less than the rates contained herein. The designation of the commercial corn producing area for 1957 appears in 7 CFR 721.802 (21 F. R. 8227).

ALABAMA

County	Rate per bushel	County	Rate per bushel
Cherokee	$1.53	Madison	$1.53
De Kalb	1.53	Marshall	1.53
Etowah	1.53	Morgan	1.53
Jackson	1.53	All other counties	1.40
Limestone	1.53		

ARIZONA

All counties	$1.49

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.40	Lee	$1.40
Ashley	1.40	Lincoln	1.40
Baxter	1.34	Little River	1.36
Benton	1.34	Logan	1.35
Boone	1.34	Lonoke	1.38
Bradley	1.40	Madison	1.35
Calhoun	1.40	Marion	1.34
Carroll	1.34	Miller	1.36
Chicot	1.40	Mississippi	1.47
Clark	1.36	Monroe	1.40
Clay	1.47	Montgomery	1.35
Cleburne	1.36	Nevada	1.38
Cleveland	1.40	Newton	1.35
Columbia	1.39	Ouachita	1.39
Conway	1.36	Perry	1.36
Craighead	1.47	Phillips	1.40
Crawford	1.35	Pike	1.35
Crittenden	1.38	Poinsett	1.36
Cross	1.38	Polk	1.35
Dallas	1.39	Pope	1.35
Desha	1.40	Prairie	1.38
Drew	1.40	Pulaski	1.36
Faulkner	1.36	Randolph	1.34
Franklin	1.35	St. Francis	1.40
Fulton	1.34	Saline	1.36
Garland	1.35	Scott	1.35
Grant	1.38	Searcy	1.35
Greene	1.47	Sebastian	1.35
Hempstead	1.36	Sevier	1.35
Hot Spring	1.36	Sharp	1.34
Howard	1.35	Stone	1.35
Independence	1.36	Union	1.40
Izard	1.34	Van Buren	1.36
Jackson	1.36	Washington	1.35
Jefferson	1.40	White	1.36
Johnson	1.35	Woodruff	1.38
Lafayette	1.38	Yell	1.35
Lawrence	1.34		

CALIFORNIA

All counties	$1.51

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.32	Elbert	$1.33
Alamosa	1.35	El Paso	1.34
Arapahoe	1.33	Fremont	1.34
Archuleta	1.38	Garfield	1.40
Baca	1.34	Grand	1.36
Bent	1.34	Huerfano	1.34
Boulder	1.33	Jefferson	1.34
Cheyenne	1.32	Kiowa	1.33
Conejos	1.36	Kit Carson	1.31
Costilla	1.34	La Plata	1.40
Crowley	1.34	Larimer	1.32
Custer	1.34	Las Animas	1.34
Delta	1.40	Lincoln	1.33
Dolores	1.42	Logan	1.30
Douglas	1.34	Mesa	1.40
Moffat	$1.40	Rio Blanco	$1.40
Montezuma	1.42	Rio Grande	1.38
Montrose	1.40	Routt	1.38
Morgan	1.31	Saguache	1.36
Otero	1.34	San Miguel	1.42
Ouray	1.42	Sedgwick	1.30
Phillips	1.30	Washington	1.31
Pitkin	1.38	Weld	1.31
Prowers	1.33	Yuma	1.30
Pueblo	1.34		

CONNECTICUT

All counties	$1.52

DELAWARE

All counties	$1.55

FLORIDA

All counties	$1.40

GEORGIA

County	Rate per bushel	County	Rate per bushel
Berrien	$1.53	Lowndes	$1.53
Brooks	1.53	Screven	1.53
Bullock	1.53	Tattnall	1.53
Candler	1.53	Tift	1.53
Colquitt	1.53	Toombs	1.53
Cook	1.53	Wayne	1.53
Emanuel	1.53	All other counties	1.40
Evans	1.53		

IDAHO

All counties	$1.42

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.40	Lee	$1.41
Alexander	1.45	Livingston	1.41
Bond	1.42	Logan	1.42
Boone	1.41	McDonough	1.40
Brown	1.41	McHenry	1.41
Bureau	1.41	McLean	1.42
Calhoun	1.41	Macon	1.41
Carroll	1.39	Macoupin	1.42
Cass	1.42	Madison	1.42
Champaign	1.40	Marion	1.42
Christian	1.42	Marshall	1.42
Clark	1.41	Mason	1.42
Clay	1.42	Massac	1.44
Clinton	1.42	Menard	1.42
Coles	1.40	Mercer	1.39
Cook	1.42	Monroe	1.43
Crawford	1.42	Montgomery	1.42
Cumberland	1.41	Morgan	1.42
De Kalb	1.41	Moultrie	1.40
De Witt	1.41	Ogle	1.40
Douglas	1.40	Peoria	1.41
Du Page	1.42	Perry	1.43
Edgar	1.40	Piatt	1.40
Edwards	1.43	Pike	1.41
Effingham	1.42	Pope	1.44
Fayette	1.42	Pulaski	1.45
Ford	1.40	Putnam	1.41
Franklin	1.43	Randolph	1.43
Fulton	1.41	Richland	1.43
Gallatin	1.44	Rock Island	1.39
Greene	1.42	St. Clair	1.43
Grundy	1.41	Saline	1.44
Hamilton	1.43	Sangamon	1.42
Hancock	1.40	Schuyler	1.41
Hardin	1.44	Scott	1.41
Henderson	1.39	Shelby	1.41
Henry	1.40	Stark	1.41
Iroquois	1.41	Stephenson	1.40
Jackson	1.44	Tazewell	1.42
Jasper	1.42	Union	1.44
Jefferson	1.42	Vermilion	1.40
Jersey	1.42	Wabash	1.43
Jo Daviess	1.39	Warren	1.40
Johnson	1.44	Washington	1.43
Kane	1.42	Wayne	1.42
Kankakee	1.41	White	1.43
Kendall	1.41	Whiteside	1.39
Knox	1.41	Will	1.42
Lake	1.42	Williamson	1.44
La Salle	1.41	Winnebago	1.40
Lawrence	1.43	Woodford	1.42

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.42	Lawrence	$1.42
Allen	1.42	Madison	1.41
Bartholomew	1.42	Marion	1.41
Benton	1.41	Marshall	1.40
Blackford	1.42	Martin	1.42
Boone	1.41	Miami	1.41
Brown	1.41	Monroe	1.41
Carroll	1.40	Montgomery	1.40
Cass	1.40	Morgan	1.41
Clark	1.43	Newton	1.41
Clay	1.40	Noble	1.41
Clinton	1.41	Ohio	1.43
Crawford	1.43	Orange	1.42
Daviess	1.42	Owen	1.40
Dearborn	1.43	Parke	1.40
Decatur	1.42	Perry	1.43
De Kalb	1.42	Pike	1.42
Delaware	1.42	Porter	1.41
Dubois	1.42	Posey	1.43
Elkhart	1.41	Pulaski	1.40
Fayette	1.42	Putnam	1.41
Floyd	1.43	Randolph	1.42
Fountain	1.40	Ripley	1.42
Franklin	1.42	Rush	1.42
Fulton	1.40	St. Joseph	1.41
Gibson	1.43	Scott	1.43
Grant	1.41	Shelby	1.41
Greene	1.41	Spencer	1.43
Hamilton	1.41	Starke	1.41
Hancock	1.41	Steuben	1.42
Harrison	1.43	Sullivan	1.42
Hendricks	1.41	Switzerland	1.43
Henry	1.42	Tippecanoe	1.40
Howard	1.41	Tipton	1.41
Huntington	1.41	Union	1.42
Jackson	1.42	Vanderburgh	1.43
Jasper	1.41	Vermillion	1.40
Jay	1.42	Vigo	1.40
Jefferson	1.43	Wabash	1.41
Jennings	1.42	Warren	1.40
Johnson	1.41	Warrick	1.43
Knox	1.42	Washington	1.43
Kosciusko	1.41	Wayne	1.42
Lagrange	1.41	Wells	1.42
Lake	1.41	White	1.40
La Porte	1.41	Whitley	1.41

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.36	Hancock	$1.32
Adams	1.37	Hardin	1.34
Allamakee	1.35	Harrison	1.36
Appanoose	1.38	Henry	1.39
Audubon	1.35	Howard	1.34
Benton	1.37	Humboldt	1.32
Black Hawk	1.35	Ida	1.33
Boone	1.34	Iowa	1.37
Bremer	1.34	Jackson	1.39
Buchanan	1.36	Jasper	1.35
Buena Vista	1.32	Jefferson	1.38
Butler	1.34	Johnson	1.38
Calhoun	1.33	Jones	1.38
Carroll	1.34	Keokuk	1.37
Cass	1.36	Kossuth	1.32
Cedar	1.39	Lee	1.39
Cerro Gordo	1.32	Linn	1.37
Cherokee	1.33	Louisa	1.39
Chickasaw	1.34	Lucas	1.37
Clarke	1.37	Lyon	1.31
Clay	1.32	Madison	1.36
Clayton	1.36	Mahaska	1.35
Clinton	1.39	Marion	1.36
Crawford	1.34	Marshall	1.34
Dallas	1.35	Mills	1.37
Davis	1.38	Mitchell	1.32
Decatur	1.37	Monona	1.35
Delaware	1.37	Monroe	1.37
Des Moines	1.39	Montgomery	1.37
Dickinson	1.31	Muscatine	1.39
Dubuque	1.38	O'Brien	1.32
Emmet	1.31	Osceola	1.31
Fayette	1.36	Page	1.37
Floyd	1.33	Palo Alto	1.31
Franklin	1.33	Plymouth	1.33
Fremont	1.37	Pocahontas	1.32
Greene	1.34	Polk	1.35
Grundy	1.34	Pottawattamie	1.37
Guthrie	1.35	Poweshiek	1.35
Hamilton	1.33	Ringgold	1.37

IOWA—continued

County	Rate per bushel	County	Rate per bushel
Sac	$1.33	Warren	$1.36
Scott	1.39	Washington	1.38
Shelby	1.35	Wayne	1.37
Sioux	1.32	Webster	1.33
Story	1.34	Winnebago	1.32
Tama	1.35	Winneshiek	1.35
Taylor	1.37	Woodbury	1.33
Union	1.37	Worth	1.32
Van Buren	1.38	Wright	1.32
Wapello	1.37		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.30	Linn	$1.30
Anderson	1.42	Logan	1.31
Atchison	1.40	Lyon	1.28
Barber	1.33	McPherson	1.28
Barton	1.31	Marion	1.28
Bourbon	1.30	Marshall	1.38
Brown	1.39	Meade	1.33
Butler	1.31	Miami	1.42
Chase	1.28	Mitchell	1.27
Chautauqua	1.33	Montgomery	1.33
Cherokee	1.33	Morris	1.28
Cheyenne	1.29	Morton	1.33
Clark	1.33	Nemaha	1.39
Clay	1.38	Neosho	1.32
Cloud	1.38	Ness	1.32
Coffey	1.29	Norton	1.27
Comanche	1.33	Osage	1.28
Cowley	1.33	Osborne	1.27
Crawford	1.32	Ottawa	1.27
Decatur	1.28	Pawnee	1.32
Dickinson	1.27	Phillips	1.38
Doniphan	1.39	Pottawatomie	1.39
Douglas	1.40	Pratt	1.32
Edwards	1.31	Rawlins	1.29
Elk	1.32	Reno	1.31
Ellis	1.28	Republic	1.38
Ellsworth	1.28	Rice	1.31
Finney	1.32	Riley	1.38
Ford	1.32	Rooks	1.27
Franklin	1.41	Rush	1.31
Geary	1.27	Russell	1.28
Gove	1.31	Saline	1.28
Graham	1.28	Scott	1.32
Grant	1.32	Sedgwick	1.32
Gray	1.32	Seward	1.33
Greeley	1.32	Shawnee	1.39
Greenwood	1.31	Sheridan	1.28
Hamilton	1.32	Sherman	1.30
Harper	1.33	Smith	1.38
Harvey	1.31	Stafford	1.31
Haskell	1.32	Stanton	1.33
Hodgeman	1.32	Stevens	1.33
Jackson	1.39	Sumner	1.33
Jefferson	1.40	Thomas	1.30
Jewell	1.38	Trego	1.31
Johnson	1.41	Wabaunsee	1.27
Kearny	1.32	Wallace	1.31
Kingman	1.32	Washington	1.38
Kiowa	1.32	Wichita	1.32
Labette	1.33	Wilson	1.32
Lane	1.32	Woodson	1.31
Leavenworth	1.41	Wyandotte	1.28
Lincoln	1.28		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.40	Carter	$1.38
Allen	1.53	Casey	1.40
Anderson	1.39	Christian	1.49
Ballard	1.47	Clark	1.41
Barren	1.53	Clay	1.40
Bath	1.40	Clinton	1.40
Bell	1.40	Crittenden	1.46
Boone	1.46	Cumberland	1.40
Bourbon	1.40	Daviess	1.45
Boyd	1.36	Edmonson	1.52
Boyle	1.53	Elliott	1.40
Bracken	1.35	Estill	1.40
Breathitt	1.40	Fayette	1.40
Breckinridge	1.45	Fleming	1.37
Bullitt	1.49	Floyd	1.40
Butler	1.51	Franklin	1.37
Caldwell	1.48	Fulton	1.47
Calloway	1.47	Gallatin	1.33
Campbell	1.33	Garrard	1.40
Carlisle	1.47	Grant	1.37
Carroll	1.46	Graves	1.47

KENTUCKY—continued

County	Rate per bushel	County	Rate per bushel
Grayson	$1.49	Meade	$1.46
Green	1.53	Menifee	1.40
Greenup	1.35	Mercer	1.40
Hancock	1.45	Metcalfe	1.40
Hardin	1.48	Monroe	1.53
Harlan	1.40	Montgomery	1.40
Harrison	1.39	Morgan	1.40
Hart	1.53	Muhlenburg	1.49
Henderson	1.45	Nelson	1.52
Henry	1.36	Nicholas	1.39
Hickman	1.47	Ohio	1.49
Hopkins	1.48	Oldham	1.46
Jackson	1.40	Owen	1.36
Jefferson	1.46	Owsley	1.40
Jessamine	1.40	Pendleton	1.36
Johnson	1.40	Perry	1.40
Kenton	1.33	Pike	1.40
Knott	1.40	Powell	1.40
Knox	1.40	Pulaski	1.40
Larue	1.52	Robertson	1.37
Laurel	1.40	Rockcastle	1.40
Lawrence	1.38	Rowan	1.40
Lee	1.40	Russell	1.40
Leslie	1.40	Scott	1.39
Letcher	1.40	Shelby	1.49
Lewis	1.35	Simpson	1.52
Lincoln	1.40	Spencer	1.51
Livingston	1.47	Taylor	1.53
Logan	1.50	Todd	1.49
Lyon	1.48	Trigg	1.49
McCracken	1.47	Trimble	1.46
McCreary	1.40	Union	1.45
McLean	1.48	Warren	1.53
Madison	1.40	Washington	1.53
Magoffin	1.40	Wayne	1.40
Marion	1.53	Webster	1.46
Marshall	1.33	Whitley	1.40
Martin	1.40	Wolfe	1.40
Mason	1.48	Woodford	1.39

LOUISIANA

All counties $1.40

MAINE

All counties $1.52

MARYLAND

County	Rate per bushel	County	Rate per bushel
Baltimore	$1.55	Montgomery	$1.55
Caroline	1.55	Queen Annes	1.55
Carroll	1.55	Somerset	1.55
Cecil	1.55	Talbot	1.55
Dorchester	1.55	Washington	1.55
Frederick	1.55	Wicomico	1.55
Harford	1.55	Worcester	1.55
Howard	1.55	All other counties	1.42
Kent	1.55		

MASSACHUSETTS

All counties $1.52

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$1.42	Livingston	$1.43
Barry	1.42	Macomb	1.43
Berrien	1.41	Mecosta	1.43
Branch	1.42	Midland	1.43
Calhoun	1.42	Monroe	1.43
Cass	1.41	Montcalm	1.43
Clinton	1.43	Oakland	1.43
Eaton	1.43	Saginaw	1.43
Genesee	1.43	St. Clair	1.43
Gratiot	1.43	St. Joseph	1.41
Hillsdale	1.42	Sanilac	1.43
Ingham	1.43	Shiawassee	1.43
Ionia	1.43	Tuscola	1.43
Isabella	1.43	Van Buren	1.41
Jackson	1.43	Washtenaw	1.43
Kalamazoo	1.42	Wayne	1.43
Kent	1.43	All other counties	1.31
Lapeer	1.43		
Lenawee	1.43		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.19	Beltrami	$1.17
Anoka	1.34	Benton	1.33
Becker	1.17	Big Stone	1.29

MINNESOTA—continued

County	Rate per bushel	County	Rate per bushel
Blue Earth	$1.32	Mille Lacs	$1.33
Brown	1.32	Morrison	1.31
Carlton	1.19	Mower	1.32
Carver	1.34	Murray	1.30
Cass	1.18	Nicollet	1.33
Chippewa	1.30	Nobles	1.30
Chisago	1.33	Norman	1.16
Clay	1.16	Olmsted	1.32
Clearwater	1.17	Otter Tail	1.30
Cook	1.19	Pennington	1.16
Cottonwood	1.31	Pine	1.19
Crow Wing	1.18	Pipestone	1.30
Dakota	1.33	Polk	1.16
Dodge	1.32	Pope	1.31
Douglas	1.31	Ramsey	1.21
Faribault	1.30	Red Lake	1.16
Fillmore	1.32	Redwood	1.31
Freeborn	1.32	Renville	1.32
Goodhue	1.33	Rice	1.33
Grant	1.30	Rock	1.30
Hennepin	1.34	Roseau	1.16
Houston	1.33	St. Louis	1.19
Hubbard	1.17	Scott	1.33
Isanti	1.33	Sherburne	1.33
Itasca	1.19	Sibley	1.33
Jackson	1.30	Stearns	1.33
Kanabec	1.20	Steele	1.32
Kandiyohi	1.32	Stevens	1.30
Kittson	1.16	Swift	1.31
Koochiching	1.19	Todd	1.31
Lac Qui Parle	1.29	Traverse	1.29
Lake	1.19	Wabasha	1.33
Lake of the Woods	1.17	Wadena	1.18
Le Sueur	1.33	Waseca	1.32
Lincoln	1.29	Washington	1.34
Lyon	1.30	Watonwan	1.31
McLeod	1.33	Wilkin	1.29
Mahnomen	1.16	Winona	1.33
Marshall	1.16	Wright	1.33
Martin	1.30	Yellow Medicine	1.30
Meeker	1.33		

MISSISSIPPI

All counties $1.40

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.40	Greene	$1.34
Andrew	1.39	Grundy	1.40
Atchison	1.38	Harrison	1.39
Audrain	1.43	Henry	1.42
Barry	1.35	Hickory	1.31
Barton	1.33	Holt	1.39
Bates	1.43	Howard	1.43
Benton	1.43	Howell	1.35
Bollinger	1.46	Iron	1.34
Boone	1.43	Jackson	1.42
Buchanan	1.41	Jasper	1.34
Butler	1.34	Jefferson	1.45
Caldwell	1.42	Johnson	1.42
Callaway	1.44	Knox	1.40
Camden	1.33	Laclede	1.34
Cape Girardeau	1.45	Lafayette	1.42
Carroll	1.42	Lawrence	1.34
Carter	1.34	Lewis	1.41
Cass	1.42	Lincoln	1.43
Cedar	1.32	Linn	1.41
Charlton	1.42	Livingston	1.41
Christian	1.34	McDonald	1.35
Clark	1.40	Macon	1.41
Clay	1.42	Madison	1.33
Clinton	1.42	Maries	1.33
Cole	1.44	Marion	1.41
Cooper	1.44	Mercer	1.38
Crawford	1.33	Miller	1.33
Dade	1.33	Mississippi	1.45
Dallas	1.33	Moniteau	1.44
Daviess	1.40	Monroe	1.42
De Kalb	1.40	Montgomery	1.44
Dent	1.34	Morgan	1.45
Douglas	1.34	New Madrid	1.45
Dunklin	1.46	Newton	1.35
Franklin	1.45	Nodaway	1.38
Gasconade	1.33	Oregon	1.35
Gentry	1.39	Osage	1.33
		Ozark	1.35

MISSOURI—continued

County	Rate per bushel	County	Rate per bushel
Pemiscot	$1.34	Saline	$1.43
Perry	1.45	Schuyler	1.39
Pettis	1.43	Scotland	1.40
Phelps	1.34	Scott	1.45
Pike	1.42	Shannon	1.34
Platte	1.42	Shelby	1.41
Polk	1.32	Stoddard	1.46
Pulaski	1.34	Stone	1.35
Putnam	1.39	Sullivan	1.40
Ralls	1.42	Taney	1.35
Randolph	1.42	Texas	1.34
Ray	1.42	Vernon	1.44
Reynolds	1.34	Warren	1.44
Ripley	1.34	Washington	1.33
St. Charles	1.43	Wayne	1.46
St. Clair	1.43	Webster	1.33
St. Francois	1.33	Worth	1.38
St. Louis	1.44	Wright	1.34
Ste. Genevieve	1.45		

MONTANA

All counties $1.31

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.35	Jefferson	$1.36
Antelope	1.33	Johnson	1.37
Arthur	1.25	Kearney	1.35
Banner	1.27	Keith	1.26
Blaine	1.22	Keyapaha	1.21
Boone	1.34	Kimball	1.27
Box Butte	1.26	Knox	1.33
Boyd	1.33	Lancaster	1.35
Brown	1.21	Lincoln	1.37
Buffalo	1.35	Logan	1.24
Burt	1.35	Loup	1.22
Butler	1.35	McPherson	1.24
Cass	1.36	Madison	1.34
Cedar	1.33	Merrick	1.35
Chase	1.26	Morrill	1.27
Cherry	1.23	Nance	1.35
Cheyenne	1.27	Nemaha	1.37
Clay	1.35	Nuckolls	1.35
Colfax	1.35	Otoe	1.36
Cuming	1.34	Pawnee	1.37
Custer	1.36	Perkins	1.26
Dakota	1.33	Phelps	1.36
Dawes	1.26	Pierce	1.33
Dawson	1.36	Platte	1.35
Deuel	1.27	Polk	1.35
Dixon	1.33	Red Willow	1.25
Dodge	1.35	Richardson	1.37
Douglas	1.36	Rock	1.21
Dundy	1.26	Saline	1.36
Fillmore	1.35	Sarpy	1.36
Franklin	1.35	Saunders	1.35
Frontier	1.24	Scotts Bluff	1.27
Furnas	1.37	Seward	1.35
Gage	1.36	Sheridan	1.25
Garden	1.26	Sherman	1.36
Garfield	1.35	Sioux	1.27
Gosper	1.37	Stanton	1.34
Grant	1.24	Thayer	1.35
Greeley	1.35	Thomas	1.23
Hall	1.35	Thurston	1.33
Hamilton	1.35	Valley	1.35
Harlan	1.36	Washington	1.36
Hayes	1.26	Wayne	1.33
Hitchcock	1.26	Webster	1.35
Holt	1.33	Wheeler	1.22
Hooker	1.23	York	1.35
Howard	1.35		

NEVADA

All counties $1.49

NEW HAMPSHIRE

All counties $1.52

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Burlington	$1.57	Ocean	$1.57
Cumberland	1.57	Salem	1.57
Gloucester	1.57	Somerset	1.57
Hunterdon	1.57	Warren	1.57
Mercer	1.57	All other counties	1.44
Middlesex	1.57		
Monmouth	1.57		

NEW MEXICO

All counties $1.41

NEW YORK

All counties $1.44

NORTH CAROLINA

County	Rate per bushel	County	Rate per bushel
Beaufort	$1.53	Lenoir	$1.53
Bertie	1.53	Martin	1.53
Camden	1.53	Nash	1.53
Chowan	1.53	Northampton	1.53
Columbus	1.53	Onslow	1.53
Craven	1.53	Pasquotank	1.53
Currituck	1.53	Perquimans	1.53
Duplin	1.53	Pitt	1.53
Edgecombe	1.53	Robeson	1.53
Gates	1.53	Sampson	1.53
Greene	1.53	Tyrrell	1.53
Halifax	1.53	Wake	1.53
Harnett	1.53	Washington	1.53
Hertford	1.53	Wayne	1.53
Hyde	1.53	Wilson	1.53
Johnson	1.53	All other counties	1.40
Jones	1.53		

NORTH DAKOTA

Richland	$1.28
All other counties	$1.15

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.45	Licking	$1.45
Allen	1.42	Logan	1.43
Ashland	1.46	Lorain	1.47
Ashtabula	1.36	Lucas	1.44
Athens	1.47	Madison	1.44
Auglaize	1.42	Mahoning	1.49
Belmont	1.36	Marion	1.44
Brown	1.45	Medina	1.47
Butler	1.42	Meigs	1.34
Carroll	1.36	Mercer	1.42
Champaign	1.43	Miami	1.42
Clark	1.43	Monroe	1.36
Clermont	1.44	Montgomery	1.42
Clinton	1.43	Morgan	1.47
Columbiana	1.49	Morrow	1.45
Coshocton	1.47	Muskingum	1.47
Crawford	1.44	Noble	1.35
Cuyahoga	1.35	Ottawa	1.45
Darke	1.42	Paulding	1.42
Defiance	1.42	Perry	1.46
Delaware	1.44	Pickaway	1.44
Erie	1.46	Pike	1.45
Fairfield	1.45	Portage	1.36
Fayette	1.44	Preble	1.42
Franklin	1.44	Putnam	1.43
Fulton	1.43	Richland	1.45
Gallia	1.34	Ross	1.45
Geauga	1.36	Sandusky	1.45
Greene	1.43	Scioto	1.45
Guernsey	1.35	Seneca	1.44
Hamilton	1.43	Shelby	1.42
Hancock	1.43	Stark	1.48
Hardin	1.43	Summit	1.35
Harrison	1.36	Trumbull	1.36
Henry	1.43	Tuscarawas	1.48
Highland	1.44	Union	1.42
Hocking	1.46	Van Wert	1.42
Holmes	1.47	Vinton	1.46
Huron	1.46	Warren	1.43
Jackson	1.46	Washington	1.35
Jefferson	1.36	Wayne	1.47
Knox	1.45	Williams	1.42
Lake	1.36	Wood	1.44
Lawrence	1.46	Wyandot	1.44

OKLAHOMA

All counties $1.35

OREGON

All counties $1.47

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Adams	$1.55	Bucks	$1.55
Berks	1.55	Carbon	1.55
Blair	1.55	Centre	1.55

PENNSYLVANIA—continued

County	Rate per bushel	County	Rate per bushel
Chester	$1.55	Mifflin	$1.55
Clinton	1.55	Monroe	1.55
Columbia	1.55	Montgomery	1.55
Cumberland	1.55	Montour	1.55
Dauphin	1.55	Northampton	1.55
Delaware	1.55	Northumberland	1.55
Franklin	1.55	Perry	1.55
Fulton	1.55	Schuylkill	1.55
Huntingdon	1.55	Snyder	1.55
Juniata	1.55	Union	1.55
Lancaster	1.55	York	1.55
Lebanon	1.55	All other counties	1.42
Lehigh	1.55		
Lycoming	1.55		

RHODE ISLAND

All counties $1.52

SOUTH CAROLINA

All counties $1.40

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$1.19	Jackson	$1.20
Aurora	1.29	Jerauld	1.29
Beadle	1.29	Jones	1.19
Bennett	1.21	Kingsbury	1.29
Bon Homme	1.29	Lake	1.29
Brookings	1.29	Lawrence	1.21
Brown	1.16	Lincoln	1.29
Brule	1.29	Lyman	1.17
Buffalo	1.16	McCook	1.29
Butte	1.21	McPherson	1.16
Campbell	1.17	Marshall	1.16
Charles Mix	1.29	Meade	1.20
Clark	1.29	Mellette	1.19
Clay	1.29	Miner	1.29
Codington	1.29	Minnehaha	1.29
Corson	1.19	Moody	1.29
Custer	1.24	Pennington	1.21
Davison	1.29	Perkins	1.20
Day	1.29	Potter	1.18
Deuel	1.29	Roberts	1.29
Dewey	1.19	Sanborn	1.29
Douglas	1.29	Shannon	1.23
Edmunds	1.16	Spink	1.16
Fall River	1.25	Stanley	1.19
Faulk	1.17	Sully	1.17
Grant	1.29	Todd	1.19
Gregory	1.29	Tripp	1.30
Haakon	1.19	Turner	1.29
Hamlin	1.29	Union	1.29
Hand	1.16	Walworth	1.18
Hanson	1.29	Washabaugh	1.20
Harding	1.21	Washington	1.22
Hughes	1.17	Yankton	1.29
Hutchinson	1.29	Ziebach	1.20
Hyde	1.17		

TENNESSEE

Anderson	$1.40	Giles	$1.40
Bedford	1.53	Grainger	1.40
Benton	1.50	Greene	1.40
Bledsoe	1.40	Grundy	1.53
Blount	1.40	Hamblen	1.40
Bradley	1.40	Hamilton	1.40
Campbell	1.40	Hancock	1.40
Cannon	1.40	Hardeman	1.35
Carroll	1.48	Hardin	1.37
Carter	1.40	Hawkins	1.40
Cheatham	1.50	Haywood	1.48
Chester	1.35	Henderson	1.35
Claiborne	1.40	Henry	1.48
Clay	1.40	Hickman	1.36
Cocke	1.40	Houston	1.36
Coffee	1.53	Humphreys	1.36
Crockett	1.48	Jackson	1.40
Cumberland	1.40	Jefferson	1.40
Davidson	1.39	Johnson	1.40
Decatur	1.36	Knox	1.40
De Kalb	1.40	Lake	1.48
Dickson	1.36	Lauderdale	1.47
Dyer	1.47	Lawrence	1.39
Fayette	1.35	Lewis	1.37
Fentress	1.40	Lincoln	1.53
Franklin	1.53	Loudon	1.40
Gibson	1.47	McMinn	1.40

TENNESSEE—continued

County	Rate per bushel	County	Rate per bushel
McNairy	$1.36	Scott	$1.40
Macon	1.40	Sequatchie	1.53
Madison	1.35	Sevier	1.40
Marion	1.53	Shelby	1.35
Marshall	1.40	Smith	1.40
Maury	1.39	Stewart	1.50
Meigs	1.40	Sullivan	1.40
Monroe	1.40	Sumner	1.40
Montgomery	1.50	Tipton	1.47
Moore	1.53	Trousdale	1.40
Morgan	1.40	Unicoi	1.40
Obion	1.46	Union	1.40
Overton	1.40	Van Buren	1.40
Perry	1.37	Warren	1.53
Pickett	1.40	Washington	1.40
Polk	1.40	Wayne	1.37
Putnam	1.40	Weakley	1.47
Rhea	1.40	White	1.40
Roane	1.40	Williamson	1.39
Robertson	1.51	Wilson	1.40
Rutherford	1.40		

TEXAS

All counties $1.36

UTAH

All counties $1.48

VERMONT

All counties $1.52

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$1.55	Princess Ann	$1.55
Charles City	1.55	Southampton	1.55
Isle of Wight	1.55	Surry	1.55
Nansemond	1.55	Sussex	1.55
Norfolk	1.55	All other counties	1.42
Northampton	1.55		

WASHINGTON

All counties $1.45

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Berkley	$1.55	All other counties	$1.42
Jefferson	1.55		

WISCONSIN

Adams	$1.40	Marathon	$1.28
Ashland	1.27	Marinette	1.29
Barron	1.25	Marquette	1.41
Bayfield	1.26	Milwaukee	1.42
Brown	1.29	Monroe	1.39
Buffalo	1.38	Oconto	1.29
Burnett	1.25	Oneida	1.29
Calumet	1.29	Outagamie	1.41
Chippewa	1.26	Ozaukee	1.29
Clark	1.27	Pepin	1.38
Columbia	1.41	Pierce	1.38
Crawford	1.38	Polk	1.38
Dane	1.41	Portage	1.28
Dodge	1.41	Price	1.27
Door	1.30	Racine	1.42
Douglas	1.25	Richland	1.39
Dunn	1.38	Rock	1.41
Eau Claire	1.39	Rusk	1.26
Florence	1.29	St. Croix	1.38
Fond du Lac	1.41	Sauk	1.40
Forest	1.29	Sawyer	1.26
Grant	1.38	Shawano	1.29
Green	1.40	Sheboygan	1.29
Green Lake	1.41	Taylor	1.27
Iowa	1.40	Trempealeau	1.38
Iron	1.28	Vernon	1.38
Jackson	1.39	Vilas	1.29
Jefferson	1.41	Walworth	1.41
Juneau	1.40	Washburn	1.25
Kenosha	1.42	Washington	1.28
Kewaunee	1.30	Waukesha	1.41
La Crosse	1.38	Waupaca	1.42
Lafayette	1.40	Waushara	1.41
Langlade	1.29	Winnebago	1.42
Lincoln	1.28	Wood	1.27
Manitowoc	1.30		

WYOMING

All counties $1.32

(b) *Premiums and discounts*—(1) *Farm storage.* In the case of eligible corn delivered from farm storage under purchase agreements and in the case of farm-storage loans, the applicable premium and discounts shown in the "Schedule of Premiums and Discounts," in this paragraph, except for eligible corn under loan grading "mixed" shall be applied to the basic rate at the time of settlement. In the case of eligible corn, grading "mixed" placed under a farm-storage loan, the discount shall be applied to the basic rate at the time the loan is completed.

(2) *Warehouse storage.* In the case of warehouse-storage loans the applicable premiums and discounts for eligible corn shown in the "Schedule of Premiums and Discounts" in this paragraph shall be applied to the basic support rate at the time the loan is completed. In the case of eligible corn represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shall be applied to the basic support rate at the time of settlement. The discounts for weevily and for moisture content are not applicable since corn in approved storage which grades weevily or contains in excess of 13.5 percent moisture is not eligible.

(3) *Schedule of premiums and discounts.*

	Cents per bushel
Premiums:	
Grade No.:	
2 or better	1
Cracked Corn and Foreign Material (percent)	
2.0 or less	1
Moisture Content (percent)	
13.5 or less	1
Discounts:	
Moisture content (percent):	
0 to 14.0	0
14.1 to 15.5	1
15.6 to 16.0	2
16.1 to 16.5	3
16.6 to 17.0	4
17.1 to 17.5	5
Weevily	2
Mixed	2

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 308, 70 Stat. 206, 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 31st day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-9182; Filed, Nov. 4, 1957; 8:53 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT

SUPPORT RATES

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3216, 3379, 5975, 6961 and 8470 containing the specific requirements of the 1957-crop grain sorghums price support program are hereby amended as follows:

Section 421.2433 (c) (2) is hereby deleted and a new paragraph (e) containing the provisions applicable to grain sorghums affected by State, district or county weed control laws is substituted in lieu thereof.

§ 421.2433 *Support rates.* * * *

(e) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws are being administered in such a way as to affect the grain sorghums crop, the support rate in the case of farm storage shall be 15 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the grain sorghums comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the grain sorghums are stored determines that State, district or county weed control laws are being administered in such a way as to affect grain sorghums stored in approved warehouses, the rate shall be 15 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the grain sorghums comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 31st day of October 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-9181; Filed, Nov. 4, 1957; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUND REGULATIONS

APPROACHES AND ENTRANCES TO COASTAL PORTS

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U. S. C. 419), § 205.80, establishing and governing the use of dumping grounds and prohibited dumping grounds in waters adjacent to and waters constituting the approaches and entrances to certain ports, is hereby amended by redesignating paragraph (b) (1)–(4) as (b) (5)–(8) and adding new paragraph (b) (1)–(4), as follows:

§ 205.80 *Entrance to seaports.* * * *

(b) *Dumping grounds.* (1) The waters of the Gulf of Maine within an area off Portland, Maine, bounded by a line extending 210° (true) to Portland Lightship and within rays bearing 262° (true) and 277° (true), respectively, to Cape Elizabeth Light and extending East to the 70° meridian of West Longitude.

(2) The waters of the Gulf of Maine within an area off Portsmouth, New Hampshire, lying northerly of a line bearing 270° (true) to White Island Light and within rays bearing 28° (true) and 18° (true), respectively, to Boon Island Light. The northern boundary is the portion of the minor arc of a circle having a radius of 8 nautical miles with its center on Boon Island Light and intercepted by the aforementioned rays to Boon Island Light.

(3) The waters of Massachusetts Bay off Boston, Massachusetts, within an area approximately 2,000 feet wide by 12,000 feet long lying northerly of a line bearing 270° (true) to Minots Ledge Light and about 8 nautical miles therefrom and with its southerly boundary between rays bearing 293° (true) and 299° (true) to Boston Lightship.

(4) The waters of the Atlantic Ocean off Newport, Rhode Island, within an area one nautical mile square, the center of which is located SSE ½ E (magnetic) 4½ nautical miles from Brenton Reef Lightship and Sakonnet Light Tower (abandoned) bears NE x E ¼ E (magnetic).

(5) The waters of the Atlantic Ocean south of Charleston Harbor, South Carolina, * * *.

(6) The waters of the Straits of Florida south of Key West Harbor, Florida, * * *.

(7) The waters of the Gulf of Mexico off the South Pass of the Mississippi River * * *.

(8) The waters of the Gulf of Mexico off the Southwest Pass of the Mississipi River * * *.

[Regs., Oct. 18, 1957, 800.213—ENGWO] (Sec. 4, 33 Stat. 1147; 33 U. S. C. 419)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9139; Filed, Nov. 4, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1538]

[1930018]

CALIFORNIA

REVOKING PUBLIC LAND ORDER NO. 40 OF SEPTEMBER 11, 1942, WHICH WITHDREW LANDS FOR USE OF THE WAR DEPARTMENT FOR AVIATION PURPOSES IN CONNECTION WITH BLYTHE ARMY AIR BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 it is ordered as follows:

Public Land Order No. 40 of September 11, 1942, reserving the public lands within the following-described areas for use of the War Department for aviation purposes is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 6 S., R. 21 E.,
Tract 60;
Tract 61, S½;
Tract 62, S½;
Tracts 63, 64, 65, 66, and 67;
Tract 81.
T. 6 S., R. 22 E.,
Sec. 19, S½;
Sec. 20, S½;
Sec. 21, SW¼;
Sec. 28, W½;
Secs. 29, 30, 31, and 32;
Sec. 33, W½.

The areas described aggregate 5,637.80 acres.

Most of the lands, being those lying generally north of U. S. Highway 60–70, have been conveyed by the War Assets Administration to Riverside County. Most of the remainder, lying generally south of the highway, have been patented.

At 10:00 a. m., on December 4, 1957, the N½SW¼ section 31, and the SW¼ section 32, T. 6 S., R. 22 E., S. B. M., shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Lands in the area are not being considered for classification and disposal under the Small Tract Act (52 Stat. 609; 43 U. S. C. 682a) as amended.

Inquiries concerning the lands shall be directed to the Manager, Land Office, Bureau of Land Management, Bartlett Building, 215 West Seventh Street, Los Angeles, California.

HATFIELD CHILSON,
Under Secretary of the Interior.

OCTOBER 29, 1957.

[F. R. Doc. 57-9140; Filed, Nov. 4, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 10-17]

PART 10—PUBLIC SAFETY RADIO SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 10 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 10 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and Section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 31st day of October 1957, that, effective October 31, 1957, Part 10 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Change the Title of the Part to read: "Part 10—Public Safety Radio Services."

2. Delete Footnote 1 to § 10.2 (v) and amend § 10.2 (v) to read as follows:

(v) *Landing area.* Any locality either land or water, including airports and intermediate landing fields, which is used, or intended to be used for the landing and take-off of aircraft whether or not facilities are provided for shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

3. Delete Footnote 1 in § 10.159.

4. Change subparagraph (11) in § 10.355 (e) to read as follows:

(11) This frequency is shared with the Motor Carrier Radio Service.

5. Change § 10.68 to read as follows:

§ 10.68 *International police radio communication.* Police radio licensees which are located in close proximity to the borders of the United States may be authorized to communicate internationally. Request for such authority shall be submitted in duplicate and be signed under oath. The request shall include information as to the station with which communication will be conducted, frequency, power, emission, etc., that will be used. If authorized, such international communication must be conducted in accordance with Article 5 of the Inter-American Radio Agreement, Washington, D. C., 1949 which reads as follows:

ARTICLE 5. *Police radio stations.* When the American countries authorize their police radio stations to exchange emergency information by radio with similar stations of another country, the following rules shall be applied:

(a) Only police radio stations located close to the boundaries of contiguous countries shall be allowed to exchange this information.

(g) In general, only important police messages shall be handled, such as those which would lose their value because of slowness and time limitations is sent on other communication systems.

(c) Frequencies used for radiotelephone communications with mobile police units shall not be used for radiotelegraph communications.

(d) Radiotelephone communications shall be conducted only on frequencies assigned for radiotelephony.

(e) Radiotelegraph communications shall be conducted on the following frequencies:

2804 kc. calling	5195 kc. day calling
2808 kc. working	5135 kc. day working
2812 kc. working	5140 kc. day working

(f) The characteristics of police radio stations authorized to exchange information shall be notified to the International Telecommunication Union, Geneva, Switzerland.

(g) The abbreviations contained in Appendix 9 of the Atlantic City Radio Regulations shall be used to the greatest possible extent. Service indications are as follows: "P", priority, for messages that are to be sent immediately, regardless of the number of other messages on file. If no service indication is given, the messages are to be transmitted in the order of receipt.

(h) The message shall contain the preamble, address, text, and signature, as follows:

Preamble. The preamble of the message shall consist of the following: the serial number preceded by the letters "NR"; service indications, as appropriate; the group count according to standard cable count system; the letters "CK", followed by numerals indicating the number of words contained in the text of the message; office and country of origin (not abbreviations); day, month, and hour of filing;

Address. The address must be as complete as possible and shall include the name of the addressee with any supplementary particulars necessary for immediate delivery of the message;

Text. The text may be either in plain language or code;

Signature. The signature shall include the name and title of the person originating the message.

6. Delete Appendix A.

[F. R. Doc. 57-9165; Filed, Nov. 4, 1957; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—FORT PECK GAME RANGE, MONTANA

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by Commissioner's Order 4 (22 F. R. 8126) and by 50 CFR 18.11, I have determined that the taking of elk during the 1957 season prescribed by the Montana Fish and Game Commission on parts of the Fort Peck Game Range, Montana, would be compatible with sound wildlife management. Accordingly, § 31.128, reading as follows, is added:

§ 31.128 *Hunting of elk permitted.* Subject to the provisions of §§ 31.123, 31.124, and 31.125, elk may be taken by hunting during the period from November 2 to December 1, 1957, both dates inclusive, on that part of the Fort Peck Game Range north of the reservoir between Pines Point Road on the east and Killed Woman Creek on the west, said area being in Valley and Phillips Counties, Montana.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendment involves public property, it is exempt from the procedural requirements of section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U. S. C. 1003), and it shall become effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated October 31, 1957.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-9148; Filed, Nov. 4, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN CORN-ON-THE-COB [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the U. S. Department of Agriculture is considering the revision of the United States Standards for Grades of Frozen Corn-on-the-cob (§§ 52.931 to 52.942), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 90 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

PRODUCT DESCRIPTION, COLOR, AND GRADES

Sec.
52.931 Product description.
52.932 Colors of frozen corn-on-the-cob.
52.933 Grades of frozen corn-on-the-cob.

FACTORS OF QUALITY

52.934 Ascertaining the grade of a sample unit.
52.935 Ascertaining the rating of the factors which are scored.
52.936 Color.
52.937 Uniformity of size.
52.938 Development.
52.939 Defects.
52.940 Tenderness and maturity.

LOT INSPECTION AND CERTIFICATION

52.941 Ascertaining the grade of a lot.

SCORE SHEET

52.942 Score sheet for frozen corn-on-the-cob.

AUTHORITY: §§ 52.931 to 52.942 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, COLOR, AND GRADES

§ 52.931 *Product description.* Frozen corn-on-the-cob is the product which is prepared from sound, properly matured, fresh, sweet corn ears by removing husk and silk; by sorting, trimming, washing, and blanching; and which sweet corn ears are then frozen and stored at temperatures necessary for the preservation of the product.

§ 52.932 *Colors of frozen corn-on-the-cob.* (a) Golden (or yellow);
(b) White.

§ 52.933 *Grades of frozen corn-on-the-cob.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen corn-on-the-cob that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good color; that is practically uniform in size; that is well developed; that is practically free from defects; that is tender; and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the frozen corn-on-the-cob may be reasonably uniform in size and reasonably well developed if the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen corn-on-the-cob that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that is reasonably uniform in size; that possesses a reasonably good color; that is reasonably well developed; that is reasonably free from defects; that is reasonably tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen corn-on-the-cob that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.934 *Ascertaining the grade of a sample unit*—(a) *Definition.* A sample unit of frozen corn-on-the-cob is six ears per primary container. If the primary container contains less than six ears the entire content is the sample unit.

(b) *General.* In addition to considering other requirements outlined in the standards, the grade of a sample unit is ascertained by considering the following quality factors:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size	10
Development	10
Defects	30
Tenderness and maturity	30
Total score	100

(b) The scores for the factors of color and defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals. The evaluation of the factors of tenderness and maturity, and flavor of frozen corn-on-the-cob is made after thawing and after the product is cooked.

(c) "Good flavor" means that the product has a good characteristic, normal flavor, and odor and is free from objectionable flavors and objectionable odors of any kind.

(d) "Reasonably good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.935 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "27 to 30 points" means 27, 28, 29, or 30 points.)

§ 52.936 *Color*—(a) *(A) classification.* Frozen corn-on-the-cob that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the kernels possess a practically uniform color typical of tender sweet corn and that the product is bright and is practically free from "off-variety" kernels.

(b) *(B) classification.* If the frozen corn-on-the-cob possesses a reasonably good color a score of 14 to 16 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the kernels possess a reasonably uniform color typical of reasonably tender sweet corn and that the product is reasonably bright and reasonably free from "off-variety" kernels.

(c) *(SStd.) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.937 *Uniformity of size*—(a) *(A) classification.* Frozen corn-on-the-cob that is practically uniform in size may be given a score of 9 or 10 points. "Practically uniform in size" means that the length of the longest ear does not exceed the length of the shortest ear by more than one inch and that the diameter does not exceed the largest diameter of the smallest ear by more than one-half inch.

(b) *(B) classification.* Frozen corn-on-the-cob that is reasonably uniform in size may be given a score of 7 or 8 points. "Reasonably uniform in size" means that the length of the longest ear does not exceed the length of the shortest ear by more than two inches and that the diameter does not exceed the largest diameter of the smallest ear by more than ¾ inch.

(c) *(SStd.) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.938 *Development*—(a) *(A) classification.* Frozen corn-on-the-cob that is well developed may be given a score of 9 or 10 points. "Well developed" means that the ear is well filled with kernels and the appearance is not materially affected by missing and shrunken kernels and on row varieties the appearance is not materially affected by spread, irregular and twisted rows of kernels.

(b) *(B) classification.* Frozen corn-on-the-cob that is reasonably well developed may be given a score of 7 or 8 points. "Reasonably well developed" means that the ear is reasonably well filled with kernels and the appearance is not seriously affected by missing and shrunken kernels and on row varieties the appearance is not seriously affected by spread, irregular and twisted rows of kernels.

(c) *(SStd.) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.939 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from pieces of loose cob, attached or loose husk, silk, or other harmless extraneous vegetable matter, from poorly trimmed ears, crushed kernels, ragged kernels, and from damaged or seriously damaged kernels.

(1) "Poorly trimmed ear" means that the end or ends of an ear are rough or ragged in appearance and that any attached stalk which may be present exceeds one-quarter inch in length.

(2) "Damaged kernel" means any kernel affected by insect injury or damaged by discoloration, pathological injury, or

by other means to the extent that the appearance or eating quality is materially affected.

(3) "Seriously damaged kernel" means damaged to such an extent that the appearance or eating quality is seriously affected.

(b) (*A*) *classification.* Frozen corn-on-the-cob that is practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that:

(1) The presence of pieces of loose cob, husk, silk or other harmless extraneous vegetable matter, poorly trimmed ears, crushed kernels, ragged kernels, damaged or seriously damaged kernels, individually or collectively, do not materially affect the appearance or eating quality of the product; and

(2) Not more than 5 percent, by count of kernels in the sample unit, are damaged or seriously damaged, but not more than one-half of one percent, by count of all the kernels, are seriously damaged.

(c) (*B*) *classification.* Frozen corn-on-the-cob that is reasonably free from defects may be given a score of 21 to 24 points. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) The presence of pieces of loose cob, husk, silk or other harmless extraneous vegetable matter, poorly trimmed ears, crushed kernels, ragged kernels and damaged or seriously damaged kernels, individually or collectively, do not seriously affect the appearance or eating quality of the product; and

(2) Not more than 10 percent, by count of the kernels in the sample unit, are damaged or seriously damaged, but not more than 1 percent, by count of all the kernels, are seriously damaged.

(d) (*SStd.*) *classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.940 *Tenderness and maturity*—(a) *General.* The tenderness and maturity of the kernels is determined by examining at least three complete adjacent rows of kernels or an equivalent number if kernels are not in rows, after removal from each ear in the sample unit. The kernels are removed from the ear by cutting just above the tip cap.

(b) (*A*) *classification.* Frozen corn-on-the-cob that is tender may be given a score of 25 to 30 points. "Tender" means that the kernels are in the milk or early cream stage of maturity and have a tender texture.

(c) (*B*) *classification.* If the frozen corn-on-the-cob is reasonably tender a score of 21 to 24 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels are in the cream stage of maturity and have a reasonably tender texture.

(d) (*SStd.*) *classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.941 *Ascertaining the grade of a lot.* The grade of a lot of frozen corn-on-the-cob covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535). For the purpose of determining primary container net weight in applying the official sampling procedures set forth in §§ 52.931 to 52.942, an ear of corn shall be considered to weigh 9 ounces.

SCORE SHEET

§ 52.942 *Score sheet for frozen corn-on-the-cob.*

Size and kind of container			
Container marks or identification			
Label			
Net weight (ounces)			
Number of ears (count)			
Length of ears (inches)			
White or golden (yellow)			
Similar varietal characteristics			
Kernels per ear (count)			
Factors		**Score points**	
Color	20	(A)	17-20
		(B)	[1] 14-16
		(SStd.)	[1] 0-13
Uniformity of size	10	(A)	9-10
		(B)	7- 8
		(SStd.)	[1] 0- 6
Development	10	(A)	9-10
		(B)	7- 8
		(SStd.)	[1] 0- 6
Defects	30	(A)	25-30
		(B)	[1] 21-24
		(SStd.)	[1] 0-20
Tenderness and maturity	30	(A)	25-30
		(B)	[1] 21-24
		(SStd.)	[1] 0-20
Total score	100		
Flavor and odor			
Grade			

[1] Indicates limiting rule.

Dated: October 31, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-9150; Filed, Nov. 4, 1957; 8:47 a. m.]

[7 CFR Part 1013]

[Docket No. AO-279-A1]

MILK IN PLATTE VALLEY, NEBR., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Platte Valley, Nebraska, marketing area, which was issued on October 18, 1957 (22 F. R. 8309; F. R. Doc. 57-8725), is hereby extended to November 18, 1957. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business as of that date.

Dated: October 31, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9151; Filed, Nov. 4, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 6, 7, 8, 9, 10, 11, 16]

[Docket No. 12169; FCC 57-1199]

FREQUENCY CHANGES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 2, 6, 7, 8, 9, 10, 11 and 16 of the Commission's rules to reduce separation between assignable frequencies in the 42–50 Mc band, to effect changes in the 25–50 Mc and 150.8–152 Mc bands, and to effect other changes relating to the use of frequencies in the 25–50 Mc band.

1. By Order of September 19, 1957 (FCC 57-1016) the Commission reallocated for the use of Government scatter circuits the bands 46.6–47.0 and 49.6–50.0 Mc. In a related Notice of Proposed Rule Making of the same date (FCC 57-1019) in the above-entitled proceeding, the Commission offered for comment a variety of proposals designed, inter alia, to accomplish channel splitting in the 42.0–46.51 and 47.0–49.51 Mc bands, to make changes in the availability of certain frequencies in the 25–50 Mc band, to provide compensatory frequency-space for those radio services [1] losing channels to scatter purposes, and to promote more equitable and efficient operation throughout the whole of the above 25–50 Mc band. The frequency changes proposed by the Commission are set forth in Tables I and II of the Appendix to the above Notice. The Notice specifies a comment date of November 15, 1957, and a reply date of November 25, 1957.

2. Now before the Commission are a number of petitions filed since the release of the above Notice. In one of these, the National Committee for Utilities Radio (NCUR) seeks extension of the above dates to December 15 and 25, 1957, respectively. In another, the California Public-Safety Radio Association (CPSRA) also asks for extensions of time, but exact dates are not specified. In connection with its request NCUR states a desire to have the benefit of certain meetings, scheduled for early December, before completing its comments. Similarly, CPSRA seeks extensions of time to enable it "to make inquiries of [its] membership."

[1] The Highway Maintenance, Forestry Conservation and Special Industrial Radio Services.

3. The remaining petition before the Commission is one filed by Electronic Industries Association (EIA) on October 18, 1957. In this petition EIA asserts that the Commission's reallocation for scatter purposes has worked an extreme hardship on the affected land mobile services; that even though the bands involved will continue to be available for application by eligible persons until replacement frequencies are provided, such persons are reluctant to seek assignments on this limited basis; that, accordingly, immediate relief is needed by the affected services; and that such relief can be provided by finalizing immediately so much of the Commission's outstanding Notice as proposes compensatory channels in the 42–50 Mc band for the affected services.

4. The Commission is keenly aware of the considerations advanced by EIA, not only as they apply to potential applicants for the services affected by the scatter allocation, but also as they apply to existing licensees in such services. In this connection many of these licensees have expressed a feeling that the continued use of the frequencies involved, even though permitted until December 31, 1959, is essentially impracticable because of the Government's right of immediate access to these frequencies. For the foregoing reasons, it has been the Commission's purpose to expedite this rule making proceeding to the greatest extent possible, particularly insofar as the frequency-distribution proposals set forth in the Notice are concerned. Because the Commission expects to consider these matters as quickly as the November comment dates and the orderly dispatch of its business will permit, no great advantage would accrue by here granting the relief requested by EIA. Accordingly, the EIA petition must be denied.

5. Because of the above-demonstrated need for expeditious action in the matter of the frequency proposals, the NCUR and CPSRA petitions cannot, in their entirety, be granted. However, because certain phases of the Commission's overall proposal are not of the same degree of urgency, it is believed that extensions of time can be granted to the extent that those phases are involved. More specifically, the Commission believes that the matters set forth in paragraphs 11 (tone-actuated squelch systems), 12 (wide-area concept), and 18 (frequency assignment plans) can be separately considered and disposed of, and that, accordingly, additional comment time can be extended to interested parties. In view thereof, good cause exists for partial grants of the NCUR and CPSRA petitions.

6. In view of the foregoing; *It is ordered,* This 30th day of October, 1957, That the Petition for Immediate Assignment filed herein by the Electronic Industries Association is denied; That the petitions for extensions of time filed herein by the National Committee for Utilities Radio and the California Public-Safety Radio Association are granted to the extent that they are consistent with the final ordering clause hereof, and are denied in all other respects; and that the times for filing comments and reply comments with respect to the matters discussed in paragraphs 11, 12 and 18 of the Commission's Notice of Proposed Rule Making herein are extended to December 16 and December 30, 1957, respectively.

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9166; Filed, Nov. 4, 1957; 8:50 a. m.]

[47 CFR Parts 2, 14]

[Docket No. 12232; FCC 57-1196]

FEQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 2 and 14 of the Commission's rules to delete footnote NG36 and § 14.209, respectively.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Prior to the Extraordinary Administrative Radio Conference, Geneva, 1951, there was a number of fixed station assignments in the Territory of Alaska in the band 200–285 kc. Under the Atlantic City Table of Frequency Allocations this band was made available to the Aeronautical Mobile and Aeronautical Radionavigation services. In order to provide for the continued use of the above fixed station assignments in the band 200–285 kc, pending the clearance of replacement frequencies in appropriate bands, Footnote NG36 was added to the band 200–285 kc in Part 2. All assignments thus provided for have since been moved out of the band 200–285 kc.

3. Section 14.209, contained in Subpart F which deals with the assignment and use of fixed service frequencies in the Territory of Alaska, provides for the temporary assignment of frequencies not specifically assigned in Subpart F for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951. All frequency assignment changes in Alaska required by the EARC Agreement have been consummated.

4. Since Footnote NG36 to § 2.104 (a) (5) and § 14.209 have outlived their usefulness it is proposed to delete them from Parts 2 and 14, respectively, of the Commission's rules.

5. The proposed amendments to the Rules are issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 29, 1957 written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, brief or comments filed shall be furnished the Commission.

Adopted: October 30, 1957.

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9167; Filed, Nov. 4, 1957; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 12076]

CERTAIN TELEVISION BROADCAST STATIONS IN PENNSYLVANIA, OHIO, WEST VIRGINIA, AND MICHIGAN; TABLE OF ASSIGNMENTS

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Erie, Pa.; Akron-Cleveland, Ohio; Clarksburg and Weston, W. Va.; Flint-Saginaw-Bay City, Michigan); Docket No. 12076.

The Commission has before it for consideration the petition filed October 29, 1957, of Dispatch, Inc., licensee of television Station WICU on Channel 12 in Erie, Pennsylvania, requesting that the time for filing reply comments in the above-entitled proceeding be extended from November 5, 1957, to November 12, 1957.

The Commission in this proceeding is proposing, inter alia, to delete Channel 12, from Erie, Pennsylvania, the frequency on which petitioner is licensed to operate television Station WICU. Dispatch alleges that its engineering consultant, in light of other commitments, has been unable to complete the engineering phase of its reply comments. Dispatch estimates that an extension of time until November 12 will be required in order to enable it to prepare its reply comments. Dispatch states that counsel for Summit Radio Corporation (WAKR–TV, Akron, Ohio) and Great Lakes Television Company (WSEE, Erie, Pennsylvania) have advised they will consent to a waiver of the four-day rule (Rule 1.745).

The Commission believes that Dispatch has established good cause for extending the time for filing reply comments in this proceeding and that such extension

will serve the public interest, convenience and necessity.

In view of the foregoing: *It is ordered*, That the time for filing reply comments in the above-entitled proceeding is extended from November 5, 1957, to November 12, 1957.

Adopted: October 30, 1957.

Released: October 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9168; Filed, Nov. 4, 1957; 8:51 a. m.]

[47 CFR Part 8]

[Docket No. 12233; FCC 57-1200]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

DELETION OF SPECIFIC AUTHORITY FOR SHIP STATIONS TO USE CERTAIN COAST GUARD FREQUENCY

In the matter of amendment of Part 8 of the Commission's rules to delete specific authority for ship stations to use the Coast Guard frequency 2670 kc.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The United States Coast Guard, which heretofore has guarded the Government frequency 2670 kc for the safety of ship stations equipped for telephony, has notified the Commission that it intends to discontinue this watch on 2670 kc effective January 1, 1958, since implementation of the international radiotelephone distress frequency 2182 kc has advanced to the point where this action is deemed appropriate. Accordingly, the subject proposal would amend the Commission's rules to reflect this change, effective from January 1, 1958. Specifically, §§ 8.232 and 8.352 would be amended to delete the Coast Guard frequency 2670 kc from specific availability for use by non-government ship stations. As a result of this proposed amendment, ship stations in all areas equipped for telephony on medium-band frequencies would normally use 2182 kc in lieu of any further use of 2670 kc for radiotelephone distress calls.

3. The proposed amendment is set forth below and is issued pursuant to the authority contained in section 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 26, 1957, written data, views or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 30, 1957.

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 8 is amended to read as follows:

1. The present text of § 8.232 (b) is deleted, and the following is substituted therefor:

(b) In case of distress, the international radiotelephone distress frequency 2182 kc, preferably with class A3 emission, is to be used by mobile stations not capable of using 500 kc, but equipped to use telephony on medium frequencies. Ship stations using telephony which cannot transmit on 2182 kc shall use their normal calling frequency for this purpose.

2. The present text of § 8.352, including paragraphs (a), (b) and the Note following paragraph (b), is deleted and the following is substituted therefor:

§ 8.352 *Frequencies for use in distress.* (a) The frequency 2182 kc is the international radiotelephone distress frequency for the maritime mobile service. It may be used for this purpose by ship or aircraft stations employing telephony in the band 1605 to 2850 kc when requesting assistance from the maritime services. It may be used, preferably with Class A3 emission, for the distress call and distress traffic.

(b) Ship stations using telephony which cannot transmit on 2182 kc shall use their normal calling frequency for the purpose set forth in paragraph (a) of this section.

[F. R. Doc. 57-9169; Filed, Nov. 4, 1957; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

In accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85-A of the Secretary of Labor (22 F. R. 7614), notice is hereby given that I propose to amend Part 545 (29 CFR Part 545) as hereinafter set forth.

Prior to any final action on this proposal, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., within thirty days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29th day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

1. The caption of Part 545 is amended to read: "Part 545—Homeworkers in the Fabric and Leather Glove Industry; the Handkerchief, Square Scarf, and Art Linen Industry; the Children's Dress and Related Products Industry; the Women's and Children's Underwear and Women's Blouse and Neckwear Industry; the Needlework and Fabricated Textile Products Industry; and the Sweater and Knit Swimwear Industry in Puerto Rico".

2. Section 545.1 is amended to read:

§ 545.1 *Applicability.* The provisions of this part shall apply to persons in activities relating to homeworkers engaged in commerce or in the production of goods for commerce in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse and neckwear industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico, as defined in Parts 715, 608, 610, 609, 612, and 611, respectively, of this chapter.[1]

3. Section 545.7 is amended to read:

§ 545.7 *Records to be kept.* (a) Every prime contractor or manufacturer shall make and have available at his principal Puerto Rican office a record of the following information: [2]

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from which the goods upon which homework is to be performed were received.

(2) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to homeworkers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

(3) The date or dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(4) The name and address of each homeworker, and the date of birth of each homeworker under 19, to whom the goods in each lot were delivered or from whom goods were purchased.

(5) The date or dates upon which the goods in each lot were delivered to and collected from each homeworker or upon which goods were purchased from each homeworker.

(6) The style number or name or, if none, the identification number or name used in lieu thereof, the description of and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, the piece rates to be paid or paid, the gross amount due each homeworker for the operations performed upon the goods, social security deductions from that amount, the costs, if any, incurred by the homeworker for equipment, material, or other items such as electricity or fuel as a result of the homework, the amount actually paid the homeworker and the date of payment.

(b) At the time work is given out to or received or purchased from a homeworker, as the case may be, every prime contractor or manufacturer shall enter the following information in the handbook (to be obtained by the prime contractor or manufacturer from the Wage and Hour Division and supplied by him to each homeworker) which shall be kept by the homeworker until the handbook is completed (that is, until no space remains for additional entries) or the homeworker's services are terminated, at which time it shall be returned to the prime contractor or manufacturer: [4]

(1) The date or dates upon which the goods in each lot were delivered to and collected from the homeworker or upon which goods were purchased from the homeworker.

(2) The style number or name, or, if none, the identification number or name used in lieu thereof, the description of, and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, the piece rates to be paid or paid, the gross amount due each homeworker for the operations performed upon the goods, social security deductions from that amount, the costs, if any, incurred by the homeworker for equipment, material, or other items such as electricity or fuel as a result of homework, the amount actually paid the homeworker, and the date of payment.

(3) The signature of the person acting in behalf of the prime contractor or manufacturer.

[1] Persons engaged in activities relating to homeworkers in other industries in Puerto Rico are subject to Part 681 of this chapter.

[2] Although responsibility for making the record is placed upon the prime contractor or manufacturer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in his behalf. No particular order or form of records is prescribed by the regulations contained in this part. The prime contractor or manufacturer may keep his own record system, so long as he keeps all the required information available in understandable form. The records must be kept in the principal Puerto Rican office of the prime contractor or manufacturer. Where it is not possible for a record of one or more of the items to be made in the first instance at the principal office of the prime contractor or manufacturer, at his direction the record of such items may be made away from that office by a subcontractor, agent, employee, or other person acting in his behalf. In such event, however, the records shall be delivered to the principal Puerto Rican office of the prime contractor or manufacturer as soon as practicable after the making of such entries, and shall there be preserved and available for inspection.

[4] Although responsibility for supplying the handbook to the homeworker and recording information therein is placed upon the prime contractor or manufacturer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in his behalf.

(c) No prime contractor or manufacturer shall employ any homeworker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such prime contractor or manufacturer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such homeworker a record of the following information:

(1) The hours worked by the homeworker on the goods in each lot.

(2) The total hours worked each week.

(3) The wages paid the homeworker each week at regular piece rates.

(4) The extra amount paid to the homeworker for hours worked in excess of 40 in each week.

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(e) Every employer shall keep and preserve for a period of not less than three years at his place of business all records required in this section, except the handbook which shall be kept for a period of two years subsequent to the date of the last entry therein. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

4. Section 545.9 is amended to read:

§ 545.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid in lieu of the applicable minimum hourly rate established by the wage orders for the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; and the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico, not less than the piece rates prescribed in § 545.13 for the operations described therein.

5. Section 545.13 is revised to read:

§ 545.13 *Piece rates established in accordance with § 545.9.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Cotton underwear and nightwear (2)	(3)	
		Cents	*Cents*	*Cents*	
1	Arenilla (seed stitch), close, ½" squares	54.00	48.60	50.40	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares	27.00	24.30	25.20	Do.
3	Arrows, filled in, ¼ inch	13.50	12.15	12.60	Per dozen.
4	Back stitch on yokes, armholes, etc	[2] 30.00	[2] 27.00	38.00	Per yard.
5	Basting bias with cord	14.85	13.37	13.86	Do.
6	Basting darts before sewing	[2] 15.66	[2] 14.10	19.95	Do.
7	Basting for fagoting	4.06	3.66	3.79	Do.
8	Basting hems, 1" to 6" wide	[2] 9.00	[2] 8.10	11.40	Do.
9	Basting lace incidental to sewing on lace with solid cord stitch.	7.78	7.00	7.26	Do.
10	Basting waist lines, plackets, and facings, 2 to 3 stitches per inch.	[2] 5.63	[2] 5.07	7.14	Do.
11	Bias piping, joined, double, over 10 stitches per inch	18.00	16.20	16.80	Do.
12	Bias piping, joined, single, over 10 stitches per inch	22.50	20.25	21.00	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch.	27.12	24.41	25.31	Do.
14	Blanket stitch, folding included, 18 stitches per inch	51.00	45.90	47.60	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches	[2] 5.88	[2] 5.29	7.42	Per dozen.
16	Buttonholes, stamped, 3/4" long	[2] 19.41	[2] 17.47	24.56	Do.
17	Buttonholes, stamped, ½" long	[2] 25.80	[2] 23.22	32.71	Do.
18	Buttonhole stitch, close	40.50	36.45	37.80	Per yard.
19	Buttonhole stitch for joining seams	40.50	36.45	37.80	Do.
20	Cord, twisted, over basting	4.50	4.05	4.20	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.	6.17	5.55	5.76	Per yard.
22	Cutting material under lace or at seams, straight outline, following handsewing operation.	2.53	2.28	2.36	Do.
22.1	Cutting material under lace or at seams, straight outline, following machine operations (formerly operation No. 93).	3.71	3.71	3.20	Do.
23	Dots, baby, not finished off, 2 to 3 stitches	3.75	3.38	3.50	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	5.94	5.35	5.54	Do.
25	Eyelets, up to 1/6" diameter	10.03	9.03	9.36	Do.
26	Eyelets, 3/16" diameter	18.00	16.20	16.80	Do.
27	Fagoting, straight lines	62.68	56.41	58.50	Per yard.
28	Fagoting, twisted lines	30.00	27.00	28.00	Do.

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "handsewing," "hand-embroidery," and "other operations," and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Cotton underwear and nightwear (2)	(3)	
		Cents	*Cents*	*Cents*	
29	Feather stitch, 12 stitches per inch	30.00	27.00	28.00	Per yard.
30	Feather stitch cord	15.79	14.21	14.74	Do.
31	Flat fell seams, first seam by machine	[2] 17.58	[2] 15.82	22.24	Do.
32	Flat roll	[2] 13.65	[2] 12.28	17.26	Do.
33	French knots, not finished off	1.88	1.69	1.75	Per dozen.
34	French seams, over 12 stitches per inch	[2] 11.25	[2] 10.13	14.25	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	[2] 7.43	[2] 6.69	9.42	Do.
36	Furunecos, with tape	67.50	60.75	63.00	Do.
37	Furunecos, without tape	54.00	48.60	50.40	Do.
38	Guariquenas	4.50	4.05	4.20	Per dozen.
39	Half roll (with colored or emb. thread)	14.76	13.28	13.78	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch	[2] 7.87	[2] 7.08	9.96	Do.
41	Hemming stitch for felling cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch.	[2] 20.13	[2] 18.12	25.50	Do.
42	Hemstitch double (tru-tru), 4 threads in a bundle, thread drawing not included.	55.80	50.22	52.08	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	29.29	26.36	27.34	Do.
44	Lace, joined with whipping stitch	46.88	42.19	43.75	Do.
45	Lace, sewed on with hemming stitch or round roll	22.50	20.25	21.00	Do.
46	Leaves, open, ¼" long	18.00	16.20	16.80	Per dozen.
47	Leaves, open, ⅜" to ½" long	27.00	24.30	25.20	Do.
48	Leaves, simple	1.68	1.51	1.57	Do.
49	Leaves, solid, not finished off, ⅛" long	4.94	4.45	4.61	Do.
50	Leaves, solid, not finished off, ¼" long	6.00	5.40	5.60	Do.
51	Leaves, solid, not finished off, ⅜" to ½" long	9.00	8.10	8.40	Do.
52	Leaves, solid, finished off, ⅜" to ¾" long	18.00	16.20	16.80	Do.
53	Loops, knitted, ¼ inch	5.63	5.07	5.26	Do.
54	Loops, knitted, 1 inch to 1½ inch	9.46	8.52	8.83	Do.
55	Loops, made with buttonhole stitch	13.50	12.15	12.60	Do.
56	Mounting, fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled seam with hemming stitch.	53.77	48.39	50.18	Per yard.
57	Overcasting seams	[2] 9.57	[2] 8.61	12.13	Do.
58	Pasadas, short, 1 inch to 8 inches	----------	4.20	----------	Per dozen pasadas.
59	Patches, sewed on with single point de turc	89.64	80.68	83.66	Per yard.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1½ inch.	5.66	5.09	5.28	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included.	88.20	79.38	82.32	Per yard.
60	Pin stitch, thread drawing not included, 1 inch squares.	108.00	97.20	100.80	Per dozen squares.
61	Point de turc, double, with embroidery thread	44.77	40.29	41.78	Per yard.
62	Point de turc, plain, with embroidery thread	26.25	23.62	24.50	Do.
63	Randa, bundles twisted but not tied, thread drawing not included.	11.25	10.12	10.50	Do.
64	Randa, Don Gonzalez, thread drawing not included	47.25	42.52	44.10	Do.
65	Randa, Mexican, tied at center only, thread drawing not included.	13.50	12.15	12.60	Do.
66	Ribbons, setting ends of	6.17	5.55	5.76	Per dozen.
67	Rolling armholes and reboques	[2] 22.99	[2] 20.69	29.12	Per yard.
68	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones.	13.37	12.03	12.48	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch	[2] 11.25	[2] 10.13	14.25	Per yard.
70	Running stitch for felling, very close stitch	[2] 11.25	[2] 10.13	14.25	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	[2] 12.09	[2] 10.88	15.34	Do.
72	Running stitch on lace	11.94	10.75	11.15	Per yard.
73	Running stitch for plain sewing	[2] 8.13	[2] 7.32	10.31	Do.
74	Scallops, plain, cutting included	45.30	40.77	42.28	Do.
75	Shadow stitch, up to ⅜" wide	87.00	78.30	81.20	Do.
76	Shell, 4 to 5 stitches per inch	15.43	13.89	14.40	Do.
77	Shirring, material to be measured before shirring	9.06	8.15	8.46	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	10.89	9.80	10.16	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	19.57	17.61	18.26	Do.
80	Shoulder straps, set with buttonhole stitch, 14½" x ¼", measured after turning, sewing up to ⅝" at each end at strap.	53.19	47.87	----------	Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	[2] 9.00	[2] 8.10	11.40	Per dozen inches.
82	Smocking	.37	.33	.35	Per dozen stitches.
83	Snaps, sewing on, both sides	[2] 9.00	[2] 8.10	11.40	Per dozen.
84	Solid cord stitch on gores and embroidery	42.30	38.07	39.48	Per yard.
85	Solid cord stitch to sew on lace	38.25	34.42	35.70	Do.
86	Spiders, 4 legs	9.00	8.10	8.40	Per dozen.
87	Spiders, 8 legs	17.59	15.83	16.42	Do.
88	Tacks, set for fagoting	4.50	4.05	4.20	Do.
89	Tucks, stamped, 1/16" to ¼" wide, up to 6" long	14.08	12.67	13.14	Do.
90	Tucks, pin, stamped up to 7" long	14.84	13.36	13.85	Do.
91	Tucks, pin, unstamped, up to 6" long	18.00	16.20	16.80	Do.
93	(See operation No. 22.1).				
94	Turning belts, machine sewn, 29" x ½", measured after turning.	15.34	15.34	13.25	Per dozen belts.
95	Turning belts, machine sewn, 60" x ½", measured after turning.	19.49	19.49	16.84	Do.
96	Turning shoulder pads, 5¾" long, with an unsewed slit of 1" for turning.	9.96	9.96	8.60	Per dozen pads.
97	Turning shoulder straps, 14½ x ¼", measured after turning.	30.58	30.58	----------	Per dozen straps.

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing," "hand-embroidery," and "other operations," and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Cents	Unit of payment
99	Arenillas (seed stitch), close, ½" squares	31.20	Per dozen squares.
100	Arenillas (seed stitch), scattered, ½" squares	15.60	Do.
101	Arrows, filled in, ¼" long	7.80	Per dozen.
102	Basting lace for setting with straight sewing stitch	1.49	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch	1.30	Do.
103.1	Basting and folding hem on edges up to 1½" hem	[3] 2.52	Do.
104	Blind hemstitch	5.20	Do.
105	Buttonhole stitch, 16 stitches per inch	5.20	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	7.80	Do.
107	Chain stitch, 4 stitches per inch	1.30	Do.

[1] See current wage order for this industry for definition of the industry and of the classifications of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Cents	Unit of payment
108	Chain stitch, 8 stitches per inch	2.60	Per dozen inches.
109	Cord, solid, on stem	8.14	Do.
110	Cord, twisted, over basting	2.60	Do.
111	Cord or embroidery, solid, without filling, up to ⅛" thick [3]	7.80	Do.
112	Crouching or flat cord, 4 stitches per inch	1.30	Do.
113	Cross stitch, 6 crosses per inch	5.54	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch	10.40	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread	7.80	Per dozen.
115	Diamonds, filled in, ¼" to ⅜" wide	7.80	Do.
116	Dots, baby, not finished off, 2 to 3 stitches	2.16	Do.
117	Dots, large, not filled in, finished off, 12 stitches	3.90	Do.
118	Dots, large, filled in, finished off, over 12 stitches	7.80	Do.
119	Dots, large, not filled in, finished off, over 12 stitches	5.20	Do.
120	Dots, medium, not filled in, finished off, 8 to 9 stitches	3.43	Do.
120.1	Dots, medium, in groups, not finished off, 5 stitches, with double embroidery thread.	2.22	Do.
120.2	Dots, medium, finished off, 5 stitches, with double embroidery thread	2.94	Do.
121	Embroidery, solid 3/16" to ¾" thick, averages 28 stitches per inch [3]	10.40	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	10.40	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	7.80	Do.
124	Eyelets, ⅛" diameter	5.80	Per dozen.
125	Feather stitch, 12 stitches per inch	5.78	Per dozen inches.
126	Feather stitch cord	3.05	Do.
127	Flat hems without pasada	[2] 2.70	Do.
128	French knots, not finished off	1.09	Per dozen.
128.1	French knots, finished off, with double embroidery thread	2.08	Do.
129	Guariquenas	2.60	Do.
130	Hand or French rolling, 10 stitches or less per inch	7.35	Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch	8.83	Do.
132	Hand-rolling one side of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Only one side of each corner is hand-rolled; and the hand-rolling is not longer than 1".	17.34	Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼" nor more than 1", and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than one inch on either side of any corner.	34.66	Do.
134	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than two inches on any corner.	43.34	Do.
135	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.	10.74	Per dozen inches.
136	Hemstitch, single, 4 threads in a bundle, thread drawing not included	5.65	Do.
137	Initials, simple, with hoops	26.00	Do.
138	Initials, simple, without hoops	16.12	Do.
139	Lace, joined at corners with hemming stitch	7.80	Do.
140	Leaves, simple	.97	Per dozen.
141	Leaves, solid, not finished off, ¼" long	3.46	Do.
142	Leaves, solid, not finished off, ⅜" to ½" long	5.20	Do.
143	Leaves, solid, not finished off, ⅝" to ¾" long	10.40	Do.
144	Loops, made with worm stitch, ¼"	1.74	Do.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1,600 count, inclusive	5.20	Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1,700 count and over	7.28	Do.
147	Pasadas, 15" x 15", linen up to 1,600 count, inclusive	8.84	Do.
148	Pasadas, 15" x 15", linen 1,700 count and over	10.92	Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1,400 count inclusive	12.48	Do.
150	Pasadas, short, 1" to 7", linen up to 1,600 count inclusive	[4] 2.70	Do.
	Pasadas, short:		
151	Cambric, 1" to 10"	5.20	Do.
152	Crash, 1" to 10"	3.90	Do.
153	Cambric, 10½" to 18"	10.40	Per dozen pasadas.
154	Crash, 10½" to 18"	7.80	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included	5.69	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	9.91	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to 4 inches	7.28	Do.
156.2	Patches, irregular outline sewed on with blind stitch, over 4 inches	3.70	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included	4.67	Do.
158	Pin stitch, thread drawing not included, 1" square	62.40	Do.
159	Randa, Don Diego, thread-drawing not included	11.70	Do.
160	Randa, Mexican, tied at center only, thread drawing not included	2.60	Do.
161	Randa, simple, not stitched at either side, thread drawing not included	1.97	Do.
162	Rose buds, worm stitch, 4 worms, 2 colors or tones	7.72	Per dozen.
163	Scallops, plain, cutting included	5.73	Per dozen inches.
164	Shadow stitch, up to ⅜" wide	16.75	Do.
165	Spiders, 4 legs	5.20	Per dozen.
166	Spiders, 8 legs	10.17	Do.

No.	Operation	Cents		Unit of payment
		Cambric (1)	Crash (2)	
	Thread drawing:			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped 1" to 10"	1.86	----------	Per dozen threads.
167.2	Not stamped 1" to 10"	2.32	1.38	Do.
	Art linens, unstamped, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	10.39	8.46	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	8.31	7.04	Do.
167.7	15" x 15"	10.39	8.46	Do.
167.8	18" x 18"	12.47	9.77	Do.
	Scarves:			
168.0	17" x 36"	18.35	13.15	Do.
168.1	17" x 45"	21.47	14.83	Do.
168.2	17" x 54"	24.59	16.46	Do.
	Squares:			
168.3	36" x 36"	24.95	16.63	Do.
168.4	45" x 45"	31.17	19.77	Do.
168.5	54" x 54"	37.41	23.10	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"	----------	1.31	Do.
168.7	15" x 24"	----------	1.90	Do.
168.8	18" x 30"	----------	2.18	Do.
169	Art linens, after first thread	[3]	[4]	Do.

[1] For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.

No.	Operation	Cents	Unit of payment
	Thread drawing:		
	Ladies handkerchiefs:		
170	First thread around edge, cotton or linen, up to 1600 count inclusive	2.60	Per dozen threads.
171	First thread, inside, cotton or linen, up to 1600 count inclusive	3.26	Do.
172	After first thread (for example, for hemstitching)	[3]	Do.
173	First thread around edge, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	3.90	Do.
174	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20"	4.56	Do.
175	First thread, inside, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	4.56	Do.
176	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20"	5.20	Do.
177	After first thread (for example, for hemstitching)	[3]	Do.

[1] For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.

[1] See current wage order for this industry for definition of the industry and of the classifications of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.
[3] These piece rates have been set on the basis of O. N. T. thread No. 5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread No. 11 is used, 15 percent must be added to the piece rates established for thread No. 5.
[4] For each additional count of 100, add 1.04 cents.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

[Unit of payment—per dozen]

No.	Operation	Doilies			Napkins			Table scarves			Squares			Table cloths		
		8" x 16"	10" x 14"	12" x 18"	12" x 12"	15" x 15"	18" x 18"	17" x 36"	17" x 45"	17" x 54"	36" x 36"	45" x 45"	54" x 54"	54" x 72"	72" x 72"	72" x 90"
179	Half roll, cambric and crash, at 2.8¢ cents per dozen inches	$1.36	$1.36	$1.70	$1.36	$1.70	$2.04	$3.01	$3.52	$4.03	$4.09	$5.11	$6.13	$7.15	$8.18	$9.20
180	Hand or French rolling, 10 stitches or less per inch, cambric and crash, at 1.84 cents per dozen inches	.88	.88	1.10	.88	1.10	1.32	1.95	2.28	2.61	2.65	3.31	3.98	4.64	5.30	5.96
	Hemming stitch over pasada, measuring all around edge:															
181	Cambric at 1.74 cents per dozen inches [2]	.83	.83	1.04	.83	1.04	1.25	1.84	2.15	2.46	2.50	3.12	3.75	4.37	5.00	5.62
182	Crash, at 1.63 cents per dozen inches [2]	.78	.78	.98	.78	.98	1.17	1.73	2.02	2.31	2.35	2.93	3.52	4.11	4.69	5.28
	Second seams, for separate borders, measuring all around edge:															
183	Cambric, at 1.74 cents per dozen inches [2]	.83	.83	1.04	.83	1.04	1.25	1.84	2.15	2.46	2.50	3.12	3.75	4.37	5.00	5.62
184	Crash, at 1.63 cents per dozen inches [2]	.78	.78	.98	.78	.98	1.17	1.73	2.02	2.31	2.35	2.93	3.52	4.11	4.69	5.28
	Second seams, for separate borders, with French corners, measuring all around edge:															
185	Cambric, at 1.95 cents per dozen inches [2]	.94	.94	1.17	.94	1.17	1.41	2.07	2.42	2.77	2.81	3.51	4.22	4.92	5.62	6.33
186	Crash, at 1.74 cents per dozen inches [2]	.83	.83	1.04	.83	1.04	1.25	1.84	2.15	2.46	2.50	3.12	3.75	4.37	5.00	5.62

[1] See current wage order for this industry for definition of the industry and of the classifications of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.

No.	Operation	Cents	Unit of payment
	SCALLOP CUTTING		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:		
187.4	Small, measuring from 5/16" up to but not including 5/8", along outside edge	27.00	Per dozen scallops.
187.5	Medium, measuring from 5/8" up to but not including 3/4", along outside edge	34.00	Do.
187.6	Large, measuring from 3/4" to and inclusive of 1 1/4", along outside edge	51.00	Do.
	NEEDLEPOINT OPERATIONS [3] [4]		
200	Compact florals, figures and landscapes	27.04	Per 1,000 stitches.
201	Scattered florals	29.12	Do.
202	Scattered florals consisting of borders or garlands only	31.20	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design	29.12	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design	31.20	Do.
205	2.08 cents must be added to the above piece rates to cover thumb-tack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with § 545.10.		

[3] *Exceptions.* These piece rates do not apply to the following types of needlepoint. For these and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with § 545.10:

1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit point.
6. Stamped grospoint.

[4] *Definitions.* (1) A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.

(2) A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves (1)	Leather gloves [2] Ladies' (2)	Leather gloves [2] Men's (3)	Unit of payment
188	Buttons, slip stitches with tape, 1 button per glove	Cents	Cents	Cents 49.500	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove			66.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.313			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.453		Do.
192	Feather stitch, 5 to 6 stitches per inch				Do.
193	Large stitch (husky), 5 to 6 stitches per inch	.375	.569		Do.
194	Regular stitch, 5 to 6 stitches per inch			.407	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.246	.427	.407	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine	.159	.292	.292	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.246	.427	.407	Do.
198	Whip stitch, 5 to 6 stitches per inch	.246	.427	.407	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing," see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with Section 545.10.

[F. R. Doc. 57-9130; Filed, Nov. 4, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

ARVID O. LUNDELL

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

A Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Arvid O. Lundell.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: October 8, 1957.

4. Title of position: Consultant (Advisor to the Director).

5. Name of private employer: Colonial Broach & Machine Company, Detroit 13, Michigan.

CARLTON HAYWARD,
Director of Personnel.

SEPTEMBER 13, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Alloy Steels.
American Machine and Foundry.

Atomic Development Mutual Fund.
Bachmann Uxbridge.
Canada General Fund.
Century Shares Trust.
Chrysler Corporation.
Coins and Stamps, Inc.—Michigan.
Colonial Broach and Machine Company.
Consumers Power—Michigan.
Detroit Bank.
Detroit Edison.
Detroit Tap and Tool.
Elco Corporation.
Equity Corporation.
Ex-Cell-O Corporation.
Ford Motor Company.
Fargo Oil.
Grosse Pointe Restaurant Company—Michigan.
Lake Shore Engineering—Michigan.
National Bank of Detroit.
National City Lines.
Peoples State Bank of Hamtramck, Michigan.
Royalite Company, Limited.
Raytheon Corporation.
Standard Products.
Sater Products.
Snyder Tool and Engineering.
Studebaker Packard.
Tan—D Corporation—Michigan.
Tennessee Gas Transmission.
Transcontinental Gas & Pipe Line Corporation.
Montana-Wyoming Gas Pipe Line.
Highland Plastics—Michigan.
United Park City Mines.
W. J. R. Radio Station—Detroit.
Bank Accounts.
Municipal Bonds, School and Turnpike Revenue.

ARVID O. LUNDELL.

OCTOBER 29, 1957.

[F. R. Doc. 57-9152; Filed, Nov. 4, 1957; 8:48 a. m.]

SAM NORRIS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Sam Norris.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: October 28, 1957.

4. Title of position: Assistant Director, Electronics Division.

5. Name of private employer: Nuclear Corporation of America, Inc., 350 Fifth Avenue, New York City, New York.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 29, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Nuclear Corporation of America.
General Electric Company.
General Motors Company.
Standard Oil of New Jersey.
Pillsbury Mills.
Brooklyn Union Gas Co.
Anaconda Copper.
Bank Deposits.

SAM NORRIS.

OCTOBER 28, 1957.

[F. R. Doc. 57-9153; Filed, Nov. 4, 1957; 8:48 a. m.]

NORVAL W. POSTWEILER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 22, 1956, 21 F. R. 3393; October 27, 1956, 21 F. R. 8245; May 2, 1957, 22 F. R. 3135.

A. Deletions: Canadian Javelin, Cavitron Corp.

B. Additions: No change.

This statement is made as of October 20, 1957.

NORVAL W. POSTWEILER.

OCTOBER 22, 1957.

[F. R. Doc. 57-9154; Filed, Nov. 4, 1957; 8:48 a. m.]

CHARLES F. MCCAHILL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 20, 1956, 21 F. R. 8994; May 10, 1957, 22 F. R. 3302.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 26, 1957.

CHARLES F. MCCAHILL.

OCTOBER 26, 1957.

[F. R. Doc. 57-9155; Filed, Nov. 4, 1957; 8:48 a. m.]

PAUL D. VERDOW

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 3, 1957, 22 F. R. 3165.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 15, 1957.

PAUL D. VERDOW.

OCTOBER 15, 1957.

[F. R. Doc. 57-9156; Filed, Nov. 4, 1957; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-53]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued License R-32 authorizing Aerojet-General Nucleonics to possess, operate and transfer to any authorized person a 100-milliwatt nuclear reactor designated by AGN as Model AGN-201, Serial Number 112.

Dated at Washington, D. C., this 28th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-9136; Filed, Nov. 4, 1957; 8:45 a. m.]

[Docket No. 50-86]

GENERAL ELECTRIC CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that the General Electric Company, 150 East 42d Street, New York 17, New York, on October 3, 1957, filed an application for a license to export a 3-megawatt, pool-type nuclear reactor to the Instituto Venezolano de Neurologia e Investigaciones Cerebrales, Caracas, Venezuela.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR, Part 2) a petition for leave to intervene in this proceeding must be served upon the parties and filed with the Atomic Energy Commission within 30 days after publication of this notice in the FEDERAL REGISTER.

Dated at Washington, D. C., this 29th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-9138; Filed, Nov. 4, 1957; 8:45 a. m.]

[Docket No. 50-67]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that Westinghouse Electric Corporation, Pittsburgh, Pennsylvania, on October 24, 1957 filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a critical experiment facility, designated by the applicant as the Critical Experiment Station (CES), at Waltz Mill, Westmoreland County, Pennsylvania.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 29th day of October 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-9137; Filed, Nov. 4, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8727]

BLATZ AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Blatz Airlines, Inc., Enforcement Proceeding.

Notice is given herewith, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding heretofore assigned to be held on November 5, 1957, is hereby reassigned to be held on December 3, 1957, at 10:00 a. m., e. s. t., in Room 2051, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., October 31, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9178; Filed, Nov. 4, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7634, etc.; FCC 57M-1064]

ROBERT BURDETTE ET AL.

NOTICE OF CONFERENCE

In re applications of Robert Burdette, San Fernando, California, Docket No. 7634, File No. BP-4799; Charles R. Bramlett, Torrance, California, Docket No. 11978, File No. BP-9833; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; Radio Orange County, Inc., Anaheim, California, Docket No. 12218, File No. BP-11236; Anaheim-Fullerton Broadcasting Co., Inc., Anaheim-Fullerton, California, Docket No. 12219, File No. BP-11242; for construction permits.

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding at 10:00 a. m., on Wednesday, November 6, 1957, in Washington, D. C.

Dated: October 30, 1957.

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9170; Filed, Nov. 4, 1957; 8:51 a. m.]

[Docket Nos. 11940, 11941; FCC 57M-1070]

SARKES-TARZIAN, INC., AND GEORGE A. BROWN, JR.

ORDER SCHEDULING HEARING

In re applications of Sarkes-Tarzian, Inc., Bowling Green, Kentucky, Docket No. 11940, File No. BPCT-2114; George A. Brown, Jr., Bowling Green, Kentucky, Docket No. 11941, File No. BPCT-2131; for construction permits for new television stations (Channel 13).

By agreement of the parties: *It is ordered,* This 30th day of October 1957, that the prehearing conference which was continued on July 22, 1957, to a date to be set by further order herein, is hereby scheduled to be held on December 6, 1957, at 10:00 a. m.; and

It is further ordered, That the date for the hearing in the above-entitled matter which was heretofore continued without date is hereby scheduled to be held in the offices of the Commission, Washington, D. C., on December 17, 1957, at 10:00 a. m.

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9171; Filed, Nov. 4, 1957; 8:51 a. m.]

[Docket No. 12002; FCC 57M-1069]

FERNANDINA BEACH BROADCASTERS (WSIZ)

ORDER SCHEDULING HEARING

In re application of Marshall W. Rowland & Carol C. Rowland, d/b as Fernandina Beach Broadcasters (WSIZ), Douglas, Georgia, Docket No. 12002, File No. BP-10822; for construction permit.

By agreement of the parties: *It is ordered,* This 30th day of October, 1957, that a further hearing in the above-entitled matter is hereby scheduled for December 13, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9172; Filed, Nov. 4, 1957; 8:51 a. m.]

[Docket Nos. 12049, 12050; FCC 57M-1065]

JEFFERSON RADIO CO. AND BESSEMER BROADCASTING CO. INC. (WBCO)

ORDER FOLLOWING PRE-HEARING CONFERENCE (SCHEDULING HEARING)

In re applications W. D. Frink, tr/as Jefferson Radio Company, Irondale, Alabama, Docket No. 12049, File No. BP-10672; The Bessemer Broadcasting Company, Incorporated (WBCO), Bessemer, Alabama, Docket No. 12050, File No. BP-10886; for construction permits.

On the basis of rulings made and agreements reached at a pre-hearing conference held in the above-entitled matter on October 17, 1957: *It is ordered,* This 30th day of October 1957, that the following procedures shall govern the future course of hearings:

1. Direct presentations will be made in writing.

2. Jefferson Radio will have on hand and available for cross-examination at the hearing the consulting engineer who prepared that applicant's technical showing.

3. Jefferson Radio will assume the burden of proof on issues 3, 4 and 5.

4. Showings contemplated by issue 6 are to be confined to technical showings on populations and area now served by existing stations or that would be served by proposed operations. The issue does not contemplate showings on need for particular program service or the character of programs proposed to be presented.[1]

5. Jefferson Radio will have available for cross-examination at the hearing the consulting engineer who prepared the technical showing of that applicant and the applicant, W. D. Frink.

6. The following timetable will govern future course of hearing:

(1) Exchange of Exhibits—Nov. 18, 1957.
(2) Date of Hearing—Dec. 4, 1957.

7. An informal conference will be held at a date prior to hearing between the consulting engineers for the two applicants and the Broadcast Bureau's engineer. At this conference a uniform basis for the presentation of engineering showings will be determined.

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9173; Filed, Nov. 4, 1957; 8:51 a. m.]

[Docket No. 12139; FCC 57M-1072]

CHARLES HENRY CONEY

ORDER CONTINUING HEARING

In the matter of Charles Henry Coney, Coney Dock, Beach Haven, New Jersey and 722-52d Street, Palm Beach, Florida,

[1] Issue 6 reads as follows: "To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service."

Docket No. 12139; suspension of restricted radiotelephone operator permit.

It is ordered, This 31st day of October 1957, that hearing in the above-entitled proceeding, which is scheduled to commence November 6, 1957, is continued without date, pending action on pleadings filed in behalf of respondent and the Commission's Field Engineering and Monitoring Bureau looking towards cancellation of said hearing.

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9174; Filed, Nov. 4, 1957; 8:52 a. m.]

[Docket No. 12164; FCC 57M-1068]

WALTER T. GAINES (WGAV)

ORDER ADVANCING HEARING DATE

In re application of Walter T. Gaines (WGAV), Amsterdam, New York, Docket No. 12164, File No. BP-10986; for construction permit.

Upon oral motion of counsel for the Broadcast Bureau and with concurrence of all other counsel: *It is ordered,* This 30th day of October 1957, that the hearing in the above-entitled proceeding, presently scheduled for November 8, 1957, be and it is hereby advanced to November 7, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: October 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9175; Filed, Nov. 4, 1957; 8:52 a. m.]

[Docket No. 12193; FCC 57M-1058]

MULTNOMAH COMMUNICATIONS SERVICE

ORDER CONTINUING HEARING

In the matter of the application of Virgil U. Tillery, d/b as Multnomah Communications Service, Docket No. 12193, File No. 1810-C2-P-57; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Portland, Oregon (Station KOF919).

The Hearing Examiner having under consideration: (a) A request for continuance of hearing filed October 22, 1957, on behalf of the protestant, John T. Raptor, d/b as Mobile Communications Service, requesting that the hearing in this proceeding be continued for a period of approximately 30 days, and (b) a motion for continuance filed October 28, 1957, on behalf of the applicant, Virgil U. Tillery, d/b as Multnomah Communications Service, requesting that the hearing be continued to November 25, 1957; and

It appearing from the allegations in both pleadings, that the protestant and the applicant each need additional time in which to prepare for the hearing, and that the date hereinafter fixed will substantially comply with the requests of the parties; and

It further appearing that counsel for the Common Carrier Bureau has informally consented to a grant of the protestant's request, that good cause for granting the relief is shown, and that the granting thereof will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 29th day of October 1957, that the above request and motion are granted, and that the hearing now scheduled to be commenced on November 4, 1957, is continued to December 10, 1957.

Released: October 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9176; Filed, Nov. 4, 1957; 8:52 a. m.]

[Docket No. 12217; FCC 57M-1060]

OREGON RADIO, INC.

ORDER SCHEDULING HEARING CONFERENCE

In re application of Oregon Radio, Inc., Salem, Oregon, Docket No. 12217, File No. BMPCT-4564; for extension of time to complete construction of Television Station KSLM-TV.

It is ordered; This 29th day of October 1957, that a hearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Monday, November 4, 1957.

Released: October 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9177; Filed, Nov. 4, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13499]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

OCTOBER 30, 1957.

The Atlantic Refining Company (Atlantic), on September 30, 1957, and October 1, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of Change, dated September 18, 1957. (2) Notice of Change, dated September 25, 1957. (3) Notice of Change, dated September 23, 1957.

[1] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-11202, G-11312 and G-11259.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 7 to Atlantic's FPC Gas Rate Schedule No. 1. (2) Supplement No. 9 to Atlantic's FPC Gas Rate Schedule No. 141. (3) Supplement No. 3 to Atlantic's FPC Gas Rate Schedule No. 136.

Effective date: November 1, 1957 (effective date is the effective date proposed by Atlantic).

In support of the proposed rate increases, Atlantic states, among other things, that the contracts were negotiated at arm's-length and that the contract prices less the applicable gathering charges are substantially below the current prices being paid by major purchasers in the area under comparable contracts.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9162; Filed, Nov. 4, 1957; 8:50 a. m.]

[Docket No. G-13505]

H. L. HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 30, 1957.

H. L. Hunt (Hunt), on September 30, 1957, tendered for filing a proposed

change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 11 to Hunt"s FPC Gas Rate Schedule No. 4.

Effective date: November 1, 1957 (effective date is the effective date proposed by Hunt).

In support of the proposed rate increase, Hunt states that the pricing provision is a contractual obligation agreed upon by the parties in good faith and as the result of arm's-length bargaining. Hunt also states that because of the Commission's insistence that pipeline purchasers have definite commitments of natural gas from their suppliers for an extended period of time, the parties entered into a long-term contract wherein Seller, as part of the consideration, agreed on an installment sale based on reasonable price adjustments, sufficient to insure a continuing supply of natural gas to the ultimate consumer.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9158; Filed, Nov. 4, 1957; 8:49 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11069.

[Docket No. G-13504]

HUNT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 30, 1957.

Hunt Oil Company (Hunt), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Hunt's FPC Gas. Rate Schedule No. 32.

Effective date: November 1, 1957 (effective date is the effective date proposed by Hunt).

In support of the proposed redetermined rate increase, Hunt states that the pricing provision is a contractual obligation agreed upon by the parties in good faith and as the result of arm's-length bargaining. Hunt also states that because of the Commission's insistence that pipeline purchasers have definite commitments of natural gas from their suppliers for an extended period of time, the parties entered into a long-term contract wherein Seller, as part of the consideration, agreed on an installment sale based on reasonable price adjustments, sufficient to insure a continuing supply of natural gas to the ultimate consumer.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9157; Filed, Nov. 4, 1957; 8:49 a. m.]

[Docket No. G-13506]

WILLIAM HERBERT HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 30, 1957.

William Herbert Hunt Trust Estate (Hunt), on September 30, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated September 27, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 6. Supplement No. 6 to Hunt's FPC Gas Rate Schedule No. 1. Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 7.

Effective date: November 1, 1957 (effective date is the effective date proposed by Hunt).

In support of the proposed redetermined rate increases, Hunt states that the pricing provisions are a contractual obligation agreed upon by the parties in good faith and as the result of arm's-length bargaining. Hunt also states that because of the Commission's insistence that pipeline purchasers have definite commitments of natural gas for their suppliers for an extended period of time, the parties entered into long-term contracts wherein Seller, as part of the consideration, agreed on an installment sale based on reasonable price adjustments, sufficient to insure a continuing supply of natural gas to the ultimate consumer.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Present rate contained in Hunt's Supplement No. 6 to its FPC Gas Rate Schedule No. 1 previously suspended and is in effect subject to refund in Docket No. G-11071.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9159; Filed, Nov. 4, 1957; 8:49 a. m.]

[2] Commissioners Digby and Kline dissenting with respect to action herein taken on each of Supplements Nos. 3 to Hunt's FPO Gas Rate Schedules Nos. 6 and 7 and concurring in action on Supplement No. 6 to Hunt's FPC Gas Rate Schedule No. 1.

[Docket No. G-13508]

PRINCE MARINE DRILLING & EXPLORATION CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 30, 1957.

Prince Marine Drilling & Exploration Company (Prince Marine), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 4 to Prince Marine's FPC Gas Rate Schedule No. 2.

Effective date: November 1, 1957 (effective date is the effective date proposed by Prince Marine).

In support of the proposed rate increase, Prince Marine states that the favored-nations increase is customary to the industry, is fair to both purchasers and producers of gas, and is commonly included in long-term gas purchase contracts for the purpose of protecting producers from depletion of their reserves at a price less than the fair market value of the gas. Prince Marine also states that it is in the public interest to encourage producers to dedicate their reserves to the performance of long-term contracts which will assure an adequate supply of gas to consumers but in the absence of contract provisions of this type, producers will be reluctant to enter into such contracts which would bind them to the sale of their gas at prices which might be less than its fair market value at the time of delivery to the buyer.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9160; Filed, Nov. 4, 1957; 8:49 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11196.

[Docket No. 9-13510]

PRINCE MARINE DRILLING & EXPLORATION CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 30, 1957.

Prince Marine Drilling & Exploration Company, (Operator), et al., on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated, September 25, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 11 to Prince Marine's FPC Gas Rate Schedule No. 1.

Effective date: November 1, 1957 (effective date is the effective date proposed by Prince Marine).

In support of the proposed rate increase, Prince Marine states, that the favored-nations increase is customary to the industry, is fair to both purchasers and producers of gas, and is commonly included in long-term gas purchase contracts for the purpose of protecting producers from depletion of their reserves at a price less than the fair market value of the gas. Prince Marine also states that it is in the public interest to encourage producers to dedicate their reserves to the performance of long term contracts which will assure an adequate supply of gas to consumers but in the absence of contract provisions of this type, producers will be reluctant to enter into such contracts which would bind them to the sale of their gas at prices which might be less than its fair market value at the time of delivery to the buyer.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9161; Filed, Nov. 4, 1957; 8:49 a. m.]

[Docket No. G-13583]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 30, 1957.

The Atlantic Refining Company (Atlantic), on October 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 28, 1957.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 6 to Atlantic's FPC Gas Rate Schedule No. 49.

Effective date: November 1, 1957 (effective date is the effective date proposed by Atlantic).

In support of the proposed redetermined rate increase, Atlantic states that its contract was entered into at "arm's length", that price escalation (including redetermination) is considered fair, reasonable and desirable for committing gas under long-term contracts throughout the industry, and that the proposed increased rate is fair and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the lawful interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Atlantic's FPC Gas Rate Schedule No. 49 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Atlantic's FPC Gas Rate Schedule No. 49.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9163; Filed, Nov. 4, 1957; 8:50 a. m.]

[Docket No. G-13584]

ARKANSAS FUEL OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 30, 1957.

Arkansas Fuel Oil Corporation (Arkansas), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 27, 1957.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 8 to Arkansas' FPC Gas Rate Schedule No. 11.

Effective date: November 1, 1957 (effective date is the effective date proposed by Arkansas).

In support of the proposed redetermined rate increase, Arkansas states that its contract was entered into at "arm's length", that price escalation (including redetermination) is considered fair, reasonable and desirable for committing gas under long-term contracts throughout the industry, and that the proposed increased rate is fair and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Arkansas' FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Arkansas' FPC Gas Rate Schedule No. 11.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9164; Filed, Nov. 4, 1957; 8:50 a. m.]

[Docket No. G-13585]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 30, 1957.

Sun Oil Company (Sun), on October 4, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 1, 1957.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 16.

Effective date: November 4, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Sun states that its contract was entered into at "arm's length", that price escalation (including redetermination) is considered fair, reasonable and desirable for committing gas under long-term contracts throughout the industry, and that the proposed increased rate is fair and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Sun's FPC Gas Rate Schedule No. 16 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Sun's FPC Gas Rate Schedule No. 16.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9141; Filed, Nov. 4, 1957; 8:45 a. m.]

[Docket No. G-13586]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 30, 1957.

Sunray Mid-Continent Oil Company (Sunray), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 27, 1957.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 45.

Effective date: November 1, 1957 (effective date is the effective date proposed by Sunray).

In support of the proposed redetermined rate increase, Sunray states that its contract was entered into at "arm's length", that price escalation (including redetermination) is considered fair, reasonable and desirable for committing gas under long-term contracts throughout the industry, and that the proposed increased rate is fair and reasonable. Sunray further states that the proposed price is less than the present market value of the gas; that its gas is worth in excess of 40¢ per Mcf, considering heating value alone; that the Commission has authorized sales by producers in adjoining counties to Coastal Transmission Corporation (Docket No. G-9960) at 16.5¢ per Mcf.[1], and that denial of the proposed increase would deprive it of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 45 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 45.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9142; Filed, Nov. 4, 1957; 8:45 a. m.]

[Docket No. G-13614]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 30, 1957.

Sinclair Oil & Gas Company (Sinclair), on September 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [2] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 25, 1957.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 6 to Sinclair's FPC Gas Rate Schedule No. 97.

Effective date: December 1, 1957 (effective date is the effective date proposed by Sinclair).

In support of the proposed rate increase, Sinclair states that such increase is in accordance with provisions of the contract and will assist Sinclair in obtaining a just and reasonable rate commensurate with risks inherent in exploration and development.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I.), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided in §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9144; Filed, Nov. 4, 1957; 8:46 a. m.]

[Docket No. G-13587]

ACCO OIL & GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 30, 1957.

Acco Oil & Gas Company (Operator), et al., (Acco), on September 30, 1957, tendered for filing a proposed change in

[1] Rate schedules for such sales have not been filed yet.

[2] Present rate previously suspended and is in effect subject to possible refund in Docket No. G-11334.

its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Acco's FPC Gas Rate Schedule No. 3.

Effective date: November 1, 1957 (effective date is the effective date proposed by Acco).

In support of the proposed periodic rate increase, Acco states that its contract was entered into as a result of "arm's length bargaining"; that the periodic increase provision of the contract was an integral part thereof and accepted practice in the industry for long-term contracts; that denial of the proposed increase would be confiscatory of its property without due process of law, and that the proposed price is in line with current market value of the gas and is just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Acco's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Acco's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9143; Filed, Nov. 4, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1102]

GIANT PETROLEUM CORP.

NOTICE OF AND ORDER FOR HEARING

OCTOBER 29, 1957.

Giant Petroleum Corporation, a Delaware corporation, Room 1-C, 225 East 46th Street, New York, New York, filed with the Commission on July 22, 1957, a notification on Form 1-A and an offering circular and subsequently filed amendments thereto, relating to an offering of 150,000 shares of its 10 cent par value common stock at $2.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on October 18, 1957 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for a hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on November 5, 1957, at 10:00 a. m., central standard time, at the Forth Worth Regional Office of the Commission, U. S. Courthouse, 10th and Lamar Streets, Fort Worth, Texas, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

(1) The failure to disclose that the public offering price has no reasonable relation to the net value of the underlying assets to be acquired from the promoters.

(2) The failure adequately to disclose the interests of the promoters and the public and the consideration therefor.

(3) The failure to disclose the background of the officers and employees of the underwriter and the fact that the underwriter is newly organized.

(4) The failure to disclose that the issuer's net income per share of outstanding stock is almost negligible despite claims of productive properties.

(5) The inadequate and misleading information concerning the Cox lease, particularly

(a) The failure to set forth the actual net production accruing to the issuer's interest during each of the past months the properties have been productive.

(b) The failure to qualify information on page 7 concerning daily allowable production by disclosing that the wells did not make their allowables between March and July, 1957.

(c) The failure to set forth a reasonable and reliable estimation of reserves net to the issuer.

(d) The statement on page 8 relating to recoverable reserves from two wells is not supported by adequate factual basis.

(6) The inadequate and misleading information concerning the T. B. Autery Ranch, particularly

(a) The statement on page 10 relating to the owner's one quarter royalty interest is misleading in that the owner's interest is actually one-fourth of one-eighth, or a 1/32d royalty interest.

(b) The statement on page 12 that the property is a "good wildcat prospect" is misleading in the absence of sufficient factual basis.

(c) The statement on page 12 inferring favorable prospects because of its proximity to the Continental-Noelke well is misleading in failing to disclose that that well has never been produced.

(d) The failure to disclose on page 12 that before Giant could drill on the property it would have to contract with the owners of the remaining ¾ mineral interests.

(7) The inadequate and misleading information concerning the Latch Lease, particularly

(a) The failure to disclose the distance to the nearest oil production and the nearest dry holes in each general direction.

(b) The statement on page 14 to the effect that the lease is "very well located" is misleading in the absence of sufficient factual basis.

(c) The inference on page 15 that operators drilling wells in 1940 used poor completion methods is misleading in that it is without factual basis and inaccurate.

(8) The statements on pages 16 to 19 relating to a nonproductive well on the Sutton Lease are misleading by failure to disclose that the well was not drilled on favorable geological structure but was drilled at random, thus making future prospects unpredictable.

(9) The mere reference on page 19 to Phillips Petroleum Company without further qualification.

(10) The misleading and inaccurate information at pages 49-52 concerning the Sherrill report on the Tom Green County Lease, particularly

(a) The failure to state that Mr. Sherrill has an interest in the lease and therefore he cannot be considered as disinterested or independent.

(b) The failure to include a geologic structural map.

(c) The failure to disclose on pages 49 to 50 that the Phillips 1-A well has averaged only 15 barrels per day since its completion despite an initial production of 170 barrels per day.

(d) The statement on page 52 that development could establish reserves of two to four million barrels of oil is misleading in view of the fact that no overall profitable production has been obtained in the immediate area as yet.

(11) The misleading and inaccurate information on pages 20 to 21 concerning the Smalley Lease, particularly

(a) The failure to disclose the number of abandoned oil wells and dry holes on the lease.

(b) The failure to disclose that it would be unusual if a lease of value remained unexploited for secondary recovery possibilities in an area that has been extensively exploited in this manner for the past 23 years.

(12) The misleading and inaccurate information on pages 22 to 24 concerning the Bateman lease, particularly

(a) The failure to disclose that the lease is located in a specific area that has been waterflooded for 20 or so years and the mere reference to Phillips Petroleum Company without further qualification.

(b) The statement on page 23 concerning the north and south waterflood projects and the inference that the Bateman lease has similar possibilities is misleading in that it is not known what past recovery from this lease was by means of waterflooding and there is no showing that issuer's lease was or is comparable to the north and south waterfloods.

(c) The inclusion of statements attributed to the Jay Robertson report is misleading in that it infers favorable possibilities which are not supported by the report.

(d) The map of the Bateman lease is misleading in showing the lease to include 160 acres of producing oil wells when, in fact, the lease only actually covers 50 acres which have no presently producing wells.

(e) The statement on page 22 indicating that the sum of $25,000 is payable to Mr. Bateman out of production for his 7/128ths interest is misleading in view of the fact that there is no reasonable possibility that oil in sufficient value ($457,144) will ever be produced to liquidate the payment.

(13) The statements on page 28 that the Board of Directors determined that the value of properties to be acquired from the promoter equalled at least the par value of the shares issued to him plus $100,000 or a total of $130,000 is misleading in that the reasonable value of the properties over and above the indebtedness assumed by the issuer does not approach $130,000.

(14) The failure to disclose the expenditures on the Cox Lease in the table of oil sales for that lease.

(15) The failure to include maps for the Branyon district and Sutton County acreage that are legibly prepared so as to show clearly the location of the issuer's acreage.

(16) The failure to disclose as to each area and property the interest of the promoters and their families therein which may be enhanced through the issuer's operations.

B. Whether the order dated October 18, 1957 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

It is further ordered, That Mr. Robert N. Hislop, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Giant Petroleum Corporation, Room 1-C, 225 East 46th Street, New York, New York; that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before November 1, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9145; Filed, Nov. 4, 1957; 8:46 a. m.]

[File No. 1-2906]

SUPER MOLD CORPORATION OF CALIFORNIA

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 29, 1957.

In the matter of Super Mold Corporation of California capital stock; File No. 1-2906.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Pacific Coast Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

At the annual meeting on October 15, 1957, pursuant to solicitation by a proxy statement, about 84½ percent of the 265,900 outstanding shares were voted, including about 80 percent for and 4½ percent against the delisting proposal of the applicant's board of directors. 212,831 shares were voted for and 11,869 against the proposal. The Pacific Coast Stock Exchange makes no objection to the withdrawal.

Upon receipt of a request, on or before November 13, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9146; Filed, Nov. 4, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EDITH GRADMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edith Gradmann, Zurich, Switzerland; Claim No. 62846; Vesting Order No. 8430; all right, title, interest and claim of any kind or character whatsoever of Edith Gradmann, as heir of Fritz Gernsheim, in and to the trust created under the will of Michael Gernsheim, deceased, presently being administered by the United States Trust Company of New York and David S. Hecht as trustees, acting under the judicial supervision of the Surrogate's Court of New York County, New York.

Executed at Washington, D. C., on October 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-9103; Filed, Nov. 1, 1957; 8:47 a. m.]

PAULA HETTERICH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paula Hetterich, 3 Rossmarkt, Aschaffenburg on the Main, Germany; Claim No. 41996; Vesting Order No. 5084; $249.70 in the

Treasury of the United States; and an undivided one-third part of all right, title, interest and claim of any kind or character whatsoever of Selma Siedner, also known as Selma Czarlinski, in and to a trust established under an indenture of trust executed by Josephine Zimmermann, as Settlor, and Maryan H. Hauser and Samuel B. Newman, as Trustees, on December 15, 1931. The property is in the process of administration by Samuel B. Newman and Leo Z. Hauser, as Trustees, acting under the judicial supervision of the Supreme Court of the County of New York, State of New York.

Executed at Washington, D. C., on October 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9105; Filed, Nov. 1, 1957; 8:47 a. m.]

[Vesting Order 1974, Amdt.]

SHUN T. TAKAHASHI

In re: Estate of Shun T. Takahashi, deceased; D39-1416.

Vesting Order 1974 dated August 7, 1943, is hereby amended as follows:

By amending (2) of the findings to read as follows:

Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

The heirs, next of kin, devisees and distributees of Shun T. Takahashi, deceased, including but not limited to: Shozo Takahashi, Japan; Minomatsu Takahashi, Japan.

By amending the second paragraph of the aforesaid Vesting Order to read:

Now, therefore, the Alien Property Custodian hereby vested the following property and interests:

All the right, title, interest, and claim of any kind or character whatsoever of the heirs, next of kin, devisees and distributees of the Estate of Shun T. Takahashi, deceased.

All other provisions of said Vesting Order 1974 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on October 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9106; Filed, Nov. 1, 1957; 8:47 a. m.]

MARTIN LEWIN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Martin Lewin, Union, New Jersey; All right, title, interest and claim of any kind or character whatsoever of Martin Lewin in and to the interest of Emma Lewin in the estate of Dave Marcus.

Margarethe Lewin Scheinmann, Lane Cove, N. S. W., Australia; All right, title, interest and claim of any kind or character whatsoever of Margarethe Lewin Scheinmann in and to the interest of Emma Lewin in the estate of Dave Marcus.

Rudolf Sachs, Jamaica 35, New York; All right, title, interest and claim of any kind or character whatsoever of Rudolf Sachs in and to the interests of Paula Marcus, Grete Marcus and Arthur Marcus in the estate of Dave Marcus.

Horst Erwin Kellermann, Tel Aviv, Israel; All right, title, interest and claim of any kind or character whatsoever of Horst Erwin Kellermann in and to the interests of Meta Marcus, Arthur Marcus and Grete Marcus in the estate of Dave Marcus.

Ludwig Marcus, New York, New York; All right, title, interest and claim of any kind or character whatsoever of Ludwig Marcus in and to the interests of Arthur Marcus and Grete Marcus in the estate of Dave Marcus.

Elizabeth Marcus Gurowski, Tel-Aviv, Israel; All right, title, interest and claim of any kind or character whatsoever of Elizabeth Marcus Gurowski in and to her own interest and those of Arthur Marcus and Grete Marcus in the estate of Dave Marcus.

Julius Lewin, Tel-Aviv, Israel; All right, title, interest and claim of any kind or character whatsoever of Julius Lewin in and to his own interest and that of Emma Lewin in the estate of Dave Marcus.

Claim No. 59309.

Vesting Order No. 6163.

The interests of Emma Lewin, Paula Marcus, Meta Marcus, Arthur Marcus, Grete Marcus, Elizabeth Marcus Gurowski and Julius Lewin were vested by Vesting Order No. 6163. Such property was in the process of administration by Benjamin Glassen and Solon J. Liebeskind, acting under the judicial supervision of the Surrogate's Court, New York County, New York, and is presently in the process of administration by their successors, Carrie H. Liebeskind and Robert P. Liebeskind, acting under the judicial supervision of the Surrogate's Court, New York County, New York.

Executed at Washington, D. C., on October 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9104; Filed, Nov. 1, 1957; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 216

Washington, Wednesday, November 6, 1957

TITLE 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

PART 4—PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES

Effective upon publication in the FEDERAL REGISTER, Chapter I of Title 1, Code of Federal Regulations, is amended by adding a new Part 4 to read as follows:

PUBLICATION AND FORMAT

Sec.
4.1 Publication required.
4.2 Coverage of prior years.
4.3 Format, indexes, ancillaries.

SCOPE

4.10 Basic criteria.
4.11 Sources.

FREE DISTRIBUTION

4.15 Members of Congress.
4.16 The Supreme Court.
4.17 Executive agencies.

PAID DISTRIBUTION

4.20 Agency requisitions.
4.21 Extra copies.
4.22 Sale to public.

AUTHORITY: §§ 4.1 to 4.22 issued under sec. 6, 49 Stat. 501, as amended; 44 U. S. C. 306.

PUBLICATION AND FORMAT

§ 4.1 *Publication required.* There shall be published forthwith at the end of each calendar year, beginning with the year 1957, a special edition of the FEDERAL REGISTER designated "Public Papers of the Presidents of the United States." Each volume shall cover one calendar year and shall be identified further by the name of the President and the year covered.

§ 4.2 *Coverage of prior years.* After conferring with the National Historical Publications Commission with respect to the need therefor, the Administrative Committee may from time to time authorize the publication of similar volumes covering specified calendar years prior to 1957.

§ 4.3 *Format, indexes, ancillaries.* Each annual volume, divided into books in any case deemed desirable, shall be separately published in the binding and style deemed by the Administrative Committee to be suitable to the dignity of the office of President of the United States. Each volume shall be appropriately indexed and shall contain appropriate ancillary information respecting significant Presidential documents not published in full text.

SCOPE

§ 4.10 *Basic criteria.* The basic text of the volumes shall consist of oral utterances by the President or of writings subscribed by him. All materials selected for inclusion under these criteria must also be in the public domain by virtue of White House press release or otherwise.

§ 4.11 *Sources.* (a) The basic text of the volumes shall be selected from the official text of: (1) Communications to the Congress, (2) public addresses, (3) transcripts of press conferences, (4) public letters, (5) messages to heads of state, (6) statements released on miscellaneous subjects, and (7) formal executive documents promulgated in accordance with law.

(b) Ancillary text, notes, and tables shall be derived from official sources only.

FREE DISTRIBUTION

§ 4.15 *Members of Congress.* Each Member of Congress shall be entitled to one copy of each annual volume upon application therefor in writing to the Director.

§ 4.16 *The Supreme Court.* The Supreme Court of the United States shall be entitled to twelve copies of the annual volumes.

§ 4.17 *Executive agencies.* The head of each Department and the head of each independent agency in the Executive Branch shall be entitled to one copy of each annual volume upon application therefor in writing to the Director.

PAID DISTRIBUTION

§ 4.20 *Agency requisitions.* Each Federal agency shall be entitled to obtain at cost copies of the annual volumes for official use upon the timely submission to the Government Printing Office of a proper printing and binding requisition.

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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§ 4.21 *Extra copies.* All requests for extra copies of the annual volumes shall be addressed to the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Extra copies shall be paid for by the agency or official requesting them.

§ 4.22 *Sale to public.* The annual volumes shall be placed on sale to the public by the Superintendent of Documents at a price to be determined by the Administrative Committee.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER,
By: WAYNE C. GROVER,
Chairman.

Approved:

HERBERT BROWNELL, Jr.,
Attorney General.
FRANKLIN G. FLOETE,
Administrator of General Services.

[F. R. Doc. 57-9283; Filed, Nov. 5, 1957; 9:43 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOMINATION AND SELECTION OF GROWER MEMBERS AND ALTERNATE GROWER MEMBERS OF NAVEL ORANGE ADMINISTRATIVE COMMITTEE

Notice is hereby given of the approval of the amendment, as hereinafter set forth, of the rules and regulations (7 CFR 914.100 et seq.; Subpart–Rules and Regulations) of the Navel Orange Administrative Committee, currently in effect pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

It is hereby found and determined that the said amendment of the rules and regulations, which was submitted for approval by the Navel Orange Administrative Committee (established pursuant to the said amended marketing agreement and order as the agency to administer the provisions thereof), is in accordance with provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and the said rules and regulations are amended as follows:

1. Delete from the second sentence in paragraph (a) (3) of § 914.102 *Nomination procedure* the words "one grower member, one alternate grower member" and substitute therefor the words "not less than two grower members, two alternate grower members."

2. After § 914.102, add the following new section:

§ 914.103 *Changes in nomination and selection of grower members and alternate grower members of the Navel Orange Administrative Committee.* (a) The number of grower members and alternate grower members to be nominated and selected pursuant to § 914.22 (c) and the second sentence of § 914.23, respectively, shall be one grower member and one alternate grower member.

(b) The number of grower members and alternate grower members to be nominated and selected pursuant to § 914.22 (d) and the third sentence of § 914.23, respectively, shall be two grower members and two alternate grower members.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipment of the 1957–58 season crop of navel oranges will begin shortly after the first of November 1957, and it is essential that approval of the aforesaid amendment be issued immediately to effect reapportionment of membership on the Navel Orange Administrative Committee so as to reflect the changes in the relative proportion of navel oranges marketed by the respective groups represented on the said committee, and to enable the said committee effectively to perform its duties in accordance with the said amended marketing agreement and order; (2) growers and handlers have been notified of the proposed adoption and recommendation to the Secretary of the said amendment; and (3) the changes effectuated by such amendment of the rules and regulations will not require any special preparation which cannot be completed by the effective time hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated November 1, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9215; Filed, Nov. 5, 1957; 8:51 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

FINDING AND DETERMINATION THAT ESTIMATED AVERAGE PRICE OF RAISINS FOR CROP YEAR WHICH BEGAN SEPTEMBER 1, 1957 WILL BE IN EXCESS OF PARITY

This action is being taken pursuant to the provisions of § 989.62 of Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin-variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). This action will tend to effectuate the declared policy of the act and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish thereunder.

The September 15, 1957 parity price for raisins is $189 per ton. The Federal-State Market News Service at Sacramento, California, reports that the bulk of the 1957 production of raisins has now been sold by producers. The prices reported for such sales average substantially above the parity price. These circumstances as well as the present and prospective raisin supply and demand situation clearly indicate that an above-parity situation will prevail for the 1957–58 crop year.

In view of the foregoing, it is hereby found and determined that the estimated season average price to producers for raisins for the crop year which began on September 1, 1957 will be in excess of the parity level specified in section 2 (1) of the said act. Accordingly, the provisions of the aforesaid marketing agreement and order which apply in over-parity situations will be applicable.

Section 989.62 provides that the provisions of the marketing agreement and order relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2 (3) of the said act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2 (1) of the act. The said section also provides that any off-grade raisins received by a handler during a period when minimum grade standards are in effect and when the season average price to producers for raisins, as estimated by the Secretary, is in excess of the parity level shall be disposed of by such handler pursuant to the provisions of § 989.59 (f) rather than through the off-grade pool (§ 989.60). Accordingly no off-grade pool will be in effect during the 1957–58 crop year.

It is hereby further found and determined that, insofar as the requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) may be applicable to this action, it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, or postpone the effective date of this document later than the time of its publication in the FEDERAL REGISTER. The fact that raisin prices are now above parity is well known to the raisin industry. Since the 1957–58 crop year is well advanced, the determination with respect to the estimated season average of such prices being in excess of the parity level should become effective as soon as practicable, and this action will require no advance preparation by raisin handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated November 1, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9214; Filed, Nov. 5, 1957; 8:51 a. m.]

PART 1065—TOMATOES

TOMATO REGULATION NO. 3

§ 1065.3 *Tomato Regulation No. 3*—(a) *Findings and determinations.* (1) Notice of rule making regarding proposed restrictions on importation of tomatoes into the United States, to be made effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), was published in the FEDERAL REGISTER October 15, 1957 (22 F. R. 8153). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties, it is hereby found that the restrictions on the importation of tomatoes into the United States, as hereinafter provided, are in accordance with the act.

(2) It is hereby found and determined that good cause exists for not postponing the effective date of this regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation mandatory; (ii) the same regulations are in effect on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (§ 945.304 of this chapter; 22 F. R. 7984); (iii) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iv) notice hereof is in excess of the minimum period of three days specified in section 8e of the act; (v) in fixing the effective date hereof due consideration has been given to the time required for the transportation and entry into the United States after picking of imported tomatoes to which this regulation is applicable as required by section 8e of the act; (vi) such notice is hereby determined to be reasonable; and (vii) the regulations hereby established for tomatoes that may be imported into the United States comply with grade, size, quality, and maturity restrictions imposed upon domestic tomatoes under the aforesaid marketing agreement and order.

(b) *Import restrictions.* During the period from November 10, 1957, to June 30, 1958, both dates inclusive, and subject to the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of the U. S. No. 3, or better grade, and are 1⅞ inches minimum diameter or larger: *Provided,* That not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 8 (1⅞ inches minimum diameter to 2⅛ inches maximum diameter) may be smaller than the specified minimum diameter.

(c) *Minimum quantities.* Any importation which in the aggregate does not exceed 60 pounds, may be imported without regard to the provisions of paragraph (b) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(e) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported tomatoes is required pursuant to § 1060.3 of this chapter, and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice of the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points	W. T. McNabb, 222 McClendon Bldg., 305 East Jackson St., Harlingen, Tex. (Telephone Garfield 3-5644).	1 day.
All Arizona points	R. H. Bertelson, Room 202 Trust Bldg., 305 American Ave., P. O. Box 1046, Nogales, Ariz. (Telephone Atwater 7-2902).	Do.
All California points	Carley D. Williams, 284 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles 21, Calif. (Telephone Vandike 8756).	3 days.
All Florida points	Lloyd W. Boney, Room 5, Dade County Growers Market, 1200 NW. 21st Terrace, Miami 42, Fla. (Telephone Franklin 1-6932).	Do.
All other points	E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D. C. (Telephone Republic 7-4142, Extension 5870).	Do.

(3) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant; Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) *Definitions.* (1) The term "U. S. No. 3" means the U. S. No. 3 grade, as set forth in the United States Standards for Tomatoes (§§ 51.1855 to 51.1877, inclusive, of this title; 21 F. R. 9559), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 31, 1957, to become effective on November 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9192; Filed, Nov. 5, 1957; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 27]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

OPERATION IN ICING CONDITIONS

The existing provisions of § 40.392 (b) as adopted by the Civil Aeronautics Board provide that "no airplane shall take off when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane." By supplement 16, issued June 30, 1955, this provision was interpreted by the Civil Aeronautics Administration to mean frost, snow, or ice adhering to the aircraft "which might adversely affect its performance." Moreover, by Draft Release No. 56-27 (21 F. R. 8195), the Board proposed to change the regulation as adopted by the Board to correspond with the interpretation issued by the Administrator. Since there is no performance data available to determine the amount of frost, snow, or ice adhering to an aircraft which "might adversely affect its performance", the interpretation issued by the Administrator is hereby rescinded. The Board has advised the Administrator that the notice of proposed rule making which it issued as Draft Release No. 56-27 is being withdrawn for the same reason.[1]

[1] See F. R. Doc. 57-9223, in Proposed Rule Making Section, *infra.*

In view of the above, § 40.392-1 *Operation in icing conditions (CAA interpretations which apply to § 40.392 (b))* is hereby deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

This supplement shall become effective on publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 1, 1957.

[F. R. Doc. 57-9222; Filed, Nov. 5, 1957; 8:53 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

DEFICIENCIES, INACCURACIES, CHANGES, TO BE REPORTED BY FUTURES COMMISSION MERCHANTS AND FLOOR BROKERS

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1952 ed. 1-17a), § 1.14 of Part 1, Chapter I, Title 17, Code of Federal Regulations (17 CFR 1.14), is hereby amended to read as follows:

§ 1.14 *Deficiencies, inaccuracies, changes, to be reported by futures commission merchants and floor brokers.* (a) Each registrant shall file promptly with the Commodity Exchange Authority a statement on Form 3-R to correct any deficiency or inaccuracy in the registrant's application for registration, or any supplemental statement thereto, and to report any change which renders no longer accurate and current the information contained in any of the following items of such application or supplemental statement:

(1) *With respect to a futures commission merchant.* Item 2 (address of principal office), item 3 (books and records), item 4 (form of organization), item 9 (addresses of branch offices and names of managers thereof), item 10 (agents authorized to solicit or accept commodity futures orders for, and in the name of, the registrant), and item 13 (refusal of, or suspension or expulsion from commodity-exchange membership). Any change in the personnel of a partnership resulting from the death, withdrawal, or addition of a partner which, as a matter of law, does not create a new partnership may be reported on Form 3-R, as provided in § 1.15.

(2) *With respect to a floor broker.* Item 2 (business address), item 5 (names and addresses of clearing members through whom registrant clears commodity futures transactions for his own account), and item 6 (refusal of, or suspension or expulsion from, commodity-exchange membership).

(b) All statements on Form 3-R shall be prepared and filed in accordance with the instructions appearing thereon.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

The Commodity Exchange Act provides that registrations of futures commission merchants and floor brokers be renewed each calendar year. Application forms covering registration for the calendar year 1958 have recently been revised, and the revised forms will be distributed to prospective applicants on or about November 12, 1957. This amendment revises existing regulations, which contain references to the application forms, to make such references consistent with the new forms. The amendment imposes no new requirements and is informative in nature. It is essential that the amendment be in effect when the new forms are received by applicants. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a)

Issued: November 1, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-9220; Filed, Nov. 5, 1957; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6263]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SALE OR EXCHANGE OF PATENTS

On May 9, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under section 1235, relating to sale or exchange of patents, of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 3080). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted subject to the changes set forth below:

PARAGRAPH 1. Section 1.1235-1 (a) is revised.

PAR. 2. Section 1.1235-1 (c) is revised as follows:

(A) The first sentence of subparagraph (1) is revised.

(B) Subparagraph (2) is revised.

PAR. 3. Section 1.1235-2 (a) is revised.

PAR. 4. The first sentence of § 1.1235-2 (b) (1) is revised.

PAR. 5. Section 1.1235-2 (b) (2) (ii) is revised.

PAR. 6. The portion of § 1.1235-2 (b) (3) immediately preceding subdivision (i) thereof is revised.

PAR. 7. Section 1.1235-2 (c) is revised as follows:

(A) The heading is changed from "Undivided interest in a patent" to "Undivided interest."

(B) The first sentence is revised.

PAR. 8. Section 1.1235-2 (d) (1) (ii) is revised.

PAR. 9. The last sentence of § 1.1235-2 (e) is revised.

PAR. 10. Section 1.1235-2 (f) is revised.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 31, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under section 1235 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.
1.1235 Statutory provisions; sale or exchange of patents.
1.1235-1 Sale or exchange of patents.
1.1235-2 Definition of terms.

AUTHORITY: §§ 1.1235 to 1.1235-2 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.1235 *Statutory provisions; sale or exchange of patents.*

SEC. 1235. *Sale or exchange of patents*—(a) *General.* A transfer (other than by gift, inheritance, or devise) of property consisting of all substantial rights to a patent, or an undivided interest therein which includes a part of all such rights, by any holder shall be considered the sale or exchange of a capital asset held for more than 6 months, regardless of whether or not payments in consideration of such transfer are—

(1) Payable periodically over a period generally coterminous with the transferee's use of the patent, or

(2) Contingent on the productivity, use, or disposition of the property transferred.

(b) *"Holder" defined.* For purposes of this section, the term "holder" means—

(1) Any individual whose efforts created such property, or

(2) Any other individual who has acquired his interest in such property in exchange for consideration in money or money's worth paid to such creator prior to actual reduction to practice of the invention covered by the patent, if such individual is neither—

(A) The employer of such creator, nor

(B) Related to such creator (within the meaning of subsection (d)).

(c) *Effective date.* This section shall be applicable with regard to any amounts received, or payments made, pursuant to a transfer described in subsection (a) in any taxable year to which this subtitle applies, regardless of the taxable year in which such transfer occurred.

(d) *Related persons.* Subsection (a) shall not apply to any sale or exchange between an individual and any other related person (as defined in section 267 (b)), except brothers and sisters, whether by the whole or half blood.

(e) *Cross reference.* For special rule relating to non-resident aliens, see section 871 (a).

§ 1.1235-1 *Sale or exchange of patents*—(a) *General rule.* Section 1235 provides that a transfer (other than by gift, inheritance, or devise) of all substantial rights to a patent, or of an un-

divided interest in all such rights to a

fles under section 1235 and that

divided interest in all such rights to a patent, by a holder to a person other than a related person constitutes the sale or exchange of a capital asset held for more than six months, whether or not payments therefor are—

(1) Payable periodically over a period generally coterminous with the transferee's use of the patent, or

(2) Contingent on the productivity, use, or disposition of the property transferred.

(b) *Scope of section 1235.* If a transfer is not one described in paragraph (a) of this section, section 1235 shall be disregarded in determining whether or not such transfer is the sale or exchange of a capital asset. For example, a transfer by a person other than a holder or a transfer by a holder to a related person is not governed by section 1235. The tax consequences of such transfers shall be determined under other provisions of the internal revenue laws.

(c) *Special rules*—(1) *Payments for infringement.* If section 1235 applies to the transfer of all substantial rights to a patent (or an undivided interest therein), amounts received in settlement of, or as the award of damages in, a suit for compensatory damages for infringement of the patent shall be considered payments attributable to a transfer to which section 1235 applies to the extent that such amounts relate to the interest transferred. See section 1304 and the regulations thereunder for treatment of compensatory damages for patent infringement.

(2) *Payments to an employee.* Payments received by an employee as compensation for services rendered as an employee under an employment contract requiring the employee to transfer to the employer the rights to any invention by such employee are not attributable to a transfer to which section 1235 applies. However, whether payments received by an employee from his employer (under an employment contract or otherwise) are attributable to the transfer by the employee of all substantial rights to a patent (or an undivided interest therein) or are compensation for services rendered the employer by the employee is a question of fact. In determining which is the case, consideration shall be given not only to all the facts and circumstances of the employment relationship but also to whether the amount of such payments depends upon the production, sale, or use by, or the value to, the employer of the patent rights transferred by the employee. If it is determined that payments are attributable to the transfer of patent rights, and all other requirements under section 1235 are met, such payments shall be treated as proceeds derived from the sale of a patent.

(3) *Successive transfers.* The applicability of section 1235 to transfers of undivided interest in patents, or to successive transfers of such rights, shall be determined separately with respect to each transfer. For example, X, who is a holder, and Y, who is not a holder, transfer their respective two-thirds and one-third undivided interests in a patent to Z. Assume the transfer by X qualifies under section 1235 and that X in a later transfer acquires all the rights with respect to Y's interest, including the rights to payments from Z. One-third of all the payments thereafter received by X from Z are not attributable to a transfer to which section 1235 applies.

(d) *Payor's treatment of payments in a transfer under section 1235.* Payments made by the transferee of patent rights pursuant to a transfer satisfying the requirements of section 1235 are payments of the purchase price for the patent rights and are not the payment of royalties.

(e) *Effective date.* Amounts received or accrued, and payments made or accrued, during any taxable year beginning after December 31, 1953 and ending after August 16, 1954, pursuant to a transfer satisfying the requirements of section 1235, whether such transfer occurred in a taxable year to which the Internal Revenue Code of 1954 applies, or in a year prior thereto, are subject to the provisions of section 1235.

(f) *Nonresident aliens.* For the special rule relating to nonresident aliens who have gains arising from a transfer to which section 1235 applies, see section 871 and the regulations thereunder. For withholding of tax from income of nonresident aliens, see section 1441 and the regulations thereunder.

§ 1.1235–2 *Definition of terms.* For the purposes of section 1235 and § 1.1235–1—

(a) *Patent.* The term "patent" means a patent granted under the provisions of title 35 of the United States Code, or any foreign patent granting rights generally similar to those under a United States patent. It is not necessary that the patent or patent application for the invention be in existence if the requirements of section 1235 are otherwise met.

(b) *All substantial rights to a patent.* (1) The term "all substantial rights to a patent" means all rights which are of value at the time the rights to the patent (or an undivided interest therein) are transferred. The circumstances of the whole transaction, rather than the particular terminology used in the instrument of transfer, shall be considered in determining whether or not all substantial rights to a patent are transferred in a transaction. A transfer limited in duration by the terms of the instrument to a period less than the remaining life of the patent is not a transfer of all substantial rights to a patent.

(2) Rights which are not considered substantial for purposes of section 1235 may be retained by the holder. Examples of such rights are:

(i) The retention by the transferor of legal title for the purpose of securing performance or payment by the transferee in a transaction involving transfer of an exclusive license to manufacture, use, and sell for the life of the patent;

(ii) The retention by the transferor of rights in the property which are not inconsistent with the passage of ownership, such as the retention of a security interest (such as a vendor's lien), or a reservation in the nature of a condition subsequent (such as a provision for forfeiture on account of nonperformance).

(3) Examples of rights which may or may not be substantial, depending upon the circumstances of the whole transaction in which rights to a patent are transferred, are:

(i) The retention by the transferor of an absolute right to prohibit sublicensing or subassignment by the transferee;

(ii) The failure to convey to the transferee the right to use or to sell the patent property.

(4) The retention of a right to terminate the transfer at will is the retention of a substantial right for the purposes of section 1235.

(c) *Undivided interest.* A person owns an "undivided interest" in all substantial rights to a patent when he owns the same fractional share of each and every substantial right to the patent. It does not include, for example, a right to the income from a patent, or a license limited geographically, or a license which covers some, but not all, of the valuable claims or uses covered by the patent. A transfer limited in duration by the terms of the instrument to a period less than the remaining life of the patent is not a transfer of an undivided interest in all substantial rights to a patent.

(d) *Holder.* (1) The term "holder" means any individual—

(i) Whose efforts created the patent property and who would qualify as the "original and first" inventor, or joint inventor, within the meaning of title 35 of the United States Code, or

(ii) Who has acquired his interest in the patent property in exchange for a consideration paid to the inventor in money or money's worth prior to the actual reduction of the invention to practice (see paragraph (e) of this section), provided that such individual was neither the employer of the inventor nor related to him (see paragraph (f) of this section). The requirement that such individual is neither the employer of the inventor nor related to him must be satisfied at the time when the substantive rights as to the interest to be acquired are determined, and at the time when the consideration in money or money's worth to be paid is definitely fixed. For example, if prior to the actual reduction to practice of an invention an individual who is neither the employer of the inventor nor related to him agrees to pay the inventor a sum of money definitely fixed as to amount in return for an undivided one-half interest in rights to a patent and at a later date, when such individual has become the employer of the inventor, he pays the definitely fixed sum of money pursuant to the earlier agreement, such individual will not be denied the status of a holder because of such employment relationship.

(2) Although a partnership cannot be a holder, each member of a partnership who is an individual may qualify as a holder as to his share of a patent owned by the partnership. For example, if an inventor who is a member of a partnership composed solely of individuals uses partnership property in the development of his invention with the understanding that the patent when issued will become partnership property, each of the inventor's partners during this period would qualify as a holder. If, in this example, the partnership were not composed solely of individuals, nevertheless, each of the individual partners' distributive shares of income attributable to the transfer of all substantial rights to the patent or an undivided interest therein, would be considered proceeds from the sale or exchange of a capital asset held for more than six months.

(3) An individual may qualify as a holder whether or not he is in the business of making inventions or in the business of buying and selling patents.

(e) *Actual reduction to practice.* For the purposes of determining whether an individual is a holder under paragraph (d) of this section, the term "actual reduction to practice" has the same meaning as it does under section 102 (g) of title 35 of the United States Code. Generally, an invention is reduced to actual practice when it has been tested and operated successfully under operating conditions. This may occur either before or after application for a patent but cannot occur later than the earliest time that commercial exploitation of the invention occurs.

(f) *Related person.* (1) The term "related person" means one whose relationship to another person at the time of the transfer is described in section 267 (b), except that the term does not include a brother or sister, whether of the whole or the half blood. Thus, if a holder transfers all his substantial rights to a patent to his brother or sister, or both, such transfer is not to a related person. However, if a holder transfers all his substantial rights to a patent to a corporation in which he owns more than 50 percent in value of the outstanding stock, he is considered as transferring such rights to a related person for the purpose of section 1235. On the other hand, if a holder transfers all his substantial rights to a patent to a corporation in which he owns 50 percent or less in value of the outstanding stock and his brother owns the remaining stock, he is not considered as transferring such rights to a related person since the brother relationship is to be disregarded for purposes of section 1235.

(2) If a relationship described in section 267 (b) exists independently of family status, the brother-sister exception, described in subparagraph (1) of this paragraph, does not apply. Thus, if a holder transfers all his substantial rights to a patent to the fiduciary of a trust of which the holder is the grantor, the holder and the fiduciary are related persons for purposes of section 1235 (d). (See section 267 (b) (4).) The transfer, therefore, would not qualify under section 1235 (a). This result obtains whether or not the fiduciary is the brother or sister of the holder since the disqualifying relationship exists because of the grantor-fiduciary status and not because of family status.

[F. R. Doc. 57–9187; Filed, Nov. 5, 1957; 8:46 a. m.]

TITLE 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 15—RULES AND REGULATIONS FOR ADMINISTERING FOREST HIGHWAYS

APPORTIONMENT

Section 15.2 (b) of the rules and regulations for administering forest highways, published and effective March 22, 1950, is hereby amended to read as follows, effective upon publication in the FEDERAL REGISTER:

(b) On or before January 1 of each year, or as otherwise provided by legislation, the Secretary of Commerce shall apportion among the several States, Alaska, and Puerto Rico the forest highway fund authorized for the next succeeding fiscal year as follows: Three-fourths in the ratio that the area of national forest land in any State bears to the total area of such land in all States, and one-fourth in the ratio that the value of national forest land in any State bears to the total value of such land in all States, subject to any modifications that future legislation may require.

(Sec. 6, 54 Stat. 869, as amended; 23 U. S. C. 23 b. Interprets or applies sec. 23, 42 Stat. 218, as amended; 23 U. S. C. 23, 23a)

Dated: October 30, 1957.

Recommended:

W. S. SWINGLER,
Acting Chief, Forest Service, Department of Agriculture.

B. D. TALLAMY,
Federal Highway Administrator, Bureau of Public Roads.

Approved:

E. L. PETERSON,
Assistant Secretary of Agriculture.
SINCLAIR WEEKS,
Secretary of Commerce.

[SEAL]

[F. R. Doc. 57–9194; Filed, Nov. 5, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 40]

OPERATION IN ICING CONDITIONS

WITHDRAWAL OF NOTICE OF PROPOSED RULE MAKING

The Bureau of Safety has had under consideration an amendment to § 40.392 (b) of Part 40 of the Civil Air Regulations. The reasons for this proposed rule making were set forth in detail in Civil Air Regulations Draft Release No. 56–27 which was published in the FEDERAL REGISTER (21 F. R. 8195) as a notice of proposed rule making. The Bureau desires that all persons who would be affected by the requirements of this proposal be fully informed as to the status of the proposal and the developments associated therewith.

Section 40.392 (b) reads as follows:

(b) No airplane shall take off when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane.

It was proposed to amend this section to read:

(b) No take-off shall be made when frost, snow, or ice adhering to any part of the airplane might adversely affect its performance.

The Bureau has considered all comment received on this proposal and other relevant information. It is of the opinion that it should not recommend to the Board adoption of the proposal as the present rule appears better suited to obtain the Board's objective, namely, to assure that airplane performance is not lowered during take-offs by frost, snow, or ice actually adhering to the wings, control surfaces, or propellers of the airplane. In reaching this conclusion the Bureau was especially pursuaded by the fact that there is no engineering flight test data available upon which predictions of the effect of frost, snow, or ice on the performance of a particular airplane can be made. Thus, the determination of performance loss is impossible. The determination of whether frost, snow, or ice is adhering, however, is not matter of opinion, and may be readily made and corrective action taken. This present rule does not, and it is not intended that it will, prohibit starting of take-offs with snow on the wings if it has been determined that it is not adhering and will be promptly blown off.

The Bureau wishes to make it clear to all persons that the position presently taken by the Bureau in regard to matters contained in Draft Release No. 56–27 in no way precludes the consideration of these or associated matters at a later date in a new rule making procedure. It should also be understood that the view presently expressed by the Bureau in this matter is not to be considered as binding in any way upon the Board or the Bureau in the consideration of this or similar matters in the future, should such consideration be in the public interest.

Accordingly, the Bureau of Safety hereby withdraws Draft Release No. 56–27.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a))

Dated at Washington, D. C., November 1, 1957.

By the Bureau of Safety.

[SEAL] LEON H. TANGUAY,
Acting Director.

[F. R. Doc. 57–9223; Filed, Nov. 5, 1957; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO–10–A22]

MILK IN ST. LOUIS, MO., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handing of milk in the St. Louis, Missouri, marketing area, which was issued on September 12, 1957 (22 F. R. 7398; F. R. Doc. 57–7626), is hereby further extended to November 21, 1957. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business as of that date.

Dated: November 1, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57–9216; Filed, Nov. 5, 1957; 8:51 a. m.]

[7 CFR Part 942]

[Docket No. AO–103–A15]

MILK IN NEW ORLEANS, LA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New Orleans, Louisiana, on January 28–31, 1957, pursuant to notice thereof issued on January 9, 1957 (22 F. R. 263).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 28, 1957 (22 F. R. 7076) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. A public hearing on the record of which the proposed marketing agreement and the proposed order amending the order were formulated was held at New Orleans, Louisiana, on January 28–31, 1957, pursuant to notice thereof issued January 9, 1957 (22 F. R. 263). Two proposals in the hearing notice were not specifically supported by proponents at the hearing. Consequently, this recommended decision does not deal with proposals 37 and 44 as they appeared in the notice of hearing.

The material issues of record related to:

1. Extension of the marketing area.
2. The type of pool.
3. The classification of milk.
4. The pricing provisions of the order:
(a) The level of the Class I milk price.
(b) An out-of-area price for Class I milk.
5. An exemption for "certified milk".
6. The computation of location adjustments.
7. Revision of the base and excess milk provisions.
8. Administrative changes in the order.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. *The marketing area should be extended.* The present marketing area includes all the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard, in the State of Louisiana. Two cooperative associations proposed that the area be extended to Lafourche, St. Charles, and Terrebonne parishes. Handlers concurred. The essential evidence is as follows:

About half of the unregulated handlers distributing milk in Lafourche and Terrebonne parishes receive supplemental milk during all months of the year. As much as 40 percent of their Class I distribution is purchased from a plant supplied by members of the proponent cooperative associations. The unregulated plants obtain the balance of their supply from dairy farmers. The principal population centers are Houma, and Thibodaux, Louisiana. Local production has increased slowly, while Class I sales have increased rapidly due to offshore oil operations in the area. One handler's sales increased 300 percent during the past two years.

For the four-year period 1953–1956, dairy farmers' receipts at the unregulated plants in Lafourche and Terrebonne parishes ranged between 55 and 60 percent of Class I sales by those plants. The remaining volume of milk necessary to supply their Class I outlets came from other sources, primarily from an unregulated plant which is supplied by dairy farmers who are members of proponent cooperative associations.

Producer members of these associations also ship milk to three New Orleans handlers who sell Class I milk in Lafourche and Terrebonne parishes. While the record does not contain sufficient evidence to show precisely what percentage of his Class I sales each regulated handler sells in the two parishes, approximately 40 percent of the Class I milk distributed in the two parishes is from plants regulated by Order No. 42. Only Order No. 42 handlers distribute fluid milk in St. Charles parish, which is part of their regular trade territory. Routes going into Lafourche and Terrebonne parishes first pass through St. Charles. The operator of an unregulated plant in the Lafourche-Terrebonne area testified that 60 percent of his Class I sales are in this area. His evidence did not show precisely where his other sales are made.

The members of the proponent's cooperative associations bear the full responsibility of carrying the seasonal surplus of dairy farmers supplying two of the unregulated handlers distributing milk in Lafourche and Terrebonne parishes. These handlers merely draw on the plant supplied by the proponents to furnish the substantial volume of milk needed to supply their Class I sales over and above what they receive from dairy farmers. The cooperative associations furnish a substantial volume of milk needed to supply these handlers with their total Class I needs. Amounts of such sales fluctuate as much as 300,000 pounds per month.

Milk distributors located within the three parishes of St. Charles, Lafourche, and Terrebonne, purchase additional milk from dairy farmers at a flat price of 60 cents per gallon. Prices received by dairy farmers shipping to these plants are in approximate alignment with prices received by producers shipping to plants of regulated handlers except that such prices do not generally reflect classification use values or variations due to different butterfat content of milk. Dairy farmers supplying the supplemental quantities of milk needed by the nonregulated plants are subsidized in the price they receive for milk from the returns received by other members of the two cooperative associations, a substantial portion of whose milk is subject to order pricing. These nonregulated handlers thus purchase a substantial portion of their fluid needs partly at the expense of producers whose milk is priced under the order.

The addition of these three parishes will provide more orderly marketing conditions for the entire area. All milk distributed therein will be subject to the minimum class prices and the dairy farmers supplying the handlers who serve such parishes will be assured of payment for their milk on the same basis as producers supplying competing regulated handlers.

It is concluded that the extension of regulation to Lafourche, St. Charles and Terrebonne parishes will result in a more equitable sharing of Class I sales in the area among producers and dairy farmers, and that these parishes should be included in the area.

Several unregulated handlers proposed that the marketing area be extended to include the Louisiana parishes of St. Mary, Iberville, Assumption, Ascension, St. John the Baptist, and St. James. But there was no supporting testimony that showed in sufficient detail the nature of the Grade A milk trade in these parishes. No data were presented with respect to the extent of competition between regulated and unregulated handlers. For instance, Assumption parish would be on the fringe of the proposed area. Two New Orleans

regulated handlers distribute milk there, and one unregulated handler from Iberville parish. However, the record contains no marketing data pertaining to any of these operators. The same is true for the portions of St. James and St. John parishes proposed for inclusion in the New Orleans marketing area.

It is concluded from this record that the Louisiana parishes of St. Mary, Iberville, Assumption, Ascension, St. John the Baptist, and St. James, should not be added to the marketing area.

2. *Type of pool.* Since 1950, there has been a steady increase in the disparity in individual handler pool prices. This disparity in prices of itself does not clearly indicate, however, that marketwide equalization of producer prices would ameliorate the marketing situation for producers under prevailing supply arrangements in the market as a whole.

In a decision issued by the Department July 3, 1956, the request for marketwide pooling was denied. The record of this hearing does not disclose changes in marketing conditions in this marketing area during the year 1956 that justify any different decision from that issued July 3, 1956. There is still a diversity of marketing relations and practices among producers. Only one-third of the producers are prepared to market their milk in accordance with the requirements of handlers and thus maximize returns to all producers. Handlers must rely on their own resources, rather than the cooperative associations to assure themselves of an adequate supply of inspected milk.

While an equalization pool might well contribute to market stability under certain conditions it is the general circumstances of excessive supplies, more than anything else, that threatens market stability. Market conditions complained of by the proponents of a marketwide pool will be alleviated when supplies come into better balance with Class I utilization of the market. Further examination of marketing methods and practices of producers and of the market relations of producers and handlers would be appropriate before a change in method of pooling is made.

3. *Classification of milk.* The hearing notice contained a proposal by handlers that a new class (Class II–A) be adopted, and that a formula for pricing such milk be established. At the hearing, however, the proponents revised their proposal and requested that a Class III milk classification be adopted instead.

Handlers proposed that the Class II milk classification be changed to specify that only skim milk and butterfat used in the manufacture of ice cream, creole cheese, cottage cheese and eggnog shall be classified as Class II milk. No change was proposed for pricing Class II milk.

At the present time, milk used to produce ice cream, creole cheese, and cottage cheese is classified as Class II milk. Eggnog is defined as a fluid milk product (Class I); and there was no specific testimony or evidence submitted to justify changing the classification of eggnog.

Handlers also proposed that Class III milk include skim milk and butterfat (1) transferred by a handler to a manufacturing plant and processed into cheddar cheese, (whole) milk powder, nonfat dry milk, condensed milk, evaporated milk, buttermilk powder, butter, and fluid cream, irrespective of ultimate utilization.

In addition, the present Class II provisions relating to month-end inventory, dumped skim, livestock feed and shrinkage would be changed to be included in the proposed Class III classification. Proponents proposed that the Class III milk price be equal to the average pay prices of four Mississippi manufacturing plants, less 20 cents per hundredweight f. o. b., the manufacturing plant to which delivered.

At the present time, the transfer provisions of the order provide within specified limits for classification in Class II of milk transferred by a handler and utilized by the transferee in the manufacture of the products specified in part (1) of the handlers' proposal. However, fluid cream is a fluid milk product, and unless utilization in Class II is established pursuant to the transfer provisions it should be classified as Class I. The proposal to classify fluid cream as Class III, irrespective of its ultimate utilization would constitute a significant change from the present classification provisions of the order.

The reasons stated for proposing a revision of the classification provisions were: (1) The burden of surplus milk has increased since 1951, (2) a Class III classification would reduce the uniform price to producers, indicating to them that the production of surplus milk reduces revenue, (3) handlers have accepted all milk from producers and have marketed the surplus, often at a loss, and cannot continue to lose money on surplus that must be disposed of to manufacturing plants.

The effect of the proposal would be to enable handlers to continue to accept surplus milk from producers, and dispose of it to manufacturing plants without incurring further monetary loss. However, there is no justification for establishing a lower classification that would perpetuate the burdensome surplus affecting the market at the present time. This proposal would price fluid cream irrespective of ultimate utilization at 20 cents per hundredweight less than is paid for manufacturing milk at four Mississippi locations and it might very well encourage rather than deter the delivery of surplus Grade A milk to the New Orleans market. Fluid cream could be moved long distances and disposed of in other markets with no regard to utilization. The present Class II price and classification provisions tend to discourage excessive delivery of Grade A milk for Class II use. A change in the classification provisions at this time would encourage uneconomic movement of producer milk.

It is concluded that the classification provisions should not be amended.

4. (a) *The level of the Class I price.* Producers proposed that (1) the Class I milk differential should be $2.65 in all months of the year, (2) the supply-demand adjuster should be amended to incorporate into the representative supply-demand index the significant increase in production that has occurred in the New Orleans market during the past three years, and (3) price adjustments by the supply-demand adjuster should not exceed plus or minus 24 cents in any month.

At the present time, the Class I differential is on a seasonal basis, that is, $2.65 during the months September through February, and $2.20 in all other months. The effect of the proposal would be to raise the Class I milk price above its present level.

In support of the proposal, producers testified that (1) New Orleans handlers probably would not reduce their prices to consumers in response to a change in the seasonal differential, and that there is no evidence to indicate clearly what the handlers' practice in this respect would be; (2) during the flush production season, areas outside the New Orleans marketing area also have increased production, and consequently, seasonal pricing does not greatly increase Class I sales, for such outside sales represent approximately only five percent of handlers total Class I sales. Producers contend that this small percentage should not be a factor in determining seasonal Class I differentials.

Handlers supported the proposal for a uniform Class I differential throughout the year. They testified, however, that it should be the average of the present seasonal differentials, or somewhere between $2.65 and $2.20.

The present Class I price provisions were made effective August 1, 1956. The full effect of these provisions was delayed in order to afford a gradual adjustment to the price level deemed necessary to carry out the declared policy of the enabling act. Consequently, the level established as a result of the hearing held in April 1955 had not become fully effective at the time of this hearing. During the past year, production continued to increase at a more rapid rate than Class I sales. No new evidence was presented at this hearing that would justify maintaining a Class I price level higher than that provided by the amended order that became effective August 1, 1956.

It is concluded that the level of the Class I price should not be changed.

The seasonal pricing pattern should be revised to provide differentials of $2.30 for the months of March through June and $2.50 for all other months. In the recommended decision, no change was recommended from the present differential of $2.20 for the months of March through August and $2.65 for all other months. The record has been reviewed on the basis of exceptions received. While a change in the level of the Class I differential is not warranted, some change in the seasonal pattern of pricing is justified in order to reduce fluctuations caused by changes in the differential and the supply-demand adjuster. It is concluded that a 20 cents difference in the Class I price differentials in conjunction with the base-excess plan, will provide sufficient inducement for leveling production to the needs of the market. Shifting the months of July and August to the higher seasonal price level will encourage relatively greater

production in this period when demand tends to increase seasonally and production to fall off. It will also allgn the New Orleans market more closely with the seasonal pricing patterns of nearby markets.

The proposal to revise the supply-demand adjuster was supported by producers and handlers primarily on the basis of reducing its effect in adjusting the Class I milk price. Producers revised their original proposal to reconstruct the supply-demand adjuster. The revised proposal would reverse the reciprocals now used in computing the "current supply-demand relationship". The effect of this would be to reduce the net deviation percentage, which determines the amount of the supply-demand adjustment. In addition, producers proposed that the total amount of any adjustment resulting from the present supply-demand adjuster should be limited to plus or minus 24 cents.

It has been noted that the price adjustments made effective August 1, 1956, were delayed to provide for gradual transition. The record contains no evidence to justify further delay in effectuating the amendments considered to be necessary and in the public interest.

At the time of hearing, the supply-demand adjuster had not come into operation. Hence, testimony for amending it lacked the substantial evidence that would be required for reexamination and revision.

(b) *An out-of-area price on Class I milk disposed of outside the New Orleans marketing area should not be adopted.* Handlers proposed that the price for all Class I milk sold outside the New Orleans marketing area be 75 cents per hundredweight less than the New Orleans Class I price. The purpose of the proposal is to enable New Orleans handlers to dispose of surplus Grade A milk to "deficit" areas. The price reduction proposed would enable handlers to transport such surplus to deficit areas for Class I use.

Adoption of the proposal would, in effect, permit the use of adjacent outside markets as a dumping ground for milk in excess of the market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by competing unregulated distributors in such markets. Such action would tend to lower blended returns to producers in the New Orleans market with the result that prices of milk sold within the regulated market might have to be raised to provide an incentive to maintain production of a sufficient supply to fulfill the market needs. In this connection, the local consumer of fluid milk should not be called upon to subsidize consumers in out-of-area markets.

The statute requires that minimum prices established by orders shall be set at a level which, over a reasonable period of time, considering the need for supplies of reserve milk, and seasonal variations in production, will result as nearly as practicable in the production of a quantity of milk equal to the demands of the market for such milk. Lower pricing of Class I milk that is sold outside the marketing area would be contrary to the basis for determining the level of the Class I price. Milk used in outside sales should be priced at the Class I price and thus share the burden of meeting the production and marketing costs associated with assuring an adequate and dependable supply of milk for fluid use.

5. *The proposal to exempt from the other source milk definition, the distribution of "certified milk" in bottles should not be adopted.* A New Orleans regulated handler testified that he distributes "certified milk" in bottles from an unregulated source along with his own fluid milk products.

The proponent testified that this certified milk should not be allocated to Class II as other source milk because he pays a premium of 50 percent over the Class I price for it.

Although the proponent proposed that a definition of certified milk be established, the record contains no testimony or evidence on which to construct a definition.

In the absence of more information concerning the marketing of certified milk in the New Orleans area, it is concluded that the proposed exemption of it from the other source milk definition should not be adopted.

6. *The location adjustment provisions should be amended.* An unregulated handler proposed that in computing the handler location adjustment in the event his plant, located at Franklinton, Louisiana, becomes subject to regulation, the distance between such plant and those of his customers located in the marketing area should be used. At the present time, the location adjustment for a plant situated at Franklinton, Louisiana, is computed on the basis of the distance of such plant from the New Orleans City Hall.

The effect of this proposal would be to provide a larger location adjustment for the proponent's plant if it is regulated by Order No. 42, than would be allowed pursuant to present order language.

The proponent also proposed that the rate of the location adjustment should be 2.0 cents for every 10 miles up to 150 miles. At the present time, the rate beyond 100 miles is 1.5 cents for every 10 miles.

In support of the proposal the proponent contended that handlers in Lafourche and Terrebonne parishes should not be required to pay a price that is based on the Class I price for milk received at supply plants located at Franklinton. The proponent testified that some of the handlers in Lafourche and Terrebonne parishes must purchase their supplemental supplies from the Franklinton area. Consequently, a higher location adjustment is requested for Franklinton, Louisiana, plants that furnish milk to handlers in the proposed marketing area extension than for plants shipping to handlers presently regulated.

Plant operators located in Lafourche and Terrebone parishes have purchased supplemental supplies of milk from the Franklinton area. Such supplies are also available from other unregulated handlers throughout the State of Louisiana. Proponent's proposal would establish a Class I milk price at Franklinton to enable a plant there to compete for sales of supplemental milk to handlers in Lafourche and Terrebonne parishes.

There is no economic justification, however, in amending the present location differentials to result in what would amount to a special Class I milk price at a specific location. Nor is there sufficient evidence in the record from which to conclude that the present rates are not appropriate.

In the absence of conclusive evidence that the present location differentials are inadequate, as they relate to the City of New Orleans, where the greatest concentration of population is located, it is concluded that the proposal should not be adopted.

The Dairy Division, Agricultural Marketing Service, also proposed that consideration be given to a revision of the location differential provisions. The purpose in doing so was to afford interested parties an opportunity to review the present rate and method of determining the zone location of each regulated fluid milk plant.

The zone location of each regulated plant is now determined on the basis of the shortest highway or railroad mileage between such plants and the New Orleans City Hall. Shipments of milk by railroad have not been made for many years. Milk is currently transported by tank truck from supply plants to city distributing plants.

The record evidence is not sufficient to make any revision, at this time, in regard to the rate per hundredweight for each zone. The order language with respect to determining the shortest highway mileage should be changed, however, to specify that only toll free public highways should be used in the determination of the shortest highway distance between a regulated plant and the New Orleans City Hall. The record is inconclusive as to the extent of use and savings realized by handlers in the use of the Greater New Orleans Freeway. Until further evidence is available only toll free highway distances should be used in determining pool plant locations. The attached order language provides for such a revision and for the elimination of the use of the railroad mileage in determining plant location.

7. *The base and excess milk provisions of the order should not be amended.* A cooperative association proposed that the base rules be amended to provide that bases may be computed for dairy farmers who were producers during six consecutive months in 1956. Pursuant to the proposal, the market administrator would use the deliveries of such dairy farmers during the months October 1956 through February 1957, irrespective of point of delivery, to compute bases for such dairy farmers during the base-operating months of March through August 1957.

The base operating period is now past. Producers will have opportunity to establish bases during the base-making period of 1957. Therefore the need for amending the order in this respect no longer exists.

A plant may become a fluid milk plant at any time as a result of meeting specific

qualifications or by the extension of the marketing area. In order to avoid discrimination against producers delivering to such plants it is necessary to provide for the computing of bases for producers delivering to such a fluid milk plant that did not qualify as a fluid milk plant during each month of the base forming period. Such a provision is herein provided and will permit the producers supplying such fluid milk plants to enter the market without any pooling handicap.

8. *Administrative changes.* Certain provisions of the order should be redrafted in order to add more specificity with respect to the reporting and accounting of milk. The proposed changes will designate more clearly what milk and what plants would be subject to the regulation and the application of the order provisions to them. This can best be done by clarifying the present definitions for producer, fluid milk plant, producer milk, other source milk, and transfers.

The term fluid milk plant should include all plants distributing fluid milk products in the marketing area and all supply plants which are to be fully subject to the regulation, and which regularly ship milk to plants distributing fluid milk products in the marketing area. No attempt has been made to change the present meaning of the definition of fluid milk plant. The revision of this definition makes more specific the exclusion from the fluid milk plant definition a supply plant from which no transfers of fluid milk products are classified as Class I milk at a city distributing plant.

The definitions of producer and producer milk are modified to provide diversion of milk directly from producer farms by handlers to other fluid milk plants or to nonfluid milk plants. The privilege for handlers to divert milk under such circumstances facilitates the economical disposal of seasonal and temporary excesses in reserve supplies. Unlimited diversion should be permitted. The individual handler type of pool will insure that only the producers providing the regular sources of supply of pure and wholesome milk for the marketing area will be included. It is further provided that milk diverted by handlers should be deemed to have been received at the fluid milk plant at the same location as the plant from which it was diverted for the account of the handler.

The definition of other source milk should be modified to clarify the meaning and to specify in the definition that it includes all milk utilized in the operations at a fluid milk plant except producer milk, fluid milk products received from other fluid milk plants, and inventory of fluid milk products on hand at the beginning of the month. Other source milk represents all skim milk and butterfat used in a fluid milk plant which is not subject to the pricing provisions of the order during the month. It will include all fluid milk products from plants other than fluid milk plants and all manufactured dairy products from any source which are repackaged, reprocessed, or converted in another product in the fluid milk plant during the month. It will include those manufactured products from a fluid milk plant's own production which are reprocessed or reconverted into another product during the same or a later month.

Provisions relating to transfers of fluid milk, skim milk or cream in bulk should be clarified by stating in the order specific rules with respect to such transfers within a distance of 275 miles from the New Orleans City Hall, to distances greater than 275 miles from the marketing area, and to the assignment and accounting of these products when shipped to a nonfluid milk plant. The provisions in the attached order will state more clearly the administrative technique for classifying such transfers.

Exceptions to the recommended decision requested a revision of the transfer provision that specifies the manner in which transfers of cream in bulk from a fluid milk plant to a non-fluid milk plant would be classified. Questions of classification were raised regarding bulk cream received from a fluid milk plant by a nonfluid milk plant and from there moved to a second plant. The second plant could be a regulated plant under this or other Federal orders, a plant utilizing its receipts for only Class II products as defined by this order, or a plant processing both Class I and II products. The exceptions clearly indicate the need for more explicit rules respecting the classification of bulk cream moving through or from a non-fluid milk plant. The intent of the provision is to permit a Class II accounting for such cream, in order to permit the most economical disposal of excess producer milk, if such cream actually moves into a plant with Class II product utilization and disposition and with other eligible receipts, equal to or in excess of any utilization or disposition in Class I products as defined by this order. In case such plant is under another Federal order, that order would govern the classification of such receipts. Accordingly, it is provided that bulk cream moved to a second non-fluid milk plant should be classified according to its utilization in such plant subject to the same limits and conditions prescribed for skim milk or butterfat first moved from a fluid milk plant to a non-fluid milk plant. Bulk cream transferred to a plant having only Class II utilization, but more than 275 miles from New Orleans, may also be classified as Class II milk.

The present transfer provisions make it possible for Grade A milk, skim milk or cream transferred from the New Orleans market to a nonfluid milk plant to be used in a Class I product and accounted for as Class II so long as an equivalent amount of milk is used by the nonfluid milk plant in the lower class. Some nonfluid milk plants receive and process both Grade A and ungraded milk. It is possible, therefore, that Grade A milk products received at the nonfluid milk plant from handlers regulated under this or another order may actually be used for fluid disposition. Producer milk so accounted for returns to producers less than its classified value and at the same time gives operators of nonfluid milk plants a competitive advantage over regulated handlers in common sales areas. It is concluded that milk, skim milk or cream transferred or diverted from New Orleans fluid milk plants to nonfluid milk plants should be classified as Class I to the extent that the receipts from regulated plants under this order or any other order exceeds the "Grade A Class II usage" in the nonfluid milk plant. Any milk, skim milk, or cream received at such nonfluid milk plant from a fluid milk plant that is classified as Class I should be shared pro rata by the fluid milk plants under this order, and by any plant(s) at which milk is priced under another order(s), when Class II utilization is claimed.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement regulating the handling of milk in the New Orleans, Louisiana, marketing area", and "Order amending the order regulating the handling of milk in the New Orleans, Louisiana, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the New Orleans, Louisiana, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of August 1957, is hereby determined to be the representative

period for the conduct of such referendum.

W. M. Costello is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 1st day of November 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] *Amending Order Regulating Handling of Milk in New Orleans, La., Marketing Area*

§ 942.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all skim milk and butterfat received by each handler, during each delivery period from producers, including that received from handler's own production.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 942.4 and substitute therefor the following:

§ 942.4 *New Orleans marketing area.* "New Orleans marketing area" hereinafter referred to as the marketing area means all territory, including incorporated municipalities, geographically within Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne parishes all in the State of Louisiana.

2. Delete § 942.6 and substitute therefor the following:

§ 942.6 *Producer.* "Producer" means any person other than a producer-handler who produces milk in compliance with Grade A inspection requirements for milk for fluid consumption within the marketing area which milk is (a) received during the month at a fluid milk plant, or (b) diverted from a fluid milk plant to another fluid milk plant or to a nonfluid milk plant pursuant to § 942.10.

3. Delete § 942.9 and substitute therefor the following:

§ 942.9 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which Class I milk pursuant to § 942.41 (a) is disposed of to retail or wholesale outlets (including plant stores) in the marketing area, or (b) a plant from which during the month:

(1) Shipments of milk, skim milk or cream are made to a plant described in paragraph (a) of this section;

(i) On 20 or more days during any month of September through December; or

(ii) On 5 or more days during any other month; and

(2) Some skim milk or butterfat in such shipments of milk, skim milk or cream is assigned to Class I pursuant to § 942.45.

4. Delete § 942.10 and substitute therefor the following:

§ 942.10 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in the milk (a) received at a fluid milk plant directly from producers, or (b) diverted for the account of the operator of a fluid milk plant from a fluid milk plant to another fluid milk plant or to a nonfluid milk plant. Any such milk so diverted shall be deemed to have been received at the fluid milk plant from which it was diverted.

5. Delete § 942.11 and substitute therefor the following:

§ 942.11 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from fluid milk plants and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

6. Delete § 942.43 and substitute therefor the following:

§ 942.43 *Transfers.* Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a fluid milk plant to:

(a) The fluid milk plant of another handler shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonfluid milk plant located more than 275 miles by the shortest highway distance from City Hall in New Orleans, Louisiana, as determined by the market administrator, shall be Class I milk unless transferred in the form of cream in bulk to such a nonfluid milk plant having only Class II milk pursuant to § 942.41 (b);

(d) A nonfluid milk plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonfluid milk plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The "Grade A Class II usage," as herein determined, exceeds such skim milk and butterfat received from a fluid milk plant(s) and from any plant(s) at which the milk is priced under another order(s) issued pursuant to the act. In the event the "Grade A Class II usage" is less than the aggregate of receipts from such regulated plants, amounts of skim milk and butterfat respectively, equal to the differences shall be classified as Class I milk, with each fluid milk plant being assigned a share of such Class I milk, pro rata, in accordance with the receipts of milk from all regulated plants. The "Grade A Class II usage" in a nonfluid milk plant shall be determined as follows: From the sum of (i) the amounts of skim milk and butterfat respectively, used during the month in such plant to produce any product included in Class II milk pursuant to § 942.41 (b), (ii) bulk cream transferred from such a plant to a second nonfluid milk plant that meets the conditions of the first sentence of this subparagraph and of subparagraph (2), and (iii) bulk cream transferred to a second plant subject to this part or another Federal order (but only if such cream is allocated thereunder in the transferee-plant to a class use other than Class I as defined in this part or such other order), subtract the amounts of skim milk and butterfat, respectively, received during the month at the nonfluid milk plant from any source(s) other than that which meets the standards of a governmental regulation for fluid Grade A products.

7. Delete § 942.53 (b) and substitute therefor the following:

(b) The market administrator shall determine and publicly announce the zone location of each plant of each handler according to the shortest toll-free highway distance between such plant and the City Hall in New Orleans. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

8. Delete the first paragraph of § 942.51 (a) and substitute therefor;

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.30 for the months of March through June, and plus $2.50 for all other months, plus or minus a supply-demand adjustment calculated for each month as follows:

9. Delete the period in § 942.93 (a) and add the following: "and to each person for whose account producer milk was delivered to a plant that did not qualify as a fluid milk plant during each month of the base forming period but which qualifies as a fluid milk plant during any of the months of March through August, bases shall be assigned on deliveries at such plant in the same manner as if such plant was a fluid milk plant during each month of the base forming period."

[F. R. Doc. 57-9217; Filed, Nov. 5, 1957; 8:52 a. m.]

[7 CFR Part 942]

[Docket No. AO-103-A16]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Lenfant's Restaurant, 5236 Canal Boulevard, New Orleans, Louisiana, beginning at 10:00 a. m., on November 13, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the New Orleans Area Pure Milk Producers' Association, Hammond, Louisiana, and the Louisiana-Mississippi Milk Producers' Association, Franklinton, Louisiana:

Proposal No. 1: Add new §§ 942.17 and 942.18.

§ 942.17 *Associated producer.* "Associated producer" means a person who, with respect to any milk not accepted at fluid milk plant or diverted from it by a handler in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for fluid consumption;

(d) Delivered milk for not less than 45 days during the preceding months of September through December, which milk was received at or diverted from a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at or diverted from a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

§ 942.18 *Associated producer milk.* "Associated producer milk" means all skim milk and butterfat sold during the month by associated producers to a nonfluid plant(s) which, during such month, utilized skim milk and butterfat in products designated pursuant to § 942.41 (b) (1): *Provided,* That the sale of such milk by associated producers is reported to and verified by the market administrator pursuant to § 942.31 (c).

Proposal No. 2: Amend § 942.13 to read as follows:

§ 942.13 *Base milk.* "Base milk" means producer milk received by a handler from a producer or an associated producer's milk assigned to such handler during the base-operating period, which milk is not in excess of bases computed pursuant to § 942.80.

Proposal No. 3: Amend § 942.14 to read as follows:

§ 942.14 *Excess milk.* "Excess milk" means producer milk received by a handler from a producer or an associated producer's milk assigned to such handler during the base-operating period, which milk is in excess of the base milk received during the month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 942.80.

Proposal No. 4: Delete § 942.22 (k) and insert the following:

(k) Mail to each handler at his last known address a statement showing for such handler:

(1) The 5th day of each month the Class I milk price and the Class I butterfat differential, both for the current month, and the Class II milk price and the Class II butterfat differential, both for the preceding month;

(2) On or before the 5th day of the month the names and addresses of associated producers assigned to such handler;

(3) On or before the 11th day after the end of the month (i) the amount and value of producer milk in each class and the total thereof; (ii) for the months of the base-operating period, the amounts and value of his base and excess milk, respectively; and

(4) On or before the 11th day of the month the quantity and butterfat test of associated producer milk assigned to such handler and the amount in payment thereof to be remitted to the market administrator for payment to associated producers pursuant to § 942.80 (d): *Provided,* That during the base-operating period such notification shall include the quantity and butterfat test of associated producer milk designated as base and excess milk and the amount thereon to be remitted.

Proposal No. 5: Add a new § 942.31 (c) as follows:

(c) Each associated producer shall submit to the market administrator (1) on or before the 5th day of the month, a statement of the quantity and butterfat test of his milk sold during the preceding month to a nonfluid milk plant which during such month utilized skim milk and butterfat in products designated pursuant to § 942.41 (b) (1), and (2) on or before the 11th day of the month, payment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold pursuant to subparagraph (1) of this paragraph.

Proposal No. 6: Amend the first sentence in § 942.70 to read as follows:

§ 942.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received and associated producer milk assigned to such handler at his fluid plant(s) during each month shall be a sum of money computed by the Market Administrator as follows:

Proposal No. 7: Amend § 942.71 by adding a new paragraph designated (a-1), as follows:

(a-1) Add to the amount computed

for further study of the proposal by in-

(a-1) Add to the amount computed pursuant to § 942.70 an amount equal to the volume of associated producer milk assigned to such handler pursuant to § 942.27 (k) (4) multiplied by the Class II price;

Proposal No. 8: Amend § 942.71 by deleting paragraph (b) and substituting therefor the following:

(a-1) Add or subtract for each one-tenth of one percent that the average butterfat content of producer milk received by such handler and associated producer milk assigned to such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 942.73 and multiplying the result by the total hundredweight of producer milk and associated producer milk.

Proposal No. 9: Add a new § 942.80 (d) as follows:

(d) On or before the 11th day after the end of the month, each handler having associated producer milk shall remit to the market administrator for payment to associated producers an amount computed by multiplying the quantity of associated producer milk assigned to such handler pursuant to § 942.27 (k) (3) by the difference between such handler's uniform price(s) as determined pursuant to § 942.71 or § 942.72, as applicable, and the Class II price determined pursuant to § 942.51 (b). Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 15th day after the end of the month, make appropriate payment to each associated producer, such payment to be verified pursuant to § 942.31.

10. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 3709 S. Carrollton Avenue, New Orleans, Louisiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 1st day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9218; Filed, Nov. 5, 1957; 8:52 a. m.]

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

ADDITIONAL TIME FOR FILING DATA, VIEWS, OR ARGUMENTS

A notice of proposed rule making with respect to the establishment of a budget of expenses for the Florida Cucumber Committee and a rate of assessment was published in the FEDERAL REGISTER of October 22, 1957 (22 F. R. 8293).

In consideration of comments and suggestions received indicating the need for further study of the proposal by industry, notice is hereby given of an additional period of time until November 22, 1957, within which written data, views, or arguments may be submitted in connection with the aforesaid proposed expenses and rate of assessment.

Dated: October 31, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9193; Filed, Nov. 5, 1957; 8:47 a. m.]

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Agricultural Marketing Service is considering the amendment, as hereinafter stated, of the regulations in 9 CFR Part 201, pursuant to the authority contained in the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.).

The proposed amendments are as follows:

1. Paragraph (d) of § 201.10 is amended to read as follows:

(d) No person applying for registration to engage in business as a market agency selling livestock on an agency basis shall be registered to act in the capacity of clearing agency for any independently operated and separately registered market agency or dealer. No market agency engaged in selling livestock on an agency basis shall act in the capacity of clearing agency for any independently operated and separately registered dealer. No market agency selling livestock on an agency basis shall act in the capacity of clearing agency for any independently operated and separately registered market agency unless such clearing agency was acting in that capacity for such market agency on September 1, 1957.

2. Section 201.29 is amended to read as follows:

§ 201.29 *Market agencies and dealers to file on or before commencing operations.* Every market agency and dealer, except packer buyers registered as dealers to purchase livestock for slaughter only, shall, on or before the date of commencement of operations, execute and thereafter maintain, or cause to be executed and thereafter maintained, a reasonable bond, to a suitable trustee, to secure the performance of obligations incurred as such market agency or dealer at posted stockyards: *Provided*, That on and after September 1, 1954, the only bond equivalent that may be filed by an applicant for registration to operate as a market agency selling livestock on an agency basis shall be one representing a pledge of fully negotiable bonds of the United States Government: *and provided further*, That with the exception of those bond equivalents which were in effect on September 1, 1957, the only bond equivalent that may be filed or maintained by a market agency engaged in selling livestock on an agency basis shall be one representing a pledge of fully negotiable bonds of the United States Government. The bond of every registrant, acting in the capacity of clearing agency, and thereby being responsible for the financial obligations of other registrants, shall show the name of the person for whom the clearing agency holds itself out to be responsible and whose obligations are covered by the bond. Any person registered as both a market agency selling livestock on an agency basis and as a dealer shall file separate bonds to cover his market agency and dealer operations. The amount of each such bond will be computed on the basis of the volume of business handled by the registrant in each separate capacity.

The purpose of the amendments is to provide an exception in the provisions of the regulations as to those market agencies operating in the capacity specified on September 1, 1957.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 57-9219; Filed, Nov. 5, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 54]

ASSISTANT COMMISSIONER (TECHNICAL) AND DIRECTOR, TAX RULINGS DIVISION

DELEGATION OF AUTHORITY TO ISSUE NOTICES RELATING TO PROHIBITED TRANSACTIONS

Authority is delegated to the Assistant Commissioner (Technical) and the Director, Tax Rulings Division, to notify an organization which is subject to the provisions of section 503 of the Code that it has engaged in a transaction prohibited by section 503 (c).

The Director, Tax Rulings Division, shall exercise this authority under the direction and supervision of the Assistant Commissioner (Technical) who shall have authority to revoke or modify all or any part of the authority delegated to the Director, Tax Rulings Division.

The authority herein delegated may be redelegated by the Assistant Commissioner (Technical) and the Director, Tax Rulings Division.

Issued: October 22, 1957.

Effective: October 22, 1957.

RUSSELL C. HARRINGTON,
Commissioner.

[F. R. Doc. 57-9208; Filed, Nov. 5, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 601, Amdt. 5]

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND COOS BAY WAGON ROAD GRANT LANDS

DECLARATION OF ANNUAL PRODUCTIVE CAPACITY

OCTOBER 30, 1957.

The annual productive capacities of the Master Units composing the Revested Oregon and California Railroad Grant Lands and the Coos Bay Wagon Road Grant Lands in Oregon as declared in Bureau Order No. 601, dated October 25, 1955, are amended as follows:

Master Unit	Annual Productive Capacity, Feet Board Measure
1. Columbia River	36,000,000
2. Clackamas-Molalla	18,000,000
3. Alsea-Rickreall	51,000,000
4. Santiam River	47,000,000
5. Upper Willamette	62,900,000
6. Siuslaw	62,200,000
7. Douglas	112,800,000
8. South Umpqua	25,500,000
9. South Coast	160,100,000
10. Josephine	48,800,000
11. Jackson	54,700,000
12. Klamath	13,200,000
Total	692,200,000

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57-9185; Filed, Nov. 5, 1957; 8:45 a. m.]

CAMDEN BAY AREA, ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Air Force has filed an application, Serial No. Fairbanks 015197, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for Air Force station and facilities.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CAMDEN BAY AREA

Commencing at USC&GS Station "Maybell," latitude 69°58'18.890" North and longitude 144°47'08.962" West; thence N. 12°00' E for a distance of approximately 3,200 feet to a point on the mean high tide line of the Beaufort Sea and being the True Point of Beginning for this description; thence South approximately 2,000 feet; thence West approximately 7,300 feet to a point on the mean high tide line of Simpson Cove; thence following said tide line in a Northerly and Westerly direction for a distance of approximately 7,300 feet to the intersection of the mean high tide line of the Beaufort Sea; thence following said tide line in a Southeasterly direction for a distance of approximately 9,750 feet to the Point of Beginning and containing 456 acres, more or less.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 57-9211; Filed, Nov. 5, 1957; 8:50 a. m.]

BEAUFORT LAGOON AREA, ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Air Force has filed an application, Serial No. Fairbanks 015198, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for Air Force station and facilities.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BEAUFORT LAGOON AREA

Commencing at USC&GS Station "Beaufort," latitude 69°53'01.167" North and longitude 142°16'39.762" West; thence S 82°00' W approximately 5,615 feet to a point on the mean high tide line of Beaufort Sea and being the True Point of Beginning for this description; thence South approximately 2,650 feet to a point; thence East approximately 4,500 feet to a point on the mean high tide line of Beaufort Sea; thence following said tide line in a Northeasterly direction approximately 6,150 feet to a point; thence continuing on said tide line in a Northwesterly direction approximately 5,250 feet to a point; thence continuing along aforesaid tide line in a generally Southwesterly direction approximately 8,500 feet to the Point of Beginning and containing 420 acres, more or less.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 57-9212; Filed, Nov. 5, 1957; 8:50 a. m.]

MIKKELSEN BAY AREA, ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Air Force has filed an application, Serial No. Fairbanks 015199, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for Air Force station and facilities.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MIKKELSEN BAY AREA

Commencing at USC&GS Station "Bullen," latitude 70°10'45.46" North and longitude 146°50'54.67" West; thence S 38°00' W approximately 1,750 feet to a point on the mean high tide line of Mikkelsen Bay and being the True Point of Beginning for this description; thence South approximately 3,800 feet to a point; thence East approximately 5,300 feet to a point; thence North approximately 5,100 feet to a point on the mean high tide line of Beaufort Sea; thence along said tide line in a Northwesterly direction approximately 4,800 feet to a point of intersection with the mean high tide line of Mikkelsen Bay; thence along said Mikkelsen Bay high tide line in a Southwesterly direction approximately 4,600 feet to the Point of Beginning and containing 620 acres, more or less.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 57-9213; Filed, Nov. 5, 1957; 8:51 a. m.]

Fish and Wildlife Service

[Director's Order No. 5]

DESIGNATED OFFICIALS OF THE BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY WITH RESPECT TO MIGRATORY BIRD AND BALD EAGLE PERMITS

OCTOBER 31, 1957.

SECTION 1. *Delegation.* The officers and employees designated in this section are severally authorized, subject to the provisions of section 2 of this order, to act as the authorized representatives of the Secretary of the Interior in the issuance and revocation of permits pursuant to the following provisions of the regulations adopted pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U. S. C. 703), and the Bald Eagle Act of June 8, 1940 (54 Stat. 250; 16 U. S. C. 668).

(a) Permits pursuant to 50 CFR 6.15 for the importation, taking, sale, purchase or other acquisition, and possession of live migratory birds and their

eggs for propagating purposes; for the importation, taking, sale, purchase or other acquisition, and possession of migratory birds, or parts, nests, or eggs thereof for scientific and other limited purposes; for the disposition and transportation of such birds, or parts, nests, or eggs and their increase; and for the mounting or other preparation by a taxidermist of such birds, or parts, nests, or eggs thereof.

(1) *Headquarters Organization.* Assistant Directors and Chief, Division of Wildlife.

(2) *Regional Offices.* Regional Directors and Chiefs, Division of Wildlife, Regions 1 to 5 inclusive, and Regional Director and Assistant Regional Director, Region 6: *Provided,* That no permit may be issued pursuant to this subparagraph for the importation or exportation of migratory birds, or parts, nests, or eggs thereof; nor shall any permit be issued pursuant to this subparagraph to authorize the conduct of activities involving migratory birds, or parts, nests, or eggs thereof in any territory, district or possession of the United States, other than the Territory of Alaska and the District of Columbia.

(b) Permits pursuant to 50 CFR 6.61 to kill, frighten, or otherwise herd migratory birds injuring crops or other property.

(1) *Headquarters Organization.* Assistant Directors and Chief, Division of Wildlife.

(2) *Regional Offices.* Regional Directors and Chiefs, Division of Wildlife, Regions 1 to 5 inclusive, and Regional Director and Assistant Regional Director, Region 6.

(3) *Other Officers.* Game Management Agents and Pilot-Agents: *Provided,* That the authority granted by this subparagraph is limited to the issuance of permits to frighten or otherwise herd (but not to kill) migratory birds injuring crops or other property.

(c) Permits pursuant to 50 CFR 7.1 to capture bald eagles alive or to collect their nests or eggs, or to kill such birds and possess and transport their skins or mounted specimens for scientific or exhibition purposes of public museums, scientific societies, or zoological parks; and permits pursuant to 50 CFR 7.4 to kill bald eagles when necessary to abate serious injury to wildlife or to agricultural or other interests.

(1) *Headquarters Organization.* Assistant Directors and Chief, Division of Wildlife.

(2) *Regional Offices.* Regional Directors and Chiefs, Division of Wildlife, Regions 1 to 5, inclusive.

SEC. 2. *Exercise of authority.* The authority granted by section 1 of this order shall be exercised in accordance with applicable limitations and requirements in the acts and implementing regulations and in accordance with the policies, procedures and controls prescribed in the Manual of Instructions Governing the Issuance of Migratory Bird Permits.

SEC. 3. *Redelegation.* The authority granted by this order may not be redelegated.

(Commissioner's Order No. 4, 22 F. R. 8126)

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-9184; Filed, Nov. 5, 1957; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Athens Garment Co., 208 North Marion Street, Athens, Ala.; effective 10-24-57 to 10-23-58 (work shirts).

Baumel Dress Co., Grant Street and Willow Avenue, Olyphant, Pa.; effective 10-23-57 to 10-22-58 (ladies' and children's dresses).

Bellcraft Manufacturing Co., Mt. Olivet Road, Hartwell, Ga.; effective 10-31-57 to 10-30-58 (sport shirts).

Biflex Bishopville, Inc., Bishopville, S. C.; effective 11-1-57 to 10-31-58 (brassieres, girdles).

Blackwelder Manufacturing Co., Inc., Yadkinville Highway, Mocksville, N. C.; effective 10-25-57 to 10-24-58 (ladies' blouses).

Blue Ridge Shirt Manufacturing Co., Fayetteville, Tenn.; effective 10-25-57 to 10-24-58 (sport shirts).

Cassie Sportswear, Inc., 306-8-10 West Catawissa Street, Nesquehoning, Pa.; effective 10-27-57 to 10-26-58 (ladies' blouses).

Cleardon Manufacturing Co., Inc., Coalport, Pa.; effective 11-1-57 to 10-31-58 (men's and boys' sport shirts).

Eureka Pants Manufacturing Co., Madison Street, Shelbyville, Tenn.; effective 10-27-57 to 10-26-58 (work pants, shirts).

Fly Manufacturing Co., 204 South Main Street, Shelbyville, Tenn.; effective 10-27-57 to 10-26-58 (work pants, overalls).

Harrisburg Children's Dress Co., 14th and Howard Streets, Harrisburg, Pa.; effective 10-26-57 to 10-25-58 (children's and girls' dresses).

Hillsboro Garment Co., Inc., 666 School Street, Hillsboro, Ill.; effective 10-25-57 to 10-24-58 (women's and junior dresses).

Jeth-Roe Manufacturing Co., 600 Boonville Avenue, Springfield, Mo.; effective 10-23-57 to 10-22-58 (men's dress slacks).

W. Koury Co., Inc., 633 Chatham Street, Sanford, N. C.; effective 10-31-57 to 10-30-58 (men's and boys' pants, work and sport shirts).

Lee Mar Shirt Co., Pulaski, Tenn.; effective 10-29-57 to 3-31-58 (boys' sport shirts).

McGregor Doniger, Inc., Ringwood Avenue, Haskell, N. J.; effective 11-1-57 to 10-31-58 (men's and boys' outerwear jackets).

McPenn Corp., Washington and Walnut Streets, Nanticoke, Pa.; effective 11-1-57 to 10-31-58 (men's and boys' sport shirts).

Charles Meyers & Co., First and Harrison Streets, Belleville, Ill.; effective 11-1-57 to 10-31-58 (men's trousers—semi-dress slacks).

Milan Shirt Manufacturing Co., 134 Williamson Street, Milan, Tenn.; effective 11-4-57 to 11-3-58 (work shirts).

Monroe Trouser Manufacturing Co., Inc., Smithville, Miss.; effective 11-1-57 to 10-31-58 (men's and boys' trousers).

Princess Peggy, Inc., 806 North Second Street, Chillicothe, Ill.; effective 10-28-57 to 10-27-58 (women's dresses).

Shamokin Dress Co., 1012 North Shamokin Street, Shamokin, Pa.; effective 10-29-57 to 10-28-58 (women's and misses' dresses).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville, Ind.; effective 10-31-57 to 10-30-58. Workers engaged in the production of men's service uniforms (men's uniforms for use in hotels, etc.)

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville, Ind.; effective 10-31-57 to 10-30-58. Workers engaged in the production of women's service uniforms (women's uniforms for use in hotels, etc.).

Silver Manufacturing Co., 1405 East Columbus Drive, Indiana Harbor, Ind.; effective 11-1-57 to 10-31-58 (men's slacks).

Tuf-Nut Garment Manufacturing Co., 423 East Third Street, Little Rock, Ark.; effective 11-1-57 to 10-31-58 (men's, boys', women's and girls' dungarees).

Wright Garment Co., Bowman, Ga.; effective 11-1-57 to 10-31-58 (men's and boys' cotton pants and men's slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Brooks-Seas Manufacturing Co., 151-3 Park Avenue, Wilkes-Barre, Pa.; effective 11-1-57 to 10-31-58; 10 learners (children's dresses).

Country Cousin Frocks, Inc., 110 Downing Street, Plymouth, Pa.; effective 10-28-57 to 10-27-58; 10 learners (ladies' dresses).

Fawn Grove Manufacturing Co., Inc., Dillsburg, Pa.; effective 10-28-57 to 4-27-58; 10 learners (cotton work clothing).

Gleason Garment Co., Gleason, Tenn.; effective 10-21-57 to 10-20-58; 10 learners (children's sleeping wear).

Hammond Garment Manufacturing Co., Inc., Hammond, La.; effective 10-22-57 to 10-21-58; 10 learners (sport shirts).

Hollywood-Maxwell Co., 2035 Western Avenue, Topeka, Kans.; effective 11-1-57 to 10-31-58; 10 learners (brassieres).

Loften Corp., Greenville, Tenn.; effective 10-25-57 to 3-31-58; 10 learners (dresses).

Shroyer Dress Co., 315 North Water Street, Selinsgrove, Pa.; effective 10-29-57 to 10-28-58; 10 learners (women's and misses' dresses).

Susan Garment, Inc., Berks County, Bethel, Pa.; effective 10-28-57 to 10-27-58; 5 learners (ladies' dusters and blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Woodstock, Va.; effective 10-28-57 to 4-27-58; 50 learners (men's and boys' trousers).

Crisfield Shirt & Pajama Co., Inc., Princess Anne, Md.; effective 10-24-57 to 4-23-58; 15 learners (boys' shirts).

Huntland Manufacturing Corp., Huntland, Tenn.; effective 10-22-57 to 4-21-58; 10 learners (sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

V. Guerrieri Cigar Co., 201 North 26th Street, Tampa, Fla.; effective 10-28-57 to 10-27-58; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of cigar machine operating for a learning period of 320 hours at the rate of 80 cents an hour.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Adams-Millis Corp., 400 English Street, 710 Grimes Street, High Point, N. C.; effective 10-31-57 to 10-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Auburn Hosiery Mills, Inc., Auburn, Ky.; effective 10-31-57 to 10-30-58; 5 learners for normal labor turnover purposes (full-fashioned).

Mary Capana, Inc., 414 Main Street, Nashville, Tenn.; effective 10-28-57 to 4-27-58; 8 learners for plant expansion purposes (full-fashioned, seamless).

Hanover Mills, Inc., 716 South 16th Street, Wilmington, N. C.; effective 10-29-57 to 10-1-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (seamless).

Hanover Mills, Inc., 716 South 16th Street, Wilmington, N. C.; effective 10-29-57 to 4-28-58; 60 learners for plant expansion purposes (seamless).

Wm. G. Leininger Knitting Co., Denver, Pa.; effective 10-23-57 to 10-22-58; 5 learners for normal labor turnover purposes (seamless).

Ridgeview Hosiery Mills Co., Newton, N. C.; effective 10-24-57 to 10-23-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ashland Knitting Mills, Inc., Front and Chestnut Streets, Ashland, Pa.; effective 10-25-57 to 10-24-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear).

Carolina Underwear Co., Inc., Forsyth Division, Thomasville, N. C.; effective 10-31-57 to 10-30-58; 5 learners for normal labor turnover purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (ladies' and children's panties).

Christiana Mills, Inc., Georgetown, Del.; effective 10-29-57 to 4-28-58; 10 learners for plant expansion purposes. Authorized occupations include topping for a learning period of 320 hours (knitted shirts).

Dothan Manufacturing Co., Dothan, Ala.; effective 10-24-57 to 10-23-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's shorts and pajamas).

Taylor Manufacturing Co., Div. of Union Underwear Co., Greensburg Road, Campbellsville, Ky.; effective 10-31-57 to 10-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit underwear).

Van Raalte Co., Inc., Middlebury, Vt.; effective 10-31-57 to 10-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's warp knit underwear and nightwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Richard Paul, Inc., 1600 Newport Pike, Wilmington, Del.; effective 10-28-57 to 4-27-58; authorizing the employment of 6 learners for normal labor turnover purposes, in the occupation of sewing machine operator only for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (peds, shoes, hi foot covers).

Unitog Co., 138 West Pine Street, Warrensburg, Mo.; effective 11-5-57 to 5-4-58; authorizing the employment of 4 learners for normal labor turnover purposes, in the occupations of embroidery machine operators and power sewing machine operators, each for a learning period of 320 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (industrial uniform lettering and alterations).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Beatrice Needle Craft, Inc., Mayaguez, P. R.; effective 10-1-57 to 9-30-58; authorizing the employment of 20 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (brassieres).

Dodge, Inc., of Puerto Rico, Rio Piedras—Trujillo Alto Rd., Km. 1.9, Rio Piedras, P. R.; effective 10-14-57 to 4-13-58; authorizing the employment of 35 learners for plant expansion purposes, in the occupations of hand casters, scrappers, gate cutters, sanders, polishers and lacquerman for a learning period of 176 hours at the rate of 75 cents an hour; and silver and/or gold platers for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (metal sport trophies).

General Electric Instrument Corp., Caguas, P. R.; effective 10-22-57 to 4-21-58; authorizing the employment of 55 learners for plant expansion purposes, in the occupations of subassembly and final assembly of: small panel instruments, exposure meters and small portable instruments for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 78 cents an hour for the remaining 240 hours (electric instruments).

Island Industries, Inc., Catano, P. R.; effective 10-18-57 to 4-17-58; authorizing the employment of 30 learners for plant expansion purposes, in the occupations of looping and machine stitching, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (seamless and full-fashioned girdles).

Island Knitting Mills, Inc., San Lorenzo, P. R.; effective 9-6-57 to 11-1-57; authorizing the employment of 30 learners for plant expansion purposes, in the occupations of hand fashioning knitting machine operator (hand machine collar operator), full-fashion knitter and looper, each for a learning period of 480 hours; and machine stitching and finishing operations involving hand sewing, each for a learning period of 320 hours. Each occupation shall be paid for at the rates of 68 cents an hour for the first half and 80 cents an hour for the remaining half of the respective authorized learning periods (replacement certificate) (full-fashioned men's sportshirts).

St. Regis Paper and Bag Corp. of P. R., Playa Ponce, P. R.; effective 10-11-57 to 7-1-58; authorizing the employment of 5 learners for normal labor turnover purposes, in the occupations of: (1) sewing for a learning period of 240 hours at the rate of 70 cents an hour; and (2) valving and sleeving for a learning period of 160 hours at the rate of 70 cents an hour (replacement certificate) (paper bags).

Superior Rapidcopy Service, 703 Lafayette St., Santurce, P. R.; effective 10-7-57 to 4-6-58; authorizing the employment of 3 learners for plant expansion purposes, in the occupation of whiteprinter and ozalid operator for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (whiteprints and photostats).

Trio Knitting Corp., Coamo, P. R.; effective 9-6-57 to 1-28-58; authorizing the employment of 5 learners for normal labor turnover purposes, in the occupations of knitters and loopers for a learning period of 480 hours; and tackers, seamers and menders for a learning period of 320 hours. Each occupation shall be paid for at the rates of 68 cents an hour for the first half and 80 cents an hour for the remaining half of the respective authorized learning periods (replacement certificate) (full-fashioned sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act has been issued to the firm listed below. Effective and expiration dates, occupations, wage rates, number or proportion of student-workers as learners, and learning periods for the certificate issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Columbia Academy, Battle Ground, Wash.; effective 10-21-57 to 8-31-58; authorizing the

employment of: (1) 3 student-workers in the ridge shingle manufacturing industry in the occupations of woodworking machines operator and related skilled and semi-skilled occupations, each for a learning period of 240 hours; and (2) 3 student-workers in the boat construction industry in the occupations of sawyers, assemblers, finishers and related skilled and semi-skilled occupations, each for a learning period of 400 hours. Each occupation shall be paid for at the rates of 80 cents an hour for the first half and 85 cents an hour for the remaining half of the respective authorized learning periods.

This student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 30th day of October 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-9186; Filed, Nov. 5, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9012]

NORTHWEST PERMANENT STATES-ALASKA CERTIFICATE CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned for November 13, 1957, at 10:00 a. m., e. s. t., in Room 2051, Temporary Building No. 5, 16th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., November 1, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9221; Filed, Nov. 5, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6744]

HOLYOKE WATER POWER CO.

SUPPLEMENTAL NOTICE OF APPLICATION

OCTOBER 31, 1957.

Take notice that on October 17, 1957, Holyoke Water Power Company (Applicant) filed an amendment to its application in the above-entitled matter wherein it seeks authorization, pursuant to section 204 of the Federal Power Act, to issue $37,400,000, principal amount, of First Mortgage Bonds, Series due 1990 to finance a proposed steam-electric generating station of Applicant known as its Mt. Tom Plant. Notice of the application filed April 18, 1957, was heretofore given by publication in the FEDERAL REGISTER on May 1, 1957 (22 F. R. 3090-91).

By the aforesaid amendment, Applicant proposes a reduction in the principal amount of First Mortgage Bonds for which it currently seeks authorization herein to $34,400,000. Also, Applicant transmitted with that amendment, as exhibits to the application herein, the form of Bond Purchase Agreement by means of which it seeks to sell the aforementioned First Mortgage Bonds; the form of Indenture of Mortgage and Deed of Trust pursuant to which aforesaid Bonds would be issued; and the forms of contracts between the Applicant, Holyoke Power and Electric Company, New England Power Company and Western Massachusetts Electric Company, providing for the sale of electric power and energy from Applicant's proposed Mt. Tom steam-electric generating station to the last three mentioned Companies.

In addition, by the aforementioned amendment, Applicant submitted a memorandum in support of the application's request for authorization exempting the issuance of Bonds from the competitive bidding requirements of the Commission's Regulations under the Federal Power Act and a motion for oral argument before the Commission.

The proposed First Mortgage Bonds would bear interest at 5 percent and will be sold to a number of institutional investors in four closings occurring in the calendar years 1958 through 1960; the first closing in the last half of 1958 would cover $10,400,000, principal amount and the three subsequent closings, the last in time occurring in the first half of 1960, would be in the amount of $8,000,000, principal amount each. The prospective purchasers of the Bonds are as follows:

Aetna Life Insurance Company.
Connecticut General Life Insurance Company.
Masachusetts Mutual Life Insurance Company.
New England Mutual Life Insurance Company.
Phoenix Mutual Life Insurance Company.
Connecticut Mutual Life Insurance Company.
State Mutual Life Assurance Company.
Guardian Life Insurance Company.
Home Life Insurance Company.
National Life Insurance Company.
Teachers Insurance and Annuity Association.
Berkshire Life Insurance Company.
Boston Mutual Life Insurance Company.
Monarch Life Insurance Company.
Phoenix Insurance Company.

Applicant's proposed Mt. Tom generating station will be comprised of a 125,000 kilowatt turbo-generator and necessary related facilities to be located at Applicant's Mt. Tom site on the northern border of Holyoke, Massachusetts. Also included within the facilities to be constructed are to be two transmission lines—one a two circuit 115 kv line extending northerly from the plant site approximately six miles to a point at or near Applicant's Prospect substation at Chicopee, Massachusetts—the other a single circuit 69 kv line running northerly from the plant site a distance of approximately one-half mile, connecting with the Western Massachusetts Electric Company.

Any person desiring to be heard or make any protest to the application as amended, should on or before November 19, 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application, as amended, is on file with the Commission and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9205; Filed, Nov. 5, 1957; 8:49 a. m.]

[Docket No. G-10620]

WEST LAKE NATURAL GASOLINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 31, 1957.

Take notice that on June 20, 1956, West Lake Natural Gasoline Company (Applicant), a wholly-owned subsidiary of El Paso Natural Gas Company (El Paso), filed in Docket No. G-10620 an application, as amended, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale of natural gas to El Paso from the outlet of a gasoline plant to be known as the Lake Trammel Plant, in Nolan County, Texas, all as more fully set forth in the application and amendment which are on file with the Commission and open to public inspection.

Applicant filed on behalf of itself as operator of the Lake Trammel Plant and related field facilities, in which Applicant is to hold a 50 percent interest, and on behalf of C. L. Norsworthy, Jr. and J. Simmons, each of whom will hold a 25 percent interest therein. Also listed in the application are the fields in Nolan County and the producers therein which have dedicated gas to the proposed Lake Trammel Plant under percentage type sales contracts.

On June 7, 1957, Applicant and El Paso jointly filed an amendment to Applicant's original application requesting authorization for El Paso to construct (jointly with Norsworthy and the Fagan Trust, successor to Simmons) the Lake Trammel Plant and related field facilities, which Applicant will operate and from which it seeks authority to sell residue gas. El Paso has joined in the amendment to the original application herein, asking authority to acquire Applicant's rights, title and interest in the Lake Trammel Plant and related field facilities, and to construct said plant and facilities which Applicant requests authority to operate and to sell the gas from.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 27, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application:

Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9204; Filed, Nov. 5, 1957; 8:49 a. m.]

[Docket No. G-13511]

CRESCENT OIL AND GAS CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 31, 1957.

Crescent Oil and Gas Corporation (Operator) et al., on October 2, 1957, tendered for filing a proposed change in one of its presently effective rate schedules for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 1, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 2 to Crescent's FPC Gas Rate Schedule No. 1.
Effective date: November 2, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Crescent states, that the contract price as increased is the same price now being paid by Buyer under a new contract in the area and that this increase cannot operate to trigger prices under other contracts and does not create any new price plateau either for Texas Eastern Transmission Corporation or for any other gas purchaser in the contract producing area. Crescent also states that the proposed price is therefore, equal to and not greater than the reasonable market price of gas delivered at the same point of delivery and is the same price being paid by the same interstate purchaser to producers for a common stream of gas of like character and quality at the same point of delivery. Crescent further states that the proposed increase is in all respects just and reasonable, is in the public interest, and should be permitted to become effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9202; Filed, Nov. 5, 1957; 8:49 a. m.]

[Docket No. G-13605]

STANDARD OIL COMPANY OF TEXAS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 31, 1957.

Standard Oil Company of Texas (Standard Oil), on October 4, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 1 to Standard Oil's FPC Gas Rate Schedule No. 27.
Effective date: November 4, 1957 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed periodic rate increase, Standard Oil claims the increase is not a rate change but part of the rate for the life of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Standard Oil's FPC Gas Rate Schedule No. 27 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Standard Oil's FPC Gas Rate Schedule No. 27.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9201; Filed, Nov. 5, 1957; 8:48 a. m.]

[Docket No. G-13609]

HUMBLE OIL & REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 31, 1957.

Humble Oil & Refining Company (Humble), on October 3, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 30, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 35.
Effective date: November 3, 1957 (effective date is the first day after expiration of the required 30 days' notice).

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11317.

In support of the proposed periodic rate increase, Humble states that the proposed rate is reasonable and in line with recently negotiated long term contracts for gas sales in southern Louisiana, and that the principles laid down by the Supreme Court of the United States in United Gas Pipe Line Company v. Mobile Gas Service Corporation forbid the Commission to alter the terms of the contract between parties. Humble also states that the parties agreed upon an average price of not less than 21.18¢ per Mcf delivered over the 19-year period with the average price broken down into increments payable at specified intervals.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 35 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 35.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 3, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9203; Filed, Nov. 5, 1957; 8:49 a. m.]

[Docket No. G-13613]

STANDARD OIL COMPANY OF TEXAS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

OCTOBER 31, 1957.

Standard Oil Company of Texas (Standard Oil), on October 4, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Gas Corporation.
Rate schedule designation: Supplement No. 2 to Standard Oil's FPC Gas Rate Schedule No. 26.
Effective date: November 4, 1957 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed periodic rate increase, Standard Oil merely cites the contractual obligation for the increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Standard Oil's FPC Gas Rate Schedule No. 26 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Standard Oil's FPC Gas Rate Schedule No. 26.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9200; Filed, Nov. 5, 1957; 8:48 a. m.]

[Docket No. G-13617]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 31, 1957.

Sun Oil Company, (Sun), on October 1, 1957, tendered for filing a proposed change in its presently effective rate[1] schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 11, 1957.
Purchaser: Texas Gas Pipe Line Corporation.
Rate schedule designation: Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 42.
Effective date: November 1, 1957 (effective date is the effective date proposed by Sun).

In support of the proposed rate increase, Sun states, that the increased price is provided for in the basic contracts which were negotiated at arm's length and in good faith, and that such price does not exceed the value of gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9198; Filed, Nov. 5, 1957; 8:48 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11288.

[Docket No. G-13618]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 31, 1957.

Sun Oil Company (Sun) on October 1, 1957, tendered for filing a proposed change in its presently effective rate[1] schedule for the sale of natural gas subject to the jurisdiction of the Commission, The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 11, 1957.
Purchaser: Standard Oil Company of Texas.
Rate schedule designation: Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 29.
Effective date: November 1, 1957 (effective date is the effective date proposed by Sun).

In support of the proposed rate increase, Sun states that the increase is a part of the basic contract which was negotiated at arm's length and in good faith, and that such price is not in excess of the value of the gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[1] Present rate previously suspended in Docket No. G-11513 and has not been made effective subject to refund.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9207; Filed, Nov. 5, 1957; 8:49 a. m.]

[Docket No. G-13619]

SUN OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

OCTOBER 31, 1957.

Sun Oil Company (Operator) et al. (Sun), on October 1, 1957, tendered for filing a proposed change in its presently effective rate[1] schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 11, 1957.
Purchaser: Texas Gas Pipe Line Corporation.
Rate schedule designation: Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 41.
Effective date: November 1, 1957 (effective date is the effective date proposed by Sun).

In support of the proposed rate increase, Sun states, that the increased price is provided for in the basic contracts which were negotiated at arm's-length and in good faith, and that such price does not exceed the value of gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11288.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9199; Filed, Nov. 5, 1957; 8:48 a. m.]

[Project No. 2237]

GEORGIA POWER CO.

NOTICE OF APPLICATION FOR LICENSE

OCTOBER 31, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Georgia Power Company (Applicant), of Atlanta, Georgia, for license for water power Project No. 2237 on Chattahoochee River in Fulton and Cobb Counties, near Roswell, Georgia. Applicant proposes to redevelop the existing Morgan Falls Development to reregulate the water releases from Buford Dam in the interest of sanitation for the City of Atlanta. The project would consist of: An existing cyclopean concrete gravity structure with a spillway 680 feet long, a non-overflow section 20 feet long, an intake section 195 feet long, and two short concrete abutment sections; the existing powerhouse with seven 3,300-horsepower horizontal turbines connected to seven 2,400-kilowatt horizontal generators; a substation and switching station; and appurtenant mechanical and electrical equipment. The proposed redevelopment will consist of adding spillway piers to the free crest spillway and installation of 16 8-foot by 40-foot tainter gates which will provide a storage reservoir with an area of 550 acres and a capacity of 3,200 acre-feet of usable storage.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 9, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9206; Filed, Nov. 5, 1957; 8:49 a. m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

PROCLAMATION OF BALANCE IN U. S. TREASURY

In pursuance of the requirement contained in section 8 (a) of the Railroad Unemployment Insurance Act, as amend-

ed, 62 Stat. 577 (45 U. S. C. 1952 ed., § 358 (a)), the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1957, was $288,684,577.87.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 30th day of October 1957.

[SEAL] HOWARD W. HABERMEYER, *Chairman.*
HORACE W. HARPER, *Member.*
THOMAS M. HEALY, *Member.*

By the Railroad Retirement Board:

MARY B. LINKINS, *Secretary of the Board.*

[F. R. Doc. 57-9188; Filed, Nov. 5, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2442]

RANCHO CLUB CABAZON CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 31, 1957.

I. Rancho Club Cabazon Corporation, a Nevada corporation, 309 South Third Street, Las Vegas, Nevada, filed with the Commission on September 13, 1957, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of its $1.00 par value common stock at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. A. The Commission has reasonable grounds to believe that the conditional exemption provided by Regulation A is not available for the securities purported to be offered hereunder in that:

1. The issuer is an investment company as defined by section 3 (a) (3) of the Investment Company Act of 1940 and an exemption under Regulation A is not available pursuant to Rule 252 (b) (4) thereof, and

2. Securities are being offered for the account of persons other than the issuer and an exemption under Regulation A is not available pursuant to Rule 253 (d) thereof.

B. Notwithstanding the foregoing, the Commission has reasonable cause to believe that the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to indicate the cost to the promoters of their interests in the issuer and in the partnership, B J & Company,

2. The failure to set forth clearly the nature of the interests of the promoters in the issuer, the K G Corporation, and the partnership,

3. The failure to set forth clearly the history, interests and purposes of the partnership,

4. The statements in the offering circular which purport to estimate and project the profit of the enterprise,

5. The failure to state that substantially all of the profits arising out of the enterprise will inure to the benefit of the promoters while substantially all of the capital will have been contributed by the public,

6. The failure to include the financial operating history, if any, of the partnership including information as to its income and expenses,

7. The failure to include a statement of the partnership's assets and liabilities in which the issuer proposes to acquire a 21 percent interest, and

8. The failure to disclose in the financial statements of the issuer that the interest in the partnership is stated at an amount representing the par value of promotional shares, issued pursuant to the contingent contract, and the par value of additional stock to be issued to the promoters and cash to be paid from the proceeds of the proposed offering.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days herefrom; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9189; Filed, Nov. 5, 1957; 8:46 a. m.]

[File No. 70-3597]

WEST PENN RAILWAYS CO. AND WEST PENN ELECTRIC CO.

SUPPLEMENTAL ORDER

OCTOBER 29, 1957.

The Commission having, on June 21, 1957 issued an order (Holding Company Act Release No. 13506) approving the distribution by West Penn Railways Company ("Railways") of $1,100,000 cash to its sole stockholder, The West Penn Electric Company ("Electric") as a partial liquidating dividend, and the utilization by Electric of $766,317 (on deposit with the Trustee of Railways' bonds) of the $1,100,000 to purchase for retirement Railways' bonds, in the open market or at private sale, at current prices, through requests for tenders or otherwise, as determined by the Trustee and Electric, subject to the limitation that no purchases were to be made at a price which would result in a yield higher than 4.15 percent; and

Railways and Electric having requested, that in lieu of the price limitation heretofore approved, they be authorized to purchase the bonds at prices no higher than 102½ percent and no lower than 100 percent of the principal amount of the bonds purchased, plus accrued interest to the date of purchase, for the reason that the original limitation on the price (not less than 102⅜) to be paid appears to have become unrealistic as a result of the changes which have occurred in general market conditions since the original application-declaration was filed; and

The Commission deeming it appropriate in the public interest and in the interest of investors to grant the request;

It is ordered, That the order of June 21, 1957 be, and it hereby is, modified to provide that no purchases of Railways' bonds shall be made at a price higher than 102½ percent or lower than 100 percent of the principal amount of the bonds purchased, plus accrued interest to the date of purchase, that in all other respects the order of June 21, 1957 shall remain in full force and effect, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9190; Filed, Nov. 5, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 189]

MOTOR CARRIER APPLICATIONS

NOVEMBER 1, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATION ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 591 (Sub No. 8), filed October 23, 1957, LINCOLN DIXIE FREIGHT LINES, INC., P. O. Box 191, Bettendorf, Iowa. Applicant's Attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 2894 (Sub No. 16), filed October 23, 1957, RED STAR TRANSIT COMPANY, INC., 7950 Dix Avenue, Detroit, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 3379 (Sub No. 37), filed October 25, 1957, SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio. Applicant's attorney: Homer S. Carpenter, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier,* over a regular and an alternate route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined in 17 M. C. C. 467, and commodities requiring special equipment, (1) from junction of U. S. Highway 50 and Virginia Highway 17 at or near Paris, Va., over Virginia Highway 17 to junction of Virginia Highways 17 and 245, and return over the same route, serving no intermediate points but serving both terminal points for purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Akron, Ohio, and Norfolk, Va.; and (2) from junction of U. S. Highway 11 and U. S. Highway 60 at or near Lexington, Va., over U. S. Highway 60 to junction with U. S. Highway 501 at or near Buena Vista, Va., thence over U. S. Highway 501 to its junction with Virginia Highway 130, thence over Virginia Highway 130 to its junction with U. S. Highway 29, thence over U. S. Highway 29 to Lynchburg, Va., and return over the same route, serving the intermediate point of Glasgow, Va. Applicant is authorized to transport the commodities specified in Maryland, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant presently holds authority to serve Glasgow, Va., as an off-route point. Glasgow is located on proposed route (2). Therefore, applicant seeks authority to serve Glasgow as an intermediate point on the proposed route and states it will be agreeable to cancellation of its present authority to serve Glasgow as an off-route point.

HEARING: December 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 108.

No. MC 4804 (Sub No. 7), filed October 22, 1957, THE LIBERTY HIGHWAY COMPANY, a Corporation, 1100 King Avenue, Columbus, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier,* transporting: *General commodities,* except Class A and B explosives and household goods as defined by the Commission, from and to the site of The Hotpoint Company plant located in Cook County, Ill., approximately 2 miles west of the Chicago, Ill., Commercial Zone, bounded on the south by Devon Avenue, on the west by Tonne Road, on the north by Landmeir Road and on the east by Busse Road, as an off-route point in connection with applicant's authorized regular route operations from and to Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 11107 (Sub No. 8), filed October 18, 1957, ORVILLE K. McCLEARY, Stewartstown, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. For authority to operate as a *common carrier,* over irregular routes, transporting: *Limestone,* in bulk, from Thomasville, York County, Pa., and points within a radius of 5 miles thereof to points in Maryland, Delaware, and New Jersey, and *empty containers or other such incidental facilities* (not specified) used in transporting limestone on return. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New Jersey, New York, Delaware, Virginia, and the District of Columbia.

NOTE: Applicant states following: Applicant is authorized to transport from the origin territory to the destination territory described above agricultural limestone. The restriction imposed, limiting applicant's authority to serve only those engaged in agricultural pursuits, hampers not only the applicant but the shipper. The same limestone moving from the same point of origin to the same destination territory is also utilized by commercial accounts as a component part of a manufacturing process. It is utterly unreasonable to authorize limestone into an area serving only farmers and those selling to farmers and not be able to deliver the same product to other customers, therefore, this application does not involve an extension of commodity rights or territorial authority, and applicant will, if this application is granted, surrender his present authority authorizing the transportation of agricultural limestone in bulk.

HEARING: December 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

No. MC 28439 (Sub No. 78), filed October 18, 1957, DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Agricultural implements, agricultural machinery, incidental agricultural implements and agricultural machinery parts and accessories,* and *materials and supplies used in the manufacture of agricultural implements and machinery,* between points in Lancaster and Juniata Counties, Pa., on the one hand, and, on the other, points in the United States, including the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

NOTE: Duplication with present authority to be eliminated.

HEARING: December 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 28439 (Sub No. 79), filed October 24, 1957, DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Agricultural implements, agricultural machinery, agricultural implements and machinery attachments and parts,* and *materials* used in the manufacture of agricultural implements and machinery, between Shortsville, N. Y., and points within five (5) miles thereof, on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 28439 (Sub No. 80), filed October 24, 1957, DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Gas cylinders, containers, systems, parts and attachments,* between Downingtown, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Iowa, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 28439 (Sub No. 81), filed Oct

No. MC 28439 (Sub No. 81), filed October 24, 1957, DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tractors* (not including truck tractors), *incidental machinery, attachments and parts* when moving with such tractors, and *trailers* (except those designed to be pulled by passenger automobiles), between Churubusco, Ind., and points within five (5) miles thereof, on the one hand, and, on the other, points in the United States except those in Minnesota, North Dakota, Montana, Idaho, Washington, and Oregon. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states this application covers the same territory as authorized in Certificate MC 28439 (Sub No. 64) and that no new territory is involved.

HEARING: December 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 28813 (Sub No. 20), filed October 25, 1957, MOTOR EXPRESS, INC. OF INDIANA, 701 Illinois Building, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, small arms ammunition, currency, bullion, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and all other commodities expressly prohibited by law, serving the site of the plant of the Hotpoint Company, in Cook County, Ill., situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, (approximately two miles west of the boundary of the Chicago, Ill., Commercial Zone), as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct similar operations in Illinois, Indiana, Ohio, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 30657 (Sub No. 10), filed October 24, 1957, DIXIE HAULING COMPANY, a Corporation, 717 Memorial Drive SE., Atlanta 16, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Galvanized garbage cans, tubs, pails, empty oil containers* and *ironing tables*, (1) from Lebanon, Ind., to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, and (2) between Lebanon, Ind., and Atlanta, Ga. Applicant is authorized to transport similar commodities in Arkansas, Georgia, Louisiana, North Carolina, Oklahoma, South Carolina, and Texas.

HEARING: December 11, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 33641 (Sub No. 32), filed October 29, 1957, INTERSTATE MOTOR LINES, INC., 235 West Third South Street, Salt Lake City, Utah. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 36436 (Sub No. 28), filed October 25, 1957, HOWARD MOLAND, CLARENCE MOLAND, LOTHARD MOLAND, and H. T. MOLAND, a Partnership, doing business as MOLAND BROS. TRUCKING COMPANY, 2502 West Huron Street, Duluth, Minn. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route points in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 36832 (Sub No. 10), filed October 17, 1957, AMERICAN TRANSIT LINES, INCORPORATED, 4525 West Adams Street, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and those requiring special equipment, between the site of the Hotpoint Company plant located in Cook County, Ill., situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, approximately 2 miles west of the boundary of the Chicago, Ill., Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 42380 (Sub No. 22), filed October 30, 1957, MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 2280 Ellis Avenue, St. Paul, Minn. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 44447 (Sub No. 13), filed October 22, 1957, SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 LeVeque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, serving the site of The Hotpoint Company plant located in Cook County, Ill., approximately two miles west of the Chicago, Ill., Commercial Zone, and bounded on the south by Devon Avenue, on the west by Tonne Road, on the north by Landmeir Road, and on the east by Busse Road, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South

Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 53980 (Sub No. 21), filed October 28, 1957, DES MOINES TRANSPORTATION COMPANY, INC., 201 Southeast Sixth Street, Des Moines, Iowa. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route opreations to and from the Chicago, Ill., Commercial Zone. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Minnesota, and Nebraska.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 72140 (Sub No. 38), filed October 28, 1957, SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. Applicant's attorney: Alfred L. Roth, 188 West Randolph Street, Chicago 1, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant, located at or near Elk Grove, Ill., approximately two (2) miles west of the Chicago, Ill., Commercial Zone as defined by the Commission, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 72262 (Sub No. 6), filed October 28, 1957, BURNSIDE MOTOR FREIGHT LINES, INC., 1121 North Main, Urbana, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new Hotpoint Company plant, in Cook County, Ill., west of the Chicago, Ill., Commercial Zone as defined by the Commission, between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Zanesville and Dayton, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 83864 (Sub No. 9), filed October 28, 1957, SECURITY CARTAGE COMPANY, INC., 1326 Polk Street, Fort Wayne, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant in Cook County, Ill., situated between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east (approximately two (2) miles west of the boundary of the Chicago, Ill., Commercial Zone, as defined by the Commission), as an off-route point in connection with applicant's authorized regular route operations (1) between Fort Wayne, Ind., and Chicago, Ill., and (2) between Columbus, Ohio, and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

HEARING: November 15, 1957, in Room 852, U. S. Cusom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 97699 (Sub No. 7), filed October 26, 1957, BARBER TRANSPORTATION CO., a Corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, at Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Minnesota, Nebraska, and South Dakota.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 106456 (Sub No. 21), filed October 21, 1957, SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Fesslers Lane, Nashville, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, inflammable articles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 107403 (Sub No. 246), filed October 21, 1957, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum coke* (dry fluid coke), in bulk, in hopper vehicles, from Delaware City, Del., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to transport petroleum products in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: December 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 108859 (Sub No. 27), filed October 28, 1957, CLAIRMONT TRANSFER CO., a Corporation, 1803 Seventh Avenue North, Escanaba, Mich. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except liquids in bulk, livestock, Class A and B explosives, inflammables, and articles of unusual value or size, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., approximately two miles beyond the Chicago, Ill., Commercial Zone, as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct similar operations in Illinois, Indiana, Michigan, and Wisconsin.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 109538 (Sub No. 10), filed October 23, 1957, CHIPPEWA MOTOR FREIGHT, INC., 623 17th Avenue, Bloomer, Wis. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the

north, and Busse Road on the east, in

north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 109637 (Sub No. 57), filed October 17, 1957, GASOLINE TRANSPORT CO., a corporation, 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid detergents*, in bulk, in tank vehicles, from Calvert City, Ky., and points within five miles thereof, to points in South Carolina. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: December 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

No. MC 110325 (Sub No. 16), filed October 28, 1957, TRANSCON LINES, a Corporation, 1206 South Maple Avenue, Los Angeles 15, Calif. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, at Elk Grove, Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 110698 (Sub No. 88), filed October 24, 1957, MILLER MOTOR LINE OF NORTH CAROLINA, INC., (J. ARCHIE CANNON, JR., SUCCESSOR, TRUSTEE), P. O. Box 457, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid lard*, in bulk, in tank vehicles, from Baltimore, Md., to Courtland, Va. Applicant is authorized to transport the commodity specified in Georgia, Maryland, North Carolina, South Carolina, Tennessee, and Virginia, and similar commodities in those states and the states of Alabama, Arkansas, Delaware, Florida, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas, West Virginia, and the District of Columbia.

HEARING: December 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 111557 (Sub No. 21), filed October 25, 1957, KARL E. MOMSEN, doing business as MOMSEN TRUCKING COMPANY, Route 71 and 18 North, Spencer, Iowa. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobile parts, supplies, and accessories, refrigerators, paints*, and *such merchandise* as is dealt in by wholesale and retail hardware business houses, between the site of the Hotpoint Company plant in Cook County, Ill., located between Devon Avenue on the south, Tonne Road on west, Landmeir Road on the north, and Busse Road on the east, and Chicago, Ill. Applicant is authorized to transport similar commodities in Illinois, Iowa, and Nebraska.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 112893 (Sub No. 8), filed October 10, 1957, BULK TRANSPORT COMPANY, a Corporation, Calumet Street, Box 391, Burlington, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude extract* (containing Vitamin B), in bulk, in tank vehicles, from Milwaukee, Wis., to Bradley, Ill. Applicant is authorized to transport other commodities in Illinois, Indiana, and Wisconsin.

HEARING: December 11, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 116982, filed October 7, 1957, WILLARD FUCHS AND LE ROY FUCHS, doing business as FUCHS BROTHERS, 306 Water Street, Sauk City, Wis. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building materials*, as defined by the Commission, from Mazomanie, Wis., to points in Illinois; and *Fertilizer*, in bags and in bulk, from Fulton, Ill., to points in Richland, Sauk, Dane, Green, Columbia, and Dodge Counties, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

HEARING: December 11, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 116986, filed October 11, 1957, C. W. WHITE, 121 South West Main, Dexter, Mo. Applicant's attorney: Claude Arnold, 203–205 Semo Mutual Fire Insurance Building, Dexter, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Feed, fertilizer* and *livestock*, between Dexter, Mo., and St. Louis, Mo. and East St. Louis, Ill., from Dexter over Missouri Highway 25 to Jackson, Mo., thence over U. S. Highway 61 to Perryville, Mo., thence over Missouri Highway 51 to Chester, Ill., thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to junction with U. S. Highway 40, and thence over U. S. Highway 40 to East St. Louis, Ill., and St. Louis, Mo., and return over the same route, serving no intermediate or off-route points.

HEARING: December 13, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 116993, filed October 21, 1957, CITY HAUL, INC., Smith and Augusta Streets, Cincinnati 2, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Motors, engines, tools, machinery, equipment, materials and supplies*, with or without guards or attendants to accompany the shipments, moving in express service as defined in *Transportation Activities of Arrowhead Freight Lines, Ltd.*, 63 M. C. C. 573, under security regulations of the United States Government, in vehicles dedicated to the shipper's use under a continuing contract with General Electric Company, between Evendale, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Illinois, and Massachusetts.

HEARING: December 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James C. Cheseldine.

No. MC 116996, filed October 21, 1957, B & B CARRIERS, INC., 116 East Lincoln Highway, Coatesville, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Crushed stone*, from Compassville, Lancaster County, Pa., and *crushed slag* and *bituminous concrete*, from South Coatesville, Pa., to points in Delaware, those in New Jersey south of New Jersey Highway 33, those in Maryland north of Baltimore, and east of U. S. Highway 111, including those on the Delmarva Peninsula, and *sand* from points in the above described destination area to South Coatesville, Pa.

HEARING: December 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

No. MC 117008, filed October 25, 1957, B. J. ROBERTS, South Potomac and 10th Streets, Waynesboro, Pa. Applicant's Attorney: LeRoy S. Maxwell, Wayne Building, Waynesboro, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Super phosphate, sulphate, component parts* for fertilizers, and *manufactured fertilizer*, in bulk and in containers, and *empty containers or other such incidental facilities* used in transporting the commodities specified, (1) between Baltimore, Md. and Gettysburg (Adams County), Pa., (2) between Baltimore, Md., and Everett (Bedford County), Pa., (3) between Hagerstown, Md., and Everett (Bedford County), Pa., and (4) between Hagerstown, Md., and Gettysburg (Adams County), Pa.

HEARING: December 11, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

MOTOR CARRIERS OF PASSENGERS

No. MC 116496 (Sub No. 1), filed October 15, 1957, RAYMOND WARRENNER, doing business as BLUE LINE SIGHTSEEING CO., 2400 New York Avenue NE., Washington, D. C, Applicant's attorney: Warren Woods, 716 Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, between Washington, D. C., Alexandria, Va., and points in Arlington and Fairfax Counties, Va., and those in Maryland.

HEARING: December 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

REPUBLICATIONS

This is a second publication which covers an order of the Commission, Division 1, (1) reopening of the three applications listed below, (2) making a finding of public convenience and necessity, (3) providing for notice of the change of finding by publication in the FEDERAL REGISTER, and (4) providing for issuance of a certificate 30 days from the date of this publication, under certain conditions.

No. MC 115972 (Sub No. 2), CALUMET DISPOSAL COMPANY, INC., 7225 McLaughlin Avenue, Hammond, Ind.

No. MC 115984 (Sub No. 2), MILTON T. SELMAN, R. R. 5, Valparaiso, Ind.

No. MC 115985 (Sub No. 2), MITCHELL MALINOWSKI, Route 2, Wheatfield, Ind.

George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill., represents all three applicants.

The Form BMC 78 applications here at issue were filed, one on July 7, 1956, and the other two on July 9, 1956, and notice of such filings were published in the FEDERAL REGISTER of July 25, 1956. As originally published the operations proposed covered the transportation over irregular routes, as *CONTRACT* carriers, of *Dairy products, yogurt* and *fruit juices*, in refrigerated equipment, from the site of the Borden Company Plant, Hammond, Ind. One of the applicants proposed to serve the destination points of Lakeside and Niles, Mich., the other two, points in Illinois on and north of U. S. Highway 50, all three applicants proposed to transport empty containers on return.

An order of the Commission, Division 1, dated October 23, 1957, provides (1) that the order of the Commission dated April 5, 1957 which granted applicants certain authority to operate in interstate or foreign commerce be vacated and set aside and the proceedings be reopened for consideration on the present records, and (2) finds that the present and future public convenience and necessity require operation by applicants in Nos. MC 115972 (Sub No. 2) and MC 115985 (Sub No. 2) as *COMMON* carriers by motor vehicle, in interstate and foreign commerce, over irregular routes, of *Dairy products*, as described in part B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, and *yogurt* and *fruit juices*, from the site of the Borden Company at or near Hammond, Ind., to points in Illinois on and north of U. S. Highway 50, and *empty containers* used in transporting the commodities specified on return; and by applicant in No. MC 115984 (Sub No. 2) as a *COMMON* carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *Dairy products*, as described in part B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, and *yogurt* and *fruit juices*, from the plant site of the Borden Company at or near Hammond, Ind., to Lakeside and Niles, Mich., and *empty containers* or other such incidental facilities used in transporting the commodities specified, on return, and (3) this publication serves as notice of the reopening of the above-entitled proceedings and the change of findings, and the grants of authority to the above-named applicants to operate, in interstate or foreign commerce, as *COMMON* carriers by motor vehicle, and (4) that appropriate certificates will be issued authorizing applicants to perform the service covered by the findings of Division 1, after the lapse of 30 days from the date of this republication, provided that no protests or other petitions for appropriate relief are received during that period.

No. MC 116467 (Republication), filed February 25, 1957, MOFFATT TRUCKING LIMITED, a corporation, 816 Cabell Street, London, Ontario, Canada. Applicant's representative: Raymond A. Richards, 13 Lapham Park, P. O. Box 25, Webster, N. Y. This is a second notice of an application which as originally filed incorrectly described the territory proposed to be served. As originally noticed in the FEDERAL REGISTER authority was sought to operate as a *common carrier*, over a regular route, transporting: *Wood barrel staves and heading*, between Kittanning and Butler, Pa., and the United States-Canada International Boundary line at Buffalo, N. Y., from Kittanning and Butler, Pa., over U. S. Highway 422 to junction U. S. Highway 19, thence over U. S. Highway 19 to junction Pennsylvania Highway 102, thence over Pennsylvania Highway 102 to junction Pennsylvania Highway 98, thence over Pennsylvania Highway 98 to junction Pennsylvania Highway 5, thence over Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence over New York Highway 5 to the United States-Canada International Boundary line at Buffalo, and return over the same route, serving no intermediate points. The application was the subject of a hearing and a report and order of the Commission, Division 1, served October 30, 1957, which in effect allows amendment of the application and authorizes operation by applicant as a common carrier by motor vehicle, in foreign commerce, of *wood barrel staves and headings*, from the sites of the mills of Perry & Megler Company *located approximately 7 miles* from Kittanning and Butler, Pa., to the international boundary of the United States and Canada at Buffalo, N. Y., over *irregular routes*. An appropriate certificate will be issued authorizing applicant to perform the service covered by the findings of Division 1, after the lapse of 30 days from the date of this republication, provided that no petitions for further hearing are received during that period.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub No. 87), filed October 28, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street (P. O. Box 4054), Houston, Tex. Applicant's attorney: Edwin N. Bell, Southern Pacific Lines in Texas and Louisiana, Texas and New Orleans Railroad Company, Esperson Building, Houston 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, including *commodities having a prior or subsequent movement by air*, but excluding those of unusual value, Class A and B explosives, household goods as defined by 17 M. C. C. 467, commodities in bulk and those requiring special equipment, between Lake Arthur, La., and Jennings, La., over Louisiana Highway 26, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Lake Charles and Lake Arthur, La., and between Burke and Lake Charles, La.

No. MC 50069 (Sub No. 190), filed October 28, 1957, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Wakarusa, Ind., and points within five miles thereof, to points in Michigan.

No. MC 61403 (Sub No. 21), filed October 22, 1957, ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Kingsport, Tenn., to Davenport, Iowa. Applicant is authorized to conduct operations in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas, Missouri, Arkansas, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, and Tennessee.

No. MC 101126 (Sub No. 83), filed October 18, 1957, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal and vegetable fatty acids, resin plasticizers* and *animal grease*, in bulk,

in insulated, stainless steel tank vehicles,

No. MC–F 6741. Authority sought for

in insulated, stainless steel tank vehicles, from St. Bernard, Ohio to Valley Park, Mo. Applicant is authorized to conduct similar operations in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin.

No. MC 107403 (Sub No. 247), filed October 21, 1957. E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cutting liquid*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Detroit, Mich. Applicant is authorized to transport petroleum products in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 107403 (Sub No. 249), filed October 29, 1957, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from points in Licking County, Ohio, to points in Genesee, Ingham, Oakland and Wayne Counties, Mich. Applicant is authorized to transport petroleum and petroleum products (including asphalt), in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 114046 (Sub No. 4), filed October 14, 1957, LEONARD WEST, 308 Wolcott, Iron Mountain, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, and *empty malt beverage containers*, between St. Paul, Minn., on the one hand, and, on the other, Ahmeek and Ontonagon, Mich. Applicant is authorized to conduct operations in Illinois, Michigan, Missouri, and Wsiconsin.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6701, published in the October 2, 1957, issue of the FEDERAL REGISTER on page 7827. Supplemental application filed October 25, 1957, to show joinder of HOWARD YOUREE, HOWARD YOUREE, JR., and CHARLES YOUREE, all of 905 Mile End Avenue, Nashville, Tenn., and MRS. ARREE YOUREE, 4020 Granny White Park, Nashville, Tenn., as the persons in control of vendee.

No. MC–F 6741. Authority sought for control and merger by YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City 8, Mo., of the operating rights and property of INLAND MOTOR FREIGHT LINES, INC., 1225 Caldwell Street, Corpus Christi, Tex., and for acquisition by GEORGE E. POWELL and GEORGE E. POWELL, JR., both of Kansas City, and HUGH W. COBURN, 2519 West 64th Street, Overland Park, Kans., of control of such rights and property through the transaction. Applicants' attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes between Houston, Tex., and Cuero, Tex., between Cuero, Tex., and Gonzales and Kenedy, Tex., between Victoria, Tex., and Port Lavaca, Seadrift and Sinton, Tex., between Luling, Tex., and Austin and San Marcos, Tex., between Lockhart, Tex., and Martindale, Tex., between San Antonio, Tex., and Austin, Corpus Christi and Pharr, Tex., between Corpus Christi, Tex., and Aransas Pass, Sinton, Hebronville and Falfurrias, Tex., between Mission, Tex., and Brownsville, Tex., between San Manuel, Tex., and Harlingen, Tex., and between Harlingen, Tex., and the U. S. Air Corps Gunnery School, near Rio Hondo, Tex., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between Riviera, Tex., and Raymondsville, Tex., and between Edinburg, Tex., and Mission, Tex., serving certain intermediate and off-route points. YELLOW TRANSIT FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6742. Authority sought for merger by DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver 16, Colo., of the operating rights and property of R. B. "DICK" WILSON, INC., East 59th and Highway 6, P. O. Box 838, Denver, Colo., and for acquisition by GEORGE J. KOLOWICH, JR., of Denver, Colo., and RAYMUND F. KOLOWICH AND JOHN C. FINAN, co-executors of the estate of GEORGE J. KOLOWICH, both of 1100 Griswold Building, Detroit, Mich., and DETROIT AND CLEVELAND NAVIGATION COMPANY AND GRISWOLD BUILDING, INC., both of Detroit, Mich., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be merged: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over regular routes, from Casper and Sinclair, Wyo., and the Texas Company refinery near Casper to certain points in Colorado, serving certain intermediate and off-route points; *liquid petroleum products*, from Eldorado, Kans., to Fort Collins and Greeley, Colo., from Casper, Wyo., to Denver, Colo., from Denver, Colo., to Laramie, Wyo., from Denver, Colo., to Evergreen, Colo., serving certain intermediate points; *petroleum products*, in bulk, in tank vehicles, over regular and irregular routes, from Sinclair, Wyo., and the Texas Company refinery near Casper, Wyo., to certain points in Colorado, and from certain points in Colorado to certain points in Colorado; *crude oil, petroleum products, anhydrous ammonia, petroleum, molasses, vegetable oils*, in bulk, in tank vehicles, and *concrete aggregates*, over irregular routes, from to or between points and areas varying with the commodity transported in Wyoming, Colorado, Nebraska, South Dakota, Kansas, Utah, Idaho, Texas and Missouri. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, New Jersey, Ohio, Indiana, Michigan, Illinois, Missouri, Iowa, Nebraska, Kansas, Oklahoma, Texas, Utah, Idaho, Oregon, Washington, California, Arizona, and Colorado. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6743. Authority sought for purchase by OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Green Bay, Wis., of a portion of the operating rights and property of GROVER J. LEWIS, doing business as L & L TRUCKING SERVICE, 501 Ludington Street, Escanaba, Mich., and for acquisition by H. J. OLSON also of Green Bay, Wis., of control of such rights and property through the purchase. Applicants' attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be purchased: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Green Bay, Wis., and Munsing, Mich., and between specified Michigan points, serving certain intermediate and off-route points; alternate route for operating convenience only between Iron Mountain, Mich., and Abrams, Wis. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Indiana, and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6744. Authority sought for purchase by EAST SIDE VAN & STORAGE CO., 1420 Southeast 37th Avenue, Portland 15, Oreg., of the operating rights and property of ROY E. SPENCER, doing business as EAST SIDE VAN & STORAGE COMPANY, 1420 Southeast 37th Avenue, Portland 15, Oreg., and for acquisition by STANLEY MALINSKY AND N. W. LEWIS, both of 1438 Northwest Hoyt Street, Portland 9, Oreg., and LAVERNE S. TUFFORD, 1420 Southeast 37th Avenue, Portland 15, Oreg., of control of such rights and property through the purchase. Applicants' attorney: Earle V. White, 1404 Northwest 15th Avenue, Portland 9, Oreg. Operating rights sought to be purchased: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Portland, Oreg., and *household goods*, as defined by the Commission, over irregular routes, between Portland, Oreg., on the one hand, and, on the other, points in Oregon and Washington. Vendee holds no authority from this Commission, but N. W. Lewis and Stanley Malinsky are majority stockholders in Olsen Roe Transfer Company, Portland, Oreg., which is authorized to operate as a *common carrier* in Oregon and Washington. Application has not been filed for temporary authority under section 210a (b).

No. MC–6745. Authority sought for purchase by ALLIED VAN LINES, INC., P. O. Box 527, 25th Avenue and Roosevelt Road, Broadview, Ill., of a portion of the operating rights of EARL W. CURRY, doing business as CURRY TRANSFER & STORAGE CO., 323 Ann Street, Parkersburg, W. Va. Applicants' attorney: John R. Turney, 2001 Massachusetts Avenue NW., Washington, D. C. Operating rights sought to be purchased: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Parkersburg, W. Va., and points in West Virginia within 10 miles of Parkersburg, on the one hand, and, on the other, points in Ohio and Pennsylvania. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6746. Authority sought for purchase by DANCE FREIGHT LINES, INC., 728 Nashville Avenue, Lexington, Ky., of the operating rights of TEXTILE WAREHOUSE CO., INC., 511 Rhett Street, Greenville, S. C., and for acquisition by R. L. DANCE, also of Lexington, Ky., of control of such rights through the purchase. Applicants' attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Operating rights sought to be purchased: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Greenville, S. C., on the one hand, and, on the other, points in Georgia, North Carolina and South Carolina within 100 miles of Greenville. Vendee is authorized to operate as a *common carrier* in Georgia, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F 6747. Authority sought for purchase by LEONARD BROS. MOTOR EXPRESS SERVICE, INC., 124 North Washington Street, Greensburg, Pa., of a portion of the operating rights of KEYSTONE MOTOR EXPRESS, INC., 2412 Collis Avenue, P. O. Box 5497, Huntington, W. Va., and for acquisition by MARTHA J. LEONARD, 118 Clopper Avenue, MILDRED McCLELLAN, Rohrer Apartments, No. 1–F, and WALTER E. LEONARD and GILDA LEONARD, 500 Harvey Way, all of Greensburg, Pa., of control of such rights through the purchase. Applicants' attorneys: Noel F. George, 44 East Broad Street, Columbus 15, Ohio, and William E. Parsons, 529 Ninth Street, Huntington, W. Va. Operating rights sought to be purchased: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a *common carrier*, over a regular route, between Pittsburgh, Pa., and Cleveland, Ohio, serving points in Pennsylvania within 30 miles of Pittsburgh, and all intermediate points between Steubenville, Ohio, and Cleveland, Ohio. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Connecticut, New Jersey, and Maryland. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6748. Authority sought for purchase by DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich., of a portion of the operating rights of BELL MOTOR FREIGHT, INC., 1216 Fourth Street, Kalamazoo, Mich., and for acquisition by BERT GLUPKER also of Grand Rapids, Mich., of control of such rights through the purchase. Applicants' attorneys: Arthur P. Boynton and Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Operating rights sought to be purchased: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and Grand Rapids, Mich., serving all intermediate points and the off-route point of Fennville, Mich., and between Grand Rapids, Mich., and Benton Harbor, Mich., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, Ohio, Wisconsin, Iowa, Missouri, West Virginia and Kentucky. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–9197; Filed, Nov. 5, 1957; 8:48 a. m.]

[Notice 15]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 1, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–43475 (Deviation No. 1), GLENDENNING MOTORWAYS, INC., 820 Hampden Avenue, St. Paul, Minn., filed October 28, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between La Crosse, Wis. and Middleton, Wis., as follows: between La Crosse and Middleton, Wis., over U. S. Highway 14, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over U. S. Highways 16 and 12 between La Crosse, Wis., and Middleton, Wis.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–9196; Filed, Nov. 5, 1957; 8:47 a. m.]

[32270]

TEXAS

INTRASTATE FREIGHT RATES AND CHARGES

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 24th day of October A. D. 1957.

It appearing, that in the Ex Parte proceedings listed in the Appendix hereto, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that a petition, dated September 9, 1957, has been filed on behalf of certain common carriers by railroad operating to, from and between points in the State of Texas, named in Appendix A to the petition, averring that the Railroad Commission of Texas by its orders in Docket Nos. 9817–R and 10246–R has refused to authorize or permit petitioners to apply to their intrastate rates in Texas on the commodities specified in the Appendix hereto, increases corresponding to those approved for interstate application in the proceedings referred to, as more fully set forth in the petition; and alleging that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Texas:

It is ordered, That in response to the said petition, an investigation be, and it

is hereby, instituted, and that a hearing be held herein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Texas, for the intrastate transportation of property, made or imposed by authority of the State of Texas, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings listed in Appendix hereto, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Texas, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Texas be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Railroad Commission of Texas at Austin, Texas.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

APPENDIX—SPECIFIC EXCEPTIONS MADE BY THE RAILROAD COMMISSION OF TEXAS

Ex Parte No. 196, Increased Freight Rates, 1956 (298 I. C. C. 279):

Sand, Gravel, Crushed Stone and other commodities named in Item No. 380-B [1] of Texas Lines' Tariff No. 84-F, R. C. T. No. 291, except asbestos sand, and except silica sand in box or covered hopper cars.

Ex Parte No. 206, Increased Freight Rates, Eastern and Western Territories, 1956 (299 I. C. C. 429):

Sand, Gravel, Crushed Stone, Rock Asphalt and other commodities named in Item No. 380 series [1] of Texas Lines' Tariff No. 84-F, R. C. T. No. 291, except asbestos sand, and except silica sand in box or covered hopper cars, and except ground, pulverized or crushed clay, or treated or milled fire clay.

[F. R. Doc. 57-9195; Filed, Nov. 5, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

PAULA ARNDT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

[1] See Appendix D to petition.

Claimant, Claim No., Property, and Location

Paula Arndt, 375 Lincoln Place, Brooklyn, 16, New York, Claim No. 58334, $251.86 in the Treasury of the United States.

Shlomo Fernheimer, Ramath Gan, No. 16 Hatckwal St., Israel, Claim No. 58435, $251.86 in the Treasury of the United States.

Moses Fernheimer, Givataim No. 68, Rozenstein St., Israel, Claim No. 58436, $251.86 in the Treasury of the United States.

Vesting Order No. 9853.

Executed at Washington, D. C., on October 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9209; Filed, Nov. 5, 1957; 8:50 a. m.]

CHARLOTTE REICH AND LUCIE HEIMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Charlotte Reich, Herzliah, Israel, $449.41 in the Treasury of the United States.

Lucie Heimann, Berlin-Gatow, Germany, $449.41 in the Treasury of the United States.

Claim No. 61693; Vesting Order No. 18118.

Executed at Washington, D. C., on October 31, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9210; Filed, Nov. 5, 1957; 8:50 a. m.]

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VOLUME 22 — NUMBER 217

Washington, Thursday, November 7, 1957

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 5—DETERMINATION OF PARITY PRICES

MISCELLANEOUS AMENDMENTS

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F. R. 761 as amended by 22 F. R. 693) are amended as hereinafter specified in order to designate peanuts, cottonseed, nectarines, alfalfa seed, Kentucky bluegrass seed, lespedeza seed, lupine seed, mustard seed, rapeseed, smooth bromegrass seed, red clover seed, timothy seed, and broccoli and escarole for fresh market as commodities for which marketing season average prices shall be used for the purpose of calculating adjusted base prices; to add nectarines, Kentucky bluegrass seed, smooth bromegrass seed, lupine seed, mustard seed, rapeseed, and broccoli and escarole for fresh market to the list of commodities for which parity prices shall be calculated; to delete maple sugar from the list of commodities for which parity prices shall be calculated; and to change the designation of the commodity "creeping red fescue" to "red fescue". These changes shall become effective January 1, 1958.

1. The paragraph of § 5.2 headed "Basic Commodities" is amended to read as follows:

BASIC COMMODITIES

Extra long staple cotton; peanuts; and the following types of tobacco: Flue-cured, types 11–14; fire-cured, types 21–24; burley, type 31; dark air-cured, types 35–36; sun-cured, type 37; Pennsylvania seedleaf, type 41; cigar filler and binder, types 42–44 and 53–55; Puerto Rican filler, type 46 (price refers to year of harvest); and cigar binder, types 51–52.

2. The paragraph of § 5.2 headed "Deciduous and Other Fruit" is amended by inserting "nectarines;" after "all grapes excluding raisins, dried;".

3. The paragraph of § 5.2 headed "Seed Crops" is amended to read as follows:

SEED CROPS

Alfalfa, alsike clover, Austrian winter peas, bentgrass, crested wheatgrass, crimson clover, Chewings fescue, red fescue, tall fescue, Kentucky bluegrass, Ladino clover, lespedeza, lupine, mustard, orchard grass, rapeseed, redtop, common ryegrass, perennial ryegrass, smooth bromegrass, Sudan grass, red clover, sweetclover, timothy, common vetch, hairy vetch, purple vetch, and white clover.

4. The paragraph of § 5.2 headed "Sugar Crops" is amended by deleting "maple sugar".

5. The paragraph of § 5.2 headed "Vegetables for Fresh Market" is amended by inserting "broccoli," after "beets," and inserting "escarole," after "eggplant,".

6. The paragraph of § 5.2 headed "Other Commodities" is amended to read as follows:

OTHER COMMODITIES

Beeswax; broomcorn; cottonseed; hops; peas, dry field; peppermint oil; popcorn; potatoes; spearmint oil; and tobacco, types 61 and 62. All other commodities for which monthly price data are not available.

7. The paragraph of § 5.4 headed "Deciduous and Other Fruit" is amended by inserting "nectarines;" after "all grapes excluding raisins, dried;".

8. The paragraph of § 5.4 headed "Seed Crops" is amended to read as follows:

SEED CROPS

Alfalfa, alsike clover, Austrian winter peas, bentgrass, crested wheatgrass, crimson clover, Chewings fescue, red fescue, tall fescue, Kentucky bluegrass, Ladino clover, lespedeza, lupine, mustard, orchard grass, rapeseed, redtop, comon ryegrass, perennial ryegrass, smooth bromegrass, Sudan grass, red clover, sweetclover, timothy, common vetch, hairy vetch, purple vetch, and white clover.

9. The paragraph § 5.4 headed "Sugar Crops" is amended by deleting "maple sugar".

10. The paragraph § 5.4 headed "Vegetables for Fresh Market" is amended by inserting "broccoli," after "beets," and inserting "escarole," after "eggplant,".

(Sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C. this 1st day of November 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-9253; Filed, Nov. 6, 1957; 8:49 a. m.]

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FEDERAL REGISTER

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[Amdt. 2]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

ELIGIBILITY REQUIREMENTS, REMOVAL FROM OFFICE OR EMPLOYMENT, AND LEAVE

Correction

In Federal Register Document 57–9088, published at page 8802 in the issue for Friday, November 1, 1957, the reference in amendatory paragraph 2 to "§ 1.15" should read "§ 7.15".

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Sixth Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Leo Ellsworth Feed Lot, P. O. Box 365, Queen Creek.

CALIFORNIA

C. C. Huff Farm, Route 2, Box 46, Imperial.
C. E. Kline Ranch, Route 2, Box 282, El Centro.
Penner & Firoved property, Arvin.
Raleigh Roberts Farm, Route 5, Box 2405, Oroville.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

La Salvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.
Cal-Fed Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley.
Union Development Co. Warehouse, located approximately 100 yards south of intersection of County Roads No. 86 and West A, Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

Subsequent to the fifth revision, supplement 1, effective September 12, 1957, an infestation of the khapra beetle was discovered in the D. D. Dial Chicken Yard, Sandy Route, Kingman. Movement of regulated articles from this property was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, this property is not being included in this revision.

This revision specifies in one document the premises that were designated as khapra beetle regulated areas in administrative instructions contained in P. P. C. 612, Fifth Revision, effective August 10, 1957 (22 F. R. 6407), as amended September 12, 1957 (22 F. R. 7267); and that are still in that status. This revision supersedes the aforesaid administrative instructions and amendment thereto.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

This revision shall be effective November 7, 1957.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed

from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 29th day of October 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57-9251; Filed, Nov. 6, 1957; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957–58 FISCAL PERIOD

On October 15, 1957, notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 8152) regarding the expenses and the fixing of the rate of assessment for the 1957–58 fiscal period under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 933.211 *Expenses and rate of assessment for the 1957–58 fiscal period.* (a) The expenses necessary to be incurred by the Growers Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1957, and ending July 31, 1958, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to $192,500.00 and the rate of assessment to be paid by each handler shall be five and one-half mills ($0.0055) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforesaid expenses.

(b) As used herein, the terms "standard packed box," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 4, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 57-9276; Filed, Nov. 6, 1957; 8:54 a. m.]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF.; AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957–1958 FISCAL PERIOD

On October 15, 1957, notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 8153) regarding the expenses and rate of assessment for the 1957–1958 fiscal period under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 955.211 *Expenses and rate of assessment for the 1957–1958 fiscal period.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal period beginning August 1, 1957, will amount to $22,750.00; and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and three-quarters cents ($0.0175) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 4, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-9277; Filed, Nov. 6, 1957; 8:54 a. m.]

[1017.302 Amdt. 1]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017; 22 F. R. 26), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) onions grown in the production area are now being shipped and are currently subject to certain size limitations (§ 1017.302; 22 F. R. 6862); (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating, on and after the effective date of this amendment, the shipment of onions in the manner set forth below; (iii) information regarding the committee's recommendation has been made available to producers, handlers, and other interested parties which recommendation contained the same provisions as the amendment hereinafter set forth; (iv) this amendment should be made effective at the time herein specified, and notice thereof should be given as soon as practicable, so as to afford persons subject thereto the maximum time to prepare therefor and to adjust their operations accordingly; (v) compliance with this amendment will not require any special preparation on the part of such persons which cannot be completed by such effective time, and reasonable time is permitted, under the circumstances, for such preparation; and (vi) this amendment relieves restrictions on the handling of onions grown in the production area.

Order, as amended. The provisions of § 1017.302 (b) (FEDERAL REGISTER, August 24, 1957; 22 F. R. 6862) are hereby amended to read as follows:

(b) *Order.* During the period from November 8, 1957, through June 30, 1958:

(1) Except as otherwise provided in this section, no handler shall handle onions of the yellow or brown varieties unless such onions are of a size 2 inches in diameter, or larger (including, but not being limited to, onions that are "medium" in size and onions that are "jumbo" or "large" in size), including the tolerances for size as specified in the United States Standards for Northern Grown Onions (§§ 51.2830–51.2847 of this title).

(2) Each handler may make one shipment of less than one ton per day without regard to the inspection requirements of this part; and

(3) Yellow or brown varieties of onions may be handled for the following purposes without regard to the regulatory, assessment, and inspection requirements of this part: (i) Export; (ii) relief or charity; (iii) livestock feed; or (iv) planting.

(4) Except as otherwise provided in this section, terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and Order No. 117 (§§ 1017.1 to 1017.88; 22 F. R. 26). The term "diameter" shall have the same meaning as set forth for such term in the United States Standards for Northern Grown Onions (§§ 51.2830–51.2847 of this title) and the terms "medium," "jumbo," and "large" shall each have the following meanings:

(i) "Medium" means, and relates to, onions that are within a diameter range of 2 inches to 3⅛ inches; and

(ii) "Jumbo" and "large" each mean, and relate to, onions that are 3 inches, or larger, in diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 4, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9278; Filed, Nov. 6, 1957; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 95]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the Act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the Act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (22 F. R. 3005, 4377, 6753, 6910, 7223), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. New subdivisions (xx), (xxi), (xxii), and (xxiii), are added to subparagraph (1) of paragraph (b), relating to Hartford County in Connecticut, to read:

(xx) That part of the Town of Glastonbury lying south of Forest Lane, west of Thompson Lane, north of New London Turnpike, and east of Manchester Road;

(xxi) That part of the Town of Southington lying south of State Route No. 10, west of Curtis Street, north of West Street, and east of Lazy Lane Road;

(xxii) That part of the Town of Windsor lying south of Dudleytown Road, west of Matianuck Avenue, north of Park Avenue, and east of Blue Hills Avenue; and

(xxiii) That part of the Town of Suffield lying south of State Route No. 190, west of Lake Congamond Road, north of Phelps Street, and east of Admiral Canaan Road.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Connecticut from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1956 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under Section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 1st day of November 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-9252; Filed, Nov. 6, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 577—MEDICAL AND HOSPITAL SERVICES AT CANTON AND WAKE ISLANDS

Under section 10 (a) of the International Aviation Facilities Act, the Administrator of Civil Aeronautics is empowered and directed to do and perform all acts and things necessary or incident to the operation, protection, maintenance, improvement, and administration of airport property in territory outside the continental limits of the United States which he has acquired pursuant to the Act or any other provision of law. Among other things, section 10 (a) specifically authorizes the furnishing on a reimbursable basis facilities and services necessary or desirable for the operation and administration of such airport property.

Acting pursuant to the foregoing authority, and in accordance with section 3 (a) (3) of the Administrative Procedure Act, Part 577 is hereby adopted. A proprietary function of the Government is involved. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Subpart A—Introduction

Sec.
577.1 Basis and purpose.
577.2 Definitions.

Subpart B—Provision of Services

577.3 Supervision.
577.4 Treatment in compensation cases.
577.5 Treatment in non-compensation cases.

Subpart C—Payment for Services

577.6 Charges for medical services.
577.7 Methods of payment.
577.8 Processing of payments.

Subpart D—General

577.9 Exceptions.

AUTHORITY: §§ 577.1 through 577.9 issued under sec. 10, 62 Stat. 453, as amended; 49 U. S. C. 1159. Interpret or apply 63 Stat. 907; 5 U. S. C. 596a.

SUBPART A—INTRODUCTION

§ 577.1 *Basis and purpose.* This part is based on section 10 of the International Aviation Facilities Act, and section 1 (a) of Public Law 390, 81st Congress. Its purpose is to prescribe the conditions under which the Administrator provides medical services, medical supplies and hospitalization at Canton and Wake Islands in the Pacific Ocean.

§ 577.2 *Definitions.* As used in this part:

(a) "Administrator" shall mean the Administrator of Civil Aeronautics.

(b) "CAA" shall mean the Civil Aeronautics Administration.

(c) "Dependent" shall mean a person who is a member of the immediate family of, and receives more than half of his support from, a Federal employee or a non-Federal employee.

(d) "Federal employee" shall mean a civilian employee of any agency of the United States Government or a member of the Armed Forces thereof, while serving on active duty.

(e) "Immediate family" shall mean an employee's spouse, children (including stepchildren and adopted children) unmarried and under 21 years of age or physically or mentally incapable of supporting themselves regardless of age, and dependent parents (but not a father-in-law or mother-in-law).

(f) "Island Manager" shall mean a designated official in charge of the Island and CAA activities thereon.

(g) "Island Medical Officer" shall mean a medical doctor designated by the CAA.

(h) "Non-Federal employee" shall mean any person at an Island location permanently or temporarily assigned by a non-Federal agency engaged in aeronautical activities.

(i) "Transient" shall mean a person not included within the definition of paragraphs (c), (d) and (h) of this section who, in connection with an aeronautical activity, transits the Island for a period of less than one month duration.

SUBPART B—PROVISION OF SERVICES

§ 577.3 *Supervision.* The medical services, medical supplies and hospitalization furnished by CAA at Canton and Wake Islands are provided under the administrative control of each Island Manager and the professional direction of each Island Medical Officer.

§ 577.4 *Treatment in compensation cases.* For Federal employees under the jurisdiction of the Bureau of Employee's Compensation, treatment is provided free for injuries sustained while in performance of duty and for diseases proximately caused by the conditions of employment. If medical, dental or surgical services or facilities on the Island are determined by the Island Medical Officer to be inadequate, transportation for CAA employees is provided to adequate services or facilities either in Honolulu, Hawaii, or the closest available location without cost to the employee. Transportation in such cases of persons other than CAA employees is the responsibility of the employing agency.

§ 577.5 *Treatment in non-compensation cases.* Subject to the charges provided under § 577.6, general treatment of all injuries and diseases will be provided to Federal employees, non-Federal employees and their dependents, and transients. If medical, dental or surgical services or facilities on the Island are determined by the Island Medical Officer to be inadequate, transportation for CAA employees and their dependents is provided to adequate services or facilities, either in Honolulu, Hawaii, or the closest available location, without cost to the employees or dependents. Transportation in such cases of persons other than CAA employees or their dependents is the responsibility of the employing agency or the patient if a transient.

SUBPART C—PAYMENT FOR SERVICES

§ 577.6 *Charges for medical services.* Medical services, medical supplies and hospitalization are available at Canton and Wake Island at the following rates:

(a) *Treatment, consultation and services*—(1) *Compensation cases.* No charge is made for cases handled under § 577.4.

(2) *Federal employees and dependents.* (i) For calls at the CAA dispensary during regular dispensary hours the charges for the services of the technician are fifty cents ($0.50) per call; for the services of the nurse, one dollar ($1.00) per call; and for the services of the doctor, three dollars ($3.00) per call.

(ii) For calls at the dispensary outside regular dispensary hours or at places other than the dispensary, the charges for the services of the technician are one dollar ($1.00) per call; for the services of the nurse, two dollars ($2.00) per call; and for the services of the doctor, five dollars ($5.00) per call.

(3) *Non-Federal employees and dependents.* Charges are based on an apportionment of all items of cost involved in the furnishing of services and supplies and are fixed in written agreements with the employing agencies.

(4) *Transients.* Charges are based on an apportionment of all items of cost involved in the furnishing of services and supplies.

(b) *Medication.* Except as provided in paragraphs (c) and (d) of this section, a fee, to be determined administratively but not to exceed three dollars ($3.00), shall be charged to all personnel for medications not administered by the medical staff.

(c) *Hospitalization.* Except as provided in subparagraph (1) of paragraph (d) of this section, a fee of seven dollars and fifty cents ($7.50) per calendar day or fraction thereof shall be charged to all personnel for hospital services not including meals, which will be otherwise provided and charged for, but including the services of the doctor and nurse, medical supplies, drugs, X-rays and any other medical and surgical services and supplies, available on the Island, which in the opinion of the doctor are necessary to the treatment of the hospitalized patient.

(d) *Miscellaneous*—(1) *Maternity cases.* A fee of one hundred twenty-five dollars ($125.00), which will include pre-natal, delivery and post-natal care and attendance and hospitalization, excluding meals, for a period not to exceed three days shall be charged in all maternity cases.

(2) *Immunization.* A fee not to exceed three dollars ($3.00) or the cost of the vaccine used if that cost is in excess of three dollars ($3.00) shall be charged to all personnel for any immunization not required in connection with Federal employment. Such charge shall cover the administration of the vaccine as well as the cost of the vaccine itself.

(3) *Laboratory services.* The following fees for laboratory services or specialized treatment shall be charged to all personnel:

Diathermy treatments	$1.00
X-ray	3.00
Complete blood count	3.00
Wassermann	3.00
Urinalysis	1.00

(4) *Physical examination.* A fee of ten dollars ($10.00) shall be charged to all personnel for each examination not required in connection with the individual's Federal employment.

(e) *Other services and treatment.* Services and treatment not specifically mentioned above will be provided at a rate determined by the Regional Administrator.

(f) *Posted charges.* A list of all charges specified under the authority of this part shall be prominently posted in the dispensary.

§ 577.7 *Methods of payment.* (a) Payment due from Federal employees and their dependents will be made as administratively determined, except that CAA payroll deductions will not be made.

(b) Payments due from non-Federal employees shall be made at the time the service is rendered unless the employing agency has made prior written arrangements with CAA for payment on a periodic basis or unless immediate payment is not practicable in a specific case.

(c) Payments due from transients will be collected at the time the service is rendered unless immediate payment is not practical in a specific case. In such a case the transient's home or business address should be secured prior to his leaving the Island to permit subsequent contract for collection of monies due the government.

§ 577.8 *Processing of payments.* All payments for medical and hospital services at Canton and Wake Islands shall only be due and collected as provided herein and shall be promptly transmitted to the Island Manager who will schedule and forward them to the Regional Office, Honolulu, T. H., in accordance with prescribed procedures.

SUBPART D—GENERAL

§ 577.9 *Exceptions.* The Island Manager is authorized to waive any of the requirements in this part where he determines a waiver is appropriate in emergency cases or is required for humanitarian reasons. He shall report annually to the Administrator through the Regional Office, Honolulu, Hawaii, on the waivers granted by him under this section during the preceding fiscal year.

This part shall become effective January 1, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

OCTOBER 29, 1957.

[F. R. Doc. 57-9226; Filed, Nov. 6, 1957; 8:45 a. m.]

[Amdt. 42]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mustang FM	OKC-LFR (Final)	Direct	2000	T-dn	300-1	300-1	200-½
Bethany Int	OKC-LFR	Direct	2500	C-dn	400-1	500-1	500-1½
Oklahoma City VOR	OKC-LFR	Direct	2500	A-dn	800-2	800-2	800-2

Radar transition altitudes within 20 mi of Will Rogers Field—0–90 3800′; 90–180 2700′; 180–360 2800′.
Procedure turn S side crs, 255 Outbnd, 075 Inbnd, 2500′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 091—1.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles, climb to 2700′ on E crs of OKC LFR within 20 miles.

City, Oklahoma City; State, Oklahoma; Airport Name, Will Rogers; Elev., 1283′; Fac. Class, SBRAZ; Ident. OKC; Procedure No. 1, Amdt. 8; Eff. Date, 30 Nov. 57; Sup. Amdt. No. 7; Dated, 28 July 56

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lake Charles VOR	LCH RBn	Direct	1300	T-dn	300-1	300-1	200-½
Radar vectoring position	LCH RBn (Final)	352–5.0	800	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitude 1500′ within 25 mi. Radar may be used to position aircraft for final approach within 5 miles of LCH RBn with the elimination of a procedure turn.
Procedure turn East side of S crs, 172 Outbnd, 352 Inbnd, 1300′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 003—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, climb to 1500′ on crs of 340° within 20 mi.

City, LakeCharles; State, La.; Airport Name, Lake Charles AFB; Elev., 19′; Fac. Class, MH; Ident., LCH; Procedure No. 2, Amdt. 2; Eff. Date, 30 Nov. 57; Sup. Amdt. No. 1; Dated, 12 Oct. 57

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BTR-LFR	Creole Int#	Direct	1500	T-dn	300-1	300-1	200-½
BTR-VOR	Creole Int#	Direct	2000	C-dn	400-1	500-1	500-1½
Int SE crs ILS and BTR R-114	Amite Int*	Direct	1500	S-dn-31	400-1	400-1	400-1
Amite Int	Creole Int# (Final)	Direct	900	A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 126 outbnd, 306 inbnd, 1400′ within 10 mi of Creole Int. NA beyond 10 mi.
No glide slope.
Minimum altitude over Creole Int, 900′.
Crs and distance. Creole Int to airport, 396–4.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 mi after passing Creole Int, climb to 1300′ on NW crs ILS within 10 mi of LOM, or when directed by ATO, turn right, climb to 1600′ on R-040 within 20 mi, or turn left, climb to 1500′ to BTR VOR on R-064.
#Creole Int: Int. SE crs BTR ILS and 085 Rad. BTR VOR.
*Amite Int: Int SE crs BTR ILS and 095 rad. BTR VOR.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class, ILS; Ident. IBTR; Procedure No. ILS-31, Amdt. 1; Eff. Date, 30 Nov. 57; Sup. Amdt. No. Orig.; Dated, 7 Sept. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Evanston Int*	LOM	Direct	2500	T-dn	300-1	300-1	200-½
NBU-LFR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Dundee Int via crs 056 (ILS only)	NW crs ILS (Final)	Direct	2500	S-dn-14R:			
Int E crs RFD LFR and NW crs ILS (ILS only).	LOM (Final)	Direct	2500	ILS	200-½	200-½	200-½
Int R-338 API and NW crs ILS	LOM (Final)	Direct	2500	ADF	400-1	400-1	400-1
Midway LOM	LOM	Direct	2500	A-dn:			
Int R-270 OBK and NW crs ILS (ILS only).	LOM (Final)	Direct	2500	ILS	600-2	600-2	600-2
O'Hare VOR	LOM	Direct	2500	ADF	800-2	800-2	800-2
Northbrook VOR	LOM	Direct	2500				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from LOM. Refer to radar procedures for O'Hare if sector altitude information desired.
*Evanston Int: Int R-075 ORD and R-135 OBK.
Procedure turn West side of crs, 348 Outbnd, 138 Inbnd, 2500′ within 10 miles.
Minimum altitude over LOM, 2500′ ILS, 2000′ ADF.
Distance, LOM to airport, 6.0 miles.
Altitude of G. S. and distance to approach end of runway at OM, 2466—6.07; at MM, 884—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left (north) turn, climb to 2500′ or higher altitude specified by ATC and proceed to Northbrook VOR via O'Hare TVOR R-030 and Northbrook VOR R-135, or if directed by ATC (1) Make immediate left turn, climb to 3500′, proceed to *Evanston Int via R-075 ORD TVOR; (2) Make immediate left turn, climb to 2500′, proceed to NBU LFR via 030° crs and SE crs NBU LFR.

City, Chicago; State, Ill.; Airport Name, O'Hare Intl.; Elev., 657′; Fac. Class, ILS-IORD; Ident., LOM-OR; Procedure No. ILS-14R, Amdt., Orig.; Eff. Date, 30 Nov. 57 or date of commissioning of facility

Duncanville RBn	Hensley Int (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Britton VOR	Hensley Int	Direct	3300	C-dn	400-1	500-1	500-1½
				S-dn-31	300-1	300-1	300-1
				A-dn	800-2	800-2	800-2

Radar transition altitude within 20 mi, 2000′. Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers 2340 msl 15 mi SSE, 1743′ msl 12 mi WSW, and 1221′ msl 6 mi N.
Procedure turn E side SE crs, 129 Outbnd, 309 Inbnd, 2000′ within 10 mi of Hensley Int. Beyond 10 mi NA.
No glide slope. Final approach altitude over Hensley Int, 1500′; distance to approach end of Runwy 31, 4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi of Hensley Int, climb to 1900′ on NW crs of ILS within 20 mi or, when directed by ATC, proceed to Ft Worth LFR via NW crs of ILS and E crs LFR, climbing to 2000′.
CAUTION: Radio tower located 4.3 mi ENE of outer marker.

City, Ft. Worth; State, Tex.; Airport Name, Amon Carter; Elev., 568′; Fac. Class, ILS; Ident., LACF; Procedure No. ILS-31, Amdt. 6; Eff. Date, 30 Nov. 57; Sup. Amdt. No. 5; Dated, 26 Sept. 57

Haslet RBn	North crs ILS	Direct	2000	T-dn	300-1	300-1	200-½
Ft. Worth LFR	OM	Direct	2000	C-dn	#500-1	600-1	600-1½
				S-dn-17#	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar Terminal Area Transition Altitude 2000′ within 20 miles of Radar site. Radar control must provide 3 mi. or 1000′ vertical separation; or 3 to 5 mi. and 500′ vertical separation from radio towers 1743′ msl 6 mi. SE; 1679′ 7 mi. SE.
#300–¾ required when G. S. not utilized.
Procedure turn W side N crs, 354 Outbnd, 174 Inbnd, 2000′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude at G. S. int Inbnd, 2000′.
Altitude of G. S. and distance to appr end of rny at OM 2000—3.5, at MM 950—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on S crs ILS within 20 miles.
NOTE: Take-off on runways 9-27 and 13-31 NA with less than 300-1.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo or ferry flights.
CAUTION: 956′ bldg 2.1 mi S of OM. 1743′ tower 4.8 mi E of ILS S crs.

City, Ft. Worth; State, Tex.; Airport Name, Meacham; Elev., 692′; Fac. Class, ILS; Ident., IFTW; Procedure No. ILS-17, Amdt. 10; Eff. Date, 30 Nov. 57; Sup. Amdt. No. 9; Dated, 10 Oct. 56

Russell Int	Rockwood FM (Final)	Direct	1-500	T-dn	300-1	300-1	200-½
Int 246° crs DAL-RBn and S crs ILS	Rockwood FM (Final)	Direct	1-500	C-dn	500-1	600-1	600-1½
				S-dn-35*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Terminal Area transition altitude 2000′ within 20 mi of radar site. Radar Control must provide 3 mi or 1000′ vertical separation: or 3 to 5 mi, and 500′ vertical separation from radio towers 1743′ msl 6 mi SE; 1679′, 7 mi SE.
*660 FPM descent required at 110K.
Procedure turn W side S crs, 174 Outbnd, 354 Inbnd, 2000′ within 10 mi. Rockwood FM#. Beyond 10 mi NA.
#Procedure turn non-standard due obstruction.
No Glide Slope. Final approach altitude and distance 1500′ at Rockwood FM, 2.3 mi to appr end of rny 35.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi of Rockwood FM, climb to 2000′ on N crs ILS within 20 mi.
NOTE: Take-off on Runways 9-27 and 13-31 NA with less than 300-1.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo and ferry flights.
CAUTION: Tank 864′ MSL located 1.3 mi W of crs between Rockwood FM and airport. TV Tower 1743′ MSL located 4.8 mi E of S crs ILS.

City, Ft. Worth; State, Tex.; Airport Name, Meacham; Elev., 692′; Fac. Class, ILS; Ident., IFTW; Procedure No. ILS-35, Amdt. 7; Eff. Date, 30 Nov. 57; Sup Amdt. No. 6, Dated, 5 Sept. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ontario VOR	LOM	Direct	*3200	T-dn	300-1	300-1	200-½
Fontana FM	LOM	Direct	*5000	C-dn	600-1	600-1	600-1½
Riverside LFR	LOM	Direct	*4000	S-dn-ry 25:			
Downey RBN	LOM	Direct	#3200	ILS	300-¾	300-¾	300-¾
Riverside LFR	Colton RBn	Direct	%4000	ADF	600-1	600-1	600-1
Corona Int	ONT VOR	Direct	6700	A-dn	800-2	800-2	800-2
Colton RBn	LOM (Final)	Direct	**2700				

*Mnst be on top with tops not above 7000′ MSL for ADF approach.
#Must be on top with tops not above 7000′ MSL for either ILS or ADF approach.
%Must be on top with tops not above 5000′ for ADF approach.
**After intercepting glide slope, descent to cross LOM at 2120′ is authorized.
Procedure turn S side of crs, 075 Outbnd, 255 Inbnd, 3200′ within 10 mi of LOM. Beyond 10 mi NA (Nonstandard due to terrain).
Minimum altitude at glide slope int inbnd—2700′ ILS. Min. alt. over LOM inbnd final—2700′ ADF.
Altitude of glide slope and distance to approach end of runway at LOM, 2120—3.7; at MM, 1140—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi of LOM, ILS: Climb to 3000′ on W crs ILS not beyond Fairgrounds Int; ADF: Climb on 255° crs from LOM to Fairgrounds Int, then reverse crs to left, climb to on top on 075° crs to LOM.
CAUTION: High terrain North.
NOTE: Shuttle to 4000′ between LOM and Fairgrounds Int. All turns South.

City, Ontario; State, Calif.; Airport Name, International; Elev., 952′; Fac. Class, ILS-ONT; Ident., LOM-ON; Procedure No. ILS-25, Comb. ILS-ADF; Amdt. 6; Eff. Date, 30 Nov. 57; Sup. Amdt. No. 5; Dated, 12 Nov. 55

San Antonio VOR via R-143	Wetmore Int	Direct	2400	T-dn	300-1	300-1	200-½
San Antonio LFR via crs 084	Wetmore Int	Direct	2400	C-dn	400-1	500-1	500-1½
Bracken Int	Wetmore Int (Final)	Direct	1800	S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NE crs, 031 Outbnd, 211 Inbnd, 2400′ within 10 mi of Wetmore Int. Beyond 10 mi NA.
Minimum altitude over Wetmore Int 1800′.
No Glide slope, no outer marker, distance Wetmore Int to rny 21, 3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi after passing Wetmore Int, climb to 2200′ on S crs SAT LFR or R-174 SAT within 20 miles.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 800′; Fac. Class, ILS-ISAT; Ident., NE crs ILS; Procedure No. ILS-21, Amdt. 5; Eff. Date, 30 Nov. 57; Sup. Amdt. No. 4; Dated, 10 Mar. 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

OCTOBER 30, 1957.

[F. R. Doc. 57-9183; Filed, Nov. 6, 1957; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS; INVESTMENT COMPANY ACT OF 1940

PROCEDURE WITH RESPECT TO APPLICATIONS AND OTHER MATTERS

The Securities and Exchange Commission announced today the adoption of a revision of § 270.0–5 (Rule N–5) under the Investment Company Act of 1940. This rule provides a simplified general procedure designed to expedite the disposition of proceedings, initiated by application or upon the Commission's own motion, pursuant to any section of the act or any rule or regulation thereunder, except in cases under specific sections where a different procedure is provided by a specific rule. Notice of the proposed revision was given on October 4, 1957 in Investment Company Act Release No. 2612.

As heretofore in effect paragraph (c) of the rule could have been interpreted to provide that the Commission would order a hearing on a matter upon the request of any interested person whether or not it appeared that a hearing was necessary or appropriate in the public interest or for the protection of investors.

Section 270.0–5 (Rule N–5) as revised herewith clearly provides that a hearing will be ordered upon the request of an interested person or upon the Commission's own motion only if it appears to the Commission that a hearing is necessary or appropriate in the public interest or for the protection of investors.

Statutory basis. This action is taken pursuant to the authority vested in the Commission by the Investment Company Act of 1940, particularly sections 38 (a) and 40 (a) thereof.

Paragraph (c) of § 270.0–5 (Rule N–5) is hereby amended to read as follows:

§ 270.0–5 *Procedure with respect to applications and other matters* • • •

(c) The Commission will order a hearing on the matter, if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors, (1) upon the request of any interested person or (2) upon its own motion.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a–37)

Effective: October 25, 1957.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 25, 1957.

[F. R. Doc. 57-9246; Filed, Nov. 6, 1957; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54476]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

EXTENSION OF LIMITS OF CUSTOMS PORTS OF ENTRY OF FALL RIVER, MASS., AND JACKSONVILLE, FLA.

OCTOBER 30, 1957.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the following changes in the field organization of the Bureau of Customs are hereby made, effective upon the date of publication of this Treasury Decision in the FEDERAL REGISTER:

1. The limits of the customs port of entry of Fall River, Massachusetts, in Customs Collection District No. 4 (Massachusetts), comprising the territory within the corporate limits of that city, are extended to include the Township of Somerset, Massachusetts, and the waters and shores of the Taunton River immediately adjacent thereto.

2. The limits of the customs port of entry of Jacksonville, Florida, in Customs Collection District No. 18 (Florida), comprising the territory within the corporate limits of that city, are extended to include the territory bounded as follows:

Commencing at a point which is the intersection of North line of Township 1 South and the Atlantic Ocean thence in a Westerly direction along said Township line to a point which is the intersection of said line with the West line of Range 26 East; thence in a Southerly direction along the West line of Range 26 East to a point which is the intersection of said range line with the North line of Township 4 South (also boundary between Duval & Clay Co.); thence in an Easterly direction along the North line of Township 4 South to the center of the St. Johns River; thence in a Northerly direction following the meanders of the St. Johns River to the Southerly City Limit line of Jacksonville; thence along said City Limit line in an Easterly and Northeasterly direction to the center of the Mathews Bridge; thence due East to the Atlantic Ocean, and thence North along the shores of the Atlantic Ocean to the point or place of beginning.

Section 1.1 (c), Customs Regulations, is amended by inserting "(including territory described in T. D. 54476)" opposite "*Fall River" in the column headed "Ports of entry" in District No. 4 (Massachusetts); and by inserting "(including territory described in T. D. 54476)" opposite "*Jacksonville" in the column headed "Ports of entry" in District No. 18 (Florida).

(R. S. 161, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U. S. C. 22, 19 U. S. C. 1, 2)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F R. Doc. 57-9260; Filed, Nov. 6, 1957; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.342]

PART 44—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER SECTION 15 OF THE ACT OF SEPTEMBER 11, 1957

Chapter I, Title 22 of the Code of Federal Regulations, is amended by the addition of the following part:

Sec.
44.1 Definitions.
44.2 Classes of applicants under section 15 of the act of September 11, 1957.
44.3 Procedure in applying for visa.
44.4 Registration priority for issuance of visas.
44.5 Ineligibility to receive visas.
44.6 Procedure in issuing visas.

AUTHORITY: §§ 44.1 to 44.6 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104. Interpret and apply sec. 15, 71 Stat. 639.

§ 44.1 *Definitions.* The following definitions, in addition to the pertinent definitions contained in section 15 of the act of September 11, 1957, section 101 of the Immigration and Nationality Act and Part 42 of this chapter, shall be applicable to this part:

(a) "Act" means the act of September 11, 1957 (Public Law 85-316, 71 Stat. 639).

(b) "Applicant" means an alien who seeks to enter the United States under the provisions of section 15 of the act of September 11, 1957.

(c) "Ethnic origin" as used in sections 2 (c) and 4 (a) (9) and (10) of the Refugee Relief Act of 1953, as amended, shall be determined on the basis of a combination of two or more of the following factors specified in subparagraphs (1) to (5), inclusive, of this paragraph, which combination shall include the factor specified in either subparagraph (1) or (2) of this paragraph:

(1) Applicant, other than a German expellee, emigrated from or is indigenous to the country of ethnic origin claimed;

(2) Antecedents emigrated from or were indigenous to the country of ethnic origin claimed;

(3) Uses the language or dialect of the country of ethnic origin claimed as the common language of the home or for social communication;

(4) Resided in the country of birth, if other than the country of ethnic origin, in an area predominantly populated by persons of ethnic stock or origin claimed who, as distinguished from the surrounding population, retained the social characteristics and group homogeneity attributable to such persons;

(5) Evidences common attributes or social characteristics of the ethnic group to which he ascribes his origin and with which he resided in the country of his birth, if other than the country of ethnic origin, such as educational institutions attended, church affiliation, social and political associations and affiliations, name, business or commercial practices and associates and secondary language or dialect.

(d) "Firmly resettled" means the status of an alien, who at any time after the occurrence of events which form the basis of his claim to a refugee status, has been reestablished in a home under circumstances which indicate his intention and assure him a reasonable opportunity of remaining permanently. Nothing in this paragraph shall be construed as an exclusive definition of the term "firmly resettled" inasmuch as the facts and circumstances in the individual case must necessarily determine the question of firm resettlement.

(e) "Has fled or shall flee" as used in section 15 (c) (1) of the act of September 11, 1957 shall be deemed to include cases of forceful removal when the alien concerned declines to return to the area from which he was removed because of persecution or fear of persecution. The persecution or fear of persecution which caused the alien to flee from his usual place of abode need not be the same persecution which causes his inability to return.

(f) "Refugee" means any person in a country or area which is neither Communist nor Communist-dominated, who because of persecution, fear of persecution, natural calamity or military operations is out of his usual place of abode and unable to return thereto, who has not been firmly resettled and who is in urgent need of assistance for the essentials of life or for transportation.

§ 44.2 *Classes of applicants under section 15 of the act of September 11, 1957*—(a) *German expellees.* This class shall consist of refugees of German ethnic origin who (1) were born in and were forcibly removed from or forced to flee from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Union of Soviet Socialist Republics, Yugoslavia, or areas provisionally under the administration or control or domination of any such countries, except the Soviet Zone of military occupation of Germany, and (2) are residing in the area of the German Federal Republic, western sectors of Berlin or in Austria at the time of application for a visa. Zone "B" of Trieste shall be considered an area provisionally under the administration of Yugoslavia. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria, and shall bear the symbol K-8 in the space provided for nonquota classification.

(b) *Netherlands refugees.* This class shall consist of refugees who: (1) Are of Dutch ethnic origin, and (2) resided on August 7, 1953 in continental Netherlands. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in continental Netherlands, and shall bear the symbol K-9 in the space provided for nonquota classification.

(c) *Netherlands relatives.* This class shall consist of persons who: (1) Are of Dutch ethnic origin, (2) resided on August 7, 1953 in continental Netherlands, and (3) qualify under any of the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act. A prerequisite to qualification under any of such preferences shall be the approval by the Attorney General of a petition provided for in section 205 of the Immigration and Nationality Act. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in continental Netherlands, and shall bear the symbol K-9 in the space provided for nonquota classification.

(d) *Refugee-escapees.* This class shall consist of aliens who, because of persecution or fear of persecution on account of race, religion, or political opinion have fled or shall flee (1) from any Communist, Communist-dominated, or Communist-occupied area, or (2) from any country within the general area of the Middle East as defined in section 15 (c) (2) of the act, and who cannot return to such area, or to such country, on account of race, religion, or political opinion. An immigrant visa issued to an alien within the class described in this paragraph may be issued at any United States consular office which is authorized to issue immigrant visas, and shall bear the symbol K-10 in the space provided for nonquota classification.

(e) *Spouses and unmarried minor sons and daughters.* This class shall consist of the accompanying spouses and the accompanying unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters and sons or daughters adopted prior to July 1, 1957, of persons described in paragraphs (a) to (d), inclusive, of this section: *Provided,* That a quota number is not available to such alien at the time of his application for a visa. A spouse, son, or daughter shall be deemed to be accompanying the principal applicant if such spouse, son, or daughter is issued an immigrant visa within four months of the date of issuance of an immigrant visa to the principal applicant. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the country or area in which the principal applicant is, or could be, issued an immigrant visa under the act, and shall bear the same symbol which is or was used in issuing an immigrant visa to the principal applicant, in the space provided for nonquota classification. In any case where the principal applicant precedes his family to the United States, or in which the family unit is not traveling together, the name of the principal applicant shall be inserted in the immigrant visa issued to the spouse, son, or daughter.

§ 44.3 *Procedure in applying for visa*—(a) *Applicants for refugee-escapee classification.* In support of an application for refugee-escapee classification the alien shall submit a statement furnishing biographic data and describing the circumstances of his flight, escape, departure, or forceful removal from a Communist-dominated, or Communist-occupied area or from the general area of the Middle East, the hardship and persecution suffered, and a summary of his educational attainments, professional or technical abilities, and any manual skills or vocational experience which would tend to make such applicant of maximum value to the United States. This statement may be submitted by the applicant directly to the consular officer or in the applicant's behalf by a representative of the United States Escapee Program or any reputable welfare or refugee agency, and shall be supported by character references from interested persons bearing upon the applicant's attachment to the principles of constitutional democratic government.

(b) *Form and place of application.* Every applicant for an immigrant visa under section 15 of the act shall make application therefor on Form FS-256 in accordance with the provisions of section 222 of the Immigration and Nationality Act and § 42.30 of this chapter except as otherwise provided in § 44.2 (a), (b), and (c) with respect to the place of application.

§ 44.4 *Registration priority for issuance of visas*—(a) *Registration priority of applicants other than refugee-escapees.* Applicants desiring to qualify under the provisions of § 44.2 (a), (b), or (c) who were previously registered on quota waiting lists, including the beneficiaries of approved petitions, shall have the burden of coming forward to claim the benefits of the act. The names of such applicants who have not previously been registered on a quota waiting list, or in whose cases an approved petition for preference status has not been received at the consular office, shall be entered on administrative waiting lists in the chronological order in which they apply for registration. Every applicant within the class described in § 44.2 (a), (b), or (c) shall be entitled to a registration priority as determined by (1) the date indicated by his registration on a quota waiting list for the purposes of the Immigration and Nationality Act, (2) the date on which a verified assurance of employment, housing, and against becoming a public charge was filed with the Department of State in his behalf under the Refugee Relief Act of 1953, as amended, (3) the date on which an approved petition was filed with the Attorney General in his behalf, or (4) the date he actually applied for registration under the act, whichever date is earliest.

(b) *Registration priority of refugee-escapees.* Applicants desiring to qualify as refugee-escapees under the provisions of § 44.2 (d) shall be accorded a registration priority as of the date of approval of their classification as a refugee-escapee by the Department.

§ 44.5 *Ineligibility to receive visas.* An applicant shall be considered ineligible to receive a special nonquota immigrant visa provided for in section 15 of the act on the following grounds:

(a) He is not classifiable within any of the classes described in § 44.2 (a), (b), (c), (d), or (e);

(b) He is ineligible to receive an immigrant visa under the applicable provisions of the Immigration and Nationality Act and the regulations contained in Part 42 of this chapter;

(c) A quota number is available at the time of his visa application for the issuance of a quota immigrant visa to such applicant.

§ 44.6 *Procedure in issuing visas.* The issuance of special nonquota immigrant visas under section 15 of the act shall be in accordance with the provisions of section 221 of the Immigration and Nationality Act and § 42.41 of this chapter. An immigrant visa issued under the act shall bear a number assigned by the Department for use in issuing such visa, and shall also bear the petition number and approval date of the petition in the case of an applicant eligible under § 44.2 (c).

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: October 30, 1957.

RODERIC L. O'CONNOR,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[F. R. Doc. 57-9297; Filed, Nov. 6, 1957; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter III — Public Housing Administration, Housing and Home Finance Agency

PART 320—LOW-RENT HOUSING PROGRAM

Correction

In Federal Register Document 57-9051, published at page 8812 in the issue for Friday, November 1, 1957, the following changes should be made:

1. In § 320.3, "FHA" should read "PHA" in both places.

2. In the listing under § 320.6, "Arvin-Shafter" and "Winters-Woodland", which appear under "California", should read "Arvin, Shafter" and "Winters, Woodland", respectively.

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6265]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

GAIN OR LOSS ON DISPOSITION OF PROPERTY

On January 3, 1957, a notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under Parts I and II (except sections 1017, 1020, and 1021) of subchapter O of Chapter 1 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (22 F. R. 35). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published (except for § 1.1012-1 (c), relating to identification of stock sold) are hereby adopted, subject to the changes as set forth below. Further consideration will be given to § 1.1012-1 (c), which continues in effect under notice of proposed rule making, before final action is taken thereon.

PARAGRAPH 1. Paragraph (b) of § 1.1001-1 is revised as follows:

(A) By revising subparagraph (3).

(B) By revising example (3) under subparagraph (4).

PAR. 2. Paragraph (a) (3) of § 1.1014-4 is revised as follows:

By revising the third and fourth sentences thereunder to read as follows: "Thus, for example, if the trustee of a trust created by will transfers to a beneficiary, in satisfaction of a specific bequest of $10,000, securities which had a fair market value of $9,000 on the date of the decedent's death (the applicable valuation date) and $10,000 on the date of the transfer, the trust realizes a taxable gain of $1,000 and the basis of the securities in the hands of the beneficiary would be $10,000. As a further example, if the executor of an estate transfers to a trust property worth $200,000, which

had a fair market value of $175,000 on the date of the decedent's death (the applicable valuation date), in satisfaction of the decedent's bequest in trust for the benefit of his wife of cash or securities to be selected by the executor in an amount sufficient to utilize the marital deduction to the maximum extent authorized by law (after taking into consideration any other property qualifying for the marital deduction), capital gain in the amount of $25,000 would be realized by the estate and the basis of the property in the hands of the trustees would be $200,000."

PAR. 3. Paragraph (b) (3) (iii) of § 1.1014-6 is revised as follows:

(A) By revising the first sentence of (*a*) thereunder to read as follows: "In cases where the value of the life interest is not included in the decedent's gross estate, the amount of such allowance to the life tenant under section 167 (g) (or section 611 (b)) shall not exceed (or be less than) the amount which would have been allowable to the life tenant if no portion of the basis of the property was determined under section 1014 (a)."

(B) By revising the first sentence of (*b*) thereunder to read as follows: "Any remaining allowance (that is, the increase in the amount of depreciation, amortization, or depletion allowable resulting from any increase in the uniform basis of the property under section 1014 (a)) shall not be allowed to the life tenant."

PAR. 4. Paragraph (c) (2) of § 1.1014-6 is revised by deleting example (2) thereunder and by redesignating example (3) as example (2).

PAR. 5. Paragraph (a) of § 1.1014-8 is revised.

[SEAL] O. GORDON DELK,
Acting Commissioner.

Approved: November 4, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under parts I and II (except sections 1017, 1020, and 1021) of Subchapter O of Chapter 1 of the Internal Revenue Code of 1954, and are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954. The regulations so prescribed do not reflect the amendment made to section 1016 by Public Law 629 (84th Congress), approved June 29, 1956. Regulations under that amendment will be published with a notice of proposed rule making at a later date.

GAIN OR LOSS ON DISPOSITION OF PROPERTY

DETERMINATION OF AMOUNT OF AND RECOGNITION OF GAIN OR LOSS

Sec.
1.1001 Statutory provisions; determination of amount of and recognition of gain or loss.
1.1001-1 Computation of gain or loss.
1.1002 Statutory provisions; recognition of gain or loss.
1.1002-1 Sales or exchanges.

BASIS RULES OF GENERAL APPLICATION

1.1011 Statutory provisions; adjusted basis for determining gain or loss.
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GAIN OR LOSS ON DISPOSITION OF PROPERTY

DETERMINATION OF AMOUNT OF AND RECOGNITION OF GAIN OR LOSS

§ 1.1001 *Statutory provisions; determination of amount of and recognition of gain or loss.*

SEC. 1001. *Determination of amount of and recognition of gain or loss*—(a) *Computation of gain or loss.* The gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the adjusted basis provided in section 1011 for determining gain, and the loss shall be the excess of the adjusted basis provided in such section for determining loss over the amount realized.

(b) *Amount realized.* The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received. In determining the amount realized—

(1) There shall not be taken into account any amount received as reimbursement for real property taxes which are treated under section 164 (d) as imposed on the purchaser, and

(2) There shall be taken into account amounts representing real property taxes which are treated under section 164 (d) as imposed on the taxpayer if such taxes are to be paid by the purchaser.

(c) *Recognition of gain or loss.* In the case of a sale or exchange of property, the extent to which the gain or loss determined under this section shall be recognized for purposes of this subtitle shall be determined under section 1002.

(d) *Installment sales.* Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received.

§ 1.1001-1 *Computation of gain or loss*—(a) *General rule.* Except as otherwise provided in subtitle A, the gain or loss realized from the conversion of property into cash, or from the exchange of property for other property differing materially either in kind or in extent, is treated as income or as loss sustained. The amount realized from a sale or other disposition of property is the sum of any money received plus the fair market value of any property (other than money) received. The fair market value of property is a question of fact, but only in rare and extraordinary cases will property be considered to have no fair market value. The general method of computing such gain or loss is prescribed by section 1001, which contemplates that from the amount realized upon the sale or exchange there shall be withdrawn a sum sufficient to restore the adjusted basis prescribed by section 1011 and regulations thereunder (i. e., the cost or other basis adjusted for receipts, expenditures, losses, allowances, and other items chargeable against and applicable to such cost or other basis). The amount which remains after the adjusted basis has been restored to the taxpayer constitutes the realized gain. If the amount realized upon the sale or exchange is insufficient to restore to the taxpayer the adjusted basis of the property, a loss is sustained to the extent of the difference between such adjusted basis and the amount realized. The basis may be different depending upon whether gain or loss is being computed. For example, see section 1015 (a) and the regulations thereunder.

(b) *Real estate taxes as amounts received.* (1) Section 1001 (b) and section 1012 state rules applicable in making an adjustment upon a sale of real property

with respect to the real property taxes apportioned between seller and purchaser under section 164 (d). Thus, if the seller pays (or agrees to pay) real property taxes attributable to the real property tax year in which the sale occurs, he shall not take into account, in determining the amount realized from the sale under section 1001 (b), any amount received as reimbursement for taxes which are treated under section 164 (d) as imposed upon the purchaser. Similarly, in computing the cost of the property under section 1012, the purchaser shall not take into account any amount paid to the seller as reimbursement for real property taxes which are treated under section 164 (d) as imposed upon the purchaser. These rules apply whether or not the contract of sale calls for the purchaser to reimburse the seller for such real property taxes paid or to be paid by the seller.

(2) On the other hand, if the purchaser pays (or is to pay) an amount representing real property taxes which are treated under section 164 (d) as imposed upon the seller, that amount shall be taken into account both in determining the amount realized from the sale under section 1001 (b) and in computing the cost of the property under section 1012. It is immaterial whether or not the contract of sale specifies that the sale price has been reduced by, or is in any way intended to reflect, the taxes allocable to the seller. See also § 1.1012-1 (b).

(3) Subparagraph (1) of this paragraph shall not apply to a seller who, in a taxable year prior to the taxable year of sale, pays an amount representing real property taxes which are treated under section 164 (d) as imposed on the purchaser, if such seller has elected to capitalize such amount in accordance with section 266 and the regulations thereunder (relating to election to capitalize certain carrying charges and taxes).

(4) The application of this paragraph may be illustrated by the following examples:

Example (1). Assume that the contract price on the sale of a parcel of real estate is $50,000 and that real property taxes thereon in the amount of $1,000 for the real property tax year in which occurred the date of sale were previously paid by the seller. Assume further that $750 of the taxes are treated under section 164 (d) as imposed upon the purchaser and that he reimburses the seller in that amount in addition to the contract price. The amount realized by the seller is $50,000. Similarly, $50,000 is the purchaser's cost. If, in this example, the purchaser made no payment other than the contract price of $50,000, the amount realized by the seller would be $49,250, since the sales price would be deemed to include $750 paid to the seller in reimbursement for real property taxes imposed upon the purchaser. Similarly, $49,250 would be the purchaser's cost.

Example (2). Assume that the purchaser in example (1) above, paid all of the real property taxes. Assume further that $250 of the taxes are treated under section 164 (d) as imposed upon the seller. The amount realized by the seller is $50,250. Similarly, $50,250 is the purchaser's cost, regardless of the taxable year in which the purchaser makes actual payment of the taxes.

Example (3). Assume that the seller described in the first part of example (1), above, paid the real property taxes of $1,000 in the taxable year prior to the taxable year of sale and elected under section 266 to capitalize the $1,000 of taxes. In such a case, the amount realized is $50,750. Moreover, regardless of whether the seller elected to capitalize the real property taxes, the purchaser in that case could elect under section 266 to capitalize the $750 of taxes treated under section 164 (d) as imposed upon him, in which case his adjusted basis would be $50,750 (cost of $50,000 plus capitalized taxes of $570).

(c) *Other rules.* (1) Even though property is not sold or otherwise disposed of, gain is realized if the sum of all the amounts received which are required by section 1016 and other applicable provisions of subtitle A of the Internal Revenue Code of 1954 to be applied against the basis of the property exceeds such basis. Except as otherwise provided in section 301 (c) (3) (B) with respect to distributions out of increase in value of property accrued prior to March 1, 1913, such gain is includible in gross income under section 61 as "income from whatever source derived". On the other hand, a loss is not ordinarily sustained prior to the sale or other disposition of the property, for the reason that until such sale or other disposition occurs there remains the possibility that the taxpayer may recover or recoup the adjusted basis of the property. Until some identifiable event fixes the actual sustaining of a loss and the amount thereof, it is not taken into account.

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. A, an individual on a calendar year basis, purchased certain shares of stock subsequent to February 28, 1913, for $10,000. On January 1, 1954, A's adjusted basis for the stock had been reduced to $1,000 by reason of receipts and distributions described in sections 1016 (a) (1) and 1016 (a) (4). He received in 1954 a further distribution of $5,000, being a distribution covered by section 1016 (a) (4), other than a distribution out of increase of value of property accrued prior to March 1, 1913. This distribution applied against the adjusted basis as required by section 1016 (a) (4) exceeds that basis by $4,000. The $4,000 excess is a gain realized by A in 1954 and is includible in gross income in his return for that calendar year. In computing gain from the stock, as in adjusting basis, no distinction is made between items of receipts or distributions described in section 1016. If A sells the stock in 1955 for $5,000, he realizes in 1955 a gain of $5,000, since the adjusted basis of the stock for the purpose of computing gain or loss from the sale is zero.

(d) *Installment sales.* In the case of property sold on the installment plan, special rules for the taxation of the gain are prescribed in section 453.

(e) *Transfers in part a sale and in part a gift.* (1) Where a transfer of property is in part a sale and in part a gift, the transferor has a gain to the extent that the amount realized by him exceeds his adjusted basis in the property. However, no loss is sustained on such a transfer if the amount realized is less than the adjusted basis. For determination of basis of the property in the hands of the transferee see § 1.1015-4.

(2) *Examples.* The provisions of subparagraph (1) may be illustrated by the following examples:

Example (1). A transfers property to his son for $60,000. Such property in the hands of A has an adjusted basis of $30,000 (and a fair market value of $90,000). A's gain is $30,000, the excess of $60,000, the amount realized, over the adjusted basis, $30,000. He has made a gift of $30,000, the excess of $90,000, the fair market value, over the amount realized, $60,000.

Example (2). A transfers property to his son for $30,000. Such property in the hands of A has an adjusted basis of $60,000 (and a fair market value of $90,000). A has no gain or loss, and has made a gift of $60,000, the excess of $90,000, the fair market value, over the amount realized, $30,000.

Example (3). A transfers property to his son for $30,000. Such property in A's hands has an adjusted basis of $30,000 (and a fair market value of $60,000). A has no gain and has made a gift of $30,000, the excess of $60,000, the fair market value, over the amount realized, $30,000.

Example (4). A transfers property to his son for $30,000. Such property in A's hands has an adjusted basis of $90,000 (and a fair market value of $60,000). A has sustained no loss, and has made a gift of $30,000, the excess of $60,000, the fair market value, over the amount realized, $30,000.

§ 1.1002 *Statutory provisions; recognition of gain or loss.*

SEC. 1002. *Recognition of gain or loss.* Except as otherwise provided in this subtitle, on the sale or exchange of property the entire amount of the gain or loss, determined under section 1001, shall be recognized.

§ 1.1002-1 *Sales or exchanges*—(a) *General rule.* The general rule with respect to gain or loss realized upon the sale or exchange of property as determined under section 1001 is that the entire amount of such gain or loss is recognized except in cases where specific provisions of subtitle A of the Internal Revenue Code of 1954 provide otherwise.

(b) *Strict construction of exceptions from general rule.* The exceptions from the general rule requiring the recognition of all gains and losses, like other exceptions from a rule of taxation of general and uniform application, are strictly construed and do not extend either beyond the words or the underlying assumptions and purposes of the exception. Nonrecognition is accorded by the Internal Revenue Code of 1954 only if the exchange is one which satisfies both (1) the specific description in the Code of an excepted exchange, and (2) the underlying purpose for which such exchange is excepted from the general rule. The exchange must be germane to, and a necessary incident of, the investment or enterprise in hand. The relationship of the exchange to the venture or enterprise is always material, and the surrounding facts and circumstances must be shown. As elsewhere, the taxpayer claiming the benefit of the exception must show himself within the exception.

(c) *Certain exceptions to general rule.* Exceptions to the general rule are made, for example, by sections 351 (a), 354, 361 (a), 371 (a) (1), 371 (b) (1), 721, 1031, 1035 and 1036. These sections describe certain specific exchanges of property in which at the time of the exchange particular differences exist between the property parted with and the

property acquired, but such differences are more formal than substantial. As to these, the Internal Revenue Code of 1954 provides that such differences shall not be deemed controlling, and that gain or loss shall not be recognized at the time of the exchange. The underlying assumption of these exceptions is that the new property is substantially a continuation of the old investment still unliquidated; and, in the case of reorganizations, that the new enterprise, the new corporate structure, and the new property are substantially continuations of the old still unliquidated.

(d) *Exchange.* Ordinarily, to constitute an exchange, the transaction must be a reciprocal transfer of property, as distinguished from a transfer of property for a money consideration only.

BASIS RULES OF GENERAL APPLICATION

§ 1.1011 *Statutory provisions; adjusted basis for determining gain or loss.*

SEC. 1011. *Adjusted basis for determining gain or loss.* The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis (determined under section 1012 or other applicable sections of this subchapter and subchapters C (relating to corporate distributions and adjustments), K (relating to partners and partnerships), and P (relating to capital gains and losses)), adjusted as provided in section 1016.

§ 1.1011–1 *Adjusted basis.* The adjusted basis for determining the gain or loss from the sale or other disposition of property is the cost or other basis prescribed in section 1012 or other applicable provisions of subtitle A of the Internal Revenue Code of 1954, adjusted to the extent provided in sections 1016, 1017, and 1018 or as otherwise specifically provided for under applicable provisions of internal revenue laws.

§ 1.1012 *Statutory provisions; basis of property—cost.*

SEC. 1012. *Basis of property—cost.* The basis of property shall be the cost of such property, except as otherwise provided in this subchapter and subchapters C (relating to corporate distributions and adjustments), K (relating to partners and partnerships), and P (relating to capital gains and losses). The cost of real property shall not include any amount in respect of real property taxes which are treated under section 164 (d) as imposed on the taxpayer.

§ 1.1012–1 *Basis of property—*(a) *General rule.* In general, the basis of property is the cost thereof. The cost is the amount paid for such property in cash or other property. This general rule is subject to exceptions stated in subchapter O (relating to gain or loss on the disposition of property), subchapter C (relating to corporate distributions and adjustments), subchapter K (relating to partners and partnerships), and subchapter P (relating to capital gains and losses) of chapter 1 of the Internal Revenue Code of 1954.

(b) *Real estate taxes as part of cost.* In computing the cost of real property, the purchaser shall not take into account any amount paid to the seller as reimbursement for real property taxes which are treated under section 164 (d) as imposed upon the purchaser. This rule applies whether or not the contract of sale calls for the purchaser to reimburse the seller for such real estate taxes paid or to be paid by the seller. On the other hand, where the purchaser pays (or assumes liability for) real estate taxes which are treated under section 164 (d) as imposed upon the seller, such taxes shall be considered part of the cost of the property. It is immaterial whether or not the contract of sale specifies that the sale price has been reduced by, or is in any way intended to reflect, real estate taxes allocable to the seller under section 164 (d). For illustrations of the application of this paragraph, see § 1.1001–1 (b).

(c) [Reserved.]

(d) *Special rules.* For special rules for determining the basis for gain or loss in the case of vessels acquired through the Maritime Commission (or its successor), see sections 510 and 511 of the Merchant Marine Act of 1936 (46 U. S. C. 1160, 1161). For special rules for determining the unadjusted basis of property recovered in respect of war losses, see section 1336. For special rules for determining the basis for gain or loss in the case of the disposition of a share of stock acquired pursuant to the timely exercise of a restricted stock option where the option price was between 85 percent and 95 percent of the fair market value of the stock at the time the option was granted, see section 421 (b). For special rules for determining the basis and adjusted basis of property acquired or improved with the proceeds of a grant or loan made to a taxpayer by the United States for the encouragement of exploration, development, or mining of critical and strategic minerals or metals, see section 621.

§ 1.1012–2 *Transfers in part a sale and in part a gift.* For rule relating to basis of property acquired in a transfer which is in part a gift and in part a sale, see § 1.1015–4.

§ 1.1013 *Statutory provisions; basis of property included in inventory.*

SEC. 1013. *Basis of property included in inventory.* If the property should have been included in the last inventory, the basis shall be the last inventory value thereof.

§ 1.1013–1 *Property included in inventory.* The basis of property required to be included in inventory is the last inventory value of such property in the hands of the taxpayer. The requirements with respect to the valuation of an inventory are stated in sections 471, 472, and the regulations thereunder.

§ 1.1014 *Statutory provisions; basis of property acquired from a decedent.*

SEC. 1014. *Basis of property acquired from a decedent—*(a) *In general.* Except as otherwise provided in this section, the basis of property in the hands of a person acquiring the property from a decedent or to whom the property passed from a decedent shall, if not sold, exchanged, or otherwise disposed of before the decedent's death by such person, be the fair market value of the property at the date of the decedent's death, or, in the case of an election under either section 2032 or section 811 (j) of the Internal Revenue Code of 1939 where the decedent died after October 21, 1942, its value at the applicable valuation date prescribed by those sections.

(b) *Property acquired from the decedent.* For purposes of subsection (a), the following property shall be considered to have been acquired from or to have passed from the decedent:

(1) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(2) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(3) In the case of decedents dying after December 31, 1951, property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(4) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(5) In the case of decedents dying after August 26, 1937, property acquired by bequest, devise, or inheritance or by the decedent's estate from the decedent, if the property consists of stock or securities of a foreign corporation, which with respect to its taxable year next preceding the date of the decedent's death was, under the law applicable to such year, a foreign personal holding company. In such case, the basis shall be the fair market value of such property at the date of the decedent's death or the basis in the hands of the decedent, whichever is lower;

(6) In the case of decedents dying after December 31, 1947, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, if at least one-half of the whole of the community interest in such property was includible in determining the value of the decedent's gross estate under chapter 11 of subtitle B (section 2001 and following, relating to estate tax) or section 811 of the Internal Revenue Code of 1939;

(7) In the case of decedents dying after October 21, 1942, and on or before December 31, 1947, such part of any property, representing the surviving spouse's one-half share of property held by a decedent and the surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, as was included in determining the value of the gross estate of the decedent, if a tax under chapter 3 of the Internal Revenue Code of 1939 was payable on the transfer of the net estate of the decedent. In such case, nothing in this paragraph shall reduce the basis below that which would exist if the Revenue Act of 1948 had not been enacted;

(8) In the case of decedents dying after December 31, 1950, and before January 1, 1954, property which represents the survivor's interest in a joint and survivor's annuity if the value of any part of such interest was required to be included in determining the value of decedent's gross estate under section 811 of the Internal Revenue Code of 1939;

(9) In the case of decedents dying after December 31, 1953, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or non-exercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's gross estate under chapter 11 of subtitle B or under the Internal Revenue Code of 1939. In such case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under subsection (a) reduced by the amount allowed to the taxpayer as deductions in computing taxable income under this subtitle or prior income tax laws for exhaustion, wear and tear, obsolescence, amortization, and depletion on such property before the death of the decedent. Such basis shall be applicable to the property commencing on the death of the decedent. This parargaph shall not apply to—

(A) Annuities described in section 72;

(B) Property to which paragraph (5) would apply if the property had been acquired by bequest; and

(C) Property described in any other paragraph of this subsection.

(c) *Property representing income in respect of a decedent.* This section shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 691.

(d) *Employee stock options.* This section shall not apply to restricted stock options described in section 421 which the employee has not exercised at death.

§ 1.1014–1 *Basis of property acquired from a decedent—*(a) *General rule.* The purpose of section 1014 is, in general, to provide a basis for property acquired from a decedent which is equal to the value placed upon such property for purposes of the Federal estate tax. Accordingly, the general rule is that the basis of property acquired from a decedent is the fair market value of such property at the date of the decedent's death, or, if the decedent's executor so elects, at the alternate valuation date prescribed in section 2032, or in section 811 (j) of the Internal Revenue Code of 1939. Property acquired from a decedent includes, principally, property acquired by bequest, devise, or inheritance, and, in the case of decedents dying after December 31, 1953, property required to be included in determining the value of the decedent's gross estate under any provision of the Internal Revenue Code of 1954 or the Internal Revenue Code of 1939. The general rule governing basis of property acquired from a decedent, as well as other rules prescribed elsewhere in this section, shall have no application if the property is sold, exchanged, or otherwise disposed of before the decedent's death by the person who acquired the property from the decedent. For general rules on the applicable valuation date where the executor of a decedent's estate elects under section 2032, or under section 811 (j) of the Internal Revenue Code of 1939, to value the decedent's gross estate at the alternate valuation date prescribed in such sections, see § 1.1014–3 (e).

(b) *Scope and application.* With certain limitations, the general rule described in paragraph (a) of this section is applicable to the classes of property described in paragraphs (a) and (b) of § 1.1014–2. Special basis rules with respect to the basis of certain other property acquired from a decedent are set forth in § 1.1014–2 (c). These special rules concern certain stock or securities of a foreign personal holding company and the surviving spouse's one-half share of community property held with a decedent dying after October 21, 1942, and on or before December 31, 1947. In this section and §§ 1.1014–2 to 1.1014–6, inclusive, whenever the words "property acquired from a decedent" are used they shall also mean "property passed from a decedent" and the phrase "person who acquired it from the decedent" shall include the "person to whom it passed from the decedent."

(c) *Property to which section 1014 does not apply.* Section 1014 shall have no application to the following classes of property:

(1) Property which constitutes a right to receive an item of income in respect of a decedent under section 691; and

(2) Restricted stock options described in section 421 which the employee has not exercised at death, regardless of the date on which the employee died.

§ 1.1014–2 *Property acquired from a decedent—*(a) *In general.* The following property, except where otherwise indicated, is considered to have been acquired from a decedent and the basis thereof is determined in accordance with the general rule in § 1.1014–1:

(1) Without regard to the date of the decedent's death, property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent, whether the property was acquired under the decedent's will or under the law governing the descent and distribution of the property of decedents. However, see paragraph (c) (1) of this section if the property was acquired by bequest or inheritance from a decedent dying after August 26, 1937, and if such property consists of stock or securities of a foreign personal holding company.

(2) Without regard to the date of the decedent's death, property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust.

(3) In the case of decedents dying after December 31, 1951, property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust.

(4) Without regard to the date of the decedent's death, property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will. (See section 2041 (b) for definition of general power of appointment.)

(5) In the case of decedents dying after December 31, 1947, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, if at least one-half of the whole of the community interest in that property was includible in determining the value of the decedent's gross estate under part III of chapter 11 (relating to the estate tax) or section 811 of the Internal Revenue Code of 1939. It is not necessary for the application of this subparagraph that an estate tax return be required to be filed for the estate of the decedent or that an estate tax be payable.

(6) In the case of decedents dying after December 31, 1950, and before January 1, 1954, property which represents the survivor's interest in a joint and survivor's annuity if the value of any part of that interest was required to be included in determining the value of the decedent's gross estate under section 811 of chapter 3 of the Internal Revenue Code of 1939. It is necessary only that the value of a part of the survivor's interest in the annuity be includible in the gross estate under section 811. It is not necessary for the application of this subparagraph that an estate tax return be required to be filed for the estate of the decedent or that an estate tax be payable.

(b) *Property acquired from a decedent dying after December 31, 1953—*(1) *In general.* In addition to the property described in paragraph (a) of this section, and except as otherwise provided in subparagraph (3) of this paragraph, in the case of a decedent dying after December 31, 1953, property shall also be considered to have been acquired from the decedent to the extent that both of the following conditions are met: (i) the property was acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or non-exercise of a power of appointment), and (ii) the property is includible in the decedent's gross estate under the provisions of the Internal Revenue Code of 1954, or 1939, because of such acquisition. The basis of such property in the hands of the person who acquired it from the decedent shall be determined in accordance with the general rule in § 1.1014–1. See, however, § 1.1014–6 for special adjustments if such property is acquired before the death of the decedent. See also subparagraph (3) for a description of property not within the scope of this paragraph.

(2) *Rules for the application of subparagraph (1).* Except as provided in subparagraph (3), this paragraph generally includes all property acquired from a decedent, which is includible in the gross estate of the decedent if the decedent died after December 31, 1953. It is not necessary for the application of this paragraph that an estate tax return be required to be filed for the estate of the decedent or that an estate tax be payable. Property acquired prior to the death of a decedent which is includible in the decedent's gross estate, such as property transferred by a decedent in contemplation of death, and property held by a taxpayer and the decedent as joint tenants or as tenants by the entireties is within the scope of this paragraph. Also, this paragraph includes property acquired through the exercise or non-exercise of a power of appointment where such property is includible in the decedent's gross estate. It does not include property not includible in the decedent's gross estate such as property not situated in the United States acquired from a nonresident who is not a citizen of the United States.

(3) *Exceptions to application of paragraph (b).* The rules in paragraph (b) are not applicable to the following property:

(i) Annuities described in section 72;

(ii) Stock or securities of a foreign personal holding company as described in section 1014 (b) (5) (see paragraph (c) (1) of this section);

(iii) Property described in any paragraph other than paragraph (9) of section 1014 (b). See paragraphs (a) and (c) of this section.

In illustration of subdivision (ii), assume that A acquired by gift stock of a character described in paragraph (c) (1) of this section from a donor and upon the death of the donor the stock was includible in the donor's estate as being a gift in contemplation of death. A's basis in the stock would not be determined by reference to its fair market value at the donor's death under the general rule in section 1014 (a). Furthermore, the special basis rules prescribed in paragraph (c) (1) are not applicable to such property acquired by gift in contemplation of death. It will be necessary to refer to the rules in section 1015 (a) to determine the basis.

(c) *Special basis rules with respect to certain property acquired from a decedent*—(1) *Stock or securities of a foreign personal holding company.* The basis of certain stock or securities of a foreign corporation which was a foreign personal holding company with respect to its taxable year next preceding the date of the decedent's death is governed by a special rule. If such stock was acquired from a decedent dying after August 26, 1937, by bequest or inheritance, or by the decedent's estate from the decedent, the basis of the property in the hands of the person who so acquired it (notwithstanding any other provision of section 1014) shall be the fair market value of such property at the date of the decedent's death or the adjusted basis of the stock in the hands of the decedent, whichever is lower.

(2) *Spouse's interest in community property of decedent dying after October 21, 1942, and on or before December 31, 1947.* In the case of a decedent dying after October 21, 1942, and on or before December 31, 1947, a special rule is provided for determining the basis of such part of any property, representing the surviving spouse's one-half share of property held by the decedent and the surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, as was included in determining the value of the decedent's gross estate, if a tax under chapter 3 of the Internal Revenue Code of 1939 was payable upon the decedent's net estate. In such case the basis shall be the fair market value of such part of the property at the date of death (or the optional valuation elected under section 811 (j) of the Internal Revenue Code of 1939) or the adjusted basis of the property determined without regard to this subparagraph, whichever is the higher.

§ 1.1014–3 *Other basis rules*—(a) *Fair market value.* For purposes of this section and § 1.1014–1, the value of property as of the date of the decedent's death as appraised for the purpose of the Federal estate tax or the alternate value as appraised for such purpose, whichever is applicable, shall be deemed to be its fair market value. If no estate tax return is required to be filed under section 6018 (or under section 821 or 864 of the Internal Revenue Code of 1939) the value of the property appraised as of the date of the decedent's death for the purpose of State inheritance or transmission taxes shall be deemed to be its fair market value and no alternate valuation date shall be applicable.

(b) *Property acquired from a decedent dying before March 1, 1913.* If the decedent died before March 1, 1913, the fair market value on that date is taken in lieu of the fair market value on the date of death, but only to the same extent and for the same purposes as the fair market value on March 1, 1913, is taken under section 1053.

(c) *Reinvestments by a fiduciary.* The basis of property acquired after the death of the decedent by a fiduciary as an investment is the cost or other basis of such property to the fiduciary, and not the fair market value of such property at the death of the decedent. For example, the executor of an estate purchases stock of X company at a price of $100 per share with the proceeds of the sale of property acquired from a decedent. At the date of the decedent's death the fair market value of such stock was $98 per share. The basis of such stock to the executor or to a legatee, assuming the stock is distributed, is $100 per share.

(d) *Reinvestments of property transferred during life.* Where property is transferred by a decedent during life and the property is sold, exchanged, or otherwise disposed of before the decedent's death by the person who acquired the property from the decedent, the general rule stated in § 1.1014–1 (a) shall not apply to such property. However, in such a case, the basis of any property acquired by such donee in exchange for the original property, or of any property acquired by the donee through reinvesting the proceeds of the sale of the original property, shall be the fair market value of the property thus acquired at the date of the decedent's death (or applicable alternate valuation date) if the property thus acquired is properly included in the decedent's gross estate for Federal estate tax purposes. These rules also apply to property acquired by the donee in any further exchanges or in further reinvestments. For example, on January 1, 1956, the decedent made a gift of real property to a trust for the benefit of his children, reserving to himself the power to revoke the trust at will. Prior to the decedent's death the trustee sold the real property and invested the proceeds in stock of the Y company at $50 per share. At the time of the decedent's death the value of such stock was $75 per share. The corpus of the trust was required to be included in the decedent's gross estate owing to his reservation of the power of revocation. The basis of the Y company stock following the decedent's death is $75 per share. Moreover, if the trustee sold the Y Company stock before the decedent's death for $65 a share and reinvested the proceeds in Z company stock which increased in value to $85 per share at the time of the decedent's death, the basis of the Z company stock following the decedent's death would be $85 per share.

(e) *Alternate valuation dates.* Section 1014 (a) provides a special rule applicable in determining the basis of property described in § 1.1014–2 where—

(1) The property is includible in the gross estate of a decedent who died after October 21, 1942, and

(2) The executor elects for estate tax purposes under section 2032, or section 811 (j) of the Internal Revenue Code of 1939, to value the decedent's gross estate at the alternate valuation date prescribed in such sections.

In those cases, the value applicable in determining the basis of the property is not the value at the date of the decedent's death but (with certain limitations) the value at the date one year after his death if not distributed, sold, exchanged, or otherwise disposed of in the meantime. If such property was distributed, sold, exchanged, or otherwise disposed of within one year after the date of the decedent's death by the person who acquired it from the decedent, the value applicable in determining the basis is its value as of the date of such distribution, sale, exchange, or other disposition. For illustrations of the operation of this paragraph, see the estate tax regulations under section 2032.

§ 1.1014–4 *Uniformity of basis; adjustment to basis*—(a) *In general.* (1) The basis of property acquired from a decedent, as determined under section 1014 (a), is uniform in the hands of every person having possession or enjoyment of the property at any time under the will or other instrument or under the laws of descent and distribution. The principle of uniform basis means that the basis of the property (to which proper adjustments must, of course, be made) will be the same, or uniform, whether the property is possessed or enjoyed by the executor or administrator, the heir, the legatee or devisee, or the trustee or beneficiary of a trust created by a will or an inter vivos trust. In determining the amount allowed or allowable to a taxpayer in computing taxable income as deductions for depreciation or depletion under section 1016 (a) (2), the uniform basis of the property shall at all times be used and adjusted. The sale, exchange, or other disposition by a life tenant or remainderman of his interest in property will, for purposes of this section, have no effect upon the uniform basis of the property in the hands of those who acquired it from the decedent. Thus, gain or loss on sale of trust assets by the trustee will be determined without regard to the prior sale of any interest in the property. Moreover, any adjustment for depreciation shall be made to the uniform basis of the property without regard to such prior sale, exchange, or other disposition.

(2) Under the law governing wills and the distribution of the property of decedents, all titles to property acquired by bequest, devise, or inheritance relate back to the death of the decedent, even though the interest of the person taking the title was, at the date of death of the decedent, legal, equitable, vested, contingent, general, specific, residual, conditional, executory, or otherwise. Accordingly, there is a common acquisition date for all titles to property acquired from a decedent within the meaning of section 1014, and, for this reason, a common or uniform basis for all such interests. For example, if distribution of personal property left by a decedent is not made until one year after his death, the basis of such property in the hands of the legatee is its fair market value at the time when the decedent died, and not when the legatee actually received the property. If the bequest is of the residue to trustees in trust, and the executors do not distribute the residue to such trustees until five years after the death of the decedent, the basis of each piece of property left by the decedent and thus received, in the hands of the trustees, is its fair market value at the time when the decedent dies. If the bequest is to trustees in trust to pay to A during his lifetime the income of the property bequeathed, and after his death to distribute such property to the survivors of a class, and upon A's death the property is distributed to the taxpayer as the sole survivor, the basis of such property, in the hands of the taxpayer, is its fair market value at the time when the decedent died. The purpose of the Internal Revenue Code in prescribing a general uniform basis rule for property acquired from a decedent is, on the one hand, to tax the gain, in respect of such property, to him who realizes it (without regard to the circumstance that at the death of the decedent it may have been quite uncertain whether the taxpayer would take or gain anything); and, on the other hand, not to recognize as gain any element of value resulting solely from the circumstance that the possession or enjoyment of the taxpayer was postponed. Such postponement may be, for example, until the administration of the decedent's estate is completed, until the period of the possession or enjoyment of another has terminated, or until an uncertain event has happened. It is the increase or decrease in the value of property reflected in a sale or other disposition which is recognized as the measure of gain or loss.

(3) The principles stated in subparagraphs (1) and (2) of this paragraph do not apply to property transferred by an executor, administrator or trustee, to an heir, legatee, devisee or beneficiary under circumstances such that the transfer constitutes a sale or exchange. In such a case, gain or loss must be recognized by the transferor to the extent required by the revenue laws, and the transferee acquires a basis equal to the fair market transfer. Thus, for example, if the trustee of a trust created by will transfers to a beneficiary, in satisfaction of a specific bequest of $10,000, securities which had a fair market value of $9,000 on the date of the decedent's death (the applicable valuation date) and $10,000 on the date of the transfer, the trust realizes a taxable gain of $1,000 and the basis of the securities in the hands of the beneficiary would be $10,000. As a further example, if the executor of an estate transfers to a trust property worth $200,000, which had a fair market value of $175,000 on the date of the decedent's death (the applicable valuation date), in satisfaction of the decedent's bequest in trust for the benefit of his wife of cash or securities to be selected by the executor in an amount sufficient to utilize the marital deduction to the maximum extent authorized by law (after taking into consideration any other property qualifying for the marital deduction), capital gain in the amount of $25,000 would be realized by the estate and the basis of the property in the hands of the trustees would be $200,000. If, on the other hand, the decedent bequeathed a fraction of his residuary estate to a trust for the benefit of his wife, which fraction will not change regardless of any fluctuations in value of property in the decedent's estate after his death, no gain or loss would be realized by the estate upon transfer of property to the trust, and the basis of the property in the hands of the trustee would be its fair market value on the date of the decedent's death or on the alternate valuation date.

(b) *Multiple interests.* Where more than one person has an interest in property acquired from a decedent, the basis of such property shall be determined and adjusted without regard to the multiple interests. The basis for computing gain or loss on the sale of any one of such multiple interests shall be determined under § 1.1014–5. Thus, the deductions for depreciation and for depletion allowed or allowable, under sections 167 and 611, to a legal life tenant as if the life tenant were the absolute owner of the property, constitute an adjustment to the basis of the property not only in the hands of the life tenant, but also in the hands of the remainderman and every other person to whom the same uniform basis is applicable. Similarly, the deductions allowed or allowable under sections 167 and 611, both to the trustee and to the trust beneficiaries, constitute an adjustment to the basis of the property not only in the hands of the trustee, but also in the hands of the trust beneficiaries and every other person to whom the uniform basis is applicable. See, however, section 262. Similarly, adjustments in respect of capital expenditures or losses, tax-free distributions, or other distributions applicable in reduction of basis, or other items for which the basis is adjustable are made without regard to which one of the persons to whom the same uniform basis is applicable makes the capital expenditures or sustains the capital losses, or to whom the tax-free or other distributions are made, or to whom the deductions are allowed or allowable. See § 1.1014–6 for adjustments in respect of property acquired from a decedent prior to his death.

(c) *Records.* The executor or other legal representative of the decedent, the fiduciary of a trust under a will, the life tenant and every other person to whom a uniform basis under this section is applicable, shall maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made by sections 1016 and 1017, and shall furnish to the district director such information with respect to those adjustments as he may require.

§ 1.1014–5 *Gain or loss*—(a) *Sale or other disposition of a life interest, remainder interest, or other interest in property acquired from a decedent.* (1) The gain or loss from a sale or other disposition of a life interest, remainder interest, or other interest in property acquired from a decedent is determined by comparing the amount of the proceeds with the amount of that part of the adjusted uniform basis which is assignable to the interest sold or otherwise disposed of. The adjusted uniform basis is the uniform basis of the entire property adjusted to the time of sale or other disposition of any such interest as required by sections 1016 and 1017. The uniform basis is the unadjusted basis of the entire property determined immediately after the decedent's death under the applicable sections of part II of subchapter O of chapter 1 of the Internal Revenue Code of 1954. The proper measure of gain or loss resulting from a sale or other disposition of an interest in property acquired from a decedent is so much of the increase or decrease in the value of the entire property as is reflected in such sale or other disposition. Hence, in ascertaining the basis of a life interest, remainder interest, or other interest which is sold or otherwise disposed of, the uniform basis rule contemplates that proper adjustments will be made to reflect the change in relative value of the interests on account of the passage of time. Where a remainder interest is subject to a life interest in one person only, the factors set forth in the table which appears at the end of this subparagraph shall be used in determining the basis of the life interest or the remainder interest in the property at the time such interest is sold. The basis of the life interest or the remainder interest is computed by multiplying the uniform basis (adjusted to the time of the sale) by the appropriate factor. In the case of the sale of a life interest or a remainder interest, the factor used is the factor which appears in the life interest or the remainder interest column of the table opposite the age (at the time of the sale) of the person at whose death the life interest will terminate.

TABLE OF FACTORS

These factors are taken from Table I of the Estate Tax Regulations. See Table I in § 20.2031–7 (f) of those regulations for remainder and life factors for ages not shown here.

Age of measuring life	Factor for life interest	Factor for remainder interest
21	0.78203	0.21797
22	.77576	.22424
23	.76930	.23070
24	.76266	.23734
25	.75582	.24418
26	.74880	.25120
27	.74157	.25843
28	.73416	.26584
29	.72653	.27347
30	.71871	.28129
31	.71068	.28932
32	.70245	.29755
33	.69401	.30599
34	.68536	.31464
35	.67650	.32350
36	.66743	.33257
37	.65815	.34185
38	.64867	.35133
39	.63898	.36102
40	.62908	.37092
41	.61899	.38101
42	.60869	.39131
43	.59820	.40180
44	.58751	.41249
45	.57664	.42336
46	.56559	.43441
47	.55436	.44564
48	.54297	.45703
49	.53141	.46859
50	.51970	.48030
51	.50785	.49215
52	.49587	.50413
53	.48377	.51623
54	.47157	.52843
55	.45926	.54074
56	.44688	.55312
57	.43442	.56558
58	.42191	.57809
59	.40936	.59064
60	.39679	.60321
61	.38422	.61578
62	.37165	.62835
63	.35911	.64089
64	.34663	.65337
65	.33420	.66580
66	.32186	.67814
67	.30962	.69038
68	.29750	.70250
69	.28552	.71448
70	.27370	.72630
71	.26205	.73795
72	.25059	.74941
73	.23934	.76066
74	.22831	.77169
75	.21752	.78248
76	.20698	.79302
77	.19670	.80330
78	.18671	.81329
79	.17700	.82300
80	.16759	.83241

In cases in which the value of an interest cannot be determined from the above table, for example, cases in which the interest to be valued is dependent upon the continuation or termination of more than one life, or there is a term-certain concurrent with one or more lives, the factor is to be computed upon the basis of the Makehamized mortality table and interest at the rate of 3½ percent a year, compounded annually. This table appears as Table 38 of United States Life Tables and Actuarial Tables 1939–1941, published by the United States Department of Commerce, Bureau of the Census. Many such factors may be found in, or readily computed with the use of the tables contained in a pamphlet entitled "Actuarial Values for Estate and Gift Tax," which may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.; or a case requiring a special factor (provided the transaction is completed and not merely proposed or hypothetical) may be stated to the Commissioner who will furnish such factor. The request must be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments.

(2) The application of this section may be illustrated by the following example:

Example. Improved realty having a fair market value of $20,000 at the date of the decedent's death on January 1, 1954, is devised to A for life, with remainder over to B. On January 1, 1958, A sells his life interest for $12,500. During each of the years 1954–57, inclusive, A was allowed a deduction of $300 for depreciation. Thus, the adjusted uniform basis of the property is $18,800 ($20,000 minus $1,200 depreciation). At the time of the sale, A was 39 years of age. The life factor to be used here is 0.63898. The portion of the uniform basis (adjusted to the time of the sale) assigned to A's life interest is $12,012.82 (0.63898×$18,800). A's gain on the sale is $487.18 ($12,500−12,-012.82).

§ 1.1014–6 *Special rule for adjustments to basis where property is acquired from a decedent prior to his death*—(a) *In general.* (1) The basis of property described in section 1014 (b) (9) which is acquired from a decedent prior to his death shall be adjusted for depreciation, obsolescence, amortization, and depletion allowed the taxpayer on such property for the period prior to the decedent's death. Thus, in general, the adjusted basis of such property will be its fair market value at the decedent's death, or the applicable alternate valuation date, less the amount allowed (determined with regard to section 1016 (a) (2) (B)) to the taxpayer as deductions for exhaustion, wear and tear, obsolescence, amortization and depletion for the period held by the taxpayer prior to the decedent's death. The deduction allowed for a taxable year in which the decedent dies shall be an amount properly allocable to that part of the year prior to his death. For a discussion of the basis adjustment required by section 1014 (b) (9) where property is held in trust, see paragraph (c) of this section.

(2) Where property coming within the purview of subparagraph (1) of this paragraph was held by the decedent and his surviving spouse as tenants by the entirety or as joint tenants with right of survivorship, and joint income tax returns were filed by the decedent and the surviving spouse in which the deductions referred to in subparagraph (1) were taken, there shall be allocated to the surviving spouse's interest in the property that proportion of the deductions allowed for each period for which the joint returns were filed which her income from the property bears to the total income from the property. Each spouse's income from the property shall be determined in accordance with local law.

(3) The application of this paragraph may be illustrated by the following examples:

Example (1). The taxpayer acquired income-producing property by gift on January 1, 1954. The property had a fair market value of $50,000 on the date of the donor's death, January 1, 1956, and was included in his gross estate at that amount for estate tax purposes as a transfer in contemplation of death. Depreciation in the amount of $750 per year was allowable for each of the taxable years 1954 and 1955. However, the taxpayer claimed depreciation in the amount of $500 for each of these years (resulting in a reduction in his taxes) and his income tax returns were accepted as filed. The adjusted basis of the property as of the date of the decedent's death is $49,000 ($50,000, the fair market value at the decedent's death, less $1,000, the total of the amounts actually allowed as deductions).

Example (2). On July 1, 1952, H purchased for $30,000 income-producing property which he conveyed to himself and W, his wife, as tenants by the entirety. Under local law each spouse was entitled to one-half of the income therefrom. H died on January 1, 1955, at which time the fair market value of the property was $40,000. The entire value of the property was included in H's gross estate. H and W filed joint income tax returns for the years 1952, 1953, and 1954. The total depreciation allowance for the year 1952 was $500 and for each of the other years 1953 and 1954 was $1,000. One-half of the $2,500 depreciation will be allocated to W. The adjusted basis of the property in W's hands of January 1, 1955, was $38,750 ($40,000, value on the date of H's death, less $1,250, depreciation allocated to W for periods before H's death). However, if, under local law, all of the income from the property was allocable to H, no adjustment under this paragraph would be required and W's basis for the property as of the date of H's death would be $40,000.

(b) *Multiple interests in property described in section 1014 (b) (9) and acquired from a decedent prior to his death.* (1) Where more than one person has an interest in property described in section 1014 (b) (9) which was acquired from a decedent before his death, the basis of such property and of each of the several interests therein shall, in general, be determined and adjusted in accordance with the principles contained in §§ 1.1014–4 and 1.1014–5, relating to the uniformity of basis rule. Application of these principles to the determination of basis under section 1014 (b) (9) is shown in the remaining subparagraphs of this paragraph in connection with certain commonly encountered situations involving multiple interests in property acquired from a decedent before his death.

(2) Where property is acquired from a decedent before his death, and the entire property is subsequently included in the decedent's gross estate for estate tax purposes, the uniform basis of the property, as well as the basis of each of the several interests in the property, shall be determined by taking into account the basis adjustments required by section 1014 (a) owing to such inclusion of the entire property in the decedent's gross estate. For example, suppose that the decedent transfers property in trust, with a life estate to A, and the remainder to B or his estate. The transferred property consists of 100 shares of the common stock of X Corporation, with a basis of $10,000 at the time of the transfer. At the time of the decedent's death the value of the stock is $20,000. The transfer is held to have been made in contemplation of death and the entire value of the trust is included in the decedent's gross estate. Under section 1014 (a), the uniform basis of the property in the hands of the trustee, the life tenant, and the remainderman, is $20,000. If immediately prior to the decedent's death, A's share of the uniform basis of $10,000 was $6,000, and B's share was $4,000, then, immediately after the decedent's death, A's share of the uniform basis of $20,000 is $12,000, and B's share is $8,000.

(3) (i) In cases where, due to the operation of the estate tax, only a portion of property acquired from a decedent before his death is included in the decedent's gross estate, as in cases where the decedent retained a reversion to take effect upon the expiration of a life estate in another, the uniform basis of the entire property shall be determined by taking into account any basis adjustments required by section 1014 (a) owing to such inclusion of a portion of the property in the decedent's gross estate. In such cases the uniform basis is the adjusted basis of the entire property immediately prior to the decedent's death increased (or decreased) by an amount which bears the same relation to the total appreciation (or diminution) in value of the entire property (over the adjusted basis of the entire property immediately prior to the decedent's death) as the value of the property included in the decedent's gross estate bears to the value of the entire property. For example, assume that the decedent creates a trust to pay the income to A for life, remainder to B or his estate. The trust instrument further provides that if the decedent should survive A, the income shall be paid to the decedent for life. Assume that the decedent predeceases A, so that, due to the operation of the estate tax, only the present value of the remainder interest is included in the decedent's gross estate. The trust consists of 100 shares of the common stock of X Corporation with an adjusted basis immediately prior to the decedent's death of $10,000 (as determined under section 1015). At the time of the decedent's death the value of the stock is $20,000, and the value of the remainder interest in the hands of B is $8,000. The uniform basis of the entire property following the decedent's death is $14,000, computed as follows:

Uniform basis prior to decedent's death	$10,000
plus	
Increase in uniform basis (determined by the following formula)	4,000
Increase in uniform basis (to be determined) = $10,000 (total appreciation) × $8,000 (value of property included in gross estate) / $20,000 (value of entire property)	
Uniform basis under section 1014 (a)	14,000

(ii) In cases of the type described in subdivision (i) of this subparagraph, the basis of any interest which is included in the decedent's gross estate may be ascertained by adding to (or substracting from) the basis of such interest determined immediately prior to the decedent's death the increase (or decrease) in the uniform basis of the property attributable to the inclusion of the interest in the decedent's gross estate. Where the interest is sold or otherwise disposed of at any time after the decedent's death, proper adjustment must be made in order to reflect the change in value of the interest on account of the passage of time (see § 1.1014–5 (a) and the table included therein). For an illustration of the operation of this subdivision, see step 6 of the example in § 1.1014–7.

(iii) In cases of the type described in subdivision (i) (cases where, due to the operation of the estate tax, only a portion of the property is included in the decedent's gross estate), the basis for computing the depreciation, amortization, or depletion allowance shall be the uniform basis of the property determined under section 1014 (a). However, the manner of taking into account such allowance computed with respect to such uniform basis is subject to the following limitations:

(*a*) In cases where the value of the life interest is not included in the decedent's gross estate, the amount of such allowance to the life tenant under section 167 (g) (or section 611 (b)) shall not exceed (or be less than) the amount which would have been allowable to the life tenant if no portion of the basis of the property was determined under section 1014 (a). Proper adjustment shall be made for the amount allowable to the life tenant, as required by section 1016. Thus, an appropriate adjustment shall be made to the uniform basis of the property in the hands of the trustee, to the basis of the life interest in the hands of the life tenant, and to the basis of the remainder in the hands of the remainderman.

(*b*) Any remaining allowance (that is, the increase in the amount of depreciation, amortization, or depletion allowable resulting from any increase in the uniform basis of the property under section 1014 (a)) shall not be allowed to the life tenant. The remaining allowance shall, instead, be allowed to the trustee to the extent that the trustee both (*1*) is required or permitted, by the governing trust instrument (or under local law), to maintain a reserve for depreciation, amortization, or depletion, and (*2*) actually maintains such a reserve. If, in accordance with the preceding sentence, the trustee does maintain such a reserve, the remaining allowance shall be taken into account, under section 1016, in adjusting the uniform basis of the property in the hands of the trustee and in adjusting the basis of the remainder interest in the hands of the remainderman, but shall not be taken into account, under section 1016, in determining the basis of the life interest in the hands of the life tenant. For an example of the operation of this subdivision, see § 1.1014–7 (b).

(4) In cases where the basis of any interest in property is not determined under section 1014 (a), as where such interest (i) is not included in the decedent's gross estate, or (ii) is sold, exchanged or otherwise disposed of before the decedent's death, the basis of such interest shall be determined under other applicable provisions of the Internal Revenue Code. To illustrate, in the example shown in subdivision (i) of subparagraph (3) of this paragraph the basis of the life estate in the hands of A shall be determined under section 1015, relating to the basis of property acquired by gift. If, on the other hand, A had sold his life interest prior to the decedent's death, the basis of the life estate in the hands of A's transferee would be determined under section 1012.

(c) *Adjustments for deductions allowed prior to the decedent's death.* (1) As stated in paragraph (a), section 1014 (b) (9) requires a reduction in the uniform basis of property acquired from a decedent before his death for certain deductions allowed in respect of such property during the decedent's lifetime. In general, the amount of the reduction in basis required by section 1014 (b) (9) shall be the aggregate of the deductions allowed in respect of the property, but shall not include deductions allowed in respect of the property to the decedent himself. In cases where, owing to the operation of the estate tax, only a part of the value of the entire property is included in the decedent's gross estate, the amount of the reduction required by section 1014 (b) (9) shall be an amount which bears the same relation to the total of all deductions (described in paragraph (a) of this section) allowed in respect of the property as the value of the property included in the decedent's gross estate bears to the value of the entire property.

(2) The application of this paragraph may be illustrated by the following examples:

Example (1). The decedent creates a trust to pay the income to A for life, remainder to B or his estate. The property transferred in trust consists of an apartment building with a basis of $50,000 at the time of the transfer. The decedent dies 2 years after the transfer is made and the gift is held to have been made in contemplation of death. Depreciation on the property was allowed in the amount of $1,000 annually. At the time of the decedent's death the value of the property is $58,000. The uniform basis of the property in the hands of the trustee, the life tenant, and the remainderman, immediately after the decedent's death is $56,000 ($58,000, fair market value of the property immediately after the decedent's death, reduced by $2,000, deductions for depreciation allowed prior to the decedent's death).

Example (2). The decedent creates a trust to pay the income to A for life, remainder to B or his estate. The trust instrument provides that if the decedent should survive A, the income shall be paid to the decedent for life. The decedent predeceases A and the present value of the remainder interest is included in the decedent's gross estate for estate tax purposes. The property transferred consists of an apartment building with a basis of $110,000 at the time of the transfer. Following the creation of the trust and during the balance of the decedent's life, deductions for depreciation were allowed on the property in the amount of $10,000. At the time of decedent's death the value of the entire property is $150,000, and the value of the remainder interest is $100,000. Accordingly, the uniform basis of the property in the hands of the trustee, the life tenant, and the remainderman, as adjusted under section 1014 (b) (9), is $126,666, computed as follows:

Uniform basis prior to decedent's death			$100,000
Increase in uniform basis—before reduction (determined by the following formula)			
Increase in uniform basis (to be determined)	$100,000 (value of property included in gross estate)	=	33,333
$50,000 (total appreciation of property since time of transfer)	$150,000 (value of entire property)		
			133,333
Deductions allowed prior to decedent's death—taken into account under section 1014 (b) (9) (determined by the following formula)			6,667
Prior deductions taken into account (to be determined)	$100,000 (value of property included in gross estate)	=	
$10,000 (total deductions allowed prior to decedent's death)	$150,000 (value of entire property)		
Uniform basis under section 1014			126,666

§ 1.1014–7 *Example applying rules of §§ 1.1014–4 through 1.1014–6 to case involving multiple interests.* (a) On January 1, 1950, the decedent creates a trust to pay the income to A for life, remainder to B or his estate. The trust instrument provides that if the decedent should survive A, the income shall be paid to the decedent for life. The decedent, who died on January 1, 1955, predeceases A, so that, due to the operation of the estate tax, only the present value of the remainder interest is included in the decedent's gross estate. The trust consists of an apartment building with a basis of $30,000 at the time of transfer. Under the trust instrument the trustee is required to maintain a reserve for depreciation. During the life tenant, is 43 years of age at the time of the decedent's death. Immediately after the decedent's death, the uniform basis of the entire property under section 1014 (a) is $32,027; A's basis for the life interest is $15,553; and B's basis for the remainder interest is $16,474, computed as follows:

Step 1. Uniform basis (adjusted) immediately prior to decedent's death:

Basis at time of transfer			$30,000
Depreciation allowed under section 1016 before decedent's death ($800×5)			4,000
			26,000

Step 2. Value of property included in decedent's gross estate:

0.40180 (remainder factor, age 43) × $45,000 (value of entire property)			$18,081
Step 3. Uniform basis of property under section 1014 (a), before reduction required by section 1014 (b) (9):			
Uniform basis (adjusted) prior to decedent's death			$26,000
Increase in uniform basis (determined by the following formula)			7,634
Increase in uniform basis (to be determined)	$18,081 (value of property included in gross estate)	=	
$19,000 (total appreciation, $45,000−$26,000)	$45,000 (value of entire property)		
			33,634

Step 4. Uniform basis reduced as required by section 1014 (b) (9) for deductions allowed prior to death:			
Uniform basis before reduction			$33,634
less			
Deductions allowed prior to decedent's death—taken into account under section 1014 (b) (9) (determined by the following formula)			1,607
Prior deductions taken into account (to be determined)	$18,081 (value of property included in gross estate)	=	
$4,000 (total deductions allowed prior to decedent's death)	$45,000 (value of entire property)		
			32,027
Step 5. A's basis for the life interest at the time of the decedent's death, determined under section 1015:			
0.59820 (life factor, age 43) × $26,000			$15,553
Step 6. B's basis for the remainder interest, determined under section 1014 (a):			
Basis prior to the decedent's death:			
0.40180 (remainder factor, age 43) × $26,000			$10,447
plus			
Increase in uniform basis owing to decedent's death:			
Increase in uniform basis		$7,634	
Reduction required by section 1014 (b) (9)		1,607	
			6,027
			16,474

(b) Assume the same facts as in paragraph (a) of this section. Assume further, that following the decedents' death depreciation is allowed in the amount of $1,000 annually. As of January 1, 1964, when A's age is 52, the adjusted uniform basis of the entire property is $23,027; A's basis for the life interest is $9,323; and B's basis for the remainder interest is $13,704, computed as follows:

Step 7. Uniform basis (adjusted) as of January 1, 1964:

Uniform basis determined under section 1014 (a), reduced as required by section 1014 (b) (9)			$32,027
less			
Depreciation allowed since decedent's death ($1,000×9)			9,000
			23,027

Step 8. Allocable share of adjustment for depreciation allowable in the nine years since the decedent's death:

A's interest

0.49587 (life factor, age 52) × $7,200 (800, depreciation attributable to uniform basis before increase under section 1014 (a), ×9)			$3,570
B's interest			
0.50413 (remainder factor, age 52) × $7,200 (800, depreciation attributable to uniform basis before increase under section 1014 (a), ×9)			3,630
plus			
$200 (annual depreciation attributable to increase in uniform basis under section 1014 (a)) ×9			1,800
			5,430

Step 9. Tentative bases of A's and B's interests as of January 1, 1964 (before adjustment for depreciation).

A's interest

0.49587 (life factor, age 52) × $26,000 (adjusted uniform basis immediately before decedent's death)		$12,893
B's interest		
0.50413 (remainder factor, age 52) × $26,000 (adjusted uniform basis immediately before decedent's death)		$13,107
plus		
Increase in uniform basis owing to inclusion of remainder in decedent's gross estate		6,027
		19,134

Step 10. Bases of A's and B's interests as of January 1, 1964:

A		
Tentative basis (Step 9)		$12,893
less		
Allocable depreciation (Step 8)		3,570
		9,323
B		
Tentative basis (Step 9)		19,134
less		
Allocable depreciation (Step 8)		5,430
		13,704

§ 1.1014–8 *Bequest, devise, or inheritance of a remainder interest.* (a) (1) Where property is transferred for life, with remainder in fee, and the remainderman dies before the life tenant, no adjustment is made to the uniform basis of the property on the death of the remainderman (see § 1.1014–4 (a)). However, the basis of the remainderman's heir, legatee, or devisee for the remainder interest is determined by adding to (or subtracting from) the part of the adjusted uniform basis assigned to the remainder interest (determined in accordance with the principles set forth in §§ 1.1014–4 through 1.1014–6) the difference between—

(i) The value of the remainder interest included in the remainderman's estate, and

(ii) The basis of the remainder interest immediately prior to the remainderman's death.

(2) The basis of any property distributed to the heir, legatee, or devisee upon termination of a trust (or legal life estate) or at any other time (unless included in the gross income of the legatee or devisee) shall be determined by adding to (or subtracting from) the adjusted uniform basis of the property thus distributed the difference between—

(i) The value of the remainder interest in the property included in the remainderman's estate, and

(ii) The basis of the remainder interest in the property immediately prior to the remainderman's death.

(b) The provisions of paragraph (a) of this section are illustrated by the following examples:

Example (1). Assume that, under the will of a decedent, property consisting of common stock with a value of $1,000 at the time of the decedent's death is transferred in trust, to pay the income to A for life, remainder to B or to B's estate. B predeceases A and bequeaths the remainder interest to C. Assume that B dies on January 1, 1956, and that the value of the stock originally transferred is $1,600 at B's death. A's age at that time is 37. The value of the remainder interest included in B's estate is $547 (0.34185, remainder factor age 37, ×$1,600), and hence $547 is C's basis for the remainder interest immediately after B's death. Assume that C sells the remainder interest on January 1, 1961, when A's age is 42. C's basis for the remainder interest at the time of such sale is $596, computed as follows:

Basis of remainder interest computed with respect to uniform basis of entire property (0.39131, remainder factor age 42, ×$1,000, uniform basis of entire property)		$391
plus		
Value of remainder interest included in B's estate	$547	
less		
Basis of remainder interest immediately prior to B's death (0.34185, remainder factor age 37, ×$1,000)	342	
		205
Basis of C's remainder interest at the time of sale		596

Example (2). Assume the same facts as in example (1), except that C does not sell the remainder interest. Upon A's death terminating the trust, C's basis for the stock distributed to him is computed as follows:

Uniform basis of the property, adjusted to date of termination of the trust		$1,000
plus		
Value of remainder interests in the property at the time of B's death	$547	
less		
B's share of uniform basis of the property at the time of his death	342	
		205
C's basis for the stock distributed to him upon the termination of the trust		1,205

Example (3). Assume the same facts as in example (2), except that the property transferred is depreciable. Assume further that $100 of depreciation was allowed prior to B's death and that $50 of depreciation is allowed between the time of B's death and the termination of the trust. Upon A's death terminating the trust, C's basis for the property distributed to him is computed as follows:

Uniform basis of the property, adjusted to date of termination of the trust:		
Uniform basis immediately after decedent's death	$1,000	
Depreciation allowed following decedent's death	150	
		$850
plus		
Value of remainder interest in the property at the time of B's death	547	
less		
B's share of uniform basis of the property at the time of his death (0.34185×$900, uniform basis at B's death)	308	
		239
C's basis for the property distributed to him upon the termination of the trust		1,089

(c) The rules stated in paragraph (a) do not apply where the basis of the remainder interest in the hands of the remainderman's transferee is determined by reference to its cost to such transferee. See also, § 1.1014–4 (a). Thus, if, in example (1) of the preceding paragraph, B sold his remainder interest to C for $547 in cash, C's basis for the stock distributed to him upon the death of A terminating the trust is $547.

§ 1.1015 *Statutory provisions; basis of property acquired by gifts and transfers in trust.*

SEC. 1015. *Basis of property acquired by gifts and transfers in trust*—(a) *Gifts after December 31, 1920.* If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift, except that if such basis (adjusted for the period before the date of the gift as provided in section 1016) is greater than the fair market value of the property at the time of the gift, then for the purpose of determining loss the basis shall be such fair market value. If the facts necessary to determine the basis in the hands of the donor or the last preceding owner are unknown to the donee, the Secretary or his delegate shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the Secretary or his delegate finds it impossible to obtain such facts, the basis in the hands of such donor or last preceding owner shall be the fair market value of such property as found by the Secretary or his delegate as of the date or approximate date at which, according to the best information that the Secretary or his delegate is able to obtain, such property was acquired by such donor or last preceding owner.

(b) *Transfer in trust after December 31, 1920.* If the property was acquired after December 31, 1920, by a transfer in trust (other than by a transfer in trust by a gift, bequest, or devise), the basis shall be the same as it would be in the hands of the grantor increased in the amount of gain or decreased in the amount of loss recognized to the grantor on such transfer under the law applicable to the year in which the transfer was made.

(c) *Gift or transfer in trust before January 1, 1921.* If the property was acquired by gift or transfer in trust on or before December 31, 1920, the basis shall be the fair market value of such property at the time of such acquisition.

§ 1.1015–1 *Basis of property acquired by gift after December 31, 1920*—(a)

General rule. (1) In the case of property acquired by gift after December 31, 1920 (whether by a transfer in trust or otherwise) the basis of the property for the purpose of determining gain is the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift. The same rule applies in determining loss unless the basis (adjusted for the period prior to the date of gift in accordance with sections 1016 and 1017) is greater than the fair market value of the property at the time of the gift. In such case the basis for determining loss is the fair market value at the time of the gift.

(2) The provisions of subparagraph (1) may be illustrated by the following example:

Example. A acquires by gift income-producing property which has an adjusted basis of $100,000 at the date of gift. The fair market value of the property at the date of gift is $90,000. A later sells the property for $95,000. In such case there is neither gain nor loss. The basis for determining loss is $90,000; therefore, there is no loss. Furthermore, there is no gain, since the basis for determining gain is $100,000.

(b) *Uniform basis; proportionate parts of.* Property acquired by gift has a single or uniform basis although more than one person may acquire an interest in such property. The uniform basis of the property remains fixed subject to proper adjustment for items under sections 1016 and 1017. However, the value of the proportionate parts of the uniform basis represented, for instance, by the respective interests of the life tenant and remainderman are adjustable to reflect the change in the relative values of such interest on account of the lapse of time. The portion of the basis attributable to an interest at the time of its sale or other disposition shall be determined under the rules provided in § 1.1014–5.

(c) *Time of acquisition.* The date that the donee acquires an interest in property by gift is when the donor relinquishes dominion over the property and not necessarily when title to the property is acquired by the donee. Thus, the date that the donee acquires an interest in property by gift where he is a successor in interest, such as in the case of a remainderman of a life estate or a beneficiary of the distribution of the corpus of a trust, is the date such interests are created by the donor and not the date the property is actually acquired.

(d) *Property acquired by gift from a decedent dying after December 31, 1953.* If an interest in property was acquired by the taxpayer by gift from a donor dying after December 31, 1953, under conditions which require the inclusion of the property in the donor's gross estate for estate tax purposes, and the property had not been sold, exchanged, or otherwise disposed of by the taxpayer before the donor's death, see the rules prescribed in section 1014 and the regulations thereunder.

(e) *Fair market value.* For the purposes of this section, the value of property as appraised for the purpose of the Federal gift tax, or, if the gift is not subject to such tax, its value as appraised for the purpose of a State gift tax, shall be deemed to be the fair market value of the property at the time of the gift.

(f) *Reinvestments by fiduciary.* If the property is an investment by the fiduciary under the terms of the gift (as, for example, in the case of a sale by the fiduciary of property transferred under the terms of the gift, and the reinvestment of the proceeds), the cost or other basis to the fiduciary is taken in lieu of the basis specified in paragraph (a) of this section.

(g) *Records.* To insure a fair and adequate determination of the proper basis under section 1015, persons making or receiving gifts of property should preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, or its fair market value as of the date of the gift.

§ 1.1015–2 *Transfer of property in trust after December 31, 1920*—(a) *General rule.* (1) In the case of property acquired after December 31, 1920, by transfer in trust (other than by a transfer in trust by a gift, bequest, or devise) the basis of property so acquired is the same as it would be in the hands of the grantor increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made. If the taxpayer acquired the property by a transfer in trust, this basis applies whether the property be in the hands of the trustee, or the beneficiary, and whether acquired prior to the termination of the trust and distribution of the property, or thereafter.

(2) The principles stated in § 1.1015–1 (b) concerning the uniform basis are applicable in determining the basis of property where more than one person acquires an interest in property by transfer in trust after December 31, 1920.

(b) *Reinvestment by fiduciary.* If the property is an investment made by the fiduciary (as, for example, in the case of a sale by the fiduciary of property transferred by the grantor, and the reinvestment of the proceeds), the cost or other basis to the fiduciary is taken in lieu of the basis specified in paragraph (a) of this section.

§ 1.1015–3 *Gift or transfer in trust before January 1, 1921.* (a) In the case of property acquired by gift or transfer in trust before January 1, 1921, the basis of such property is the fair market value thereof at the time of the gift or at the time of the transfer in trust.

(b) The principles stated in § 1.1015–1 (b) concerning the uniform basis are applicable in determining the basis of property where more than one person acquires an interest in property by gift or transfer in trust before January 1, 1921. In addition, if an interest in such property was acquired from a decedent and the property had not been sold, exchanged, or otherwise disposed of before the death of the donor, the rules prescribed in section 1014 and the regulations thereunder are applicable in determining the basis of such property in the hands of the taxpayer.

§ 1.1015–4 *Transfers in part a gift and in part a sale*—(a) *General rule.* Where a transfer of property is in part a sale and in part a gift, the unadjusted basis of the property in the hands of the transferee is the sum of (1) the amount paid by the transferee for the property, and (2) any excess of the transferor's adjusted basis over such amount. Thus, the unadjusted basis of the property in the hands of the transferee is the greater of (1) the amount paid for the property, or (2) the transferor's adjusted basis at the time of the transfer. For determining loss, the unadjusted basis of the property in the hands of the transferee shall not be greater than the fair market value of the property at the time of such transfer. For determination of gain or loss of the transferor see § 1.1001–1 (e).

(b) *Examples.* The rule of paragraph (a) is illustrated by the following examples:

Example (1). If A transfers property to his son for $30,000, and such property at the time of the transfer has an adjusted basis of $30,000 in A's hands (and a fair market value of $60,000), the unadjusted basis of the property in the hands of the son is $30,000.

Example (2). If A transfers property to his son for $60,000, and such property at the time of transfer has an adjusted basis of $30,000 in A's hands (and a fair market value of $90,000), the unadjusted basis of such property in the hands of the son is $60,000.

Example (3). If A transfers property to his son for $30,000, and such property at the time of transfer has an adjusted basis in A's hands of $60,000 (and a fair market value of $90,000), the unadjusted basis of such property in the hands of the son is $60,000.

Example (4). If A transfers property to his son for $30,000 and such property at the time of transfer has an adjusted basis of $90,000 in A's hands (and a fair market value of $60,000), the unadjusted basis of the property in the hands of the son is $90,000. However, since the adjusted basis of the property in A's hands at the time of the transfer was greater than the fair market value at that time, for the purpose of determining any loss on a later sale or other disposition of the property by the son its unadjusted basis in his hands is $60,000.

§ 1.1016 *Statutory provisions; adjustments to basis.*

SEC. 1016. *Adjustments to basis*—(a) *General rule.* Proper adjustment in respect of the property shall in all cases be made—

(1) For expenditures, receipts, losses, or other items, properly chargeable to capital account, but no such adjustment shall be made—

(A) For taxes or other carrying charges described in section 266, or

(B) For expenditures described in section 173 (relating to circulation expenditures),

for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior taxable years;

(2) In respect of any period since February 28, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent of the amount—

(A) Allowed as deductions in computing taxable income under this subtitle or prior income tax laws, and

(B) Resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under this subtitle (other than chapter 2, relating to tax on self-employment income), or prior income, war-profits, or excess-profits tax laws,

but not less than the amount allowable under this subtitle or prior income tax laws. Where no method has been adopted under section 167 (relating to depreciation deduction), the amount allowable shall be determined under section 167 (b) (1). Subparagraph (B) of this paragraph shall not apply in respect of any period since February 28, 1913, and before January 1, 1952, unless an election has been made under section 1020. Where for any taxable year before the taxable year 1932 the depletion allowance was based on discovery value or a percentage of income, then the adjustment for depletion for such year shall be based on the depletion which would have been allowable for such year if computed without reference to discovery value or a percentage of income;

(3) In respect of any period—

(A) Before March 1, 1913, and

(B) Since February 28, 1913, during which such property was held by a person or an organization not subject to income taxation under this chapter or prior income tax laws,

for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent sustained;

(4) In the case of stock (to the extent not provided for in the foregoing paragraphs) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis (not including distributions made by a corporation which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 (40 Stat. 1057), or the Revenue Act of 1921 (42 Stat. 227), out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 or 1921);

(5) In the case of any bond (as defined in section 171 (d)) the interest on which is wholly exempt from the tax imposed by this subtitle, to the extent of the amortizable bond premium disallowable as a deduction pursuant to section 171 (a) (2), and in the case of any other bond (as defined in section 171 (d)) to the extent of the deductions allowable pursuant to section 171 (a) (1) with respect thereto;

(6) In the case of any short-term municipal bond (as defined in section 75 (b)), to the extent provided in section 75 (a) (2);

(7) In the case of a residence the acquisition of which resulted, under section 1034, in the nonrecognition of any part of the gain realized on the sale, exchange, or involuntary conversion of another residence, to the extent provided in section 1034 (e);

(8) In the case of property pledged to the Commodity Credit Corporation, to the extent of the amount received as a loan from the Commodity Credit Corporation and treated by the taxpayer as income for the year in which received pursuant to section 77, and to the extent of any deficiency on such loan with respect to which the taxpayer has been relieved from liability;

(9) For amounts allowed as deductions as deferred expenses under section 616 (b) (relating to certain expenditures in the development of mines) and resulting in a reduction of the taxpayer's taxes under this subtitle, but not less than the amounts allowable under such section for the taxable year and prior years;

(10) For amounts allowed as deductions as deferred expenses under section 615 (b) (relating to certain exploration expenditures) and resulting in a reduction of the taxpayer's taxes under this subtitle but not less than the amounts allowable under such section for the taxable year and prior years;

(11) For deductions to the extent disallowed under section 268 (relating to sale of land with unharvested crops), notwithstanding the provisions of any other paragraph of this subsection;

(12) To the extent provided in section 28 (h) of the Internal Revenue Code of 1939 in the case of amounts specified in a shareholder's consent made under section 28 of such code;

(13) To the extent provided in section 551 (f) in the case of the stock of United States shareholders in a foreign personal holding company;

(14) For amounts allowed as deductions as deferred expenses under section 174 (b) (1) (relating to research and experimental expenditures) and resulting in a reduction of the taxpayers' taxes under this subtitle, but not less than the amounts allowable under such section for the taxable year and prior years;

(15) For deductions to the extent disallowed under section 272 (relating to disposal of coal), notwithstanding the provisions of any other paragraph of this subsection.

(b) *Substituted basis.* Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, then the adjustments provided in subsection (a) shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of substituted bases. The term "substituted basis" as used in this section means a basis determined under any provision of this subchapter and subchapters C (relating to corporate distributions and adjustments), K (relating to partners and partnerships), and P (relating to capital gains and losses), or under any corresponding provision of a prior income tax law, providing that the basis shall be determined—

(1) By reference to the basis in the hands of a transferor, donor, or grantor, or

(2) By reference to other property held at any time by the person for whom the basis is to be determined.

(c) *Separate mineral interests treated as one property.* For treatment of separate mineral interests as one property, see section 614.

§ 1.1016–1 *Adjustments to basis; scope of section.* Section 1016 and §§ 1.1016–2 to 1016–10, inclusive, contain the rules relating to the adjustments to be made to the basis of property to determine the adjusted basis as defined in section 1011. However, if the property was acquired from a decedent before his death, see § 1.1014–6 for adjustments on account of certain deductions allowed the taxpayer for the period between the date of acquisition of the property and the date of death of the decedent.

§ 1.1016–2 *Items properly chargeable to capital account.* (a) The cost or other basis shall be properly adjusted for any expenditure, receipt, loss, or other item, properly chargeable to capital account, including the cost of improvements and betterments made to the property. No adjustment shall be made in respect of any item which, under any applicable provision of law or regulation, is treated as an item not properly chargeable to capital account but is allowable as a deduction in computing net or taxable income for the taxable year. For example, in the case of oil and gas wells no adjustment may be made in respect of any intangible drilling and development expense allowable as a deduction in computing net or taxable income. See the regulations under section 263 (c).

(b) The application of the foregoing provisions may be illustrated by the following example:

Example. A, who makes his returns on the calendar year basis, purchased property in 1941 for $10,000. He subsequently expended $6,000 for improvements. Disregarding, for the purpose of this example, the adjustments required for depreciation, the adjusted basis of the property is $16,000. If A sells the property in 1954 for $20,000, the amount of his gain will be $4,000.

(c) Adjustment to basis shall be made for carrying charges such as taxes and interest, with respect to property (whether real or personal, improved or unimproved, and whether productive or unproductive), which the taxpayer elects to treat as chargeable to capital account under section 266, rather than as an allowable deduction. The term "taxes" for this purpose includes duties and excise taxes but does not include income taxes.

(d) Expenditures described in section 173 to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical are chargeable to capital account only in accordance with and in the manner provided in the regulations under section 173.

§ 1.1016–3 *Exhaustion, wear and tear, obsolescence, amortization, and depletion for periods since February 28, 1913*—(a) *In general*—(1) *Adjustment where deduction is claimed.* (i) For taxable periods beginning on or after January 1, 1952, the cost or other basis of property shall be decreased for exhaustion, wear and tear, obsolescence, amortization, and depletion by the greater of the following two amounts: (*a*) the amount allowed as deductions in computing taxable income, to the extent resulting in a reduction of the taxpayer's income taxes, or (*b*) the amount allowable for the years involved. See paragraph (b) of this section. Where the taxpayer makes an appropriate election the above rule is applicable for periods since February 28, 1913, and before January 1, 1952. See paragraph (d) of this section. For rule for such periods where no election is made, see paragraph (c) of this section.

(ii) The determination of the amount properly allowable for exhaustion, wear and tear, obsolescence, amortization, and depletion shall be made on the basis of facts reasonably known to exist at the end of the taxable year. A taxpayer is not permitted to take advantage in a later year of his prior failure to take any such allowance or his taking an allowance plainly inadequate under the known facts in prior years. In the case of depreciation, if in prior years the taxpayer has consistently taken proper deductions under one method, the amount allowable for such prior years shall not be increased even though a greater amount would have been allowable under another proper method. For rules governing losses on retirement of depreciable property, including rules for determining basis, see § 1.167 (a)–8 of the regulations under section 167. This subdivision may be illustrated by the following example:

Example. An asset was purchased January 1, 1950, at a cost of $10,000. The useful life of the asset is 10 years. It has no salvage

value. Depreciation was deducted and allowed for 1950 to 1954 as follows:

1950	$500
1951	-----
1952	1,000
1953	1,000
1954	1,000
Total amount allowed	3,500

The correct reserve as of December 31, 1954, is computed as follows:

Dec. 31:	
1950 ($10,000÷10)	$1,000
1951 ($9,000÷9)	1,000
1952 ($8,000÷8)	1,000
1953 ($7,000÷7)	1,000
1954 ($6,000÷6)	1,000
Reserve Dec. 31, 1954	5,000

Depreciation for 1955 is computed as follows:

Cost	$10,000
Reserve as of December 31, 1954	5,000
Unrecovered cost	5,000
Depreciation allowable for 1955 ($5,000÷5)	1,000

(2) *Adjustment for amount allowable where no depreciation deduction claimed.* (i) If the taxpayer has not taken a depreciation deduction either in the taxable year or for any prior taxable year, adjustments to basis of the property for depreciation allowable shall be determined by using the straight-line method of depreciation. (See § 1.1016–4 for adjustments in the case of persons exempt from income taxation.)

(ii) For taxable years beginning after December 31, 1953, and ending after August 16, 1954, if the taxpayer with respect to any property has taken a deduction for depreciation properly under one of the methods provided in section 167 (b) for one or more years but has omitted the deduction in other years, the adjustment to basis for the depreciation allowable in such a case will be the deduction under the method which was used by the taxpayer with respect to that property. Thus, if A acquired property in 1954 on which he properly computed his depreciation deduction under the method described in section 167 (b) (2) (the declining-balance method) for the first year of its useful life but did not take a deduction in the second and third year of the asset's life, the adjustment to basis for depreciation allowable for the second and third year will be likewise computed under the declining-balance method.

(3) *Adjustment for depletion deductions with respect to taxable years before 1932.* Where for any taxable year before the taxable year 1932 the depletion allowance was based on discovery value or a percentage of income, then the adjustment for depletion for such year shall not exceed a depletion deduction which would have been allowable for such year if computed without reference to discovery value or a percentage of income.

(b) *Adjustment for periods beginning on or after January 1, 1952.* The decrease required by paragraph (a) of this section for deductions in respect of any period beginning on or after January 1, 1952, shall be whichever is the greater of the following amounts:

(1) The amount allowed as deductions in computing taxable income under subtitle A of the Internal Revenue Code of 1954 or prior income tax laws and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under subtitle A (other than chapter 2, relating to tax on self-employment income) or prior income, war-profits, or excess-profits tax laws; or

(2) The amount properly allowable as deductions in computing taxable income under subtitle A or prior income tax laws (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(c) *Adjustment for periods since February 28, 1913, and before January 1, 1952, where no election made.* If no election has been properly made under section 1020, or under section 113 (d) of the Internal Revenue Code of 1939 (see paragraph (d)), the decrease required by paragraph (a) for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever of the following amounts is the greater:

(1) The amount allowed as deductions in computing net income under chapter 1 of the Internal Revenue Code of 1939 or prior income tax laws;

(2) The amount properly allowable in computing net income under chapter 1 of the Internal Revenue Code of 1939 or prior income tax laws.

For the purpose of determining the decrease required by this paragraph, it is immaterial whether or not the amount under subparagraph (1) of this paragraph or the amount under subparagraph (2) of this paragraph would have resulted in a reduction for any taxable year of the taxpayer's taxes.

(d) *Adjustment for periods since February 28, 1913, and before January 1, 1952, where election made.* If an election has been properly made under section 1020, or under section 113 (d) of the Internal Revenue Code of 1939, the decrease required by paragraph (a) of this section for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever is the greater of the following amounts:

(1) The amount allowed as deductions in computing net income under chapter 1 of the Internal Revenue Code of 1939 or prior income tax laws and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under such chapter 1 (other than subchapter E, relating to tax on self-employment income), subchapter E of chapter 2 of the Internal Revenue Code of 1939, or prior income, war-profits, or excess-profits tax laws;

(2) The amount properly allowable as deductions in computing net income under chapter 1 of the Internal Revenue Code of 1939 or prior income tax laws (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(e) *Determination of amount allowed which reduced taxpayer's taxes.* (1) As indicated in paragraphs (b) and (d) of this section, there are situations in which it is necessary to determine (for the purpose of ascertaining the basis adjustment required by paragraph (a) of this section) the extent to which the amount allowed as deductions resulted in a reduction for any taxable year of the taxpayer's taxes under subtitle A (other than chapter 2 relating to tax on self-employment income) of the Internal Revenue Code of 1954, or prior income, war-profits, or excess-profits tax laws. This amount (amount allowed which resulted in a reduction of the taxpayer's taxes) is hereinafter referred to as the "tax-benefit amount allowed." For the purpose of determining whether the tax-benefit amount allowed exceeded the amount allowable, a determination must be made of that portion of the excess of the amount allowed over the amount allowable which, if disallowed, would not have resulted in an increase in any such tax previously determined. If the entire excess of the amount allowed over the amount allowable could be disallowed without any such increase in tax, the tax-benefit amount allowed shall not be considered to have exceeded the amount allowable. In such a case (if paragraph (b) or (d) of this section is applicable) the reduction in basis required by paragraph (a) of this section would be the amount properly allowable as a deduction. If only part of such excess could be disallowed without any such increase in tax, the tax-benefit amount allowed shall be considered to exceed the amount allowable to the extent of the remainder of such excess. In such a case (if paragraph (b) or (d) of this section is applicable) the reduction in basis required by paragraph (a) of this section would be the amount of the tax-benefit amount allowed.

(2) For the purpose of determining the tax-benefit amount allowed the tax previously determined shall be determined under the principles of section 1314. The only adjustments made in determining whether there would be an increase in tax shall be those resulting from the disallowance of the amount allowed. The taxable years for which the determination is made shall be the taxable year for which the deduction was allowed and any other taxable year which would be affected by the disallowance of such deduction. Examples of such other taxable years are taxable years to which there was a carryover or carryback of a net operating loss from the taxable year for which the deduction was allowed, and taxable years for which a computation under section 111 or section 1333 was made by reference to the taxable year for which the deduction was allowed. In determining whether the disallowance of any part of the deduction would not have resulted in an increase in any tax previously determined, proper adjustment must be made for previous determinations under section 1311, or section 3801 of the Internal Revenue Code of 1939, and for any previous application of section 1016 (a) (2) (B), or section 113 (b) (1) (B) (ii) of the Internal Revenue Code of 1939.

(3) If a determination under section 1016 (a) (2) (B) must be made with respect to several properties for each of which the amount allowed for the taxable year exceeded the amount allowable, the tax-benefit amount allowed with respect to each of such properties shall be an allocated portion of the tax-benefit amount allowed determined by reference to the sum of the amounts allowed and the sum of the amounts allowable with respect to such several properties.

(4) In the case of property held by a partnership or trust, the computation of the tax-benefit amount allowed shall take into account the tax benefit of the partners or beneficiaries, as the case may be, from the deduction by the partnership or trust of the amount allowed to the partnership or the trust. For this purpose, the determination of the amount allowed which resulted in a tax benefit to the partners or beneficiaries shall be made in the same manner as that provided above with respect to the taxes of the person holding the property.

(5) A taxpayer seeking to limit the adjustment to basis to the tax-benefit amount allowed for any period, in lieu of the amount allowed, must establish the tax-benefit amount allowed. A failure of adequate proof as to the tax-benefit amount allowed with respect to one period does not preclude the taxpayer from limiting the adjustment to basis to the tax-benefit amount allowed with respect to another period for which adequate proof is available. For example, a corporate transferee may have available adequate records with respect to the tax effect of the deduction of erroneous depreciation for certain taxable years, but may not have available adequate records with respect to the deduction of excessive depreciation for other taxable years during which the property was held by its transferor. In such case the corporate transferee shall not be denied the right to apply this section with respect to the erroneous depreciation for the period for which adequate proof is available.

(f) *Determination of amount allowable in prior taxable years.* (1) One of the factors in determining the adjustment to basis as of any date is the amount of depreciation, depletion, etc., allowable for periods prior to such date. The amount allowable for such prior periods is determined under the law applicable to such prior periods; all adjustments required by the law applicable to such periods are made in determining the adjusted basis of the property for the purpose of determining the amount allowable. Provisions corresponding to the rules in section 1016 (a) (2) (B) described in paragraphs (d) and (e) of this section, which limit adjustments to the "tax-benefit amount allowed" where an election is properly exercised, were first enacted by Public Law 539 (82d Congress) approved July 14, 1952. That law provided that corresponding rules are deemed to be includible in all revenue laws applicable to taxable years ending after December 31, 1931. Accordingly, those rules shall be taken into account in determining the amount of depreciation, etc., allowable for any taxable year ending after December 31, 1931. For example, if the adjusted basis of property held by the taxpayer since January 1, 1930, is determined as of January 1, 1955, and if an election was properly made under section 1020, or section 113 (d) of the 1939 Code, then the amount allowable which is taken into account in computing the adjusted basis as of January 1, 1955, shall be determined by taking those rules into account for all taxable years ending after December 31, 1931. Public Law 539 made no change in the law applicable in determining the amount allowable for taxable years ending before January 1, 1932. If there was a final decision of a court prior to the enactment of Public Law 539, determining the amount allowable for a particular taxable year, such determination shall be adjusted. In such case the adjustment shall be made only for the purpose of taking the provision of that law into account and only to the extent made necessary by such provisions.

(2) Although Public Law 539 amended the law applicable to all taxable years ending after December 31, 1931, the amendment does not permit refund, credit, or assessment of a deficiency for any taxable year for which such refund, credit, or assessment was barred by any law or rule of law.

(g) *Property with transferred basis.* The following rules apply in the determination of the adjustments to basis of property in the hands of a transferee, donee, or grantee which are required by section 1016 (b), or section 113 (b) (2) of the Internal Revenue Code of 1939, with respect to the period the property was held by the transferor, donor, or grantor:

(1) An election or a revocation of an election under section 1020, or section 113 (d) of the Internal Revenue Code of 1939, by a transferor, donor, or grantor, which is made after the date of the transfer, gift, or grant of the property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. An election or a revocation of an election made before the date of the transfer, gift, or grant of the property shall be taken into account in determining under section 1016 (b) the adjustments to basis of such property as of the date of the transfer, gift, or grant, whether or not an election or a revocation of an election under section 1020, or section 113 (d) of the Internal Revenue Code of 1939, was made by the transferee, donee, or grantee.

(2) An election by the transferee, donee, or grantee, or a revocation of such an election shall be applicable in determining the adjustments to basis for the period during which the property was held by the transferor, donor, or grantor, whether or not the transferor, donor, or grantor had made an election or a revocation of an election, provided that the property was held by the transferee, donee, or grantee at any time on or before the date on which the election or revocation was made.

(h) *Examples.* The application of section 1016 (a) (1) and (2) may be illustrated by the following examples:

Example (1). The case of Corporation A discloses the following facts:

(1) Year	(2) Amount allowed	(3) Amount allowed which reduced taxpayer's taxes	(4) Amount allowable	(5) Amount allowable but not less than amount allowed	(6) Amount allowable but not less than amount allowed which reduced taxpayer's taxes
1949	$6,000	$5,500	$5,000	$6,000	$5,500
1950	7,000	7,000	6,500	7,000	7,000
1951	5,000	4,000	6,500	6,500	6,500
Total, 1949–51				19,500	19,000
1952	6,500	6,500	6,000		6,500
1953	5,000	4,000	4,000		4,000
1954	4,500	4,500	6,000		6,000
Total, 1952–54					16,500

The cost or other basis is to be adjusted by $16,500 with respect to the years 1952–54, that is, by the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes. An adjustment must also be made with respect to the years 1949–1951, the amount of such adjustment depending upon whether an election was properly made under section 1020, or section 113 (d) of the Internal Revenue Code of 1939. If no such election was made, the amount of the adjustment with respect to the years 1949–51 is $19,500, that is, the amount allowed but not less than the amount allowable. If an election was properly made, the amount of the adjustment with respect to the years 1949–51 is $19,000, that is, the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes.

Example (2). Corporation A, which files its returns on the basis of a calendar year, purchased a building on January 1, 1950, at a cost of $100,000. On the basis of the facts reasonably known to exist at the end of 1950, a period of 50 years should have been used as the correct useful life of the building; nevertheless, depreciation was computed by Corporation A on the basis of a useful life of 25 years, and was allowed for 1950 through 1953 as a deduction in an annual amount of $4,000. The building was sold on January 1, 1954. Corporation A did not make an election under section 1020, or section 113 (d) of the Internal Revenue Code of 1939. No part of the amount allowed Corporation A for any of the years 1950 through 1953 resulted in a reduction of Corporation A's taxes. The adjusted basis of the building as of January 1, 1954, is $88,166, computed as follows:

Taxable year	Adjustments to basis as of beginning of taxable year	Adjusted basis on Jan. 1	Remaining life on Jan. 1	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$4,000	96,000	49	1,959	4,000
1952	8,000	92,000	48	1,917	4,000
1953	9,917	90,083	47	1,917	4,000
1954	11,834	88,166			

Example (3). The facts are the same as in example (2), except that Corporation A made a proper election under section 1020. In such case, the adjusted basis of the building as of January 1, 1954, is $92,000 computed as follows:

Taxable year	Adjustments to basis as of beginning of taxable year	Adjusted basis on Jan. 1	Remaining life on Jan. 1	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$2,000	98,000	49	2,000	4,000
1952	4,000	96,000	48	2,000	4,000
1953	6,000	94,000	47	2,000	4,000
1954	8,000	92,000			

Example (4). If it is assumed that in example (2), or in example (3), all of the deduction allowed Corporation A for 1953 had resulted in a reduction of A's taxes, the adjustment to the basis of the building for depreciation for 1953 would reflect the entire $4,000 deduction. In such case, the adjusted basis of the building as of January 1, 1954, would be $86,083 in example (2), and $90,000 in example (3).

Example (5). The facts are the same as in example (2) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation for that year resulted in a reduction of A's taxes. In such case, the adjustments to the basis of the building remain the same as those set forth in example (2).

Example (6). The facts are the same as in example (3) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation resulted in a reduction of A's taxes. In such case, the adjusted basis of the building as of January 1, 1954, is $90,123, computed as follows:

Taxable year	Adjustments to basis as of beginning of taxable year	Adjusted basis on Jan. 1	Remaining life on Jan. 1	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$4,000	96,000	49	1,959	4,000
1952	5,959	94,041	48	1,959	4,000
1953	7,918	92,082	47	1,959	4,000
1954	9,877	90,123			

§ 1.1016–4 *Exhaustion, wear and tear, obsolescence, amortization, and depletion; periods during which income was not subject to tax.* Adjustments to basis must be made for exhaustion, wear and tear, obsolescence, amortization, and depletion to the extent actually sustained in respect of:

(a) Any period before March 1, 1913, and

(b) Any period since February 28, 1913, during which the property was held by a person or an organization not subject to income taxation under chapter 1 of the Internal Revenue Code of 1954 or prior income tax laws.

The amount of the aforedescribed deductions actually sustained is that amount charged off on the books of the taxpayer where such amount is considered by the Commissioner to be reasonable. Otherwise the amount actually sustained will be the amount that would have been allowable as a deduction had the taxpayer been subject to income tax during such period. In the case of depreciation, such deduction will be determined by using the straight line method.

§ 1.1016–5 *Miscellaneous adjustments to basis*—(a) *Certain stock distributions.* (1) In the case of stock, the cost or other basis must be diminished by the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax free or were applicable in reduction of basis (not including distributions made by a corporation which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 or 1921, out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 or 1921). For adjustments to basis in the case of certain corporate distributions, see section 301 and the regulations thereunder.

(2) The application of subparagraph (1) may be illustrated by the following example:

Example. A, who makes his returns upon the calendar year basis, purchased stock in 1923 for $5,000. He received in 1924 a distribution of $2,000 paid out of earnings and profits of the corporation accumulated before March 1, 1913. The adjusted basis for determining the gain or loss from the sale or other disposition of the stock in 1954 is $5,000 less $2,000, or $3,000, and the amount of the gain or loss from the sale or other disposition of the stock is the difference between $3,000 and the amount realized from the sale or other disposition.

(b) *Amortizable bond premium.* In the case of a tax-exempt bond, basis shall be reduced by the amount of the amortizable bond premium disallowable as a deduction under section 171 (a) (2), or under section 125 (a) (2) of the Internal Revenue Code of 1939 and, in the case of any other bond (as defined in section 171 (d)), basis shall be reduced by the amount of the deductions allowable under section 171 (a) (1), or under section 125 (a) (1) of the Internal Revenue Code of 1939.

(c) *Short-term municipal bonds.* In the case of a short-term municipal bond (as defined in section 75 (b)), basis shall be adjusted to the extent provided in section 75 or as provided in section 22 (o) of the Internal Revenue Code of 1939, and the regulations thereunder.

(d) *Sale or exchange of residence.* Where the acquisition of a new residence results in the nonrecognition of any part of the gain on the sale, exchange, or involuntary conversion of the old residence, the basis of the new residence shall be reduced by the amount of the gain not so recognized pursuant to section 1034 (a), or section 112 (n) of the Internal Revenue Code of 1939, and regulations thereunder. See section 1034 (e) and regulations thereunder.

(e) *Loans from Commodity Credit Corporation.* In the case of property pledged to the Commodity Credit Corporation, the basis of such property shall be increased by the amount received as a loan from such corporation and treated by the taxpayer as income for the year in which received under section 77, or under section 123 of the Internal Revenue Code of 1939. The basis of such property shall be reduced to the extent of any deficiency on such loan with respect to which the taxpayer has been relieved from liability.

(f) *Deferred development and exploration expenses.* Expenditures for development and exploration of mines or mineral deposits treated as deferred expenses under sections 615 and 616, or under the corresponding provisions of prior income tax laws, are chargeable to capital account and shall be an adjustment to the basis of the property to which they relate. The basis so adjusted shall be reduced by the amount of such expenditures allowed as deductions which results in a reduction for any taxable year of the taxpayer's taxes under subtitle A (other than chapter 2 relating to tax on self-employment income) of the Internal Revenue Code of 1954, or prior income, war-profits, or excess-profits tax laws, but not less than the amounts allowable under such provisions for the taxable year and prior years. This amount is considered as the "tax-benefit amount allowed" and shall be determined in accordance with paragraph (e) of § 1.1016–3. For example, if a taxpayer purchases unexplored and undeveloped mining property for $1,000,000 and at the close of the development stage has incurred exploration and development costs of $9,000,000 treated as deferred expenses, the basis of such property at such time for computing gain or loss will be $10,000,000. Assuming that the taxpayer in this example has operated the mine for several years and has deducted allowable percentage depletion in the amount of $2,000,000 and has deducted allowable deferred exploration and development expenditures of $2,000,000, the basis of the property in the taxpayer's hands for purposes of determining gain or loss from a sale will be $6,000,000.

(g) *Sale of land with unharvested crop.* In the case of an unharvested crop which is sold, exchanged, or involuntarily converted with the land and which is considered as property used in the trade or business under section 1231, the basis of such crop shall be increased by the amount of the items which are attributable to the production of such crop and which are disallowed, under section 268, as deductions in computing taxable income. The basis of any other property shall be decreased by the amount of any such items which are attributable to such other property, notwithstanding any provisions of section 1016 or of this section to the contrary. For example, if the items attributable to the production of an unharvested crop consist only of fertilizer costing $100 and $50 depreciation on a tractor used only to cultivate such crop, and such items are disallowed under section 263, the adjustments to the basis of such crop shall include an increase of $150 for such items and the adjustments to the basis of the tractor shall include a reduction of $50 for depreciation.

(h) *Consent dividends.* (1) In the case of amounts specified in a shareholder's consent to which section 28 of the Internal Revenue Code of 1939 applies, the basis of the consent stock shall be increased to the extent provided in subsection (h) of such section.

(2) In the case of amounts specified in a shareholder's consent to be treated as a consent dividend to which section 565 applies, the basis of the consent stock shall be increased by the amount which, under section 565 (c) (2), is treated as contributed to the capital of the corporation.

(i) *Stock in foreign personal holding company.* In the case of the stock of a United States shareholder in a foreign personal holding company, basis shall be adjusted to the extent provided in section 551 (f) or corresponding provisions of prior income tax laws.

(j) *Research and experimental expenditures.* Research and experimental expenditures treated as deferred expenses under section 174 (b) are chargeable to capital account and shall be an adjustment to the basis of the property to which they relate. The basis so adjusted shall be reduced by the amount of such expenditures allowed as deductions which results in a reduction for any taxable year of the taxpayer's taxes under subtitle A (other than chapter 2 relating to tax on self-employment income) of the Internal Revenue Code of 1954, or prior income, war-profits, or excess-profits tax laws, but not less than the amounts allowable under such provisions for the taxable year and prior years. This amount is considered as the "tax-benefit amount allowed" and shall be determined in accordance with paragraph (e) of § 1.1016–3.

(k) *Deductions disallowed in connection with disposal of coal.* Basis shall be adjusted by the amount of the deductions disallowed under section 272 with respect to the disposal of coal covered by section 631.

(l) *Expenditures attributable to grants or loans covered by section 621.* In the case of expenditures attributable to a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, basis shall be adjusted to the extent provided in section 621, or in section 22 (b) (15) of the Internal Revenue Code of 1939.

§ 1.1016–6 *Other applicable rules.* (a) Adjustments must always be made to eliminate double deductions or their equivalent. Thus, in the case of the stock of a subsidiary company, the basis thereof must be properly adjusted for the amount of the subsidiary company's losses for the years in which consolidated returns were made.

(b) In determining basis, and adjustments to basis, the principles of estoppel apply, as elsewhere under the Internal Revenue Code of 1954, and prior internal revenue laws.

§ 1.1016–7 *Adjusted basis; cancellation of indebtedness under Bankruptcy Act.* (a) In addition to the adjustments provided in section 1016, further adjustment is required in the case of a cancellation or reduction of indebtedness in any proceeding under chapters X, XI, or XII of the Bankruptcy Act (11 U. S. C. c. 10, 11, and 12) and under sections 12, 74, or 77B of the Bankruptcy Act of 1898 as amended. For exceptions to the above rule see sections 372, 373, 374, and 1018. Furthermore, no such further adjustment will be made in the case of a "wage earner" as that term is defined in section 606 (8) of the Bankruptcy Act (11 U. S. C. 1006 (8)). The further adjustments required by this section shall be made in the following manner and order:

(1) In the case of indebtedness incurred to purchase specific property (other than inventory or notes or accounts receivable) whether or not a lien is placed against such property securing the payment of all or part of such indebtedness, which indebtedness shall have been canceled or reduced in any such proceeding, the cost or other basis of such property shall be decreased (but not below its fair market value) by the amount by which the indebtedness so incurred with respect to such property shall have been canceled or reduced;

(2) In the case of specific property (other than inventory or notes or accounts receivable) against which, at the time of the cancellation or reduction of the indebtedness, there is a lien (other than a lien securing indebtedness incurred to purchase such property) the cost or other basis of such property shall be decreased (but not below its fair market value) by the amount by which the indebtedness secured by such lien shall have been canceled or reduced;

(3) Any excess of the total amount by which the indebtedness shall have been so canceled or reduced in such proceeding over the sum of the adjustments made under subparagraphs (1) and (2) of this paragraph shall next be applied to reduce the cost or other basis of the property of the debtor (other than inventory and notes and accounts receivable, but including property covered by such subparagraphs) as follows: the cost or other basis of each unit of property shall be decreased (but not below its fair market value) in an amount equal to such proportion of such excess as the adjusted basis (after adjustment under subparagraphs (1) and (2) of this paragraph) of each such unit of property bears to the sum of the adjusted bases (after adjustment under such subparagraphs) of all the property of the debtor other than inventory and notes and accounts receivable;

(4) Any excess of the total amount by which such indebtedness shall have been so canceled or reduced over the sum of the adjustments made under subparagraphs (1), (2), and (3), of this paragraph shall next be applied to reduce the cost or other basis of any units of property covered by such subparagraphs which have a remaining basis (after adjustment under such subparagraphs) greater than their fair market value, as follows: the cost or other basis of each such unit of property shall be decreased (but not below its fair market value) in an amount equal to such proportion of such excess as the remaining basis of each such unit bears to the sum of the remaining bases of such units. The process shall be repeated until the cost or other basis of each unit of the property covered by subparagraphs (1), (2), and (3) of this paragraph is reduced to its fair market value or the amount by which the indebtedness shall have been canceled or reduced is exhausted, taking into account in the successive steps only those units of property having, after the preceding adjustment, a remaining basis greater than their fair market value; and

(5) Any excess of the total amount by which the indebtedness shall have been so canceled or reduced over the sum of the adjustments made under subparagraphs (1), (2), (3), and (4) of this paragraph shall next be applied to reduce the cost or other basis of inventory and notes and accounts receivable as follows: the cost or other basis of inventory or notes or accounts receivable, as the case may be, shall be decreased (but not below its fair market value) in an amount equal to such proportion of such excess as the adjusted basis of inventory, notes receivable or accounts receivable, as the case may be, bears to the sum of the adjusted bases of such inventory and notes and accounts receivable. The process shall be repeated until the adjusted bases of inventory, notes receivable, and accounts receivable are reduced to their fair market value or the amount by which the indebtedness shall have been canceled or reduced is exhausted, taking into account in the successive steps only those units of property having, after the preceding adjustment, a remaining basis greater than their fair market value.

(b) For the purposes of this section:

(1) Basis shall be determined as of the dates of entry of the order confirming the plan, composition, or arrangement under which such indebtedness shall have been canceled or reduced;

(2) Except where the context otherwise requires, property means all of the debtor's property, other than money;

(3) No adjustment shall be made by virtue of the cancellation or reduction of any accrued interest unpaid which shall not have resulted in a tax benefit in any income tax return;

(4) The phrase "indebtedness incurred to purchase" includes (i) indebtedness for money borrowed and applied in the purchase of property and (ii) an existing indebtedness secured by a lien against the property which the debtor, as purchaser of such property, has assumed to pay; and

(5) The term "fair market value" has reference to such value as of the date of entry of the order confirming the plan, composition, or arrangement under which such indebtedness shall have been canceled or reduced.

(c) Any determination of value in a proceeding under the Bankruptcy Act (11 U. S. C. 1 et seq.), shall not constitute a determination of fair market value for the purpose of this section.

(d) The basis of any of the debtor's property which shall have been transferred to a person required to use the debtor's basis in whole or in part shall be determined in accordance with the provisions of this section.

§ 1.1016–8 *Adjusted basis; cancellation of indebtedness; special cases.* If the taxpayer and the Commissioner of Internal Revenue agree, the basis of the taxpayer's property may be adjusted in a manner different from that set forth in § 1.1016–7. Variations from such rule may, for example, involve adjusting the

basis of any part of the taxpayer's property or adjusting the basis of all the taxpayer's property, according to a fixed allocation. Agreement between the taxpayer and the Commissioner of Internal Revenue as to any variation from such general rule shall be effected only by a closing agreement entered into under the provisions of section 7121.

§ 1.1016–9 *Adjusted basis; mutual savings banks, building and loan associations, and cooperative banks.* (a) The adjustments to the cost or other basis of property provided in section 1016 and §§ 1.1016–1 to 1.1016–8, inclusive, are applicable in the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, although such institutions were exempt from tax for taxable years beginning before January 1, 1952. Proper adjustment must be made under section 1016 for the entire period since the acquisition of property. Thus, adjustment to basis must be made for depreciation sustained for all prior taxable years although such institution may have been exempt from tax during such years. Similarly, in the case of tax-exempt and partially taxable bonds purchased at a premium and subject to amortization under section 171, proper adjustment to basis must be made to reflect amortization with respect to such premium from the date of acquisition of the bond (or in the case of bonds not issued with interest coupons, or in registered form, from the date such bonds are subject to amortization under section 171).

(b) The application of paragraph (a) of this section may be illustrated by the following example:

Example. On January 1, 1954, Z, a mutual savings bank, which keeps its books on a calendar year basis, owns a tax-exempt $1,000 noncallable bond maturing on January 1, 1964. Such bond was acquired by Z on January 1, 1934, for $1,300. It was sold by Z on December 31, 1954, for $1,250. The yearly rate of amortization of the premium, determined by dividing the total premium of $300 by the life of the bond (30 years) is $10. Z realizes a gain of $80 from such sale computed as follows:

(1) Cost of bond		$1,300
(2) Amount of bond premium attributable to years 1942 through 1951, during which Z was exempt from tax ($10 times 10 years)	$100	
(3) Amount of bond premium amortized from Jan. 1, 1952, through Dec. 31, 1954 ($10 times 3 years)	30	
(4) Total amount of adjustments to basis (aggregate of (2) and (3))		130
(5) Adjusted basis of bond at close of 1954 ((1) reduced by (4))		1,170
(6) Gain realized upon sale—excess of sale price over adjusted basis ($1,250 minus $1,170)		80

The basis of a fully taxable bond purchased at a premium shall be adjusted from the date to which the election applies to amortize such premium in accordance with the provisions of section 171, except that no adjustment shall be allowable for such portion of the premium attributable to the period prior to the election.

(c) In the case of a mortgage (not within the definition of section 171 (d)) purchased, acquired, or originated at a premium, where the principal of such mortgage is payable in installments, adjustments to the basis of the premium must be made for all taxable years (whether or not the institution was exempt from tax during such years) in which installment payments are received. Such adjustments may be made on an individual mortgage basis or on a composite basis by reference to the average period of payments of the mortgage loans of such institution. For the purpose of this adjustment, the term "premium" includes the excess of the acquisition value of the mortgage over its maturity value. The acquisition value of the mortgage is the cost including buying commissions, attorneys' fees, or brokerage fees, but such value does not include amounts paid for accrued interest. For the method of amortization in the case of corporate mortgages purchased, acquired or originated at a premium see § 1.171–2 (e) of the regulations under section 171.

§ 1.1016–10 *Substituted basis.* (a) Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, as defined in section 1016 (b), the adjustments indicated in §§ 1.1016–1 to 1.1016–6, inclusive, shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. In addition, whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, as defined in section 1016 (b) (1), the adjustments indicated in §§ 1.1016–7 to 1.1016–9, inclusive, and in section 1017 shall also be made, whenever necessary, after first making in respect of such substituted basis a proper adjustment of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor. Similar rules shall also be applied in the case of a series of substituted bases.

(b) The application of this section may be illustrated by the following example:

Example. A, who makes his returns upon the calendar year basis, in 1935 purchased the X Building and subsequently gave it to his son B. B exchanged the X Building for the Y Building in a tax-free exchange, and then gave the Y Building to his wife C. C, in determining the gain from the sale or disposition of the Y Building in 1954, is required to reduce the basis of the building by deductions for depreciation which were successively allowed (but not less than the amount allowable) to A and B upon the X Building and to B upon the Y Building, in addition to the deductions for depreciation allowed (but not less than the amount allowable) to herself during her ownership of the Y Building.

§ 1.1018 *Statutory provisions; adjustment of capital structure before September 22, 1938.*

SEC. 1018. *Adjustment of capital structure before September 22, 1938.* Where a plan of reorganization of a corporation, approved by the court in a proceeding under section 77B of the National Bankruptcy Act, as amended (48 Stat. 912), is consummated by adjustment of the capital or debt structure of such corporation without the transfer of its assets to another corporation, and a final judgment or decree in such proceeding has been entered before September 22, 1938, then the provisions of section 270 of the Bankruptcy Act, as amended (54 Stat. 709; 11 U. S. C. 670), shall not apply in respect of the property of such corporation. For the purposes of this section, the term "reorganization" shall not be limited by the definition of such term in section 112 (g) of the Internal Revenue Code of 1939.

§ 1.1018–1 *Adjusted basis; exception to section 270 of the Bankruptcy Act, as amended.* The adjustment to basis provided by section 270 of the Bankruptcy Act, as amended (11 U. S. C. 670), and by §§ 1.1016–7 and 1.1016–8 shall not be made if, in a proceeding under section 77B of such Act, as amended (11 U. S. C. 207; 48 Stat. 912), indebtedness was canceled in pursuance of a plan of reorganization which was consummated by adjustment of the capital or debt structure of the insolvent corporation, and the final judgment or decree in such proceeding was entered before September 22, 1938. Section 1018 and this section do not apply if the plan of reorganization under such section 77B was consummated by the transfer of assets of the insolvent corporation to another corporation.

§ 1.1019 *Statutory provisions; property on which lessee has made improvements.*

SEC. 1019. *Property on which lessee has made improvements.* Neither the basis nor the adjusted basis of any portion of real property shall, in the case of the lessor of such property, be increased or diminished on account of income derived by the lessor in respect of such property and excludable from gross income under section 109 (relating to improvements by lessee on lessor's property). If an amount representing any part of the value of the real property attributable to buildings erected or other improvements made by a lessee in respect of such property was included in gross income of the lessor for any taxable year beginning before January 1, 1942, the basis of each portion of such property shall be properly adjusted for the amount so included in gross income.

§ 1.1019–1 *Property on which lessee has made improvements.* In any case in which a lessee of real property has erected buildings or made other improvements upon the leased property and the lease is terminated by forfeiture or otherwise resulting in the realization by such lessor of income which, were it not for the provisions of section 109, would be includible in gross income of the lessor, the amount so excluded from gross income shall not be taken into account in determining the basis or the adjusted basis of such property or any portion thereof in the hands of the lessor. If, however, in any taxable year beginning before January 1, 1942, there has been included in the gross income of the lessor an amount representing any part of the value of such property attributable to such buildings or improvements, the basis of each portion of such property shall be properly adjusted for the amount so included in gross income. For example, A leased in 1930 to B for a period of 25 years unimproved real property and in accordance with the terms of the lease B erected a building on the property. It was estimated that upon expiration of the lease the building would have a depreciated value of $50,000, which value the lessor elected to report (beginning in 1931) as income over the term of the lease. This method of reporting was used until 1942. In 1952 B forfeits the lease. The amount of $22,000 reported as income by A during the years 1931 to 1941, inclusive, shall be added to the basis of the property represented by the improvements in the hands of A. If in such case A did not report during the period of the lease any income attributable to the value of the building erected by the lessee and the lease was forfeited in 1940 when the building was worth $75,000, such amount, having been included in gross income under the law applicable to that year, is added to the basis of the property represented by the improvements in the hands of A. As to treatment of such property for the purposes of capital gains and losses, see subchapter P (sections 1201–1241, inclusive).

§ 1.1022 *Statutory provisions; cross references.*

SEC. 1022. *Cross references.* (1) For certain distributions by a corporation which are applied in reduction of basis of stock, see section 301 (c) (2).

(2) For basis of property in case of certain reorganizations and arrangements under the Bankruptcy Act, see sections 270, 396, and 522 of that Act, as amended (11 U. S. C. 670, 796, 922).

(3) For basis in case of construction of new vessels, see section 511 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1161).

(4) For rules applicable in case of payments in violation of Defense Production Act of 1950, as amended, see section 405 of that Act.

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Subchapter G—Regulations Under Tax Conventions

[T. D. 6264]

PART 515—HONDURAS

Release of excess tax withheld and exemption from withholding of tax at source in the case of residents of Honduras and of Honduran corporations or other entities, as affected by the income tax convention between the United States and Honduras proclaimed by the President of the United States on February 13, 1957.

Sec.

515.1 Introductory.
515.2 Dividends.
515.3 Interest.
515.4 Patent and copyright royalties.
515.5 Private pensions and annuities.
515.6 Public pensions and annuities.
515.7 Beneficiaries of an estate or trust.
515.8 Release of excess tax withheld at source.
515.9 Information to be furnished in ordinary course.
515.10 Effective date.

AUTHORITY: §§ 515.1 to 515.10 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 515.1 *Introductory*—(a) *Pertinent provisions.* The income tax convention between the United States and the Republic of Honduras, signed on June 25, 1956, hereinafter referred to as the convention, provides in part as follows, effective on and after January 1, 1957:

ARTICLE I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America: The Federal income taxes, including surtaxes.

(b) In the case of Honduras: The income tax.

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either contracting State subsequent to the date of signature of the present Convention.

ARTICLE II

(1) As used in this Convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii and the District of Columbia.

(b) The term "Honduras" means the Republic of Honduras and when used in a geographical sense means the territory of the Republic of Honduras.

(c) The expression "permanent establishment" means a branch, office, factory, plantation, mine, railroad, warehouse and other fixed place of business, but does not include the casual or temporary use of mere storage facilities, nor does it include an agent unless the agent has and habitually exercises a general authority to negotiate and conclude contracts on behalf of the enterprise. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a bona fide broker, commission agent or custodian who acts as such in the ordinary course of his business. The fact that an enterprise of one of the contracting States maintains in the other contracting State a fixed place of business exclusively for the purchase by such enterprise of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one of the contracting States has a subsidiary corporation which is a corporation of the other contracting State or which is engaged in trade or business in the other contracting State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(d) The expression "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Honduran enterprise".

(e) The term "enterprise" includes any type of enterprise whether carried on by an individual (in his individual capacity or as a member of a partnership), by a corporation, or by any other entity.

(f) The term "United States enterprise" means an industrial or commercial or agricultural enterprise or undertaking carried on by a resident of the United States (including an individual in his individual capacity or as a member of a partnership) or a fiduciary of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a corporation or other entity created or organized in the United States or under the laws of the United States or of any State or Territory of the United States.

(g) The term "Honduran enterprise" means an industrial or commercial or agricultural enterprise or undertaking carried on by a resident of Honduras (including an individual in his individual capacity or as a member of a partnership) or a fiduciary of Honduras or by a Honduran corporation or other entity; the term "Honduran corporation or other entity" means a corporation or other entity formed or organized in Honduras or under the laws of Honduras.

(h) The term "industrial or commercial or agricultural profits" includes manufacturing, mercantile, agricultural, mining, financial and insurance profits; but does not include income in the form of dividends, interest, rents or royalties, or remuneration for personal services: Provided, however, that such excepted items of income shall, subject to the provisions of this Convention, be taxed separately or together with industrial or commercial or agricultural profits in accordance with the laws of the contracting States.

(i) An individual temporarily present within one of the contracting States solely for one of the purposes specified in Article XIII or XV, shall not be considered a resident of such State merely because of such presence therein.

(j) The expression "competent authorities" means, in the case of the United States, the Secretary of the Treasury or his delegate and, in the case of Honduras, the Secretary of Economics and Finance or his delegate.

(k) For the purposes of Article XI and Article XIII, the term "United States dollars" shall be deemed to include the equivalent sum in lempiras as computed at the rate of exchange in effect at the time the money is paid.

(2) For purposes of application of the provisions of the present Convention by one of the contracting States, any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under the laws of such State relating to the taxes which are the subject of the present Convention.

* * * * *

ARTICLE VII

(1) Dividends and interest paid by a corporation organized under the laws of Honduras shall be exempt from United States tax except where the recipient is a citizen or resident or corporation of the United States.

(2) Dividends and interest paid by a corporation organized under the laws of the United States shall be exempt from Honduran tax except where the recipient is a resident or corporation of Honduras.

ARTICLE VIII

Royalties and other amounts from sources within one of the contracting States received, as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulae, trademarks and other like property (including rentals from motion picture films), by a resident, corporation or other entity of the other contracting State not having a permanent establishment within the former State at any time during the taxable year in which such royalties or other amounts are received, shall be exempt from tax by such former State.

ARTICLE IX

Interest on bonds, securities, notes or on any other form of indebtedness from sources within one of the contracting States received by a resident, corporation or other entity of the other contracting State not having a permanent establishment within the former State at any time during the taxable year in which such interest is received, shall be exempt from tax by such former State.

ARTICLE X

(1) (a) Salaries, wages, and similar compensation and pensions paid by the United States or by any of the political subdivisions thereof to a citizen of the United States for

services rendered to the United States or to any of its political subdivisions, in the discharge of governmental functions, shall be exempt from tax by Honduras.

(b) Salaries, wages and similar compensation and pensions paid by Honduras or by any of the political subdivisions thereof to a citizen of Honduras (other than an individual who has immigrant status in the United States) for services rendered to Honduras or to any of its political subdivisions, in the discharge of governmental functions, shall be exempt from tax by the United States.

(c) For the purposes of paragraph (1) of this Article the term "pensions" shall be deemed to include annuities paid to a retired civilian government employee.

(2) (a) Private pensions and annuities from sources within one of the contracting States paid to individuals who reside in the other contracting State shall be exempt from tax by the former State.

(b) Public pensions and annuities (whether representing employee or employer contributions or accretions thereto) from sources within one of the contracting States paid to individuals who reside in the other contracting State shall be exempt from tax by the former State to the extent that such payments are allocable to services the remuneration for which was exempt from tax by the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "annuities", as used in this Article, means a fixed sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

* * * * *

ARTICLE XIV

(1) Organizations organized under the laws of Honduras and operated exclusively for religious, charitable, scientific, literary or educational purposes shall, to the extent and subject to the conditions provided in the United States Internal Revenue Code as in effect at the date of the signature of the present Convention, be exempt from tax of the United States.

* * * * *

ARTICLE XVII

For the purpose of the present Convention:

(a) Dividends paid by a corporation of one of the contracting States shall be treated as income from sources within such State.

(b) Interest paid by one of the contracting States including any local Government thereof or by an enterprise of one of the contracting States not having a permanent establishment in the other contracting State shall be treated as income from sources within the former State.

* * * * *

(e) Income from real property (including gains derived from the sale or exchange of such property, but not including interest from mortgages or bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources shall be treated as income derived from the country in which such real property, mines, quarries or other natural resources are situated.

* * * * *

(g) Royalties for using, or for the right to use, in one of the contracting States, patents, copyrights, designs, trademarks and like property shall be treated as income from sources within such State.

ARTICLE XVIII

(1) The competent authorities of both contracting States shall exchange such information available under the respective tax laws of both contracting States as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or for the administration of statutory provisions against tax avoidance in relation to the tax. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those, including a court, concerned with the assessment and collection of the tax or the determination of appeals in relation thereto. No information shall be exchanged which would disclose any trade, business, industrial or professional secret or any trade process.

(2) Each of the contracting States may collect the tax imposed by the other contracting State (as though such tax were the tax of the former State) as will ensure that the exemptions, reduced rates of tax or any other benefit granted under the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

* * * * *

ARTICLE XX

(1) The provisions of the present Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in determining the tax of such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement; it being understood, however, that this provision shall not be construed to preclude the contracting States from settling by negotiation any dispute arising under the present Convention.

(4) The competent authorities of both contracting States may prescribe regulations necessary to interpret and carry out the provisions of the present Convention and may communicate with each other directly for the purpose of giving effect to the provisions of the present Convention.

* * * * *

ARTICLE XXI

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Tegucigalpa as soon as possible. It shall have effect on and after the first day of January of the year in which such exchange takes place.

(2) The present Convention shall continue effective for a period of five years beginning with the calendar year in which the exchange of the instruments of ratification takes place and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective for the taxable years beginning on or after the first day of January next following the expiration of the six-month period.

(b) *Meaning of terms.* As used in §§ 515.1 to 515.10, any term defined in the convention shall have the meaning so assigned to it; any term not so defind shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

§ 515.2 *Dividends.* Dividends paid on or after January 1, 1957, by a corporation organized under the laws of Honduras are exempt from United States tax under the provisions of Article VII (1) of the convention if the recipient is not a citizen, resident, or corporation of the United States. Accordingly, no withholding of United States tax is required in the case of dividends so exempt from United States tax.

§ 515.3 *Interest*—(a) *Paid by Honduran corporation.* Interest paid on or after January 1, 1957, by a corporation organized under the laws of Honduras is exempt from United States tax under the provisions of Article VII (1) of the convention if the recipient is not a citizen, resident, or corporation of the United States. Accordingly, no withholding of United States tax is required in the case of interest so exempt from United States tax.

(b) *Received from United States sources.* Interest on bonds, securities, notes, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is paid by a person other than a corporation organized under the laws of Honduras and which is received from sources within the United States on or after January 1, 1957, by a nonresident alien individual who is a resident of Honduras, or by a Honduran corporation or other entity, is exempt from United States tax under the provisions of Article IX of the convention if such alien, corporation, or other entity at no time during the taxable year in which such interest is received has a permanent establishment in the United States.

(c) *Trade or business.* If, in the case of interest described in paragraph (b) of this section, a nonresident alien individual who is a resident of Honduras performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment in the United States, he is entitled to the exemption from tax with respect to interest received in that year from United States sources, as provided in Article IX of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

(d) *Exemption from withholding of United States tax*—(1) *Coupon bond interest*—(i) *Form to use.* To avoid withholding of United States tax at source in the case of coupon bond interest to which paragraph (b) of this section applies, the nonresident alien individual who is a resident of Honduras, or the Honduran corporation or other entity, shall, for each issue of bonds, file Form 1001–H in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, or by his trustee or agent, and shall show the information required by § 1.1461–1 (d) of this chapter. It shall contain a statement that the owner

(a) is a resident of Honduras, or is a Honduran corporation or other entity, and (b) has no permanent establishment in the United States.

(ii) *Exemption applicable only to owner.* The exemption from United States tax contemplated by Article IX of the convention, in so far as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon, or on whose behalf it is presented, shall, for the purpose of the exemption from tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon, or on whose behalf it is presented, is not the owner of the bond, Form 1001, and not Form 1001–H, shall be executed.

(iii) *Disposition of form.* The original and duplicate of Form 1001–H shall be forwarded by the withholding agent to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., in accordance with § 1.1461–2 (b) (2) of this chapter.

(2) *Interest on noncoupon bonds*—(i) *Notification by letter.* To avoid withholding of United States tax at source in the case of interest (other than coupon bond interest) to which paragraph (b) of this section applies, the nonresident alien individual who is a resident of Honduras, or the Honduran corporation or other entity, shall notify the withholding agent by letter in duplicate that the interest is exempt from United States tax under the provisions of Article IX of the convention. The letter of notification shall be signed by the owner of the interest, or by his trustee or agent, and shall show the name and address of the obligor and the name and address of the owner of the interest. It shall contain a statement (a) that the owner is neither a citizen nor a resident of the United States but is a resident of Honduras, or, in the case of a corporation or other entity, that the owner is a Honduran corporation or other entity, and (b) that the owner has at no time during the current taxable year had a permanent establishment in the United States.

(ii) *Use of letter for release of excess tax.* If the letter is also to be used as authorization for the release, pursuant to § 515.8 (a) (3), of excess tax withheld from such interest, it shall also contain a statement (a) that, at the time when the interest was received from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of Honduras, or, in the case of a corporation or other entity, the owner was a Honduran corporation or other entity, and (b) that the owner at no time during the taxable year in which such interest was received had a permanent establishment in the United States.

(iii) *Manner of filing letter.* The letter of notification, which shall constitute authorization for the payment of the interest without withholding of United States tax at source, shall be filed with the withholding agent for each successive three-calendar-year period during which the interest is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which the interest is first paid on or after January 1, 1957. Each letter filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once a letter has been filed in respect of any three-calendar-year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the taxpayer. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from United States tax granted by Article IX of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(iv) *Disposition of letter.* Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

§ 515.4 *Patent and copyright royalties*—(a) *Exemption from tax.* Royalties and other amounts received from sources within the United States on or after January 1, 1957, by a nonresident alien individual who is a resident of Honduras or by a Honduran corporation or other entity, as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulae, trademarks, and other like property (including rentals from motion picture films), are exempt from United States tax under the provisions of Article VIII of the convention if such alien, corporation, or other entity at no time during the taxable year in which such items are received has a permanent establishment in the United States.

(b) *Exemption from withholding of United States tax*—(1) *Notification by letter.* To avoid withholding of United States tax at source in the case of the items of income to which this section applies, the nonresident alien individual who is a resident of Honduras, or the Honduran corporation or other entity, shall notify the withholding agent by letter in duplicate that the income is exempt from United States tax under the provisions of Article VIII of the convention.

(2) *Manner of filing letter.* The provisions of § 515.3 (d) (2), relating to the execution, filing, effective period, and disposition of the letter of notification prescribed therein, including its use for the release of excess tax withheld, are equally applicable with respect to the income falling within the scope of this section.

§ 515.5 *Private pensions and annuities*—(a) *Exemption from tax.* Private pensions and annuities which are from sources within the United States and are paid on or after January 1, 1957, to a nonresident alien individual who is a resident of Honduras are exempt from United States tax under the provisions of Article X (2) (a) of the convention.

(b) *Exemption from withholding of United States tax*—(1) *Notification by letter.* To avoid withholding of United States tax at source in the case of the items of income to which this section applies, the nonresident alien individual who is a resident of Honduras shall notify the withholding agent by letter in duplicate that the income is exempt from United States tax under the provisions of Article X (2) (a) of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of Honduras.

(2) *Use of letter for release of tax.* If the letter is also to be used as authorization for the release, pursuant to § 515.8 (a) (3), of excess tax withheld from such items of income, it shall also contain a statement that the owner was, at the time when the income was paid from which the excess tax was withheld, neither a citizen nor a resident of the United States but was a resident of Honduras.

(3) *Manner of filing letter.* The letter of notification shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax granted by the convention in respect to such income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(4) *Disposition of letter.* Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

(c) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received, and the term "annuities" means a fixed sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth. Neither term includes retired pay or pensions paid by the United

States or by any State or Territory of the United States.

§ 515.6 *Public pensions and annuities*—(a) *Exemption from tax.* Public pensions and annuities (whether representing employee or employer contributions or accretions thereto) which are from sources within the United States and are paid on or after January 1, 1957, to a nonresident alien individual who is a resident of Honduras are exempt from United States tax under the provisions of Article X (2) (b) of the convention to the extent that payments of such pensions and annuities are allocable to services the remuneration for which was exempt from tax by the United States.

(b) *Exemption from withholding of United States tax*—(1) *Notification by letter.* To avoid withholding of United States tax at source in the case of the items of income to which this section applies, the nonresident alien individual who is a resident of Honduras shall notify the withholding agent by letter in duplicate that the income is exempt from United States tax under the provisions of Article X (2) (b) of the convention.

(2) *Manner of filing letter.* The provisions of § 515.5 (b) relating to the execution, filing, effective period, and disposition of the letter of notification prescribed therein, including its use for the release of excess tax withheld, are equally applicable with respect to the income falling within the scope of this section.

(c) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received, and the term "annuities" means a fixed sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

§ 515.7 *Beneficiaries of an estate or trust*—(a) *Entitled to benefit of convention.* If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien who is a beneficiary of an estate or trust shall be entitled to the exemption from United States tax granted by Articles VII, VIII, and IX of the convention with respect to dividends, interest, and copyright royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items, and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Withholding of United States tax.* In order to be entitled in such instance to the exemption from withholding of United States tax, the beneficiary must otherwise satisfy such requirements and shall, where applicable, execute and submit to the fiduciary of the estate or trust in the United States the appropriate letter of notification prescribed in §§ 515.3 (d) (2) and 515.4 (b).

(c) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

§ 515.8 *Release of excess tax withheld at source*—(a) *Amounts to be released*—(1) *Dividends and interest paid by a corporation organized under the laws of Honduras.* If United States tax at the statutory rate has been withheld on or after January 1, 1957, from dividends and interest paid by a corporation organized under the laws of Honduras to a recipient other than a citizen, resident, or corporation of the United States, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(2) *Coupon bond interest*—(i) *Substitute form.* In the case of every taxpayer who furnishes to the withholding agent Form 1001–H clearly marked "Substitute" and executed in accordance with § 515.3 (d) (1) (i), where United States tax has been withheld at the statutory rate on or after January 1, 1957, from coupon bond interest, the withholding agent shall release (except as provided in subparagraph (1) of this paragraph) and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld, if the taxpayer also attaches to such form a letter in duplicate, signed by the owner, or by his trustee or agent, and containing the following:

(*a*) The name and the address of the obligor;

(*b*) The name and the address of the owner of the interest from which the excess tax was withheld;

(*c*) A statement that, at the time when the interest was received from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of Honduras, or in the case of a corporation or other entity, the owner was a Honduran corporation or other entity; and

(*d*) A statement that the owner at no time during the taxable year in which the interest was received had a permanent establishment in the United States.

One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(ii) *Disposition of form.* The original and duplicate of substitute Form 1001-H (and letter) shall be forwarded by the withholding agent to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., in accordance with § 1.1461–2 (b) of this chapter.

(3) *Interest on noncoupon bonds, royalties, pensions, and annuities.* If a taxpayer furnishes to the withholding agent the authorization of release prescribed in § 515.3 (d) (2) (ii), § 515.4 (b) (2), § 515.5 (b) (2), or § 515.6 (b) (2) and United States tax has been withheld at the statutory rate on or after January 1, 1957, from the interest, copyright royalties or other like amounts, pensions, or annuities in respect to which such authorization is prescribed, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(b) *Amounts not to be released.* The provisions of this section do not apply to excess tax withheld at source which has been paid by the withholding agent to the Director of International Operations.

(c) *Statutory rate.* As used in this section, the term "statutory rate" means the rate prescribed by chapter 2 of the Internal Revenue Code of 1954 and the regulations thereunder, as though the convention had not come into effect.

§ 515.9 *Information to be furnished in ordinary course.* For provisions relating to the exchange of information under Article XVIII of the convention, see § 1.1461–2 (d) of this chapter.

§ 515.10 *Effective date*—(a) *Payments on or after January 1, 1957.* In order to give the convention effective application at the earliest practicable date, the exemptions from withholding of United States tax at source granted by §§ 515.1 to 515.10 are hereby made effective beginning Januray 1, 1957, contingent upon compliance with the applicable provisions of §§ 515.1 to 515.10.

(b) *Taxable years beginning in 1956 and ending in 1957.* If, in the case of a taxable year beginning in 1956 and ending in 1957, a taxpayer has no permanent establishment in the United States at any time during that part of the taxable year which follows December 31, 1956, then he shall, for purposes of §§ 515.1 to 515.10, be deemed not to have had a permanent establishment in the United States at any time during the taxable year.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting release of excess tax withheld, and exemption from withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 1, 1957.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9261; Filed, Nov. 6, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Circular No. 1985]

PART 9—LEASES, PERMITS, AND EASEMENTS FOR PUBLIC WORKS

EDITORIAL NOTE: Federal Register Document 57–8781, which was published at page 8421, October 25, 1957, under Chapter I of Title 43 of the Code of Federal Regulations, should have been published under Subtitle A of Title 43, as set forth above.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.95 (a) governing the operation of the New York, New Haven and Hartford Railroad Company bridge across Mystic River at Mystic, Connecticut, is hereby amended, as follows:

§ 203.95 *Mystic River at Mystic, Conn.*—(a) *The New York, New Haven and Hartford Railroad Company bridge.* (1) From April 1 to October 31, inclusive, at any time, day or night, the draw of this bridge shall be opened immediately upon receipt of the call signal for the passage of commercial vessels, vessels owned or operated by the United States Government, and vessels employed for police or fire protection by any town or municipality touching on the Mystic River, and as soon as practicable and in no case later than 20 minutes after receipt of the call signal for the passage of all other vessels which cannot pass the closed bridge: *Provided,* That the draw shall not be opened when an express passenger train, scheduled to pass beyond the bridge without stop, has entered the block in which the bridge is located, or when any other train which will entirely cross the bridge before stopping has reached the distance signal of the bridge, or when a passenger or mail train is actually ready to pass over it, but in any such case the opening of the bridge shall not be delayed more than eight minutes after the call signal is given.

(2) The call signal for opening the draw shall be one long blast and one short blast. When the draw is to be opened immediately the draw tender shall reply with one long blast. If the draw cannot be opened immediately the draw tender shall reply with three long blasts, and in addition a red flag or ball by day or a red light by night shall be conspicuously displayed on the bridge.

NOTE: As used in this section, the term "long blast" means a distinct blast of a whistle or horn of three seconds' duration, and the term "short blast" means a distinct blast of a whistle or horn of one second's duration.

(3) From November 1 to March 31, inclusive, at any time between the hours of 5:00 a. m. and 9:00 p. m. the draw of this bridge shall be opened immediately upon receipt of the above-described call signal and subject to all conditions contained in subparagraph (1) of this paragraph. From 9:00 p. m. to 5:00 a. m., the draw of the bridge shall not be required to be opened except on an 8-hour notice in advance of the time an opening is required.

(4) The 8-hour advance notice will not apply to vessels owned or operated by the United States, nor to vessels employed for police or fire protection, nor in an emergency by any vessel when danger to life and/or property is involved. For the type of vessel specified, and in emergencies by any vessel, the owners or agency operating the bridge shall, upon request, arrange for the opening of the drawspan as soon as practicable after receipt of the request.

(5) The owners or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can be easily read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative of the owner or agency may be reached.

[Regs., Oct. 16, 1957, 823.01 (Mystic River, Conn.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.190 (f) (5) is hereby amended to permit maintenance of the New York Central Railroad Company bridge across Peekskill (Annsville) Creek near Peekskill, New York, in a closed position, as follows:

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

• • • • • •

(5) *Peekskill (Annsville) Creek; New York Central Railroad Company bridge near Peekskill, N. Y.* The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

[Regs., Oct. 11, 1957, 823.01 (Peekskill Creek, N. Y.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

3. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.466 is hereby prescribed to govern the operation of the Memorial Causeway across Clearwater Harbor, Florida, as follows:

§ 203.466 *Clearwater Harbor, Fla.; the City of Clearwater bridge (Memorial Causeway), Clearwater, Fla.* (a) Except as otherwise provided in paragraphs (b) and (c) of this section, the owner or agency controlling the bridge shall not be required to open the drawspan for the passage of vessels on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day between the hours of 4:30 p. m. and 7:00 p. m., except that the drawspan shall be opened at 5:15 p. m., 6:00 p. m., and 6:45 p. m. to allow all accumulated vessels to pass.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(d) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

[Reg., Oct. 15, 1957, 823.01 (Clearwater Harbor, Fla.)–ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.52a is hereby prescribed establishing and governing the use of a prohibited area in the Atlantic Ocean off Camp Pendleton, Virginia, as follows:

§ 204.52a *Atlantic Ocean south of entrance to Chesapeake Bay off Camp Pendleton, Virginia; naval prohibited area*—(a) *The area.* Beginning at a point on the shore at Camp Pendleton at latitude 36°48'19" N, longitude 75°57' 49" W; thence easterly 200 yards to latitude 36°48'20" N, longitude 75°57'42" W; thence northerly 400 yards to latitude 36°48'32" N, longitude 75°57'45" W; thence westerly 200 yards to latitude 36°48'31" N, longitude 75°57'53" W; and thence southerly 400 yards along the shore to the point of beginning.

(b) *The regulations.* (1) Vessels other than those owned and operated by the United States shall not enter the area except by permission of the Commanding Officer, U. S. Naval Amphibious Base, Little Creek, Norfolk, Virginia.

(2) This section shall be enforced by the Commanding Officer, U. S. Naval Amphibious Base, Little Creek, Norfolk, Virginia, and such agencies as he may designate.

[Regs., Oct. 11, 1957, 800.2121 (Atlantic Ocean, Va.)–ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

5. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) § 207.655 is hereby prescribed to govern logging operations on the Rogue River, Oregon, as follows:

§ 207.655 *Rogue River, Oregon, logging.* The dumping of logs into the Rogue River or upon its banks, below the high water line, and the rafting of logs, or floating of loose logs, sack rafts of timber and logs, and the towing of log rafts on Rogue River, is hereby limited to the period from November 1, of each year to March 31, of the following year (both dates inclusive). Parties engaged in logging operations on the Rogue River shall arrange their work so that the channel of the river shall be free from floating logs or debris, caused by their operation, from April 1, to October 31, of each year (both dates inclusive).

[Regs., Oct. 11, 1957, 800.21 (Rogue River, Oreg.)-ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HEBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9224; Filed, Nov. 6, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

ELIGIBILITY FOR HOSPITAL TREATMENT OR DOMICILIARY CARE OF PERSONS DISCHARGED, RELEASED, OR RETIRED FROM ACTIVE MILITARY OR NAVAL SERVICE

In § 17.47, subparagraph (2) of paragraph (b) is amended to read as follows:

§ 17.47 *Eligibility for hospital treatment or domiciliary care of persons discharged, released, or retired from active military or naval service.* • • •

(b) • • •

(2) Persons defined in § 17.46 (a) (5) who require hospitalization for chronic diseases incurred in line of duty in active military or naval service when beds are available and they agree to pay the subsistence rate set by the Administrator of Veterans Affairs, except that no subsistence charge will be made for those persons who are members or former members of the Public Health Service, Coast Guard, Coast and Geodetic Survey and enlisted personnel of the Army, Navy, Marine Corps, and Air Force.

(Sec. 4, 53 Stat. 1070, as amended, sec. 10, 57 Stat. 556, 65 Stat. 40, 694, sec. 302, 70 Stat. 254; 37 U. S. C. 422, 38 U. S. C. 706b, 730, 745, ch. 12A)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, as amended, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, as amended, 302, as amended, 53 Stat. 652, as amended; 38 U. S. C. 445b, 706, 706a)

This regulation is effective November 7, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-9262; Filed, Nov. 6, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 35]

[Draft Release 57-23]

FLIGHT ENGINEER CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board a revision of Part 35 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Jan. 7, 1958. Copies of such communications will be available after Jan. 9, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Bureau circulated a proposed revisions of Part 35 as Civil Air Regulations Draft Release No. 56–5 dated February 28, 1956, with the view toward narrowing or eliminating areas of substantive differences between interested parties with respect to the proposed rules contained therein, prior to its circulation as a formal notice of proposed rule making. Upon review of the comments received, it appears that the major areas of differences have been narrowed so that it is now possible to enter into formal rule making procedures for the revision of Part 35.

Based upon the proposals contained in Draft Release No. 56–5, and the comments received thereon, it is apparent that there are certain substantive points that warrant further elaboration. The following discussion covers only such points and does not include any discussion with respect to changes made in the format and terminology to conform with other airman parts. In Amendment 35–1, effective May 1, 1949, Part 35 was amended to eliminate the requirement that an applicant hold an engineering degree plus one year of experience, requiring, in lieu thereof, only that the applicant be a graduate of at least a 2-year specialized aeronautical training course of which at least 6 months shall have been in the maintenance and repair of multiengine aircraft having engines rated at least at 800 horsepower. In that amendment it was not contemplated that persons holding engineering degrees would be precluded from qualifying for a certificate. However, because there has been some confusion as to whether such persons would be eligible, it is being proposed to include in § 35.31 (c) the provision that an applicant holding an engineering degree from a recognized college, university, or engineering school and 6 months practical experience in the maintenance and repair of multiengine aircraft having engines rated at least at 800 horsepower each may qualify for a flight engineer's certificate. An applicant qualifying under this requirement would also be required to have 5 hours of training in flight in the duties of a flight engineer as discussed below.

The current provisions of § 35.6 (a) and (b) of Part 35 permit an applicant with certain diversified practical experience, or specialized aeronautical training, in the maintenance and repair of aircraft and aircraft engines to meet the experience requirements for a flight engineer certificate, even though such an applicant has had no flight experience in the duties of a flight engineer. The principal function of the flight engineer is to assist the pilot members of the crew in the mechanical operation of aircraft during flight. In view of this fact, it is believed that an applicant having only practical experience or aeronautical training in the maintenance and repair of aircraft or aircraft engines should also have a minimum of 5 hours of training in flight in the duties of a flight engineer on multiengine aircraft having engines rated at least at 800 horsepower each. Accordingly, this revision proposes to add such a requirement for in-flight training. However, this flight experience need not be a condition which should be met prior to the applicant's taking the written examination prescribed in § 35.32. Accordingly, a note to this effect has been included in § 35.32. In addition, it is proposed to change the experience requirements to permit experience gained on turbine-powered aircraft having thrust equivalent to at least 800 horsepower to be credited toward qualifying for a certificate.

It should be borne in mind that the requirements proposed herein are minimum basic requirements for the original certification of airmen, and that provision is made in the operating parts to provide for initial and recurrent training of airmen and for the maintenance of airmen qualifications.

Another proposed change in the experience requirements would permit 400 hours of copilot time to be credited as qualification experience provided such time is acquired on aircraft having 4 or more engines rated at least at 800 horsepower each, or the equivalent thereof in the case of turbine-powered aircraft.

Current provisions with respect to re-examination after failure require that an applicant produce evidence that he has received an additional 5 hours of instruction in each of the subjects failed where he does not elect to wait 30 days for re-examination. In certain situations, such as where an applicant has failed because of lack of proficiency in unfeathering an engine, it might be unnecessary and even detrimental to the equipment to require 5 hours' training. Hence it is proposed that the Administrator set the required number of hours, not to exceed 5, as appropriate, rather than prescribe a mandatory 5-hour instruction period.

During the past several years, industry has developed synthetic trainers which simulate flight characteristics and performance of corresponding aircraft through virtually all ranges of normal and emergency operations. In addition to the obvious economic advantages of the use of such aircraft simulators in lieu of aircraft, it is apparent that the examination of certain emergency procedures can be more successfully and safely accomplished in the aircraft simulator than in the aircraft. Therefore, in recognition of the advanced state of design of the aircraft simulator for training purposes, it is proposed that demonstration of the emergency skill requirements in § 35.33 be permitted by demonstration of proficiency in an aircraft simulator or, alternately, in the aircraft it simulates. The use of the aircraft simulator for this purpose will, however, be limited to demonstration of competence with respect to emergency duties and procedures where malfunction in the aircraft is indicated. The applicant will still be required to demonstrate competence with respect to his normal duties and procedures aboard an aircraft in flight. It was proposed in Draft Release No. 56–5 that the examination, in flight, with respect to normal duties, might be accomplished in air transportation, provided, that the applicant is under the direct supervision of a fully qualified flight engineer assigned to the flight crew. This proposal is not contained herein, inasmuch as it has not been Board policy to permit original airman certification in aircraft in air transportation in view of the possible hazardous conditions which could be created or magnified because of the inexperience of the applicant.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that Part 35 of the Civil Air Regulations be revised as set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., October 29, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

APPLICABILITY AND DEFINITIONS

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APPLICABILITY AND DEFINITIONS

§ 35.1 *Applicability of this part.* This part establishes certification and general operating rules for flight engineers.

§ 35.2 *Definitions.* As used in this part terms shall be defined as follows:

Administrator. The Administrator is the Administrator of Civil Aeronautics.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Copilot. Copilot means a pilot serving in any piloting capacity other than as pilot in command on aircraft requiring two pilots for normal operations, but excluding a pilot who is on board the aircraft for the sole purpose of receiving dual instruction.

Flight engineer. A flight engineer is an individual holding a valid flight engineer certificate issued by the Administrator and whose primary assigned duty during flight is to assist the pilots in the mechanical operation of an aircraft.

Flight time. Flight time is the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Pilot in command. A pilot in command is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

CERTIFICATION RULES

§ 35.5 *Application for certificate.* An application for a certificate shall be made on a form and in a manner prescribed by the Administrator.

§ 35.6 *Issuance.* (a) A flight engineer certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) Pending a review of the applicant's application and supplementary documents and the issuance of a certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue a temporary flight engineer certificate to an applicant who meets the requirements of this part.

§ 35.7 *Duration.* (a) A flight engineer certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance; but it may be reissued without further demonstration of technical competence.

(b) A temporary flight enginer certificate shall remain in effect for a period no longer than 3 months after the date of issuance.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

§ 35.8 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated flight engineer, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 35.21 *Citizenship.* An applicant for a flight engineer certificate may be a citizen of any country or a person without nationality.

§ 35.22 *Age.* 21 years is the minimum age for the issuance of a flight engineer certificate.

§ 35.23 *Education.* An applicant shall be able to read, write, speak, and understand the English language.

§ 35.24 *Examinations.* Examinations shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for such examinations shall be at least 70 percent.

§ 35.25 *Re-examination after failure.* An applicant who has failed any prescribed written or practical examination may not apply for re-examination within a 30-day period from the date of such failure unless he presents a statement signed by a certificated flight engineer or a certificated ground instructor, as appropriate, or an equally qualified individual acceptable to the Administrator, which attests that the applicant is considered competent for re-examination, and

(a) In the case of the written examination, that the applicant has received an additional 5 hours of instruction in each of the subjects failed; or

(b) In the case of the practical examination, that the applicant has received such additional instruction, not to exceed 5 hours, as the Administrator may have required in each of the subjects failed.

§ 35.26 *Substantiation of experience.* An applicant shall present documentary evidence, satisfactory to the Administrator, to substantiate the experience qualifications for a flight engineer certificate.

§ 35.27 *Physical standards.* An applicant shall present evidence that he has, within the 12 months immediately preceding the date of application, met the physical standards of the second class prescribed in Part 29 of this chap-

ter: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

QUALIFICATIONS FOR A CERTIFICATE

§ 35.31 *Experience.* An applicant shall: (a) Have had at least 3 years of diversified practical experience in the maintenance and repair of aircraft and aircraft engines, of which one year shall have been on the maintenance and repair of multiengine aircraft having engines rated at least at 800 horsepower each or the equivalent thereof in the case of turbine-powered aircraft, and have had at least 5 hours of training in flight in the duties of a flight engineer on multiengine aircraft having engines rated at least at 800 horsepower each or the equivalent thereof in the case of turbine-powered aircraft; or

(b) Be a graduate of at least a 2-year specialized aeronautical training course in the maintenance, repair, and overhaul of aircraft and aircraft engines, of which at least 6 months shall have been in the maintenance and repair of multiengine aircraft having engines rated at least at 800 horsepower each or the equivalent thereof in the case of turbine-powered aircraft, and have had at least 5 hours of training in flight in the duties of a flight engineer on multiengine aircraft having engines rated at least at 800 horsepower each or the equivalent thereof in the case of turbine-powered aircraft; or

(c) Hold a degree in engineering from a recognized college, university, or engineering school and have had 6 months practical experience in the maintenance and repair of multiengine aircraft having engines rated at least at 800 horsepower each or the equivalent thereof in the case of turbine-powered aircraft, and have had at least 5 hours of training in flight in the duties of a flight engineer on multiengine aircraft having engines rated at least at 800 horsepower each or the equivalent thereof in the case of turbine-powered aircraft; or

(d) Have had at least 200 hours of flight time as pilot in command, or 400 hours of flight time as copilot, of aircraft having 4 or more engines rated at least at 800 horsepower each or the equivalent thereof in the case of turbine-powered aircraft; or

(e) Have had at least 100 hours of flight experience in the duties of a flight engineer; or

(f) Within 90 days immediately preceding application, have completed successfully a course of instruction which is approved for the training of a flight engineer.

§ 35.32 *Knowledge.* An applicant shall satisfactorily pass a written examination on the following subjects with respect to aircraft having 4 or more engines and certificated in the transport category or an aircraft having 4 or more engines and incorporating a flight engineer station:

(a) The provisions of the Civil Air Regulations applicable to the duties of a flight engineer;

(b) Theory of flight and elementary aerodynamics;

(c) Aircraft performance and aircraft engine operation with respect to limitations;

(d) Mathematical computations of engine operation and fuel consumption;

(e) Basic meteorology with respect to engine operations;

(f) Aircraft loading and center of gravity computations; and

(g) General aircraft maintenance and operation procedures.

NOTE: The applicant need not have the 5 hours of training in flight in the duties of a flight engineer specified in § 35.31 (a), (b), and (c) prior to taking the written examination required by § 35.32.

§ 35.33 *Skill.* An applicant shall pass a practical examination in the duties of a flight engineer on an aircraft having 4 or more engines and certificated in the transport category or on an aircraft having 4 or more engines and incorporating a flight engineer station, with respect to pre-flight inspection of aircraft, servicing, starting, and pre-take-off run-up, and

(a) In flight, demonstrate competence with respect to normal duties and procedures relating to the aircraft, aircraft engines, propellers, and appliances; and

(b) In flight, or in an approved synthetic trainer which accurately simulates the flight characteristics and performance of the aircraft, demonstrate competence with respect to emergency duties, procedures, and recognition of and the taking of appropriate action with respect to the malfunctioning of aircraft, aircraft engines, propellers, and appliances.

§ 35.34 *Limited certificate.* (a) An applicant may be certificated as a flight engineer for an aircraft having less than 4 engines, *Provided*: That

(1) The design of the aircraft incorporates a flight engineer station satisfactory to the Administrator,

(2) The applicant meets the requirements of §§ 35.21 through 35.32, except that experience need not include flight time in aircraft having more than 2 engines, and

(3) The applicant passes a practical examination with respect to such aircraft as required in § 35.33.

(b) A certificate issued under the provisions of this section shall contain an appropriate limitation which may be removed at such time as the holder of the certificate passes the practical test prescribed in § 35.33 for an aircraft having 4 or more engines.

OPERATING RULES

§ 35.41 *Certificate required.* No individual shall serve as a flight engineer, in air commerce, on an aircraft of United States registry without, or in violation of the terms of, a certificate issued in accordanee with the provisions of this part. He shall have his certificate in his personal possession when performing his duties.

§ 35.42 *Display.* A flight engineer shall, upon request, present his airman and medical certificates for examination by any authorized representative of the Civil Aeronautics Board or the Administrator, or by any State or local law enforcement officer.

§ 35.43 *Medical certificate.* No individual shall exercise the privileges accorded by a flight engineer certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate thereto within the preceding 12 months.

§ 35.44 *Operation during physical deficiency.* No individual shall exercise the privileges accorded by a flight engineer certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

[F. R. Doc. 57-9280; Filed, Nov. 6, 1957; 8:55 a. m.]

[14 CFR Part 41]

[Draft Release 57-24]

PERIODIC PROFICIENCY CHECKS FOR PILOTS SERVING AS SECOND IN COMMAND OF FLIGHT CREWS OF THREE OR MORE PILOTS.

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board an amendment to Part 41 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by January 13, 1958. Copies of such communications will be available after January 15, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective Part 41 of the Civil Air Regulations contains the certification and operation rules for scheduled air carrier operations outside the continental limits of the United States. Section 41.53 of this part requires that each pilot in command continue to meet the minimum requirements with regard to route competence and pilot technique by means of a flight check at least twice a year. All other pilots are required to receive periodic instructions but are not required to demonstrate competence by means of flight checks given by a check pilot.

A pilot serving as second in command of an aircraft on a flight requiring three or more pilots must possess an airline transport pilot certificate with an appropriate aircraft type rating. This pilot relieves the pilot in command during periods in which the latter is resting or otherwise absent from his flight station, and during these periods the airplane is under the control of the second in command.

The Civil Aeronautics Administration has recommended the amendment of Part 41 to require that pilots serving as second in command of a crew requiring three or more pilots be given the same periodic proficiency checks required of pilots in command. It appears that such a requirement would insure an equivalent level of safety during these operations when such pilots are acting for the pilot in command. It is believed that this is particularly pertinent to the handling of in-flight emergencies where the second in command is required to take immediate action and cannot consult with the pilot in command or receive direction from him.

In view of the foregoing, notice is hereby given that it is proposed to amend § 41.53 (a) of Part 41 of the Civil Air Regulations to read as follows:

§ 41.53 *Periodic flight checks and instruction.* (a) Each air carrier must provide a sufficient number of check pilots to insure that each pilot in command continues to meet the minimum requirements both with regard to route competence and pilot technique and that each pilot serving as second in command of a flight crew requiring three or more pilots continues to meet the minimum requirements with regard to pilot technique. Each of these checks must be accomplished twice each year at intervals of not less than 4 months. Periodic instruction must be given all pilots. In the case of all pilots in command and also for each pilot serving as second in command of a flight crew requiring three or more pilots, instruction must include the obtaining of optimum performance under simulated maximum authorized weight conditions with one engine inoperative and instrument approach procedures and landings under the same conditions in the type aircraft in which such pilots serve in scheduled air transportation: *Provided*, That subsequent to the initial check and instruction, actual or simulated maximum authorized weight on take-off shall not be required. In the case of all pilots, other than pilots in command, or pilots serving as second in command of a flight crew requiring three or more pilots, instruction must include familiarization with the operations manual, with the types of equipment used, and with the duties of a second in command.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., November 1, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 57-9281; Filed, Nov. 6, 1957; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP

ADDITIONAL TIME FOR FILING DATA, VIEWS, OR ARGUMENTS

Proposed United States Standards for Grades of Frozen Raw Breaded Shrimp were set forth in the notice which was published in the FEDERAL REGISTER of May 18, 1957 (22 F. R. 3484). The FEDERAL REGISTER publication of July 30, 1957 (22 F. R. 5980) provided an additional period of time until October 16, 1957, for the submission of comments and suggestions concerning the proposed grade standards.

In consideration of comments and suggestions received indicating the need for further study of the proposed grade standards, notice is hereby given of a further additional period of time until November 23, 1957, within which written data, views, or arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed United States Standards for Grades of Frozen Raw Breaded Shrimp.

Dated: November 4, 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Marketing Services.*

[F. R. Doc. 57-9250; Filed, Nov. 6, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 137]

NEVADA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 3,540 acres in Clark County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T. 22 S., R. 58 E.,
Sec. 11, all;
Sec. 2, NW¼SW¼, NW¼SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

E. R. GREENSLET, *State Supervisor for Nevada.*

OCTOBER 29, 1957.

[F. R. Doc. 57-9227; Filed, Nov. 6, 1957; 8:45 a. m.]

[Classification Order 134]

NEVADA

SMALL TRACT CLASSIFICATION: REVOKED

Effective October 29, 1957, Classification Order No. 134 appearing on page 8322 Federal Register Document 57-8715 is hereby revoked.

The NE¼ sec. 32, T. 36 N., R. 38 E., M. D. M., was withdrawn by Executive Order No. 2639, dated June 18, 1917.

E. R. GREENSLET, *State Supervisor.*

OCTOBER 29, 1957.

[F. R. Doc. 57-9228; Filed, Nov. 6, 1957; 8:45 a. m.]

UTAH (I-5)

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 1, 1957.

Bureau of Reclamation has filed an application, Serial No. Utah 025597, for the withdrawal of the lands described below, from all forms of appropriation. The applicant desires the land for sediment retention dam and reservoir and for material sites and access road locations.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 777, Salt Lake City, Utah.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 42 S., R. 1 W.,
Sec. 17: W½NE¼, W½.

T. 43 S., R. 1 W.,
Sec. 1: Lot 1, SE¼NE¼, E½SE¼;
Sec. 11: SE¼;
Sec. 12: Lot 1, SE¼NE¼, S½;
Sec. 13: All;
Sec. 14: E½NE¼, NE¼SE¼;
Sec. 24: E½;
Sec. 25: E½.
T. 43 S., R. 2 W.,
Sec. 8: SE¼NE¼;
Sec. 9: SW¼NW¼, S½;
Sec. 10: S½SW¼;
Sec. 11: S½;
Sec. 14: All;
Sec. 15: All;
Sec. 22: All;
Sec. 23: All;
Sec. 26: W½;
Sec. 27: All;
Sec. 28: SE¼;
Sec. 33: All;
Sec. 34: All;
Sec. 36: S½S½.
T. 44 S., R. 2 W.,
Sec. 1: N½;
Sec. 2: All;
Sec. 3: All;
Sec. 4: All;
Sec. 5: SE¼;
Sec. 8: Lots 3 and 4, N¼NE¼;
Sec. 9: All;
Sec. 10: All;
Sec. 11: All.

The above area aggregates 11,711.95 acres.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-9229; Filed, Nov. 6, 1957; 8:46 a. m.]

[Document 167]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

Pursuant to Determination DA-118-Arizona, of the Federal Power Commission, and in accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473, it is ordered as follows:

The lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 29 E.,
Sec. 11: E½NE¼, SE¼, S½SW¼;
Sec. 14: N½, SW¼, W½SE¼;
Sec. 15: S½NE¼, SE¼, S½SW¼;
Sec. 16: S½SE¼.

The area described totals 1,280 acres of public land.

The subject lands lie adjacent to both banks of the San Francisco River in the vicinity of Clifton, Arizona.

Beginning on December 5, 1957, the lands described above will become subject to application and selection under the non-mineral public land laws. This restoration is made in furtherance of a proposed exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U. S. C. 315g), as amended, which would provide lands for consolidation of Federal holdings within the Sitgreaves National Forest. Since this restoration is made in order to assist in a Federal land program, this opening is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284; 43 CFR Part 181), as amended, granting certain preference rights to veterans of World War II, the Korean Conflict, and others.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits and the lands will not be subject to occupancy or disposition until they have been classified and the application allowed.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall, without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The lands described shall be subject to application by the State of Arizona for a period of 90 days from the date of publication of this Order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in the preceding paragraph.

Inquiries concerning the lands should be addressed to the Manager, Phoenix Land Office, P. O. Box 148, Phoenix, Arizona.

EUGENE H. NEWELL,
Acting State Supervisor.

OCTOBER 30, 1957.

[F. R. Doc. 57-9230; Filed, Nov. 6, 1957; 8:46 a. m.]

[Document 165]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 24, 1957.

The U. S. Forest Service has filed an application, Serial No. AR-011812, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws.

The applicant desires the land for roadside zones and scenic strips.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN—TONTO NATIONAL FOREST

HIGHWAY 60-70-89

A strip of land 200 feet on each side of the center line of Highway 60-70-89 through the following legal subdivisions:

T. 1 S., R. 16 E.,
Sec. 4: S½;
Sec. 5: S½;
Sec. 6: E½.
T. 1 S., R. 14 E.,
Sec. 2: W½NW¼, NE¼NE¼;
Sec. 3: SE¼NE¼, N½SE¼, N½SW¼;
Sec. 4: S½SE¼;
Sec. 5: S½SW¼;
Sec. 6: SE¼SE¼;
Sec. 7: NE¼NE¼, NW¼NE¼, SW¼NE¼, NE¼SW¼, SW¼SW¼;
Sec. 8: N½NE¼, NE¼NW¼;
Sec. 9: N½NW¼, NW¼NE¼.

HIGHWAY 60-70-89. PINAL CO. TO WEST FOREST BDY.,

T. 1 S., R. 13 E.,
Sec. 14: N½SW¼, SW¼SW¼;
Sec. 15: SE¼SE¼;
Sec. 22: N½NE¼, E½NW¼, N½SW¼, SW¼SW¼;
Sec. 27: W½NW¼;
Sec. 28: S½NE¼, N½SW¼, NW¼SE¼;
Sec. 29: N½SE¼, SW¼SE¼, S½SW¼;
Sec. 30: Lot 4;
Sec. 31: Lot 1.
T. 1 S., R. 12 E.,
Sec. 36: N½NE¼, NE¼NW¼.
T. 2 S., R. 12 E.,
Sec. 5: N½N½SE¼.
T. 2 S., R. 11 E.,
Sec. 1: N½S½SE¼, N½S½SW¼;
Sec. 8: W½SW¼, NE¼SW¼, SE¼NW¼, S½NE¼, NE¼NE¼;
Sec. 9: W½NW¼, SE¼NW¼, S½NE¼;
Sec. 10: S½NW¼, S½NE¼;
Sec. 11: S½NW¼, S½NE¼, NE¼NE¼;
Sec. 12: S½N½NW¼.

The area described approximates 385 acres.

HIGHWAY 60

A strip of land 200 feet on each side of the center line of Highway 60 through the following legal subdivisions:

T. 1 N., R. 16 E.,
Sec. 6: W½SW¼, W½NW¼.
T. 2 N., R. 15½ E.,
Sec. 36: E½SE¼, E½NE¼.
T. 2 N., R. 16 E.,
Sec. 4: N½NW¼;
Sec. 5: N½NE¼, N½NW¼;
Sec. 6: E½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 7: W½NE¼, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 17: W½NW¼;
Sec. 18: N½NE¼, S½SE¼, NE¼SE¼;
Sec. 19: E½NE¼, W½SE¼, SE¼SW¼;
Sec. 30: N½NW¼, W½SW¼, W½SW¼, SW¼NW¼.
T. 3 N., R. 16 E.,
Sec. 12: SE¼SE¼;
Sec. 13: NW¼NE¼, E½NW¼, SW¼NW¼, W¼SW¼;
Sec. 14: SE¼SE¼;
Sec. 23: N½N½NE¼, SE¼NW¼, SE¼NE¼NE¼, S½NE¼SW½, W½SW¼;
Sec. 26: NW¼NW¼;
Sec. 27: SE¼NW¼, NW¼SE¼, E½SW¼, SW¼SW¼, E½NE¼;
Sec. 33: N½NE¼, SW¼NE¼, NE¼SE¼, SW¼SE¼, SE¼SW¼;
Sec. 34: NW¼NW¼.
T. 3 N., R. 17 E.,
Sec. 4: N½NW¼;
Sec. 5: E½NE¼, E½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 7: SE¼NE¼, NE¼SE¼, S½SW¼, SW¼SE¼;
Sec. 8: N½NW¼, SW¼NW¼.
T. 4 N., R. 17 E.,
Sec. 1: NW¼NW¼;
Sec. 2: E½NE¼, E½SE¼, SW¼SE¼;
Sec. 10: SE¼SE¼;
Sec. 11: W½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 15: S½NW¼, NE¼NW¼, NW¼NE¼;
Sec. 16: SE¼NE¼, W½SE¼;
Sec. 21: W½NE¼, W½SE¼;
Sec. 28: W½NE¼, W½SE¼, SE¼SE¼;
Sec. 33: N½NE¼, E½SW¼, SE¼NW¼, SW¼NE¼.

The area described approximates 550 acres.

EUGENE H. NEWELL,
Lands and Minerals Officer.

[F. R. Doc. 57-9231; Filed, Nov. 6, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RECTOR AUCTION SALE BARN

POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyard as required by said section 302.

Name of stockyard	*Date of posting*
ARKANSAS	
Rector Auction Sale Barn, Rector	Aug. 17, 1957
IOWA	
Wayland Sales Co., Inc., Wayland	Aug. 7, 1957
MISSOURI	
The Green City Auction Co., Green City	Aug. 14, 1957
NEBRASKA	
Falls City Auction Co., Falls City	Sept. 27, 1957
NORTH CAROLINA	
Asheville Live Stock Yard, Asheville	Sept. 26, 1957
Western Carolina Livestock Market, Inc., Asheville	Sept. 27, 1957
TEXAS	
Valley Stock Yard, Mercedes	Sept. 20, 1957
Farmers & Ranchers Livestock Commission Co., Paris	Aug. 28, 1957
WYOMING	
Casper Sales Pavilion, Casper	Aug. 8, 1957

Done at Washington, D. C., this 1st day of November, 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-9248; Filed, Nov. 6, 1957; 8:48 a. m.]

COMMUNITY SALE YARD

DEPOSTING OF STOCKYARD

It has been ascertained that the Community Sale Yard, Pharr, Texas, originally posted on May 1, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public market. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 1st day of November 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-9249; Filed, Nov. 6, 1957; 8:48 a. m.]

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO., INC.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on July 15, 1957 (16 A. D. 668), authorizing the respondent, The Peoria Union Stock Yards Company, Inc., Peoria, Illinois, to continue assessing to and including January 1, 1958, the rates and charges provided for in the order of June 5, 1956 (15 A. D. 625).

By a petition filed October 25, 1957, the respondent requested authority to make certain modifications in its current schedule of rates and charges and requested that such current schedule, as so modified, be continued in effect to and including December 31, 1959. The proposed modifications are set forth below.

SECTION 1—YARDAGE

Item 1. • • • Yardage charges will be assessed on all livestock (or deadstock) sold through these yards or resold by regular selling agencies at the following rate in cents per heads:

	Present	Proposed
Cattle	70	82
Calves (300 pounds and under)	37	43
Hogs	23	27
Sheep and goats	18	21

Item 2. Charges will be collected on all livestock resold on the market (except as specified in Items 1 and 3 of this Section) at the following rate in cents per head:

	Present	Proposed
Cattle	35	41
Calves	19	22
Hogs	12	14
Sheep	9	11

Item 3. Charges subject to the right of this Company to demand full proof of the facts making this Item applicable will be collected on all livestock resold or reweighed for shipment off the market at the following rate in cents per head:

	Present	Proposed
Cattle	13	15
Calves	8	10
Hogs	5	6
Sheep	5	6

SECTION 2—SERVICE CHARGES

Item 1. Present: Livestock forwarded unsold, or without change of ownership, a service charge of $2.00 per car will be made.

Proposed: Shipments of stocker and feeder livestock consigned direct to a livestock feeder off the market and which is removed from the yards promptly without change of ownership shall be considered "Through Business" and a service charge of $4.00 per car will apply. Full yardage charges as shown in Section 1, Item 1, will apply on all shipments of livestock consigned to, or in care of, any person or firm operating as a market agency and/or dealer on this market.

Item 2. • • • (The service charge for "Through Business" would be increased from $2.00 to $4.00 per car).

Item 3. • • • (The service charge for feeding and watering in cars would be increased from $1.00 to $2.00 per deck).

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 1st day of November, 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-9279; Filed, Nov. 6, 1957; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MITSUBISHI SHIPPING CO., LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8214, between Mitsubishi Shipping Co., Ltd., and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Japan and the Philippines to Puerto Rico, with transhipment at New York.

(2) Agreement No. 8249, between Flota Mercante Grancolombiana, S. A., and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from ports in Ecuador, Colombia, Honduras, Costa Rica, Guatemala and Mexico to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 4, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9255; Filed, Nov. 6, 1957; 8:50 a. m.]

MEMBER LINES OF PACIFIC COAST/CARIBBEAN SEA PORTS CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 4294-16, between the member lines of the Pacific Coast/Caribbean Sea Ports Conference, modifies the basic agreement of that conference (No. 4294, as amended) to provide that member lines and their agents shall not represent any vessel in the trade covered by the agreement other than those operated for the account of a member line, except as husbanding agents or as agents for vessels loading full or partial cargoes of open-rated commodities, or as may be agreed by unanimous vote of the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 4, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9256; Filed, Nov. 6, 1957; 8:50 a.m.]

MEMBER LINES OF PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 6400-8, between the member lines of the Pacific Coast River Plate Brazil Conference, modifies the basic agreement of that conference (No. 6400, as amended) to provide for the establishment and maintenance of divisions of rates and absorptions of transhipment expenses on cargo handled on a transhipment basis. Agreement No. 6400, as presently in effect, provides for the establishment and maintenance of rates, rules and charges for or in connection with the transportation of cargo, both northbound and southbound, between Pacific Coast ports of the United States and British Columbia and ports in Brazil, Argentina and Uruguay.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 4, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9257; Filed, Nov. 6, 1957; 8:50 a. m.]

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 57-68, between the member lines of the Pacific Westbound Conference, modifies Rule 10 of the Appendix to the basic agreement of that conference (No. 57, as amended), by deleting from such rule the clause providing that the rate on local traffic to differential ports transhipped shall be $2.00 per ton higher than the tariff rates applying by direct steamer.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 4, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9258; Filed, Nov. 6, 1957; 8:50 a. m.]

Office of the Secretary

GEORGE E. LAWRENCE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 22, 1956, 21 F. R. 3393; November 6, 1956, 21 F. R. 8514; May 3, 1957, 22 F. R. 3165.

A. Deletions: None.
B. Additions: Chemical Fund, Inc.

This statement is made as of October 30, 1957.

Dated: October 30, 1957.

GEO. E. LAWRENCE.

[F. R. Doc. 57-9259; Filed, Nov. 6, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50-78]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no requests for formal hearing having been filed following filing of the notice of proposed action with the Federal Register Division the Atomic Energy Commission on October 31, 1957 issued Construction Permit No. CPRR-20 to American Radiator & Standard Sanitary Corporation authorizing the construction of a research reactor at Mountain View, California.

Notice of proposed issuance of this permit was published in the FEDERAL REGISTER on October 16, 1957, 22 F. R. 8189.

Dated at Washington, D. C., this 31st day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-9263; Filed, Nov. 6, 1957; 8:51 a. m.]

[Docket 50-73]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on October 31, 1957, issued License R-33 to General Electric Company authorizing the possession and operation of a 30-kilowatt (thermal) research reactor. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on October 9, 1957, 22 F. R. 8019.

Dated at Washington, D. C., this 31st day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-9264; Filed, Nov. 6, 1957; 8:51 a. m.]

[Byproduct Material License Nos. 31-246-1, 31-246-2]

M. W. KELLOGG CO.

NOTICE OF PROPOSED MODIFICATION OF TEMPORARY SUSPENSION ORDER

On May 2, 1957, the Commission issued a temporary suspension order to the M. W. Kellogg Company, 711 Third Avenue, New York, N. Y. (hereinafter referred to as "the company"). This order provided that the company should not resume any operation pursuant to Byproduct Material License Nos. 31-246-1 and 31-246-2, except for acts necessary to decontaminate the facility at South Houston, Texas, and to safeguard byproduct material already in the company's possession.

On May 17, 1957, the Commission issued License No. 31-246-3 to the company which had the effect of partially lifting the May 2 suspension order. That license authorized the company's Construction Department to possess and use certain radioisotopes as sealed sources in radiographic testing of welds and castings. The activities of the Construction Department are of a different nature and are conducted in different facilities from the activities of the Nuclear Products Division at South Houston, Texas.

On August 19, 1957, the company applied for restoration of its License No. 31-246-2 in order to undertake certain activities to dispose of current inventory of byproduct materials necessary for termination of the activities of their Nuclear Products Division. Based on this application and amendments thereto, and upon the Commission's inspection of the South Houston facility, it appears that:

1. The facility to be used for the activities proposed has been decontaminated to the extent that it is safe for the use proposed in this application; and

2. The proposed activities involving byproduct material can be safely conducted by the applicant, subject to the detailed conditions set forth in the Modification of Temporary Suspension Order.

In view of the foregoing and pursuant to the AEA of 1954, as amended, and the regulations contained in Part 30, Title 10, Code of Federal Regulations, the Atomic Energy Commission proposes to issue a modification to the temporary suspension order of May 2, 1957, to permit certain specified activities under License No. 31-246-2, unless on or before 15 days after publication of this notice in the FEDERAL REGISTER a request for formal hearing is filed in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

The proposed modification only lifts the suspension order to permit certain activities necessary for the Nuclear Products Division, M. W. Kellogg Company, to decontaminate its facilities and to dispose of current inventories of byproduct materials for the purpose of terminating its activities. There are numerous conditions imposed to minimize any risks to the health and safety of the employees or persons outside of the plant. The proposed modification, including the precise list of activities to be permitted and the detailed conditions, is on file for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 2d day of November 1957.

For the Atomic Energy Commission.

HAROLD L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-9282; Filed, Nov. 6, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11735; FCC 57M-1075]

NEVADA TELECASTING CORP. (KAKJ)

ORDER SCHEDULING HEARING

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada, Docket No. 11735.

The Hearing Examiner having under consideration (1) his Memorandum Opinion and Order released September 9, 1957, denying a motion to change the place of hearing from Los Angeles, California back to Washington, D. C.; (2) the Commission's denial of a petition to review this ruling, announced October 30, 1957; and (3) an oral request by counsel for the Commission's Broadcast Bureau to hold a hearing session in Washington, D. C., to permit him to offer documentary evidence prior to the California sessions;

It appearing that counsel for respondent has no objection to a Washington hearing session for the purpose stated;

It is ordered, This 31st day of October 1957, that a hearing session for this purpose will be held on Tuesday, November 5, 1957, at 10 a. m., in the offices of the Commission, Washington, D. C. At that time consideration will also be given to scheduling an appropriate date for the California hearing.

Released: November 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9265; Filed, Nov. 6, 1957; 8:52 a. m.]

[Network Study Committee Order 2]

[Docket No. 11960; FCC 57M-1077]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

ORDER SCHEDULING HEARING

In the matter of study of radio and television network broadcasting pursuant to Delegation Order No. 10, dated July 20, 1955, and Network Study Committee Order No. 1, dated November 21, 1955.

It is ordered, This 31st day of October 1957, that hearing in the above-entitled proceeding will be reconvened in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Thursday, November 7, 1957.

Released: November 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9266; Filed, Nov. 6, 1957; 8:52 a. m.]

[Docket No. 12046; FCC 57M-1078]

GREENWOOD BROADCASTING CO., INC.

ORDER SCHEDULED HEARING

In re application of Greenwood Broadcasting Company, Inc., Greenwood, Mississippi, Docket No. 12046, File No. BPCT-2224; for construction permit for new television station.

The Hearing Examiner having under consideration the "Petition for Leave to Amend and Application as Amended to Remain on Hearing Docket" of Greenwood Broadcasting Company, Inc., filed on October 15, 1957, and also the verified affidavit to the amendment filed on October 18, 1957;

It appearing, that good and sufficient reason exists why applicant should be permitted to amend its application, and counsel for the Broadcast Bureau concurs in said proposed amendment;

It is ordered, This 1st day of November 1957, that the applicant's verified Peti-

tion for Leave to Amend be, and the same is hereby, granted; that the amendment is accepted; and the application as amended is retained in hearing status.

It is further ordered, That hearing herein will convene on November 8, 1957, at 9:00 o'clock a. m., at the Commission's offices in Washington, D. C.

Released: November 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9267; Filed, Nov. 6, 1957; 8:52 a. m.]

[Docket No. 12095, 12096; FCC 57-1183]

WAYNE M. NELSON AND FRED H. WHITLEY

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Wayne M. Nelson, Concord, North Carolina, Docket No. 12095, File No. BP-10936; Fred H. Whitley, Dallas, North Carolina, Docket No. 12096, File No. BP-10987; for construction permits.

1. The Commission has before it for consideration a motion to enlarge the issues filed on August 1, 1957, by Spartan Radiocasting Company (WSPA). Replies to this motion by Fred H. Whitley (Whitley) and Wayne M. Nelson, and a comment by the Commission's Broadcast Bureau were filed on August 12, 1957.

2. The hearing issues in the above entitled proceeding seek to determine the areas and population which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations; whether a grant to Nelson would be in contravention of the Commission's rules on multiple ownership; whether the operation proposed by Whitley would involve objectionable interference with Station WSPA, or any other existing standard broadcast station, and, if so, the nature and extent thereof and the availability of other primary service to the areas and populations affected; and, in the light of the evidence and section 307 (b) of the Communications Act of 1934, which, if either, of the applications should be granted.

3. WSPA requests that the Commission enlarge the issues specified for the hearing to include the following two additional issues:

(a) To determine the nature and character of the program service now being rendered by WSPA to the areas and populations which will lose WSPA service by reason of the operation proposed to be rendered by Whitley and the nature and character of the program service proposed to be rendered by Whitley to such areas and populations; and

(b) To determine whether the use of a directional antenna system by Whitley would eliminate the interference to WSPA which could be caused by Whitley operating as proposed, and if so, whether Whitley's application, if granted, should be granted subject to the condition that he install a directional antenna system at his presently proposed site, or at a site to be determined subject to Commission approval, which will eliminate the proposed interference to WSPA.

4. WSPA asserts that the issue now in the hearing notice which purports to adjudicate the rights of WSPA and determine public interest considerations is not adequate; that this issue is inappropriate here where 10 kilocycle adjacent channel interference is involved, and where the real issue turns solely on the question of whether the listening public in the interference area would be better served by the continuation of WSPA's program service or the substitution therefor of the program service proposed by Whitley.

5. WSPA bases its request for a programming issue on its construction of the requirements of § 3.24 (b) of the Commission's rules, and the decision of the Court of Appeals in Democrat Printing Company v. FCC, 202 F. 2d 298, 7 RR 2138 (1952).

6. In support of the foregoing contention, WSPA submits a map of the Spartanburg Trading Area, as defined by the Audit Bureau of Circulation, which depicts the interference area as being located in the northeast corner of the trading area. WSPA's consulting engineer states that Whitley's proposed operation would cause objectionable interference with WSPA's normally protected 0.5 mv/m ground-wave contour which would affect 13,819 persons in an area of 161 square miles, and that these figures represent 3.3 percent and 3.2 percent respectively of the total population of 419,606 in an area of 5,085 square miles encompassed by WSPA's 0.5 mv/m contour. (There is an unresolved difference between the foregoing figures and those in Whitley's application which depict the interference as affecting 5,206 persons (1.46 percent of the population within WSPA's 0.5 mv/m contour) in an area of 71 square miles.)

7. Attached to the subject pleading is an affidavit wherein WSPA's program director states that "* * * it has been the policy of WSPA to program the station to appeal to the maximum number of people within the Spartanburg trading area including the counties which border on Spartanburg County in North Carolina." The program director describes progams which WSPA directs to the Spartanburg trading area. As an additional basis for so enlarging the issues, WSPA notes that Whitley amended his program proposal subsequent to receipt of the Commission's 309 (b) letter, and questions whether Whitley can effectuate his new proposed programming.

8. It is WSPA's position that sound allocation practice requires exploration of the question as to whether directional operation should be required to prevent the degradation of WSPA's service. WSPA states that the Commission should not grant the Whitley application, operating as proposed, if it can be determined that WSPA can be protected and the same service can be provided to Dallas by the use of a directional antenna system. In this connection, WSPA states that its consulting engineer has determined that by the installation of an additional antenna tower Whitley can provide a simple directional antenna system which will afford complete protection to WSPA's service area and at the same time protect other existing operations. WSPA states that the directional antenna system will not materially change Whitley's proposed coverage of areas and populations, since the only loss will be approximately the persons and areas included within the WSPA 0.5 mv/m contour which would receive interference; the additional cost to Whitley would be approximately $7,000; and that approximately three additional acres would be necessary to accommodate the directional system. WSPA declares that, if issue (b) set out in paragraph 3 above is permitted, it will adduce complete proof through its own engineering witnesses concerning the particulars of the directional proposal and will establish for the record all of the pertinent details concerning the same.

9. The Commission's Broadcast Bureau does not favor adoption of WSPA's proposed program issue. After noting that the area of interference to WSPA is located about 30 miles from Spartanburg, and affects 3.2 percent of the area and 3.3 percent (13,819) of the population (419,606) within WSPA's normally protected (0.5 mv/m) contour, the Bureau states its belief that neither the Democrat Printing case nor other considerations require the requested enlargement of issues. The Bureau asserts that in the Democrat case the court was concerned with excessive interference which would affect as much as 41 percent of the population previously served, and that in four recent cases—Courier-Times, Inc., 13 RR 1292 (1956); News on the Air, Inc., 14 RR 123 (1956); The Rochester Broadcasting Company, 14 RR 560 (1956); and WGLI, Inc., 14 RR 560 (1956); and WGLI, Inc., 14 RR 621 (1956)—the Commission has distinguished the Democrat Printing case and held it inapplicable because of the extreme amount of interference presented there compared to the relatively small amounts present in the cases mentioned.

10. The Bureau also gives two reasons why it believes that the requested inquiry into programming would be of no decisional value; (1) That in order to determine the need of an area for any particular kind of service there should be a showing not only of the character of that service but of all other services to the area—otherwise it is impossible to determine the extent to which such a need exists; (2) that in cases too numerous to mention (e.g. Lawton-Ft. Sill Broadcasting Company, 7 RR 1216 (1952)) the Commission has held that the mandate of Section 307 (b) of the act is of great importance in affording a local outlet, insofar as possible, to every community in the nation. The Bureau states further that Whitley would provide a first local station in Dallas, North Carolina, and that there is nothing in WSPA's request to indicate that programming to the interference area could be of substantial significance when weighed against the 307 (b) consideration.

11. The Bureau supports, with limitations, WSPA's request that the issues be enlarged to permit inquiry into the possibility of directional operation by Whitley, terming WSPA's showing in this respect as substantial and sufficient to warrant the inclusion of an issue permitting the requested line of inquiry, as indicated by Beaumont Broadcasting Corporation v. FCC, 7 Pike & Fischer RR 2149 (1952). However, the Bureau believes that WSPA's request goes too far. The Bureau's position is that because an application must be judged on the basis of the applicant's proposal, not on the basis of a different proposal suggested by another party, the question is not whether the Whitley proposal should be granted subject to the condition that he install a directional antenna such as that shown by WSPA, but whether inquiry into the possibilities of directional operation has revealed that another proposal could be worked out which would achieve the same results in terms of coverage and at the same time eliminate interference. The Bureau states that an affirmative answer to the latter question might be grounds for denying the Whitley application as not being in the public interest. Accordingly, the Bureau would revise WSPA's requested issue (b) (paragraph 3 above) to read as follows: "To determine whether the use of a directional antenna system by Whitley would eliminate the interference to WSPA which would be caused by Whitley operating as now proposed, and, if so, whether sound allocation policy and the public interest would be served by a grant of the Whitley proposal in its present form."

12. Nelson, the opposing applicant herein, supports the addition of WSPA's proposed issue (a), which is set out in paragraph 3 above, but opposes the addition of proposed issue (b) in the form suggested by WSPA and requests that the issue be added in the form given below. It is Nelson's position that, upon request in a proceeding such as this, the law requires the Commission to consider whether the possibility of an alternative technical proposal which would eliminate the interference proposed by an applicant demonstrates that the applicant's proposal would not serve the public interest. However, Nelson states that, with one exception which subsequently was reversed by the Court of Appeals (Plains Radio Broadcasting Co., v. FCC, 4 RR 2157), it is aware of no case in which the Commission has considered an alternative proposal with a view towards requiring an applicant to adopt that proposal in the event his application should be granted. Consequently, Nelson requests that the proper issue to be added in this proceeding should read as follows: "To determine whether a grant of the Whitley application would be in the public interest in the light of any alternative proposals submitted by parties to this proceeding under which Whitley could render substantially the same service now proposed by him, but eliminate or reduce the objectionable interference to other stations."

13. Whitley requests that the Commission deny the requested enlargement of issues. As to proposed issue (a), Whitley, in distinguishing the present case from the Democrat Printing case, reiterates material presented by the Broadcast Bureau in paragraph 9 above, and states that WSPA has not made a showing adequate to justify inclusion of the requested program issue. In addition, Whitley challenges the Spartanburg Trading Area map, as defined by the Audit Bureau of Circulation, which is attached to WSPA's request for enlargement, stating that the map is inadmissible as evidence where no attempt is made to show the manner in which the map was prepared, and the persons who prepared it either did not testify or had relied on hearsay material in preparing it, or on other matters not described in testimony. Whitley cites Walker Newspapers, Inc., 6 RR 1112, 1115 (1951) wherein the Commission found, as to a similar exhibit, that a proper foundation had not been laid as a basis for admission of retail trade area maps. Whitley also notes that two standard broadcast stations are located in or adjacent to the actual interference area.

14. Concerning proposed issue (b), Whitley asserts that he does not, at this time, desire to request any amendment of his application to provide for a directional antenna. Whitley declares that the directional antenna proposed by WSPA would be so restrictive that the population loss between the normally protected 0.5 mv/m daytime contour operating non-directional and the same contour operating directional would be 13,318 persons. This loss would include the loss of the city of Bessemer, in Gaston County, which although included within the proposed (non-directional) 2 mv/m contour, would not be within that contour if the proposed directional antenna is used.

CONCLUSIONS

15. As the Broadcast Bureau states in paragraph 9 above, the Commission, in considering petitions which concerned interference situations similar to that described in the subject petition, has distinguished the Democrat Printing case and held that, because of the extreme amount of interference presented there as compared to the relatively small amount of interference present in cases similar to that now before us, the Democrat case is not controlling. An additional factor in our consideration is the fact that Whitley would provide a first local station in Dallas, North Carolina. In this connection, we are of the opinion that WSPA was not shown that its programming to the interference area is such that it would be of substantial significance when weighed against the mandate of section 307 (b) of the Communications Act of 1934 that the Commission, insofar as possible, provide a local outlet to every community in the nation. In the order designating the above-entitled hearing, the Commission found Whitley to be legally, technically, financially and otherwise qualified. In this connection, WSPA has not made a sufficient showing of facts to negate Whitley's statement that he prepared the amended program proposals as the result of a continuing survey of the Dallas, North Carolina, area and contacts with various groups and organizations which revealed that his previous program proposals did not meet the needs of the area. In sum, WSPA has not, under the facts of this case, made a showing adequate to justify inclusion of requested issue (a).

16. However, we agree with the Commission's Broadcast Bureau that it would be appropriate to inquire as to whether Whitley, by utilizing a directional antenna array, could eliminate the interference which his proposed non-directional operation would cause to WSPA and, at the same time, achieve substantially the same coverage as that which he proposes with the non-directional antenna. We are of the opinion that WSPA's proposed issue (b) goes too far. Therefore, with respect to WSPA's request for the enlargment of the issues herein to include an issue as to possible directional operation by Whitley, the issues will be enlarged to include the revision of that issue which the Broadcast Bureau suggests. The burden of introducing evidence concerning this added issue shall be placed upon Spartan Radiobroadcasting Company. However, other parties to the proceeding may also introduce such evidence.

Accordingly, it is ordered, This 30th day of October 1957, that the above referenced motion of Spartan Radiocasting Company, Spartanburg, South Carolina, is granted insofar as the issues are amended to include the issue proposed by Commission's Broadcast Bureau in paragraph 11 above and to place the burden of proceeding with the introduction of evidence concerning this new issue, which is No. 4 of the amended issues below, on Spartan Radiocasting Company. In all other respects the subject petition is denied.

It is further ordered, That, existing issues Nos. 4 and 5 of the order of designation herein, released July 12, 1957, are renumbered issues Nos. 5 and 6 and that the issues in the above-entitled proceeding are amended to read as follows:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the application of Wayne M. Nelson would be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership.

3. To determine whether the proposed operation of Fred H. Whitley would be involved in objectionable interference with Station WSPA, Spartanburg, South Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the use of a directional antenna system by Whitley would eliminate the interference to WSPA which would be caused by Whitley operating as now proposed, and, if so, whether sound allocation policy and the public interest would be served by a grant of the Whitley proposal in its present form.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

6. To determine in the light of evidence adduced pursuant to the foregoing issues which of the applications should be granted.

Released: November 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9268; Filed, Nov. 6, 1957; 8:52 a. m.]

[Change List 115]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 15, 1957.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call Letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		800 kilocycles				
C. OS	Owen Sound, Ontario (PO: 1470 kc 1 kw DA-N).	1 kilowatt	DA-2	U	III	E10 9-15-57.
		610 kilocycles				
CKKL	Thompson Townsite, Manitoba	1 kilowatt	ND	U	III	Assignment of call letters.
		1110 kilocycles				
CFTJ	Galt, Ontario	0.25 kilowatt	ND	D	II	Change in call letters from CKGR.
		1340 kilocycles				
CKAR	Huntsville, Ontario	0.25 kilowatt	ND	U	IV	Assignment of call letters.

NOTE: Inadvertently the notification CKVL, Verdun, P. Q. on List No. 111 was repeated on List No. 114.

With regard to items CHAB, Moose Jaw, Sask. and CJCH, Halifax, Nova Scotia on List No. 114, there is no change involved in nighttime operation of the stations.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9272; Filed, Nov. 6, 1957; 8:53 a. m.]

[Docket No. 12231; FCC 57-1192]

GREYLOCK BROADCASTING CO. (WBRK)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Greylock Broadcasting Company (WBRK), Pittsfield, Massachusetts, Docket No. 12231, File No. BP-11385; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of October 1957;

The Commission having under consideration the above-captioned application of Greylock Broadcasting Company, for a construction permit to change the transmitter location and to make changes in the antenna system of Station WBRK, Pittsfield, Massachusetts (1340 kc, 250 w, U); and

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the proposed operation would cause objectionable interference to Stations WENT, Gloversville, New York (1340 kc, 250 w, U) and WHAZ, Troy, New York (1330 kc, 1 kw, S-WPOW, WEVD); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated July 19, 1957, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter; and

It further appearing that the licensees of Stations WHAZ and WENT advised by letters dated August 8, 1957, and August 20, 1957, that they would appear and participate at a hearing on the application of Greylock Broadcasting Company; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WBRK as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Stations WENT, Gloversville, New York and WHAZ, Troy, New York, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the antenna system proposed by Greylock Broadcasting Company would constitute a hazard to air navigation.

4. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

It is further ordered, That WENT Broadcasting Corporation, licensee of Station WENT, Gloversville, New York, and Rensselaer Polytechnic Institute, licensee of Station WHAZ, Troy, New York, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9271; Filed, Nov. 6, 1957; 8:53 a. m.]

[Docket Nos. 12176—12178; FCC 57M-1074]

KTAG ASSOCIATES (KTAG-TV) ET AL.

ORDER CONTINUING HEARING

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox, R. B. McCall, Jr., d/b as KTAG Associates (KTAG-TV), Lake Charles, Louisiana, Docket No. 12176, File No. BMPCT-4682; for modification of construction permit; Evangeline Broadcasting Company, Inc., Lafayette, Louisiana, Docket No. 12177, File No. BPCT-2335; Acadian Television Corporation, Lafayette, Louisiana, Docket No. 12178, File No. BPCT-2351; for construction permits for new television broadcast stations.

By agreement of the parties: *It is ordered*, This 31st day of October 1957, that the hearing in the above-entitled matter presently scheduled for November 6, 1957, is hereby continued to a date to be established by subsequent order herein; and

It is further ordered, That a further prehearing conference shall be held in the offices of the Commission, Washington, D. C., on November 26, 1957, at 10:00 a. m.

Released: November 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9269; Filed, Nov. 6, 1957; 8:52 a. m.]

[Docket No. 12226; FCC 57M-1073]

CAPITOL BROADCASTING CORP. (WCAW)

ORDER CONTINUING HEARING CONFERENCE

In re application of Capitol Broadcasting Corporation (WCAW), Charleston, West Virginia, Docket No. 12226, File No. BP-11094; for construction permit.

On the oral request of counsel for the applicant, and without objection by counsel for the Broadcast Bureau: *It is ordered*, This 31st day of October 1957, That the prehearing conference now scheduled for November 7, 1957, is continued to a date to be set by subsequent order.

Released: November 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9270; Filed, Nov. 6, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11797, G-12580]

EL PASO NATURAL GAS CO.

ORDER POSTPONING RESUMPTION OF HEARING

NOVEMBER 1, 1957.

The Commission by order issued September 26, 1957, fixed December 2, 1957, as the date for resumption of the hearing in the consolidated proceedings in Dockets Nos. G-11797 and G-12580 in which El Paso Natural Gas Company seeks certificates of public convenience and necessity authorizing the construction of additional facilities at an estimated cost of $162,602,000 and the sale of 285,000,000 additional cubic feet of natural gas per day to California and Arizona customers.

Commission staff counsel in the above-styled proceedings is also the Commission counsel who has been designated to present on December 2, 1957, the oral argument on behalf of the Commission in a review proceeding before the United States Court of Appeals for the Third Circuit, and it now appears desirable and appropriate in the public interest to postpone for two days the hearing in the above-styled proceedings, and the Commission so finds.

The Commission orders: The resumption of the hearing in the consolidated proceedings in the above-captioned cases is postponed to December 4, 1957.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9233; Filed, Nov. 6, 1957; 8:46 a. m.]

[Docket No. G-13253]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 1, 1957.

Take notice that on September 11, 1957, Pacific Northwest Pipeline Corporation (Applicant) filed in Docket No. G-13253 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of four taps, with measuring and regulating appurtenances, to supply natural gas to Pacific Natural Gas Company for resale service in the communities of Woodland, Castle Rock and environs in Cowlitz County, and Snohomish, Monroe and environs in Snohomish County, all in the State of Washington, as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated combined gas requirements for the first three years of service to the four communities are:

	1st year	2d year	3d year
Annual (Mcf)	180,544	236,288	292,710
Peak day (Mcf)	1,103	1,458	1,812

The total estimated cost of all facilities proposed herein is $52,298, to be defrayed from funds on hand. The estimated investment by the distribution company, Pacific Natural, by the third year of full service is $875,121 for the approximately 6½ miles of lateral lines and the four local distribution systems.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9236; Filed, Nov. 6, 1957; 8:47 a. m.]

[Docket Nos. G-13147, G-13176]

ARKANSAS LOUISIANA GAS CO. AND UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 1, 1957.

Take notice that on August 27, 1957, Arkansas Louisiana Gas Company (Arkla), filed in Docket No. G-13147 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of a minimum of 50 Mcf of natural gas per day to United Gas Pipe Line Company (United) on an exchange basis for a period of 180 days, and authorizing the construction and operation of a dehydrator and meter station at No. 1 Pipes Estate Well, Calhoun Field, Ouachita Parish, Louisiana, with approximately 1,900 feet of 4-inch lateral field line from said well to a point of connection with United's existing 24-inch transmission line, to make said delivery, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On August 29, 1957, United filed in Docket No. G-13176 an application for a certificate to implement the foregoing application of Arkla. United proposes to return equivalent volumes of gas to Arkla at an existing point of connection between the two systems in Webster Parish, Louisiana.

The estimated cost of Arkla's proposed facilities is $13,600 to be defrayed from cash on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure

(18 CFR 1.8 or 1.10) on or before November 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9234; Filed, Nov. 6, 1957; 8:46 a. m.]

[Docket No. G-13201]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 1, 1957.

Take notice that on August 30, 1957, Hope Natural Gas Company (Applicant), filed in Docket No. G-13201 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement of an existing 500-horsepower compressor engine at its Hunt Compressor Station in Kanawha County, West Virginia, with a 175-horsepower compressor engine and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the present engine is obsolete and inefficient, that the proposed replacement will materially reduce operating costs and that the new compressor will be able to handle the volumes of gas presently available with no abandonment or curtailment of service.

The estimated total capital cost of the proposed facilities is $50,000 which will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9235; Filed, Nov. 6, 1957; 8:47 a. m.]

[Docket No. G-13300]

TRUNKLINE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 1, 1957.

Take notice that on September 20, 1957, Trunkline Gas Company (Applicant) filed in Docket No. G-13300 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two 12-inch natural gas pipelines each approximately 3,641 feet in length, and connecting lines, to provide additional facilities crossing the Red River in Rapides Parish, Louisiana, in the vicinity of Applicant's two existing 24-inch pipelines crossing said River, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that recent experience of damage to existing lines from flood water makes necessary the proposed construction to prevent interruption of service from possible future flood damage. The estimated cost of construction of the proposed dual 12-inch river crossing and connection with existing lines is $370,000 which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9237; Filed, Nov. 6, 1957; 8:47 a. m.]

[Docket No. G-13615]

HUMBLE OIL & REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 1, 1957.

Humble Oil & Refining Company (Humble), on October 2, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 30, 1957.
Purchaser: United Fuel Gas Co.
Rate schedule designation: Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 23.
Effective date: November 2, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Humble states that the contract was arrived at by arm's-length bargaining, that the increased price does not constitute a change in rate but is a part of the initial rate schedule which was accepted for filing by the Commission, and that the increased price is reasonable and in line with the average of prices under other recently negotiated long-term contracts in the area and to deny this increase would deny applicant valuable contractual rights and enrich United Fuel at the expense of Humble.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure [18 CFR 1.8 and 1.37 (f)].

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9239; Filed, Nov. 6, 1957; 8:47 a. m.]

[1] Present rate previously suspended and in effect subject to refund in Docket No. G-11313.

[Project No. 2236]

MECKLENBURG ELECTRIC COOPERATIVE

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

NOVEMBER 1, 1957.

Public notice is hereby given that Mecklenburg Electric Cooperative, of Chase City, Virginia, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a preliminary permit for proposed waterpower Project No. 2236, to be known as the Melrose Project and located on Roanoke River and Whipping Creek in Halifax, Campbell, and Pittsylvania Counties, Virginia, and to consist of the Melrose Dam—an earth and concrete structure about 90 feet high and about 1,620 feet long at the Melrose Site on the Roanoke River at river mile 263; a diversion conduit comprising an inlet canal, a tunnel about 5,200 feet long, and an outlet canal to Whipping Creek reservoir; the Whipping Creek Dam—an earth dam about 96 feet high and about 1,500 feet long on Whipping Creek about 1.3 miles upstream from its confluence with Roanoke River (river mile 258); a 3,230-foot lined canal feeding three penstocks; a powerhouse on the Roanoke River about one mile downstream from Whipping Creek, containing three 11,500 kw. generators (total 34,500 kw.); and appurtenant equipment.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is December 13, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9238; Filed, Nov. 6, 1957; 8:47 a. m.]

[Docket No. G-13616]

F. A. CALLERY, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 1, 1957.

F. A. Callery, Inc. (Callery), on October 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 30, 1957.
Purchaser: United Fuel Gas Co.
Rate schedule designation: Supplement No. 1 to Callery's FPC Gas Rate Schedule No. 13.
Effective date: November 2, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Callery states that the contract was entered into after extended negotiations conducted in good faith and at arm's length.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9240; Filed, Nov. 6, 1957; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DIRECTOR, ADMINISTRATIVE MANAGEMENT, REGION IV (CHICAGO)

REDELEGATION OF AUTHORITY TO EXECUTE CERTAIN CONTRACTS AND AGREEMENTS WITH RESPECT TO ADMINISTRATIVE MATTERS

The Director, Administrative Management, Region IV, Chicago, Office of the Administrator, Housing and Home Finance Agency, is hereby authorized to take the following action with respect to administrative matters within such Region:

Execute contracts and agreements for supplies, equipment, and services (except purely personal services) necessary for the operation and maintenance of field offices in the Region.

This redelegation of authority supersedes the redelegation effective October 1, 1953 (18 F. R. 7306, November 18, 1953).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c; Delegation of Authority, effective March 20, 1957, 22 F. R. 1876)

Effective as of the 25th day of March 1957.

JOHN P. MCCOLLUM, *Regional Administrator, Region IV.*

[F. R. Doc. 57-9274; Filed, Nov. 6, 1957; 8:53 a. m.]

DIRECTOR, ADMINISTRATIVE MANAGEMENT, REGION IV (CHICAGO)

REDELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES AND OTHER OBLIGATIONS

The Director, Administrative Management, Region IV, Chicago, Illinois, Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U. S. C. 1952 ed. and Sup. I 1450–1460), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation of authority supersedes the redelegation effective March 7, 1955 (20 F. R. 1593–4, March 16, 1955).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); Reorg. Order 1, 19 F. R. 9303–5 (Dec. 29, 1954); 62 Stat. 1283 (1948) as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority, 20 F. R. 556 (Jan. 25, 1955))

Effective as of the 25th day of March 1957.

JOHN P. MCCOLLUM,
Regional Administrator,
Region IV.

[F. R. Doc. 57-9275; Filed, Nov. 6, 1957; 8:53 a. m.]

OFFICE OF DEFENSE MOBILIZATION

E. R. PIORE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

Dated: October 12, 1957.

E. R. PIORE.

[F. R. Doc. 57-9241; Filed, Nov. 6, 1957; 8:48 a. m.]

LLOYD V. BERKNER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

Dated: September 21, 1957.

LLOYD V. BERKNER.

[F. R. Doc. 57-9242; Filed, Nov. 6, 1957; 8:48 a. m.]

CARYL P. HASKINS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Deletion: Standard Oil of Indiana.
Addition: Atlantic Refining Co.

Dated: October 12, 1957.

CARYL P. HASKINS.

[F. R. Doc. 57-9243; Filed, Nov. 6, 1957; 8:48 a. m.]

EDWIN H. LAND

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There have been no changes since the filing of Form ODM-163 as of April 11, 1957 except that appointee is a stockholder or bondholder of the following corporations not previously reported:

Amerace Corp. (formerly reported as Wardell Corp.).
American News Co.
Flagg-Utica Corp.
Nationwide Corp.
Oklahoma Turnpike Authority (Turner Division).
Standard Financial Corp. (formerly reported as Standard Factors Corp).
Standard Milling Co.
Suntide Refining Co.
Tyer Rubber Co.

and is no longer a stockholder of the following corporations previously reported:

Bristol-Myers Company.
Equity Corporation.
Royal McBee Corporation.
Straus-Duparquet Co.

Dated: October 12, 1957.

EDWIN H. LAND.

[F. R. Doc. 57-9244; Filed, Nov. 6, 1957; 8:48 a. m.]

HAROLD M. BOTKIN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

Dated: October 24, 1957.

HAROLD M. BOTKIN.

[F. R. Doc. 57-9245; Filed, Nov. 6, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

OCTOBER 31, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value capital stock of Bellanca Corporation; File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On October 21, 1957 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending October 31, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, November 1 to 10, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-9247; Filed, Nov. 6, 1957; 8:48 a. m.]

FEDERAL REGISTER

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Washington, Friday, November 8, 1957

UNIVERSITY OF MICHIGAN NOV 12 1957 MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.340]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following November 2, 1957, paragraph (a) is amended by the addition of the following:

Jimma, Ethiopia.

2. Effective as of the beginning of the first pay period following May 18, 1957, paragraph (b) is amended by the addition of the following:

Yaounde, Cameroun.

3. Effective as of the beginning of the first pay period following October 5, 1957, paragraph (d) is amended by the addition of the following:

Brienne-le-Chateau, France.
Saumur, France.
Vouziers, France.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State:

LOY W. HENDERSON,
Deputy Under Secretary
for Administration.

OCTOBER 29, 1957.

[F. R. Doc. 57-9295; Filed, Nov. 7, 1957; 8:47 a. m.]

[Dept. Reg. 108.341]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts*, is amended as follows, effective as of the beginning of the first pay period following November 2, 1957:

1. Paragraph (b) is amended by the deletion of the following:

Djakarta, Indonesia.

2. Paragraph (a) is amended by the addition of the following:

Djakarta, Indonesia.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State:

LOY W. HENDERSON,
Deputy Under Secretary
for Administration.

OCTOBER 29, 1957.

[F. R. Doc. 57-9296; Filed, Nov. 7, 1957; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 5, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATE

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3216, 3379, 5975, 6961, 8470 and 8874 containing the specific requirements of the 1957-crop grain sorghums price support program are hereby amended as follows:

1. Section 421.2433 (a) (1) is amended by adding the terminal markets of Council Bluffs, Iowa; Kansas City, Kansas; Oakland, California; Astoria, Oregon; Portland, Oregon; Longview, Washington; Seattle, Washington; Tacoma, Washington and Vancouver, Washington to the list of terminal markets for which support rates are established.

2. Section 421.2433 (a) (5) is amended to provide a deduction from the terminal rate for grain sorghums received by

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FEDERAL REGISTER

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truck at Council Bluffs, Iowa and Kansas City, Kansas.

3. Section 421.2433 (a) (6) (i) is amended to include the terminal markets of Oakland, California; Astoria, Oregon; Portland, Oregon; Longview, Washington; Seattle, Washington; Tacoma, Washington and Vancouver, Washington.

4. Section 421.2433 (a) (6) (ii) is amended to provide a deduction from the terminal rates for grain sorghums received by truck at Oakland, California; Astoria, Oregon; Portland, Oregon; Longview, Washington; Seattle, Washington; Tacoma, Washington and Vancouver, Washington.

§ 421.2433 *Support rates.* • • • (a) *Basic support rates at designated terminal markets.* (1) Basic support rates per 100 pounds for grain sorghums of the Classes I to IV inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per hundredweight
Omaha, Nebr.	$2.23
Council Bluffs, Iowa	2.23
Sioux City, Iowa	2.23
Atchison, Kans.	2.31
Kansas City, Kans.	2.31
Kansas City, Mo.	2.31
Saint Joseph, Mo.	2.31
Corpus Christi, Tex.	2.36
Galveston, Tex.	2.36
Houston, Tex.	2.36
New Orleans, La.	2.36
Port Arthur, Tex.	2.36
St. Louis, Mo.	2.43
Memphis, Tenn.	2.43
Cairo, Ill.	2.43
Los Angeles, Calif.	2.73
Oakland, Calif.	2.73
San Francisco, Calif.	2.73
Stockton, Calif.	2.73
Astoria, Oreg.	2.73
Portland, Oreg.	2.73
Longview, Wash.	2.73
Seattle, Wash.	2.73
Tacoma, Wash.	2.73
Vancouver, Wash.	2.73

§ 421.2433 *Support rates.* • • •

(a) *Basic support rates at designated terminal markets.* • • •

(5) The support rates for grain sorghums received by truck and stored at any designated terminal market shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	Amount of deduction (cents per 100 pounds)
Omaha, Nebr.; Sioux City, Iowa; Council Bluffs, Iowa; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Saint Joseph, Mo.; Atchison, Kans.; Cairo, Ill.	29
Memphis, Tenn.	31

§ 421.2433 *Support rates.* • • •

(a) *Basic support rates at designated terminal markets.* • • •

(6) (i) Notwithstanding the foregoing provisions of this paragraph the support rate for grain sorghums shipped by rail or water and stored at any of the following terminal markets for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate shall be equal to the applicable terminal rate:

Los Angeles, Calif.; San Francisco, Calif.; Stockton, Calif.; Oakland, Calif.; Astoria, Oreg.; Portland, Oreg.; Corpus Christi, Tex.; Galveston, Tex.; Houston, Tex.; Port Authur, Tex.; Longview, Wash.; Seattle, Wash.; Tacoma, Wash.; Vancouver, Wash.; and New Orleans, La.

§ 421.2433 *Support rates.* • • •

(a) *Basic support rates at designated terminal markets.* • • •

(6) • • •

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for grain sorghums received by truck and stored at any of the terminal markets listed in subdivision (1) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	Amount of deduction (cents per 100 pounds)
Los Angeles, Calif.; San Francisco, Calif.; Stockton, Calif.; Oakland, Calif.; Astoria, Oreg.; Portland, Oreg.; Longview, Wash.; Seattle, Wash.; Tacoma, Wash.; Vancouver, Wash.	8
Corpus Christi, Tex.; Houston, Tex.; Galveston, Tex.; Port Authur, Tex.; New Orleans, La.	11

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 4th day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-9321; Filed, Nov. 7, 1957; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1015—CUCUMBERS GROWN IN FLORIDA

PACK SPECIFICATIONS

A notice of proposed rule making regarding proposed pack specifications to be established under Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083), regulating the handling of cucumbers grown in Florida, was published in the FEDERAL REGISTER October 16, 1957 (22 F. R. 8181). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). Such notice stated that consideration would be given to any data, views, or arguments pertaining thereto, which were received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., no later than October 23, 1957. None was filed. Subsequent to October 23, 1957, the Florida Cucumber Committee recommended a clarification of the proposed pack specifications by defining the terms "Fancy" and "U. S. Fancy" as synonymous. Such definition is in accordance with industry practice.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was adopted and submitted for approval by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, it is hereby found that the pack specifications, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found and determined that good cause exists for not postponing the effective date of these pack specifications beyond that herein specified (5 U. S. C. 1001 et seq.) in that the time intervening between the date when they were recommended by the committee and the time when they should become effective in order to effectuate the declared policy of the act is insufficient; more orderly marketing in the public interest than would otherwise prevail, will be promoted by the establishment of these pack specifications; these specifications do not require any special preparation by handlers; and notice has been given of these pack specifications by publication thereof in the FEDERAL REGISTER of October 16, 1957 (22 F. R. 8181).

§ 1015.101 *Pack specifications.* (a) On and after November 10, 1957, and until modified, suspended or terminated, each of the grades defined and set forth in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title) shall be a pack of cucumbers pursuant to § 1015.11 and the pack specifications for each such grade shall be the same as set forth in such standards, which are:

(1) "U. S. Fancy" consists of cucumbers which are well colored, well formed, not overgrown and which are fresh, firm, and free from decay, sunscald and from injury caused by scars; and from damage caused by yellowing, sunburn, dirt or other foreign material, freezing, mosaic or other disease, insects, mechanical or other means. The maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than six inches.

(2) "U. S. No. 1" consists of cucumbers which are fairly well colored, fairly well formed, not overgrown and which are fresh, firm, and free from decay, sunscald and from damage caused by scars, yellowing, sunburn, dirt or other foreign material, freezing, mosaic or other disease, insects, mechanical or other means. Unless otherwise specified, the maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 6 inches.

(3) "U. S. No. 1 Small" consists of cucumbers which meet all requirements for the U. S. No. 1 grade except for size. The diameter of each cucumber shall be not less than 1½ inches or larger than 2 inches. There are no requirements for length.

(4) "U. S. No. 1 Large" consists of cucumbers which meet all requirements for the U. S. No. 1 grade except for size. The minimum diameter of each cucumber shall be not less than 2¼ inches and unless otherwise specified, the length of each cucumber shall be not less than 6 inches. There are no requirements for maximum diameter or maximum length.

(5) "U. S. No. 2" consists of cucumbers which are moderately colored not badly deformed, not overgrown and which are

fresh, firm, free from decay and free from damage caused by freezing, sunscald and from serious damage caused by scarring, yellowing, sunburn, dirt or other foreign material, mosaic or other disease, insects, mechanical or other means. Unless otherwise specified, the maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 5 inches.

(b) The terms, and grades and sizes as used in this section shall have the same meaning as set forth in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title), including the tolerances set forth therein. The term "Fancy" is synonymous with, and shall have the same meaning as, the term "U. S. Fancy." All other terms used in this section shall have the same meaning as when used in Order No. 115 (22 F. R. 6083).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated November 5, 1957, to become effective November 10, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-9285; Filed, Nov. 7, 1957; 8:45 a. m.]

[1015.301 Amdt. 2]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (1) Notice of rule making regarding a proposed amendment to limitation of shipments to be made effective under Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083), regulating the handling of cucumbers grown in Florida, was published in the FEDERAL REGISTER, October 16, 1957 (22 F. R. 8181). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). Such notice stated that consideration would be given to any data, views, or arguments pertaining thereto, which were filed not later than October 23, 1957. None was filed. Subsequent to October 23, 1957, the Florida Cucumber Committee, established pursuant to said marketing agreement and order, recommended that cucumbers used for conversion into pickles or relishes should be exempted from the regulations and that the minimum height of the letters used for marking containers should be not less than one-half inch. Also, the committee recommended a clarification of the proposed pack specification by defining the terms "Fancy" and "U. S. Fancy" as synonymous. These proposals are found to be in accordance with present industry practice.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted under the circumstances, for such preparation, and (v) notice has been given of the amended limitation of shipments by publication thereof in the FEDERAL REGISTER of October 16, 1957 (22 F. R. 8181).

(b) *Order, as amended.* The provisions of § 1015.301 (b) (22 F. R. 8148) are hereby amended by renumbering subparagraphs (3) and (4) as (4) and (5), respectively, and adding a new subparagraph (3). The provisions of § 1015.301 (b), as amended, are as follows:

During the period from November 10, 1957, through December 15, 1957, the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area:

(1) No person shall handle any cucumbers, except for conversion into pickles or relishes, unless such cucumbers meet the requirements of U. S. Fancy, U. S. No. 1, U. S. No. 1 Small, or U. S. No. 1 Large: *Provided*, That in conformity with the provisions of § 1015.301 Amdt. 1 (22 F. R. 8810), during the seven day period from November 10, 1957 through November 16, 1957, both dates inclusive, no person shall handle any cucumbers unless such cucumbers also are not larger than 2½ inches in diameter;

(2) Each handler subject to these regulations may handle up to, but not to exceed one bushel (48 pounds net), or equivalent, of cucumbers per day without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment over one bushel of cucumbers;

(3) No person shall handle cucumbers unless such cucumbers are so packed that they meet the grade and size requirements of this section, and one of the applicable pack specifications, established in § 1015.101.[1] Each container in each lot, or portion of a lot, of such cucumbers shall be marked or stamped to show, pursuant to the pack specifications established in § 1015.101,[1] and as certified by the Federal-State Inspection Service, the United States grade applicable to such lot. Such marking or stamping shall be in letters at least one-half inch high and shall be so placed on each container as to be conspicuous and legible.

(4) No person shall handle any cucumbers unless such cucumbers are inspected and certified pursuant to the provisions of § 1015.60; and

(5) The grades and sizes used in this section shall have same meanings assigned these terms in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title), including the tolerances set forth therein. The term "Fancy" is synonymous with, and shall have the same meaning as, the term "U. S. Fancy"; and "cucumbers" and all other terms shall have the same meaning as when used in Order No. 115 (22 F. R. 6083).

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated: November 5, 1957, to become effective November 10, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9284; Filed, Nov. 7, 1957; 8:45 a. m.]

[1] See F. R. Doc. 57-9285, *supra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6827]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LANOLIN PLUS, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.25 *Competitors and their products:* Competitors' products. Subpart—*Disparaging competitors and their products* — Competitors' products: § 13.1025 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lanolin Plus, Inc., Chicago, Ill., Docket 6827, October 15, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in Chicago of "Lanolin Plus Shampoo" preparation with representing falsely in advertisements in newspapers, by television, etc., that detergent shampoos burn the hair.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Lanolin Plus, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation "Lanolin Plus Shampoo," or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that detergent shampoos will burn hair.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains the representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent Lanolin Plus, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Lanolin Plus Shampoo or any other related product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, in audio-visual representation in television or otherwise, that detergent shampoos will burn hair, or otherwise utilizing such scare tactics to induce the purchase of respondent's preparation.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondent Lanolin Plus, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 18, 1957.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-9303; Filed, Nov. 7, 1957; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 3856]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

[Release No. 2621]

PART 271—INTERPRETATIVE RELEASES RELATING TO INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

AMENDMENT OF STATEMENT OF POLICY RELATING TO INVESTMENT COMPANY SALES LITERATURE

OCTOBER 31, 1957.

The Securities and Exchange Commission today made public an amended Statement of Policy with respect to the use, form and content of sales literature and advertising employed in the offering and sale of investment company securities.

The Statement of Policy was initially published in August 1950 and was amended in January 1955. The Commission, in August 1956, published a tentative draft of certain proposed amendments to the Statement of Policy and a hearing thereon was held November 15, 1956. A revised tentative draft of the proposals was published in May 1957. In addition to the testimony taken at the public hearing, the Commission has considered the comments and suggestions received in writing and has discussed the amendments with various individuals, firms and industry representatives.

The amendments to the Statement of Policy, which deal principally with charts and tables, would permit the use of both charts and tables showing the record of an assumed investment in the securities of an investment company which would reflect either the acceptance of capital gains distributions in additional securities or the investment of dividends from investment income, or both.

Under the amended Statement of Policy, charts and tables are not limited to a period of 10 years, as previously, but may be shown for the life of the company or plan or for a period of 10 years plus additional periods of 5 years each.

Charts and tables may be accompanied by certain summary tables relating to the period covered by the principal chart or table.

Tables prepared in accordance with the requirements for a table prescribed for use in an investment company's prospectus may also be employed in sales literature used in the sale of such company's securities.

While the Statement of Policy is particularly applicable to the sales literature of open-end investment companies, it is also applicable to the sales literature of all other types of investment companies and the principles set forth therein should be followed in the preparation of sales literature of all investment companies. Although the Statement of Policy speaks in terms of shares, it is applicable to any other unit of investment in an investment company.

The amended Statement of Policy shall apply to all sales literature printed or otherwise reproduced after November 5, 1957. Sales literature currently in use which complies with the Statement of Policy as heretofore in effect may be used until January 31, 1958. Thereafter, all sales literature used shall comply with the amended Statement of Policy.

NOTE: The National Association of Securities Dealers, Inc. has informed the Commission that it intends to mail copies of the amended Statement of Policy to all of its members. Nonmembers may obtain copies from the Commission.

§ 231.3530 *Statement of policy of the Commission relating to advertising and sales literature used in the sale of investment company shares.* The Securities and Exchange Commission with the assistance of the National Association of Securities Dealers, Inc., in 1950 reviewed samples of advertising and supplemental sales literature used in the sale of investment company shares, much of which was not filed with this Commission. This review revealed the existence of many practices in connection with the use, form and content of certain advertising and sales literature which, in the opinion of the Commission, might violate statutory standards, including provisions of the Securities Act of 1933 and the Investment Company Act of 1940.

The Commission, therefore, has issued the following Statement of Policy so that issuers, underwriters and dealers may understand certain of the types of advertising and sales literature which the Commission considers may be violative of the statutory standards.

It should be emphasized that the following Statement of Policy, as amended, does not attempt to cover all possible abuses, and that literature which complies with this Statement may not be used if it is in fact misleading. Conversely, nothing in this Statement of Policy is intended to prevent the use of factual statements, fairly presented, concerning fundamental investment policies and objectives, investment restrictions or other characteristics of a particular investment company.

"Sales literature" as used hereafter shall be deemed to include any communication (whether in writing, by radio or by television) used by an issuer, underwriter, or dealer to induce the purchase of shares of an investment company. Reports of issuers to the extent they are transmitted to shareholders and do not contain an express offer are not deemed to be "sales literature" within the meaning of this definition but shall conform to this Statement of Policy. Communications between issuers, underwriters and dealers are included in this definition of "sales literature" only if such communications are passed on either orally or in writing or are shown to prospective investors or are designed to be employed in either written or oral form in the sale of securities.

For the purpose of interpreting this Statement of Policy, a piece of sales literature shall be deemed materially misleading by reason of an implication, as contemplated herein, if such sales literature (1) includes an untrue statement of a material fact or (2) omits to state a material fact necessary in order to make a statement made, in the light of the circumstances of its use, not misleading.

It will be considered materially misleading hereafter for sales literature—

(a) *Rates of return.* To represent or imply a percentage return on an investment in the shares of an investment company unless based upon—

(1) Dividends from net investment income paid during a fiscal year related to the average monthly offering price for such fiscal year, provided that if any year prior to the most recent fiscal year is selected for this purpose, the rate of return for all subsequent fiscal years, similarly calculated, shall also be stated; or

(2) Dividends paid from net investment income during the twelve months

ending not earlier than the close of the calendar month immediately preceding the date of publication related to an offering price current at said date of publication;

in either case the basis of the calculation shall be shown and adjustment made for capital gains distributions and any other factor necessary to make the presentation not misleading. "Net investment income" as used above shall include net accrued undivided earnings included in the price of capital shares issued and repurchased and shall be as required to be included in the issuer's prospectus. Every such statement of return shall be accompanied by a statement to the effect that such return is based upon dividends paid in the period covered and is not a representation of future results. Either in the same text, or by reference in the same text to an historical table elsewhere in the same piece of literature, there must be shown the per-share asset value at the beginning and end of the period, or the increase or decrease (stated in percentage) in asset value.

(b) (1) To combine into any one amount distributions from net investment income and distributions from any other source.

(2) To represent or imply an assurance that an investor will receive a stable, continuous, dependable, or liberal return or that he will receive any specified rate or rates of return.

(c) *Safety of capital.* To represent or imply an assurance that an investor's capital will increase or that purchase of investment company shares involves a preservation of original capital and a protection against loss in value. To discuss accumulation of capital, preservation of capital, accumulation of an estate, protection against loss of purchasing power, diversification of investments, financial independence or profit possibilities without pointing out or explaining the market risks inherently involved in the investment.

(d) *Government regulation.* To make any reference to registration or regulation of any investment company under Federal or state authority without explaining that this does not involve supervision of management or investment practices or policies.

(e) *Protection of investors.* To represent or imply that services of banking institutions as custodian of securities, transfer agent, or dividend disbursing agent, provide protection for investors against possible depreciation of assets or that such institutions maintain any supervisory function over management in such matters as purchase and sale of portfolio securities or payment of dividends or provide any trusteeship protection, or to fail to state the extent of the limited role of the custodian whenever the advantages of custodial services are discussed.

(f) *Redemption.* To state or discuss the redemption features of investment company shares without explaining in such statement that the value of the shares on redemption may be more or less than the investor's cost, depending upon the market value of the portfolio securities at the time of redemption.

(g) *Comparisons generally.* (1) To represent or imply that shares of an investment company are similar to or as safe as government bonds, insurance annuities, savings accounts or life insurance, or have the fixed income, principal, or any other features of a debt security.

(2) To represent or imply that the management of an investment company is under the same type of investment restrictions or is operated under limitations similar to or has fiduciary obligations such as those imposed by governmental authorities on savings banks and insurance companies, except to the extent that it is so restricted or limited by its statement of policy on file with this Commission.

(h) *Comparisons with market index or other security.* To use any comparison of an investment company security with any other security or medium of investment or any security index or average without pointing out—

(1) That the particular security or index or average and period were selected; and,

(2) That the results disclosed should be considered in the light of the company's investment policy and objectives, the characteristics and quality of the company's investments, and the period selected; and,

(3) The material differences or similarities between the subjects of the comparisons; and,

(4) What the comparison is designed to show; and

(5) Anything else that may be necessary to make the comparison fair.

(i) To represent or imply that investment companies in general are direct sources of new capital to industry or that a particular investment company is such a source unless the extent to which such investments are made is disclosed.

(j) *Performance charts and tables.* To use any chart or table which is inaccurate in factual detail or tends to create a false or misleading impression as to any material aspect of the investment company's past performance or of an assumed investment of any investor in the investment company, or appears to represent that the investment company's past performance or investor experience will be repeated in the future. Charts or tables which conform to the "Approved Charts and Tables," described below and illustrated in the Appendix,[1] will not be regarded by the Commission as materially false and misleading in the absence of facts or circumstances which make such charts or tables or their use in fact false and misleading in a particular use. Persons using other charts and tables must assume responsibility that they are not materially false or misleading. Any such chart or table may be submitted to the Commission for its views in advance of its use.

(1) Approved charts should conform with the following:

(i) The text, graphic detail and arrangement of any such chart should be substantially as shown on sample charts A, B, C, and D in the Appendix, whichever is applicable.

[1] Filed as part of original document.

(ii) Each chart should be drawn to scale which should be shown on the side of the chart and the same scale should be used for all segments of the chart. Appropriate shading or coloring should be added to distinguish between the different elements of the chart.

(iii) Charts A and B may not be used to show the reinvestment of dividend income.

(iv) The caption of sample chart D may, if desired, be changed to read as follows:

RECORD OF ____ FUND IN TERMS OF NET ASSET VALUE PER SHARE, AND ILLUSTRATION OF AN ASSUMED INVESTMENT IN ONE SHARE WITH CAPITAL GAINS DISTRIBUTIONS ACCEPTED IN ADDITIONAL SHARES

(v) Chart C should be accompanied in the same piece of literature by Table 1 and Chart D should be so accompanied by Table 2. These tables should be prepared on the same assumption and cover the same period as the related chart, and should appear in a manner and location which permit easy reference from the chart to the corresponding table.

(2) Approved tables should conform with the following:

(i) The text, detail and arrangement of any table illustrating a dividend reinvestment or continuous investment program should be substantially as shown on Tables 1 and 2 in the Appendix, whichever is applicable. Tables prepared in accordance with the requirements for a table prescribed for use in the investment company's prospectus, or tables containing the same information as is shown on Charts A and B, may also be employed.

(ii) Any table designed to show any other investment program should contain comparable information.

(iii) When Table 1 is used with Chart C or when Table 2 is used with Chart D in accordance with subparagraph (1) (v), above, such table need not contain any specific reference to the sales commission. When such table follows immediately after the chart, on the same page as the chart, the caption of the table and any notes thereto which are contained in the chart may be omitted from the table.

(3) Approved charts and tables should conform with the following:

(i) Charts and tables may be set up on a per share basis, or in amounts other than those shown on the attached samples, provided the charts and tables give effect to the maximum sales commission currently charged. The amounts used in constructing the chart or table should be amounts capable of being invested under the particular program being described. Any chart or table may be accompanied, in the same piece of literature, by a chart or table (which may be in summary form) illustrating investments in larger amounts at reduced sales commissions.

(ii) Any chart or table which reflects either the acceptance of capital gains distributions in additional shares or the reinvestment of dividends from investment income should not be captioned or characterized as the record of the fund, except as permitted in subparagraph (1) (iv).

(iii) The period covered by such chart or table should be the most recent period ending with the latest available fiscal or calendar year and embracing:

A. The life of the company or the life of the issuer of the underlying investment company shares, or,

B. The duration of any plan or contract of the type referred to in Section 27 (a) of the Investment Company Act of 1940, or,

C. The immediately preceding 10 years, or,

D. Periods longer than 10 years but less than the life of the company or the duration of such plan or contract, if such additional periods are multiples of five years: *Provided*, That a portion of the current year may be added to the period ended with the last fiscal or calendar year. In no event should such chart or table relate to a period that exceeds the life of the company or the life of the issuer of the underlying shares.

(iv) Charts A, B, C, and D and Tables 1 and 2 may be accompanied in the same piece of literature by summary tables for the same period covered by the chart or table showing the end results which would have been obtained if alternative assumptions had been made as to the acceptance of capital gains distributions in shares or the reinvestment of dividends from investment income or both.

(v) Charts and tables may be accompanied in the same piece of literature by summary tables prepared on the same basis as the chart or table they accompany as follows:

A. A summary table showing the end results depicted in the chart or table.

B. Successive summary tables showing the end results over several periods of equal length, provided that the latest 10-year or longer period as well as every other such period within the total time span covered by the chart or table is included and that the chart or table and the summary tables are presented on the same page or on facing pages.

C. Successive summary tables showing the end results over several periods of unequal length, provided that such unequal periods start with each successive year and end with the last date shown on the chart or table, that every such period of unequal length within the total time span covered by the chart or table is included, and that the chart or table and the summary tables are presented on the same page or on facing pages.

(vi) In depicting the end results in any summary or successive summary tables provided for in (iv) and (v) above, the total of initial and periodic investments, total dividend reinvestment cost, total investment cost, total of capital gains distributions accepted in shares, and ending total asset value shall be shown separately to the extent applicable. The total capital gains distributions accepted in shares may be shown in a footnote. Summary tables need not contain any specific reference to sales commission.

(vii) Any approved chart or table may be prepared on a basis which does not reflect the acceptance of capital gains distributions in shares or the reinvestment of dividends from invesmtent income, or both, provided that no chart or table should reflect the reinvestment of dividends from investment income unless it also reflects the acceptance of capital gains distributions in shares.

(viii) Any chart or table should be preceded or accompanied by a prominent statement of any additional information or explanation of material significance to investors in appraising the figures shown, when necessary in a particular case to provide adequate and accurate disclosure of material facts.

(ix) Other relevant data in addition to that shown on the Approved Charts or Tables, such as the number of shares of stock acquired through assumed investments or the price of the shares so acquired, may be included, if the addition of such data does not result in a false and misleading presentation.

(k) *Management claims.* To make any extravagant claims regarding management ability or competency.

(l) To represent or imply that investment companies are operated as, or are similar to, "co-operatives".

(m) To represent or imply that investment company shares generally have been selected by fiduciaries.

(n) *Continuous investment programs.* (1) To use the phrase "dollar averaging" or "averaging the dollar" (although the phrases "dollar cost averaging" or "cost averaging" are not objectionable) in referring to any plan of continuous investment in the shares of an investment company at stated intervals regardless of the price level of the shares.

(2) To discuss or portray the principles of dollar cost averaging, or cost averaging, or to discuss or portray any Periodic Payment Plan referred to in section 27 (a) of the Investment Company Act of 1940, without making clear—

(i) That the investor will incur a loss under such plan if he discontinues the plan when the market value of his accumulated shares is less than his cost; and

(ii) That the investor is investing his funds primarily in securities subject to market fluctuations and that the method involves continuous investment in such shares at regular intervals regardless of price levels; and

(iii) That the investor must take into account his financial ability to continue such plan through periods of low price levels; and

(iv) That such plans do not protect against loss in value in declining markets.

(3) To discuss or portray any other type of continuous investment plan without making clear that such type of investment plan does not assure a profit and does not protect against depreciation in declining markets.

(o) *Sales commissions.* To fail to include in any sales literature which does not state the amount or rate of the sales commission (except communications which deal only with routine business matters or which do not purport to discuss or describe any investment company or investment company security) a clear reference to the prospectus or prospectuses for information concerning the sales commission, and other information.

(p) To fail to include in any sales literature which is designed to encourage investors to switch from one investment company to another, or from one class of security of an investment company to another class, the substance of the following statement in a separate paragraph in type as large as that used generally in the body of the piece:

Switching from the securities of one investment company to another, or from one class of security of an investment company to another, involves a sales charge on each such transaction, for details of which see the prospectus. The prospective purchaser should measure these costs against the claimed advantage of the switch.

(q) *Industry performance against company performance.* To represent or imply that the performance of any particular company may be measured by or compared with or related to the performance of a particular industry unless the extent and scope of the portfolio of the particular company is such that its performance will generally approximate that of the industry.

(r) *Reprints.* To employ material in whole or in part from published articles or documents descriptive of or relating to investment companies unless such material, or the literature including such material, complies with this Statement of Policy and in addition such material is not taken out of context in a manner which alters its intended meaning.

NOTE: The text of § 271.2086 is identical with that appearing in § 231.3530.

The amended Statement of Policy is effective November 5, 1957.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 30, 1957.

[F. R. Doc. 57-9306; Filed, Nov. 7, 1957; 8:49 a. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

FORMS FOR REGISTRATION STATEMENTS

The Securities and Exchange Commission has adopted certain amendments to Forms S-4 and S-5 (§§ 239.14 and 239.15) under the Securities Act of 1933 and Form N-8B-1 (§ 274.11) under the Investment Company Act of 1940. Form N-8B-1 is prescribed for registration statements filed under the Investment Company Act by all management investment companies except those which issue periodic payment plan certificates. Forms S-4 and S-5 are used for registration under the Securities Act of securities of closed-end management investment companies and open-end management investment companies respectively.

Form N-8B-1 as previously in effect required a ten-year table of per-share capital and income changes. The amended item requires a table which in

effect shows on a per-share basis a ten-year comparative summary of earnings and capital changes together with certain ratios. It is the purpose of the new requirement to provide for investors a more informative presentation of the financial operations of the registrant than was provided by the previous item.

The amendments to Forms S-4 and S-5 adapt the requirements of those forms to the amended Form N-8B-1. The new ten-year table required by Form N-8B-1 is required to be set forth in the forepart of the prospectus and must not be preceded by any chart or table, other than the table showing the offering price and underwriting spread which Form S-4 requires to be set forth on the first page of the prospectus.

The text of the proposed amendments is set forth below:

I. Paragraph (a) of Item 12 of Form N-8B-1 is amended to read as follows:

ITEM 12. *Condensed financial information.* (a) Furnish the following information for the registrant, or for the registrant and its subsidiaries consolidated as prescribed by caption 3 of Rule 6-02 of Regulation S-X, for each of the last ten fiscal years of the registrant (or for the life of the registrant and its immediate predecessors, if less) and for the period between the end of the latest fiscal year and the date of the latest balance sheet or statement of assets and liabilities furnished:

PER SHARE INCOME AND CAPITAL CHANGES

(For a share outstanding throughout the year)

INCOME AND EXPENSE

19__ 19__ Etc.

1. Income.
2. Operating expenses.
3. Net income.
4. Dividends from net income.

CAPITAL CHANGES

5. Net asset value at beginning of period.
6. Net realized and unrealized profits (or losses) on securities.
7. Distributions from realized capital gains.
8. Net asset value at end of period.
9. Ratio of operating expenses to average net assets.
10. Ratio of net income to average net assets.
11. Number of shares outstanding at end of period.

Instructions. 1. The information shall be given in comparative columnar form, by years, in the order indicated by the captions of the item.

2. The information shall be given as to the shares of all open-end companies and, where practicable, as to the common shares of closed-end companies.

3. Per-share figures may be given to the nearest cent in all columns.

4. Appropriate adjustments shall be made to reflect any stock split-ups or stock dividends during the period.

5. "Operating expenses", as used in caption 2 above, include the expenses described in captions 2 and 3 of Rule 6-04 of Regulation S-X. If there were income deductions such as those described in captions 4 and 6 of that rule, compute the per-share amounts thereof in accordance with instructions 8 (b) below and state them separately immediately after caption 2 above.

6. Distributions not exceeding the capital gains computed on the Federal tax basis may be treated as distributions from capital gains for purposes of the above table, even though they exceed capital gains on a book basis.

7. If any distributions were made from capital sources other than capital gains, change caption 7 to: "Distributions from realized capital gains and other capital sources" and in a footnote indicate the amounts and nature of distributions from such other sources.

8. For open-end companies having continuous transactions in their own shares:

(a) The amount to be shown at caption 3 is derived by adding to, or deducting from, dividends paid from net income per share for the year (caption 4) the increase or decrease per share in undistributed net income for the year. Such increase or decrease may be derived from a comparison of the per-share figures obtained by dividing the undistributed net income at the beginning and end of the year by the number of shares outstanding on those respective dates.

(b) The amounts to be shown at captions 1 and 2 are derived by applying to the net income on a per-share basis the ratio of such items, as shown in the financial statements prepared under Rule 6-04 of Regulation S-X, to the net income as shown in such statements.

9. The amount to be shown at caption 6, while mathematically determinable by the summation of amounts computed for as many periods during the year as shares were sold or repurchased (which could be as often as twice daily) is also the balancing figure derived from the other figures in the statement and may be so computed. The amount shown at this caption for a share outstanding throughout the year may not accord with the change in the aggregate gains and losses in the portfolio securities for the year because of the timing of sales and repurchase of registrant's shares in relation to fluctuating market values for the portfolio.

10. The "average net assets", as used in captions 9 and 10 shall be computed upon the basis of the value of the net assets determined no less frequently than as of the end of each month, except that the average value of securities for which market quotations are not available may be based upon the value of such securities as of the end of the preceding quarter.

11. The number of shares outstanding at the end of each period may be shown to the nearest thousand (000 omitted), provided it is indicated that such has been done, or may be shown in a footnote.

II. Paragraph (b) of Item 12 of Form N-8B-1 is deleted and paragraph (c) thereof is redesignated paragraph (b).

III. Item 5 of Form S-4 is amended to read as follows:

ITEM 5. *Information required by items of Form N-8B-1.* The prospectus shall contain the information which would be required by the following items of Form N-8B-1 if a registration statement on that form were currently being filed:

Items 1, 2, 3, 4, 5, 8 and 9;
Item 10, as of a date within 90 days;
Items 11 and 12;
Item 13 as to persons controlling the registrant;
Items 14, 16, 17, 18, 21 (a), 22 and 25;
Items 26, 27 or 28 as to securities being registered.

Instructions. 1. Subject to Rule 407, the information called for by the foregoing items of Form N-8B-1 shall be given as of the effective date of the registration statement on this form.

2. The information called for by Item 12 of Form N-8B-1 shall be set forth not further back in the prospectus than the fifth page thereof and shall not be preceded by any chart or table other than the table required by Item 1 of this form.

IV. Subparagraph (2) of Item 6 (d) of Form S-4 is amended to read as follows:

(2) An Income Statement for the latest fiscal year in the form specified in Rule 6-04 of Regulation S-X, including, on the same page, (i) the items specified in caption 5 of Rule 6-05 and caption 2 of Rule 6-06, and (ii) the ratio of total operating and management expenses to total investment income. "Total operating and management expenses" means the aggregate of the expenses described in captions 2 and 3 of Rule 6-04 of Regulation S-X. "Total investment income" does not include equalization adjustments.

V. Instruction 1 of Part I of Form S-5 is amended to read as follows:

(a) A prospectus for securities registered on this form shall contain the information which would be required by the following items of Form N-8B-1 if a registration statement on that form were currently being filed:

Items 1, 2, 3, 4, 5, 8, 9 and 12:
Item 13 as to persons controlling the registrant;
Items 14, 16, 17, 18, 21 (a), 22 and 25;
Item 26 as to securities being registered;
Item 30, but see Instruction 2 (d) (1), below;
Item 31 (a);
Item 32 as to persons affiliated with the registrant; and
Item 33 as to each underwriter who is an affiliated person of the registrant or an affiliated person of such an affiliated person.

(b) Subject to Rule 407, the information called for by the foregoing items shall be given as of the effective date of the registration statement on this form. No reference need be made to inapplicable items, and negative answers to any item may be omitted.

(c) The information required by the foregoing items need not be set forth in the prospectus in the same order in which the items appear in Form N-8B-1. However, the information called for by Item 12 of Form N-8B-1 shall be set forth not further back in the prospectus than the fifth page thereof and shall not be preceded by any other chart or table, and the following information shall be set forth on the outside front cover page of the prospectus:

(1) The sales load expressed as a percentage of the public offering price per share.

(2) Any redemption or repurchase charge made in connection with the redemption or repurchase of shares.

VI. Subparagraph (2) of Instruction 2 (d) of Part I of Form S-5 is amended to read as follows:

(2) An Income Statement for the latest fiscal year in the form specified in Rule 6-04 of Regulation S-X, including, on the same page, (i) the items specified in caption 5 of Rule 6-05 and caption 2 of Rule 6-06, and (ii) the ratio of total operating and management expenses to total investment income. "Total operating and management expenses" means the aggregate of the expenses described in captions 2 and 3 of Rule 6-04 of Regulation S-X. "Total investment income" does not include equalization adjustments.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s.)

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19 (a) thereof, and the Investment Company Act of 1940, particularly sections 8 and 38 thereof. Such action shall be effective as to all registration statements on Forms N-8B-1, S-4, or S-5 filed after December 1, 1957.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 30, 1957.

[F. R. Doc. 57-9305; Filed, Nov. 7, 1957; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.338]

PART 10—STUDY AND RESEARCH IN THE DEPARTMENT OF STATE

Part 10—Study and research in the Department of State is amended in its entirety as follows:

Sec.
10.1 Definition.
10.2 Availability of classified and administratively controlled materials.
10.3 Requests for use of records by officials of the United States Government other than officers of the Department of State.
10.4 Use of records by persons who are not officials of the United States Government.

AUTHORITY: §§ 10.1 to 10.4 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply No. 8, 27 Stat. 395, as amended; 20 U. S. C. 91.

§ 10.1 *Definition.* The term records is construed in accordance with the act of July 7, 1943 (57 Stat. 380; 44 U. S. C. 366). These records include classified, administratively controlled and unclassified materials.

§ 10.2 *Availability of classified and administratively controlled materials.* Materials classified or bearing an administrative control designation will not be made available outside the Department, except under the conditions outlined in the Security Regulations of the Department.

§ 10.3 *Request for use of records by officials of the United States Government other than officers of the Department of State.* Request from other Federal agencies for access to and use of Departmental records for official purposes shall generally be received and coordinated by the appropriate liaison or functional office concerned. For example, all requests from congressional committees or individual Members of Congress for documents, regardless of subject matter, should be referred to the Office of the Assistant Secretary for Congressional Relations; requests for information on personnel records should be referred to the Office of Personnel; and security questions to the Office of Security.

§ 10.4 *Use of records by persons who are not officials of the United States Government*—(a) *Chronological periods with respect to research use of records*—(1) *Records of the open period.* The records of the Department prior to January 1, 1930, with certain exceptions such as records relating to the citizenship of individuals, unsettled claims, and Foreign Service inspection and personnel records, are open for inspection by the general public at the National Archives, subject to its regulations.

(2) *Records of the limited-access period.* Use of records of the Department between the open period and January 1, 1942, shall be confined to qualified researchers and other persons demonstrating a legitimate need for information contained in such records.

(3) *Records of the closed period.* Records of the Department dated January 1, 1942 or later will be regarded as closed and the larger portion will not be made available to non-official researchers. Some exceptions, however, may be made for:

(i) Qualified researchers undertaking broad studies regarded by the Department as desirable in the national interest; and studies of more limited scope involving non-sensitive and generally unclassified materials.

(ii) Inquirers seeking specific information of a non-sensitive nature.

(b) *Restrictions on use of records of limited-access and closed periods.* (1) Classified and administratively controlled telegrams less than 10 years old may be reviewed only in paraphrased versions by persons who are not employees of the Executive Branch of the Federal Government.

(2) Certain types of documents will be withheld if their publication would be contrary to the public interest, such as: (i) Materials which might tend to embarrass the United States Government in its conduct of foreign relations; (ii) Materials embodying opinions or comments which might give needless offense to other nationalities or to individuals at home or abroad; and (iii) Materials which would violate the confidence reposed in the Department or in the Foreign Service.

(3) Records relating to the citizenship of individuals and to unsettled claims, Foreign Service inspection reports, personnel records, and a few other categories are not generally available for nonofficial research.

(4) Classified documents originating with Federal agencies other than the Department of State or those of interagency committees or working groups may not be used by a private researcher unless the Historical Division has obtained the approval of the originating agency or agencies concerned.

(5) Papers, with the possible exception of captured enemy or ex-enemy documentation, originated by a foreign government and not yet released for publication by that government, ordinarily will not be made available to inquirers without the consent of the government concerned.

(c) *Application for use of records of the limited-access and closed periods*—(1) *Form of application.* The application shall be made on Department of State form DS-1192 and submitted to the Chief of the Historical Division. This application shall contain a description of the nature and scope of the proposed study and the types of records required (requests shall be confined, in so far as possible, to particular documents or materials on specific topics); information concerning the applicant's citizenship, academic background, and research experience; and a list of professional references. The application of an alien researcher shall be accompanied by a recommendation from the chief of mission in Washington representing the country to which the applicant owes allegiance.

(2) *Departmental action on application.* The Chief of the Historical Division shall confer with the appropriate officers of the Department, when necessary, and determine the action to be taken, the nature and extent of access to be granted, and any special restrictions to be placed on the use of the information. The Historical Division shall then notify the applicant whether the desired records can be made available within policy and security restrictions, and make any necessary arrangements for the applicant to consult official files subject to such conditions as may be decided upon.

(d) *Liberal interpretation of regulation.* It is the policy of the Department of State to make its records available to private individuals and to Government officials engaged in private research as liberally as possible, consistent with the security of the nation, the maintenance of friendly relations with other nations and the efficient operation of the Department.

Dated: October 30, 1957.

For the Secretary of State.

ANDREW H. BERDING,
Assistant Secretary.

[F. R. Doc. 57-9293; Filed, Nov. 7, 1957; 8:47 a. m.]

PART 67—EMERGENCY AID TO SELECTED CITIZENS OF CHINA AND KOREA

REVOCATION OF PART

Part 67—Emergency aid to selected citizens of China and Korea is hereby revoked. The program has been discontinued.

For the Secretary of State.

RUSSELL L. RILEY,
Director,
International Educational Exchange Service.

OCTOBER 30, 1957.

[F. R. Doc. 57-9294; Filed, Nov. 7, 1957; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 206—FISHING AND HUNTING REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) paragraph (a) of § 204.10 establishing

and governing the use and navigation of a naval bombing target area in Narragansett Bay, Rhode Island in the vicinity of Cormorant Rock is hereby revoked, as follows:

§ 204.10 *Narragansett Bay and adjacent waters, R. I.; danger zones for naval operations*—(a) *Bombing target area in vicinity of Cormorant Rock.* [Revoked.]

* * * * *

[Regs., October 25, 1957, 800.2121 (Narragansett Bay, R. I.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3) § 204.135 (a) covering a danger zone in the waters of the Gulf of Mexico south from Choctawhatchee Bay, Florida, is hereby amended to correct the location of USC&GS Station Tuck 3, as follows:

§ 204.135 *Gulf of Mexico, south from Choctawhatchee Bay; guided missiles test operations area, Headquarters Air Proving Ground Command, United States Air Force, Eglin Air Force Base, Florida*—(a) *The danger zone.* The waters of the Gulf of Mexico south from Choctawhatchee Bay within an area described as follows: Beginning at a point five nautical miles southeasterly from USC&GS Station Tuck 3, at latitude 30°23'10.074", longitude 86°48'25.433", three nautical miles offshore of Santa Rosa Island; thence easterly three nautical miles offshore and parallel to shore, to a point south of Apalachicola Bay, Florida, latitude 29°32'00", longitude 85°00'00"; thence southeasterly to latitude 29°17'30", longitude 84°40'00"; thence southwesterly to latitude 28°40'00", longitude 84°49'00"; thence southeasterly to latitude 28°10'00", longitude 84°30'00"; thence 270° true to longitude 86°48'00"; thence due north along longitude 86°48'00" to the intersection of the line with a circle of five nautical miles radius centered on USC&GS Station Tuck 3, at latitude 30°23'10.074", longitude 86°48'25.433", thence northeasterly along the arc of the circle to the point of beginning.

* * * * *

[Regs., October 17, 1957, 800.2121 (Gulf of Mexico, Fla.)—ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

3. Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403), § 206.50 governing the construction and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries, is amended by revising the limits from Craney Island Light to Jamestown Island to provide for the Craney Island Disposal Area and revoking paragraph (g) (2) (ix) and (x), as follows:

§ 206.50 *Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures.* * * *

(g) *Norfolk District.* * * *

(2) *James River and Hampton Roads*—(i) *South side of river from Craney Island Light to Jamestown Island.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 11	36 53 43.1	76 23 30
S "10N"	36 54 17.6	76 23 27.4
S "9N"	36 55 38.2	76 23 21.3
S "8N"	36 55 35.8	76 21 08.2
S "7N"	36 56 00.0	76 21 42.9
S "6N"	36 56 00.0	76 23 42.4
S "5N"	* * *	* * *
* * *	* * *	* * *

(ix) *Fishing area north of Craney Island Flats.* [Revoked.]

(x) *Middle Ground fishing area.* [Revoked.]

* * * * *

[Regs., October 24, 1957, 800.217 (Chesapeake Bay, Md. and Va.)—ENGWO] (Sec. 10, 30 Stat. 1151; 33 U. S. C. 403)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9232; Filed, Nov. 7, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1539]

[1391752]

[48293]

ARIZONA

PARTLY REVOKING PUBLIC LAND ORDER NO. 602

By virtue of the authority contained in the act of August 19, 1935 (49 Stat. 660; 22 U. S. C. 277c), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 602 of August 12, 1949, is hereby revoked, insofar as it reserved the following-described public lands for use of the Department of State in connection with the Mexican Water Treaty of February 3, 1944 (59 Stat. 1219).

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 24 W.,
Sec. 28, lot 9.

Containing 0.91 acres.

The land is withdrawn for reclamation purposes in connection with the Yuma Project.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 1, 1957.

[F. R. Doc. 57-9287; Filed, Nov. 7, 1957; 8:46 a. m.]

[Public Land Order 1540]

[2132920]

IDAHO

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 642 OF MAY 9, 1950, WHICH CREATED PUBLIC WATER RESERVE NO. 164 IN IDAHO, MONTANA, AND UTAH

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) as amended, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 642 of May 9, 1950, creating Public Water Reserve No. 164, is hereby revoked so far as it affects the following-described land in Idaho:

BOISE MERIDIAN

T. 8 S., R. 13 E.,
Sec. 1, NW¼SW¼.

The area described aggregates 40 acres.

2. The land is located in Twin Falls County, Idaho and borders the Snake River at a location southeast of the bridge which crosses the river on U. S. Highway 30.

3. No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the land is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended, presented prior to 10:00 a. m., on December 7, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on March 8, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on March 8, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The land has been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. It will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m., on March 8, 1958.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 1, 1957.

[F. R. Doc. 57-9288; Filed, Nov. 7, 1957; 8:46 a. m.]

[Public Land Order 1541]

[Fairbanks 012024]

ALASKA

CORRECTING PUBLIC LAND ORDER NO. 1521 OF OCTOBER 2, 1957, WHICH WITHDREW PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

In Federal Register Document 57-8250, appearing as Public Land Order No. 1521 at page 8016 of the issue for Wednesday, October 9, 1957, the land description for sec. 27, T. 2 S., R. 2 E., should read "lots 1, 2, 3, and NE¼NE¼", instead of lots 1, 2, 3, and NW¼NE¼.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 1, 1957.

[F. R. Doc. 57-9289; Filed, Nov. 7, 1957; 8:46 a. m.]

[Public Land Order 1542]

[736122]

MONTANA

POWER SITE RESTORATION NO. 535 REVOKING THE EXECUTIVE ORDER OF AUGUST 13, 1917, WHICH CREATED POWER SITE RESERVE NO. 643

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 it is ordered as follows:

The Executive Order of August 13, 1917, withdrawing all portions of the following-described lands lying within 50 feet of the centerline of the transmission line location shown on map filed on April 5, 1917, as part of application Helena 017071 for right of way for an electrical transmission line under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959), is hereby revoked.

MONTANA PRINCIPAL MERIDIAN

T. 5 N., R. 3 W.,
Sec. 3, NW¼SW¼.

The lands have been patented.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 1, 1957.

[F. R. Doc. 57-9290; Filed, Nov. 7, 1957; 8:46 a. m.]

[Public Land Order 1543]

[1259795]

CALIFORNIA

REVOKING EXECUTIVE ORDER NO. 4641 OF MAY 2, 1927, WHICH WITHDREW LANDS FOR TOWNSITE PURPOSES

By virtue of the authority vested in the President by Section 2380 of the Revised Statutes (43 U. S. C. 711), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 4641 of May 2, 1927, which withdrew the following-described lands in California for townsite purposes is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 4 S., R. 4 E.,
Sec. 16, E½NE¼.

The area described contains 80 acres.

2. The restored lands are located within the city limits of Palm Springs, and are mainly mountainous and rough. The soil is decomposed granite, is extremely rocky and generally can be described as a boulder field. Natural vegetation consists of desert shrubs, cactus, bee-sage, annual brome and fescue grasses. The Chamber of Commerce, Palm Springs, has expressed doubt that the City will be able to furnish water to the area.

3. No application for the lands may be allowed under the homestead, desert-land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on December 7, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on March 8, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs 4a (1) and 4a (2) above, presented prior to 10:00 a. m., on March 8, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on March 8, 1958. Applications and offers under the mineral leasing laws filed on or before 10:00 a. m. on that date will be considered as simultaneously filed at that time. Applications filed after that date will be considered in the order of filing.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Bartlett Building, 215 W. 7th Street, Los Angeles, California.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 1, 1957.

[F. R. Doc. 57-9291; Filed, Nov. 7, 1957; 8:46 a. m.]

[Public Land Order 1544]

[Idaho 04318]

IDAHO

CORRECTING PUBLIC LAND ORDER NO. 1227 OF SEPTEMBER 26, 1955, WHICH RESERVED LANDS WITHIN CERTAIN FORESTS FOR USE OF THE FOREST SERVICE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

In Federal Register Document 55-7924, appearing as Public Land Order No. 1227 at pages 7334-35 of the issue for Saturday, October 1, 1955, the land description of the Red Ives Administrative Site so far as such description refers to lands in T. 42 N., R. 9 E., is corrected to read T. 43 N., R. 9 E., and the acreage in connection with the Lintz Campground is corrected to read 20 acres instead of 40 acres.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 1, 1957.

[F. R. Doc. 57-9292; Filed, Nov. 7, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR POTATOES[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Potatoes (7 CFR, §§ 51.1540 to 51.1559) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C. not later than 90 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.1540 U. S. Extra No. 1.
51.1541 U. S. No. 1.
51.1542 U. S. Commercial.
51.1543 U. S. No. 2.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

UNCLASSIFIED

Sec.
51.1544 Unclassified.

SIZE

51.1545 Size.

SKINNING

51.1546 Skinning.

APPLICATION OF TOLERANCES

51.1547 Application of tolerances.

DEFINITIONS

51.1548 Fairly well matured.
51.1549 Clean.
51.1550 Fairly well shaped.
51.1551 Fairly clean.
51.1552 Soft rot or wet breakdown.
51.1553 Damage.
51.1554 Seriously misshapen.
51.1555 Serious damage.

AUTHORITY: §§ 51.1540 to 51.1555 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1540 *U. S. Extra No. 1.* "U. S. Extra No. 1" consists of potatoes which meet the requirements of U. S. No. 1 grade except that the potatoes shall be fairly well matured and shall be clean unless specified as fairly clean in connection with the grade, and except for the more restrictive tolerances for defects specified in paragraph (a) of this section. (See §§ 51.1541, 51.1545 and 51.1546.)

(a) *Tolerances for defects.* In order to allow for variations incident to proper grading and handling, not more than a total of 5 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(1) 2 percent for potatoes affected by southern bacterial wilt, ring rot, or late blight; and,

(2) One-half of 1 percent for potatoes which are frozen or affected by freezing injury, soft rot or wet breakdown: *Provided,* That en route or at destination an additional one-half of 1 percent, or a total of not more than 1 percent, shall be allowed for potatoes which are frozen or affected by freezing injury, soft rot or wet breakdown. (See § 51.1547.)

§ 51.1541 *U. S. No. 1.* "U. S. No. 1" consists of potatoes of one variety or similar varietal characteristics which are fairly well shaped, fairly clean and not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown, and free from damage caused by sunburn, greening, second growth, growth cracks, air cracks, hollowheart, internal discoloration, external discoloration, shriveling, sprouting, scab, dry rot, rhizoctonia, dried stems, insects, larvae, worms, other disease, or mechanical or other means. (See §§ 51.1545 and 51.1546.)

(a) *Tolerances for defects.* In order to allow for variations incident to proper grading and handling, not more than a total of 8 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(1) 5 percent for potatoes having external defects;

(2) 5 percent for potatoes which are damaged by hollow-heart, internal discoloration or other internal defects;

(3) 3 percent for potatoes affected by southern bacterial wilt, ring rot, or late blight; and,

(4) One-half of 1 percent for potatoes which are frozen or affected by freezing injury, soft rot or wet breakdown: *Provided,* That en route or at destination, an additional one-half of 1 percent, or a total of not more than 1 percent, shall be allowed for potatoes which are frozen or affected by freezing injury, soft rot or wet breakdown. (See § 51.1547.)

§ 51.1542 *U. S. Commercial.* "U. S. Commercial" consists of potatoes which meet the requirements of U. S. No. 1 grade except that potatoes shall be free from serious damage caused by dirt, russet scab, and rhizoctonia, and except for the increased tolerances for defects specified in paragraph (a) of this section. (See §§ 51.1541, 51.1545 and 51.1546.)

(a) *Tolerances for defects.* In order to allow for variations incident to proper grading and handling, not more than a total of 20 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade, including therein not more than 8 percent for potatoes which fail to meet the requirements of U. S. No. 2 grade: *Provided,* That included in this latter amount not more than the following percentages shall be allowed for the defects listed:

(1) 5 percent for potatoes having external defects;

(2) 5 percent for potatoes which are seriously damaged by hollowheart, internal discoloration or other internal defects;

(3) 3 percent for potatoes affected by southern bacterial wilt, ring rot, or late blight; and,

(4) One-half of 1 percent for potatoes which are frozen or affected by freezing injury, soft rot or wet breakdown: *Provided,* That en route or at destination an additional one-half of 1 percent, or a total of not more than 1 percent, shall be allowed for potatoes which are frozen or affected by freezing injury, soft rot or wet breakdown. (See § 51.1547.)

§ 51.1543 *U. S. No. 2.* "U. S. No. 2" consists of potatoes of one variety or similar varietal characteristics which are not seriously misshapen or frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown, and free from serious damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollowheart, internal discoloration, external discoloration, shriveling, scab, dry rot, rhizoctonia, insects, larvae, worms, other disease, or mechanical or other means. (See §§ 51.1545 and 51.1546.)

(a) *Tolerances for defects.* In order to allow for variations incident to proper grading and handling, not more than a total of 8 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade; *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(1) 5 percent for potatoes having external defects;

(2) 5 percent for potatoes which are seriously damaged by hollowheart, internal discoloration or other internal defects;

(3) 3 percent for potatoes affected by southern bacterial wilt, ring rot, or late blight; and,

(4) One-half of 1 percent for potatoes which are frozen or affected by freezing injury, soft rot or wet breakdown: *Provided,* That en route or at destination an additional one-half of 1 percent, or a total of not more than 1 percent, shall be allowed for potatoes which are frozen or affected by freezing injury, soft rot or wet breakdown. (See § 51.1547.)

UNCLASSIFIED

§ 51.1544 *Unclassified.* "Unclassified" consists of potatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE

§ 51.1545 *Size.* (a) The count, minimum size or range of size may be specified in connection with the grade in terms of number of potatoes per container, or diameter or weight of the individual potato, or in accordance with one of the following size classifications:

(1) *Size A.* (i) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Pontiac, Bliss Triumph, Kennebec, Green Mountain, or other similar varieties, the diameter of each potato shall be not less than 2 inches, and not less than 50 percent of the potatoes in the lot shall be 2½ inches or larger but not larger than 4 inches in diameter;

(ii) For long varieties such as Russet Burbank, Early Gem, White Rose, or other similar varieties, each potato shall have a diameter of not less than 2 inches, and not less than 50 percent of the potatoes in the lot shall be 6 ounces or more in weight;

(2) *Size B.* For all varieties the size shall be from 1½ to 2¼ inches in diameter; and,

(3) *Size C.* For all varieties the size shall be from 1 inch to 1½ inches in diameter.

(b) *Diameter.* "Diameter" means the greatest dimension at right angles to the longitudinal axis.

(c) *Tolerances for size.* In order to allow for variations incident to proper sizing, the following tolerances shall be allowed:

(1) Not more than 3 percent of the potatoes in any lot may fail to meet the specified minimum size. In addition, not more than 10 percent may fail to meet any specified maximum size;

(2) When a percentage of the potatoes is specified to be of a certain size and larger individual packages containing 15 pounds or less shall have not less than one-half of the percentage specified and individual packages containing more than 15 pounds shall have not less than three-fourths of the percentage specified; and,

(3) When the number of potatoes per package is specified, the number of potatoes in individual packages shall not vary more than 5 percent from the number specified.

SKINNING

§ 51.1546 *Skinning.* (a) The following terms are provided for describing the degree of skinning on potatoes:

(1) "Practically no skinning" means that the potato has not more than one-tenth of the skin missing or "feathered";

(2) "Slightly skinned" means that the potato has more than one-tenth but not more than one-fourth of the skin missing or "feathered";

(3) "Moderately skinned" means that the potato has more than one-fourth but not more than one-half of the skin missing or "feathered"; and,

(4) "Badly skinned" means that the potato has more than one-half of the skin missing or "feathered".

APPLICATION OF TOLERANCES

§ 51.1547 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 15 pounds, when a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified, and when a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that for potatoes which are frozen or affected by freezing injury, soft rot or wet breakdown, en route or at destination not more than one-tenth of the packages may contain not more than four times the tolerance specified, and except that at least one defective and one off-size potato may be permitted in any package; and,

(2) For packages which contain 15 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one-tenth of the packages may have more than one potato which is frozen or affected by freezing injury, soft rot or wet breakdown.

DEFINITIONS

§ 51.1548 *Fairly well matured.* "Fairly well matured" means that at least 90 percent, by weight, of the individual potatoes in any container meet the requirements of "slightly skinned" as defined under "Skinning Classification". (See § 51.1546 (a) (2).)

§ 51.1549 *Clean.* "Clean" means that at least 90 percent, by weight, of the individual potatoes in any container are practically free from dirt, staining or other foreign material, and at least one-half of the remaining 10 percent is reasonably free from dirt or staining and that practically no loose dirt or other foreign matter is present in the container.

§ 51.1550 *Fairly well shaped.* "Fairly well shaped" means that the individual potato is not materially pointed, dumbbell shaped or otherwise ill formed.

§ 51.1551 *Fairly clean.* "Fairly clean" means that at least 90 percent, by weight, of the individual potatoes in any container are reasonably free from dirt, staining or other foreign material and not more than one-half of the remaining 10 percent is more than slightly dirty or slightly stained, and not more than a slight amount of loose dirt or other foreign matter is present in the container.

§ 51.1552 *Soft rot or wet breakdown.* "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury or sunscald.

§ 51.1553 *Damage.* "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the edible or shipping quality, or the internal or external appearance of the individual potato, or any external defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the defective area. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Sunburn when of a dark green color affecting an area on the surface greater than that of a circle one-half inch in diameter on a round or intermediate type potato 2½ inches in diameter or a long potato 6 ounces in weight, or correspondingly lesser or greater areas on smaller or larger potatoes, or when the discoloration extends into the flesh to such an extent that it cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the affected area;

(b) Greening caused by exposure to natural or artificial light when the appearance of the individual potato is materially affected by yellowish or greenish surface discoloration, or when discoloration extends into the flesh of the potato and cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the defective area;

(c) Second growth which materially affects the appearance of the individual potato;

(d) Growth cracks which materially affect the appearance of the individual potato;

(e) Air cracks which are deep, or shallow air cracks which materially affect the appearance of the individual potato;

(f) Hollowheart when the internal appearance of the potato cut longitudinally is materially affected;

(g) Internal discoloration, any part of which affects the vascular ring or occurs between the ring and the skin of the potato when the discoloration cannot be

removed without a loss of more than 5 percent of the total weight of the potato including peel covering the defective area, or discoloration occurring entirely within the area bounded by the vascular ring when there are more than the equivalent of 3 scattered light brown spots one-sixteenth inch in diameter in a round or intermediate type potato 2½ inches in diameter or in a long type potato 6 ounces in weight, or correspondingly lesser or greater numbers of spots on smaller or larger potatoes;

(h) External discoloration when the appearance of the potato is materially affected by discoloration;

(i) Shriveling when the potato is more than moderately shriveled, spongy or flabby;

(j) Sprouting when any external sprout is over one-half inch in length, or when the removal of an ingrown sprout causes a loss of more than 5 percent of the total weight of the potato including peel covering the defective area;

(k) Scab when surface scab shows no pronounced contrast with the background color of the potato and the aggregate area exceeds 5 percent of the surface, or when surface scab shows a pronounced contrast with the background color and the aggregate area exceeds 3 percent of the surface; when pitted scab affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5 percent of the total weight of the potato including peel covering the defective area; or when russet scab materially affects the appearance of the potato;

(l) Rhizoctonia when the appearance of the potato is materially affected, or when the surface is materially caked with black scurf;

(m) Dried stems when pliable and over one-eighth inch in diameter or over 2½ inches long, or when stiff and over one-eighth inch in diameter or over one inch long;

(n) Insects, larvae or worms when present inside the potato, or when any hole caused by them or by grass root or similar injury in a round or intermediate type potato 2½ inches in diameter, or in a long type potato 6 ounces in weight, is more than three-fourths inch long or when the aggregate length of all holes in such potatoes is more than 1¼ inches, or correspondingly shorter or longer holes in smaller or larger potatoes, respectively, or when other types of injury materially affect the appearance of the potato or cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the defective area; and,

(o) Mechanical or other means when cuts, shatter bruises, or other bruises, punctures, or other injuries materially affect the appearance of the potato or cannot be removed without a loss of more than 5 per cent of the total weight of the potato including peel covering the defective area.

§ 51.1554 *Seriously misshapen.* "Seriously misshapen" means that the individual potato is seriously pointed, dumbell-shaped or otherwise badly deformed.

§ 51.1555 *Serious damage.* "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the edible or shipping quality, or the internal or external appearance of the individual potato, or any external defect which cannot be removed without a loss of more than 10 per cent of the total weight of the potato including peel covering the defective area. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dirt when more than 10 percent, by weight, of the individual potatoes in any container is badly caked with dirt or badly stained, or when an excessive amount of loose dirt or other foreign matter is present in the container;

(b) Sunburn when of a dark green color affecting an area on the surface greater than that of a circle three-fourths inch in diameter on a round or intermediate type potato 2½ inches in diameter or a long potato 6 ounces in weight, or correspondingly lesser or greater areas on smaller or larger potatoes, or when the discoloration extends into the flesh to such an extent that it cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the affected area;

(c) Greening caused by exposure to natural or artificial light when the appearance of the individual potato is seriously affected by yellowish or greenish surface discoloration or when such discoloration extends into the flesh of the potato and cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area;

(d) Second growth which seriously affects the appearance of the individual potato;

(e) Growth cracks which seriously affect the appearance of the individual potato;

(f) Air cracks which seriously affect the appearance of the individual potato;

(g) Hollowheart when the internal appearance of the potato cut longitudinally is seriously affected;

(h) Internal discoloration, any part of which affects the vascular ring or occurs between the ring and the skin of the potato when the discoloration cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area, or discoloration occurring entirely within the area bounded by the vascular ring when there are more than the equivalent of 6 scattered light brown spots one-sixteenth inch in diameter in a round or intermediate type potato 2½ inches in diameter or in a long type potato 6 ounces in weight, or correspondingly lesser or greater numbers of spots on smaller or larger potatoes;

(i) External discoloration when the appearance of the potato is seriously affected by discoloration;

(j) Shriveling when the potato is excessively shriveled, spongy or flabby;

(k) Scab when surface scab shows no pronounced contrast with the background color of the potato and the aggregate area exceeds 20 percent of the surface, or when surface scab shows a pronounced contrast with the background color and the aggregate area exceeds 10 percent of the surface; when pitted scab affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering the defective area; or when russet scab seriously affects the appearance of the potato;

(l) Rhizoctonia when the appearance of the potato is seriously affected, or when the surface is badly caked with black scurf;

(m) Insects, larvae or worms when present inside the potato, or when any hole caused by them or by grass roots or similar injury in a round or intermediate type potato 2½ inches in diameter, or in a long type potato 6 ounces in weight, is more than 1½ inches long or when the aggregate length of all holes in such potatoes is more than 2 inches, or correspondingly shorter or longer holes in smaller or larger potatoes, respectively, or when other types of injury seriously affect the appearance of the potato or cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area; and,

(n) Mechanical or other means when a fairly smooth cut such as is made by a knife to remove injury occurs on both ends of the potato: *Provided*, That such a cut shall be permitted on one end of the potato if the length of the remaining portion of the clipped potato is more than one and one-half times the greatest diameter of the cut and that the remaining portion of a clipped long type potato weighs at least 6 ounces; or when other cuts, shatter bruises or other bruises, punctures or other injuries seriously affect the appearance of the potato or cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area.

Dated: November 5, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-9320; Filed, Nov. 7, 1957; 8:52 a. m.]

[7 CFR Part 919]

[Docket No. AO-249-A3]

MILK IN SOUTHWEST KANSAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at

the Lora Locke Hotel, Dodge City, Kansas, beginning at 10:00 a. m., local time, on November 15, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southwest Kansas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Neither the present order nor the proposed amendments provide for location adjustments to handlers or producers. The increased distances covered by suppliers and distributors make it desirable that location adjustments be open for consideration at the hearing.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Southwest Milk Producers Association:

Proposal No. 1. Amend § 919.7 to read as follows:

§ 919.7 *Approved plant.* "Approved plant" means any milk plant approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which during any delivery period a volume of Class I milk equal to five percent or more of such plants receipts of producers milk is disposed of under a Grade A label, on routes in the marketing area.

(b) Which is operated by a co-operative association for receiving milk directly from producers and 50 percent or more of the producers milk from members of such association is delivered directly or is transferred by the association from its approved plant during the month to the approved plants of other handlers.

Proposal No. 2. Amend § 919.9 (b) and add a new paragraph (c) to read as follows:

§ 919.9 *Handler.* "Handler" means:

(b) Any person in his capacity as the operator of an unapproved plant from which Class I products are disposed of on a route(s) in the marketing area, or

(c) A co-operative association which operates a plant described in § 919.7 (b) with respect to the milk of member producers which is delivered to the approved plant of another handler in a tank truck operated by such co-operative association for the account of such association (such milk shall be considered as having been received by such co-operative association at the plant to which it is delivered).

Proposal No. 3. Amend § 919.51 (a) to establish a new Class I differential in the Southwest Kansas marketing area.

Proposal No. 4. Amend § 919.88 by adding a new paragraph (c) to read as follows:

§ 919.88 *Expenses of administration.*

* * *

(c) Class I disposed of during the month from unapproved plants on routes in the marketing area.

Proposal No. 5. Make any other conforming changes in the order necessary to accomplish the intent of these proposed amendments.

Copies of this notice of hearing and of the order as now in effect may be obtained from the market administrator, 616–18 W. 2d Avenue, Dodge City, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 5th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9318; Filed, Nov. 7, 1957; 8:51 a. m.]

[7 CFR Part 1020]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO INCREASE IN RATE OF ASSESSMENT FOR INITIAL FISCAL YEAR

Consideration is being given to the following proposal submited by the Washington Apricot Marketing Commitee, established under the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514), regulating the handling of apricots grown in designated counties in Washington effective May 21, 1957, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that the provisions pertaining to the rate of assessment in paragraph (b) of § 1020.201 *Expenses and rate of assessment for the initial fiscal period* (22 F. R. 5746) be amended to read as follows:

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles apricots shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar and fifty cents ($1.50) per ton of apricots so handled by such handler during such initial fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 7th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

Dated: November 5, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9319; Filed, Nov. 7, 1957; 8:52 a. m.]

Agricultural Research Service

[7 CFR Part 362]

REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

ADDITIONAL TIME TO SUBMIT DATA, VIEWS OR ARGUMENTS

Notice is hereby given of an additional period of time within which any interested person may submit written data, views or arguments concerning the proposal to amend paragraph (a) (6) of § 362.14 of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 362.14 (a) (6)) relating to statements in labeling of economic poisons which directly or indirectly imply that an economic poison or device, or any ingredient or constituent element thereof, or any combination of ingredients, is recommended or endorsed by any agency of the Federal Government.

Notice of rule making concerning the proposed amendment was published in the FEDERAL REGISTER on September 11, 1957 (22 F. R. 7238).

Any interested person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with the Head of the Pesticide Regulation Section, Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., on or before December 31, 1957.

Done at Washington, D. C., this 4th day of November 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc 57-9286; Filed, Nov. 7, 1957; 8:45 a. m.]

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO; BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO; MARYLAND TOBACCO

NOTICE OF PROPOSED RULE MAKING

Notice of amendment to regulations relating to establishment of Farm Acreage Allotments and Normal Yields for Cigar-Binder (Types 51 and 52) Tobacco, Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco; Burley, Flue-Cured, Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco; and Maryland Tobacco, for the 1958-59 Marketing Year.

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313, 1377), the Secretary is preparing to amend the regulations governing establishment of farm tobacco acreage allotments for the 1958–59 marketing year for (1) cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44,

53, 54 and 55) tobacco, respectively (22 bacco marketing quota regulations for, pursuant to this notice, [illegible]

53, 54 and 55) tobacco, respectively (22 F. R. 4351, 4847, 8101), (2) burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco, respectively (22 F. R. 5675, 8103), and (3) Maryland tobacco (22 F. R. 4355, 4912, 8104), in the following respects:

1. Section 723.923, paragraph (a) of the cigar marketing quota regulations for the marketing year 1958–59 (22 F. R. 4351, 4847, 8101) would be amended by changing the period at the end of such paragraph to a colon and adding the following: "*And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm."

2. Section 725.923, paragraph (a) of the burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco marketing quota regulations for the marketing year 1958-59 (22 F. R. 5675, 8103) would be amended by changing the period at the end of such paragraph to a colon and adding the following: "*And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm."

3. Section 727.923, paragraph (a) of the Maryland tobacco marketing quota regulations for the marketing year 1958-59 (22 F. R. 4355, 4912, 8104) would be amended by changing the period at the end of such paragraph to a colon and adding the following: "*And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm."

Prior to final adoption and issuance of amendments, substantially as outlined above, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 4th day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-9322; Filed, Nov. 7, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[424.44]

SAW CHAIN

CHANGE IN CLASSIFICATION

NOVEMBER 4, 1957.

Saw chain in lengths from which portions for individual power saws will be taken.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated June 11, 1957 (22 F. R. 4104), that the existing practice of classifying saw chain in lengths from which portions will be taken for use in making the endless chains used on various sizes of cutter bars on power saws under the provisions of paragraph 372, Tariff Act of 1930, as modified, subject to duty at the reduced rate of 13 percent was under review.

The Bureau, by its letter of November 4, 1957, addressed to the collector of customs at Seattle, Washington, ruled that such chain in long lengths is not classifiable as part of a machine but is in the nature of a material from which endless chain for power saws is made and is therefore classifiable as a manufacture of metal under the provisions of paragraph 397, Tariff Act of 1930, as modified, and subject to the reduced rate of duty now 20 percent ad valorem.

Insofar as this decision results in the assessment of a duty at a rate higher than that which heretofore has been assessed under a uniform practice with respect to such saw chain, it shall be applied to such and similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of this decision in the weekly Treasury Decisions.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc. 57-9311; Filed, Nov. 7, 1957; 8:50 a. m.]

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957, Supp. 172]

NEW YORK UNDERWRITERS INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

NOVEMBER 5, 1957.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $1,236,000.00 has been established for the company.

Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in which Incorporated: New York Underwriters Insurance Company, New York, New York.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9312; Filed, Nov. 7, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

VOLUNTARY OIL IMPORT PROGRAM

PUBLIC HEARING RESPECTING DISTRICT V

NOVEMBER 6, 1957.

The President's Special Committee to Investigate Crude Oil Imports, in its report dated July 29, 1957, stated that the situation with respect to importation of crude oil into District V (Washington, Oregon, California, Nevada, and Arizona) should be reviewed during the latter part of 1957. Accordingly the President's Special Committee will undertake a review of the petroleum situation in District V with a view to preparing a report to the President and making such recommendations as may be determined to be appropriate in the matter.

In order to assist the President's Special Committee in this review, the Chairman of the Committee has requested the Administrator of the Voluntary Oil Import Program to hold a public hearing at which all persons who are interested may appear and express their views on the situation in District V with respect to the importation of crude oil. In accordance with this request, the Administrator of the Voluntary Oil Import Program will hold a public hearing at Washington, D. C., on November 25 and November 26, 1957, in Conference Room B, Interdepartmental Auditorium (between 12th and 14th Streets NW., on Constitution Avenue). The hearings will begin at 9:30 a. m. on each of these days.

Each person who plans to appear at the hearings is requested to inform the Administrator, Voluntary Oil Import Program, Department of the Interior, Washington 25, D. C., of his intention to appear and to give an estimate of the time which he thinks will be necessary for the presentation of his views.

Each person or corporation intending to import crude oil into District V (Washington, Oregon, California, Nevada, and Arizona) during the first half of 1958 is requested to furnish, on or before November 23, 1957, to the Administrator, Voluntary Oil Import Program, Department of the Interior, Washington 25, D. C., a statement of the quantity of crude oil (in barrels per day) programmed to be imported into District V during each of the first six months of 1958.

M. V. CARSON, Jr.,
Administrator,
Voluntary Oil Import Program.

[F. R. Doc. 57-9346; Filed, Nov. 7, 1957; 9:03 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FARRELL SHIPPING CO. ET AL.

AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

1. Agreement No. 8261 between Farrell Shipping Co., Inc., New Orleans, Louisiana, and F. B. Vandegrift & Co., Inc., Philadelphia, Pennsylvania;

2. Agreement No. 8262 between Farrell Shipping Co., Inc., and John S. Connor, Baltimore, Maryland.

Each agreement is a cooperative working arrangement between the parties under which they will perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 5, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-9313; Filed, Nov. 7, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12168; FCC 57M-1085]

MARTIN BROTHERS

ORDER CONTINUING HEARING

In the matter of Jacob A. Martin and William A. Martin, d/b as Martin Brothers, Lancaster, Pennsylvania, Docket No. 12168; order to show cause why the license for special industrial radio station KGD 462 should not be revoked.

The Hearing Examiner having under consideration "Waiver of Hearing" together with accompanying statement, filed on October 24, 1957, by Jacob A. Martin and William A. Martin, d/b as Martin Brothers, and Statement of the Chief, Safety and Special Radio Services Bureau, filed October 30, 1957, with respect thereto;

It appearing that such pleadings present matters which, under the provisions of § 1.402 (g) of the Commission's rules, should be acted upon by the Commission rather than the Hearing Examiner; [1]

It is ordered, This 4th day of November 1957, on the Hearing Examiner's own motion, that the hearing herein, presently scheduled for November 18, 1957, is continued without date pending action by the Commission on the pleadings referred to above.

Released: November 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9315; Filed, Nov. 7, 1957; 8:51 a. m.]

[1] See: Aero Design and Engineering Company, Docket 11183, FCC 55-136.

[Docket Nos. 12229, 12230; FCC 57-1191]

WALTER G. ALLEN AND MARSHALL COUNTY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Walter G. Allen, Huntsville, Alabama, Docket No. 12229, File No. BP–10871; Marshall County Broadcasting Company, Inc., Arab, Alabama, Docket No. 12230, File No. BP–11088; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of October 1957;

The Commission having under consideration the above-captioned applications of Walter G. Allen and Marshall County Broadcasting Company, Inc., each for a construction permit for a new standard broadcast station to operate on 1380 kilocycles with a power of 1 kilowatt, daytime only, at Huntsville and Arab, Alabama, respectively; and

It appearing that except as may be indicated from the issues specified below, both applicants are legally, technically and financially qualified, and that Walter G. Allen is also otherwise qualified, to operate their proposed stations; but that the operation of both proposals would result in mutually destructive interference; and that Marshall County Broadcasting Company, Inc. may not be otherwise qualified because of questions as to whether a party thereto, J. B. Falt, Jr., initiated the filing of the instant Arab application and a previous Sheffield, Alabama, application to obstruct the entry of a new station in Huntsville in competition to existing Station WHUN, of which he is majority stockholder; and

It further appearing that in a letter dated January 20, 1957, over the purported signature of Walter G. Allen, the Commission was requested to dismiss his instant application; that a telegram dated January 27, 1957 and signed "Walter G. Allen" advised the Commission to disregard the aforementioned letter of January 20, 1957; and that in a letter dated February 9, 1957, Mr. Allen states that he did not send said letter or telegram, has no knowledge of the responsible party, and is of the opinion that "subject letter and telegram represent forgery"; and

It further appearing that in a letter dated February 18, 1957 Walter G. Allen raised questions as to whether parties in the licensee of Station WHUN, Huntsville, Alabama, were attempting to keep a new competitive station out of Huntsville by filing mutually exclusive applications at Sheffield, Alabama, in conflict with a previous proposal for a new station at Huntsville and now at Arab, Alabama in conflict with the instant Allen proposal; and

It further appearing that subsequent to the filing of an application by Radio Huntsville, Incorporated for a new station on 1290 kilocycles at Huntsville, Alabama, File No. BP–10324, J. B. Falt, Jr., majority stockholder of Station WHUN in Huntsville filed a mutually exclusive application, File No. BP–10519, for a new station on 1290 kilocycles at Sheffield, Alabama, which had no radio station; that on July 11, 1956 the two applications were set for hearing on a section 307 (b) issue as to which town had the greater need for a new station; that hearing appearances by both applicants were not timely filed; that both applications were dismissed without prejudice on December 20, 1956; and that neither application was refiled immediately; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated June 24, 1957 that their proposals are mutually exclusive; that Marshall County Broadcasting Company, Inc. was required to submit a detailed account of the circumstances surrounding the filing of said Sheffield and Arab applications; and that the Commission was unable to conclude that a grant of either instant application would be in the public interest; and

It further appearing that in an affidavit filed on August 13, 1957, J. B. Falt, Jr. sets forth the circumstances surrounding the filing of his above-referenced Sheffield application and the instant Arab application and states that he planned to refile the Sheffield application; and

It further appearing that on September 3, 1957, J. B. Falt, Jr. re-filed his Sheffield application, File No. BP–11559; that this application is mutually exclusive with an application filed on March 1, 1957, by Sheffield Broadcasting Co., File No. BP–11130, for a new station in Sheffield, Alabama, using the facilities, 1290 kc, 1 kw, D, for which Falt has now reapplied; that our study of the Sheffield Broadcasting Co.'s application had almost been completed when Falt re-filed his said mutually exclusive application; and

It further appearing that on October 7, 1957, Walter G. Allen filed a reply, under oath, to the above-referenced affidavit of Mr. Falt dated August 13, 1957, and in the reply Walter G. Allen purports to establish certain deficiencies in J. B. Falt, Jr.'s affidavit; and

It further appearing that, in our opinion, further inquiry into the facts and circumstances surrounding the filing of said applications for Sheffield and Arab is required to determine whether either application was filed to obstruct the establishment of a new competitive station in Huntsville, Alabama; and

It further appearing that, after consideration of the foregoing, we are of the opinion that a hearing on the instant applications is necessary; and

It is ordered, That, pursuant to

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine the circumstances surrounding the filing of the instant application by Marshall County Broadcasting Company Inc. and the application of J. B. Falt, Jr. for a new station at Sheffield, Alabama, File No. BP-10519, and whether either application was filed for the purpose of obstructing the establishment of a new station in Huntsville, Alabama.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, Walter G. Allen and Marshall County Broadcasting Company Inc., pursuant to Section 1.387 of the Commission's Rules, in person or by an attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9316; Filed, Nov. 7, 1957; 8:51 a. m.]

[Docket No. 12231; FCC 57M-1084]

GREYLOCK BROADCASTING CO. (WBRK)

ORDER SCHEDULING HEARING

In re application of Greylock Broadcasting Company (WBRK), Pittsfield, Massachusetts, Docket No. 12231, File No. BP-11385; for construction permit.

It is ordered, This 1st day of November 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1958, in Washington, D. C.

Released: November 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9317; Filed Nov. 7, 1957; 8:51 a. m.]

[Docket No. 12144; FCC 57M-1091]

BEEHIVE TELECASTING CORP.

ORDER ADVANCING HEARING

In re application of Beehive Telecasting Corporation, Provo, Utah; Docket No. 12144, File No. BPCT-2051; for construction permit for new television broadcast station.

At the oral request of counsel for the applicant and with the concurrence of counsel for the Broadcast Bureau, the only other participant in the proceeding: *It is ordered*, This 5th day of November 1957, that hearing in the above-entitled proceeding now scheduled for November 14, 1957, is advanced to Friday, November 8, 1957, at 10:00 a. m.

Released: November 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9343; Filed, Nov. 7, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13401]

AMERADA PETROLEUM CORP.

MISCELLANEOUS AMENDMENT

NOVEMBER 4, 1957.

In the Order For Hearing and Suspending Proposed Change in Rates, issued October 14, 1957, and Published in the FEDERAL REGISTER on October 18, 1957 (22 F. R. 8244-45), on Page 1, last paragraph, the words "In support of the proposed rate increase, Amerada states that the contract was negotiated at arm's-length, the proposed rate is not unreasonable and less than the area rate, is economically desirable, and will not result in an excess return" should be corrected to read: "In support of the proposed rate increase, Amerada states that the rate schedule proposed represents a price increase Seller agreed to accept and Buyer agreed to pay as the result of arm's-length bargaining conducted in good faith."

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9298; Filed, Nov. 7, 1957; 8:47 a. m.]

[Docket No. G-13608]

CONTINENTAL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 4, 1957.

Continental Oil Company (Continental), on October 7, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Mississippi River Fuel Corporation.
Rate schedule designation: Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 107.
Effective date: November 7, 1957. (Effective date is the first day after expiration of the required 30 days' notice.)

In support of the proposed periodic rate increase, Continental states that the contract resulted from good faith arm's length bargaining; the price schedule therein was prepared with regard to the financial burden of the purchaser during the first years of the contract and to provide the seller a rate of return over the contract life equivalent to an average of the escalated prices in the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 107 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 107.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 7, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F R. Doc. 57-9299; Filed, Nov. 7, 1957; 8:47 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-8696. (Hearings have been concluded and the Examiner's Decision issued February 8, 1957, disallowing the increase, but no final order has been issued by the Commission.)

[Docket No. G-13610]

R. H. GOODRICH

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 4, 1957.

R. H. Goodrich (Goodrich) on October 7, 1957, tendered for filing a proposed change in his presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 30, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 4 to Goodrich's FPC Gas Rate Schedule No. 1.
Effective date: November 7, 1957 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed periodic rate increase, Goodrich states that the proposed rate is reasonable and in line with recently negotiated long term contracts for gas sales in southern Louisiana. Goodrich further states the principles laid down by the Supreme Court of the United States in United Gas Pipe Line Company v. Mobile Gas Service Corporation forbid the Commission to alter the terms of the contract between parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Goodrich's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Goodrich's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 7, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9300; Filed, Nov. 7, 1957; 8:48 a. m.]

[Docket No. G-13611]

W. H. COCKE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 4, 1957.

W. H. Cocke (Cocke), on October 7, 1957, tendered for filing a proposed change in his presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 3, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 3 to Cocke's FPC Gas Rate Schedule No. 1.
Effective date: November 7, 1957 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed two-step periodic rate increase, Cocke states that the proposed rate is reasonable and in line with recently negotiated long term contracts for gas sales in southern Louisiana. Cocke further states the principles laid down by the Supreme Court of the United States in United Gas Pipe Line Company v. Mobile Gas Service Corporation forbid the Commission to alter the terms of the contract between parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Cocke's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Cocke's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 7, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9301; Filed, Nov. 7, 1957; 8:48 a. m.]

[Docket No. G-13612]

MONSANTO CHEMICAL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 4, 1957.

Monsanto Chemical Company (Monsanto), on October 7, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and changes, are contained in the following designated filings:

Description: Notice of changes, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 11 to Monsanto's FPC Gas Rate Schedule No. 2. Supplement No. 6 to Monsanto's FPC Gas Rate Schedule No. 1.
Effective date: November 7, 1957 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed periodic rate increases, Monsanto states that the entire pricing schedule is an integral part of the contract consideration and any attempt to compel Monsanto to sell its gas at a price less than the contract terms would constitute taking its property without due process of law and just compensation.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Com-

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12231.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-9570.

[1] Present rates previously suspended and are in effect subject to refund in Dockets Nos. G-11369 and G-11368.

mission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 11 to Monsanto's FPC Gas Rate Schedule No. 2, and Supplement No. 6 to Monsanto's FPC Gas Rate Schedule No. 1, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 11 to Monsanto's FPC Gas Rate Schedule No. 2, and Supplement No. 6 to Monsanto's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 7, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9302; Filed, Nov. 7, 1957; 8:48 a. m.]

[Docket No. G-13606]

HAMILTON DOME OIL COMPANY, LTD., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 4, 1957.

Hamilton Dome Oil Company; Ltd., (Operator), et al.,[1] (Hamilton), on October 7, 1957, tendered for filing a proposed change in its presently effective rate schedule [2] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 28, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 8 to Hamilton's FPC Gas Rate Schedule No. 1.

Effective date: November 7, 1957 (effective date is the first day after expiration of the required 30 days' notice).

[1] Successor to Arrow Drilling Company.

[2] Present rate previously suspended and is in effect subject to refund in Docket No. G-11348.

In support of the proposed favored-nations rate increase, Hamilton states the proposed rate is just and reasonable and equal to the reasonable market price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Hamilton's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Hamilton's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 7, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9307; Filed, Nov. 7, 1957; 8:49 a. m.]

[Docket No. G-13607]

SKELLY OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 4, 1957.

Skelly Oil Company (Skelly), on October 7 and 8, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter,[2] dated July 24, 1957. (2) Notice of Change, dated October 7, 1957. (3) Letter,[3] dated July 24, 1957. (4) Notice of Change, dated October 7, 1957. (5) Letter,[3] dated July 24, 1957. (6) Notice of Change, dated October 4, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 9 to Skelly's FPC Gas Rate Schedule No. 2. (2) Supplement No. 10 to Skelly's FPC Gas Rate Schedule No. 2. (3) Supplement No. 5 to Skelly's FPC Gas Rate Schedule No. 87. (4) Supplement No. 6 to Skelly's FPC Gas Rate Schedule No. 87. (5) Supplement No. 3 to Skelly's FPC Gas Rate Schedule No. 92. (6) Supplement No. 4 to Skelly's FPC Gas Rate Schedule No. 92.

Effective date: November 7, 1957 (Nos. 5 and 6 above). November 8, 1957 (Nos. 1, 2, 3 and 4 above). (Effective date is the first day after expiration of the required 30 days' notice.)

In support of the proposed favored-nations rate increases, Skelly states the increases are an integral part of the contract considerations and the favored-nation provisions were designed to avoid price discrimination and to provide protection against inflation. Skelly further states that after allowing for gathering, dehydration, payment of royalties, and other payments, the net rates to Skelly at the wellhead are 9.58 cents, 10.6 cents, and 11.19 cents per Mcf, respectively, under its above designated rate schedules, and these rates must be compared to the costs of lease acquisitions, exploration, drilling and equipping of wells, maintenance and operation and overhead expenses. Skelly does not submit its costs for comparison.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplements Nos. 9 and 10 to Skelly's FPC Gas Rate Schedule No. 2; Supplements Nos. 5 and 6 to Skelly's FPC Gas Rate Schedule No. 87, and Supplements Nos. 3 and 4 to Skelly's FPC Gas Rate Schedule No. 92 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements Nos. 9 and 10 to Skelly's FPC Gas Rate Schedule No. 2; Supplements Nos. 5 and 6 to Skelly's FPC Gas Rate Schedule No. 87, and Supplements Nos. 3 and 4 to Skelly's FPC Gas Rate Schedule No. 92.

(B) Pending such hearing and decision thereon, proposed Supplements Nos. 3 and 4 to Skelly's FPC Gas Rate Schedule No. 92 are each hereby suspended and their use deferred until April 7, 1958; Supplements Nos. 9 and 10 to Skelly's FPC Gas Rate Schedule No. 2, and Supplements Nos. 5 and 6 to Skelly's FPC Gas Rate Schedule No. 87, are each hereby suspended and their use deferred until April 8, 1958, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9308; Filed, Nov. 7, 1957; 8:49 a. m.]

[1] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-11346, G-11351, and G-11350.

[2] Bi-lateral agreement wherein parties agree to an increase in rate as per favored-nation clause of contract.

[Docket No. G-11704]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF DATE OF HEARING

NOVEMBER 4, 1957.

The application of Texas Gas Transmission Corporation pursuant to section 7 (b) of the Natural Gas Act was filed herein on January 4, 1957, for permission and approval to abandon certain natural gas transmission facilities. Notice of the filing of said application and date of hearing was duly given, including publication in the FEDERAL REGISTER on May 29, 1957 (22 F. R. 3770, 3771).

Thereafter, the hearing, scheduled to commence on June 25, 1957, was postponed to a date to be fixed by further notice.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 26, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9309; Filed, Nov. 7, 1957; 8:50 a. m.]

[Docket No. G-1686]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

NOVEMBER 4, 1957.

Take notice that on October 1, 1957, New York State Natural Gas Corporation (Applicant) filed a petition for further modification of the certificate of public convenience and necessity originally issued on November 21, 1951, in Docket No. G-1686, authorizing Applicant to sell natural gas to New York State Electric and Gas Corporation (New York Electric) for resale in the Hamlet of Big Flats, Town of Big Flats, Chemung County, New York. The original certificate was amended by order issued December 10, 1954, which accepted a revised service agreement dated October 28, 1954, limiting deliveries from Applicant to New York Electric to a maximum of 500 Mcf per day and 50,000 Mcf per year.

The subject petition requests modification of the certificate as amended on December 10, 1954, so as to authorize Applicant to sell to New York Electric all of the natural gas required for resale in the Hamlet of Big Flats, Town of Big Flats, Chemung County, New York, without limitation, all as more fully set forth in the petition herein which is on file with the Commission and open to public inspection.

The estimated gas requirements for Big Flats, including those of a new Corning Glass Company plant, for the next three years are:

	1958	1959	1960
Annual (Mcf)	138,000	139,000	141,000
Peak Day (Mcf)	1,050	1,150	1,150

No new facilities are proposed to be built to effectuate the increased deliveries.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 22, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9310; Filed, Nov. 7, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 4, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34264: *Aluminum billets, etc.—Oklahoma City, Okla., to northern points.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7145), for interested rail carriers. Rates on aluminum, semi-finished, namely, billets, blooms, ingots, pigs or slabs, and granulated shot, carloads from Oklahoma City, Okla., to all points in Illinois, specified points in Indiana grouped with and taking Chicago, Ill., rates, specified points in southern Wisconsin, and all points in states in official territory east of the Illinois-Indiana State line.

Grounds for relief: Short-line distance formulas and grouping.

Tariff: Supplement 29 to Agent Kratzmeir's tariff I. C. C. 4225.

FSA No. 34265: *Petroleum coke—Lake Charles, La., to eastern points.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7146), for interested rail carriers. Rates on petroleum coke, carloads from Lake Charles, La., to Clarksburg, W. Va., Fostoria, Ohio, Niagara Falls and Suspension Bridge, N. Y.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 84 to Agent Kratzmeir's tariff I. C. C. 3983.

FSA No. 34266: *Styrene—Texas points to points in Massachusetts.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7147), for interested rail carriers. Rates on styrene, tank-car loads from Big Spring and Odessa, Tex., to Fitchburg, Holyoke, and Leominster, Mass.

Grounds for relief: Market competition.

Tariff: Supplement 397 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34267: *Petroleum products—Baton Rouge-New Orleans, La., group to Duncan, Ala.* Filed by O. W. South, Jr., Agent, (SFA No. A3554), for interested rail carriers. Rates on gasoline, including blended gasoline, and kerosene, tank-car loads from Baton Rouge, Destrehan, Good Hope, McElroy, New Orleans, Norco, North Baton Rouge, and St. Rose, La., to Duncan, Ala.

Grounds for relief: Potential barge-truck or barge-rail competition, and destination relationship.

Tariff: Supplement 70 to Agent Spaninger's tariff I. C. C. 1561.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9254; Filed, Nov. 6, 1957; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 5, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34268: *Sand-Official to WTL and southwestern territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sand, noibn, other than ground or pulverized, and ground or pulverized sand, carloads from all points in central, trunk-line and New England territories (not including Illinois territory) to all points in western trunk-line and southwestern territories.

Grounds for relief: Short-line distance formulas.

Tariffs: Supplement 10 to Agent Kratzmeir's tariff I. C. C. 4258; Supple-

ment 9 to Agent H. R. Hinsch's tariff

ment 9 to Agent H. R. Hinsch's tariff I. C. C. 4785.

FSA No. 34269: *Substituted service—N. Y., N. H. & H. R. R.* Filed by The New York, New Haven and Hartford Railroad Company and George F. Pease, Inc. (No. 201), for themselves and other interested motor carriers. Rates on freight loaded in or on highway trailers and transported on railroad flat cars between Springfield, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Motor truck competition.

FSA No. 34270: *Substituted service—Motor-rail-motor, N. Y., N. H. and Hartford R. R.* Filed by The New York, New Haven and Hartford Railroad Company, and the Bair Transport, Inc. (No. 203), for themselves and other motor carriers. Rates on freight loaded in or on highway trailers and transported on railroad flat cars between Boston, Springfield, Mass., New Haven, Conn., and Providence, R. I., on one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Motor truck competition.

FSA No. 34271: *Anhydrous ammonia—El Dorado, Ark., to Boutte and Luling, La.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7150), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from El Dorado, Ark., to Boutte and Luling, La.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 237 to Agent Kratzmeir's tariff I. C. C. 4112.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-9304; Filed, Nov. 7, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MADELEINE GERMAINE AUGUSTA GHISLAINE PRINS VAN WESTDORPE, NEE DE PRELLE DE LA NIEPPE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Madeleine Germaine Augusta Ghislaine Prins van Westdorpe, nee de Prelle de la Nieppe, 83 Boulevard Perolles, Fribourg, Switzerland, Claim No. 62414.

David Prins van Westdorpe, 54 Avenue Leo Errera, Uccle, Belgium, Claim No. 62415.

Lilian Theodora Louise Prins van Westdorpe, 7 Avenue Marc Monnier, Geneva, Switzerland, Claim No. 62416.

Ronald Prins van Westdorpe, 83 Boulevard Perolles, Fribourg, Switzerland, Claim No. 62417.

To each claimant: $134.95 in the Treasury of the United States.

Vesting Order No. 17836.

Executed at Washington, D. C., on October 31, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9314; Filed, Nov. 7, 1957; 8:51 a. m.]

UNIVERSITY OF MICHIGAN

UNIVERSITY OF MICHIGAN
NOV 12 1957
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 — 1934 — NUMBER 219

Washington, Saturday, November 9, 1957

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 121]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.421 *Navel Orange Regulation 121*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 7, 1957.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 10, 1957, and ending at 12:01 a. m., P. s. t., November 17, 1957, are hereby fixed as follows:

(i) District 1: 369,600 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: 55,440 cartons.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: November 8, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9394; Filed, Nov. 8, 1957; 11:34 a. m.]

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FEDERAL REGISTER

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[Lemon Reg. 712]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.819 *Lemon Regulation 712*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 6, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 10, 1957, and ending at 12:01 a. m., P. s. t., November 17, 1957, are hereby fixed as follows:

(i) District 1: 6,510 cartons;

(ii) District 2: 179,490 cartons;

(iii) District 3: 32,550 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9372; Filed, Nov. 8, 1957; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 29]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

REQUIREMENTS FOR APPROVED TRAINING COURSE—AIRCRAFT SIMULATOR

These rules establish the procedure for securing approval, or revision, of an aircraft simulator training course; outline the minimum standards for such course; and stipulate that determination of satisfactory completion of the course shall be made by an authorized representative of the Administrator or a check airman, and that failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

These rules were published as a notice of proposed rule making in 22 F. R. 6899 on August 27, 1957. All interested persons have been afforded an opportunity to submit written views, data, or argument. No comments were received.

Section 40.302–4 is added to read:

§ 40.302–4 *Requirements for approved training course—aircraft simulator (CAA rules which apply to § 40.302 (b) (3))*—(a) *Application for approval.* An applicant desiring approval of an aircraft simulator training course shall submit his application in triplicate to the local Air Carrier Safety Inspector. The application shall contain a training course, including a description of the equipment, facilities, and material to be used, together with a letter to the Administrator of Civil Aeronautics requesting approval[1] of the course. The application shall be prepared in looseleaf form, shall include a table of contents, time required for each phase of the course; and procedures for administering the following training course:

(1) *Training course.* Flight equipment used shall be identical to that used in actual flight operations and the course[2] shall incorporate at least the following subjects:

(i) All of the required maneuvers in §§ 40.282 (b) (1) and 40.302–1 except the visual flight maneuvers performed around the airport.

(ii) A detailed description of the procedures to be employed in performing each of the required maneuvers applicable to the type aircraft being simulated.

(iii) Emergency procedures concerned with aircraft performance and also all emergency procedures outlined in the approved flight manual.

(b) *Revision of training course.* Requests for revisions of the approved training course, facilities, equipment, and material shall be accomplished in the manner established for securing approval of the original training course. Three copies of the revision shall be submitted in such form that entire pages of the approved course can be removed and replaced by the revision.

(c) *Satisfactory completion of course.* Determination of satisfactory completion of the approved aircraft simulator training course shall be made by an authorized representative of the Administrator or a check airman.

(d) *Cancellation of approval.* Failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement becomes effective on November 25, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 5, 1957.

[F. R. Doc. 57-9328; Filed, Nov. 8, 1957; 8:46 a. m.]

[Supp. 28]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

SIMULATION REQUIREMENTS OF AIRCRAFT SIMULATORS USED IN AN APPROVED TRAINING COURSE

These policies describe the systems or conditions which aircraft simulators should simulate when used in approved training courses.

Section 40.302–5 is added to read:

§ 40.302–5 *Simulation requirements of aircraft simulators used in an approved training course (CAA policies which apply to § 40.302 (b) (3)).* The aircraft simulator should fully simulate the following systems or conditions:

All normal cockpit noises (adjustable volume is permissible).
All surface controls.
Gust locks.
Trim tabs.
Landing gear operation.
Wheel brakes.
Steering mechansim used on the ground.
Wing flaps.
Powerplants.
Propellers.
Fuel and oil systems (constant rate of depletion is permissible).
Cockpit and circuit breaker station (circuit breakers relating to nonessential flight equipment need not be operable).
Hydraulic system.
Interior cockpit lights.
Fire detection and extinguishing systems.
Pressurization system for aircraft intended to operate above 25,000 feet.
De-icing and anti-icing systems.
Oxygen system for the flight crew.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement becomes effective on November 25, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 5, 1957.

[F. R. Doc. 57-9325; Filed, Nov. 8, 1957; 8:45 a. m.]

[Supp. 29]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

REQUIREMENTS FOR APPROVED TRAINING COURSE—AIRCRAFT SIMULATOR

These rules establish the procedure for securing approval, or revision, of an aircraft simulator training course; outline the minimum standards for such course; and stipulate that determination of satisfactory completion of the course shall be made by an authorized representative of the Administrator or a check airman, and that failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

These rules were published as a notice of proposed rule making in 22 F. R. 6899 on August 27, 1957. All interested persons have been afforded an opportunity to submit written views, data, or argument. No comments were received.

Section 41.53–7 is added to read:

§ 41.53–7 *Requirements for approved training course—aircraft simulator (CAA rules which apply to § 41.53 (b))*—(a) *Application for approval.* An applicant desiring approval of an aircraft simulator training course shall submit his

[1] The Administrator will review the training course, and if it is found adequate, will return an approved copy of the application to the applicant.

[2] Any logical arrangement of the training course material will be acceptable, if all the required maneuvers are included, with appropriate description of techniques and procedures.

application in triplicate to the local Air

application in triplicate to the local Air Carrier Safety Inspector. The application shall contain a training course, including a description of the equipment, facilities, and material to be used, together with a letter to the Administrator of Civil Aeronautics requesting approval [1] of the course. The application shall be prepared in looseleaf form, shall include a table of contents, time required for each phase of the course; and procedures for administering the following training course:

(1) *Training course.* Flight equipment used shall be identical to that used in actual flight operations and the course [2] shall incorporate at least the following subjects:

(i) All of the required maneuvers in § 40.282 (b) (1) of this subchapter and § 41.53–6 except the visual flight maneuvers performed around the airport.

(ii) A detailed description of the procedures to be employed in performing each of the required maneuvers applicable to the type aircraft being simulated.

(iii) Emergency procedures concerned with aircraft performance and also all emergency procedures outlined in the approved flight manual.

(b) *Revision of training course.* Requests for revisions of the approved training course, facilities, equipment, and material shall be accomplished in the manner established for securing approval of the original training course. Three copies of the revision shall be submitted in such form that entire pages of the approved course can be removed and replaced by the revision.

(c) *Satisfactory completion of course.* Determination of satisfactory completion of the approved aircraft simulator training course shall be made by an authorized representative of the Administrator or a check airman.

(d) *Cancellation of approval.* Failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement becomes effective on November 25, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 5, 1957.

[F. R. Doc. 57–9329; Filed, Nov. 8, 1957; 8:46 a. m.]

[1] The Administrator will review the training course, and if it is found adequate, will return an approved copy of the application to the applicant.

[2] Any logical arrangement of the training course material will be acceptable, if all the required maneuvers are included, with appropriate description of techniques and procedures.

[Supp. 30]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SIMULATION REQUIREMENTS OF AIRCRAFT SIMULATORS USED IN AN APPROVED TRAINING COURSE

These policies describe the systems or conditions which aircraft simulators should simulate when used in approved training courses.

Section 41.53–8 is added to read:

§ 41.53–8 *Simulation requirements of aircraft simulators used in an approved training course (CAA policies which apply to § 41.53 (b)).* The aircraft simulator should fully simulate the following systems or conditions:

All normal cockpit noises (adjustable volume is permissible).
All surface controls.
Gust locks.
Trim tabs.
Landing gear operation.
Wheel brakes.
Steering mechanism used on the ground.
Wing flaps.
Powerplants.
Propellers.
Fuel and oil systems (constant rate of depletion is permissible).
Cockpit and circuit breaker station (circuit breakers relating to nonessential flight equipment need not be operable).
Hydraulic system.
Interior cockpit lights.
Fire detection and extinguishing systems.
Pressurization system for aircraft intended to operate above 25,000 feet.
De-icing and anti-icing systems.
Oxygen system for the flight crew.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement becomes effective on November 25, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 5, 1957.

[F. R. Doc. 57–9326; Filed, Nov. 8, 1957; 8:45 a. m.]

[Supp. 44]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

REQUIREMENTS FOR APPROVED TRAINING COURSE—AIRCRAFT SIMULATOR

These rules establish the procedure for securing approval, or revision, of an aircraft simulator training course; outline the minimum standards for such course; and stipulate that determination of satisfactory completion of the course shall be made by an authorized representative of the Administrator or a check airman, and that failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

These rules were published as a notice of proposed rule making in 22 F. R. 6899 on August 27, 1957. All interested persons have been afforded an opportunity to submit written views, data, or argument. No comments were received.

Section 42.44–7 is added to read:

§ 42.44–7 *Requirements for approved training course—aircraft simulator (CAA rules which apply to § 42.44 (a) (4)) — (a) Application for approval.* An applicant desiring approval of an aircraft simulator training course shall submit his application in triplicate to the local Air Carrier Safety Inspector. The application shall contain a training course, including a description of the equipment, facilities, and material to be used, together with a letter to the Administrator of Civil Aeronautics requesting approval [1] of the course. The application shall be prepared in looseleaf form, shall include a table of contents, time required for each phase of the course, and procedures for administering the following training course:

(1) *Training course.* Flight equipment used shall be identical to that used in actual flight operations and the course [2] shall incorporate at least the following subjects:

(i) All of the required maneuvers in § 40.282 (b) (1) of this subchapter and § 42.44–2 except the visual flight maneuvers performed around the airport.

(ii) A detailed description of the procedures to be employed in performing each of the required maneuvers applicable to the type aircraft being simulated.

(iii) Emergency procedures concerned with aircraft performance and also all emergency procedures outlined in the approved flight manual.

(b) *Revision of training course.* Requests for revisions of the approved training course, facilities, equipment, and material shall be accomplished in the manner established for securing approval of the original training course. Three copies of the revision shall be submitted in such form that entire pages of the approved course can be removed and replaced by the revision.

(c) *Satisfactory completion of course.* Determination of satisfactory completion of the approved aircraft simulator training course shall be made by an authorized representative of the Administrator or a check airman.

(d) *Cancellation of approval.* Failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement becomes effective on November 25, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 5, 1957.

[F. R. Doc. 57–9330; Filed, Nov. 8, 1957; 8:46 a. m.]

[Supp. 45]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SIMULATION REQUIREMENTS OF AIRCRAFT SIMULATORS USED IN AN APPROVED TRAINING COURSE

These policies describe the systems or conditions which aircraft simulators should simulate when used in approved training courses.

Section 42.44–8 is added to read:

§ 42.44–8 *Simulation requirements of aircraft simulators used in an approved training course (CAA policies which apply to § 42.44 (a) (4)).* The aircraft simulator should fully simulate the following systems or conditions:

All normal cockpit noises (adjustable volume is permissible).
All surface controls.
Gust locks.
Trim tabs.
Landing gear operation.
Wheel brakes.
Steering mechanism used on the ground.
Wing flaps.
Powerplants.
Propellers.
Fuel and oil systems (constant rate of depletion is permissible).
Cockpit and circuit breaker station (circuit breakers relating to nonessential flight equipment need not be operable).
Hydraulic system.
Interior cockpit lights.
Fire detection and extinguishing systems.
Pressurization system for aircraft intended to operate above 25,000 feet.
De-icing and anti-icing systems.
Oxygen system for the flight crew.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement becomes effective on November 25, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 5, 1957.

[F. R. Doc. 57–9327; Filed, Nov. 8, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 14—NONMAILABLE MATTER

PART 203—HEARINGS ON MAILABILITY

a. In Part 14, Nonmailable Matter, add new § 14.10, to read as follows:

§ 14.10 *Opinions on mailability.* The postmaster shall not give opinions to the public concerning the mailability of matter under §§ 14.3, 14.4, 14.6, 14.8 and § 15.5 of this chapter. When there is doubt as to the mailability of any such matter it shall be withheld from dispatch or delivery and a sample, or a complete statement of the facts submitted to the General Counsel for instructions.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

b. New Part 203, Hearings on Mailability, is hereby added to 39 CFR, Chapter I, to read as follows:

Sec.
203.1 Mailability rulings; postmaster requests.
203.2 Notice of hearing; when required.
203.3 Notice; contents and service.
203.4 Mailer's option to answer notice or withdraw mailing.
203.5 Answer to notice; filing time and place.
203.6 Answer; contents.
203.7 Compromise and informal dispositions.
203.8 Hearings; location and time.
203.9 Mailer; representation by counsel.
203.10 Burden of proof.
203.11 Disposition upon failure to answer or appear.
203.12 Proposed finding at close of hearing.
203.13 Expedited procedure for periodicals.
203.14 Exceptions to examiner's recommendation.
203.15 Departmental decision.
203.16 Record of proceeding; maintenance and inspection.
203.17 Formal proceedings; limitations.

AUTHORITY: §§ 203.1 to 203.17 issued under R. S. 161, 396, as amended; sec. 1, 62 Stat. 740, as amended, 741, 762, as amended, 768, as amended, 769, 781, as amended, 782; 5 U. S. C. 22, 369, 18 U. S. C. 871, 876, 1302, 1461, 1463, 1715, 1717, 1718.

§ 203.1 *Mailability rulings; postmaster requests.* Whenever any postmaster, acting pursuant to the instructions contained in § 14.10 of this chapter (section 331.6 of the Postal Manual) withholds from dispatch any written, printed or pictorial matter or other article or thing which upon inspection appears to be of doubtful mailability under the provisions of Title 18 U. S. Code, sections 871, 876, 1302, 1461, 1463, 1715, 1717, 1718, he shall promptly forward such article or thing (or a sample, if many similar articles or things are offered for mailing) to the Fraud and Mailability Division, Office of the General Counsel, Post Office Department, Washington 25, D. C., for instructions as to whether it should be accepted for mailing or further withheld from dispatch for proceedings in accordance with these rules of procedure.

§ 203.2 *Notice of hearing; when required.* Upon receipt of an article or thing submitted by the postmaster in accordance with § 203.1, the Assistant General Counsel, Fraud and Mailability Division, shall advise the postmaster either to accept such article or thing for mailing or, in the event that there exists probable cause to believe that it is nonmailable under the provisions of any of the statutes enumerated in such § 203.1, he shall so advise the postmaster of the office of mailing and shall direct him to serve upon the Mailer, and obtain a receipt therefor, a Notice which shall conform to the provisions of § 203.3. Two copies of the notice shall be filed with the Docket Clerk, Office of Chief Hearing Examiner.

§ 203.3 *Notice; contents and service.* The notice which shall be served upon the mailer of any matter in accordance with § 203.1 shall state the reason assigned for doubt as to its mailability and shall specify as far as possible the character or content of the article involved which the Assistant General Counsel, Fraud and Mailability Division, who shall be the Complainant in the event of a formal proceeding, avers as a basis for requesting a ruling excluding such matter from the mails. The notice, which shall be signed by complainant, shall state the statute which relates to the mailability of such matter. It shall state that the person or concern to whom the notice is addressed may have a hearing before a Hearing Examiner of the Post Office Department upon a day certain and stated in said notice, which shall be within ten days of the date of the notice. The notice shall be sent to the postmaster promptly upon receipt and examination of the questioned article and a copy shall be sent to the mailer (or to counsel therefor, if requested) at the same time. Service of the notice either by the postmaster or by mailing or otherwise sending the notice direct to the mailer shall be sufficient.

§ 203.4 *Mailer's option to answer notice or withdraw mailing.* The mailer upon whom the notice is served in accordance with § 203.3 shall have the option to apply for the withdrawal of the article or articles from the mail or to file answer to the averments in the notice and be present at the hearing.

§ 203.5 *Answer to notice; filing time and place.* The mailer's answer to the notice shall be in writing and 3 copies shall be filed with the Docket Clerk, Office of Chief Hearing Examiner, Room 5117, Post Office Department, Washington 25, D. C. by mail or otherwise. A copy shall also be sent by the mailer directly to the Assistant General Counsel, Fraud and Mailability Division, Room 5226, Post Office Department, Washington 25, D. C.

§ 203.6 *Answer; contents.* The answer shall state the mailer's reply to each averment and specification of the notice.

§ 203.7 *Compromise and informal dispositions.* The mailer may request a conference with the Assistant General Counsel, Fraud and Mailability Division, and an opportunity for informal disposition of any question of mailability by agreement which shall be subject to final approval by the General Counsel. When such a request is received the scheduled hearing date will be postponed for such period of time as may be necessary to permit holding such conference and agreement for informal disposition, but in no event longer than 5 days unless specifically so requested by the mailer or his attorney of record. If no agreement is reached at the conference between the parties, the mailer shall be accorded a hearing as soon thereafter as possible.

§ 203.8 *Hearings; location and time.* Hearings shall be held in Room 5241 Post Office Department, 12th Street and Pennsylvania Avenue NW., Washington, D. C. and shall commence at 10 o'clock a. m. on the date specified, unless otherwise ordered by the Hearing Examiner upon request of complainant or mailer for good and substantial reasons submitted.

§ 203.9 *Mailer; representation by counsel.* The mailer may be represented by an attorney.

§ 203.10 *Burden of proof.* The burden of proof in any hearing under these rules rests upon the complainant.

§ 203.11 *Disposition upon failure to answer or appear.* NEXT *failure*

§ 203.11 *Disposition upon failure to answer or appear.* If no answer to the notice is filed as required or if the mailer fails to appear at the hearing personally or by counsel, further participation in the case shall be deemed to have been waived by the mailer and the case shall be removed from the calendar and returned to the Fraud and Mailability Division, which shall furnish the postmaster with the General Counsel's ruling on the mailability of the article under consideration.

§ 203.12 *Proposed finding at close of hearing.* Inasmuch as time is important to many mailers, Hearing Examiners, complainant and the mailer shall be required to cooperate so as to expedite these proceedings to final judgment. Consequently, if parties desire to submit proposed findings of fact or conclusions of law, they shall present them to the Hearing Examiner at the conclusion of the hearing.

§ 203.13 *Expedited procedure for periodicals.* In cases involving the mailability of periodical publications, the Hearing Examiner shall submit his written recommendation to the General Counsel as soon as possible but in no event longer than 48 hours following the completion of the hearing. He may, if requested by the mailer, state his findings, conclusions and recommendation at the completion of the hearing, unless the case involves factual evidence or questions of law which require additional time and study and therefore makes the rendering of a bench decision impracticable, in which case his decision shall be rendered in writing as promptly as possible.

§ 203.14 *Exceptions to examiner's recommendation.* Either complainant or mailer may file exceptions (with points and authorities in support thereof if desired) to the Hearing Examiner's findings and recommended decision or to any part thereof, or may request a modification of said decision. The exceptions shall be in writing in triplicate; shall be addressed to the General Counsel, Post Office Department, Room 3226, Washington 25, D. C.; and a copy shall be simultaneously served upon the opposing party. Exceptions by complainant must be made within 5 days after the making of the Hearing Examiner's findings and recommended decision. Exceptions by the mailer must be filed within 5 days of the Hearing Examiner's decision. Failure to file within the prescribed period shall not be excused except for substantial reasons. Otherwise exceptions will not be considered.

§ 203.15 *Departmental decision.* The Departmental decision of the General Counsel will be in writing and will be promptly rendered and served upon the parties and the postmaster.

§ 203.16 *Record of proceeding; maintenance and inspection.* Pleadings, exhibits, testimony, briefs, decisions and orders in each case shall be incorporated and maintained as a permanent record by the Docket Clerk, Office of Chief Hearing Examiner, and shall be subject to inspection by any party to the proceeding or by any other person who files a written request with the General Counsel to inspect such record and shows a substantial reason therefor.

§ 203.17 *Formal proceedings; limitations.* The proceedings shall be applicable only to cases where the matter offered for mailing shall be of substantial value or quantity; or the question of whether the matter may be mailed is not well settled by Departmental precedents of long standing or by decisions of the United States Courts.

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Dec. 57-9371; Filed, Nov. 8, 1957; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6266]

PART 182—INDUSTRIAL ALCOHOL

PART 216—DENATURATION OF RUM

PART 220—PRODUCTION OF DISTILLED SPIRITS

PART 221—PRODUCTION OF BRANDY

PART 225—WAREHOUSING OF DISTILLED SPIRITS

PART 230—BOTTLING OF TAXPAID SPIRITS

PART 235—RECTIFICATION OF SPIRITS AND WINES

PART 240—WINE

APPROVAL OF METHODS OF OPERATION AND THE USE OF DENATURANTS WITHOUT TEST BY AUTHORIZED CHEMISTS

On July 27, 1957, a notice of proposed rule making with respect to the amendment of regulations in 26 CFR Part 182 was published in the FEDERAL REGISTER (22 F. R. 5957).

The purpose of this proposal was to provide for the approval of methods of operation in lieu of those specified in the regulations and to provide for the use of additional denaturants without test by authorized chemists.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. After consideration of all relevant matter presented by interested persons relating to the rules proposed, it was decided to extend the proposal relative to the approval of methods of operation other than those specified in regulations to other regulations so that the Director, Alcohol and Tobacco Tax Division, might approve such other methods of operation without a showing of emergency. Accordingly, the following regulations are adopted:

PARAGRAPH 1. Part 182 is amended as follows:

(A) By inserting two new sections, reading as follows, immediately after § 182.322:

§ 182.322a *Variations in methods of operation.* The Director, Alcohol and Tobacco Tax Division, may approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 182.322b.

§ 182.322b *Application.* A proprietor who proposes to employ methods of operation other than as provided in this part shall submit a letterhead application to do so, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. The assistant regional commissioner will make such inquiry as is necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

(B) Section 182.705 is amended by changing the third sentence to read, "Denaturants which are required to be tested shall not be mixed or mingled with approved denaturants until they have been approved by the authorized chemist."

(C) Section 182.706 is amended by changing the first sentence to read, "The storekeeper-gauger shall take a 1-pint sample of each lot of each denaturant which must be tested by an authorized chemist and forward or deliver the sample to the authorized chemist."

(D) Section 182.707 is amended to read as follows:

§ 182.707 *Denaturants not required to be tested.* Synthetic oils approved by the Director, Alcohol and Tobacco Tax Division, essential oils as defined in Part 212 of this chapter, pure chemicals (liquid or solid), or U. S. P. or N. F. substances used as denaturing materials, if delivered to the storekeeper-gauger in the original sealed package of a reputable manufacturer of chemicals, bearing a label descriptive of its contents placed thereon by the manufacturer, need not be submitted for a test except when the Director, Alcohol and Tobacco Tax Division, shall so direct. Each lot of other denaturants received will be tested by an authorized chemist as provided in this subpart unless, as to each lot received, the denaturer tests the denaturant and furnishes a statement showing that the denaturant conforms in all respects to the specifications prescribed under Part 212 of this chapter. The statement shall show the name and address of the vendor, the kind and quantity of the denaturant, and a description of the containers in which received. The statement shall be signed by the proprietor or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that the denaturant described above to the best of my knowledge and belief conforms in all respects to the specifications prescribed under the provisions of 26 CFR Part 212 for such denaturant." The assistant regional commissioner is authorized to require samples of denaturants to be obtained for testing in the regional laboratory.

PAR. 2. Part 216 is amended by inserting a new subpart, reading as follows, immediately after § 216.352 of the present Subpart BB:

SUBPART CC—MISCELLANEOUS PROVISIONS

§ 216.360 *Exceptions to construction and equipment requirement.* The Director, Alcohol and Tobacco Tax Division, may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much or more security and protection to the revenue as is intended by the specifications prescribed in this part, and where such variations will not be contrary to any provision of law. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 216.362.

(68A Stat. 680; 26 U. S. C. 5552)

§ 216.361 *Exceptions to methods of operation.* The Director, Alcohol and Tobacco Tax Division, may approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operations other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 216.362.

(68A Stat. 680; 26 U. S. C. 5552)

§ 216.362 *Application.* A proprietor who proposes to employ methods of operations or construction or to install equipment, other than as provided in this part, shall submit a letterhead application to do so, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall also be submitted. The assistant regional commissioner shall make such inquiries as are necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

(68A Stat. 680; 26 U. S. C. 5552)

PAR. 3. Part 220 is amended by striking ", in case of emergency," from the first sentence of § 220.782.

PAR. 4. Part 221 is amended by striking "in case of emergency," from the first sentence of § 221.795.

PAR. 5. Part 225 is amended by striking ", in case of emergency," from the first sentence of § 225.1171.

PAR. 6. Part 230 is amended by striking ", in case of emergency," from the first sentence of § 230.361.

PAR. 7. Part 235 is amended by striking ", in case of emergency," from the first sentence of § 235.914.

PAR. 8. Part 240 is amended by striking ", in case of emergency," from the first sentence of § 240.941.

Because this Treasury decision is liberalizing in effect, it is found unnecessary to issue the Treasury decision subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

Approved: November 5, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

[F. R. Doc. 57-9337; Filed, Nov. 8, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1545]

ARIZONA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE, DEPARTMENT OF AGRICULTURE AS LOOKOUT STATION, PICNIC GROUND, ADMINISTRATIVE SITE AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona within the national forests hereinafter designated, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as indicated:

GILA AND SALT RIVER MERIDIAN

[Arizona 06719]

COCONINO NATIONAL FOREST

Moqui Lookout Station

T. 14 N., R. 11 E.,
Sec. 27, SE¼SW¼SE¼ and SW¼SE¼SE¼.
The areas described aggregate 20 acres.

[Arizona 09240]

TONTO NATIONAL FOREST

Sunflower Picnic Ground (Addition)

T. 6 N., R. 9 E.,
Sec. 17, SW¼SW¼NE¼, SE¼SE¼NW¼, N½NE¼SW¼NW¼, N½NW¼SE¼NW¼, SE¼NW¼SE¼NW¼, and E½SW¼SE¼NW¼.
The areas described aggregate 37.50 acres.

Sunflower Administrative Site

T. 6 N., R. 8 E.,
Sec. 1, N½SE¼ and NE¼.
T. 6 N., R. 9 E.,
Sec. 5, W½NW¼;
Sec. 6, N½, N½SW¼, SE¼SW¼, and W½SE¼.
T. 7 N., R. 9 E.,
Sec. 31, W½ and S½SE¼;
Sec. 32, SW¼SW¼.
The areas described aggregate 1,267.94 acres.

Sycamore Creek Public Use Area

T. 4 N., R. 8 E. (unsurveyed),
Sec. 16, SE¼NE¼NW¼ and NE¼SE¼NW¼.
The areas described aggregate 20 acres.

[Arizona 010798]

SITGREAVES NATIONAL FOREST

Woods Canyon Lake Recreation Area

T. 11 N., R. 13 E.,
Sec. 24, W½NW¼SW¼, NW¼SW¼SW¼, W½NW¼NW¼, and W½SW¼NW¼;
Sec. 13, SW¼;
Sec. 14, SE¼, S½SW¼NE¼, and SE¼SE¼NW¼;
Sec. 23, NE¼NE¼SE¼ and E½SE¼NE¼.
The areas described aggregate 450 acres.

Fool Hollow Lake Recreation Area

T. 10 N., R. 21 E.,
Sec. 11, NE¼SE¼, E½SE¼SE¼, and SW¼SE¼SE¼.
Sec. 12, N½SE¼, SW¼SE¼, N½NW¼SE¼SE¼, S½NW¼, S½SW¼NE¼, S½S½SW¼SW¼, S½S½SE¼SW¼, N½SW¼NW¼SW¼, NW¼NW¼SW¼, N½NE¼NW¼SW¼, NW¼NW¼NE¼SW¼, NE¼NE¼SW¼, E½NW¼NE¼SW¼, NE¼SW¼NE¼SW¼, and N½SE¼NE¼SW¼.
Sec. 13, N½NW¼NW¼, W½NW¼SW¼, and W½SW¼SW¼;
Sec. 14, E½NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼, N½NE¼SE¼, and SE¼NE¼SE¼.
The areas described aggregate 500 acres.

Pinetop Recreation Area

T. 8 N., R. 23 E.,
Sec. 4, E½ and SW¼;
Sec. 8, Lots 1 and 2;
Sec. 9, Lots 1, 2, 3, 4, N½NW¼, SE¼NW¼, and NE¼;
Sec. 10, Lot 4 and W½NW¼.
The areas described aggregate 1,017.67 acres.

The total area withdrawn by this order is 3,313.11 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 6, 1957.

[F. R. Doc. 57-9339; Filed, Nov. 8, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 212, 236, 299]

DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; EXCLUSION OF ALIENS; IMMIGRATION FORMS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules relating to the documentary requirements and waivers thereof for nonimmigrants, the procedure to be followed by certain inadmissible aliens, and the parole of aliens. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 630, 119 D Street NE., Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Part 212 is amended to read as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Sec.

212.1 Documentary requirements for nonimmigrants.
212.2 Consent to reapply for admission after deportation, removal, or departure at Government expense; waivers under Act of September 11, 1957.
212.3 Applications for the exercise of discretion under section 212 (c).
212.4 Application for the exercise of discretion under section 212 (d) (3).
212.5 Parole of aliens into the United States.
212.6 Nonresident alien border crossing cards.

AUTHORITY: §§ 212.1 to 212.6 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 214, 235, 236, 238, 242, 66 Stat. 166, 182, 189, 198, 200, 202, 208; 8 U. S. C. 1101, 1182, 1184, 1225, 1226, 1228, 1252; secs. 5, 6, 7, 71 Stat. 640.

§ 212.1 *Documentary requirements for nonimmigrants.* A valid unexpired visa and an unexpired passport, valid for the period set forth in section 212 (a) (26) of the act, shall be presented by each arriving nonimmigrant alien except as otherwise provided in the act or this chapter and except that:

(a) *Visa and passport waivers.* Neither a visa nor a passport is required of a nonimmigrant who (1) is a Canadian citizen or British subject who has his residence in Canada and who makes application for admission into the United States (i) from Canada; or (ii) from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands; or (iii) from, and after a visit solely to, some place in the Western Hemisphere if such citizen departed on a round-trip cruise from a port of the United States or Canada and has not transshipped from the original vessel or aircraft; (2) is a British subject who has his residence in Bermuda and who makes application for admission into the United States as a visitor for business or pleasure under the provisions of section 101 (a) 15 (B) of the act (i) from Bermuda; or (ii) from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands; or (iii) from, and after a visit solely to, some place in the Western Hemisphere if such subject departed on a round-trip cruise from a port of the United States or Bermuda and has not transshipped from the original vessel or aircraft; (3) is a Mexican national who (i) is a military or civilian official or employee of the Mexican national government, or of a Mexican state or municipal government, or a member of the family of any such official or employee, and who makes application for admission into the continental United States from Mexico on personal or official business or for pleasure; or (ii) makes application to pass in immediate and continuous transit through the continental United States from one place in Mexico to another by means of a transportation line which crosses the border between the United States and Mexico; or (iii) is a member of a fire-fighting group entering the United States in connection with fire-fighting activities; or (iv) is in possession of a border crossing card on Form I–186 applying for admission in accordance with the terms thereon and the provisions of § 212.6; or (v) is an officer or employee entering the United States in the performance of his official duties with the International Boundary and Water Commission, or (vi) is employed directly or indirectly on the construction, operation, or maintenance of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944, between the United States and Mexico, and entering the United States temporarily in connection with such employment; (4) is a national of Cuba who (i) is an official of the Cuban Immigration Service, who makes continuous round trips on regularly scheduled steamships between Havana, Cuba, and Miami, Florida, for the purpose of inspecting passengers, and who makes application for admission into the United States in connection with such employment; or (ii) is a crewman serving on board a Cuban military or naval aircraft and who makes application for admission into the United States in connection with his official duties; (5) is an alien embraced within the provisions of § 214c.1 of this chapter; (6) is an alien who is a pilot of a vessel and who is compelled to travel to the United States because weather conditions made it impossible for him to disembark from the vessel after he had guided it out of a foreign port; or (7) is an alien who, either prior to his embarkation at a foreign port or place or at the time of arrival at a port of entry in the United States, satisfies the district director in charge of the port of entry (after consultation with and concurrence by the Administrator, Bureau of Security and Consular Affairs of the Department of State) that, because of an unforeseen emergency, he was unable to obtain the required documents, in which case an application for waiver shall be made on Form I–193.

(b) *Visa waivers.* A valid unexpired nonimmigrant visa is not required to be presented by each arriving nonimmigrant alien who (1) is a Canadian citizen who has his residence in Canada, who is not within the purview of paragraph (a) (1) of this section, and who makes application for admission into the United States; (2) is a British subject who has his residence in British territory in the West Indies and who makes application for admission to Puerto Rico or the Virgin Islands of the United States; (3) is a French national who has his residence in French territory in the West Indies and who makes application for admission to Puerto Rico or the Virgin Islands of the United States; (4) is a Netherlands subject who has his residence in Netherlands territory in the West Indies and who makes application for admission to Puerto Rico or the Virgin Islands of the United States; (5) is a national of foreign contiguous territory or adjacent islands who makes application for admission into the United States as a seasonal or temporary worker under specific legislation enacted by the Congress and in accordance with any required international arrangements concluded upon the basis of such legislation; (6) is a national of an adjacent island in the British West Indies who is being imported as an agricultural worker from the British West Indies, and who makes application for admission into the United States; (7) is a Mexican national who makes application for admission into the United States as a crewman of an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States, who is employed in any capacity required for normal operation and service on board, including a crewman employed as a steward or hostess, and who is in possession of a valid Mexican passport or a valid aircrewman's certificate issued under the provisions of Annex 9 of the International Civil Aviation Convention; (8) is a Cuban national who makes application for admission into the United States as a crewman of an aircraft belonging to a Cuban company authorized to engage in commercial transportation into the United States, who is employed in any capacity required for normal operation and service on board, including a crewman employed as a steward or hostess, and who is in possession of a valid Cuban passport or a valid aircrewman's certificate issued under the provisions of Annex 9 of the International Civil Aviation Convention; (9) is a British subject who has his residence in, and arrives in the United States directly from, the Cayman Islands, and who, in making application for admission into the United States, presents a certificate from the Clerk of Court of the Cayman Islands stating what, if anything, the court's criminal records show concerning such subject, and a certificate from the Office of Commissioner of the Cayman Islands stating what, if anything, its records show with respect to such subject's political associations or affiliations; (10) is a crewman serving on a vessel or aircraft proceeding directly to the United States from a port or place at which no American consular officer is stationed and no consular officer is stationed at a nearby port or place to whom the crew list may be submitted for visaing by mail or otherwise without delaying the departure of the vessel or aircraft; (11) is a crewman serving on a vessel or aircraft which is proceeding from a foreign port or place, not destined to the United States, and is diverted to a port of the United States; (12) is a crewman serving on a vessel or aircraft who was necessarily signed on as a replacement after the crew-list visa was obtained and there was no opportunity thereafter to have such crewman included in a supplemental crew-list visa without delaying the departure of the vessel or aircraft; (13) is an alien in the United States in a lawful nonimmigrant status who proceeds from a port in the United States to another port of the United States via the Canal Zone and who upon arrival in the United States from the Canal Zone is in possession of an expired nonimmigrant visa; (14) is an alien who arrives at a United States port of entry from a remote Pacific island and who could not reasonably be expected to obtain a nonimmigrant visa because of the distance from his place of residence to the nearest United States consular office; (15) is an alien who is a resident of Greenland and who makes application for admission into the United States; or (16) is an alien who, either prior to his embarkation at a foreign port or place or at the time of arrival at a port of entry in the United States, satisfies the district director in charge of the port of entry (after consultation with and concurrence by the Administrator, Bureau of Security and Consular Affairs of the Department of State) that, because of an unforeseen emergency, he was unable to obtain the required document, in which case an application for waiver shall be made on Form I–193.

(c) *Passport waivers.* A valid unexpired passport is not required to be presented by each arriving nonimmigrant alien who (1) is an alien who is described in section 212 (d) (8) of the act, and who is in possession of a travel document which is valid for at least 30 days from the date of his admission into the United States for his entry into a foreign country; or (2) is an alien who, either prior to his embarkation at a foreign port or place or at the time of arrival at a port of entry in the United States, satisfies the district director in charge of the port of entry (after consultation with and concurrence by the Administrator, Bureau of Security and Consular Affairs of the Department of State) that, because of an unforeseen emergency, he was unable to obtain the required document, in which case an application for waiver shall be made on Form I–193.

§ 212.2 *Consent to reapply for admission after deportation, removal, or departure at Government expense; waivers under act of September 11, 1957.* An application for permission to reapply for admission to the United States after deportation or removal and to remove the bar to admissibility contained in paragraph (16) or (17) of section 212 (a) of the act shall be filed on Form I–212 with the director of the district in which the deportation or removal proceedings were held. The applicant shall be notified of the decision and, if denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter. Any alien who is excludable under paragraph (16) or (17) of section 212 (a) of the act and who has a parent, spouse, or child who is a United States citizen or an alien lawfully admitted to the United States for permanent residence is hereby granted permission to reapply for admission to the United States, except that this grant of permission to reapply shall not be regarded as a waiver of grounds of excludability as provided in section 5 or 7 of the act of September 11, 1957.

§ 212.3 *Applications for the exercise of discretion under section 212* (c). An application for the exercise of discretion under section 212 (c) of the act shall be submitted on Form I–191 to the district director in charge of the area in which the applicant's intended or actual place of residence in the United States is located prior to, at the time of, or at any time subsequent to the applicant's arrival in the United States. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor, and of his right to appeal to the Board within 10 days from the receipt of such notification in accordance with Part 6 of this chapter. If denied, the denial shall be without prejudice to renewal of the application in the course of proceedings before a special inquiry officer under sections 235, 236, and 242 of the act and this chapter. When an appeal may not be taken from a decision of a special inquiry officer excluding an alien, but the alien has applied for the exercise of discretion under section 212 (c) of the act, the alien may appeal to the Board from a denial of such application in accordance with the provisions of § 236.15 of this chapter.

§ 212.4 *Application for the exercise of discretion under section 212 (d) (3).* When a visa is not required, an application for the exercise of discretion under section 212 (d) (3) of the act shall be submitted on Form I–192 to the district director in charge of the applicant's intended port of entry prior to the applicant's arrival in the United States. (For Department of State procedure when a visa is required, see 22 CFR 41.150.) If the application is made at the time of the applicant's arrival to the district director at a port of entry, the applicant shall establish that he was not aware of the ground of inadmissibility and that it could not have been ascertained by the exercise of reasonable diligence, and he shall be in possession of appropriate documents or have been granted a waiver thereof. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor, and of his right to appeal to the Board within 10 days from the receipt of such notification in accordance with Part 6 of this chapter. If denied, the denial shall be without prejudice to renewal of the application in the course of proceedings before a special inquiry officer under sections 235 and 236 of the act and this chapter. When an appeal may not be taken from a decision of a special inquiry officer excluding an alien but the alien has applied for the exercise of discretion under section 212 (d) (3) of the act, the alien may appeal to the Board from a denial of such application in accordance with the provisions of § 236.15 of this chapter. Pursuant to the authority contained in section 212 (d) (3) of the act, the ground of inadmissibility contained in section 212 (a) (24) is waived for any nonimmigrant.

§ 212.5 *Parole of aliens into the United States.* The district director in charge of a port of entry may, prior to examination by an immigration officer, or subsequent to such examination and pending a final determination of admissibility in accordance with sections 235 and 236 of the act and this chapter, or after a finding of inadmissibility has been made, parole into the United States temporarily in accordance with section 212 (d) (5) of the act any alien applicant for admission at such port of entry under such terms and conditions, including the exaction of a bond on Form I–324, as such officer shall deem appropriate. At the expiration of the period of time or upon accomplishment of the purpose for which parole was authorized or when in the opinion of the district director in charge of the area in which the alien is located that neither emergency nor public interest warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he shall be restored to the status which he had at the time of parole, and further inspection or hearing shall be conducted under section 235 or 236 of the act and this chapter, or any order of exclusion and deportation previously entered shall be executed.

§ 212.6 *Nonresident alien border crossing cards*—(a) *Use.* A Mexican nonresident alien border crossing card on Form I–186 may be presented as the sole entry document by a Mexican citizen at a Mexican border port. A Canadian

nonresident alien border crossing card on Form I–185 may be presented by a Canadian citizen or British subject residing in Canada to facilitate entry at a United States port. When presented by the rightful holder, Form I–185 and Form I–186 are valid for admission to the United States in accordance with the terms noted thereon.

(b) *Application.* A citizen of Mexico shall apply on Form I–190 for a nonresident alien border crossing card, supporting his application with evidence of Mexican citizenship and residence, a valid unexpired passport unless a passport is not required for admission under the provisions of this part, two photographs, and a fingerprint chart. A citizen of Canada or British subject residing in Canada shall apply on Form I–175, supporting his application with evidence of Canadian or British citizenship, residence in Canada, two photographs, and a fingerprint chart. Form I–190 shall be submitted to a Service office on the Mexican border or to any United States consulate in Mexico. Form I–175 shall be submitted only to a Service office on the Canadian border. An appeal shall not lie from a denial of the application, but such denial shall be without prejudice to a subsequent application for a visa or admission to the United States.

(c) *Validity.* Forms I–185 and I–186 are valid until revoked. Either form may be declared void, without notice, by an officer authorized to issue such form and, upon voidance, shall be surrendered immediately. An appeal shall not lie from a decision voiding a nonresident alien border crossing card, but such voidance shall be without prejudice to a subsequent application for a visa or admission to the United States.

(d) *Replacement.* If a nonresident alien border crossing card has been lost, mutilated, or destroyed the person to whom such card was issued may apply for a new card in accordance with the provisions of this section.

(e) *Previous removal or deportation; waiver of inadmissibility.* Pursuant to the authority contained in section 212 (d) (3) of the act, the bar to admissibility contained in paragraph (16) or (17) of section 212 (a) of the act is hereby waived for an alien in possession of a Mexican nonresident alien border crossing card who establishes that he is otherwise admissible as a visitor or student except for his removal or deportation prior to November 1, 1956, because of entry without inspection or lack of required documents.

PART 236—EXCLUSION OF ALIENS

The sixth sentence of paragraph (b) *Permission to reapply* of § 236.13 *Advice to alien found excludable* is amended by deleting the reference to "§ 212.6" and inserting in lieu thereof the reference to "Part 212."

PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended by adding the following forms in numerical sequence:

Form No.	*Title and description*
I–175	Application for Nonresident Alien Canadian Border Crossing Card.
I–187	Nonresident Alien Canadian Border Crossing Card.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Dated: November 6, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57–9338; Filed, Nov. 8, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

[Docket No. AO–227–A8]

MILK IN NEOSHO VALLEY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Besse Hotel, Pittsburg, Kansas, beginning at 10:00 a. m., local time, on November 13, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Neosho Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by K. M. O. Milk Producers Association:

Proposal No. 1: Amend § 928.6 of Federal Order No. 28 by deleting Bourbon County from the Kansas Counties included in the marketing area.

Proposal No. 2: Amend § 928.8 (d) to read as follows:

(d) A cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to an approved plant or an unapproved plant for the account of such cooperative association. Milk which is diverted by a cooperative association to an approved plant or an unapproved plant shall be considered as having been received by the cooperative association at the approved plant from which it was diverted.

Proposal No. 3. Add a new § 928.44 (f), reading as follows:

(f) As Class I milk if diverted or transferred in bulk in the form of milk, skim milk or cream, including milk caused to be delivered to such handler's approved plant(s) from producers farms by a cooperative association in its capacity as a handler pursuant to § 928.8 (d) to the approved plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the Market Administrator by both handlers on or before the 7th day after the end of the month within which such transportation occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 928.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

Proposal No. 4: Make such other changes in the provisions of the Neosho Valley order as may be necessary to enable a qualified cooperative association to act as the handler for the milk being produced by its members which is transferred or diverted by such cooperative to an approved plant or an unapproved plant located either in or outside the marketing area.

Proposed by the K. M. O. Milk Producers Association and the Neosho Valley Cooperative Creamery Association:

Proposal No. 5: Amend § 928.80 as follows: Change the phrase "preceding delivery periods of September 1957 through December 1957, and preceding delivery periods of August through November of each year thereafter" to read "preceding delivery periods of September 1957 through December 1957, and preceding delivery periods of August through January of each year thereafter", and change the figure "90" to "150".

Proposal No. 6: Amend § 928.83 as follows: Change the phrase "on or before February 15 of each year" to read "on or before February 15, 1958, and on or before March 15 of each year thereafter".

Proposal No. 7: Make such changes in Federal Order No. 28 as may be required to make the entire Order conform to any amendment thereto which may result from the hearing.

Proposed by Beatrice Foods Company, Community Dairy Products, The Page Milk Company, and Puritan Dairy Products:

Proposal No 8: Delete the present language in § 928.9 and substitute therefor the following:

§ 928.9 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk under a dairy farm permit or rating issued by any appropriate health authority having jurisdiction in the marketing area over the production of milk disposed of for consumption as Grade A milk, which milk is delivered from the farm to an approved plant or diverted pursuant to paragraph (a) or (b) of this section: *Provided,* That no person shall be a producer with respect to milk which is delivered to a milk plant partially exempt from the provisions of this order pursuant to § 928.61 or § 928.62.

(a) Diverted for his account by the operator of an approved plant from such plant to a non-approved plant any day during the months of March through August, or for the milk of not more than 16 days during any month from September through February: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which diverted; or

(b) Diverted by a cooperative association qualified pursuant to § 928.5 (b) for the account of such association from an approved plant to a non-approved plant during any day during the months of March through August, or for the milk of not more than 16 days during any month from September through February: *Provided,* That milk so diverted shall be deemed to have been received by the cooperative association at an approved plant at the location of the plant from which diverted.

Proposal No. 9: Delete the present language in § 928.46 (a) (3) and substitute therefor the following:

(3) Subtract from the pounds of skim milk in each class, in series beginning with available Class II milk, the pounds of skim milk in other source milk if the total milk in the plant is 125 percent or more than the total pounds of skim milk used for Class I purposes. If the total pounds of skim milk in the plant is less than 125 percent of the pounds of skim milk used for Class I purposes, subtract pro rata from the remaining pounds of skim milk in all classes, the pounds of skim milk in other source milk received as milk, skim milk or cream in bulk from a plant regulated under another order issued pursuant to the act.

Proposal No. 10: Amend § 928.46 (a) by adding the following:

(4) Subtract from the pounds of skim milk in Class I the pounds of skim milk contained in fluid milk products received in packaged form which were classified and priced under another marketing order issued pursuant to the act and disposed of in the same form as received.

Proposal No. 11: Amend § 928.51 by deleting the present language and substituting therefor the following:

§ 928.51 *Class I price.* The Class I price shall be the price for Class I milk of 4.0 percent butterfat content established for the same month or delivery period under Federal Order 21, regulating the handling of milk in the Ozarks marketing area, plus 12 cents.

Proposal No. 12: Amend § 928.96 by deleting the words and figures "6 cents" and inserting in lieu thereof the words and figures "5 cents".

Proposed by Beatrice Foods Company:

Proposal No. 13: Review the need for the continuance of § 928.61 (b) and (c) which deals with the payment on milk priced under another order issued pursuant to the act.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 523½ N. Broadway, Pittsburg, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 6th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57–9344; Filed, Nov. 8, 1957; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF MALATHION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of a tolerance of 0.4 part per million for residues of malathion in milk.

The analytical method proposed in the petition for determining residues of malathion in milk is a modification of that published in the Journal of Agricultural and Food Chemistry, Volume II, No. 11, pages 570–573 (1954).

Dated: November 5, 1957.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F. R. Doc. 57–9334; Filed, Nov. 8, 1957; 8:47 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50–17]

INDUSTRIAL REACTOR LABORATORIES, INC.

NOTICE OF APPLICATION FOR TRANSFER OF CONSTRUCTION PERMIT

Please take notice that Industrial Reactor Laboratories, Incorporated, 261 Madison Avenue, New York 16, New York, and American Machine & Foundry Company, 261 Madison Avenue, New York 16, New York, on September 27, 1957, filed an application under section 104c of the Atomic Energy Act of 1954 for the transfer to Industrial Reactor Laboratories, Incorporated of a construction permit issued to American Machine and Foundry Company authorizing the construction of a 5,000 kilowatt pool-type industrial research reactor to be located in Plainsboro Township, New Jersey. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 31st day of October, 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–9323; Filed, Nov. 8, 1957; 8:45 a. m.]

[Docket No. 50–54]

UNION CARBIDE CORP.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on October 31, 1957, issued Construction Permit No. CPRR–18 to Union Carbide Corporation authorizing the construction of a 5000-kilowatt (thermal) research reactor. The notice of proposed issuance of this construction permit was published in the FEDERAL REGISTER on October 4, 1957, 22 F. R. 7916.

Dated at Washington, D. C., this 31st day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–9324; Filed, Nov. 8, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 1, 1957.

Pursuant to Order of Cancellation No. 89, dated September 29, 1947, of the Geological Survey, affecting Power Site Classification No. 55, approved June 22, 1923 and Power Site Classification No. 272, approved May 29, 1933, and in accordance with the authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), the following described lands are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 11 N., R. 21 E.,
As affected by Power Site Interpretation No. 243, approved January 17, 1936—
Sec. 10, lots 4, and 5, NW¼SE¼, and S½ SE¼;
Sec. 11, lot 1;

Sec. 14, lots 2, 3, 4, 5, 6, 7, and 8, W½NW¼;
Sec. 15, lots 7, and 8, NE¼NE¼;
Sec. 23, lots 9, and 10, NE¼NE¼;
As affected by Power Site Interpretation No. 58, approved April 1, 1925—
Sec. 14, lot 1;
Sec. 15, lots 3, 4, and 5, SE¼SW¼, and S½SE¼;
Sec. 22, lots 1, 2, 3, 4, and 5, N½;
Sec. 23, lots 1, 2, 3, 4, 5, 6, 7, and 8, SE¼SW¼; and S½SE¼;
Sec. 25, lots 7, 8, and 9, W½NW¼;
Sec. 26, lots 1, 2, 3, 4, 5, 6, 7, and 8, NE¼, and E½NW¼;
Sec. 27, lots 6, 7, 8, 9, 10, and 11, S½S½;
Sec. 34;
Sec. 35, lots 2, 3, 5, 6, and 7, S½SW¼, and SW¼SE¼;
Sec. 36, lot 1.

T. 9 N., R. 22 E.,
As affected by Power Site Interpretation No. 69, approved August 26, 1925—
Sec. 2;
Sec. 3, lots 1, 2, and 3, SE¼NE¼, and E½SE¼;
Sec. 10, S½NE¼, and SE¼;
Sec. 11, N½NE¼, SW¼NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 13, SW¼NW¼, and NW¼SW¼;
Sec. 14;
Sec. 15, NE¼, N½SE¼, and SE¼SE¼;
Sec. 22, E½NE¼;
Sec. 23, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 24, W½, and SW¼SE¼;
As affected by Power Site Interpretation No. 79, approved July 15, 1926—
Sec. 26, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.

T. 10 N., R. 22 E.,
As affected by Power Site Interpretation No. 51, approved July 17, 1924—
Sec. 3, (fractional);
Sec. 4, lots 1, and 2;
Sec. 9, NE¼, E½W½, and SE¼;
Sec. 10, W½W½;
Sec. 15, NW¼NW¼;
Sec. 16;
Sec. 17, SE¼NE¼, and SE¼;
Sec. 20, E½;
Sec. 22, W½NW¼, and SW¼;
Sec. 26, SW¼, W½SE¼, and SE¼SE¼;
Sec. 27, S½NE¼, W½, and SE¼;
Sec. 28, N½, and E½SE¼;
Sec. 34, NE¼, and S½;
Sec. 35;
Sec. 36; W½NW¼, and SW¼.

T. 7 N., R. 23 E.,
Sec. 2, lots 1, 2, 3, and 4, S½NE¼, S½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 12, N½, and N½S½.

T. 8 N., R. 23 E.,
Sec. 4, W½SW¼, and SE¼SW¼;
Sec. 6, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, E½E½;
Sec. 8;
Sec. 16, W½NE¼, W½, and W½SE¼;
Sec. 20, E½NE¼, SE¼NE¼, and E½SE¼;
Sec. 26, S½SW¼;
Sec. 27, W½NE¼, W½, and SE¼;
Sec. 28, NE¼, N½NW¼, SE¼SW¼, NE¼SW¼, and SE¼;
Sec. 34;
Sec. 35, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 36, W½SW¼, and SE¼SW¼.

T. 9 N., R. 23 E.,
Sec. 30, lots 2, 3, and 4, E½SW¼;
Sec. 31;
Sec. 32, SW¼, and SE¼SE¼.

T. 6 N., R. 24 E.,
Sec. 3, lots 3, and 4, S½NW¼, and SW¼;
Sec. 10, W½NE¼, W½, and W½SE¼;
Sec. 14, SW¼SW¼;
Sec. 15, W½NE¼, NW¼, and SE¼;
Sec. 22, E½;
Sec. 23, W½W½;
Sec. 26, W½NW¼, and SW¼;
Sec. 27, E½.

T. 7 N., R. 24 E.,
Sec. 7, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 8, W½NW¼, SW¼, and S½SE¼;
Sec. 16, SW¼, and SW¼SE¼;
Sec. 26, NW¼SE¼.

The areas described total 28,450 acres of public and private lands in San Bernardino County.

1. The above described land extends from 20 miles north and west of the city of Needles to 10 miles south and east of that city. The land is characterized by steep topography, poor soils and low rainfall. Scattered annual forbs provide a very limited amount of grazing in the spring of favorable years. Summertime temperatures average from 90° to 130° and winter low temperatures vary from 50° to 15°. Drying winds of gale force are prevalent.

2. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land laws, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. The lands described shall be subject to application by the State of California for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with the provisions of the Act of May 28, 1948 (62 Stat. 275).

4. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowances and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m., local time, on December 7, 1957 and, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., local time, on March 8, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., local time, on March 8, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been opened to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral leasing laws.

5. Persons claiming veterans' preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California.

ROLLA E. CHANDLER,
Officer - in - Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57-9336; Filed, Nov. 8, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 30; WASHINGTON AND OREGON PORTS/FAR EAST

ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS; CONCLUSIONS AND DETERMINATIONS; NOTICE OF CLARIFICATION

Notice is hereby given that in the interest of clarification the Maritime Administrator has defined the phrase "• • • other United States Coastal areas" in paragraph 2 of F. R. Doc. 55-8612, appearing in the FEDERAL REGISTER issue of October 25, 1955 (20 F. R. 8019), as embracing "United States Atlantic, Gulf and California ports."

Dated: November 6, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-9345; Filed, Nov. 8, 1957; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12229, 12230; FCC 57M-1088]

WALTER G. ALLEN AND MARSHALL COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Walter G. Allen, Huntsville, Alabama, Docket No. 12229, File No. BP-10871; Marshall County Broadcasting Company, Arab, Alabama, Docket No. 12230, File No. BP-11088; for construction permits.

It is ordered, This 1st day of November 1957, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1957, in Washington, D. C.

Released: November 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9340; Filed, Nov. 8, 1957; 8:49 a. m.]

[Docket No. 11,866]

ALLOCATION OF CERTAIN FREQUENCIES

FINAL NOTICE OF HEARING

In the matter of allocation of Frequencies in the Bands Above 890 Mc., Docket No. 11866.

The docket in the above-entitled proceeding will be closed on November 15, 1957. Any person desiring to submit a legal brief on the various issues in this proceeding must file such within thirty days after the date on which the docket will be closed. An original and fourteen copies of any legal brief intended to be submitted shall be filed with the Commission, on or before the thirtieth day after the closing of the docket.

Dated: November 4, 1957.

Released: November 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9341; Filed, Nov. 8, 1957; 8:49 a. m.]

[Docket Nos. 12207, 12208; FCC 57M-1089]

GRADY M. SINYARD AND KARL KEGLEY

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re applications of Grady M. Sinyard, Fullerton, Kentucky, Docket No. 12207, File No. BP-11076; Karl Kegley, Vanceburg, Kentucky, Docket No. 12208, File No. BP-11296; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 5th day of November 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 2:30 p. m., November 12, 1957.

Released: November 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9342; Filed, Nov. 8, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10060]

UNION PRODUCING CO. AND UNITED GAS PIPE LINE CO.

ORDER POSTPONING HEARING

NOVEMBER 6, 1957.

By order issued October 3, 1957, the Commission required Union Producing Company (Union) to show cause, if any there be, at a public hearing to be held commencing on November 12, 1957, in Washington, D. C., why, among other things:

(1) It has not filed with this Commission, as required by Section 4 of the Natural Gas Act, schedules showing rates and charges for sales of natural gas by Union subject to the jurisdiction of the Commission.

(2) Since there is not in force with respect to Union a certificate or certificates of public convenience and necessity issued by the Commission pursuant to Section 7 of the Act, Union has and continues to engage in the sale of natural gas, subject to the jurisdiction of the Commission.

Union, on November 4, 1957, filed its answer to the aforesaid order to show cause. It states that upon full consideration of the order it decided to comply therewith and to file with the Commission Union's schedules of rates and charges for the sale of natural gas subject to the jurisdiction of the Commission. Likewise, Union states, it has decided to file the necessary applications for certificates of public convenience and necessity for operations and facilities subject to the jurisdiction of the Commission. The filings were tendered on October 31, 1957, and are in process of analysis by the staff of the Commission.

In view of the foregoing and pending the processing of the tenders made by Union on October 31, 1957, it is appropriate and in the public interest that the hearing scheduled to commence on November 12, 1957, in Washington, D. C., be postponed without date, subject to further order or orders of the Commission herein.

The Commission orders: The public hearing in this proceeding scheduled to commence on November 12, 1957, in Washington, D. C., be and it is postponed without date, subject to further order or orders of the Commission herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9352; Filed Nov. 8, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 6, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34272: *Furniture—Bayport and Stillwater, Minn., to Colorado and Utah points.* Filed by W. J. Prueter, Agent (WTL No. A-1939), for interested rail carriers. Rates on furniture, furniture parts, and related articles, carloads from Bayport and Stillwater, Minn., to specified points in Colorado and Utah taking group 30 basis of rates in schedule listed below.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 66 to Agent Prueter's tariff I. C. C. A-4123.

FSA No. 34273: *Perlite rock—Socorro, N. Mex., to National City, Mich.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7148), for interested rail carriers. Rates on perlite rock, carloads from Socorro, N. Mex., to National City, Mich.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 399 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34274: *Brick-Kanopolis, Kans., to Western points.*. Filed by W. J. Prueter, Agent (WTL No. A-1936), for interested rail carriers. Rates on brick, building, facing, and common, carloads from Kanopolis, Kans., to specified points in Colorado, Minnesota, North Dakota and Nebraska.

Grounds for relief: Short-line distance formulas.

Tariff: Supplement 124 to Agent Prueter's tariff I. C. C. A-3686.

FSA No. 34275: *Potash—Carlsbad and Loving, N. M., to Minnesota points.* Filed by The Atchison, Topeka and Santa Fe Railway Company (No. 81-A), for itself, and interested rail carriers. Rates on potash (potassium), carloads from Carlsbad and Loving, N. M., on the A. T. & S. F. to specified points in Minnesota on the M. N. & S.

Grounds for relief: Maintenance of higher levels of rates to intermediate than to more distant points under Ex Parte 168 increases.

Tariff: Supplement 12 to The Atchison, Topeka and Santa Fe Railway Company's tariff I. C. C. 14836.

FSA No. 34276: *Bituminous Coal to Mason City, Iowa, and Minneapolis, Minn.* Filed by R. G. Raasch, Agent (No. 635), for interested rail carriers. Rates on screened bituminous coal, carloads from River King Mine, Ill., to Mason City, Iowa and Minneapolis, Minn.

Grounds for relief: Gas pipe line competition.

Tariff: Agent Raasch's tariff I. C. C. 890.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-9335; Filed, Nov. 8, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3631]

OHIO EDISON CO.

NOTICE OF PROPOSED ISSUANCE OF BONDS FOR SINKING FUND PURPOSES

NOVEMBER 4, 1957.

Notice is hereby given that Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act and subparagraph (a) (5) of Rule U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

In connection with satisfying the sinking fund requirements of its Indenture, Ohio proposes to issue $2,743,000 principal amount of First Mortgage Bonds, 3¼ percent Series due 1985, under its Mortgage and Deed of Trust to Bankers Trust Company dated August 1, 1930, as amended and supplemented. The bonds will be authenticated by the Trustee and delivered to the company on the basis of unfunded net property additions. The bonds will forthwith be surrendered to the Trustee for cancellation as the basis for the withdrawal by Ohio from the Trustee of $2,743,000 deposited or to be deposited with the Trustee on or before November 1, 1957 pursuant to the Sinking and Improvement Fund provisions of the Mortgage and Deed of Trust.

It is stated that the bonds will never constitute an obligation for the payment of money and they will not therefore be included on Ohio's books or published statements as a liability.

Ohio proposes to include the released cash in its general funds and it will be used for general corporate purposes.

The expenses of Ohio to be incurred in connection with the proposed transaction are estimated at $2,650 including $1,000 for fee of company counsel.

The proposed issue and use of bonds are subject to the jurisdiction of The Public Utilities Commission of Ohio and a copy of that commission's order is to be supplied by amendment.

Notice is further given that any interested person may, not later than November 19, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9331; Filed, Nov. 8, 1957; 8:46 a. m.]

[File No. 812-1114]

AXE-HOUGHTON FUND A, INC., ET AL.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION TO PERMIT COMBINATION OF PURCHASES OF SHARES OF DIFFERENT FUNDS TO OBTAIN QUANTITY DISCOUNTS

NOVEMBER 4, 1957.

In the matter of Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., Axe-Houghton Stock Fund, Inc., Axe-Templeton Growth Fund of Canada, Ltd., Axe-Science & Electronics Corporation and Axe Securities Corporation; File No. 812-1114.

Notice is hereby given that Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., Axe-Houghton Stock Fund, Inc., Axe-Science & Electronics Corporation and Axe-Templeton Growth Fund of Canada, Ltd., (the "Funds"), all open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("act"), and Axe Securities Corporation, the principal underwriter for the Funds, have filed a joint application pursuant to section 6 (c) of the act for an order exempting from the provisions of section 22 (d) of the act the offering of the shares of the Funds at reduced public offering prices based on combined quantity purchases of their shares.

The Funds have the same principal underwriter and certain of the same officers and directors. They have different investment objectives and portfolio holdings. The offering price of the shares of each of the Funds is the net asset value per share plus a percentage of the offering price as a selling commission. Quantity discounts are available with respect to purchases in amounts of $25,000 or more of each fund, as set forth in the respective prospectuses. In each case the selling commission currently is reduced to 6 percent on purchases of $25,000 to $50,000; 4 percent on purchases of $50,000 to $100,000; 3 percent on purchases of $100,000 to $150,000; 2 percent on purchases of $150,000 to $250,000; and 1 percent on purchases of $250,000 or more.

The Funds, with the exception of Axe-Templeton Growth Fund of Canada, Ltd. for which Axe-Securities Corp. did not become principal underwriter until August 31, 1957, were granted an exemption by the Commission on May 9, 1957 from the provisions of section 22 (d) of the act so that sales of shares of more than one of such Funds could be made concurrently to a purchaser at offering prices reflecting a quantity discount based on the aggregate amount of the concurrent sales of the shares of all such Funds then being made to such purchaser (Investment Company Act Release No. 2504).

It is now proposed to extend the quantity discounts presently permitted so that sales of share of more than one of the applicant Funds, including Axe-Templeton Growth Fund of Canada, Ltd., can be made concurrently to a purchaser as a single purchase or pursuant to a "Letter of Intention" to purchase an aggregate amount within a thirteen month period, at offering prices reflecting a quantity discount, at the rates described in the prospectuses of the Funds involved, based on the aggregate amount of the concurrent sales of the shares of all such Funds to such purchaser.

The application states that the proposal will permit investors who wish to diversify their purchases among the Funds because of their various investment objectives and portfolios to do so without sacrificing the quantity discount which would otherwise be available only if their entire investment were made in the shares of only one of the Funds.

Section 22 (d) of the act, with certain exceptions, prohibits an offering of redeemable securities otherwise than at a current public offering price described in the prospectus. Section 6 (c) provides that the Commission may grant an exemption from any provision of the act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Since the proposed transactions may involve an offering of redeemable securities otherwise than at a current public offering price described in the prospectus within the meaning of section 22 (d) of the act, the application requests an exemption to the extent necessary to permit the offering of shares on the basis proposed.

Notice is further given that any interested person may, not later than November 15, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9332; Filed, Nov. 8, 1957; 8:47 a. m.]

[File No. 70-3632]

NEW ORLEANS PUBLIC SERVICE, INC., AND MIDDLE SOUTH UTILITIES, INC.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING PROPOSED SALE PURSUANT TO RIGHTS OFFERING OF ADDITIONAL COMMON STOCK AND ACQUISITION BY PARENT OF ITS PORTION OF SUCH STOCK

NOVEMBER 4, 1957.

Notice is hereby given that New Orleans Public Service Inc. ("Public Service"), a public utility, and its parent, Middle South Utilities, Inc. ("Middle South"), a registered holding company, have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal by Public Service to issue and sell, pursuant to a rights offering to its stockholders, additional shares of its common stock. Applicants-declarants have designated sections 6 (b), 9 (a), 10 and 12 (f) of the act and Rules U-43 and U-50 (a) (1) and (3) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Public Service proposes to sell, pursuant to a rights offering to its stockholders, not to exceed 157,851 additional shares of its authorized but unissued no par value common stock. The additional shares are to be offered pro rata on the basis of one share for each eight shares held of record on a date to be supplied by amendment, at the subscription price of $25 per share. No fractional shares are to be issued. The right to subscribe for the additional stock is to be evidenced by subscription warrants representing one right for each share held on the record date. Eight rights will be required to subscribe for each additional share. The Subscription Agent will, at the expense of the company, exercise its best efforts to assist subscribers to sell excess rights, or to purchase up to seven rights needed to complete the eight rights required to subscribe for one additional share. The proceeds received from the proposed sale of common stock will be applied by Public Service to pay the cost of its 1957-1958 construction program.

Middle South, holder of 1,215,089 shares (96.22 percent) of the outstanding common stock of Public Service, proposes to purchase the number of shares to which it will be entitled pursuant to the proposed pro rata offering, and to use, for that purpose, a portion of the proceeds expected to be received by it from the proposed sale of 451,894 additional shares of its authorized but unissued $10 par value common stock.

The application-declaration states that the proposed issue and sale of the common stock of Public Service has been expressly authorized by the City of New Orleans, a regulatory agency of the State in which Public Service is organized and doing business; and that no State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed acquisition of Public Service's stock by Middle South.

The fees and expenses to be incurred and paid by Public Service in connection with the proposed transactions are estimated to aggregate $16,500 including $3,500 for the Subscription Agent, $1,250 for the system service company and $2,500 for legal fees. No special and separable expenses are anticipated by Middle South.

Notice is further given that any interested person may, not later than November 20, 1957, request in writing that a hearing be held in respect of the application-declaration stating the nature of his interest, the reason for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant and permit to become effective the aplication-declaration, as filed or as it may be amended, pursuant to Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules, as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9333; Filed, Nov. 8, 1957; 8:47 a. m.]

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MAIN READING ROOM

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54478]

PART 11—PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE NAMES; COPYRIGHTS

EXCEPTION FROM MARKING REQUIREMENT

This amendment of the regulations points out that the exception from marking accorded pursuant to section 304 (a) (3) (G), Tariff Act of 1930, as amended, to imported articles to be processed in the United States by or for the account of the importer does not apply if there is a reasonable method of marking which will survive such processing. Section 11.10 (a) of the Customs Regulations is amended by inserting as the third sentence the following: "An article which is to be processed in the United States by the importer or for his account shall not be considered to be within the specifications of section 304 (a) (3) (G) if there is a reasonable method of marking which will not be obliterated, destroyed, or permanently concealed by such processing."

(Sec. 304, 46 Stat. 687, as amended; 19 U. S. C. 1304)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 4, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9359; Filed, Nov. 12, 1957; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MISCELLANEOUS AMENDMENTS

1. In § 21.2014, the headnote of paragraph (b) is amended and a new subdivision (i) is added to paragraph (b) (1) to read as follows:

§ 21.2014 *Duration of veteran's education or training.* • • •

(b) *Limitations, extensions, and Public Law 634 deductions.* (1) • • •

(i) The period of time during which education or training may be pursued under this law will be reduced by the full-time equivalent of any period of education or training received by the veteran under Public Law 634, 84th Congress.

2. In § 21.2054, that portion of paragraph (a) preceding subparagraph (1) is amended and a new subparagraph (4) is added to paragraph (a) to read as follows:

§ 21.2054 *Effective beginning dates of entrance or reentrance into training and for payment of education and training allowance.* (a) Except as provided in subparagraph (3) of this paragraph, the effective beginning date for the payment of education and training allowance upon original entrance into training will be the date of commencement of the course as certified by the institution or establishment on VA Form VB 7-1999 if the veteran's application therefor is received by the Veterans Administration on or prior to (or within 15 days following) the date of commencement of the course, or the effective date of the approval of the course by the appropriate approving agency, whichever is the later. Beginning July 1, 1953, the effective date of the approval of the course by the appropriate approving agency shall be the effective date specified by the approving agency in its notice of approval, if such notice of approval is received by the Veterans Administration not later than 60 days after the effective date specified therein by the State approving agency. Where the notice of approval is not received by the Veterans Administration within 60 days from the effective date set forth in the notice of approval, the effective date of approval for the purpose of this paragraph shall be as of the date 60 days prior to the date notice of approval is received by the Veterans Administration, except as provided in subparagraph (4) of this paragraph.

• • • • • •

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FEDERAL REGISTER

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(4) Where the notice of approval of a course is received by the Veterans Administration more than 60 days after the effective date of approval as specified by the approving agency, the Manager may personally waive the time limits specified in this paragraph or such time limits may be waived by appellate decision pursuant to the appeal of the veteran under the following conditions:

(i) Approval action was not denied or withheld for cause during such retroactive period, and

(ii) Credit is granted toward completion of the course from the specified effective date of approval, and

(iii) The facts, equities, and the demonstrated good faith on the part of the veteran and the approving agency justify such action.

3. In § 21.2066 (m), a new subparagraph (2) is added and former subparagraph (2) is renumbered subparagraph (3) to read as follows:

§ 21.2066 *Measurement of full- or part-time courses.* * * *

(m) *Registered nursing and registered professional nursing courses.* * * *

(2) The hospital or field work phase of a course leading to a degree of bachelor of science in nursing, or a comparable degree, will be measured as an institutional course when the hospital or field work phase is an integral part of the course, the completion thereof is a prerequisite to the granting of the degree, the student remains enrolled in the institution during the entire period, and the training is under the direction and supervision of the institution. Where measurement of the hospital training segment on a credit hour basis would not reflect the full-time status of the student, enrollment certifications submitted by the school should include appropriate entries to show clock hours in lieu of credit hours during the hospital training periods.

(3) Education and training allowance will not be paid to a veteran enrolled in any other course for the objective of registered or registered professional nurse.

4. Section 21.2067 is revised to read as follows:

§ 21.2067 *Overcharges by educational institutions.* (a) The Administrator is authorized to disapprove any educational institution for the enrollment of any veteran, not already enrolled therein, if he finds that such educational institution has charged or received from any eligible veteran or any eligible person under Public Law 634, 84th Congress, any amount in excess of the institution's established charges for tuition and fees which the institution requires similarly circumstanced nonveterans to pay, except that if a tax-supported public educational institution has no established charges for tuition and fees (i. e., it does not charge any amount for either tuition or fees) which nonveteran resident students are required to pay. Public Law 550, 82d Congress, provides that the Administrator is not required to disapprove an institution if it charges to each eligible resident veteran an amount not in excess of the cost of teaching personnel and supplies for instruction, but in no event to exceed $10 per month for a full-time course, or a pro rata part thereof for less than a full-time course. The tax-supported public institutions which charge resident veterans, although having no established charges for tuition and fees for resident nonveterans, will notify the appropriate regional office in writing of such charge and the date such charge is to be effective. Such notice to the Veterans Administration will include a certification by the president or other authorized official that the institution does not have established charges for tuition and fees which it requires nonveteran residents to pay, and that the charge to veterans does not exceed the amount stated in the law.

(b) The charges for tuition and fees which would be applicable to resident nonveteran-students, if any were enrolled, by approved nonprofit educational institutions which are not subject to the limitation of 15 percent nonveteran-students, and which do not have any nonveterans enrolled in the same course in which eligible veterans are enrolled, will be considered as the established charge. The term nonveteran as used in this section does not include a nonveteran eligible under Public Law 634, 84th Congress.

(Sec. 261, 66 Stat. 678; 38 U. S. C. 971)

This regulation is effective November 13, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-9360; Filed, Nov. 12, 1957; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in Colorado, was published in the FEDERAL REGISTER October 16, 1957 (22 F. R. 8180). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 1, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.225 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to this part to enable such committee to perform its functions pursuant to the provisions of this part, during the fiscal period ending May 31, 1958, will amount to $1,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to this part, shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-9375; Filed, Nov. 12, 1957; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12173; FCC 57-1223]

[Amdt. 3-101]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS (STERLING, COLO.-CHEYENNE, WYO.-AINSWORTH AND MC COOK, NEBR.)

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making (FCC 57-1030) released in this proceeding on September 24, 1957, and published in the FEDERAL REGISTER on September 27, 1957 (22 F. R. 7692), in response to a petition filed by the Bi-States Company, licensee of Stations KHOL-TV, Kearney, Nebraska, and KHPL-TV, Hayes Center, Nebraska, to amend the Table of assignments contained in § 3.606 of the rules and regulations, to assign Channel 3 to Sterling, Colorado, as follows:

City	Channel No.	
	Present	Proposed
Sterling, Colo.	25−	3, 25−
Cheyenne, Wyo.	3, 5+	5+
Ainsworth, Nebr.	8−	
McCook, Nebr.	3+, 17	8−, 17

2. In support of its proposal, Bi-States asserts that there is a pronounced need and demand for television service in the Sterling area; that Sterling does not receive a Grade B or stronger signal from any existing television station; that if petitioner's proposal is adopted, it will apply for a satellite station of KHOL-TV in Sterling; that petitioner's consulting engineer has advised that Channel 3 is the only VHF channel which may be allocated to Sterling in conformance with the Commission's minimum mileage separation requirements; that Channel 3 can only be assigned to Sterling if the channel is deleted from Cheyenne, Wyoming, and from McCook, Nebraska; and that Channel 8−, which was formerly assigned to McCook, could be deleted from Ainsworth and reassigned to McCook to replace Channel 3+, so that McCook, a substantially larger community than Ainsworth, would retain a VHF channel assignment.

3. Prairie Broadcasting Corporation also filed comments supporting the proposal. Prairie asserts that since there are no UHF stations in operation in the entire State of Colorado or in the surrounding areas of Wyoming and Nebraska, no UHF station would be feasible in Sterling; that the nearest operating television stations are in Scottsbluff, Nebraska, Cheyenne, Wyoming, Hayes Center, Nebraska, and Denver, Colorado, approximately 90, 100, 106, and 120 miles from Sterling, respectively; that the Sterling area is capable of supporting its own television operation, either as a satellite or as an independent local television outlet; that Sterling serves as the primary commercial center of a vast area in northeastern Colorado; that some 55,000 people could be served by a Sterling VHF station; that no one at Cheyenne has evidenced any interest in using Channel 3 in that city; and that the proposal complies with the Commission's mileage separation requirements.

4. On October 15, 1957, May Broadcasting Company, licensee of Station KMTV, Omaha, Nebraska, filed comments and two alternative counterproposals in this proceeding. May asserts that a VHF channel should be allocated to Sterling "provided that this can be accomplished without resulting in adverse consequences elsewhere." May

argues that the Bi-States proposal has certain disadvantages. It states that Cheyenne, the capital and largest city in Wyoming, should not be deprived of one of its two VHF channels. May also states that another VHF channel should not be assigned to the State of Colorado at the expense of Wyoming, since the former now has 12 commercial VHF channels while the latter has only 9. May advances the following alternative counterproposals for assigning a VHF channel to Sterling:

COUNTERPROPOSAL I

City	Channel No.	
	Present	Proposed
Sterling, Colo	25	8, 25
Boulder, Colo	*12, 22	*22
Pueblo, Colo	5, *8, 28, 34	*3, 5, 28, 34
Alamosa, Colo	3, 19	8, 19
Laramie, Wyo	*8, 18	*12, 18

COUNTERPROPOSAL II

Sterling, Colo	25	12, 25
Boulder, Colo	*12, 22	*22
Pueblo, Colo	5, *8, 28, 34	*3, 5, 28, 34
Lamar, Colo	12, 18	8, 18
Alamosa, Colo	3, 19	19

5. May asserts that its counterproposals are preferable to the proposal urged by Bi-States because the former will not upset the allocation between Colorado and Wyoming; the people of Cheyenne will not be denied an opportunity for a second competitive television service; the deletion of a noncommercial educational reservation from Boulder (a city presently served by five Denver stations, including one noncommercial educational station) is more in the public interest than the deletion of a second competitive facility at Cheyenne; and because the existing allocations in Ainsworth and McCook, Nebraska, will not be disturbed.

6. On October 25, 1957, Bi-States and Prairie Broadcasting Corporation replied to May Broadcasting's comments and counterproposals. These parties contend that May has not demonstrated that it is an "interested party" in the instant proceeding; that no need has been shown by any Cheyenne person or group for a second VHF channel in that city; that the Bi-States proposal would be in full accord with the fair and equitable distribution of available frequencies mandate of section 307 (b) of the Communications Act; that May's counterproposals should be rejected because they are unnecessarily complex, would require a shift of the Boulder educational reservation from VHF to UHF, and would deprive Boulder of its only commercial television allocation.

7. Star Broadcasting Company, Inc., licensee of Station KCSJ-TV, Pueblo, Colorado, also replied to May Broadcasting's comments and counterproposals. Star opposes May's alternative counterproposals to the extent that they would require changes in the assignments to Alamosa, Colorado. Star asserts that Channel 3 was assigned to Alamosa on August 15, 1956, at its request (Docket No. 11460, 21 F. R. 5232); that Star is actively engaged in the preparation of an application for a satellite station on Channel 3 at Alamosa and that the engineering work on the application has been completed; that Star intends to utilize some equipment at Alamosa which has been used in the Channel 5 operation at KCSJ-TV; that deletion of Channel 3 from Alamosa (as proposed in May's second counterproposal) would deprive that area of its first service; and that an exchange of Channel 8 for Channel 3 (as proposed in May's first counterproposal) would, in view of the prohibitive cost of converting VHF low-band transmitting equipment for use on a VHF high-band channel, probably destroy the chances of bringing a first service to Alamosa.

8. Numerous communications were received from persons residing in and near Sterling, Colorado. These parties state that they are presently unable to receive any off-the-air television signal and urge that the Commission assign a VHF channel to Sterling.

9. After carefully considering all of the comments in this proceeding we are of the view that the proposal of Bi-States Company should be adopted and that the counterproposals of May Broadcasting Company should be rejected. There is an unquestioned need for a first VHF channel in Sterling to provide a first television service in northeastern Colorado and adjacent areas in neighboring states. We believe that the proposal advanced by Bi-States Company is superior to either of the counterproposals urged by May Broadcasting Company. The May Broadcasting counterproposals would necessitate more channel changes in more communities than would the Bi-States proposal and would also require the shift of the educational reservation in Boulder, Colorado, from VHF to UHF, and would deprive Boulder, a city with a population of 19,999 (1950 U. S. Census), of its only commercial assignment. The Bi-States proposal, on the other hand, will not affect any educational reservation, and the only community which will lose its only assignment is Ainsworth, Nebraska, a town of only 2,150 persons. While the Bi-States proposal will result in the loss of one of the two VHF assignments in Cheyenne, Wyoming, no one has ever filed an application for Channel 3 at Cheyenne or has otherwise evidenced an interest in the retention of the channel in Cheyenne.

10. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (g) and (r) and 307 (b) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That effective December 11, 1957, the table of assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

1. Amend to read:

City	Channel No.	
	Present	Proposed
Sterling, Colo	25−	3, 25−
Cheyenne, Wyo	3, 5+	5+
McCook, Nebr	3+, 17	8−, 17

2. Delete the reference in the table to Ainsworth, Nebraska.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: November 6, 1957.

Released: November 7, 1957.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9364; Filed, Nov. 12, 1957; 8:47 a. m.]

[Rules Amdt. 10-18]

PART 10—PUBLIC SAFETY RADIO SERVICES

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the desirability of making certain editorial changes in §§ 10.2, 10.255, 10.305, 10.355, 10.405, and 10.462 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature because they merely provide definitions of land and mobile radio-positioning stations and permissible uses of frequencies in Part 10 which are already provided for in Part 2; and therefore prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immeditately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934 (47 USC 4 (i), 5 (d) (1), and 303 (r)), as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of authority and Other Information.

It is ordered, This 7th day of November 1957, that effective November 7, 1957, §§ 10.2, 10.255, 10.305, 10.355, 10.405, and 10.462 are amended as set forth below:

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713, 47 U. S. C. 303, 155)

Released: November 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 10 in the following particulars:

1. Amend § 10.2 by the addition of the following new paragraphs:

(bb) *Land radiopositioning station.* A station in the radiolocation service, other than a radionavigation station, not intended for operation while in motion.

(cc) *Mobile radiopositioning station.* A station in the radiolocation service, other than a radionavigation station, intended to be used while in motion or during halts at unspecified points.

2. Amend § 10.255 (g) by changing the limitations in the entry for 2450 to 2500 Mc to read as follows: "1, 2, 19".

3. Amend § 10.255 (h) by adding subparagraph (19) to read as follows:

(19) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

4. Amend § 10.305 (f) by changing the limitations in the entry for 2450 to 2500 Mc to read as follows: "1, 2, 10".

5. Amend § 10.305 (g) by adding subparagraph (10) to read as follows:

(10) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

6. Amend § 10.355 (d) by changing the limitations in the entry for 2450 to 2500 Mc to read as follows: "1, 2, 17".

7. Amend § 10.355 (e) by adding subparagraph (17) to read as follows:

(17) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

8. Amend § 10.405 (e) by changing the limitations in the entry for 2450 to 2500 Mc to read as follows: "1, 2, 11".

9. Amend § 10.405 (f) by adding subparagraph (11) to read as follows:

(11) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

10. Amend § 10.462 (e) by changing the limitations in the entry for 2450 to 2500 Mc to read as follows: "1, 2, 14".

11. Amend § 10.462 (f) by adding subparagraph (14) to read as follows:

(14) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

[F. R. Doc. 57-9365; Filed, Nov. 12, 1957; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 1—GENERAL RULES OF PRACTICE

SPECIAL RULES GOVERNING NOTICE OF INSTITUTION OF PROCEEDINGS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on 30th day of October A. D. 1957.

The matter of special rules governing notice of filing of applications by contract motor carriers of property or passengers under section 212 (c) of the Interstate Commerce Act and certain other procedural matters with respect thereto being under consideration, time being of the essence and the change in the rules being minor, and not such as to require the rule making procedure under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), which procedure is hereby found to be impracticable and unnecessary, and good cause appearing therefor:

It is ordered, That the general rules of practice be, and they are hereby, amended by the addition of the following section:

§ 1.242 *Special rules governing notice of institution of proceedings under section 212 (c) of the Interstate Commerce Act, and certain other procedural matters with respect thereto*—(a) *Scope of special rules.* These special rules govern the institution of proceedings upon the Commission's own initiative or upon application of the holder of motor contract-carrier authority issued on or before August 22, 1957, for the revocation of such outstanding motor contract-carrier authority and issuance in lieu thereof of a certificate of public convenience and necessity, under section 212 (c) of the Interstate Commerce Act. Except as otherwise herein provided, the general rules of practice shall apply.

(b) *Notice to interested persons.* Notice to interested persons of institution of such proceedings shall be given by publication in the FEDERAL REGISTER of a summary, prepared by the Commission, of the authority in issue. No other notice to interested persons of the institution of the proceeding is required, except that applicants are not relieved from the obligation to file copies of their applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers, as required by the instructions which are part of the prescribed form of application.

(c) *Protests to issuance of a common carrier certificate*—(1) *Content.* A protest against the issuance of a certificate in lieu of contract carrier authority outstanding as of August 22, 1957, shall set forth with particularity the facts, matters, and things relied upon, and contain a concise statement of the interest of protestants in the proceeding. It shall not include issues or allegations phrased generally, but shall include a request for oral hearing if one is desired. Protests containing general allegations may be rejected.

(2) *When filed.* Any protest shall be filed with the Commission within 30 days after the date notice of the proceeding is published in the FEDERAL REGISTER.

(3) *Copies, service.* A protest filed under this section shall be served upon the carrier seeking conversion of its contract-carrier authority, and the original and six copies of the protest shall be filed with the Commission.

(4) *Failure to file protest.* Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding except in proceedings assigned for oral hearing.

(d) *Hearing*—(1) *Oral, determination.* The Commission will determine whether an assignment for oral hearing should be made, after notice to interested persons has been published in the FEDERAL REGISTER and the period for filing protests has expired.

(2) *Oral hearing, notice.* If it is determined that an oral hearing should be assigned, or if a pre-hearing conference is to be held, the date, hour, and place of the hearing or pre-hearing conference, together with the name of the examiner or number of the Joint Board before whom the matter is assigned, shall be served on all parties of record. Notice of a change in the time of place of hearing will be given as provided in paragraph (f) of this section.

(3) *Notice of intent to protest.* Any person opposed to a proceeding assigned for oral hearing who previously has not filed a formal protest may become a party protestant at the oral hearing provided he has notified the applicant or respondent and the Commission of his intention to protest. Such notification shall be made by letter or telegram dispatched so as to reach the representative of applicant or respondent (or applicant or respondent if no practitioner representing him is named in the notice) at least 10 days prior to the date of hearing. Two dated copies of such notification simultaneously shall be mailed to the Commission. No persons other than those who file a formal protest or those who notify the applicant or respondent of their intention to protest will be permitted to intervene in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with § 1.72.

(e) *Modified procedure*—(1) *Uncontested proceedings.* Proceedings in which no protests are filed within 30 days after publication of notice in the FEDERAL REGISTER and which are not assigned for oral hearing will be determined on the basis of the verified statements contained in response to the questionaire filed by the carrier in connection with those operations the proceeding is instituted.

(2) *Contested proceedings.* Proceedings in which protests are filed but which are not assigned for oral hearing will be handled in accordance with §§ 1.45 (b), 1.46 (b), and 1.47 to 1.54, inclusive.

(f) *Notice of changes in time or place of hearing.* Those who file protests or notice of intention to protest and any person who requests notice of changes in the time or place of hearing will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

It is further ordered, That this order shall be effective on the date hereof.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Com-

mission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-9355; Filed, Nov. 12, 1957; 8:46 a. m.]

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM A

At a General Session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 5th day of November A. D. 1957.

The Commission having under consideration the matter of changing Schedule 9002–C in motor carrier annual report Form A (described in § 205.1), as set forth in a notice of proposed rule making dated April 22, 1957, and published May 15, 1957 in the FEDERAL REGISTER (22 F. R. 3421); and,

It appearing that more than 3,000 carriers subject to this reporting requirement were served with copies of the notice dated April 22, 1957; that fifteen responses were received, of which fourteen favored the change, the only opposition to the change being based on the use one carrier made of information heretofore available about salaries paid to the officers of competing carriers; and,

It further appearing that on March 7, 1957 the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America protested the reporting change herein under consideration without giving any reasons therefor, and on July 1, 1957 the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, AFL–CIO, filed its petition in response to notice of proposed rule making asking (1) that petitioner be admitted as a party to this proceeding; (2) that the matter of changing Schedule 9002–C be set for public hearing; (3) that Class I motor carriers be required to file monthly reports of employees and their compensation; (4) that existing reporting requirements of Schedule 9002–C be continued in effect; and (5) that consideration be given to disclosure of certain management personnel pension allowances in the annual report form; and,

It further appearing that Schedule 9002–C is primarily designed to disclose for each carrier the five officers and directors receiving the largest aggregate payments annually for salary, commission, gift, reward, fee, or expense allowance; that changing such principal requirement is not now under consideration; and that further disclosure of officers or directors, other than those five, which received like payments exceeding a minimum amount now stated in the schedule instructions at $10,000 per annum, was and still is a secondary consideration included therein only for the purpose of disclosing disproportionate payments to anyone other than the five principal officers; and,

It further appearing that due to the present level of earnings in the motor carrier industry, returns filed in Schedule 9002–C now include the salaries and wages of employees not necessary for proper administration of Part II of the Interstate Commerce Act and that Schedule 9002–C would serve all the purposes for which it was designed if the minimum salaries so to be reported were increased to $20,000, instead of $10,000 as presently required; and,

It further appearing that this rule making proceeding was instituted so that the Commission might be fully advised of the views of carriers which are subject to this reporting requirement, as well as the views and arguments of other interested persons, with no occasion for intervention other than by the submission of such written views or arguments; and that sufficient reason has not been shown why the change in Schedule 9002–C now under consideration should be set for public hearing:

It is ordered, That the said petition of Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, AFL-CIO for intervention be, and it is hereby, denied; representations in that petition having been accepted and considered as views filed in response to the notice of proposed rule making;

It is further ordered, That effective with the respective dates of our further orders prescribing annual report forms for Class I and Class II motor carriers of property and Class I motor carriers of passengers for the year 1957, provisions of Schedule 9002–C therein, or any schedule required to include the same information, shall be modified to exclude therefrom the name and compensation of any officer, director, pensioner, or employee who received less than $20,000 from the reporting carrier during the year covered by the report, except that the schedule shall continue to require the names and compensation of the five officers and directors, now named as such on page 1 of the report form, receiving the largest amounts of compensation;

And it is further ordered, That a copy of this order shall be served on all respondents herein, on all Class I and Class II common and contract motor carriers of property, and on all Class I common and contract motor carriers of passengers, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546, 563; 49 U. S. C. 305, 320)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-9356; Filed, Nov. 12, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 976]

[Docket No. AO–237–A5]

MILK IN FORT SMITH, ARK., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Silver Room, Ward Hotel, Fort Smith, Arkansas, beginning at 10:00 a. m., on December 12, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Fort Smith, Arkansas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Arkansas Milk Producers Association, Little Rock, Arkansas:

Proposal No. I, Amend §§ 976.71, 976.72, 976.80, 976.82, 976.83 and 976.84 of the Federal Milk Order and proposed Marketing Agreement as amended, regulating the handling of milk in the Fort Smith, Arkansas Marketing Area so as to compute payment to producers on the basis of an Individual Handler rather than the present Market Wide Pool.

Proposal No. 2. Make such conforming changes in other sections of the order and proposed Marketing Agreement as amended, as may be necessary to effectuate the intent of the above proposed amendments.

Proposed by the Beatrice Foods Company, Tulsa, Oklahoma:

Proposal No. 3. Delete § 976.61 (b) from the order.

Copies of this notice of hearing and the order may be procured from the

Market Administrator, 2570 South Harvard, Tulsa 14, Oklahoma, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 6th day of November 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57-9357; Filed, Nov. 12, 1957; 8:46 a. m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES FOR RAISIN ADMINISTRATIVE COMMITTEE AND FIXING RATE OF ASSESSMENT FOR 1957–58 CROP YEAR

Notice is hereby given that the Secretary of Agriculture is considering a proposed rule to approve a budget of expenses for the Raisin Administrative Committee for the 1957–58 crop year and to fix the rate of assessment for that year to defray such expenses, as hereinafter set forth. The proposed rule, which is based on the unanimous recommendation of the Raisin Administrative Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 109 and Marketing Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received not later than the close of business on the next following business day.

The proposed budget of expenses and rate of assessment follow:

§ 989.308 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1957–58 crop year*—(a) *Budget of expenses.* Expenses in the amount of $98,530 are reasonable and are likely to be incurred by the Raisin Administrative Committee for its maintenance and functioning and for the maintenance and functioning of the Raisin Advisory Board for the crop year which began on September 1, 1957, and will end on August 31, 1958.

(b) *Rate of assessment.* Each handler shall pay to the Raisin Administrative Committee, in accordance with the provisions of §§ 989.79 and 989.80, an assessment at the rate of 59 cents per ton of free tonnage (standard) raisins acquired by him during the crop year which began on September 1, 1957, and will end on August 31, 1958. Such assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Dated: November 7, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 57-9374; Filed, Nov. 12, 1957; 8:49 a. m.]

[7 CFR Part 1021]

[AO–291]

WATERMELONS GROWN IN FLORIDA, GEORGIA, AND SOUTH CAROLINA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jacksonville, Florida, April 22–26, 1957, pursuant to notice thereof which was published in the FEDERAL REGISTER (22 F. R. 1128), upon proposed Marketing Agreement No. 133 and Order No. 121, regulating the handling of watermelons grown in Florida, Georgia, and South Carolina.

Upon the basis of the evidence introduced at the aforesaid hearing and record thereof, the Deputy Administrator, Agricultural Marketing Service on September 24, 1957, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommneded decision affording opportunity to file written exception thereto was published September 27, 1957, in the FEDERAL REGISTER (22 F. R. 7693).

Rulings. Within the period provided therefor, exceptions were filed by Gray, Chandler, O'Neal and Carlisle, Box 44, Gainesville, Florida, attorneys for the opponents, protesting the recommended decision regarding the proposed watermelon marketing agreement and order. Exceptions were taken generally to the entire recommended decision of the Deputy Administrator. The exceptions reiterate the general objections previously filed after the close of the hearing and contain no new matter. Careful consideration had been given to these exceptions in arriving at the findings and conclusions set forth in the recommended decision. To the extent that the exceptions filed are at variance with the findings and conclusions decided upon herein, they are hereby overruled.

Material issues. The material issues presented in the record of hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority to incur expenses and to levy assessments on shipments;

(d) The authority for the establishment of watermelon marketing research and development projects;

(e) The method for limiting the handling of watermelons grown in the production area;

(f) The establishment of minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of watermelons for specified purposes or to specified outlets;

(h) The necessity for inspection and certification of shipments;

(i) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements for compliance of all provisions of the marketing agreement and order and with regulations issued pursuant thereto;

(l) Additional terms and conditions as set forth in §§ 1021.82 to 1021.95 of the Notice of Hearing and published in the FEDERAL REGISTER (22 F. R. 1128) on February 27, 1957, which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) All watermelons grown in the Florida, Georgia and South Carolina production area (all counties in Florida except those counties lying west of the Apalachicola River; all counties in the State of Georgia; and all counties in the State of South Carolina lying south and west of the line formed by the Catawba River, the Wateree River, Lake Marion and the Santee River) which are handled within the production area or between such production area and any point outside thereof are either in interstate or foreign commerce or directly burden or obstruct such commerce. The major portion of the watermelons grown in

the production area enters commercial market channels with the great bulk of such movement going to destinations outside the production area. During the 1954 and 1955 calendar years shipments of watermelons grown in the production area moved to 43 of the 48 States and to the District of Columbia and Canada with the heaviest movement to points east of the Mississippi River. Rail movement was heavier to points of concentrated poulation and to large markets in Illinois, Michigan, Ohio, Pennsylvania, New York and Massachusetts. Truck movement was greater to nearby States and the small market areas. While markets within the production area—Miami, Tampa, and Jacksonville, Florida; Atlanta, Georgia; and Columbia, South Carolina, for example—take substantial quantities of watermelons grown within the production area, the major portion of the market lies outside such area.

In 1956 watermelon production for the United States was estimated to be 31.6 million hundredweight. Of this, Florida produced 8.6 million, Georgia 4.4 million, and South Carolina 2.1 million hundredweight. Florida production about doubled since 1951, when it was 4.5 million hundredweight. Georgia, since 1951, has increased slightly from 3.7 million and South Carolina has not changed much from 2.2 million hundredweight produced then. U. S. production during the same period rose from 25.8 million hundredweight in 1951 to the estimated 31.6 million hundredweight for 1956 (see page 4, Exhibit 4).

Acreage planted during the same period increased from 355.9 thousand acres for the U. S. in 1951 to 457.8 thousand acres estimated in 1956. Florida increased from 60 thousand acres to 96 thousand during this period, while Georgia and South Carolina increased from 45 thousand to 57 thousand and from 36 thousand to 40 thousand acres, respectively.

Yields during the same period, 1951–56, remained fairly constant. The average yield per acre for the U. S. in 1951 was 74 hundredweight and an estimated 77 hundredweight for 1956. Florida's yields per acre increased from 79 hundredweight in 1951 to 95 hundredweight estimated in 1956, but ranged from 74 to 95 hundredweight for the period. Georgia's yields have remained fairly constant, averaging 83 hundredweight in 1951 and 78 hundredweight estimated for 1956. Average yields for Georgia and for the period ranged from 74 to 83 hundredweight per acre. South Carolina yields have ranged from 52 to 75 hundredweight per acre for the 1951–56 period averaging 60 hundredweight in 1951 and 52 hundredweight estimated for 1956.

Carlot unloads in 100 U. S. and 5 Canadian cities during April through October 1955 show that Florida, Georgia and South Carolina accounted for 15,661 carlots out of a total of 20,428 from all States and countries. Truck unloads in 22 cities during the same period from Florida, Georgia and South Carolina totaled 9,056 carlot equivalents out of a total of 21,143 from all states and countries. Comparable figures for 1954 disclose that Florida, Georgia and South Carolina accounted for 16,064 carlots out of a total 21,299 from all states and countries; truck shipments 8,005 carlot equivalents as compared to a total of 19,517 (Exhibit No. 4).

The shipping season for watermelons grown in Florida begins in late March and continues through the middle of July. In Georgia, shipments start to some degree in May and become heavy during June and July. In South Carolina shipments will begin the latter part of June and reach a peak in July and continue on to some extent into August. Florida has little domestic competition until late May of each season. Georgia and South Carolina shipments become heavy during June and July as do shipments from Texas and other States. California, Alabama, Arizona, Mississippi, North Carolina, and Arkansas ship watermelons in competition with those grown in the production area. Foreign competition is principally from Mexico. Such shipments from Mexico normally occur during April, May, and June with some light movement as early as March. Cuba does not offer much competition for watermelons grown in the production area as the volume is light and the Cuban marketing season usually precedes that of Florida.

Until late May shipments of watermelons from the production area do not compete to any extent with other areas. In June and July, however, Florida, Georgia, South Carolina, California and Texas are shipping, and watermelons grown in different states in the production area compete directly with each other many times in the same markets. Georgia watermelons, for example, are shipped to cities in Florida such as Miami, Tampa, and Jacksonville and Florida watermelons compete with Georgia watermelons in Atlanta as well as in terminal markets in the midwest, the east, and northeast. Watermelons grown in the production area usually do not compete with watermelons grown in Texas in markets west of the Mississippi River, however, Texas watermelons do compete with Georgia and South Carolina watermelons in the mid-west and southern markets.

The situation where Florida competes with Georgia is also true with respect to Georgia competing with South Carolina as harvesting progresses northward. When shipments from South Carolina reach volume during the month of July many sections of Georgia are still shipping in heavy volume. Many Georgia watermelons are moved to the Columbia, South Carolina Farmer's Market which is one of the principal outlets for South Carolina watermelons. Also, the watermelons grown in these two States compete with each other in northern and northeastern markets. Watermelons from North Carolina also enter the market in late July and continue through August.

There has been a definite trend in the production area toward movement of watermelons by truck. During the 1956 season approximately 60 percent of all shipments of watermelons grown in the three-State production area were moved by truck. This trend toward increased truck movement is expected to continue. In most cases the handler selling to the trucker does not know at the time of shipment whether the ultimate destination for the watermelons sold by him will be within the production area or to markets outside of the production area. Also, many of the established brokers will start truck shipments moving north, but before the truck has moved out of the production area, the broker will wire or telephone orders ahead, usually to an established truck stop, for the driver to divert the shipment to another market or to a particular market which was unknown at the time the shipment originally moved. It was testified at the hearing that some truckers usually start north and sell at the first market where an adequate return for their investment can be realized. Such markets may be within the production area or may be outside thereof. Also, many shipments originally destined for Atlanta or Columbia are unloaded at such markets and then reloaded for shipment to another market outside of the production area.

Many rail shipments from the production area are consigned by the shipper to junction points in Florida, Georgia, and South Carolina. Valdosta, Georgia, is a good example of such a junction point for Florida shippers who may have cars graded and loaded but unsold. The cars are consigned and started to Valdosta. Upon their arrival at Valdosta they are diverted to a terminal market which usually is outside of the production area. The practice of diverting in many cases is followed when the shipments are of questionable quality (unclassified watermelons) because such shipments are more difficult to sell at shipping point.

The practice of diverting shipments is a result of the intricate nature of watermelon marketing. If prices are favorable at markets within the production area the watermelons will in many cases be sold on such markets. However, if another market located outside the production area appears more favorable to the shipper he will have the car diverted to such market. Because the practice of diverting shipments is common to watermelon marketing, shippers in many cases do not always know when a shipment originates where it will be finally sold. As mentioned above truck shipments may also be diverted, but such diversion is usually done at the discretion of the trucker rather than the shipper. If the trucker believes conditions are unfavorable in markets within the production area he usually moves on to another market until he finds or determines that marketing conditions are the most favorable to him. For this reason it is very difficult to determine in most cases when watermelons are sold to a trucker whether such watermelons will be marketed within the production area or will be moved to another market located outside the production area.

The market for watermelons grown in the production area is a combination of factors that relate to the supply and demand for such commodity; the supply that is available for immediate marketing; the supply for marketing later; the quality of such supply; the supply of watermelons in competing areas, with

various influences of quality and availability; and prices quoted by sellers at shipping point and in receiving markets as well as sundry points between. A great variety of additional factors influence both buyers and sellers in arriving at a meeting of the minds, the closing of sale contracts, and an execution of contract through delivery of watermelons. These factors are interdependent between shipping point and receiving markets. Factors influencing the market at shipping point are soon reflected in prices at terminal markets, subject to the effect of location factors. In turn factors influencing prices in receiving markets are soon reflected in the shipping point market. For example, bad weather at shipping point may slow down the rate of grading and loading to such an extent that buyers will experience difficulty in filling orders, thereby increasing local prices which are soon reflected in markets both within and outside the production area. However, if competing suppliers in terminal markets take advantage of such situation by increasing the amount available, the price of watermelons in the terminal markets may not increase appreciably, if at all, and in turn prices at shipping point may also fail to rise. On the other hand any increase in the supply of watermelons at shipping point will soon be reflected in the market at receiving points outside the production area. It is a well established fact and well recognized in the watermelon market that a sale of a particular quantity of watermelons in the market within that portion of the States of Florida, Georgia, and South Carolina comprising the production area, exerts a direct influence upon all other sales of such watermelons as also does the sale of watermelons within any other State. The movement and sale of watermelons grown in Florida, Georgia, and South Carolina, whether to a market within or outside of the production area affect the price structure for all watermelons grown in such area.

Movement of watermelons within each state in the production area is closely tied to interstate movement not only because the same type of transportation is used, but also because of prices. The watermelon market price levels are dependent upon supply and demand factors in all consuming areas and not on one locality alone. Shipments of unregulated watermelons in the production area for consumption in the production area would therefore affect watermelon prices in all consuming markets, and if cull shipments were permitted in the production area, it would tend to lower market prices for watermelons in all consuming areas. If such poor quality watermelons were permitted to be sold in terminal markets within the production area, the total supply of watermelons available for markets outside the production area would be increased; thereby having an adverse effect upon prices received in such markets. The price situation, in turn, would soon be reflected on the terminal markets within the production area.

Changes in the supply of watermelons being marketed at any particular time and changes in estimates in watermelon supplies available for market affect the price of all watermelons, both on terminal markets and at shipping points. Watermelons grown in any portion of the production area and marketed at any given time compete with other watermelons marketed at the same time whether such other watermelons are grown in other portions of or outside of the production area.

Public agencies supply daily information relative to terminal watermelon markets such as Boston, New York, Chicago, and during the active shipping season the same agencies supply similar information relevant to market information at shipping points in Florida, Georgia and South Carolina as well as shipping point prices for watermelons grown in other producing areas. Also, both buyers and sellers use the latest and most modern forms of communication not only to keep up with their competitors but also to maintain the closest possible association with market conditions at every point where there may be a potential sale. Shippers must assess the market outlook and survey all accessible markets in order to take advantage of the best opportunities and offers to market their watermelons. Successful handlers are forced by competition to maintain and keep abreast of all possible market information, particularly the level and trend of prices in specific markets both within the production area and beyond its borders. Most advantageous sales are accepted by the shipper regardless of whether the watermelons are sold at shipping point, at destination, in consuming markets within the production area, or in the large terminal markets beyond the production area.

The factors constituting the market for watermelons and the interdependence of the markets both within and outside the production area directly burden, obstruct, and affect interstate commerce. Such factors making up the market for watermelons constitute commerce which is so intermingled that all sale and movement of such watermelons are either in the current of interstate or foreign commerce or directly burden or obstruct such commerce and, therefore, all such movement and sales of watermelons grown in the production area should be subject to the authority of the act and of the marketing agreement and order which may be issued pursuant thereto.

(2) Watermelon growers in the proposed production area have received less than parity prices for their watermelons during five of the ten seasons extending from 1947 through 1956. During the past three seasons of 1954 through 1956 the relationship of prices received by growers to parity prices has been comparatively less favorable than during the ten seasons as a whole. During the latter period the season average farm prices have ranged from 67 to 90 percent of the parity equivalent. In comparing prices for the individual States within the production area, Florida growers have received in excess of the parity equivalent price for Florida watermelons in only two of the aforementioned ten seasons (1947–56). Georgia and South Carolina growers have exceeded the parity equivalent prices for their particular States in four of the ten seasons.

In addition to the facts hereby found that prices to watermelon growers within the production area have been below parity in many of the past ten years, it is also found to be a fact that prices for such watermelons fluctuate widely within seasons. For example, in 1955 (see page 7, Exhibit 4) Florida growers received prices that averaged 103 percent of the Florida parity equivalent price. During the same season Georgia and South Carolina growers received prices which only averaged 61 percent of the parity equivalent prices for their respective States.

Furthermore, prices vary widely for different grades of watermelons. Such prices are affected not only by the total volume of watermelons available for marketing at any time but also by the grade and quality of such watermelons being marketed at any given time. The market reports show that prices of watermelons grown within the production area fluctuate throughout the season in terminal markets and at f. o. b. shipping points. Such prices are in turn reflected in the prices paid to growers. Certain grades of watermelons return higher prices to producers than other grades. It was testified, for example, that U. S. No. 1 quality watermelons normally returned a higher price than percentage shipments (80–85 percent U. S. No. 1 quality) and the latter, in turn, brought considerably higher prices than watermelons which are of a lower quality and commonly known in trade circles as culls. Records of watermelon handlers show wide differences in prices between U. S. No. 1 and unclassified watermelons. Poor grades usually return to shippers about 30 to 40 percent less than U. S. No. 1. Watermelons marketed at Trenton, Florida, show that in 1956 U. S. No. 1 watermelons of the same variety and size on certain dates sold for $615 per car and unclassified watermelons sold for $370 on the same days. There are exceptions where a shipment of lower quality might return more than another of a better grade. Such situations depend upon many factors peculiar to particular shipments. However, all conditions being equal, better quality produce will return higher prices than poorer quality on a given date. Although no statistical data is readily available on the effect of cull shipments of watermelons it was testified at the hearing that in periods of heavy cull shipments it was believed that the price of good grade watermelons was reduced approximately one-third because of the effect of the cull shipments.

It is a common practice among the great majority of handlers to eliminate culls when they are grading watermelons for market. Handlers have found from experience that it usually pays them to do so because the inclusion of poorer grades forces the general price level down on the better watermelons more than enough to offset the return from the culls. However, some handlers continue to sell culls because they frequently are able to buy them at exceptionally low prices from the grower and to sell them at a discount from average

prices, thereby giving the handler in some instances as much or even a greater margin than he could expect from handling good quality and more desirable melons. If such poor grades of watermelons were withheld from market, the supply available for market would be reduced and, by reducing the quantity being marketed as well as eliminating discounted grades and qualities, grower prices for watermelons would thereby be improved.

The sale of cull watermelons tends not only to return discounted prices to growers but also gives only limited satisfaction to consumers. Sales of such poor grade watermelons discourages repeat sales. It was testified that it was not in the public interest to sell cull watermelons under normal conditions because experience shows that consumers fail to obtain proper value for their expenditures as compared with purchases of good quality watermelons. Such commerce adversely affects total returns to growers for their entire watermelon marketings.

Sales of cull watermelons in many cases return only a few cents per watermelon. It was testified by one grower-shipper that he has sold cars of 1,000 watermelons each for $300 to $400 per car and in addition sold the cull watermelons which were rejected at the time of loading to truckers for 10 cents per melon and the truckers were free to take their pick of any or all of the rejected watermelons. It was also testified that the practice of truckers buying watermelons remaining in the field after growers have finished cutting is relatively common and has a detrimental effect on prices because they are usually of inferior quality with a large proportion of culls. Prices paid by truckers in such instances are very low. It was testified, for example, that in South Carolina truckers usually paid $3 to $5 per acre for such watermelons.

The type of defect damaging a watermelon also has a detrimental effect on returns to growers. Internal quality defects in watermelons are considered to be more serious by the trade than the external defects. The principal internal defects are immaturity, whiteheart and decay. Such defects are serious in that they adversely affect consumer satisfaction. Both proponents and opponents testified that immature, whiteheart, or decayed watermelons should be withheld from market because such watermelons are "inedible," "not fit for human consumption," or "just plain garbage." Such defects are not readily discernible from the outside of the watermelon and, unless it is cut at the time of sale, many consumers are unable to determine whether the watermelon is of good or poor quality on the basis of external appearance. It was testified that when consumers buy such watermelons and receive such poor merchandise they do not readily return for repeat purchases at least during that season. Cumulatively, this reaction directly affects consumer acceptance of watermelons generally and results in a decrease in sales and returns to growers.

Within obvious limitations there appeared to be a difference of opinion among the witnesses as to what constitutes a "cull" watermelon or a watermelon commonly referred to as a "reject." However, the consensus was that watermelon shipments are broken down into the following qualities: U. S. No. 1; percentages of U. S. No. 1's; unclassified; and culls or rejects. The U. S. No. 1's are commonly understood since this is a grade which is defined in the United States Standards for Watermelons. The percentage shipments contain a certain percentage of watermelons meeting U. S. No. 1 requirements, such as 85 percent U. S. No. 1, or 80 or 75 percent of such quality. The unclassified shipments may contain U. S. No. 1 watermelons, however, the shipment as a whole fails to meet a U. S. grade as set forth in the United States Standards for Watermelons. Both proponents and opponents agreed that watermelons culled or rejected from any of the above shipments because of immaturity, whiteheart or decay should never, under any circumstances, be sold on the commercial market due to unfitness for human consumption, the adverse effect on consumer acceptance, and the depressing effect on market prices. The terms "cull" and "reject" are used interchangeably and refer to watermelons falling in this category.

Prices for the different grades and qualities are determined by discounting from the U. S. No. 1 price for any given day. For example, it was testified that on May 25, 1956, when U. S. No. 1 melons returned a certain grower 68.9 cents per watermelon, he received only 34.7 cents for his unclassified melons. There was no price given for his culls or rejects in that the broker testifying did not sell these melons but returned them to the grower for disposition.

The testimony shows that marketing of cull watermelons has a direct effect on prices received by growers in the proposed production area in that it results in less return to such growers. The practice of selling cull or reject watermelons is common throughout the production area and such watermelons are sold at prices substantially lower than for U. S. No. 1 or percentage shipments, oftentimes returning only salvage prices. At the same time such cull watermelons going to commercial markets compete directly with the sale of better quality watermelons. The sale of such cull watermelons at lower prices has an adverse and depressing effect upon the prices received for the better quality watermelons and therefore tends to depress prices generally. The record shows, for example, that Washington and Baltimore are considered by shippers to be "junk markets" where many low quality watermelons are sold. The chain stores operating in these two cities, which normally buy better quality watermelons, are forced to discontinue or sharply reduce their buying when the local markets in these two cities become glutted with culls.

Shipments of whiteheart, immature, or decayed watermelons, as well as watermelons with other serious defects, are common from the production area. Shippers find it is difficult to maintain satisfactory prices for their better quality watermelons as long as cull watermelons of this type can be sold and transported. The hearing record contains substantial evidence by expert witnesses that immature, whiteheart, or decayed watermelons from the Southeastern production area should never be shipped to market and there should be authority in the marketing agreement and order to prevent their sale and transportation.

Prices to Southeastern watermelon producers and total returns to such producers could be augmented by handling only the more preferred grades and qualities of such watermelons and by prohibiting the sale and transportation of immature, whitehearted or decayed watermelons. Voluntary efforts by individual producers and handlers to eliminate the culls have been unsuccessful since other handlers continue to ship such watermelons to the detriment of all other watermelon producers and handlers.

The orderly marketing of watermelons grown in the Southeastern production area has been disrupted and the purchasing power of the producers thereof has been impaired by reason of the marketing of poor grade and quality watermelons which has had an over-all adverse effect on prices returned to watermelon growers.

A marketing agreement and order is necessary to provide authority for regulation of the sale and transportation of watermelons grown in the Southeastern production area which would thereby establish more orderly conditions for marketing such watermelons as will be in the public interest. The establishment of more orderly marketing conditions as brought about by marketing agreement and order regulations will tend to establish parity prices for watermelons grown in the Southeastern production area and, therefore, tend to effectuate the declared policy of the act. A marketing agreement and order authorizing regulation of the handling of watermelons will assist the industry in establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for watermelons grown in the production area which will effectuate such orderly marketing of such watermelons as will be in the public interest. It is hereby found that the marketing agreement and order as hereinafter set forth will promote more orderly marketing of watermelons grown in the production area. The operation of such a program will tend to establish and maintain such orderly marketing conditions as will establish, as a price to growers, parity prices for such watermelons.

(3) The term "watermelons" as used in the marketing agreement and order identifies the agricultural commodity to be regulated and distinguishes it from other agricultural commodities. The term "watermelons" should be defined to include all varieties of watermelons which are grown in the production area except watermelons commonly known as icebox type watermelons. The term watermelons has a specific meaning to all producers of the commodity in this production area and to those persons who sell, and purchase and distribute watermelons not only within the production area but also in other parts of the country. However, the definition should be limited to those grown in the production area since watermelons produced in other portions of the United States are not proposed to be regulated.

The definition of watermelons is not intended to include those watermelons which are commonly referred to as icebox type watermelons. Icebox type watermelons are small watermelons usually packed and shipped in crates. It was maintained by the proponents at the hearing that such melons are a separate commodity which does not compete with the larger common watermelons and therefore should not be included in the marketing agreement and order. Icebox type watermelons normally weigh from four to twelve pounds, averaging around seven pounds, as contrasted to eighteen to twenty pounds or more for watermelons covered by the marketing agreement and order. Varieties of icebox type watermelons are different than those of the watermelons covered by the marketing agreement and order. For example, the principal varieties of watermelons grown in the production area are the Charleston Gray, Congo, and Cannonball. The common icebox type varieties are the New Hampshire Midget and Sugar Baby.

Icebox type watermelons are easily identified by inspectors and members of the industry. According to testimony introduced at the hearing an icebox type watermelon can be distinguished from an ordinary watermelon by its size, appearance and flavor. Also, because of their size and characteristics it is practically a necessity that icebox type watermelons are stacked or tiered separately in a car or truck.

The definition of watermelons as set forth in the marketing agreement and order establishes the identity of the commodity to which the handling activities related thereto are subject to the authority of the marketing agreement and order. Watermelons, therefore, should be defined in the marketing agreement and order to mean all varieties of watermelons grown in the production area except watermelons commonly known as icebox type watermelons, which, for purposes of this program are watermelons averaging ten pounds or less. The latter are excluded from the definition through the dual means of excluding them by the term "icebox type watermelons" and excluding watermelons averaging ten pounds or less in weight.

The term "production area" should be incorporated in the marketing agreement and order as a means of specifying the area within which watermelons must be produced before the handling thereof is subject to regulation thereunder. Production area is defined to include all counties in the State of Florida except those counties lying west of the Apalachicola River, all counties in the State of Georgia and all counties or portions thereof in the State of South Carolina lying south and west of the line formed by the Santee River, Lake Marion, the Wateree River, and the Catawba River.

The counties in Florida west of the Apalachicola River are not included within the proposed production area because they are not considered an integral part of the commercial southeastern watermelon deal by the indusry. Production in this part of Florida is usually by small producers on a non-commercial basis, who generally market their watermelons locally or in nearby areas. This section produced 10.2 percent of the total Florida crop in 1955, but has averaged only 7 percent of the total Florida crop during the ten-year period 1946–55 (Exhibit No. 9).

The boundary of the production area in Florida is the Apalachicola River which serves as a natural barrier between that portion of Florida within the production area and the area outside. The proponents testified at the hearing that watermelons grown on one side are not moved across to the other side of the river to be graded, loaded, and shipped. Handling operations on both sides of the river are separate and distinct. With respect to the remainder of Florida, the four producing districts (South Florida, Leesburg, Gainesville, and Live Oak) constitute the Florida commercial deal. These four districts start shipping at different times, beginning with South Florida and continuing north, but each district's shipments will overlap with those from the districts to the north. The northern districts, in turn, overlap with shipments from Georgia, and Georgia overlaps South Carolina.

The entire State of Georgia is included within the production area. The southern part of Georgia is the principal producing district in Georgia. This district starts shipping in June, and continues into July. North Georgia starts a short time later and also continues into July.

There is a producing section in southeastern Alabama with fairly concentrated acreage adjacent to the Georgia line. This Alabama deal, however, is more closely related to the Western Florida watermelon deal. Like the Western Florida section, it is separated from the production area by a natural barrier, the Chattahoochee River. Also, the counties in Southwestern Georgia bordering on the Alabama-Georgia line are not important shipping points for Georgia grown watermelons. It was testified that this situation is similar to the Western Florida situation in that watermelons are not moved across the Chattahoochee, either east or west, for grading or loading.

The production area as defined in the Notice of Hearing included the entire State of South Carolina. However, the evidence presented at the hearing does not substantiate including the northern producing section, Pageland-Chesterfield. No witnesses from this section testified at the hearing. The witnesses from South Carolina who testified at the hearing were from the Allendale-Barnwell section and were not familiar with the Pageland-Chesterfield watermelon deal except for shipping dates. In addition there is a small watermelon deal in North Carolina, which unlike the West Florida and Alabama situation, is in close proximity geographically and in marketing with Pageland. It was testified that it was possible for watermelons grown in the Pageland section to be loaded in North Carolina and conversely for North Carolina grown watermelons to be loaded in the Pageland section in South Carolina. Furthermore, the North Carolina deal is in direct competition with the Pageland deal. Based upon this testimony the Pageland section at this time is not included in the production area.

Shipments from the southern section, Allendale-Barnwell, are marketed in competition with shipments from Georgia and the northern districts of Florida. For a week to ten days in July the two sections in South Carolina are also in direct competition. This competition is during the windup of the Allendale-Barnwell deal and the beginning of the Pageland-Chesterfield deal. After mid-July, the Pageland-Chesterfield deal has no appreciable competition from the production area but is competing principally with North Carolina, Texas, and other producing areas which are closer to market and are marketing at the same time. Excluding the Pageland section will not have an appreciable effect upon the returns to growers in the production area.

The Santee River, Lake Marion, the Wateree River and the Catawba River provide a boundary line, comprised of a natural barrier similar to that provided by the Apalachicola River in Florida and that provided by the Chattahoochee River on the Georgia-Alabama state line, which offers a clear cut, effective separation from other, and later, watermelon producing sections.

The shipping season for watermelons grown within the production area, as defined in the proposed order, begins in south Florida early in the calendar year and moves north as the year advances, with shipments from each section or district overlapping and coinciding to considerable extent with shipments of watermelons from one or more other districts therein. Therefore, the territory included within the boundaries of the production area constitutes the smallest regional production area that is practical and consistent with carrying out the declared policy of the act, and the production area should be defined as hereinafter set forth.

(4) The terms "handler" and "shipper" are synonymous and should be defined to identify those persons who handle watermelons in the manner described and set forth in the definition of "handle." The definition of handler establishes and identifies the persons who are to be subject to the regulations authorized by the marketing agreement and order. Any person who is engaged in the act or acts of handling or shipping watermelons or who in any other way is responsible for placing watermelons in the current of commerce is a handler. Such persons are responsible for the grade and quality of watermelons delivered to transportation agencies or which are transported or sold in the current of interstate or foreign commerce or which directly burden, obstruct or affect such commerce and are handlers.

Common or contract carriers transporting watermelons owned by another person are performing a handling function but such handling should not be regulated under the marketing agree-

ment and order because such carriers are not responsible for the grade and quality of the watermelons being transported. Neither are they responsible for the introduction of such watermelons in the stream of interstate commerce. Also, the sole interest of common or contract carriers in such watermelons is to transport them for a service charge to destinations given by others, and the person or persons who deliver watermelons to a common or contract carrier should be responsible for the grade and quality of such watermelons. Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons or causes watermelons to be handled.

The term "handle" or "ship" is defined in the marketing agreement and order to spell out the activities or transactions by handlers which fall within the regulatory authority of the proposed program. "Handle" and "ship" are interchangeable and their definition should include all shipping activities, the acts of selling or transporting watermelons within the production area or to any point outside thereof.

The definition of "handle" should not include the sale of unharvested watermelons. It is a practice within the production area for some growers to sell fields of watermelons prior to harvest to other growers, brokers, truckers, or other handlers. In some cases such fields are sold just prior to picking. However, the sale may occur at any time during the crop season. Such sales should not be included within the definition of "handle" because the grower has no connection with the harvesting, the grading or marketing of such crop. The purchaser in such cases determines the disposition of the watermelons after picking and also has the authority to direct which watermelons will be marketed and how they will be sold.

Watermelon marketing is unique when compared to most vegetable crops in that the watermelons constitute their own package, and it is not necessary in the packing operation to funnel the commodity through an ordinary packing house. Title to the watermelons can be transferred prior to harvest, as described above, immediately after harvest, at time of loading, or at terminal markets. The handler, who oftentimes can be the grower, makes sales either direct to other handlers at shipping point or to receivers or brokers in receiving markets or other areas outside the production area or within the production area. Also, in many cases watermelons are consigned to such markets by the shipping point handler.

Growing and harvesting watermelons in the production area are producer functions and such functions should not be included within the definition of handle or ship. However, once movement after picking has started, the watermelons enter the current of commerce. For example, it is a common practice for growers to sell watermelons, principally to truckers, directly at the field where grown. The watermelons are carried or "toted" by the grower's harvesting crew to a turn row, or the edge of the field or to a road where they can be loaded on the buyer's trucks. Such watermelons, even though they have not been subjected to a separate grading operation are in acceptable form as far as the buyer is concerned. The grower in such transaction is the person responsible for the grade of watermelons being handled and he is performing a handling function in selling and should be construed as a handler. Also, the trucker who buys such watermelons is a handler because he has acquired title thereto and is responsible for transporting such watermelons in the stream of commerce.

In other cases growers move watermelons immediately after harvest from the turn row or the edge of the field in their own trucks or in trucks hired by them to an assembly or loading point, or to a railroad siding for grading and loading. The field run watermelons are then separated according to acceptable grades and qualities at such loading points or railroad sidings as they are being loaded for transportation. The movement of such field run watermelons to loading points or railroad sidings constitutes handling and is within the definition of "ship" or "handle."

Many watermelons are transported after harvest by the grower to farmer's markets or auctions within the production area. The watermelons are then sold at the farmer's market to buyers who many times grade the watermelons at that point prior to transportation from the market. Movement to such markets by the grower should be considered a function similar to that described above with respect to movements to assembly points or rail car sidings.

Rail shipments are not always handled the same. In some cases the grower loads the car, obtains inspection, and then turns the car over to an agent or handler. In such cases, the grower is responsible for the grade of the watermelons contained within the car, and is therefore performing a handling function. In other cases, the grower may just transport the watermelons to the car located at the siding where the agent or handler supervises the grading and loading of the watermelons, and inspection is obtained by the shipper. In such situations the agent or handler performs the handling functions of grading, loading, and transporting the car. In other cases, the agent or buyer may buy the watermelons at the field and have them transported to the siding where he then supervises the grading, loading and shipment of the car. The agent and grower in such cases would be considered handlers since the grower sells the watermelons and the agent is responsible for their transportation.

There are certain auctions located within the production area (at Trenton and Newberry, Florida) which deal in loaded railroad cars of watermelons. At such auctions copies of inspection certificates describing the car and its contents are furnished the buyers who then bid for the car on the basis of the information on the certificate. In many cases, the buyers will actually inspect the watermelons contained in the car, but in other instances their knowledge of the car's contents is based upon the information contained on the certificate. The growers or handlers who make such cars available for auction are handlers under the definition by reason of their sales and the buyers become handlers when they resell the watermelons or transport them to market.

Some watermelons are sold on joint account. In a joint account venture one member usually does the buying and the other the selling. In some instances a joint account may be between a shipping point grower or shipper and a receiver. In other instances, a grower and a shipper can operate a joint account with the grower producing the watermelons and the shipper selling. Because the parties in a joint account sell and/or transport watermelons they would be handlers under the marketing agreement and order. Also, persons commonly referred to in the production area as shippers or brokers, would, in most of their transactions, be handlers under the marketing agreement and order. In some instances they might be the second or subsequent handler; however, they normally perform the functions of selling or transporting watermelons, which functions are included under the definition of "handle."

When watermelons are being prepared for market—graded and loaded—inspection is usually coordinated with the loading. The person responsible for determining the grade, quality and maturity of the watermelons being loaded applies for the inspection. Under the definition of "handle" the applicant for inspection would, therefore, be the first handler, and would be responsible for complying with requirements under the marketing agreement and order. Subsequent handlers would also have the responsibility of ascertaining whether their shipments complied with requirements. If inspection is not obtained on a shipment, the person responsible for preparing the shipment for market, and who would normally apply for inspection, would be the first handler.

All transactions involving the transportation of watermelons, with the exception of common or contract carriers transporting watermelons owned by another person, constitute handling under the definition. Normal movement of watermelons from field to market would be included within the term "handle." This would include movement from the field to assembly points or railroad sidings, to auctions or farmers' markets, or to terminal markets. Such transportation would also include movement from the loading point to diversion points or terminal markets.

With the exception of the activities which are specifically excluded from the definition of the term "handle," all transportation and sales of watermelons from the time they are harvested and begin their movement into commercial channels, should therefore, be included within the definition of the term "handle."

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing agreement and order. Such terms should be defined for the purpose of designating specifically their applicability in establishing the approximate limitation of their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, but also, in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U. S. Department of Agriculture who is, or who may be hereafter, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative. It makes it unnecessary to refer to such citation when used thereafter in the marketing agreement and order.

The definition of "person" follows the definition of that term as set forth in the act and will insure that it will have the same meaning as when used in the act.

The term "producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of watermelons for market. The definition of this term is necessary for appropriate determinations as to eligibility to vote for members of the committee and to distinguish such persons from those who are defined as handlers. The term should be limited to those who have an ownership interest in watermelons produced in the production area. It should not include laborers or others who perform work for fee or for hire in producing watermelons.

The term "producer" includes persons who own and operate their own farms; persons who rent farms and who own all or a portion of the watermelons produced on their farms; landlords who receive a portion of watermelons as rent for land; partnerships which produce watermelons for market; and corporations, associations or other business units which produce watermelons for market. The governing factor in determining ownership interest in watermelons produced depends upon who has title to such watermelons. A producer is that person (or persons) who owns, or has title to, the watermelons produced.

Where an unharvested crop is sold, the original producer—i. e. the person who planted and cultivated the crop—shall be deemed the producer. It is recognized that the buyer may spray or dust the crop prior to harvest. However, the original owner was more responsible for the production of such crop.

An "eligible producer" is defined to mean any person who is a producer or a producer-handler of watermelons for market whose handling of watermelons produced by others constitutes less than 25 percent of the total number of watermelons handled by such person during the 12-month period immediately preceding a nomination meeting. This term should be defined in the marketing agreement and order so that appropriate determinations as to eligibility to serve as members or alternate members of the committee can be made. It was testified at the hearing that persons representing producers should be bona fide producers who are currently active in the watermelon industry and whose principal interest in the watermelon industry is as producers and not as handlers. By stipulating the 25 percent requirement, the proponents believe that persons so qualifying will adequately represent producer interests.

The term "eligible handler" is defined to mean any person who is a handler only or any person who is both a handler and a producer of watermelons for market but whose handling of watermelons produced by others constitutes at least 25 percent of the total number of watermelons handled by such person during the 12-month period immediately preceding the nomination meeting. This term also is necessary for appropriate determinations as to eligibility to serve as members or alternate members of the committee for reasons similar to those given for defining "eligible producer." Persons representing handler interests on the committee, likewise, should be persons whose principal interest in the watermelon industry lies within the field of handling rather than producing. The 25 percent requirement is deemed sufficient to assure that such persons will adequately represent handler interests.

"Grading" and "preparation for market" are interchangeable and mean the operation by which watermelons are processed, sorted or separated into the grades and qualities which will go to fresh markets from those which should be withheld from such markets. Grading is an operation which is common and customary in practically all watermelon marketing in the production area. Separation of the different grades and qualities of watermelons is usually a hand operation by which the grader, who by practice has learned the difference between the various qualities or grades of watermelons, watches watermelons as they are loaded into the car or truck and accepts or rejects such watermelons depending upon the grades or qualities which are desired for the particular shipper.

Grading can be done in the field where the watermelons are grown, at assembly and loading points, at farmers' markets, or at any point where there is space available to separate the melons into specific market classes. There are variations in the process of grading, but the essential feature of the operation is the separation of watermelons, so that the watermelons which should not go to market are separated from those which are going to market.

It is a common practice for watermelons to be sold from the field where grown. When watermelons are sold directly from the field to the trucker or to another person who takes them to market, either within or outside the production area, such watermelons have usually been graded to the extent that the watermelons are marketable. Watermelons can be graded in this manner to satisfy the demands of some types of buyers. The watermelon grower who either markets his own crop or sells at assembly points, farmers' markets, auctions, or to truckers oftentimes separates the good marketable watermelons from the culls in the field at the time of harvest.

The grading process covers the act of preparing watermelons for market regardless of whether the process is a simple hand operation or a more complicated combination of machinery and hand operation. The use of mechanical equipment in grading watermelons is not common; however, some handlers use mechanical loading and/or waxing equipment. Grading is an operation which applies to all watermelons grown in the production area even though the extent to which watermelons are separated into classes may vary considerably according to the types of outlets.

The definition of "grade" is incorporated into the marketing agreement and order to enable persons affected thereby to determine the basis for application of grade limitations to the products they handle. "Grade" should be defined to mean any one of the established grades of watermelons as defined in the official standards for watermelons issued by the U. S. Department of Agriculture and to modifications and variations of such standards by regulations under the marketing agreement and order. Regulations under the marketing agreement and order can then incorporate such terms with the constant meaning assigned thereto in such standards, or in such modified or amended standards. Also, such regulations can vary such terms by prescribing, for example, a percentage of grade, such as a regulation limiting shipments to a percentage of the U. S. No. 1 grade. Regulations should be authorized preventing shipments which fail to meet certain U. S. grades, except for modifications for certain defects. Official inspectors are qualified to certify the grade and quality of watermelons grown in the production area in the terms of the standards or modifications or amendments based thereon.

"Mature" should be defined as set forth in the marketing agreement and order. A mature or ripe watermelon is a melon that has reached a stage of development at which the flesh is at least fairly sweet and shows the characteristic color of a mature melon for the variety. This definition is included within the marketing agreement and order so that regulations which may be issued under the marketing agreement and order can be fully understood and interpreted by handlers. Inspectors are qualified to inspect and certify as to maturity.

The term "varieties" is included within the marketing agreement and order so that the committee may recognize characteristics of different varieties of watermelons which might be considered with respect to recommendations of regulations therefor. The Charleston Grey is the most popular variety of watermelons grown in the production area at the present time. Some Congos, Cannonballs, and other varieties are produced and represent only a small percentage of total shipments. However, new varieties, such as the Blackstone, which are different in some respects from the aforementioned varieties are increasing or

may increase in importance. The meaning set forth in the definition of varieties is appropriate for determining different varieties or types of watermelons grown in the production area so that a basis for regulating some and not regulating others may be established.

The definition "committee" is incorporated in the agreement to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the act and the definition thereof minimizes the use of words referring to the administrative agency of the marketing agreement and order.

A definition of "fiscal period" should be incorporated into the marketing agreement and order to establish the beginning and ending of a suitable period for fiscal accounting. Such period is set forth in the marketing agreement and order as beginning on January 1 and ending December 31 following. This is a practical period with respect to the watermelon industry in the southeastern states. The beginning date comes within the period when shipments are not made or are at their minimum. This is the commonly accepted date for the beginning of new operations in connection with watermelons. While the date for the new fiscal period could be moved forward a month or so or moved back the same way it is believed that the present proposed January 1 is the most appropriate.

"District" should be defined as each of the geographical sections of the production area either as initially established or as later reestablished in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable and it provides a practical basis for the purposes for which intended.

The notice of hearing contained a definition of "export." However, as this section was not supported by substantial evidence, it is deleted from the marketing agreement and order.

(b) The order should provide for the establishment and selection by the Secretary of the administrative committee. This committee would be composed of eight producer members and four handler members and would be called the Southeastern Watermelon Committee. Such an administrative body is essential to aid the Secretary in carrying out the declared policy of the act. The proposed membership would give both producers and handlers of watermelons fair and equitable representation. Provision should also be made for the selection of an alternate for each member of the committee. An alternate member would have to qualify on the same basis as the member for whom he acts as alternate.

An alternate member should be authorized to act in the place and stead of the member for whom he is an alternate in such member's temporary absence or when the member's absence is due to death, removal, resignation, suspension, or disqualification. When acting as a member the alternate should continue in that capacity until a successor for said member is selected and has qualified. Thus, continuity of operations would be assured and all districts would be adequately represented at all times.

The proposed committee membership of eight producers and four handlers was generally supported by the industry and is considered both equitable and practicable. Inasmuch as the production area would encompass most of three States, 12 members would seem to be the minimum number necessary to properly represent the divergent producing sections. Evidence presented supports the finding that this plan of representation received intensive study by the industry and is considered the most desirable and appropriate.

The production area should be divided into seven districts—four in Florida, numbered 1, 2, 3, and 4, two in Georgia, numbered 5, and 6, and one in South Carolina, numbered 7. From each of the districts in Florida and Georgia one producer member should be selected and from District No. 7 in South Carolina two producer members should be selected. In addition, two handler members should be selected from Florida and one each from Georgia and South Carolina. Based upon the volume of production from these three States, it is felt that this representation on the committee would be the most equitable.

To be selected as a producer member or alternate each nominee must be an eligible producer of watermelons in, and a resident of, the district from which he is nominated. To be selected as a handler member or alternate each nominee must be an eligible handler in, and a resident of, the production area within the State from which he is nominated. Producers and handlers meeting the requirements for selection to the committee should also be intimately acquainted with the problems of producing and marketing watermelons grown in their area and, if selected, may reasonably be expected to act in their representative capacity in an efficient and practical manner. Obviously, the qualifications of each alternate member should be similar to those of the member for whom he may act in order that the interests of the group represented will be adequately protected.

Each person selected by the Secretary as a committee member or alternate should file a written acceptance with the Secretary in order to qualify for the position. Such requirement is necessary so that the Secretary will have definite knowledge that the position is filled. To prevent excessive delay in obtaining full membership on the committee such acceptance should be filed within ten days of receipt of notification of appointment.

The term of office for all committee members and alternates should be one calendar year ending December 31, and for any additional period necessary for the selection and qualification of their successors in office. Such term of office would encompass a full marketing season and would allow the industry time to express its approval or disapproval of the committee membership prior to the beginning of a new season. Approval could be expressed by renomination of able and popular incumbents. January 1 would be an ideal starting date for the term of office because it is between marketing seasons and would give the new committee ample time to organize and prepare for the coming season before any sizable shipments are made. At the present time the marketing season for all practical purposes is from late April through October. The season is actually in full swing only from late May through early August. Committee members and alternates should serve during the term for which selected and until their successors are selected and have qualified in order to assure continuity of committee operation.

It is desired by the industry that at least nine members should be necessary for a quorum. This would insure that at least three-quarters of the committee would attend each meeting. Committee considerations, therefore, should reflect a cross-section of industry thoughts and attitudes. Not less than seven members of the committee should be required to concur in any committee vote in order for any measure to pass. Seven concurring votes would represent a bare majority of the full committee and is considered adequate and reasonable in view of the fact that the marketing seasons for the various districts are not the same and at any one time some portion of the production area would not be materially affected by regulations passed by the committee. It would appear, therefore, that a majority of concurring votes of the entire committee would be sufficient to approve committee action.

The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any vote cast at other than an assembled meeting should be confirmed promptly in writing to provide a record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

The committee should be given those specific powers authorized in the enabling statute as set forth in section 8c (7) (C) of the act. They are common to marketing agreements and orders and are necessary for the proper function of an agency of the character herein proposed.

The duties of the committee set forth in the proposed order are generally similar to those specified for administrative agencies under other marketing agreements and orders.

These duties should enable the committee to undertake and perform such activities necessary to carry out its prescribed responsibilities. It should be recognized that the duties listed are not necessarily all inclusive and that there may be other duties which are incidental to and not inconsistent with the terms and conditions of the proposed order which the committee may need to perform in connection with its operation thereunder.

Committee members and alternates should be reimbursed for necessary expenses incurred in the performance of the duties of the committee or in connection therewith. Such expenses might include travel, meals, hotel accommodations, and other related expenses when attending committee meetings or, when authorized, on other committee business. Expenses, to be reimbursable, should be actual and reasonable expenses incurred in performance of official duties, but shall not include per diem compensation for time involved. The notice of hearing included a provision for compensation. However, the proponents did not offer evidence to support its inclusion because they now believe committee members should donate their services to the industry.

The proposed production area should be divided into districts to provide a basis for selection of committee members. The districts as recommended herein for adoption were worked out by industry spokesmen, and they apparently represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The original proposal as printed in the notice of hearing had the production area divided into eight districts, including two in South Carolina. Each district constituted what was generally known and recognized by the industry as a separate and distinct production section. On the basis of the record the Pageland section in South Carolina, originally included in the production area as District No. 8, should not be included. For that reason there will be only seven districts, one of which will be in South Carolina. The Pageland section could, if it is so desired, be incorporated in the production area through amendment proceedings at a later date.

The provision for redistricting is desirable because it would allow the committee to consider, from time to time, whether the basis for representation could be improved and how such improvement should be made. The guides outlined in the proposed order are appropriate and desirable factors which the committee should keep in mind in considering redistricting. Any recommendation for redistricting, or reapportionment of membership, should be made sufficiently well in advance of the time when any such change would affect membership on the committee so that changes can be properly effected by the Secretary with the least possible inconvenience to all concerned.

Procedure for the election of nominees by producers and handlers for membership on the committee should be prescribed in the marketing agreement and order. Such provisions are considered necessary in order that the Secretary may have assistance from the watermelon industry in selecting members and alternates for the committee. Nominations of prospective producer members and alternates at meetings of producers in the respective districts and handler members and alternates at meetings of handlers in the respective states is the customary and practical method of providing the Secretary with names of individuals picked by the industry to serve on the committee. In order to obtain the industry's preference for membership on the initial committee, meetings of producers and of handlers should be sponsored by the U. S. Department of Agriculture or by an agency or group requested to do so by the Department. This sponsorship would provide the most feasible means for the industry to express its wishes and preferences with respect to committee membership, inasmuch as there would be no existing committee to assume such responsibility at that time.

Succeeding nomination meetings should be called by the incumbent committee because it is practical, proper, and appropriate that the responsibility for calling nomination meetings for succeeding members should rest with the committee as the administrative agency. The committee should be permitted to utilize the services of other agencies, such as, but not limited to, Extension Service representatives, to assist in conducting such nomination meetings.

Nomination meetings for successor members and alternates should be held prior to November 1 of each year in order to assure sufficient time to submit names of nominees to the Secretary not later than December 1. Inasmuch as the selections by the Secretary should be made and published before each new term of office begins, January 1, these deadlines should be adhered to as closely as possible. The committee could hold nomination meetings in conjuction with other meetings that are conducted concerning watermelons in any or all districts if the committee so wished. If, on the other hand, the committee preferred to hold separate nomination meetings, it would be a matter of judgment and responsibility which should properly fall within the scope of authority of the committee.

At least two nominees should be designated for each position as member and each position as alternate, so that the Secretary may have a choice in making selections. It is appropriate, and the industry so desires, that only eligible producers should participate in designating nominees for producer members and alternates and only eligible handlers should participate in designating nominees for handler members and alternates on the committee.

An eligible producer producing watermelons in more than one district, or an eligible handler handling watermelons in more than one state, should be given the privilege to select the district or state in which he desires to cast his vote for the nominees of the committee. Such person, however, may vote in only one district or state, since any other procedure would give that person a greater voice than other producers or handlers in the nomination of committee members.

Each person participating in industry meetings for the election of nominees to the committee should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives. Voting on any other basis would not provide equitable representation. The limitation of a person's right to cast only one vote on his own behalf should be construed to mean that one vote may be cast for each position which is to be filled. For example, if there are two members to be nominated from a district and two alternates from such district, then each eligible producer should be privileged to cast one vote for each member position and one vote for each alternate position. The same would be true where two handler members are to be nominated from a state and two alternates from such state. In that instance, each eligible handler should have the privilege of casting one vote for each member position and one vote for each alternate position. Votes should be cast only in the district or state in which an eligible producer or eligible handler elects to vote. Each person voting is presumably interested in nominating well qualified prospective members and his interest should be expressed in the area where he considers his major interest exists. It is equitable and proper that each person should have the same voice in nominating members who will represent his area on the committee.

It is necessary and desirable that the Secretary be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill such vacancies are not made available to the Secretary within 30 days after such vacancies occur. This provision should insure continuity of operations and equal representation at all times. Such selection by the Secretary would be on the basis of the representation provided in the proposed order so that the composition of the committee would at all times continue as prescribed. Similarly, the Secretary should be authorized to select committee members or alternates without regard to those nominated if for any reason nominations are not submitted to him in conformance with the prescribed procedure.

(c) The committee should be required to prepare a budget at the start of each fiscal period, and as often as may be necessary thereafter, to cover its operations for such period. Each budget should be submitted to the Secretary with an analysis and explanation of its component parts. The committee should recommend the rate of assessment it believes would bring in sufficient income to meet expenses during the period covered by the budget.

The committee should be authorized to incur such expenses as are reasonable and likely to be incurred during each fiscal period for its maintenance and administration of the proposed order, and for such other purposes as the Secretary may, pursuant to the provisions therein, determine to be appropriate to insure proper and efficient operation of the marketing agreement and order.

The funds to cover the expenses of the committee in the administration of the proposed order should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve such expenses by administrative agencies, such as the proposed Southeastern Watermelon Committee, and in addition requires handlers to pay their pro rata shares of all expenses so approved. The payment of assessments for the maintenance and functioning of the committee may be required throughout the period the proposed order is in effect and

irrespective of whether particular provisions thereof are suspended or become inoperative. Such pro rata share assessed to each handler is payable on demand. Each handler's share of expenses should be equal to the ratio between the total quantity of watermelons handled by him as the first handler thereof during a specified fiscal period and the total quantity of watermelons so handled by all handlers during the same fiscal period. It is necessary that the responsibility for the payment of the assessment on each lot of watermelons be fixed and it is proper and equitable to impose such liability on the first handler of such watermelons. In almost all instances the first handler and the applicant for inspection will be the same person. In the event the first handler failed to apply for inspection, however, this would not in any way cancel his obligation to pay the assessment.

Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment. For example, assessment rates might apply to carlot shipment, truck shipment, hundredweight, individual melons, or any other unit of shipment used in shipping watermelons to market. Such assessment should be applied on a uniform rate basis throughout the fiscal period.

At any time during, or subsequent to, a given fiscal period the committee should have the authority to submit to the Secretary for approval an amended budget and an increased rate of assessment to balance committee expenses and revenues where the prior rate of assessment proved to be inadequate. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets and, if necessary, increase the rate of assessment.

To avoid any inequities among handlers, authority should also be included to retroactively apply the increased rate of assessment to all watermelons previously handled in the fiscal period concerned.

Any funds remaining at the end of a fiscal period in excess of expenses for that period should be credited to contributing handlers on a proportionate basis unless carried over as a reserve for contingency or liquidation. Each handler entitled thereto should have such refund credited to his account for the following year's operations unless he demands payment thereof, in which event he should be entitled to be paid as soon as practicable.

It is generally accepted as good business practice to provide for unforeseen contingencies. For example, it is possible that adverse weather conditions might result in substantial crop failure during any given fiscal period. The net effect of such crop failure would be to greatly reduce or stop shipments, and would cause the discontinuance of regulation and collection of assessments. In order to continue at least a nucleus of an administrative organization and to assure the performance of a minimum of basic services, the committee should have the authority to set up a reserve account from any excess assessments and to use such funds during any period when needed. In the event of termination the costs of liquidation would be defrayed by funds from the reserve account.

Funds in the above reserve account might properly serve another purpose. At the beginning of each fiscal period there will be a need of operating monies at a time when there will usually be little, if any, revenue from assessments. It is economical and practical, and the committee should be so authorized, to use the accumulated cash until such time as assessment collections provide adequate revenue to meet current expenses. It is contemplated that any such reserve will be built up over a period of years (possibly five years). This progressive accumulation will tend to equalize the burden among handlers over a period of years. It is generally agreed that the reserve which could be accrued from excess assessments should be not more than an amount roughly equivalent to the average budgetary figure for one fiscal period. A lesser amount, determined from experience, may prove sufficient. In the event funds from the reserve account are used for any purpose, except liquidation, such funds should be returned to said reserve account as soon as practicable in order that it may be maintained at an adequate level to meet future contingencies as they arise.

Any funds remaining after liquidation, including any balance which might remain in the reserve account, should be refunded to handlers on a pro rata basis. In some cases individual handler accounts may be of such small amounts as to make impracticable the return of such pro rata share. Amounts of such insignificant nature should be disposed of as the Secretary may consider to be most appropriate under the circumstances.

The committee should provide periodic reports on its fiscal operations. It is expected that an audit report will be furnished the Secretary at the end of each fiscal period covering the committee's fiscal operations for that period. Additional audit reports will be furnished covering any period at the request of the Secretary or at the discretion of the committee in order to maintain appropriate supervision and control of the committee's affairs. Also, financial statements reflecting the current fiscal position of the committee should be furnished the Secretary and members and alternates at the close of each month. Copies of such audit reports and monthly financial statements should be available at the committee's principal place of business for perusal by interested members of the watermelon industry. In no instance, however, should data of a confidential nature which could prove detrimental to the interests of an individual handler or producer be disclosed in copies of fiscal reports released for public information.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of watermelons was authorized by amendment to the act in Public Law 690, known as the Agricultural Act of 1954, 83rd Congress. Such provision should be included in the marketing agreement and order.

Research projects with respect to market developments, transportation, handling methods, and marketing practices could prove to be of considerable value to the watermelon industry and to the committee with respect to the recommendation of regulations. It was testified at the hearing that past research in watermelons has been limited and has been principally in the field of production rather than in marketing. Also, there are practically no by-products or other uses for watermelons besides fresh human consumption. There appears to be a real need for marketing research projects and for projects designed to develop new uses or by-products.

The committee should have the authority to recommend the establishment of such projects which are in the best interests of watermelon marketing and which will assist, improve, and promote the marketing, distribution and consumption of southeastern watermelons. The committee should be authorized to engage in or contract for such projects, spend funds for such purpose, and consult and cooperate with other agencies with regard to same. All such projects should receive prior approval by the Secretary in order to insure that such contemplated projects properly come within the purview of the statutory authority.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for watermelons, among other commodities, as will tend to establish parity prices to producers thereof. The regulation of the handling of watermelons by grade and quality as authorized in the marketing agreement and order should provide a means of carrying out such policy and is one of the ways authorized by the act (section 8c (6)) for achieving this objective. The procedures and methods, which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grades and quality regulations, should provide a practical basis for the committee to obtain appropriate and adequate information relating to watermelon marketing problems. The marketing policy would be essential each season to provide an over-all plan or policy for the committee and the industry to follow with respect to the marketing of watermelons. Also members of the industry should be provided with the information regarding regulations which may be recommended by the committee. The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policies are the ones commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to watermelons and are adequate and proper for the intended purposes.

In order that the Secretary may carry out effectively his responsibilities with respect to the marketing agreement and order, the committee should transmit to

the Secretary a report on each proposed marketing policy or amendment thereof relating to the marketing of watermelons during each season.

The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to or simultaneously with its initial recommendations for regulation. This would give all interested parties maximum notice of probable regulations. Reports on marketing policy and regulations recommended should be submitted to the Secretary and presented to the industry by the committee.

The committee as the responsible local administrative agency should be authorized to recommend grade, quality, or any other regulations authorized by the terms of the marketing agreement and order. The committee will be composed of experienced watermelon producers and handlers who will reflect the thinking of the industry when making recommendations. Because of the members' and alternates' experience and closeness to the industry the committee is the logical agency to which the Secretary may look for recommendations.

The committee would have the responsibility for recommending minimum quality and other regulations, as well as modifications, suspensions, amendments or terminations thereof, and should be authorized to consider and recommend any or all methods of regulations which are authorized in order for the Secretary to act thereon. Also, the committee should be required to advise the Secretary, and the Secretary should determine whether the committee and the industry are adequately prepared and able to comply with such regulations.

Determinations should be made as to whether the committee is organized as a going concern ready to administer the program; whether the inspection service is prepared to render the service required under the marketing agreement and order; whether methods for establishing centralized inspection points are appropriate; whether the watermelon industry is willing and able to bring watermelons to such inspection points and make them accessible for inspection; whether satisfactory means of identification of inspected watermelons are available and feasible; and whether the industry has assured cooperation of State agencies in promoting and coordinating inspection requirements and administration to help promote orderly marketing of watermelons. When such considerations have been satisfactorily resolved, the committee would then be in a position to make recommendations in line with the authorities provided for in the order. The committee in making such recommendations must comply with requirements relative to formulating a marketing policy as set forth in § 1021.50, and must advise the Secretary concerning the advisability and feasibility of issuing the minimum quality or other regulations, and justify a finding that the recommended regulations would tend to effectuate the declared policy of the act.

The issuance of a minimum quality regulation which would withhold shipments of immature, whitehearted and decayed watermelons grown in the production area should tend to increase prices for the more desirable watermelons and to promote more orderly marketing and increase the returns to producers of such watermelons. The minimum quality regulation (as set forth in § 1021.52 (a)) of the marketing agreement and order would withhold watermelons affected by internal damage from immaturity, whiteheart and decay. Many of the opposition witnesses testified that such watermelons cannot be sold to truckers. Proponent witnesses in turn testified that many such watermelons are sold and some witnesses testified that they personally had sold such watermelons. Also testimony was entered into the record that due to numerous complaints, the Georgia Department of Agriculture banned the sale of such watermelons on the Atlanta Farmers' Market. Watermelons that are immature, or affected by whiteheart or decay, do not give consumer satisfaction because, the testimony shows, such watermelons are inedible and their sale discourages repeat purchases by consumers. When shipments of watermelons are being regulated under the marketing agreement and order, the minimum requirements with respect to immature, whiteheart or decay should be in effect at all times. The minimum quality regulation would not withhold watermelons which are rejected from the U. S. No. 1 shipments because of other defects such as hollowheart, sunburn, hail or sand scars, etc. It is intended that this regulation will establish the minimum standards of quality and maturity for southeastern watermelons.

In addition, the Secretary pursuant to committee recommendation, may further limit shipments of watermelons whenever he finds that this action would tend to effectuate the declared purposes of the act. It was testified at the hearings that in the past watermelons have, on occasions, been in such large supply that a heavy volume of the better grades became available for shipment. During such periods it would be feasible to issue more stringent regulations so that only the better grades would be offered to consumers. Also, certain defects may be considered more undesirable during periods when watermelons are plentiful, and the committee may recommend that watermelons affected by such defects be withheld from market.

Authorization should be included in the marketing agreement and order to regulate, in addition to the minimum quality regulation, in any or all portions of the production area, the handling of particular grades or qualities of any or all varieties during any period. Portions of the production area may be shipping at a time when supplies are in line with demand and returns to growers are satisfactory. At such time and during such periods the minimum quality regulation would be adequate. However, when another portion or portions of the production area begin shipping, the increased volume may be such that prices would fall. In such cases more restrictive regulations could readjust supplies to stabilize the market.

Furthermore, it was testified at the hearing that certain portions of the production area may at times produce so few watermelons that it would be impractical for the inspection service to make inspection available. To make inspection compulsory at such times in these sections might tend to raise the cost of inspection to all handlers. The record of hearing shows that the proponents favor regulation in all portions of the production area at a given time when handling of watermelons is in sufficient volume to establish a commercial market capable of supporting adequate marketing services, such as inspection, at customary rates. The terms and provisions of the marketing agreement and order, therefore, should provide authority for issuing regulations in any or all portions of the production area when justified.

Provision should be included in the marketing agreement and order to allow consideration for regulating differently for certain varieties because of definitive characteristics which may render such varieties more susceptible to certain defects or diseases than other varieties. Such a small volume of these varieties may be produced that their marketing would have little effect on prices received for the more common varieties. At the present time, the Charleston Gray variety accounts for a high percentage of the total production of watermelons grown in the production area. However, other varieties are grown to a lesser extent. Some of these varieties are older varieties which were commonly grown in the past, while others are new varieties, such as the Blackstone, which are increasing in popularity. The continuing development of improved varieties should be encouraged. Provision should be made, therefore, to allow sufficient flexibility under the marketing agreement and order to allow all growers and handlers equitable consideration in marketing their watermelons.

A few outlets take different grades and qualities than normally shipped to the commercial market. For example, seed processors, and manufacturers of pickled rind or of medicinal products from watermelons are not necessarily interested in obtaining grades or qualities which are desirable in fresh market watermelons. Flexibility in the regulation of shipments to such outlets should be included within the terms of the marketing agreement and order, so that such outlets may be utilized to the fullest extent possible.

During any period no regulation may be recommended for issuance which would prohibit the handling of watermelons grading 85 percent U. S. No. 1, or better. The proponents testified that under most conditions a shipment of 85 percent U. S. No. 1 watermelons will return satisfactory prices to growers. No grade regulation higher than the minimum quality regulation, however, may be recommended for issuance during the period January 1 through May 10 of each year unless the producer committee member from District No. 1 concurs in the committee recommendation therefor. District No. 1 comprises South Florida

which usually starts shipping in March and continues through early May with little or no competition due to such an early growing season. The watermelons grown in this district, however, have external characteristics not normally comparable to those grown in other districts of the production area. The district is subject to extremes in weather with hail, heavy rains and high winds being common. The soil in this district, as in many other parts of Florida, is sandy. When this sand is blown by high winds the watermelons are scarred, which affects grade. The extremes in weather have an effect upon shape which also affects grade. Production costs are high in this district. Although gross returns are usually high for watermelons grown in this district, due to the limited supply available, growers must sell a high percentage of their crop in order to meet production costs. Therefore, the producer member who is familiar with conditions in this district should concur in any recommendation for regulations more stringent than the minimum quality regulation.

The committee should have the authority to recommend suspension of any or all regulations in effect under the marketing agreement and order on or after July 15 if at least two committee members from South Carolina concur in such recommendation. Normally, by July 15 shipments of watermelons from the production area in any sizable volume are finished. The Allendale-Barnwell district of South Carolina usually finishes shipping about this time and the Pageland section in South Carolina is usually at its peak. Similarly, Georgia and Florida normally have shipped the bulk of their volume by this date. A small volume could be moved from the production area after this date but it would not be significant as far as affecting total returns to growers. If shipments have dwindled to practically nothing the committee might conclude that it would not be practical or feasible to retain controls including compulsory inspection over such a small volume. Therefore, the committee should have authority to recommend suspension of regulations as set forth in the marketing agreement and order.

The requirement that the Secretary should notify the committee of any regulations, or of any modifications, suspensions, or terminations of regulations and, in turn, that the committee shall give reasonable notice thereof to handlers, is appropriate and necessary to enable the committee to be informed of such actions so that it may properly and efficiently administer the marketing agreement and order and so that handlers may comply with such actions.

Most shipments of watermelons grown in the production area are made in carload or truckload lots. However, other small shipments and sales are made that do not constitute sufficient volume to influence the market. Such shipments, which may be household purchases, convenience purchases by friends and tourists and other similar "nuisance" purchases, would present real operating problems if inspection were required on each. If each such shipment would have to meet grade and quality restrictions, or to bear assessments, the nuisance factor might outweigh the advantage of such controls on small shipments. On the other hand, the committee should have the authority to require that any such shipments meet grade and quality requirements while waiving other requirements such as inspection and assessment. The committee should have the authority flexible enough to meet local conditions, including authority to recommend different minimum quantity requirements for different parts of the production area.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods when watermelon prices may be above parity as will effectuate orderly marketing conditions as will be in the public interest. Such minimum standards in terms of grade and quality shall be the same as those requirements set forth in the minimum quality regulation—i. e. restricting immaturity, whiteheart, and decay. Both proponents and opponents testified that watermelons of such low quality do not give consumer satisfaction at any time because such watermelons are inedible. Even when prices are above parity, consumers would obtain nothing of value when buying such watermelons, and it would not be in the public interest of the producers, handlers, or consumers to permit shipments of such poor quality. The order should authorize the establishment of minimum standards of quality and maturity (as specified in § 1021.52 (a)—Minimum quality regulation) as would effectuate orderly marketing conditions as would be in the public interest. It would also be necessary to include grading and inspection requirements necessary to determine that the minimum quality regulation has been met.

(g) The Secretary should be authorized, upon the basis of recommendations and information submitted by the committee, or other available information, to modify, suspend, or terminate grade and quality regulations, assessment and inspection requirements, or any combination thereof with respect to the handling of watermelons for purposes other than disposition in normal commercial channels. Watermelons moving to or sold in certain outlets, such as those specified in § 1021.54 of the marketing agreement and order, are usually handled in a different manner, or such outlets usually accept different grades or qualities for which different prices are returned, or combinations of such considerations may apply. The marketing agreement and order should provide authority for the committee to give appropriate consideration to the handling of watermelons for such purposes so that full opportunity may be afforded under the program to improve orderly marketing conditions for watermelons, thereby tending to increase total returns to watermelon growers in the production area.

Watermelons may be moved within the production area for the purpose of having such watermelons graded or inspected. It is a common practice to grade and load cars at railroad sidings and some trucks are loaded at railroad sidings as well as at common truck collecting points, such as a filling station or an empty lot in town. Field run watermelons are moved from the field, sometimes in the growers' trucks or wagons, or in hired vehicles to the rail siding or lot. There the watermelons are graded, loaded, and inspection if any takes place. To require grading and inspection at the field would be impractical because in many cases the buyer or his employee grades the watermelons as they are loaded. Inspection service representatives testified that inspectors could be provided at centralized inspection points, but service could not be provided at each individual farm.

Watermelons are transported to farmers' markets, auctions, and assembly points for grading and sale. Buyers congregate at such points and growers have more opportunities for an advantageous sale than if they wait for the buyers to come to them. In many cases the buyers will grade such watermelons before they reload them either into a car or truck. In other cases the buyers will buy the lot as is. To prevent movement of watermelons to such points would be to interrupt a common and usual practice. Therefore, the committee should have authority to recommend that such movement be given special consideration.

Most of the watermelon seed used in the production area is grown outside of the production area, usually in Oklahoma or Colorado. However, some seed is grown within the production area, principally in Georgia, and while most of such seed is extracted in the field, it is possible that some watermelons are shipped as whole watermelons for seed processing. Such movement would not affect the domestic market and should, therefore, be permitted to move under special conditions.

Shipments are occasionally made for other purposes which are not too important volume-wise, but which may mean additional returns to growers. Some shipments, for example, were made to a pharmaceutical manufacturer, supposedly for extraction of the juice which is thought to be beneficial in the treatment of kidney ailments. Some shipments are made for livestock feed. Many watermelons are consumed in the fields by livestock, but it is not too common to transport such low quality watermelons. However, some are moved for short distances, usually between farms. Such transportation would not be in competition with shipments of watermelons in commercial channels and the committee should have the authority to recommend that shipments for such purposes be relieved of controls.

The committee should be empowered to provide special treatment through modification, suspension, or termination of regulations applicable to other special purposes which may develop in the future, and for other purposes which later may be specified by the committee with the approval of the Secretary.

The authority for altering, modifying, suspending, or terminating grade, size, quality, assessment or inspection requirements should be accompanied by the additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering marketing channels contrary to the provisions of such regulations. Such safeguards should be recommended and administered by the committee. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments as are necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards among others may include inspection so that the committee will have an adequate record of the grade and quality of watermelons shipped to special outlets, applications to make such special shipments, requirements for the payment of assessments in regard to such shipments, reports by handlers on the number of such shipments and the number of watermelons shipped, and assurances by purchasers that the watermelons will be used for the purpose designated.

In order to maintain appropriate identification of shipments of watermelons to special outlets the safeguards authorized should provide for certificates of privilege to handlers of such watermelons, and in addition, require that such handlers obtain such certificates on all shipments by them to such special outlets. Certificates of privilege might be issued by the committee as the indication of the authority of the handler to make such shipments and as a means of identifying particular shipments. Such certificates of privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations or other available information so that the issuance of such certificates might be handled in an orderly and efficient manner which can be made known to all handlers.

The committee should be authorized to exercise the authority incidental to the proper administration of the marketing agreement and order which should include the authority to rescind or deny certificates on satisfactory evidence that a handler abused a certificate of privilege that had been issued, or had handled watermelons contrary to the provisions of the certificate previously issued to him. If the committee should rescind or deny a certificate of privilege to any handler such action should be taken promptly and the holder or applicant should be informed promptly of the basis for the rescinding or denying the certificate of privilege in such cases. The right of appeal to the committee or to the Secretary from any action rescinding or denying a certificate should be preserved to the holder of the certificate or applicant therefor.

The Secretary should have the right to modify, change, alter, or rescind any safeguard as prescribed or any certificate or privilege that is issued. The Secretary shall give prompt notice to the committee of any action taken by him in connection therewith and the committee should promptly notify all persons affected by the indicated action.

The committee shall maintain records relevant to safeguards and certificates of privilege and should submit reports thereon to the Secretary when requested, in order to supply information pertinent to the discharge of the Secretary's duties under the act and the marketing agreement and order.

(h) Inspection by the Federal or Federal-State Inspection Service of watermelons grown in the production area is necessary and proper for the purpose of officially determining the grade, quality, and maturity of such watermelons. Such inspection services have operated in the production area for a number of years and are expected to continue.

Producers and handlers are familiar with the Inspection Service because inspection is usually requested on rail shipments and at some time or other almost all producers and handlers have availed themselves of the services offered by the Federal or Federal-State Inspection Service. Provision is made in the marketing agreement and order for inspection by the Federal or Federal-State Inspection Service of watermelons grown in the production area during any period in which the handling of watermelons is regulated under the marketing agreement and order. Such inspection requirements should apply to all watermelons handled under regulations issued pursuant to the marketing agreement and order unless such handling should be relieved from inspection requirements pursuant to § 1021.53 or § 1021.54 of the marketing agreement and order. Inspection is the means whereby the handler, buyer, committee, the Secretary, or any other interested party may determine whether watermelons handled subject to regulations meet the requirements of any particular grade, quality, or maturity regulations in effect under the marketing agreement and order. The provisions for inspection, and the certificates which are issued pursuant to inspection, offer an adequate, appropriate, and practical means of establishing and identifying the grade, quality, and maturity of watermelons handled pursuant to the terms and conditions of the marketing agreement and order.

Certain inspection problems would be inherent under the marketing agreement and order. Some of these problems would be due to the characteristics of the commodity while others would be due to the small percentage of truck shipments currently inspected and because of the fact that watermelon acreage shifts locally from year to year.

Because of the problems involved in inspecting watermelons, inspection service representatives stated on the record that inspection could be provided under the marketing agreement and order if certain conditions were fulfilled. First, the inspection service should be given reasonable notice with respect to when shipments will begin in each section so sufficient personnel could be placed in the various areas to properly handle inspection. Under the present voluntary system of inspection such notice is necessary for proper placement of inspectors. Therefore, this condition is a continuation of current practices. Second, watermelons in all shipments should be made accessible for inspection so samples could be selected for proper inspection. If such samples could not be selected a restricted inspection certificate would have to be issued. Third, centralized inspection points should be designated so that personnel could be utilized efficiently. If a sufficient number of inspectors could be trained and employed to provide on-the-farm inspection, the cost of inspection would be prohibitive. Fourth, the industry assume responsibility of stamping, marking, or branding individual watermelons under the supervision of inspectors to show that the watermelons have been inspected and meet the requirements of the marketing agreement and order. In this way watermelons shipped in unsealed carriers can be identified. Fifth, fees be established which would be sufficient to cover costs of training inspectors, purchasing equipment and operating the service.

Provisions should be included in the marketing agreement and order for the establishment of central points within each local producing section where inspection of watermelons may be provided. This would be necessary if the Inspection Services are to provide an adequate number of inspectors and would be practical because such central points are commonly used by the industry for grading and loading. It would not be feasible to require that inspection should be provided at each watermelon field or farm because the cost of providing such service would be prohibitive. It is contemplated that the Inspection Services in cooperation with the committee would establish such central inspection points which would be readily accessible to all producers and handlers. Methods for establishing such central points would be subject to approval by the Secretary. The factors specified in § 1021.60 (b) should be taken into consideration when selecting the sites of such central points, and watermelons handled under the marketing agreement and order should be brought to such points for inspection when regulations are in force.

In the process of inspecting fruits and vegetables it is necessary that the products be made accessible so that the inspector can make an accurate determination with respect to the grade, quality, and maturity of the product being inspected (see § 51.13, Exhibit No. 11). In order to make an accurate determination the inspector must be able to select samples from the entire lot in sufficient quantity to obtain a cross-section analysis of such lot. The Inspection Service and the industry recognize the practicality of making products accessible to the inspector and such practice is followed during the inspection operation. Watermelons handled pursuant to the marketing agreement and order should be made accessible so an accurate determination can be made that the watermelons so handled meet the regulations in effect. Therefore, provision is included in § 1021.60 (b) of the marketing agreement and order which would require that such watermelons be made accessible for inspection.

Inspection and certification of watermelons present more problems than is the case of other commodities because containers or packages are not used in

their packing or shipping. Unless the car or truck is sealed after inspection poor quality uninspected watermelons can be substituted for the inspected watermelons. Also, without some means of identification of the individual watermelons it would be difficult to match an inspection certificate with a shipment of watermelons loaded on unsealed carriers. Because many shipments are currently made in unsealed trucks and are not inspected some means of identification would be necessary if inspection became compulsory. Also, from an enforcement standpoint inspections on watermelons packed in unsealed carriers could not be verified to the extent necessary for compliance unless the watermelons so packed could be identified.

Inspection is a means whereby the overall average quality of a lot is determined. Watermelons shipped under grade, quality and maturity regulations issued pursuant to the marketing agreement and order and inspected officially by qualified inspectors can be expected on the average to meet such regulations. The proponents testified that the identification of inspected watermelons will have an economic benefit when the consuming public becomes aware of the fact that the official stamp or brand indicates the watermelons have beeen inspected. Also, watermelons from several lots that have been inspected and stamped or branded could be commingled without the necessity of reinspection if the committee so recommended. For these reasons authority should be included in the marketing agreement and order for the committee to recommend and the Secretary to require, watermelons to be individually identified by stamps, brands, or labels to show that such watermelons have been inspected. Such stamping, branding, or labeling would be done under the direction of an authorized inspector and would indicate that the watermelons met the requirements of the then existing regulations under the marketing agreement and order.

The committee should have the authority to recommend and the Secretary to issue regulations requiring that all watermelons transported by motor vehicle or by other means should be accompanied by a copy of the inspection certificate issued therefor, and that such certificate may be required to be surrendered to a designated authority. A large quantity of the watermelons grown in the production area are trucked to market. If the operators of such vehicles are required to surrender copies of inspection certificates applicable to their shipments upon demand to such authority as may be designated, such certificates will be readily available evidence that such shipments meet or comply with the requirements of the marketing agreement and order. Such authority is necessary and incidental to efficient operation of the marketing agreement and order and is included in § 1021.60 (d).

The committee should have the authority to establish, with the approval of the Secretary, a time limit within which an inspection certificate would be valid insofar as the marketing agreement and order are concerned. Inasmuch as watermelons are an extremely perishable commodity, such limitation is appropriate and necessary, especially with respect to lot inspections which may be administratively desirable to accommodate handlers and truckers. It is not feasible and practical for the committee to recognize inspection certificates which may have been issued several days previously since the watermelons so inspected may have detiorated and no longer comply with the requirements in effect at the time the final shipment is made.

Whenever any shipment of watermelons which was inspected, and an inspection certificate issued therefor, is regraded, re-sorted, or commingled with other watermelons, whether inspected or not, the inspection certificate or certificates originally issued for such shipment or shipments would become invalid. Such shipment would lose its identity upon re-sorting, regrading, or commingling. Reinspection would be necessary in order to secure a valid inspection certificate. In this way handlers and the committee would be assured that such shipments comply with regulations. The committee, with the approval of the Secretary, may recommend that such reinspection requirements be waived when it appears reasonably certain that the watermelons meet applicable regulations such as in the case of commingling two lots of inspected and branded watermelons.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly by the appropriate inspection service so that the committee may properly discharge its administrative responsibilities under the marketing agreement and order.

The aforementioned conditions specified by the inspection service have been considered in reaching the findings and conclusions set forth herein. A duty of the committee (§ 1021.27 (f)) is to "consult, cooperate, and exchange information with . . . agencies or individuals in connection with proper committee activities and objectives." The requirement with respect to notifying the inspection services would be included in this provision. The matter of establishing adequate fees under Federal-State inspection agreements is normally, and should continue to be, a subject for discussion between the industry and State marketing officials. However, the requirements regarding centralized inspection points, identification of individual watermelons, and the availability of watermelons for inspection are pertinent to the marketing agreement and order, and provisions for such requirements should be and are included in the marketing agreement and order. The record shows industry recognition of the need for the conditions specified by the inspection service and it was testified at the hearing that if the marketing agreement and order should be adopted by the industry, complimentary State legislation designed to assist the administration of the program would be requested by the industry. Such legislation is desirable as an adjunct to the marketing agreement and order due to the nature of the commodity and because watermelon acreage within local producing sections is shifted in location from season to season. These shifts result from the customary cultural practice of rotating crops so that fields are not replanted to watermelons for several years.

If, and when minimum quality or any other regulations are made effective under the marketing agreement and order, the inspection requirements as set forth herein provide an essential administrative technique for determining compliance and effecting enforcement. The cooperative and coordinated assistance of the industry, working through state authorities, and of the inspection service are particularly important in contributing to the effectiveness of the marketing agreement and order and in the accomplishment of its objectives of promoting more orderly marketing conditions and increasing returns to growers in an approach to the parity level authorized by section 2 (1) of the act.

(i) A number of growing hazards are encountered in the production of watermelons. Because of these circumstances and to provide equity among producers insofar as regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to producer applicants to allow them to ship their equitable proportion of all shipments from the production area. However, each exemption granted should require the approved applicant to sell his best quality watermelons.

The committee, by reason of its knowledge of the conditions and problems applicable to the production of watermelons in the production area and the information which it will have available in each case, should be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted watermelons which each applicant may sell.

The provisions in the marketing agreement and order, which are essentially the same as those contained in the notice of hearing, relevant to the procedures to be followed in issuing exemption certificates, in investigating exemption claims, and in appealing claim determinations would be necessary for the orderly and equitable administration of the marketing agreement and order.

The provisions for recording and reporting exemption claim determinations to the Secretary, and for the Secretary to modify, change, alter, or rescind committee rules and regulations relative to exemptions, as set forth in § 1021.74 of the notice of hearing, are being deleted because such provisions are repetitious. The committee is required in § 1021.27 (e) of the marketing agreement and order to "furnish the Secretary * * * reports or information as may be requested * * *," and the Secretary has the authority to modify, change, alter or rescind rules and regulations of the committee (§ 1021.83 *Right of the Secretary*).

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit reports and information to the committee which may be needed to perform that agency's functions under the marketing agreement and order. It is difficult to anticipate every type of report or information which the committee might need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request, when needed, reports and other information of the type set forth in the marketing agreement and order. Reports requested should be only those considered necessary for the operation of the committee in carrying out the terms and conditions of the marketing agreement and order. Reports furnished to the committee should be submitted in such manner and at such times as may be designated by the committee. Reporting procedures should accord with the needs and requirements of the comittee in administering the marketing agreement and order, and changing conditions may warrant changes in the forms and methods of reporting to the committee. The Secretary would retain the right to approve, modify, change, or rescind any committee requests for information in order to protect handlers from unreasonable requests. The reporting requirements and verification of such reports and records by the committee should provide a means for the committee to check on compliance with, and operation of, the marketing agreement and order.

In order that the effectiveness of the program, including compliance therewith, may be evaluated, handlers should maintain complete records on their handling and disposition of watermelons for not less than two years subsequent to the termination of each fiscal period.

Any and all reports and records submitted for committee use by handlers should remain under appropriate protective classification in custody of the committee and disclosed only to those persons authorized by the Secretary. Disclosure of such information to unauthorized persons might affect the trade position, financial condition, or business operations of the reporting handler.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle watermelons, the handling of which is prohibited pursuant to regulations issued under the marketing agreement and order, and no handler should be permitted to handle watermelons except in conformity with the marketing agreement and order. In order to have an effective program, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of watermelons handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of proposed §§ 1021.82 through 1021.94 are common to marketing agreements and orders now operating. Each of these sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and consistent with, sections 8c (6) and (7) of the act, and are necessary to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of the evidence introduced at the hearing and the record thereof, it is found that:

(1) The marketing agreement and order, as hereinafter set forth, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to watermelons grown in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to producers thereof, parity prices and by protecting the interests of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary determines to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such watermelons above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such watermelons as will be in the public interest;

(2) Said watermelon marketing agreement and order authorizes the regulation of watermelons grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activities specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to the subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) Said marketing agreement and order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in marketing of watermelons grown in the production area; and

(5) All handling of watermelons, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

The marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Watermelons Grown in Florida, Georgia, and South Carolina" and "Order Regulating the Handling of Watermelons Grown in Florida, Georgia, and South Carolina" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached agreement be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement and order are identical with those contained in the annexed order which will be published with this decision.

Dated: November 7, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Regulating the Handling of Watermelons Grown in Florida, Georgia, and South Carolina.

Sec.

1021.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 1021.0 to 1021.91, inclusive, issued pursuant to sec. 5, 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.

§ 1021.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jacksonville, Florida, April 22–26, 1957, upon a proposed marketing agreement and a proposed marketing order regulating the handling of watermelons grown in Florida, Georgia, and South Carolina. Upon the basis of the evidence introduced at said hearing and the record thereof it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to watermelons produced in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as the prices to the producers thereof, parity prices, and by protecting the interests of the consumer (i) by approaching the level of prices which is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such watermelons above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of watermelons as will be in the public interest;

(2) This order authorizes regulation of the handling of watermelons grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities as specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to different subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms applicable to the different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of watermelons grown in the production area; and

(5) All handling of watermelons, as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is, therefore, ordered that, on and after the effective time hereof, the handling of watermelons grown in Florida (south or east of the Apalachicola River), Georgia, and South Carolina (south or west of the line formed by the Santee River, Lake Marion, Wateree River, and Catawba River), shall be in conformity to and in compliance with the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1021.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1021.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1021.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1021.4 *Production area.* "Production area" means all counties in the State of Florida except those counties lying west of the Apalachicola River; all counties in the State of Georgia; and all counties or portions thereof in the State of South Carolina lying south and west of the line formed by the Santee River, Lake Marion, Wateree River, and Catawba River.

§ 1021.5 *Watermelons.* "Watermelons" means all varieties of watermelons grown within the production area except watermelons commonly known as ice box type watermelons, which, insofar as the requirements of this part are concerned, are watermelons averaging ten pounds or less in weight.

§ 1021.6 *Handle.* "Handle" or "ship" means to transport, sell or in any other way to be responsible for placing watermelons in the current of commerce within the production area or between the production area and any point outside thereof. The term "handle" does not include the sale of unharvested watermelons.

§ 1021.7 *Handler.* "Handler" is "synonymous" with "shipper" and means any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons or causes watermelons to be handled.

§ 1021.8 *Eligible handler.* "Eligible handler" means any person who is a handler only or any person who is both a handler and a producer of watermelons for market, but whose handling of watermelons produced by others constitutes at least 25 percent of the total number of watermelons handled by such person during the 12-month period immediately preceding a nomination meeting.

§ 1021.9 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of watermelons for market.

§ 1021.10 *Eligible producer.* "Eligible producer" means any person who is a producer only or both a producer and handler of watermelons for market, but whose handling of watermelons produced by others constitutes less than 25 percent of the total number of watermelons handled by such person during the 12-month period immediately preceding a nomination meeting.

§ 1021.11 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of watermelons into grades and maturities for market purposes.

§ 1021.12 *Grade.* "Grade" means any one of the established grades of watermelons as defined and set forth in the United States Standards for Watermelons issued by the United States Department of Agriculture (§§ 51.1970 through 51.1981 of this title) or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1021.13 *Mature.* "Mature" means the stage of development of a watermelon at which the flesh is at least fairly sweet and shows characteristic color of a mature watermelon for the variety. Watermelons that have not reached this stage of development shall be classed immature.

§ 1021.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of watermelons according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1021.15 *Committee.* "Committee" means the Southeastern Watermelon Committee, established pursuant to § 1021.22.

§ 1021.16 *Fiscal period.* "Fiscal period" means the period beginning January 1 and ending December 31 following.

§ 1021.17 *District.* "District" means each one of the geographic divisions of the production area initially established pursuant to § 1021.29 or as reestablished pursuant to § 1021.30.

COMMITTEE

§ 1021.22 *Establishment and membership.* (a) The Southeastern Watermelon Committee, consisting of 12 members, of whom eight shall be producers and four shall be handlers, is hereby established.

(b) Each person selected as a producer member shall be an individual who is an eligible producer in, and a resident of, the district from which selected.

(c) Each person selected as a handler member shall be an individual who is an eligible handler in, and a resident of, the production area within the State from which selected.

(d) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. The alternate member shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for the unexpired term of said member is selected and has qualified.

§ 1021.23 *Selection.* (a) The secretary shall select one producer member of the committee, with his respective alternate, from each district in Florida and Georgia; two producer members, with their respective alternates, from District No. 7 in South Carolina; two handler members, with their respective alternates, from Florida; and one handler member, with his respective alternate, from each of the States of Georgia and South Carolina.

(b) Any nominee selected as a committee member or alternate shall file a written acceptance with the Secretary within ten days after being notified of such selection to qualify for the position.

§ 1021.24 *Term of office.* (a) The term of office of committee members and their respective alternates shall be for one year and shall begin as of January 1 and end as of December 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1021.25 *Procedure.* (a) Nine members of the committee shall be necessary to constitute a quorum. Subject to the special conditions referred to in § 1021.52 (c) and (d), seven concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such meeting shall be promptly confirmed in writing: *Provided,* That when any assembled meeting is held, all votes shall be cast in person.

§ 1021.26 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1021.27 *Duties.* The committee shall have the following duties:

(a) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees, and adopt such rules and procedures for the conduct of its business as it may deem advisable.

(b) Act as intermediary between the Secretary and any producer or handler.

(c) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each such individual.

(d) Keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination by the Secretary or his authorized agent or representative.

(e) Furnish the Secretary promptly copies of the minutes of each committee meeting; an annual report of the committee's operations for the preceding fiscal period; and such other reports or information as may be requested by the Secretary.

(f) Consult, cooperate, and exchange information with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives.

(g) Establish proper and feasible working relationships with the industry, the inspection service, State agencies, and others to assure coordinated action and effective administration of the program.

(h) Take any proper action necessary to carry out the provisions of this subpart.

§ 1021.28 *Expenses.* Committee members and alternates shall be reimbursed for expenses necessarily incurred in the performance of their duties and in the exercise of their powers under this subpart.

§ 1021.29 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1—South Florida. The Counties of Manatee, Hardee, Highlands, Okeechobee, Indian River, and all counties lying south thereof in the State of Florida;

District No. 2—Leesburg Area. The Counties of Brevard, Citrus, Hernando, Hillsborough, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, and that portion of Marion County lying south of Florida State Road No. 40.

District No. 3—Gainesville Area. The Counties of Alachua, Bradford, Clay, Dixie, Flagler, Gilchrist, Levy, Putnam, St. Johns, Union, Volusia, and that portion of Marion County lying north of Florida State Road No. 40;

District No. 4—Live Oak Area. All the remaining counties in the State of Florida lying east of the Apalachicola River not included in Districts 1, 2, and 3;

District No. 5—South Georgia. The Counties of Clay, Calhoun, Dougherty, Worth, Turner, Ben Hill, Coffee, Bacon, Pierce, Brantley, Glynn, and all counties lying south thereof in the State of Georgia;

District No. 6—Middle and North Georgia. All counties in the State of Georgia not included in District No. 5;

District No. 7—Allendale Area. All territory in South Carolina south and west of the line formed by the Santee River, Lake Marion, Wateree River, and Catawba River.

§ 1021.30 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in watermelon acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies resulting to producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1021.31 *Nomination.* The Secretary may select committee members and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district and a meeting or meetings of handlers shall be held within the production area in each State to nominate committee members and alternates. For nominations to the initial committee the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to November 1 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than December 1 of each year;

(d) Only eligible producers may participate in designating nominees for producer members and alternates and only eligible handlers may participate in designating nominees for handler members

and alternates on the committee. In the event a person is engaged in producing watermelons in more than one district or in handling watermelons within the production area in more than one State, such person shall elect the district or State within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts or States within the production area in which a person produces or handles watermelons, each such eligible person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1021.32 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1021.31, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1021.23, 1021.29, and 1021.30.

§ 1021.33 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district or State involved, or from nominations made in the manner specified in § 1021.31. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1021.29 and 1021.30.

EXPENSES AND ASSESSMENTS

§ 1021.40 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1021.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part. The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. In order to provide funds to carry out the functions of the committee handlers may make advance payment of assessments.

§ 1021.42 *Assessments.* (a) Handlers shall share expenses upon the basis of the fiscal period. Each handler who first handles watermelons shall pay assessments to the committee upon demand, which assessments shall be in payment of such handlers pro rata share of the committee's expenses. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of watermelons under regulation handled by him as the first handler thereof during the fiscal period and the total quantity of watermelons handled by all handlers as first handlers thereof during such fiscal period.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information.

(c) At any time during, or subsequent to, a fiscal period the committee for good cause may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all watermelons handled under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1021.43 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) (1) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for the committee operations during such period may be carried over into following periods as a reserve. Such reserve may be used to cover the necessary expenses of liquidation in the event of termination of this part. The money deposited in this reserve account may also be used by the committee to finance its operations during any fiscal period prior to the time that assessment income is sufficient to cover expenses or when adverse crop conditions result in insufficient revenue to otherwise maintain the committee and its staff on a reasonable basis—but any funds so used shall be returned to the reserve account as soon as assessment income becomes available for this purpose.

(2) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be returned to the extent practicable to the persons from whom such funds were collected. Any residual funds which cannot be so distributed to handlers shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1021.44 *Fiscal reports.* The books of the committee shall be audited by a competent accountant at least once each fiscal period and at such other times as the committee may deem necessary or as the Secretary may request. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers.

RESEARCH AND DEVELOPMENT

§ 1021.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of watermelons. The expenses of such projects shall be paid from funds collected pursuant to § 1021.42.

REGULATION

§ 1021.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1021.51, the committee shall submit to the Secretary a report setting forth the feasibility and advisability of issuing and administering regulations and the marketing policy it deems desirable for the industry to follow in shipping watermelons from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to watermelons. The committee shall publicly announce to the industry the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of watermelons, including prices by grades and quality in wholesale shipping units;

(b) Supply of watermelons by grade and quality in the production area, and in other production areas;

(c) Watermelons on hand in the terminal markets as manifested by supplies en route or on track at the principal markets;

(d) Trend and level of consumer income;

(e) Marketing conditions affecting watermelon prices; and

(f) Other relevant factors.

§ 1021.51 *Recommendations for regulations.* (a) As soon as practical after the issuance of this subpart and upon complying with the requirements of

§ 1021.50, the committee shall consider the advisability and feasibility of issuing minimum quality regulations pursuant to § 1021.52 (a) which consideration shall include, but not be limited to, the following points: whether the committee and the industry are adequately prepared and able to comply with such regulations; whether the committee is organized as a going concern and ready to administer the program; whether the inspection service is prepared to render the service required; whether centralized inspection points are being established; whether a satisfactory method of identifying watermelons has been worked out and approved; whether the industry is prepared to bring its watermelons to central points and make them accessible for inspection; and whether cooperation of State agencies is assured. If the committee, after the above considerations, determines that operation of the minimum quality regulation is advisable and feasible, and that the issuance of such regulation accords with the objectives of the act, the committee may recommend issuance of such regulation.

(b) The committee, upon complying with the requirements of § 1021.50, may also recommend any or all regulations as are provided for in this subpart to the Secretary whenever it finds that such regulations will tend to effective the declared policies of the act.

§ 1021.52 *Issuance of regulations—*(a) *Minimum quality regulation.* When the committe has fulfilled its responsibilities pursuant to §§ 1021.50 and 1021.51, the Secretary upon determination that it is advisable and feasible, may issue a regulation prohibiting the handling of watermelons unless such watermelons are mature and free from whiteheart. Under this regulation not more than a total of ten percent, by count, of the watermelons in any shipment may be immature or affected by whiteheart. In addition, not more than one percent, by count, of the watermelons in any shipment may be affected by decay. This regulation, when effective, shall establish, in terms of grade, minimum standards of quality and maturity.

(b) *Other grade regulations.* The Secretary may further limit the handling of watermelons whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, in any or all portions of the production area, the handling of particular grades or qualities of any or all varieties of watermelons during any period; or

(2) Limit the handling of particular grades or qualities of watermelons differently for different varieties or for different purposes specified in § 1021.54, or any combination of the foregoing, during any period.

(c) During the period from January 1 through May 10 of each year the Secretary shall not consider any committee recommendation for grade regulations imposing minimum quality restrictions higher than the requirements of paragraph (a) of this section unless the producer member from District No. 1, South Florida, concurs in such recommendation.

(d) No regulation may be effective at any time which prohibits the handling of watermelons grading 85 percent U. S. No. 1, or better.

(e) On or after July 15 of each year the committee may recommend suspension, for the balance of the calendar year, or any specific portion thereof, of any or all regulations issued pursuant to this subpart but no such recommendation shall be made unless at least two members from South Carolina concur therein.

(f) The Secretary shall notify the committee of issuance of any such regulation, suspension, or termination and the committee shall give reasonable notice thereof to handlers.

§ 1021.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to § 1021.42, § 1021.52, § 1021.54, or § 1021.60, or any combination thereof.

§ 1021.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to § 1021.42, § 1021.52, § 1021.53, or § 1021.60, or any combination thereof, in order to facilitate shipments of watermelons for the following purposes:

(a) Shipments of watermelons within the production area for the purpose of having such watermelons graded or inspected in the production area;

(b) Shipments of watermelons within the production area to auctions, farmers' markets, or assembly points designated pursuant to methods recommended by the committee and approved by the Secretary;

(c) Shipments of watermelons for the purpose of having such watermelons manufactured or converted into specified products;

(d) Shipments of watermelons for seed;

(e) For other purposes which the Secretary may specify.

§ 1021.55 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent watermelons handled pursuant to § 1021.53 or § 1021.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle watermelons pursuant to §§ 1021.53 and 1021.54; or

(2) Handlers shall obtain inspection provided by § 1021.60, or pay the assessment levied pursuant to § 1021.42, or both, in connection with shipments made under § 1021.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of watermelons affected or to be affected under the provisions of §§ 1021.53 and 1021.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that watermelons handled by him for the purposes stated in §§ 1021.53 and 1021.54 were handled contrary to the provisions of this part. The right to be informed promptly of the basis for rescinding or denying a Certificate of Privilege shall be preserved to the holder or applicant therefor. In addition, the right of appeal to the committee and, in turn, to the Secretary from any action denying or rescinding such certificate shall be preserved to the holder or applicant therefor.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of such applications denied and certificates granted, the quantity of watermelons handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1021.60 *Inspection and certification.* (a) During any period in which handling of watermelons is regulated pursuant to § 1021.52 or § 1021.54, or both, no handler shall handle watermelons unless such watermelons are inspected by an authorized representative of the Federal or Federal-State Inspection Service, except when relieved from such requirements pursuant to § 1021.53 or § 1021.54, or both.

(b) The Secretary, pursuant to committee recommendations or other available information, may approve methods whereby central points may be established within each local producing section at which inspection of watermelons can be provided. No handler shall handle watermelons hereunder unless all the watermelons in each lot are made accessible for inspection, which may include making each lot accessible at central inspection points. Such points shall be based on customary location of assembly points for watermelons transported by rail or by truck, or both, during specific periods of the season, the reasonable convenience of such points to watermelon producers and handlers, the volume of watermelons available for inspection at such points during specified periods in each such locality, the availability of inspectors, and other relevant factors.

(c) The committee may recommend and the Secretary may require that all watermelons inspected in accordance with this section be individually stamped, branded, or marked in some other manner as meeting quality requirements in effect at time of shipment.

(d) The committee may recommend and the Secretary may require that any

handler transporting watermelons by motor vehicle, or by other means, shall arrange for each shipment to be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

(e) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(f) Regrading, resorting, or commingling any lot of watermelons shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle watermelons after they have been regraded, resorted, commingled, or in any way further prepared for market, unless each lot of such watermelons is inspected by an authorized representative of the Federal or Federal-State Inspection Service. The committee, with approval of the Secretary, may provide for waiving inspection requirements on any watermelons in circumstances where it appears reasonably certain that, after regrading, resorting, or commingling such watermelons meet the applicable quality and other standards then in effect.

(g) When watermelons are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 1021.70 *Procedure.* The committee may adopt, with approval of the Secretary, the rules and procedures pursuant to which certificates of exemption may be issued to producers. Such rules and procedures shall provide for processing applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 1021.71), and for such other procedures as may be necessary to carry out the provisions of this section and § 1021.71.

§ 1021.71 *Granting exemptions.* The committee shall make determinations in connection with, and issue, certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that: (a) By reason of a regulation issued pursuant to § 1021.52 (b) he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's local producing section during all or any portion of the season as may be determined by the committee, and that (b) the grade, size, or quality of the applicant's watermelons have been adversely affected by acts beyond the applicant's control and beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of watermelons specified thereon. Such certificate shall be transferred with such watermelons at time of transportation or sale. No certificate may be issued exempting watermelons from regulation under § 1021.52 (a).

§ 1021.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of the basis for any producer's claim pertaining to exemptions.

§ 1021.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. The appeal must be taken promptly after such determination by the committee. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a determination concerning the application, which determination shall be final. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

§ 1021.80 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of watermelons received and disposed of by types of outlets during specific periods;

(2) Sales records including dates, car or truck numbers, and inspection certificate numbers;

(3) Record of shipments handled under exemption certificates including number of such certificates;

(4) Record of all watermelons handled pursuant to §§ 1021.53 and 1021.54 including certificate of privilege and inspection certificate numbers, if any.

(b) All such reports shall be held under appropriate protective classification in custody by the committee, or duly authorized individuals or agencies thereof. Compilation of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for the current year and the two years next preceding such records of the watermelons received and disposed of by said handler as may be necessary to verify the reports he submits, or was requested to submit, to the committee pursuant to this section.

COMPLIANCE

§ 1021.81 *Compliance.* No handler shall handle watermelons except in conformance with the provisions of this subpart and the rules and regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 1021.82 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1021.83 *Right of the Secretary.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States under the act or otherwise. The members of the committee (including successors and alternates), and any agent or employee, shall be subject to removal by the Secretary at any time. Each and every act, determination, or recommendation of the committee shall be subject to the continuing right of the Secretary to disapprove of the same. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1021.84 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1021.85 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production of watermelons for market: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such watermelons produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1021.86 *Proceedings when terminated, suspended, or inactive.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary and shall proceed pursuant to directions of the Secretary's liquidation order.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

(d) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1021.87 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1021.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1021.89 *Personal liability.* (a) No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and claims vested in such person.

§ 1021.90 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1021.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum: and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among producers who during the period January 1, 1957, through October 31, 1957 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in Florida (south or east of the Apalachicola River), Georgia, and South Carolina (south or west of the line formed by the Santee River, Lake Marion, Wateree River, and Catawba River), in the production of watermelons for market to determine whether such producers approve or favor the issuance of an order regulating the handling of watermelons grown therein; and said order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

The procedure applicable to the referendum shall be the "Producer for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

M. F. Miller and K. W. Schaible, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., at the office of the agents of the Secretary, Florida Citrus Mutual Building, Lakeland, Florida, and at the office of each county agricultural agent within the proposed production area.

Ballots to be cast in the referendum and copies of the text of said order may be obtained from any referendum agent and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Dated: November 7, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-9373; Filed, Nov. 12, 1957; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

FURTHER EXTENSION OF TIME FOR FILING VIEWS AND COMMENTS ON PROPOSAL CONCERNING FROZEN CONCENTRATES FOR LEMONADE

By a notice published in the FEDERAL REGISTER of September 26, 1957 (22 F. R. 7660), the time for filing views and comments upon the proposal to establish definitions and standards of identity for certain types of frozen concentrates for lemonade, which proposal was published in the FEDERAL REGISTER on June 29, 1957 (22 F. R. 4620), was extended to October 31, 1957.

The Commissioner of Food and Drugs has received a request for a further extension of time in this matter to permit the conducting of taste-panel tests; and these grounds appearing reasonable: *It is ordered,* That the time for filing views and comments be further extended to December 2, 1957. This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended, 70 Stat. 919; 21 U. S. C. 371), which authority was delegated to the Commissioner by the Secretary of Health, Education, and Welfare (22 F. R. 1045).

Dated: November 6, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9361; Filed, Nov. 12, 1957; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12247; FCC 57-1222]

RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATION; LEWISTOWN, PA.

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Lewistown, Pennsylvania); Docket No. 12247.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has under consideration the application for a new television broadcast translator station (BPTT-140) to be operated at North Warren, Pennsylvania. It appears that none of the translator channels (Channels 70 through 83) are available to the applicant which would meet the requirements of the rules or do not conflict with other rule making proposals. In view of this, and the expressed need and demand for translator service in the area, it is proposed to substitute Channel 75— for Channel 74— in Lewistown, Pennsylvania so that Channel 74 may be available for translator service in the North Warren area.

3. The Commission is of the view that rule making proceedings should be instituted on this proposal in order that all interested parties may submit their views and relevant data.

4. Authority for the adoption of the amendment proposed herein is contained in section 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 25, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 6, 1957.

Released: November 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9366; Filed, Nov. 12, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

AIRPORT DIRECTOR, WASHINGTON NATIONAL AIRPORT

DELEGATION OF AUTHORITY REGARDING POWER OF ARREST

Pursuant to authority under Department of Commerce Department Order 86 (21 F. R. 7027), the Airport Director of the Washington National Airport is hereby authorized to designate the employees on the Airport who may exercise the powers of arrest and carry firearms and other weapons as provided in subsections 4 (a) and (b) of the act of June 29, 1940, 54 Stat. 686, as amended by the act of May 15, 1947, 61 Stat. 94.

This delegation is effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-9348; Filed, Nov. 12, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 4, 1957.

The Bureau of Land Management has filed an application, Serial No. Idaho 06850, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws and General Mining Laws. The applicant desires the land for a cooperative experimental project with the University of Idaho.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

Point Springs Project—Cassia County

T. 13 S., R. 28 E.,
Sec. 8, All;
Sec. 9, W½;
Sec. 17, N½NE¼.

This area consists of 1,040 acres of land.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9349; Filed, Nov. 12, 1957; 8:45 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 4, 1957.

Department of the Army, Corps of Engineers has filed an application, Serial No. Idaho 04790, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws, General Mining Laws, and Mineral Leasing Laws. The applicant desires the land for construction of the Albeni Falls Dam on the Pend Oreille River for flood control purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 55 N., R. 1 E.,
Metz Lode Mining Claim (M. S. 2995) except the SW 450 feet in Secs. 1 and 12;
Sec. 1, Lot 1;
Sec. 7, Lots 1, 2, 3, 4, SE¼SW¼;
Sec. 8, Lots 1, 2, 3, 4;
Sec. 9, Lots 1, 2, 3, 4;
Sec. 10, Lots 1, 2, 3, 4;
Sec. 11, Lots 1, 2, 3, 4;
Sec. 12, Lots 2, 3, 4;
Sec. 18, Lot 4.
This area includes 876.55 acres.
T. 56 N., R. 1 E.,
Sec. 11, Lot 1, East 721.7 feet;
Sec. 12, Lot 1;
Sec. 19, Lot 3, except Sulphide Mining Claim (M. S. 2117), and Lots 4 and 5;
Sec. 20, Lot 1, except Sulphide Mining Claim (M. S. 2117);
Sec. 30, Lots 1, 2, 3.
This area includes 352.30 acres.
T. 55 N., R. 2 E.,
Sec. 6, Lots 1, 2, 3, 4, 5;
Sec. 8, Lot 3.
This area includes 177.81 acres.
T. 56 N., R. 2 E.,
Sec. 29, Lots 5, 6, 7, 8, 9, 10, 11, 12, and NE¼NE¼;
Sec. 32, Lot 5.
This area includes 231.90 acres.
T. 53 N., R. 1 W.,
Sec. 3, Lot 2;
Sec. 4, Lots 1, 2, portions lying west of the Graham Lime Placer Claim (M. S. 2553), the Wooden Lime Placer Claim (M. S. 2594), and the Blue Peter Lime Placer Claim (M. S. 2488);
Sec. 7, Lot 1;
Sec. 8, Lots 1, 2, 3, 4;
Sec. 9, Lot 1, portion lying west of the Blue Peter Lime Placer Claim (M. S. 2488), Lots 2, 3.
This area includes 323.79 acres.
T. 54 N., R. 1 W.,
Sec. 3, Lot 2;
Sec. 10, Lots 2, 4, 5;
Sec. 15, Lot 1;
Sec. 27, Lots 1, 2;
Sec. 30, Lots 1, 2, 3;
Sec. 34, Lot 4.
This area includes 335.40 acres.
T. 55 N., R. 1 W.,
Sec. 4, Lot 1;
Sec. 5, Lot 4;
Sec. 7, Lots 1, 2; Sec. 8, Lots 1, 2—except Crescent (M. S. 2039) and St. Reca (M. S. 2560) Lode Mining Claims, that portion of Exchange Survey No. 820 which involves Lot 2 of Sec. 8, and except that portion of Mexico Lode Mining Claim (M. S. 2559) lying north from Tract "A" of Exchange Survey No. 821;
Sec. 13, Lots 1, 2;
Sec. 14, Lot 1;
Sec. 18, Lots 1, 2, 3, 4, except the overlapping part of the Crescent Lode Mining Claim (M. S. 2039);
Sec. 19, Lot 1;
Sec. 23, Lots 2, 3, 4;
Sec. 26, Lots 1, 2, 4, 5, except Park Quartz and Protection Lode Mining Claims (M. S. 2665);
Sec. 34, Lots 3, 5;
Sec. 35, Lots 1, 7;
This area involves 773.18 acres.
T. 56 N., R. 1 W.,
Sec. 22, Lot 4, except the Bay City Mining Claim (M. S. 2354);
Sec. 26, Lots 1, 2, 3, 4;
Sec. 27, Lot 3;
Sec. 28, Lots 1, 2, except a portion of Homestead Entry Survey No. 514;
Sec. 33, Lots 1, 2, 3, 4, 5.
This area includes 576.79 acres.
T. 53 N., R. 2 W.,
Sec. 10, Lots 3, 6, 7, 8;
Sec. 11, (unsurveyed) lands within ¼ mile of Pend Oreille Lake;
Sec. 12, (unsurveyed) lands within ¼ mile of Pend Oreille Lake.
This area includes approximately 500 acres.
T. 54 N., R. 2 W.,
Sec. 2, Lots 1, 3, 4, 5;
Sec. 14, Lots 1, 2, 3, 4;
Sec. 24, Lots 1, 2, 3, 4.
This area includes 474.35 acres.
T. 55 N., R. 2 W.,
Sec. 24, Lots 1, 2, 3, 4, 5, SW¼SW¼;
Sec. 25, Lots 1, 2;
Sec. 26, Lots 1, 2, 3;
Sec. 35, Lots 1, 2, 3, 4.
This area includes 456.38 acres.
T. 56 N., R. 4 W.,
Sec. 34, Lots 3, 4.
This area includes 60 acres.
The total acreage is approximately 5,140 acres.

All but 208 acres is located in the Kaniksu National Forest.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9350; Filed, Nov. 12, 1957; 8:45 a. m.]

[Serial No. Idaho 06967]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CORRECTION

NOVEMBER 4, 1957.

Order Providing for Opening of Public Lands, Idaho 06967, dated April 2, 1957, published in the FEDERAL REGISTER April 11, 1957, Volume 22, No. 70, page 2433, and Order Providing for Opening of Public Lands; Correction, Idaho 06967, dated May 2, 1957, published in the FEDERAL REGISTER May 9, 1957, Volume 22, No. 90, page 3270, are hereby corrected to exclude the following legal description:

BOISE MERIDIAN, IDAHO

T. 13 N., R. 24 E.,
Sec. 7, Lot 4;
Sec. 17, SW¼SW¼, SE¼SW¼, SW¼SE¼;
Sec. 18, Lots 1, 2, W½NE¼, E½NW¼, NE¼SW¼, N½SE¼, S½SE¼.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9351; Filed, Nov. 12, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12087; FCC 57-1220]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that notice of proposed rule making (FCC 57-727) setting forth the above proposal was issued by the Commission on July 5, 1957 and was duly published in the FEDERAL REGISTER (22 F. R. 4867), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before August 5, 1957; and

It further appearing that one comment was filed opposing the allocation of Channel 278 to Middletown, Ohio, and that an application was filed for use of Channel 278 in Hamilton, Ohio, where it previously had been assigned; and

It further appearing that the applicant who had originally requested the allocation of Channel 278 to Middletown has submitted a counter-proposal to allocate Channel 290 to Middletown in place of Channel 278 and has amended its application (BPH-2234) to specify Channel 290; and

It further appearing that no comments had been filed concerning the deletion of a channel from the Cincinnati, Ohio allocations and the substitution of another therefor; and

It further appearing that the immediate adoption of the proposed amendment would facilitate action on the pending Middletown application for operation on Channel 290; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the following listed cities:

General Area	Channels	
	Delete	Add
Middletown, Ohio		290
Cincinnati, Ohio	290	231

Released: Nov. 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9367; Filed, Nov. 12, 1957; 8:48 a. m.]

[Docket Nos. 12126, 12127; FCC 57M-1092]

GOLD COAST BROADCASTING CO. AND PUBLIC SERVICE BROADCASTING

ORDER CONTINUING HEARING

In re applications of Garland C. Burt and Sam C. Phillips, d/b as Gold Coast Broadcasting Company, Lake Worth, Florida; Docket No. 12126, File No. BP-11005; Robert Hecksher, tr/as Public Service Broadcasting, Riviera Beach, Florida; Docket No. 12127, File No. BP-11256; for construction permits.

The Hearing Examiner having under consideration a motion for continuance, filed by Robert Hecksher, tr/as Public Service Broadcasting, on November 6, 1957, requesting that the date for the exchange of the direct narrative presentations of each of the above-designated parties be continued from November 8, 1957, to November 15, 1957; that the date for giving notice as to witnesses desired for cross-examination be continued from November 13, 1957, to November 20, 1957; and that the date for the commencement of the hearing be continued from November 20, 1957, to November 27, 1957;

It appearing that counsel for other parties to the proceeding have consented to a grant of the motion and to a waiver of the "four-day" rule; and that the purpose of the continuance is to allow the filing of an amendment by Mr. Hecksher which will resolve the conflict between the applications herein;

It is ordered, This 6th day of November 1957, that the motion is granted; that the date for the exchange of applicants' direct cases is continued from November 8, 1957, to November 15, 1957; that the date for giving notice as to witnesses desired for cross-examination is continued from November 13, 1957, to November 20, 1957; and that the date for the commencement of the hearing is continued from November 20, 1957, to November 27, 1957.

Released: November 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9368; Filed, Nov. 12, 1957; 8:48 a. m.]

[FCC 57-1231]

[Amdt. 0-35]

STATEMENT OF DELEGATIONS OF AUTHORITY CONCERNING EXEMPTION OF VESSELS

COMPULSORY RADIO REQUIREMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1957;

The Commission having under consideration the necessity for amending section 0.292 (b) of the Commission's Statement of Delegations of Authority to authorize the Chief of the Safety and Special Radio Services Bureau, or in his absence, the Acting Chief of the Bureau, to grant or deny requests filed pursuant to section 383 of the Communications Act of 1934, as amended, for exemption of vessels from the compulsory radio requirements of Title III, Part III of the act;

It appearing that the Commission, in passing upon such requests for exemption, has established a general framework of principles and policies to be followed in granting or denying the requests; and

It further appearing that such amendment is designed to improve the internal administration of the Commission's functions and will facilitate the prompt and orderly handling of the above-described requests for exemption; and

It further appearing that the amendment herein ordered relates to internal Commission organization and procedure

and, therefore, compliance with the public notice and rule making procedures, including the provision concerning effective dates, of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the proposed amendment is contained in section 5 (d) (1) of the Communications Act of 1934, as amended;

It is ordered, That, effective November 15, 1957, section 0.292 (b) of the Commission's Statement of Delegations of Authority is amended to read as follows:

(b) Applications or requests for exemption, pursuant to the provisions of sections 352 (b) and 383 of the Communications Act, Regulations 5 or 6, Chapter IV of the Safety Convention, or Article 6 of the Great Lakes Agreement:

(1) For emergency and renewal exemption of vessels;

(2) For initial exemption of vessels subject to Title III, Part III of the act;

(3) For initial exemption of vessels of less than 100 gross tons subject to Title III, Part II of the act or the Safety Convention; and

(4) For exemption from Title III, Part II of the act of vessels operated in the Gulf of Mexico which participate in oil well drilling operations when the circumstances are substantially the same as those in precedent cases decided by the Commission en banc.

Released: November 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9369; Filed, Nov. 12, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

NOVEMBER 1957 MONTHLY SALES LIST

SALES OF CERTAIN COMMODITIES

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in November under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4½ percent per annum.

For periods over 6 months up to and including 18 months, 5 percent per annum.

For periods over 18 months up to and including 36 months, 5½ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

NOVEMBER 1957 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its Territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	All sales are under LD-26. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot.
Butter (as available)	Domestic price: For unrestricted use price is "in store" [1] at storage locations or products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26. Export prices are on the basis of delivery f. a. s. vessel or at buyer's option f. o. b. cars point of export. CCC will convert to "in store" price as provided in LD-26. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. Domestic—Unrestricted use: 63.5 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.75 cents per pound, Washington, Oregon, and California. All other States 62.5 cents per pound. Domestic—restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of chocolate or in the manufacture of other products made from chocolate, 39 cents per pound. Export—unrestricted use: 39 cents per pound.
Nonfat dry milk, spray- roller- (as available).	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 17.0 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 15.0 cents per pound; in bags, 14.15 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound. Export, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese, Cheddars, flats, twins, and rindless blocks (standard moisture basis). 182,400,000 pounds.	Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 37 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements CN-EX-4 and NO-C-9, as amended.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended and NO-C-10, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10. Catalogs for upland and extra long staple cotton showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wool, shorn approximately 16,000,000 pounds.	Domestic or export: Limited quantities (not more than 6,225,000 pounds in November) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[1] but not less than the 1957 applicable loan rate, plus (1) 25 cents per bushel if received by truck, or (2) 20 cents per bushel if received by rail or barge. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW, $2.52; Minneapolis, No. 1 DNS, $2.56; Kansas City, No. 1 HW, $2.52; Portland, No. 1 SW, $2.42. Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1957 county loan rate plus (1) 25 cents per bushel if received by truck or (2) 20 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended, for application to certain barter contracts and specially approved credit sales only, at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR-345.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Chicago, and Portland when announced.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[1] but not less than the 1957 applicable loan rate for corn produced in compliance with 1957 acreage allotments plus: (1) a markup of 13 cents per bushel for corn in storage at point of production, (2) a markup of 15 cents per bushel and the rail freight (including transportation tax) from point of production to the present point of storage for corn in storage at other than point of production.

See footnotes at end of table.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Rice, milled 1956 crop (as available).	Export: Competitive bid under DL-MR-400/57 as announced by Dallas CSS Commodity Office. Special export: Competitive bid on "as is" basis, under DL-MR/63 as announced by Dallas CSS Commodity Office.
Rice, rough	Domestic, unrestricted: Market price but not less than the 1957 applicable loan rate plus 5 percent, plus 26 cents per hundredweight basis in store. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office or from Portland CSS Commodity Office for Pearl and Calrose. Export: For export as milled rice. Competitive bid as announced by Portland CSS Commodity Office.
Gum rosin	Dodge Sub-Unit: Offer and acceptance basis "as is," in galvanized metal drums (averaging 517# net) in the stated quantities and on the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is," bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through American Turpentine Farmers Association Cooperative, Valdosta, Ga.

[1] At the processors plant or warehouse but with any prepaid storage and out-handling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: November 6, 1957.

[SEAL]

CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-9376; Filed, Nov. 12, 1957; 8:50 a. m.]

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Corn, bulk	Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average, golden freight from Woodford County, Illinois to Chicago and Redwood County, Minnesota to Minneapolis respectively: Chicago, $1.73¾; Minneapolis, $1.63¾. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 110 percent of the applicable 1957 loan rate plus markups as above. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstorable corn (as available): Sample grade and wevevily corn, through the above offices; also nonstorable corn stored in bin sites through local ASC county offices.
Oats, bulk	Export: Competitive bid basis as announced by the Portland, Dallas, Chicago, Minneapolis, and Kansas City CSS Commodity Offices.[3] Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus: (1) a markup of 14 cents per bushel for oats in storage at point of production, (2) a markup of 16 cents per bushel and the rail freight (including transportation tax) from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Illinois to Chicago and Redwood County, Minnesota to Minneapolis respectively: Chicago, No. 3 oats or better, $0.81¾; Minneapolis, No. 3 oats or better, $0.79. Available Minneapolis, Chicago, Kansas City, Portland and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price,[2] but not less than the 1957 applicable loan rate plus (1) 25 cents per bushel if received by truck, or (2) 15 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 barley, $1.33. Available Minneapolis, Chicago, Kansas City, Portland and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, Minneapolis and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 21 cents per bushel if received by truck, or (2) 16 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 rye, $1.56. Available Minneapolis, Chicago, Kansas City, Portland and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) 37 cents per hundredweight if received by truck, or (2) 28 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better, $2.59. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.[3]
Soybeans, bulk (as available)	Domestic (for crushing) or export: Market price basis in store but not less than the basic loan rate for No. 2 grade, basis point of production plus 14 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above prices.
Flaxseed, bulk (carlots as available).	Domestic (for crushing) or export: Competitive bids but not less than $3.46½ per bushel net, basis in store Duluth or Minneapolis, except that L. C. L. lots available at best prices obtainable.
Rice, milled 1956 crop (as available).	Domestic, unrestricted use (1956 crop): Market price but not less than equivalent 1957 loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling, plus 38 cents per hundredweight basis in store. Prices and quantities available by varieties and grade may be obtained from Dallas CSS Commodity Office. Example of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 3	U. S. No. 4	U. S. No. 5
Blue Bonnet	$10.75	$9.90	$8.98
Century Patna	9.92	9.07	8.25

See footnotes at end of table.

TARIFF COMMISSION

[Investigations 7 and 8]

HARDBOARD

INSTITUTION OF INVESTIGATIONS

Investigations No. 7 (Hardboard from South Africa) and No. 8 (Hardboard from Canada) under section 201 (a), Antidumping Act, 1921, as amended.

Having received advice from the Treasury Department on November 5, 1957, that Hardboard from the Union of South Africa and Hardboard from Canada is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted investigations under section 201 (a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with these investigations has been ordered. In accordance with § 208.4 of the Commission's rules of practice and procedure (19 CFR, 1954 Supp., 208.4) any interested party who believes that a public hearing should be held in these investigations or either of them may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, submit a request in writing to the Secretary, United States Tariff Commission, Washington 25, D. C., that a public hearing be held, stating the reasons for such request.

Interested parties may submit to the Commission written statements of information pertinent to the subject matter of these investigations. Fifteen clear copies of such statements should be submitted, and information which any in-

terested party desires to submit in confidence should be on separate pages each clearly marked "Submitted in Confidence."

Issued: November 7, 1957.

By order of the United States Tariff Commission this 7th day of November 1957.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-9358; Filed, Nov. 12, 1957; 8:46 a. m.]

[List No. 22-7]

CERTAIN STEAK KNIVES AND CARVING SETS

RECEIPT OF COMPLAINT

NOVEMBER 7, 1957.

The United States Tariff Commission hereby gives notice of the receipt, on October 30, 1957, of a complaint under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337; 1337 (a)) filed by Chas. B. Briddell, Inc., of Crisfield, Maryland, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain steak knives and carving sets.

In accordance with the provisions of § 203.3 of the rules of practice and procedure of the Commission (19 CFR 203.3) the Commission has initiated a preliminary inquiry into the allegations of this complaint to determine (a) whether the institution of an investigation under section 337, above, is warranted, and (b) whether the issuance of a temporary order of exclusion from entry under section 337 (f) of the Tariff Act of 1930 (19 U. S. C. 1337 (f)) is warranted.

A copy of the complaint (not including information submitted in confidence) is available for public inspection at the offices of the United States Tariff Commission located at Eighth and E Streets, N. W., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Customs House.

Persons desiring to submit information either in favor of or in opposition to the institution of an investigation may do so by submitting their views in writing to the Secretary, United States Tariff Commission, Washington 25, D. C., within 30 days from the date of this notice. Fifteen copies of any such submission are required.

Issued: November 7, 1957.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-9370; Filed, Nov. 12, 1957; 8:49 a. m.]

FARM CREDIT ADMINISTRATION

INVITATION TO BID ON SURETY BOND

Notice is hereby given to all companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, that the Farm Credit Administration will accept sealed bids beginning November 15, 1957, on a position schedule bond covering approximately 60 of its officers and employees.

Copies of the invitation to bid, service requirements, the bond, and the schedule of positions to be bonded may be obtained by phoning or writing to Joseph Kudlack, Room 0456, South Building, USDA, Washington 25, D. C., Phone RE 7-4142, extension 4219. Bids are to be opened at 2 p. m., e. s. t., on December 13, 1957.

[SEAL] HAROLD T. MASON, *Acting Governor.*

[F. R. Doc. 57-9347; Filed, Nov. 12, 1957; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

DEFENSE MATERIALS SERVICE

REPORT OF PURCHASES

AUGUST 31, 1957.

Report of purchases under Domestic Purchase Regulation (operating on delegation of authority by Department of Interior under Public Law 733).

Commodity	Termination date of program	Unit of measure	Total limitation	Interim limitation	Purchases			
					Fiscal year to date		Inception to date	
					Quantity	Cost [1]	Quantity	Cost [1]
Asbestos	12-31-58	Short tons, crude No. 1 and No. 2.	2,000	469			528	$607,680.00
		Short tons, crude No. 3.	2,000	469			354	141,460.00
Columbium-tantalum.	12-31-58	Pounds, contained combined pentoxide.	250,000	57,559	3,265	$12,551.15	3,679	13,264.31
Fluorspar	12-31-58	Short tons, acid grade	250,000	58,647			28,116	1,534,037.52
Tungsten	12-31-58	Short ton units, tungsten trioxide.	1,250,000	293,584	5,971	247,283.46	289,434	15,785,264.37

[1] Material cost.

FRANKLIN G. FLOETE, *Administrator.*

Dated: November 5, 1957.

[F. R. Doc. 57-9353; Filed, Nov. 12, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 7, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 34278: *Paper and paper articles—Western points to points in Illinois and western trunk line territories.* Filed by W. J. Prueter, Agent (WTL No. A-1937), for interested rail carriers. Rates on paper and paper articles from western points to points in Illinois and western trunk line territories.

Grounds for relief: Short-line distance formulas.

Tariffs: Supplement 56 to Agent Prueter's tariff I. C. C. A-4082; Supplement 4 to Agent Prueter's tariff I. C. C. A-4190.

FSA No. 34279: *Boxes or cartons—Dorchester, Wis., to western points.* Filed by W. J. Prueter, Agent (WTL No. A-1940), for interested rail carriers. Rates on boxes or cartons, fibreboard, pulpboard, etc., carloads, as more fully described in the application from Dorchester, Wis., to points in western trunk-line territory in Zones 2, 3 and 4.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 56 to Agent Prueter's tariff I. C. C. A-4082.

AGGREGATE OF INTERMEDIATES

FSA No. 34277: *Passenger fares from and to points in the East.* Filed by A. J. Winkler, Agent (No. A-7), for and on behalf of The Central Railroad Company of New Jersey, and other rail passenger carriers. Rates involving passenger coach fares, minimum one way basic, from or to points in the East, as described in application.

Grounds for relief: Maintenance of depressed fares not applicable in constructing lower combinations of fares from or to points beyond from or to which higher through one-factor fares are in effect.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-9354; Filed Nov. 12 1957; 8:45 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 221

Washington, Thursday November 14, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3210

THANKSGIVING DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

At the autumnal season of the year our hearts move us to follow the wise and reverent custom, inaugurated by our Pilgrim Fathers more than three centuries ago, of setting aside one special day for expressions of gratitude to a merciful Providence for the blessings bestowed upon us.

It behooves us to dwell upon the deep religious convictions of those who formed our Nation out of a wilderness, and to recall that our leaders throughout the succeeding generations have relied upon Almighty God for vision and strength of purpose.

As a Nation we have prospered; we are enjoying the fruit of our land and the product of our toil; we are making progress in our efforts to translate our national ideals into living realities; and we are at peace with the world, working toward that day when the benefits of freedom and justice shall be secured for all mankind.

For such blessings let us be devoutly thankful, and at the same time let us be sensitive and responsive to the obligations which such great mercies entail.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, having in mind the joint resolution of Congress approved December 26, 1941, which designates the fourth Thursday in November of each year as Thanksgiving Day, do hereby call upon our people to observe Thursday, November 28, 1957, as a day of national thanksgiving. On that day let all of us, in accordance with our hallowed custom, foregather in our respective places of worship or in our homes and offer up prayers of thanks for our manifold blessings. Let the happiness which stems from family reunions on Thanksgiving Day be tempered with compassion and inspired by an active concern for those less fortunate in our own country and in other lands; and let us ask God's continuing help and guidance in our conduct, both as individuals and as a Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of November in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 57-9481; Filed, Nov. 13, 1957; 11:25 a. m.]

PROCLAMATION 3211

WITHDRAWAL OF TRADE AGREEMENT CONCESSION ON SPRING CLOTHESPINS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U. S. C. 1351), on October 10, 1949 he entered into a trade agreement providing for the accession to the General Agreement on Tariffs and Trade (61 Stat. (Pts. 5 and 6) A7, A11, and A2051) of certain foreign countries, including the Kingdom of Denmark and the Kingdom of Sweden, which trade agreement consists of the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, dated October 10, 1949, including the annexes thereto (64 Stat. (Pt. 3) B141);

2. WHEREAS Schedule XX in Annex A of the said trade agreement for accession became a schedule to the said General Agreement in accordance with paragraph 3 of the said trade agreement for accession;

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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Part 272 — 9076

Title 47
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3. WHEREAS, by Proclamation No. 2867 of December 22, 1949 (3 CFR, 1949 Supp., 55), the President proclaimed such modification of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said trade agreement for accession, which proclamation has been supplemented by several proclamations, including Proclamation No. 2884, of April 27, 1950 (3 CFR, 1950 Supp., 28);

4. WHEREAS the first item 412 in Part I of the said Schedule XX reads in pertinent part as follows:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
412	Spring clothespins	10 cents per gross.

5. WHEREAS, in accordance with Article II of the said General Agreement and by virtue of the said proclamation of April 27, 1950, the United States rate of duty applicable to spring clothespins described in the said first item 412 is 10 cents per gross, as specified in the said first item 412, which duty reflects the tariff concession granted in the said General Agreement with respect to such clothespins;

6. WHEREAS the United States Tariff Commission has submitted to me a report of its investigation No. 57 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C. 1364), on the basis of which investigation and a hearing held in connection therewith the Commission has found that, as a result in part of the duty reflecting the concession granted in the said General Agreement, spring clothespins described in the said first item 412 are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like products;

7. WHEREAS I find that in order to remedy the serious injury to the said domestic industry it is necessary that there be applied, for an indefinite period, a duty of 20 cents per gross on spring clothespins described in the said first item 412;

8. WHEREAS the rate of duty on spring clothespins expressly fixed by statute (Tariff Act of 1930, paragraph 412) is 20 cents per gross, which rate of duty would be applicable to spring clothespins described in the said first item 412 if the tariff concession set forth in the said first item 412 were withdrawn;

9. WHEREAS, to carry out the exclusive trade agreement with Cuba (61 Stat. (Pt. 4) 3699) and the note to the items specified in Part II of the said Schedule XX, spring clothespins the product of Cuba are included as item 412 in the list set forth in the ninth recital of Proclamation No. 2764 of January 1, 1948 (3 CFR, 1948 Supp., 11), as amended by Part III of Proclamation No. 3105 of July 22, 1955 (3 CFR, 1955 Supp., 36), wherein a rate of duty of 8 cents per gross is specified for such spring clothespins;

10. WHEREAS, upon the withdrawal of the concession set forth in the said first item 412, it will be appropriate to carry out the said exclusive trade agreement with Cuba and the said trade agreement for accession to increase the rate of duty on spring clothespins the product of Cuba to 18 cents per gross:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement on Tariffs and Trade and with the provisions of the said exclusive trade agreement with the Government of the Republic of Cuba, do proclaim that, effective after the close of business on December 9, 1957, and until the President otherwise proclaims—

(a) The said first item 412 in the said Schedule XX shall be withdrawn, and Proclamation No. 2867 of December 22, 1949, as supplemented, shall be suspended insofar as it applies to the said first item 412;

(b) the rate of duty specified for item 412 in the ninth recital of the said proclamation of January 1, 1948, as amended by Part III of the said proclamation of July 22, 1955, shall be changed from "8 cents per gross" to "18 cents per gross".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of November in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-9482; Filed, Nov. 13, 1957; 11:26 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter B—Prohibition of Imported Commodities

PART 1070—CUCUMBERS

§ 1070.1 *Cucumber Regulation No. 1*—(a) *Findings and determinations.* (1) Notice of rule making regarding proposed restrictions on importation of cucumbers into the United States, to be made effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), was published in the FEDERAL REGISTER October 19, 1957 (22 F. R. 8264). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the restrictions on the importation of cucumbers into the United States, as hereinafter provided, are in accordance with the act.

(2) It is hereby found and determined that good cause exists for not postponing the effective date of this section beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation mandatory; (ii) the same grade and size regulations are in effect on domestic shipments of cucumbers under Marketing Agreement No. 118 and Order No. 115 (7 CFR 1015.301; 22 F. R. 8148, 8219, 8976); (iii) compliance with this cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iv) notice hereof is hereby determined to be reasonable in

accordance with the requirements of the act and is in excess of the minimum period of three days specified in the act; and (v) the regulations hereby established for cucumbers that may be imported into the United States comply with grade, size, quality, and maturity restrictions imposed upon domestic cucumbers under the aforesaid marketing agreement and order.

(b) *Import restrictions.* During the period from November 18, 1957, to December 15, 1957, both dates inclusive, and subject to the General Regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any cucumbers of any variety unless such cucumbers meet the requirements of U. S. No. 1 or better grade, except that for the purpose of this section no maximum diameter or minimum length is required.

(c) *Minimum quantities.* Any importation which, in the aggregate, does not exceed 48 pounds may be imported without regard to the provisions of paragraph (b) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of cucumbers under the Plant Quarantine Act of 1912.

(e) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of the General Regulations, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of cucumbers that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported cucumbers is required pursuant to § 1060.3 *Eligible imports* of the aforesaid General Regulations and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified cucumbers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the cucumbers will be imported.

Ports; Office; and Advance Notice

All Texas points; W. T. McNabb, 222 McClendon Building, 305 East Jackson Street, P. O. Box 111, Harlingen, Tex. (Telephone—Garfield 3-5644); 1 day.

All Arizona points; R. H. Bertelson, Room 202 Trust Building, 305 American Avenue, P. O. Box 1646, Nogales, Ariz. (Telephone—Atwater 7-2902); 1 day.

All California points; Carley D. Williams, 284 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles 21, Calif. (Telephone—Vandike 8756); 3 days.

All Florida points; Lloyd W. Boney, Room 5, Dade County Growers Market, 1200 Northwest 21st Terrace, Miami 42, Fla. (Telephone—Franklin 1-6932); 3 days.

All other points; E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D. C. (Telephone—Republic 7-4142, Ext. 5870); 3 days.

(3) Inspection certificates shall cover only the quantity of cucumbers that is being imported at a particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any cucumbers to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant; meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) *Definitions.* (1) The term "U. S. No. 1," used in this section means the U. S. No. 1 grade as set forth in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238, inclusive, of this title), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the General Regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities.

(Sec. 401, 68 Stat. 906, as amended; 7 U. S. C. 608e-1)

Dated: November 8, 1957, to become effective November 18, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9460; Filed, Nov. 13, 1957; 8:56 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

APPOINTMENTS SUBJECT TO INVESTIGATION

Paragraphs (b) and (c) of § 2.107 are amended to read as set out below.

§ 2.107 *Appointments subject to investigation.* * * *

(b) Except in cases under § 2.106 (a) (4) involving intentional false statements, or deception or fraud in examination or appointment, the condition "subject to investigation" shall expire automatically at the end of one year after the effective date of the appointment.

(c) For a period of one year after the effective date of an appointment subject to investigation under paragraph (a) of this section, the Commission may instruct the agency to remove the employee if investigation discloses that he is disqualified for any of the reasons listed in § 2.106. Thereafter, the Commission may require removal only on the basis of intentional false statements or deception or fraud in examination or appointment.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-9411; Filed, Nov. 13, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 25]

PART 60—AIR TRAFFIC RULES

TWO-WAY RADIO FAILURE PROCEDURES

The two-way radio communication failure procedures contained in § 60.49-1 are hereby revised to provide for the use of approved jet penetration procedures by military aircraft and more specific holding pattern procedures. The revision also includes changes in format and language not involving a substantive change.

1. Therefore, § 60.49-1 is revised to read:

§ 60.49-1 *Two-way radio failure procedures (CAA policies which apply to § 60.49 (b))*—(a) *General.* In the event of two-way radio communication failure, air traffic control will be accomplished in accordance with the following procedures.

(b) *En route procedure.* When the aircraft is proceeding in accordance with the latest traffic clearance but the pilot has not received and acknowledged a clearance for an instrument approach, the following procedures apply:

(1) If the pilot has received and acknowledged a clearance to the destination airport or the radio facility serving that airport, he will continue flight at the altitude(s) last assigned by air traffic control, or the minimum instrument altitude,[9] whichever is higher, to the radio facility serving the destination airport;

(2) If the pilot has received and acknowledged a clearance to an en route point other than the destination airport or the radio facility serving that airport and

(i) Holding instructions for the en route point have not been received, he will continue flight at the altitude(s) last assigned by air air traffic control or the minimum instrument altitude,[9] whichever is higher, to the radio facility serving the destination airport; or

(ii) Holding instructions for the en route point and expected clearance time for the airport of destination have been received, the pilot will comply with such instructions and continue flight to arrive at the radio facility serving the destination airport at the expected approach time last received and acknowledged, maintaining the last assigned altitude or the minimum instrument altitude,[9] whichever is higher; or

(iii) Holding instructions for the en route point have been received but no expected approach time for the airport of destination has been received, the pilot will comply with such instructions until the time air traffic control has specified that further clearance may be expected. He shall then continue flight to the radio facility serving the destination airport maintaining the last assigned altitude or the minimum instrument altitude[9] whichever is higher.

Example: A flight is cruising at 8,000 feet (last assigned altitude) on an IFR flight plan when radio failure occurs. After passing the next fix, the minimum en route altitude is 10,000 feet and climb is made to that altitude. On the last leg of the flight the minimum en route altitude is 3,500 feet. The flight descends back to 8,000 feet after passing the fix defining the termination of the 10,000-foot minimum en route altitude segment since the last assigned altitude (8,000 feet) is higher than the MEA (3,500 feet).

(3) If holding is necessary at the radio facility serving the destination airport and no holding clearance has been received and acknowledged:

(i) Holding will be accomplished on the side of the final approach course on which the procedure turn is prescribed; or

(ii) Where approved military jet penetration procedures have been issued for the airport of destination, holding by military jet aircraft will be accomplished at the last assigned altitude and along the left side of the initial penetration course (tear-drop), or in the case of a single penetration course on the side on which the procedure turn is prescribed.

(c) *Instrument letdown.* (1) If a clearance for an approach has not been received and acknowledged, descent from the altitude maintained to the radio facility serving the destination airport will start at the expected approach time last received and acknowledged, or if no expected approach time was received and acknowledged, descent will be started at the estimated time of arrival indicated by the elapsed time specified in the flight time or as soon as possible thereafter. A full approved instrument approach procedure will be executed unless VFR conditions are encountered and the pilot elects to continue descent and approach in accordance with VFR.

(2) If a clearance for an approach at the airport of intended landing has been received and acknowledged, comply with the clearance or other instructions[10] and make normal descent for landing.

(3) *Shuttle.* (i) Descent to the appropriate altitude for the execution of the instrument approach on the radio facility serving the destination airport will be accomplished by a holding pattern on the side of the final approach course on which the procedure turn is prescribed; or

(ii) Where approved military jet penetration procedures have been issued for the airport of destination, military jet aircraft will descend to the initial penetration altitude on the radio facility serving the destination airport by a holding pattern on the left side of the initial penetration course (tear-drop), or in the case of a single penetration course on the side on which the precedure turn is prescribed.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective December 11, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 6, 1957.

[F. R. Doc. 57-9379; Filed, Nov. 13, 1957; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 24]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

PELLSTON, MICH. TO SAULT STE MARIE, MICH.

The minimum en route altitude from Pellston, Michigan LF/RBN to Sault Ste Marie, Michigan VOR contained in § 610.6193 was prematurely published in the FEDERAL REGISTER on October 25, 1957 (22 F. R. 8418). Therefore, it is rescinded until further notice.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 6, 1957.

[F. R. Doc. 57-9378; Filed, Nov. 13, 1957; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.346]

MISCELLANEOUS AMENDMENTS TO CHAPTER

By virtue of the authority vested in the Secretary of State by sections 3 and 4 of the act of Congress approved May 26, 1949, as amended (63 Stat. 111; 5 U. S. C. 151c and 22 U. S. C. 811a), and, as it relates to the following sections of the Tariff of Fees, 22 U. S. C. 1201 and Executive Order No. 10718 issued on June 27, 1957 (22 F. R. 4632), Title 22 of the Code of Federal Regulations is amended as follows:

PART 9—FINANCE AND ACCOUNTING

The caption of "Part 9—Deposit of Funds" is amended to read as set forth above and Part 9 as amended reads as follows:

Sec.
9.1 Remittances made payable to the Department of State.
9.2 Endorsing remittances for deposit in the Treasury.
9.3 Refunds.
9.4 Representative value in exchange.
9.5 Claims for settlement by Department of State or General Accounting Office.

AUTHORITY: §§ 9.1 to 9.5 issued under R. S. 161; 5 U. S. C. 22.

§ 9.1 *Remittances made payable to the Department of State.* Except as otherwise specified in this title, remittances of moneys shall be drawn payable to the Department of State and sent to the Department for action and deposit. (See §§ 2.2, 51.40, and 103.2 of this chapter.)

§ 9.2 *Endorsing remittances for deposit in the Treasury.* The Office of Finance—Cashier Unit, the Authentication Office, the Passport Office or Passport Agency, American Embassy, American Legation, American consular office, or other office or unit of the Department of State authorized and required to deposit funds in the Treasury of the United States, is hereby authorized to endorse, or to have endorsed, to the order of the Treasurer of the United States by appropriate stamp, checks, drafts, money orders, or other forms of remittance, regardless of how drawn, which are for payment to the Department of State for deposit in the Treasury of the United

[9] The minimum instrument altitude referred to is the minimum en route IFR altitude established in Part 610 of this title for that portion of the route over which the operation is conducted, regardless of the direction of flight. If deviation from the altitude assigned by Air Traffic Control is necessary in order to comply with a higher minimum instrument altitude, any subsequent descent required by a lower minimum instrument altitude shall not be made below the altitude last assigned by Air Traffic Control.

[10] Air Traffic Control may issue appropriate instructions by means of "blind" transmissions on radio frequencies directly available on authorized "blind" transmissions of appropriate clearances over air carrier radio facilities (for air carrier aircraft) and/or over suitable radio range facilities. ATC instructions will not be broadcast unless authorized by Air Traffic Control.

States, including those payable to the Secretary of State.

§ 9.3 *Refunds*—(a) *Rectifications and readjustments.* See § 103.4 of this chapter for outline of circumstances under which fees which have been collected for deposit in the Treasury may be refunded.

(b) *Refund of wrongful exactions.* See § 105.1 of this chapter concerning recovery from consular officers of amounts wrongfully exacted and withheld by them.

§ 9.4 *Representative value in exchange.* Representative value in exchange for the collection of a fee means foreign currency equivalent to the prescribed United States dollar fee at the current rate of exchange at the time and place of payment of the fee. "Current rate" of exchange for this purpose means the bank selling rate at which the foreign bank will sell the number of United States dollars required to liquidate the obligation to the United States for the Foreign Service fee.

§ 9.5 *Claims for settlement by Department of State or General Accounting Office.* Claims for settlement by the Department of State or by the General Accounting Office shall be submitted to the Department in duplicate over the handwritten signature, together with the post office address of the claimant, and with appropriate recommendations of the officer of the Foreign Service, for items such as:

(a) Refunds of amounts representing payroll deductions such as for any retirement and disability fund;

(b) Amounts due deceased, incompetent, or insolvent persons including payees or bona-fide holders of unpaid Government checks;

(c) Amounts claimed from the Government when questions of fact affect either the amount payable or the terms of payment, when for any reason settlement cannot or should not be affected at the Foreign Service office; and

(d) Amounts of checks, owned by living payees or bona-fide holders, which have been covered into outstanding liabilities. The Foreign Service post or the Department of State shall be consulted before preparing the claim to ascertain whether any special form is required to be used. Claims for unpaid compensation of deceased alien employees shall be forwarded to the respective Foreign Service post.

PART 103—FEES AND CHARGES, FOREIGN SERVICE

The caption of "Part 103—Finance and Accounting" is changed to read as set forth above; §§ 103.1, 103.3, 103.4, is revised effective January 1, 1958, as set forth below; existing § 103.2, *No-fee services*, is revoked and new §§ 103.2 and 103.5 are established as set forth below; and the subject matter of existing § 103.6, *Claims*, is transferred to newly established § 9.5; new §§ 103.6 and 103.7 are established as set forth below. As amended, Part 103 reads as follows:

Sec.
103.1 Tariff of fees, Foreign Service of the United States of America.
103.2 Remittances to Foreign Service posts.
103.3 Receipts for fees; register of services.
103.4 Refund of fees.
103.5 Time at which fees become payable.
103.6 Deposits to guarantee payment of fees or incidental costs.
103.7 Collection and return of fees.

AUTHORITY: § 103.1 to 103.7 issued under R. S. 161; 5 U. S. C. 22.

§ 103.1 *Tariff of fees, Foreign Service of the United States of America.* (a) Officers of the Foreign Service shall charge for official services performed abroad at the rates prescribed in this tariff, in coin of the United States or at its representative value in exchange (22 U. S. C. 1202). For definition of representative value in exchange, see § 9.4 of this chapter. No fees named in this tariff shall be charged or collected for the official services to American vessels and seamen (22 U. S. C. 1186). The term "American vessels" is defined to exclude, for the purposes of this tariff, undocumented American vessels and the fees prescribed herein shall be charged and collected for such undocumented vessels. However, the fees prescribed herein shall not be charged or collected for American public vessels, which includes any vessel owned or operated by a United States Government department or agency and engaged exclusively in official business on a non-commercial basis. This tariff shall be kept posted in a conspicuous place in each Foreign Service office, subject to the examination of all persons interested therein (22 U. S. C. 1197).

PASSPORT AND CITIZENSHIP SERVICES

Item No.		Fee
1.	Execution of application for passport—no exceptions (22 U. S. C. 214)	$1.00
2.	Examination of passport application executed before a foreign official	$1.00
3.	Issuance of passport (22 U. S. C. 214)	$9.00
4.	Renewal of passport (22 U. S. C. 217a)	$5.00
5.	Issuance of certificate or card of identity and registration, or card of identification for use on the Mexican border	$1.00
6.	Issuance or renewal of passport—	
	(a) to officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or members of their immediate families (22 U. S. C. 214)	No fee
	(b) to seamen when employed as such on American vessels (22 U. S. C. 214)	No fee
	(c) to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad, whose journey is for the purpose of visiting graves of such soldiers, sailors, or marines (22 U. S. C. 214)	No fee
7.	Amendment of passport	No fee
8.	Verification of passport	No fee
9.	Execution of application for registration	No fee
10.	Execution of affidavit in regard to American birth in connection with application for registration or for passport	No fee
11.	Administering the oath of allegiance to a native-born American woman who lost her citizenship solely by marriage to an alien	No fee
12.	For delivery to the applicant of a certified copy of an executed form—	
	(a) of repatriation of a native-born American woman whose marital status, with an alien terminated prior to January 13, 1941	$5.00
	(b) of repatriation of a native-born American woman under sec. 324 of the Immigration and Nationality Act (8 U. S. C. 1435)	$5.00
	(c) of repatriation under the act of July 20, 1954 (8 U. S. C. 1438 Supp.), of a person who while a citizen of the United States lost his citizenship by voting in Japan between September 2, 1945, and April 27, 1952, inclusive	$5.00
13.	Completion of birth and death reports in number of copies prescribed by regulations. (Charge under item 75 below for any additional copies made and furnished, as well as under item 47 below if certification is furnished of the correctness thereof.)—	
	(a) report of birth of American citizen including the furnishing of one copy to the parents	No fee
	(b) report of death of American citizen and sending one copy each to legal representative and to closest known relative or relatives	No fee
14.	Certificate of witness to marriage in quadruplicate. (Charge under item 75 below for any additional copies made and furnished, as well as under item 47 below if certification is furnished of the correctness thereof.)	$3.00
	(Item numbers 15 through 19 vacant.)	

VISA SERVICES FOR ALIENS

20.	Furnishing and verification of application for immigrant visa, including duplicate copy (8 U. S. C. 1351)	$5.00
21.	Issuance of each immigrant visa (8 U. S. C. 1351)	$20.00
22.	Furnishing and verification of application and issuance of nonimmigrant visa. (Fees prescribed in Appendix C, Visa Handbook of Department of State, as amended from time to time.)	
23.	Furnishing and verification of application and issuance of nonimmigrant visa to alien proceeding solely in transit to and from the headquarters district of the United Nations under the provisions of section 11 of the Agreement between the United Nations and the United States of America regarding the headquarters of the United Nations (61 Stat. 756)	No fee
24.	Visa of alien crew list	$2.00
25.	Supplemental visa of alien crew list	No fee
	(Item numbers 26 through 29 vacant.)	

SERVICES RELATING TO VESSELS AND SEAMEN

30.	Noting marine protest, when required by a master of a foreign or an undocumented vessel	$5.00
	If it exceeds 200 words, for every additional 100 words or fraction thereof	$1.00
31.	Extending marine protest, when required by master of a foreign or an undocumented vessel	$5.00
32.	Protest of master against charterers or freighters, when required by master of a foreign or an undocumented vessel	$2.00
33.	Shipment or discharge of seaman on undocumented vessel, each seaman	$10.00
34.	Recording of bill of sale of vessel purchased abroad, taking of application for provisional certificate of registry or certificate of American ownership, and investigation	$5.00
35.	Issuance of provisional certificate of registry or certificate of American ownership	No fee
36.	Services under this tariff (unless designated "no exceptions") when performed for American vessels or for American seamen (22 U. S. C. 1186)	No fee
	(Item numbers 37 through 44 vacant.)	

NOTARIAL SERVICES AND AUTHENTICATIONS

45.	Administering an oath and certificate thereof	$2.00
46.	Taking the acknowledgment of the execution of a document, and certificate thereof	$2.00
47.	Certifying under official seal that a copy or extract made from an official or a private document is a true copy. (Fees for copying, if required, are an additional charge under item 75.)	$1.00
48.	Certifying to official character of a foreign notary or other official (i. e., authenticating a document)	$2.00
49.	Administering oaths, taking acknowledgments, or supplying authentications, in connection with application for letters patent or registration of trademarks, or with the assignment or transfer of rights thereunder	$2.00
50.	Administering an oath and certificate thereof for petition for nonquota, temporary worker nonimmigrant, or preference quota status	$2.00
51.	Administering oaths or taking acknowledgments, or authenticating the signatures of foreign officials, in connection with Kinsmen's petitions for wages and effects of deceased seamen of the American merchant marine (46 U. S. C. 627)	$5.00
52.	For affidavit of petitioner or his agent on documents or evidence to be presented to the Federal Government	$2.00
	(Item numbers 53 and 54 vacant.)	
55.	Noting of a negotiable instrument for want of acceptance or payment, certifying to protest, and giving notice to issuer and endorsers when requested to do so. (In addition to this fee the consular officer should charge under item 85 for time spent outside the consular office in presentment of the instrument for acceptance or payment.)	$5.00
	(Item numbers 56 and 57 vacant.)	
58.	Services under this heading "Notarial Services and Authentications", unless designated "no exceptions", when rendered—	
	(a) in connection with the execution of forms or documents required by or to be presented to any department or agency of the Federal Government	No fee
	(b) in connection with the assignment and transfer of United States bonds or other Federal financial obligations or the execution of powers of attorney therefor or to collect interest thereon	No fee
	(c) to claimants and beneficiaries and their witnesses, in connection with Federal, State and municipal allotment, pension, retirement, insurance, medical, compensation, or like benefits	No fee
	(d) in the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof	No fee
	(e) to American citizens, while outside the United States, in preparation of ballots to be used in any primary, general, or other public elections in the United States or in territories under their jurisdiction	No fee
	(f) for official non-commercial use by a foreign government or by an international agency of which the Government of the United States is a member	No fee

NOTARIAL SERVICES AND AUTHENTICATIONS—Continued

Item No.		Fee
	(g) to an official of a foreign government in circumstances where furnishing the service is an appropriate or reciprocal courtesy	No fee
	(Item numbers 59 through 64 vacant.)	

SERVICES RELATING TO TAKING OF EVIDENCE

65.	In taking depositions or executing commissions to take testimony (for additional hourly charge to be assessed for service of officer when rendered outside of the consular office and for provision for collection of transportation and other incidental costs see item 85 and § 103.1 (b) below)—	
	(a) for the services of the diplomatic or consular officer, including completion by him of caption, introductory statement and certificate (likewise including interpreting and reduction to writing or typewriting where these are done personally by the officer), for the first hour or fraction thereof	$15.00
	(b) for the services of the diplomatic or consular officer, as above, for each additional hour or fraction thereof	$10.00
	(c) for the services, if required, of a staff member of the Foreign Service post as interpreter, per hour or fraction thereof	$4.00
	(d) stenographic and typing service when supplied by the Foreign Service post, for each 100 words or fraction thereof (charge additionally under item 75 for extra copies, if requested)	$1.00
66.	Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party as contemplated by 18 U. S. C. 3495	No fee
67.	Providing seal and certificate for return of letters rogatory executed by foreign officials	$5.00
	(Item numbers 68 and 69 vacant.)	

DECEDENTS' ESTATES

70.	Taking into possession under 22 U. S. C. 1175 the personal estate of any citizen who shall die within the limits of a consular district, inventorying, selling, and finally disposing thereof according to law, for each $100 of inventory value or fraction thereof	$2.00
71.	Service as described under item 70 above, when performed in the case of a deceased officer or employee of the United States	No fee
72.	Placing or removal of official seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, or personal property taken into nominal possession for the explicit purpose of transfer of custody	$5.00
	(Item numbers 73 and 74 vacant.)	

COPYING AND RECORDING

75.	Copies made by typewriter (letter-size, double-spaced page or equivalent), photostat or otherwise—	
	(a) a copy or extract thereof, single page	No fee
	(b) for each additional copy of the first page, for 25 copies or less; for each copy of the second page, for 25 copies or less; and for each copy of each additional page, for 25 copies or less	$1.50
	(c) for each copy in excess of the 25 copies of each page	No fee
	(This fee does not apply to such customary activities as issuance of copies of records (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the post's library or the Library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.)	$0.50 $0.20

COPYING AND RECORDING—continued

Item No.	Fee
76. Recording unofficial documents in the Miscellaneous Record Book, if by hand-copying—	
(a) for the first 200 words or fraction thereof	$5.00
(b) and for each additional 100 words or fraction thereof	$2.00
77. Recording unofficial documents in the Miscellaneous Record Book, if typewritten or by other mechanical process—	
(a) for the first two pages or less	$5.00
(b) for each additional page	$1.00
(Item numbers 78 through 81 vacant.)	

DEPARTMENTAL SERVICES FOR WHICH COLLECTION IS EFFECTED AT FIELD POST

82. Services described in the Departmental "Schedule of Fees" (§ 2.1) when collection is effected at a Foreign Service post. (The fee prescribed in the Departmental "Schedule of Fees".)	

EXEMPTION FOR FEDERAL AGENCIES AND CORPORATIONS

83. Any and all services (unless above designated "no exceptions") performed for the official use of the Government of the United States or of any corporation in which the Federal Government or its representative shall own the entire outstanding capital stock	No fee
(Item number 84 vacant.)	

SERVICES RENDERED OUTSIDE OF OFFICE

85. Additional fee for services of officer under the above headings Passport and Citizenship Services, Visa Services for Aliens, Notarial Services and Authentications, and Services Relating to Taking of Evidence, when rendered elsewhere than at a Foreign Service office at the request of the interested parties, for each hour or fraction thereof	$4.00

(b) In addition to the fees prescribed above, transportation and other incidental costs actually and necessarily incurred by officers of the Foreign Service performing services elsewhere than at a Foreign Service office shall be collected from the persons requesting the performance of such services. Such collections shall not be considered as part of the official fees but shall be recorded as deposit funds and accounted for as such.

§ 103.2 *Remittances to Foreign Service posts.* Remittances to Foreign Service posts from persons in the United States in payment of official fees and charges or for the purpose of establishing deposits in advance of rendition of services shall be in a form acceptable to the post, drawn payable to the "American Embassy at [name of city]" (or American Legation, American Consulate General, or American Consulate, as the case may be). This will permit encashment of negotiable instruments by the post when necessary. For method of endorsement of instruments for deposit in the Treasury, when not negotiated locally, see § 9.2 of this chapter.

§ 103.3 *Receipts for fees; register of services.* Every officer of the Foreign Service responsible for the performance of services as enumerated in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1), shall give receipts for fees collected for his official services, specifying the nature of the service and numbered to correspond with entries in a register maintained for the purpose (22 U. S. C. 1192, 1193, and 1194). The register serves as a record of official acts performed by officers of the Foreign Service in a governmental or notarial capacity, corresponding in this regard with the record which notaries are usually expected or required to keep of their official acts (see § 136.2) of this chapter.

§ 103.4 *Refund of fees.* Fees which have been collected for deposit in the Treasury are refundable (a) as specifically authorized by law (see 22 U. S. C. 214a concerning passport fees erroneously charged persons excused from payment, 22 U. S. C. 216 concerning passport fees in cases where the appropriate representative in the United States of a foreign government refuses a visa, and 46 U. S. C. 8 concerning fees improperly imposed on vessels or seamen), (b) when the principal officer at the consular post where the fee was collected (or the officer in charge of the consular section at a combined diplomatic consular post) finds upon review of the facts that the collection was erroneous upon the part of the officer under applicable law and regulation and directs that refund be made, or (c) when a finding that the collection was erroneous under applicable law and regulation is made by the Department of State with a view to payment of the refund in the United States in cases in which it is impracticable to have the facts reviewed and refund effected at the direction of the responsible consular officer. See § 105.1 of this chapter concerning refunds of fees improperly exacted by consular officers who have neglected to return the same to the Treasury.

§ 103.5 *Time at which fees become payable.* Fees are due and payable prior to issuance or delivery to the interested party of a signed document, a copy of a record, or other paper representative of a service performed.

§ 103.6 *Deposits to guarantee payment of fees or incidental costs.* When the amount of any fee is determinable only after initiation of the performance of a service, or if incidental costs are involved, the total fee and incidental costs shall be carefully estimated and an advance deposit required, subject to refund of any unused balance to the person making the deposit.

§ 103.7 *Collection and return of fees.* No fees other than those prescribed in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1), or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U. S. C. 1201). All fees received by any officer of the Foreign Service for services rendered in connection with the duties of his office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U. S. C. 99, 1942 Edition, as amended by § 1131 (26) of the Foreign Service Act of 1946, 60 Stat. 1037, and as modified by 22 U. S. C. 812 of the 1952 Edition). For receipt, registry, and numbering provisions, see § 103.3.

PART 105—PERSONNEL

Part 105 is revised to read as follows:

Sec.
105.1 Improper exaction of fees.
105.2 Embezzlement.
105.3 Liability for neglect of duty or for malfeasance generally; action on bond; penalty.
105.4 False certificate as to ownership of property.

AUTHORITY: §§ 105.1 to 105.4 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842.

§ 105.1 *Improper exaction of fees.* Any consular officer who collects, or knowingly allows to be collected for any services any other or greater fees than are allowed by law for such services, shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty. The refund and penalty may be recovered with costs, in any proper form of action, by such person for his own use. The amount of such overcharge and penalty may at the discretion of the Secretary of the Treasury be ordered withheld from the compensation of such officer for payment to the person entitled to the same (22 U. S. C. 1189).

NOTE: The foregoing relates to improper collection and personal withholding of funds by consular officers. For procedure where a collection, having been erroneously made, has been returned by the officer to the Treasury in good faith, making a subsequent accounting adjustment necessary, see § 103.4, *Refund of fees* of this chapter.

§ 105.2 *Embezzlement.* Every consular officer who shall receive money, property, or effects belonging to a citizen of the United States and shall not within a reasonable time after demand made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen, shall be deemed guilty of embezzlement, and shall be punishable by imprisonment for not more than five years, and by a fine of not more than $2,000 (22 U. S. C. 1198). Penalties of imprisonment and fine are also prescribed for embezzlement in connection with the acceptance, without execution of a prescribed form of bond, of appointment from any foreign state as administrator, guardian, or to any other office of trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities (22 U. S. C. 1178 and 1179). Acceptance of such appointments is not ordinarily permitted under existing regulations. See § 136.81 of this chapter.

§ 105.3 *Liability for neglect of duty or for malfeasance generally; action on bond; penalty.* Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office. If any consul neglects or omits to perform seasonably the duties imposed upon him by the laws regulating the shipment and discharge of seamen, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than $10,000 and not less than $1,000 (22 U. S. C. 1189).

§ 105.4 *False certificate as to ownership of property.* If any consul or vice consul falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years, and by a fine of not more than $10,000 (22 U. S. C. 1200).

PART 109—PROTECTION AND WELFARE OF INDIVIDUALS

Section 109.12 is revised to read as follows:

§ 109.12 *Registration of births.* Consular officers are required, upon application, to record the birth abroad of children who are American citizens. They should impress upon American citizens resident in their respective districts the desirability and importance of a prompt registration of such births. No fee shall be charged for the registration of a birth and the furnishing to the parents of one copy of the completed form. Charges for additional copies are as prescribed in the Schedule of Fees (section 2.1) or in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

(R. S. 161; 5 U. S. C. 22)

PART 111—PROTECTION AND RELIEF OF ARMED SERVICE PERSONNEL

Part 111 consisting of §§ 111.1, *Services for the Navy*, and 111.2, *Relief of Coast Guard personnel*, is revoked as subject matter of only inter-agency interest.

PART 120—DEATHS AND PERSONAL ESTATES

1. Paragraph (b) of § 120.4 is revised to read as follows:

§ 120.4 *Normal reporting procedure.* * * *

(b) *Information required on Form FS–192.* All information called for under the various headings of Form FS–192 should be supplied in as much detail as possible. When prolonged delay is experienced in procuring full data, the consular officer should prepare and distribute a preliminary report of death on Form FS–192, marking the report "Preliminary." This should be followed by a final and complete report as soon as full data are available. Expanded comments necessary to cover special circumstances concerning the death, should appear under the heading "Remarks." When applicable, statements concerning the following subjects should also appear under the heading "Remarks":

(1) Disposition made of the passport and certificate of naturalization (see § 120.8);

(2) If the deceased is known to have been the recipient of continuing payments other than salary from the Federal Government (e. g., retirement, social security, disability compensation, or veterans insurance or benefits), indication of the nature of the payments received;

(3) If the deceased is a Selective Service registrant of inductible age, his Selective Service registration number and the number and address of his Local Board, when known.

2. Paragraphs (d) and (e) of § 120.4 are revised to read as follows:

(d) *Transmission of Form FS–192 to the Department.* The original of Form FS–192 shall be sent to the Department, plus one additional copy for each agency concerned, if the deceased was:

(1) A recipient of continuing payments other than salary from the Federal Government; or

(2) An officer or employee of the Federal Government (other than Department of Defense or Coast Guard); or

(3) A Selective Service registrant of inductible age.

(e) *Transmission of form to legal representative and next of kin.* A copy of Form FS–192 should be sent to the legal representative. A copy should also be sent to the closest known relative of the deceased (or relatives, if there are two or more persons having equal interests). No fee is prescribed for sending one copy each of completed Form FS–192 to the legal representative and to the closest known relative or relatives.

3. Paragraphs (g) and (h) of § 120.4 are revised to read as follows:

(g) *Supplying copies of form.* Copies of Form FS–192 shall be supplied by the Department of State or by the Foreign Service post upon request to any person having valid need therefor. Charges are as prescribed in the Schedule of Fees (Section 2.1) or in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

(h) *Fees for issuance of Form FS–192 and extra copies.* (Cancel in its entirety. Matter of charges is covered by (e) and (g) above.)

4. Paragraph (b) of § 120.5 is revised to read as follows:

§ 120.5 *Reports of presumptive deaths.* * * *

(b) *Final report.* In the event that the fact of death is established, a final complete report shall be submitted to the Department on Form FS–192 marked "Final Report", in which reference shall be made, under the heading "Remarks", to the provisional report. If feasible, a "Final Report" should be submitted at such time as legal presumption of death arises in accordance with local law.

5. Paragraph (b) of section 120.7 is revised to read as follows:

§ 120.7 *Reports on deceased persons believed to be United States citizens.* * * *

(b) *Presumptions as to citizenship status.* When the deceased was not currently documented at a Foreign Service office as a United States citizen, it must be assumed that, if the deceased was

(1) A native citizen, he had retained United States citizenship at the time of death, in the absence of evidence of an affirmative act of expatriation under paragraph 1, section 2 of the act of March 2, 1907, section 401 of the Nationality Act of 1940, or sections 349 (a) or 350 of the Immigration and Nationality Act;

(2) A naturalized citizen, he had lost nationality of the United States by having a continuous residence for three years in the territory of a foreign state as provided in section 352 (a) (1) of the Immigration and Nationality Act, or by having a continuous residence for five years in any other foreign state or states as provided in section 352 (a) (2) of the same act, unless there is evidence that his case comes within one of the exceptions established under sections 353 or 354 of the act. Nationality may also have been lost under similar provisions contained in section 404 of the Nationality Act of 1940. The term residence as used herein means the place of general abode, and residence shall be considered continuous for the purpose of sections 350 and 352 (a) (1) and (2) of the act where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States.

6. Section 120.29 is revised to read as follows:

§ 120.29 *Nominal possessions; property not normally taken into possession.* (a) The taking of articles of personal property into nominal possession from local officials or other persons, for the explicit purpose of on-the-spot release to the "legal representative" as defined in § 120.18 against the latter's memo-

randum receipt discharging the consular officer without further accounting of any responsibility for articles so transferred by him, shall not be construed as the taking of custody by the officer. No fee shall be charged for the consular officer's service in effecting transfer of the articles in the manner described, provided that he is not required to prepare a consular inventory, appraise the articles, or list the contents of containers, and provided further that the effects are not taken in safekeeping upon official accountability.

(b) The consular officer is not normally expected to take physical possession, as provisional conservator, of livestock or of articles of personal property which may be found in residences and places of storage such as furniture, household effects and furnishings, bulky works of art, etc., unless the items are of such nature and quantity as to be readily included with the personal effects (§ 120.28), or unless such action, when physically possible, is necessary for the preservation or protection of the property, especially where the articles are of considerable intrinsic value; nor is the consular officer normally expected to take into physical possession motor vehicles, airplanes, or powered watercraft. Personal property not taken into possession should, however, be safeguarded by affixing the consular seal on the premises or on the property (whichever is appropriate), provided the laws of the country permit; or by taking reasonable steps to ensure that such items are placed in safekeeping (at the expense of the estate) until action can be taken by the legal representative. In order to protect the interests of the estate, the consular officer should prepare a list, in quintuplicate, of the articles not taken into physical custody, with indication of safeguarding measures taken, for submission with the inventory of effects which must be prepared for all items in his possession (see § 120.35). If the property which normally would be sealed by the consular officer is not immediately accessible, he should consider requesting the local authorities to seal the premises, or the property, or otherwise ensure that the property remains intact until consular seals can be placed thereon or the property placed in safe storage, or until the legal representative assumes responsibility therefor.

7. Section 120.34, *Correspondence relating to estates,* is deleted, as relating to a matter of internal Departmental procedure.

8. Paragraph (b) of § 120.39 is revised as follows:

§ 120.39 *Payment of debts owed by deceased.* * * *

(b) *When cash resources are insufficient.* In the event that the cash resources of the personal estate are not sufficient to pay the debts owing in the country in which the death occurred, or in the country in which the decedent was residing at the time of death, the consular officer should endeavor to obtain sufficient funds from the legal representative, next of kin or other interested person. See § 120.32 concerning funds found in another consular district. Fees are not charged on funds so furnished (§ 120.53). If sufficient funds cannot be assembled from the foregoing sources, the consular officer should sell at auction (see § 120.37), such portion of the personal estate as may be necessary to pay the debts and expenses. Should occasion arise for sale of motor vehicles, airplanes or powered watercraft, title to which and liens upon which in the United States and almost universally are matters of official record, care should be taken to conform with applicable registration requirements. Articles which are most marketable, and at the same time least likely to be desired by the heirs of the decedent, should be sold first. Jewelry, heirlooms and articles which may have sentimental value to relatives, regardless of intrinsic value, should be sold only in case of necessity, and in the order named. Members of the decedent's family should be notified of the necessity for the sale, if practicable, in order that they may purchase these articles if they desire. Proceeds from the sale are regarded as forming part of the personal estate and should be included in the gross amount thereof for the assessment of Foreign Service fees (see § 120.52).

9. Section 120.41 is revised to read:

§ 120.41 *Consular officer not to perform legal services or to employ counsel.* Owing to the legal restriction against engaging in foreign business or professional activity (22 U. S. C. 805), the consular officer shall not act as attorney or agent for the estate. Neither shall he employ counsel at the expense of the United States Government, or the estate, in collecting and disposing of the personal estate of a deceased citizen. If legal assistance is requested of the consular officer, he may furnish the names of several attorneys or inform the inquirer as to sources through which the names of suitable attorneys may be obtained.

10. Paragraph (a) of § 120.51 is revised to read:

§ 120.51 *Preparation and disposition of final statement of account.* (a) The original should be sent to the legal representative with the final balance due the estate;

11. Paragraph (d) of § 120.53 is revised to read:

§ 120.53 *No-fee services.* * * *

(d) For releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose of transfer of custody (§ 120.29 (a)).

12. Paragraph (e) of § 120.53 is canceled.

(Sec. 102, 60 Stat. 1001; 22 U. S. C. 842)

PART 127—SHIPPING AND SEAMEN: VESSELS OF THE UNITED STATES IN FOREIGN PORTS

Section 127.12 (d) is revised to read:

§ 127.12 *Marine notes of protest.* * * *

(d) *Fees charged.* No fees shall be charged for the filing of a marine note of protest by the master of a vessel of the United States. In cases of undocumented American vessels or of foreign vessels, fees in accordance with items 30 and 31 of the Tariff of Fees shall be charged. In those cases where fees are chargeable for this service, consular officers shall not charge an additional fee for certified copies of a marine protest issued at the same time as the original protest but shall charge the fee indicated in item 75 of the Tariff of Fees for copies issued subsequent to the execution of the original protest. The fees for additional copies shall be applicable to American ship operators and agents as well as to foreign shipping interests.

(Sec. 102, 60 Stat. 1001; 22 U. S. C. 842)

PART 131—MARITIME DISASTERS, AWARDS AND SEIZURES

Insert new §§ 131.7, 131.8, and 131.9, as follows:

§ 131.7 *Seizures of vessels.* When a private vessel documented or certified under the laws of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and there is no dispute of material facts with respect to the location or activity of such vessel at the time of the seizure, the Secretary of State shall take as soon as practicable such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew. When a vessel is seized under the above conditions and a fine must be paid in order to secure the prompt release of the vessel and crew, the owners shall be reimbursed by the Secretary of the Treasury in the amount certified to him by the Legal Adviser and Deputy Legal Adviser of the Department of State as being the amount of the fine actually paid. These provisions are not applicable with respect to a seizure made by a country at war with the United States or a seizure made in accordance with provisions of any fishing convention or treaty to which the United States is a party. (68 Stat. 883; 22 U. S. C. 1971-1976, 1952 Ed., Supp. IV)

§ 131.8 *Claims arising out of seizures of vessels*—(a) *Submission of claim.* Claim arising out of seizure of a vessel for the reimbursement of a fine shall be submitted to the Secretary of State. Claim may be filed by the owner of the vessel, or by an authorized agent through the American Consulate. When filed by an agent, the claim must show the title or capacity of the person presenting the claim and be accompanied by evidence of his appointment as a duly authorized agent.

(b) *Form of claim.* Claim shall be prepared in the form of a sworn statement, in triplicate. It shall contain in narrative form a clear chronological statement of the essential facts relating to:

(1) Name and address of claimant,

(2) Citizenship status of claimant,

(3) Date and manner of the owner's acquisition of the vessel or other interest therein,

(4) Date and circumstances relating to the seizure of the vessel, including the approximate location of the vessel at the time of seizure, the maner in which such location was determined, and the activities in which it was engaged at the time of seizure,

(5) Date, amount, and circumstances relating to the payment of the fine and the release of the vessel,

(6) Identification of persons, officials or agencies involved in the seizure of the vessel, the payment of the fine, and the release of the vessel; and the dates involved,

(7) Nature, circumstances, and amount of incidental expenses incurred or other losses sustained by the owner as a consequence of the seizure.

(c) *Evidence to be submitted by claimant.* There shall be attached to the sworn statement of claim documentary evidence consisting of original documents or certified copies thereof to support every allegation in the sworn statement. The documents filed as evidence shall be numbered consecutively and cited by number in the sworn statement in support of which the documents are filed. All evidence shall be filed in triplicate. The original evidence or certified copies thereof shall be attached to the original copy of the claim. Uncertified copies may be attached to the other two copies of the affidavit of claim. All documents in other than the English language shall be accompanied by English translations. The more important documentary evidence filed in suport of the claim shall include the following:

(1) Articles of incorporation of the owner or partnership agreement of the owners and all amendments thereto,

(2) Proof of citizenship of officers and directors of the corporation or of the partners, or of a sole individual owner, as the case may be,

(3) Affidavit of an officer of the corporation as to the citizenship status of the stockholders as far as known,

(4) Receipt for payment of the fine,

(5) Proof to substantiate all other expenses for which claim is made, consisting of receipts, vouchers, etc.,

(6) Log of the vessel seized,

(7) Records of any hearings conducted by authorities of the government making the seizure relative to such seizure,

(8) Certificate of Registry, other document or certificate of the vessel seized,

(9) Convincing evidence of any available nature to bring the case within the provisions of the statute,

(10) Affidavits of officers of the seized vessel corroborating allegations upon which the claim is based.

§ 131.9 *Certification of claim to Treasury Department.* The Department of State will determine on the basis of the facts and evidence submitted whether the amount of the fines should be reimbursed. If reimbursement is considered to be warranted, the Legal Adviser and Deputy Legal Adviser of the Department of State will make the necessary certification to the Secretary of the Treasury.

(Sec. 102, 60 Stat. 1001; 22 U. S. C. 842)

PART 133—SHIPPING AND SEAMEN: FEES FOR SERVICES

1. Section 133.1 is revised to read:

§ 133.1 *Services for American vessels.* No fees are chargeable for services performed for a public vessel or for a vessel regularly documented under the laws of the United States, regardless of whether such vessel was built in the United States or abroad.

2. Section 133.2, *Services for American undocumented vessels,* is deleted.

3. Section 133.3 is revised to read:

§ 133.3 *Services for foreign vessels.* The fees prescribed under the caption "Services Relating to Vessels and Seamen" in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), shall be charged and collected for services performed for foreign vessels.

4. Section 133.4, *Fees charged for shipment and discharge of seamen,* is deleted.

(Sec. 102, 60 Stat. 1001; 22 U. S. C. 842)

PART 136—NOTARIAL AND RELATED SERVICES

1. Paragraphs (b) and (c) of section 136.1 are revised to read:

§ 136.1 *Definitions.* * * *

(b) The term "notarial act" means an act recognized by law or usage as pertaining to the office of a notary public.

(c) The term "notarial certificate" may be defined as the signed and sealed statement to which a "notarial act" is almost invariably reduced. The "notarial certificate" attests to the performance of the act by the notary, and may be an independent document or, as in general American notarial practice, may be placed on or attached to the notarized document.

2. Section 136.2 is revised to read:

§ 136.2 *Description of notarial functions of the Foreign Service; record of acts.* The notarial function of officers of the Foreign Service is similar to the function of a notary public in the United States. See § 103.3 of this chapter concerning the giving of receipts for fees collected and the maintenance of a register serving the same purposes as the record which notaries are usually expected or required to keep of their official acts.

3. Section 136.7 is revised to read:

§ 136.7 *Responsibility of officers of the Foreign Service.* As indicated in §§ 136.4, 136.5, and 136.6, the authority of secretaries of embassy or legation as well as consular officers to perform notarial acts is generally recognized. However, the function is essentially consular, and notarial powers are in practice exercised by diplomatic officers only in the absence of a consular officer. Performance of notarial acts by an officer assigned in dual diplomatic and consular capacity shall be under his consular commission, except in special circumstances. For ease of reference, the term "consular officer" is used in this part in discussing the notarial function of the Foreign Service.

4. Section 136.11 is revised to read:

§ 136.11 *Preparation of legal documents*—(a) *By attorneys.* When a document has been prepared by an attorney for signature, a consular officer should not question the form of document unless it is obviously incorrect.

(b) *By consular officers.* A consular officer should not usually prepare for private persons legal documents for signature and notarization. (However, see the provisions in § 136.24 regarding the preparation of affidavits.) When asked to perform such a service, the consular officer should explain that the preparation of legal forms is normally the task of an attorney, that the forms used and the purposes for which they are used vary widely from jurisdiction to jurisdiction, and that he could not guarantee the legal effectiveness of any document which he might prepare. The person desiring the preparation of a legal document should be referred to such publications as Jones Legal Forms and The Lawyers Directory with the suggestion that he select or adapt the form which appears best suited to his needs. The consular officer may, in his discretion, arrange to have a member of his office staff type the document. If the document is typed in the Foreign Service office, the fee for copying shall be collected as prescribed under the caption "Copying and Recording" of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

5. A new paragraph (c) to § 136.39 is inserted as follows:

§ 136.39 *Authenticating foreign public documents (Federal procedures).* * * *

(c) In the absence of a consular officer of the United States as an officer resident in the State of the Vatican City, a copy of any document of record or on file in a public office of said State of the Vatican City, certified by the lawful custodian of such document may be authenticated by a consular officer of the United States resident in Rome, Italy (22 U. S. C. 1204).

6. Sections 136.42, 136.43, and 136.44 are revised to read:

§ 136.42 *Certification of copies of foreign records relating to land titles.* In certifying documents of the kind described in Title 28, section 1742, of the United States Code, diplomatic and consular officers of the United States will conform to the Federal procedures for authenticating foreign public documents (§ 136.39), unless otherwise instructed in a specific case.

§ 136.43 *Fees for notarial services and authentications.* The fees for administering an oath or affirmation and making a certificate thereof, for the taking of an acknowledgment of the execution of a document and executing a certifi-

cate thereof, for certifying to the correctness of a copy of or an extract from a document, official or private, for authenticating a foreign document, or for the noting of a bill of exchange, certifying to protest, etc., are as prescribed under the caption Notarial Services and Authentications in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), unless the service is performed under a "no fee" item of the same Tariff. If an oath or affirmation is administered concurrently to several persons and only one consular certificate (jurat) is executed, only one fee is collectible. If more than one person joins in making an acknowledgment but only one certificate is executed, only one fee shall be charged.

§ 136.44 *Fees for protesting nonpayment of bills of exchange.* The fee chargeable under item 55 of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter) is the same for each bill of exchange protested by the consular officer, regardless of the number of parties (drawer or maker, and endorsers) to whom "notice of protest" is sent at the request of the person requiring the service. In addition to the fixed fee, the consular officer should charge under item 85 for time spent outside the office in presenting the negotiable instrument for acceptance or payment.

7. Sections 136.45, 136.46, and 136.47 are hereby deleted. (New §§ 136.43 and 136.44 are intended to supersede §§ 136.43, 136.44, 136.45, 136.46, and 136.47. With these changes §§ 136.45, 136.46, and 136.47 will become vacant numbers in the CFR.)

8. Section 136.48 is revised to read:

§ 136.48 *No-fee services.* The services at Foreign Service posts for which no fee is chargeable are these designated by "no fee" entries in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

9. Sections 136.54 and 136.55 are revised to read:

§ 136.54 *"Letters rogatory" defined.* In its broader sense in international practice, the term "letters rogatory" denotes a formal request from a court in which an action is pending, to a foreign court to perform some judicial act. Examples are requests for the taking of evidence, the serving of a summons, subpoena, or other legal notice, or the execution of a civil judgment. In United States usage, letters rogatory have been commonly utilized only for the purpose of obtaining evidence. Requests rest entirely upon the comity of courts toward each other, and customarily embody a promise of reciprocity. The legal sufficiency of documents executed in foreign countries for use in judicial proceedings in the United States, and the validity of the execution, are matters for determination by the competent judicial authorities of the American jurisdiction where the proceedings are held, subject to the applicable laws of that jurisdiction. See § 136.66 for procedures in the use of letters rogatory requesting the taking of depositions in foreign jurisdictions.

§ 136.55 *Consular authority and responsibility for taking depositions*—(a) *Requests to take depositions or designations to execute commissions to take depositions.* Any United States consular officer may be requested to take a deposition on notice, or designated to execute a commission to take depositions. A commission or notice should, if possible, identify the officer who is to take the depositions by his official title only as in the following manner: "Any Consul or Vice Consul of the United States of America at (name of locality)". The consular officer responsible for the performance of notarial acts at a post should act on a request to take a deposition on notice, or should execute the commission, when the documents are drawn in this manner, provided local law does not preclude such action. However, when the officer (or officers) is designated by name as well as by title, only the officer (or officers) so designated may take the depositions. In either instance, the officer must be a disinterested party. Rule 28 (c) of the Rules of Civil Procedure for the District Courts of the United States prohibits the taking of a deposition before a person who is a relative, employee, attorney, or counsel of any of the parties, or who is a relative or employee of such attorney or counsel, or who is financially interested in the action.

(b) *Authority in Federal law.* For the basic provisions of law controlling the taking of all depositions for use in either State or Federal courts, for a statement of the necessity to charge the appropriate fee, and for a statement of the penalty for the giving of false evidence, see Title 22, sections 1195 and 1203, of the United States Code. For the more detailed provisions which control particularly the taking of depositions for courts of the United States (i. e., for the Federal courts) see the Rules of Civil Procedure for the District courts of the United States, which appear in Title 28 of the United States Code, following section 2072 thereof. See also Rules of the Court of Claims of the United States, following section 2071 of Title 28. For the provisions of law which govern particularly the taking of depositions to prove the genuineness of foreign documents which it is desired to introduce in evidence in any criminal action or proceeding in a United States (i. e., Federal) court, see Title 18, sections 3491 through 3496, of the United States Code.

(c) *Procedure where laws of the foreign country do not permit the taking of depositions.* In countries where the right to take depositions is not secured by treaty, consular officers may take depositions only if the laws or authorities of the national government will permit them to do so. Consular officers in countries where the taking of depositions is not permitted who receive notices or commissions for taking depositions should return the documents to the parties from whom they are received explaining why they are returning them, and indicating what other method or methods may be available for obtaining the depositions, whether by letters rogatory or otherwise.

10. Paragraph (b) of § 136.56 is revised to read:

§ 136.56 *Summary of procedure for taking depositions.* * * *

(b) When necessary, act as interpreter or translater, or see that arrangements are made for some qualified person to act in this capacity;

11. Section 136.64 is revised to read:

§ 136.64 *Filing depositions*—(a) *Preparation and transmission of envelope.* The notice or commission, the interrogatories, the record of the witnesses' answers, the exhibits, and all other documents and papers pertaining to the depositions should be fastened together (see § 136.63 regarding the arrangement of papers) and should be enclosed in an envelope sealed with the wax engraving seal of the post. The envelope should be endorsed with the title of the action and should be marked and addressed. The sealed envelope should then be transmitted to the court in which the action is pending.

(b) *Furnishing copies.* The original completed depositions should not be sent to any of the parties to the action or to their counsel. However, the consular officer may furnish a copy of a deposition to the deponent or to any party to the action upon the payment of the copying fee and if certification is desired under official seal that the copy is a true copy, the certification fee prescribed in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

12. Paragraph (4) of § 136.65 (c) is revised to read:

§ 136.65 *Depositions to prove genuineness of foreign documents.* * * *

(c) *Execution and return of commission.* * * *

(4) Section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 835; 18 U. S. C. 3494) provides that the consular officer, who executes any commission authorized under the same section, as amended (sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. 3492), and who is satisfied, upon all the testimony taken, that a foreign document is genuine, should certify such document to be genuine under the seal of his office. This certification must include a statement that the officer is not subject to disqualification under the provisions of section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. 3492). For purposes of assessment of fees, the issuance of this certificate shall be regarded as a part of the consular service of executing the commission, and no separate fee shall be charged for the certificate.

13. Section 136.66 is revised to read:

§ 136.66 *Depositions taken before foreign officials or other persons in a foreign country*—(a) *Customary practice.* Under the Federal law (rule 28 (b), Rules of Civil Procedure for the District Courts of the United States) and under the laws of some of the States, a commission to take depositions can be issued to a foreign official or to a private person in a foreign country. However, this method is rarely used; commissions are generally issued to United States consular officers. In those countries where American consular officers are not permitted to take testimony (see § 136.55 (c)) and where depositions must be taken before a foreign authority, letters rogatory are usually issued to a foreign court. In Federal practice letters rogatory to request the taking of evidence are issued only when necessary or convenient, on application and notice, and on such terms and with such directions as are just and appropriate (Rule 28 (b), Rules of Civil Procedure for the District Courts of the United States). When the name of the foreign court is not known, letters rogatory are usually addressed "To the Appropriate Judicial Authority in [here name the country]."

(b) *Transmission of letters rogatory to foreign officials.* Letters rogatory may often be sent direct from court to court. However, some foreign governments require that these requests for judicial aid be submitted through the diplomatic channel (i. e., that they be submitted to the Ministry for Foreign Affairs by the American diplomatic representative). A usual requirement is that the letters rogatory as well as the interrogatories and other papers included with them be accompanied by a complete translation into the language (or into one of the languages) of the country of execution. Another requirement is that provision be made for the payment of fees and expenses. Inquiries from interested parties or their attorneys, or from American courts, as to customary procedural requirements in given countries, may be addressed direct to the respective American embassies and legations in foreign capitals, or to the Department of State, Washington 25, D. C.

(c) *Return of letters rogatory executed by foreign officials.* (1) Letters rogatory executed by foreign officials are returned through the same channel by which they were initially transmitted. When such documents are returned to a United States diplomatic mission, the responsible officer should endorse thereon a certificate stating the date and place of their receipt. This certificate should be appended to the documents as a separate sheet. The officer should then enclose the documents in an envelope sealed with the wax engraving seal of the post and bearing an endorsement indicating the title of the action to which the letters rogatory pertain. The name and address of the American judicial body from which the letters rogatory issued should also be placed on the envelope.

(2) If the executed letters rogatory are returned to the diplomatic mission from the Foreign Office in an envelope bearing the seals of the foreign judicial authority who took the testimony, that sealed envelope should not be opened at the mission. The responsible officer should place a certificate on the envelope showing the date it was received at his office and indicating that it is being forwarded in the same condition as received from the foreign authorities. He should then place that sealed envelope in a second envelope, sealed with the wax engraving seal of the post, and bearing the title of the action and the name and address of the American judicial body from which the letters rogatory issued.

(3) Charges should be made for executing either of the certificates mentioned in (1) and (2) above, as prescribed by item 66 of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1), unless the service is classifiable in a no-fee category under the exemption for Federal agencies and corporations (item 83 of the same Tariff).

(4) The sealed letters rogatory should be transmitted by appropriate means to the court in which the action is pending. See Title 28, section 1781, of the United States Code concerning the manner of making return to a court of the United States (Federal court).

14. Paragraphs (e) and (f) of § 136.66 are deleted.

15. Sections 136.68, 136.69, and 136.70 are revised to read:

§ 136.68 *Foreign Service fees and incidental costs in the taking of evidence.* The fees for the taking of evidence by officers of the Foreign Service are as prescribed by the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), under the caption "Services Relating to the Taking of Evidence," unless the service is performed for official use, which comes under the caption "Exemption for Federal Agencies and Corporations" of the same Tariff. See § 103.5 of this chapter concerning the requirement for advance deposit of estimated fees. When the party on whose behalf the evidence is sought or his local representative is not present to effect direct payment of such incidental costs as postage or travel of witnesses, the advance deposit required by the officer shall be in an amount estimated as sufficient to cover these in addition to the fees proper. The same rule shall apply to charges for interpreting or for the taking and transcribing of a stenographic record when performed commercially rather than by staff members at Tariff of Fee rates.

§ 136.69 *Charges payable to foreign officials, witnesses, foreign counsel, and interpreters*—(a) *Execution of letters rogatory by foreign officials.* Procedures for payment of foreign costs will be by arrangement with the foreign authorities.

(b) *Execution of commissions by foreign officials or other persons abroad.* Procedures for the payment of foreign costs will be as arranged, by the tribunal requiring the evidence, with its commissioner.

(c) *Witness fees and allowances when depositions are taken pursuant to commission from a Federal court.* A witness attending in any court of the United States, or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States, shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residence as to prohibit return thereto from day to day shall be entitled to an additional allowance of $8 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance (28 U. S. C. 1821, Supp. IV). Witnesses giving depositions before consular officers pursuant to a commission issued by the Federal court are entitled to these fees and allowances, and the officer shall make payment thereof in the same manner as payment is made of other expenses involved in the execution of the commission, charging the advance deposit provided by the party at whose request the depositions are taken (see § 136.68). In any case to which the Government of the United States, or an officer or agency thereof, is a party, the United States marshal for the district will pay all fees of witnesses on the certificate of the United States Attorney or Assistant United States Attorney, and in the proceedings before a United States Commissioner, on the certificate of such commissioner (28 U. S. C. 1825).

§ 136.70 *Special fees for depositions in connection with foreign documents*—(a) *Fees payable to witnesses.* Each witness whose testimony is obtained under a commission to take testimony in connection with foreign documents for use in criminal cases shall be entitled to receive compensation at the rate of $15 a day for each day of attendance, plus 8 cents a mile for going from his place of residence or business to the place of examination, and returning, by the shortest feasible route (18 U. S. C. 3495 and 3496, and E. O. 10307, 3 CFR 1951 Supp.). When, however, it is necessary to procure the attendance of a witness on behalf of the United States or an indigent party, an officer or agent of the United States may negotiate with the witness to pay compensation at such higher rate as may be approved by the Attorney General, plus the mileage allowance stated above (5 U. S. C. 341). The expense of the compensation and mileage of each witness will be borne by the party, or parties, applying for the commission unless the commission is accompanied by an order of court (18 U. S. C. 3495 (b)) that all fees, compensations, and other expenses authorized by these regulations are chargeable to the United States (18 U. S. C. 3495).

(b) *Fees payable to counsel.* Each counsel who represents a party to the action or proceeding in the examination before the commissioner will receive compensation for each day of attendance at a rate of not less than $15 a day and not more than $50 a day, as agreed between him and the party whom he represents, plus such actual and necessary expenses as may be allowed by the commissioner upon verified statements filed with him. If the commission is issued on application of the United States, the

compensation and expenses of counsel representing each party are chargeable to the United States under section 3495 (b) of Title 18 of the United States Code (18 U. S. C. 3495 and 3496, and E. O. 10307, 3 CFR, 1951 Supp.).

(c) *Fees payable to interpreters and translators.* Each interpreter and translator employed by the commissioner under these regulations shall receive an allowance of $10 a day, plus 8 cents a mile for going from his place of residence or business to the place of examination and returning, by the shortest feasible route. The compensation and mileage of interpreters and translators shall be chargeable to the United States.

(d) *Time for paying fees.* Witnesses, counsel, interpreters, and translators will be paid, in accordance with the foregoing regulations, by the commissioner at the conclusion of their services. Other expenses authorized by these regulations will be paid by the commissioner as they are incurred.

(e) *Payment of fees by the United States.* When it appears that the commission was issued on application of the United States or when the commission is accompanied by an order of court that all fees, compensation, and other expenses authorized by these regulations are chargeable to the United States under section 3495 (b) of Title 18 of the United States Code, the commissioner shall execute the commission without charge for his service as commissioner in connection therewith. The commissioner shall pay witnesses, counsel, interpreter, or translator, and other expenses authorized by these regulations through the disbursing officer in his area in accordance with instructions which will be issued in each case.

(f) *Payment of fees by other parties.* When fees, compensation, and other expenses authorized by this section are chargeable to any party other than the United States, the commissioner shall undertake the execution of the commission only if such party deposits with the Department of State or with the appropriate Foreign Service post, in advance, an amount to be set by the court as apparently adequate to defray all fees, compensation, and other expenses authorized by this part. If the amount of the deposit is later found to be insufficient, the depositor shall be so notified, and the commissioner shall retain the commission and other papers until a sufficient supplemental amount has been deposited. If the amount of the deposit exceeds the aggregate amount of fees, compensation, and other expenses authorized by this part, the excess shall be returned to the party, or parties, entitled thereto. The commissioner shall pay witnesses, counsel, interpreter, or translator, and other expenses authorized by this section, from the proceeds of a check which the disbursing officer for his area will be authorized to draw on the Treasurer of the United States.

16. Sections 136.72 and 136.73 are revised to read:

§ 136.72 *Services in connection with patents and patent applications*—(a) *Affidavit of applicant.* The form of the affidavit of an applicant for a United States patent depends on who is making the application, the type of invention, and the circumstances of the case. Officers of the Foreign Service are not responsible for the correctness of form of such affidavits, and should not endeavor to advise in their preparation. Persons who inquire at a Foreign Service post regarding the filing of patent applications may be referred to the pamphlet entitled "General Information Concerning Patents", if copies thereof are available at the post.

(b) *Oath or affirmation of applicant*—(1) *Authority to administer oath or affirmation.* When an applicant for a patent resides in a foreign country, his oath or affirmation may be made before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States (35 U. S. C. 115). See paragraph (c) of this section regarding authentication of the authority of a foreign official. A notary or other official in a foreign country who is not authorized to administer oaths is not qualified to notarize an application for a United States patent.

(2) *Form of oath or affirmation.* See §§ 136.19 and 136.20 for usual forms of oaths and affirmations.

(3) *Execution of jurat.* In executing the jurat, the officer should carefully observe the following direction with regard to ribboning and sealing: When the oath is taken before an officer in a country foreign to the United States, all the application papers, except the drawings, must be attached together and a ribbon passed one or more times through all the sheets of the application, except the drawings, and the ends of said ribbon brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath is taken. If the papers as filed are not properly ribboned or each sheet impressed with the seal, the case will be accepted for examination but before it is allowed, duplicate papers, prepared in compliance with the foregoing sentence, must be filed. (Rule 66, Rules of Practice of the United States Patent Office.)

(c) *Authentication of authority of foreign official*—(1) *Necessity for authentication.* When the affidavit required in connection with a patent application has been sworn to or affirmed before an official in a foreign country other than a diplomatic or consular officer of the United States, an officer of the Foreign Service must authenticate the authority of the official administering the oath or affirmation (35 U. S. C. 115). If the officer of the Foreign Service cannot authenticate the authority of the official administering the oath or affirmation, the document should be authenticated by a superior foreign official, or by a series of superior foreign officials if necessary. The seal and signature of the foreign official who affixes the last foreign authentication to the document should then be authenticated by the officer of the Foreign Service.

(2) *Use of permanent ink.* All papers which will become a part of a patent application filed in the United States Patent Office must be legibly written or printed in permanent ink. (Rule 52, Rules of Practice of the United States Patent Office.) Consular certificates of authentication executed in connection with patent applications should preferably be prepared on a typewriter; they should not be prepared on a hectograph machine.

(d) *Authority of foreign executor or administrator acting for deceased inventor.* Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor (35 U. S. C. 117). The rules of the Patent Office require proof of the power or authority of the legal representative. See paragraph (c) of this section for procedure for authenticating the authority of a foreign official.

(e) *Assignments of patents and applications for patents.* An application for a patent, or a patent, or any interest therein, may be assigned in law by an instrument in writing. The applicant, or the patentee, or his assigns or legal representatives, may grant and convey an exclusive right under the application for patent, or under the patent, to the whole or any specified part of the United States. Any such assignment, grant, or conveyance of any application for patent, or of any patent, may be acknowledged, in a foreign country, before "a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States" (35 U. S. C. 261). See § 136.37 regarding authentication of the authority of a foreign official.

(f) *Fees.* The fee for administering an oath, taking an acknowledgment, or supplying an authentication, in connection with patent applications is as prescribed in item 49 of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

(g) *Procedure in case fee stamps are lost.* [This paragraph deleted, as it relates only to certificates executed before the use of Foreign Service fee stamps was discontinued.]

§ 136.73 *Services in connection with trademark registrations*—(a) *Authority and responsibility.* Acknowledgments and oaths required in connection with applications for registration of trademarks may be made, in a foreign country, before any diplomatic or consular officer of the United States or before any official authorized to administer oaths in the foreign country whose authority must be proved by a certificate of a diplomatic or consular officer of the United States (15 U. S. C. 1061). The responsibility of officers of the Foreign Service in this connection is the same as that where notarial services in connection with patent applications are involved (see § 136.72 (a)). (See § 136.72 (c) regarding the authentication of the authority of a foreign official who performs a notarial service in connection with a patent application.)

(b) *Fees.* The fee for administering an oath, taking an acknowledgment, or supplying an authentication, in connection with an application for registration of a trademark, or with the assignment or transfer of rights thereunder, is as prescribed in item 49 of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

18. Paragraph (b) of § 136.74 is revised to read:

§ 136.74 *Services in connection with United States securities or interests therein.* • • •

(b) *Fees.* Officers of the Foreign Service should charge no fees for notarial services they perform in connection with the execution of documents, including the certification or authentication of documents where necessary, which affect United States securities or securities for which the Treasury Department acts as transfer agent, or which may be required in the collection of interest thereon. Items 58 (b) of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter) applies in cases of this nature.

19. Paragraph (b) of § 136.75 is revised to read:

§ 136.75 *Services in connection with income tax returns.* • • •

(b) *Fees.* No charge under the caption "Notarial Services and Authentications" should be made for services performed in connection with the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof. When requested, see item 58 (d) of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

20. Paragraph (b) of § 136.76 is revised to read:

§ 136.76 *Copying documents.* • • •

(b) *Fees.* The charges for making copies of documents are as prescribed by the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), under the caption "Copying and Recording", unless the service is performed for official use, which comes under the caption Exemption for Federal Agencies and Corporations of the same Tariff.

21. Paragraphs (c) and (d) of § 136.77 are revised to read:

§ 136.77 *Recording documents.* • • •

(c) *Certificate of recording.* Ordinarily, a certificate of recording need not be issued. The original document may simply be endorsed: "Recorded at (name and location of consular office) this _____ day of _____, 19__, in (here insert appropriate reference to volume of Miscellaneous Record Book)". Below the endorsement should appear the notation regarding the service number, the Tariff item number, and the amount of the fee collected. When a certificate of recording is requested, the consular officer may issue it, if he sees fit to do so. The certificate may be either entered on the document, if space permits, or appended to the document as a separate sheet in the manner prescribed in § 136.17.

(d) *Fees.* The fee for recording unofficial documents at a Foreign Service post is as prescribed under the caption "Copying and Recording" of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter). For purposes of assessment of fees, the issuance of certificates of recording, when requested, shall be regarded as part of the consular service of recording unofficial documents, and no separate fee shall be charged for the certificate.

22. Section 136.78 is revised to read:

§ 136.78 *Translating documents.* Officers of the Foreign Service are not authorized to translate documents or to certify to the correctness of translations. (However, see § 136.56 with regard to interpreting and translating services which may be performed in connection with depositions.) They are authorized to administer to a translator an oath as to the correctness of a translation; to take an acknowledgment of the preparation of a translation; and to authenticate the seal and signature of a local official affixed to a translation. Separate fees should be charged for each of these services, as indicated under the caption "Notarial Services and Authentications" of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

23. Paragraph (b) of § 136.79 is revised to read:

§ 136.79 *Procuring copies of foreign public documents.* • • •

(b) *Payment of expenses involved*—(1) *Official funds not to be used.* The use of official funds to pay for copies of or extracts from foreign public records obtained at the request of private persons is prohibited.

(2) *Payment of costs by Federal Government.* In instances of requests emanating from departments or agencies of the Federal Government for copies of or extracts from foreign public records, the Department will issue to Foreign Service posts concerned appropriate instructions with respect to the payment of whatever local costs may be entailed if the documents cannot be obtained gratis from the local authorities.

(3) *Payment of costs by State or municipal governments.* Should State, county, municipal or other authorities in the United States besides the Federal Government request the consular officer to obtain foreign documents, and express willingness to supply documents gratis in analogous circumstances, the consular officer may endeavor on that basis to obtain the desired foreign documents gratis. Otherwise, such authorities should be informed that they must pay the charges of the foreign officials, as well as any fees which it may be necessary for the consular officer to collect under the provisions of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

(4) *Payment of costs by private persons.* Before a consular officer endeavors to obtain a copy of a foreign public document in behalf of a private person, the person requesting the document should be required to make a deposit of funds in an amount sufficient to defray any charges which may be made by the foreign authorities, as well as the Foreign Service fee for authenticating the document, should authentication be desired.

24. Section 136.80 is revised to read:

§ 136.80 *Obtaining American vital statistics records.* Individuals who inquire as to means of obtaining copies of or extracts from American birth, death, marriage, or divorce records may be advised generally to direct their inquiries to the Vital Statistics Office at the place where the record is kept, which is usually in the capital city of the State or Territory. Legal directories and other published works of reference at the post may be of assistance in providing exact addresses, information about fees, etc. An inquirer who is not an American citizen may write directly to the diplomatic or appropriate consular representative of his own country for any needed assistance in obtaining a desired document.

25. Paragraphs (b) and (e) of § 136.31 are revised to read:

§ 136.81 *Performance of legal services.* • • •

(b) *Performance usually prohibited*—(1) *General prohibition; exceptions.* Officers of the Foreign Service should not perform legal services except when instructed to do so by the Secretary of State, or in cases of sudden emergency when the interests of the United States Government might be involved, or in cases in which no lawyer is available and refusal to perform the service would result in the imposition of extreme hardship upon a United States citizen. There is no objection, however, to permitting persons to use the legal references in the Foreign Service office giving specimen forms of wills, powers of attorney, etc.

(2) *Specific prohibitions and restrictions.* See § 120.41 of this chapter for prohibition of performance of legal services by consular officers in connection with decedents' estates. See § 136.11 restricting the preparation for private parties of legal documents for signature and notarization.

(3) *Acceptance of will for deposit prohibited.* Wills shall not be accepted for safekeeping in the office safe. If a person desires to have his last will and testament made a matter of record in a Foreign Service establishment, the officer to whom application is made shall have the will copied in the Miscellaneous Record Book (§ 136.77) and charge the prescribed fee therefor.

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(e) *Fees.* No fee should be charged for any legal services which may be performed under these regulations, beyond the fees or charges for specific services enumerated in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

26. Section 136.82 is revised to read:

§ 136.82 *Recommending attorneys or notaries*—(a) *Assistance in selecting American lawyers.* When any person in the district of a Foreign Service post desires to have the name of an attorney in the United States, the officer at the post may refer him to American law directories or other published references at his disposal, but he shall refrain from recommending any particular attorney.

(b) *Assistance in selecting foreign attorneys or notaries.*. Persons applying to a Foreign Service post for services of a legal or fiduciary character or for assistance in selecting an attorney or notary capable of rendering the services in view, may be furnished the names of several attorneys or notaries in the district, or referred to the lists to be found in American or foreign law directories or other published references. Alternatively, they may be referred to bar associations or, where applicable, to the organization charged by local law with the responsibility for providing legal assistance.

(c) *Agreements for referral of legal business prohibited.* Officers of the Foreign Service shall not recommend particular attorneys or notaries to persons who apply to a Foreign Service post for legal assistance, nor shall they make agreements with attorneys or notaries for the referral to them of inquiries for legal assistance.

27. Section 136.83, *Submisison of annual list of attorneys,* is deleted in its entirety.

28. Sections 136.85 and 136.86 are revised to read:

§ 136.85 *Service of legal process usually prohibited.* The service of legal process is not normally a Foreign Service function. Except as specifically provided by Federal statute or regulation (see §§ 138.86 to 136.91), officers of the Foreign Service are prohibited from serving legal process or appointing other persons to do so.

§ 136.86 *Consular responsibility for serving subpoenas.* Unless such action is prohibited by the law of the foreign country, officers of the Foreign Service are required to serve subpoenas issued by courts of the United States (i. e., by Federal courts) upon citizens or residents of the United States who have been personally notified in a foreign country to appear to give testimony in answer to letters rogatory issued from the said United States court and who have failed or neglected to do so, or who, having appeared, have refused to give testimony. Cfficers of the Foreign Service are also required, unless doing so would be contrary to the law of the foreign country, to serve subpoenas issued by courts of the United States upon citizens of residents of the United States who are beyond the jurisdiction of the United States and whose testimony in a criminal proceeding is desired by the Attorney General. (Sec. 1, 62 Stat. 949; 28 U. S. C. 1783.)

29. Sections 136.88, 136.89, and 136.90 are revised to read:

§ 136.88 *Consular procedure.* With regard to the serving of subpoenas and orders to show cause referred to in §§ 136.86 and 136.87, section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 819, 28 U. S. C. 1783), provides that the subpoena shall designate the time and place for appearance before the court of the United States, and shall issue to any consular officer of the United States in the foreign country. The consular officer is required to make personal service of the subpoena and any order to show cause, rule, judgment or decree on the request of the Federal court or its marshal, and to make return thereof to such court after tendering to the witness his necessary travel and attendance expenses, which will be determined by the court and sent with the subpoena. When the subpoena or order is forwarded to the officer, it is usually accompanied by instructions directing exactly how service should be made and how the return of service should be executed. These instructions should be followed carefully.

§ 136.89 *Fees for service of legal process.* No charge should be made for serving a subpoena or order to show cause issuing out of Federal court under the procedures set forth in § 136.86 and § 136.87. The taking of the affidavit of the officer effecting the service, or the performance of any other notarial act which may be involved in making the return, should be without charge, under the caption "Exemption for Federal Agencies and Corporations" of the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter).

§ 136.90 *Delivering documents pertaining to the revocation of naturalization.* Officers of the Foreign Service shall deliver, or assist in delivering, to designated persons, documents relating to proceedings in the cancellation of certificates of naturalization when such documents are forwarded by duly authorized officials of the Federal courts. The responsibility for furnishing detailed instructions on the procedure to be followed in delivering such documents rests with the court or with the United States attorney concerned, and officers should follow such instructions carefully.

30. Sections 136.92, 136.93, and 136.94 are revised as follows:

§ 136.92 *Service of legal process under provisions of State law.* It may be found that a State statute purporting to regulate the service of process in foreign countries is so drawn as to mention service by an American consular officer or a person appointed by him, without mention of or provision for alternate methods of service. State laws of this description do not operate in derogation of the laws of the foreign jurisdiction wherein it may be sought to effect service of legal process, and such State laws do not serve to impose upon American consular officers duties or obligations which they are unauthorized to accept under Federal law, or require them to perform acts contrary to Federal regulations (see § 136.85).

§ 136.93 *Notarial services or authentications connected with service of process by other persons.* An officer of the Foreign Service may administer an oath to a person making an affidavit to the effect that legal process has been served. When an affidavit stating that legal process has been served is executed before a foreign notary or other official, an officer of the Foreign Service may authenticate the official character of the person administering the oath. The fee for administering an oath to a person making an affidavit or for an authentication, as the case may be, is as prescribed under the caption "Notarial Services and Authentications" in the Tariff of Fees, Foreign Service of the United States of America (§ 103.1 of this chapter), unless the case is of such nature as to fall under the caption, "Exemption for Federal Agencies and Corporations" of the same Tariff.

§ 136.94 *Replying to inquiries regarding service of process or other documents.* Officers should make prompt and courteous replies to all inquiries regarding the service of legal process or documents of like nature, and should render such assistance as they properly can to the court and to interested parties. Such assistance could include furnishing information as to the standard procedure of the locality for service of legal papers, with the name and address of the local office having a bailiff authorized to effect and make return of service; it could include furnishing a list of local attorneys capable of making necessary arrangements; or it could, where appropriate, include a suggestion that the request of the American court might be presented to the foreign judicial authorities in the form of letters rogatory (see definition, § 136.54, and procedures, § 136.66 (b)). If the person upon whom the process is intended to be served is known to be willing to accept service, or if it is clear that it would be in his interest at least to be informed of the matter, the consular officer may suggest to the interested parties in the United States the drawings up of papers for voluntary execution by such person, such as a waiver of service or a document which would be acceptable to the American court to signify the person's entering an appearance in the action pending therein.

Dated: November 4, 1957.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 57-9390; Filed, Nov. 13, 1957; 8:48 a. m.]

[Dept. Reg. 108.345]

PART 53—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES IN WARTIME

ALIENS ENTERING; REVOCATION

Part 53, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respect:

Sections 53.21 to 53.41, inclusive, of Title 22 of the Code of Federal Regulations, are revoked.

The revocation provided in this joint order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this joint order because the provisions contained therein involve foreign affairs functions of the United States.

Dated: October 4, 1957.

[SEAL] JOHN FOSTER DULLES,
Secretary of State.

Concurred in:

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 57-9389; Filed, Nov. 13, 1957; 8:48 a. m.]

[Dept. Reg. 108.344]

PART 80—TRADING WITH THE ENEMY

PART 90—REPARATIONS; WORLD WAR II

1. Part 80—Trading With the Enemy is hereby revoked.

2. Part 90—Reparations: World War II is amended in its entirety to read as follows:

Sec.
90.1 Authority to accept reparations payment.
90.2 Redelegation of authority to accept reparations payment.

AUTHORITY: §§ 90.1 and 90.2 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 90.1 *Authority to accept reparations payment.* The Director of the Office of European Regional Affairs under the general direction of the Assistant Secretary for European Affairs, and in accordance with current general policies of the Department, shall be responsible for accepting on behalf of the United States Government funds allocated to the United States as reparations payments. Funds received will be deposited in a special account in the United States Treasury.

§ 90.2 *Redelegation of authority to accept reparations payment.* The authority granted to the Director of the Office of European Regional Affairs under § 90.1 may be redelegated to appropriate officials of the United States Government.

Dated: November 5, 1957.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary for Administration.

[F. R. Doc. 57-9388; Filed, Nov. 13, 1957; 8:47 a. m.]

[Dept. Reg. 108.343]

PART 95—AID TO WAR-DEVASTATED COUNTRIES

PROVIDING FOR CARRYING OUT FOREIGN ASSISTANCE ACT OF 1948

Section 95.4 *Providing for carrying out the Foreign Assistance Act of 1948,* is now obsolete and is hereby revoked.

Dated: November 5, 1957.

For the Secretary of State.

I. W. CARPENTER,
Assistant Secretary for Administration.

[F. R. Doc. 57-9387; Filed, Nov. 13, 1957; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6267]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

DECLARATIONS OF ESTIMATED INCOME TAX BY INDIVIDUALS AND CORPORATIONS

On June 18, 1957, notice of proposed rule making regarding the regulations under certain provisions of Subtitle F of the Internal Revenue Code of 1954, relating to declarations of estimated income tax by individuals and corporations, was published in the FEDERAL REGISTER (22 F. R. 4290). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Section 1.6015 (b)–1 is revised as follows:

(A) By striking out the last sentence of paragraph (b) and inserting in lieu thereof the following: "In case a joint declaration is made but a joint return is not made for the same taxable year, the payments made on account of the estimated tax for such year may be treated as payments on account of the tax liability of either the husband or wife for the taxable year or may be divided between them in such manner as they may agree. In the event the husband and wife fail to agree to a division, such payments shall be allocated between them in accordance with the following rule. The portion of such payments to be allocated to a spouse shall be that portion of the aggregate of all such payments as the amount of tax shown on the separate return of the taxpayer bears to the sum of the taxes shown on the separate returns of the taxpayer and his spouse."

(B) By striking out the last sentence of paragraph (c) (2) and inserting in lieu thereof the following: "For the purpose of (i) such amended declaration by the surviving spouse, and (ii) allocating the payments made pursuant to the joint declaration between the surviving spouse and the legal representative of the decedent in the event a joint return is not filed, the payments made pursuant to the joint declaration may be divided between the decedent and the surviving spouse in such proportion as the surviving spouse and the legal representative of the decedent may agree. In the event the surviving spouse and the legal representative of the decedent fail to agree to a division, such payments shall be allocated in accordance with the following rule. The portion of such payments to be allocated to the surviving spouse shall be that portion of the aggregate amount of such payments as the amount of tax shown on the separate return of the surviving spouse bears to the sum of the taxes shown on the separate returns of the surviving spouse and of the decedent, and the balance of such payments shall be allocated to the decedent."

PAR. 2. Section 1.6015 (d)–1 (a) (1) is revised by striking out the second sentence and inserting in lieu thereof the following: "For the purpose of making the declaration, the amount of gross income which the taxpayer can reasonably be expected to receive or accrue, depending upon the method of accounting upon which taxable income is computed, and the amount of the estimated allowable deductions and credits to be taken into account in computing the amount of estimated tax shall be determined upon the basis of the facts and circumstances existing as at the time prescribed for the filing of the declaration as well as those reasonably to be anticipated for the taxable year."

PAR. 3. Section 1.6015 (e)–1 is revised by striking out the last three sentences and inserting in lieu thereof the following: "An amended declaration may also be made based upon a change in the number of exemptions to which the taxpayer may be entitled for the then current taxable year. However, only one amended declaration may be filed during any interval between installment dates. See § 1.6073–1 (d). An amended declaration may be filed jointly by husband and wife even though separate declarations have previously been filed. An amended declaration may be made on either Form 1040–ES (marked 'Amended') or on the reverse side of the Statement of Account or Notice of Payment Due furnished the taxpayer by the district director. See, however, paragraph (c) of § 1.6015 (d)–1 for procedure to be followed if the prescribed form is not available."

PAR. 4. Section 1.6016–2 (a) is revised by striking out the last sentence and inserting in lieu thereof the following: "Such amounts of gross income, deductions, and credits should be determined upon the basis of facts and circumstances existing as at the time prescribed for the filing of the declaration as well as those reasonably to be anticipated for the taxable year."

PAR. 5. Section 1.6016–3 is revised by striking out the last sentence and inserting in lieu thereof the following: "Such amended declaration may be made on either Form 1120–ES (marked "Amend-

ed") or on the reverse side of the Notice of Final Installment furnished the corporation by the district director. See, however, paragraph (b) of § 1.6016–2 for procedure to be followed if the prescribed form is not available."

PAR. 6. Section 1.6654–1 is revised as follows:

(A) By striking out the last sentence of paragraph (a) (2) and inserting in lieu thereof the following: "For purposes of determining the period of the underpayment (i) the date prescribed for the payment of any installment of estimated tax shall be determined without regard to any extension of time, and (ii) a payment of estimated tax on any installment date, to the extent that it exceeds the amount of the installment determined under subparagraph (1) (i) of this paragraph for such installment date, shall be considered a payment of any previous underpayment."

(B) By striking out the second sentence of paragraph (a) (3) and inserting in lieu thereof the following: "An equal part of the amount of such credit shall be deemed paid on each installment date (determined under section 6153) for the taxable year unless the taxpayer establishes the dates on which all amounts were actually withheld."

PAR. 7. Section 1.6654–2 is revised as follows:

(A) By adding at the end of paragraph (a) the following sentence: "For rule to be applied in determining taxable income for any period described in subparagraphs (3) and (4) of this paragraph in the case of a taxpayer who employs accounting periods (e. g., thirteen 4-week periods or four 13-week periods) none of which terminates with the end of the applicable period described in subparagraph (3) or (4) of this paragraph, see § 1.6655–2 (a) (5)."

(B) By striking out the last sentence of paragraph (d) (1) (i) and inserting in lieu thereof the following: "He may not deduct any portion of such year-end bonuses in determining his taxable income for any installment period other than the final installment period for the taxable year, since deductions are not allowable until paid or accrued, depending on the taxpayer's method of accounting."

(C) By striking out all of paragraph (d) (1) (ii) and inserting in lieu thereof a new subdivision (ii).

(D) By striking out all of paragraph (e) (1) and (2) and inserting in lieu thereof new subparagraphs (1) and (2).

PAR. 8. Section 1.6655–1 (a) (2) is revised by striking out the last sentence and inserting in lieu thereof the following: "For purposes of determining the period of the underpayment (i) the date prescribed for the payment of either installment of estimated tax shall be determined without regard to any extension of time, and (ii) a payment of estimated tax on the 15th day of the last month of the taxable year, to the extent that it exceeds the amount of the installment determined under subparagraph (1) (i) of this paragraph for such date, shall be considered a payment of the previous underpayment, if any."

PAR. 9. Section 1.6655–2 (a) is revised by striking out the last two sentences and inserting in lieu thereof new subparagraphs (4) and (5).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: November 7, 1957.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

The following regulations relating to declarations of estimated income tax by individuals and corporations are prescribed under certain provisions of Subtitle F of the Internal Revenue Code of 1954.

DECLARATIONS OF ESTIMATED INCOME TAX REQUIREMENTS

Sec.
1.6015 (a) Statutory provisions; declaration of estimated income tax by individuals; requirement of declaration.
1.6015 (a)–1 Declarations of estimated income tax by individuals.
1.6015 (b) Statutory provisions; declaration of estimated income tax by individuals; joint declaration by husband and wife.
1.6015 (b)–1 Joint declaration by husband and wife.
1.6015 (c) Statutory provisions; declaration of estimated income tax by individuals; estimated tax.
1.6015 (c)–1 Definition of estimated tax.
1.6015 (d) Statutory provisions; declaration of estimated income tax by individuals; contents of declaration.
1.6015 (d)–1 Contents of declaration of estimated tax.
1.6015 (e) Statutory provisions; declaration of estimated income tax by individuals; amendment of declaration.
1.6015 (e)–1 Amendment of declaration.
1.6015 (f) Statutory provisions; declaration of estimated income tax by individuals; return as declaration or amendment.
1.6015 (f)–1 Return as declaration or amendment.
1.6015 (g) Statutory provisions; declaration of estimated income tax by individuals; short taxable years.
1.6015 (g)–1 Short taxable years of individuals.
1.6015 (h) Statutory provisions; declaration of estimated income tax by individuals; estates and trusts.
1.6015 (h)–1 Estates and trusts.
1.6015 (i) Statutory provisions; declaration of estimated income tax by individuals; applicability.
1.6015 (i)–1 Applicability.
1.6016 Statutory provisions; declarations of estimated income tax by corporations.
1.6016–1 Declarations of estimated income tax by corporations.
1.6016–2 Contents of declaration of estimated tax.
1.6016–3 Amendment of declaration.
1.6016–4 Short taxable year.

TIME AND PLACE FOR FILING DECLARATIONS OF ESTIMATED INCOME TAX

1.6073 Statutory provisions; time for filing declarations of estimated income tax by individuals.
1.6073–1 Time and place for filing declarations of estimated income tax by individuals.
1.6073–2 Fiscal years.
1.6073–3 Short taxable years.
1.6073–4 Extension of time for filing declarations by individuals.
1.6074 Statutory provisions; time for filing declarations of estimated income tax by corporations.
1.6074–1 Time and place for filing declarations of estimated income tax by corporations.
1.6074–2 Time for filing declarations by corporations in case of a short taxable year.
1.6074–3 Extension of time for filing declarations by corporations.

INSTALLMENT PAYMENTS OF ESTIMATED INCOME TAX

1.6153 Statutory provisions; installment payments of estimated income tax by individuals.
1.6153–1 Payment of estimated tax by individuals.
1.6153–2 Fiscal years.
1.6153–3 Short taxable years.
1.6153–4 Extension of time for paying the estimated tax.
1.6154 Statutory provisions; installment payments of estimated income tax by corporations.
1.6154–1 Payment of estimated tax by corporations.
1.6154–2 Short taxable years.
1.6154–3 Extension of time for paying estimated tax.

FAILURE TO PAY ESTIMATED INCOME TAX

1.6654 Statutory provisions; failure by individual to pay estimated income tax.
1.6654–1 Addition to the tax in the case of an individual.
1.6654–2 Exceptions to imposition of the addition to the tax in the case of individuals.
1.6654–3 Short taxable years of individuals.
1.6654–4 Applicability.
1.6655 Statutory provisions; failure by corporation to pay estimated income tax.
1.6655–1 Addition to the tax in the case of a corporation.
1.6655–2 Exceptions to imposition of the addition to the tax in the case of corporations.
1.6655–3 Short taxable years in the case of corporations.

AUTHORITY: §§ 1.6015 (a) to 1.6155–3 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

DECLARATIONS OF ESTIMATED INCOME TAX REQUIREMENTS

§ 1.6015 (a) *Statutory provisions; declaration of estimated income tax by individuals; requirement of declaration.*

SEC. 6015. *Declaration of estimated income tax by individuals*—(a) *Requirement of declaration.* Every individual (other than a nonresident alien with respect to whose wages, as defined in section 3401 (a), withholding under chapter 24 is not made applicable, but including every alien individual who is a resident of Puerto Rico during the entire taxable year) shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to consist of wages (as defined in section 3401 (a)) and of not more than $100 from sources other than such wages, and can reasonably be expected to exceed—

(A) $5,000, in the case of a single individual other than a head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)) or in the case of a married individual not entitled to file a joint declaration with his spouse;

(B) $10,000, in the case of a head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)); or

(C) $5,000, in the case of a married individual entitled under subsection (b) to file a joint declaration with his spouse, and the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(2) The gross income can reasonably be expected to include more than $100 from sources other than wages (as defined in section 3401 (a)) and can reasonably be expected to exceed the sum of—

(A) The amount obtained by multiplying $600 by the number of exemptions to which he is entitled under section 151 plus

(B) $400.

§ 1.6015 (a)–1 *Declarations of estimated income tax by individuals*—(a) *Requirement.* A declaration of estimated tax shall be made by every citizen of the United States, whether residing at home or abroad, every individual residing in the United States though not a citizen thereof, every nonresident alien who is a resident of Canada, Mexico, or Puerto Rico and who has wages subject to withholding at the source under section 3402, and every nonresident alien who has been, or expects to be, a resident of Puerto Rico during the entire taxable year, if—

(1) The gross income for the taxable year can reasonably be expected to consist of wages (as defined in section 3401 (a)) and of not more than $100 from sources other than such wages, and can reasonably be expected to exceed—

(i) $5,000, in the case of a single individual other than a head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)) or in the case of a married individual not entitled to file a joint declaration with his spouse;

(ii) $10,000, in the case of a head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)); or

(iii) $5,000, in the case of a married individual entitled under section 6015 (b) to file a joint declaration with his spouse, and the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(2) The gross income can reasonably be expected to include more than $100 from sources other than wages (as defined in section 3401 (a)) and can reasonably be expected to exceed the sum of—

(i) The amount obtained by multiplying $600 by the number of exemptions to which he is entitled under section 151 plus

(ii) $400.

(b) *Income of child.* In estimating his gross income for the taxable year a parent should not take into account the income of his minor child. Such income is not includible in the gross income of the parent. See section 73 and § 1.73–1.

(c) *Exemption of spouse.* For the purpose of determining whether a declaration of estimated tax is required under the provisions of paragraph (a) (2) of this section, a married person filing a separate declaration may not take into account the exemption of his spouse, if his spouse has, or is reasonably expected to have, gross income, or is reasonably expected to be the dependent of another taxpayer, for the taxable year.

(d) *Nonresident aliens.* (1) A nonresident alien who is—

(i) A resident of Canada or Mexico and enters and leaves the United States at frequent intervals, or

(ii) A resident of Puerto Rico,

and who has wages subject to withholding under section 3402, is required to file a declaration of estimated tax if his gross income meets the requirements of section 6015 (a). In the case of a nonresident alien (other than an alien resident of Puerto Rico for the entire taxable year) gross income means only gross income from sources within the United States. See sections 872 and 876 and the regulations thereunder. As to what constitutes gross income from sources within the United States, see sections 861 to 864, inclusive, and the regulations thereunder. Thus, for example, a nonresident alien, living in Mexico with his wife throughout 1955, makes his return on a calendar year basis. His wife is also a nonresident alien. He is employed as an executive in El Paso, Texas, at a salary of $8,000 per annum and enters and leaves the United States at frequent intervals in pursuit of such employment. He has no reasonable expectation of any other income from United States sources. Since the gross income of such individual derived from sources within the United States in 1955 can reasonably be expected to amount to more than $5,000 (married individual not entitled to file a joint declaration with his spouse), a declaration of estimated tax must be made by such resident of Mexico for 1955.

(2) A nonresident alien who has been, or expects to be, a resident of Puerto Rico during the entire taxable year is required to file a declaration of estimated tax if his gross income meets the requirements of section 6015 (a). For the purpose of such declaration, gross income means gross income from all sources, other than sources within Puerto Rico (but including amounts received for services performed within Puerto Rico as an employee of the United States or any agency thereof). See sections 876 and 933 and the regulations thereunder.

(e) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). H maintains as his home a household which is the principal place of abode of himself and his two dependent children. H's wife died in 1953 and he has not remarried. H and his wife filed a joint return for 1953. H's salary from January 1 to June 30, 1955, is at the annual rate of $9,000. However, effective July 1, 1955, his annual salary is increased to $12,000, and under the facts then existing it is reasonable to assume that his salary for the remaining portion of 1955 will remain unchanged and that his total salary for the year will, therefore, be $10,500. Since H is a surviving spouse (as defined in section 2(b)) and his gross income can reasonably be expected to exceed $10,000, he is required to file a declaration of estimated tax for 1955. As to when such declaration must be filed, see section 6073 and §§ 1.6073–1 to 1.6073–4, inclusive.

Example (2). P, a taxpayer making his return on the calendar year basis, is married and has two dependent children. Neither his wife nor his children have any source of income. P is engaged in the practice of his profession on his own account and has gross income of $600 from such profession for the two months of January and February 1955. He reasonably expects that his gross income from his profession will continue to average $300 each month throughout the year and that he will have no income from any other source during 1955. Since P has gross income which can for 1955 reasonably be expected to exceed $2,800 ($2,400 for four exemptions plus $400), and such income does not constitute wages subject to withholding, he is required to file a declaration of estimated tax for that year.

Example (3). S, a married taxpayer, has been regularly employed for many years prior to January 1, 1955, at which date his weekly wage is $75. Neither his wife nor his two children have any source of income. S also owns stock in a corporation from which he has derived regularly for many years prior to 1955, annual dividends ranging from $150 to $175. In view of the fact that his gross income can reasonably be expected to include more than $100 from sources other than wages, and can reasonably be expected to exceed $600 multiplied by his four personal exemptions plus $400, or $2,800, S is required to make a declaration of estimated tax for 1955.

Example (4). H and W, husband and wife, derive their income from wages. Their joint savings account nets them less than $50 in interest each year. During 1955, H expects to receive wages of $7,500, and W expects to receive wages of $4,500. A declaration is required for 1955 since the aggregate gross income of H and W can be expected to exceed $10,000. In the event H and W do not file a joint declaration, a separate declaration must be filed by H since his gross income can reasonably be expected to exceed $5,000 and the aggregate gross income of H and W can reasonably be expected to exceed $10,000.

(f) *Declarations made by agents.* The declaration may be made by an agent if, by reason of illness, the person liable for the making of the declaration is unable to make it. The declaration may also be made by an agent if the taxpayer is unable to make the declaration by reason of continuous absence from the United States (including Puerto Rico as if a part of the United States) for a period of at least 60 days prior to the date prescribed by law for making the declaration. Whenever a declaration is made by an agent it must be accompanied by the prescribed power of attorney, Form 935, except that an agent holding a valid and subsisting general power of attorney authorizing him to represent his principal in making, executing, and filing the declaration, may submit a certified copy thereof in lieu of the authorization on Form 935. The taxpayer and his agent, if any, are responsible for the declaration as made and incur liability for the penalties provided for erroneous, false, or fraudulent declarations.

§ 1.6015 (b) *Statutory provisions; declaration of estimated income tax by individuals; joint declaration by husband and wife.*

SEC. 6015. *Declaration of estimated income tax by individuals.* • • •

(b) *Joint declaration by husband and wife.* In the case of a husband and wife, a single declaration under this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if either the husband or the wife is a nonresident alien, if they are separated under a decree of divorce or of separate maintenance, or if they have different taxable years. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them.

§ 1.6015 (b)–1 *Joint declaration by husband and wife*—(a) *In general.* A husband and wife may make a joint declaration of estimated tax even though they are not living together. However, a joint declaration may not be made if they are separated under a decree of divorce or of separate maintenance. A joint declaration may not be made if the taxpayer's spouse is a nonresident alien (including a nonresident allen who is a bona fide resident of Puerto Rico during the entire taxable year) or if his spouse has a different taxable year. If the gross income of each spouse meets the requirements of section 6015 (a), either a joint declaration must be made or a separate declaration must be made by each. For computation of tax in case of a joint return, see § 1.2–1. If a joint declaration is made by husband and wife, the liability with respect to the estimated tax shall be joint and several.

(b) *Application to separate returns.* The fact that a joint declaration of estimated tax is made by them will not preclude a husband and his wife from filing separate returns. In case a joint declaration is made but a joint return is not made for the same taxable year, the payments made on account of the estimated tax for such year may be treated as payments on account of the tax liability of either the husband or wife for the taxable year or may be divided between them in such manner as they may agree. In the event the husband and wife fail to agree to a division, such payments shall be allocated between them in accordance with the following rule. The portion of such payments to be allocated to a spouse shall be that portion of the aggregate of all such payments as the amount of tax shown on the separate return of the taxpayer bears to the sum of the taxes shown on the separate returns of the taxpayer and his sponse.

(c) *Death of spouse.* (1) A joint declaration may not be made after the death of either the husband or wife. However, if it is reasonable for a surviving spouse to assume that there will be filed a joint return for himself and the deceased spouse for his taxable year and the last taxable year of the deceased spouse he may, in making a separate declaration for his taxable year which includes the period comprising such last taxable year of his spouse, estimate taxable income on an aggregate basis and compute his estimated tax in the same manner as though a joint declaration had been filed.

(2) If a joint declaration is made by husband and wife and thereafter one spouse dies, no further payments of estimated tax on account of such joint declaration are required from the estate of the decedent. The surviving spouse, however, shall be liable for the payment of any subsequent installments of the joint estimated tax unless an amended declaration setting forth the separate estimated tax for the taxable year is made by such spouse. Such separate estimated tax shall be paid at the times and in the amounts determined under the rules prescribed in section 6153. For the purpose of (1) such amended declaration by the surviving spouse, and (ii) allocating the payments made pursuant to the joint declaration between the surviving spouse and the legal representative of the decedent in the event a joint return is not filed, the payments made pursuant to the joint declaration may be divided between the decedent and the surviving spouse in such proportion as the surviving spouse and the legal representatitve of the decedent may agree. In the event the surviving spouse and the legal representative of the decedent fail to agree to a division, such payments shall be allocated in accordance with the following rule. The portion of such payments to be allocated to the surviving spouse shall be that portion of the aggregate amount of such payments as the amount of tax shown on the separate return of the surviving spouse bears to the sum of the taxes shown on the separate returns of the surviving spouse and of the decedent, and the balance of such payments shall be allocated to the decedent.

(d) *Signing of declaration.* A joint declaration of a husband and wife shall be signed by both spouses or, if signed by one spouse as agent for the other, authorization must accompany the declaration. Both spouses, whether or not one acts as agent for the other, are responsible for making the declaration and incur liability for the penalties provided for erroneous, false, or fraudulent declarations. For provisions relating to the making of declarations by agents, see paragraph (f) of § 1.6015 (a)–1.

§ 1.6015 (c) *Statutory provisions; declaration of estimated income tax by individuals; estimated tax.*

SEC. 6015. *Declaration of estimated income tax by individuals.* • • •

(c) *Estimated tax.* For purposes of this title, in the case of an individual, the term "estimated tax" means the amount which the individual estimates as the amount of the income tax imposed by chapter 1 for the taxable year, minus the amount which the individual estimates as the sum of any credits against tax provided by part IV of subchapter A of chapter 1.

§ 1.6015 (c)–1 *Definition of estimated tax.* In the case of an individual, the term "estimated tax" means the amount which the individual estimates as the amount of the income tax imposed by chapter 1 of the Code for the taxable year, minus the amount which he estimates as the sum of the credits against tax provided by part IV of subchapter A of such chapter. These credits are those provided by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to foreign taxes), section 34 (relating to dividends received), section 35 (relating to partially tax-exempt interest), and section 37 (relating to retirement income). An individual who expects to elect to pay the optional tax imposed by section 3, or one who expects to elect to take the standard deduction allowed by section 144, should disregard any credits otherwise allowable under sections 32, 33, and 35 in computing his estimated tax since, if he so elects, these credits are not allowed in computing his tax liability. See section 36.

§ 1.6015 (d) *Statutory provisions; declaration of estimated income tax by individuals; contents of declaration.*

SEC. 6015. *Declaration of estimated income tax by individuals.* • • •

(d) *Contents of declaration.* The declaration shall contain such pertinent information as the Secretary or his delegate may by forms or regulations prescribe.

§ 1.6015 (d)–1. *Contents of declaration of estimated tax*—(a) *In general.* (1) The declaration of estimated tax by an individual shall be made on Form 1040–ES. For the purpose of making the declaration, the amount of gross income which the taxpayer can reasonably be expected to receive or accrue, depending upon the method of accounting upon which taxable income is computed, and the amount of the estimated allowable deductions and credits to be taken into account in computing the amount of estimated tax shall be determined upon the basis of the facts and circumstances existing as at the time prescribed for the filing of the declaration as well as those reasonably to be anticipated for the taxable year. If, therefore, the taxpayer is employed at the date prescribed for filing his declaration at a given wage or salary, it should, in the absence of circumstances indicating the contrary, be presumed by him for the purpose of the declaration that such employment will continue to the end of the taxable year at the wage or salary received by him as of such date. In the case of income other than wages and salary the regularity in the payment of income, such as dividends, interest, rents, royalties, and income arising from estates and trusts is a factor to be taken into consideration. Thus, if the taxpayer owns shares of stock in a corporation and dividends have been paid regularly for several years upon such stock, the taxayer in the preparation of his declaration should, in the absence of information indicating a change in the dividend policy, include the prospective dividends from the corporation for the taxable year as well as those actually received in such year prior to the filing of the declaration. In the case of a taxpayer engaged in business on his own account, there shall be made an estimate of gross income and deductions and credits in the light of the best available information affecting the trade, business, or profession.

(2) In the case of any individual who can, at the time of the preparation of his declaration, reasonably anticipate that his gross income will be of such amount and character as to enable him to elect upon his return for such year to compute the tax under section 3 (relating to optional tax), in lieu of the tax imposed by section 1, the declaration of estimated tax may be made upon the basis set forth in section 3 and § 1.3–1. The filing of a declaration computed upon the basis of section 3 shall not constitute the making of an election under section 4 (relating to rules for optional tax) nor will it permit the filing of a return on the basis of the optional tax under section 3 unless the taxpayer otherwise comes within the provisions of sections 3 and 4. For the purpose of computing the tax liability in the case

of married persons, if the taxable income of one spouse is determined without regard to the standard deduction, the standard deduction is not allowed to either. (See, however, paragraph (c) of § 1.142–1 for exceptions where spouses are legally separated under a decree of divorce or separate maintenance.) Hence, where separate declarations are filed, one spouse should not use section 3 in computing the estimated tax unless the other spouse also uses section 3 or employs the standard deduction in computing the estimated tax.

(b) *Computation of estimated tax.* In computing the estimated tax there shall be shown on the declaration—

(1) The amount estimated as the tax for the taxable year after the application of any amounts estimated as the credit for foreign taxes, the dividends received credit, the retirement income credit, the credit for partially tax-exempt interest, and the credit for tax withheld at source, but without regard to the credit under section 31 for tax withheld on wages;

(2) The amount estimated by the taxpayer as the credit under section 31 for tax withheld on wages; and

(3) The excess, if any, of the amount shown under subparagraph (1) of this paragraph over the amount shown under subparagraph (2) of this paragraph, which excess shall be the estimated tax for such taxable year.

If the taxpayer so desires, he may include in his declaration an amount estimated as the tax on self-employment income imposed by section 1401.

(c) *Use of prescribed form.* Copies of Form 1040–ES will so far as possible be furnished taxpayers by district directors. A taxpayer will not be excused from making a declaration, however, by the fact that no form has been furnished to him. Taxpayers not supplied with the proper form should make application therefor to the district director in ample time to have their declarations prepared, verified, and filed with the district director on or before the date prescribed for filing the declaration. If the prescribed form is not available, a statement disclosing the amount estimated as the tax, the estimated credits, and the estimated tax after deducting such credits should be filed as a tentative declaration within the prescribed time, accompanied by the payment of the required installment. Such tentative declaration should be supplemented, without unnecessary delay, by a declaration made on the proper form.

§ 1.6015 (e) *Statutory provisions; declaration of estimated income tax by individuals; amendment of declaration.*

SEC. 6015. *Declaration of estimated income tax by individuals.* • • •

(e) *Amendment of declaration.* An individual may make amendments of a declaration filed during the taxable year under regulations prescribed by the Secretary or his delegate.

§ 1.6015 (e)–1 *Amendment of declaration.* In the making of a declaration of estimated tax, the taxpayer is required to take into account the then existing facts and circumstances as well as those reasonably to be anticipated relating to prospective gross income, allowable deductions, and estimated credits for the taxable year. Amended or revised declarations may be made in any case in which the taxpayer estimates that his gross income, deductions, or credits will differ from the gross income, deductions, or credits reflected in the previous declaration. An amended declaration may also be made based upon a change in the number of exemptions to which the taxpayer may be entitled for the then current taxable year. However, only one amended declaration may be filed during any interval between installment dates. See paragraph (d) of § 1.6073–1. An amended declaration may be filed jointly by husband and wife even though separate declarations have previously been filed. An amended declaration may be made on either Form 1040–ES (marked "Amended") or on the reverse side of the Statement of Account or Notice of Payment Due furnished the taxpayer by the district director. See, however, paragraph (c) of § 1.6015 (d)–1 for procedure to be followed if the prescribed form is not available.

§ 1.6015 (f) *Statutory provisions; declaration of estimated income tax by individuals; return as declaration or amendment.*

SEC. 6015. *Declaration of estimated income tax by individuals.* • • •

(f) *Return as declaration or amendment.* If on or before January 31 (or February 15, in the case of an individual referred to in section 6073 (b), relating to income from farming) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Secretary or his delegate—

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) If the tax shown on the return (reduced by the sum of the credits against tax provided by part IV of subchapter A of chapter 1) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration permitted by subsection (e) to be filed on or before January 15.

§ 1.6015 (f)–1 *Return as declaration or amendment*—(a) *Time for filing return.* (1) If the taxpayer files his return for the calendar year on or before January 31 (or February 15, in the case of an individual referred to in section 6073 (b), relating to income from farming) of the succeeding calendar year (or if the taxpayer is on a fiscal year basis, on or before the last day of the first month (in the case of a farmer, the 15th day of the second month) immediately succeeding the close of such fiscal year), and pays in full the amount computed on the return as payable, then—

(i) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year), such return shall be considered as such declaration; or

(ii) If a declaration was filed during the taxable year, such return shall be considered as the amendment of the declaration permitted by section 6015 (e) to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year).

Hence, for example, an individual taxpayer on the calendar year basis who, subsequent to September 1, 1955, first meets the requirements of section 6015 (a) which necessitate the filing of a declaration for 1955, may satisfy the requirements as to the filing of such declaration by filing his return for 1955 on or before January 31, 1956 (February 15, 1956, in the case of a farmer), and paying in full at the time of such filing the tax shown thereon to be payable. Likewise, if a taxpayer files on or before September 15, 1955, a timely declaration for such year and subsequent thereto and on or before January 31, 1956, files his return for 1955, and pays at the time of such filing the tax shown by the return to be payable, such return shall be treated as an amended declaration timely filed.

(2) For the purpose of section 6015 (f) a taxpayer may file his return on or before the last day of the first month following the close of the taxable year even though he has not been furnished Form W–2 by his employer. In such case the taxpayer shall compute, as accurately as possible, his wages for such year and the tax withheld for which he is entitled to a credit, reporting such wages and tax on his return, together with all other pertinent information necessary to the determination of his tax liability for such year.

(b) *Effect on addition to the tax.* Compliance with the provisions of section 6015 (f) will enable a taxpayer to avoid the addition to the tax imposed by section 6654 with respect to an underpayment of the installment not required to be paid until January 15 of the succeeding calendar year (or the corresponding date in the case of a fiscal year). With respect to an underpayment of any earlier installment, compliance with section 6015 (f) will not relieve the taxpayer from the addition to the tax imposed by section 6654. However, the period of the underpayment under section 6654 (c), with respect to any earlier installment, will terminate on January 15 of the succeeding calendar year (or the corresponding date in the case of a fiscal year). For example, a taxpayer discovers on January 14, 1956, that he has underpaid his estimated tax for the calendar year 1955. He may, in lieu of filing an amended declaration on January 15, 1956, and paying the balance of the estimated tax determined thereon, file his final return on January 31, 1956, and pay in full the amount computed thereon as payable. By so doing, he will avoid the addition to the tax with respect to the underpayment of the installment required to be paid by January 15, 1956. The periods of underpayment, under section 6654 (c), as to the installments required to be paid on April 15, 1955, June 15, 1955, and September 15, 1955, also terminate on January 15, 1956.

§ 1.6015 (g) *Statutory provisions; declaration of estimated income tax by individuals; short taxable years.*

SEC. 6015. *Declaration of estimated income tax by individuals.* • • •

(g) *Short taxable years.* An individual with

SEC. 6015. *Declaration of estimated*

(g) *Short taxable years.* An individual with a taxable year of less than 12 months shall make a declaration in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.6015 (g)–1 *Short taxable years of individuals*—(a) *Requirement of declaration.* No declaration may be made for a period of more than 12 months. For purposes of this section a taxable year of 52 or 53 weeks, in the case of a taxpayer who computes his taxable income in accordance with the election permitted by section 441 (f) shall be deemed a period of 12 months. For special rules affecting the time for filing declarations and paying estimated tax by such a taxpayer, see paragraph (b) of § 1.441–2. A separate declaration for a fractional part of a year is required where, for example, there is a change, with the approval of the Commissioner, in the basis of computing taxable income from one taxable year to another taxable year. The periods to be covered by such separate declarations in the several cases are those set forth in section 443. No declaration is required if the short taxable year is—

(1) A period of less than four months,

(2) A period of at least four months but less than six months and the requirements of section 6015 (a) are first met after the 1st day of the fourth month,

(3) A period of at least six months but less than nine months and the requirements of section 6015 (a) are first met after the 1st day of the sixth month, or

(4) A period of nine months or more and the requirements of section 6015 (a) are first met after the 1st day of the ninth month.

In the case of a decedent, no declaration need be filed subsequent to the date of death. As to the requirement for an amended declaration if death of one spouse occurs after filing a joint declaration, see paragraph (c) of § 1.6015 (b)–1.

(b) *Income placed on annual basis.* For the purpose of determining whether the anticipated income for a short taxable year, resulting from a change of annual accounting period, necessitates the filing of a declaration, such income shall be placed on an annual basis in the manner prescribed in section 443 (b) (1). Thus, for example, a taxpayer who changes from a calendar year basis to a fiscal year basis beginning July 1, 1955, will have a short taxable year beginning January 1, 1955, and ending June 30, 1955. If his anticipated gross income for such short taxable year consists solely of wages (as defined in section 3401 (a)) in the amount of $3,000, his total gross income and his gross income from such wages for the purpose of determining whether a declaration is required is $6,000, the amount obtained by placing anticipated income of $3,000 upon an annual basis. Hence, assuming such taxpayer is single, and is not a head of a household or a surviving spouse, he is required to file a declaration of estimated tax for the short taxable year since his anticipated gross income from wages when placed upon an annual basis is in excess of $5,000.

§ 1.6015 (h) *Statutory provisions; declaration of estimated income tax by individuals; estates and trusts.*

SEC. 6015. *Declaration of estimated income tax by individuals.* • • •

(h) *Estates and trusts.* The provisions of this section shall not apply to an estate or trust.

§ 1.6015 (h)–1 *Estates and trusts.* An estate or trust, though generally taxed as an individual, is not required to file a declaration.

§ 1.6015 (i) *Statutory provisions; declaration of estimated income tax by individuals; applicability.*

SEC. 6015. *Declaration of estimated income tax by individuals.* • • •

(i) *Applicability.* This section shall be applicable only with respect to taxable years beginning after December 31, 1954; and sections 58, 59, and 60 of the Internal Revenue Code of 1939 shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 1.6015 (i)–1 *Applicability.* Section 6015 is applicable only with respect to taxable years beginning after December 31, 1954. Sections 58, 59, and 60 of the Internal Revenue Code of 1939 and the regulations thereunder, shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 1.6016 *Statutory provisions; declarations of estimated income tax by corporations.*

SEC. 6016. *Declarations of estimated income tax by corporations*—(a) *Requirement of declaration.* Every corporation subject to taxation under section 11 or 1201 (a), or subchapter L of chapter 1 (relating to insurance companies), shall make a declaration of estimated tax under chapter 1 for the taxable year if its income tax imposed by section 11 or 1201 (a), or such subchapter L, for such taxable year, reduced by the credits against tax provided by part IV of subchapter A of chapter 1, can reasonably be expected to exceed $100,000.

(b) *Estimated tax.* For purposes of this title, in the case of a corporation, the term "estimated tax" means the excess of—

(1) The amount which the corporation estimates as the amount of the income tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, over

(2) the sum of—

(A) $100,000, and

(B) The amount which the corporation estimates as the sum of any credits against tax provided by part IV of subchapter A of chapter 1.

(c) *Contents of declaration.* The declaration shall contain such pertinent information as the Secretary or his delegate may by forms or regulations prescribe.

(d) *Amendment of declaration.* A corporation may make amendments of a declaration filed during the taxable year under regulations prescribed by the Secretary or his delegate.

(e) *Short taxable year.* A corporation with a taxable year of less than 12 months shall make a declaration in accordance with regulations prescribed by the Secretary or his delegate.

(f) *Applicability.* This section shall apply only with respect to taxable years ending on or after December 31, 1955.

§ 1.6016–1 *Declarations of estimated income tax by corporations*—(a) *Requirement.* For taxable years ending on or after December 31, 1955, a declaration of estimated tax shall be made by every corporation (including unincorporated business enterprises electing to be taxed as domestic corporations under section 1361), which is subject to taxation under section 11 or 1201 (a), or subchapter L of chapter 1 of the Code (relating to insurance companies), if its income tax under such sections or such subchapter L for the taxable year can reasonably be expected to exceed the sum of $100,000 plus the amount of any estimated credits allowable under section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds) and section 33 (relating to taxes of foreign countries and possessions of the United States).

(b) *Definition of estimated tax.* The term "estimated tax", in the case of a corporation, means the excess of the amount which such corporation estimates as its income tax liability for the taxable year under section 11 or 1201 (a), or subchapter L of chapter 1 of the Code, over the sum of $100,000 and any estimated credits under sections 32 and 33.

(c) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). C, a corporation subject to tax under section 11, reasonably anticipates that it will have taxable income of $212,500 for the calendar year 1955. The normal tax and surtax result in an expected liability of $105,000. C determines that it will not have any allowable credits under sections 32 and 33 for 1955. Since C's expected tax ($105,000) exceeds the exemption ($100,000), a declaration of estimated tax is required to be filed, reporting an estimated tax of $5,000 ($105,000–$100,000) for the calendar year 1955.

Example (2). Under the facts stated in example (1), except that C estimates it will have an allowable foreign tax credit under section 33 in the amount of $10,000, no declaration is required, since C's expected tax ($105,000) does not exceed the $100,000 exemption plus the allowable credit of $10,000.

§ 1.6016–2 *Contents of declaration of estimated tax*—(a) *In general.* The declaration of estimated tax by a corporation shall be made on Form 1120–ES. For the purpose of making the declaration, the estimated tax should be based upon the amount of gross income which the taxpayer can reasonably be expected to receive or accrue, as the case may be, depending upon the method of accounting upon the basis of which the taxable income is computed, and the amount of the estimated allowable deductions and credits to be taken into account. Such amounts of gross income, deductions, and credits should be determined upon the basis of facts and circumstances existing as at the time prescribed for the filing of the declaration as well as those reasonably to be anticipated for the taxable year.

(b) *Use of prescribed form.* Copies of Form 1120–ES will so far as possible be furnished taxpayers by district directors. A taxpayer will not be excused from making a declaration, however, by the fact that no form has been furnished. Taxpayers not supplied with the proper form should make application therefor to the district director in ample time to have their declarations prepared, verified, and filed with the district director on or before the date prescribed for filing the declaration. If the prescribed form is not available a statement disclosing the estimated income tax after the exemption and the credits, if any, should be filed as a tentative declaration within the prescribed time, accompanied by the payment of the required installment. Such tentative declaration should be supplemented, without unnecessary delay, by a declaration made on the proper form.

§ 1.6016–3 *Amendment of declaration.* In the making of a declaration of estimated tax the corporation is required to take into account the then existing facts and circumstances as well as those reasonably to be anticipated relating to prospective gross income, allowable deductions, and estimated credits for the taxable year. Amended or revised declarations may be made in any case in which the corporation estimates that its gross income, deductions, or credits will materially change the estimated tax reported in the previous declaration. Such amended declaration may be made on either Form 1120–ES (marked "Amended") or on the reverse side of the Notice of Final Installment furnished the corporation by the district director. See, however, paragraph (b) of § 1.6016–2 for procedure to be followed if the prescribed form is not available.

§ 1.6016–4 *Short taxable year*—(a) *Requirement of declaration.* No declaration may be made for a period of more than 12 months. For purposes of this section a taxable year of 52 or 53 weeks, in the case of a corporation which computes its taxable income in accordance with the election permitted by section 441 (f) shall be deemed a period of 12 months. For special rules affecting the time for filing declarations and paying estimated tax by such corporation, see paragraph (b) of § 1.441–2. A separate declaration is required where a corporation is required to submit an income tax return for a period of less than 12 months, but only if such short period ends on or after December 31, 1955. However, no declaration is required if the short taxable year is—

(1) A period of less than 9 month, or

(2) A period of 9 or more months but less than 12 months and the requirements of section 6016 (a) are not met before the 1st day of the last month in the short taxable year.

(b) *Income placed on an annual basis.* In cases where the short taxable year results from a change of annual accounting period, for the purpose of determining whether the anticipated income for a short taxable year will result in an estimated tax liability requiring the filing of a declaration, such income shall be placed on an annual basis in the manner prescribed in section 443 (b) (1). If a tax computed on such annualized income exceeds the sum of $100,000 and any credits under part IV of subchapter A of chapter 1 of the Code, the estimated tax shall be the same part of the excess so computed as the number of months in the short period is of 12 months. Thus, for example, a corporation which changes from a calendar year basis to a fiscal year basis beginning October 1, 1956, will have a short taxable year beginning January 1, 1956, and ending September 30, 1956. If on or before August 31, 1956, the taxpayer anticipates that it will have income of $264,000 for the 9-month taxable year the estimated tax is computed as follows:

(1) Anticipated taxable income for 9 months	$264,000
(2) Annualized income ($264,000×12÷9)	352,000
(3) Tax liability on item (2)	177,540
(4) Item (3) reduced by $100,000 (there are no credits under part IV, subchapter A, chapter 1)	77,540
(5) Estimated tax for 9-month period ($77,540×9÷12)	58,155

Since the tax liability on the annualized income is in excess of $100,000, a declaration is required to be filed, reporting an estimated tax of $58,155 for the 9-month taxable period. This paragraph has no application where the short taxable year does not result from a change in the taxpayer's annual accounting period.

TIME AND PLACE FOR FILING DECLARATIONS OF ESTIMATED INCOME TAX

§ 1.6073 *Statutory provisions; time for filing declarations of estimated income tax by individuals.*

SEC. 6073. *Time for filing declarations of estimated income tax by individuals*—(a) *Individuals other than farmers.* Declarations of estimated tax required by section 6015 from individuals not regarded as farmers for the purpose of that section shall be filed on or before April 15 of the taxable year, except that if the requirements of section 6015 are first met—

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year, or

(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year, or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year.

(b) *Farmers.* Declarations of estimated tax required by section 6015 from individuals whose estimated gross income from farming (including oyster farming) for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year may, in lieu of the time prescribed in subsection (a), be filed at any time on or before January 15 of the succeeding taxable year.

(c) *Amendment.* An amendment of a declaration may be filed in any interval between installment dates prescribed for that taxable year, but only one amendment may be filed in each such interval.

(d) *Short taxable years.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(e) *Fiscal years.* In the application of this section to the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this section, the months which correspond thereto.

§ 1.6073–1 *Time and place for filing declarations of estimated income tax by individuals*—(a) *Individuals other than farmers.* Declarations of estimated tax for the calendar year shall be made on or before April 15th of such calendar year by every individual whose anticipated income for the year meets the requirements of section 6015 (a). If, however, the requirements necessitating the filing of the declaration are first met, in the case of an individual on the calendar year basis, after April 1st, but before June 2d of the calendar year, the declaration must be filed on or before June 15th; if such requirements are first met after June 1st and before September 2d, the declaration must be filed on or before September 15th; and if such requirements are first met after September 1st, the declaration must be filed on or before January 15th of the succeeding calendar year. In the case of an individual on the fiscal year basis, see § 1.6073–2.

(b) *Farmers.* In the case of an individual on a calendar year basis, whose estimated gross income from farming (including oyster farming) for the calendar year is at least two-thirds of his total estimated gross income from all sources for such year, his declaration may be filed on or before the 15th day of January of the succeeding calendar year in lieu of the time prescribed in paragraph (a) of this section. For the filing of a return in lieu of a declaration, see paragraph (a) of § 1.6015 (f)–1. The estimated gross income from farming (including oyster farming) is the estimated income resulting from the cultivation of the soil and the raising or harvesting of any agricultural or horticultural commodities, and the raising of livestock, bees, or poultry. In other words, the requisite gross income must be derived from the operations of a stock, dairy, poultry, fruit, or truck farm, or plantation, ranch, nursery, range, orchard, or oyster bed. If an individual receives for the use of his land income in the form of a share of the crops produced thereon such income is from farming. As to determination of income of farmers, see sections 61 and 162 and the regulations thereunder.

(c) *Place for filing declaration.* The declaration of estimated tax shall be filed with the district director for the district in which the taxpayer expects to file his income tax return.

(d) *Amendment of declaration.* An amended declaration of estimated tax may be filed during any interval between installment dates prescribed for the taxable year. However, no amended declaration may be filed until after the installment date on or before which the original declaration was filed and only one amended declaration may be filed during each interval between installment dates. An amended declaration shall be filed with the district director with whom the original declaration was filed.

§ 1.6073–2 *Fiscal years*—(a) *Individuals other than farmers.* In the case of an individual on the fiscal year basis, the declaration must be filed on or before the 15th day of the 4th month of the taxable year. If, however, the requirements of section 6015 (a) are first met after the 1st day of the 4th month and before the 2d day of the 6th month, the declaration must be filed on or before the 15th day of the 6th month of the taxable year. If such requirements are first met after the 1st day of the 6th month, and before the 2d day of the 9th month, the declaration must be filed on or before the 15th day of the 9th month of the taxable year. If such requirements are first met after the 1st day of the 9th month, the declaration must be filed on or before the 15th day of the 1st month of the succeeding

fiscal year. Thus, if an individual taxpayer has a fiscal year ending on June 30, 1956, his declaration must be filed on or before October 15, 1955, if the requirements of section 6015 (a) are met on or before October 1, 1955. If, however, such requirements are not met until after October 1, 1955, and before December 2, 1955, the declaration need not be filed until December 15, 1955.

(b) *Farmers.* An individual on the fiscal year basis whose estimated gross income from farming (as defined in paragraph (b) of § 1.6073–1) is at least two-thirds of his total estimated gross income from all sources for such taxable year may file his declaration on or before the 15th day of the month immediately following the close of his taxable year.

§ 1.6073–3 *Short taxable years*—(a) *Individuals other than farmers.* In the case of short taxable years the declaration shall be filed on or before the 15th day of the 4th month of such taxable year if the requirements of section 6015 (a) are met on or before the 1st day of the 4th month of such year. If such requirements are first met after the 1st day of the 4th month but before the 2d day of the 6th month, the declaration must be filed on or before the 15th day of the 6th month. If such requirements are first met after the 1st day of the 6th month but before the 2d day of the 9th month, the declaration must be filed on or before the 15th day of the 9th month. If, however, the period for which the declaration is filed is one of 4 months, or one of 6 months and the requirements of section 6015 (a) are not met until after the 1st day of the 4th month, or one of 9 months and such requirements are not met until after the 1st day of the 6th month, the declaration may be filed on or before the 15th day of the succeeding taxable year.

(b) *Farmers.* In the case of an individual whose estimated gross income from farming (as defined in paragraph (b) of § 1.6073–1) for a short taxable year is at least two-thirds of his total estimated gross income from all sources for such taxable year, his declaration may be filed on or before the 15th day of the month immediately following the close of such taxable year.

§ 1.6073–4 *Extension of time for filing declarations by individuals*—(a) *In general.* District directors are authorized to grant a reasonable extension of time for filing a declaration or an amended declaration. An application for an extension of time for filing such a declaration shall be addressed to the district director for the district in which the taxpayer is required to file his declaration, and must contain a full recital of the causes for the delay. Except in the case of taxpayers who are abroad, no extension for filing declarations may be granted for more than six months.

(b) *Citizens outside of the United States.* In the case of a United States citizen outside the continental United States, Hawaii, and Puerto Rico on the 15th day of the 4th month of his taxable year, an extension of time for filing his declaration of estimated tax otherwise due on or before the 15th day of the 4th month of the taxable year is granted to and including the 15th day of the 6th month of the taxable year. As used in this paragraph, the term "continental United States" does not include the Territory of Alaska.

(c) *Addition to tax applicable.* An extension of time for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period. However, such extension does not relieve the taxpayer from the addition to the tax imposed by section 6654, and the period of the underpayment will be determined under section 6654 (c) without regard to such extension.

§ 1.6074 *Statutory provisions; time for filing declarations of estimated income tax by corporations.*

SEC. 6074. *Time for filing declarations of estimated income tax by corporations*—(a) *General rule.* The declaration of estimated tax required of corporations by section 6016 shall be filed on or before the 15th day of the 9th month of the taxable year, except that if the requirements of section 6016 are first met after the last day of the 8th month and before the 1st day of the 12th month of the taxable year, the declaration shall be filed on or before the 15th day of the 12th month of the taxable year.

(b) *Amendment.* If a declaration is filed before the 15th day of the 12th month of the taxable year, an amendment of such declaration may be filed on or before such day.

(c) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.6074–1 *Time and place for filing declarations of estimated income tax by corporations*—(a) *In general.* For taxable years ending on and after December 31, 1955, declarations of estimated tax for the taxable year shall be filed on or before the 15th day of the 9th month of such year by every corporation whose then anticipated income tax liability under section 11, or section 1201 (a), or subchapter L of chapter 1 of the Code for the year meets the requirements of section 6016 (a). If, however, the requirements necessitating the filing of a declaration are first met after the last day of the 8th month and before the first day of the 12th month of the taxable year the declaration must be filed on or before the 15th day of the 12th month of the taxable year. If, however, the requirements of section 6016 (a) are not met before the first day of the 12th month of the taxable year, no declaration need be filed for such year.

(b) *Place for filing declaration.* The declaration of estimated tax shall be filed with the district director for the district in which the corporation expects to file its income tax return.

(c) *Amendment of declaration.* A declaration of estimated tax filed by a corporation prior to the 15th day of the 12th month of the taxable year may be amended, in the manner prescribed in § 1.6016–3, at any time on or before such 15th day. An amended declaration shall be filed with the district director with whom the original declaration was filed.

§ 1.6074–2 *Time for filing declarations by corporations in case of a short taxable year*—(a) *In general.* In the case of a short taxable year of 9 months or more, where the requirements of section 6016 (a) are met before the 1st day of the 9th month of the short taxable year, the declaration shall be filed on or before the 15th day of the 9th month of such short year. In the case of a short taxable year of more than 9 months, where the requirements of section 6016 (a) are first met after the last day of the 8th month, but before the 1st day of the last month of the short taxable year, the declaration shall be filed on or before the 15th day of the last month of such short year. See § 1.6016–4, relating to the requirement of a declaration in the case of a short taxable year, and § 1.6154–2, relating to the time for payment of the estimated tax in case of a short taxable year.

(b) *Amendment of declaration.* A declaration of estimated tax for a short taxable year of more than 9 months filed by a corporation before the 15th day of the last month of the short taxable year may be amended, in the manner prescribed in § 1.6016–3, any time on or before such 15th day.

(c) *Example.* The application of the provisions of this section may be illustrated by the following example:

Example. A corporation which changes from a calendar year basis to a fiscal year basis beginning November 1 will have a short taxable year beginning January 1 and ending October 31. If the requirements of section 6016 (a) are met before September 1 (the 1st day of the 9th month) the corporation is required to file its declaration on or before September 15 (the 15th day of the 9th month). However, if the requirements of section 6016 (a) are first met after August 31 (the last day of the 8th month) but before October 1 (the 1st day of the last month of the short year) the corporation would be required to file its declaration on or before October 15 (the 15th day of the last month of the short year).

§ 1.6074–3 *Extension of time for filing declarations by corporations*—(a) *In general.* District directors are authorized to grant a reasonable extension of time for filing a declaration or an amended declaration. An application by a corporation for an extension of time for filing such a declaration shall be addressed to the district director for the district in which the corporation is required to file its declaration, and must contain a full recital of the causes for the delay.

(b) *Addition to tax applicable.* An extension of time granted to a corporation for filing a declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period. However, such extension does not relieve the corporation from the addition to the tax imposed by section 6655, and the period of the underpayment will be determined under section 6655 (c) without regard to such extension.

INSTALLMENT PAYMENTS OF ESTIMATED INCOME TAX

§ 1.6153 *Statutory provisions; installment payments of estimated income tax by individuals.*

SEC. 6153. *Installment payments of estimated income tax by individuals*—(a) *General rule.* The amount of estimated tax (as defined in section 6015 (c)) with respect to which a declaration is required under section 6015 shall be paid as follows:

(1) If the declaration is filed on or before April 15 of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the declaration, the second and third on June 15 and September 15, respectively, of the taxable year, and the fourth on January 15 of the succeeding taxable year.

(2) If the declaration is filed after April 15 and not after June 15 of the taxable year, and is not required by section 6073 (a) to be filed on or before April 15 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration, the second on September 15 of the taxable year, and the third on January 15 of the succeeding taxable year.

(3) If the declaration is filed after June 15 and not after September 15 of the taxable year, and is not required by section 6073 (a) to be filed on or before June 15 of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of the filing of the declaration, and the second on January 15 of the succeeding taxable year.

(4) If the declaration is filed after September 15 of the taxable year, and is not required by section 6073 (a) to be filed on or before September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(5) If the declaration is filed after the time prescribed in section 6073 (a) (including cases in which an extension of time for filing the declaration has been granted under section 6081), paragraphs (2), (3), and (4) of this subsection shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in section 6073 (a), and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

(b) *Farmers.* If an individual referred to in section 6073 (b) (relating to income from farming) makes a declaration of estimated tax after September 15 of the taxable year and on or before January 15 of the succeeding taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(c) *Amendments of declaration.* If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease, as the case may be, in the estimated tax by reason of such amendment, and if any amendment is made after September 15 of the taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

(d) *Application to short taxable years.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(e) *Fiscal years.* In the application of this section to the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this section, the months which correspond thereto.

(f) *Installments paid in advance.* At the election of the individual, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

§ 1.6153–1 *Payment of estimated tax by individuals*—(a) *In general.* (1) The time for payment of the estimated tax by individuals for calendar years shall be as follows:

Date of filing declaration	*Dates of payment of estimated tax*
(i) On or before April 15	In 4 equal installments—one at time of filing declaration, one on or before June 15, one on or before September 15, and one on or before January 15 of the succeeding taxable year.
(ii) After April 15 and before June 16 if not required to be filed on or before April 15.	In 3 equal installments—one at time of filing declaration, one on or before September 15, and one on or before January 15 of the succeeding taxable year.
(iii) After June 15 and before September 16 if not required to be filed on or before June 15.	In 2 equal installments—one at time of filing declaration, and the other on or before January 15 of the succeeding taxable year.
(iv) After September 15 if not required to be filed on or before September 15.	In full at time of filing declaration.

(2) If, for example, due to the nature and amount of his gross income for 1955, the taxpayer is not required to file his declaration as of April 15, but is required to file the declaration on or before June 15, 1955, the case comes within the scope of subdivision (ii) of subparagraph (1) of this paragraph and the estimated tax is payable in 3 equal installments, the 1st on the date of filing, the 2d on or before September 15, 1955, and the 3d installment on or before January 15, 1956.

(3) If a declaration is filed after the time prescribed in section 6073 (a) (including any extension of time granted for filing the declaration), there shall be paid at such time all installments of the estimated tax which would have been payable on or before such date of filing if the declaration had been timely filed in accordance with the provisions of section 6073 (a). The remaining installments shall be paid at the times and in the amounts in which they would have been payable if the declaration had been timely filed. Thus, for example, B, a single man who makes his return on the calendar year basis, was employed from the beginning of 1955 and for several years prior thereto at an annual salary of $6,000, thus meeting the requirements of section 6015 (a). B filed his declaration for 1955 on September 16, 1955. In such case, B should have filed a declaration on or before April 15, 1955, and at the time of filing his declaration he was delinquent in the payment of three installments of his estimated tax for the taxable year 1955. Hence, upon his filing the declaration on September 16, 1955, three-fourths of the estimated tax shown thereon must be paid.

(4) In the case of a decedent, payments of estimated tax are not required subsequent to the date of death. See, however, paragraph (c) of § 1.6015 (b)–1, relating to the making of an amended declaration by a surviving spouse if a joint declaration was made before the death of the decedent.

(5) The payment of any installment of the estimated tax shall be considered payment on account of the tax for such taxable year. Hence, upon the return for such taxable year, the aggregate amount of the payments of estimated tax should be entered as payments to be applied against the tax shown on such return.

(b) *Farmers.* Special provisions are made with respect to the filing of the declaration and the payment of the tax by an individual whose estimated gross income from farming is at least two-thirds of his total gross income from all sources for the taxable year. As to what constitutes income from farming within the meaning of this paragraph, see paragraph (b) of § 1.6073–1. The declaration of such an individual may be filed on or before January 15 of the succeeding taxable year in lieu of the time prescribed for individuals generally. Where such an individual makes a declaration of estimated tax after September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(c) *Amendment of declaration.* If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease in the estimated tax by reason of the amendment. If any amendment is made after September 15 of the taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making the amendment.

(d) *Installments paid in advance.* At the election of the taxpayer any installment of the estimated tax may be paid prior to the date prescribed for its payment.

§ 1.6153–2 *Fiscal years.* In the case of an individual on the fiscal year basis, the dates prescribed for payment of the estimated tax shall be the 15th day of the 4th month, the 15th day of the 6th month, and the 15th day of the 9th month of the taxable year and the 15th day of the 1st month of the succeeding taxable year. For example, if an individual having a fiscal year ending on June 30, 1956, first meets the requirements of section 6015 (a) on January 15, 1956, and the declaration is filed on or before March 15, 1956, the estimated tax shall be paid in 2 equal installments, one at the time of filing of such declaration and the other on or before July 15, 1956.

§ 1.6153–3 *Short taxable years.* In the case of a short taxable year of an individual for which a declaration is required to be filed the estimated tax shall be paid in equal installments, one at the time of filing the declaration, one on the 15th day of the 6th month of the taxable year and another on the 15th day of the 9th month of such year unless the short taxable year closed during or prior to such 6th or 9th month, and one on the 15th day of the 1st month of the succeeding taxable year. For example, if the short taxable year is the period of 10 months from January 1, 1955, to October 31, 1955, and the declaration is required to be filed on or before April 15, 1955, the estimated tax is payable in 4 equal installments, one on the date of

filing the declaration, and one each on June 15, September 15, and November 15, 1955. If in such case the declaration is required to be filed after April 15 but on or before June 15, the tax will be payable in 3 equal installments, one on the date of filing the declaration, and one each on September 15, and November 15, 1955. The provisions of paragraph (a) (3) of § 1.6153–1, relating to payment of estimated tax in any case in which the declaration is filed after the time prescribed in section 6073 and §§ 1.6073–1 to 1.6073–4, inclusive, are equally applicable to the payment of the estimated tax for short taxable years.

§ 1.6153–4 *Extension of time for paying the estimated tax.* An extension of time granted an individual under section 6081 for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period. See § 1.6073–4 for rules relating to extensions of time for filing declarations of estimated tax by individuals. An application for an extension of time for paying a particular installment of the estimated tax shall be addressed to the district director for the district in which the taxpayer files his declaration, and must contain a full recital of the causes for the delay. Such extension may be for a reasonable period not to exceed 6 months from the date fixed for payment thereof except in the case of a taxpayer who is abroad. Such extension does not relieve the taxpayer from the addition to the tax imposed by section 6654, and the period of the underpayment will be determined under section 6654 (c) without regard to such extension.

§ 1.6154 *Statutory provisions; installment payments of estimated income tax by corporations.*

SEC. 6154. *Installment payments of estimated income tax by corporations*—(a) *Amount of estimated income tax required to be paid.* The amount of estimated tax (as defined in section 6016 (b)) with respect to which a declaration is required under section 6016 shall be paid as follows:

If the taxable year ends—	The amount required to be paid shall be the following percentage of the estimated tax:
On or after Dec. 31, 1955 and before Dec. 31, 1956	10
On or after Dec. 31, 1956 and before Dec. 31, 1957	20
On or after Dec. 31, 1957 and before Dec. 31, 1958	30
On or after Dec. 31, 1958 and before Dec. 31, 1959	40
On or after Dec. 31, 1959	50

(b) *Time for payment of installment.* If the declaration is filed on or before the 15th day of the 9th month of the taxable year, the amount determined under subsection (a) shall be paid in two equal installments. The first installment shall be paid on or before the 15th day of the 9th month of the taxable year, and the second installment shall be paid on or before the 15th day of the 12th month of the taxable year. If the declaration is filed after the 15th day of the 9th month of the taxable year, the amount determined under subsection (a) shall be paid in full on or before the 15th day of the 12th month of the taxable year.

(c) *Amendment of declaration.* If any amendment of a declaration is filed, installments payable on the 15th day of the 12th month, if any, shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease, as the case may be, in the estimated tax by reason of such amendment.

(d) *Application to short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(e) *Installments paid in advance.* At the election of the corporation, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

§ 1.6154–1 *Payment of estimated tax by corporations*—(a) *Amount required to be paid.* Every corporation required to file a declaration of estimated tax shall pay the following percentage of its estimated tax:

If the taxable year ends—	The amount required to be paid is the following percentage of the estimated tax:
On or after Dec. 31, 1955 and before Dec. 31, 1956	10
On or after Dec. 31, 1956 and before Dec. 31, 1957	20
On or after Dec. 31, 1957 and before Dec. 31, 1958	30
On or after Dec. 31, 1958 and before Dec. 31, 1959	40
On or after Dec. 31, 1959	50

(b) *Time for payment.* (1) In the case of a corporation on the calendar year basis which files its declaration on or before September 15 of the taxable year, the percentage of the estimated tax required to be paid is payable in two equal installments, one at the time of filing the declaration, and the other on or before December 15 of the taxable year. If the corporation files its declaration after September 15 of the taxable year the percentage of the estimated tax required to be paid is payable in full on or before December 15 of the taxable year.

(2) In the case of a corporation whose taxable year is not the calendar year, the dates prescribed for payment of the estimated tax shall be the 15th day of the 9th month and the 15th day of the 12th month of such taxable year. If the corporation files its declaration after the 15th day of such 9th month, the percentage of the estimated tax required to be paid is payable in full on or before the 15th day of such 12th month.

(c) *Amendment of declaration.* In the case of an amended declaration, filed in accordance with section 6074, the installment payable on the 15th day of the 12th month of the taxable year shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease in the estimated tax by reason of the amended declaration. For example, C, a corporation on the calendar year basis filed a declaration on September 15, 1955, reporting an estimated tax in the amount of $20,000. The first installment of $1,000 (5 percent of $20,000) accompanied the declaration. However, C filed an amended declaration on December 15, 1955, showing an estimated tax of $30,000. Since C has already paid $1,000, it must make a payment in the amount of $2,000 computed as follows:

Required amount of estimated tax which must be paid for calendar year 1955 (10% of $30,000)	$3,000
Amount paid with original estimate (5% of $20,000)	1,000
Balance to accompany amended declaration	2,000

Had the amended declaration been filed on December 10, 1955, then only the balance of the first installment ($500) otherwise due on September 15 would have been required to be paid with the declaration and the installment required to be paid on or before December 15, 1955, would be $1,500.

(d) *Installments paid in advance.* A corporation may, at its election, pay any installment of its estimated tax in advance of the due date.

(e) *Credit against income tax.* Payments of estimated tax shall be considered payments on account of the income tax liability for the taxable year. Hence the amount of estimated tax paid shall be entered on the return as a credit to be applied against the tax shown thereon.

§ 1.6154–2 *Short taxable years*—(a) *In general.* In the case of a corporation filing a declaration for a short taxable year the amount of the estimated tax required to be paid shall be paid as follows:

(1) If the short taxable year is a period of more than 9 months and the declaration is required to be filed on or before the 15th day of the 9th month, the amount of the estimated tax required to be paid shall be paid in 2 installments; the 1st on or before the 15th day of the 9th month and the 2d on or before the 15th day of the last month of the short taxable year.

(2) If the short taxable year is a period of 9 or more months and the declaration is not required to be filed until the 15th day of the last month of the short taxable year, the amount of the estimated tax required to be paid shall be paid in full on or before the 15th day of the last month of the short taxable year.

(b) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). If a corporation changes from a calendar year to a fiscal year beginning November 1, 1956, and ending October 31, 1957, a declaration is required on or before September 15, 1956, for the short taxable year January 1, 1956 to October 31, 1956, if such corporation otherwise meets the requirements of section 6016 (a) on or before August 31, 1956. In such case the first installment of the estimated tax must be paid with the declaration filed on September 15, 1956. The second installment must be paid on or before October 15, 1956, the 15th day of the last month in the short taxable year.

Example (2). If, in the first example, the corporation did not meet the requirements of section 6016 (a) until after August 31, 1956, but before October 1, 1956, the declaration would have been due on October 15, 1956. In such case the amount of the estimated tax required to be paid must be paid in full with the declaration filed on October 15, 1956.

§ 1.6154–3 *Extension of time for paying estimated tax.* An extension of time granted a corporation under section 6081 for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period. See § 1.6074–3 for rules relating to extensions of time for filing declarations of estimated tax by corporations. An application for an extension of time for paying an installment of the estimated tax shall be addressed to the district director for the district in which the taxpayer files its declaration, and must contain a full recital of the causes for the delay. Any such extension will not relieve the taxpayer from the addition to the tax imposed by section 6655, and the period of the underpayment will be determined under section 6655 (c) without regard to such extension.

FAILURE TO PAY ESTIMATED INCOME TAX

§ 1.6654 *Statutory provisions; failure by individual to pay estimated income tax.*

SEC. 6654. *Failure by individual to pay estimated income tax*—(a) *Addition to the tax.* In the case of any underpayment of estimated tax by an individual, except as provided in subsection (d), there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (c)).

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for such payment.

(c) *Period of underpayment.* The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

(1) The 15th day of the fourth month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for such installment date.

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following is the lesser—

(1) The amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least—

(A) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months, or

(B) An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions under section 151 for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year, or

(C) An amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the taxable income shall be placed on an annualized basis by—

(1) Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income (computed without deduction of personal exemptions) for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(2) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid.

(e) *Application of section in case of tax withheld on wages.* For purposes of applying this section—

(1) The estimated tax shall be computed without any reduction for the amount which the individual estimates as his credit under section 31 (relating to tax withheld at source on wages), and

(2) The amount of the credit allowed under section 31 for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date (determined under section 6153) for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

(f) *Tax computed after application of credits against tax.* For purposes of subsections (b) and (d), the term "tax" means the tax imposed by chapter 1 reduced by the credits against tax allowed by part IV of subchapter A of chapter 1, other than the credit against tax provided by section 31 (relating to tax withheld on wages).

(g) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(h) *Applicability.* This section shall apply only with respect to taxable years beginning after December 31, 1954; and section 294 (d) of the Internal Revenue Code of 1939 shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 1.6654–1 *Addition to the tax in the case of an individual*—(a) *In general.* (1) Section 6654 imposes an addition to the tax under chapter 1 of the Code in the case of any underpayment of estimated tax by an individual (with certain exceptions described in section 6654 (d)). This addition to the tax is in addition to any applicable criminal penalties and is imposed whether or not there was reasonable cause for the underpayment. The amount of the underpayment for any installment date is the excess of—

(i) 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for such year, divided by the number of installment dates prescribed for such taxable year, over

(ii) The amount, if any, of the installment paid on or before the last day prescribed for such payment.

(2) The amount of the addition is determined at the rate of 6 percent per annum upon the underpayment of any installment of estimated tax for the period from the date such installment is required to be paid until the 15th day of the fourth month following the close of the taxable year, or the date such underpayment is paid, whichever is earlier. For purposes of determining the period of the underpayment (i) the date prescribed for the payment of any installment of estimated tax shall be determined without regard to any extension of time, and (ii) a payment of estimated tax on any installment date, to the extent that it exceeds the amount of the installment determined under subparagraph (1) (i) of this paragraph for such installment date, shall be considered a payment of any previous underpayment.

(3) In determining the amount of the installment paid on or before the last day prescribed for payment thereof, the estimated tax shall be computed without any reduction for the amount which the taxpayer estimates as his credit under section 31 (relating to tax withheld at source on wages), and the amount of such credit shall be deemed a payment of estimated tax. An equal part of the amount of such credit shall be deemed paid on each installment date (determined under section 6153) for the taxable year unless the taxpayer establishes the dates on which all amounts were actually withheld. In the latter case, all amounts withheld shall be considered as payments of estimated tax on the dates such amounts were actually withheld. Under section 31 the entire amount withheld during a calendar year is allowed as a credit against the tax for the taxable year which begins in such calendar year. However, where more than one taxable year begins in any calendar year no portion of the amount withheld during the calendar year will be treated as a payment of estimated tax for any taxable year other than the last taxable year beginning in such calendar year. The rules prescribed in this subparagraph for determining the time as of which the amount withheld shall be deemed paid are applicable even though such amount was withheld during a taxable year preceding that for which the credit is allowed.

(4) The term "tax" when used in subparagraph (1) (i) of this paragraph shall

mean the tax imposed by chapter 1 of the Code reduced by all credits allowed by part IV of subchapter A of that chapter except the credit provided by section 31, relating to tax withheld at source on wages. For the disallowance of certain credits in the case of taxpayers who elect to use the standard deduction or to pay the optional tax imposed by section 3, see section 36.

(b) *Statement relating to underpayment.* If there has been an underpayment of estimated tax as of any installment date prescribed for its payment and the taxpayer believes that one or more of the exceptions described in § 1.6654–2 precludes the assertion of the addition to the tax under section 6654, he should attach to his income tax return for the taxable year a Form 2210 showing the applicability of any exception upon which he relies.

(c) *Examples.* The method prescribed in paragraph (a) of this section for computing the addition to the tax may be illustrated by the following examples.

Example (1). An individual taxpayer files his return for the calendar year 1955 on April 15, 1956, showing a tax of $40,000. He has paid a total of $20,000 of estimated tax in four equal installments of $5,000 on each of the four installment dates prescribed for such year. No other payments were made prior to the date the return was filed. Since the amount of each installment paid by the last date prescribed for payment thereof is less than one-quarter of 70 percent of the tax shown on the return, the addition to the tax is applicable in respect of the underpayment existing as of each installment date and is computed as follows:

(1) Amount of tax shown on return	$40,000
(2) 70 percent of item (1)	28,000
(3) One-fourth of item (2)	7,000
(4) Deduct amount paid on each installment date	5,000
(5) Amount of underpayment for each installment date (item (3) minus item (4))	2,000
(6) Addition to the tax:	
1st installment—period 4–15–55 to 4–15–56	$120
2d installment—period 6–15–55 to 4–15–56	100
3d installment—period 9–15–56 to 4–15–56	70
4th installment—period 1–15–56 to 4–15–56	30
Total	320

Example (2). An individual taxpayer files his return for the calendar year 1955 on April 15, 1956, showing a tax of $30,000. The requirements of section 6015 (a) were first met after April 1 and before June 2, 1955, and a total of $18,000 of estimated tax was paid in three equal installments of $6,000 on each of the three installment dates prescribed for such year. Since the amount of each installment paid by the last date prescribed for payment thereof is less than one-third of 70 percent of the tax shown on the return, the addition to the tax is applicable in respect of the underpayment existing as of each installment date and is computed as follows:

(1) Amount of tax shown on return	$30,000
(2) 70 percent of item (1)	21,000
(3) One-third of item (2)	7,000
(4) Deduct amount paid on each installment date	$6,000
(5) Amount of underpayment for each installment date (item (3) minus item (4))	1,000
(6) Addition to the tax:	
1st installment—period 6–15–55 to 4–15–56	$50
2d installment—period 9–15–55 to 4–15–56	35
3d installment—period 1–15–56 to 4–15–56	15
Total	100

§ 1.6654–2 *Exceptions to imposition of the addition to the tax in the case of individuals*—(a) *In general.* The addition to the tax under section 6654 will not be imposed for any underpayment of any installment of estimated tax if, on or before the date prescribed for payment of the installment, the total amount of all payments of estimated tax made equals or exceeds the least of the following amounts—

(1) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were the tax shown on the return for the preceding taxable year, provided that the preceding taxable year was a year of 12 months and a return showing a liability for tax was filed for such year;

(2) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to a tax determined on the basis of the tax rates and the taxpayer's status with respect to personal exemptions under section 151 for the taxable year, but otherwise on the basis of the facts shown on the return for the preceding taxable year and the law applicable to such year, in the case of an individual required to file a return for such preceding taxable year;

(3) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax computed by placing on an annual basis the taxable income for the calendar months in the taxable year preceding such date. The taxable income shall be placed on an annual basis by—

(i) Multiplying by 12 (or the number of months in the taxable year if less than 12) the taxable income (computed without the standard deduction and without the deductions for personal exemptions), or the adjusted gross income if the standard deduction is to be used, for such calendar months,

(ii) Dividing the resulting amount by the number of such calendar months, and

(iii) Deducting from such amount the standard deduction, if applicable, and the deductions for personal exemptions (such personal exemptions being determined as of the date prescribed for payment); or

(4) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the calendar months in the taxable year preceding the date prescribed for payment.

In the case of a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441 (f), the rules prescribed by paragraph (b) of § 1.441–2 shall be applicable in determining, for purposes of subparagraph (1) of this paragraph, whether a taxable year was a year of 12 months and, for purposes of subparagraphs (3) and (4) of this paragraph, the number of calendar months in a taxable year preceding the date prescribed for payment of an installment of estimated tax. For rule to be applied in determining taxable income for any period described in subparagraphs (3) and (4) of this paragraph in the case of a taxpayer who employs accounting periods (e. g., thirteen 4-week periods or four 13-week periods) none of which terminates with the end of the applicable period described in subparagraph (3) or (4) of this paragraph, see paragraph (a) (5) of § 1.6655–2.

(b) *Meaning of terms.* As used in this section and § 1.6654–3—

(1) The term "tax" means the tax imposed by chapter 1 of the Code reduced by the credits against tax allowed by part IV of subchapter A of such chapter, other than the credit against tax provided by section 31 (relating to tax withheld on wages), and without reduction for any payments of estimated tax.

(2) The credits against tax allowed by part IV of subchapter A of chapter 1 are—

(i) In the case of the exception described in subparagraph (1) of paragraph (a) of this section, the credits shown on the return for the preceding taxable year,

(ii) In the case of the exception described in subparagraph (2) of paragraph (a) of this section, the credits shown on the return for the preceding taxable year, except that if the amount of any such credit would be affected by any change in rates or status with respect to personal exemptions, the credits shall be determined by reference to the rates and status applicable to the current taxable year, and

(iii) In the case of the exceptions described in subparagraphs (3) and (4) of paragraph (a) of this section, the credits computed under the law and rates applicable to the current taxable year.

A change in rate may be either a change in the rate of tax, such as a change in the rate of the tax imposed by section 1, or a change in any percentage affecting the computation of the credit, such as a change in the rate of withholding under chapter 3 or a change in the percentage of dividends received specified in section 34 (a). The application of the preceding sentence may be illustrated by the following examples:

Example (1). Assume the percentage of dividends received which, subject to the limitations in section 34 (b), is allowed as a credit against the tax under section 34 (a) is changed from 4 to 5 percent. In determining the applicability of the exception described in subparagraph (2) of paragraph (a) of this section to an underpayment of estimated tax for the year in which such

percentage changes, the 5 percent rate is applicable in determining the amount of the credit under section 34.

Example (2). Assume the rate of tax under section 1 on the first $2,000 of taxable income is changed from 20 percent to 18 percent. The credit allowed under section 37 (a) for retirement income is determined at the rate applicable to the first $2,000 of taxable income. In determining the applicability of the exception described in subparagraph (2) of paragraph (a) of this section to an underpayment of estimated tax for the year during which such change occurs, the 18 percent rate is applicable in determining the amount of the credit for retirement income under section 37.

(3) The term "return for the preceding taxable year" means the income tax return for such year which is required by section 6012 (a) (1).

(c) *Examples.* The following examples illustrate the application of the exceptions to the imposition of the addition to the tax for an underpayment of estimated tax, in the case of an individual whose taxable year is the calendar year:

Example (1). T, a married man with one child and a dependent parent, files a joint return with his spouse, W, for 1955 on April 15, 1956, showing taxable income of $44,000 and a tax of $16,760. T and W had filed a joint declaration of estimated tax on April 15, 1955, showing an estimated tax of $10,000 which was paid in four equal installments of $2,500 each on April 15, June 15, and September 15, 1955, and January 15, 1956. The balance of $6,760 was paid with the return. T and W have an underpayment of estimated tax of $433 (¼ of 70% of $16,760, less $2,500) for each installment date. The 1954 calendar year return of T and W showed a liability of $10,000. Since the total amount of estimated tax paid by each installment date equalled the amount that would have been required to be paid on or before each of such dates if the estimated tax were the tax shown on the return for the preceding year, the exception described in paragraph (a) (1) of this section applies and no addition to the tax will be imposed.

Example (2). Assume the same facts as in example (1) except that the joint return of T and W for 1954 showed taxable income of $32,000 and a tax liability of $10,400. Assume further that only two personal exemptions under section 151 appeared on the 1954 return. The exception described in paragraph (a) (1) of this section would not apply. However, T and W are entitled to four exemptions under section 151 for 1955. Taxable income for 1954 based on four exemptions, but otherwise on the basis of the facts shown on the 1954 return, would be $30,800. The tax on such amount in the case of a joint return would be $9,836. Since the total amount of estimated tax paid by each installment date exceeds the amount which would have been required to be paid on or before each of such dates if the estimated tax were $9,836, the exception described in paragraph (a) (2) of this section applies and no addition to the tax will be imposed.

Example (3). A and B, his spouse, filed a joint return for the calendar year 1955, showing a tax liability of $10,000, attributable primarily to income received during the last quarter of the year. Their aggregate payments of estimated tax on or before September 15, 1955, total $1,312.50, representing three installments of $437.50 paid on each of the first three installment dates prescribed for the taxable year. There was an underpayment on each of these dates since the installment paid, $437.50, was less than $1,750 (¼ of 70 percent of $10,000). Assume that the exceptions described in paragraph (a) (1) and (2) of this section do not apply. Actual taxable income for the three months ending March 31, 1955, was $2,000 and for the five months ending May 31, 1955, was $4,500. Since the amounts paid by the April 15 and June 15 installment dates, $437.50 and $875, respectively, exceeded $360 and $819 (90 percent of the tax determined on actual taxable income of $2,000 and $4,500, respectively, on the basis of a joint return), the exception described in paragraph (a) (4) of this section applies and no addition to the tax will be imposed for the underpayments on the April 15 and June 15 installment dates. Actual taxable income, assuming A and B did not elect to use the standard deduction, for the eight months ending August 31, 1955, was $7,000. Since the total amount paid by the September 15 installment date, $1,312.50, was less than $1,314 (90 percent of the tax on $7,000 of taxable income, determined on the basis of a joint return), the exception described in paragraph (a) (4) of this section does not apply to the September 15 installment. However, the exception described in paragraph (a) (3) of this section does apply in accordance with the following computation:

Taxable income for the period ending Aug. 31, 1955 (without deduction for personal exemptions) on an annual basis ($8,200×12÷8)	$12,300.00
Deduction for two personal exemptions	1,200.00
	11,100.00
Tax on $11,100 (on the basis of a joint return)	2,486.00
¾ of 70 percent of $2,486	1,305.15
Amount paid by Sept. 15, 1955	1,312.50

Example (4). Assume the same facts as in example (3) and assume further that adjusted gross income for the eight months ending August 31, 1955, was $8,700 and the amount of deductions (other than the deduction for personal exemptions) not allowable in determining adjusted gross income aggregate only $500. If A and B elect, they may use the standard deduction in computing the tax for purposes of the exceptions described in paragraph (a) (3) and (4) of this section. Taxable income, for purposes of the exception described in paragraph (a) (4) of this section would be reduced to $6,630 with the use of the standard deduction ($8,700 less $1,200 for two personal exemptions and $870 for the standard deduction). The tax thereon is $1,378.60. Since the amount paid by the September 15 installment date, $1,312.50, exceeds $1,180.74 (90 percent of $1,378.60), the exception described in paragraph (a) (4) of this section applies. The exception described in paragraph (a) (3) of this section also applies in accordance with the following computation:

Adjusted gross income for period ending Aug. 31, 1955	$8,700.00
Adjusted gross income annualized ($8,700×12÷8)	13,050.00
Taxable income annualized ($13,050 minus $1,200 for two personal exemptions and $1,000 for standard deduction)	10,850.00
Tax on $10,850 (on basis of joint return)	2,421.00
Three-fourths of 70 percent of $2,421	1,271.02
Amount paid by Sept. 15, 1955	1,312.50

Example (5). H was a married individual, 73 years of age, who filed a joint return with his wife, W, for the calendar year 1956. W, who was 70 years of age, had no income during the year. H had taxable income in the amount of $7,000 for the eight-month period ending on August 31, 1956, which included $2,000 of dividend income (after excluding $50 under section 116) and $900 of rental income. The $7,000 figure also reflected a deduction of $2,400 for personal exemptions ($600×4), since H and W were both over 65 years of age. The application of the exception described in paragraph (a) (3) of this section to an underpayment of estimated tax on the September 15th installment date may be illustrated by the following computation:

Taxable income for the period ending August 31, 1956 (without deduction for personal exemptions) on an annual basis ($9,400×12÷8)	$14,100.00
Deduction for personal exemptions	2,400.00
Taxable income on an annual basis	11,700.00
Tax (on the basis of a joint return)	2,642.00
Dividends received for 8-month period	$2,050
Less: Amount excluded from gross income under section 116	50
Dividends included in gross income	2,000
Dividend income annualized ($2,000×12÷8)	3,000
Dividends received credit under section 34 (4 percent of $3,000)	120.00
Tax less dividends received credit	2,522.00
Retirement income (as defined in section 37 (c)) includes:	
Dividend income (to extent included in gross income)	$2,000
Rental income	900
Total retirement income	2,900
Limit on amount of retirement income under section 37 (d)	1,200
Retirement income credit under section 37 (20 percent of $1,200)	240.00
Tax less credits under section 34 and section 37	2,282.00
Amount determined under the exception described in paragraph (a) (3) of this section (¾ of 70 percent of $2,282)	1,198.05

(d) *Determination of taxable income for installment periods*—(1) *In general.* (i) In determining the applicability of the exceptions described in paragraph (a) (3) and (4) of this section, there must be an accurate determination of the amount of income and deductions for the calendar months in the taxable year preceding the installment date as of which the determination is made, that is, for the period terminating with the last day of the third, fifth, or eighth month of the taxable year. For example, a taxpayer distributes year-end bonuses to his employees but does not determine the amount of the bonuses until the last month of the taxable year. He may not deduct any portion of such year-end bonuses in determining his taxable income for any installment period other than the final installment period for the taxable year, since deductions are not allowable until paid or accrued, depending on the taxpayer's method of accounting.

(ii) If a taxpayer on an accrual method of accounting wishes to use either of the exceptions described in paragraph (a) (3) and (4) of this section, he must establish the amount of income and deductions for each applicable period. If his income is derived from a business in which the production, purchase, or sale

of merchandise is an income-producing factor requiring the use of inventories, he will be unable to determine accurately the amount of his taxable income for the applicable period unless he can establish, with reasonable accuracy, his cost of goods sold for the applicable installment period. The cost of goods sold for such period shall be considered, unless a more exact determination is available, as such part of the cost of goods sold during the entire taxable year as the gross receipts from sales for such installment period is of gross receipts from sales for the entire taxable year.

(2) *Members of partnerships.* The provisions of this subparagraph shall apply in determining the applicability of the exceptions described in paragraph (a) (3) and (4) of this section to an underpayment of estimated tax by a taxpayer who is a member of a partnership.

(i) There shall be taken into account—

(*a*) The partner's distributive share of partnership items set forth under section 702,

(*b*) The amount of any guaranteed payments under section 707 (c), and

(*c*) Gains or losses on partnership distributions which are treated as gains or losses on sales of property.

In determining a partner's taxable income for the months in his taxable year which precede the month in which the installment date falls, the partner shall take into account items set forth in section 702 for any partnership taxable year ending with or within his taxable year to the extent that such items are attributable to months in such partnership taxable year which precede the month in which the installment date falls. In addition, a partner shall include in his taxable income for the months in his taxable year which precede the month in which the installment date falls guaranteed payments from the partnership to the extent that such guaranteed payments are includible in his taxable income for such months. See section 706 (a), section 707 (c) and paragraph (c) of § 1.707–1.

(ii) The provisions of subdivision (i) (*a*) and (*b*) of this subparagraph may be illustrated by the following examples:

Example (1). A, whose taxable year is the calendar year, is a member of a partnership whose taxable year ends on January 31st. A must take into account, in determining his taxable income for the installment due on April 15, 1955, all of his distributive share of partnership items described in section 702 and the amount of any guaranteed payments made to him which were deductible by the partnership in the partnership taxable year beginning on February 1, 1954, and ending on January 31, 1955.

Example (2). Assume that the taxable year of the partnership of which A, a calendar year taxpayer, is a member ends on June 30th. A must take into account in the determination of his taxable income for the installment due on April 15, 1955, his distributive share of partnership items described in section 702 for the period July 1, 1954, through March 31, 1955; for the installment due on June 15, 1955, he must take into account such amounts for the period July 1, 1954, through May 31, 1955; and for the installment due on September 15, 1955 he must take into account such amounts for the entire partnership taxable year of July 1, 1954, through June 30, 1955 (the date on which the partnership taxable year ends).

(3) *Beneficiaries of estates and trusts.* In determining the applicability of the exceptions described in paragraph (a) (3) and (4) of this section as of any installment date, the beneficiary of an estate or trust must take into account his distributable share of income from the estate or trust for the applicable period (whether or not actually distributed) if the trust or estate is required to distribute income to him currently. If the estate or trust is not required to distribute income currently, only the amounts actually distributed to the beneficiary during such period must be taken into account. If the taxable year of the beneficiary and the taxable year of the estate or trust are different, there shall be taken into account the beneficiary's distributable share of income, or the amount actually distributed to him as the case may be, during the months in the taxable year of the estate or trust ending within the taxable year of the beneficiary which precede the month in which the installment date falls. See subparagraph (2) of this paragraph for examples of a similar rule which is applied when a partner and the partnership of which he is a member have different taxable years.

(e) *Special rule in case of change from joint return or separate return for the preceding taxable year*—(1) *Joint return to separate return.* In determining the applicability of the exceptions described in paragraph (a) (1) and (2) of this section to an underpayment of estimated tax, a taxpayer filing a separate return who participated in the filing of a joint return for the preceding taxable year, shall be subject to the following rule. The tax—

(i) Shown on the return for the preceding taxable year, or

(ii) Based on the tax rates and personal exemptions for the taxable year but otherwise determined on the basis of the facts shown on the return for the preceding taxable year, and the law applicable to such year,

shall be that portion of the tax which bears the same ratio to the whole of the tax as the amount of tax for which the taxpayer would have been liable bears to the sum of the taxes for which the taxpayer and his spouse would have been liable had each spouse filed a separate return for the preceding taxable year.

(2) *Example.* The rule in subparagraph (1) of this paragraph may be illustrated by the following example:

Example. H and W filed a joint return for the calendar year 1955 showing taxable income of $20,000 and a tax of $5,280. Of the $20,000 taxable income, $18,000 was attributable to H, and $2,000 was attributable to W. H and W filed separate returns for 1956. The tax shown on the return for the preceding taxable year, for purposes of determining the applicability of the exception described in paragraph (a) (1) of this section to an underpayment of estimated tax by H for 1956, is determined as follows:

Taxable income of H for 1955	$18,000
Tax on $18,000 (on basis of separate return)	$6,200
Taxable income of W for 1955	$2,000
Tax on $2,000 (on basis of separate return)	$400
Aggregate tax of H and W (on basis of separate returns)	6,600
Portion of 1955 tax shown on joint return attributable to H ($\frac{6200}{6600} \times 5280$)	4,960

(3) *Separate return to joint return.* In the case of a taxpayer who participates in the filing of a joint return for the taxable year with respect to which there is an underpayment of estimated tax and who filed a separate return for the preceding taxable year—

(i) The tax shown on the return for the preceding taxable year, for purposes of determining the applicability of the exception described in paragraph (a) (1) of this section, shall be the sum of both the tax shown on the return of the taxpayer and the tax shown on the return of the taxpayer's spouse for such preceding year, and

(ii) The facts shown on both the taxpayer's return and the return of his spouse for the preceding taxable year shall be taken into account for purposes of determining the applicability of the exception described in paragraph (a) (2) of this section.

(4) *Example.* The rules described in subparagraph (3) of this paragraph may be illustrated by the following example:

Example. H and W filed separate income tax returns for the calendar year 1954 showing tax liabilities of $2,640 and $350, respectively. In 1955 they married and participated in the filing of a joint return for that year. Thus, for the purpose of determining the applicability of the exceptions described in paragraph (a) (1) and (2) of this section to an underpayment of estimated tax for the year 1955, the tax shown on the return for the preceding taxable year is $2,990 ($2,640 plus $350).

§ 1.6654–3 *Short taxable years of individuals*—(a) *In general.* The provisions of section 6654, with certain modifications relating to the application of subsection (d) thereof, which are explained in paragraph (b) of this section, are applicable in the case of a short taxable year for which a declaration is required to be filed. (See § 1.6015 (g)–1 for requirement of declaration for short taxable year.)

(b) *Rules as to application of section 6654 (d).* (1) In any case in which the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in determining the tax—

(i) Shown on the return for the preceding taxable year (for purposes of section 6654 (d) (1) (A)), or

(ii) Based on the personal exemptions and rates for the current taxable year but otherwise on the basis of the facts shown on the return for the preceding taxable year, and the law applicable to such year (for purposes of section 6654 (d) (1) (B)),

the tax will be reduced by multiplying it by the number of months in the short taxable year and dividing the resulting amount by 12.

(2) If the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in annualizing the income for the months in the taxable year preceding an installment date, for purposes of section 6654 (d) (1) (C), the personal exemptions allowed as deductions under section 151 shall be reduced to the same extent that they are reduced under section 443 (c) in computing the tax for a short taxable year.

(3) If "the preceding taxable year" referred to in section 6654 (d) (1) (B) was a short taxable year, the tax computed on the basis of the facts shown on the return for such preceding year, for purposes of determining the applicability of the exception described in section 6654 (d) (1) (B), shall be the tax computed on the annual basis in the manner described in section 443 (b) (1) (prior to its reduction in the manner described in the last sentence thereof). If the tax rates or the taxpayer's status with respect to personal exemptions for the taxable year with respect to which the underpayment occurs differ from such rates or status applicable to the preceding taxable year, the tax determined in accordance with the preceding sentence shall be recomputed to reflect the rates and status applicable to the year with respect to which the underpayment occurs.

§ 1.6654–4 *Applicability.* Section 6654 is applicable only with respect to taxable years beginning after December 31, 1954. Section 294 (d) of the Internal Revenue Code of 1939 shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 1.6655 *Statutory provisions; failure by corporation to pay estimated income tax.*

SEC. 6655. *Failure by corporation to pay estimated income tax*—(a) *Addition to the tax.* In case of any underpayment of estimated tax by a corporation, except as provided in subsection (d), there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (c)).

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent of the tax shown on the return for the taxable year or, if no return was filed, 70 percent of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for payment.

(c) *Period of underpayment.* The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

(1) The 15th day of the third month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on the 15th day of the 12th month shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for the 15th day of the 12th month.

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser—

(1) The tax shown on the return of the corporation for the preceding taxable year reduced by $100,000, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the corporation for, and the law applicable to, the preceding taxable year.

(3) (A) An amount equal to 70 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) for the first 6 months or for the first 8 months of the taxable year, in the case of the installment required to be paid in the ninth month, and

(ii) for the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the twelfth month.

(B) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 the taxable income referred to in subparagraph (A), and

(ii) Dividing the resulting amount by the number of months in the taxable year (6 or 8, or 9 or 11, as the case may be) referred to in subparagraph (A).

(e) *Definition of tax.* For purposes of subsections (b), (d) (2), and (d) (3), the term "tax" means the excess of—

(1) The tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, over

(2) The sum of—

(A) $100,000, and

(B) The credits against tax provided in part IV of subchapter A of chapter 1.

(f) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.6655–1 *Addition to the tax in the case of a corporation*—(a) *In general.* (1) Section 6655 imposes an addition to the tax under chapter 1 of the Code in the case of any underpayment of estimated tax by a corporation (with certain exceptions described in section 6655 (d)). This addition to the tax is in addition to any applicable criminal penalties and is imposed whether or not there was reasonable cause for the underpayment. The amount of the underpayment for any installment date is the excess of—

(i) 70 percent of the tax shown on the return for the taxable year or, if no return was filed, 70 percent of the tax for such year, multiplied by the percentage of the estimated tax for the taxable year which is required to be paid, and divided by the number of installment dates prescribed for such taxable year, over

(ii) The amount, if any, of the installment paid on or before the last day prescribed for such payment.

(2) The amount of the addition is determined at the rate of 6 percent per annum upon the underpayment of any installment of estimated tax for the period from the date such installment is required to be paid until the 15th day of the third month following the close of the taxable year, or the date such underpayment is paid, whichever is earlier. For purposes of determining the period of the underpayment (i) the date prescribed for the payment of either installment of estimated tax shall be determined without regard to any extension of time, and (ii) a payment of estimated tax on the 15th day of the last month of the taxable year, to the extent that it exceeds the amount of the installment determined under subparagraph (1) (i) of this paragraph for such date, shall be considered a payment of the previous underpayment, if any.

(3) The term "tax" as used in subparagraph (1) (i) of this paragraph means the excess of the tax imposed by section 11 or section 1201 (a), or subchapter L of chapter 1 of the Code, whichever is applicable, over the sum of $100,000 and the credits against tax provided by sections 32 and 33.

(4) For special rules relating to the determination of the amount of the underpayment in the case of a corporation whose income is included in a consolidated return, see § 1.1502–49.

(b) *Statement relating to underpayment.* If there has been an underpayment of estimated tax as of the installment date prescribed for its payment and the taxpayer believes that one or more of the exceptions described in § 1.6655–2 precludes the assertion of the addition to the tax under section 6655, it should attach to its income tax return for the taxable year a Form 2220 showing the applicability of any exception upon which the taxpayer relies.

(c) *Example.* The method prescribed in paragraph (a) of this section of computing the addition to the tax may be illustrated by the following example:

Example. A corporation using the calendar year basis reported on its declaration for 1955, estimated tax in the amount of $50,000. It made payments of $2,500 each on September 15, 1955, and December 15, 1955. On March 15, 1956, it filed its final income tax return showing a tax liability of $200,000. Since the amount of each of the two installments paid by the last date prescribed for payment thereof was less than 5 percent of 70 percent of the tax shown on the return, the addition to the tax under section 6655 (a) is applicable and is computed as follows:

(1) Tax as defined in paragraph (a) of this section ($200,000–$100,000 (no credits allowable under sections 32 and 33))	$100,000
(2) 70% of item (1)	70,000
(3) Amount of estimated tax required to be paid on each installment date (5% of $70,000)	3,500
(4) Deduct amount paid on each installment date	2,500
(5) Amount of underpayment for each installment date (item (3) minus item (4))	1,000
(6) Addition to the tax:	
First installment—period 9–15–55 to 3–15–56	30
Second installment—period 12–15–55 to 3–15–56	15
Total	45

§ 1.6655–2 *Exceptions to imposition of the addition to the tax in the case of*

corporations—(a) *In general.* The addition to the tax under section 6655 will not be imposed for any underpayment of any installment of estimated tax if, on or before the date prescribed for payment of the installment, the total amount of all payments of estimated tax made equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were the least of the following amounts—

(1) The tax shown on the return for the preceding taxable year, provided that the preceding taxable year was a year of 12 months and a return showing a liability for tax was filed for such year;

(2) An amount equal to a tax determined on the basis of the tax rates for the taxable year but otherwise on the basis of the facts shown on the return for the preceding taxable year and the law applicable to such year, in the case of a corporation required to file a return for such preceding taxable year; or

(3) An amount equal to 70 percent of the tax determined by placing on an annual basis the taxable income for either the first 6 months or the first 8 months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid by the 15th day of the 9th month, or for either the first 9 months or the first 11 months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid by the 15th day of the 12th month. The taxable income so determined shall be placed on an annual basis by—

(i) Multiplying it by 12, and

(ii) Dividing the resulting amount by the number of months in the taxable year for which the taxable income was so determined.

(4) In the case of a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441 (f), the rules prescribed by paragraph (b) of § 1.441–2 shall be applicable in determining, for purposes of subparagraph (1) of this paragraph, whether a taxable year was a year of 12 months and in determining, for purposes of subparagraph (3) of this paragraph, the commencement of the 6- or 8-month period or the 9- or 11-month period, whichever is applicable. For example, if a taxable year begins on December 26, 1956, taxable income for the first 6 months of such year, for purposes of subparagraph (3) of this paragraph, shall be taxable income for the period beginning on December 26, 1956, and ending on June 30, 1957, since such taxable year is deemed to commence on January 1, 1957, under section 441 (f).

(5) If the end of any accounting period employed by the taxpayer (e. g., any of either thirteen 4-week periods or four 13-week periods) does not correspond to the termination date of the applicable 6- or 8-month or 9- or 11-month period, taxable income shall be determined from the beginning of the taxable year to the close of the accounting period ending immediately before the termination date of the applicable 6- or 8-month or 9- or 11-month period and to the close of the accounting period within which such termination date falls. There shall be determined that portion of the difference between the two amounts of taxable income so determined which bears the same ratio to the total difference between such amounts as the number of days from the close of the first such accounting period to the close of such applicable 6- or 8-month or 9- or 11-month period bears to the total number of days between the termination dates of such two accounting periods. The portion of the difference between such amounts so determined shall then be added to (or subtracted from) taxable income determined to the close of the first such accounting period to determine taxable income for such applicable 6- or 8-month or 9- or 11-month period. For example, a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441 (f) has a taxable year beginning on December 26, 1956, and thirteen 4-week accounting periods are employed in determining taxable income. Taxable income from December 26, 1956, to the close of the 4-week accounting period ending on June 11, 1957, is $200,000, and taxable income from December 26, 1956, to the close of the 4-week accounting period ending on July 9, 1957, is $228,000. Taxable income for the 6-month period ending on June 30, 1957, is $219,000 ($200,000+(19×28,000÷23)).

(b) *Meaning of terms.* (1) For the purpose of the exceptions described in paragraph (a) of this section, the term "tax" means the excess of the tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1 of the Code, whichever is applicable, over the sum of $100,000 plus the credits against the tax allowed by sections 32 and 33.

(2) The credits against the tax allowed by sections 32 and 33 are—

(i) In the case of the exception described in paragraph (a) (1) of this section, such credits shown on the return for the preceding taxable year,

(ii) In the case of the exception described in paragraph (a) (2) of this section, such credits shown on the return for the preceding taxable year, except that if the amount of any such credit would be affected by any change in rates, the credits shall be determined by reference to the rates applicable to the current taxable year, and

(iii) In the case of the exception described in paragraph (a) (3) of this section, such credits computed under the law and rates applicable to the current taxable year.

The provisions of subdivision (ii) of this subparagraph may be illustrated by the following example:

Example. Assume that during the taxable year within which the normal tax rate in section 11 changes from 30 percent to 25 percent, corporation X has an underpayment of estimated tax. One-fourth of the taxable income of corporation X for the taxable year preceding that in which such underpayment occurs was from sources within foreign country Y. The return of corporation X for such preceding year shows taxable income of $325,000 and a tax, without regard to any credits, of $163,500. The credit allowed by section 33 on account of taxes paid to foreign country Y may not exceed one-fourth of such amount, or $40,875, under section 904. The tax for the preceding year, computed by using the rates applicable to the year during which the underpayment occurs, would be reduced to $147,250 and the limitation under section 904 on the credit allowed under section 33 for taxes paid to foreign country Y would be reduced to $36,812.50, for purposes of determining the applicability of the exception described in paragraph (a) (2) of this section. Therefore, the exception described in paragraph (a) (2) of this section will be applicable if, on or before the date prescribed for such payment, the total amount paid by corporation X equals or exceeds the amount which would have been required to be paid by such date if the estimated tax were $10,437.50 ($147,250 less ($100,000÷$36,812.50)).

(3) For the purpose of the exceptions described in paragraph (a) (1) and (2) of this section, the term "return for the preceding taxable year" means the income tax return for such year which is required by section 6012 (a) (2).

(c) *Examples.* The application of the exceptions to the imposition of the addition to tax may be illustrated by examples employing the following statement of facts:

STATEMENT OF FACTS

X, a corporation with a taxable year ending on March 31, filed a declaration on December 15, 1955, showing an estimated tax of $35,500 for its taxable year ending March 31, 1956. The first installment of $1,775 was paid with the filing of the declaration and the second installment in the same amount was paid on March 15, 1956. X reported a tax liability of $154,300 on its return due June 15, 1956. There was an underpayment of estimated tax in the amount of $125.50 on each installment date determined as follows:

(1) Tax as defined in paragraph (b) of this section ($154,300–$100,000)	$54,300.00
(2) 70% of item (1)	38,010.00
(3) 5% of item (2)	1,900.50
(4) Deduct amount paid on each installment date	1,775.00
(5) Amount of underpayment at each installment date (item (3) minus item (4))	125.50

The application of each exception described in paragraph (a) of this section is determined as follows:

(1) Assume X reported a liability of $163,500 on its return for the taxable year ending March 31, 1955. If the estimated tax were $163,500 reduced by $100,000, or $63,500, the amount which would have been required to be paid on or before each installment date would be 5 percent of $63,500, or $3,175. Since this amount exceeds the amount actually paid on each installment date ($1,775), the exception described in paragraph (a) (1) of this section does not apply.

(2) Since the corporation tax rates under section 11 are the same for the taxable years ending on March 31, 1955, and March 31, 1956, the amount of tax determined under paragraph (a) (2) of this section and the amount required to be paid on each installment date to qualify under the exception described therein are the same as the corresponding amounts determined under paragraph (a) (1) of this section. Accordingly, the exception described in paragraph (a) (2) of this section does not apply.

(3) X determined that its taxable income for the first 6 months and the first 8 months of the taxable year ended March 31, 1956, was $180,000 and $200,000, respectively, and that its taxable income for the first 9 months and the first 11 months was $264,000 and $319,000, respectively. The income for each period is annualized as follows:

$180,000×12÷ 6=$360,000
$200,000×12÷ 8=$300,000
$264,000×12÷ 9=$352,000
$319,000×12÷11=$348,000

To determine whether the installment payment made on December 15, 1955, equals or exceeds the amount which would have been required to be paid if the estimated tax were equal to 70 percent of the tax computed on the annualized income for either the 6- or 8-month period, the following computation is necessary:

	6 months	8 months
(1) Annualized income	$360,000.00	$300,000.00
(2) Tax on item (1) reduced by $100,000	63,700.00	50,500.00
(3) 70% of item (2)	44,590.00	35,350.00
(4) 5% of item (3)	2,229.50	1,767.50

Since the amount actually paid on December 15, 1955, $1,775, exceeds the amount which would have been required to be paid on such date ($1,767.50) if the estimated tax were 70 percent of the tax determined by placing on an annualized basis the taxable income for the first 8 months of the taxable year, the exception described in paragraph (a) (3) of this section applies and no addition to tax will be imposed for the underpayment of the installment paid on December 15, 1955. A similar computation must be made with respect to the annualized income for the 9- and 11-month periods to determine whether or not the addition to the tax will be imposed with respect to the underpayment of the March 15, 1956, installment. The computation follows:

	9 months	11 months
(1) Annualized income	$352,000.00	$348,000.00
(2) Tax on item (1) reduced by $100,000	59,940.00	58,060.00
(3) 70% of item (2)	41,958.00	40,642.00
(4) 5% of item (3)	2,097.90	2,032.10

Since the amount of the installment paid on March 15, 1956, $1,775, does not equal or exceed the amount which would have been required to be paid on such date if the estimated tax were 70 percent of the tax determined by placing on an annual basis the taxable income for either the 9- or 11-month period, the addition to the tax with respect to the underpayment of the March 15, 1956, installment must be imposed.

(d) *Determination of taxable income for portion of taxable year.* In determining the applicability of the exception described in paragraph (a) (3) of this section, there must be an accurate determination of the amount of income and deductions for the appropriate period, that is, for the first six, eight, nine, or eleven months of the taxable year. See paragraph (d) (1) of § 1.6654–2 for a description of a similar requirement with respect to individuals.

§ 1.6655–3 *Short taxable years in the case of corporations*—(a) *In general.* The provisions of section 6655, with certain modifications relating to the application of subsection (d) thereof, which are explained in paragraph (b) of this section, are applicable in the case of a short taxable year for which a declaration is required to be filed. (See § 1.6016–4 for requirement of declaration for short taxable year.)

(b) *Rules as to application of section 6655 (d).* In any case in which the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in determining the tax—

(1) Shown on the return for the preceding taxable year (for purposes of section 6655 (d) (1)); or

(2) Based on the current year's rates but otherwise on the basis of the facts shown on the return for the preceding taxable year and the law applicable to such year (for purposes of section 6655 (d) (2)); or

(3) Computed by placing taxable income for a portion of the current year on an annual basis under section 6655 (d) (3);

the tax will be reduced by multiplying it by the number of months in the short taxable year and dividing the resulting amount by 12. The application of the exception provided in section 6655 (d) (3) shall be determined as if the estimated tax were 70 percent of the tax so reduced.

(c) *Preceding taxable year a short taxable year.* If "the preceding taxable year" referred to in section 6655 (d) (2) was a short taxable year, the tax computed on the basis of the facts shown on the return for such preceding year, for purposes of determining the applicability of the exception described in section 6655 (d) (2), shall be the tax computed on the annual basis in the manner described in section 443 (b) (1) (prior to its reduction in the manner described in the last sentence thereof). If the tax rates for the taxable year with respect to which the underpayment occurs differ from the rates applicable to the preceding taxable year, the tax determined in accordance with the preceding sentence shall be recomputed using the rates applicable to the year with respect to which the underpayment occurs.

[F. R. Doc. 57–9422; Filed, Nov. 13, 1957; 8:54 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—WAR ORPHANS' EDUCATIONAL ASSISTANCE ACT OF 1956

EDUCATIONAL AND VOCATIONAL COUNSELING

In § 21.3300, paragraph (a) is amended to read as follows:

§ 21.3300 *Educational and vocational counseling.* (a) Educational and vocational counseling will be required and provided to assist the parent or guardian and the eligible person in selecting a suitable educational, professional, or vocational objective and in developing an appropriate program of education. Counseling provided eligible persons under this law will include the application, as appropriate in individual cases, of comprehensive vocational counseling techniques and procedures which have been established for counseling veterans. This will include counseling with regard to related personal problems which are likely to interfere with the selection of a suitable objective or successful pursuit of a program of education.

(Sec. 501, 70 Stat. 419; 38 U. S. C. 1033)

This regulation is effective November 14, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57–9409; Filed, Nov. 13, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1546]

[Oregon 04043, 04617]

OREGON

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites:

[Oregon 04043]

WILLAMETTE MERIDIAN

SIUSLAW NATIONAL FOREST

CUMMINS PEAK ADMINISTRATIVE SITE

T. 15 S., R. 11 W.,
Sec. 22, E½SW¼ and W½SE¼;
Sec. 27, W½NE¼ and E½NW¼.
The areas described aggregate 320 acres.

KLICKITAT MOUNTAIN ADMINISTRATIVE SITE

T. 15 S., R. 10 W.,
Sec. 29, S½N½ and N½S½.
The areas described aggregate 320 acres.

TENMILE CREEK ADMINISTRATIVE SITE

T. 15 S., R. 11 W.,
Sec. 35, N½SE¼, E½SW¼SE¼, and SE¼SE¼;
Sec. 36, lots 1, 2, 3, and SW¼.
The areas described aggregate 383.32 acres.

WEST FORK INDIAN CREEK ADMINISTRATIVE SITE

T. 16 S., R. 10 W.,
Sec. 22, E½E½.
The area described contains 160 acres.

ARNOLD BEAR CREEK ADMINISTRATIVE SITE

T. 14 S., R. 11 W.,
Sec. 11, E½.
The area described contains 320 acres.

BUCK CREEK ADMINISTRATIVE SITE

T. 15 S., R. 9 W.,
Sec. 27, SE¼.
The area described contains 160 acres.

CAPE CREEK ADMINISTRATIVE SITE

T. 16 S., R. 11 W.,
Sec. 31, NE¼.
The area described contains 160 acres.

KLICKITAT ADMINISTRATIVE SITE

T. 13 S., R. 10 W.,
Sec. 13, lots 1, 2, 3, 4, and W½E½.
The areas described aggregate 319.06 acres.

ECKMAN CREEK ADMINISTRATIVE SITE

T. 14 S., R. 11 W.,
Sec. 5, lots 7 and 15.
The areas described aggregate 81.24 acres.

INDIAN CREEK ADMINISTRATIVE SITE

T. 17 S., R. 9 W.,
Sec. 17, N½.
The area described contains 320 acres.

HARLAN ADMINISTRATIVE SITE

T. 12 S., R. 8 W.,
Sec. 5, NE¼SW¼SE¼, E½E½NW¼SW¼SE¼, S½SW¼SE¼, and SE¼SE¼.
The areas described aggregate 72.5 acres.

ECKMAN CREEK ADMINISTRATIVE SITE

T. 13 S., R. 11 W.,
Sec. 33, E½SW¼.
The area described contains 80 acres.

GRASS CREEK ADMINISTRATIVE SITE

T. 13 S., R. 10 W.,
Sec. 36, lot 7, S½SW¼.
The areas described aggregate 98.07 acres.

BEAR CREEK ADMINISTRATIVE SITE

T. 14 S., R. 9 W.,
Sec. 3, NW¼.
The area described contains 160 acres.

BIG CREEK-BLODGETT ADMINISTRATIVE SITE

T. 14 S., R. 12 W.,
Sec. 12, N½.
The area described contains 320 acres.

YACHATS ADMINISTRATIVE SITE

T. 14 S., R. 11 W.,
Sec. 30, lots 3, 4, E½SW¼, and SE¼.
The areas described aggregate 320.69 acres.

NORTH FORK YACHATS ADMINISTRATIVE SITE

T. 14 S., R. 12 W.,
Sec. 25, S½.
The area described contains 320 acres.

ROCK CREEK CAMP ADMINISTRATIVE SITE

T. 16 S., R. 12 W.,
Sec. 10, E½.
The area described contains 320 acres.

BUCK CREEK ADMINISTRATIVE SITE

T. 15 S., R. 10 W.,
Sec. 15, N½NW¼ and N½SW¼NW¼.
The areas described aggregate 100 acres.

BAUER CREEK ADMINISTRATIVE SITE

T. 13 S., R. 9 W.,
Sec. 31, lots 11, 12, and 14.
The areas described aggregate 113.58 acres.

ROGUE RIVER NATIONAL FOREST

DIAMOND LAKE ADMINISTRATIVE SITE

T. 28 S., R. 5 E., unsurveyed,
Sec. 28, E½SE¼.
The area described contains 80 acres.

[Oregon 04617]

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

DIAMOND LAKE ADMINISTRATIVE SITE

T. 28 S., R. 5 E., unsurveyed,
Sec. 32, N½NE¼ and N½S½NE¼.
The areas described aggregate 120 acres.

The public lands withdrawn by this order aggregate a total of 4,648.46 acres.

This order shall take precedence over, but not otherwise affect, the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 7, 1957.

[F. R. Doc. 57-9381; Filed, Nov. 13, 1957; 8:46 a. m.]

[Public Land Order 1547]

[New Mexico 017802]

NEW MEXICO

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH MCGREGOR RANGE (FORT BLISS); CORRECTING PUBLIC LAND ORDER NO. 1470 OF AUGUST 21, 1957

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the provisions of existing withdrawals, and to the stipulations contained in Public Land Order No. 1470 of August 21, 1957, the following-described lands in New Mexico inadvertently omitted from that order, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Department of the Army as part of the missile testing range established by Public Land Order No. 1470:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 S., R. 6 E.,
Sec. 26, S½SE¼;
Sec. 35, N½NE¼.
T. 19 S., R. 10 E.,
Sec. 1, S½;
Sec. 8, SW¼SW¼.
T. 20 S., R. 12 E.,
Sec. 7, NW¼NW¼.
T. 22 S., R. 13 E.,
Sec. 31, Lots 1, 2, 3, E½NW¼, NE¼SW¼, NE¼, and N½SE¼.

The areas described aggregate 906.76 acres.

2. In Public Land Order No. 1470 of August 21, 1957, appearing as F. R. Doc. 57-7002 of the issue for August 29, 1957, at Pages 6968 to 6972, the following corrections are made:

(a) In T. 22 S., R. 8 E. (Page 6968, 3d Column) change "SE¼SE¼" after sec. 26 to read "SE¼NE¼".

(b) In T. 23 S., R. 10 E. (Page 6969, 1st Column) change "secs 17 and 19" to read "secs. 17 and 18".

(c) In T. 23 S., R. 10 E. (Page 6969, 1st Column) change "SW½NE¼" in sec. 19 to read "SW¼NE¼".

(d) In T. 26 S., R. 7 E. (Page 6969, 3d Column) change "SE½" in sec. 3 to "SE¼".

(e) In T. 23 S., R. 11 E. (Page 6969, 1st Column) change "sec. 32" to read "sec. 35".

(f) In T. 26 S., R. 9 E. (Page 6969, 3d Column) after sec. 1, change "SE¼SE¼" to read SW¼SE¼".

(g) In T. 25 S., R. 8 E. (Page 6970, 3d Column) after sec. 6, change "S½NE¼SE¼" to read "S½NE¼ and SE¼".

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 7, 1957.

[F. R. Doc. 57-9382; Filed, Nov. 13, 1957; 8:46 a. m.]

[Public Land Order 1548]

[Fairbanks 010504]

ALASKA

CORRECTING PUBLIC LAND ORDER NO. 1488 OF SEPTEMBER 9, 1957, WHICH WITHDREW LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

In Federal Register Document 57-7530, appearing as Public Land Order No. 1488 at Pages 7309-7310 of the issue for Friday, September 13, 1957, the land descriptions of the Retreat and Tolovana Campgrounds, so far as such descriptions refer to longitude and latitude of beginning points of each, are corrected to read as follows:

2. RETREAT CAMPGROUND

Beginning at a point on the centerline of the Steese Highway from which Milepost 36 bears westerly 2.50 chains, latitude 65°10'49" N., longitude 147°18' W., thence,

• • • • •

5. TOLOVANA CAMPGROUND

Beginning at a point on the centerline of the Elliott Highway at the south end of the bridge crossing the Tolovana River, latitude 65°28' N., longitude 148°16' W., thence,

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 7, 1957.

[F. R. Doc. 57-9383; Filed, Nov. 13, 1957; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 20, Revised, Amdt. 2]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

SUBSIDY CONDITION SURVEY REQUIREMENTS AND INSTRUCTIONS

Sections 272.2 and 272.3 are hereby amended to read as follows:

§ 272.2 *Subsidy condition survey requirements.* (a) Condition surveys of vessels approved for subsidized operation shall be conducted in the following instances:

(1) At the commencement of the first subsidized voyage of each vessel placed in subsidized operation, except newly constructed vessels which enter subsidized service immediately upon completion of building and for which there is a survey report made by the Trial and Guarantee Survey Boards of the Maritime Administration or any other condition report satisfactory to the United States.

(2) At the commencement of the first voyage of each vessel after resumption of subsidized operation following temporary withdrawal from subsidized operation.

(3) At the commencement of the first voyage of each vessel following the effective date of the establishment of a maintenance (upkeep) and repair subsidy rate, if such subsidy rate was not established as of subparagraph (1) of this paragraph.

(4) Upon the discontinuance of a maintenance (upkeep) and repair subsidy rate.

(5) Upon the withdrawal of each vessel from subsidized service, either temporarily or permanently. A vessel shall not be considered as temporarily withdrawn if the vessel performs unsubsidized voyages in a subsidized trade route of the same operator.

(6) Upon the termination of the last voyage of each vessel within each recapture period or at the end of such recapture period with respect to subsidized vessels in idle status at that time.

(7) Upon the termination of the last voyage of each vessel under the operating-differential subsidy contract or at the end of the contract period with respect to subsidized vessels in idle status at that time, unless such contract is immediately superseded by a new operating-differential subsidy contract with the same Operator.

(b) A vessel commencing subsidized operation outside the continental limits of the United States shall be surveyed immediately at her first port of call in the United States, and it shall be incumbent upon the Operator to make arrangements with the appropriate Ship Repair and Maintenance Field Office for the conducting of such survey.

(c) Condition surveys of subsidized vessels which may be required in instances other than those specified in paragraph (a) of this section will be conducted by the Ship Repair and Maintenance Field Offices only upon receipt of instructions from the Division's Departmental Headquarters.

§ 272.3 *Subsidy condition survey instructions.* The Division of Ship Repair and Maintenance will endeavor to furnish survey instructions to the Field Offices whenever possible; however, the Ship Repair and Maintenance Field Offices are authorized when requested by subsidized operators, to conduct condition surveys specified in § 272.2 and to the extent outlined in the following paragraphs (a) and (b) of this section. At the time a subsidy condition survey is to be conducted, the operator is to be invited to arrange for attendance of his representative; however, such representative is not required to be present.

(a) Condition surveys conducted in conformance with the requirements of § 272.2 (a) (1), (2) and (3) will be reported on Form MA-58 and shall be prepared in sufficient detail to readily reveal a comprehensive picture of the conditions noted and shall contain indication of the "Record", "Deferred", "Unsighted", and "Builder's and/or repair contractor's responsibility" items. Forms MA-55 Conditions Report—Turbine and Gears, MA-56 Tooth Contact Report, MA-57 Drydock Report, and MA-59 Diesel Engine Report are to be used as applicable.

(1) *Record items.* This classification shall be indicated in the survey beside all items revealing conditions which, in conformance with good commercial practice do not require immediate repairs.

(2) *Deferred items.* This classification shall be indicated in the survey beside all items which, in accordance with good commercial practice, require repairs, but which are postponed, or items which are classification and/or Coast Guard requirements carrying a grace period for performance thereof.

(3) *Unsighted items.* This classification shall be indicated in the survey beside all items not opened up for internal inspection and those items of the vessel's underwater body which could not be inspected due to the vessel's being afloat.

(4) *Builder's and/or repair contractor's responsibility.* This classification shall indicate those items which have been determined to be the builder's or repair contractor's responsibility.

(b) The condition surveys prescribed in § 272.2 (a) (4), (5), (6), and (7) shall be accomplished as follows:

(1) The subsidized Operator shall prepare and furnish the appropriate Ship Repair and Maintenance Field Office detailed repair specifications covering all work outstanding on the vessel after completion of repairs for the voyage immediately preceding the survey requirement. The Ship Repair and Maintenance Field Office shall conduct an inspection of the vessel prior to its next sailing for the purpose of assuring that the Operator's specifications cover outstanding defects which require attention and which are attributable to subsidized operation. These specifications, together with the findings of the Ship Repair and Maintenance Field Office regarding the contents thereof, shall constitute the subsidy condition survey report required by the Operating-Differential Subsidy Contract.

(2) The Operator shall furnish the Ship Repair and Maintenance Field Office with sufficient copies of the specifications, prepared pursuant to subparagraph (1) of this paragraph to meet the latter's needs.

(3) In all cases in § 272.2 (a) (4), (5), (6), and (7), except temporary withdrawal from subsidized service and the termination of the last voyage within each recapture period, the work contained in these specifications and verified by the Ship Repair and Maintenance Field Office as defects attributable to subsidized operation, will not be considered for subsidy participation unless it is accomplished not later than the next drydocking period (periodical or otherwise) and providing ownership is retained by the particular operator.

(4) No work except the correction of such defects as are detailed in the specifications will be considered for subsidy participation.

(c) The Operator shall make arrangements with the appropriate Ship Repair and Maintenance Field Office for the conducting of surveys required herein. The Operator shall assist the representative of the Ship Repair and Maintenance Field Office, and shall permit access to all part of the vessel, its log books, and official records.

The foregoing shall be effective as of the date of publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: November 7, 1957.

By order of the Federal Maritime Board/Maritime Administrator.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9421; Filed, Nov. 13, 1957; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 14-5]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

MISCELLANEOUS AMENDMENTS

In the matter of Amendment of Part 14 of the Commission's rules for the purpose of making certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 14 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature for the purpose of deleting obsolete provisions in Part 14, effecting conformity between Part 14 provisions and related provisions in Parts 7 and 8, and making other minor changes, and, therefore compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and other Information;

It is ordered, This 7th day of November 1957, that effective December 16, 1957, Part 14 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082,

as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: November 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 14 is amended as follows:

1. Section 14.105 (a) is amended by deleting the last sentence thereof. As amended, § 14.105 (a) reads as follows:

(a) The requirements of § 7.106 (a), (b), (c), (d), and (e) (2) of this chapter, applicable to coast stations and providing for certain operating controls to expedite communication and conserve the use of frequencies, shall apply to Alaska-public fixed stations and coast stations subject to this part.

2. Section 14.105 (b) is amended by deleting the last sentence thereof. As amended, § 14.105 (b) reads as follows:

(b) The requirements of § 7.106 (e) (1), (f), (g) and (h) of this chapter concerning certain operating controls shall apply to coast stations subject to this part.

3. Section 14.152 (b) is amended to read as follows:

(b) For stations authorized by this part to use telegraphy on a frequency or frequencies within the respective frequency ranges designated in this paragraph the authorized classes of emission for telegraphy on such frequencies shall be as follows:

Class of station	Frequency range	Class of emission
Fixed	From 50 to 200 kc and on 1666 kc	A-1, and for brief testing A-0.
Fixed	From 1605 to 1800 kc (except 1666 kc) From 2000 to 2035 kc From 2107 to 3400 kc From 5000 to 9000 kc	A-1, and for brief testing A-0.
Coast	From 415 to 490 kc	A-1, and for brief testing A-0. A-2, A-2a, A-2b for brief testing and distress, urgency and safety signals, or any communication preceded by one of these signals.
Coast	From 490 to 515 kc	A-1, A-2, A-2a, A-2b, and for brief testing A-0.
Ship	From 405 to 515 kc	A-1, A-2, A-2a, A-2b, and for brief testing A-0.
Coast and ship	From 1605 to 1800 kc From 2000 to 2035 kc From 2107 to 3400 kc From 5000 to 9000 kc	A-1, and for brief testing A-0.
Coast and ship	From 2035 to 2107 kc	A-1 and for brief testing A-0.
Coast and ship	On 156.4, 156.5, 156.7 and 156.9 Mc	F-1, F-2, and for brief testing F-0.

4. Section 14.154 is amended to read as follows:

§ 14.154 *Modulation limiter for fixed and coast stations.* Except for transmitters used solely for developmental stations, each radiotelephone transmitter licensed for use and operation on a frequency or frequencies below 30 Mc in a fixed or coast station subject to this part shall always be used with a device that will automatically prevent modulation in excess of 100 percent. With respect to operation on frequencies below 30 Mc only, this section shall apply to coast stations located in the Alaska area in lieu of § 7.137 (a) of this chapter.

NOTE: For a similar requirement applicable to ship stations, reference is made to § 8.137 (a) of this chapter.

5. In § 14.204 (a), delete the text of subparagraph (2) and insert the following therefor:

(2) [Reserved.]

6. In § 14.204 (a), delete the text of subparagraph (4) and insert the following therefor:

(4) [Reserved.]

7. In § 14.205, delete paragraph (l) in its entirety. After such deletion, the note at the end of § 14.205 will follow paragraph (k).

8. Section 14.206 (b) is amended to read as follows:

(b) When transmitting to any ACS fixed station on any frequency above 2000 kc authorized in paragraph (a) of this section, each Alaska-public fixed station shall use any class of emission permissible under applicable provisions of § 14.152 which is designated by the ACS; when such designation is not made by the ACS, the station licensee shall select the class of emission to be used in accordance with the provisions of § 14.152. In so far as is practicable when transmitting by means of telegraphy on any of these frequencies above 2000 kc, and subject to designation by the ACS as herein provided, class A1 emission only shall be used.

9. The text of § 14.208 is deleted in its entirety and the following is substituted therefor:

§ 14.208 [Reserved.]

10. Section 14.259 (a) (2) is amended to read:

(2) For ship-to-ship communication (for business, operational and safety purposes) by telegraphy and/or telephony:

(i) Between ship stations on board vessels of less than 500 gross tons—1622 only; and

(ii) Between ship stations on board vessels of 500 gross tons or more—2382 only.

11. The note following § 14.260 (a) is amended to read as follows:

NOTE: The ACS coast station transmitting frequency and the hours of service of each ACS coast station at the respective locations in the Alaska area at which this service is available may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Washington. These frequencies are listed for the information of ship station licensees.

12. Section 14.260 (b) is amended to read as follows:

(b) (1) The provisions of this paragraph shall apply to public coast stations in the Alaska area in lieu of the provisions of §§ 7.307 and 7.308 of this chapter, and to ship stations when communicating with public coast stations in the Alaska area in lieu of § 8.356 of this chapter.

(2) Each of the following frequencies in megacycles is authorized for use as an assigned frequency, in accordance with Subpart E of this part, for the exchange of public correspondence by means of telephony between public coast stations and ship stations, in all zones of the Alaska area, as designated herewith:

For coast station transmission: 161.9; for ship station transmission: 157.3. These two frequencies comprise one radio telephone circuit.

For coast station transmission: 162.0; for ship station transmission: 157.4. These two frequencies comprise one radio telephone circuit.

When alternate transmission by the coast station and the ship station on the same assigned frequency is required, either 157.3 Mc or 157.4 Mc shall be used by each class of station.

(3) At locations where one public ship-shore radio-telephone circuit in this frequency-band is sufficient to provide satisfactory public telephone service, the frequencies 161.9 Mc and 157.3 Mc for a two-frequency circuit or the frequency 157.3 Mc for a single-frequency circuit shall be used.

(4) The assigned frequency 162.0 Mc or 157.4 Mc normally may be authorized for use by a public coast station only when a satisfactory showing is made by the applicant for such authorization that such station under its outstanding license is utilizing the frequency 161.9 Mc or 157.3 Mc at maximum capacity to provide public ship-shore telephone service and there is a need by that station for an additional circuit to adequately serve users or prospective users of the station's service.

13. Delete § 14.263 in its entirety and substitute the following therefor:

§ 14.263 [Reserved.]

14. In § 14.264, delete paragraph (o) in its entirety; after such deletion, the note at the end of § 14.264 will follow paragraph (n).

15. Delete § 14.266 in its entirety and substitute the following therefor:

§ 14.266 [Reserved.]

[F. R. Doc. 57-9412; Filed, Nov. 13, 1957; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR 192]

OIL AND GAS LEASES

NOTICE OF HEARING ON PROPOSED RULE MAKING

On October 11, 1957 there was published in the FEDERAL REGISTER (Vol. 22, Number 198, Pages 8088-89) as a "Proposed Rule Making" a proposed amendment of 43 CFR 192.9 relating to the leasing of wildlife refuge lands, game range lands, coordination lands and Alaska wildlife areas for oil and gas purposes.

That notice afforded all interested parties 30 days from date of publication within which to submit, in triplicate, to the Director, Bureau of Land Management, written comments, suggestions or objections with respect to the proposed amendment.

In view of the widespread interest shown by the general public in the proposed amendment and in view of requests received for an extension of time within which to submit written comments, suggestions or objections with respect to the proposed amendment and for an opportunity to be heard orally in connection therewith it appears appropriate, in the circumstances, to grant the requests for such hearing.

Therefore, notice, is hereby given that a hearing on the proposed amendment will be held on the 9th day of December 1957 at 9 o'clock in the forenoon of said day in the auditorium of the Department of the Interior, 18th & C Streets, NW., Washington 25, D. C., for the purpose of considering the proposed amendment of the regulation.

All comments and objections received heretofore or hereafter prior to the date set for the hearing will be considered. All interested parties may submit at such hearing such other further and additional comments on the proposed amendment as they may desire.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 8, 1957.

[F. R. Doc. 57-9420; Filed, Nov. 13, 1957; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

[Draft Release No. 57-25]

PILOT RECENT EXPERIENCE REQUIREMENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Parts 40, 41, and 42 of the Civil Air Regulations as set forth below.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Jan. 10, 1958. Copies of such communications will be available after Jan. 14, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective Civil Air Regulations covering the operations of scheduled domestic, international, and supplemental air carriers require that pilots, within the 90 days preceding their serving in air transportation, shall have made at least 3 take-offs and landings in aircraft of the same type in which they are to serve. The basic provisions of this requirement have been in the regulations for over 15 years.

During the period of airline growth in the 1930's and until several years after World War II, most air carriers utilized only 2 or 3 different types of aircraft. Since 1948, however, many new types have been acquired by the air carriers and some of the largest domestic scheduled carriers operate as many as 6 types of aircraft. The complexity of the cockpit instrumentation and systems of these aircraft, with which the pilot must be familiar, has also increased considerably during this period.

The Civil Aeronautics Administration has informed the Board that this diversity of aircraft types which captains and, in particular, reserve captains, are currently authorized to operate, makes it difficult for such pilots to maintain the requisite degree of proficiency in each of the various types of aircraft concerned. Accordingly, the CAA has recommended to the Board that § 40.301 *Pilot recent experience*, be amended in order to insure that pilots in command will be able to maintain the requisite degree of proficiency. The CAA is of the opinion that a satisfactory means of achieving this objective would be to require that within the 60 days preceding the date on which he is to serve in a particular aircraft, a pilot in command shall acquire 20 hours of flight time, including one take-off and landing, or shall pass a flight check, in such aircraft.

The Bureau agrees that the increasing complexity of air carrier aircraft requires that the pilot recent experience provisions be reexamined and proposals leading to changes in these requirements should be considered.

In order to make the time cycle of the proposed recent experience requirements for other pilots consistent with those for pilots in command, it is proposed that other pilots be required to make only 2 take-offs and landings within the preceding 60 days, rather than 3 take-offs and landings within the preceding 90 days as presently required.

The Bureau is of the opinion that in this particular area of air carrier regulations there should be no fundamental distinction between the rules applicable to the various classifications of operations; i. e., domestic, international, and supplemental. Therefore, the Bureau also proposes to recommend to the Board that Parts 41 and 42 of the Civil Air Regulations be amended to reflect the same requirements that are proposed herein for Part 40.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 40 of the Civil Air Regulations be amended:

By amending § 40.301 to read as follows:

§ 40.301 *Pilot recent experience.* (a) No air carrier shall schedule a pilot to serve as a pilot in command unless within the preceding 60 days he has flown at least 20 hours as pilot in the airplane of the particular type on which he is to serve and has made at least one take-off and one landing in such type: *Provided*, That in lieu of the above, a pilot may act as pilot in command in a particular type airplane if, within the preceding 60 days, he has satisfactorily passed a check in that type airplane as required by § 40.302 (a) or (b) (2).

(b) No air carrier shall schedule a pilot to serve as pilot other than pilot in command, unless he complies with paragraph (a) of this section or, unless within the preceding 60 days he has made at least 2 take-offs and 2 landings as pilot in the airplane of the particular type on which he is to serve.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., October 31, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 57-9423; Filed, Nov. 13, 1957; 8:54 a. m.]

NOTICES

CIVIL SERVICE COMMISSION

MINIMUM RATES OF PAY

NOTICE OF INCREASE

Set forth below is a notice of increase in minimum rates of pay for certain positions:

CERTAIN POSITIONS IN LANDSCAPE ARCHITECTURE IN CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS (EXCEPT PUERTO RICO), AND IN FOREIGN COUNTRIES

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the rate of pay for all landscape architect positions at grades GS–5, GS–7, GS–9, GS–10, and GS–11 in Series GS–1041–0 as follows:

GS–5 to $4480 (the top step of the grade);
GS–7 to $5335 (the top step of the grade);
GS–9 to $6115 (the sixth step of the grade);
GS–10 to $6590 (the sixth step of the grade;
GS–11 to $7035 (the fourth step of the grade).

These increases will be effective on the first day of the first pay period which begins after November 4, 1957. The increased rates apply throughout the continental United States, its territories and possessions (except Puerto Rico), and in foreign countries.

CERTAIN POSITIONS IN RANGE MANAGEMENT AND CONSERVATION AND SOIL SCIENCE THROUGHOUT THE UNITED STATES, ALASKA, AND HAWAII

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for all GS–5 and GS–7 classes of positions in Series GS–454–0 (Range Management and Conservation Series) and Series GS–470–0 (Soil Science Series). The new rate for GS–5 has been set at $4210 (the fifth step of the grade) and for GS–7 at $4930 (the fourth step of the grade). These increases will be effective on the first day of the first pay period which begins after November 4, 1957, and apply to these classes of positions throughout the United States, Alaska, and Hawaii.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–9410; Filed, Nov. 13, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 07235, 07475, 06796, 08060, 06434, 06980, 06852]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 4, 1957.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) the following described lands have been reconveyed to the United States:

Parcel No.	Land description	Location
	BOISE MERIDIAN, IDAHO	
1	T. 6 S., R. 15 E., Sec. 12, SE¼SW¼.	Gooding County—About 6 miles southeast of Gooding, Idaho.
2	T. 6 S., R. 18 E., Sec. 31, Lot 3, W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼. T. 3 S., R. 20 E., Sec. 11, SW¼NE¼, E½SW¼, NW¼SE¼. T. 4 S., R. 20 E., Sec. 9, S½SW¼. T. 7 S., R. 22 E., Sec. 13, SE¼NE¼, S½SW¼. T. 6 S., R. 23 E., Sec. 19, W½SE¼; Sec. 29, SW¼NW¼, S½; Sec. 30, Lots 1, 2, 3, 4, NE¼, E½NW¼, E½SW¼, NW¼SE¼, S½SE¼.	Lincoln County—West of Shoshone, Idaho.
3	T. 9 N., R. 33 E., Sec. 13, NE¼, NW¼SW¼, S½SW¼.	Clark County—6 to 12 miles northeast of Monteview, Idaho.
4	T. 9 N., R. 33 E., Sec. 11, E½SE¼; Sec. 14, E½SE¼; Sec. 23, E½E½. T. 10 N., R. 34 E., Sec. 26, E½; Sec. 31, S½SE¼. T. 10 N., R. 35 E., Sec. 13, S½SW¼, NE¼SE¼; Sec. 24, NW¼, N½SW¼; Sec. 25, W½E¼, E½W½, W½SW¼; Sec. 26, E½SE¼; Sec. 28, S½S½. T. 10 N., R. 36 E., Sec. 26, S½NW¼; Sec. 27, SE¼NE¼, E½SE¼.	Fremont and Clark Counties in the general area of Dubois, Idaho.
5	T. 6 S., R. 34 E., Sec. 20, E½SE¼.	Bannock County—1½ miles west of Pocatello, Idaho.
6	T. 10 N., R. 4 W., Sec. 1, Lot 2, NE¼SW¼.	Washington County—West of Weiser, Idaho.
7	T. 5 N., R. 4 W., Sec. 2, Lots 2, 3, S½NE¼. T. 6 N., R. 5 W., Sec. 1, S½NW¼, N½SW¼; Sec. 2, SW¼NE¼, SE¼NW¼, W½SE¼; Sec. 14, E½SW¼; Sec. 15, SE¼; Sec. 22, N½NE¼, SE¼NE¼; Sec. 23, NW¼. T. 7 N., R. 5 W., Sec. 24, NE¼SE¼, S½SE¼.	Payette County—4 to 12 miles southwest of New Plymouth, Idaho.

The areas described total 6,190.26 acres of public lands.

The lands involved are scattered throughout Idaho and are generally suitable for the grazing of livestock. The topography varies from flat to rolling with some rock outcroppings and float rock. The soils are mainly silt and sandy loam with vegetative cover typical of grazing land of the area.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of application, selections and locations, in accordance with the following:

1. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

a. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

b. All valid applications under the homestead, desert land and small tract laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m., on December 10, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on March 11, 1958, will be governed by the time of filing.

c. All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (a) and (b) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on March 11, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

2. The lands will be opened to location under the United States mining laws, beginning 10:00 a. m., on March 11, 1958.

Persons claiming veteran's preference rights under Paragraph 1 (b) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57–9384; Filed, Nov. 13, 1957; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 5, 1957.

The Village of Rathdrum has filed an application, Serial No. Idaho 08346, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws, General Mining Laws, and Mineral Leasing Laws. The applicant desires the land for a watershed and protection of the village water supply from contamination and pollution.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 52 N., R. 5 W.,
Sec. 23, NE¼, N½SW¼;
Sec. 24, SW¼NE¼, E½NW¼, NW¼NW¼, W½SE¼;
Sec. 25, NW¼SW¼.

This area includes 520 acres.

The W½SE¼, Sec. 24 and the NW¼SW¼, Sec. 25 are Forest Service acquired lands under the jurisdiction of the Coeur d'Alene National Forest.

NOLAN F. KEIL,
Acting State Supervisor.

[F. R. Doc. 57–9385; Filed, Nov. 13, 1957; 8:47 a. m.]

[Serial No. Idaho 08000]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 5, 1957.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with Order No. 541, section 2.5, the Director, Bureau of Land Management approved April 21, 1954 (19 F. R. 247), it is ordered as follows:

The Order of the Assistant Secretary of the Department of the Interior, dated March 11, 1947, withdrawing certain public lands in Idaho for use by the Department of Commerce in the maintenance of air navigation facilities is hereby revoked, wherein it affects the following-described land:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 13 E.,
Sec. 12, SE¼SW¼.

The area described contains 40 acres of public land.

The land is located approximately two miles south and seven and one-half miles west of Gooding, Idaho. The land is typical of the dry grazing land in southern Idaho. It is nearly level and is at an elevation of 3,300 feet.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 3 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead (Alaska home site), desert land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on December 11, 1957, will be considered as simultaneously filed at that hour and before 10:00 a. m., on March 12, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on March 12, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on March 12, 1958.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57–9386; Filed, Nov. 13, 1957; 8:47 a. m.]

Fish and Wildlife Service

[Director's Order 4, Amdt. 1]

DESIGNATED OFFICIALS OF BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY WITH RESPECT TO FISH AND WILDLIFE RESTORATION PROJECTS

NOVEMBER 7, 1957.

Director's Order No. 4, dated October 17, 1957 (22 F. R. 8323), is amended to read as follows:

SECTION 1. *Delegation.* Except as provided in section 2 of this order, the officers and employees designated in this section are severally authorized to exercise the authority conferred upon the Secretary of the Interior by the Federal Aid to Wildlife Restoration Act of September 2, 1937, as amended (50 Stat. 917; 16 U. S. C. 669), and the Federal Aid to Fish Restoration and Management Act of August 9, 1950, as amended (64 Stat. 430; 16 U. S. C. 777), and they severally may act as the authorized representative of the Secretary in perfoming all actions required of the Secretary under the regulations implementing said acts appearing in Part 41, Title 50, Code of Federal Regulations.

(a) *Headquarters Organization.* Assistant Directors and Chief, Division of Technical Services.

(b) *Regional Offices.* Regional Directors and Chiefs, Division of Technical Services, Regions 1 to 5, inclusive.

SEC. 2. *Limitations; exercise of authority.* (a) The authority granted by section 1 of this order does not include authority to make apportionments of funds in connection with Federal aid in fish and wildlife restoration, nor au-

thority to issue regulatory documents subject to codification in the Code of Federal Regulations (44 U. S. C. 305; 1 CFR 1.10).

(b) The authority granted by section 1 of this order shall be exercised in accordance with applicable limitations and requirements in the Acts and implementing regulations and in accordance with the policies, procedures, and controls prescribed in the policy and procedure manuals governing Federal aid in fish and wildlife restoration projects.

SEC. 3. *Redelegation.* The authority granted by this order may not be redelegated.

(Commissioner's Order No. 4, 22 F. R. 8126)

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-9380; Filed, Nov. 13, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RALPH F. STARZ

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 25, 1956, 21 F. R. 8197; April 26, 1957, 22 F. R. 2956.

A. Deletions: Allegheny-Ludlum Steel Corporation, Briggs & Stratton.

B. Additions: Outboard Marine Corp.

This statement is made as of October 18, 1957.

Dated: November 5, 1957.

RALPH F. STARZ.

[F. R. Doc. 57-9377; Filed, Nov. 13, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8761]

NATIONAL AIRLINES, INC., ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding heretofore assigned to be held on November 18, 1957, is hereby reassigned to be held on December 18, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., November 6, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9424; Filed, Nov. 13, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10968—10970; FCC 57-1212]

GREAT LAKES TELEVISION, INC., ET AL.

MEMORANDUM OPINION AND ORDER REOPENING RECORD FOR FURTHER HEARING ON STATED ISSUES

In re applications of Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations (Channel 7).

1. The Commission has before it for consideration two petitions to enlarge issues; one filed by Greater Erie on July 29, 1957, and seeking an enlargement of the issues to include a comparison of the engineering proposals of Greater Erie and WKBW-TV, and the other filed by Great Lakes on Aug. 5, 1957, seeking a comparison of the engineering proposals of all three applicants.

2. The Greater Erie petition is a new presentation of a petition originally filed on April 14, 1954, and denied by the Commission in its Memorandum Opinion and Order of July 26, 1954. We, therefore, regard its instant pleading as a petition for reconsideration of our action of July 26, 1954, and, as it is untimely filed pursuant to the provisions of 47 CFR 1.390, it must be denied.

3. For similar reasons, we regard the Great Lakes petition as procedurally improper. The initial order of designation in this proceeding was published in the FEDERAL REGISTER on March 30, 1954, and on April 14, 1954 Greater Erie filed its aforementioned petition to enlarge the issues to include a comparison of the engineering proposals of Greater Erie and WKBW-TV. On April 26, 1954, Great Lakes filed a consent to the Greater Erie petition, but conditioned its consent on the issues being enlarged to include a comparison of the engineering proposals of all three applicants. Thus, although the filing of the Great Lakes pleading was untimely as a petition to enlarge the issues,[1] the Great Lakes position was before the Commission and received due consideration. (See Memorandum Opinion and Order of July 26, 1954.) Therefore, in our view the instant Great Lakes petition must be regarded as an untimely filed petition for reconsideration.

4. However, the subject matter of the Greater Erie petition is before us in another manner. In the Greater Erie exceptions to the Initial Decision, No. 73 (b), an exception is noted to our Memorandum Opinion and Order of July 26, 1954, which denied that applicant's original petition to enlarge issues. Consideration of the matter on the merits, based upon the exception taken, may therefore serve to expedite final disposition of this proceeding.

[1] 47 CFR 1.389 "* * *. Such motions (to enlarge issues) must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER."

5. Preliminary to passing thereon, it is appropriate to restate the relief originally sought. Greater Erie sought to include an issue which would permit the introduction of evidence as to the location of the projected Grade A and B contours of its proposed station, and the proposed station of WKBW-TV, and on the basis of these contours determine the areas and populations which would be served.

6. In the authorization of visual broadcast stations, the Commission's rules (§ 3.683) consider two field intensity contours. These are specified as Grade A and Grade B. Section 3.684 of the rules sets out the methods to be used in predicting these contours. However, while § 3.683 (b) (1) of the rules states that these contours may be used for the "estimation of coverage," the same section (§ 3.683 (a)) states that the contours merely show "* * * the approximate extent of coverage over average terrain in the absence of interference from other television stations. Under actual conditions, the true coverage may vary greatly from these estimates because the terrain over any specific path is expected to be different from the average terrain on which the field strength charts are based." Thus, actual coverage may vary greatly from that predicted by the use of the above charts.

7. The Commission dealt with a similar problem in re Louis Wasmer, 9 RR 713, the case on which our Memorandum Opinion and Order of July 26, 1954, was based. In that case we stated that projections as to where the field intensity contours of a proposed station would fall are subject to numerous error factors and are not sufficiently reliable to be used as evidence on which to base a finding. We further stated therein that an applicant should be permitted to introduce evidence relative to coverage in the event he could show that such evidence was of more than tenuous validity, but we indicated that we were unaware of any existing technique or device capable of establishing persuasively the areas and populations which will actually receive service from a proposed station. Thus, we have not denied that coverage is a proper factor of comparative consideration, but we have expressed our belief that the present state of the art affords no method of adducing reliable evidence on this point and the Wasmer decision may be regarded as a rule of evidence rather than of substantive law. See also Midwestern Broadcasting Company, et al. FCC 56-197, 13 RR 613.

8. On September 6, 1956, the United States Court of Appeals for the District of Columbia handed down its decision in Hall and Greenville Television Co. v. FCC; 237 F2 567; 99 U. S. App. D. C. 86; 14 RR 2009. Although the court was not there dealing with a comparative proceeding, it had occasion to rule on the evidentiary value of projected field intensity contours, and it held that, although such contours may be subject to gross errors in any given case, they have a high statistical probability of accuracy and the burden of proof lies on the party contending they are wrong, not on the party advocating their reliability. Thus,

it would appear that consideration of such evidence, if it is adduced, is required.

9. On the other hand, we do not regard the Hall case as indicating what weight should be accorded the evidence of projected contours or what significance should be placed on the over-all issue of coverage in a comparative proceeding. Field intensity contours are, at best, no more than a measurement of service potential. Noise level, adjacent and co-channel interference and shadowing might, in a given case, reduce actual service to a small fraction of that indicated by projected field intensity contours based solely upon the Commission's standards. In addition to the factors affecting service which are mentioned above, there is to be considered the fact that, under the statistical theory upon which the determination of the Grade A and Grade B contours is based, the number of locations receiving an acceptable signal decreases with distance from the transmitter. Clearly, in the absence of evidence as to actual service which reasonably may be expected within the respective field intensity contours, mere knowledge of the location of the contours of the competing applicants would be of questionable use to the Commission in determining which station would best serve the public interest. Moreover, assuming that it can be proven with reasonable accuracy just what areas and populations can be expected to receive service from the proposed stations, then the other television services available to those areas and populations become pertinent.

10. Because petitioners, in the pleadings before us, have not given any consideration to service, as distinguished from coverage, to the populations which they have counted within their Grade A and Grade B contours, we have here set forth the principal difficulties in attempting to demonstrate by acceptable proof the areas and populations that will receive television service from a specific proposal. One of the parties herein, however, asserts the right to comparative consideration of the areas and populations served. Recognizing the inherent difficulties of adducing meaningful evidence on such issue, we believe that, in view of the aforesaid decision in Hall and Greenville Television Co. v. FCC, the enlargement of the issues is required.

11. Finally, we do not view the enlargement of the issues in the restrictive form requested by Greater Erie as being appropriate in a comparative proceeding. If coverage is to be of significance in our determination of this matter, a comparison must be made of the coverage of all the applicants. The public interest would not be served by limiting our deliberation to a comparison of the coverage proposed by Greater Erie and WKBW-TV.

12. *Accordingly, it is ordered,* This 6th day of November 1957, that the petitions to enlarge issues filed by Greater Erie on July 29, 1957, and by Great Lakes on August 5, 1957, are denied.

13. *It is further ordered,* On the Commission's own motion, that the record in this proceeding is reopened, the issues in this proceeding are enlarged to include the following issues:

a. To determine the location of the proposed Grade A and B contours of the three applicants in this proceeding.

b. To determine, on a comparative basis, the areas and populations within the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed stations.

c. In the event the proof under issues (a) and (b) above shall establish that any or all of the three applicants will bring actual service to areas and populations not served by either or both of its competitors, to determine the number of services, if any, presently available to such areas and populations;

and the matter is remanded to the Hearing Examiner for the taking of evidence on the above issues, and for the issuance of a supplemental Initial Decision.

Released: November 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9413; Filed, Nov. 13, 1957; 8:52 a. m.]

[Docket No. 12194; FCC 57M-1096]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER CONTINUING HEARING

In the matter of American Telephone and Telegraph Company, et al., Docket No. 12194; charges, classifications, regulations and practices for and in connection with channels for data transmission.

The Hearing Examiner having under consideration a motion filed on October 31, 1957, by American Telephone and Telegraph Company for postponement of hearing; and a statement in support of motion filed on November 4, 1957, by General Services Administration;

It appearing that the hearing is currently scheduled to commence on November 13, 1957, and that the petitioner requests a continuance to December 17, or thereabouts; and

It further appearing that the present date for hearing is inconvenient for the parties and for the Hearing Examiner and that no objection has been expressed to the request;

It is ordered, This 6th day of November 1957, that the hearing now scheduled to commence on November 13 is continued to December 18, 1957, at 10:00 a. m.

Released: November 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9414; Filed, Nov. 13, 1957; 8:52 a. m.]

[Docket Nos. 12235, 12236; FCC 57-1213]

LOUISIANA PURCHASE CO. AND SIGNAL HILL TELECASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louisiana Purchase Company, St. Louis, Missouri, Docket No. 12235, File No. BPCT-2295; for construction permit for a new television broadcast station; Signal Hill Telecasting Corporation, St. Louis, Missouri, Docket No. 12236, File No. BMPCT-4615; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1957;

The Commission, having under consideration the above-captioned applications, one requesting a construction permit for a new television broadcast station to operate on Channel 2 in St. Louis, Missouri, the other requesting a modification of construction permit to operate on Channel 2 in lieu of Channel 36 in St. Louis; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications and the replies to the above letters, the Commission finds that Louisiana Purchase Company is legally, technically, financially, and otherwise qualified to construct, own and operate the proposed television broadcast station except as to issue "1" below; and that Signal Hill Telecasting Corporation is legally, technically, financially, and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Louisiana Purchase Company and Signal Hill Telecasting Corporation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna system and site proposed by Louisiana Purchase Company would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Louisiana Purchase Company and Signal Hill Telecasting Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9415; Filed, Nov. 13, 1957; 8:52 a. m.]

[Docket Nos. 12239, 12240; FCC 57-1215]

FARGO TELECASTING CO. AND NORTH DAKOTA BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marvin Kratter, d/b as Fargo Telecasting Company, Fargo, North Dakota, Docket No. 12239, File No. BPCT-2261; North Dakota Broadcasting Company, Inc., Fargo, North Dakota, Docket No. 12240, File No. BPCT-2357; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of November 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in Fargo, North Dakota; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing, and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that North Dakota Broadcasting Company, Inc., is legally, financially and technically qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except as to issues "1" and "2" below; and that Marvin Kratter d/b as Fargo Telecasting Company is legally qualified to construct, own and operate the proposed television broadcast station, and is technically qualified except as to issue "4" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of North Dakota Broadcasting Company, Inc. and Marvin Kratter d/b as Fargo Telecasting Company are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, in view of the substantial overlap which will result between the service area of the proposed Fargo station of North Dakota Broadcasting Company, Inc. and the service area of Television Station KXJB, Channel 4, Valley City, North Dakota, which it also owns, whether the proposal of North Dakota Broadcasting Company, Inc. would be consistent with the provisions of § 3.636 (a) (1) of the Commission's rules.

2. To determine, in view of the fact North Dakota Broadcasting Company, Inc. also owns television broadcast stations operating in Valley City, Bismarck and Minot, North Dakota, whether a grant of the proposed operation would result in such a concentration of control as to be inconsistent with the provisions of § 3.363 (a) (2) of the Commission's rules.

3. To determine whether Marvin Kratter d/b as Fargo Telecasting Company is financially qualified to construct, own and operate the proposed station.

4. To determine, in view of Fargo Telecasting Company's failure to furnish profile data with respect to the 301 degree radial for the entire distance from the transmitter site to the principal community as required by Section V-C, page 3, paragraph 16 (b) of the application form, whether its proposal complies with the requirements of § 3.685 of the Commission's rules.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

6. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, North Dakota Broadcasting Company, Inc., and Marvin Kratter d/b as Fargo Telecasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9416; Filed, Nov. 13, 1957; 8:52 a. m.]

[Docket Nos. 12241, 12242; FCC 57-1217]

RADIO FRANKLIN, INC., AND S. L. GOODMAN

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Franklin, Incorporated, Rocky Mount, Virginia, Docket No. 12241, File No. BP-10915; S. L. Goodman, Bassett, Virginia, Docket No. 12242, File No. BP-11249; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1957;

The Commission having under consideration the above-captioned applications of Radio Franklin, Incorporated, for a construction permit for a new standard broadcast station to operate on 1290 kilocycles with a power of one kilowatt, daytime only, at Rocky Mount, Virginia; and of S. L. Goodman for a construction permit for a new standard broadcast station to operate on 1270 kilocycles with a power of 500 watts, daytime only, at Bassett, Virginia;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the stations as proposed, but that the operation of both proposals would result in mutual interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated September 17, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants filed timely replies to the Commission's letter; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9417; Filed, Nov. 13, 1957; 8:53 a. m.]

[Docket No. 12243; FCC 57-1218]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In reapplication of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of November 1957;

The Commission having under consideration the above-captioned application of the Pierce Broadcasting Corp. to increase the daytime power of Station KGIL, San Fernando, California, from one kilowatt to 5 kilowatts and to operate on the presently assigned frequency of 1260 kilocycles with a power of one kilowatt at night using different directional antenna patterns for day and night operation, unlimited time;

It appearing that the applicant is legally, technically, financially and otherwise qualfied, except as may appear from the issues specified below, to operate Station KGIL as proposed but that the proposed 2 mv/m daytime contour of Station KGIL would overlap the 25 mv/m contour of Station KPPC, Pasadena, California (1240 kc, 100 w, S. H.) in contravention of § 3.37 of the Commission's rules, and that the applicant proposes to avoid the overlap of the proposed 2 mv/m contour and the 25 mv/m contour of Station KPPC by using the presently authorized directional antenna pattern during the specified hours that Station KPPC operates (Sunday: 6 a. m. to Midnight; Wednesday: 7 p. m. to 11 p. m.), but that it does not appear that such operation of Station KGIL would be feasible from an allocation standpoint in view of the provision of § 3.23 (e) of the Commission's rules which permits a station operating on a local channel to operate during hours beyond those specified in the license upon notification to the Commission and the Engineer in Charge of the radio district in which the station is located; and

It further apearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 1, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the licensee of Station KPPC, by letter dated December 4, 1956, objected to a grant of the subject application; and

It further appearing that in a reply dated April 25, 1957, to the Commission's letter, the applicant pointed out that it proposes to operate with the presently authorized power of one kilowatt utilizing the presently authorized antenna pattern to avoid overlap of the proposed 2 mv/m contour and the KPPC 25 mv/m contour, and that a similar operating procedure is followed by Station KGFJ, Los Angeles, California (1230 kc, 250 w except 100 w when KPPC is operating); and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-captioned application and the grounds advanced in support of the request to operate as proposed to enable the Commission to determine whether the public interest would be served by a grant thereof;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KGIL as proposed and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation, because of its dependence upon the operation of Station KPPC, is consistent with the Commission's plan of allocation of Standard Broadcast Stations, as reflected in the Commission Rules and Technical Standards.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That the Pasadena Presbyterian Church, licensee of Station KPPC, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9418; Filed, Nov. 13, 1957; 8:53 a. m.]

[Docket Nos. 12244-12246; FCC 57-1219]

SANTA ROSA BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of B. Floyd Farr, George Snell, Edward W. McCleery, Robert Blum d/b as Santa Rosa Broadcasting Company, Santa Rosa, California, Docket No. 12244, File No. BP-10626; Golden Valley Broadcasting Company (KRAK), Stockton, California, Docket No. 12245, File No. BP-10676; Joseph E. Gamble and Lew L. Gamble d/b as Radio Santa Rosa, Santa Rosa, California, Docket No. 12246, File No. BP-11084; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1957;

The Commission having under consideration the above-captioned applications of the Santa Rosa Broadcasting Com-

pany, File No. BP-10626, for a construction permit for a new standard broadcast station to operate on 1150 kilocycles with a power of one kilowatt, directional antenna, daytime only, at Santa Rosa, California; of the Golden Valley Broadcasting Company, File No. BP-10676, for a construction permit to increase the power of Station KRAK, Stockton, California, from 5 kilowatts to 50 kilowatts, and to operate on the presently assigned frequency of 1140 kilocycles, directional antenna, unlimited time; and of Joseph E. Gamble and Lew L. Gamble d/b as Radio Santa Rosa, File No. BP-11084, for a construction permit for a new standard broadcast station to operate on 1150 kilocycles with a power of 500 watts, nighttime, 5 kilowatts, daytime, utilizing different directional antenna patterns for day and night operation, unlimited time, at Santa Rosa, California;

It appearing that all of the applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of the stations as proposed would result in mutually destructive interference and that the proposed operations of the Santa Rosa Broadcasting Company and Radio Santa Rosa would cause interference to the existing operation of Station KRAK; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated July 18, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that timely replies to the Commission's letter were received from all subject applicants; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of the Santa Rosa Broadcasting Company and Radio Santa Rosa and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KRAK as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operations of the Santa Rosa Broadcasting Company and Radio Santa Rosa would cause interference to the existing operation of Station KRAK, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, whether a grant of the Stockton, California, proposal or one of the Santa Rosa, California, proposals herein would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event that Santa Rosa, California, is considered to have the greater need for a new radio facility under issue 4 above, which of the applications of the Santa Rosa Broadcasting Company and Radio Santa Rosa for operation in Santa Rosa would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

a. The background and experience of each of said two applicants to own and operate its proposed station.

b. The proposal of each of said two applicants with respect to the management and operation of its proposed station.

c. The programming service proposed in the application of each of said two applicants.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9419; Filed, Nov. 13, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10610]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application on June 18, 1956, pursuant to section 7 of the Natural Gas Act, authorizing the construction and continued operation of certain natural gas facilities, heretofore not authorized, which are used for the purpose of receiving natural gas from certain producers in Louisiana and Texas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

The facilities for which Applicant seeks authorization are described as follows:

(1) One 2-inch tap with appurtenances at an estimated initial unit cost of $572 at a point on Applicant's existing main transmission line in Nueces County, Texas, approximately 5.5 miles downstream from Applicant's existing Compressor Station No. 1; in order to receive gas produced by South Texas Oil and Gas Company (South Texas Oil and Gas) from the Agua Dulce Field, Nueces County, Texas;

(2) One 4-inch tap with appurtenances, together with 2.6 miles of 4-inch lateral supply pipeline, at an estimated initial unit cost of $48,280. The gas received through the above-described facilities enters Applicant's facilities approximately 27 miles from the terminus of Applicant's existing Bayou Sale lateral in St. Mary Parish, Louisiana. These proposed facilities receive gas produced by The Texas Company (Texas Company) from the Bayou Penchant Field, Terrebonne Parish, Louisiana;

(3) One 2-inch tap with appurtenances at an estimated initial unit cost of $712 at a point on Applicant's existing Blanco Creek lateral approximately 20 miles upstream from Applicant's existing Compressor Station No. 9 in Victoria County, Texas; in order to receive gas produced by Grace Oil Company (Grace) from the Blanco Creek Field, Refugio County, Texas;

(4) One 4-inch tap with appurtenances together with 0.9 mile of 4-inch lateral supply pipeline at an estimated initial unit cost of $18,300. The gas received by the above-described proposed facilities enter Applicant's existing Compressor Station No. 17 in Wharton County, Texas, through the Chesterville, New Elm No. 1 laterals. These proposed facilities receive gas produced by Skelly Oil Company (Skelly) produced from the North Columbus Field, Colorado County, Texas;

(5) One 2-inch tap with appurtenances at an estimated initial unit cost of $720 at a point on Applicant's existing Bayou Sale lateral approximately 33 miles south of Applicant's existing Kinder Compressor Station in Jefferson Davis Parish, Louisiana; in order to receive gas produced by Sun Oil Company (Sun) from the South Crowley Field, Acadia Parish, Louisiana;

(6) One 2-inch tap with appurtenances at an estimated initial cost of $550 at a point on Applicant's existing Tobasco lateral approximately 105 miles upstream of Applicant's existing Compressor Station No. 1 in Nueces County, Texas; in order to receive gas produced by Clark Fuel Producing Company (Clark) from the Doss Field, Starr and Hidalgo Counties, Texas;

(7) One 4-inch tap with appurtenances at an estimated initial unit cost of $1,140 at a point on Applicant's existing North Magnolia City lateral downstream from Applicant's existing Compressor Station No. 1 in Nueces County, Texas; in order to receive gas produced by Southern Coast Corporation, et al., (Southern Coast) from the Duval Area, Duval, Webb and LaSalle Counties, Texas;

(8) One 4-inch tap with appurtenances, together with 1.5 miles of 4-inch lateral supply line at an estimated initial unit cost of $29,929. The gas received by the above-described facilities enters Applicant's facilities at Applicant's existing La Reforma lateral in the north section of Hidalgo County, Texas. These proposed facilities receive gas produced by Shell Oil Company (Shell) from the La Copita Field, Starr County, Texas;

(9) One 2-inch tap with appurtenances at an estimated unit cost of $1,085 at a point on Applicant's existing La Rose and Delta Farm lateral located in Lafourche Parish, Louisiana; in order to receive gas produced by Mississippi River Fuel Corporation (Mississippi River Fuel) from the La Rose Field, Lafourche Parish, Louisiana;

(10) One 2-inch tap with appurtenances at an initial unit cost of $1,215 at a point on Applicant's existing Main Pass Block 35 lateral approximately 50 miles from Applicant's existing Delta Farms lateral in Lafourche Parish, Louisiana; in order to receive gas produced by The Texas Company from the Main Pass Block 35 Field, Plaquemines and St. Bernard Parishes, Louisiana;

(11) One 4-inch tap with appurtenances, together with 7 miles of 4-inch lateral supply pipeline at an estimated initial unit cost of $96,685. The gas received by the above-described proposed facilities enters Applicant's existing Tom O'Connor lateral at a point approximately 29 miles upstream from Applicant's existing Compressor Station No. 9. These proposed facilities receive gas produced by The Chicago Corporation, now Champlin Oil and Refining Company, from the Mary Ellen O'Connor Field, Refugio County, Texas;

(12) One 2-inch tap with appurtenances at an initial unit cost of $550 at a point on Applicant's existing Morales lateral in Jackson County, Texas, approximately 37 miles downstream from Applicant's existing Compressor Station No. 9; in order to receive gas produced by Skelly Oil Company (Skelly) from the Morales Field, Jackson County, Texas;

(13) One 4-inch tap with appurtenances, together with 0.26 mile of 4-inch lateral supply pipeline, at an estimated initial unit cost of $6,612. The gas received through the above-described proposed facilities enters Applicant's existing West Rock Island lateral located in the northwest section of Colorado County, Texas. These proposed facilities receive gas produced by Tidewater Associated Oil Company, now Tidewater Oil Company, from the West Rock Island Field, Colorado County, Texas;

(14) One 4-inch tap with appurtenances, together with 1.1 miles of 4-inch lateral supply pipeline at an estimated initial unit cost of $21,750. The gas received through the above-described facilities enters Applicant's existing La Reforma lateral located in north section of Hidalgo County, Texas. These proposed facilities receive gas produced by Delhi-Taylor Oil Corporation from the San Ramon Field, Hidalgo County, Texas;

(15) One 4-inch tap with appurtenances, together with 1.0 mile of 4-inch lateral supply pipeline at an estimated initial unit cost of $31,216. The gas received through the above-described facilities enters the terminus of Applicant's existing Southeast Louisiana system in Plaquemines Parish, Louisiana. These proposed facilities receive gas produced by The Texas Company from the South Pass Block 24 Field, Plaquemines Parish, Louisiana; and

(16) One 2-inch tap with appurtenances at an estimated initial unit cost of $550, at a point on Applicant's existing Sublime lateral in Lavaca County, Texas; in order to receive gas produced by G. W. Townsend, et al. from the Underwood Field, Lavaca County, Texas.

The estimated total cost of these facilities is $272,860, which will be financed from company funds.

No additional markets are to be served by Applicant, other than those previously authorized.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9400; Filed, Nov. 13, 1957; 8:49 a. m.]

[Docket No. G-10378]

OLIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Olin Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Monroe, Louisiana, filed an application on May 10, 1956, as supplemented on August 17, 1957, pursuant to section 7 of the Natural Gas Act, for authority to construct and operate certain natural gas facilities for the sale and delivery of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate certain facilities necessary to provide temporary direct industrial interruptible natural gas service from a tap off its Fowler-Baton Rouge interstate pipeline in order to supply gas to the Polyethylene Pilot Plant of the Polymer Chemical Division of W. R. Grace and Company (Grace), near Baton Rouge, Louisiana.

Temporary authorization to sell and deliver up to 120 Mcf per day of interruptible gas was granted by the Commission on May 28, 1956. The authorization will expire when Applicant places its intrastate gas line in service to the main Grace plant but it does not extend beyond July 1, 1957.

Applicant, in its August 17, 1956, supplement, seeks authority to use the proposed interstate facilities to provide "standby service" to Grace after July 1, 1957, only if circumstances beyond its control interrupt deliveries from the intrastate line and then only for the duration of the emergency.

Applicant states that the proposed $8,500 investment is so minor that rather than spend additional money to dismantle the facilities it is wiser to save them for emergency interruptible use. Applicant plans to charge its intrastate rate for service from the interstate line in the event that this line is issued in emergencies.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise ad-

vised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9401; Filed, Nov. 13, 1957; 8:50 a. m.]

[Docket No. G-10319]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with its principal place of business in Denver, Colorado, filed an application on April 27, 1956, as supplemented on May 24, 1956, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of ten farm taps and two group taps at undetermined locations on its natural gas system in Colorado and Wyoming, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

This application was filed pursuant to the Commission's Order No. 185, issued February 8, 1956, suggesting that interstate pipeline companies file a single application for construction of routine or blanket items.

Applicant states that due to normal increases in demands for gas in its market areas periodic requests are made by its resale customers to install farm taps and group taps to provide in rural areas. The farm taps normally are restricted to resale service to groups of not more than 10 consumers where the annual load does not exceed 2,000 Mcf and the peak day load does not exceed 20 Mcf. The group taps furnish service to areas requiring somewhat larger installations than farm taps but not requiring major metering stations. Group taps are often installed as a result of growth in existing farm tap service areas. Applicant, in such cases, provides the tap and its installation, and the resale customers provide and install any necessary distribution facilities.

Applicant anticipates requests by its existing resale customers for approximately two group taps and 10 farm taps during the last three quarters of the fiscal year ending December 31, 1956, at locations unknown at this time, based on its past experience.

The estimated cost of construction of the farm taps is estimated at $100 each, and the group taps at $1,000 each. Group taps include regulating equipment furnished by Applicant, whereas such equipment is furnished by the resale customer in the case of farm taps. Total estimated cost of the 12 taps is $3,000, which will be paid for out of a budgeted fund provided by Applicant for such facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9402; Filed, Nov. 13, 1957; 8:50 a. m.]

[Docket No. G-9024]

NORTH PENN GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that North Penn Gas Company (Applicant), a Pennsylvania corporation with its principal place of business at Port Allegany, Pennsylvania, filed an application on June 9, 1955, and supplementary data thereto on June 24, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of (a) approximately 3 miles of 10-inch pipeline extending from the terminus of an existing 14-inch pipeline in the Borough of Blossburg to a point in Applicant's storage pool in Farmington Township, Tioga County, Pennsylvania, and (b) a point of connection with facilities of Tennessee Gas Transmission Company in Tioga County, Pennsylvania.

Applicant proposes the requested facilities to enable it to purchase and receive surplus gas from Tennessee, and add flexibility to its system by permitting it to place such gas directly into its Tioga Storage Pool or deliver it to Corning Natural Gas Corporation or through other interconnecting lines to the western portion of its system.

The estimated capital cost of the proposed facilities is $64,692, which will be defrayed from current funds.

This matter is one that should be disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 12, 1957, at 9:30 a. m. (e. s. t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9403; Filed, Nov. 13, 1957; 8:50 a. m.]

[Docket No. G-11428 etc.]

SKELLY OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 7, 1957.

In the matters of Skelly Oil Company, Docket No. G-11428; Columbian Carbon Company, Docket No. G-11648; Skelly Oil Company,[1] Docket No. G-11664; Sohio Petroleum Company,[2] Docket No. G-11668; Morris Oil and Gas Company, Inc., Docket No. G-11670; Walter R. McClelland, Docket No. G-11672; Pan American Petroleum Corporation, Docket No. G-11675; Maxwell Gas Company (by Earl Hardman, Attorney-in-Fact),[3] Docket No. G-11698; Continental Oil Company, Docket No. G-11707; Duncan Gas Company & Victor Brannon, Operator (by Holly Nestor, Agent),[4] Docket No. G-11714; J. A. Dye Heirs Gas Company & Victor Brannon, Operator (by Holly Nestor, Agent),[4] Docket No. G-11715; Keith-Hildreth Gas Company & Victor Brannon, Operator (by Holly Nestor,

See footnotes at end of document.

Agent),[4] Docket No. G-11716; M. F. Powers,[4] Docket No. G-11724; Tidewater Oil Company,[5] Docket No. G-11768; Melborne Petroleum Corporation (N. S. L.), Docket No. G-11785; William Gruenerwald, Operator, et al.,[6] Docket No. G-11790; Si-Bo Oil Company,[10] Docket No. G-11791; B. O. Lilly, Operator,[11] Docket No. G-11794; The California Company, Docket No. G-11796; Cities Service Oil Company, Docket Nos. G-12149, G-12150; Humble Oil & Refining Company,[12] Docket No. G-12171; Texas Pacific Coal and Oil Company, Docket No. G-12188; Shell Oil Company, Docket No. G-12190; The Carter Oil Company by (Agent) Midwest Oil Corporation, Operator,[13] Docket No. G-12218; H. L. Hawkins & H. L. Hawkins, Jr., Docket No. G-12222; J. M. Huber Corporation, Docket No. G-12236; E. A. Klug, et al.,[14] Docket No. G-12301; Rush Run Gas Company (Hays and Company, Agent),[15] Docket No. G-12340; Dearborn Oil and Gas Corporation, Docket No. G-12363; Trail Gas Company,[16] Docket No. G-12369; Hughes River Oil and Gas Company, Docket No. G-12458; R. J. Braden, et al.,[17] Docket No. G-12466; Mary Duffield Gas Company (Stanley d'Orazio, Agent),[14] Docket No. G-12467; Ralph Mace, et al.,[14] Docket No. G-12468; Delbert Goff, et al.,[14] Docket No. G-12469; P. E. Anderson, d. b. a. Anderson Gas Company, et al.,[18] Docket No. G-12470; Staunton Development Company, Docket No. G-12471; Summers Oil and Gas Company, Docket No. G-12477; B. E. Talkington, et al.,[19] Docket No. G-12518; The Cummings Oil Company (C. B. Smith, Attorney-in-Fact), Docket No. G-12519; Pricy Sampson Oil and Gas Company (by Victor Brannon, Agent), Docket No. G-12520; Fred Whitaker, Operator, et al.,[20] Docket No. G-12526; A. S. Genecov, Trustee, et al.,[21] Docket No. G-12536; D. B. McConnell, Operator, et al.,[22] Docket No. G-12559; King-Stevenson Corporation, Docket No. G-12560; Continental Oil Company, Docket No. G-12562; The Atlantic Refining Company, Docket No. G-12564; E. C. Laster and Eugenia F. Laster,[23] Docket No. G-12567; Universal Petroleum Corporation (Operator) and Agent for E. W. Brown, et al.,[24] Docket No. G-12576; Alfred D. McKelvy, Operator, et al.,[25] Docket No. G-12577; Phillips Petroleum Company, Operator, et al.,[26] Docket No. G-12974; Philip Lemon, et al.,[27] Docket No. G-12984; R. & H. Gas Company (by Agents, Dr. W. S. Rowan and Paul Hinchman)[28] Docket No. G-12985; Delaware Gas Company, Docket No. G-12986.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; and Buyer

11428; Acreage in San Juan County, New Mexico; El Paso Natural Gas Company.

11648; Acreage in Mingo County, West Virginia; United Fuel Gas Company.

11664; Darley Field, Claiborne and Bienville Parishes, Louisiana; Arkansas Louisiana Gas Company.

11668; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

11670; Washburn Area, Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

11672; Camrick Field, Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

11675, 12218; Bethany-Longstreet Field, De Soto Parish, Louisiana; Texas Eastern Transmission Corporation.

11698; Crab Run,-Murphy District, Ritchie County, West Virginia; Penova Interests.

11707; Maxie Field, Forrest County, Mississippi; United Gas Pipe Line Company.

11714, 11715; Washington District, Calhoun County, West Virginia; Hope Natural Gas Company.

11724; Hugoton Field, Kearny County, Kansas; Cities Service Gas Company.

11768; Brown & Altman "B" Unit, Emperor Field, Winkler County, Texas; Permian Basin Pipeline Company.

11785; San Juan Basin, San Juan County, New Mexico; El Paso Natural Gas Company.

11790; Farley Field, Barber County, Kansas; Cities Service Gas Company.

11791, 11794; West Panhandle Field, Carson County, Texas; Kerr-McGee Oil Industries, Inc.

11796; South Pass, Blocks 5, 41, 43, and South Burrwood Fields, Plaquemines Parish, Louisiana; Tennessee Gas Transmission Company.

12149; Mocane Field, Beaver County, Oklahoma; Colorado Interstate Gas Company.

12150; Southwest Camp Creek Field, Beaver County, Oklahoma; Colorado Interstate Gas Company.

12171; Rock Island Field, Colorado County, Texas; Tennessee Gas Transmission Company.

12188; Jalmat Pool, Lea County, New Mexico; El Paso Natural Gas Company.

12190; Seven Sisters Field, Duval County, Texas; Tennessee Gas Transmission Company.

12222; Church Point Field, Acadia Parish, Louisiana; Texas Gas Transmission Corporation.

12236; West Eureka Field, Alfalfa County, Oklahoma; Cities Service Gas Company.

12301; Meade District, Marshall County, West Virginia; Hope Natural Gas Company.

12340, 12463; Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company.

12368; Wick Field, Meade District, Tyler County, West Virginia; Hope Natural Gas Company.

12369, 12985; Triadelphia District, Logan County, West Virginia; Hope Natural Gas Company.

12458, 12471, 12519; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

12466; Union District, Upshur County, West Virginia; Hope Natural Gas Company.

12467, 12520; Washington District, Calhoun County, West Virginia; Hope Natural Gas Company.

12468; Valeria Poling Field, Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company.

12470; West Mallory Field, Logan County, West Virginia; Hope Natural Gas Company.

12477, 11716; Lee District, Calhoun County, West Virginia; Hope Natural Gas Company.

12518, 12984; Union District, Ritchie County, West Virginia; Hope Natural Gas Company.

12526; Carthage Field, Panola County, Texas; Texas Gas Transmission Corporation.

12536; South Hallsville Field, Panola County, Texas; Texas Gas Transmission Corporation.

12559; Sligo Field, Bossier Parish, Louisiana; Texas Gas Transmission Corporation.

12560; Hugoton Field, Seward County, Kansas; Northern Natural Gas Company.

12562; Southwest Hunter Field, Garfield County, Oklahoma; Consolidated Gas Utilities Corporation.

12564; Jalmat Field, Lea County, New Mexico; El Paso Natural Gas Company.

12567; Waskom Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

12576; Enke Field Area, Goliad County, Texas; Texas Eastern Transmission Corporation.

12577; Hugoton Field, Finney County, Kansas; Northern Natural Gas Company.

12974; Avard Field, Woods County, Oklahoma; Cities Service Gas Company.

12986; Banks District, Upshur County, West Virginia; Hope Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Skelly Oil Company, nonoperator, is filing for its interests in the production from the subject wells and is a signatory seller party to the ratification agreement dated November 12, 1956, of a basic contract dated May 1, 1956, between Trans-Tex Drilling Company, Seller, and Arkansas Louisiana Gas Company, Buyer. Trans-Tex has been authorized to sell gas under the basic contract in Docket No. G-10485. The subject ratification agreement has also been signed by Buyer.

[2] Sohio Petroleum Company is filing for its interests in the production from Minor and Johnson "B" Units which by ratification agreement dated November 2, 1956, Applicant dedicates to a basic gas sales contract dated August 22, 1955, between Hunt Oil Company, Seller, and Texas Eastern Transmission Corporation, Buyer.

[4] Earl Hardman, Attorney-in-Fact, is filing for Maxwell Gas Company, a partnership. Earl Hardman, Attorney-in-Fact, is the only signatory seller party to the gas sales contract dated July 3, 1956.

[4] Holly Nestor, Agent, is filing for Victor Brannon, Operator, and Duncan Gas Company, which company is a partnership composed of A. M. Straughan, K. E. Ward, Ralph W. Ward, Mrs. John E. Durham, Jr., George B. Ward, LeMoyne Ward, Lelia B. Carroll, L. A. Wilson, J. C. Wall, John S. Kounse, Willard Pushkin, Dr. A. E. Higginbotham, Raymond W. Halloran, Edith R. Halloran, Harry H. Huber, Tenice L. Huber, Nick J. Rongone, Mary R. Rongone, Gerald R. Arman, Rosemary J. Arman, Herman M. Miller, J. M. Moss, Louise Moss, John G. Davison, William E. Boggess, R. A. Darnall, Myrtle Darnall, R. F. Baker, L. V. Caudill, Ernest Nardella and Mountain Iron & Supply Company. Victor Brannon, Operator, is a signatory seller party to the gas sales contract dated November 29, 1956, and the above-named individuals and Anna Miller, who apparently is not a member of the partnership, are also signatory seller parties to the subject gas sales contract through the signature of Victor Brannon who has signed the contract as Attorney-in-Fact for said individuals.

[5] Holly Nestor, Agent, is filing for Victor Brannon, Operator, and J. A. Dye Heirs Gas Company which company is composed of A. E. Higginbotham, Everett Price, Mrs. Everett Price, Mary Eloise Smith, H. T. Dye, Mrs. T. D. Nichols, Helen Ward Harshman, Mrs. John E. Durham, Jr., K. E. Ward, George Ward, Le Moyne Ward, W. L. Crandall, Ethel Crandall, W. R. Munday, James Underwood, F. E. Keith, Mountain Iron & Supply Company, Mrs. French Ervin, John Moore, L. A. Wilson, J. C. Wall, Sterling Koons, Elva McCoy, Mrs. Joel Allen and Arthur Straughn. Victor Brannon and Anna Miller are signatory seller parties to the gas sales contract dated November 29, 1956, and the above-named individuals are also signatory seller parties to the subject contract through the signatures of Victor Brannon and Anna Miller who have signed the contract as Attorneys-in-Fact for said parties.

[6] Keith Hildreth Gas Company submitted a short form rate schedule filing pursuant to section 154.92 (c) of Order No. 174–B which did not include a copy of the gas sales contract nor is a copy of one required under said section 154.92 (c).

[7] M. F. Powers, Nonoperator, is filing for his interest in gas produced from the Webber "A" No. 1 Unit to be sold pursuant to an amendatory agreement dated December 18, 1956, which adds additional acreage to a basic contract dated September 24, 1951, as amended. Applicant authorized in Docket No. G–4815 to sell gas under the basic contract. Basic contract limits production to horizons above sea level.

[8] Amendment filed on October 16, 1957, reflects the fact that the contract of September 20, 1956, has been cancelled and in lieu thereof a contract dated August 9, 1957, covering the same properties, has been made by Applicant and Permian Basin Pipeline Company.

[9] William Gruenerwald, Operator, is filing for himself and on behalf of the following nonoperating owners of working interests: Mrs. Mabel Greene Myers; Illinois Testing Laboratories, Inc.; John A. Obermaier; Norman Obermaier; Raymond M. Sides; Mildred J. Sides; Walter Grahn; Seymour Waldman; and Irwin D. Harris. All except Mildred J. Sides, owner of 1/32 working interest and party to the operating agreement covering subject production, are signatory seller parties to the gas sales contract dated October 25, 1956.

[10] Si-Bo Oil Company is a partnership; two of the partners, B. O. Lilly and J. S. Fluor, are signatory seller parties to the gas sales contract dated June 13, 1956.

[11] B. O. Lilly, Operator, under an operating agreement dated May 1, 1955, is filing for himself and is the only signatory seller party to the gas sales contract dated June 14, 1956.

[12] Humble Oil & Refining Company, Nonoperator, is filing for its interest in the Lucket Unit and is a signatory seller party to the gas sale contract dated January 30, 1957, between Union Oil and Gas Corporation, et al., Sellers, and Tennessee Gas Transmission Company, Buyer.

[13] The Carter Oil Company, through its Agent, Midwest Oil Corporation, Operator, is filing for its interest in the Wurtsbaugh No. 1 Unit and is a signatory seller party to the ratification agreement dated August 30, 1956, which has also been signed by Midwest, Gilster, the Buyer, and others.

[14] Those parties comprising the "et al." are not indicated in the certificate application or the rate schedule filing.

[15] Bernard R. Hays, A. G. Anderson, Leonard Cain and G. F. Hedges, Jr., d. b. a. Rush Run Gas Company, are all signatory seller parties to the gas sales contract dated March 1, 1957.

[16] Carl Austin, Russell R. Perry and Robert Baranet, partners, d. b. a. Trail Gas Company, are signatory seller parties to the gas sales contract dated December 18, 1956. The subject contract contains the signatures of 31 additional seller parties, but there is no indication that the certificate application covers the interest of any except those individuals composing the partnership of Trail Gas Company.

[17] R. J. Braden is filing for himself and as agent for V. N. Holderman, Raymond C. Cook, Orland E. Cook and G. E. Gaston, partners. All of the above-named individuals comprise a mining partnership and all are signatory seller parties to the gas sales contract dated February 20, 1957.

[18] P. E. Anderson, d. b. a. Anderson Gas Company, is filing for himself and as agent for Robert Cummings, Clarissa Cashion, Tom Williams and C. Lyman. All are signatory seller parties to the gas sales contract dated March 26, 1957.

[19] B. E. Talkington is filing for himself and as Attorney-in-Fact for J. Boyd Burr, Dow H. Nida and/or Jane B. Nida, Albert J. Bolster, John C. and/or Edith I. Collins, Henry L. Christopher and/or Mabel S. Christopher, Troy A. Brady, Jr., and/or Annellese S. Brady, Troy A. Brady and/or Lemmie E. Brady, S. D. Life and/or Bernice U. Life, C. K. Lynch and/or Mrs. Ruth Lynch, Paul K. Life and/or Mrs. Paul K. Life, Olive Life Reger, John S. Rockwell, Jr., and/or Pauline D. Rockwell, Jacob M. Huffman, Jr., and/or Dorothy B. Huffman, L. Dohr and/or Hildred Gay Marsh, C. L. Heinrich, and Amos T. and/or Cecilia M. Holland. All are signatory seller parties to the gas sales contract dated April 11, 1957, which contract has been signed by B. E. Talkington for himself and as Attorney-in-Fact for the above-named individuals.

[20] Fred Whitaker, Operator, is filing for himself and on behalf of Alto Tatum, Glen R. Johnson, John Fredric Whitaker, W. A. Hewell, W. H. Ray, J. W. Vandeveer, W. W. Vandeveer, N. E. Formby, W. D. McMahon, Fred Whitaker, and Vanson Production Corporation. All of the above co-owners are signatory seller parties to the gas sales contract involved herein. In addition, Kenneth J. Rich, Charles F. Seelbach, Jr., and William F. Seelbach have interest as shown in supplement filed September 20, 1957.

[21] A. S. Genecov (Trustee for Boyce Elton Genecov and Maurine Hannah Genecov), M. B. Rudman and Raymond A. Williams, Jr., are filing individually for their interests in the Rudman-Genecov Fee 4–B and 5–B Units. All co-owners are signatory seller parties to the gas sales contract involved herein.

[22] D. B. McConnell, Operator, is filing for himself and on behalf of H. Blume Johnson, H. M. Stephens, Rose Long McFarland, Rose McConnell Long, Palmer R. Long, Russell B. Long, Lyndon B. Allen and J. R. Butler. All co-owners are signatory seller parties to the gas sales contract dated April 23, 1957.

[23] E. C. Laster and Eugenia F. Laster are filing individually for the 18.3548 percent interest which each owns in the W. H. Hinton Unit No. 1. Both are signatory seller parties to the gas sales contract dated November 16, 1956.

[24] Universal Petroleum Corporation, Operator, is filing as agent for W. E. Brown, Jr., L. Slade Brown, John S. Brown, Charles E. Brown, Thomas S. Hargest, B. L. Morris, Vivian Leatherberry Smith, Trustee, and Slade Oil & Gas, Inc. The above-named parties, together with the percentage of interest of each, are listed in the application. It is noted that Universal Petroleum Corporation, Operator, owns no working interest. All co-owners are signatory sellers to the gas sales contract dated December 7, 1956.

[25] Alfred D. McKelvy, Operator, if filing for himself and on behalf of the following nonoperating owners of working interests in two separate gas units: C. Taylor Pillsbury; A. E. Ponting and Ruthmarie L. Ponting; C. E. Meek; R. L. Vaughan; B. W. Ford; Edward Martin and B. S. Kempert. In addition, Operator is also filing for himself and on behalf of the following nonoperating owners of working interests in a third gas unit: A. E. Ponting and C. E. Meek; B. W. Ford; Edward Martin and B. S. Kempert. Apparently Alfred D. McKelvy, Operator, owns the remaining working interest in each of the subject gas units and is the only signatory seller party to the gas sales contract dated March 20, 1957.

[26] Phillips Petroleum Company, Operator, is filing for itself and on behalf of the following owners of working interests: Phillips Petroleum Company; Champlin Oil & Refining Company; Royal Gas Corporation; The Superior Oil Company; Keener Oil Company; and Sunray Mid-Continent Oil Company. All except Sunray are signatory seller parties to a gas sales contract dated July 10, 1957. Sunray negotiated a separate contract and filed in Docket No. G–12959 for authorization to sell its share of the gas from the subject unit.

[27] Philip Lemon is filing for himself and as agent for the following parties: Ethel Harden; J. O. Sharp; M. W. Boylan; L. Kemp Steinbeck; D. F. Ford; J. Paul Harr; Harry C. Tumey; Ada G. Callit; Edward M. Bennett; Ralph M. Shahan; Cecil W. Phillips, Jr.; R. V. Collins; Mrs. Elizabeth Collins; and H. B. Layfield, all of whom together compose a partnership. Philip Lemon is a signatory seller party to the gas sales contract dated June 25, 1957, and the remaining above-named individuals are also signatory seller parties to the subject contract through the signature of Philip Lemon who has also signed the contract as Attorney-in-Fact for said individuals.

[28] R. & H. Gas Company is a partnership composed of 33 individuals. Dr. W. S. Rowan and Paul Hinchman, members of the partnership, are signatory seller parties to the gas sales contract dated July 17, 1957. The other 31 members of the partnership are signatory seller parties to the subject contract through the signatures of Rowan and Hinchman who have also signed the contract as Attorneys-in-Fact for said individuals.

[F. R. Doc. 57–9404; Filed, Nov. 13, 1957; 8:50 a. m.]

[Docket Nos. G–12725; G–12844]

GREENBRIER OIL CO. AND GENERAL MINERALS CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Greenbrier Oil Company[1] (Greenbrier), in Docket No. G–12725, and General Minerals Corporation (General Minerals), in Docket No. G–12844, filed separate applications on June 13, 1957, and July 5, 1957, respectively, pursuant to section 7 of the Natural Gas Act, for permission to abandon and authority to render natural gas service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

The respective applications seek authority for:

(1) Greenbrier to abandon service to Texas Gas Transmission Corporation (Texas Gas) from the Daigle and Ledoux leases located in the North Elton Field, Allen Parish, Louisiana, which service, among others, was authorized on May 31, 1956, in Docket No. G–4581. Said service is covered by a contract dated July 5, 1950.

(2) General Minerals to continue the service to Texas Gas proposed to be abandoned by Greenbrier.

By instrument of assignment dated May 30, 1957, effective as of April 1, 1957, General Minerals acquired the interest of Greenbrier in the aforesaid leases, subject, among other things, to the contract of July 5, 1950, with Texas Gas and to a production payment reserved by Assignor but subsequently sold to Sentinel Oil Company, Inc.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9405; Filed, Nov. 13, 1957; 8:50 a. m.]

[1] A co-partnership consisting of William Hamm, Jr., Marie Hamm Ankeny, Margaret Hamm Kelley, Theodore Hamm Lang, DeWalt H. Ankeny, James E. Kelley, William H. Lang, and Joseph A. Maun.

[Docket No. G–8792]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application on April 25, 1955, and supplements thereto on July 11, 1955, and February 24, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the continued operation of existing facilities, for the transportation and sale of gas in interstate commerce produced from North Hutchinson Field, Hutchinson County, Texas; Glenwood Northeast Field, Beaver County, Oklahoma; McKinney Field, Clark County, Kansas; Ashland Field, Clark County, Kansas; Embry Field, Edwards County, Kansas, to existing customers for resale, as well as for sale and distribution by Applicant, and to construct and operate facilities to the Pleasant Valley Field in Ford County, Kansas, all subject to the jurisdiction of the Commission as more fully stated in the application, and supplements thereto, on file with the Commission and open to public inspection.

Applicant represents that the facilities for which it seeks authorization for continued operation were all constructed and placed in operation by April 24, 1954, except the Embry Field, where a 4½ inch pipeline was completed April 14, 1955. These facilities are:

North Hutchinson Field. 8,700 feet of 6⅝ inch O. D. line joining Applicant's 16-inch main line; 200 feet of 4½ inch O. D. line, and two 4-inch meter settings; 3,875 feet of 4½ inch O. D. line, and one 4-inch meter setting; all existing in Hutchinson County, Texas.

Glenwood Northeast Field. 667 feet of 4½ inch O. D. line and a 4-inch meter setting, in Beaver County, Oklahoma.

McKinney Field. 17,621 feet of 8⅝ inch O. D. line joining Applicant's 24-inch main line; 7,336 feet of 6⅝ inch O. D. line; 2,660 feet of 4½ inch O. D. line, and a 4-inch meter setting, beginning at a point on the above 8⅝ inch line of Applicant; 3,510 feet of 4½ inch O. D. line and a 4-inch meter setting beginning at a point on the above 6⅝ inch line and extending westerly; 2,127 feet of 4½ inch O. D. line and a 4-inch meter setting extending easterly from the same 6⅝ inch line. These lines for the McKinney Field are all in Clark County, Kansas.

Ashland Field. 813 feet of 4½ inch O. D. line in Clark County, Kansas.

Embry Field. 1,400 feet of 4½ inch O. D. line and a 4-inch meter setting joining Applicant's 26-inch main line in Edwards County, Kansas.

Authorization is also sought to construct and operate facilities to a sixth field, known as the Pleasant Valley Field, in Ford County, Kansas. These facilities will consist of approximately 1,400 feet of 4½-inch O. D. pipeline with a 4-inch meter setting joining Applicant's 26-inch mainline in Edwards County, Kansas.

Applicant estimates the total cost of facilities already constructed is $154,383; and of construction to be placed in operation in the Pleasant Valley Field at $25,800.

The Commission granted Applicant temporary authorization for the requested continuation of service and construction on March 30, 1956.

This matter is one that should be disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9406; Filed, Nov. 13, 1957; 8:51 a. m.]

[Docket Nos. G–10515, G–10767]

F. A. CALLERY, INC., AND TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 7, 1957.

Take notice that F. A. Callery, Inc.[1] (Callery) and Texas Illinois Natural Gas Pipeline Company (Texas Illinois) filed separate applications, pursuant to section 7 of the Natural Gas Act, for authority to sell natural gas and the construction and operation of certain facilities to receive natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications, which are on file with the Commission and open to public inspection.

On July 17, 1956, Texas Illinois filed in Docket No. G–10767 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 6½ miles of 6–inch lateral supply pipeline to extend from a point on Texas Illinois' existing Chocolate Bayou supply lateral line in Brazoria County, Texas, to a point in the Bailey's Prairie Field, Brazoria County, Texas, together with a tap connection on the Chocolate Bayou lateral and a meter station at the terminus of the proposed lateral. These proposed facilities will receive gas produced in the Bailey's Prairie Field by Callery. Estimated total cost of the proposed facilities is $150,700. The cost is to be financed from company funds.

On June 4, 1956, Callery filed in Docket No. G–10515 an application for a certificate of public convenience and necessity covering the above sale of gas to Texas Illinois from the Bailey's Prairie Field, to be made pursuant to a contract dated May 1, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[1] Callery is agent for 31 co-owners as listed in the certificate application, Docket No. G–10515. Callery filed the subject application for the said co-owners. Frances A. Callery, one of the co-owners, is sole seller signatory party to the contract involved.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9407; Filed, Nov. 13, 1957; 8:51 a. m.]

[Docket Nos. G–12914, G–13138]

PERMIAN BASIN PIPELINE CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 7, 1957.

In the matters of Permian Basin Pipeline Company, Docket No. G–12914; George T. Abell, William B. Neely, and Roy M. Teel, Operator, Docket No. G–13138.

Take notice that Permian Basin Pipeline Company (Permian), and George T. Abell, William B. Neely, and Roy M. Teel (Abell, Neely and Teel), filed applications, pursuant to section 7 of the Natural Gas Act, for authority to construct and operate certain natural gas facilities to receive natural gas and to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On July 17, 1957, Permian filed, in Docket No. G–12914, an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 26.8 miles of 10-inch lateral pipeline. This line will extend from a point on Permian's existing 20-inch transmission line in Pecos County, Texas, to a proposed measuring station to be located at the Imperial Plant No. 2, owned and operated by Abell, Neely and Teel. The facilities are proposed to enable Permian to purchase and receive residue gas from Abell, Neely and Teel at the outlet side of their Imperial No. 2 gasoline plant. The estimated cost of the proposed facilities is $787,100, which cost is to be financed by short term borrowing from Northern Natural Gas Company (Northern), Permian's affiliate.

On August 26, 1957, as supplemented September 13, 1957, Abell, Neely and Teel filed, in Docket No. G–13138, a certificate application covering the above sale to Permian.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW, Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9408; Filed, Nov. 13, 1957; 8:51 a. m.]

FEDERAL RESERVE SYSTEM

NORTHWEST BANCORPORATION

ORDER DENYING APPLICATION FOR ACQUISITION OF VOTING SHARES OF NORTHWESTERN STATE BANK

In the matter of the application of Northwest Bancorporation for approval of acquisition of voting shares of proposed Northwestern State Bank, Rochester, Minnesota.

There having come before the Board the application of Northwest Bancorporation, Minneapolis, Minnesota, dated March 29, 1957, under section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of the acquisition by it of direct ownership of 1,450 voting shares of a total of 1,500 voting shares of Northwestern State Bank, Rochester, Minnesota, a proposed new institution, and it appearing, after due consideration thereof pursuant to the requirements of the Bank Holding Company Act of 1956, that such application should be denied;

It is ordered, That the application of Northwest Bancorporation, Minneapolis, Minnesota, under section 3 (a) (2) of the Bank Holding Company Act of 1956, for the Board's prior approval of the acquisition by Northwest Bancorporation of direct ownership of 1,450 voting shares of a total of 1,500 voting shares of Northwestern State Bank, Rochester, Minnesota, a proposed new institution, shall be, and the same hereby is, denied.

Dated: November 5, 1957.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 57–9391; Filed, Nov. 13, 1957; 8:48 a. m.]

BAYSTATE CORPORATION

ORDER GRANTING APPLICATION FOR ACQUISITION OF VOTING SHARES OF UNION TRUST COMPANY OF SPRINGFIELD

In the matter of the application of Baystate Corporation for approval of acquisition of voting shares of Union Trust Company of Springfield.

The above matter having come before the Board on the application of Baystate Corporation, Boston, Massachusetts, dated March 28, 1957, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of the acquisition of up to 60 percent of the voting shares of Union Trust Company of Springfield, Springfield, Massachusetts, and it appearing after due consideration thereof pursuant to the requirements of the Bank Holding Company Act of 1956 that such application should be approved,

It is ordered, That the said application of Baystate Corporation under section 3 (a) (2) of the Bank Holding Company Act of 1956 for the Board's prior approval of the acquisition by Baystate Corporation of up to 60 percent of the voting shares of Union Trust Company of Springfield is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated: November 7, 1957.

By order of the Board of Governors.[1]

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 57–9392; Filed, Nov. 13, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 16]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 8, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

[1] Voting for this action: Chairman Martin, Vice Chairman Balderston, and Governors Vardaman and Mills; voting against this action: Governors Szymczak, Robertson, and Shepardson.

MOTOR CARRIERS OF PROPERTY

No. MC–3379 (Deviation No. 1), SNYDER BROS. MOTOR FREIGHT, INC., P. O. Box 830, Akron 9, Ohio, filed October 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route, between junction U. S. Highway 60 and Virginia Highway 168 at or near Newport News, Va., and junction U. S. Highway 60 and Virginia Highway 168 about two miles north of Toano, Va., as follows: from junction U. S. Highway 60 and Virginia Highway 168 over Virginia Highway 168 to junction U. S. Highway 60 at a point about two miles north of Toano, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Richmond, Va., and Newport News, Va., over U. S. Highway 60.

No. MC–9942 (Deviation No. 1), HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill., filed October 28, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route, between Milwaukee, Wis., and Peoria, Ill., as follows: from Milwaukee over Wisconsin Highway 36 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U. S. Highways 66 and 24, thence over U. S. Highways 66 and 24 to Peoria and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Milwaukee, Wis., and Peoria, Ill., over the following pertinent route: from Milwaukee over Wisconsin Highway 36 to Durham, Wis., thence over U. S. Highway 45 to junction U. S. Highway 45 and Illinois Highway 21 north of Libertyville, Ill., thence over Illinois Highway 21 to Chicago, Ill., thence over U. S. Highway 66 to junction U. S. Highway 24, thence over U. S. Highway 24 to Peoria.

No. MC–111231 (Deviation No. 4), JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark., filed November 1, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route, between Claremore, Okla., and Arkansas City, Kans., as follows: from Claremore over Oklahoma Highway 20 to Collinsville, Okla., thence over U. S. Highway 75 to the junction of U. S. Highway 166, thence over U. S. Highway 166 to Arkansas City and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Claremore, Okla., and Arkansas City, Kans., over the following pertinent route: from Claremore over U. S. Highway 66 to Tulsa, Okla., thence over Oklahoma Highway 11 to Pawhuska, Okla., thence over U. S. Highway 60 to junction of U. S. Highway 77, thence over U. S. Highway 77 to Arkansas City.

MOTOR CARRIERS OF PASSENGERS

No. MC–1501 (Deviation No. 4), THE GREYHOUND CORPORATION, (Western Greyhound Lines Division), Market and Fremont Streets, San Francisco 5, Calif., filed November 4, 1957. Attorney for said carrier, Earl A. Bagby, 221 Pine Street, San Francisco, Calif. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over 2 deviation routes (A) between Anthony, N. Mex., and junction U. S. Highway 80 and New Mexico Highway 478 south of Las Cruces, N. Mex., as follows: from Anthony over U. S. Highway 80 to junction New Mexico Highway 478 (connects with Texas route 1); and (B) between junction New Mexico Highway 478 and U. S. Highway 80 south of Las Cruces, N. Mex., and junction U. S. Highway 80 and unnumbered highway west of Las Cruces, as follows: from junction New Mexico Highway 478 and U. S. Highway 80, over U. S. Highway 80 to junction unnumbered highway west of Las Cruces; and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the Texas-New Mexico State line at Anthony, N. Mex., and the New Mexico-Arizona State line east of Duncan, Ariz., as follows: from the point where New Mexico Highway 478 contacts the Texas-New Mexico State line, over New Mexico Highway 478 to Las Cruces, N. Mex., thence over unnumbered highway to junction U. S. Highway 80 west of Las Cruces, thence over U. S. Highway 80 to Lordsburg, N. Mex., thence over U. S. Highway 70 to the New Mexico-Arizona State line.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–9395; Filed, Nov. 13, 1957; 8:48 a. m.]

[Notice 190]

MOTOR CARRIER APPLICATIONS

NOVEMBER 8, 1957.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1470 (Sub No. 5), filed November 4, 1957, COLUMBUS AND CHICAGO MOTOR FREIGHT, INCORPORATED,

1053 East Fifth Avenue, Columbus, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, alcoholic liquors, commodities in bulk, and commodities requiring special equipment, serving the site of the Hotpoint Company plant located in Cook County, Ill., approximately 2 miles west of the Chicago, Ill., Commercial Zone, bounded on the south by Devon Avenue, on the west by Tonne Road, on the north by Landmeir Road and on the east by Busse Road, as an off-route point in connection with applicant's authorized regular route operations from and to Chicago, Ill.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 2510 (Sub No. 23), filed November 4, 1957, ZIFFRIN TRUCK LINES, INC., 1120 South Division Street, Indianapolis 6, Ind. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, Class A and B explosives, inflammable articles, commodities in bulk and those of unusual value, serving the site of the Hotpoint Company plant (Division of General Electric Company) located between Tonne Road on the west, Landmeir Road on the north, Busse Road on the east and Devon Avenue on the south, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 9942 (Sub No. 12), filed November 4, 1957, HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, and the site of the Centex Industrial Center, located between Devon Avenue on the south, Busse Road on the west, Landmeir Road on the north and Elmhurst Road on the east, both in Cook County, Ill., as off-route points in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 13925 (Sub No. 4), filed November 1, 1957, MOUND CITY FORWARDING CO., INCORPORATED, 1517 North 15th Street, St. Louis, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant located in Cook County, Ill., approximately 2 miles west of the commercial zone of Chicago, Ill., as an off-route point in connection with applicant's authorized operations in Certificate No. MC 13925.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 19201 (Sub No. 102), filed October 31, 1957, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities in bulk, commodities requiring special equipment and those of unusual value*, and except Class A and B explosives and household goods as defined by the Commission, in service auxiliary to, or supplemental of rail service of The Pennsylvania Railroad Company, (1) between junction Pennsylvania Highways 100 and 83 southwest of Pottstown, Pa., and junction Pennsylvania Highway 83 and unnumbered highway west of Spring City, Pa.: from junction Pennsylvania Highways 100 and 83 southwest of Pottstown over Pennsylvania Highway 83 to junction unnumbered highway west of Spring City, and return over the same route, serving intermediate points which are stations on the rail line of The Pennsylvania Railroad Company and serving said junction for purposes of joinder only; (2) between Spring City, Pa., and Royersford, Pa.: from Spring City over unnumbered highway to Royersford, and return over the same route, serving no intermediate points; (3) between Phoenixville, Pa., and Devault, Pa.: from Phoenixville over Pennsylvania Highway 29 to junction unnumbered highway, thence over unnumbered highway to Devault, and return over the same route, serving intermediate points which are stations on the rail line of The Pennsylvania Railroad Company; (4) between Pottstown, Pa., and Mont Clare, Pa.: from Pottstown over U. S. Highway 422 to Collegeville, Pa., thence over Pennsylvania Highway 29 to Mont Clare, and return over the same route, serving no intermediate points and serving Mont Clare for purposes of joinder only; and (5) between junction U. S. Highway 422 and unnumbered highway near Limerick, Pa., and Royersford, Pa.: from junction U. S. Highway 422 and unnumbered highway near Limerick over said unnumbered highway to Royersford, and return over the same route, serving no intermediate points and serving said junction for purposes of joinder only. Applicant is authorized to conduct operations principally in Pennsylvania, Ohio, Indiana and West Virginia, and with the exception of its "grandfather" rights, the service is restricted to that which is auxiliary to or supplemental of rail service of The Pennsylvania Railroad Company or The Monongahela Railway Company.

NOTE: Dual operations or common control may be involved.

HEARING: December 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 31444 (Sub. No. 43), filed November 6, 1957, SCHREIBER TRUCKING CO., INC., 1315–1399 Washington Boulevard, Pittsburgh, Pa. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 48213 (Sub No. 11), filed October 25, 1957, C. E. LIZZA, INC., Ligonier and Depot Streets, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Explosives*, (not including flammable liquids), *blasting supplies*, and *equipment incidental to the use of the above-specified commodities*, from the sites of the American Cyanamid Company plants, near New Castle, Emporium, and Latrobe, Pa., to points in Colorado and Utah; and (2) *Damaged, rejected or returned shipments* of the above-specified commodities, *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *returnable equipment*, from points in Colorado and Utah to the sites of the American Cyanamid Company plants near New Castle, Emporium, and Latrobe, Pa. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: December 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Dallas B. Russell.

No. MC 49387 (Sub No. 10), filed November 4, 1957, ORSCHELN BROS. TRUCK LINES, INC., 512 Pickwick Building, Moberly, Mo. Applicant's attorney: G. M. Rebman, 2130 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Hotpoint Company plant, in Cook County, Ill., located approximately 2 miles west of the Chicago, Ill. Commercial Zone, as an off-route point in connection with applicant's authorized operation in Certificate No. MC 49387 and related sub-numbers thereunder.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 52110 (Sub No. 65), filed October 31, 1957, BRADY MOTOR-FRATE, INC., 12th Floor, Register and Tribune Building, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, 510 Central Nat'l. Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 55874 (Sub No. 18), filed November 1, 1957, INDEPENDENT TRUCKERS, INC., 4684 Leavenworth Street, Omaha 6, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (other than those requiring refrigeration), serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 58961 (Sub No. 4), filed November 1, 1957, NIGHTHAWK FREIGHT SERVICE, INC., 1800 South Canal Street, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north, and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 59474 (Sub No. 4), filed November 1, 1957, DAUM OVER-NITE EXPRESS, INC., 924 East Ohio Street, Indianapolis, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Hotpoint Company plant located between Devon Avenue on the south, Tonne Road on the west, Landmeir Road on the north and Busse Road on the east, in Cook County, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from the Chicago Commercial Zone.

HEARING: November 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 59507 (Sub No. 5), filed October 31, 1957, EDGAR H. ALLEN & SON, INC., 825 Fairfield Avenue, Kenilworth, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wooden poles* and *wooden piling*, between Newport, Del., and Philadelphia, Pa. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: December 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alvin H. Schutrumpf.

No. MC 83539 (Sub No. 30), filed October 25, 1957, C & H TRANSPORTATION CO., INC., 1935 Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Tractors* (other than truck tractors) *tractor tool bars* and *tractor attachments*, (2) *Contractors' equipment* and *contractors' equipment attachments*, (3) *Construction machinery* and *equipment* as defined by the Commission in Appendix VIII to MC 45, 61 M. C. C. 286, (4) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached, and *empty containers*, (5) *cranes, derricks, lift trucks* and *attachments*, (6) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power, (7) *logging and mining machinery, equipment and attachments*, (8) *conex, seal bins*, and *plastic or metal containers*, empty or fully loaded (except when loaded with household goods as defined by the Commission), (9) *heavy machinery* and *attachments*, (10) *commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling, (11) *parts and accessories* of commodities described in Items 1 through 11 (inclusive) above, (12) *machinery equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with pipelines, and (13) *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in Oklahoma, Kansas, Texas, Nebraska, New Mexico, and Colorado, on the one hand, and, on the other, points in Washington, Oregon, and Idaho.

HEARING: December 13, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 103993 (Sub No. 99), filed October 7, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Alabama to points in the United States, except to Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: November 27, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 104347 (Sub No. 126), filed October 24, 1957, LEAMAN TRANSPORTATION CORPORATION, 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Neville Island, Pa., to points in Erie and Niagara Counties, N. Y. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: December 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 106398 (Sub No. 90), filed October 7, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road (P. O. Box 896, Dawson Station), Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For author-

ity to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Alabama to points in the United States, except to Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to transport Trailers throughout the United States.

HEARING: November 27, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Charles H. Riegner.

No. MC 107403 (Sub No. 248), filed October 28, 1957, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Petrolcum* and *petroleum products*, in bulk, in tank vehicles, from Neville Island, Pa., to points in Erie and Niagara Counties, N. Y. Applicant is authorized to transport the commodities specified in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: December 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 108461 (Sub No. 56), filed August 1, 1957, WHITFIELD TRANSPORTATION, INC., P. O. Box 1350, W. Amador St., Las Cruces, N. Mex. Applicant's attorney: Loyal G. Kaplan, 924 City Nat'l. Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement* and *cement ad-mixes*, in bulk, in hopper-type vehicles, from Grantsville, Utah and the railheads of Marysvale, Milford and Cedar City, Utah, to Glenn Canyon Dam Site, Ariz. Applicant is authorized to transport cement, in bulk, from specified points in Colorado, Arizona, Texas, and Utah to points in New Mexico, and between points in New Mexico.

HEARING: January 27, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 111401 (Sub No. 82), filed July 2, 1957, GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Oklahoma, on the one hand, and, on the other, points in Arizona, points in New Mexico on and south of U. S. Highway 66, and points in that part of Texas bounded on the north by U. S. Highway 66, and on the east by U. S. Highway 83, serving-points on the portions of the highways specified. Applicant is authorized to transport similar commodities in Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: December 18, 1957, at the Federal Building, Oklahoma City, Okla., before Examiner Mack Myers.

No. MC 112173 (Sub No. 10) (CORRECTION) published issue October 30, 1957 at page 8757, filed August 5, 1957, BOYD E. RICHNER, INC., 404 Third Avenue, Durango, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant St. Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soda ash*, from the site of the Westvaco Plant near Green River, Wyo., to points in Colorado on and west of the Continental Divide and points in New Mexico within 50 miles of Grants, N. Mex. Applicant is authorized to conduct operations in Colorado, Wyoming and Utah. The previous notice contained a note to the effect that authority will be restricted against serving any points located on existing railheads. This was in error. The proposed service will not be restricted against serving any points located on existing railheads.

HEARING: Remains as assigned January 17, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 115491 (Sub No. 8), filed November 4, 1957, COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 120 East Davidson Street, Bartow, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vitrified clay sewer pipe* and *related articles*, such as clay flue linings, clay stove pipe, clay wall coping and other clay products, from points in that portion of Ohio east of U. S. Highway 42 from Cleveland, Ohio to Delaware, Ohio, thence U. S. Highway 23 from Delaware to Portsmouth, Ohio, to points in Florida. *Damaged or rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations from and to specified points in Florida, Iowa, Nebraska, Missouri, Kansas, Minnesota, and Ohio.

HEARING: December 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

No. MC 116823 (Sub No. 1), filed October 28, 1957, KARL A. JOHNSON, doing business as JOHNSON'S MARINE SERVICE, Belgrade Lakes, Maine. Applicant's attorney: Douglas M. Morrill, 317 Water Street, Augusta, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wooden boats*, up to 22 feet in length, from Thomaston, Rockport and Old Town, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; and from Pleasantville, N. Y., to South Berwick, Maine.

NOTE: Applicant states the operations will be performed from the sites of the plants of F. M. Cornell & Son, Inc., the Penobscot Boat Works, Inc., and the Duratech Manufacturing Company.

HEARING: December 16, 1957, at the Federal Building, Portland, Maine, before Examiner Lawrence A. Van Dyke.

No. MC 116926 (CORRECTION) filed September 13, 1957, THOMAS PATTERSON, INC., 220 Roosevelt Avenue, Carteret, N. J., published page 8762, issue October 30, 1957. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Gasoline, lubricating oil* and *flammable chemicals*, in bulk, in tank vehicles, between points in Bergen, Essex, Hudson, Middlesex, Passaic and Union Counties, N. J., on the one hand, and, on the other, New York, N. Y., and points on Long Island, N. Y.

HEARING: Remains as assigned December 12, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 230), filed October 29, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Public Service Coordinated Transport (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Atlantic City, N. J., and Ocean City, N. J., from Atlantic City over unnumbered highways through Ventnor, Margate City and Longport to Ocean City, and return over the same route, serving all intermediate points; (2) within Somers Point, N. J., from junction of Garden State Parkway and Garden State Parkway Interchange Road No. 30 over Garden State Parkway Interchange Road No. 30 to New Jersey Highway No. 52, and return over the same route, serving all intermediate points; (3) between Marmora, N. J., and Ocean City, N. J., from junction Garden State Parkway Interchange No. 25 over the Garden State Parkway Interchange No. 25 to junction County Road No. 585, and thence over County Road No. 585 to Ocean City, and return over the same route, serving no intermediate points; (4) within Upper Township (Seaville), N. J., from junction Garden State Parkway and Garden State Parkway Interchange Road No. 20 over Garden State Parkway Interchange Road No. 20 and unnumbered highway to Seaville, and return over the same route, serving all intermediate points; (5) within Dennis Township (Ocean View), N. J., from junction Garden State Parkway and Garden State Parkway Interchange No. 17 over Garden State Parkway Interchange Road No. 17 to unnumbered highway, and return over the same route, serving all intermediate points; (6) within Middle Township (Cape May Court House), N. J., from junction Garden State Parkway and Garden State Parkway Interchange No. 10 over Garden State Parkway Interchange No. 10 to unnumbered highway, and return over the same route, serving all intermediate points; and (7) within Middle Township (Rio Grande), N. J., from junction Garden State Parkway and Garden State Parkway Interchange No. 4 over Garden State Parkway Interchange No. 4 to New Jersey Highway No. 47, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Virginia, Maryland, Delaware, the District of Columbia, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

HEARING: December 2, 1957, at the Penn Atlantic Hotel, 1219 Backrack Boulevard, Atlantic City, N. J., before Joint Board No. 119.

No. MC 116921 (CORRECTION) filed September 9, 1957, WEST FORDHAM TRANSPORTATION CORP., 417 West 203d Street, New York City, N. Y. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. A summary of the subject application was published in the FEDERAL REGISTER of October 30, 1957, on pages 8764–8765. The route description of the return portion of Route (1) was incorrectly described and appears on page 8765, lines 59 through 65, of the notice of filing which reads: "thence over U. S. Highway 1 to the Greenwich-Stamford boundary line, thence continuing over U. S. Highway 1 to its junction with Chatsworth Avenue in Larchmont, N. Y., over the before-described route between said points," Correctly stated, the proposed operation with regard to this portion of the authority sought reads: "thence over U. S. Highway 1 to the Greenwich-Stamford boundary line; thence continuing from the Greenwich-Stamford boundary line to the junction of U. S. Highway 1 and Chatsworth Ave., in Larchmont, N. Y., over the before described route between said points;".

HEARING: Remains as assigned December 9, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12668, filed October 14, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N. J. For a license (BMC 5) to engage in operations as a *broker* at Newark, Jersey City, Atlantic City, Fort Dix, and McGuire Air Force Base, N. J., in arranging for the transportation of *Passengers and groups of passengers, and their baggage and express*, between points in the United States. Applicant is authorized to conduct passenger operations under Certificate No. MC 3647 and sub numbers thereunder in New York and New Jersey.

HEARING: December 17, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

PETITIONS AND MOTIONS

No. MC 30319, PETITIONS TO REOPEN PROCEEDING AND MODIFY RESTRICTIONS, filed September 18, 1957 and October 18, 1957 respectively, by Edwin N. Bell, 1600 Esperson Building, Houston 2, Texas Attorney for petitioner, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto, P. O. Box 4054, Houston, Texas. (1) The petition dated September 18, 1957, seeks modification of a restriction which applies to the operations authorized in Certificate MC 30319, issued February 13, 1956. The specific operations which are the subject of this petition are set forth in the Sixth Route on Sheet 3 of the Certificate authorizing service at Rusk, Maydelle, and Palestine, Tex., over U. S. Highway No. 84. These points are presently located on the Texas and New Orleans Railroad. The restriction which applies to these operations presently reads:

The carrier shall not render any service to or from any point not a station on the line of the railroad • • •

In proceeding F. D. 19599 now pending before the Commission, the Texas and New Orleans Railroad seeks to abandon its line between Rusk and Palestine, via Maydelle, Texas. If this abandonment is accomplished, Rusk, Maydelle, and Palestine, Texas, will no longer be on said railroad. And the above described restriction would prevent petitioner herein from continuing to render interstate service for patrons of long-standing at Rusk, Maydelle, and Palestine, Texas. As a remedy for this problem petitioner prays the Commission reopen MC 30319 and modify the described restriction so that same would hereafter provide:

The carrier shall not render any service to or from any point not a station on the line of the railroad, except Rusk, Maydelle and Palestine, Texas.

The petition is accompanied by a MOTION FOR LEAVE TO FILE PETITION FOR REOPENING. (2) The petition dated October 18, 1957, seeks modification of a restriction which applies to the operations authorized in Certificate MC 30319, issued February 13, 1956. The specific operations which are the subject of this petition are set forth in the Seventh Route on Sheet 4 of the Certificate authorizing service between Kaufman and Greenville, Texas, over State Highways 34 and 24, via Terrell, Quinlan, and Greenville, Texas. Other intermediate points on the route are Cash and Harlow, Texas (Cartwright, Brin, and Hetty no longer exist as shipping and receiving points). These points are presently located on the Texas and New Orleans Railroad. The restriction which applies to these operations presently reads:

The carrier shall not render any service to or from any point not a station on the line of the railroad. • • •

In proceeding F. D. 19839 now pending before the Commission, the Texas and New Orleans Railroad seeks to abandon its line between Kaufman and Greenville, Texas. If this abandonment is accomplished the points named above will no longer be on such railroad. Petitioner, however, desires to continue serving its patrons located at those points, as it has in the past. As a remedy for this problem petitioner prays the Commission reopen MC 30319 and modify the described restriction so that same would hereafter provide:

The carrier shall not render service to or from any point not a station on the line of the Railroad, except Terrell, Quinlan, Cash, Harlow and Greenville, Texas.

The petition is accompanied by a MOTION FOR LEAVE TO FILE PETITION FOR REOPENING.

No. MC 62189, CHARLES F. HARTUNG, doing business as B. & H. TRANSFER, 227 Coal Street, Lehighton, Pa. Applicant's representative: Albert E. Enoch, 556 Main Street, Bethlehem, Pa. PETITION FOR RECONSIDERATION, CORRECTION, CLARIFICATION OR REVISION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY MC 62189. By petition dated August 28, 1957, petitioner states that since prior to 1934 and up to the present time, he has been transporting between points for which he has authority to operate, dresses, pajamas, etc., both on hangers and in packaged, under the generic heading contained in Certificate MC 62189 dated March 19, 1941. The authority here at issue is set forth in said Certificate as follows:

Drugs, shoes, textile products, and *materials, supplies, machinery,* and *equipment,* used or useful in the manufacture and distribution of textile products.

The transportation of which is authorized over specified regular routes, between Hazelton, Pa., and Easton, Pa.; between Bath, Pa., and Bethlehem, Pa.; and between Easton, Pa., and New York, N. Y. serving all intermediate points and specified off-route points. Petitioner is of the opinion that he has authority under the above commodity description to transport clothing and wearing apparel and component parts used in the manufacture thereof, as described in Appendix X to Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, and requests the Commission reopen the proceeding MC 62189 for reconsideration for the purpose of correcting, clarifying and revising the commodity description in certificate of public convenience and necessity MC 62189, to read as follows:

Drugs, shoes, textile products and materials, and *clothing* and *wearing apparel* and *component parts used in the manufacture thereof,* as described in Appendix X to Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, *supplies, machinery* and *equipment,* used or useful in the manufacture and distribution of textile products.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIER OF PROPERTY

No. MC 38183 (Sub No. 41), filed November 1, 1957, WHEELOCK BROS., INC., 720 East Third Street, Kansas City, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Topeka, Kans., and Junction City, Kans., over relocated U. S. Highway 40, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Chicago, Ill., and Denver, Colo. Applicant is authorized to transport general commodities in Colo-

rado, Illinois, Indiana, Kansas, and Missouri.

No. MC 61403 (Sub No. 22), filed October 29, 1957, ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lima, Ohio, to Pickens and Spartanburg, S. C. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 71743 (Sub No. 2), filed October 25, 1957, BELLM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Morton, Ill., and Peoria, Ill., over U. S. Highway 150, serving no intermediate points. Applicant is authorized to transport the commodities specified in Illinois and Missouri.

NOTE: Applicant's attorney states applicant has served the Caterpillar Tractor Co. between St. Louis, Mo., and Peoria, Ill., for many years and now desires to serve said company's new plant in Morton, Ill., by "tacking" the authority requested herein.

No. MC 112584 (Sub No. 15), filed October 25, 1957, FRED A. SHELTON, Copperhill, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sulphur dioxide* (SO_2), in bulk, in tank vehicles, from Copperhill, Tenn., to Moss Point, Miss., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to transport Sulphur dioxide, in bulk, in tank vehicles, over regular routes, in North Carolina and Tennessee, and over irregular routes in Alabama, Florida, Georgia, Mississippi, North Carolina, and Tennessee.

MOTOR CARRIERS OF PASSENGERS

No. MC 28680 (Sub No. 16), filed October 25, 1957, JORDAN BUS COMPANY, a Corporation, Jordan Terminal Building, Hugo, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *mail*, in the same vehicle with passengers, between Waurika, Okla., and Walters, Okla., over Oklahoma Highway 5, serving all intermediate points, with authority to tack with its present authority both at Waurika and Walters, Okla. Applicant is authorized to conduct operations in Arkansas, Oklahoma, and Texas.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12667, filed September 26, 1957, DOROTHY M. KNOLL, doing business as DOROTHY M. KNOLL, TRAVEL AGENT, 1724 Rosedale Street, Verona, Pa. Applicant's attorney: Silvestri Silvestri, 509 Plaza Building, Pittsburgh 19, Pa. For a license (BMC 5) authorizing operations as a *broker* at Verona, Pa., in arranging with motor common carriers, and on occasion joint arrangements between motor, rail and water carriers, for the transportation of *passengers* and *groups of passengers* and their *baggage*, in the same vehicle, in special or charter service, in round trip sight-seeing tours beginning and ending at points in Allegheny County, Pa., and extending to points in the United States.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 71459 (Sub No. 13), filed November 4, 1957, SOUTHERN CALIFORNIA FREIGHT LINES, a Corporation, 1121 Mateo Street, Los Angeles 21, Calif. Applicant's attorney: D. W. Markham, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: A. *General commodities*, 1. Between Los Angeles, Calif., and San Bernardino, Calif., serving all intermediate points: From Los Angeles over U. S. Highway 66 to San Bernardino, and return over the same route, 2. Between Los Angeles, Calif., and the United States-Mexican border at Calexico, Calif., serving all intermediate points: 2.1 From Los Angeles over U. S. Highway 99 to the United States-Mexican border, and return over the same route. 2.2 From Los Angeles over U. S. Highway 99, as described above, to its junction with California Highway 111 approximately two miles west of White Water, Calif., thence over California Highway 111 to the United States-Mexican border, and return over the same route. 2.3 From Los Angeles over U. S. Highway 60 to Beaumont, Calif., thence to the United States-Mexican border, as described above, and return over the same route. 3. Between Twentynine Palms, Calif., and the junction of unnumbered highway and U. S. Highway 99 at Twentynine Palms junction, serving all intermediate points: From Twentynine Palms over unnumbered highway to its junction with U. S. Highway 99 at Twentynine Palms junction, and return over the same route. 4. Between the junction of California Highway 79 and U. S. Highway 60 about five miles east of Sunnymead, Calif., and Hemet, Calif., serving all intermediate points: From the junction of California Highway 79 and U. S. Highway 60 approximately five miles east of Sunnymead, Calif., over California Highway 79 to Hemet, and return over the same route, 5. Between Los Angeles, Calif., and the United States-Mexican border south of San Ysidro, Calif., serving all intermediate points, and the off-route points of Olinda, Calif.; all points within five miles of the United States Post Office at Olinda, including Camp Pendleton, United States Marine Base; Newport Beach, Balboa; La Jolla, Pacific Beach, Mission Beach, Ocean Beach, and Point Loma, Calif. 5.1 From Los Angeles over U. S. Highway 101 to the United States-Mexican border, and return over the same route. 5.2 From Los Angeles over U. S. Highway 101 Alternate to its junction with U. S. Highway 101, and thence to the United States-Mexican border as described above, and return over the same route. 5.3 From Los Angeles over U. S. Highway 101 to Buena Park, Calif., thence over California Highway 39 to its junction with U. S. Highway 101 Alternate at or near Huntington Beach, Calif., thence to the United States-Mexican border as described above, and return over the same route. 5.4 From Los Angeles over U. S. Highway 101 to Santa Ana, Calif., thence south on Main Street to its junction with California Highway 55, thence over California Highway 55 to its junction with U. S. Highway 101 Alternate at or near Newport Beach, thence to the United States-Mexican border as described above, and return over the same route. 5.5 From Los Angeles to San Diego, Calif., as described above, thence by ferry to North Island, thence over California Highway 75 to its junction with U. S. Highway 101 at or near Palm City, Calif., thence to the United States-Mexican border as described above, and return over the same route. 6. Between Santa Monica, Calif., and Los Angeles, Calif., serving all intermediate points, and the off-route points of San Pedro, Calif., and Terminal Island: 6.1 From Santa Monica over U. S. Highway 101 Alternate to Los Angeles, and return over the same route. 6.2 From Santa Monica over U. S. Highway 66 to Los Angeles, and return over the same route. 7. Between the junction of U. S. Highway 99 and U. S. Highway 6 north of San Fernando, Calif., and Wilmington, Calif., serving all intermediate points: From the junction of U. S. Highway 99 and U. S. Highway 6 north of San Fernando, over U. S. Highway 99 to Los Angeles, thence over city streets to Wilmington, and return over the same route. 8. Between Sun Valley, Calif., and Glendale, Calif., serving all intermediate points: From Sun Valley over Sunland Boulevard to its junction with California Highway 118 at or near Sunland, Calif., thence over California Highway 118 to its junction with California Highway 2 at or near La Canada, Calif., thence over California Highway 2 to Glendale, and return over the same route. 9. Between Pasadena, Calif., and Long Beach, Calif., serving all intermediate points: From Pasadena over U. S. Highway 66 to its junction with California Highway 19, thence over California Highway 19 to Long Beach and return over the same route. 10. Between Anaheim, Calif., and San Bernardino, Calif., serving all intermediate points: From Anaheim over U. S. Highway 91 to San Bernardino, and return over the same route. 11. Between Riverside, Calif., and San Diego, Calif., serving all intermediate points, and the off-route point of the United States Naval Fallbrook Ammunition Depot: 11.1 From Riverside over U. S. Highway 395 to San Diego, and return over the same route. 11.2 From Riverside over U. S. Highway 395 to its junction with the highway formerly designated as U. S. Highway 395, approximately two miles south of Rainbow, Calif., thence over the highway formerly designated as U. S. Highway 395, via Fallbrook, and Bonsall, Calif., to its junction with California Highway 78 at or near Vista, Calif., thence over California Highway 78 to its intersection with U. S. Highway 395 at or near Escondido, Calif., thence to San Diego as described above, and return over the same route. 12. Between Perris, Calif., and Idyllwild, Calif., serving all intermediate points: From Perris over California Highway 74 to its junction with unnumbered highway at Idyllwild junction, thence over unnumbered highway to Idyllwild, and return over the same route. 13. Between San Diego, Calif., and the California-Arizona boundary near Winterhaven, Calif., serving all intermediate points: 13.1 From San Diego over U. S. Highway 80 to the California-Arizona boundary, and return over the same route. 13.2 From San Diego over U. S. Highway 94 to its junction with U. S. Highway 80 at or near White Star, Calif., thence to the California-Arizona boundary as described above, and return over the same route. *B. General commodities*, except household goods as defined by the Commission, livestock, commodities of unusual value, and those injurious or contaminating to other lading. 14. Between Twentynine Palms, Calif., and the Marine Corps Field Artillery and Anti-aircraft Training Center approximately seven miles north thereof, serving all intermediate points: From Twentynine Palms over unnumbered highway to the Marine Corps Field Artillery and Anti-aircraft Training Center, and return over the same route. It is proposed to serve as off-route points (a) all points within five miles on either side of any of the routes described above in paragraphs A or B; (b) all points more than five miles, but not more than ten miles, from any of the routes described above in paragraphs A or B, but with respect to the points described in this subparagraph (b), service will not include (1) shipments weighing less than 2,000 pounds each, or carrying a charge applicable to a shipment of less than 2,000 pounds, or (2) the following commodities: household goods as defined by the Commission, petroleum products in bulk, livestock, or commodities of unusual value. *C. General commodities*, except household goods as defined by the Commission, petroleum products in bulk, livestock and commodities of unusual value when transported in shipments of less than 500 pounds. 15. Between all points embraced by the following boundary (hereinafter referred to as "Los Angeles Territory 2), on the one hand: Beginning at the intersection of Sunset Boulevard and U. S. Highway 101, Alternate; thence northeasterly along Sunset Boulevard to State Highway 7; northerly along State Highway 7 to State Highway 118; northeasterly along State Highway 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway 118 to and including the City of Pasadena; easterly along U. S. Highway 66 to State Highway 19; southerly along State Highway 19 to its intersection with U. S. Highway 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway 101, Alternate; thence northerly along an imaginary line to point of beginning; and all points embraced by the following boundary (hereinafter referred to as "San Francisco Territory"), on the other hand: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U. S. Highway 101; southerly along an imaginary line 1 mile west of a paralleling U. S. Highway 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway 17; northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway 40 (San Pablo Avenue); northerly along U. S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Serving all intermediate points, except as hereinafter provided: 15.1 From Los Angeles Territory, over U. S. Highway 101 to San Francisco Territory, and return over the same route. 15.2 From Los Angeles Territory over U. S. Highway 101 Alternate to its junction with U. S. Highway 101 at a point north and west of Oxnard, Calif., thence to San Francisco Territory as described above, and return over the same route. 15.3 From Los Angeles Territory over California Highway 118 to its junction with U. S. Highway 101 approximately 4.1 miles east of Ventura, Calif., thence to San Francisco Territory as described above, and return over the same route. 15.4 From Los Angeles Territory over U. S. Highway 99 to its junction with California Highway 126 at or near Newhall Ranch, Calif., thence over California Highway 126 to its junction with U. S. Highway 101 approximately 2.5 miles east of Ventura, thence to San Francisco Territory as described above, and return over the same route. 15.5 From Los Angeles Territory over U. S. Highway 99 to its intersection with California Highway 126 at or near Newhall Ranch, thence over California Highway 126 to Santa Paula, thence over California Highway 150 to its junction with U. S. Highway 399 west of Ojai, Calif., thence over U. S. Highway 399 to its junction with U. S. Highway 101 at or near Ventura, thence to San Francisco Territory as described above, and return over the same route. 15.6 From Los Angeles Territory to Las Cruces, Calif., as described above, thence over California Highway 1 to Pismo Beach, Calif., thence to San Francisco Territory as described above, and return over the same route. 15.7 From Los Angeles Territory to Buellton, Calif., as described above, thence over California Highway 150 to Lompoc, Calif., thence to San Francisco Territory as described above, and return over the same route. 15.8 From Los Angeles Territory to the junction of U. S. Highway 101 and California Highway 156 approximately 11 miles south of Gilroy, Calif., as described above, thence over California Highway 156 to Hollister, Calif., thence over California Highway 25 to its junction with U. S. Highway 101 approximately two miles south of Gilroy, thence to San Francisco Territory as described above, and return over the same route. 15.9 From Los Angeles Territory over U. S. Highway 99 to its junction with California Highway 152, thence over California Highway 152 to its junction with U. S. Highway 101, thence to San Francisco Territory as described above, and return over the same route, but with service to no intermediate points between the junction of U. S. Highway 90 and California Highway 152, and the junction of California Highway 152 and U. S. Highway 101. 15.10 From Los Angeles Territory over U. S. Highway 99 to Manteca, Calif., thence over California Highway 120 to its junction with U. S. Highway 50, thence over U. S. Highway 50 to San Francisco Territory, and return over the same route, but with service to no intermediate points between Manteca and San Francisco Territory. 15.11 From Los Angeles Territory over U. S. Highway 99 to its junction with U. S. Highway 6, thence over U. S. Highway 6 to its junction with unnumbered highway southeast of Newhall, Calif., thence over unnumbered highway, via Newhall, to Saugus, Calif., thence over unnumbered highway to its junction with U. S. Highway 99 approximately 2.7 miles west of Saugus, thence to San Francisco Territory as described above, and return over the same route. 15.12 From Los Angeles Territory over U. S. Highway 99 to its

junction with California Highway 65 approximately four miles north of Bakersfield, Calif., thence over California Highway 65 to its junction with California Highway 198 at or near Exeter, Calif., thence over California Highway 198 to Visalia, Calif., thence over unnumbered highways, via Calgro, Orosi, Dinuba, Reedley, and Sanger, Calif., to Clovis, Calif., thence over California Highway 168 to its junction with unnumbered highway, thence over unnumbered highway to its junction with U. S. Highway 99 approximately seven miles north of Fresno, Calif., thence to San Francisco Territory as described above, and return over the same route. 16. Between Hollister, Calif., and the junction of California Highway 156 and California Highway 152 approximately 12 miles east of Gilroy, Calif., with service to all intermediate points: From Hollister over California Highway 156 to its junction with California Highway 152 approximately 12 miles east of Gilroy, and return over the same route. 17. Between Visalia, Calif., and Lemoore, Calif., with service to all intermediate points: From Visalia over California Highway 198 to Lemoore, and return over the same route. 18. Between Manteca, Calif., and Sacramento, Calif., with service to all intermediate points. From Manteca over U. S. Highway 99 to Sacramento, and return over the same route. RESTRICTION: It is not proposed to transport shipments between San Francisco Territory and any point on U. S. Highway 99 between Sacramento and Stockton, both inclusive, or any point within ten miles of U. S. Highway 99 between Sacramento and Stockton, both inclusive. It is proposed to serve as off-route points: (a) all points within five miles on either side of any of the routes described above in this paragraph C; (b) all points more than five miles, but not more than ten miles from any of the routes described above in this paragraph C, but with respect to the points described in this subparagraph (b) service will not include shipments weighing less than 2,000 pounds each, or carrying a charge applicable to a shipment of less-than 2,000 pounds, except that it is not proposed to serve points within 10 miles of: (i) California Highway 152 between its junction with U. S. Highway 99 and its junction with U. S. Highway 101 (described in paragraph 15.9 above), or (ii) California Highway 120 between its junction with U. S. Highway 99 and its junction with U. S. Highway 50 (described in paragraph 15.10 above), or (iii) U. S. Highway 50 between its junction with California Highway 120 and San Francisco Territory (described in paragraph 15.10 above), unless such points are authorized to be served by reason of their proximity to other routes, or portions thereof, as described above. The authority applied for herein includes the right to operate over any combination of the above-described or otherwise authorized routes, regardless of whether the routes join or have a common point of service. Dual operations or section 5 may be involved. This application is directly related to No. MC–F 6706 published in the FEDERAL REGISTER of October 9, 1957, on page 8049.

NOTE: Applicant states it seeks authority corresponding to that presently held by it by virtue of authority of the State of California, and the second proviso of section 206 (a) (1) of the Interstate Commerce Act, but without duplication of any authority presently held by it by virtue of certificates issued under the Interstate Commerce Act.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

Nos. MC–F 6031, MC–F 6149, MC–F 6314 and MC–F 6330, published in the July 27, 1955, December 14, 1955, July 4, 1956, and July 18, 1956, issues of the FEDERAL REGISTER, respectively. Petition filed November 5, 1957, for JAR CORPORATION (Florida Corporation) to be substituted as party applicant in lieu of its former subsidiary of the same name. Amendment filed October 31, 1957, to temporary authority application MC–F 6314, for leasing of certain physical property.

No. MC–F 6737, published in the October 30, 1957, issue of the FEDERAL REGISTER, on page 8768. Application filed October 31, 1957, for temporary authority under section 210a (b).

No. MC–F 6749. Authority sought for purchase by RED BALL TRANSFER CO., 1009 Capital Avenue, Omaha, Nebr., of the operating rights of K. K. TRUCKING COMPANY, 1420 33d Street, Denver 5, Colo. Applicants' attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Operating rights sought to be purchased: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between Longmont, Colo., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado. Vendee is authorized to operate as a *common carrier* in Nebraska, Missouri, Iowa, Illinois, Indiana, Kansas, and Colorado. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F 6750. Authority sought for control by HELM'S EXPRESS, INC., P. O. Box 268, Pittsburgh 30, Pa., of ZENO FREIGHTWAYS, INC., 1040 Penn Street, Reading, Pa., and for acquisition by HARRY M. WERKSMAN, also of Pittsburgh, Pa., of control of ZENO FREIGHTWAYS, INC., through the acquisition by HELM'S EXPRESS, INC. Applicants' attorney: Samuel P. Delisi, 1211 Berger Building, Pittsburgh 19, Pa. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Cleveland, Ohio, and Philadelphia, Pa., serving certain off-route points, between Harrisburg, Pa., and Lancaster, Pa., between Harrisburg, Pa., and Philadelphia, Pa., between Bethlehem, Pa., and Philadelphia, Pa., between Akron, Ohio, and Pittsburgh, Pa., serving certain off-route points, between Canfield, Ohio, and Rochester, Pa., between Norwalk, Ohio, and Youngstown, Ohio, between Pittsburgh, Pa., and Jennerstown, Pa., serving the off-route point of Ebensburg, Pa., between West Alexander, Pa., and Uniontown, Pa., between Greensburg, Pa., and Point Marion, Pa., between Pittsburgh, Pa., and Steubenville, Ohio, between Sandusky, Ohio, and New Philadelphia, Ohio, serving the off-route point of Mansfield, Ohio, between Norwalk, Ohio, and Willoughby, Ohio, between Strasburg, Ohio, and Willoughby, Ohio, serving the off-route point of Painesville, Ohio, between Wadsworth, Ohio, and Canton, Ohio, between Lorain, Ohio, and Mallet Creek, Ohio; serving all intermediate points on the above specified routes; over irregular routes, from Cleveland, Ohio, and points in Ohio within 50 miles of Cleveland to certain points in Pennsylvania, and from Blairsville, Pa., and points in Pennsylvania within 60 miles of Blairsville to certain points in Ohio; alternate route for operating convenience only between the junction of U. S. Highway 224 and Ohio Highway 367, (west of Canfield, Ohio), and the junction of Ohio Highways 367 and 46 (south of Canfield, Ohio). Helm's Express, Inc. is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Ohio, and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6751. Authority sought for control by F. N. RUMBLEY COMPANY, 2100 South Van Ness Avenue, Fresno, Calif., of J. A. NEVIS TRUCKING, INC., P. O. Box 910, Industrial Road, Pittsburg, Calif., and for acquisition by W. F. RUMBLEY AND F. N. RUMBLEY, both of Fresno, Calif., of control of J. A. NEVIS TRUCKING, INC., through the acquisition by F. N. RUMBLEY COMPANY. Applicants' attorneys: Frank Loughran, 1620 Russ Building, San Francisco, Calif., and Wilmer A. Hill, 216 Transportation Building, Washington, D. C. Operating rights sought to be controlled: *Lumber and lumber products, wire netting, structural steel, nails, sash weights, plumbing fixtures, iron and steel pipe, bands* and *bars*, as a common carrier, over irregular routes, between San Francisco, Oakland, Alameda, Richmond, Pittsburg, and Stockton, Calif.; from San Francisco, Oakland, Alameda, Richmond, Pittsburg, and Stockton, Calif. to points in California within 250 miles of Pittsburg, Calif. Operations under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, in the transportation of *iron, steel, iron and steel articles, tin plate* and *empty carriers* and *pallets*, returning, *roofing, building and paving materials, waste paper, waste paperboard, waste pulpboard, waste fibreboard* and *waste rags, lumber and forest products, brick, fire clay, clay and clay products, including tile mortar and sand, petroleum* and *petroleum products*, in packages, *machinery and machinery parts, machinery, such as generators or motors, or parts thereof, or generators and engines or motors combined, annealing covers, outfits, bridge builders', contractors' or graders', chemicals, insecticides* and *fungicides, alloys* and *aluminum*, from, to and between all points on or within 25 miles of: U. S. Highway 101 and U. S. Highway 101 By-Pass, between Santa Rosa, on the north, and Santa Ana, on the south; U. S. Highway 99 from North Sacramento, on the north, to Colton, on the south; State Highway 1 from San Francisco to Monterey; State Highway 4 from Pinole to Stockton; U. S. Highway 40 from San Francisco to Sacramento; U. S. Highway 50 from San Francisco to Manteca; State Highway 152 from Gilroy to Califa; State Highway 198 from San Lucas to Visalia; and U. S. Highway 466 from Robles to Famoso. F. N. Rumbley Company is authorized to operate as a *common carrier* in New Mexico, California, Nevada, and Arizona. Application has been filed for temporary authority under section 210a (b).

NOTE: Application will be filed and published in the FEDERAL REGISTER at a later date as a matter directly related.

No. MC–F 6752. Authority sought by DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind., to purchase the operating rights of MARTIN BROTHERS TRANSPORT, INC., 1400 West Seventh Street, Amarillo, Tex., and for acquisition by PAUL A. MAVIS, also of South Bend, Ind., of control of such rights through the transaction. Applicants' attorney: Charles Pieroni, % Dallas & Mavis Forwarding Co., Inc., 4000 West Sample Street, South Bend, Ind. Operating rights sought to be purchased: *New automobiles*, in initial movements, as a *common carrier*, over a regular route, from Detroit, Mich., to Amarillo, Texas, and the intermediate point of Shamrock, Texas. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F 6754. Authority sought by ALBERT L. EVANS, doing business as EVANS DELIVERY COMPANY, 777 Water Street, Pottsville, Pa., to purchase a portion of the operating rights of AMANDUS S. GERMAN, 720 Washington Street, Allentown, Pa. Applicants' representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. Operating rights sought to be purchased: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Allentown, Bethlehem, Walnutport, Lehigh Gap, Weissport, Easton, Emmaus, Catasaugua, Northhampton, and Slatington, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6755. Authority sought by GORDON B. EVANS, doing business as UNION TRANSFER CO., OF ALLENTOWN, 429–431 North 11th Street, Allentown, Pa., to purchase a portion of the operating rights of AMANDUS S. GERMAN, 720 Washington Street, Allentown, Pa. Applicants' representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. Operating rights sought to be purchased: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Allentown, Pa., and points within 25 miles of Allentown, Pa., on the one hand, and, on the other, points in New York, New Jersey, and Maryland, *fresh and canned meats*, from Allentown, Pa., to points in Pennsylvania within 75 miles of Allentown, *refused, damaged, or rejected shipments* of fresh and canned meats, from points in Pennsylvania within 75 miles of Allentown, to Allentown. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6753. Authority sought by THE SHORT LINE, INC., Court House Square, Newport, R. I., to purchase a portion of the operating rights of THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill., and for acquisition by GEORGE M. SAGE, also of Newport, R. I. of control of such rights through the transaction. Applicants' attorneys: William A. Murray, Jr., also of Newport, R. I., and L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be purchased: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Boston, Mass., and Providence, R. I., serving all intermediate points, between Taunton, Mass., and Wyoming, R. I., serving all intermediate points, and over an alternate route for operating convenience only, between Boston, Mass., and South Easton, Mass. Vendee is authorized to operate as a *common carrier* in Rhode Island and Massachusetts. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–9396; Filed, Nov. 13, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3787]

AJAX TUNGSTEN CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 7, 1957.

In the matter of Ajax Tungsten Corporation common stock; File No. 1–3787.

San Francisco Mining Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1(b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company has failed to file annual reports required pursuant to the rules of the Securities and Exchange Commission and the San Francisco Mining Exchange. The Company, therefore, is held in violation of Rule IV, section 6, of the Rules of the San Francisco Mining Exchange which pertains to withdrawal of registration of companies that are delinquent for a certain period of time in the filing of annual reports.

Upon receipt of a request, on or before November 25, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–9393; Filed, Nov. 13, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–203]

VITUSCIA S. A.

In re: Property owned indirectly by Vituscia S. A.; F–63–60 (Lugano), F–11–232.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $1,144.00, being a portion of the blocked account entitled, "Swiss Credit Bank, Lugano," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by Vituscia S. A., Sofia, Bulgaria, a national of Bulgaria, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 57-9362; Filed, Nov. 12, 1957; 8:47 a. m.]

[Vesting Order SA-204]

UNKNOWN NATIONAL OF RUMANIA

In re: Property owned indirectly by unknown national of Rumania; F-63-60 (Lugano), F-57-1257.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $167.00, being a portion of the blocked account entitled, "Swiss Credit Bank, Lugano," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by a national of Rumania, name unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-9363; Filed, Nov. 12, 1957; 8:47 a. m.]

HIROSHI FUJII

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hiroshi Fujii, a/k/a Hiroshi Fuji and H. Fuji, d/b/a Fuji Transfer Company, Branch Exchange No. 1, Camp Tokyo, c/o Postmaster, San Francisco, California; $424.90 in the Treasury of the United States.

Claim No. 62793. Vesting Order No. 7998.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9397; Filed, Nov. 13, 1957; 8:49 a. m.]

J. H. KLEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

J. H. Klein, Rotterdam, The Netherlands, Claim No. 62323; $1,640.70 in the Treasury of the United States, and 23 shares of U. S. Lines $1.00 par value common stock, which 23 shares are included in those represented by Certificate No. NC-29114, registered in the name of the Attorney General.

The above shares are held in the Federal Reserve Bank, New York, for safekeeping.

Vesting Order Nos. 17838 and 17950.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9398; Filed, Nov. 13, 1957; 8:49 a. m.]

WILLEMIEN MULDER-SCHOLTEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Willemien Mulder-Scholten, 55a Bezuidenhout, The Hague, The Netherlands, Claim No. 61479; $6,033.02 in the Treasury of the United States. Fifty (50) shares Southern Railway Company no par value common stock, Certificate Nos. A265714 (40 shares) and B120825 (10 shares), presently in the custody of the Safekeeping Department, Federal Reserve Bank of New York.

Vesting Orders Nos. 17838, 17889, 17909, 17950, and 18118.

Executed at Washington, D. C., on November 6, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9399; Filed, Nov. 13, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 222

Washington, Friday, November 15, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.2]

PART 332—PROCESSING INITIAL LOANS

MISCELLANEOUS AMENDMENTS

1. Section 332.6 (a), Title 6, Code of Federal Regulations (22 F. R. 19), is revised to discontinue the requirement that veterans evidence of discharge be included in the loan docket, and to read as follows:

§ 332.6 *Preparation of loan docket and action by loan approval official.* (a) Forms required in loan processing will be prepared and assembled in the County Office. The County Supervisor will assemble the loan docket when the County Committee has signed Form FHA-491, "County Committee Certification." If the applicant is a veteran, the County Supervisor will review the applicant's evidence of discharge or release, and if he determines the applicant is a veteran as defined in §§ 301.21 and 301.22 of this chapter, veteran status will be indicated on Form FHA-197, "Application for FHA Services." If the applicant is a disabled veteran the docket will include evidence showing the amount of and reason for pension. The loan docket will be submitted to the State Office.

2. Section 332.11, Title 6, Code of Federal Regulations (22 F. R. 20) is revised to discontinue the submission of Forms FHA-416 and FHA-971 to the National Office for selection of a lender and to read as follows:

§ 332.11 *Action by State Office after approval of insured loan.* When Form FHA-971, "Request for check," is received from the County Office, the State Office will check or insert the name and address of the lender and see that these entries are correct, the signature of the County Supervisor on the original of Form FHA-971, and forward the original of Form FHA-971 to the lender.

3. Section 332.12 (a), Title 6, Code of Federal Regulations (22 F. R. 20), is revised to include directions for delivery of the check by the lender and to read as follows:

§ 332.12 *Actions subsequent to receipt of preliminary title evidence and prior to loan closing.*—(a) *County Supervisor.* When the preliminary title evidence is received, it will be processed in accordance with Part 307, Subpart A, of this chapter. When necessary curative actions have been taken to provide a satisfactory title and a date has been set for loan closing, the County Supervisor will order the loan check. For an insured loan, the County Supervisor will request the check by preparing Form FHA-971 and submitting it to the State Director. In a case where the seller is to become the lender, the amount of the check requested will be only for the amount of cash, if any, he will advance. Whenever the bank handling a supervised bank account will require the lender's personal check to clear before disbursing funds, the lender should be requested to furnish a certified or cashier's check. When suitable arrangement can be made with the lender, the bank draft method may be used to obtain insured loan funds. The lender or his representative may present the check for an insured loan at the time the loan is closed or if desired, the check may be mailed to the County Supervisor. When a lender issues a loan check payable jointly to the borrower(s) and the Farmers Home Administration as a precaution against loss of funds, the County Supervisor is authorized to endorse the check on behalf of the Farmers Home Administration at the time of loan closing as follows: "Endorsed without recourse: Farmers Home Administration, By ----------, Title ----------." The State Director also is authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in Part 362 of this chapter regarding collection items, or the endorsement of such items.

4. The use of Forms FHA-190A and FHA-240A have been discontinued Therefore, in § 332.13, Title 6, Code of Federal Regulations (22 F. R. 21), references to Form FHA-190A and Form FHA-240A and the Note appearing in

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FEDERAL REGISTER

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paragraph (e) and the reference to Form FHA-240A in paragraph (i) are revoked.

(R. S. 161, sec. 41, 50 Stat. 528, as amended, sec. 4, 64 Stat. 100; 5 U. S. C. 22, 7 U. S. C. 1015, 40 U. S. C. 442)

Dated: November 8, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-9429; Filed, Nov. 14, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Reg. No. PR-29]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

FILING OF DOCUMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 8th day of November 1957.

Section 302.3 of Part 302 of the Board's procedural regulations contains the provisions governing the filing of documents in economic proceedings. The documents filed in such proceedings are often voluminous and have appended thereto a variety of material, e. g., maps, charts, and diagrams. While many of these documents contain a subject index for the Board's guidance, there is no specific requirement in Rule 3 for the inclusion of such an index and in the absence of such a requirement there has been no uniformity of practice in this regard. Therefore, in order to facilitate the review and/or analysis of the documents filed with the Board or an examiner, the Board considers it appropriate to amend Rule 3 so as to require that any document consisting of 20 or more pages contain a subject index.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the procedural regulations (14 CFR Part 302) as follows, effective November 30, 1957:

1. By amending § 302.3 by adding a new paragraph (d) to read as follows:

(d) *Table of contents.* All documents filed under this part consisting of twenty or more pages must contain a subject-index of the matter in such document, with page references.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-9463; Filed, Nov. 14, 1957; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 28]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Civil Aeronautics Administration as follows:

Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 *Project costs.* * * *

(c) *United States share of project costs.* * * *

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	61.00
California	54.04
Colorado	53.28
Idaho	55.75
Montana	53.27
Nevada	62.50
New Mexico	56.45
Oregon	55.94
South Dakota	52.91
Utah	62.21
Washington	51.71
Wyoming	57.18

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of installing high intensity runway lighting on runways designated as instrument landing runways.

(Secs. 1-15, 60 Stat. 170-178, as amended; 49 U. S. C. and Sup., 1111-1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

NOVEMBER 7, 1957.

[F. R. Doc. 57-9423; Filed, Nov. 14, 1957; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

FINANCIAL CONNECTIONS OF OFFICERS AND DIRECTORS OF REGISTERED HOLDING COMPANIES AND SUBSIDIARIES

The Securities and Exchange Commission has heretofore published for comments and suggestions a proposal to amend § 250.70 (Rule U-70), adopted under section 17 (c) of the Public Utility Holding Company Act of 1935, governing the connections with financial institutions of officers and directors of registered holding companies and subsidiary companies.

Section 17 (c) prohibits any registered holding company or any subsidiary company thereof from having as an officer or director any "executive officer, partner, appointee or representative of any bank, trust company, investment, or banking association or firm . . ." except as permitted by rule and regulation of the Commission "as not adversely affecting the public interest or the interest of investors and consumers." Rule U-70 defines those persons or situations to which the Commission has granted exemptions from section 17 (c).

Paragraph (b) (1) of Rule U-70 as now in effect provides that no holding company or subsidiary shall have as many as one-half of its directors persons with financial connections within the scope of section 17 (c).

Requests to amend the rule were received by the Commission from a number of public utility holding companies and their subsidiaries. They requested the rule be liberalized so as to permit, among other things, companies subject to the rule to have a greater percentage of persons with financial connections within the scope of section 17 (c) than that permitted by paragraph (b) (1). Those requesting the rule change noted that some of their public utility subsidiaries now have the maximum number of persons with banking connections permitted by the rule. They stated they are desirous of appointing as directors additional persons within their respective service areas, but such persons as have the most desirable qualifications have connections with commercial banks and are, therefore, ineligible to act as directors under the present provision of paragraph (b) (1). It was also pointed out that, at the present time, paragraph (a) (4) (i) permits a person whose only financial connection is with one or more commercial banking institutions each having a combined capital and surplus not in excess of $2,500,000 to be a director of a registered holding company or subsidiary thereof. It was therefore suggested, among other things, that the less than "one-half" limitation in paragraph (b) (1) be liberalized so as to exclude from such limitation persons who qualify pursuant to paragraph (a) (4) (i), and that the figure of $2,500,000 in para-

graph (a) (4) (i) be raised to $4,000,000, or possibly $5,000,000.

After consideration of the various requests to amend Rule U–70, the Commission believed that a portion of the suggestions should be circulated as a proposed amendment for public comment. Notice of the proposed amendment was given on August 19, 1957 (Holding Company Act Release No. 13530).

After receiving public comments the Commission has determined to adopt the amendment as circulated for comment. The amendment increases the number of persons with certain financial connections who may serve as directors of registered holding companies and subsidiaries thereof which are public utility companies. The Rule as amended exempts from the less than "one-half" limitation contained in paragraph (b) (1) a person whose only financial connection is that of a director, but not as an officer or employee, of one or more commercial banks each having combined capital and surplus not in excess of $2,500,000 and who proposes to act as a director, but not as an officer or employee, of a registered holding company or subsidiary which is a public utility company. However, in no event shall the number of directors with financial connections proscribed by section 17 (c) exceed two-thirds of the total.

Accordingly the Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 17 (c) and 20 (a) thereof, and deeming such action as not adversely affecting the public interest or the interest of investors or consumers, hereby amends Rule U–70 of the general rules and regulations under the Public Utility Holding Company Act of 1935, so that paragraph (b) (1) reads as follows:

§ 250.70 *Exemptions from section 17 (c) of the act.* • • •

(b) *Limitations on exemptions.* The foregoing exemptions are subject to the following conditions and restrictions:

(1) *Number of exempted directors.* No registered holding company or subsidiary shall have as many as one-half of its directors with financial connections within the scope of section 17 (c) except that this limitation shall not not apply to a person:

(i) Who is exempted pursuant to the provisions of paragraph (a) (6) of this section; or

(ii) Whose only financial connection is as a director, but not as an officer or employee, of one or more commercial banking institutions each having combined capital and surplus not in excess of $2,500,000: *Provided,* That the person whose exemption is claimed serves the registered holding company or subsidiary only as a director and not as an officer or employee, and that the registered holding company or subsidiary concerned is a public-utility company: *And provided further,* That in no event shall the number of directors with financial connections proscribed by section 17 (c) exceed two-thirds of the total.

It appearing that the amendment relieves a restriction imposed upon registered holding companies and subsidiaries thereof, the amendment is effective forthwith.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

NOVEMBER 4, 1957.

[F. R. Doc. 57–9447; Filed, Nov. 14, 1957; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 4.77, paragraph (g) is amended to read as follows:

§ 4.77 *Death pension or compensation payable solely by virtue of certain amendatory laws.* • • •

(g) *Correction of military records—(1) Boards of review.* When death pension or compensation is payable solely as a result of the findings of a board of review established under section 301, Public Law 346, 78th Congress, death pension or compensation based on an original or reopened claim shall be payable from the date authorized by the law under which pension or compensation is payable (i. e., the day following the veteran's death if claim was filed within one year after the date of the veteran's death, otherwise the date of filing claim) but not prior to the date of the finding of the board of review or, if the finding was approved by the Secretary of the service department concerned, the date of such approval.

(2) *Boards for correction of records.* When death pension or compensation is payable solely as a result of the findings of a board for correction of military (or naval) records established under section 207, Pub Law 601, 79th Congress, as amended by Public Law 220, 82d Congress, or section 1552, Title 10, U. S. Code:

(i) In original claims, if the claim was filed within 1 year after the veteran's death, pension or compensation shall be payable from the day after the veteran's death or the date the application for correction of the record was filed with the service department, whichever is the later. If a claim was filed more than 1 year after the veteran's death, pension or compensation shall be payable from the date of receipt of the claim or the date the application for correction of the record was filed with the service department, whichever is the later.

(ii) Effective August 2, 1946, in reopened claims, if a disallowed claim was reopened within one year from August 1, 1956, pension or compensation shall be payable from the date the application for correction of the record was filed with the service department, but not prior to the date authorized under subdivision (i) of this subparagraph; otherwise benefits shall be payable from the date the application for correction of the record was filed with the service department or the date of reopening of the Veterans Administration claim, whichever is the later, but in no event prior to August 1, 1956 (sec. 501 (u), Public Law 881, 84th Cong., and sec. 904, Public Law 85–56, effective January 1, 1958).

(3) *Administrative determinations.* The date of commencement of original awards of death pension or compensation payable solely as a result of an administrative determination made by the service departments, other than through boards of review or corrections, based on new evidence or change in policy and views, or both, involving character of discharge, active duty status, line of duty or willful misconduct, will be the date authorized by the law under which pension or compensation is payable but not prior to the date of the corrected report or date of recertification.

(Sec. 2, 56 Stat. 1038, as amended, secs. 14, 16, 57 Stat. 558, as amended, 559, as amended, sec. 301, 58 Stat. 286, as amended, sec. 4, 63 Stat. 202, 63 Stat. 484, par. I, Part I, and par. V, Part II, Vet. Reg. 1 (a), as amended, par. I, Part I, Vet. Reg. 2 (a), as amended, par. VIII, Vet. Reg. 10, as amended. 68 Stat. 377, 789. 70A Stat. 116; 10 U. S. C. 456–1, 1552, 32 U. S. C. 160b, 33 U. S. C. 855a, 34 U. S. C. 855c–3, 38 U. S. C. 693h, 729b, 731, 731 note, 744, 747, ch. 12A)

2. In § 4.84, a new paragraph (d) is added to read as follows:

§ 4.84 *General Law and service acts.* • • •

(d) *Failure to establish continuance of unremarried or unmarried status; widow or child.* Where a widow has failed to establish that she continues to be unremarried or a child whose entitlement otherwise terminates on marriage has failed to establish that he continues to be unmarried, the provisions of § 4.86 (b) (2) and (c) (1) and (2) shall apply.

3. In § 4.86, subparagraph (1) of paragraph (c) is amended to read as follows:

§ 4.86 *Public Law 2, 73d Congress (act of March 20, 1933), as amended; sections 28 and 31, Title III, Public Law 141, 73d Congress (act of March 28, 1934), as amended; Public Law 484, 73d Congress (act of June 28, 1934), as amended; and Public Law 301, 79th Congress (act of February 18, 1946).* • • •

(c) *Child reaching eighteen, marrying, dying, or entering military or naval service.* (1) Discontinuance of pension or compensation because of a child's reaching the age of 18 years, or being married, or dying shall be effective the date next preceding the 18th birthday or next preceding the date of marriage, or will be effective upon the date of death: *Provided,* That where an award to a widow is subject to reduction because of one of these contingencies, her award will be payable at the reduced rate effective the date of the child's 18th birthday, the date of marriage, or the day following the date of the child's death (par. III (e), Part I, Veterans Regulation 2 (a) (38 U. S. C. ch. 12A)): *Provided further,* That where a child fails to establish that he continues to be unmarried, the provisions of paragraph (b) (2) of this section shall be applicable.

4. In § 4.462, paragraph (b) is amended to read as follows:

§ 4.462 *Widows.* • • •

(b) *Additional allowance under § 4.447 (c).* Reduction or discontinuance of the additional allowance under § 4.447 (c) shall be effective the day preceding the marriage (where a child fails to establish that he continues to be unmarried the provisions of paragraph (a) (2) of this section shall apply), 18th birthday or commencing date of death compensation or dependency and indemnity compensation for the child based on the service of another parent in the same parental line (see § 4.459), whichever is the earlier, or on the date of death, of any child included in the widow's award.

5. In § 4.463, paragraph (a) is amended to read as follows:

§ 4.463 *Children.* • • •

(a) *Marriage.* The day preceding the date of marriage. Where a child fails to establish that he continues to be unmarried the provisions of § 4.462 (a) (2) shall apply.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 15, 1957.

[SEAL] H. V. HIGLEY, *Administrator of Veterans Affairs.*

[F. R. Doc. 57–9452; Filed, Nov. 14, 1957, 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1549]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for administration or disposal in accordance with the act of May 4, 1956 (70 Stat. 130):

[Anchorage 031644]

KENAI PENINSULA

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 31, Lots 11, 12, 35, 51, 73, 74, 91, 92, 113, 114, and 132; Lots 143–164 inc.; Lots 175–189 inc.
The tracts described contain 54.36 acres.
T. 5 N., R. 11 W.,
Sec. 4, Lot 6 (excepting 3.42 acres included in a reserve created for the Department of the Army as a dock site by Public Land Order No. 1035 dated December 13, 1954);
Sec. 15, Lots 6 and 8;
Sec. 24, Lot 1.
The tracts described contain 89.69 acres.
T. 5 N., R. 9 W.,
Sec. 22, Lot 3.
The tract described contains 27.50 acres.
T. 4 N., R. 12 W.,
Sec. 24, Lot 13.
The tract described contains 3.41 acres.
T. 2 N., R. 12 W.,
Sec. 29, Lot 1.
The tract described contains 36.06 acres.
T. 1 S., R. 14 W.,
Sec. 34, Lots 13, 14, 15, and 16; NW¼NW¼NE¼SW¼.
The tracts described contain 11.37 acres.
T. 2 S., R. 14 W.,
Sec. 4, Lot 5.
The tract described contains 44.38 acres.

BIG LAKE AREA

SEWARD MERIDIAN

T. 17 N., R. 4 W.,
Sec. 27, Lot 25;
Sec. 35, Lots 16 and 33;
Sec. 25, Lot 11.
The tracts described contain 6.71 acres.

SOUTHEASTERN ALASKA

PENNOCK ISLAND

U. S. Survey No. 3316, Lot 7.
The tract described contains 1.65 acres.
U. S. Survey No. 2990, Lot 17A.
The tract described contains 1.34 acres.
Total of 10 sites aggregating 276.47 acres.

[Anchorage 031933]

SECOND BEAVER LAKE

SEWARD MERIDIAN

T. 17 N., R. 3 W.,
Sec. 8, Lot 12.
The tract described contains 4.58 acres.

ROGER ERNST, *Assistant Secretary of the Interior.*

NOVEMBER 7, 1957.

[F. R. Doc. 57–9436; Filed, Nov. 14, 1957; 8:46 a. m.]

[Public Land Order 1550]

[Fairbanks 012558]

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 808 OF FEBRUARY 27, 1952

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for administration, conveyance or other disposition in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130), as amended by the act of August 30, 1957 (71 Stat. 510):

(a) [Fairbanks 012558]

SLIME CREEK AREA

An area surrounding a portion of Slime Creek at approximately mile 9 of the McKinley Park-Cantwell Road as measured from the intersection of the McKinley Park-Summit-Denali Highway roads described as follows:

Beginning at a point on the centerline of the McKinley Park-Cantwell Road, approximately 1 chain northerly of Slime Creek, latitude 69°30'36" N., longitude 148°48'44" W., as shown on U. S. G. S. topographic quadrangle Healy (C–4) Alaska, 1952, thence
Southerly, 15 chains along centerline of said road;
East, 8 chains;
Northerly, 15 chains parallel to the centerline of said road;
West, 8 chains to point of beginning.
The tract described contains 12 acres.

TWO-TOM OR TWIN LAKES

An area situated between the Two-Tom or Twin Lakes which are located at about mile 7.5 of the Denali Highway as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and described as follows:

Beginning at the point of intersection of longitude 148°40' W., with the north shore of the southernmost of two lakes, at approximate latitude 63°23'45" N., as shown on U. S. G. S. topographic quadrangle Healy (B–4) Alaska, 1951, thence
Westerly, 15 chains along shoreline of the lake;
North, 15 chains to the south shore of the northernmost of the two lakes;
Easterly, 15 chains approximately along the south shore of the lake to a point due north of the point of beginning;
South, 10 chains to point of beginning.
The tract described contains 18.7 acres.

UNNAMED CREEK AT MILE 14.75

An area surrounding the crossing of an unnamed creek by the Denali Highway at approximately mile 14.75 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads described as follows:

Beginning at a point in the center of the Denali Highway where it crosses an unnamed creek at approximate latitude 63°23'02" N., longitude 148°25'56" W., as shown on U. S. G. S. topographic quadrangle Healy (B–3) Alaska, 1952, thence
Southerly, 5 chains along the west bank of the creek;
Westerly, 5 chains parallel with the centerline of the Denali Highway;
Northerly, 5 chains to centerline of highway;
North, 5 chains;
Easterly, 5 chains parallel with the centerline of the Denali Highway;
South, 5 chains to point of beginning.
The tract described contains 5.0 acres.

LILLY CREEK AREA

An area bordering Lilly Creek and a small tributary thereof where they are crossed by the Denali Highway at approximate mile 23 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads described as follows:

Beginning at the point for intersection of the centerline of the Denali Highway and the southern bank of Lilly Creek, approximate latitude 63°20'07" N., longitude 148°16'11" W., as shown on U. S. G. S. topographic quadrangle Healy (B–3) Alaska, 1952, thence
Northwesterly, 10 chains along centerline of Denali Highway to its intersection with the south bank of a tributary to Lilly Creek;
Northeasterly, downstream along the south bank of this tributary to its confluence with Lilly Creek;
Southeasterly, upstream along the southern bank of Lilly Creek to the point of beginning.
The tract described contains 2.5 acres.

SEATTLE CREEK AREA

An area abutting the Denali Highway at Seattle Creek at approximate mile 24 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads described as follows:

Beginning at a point on the centerline of the Denali Highway where it crosses Seattle Creek, approximate latitude 63°19'31" N., longitude 148°14'48" W., as shown on

U. S. G. S. topographic quadrangle Healy (B–3) Alaska, 1952, thence

Northwesterly, 5 chains along the centerline of the Denali Highway;

N. 60° E., 5 chains;

Southeasterly, 24 chains parallel to the centerline of Denali Highway;

S. 60° W., 5 chains to a point on the centerline of the Denali Highway;

Northwesterly, 19 chains along said centerline to point of beginning.

The tract described contains 12 acres.

BRUSHKANA CREEK

An area situated on the west side of Brushkana Creek and north side of the Denali Highway at the highway crossing which is located approximately mile 30.5 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads described as follows:

Beginning at the point of intersection of the centerline of Denali Highway and the west bank of Brushkana Creek, approximate latitude 63°17'22" N., longitude 148°03'45" W., as shown on U. S. G. S. topographic quadrangle Healy (B–3) Alaska, 1952, thence

Northwesterly, 10 chains along the centerline of the Denali Highway;

N. 18°30' E., 41 chains to a point on the west bank of Brushkana Creek;

Southwesterly, 65 chains upstream along said west bank to the point of beginning.

The tract described contains 65 acres.

CANYON CREEK AREA

An area adjoining the south side of the Denali Highway at its crossing of Canyon Creek approximately at mile 40.5 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads described as follows:

Beginning at the intersection of the centerline of the Denali Highway and Canyon Creek, approximate latitude 63°14'46" N., longitude 147°48'04" W., as shown on U. S. G. S. topographic quadrangle Healy (A–2) Alaska, 1952, thence

Southerly, 10 chains along centerline of Denali Highway;

West, 5 chains to a point on the west bank of Canyon Creek;

Northerly, 10 chains parallel to the centerline of the highway;

East, 5 chains to point of beginning.

The tract described contains 5 acres.

CONSTANCE CREEK AREA

An area adjoining the south side of the Denali Highway at its crossing of a stream locally known as Constance Creek at approximate mile 107 as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and about 3.5 miles west of the Tangle Lakes Bridge described as follows:

Beginning at the intersection of the centerline of the Denali Highway and the west bank of Constance Creek, approximate latitude 63°04'15" N., longitude 146°06'12" W., as shown on U. S. G. S. topographic quadrangle Healy (A–5) Alaska, 1952, thence

Southerly, 12 chains along the west bank of Constance Creek;

N. 45° W., 20 chains (approximately parallel to highway);

N. 45° E., 8 chains to a point on the centerline of highway;

S. 45° E., 11 chains along centerline of highway to point of beginning.

The tract described contains 12.4 acres.

The public lands withdrawn by this order aggregate a total of approximately 132.60 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 7, 1957.

[F. R. Doc. 57–9437; Filed, Nov. 14, 1957; 8:46 a. m.]

RULES AND REGULATIONS

[Public Land Order 1551]

[Fairbanks 013034]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved for administration, conveyance or other disposition in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130) as amended by the act of August 30, 1957 (71 Stat. 510):

FAIRBANKS MERIDIAN

CHENA RIVER AREA

T. 1 S., R. 2 E.,
Sec. 9, lots 30, 31, 32, 35, 36, 37, and 38.
The tracts described contain 20.94 acres.

SALCHA RIVER AREA

T. 5 S., R. 4 E.,
Sec. 22, lots 15, 16, 27, and 28.
The tracts described contain 40.65 acres.

PORCUPINE CREEK

A parcel of land enclosing the crossing of Porcupine Creek by the Taylor Highway at approximately Mile 6.25 as measured from the junction of the Alaska and Taylor Highways, approximate latitude 63°22'50" N., longitude 142°34' W., described as follows:

Beginning at a point on the centerline of the Tay or Highway from which the center of the bridge crossing Porcupine Creek bears northerly 5.1 chains following centerline of highway, thence

West, 2.5 chains;
North, 10.0 chains;
East, 8.0 chains;
South, 10.0 chains;
West, 5.5 chains to point of beginning.
The tract described contains approximately 8.0 acres.

WEST FORK DENNISON RIVER

A parcel of land situated on the north bank of the West Fork of the Dennison River and on the east side of the Taylor Highway at approximate Mile 49 as measured from the junction of the Alaska and Taylor Highways, approximate latitude 63°54'10" N., longitude 142°08'30" W., described as follows:

Beginning at point for intersection of the centerline of the Taylor Highway and the north bank of the West Fork of the Dennison River, thence

Northerly, 5.0 chains following centerline of highway;

East, 9.3 chains;

South, 5.0 chains to the north bank of the West Fork of the Dennison River;

Westerly, 10.0 chains along said north bank to the point of beginning.

The tract described contains 4.94 acres.

MOSQUITO FORK OF THE FORTY MILE RIVER

A parcel of land situated on the west bank of the Mosquito Fork of the Forty Mile River and on the south side of the Taylor Highway at approximate Mile 64.25 as measured from the junction of the Alaska and Taylor Highways, latitude 64°04'10" N., longitude 141°56'30" W., described as follows:

Beginning at a point on the centerline of Taylor Highway at its intersection with the west bank of Mosquito Fork of the Forty Mile River, thence

West, 5 chains along centerline of highway;

South, 10 chains;

East, 5 chains to a point on the west bank of Mosquito Fork;

Northerly, along said west bank to point of beginning.

The tract described contains approximately 5 acres.

O'BRIEN CREEK

A parcel of land on the north side of O'Brien Creek and the east side of Eagle Highway, approximately 26 miles northerly as measured on the Eagle Highway from its junction with Taylor Highway, latitude 64°23' N., longitude 141°24' W., described as follows:

Beginning at the intersection of the centerline of the Eagle Highway and the centerline of an access road, said access road being the only side road constructed off the steep shoulder of Eagle Highway in this general area, thence

Northerly, 2.5 chains along centerline of Eagle Highway;

East, 10.9 chains;

Southerly, 10.0 chains to a point on the north bank of O'Brien Creek;

Westerly, 8.0 chains along said north bank to a point on the beginning of an abrupt southerly course in O'Brien Creek;

West, 2.0 chains to a point on the centerline of Eagle Highway;

North, 7.5 chains along said centerline to intersection of access road referred to above, being the point of beginning.

The tract described contains 10.12 acres.

KING SOLOMAN CREEK

A parcel of land situated on the south side of the Eagle Highway at Mile 42 as measured from the junction of the Eagle and Taylor Highways at the crossing of a tributary of King Soloman Creek at latitude 64°32' N., longitude 141°16' W., described as follows:

Beginning at a point on the bridge crossing of a tributary of King Soloman Creek by the Eagle Highway, being the center point of the highway and the creek, thence

West, 7.5 chains along the centerline of the highway;

South, 10.0 chains;

East, 10.0 chains;

North, 9.2 chains to the centerline of the highway;

Northwesterly, 2.6 chains along the centerline to the point of beginning.

The tract described contains 9.9 acres.

The public lands withdrawn by this order aggregate a total of approximately 99.55 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 7, 1957.

[F. R. Doc. 57–9438; Filed, Nov. 14, 1957; 8:46 a. m.]

[Public Land Order 1552]

[Anchorage 026583]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 487 OF JUNE 16, 1948

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska, which have been classified as chiefly valuable for recreational purposes, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for administration, conveyance or other disposition in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130) as amended by the act of August 30, 1957 (71 Stat. 510), the unsurveyed subdivisions being exclusive of meandered water areas (when surveyed):

SUCKER LAKE

T. 7 N., R. 11 W., S. M.,
Sec. 17, S½NW¼NW¼, SW¼NE¼NW¼, W½SE¼NW¼, and SW¼NW¼ (unsurveyed).
The area described contained 70 acres.

UNNAMED LAKES

T. 7 N., R. 11 W., S. M.,
Sec. 5, W½SW¼SW¼, and SE¼SW¼SW¼ (unsurveyed);
Sec. 8, N½NW¼NW¼, NW¼NE¼NW¼ (unsurveyed).
The areas described aggregate 40 acres.

UNNAMED LAKES

T. 7 N., R. 11 W., S. M.,
Sec. 2, N½NW¼NW¼ (unsurveyed);
Sec. 3, N½NE¼NE¼ (unsurveyed);
T. 8 N., R. 11 W., S. M.,
Sec. 34, S½SE¼, S½NE¼SE¼ (unsurveyed.
The areas described aggregate 60 acres.

TWIN LAKES

T. 8 N., R. 11 W., S. M.,
Sec. 36, NW¼SW¼; S½SW¼NW¼, S½SE¼NW¼, and W½NE¼SW¼ (unsurveyed).
The areas described aggregate 85 acres.

DANIELS LAKE

T. 8 N., R. 11 W., S. M.,
Sec. 22, lots 2 and 3;
Sec. 27, NW¼NE¼NW¼, NE¼NW¼NW¼ (unsurveyed).
The areas described aggregate 79.77 acres.

UNNAMED LAKES

T. 8 N., R. 11 W., S. M.,
Sec. 22, E½NE¼NE¼;
Sec. 23, lots 2, 3, and 4.
The areas described aggregate 66.40 acres.

PORCUPINE LAKE

T. 2 N., R. 12 W., S. M.,
Sec. 9, lots 2 and 5.
The areas described aggregate 93.05 acres.

OSCAR LAKE

T. 16 N., R. 4 W., S. M.,
Sec. 1, NE¼NE¼NW¼, NW¼NW¼NE¼, and SW¼NE¼ (unsurveyed).
The areas described aggregate 35 acres.

WILLOW CREEK

T. 19 N., R. 4 W., S. M.,
Sec. 1, lot 3 (east 19.95 acres);
Sec. 5, lot 1 (south 20.00 acres), lot 2 (southeast 10.00 acres), E½SW¼NE¼, SW¼SW¼NE¼, N½NW¼SE¼, SE¼SE¼NW¼.
The areas described aggregate 110 acres.

LAKE LEILA

Beginning at a point at the outlet of Lake Leila, approximate latitude 61°53'12" N., longitude 147°19'09" W., thence

West, 38 chains to the east boundary of the Glenn Highway right-of-way;

Southerly, 30 chains along boundary line of right-of-way;

East, 24 chains to the west shore of Lake Leila;

Northeasterly, 39 chains along shore line to point of beginning.

The tract described contains approximately 80 acres.

SOURDOUGH CREEK

Beginning at a point for the east corner of a T. & M. site filed by William J. Krause, to be identified as U. S. Survey No. 3170, thence

Southerly, 19 chains along the west boundary of the Richardson Highway right-of-way;

West, 5 chains to left limit of Sourdough Creek; 60 chains downstream along said left limit to a point on the left limit of Gulkana River; 35 chains upstream along said left limit;

East, 25 chains to the west corner of T. & M. site of W. J. Krause;

Southeasterly, 10 chains along southwest boundary of said T. & M. site to the south corner thereof;

Northeasterly, 5 chains to point of beginning.

The tract described contains approximately 110 acres.

Public Land Order No. 487 of June 16, 1948, which withdrew lands for classification, is hereby revoked so far as it affects lots 2 and 5, sec. 9, T. 2 N., R. 12 W.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 7, 1957.

[F. R. Doc. 57–9439; Filed, Nov. 14, 1957; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—COLUSA NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

Basis and purpose. A sudden outbreak of botulism poisoning occurring on parts of the Colusa National Wildlife Refuge, California, is causing serious losses of waterfowl. In order to minmize the losses, it has been determined that the taking of migratory waterfowl and coots by public hunting on the affected parts of the refuge would be helpful in alleviating the situation. Pursuant to the authority conferred upon me by 50 CFR 21.31 and by Commissioner's Order 4 (22 F. R. 8126), and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949 (63 Stat. 600; 16 U. S. C. 718d (a)), I have determined that a part of the Colusa National Wildlife Refuge, California, may be administered primarily as a wildlife management area, not subject to the prohibitions against the taking of migratory game birds, and that the hunting of migratory waterfowl and coots within the area hereinafter described would be compatible with sound wildlife management. Accordingly, § 31.60, reading as follows, is added:

§ 31.60 *Hunting of waterfowl permitted.* Migratory waterfowl and coots may be taken by hunting in accordance with the provisions of Part 6 of this chapter on all lands within section 14 except the W½SW¼NW¼ and W½W½SW¼ thereof, T. 15 N., R. 2 W., M. D. M., so long as the hazard and incidence of botulism continues, subject to the following conditions and restrictions:

(a) Strict compliance with all applicable State and Federal laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this title.

(c) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) Upon the cessation of the hazard and incidence of botulism on the lands of the refuge, the authorization contained in this section will be terminated by the publication of an appropriate document in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendment involves public property, it is exempt from the procedural requirements of section 4 of the Administrative Procedure Act, and it shall become effective immediately.

(Sec. 10, 45 Stat. 1224, as amended; 16 U. S. C. 715i)

Issued at Washington, D. C., and dated November 8, 1957.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57–9434; Filed, Nov. 14, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 182]

INDUSTRIAL ALCOHOL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section

7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

In order to provide instructions relative to the receipt, storage, and reporting of alcohol obtained from the General Services Administration by holders of permits to use tax-free alcohol, 26 CFR Part 182 is amended by inserting a new undesignated centerheading and a new section, reading as follows, immediately after § 182.671:

ALCOHOL RECEIVED FROM GENERAL SERVICES ADMINISTRATION

§ 182.671a *Receipt, storage, and records.* Any eleemosynary institution holding a basic permit, Form 1447, to use alcohol free of tax and receiving alcohol from the General Services Administration under the provisions of section 5688 (a) (2) (B) of the Internal Revenue Code shall include any quantity of alcohol so received in computing the quantity of alcohol that may be procured under its withdrawal permit, Form 1450, during the calendar month. Such alcohol must be stored in the locked storeroom or compartment required to be provided in accordance with § 182.61, and its receipt and use must be shown on the monthly report, Form 1451, covering alcohol received from an industrial alcohol plant or bonded warehouse under permit.

[F. R. Doc. 57-9451; Filed, Nov. 14, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 27, 28, 61]

COTTON AND COTTONSEED STANDARDS AND REGULATIONS

PROPOSED MISCELLANEOUS AMENDMENTS

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Agricultural Marketing Service is considering miscellaneous amendments to the cotton and cottonseed standards and regulations (7 CFR Parts 27, 28, and 61), pursuant to authority contained in the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U. S. C. 51 et seq.), the cotton futures provisions of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U. S. C. 4851 et seq.), the Cotton Statistics and Estimates Act, as amended (44 Stat. 1372; 7 U. S. C. 471 et seq.), and the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U. S. C. 1621 et seq.)

The primary purposes of the proposed amendments are to (1) provide a simplified procedure for use in suspension of the licenses of cottonseed chemists and cottonseed samplers, (2) clarify information to be shown on cottonseed grade certificates issued by licensed chemists, (3) clarify the procedure for payment of fees to the Agricultural Marketing Service by licensed cottonseed chemists for the issuance of cottonseed grade certificates, (4) delete obsolete provisions in the regulations, and (5) provide other editorial, clarifying, and supplementary changes of a non-substantive nature preparatory to republishing in the FEDERAL REGISTER all standards and regulations in 7 CFR Parts 27, 28, and 61.

Except for the renumbering of some sections of the regulations and standards, the proposed amendments do not involve any changes in the cotton classing services offered by the Agricultural Marketing Services or in the official cotton or cottonseed standards.

The proposed amendments are as follows:

1. Delete §§ 27.6, 27.103, and 27.107.

2. Transfer the Official Cotton Standards of the United States for the Grade of American Upland Cotton (§§ 27.150–27.176), the Official Cotton Standards of the United States for Length of Staple (§§ 27.201–27.205), and the Official Cotton Standards of the United States for the Grade of American Egyptian Cotton (§§ 27.251–27.260) from Subpart B of Part 27 to Subpart C of Part 28.

3. Delete §§ 28.97 and 28.99.

4. Transfer the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States (§§ 28.401–28.404) from Subpart C of Part 28 to Part 61.

5. In the last sentence of paragraph (a) of § 28.908, delete the words "or reclassification."

6. In the last sentence of paragraph (f) of § 28.908, delete the words "designated by the Service" and substitute therefor the words "serving the territory in which the cotton is ginned."

7. Delete § 61.15 and substitute therefor the following:

§ 61.15 *Records of analyses; inspection of records.* Each licensed chemist, shall keep, or shall cause to be kept for him, for a period of at least 1 year after date of analysis, a record of the analysis of each individual sample of cottonseed graded by him. Each licensed chemist shall permit any authorized officer or agent of the Department to inspect or examine, on any business day during the usual hours of business, his books and records relating to analyses of cottonseed samples and issuance of cottonseed grade certificates under the act and the regulations in this part.

8. Delete paragraphs (d), (e), and (f) of § 61.17 and substitute therefor the following paragraphs:

(d) A statement certifying that the analysis of the cottonseed sample was made according to the methods approved by the Director of the Cotton Division and that the grade given is according to the official standards of the United States.

(e) A statement of the condition of the lot of cottonseed as reported by the sampler, and in cases where the sample was submitted by a licensed sampler, the name and license number of the sampler.

(f) The identification of each lot of cottonseed by the marks and notations by which the seed was identified at the time the sample was taken, and the origin of the cottonseed by county and state.

9. Delete § 61.20 and substitute therefor the following:

§ 61.20 *Licensed chemists; suspension of license.* The Director may, without a hearing, suspend or revoke the license issued to a licensed chemist upon written request and a satisfactory statement of reasons therefor submitted by such licensed chemist. Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed chemist when such licensed chemist (a) has ceased to perform services as such chemist, (b) has knowingly or carelessly analyzed cottonseed improperly, (c) has violated or evaded any provision of the act or the regulations thereunder so far as the same may relate to him, (d) has used his license or allowed it to be used for any fraudulent or improper purposes, or (e) has in any manner become incompetent or incapacitated to perform the duties of a licensed chemist. In such cases the Director shall give notice of the suspension to the licensed chemist, accompanied by a statement of the reasons therefor. Within 10 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

10. Delete §§ 61.36 and 61.37 and substitute therefor the following:

§ 61.36 *Cause for suspension or revocation.* The failure or refusal of any cottonseed sampler, duly licensed as such under the regulations in this subpart, to draw, prepare, identify, and to forward an official sample of every lot of cottonseed made available to him for the purpose, in accordance with the regulations in this subpart, shall be cause for the suspension or revocation of his license. A sampler's license may also be suspended when the sampler (a) has ceased to perform services as a licensed cottonseed sampler, (b) has knowingly or carelessly sampled cottonseed improperly, (c) has violated or evaded any provision of the act, the regulations in this subpart, or the sampling methods prescribed by the Director, (d) has used his license or allowed it to be used for any fraudulent or improper purposes, or (e) has in any manner become incompetent or incapacitated to perform the duties of a licensed sampler.

§ 61.37 *License may be suspended.* The Director may, without a hearing, suspend or revoke the license issued to a licensed sampler upon written request and a satisfactory statement of reasons therefor submitted by such licensed sampler. Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed sampler by giving notice of such suspension to the licensee, accompanied by a statement of the reasons therefor. Within 10 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

11. Delete the last sentence in § 61.45 and substitute therefor the following: "Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the 'Agricultural Marketing Service, USDA'."

12. Miscellaneous editorial, clarifying, and supplementary changes of a nonsubstantive nature to the regulations contained in 7 CFR Parts 27, 28, and 61.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of November 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 57-9465; Filed, Nov. 14, 1957; 8:52 a. m.]

[7 CFR Part 922]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that the Department is considering the approval of proposed amendments, hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 922.100 et seq.) that are currently in effect pursuant to the applicable provisions of the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The amendments to the said rules and regulations were proposed by the Valencia Orange Administrative Committee, established under the said marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendments are as follows:

1. Delete from the second sentence in paragraph (a) (3) of § 922.102 *Nomination procedure* the words "one grower member, one alternate grower member" and substitute therefor the words "not less than two grower members, two alternate grower members."

2. After § 922.102, add the following new section:

§ 922.103 *Changes in nomination and selection of grower members and alternate grower members of the Valencia Orange Administrative Committee.* (a) The number of grower members and alternate grower members to be nominated and selected pursuant to § 922.22 (c) and the second sentence of § 922.23, respectively, shall be one grower member and one alternate grower member.

(b) The number of grower members and alternate grower members to be nominated and selected pursuant to § 922.22 (d) and the third sentence of § 922.23, respectively, shall be two grower members and two alternate grower members.

All persons who desire to submit written data, views, or arguments for consideration in connection with said proposed amendments should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077 South Building, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Dated: November 12, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9466; Filed, Nov. 14, 1957; 8:52 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recomended by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.226 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to this part, to enable such committee to perform its functions pursuant to the provisions of this part, during the fiscal period ending May 31, 1958, will amount to $2,660.00.

(b) The rate of assessment to be paid by each handler, pursuant to this part, shall be $0.0019 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 12, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9467; Filed, Nov. 14, 1957; 8:53 a. m.]

[7 CFR Part 978]

[Docket No. AO-184-A16]

MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Nashville, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Nashville, Tennessee, on July 16–19, 1957, pursuant to notice thereof which was issued June 25, 1957 (22 F. R. 4458).

The material issues on the record of the hearing relate to:

1. Marketing area.
2. Class II price.
3. Classification of cottage cheese, egg nog and ice cream.

4. Classification and accounting for dumped milk.

5. Classification of sour cream received from plant under another order.

6. Location differentials.

7. Miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The marketing area should be expanded to include the territory within the boundaries of Rutherford and Cheatham counties, Tennessee.

Handlers regulated under the terms of the Nashville order proposed that the marketing area, which now consists of the territory within Davidson County, be expanded to include the territory within the boundaries of the Tennessee counties of Cheatham, Rutherford, Bedford, Coffee, Robertson, and Montgomery; and the entire territory within the boundaries of the Fort Campbell Military Reservation.

Producers delivering to presently regulated handlers neither supported nor opposed the expansion, but were proponents of specific amendments to the order should the marketing area be expanded.

In Bedford County, there are four dealers distributing milk. Two of these dealers are handlers regulated under the Nashville order and distribute approximately half of the total milk sales in the county. One of these regulated handlers also operates an unregulated plant at Shelbyville in Bedford County. The plant at Shelbyville obtains approximately half of the milk needed for its fluid sales from the regulated affiliate plant at Nashville.

The Shelbyville plant has been paying a blend price based on classification of milk in the plant and the Nashville order Class I price minus 6 cents. This deduction is equivalent to the marketing service deduction under the order. An operator with plants at Tullahoma and Lewisburg accounts for about 10 percent of the milk distribution in Bedford County. This dealer pays farmers base and excess prices. During the first half of 1957, such base prices were at approximately the same level as the average of prices paid by Nashville handlers. The excess prices are based on prices obtained for milk transferred to manufacturing plants. This operator, from time to time, has purchased supplemental supplies from Nashville handlers. He buys milk from farmers in areas where some Chattanooga and Alabama handlers also buy milk.

In Coffee County, no Nashville order handler has fluid distribution. The unregulated affiliate plant at Shelbyville accounts for about a fourth of the business in the county. The previously mentioned plant at Tullahoma, and another unregulated plant at Manchester, have the major share of the business. The plant at Manchester has paid prices in line with the average producer price of Nashville handlers.

Fort Campbell occupies an area comprised of parts of Montgomery and Stewart Counties, Tennessee, and Christian and Trigg Counties, Kentucky. The fluid sales at Fort Campbell amount to about 20,000 pounds per day on a contract basis, and there are other sales on routes within the reservation. The contract business has been held, in recent years, mainly by unregulated plants at Evansville, Indiana, Owensboro, Kentucky, and Bowling Green, Kentucky. A third unregulated plant at Clarksville, Tennessee, has had a minor share of the contract business. During the summer of 1956, a handler under the Paducah order held a major contract during the period of seasonally lowest Class I prices under that order.

Nashville handlers have not, in recent years, participated in the contract sales at Fort Campbell, and have had a minor share of the route sales within the reservation.

The plants at Evansville, Indiana, and at Owensboro and Bowling Green, Kentucky, which sell to Fort Campbell, obtain their milk from members of two cooperative associations. These associations joined the unregulated dealers in opposing the area expansion which would involve the plants to which they sell. They maintained that if these plants were regulated under the terms of the Nashville order, they would be forced to abandon their present pricing and marketing arrangement, thus creating hardship and instability among members.

One of these associations has approximately 824 dairy farmers who participate in a market-wide pooling arrangement based on the utilization of several dealers located in and around Evansville, Indiana, and Owensboro, Kentucky. These dealers pay the association a Class I price, in each month of the year, which is $1.25 over the higher of Mid-west condensery prices or a butter-powder formula. These dealers pay a Class II price consisting of the average paying price of local manufacturing plants, plus 20 cents. Classification is similar to that of the Nashville order, and utilization of the dealers is audited by an independent agency. During the months of April, May, June, and July, when the Class I differential under the Paducah order is 70 cents, the price for milk going to Fort Campbell is reduced to the level of the Paducah price. The association operates a receiving station at Russellville, Kentucky, which functions as a supplemental supply plant serving the plants at Evansville, Indiana, and Owensboro, Kentucky, and as the disposal point for surplus milk.

Another association, which supplies milk to the Bowling Green dealer who has sales at Fort Campbell, has 89 members and sells milk to two other dealers in the Bowling Green area. This association also opposed the inclusion of Fort Campbell in the marketing area. The price paid for milk for fluid use in the Bowling Green area is the same as the prevailing Class I price in the Nashville market.

In Montgomery County, outside Fort Campbell, about half of the sales are made by two Nashville handlers and the remainder mostly by the unregulated plants at Evansville, Indiana, Owensboro, Kentucky, and Clarksville, Tennessee.

In Robertson County, sales are made by two Nashville order handlers, by the unregulated plants at Evansville, Indiana, and Owensboro, Kentucky, and a plant at Springfield, Tennessee.

Sales in Fort Campbell and in Tennessee counties by the dealer with plants at Evansville and Owensboro amount to less than 10 percent of the total fluid sales of these plants. The primary marketing area for these plants is the area surrounding the cities in which they are located.

In Cheatham County, except for a minor fraction of the county, all of the milk sales are made by Nashville handlers. The operator of the unregulated plant at Clarksville, Tennessee, accounts for less than one percent of the sales in this county.

In Rutherford County, all sales are by handlers under the Nashville order. One regulated plant is located at Murfreesboro in Rutherford County.

Davidson County, which is the present marketing area, has a county-wide health ordinance for milk. The other counties apply health ordinances only with respect to milk supplies for principal urban centers, namely, municipalities of Springfield, Clarksville, Murfreesboro, Shelbyville, Tullahoma, and Manchester.

The requirements under these ordinances are generally similar, and patterned after the U. S. Public Health Model Ordinance. All parts of the supply for the proposed enlarged area can be considered interchangeable except for, in some cases, the absence of formal agreements between the various agencies. In a number of instances, reciprocal agreements do exist between the Davidson County Health Department and health departments in surrounding areas, and also between some of the health departments in counties outside Davidson County. There is little or no ungraded milk sold for fluid consumption in those parts of the proposed areas where health ordinances are not applied. The military installation in Fort Campbell maintains its own inspection service with respect to the sources from which it obtains milk. The quality requirements of the military agency are also patterned after the U. S. Public Health code. It is understood that milk supplies meeting the requirements of the various civilian health agencies within the proposed area would generally be acceptable to the military installation.

In the case of Rutherford and Cheatham counties, the question of whether the marketing area should be enlarged is distinctly different from the question of whether other proposed areas should be added. These counties are entirely served by regulated handlers except for the very small fraction of the sales in Cheatham County by one unregulated handler. Regulated handlers have maintained their sales coverage in these counties without any inroads from unregulated competitors. The milk sold in these two counties (except for less than one percent) is supplied by the same dairy farmers who supply the milk for the present marketing area. Thus, the territory within Cheatham and Rutherford counties may be considered part of the sales area of handlers regulated under the Nashville order. Extension of the marketing area to include these counties would assure against development of market disturbances which might occur because of the present opportunity for unregulated milk to be sold in these areas. It is concluded that Rutherford and Cheatham counties should be added to the present marketing area.

With respect to other areas proposed to be added to the marketing area, there would be involved plants and groups of dairy farmers, presently outside of regulation, in both cases with principal outlets outside the proposed area. Handlers failed to establish need for extension of regulation to these areas, nor did they establish that there exist disturbing marketing conditions harmful to presently regulated handlers or producers for the Nashville market. Dairy farmers supplying some of the proposed areas testified that the area extension would affect them adversely. Unregulated plant operators testified that such regulation of their plants would be harmful to their interests. Producers supplying the present marketing area took no position with respect to area extension.

The "marketing area" definition should be revised to include Rutherford and Cheatham counties. Inasmuch as there is a veterans' hospital and a military base in Rutherford County, the definition should also specify that Federal reservations or installations within the boundaries are part of the marketing area.

2. *Class II pricing.* The Class II price should be increased 10 cents per hundredweight in each month.

A proposal was made on the record by the producers' association to increase the Class II price to a level of 35 cents over the quoted prices for local manufacturing plants in the months of September through March, and 25 cents over such quoted prices in the months of April through August. The proposal would continue the present order provision that such prices would not exceed the basic formula price used in computing the Class I price. An adjustment factor for the Class II price based on the volume of Class II milk in the market was also included in the producer proposal.

The Class II price provisions of the order were revised on the basis of a hearing held in September 1954. On the basis of that hearing, the Class II price was established at a level of 25 cents over the quoted paying prices of certain Tennessee milk manufacturing plants for the months of September through January, and 15 cents over such quoted paying prices in other months, with the limitation, however, that the price should in no case exceed the basic formula price. The basic formula price is the highest of 4 alternatives: (1) Average paying prices of certain Midwest condenseries, (2) a butter-powder formula, (3) paying prices quoted for certain Tennessee manufacturing plants, and (4) a butter-cheese formula. The Secretary's decision of March 25, 1955, in this connection, of which official notice is here taken (20 F. R. 1980), found that surplus producer milk, when diverted or transferred to manufacturing plants, commanded a premium over the regular prices quoted for such plants.

Evidence given by producers in support of their proposals for raising the Class II price included information that when producer milk is diverted or transferred to unregulated manufacturing plants, such plants pay a higher price than is paid to dairy farmers who regularly supply milk to these manufacturing plants. One reason given for this higher price is the general practice of milk manufacturing plants in the area to pay a premium of 15 cents per hundredweight for milk from farmers using mechanical coolers. A survey of 16 manufacturing plants, made by the producers' association, showed that some of these plants also pay production incentive premiums in winter months. It was indicated that most dairy farmers supplying manufacturing plants produce a small volume relative to the production of farmers supplying fluid markets. Because collection of milk in larger lots is more efficient, such milk is worth more than milk collected in small lots. Hauling subsidies paid to some dairy farmers were found to be a common practice of manufacturing plants. Instances were cited in which manufacturing plants had offered to, or did, pay more than the order Class II price for Nashville producer milk.

Some handler witnesses contended that the present Class II price formula is as high as may be obtained from transfers of milk to manufacturing plants. One handler testified, however, that he had received a price 15 cents over the order Class II price on milk transferred to a manufacturing plant.

The volume of milk produced for the Nashville market shows definite seasonal changes with the highest level in spring and the lowest level in the fall. In view of the more stable level of Class I sales throughout the year, seasonal production changes result in several times as much Class II milk in April, May and June as in the shortest fall months. Most Nashville handlers do not have diversified manufacturing operations, and most of the Class II milk is disposed of to unregulated manufacturing plants by bulk shipment or by direct diversion from the farm.

Since the period of relative shortage in the fall months of 1955, the volume of producer milk on the Nashville market has shown a substantial increase. Both producer numbers and volume of milk per farm have increased. In the thirteen months preceding the hearing, from June 1956 to June 1957, producer numbers increased 5.5 percent and production per dairy increased 9.7 percent. The volume of producer milk on the market in recent periods has been more than needed for fluid sales after allowing for seasonal variation and adequate reserves. In the fall months of 1956, producer milk exceeded Class I sales by 24.5 percent in September, 16.9 percent in October, 32.3 percent in November, and 41.4 percent in December. In June 1957, producer milk exceeded Class I sales by 60.9 percent.

The number of producers on the Nashville market may be affected by the availability of new producers as well as the needs of handlers. Handler witnesses stated that new producers had been obtained from among ungraded dairy farmers during the past year, and indicated that additional producers could be acquired in this manner. Within the Nashville milkshed there are many dairy farmers shipping to manufacturing plants.

Handler policies with respect to the volume of milk carried in excess of the volume of Class I sales may also be affected by the level of the Class II price. A handler would have no profit incentive to arrange his procurement in line with the level of his Class I sales if the excess over sales volume may be diverted or transferred with no loss or even with some profit. The prices received for producer milk diverted or transferred to manufacturing plants and the large increase in volume of Class II milk in recent periods indicate that such a situation exists in the Nashville market. Under these circumstances, a moderate increase in the cost to handlers of reserve supplies will tend to deter accumulation of unneeded supplies.

The proposal by producers would result in a 20-cent per hundredweight increase in February and March due to the lengthening out of the seasonally higher price level. Such a higher level in the season of lowest production serves to reflect the greater value of such milk as reserve for fluid sales in these months, and encourages shifting of supplies among handlers according to needs for the fluid market. It is not necessary, for this purpose, to extend the period in which the higher level price applies.

It is concluded that the price for Class II milk should be increased 10 cents per hundredweight in each month, provided such price is not higher than the basic formula price. The higher level of the Class II price should continue to apply in those months when some handlers in the market are likely to experience shortages, since it is at these times that shifting of supplies according to needs of handlers is most important.

A review of prices in recent years shows that if such an increased level of the Class II price had been effective in 1955 and subsequent periods, the price would have been 20 to 30 cents less than the basic formula price in most of the spring and summer months. The relationship would have been close to or equal to the basic formula price in winter months. If the basic formula were not used as a limit, the Class II price at times would have exceeded this level. It is concluded that the present order provision that the Class II price shall not exceed the basic formula price should be retained.

The additional part of the producer proposal to adjust the level of the Class

II price based upon the volume of Class II milk in the market is not adopted. It is acknowledged herein that the volume of Class II milk and the relation of this volume to the volume of milk needed by handlers for fluid sales, are important factors in arriving at the appropriate level of the Class II price, and the level herein determined to be appropriate is based upon consideration of present and prospective supplies of milk. A mechanism as proposed by producers that would reduce automatically the Class II price as the volume of Class II milk diminishes, could result in prices contrary to basic supply and demand conditions. For instance, if there were a period in which the supply of milk became generally shorter, reserve milk normally would have a higher value than in times of excessive supply. In times of short supply, difficulties in obtaining supplemental milk on short notice, or new producers, would tend to enhance the value of reserve milk.

3. *Classification of cottage cheese, egg nog, and ice cream.* No change should be made in the classification of milk used to produce cottage cheese, egg nog, or ice cream.

A higher classification of milk used for cottage cheese, egg nog, and ice cream was proposed by the producer association. This proposal would establish a price for such class use at the same level as the basic formula price, with a butterfat differential the same as the present Class II butterfat differential. The association requested that milk in such new class not be part of the supply-demand adjustment computation.

Skim milk and butterfat used in the manufacture of cottage cheese, egg nog, and ice cream are classified under the order as Class II milk.

The notice of hearing did not contain a specific proposal on the classification of milk used in ice cream. Such changes in the marketing area as contemplated herein do not give a basis for changing the classification of ice cream. Accordingly, no recommendation is made herein to change such classification.

Most of the cottage cheese sold in the Nashville market is manufactured in handlers' plants from Grade A producer milk. Some cottage cheese sold in stores in the marketing area is supplied by an unregulated plant.

The health authorities for the marketing area do not require that cottage cheese be made from Grade A milk. Some handlers testified that, occasionally, they have used nonfat dry milk or curd from ungraded sources for cottage cheese when producer milk was not available. Definite information was not furnished on whether the unregulated plant supplying cottage cheese to stores makes it from Grade A milk.

In support of their proposal, producers contended that Grade A producer milk has a special value to handlers in use for cottage cheese. They pointed out that cottage cheese is part of the regular year around distribution business of Nashville handlers, and argued that handlers arrange to have a sufficient supply of Grade A milk from producers to cover the needs for cottage cheese. It was pointed out, also, that cottage cheese is regularly distributed on routes along with bottled milk. Computations were presented to show that the cost to handlers would be higher than the cost of producer milk if they depended on nonfat dry milk for such manufacture.

The use of producer milk by Nashville handlers for the manufacture of cottage cheese is affected by availability and convenience. The receipt and processing of non-Grade A milk, under the Davidson County health rules, would require an operation separate from the Grade A operation. Although handlers claimed that cottage cheese is available at reasonable cost from unregulated plants which handle ungraded milk, it is their general practice to manufacture the product in their own plants from producer milk. The ready availability of producer milk in most months is due in part to the fact that normal procurement for fluid requirements in the short season results in ample milk for cottage cheese in most months of the year.

Under the circumstances in the market, it appears that the value of milk for manufacture of cottage cheese is appropriately reflected in the price for Class II milk. It is concluded that no change should be made in the classification of milk used for cottage cheese.

No change should be made in the classification of butterfat or skim milk used to produce egg nog. This product is not required by health authorities in the marketing area to be made from Grade A milk. It is generally supplied in this market by ice cream plants not regulated under the order.

The supply-demand price adjustment should not be changed to exclude the volume of producer milk used for cottage cheese, egg nog, or ice cream as part of the supply. Such milk is available for use, if necessary, for fluid sales and thus should enter into the supply-demand computation.

4. *Classification of dumped skim milk.* Skim milk dumped subject to verification by the market administrator should be classified as Class II.

Handlers requested that Class II classification be specified for milk dumped. Dumping, it was indicated, is sometimes necessary because of spoilage or failure of normal processing.

Butterfat is generally salvageable, and should not be accounted for as dumped milk. In the case of skim milk, however, there may at times be no other practical disposition, and specific provision to account for such disposition in the lowest priced class is appropriate.

Such accounting for skim milk should depend on adequate provision for verification. The order should provide that the handler notify the market administrator prior to dumping milk, and give him opportunity to verify the operation.

5. *Classification of sour cream from other order sources.* No change should be made in the classification and allocation provisions affecting receipts of sour cream in pool plants from plants regulated under other Federal orders.

A proposal was made by some handlers to allocate receipts of sour cream from other Federal order plants to Class I disposition before allocating receipts of producer milk to Class I. In effect, any handler having Class I disposition in the form of sour cream would not have any obligation to producers for such Class I disposition if the sour cream were obtained from plants regulated under another Federal order.

Sour cream is obtained by at least two Nashville handlers from plants under other orders—in one instance, in packages, and in another instance, in bulk. Sales of sour cream in the market constitute a very small fraction of the Class I milk disposition.

It is apparent that the supply of producer milk in the Nashville market is adequate to cover all Class I needs, including sour cream. It was not shown by proponents that there was any need to use other than producer milk to supply the demand for sour cream.

Under the handler proposal, shifts and changes in a handler's procurement operations would affect the interests of producers with whom he has made arrangements for a regular supply. Purchases of supplies from outside sources, as described by handlers, may be on a short-term basis, subject to possible day-to-day variations depending on management decisions. Such an element of uncertainty with respect to handlers' requirements for Class I milk would be inconsistent with development of a reliable supply of producer milk which involves long-term commitments by individual producers, in many cases, of all their farm resources.

It is concluded that evidence does not show a need for giving Class I priority to supplies from other markets over the adequate supply of producer milk. The handlers' proposal is denied.

6. *Location differentials.* No change should be made in the location differentials provided under the order.

Handlers proposed that no location differentials should apply to prices under the order, or at least, that none should apply within 100 miles of the marketing area. The basis presented for such changes was that the location differentials serve no useful purpose, and that they give a cost advantage to outlying plants. Such cost advantage, presumably, could be used to compete with Nashville plants for sales in areas where such outlying plants are located, or in areas between such plants and the marketing area. No evidence was given to show that the present rate of location differentials is out of line with transportation costs.

Producers also favored a similar change in the location differentials.

Location differentials under the Nashville order apply to the Class I price at plants 50 miles or more from the State Capitol. At distances of 50 to 60 miles, the rate is 10 cents per hundredweight, and for each additional 10 miles or fraction thereof, 1.5 cents per hundredweight.

The bulk of the milk disributed by Nashville handlers is received at plants in the marketing area. There are no supply plants serving the market. There are two distributing plants outside the

present marketing area, but not at a distance where location differentials apply.

Distribution routes of some Nashville handlers extend well beyond the limits of the marketing area, in some instances, to a distance of about 100 miles from the center of the area. Within the general area so served by Nashville handlers, there are several unregulated distributing plants serving local markets.

It is apparent that no plant operator is presently obtaining a cost advantage through location differentials since no regulated plant is at a distance where location differentials apply.

In the outlying areas where some Nashville handlers distribute milk, the competitive local plants are not regulated under an order (except in the case of a shipment to Paducah). The cost of milk to unregulated plants may be expected to be at as low a price as the plants can pay to secure a supply of milk. Nashville handlers' arguments that location differentials give cost advantage to outlying plants appear to be based on the presumption that if a plant became regulated it could secure a supply of milk at a lower price than an unregulated plant at the same location. If a plant at a considerable distance could obtain a milk supply at less than the price at the Nashville market, this situation would depend on supply conditions in the area where such plant is located, rather than on location differentials under the order.

It is concluded that no change should be made in the location differentials.

7. *Miscellaneous and conforming changes.* From time to time, a price quotation used in the computation of order prices may not be available in the manner described in the order. In such circumstances, it may not be possible to amend the order in time to make it continuously effective with respect to the affected provision. The order should provide, in such cases, that the Secretary may determine an equivalent price to take the place of the price for which a quotation is not available.

A proposal to broaden the "producer" definition to include persons producing milk qualified for use by Federal agencies is not necessary. Such sales as Nashville handlers make, or may make, to Federal agencies are incidental to their regular business for which they need Grade A milk supplies. There was no indication given that handlers would need to secure supplies from other than Grade A sources to compete for the business with Federal agencies.

The proposal to suspend the supply-demand price adjustment until appraisal can be made of its operation with an expanded marketing area is denied, because the addition to the marketing area, herein adopted, is not likely to result in any additional handlers becoming regulated, or in any substantial changes in the volume of sales or supplies.

Because of the adequacy of nearby manufacturing facilities, there is no need to extend the area for classification according to use of milk transferred to nonfluid milk plants.

The definition of "producer milk" should be clarified with respect to diversion between fluid milk plants. The language should conform to the language used in the definition of "producer", which states that when a producer's milk is diverted to any other milk plant it shall be deemed to have been received by the diverting handler at a fluid milk plant at the location of the plant from which it was diverted.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Nashville, Tennessee, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 978.5 and substitute therefor the following:

§ 978.5 *Nashville, Tennessee, marketing area.* "Nashville, Tennessee, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Davidson, Cheatham and Rutherford, all in the State of Tennessee, including all municipalities within such boundaries, and including all territory within such boundaries occupied by government (municipal, state, or Federal) reservations, installations, institutions, or other establishments.

2. Delete § 978.12 and substitute therefor the following:

§ 978.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a fluid milk plant directly from producers' farms, or (b) diverted from a fluid milk plant to any other milk plant (except a plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 978.11.

3. Delete § 978.41 (b) (3) and substitute therefor the following:

(3) disposed of and used for livestock feed, and skim milk dumped after prior notification to, and opportunity for verification by, the market administrator; and

4. Delete § 978.51 (b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 978.50 (c) plus 25 cents during the months of February through August, and plus 35 cents during all other months: *Provided*, That such price shall not exceed the basic formula price.

5. Insert a new § 978.54, as follows:

§ 978.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Issued at Washington, D. C., this 12th day of November 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-9464; Filed, Nov. 14, 1957; 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

SURGICAL INSTRUMENTS AND APPARATUS INDUSTRY

NOTICE OF HEARING TO DETERMINE PREVAILING MINIMUM WAGES

Notice is hereby given that a public hearing to determine the prevailing minimum wage(s) in the surgical instruments and apparatus industry will be held before a duly assigned Hearing Examiner on December 17, 1957, beginning at 10 a. m., in Room 1214, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D. C. This matter is before the Department of Labor pursuant to the provisions of section 1 (b) of the act of June 30, 1936 (49 Stat. 2036, as amended; 41 U. S. C. 35 et seq.), known as the Walsh-Healey Public Contracts Act.

The surgical instruments and apparatus industry, for the purpose of this hearing, is defined as that industry which manufactures instruments, apparatus, and equipment used in, or in connection with, or in the aid of the practice of

medicine and surgery, such as surgical and diagnostic instruments, apparatus, and equipment for medical and surgical treatment. This definition shall include the manufacture of sutures and sterilizers for surgical purposes, but shall not include the manufacture of (1) surgical dressings, (2) electro-surgical instruments and apparatus in which electricity is the diagnostic, therapeutic or functioning element, such as X-ray, fluoroscope, and high frequency apparatus and equipment, ultraviolet and infra-red ray and other therapeutic and heating lamps, apparatus and equipment, and (3) orthopedic appliances, such as trusses, braces, supports, splints, artificial limbs, and elastic belts and stockings.

All interested parties may appear at the time and place specified herein and submit data, views, and arguments (1) as to the propriety of the proposed definition of the industry; (2) as to what are the prevailing minimum wages in the industry; (3) as to whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; and (4) as to whether there should be included in any determination for this industry provision for the employment of probationary workers at subminimum rates and on what terms or limitations, if any, such employment should be permitted.

A survey of the industry has been made and employment and wage data as of March 1957 have been prepared in the Department of Labor. These data will be submitted for consideration at the hearing and are available to interested persons upon request.

Persons intending to appear are requested to notify the Administrator of the Wage and Hour and Public Contracts Divisions of their intention in advance of the hearing.

Written statements of position or argument may be filed in quadruplicate with the Chief Hearing Examiner, United States Department of Labor, Washington, D. C., at any time prior to the date of the hearing by interested persons who cannot appear personally. Any such statement shall include the reason or reasons for non-appearance. Such statements as contain factual matter should be sworn to and will be received in evidence by the Hearing Examiner presiding at the hearing. If objection is made to the receipt of such evidence, the statement will nevertheless be received subject to the objection which will be considered to affect the weight rather than the admissibility of the statement.

The following information is particularly invited with respect to the subject matter of the testimony of each witness, or the sworn statements of persons who cannot appear personally: (1) The identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included; (2) with respect to the testimony or presentation, the number and location of establishments in the industry, the number of workers employed in each such establishment, the minimum rates paid and the number of workers at each such establishment receiving such rates and the occupations in which they are employed; (3) the minimum wages paid to probationary workers in each establishment, the scale of wages paid during the probationary period, the length of such period, the number of workers receiving such wages, and the occupations in which they are employed; and (4) the nature and the geographic pattern of competition within this industry. To the extent possible, data should be submitted in such manner as to permit evaluation thereof on a plant by plant basis.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C, of Title 41 of the Code of Federal Regulations.

Signed at Washington, D. C., this 8th day of November 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-9461; Filed, Nov. 14, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 3, 4b, 6, 7, 13, 40, 41, 42, 43]

1957 ANNUAL REVIEW AND AMENDMENTS OF AIRWORTHINESS REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to the airworthiness provisions of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by December 20, 1957. Copies of such communications will be available after December 26, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The proposed amendments to the airworthiness regulations attached hereto stem from the studies conducted during the Board's 1957 Annual Airworthiness Review and particularly from the discussions which took place at the meetings held in Washington September 9 through September 13, 1957. Those issues which are sufficiently resolved are being published herein in the form of proposed amendments to the regulations.

The proposals herein pertain to amendments to Parts 3, 4b, 6, 7, 13, 40, 41, and 42 of the Civil Air Regulations and Special Civil Air Regulation No. SR-422. The explanatory material accompanying each proposal presents the basis for the amendments and also the reasons why certain other proposals are not considered to be sufficiently resolved to justify specific recommendations for amendment of the regulations at the present time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., November 7, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

PROPOSED RULES—PART 3

Part 3 was not subject to discussion during the Annual Airworthiness Meetings, however, the proposed amendments to the flight load requirements were included in the proposed agenda in Draft Release No. 57-1A. All of the other proposals contained herein are new items which have been previously discussed with interested parties.

The current formulas and loading charts in Part 3 are based on the aerodynamic characteristics of airplanes which, at the time of promulgation of that part, were considered typical of airplanes which would be certificated in accordance with its provisions. Since high performance airplanes are now being developed for certification under Part 3, certain of these formulas and loading charts can no longer be regarded as generally applicable. It is proposed, therefore, to amend §§ 3.171 and 3.222 to incorporate appropriate qualifications concerning the applicability of such formulas and loading charts.

There is proposed herein a new § 3.687 to require electric power system instruments. A similar requirement was circulated by CAA as Civil Aeronautics Manual material. Although there was general agreement with the material, it was found that there was no basis in Part 3 for such material. It is proposed, therefore, that Part 3 be amended in this respect.

Section 3.668 requires a means for indicating the adequacy of the power being supplied to each of the gyroscopic instruments. It has been found that this provision unnecessarily complicates the airplane's vacuum systems without giving an indication of all possible instrument failures, such as the clogging of integral instrument filters. For this reason § 3.668 is being amended to require a power failure indicator only for the power source.

There are also contained herein proposals to amend the definition of standard atmosphere to make it consistent with other airworthiness parts of the Civil Air Regulations.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 3 of the Civil Air Regulations be amended:

1. By amending § 3.1 (b) (1) by inserting between the words "atmosphere" and "defined" the following: "(see NACA Technical Note 3182)."

2. By amending § 3.1 (b) (1) (iv) by deleting "−67° F." and inserting in lieu thereof "−69.7° F."

3. By amending § 3.1 (b) (1) (v) by deleting "0.002378" and inserting in lieu thereof "0.002377."

4. By amending § 3.171 by adding a new paragraph (d) to read as follows:

§ 3.171 *Loads.* • • •

(d) Figures 3-3 through 3-10 and the note under § 3.216 (a) shall not be applicable to airplanes for which the Administrator finds such data to result in unrealistic loads.

5. By amending § 3.222 (a) by adding a new sentence at the end thereof to read as follows: "Paragraphs (c), (d), and (e) of this section shall not be applicable to airplanes for which the Administrator finds such data to result in unrealistic loads."

6. By amending § 3.668 by deleting the words "each of" from the third sentence of the introductory paragraph.

7. By amending § 3.686 by redesignating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 3.686 *Generator controls.* • • •

(b) A generator reverse current cutout shall disconnect the generator from the battery and other generators when the generator is developing a voltage of such value that current sufficient to cause malfunctioning can flow into the generator.

8. By adding a new heading and amending § 3.687 to read as follows:

INSTRUMENTS

§ 3.687 *Instruments.* Means shall be provided to indicate to appropriate crew members those electric power system quantities which are essential for the safe operation of the system.

NOTE: For direct current systems, an ammeter in each generator feeder would be acceptable. When only one generator is installed, the ammeter may be in the battery feeder.

PROPOSED RULES—PART 4b

Changes herein are proposed with respect to various items which were resolved at this year's Annual Airworthiness Review.

Of the substantive changes, there is proposed a new requirement in § 4b.132 (e) which would establish basic objective criteria to insure, for the all-engines operating condition, adequate lateral control within the operating speed range and appropriate airplane response to control application in all stages of flight. The currently effective provisions do not prescribe any specific requirements in this respect, and it is expected that the proposed rule will result in a more effective evaluation of the airplane's lateral stability and controllability.

The currently effective fatigue evaluation provisions, although applicable to all of the flight structure, do not specify any loading conditions for vertical flight surfaces with respect to the fail safe strength criteria in § 4b.270 (b). For completeness of these provisions, an addition to § 4b.270 (b) is being proposed which sets forth ultimate loads, relative to the fail safe strength evaluation of vertical surfaces, in terms of the generally applicable unsymmetrical and maneuvering limit loading conditions now prescribed in the regulations. There is also proposed a change to § 4b.236 (c) (2) which prescribes vertical load factors necessary for completely defining the unsymmetrical loads applicable in the taxiing and ground handling conditions for landing gears of multi-wheel units.

Currently effective regulations require trim tab controls to be irreversible unless the tab is properly balanced and is shown to be free from flutter. The regulations do not cover this design feature in respect to other trim devices such as adjustable stabilizers, etc. A change is proposed to § 4b.322 to require all trim control systems to be irreversible. This change is based on the conclusion that all trim controls should be subject to the same design requirement, that proper evaluation of trim surfaces with respect to flutter on airplanes of new designs might be extremely difficult if not impossible, and that, unless trim controls are made irreversible, they will be subject to creep and drift.

There are also being proposed several relatively important changes with respect to powerplants. In new § 4b.409 there is proposed a rule to require an in-flight investigation of turbine powerplants with respect to stall, surge, flameout, etc. Included also is a proposed change to § 4b.435 which establishes more definite specifications for fuel system filtration than are contained in the currently effective regulations. In addition, it is proposed to revise the powerplant operating limitations provisions in § 4b.718 to make them more specifically applicable to turbine powerplants.

There are also included several proposed changes in the provisions regarding personnel accommodations, emergency evacuation, and ditching. The most substantive one involves a change to § 4b.362 (d) which would permit the use of 2 type IV exits in lieu of each required type III exit on airplanes having a capacity of 20 passengers or less.

Relatively important changes are also proposed with respect to the provisions dealing with the landing gear retraction system § 4b.334 (b), with altimeter static pressure source tolerances § 4b.612 (b) (5), and with markings of the airspeed indicator § 4b.732. Also proposed is a new § 4b.659 which would require appropriate protection of the airplane against failure of high energy rotors when such rotors are incorporated in any equipment on the airplane. Included also is a proposal with respect to § 4b.603 which would require the installation of a machmeter if compressibility effects result in an air-speed limitation.

In addition, there are included other changes which are of a relatively minor, clarifying, or editorial nature.

There were several proposals discussed at this year's Annual Airworthiness Meetings which could not be resolved because of the need for further study. The most important of these include proposals with respect to the airplane's flying qualities, emergency evacuation provisions for relatively small transport category airplanes, and oxygen equipment and supply requirements. In respect to the proposals regarding the oxygen requirements, discussion at the recent meetings indicated that the proposal offered in connection with Part 4b of the Civil Air Regulations affected the operational requirements in the operating parts of the Civil Air Regulations. In view of this, exploration of this matter on a broader scale was necessary and, to this end, the Bureau held a separate meeting on September 26 and 27, 1957, to discuss proposals for changing the oxygen requirements in Parts 40, 41, and 42, as well as Part 4b of the Civil Air Regulations. The Bureau is now considering the results of those discussions and intends to handle this matter outside the framework of the Annual Airworthiness Review.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 4b of the Civil Air Regulations be amended:

1. By amending § 4b.132 by adding a new paragraph (e) to read as follows:

§ 4b.132 *Directional and lateral control.* • • •

(e) *Lateral control; all engines operating.* Roll response shall be rapid and of sufficient magnitude to perform normal maneuvers, such as to recover from upsets produced by gusts and to initiate evasive maneuvers. In sideslips up to sideslip angles which might be required in normal operation, sufficient excess lateral control shall remain to perform a limited amount of maneuvering and to correct for gusts. Lateral control shall be sufficient at a speed of V_{NE} to provide a peak roll rate necessary for safety without requiring excessive control forces or excessive control travel.

2. By amending § 4b.236 (c) (2) by adding a new sentence between the first and second sentences to read as follows: "For one and two deflated tires the vertical load factor at the center of gravity shall be 60 percent and 50 percent, respectively, of the factor with no deflated tires except that it shall not be less than 1 g."

3. By amending § 4b.270 (b) by deleting the words "subparagraphs (1) and (2)" in the second sentence and substituting in lieu thereof the words "subparagraphs (1) through (4)", by deleting "§ 4b.211 (b)" in subparagraph (2) and substituting in lieu thereof "§§ 4b.211 (b) and 4b.215 (b)", and by adding new subparagraphs (3) and (4) to read as follows:

§ 4b.270 *General.* • • •

(b) *Fail safe strength.* • • •

(3) Eighty percent of the limit loads resulting from the conditions specified in § 4b.220 (c). These loads shall be considered to be ultimate.

(4) Eighty percent of the limit maneuvering loads resulting from the conditions specified in § 4b.215 (a), except that the load need not exceed 100 percent

of the critical load obtained from the requirements of § 4b.215 (a) using a pilot effort of 180 pounds. These loads shall be considered to be ultimate.

4. By amending § 4b.322 by deleting paragraph (g) and by amending paragraph (f) to read as follows:

§ 4b.322 *Trim controls and systems.* • • •

(f) All trim control systems shall be irreversible. The portion of the system from the trim surface to the attachment of the irreversible unit to the airplane structure shall consist of a rigid connection.

5. By amending § 4b.334 (b) by adding a new sentence at the end thereof to read as follows: "A means shall be provided to prevent the retraction of the landing gear while the airplane is on the ground."

6. By amending § 4b.358 (b) by adding a new subparagraph (6) to read as follows:

§ 4b.358 *Seats, berths, and safety belts.* • • •

(b) *Arrangement.* • • •

(6) Seats for cabin attendants shall be located near primary exits (see § 4b.362 (g)).

7. By amending § 4b.362 (d) to read as follows:

§ 4b.362 *Emergency evacuation.* • • •

(d) *Ditching emergency exits.* Except as otherwise provided in this paragraph, it shall be shown that there is not less than one emergency exit located above the water level for every 35 passengers and at least one such exit per side shall meet the minimum dimensions of the exit specified in paragraph (b) (3) of this section. On airplanes having a passenger capacity of 20 or less, it shall be permissible to substitute 2 type IV exits for each required type III exit. In addition, it shall be permissible to substitute one easily accessible overhead hatch of not less than the clear dimensions of the exit specified in paragraph (b) (3) of this section for any 2 required side exits located on opposite sides of the fuselage.

8. By amending § 4b.362 (e) (2) by adding at the end thereof the following phrase: "except that sliding window emergency exits in the flight crew area need not be openable from the outside if the Administrator finds that the proximity of other exits are convenient and readily accessible to the flight crew area."

9. By amending § 4b.362 (f) (1) and (2) by inserting in the first sentence of each subparagraph between the words "all" and "emergency" the word "passenger."

10. By adding a new § 4b.409 to read as follows:

§ 4b.409 *Turbine engine powerplant operating characteristics.* The operating limitations of the powerplant shall be investigated in flight to determine that no adverse characteristics such as stall, surge, or flameout are present to a hazardous degree during normal and emergency operation of the airplane within the range of operating limitations.

11. By amending § 4b.435 by adding the words "or filter" after the word "strainer" in the section title and in the introductory paragraph, and in paragraphs (a), (b), and (c).

12. By amending § 4b.435 (d) by deleting the words "filter or strainers" and inserting in lieu thereof the words "strainers or filters."

13. By amending § 4b.435 by adding a new paragraph (e) to read as follows:

§ 4b.435 *Fuel strainer or filter.* • • •

(e) The fuel strainer or filter shall be of adequate capacity and of appropriate mesh to insure proper engine operation with the fuel contaminated to a degree with respect to particle size and density which can be reasonably expected to occur in service. The fuel strainer or filter shall preclude the passage of particles coarser in size than that for which engine operation is approved.

14. By amending § 4b.603 by adding a new paragraph (k) to read as follows:

§ 4b.603 *Flight and navigational instruments.* • • •

(k) Machmeter if an air-speed limitation results from compressibility effects.

15. By amending § 4b.612 (b) (5) to read as follows:

§ 4b.612 *Flight and navigational instruments.* • • •

(b) *Static air vent and pressure altimeter systems.* • • •

(5) The design and installation of the altimeter system shall be such that the error in indicated pressure altitude at sea level in standard atmosphere, excluding instrument calibration error, does not result in a value more than the the ±30 feet per 100 knots in speed for the appropriate configuration in the speed range between 1.3 V_{s_0} (flaps extended) and 1.8 V_{s_1} (flaps retracted), except that the error need not be less than ±30 feet.

16. By amending § 4b.651 (h) (1) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* • • •

(h) *Protective breathing system.* • • •

(1) The protective breathing equipment shall include masks covering the eyes, nose, and mouth, or only the nose and mouth when accessory equipment is provided to protect the eyes. Such equipment, while in use, shall not prevent the flight crew from using the radio equipment of the airplane or communicating with each other while at their assigned duty stations. That part of the equipment provided to protect the eyes shall be of such type and construction as to not cause any appreciable adverse effect on vision and shall permit wearing corrective lens glasses by individual members of the flight crew.

17. By adding a new § 4b.659 to read as follows:

§ 4b.659 *Equipment incorporating high energy rotors.* Unless there exists reliable insurance that rotors will not fail, such equipment shall be demonstrated as capable of containing a failed rotor or shall be so located that failure will not affect the ability of the airplane to continue safe flight.

18. By amending § 4b.718 to read as follows:

§ 4b.718 *Powerplant limitations.* The following powerplant limitations shall be established for the airplane as applicable for the type(s) of engine(s) installed. They shall not exceed the corresponding limits established as part of the type certification of the engine and propeller installed in the airplane.

(a) *Take-off operation.* (1) Maximum rotational speed (r. p. m.),

(2) Maximum permissible manifold pressure,

(3) Maximum permissible gas temperature for turbine engines,

(4) The time limit for use of the power which corresponds with the values established in subparagraphs (1) through (3) of this paragraph,

(5) When the time limit established in subparagraph (4) of this paragraph exceeds 2 minutes, the maximum allowable cylinder head and oil temperatures, and

(6) Maximum cylinder head and oil temperatures if these differ from the maximum limits for continuous operation.

(b) *Maximum continuous operation.* (1) Maximum rotational speed (r. p. m.),

(2) Maximum permissible manifold pressure, and

(3) Maximum permissible cylinder head, oil and gas temperatures.

(c) *Fuel grade or specification designation.* (1) The minimum grade of fuel required for satisfactory operation at the limits specified in paragraphs (a) and (b) of this section for reciprocating engines, and

(2) The designation of the specification of fuel required for satisfactory operation at the limits specified in paragraphs (a) and (b) of this section for turbine engines.

19. By amending § 4b.732 to read as follows:

§ 4b.732 *Air-speed limitation information.* The air-speed limitations (see § 4b.741 (a)) shall be presented to the flight crew in a manner such that they can be easily read and interpreted by the flight crew.

20. By amending § 4b.741 (a) by deleting the words, "marking the air-speed indicator," and substituting in lieu thereof the words, "the presentation of the air-speed limitations to the flight crew."

21. By amending § 4b.742 by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 4b.742 *Operating procedures.* • • •

(d) *Restarting of turbine engines.* The recommended procedure shall be described to be followed in restarting turbine engines in flight.

PROPOSED RULES—PART 6

Although there were no discussions of Part 6 during the Annual Airworthiness Meetings, a few proposals to amend Part 6 are included herein. The non-substantive proposals deal with the definitions of standard atmosphere, take-off power or thrust, maximum continuous power or thrust, and gas temperature. These proposals are being made to maintain consistency in the definitions throughout the Civil Air Regulations.

The only substantive proposal being made deals with protection from fan blade failures. A recent accident involving engine overspeed and fan disintegration prompts the Bureau to propose an amendment to § 6.401 to require protection from fan failures.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 6 of the Civil Air Regulations be amended:

1. By amending § 6.1 (c) (1) by inserting between the words "atmosphere" and "defined" the following: "(see NACA Technical Note 3182)".

2. By amending § 6.1 (c) (1) (iv) by deleting "—67° F." and inserting in lieu thereof "—69.7° F."

3. By amending § 6.1 (c) (1) (v) by deleting "0.002378" and inserting in lieu thereof "0.002377".

4. By amending the title of § 6.1 (g), by amending subparagraphs (2) and (3), by redesignating subparagraphs (4) and (5) as subparagraphs (5) and (6), respectively, and by adding a new subparagraph (4) to read as follows:

§ 6.1 *Definitions.* • • •

(g) *Powerplant installations.* • • •

(2) *Take-off power or thrust.* (i) Take-off power for reciprocating engines is the brake horsepower developed under standard sea level conditions and under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(ii) Take-off power for turbine engines is the brake horsepower developed under static conditions at specified altitudes and atmospheric temperatures and under the maximum conditions of engine rotor shaft rotational speed and gas temperature approved for normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(iii) Take-off thrust for turbine engines is the jet thrust developed under static conditions at specified altitudes and atmospheric temperatures and under the maximum conditions of engine rotor shaft rotational speed and gas temperature approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power or thrust.* (i) Maximum continous power for reciprocating engines is the brake horsepower developed in standard atmosphere at a specified altitude and under the maximum conditions of crankshaft rotational speed and engine manifold pressure, and approved for use during periods of unrestricted duration.

(ii) Maximum continuous power for turbine engines is the brake horsepower developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of engine rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(iii) Maximum continuous thrust for turbine engines is the jet thrust developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of engine rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(4) *Gas temperature.* Gas temperature for turbine engines is the temperature of the gas stream obtained as indicated in the approved engine specification

5. By amending § 6.401 by adding a new title, by redesignating the present title and text as paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 6.401 *Engines.* • • •

(b) *Fan blade protection.* The powerplant installation shall include a means of protection such that the occurrence of a fan blade failure will not jeopardize the safe landing of the rotorcraft.

PROPOSED RULES—PART 7

It is proposed to amend the following rules which were resolved as a result of this year's Annual Airworthiness Review.

The most significant of these amendments deal with the flight requirements of Part 7; among these is included a proposal to eliminate the requirement for the installation of a rotor high-pitch stop when it is found that such is unnecessary due to the inherent characteristics of the rotorcraft (see § 7.103 (a)).

The presently effective powerplant and structural fire protection requirements of Part 7 applicable to Category B rotorcraft are designed to protect the rotorcraft for 5 minutes in the event of a powerplant fire. On the other hand, the regulations applicable to Category A rotorcraft are designed to give protection from powerplant fires in order to permit continued operation to a landing area. Sections 7.111 (c) and 7.118 (d) contain options for multiengine Category B rotorcraft which permit them to be certificated under the Category A rotorcraft requirements of these sections. This permits the establishment of limiting heights and speeds for safe landing following the failure of only one engine rather than with complete power loss, and the demonstration of an autorotative landing rather than determining the autorotative landing distances. It is proposed to amend the aforementioned sections by deleting the requirement that multiengine Category B rotorcraft meet the fire protection requirements applicable to Category A rotorcraft when these options are exercised. It is our understanding that the Administrator requires the establishment of emergency procedures to be followed in the event of a powerplant fire which is included in the Airplane Flight Manual for Category B rotorcraft. Such procedures normally entail the execution of an immediate landing. In applying operating limitations to such rotorcraft, it is our understanding that the Administrator would require an immediate landing in the event of fire while in flight.

The presently effective take-off provisions of Part 7 require the establishment of a critical decision point for Category A rotorcraft, at which point the rotorcraft is required to have attained the take-off safety speed to comply with the climb requirements at that point as well as to be able to be safely stopped following the engine failure at the critical decision point. It is proposed herein to amend this provision (see § 7.114 (a) (2)) by permitting the rotorcraft to be at a speed less than the take-off safety speed at the critical decision point and after failure of the critical engine at that point permit continued acceleration to the end of the rejected take-off distance at which point the take-off safety speed must be attained.

Although the subject of fan blade failures was not discussed during this year's meetings, a recent accident involving engine overspeed and fan disintegration prompts the Bureau to propose amendments to § 7.401 to require protection from such fan failures.

In addition to the aforementioned proposals, there are a number of proposals dealing with definitions and flight requirements contained herein which have only minor significance.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 7 of the Civil Air Regulations be amended:

1. By amending § 7.1 (c) (1) by inserting between the words "atmosphere" and "defined" the following: "(see NACA Technical Note 3182)".

2. By amending § 7.1 (c) (1) (iv) by deleting "—67° F." and inserting in lieu thereof "—69.7° F."

3. By amending § 7.1 (c) (1) (v) by deleting "0.002378" and inserting in lieu thereof "0.002377."

4. By deleting § 7.1 (c) (6).

5. By amending § 7.1 (d) (6) (i) by adding a new sentence at the end thereof to read as follows: "For other fuels, a design unit weight or range of weights appropriate to the type of fuels shall be established."

6. By amending § 7.1 (g) by amending subparagraphs (2) and (3), by redesignating subparagraphs (4) and (5) as subparagraphs (5) and (6), respectively, and by adding a new subparagraph (4) to read as follows:

§ 7.1 *Definitions.* • • •

(g) *Powerplant installation.* • • •

(2) *Take-off power or thrust.* (i) Take-off power for reciprocating engines is the brake horsepower developed under standard sea level conditions and under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(ii) Take-off power for turbine engines is the brake horsepower developed under static conditions at specified altitudes and atmospheric temperatures and under the maximum conditions of engine rotor shaft rotational speed and gas temperature approved for normal take-off, and limited in use to a maximum con-

tinuous period as indicated in the approved engine specification.

(iii) Take-off thrust for turbine engines is the jet thrust developed under static conditions at specified altitudes and atmospheric temperatures and under the maximum conditions of engine rotor shaft rotational speed and gas temperature approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power or thrust.* (i) Maximum continuous power for reciprocating engines is the brake horsepower developed in standard atmosphere at a specified altitude and under the maximum conditions of crankshaft rotational speed and engine manifold pressure, and approved for use during periods of unrestricted duration.

(ii) Maximum continuous power for turbine engines is the brake horsepower developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of engine rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(iii) Maximum continuous thrust for turbine engines is the jet thrust developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of engine rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(4) *Gas temperature.* Gas temperature for turbine engines is the temperature of the gas stream obtained as indicated in the approved engine specification.

7. By amending § 7.20 by adding a new paragraph (c) to read as follows:

§ 7.20 *Rotorcraft categories.* • • •

(c) The eligibility of rotorcraft for night and instrument flight is contained in subparagraphs (1) and (2) of this paragraph.

(1) *Category A.* Rotorcraft in this category are eligible for night and instrument flight. To be eligible for night and instrument flight, the rotorcraft shall be certificated in accordance with such additional flight characteristic rules as the Administrator finds are required for safe operations under these conditions.

(2) *Category B.* Rotorcraft in this category are not eligible for unlimited night ind instrument flight. Rotorcraft in this category, however, are eligible for limited night flight; i. e., night flight under VFR conditions. To be eligible for limited night flight, compliance shall be shown with such requirements as the Administrator finds are necessary for safe operation under these conditions.

8. By amending § 7.103 (a) by adding the following phrase to the end of the second sentence: "such means, however, need not be provided if the Administrator finds that inherent characteristics of the rotorcraft render it unnecessary or that adequate means of warning the pilot of unsafe rotor speeds are provided" and by adding the following phrase at the beginning of the third sentence: "If a means to prevent low rotor speeds is provided."

9. By amending § 7.111 (c) by deleting the words "as well as with § 7.384 (a)" and by adding a note to read as follows:

NOTE: See § 7.384 (b), Category B rotorcraft structure controls, rotor mechanisms, and parts essential to a controlled landing are protected from powerplant fires for at least 5 minutes.

10. By amending § 7.114 (a) by deleting the term "accelerate-stop" and substituting in lieu thereof the words "rejected take-off."

11. By amending § 7.114 (a) (1) by deleting the term "accelerate-stop" and substituting in lieu thereof the words "rejected take-off", by deleting the words "with take-off power" and substituting in lieu thereof the words "with the power associated with the take-off techniques", and by adding the following phrase at the end of the sentence, "with the remaining engines operating within their approved limitations."

12. By amending § 7.114 (a) (2) by adding to the second sentence between the words "limitations" and "the climb-out" the words "the rotorcraft shall be accelerated to the end of the rejected take-off distance from which point."

13. By amending § 7.114 (a) (3) by deleting the term "accelerate-stop" and substituting in lieu thereof the words "rejected take-off."

14. By amending § 7.115 (a) (1) (v), (a) (2) (v), and (a) (3) (v) by deleting the words "in the hot-day condition" and substituting in lieu thereof the words "at the temperatures and altitudes for which certification is sought."

15. By amending § 7.115 (b) (3) by adding the words "maximum and" between the words "the" and "minimum."

16. By amending § 7.118 (b) by adding a new sentence at the end thereof to read as follows: "The maximum descent in autorotation shall be determined."

17. By amending § 7.118 (c) by deleting subparagraph (3).

18. By amending § 7.118 (d) by deleting the words "and § 7.384 (a)."

19. By amending § 7.120 by deleting paragraph (c).

20. By amending § 7.123 (b) (4) (i) by adding the following words "except for Category A helicopters the weight shall be that determined for hovering (see § 7.116 (a))."

21. By amending § 7.131 by adding the following words, "unless the Administrator finds that such tendencies are not dangerous."

22. By amending § 7.401 by adding new paragraphs (d) and (e) to read as follows:

§ 7.401 *Engines.* • • •

(d) *Category A; Fan blade protection.* The powerplant installation shall include a means of protection such that the occurrence of a fan blade failure will not affect the operation of the remaining engines nor jeopardize the continued safe operation of the rotorcraft.

(e) *Category B; Fan blade protection.* The powerplant installation shall include a means of protection such that the occurrence of a fan blade failure will not jeopardize the safe landing of the rotorcraft.

PROPOSED RULES—PART 13

There are contained herein proposed amendments with respect to fuel system filters for both reciprocating and turbine engines and endurance testing of turbine engines.

The proposed amendments dealing with fuel system filters are intended to insure that foreign particles in the fuel which would have an adverse effect on the fuel system will be removed. It is, therefore, required that the engine manufacturer specify the type of filtration necessary and demonstrate that foreign particles passing through the filter will not impair the fuel system functioning.

It is also proposed to amend § 13.254 since it has been found that the specification of power and/or thrust and of engine rotational speed to a tolerance of ±3 percent for the endurance test is unduly burdensome on the engine manufacturer. The proposal contained herein requires that the endurance test be conducted with the engine power and/or thrust and engine rotational speed at not less than 100 percent of the specified values.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 13 of the Civil Air Regulations be amended:

1. By amending § 13.110 by adding new paragraph (c) to read as follows:

§ 13.110 *Fuel and induction system.* • • •

(c) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel shall be specified. It shall be demonstrated that foreign particles passing through the prescribed filtering means will not critically impair engine fuel system functioning.

2. By amending § 13.210 by adding a new paragraph (d) to read as follows:

§ 13.210 *Fuel and induction system.* • • •

(d) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel shall be specified. It shall be demonstrated that foreign particles passing through the prescribed filtering means will not critically impair engine fuel system functioning.

3. By amending § 13.254 by deleting the third sentence and inserting in lieu thereof the following: "During the endurance test, the engine power and/or thrust and the engine rotational speed shall not be less than 100 percent of the specified values except that substantiating evidence shall be submitted if the engine parameters are not controlled within this limitation."

PROPOSED RULES—PARTS 40, 41, 42

Representation has been made to the Bureau that the descent flight provisions of the two-engine-inoperative en route requirements of Parts 40, 41, and 42 were in need of clarification. The language of these provisions does not make clear the generally understood intent that the descent may be based on a net flight path. It is being proposed to amend these provisions in order to clarify the intent.

During this year's Annual Airworthiness Meeting, the subjects of interior markings and emergency lighting for exits were discussed. As a result, proposals are being made to the certification requirements to eliminate the necessity for such markings and lights for crew compartment exits. Since it is considered that the operating parts should be consistent with the certification requirements, similar amendments are being proposed herein for Parts 40, 41, and 42.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Parts 40, 41, and 42 be amended:

1. By amending § 40.75 (b) (2) to read as follows and by similarly amending §§ 41.30 (c) (2) (ii), and 42.75 (b) (2):

§ 40.75 *En route limitations; two engines inoperative.* • • •

(b) • • •

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if at the end of the descent and during the subsequent portion of the flight, the prescribed rate of climb is met at the prescribed minimum altitudes. The descent shall be assumed to be along a net flight path and the rate of descent for the appropriate weight and altitude shall be assumed to be 0.01 $V^2_{s_0}$ greater than indicated by the performance information approved by the Administrator.

2. By amending §§ 40.173 (f) (1) and (2), 41.23d (b) (1) and (2), and 42.24c (b) (1) and (2) by inserting the word "passenger" between the words "all" and "emergency" in the first sentence.

PROPOSED AMENDMENTS—SR–422

Special Civil Air Regulation SR–422 was adopted by the Board on July 23, 1957. It includes a new set of performance requirements applicable to all turbine-powered transport category airplanes type certificated after August 27, 1957. In the preamble of SR–422 the Board indicated that changes to the provisions contained therein would be made if further studies and experience indicate such changes to be necessary.

At the Annual Airworthiness Meetings held September 9 through 13, 1957, representations were made in support of certain changes to SR–422. In the main, the proposed changes involved substance which affected the level of required performance as well as clarifications of intent.

Although numerous issues were raised at the aforementioned meetings, not all of them could be resolved at this time, mainly because of the lack of sufficient substantiating technical data. Such issues are considered to require further study and, consistent with the Board's expressed interest, will be given further consideration as may be warranted.

The proposed amendments to SR–422 contained herein involve the following issues:

A substantive change is being proposed to the "All-engine-operating landing climb" which now requires at least a 4.0 percent gradient of climb in the landing configuration. This requirement is intended to insure sufficient climb performance in the event a landing is balked. It appears that requiring the airplane to be in the landing configuration during the climb after a balk is unduly conservative and not realistic. For this reason it is proposed to permit showing compliance with the 4.0 percent gradient of climb in the configuration which would exist 5 seconds after the initiation of the climb. The 5-second period is intended to include a reasonable time delay before the pilot could operate the controls to modify the airplane's configuration. It is anticipated that the modification would result mainly from the raising of the airplane's flaps, although other means could be used. In order to insure that the airplane's performance in service corresponds with the performance attained in showing compliance with this requirement it is proposed that the procedure of changing the airplane's configuration be established and set forth in the Airplane Flight Manual.

Important substantive changes are being proposed in respect to the one-engine-inoperative take-off climbs by inter-relating more realistically the prescribed airplane configuration, weight, and power. In effect, this proposal would permit meeting the prescribed gradients of climb at higher airplane weights than would be the case under the presently effective provisions.

Further substantive changes are being proposed in the numerical values of some of the required climb gradients in one-engine-inoperative take-off and en route stages of flight. In the take-off path above 400 feet and in the final take-off segment the climb gradient for two-engine airplanes would be reduced from 1.4 percent to 1.3 percent. In the en route flight path, it is being proposed to reduce the climb gradients of 1.4 and 1.8 percent to 1.2 and 1.7 percent for two-engine airplanes and four-engine airplanes respectively.

In addition to the substantive changes being proposed there are two significant proposals of a clarifying nature. The first deals with the determination of the landing distance as affected by devices or means other than wheel brakes. It is being proposed that a provision similar to the one applicable to the accelerate-stop distance be made applicable to the landing distance. This provision permits the use of means other than wheel brakes in the determination of the landing distance. Additionally, it is proposed to amend the provision which requires in some cases the determination of the landing distance with one engine inoperative. It is believed that the proposed requirement expresses the intent more clearly. One of the more obvious applications of this provision is in respect of turbo-propeller airplanes. Such airplanes usually are landed with the propellers in a relatively high drag position. If one of the engines is inoperative its propeller would be expected to be in a relatively low drag position with the consequence of a longer landing distance than with all engines operating. In such a case it is required that the landing distance be determined with one engine inoperative unless use could be made by the crew of other means (e. g., reverse thrust not otherwise considered in determining the landing distance) which reduce the landing distance at least to that determined for all engine operation.

The second clarification being proposed concerns the applicability of the performance limitations of SR–422. These consist of the "certificate limitations" and the "operating limitations." The former relate to maximum take-off and landing weights, maximum take-off and accelerate stop distances, and the operational limits imposed upon the airplane by the manufacturer. These limitations, being part of the conditions of the type and airworthiness certificates, must be complied with at all times irrespective of the type of operations being conducted (e. g., air-carrier, private, cargo). The operating limitations, distinct from the "certificate limitations" are only applicable when required by the operating parts of the regulations (Parts 40, 41, and 42 require compliance for passenger operations). Although it appeared that previous Board pronouncements regarding this general problem as well as the explanation contained in the preamble to SR–422 would make the issue quite clear, it has come to the Board's attention that there might still be some misunderstanding of this matter. Apparently the misunderstanding stems from the fact that SR–422 prescribes operating rules for air carrier operations which contain both the "certificate limitations" and the "operating limitations" while no prescription is being given to non-air carrier operations; thus giving an impression that not even the "certificate limitations" are applicable to non-air carriers. The inclusion of "certificate limitations" for air carrier operations with the "operating limitations" was meant only to provide the operators with the convenience of having together the complete prescription of the applicable performance limitations, notwithstanding that such an inclusion in fact, duplicates the general requirement of compliance with the "certificate limitations" contained in the Airplane Flight Manual. In view of the possible misunderstanding which might exist from the aforementioned inclusion, it is proposed additionally to include in SR–422 the same "certificate limitations" for application to all operations under the provisions of Part 43 of the Civil Air Regulations.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Special Civil Air Regulation SR–422 be amended:

1. By amending 4T.111 (c) by inserting in the first sentence the words "landing climbs," between the words "take-off distances," and "and landing distances."

2. By amending 4T.116 (g) by deleting the numerals "1.4" and inserting in lieu thereof the numerals "1.3."

3. By amending the introductory sentence of 4T.119 to read as follows: "In the landing configuration existing 5 seconds after initiation of the climb, in accordance with 4T.111 (c), the steady

gradient of climb shall not be less than 4.0 percent, with:"

4. By amending the introductory sentence of 4T.120 (a) by inserting between the words "configuration" and "at" the word "existing."

5. By amending 4T.120 (a) (1) to read as follows:

4T.120 *One-engine-inoperative climb.*
(a) • • •

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with 4T.116 at the time retraction of the airplane's landing gear is initiated, unless subsequently a more critical power operating condition exists along the flight path prior to the point where the landing gear is fully retracted.

6. By amending the introductory sentence of 4T.120 (b) by inserting between the words "configuration" and "at" the word "existing."

7. By amending 4T.120 (b) (1) to read as follows:

4T.120 *One-engine-inoperative climb.*
• • •
(b) • • •

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with 4T.116 at the time the landing gear is fully retracted, unless subsequently a more critical power operating condition exists along the flight path prior to the point where a height of 400 feet above the take-off surface is reached.

8. By amending 4T.120 (c) by deleting from the introductory sentence the numerals "1.4" and inserting in lieu thereof the numerals "1.3".

9. By amending 4T.120 (c) (2) to read as follows:

4T.120 *One-engine-inoperative climb.*
• • •
(c) • • •

(2) The weight equal to the airplane's weight existing in accordance with 4T.116 at the end of the take-off path.

10. By amending 4T.121 (a) by deleting the numerals "1.4" and "1.8" and inserting in lieu thereof "1.2" and "1.7" respectively.

11. By amending 4T.122 by deleting from the last sentence of the introductory paragraph the reference "(f)" and inserting in lieu thereof the reference "(g)".

12. By amending 4T.122 by amending paragraph (f) and by adding a new paragraph (g) to read as follows:

4T.122 *Landing distance.* • • •

(f) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the landing distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(g) If the characteristics of a device (e. g. the propellers) dependent upon the operation of any of the engines noticeably increase the landing distance when the landing is made with the engine inoperative, the landing distance shall be determined with the critical engine inoperative unless the Administrator finds that the use of compensating means will result in a landing distance not greater than that attained with all engines operating.

13. By amending 4T.123 (b) by adding the reference section "4T.119" between the referenced sections "4T.116" and "4T.121."

14. By adding a new item 4 after 40T.84 to read as follows:

4. In lieu of § 43.11 of Part 43 of the Civil Air Regulations the following shall be applicable:

43T.11 *Transport category airplane weight limitations.* The performance data in the Airplane Flight Manual shall be applied in determining compliance with the following provisions:

(a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the take-off. (See 4T.123 (a) (1) and 4T.743 (a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of the airport of destination and for the ambient temperature anticipated there at the time of landing. (See 4T.123 (a) (2) and 4T.743 (a).)

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distance required for take-off on the runway to be used. The take-off distance shall correspond with the elevation of the airport, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See 4T.123 (a) (3) and 4T.743 (a).)

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See 4T.123 (a) (4) and 4T.743 (a).)

[F. R. Doc. 57-9462; Filed, Nov. 14, 1957; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11957]

RADIO BROADCAST SERVICES

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations (Providence, Rhode Island, New Haven, Connecticut; Portland, Maine and Orono, Maine).

1. The Commission has before it for consideration a petition filed November 7, 1957 by Channel 16 of Rhode Island, Inc. requesting that the Commission extend the time for filing reply comments in the above-entitled proceeding from November 12, 1957 to December 12, 1957.

2. In support of its request petitioner alleges that Cherry & Webb Broadcasting Company, licensee of television Station WPRO-TV, Providence, Rhode Island, submitted an opposition to the Commission's proposal and to its Order to Show Cause. Petitioner asserts that this opposition included extensive engineering material upon which Cherry & Webb relied, contending inter alia, that the Commission's proposal for the assignment of Channel 8 and Channel 13 to Providence should not be adopted because of engineering and air hazards. Petitioner alleges that additional time is required to review the comments of Cherry & Webb so that petitioner's reply comments will be of the utmost assistance to the Commission in resolving the issues involved in this proceeding. Petitioner further alleges that the other parties to the proceeding do not object to the extension.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing reply comments in the above-entitled proceeding. However, the Commission believes that a 15-day extension will afford all interested parties sufficient time for preparing such reply comments.

4. In view of the foregoing: *It is ordered*, That the petition of Channel 16 of Rhode Island, Inc. for additional time to file reply comments is granted, in part, and that the time for filing reply comments in the above-entitled proceeding is extended from November 12, 1957 to November 27, 1957.

Adopted: November 8, 1957.

Released: November 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9456; Filed, Nov. 14, 1957; 8:50 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

IMPLEMENTATION OF EXECUTIVE ORDER 10730, SEPTEMBER 24, 1957

The Secretary of Defense signed the following order on November 6, 1957:

ORDER

I, Neil H. McElroy, Secretary of Defense of the United States, by direction of the President of the United States and pursuant to the authority granted under Executive Order No. 10730, dated September 24, 1957, entitled "Providing Assistance for the Removal of an Obstruction of Justice Within the State of Arkansas", hereby relieve from the active military service of the United States the units and parts of units, and the members thereof, of the Army National Guard of the State of Arkansas, listed on Exhibit 1 attached hereto, which were called into the active military service of the United States pursuant to Section 1 of that Executive Order. All other units and parts of units, and the members thereof, which were called into the active military service of the United States under that Executive Order, and which have not heretofore been relieved from the active military service of the United States, are hereby retained in the active military service of the United States under that Executive Order.

The relief from active military service provided by this Order shall take effect, for particular units or parts of units and the members thereof, at the earliest practicable time, as determined by the Secretary of the Army.

All other steps appropriate in connection with relief from active military service under this Order shall be taken by the Secretary of the Army.

NEIL H. MCELROY,
Secretary of Defense.

NOVEMBER 6, 1957.

MAURICE W. ROCHE,
Administrative Secretary.

EXHIBIT 1

ARKANSAS ARMY NATIONAL GUARD UNITS TO BE RELIEVED FROM ACTIVE FEDERAL SERVICE

UNIT

Hq & Hq Co, 153d Inf Regt
Med Co, 153d Inf Regt
Svc Co, 153d Inf Regt
Hq & Hq Co, 3d Bn, 153d Inf Regt
Co L, 153d Inf Regt
Hq & Hq Det, 739th Ord Bn (Inf Div)

[F. R. Doc. 57-9453; Filed, Nov. 14, 1957; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Nevada 045160]

NEVADA

AIR NAVIGATION SITE WITHDRAWAL

NOVEMBER 6, 1957.

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214) and pursuant to authority delegated by Order Number 541 of the Director, Bureau of Land Management, approved April 24, 1954, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including mining and mineral leasing laws and reserved under jurisdiction of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities:

MOUNT DIABLO MERIDIAN, NEVADA

T. 2 N., R. 38 E. (Unsurveyed),
Sec. 29
Parcel "A" containing 110.23 acres more or less and more fully described by:
Beginning at Section corner common to Sections 13, 18, 19, & 24, proceed on a bearing S 51°14'02" E 11,860.43 feet to a point which is the center of the VOR site;
Thence proceed on a bearing of N 40°44'38" E 2033.49 feet to the true point of beginning;
Thence South 2,640 feet to a point;
Thence West 1,556.68 feet to a point on the East Boundary of State Highway No. 47 right-of-way;
Thence along the East boundary of State Highway No. 47 road right-of-way on a bearing of N 11°30' W 2,694.1 feet to a point;
Thence East 2,081.1 feet back to the true point of beginning; and hereinafter described as Parcel "A"; and
Parcel "B" containing 25.04 acres more or less and more fully described by:
Beginning at SW corner of Parcel "A" described above;
Thence proceeding West 408 feet to the true point of beginning of Parcel "B";
Thence by metes and bounds proceed West 675.32 feet to a point;
Thence North 2,640 feet to a point:

Thence East 150.99 feet to a point located on the West boundary of State Highway No. 47 road right-of-way;
Thence along the West boundary of State Highway No. 47 right-of-way on a bearing of S 11°30' E 2,694.1 feet to the true point of beginning of Parcel "B".

Both parcels contain 135.27 acres more or less.

This withdrawal shall take precedence over but not otherwise affect the departmental order of November 3, 1936, establishing Nevada Grazing District No. 5 and Presidential Order dated March 6, 1911 establishing Coal Land Withdrawal Nevada No. 1, in so as such orders affect any of the above described land.

JAMES E. KEOGH, JR.,
Manager, Land Office.

[F. R. Doc. 57-9440; Filed, Nov. 14, 1957; 8:47 a. m.]

[Serial No. Idaho 08052]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 6, 1957.

The State of Idaho has certified that the hereinafter described lands patented to the State under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422, 43 U. S. C. 641) as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of these tracts. The State of Idaho therefore has reconveyed the lands to the United States.

BOISE MERIDIAN, IDAHO

T. 5 S., R. 12 E.,
Sec. 30, lot 1 (a portion of the NW¼NW¼), NE¼NW¼.
T. 6 S., R. 13 E.,
Sec. 3, SW¼SW¼;
Sec. 4, lot 2 (NW¼NE¼), lot 3 (NE¼NW¼), lot 4 (NW¼NW¼), S½NW¼;
Sec. 9, E½NE¼;
Sec. 11, S½SW¼;
Sec. 13, SE¼SE¼.

The areas described total 521 acres of public lands.

The land is located from one to seven miles from Bliss, Idaho. Elevation ranges from about 3100 feet to 3300 feet. The surface relief is generally rolling with some level spots. The soils are shallow, sandy loams with numerous large lava outcrops. The vegetation consists of cheatgrass, mustard, Russian thistle and other annuals with some sagebrush. The lands are held to have little suitability for agricultural development except for drygrazing of livestock.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of application, selections and locations, in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land and small tract laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m. on December 12, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 13, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on March 13, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be opened to location under the United States mining laws, beginning 10:00 a. m. on March 13, 1958.

Persons claiming veteran's preference rights under Paragraph a (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

NOLAN F. KEIL,
Acting State Supervisor.

[F. R. Doc. 57-9441; Filed, Nov. 14, 1957; 8:47 a. m.]

[Utah (I-6)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 8, 1957.

Bureau of Reclamation has filed an application, Serial No. Utah 026185, for the withdrawal of the lands described below, from all forms of appropriation. The applicant desires the land for reclamation purposes in connection with the Vernal Unit, Central Utah Project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 777, Salt Lake City, Utah.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 4 S., R. 21 E.,
Sec. 1: Lots 3 and 4.

The above area aggregates 80.30 acres.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-9442; Filed, Nov. 14, 1957; 8:47 a. m.]

Geological Survey

COLORADO, LOUISIANA, UTAH, WYOMING

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

NAME OF FIELD, EFFECTIVE DATE, ACREAGE

(2) COLORADO

Allen, October 17, 1957, 200.
Battle Canyon, October 17, 1957, 920.
Pinneo, October 17, 1957, 800.

(3a) LOUISIANA

Cotton Valley, August 14, 1957, 46815.

(8) UTAH

San Arroyo, October 2, 1957, 2640.

(9) WYOMING

Middle Mountain, July 25, 1957, 760.
Mush Creek-Skull Creek (revision and consolidation), September 11, 1957, 19148.
North Fork, July 26, 1957, 883.
South Baggs, August 21, 1957, 3000.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 57-9435; Filed, Nov. 14, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

H. L. ZIEGLER, INC., AND GARRETT FORWARDING CO.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8258 between H. L. Ziegler, Inc., Houston, Texas, and Garrett Forwarding Co., Inc., New York, New York, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 12, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. D. Doc. 57-9449; Filed, Nov. 14, 1957; 8:49 a. m.]

Office of the Secretary

ROBERT H. MERRILL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 16, 1957, 22 F. R. 3444.

A. Deletions: None.
B. Additions: None.

This statement is made as of November 7, 1957.

Dated: November 7, 1957.

ROBERT H. MERRILL.

[F. R. Doc. 57-9430; Filed, Nov. 14, 1957; 8:45 a. m.]

JOHN R. SMITH

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John R. Smith.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 1, 1957.
4. Title of position: Chief, Forgings Branch, Iron & Steel Division.
5. Name of private employer: Standard Steel Works Division Baldwin-Lima-Hamilton Corporation, Burnham, Pennsylvania.

CARLTON HAYWARD,
Director of Personnel.

SEPTEMBER 5, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Baldwin-Lima-Hamilton Corporation.
Bank Deposits.

Dated: November 1, 1957.

JOHN R. SMITH.

[F. R. Doc. 57-9431; Filed, Nov. 14, 1957; 8:45 a. m.]

CARL W. MESSINGER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Carl W. Messinger.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 1, 1957.
4. Title of position: Consultant, Iron & Steel Division.
5. Name of private employer: Allegheny Ludlum Steel Corporation, Pittsburgh, Pennsylvania.

CARLTON HAYWARD,
Director of Personnel.

SEPTEMBER 5, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

National Biscuit.
Nat'l Savings & Trust.
Elec. Storage Battery.
Potomac Elec. Power.
Fidelity Fund.
Mass. Investment Trust.
Aetna Insurance.
Conn. Bank & Trust.
General Electric.
Funsten Nut Co.
Arrow Hart & Hegeman.
Allegheny Ludlum Steel Corp.
1st Nat. Bank in St. Louis.
North American Aviation.
Columbia Gas Co.
Coca Cola Bottling Co.
Scoville Mfg. Co.
Hartford Steam Boiler & Inspection Co.
Wagner Elec. Corp.
Dow Chemical Co.
Bank Deposits.

Dated: November 1, 1957.

CARL W. MESSINGER.

[F. R. Doc. 57-9432; Filed, Nov. 14, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12203-12205; FCC 57M-1098]

HALL BROADCASTING CO., INC., ET AL.

ORDER FOR PRE-HEARING CONFERENCE

In re applications of Hall Broadcasting Company, Inc., Los Angeles, California, Docket No. 12203, File No. BPH-2175; Hogan Broadcasting Corporation, Long Beach, California, Docket No. 12204, File No. BPH-2180; Richard C. Simonton, Los Angeles, California, Docket No. 12205, File No. BPH-2239; for construction permits FM Channel 274 (102.7 Mc).

A pre-hearing conference in the above-entitled proceeding will be held on Tuesday, November 19, 1957, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 7th of November 1957.

Released: November 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9457; Filed, Nov. 14, 1957; 8:50 a. m.]

[Docket No. 12206; FCC 57M-1099]

CHINOOK TELEVISION CO.

ORDER CONTINUING HEARING

In re application of Robert S. McCaw, tr/as Chinook Television Company, Yakima, Washington, Docket No. 12206, File No. BPCT-2206; for construction permit to replace expired permit.

It is ordered, This 8th day of November 1957, that hearing in the above-entitled proceeding, which is presently scheduled to commence on November 13, 1957, is continued indefinitely, pending action on applicant's petition of November 6, 1957, requesting dismissal of his application without prejudice.

Released: November 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9458; Filed, Nov. 14, 1957; 8:51 a. m.]

[Docket Nos. 12237, 12238; FCC 57-1214]

OKLAHOMA TELEVISION CORP. AND SUPREME BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Oklahoma Television Corporation, New Orleans, Louisiana, Docket No. 12237, File No. BPCT-2330; for construction permit for a new television broadcast station; Supreme Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 12238, File No. BMPCT-4679; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1957;

The Commission having under consideration the above-captioned applications, one requesting a construction permit for a new television broadcast station to operate on Channel 12 in New Orleans, Louisiana, the other requesting a modification of construction permit to operate on Channel 12 in lieu of Channel 20 in New Orleans, Louisiana; and

It appearing, that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications and the replies to the above letters, the Commission finds that each of the applicants is legally, financially and otherwise qualified to construct, own and operate the proposed television broadcast stations and is technically so qualified except as to issue "1" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Oklahoma Television Corporation and Supreme Broadcasting Company, Inc. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna systems and sites proposed in the above-captioned applications would constitute hazards to air navigations.

2. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Oklahoma Television Corporation and Supreme Broadcasting Company, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9459; Filed, Nov. 14, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13662]

CHRISTIE, MITCHELL AND MITCHELL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 8, 1957.

Christie, Mitchell and Mitchell Company, et al. (Christie) on October 10, 1957, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

[1] Christie previously proposed increases under the same rate schedule which were suspended until April 9, 1957, in Docket No. G-11440, but were never made effective subject to refund.

Description: Notice of Change, dated October 8, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 16 to Christie's FPC Gas Rate Schedule No. 9. Supplement No. 17 to Christie's FPC Gas Rate Schedule No. 9.

Effective date: November 10, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increases, Christie states that the increase provisions were entered into in fair, arm's-length bargaining, that the small increase (0.4 cents per Mcf) is fair and reasonable, and that the total price to be received under the subject contract will afford sellers only a fair return.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 10, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9443; Filed, Nov. 14, 1957; 8:48 a. m.]

[Docket No. G-13663]

SPARTAN DRILLING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 8, 1957.

Spartan Drilling Company et al. (Spartan), on October 9, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 1, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Spartan's FPC Gas Rate Schedule No. 5.

Effective date: January 1, 1958 (effective date is the effective date proposed by Spartan).

In support of the proposed periodic rate increase, Spartan states that the escalation clause embodied in the contract is common in such long-term contracts; the initial price is not adequate to cover rising costs to the producer, and the increased rate represents the fair field price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Spartan's FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Spartan's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9444; Filed, Nov. 14, 1957; 8:48 a. m.]

[Docket No. G-9966 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

ORDER FIXING DATE FOR ORAL ARGUMENT

NOVEMBER 8, 1957.

In the matters of Natural Gas Pipeline Company of America, Docket No. G-9966; Texas Illinois Natural Gas Pipeline Company, Docket No. G-10103; Colorado Interstate Gas Company, Docket No. G-10176; Chicago District Pipeline Company, Docket No. G-10214; Pacific Northwest Pipeline Corporation, Docket No. G-10455.

Exceptions have been filed to the initial decision issued October 9, 1957, by the Presiding Examiner in the above-entitled proceedings, and it is appropriate that oral argument be held thereon.

The Commission orders:

(A) Oral argument before the Commission in this matter be held on December 5, 1957, at 10 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(B) Request for time for oral argument shall be made to the Secretary of the Federal Power Commission on or before November 22, 1957.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9445; Filed, Nov. 14, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 8, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value capital stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On October 31, 1957 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending November 10, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, November 11 to 20, 1957, inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-9448; Filed, Nov. 14, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SALOMON COLTOF ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the securities described below:

Salomon Coltof, Driebergen, Holland, L. S. Claim No. 856; The Atchison Topeka and Santa Fe Railway Company 4/95, Bond No. 88538, in the principal amount of $1,000.

Mrs. Leonie Dentz, Amsterdam, Holland, L. S. Claim No. 880; $4,704.96.

Mrs. Elisabeth Hartogs, Arnhem, Holland, L. S. Claim No. 900; $1,540.00. Cities Service Company 5/69, Debentures Nos. 41847/8, in the principal amount of $1,000 each.

Joseph Franken and Mrs. Anne Franken, Tel Aviv, Israel, L. S. Claim No. 901; $2,234.86.

Vesting Order No. 18521

Executed at Washington, D. C., on November 7, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-9455; Filed, Nov. 14, 1957; 8:50 a. m.]

LISBETH BAUMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lisbeth Baumann, Kfar-Ono, Israel; $463.64 in the Treasury of the United States. Claim No. 61759.

Vesting Order No. 9068.

Executed at Washington, D. C., on November 7, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-9454; Filed, Nov. 14, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 12, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34280—*Liquefied chlorine gas—Brunswick, Ga., to Tennessee points.* Filed by O. W. South, Jr., Agent (SFA No. A3556), for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads from Brunswick, Ga., to Boyce, Calhoun, Chattanooga, and North Chattanooga, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Agent Spaninger's tariff I. C. C. 1536.

FSA No. 34281—*Lumber—Points in Tennessee to destinations in the South.* Filed by O. W. South, Jr., Agent (SFA No. A3557), for interested rail carriers. Rates on lumber and related articles, carloads from Adamsville, Crump, and Savannah, Tenn., to specified points in Alabama, Florida, Georgia, Louisiana and Mississippi.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 129 to Agent Spaninger's tariff I. C. C. 1298.

FSA No. 34282: *Ethylene glycol—Orange, Tex., to Graingers, N. C.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7149), for interested rail carriers. Rates on ethylene glycol, tank-car loads from Orange, Tex., to Graingers, N. C.

Grounds for relief: Market competition.

Tariff: Supplement 48 to Agent Kratzmeir's tariff I. C. C. 4094.

FSA No. 34283: *Rock salt—Ojibway, Ont., Canada, to Louisville, Ky.* Filed by O. E. Schultz, Agent (ER No. 2409), for interested rail carriers. Rates on salt, rock, loose or in bulk, carloads from Ojibway, Ont., Canada to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 12 to Agent R. K. Watson's tariff I. C. C. 197.

FSA No. 34284: *Sand—Troy Grove, Ill., to Kenosha, Wis.* Filed by R. G. Raasch, Agent (No. 634), for interested rail carriers. Rates on silica sand, except ground or pulverized, carloads, from Troy Grove, Ill., to Kenosha, Wis.

Grounds for relief: Cross-country competition with Ottawa, Ill., group origins.

Tariff: Supplement 21 to Chicago and North Western Railway Company's tariff I. C. C. 11274.

FSA No. 34285: *Acids and chemicals—Bishop, Tex., to Celriver, S. C.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7152), for interested rail carriers. Rates on acids and chemicals, tank-car loads, from Bishop, Tex., to Celriver, S. C.

Grounds for relief: Potential truck-water-truck competition.

Tariff: Supplement 402 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34286: *T. O. F. C. Service—Class Rates—Louisville, Ky., to New York points via Monon Railroad.* Filed by The Monon Railroad, Agent (No. 2), for itself and other interested rail carriers. Rates on commodities moving on class rates, loaded in trailers and transported on railroad flat cars from Louisville, Ky., to Binghamton, Courtland, Elmira, Oswego, and Syracuse, N. Y.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9450; Filed, Nov. 14, 1957; 8:49 a. m.]

FEDERAL REGISTER

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UNIVERSITY OF MICHIGAN

NOV 13 1957

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (4) of § 6.302 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-9491; Filed, Nov. 15, 1957; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (o) is added to § 6.323 as set out below.

§ 6.323 *Federal Civil Defense Administration.* * * *

(o) One Receptionist.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-9492; Filed, Nov. 15, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 122]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.422 *Navel Orange Regulation 122*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

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any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 14, 1957.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 17, 1957, and ending at 12:01 a. m., P. s. t., November 24, 1957, are hereby fixed as follows:

(i) District 1: 508,200 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 69,300 cartons;
(iv) District 4: 46,200 cartons.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: November 15, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9594; Filed, Nov. 15, 1957; 11:37 a. m.]

[Tangerine Reg. 194]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.870 *Tangerine Regulation 194*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 12, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the perjod hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., November 18, 1957, and ending at 12:01 a. m., e. s. t., December 2, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 14, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9540; Filed, Nov. 15, 1957; 9:07 a. m.]

[Grapefruit Reg. 274]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.871 *Grapefruit Regulation 274*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 12, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning

as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., November 18, 1957, and ending at 12:01 a. m., e. s. t., December 2, 1957, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 14, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9539; Filed, Nov. 15, 1957; 9:07 a. m.]

[Orange Reg. 327]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.872 *Orange Regulation 327*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 12, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., November 18, 1957, and ending at 12:01 a. m., e. s. t., December 2, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2⅛₁₆ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2⅛₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹⁵⁄₁₆ inches in diameter and smaller;

(iii) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1; or

(iv) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 3⅜₁₆ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F. R. 6676).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 14, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9541; Filed, Nov. 15, 1957; 9:07 a. m.]

PART 945—TOMATOES GROWN IN FLORIDA

EXEMPTION PROCEDURES

Notice of rule making regarding a proposed revision of the current Exemption Procedures (§§ 945.130 through 945.135), to be effective under Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), regulating the handling of tomatoes grown in Florida, was published in the FEDERAL REGISTER October 10, 1957 (22 F. R. 8067). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were recommended by the Florida Tomato Committee (established pursuant to the aforesaid marketing agreement and order), the Exemption Procedures (§§ 945.130 through 945.135), are hereby revised to read as follows:

Sec.
945.130 Application.
945.131 Investigations.
945.132 Issuance.
945.133 Disposition of certificates.
945.134 Reports.
945.135 Appeals.

AUTHORITY: §§ 945.130 to 945.135 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 945.130 *Application.* Any person applying for exemption from regulations issued pursuant to § 945.52 shall file such application with the committee, or its duly authorized agent for such purpose, on forms to be furnished by such committee. Each application shall state the name and address of the applicant, the grade, size, and quality regulations from which exemption is requested; and facts demonstrating that the tomatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producers' applications by paragraphs (a) and (b) of this section.

(a) The location and acreage of the farm on which tomatoes for which exemption is requested, the location where such tomatoes are to be prepared for market, and the loading point from which such tomatoes are to be shipped if exemption is granted;

(b) Quantity (by grade, size, quality, and variety) of tomatoes harvested during the current season or any specific portion thereof prior to the date of application and to be harvested, subsequent to such date, during the remainder of the current season or any specific portion thereof (as may be determined pursuant to this part); an estimate of the portion of such tomatoes which can be handled under regulation issued pursuant to § 945.52, during the remainder of the season; and the reasons why all of such tomatoes cannot be handled under such regulations.

§ 945.131 *Investigations.* The committee may authorize investigations of applications by its employees, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

§ 945.132 *Issuance.* (a) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of this part, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 945.71: *Provided,* That a separate certificate may be issued, at the request of an applicant, for each affected field.

(b) The applicant shall be notified in writing if his request for exemption is denied.

(c) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of such committee. At least one copy of each exemption certificate issued shall be retained in the committee records. Each such certificate shall contain the name and address of the recipient, the location of all tomatoes authorized to be shipped thereunder, the quantity (by grade, size, quality and variety) of tomatoes which will be permitted in the exempted shipments and such other information as may be deemed necessary by the committee to provide such committee, the recipient, or both, with adequate and specific information regarding such exempted tomatoes.

§ 945.133 *Disposition of certificates.* (a) Each lot of tomatoes handled under an exemption certificate shall be accompanied by such certificate, or such appropriate identifying information with respect to such certificate, as the committee may require, to facilitate the administration of regulatory provisions applicable thereto.

(b) Each shipment of a lot or portion thereof, of tomatoes covered by an exemption certificate shall be accompanied by a Federal-State Inspection Certificate which shall show the exemption certificate number covering the lot.

§ 945.134 *Reports.* Persons handling tomatoes under exemption certificates shall, at such time as may be specified in such certificates, report thereon to the committee the names and addresses of the receivers of such tomatoes, the quantity shipped (by grade, size, quality, and variety), the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by such committee in order to administer the regulatory provisions applicable thereto.

§ 945.135 *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate an appeal by such applicant may be taken to such committee in accordance with § 945.73.

Dated: November 12, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-9484; Filed, Nov. 15, 1957; 8:49 a. m.]

[Lemon Reg. 713]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.820 *Lemon Regulation 713*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 13, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 17, 1957, and ending at 12:01 a. m., P. s. t., November 24, 1957, are hereby fixed as follows:

(i) District 1: 7,440 cartons;
(ii) District 2: 171,120 cartons;
(iii) District 3: 26,040 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 14, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9575; Filed, Nov. 15, 1957; 9:07 a. m.]

[Avocado Order 9, Amdt. 8]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

CONTAINER REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found

that the limitation on the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and good cause exists for making the provisions hereof effective not later than November 18, 1957. The Avocado Administrative Committee at its meeting on November 12, 1957, considered the effects of container regulation as currently prescribed by Avocado Order 9, as amended; such meeting was held after due notice thereof and growers and handlers were given opportunity to submit views and data concerning such regulation, it was concluded that it is not practicable to pack the currently prescribed net weight of avocados of the smaller sizes (20 or more per container) in the prescribed containers other than that with dimensions 11 x 16¾ x 10 inches, and it is necessary to alter such minimum net weight requirement for avocados of such sizes as hereinafter set forth; the recommendation and supporting information for such container regulation subsequent to November 18, 1957, and in the manner provided herein, were promptly submitted to the Department after such meeting and information concerning such recommendation was disseminated among handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective at the time hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered, That paragraph (b) (1) (viii) of § 969.309 (Avocado Order 9, as amended; 20 F. R. 5627, 6571, 9173; 21 F. R. 4514, 6269, 8142, 9990; 22 F. R. 8117) is hereby amended to read as follows:

(viii) With respect to the containers prescribed in subdivisions (ii) through (vi) of this subparagraph, the net weight of the avocados in any such container shall be not less than 13½ pounds: *Provided,* That when such containers are packed with 20 or more avocados, the net weight of such avocados shall be not less than 13 pounds, and *Provided further,* That not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weight requirement.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., November 18, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 14, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9538; Filed, Nov. 15, 1957; 9:06 a. m.]

[Avocado Order 14, Amdt. 7]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY AND MATURITY REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date specified herein. Shipments of Florida avocados are currently subject to less restrictive quality regulation pursuant to Avocado Order 14, and unless sooner modified or terminated will continue to be so regulated until April 30, 1958; determination as to the need for, and extent of, continued quality regulation of Florida avocados must await the development of the crop thereof and the availability of information on the demand for such fruit, and adequate information thereon, was not available to the Avocado Administrative Committee until November 12, 1957; recommendation as to the need for, and the extent of, regulation of the quality of shipments of such avocados on and after November 18, 1957, was made at a meeting of the said committee on November 12, 1957, after consideration of all available information as to the quality, the supply of, and demand for such avocados, at which time the recommendations and supporting information for such quality regulation in the manner and for the period herein set forth were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is therefore ordered, That the provisions of § 969.314 (Avocado Order 14, as amended; 22 F. R. 3652, 4251, 5679, 6746, 7173, 7357, 8117) are hereby further amended as follows:

1. Amend paragraph (b) (1) to read as follows:

(1) During the period beginning at 12:01 a. m., e. s. t., November 18, 1957, and ending at 12:01 a. m., e. s. t., April 30, 1958, no handler shall handle any container of avocados, grown in south Florida, unless the avocados in such container (i) grade not less than 25 percent No. 1 Grade and the remainder at least No. 2 Grade: *Provided,* That not to exceed 5 percent of the containers in a lot may contain avocados which fail to meet such requirement if the entire lot is within the tolerance; and (ii) meet the requirements of Standard Pack.

2. Amend paragraph (c) to read as follows:

(c) As used herein, "No. 1 Grade", "No. 2 Grade", and "Standard Pack" shall have the same meaning as in paragraphs (a), (c), and (f), respectively, of § 969.130 of the supplementing rules and regulations, as amended (21 F. R. 2409), and the term "diameter" means the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., November 18, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 14, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9537; Filed, Nov. 15, 1957; 9:06 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1956 Supp., 146.26; 22 F. R. 7862) are amended as follows:

Section 146.26 (b) is amended by adding the following new subparagraph (34):

§ 146.26 *Animal feed containing penicillin.* * * *

(b) * * *

(34) It is intended for use as an aid in the reduction of bacterial diarrhea in dairy cattle or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis—shipping fever complex) or as an aid in the prevention or treatment of foot rot in cattle; its labeling bears adequate directions and warnings for such uses; and it contains the following quantities of chlortetracycline, by weight of feed, for the conditions indicated:

(i) For the prevention or treatment of foot rot and as an aid in the reduction of bacterial diarrhea in dairy cattle: 0.1 milligram per pound of body weight per day.

(ii) As an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis—shipping fever complex) in dairy cattle: 0.1 milligram per pound of body weight per day, except that if it is intended for use for more than 30 days it may contain chlortetracycline, in a quantity by weight of feed to provide 70 milligrams per head per day.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes certain requirements, and since it would be against public interest to delay publication of this amendment.

I further find that animal feeds containing chlortetracycline and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 502 (1), 507, 52 Stat. 1051, 59 Stat. 463, as amended; 21 U. S. C. 352 (1), 357)

Dated: November 8, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9471; Filed, Nov. 15, 1957; 8:46 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of antibiotic and antibiotic-containing drugs, Parts 146 and 146b (21 CFR, 1956 Supp., 146.26; 21 CFR 146b.104) are amended as indicated below:

1. In § 146.26 *Animal feed containing penicillin* * * *, subparagraph (19) of paragraph (b) is amended as follows:

a. The present text of the subparagraph is designated as subdivision (i).

b. A new subdivision (ii), reading as follows, is added at the end of the subparagraph.

(ii) It is intended for use in the disease specified in subdivision (i) of this subparagraph; it contains the ingredient in the amount and under the conditions specified in that subdivision; and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

2. In § 146b.104 *Streptomycin tablets* * * *, paragraph (c) (1) (iii) is changed to read as follows:

(c) *Labeling.* * * *

(1) * * *

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such time period such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotic drugs and the other ingredients specified in amendment 1 of this order need not comply with the requirements of sections 501 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy, provided they are used in the amounts and for the purposes specified in that amendment.

Effective date. This order shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: November 8, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9470; Filed, Nov. 15, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6270]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMS SPECIFICALLY INCLUDED IN GROSS INCOME; ALIMONY AND SEPARATE MAINTENANCE PAYMENTS

On April 25, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise provided, under section 71 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 2659). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below:

PARAGRAPH 1. Section 1.71-1 is revised as follows:

(A) By changing paragraph (d) (3) (ii) (*b*).

(B) By redesignating subparagraph (4) of paragraph (d) as subparagraph (5) and inserting a new subparagraph (4) immediately after subparagraph (3) of such paragraph.

(C) By deleting example (5) under subparagraph (5), as so redesignated, of paragraph (d).

PAR. 2. New § 1.71-2 is added after § 1.71-1.

[SEAL] C. W. STOWE,
Acting Commissioner of Internal Revenue.

Approved: November 12, 1957.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

The following regulations are prescribed under section 71 of the Internal Revenue Code of 1954, relating to alimony and separate maintenance payments. Except as otherwise stated in the regulations, the rules are applicable to taxable years beginning after Decem-

ber 31, 1953, and ending after August 16, 1954.

ITEMS SPECIFICALLY INCLUDED IN GROSS INCOME

Sec.
1.71 Statutory provisions; alimony and separate maintenance payments.
1.71–1 Alimony and separate maintenance payments; income to wife or former wife.
1.71–2 Effective date; taxable years ending after March 31, 1954, subject to the Internal Revenue Code of 1939.

AUTHORITY: §§ 1.71 to 1.71–2 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.71 *Statutory provisions; alimony and separate maintenance payments.*

SEC. 71. *Alimony and separate maintenance payments*—(a) *General rule*—(1) *Decree of divorce or separate maintenance.* If a wife is divorced or legally separated from her husband under a decree of divorce or of separate maintenance, the wife's gross income includes periodic payments (whether or not made at regular intervals) received after such decree in discharge of (or attributable to property transferred, in trust or otherwise, in discharge of) a legal obligation which, because of the marital or family relationship, is imposed on or incurred by the husband under the decree or under a written instrument incident to such divorce or separation.

(2) *Written separation agreement.* If a wife is separated from her husband and there is a written separation agreement executed after the date of the enactment of this title, the wife's gross income includes periodic payments (whether or not made at regular intervals) received after such agreement is executed which are made under such agreement and because of the marital or family relationship (or which are attributable to property transferred, in trust or otherwise, under such agreement and because of such relationship). This paragraph shall not apply if the husband and wife make a single return jointly.

(3) *Decree for support.* If a wife is separated from her husband, the wife's gross income includes periodic payments (whether or not made at regular intervals) received by her after the date of the enactment of this title from her husband under a decree entered after March 1, 1954, requiring the husband to make the payments for her support or maintenance. This paragraph shall not apply if the husband and wife make a single return jointly.

(b) *Payments to support minor children.* Subsection (a) shall not apply to that part of any payment which the terms of the decree, instrument, or agreement fix, in terms of an amount of money or a part of the payment, as a sum which is payable for the support of minor children of the husband. For purposes of the preceding sentence, if any payment is less than the amount specified in the decree, instrument, or agreement, then so much of such payment as does not exceed the sum payable for support shall be considered a payment for such support.

(c) *Principal sum paid in installments*—(1) *General rule.* For purposes of subsection (a), installment payments discharging a part of an obligation the principal sum of which is, either in terms of money or property, specified in the decree, instrument, or agreement shall not be treated as periodic payments.

(2) *Where period for payment is more than 10 years.* If, by the terms of the decree, instrument, or agreement, the principal sum referred to in paragraph (1) is to be paid or may be paid over a period ending more than 10 years from the date of such decree, instrument, or agreement, then (notwithstanding paragraph (1)) the installment payments shall be treated as periodic payments for purposes of subsection (a), but (in the case of any one taxable year of the wife) only to the extent of 10 percent of the principal sum. For purposes of the preceding sentence, the part of any principal sum which is allocable to a period after the taxable year of the wife in which it is received shall be treated as an installment payment for the taxable year in which it is received.

(d) *Rule for husband in case of transferred property.* The husband's gross income does not include amounts received which, under subsection (a), are (1) includible in the gross income of the wife, and (2) attributable to transferred property.

(e) *Cross references.* (1) For definitions of "husband" and "wife", see section 7701 (a) (17).

(2) For deduction by husband of periodic payments not attributable to transferred property, see section 215.

(3) For taxable status of income of an estate or trust in case of divorce, etc., see section 682.

§ 1.71–1 *Alimony and separate maintenance payments; income to wife or former wife*—(a) *In general.* Section 71 provides rules for treatment in certain cases of payments in the nature of or in lieu of alimony or an allowance for support as between spouses who are divorced or separated. For convenience, the payee spouse will hereafter in this section be referred to as the "wife" and the spouse from whom she is divorced or separated as the "husband." See section 7701 (a) (17). For rules relative to the deduction by the husband of periodic payments not attributable to transferred property, see section 215 and the regulations thereunder. For rules relative to the taxable status of income of an estate or trust in case of divorce, etc., see section 682 and the regulations thereunder.

(b) *Alimony or separate maintenance payments received from the husband*—(1) *Decree of divorce or separate maintenance.* (i) In the case of divorce or legal separation, paragraph (1) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her after a decree of divorce or of separate maintenance. Such periodic payments must be made in discharge of a legal obligation imposed upon or incurred by the husband because of the marital or family relationship under a court order or decree divorcing or legally separating the husband and wife or a written instrument incident to the divorce status or legal separation status.

(ii) For treatment of payments attributable to property transferred (in trust or otherwise), see paragraph (c) of this section.

(2) *Written separation agreement.* (i) Where the husband and wife are separated and living apart and do not file a joint income tax return for the taxable year, paragraph (2) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her pursuant to a written separation agreement executed after August 16, 1954. The periodic payments must be made under the terms of the written separation agreement after its execution and because of the marital or family relationship. Such payments are includible in the wife's gross income whether or not the agreement is a legally enforceable instrument. Moreover, if the wife is divorced or legally separated subsequent to the written separation agreement, payments made under such agreement continue to fall within the provisions of section 71 (a) (2).

(ii) For purposes of section 71 (a) (2), any written separation agreement executed on or before August 16, 1954, which is altered or modified in writing by the parties in any material respect after that date will be treated as an agreement executed after August 16, 1954, with respect to payments made after the date of alteration or modification.

(iii) For treatment of payments attributable to property transferred (in trust or otherwise), see paragraph (c) of this section.

(3) *Decree for support.* (i) Where the husband and wife are separated and living apart and do not file a joint income tax return for the taxable year, paragraph (3) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her after August 16, 1954, from her husband under any type of court order or decree (including an interlocutory decree of divorce or a decree of alimony pendente lite) entered after March 1, 1954, requiring the husband to make the payments for her support or maintenance. It is not necessary for the wife to be legally separated or divorced from her husband under a court order or decree; nor is it necessary for the order or decree for support to be for the purpose of enforcing a written separation agreement.

(ii) For purposes of section 71 (a) (3), any decree which is altered or modified by a court order entered after March 1, 1954, will be treated as a decree entered after such date.

(4) *Scope of section 71 (a).* Section 71 (a) applies only to payments made because of the family or marital relationship in recognition of the general obligation to support which is made specific by the decree, instrument, or agreement. Thus, section 71 (a) does not apply to that part of any periodic payment which is attributable to the repayment by the husband of, for example, a bona fide loan previously made to him by the wife, the satisfaction of which is specified in the decree, instrument, or agreement as a part of the general settlement between the husband and wife.

(5) *Year of inclusion.* Periodic payments are includible in the wife's income under section 71 (a) only for the taxable year in which received by her. As to such amounts, the wife is to be treated as if she makes her income tax returns on the cash receipts and disbursements method, regardless of whether she normally makes such returns on the accrual method. However, if the periodic payments described in section 71 (a) are to be made by an estate or trust, such periodic payments are to be included in the wife's taxable year in which they are includible according to the rules as to income of estates and trusts provided in sections 652, 662, and 682, whether or not such payments are made out of the income of such estates or trusts.

(6) *Examples.* The foregoing rules are illustrated by the following examples in which it is assumed that the husband and wife file separate income tax returns on the calendar year basis:

Example (1). W files suit for divorce from H in 1953. In consideration of W's promise to relinquish all marital rights and not to make public H's financial affairs, H agrees in writing to pay $200 a month to W during her lifetime if a final decree of divorce is granted without any provision for alimony. Accordingly, W does not request alimony and no provision for alimony is made under a final decree of divorce entered December 31, 1953. During 1954, H pays W $200 a month, pursuant to the promise. The $2,400 thus received by W is includible in her gross income under the provisions of section 71 (a) (1). Under section 215, H is entitled to a deduction of $2,400 from his gross income.

Example (2). During 1945, H and W enter into an antenuptial agreement, under which, in consideration of W's relinquishment of all marital rights (including dower) in H's property, and, in order to provide for W's support and household expenses, H promises to pay W $200 a month during her lifetime. Ten years after their marriage, W sues H for divorce but does not ask for or obtain alimony because of the provision already made for her support in the antenuptial agreement. Likewise, the divorce decree is silent as to such agreement and H's obligation to support W. Section 71 (a) does not apply to such a case. If, however, the decree were modified so as to refer to the antenuptial agreement, or if reference had been made to the antenuptial agreement in the court's decree or in a written instrument incident to the divorce status, section 71 (a) (1) would require the inclusion in W's gross income of the payments received by her after the decree. Similarly, if a written separation agreement were executed after August 16, 1954, and incorporated the payment provisions of the antenuptial agreement, section 71 (a) (2) would require the inclusion in W's income of payments received by W after W begins living apart from H, whether or not the divorce decree was subsequently entered and whether or not W was living apart from H when the separation agreement was executed, provided that such payments were made after such agreement was executed and pursuant to its terms. As to including such payments in W's income, if made by a trust created under the antenuptial agreement, regardless of whether referred to in the decree or a later instrument, or created pursuant to the written separation agreement, see section 682 and the regulations thereunder.

Example (3). H and W are separated and living apart during 1954. W sues H for support and on February 1, 1954, the court enters a decree requiring H to pay $200 a month to W for her support and maintenance. No part of the $200 a month support payments is includible in W's income under section 71 (a) (3) or deductible by H under section 215. If, however, the decree had been entered after March 1, 1954, or had been altered or modified by a court order entered after March 1, 1954, the payments received by W after August 16, 1954, under the decree as altered or modified would be includible in her income under section 71 (a) (3) and deductible by H under section 215.

Example (4). W sues H for divorce in 1954. On January 15, 1954, the court awards W temporary alimony of $25 a week pending the final decree. On September 1, 1954, the court grants W a divorce and awards her $200 a month permanent alimony. No part of the $25 a week temporary alimony received prior to the decree is includible in W's income under section 71 (a), but the $200 a month received during the remainder of 1954 by W is includible in her income for 1954. Under section 215, H is entitled to deduct such $200 payments from his income. If, however, the decree awarding W temporary alimony had been entered after March 1, 1954, or had been altered or modified by a court order entered after March 1, 1954, temporary alimony received by her after August 16, 1954, would be includible in her income under section 71 (a) (3) and deductible by H under section 215.

(c) *Alimony and separate maintenance payments attributable to property.* (1) (i) In the case of divorce or legal separation, paragraph (1) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) attributable to property transferred, in trust or otherwise, and received by her after a decree of divorce or of separate maintenance. Such property must have been transferred in discharge of a legal obligation imposed upon or incurred by the husband because of the marital or family relationship under a decree of divorce or separate maintenance or under a written instrument incident to such divorce status or legal separation status.

(ii) Where the husband and wife are separated and living apart and do not file a joint income tax return for the taxable year, paragraph (2) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her which are attributable to property transferred, in trust or otherwise, under a written separation agreement executed after August 16, 1954. The property must be transferred because of the marital or family relationship. The periodic payments attributable to the property must be received by the wife after the written separation agreement is executed.

(iii) The periodic payments received by the wife attributable to property transferred under subdivisions (i) and (ii) of this subparagraph and includible in her gross income are not to be included in the gross income of the husband.

(2) The full amount of periodic payments received under the circumstances described in section 71 (a) (1), (2), and (3) is required to be included in the gross income of the wife regardless of the source of such payments. Thus, it matters not that such payments are attributable to property in trust, to life insurance, endowment, or annuity contracts, or to any other interest in property, or are paid directly or indirectly by the husband from his income or capital. For example, if in order to meet an alimony or separate maintenance obligation of $500 a month the husband purchases or assigns for the benefit of his wife a commercial annuity contract paying such amount, the full $500 a month received by the wife is includible in her income, and no part of such amount is includible in the husband's income or deductible by him. See section 72 (k) and the regulations thereunder. Likewise, if property is transferred by the husband, subject to an annual charge of $5,000, payable to his wife in discharge of his alimony or separate maintenance obligation under the divorce or separation decree or written instrument incident to the divorce status or legal separation status or if such property is transferred pursuant to a written separation agreement and subject to a similar annual charge, the $5,000 received annually is, under section 71 (a) (1) or (2), includible in the wife's income, regardless of whether such amount is paid out of income or principal of the property.

(3) The same rule applies to periodic payments attributable to property in trust. The full amount of periodic payments to which section 71 (a) (1) and (2) applies is includible in the wife's income regardless of whether such payments are made out of trust income. Such periodic payments are to be included in the wife's income under section 71 (a) (1) or (2) and are to be excluded from the husband's income even though the income of the trust would otherwise be includible in his income under subpart E, part I, subchapter J, Internal Revenue Code of 1954, relating to trust income attributable to grantors and others as substantial owners. As to periodic payments received by a wife attributable to property in trust in cases to which section 71 (a) (1) or (2) does not apply because the husband's obligation is not specified in the decree or an instrument incident to the divorce status or legal separation status or the property was not transferred under a written separation agreement, see section 682 and the regulations thereunder.

(4) Section 71 (a) (1) or (2) does not apply to that part of any periodic payment attributable to that portion of any interest in property transferred in discharge of the husband's obligation under the decree or instrument incident to the divorce status or legal separation status, or transferred pursuant to the written separation agreement, which interest originally belonged to the wife. It will apply, however, if she received such interest from her husband in contemplation of or as an incident to the divorce or separation without adequate and full consideration in money or money's worth, other than the release of the husband or his property from marital obligations. An example of the first rule is a case where the husband and wife transfer securities, which were owned by them jointly, in trust to pay an annuity to the wife. In this case, the full amount of that part of the annuity received by the wife attributable to the husband's interest in the securities transferred in discharge of his obligation under the decree, or instrument incident to the divorce status or legal separation status, or transferred under the written separation agreement, is taxable to her under section 71 (a) (1) or (2), while that portion of the annuity attributable to the wife's interest in the securities so transferred is taxable to her only to the extent it is out of trust income as provided in part I of subchapter J. If, however, the husband's transfer to his wife is made before such property is transferred in discharge of his obligation under the decree or written instrument, or pursuant to the separation agreement in an attempt to avoid the application of section 71 (a) (1) or (2) to part of such payments received by his

wife, such transfers will be considered as a part of the same transfer by the husband of his property in discharge of his obligation or pursuant to such agreement. In such a case, section 71 (a) (1) or (2) will be applied to the full amount received by the wife. As to periodic payments received under a joint purchase of a commercial annuity contract, see section 72 and the regulations thereunder.

(d) *Periodic and installment payments.* (1) In general, installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree, instrument, or agreement are not considered "periodic payments" and therefore are not to be included under section 71 (a) in the wife's income.

(2) An exception to the general rule stated in subparagraph (1) of this paragraph is provided, however, in cases where such principal sum, by the terms of the decree, instrument, or agreement, may be or is to be paid over a period ending more than 10 years from the date of such decree, instrument, or agreement. In such cases, the installment payment is considered a periodic payment for the purposes of section 71 (a) but only to the extent that the installment payment, or sum of the installment payments, received during the wife's taxable year does not exceed 10 percent of the principal sum. This 10-percent limitation applies to installment payments made in advance but does not apply to delinquent installment payments for a prior taxable year of the wife made during her taxable year.

(3) (i) Where payments under a decree, instrument, or agreement are to be paid over a period ending 10 years or less from the date of such decree, instrument, or agreement, such payments are not installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree, instrument, or agreement (and are considered periodic payments for the purposes of section 71 (a)) only if such payments meet the following two conditions:

(*a*) Such payments are subject to any one or more of the contingencies of death of either spouse, remarriage of the wife, or change in the economic status of either spouse, and

(*b*) Such payments are in the nature of alimony or an allowance for support.

(ii) Payments meeting the requirements of subdivision (i) are considered periodic payments for the purposes of section 71 (a) regardless of whether—

(*a*) The contingencies described in subdivision (i) (*a*) are set forth in the terms of the decree, instrument, or agreement, or are imposed by local law, or

(*b*) The aggregate amount of the payments to be made in the absence of the occurrence of the contingencies described in subdivision (i) (*a*) of this subparagraph is explicitly stated in the decree, instrument, or agreement or may be calculated from the face of the decree, instrument or agreement, or

(c) The total amount which will be paid may be calculated actuarially.

(4) Where payments under a decree, instrument, or agreement are to be paid over a period ending more than ten years from the date of such decree, instrument, or agreement, but where such payments meet the conditions set forth in subparagraph (3) (i) of this paragraph, such payments are considered to be periodic payments for the purpose of section 71 without regard to the rule set forth in subparagraph (2) of this paragraph. Accordingly, the rules set forth in subparagraph (2) of this paragraph are not applicable to such payments.

(5) The rules as to periodic and installment payments are illustrated by the following examples:

Example (1). Under the terms of a written instrument, H is required to make payments to W which are in the nature of alimony, in the amount of $100 a month for nine years. The instrument provides that if H or W dies the payments are to cease. The payments are periodic.

Example (2). The facts are the same as in example (1) except that the written instrument explicitly provides that H is to pay W the sum of $10,800 in monthly payments of $100 over a period of nine years. The payments are periodic.

Example (3). Under the terms of a written instrument, H is to pay W $100 a month over a period of nine years. The monthly payments are not subject to any of the contingencies of death of H or W, remarriage of W, or change in the economic status of H of W under the terms of the written instrument or by reason of local law. The payments are not periodic.

Example (4). A divorce decree in 1954 provides that H is to pay W $20,000 each year for the next five years, beginning with the date of the decree, and then $5,000 each year for the next ten years. Assuming the wife makes her returns on the calendar year basis, each payment received in the years 1954 to 1958, inclusive, is treated as a periodic payment under section 71 (a) (1), but only to the extent of 10 percent of the principal sum of $150,000. Thus, for such taxable years, only $15,000 of the $20,000 received is includible under section 71 (a) (1) in the wife's income and is deductible by the husband under section 215. For the years 1959 to 1968, inclusive, the full $5,000 received each year by the wife is includible in her income and is deductible from the husband's income.

(e) *Payments for support of minor children.* Section 71 (a) does not apply to that part of any periodic payment which, by the terms of the decree, instrument, or agreement under section 71 (a), is specifically designated as a sum payable for the support of minor children of the husband. The statute prescribes the treatment in cases where an amount or portion is so fixed but the amount of any periodic payment is less than the amount of the periodic payment specified to be made. In such cases, to the extent of the amount which would be payable for the support of such children out of the originally specified periodic payment, such periodic payment is considered a payment for such support. For example, if the husband is by terms of the decree, instrument, or agreement required to pay $200 a month to his divorced wife, $100 of which is designated by the decree, instrument, or agreement to be for the support of their minor children, and the husband pays only $150 to his wife, $100 is nevertheless considered to be a payment by the husband for the support of the children. If, however, the periodic payments are received by the wife for the support and maintenance of herself and of minor children of the husband without such specific designation of the portion for the support of such children, then the whole of such amounts is includible in the income of the wife as provided in section 71 (a). Except in cases of a designated amount or portion for the support of the husband's minor children, periodic payments described in section 71 (a) received by the wife for herself and any other person or persons are includible in whole in the wife's income, whether or not the amount or portion for such other person or persons is designated.

§ 1.71–2 *Effective date; taxable years ending after March 31, 1954, subject to the Internal Revenue Code of 1939.* Pursuant to section 7851 (a) (1) (C), the regulations prescribed in § 1.71–1, to the extent that they relate to payments under a written separation agreement executed after August 16, 1954, and to the extent that they relate to payments under a decree for support received after August 16, 1954, under a decree entered after March 1, 1954, shall also apply to taxable years beginning before January 1, 1954, and ending after August 16, 1954, although such years are subject to the Internal Revenue Code of 1939.

[F. R. Doc. 57-9490; Filed, Nov. 15, 1957; 8:50 a. m.]

[T. D. 6269]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CHARITABLE DEDUCTIONS; ESTATE AND TRUST

On August 11, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 681 and 682 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 6036). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.681–1 is deleted.

PAR. 2. Section 1.681 (a)–1 is redesignated § 1.681 (a)–2 and there is inserted a new § 1.681 (a)–1 immediately after the statutory provisions.

PAR. 3. Section 1.681 (a)–2, as redesignated, is revised as follows:

(A) By changing the last sentence of paragraph (a) to read as follows: "Charitable contributions deductions otherwise allowable under section 170, 545 (b) (2), or 642 (c) for contributions to a trust are not disallowed solely because the trust has unrelated business income."

(B) By changing the last sentence of example (1) of paragraph (c) to read as follows: "The portion allocable to the unrelated business income, and therefore disallowed as a deduction, is $15,000 reduced by $6,000 (20 percent of $30,000, the charitable contributions deduction which would be allowable under section 512 (b) (11)), or $9,000."

(C) By changing the last two sentences of example (3) of paragraph (c) to read as follows: "Since the entire income from the trade or business is paid to Y charity, the amount allocable to the unrelated business income computed before the charitable contributions deduction under section 512 (b) (11) is $30,000 ($31,000 less the deduction of $1,000 allowed by section 512 (b) (12)). The amount allocable to the unrelated business income and therefore disallowed as a deduction is $24,000 ($30,000 less $6,000)."

(D) By changing the third and fourth sentences of subdivision (i) of example (4) to read as follows: "The trust has taxable income of $50,000 computed without any deduction for personal exemption, charitable contributions, or distributions. The amount of $50,000 includes $10,000 capital gains, $30,000 ($31,000 less the $1,000 deduction allowed under section 512 (b) (12)) unrelated business income (computed before the charitable contributions deduction which would be allowed under section 512 (b) (11)) and other income of $9,000."

PAR. 4. The second sentence of § 1.681 (b)–1 (a) (3) is revised to read as follows: "See examples under § 1.681 (b)–2 and the regulations under section 503."

[SEAL] C. W. STOWE,
Acting Commissioner.

Approved: November 12, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, are hereby prescribed under sections 681 and 682 of the Internal Revenue Code of 1954:

MISCELLANEOUS

Sec.	
1.681 (a)	Statutory provisions; estates and trusts; limitation on charitable contributions deduction; unrelated business income.
1.681–1	Limitations on charitable contributions deduction of trusts; in general.
1.681 (a)–1	Limitations on charitable contributions deduction of trusts; scope of section 681.
1.681 (a)–2	Limitation on charitable contributions deduction of trusts with trade or business income.
1.681 (b)	Statutory provisions; estates and trusts; limitation on charitable contributions deduction; prohibited transactions.
1.681 (b)–1	Limitation on charitable contributions deduction of trusts engaged in prohibited transactions.
1.681 (b)–2	Disallowance to donors of certain charitable, etc., deductions for gifts made in trust.
1.681 (c)	Statutory provisions; estates and trusts; limitation on charitable contributions deductions; trusts accumulating income.
1.681 (c)–1	Limitation on charitable contributions deduction of trusts accumulating income.

Sec.	
1.681 (d)	Statutory provisions; estates and trusts; disallowance of certain charitable contributions deductions; cross reference.
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AUTHORITY: §§ 1.681 (a) to 1.682 (c)–1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

MISCELLANEOUS

§ 1.681 (a) *Statutory provisions; estates and trusts; limitation on charitable contributions deduction; unrelated business income.*

SEC. 681. *Limitation on charitable deduction*—(a) *Trade or business income.* In computing the deduction allowable under section 642 (c) to a trust, no amount otherwise allowable under section 642 (c) as a deduction shall be allowed as a deduction with respect to income of the taxable year which is allocable to its unrelated business income for such year. For purposes of the preceding sentence, the term "unrelated business income" means an amount equal to the amount which, if such trust were exempt from tax under section 501 (a) by reason of section 501 (c) (3), would be computed as its unrelated business taxable income under section 512 (relating to income derived from certain business activities and from certain leases).

§ 1.681 (a)–1 *Limitations on charitable contributions deduction of trusts; scope of section 681.* Under section 681, the unlimited charitable contributions deduction otherwise allowable to a trust under section 642 (c) is, in general, subject to percentage limitations, corresponding to those applicable to contributions by an individual under section 170 (b) (1) (A) and (B), under the following circumstances:

(a) To the extent that the deduction is allocable to "unrelated business income";

(b) If the trust has engaged in a "prohibited transaction";

(c) If income is accumulated for a charitable purpose and the accumulation is (1) unreasonable, (2) substantially diverted to a noncharitable purpose, or (3) invested against the interests of the charitable beneficiaries.

Further, if the circumstance set forth in paragraph (a) or (c) of this section is applicable, the deduction is limited to income actually paid out for charitable purposes, and is not allowed for income only set aside or to be used for those purposes. If the circumstance set forth in paragraph (b) of this section is applicable, deductions for contributions to the trust may be disallowed. The provisions of section 681 are discussed in detail in §§ 1.681 (a)–2 through 1.681 (c)–1. For definition of the term "income" see section 643 (b) and § 1.643 (b)–1.

§ 1.681 (a)–2 *Limitation on charitable contributions deduction of trusts with trade or business income*—(a) *In general.* No charitable contributions deduction is allowable to a trust under section 642 (c) for any taxable year for amounts allocable to the trust's unrelated business income for the taxable year. For the purpose of section 681 (a) the term "unrelated business income" of a trust means an amount which would be computed as the trust's unrelated business taxable income under section 512 and the regulations thereunder, if the trust were an organization exempt from tax under section 501 (a) by reason of section 501 (c) (3). For the purpose of the computation under section 512, the term "unrelated trade or business" includes a trade or business carried on by a partnership of which a trust is a member, as well as one carried on by the trust itself. While the charitable contributions deduction under section 642 (c) is entirely disallowed by section 681 (a) for amounts allocable to "unrelated business income", a partial deduction is nevertheless allowed for such amounts by the operation of section 512 (b) (11), as illustrated in paragraphs (b) and (c) of this section. This partial deduction is subject to the percentage limitations applicable to contributions by an individual under section 170 (b) (1) (A) and (B), and is not allowed for amounts set aside or to be used for charitable purposes but not actually paid out during the taxable year. Charitable contributions deductions otherwise allowable under section 170, 545 (b) (2), or 642 (c) for contributions to a trust are not disallowed solely because the trust has unrelated business income.

(b) *Determination of amounts allocable to unrelated business income.* In determining the amount for which a charitable contributions deduction would otherwise be allowable under section 642 (c) which are allocable to unrelated business income, and therefore not allowable as a deduction, the following steps are taken:

(1) There is first determined the amount which would be computed as the trust's unrelated business taxable income under section 512 and the regulations thereunder if the trust were an organization exempt from tax under section 501 (a) by reason of section 501 (c) (3), but without taking the charitable contributions deduction allowed under section 512 (b) (11).

(2) The amount for which a charitable contributions deduction would otherwise be allowable under section 642 (c) is then allocated between the amount determined in subparagraph (1) of this paragraph and any other income of the trust. Unless the facts clearly indicate to the contrary, the allocation to the amount determined in subparagraph (1) of this paragraph is made on the basis of the ratio (but not in excess of 100 per-

cent) of the amount determined in subparagraph (1) of this paragraph to the taxable income of the trust, determined without the deduction for personal exemption under section 642 (b), the charitable contributions deduction under section 642 (c), or the deduction for distributions to beneficiaries under section 661 (a).

(3) The amount for which a charitable contributions deduction would otherwise be allowable under section 642 (c) which is allocable to unrelated business income as determined in subparagraph (2) of this paragraph, and therefore not allowable as a deduction, is the amount determined in subparagraph (2) of this paragraph reduced by the charitable contributions deduction which would be allowed under section 512 (b) (11) if the trust were an organization exempt from tax under section 501 (a) by reason of section 501 (c) (3).

(c) *Examples.* (1) The application of this section may be illustrated by the following examples, in which it is assumed that the Y charity is not a church, an educational organization, or a hospital described in section 170 (b) (1) (A) (see subparagraph (2) of this paragraph):

Example (1). The X trust has income of $50,000. There is included in this amount a net profit of $31,000 from the operation of a trade or business. The trustee is required to pay half of the trust income to A, an individual, and the balance of the trust income to the Y charity, an organization described in section 170 (c) (2). The trustee pays each beneficiary $25,000. Under these facts, the unrelated business income of the trust (computed before the charitable contributions deduction which would be allowed under section 512 (b) (11)) is $30,000 ($31,000 less the deduction of $1,000 allowed by section 512 (b) (12)). The deduction otherwise allowable under section 642 (c) is $25,000, the amount paid to the Y charity. The portion allocable to the unrelated business income (computed as prescribed in paragraph (b) (2) of this section) is $15,000, that is, an amount which bears the same ratio to $25,000 as $30,000 bears to $50,000. The portion allocable to the unrelated business income, and therefore disallowed as a deduction, is $15,000 reduced by $6,000 (20 percent of $30,000, the charitable contributions deduction which would be allowable under section 512 (b) (11)), or $9,000.

Example (2). Assume the same facts as in example (1), except that the trustee has discretion as to the portion of the trust income to be paid to each beneficiary, and the trustee pays $40,000 to A and $10,000 to the Y charity. The deduction otherwise allowable under section 642 (c) is $10,000. The portion allocable to the unrelated business income computed as prescribed in paragraph (b) (2) of this section is $6,000, that is, an amount which bears the same ratio to $10,000 as $30,000 bears to $50,000. Since this amount does not exceed the charitable contributions deduction which would be allowable under section 512 (b) (11) ($6,000, determined as in example (1)), no portion of it is disallowed as a deduction.

Example (3). Assume the same facts as in example (1), except that the terms of the trust instrument require the trustee to pay to the Y charity the trust income, if any, derived from the trade or business, and to pay to A all the trust income derived from other sources. The trustee pays $31,000 to the Y charity and $19,000 to A. The deduction otherwise allowable under section 642 (c) is $31,000. Since the entire income from the trade or business is paid to Y charity, the amount allocable to the unrelated business income computed before the charitable contributions deduction under section 512 (b) (11) is $30,000 ($31,000 less the deduction of $1,000 allowed by section 512 (b) (12)). The amount allocable to the unrelated business income and therefore disallowed as a deduction is $24,000 ($30,000 less $6,000).

Example (4). (i) Under the terms of the trust, the trustee is required to pay half of the trust income to A, an individual, for his life, and the balance of the trust income to the Y charity, an organization described in section 170 (c) (2). Capital gains are allocable to corpus and upon A's death the trust is to terminate and the corpus is to be distributed to the Y charity. The trust has taxable income of $50,000 computed without any deduction for personal exemption, charitable contributions, or distributions. The amount of $50,000 includes $10,000 capital gains, $30,000 ($31,000 less the $1,000 deduction allowed under section 512 (b) (12)) unrelated business income (computed before the charitable contributions deduction which would be allowed under section 512 (b) (11)) and other income of $10,000. The trustee pays each beneficiary $20,000.

(ii) The deduction otherwise allowable under section 642 (c) is $30,000 ($20,000 paid to Y charity and $10,000 capital gains allocated to corpus and permanently set aside for charitable purposes). The portion allocable to the unrelated business income is $15,000, that is, an amount which bears the same ratio to $20,000 (the amount paid to Y charity) as $30,000 bears to $40,000 ($50,000 less $10,000 capital gains allocable to corpus). The portion allocable to the unrelated business income, and therefore disallowed as a deduction, is $15,000 reduced by $6,000 (the charitable contributions deduction which would be allowable under section 512 (b) (11)), or $9,000.

(2) If, in the examples in subparagraph (1) of this paragraph, the Y charity were a church, an educational organization, or a hospital described in section 170 (b) (1) (A), then the deduction allowable under section 512 (b) (11) would be computed at a rate of 30 percent.

§ 1.681 (b) *Statutory provisions; estates and trusts; limitation on charitable contributions deduction; prohibited transactions.*

SEC. 681. *Limitation on charitable deduction.* * * *

(b) *Operations of trusts*—(1) *Limitation on charitable, etc., deduction.* The amount otherwise allowable under section 642 (c) as a deduction shall not exceed 20 percent of the taxable income of the trust (computed without the benefit of section 642 (c) but with the benefit of section 170 (b) (1) (A)) if the trust has engaged in a prohibited transaction, as defined in paragraph (2).

(2) *Prohibited transactions.* For purposes of this subsection, the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in section 642 (c)—

(A) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(B) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(C) Makes any part of its services available on a preferential basis to;

(D) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(E) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(F) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of a family (as defined in section 267 (c) (4)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

(3) *Taxable years affected.* The amount otherwise allowable under section 642 (c) as a deduction shall be limited as provided in paragraph (1) only for taxable years after the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in section 642 (c), and such transaction involved a substantial part of such corpus or income.

(4) *Future charitable, etc., deductions of trusts denied deduction under paragraph (3).* If the deduction of any trust under section 642 (c) has been limited as provided in this subsection, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under section 642 (c), may, under regulations prescribed by the Secretary or his delegate, file claim for the allowance of the unlimited deduction under section 642 (c), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in paragraph (1) shall not apply with respect to taxable years after the year in which such claim is filed.

(5) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section 170, 545 (b) (2), 642 (c), 2055, 2106 (a) (2), or 2522, shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under section 642 (c) is limited by paragraph (1). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in section 642 (c), and such transaction involved a substantial part of such income or corpus, and which taxable year is the same, or before the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 267 (c) (4)) was a party to such prohibited transaction.

(6) *Definition.* For purposes of this subsection, the term "gift or bequest" means any gift, contribution, bequest, devise, or legacy, or any transfer without adequate consideration.

§ 1.681 (b)–1 *Limitation on charitable contributions deduction of trusts engaged in prohibited transactions*—(a) *In general.* (1) If a trust has engaged in a "prohibited transaction", the charitable contributions deduction which would otherwise be allowable to the trust under section 642 (c) is limited by section 681 (b) (1) to 20 percent of the taxable income of the trust (computed without any charitable contributions deduction), except that an additional deduction of up to 10 percent of such taxable income is allowed for amounts actually paid to a church, an educational organization, or a hospital qualifying under section 170 (b) (1) (A). There is no requirement that amounts subject to the 20-percent limitation be actually paid, if they are set aside or are to be used exclusively for charitable or other purposes so that they would be deductible under section 642 (c).

(2) A "prohibited transaction" is any transaction described in section 681 (b) (2) (A) through (F), entered into after July 1, 1950, by a trust holding income or corpus permanently set aside or to be used exclusively for purposes described in section 642 (c), with (i) the creator of the trust, (ii) any substantial contributor to the trust, (iii) a member of the family (as defined in section 267 (c) (4), dealing with transactions between related taxpayers) of the creator or of a substantial contributor, or (iv) a corporation which the creator or a substantial contributor controls (within the meaning of the last portion of section 681 (b) (2)).

(3) If the trust entered into a prohibited transaction for the purpose of diverting income or corpus from the charitable or other purposes described in section 642 (c), and if the transaction involved a substantial portion of such income or corpus, the limitation of section 681 (b) (1) is applicable for the taxable year of the trust in which the transaction was commenced and for all subsequent taxable years. See examples under § 1.681 (b)–2 and the regulations under section 503. Otherwise, the limitation is only applicable for taxable years of the trust after the taxable year in which there is mailed to it, by registered or certified mail directed to the last known address of the fiduciary, a written notice by the Commissioner that it has engaged in a prohibited transaction.

(b) *Restoration of unlimited deduction.* A trust whose charitable contributions deduction under section 642 (c) has been limited by reason of the provisions of section 681 (b) (1) may file, in any taxable year following the taxable year in which notice of limitation of the deduction was issued, a claim for allowance of an unlimited deduction under section 642 (c). This claim shall be filed with the district director with whom the fiduciary is required to file the income tax return of the trust. The claim must contain or have attached to it a written declaration made under the penalties of perjury by the fiduciary (or fiduciaries) that he will not knowingly permit the trust again to engage in a prohibited transaction. If the district director is satisfied that the trust will not knowingly again engage in a prohibited transaction, he shall so notify the trust in writing. In such case the trust will be allowed an unlimited deduction under section 642 (c) (subject to the provisions of section 681) with respect to taxable years subsequent to the taxable year in which the claim is filed. Section 681 (b) (3) contemplates that a trust whose charitable contributions deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable year.

§ 1.681 (b)–2 *Disallowance to donors of certain charitable, etc., deductions for gifts made in trust*—(a) *In general.* Section 681 (b) (5) provides that no contribution which would otherwise be allowable as a deduction under section 170 (c) (2), 545 (b) (2), or 642 (c) is allowable if made to a trust whose charitable contribution deduction under section 642 (c) is limited, in the taxable year of the trust in which the contribution is made, under the provisions of section 681 (b) (1) by reason of a prohibited transaction. However, this disallowance is applicable only to contributions made in taxable years of the trust after the taxable year in which occurred the prohibited transaction causing the trust's charitable deduction to be limited, unless—

(1) The trust has been notified in a previous taxable year (in or subsequent to the year in which the transaction was commenced) by the Commissioner, pursuant to section 681 (b) (3), that it has engaged in a prohibited transaction, or

(2) The donor of the contribution or, if the donor is an individual, any member of his family (as defined in section 267 (c) (4), dealing with transactions between related taxpayers) was a party to the prohibited transaction.

(b) *Subsection not exclusive.* The prohibited transactions enumerated in section 681 (b) (2) are in addition to and not in limitation of the restrictions contained in section 170 (c) (2), 545 (b) (2), or 642 (c). A deduction may not be allowed in view of the general provisions of those sections, even though the trust has not engaged in any of the prohibited transactions referred to in section 681 (b) (2). Thus, if the donor or the fiduciary of the trust enters into a transaction with the trust, the transaction will be closely scrutinized to ascertain whether the contribution is in fact made for the stated exempt purposes.

(c) *Example.* Under the terms of an irrevocable trust established by A in 1954, the trustees were to pay half of the income of the trust to A's wife for life, and the trustees were given discretion either to accumulate the remaining half of the income for, or distribute it to, a specified charitable beneficiary. Upon the death of the wife, the entire corpus was to be paid to the named charity. The trust makes its income tax returns on the basis of the calendar year. For 1954, A takes a charitable contributions deduction for the amount of the gift in trust to the charity. In 1957, 1958, 1959, and 1960, A makes further contributions to the trust and he takes deductions for those years under section 170 (c) (2). In 1958, 1959, and 1960, B (not a member of A's family) also makes contributions to the trust for its designated charitable purpose and he takes deductions for those years. In 1958, the trust commences purposely to divert to A, the creator of the trust, income and corpus which had been set aside for its charitable purpose and a substantial amount of income and corpus is so diverted by the close of the year 1959. For 1958 and subsequent years, the deduction allowed the trust under section 642 (c) is limited by reason of the provisions of section 681 (b) (1). Both A and B are disallowed any deduction for their charitable contributions made during 1960 to the trust. Moreover, the deductions taken by A for contributions to the trust in the years 1958 and 1959 would also be disallowed since A was a party to the prohibited transaction. If the facts and surrounding circumstances indicate that the contribution in 1957 by A was for the purpose of the prohibited transaction, then A's charitable contribution deduction for the year 1957 is also disallowed since the prohibited transaction would then have commenced with the making of the contribution and the deduction allowed the trust under section 642 (c) would then be limited for 1957 by reason of the provisions of section 681 (b) (1). The deductions taken by B for 1958 and 1959 are allowed.

§ 1.681 (c) *Statutory provisions; estates and trusts; limitation on charitable contributions deduction; trusts accumulating income.*

SEC. 681. *Limitation on charitable deduction.* * * *

(c) *Accumulated income.* If the amounts permanently set aside, or to be used exclusively for the charitable and other purposes described in section 642 (c) during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year—

(1) Are unreasonable in amount or duration in order to carry out such purposes of the trust;

(2) Are used to a substantial degree for purposes other than those prescribed in section 642 (c); or

(3) Are invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries,

the amount otherwise allowable under section 642 (c) as a deduction shall be limited to the amount actually paid out during the taxable year and shall not exceed 20 percent of the taxable income of the trust (computed without the benefit of section 642 (c) but with the benefit of section 170 (b) (1) (A)). Paragraph (1) shall not apply to income attributable to property of a decedent dying before January 1, 1951, which is transferred under his will to a trust created by such will. In the case of a trust created by the will of a decedent dying on or after January 1, 1951, if income is required to be accumulated pursuant to the mandatory terms of the will creating the trust, paragraph (1) shall apply only to income accumulated during a taxable year of the trust beginning more than 21 years after the date of death of the last life in being designated in the trust instrument.

§ 1.681 (c)–1 *Limitation on charitable contributions deduction of trusts accumulating income*—(a) *In general.* If income of a trust permanently set aside or to be used by a trust exclusively for charitable or other purposes described in section 642 (c) during the taxable year or any prior taxable year (including taxable years beginning before the effective date of section 681), is not actually paid out by the end of the taxable year, the charitable contributions deduction which would otherwise be allowable to the trust under section 642 (c) for the taxable year is subject to the limitations

of section 681 (c), described in paragraph (b) of this section, under the following circumstances:

(1) If accumulations of income are unreasonable. (See paragraph (c) of this section.)

(2) If income accumulated for the charitable or other purposes is used to a substantial degree for purposes other than those described in section 642 (c).

(3) If income accumulated for the charitable or other purposes is invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries.

Whether the foregoing conditions are present in any case must be determined from all relevant facts. Such conditions may result from the use of a chain of two or more organizations, as well as from the use of only one trust. Charitable contributions deductions otherwise allowable under section 170, 545 (b) (2), or 642 (c) for contributions to a trust are not disallowed solely because the trust is subject to the provisions of section 681 (c).

(b) *Extent of limitation.* If a trust is subject to the limitations of section 681 (c) for any taxable year, the charitable deduction which would otherwise be allowable to the trust under section 642 (c) is limited to amounts actually paid out during the taxable year, and is limited to 20 percent of the taxable income of the trust (computed without any charitable deduction), except that an additional deduction of up to 10 percent of such taxable income is allowed for amounts actually paid to a church, an educational organization or a hospital qualifying under section 170 (b) (1) (A).

(c) *Unreasonable accumulations.* Accumulations of income for a charitable or other purpose described in section 642 (c) are unreasonable when more income is accumulated than is needed, or when the duration of the accumulation is longer than is needed, in order to carry out the charitable or other purpose for which the income was set aside. If the gain upon the sale or exchange of property held for the production of investment income, such as dividends, interest, and rents, is not within a reasonable time reinvested in property acquired and held in good faith for the production of investment income, the gain (except the gain upon the sale or exchange of a donated asset to the extent that the gain represents the excess of the fair market value of the asset when acquired by the trust over its substituted basis in the hands of the trust) will be considered income for the purposes of this section. The limitation of section 681 (c) (1) upon trusts unreasonably accumulating income does not apply to a testamentary trust created by a decedent dying before January 1, 1951, except to the extent that its income is attributable to property transferred to the trust by some one other than the decedent. Further, the limitation of section 681 (c) (1) does not apply to income accumulated pursuant to the mandatory terms of testamentary trusts created by decedents dying on or after January 1, 1951, except as to income accumulated during a taxable year beginning more than 21 years after the death of the last life in being designated in the trust instrument.

(d) *Restoration of unlimited deduction.* A trust whose charitable contributions deduction under section 642 (c) has been limited by reason of the provisions of section 681 (c) may file a claim for allowance of unlimited deduction under section 642 (c). This claim shall be filed with the district director with whom the fiduciary is required to file the income tax return of the trust. The claim must contain or be accompanied by information or evidence showing that the circumstances that brought about the application of section 681 (c) no longer exist, and a written declaration made under the penalties of perjury by the fiduciary (or fiduciaries) that he will not knowingly permit the trust again to violate the terms of such section. Section 681 (c) contemplates that a trust whose charitable, etc., deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable year.

§ 1.681 (d) *Statutory provisions; estates and trusts; disallowance of certain charitable contributions deductions; cross reference.*

SEC. 681. *Limitation on charitable deduction.* • • •

(d) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under section 642 (c), see section 503 (e).

§ 1.681 (d)–1 *Disallowance of certain charitable contributions deductions.* For disallowance of certain charitable contributions deductions otherwise allowable under section 642 (c), see section 503 (e) and the regulations thereunder.

§ 1.682 (a) *Statutory provisions; estates and trusts; income of an estate or trust in case of divorce; inclusion in gross income of wife.*

SEC. 682. *Income of an estate or trust in case of divorce, etc.*—(a) *Inclusion in gross income of wife.* There shall be included in the gross income of a wife who is divorced or legally separated under a decree of divorce or of separate maintenance (or who is separated from her husband under a written separation agreement) the amount of the income of any trust which such wife is entitled to receive and which, except for this section, would be includible in the gross income of her husband, and such amount shall not, despite any other provision of this subtitle, be includible in the gross income of such husband. This subsection shall not apply to that part of any such income of the trust which the terms of the decree, written separation agreement, or trust instrument fix, in terms of an amount of money or a portion of such income, as a sum which is payable for the support of minor children of such husband. In case such income is less than the amount specified in the decree, agreement, or instrument, for the purpose of applying the preceding sentence, such income, to the extent of such sum payable for such support, shall be considered a payment for such support.

§ 1.682 (a)–1 *Income of trust in case of divorce, etc.*—(a) *In general.* (1) Section 682 (a) provides rules in certain cases for determining the taxability of income of trusts as between spouses who are divorced, or who are separated under a decree of separate maintenance or a written separation agreement. In such cases, the spouse actually entitled to receive payments from the trust is considered the beneficiary rather than the spouse in discharge of whose obligations the payments are made, except to the extent that the payments are specified to be for the support of the obligor spouse's minor children in the divorce or separate maintenance decree, the separation agreement or the governing trust instrument. For convenience, the beneficiary spouse will hereafter in this section and in § 1.632 (b)–1 be referred to as the "wife" and the obligor spouse from whom she is divorced or legally separated as the "husband". (See section 7701 (a) (17).) Thus, under section 682 (a) income of a trust—

(i) Which is paid, credited, or required to be distributed to the wife in a taxable year of the wife, and

(ii) Which, except for the provisions of section 682, would be includible in the gross income of her husband,

is includible in her gross income and is not includible in his gross income.

(2) Section 682 (a) does not apply in any case to which section 71 applies. Although section 682 (a) and section 71 seemingly cover some of the same situations, there are important differences between them. Thus, section 682 (a) applies, for example, to a trust created before the divorce or separation and not in contemplation of it, while section 71 applies only if the creation of the trust or payments by a previously created trust are in discharge of an obligation imposed upon or assumed by the husband (or made specific) under the court order or decree divorcing or legally separating the husband and wife, or a written instrument incident to the divorce status or legal separation status, or a written separation agreement. If section 71 applies, it requires inclusion in the wife's income of the full amount of periodic payments received attributable to property in trust (whether or not out of trust income), while, if section 71 does not apply, section 682 (a) requires amounts paid, credited, or required to be distributed to her to be included only to the extent they are includible in the taxable income of a trust beneficiary under sections 641 through 668.

(3) Section 682 (a) is designed to produce uniformity as between cases in which, without section 682 (a), the income of a so-called alimony trust would be taxable to the husband because of his continuing obligation to support his wife or former wife, and other cases in which the income of a so-called alimony trust is taxable to the wife or former wife because of the termination of the husband's obligation. Furthermore, section 682 (a) taxes trust income to the wife in all cases in which the husband would otherwise be taxed not only because of the discharge of his alimony obligation but also because of his retention of control over the trust income or corpus. Section 682 (a) applies whether the wife is the beneficiary under the terms of the trust instrument or is an assignee of a beneficiary.

(4) The application of section 682 (a) may be illustrated by the following examples, in which it is assumed that both the husband and wife make their income tax returns on a calendar year basis:

Example (1). Upon the marriage of H and W, H irrevocably transfers property in trust to pay the income to W for her life for support, maintenance, and all other expenses. Some years later, W obtains a legal separation from H under an order of court. W, relying upon the income from the trust payable to her, does not ask for any provision for her support and the decree recites that since W is adequately provided for by the trust, no further provision is being made for her. Under these facts, section 682 (a), rather than section 71, is applicable. Under the provisions of section 682 (a), the income of the trust which becomes payable to W after the order of separation is includible in her income and is deductible by the trust. No part of the income is includible in H's income or deductible by him.

Example (2). H transfers property in trust for the benefit of W, retaining the power to revoke the trust at any time. H, however, promises that if he revokes the trust he will transfer to W property in the value of $100,000. The transfer in trust and the agreement were not incident to divorce, but some years later W divorces H. The court decree is silent as to alimony and the trust. After the divorce, income of the trust which becomes payable to W is taxable to her, and is not taxable to H or deductible by him. If H later terminates the trust and transfers $100,000 of property to W, the $100,000 is not income to W nor deductible by H.

(b) *Alimony trust income designated for support of minor children.* Section 682 (a) does not require the inclusion in the wife's income of trust income which the terms of the divorce or separate maintenance decree, separation agreement, or trust instrument fix in terms of an amount of money or a portion of the income as a sum which is payable for the support of minor children of the husband. The portion of the income which is payable for the support of the minor children is includible in the husband's income. If in such a case trust income fixed in terms of an amount of money is to be paid but a lesser amount becomes payable, the trust income is considered to be payable for the support of the husband's minor children to the extent of the sum which would be payable for their support out of the originally specified amount of trust income. This rule is similar to that provided in the case of periodic payments under section 71. See § 1.71–1.

§ 1.632 (b) *Statutory provisions; estates and trusts; income of an estate or trust in case of divorce; wife considered a beneficiary.*

SEC. 682. *Income of an estate or trust in case of divorce, etc.* • • •

(b) *Wife considered a beneficiary.* For purposes of computing the taxable income of the estate or trust and the taxable income of a wife to whom subsection (a) or section 71 applies, such wife shall be considered as the beneficiary specified in this part. A periodic payment under section 71 to any portion of which this part applies shall be included in the gross income of the beneficiary in the taxable year in which under this part such portion is required to be included.

§ 1.682 (b)–1 *Application of trust rules to alimony payments.* (a) For the purpose of the application of sections 641 to 668, inclusive, the wife described in section 682 or section 71 who is entitled to receive payments attributable to property in trust is considered a beneficiary of the trust, whether or not the payments are made for the benefit of the husband in discharge of his obligations.

(b) A periodic payment includible in the wife's gross income under section 71 attributable to property in trust is included in full in her gross income in her taxable year in which any part is required to be included under section 652 or 662. Assume, for example, in a case in which both the wife and the trust file income tax returns on the calendar year basis, that an annuity of $5,000 is to be paid to the wife by the trustee every December 31 (out of trust income if possible and, if not, out of corpus) pursuant to the terms of a divorce decree. Of the $5,000 distributable on December 31, 1954, $4,000 is payable out of income and $1,000 out of corpus. The actual distribution is made in 1955. Although the periodic payment is received by the wife in 1955, since under section 662 the $4,000 income distributable on December 31, 1954, is to be included in the wife's income for 1954, the $1,000 payment out of corpus is also to be included in her income for 1954.

§ 1.682 (c) *Statutory provisions; estates and trusts; income of an estate or trust in case of divorce; definitions "husband" and "wife".*

SEC. 682. *Income of an estate or trust in case of divorce, etc.* • • •

(c) *Cross reference.* For definitions of "husband" and "wife", as used in this section, see section 7701 (a) (17).

§ 1.682 (c)–1 *Definitions.* For definitions of the terms "husband" and "wife" as used in section 682, see section 7701 (a) (17) and the regulations thereunder.

[F. R. Doc. 57-9469; Filed, Nov. 15, 1957; 8:50 a. m.]

Subchapter F—Procedure and Administration

[T. D. 6268]

PART 301—PROCEDURE AND ADMINISTRATION

ADDITIONS TO THE TAX, ADDITIONAL AMOUNTS, AND ASSESSABLE PENALTIES

On September 19, 1957, notice of proposed rule making regarding the regulations under chapter 68 of the Internal Revenue Code of 1954, relating to additions to the tax, additional amounts, and assessable penalties, was published in the FEDERAL REGISTER (22 F. R. 7465). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below.

PARAGRAPH 1. Section 301.6651–1 is revised as follows:

(A) By striking out all of paragraph (a) (2) (iii) and inserting in lieu thereof a new subdivision (iii).

(B) By striking out the fourth sentence of paragraph (b) and inserting in lieu thereof the following two sentences: "The tax shown on the return is $800 and a deficiency of $200 is subsequently assessed, making the tax required to be shown on the return $1,000. Of this amount, $300 has been paid by withholding from wages and $400 has been paid as estimated tax."

PAR. 2. Section 301.6652–1 (a) (2) is revised by striking out the first sentence and inserting in lieu thereof the following: "The penalty imposed by section 6652 shall not apply if it is established to the satisfaction of the district director that such failure to file was due to a reasonable cause and not to willful neglect."

[SEAL] C. W. STOWE,
Acting Commissioner of Internal Revenue.

Approved: November 12, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations relating to additions to the tax, additional amounts, and assessable penalties are prescribed under chapter 68 of Subtitle F of the Internal Revenue Code of 1954, and except as hereinafter provided, are effective on and after August 17, 1954, and are applicable with respect to taxes imposed under the Internal Revenue Code of 1954. Sections 301.6654 and 301.6654–1 are applicable with respect to taxable years beginning after December 31, 1954; §§ 301.6655 and 301.6655–1 are applicable with respect to taxable years ending on or after December 31, 1955; and §§ 301.-66775 and 301.6675–1 are effective, in the case of claims under section 6420, with respect to gasoline purchased after December 31, 1955, and, in the case of claims under section 6421, with respect to gasoline purchased after June 30, 1956, and before July 1, 1972.

ADDITIONS TO THE TAX, ADDITIONAL AMOUNTS, AND ASSESSABLE PENALTIES

ADDITIONS TO THE TAX AND ADDITIONAL AMOUNTS

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301.6651	Statutory provisions; failure to file tax return.
301.6651–1	Failure to file tax return.
301.6652	Statutory provisions; failure to file certain information returns.
301.6652–1	Failure to file certain information returns.
301.6653	Statutory provisions; failure to pay tax.
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301.6654–1	Failure by individual to pay estimated income tax.
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301.6655–1	Failure by corporation to pay estimated income tax.
301.6656	Statutory provisions; failure to make deposit of taxes.
301.6656–1	Failure to make deposit of taxes.
301.6657	Statutory provisions; bad checks.
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301.6658–1	Addition to tax in case of jeopardy.
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ASSESSABLE PENALTIES

Sec.
301.6671 Statutory provisions; rules for application of assessable penalties.
301.6671–1 Rules for application of assessable penalties.
301.6672 Statutory provisions; failure to collect and pay over tax, or attempt to evade or defeat tax.
301.6672–1 Failure to collect and pay over tax, or attempt to evade or defeat tax.
301.6673 Statutory provisions; damages assessable for instituting proceedings before the Tax Court merely for delay.
301.6673–1 Damages assessable for instituting proceedings before the Tax Court merely for delay.
301.6674 Statutory provisions; fraudulent statement or failure to furnish statement to employee.
301.6674–1 Fraudulent statement or failure to furnish statement to employee.
301.6675 Statutory provisions; excessive claims with respect to the use of certain gasoline.
301.6675–1 Excessive claims with respect to the use of certain gasoline.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

301.7851 Statutory provisions; applicability of revenue laws.

AUTHORITY: §§ 301.6651 to 301.7851, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

ADDITIONS TO THE TAX, ADDITIONAL AMOUNTS, AND ASSESSABLE PENALTIES

ADDITIONS TO THE TAX AND ADDITIONAL AMOUNTS

§ 301.6651 *Statutory provisions; failure to file tax return.*

SEC. 6651. *Failure to file tax return*—(a) *Addition to the tax.* In case of failure to file any return required under authority of subchapter A of chapter 61 (other than part III thereof), of subchapter A of chapter 51 (relating to distilled spirits, wines, and beer), or of subchapter A of chapter 52 (relating to tobacco, cigars, cigarettes, and cigarette papers and tubes), or of subchapter A of chapter 53 (relating to machine guns and certain other firearms), on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on such return 5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate.

(b) *Penalty imposed on net amount due.* For purposes of subsection (a), the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

(c) *Exception for declarations of estimated tax.* This section shall not apply to any failure to file a declaration of estimated tax required by section 6015 or section 6016.

§ 301.6651–1 *Failure to file tax return*—(a) *Addition to the tax*—(1) *In general.* In case of failure to file a return required under authority of—

(i) Subchapter A of chapter 61, relating to returns and records (other than sections 6015 and 6016, relating to declarations of estimated tax, and part III thereof, relating to information returns);

(ii) Subchapter A of chapter 51, relating to distilled spirits, wines, and beer;

(iii) Subchapter A of chapter 52, relating to tobacco, cigars, cigarettes, and cigarette paper and tubes; or

(iv) Subchapter A of chapter 53, relating to machine guns and certain other firearms;

and the regulations thereunder, on or before the date prescribed for filing (determined with regard to any extension of time for such filing), there shall be added to the tax required to be shown on the return the amount specified below unless the failure to file the return within the prescribed time is shown to the satisfaction of the district director to be due to reasonable cause and not to willful neglect. (See subparagraph (3) of this paragraph.) The amount to be added to the tax is 5 percent thereof if the failure is for not more than one month, with an additional 5 percent for each additional month or fraction thereof during which the failure continues, but not to exceed 25 percent in the aggregate.

(2) *Month defined.* (i) If the date prescribed for filing the return is the last day of a calendar month, each succeeding calendar month or fraction thereof during which the failure to file continues shall constitute a month for purposes of section 6651.

(ii) If the date prescribed for filing the return is a date other than the last day of a calendar month, the period which terminates with the date numerically corresponding thereto in the succeeding calendar month and each such successive period shall constitute a month for purposes of section 6651. If, in the month of February, there is no date corresponding to the date prescribed for filing the return, the period from such date in January through the last day of February shall constitute a month for purposes of section 6651. Thus, if a return is due on January 30, the first month shall end on February 28 (or 29 if a leap year), and the succeeding months shall end on March 30, April 30, etc.

(iii) If a return is not timely filed, the fact that the date prescribed for filing the return, or the corresponding date in any succeeding calendar month, falls on a Saturday, Sunday, or a legal holiday is immaterial in determining the number of months for which the addition to the tax under section 6651 applies.

(3) *Showing of reasonable cause.* A taxpayer who wishes to avoid the addition to the tax for failure to file a tax return must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file such return on time in the form of a written statement containing a declaration that it is made under penalties of perjury. Such statement should be filed with the district director with whom the return is required to be filed. If the district director determines that the delinquency was due to a reasonable cause, and not to willful neglect, the addition to the tax will not be assessed. If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the return within the prescribed time, then the delay is due to a reasonable cause.

(b) *Penalty imposed on net amount due.* The amount of tax required to be shown on the return shall be reduced for purposes of section 6651 (a) by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed on the return. For example, under section 6072 (a), income tax returns of individuals on a calendar year basis must be filed on or before the 15th day of April following the close of the calendar year. Assume an individual filed his income tax return, Form 1040, for the calendar year 1954 on May 20, 1955, and such delinquency is not due to reasonable cause. The tax shown on the return is $800 and a deficiency of $200 is subsequently assessed, making the tax required to be shown on the return $1,000. Of this amount, $300 has been paid by withholding from wages and $400 has been paid as estimated tax. In addition to interest from April 15, 1955, there will be assessed an additional amount of $30, which is 10 percent (5 percent for the month from April 16 through May 15, and 5 percent for the fractional part of the month from May 16 through May 20) of the net amount of $300 due ($1,000 less $700 paid on or before April 15).

(c) *No addition to tax if fraud penalty assessed.* No addition to the tax under section 6651 shall be assessed with respect to an underpayment of tax if a 50 percent addition to the tax for fraud is assessed with respect to the same underpayment under section 6653 (b). See section 6653 (d).

§ 301.6652 *Statutory provisions; failure to file certain information returns.*

SEC. 6652. *Failure to file certain information returns*—(a) *Additional amount.* In case of each failure to file a statement of a payment to another person, required under authority of section 6041 (relating to information at source), section 6042 (relating to payments of corporate dividends), section 6044 (relating to patronage dividends), section 6045 (relating to returns of brokers), or section 6051 (d) (relating to information returns with respect to income tax withheld), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid by the person failing to file the statement, upon notice and demand by the Secretary or his delegate and in the same manner as tax, $1 for each such statement not filed, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $1,000.

(b) *Alcohol and tobacco taxes.* For penalties for failure to file certain information returns with respect to alcohol and tobacco taxes, see, generally, subtitle E.

§ 301.6652–1 *Failure to file certain information returns*—(a) *Additional amount*—(1) *In general.* In case of each failure to file a statement, with respect to a payment to another person, required under authority of—

(i) Section 6041, relating to information at source,

(ii) Section 6042, relating to payments of corporate dividends,

(iii) Section 6044, relating to patronage dividends,

(iv) Section 6045, relating to returns of brokers, or

(v) Section 6051 (d), relating to information returns with respect to income tax withheld or the employee tax under the Federal Insurance Contributions Act,

and the regulations under such sections, within the time prescribed for filing such statement, there shall be paid by the person who failed to file such statement $1 for each such statement not filed. However, the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $1,000. The additional amount imposed for such failures shall be paid in the same manner as tax upon notice and demand by the district director.

(2) *Showing of reasonable cause.* The penalty imposed by section 6652 shall not apply if it is established to the satisfaction of the district director that such failure to file was due to a reasonable cause and not to willful neglect. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration that it is made under the penalties of perjury, setting forth all the facts alleged as a reasonable cause.

(b) *Alcohol and tobacco taxes.* For penalties for failure to file certain information returns with respect to alcohol and tobacco taxes, see, generally, subtitle E.

§ 301.6653 *Statutory provisions; failure to pay tax.*

SEC. 6653. *Failure to pay tax*—(a) *Negligence or intentional disregard of rules and regulations with respect to income or gift taxes.* If any part of any underpayment (as defined in subsection (c) (1)) of any tax imposed by subtitle A or by chapter 12 of subtitle B (relating to income taxes and gift taxes) is due to negligence or intentional disregard of rules and regulations (but without intent to defraud), there shall be added to the tax an amount equal to 5 percent of the underpayment.

(b) *Fraud.* If any part of any underpayment (as defined in subsection (c)) of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment. In the case of income taxes and gift taxes, this amount shall be in lieu of any amount determined under subsection (a).

(c) *Definition of underpayment.* For purposes of this section, the term "underpayment" means—

(1) *Income, estate, and gift taxes.* In the case of a tax to which section 6211 (relating to income, estate, and gift taxes) is applicable, a deficiency as defined in that section (except that, for this purpose, the tax shown on a return referred to in section 6211 (a) (1) (A) shall be taken into account only if such return was filed before the last day prescribed for the filing of such return, determined with regard to any extension of time for such filing), and

(2) *Other taxes.* In the case of any other tax, the amount by which such tax imposed by this title exceeds the excess of—

(A) The sum of—

(i) The amount shown as the tax by the taxpayer upon his return (determined without regard to any credit for an overpayment for any prior period, and without regard to any adjustment under authority of sections 6205 (a) and 6413 (a)), if a return was made by the taxpayer within the time prescribed for filing such return (determined with regard to any extension of time for such filing) and an amount was shown as the tax by the taxpayer thereon, plus

(ii) Any amount, not shown on the return, paid in respect of such tax, over—

(B) The amount of rebates made.

For purposes of subparagraph (B), the term "rebate" means so much of an abatement, credit, refund, or other repayment, as was made on the ground that the tax imposed was less than the excess of the amount specified in subparagraph (A) over the rebates previously made.

(d) *No delinquency penalty if fraud assessed.* If any penalty is assessed under subsection (b) (relating to fraud) for an underpayment of tax which is required to be shown on a return, no penalty under section 6651 (relating to failure to file such return) shall be assessed with respect to the same underpayment.

(e) *Failure to pay stamp tax.* Any person (as defined in section 6671 (b)) who willfully fails to pay any tax imposed by this title which is payable by stamp, coupons, tickets, books, or other devices or methods prescribed by this title or by regulations under authority of this title, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of 50 percent of the total amount of the underpayment of the tax.

§ 301.6653–1 *Failure to pay tax*—(a) *Negligence or intentional disregard of rules and regulations with respect to income or gift taxes.* If any part of any underpayment, as defined in section 6653 (c) (1) and paragraph (c) (1) of this section, of any income tax imposed by subtitle A or gift tax imposed by chapter 12 of subtitle B, is due to negligence or intentional disregard of rules and regulations, but without intent to defraud, there shall be added to the tax an amount equal to 5 percent of the underpayment.

(b) *Fraud.* (1) If any part of any underpayment of tax, as defined in section 6653 (c) and paragraph (c) of this section, required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment.

(2) If a 50 percent addition to the tax for fraud is assessed under section 6653 (b) with respect to an underpayment—

(i) The addition to the tax under section 6651, relating to failure to file a tax return, will not be assessed with respect to the same underpayment, and

(ii) In the case of the income taxes imposed by subtitle A and the gift tax imposed by chapter 12 of subtitle B, the 5 percent addition to the tax under section 6653 (a), relating to negligence and intentional disregard of rules and regulations, will not be assessed with respect to the same underpayment.

(c) *Definition of underpayment*—(1) *Income, estate, and gift taxes.* In the case of income, estate, and gift taxes, an underpayment for purposes of section 6653 and this section is—

(i) The total amount of all deficiencies as defined in section 6211, if a return was filed on or before the last date (determined with regard to any extension of time) prescribed for filing such return, or

(ii) The amount of the tax imposed by subtitle A or B, as the case may be, if a return was not filed on or before the last date (determined with regard to any extension of time) prescribed for filing such return.

(2) *Other taxes.* In the case of any tax other than income, estate, and gift taxes, an underpayment for purposes of section 6653 and this section is the amount by which the tax imposed exceeds—

(i) In the case of any tax with respect to which the taxpayer is required to file a return, the sum of (*a*) the amount shown as tax by the taxpayer upon his return filed in respect of such tax, but only if the return is filed on or before the last date (determined with regard to any extension of time) prescribed for filing such return, plus (*b*) any amount not shown on a return filed by the taxpayer which is paid in respect of such tax prior to the date prescribed for filing the return. The "amount shown as tax by the taxpayer upon his return" for the purposes of this subparagraph shall be determined without regard to any credit for an overpayment for any prior tax return period, and without regard to any adjustment made under section 6205 (a), or section 6413 (a), relating to special rules applicable to certain employment taxes.

(ii) In the case of any tax payable by stamp, the amount paid (on or before the date prescribed for payment) in respect of such tax.

The amounts specified in subdivisions (i) and (ii) of this subparagraph shall be reduced, for purposes of determining the amount of the underpayment, by the amount of any rebates made. For purposes of this subparagraph, the term "rebates" means so much of an abatement, credit, refund, or other repayment as was made on the ground that the tax imposed was less than the excess of the amount specified in subdivision (i) or (ii) of this subparagraph, whichever is applicable, over any rebates previously made.

(d) *No delinquency penalty if fraud assessed.* See paragraph (b) (2) of this section.

(e) *Failure to pay stamp tax.* Any person (as defined in section 6671 (b)) who willfully fails to pay any tax payable by stamp, coupons, tickets, books or other devices or methods prescribed by the Code or regulations promulgated thereunder, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of 50 percent of the total amount of the underpayment of the tax.

§ 301.6654 *Statutory provisions; failure by individual to pay estimated income tax.*

SEC. 6654. *Failure by individual to pay estimated income tax*—(a) *Addition to the tax.* In the case of any underpayment of estimated tax by an individual, except as provided in subsection (d), there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the amount of the underpayment (determined under sub-

section (b)) for the period of the underpayment (determined under subsection (c)).

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for such payment.

(c) *Period of underpayment.* The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

(1) The 15th day of the fourth month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for such installment date.

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds which-ever of the following is the lesser—

(1) The amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least—

(A) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months, or

(B) An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions under section 151 for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year, or

(C) An amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income (computed without deduction of personal exemptions) for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(2) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid.

(e) *Application of section in case of tax withheld on wages.* For purposes of applying this section—

(1) The estimated tax shall be computed without any reduction for the amount which the individual estimates as his credit under section 31 (relating to tax withheld at source on wages), and

(2) The amount of the credit allowed under section 31 for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date (determined under section 6153) for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

(f) *Tax computed after application of credits against tax.* For purposes of subsections (b) and (d), the term "tax" means the tax imposed by chapter 1 reduced by the credits against tax allowed by part IV of subchapter A of chapter 1, other than the credit against tax provided by section 31 (relating to tax withheld on wages).

(g) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(h) *Applicability.* This section shall apply only with respect to taxable years beginning after December 31, 1954; and section 294 (d) of the Internal Revenue Code of 1939 shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 301.6654–1 *Failure by individual to pay estimated income tax.* For regulations under section 6654, see §§ 1.6654–1 to 1.6654–4, inclusive, of this chapter.

§ 301.6655 *Statutory provisions; failure by corporation to pay estimated income tax.*

SEC. 6655. *Failure by corporation to pay estimated income tax*—(a) *Addition to the tax.* In case of any underpayment of estimated tax by a corporation, except as provided in subsection (d), there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (c)).

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent of the tax shown on the return for the taxable year or, if no return was filed, 70 percent of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for payment.

(c) *Period of underpayment.* The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

(1) The 15th day of the third month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on the 15th day of the 12th month shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for the 15th day of the 12th month.

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser—

(1) The tax shown on the return of the corporation for the preceding taxable year reduced by $100,000, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months,

(2) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the corporation for, and the law applicable to, the preceding taxable year,

(3) (A) An amount equal to 70 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) For the first 6 months or for the first 8 months of the taxable year, in the case of the installment required to be paid in the ninth month, and

(ii) For the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the twelfth month.

(B) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 the taxable income referred to in subparagraph (A), and

(ii) Dividing the resulting amount by the number of months in the taxable year (6 or 8, or 9 or 11, as the case may be) referred to in subparagraph (A).

(e) *Definition of tax.* For purposes of subsections (b), (d) (2), and (d) (3), the term "tax" means the excess of—

(1) The tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, over

(2) The sum of—

(A) $100,000, and

(B) The credits against tax provided in part IV of subchapter A of chapter 1.

(f) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

§ 301.6655–1 *Failure by corporation to pay estimated income tax.* For regulations under section 6655, see §§ 1.6655–1 to 1.6655–3, inclusive, of this chapter.

§ 301.6656 *Statutory provisions; failure to make deposit of taxes.*

SEC. 6656. *Failure to make deposit of taxes*—(a) *Penalty.* In case of failure by any person required by this title or by regulation of the Secretary or his delegate under this title to deposit on the date prescribed therefor any amount of tax imposed by this title in such government depositary as is authorized under section 6302 (c) to receive such deposit, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be imposed upon such person a penalty of 1 percent of the amount of the underpayment if the failure is for not more than 1 month, with an additional 1 percent for each additional month or fraction thereof during which such failure continues, not exceeding 6 percent in the aggregate. For purposes of this subsection, the term "underpayment" means the excess of the amount of the tax required to be so deposited over the amount, if any, thereof deposited on or before the date prescribed therefor.

(b) *Penalty not imposed after due date for return.* For purposes of subsection (a), the failure shall be deemed not to continue beyond the last date (determined without regard to any extension of time) prescribed for payment of the tax required to be deposited or beyond the date the tax is paid, whichever is earlier.

§ 301.6656–1 *Failure to make deposit of taxes*—(a) *Penalty.* (1) In case of failure by any person required by the Code or regulations prescribed thereunder to deposit any tax in a government depositary, as is authorized under section 6302 (c), within the time prescribed therefor, a penalty shall be imposed on such person unless such failure is shown to the satisfaction of the district director to be due to reasonable cause and not to willful neglect. The penalty shall be one percent of the amount of the underpayment if the failure is for not more than one month, with an additional one percent for each additional month or fraction thereof during which failure continues, not to exceed 6 percent in the aggregate. For purposes of this section, the term "underpayment" means the amount of tax required to be deposited less the amount, if any, which was deposited on or before the date prescribed therefor, and the term "month" shall have the same meaning assigned to such term in paragraph (a) (2) of § 301.6651–1.

(2) A taxpayer who wishes to avoid the penalty for failure to deposit must make an affirmative showing of all facts alleged as a reasonable cause in a written statement containing a declaration that it is made under the penalties of perjury, which should be filed with the district director for the district in which the return with respect to the tax is required to be filed. If the district director determines that the delinquency was due to a reasonable cause, and not to willful neglect, the penalty will not be imposed.

(b) *Penalty not imposed after due date for return.* For the purpose of computing the amount of the penalty imposed by section 6656, the period of failure to make deposit is deemed not to continue beyond the last date (determined without regard to any extension of time) prescribed for payment of the tax required to be deposited, or beyond the date the tax is paid, whichever date is earlier. For example, during the months of January, February, and March 1955, the aggregate amount of the employee tax withheld under section 3102 of chapter 21 (the Federal Insurance Contributions Act), the employer tax for each such month under section 3111 of such chapter, and the income tax withheld at source on wages under section 3402 (exclusive of the employee tax withheld under section 3102 and the employer tax under section 3111 with respect to wages of household employees), amount to $1,000 for each month. Under the Employment Tax Regulations (Part 31 of this chapter), the employer is required to deposit the $1,000 for January on or before February 15, 1955, and the $1,000 for February on or before March 15, 1955, but is not required to deposit the $1,000 for March 1955, prior to the date the return is due. The employer filed his quarterly return on April 30, 1955, the date prescribed for filing such return, accompanied by a remittance of $3,000. Assuming that the employer failed, without reasonable cause, to make timely deposits the penalty under section 6656 for failure to make the January deposit is $30, and the penalty for failure to make the February deposit is $20, computed as follows:

Amount required to be deposited on or before Feb. 15, 1955	$1,000
Less: Amount deposited	0
Underpayment	1,000
(1 percent penalty for each month or fraction thereof, Feb. 15, 1955 to Apr. 30, 1955, 3 months)	3%
Penalty for failure to make January deposit	$30
Amount required to be deposited on or before Mar. 15, 1955	1,000
Less: Amount deposited	0
Underpayment	1,000
(1 percent penalty for each month or fraction thereof, Mar. 15, 1955 to Apr. 30, 1955, 2 months)	2%
Penalty for failure to make February deposit	20
Total penalty	50

§ 301.6657 *Statutory provisions; bad checks.*

SEC. 6657. *Bad checks.* If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check, upon notice and demand by the Secretary or his delegate, in the same manner as tax, an amount equal to 1 percent of the amount of such check, except that if the amount of such check is less than $500, the penalty under this section shall be $5 or the amount of such check, whichever is the lesser. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid.

§ 301.6657–1 *Bad checks*—(a) *In general.* Except as provided in paragraph (b) of this section, if a check or money order is tendered in the payment of any amount receivable under the Code, and such check or money order is not paid upon presentment, a penalty of one percent of the amount of the check or money order, in addition to any other penalties provided by law, shall be paid by the person who tendered such check or money order. If, however, the amount of the check or money order is less than $500, the penalty shall be $5 or the amount of the check or money order, whichever amount is the lesser. Such penalty shall be paid in the same manner as tax upon notice and demand by the district director.

(b) *Reasonable cause.* If payment is refused upon presentment of any check or money order and the person who tendered such check or money order establishes to the satisfaction of the district director that it was tendered in good faith with reasonable cause to believe that it would be duly paid, the penalty set forth in paragraph (a) of this section shall not apply.

§ 301.6658 *Statutory provisions; addition to tax in case of jeopardy.*

SEC. 6658. *Addition to tax in case of jeopardy.* If a taxpayer violates or attempts to violate section 6851 (relating to termination of taxable year) there shall, in addition to all other penalties, be added as part of the tax 25 percent of the total amount of the tax or deficiency in the tax.

§ 301.6658–1 *Addition to tax in case of jeopardy.* Upon a finding by the district director that any taxpayer violated, or attempted to violate, section 6851 (relating to termination of taxable year) there shall, in addition to all other penalties, be added as part of the tax 25 percent of the total amount of the tax or deficiency in the tax.

§ 301.6659 *Statutory provisions; applicable rules.*

SEC. 6659. *Applicable rules*—(a) *Additions treated as tax.* Except as otherwise provided in this title—

(1) The additions to the tax, additional amounts, and penalties provided by this chapter shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as taxes;

(2) Any reference in this title to "tax" imposed by this title shall be deemed also to refer to the additions to the tax, additional amounts, and penalties provided by this chapter.

(b) *Additions to tax for failure to file return or pay tax.* Any addition under section 6651 or section 6653 to a tax imposed by another subtitle of this title shall be considered a part of such tax for the purpose of applying the provisions of this title relating to the assessment and collection of such tax (including the provisions of subchapter B of chapter 63, relating to deficiency procedures for income, estate, and gift taxes).

§ 301.6659–1 *Applicable rules*—(a) *Additions treated as tax.* Except as otherwise provided in the Code, any reference in the Code to "tax" shall be deemed also to be a reference to any addition to the tax, additional amount, or penalty imposed by chapter 68 with respect to such tax. Such additions to the tax, additional amounts, and penalties shall become payable upon notice and demand therefor and shall be assessed, collected, and paid in the same manner as taxes.

(b) *Additions to tax for failure to file return or pay tax.* Any addition under section 6651 or section 6653 to a tax shall be considered a part of such tax for the purpose of the assessment and collection of such tax. For applicability of deficiency procedures to additions to the tax, see paragraph (c) of this section.

(c) *Deficiency procedures*—(1) *Addition to the tax for failure to file tax return.* Subchapter B of chapter 63 (deficiency procedures) applies to the additions to the income, estate, and gift taxes imposed by section 6651 for failure to file a tax return to the same extent that it applies to such taxes. Accordingly, if there is a deficiency (as defined in section 6211) in the tax (apart from the addition to the tax) where a return has not been timely filed, deficiency procedures apply to the addition to the tax under section 6651. If there is no de-

ficiency in the tax where a return has not been timely filed, the addition to the tax under section 6651 may be assessed and collected without deficiency procedures. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A filed his income tax return for the calendar year 1955 on May 15, 1956, not having been granted an extension of time for such filing. His failure to file on time was not due to reasonable cause. The return showed a liability of $1,000 and it was determined that A is liable under section 6651 for an addition to such tax of $50 (5 percent a month for 1 month). The provisions of subchapter B of chapter 63 (deficiency procedures) do not apply to the assessment and collection of the addition to the tax since such provisions are not applicable to the tax with respect to which such addition was asserted, there being no statutory deficiency for purposes of section 6211.

Example (2). Assume the same facts as in example (1) and assume further that a deficiency of $500 in tax and a further $25 addition to the tax under section 6651 is asserted against A for the calendar year 1955. Thus, the total addition to the tax under section 6651 is $75. Since the provisions of subchapter B of chapter 63 are applicable to the $500 deficiency, they likewise apply to the $25 addition to the tax asserted with respect to such deficiency (but not to the $50 addition to the tax under example (1)).

(2) *Additions to the tax for negligence or fraud.* Subchapter B of chapter 63 (deficiency procedures) applies to all additions to the income, estate, and gift taxes imposed by section 6653 (a) and (b) for negligence and fraud.

(3) *Additions to tax for failure to pay estimated income taxes*—(i) *Return filed by taxpayer.* The addition to the tax for underpayment of estimated income tax imposed by section 6654 (relating to failure by individuals to pay estimated income tax) or section 6655 (relating to failure by corporations to pay estimated income tax) is determined by reference to the tax shown on the return if a return is filed. Therefore, such addition may be assessed and collected without regard to the provisions of subchapter B of chapter 63 (deficiency procedures) if a return is filed since such provisions are not applicable to the assessment of the tax shown on the return. Further, since the additions to the tax imposed by section 6654 or 6655 are determined solely by reference to the amount of tax shown on the return if a return is filed, the assertion of a deficiency with respect to any tax not shown on such return will not make the provisions of subchapter B of chapter 63 (deficiency procedures) apply to the assessment and collection of any additions to the tax under section 6654 or 6655.

(ii) *No return filed by taxpayer.* If the taxpayer has not filed a return and his entire income tax liability is asserted as a deficiency to which the provisions of subchapter B of chapter 63 apply, such provisions likewise will apply to any addition to such tax imposed by section 6654 or 6655.

ASSESSABLE PENALTIES

§301.6671 *Statutory provisions; rules for application of assessable penalties.*

SEC. 6671. *Rules for application of assessable penalties*—(a) *Penalty assessed as tax.* The penalties and liabilities provided by this subchapter shall be paid upon notice and demand by the Secretary or his delegate, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to "tax" imposed by this title shall be deemed also to refer to the penalties and liabilities provided by this subchapter.

(b) *Person defined.* The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

§ 301.6671–1 *Rules for application of assessable penalties*—(a) *Penalty assessed as tax.* The penalties and liabilities provided by subchapter B of chapter 68 (sections 6671 to 6675, inclusive) shall be paid upon notice and demand by the district director and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in the Code to "tax" imposed thereunder shall also be deemed to refer to the penalties and liabilities provided by subchapter B of chapter 68.

(b) *Person defined.* For purposes of subchapter B of chapter 68, the term "person" includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

§ 301.6672 *Statutory provisions; failure to collect and pay over tax, or attempt to evade or defeat tax.*

SEC. 6672. *Failure to collect and pay over tax, or attempt to evade or defeat tax.* Any person required to collect, truthfully account for, and pay over any tax imposed by this title who willfully fails to collect such tax, or truthfully account for and pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. No penalty shall be imposed under section 6653 for any offense to which this section is applicable.

§ 301.6672–1 *Failure to collect and pay over tax, or attempt to evade or defeat tax.* Any person required to collect, truthfully account for, and pay over any tax imposed by the Code who willfully fails to collect such tax, or truthfully account for and pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. The penalty imposed by section 6672 applies only to the collection, accounting for, or payment over of taxes imposed on a person other than the person who is required to collect, account for, and pay over such taxes. No penalty under section 6653, relating to failure to pay tax, shall be imposed for any offense to which this section is applicable.

§ 301.6673 *Statutory provisions; damages assessable for instituting proceedings before the Tax Court merely for delay.*

SEC. 6673. *Damages assessable for instituting proceedings before the Tax Court merely for delay.* Whenever it appears to the Tax Court that proceedings before it have been instituted by the taxpayer merely for delay, damages in an amount not in excess of $500 shall be awarded to the United States by the Tax Court in its decision. Damages so awarded shall be assessed at the same time as the deficiency and shall be paid upon notice and demand from the Secretary or his delegate and shall be collected as a part of the tax.

§ 301.6673–1 *Damages assessable for instituting proceedings before the Tax Court merely for delay.* Any damages awarded to the United States by the Tax Court under section 6673 against a taxpayer for instituting proceedings before the Tax Court merely for delay shall be assessed at the same time as the deficiency and shall be paid upon notice and demand from the district director and shall be collected as a part of the tax.

§ 301.6674 *Statutory provisions; fraudulent statement or failure to furnish statement to employee.*

SEC. 6674. *Fraudulent statement or failure to furnish statement to employee.* In addition to the criminal penalty provided by section 7204, any person required under the provisions of section 6051 to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 6051, or regulations prescribed thereunder, shall for each such failure be subject to a penalty under this subchapter of $50, which shall be assessed and collected in the same manner as the tax on employers imposed by section 3111.

§ 301.6674–1 *Fraudulent statement or failure to furnish statement to employee.* For regulations under section 6674, see the Employment Tax Regulations (Part 31 of this chapter).

§ 301.6675 *Statutory provisions; excessive claims with respect to the use of certain gasoline.*

SEC. 6675. *Excessive claims with respect to the use of certain gasoline*—(a) *Civil penalty.* In addition to any criminal penalty provided by law, if a claim is made under section 6420 (relating to gasoline used on farms) or 6421 (relating to gasoline used for certain nonhighway purposes or by local transit systems) for an excessive amount, unless it is shown that the claim for such excessive amount is due to reasonable cause, the person making such claim shall be liable to a penalty in an amount equal to whichever of the following is the greater:

(1) Two times the excessive amount; or

(2) $10.

(b) *Excessive amount defined.* For purposes of this section, the term "excessive amount" means in the case of any person the amount by which—

(1) The amount claimed under section 6420 or 6421, as the case may be, for any period, exceeds

(2) The amount allowable under such section for such period.

(c) *Assessment and collection of penalty.* For assessment and collection of penalty provided by subsection (a), see section 6206.

[Sec. 6675 as added by sec. 3, Act of April 2, 1956, 70 Stat. 90, and as amended by sec. 208 (d) (2), Highway Revenue Act of 1956, 70 Stat. 396]

§ 301.6675–1 *Excessive claims with respect to the use of certain gasoline.* For regulations under section 6675, see the Manufacturers' and Retailers' Excise Tax Regulations (Part 40 of this chapter).

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

§ 301.7851 *Statutory provisions; applicability of revenue laws.*

SEC. 7851. *Applicability of revenue laws*—(a) *General rules.* Except as otherwise provided in any section of this title—

* * * * * * *

(6) *Subtitle F.*

(A) *General rule.* The provisions of subtitle F [including chapter 68, relating to additions to the tax, additional amounts, and assessable penalties] shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. * * *

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[F. R. Doc. 57–9488; Filed, Nov. 15, 1957; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 1]

REG. 11—MERCURY REGULATION: PURCHASE PROGRAM FOR MERCURY MINED IN THE CONTINENTAL UNITED STATES (INCLUDING TERRITORY OF ALASKA)

This revision of General Services Administration Regulation 11, establishing a purchase program for mercury mined in the United States (including the Territory of Alaska), eliminates the time limitation for making application for participation in the program, extends the program on a limited basis during calendar year 1958, modifies the packaging requirements, combines the previously published Regulation and amendments thereto and makes other miscellaneous changes.

Sec.
1. Basis and purpose.
2. Specifications.
3. Deliveries.
4. Price.
5. Program duration and quantity limitations.
6. Participation.
7. Access to books and records.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093, E. O. 10480, 18 F. R. 4939, 3 CFR, 1953 Supp.

SECTION 1. *Basis and purpose.* The purpose of this regulation is to encourage expansion in the production of prime virgin mercury in the Continental United States (including the Territory of Alaska) and to provide a uniform price in accordance with the purchase Program described herein, as certified by the Director of the Office of Defense Mobilization. The Administrator of General Services will buy prime virgin mercury mined in the Continental United States (including Territory of Alaska) in accordance with the terms and conditions set forth herein.

SEC. 2. *Specifications.* Purchases under this Program shall be restricted to prime virgin mercury mined in the Continental United States (including Territory of Alaska) which shall have a mercury content of not less than 99.9 percent and shall be bright and clean.

SEC. 3. *Deliveries.* (a) All purchases under this Program shall be delivered by the seller f. o. b. delivery point as directed by the appropriate Regional Commissioner of the General Services Administration (see section 6 of this regulation).

(b) Deliveries shall be offered to the Government under this Program in lots containing not less than five flasks of prime virgin mercury.

(c) All shipments found not to meet the specifications provided for herein shall be rejected and shall be removed at the expense of the seller.

(d) All shipments shall be packed in clean flasks of standard quality and design, the body of which will be fabricated from seamless wrought-iron or steel tubing—the bottom of the flask to be swaged to form a concave bottom so that closure can be made with a wrought-iron or steel plug of 1" maximum diameter welded in place. The neck shall be formed around a ½" pipe thread collar welded in place. All welds must be certified to pass a flask pressure test of 90 pounds per square inch air pressure with soap and water applied to all weld seams. Flasks shall be securely stoppered with an iron or steel screw-plug having a ⅛" hole drilled transversely through the head of the plug. Flasks shall be free of rust or other foreign material and shall be in good physical condition. Standard-size flasks usually contain seventy-six (76) pounds of mercury. Flasks of other sizes may be accepted provided all flasks in any lot are the same nominal size and shape. There shall be attached to each flask a nonferrous metal tag upon which shall be punched "Mercury (Domestic Purchase Program)" and the following information with respect to such flask: the flask serial number, the place of origin of the mercury, and the gross, tare and net weights. Such tag shall be wired firmly with nonferrous wire through the head of the plug of the flask.

(e) Inspection of each shipment shall be made by a representative of the Government at the designated delivery point. The decision of the Government with regard to acceptance (including chemical, physical or other requirements) or rejection will be final.

(f) At least thirty (30) days prior to each shipment, the seller shall inform the appropriate Regional Commissioner, General Services Administration. Shipment shall be made only upon and in accordance with instructions issued to the seller by the said Regional Commissioner. Each shipment shall be accompanied by a certificate executed by the seller disclosing the source of the mercury.

SEC. 4. *Price.* For deliveries accepted under this Program, the price shall be Two Hundred Twenty-Five Dollars ($225.00) per flask containing seventy-six (76) pounds of mercury, f. o. b. delivery point.

SEC. 5. *Program duration and quantity limitations.* This Program shall terminate at the close of business December 31, 1958. The total quantity of prime virgin mercury accepted or to be accepted under this Program prior to January 1, 1958 shall be limited to the equivalent of one hundred twenty-five thousand (125,000) flasks containing seventy-six (76) pounds of mercury each. The total quantity of such mercury to be accepted under this Program during the calendar year 1958 shall be limited to the equivalent of thirty thousand (30,000) flasks containing seventy-six (76) pounds of mercury each.

SEC. 6. *Participation.* Any person or firm wishing to participate in this Program shall give notice to the Regional Commissioner, General Services Administration, having jurisdiction of the area in which the mercury is mined, as indicated below:

Region No	Location of regional office	Area of jurisdiction
1	Regional Commissioner, General Services Administration, 620 Post Office and Court House, Boston 9, Mass.	Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island.
2	Regional Commissioner, General Services Administration, 250 Hudson St., New York 13, N. Y.	New York, Pennsylvania, New Jersey, Delaware.
3	Regional Commissioner, General Services Administration, Regional Office Bldg., 7th and D Sts. SW., Washington 25, D. C.	District of Columbia, Maryland, West Virginia, Virginia.
4	Regional Commissioner, General Services Administration, Peachtree—7th Bldg., 50 7th St. NE., Atlanta, Ga.	North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida.
5	Regional Commissioner, General Services Administration, U. S. Courthouse, 219 S. Clark St., Chicago 4, Ill.	Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio.
6	Regional Commissioner, General Services Administration, GSA Bldg., 2306 E. Bannister Rd., Kansas City 14, Mo.	Missouri, Kansas, Iowa, Nebraska, North Dakota, South Dakota, Minnesota.
7	Regional Commissioner, General Services Administration, 1114 Commerce St., Dallas 2, Tex.	Texas, Louisiana, Arkansas, Oklahoma.
8	Regional Commissioner, General Services Administration, 41 Denver Federal Center, Denver 2, Colo.	Colorado, Wyoming, Utah, New Mexico.
9	Regional Commissioner, General Services Administration, 4th Floor, 49 4th St., San Francisco 3, Calif.	California, Arizona, Nevada.
10	Regional Commissioner, General Services Administration, Federal Office Bldg., 909 1st Ave., Seattle 4, Wash.	Washington, Oregon, Idaho, Montana, Territory of Alaska.

Such notice shall be in the form of a letter, post card or telegram stating that participation in this Program is desired. The notice must be signed and return address given. Upon receipt of such notice a certificate of participation will

be issued to the applicant, authorizing delivery of prime virgin mercury conforming to the requirements of this regulation.

SEC. 7. *Access to books and records.* By participating in the Program each seller agrees to permit authorized representatives of the United States Government, during the duration of the Program, and for a period of three years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the Program.

Dated: November 8, 1957.

FRANKLIN G. FLOETE,
Administrator of General Services.

[F. R. Doc. 57-9487; Filed, Nov. 15, 1957; 8:50 a. m.]

[Revision 1]

REG. 12—MERCURY REGULATION: PURCHASE PROGRAM FOR MERCURY MINED IN MEXICO

This revision of General Services Administration Regulation 12, establishing a purchase program for mercury mined in Mexico, eliminates the time limitation for making application for participation in the program, extends the program on a limited basis during calendar year 1958, modifies the packaging requirements, provides for access to seller's books and records, combines the previously published Regulation and amendments thereto and makes other miscellaneous changes.

Sec.
1. Basis and purpose.
2. Specifications.
3. Deliveries.
4. Price.
5. Program duration and quantity limitations.
6. Participation.
7. Access to books and records.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093, E. O. 10480, 18 F. R. 4939, 3 CFR, 1953 Supp.

SECTION 1. *Basis and purpose.* The purpose of this regulation is to encourage expansion in the production of prime virgin mercury in Mexico and to provide a uniform price in accordance with the purchase Program described herein, as certified by the Director of the Office of Defense Mobilization. The Administrator of General Services will buy prime virgin mercury mined in Mexico in accordance with the terms and conditions set forth herein.

SEC. 2. *Specifications.* Purchases under this Program shall be restricted to prime virgin mercury of Mexican origin which shall have a mercury content of not less than 99.9 percent and shall be bright and clean.

SEC. 3. *Deliveries.* (a) All purchases under this Program shall be delivered by the seller f. o. b. Government Purchase Depot at El Paso, Texas, duty paid by the seller.

(b) Deliveries shall be offered to the Government under this Program in lots containing not less than five flasks of prime virgin mercury.

(c) All shipments found not to meet the specifications provided for herein shall be rejected and shall be removed at the expense of the seller.

(d) All shipments shall be packed in clean flasks of standard quality and design, the body of which will be fabricated from seamless wrought-iron or steel tubing—the bottom of the flask to be swaged to form a concave bottom so that closure can be made with a wrought-iron or steel plug of 1" maximum diameter welded in place. The neck shall be formed around a ½" pipe thread collar welded in place. All welds must be certified to pass a flask pressure test of 90 pounds per square inch air pressure with soap and water applied to all weld seams. Flasks shall be securely stoppered with an iron or steel screw-plug having a ⅛" hole drilled transversely through the head of the plug. Flasks shall be free of rust or other foreign material and shall be in good physical condition. Standard-size flasks usually contain seventy-six (76) pounds of mercury. Flasks of other sizes may be accepted provided all flasks in any lot are the same nominal size and shape. There shall be attached to each flask a non-ferrous metal tag upon which shall be punched "Mercury (Mexican Purchase Program)" and the following information with respect to such flask: the flask serial number, the place of origin of the mercury, and the gross, tare and net weights. Such tag shall be wired firmly with non-ferrous wire through the head of the plug of the flask.

(e) Inspection of each shipment shall be made by a representative of the Government at the Government Purchase Depot. The decision of the Government with regard to acceptance (including chemical, physical or other requirements) or rejection will be final.

(f) At least thirty (30) days prior to each shipment, the seller shall inform the Regional Commissioner, General Services Administration, 1114 Commerce Street, Dallas 2, Texas of a delivery to be made to the Purchase Depot. Shipment shall be made only upon and in accordance with instructions issued to the seller by the said Regional Commissioner. Each shipment shall be accompanied by a certificate executed by the seller disclosing the source of the mercury.

SEC. 4. *Price.* For deliveries accepted under this Program, the price shall be Two Hundred Twenty-Five Dollars ($225.00) per flask containing seventy-six (76) pounds of mercury, duty paid f. o. b. Government Purchase Depot, El Paso, Texas.

SEC. 5. *Program duration and quantity limitations.* This Program shall terminate at the close of business December 31, 1958. The total quantity of prime virgin mercury accepted or to be accepted under this Program prior to January 1, 1958 shall be limited to the equivalent of seventy-five thousand (75,000) flasks containing seventy-six (76) pounds of mercury each. The total quantity of such mercury to be accepted under this Program during the calendar year 1958 shall be limited to the equivalent of twenty thousand (20,000) flasks containing seventy-six (76) pounds of mercury each.

SEC. 6. *Participation.* Any person or firm wishing to participate in this Program shall give notice to the Regional Commissioner, General Services Administration, 1114 Commerce Street, Dallas 2, Texas. Such notice shall be in the form of a letter, post card or telegram stating that participation in this Program is desired. The notice must be signed and return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant, authorizing delivery of prime virgin mercury conforming to the requirements of this regulation.

SEC. 7. *Access to books and records.* By participating in the Program each seller agrees to permit authorized representatives of the United States Government, during the duration of the Program, and for a period of three years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the Program.

Dated: November 8, 1957.

FRANKLIN G. FLOETE,
Administrator of General Services.

[F. R. Doc. 57-9486; Filed, Nov. 15, 1957; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

BONNEVILLE DAM NAVIGATION LOCK AND APPROACH CHANNELS, COLUMBIA RIVER, OREGON AND WASHINGTON

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.700 is hereby amended to make the regulations governing the use, administration and navigation of the Bonneville Dam Navigation Lock and approach channels, Columbia River, Oregon and Washington consistent with those approved for The Dalles Dam Navigation Lock, as follows:

§ 207.700 *Bonneville Dam Navigation Lock and Approach Channels, Columbia River, Oregon and Washington; use, administration and navigation*—(a) *General.* The lock and its approach channels, and all its appurtenances, shall be in charge of the District Engineer, U. S. Army Engineer District, in charge of the locality. His representative at Bonneville Dam shall be the Project Engineer who shall customarily give orders and instructions to the lock master and assistant lock masters in charge of the lock. Hereinafter, the term "lock master" shall be used to designate the lock official in immediate charge of the lock

at any given time. In case of emergency and on all routine work in connection with the operation of the lock, the lock master shall have authority to take such steps as may be immediately necessary without waiting for instructions from the Project Engineer.

(b) *Immediate control.* The lock master shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. It shall be the duty of the Project Engineer to establish lines of succession for the men operating the lock on all shifts in order that in case of absence or accident to the designated lock master, one of his assistants will immediately assume the position of lock master.

(c) *Authority of lock master.* No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lock master or his assistants.

(d) *Signals*—(1) *Sound.* All craft desiring lockage shall signal by two long and two short blasts of the whistle, delivered at a distance of one-half mile from the lock. When the lock is ready for entrance, notice will be given by one long blast. Permission to leave the lock will be given by one short blast.

(2) *Visual.* Lights are located at only the upstream end of the lock and will be used in conjunction with the sound signals for downstream bound traffic. When a green light is on, the lock is ready for entrance by all craft except log rafts, and vessels may enter under full control. When a red light is on, the lock cannot be made ready immediately and the vessel shall stand clear. When an amber light is on, log rafts only may enter the lock.

(3) *Radio.* The lock is equipped with two-way radio operating on frequencies of 2182 and 2784 kc. These frequencies will be monitored by the lock master. Vessels equipped with two-way radio may communicate with the crew operating the lock, but communications or signals so received will only augment and not replace the sound and visual signals.

(e) *Permissible dimensions of boats.* The lock chamber is 76 feet wide by 500 feet long in the clear. Single tows of lesser dimensions will be permitted to lock through without disassembly. If desired, a tow of dimensions greater than 76 feet by 500 feet may be rearranged to less than clear lock dimensions prior to entering the lock, and be passed through the lock in one lockage. Such rearrangements may be done at the moorage in the downstream lock approach channel or along the upstream guide wall if it will not interfere with other river traffic. If other river traffic will be hindered, upstream rearrangement should be done above the guide wall. During periods when other river traffic will not be held up, and, if in the opinion of the lock master vehicular and pedestrian traffic over the swing bridge or other Bonneville Project functions will not be appreciably affected, rearrangement of craft within the lock chamber will be permitted provided that rearrangement maneuvers will not result in barges or tugs wedging against or striking the miter gates in their recesses. Maneuvering of craft in the lock chamber will be permitted only when both miter gates at the open end of the lock are in their recesses in the block walls. Tows wider than 50 feet will not be permitted to enter the lock during extreme high water when tailwater at the lock is higher than 35 feet above m. s. l. since the downstream guide wall will be inundated at that stage and will offer no guidance.

(f) *Depths.* At normal pool elevation of 72 feet above m. s. l., the depth of water over the upstream miter gate sill will be 32 feet. The downstream miter gate sill has an elevation of 16 feet below m. s. l. The depth of water over the downstream miter gate sill will depend upon the flow in the river but will usually exceed 24 feet which would exist at a tailwater elevation of 8 feet above m. s. l. Gauges reading in elevation above m. s. l. are located on the south wall of the lock adjacent to each lock gate. A boat must not attempt to enter the lock if its draft exceeds the depth indicated by references to the gauges, with due allowances for clearance.

(g) *Precedence at lock.* Ordinarily the boat arriving before all others at the lock will be locked through first; however, depending upon whether the lock is full or empty, this precedence may be modified at the discretion of the lock master if boats are approaching from the opposite direction and are within reasonable distances of the lock at the time of the approach by the first boat. When several boats are to pass through the locks precedence shall be given as follows:

First: Boats and craft owned by the United States and engaged upon river and harbor improvement work.
Second: Freight and towboats.
Third: Rafts.
Fourth: Passenger boats.
Fifth: Small vessels and pleasure boats.

(h) *Loss of turn.* Boats that fail to enter the lock with reasonable promptness, after being authorized to do so, shall lose their turn.

(i) *Multiple lockage.* The lock master shall decide whether one or more vessels may be locked through at the same time.

(j) *Speed.* Vessels shall not be raced or crowded alongside another in the approach channels. When entering the lock, speed shall be reduced to a minimum consistent with safe navigation. As a general rule, when a number of vessels are entering the lock, the following vessel shall remain at least 200 feet astern of the vessel ahead.

(k) *Lockage of small boats.* In general the lockage of pleasure boats, skiffs, fishing boats, and other small craft will be coordinated with the lockage of commercial craft other than barges handling petroleum products or highly hazardous materials. If no combined lockage can be scheduled within a reasonable time not to exceed one hour after the arrival of the small craft at the lock, separate lockage will be made for such small craft.

(l) *Mooring in lock.* All boats, rafts and other craft when in the locks shall be moored by head and spring lines and such other lines as may be necessary to the fastenings provided for that purpose, and the lines shall not be let go until the signal is given for the vessel to leave the lock.

(m) *Mooring in approaches prohibited.* The mooring or anchoring of boats or other craft in the approaches to the lock where such mooring will interfere with navigation of the lock is prohibited. Rafts to be passed through the lock shall be moored in such a manner as not to interfere with the navigation of the lock or its approaches, and if the raft is to be divided into sections for locking, the sections shall be brought into the lock as directed by the lock master. After passing through the lock, the sections shall be reassembled at such a distance from the entrance as not to obstruct or interfere with navigation of the lock and approaches.

(n) *Waiting for lockage.* Boats and tows waiting downstream of the dam for lockage shall wait in the clear downstream of the navigation lock approach channel, or contingent upon prior radio clearance of the lock master, may at their own risk lie at the downstream moorage facility on the south shore downstream from the guide wall, provided that a 100-foot wide open channel is maintained. Vessels waiting upstream of the dam for lockage may lay to against the guide wall provided they remain not less than 400 feet upstream of the upstream lock gate; or contingent upon prior radio clearance by the lock master they may tie to the upstream guide wall.

(o) *Delay in lock.* Boats or barges must not obstruct navigation by unnecessary delay in entering or leaving the lock.

(p) *Damage to lock or other structures.* The owners and masters of vessels shall be liable for any damage caused by their operation to the lock or other structures. They must use great care not to strike any part of the lock, any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the banks of the approach channels. All boats with metal nosings or projecting irons, or rough surfaces that would be liable to damage the gates or lock walls, will not be permitted to enter the lock unless provided with suitable buffers and fenders.

(q) *Tows.* Persons in charge of a vessel that is towing a second vessel or barge by lines, shall take the second vessel or barge alongside at a distance of at least 500 feet from the lock and keep it alongside until at least 500 feet clear of the lock.

(r) *Crew to move craft.* The masters in charge of tows and the persons in charge of rafts and other craft must provide a sufficient number of men to move barges, rafts, and other craft into and out of the lock easily and promptly.

(s) *Handling valves, gates, bridges, and machinery.* No person, unless authorized by the lock master shall open or close any bridge, gate, valve, or operate any machinery in connection with the lock, but the lock master may call for assistance from the master of any boat using the lock, should such aid be necessary, and when rendering such assistance the men so employed shall be strictly under the orders of the lock master.

(t) *Landing of freight.* No one shall land freight or baggage on or over the walls of the lock so as in any way to delay or interfere with navigation or the operations of the lock; and freight and baggage consigned to Bonneville Project shall be landed only at such places as are designated by the lock master or his assistants.

(u) *Refuse in lock.* No material of any kind shall be thrown or discharged into the lock, and no material of any kind shall be deposited in the lock area.

(v) *Statistics.* On each passage through the lock, masters or pursers of vessels shall make to the lock master such written statement of passengers, freight, and registered tonnage and other information as are indicated on forms furnished such masters or pursers by the lock master.

(w) *Persistent violation of regulations.* If the owner or master of any boat persistently violates the regulations in this section after due notice of the same, the boat or master may be refused lockage by the lock master at the time of violation or subsequent thereto if deemed necessary in the opinion of the lock master to protect the Government property and works in the vicinity of the lock.

(x) *Restricted areas.* (1) All waters described in subparagraph (2) of this paragraph are restricted to all boats, except those of the United States Coast Guard and Corps of Engineers.

(2) All waters of the Columbia River and Bradford Slough within 1,000 feet above and 2,000 feet below the spillway dam and 500 feet above and 600 feet below the powerhouse are hereby designated as restricted areas. No vessel or other floating craft shall enter or remain in any of the restricted areas at any time without first obtaining permission from the District Engineer, U. S. Army Engineer District, Portland, or his duly authorized representative. The restricted areas will be designated by signs posted in conspicuous and appropriate places.

[Regs., Oct. 28, 1957, 800.21 (Bonneville Dam, Ore.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9468; Filed, Nov. 15, 1957; 8:45 a. m.]

PART 207—NAVIGATION REGULATIONS

PUGET SOUND AREA, WASH.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.750 (c) establishing and governing the use and navigation of a naval restricted area in Admiralty Inlet, Puget Sound Area, Washington, is hereby amended modifying the boundary of the area, as follows:

§ 207.750 *Puget Sound Area, Wash.* * * *

(c) *Admiralty Inlet, entrance; naval restricted area*—(1) *The area.* Beginning at Point Wilson Light thence southwesterly along the coast line to latitude 48°07' N.; thence northwesterly to a point at latitude 48°15' N. longitude 123°00' W.; thence due east to Whidbey Island; thence southerly along the coast line to latitude 48°12.5' N.; thence southerly to the point of beginning.

(2) *The regulations.* (i) Use of any equipment such as anchors, fishing gear, grapnels, etc., which may foul underwater installations within the restricted area, is prohibited. Dumping of any non-buoyant objects in this area is prohibited.

(ii) The regulations of this paragraph shall be enforced by the Commandant, Thirteenth Naval District, or his duly appointed representative.

[Regs., Oct. 25, 1957, 800.21 (Admiralty Inlet, Wash.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9469; Filed, Nov. 15, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 52—INSURANCE

PART 54—PAYMENT FOR LOSSES

MISCELLANEOUS AMENDMENTS

a. In § 52.2 *Fees* (22 F. R. 4389) make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Restricted delivery.*

(Not available for mail insured for $10 or less)—50c.

2. In paragraph (c) amend the opening, parenthetical statement to read as follows: "(Not available for mail insured for $10 or less)."

NOTE: The corresponding Postal Manual section is 162.22 and 23.

b. In § 52.3 *Mailing,* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Payment of fees and postage.* Insurance fees must be paid in addition to the regular postage. The mailer guarantees to pay return and forwarding postage unless he writes instructions on the wrapper or envelope not to forward or return the mail.

2. Amend paragraph (c) to read as follows:

(c) *Individual receipts for mailing.* You are issued a receipt for each insured parcel mailed. The post office keeps no record of the mailing of insured packages. You must enter the name and address of addressee on the receipt and retain it. You must submit the receipt if you file an application for payment of insurance or if you file an inquiry concerning the parcel.

3. Amend paragraph (d) to read as follows:

(d) *Firm mailing books.* Mailing books, Form 3877-A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be insured. The sheets of these books become the sender's receipts. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) Parcels to be insured for $10 or less are not to be numbered and should be listed on separate sheets or grouped together. Prepare on copy only.

(2) For parcels to be insured for more than $10, the postmaster will assign a series of numbers. The mailer must number the articles and the items in the book to correspond.

(3) The parcels must be conspicuously endorsed with the stamped or printed official insurance endorsement.

4. Amend paragraph (f) to read as follows:

(f) *Mailing on rural routes.* You may give the mail to the rural carriers; or you may leave the mail in rural mail boxes, provided stamps are fixed for postage and fee, or money for postage and fee is left in the box. You must leave a note stating the amount of insurance desired. The Postal Service assumes no responsibility for articles or money left in rural mailboxes until the articles are receipted for by the carrier.

NOTE: The corresponding Postal Manual section is 162.3.

(R. S. 161, 396, as amended; sec. 1, 41 Stat. 581, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f, 382)

c. In § 54.4 *How to request payment* (22 F. R. 2712), amend subdivision (i) of paragraph (e) (1) to read as follows:

(i) The receipt issued at the time of mailing an exact copy thereof made by any of the various photographic processes, or a notarized copy of the original; or

NOTE: The corresponding Postal Manual section is 164.451a.

(R. S. 161, 396, as amended, 3926, as amended; sec. 1, 41 Stat. 581; 5 U. S. C. 22, 369, 39 U. S. C. 381, 382)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 57-9477; Filed, Nov. 15, 1957; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

INCLUSION OF GUAM AS A "STATE"; GENERAL STANDARDS OF CONSTRUCTION AND EQUIPMENT

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendments of this part, which relate solely to grants to States, political subdivisions and public or other nonprofit agencies for the construction of public and other nonprofit hospitals and medical facilities.

1. Paragraph (w) of § 53.1 is amended by inserting immediately after the words "Puerto Rico" the word "Guam" so that the paragraph will read as follows:

(w) *State.* The 48 States, Alaska, Hawaii, Puerto Rico, Guam, Virgin Islands, and the District of Columbia.

2. Subpart M is revised to read as follows:

SUBPART M—(APPENDIX A) GENERAL STANDARDS OF CONSTRUCTION AND EQUIPMENT

Sec.
53.131 Introduction.
53.132 Site survey and soil investigation.
53.133 Site.
53.134 General hospital.
53.135 Tuberculosis hospital.
53.136 Mental hospital.
53.137 Psychiatric hospital.
53.138 Chronic disease hospital.
53.139 Nurses' residence.
53.140 School of nursing.
53.141 Public health centers.
53.142 State public health laboratory.
53.143 Diagnostic or treatment centers.
53.144 Rehabilitation facilities (general).
53.145 Rehabilitation facilities (multiple disability) in a hospital.
53.146 Separate rehabilitation facility (multiple disability) for inpatients and outpatients.
53.147 Separate rehabilitation facility (multiple disability) for outpatients only.
53.148 Single disability rehabilitation facility.
53.149 Nursing homes.
53.150 Details.
53.151 Finishes.
53.152 Structural.
53.153 Mechanical and electrical.
53.154 Preparation of plans, specifications and estimates.
53.155 Equipment.

AUTHORITY: §§ 53.131 to 53.155 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply secs. 622, 631, 60 Stat. 1042, 1046, as amended; 42 U. S. C. 291e, 291l, 291u.

§ 53.131 *Introduction.* (a) The standards set forth in this subpart have been established by the Surgeon General of the U. S. Public Health Service as required by Title VI of the Public Health Service Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the act. They are considered necessary to insure properly planned and well constructed hospitals and public health centers which can be maintained and efficiently operated to furnish adequate services.

(b) Throughout these general standards reference is made to certain sizes of hospitals such as, "up to and including 100 beds", "over 100 beds", etc. These refrences are not meant to be applied strictly. They indicate the approximate sizes at which certain changes in requirements will occur.

(c) It should be particularly noted that the small hospital of 50 beds or under presents a special problem. The size of the various departments will be generally smaller and will depend upon the requirements of the particular hospital. Some of the functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the best standards of medical and nursing practice. In other respects the general standards set forth in this subpart, including the area requirements, will apply.

(d) In the case of types of hospitals not specifically treated herein the standards for general hospitals will apply. Due allowance will be made for the specialized or unusual requirements of the particular hospital involved.

(e) Since these are minimum requirements it is desirable only that they form a basis for development of higher standards. In the interest of promoting the development of higher standards it is the intention of the Public Health Service to make suggestions and disseminate the latest information as to current good practice in planning and design of health facilities. This information will be distributed from time to time to State agencies and other interested persons.

(f) No attempt has been made in establishing these standards to comply with all the various State and local codes and regulations which, of course, must be observed. The standards set forth in this subpart must be followed where they exceed any State and local codes and regulations. Likewise, compliance is required with minimum standards of construction and equipment promulgated by the State Agency where such requirements provide a higher standard than the standards set forth in this subpart.

§ 53.132 *Site survey and soil investigation.* (a) The applicant shall provide for a survey and soil investigation of the site and furnish a plat of the site. The purpose of this survey and soil investigation is to obtain all information necessary for the design of the building foundations and mechanical service connections and development of the site. It is suggested that this matter be deferred until the architect has been selected in order that he may co-operate with the engineer who obtains the data.

(b) If any existing structures or improvements on the site are to be removed by the owners or others, the buildings or improvements must be so designated on the plat.

(c) Any discrepancies between the survey and the recorded legal description shall be reconciled or explained.

(d) The plat shall indicate:

(1) The courses and distances of property lines.

(2) Dimensions and location of any buildings, structures, easements, rights-of-way or encroachments on the site.

(3) Details of party walls, or walls and foundations adjacent to the lot lines.

(4) The position, dimensions and elevations of all cellars, excavations, wells, back-filled areas, etc., and the elevation of any water therein.

(5) All trees which may be affected by the building operations.

(6) Detailed information relative to established curb and building lines and street, alley, sidewalk and curb grades at or adjacent to the site and the materials of which they are constructed.

(7) All utility services and the size, characteristics, etc., of these services.

(8) The location of all piping, mains, sewers, poles, wires, hydrants, manholes, etc., upon, over or under the site or adjacent to the site if within the limits of the survey.

(9) Complete information as to the disposal of sanitary, storm water and subsoil drainage and suitability of subsoil for rainwater or sanitary disposal purposes if dry wells are used.

(10) Official datum upon which elevations are based and a bench mark established on or adjacent to the site.

(11) Elevations on a grid system of not more than 20-foot intervals to indicate changes of slope, etc., over that portion of the site to be developed.

(12) Elevations of contours, bottoms of excavations, etc.

(13) Contemplated date and description of any proposed improvements to approaches or utilities adjacent to the site.

(e) The plat shall bear a certification by the city engineer or other qualified official, that the true street lines and the officially established grades of curbs, sidewalks and sewers are correctly given.

(f) Adequate investigation shall be made to determine the sub-soil conditions. The investigations shall include a sufficient number of test pits or test borings as will determine, in the judgment of the architect, the true conditions.

(g) Samples of strata of soil or rock taken in each pit or boring shall be retained in suitable containers. Each sample container shall be identified as to the boring and elevations at which taken and the labels initialed by the engineer making the soil investigation.

(h) The following information shall be noted on the plat:

(1) Thickness, consistency, character, and estimated safe bearing value of the various strata encountered in each pit or boring.

(2) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons and effect on the subsoil.

(3) The elevation of rock, if known and the probability of encountering quicksand.

(4) Average depth of frost effect below surface of ground.

(5) High and low water levels of nearby bodies of water affecting the ground water level.

(6) The probability of freshets overrunning the site.

(7) Whether the soil contains alkali in sufficient quantities to affect concrete foundations.

(8) The elevation and location of the top of workings relative to the site, if the site is underlaid with mines, or old workings are located in the vicinity.

(9) Whether the site is subject to mineral rights which have not been developed.

§ 53.133 *Site.* (a) The site of any hospital should be reasonably accessible to the center of community activities. Public transportation should be available within a reasonable distance, especially if an out-patient service is to be maintained.

(b) Hospitals should be located in relation to the center of population, close to where patients live and where competent special medical and surgical consultation is readily available and where employees can be recruited and retained.

(c) The site should not be near insect breeding areas, noise or other nuisance producing industrial developments; airports, railways or highways producing noise or air pollution, or near penal or other objectionable institutions or near a cemetery.

(d) Adequate roads and walks shall be provided within the lot lines to the main entrance, ambulance entrance and community activities.

(e) The site for a public health center should be convenient to the center of community activities.

§ 53.134 *General hospital.* Units required in the general hospital:

(a) *Administration department.*

Up to and including 100 beds:
- Business office with information counter.
- PBX Board and night information.[1]
- Administrator's office.
- Director of nurses' office.[1]
- Medical record room.
- Staff lounge.
- Lobby.
- Public toilets.

Over 100 beds:
- Business office.
- Information counter.
- PBX Board and night information.[1]
- Administrator's office.
- Director of nurses' office.
- Admitting office.
- Medical social service room.[1]
- Medical record room (should be easily available to O. P. D.)
- Staff lounge.
- Library, conference and board room.
- Lobby.
- Retiring room.[1]
- Public toilets.

(b) *Adjunct diagnostic and treatment facilities.* Except for the morgue and autopsy, this department preferably should be located convenient to both in- and out-patients.

Laboratory:
- Adequate facilities for chemical, bacteriological, serological, pathological and hematological services.

[1] Desirable but not mandatory.

Basal metabolism and electrocardiography:
- Up to and including 100 beds; No special provisions required. Can be done in bed rooms.
- Over 100 beds: One room near the laboratory.

Morgue and autopsy: [1] may not be required in hospitals under 50 beds if other facilities such as undertaker or coroner are available. Where provided: Combination morgue and autopsy with mortuary refrigerator.

Radiology: Each hospital to have at least 1 radiographic room with adjoining darkroom, toilet, and office. Hospitals of 150 beds and over should have at least 1 additional radiographic room. The radiology department should have ray protection as required.

Physical therapy: [1] In hospitals of 100 beds and over: Space should be provided for electrotherapy, hydrotherapy, massage, and exercise. Equipment to be furnished when competent technician is acquired.

Pharmacy:
- Up to and including 100 beds: Drug room with minimum facilities for compounding.
- Over 100 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital.

(c) *Nursing department.*

General:
- No room should have more than 4 beds. Each room shall have a lavatory. Nursing units composed of multi-bed rooms shall have a quiet room. No patients' bed rooms shall be located on any floor which is below grade.

Approximately ⅓ of the hospital beds shall be in one-bed rooms, ⅓ in two-bed rooms, and ⅓ in four-bed rooms.[1]

Size of nursing unit: Not more than 35 beds.[1] Larger units permissible, if additional facilities are provided.

Minimum room areas: 80 sq. ft. per bed in two- and four-bed rooms. 100 minimum sq. ft. in one-bed rooms.

Service rooms in each nursing unit:
- Nurses' station.
- Utility room.
- Floor pantry (one per floor).
- Toilet facilities.
- Bedpan facilities.
- One bathroom.
- Stretcher alcove.[1]
- Linen and supply storage.
- Janitors' closet.

Isolation suite: One for each hospital unless contagious disease nursing unit is available in hospital.

Treatment room: [1] One for each two nursing units per floor.

Solarium: One for each nursing floor.[1]

Nurses' toilet room: One for each nursing floor.

In hospitals of 100 beds and over the maternity department shall be housed in a separate wing or floor.

(d) *Nursery department.*

Full term nursery:
- Area required: Not less than 24 square feet per bassinet, 30 square feet recommended.
- Number of bassinets: No more than 12 bassinets in each full term nursery, 8 recommended.
- Examination and work room: One examination and work room between each two full term nurseries.

Premature nursery: Recommended in hospitals of 16 or more maternity beds and required in hospitals of 25 or more maternity beds.
- Area required: 30 square feet per bassinet.
- Number of bassinets: Not more than six in each premature nursery.
- Workroom: Each premature nursery to have own work areas.

Suspect nursery:
- Area required: 40 square feet per bassinet.
- Number of bassinets: Approximately 10% of full term bassinets. Not more than 6 bassinets in each suspect nursery.
- Workroom: One workroom for each two suspect nurseries.

Formula room: Location in obstetrical nursery area or near kitchen optional.

(e) *Surgical department.* (Shall be located to prevent traffic through it to any other part of the hospital.)

Operating rooms:
- Major: One operating room for each 50 beds or major fraction thereof up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
- Cystoscopy: One in each hospital over 100 beds highly desirable. Should have an adjoining toilet room. Location in hospital optional.
- Fracture room: [1] One in each hospital over 100 beds. Shall have an adjoining splint room. Location in hospital optional.

Auxiliary rooms:
- Sub-sterilizing facilities.
- Scrub-up facilities.
- Nurses' locker room with toilet.
- Janitors' closet.
- Instrument storage.
- Clean-up room.
- Anesthesia equipment storage.
- Surgical Supervisor station.
- Doctor's locker room with toilet.
- Storage closet.
- Stretcher alcove.[1]
- Storage room for sterile supplies beginning at 100 beds.
- Dark room beginning at 100 beds.[1]

Central sterilizing and supply room:
- Divided into work space, sterilizing space and sterile storage space.
- Adjacent room for storage of unsterile supplies.
- Location in hospital optional.

(f) *Obstetrics department.* (Shall be located to prevent traffic through it to any other part of the hospital. Shall be completely separated from surgical department.)

Delivery rooms: One for each 20 maternity beds.

Labor beds: One for each 10 maternity beds.

Auxiliary rooms:
- Sub-sterilizing facilities.
- Scrub-up facilities.
- Clean-up room or utility room.
- Supervisors' station.
- Nurses' locker room with toilet starting at 50 beds.[1]
- Sterile storage closet.
- Stretcher alcove.[1]
- Janitors' closet.
- Doctors' locker room with toilet starting at 50 beds.

(g) *Emergency department.*

Accident room:
- With separate ambulance entrance.[1]
- Should be separated from operating suite and obstetrical suite.
- Additional facilities will depend on amount of accident work expected.

(h) *Service department.*

Dietary facilities:
- Main kitchen and bakery.
- Dietitian's office.
- Dishwashing room.
- Adequate refrigeration.
- Garbage refrigerator.[1]
- Can washing facilities.
- Day storage room.
- Personnel dining space.
- Provide 12 square feet per person; may be designed for multiple seatings.
- Cafeteria or table service optional.

Housekeeping facilities:
- Laundry; unless commercial or other laundry facilities are available, each hospital shall have a laundry of sufficient capacity to process full 7 days' laundry in work week and contain the following areas:
  - Sorting area.
  - Processing area.
  - Clean linen and sewing room separate from laundry.
  - Sewing room may be included in clean linen room in hospitals up to and including 100 beds.
  - Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.
- Housekeeper's office: May be combined with clean linen room in hospitals up to 100 beds.

Mechanical facilities:
- Boiler and pump room.
- Shower and locker facilities.[1]
- Engineers' space.
- Maintenance shops: In hospitals up to and including 100 beds at least one room shall be provided.[1] In larger hospitals separation of carpentry, painting and plumbing should be provided.
- For minimum requirements for mechanical and electrical work see the respective sections.

Employees' facilities:
- Nurses' locker room without nurses' residence:
  - Locker room: one locker for each two hospital beds.[1]
  - Rest room.
  - Toilet and shower room.
- Nurses' locker room with nurses' residence adjacent:
  - Rest room.
  - Lockers as required.
  - Toilet room.
- Female help lockers:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Male help lockers:
  - Locker room.
  - Toilet and shower room.
- Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.

Storage:
- Inactive record storage.
- General storage: 20 square feet per bed and to be concentrated in one area insofar as possible. Mechanical maintenance storage may be in a separate area.

(i) *Out-patient department.* (If survey indicated that the out-patient department is unnecessary it may be omitted.)

General:
- Out-patient department should be located on the most easily accessible floor. It should have convenient access to radiology, pharmacy, laboratory, and physical therapy.
- The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number of rooms required.
- An out-patient department may be combined with the public health center clinics if the health center is a part of the hospital.

Administrative:
- Waiting space with public toilets.
- Appointment and cashiers' office.
- Social service office.

Clinical:
- History or screening room.

[1] Desirable but not mandatory.

Clinical—Continued
- Examination and treatment rooms:
  - Eye, ear, nose, and throat room.[1]
  - Dental facilities (2 chairs desirable).[1]
- Utility room.

(j) *Contagious disease nursing unit.*[1] Where 10 or more beds are contemplated for nursing contagious diseases, they should be housed in a separate contagious disease nursing unit.

Patient rooms:
- A maximum of 2 beds in each room.
- Glazed partition between beds.[1]
- Patient rooms shall have a view window from corridor.
- Each patient room shall have a separate toilet and a lavatory in the room.

Each nursing unit shall contain:
- Nurses' station.
- Utility room.
- Nurses' work room.
- Treatment room.
- Scrub sinks strategically located in the corridor.
- Serving pantry with separated dishwashing room adjacent.
- Doctors' locker space and gown room.
- Nurses' locker space and gown room.
- Janitors' closet.
- Storage closet.
- Stretcher alcove.[1]

(k) *Pediatric nursing service.*[1]

Where 16 or more pediatric beds are contemplated, a separate pediatric nursing unit shall be provided and contain the following items:

General:
- Each bed in a multi-bedroom shall be in a clear glazed cubicle.[1]
- Each room shall have a lavatory.
- Patients' rooms wherever possible should have clear glazing between them and in the corridor partitions.

Minimum area:
- 80 square feet per bed in two-bed rooms and over.
- 100 square feet in single rooms.
- 40 square feet per bassinet in nurseries.

Each nursing unit shall contain:
- Nursery with bassinets in cubicles.
- Isolation suite.
- Treatment room.
- Nurses' station: with adjoining toilet room.
- Utility room.
- Floor pantry.
- Play room or solarium.
- Bath and toilet room: with raised free-standing tub and 50% children's fixtures.
- Bed pan facilities.
- Wheelchair and stretcher alcove.[1]
- Janitors' closet.
- Storage closet.

(l) *Psychiatric nursing unit in the general hospital.*[1]

General: Layout and design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. Care must be taken to avoid sharp projections of corners of structure, exposed pipes, heating elements, fixtures, etc., to prevent injury by accident.

Minimum room areas:
- 80 square feet per bed in 4-bed rooms.
- 100 square feet in single rooms.
- 40 to 50 square feet per patient in day rooms.

Each nursing unit shall contain:
- Doctors' office.
- Examination room.
- Nurses' station.
- Day room.
- Utility room.
- Bedpan facilities.
- Pantry.
- Dining room.
- Toilet room.

Each nursing unit shall contain—Continued
- Shower and bathroom.
- Continuous tub room (for disturbed patients).[2]
- Patients' laundry (personal) for women's wards only.
- Patients' locker room.
- Storage closet (for recreational and occupational therapy).
- Stretcher closet.
- Linen closet.
- Supply closet.
- Janitors' closet.

§ 53.135 *Tuberculosis hospital*—(a) *Administration department.*

From 50 up to and including 200 beds:
- Business office with information counter.[3]
- Medical social service office.[3]
- Medical director's office.
- Secretary's office.[3]
- Supervisor's office.
- Medical record and film filing room.[3]
- Viewing room, library [3] and conference room. Singly or in combination.
- Lobby and waiting room.
- Retiring room.[1]
- Toilets.

Over 200 and up to 500 beds:
- Business office and information counter.[3]
- Business manager's office.[3]
- Secretary.[3]
- Admitting office.[3]
- Two medical social service offices.[3]
- Medical director's office.
- Secretary.
- Assistant medical director's office.
- Supervisor's office.
- Secretary.
- Assistant director of nurses' office.
- Medical record room.[3]
- Library [3] and conference room.
- Staff lounge and locker room.
- Lobby and waiting room.
- Retiring room.[1]
- Toilets.

(b) *Adjunct diagnostic and treatment Facilities.*

Except for the morgue and autopsy this department should be preferably located convenient to both in- and out-patients.

Laboratory:
- Adequate facilities for chemical, bacteriological, serological, pathological and hematological services.

Basal metabolism and electrocardiography:
- One room near the laboratory.

Morgue and autopsy:
- From 50 up to and including 200 beds: combination morgue and autopsy room with mortuary refrigerator.[3]
- Over 200 and up to 500 beds:
  - Morgue with mortuary refrigerator.
  - Autopsy room.
  - Shower and toilet room.
  - Separate exit.

Radiology:
- From 50 up to and including 200 beds:
  - Radiographic room.[3]
  - Dark room.[3]
  - Dressing booths.[3]
  - Must be convenient to out-patient department as well as in-patients.
- Over 200 and up to 500 beds:
  - Radiographic room.
  - Dark room.
  - Dressing booths.
  - Viewing room.
  - Roentgenologist's office.
  - Film file room.
  - Must be convenient to out-patient department as well as in-patients.

[2] If required by program.

[3] These facilities need not be provided if the Tuberculosis Hospital is in connection with a general hospital in which such facilities exist.

Pharmacy:
- From 50 up to and including 200 beds: Drug room with minimum facilities for mixing.[2]
- Over 200 and up to 500 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital.

Dental and eye, ear, nose, and throat:
- From 50 up to and including 200 beds: Dental facilities (2 chairs desirable).[2] One eye, ear, nose, and throat room.[2]
- Over 200 and up to 500 beds: Dental facilities (2 chairs desirable). Eye, ear, nose, and throat room. Waiting room.

Occupational therapy:
- Library.
- Barber shop.
- Canteen.
- Assembly room.
- Flexible space for learning and working in crafts and classroom for patient instruction shall be provided.

(c) *Nursing department.*

General: At least 30 percent of the hospital beds should be in single rooms.[1] No room should have more than four beds.[1] Each room shall have a lavatory. No patients' bedrooms shall be located on any floor which is below grade.

Size of nursing unit: No nursing unit shall be larger than 50 beds.

Minimum room areas:
- 80 square feet per bed in two- and four-bed rooms.
- 100 square feet in one-bed rooms.

Service rooms in each nursing unit:
- Nurses' station.
- Utility room.
- Floor pantry (one per floor).
- Toilet and washroom:
  - Water closets—1 to each 8 patients.
  - Lavatories.
  - Dental basins.[1]
- Storage closet for supplies.
- Bath and shower room:
  - Bath tubs and/or showers—1 to 14 patients.
- Gowning space.
- Bed pan facilities.
- Linen closet.
- Janitors' closet.
- Space for wheel chairs and stretchers.[1]
- Storage closet for equipment.

Doctors' office and treatment room—one for each nursing unit.

Solarium: One for each nursing unit.

Sputum technique facilities.

Nurses' toilet room: One for each nursing floor.

Nurses' cloak closet—one for each nursing floor.

(d) *Surgical department.* (Shall be located to prevent traffic through it to any other part of the hospital.)

From 50 up to and including 200 beds:
- Major operating room.[2]
- Sterilizing room.[2]
- Central supply and work room.[2]
- Scrub-up facilities.[2]
- Clean-up room.[2]
- Storage closet.[2]
- Janitors' closet.[2]
- Doctors' locker room with toilet and showers.[2]
- Nurses' locker room with toilet and showers.[2]

Over 200 and up to 500 beds:
- Major operating room: One for each 200 beds or major fraction thereof.
- Minor operating and fracture room.
- Sub-sterilizing facilities.
- Clean-up room.
- Scrub-up facilities.
- Janitors' closet.
- Storage room for sterile supplies.
- Anesthesia storage.
- Surgical supervisor office.
- Doctors' locker room with toilet and shower.
- Nurses' locker room with toilet and shower.
- Storage closet.
- Stretcher alcove.
- Central sterilizing and supply room divided into work space, sterilizing space, and sterile storage space.
- Adjacent room for storage of unsterile supplies.

Pneumothorax suite:
- Pneumothorax room with dressing booths.
- Fluoroscopy room.
- Waiting space.
- From 50 up to and including 200 beds: One pneumothorax suite for 100 beds or major fraction thereof.
- Over 200 and up to 500 beds: One pneumothorax suite for 100 beds or major fraction thereof.

(e) *Service department.*

Dietary facilities:
- Main kitchen and bakery.[2]
- Dietitian's office.[2]
- Patients' dishwashing room.
- Staff and help dishwashing room.[2]
- Adequate refrigeration.[2]
- Garbage refrigerator.[2]
- Can washing room.
- Day storage room.[2]
- Help dining room.[2]
- Staff dining room.[2]
- Patients' dining space—to serve 40 percent of the patients.[2]
- Provide 12 square feet per person in dining rooms. May be designed for two seatings. Cafeteria or table service optional.

Housekeeping facilities:
- Laundry:[2]
  - Sorting area.
  - Processing area.
  - Clean linen room.
  - Sewing room.
- Laundry capacity shall be adequate to process full 7 days laundry in workweek.
- Housekeeper's office.
- Incinerator.

Mechanical facilities:[2]
- Boiler and pump room.
- Engineers' office.
- Shower and locker facilities.
- Maintenance shops:
  - Carpentry.
  - Painting.
  - Plumbing.
- For minimum requirements for mechanical and electrical work, see the respective sections.

Employees' facilities:[2]
- Nurses' locker room without nurses' residence:
  - Locker room with lockers as required.
  - Rest room.
  - Toilet and shower room.
- Where nurses' residence is adjacent provide only rest room and toilet.
- Female help locker room:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Male help locker room:
  - Locker room.
  - Rest room.
  - Toilet and shower room.

Storage:[2]
- General storage. Provide 20 square feet per bed, preferably concentrated in one area.
- Record storage.

Out-patient department:[2]
- Out-patient department should be located on most easily accessible floor. Must be convenient to radiology, pharmacy, and laboratory departments.
- Size will vary in different locations and with the availability of other examination and diagnostic facilities, and is not necessarily proportionate to the size of the hospital. The estimated patient load will determine the number, size, and scope of individual facilities in out-patient department.

Facilities required:

Administrative:
- Waiting room with public toilets.
- Information, appointment and records office.
- Medical social service office.
- Janitors' closet.

Clinical:
- History or screening room.
- Examination rooms.
- Dressing booths.
- Pneumothorax room.
- Fluoroscopy room.
- Utility room.
- Storage room.

§ 53.136 *Mental hospital*—(a) *General.* (1) A mental hospital should be on a large acreage with ample space around all buildings for recreation, attractive landscaping and the proper segregation of the various patient classification groups and building functions; and should be readily accessible to the community which it is to serve. It is strongly urged that mental hospitals be not greater than 1,500 beds.

(2) The mental hospital presents a special problem of patient classification, treatment and supervisory function. In the following minimum requirements an over-all organization is designated with certain supervisory or organizational functions mentioned in their most desirable, but not mandatory, locations and these may, therefore, be changed to other locations.

(3) Patients have been classified and grouped according to behavior, and requirements vary somewhat for each classification. Minimum room area requirements are grouped into the following main categories, as follows:

(i) Medical and surgical and chronic disease classification: 70 square feet per bed in alcoves and four-bed rooms; 100 square feet in single rooms.

(ii) Tuberculosis classification: 70 square feet per bed in alcoves and four-bed rooms; 100 square feet in single rooms.

(iii) Reception, convalescent, chronic disturbed, industrial classifications: 70 square feet per bed in alcoves and four- (or more) bed rooms; 80 square feet in single rooms.

(iv) Infirm and inactive: 60 square feet per bed in four- (or more) bed rooms; 80 square feet in single rooms.

(4) No patient bedrooms shall be located on any floor which is below grade.

(b) *Administration.* This area includes the administrative, business and public contact functions of the institution.

Location: Near main entrance to institution and close to reception area.

General:
- Entrance lobby.
- Public toilets (male and female).
- Information and telephones (main switchboard).
- Post office.
- Personnel toilets (male and female).
- Mechanical room.

[1] Desirable but not mandatory.

[2] These facilities need not be provided if the tuberculosis hospital is in connection with a general hospital in which such facilities exist.

Offices:
- Director.
- Assistant director.
- Conference room.
- Business administrator.
- Business.
- Public relations and services.
- Secretaries.
- Janitors' closet.

Medical:
- Central records office.
- Central records room.
- Inactive records storage.

(c) *Reception.* (1) This area includes the reception and treatment of new patients, most of whom will be entering a mental hospital for the first time. Since they are new patients, and in need of very careful treatment, it is necessary to separate and prohibit contact between patients in the following classifications of behavior:
- Quiet.
- Depressed.
- Disturbed.

(2) In addition, each of the above classifications should be separated by sexes, and each classification should have its own complete nursing units with all nursing facilities available, and each should be readily accessible to an outdoor area. All safety and security measures should be observed in this group. Intensive care and treatment will be given these new patients in an effort to cure them in the first few weeks of treatment. Should the patient fail to recover in this comparatively short period of time he will be sent to other nursing areas for continued treatment. Three other nursing areas will be classified according to the behavior of the patients which they are to house.

(3) The reception area should be set well apart from the other areas of the hospital, and should contain sufficient diagnostic, treatment, recreational and occupational facilities, to furnish complete treatment in order that these new patients may recover without having been transferred to the other areas of the mental hospital.

(4) The number of beds required in this reception area must be determined by study of the total receiving and intensive treatment facilities in the community which is served. The total number of beds in this and the convalescent area should be in accord with the admissions within a three- to six-month period.

Location: Near administration area.

General:
- Lobby.
- Visitors' toilets (male and female).
- Main visitors room with alcoves.
- Janitors' closets.
- Mechanical room.

Administration:
- Medical records office.
- Information.
- Chief psychiatrist's office and conference room.
- Secretaries' offices.
- Clinical psychologist's office.
- Chief of nursing service and staff.
- Chief of social service and offices.
- Personnel toilets (male and female).

Staff facilities:
- Doctors' toilet room.
- Nurses' lounge and toilet room.

Admission:
- Ambulance entrance.
- Patients' bath and toilet.[1]
- Utility room.[1]
- Examination and consultation rooms.

Adjunct diagnostic and treatment facilities:
- Minor surgery and treatment room.
- Portable X-ray storage room.[1]
- Dark room.[1]
- Small laboratory.[1]
- Patients' toilet and shower.
- Small treatment room (for shock therapy, etc.).
- Patients' exercise room (directly accessible to outdoor exercise yard).

Occupational therapy:
- Occupational therapy room (to be located near quiet patient units).
- Storage closets.
- Occupational therapists' office.[1]
- Barber and beauty shop.

Nursing units: The following classifications of nursing units of not more than 25 beds will be required:
- Quiet nursing units (male and female).
- Depressed nursing units (male and female).
- Disturbed nursing units (male and female).
- For small reception facilities a combination of patient classifications may be provided in one nursing unit of not more than 25 beds provided that contact between the patients of each classification may be prohibited or limited.

Suggested bed distribution of nursing units:

Each disturbed nursing unit:	*Patients*
Two 4-bed wards	8
Three 2-bed or 3-bed wards	6 or 9
Four or six 1-bed rooms	4 or 6
Two 1-bed rooms (isolation unit)[1]	2
Total	20 to 25

Each depressed nursing unit:	*Patients*
Two 4-bed wards	8
Two 3-bed alcoves	6
Four 1-bed rooms	4
(Isolation unit)[1]	2
Total	20

Quiet unit: Same bed distribution as disturbed nursing units.

Facilities in each nursing unit:
- Doctor's consultation room for each two units).
- Examination room.
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Small dining room and pantry:
  - Essential for disturbed.
  - Convenient for depressed.
  - Unnecessary for quiet.
- Patients' locker room.
- Linen closet.
- Patients' shower and bath room.
- Patients' dressing room.
- Patients' toilets.
- Patients' wash room.
- Continuous tub room (for disturbed units).[2]
- Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).
- Occupational therapy storage closet.
- Janitors' closet.

Dietary:
- Patients' dining room cafeteria service: this dining room will be used by patients from convalescent houses as well as from reception area (two seatings may be used).
- Janitors' closet.
- Coat room and toilets (male and female)[1]
- Kitchen (serving).
- Dishwashing room (enclosed).
- Employees' toilet.
- Patients' toilet (male and female).
- Refrigerated garbage storage.
- Can washing room.

[1] Desirable but not mandatory.

[2] If required by program.

(d) *Convalescent.* (1) This area is considered a part of the reception area and will house new patients who have been sent from the reception building, and who are expected to recover within six months to a year. Most of these patients will have the same classification as those in the reception area. Small complete nursing units, separate for each sex, should be provided. Special treatment, such as mechanical fever, electric shock, special electro and hydro therapy, and insulin, etc., can be given in the reception building.

(2) These patients will also use the dining room facilities of the reception area.

(3) In general, while most of these patients are continuing to receive intensive treatment, they are well enough and manageable enough to go freely or be escorted to their activities.

(4) The same security and safety measures are required as those for the reception area.

(5)

Location: Grouped by sexes near reception area.

General:
- Entrance lobby.
- Visitors' room with alcoves.
- Visitors' toilets (male and female).
- Attendants' locker and toilet room.
- Mechanical room.
- Nursing units (to contain not more than 50 beds).

Suggested bed distribution of each nursing unit:

	Patients
One 8-bed ward	8
Four 4-bed wards	16
Eleven 1-bed wards	11
Total	35

Facilities in each nursing unit:
- Doctors' consultation room (for each two units).
- Examination room.
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Pantry (one for each two nursing units).
- Patients' locker.
- Patients' toilet room.
- Patients' shower or bath room.
- Day room (40 to 50 square feet per patient—preferably divided into one large and one small room).
- Storage closet (occupational and recreational therapy equipment).
- Linen closet.
- Janitors' closet.
- Patients' wash room.
- One-third of the nursing units, for both men and women should have one continuous tub room.[2]

(e) *Chronic disturbed.* This area should be separate from the main group of mental hospital facilities and set apart from the nursing areas of other patient classifications because of possible noise or other disturbance. It will be used to treat restless, noisy, assaultive or suicidal patients and must be designed to provide the greatest security and observation. Since these patients are very active it is necessary to have an outdoor area or

exercise yard, and due to the amount of equipment and care these patients require, and the resulting necessary space for treatment, not less than two nursing units to a building are recommended.

Location: These buildings to be located away from the other nursing buildings.
General:
- Entrance lobby.
- Visitors' room.
- Visitors' toilets (male and female).
- Beauty shop (female buildings).
- Barber shop (male buildings).
- Attendants' locker and toilet room.
- Pantry (for two nursing units).
- Mechanical room.
- Enclosed exercise yard (100 square feet per patient).

Treatment facilities:
- Hydrotherapist's office and toilet.[2]
- Continuous tub room.[2]
- Linen storage facilities.[2]
- Patients' dressing room.
- Janitors' closet.
- Exercise room (near outdoor exercise yard).
- Storage closet (for small gymnasium equipment).

Nursing units (to contain not more than 30 beds):
Suggested bed distribution of each unit:

	Patients
One 8-bed ward	8
Two 4-bed wards	8
Ten 1-bed rooms	10
Total	26

Facilities in each nursing unit:
- Doctors' office with toilet (for each two units).
- Examination room.
- Nurses' station.
- Utility room.
- Patients' locker room.
- Patients' toilet room.
- Patients' wash room.
- Patients' shower and dressing room.
- Day room (40 to 50 square feet per patient). Preferably divided into (1) small room and (1) large room.
- Storage closet (recreational equipment).
- Occupational therapy room (one for each two units).
- Linen closet.
- Janitors' closet.

Dietary:
- Dining room—cafeteria service.
- Serving kitchen.
- Dishwashing room.
- Employees' toilet.
- Janitors' closet.

(f) *Infirm.* This area will house patients who are in need of considerable medical care and who may be infirm. The very sick will be transferred to the medical and surgical or chronic disease building, but these infirm patients will need constant and careful nursing. Minimum security and all safety measures will be required, and the nursing units should be complete with all facilities available and readily accessible to an out-door yard or area.

Location: Close to medical and surgical building.
General:
- Entrance lobby.
- Visitors' room.
- Visitor's toilets (male and female).
- Barber shop (male buildings).[1]
- Beauty shop (female buildings).[1]

[1] Desirable but not mandatory.
[2] If required by program.

General—Continued
- Attendants' locker and toilet room (male and female).
- Mechanical room.
- Enclosed yard (40 square feet per patient).[1]

Nursing units (to contain not more than 60 beds). Suggested bed distribution for each unit:

	Patients
Two 10-bed wards	20
Four 4-bed wards	16
Four 1-bed rooms	4
Total	40

Facilities in each nursing unit:
- Doctors' office (for each 3 units).
- Examination room.
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Pantry and dining room (one for each two units).
- Patients' locker room.
- Patients' wash room.
- Patients' toilet room.
- Patients' dressing room.
- Patients' shower or bath room.
- Day room (30 square feet per patient).
- Storage closet (for recreational and occupational therapy equipment).
- Linen closet.
- Wheel chair and stretcher closet.
- Janitors' closet.

Dietary:
- Serving kitchen.
- Dishwashing room.
- Employees' toilet.
- Janitors' closet.

(g) *Inactive.* This area will house patients who are lethargic. They need a considerable amount of attention, most of which will be furnished by the physical therapist and occupational therapist. They will be urged into activities furnished in the occupational and recreational therapy buildings, but some of the lighter occupational and physical therapy should be provided in this area. All security and safety measures will be required.

Location: In main group of nursing buildings and near gymnasium and recreation buildings.
General:
- Entrance lobby.
- Visitors' room.
- Visitors' toilets (male and female).
- Occupational therapy room.
- Attendants' locker and toilet room.
- Mechanical room.
- Enclosed yard (100 square feet per patient).[1]

Nursing units (to contain not more than 50 beds) suggested bed distribution (of each unit):

	Patients
Three 10-bed wards	30
Two 4-bed wards	8
Four 1-bed rooms	4
Total	42

Facilities in each nursing unit:
- Doctors' office (for each 3 units).
- Examination room.
- Nurses' station.
- Utility room.
- Bedpan facilities.
- Pantry (for each 2 units).
- Patients' locker room.
- Patients' wash room.
- Patients' toilet room.
- Patients' shower or bath room.
- Patients' dressing room.
- Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).

Facilities in each nursing unit—Continued
- Storage closet (for recreational and occupational therapy equipment).
- Linen closet.
- Janitors' closet.

Dietary:
- Dining room.
- Serving kitchen.
- Dishwashing room.
- Employees' toilet.
- Janitors' closet.

(h) *Industrial.* This area will house patients who are well enough to be occupied on the grounds, farm, industrial buildings, shops, kitchens, laundry, etc. Less supervision and care is necessary than in the other groups, and these patients can go to the out-patient department of the medical and surgical building for examination and treatment.

Location: In main group of nursing buildings near service buildings.
General:
- Entrance lobby.
- Visitors' room.
- Visitors' toilets (male and female).
- Attendants' locker and toilet room.
- Mechanical room.

Nursing units (to contain not more than 60 beds) suggested bed distribution:

	Patients
Two 16-bed wards	32
Two 8-bed wards	16
Four 1-bed rooms	4
Total	52

Facilities in each nursing unit:
- Doctors' office and examination room—one for each 3 units.
- Nurses' station.
- Patients' toilet.
- Patients' dressing room.
- Patients' shower room.
- Patients' locker room.
- Patients' wash room.
- Day room (40 to 50 square feet per patient) preferably divided into one small and one large room.
- Storage closet (for recreation equipment).
- Linen closet.
- Janitors' closet.

(i) *Medical and surgical.* This area will house patients who have been hospitalized from nursing units of other classifications for short periods of illnesses, and should be housed in a modern general hospital complete with all facilities to serve the entire mental hospital community. Nursing units should be arranged for easy segregation of patients and the adjunct diagnostic and treatment facilities are recommended to be on the first or ground floor for easy access to the out-patient department. All security and safety measures should be incorporated in this building. The number of beds shall be approximately 4 percent of the total patients which this building serves.

Location: Between main group of nursing area and reception area.
General:
- Entrance lobby.
- Information counter.
- Visitors' toilets (male and female).
- Mechanical room.

Administration:
- Chief physician's office.
- Medical record room.
- Head nurse's office.
- Secretaries' offices.
- Personnel toilets (male and female).

Staff facilities:
- Doctors' locker and shower room.
- Nurses' locker and shower room.

Adjunct diagnostic and treatment facilities:
- Laboratory: Separate spaces for office, clinical pathology, bacteriology and serology, washing and sterilizing.
- Basal metabolism and electrocardiography: Near laboratory and convenient to out-patient department.
- Morgue and autopsy room:[1] Combination morgue and autopsy with mortuary refrigerator.
- Radiology:
  - Radiographic room with an adjoining dark room and office.
  - X-ray therapy suite.[1]
- Physical therapy: Suite for electro-therapy, hydro-therapy, and exercise room with adjoining office.
- Pharmacy: Drug room with minimum facilities for mixing. (May be in service area).

Nursing units (to contain not more than 30 beds) suggested bed distributions:
Medical wards (25 beds each):

	Patients
Two 4-bed wards	8
Three 2-bed rooms	6
Nine 1-bed rooms	9
Isolation suite[1]	2
Total	25

Surgical wards (25 beds each) same as medical wards.
Employees' wards:[1] Maximum size, 25 to 30 beds.

NOTE: Where isolation suite or contagious disease nursing unit is available the small units in each nursing unit are not required.

Facilities in each nursing unit:
- Doctors' examination room (one for each two nursing units).
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Pantry (one for each two nursing units).
- Patients' bath and shower room.
- Supply closet.
- Patients' toilet room (male and female).
- Day room (approximately 25 square feet per patient). Omit for employees' wards.
- Storage closet (recreational and occupational therapy equipment).
- Stretcher and wheel chair closet.
- Linen closet.
- Janitors' closet.

Surgical department: Should be located to prevent traffic through it to any other part of hospital.
Operating rooms:
- Major: One for each 50 beds up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
- Minor: One in each hospital over 50 beds.
- Cystoscopy:[1] One in each hospital over 100 beds. Shall have an adjoining toilet room.
- Fracture room: One in each hospital over 100 beds. Shall have an adjoining splint room.

Auxiliary rooms:
- Substerilizing facilities.
- Scrub-up facilities.
- Nurses' locker room with toilet and shower.
- Instrument room beginning at 100 beds.
- Clean-up room.
- Anesthesia equipment storage.
- Surgical supervisor's station.
- Doctors' locker room with toilet and shower.
- Storage closet.
- Stretcher closet.
- Storage room for sterile supplies beginning at 100 beds.
- Janitors' closet.
- Dark room beginning at 100 beds.

[1] Desirable but not mandatory.

Central sterilizing and supply room:
- Divided into work space, sterilizing space, and sterile storage space.
- Adjacent room for storage of unsterile supplies.

Emergency department:
- Ambulance entrance.
- Receiving bath and toilet.
- Utility room.
- Supply and stretcher storage.
- Emergency operating room, near out-patient department.

Service department:
- Kitchen (serving).
- Dishwashing room.
- Refrigerated garbage room.
- Can washing room.
- Dining rooms (for ⅓ of patients).
- Storage.
- General storage (20 square feet per bed).
- Housekeepers' office.
- Linen storage room.
- Sewing room.
- Linen sorting room.
- Personnel facilities:
  - Locker and toilet rooms (male and female).
  - Attendants' locker and toilet rooms (male and female).

Out-patient department:
- Waiting room.
- Examination and treatment rooms (including eye, ear, nose and throat rooms and gynecology room[1]).
- Record room.
- Dental facilities (2 chairs desirable).
- Electroencephalographic unit.

NOTE: Out-patient department should be convenient to radiology, laboratory, therapy, emergency, etc.

(j) *Chronic disease.* (1) This area will house patients who have chronic illness, or who are in need of intensive treatment and nursing care or those who, because of infectious diseases, need to be isolated.

(2) Nursing units of this classification should be attached to the medical and surgical building for easy access to the diagnostic and treatment facilities.

(3) Not all of these nursing units need have maximum safety and security measures.

(4) The number of beds shall be approximately 7.5 percent of the total number of patients which these buildings serve.

Location: Attached to medical and surgical building.
General: Corridors to service department and adjunct facilities.
Nursing units (to contain not more than 30 beds) suggested bed distribution (of each nursing unit):

	Patients
Two 4-bed wards	8
Three 2-bed wards	6
Eight 1-bed rooms	8
Total	22

Facilities in each nursing unit:
- Doctors' office (for each 2 units).
- Examination room.
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Pantry (for each 2 nursing units).
- Dining room (for ½ of patients in nursing unit).
- Patients' locker room.
- Patients' wash room.
- Patients' toilet.
- Patients' dressing room.
- Patients' shower or bath room.
- Day room (30 square feet per patient).
- Closet (recreational and occupational therapy equipment).
- Stretcher and wheel chair closet.

Facilities in each nursing unit—Continued
- Linen closet.
- Janitors' closet.

(k) *Tuberculosis.* (1) For patients of this classification, it is recommended to use the requirements of the tuberculosis hospital. In addition, patients will be grouped according to behavior as Quiet or Disturbed. Security and safety measures comparable to those of the reception area are required.

(2) The number of beds shall be determined as approximately 5 percent of the total patients which this building serves.

(l) *Gymnasium, theater, recreation, library and chapel.* (Combination or separate buildings acceptable.)

Location: Adjacent to main group of nursing and reception areas.
General:
- Entrance lobby.
- Coat rooms and toilets (male and female).
- Personnel toilets (male and female).
- Mechanical room.

Theater facilities:
- Office.
- Hall (seating capacity based on 7 square feet per person with 40 percent attendance of patients and personnel).
- Projection booth.
- Stage.
- Dressing rooms with toilets (two for each sex).
- Work shop.

Chapel facilities:
- Three offices for ecclesiastics.
- Toilets.
- Three small prayer rooms.
- Portable altars (where chapel is not separate).
- Storage rooms.

Gymnasium facilities:
- Recreational therapists' office.
- Personnel locker and toilet rooms (male and female).
- Patients' locker and toilet rooms (male and female).
- Basketball court (standard college size plus space for collapsible seating).
- Small gymnasium (for exercise equipment).
- Storage rooms.

Recreation facilities:
- Chief recreational therapist's office.
- Bowling alleys (with space for spectators).
- Billiard room.
- Ping pong room.
- Patients' barber shop.
- Patients' beauty shop.
- Canteen (for light lunch, drinks, etc.):
  - Office and table areas.
  - Cooking and fountain areas.
  - Dishwashing and sterilizing.
  - Storage.
  - Garbage refrigeration.[1]
  - Can washing facilities.
- Sales rooms.
- Storage room.

Library:
- Librarians' office.
- Reading room (current and request matter).
- Stock room.
- Work room and storage space.

Music rooms:
- Music therapists' office.
- Music room (approximately 500 square feet with portable stage).
- Store rooms.
- Music rooms (approximately 250 square feet).

(m) *Occupational therapy.*

Location: Adjacent to main group of nursing areas and reception area.

General:
- Entrance lobby.
- Patient coat room and toilets (male and female).
- Personnel coat room and toilets (male and female).
- Mechanical room.

Administration: Office for occupational therapist.
Facilities:
- Open floor space (for occupational equipment).
- One or more special purpose rooms.
- Storage rooms (for materials and equipment).
- Industrial therapy occupations should be located near the service group of buildings.

(n) *Central kitchen and dining rooms.*

Location: In main group of nursing buildings.
General: Load on dining rooms, kitchens and preparation will vary; see requirements of each.
- Men patients' coat room and toilet.[1]
- Women patients' coat room and toilet.[1]
- Men attendants' coat room and toilet.
- Women's attendants' coat room and toilet.
- Dining rooms: Patients' and personnel (capacity 15 square feet per person).

Kitchen:
- Dietitians' office and toilet.
- Complete cooking and baking facilities.
- Dishwashing room.
- Preparation (meat and vegetables).
- Adequate refrigeration.
- Day storage.
- Garbage refrigeration.[1]
- Can washing facilities.
- Janitors' closet.
- Personnel lockers and toilets.

(o) *Storage buildings.*

Location: In service groups of buildings.
General: Area (20 square feet per patient).

(p) *Laundry.* Adequate to process seven full days of laundry per work week.

Location: In service group of buildings.
Facilities:
- Manager's office and toilet.
- Receiving room.
- Sorting area.
- Contaminated receiving room.
- Sterilizing room.
- Processing room.
- Clean linen storage.
- Sewing room.
- Personnel locker and toilet room.

(q) *Heating plant.*

Location: In service group of buildings.
General:
- Heating plant (to be determined by engineering studies).
- Emergency generating facility.
- Office.
- Personnel toilets.
- General repair shop.
- Carpenter shop.
- Electrical shop.
- Plumbing shop.
- Paint shop.

(r) *Incinerator.* As required. See § 53.153 (a) (13).

§ 53.137 *Psychiatric hospital.*—(a) *General.* (1) The principles of psychiatric safety shall be followed throughout. Materials and details of construction shall be such that patients will not be afforded opportunity for escape, suicide, etc. Care must be taken to avoid sharp projections of corners of structure, exposed piping, heating elements, fixtures, hardware, etc.

[1] Desirable but not mandatory.

(2) For requirements of sizes of doors, widths of corridors, sizes of elevators, provisions for ventilation, fire protection, etc., see sections on Details, Finishes, etc.

(b) *Administration department.*

Up to and including 100 beds:
- Business office with information counter.
- Chief psychiatrist's office.
- Chief psychologist's office (if there is no out-patient department).
- Record office.
- Director of nurses' office.[1]
- Social service offices (if there is no out-patient department to be near receiving).
- Staff lounge.
- Lobby.
- Public toilets.

From 100 to 500 beds:
- Business office.
- Chief psychiatrist's office.
- Chief psychologist's office (if there is no out-patient department).
- Social service offices (if there is no out-patient department).
- Director of nursing.
- Record room.
- Staff lounge.
- Library and conference room.
- Lobby.
- Public toilets.
- Toilets for administrative personnel.

(c) *Receiving department.*

Facilities for male and female receiving:
- Entrance hall.
- Dressing room.
- Bath and toilet room.
- Medical examination room.
- Waiting room.
- Stretcher closet.
- Clerks' offices.
- Doctors' office.

(d) *Adjunct diagnostic and treatment facilities.*

Laboratory:
Up to and including 100 beds:
- Office.
- Laboratory.

Over 100 beds: Separate spaces for office, clinical pathology, bacteriology, washing and sterilizing.

Basal metabolism and electrocardiography:
Up to and including 100 beds: No special provision necessary.
Over 100 beds: Room near laboratory and convenient to out-patient department.

Morgue and autopsy: Combination morgue and autopsy with mortuary refrigerator. (Is not required in hospital of less than 100 beds if similar facilities are available nearby.)

Dental facilities (2 chairs desirable).
Eye, ear, nose and throat suite.
Electro-encephalographic suite.
Radiology:
Up to and including 100 beds: One radiographic room and dark room and convenient to out-patient department.
Over 100 beds: At least one additional radiographic room.

Physical therapy:
- Electro-therapy.
- Hydro-therapy with exercise space.
- Continuous tub and pack room.[2]
- Small gymnasium, convenient to outdoor area, and to disturbed patients.

Pharmacy: One room with minimum facilities for compounding.
Occupational therapy:
- Space for small woodworking tools and benches for carpentry, metal work, leatherwork, printing, weaving, rug making, etc.
- Office.
- Storage room.

[2] If required by program.

(e) *Surgical department.*

Operating rooms:
- Major: One.
- Minor: One, with adjoining splint room.

Auxiliary rooms:
- Sub-sterilizing facilities.
- Scrub-up facilities.
- Clean-up room.
- Anesthesia room.[1]
- Anesthesia storage.
- Doctors' locker room with toilet.
- Nurses' locker room with toilet.
- Storage closet.
- Stretcher closet.
- Janitors' closet.
- Storage room for sterile supplies and instruments.
- Surgical department to be located to prevent traffic through it from other parts of the hospital.
- Central sterilizing and supply room—divided into work space, sterilizing space, and sterile storage—adjacent room for storage of unsterile supplies.

(f) *Nursing department.*

General: The layout and the design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. No patients' bedrooms shall be located on any floor which is below grade. Provision shall be made for the following classifications:
- New admissions (male).
- New admissions (female).
- Quiet ambulant (male).
- Quiet ambulant (female).
- Medical and surgical.
- Disturbed (male).
- Disturbed (female).
- Alcoholic (male).
- Alcoholic (female).
- Criminalistic (male).
- Criminalistic (female).
- Children.

Minimum room areas:
- 80 square feet per bed in alcoves and four-bed rooms.
- 100 square feet in single rooms.
- 40 to 50 square feet per patient in day rooms and preferably divided into one large and one small room.

Facilities for each nursing unit:
- Doctors' office and examination room.
- Nurses' station and toilet.
- Day rooms.
- Utility room.
- Pantry.
- Dining room.
- Wash room and toilets.
- Patients' locker.
- Shower and bath room.
- Storage closet (for recreational and occupational therapy).
- Supply closet.
- Linen closet.
- Janitors' closet.
- Stretcher closet (medical and surgical unit).
- Bedpan facilities (medical and surgical unit).

Isolation suite: In medical and surgical unit.

(g) *Service department.*

Dietary facilities:
- Main kitchen and bakery.
- Dietitians' office.
- Dishwashing room.
- Adequate refrigerators.
- Garbage refrigerator.[1]
- Can washing room.
- Day storage room.
- Staff dining room. (12 square feet per person).

Housekeeping facilities:
- Laundry (if provided): Capacity shall be adequate to process full 7 days laundry in work week.
- Sorting area.

Housekeeping facilities—Continued
- Processing room.
- Clean linen and sewing room separate from laundry.

Housekeeper's office: Near linen storage.
Mechanical facilities:
- Boiler room and pump room (if provided).
- Engineers' office.
- Shower and locker room.
- Maintenance shops—carpentry, painting, mechanical repair rooms.

Employees' facilities:
- Nurses' locker rooms. If no nurses residence:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Attendants' locker rooms. If no attendants residence (male and female):
  - Locker room.
  - Toilet and shower rooms.
- Other female help lockers:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Other male help lockers:
  - Locker room.
  - Toilet and shower room.

Storage:
- Record space.
- General storage: 20 square feet per bed and to be concentrated in one area.

(h) *Out-patient department.* (If provided.)

General:
- Located on the ground floor. Entrance separate from main entrance of hospital.[1] It must be convenient to radiology, laboratory and physical therapy.
- The patient load must be estimated in order to determine the number of consultation and examining rooms.

Facilities required:
Administrative:
- Waiting room with public toilets.
- Cashiers' and appointment office.
- Social service offices.
- Psychological examination rooms.
- Medical examination rooms.
- Utility rooms.
- Children's rooms.

§ 53.138 *Chronic disease hospital.* The facilities listed below need not be provided if functionally available in an adjoining hospital.

(a) *Administration department.*

- Business office with information counter, telephone switchboard, and cashier's window.
- Administrator's office.
- Director of nurses' office.
- Medical Director's office.
- Medical record room.
- Medical social service office.
- Combination conference room, doctors' lounge, and staff library.
- Lobby and waiting room.
- Public telephone.
- Public toilets.
- Personnel toilets.[1]

(b) *Adjunct diagnostic and treatment facilities.*

Except for the morgue and autopsy room, these facilities should be located convenient to both inpatients and outpatients.

Laboratory:
- Adequate facilities for chemical, bacteriological, pathological and hematological services.
- Basal metabolism and electrocardiography facilities.
- Morgue and autopsy room: In Chronic Disease Hospitals of 100 beds or more. Desirable but not mandatory in Chronic Disease Hospitals of under 100 beds if such services are available locally.

[1] Desirable but not mandatory.

Radiology:
- Each Chronic Disease Hospital to have at least one radiographic room with toilet, adjoining dark room, film filing space and dressing facilities.

Pharmacy:
- Drug room with minimum facilities for compounding and dispensing. Complete pharmacy may include facilities for bulk compounding and solution preparation depending on policy of hospital.

Physical therapy:
- Examination room.
- Office and work space for physical therapy staff.
- Rehabilitation gymnasium for adults.[2]
- Rehabilitation gymnasium for children if children are included in program.[2]
- Hydrotherapy area.[2]
- Thermotherapy and massage area.[2]
- Storage for supplies and equipment.
- Outdoor exercise area.[2]

Occupational therapy:
- Office and work space for occupational therapy staff.
- Therapy area:
  - In large units space should be divided for diversified work. (Separate room for children is desirable.)
- Storage for supplies and equipment.

Toilet facilities for physical therapy and occupational therapy departments.
Facilities for teaching activities of daily living.
Speech and hearing facilities: [2]
- Offices for therapists and space for examination and treatment.

Artificial appliance facilities: [2]
- Space for fitting and adjustment service.

(c) *Out-patient department.*

Should be provided only if survey indicates that an out-patient department is needed.
Should be located on the most easily accessible floor and have convenient access to radiology, pharmacy, laboratory and rehabilitation facilities.
The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number and type of rooms required.

Administration:
- Waiting space with public toilets.
- Appointment and cashier's desk.
- Medical social service office.

Clinical:
- Examination and treatment rooms: Number and specialties to be determined by the character of the patient load.
- Utility room.

(d) *Nursing department.*

General: No patients' room shall have more than 4 beds. Six beds, not more than 3 beds deep from outside wall, will be permitted in chronic disease hospitals of 100 beds or more. Not more than 2 beds per patients' room is desirable. Each patients' room shall have a lavatory. A toilet room with lavatory accessible from adjoining patients' room is recommended. Each nursing unit shall have a separation room. No patients' rooms shall be located on any floor which is below grade.

Size of nursing unit:
- Should not be more than 40 beds. Larger units will be permitted if additional service facilities are provided as required.

Minimum patients' room areas:
- 80 square feet per bed (100 square feet desirable) in multi-bed patients' rooms; 100 square feet per bed (125 square feet desirable) in one-bed patients' rooms.

[2] If required by program.

Service facilities in each nursing unit:
- Nurses' station.
- Nurses' toilet.
- Utility room.
- Treatment room.
- Floor pantry.

Solarium:
- Provide 25 square feet per bed for 75 percent of beds on nursing unit.

Dining room:
- Provide 25 square feet per bed for 75 percent of beds on nursing unit.

The percentage of the beds for which solarium and dining area must be provided may be reduced depending on the type of patient to be cared for.
It is recommended that the dining and solarium areas be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities:
- If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 8 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
- If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.

Bedpan facilities.
Bathing facilities:
- 1 bathtub.
- 1 shower. (A separate bath room for each sex, containing at least one bathtub and one shower, is recommended. A ratio of one bathtub or one shower for each 10 beds is desirable.)

Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Patient's laundry.[1]

NOTE: [2] It is recommended that a specially designed nursing unit, similar to that required in the section on rehabilitation facilities in a hospital, be provided for rehabilitation patients in the chronic disease hospital.

(e) *Surgical department.*[2]

Shall be located to prevent traffic through it to any other part of the hospital.

Major operating room.
Scrub-up facilities.
Anesthesia equipment storage.
Clean-up room.
Storage closet.
Janitor's closet.
Central sterilizing and supply room.

If a surgical department is not included the central sterilizing and supply room must be provided elsewhere in the hospital.

Doctors' locker room with toilet. (Shower desirable but not mandatory.)
Nurses' locker room with toilet. (Shower desirable but not mandatory.)

(f) *Dental department.*

Facilities for dental diagnosis, treatment and laboratory procedures.

(g) *Service department.*

Dietary facilities:
- Main kitchen and dieto-therapy facilities.
- Dietitians' space.
- Appropriate food service facilities.
- Dishwashing room.
- Adequate refrigeration.
- Garbage disposal facilities.
- Day storage room.
- Personnel dining room: Provide 12 square feet per person. May be designed for multiple seating.

Janitor's closet.

Housekeeping facilities:
Laundry; unless commercial or other laundry facilities are available, each chronic disease hospital shall have a laundry of sufficient capacity to process full 7 days laundry in work week and contain the following areas:
Sorting area.
Processing area.
Clean linen and sewing room separate from laundry.
Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.
Housekeeper's office.
Mechanical facilities:
Boiler and pump room.
Desk space for engineer.
Shower and locker facilities.[1]
Maintenance shops: In hospitals up to and including 100 beds at least one room shall be provided. In larger hospitals separation of carpentry, painting, and plumbing should be provided.
Employees' facilities:
Nurses' lockers: [4]
Locker room: one locker for each 2 hospital beds.
Rest room.
Toilet room (Shower desirable but not mandatory.)
Female help lockers: [4]
Locker room.
Rest room.
Toilet room. (Shower desirable but not mandatory.)
Male help lockers:
Locker room.
Toilet room. (Shower desirable but not mandatory.)
Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.
Storage:
Inactive record storage.
Patients' clothes storage room.
General storage: 20 square feet per bed and to be concentrated in one area.
Storage of outdoor equipment.[1]

§ 53.139 *Nurses' residence.*

Rooms:
One nurse per room: [1]
100 square feet in single rooms.
150 square feet in double rooms.
Lavatory in each room.
Closet or wardrobe for each nurse.
No nurses' rooms shall be located on any floor which is below grade.
Common floor facilities:
Lounge with kitchenette to serve 30 to 60 nurses.
Laundry room with 2 trays and 2 ironing boards to serve 30 to 60 nurses.
Bath room: One shower or tub for each 6 beds.
Toilet room: One water closet for each 6 beds and 1 lavatory for each 3 water closets.
Linen closet.
Janitors' closet.
Telephone facilities.[1]
General facilities:
Lobby.
Office.
Main lounge (with alcoves [1]).
Men's toilet (off lobby).
Storage room for trunks.
Laundry distribution room.[1]
Employees' toilet room.[1]
Boiler room (if facilities not available elsewhere).

§ 53.140 *School of nursing*—(a) *Teaching facilities.*

One science laboratory room.
One dietetics laboratory room.
One nursing arts laboratory with adequate facilities.
One classroom to accommodate approximately twice the number of students as the nursing arts laboratory.
One lecture room to accommodate total student body.
One library.

(b) *Offices.* Offices for instructors.

(c) *General.*

Storage room convenient to class rooms.
Toilet room.
Janitors' closet.

§ 53.141 *Public health centers*—(a) *Administration.*

Where health department administration personnel has no offices in health center:
Waiting room.
Public toilets.
Office for public health nurses.
Staff toilets
Assembly space: Waiting room may be used for this purpose where health centers serve under 30,000 population.
Where health department administration offices are provided in health centers add:
Health officer's office.
Office for sanitary engineers.
Health education office.
Staff room and library: In health center for over 30,000 population.

(b) *Clinical.* The clinical services and extent of such services, provided in the health center will depend on the program contemplated by the health department to take care adequately of the particular needs of the population served by the health center.

For populations up to 30,000:
Two examination rooms for maternal and child health, V. D. and TB clinics.
Consultation room.
Utility room.
Dental room.[1]
For population over 30,000, if the following services are provided, they shall include areas noted as follows:
Maternal and child health:
Demonstration room.
Examining room.
Toilet.
Tuberculosis and X-ray:
X-ray room with dressing booths.
Dark room.
Consultation and viewing room.
Venereal disease:
Examination room.
Treatment room.
Consultation room.
Toilet.
Dental:
Dental facilities (2 chairs desirable).
Small dental laboratory.
Pharmacy: Dispensing room.

(c) *Laboratory.* The volume and type of laboratory tests in the health center will vary with local conditions and will determine the size of the laboratory. Such factors as density of population, area to be served, type of center (municipal, county, or rural), its use as a branch of the State laboratory and availability of other laboratory facilities must be considered.

One room is required for urinalysis, hematology, and dark field examinations for syphilis and storage of biologicals furnished by the State Health Department.
Where food control, sanitation and communicable disease work is contemplated another room shall be furnished for this purpose.

(d) *Service.*

General storage areas:
Bulk office and janitors' supplies.
Bulk clinical supplies.
Educational material.
Storage closets:
Office supplies.
Medical supplies.
Educational material.
Janitors' closet: Centrally located.
Heating plant.

§ 53.142 *State public health laboratory*—(a) *Administration department.*

Director's office.
Secretary's office.
Assistant Director's office.
Information desk and switchboard.
Clerical office.
Office supply room.
Library.
Staff meeting room.
Records and filing room.
Mailing and receiving room for incoming specimens, distribution of containers and of biologicals.
Specimen and emergency treatment room.

(b) *Bacteriology department.*

Office.
Water, food and milk laboratory.
Enteric disease and agglutination laboratory.
Tuberculosis laboratory.
Diagnostic laboratory.
Incubator room.
Sterile room.
Rabies room.
Adequate refrigeration.

(c) *Syphilis serology department.*

Office.
Laboratory: Section of room separated by partitions for centrifuges and preparation of specimens.

(d) *Chemistry department.*

Office.
Laboratory: Facilities for water, food, drug, toxicology, and/or industrial hygiene analyses.
Instrument room: Facilities for darkening.

(e) *Research and investigation.*

Laboratory: Complete laboratory facilities within unit.

(f) *Biologicals department.*

Adequate refrigeration.
Deep freeze unit.
Room temperature storage.

(g) *Central services.*

Culture media and reagent preparation room.
Glassware cleaning room.
Acid cleaning unit.
Sterilizing room for culture media and clean glassware only.
Supply room for storage and issue of sterile supplies, general supplies, chemicals, and glassware. Adjacent to sterilizing and glassware cleaning room.
Bulk storage room.
Janitor service room.
Maintenance and utilities unit: Provisions for metal and woodwork, and glassblowing.
Incinerator (animal).
Animal quarters:
Animal rooms.
Room for cleaning and sterilizing cages.
Preparation room for food and bedding.
Operating and animal inoculation room.

(h) *Facilities for personnel.*

Men's locker room with washroom and shower.
Women's locker room with washroom and shower.
Rest room.
Lunch room.
Staff toilets.

(i) *Additional facilities.* If the following activities are included, minimum requirements will be as follows:

Consultation and evaluation service to local laboratories:
Office.
Laboratory.
Manufacture of biologicals: This department, including Blood and Blood Products, shall be adequately isolated from the other laboratories. In the case of smallpox and tetanus vaccine preparation separation may be satisfactory in the same building if a separate entrance is provided and no interior connection exists to this department. A separate mechanical ventilating system must be provided.
Office.
Laboratory: Cubicles for isolation work.
Culture media room.
Sterile room.
Sterilizing room.
Glasswashing room.
Adequate refrigeration.
Deep freeze unit.
Storage room, controlled temperature.
Packaging room.
Blood and blood products:
Laboratory: Space and equipment for processing.
Sterile room.
Office (may be shared with biologicals department).
Adequate refrigeration (may be shared with biologicals department).
Storage room (may be shared with biologicals department).
Pathology department: Laboratory.
Clinical laboratory department: Laboratory.
Virology department: This department shall be efficiently isolated from other laboratories including a separate mechanical ventilating system:
Office.
Laboratory: Cubicles for isolation work.
Sterile room.
Sterilizing room.
Inoculation and operating room.
Animal quarters:
Facilities for storage of food and bedding.
Cleaning and sterilizing of cages.
Locker room with washroom and shower.

§ 53.143 *Diagnostic or treatment centers*—(a) *General.* (1) The extent of the diagnostic, treatment, and ancillary facilities will be determined by the services contemplated and the estimated patient load.

(2) Where the facility is to be an integral part of a hospital, the requirements of adjunct diagnostic and treatment facilities and outpatient department of general hospital, § 53.134 (b) shall apply.

(3) Where a diagnostic or treatment center is not to be an integral part of a hospital, then the facilities listed below must be provided unless available for convenient use in an associated health facility.

(4) The planning of diagnostic or treatment centers should provide for the privacy of the patient during interview, examination, and treatment.

(b) *Administration facilities.*

Administrative, business, and receptionist space.
Medical records space.
Waiting space.
Public telephone.

(c) *Diagnostic facilities.* (In certain types of specialized projects, such as mental health clinics, the need for radiological and laboratory facilities will be determined by the services contemplated.)

Radiographic room with adjoining dark room.
Utility and sterilizing facilities.
Laboratory.

(d) *Diagnostic and treatment facilities.* If medical examination and/or treatment are to be included the following shall be added:

Consultation, examination and treatment space is required by the services contemplated.

(e) *Service facilities.*

Storage.
Janitor's closet.
Employees' locker facilities.
Toilet facilities.
Boiler room.
Incinerator.
Accessible parking space.[1]

§ 53.144 *Rehabilitation facilities (general).* (a) Wherever possible rehabilitation facilities should be located on the ground floor. The evaluation and treatment facilities should be grouped to facilitate integration of the program and located for convenient access by inpatients and outpatients.

(b) In determining the size of facilities for in and outpatient services, it should be considered that the outpatient load is usually much larger than the inpatient load.

§ 53.145 *Rehabilitation facilities (multiple disability) in a hospital.* The facilities listed in this section which are in an existing hospital and which are conveniently located and available for use need not be provided.

(a) *Administration.*

Appointment and cashier's space.
Office for volunteer services coordinator.[1]
Lobby and waiting room.
Public telephone booth.
Public toilets.
Personnel toilets.[1]

(b) *Evaluation and treatment facilities.*

Conference and library room.
Medical facilities:
Offices, examination rooms and work space for medical personnel such as physicians and nurses.
Dental facilities: [2]
Office and work space for provision of appropriate dental treatment.
Physical therapy:
Office and work space for physical therapy staff.
Rehabilitation gymnasium for adults.
Rehabilitation gymnasium for children if children are included in program.[1]
Hydrotherapy area.
Thermotherapy and massage area.
Storage for supplies and equipment.
Outdoor exercise area.[1]
Occupational therapy:
Office and work space for occupational therapy staff.
Therapy area:
In large units space should be divided for diversified work (separate room for children is desirable).
Medical facilities—Continued
Storage space for supplies and equipment.
Facilities for teaching activities of daily living.
Speech and hearing facilities: [2]
Offices for therapists and space for examination and treatment.
Artificial appliance facilities:
Space for fitting and adjustment service.
Psychological facilities:
Office and work space for psychological testing evaluation and counseling.
Social service facilities:
Office space for private interview and counselling.
Vocational facilities:
Office and work space for counseling, evaluation, prevocational programs and placement. A prevocational area is not required for facilities exclusively serving children under the age of 12.
Special education:
Schoolroom for children if children are included in program.
General facilities:
Locker, toilet and shower facilities for patients.
Clean and soiled linen facilities.
Locker and toilet facilities for female volunteers.[1]
Locker and toilet facilities for male volunteers.[1]

(c) *Nursing unit for adults.*[1]

General: It is recommended that this unit be located on the ground floor near the treatment area. Approximately one-fifth of the beds should be in two-bed rooms, the remainder in four-bed rooms. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' rooms. A toilet room, with lavatory, accessible from adjoining patients' rooms, is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit:
Not more than 50 beds, 35 to 40 beds recommended.
Minimum patients' room areas:
100 square feet per bed in multi-bed patients' rooms.
Service facilities in each nursing unit for adults:
Nurses' station.
Nurses' toilet.
Utility room.
Examination and treatment room.
Floor pantry.
Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities.
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities.
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.

[1] Desirable but not mandatory.
[4] May be combined.

[1] Desirable but not mandatory.
[2] If required by program.

Service facilities in each nursing unit for

Office for volunteer services coordinator.[1]

Service facilities in each nursing unit for adults—Continued
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).
Patients' laundry.[1]

(d) *Nursing unit for children.*[1]

General: It is recommended that this unit be located on the ground floor near the treatment area. No patients room should have more than 4 beds. Provide 2 two-bed rooms in each nursing unit. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' room. A toilet room, with lavatory, accessible from adjoining patient's room is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit:
Not more than 30 beds.
Minimum room areas:
100 square feet per bed in two-bed and four-bed rooms. 80 square feet per bed recommended for crib room if provided.
Service facilities in each nursing unit for children:
Nurses' station.
Nurses' toilet.
Utility room.
Examination and treatment room.
Floor pantry.
Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities.
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough a separate training toilet, at least 5 feet by 6 feet should be provided.
Bedpan facilities:
Bathing facilities:
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).

(e) *Service department.* In general the same service facilities will be required as those noted under separate rehabilitation facility (multiple disability) for inpatients and outpatients, § 53.146, except that those service facilities which are available in the adjoining hospital need not be duplicated.

§ 53.146 *Separate rehabilitation facility (multiple disability) for inpatients and outpatients*—(a) *Administration.*

Business office with information counter, telephone switchboard and cashier's window.
Administrator's office.
Director of nurses' office.
Office for volunteer services coordinator.[1]
Case records room.
Library for staff and patients.
Lobby and waiting room.
Public telephone booth.
Public toilets.
Personnel toilets.

[1] Desirable but not mandatory.

(b) *Evaluation and treatment facilities.*

Clinical laboratory.[2]
Radiology: Radiographic room with adjoining dark room, toilet and office.[2]
Pharmacy: Drug room with minimum facilities for compounding.[2]
Conference and library room.
Medical facilities:
Offices, examination rooms and work space for medical personnel such as physicians and nurses.
Dental facilities: [2] Office and work space for provision of appropriate dental treatment.
Physical therapy:
Office and work space for physical therapy staff.
Rehabilitation gymnasium for adults.
Rehabilitation gymnasium for children if children are included in program.[2]
Hydrotherapy area.
Thermotherapy and massage area.
Storage for supplies and equipment.
Outdoor exercise area.[2]
Occupational therapy:
Office and work space for occupational therapy staff.
Therapy area.
In large units space should be divided for diversified work (separate room for children is desirable).
Storage space for supplies and equipment.
Facilities for teaching activities of daily living.
Speech and hearing facilities: Offices for therapists and space for examination and treatment.[2]
Artificial appliance facilities: Space for fitting and adjustment service.
Psychological facilities: Office and work space for psychological testing evaluation and counseling.
Social service facilities: Office space for private interview and counseling.
Vocational facilities:
Office and work space for counseling, evaluation, prevocational programs and placement. A prevocational area is not required for facilities serving children under the age of 12.
Special education: Schoolroom for children if children are included in program.
General facilities:
Locker, toilet and shower facilities for patients.
Clean and soiled linen facilities.

(c) *Nursing unit for adults.*

General: It is recommended that this unit be located on the ground floor near the treatment area. Approximately one-fifth of the beds should be in two-bed rooms, the remainder in four-bed rooms. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' rooms. A toilet room, with lavatory, accessible from adjoining patients' rooms, is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit: Not more than 50 beds, 35 to 40 beds recommended.
Minimum patients' room areas: 100 square feet per bed in multi-bed patients' rooms.
Service facilities in each nursing unit for adults:
Nurses' station.
Nurses' toilet.
Utility room.
Examination and treatment room.
Floor pantry.
Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities.
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).
Patients' laundry.[2]

(d) *Nursing unit for children.*[2]

General: It is recommended that this unit be located on the ground floor near the treatment area. No patients' room should have more than 4 beds. Provide 2 two-bed rooms in each nursing unit. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' rooms. A toilet room, with lavatory, accessible from adjoining patients' room is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit: Not more than 30 beds.
Minimum patients' room areas: 100 square feet per bed in 2-bed and 4-bed rooms. 80 square feet per bed recommended for crib room if provided.
Service facilities in each nursing unit for children:
Nurses' station.
Nurses' toilet.
Utility room.
Examination and treatment room.
Floor pantry.
Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities.
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.

[2] If required by program.

Service facilities in each nursing unit for children—Continued
Bathing facilities:
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).

(e) *Service department.*

Central sterilizing and supply room.
Dietary facilities:
Main kitchen.
Dietitians' space.
Dishwashing room.
Adequate refrigeration.
Garbage disposal facilities.
Day storage room.
Personnel dining space. Provide 12 square feet per person; may be designed for multiple seatings.
Outpatients' dining facilities as required.
Janitor's closet.
Housekeeping facilities:
Laundry; unless commercial or other laundry facilities are available, each rehabilitation facility shall have a laundry of sufficient capacity to process full 7 days laundry in work week and contain the following areas:
Sorting area.
Processing area.
Clean linen and sewing room separate from laundry.
Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.
Housekeeper's office.
Mechanical facilities:
Boiler and pump room.
Shower and locker facilities.[1]
Engineers' space.
Maintenance shops: At least one room shall be provided. In large rehabilitation facilities, separation of carpentry, painting and plumbing is recommended.
Employees' facilities:
Female staff and volunteers lockers:
Locker room.
Rest room.
Toilet and shower room.
Female help lockers:
Locker room.
Rest room.
Toilet and shower room.
Male staff and volunteers lockers:
Locker room.
Toilet and shower room.
Male help lockers:
Locker room.
Toilet and shower room.
Storage:
General storage. 20 square feet per bed and to be concentrated in one area.
Storage of out-door equipment.[1]

§ 53.147 *Separate rehabilitation facility (multiple disability) for outpatients only*—(a) *Administration.*

Business office with information counter, telephone switchboard and cashier's window.
Administrator's office.
Director of nurses' office.
Office for volunteer services coordinator.[2]
Case records room.
Library for staff and patients.
Lobby and waiting room.
Public telephone booth.
Public toilets.
Personnel toilets.[1]

[1] Desirable but not mandatory.

(b) *Evaluation and treatment facilities.*

Conference and library room.
Medical facilities:
Offices, examination rooms and work space for medical personnel such as physicians and nurses.
Dental facilities:[2] Office and work space for provision of appropriate dental treatment.
Physical therapy:
Office and work space for physical therapy staff.
Rehabilitation gymnasium for adults.
Rehabilitation gymnasium for children if children are included in program.[1]
Hydrotherapy area.
Thermotherapy and massage area.
Storage for supplies and equipment.
Outdoor exercise area.[1]
Occupational therapy:
Office and work space for occupational therapy staff.
Therapy area: In large units space should be divided for diversified work (separate room for children is desirable).
Storage space for supplies and equipment.
Facilities for teaching activities of daily living.
Speech and hearing facilities:[2] Offices for therapists and space for examination and treatment.
Artificial appliance facilities: Space for fitting and adjustment service.
Psychological facilities: Office and work space for psychological testing evaluation and counseling.
Social service facilities: Office space for private interview and counseling.
Vocational facilities:
Office and work space for counseling, evaluation, prevocational programs and placement. A prevocational area is not required for facilities exclusively serving children under the age of 12.
Special Education:
Schoolroom for children if children are included in program.
General facilities:
Locker, toilet and shower facilities for patients.
Clean and soiled linen facilities.

(c) *Service facilities.*

Dietary facilities.[2]
Housekeeping facilities: Clean and soiled linen storage.
Janitors' closet(s).
Mechanical facilities:
Boiler room.
Maintenance shop.
Employees' facilities:
Female staff and volunteers lockers:
Locker room.
Rest room.
Toilet and shower room.
Female help lockers:
Locker room.
Rest room.
Toilet and shower room.
Male staff and volunteers lockers:
Locker room.
Toilet and shower room.
Male help lockers:
Locker room.
Toilet and shower room.
Storage:
General storage.

§ 53.148 *Single disability rehabilitation facility.* The requirements for a single disability rehabilitation facility will be dependent upon the specific project program, which shall include, however, services in the four basic areas—medical, psychological, social and vocational. In general the single disability rehabilitation facility will follow the pattern established for the multiple disability rehabilitation facility. In other respects the general standards set forth herein shall apply.

[2] If required by program.

§ 53.149 *Nursing homes*—(a) *General.* (1) The facilities listed in this section need not be provided if functionally available in an adjoining hospital.

(2) Nursing homes should be planned to approximate the home atmosphere as closely as possible. It is desirable that larger bedrooms be provided than are generally provided in general hospitals, that each bed be equitably placed in relation to the windows, that wardrobe and closet space in patients' rooms be more generous. The use of more open, informal planning, the provision of inviting recreational spaces both indoors and out, the use of decoration, color, furnishings, etc., to minimize institutional effect is recommended.

(b) *Administration department.*

Business office.[4]
Administrator's office.[4]
Consultation room.[1]
Lobby and waiting room.
Public toilet facilities.
Public telephone.

(c) *Ancillary facilities.*

Recreation room.
Occupational activities room.
Patients' dining room.
Provide at least 50 square feet per bed for 75 percent of the total beds in the nursing home for recreation, occupational activities and patients' dining.
It is recommended that the recreation, occupational activities and patients' dining areas be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Physical therapy services as required.
Patients' laundry.[1]
Storage for occupational and recreational equipment.
Outdoor recreation area.[2]

(d) *Nursing department.*

General: No patients' room shall have more than 4 beds. Six beds, not more than three beds deep from outside wall, will be permitted in nursing homes of over 100 beds. Not more than 2 beds per patients' room is desirable. Each patients' room shall have a lavatory. A toilet room, with lavatory, accessible from adjoining patients' room is recommended. At least one single room with private toilet shall be provided in each nursing unit for each sex for purposes of medical isolation, incompatability, personality conflict, etc. No patients' room shall be located on any floor which is below grade.
Size of nursing unit: Should not have more than 40 beds. Larger units will be permitted if additional service facilities are provided as required.
Minimum patients' room areas: 80 square feet per bed (100 square feet desirable) in multiple bed patients' rooms; 100 square feet per bed (125 square feet desirable) in one-bed patients' rooms.
Service facilities for each nursing unit:
Nurses' station.
Nurses' toilet.
Utility room.
Treatment room.

[4] May be combined.

Service facilities for each nursing unit—Continued
Floor pantry: one for each nursing floor in multi-story buildings.
Toilet facilities:
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 8 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathtub.
1 shower. (A separate bath room for each sex, containing at least one bathtub and one shower, is recommended. A ratio of one bathtub or one shower for each 10 beds is desirable.)
Stretcher and wheelchair parking area.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.

(e) *Service department.*

Dietary facilities:
Kitchen.
Dishwashing room.
Adequate refrigeration.
Garbage disposal facilities.
Personnel dining facilities.
Janitors' closet.
Housekeeping facilities:
Clean linen facilities.
Soiled linen facilities.
If commercial laundry is not available, laundry facilities shall be provided.
Mechanical facilities:
Boiler room.
Maintenance facilities—at least a bench in boiler room. In larger Nursing Homes, separate maintenance facilities should be provided.
Incinerator.[1]
Employees' facilities:
Male locker room and toilet.
Female locker room and toilet.
Storage:
General storage—15 square feet per bed and to be concentrated in one area.
Patients' clothes storage room.
Storage for outdoor equipment.[1]

§ 53.150 *Details.* The following general requirements apply to all hospitals. Conditions in special hospitals, not covered in the general requirements, are specifically noted.

(a) *General requirements for hospitals.*

Door widths: 3 feet 8 inches (3 feet 10 inches preferable) at all:
Bedrooms.
Treatment rooms.
Operating rooms.
X-ray therapy rooms.
Delivery rooms.
Solariums.
X-ray rooms.
Physical therapy rooms.
Labor rooms.
No doors shall swing into the corridor except closet doors. (Does not apply to mental and psychiatric hospitals and mental units in general hospitals.)
Corridor widths: 7 feet, (8 feet preferred). A greater width should be provided at elevator entrances.
Stair Widths: The width of stairways shall be not less than 3 feet, 8 inches. The width shall be measured between handrails where handrails project more than 3½ inches.

[1] Desirable but not mandatory.

Elevators: Platform size—5 feet 4 inches x 8 feet. Door opening—3 feet 10 inches. See also mechanical section.
Laundry chutes: Use optional. Where used 2' 0" minimum diameter.
Nurses' call system: (Does not apply to mental and psychiatric hospitals and mental units in general hospitals.) Call station between each two beds in two-bed rooms and four-bed rooms and one in each one-bed room.
Corridor dome light over each nursing room.
Dome light and buzzer at nurses' station, utility room and floor pantry.
Fire Safety:
Exit facilities:
All exit facilities shall follow the recommendations of the Building Exits Code of the National Fire Protection Association.
Fire protection facilities:
Other fire protection requirements such as standpipes, sprinklers, chemical fire extinguishers and fire alarm systems shall conform to the requirements of any one of the codes listed in § 53.152 (a) (Structural Requirements).
Fire-resistive construction:
See § 53.152 (c) for fire-resistive requirements affecting the structural members and connections.
Ray protection: X-ray rooms, surgeries, cystoscopic rooms and other areas containing X-ray producing equipment, other than mobile equipment, shall have ray protection as recommended in applicable handbooks of the National Bureau of Standards.
Radioisotopes: Rooms or areas where radioisotopes are used or stored, including teletherapy apparatus utilizing Radium, Cobalt-60, or Cecium-137 or other radioisotopes, shall have the ray protection necessary to limit the radiation in occupied areas to those levels required by the Atomic Energy Commission. The methods for determining radiation barriers shall be those established in the applicable handbooks of the National Bureau of Standards.
X-ray equipment: X-ray equipment and installation shall comply with the recommendations contained in the National Electrical Code and applicable handbooks of the National Bureau of Standards.
Ceiling heights:
Boiler room:
Not less than 12' 0" except that a lesser height may be used for these small buildings which may use a domestic type packaged heating unit. When a boiler is set in a depressed pit area, the height shall be measured from the pit floor.
Laundry:
Not less than 11' 0" (a higher ceiling is desirable).
Kitchen:
Not less than 10' 0" (a higher ceiling is desirable).
Operating rooms, delivery rooms, Cystoscopic rooms, emergency rooms and similar rooms having ceiling-mounted light fixtures—not less than 9' 0" (a higher clearance may be necessary for some surgical lights).
All other rooms except those containing special equipment which may require a greater height, (X-ray, etc.)—not less than 8' 0" except that ceiling heights for corridors, storage rooms, patient's room toilets and other minor auxiliary rooms may be lower.
Insulation in ceilings: Ceilings of boiler rooms, kitchens and laundries shall be insulated where the floor directly above them is to be used for hospital purposes.
Parking space: Adequate parking space should be available for all health facilities.

(b) *Chronic disease hospitals, rehabilitation facilities and nursing homes.*

Space allowances: Space allowances shall be consistent with the need in areas used by patients using crutches, wheelchairs or wheel stretchers.
Doors: All doors through which patients will pass shall be at least 3 feet 8 inches wide. Doors at least 3 feet wide will be permitted at individual toilets adjacent to patients' bedrooms.
Corridors: Corridors used by patients shall be at least 8 feet wide. A greater width should be provided at elevator entrances.
Handrails: Handrails will be required on both sides of corridors used by patients in chronic disease hospitals and nursing homes. Handrails are not required in corridors of rehabilitation facilities.
Thresholds: Thresholds at doorways shall be flush.
Telephone alcoves: Telephone alcoves shall be a minimum of 4 feet square. Phone shall be located on a shelf convenient for patients in wheelchairs. Doors to telephone booths are not recommended.
Drinking fountains: Drinking fountains shall be located in corridors of nursing units and treatment areas and lobby. The fountain shall be accessible to patients in wheelchairs.
Brackets: In rehabilitation facilities brackets should be provided adjacent to patients' beds for braces and crutches.
Water closet stalls: Water closet stalls for patient use shall have handrails on both sides. Curtains are recommended in lieu of doors to stalls.
Toilet rooms: Toilet rooms adjacent to patients' rooms shall permit movement of wheelchairs and shall have handrails on both sides.
Hardware: Hardware on water closet enclosures shall be operable from outside.
Lavatories: Lavatories for patient use shall be supported on brackets to allow wheelchairs to slide under.
Mirrors: Mirrors shall be arranged for the convenience of patients in wheelchairs as well as patients in a standing position.
Bathtubs: Bathtubs shall not be elevated in rehabilitation facilities. It is recommended that bathtubs shall not be elevated in chronic disease hospitals and nursing homes. Handrails shall be provided at all bathtubs.
Showers: Showers should be approximately 4 feet square and should have handrails and curtains. Curbs shall be omitted.

(c) *Mental hospitals, psychiatric hospitals and psychiatric units in general hospitals.* The principles of psychiatric security and safety shall be followed throughout. Materials and details of construction shall be such that patients will not be afforded opportunity for escape, suicide, hiding, etc. Care must be taken to avoid projecting sharp corners, exposed piping, heating elements, fixtures, hardware, etc.

(d) *Public health centers and diagnostic or treatment centers.* Width of corridors shall be not less than 5' 0". Greater width preferred. Windows of examination and treatment rooms shall be glazed with obscure glass to insure privacy.[1]

(e) *State public health laboratories.* Provide separate air conditioning or ventilation system for bacteriological and virus laboratories with ample supply and exhaust to function properly with closed windows. Emergency showers shall be provided in chemical laboratories. Each chemical laboratory room shall have a minimum of two exits. All windows must be screened.

§ 53.151 *Finishes*—(a) *General.*

Floors:
The floors of the following areas shall have smooth, waterproof surfaces which are wear resistant:
Toilets.
Baths.
Bedpan rooms.
Floor pantries.
Utility rooms.
Treatment rooms.
Sterilizing rooms.
Janitors' closets.
The floors of the following areas shall be smooth and easily cleaned:
Pharmacies.
Laboratories.
Patient rooms.
The floors of the following areas shall be waterproof, greaseproof, smooth and resistant to heavy wear:
Kitchens.
Butcher shops.
Food preparation.
Formula rooms.
The floors of the following areas shall have conductive flooring as recommended by the National Fire Protection Association:
Operating rooms.
Delivery rooms.
Anesthesia rooms.
Adjoining spaces.
Walls:
The walls of the following areas shall have a smooth surface with painted or equal washable finish in light color. At the base, they shall be waterproof and free from spaces which may harbor ants and roaches:
All rooms where food and drink are prepared, served or stored.
The walls of the following areas shall have waterproof painted, glazed or similar finishes to a point above the splash or spray line:
Kitchens.
Scullieries.
Utility rooms.
Baths.
Showers.
Dishwashing rooms.
Janitors' closets.
Sterilizing rooms.
Spaces with sinks.
The walls of the following areas shall have waterproof glazed, painted or similar surface which will withstand washing to a distance of not less than 5' 0":
Operating rooms.
Delivery rooms.
Ceilings:
The ceilings of the following areas shall be painted with waterproof paint:
Operating rooms.
Delivery rooms.
All scullieries, kitchens and other rooms where food and drink are prepared.
The ceilings of the following areas shall be acoustically treated:
Corridors in patient areas.
Nurses' stations.
Labor rooms.
Utility rooms.[1]
Floor pantries.
Kitchens.[1]

(b) *State public health laboratory.*

Floors:
Resilient, smooth and stain resistant: All laboratories other than chemistry laboratories.
Resilient, smooth and acid resistant: Chemistry laboratories.
Smooth, waterproof, grease-proof, easily cleaned, non-slip, resistant to heavy traffic:
Culture media rooms.
Glasswashing rooms.

[1] Desirable but not mandatory.

Floors—Continued
Smooth, waterproof, grease-proof, easily cleaned, non-slip, resistant to heavy traffic—Continued
Sterilization rooms.
Acid cleaning rooms.
Animal rooms.
Walls:
Waterproof, painted, glazed or similar finishes to a point above the splash or spray line. They shall be without cracks, and in conjunction with floors shall be waterproof and free of cracks and spaces which may harbor ants and roaches:
Laboratories.
Incubator rooms.
Sterilizing rooms.
Culture media rooms.
Glasswashing rooms.
Acid cleaning rooms.
Inoculation and operating rooms.
Animal rooms.
Same as above, but finish to reach to ceiling: Sterile rooms.
Ceilings: Waterproof painted: Sterile rooms.
Shelves and cabinets: Shelves and cabinets which are used for the storage of food, dishes, and cooking utensils shall be so constructed and mounted that there shall be no openings or spaces which cannot be cleaned and which might harbor vermin or insects. Cabinets which are used for the storage of open food containers and dishes shall be dust tight.

(c) *Chronic disease hospitals, rehabilitation facilities and nursing homes.*

Wainscot: A wainscot of durable material should be provided in all rooms used by patients for protection of walls against damage caused by wheelchairs, stretchers and carts. Such a wainscot is desirable but not mandatory in chronic disease hospitals and nursing homes.

§ 53.152 *Structural*—(a) *Codes.* In addition to compliance with the standards set forth in this subpart, all applicable local and State building codes and regulations must be observed. In areas which are not subject to local or State building codes, the recommendations of any one of the following national codes shall apply insofar as such recommendations are not in conflict with the standards set forth in this subpart.

1. National Building Code: National Board of Fire Underwriters, 85 John Street, New York 38, New York.
2. Basic Building Code: Building Officials Conference of America, 110 East 42d Street, New York 17, New York.
3. Southern Building Code: Southern Building Code Congress, Brown-Marx Building, Birmingham, Alabama.
4. Uniform Building Code: International Conference of Building Officials, 610 South Broadway, Los Angeles 14, Calif.

(b) *Design data*—(1) *General.* The buildings and all parts thereof shall be of sufficient strength to support all dead, live and lateral loads without exceeding the working stresses permitted for the materials of their construction in the applicable code.

(2) *Special.* Special provisions shall be made for machine or apparatus loads which would cause a greater stress than that produced by the specified minimum live load, with due consideration of vibration or impact resulting from operation of such equipment (e. g., some portable X-ray machines weigh as much as 1,000 pounds). Consideration shall be given to structural members and connections of structures which may be subject to hurricanes, tornadoes and earthquakes. Suitable allowance shall be made for future partition changes.

(3) *Live loads.* The following unit live loads shall be taken as the minimum uniformly distributed live loads for the occupancies listed:

Hospital wards, bedrooms, and all adjoining service rooms which comprise a typical nursing unit (except solaria and corridors)—40 p. s. f. Solaria, corridors in nursing units and all corridors above the first floor, operating suites, examination and treatment rooms, laboratories, toilets and locker rooms—60 p. s. f.

Corridors on first floor, waiting rooms and similar public areas, offices, conference room, library, kitchen and radiographic room—80 p. s. f.

Stairways, laundry, large rooms used for dining, recreation or assembly purposes, work shops—100 p. s. f.

Records file room, storage, supply—125 p. s. f.

Mechanical equipment room (unless actual equipment loads are accurately determined)—150 p. s. f.

Roofs (except use increased value where snow and ice may occur)—20 p. s. f.

Wind—as required by local conditions, but not less than—15 p. s. f.

(c) *Construction including fire resistive requirements.* (1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Proper bearing values for the soil shall be established in accordance with recognized standards.

(2) One-story buildings shall be constructed of not less than one-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms used for the storage of combustible materials shall be of two-hour fire-resistive noncombustible construction.

(ii) Interior non-load-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating.

(3) Structures built of other than noncombustible materials shall adhere to the floor area restrictions set forth in any one of the national codes listed in paragraph (a) of this section. For purposes of evacuation, the window sills of one-story buildings constructed of other than non-combustible materials shall be not more than six feet above the adjacent ground level.

(4) Buildings more than one story in height shall be constructed of non-combustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall follow the requirements of any one of the four national codes listed in paragraph (a) of this section except for the modifications listed below:

(i) Corridor partitions shall be of one-hour fire-resistive construction.

(ii) Walls enclosing stairways, elevators, laundry and trash chutes, and other vertical shafts, boiler rooms and rooms used for storage of combustible materials shall be of two-hour fire-resistive construction.

(5) Interior finish of all exit ways, storage rooms and all areas of unusual fire hazard shall have a flame spread rating of less than 20.

(6) Interior finish of patient rooms, patient day rooms and other areas occupied by patients shall have a flame spread rating of less than 75.

(7) Interior finish of other areas shall have a flame spread rating of less than 75, except that ten percent of the aggregate wall and ceiling areas of any space may have a flame spread rating up to 200.

(8) Interior finish materials shall be classified in accordance with their average flame spread rating on the basis of tests conducted in accordance with ASTM Standard No. E 84.

§ 53.153 *Mechanical and electrical—(a) Heating; steam systems and ventilation—(1) Codes.* The heating system, steam, system, boilers and ventilation shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Board of Fire Underwriters and the minimum general standards as set forth in this section. Where there is no local or State boiler code, the recommendations of the A. S. M. E. shall apply. Gas fired equipment shall comply with the regulations of the American Gas Association.

(2) *Boilers.* Boilers shall have the necessary capacity when operating at normal rating to supply the heating system, hot water, and steam operated equipment, such as sterilizers, laundry and kitchen equipment. Spare boiler capacity shall also be provided in a separate unit to replace any boiler which might break down, except that spare boiler capacity for heating will not be required in design temperature zone +20° F. or higher as shown by the current edition of the A. S. H. & V. E. Guide. Boilers which supply high pressure steam to sterilizers, kitchens, laundry, etc., shall meet the requirements of the city and State boiler codes for 125 pounds working pressure. It is desirable to operate boilers, supplying steam for laundries, at not less than 105 pounds pressure while boilers for sterilizers and kitchen may operate at 50 pounds pressure.

(3) *Heating system.* The building shall be heated by a hot water, steam, or equal type heating system.

(4) *Steam system.* A system of steam and return mains and appurtenances shall be provided to supply all equipment which requires steam heat.

(5) *Boiler accessories.* Boiler feed pumps, return pumps and circulating pumps shall be furnished in duplicate, each of which has a capacity to carry the full load. Blow off valves, relief valves, non-return valves, injectors and fittings shall be provided to meet the requirements of the city and state codes. Where no city or state codes are in force the recommendations of the ASME shall apply.

(6) *Radiation.* The necessary radiation shall be furnished in each room and occupied space to maintain a temperature of 70° F. except in operating, delivery, and nurseries where a temperature of 75° F. shall be maintained. In spaces where radiant heat is used, the minimum temperatures specified may be reduced to maintain an equivalent comfort level. Each radiator shall be provided with hand control valve except where individual room automatic control is provided.

(7) *Piping.* Steam and hot water piping may be copper pipe and fittings, standard weight steel or iron pipe and cast iron fittings. Pipe used in heating and steam systems shall not be smaller sizes than prescribed by the latest edition of the American Society of Heating and Ventilating Engineers Guide. The ends of all steam mains and low points in steam mains shall be dripped.

(8) *Valves.* Steam, return and heating risers, steam, return and heating mains shall be controlled separately by a valve. Each steam and return main shall be valved. Each piece of equipment supplied with steam shall be valved on the supply and return ends.

(9) *Thermostatic control.* The heating system shall be thermostatically controlled in one or more zones.

(10) *Auxiliary heat.* Radiation or ventilation systems in operating rooms, delivery rooms, recovery rooms and nurseries shall be arranged so that an auxiliary source of heat is available independent of the building space heating system. It may be desirable to serve such radiation or ventilation systems with steam which is available the year round.

(11) *Coverings.* Boilers and smoke breeching shall be insulated with covering not less than 1-inch magnesia blocks and ½-inch plastic asbestos finish. All high pressure steam and high pressure return piping shall be insulated with covering not less than the equivalent of 1-inch four ply asbestos covering. Heating mains in the boiler room, in unheated spaces, unexcavated spaces, and where concealed, shall be insulated with covering not less than 1-inch asbestos air cell.

(12) *Ventilation.* (i) Rooms which do not have outside windows and which are used by patients or hospital personnel, such as utility rooms, toilets, bed pan rooms, baths, sterilizer rooms, sterilizer equipment chambers and food storage rooms shall be provided with forced or suitable ventilation to change the air at least once every six minutes.

(ii) Kitchens, morgues and laundries which are located inside the hospital building shall be ventilated by exhaust systems which will discharge the air above the main roof or 50' 0" from any window. The ventilation of these spaces shall comply with the State or local codes but if no code governs, the air in the work spaces shall be exhausted at least once every six minutes with the greater part of the air being taken from the flat work ironer and ranges. Rooms used for the storage of combustible anesthetic agents, paints and other highly flammable materials shall be ventilated to the outside air with intake and discharge ducts. Oxygen storage and oxygen manifold rooms shall comply with the regulations set forth in the latest edition of the NFPA–56.

(iii) The operating and delivery rooms shall be provided with a supply ventilating system with heaters and humidifiers which will change the air at least eight times per hour by supplying fresh filtered air humidified to prevent static. No recirculation will be permitted. The air shall be removed from these rooms by forced system of exhaust. The adjoining sterilizing rooms and sterilizing equipment chambers shall be provided with exhaust ventilation.

(13) *Incinerators.* (i) Incinerators shall be installed in hospitals except where coal fired boilers suitable for waste destruction are available. If provided, the incinerator shall be designed to completely burn 60 percent wet garbage without objectionable smoke or odor. Where garbage is removed from the premises or disposed of by other means, incinerators will be required for the disposal of dressings, contagious and infectious materials, amputations and general rubbish. Rubbish incinerators shall be designed to completely burn 50 percent wet rubbish without objectionable smoke or odor. Gas or oil fired incinerators are desirable. The incinerator shall be designed with furnace and combustion chamber lined with 9" fire brick. The gases shall be carried to a point above the roof of the hospital.

(ii) Incinerators for diagnostic or treatment facilities need not conform in all respects to the above requirements but shall be of such design, construction and capacity to fulfill the needs of such facilities.

(14) *Tests.* The systems shall be tested to demonstrate to the satisfaction of the State agencies having jurisdiction that: The boilers will carry the full load with one boiler in reserve, that the steam supply to all steam heated equipment is ample, that the ventilating equipment meets the minimum requirements and that all systems circulate satisfactorily without leaks or noise.

(15) *Health centers, nurses' residences, laboratories, diagnostic or treatment centers, rehabilitation facilities and nursing homes.* (i) A spare boiler may not be required for health centers, nurses' residences, laboratories, diagnostic or treatment centers, rehabilitation facilities and nursing homes. Incinerators are recommended in health centers, nurses' residences, laboratories, rehabilitation facilities and nursing homes.

(ii) Separate special ventilation or air-conditioning systems are required for the bacteriological and virus laboratories.

(16) *Mental hospitals.* Radiators, grilles, pipes, valves and equipment shall be so located that they are not accessible to patients. Hot air heating may be used for spaces occupied by mental patients.

(b) *Plumbing and drainage.* All parts of the plumbing systems shall comply with all applicable local and State codes and the requirements of the State Department of Health and the minimum general standards as set forth in this paragraph. Where no State or local codes are in force or where such codes do not cover special hospital equipment, appliances, and water piping, the National Plumbing Code ASA–A40.8–1955 shall apply.

(1) *Water service.* (i) The water supply available for the hospital shall be tested and approved by the State Department of Health.

(ii) The water service shall be brought into the building to comply with the requirements of the local water department and shall be free of cross connections.

(2) *Hot water heaters and tanks.* (i) The hot water heating equipment shall have sufficient capacity to supply 6½ gallons of water at 125° F. per hour per bed for hospital fixtures, 4 gallons of water at 180° F. per hour per bed for kitchen and 4½ gallons of water at 180° F. per hour per bed for laundry.

(ii) The hot water storage tank or tanks shall have a capacity equal to 80 percent of the heater capacity.

(iii) Where direct fired hot water heaters are used they shall be of an approved high pressure type. Submerged steam heating coils shall be of copper. Storage tanks shall be of non-corrosive metal or be lined with non-corrosive material to comply with the A. S. M. E. Code for pressure vessels. Tanks and heaters shall be fitted with vacuum and relief valves, and where the water is heated by coal or gas they shall have thermostatic relief valves. Heaters shall be thermostatically controlled.

(3) *Water supply systems.* (i) From the cold water service and hot water tanks, cold water and hot water mains and branches shall be run to supply all plumbing fixtures and equipment which require hot or cold water or both for their operation. Pipes shall be sized to supply water to all fixtures with a minimum pressure of 15 pounds at the top floor fixtures during maximum demand periods. All plumbing fixtures except water closets, urinals, bedpan washers and drinking fountains shall have both hot and cold water supplies. Every supply outlet or connection to a fixture or appliance shall be protected against back flow in accordance with the provisions of standards for air gaps and backflow preventers as provided by National Plumbing Code ASA–A40.8–1955. Wherever the usage of fixture or appliance will permit, water supplied to all fixtures, open tanks and equipment, shall be introduced through a suitable air gap between the water supply and the flood level of the fixture. No connections shall be made which will permit backflow.

(ii) Hot water circulating mains and risers shall be run from the hot water storage tank to a point directly below the highest fixture at the end of each branch main. Where the building is higher than 3 stories, each riser shall be circulated. Water pie sizes shall be equal to those prescribed by the National Plumbing Code ASA–A40.8–1955.

(4) *Drainage system.* All fixtures and equipment shall be connected through traps to soil and waste piping and to the sewer. Indirect waste connections shall be provided for devices or fixtures in which food, drink, water and ice are processed or stored, dishwashing machines, sterilizers, stills and equipment requiring cooling water. All shall conform to the requirements of the National Plumbing Code ASA–A40.8–1955.

(5) *Rain water drains.* Leaders shall be provided to drain the water from roof areas to a point from which it cannot flow into the basement or areas around the building. Courts, yards, and drives which do not have natural drainage from the building shall have catch basins and drains to low ground, storm water system, or dry wells. Where dry wells are used they shall be located at least 20' 0" from the building.

(6) *Gas piping.* Gas appliances shall be approved by the American Gas Association and shall be connected in accordance with the requirements of the company furnishing the gas. Gas outlets shall not be provided in patients' bedrooms.

(7) *Oxygen systems.* Where oxygen systems are installed the oxygen piping, outlets, manifolds, manifold rooms and storage rooms shall be installed in accordance with the requirements of N. F. P. A. Bulletins No. 56 and No. 565.

(8) *Pipe.* The building drain, to a point 5' 0" from the building, shall be of cast iron. Soil stacks, drains, vents, waste lines, and leaders shall be of copper, cast iron or steel except drain lines in back-fill or soil shall be of cast iron. Oxygen lines shall be of copper tubing not lighter than type "K" or I. P. S. red brass with fittings of brass or copper. Drains from sinks which use chemicals shall be of approved acid resistant material. Gas piping shall be of black iron with malleable fittings or copper tubing.

(9) *Valves.* Each main, branch main, riser and branch to a group of fixtures of the water systems shall be valved.

(10) *Insulaton.* (i) Tanks and heaters shall be insulated with covering equal to 1" 4-ply air cell.

(ii) Hot water and circulating pipes shall be insulated with covering equal to canvas jacketed 3-ply asbestos air cell.

(iii) Cold water mains in occupied spaces and in store rooms shall be insulated with canvas jacketed felt covering to prevent condensation. All pipes in outside walls shall also be insulated to prevent freezing.

(11) *Stand pipe system.* The stand pipe system shall be installed as required by the local and State departments having jurisdiction. Where no local or State codes are in force, the stand pipe system shall comply with the requirements of the National Board of Fire Underwriters.

(12) *Sprinkler system.* To reduce the danger from fire, it is desirable to provide automatic sprinkler systems in those areas which are considered hazardous from a fire safety point of view. Such hazardous areas may include the soiled linen rooms, basement corridors, paint shops, wood working shops, trash rooms, storage rooms, accessible attics, laundry and trash chutes, and entire nonfireproofed buildings.

(13) *Plumbing fixtures.* (i) The material used for plumbing fixtures shall be of an approved non-absorptive acid resisting material.

(ii) Water closets in and adjoining patients' areas shall be of a quiet operating type.

(iii) Flush valves shall be designed for quiet operation with non-return stops, back flow preventers and silencers.

(iv) Faucet spouts shall have the discharge opening above the rim of the fixture. Goose neck spouts shall be used for patients' lavatories, nurses' lavatories and sinks which may be used for filling pitchers. Knee or elbow action controls shall be used for doctors' wash up, utility and clinic sinks and in treatment rooms. Elbow action spade handles shall be used on other lavatories and sinks used by doctors or nurses.

(14) *Drinking fountains.* Drinking fountains shall comply with the A. S. A. Z4.2–1942.

(15) *Tests.* (i) All soil, waste, vent and drain lines shall be tested by water or air test before they are built in.

(ii) A smoke or chemical test shall be applied after fixtures have been set. Water pipe shall be hydraulically tested to a pressure equal to twice the working pressure. The tests shall demonstrate to the satisfaction of the State Agency that there are no leaks, that hot water is circulating satisfactorily, that all traps are properly vented, that there is ample supply of hot and cold water to all fixtures, that no fixture or equipment can be back syphoned and that there are no backflow connections.

(16) *Sterilizers.* Sterilizers and autoclaves shall be provided of the required types and necessary capacity to adequately sterilize instruments, utensils, dressings, water, operating room material, such as gloves, sutures, etc., and as required for laboratories. The sterilizers shall be of recognized hospital types with approved controls and safety features.

(17) *Mental, psychiatric, tuberculosis and chronic disease hospitals, rehabilitation facilities and nursing homes.* (i) Plumbing fixtures which require hot water and which are accessible to patients shall be supplied with water which is thermostatically controlled to provide a maximum water temperature of 110° F. at the fixture.

(ii) Special consideration shall be given to piping, controls, and fittings of plumbing fixtures as required by the types of mental patient and the doctor in charge of planning. No pipes or traps shall be exposed and fixtures shall be substantially bolted through walls. Generally, for disturbed patients, prison type water closets without seats shall be used and shower and bath controls shall not be accessible to patients.

(iii) The hot water heat and tank capacities for laundries in T. B. and mental hospitals may be reduced to 40 percent of that required for general hospitals.

(18) *Laboratories, nurses' residences and health centers.* (i) Emergency quick acting cold water showers are required at convenient points in chemical laboratories.

(ii) Only one system of hot water will be required in laboratories, nurses' residences and health centers and the elbow

or knee action lavatory and sink faucet handles will be required only in clinical rooms of health centers.

(c) *Electrical installations*—(1) *Codes and regulations.* The installation of electrical work and equipment shall comply with all local and State codes and laws applicable to electrical installations and the minimum general standards as set forth in this paragraph. Where such codes and laws are not in effect or where they do not cover special installations the National Electrical Code and standards referenced therein which are applicable shall apply. The regulations of the local utility company shall govern service connections. All materials shall be new and shall equal standards established by the Underwriters Laboratories, Inc. Certificates of approval shall be issued by these departments having jurisdiction before the work will be approved for final payment.

(2) *Service.* Connections from the service mains, with meter connections and service switches shall be installed as required by the Public Service Company.

(3) *Feeders and circuits.* Separate power and light feeders shall be run from the service to a main switchboard and from there sub-feeders shall be provided to the motors and power and light distributing panels. Where there is only one service feeder, separate power and light feeders from the service entrance to the switchboard will not be required. From the power panels feeders shall be provided for large motors, and circuits from the light panels shall be run to the lighting outlets. Large heating elements shall be supplied by separate feeders from the power or light service as directed by the local public service company. Independent feeders shall be furnished for X-ray equipment.

(4) *Switchboard and power panels.* Circuit breakers or dead front type fused switches shall be installed to protect all feeders and sub-feeders. Motors shall be connected with breakers or fused switches.

(5) *Light panels.* Light panels shall be provided on each floor for the lighting circuits on that floor. Light panels shall be located near the load centers not more than 100' 0" from the farthest outlet.

(6) *Lighting outlets and switches.* All occupied areas shall be adequately lighted as required by duties performed in the space. Patients' bedrooms shall have as a minimum general illumination a night light and a patient's reading light. The outlets for general illumination and night lights shall be switched at the door. Switches in patients' rooms shall be of an approved mercury or equal, quiet operating type, or shall be placed in the corridor. Operating and delivery rooms shall have general illumination and special lights for the tables each on an independent circuit.

(7) *Equipment and installation in hazardous areas.* All electrical equipment and installation in operating, delivery, emergency, anethesia storage and anesthesia induction rooms shall comply with National Fire Protection Association pamphlet NFPA No. 56.

(8) *X-ray film illuminator.* Each operating room shall have a film illuminator.

(9) *Receptacles (convenience outlets).* Receptacles suitable for the service shall be located where plug-in service is required. Each bedroom shall not have less than two duplex receptacles, with at least one receptacle near the head of each bed. Polarized receptacles for use of special equipment such as portable X-ray, shall be installed in all nursing corridors, not more than 50 feet apart and at locations convenient to operating, delivery, and emergency rooms. At least three three-pole grounded receptacles shall be installed in each operating, delivery, and emergency room.

(10) *Emergency lighting.* Emergency lighting shall be provided for exits, stairs, and patient corridors which shall be supplied by an emergency service, an automatic emergency generator or battery with automatic switch. Operating and delivery room lights shall be connected with an automatic transfer switch which will throw the circuits to the emergency service in case of current failure. Should an emergency service from the street be used it shall be from a generating plant independent of that used for the main electric service.

(11) *Nurses call.* Each patient shall be furnished with a nurses' call station which will register a call from the patient; at the corridor door, at the nurses' station, and in each pantry and utility room of the nursing unit. A duplex unit may be used for 2 patients. Indicating lights shall be provided at each station where there are more than two beds in a room. Nurses' call stations will not be required for beds which are used only for children. Operating, delivery and recovery rooms, rooms used for children and nurseries shall have one emergency call each for use of the nurse. Wiring for nurses call systems shall be installed in conduit.

(12) *Lighting fixtures.* Lighting fixtures shall be furnished for all lighting outlets. They shall be of a type suitable for the space. Should ceiling lights be used in patients' rooms, they shall be of a type which does not shine in the patients' eyes.

(13) *Fire alarms.* A manually operated fire alarm system shall be installed in each hospital, rehabilitation facility, and nursing home. It is recommended that this system be coded and electrically supervised. The alarm system shall comply with applicable local codes, or in the absence of such codes the "Building Exits Code" shall apply.

(14) *Clocks.* A clock system is desirable but not mandatory. Where provided, it should be complete with master clock and time indicator clocks in administrative offices, main lobby, and work areas as required.

(15) *Tests.* Lighting fixtures, all wiring and equipment shall be tested to show that it is free from grounds, shorts, or open circuits.

(16) *Health centers, nurses' residences, laboratories, diagnostic or treatment facilities, and separate rehabilitation facilities for outpatients only.* Emergency lighting and call systems will not be required in health centers, nurses' residences, laboratories, diagnostic or treatment facilities and separate rehabilitation facilities for outpatients only except as provided for by local and State codes.

(17) *Mental hospitals.* (i) No lighting fixtures, switches, receptacles or electrical equipment shall be accessible to mental patients.

(ii) Nurses' call systems will not be required in areas occupied by mental patients.

(d) *Elevators and dumbwaiters*—(1) *Codes.* The elevator installations shall comply with all local and State codes, American Standard Safety Code for Elevators, the National Board of Fire Underwriters, the National Electric Codes, and the minimum general standards as set forth in this paragraph.

(2) *Number of cars.* (i) Any hospital, rehabilitation facility, or nursing home with patients on one or more floors above the first or where the operating or delivery rooms are above the first floor shall have at least one electric motor driven elevator. Hospitals, rehabilitation facilities, or nursing homes with a bed capacity of from 60 to 200 above the first floor shall have not less than two elevators. Hospitals with a bed capacity of from 200 to 350 above the first floor shall have not less than 3 elevators, two passenger and one service. A larger number may be required by the hospital plan, a large visitors' traffic and food distribution.

(ii) Elevators with a rise of more than 6 stories require special consideration.

(3) *Cab.* (i) Cabs shall be constructed with fireproof material. Passenger cab platforms shall be not less than 5' 4" x 8' 0" with a capacity of 3,500 pounds. Service elevators shall be of sufficient size to receive a stretcher with patient.

(ii) Cab and shaft doors shall be not less than 3' 10" clear opening.

(4) *Controls.* Elevators, for which operators will not be employed, shall have automatic push-button control, signal control or dual control for use with or without operator. Where two push-button elevators are located together and where one such elevator serves more than three floors and basement; they shall have collective or signal control. Where the car has a speed of more than 100' 0" per minute or has a rise of four or more floors, the elevator shall be equipped with automatic self-leveling control which will automatically bring the car platform level with the landing with no load or full load. Multivoltage or variable voltage machines shall be used where speeds are greater than 150' 0" per minute. For speeds above 350' 0" per minute, the elevators shall be of the gearless type.

(5) *Dumbwaiters.* Dumbwaiter cabs shall be not less than 24" x 24" x 36" of steel with one shelf to operate at speed of 50' to 100' per minute when carrying a load of 100 pounds. Dumbwaiters serving basement and four floors shall have a minimum speed of 100' 0".

(6) *Tests.* Elevator machines shall be tested for speed and load with and without loads in both directions and shall be given overspeed tests as covered by the "Safety Code for Elevators."

(e) *Refrigeration*—(1) *Codes.* (i) The refrigerators and refrigerating systems shall be furnished and installed to meet all requirements of the local and State codes and regulations, the National Board of Fire Underwriters, and the minimum general standards as set forth in this paragraph.

(ii) This section shall include portable refrigerators, built-in refrigerators, garbage refrigeration, ice-making and refrigerator equipment, morgue boxes.

(2) *Box construction.* (i) Boxes shall be insulated with waterproof, nonabsorbent, verminproof insulation. For the portable boxes, the insulation in the doors and walls shall be equal to 2-inch cork. Outer walls and doors of the walk-in boxes shall have insulation equal to 4-inch cork. Boxes shall be lined with nonabsorbent sanitary material which will withstand the heavy use to which it will be subjected and constructed so as to be easily cleaned.

(ii) Refrigerators of adequate capacity shall be provided in all kitchens and other preparation centers, where perishable foods will be stored.

(iii) In the main kitchen, a minimum of two separate sections or boxes shall be provided, one for meats and dairy products, and one for general storage.

(3) *Refrigerator machines.* (i) Toxic, "irritant", or inflammable refrigerants shall not be used in refrigerator machines located in buildings occupied by patients.

(ii) The compressors and evaporators shall have sufficient capacity to maintain temperatures of 35° F. in the meat and dairy boxes, and 40° F. in the general storage boxes when the boxes are being used normally. Compressors shall be automatically controlled.

(4) *Tests.* Compressors, piping, and evaporators shall be tested for leaks and capacity.

(f) *Kitchen equipment*—(1) *Codes.* The kitchen equipment shall be so constructed and installed as to comply with the applicable local and State laws, codes, regulations and requirements, and with the applicable sanitation standards of Public Health Bulletin No. 280, entitled "Ordinance and Code Regulating Eating and Drinking Establishments, recommended by the U. S. Public Health Service," and with the minimum general standards set forth in this section.

(2) *Equipment.* (i) The equipment shall be adequate and so arranged as to enable the storage, preparation, cooking, and serving of food and drink to patients, staff and employees to be done in an efficient and sanitary manner. The equipment shall be selected and arranged in accordance with the types of food service adopted for the hospital.

(ii) Adequate cabinets or other facilities shall be provided for the storage or display of food, drink, and utensils, and shall be designed as to protect them from contamination by insects, rodents, other vermin, splash, dust, and overhead leakage.

(iii) Adequate facilities shall be provided for the washing and bactericidal treatment of utensils used for eating, drinking, and food preparation. Where utensils are to be washed by hand, there shall be provided an adequate sink equipped with heating facilities to maintain a water temperature of at least 170° F. in the bactericidal treatment compartment throughout the dishwashing period. Where utensils are to be washed by machine, there shall be provided facilities for supplying to the dishwashing machine an adequate supply of rinse water at 170° F., measured at the rinse sprays, throughout the dishwashing period. All tables, shelves, counters, display cases, stoves, hoods, and similar equipment shall be so constructed as to be easily cleaned and shall be free of inaccessible spaces providing harborage for vermin. Where there is not sufficient space between equipment and the walls or floor to permit easy cleaning, the equipment shall be set tight against the walls or floor and the joint properly sealed. All utensils and equipment surfaces with which food or drink comes in contact shall be of smooth, not readily corrodible material free of breaks, corrosion, open seams or cracks, chipped places, and V-type threads. All surfaces with which food or drink comes in contact shall be easily accessible for inspection and cleaning and shall be self-draining, and shall not contain or be plated with cadmium or lead. All water supply and waste line connections to kitchen equipment shall be installed in compliance with the plumbing requirements of these standards.

(g) *Laundry*—(1) *Codes.* (i) The laundry equipment shall be designed and installed to comply with all local and State codes and laws, and the requirements of the State Department of Health and the minimum general standards as set forth in this section.

(ii) Where laundries are provided they shall be complete with washers, extractors, tumblers, ironer and presses which shall be provided with all safety appliances and sanitary requirements.

(2) *Washers.* There shall be at least two washers which shall have a combined rated capacity of not less than 12 pounds of dry laundry per day per patient bed, when operating not more than 40 hours per week.

(3) *Ironer.* Provide one flat work ironer with a capacity equal to 70 percent of the washer capacity when operating 40 hours per week.

(4) *Extractor.* There shall be not less than one extractor with a daily capacity equal to that given above for the washers and for hospitals with more than 100 beds there shall be two extractors.

(5) *Tumbler.* Provide a minimum of one tumbler with a rated capacity equal to 25 percent of the washers, when operating 40 hours per week.

(6) *Presses.* For finished work provide not less than 1 nurses uniform unit consisting of 3 presses or one utility unit with 2 presses which shall be increased for the larger hospitals.

(7) *Wash tubs.* Provide 2 wash tubs.

(8) *Mental and tuberculosis hospitals.* The capacity per bed of laundry equipment for tuberculosis and mental hospitals shall be 40 percent of that required for general hospitals.

§ 53.154 *Preparation of plans, specifications and estimates*—(a) *General.* (1) The requirements contained in this section have been established for the guidance of the applicant and the architect to provide a standard method of preparation of drawings, specifications and estimates.

(2) It is expected that the applicant will find it advantageous to submit the material through the State Agency in three stages for its recommendation and approval. However, the applicant may, if he so elects, combine the first two stages.

(3) If the data required under stage 3 is available, it may be submitted without the drawings required under stages one and two.

(4) Copies of the final working drawings and specifications previously submitted under stage three will be submitted for approval with the formal application for the project. The requirements for the material submitted at each of the three stages are as follows:

(b) *Drawings and specifications.*

(1) (*First stage*) *program and schematic plans*—(i) Program: (*a*) List in outline form the rooms or spaces to be included in each department, explaining the functions or services to be provided in each, indicating the approximate size, the number of personnel and the kind of equipment or furniture it will contain. Note any special or unusual services or equipment to be included in the facility.

(*b*) If a hospital project, submit a schedule showing the total number of beds, their distribution in room and in the services, such as medicine, surgery, obstetrics, etc.

(ii) Schematic plans: Single line drawings of each floor showing the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room should be noted. The proposed roads and walks, service and entrance courts, parking and orientation may be shown on either a small plot plan or the 1st floor plan. Simple vertical space diagram should be submitted at this stage.

(iii) Construction outline: A brief description of the type of construction.

(iv) Description of site: If a survey has been made, a plat shall be submitted at this time, if not, it should be submitted with the Preliminary Plans (Second Stage). In lieu of a plat of the survey, a description of the site may be submitted at this time. This shall note the general characteristics of the site, easement, availability of electricity, water and sewer lines, main roadway approaches, direction of prevailing breezes, orientation, etc. A map indicating location of the hospital in its geographic area with particular reference to recommendation given under § 53.133, should be submitted.

(v) Preliminary cost estimates.

(2) (*Second stage*) *preliminary plans, elevations, and outline specifications.* (i) (*a*) Development of the preliminary sketch plans indicating in more detail the assignment of all spaces, size of areas and rooms, indicating in outline, the

fixed and movable equipment and furniture.

(b) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design.

(c) The total floor area shall be computed and shown on the drawings.

(d) The drawings shall include a plan of each floor including the basement or ground floor, roof plan, approach plan showing roads, parking areas, sidewalks, etc., elevations of all facades, sections through the building. A print of the "Site Survey and Soil Information" which is described under § 53.132 shall be included unless it has already been submitted in Stage I.

(ii) Outline specifications shall provide a general description of the construction including interior finishes; acoustical material, its extent and type; extent of the conductive floor covering; heating and ventilating systems; and the type of elevators.

(iii) Revised cost estimates.

(3) *(Third stage) working drawings and specifications.* (i) All working drawings shall be well prepared so that clear and distinct prints may be obtained; accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Separate drawings shall be prepared for each of the following branches of work: Architectural, structural, mechanical, electrical. They shall include or contain the following:

(a) *Architectural drawings.* (1) Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be seeded. All structures and improvements which are to be removed under the construction contract shall be shown. A print of the survey shall be included with the working drawings for the information of bidders only. The survey shall not be made a contract drawing.

(2) Plan of each floor and roof.

(3) Elevations of each facade.

(4) Sections through building.

(5) Scale and full size details as necessary; scale details at one and one-half (1½) inches to the foot may be necessary to properly indicate portions of the work. Full size details may be prepared after award of construction contract.

(6) Schedule of finishes.

(b) *Equipment drawings.* Large scale drawings of typical and special rooms indicating all fixed equipment and major items of furniture and movable equipment. The furniture and movable equipment will not be included in the construction contract but should be indicated by dotted lines.

(c) *Structural drawings.* (1) Plans of foundations, floors, roofs and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members. Schedule of beams, girders and columns.

(2) Floor levels, column centers, and offsets shall be dimensioned.

(3) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.

(4) Details of all special connections, assemblies and expansion joints shall be given.

(5) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil-bearing pressures.

(6) For special structures, a stress sheet shall be incorporated in the drawings showing:

(i) Outline of the structure.

(ii) All load assumptions used.

(iii) Stresses and bending moments separately for each kind of loading.

(iv) Maximum stress and/or bending moment for which each member is designed, when not readily apparent from (iii).

(v) Horizontal and vertical reactions at column bases.

(d) *Mechanical drawings.* These drawings with specifications shall show the complete heating, steam piping and ventilation systems; plumbing, drainage and stand pipe systems; and laundry.

(1) *Heating, steam piping and ventilation.* (i) Radiators and steam heated equipment, such as sterilizers, warmers and steam tables.

(ii) Heating and steam mains and branches with pipe sizes.

(iii) Diagram of heating and steam risers with pipe sizes.

(iv) Sizes, types and heating surfaces of boilers, furnaces, with stokers and oil burners, if any.

(v) Pumps, tanks, boiler breeching and piping and boiler room accessories.

(vi) Air conditioning systems with refrigerators, water and refrigerant piping, and ducts.

(vii) Exhaust and supply ventilating systems with steam connections and piping.

(2) *Plumbing, drainage and stand pipe systems,* (i) Size and elevation of: Street sewer, house sewer, house drains, street water main and water service into the building.

(ii) Location and size of soil, waste, and vent stacks with connections to house drains, fixtures and equipment.

(iii) Size and location of hot, cold and circulating mains, branches and risers from the service entrance and tanks.

(iv) Riser diagram to show all plumbing stacks with vents, water risers and fixture connections.

(v) Gas, oxygen and special connections.

(vi) Standpipe system.

(vii) Plumbing fixtures and fixtures which require water and drain connections.

(3) *Elevators and dumbwaiters.* Shaft details and dimensions, size car platform and doors; travel, pit and machine room.

(4) Kitchens, laundry, refrigeration and laboratories shall be detailed at a satisfactory scale to show the location, size and connection of all fixed and movable equipment.

(e) *Electrical drawings.* Drawings shall show all electrical wirings, outlets, and equipment which require electrical connections.

(1) Electrical service entrance with service switches, service feeders to the public service feeders and characteristics of the light and power current. Transformers and their connections if located in the building, shall be shown.

(2) Plan and diagram showing main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.

(3) Light outlets, receptacles, switches, power outlets and circuits.

(4) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the Telephone Co. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the Telephone Company.

(5) Nurses' call systems with outlets for beds, duty stations, door signal lights, annunciators and wiring diagrams.

(6) Doctors' call and doctors' in-and-out systems with all equipment wiring, if provided.

(7) Fire alarm system with stations, gongs, control board and wiring diagrams.

(8) Emergency lighting system with outlets, transfer switch, source of supply, feeders and circuits.

(f) *Additions to existing projects.* (1) Procedures and requirements for working drawings and specifications to be followed and in addition the following information shall be submitted:

(i) Type of activities within the existing building and distribution of existing beds, etc.

(ii) Type of construction of existing building and number of stories high.

(iii) Plans and details showing attachment of new construction to the existing structure and mechanical systems.

(ii) Specifications shall supplement the drawings and shall comply with the following:

(a) The specifications shall fully describe, except where fully indicated and described on the drawings, the materials, workmanship, the kind, sizes, capacities, finishes and other characteristics of all materials, products, articles and devices.

(b) The specifications shall include:

(1) Cover or title sheet.

(2) Index.

(3) Invitation for bids.

(4) General conditions.

(5) Wage schedule, section 2, Labor Standards and Kickback Regulations.

(6) General requirements.

(7) Sections describing material and workmanship in detail for each class of work.

(8) Form of bid bond.

(9) Bid form.

(10) Form of agreement.

(11) Performance and payment bond forms.

(c) In order to obtain a standard procedure Standard Specification Forms will be furnished to the State Agency as a guide to the Architect.

(iii) Estimates shall show in convenient form and detail the probable total cost of the work to be performed under the contract for construction of new buildings, expansion, remodeling and alteration of existing buildings including provision of fixed equipment contemplated by plans and specifications.

§ 53.155 *Equipment*—(a) *General.* Equipment necessary for the functioning of the facility as planned shall be provided in the kind and to the extent required to perform the desired service. The necessary equipment shall be included in the cost of the project and is considered an essential part of the project.

(b) *Definition of equipment.* The term "equipment" as used in this section means all items necessary for the functioning of all services of the facility, including such services as accounting and records, maintenance of buildings and grounds, laundry service, public waiting rooms, public health, and related services. The term "equipment" does not include items of current operating expense such as food, fuel, drugs, dressings, paper, printed forms, soap, and the like.

(c) *Classification of equipment.* All equipment shall be classified in three groups as indicated below; the basis of classification being the usual methods of purchasing the equipment and suggested accounting practices in regard to depreciation.

(1) *Group I. Built-in equipment usually included in construction contracts.* Hospital cabinets and counters, laboratory and pharmacy cabinets, X-ray darkroom equipment, cubicle curtain equipment, shades and venetian blinds and any other built-in equipment, including items which have been included previously under §§ 53.134 through 53.154, such as: Kitchen equipment, laundry chutes, elevators, dumbwaiters, boilers, incinerators, refrigerating equipment, sterilizing equipment, surgical lighting and the like.

(2) *Group II. Depreciable equipment of five years' life or more normally purchased through other than construction contracts.* Large items of furniture and equipment having a reasonably fixed location in the building but capable of being moved. Example: Furniture, surgical apparatus, diagnostic and therapeutic equipment, office machines, dental equipment, laboratory and pharmacy equipment (except cabinets) wheeled equipment and the like.

(3) *Group III. Non-depreciable equipment of less than five years' life normally purchased through other than construction contract.* Small items of low unit cost and suited to storeroom control. Examples: Chinaware, silverware, kitchen utensils, bedside lamps, waste baskets, bed pans, dressing jars, catheters, surgical instruments, linens, sheets, blankets, mattresses and the like.

(d) *Responsibility of applicant.* (1) It shall be the responsibility of the applicant to select and purchase all necessary equipment for the complete functioning of all services included in the project in accordance with these standards and any further standards prescribed by the State Agency.

(2) It is essential that the equipment shall be properly apportioned and budgeted to the various services of the facility so that unduly expensive or elaborate equipment is not provided for some services of the project, necessitating the use of cheap and inadequate equipment for other services.

(3) As soon as possible after the award of the construction contract, the applicant shall submit to the Surgeon General through the State Agency for approval a complete list in triplicate of all proposed Groups II and III equipment, including itemized estimate of cost.

These amendments were approved by the Federal Hospital Council at a meeting held June 21, 1957, and shall become effective immediately on the date of publication in the FEDERAL REGISTER.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: November 8, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-9473; Filed, Nov. 15, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1002, 1009]

[Docket No. AO-268-A3]

MILK IN GREATER WHEELING AND CLARKSBURG, W. VA., MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Clarksburg, West Virginia, on March 26, 1957, and at Wheeling, West Virginia, on March 27-28, 1957, pursuant to notice thereof issued on March 6, 1957 (22 F. R. 1575).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 10, 1957 (22 F. R. 7316), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

A number of proposals and much of the testimony on the record were directed towards similar amendments to both orders. For this reason the issues on the record are herein considered as bearing upon the need for amendment of either or both orders except in those instances where the proposals were specifically intended for only one of the orders.

Material issues. The material issues of record relate to:

1. The marketing area:

(a) Whether Kingwood, West Virginia, should be deleted from the Clarksburg marketing area;

(b) Whether Monroe County, Ohio, the remainder of Guernsey County, Ohio, and the township of Union in Muskingum County, Ohio, should be added to the Greater Wheeling marketing area.

2. Provisions affecting whether a plant qualifies as a pool plant, and regulation of nonpool plants.

3. Definition of "producer" with respect to diversion.

4. The price for Class I milk, including supply-demand adjustment provisions and seasonal price differentials in both markets.

5. The price for Class II milk.

6. Classification of various special types of receipts and disposition.

7. Definition of "base milk", changes in months in which producers earn base, and months in which producers are paid for base.

8. Location differentials.

9. Certain conforming and clarifying changes of order language.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof:

1. *Marketing Area*—(a) *Clarksburg marketing area.* Kingwood, West Virginia, should be retained as part of the Clarksburg marketing area.

A handler regulated under the Clarksburg order proposed the deletion of Kingwood from the marketing area. The principal reasons advanced by the proponent for this action were to alleviate his surplus disposal problem in flush months, and to enable him to compete more favorably with unregulated handlers for fluid sales in areas not included in the Clarksburg order. Kingwood is the largest population center in Preston County, and is the only part of the County included in the Clarksburg area. It is one of several population centers included in the Clarksburg marketing area which are separated by intervening rural territory from the main part of the area.

Nearly all fluid sales in Kingwood (not including raw Grade A milk sold by local producer-handlers) are made by four handlers regulated under either the Clarksburg or Wheeling order. Two of these handlers, who opposed the deletion of Kingwood, testified that their firms each distribute about 35 percent of the total fluid sales in Kingwood. A third regulated handler has only a fractional share of the market; and the fourth, the proponent handler, distributes about 30 percent. If Kingwood were deleted, the proponent handler would become non-

regulated while the other three handlers, who market approximately 70 percent of the fluid milk sold in the town, would remain regulated.

Approximately 70 percent of the proponent handler's sales are outside the marketing area but within Preston County. His competition within the nonregulated portion of the County consists of regulated handlers and an unregulated handler whose plant is located in Cumberland, Maryland. The evidence indicates that this unregulated handler purchases milk at less than order prices. The proponent testified that competition was severe in the unregulated portion of the County, particularly in Terra Alta. It was indicated, however, that his sales, both in and outside the marketing area, have remained relatively constant. Deletion of Kingwood from the marketing area would expose regulated handlers who now provide about 70 percent of the sales in Kingwood to the unregulated competition of the proponent and other handlers.

It is concluded the proposal should be denied.

(b) *Greater Wheeling marketing area.* The Greater Wheeling marketing area should be expanded to include Monroe County, Ohio. The remainder of Guernsey County, Ohio, and Union Township in Muskingum County, Ohio, should not be added to the marketing area.

Some of the handlers under the Wheeling order proposed that Monroe County, Ohio, be added to the marketing area. Such enlargement of the area was supported on the basis of uniformity of health standards, and that the County is largely served by Wheeling handlers.

Monroe County was not included in the marketing area at the time of the order's promulgation. The evidence at the original hearing on the proposed order was insufficient to justify its inclusion.

Monroe County, which is contiguous to the presently defined marketing area, had a population of 15,362, according to the United States Census of 1950. Since this census, there has been a marked degree of industrial expansion within the area. This industrialization of Monroe County and its concomitant population growth have transformed the County from one of predominantly rural characteristics to one of more urban characteristics.

Regulated handlers now market a substantial majority of the total fluid distribution within Monroe County. There are 13 known retail and/or wholesale distributing routes within the County. Of these, 10 originate from plants regulated under the terms of the Wheeling order and 3 originate from 3 unregulated plants located outside of Monroe County and outside the marketing area.

A Grade A health ordinance has recently been adopted by the County. Milk plants in the County and dairy farms serving such plants are subject to health standards similar to those enforced in the communities presently comprising the Wheeling marketing area.

No evidence was submitted in opposition to the inclusion of Monroe County. Handlers who might be brought under regulation did not oppose this expansion.

Because of the similarity of health standards in effect in Monroe County with those in effect at the present marketing area, and because handlers regulated under the terms of the Wheeling order control the large majority of fluid sales within the County, it is concluded that Monroe County should be part of the marketing area.

Certain Wheeling handlers proposed that the remainder of Guernsey County, Ohio, not now in the marketing area, and Union Township in Muskingum County, Ohio, be added to the Greater Wheeling marketing area. This proposal was supported on the basis of similar health requirements, and that regulated handlers have substantial business in these proposed areas, but they claim they have lost business to unregulated handlers.

Regulated handlers have the smaller share of the fluid milk distributed in Union Township and that part of Guernsey County not already included in the marketing area. There are about 25 fluid distribution routes within this area, and of these, 9 are operated by handlers regulated under the Wheeling order.

These additions to the marketing area were opposed by two unregulated handlers whose plants are located in Zanesville, Ohio, which is outside the proposed area, because such expansion would regulate their plants without regulating other plants with which their plants compete for the major share of their fluid business. Wheeling handler operations do not extend to the Zanesville market.

Dairy farmers who deliver to plants which might be brought under regulation by such expansion of the area were not represented at the hearing. The association representing the majority of producers in the Greater Wheeling market opposed these additions to the area because of problems involved in regulated handlers with their principal business elsewhere.

Although addition of the proposed areas would no doubt reduce the problem of competition for some regulated handlers, it appears the same type of problem would be transferred to newly regulated handlers.

It is concluded that the remainder of Guernsey County and Union Township in Muskingum County should not be added to the marketing area.

2. *Pool plant qualifications and payments on nonpool milk.* The definitions of "pool plant", "distributing plant", and "supply plant" should be revised.

An association representing producers in both markets requested that the definition of "distributing plant" be changed to increase the required percentage of milk distributed on routes to 55 percent in the months of April, May and June, and 65 percent in other months. These percentages would be based upon the receipts at the plant from producers. The order now requires route distribution of 45 and 55 percent, in the same months, based on combined receipts from producers and other pool plants. An accompanying proposal made by this association was to eliminate the 10-day limit which applies to diversion of a producer's milk during the months of August through February, so that unlimited diversion would be permitted during any month of the year. This latter proposal was conditioned, however, on adoption of the higher percentage requirements for pool distributing plants. This association proposed also that the order should allow for "diversion" of milk between pool plants, so that the "diverted" producers would remain on the payroll of the diverting plants, and not appear in the receipts or pool plant qualification computations of the plant to which they were diverted. This, it was indicated, would facilitate movement of milk to handlers temporarily in need of additional supplies and would help in handling seasonal surplus.

Testimony given by handlers with respect to pool plant qualifications opposed changing the present percentage figures for distributing plants, but did favor basing these percentages on only receipts of milk from producers, and the elimination of the 10-day limit on diversion. One handler representative proposed that any plant which distributes more than 600 pounds of milk per day on routes in the marketing area should be a pool plant.

The qualifications for pool plants in these two orders are generally described within the definitions for "pool plant," "approved plant," "distributing plant," and "supply plant." A pool plant is defined as meaning a "distributing plant" or a "supply plant."

The pool plant qualification requirements now in the order have been designed to include in the market-wide pool those plants which have a substantial association with the market and whose business is primarily that of supplying fluid milk markets. For the months of July through March, a "distributing plant" is defined as having 55 percent of its receipts of milk (from producers and in the form of fluid milk products from other pool plants) distributed on routes inside or outside the marketing area. A seasonally lower requirement of 45 percent in the months of April, May and June, reflects the natural change in the level of a plant's utilization caused by a higher level of production in spring and early summer. A distributing pool plant must have 5 percent of such receipts distributed on routes in the marketing area. Nondistributing plants may qualify as pool plants in the months of September through January by shipping 55 percent of their receipts of producer milk to distributing plants. Such plants are called "supply plants." Any supply plant meeting the requirements for the months of September through January may continue as a pool plant through the following August. The market is not now served by any supply plants.

The definition of "pool plant" should take account of the variations in types of plant operations. One special type of plant which must be considered is a plant which has a substantial distribution of milk in the marketing area and receives its entire supply, or most of its supply, from a plant(s) regulated under another order. If this special type of plant is not regulated under any other

order, it is necessary that it be regulated in some manner under one of these orders, so as to assure appropriate accounting for all milk in such plant. Pool plant qualification of distributing plants is not affected under present order provisions by receipts from other Federal order plants, since such receipts are not included in the computation. This type of receipt is an important factor, however, in market supply. On the other hand, receipts of milk from other pool plants under the same order (Wheeling or Clarksburg) do affect pool plant qualification.

The problem of handling seasonal surpluses of producer milk is also affected by the pool plant definition. One handler pointed out that he was limited as to the extent to which he could accommodate other handlers in processing their surplus producer milk, because if he received a volume of milk from other pool plants such that he would make full use of his manufacturing facilities, his percentage for route distribution would fall below the minimum required for pool plants.

A pool plant definition for distributing plants should not ordinarily include plants primarily in the business of manufacturing milk products, because pooling such operations will dilute the returns to producers for Class I milk. Such an occurrence would interfere with the function of the Class I price which is to provide the incentive for producers to supply the fluid market.

The objective of preventing dissipation of the returns from Class I sales to milk produced for manufacturing may be achieved in these markets by basing the definition of "distributing plant" on the percentage of receipts from qualified dairy farmers sold on routes out of such plant. It is concluded that such a definition should be adopted.

Under this definition, milk received in bulk as transfers from other plants would not affect the qualifications of a distributing plant for pooling. The integrity of pooling requirements would be maintained, however, by application of the "distributing plant" definition, or an appropriate "supply plant" definition in the case of the plant making such transfer. Shipments received from plants not meeting these definitions would be other source milk. The allocation provisions of the order assure that such other source receipts will not reduce the value of producer milk in the pool.

The producer proposal to raise the percentage requirements for distributing plants should not be adopted. Such a change could cause difficulty for some plants which receive all their milk from dairy farmers, but with a percentage in Class I only slightly in excess of the current minimum. Such a change is not necessary to assure the integrity of the pooling arrangement. The percentage figures should be the same as now in the order.

The present order provisions base a distributing plant's connection with the market on the requirement that distribution on routes in the marketing area amount to at least 5 percent of receipts from producers and fluid milk products received from other pool plants. In view of the aforementioned possible variations in the make-up of a plant's receipts, a better measure of connection with the market would be the proportion of the plant's total route sales which are in the marketing area. It is concluded that a pool distributing plant should have 5 percent of its route sales in the marketing area.

It is possible that some plants with substantial distribution business in the marketing areas may not receive any milk from qualified dairy farmers. Such plants may obtain their supply from pool plants under the orders for the market in which they sell, from plants under other orders, or from plants which do not qualify as pool plants under any order. Under present provisions of either order, if such plants sell on routes in the marketing area an amount of milk equal to or exceeding 5 percent of their receipts from pool plants, they then qualify as pool plants. For purposes of uniformity and effectiveness of the application of regulation, it is necessary that such plants continue to be regulated as pool plants, with the modification, however, that the 5 percent be the minimum proportion of their Class I route sales which are in the marketing area.

The proposal to include in the pool any plant which distributes in the marketing area more than 600 pounds of milk per day would bring under regulation any plant, however large its business outside the area, which had such a volume of business inside the area. Such a method of regulation appears to be unnecessary to achieve effective regulation in view of other provisions, particularly in view of the pool plant requirements previously discussed. Furthermore, any advantage which a nonpool handler might have with respect to procurement and sales outside the marketing area is removed with respect to sales within the marketing area by reason of payments required to be made into a producer-settlement fund.

The definition of "supply plant" should be modified to assure a more definite association of the plant with the needs of the fluid market. For this purpose, the qualification of a supply plant should be related to the average utilization of Grade A milk in the distributing plant to which it ships. Such shipments should not qualify a plant for pooling unless the average utilization of all Grade A milk (including the shipments) received by the distributing plant is at least 55 percent in the form of route sales out of such plant. There should be retained in the order a provision which allows a plant which meets the qualifications of a supply plant during the months of September through January, to continue as a pool plant for the following months through August. The provision now in the order requires that written application be made to the market administrator if the operator desires to maintain pool status of the plant. This provision should be modified so that such a plant will remain in the pool for the months of February through August unless the operator makes request for withdrawal.

The order provisions which determine whether or not a plant shall be included in the pool for the respective market are related to the provisions affecting use of other source milk by pool plants and sales of milk in the marketing area by nonpool plants. On the basis of previous hearing records, it has been found necessary to provide that certain payments into the market pool be made on such other source milk. For these reasons, proposals with respect to compensatory payments on other source milk are considered in connection with the evidence on pool plant qualifications.

A handler representative proposed the deletion of the order provisions which set aside the requirement of compensatory payments on other source milk in any month in which total deliveries by producers are less than 110 percent of all handlers' Class I sales. The witness supported this proposal for the Clarksburg market on the basis that handlers do not attempt to maintain a full supply for year around needs even if additional producers are available, but prefer to depend upon other source milk to supplement their supply of producer milk. As a result, producer milk could be less than 110 percent of handlers' Class I sales, although the supply situation is not fundamentally so short that handlers should be excused from compensatory payments.

However, while such a condition conceivably could exist, the record did not indicate that any handlers are purchasing significant volumes of nonregulated other source milk. Nor is there evidence that handlers are unwilling to receive additional supplies of milk from dairy farmers who are desirous of shipping to the Clarksburg market. It is therefore concluded that this proposal should be denied.

From time to time, some plants may qualify as pool plants under more than one Federal order. The provisions in the Wheeling and Clarksburg orders which exempt such plants from regulation as pool plants should be revised for clarification, as described in the applicable provisions, and to provide, for determination by the Secretary, as to the order which should regulate when a plant is eligible for regulation under more than one order.

The producer request for specific provision with respect to "diversion" of producers between pool plants should be dealt with in terms of transfers of milk between plants. For this purpose, language should be included in the provisions dealing with classification of transfers, to indicate that transfers made by direct movement from the producer's farm to the transferee plant for the account of the transferor plant, shall be classified in the same manner as milk transferred as bulk shipments. Handlers who cause milk to be moved in this manner to another handler's plant should be responsible, under the orders, for reporting the receipt and disposition of such milk, and should be responsible for payment of the producer whose milk is so moved. Location differentials with respect to such milk should be applied at the point where the milk is physically

received at a handler's plant although such receipt, for other purposes, may be reported at the plant from which the transfer is made. The provision for transfer of milk in such manner should not apply to plants which do not distribute in the marketing area, because of the effect such an extension of the provision could have upon the qualification for pool status of plants which are primarily shipping plants. No plants currently qualify as pool plants on the basis of shipments.

3. *Producer diversion to nonpool plants.* No change should be made in the provisions affecting diversion of producers to nonpool plants, except in the case where such nonpool plant is regulated pursuant to another order.

A proposal was made by producers to delete the limitation to ten days of any one month during the months of August–February for diversion of a producer to a nonpool plant. This proposal was made conditional upon adoption of a proposed increase in percentage of utilization requirement in the "distributing plant" definition. The latter proposal is not adopted herein.

Handlers also favored deletion of the ten-day limit on diversion in the months mentioned.

The definition of "producer" in the order allows diversion of a producer any day during the months of March through July, and not more than ten days in any other month. Such a limit is needed to establish a producer's substantial association with the market in the months when the supply-sales relationship is closest. The present allowance for diversion is ample. The proposal is denied.

It is possible that a nonpool plant may be a plant regulated under another order. In this case, the regular diversion provision contained in the definition of "producer" should not apply, and the dairy farmer should not be considered to be a producer with respect to milk so delivered to a plant under another order. This will avoid conflict in regulations between the two orders. A similar provision is presently contained in the "producer milk" definitions of the orders.

4. *Class I price.* No change should be made in the Class I price formulas or in the supply-demand adjustments used in the Wheeling and Clarksburg orders.

A proposal was made by a producer association that the Class I prices in both the Wheeling and Clarksburg markets be increased 35 cents per hundredweight in each month. Another proposal, made by a representative of some producers in the Clarksburg area, requested that the Class I price for that area be 45 cents higher than the present price for the months of August through February, and that this level of prices be used in every month without seasonal changes. A proposal was also made for both markets which would modify the supply-demand adjustment so as to give some effect to the combined supply-sales relationship in the two markets, rather than depending entirely on the similar relationship in the Cleveland and Akron-Stark County markets as now provided in these orders.

The proposals to increase the level of the Class I prices in these markets were based largely on the increases in costs of production experienced by dairy farmers and the low margin by which supplies of producer milk cover Class I sales in some months. It was indicated in this connection that some handlers have had to supplement their producer milk supplies with milk from other sources to meet Class I needs.

The supply situation for both the Wheeling and Clarksburg markets is affected by the supply and demand situations in neighboring markets. This is particularly true with respect to the Cleveland and Akron-Stark County markets, because handlers in those markets distribute milk directly in the Greater Wheeling marketing area. Almost 10 million pounds of Class I milk, representing more than 10 percent of the total Class I sales in the market, were distributed directly in the Wheeling market during 1956 by handlers regulated under these other orders. It may be recognized that recent changes in the operations of one of the handlers, in this connection, could result in a lesser volume of Cleveland and Akron-Stark County milk in the Wheeling market in 1957, but nevertheless, the direct distribution by other order handlers may be expected to continue to be a substantial portion of all sales.

With respect to the Clarksburg area, an important intermarket relationship is established by the fact that a substantial volume of the distribution is from a Wheeling order pool plant. Some Tri-State order milk is also sold in the Clarksburg market.

The dependency of the Wheeling and Clarksburg handlers upon supplies from the other markets mentioned is further shown both by purchases on a regular basis and occasional purchases to supplement producer milk in months of short supply.

The principal non-Federal order market which competes for supplies in the same areas as the Wheeling and Clarksburg markets is the Pittsburgh market. The supply areas also overlap with the Youngstown market.

Class I prices under the Wheeling and Clarksburg orders are established in a manner which maintains a close relationship with prices in the Cleveland and Akron-Stark County markets. The Wheeling price is 10 cents higher than the Cleveland price and 15 cents higher than the Akron-Stark County price. This exact relationship is not maintained in every month because the Wheeling and Clarksburg markets use the Cleveland supply-demand adjustment but apply it one month later. The Clarksburg price is 25 cents over the Wheeling price. These intermarket price relationships are maintained season by season. The seasonally lower level of the Wheeling market Class I differential, $1.50, applies in the months of February through July which is the same as the period of seasonally lower price levels of the Cleveland and Akron-Stark County markets. In other months, the Class I price differential is $1.95.

The price differentials between these and the other Federal order markets within the region generally offset the cost of moving milk from the other markets to Wheeling or Clarksburg. The fact that milk continues to move from the other markets into these markets is an indication that these price differentials are sufficient to cover the cost. Any increase in the general level of Class I prices in Wheeling and Clarksburg would give an added incentive for handlers in the other markets to sell milk in these markets.

The supply of producer milk in some months exceeds Class I sales of pool plants by only a small margin. In the shortest months, this margin may be as low as 5 to 7 percent. However, this supply-sales relationship cannot be considered independently from the supply situations in neighboring markets. As mentioned elsewhere in this decision, many of the handlers do not have adequate facilities for processing into manufactured products regular and seasonal supply reserves. In this situation, there is a tendnecy for such handlers to carry a relatively short supply in relation to their Class I sales and also a tendency to depend on the larger neighboring markets for supplemental supplies. Consequently, in these particular markets, the percentage of producer milk classified as Class I does not accurately portray the whole supply-sales relationship for the market.

In these circumstances, it is necessary to judge the appropriateness of the level of Class I prices in the light of the price in effect in nearby Federal orders. This situation is, in fact, recognized in the use of the Cleveland supply and demand adjustment for these markets.

Prices in these markets should continue to be related closely to the prices in other major neighboring markets. It is concluded that the Class I prices in the Wheeling and Clarksburg markets should not be increased under present conditions.

Many of the considerations decided with respect to the general level of Class I prices in the Wheeling and Clarksburg markets also bear on the proposal to change the supply-demand adjustment. The producer proposal would allow for continued use of the Cleveland supply-demand adjustment except when producer milk in the two markets is less than 115 percent of producer milk in Class I, or more than 145 percent of producer milk in Class I. Under the proposal, 3 cents per hundredweight would be added to the Class I price for each percent that producer deliveries are less than 115 percent of producer milk in Class I and conversely, 3 cents per hundredweight would be subtracted for each percent that producer milk exceeds 145 percent of producer milk classified as Class I.

The producer proposal would have resulted in plus price adjustments several months in which the supply-demand adjustment borrowed from the Cleveland order would have been negative. On the basis of the preceding findings and conclusions, such a widening in the intermarket differentials is not necessary to assure an adequate supply for the Wheeling and Clarksburg markets. Furthermore, such a widening of intermarket differentials would give Wheeling and Clarksburg handlers an incentive to carry less producer milk and depend, to a greater extent, on supplies from other markets. An additional difficulty in using the type of supply-demand adjustment proposed is that the volume of producer milk classified as Class I does not give an adequate indication of the volume of Class I sales by all handlers operating in these markets. It is concluded that the present arrangement under which the Wheeling and Clarksburg Class I prices are adjusted by the supply-demand adjustment effective in the previous month in the Cleveland and Akron-Stark County markets should be continued. That supply-demand adjustment is based on the combined supply-sales relationship under the Cleveland and Akron-Stark County orders.

5. *Class II price.* The Class II price in all months should be the basic formula price.

The Class II prices under the Wheeling and Clarksburg orders are calculated by identical formulas. In each market, the Class II price is the basic formula price, subject to the exception, however, for the months of April, May and June, that this formula is reduced 20 cents per hundredweight if the supply-demand adjustment affecting the Class I price is negative. Aside from this exception, the Class II price is thus the highest of three alternative values for manufacturing milk: the average of the paying prices of Mid-west condenseries, a butter-powder formula, and a butter-cheese formula.

The Class II price formulas in these orders result in the same level of prices for surplus producer milk as in the nearby Federal order markets of Cleveland and Akron-Stark County, except for the possibility of the 20-cent deduction in these markets in the April-June period, and the 30-cent higher price for milk used in cottage cheese in the Cleveland and Akron-Stark County orders. The Cleveland and Akron-Stark County orders do not contain the butter-cheese formula as do the Wheeling and Clarksburg orders, but the butter-cheese formula has consistently been the lower of the three alternatives and, thus, has not been effective in establishing prices.

For the months of April, May and June 1956, the 20-cent per hundredweight deduction was effective in the Wheeling and Clarksburg markets because of a negative supply-demand factor in April and by order amendment for May and June 1956.

Producers proposed that the Wheeling and Clarksburg orders be amended to provide regular seasonal changes in the Class II price formulas without any contingency features depending on the supply-demand adjustment. They requested, however, that the annual average level of the price should be maintained at the average level of the basic formula price. The general basis given for this proposal was that there is a need for seasonal reduction of prices in the high production months of the spring so as to facilitate orderly marketing of producer milk, and that maintenance of the average annual level is necessary to return full value of milk to producers.

Handler witnesses requested that a 20-cent reduction during the months of April, May and June be a regular part of the Class II price formula, and that no compensating amount be added during other months of the year. Handlers maintained that the return obtainable in marketing the seasonal surplus during this three-month period is considerably below the basic formula price level.

The objectives in establishing prices for reserve and surplus producer milk under order regulation are related to the problem of establishing appropriate prices for Class I milk. If the price for milk in Class II is set at too low a level, the handling of milk for manufacture will become, in itself, an attractive business such that handlers will be encouraged to develop supplies solely for manufacturing. Particularly in a market-wide pool, this could result in a general increase of handlers' supplies, and also in the entrance into the market of new plants to take advantage of this situation. The effect of these developments which could take place over a period of time would be to dissipate the higher value contributed to the market-wide pool by Class I sales. Inasmuch as the Class I price is designed to attract an adequate but not excessive market supply of milk for fluid use, such development of supplies in excess of ordinary reserve requirements of handlers tends to defeat this purpose.

Handlers normally carry a supply which includes some reserve over the actual volume of Class I sales to allow for variations in production and sales. The Class II price should be established at a level low enough to allow for the orderly disposition of such reserve milk in manufacturing uses, but should not be so low as to encourage handlers to develop excessive supplies for manufacturing purposes, as explained previously.

The volume of Class II producer milk and other source fluid milk products used for manufacturing by Wheeling handlers in 1956 was approximately 34½ million pounds, of which about 26.4 million pounds was producer milk and the remainder was accounted for as other source milk. In the Clarksburg market, the volume of Class II milk reported by handlers for the year 1956 was 8.7 million pounds, of which producer milk accounted for about 7.5 million pounds and other source milk for the remainder. Handlers in both markets used milk on a year around basis in the manufacture of cottage cheese. Some handlers in both markets have regular ice cream manufacturing operations. The manufacture of butter also represents a lesser but relatively stable year around disposition of producer butterfat. The volume of milk in these various Class II items throughout the year indicates that they are part of the continuous, regular business of some of the handlers in these markets.

The proposals for seasonal reductions in the Class II price formula related particularly to the April, May and June quarter. For the Wheeling market, the percentages of producer milk reported in Class II in these months of 1956 were 17.8, 27.7, 25.0 percent, respectively. In the Clarksburg market, the corresponding percentages were 7.6, 21.4, and 20.6 percent. The lowest percent of Class II in any month of 1956 was, for Wheeling, about 11.0 percent in January, and for Clarksburg, 4.8 percent in March.

Other source milk used by Wheeling handlers in manufacturing operations also shows a seasonal pattern. The approximate volumes of other source milk classified as Class II during the several calendar quarters of 1956 were as follows: 0.7 million pounds for January-March, 2.8 million pounds for April-June, 2.5 million pounds for July-September, and 1.8 million pounds for October-December. From this analysis it is apparent that at least for some handlers plant capacity is not a problem in disposing of producer milk in Class II uses.

Handlers contended that without the 20-cent deduction during the months of April, May and June, the Class II price would be unduly high in relation to prices paid by nearby unregulated manufacturing plants. The only paying prices of an unregulated plant entered in the record, however, were prices paid by United Dairies at Barnesville, Ohio. This plant, from time to time, has served as a principal outlet for producer Class II milk. For the months of November 1955 through March 1956, the prices at this plant were lower than the order Class II price by 6 to 16 cents per hundredweight. For the months of April, May and June 1956, when the 20-cent deduction was effective in the Class II price formula, the Barnesville plant's prices were 3 to 4 cents lower than the order price. In the months of November 1956 through February 1957, however, the prices at the Barnesville plant were 2 to 7 cents higher than the order price.

The dependency of changes in the Class II price upon the supply-demand factor is no longer desirable. Uncertainty as to the outcome of such a relationship could occur at times when it would be difficult to make timely changes if such changes were needed. Also, changes in the supply-demand adjustment, which is based on data for preceding months in Cleveland and Akron-Stark County areas, may depend on a range of circumstances not directly related to the appropriate level of the Class II price for the Wheeling and Clarksburg markets.

Producers' contention for increase in the Class II formula price in months other than April, May and June would result in prices higher than the basic formula price. The basic formula price is the highest of three representative values for milk in manufacturing uses. It was not shown by proponents that special health requirements apply to any of handlers' regular Class II uses. Under these circumstances, there is no basis for establishing a price for Class II milk in these months higher than the basic formula price.

The proposals for a seasonal reduction in the Class II price are also denied.

The Wheeling and Clarksburg markets are not subject to relatively large and burdensome amounts of surplus milk in the months of April, May and June. In fact, handlers, collectively, continue to import other source milk for manufacturing in these months. In addition, the prices paid at a local manufacturing plant for ungraded milk, at least in months immediately prior to the hearing, approximated basic formula prices.

The problem of surplus disposal experienced by those handlers without sufficient facilities to manufacture the seasonal surplus of their producers should be relieved by the revised definitions of pool distributing plants which do not include receipts from other pool distributing plants in determining qualification percentages.

It is therefore concluded that the Class II price in all months should be the basic formula price.

The proposal to reduce the Class II butterfat differential, made by certain Clarksburg area handlers, is denied. In view of the conclusion contained in this decision relative to Class II pricing, there is no basis for further consideration of a reduction in the general level of Class II milk values. The Class II butterfat differential per one-tenth of a percent of butterfat is 0.115 times the wholesale price per pound of butter. This value is not excessive for butterfat in Grade A milk used for manufacturing purposes.

6. *Classification.* No change should be made in the classification of butterfat dumped or used for livestock feed. No change should be made in the method of classifying and accounting for nonfat solids used to fortify fluid milk products.

Certain handlers under the Clarksburg order proposed that Class II classification should be allowed for butterfat dumped or disposed of in livestock feed. Such usage was described as resulting when certain types of route returns contain butterfat not readily separable for use in other milk products.

The provisions of the orders affecting classification of such butterfat operate uniformly with respect to all handlers. Accordingly, the order provisions do not operate to the disadvantage of one handler compared to another, and are equitable. The amount of butterfat in route returns depends on the success of the handler in coordinating the volumes of milk products bottled with the volumes he can sell. Change of order provisions in the manner proposed would tend to shift the burden of any inefficiency in this matter from handlers to producers. Handlers may utilize butterfat from route returns in the manufacture of certain Class II products. In such circumstances, this butterfat will be classified as Class II utilization. If a handler accounts for butterfat in route returns as a loss, such loss is classified pursuant to the provisions applicable to shrinkage or unaccounted for milk. Classification of actual shrinkage of producer milk in Class II up to 2 percent of such receipts is allowed in the order. Such a limit has been found to be reasonable. Such a limitation serves to prevent advantage to handlers who fail to keep full and accurate records.

Another handler proposal would establish a special price 10 percent higher than the Class II price for skim milk equivalent of nonfat solids used to fortify fluid milk products.

Nonfat solids used to fortify Class I products are classified under the order as Class I milk at the volume of the fluid skim milk used in the manufacture of the added solids. The witness presenting the proposal conceded that the applicable health department requires that the nonfat solids be from Grade A milk.

The value of each pound of nonfat milk solids utilized by addition to, or as, a Class I product has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such solids are obtained alter their value to the handler for this purpose and they may not be distinguished on the basis of cost of production, need for regular supplies, sanitary requirements, seasonality of production, or value to consumers. Since the Class I price provisions are designed to encourage producers to deliver an adequate and dependable supply of milk in all seasons, the returns to producers for one portion of Class I milk should not be reduced below the level of the remaining portion disposed of in such class. The proposal for a lesser value, therefore, is denied.

7. *Base-excess plan.* No change should be made in the base earning or base effective months under these orders. Provisions should be made so that bases may be assigned to producers delivering to plants which become pool plants after the beginning of the base-forming period. The definition of "base milk" should be clarified.

Under the Wheeling and Clarksburg orders, the base for each producer is calculated by dividing the total pounds of milk received from such producer at pool plants during the preceding months of September through December by the number of days from the first day of delivery to the last day of September, but not less than 90 days. Such bases are effective for the months of March through July, following.

Various proposals were made to change the months in which producers earn their base and the months in which bases apply. A proposal made by the cooperative association representing a majority of producers in the market would include the months of February and August in the period when bases are effective.

During the period in which the orders have been effective in these markets, the level of production has been such that there would have been a very small percentage of producer milk in the excess category in February and August if bases had been effective in these months. Consequently, there would have been very little difference between the base and excess prices. From this, it is apparent that adding the months of February and August to the base effective period would not be of any consequence in furthering the purpose of the base plan to even out the seasonal variations in production. Also, under the proposal, September would be the only month of the year in which a farmer could come on the market as a new producer and earn a full base without going through a period in which he receives only an excess price or payment on a base less than he would normally earn. Such a base plan does not appear suitable for a market which experiences a relatively short supply during several fall and winter months. This proposal is denied.

A handler in the Clarksburg area proposed that the months of January and February be added to the base earning months. The handler claimed that producers are freshening cows early in the base-forming period and, consequently, their deliveries fell off in the months of January and February as compared to the preceding months.

Deliveries per day per dairy in the Clarksburg area were higher in January and February 1956 than in December 1955, and similarly that production per day per dairy in January and February 1957 was at practically the same level as in December 1956. The rate of production in these two months was higher than in some other months in the base earning period. In view of the relatively short history of the base plan under this order it is not clear yet whether such a later base earning period would benefit the market. No modification of the base earning period should be made at this time.

The proposal was made by a producers' association which would allow a producer whose production is interrupted by causes beyond his control to earn a full base. The types of disaster which might interrupt production and would come within the meaning of the special provisions were described as animal diseases, destruction of crops and barns after the harvest period, enforced retirement, and entrance into the military service. Under the proposal, if a producer's deliveries were interrupted for these reasons, the number of days of interruption would not be included in computing his base.

Such a provision would be difficult to administer, since it would require the administrative agency to make determinations upon matters which are difficult to define in a manner to cover all circumstances and relate to production conditions rather than the marketing of milk after it leaves the farm. The order presently allows producers to compute a full base on a minimum of 90 days' shipments. In effect, this allows a producer to interrupt deliveries during the base-forming period and earn a full base. This proposal is denied.

The base rules allow a producer to transfer his base to another person. These rules therefore allow for transfers of base in the case of any involuntary withdrawal from the dairy business.

A handler proposed that producers who come on the market during the base-paying months should be allowed the base price on some of their milk. His proposal appears to be that such a new producer should be given a base such that the proportion of his deliveries paid for at the base price would be 60 percent as much as a proportion for the market average. This proposal was offered so that producers could come on the market in fall and winter months when the market most needs additional supplies, after it is too late to earn a full base, and be assured of at least a partial base. One handler testified also that in March he needed additional milk but could not take on new producers because they would receive only the excess price for their entire deliveries.

Under the order, the base earning period is September through December, but a producer may enter the market on the third day of October and earn a full base equal to his average deliveries during the October-December period. A producer who enters the market later than this is given a base which is less than average deliveries because the smallest divisor is 90 days. The proposal to allow a producer some portion of his milk as base milk although he enters the market too late to earn a full base, has some merit in that it would help handlers to obtain supplies of producer milk in the short season. However, insufficient evidence was adduced at the hearing to determine if the type of base allowance proposed by the handler would dilute the base price to an extent which would be inequitable to producers who earn a full base, or would impair the effectiveness of the base plan. The proposal should be denied at this time.

From time to time, there are changes in plants associated with a market. Some provision should be made in the order for assigning bases to producers delivering to a plant which enters the market after the beginning of the base earning period. Such producers should be assigned an earned base computed from the records of the deliveries to such plant to the extent that such records are available for the base earning period. However, bases earned in this manner should be nontransferable. The assignment of bases to dairy farmers under this provision should not result, through transfers of bases, in a reduction of the value of bases earned by producers on the market in the base-forming period.

The definition of "base milk" should be clarified so that it applies to the number of days of milk production delivered in the month rather than the number of days on which such milk is delivered. This will accommodate instances where producers regularly deliver on every other day.

8. *Location differentials.* No change should be made in the location differential provisions of either the Wheeling or Clarksburg order except to clarify the provisions.

Producers were primarily concerned with the necessity for an additional basing point for location differentials if the marketing area should be expanded to include all of Guernsey County. This expansion proposal is denied in another part of this decision.

Producers also proposed that the provisions which apply to the location differential to producers should be amended to eliminate the application of the adjustment to producer milk allocated to Class II, and to excess milk in the base-paying months.

The order provides location differentials which apply to the Class I prices charged to handlers. These reflect representative costs of transporting whole milk from outlying points to the market. No location differential applies to Class II use of handlers. With respect to payments to producers, the uniform price is adjusted for location at the same rate as the Class I price.

No plants now supplying the market are receiving producer milk to which location differentials apply.

The value of milk for fluid use when it is delivered by farmers to plants located some distance from the market is affected by the cost of transporting whole milk to market. Accordingly, the uniform prices paid producers should reflect such variations in the value of milk at point of delivery at a distance from the marketing area in contrast to its value when delivered to the marketing area.

During base-paying months in these markets, some excess milk is generally used in Class I. In these circumstances, it would be inappropriate for excess milk to be unaffected by location differentials.

In the case of milk caused by a handler to be delivered to the pool plant of another handler, location differentials on such milk should apply at the plant of the second handler, although for purposes of classification and calculation of pool plant qualification such milk may be treated as if received and handled by the first handler. The order provisions should be clarified to indicate the point at which location differentials apply in the case of such receipts, and also for diverted milk. This will recognize the necessity to relate location allowances to the point of actual physical receipt.

The volume of milk to which the Class I location differential applies should be clarified by indicating that it applies to a volume of Class I disposition from the plant which does not exceed producer milk receipts, such Class I disposition in the case of transfers to be determined by the same allocation procedure as now set forth in the orders.

9. *Clarification.* (a) The classification provisions of the Wheeling and Clarksburg orders should be amended to classify specifically as Class II that skim milk and butterfat which is disposed of in bulk to commercial manufacturers, other than dairy plants, which do not dispose of fluid milk products. The present provisions provide for Class I classification of such disposition.

It was within the intent of the Secretary in the decision relative to these orders issued September 6, 1955, that skim milk and butterfat so disposed of should be classified as Class II. This decision said, in part, "skim milk and butterfat disposed of to commercial food product manufacturing plants, other than dairy plants, which do not dispose of fluid milk products for fluid consumption, should be Class II milk."

(b) In the sections of the Wheeling and Clarksburg orders which define the computation of the uniform price, reference to location differentials should be § 1002.74 and § 1009.74, respectively. In § 1009.5 of the Clarksburg order which defines the marketing area, "the City of Weston" in Lewis County is correct instead of "the City of Western".

(c) The designation of East Liverpool in the definition of the Greater Wheeling marketing area should be corrected.

(d) The allocation provisions, as they apply to receipts from plants regulated under the terms of another Federal order, should be clarified. It is concluded that the use of identical language in both orders will facilitate their administration and remove any possibility of misunderstanding.

(e) The provisions describing the determination to be made pursuant to section 54 in both orders should be clarified so that it is understood that the percentage relationship depends on producer receipts and Class I milk volume at pool plants, except those which do not receive milk from producers.

General findings. (a) The proposed marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing areas, respectively, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision, are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are

four documents entitled, respectively, "Marketing agreement regulating the handling of milk in the greater Wheeling, West Virginia, marketing area," "Order amending the order regulating the handling of milk in the greater Wheeling, West Virginia, marketing area," "Marketing agreement regulating the handling of milk in the Clarksburg, West Virginia, marketing area," and "Order amending the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Referenda order; determination of representative period; and designation of referenda agent. It is hereby directed that separate referenda be conducted to determine whether the issuance of the attached orders amending the orders regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia, marketing areas, is approved or favored by the producers, as defined under the terms of each order, respectively, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing areas, respectively.

The month of August 1957 is hereby determined to be the representative period for the conduct of each referendum.

William Kidd is hereby designated agent of the Secretary to conduct such referenda in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referenda to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 13th day of November, 1957.

[SEAL] DON PAARLBURG,
Assistant Secretary.

Order[1] *Amending Order Regulating Handling of Milk in Greater Wheeling, West Virginia, Marketing Area*

Sec.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

AUTHORITY: §§ 1002.0 to 1002.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1002.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to each hundredweight of butterfat and skim milk contained in producer milk, other source milk allocated to Class I milk, and Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Wheeling, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 1002.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1002.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1002.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1002.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1002.5 *Greater Wheeling marketing area.* "Greater Wheeling marketing area", hereinafter called the "marketing area", means all territory included within the boundaries of (a) Jefferson, Belmont and Monroe counties, Ohio, (b) Hancock, Brooke, Ohio, and Marshall counties, West Virginia, (c) East Liverpool, St. Clair, Wellsville, Yellow Creek, Madison, and Washington townships in Columbiana County, Ohio, and (d) Londonderry, Oxford and Millwood townships in Guernsey County, Ohio.

§ 1002.6 *Producer.* "Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1002.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of (a) a plant in which any fluid milk product is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (excluding other plants) in the marketing area, or (b) a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are shipped during the month to a plant described in paragraph (a) of this section.

§ 1002.8 *Distributing plant.* "Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1002.6 is disposed of as Class I milk during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

§ 1002.9 *Supply plant.* "Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1002.6 are shipped to distributing plants or plants described in § 1002.10 (c) which during the month dispose of as Class I milk on routes described in § 1002.8 (a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1002.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1002.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

§ 1002.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant;

(b) A supply plant; or

(c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to retail or wholesale outlets (excluding pool plants), is so disposed of in the marketing area.

§ 1002.11 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1002.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1002.6; or (b) Any person in his capacity as the operator of one or more approved plants.

§ 1002.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

§ 1002.14 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received by a handler directly from producers, not including milk delivered for another handler's account pursuant to § 1002.63; or (b) diverted by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1002.6; or (c) caused by a handler to be delivered for his account to the pool plant of another handler pursuant to § 1002.63.

§ 1002.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1002.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1002.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1002.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market ad-

ministrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1002.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1002.90 multiplied by the number of days of milk production delivered in such month.

§ 1002.20 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1002.90.

MARKET ADMINISTRATOR

§ 1002.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1002.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1002.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1002.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1002.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1002.30 and 1002.31 or payments pursuant to §§ 1002.80 through 1002.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1002.30 and 1002.31 or payments pursuant to §§ 1002.80 through 1002.86;

(l) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(m) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(n) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(o) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(p) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1002.30 and 1002.31 or payments pursuant to §§ 1002.80 through 1002.86;

(q) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(r) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(s) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(t) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(u) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1002.30 and 1002.31 or payments pursuant to §§ 1002.80 through 1002.86;

(v) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(w) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(x) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(y) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(z) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1002.30 and 1002.31 or payments pursuant to §§ 1002.80 through 1002.86;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1002.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of April through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1002.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1002.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1002.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the

retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1002.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported pursuant to § 1002.30 (a) shall be classified each month pursuant to the provisions of §§ 1002.41 through 1002.45.

§ 1002.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1002.42 through 1002.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) and (4) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk, respectively.

§ 1002.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1002.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (including that which the handler causes to be delivered from a producer's farm to the pool plant of the other handler, but not including transfers to a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1002.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1002.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Wheeling, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1002.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1002.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1002.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month,

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1002.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the act and classified as Class I pursuant to such other order(s): *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1002.43 (a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for de-

termining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1002.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a), (b), or (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed,

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

(c) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5,

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1002.51 *Class prices.* Subject to the provisions of §§ 1002.52 and 1002.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month plus the following amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.50
All others	1.95

Provided, That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (Order No. 75, Part 975 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1002.50.

§ 1002.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1002.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1002.53 *Location differentials to handlers.* For milk disposed of from a pool plant located 60 miles or more from the city halls of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest by shortest hard-surfaced highway distance as determined by the market administrator, as Class I milk pursuant to paragraphs (a) and (b) of this section, but not to exceed producer milk received and milk caused to be delivered pursuant to § 1002.63 at such plant, the price specified in § 1002.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the city hall of Wheeling, W. Va., East Liverpool or Steubenville, Ohio, whichever is nearest (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that portion of the milk moved which remains after assigning such milk to the quantity of Class II milk in the transferee plant as determined by the calculations prescribed in § 1002.45 (a) (1) through (4), and the comparable steps in § 1002.45 (b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential; and

(b) Class I disposition from the plant other than disposition to the other pool plants.

§ 1002.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows, except that the rate shall be zero in any month in which total deliveries by producers are less than 110 percent of Class I utilization (excluding duplications) in plants qualified as pool plants pursuant to § 1002.10 (a) and (b):

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and adjusted by the location differential rates set forth in § 1002.53 for the location of the plant at which the milk was received from farmers.

§ 1002.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1002.60 *Producer-handlers.* Sections 1002.40 through 1002.45, 1002.50 through 1002.53, 1002.61 through 1002.63, 1002.70 through 1002.75, and 1002.80 through 1002.87 shall not apply to a producer-handler.

§ 1002.61 *Plants subject to other Federal orders.* Upon determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1002.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Greater Wheeling marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the act, and which is subject to the classification and pricing provisions of such other order if exempted pursuant to this paragraph from regulation as a pool plant under this part;

(b) Any plant qualified pursuant to § 1002.10 (b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the act and the Secretary determines that such plant should be exempted from this part.

§ 1002.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing

provisions of another order issued pursuant to the act, shall on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1002.54: *Provided,* That such payments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order.

§ 1002.63 *Milk caused by a handler to be delivered to another handler's pool plant.* Milk caused by a handler, as the operator of a pool plant which is an approved plant pursuant to § 1002.7 (a), to be delivered for his account to another handler's pool plant similarly qualified pursuant to § 1002.7 (a), shall be considered, for purposes of reporting, classification, and payment, to be received by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

DETERMINATION OF PRICES TO PRODUCERS

§ 1002.70 *Computation of the obligation of each handler.* For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1002.45 by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 1002.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1002.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1002.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1002.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1002.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1002.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1002.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the obligations computed pursuant to § 1002.70 for all pool plants which submit reports prescribed in § 1002.30 and who are not in default of payments pursuant to § 1002.80 or § 1002.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1002.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1002.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1002.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1002.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1002.30, and who are not in default of payments pursuant to §§ 1002.80 or 1002.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1002.71 (a) through (d) then add the total amount of payments due pursuant to § 1002.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f. o. b. market.

§ 1002.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1002.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1002.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk, as defined in § 1002.14 (a) and (b), received at a pool plant located 60 miles or more from the city hall of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest by shortest hard-surfaced highway distance, as determined by the market administrator, or caused to be delivered pursuant to § 1002.63, to a pool plant so located shall be reduced at the rates set forth in § 1002.53 according to the location of such plant.

§ 1002.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1002.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1002.71 and 1002.72 and the butterfat differential computed pursuant to § 1002.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1002.82, 1002.85 and 1002.86, or 1002.62 and the amount due such handler pursuant to § 1002.83.

PAYMENTS

§ 1002.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1002.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1002.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1002.84.

§ 1002.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1002.62, 1002.82 and 1002.84, and out of which he shall make all payments pursuant to §§ 1002.83 and 1002.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1002.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which his obligation as computed pursuant to § 1002.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1002.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 1002.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer betterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1002.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1002.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1002.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1002.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1002.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1002.62.

§ 1002.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation.

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1002.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1002.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided*, That any producer who, during the preceding months of September through December, delivered his milk to a nonpool plant which became a pool plant after the beginning of such period shall be assigned a base, in the same manner as if he had been a producer during such period, calculated from his deliveries during such September–December period to such plant.

§ 1002.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base calculated pursuant to § 1002.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) A base which is assigned pursuant to the proviso of § 1002.90 shall be nontransferable. An entire base which is otherwise assigned shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1002.92 *Announcement of established bases.* On or before February 15 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1002.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1002.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1002.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1002.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1002.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1002.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Order[1] Amending Order Regulating Handling of Milk in Clarksburg, W. Va., Marketing Area

Sec.
1009.0 Findings and determinations.

[1] This order shall not become effective unless and until the requirements of section 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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1009.4 Person.
1009.5 Clarksburg marketing area.
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1009.85 Marketing services.
1009.86 Expenses of administration.
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DETERMINATION OF BASE

1009.90 Computation of daily average base for each producer.
1009.91 Base rules.

Sec.
1009.92 Announcement of established bases.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1009.100 Effective time.
1009.101 Suspension or termination.
1009.102 Continuing obligations.
1009.103 Liquidation.

MISCELLANEOUS PROVISIONS

1009.110 Agents.
1009.111 Separability of provisions.

AUTHORITY: §§ 1009.0 to 1009.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1009.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 1009.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1009.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1009.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1009.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1009.5 *Clarksburg marketing area.* "Clarksburg marketing area", hereinafter called the "Marketing Area" means all territory included within the boundaries of (a) Monongalia, Marion and Harrison Counties, (b) Grafton magisterial district in Taylor County, (c) Philippi magisterial district in Barbour County, (d) Leadsville magisterial district in Randolph County, (e) the City of Buckhannon in Upshur County, (f) the City of Weston in Lewis County and (g) the Town of Kingwood in Preston County, all in the State of West Virginia.

§ 1009.6 *Producer.* "Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1009.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of (a) a plant in which any fluid milk product is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (excluding other plants) in the marketing area, or (b) a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are shipped during the month to a plant described in paragraph (a) of this section.

§ 1009.8 *Distributing plant.* "Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1009.6 is disposed of as Class I milk during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

§ 1009.9 *Supply plant.* "Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1009.6 are shipped to distributing plants or plants described in § 1009.10 (c) which during the month dispose of as Class I milk on routes as described in § 1009.8 (a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1009.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1009.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

§ 1009.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant;

(b) A supply plant; or

(c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to retail or wholesale outlets (excluding pool plants) is so disposed of in the marketing area.

§ 1009.11 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1009.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1009.6; or (b) any person in his capacity as the operator of one or more approved plants.

§ 1009.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

§ 1009.14 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received by a handler directly from producers, not including milk delivered for another handler's account pursuant to § 1009.63; or (b) diverted by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1009.6; or (c) caused by a handler to be delivered for his account to the pool plant of another handler pursuant to § 1009.63.

§ 1009.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1009.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1009.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1009.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1009.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1009.90 multiplied by the number of days of milk production delivered in such month.

§ 1009.20 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1009.90.

MARKET ADMINISTRATOR

§ 1009.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1009.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1009.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1009.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1009.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1009.30 and 1009.31 or payments pursuant to §§ 1009.80 through 1009.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform prices computed pursuant to §§ 1009.71 and 1009.72 and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1009.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk,

(4) Inventories of fluid milk products on hand at the beginning of the month;

(5) Milk caused to be moved from a producer's farm to a plant of another handler; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1009.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of April through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1009.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1009.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1009.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1009.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported pursuant to § 1009.30 (a) shall be classified each month pursuant to the provisions of §§ 1009.41 through 1009.45.

§ 1009.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1009.42 through 1009.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) and (4) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk, respectively.

§ 1009.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1009.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (including that which the handler causes to be delivered from a producer's farm to the pool plant of the other handler, but not including transfers to a producer-handler) in the form of fluid milk products, shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1009.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1009.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Clarksburg, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided;* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1009.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1009.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1009.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month,

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1009.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act and classified as Class I pursuant to such other order(s): *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1009.43 (a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1009.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a), (b) or (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed,

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

(c) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5, and

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1009.51 *Class prices.* Subject to the provisions of §§ 1009.52 and 1009.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month plus the following amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.75
All others	2.20

Provided, That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (Order No. 75, Part 975 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1009.50.

§ 1009.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1009.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1009.53 *Location differentials to handlers.* For milk disposed of from a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by shortest hard-surfaced highway distance, as determined by the market administrator, as Class I milk pursuant to paragraphs (a) and (b) of this section, but not to exceed producer milk received and milk caused to be delivered pursuant to § 1009.63 at such plant, the price specified in § 1009.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the City Hall of Clarksburg, W. Va., (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	20
70 but not more than 80	22
80 but not more than 90	24
For each additional 10 miles or fraction thereof an additional	1

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that portion of the milk moved which remains after assigning such milk to Class II milk in the transferee plant as determined by the calculations prescribed in § 1009.45 (a) (1) through (4), and the comparable steps in § 1009.45 (b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential; and

(b) Class I disposition from the plant other than disposition to other pool plants.

§ 1009.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows, except that the rate

shall be zero in any month in which total deliveries by producers are less than 110 percent of Class I utilization (excluding duplications) in plants qualified as pool plants pursuant to § 1009.10 (a) and (b):

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and the location differential rates set forth in § 1009.53 for the location of the plant at which the milk was received from farmers. In any month in which total producer deliveries are less than 110 percent of all handlers' Class I uses the rate pursuant to this paragraph shall be zero.

§ 1009.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1009.60 *Producer-handlers.* Sections 1009.40 through 1009.45, 1009.50 through 1009.53, 1009.61 through 1009.63, 1009.70 through 1009.75, and 1009.80 through 1009.87 shall not apply to a producer-handler.

§ 1009.61 *Plants subject to other Federal orders.* Upon determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1009.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Clarksburg marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the act, and which is subject to the classification and pricing provisions of such other order if exempted pursuant to this paragraph from regulation as a pool plant under this part;

(b) Any plant qualified pursuant to § 1009.10 (b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the act and the Secretary determines that such plant should be exempted from this part.

§ 1009.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1009.54: *Provided,* That such payments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order.

§ 1009.63 *Milk caused by a handler to be delivered to another handler's pool plant.* Milk caused by a handler, as the operator of a pool plant which is an approved plant pursuant to § 1009.7 (a), to be delivered for his account to another handler's pool plant similarly qualified pursuant to § 1009.7 (a), shall be considered, for purposes of reporting, classification, and payment, to be received by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

DETERMINATION OF PRICES TO PRODUCERS

§ 1009.70 *Computation of the obligation of each handler.* For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1009.45 by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 1009.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1009.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1009.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1009.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1009.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1009.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1009.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the obligations computed pursuant to § 1009.70 for all pool plants which submit reports prescribed in § 1009.30 and who are not in default of payments pursuant to § 1009.80 or § 1009.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed to § 1009.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1009.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1009.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1009.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1009.30, and who are not in default of payments pursuant to §§ 1009.80 or 1009.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1009.71 (a) through (d) then add the total amount of payments due pursuant to § 1009.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f. o. b. market.

§ 1009.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1009.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1009.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk, as defined in § 1009.14 (a) and (b), received at a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by the shortest hard-surfaced highway distance, as determined by the market administrator, or caused to be delivered pursuant to § 1009.63 to a pool plant so located shall be reduced at the rates set forth in § 1009.53 according to the location of such plant.

§ 1009.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1009.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1009.71 and 1009.72 and the butterfat differential computed pursuant to § 1009.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1009.82, 1009.85, and 1009.86, or 1009.62 and the amount due such handler pursuant to § 1009.83.

PAYMENTS

§ 1009.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1009.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1009.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk, and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1009.84.

§ 1009.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1009.62, 1009.82 and 1009.84, and out of which he shall make all payments pursuant to §§ 1009.83 and 1009.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1009.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which his obligation as computed pursuant to § 1009.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1009.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 1009.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1009.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records or accounts or other verification discloses errors resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1009.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1009.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1009.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, for each of his approved plants, 4 cents or such

lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1009.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1009.62.

§ 1009.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1009.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1009.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided*, That any producer who, during the preceding months of September through December, delivered his milk to a nonpool plant which became a pool plant after the beginning of such period shall be assigned a base, in the same manner as if he had been a producer during such period, calculated from his deliveries during such September–December period to such plant.

§ 1009.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1009.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) A base which is assigned pursuant to the proviso of § 1009.90 shall be nontransferable. An entire base which is otherwise assigned shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1009.92 *Announcement of established bases.* On or before February 15, of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1009.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1009.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1009.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1009.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1009.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1009.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57–9483; Filed, Nov. 15, 1957; 8:49 a. m.]

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

SAFEGUARDS AND EXEMPTION PROCEDURES

Notice is hereby given that the Secretary of Agriculture has under consideration the approval of the rules and regulations, hereinafter set forth, which were recommended by the Florida Cucumber Committee, established pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015; 22 F. R. 6083) regulating the handling of cucumbers grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

GENERAL

Sec.
1015.110 Communications.

DEFINITIONS

1015.120 Order.
1015.121 Marketing agreement.
1015.122 Terms.

SAFEGUARDS

1015.130 Application for Certificate of Privilege.
1015.131 Issuance.
1015.132 Reports.
1015.133 Denial and appeal.

EXEMPTION PROCEDURES

1015.140 Application.
1015.141 Investigations.
1015.142 Issuance.
1015.143 Disposition of certificates.
1015.144 Reports.
1015.145 Appeals.

AUTHORITY: §§ 1015.110 to 1015.145 issued under Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

GENERAL

§ 1015.110 *Communications.* Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the Florida Cucumber Committee at its principal office.

DEFINITIONS

§ 1015.120 *Order.* "Order" means Order No. 115 (§§ 1015.1 to 1015.88; 22 F. R. 6083) regulating the handling of cucumbers grown in Florida.

§ 1015.121 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 118.

§ 1015.122 *Terms.* Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

SAFEGUARDS

§ 1015.130 *Application for Certificate of Privilege.* (a) Whenever handling is regulated pursuant to § 1015.52, each handler desiring to make shipments of cucumbers for any of the following purposes shall, prior thereto, apply to the committee for and obtain a Certificate of Privilege permitting such shipment:

(1) For relief or charity; or

(2) For conversion into pickles or relishes.

(b) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, and such other information as the committee may require, such as, but not limited to, the quantity (by grade, size and quality) of cucumbers to be shipped, the mode of transportation, consignee, destination, and other appropriate information or documents necessary to safeguard against the entry of such cucumbers into trade channels other than those for which the Certificate of Privilege is granted.

§ 1015.131 *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege and shall determine whether the application is approved. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship cucumbers for a specified purpose for a specified period of time.

§ 1015.132 *Reports.* Each handler handling cucumbers under and pursuant to a Certificate of Privilege shall supply the committee with a report thereon within the time specified on the application for such certificate showing the name and address of the shipper, car or truck identification, loading point, destination, consignee, and, when inspection is required, the Federal-State Inspection Certificate number.

§ 1015.133 *Denial and appeal.* The committee may rescind a Certificate of Privilege issued to a handler, or deny a Certificate of Privilege to a handler, upon proof satisfactory to the committee, that such handler has shipped cucumbers contrary to the provisions of this part. A Certificate of Privilege shall be rescinded or denied for a specified period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

EXEMPTION PROCEDURES

§ 1015.140 *Application.* Any person applying for exemption from regulations issued pursuant to § 1015.52 shall file such application with the committee, or its duly authorized agent for such purpose, on forms to be furnished by such committee. Each application shall state the name and address of the applicant, the grade, size, and quality regulations from which exemption is requested; and facts demonstrating that the cucumbers, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producers' applications by paragraphs (a) and (b) of this section.

(a) The location and acreage of the farm on which cucumbers for which exemption is requested, the location where such cucumbers are to be prepared for market, and the loading point from which such cucumbers are to be shipped if exemption is granted;

(b) Quantity (by grade, size and quality) of cucumbers harvested from such acreage prior to the date of application, and to be harvested subsequent to such date, during the remainder of the season or specific portion thereof (as may be determined pursuant to this part); an estimate of the portion of such cucumbers which can be handled under regulation issued pursuant to § 1015.52, during the remainder of the season; and the reasons why all of such cucumbers cannot be handled under such regulations.

§ 1015.141 *Investigations.* The committee may authorize investigations of applications by its employees, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

§ 1015.142 *Issuance.* (a) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of this part, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 1015.66: *Provided*, That, a separate certificate may be issued, at the request of an applicant, for each affected field.

(b) The applicant shall be notified in writing if his request for exemption is denied.

(c) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of such committee. At least one copy of each exemption certificate issued shall be retained in the committee records. Each such certificate shall contain the name and address of the recipient, the location of all cucumbers authorized to be shipped thereunder, the quantity (by grade, size and quality) of cucumbers which will be permitted in the exempted shipments and such other information as may be deemed necessary by the committee to provide such committee, the recipient, or both, with adequate and specific information regarding such exempted cucumbers.

§ 1015.143 *Disposition of certificates.* Each lot of cucumbers handled under an exemption certificate shall be accompanied by such certificate, or such appropriate identifying information with respect to such certificate, as the committee may require, to facilitate the administration of regulatory provisions applicable thereto.

Each shipment of a lot, or portion thereof, of cucumbers covered by an exemption certificate shall be accompanied by a Federal-State Inspection Certificate which shall show the exemption certificate number covering the lot.

§ 1015.144 *Reports.* Persons handling cucumbers under exemption certificates shall at such time as may be specified in such certificates, report thereon to the committee the quantity shipped (by grade, size and quality), the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by such committee in order to administer the regulatory provisions applicable thereto.

§ 1015.145 *Appeals.* If any applicant is dissatisfied with the determination of

the committee regarding an application for an exemption certificate, or any duly issued exemption certificate an appeal by such applicant may be taken to such committee in accordance with § 1015.68.

Dated: November 12, 1957.

[SEAL] R. S. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9485; Filed, Nov. 15, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSAL TO EXEMPT DIPHEMANIL METHYL SULFATE PREPARATIONS FROM PRESCRIPTION-DISPENSING REQUIREMENTS

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1956 Supp., 130.101 (b)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraph:

(__) Diphemanil methylsulfate (4-diphenylmethylene - 1,1-dimethylpiperidinium methyl sulfate) preparations meeting all the following conditions:

(i) The diphemanil methylsulfate is prepared, with or without other drugs, in a dosage form suitable for use in self medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The diphemanil methylsulfate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 2.0 percent of diphemanil methylsulfate.

(v) The preparation is labeled with adequate directions for use by external application to the skin for the relief of symptoms of mild poison ivy, oak, and sumac and other minor irritations and itching of the skin.

(vi) The directions for use recommend or suggest not more than four applications of the preparation per day, unless directed by a physician.

(vii) The labeling bears, in juxtaposition with the directions for use, a clear warning statement, such as: "Caution: If redness, irritation, swelling, or pain persists or increases, discontinue use and consult physician."

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act. (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 130.101 (b) (21 CFR, 1956 Supp.), petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c))

Dated: November 8, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9472; Filed, Nov. 15, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2753, Amdt. 3]

BONNEVILLE POWER ADMINISTRATION

MARKETING OF ELECTRIC POWER AND ENERGY

NOVEMBER 12, 1957.

This amendment supersedes Amendment No. 2 of Order No. 2753 (22 F. R. 4169) and is issued for the purpose of including in the list appearing in section 1 an additional source of electric power and energy—John Day Dam. The order as amended reads as follows:

SECTION 1. *Designation as marketing agency.* The Bonneville Power Administration is designated as the agency to market available surplus electric power and energy generated at the sources specified in this section pursuant to the specific statutory authority as to each project.

(a) Bonneville Project, pursuant to the Act of August 20, 1937 (50 Stat. 731), as amended;

(b) McNary Dam and Ice Harbor Dam, pursuant to the Act of March 2, 1945 (59 Stat. 10);

(c) Hungry Horse Dam, pursuant to the Act of June 5, 1944 (58 Stat. 270);

(d) The following sources, pursuant to the Act of December 22, 1944 (58 Stat. 887):

Albeni Falls Dam.
Big Cliff Dam.
Chief Joseph Dam.
Detroit Dam.
Dexter Dam.
Lookout Point Dam.
The Dalles Dam.
Hills Creek Dam.
Cougar Dam.
John Day Dam.

(e) The following sources, pursuant to the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto):

Grand Coulee Dam.
Chandler Power Plant, Kennewick Division, Yakima Project.
Roza Power Plant, Roza Division, Yakima Project.

SEC. 2. *Contracts.* The Bonneville Power Administrator may, subject to the applicable statutes, enter into contracts for the sale or interchange of electric power and energy in the performance of the functions assigned by section 1 of this order. The Bonneville Power Administrator may, in writing, redelegate to officers and employees of the Administration the authority granted in this section, and he may authorize written redelegations of such authority.

SEC. 3. *Revocation.* Orders Nos. 1994 (9 F. R. 11966) and 2115 as amended (10 F. R. 14211; 11 F. R. 8830; 17 F. R. 5197; 18 F. R. 2831) are revoked.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-9474; Filed, Nov. 15, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Alabama a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ALABAMA

Autauga.	Jackson.
Baldwin.	Jefferson.
Barbour.	Lauderdale.
Blount.	Lawrence.
Bullock.	Lee.
Butler	Limestone.
Chambers.	Macon.
Chilton.	Madison.
Clay.	Marion.
Cleburne.	Marshall.
Coffee.	Mobile.
Conecuh.	Morgan.
Coosa.	Perry.
Crenshaw.	Pickens.
Cullman.	Pike.
Dale.	Randolph.
Dallas.	Russell.
Elmore.	Shelby.
Escambia.	Talladega.
Etowah.	Tallapoosa.
Franklin.	Tuscaloosa.
Geneva.	Walker.
Henry.	Winston.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 13th day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9512; Filed, Nov. 15, 1957; 8:53 a. m.]

GEORGIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Georgia a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Baker.	Mitchell.
Calhoun.	Quitman.
Clay.	Randolph.
Decatur.	Seminole.
Dougherty.	Stewart.
Early.	Sumter.
Lee.	Terrell.
Miller.	Webster.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 13th day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9513; Filed, Nov. 15, 1957; 8:53 a. m.]

VIRGINIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Virginia a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

VIRGINIA

Albemarle.	King and Queen.
Amelia.	King William.
Appomattox.	Louisa.
Bedford.	Lunenburg.
Botetourt.	Madison.
Buckingham.	Mecklenburg.
Burnswick.	New Kent.
Caroline.	Norfolk.
Charlotte.	Nottoway.
Chesterfield.	Orange.
Culpeper.	Page.
Cumberland.	Powhatan.
Dinwiddie.	Prince George.
Goochland.	Rockingham.
Greensville.	Southampton.
Halifax.	Spotsylvania.
Hanover.	Surry.
Henrico.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 13th day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9514; Filed, Nov. 15, 1957; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9054]

SABENA FOREIGN PERMIT

NOTICE OF HEARING ON AMENDMENT

In the matter of the application by Sabena for amendment of its foreign air carrier permit to delete the intermediate point Gander and substitute in its place the intermediate point Montreal.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 19, 1957, at 10 a. m., e. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., November 12, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9510; Filed, Nov. 15, 1957; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10968 etc.; FCC 57M-1103]

GREAT LAKES TELEVISION, INC., ET AL.

NOTICE OF HEARING CONFERENCE

In re application of Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations (Channel 7).

Notice is hereby given that a hearing conference will be held in the above-entitled proceeding at 10:00 a. m. on Monday, November 18, 1957, in Washington, D. C.

Dated: November 8, 1957.

Released: November 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9493; Filed, Nov. 15, 1957; 8:51 a. m.]

[Docket No. 11735; FCC 57M-1106]

NEVADA TELECASTING CORP. (KAKJ)

ORDER SCHEDULING HEARING

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada; Docket No. 11735.

In confirmation of the Notice of Place of Hearing, dated November 7, 1957: *It is ordered*, This 12th day of November 1957, that further hearing will be held November 19, 1957, at 10:00 a. m., in Room 229, U. S. Post Office and Court House, Temple and Spring Streets, Los Angeles, California.

Released: November 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9494; Filed, Nov. 15, 1957; 8:51 a. m.]

[Docket No. 12080; FCC 57M-1105]

UNITED TELECASTING AND RADIO CO.

ORDER CONTINUING HEARING

In re application of United Telecasting and Radio Company, Ogden, Utah,

Docket No. 12080, File No. BPCT-2270; for construction permit for new television broadcast station (Channel 9).

At the oral request of counsel for the applicant and with the concurrence of counsel for the Broadcast Bureau, the hearing now scheduled in the above-entitled proceedings for November 13, 1957, is continued to November 27, 1957, at 10:00 a. m.

Dated: November 12, 1957.

Released: November 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9495; Filed, Nov. 15, 1957; 8:51 a. m.]

[Docket Nos. 12199, 12200; FCC 57M-1104]

KOOS, INC., AND PACIFIC TELEVISION, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of KOOS, Inc. (KOOS-TV), Coos Bay, Oregon; Docket No. 12199, File No. BMPCT-4680; for modification of construction permit (from Channel 16 to Channel 11). Pacific Television, Inc., Coos Bay, Oregon; Docket No. 12200, File No. BPCT-2309; for construction permit for a new television broadcast station (Channel 11).

The Hearing Examiner having under consideration the procedure required to be followed in the above-entitled matter which is scheduled for hearing on December 19, 1957;

Now therefore, it is ordered, This 12th day of November 1957, pursuant to §§ 1.813 and 1.841 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10 a. m. on Thursday, December 5, 1957, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;
2. The possibility of stipulation with respect to facts;
3. The procedures to be followed prior to and at the hearing;
4. The limitation of the number of witnesses;
5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and
6. Such other matters as may aid in the disposition of this proceeding.

Released: November 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9496; Filed, Nov. 15, 1957; 8:51 a. m.]

[Docket No. 12217; FCC 57M-1102]

OREGON RADIO, INC.

ORDER CONTINUING HEARING

In re application of Oregon Radio, Inc., Salem, Oregon, Docket No. 12217, file No. BMPCT-4564; for extension of time to complete construction of Television Station KSLM-TV.

It is ordered, This 12th day of November 1957, that the hearing in the above-entitled matter, heretofore scheduled to commence on November 19, 1957, is hereby rescheduled to commence at 10:00 a. m., November 25, 1957, in the Commission's offices at Washington, D. C.

Released: November 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9497; Filed, Nov. 15, 1957; 8:51 a. m.]

[Docket Nos. 12235, 12236; FCC 57M-1109]

LOUISIANA PURCHASE CO. AND SIGNAL HILL TELECASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Louisiana Purchase Company, St. Louis, Missouri, Docket No. 12235, File No. BPCT-2295; for construction permit for a new television broadcast station. Signal Hill Telecasting Corporation, St. Louis, Missouri, Docket No. 12236, File No. BMPCT-4615; for modification of construction permit.

It is ordered, This 8th day of November 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 6, 1958, in Washington, D. C.

Released: November 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9498; Filed, Nov. 15, 1957; 8:51 a. m.]

[Docket Nos. 12237, 12238; FCC 57M-1108]

OKLAHOMA TELEVISION CORP. AND SUPREME BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of Oklahoma Television Corporation, New Orleans, Louisiana, Docket No. 12237, File No. BPCT-2330; for construction permit for a new Television Broadcast Station (Channel 12). Supreme Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 12238, File No. BMPCT-4679; for modification of construction permit.

It is ordered, This 8th day of November 1957, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 6, 1958, in Washington, D. C.

Released: November 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9499; Filed, Nov. 15, 1957; 8:51 a. m.]

[Docket Nos. 12239, 12240; FCC 57M-1110]

FARGO TELECASTING CO. AND NORTH DAKOTA BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of Marvin Kratter d/b as Fargo Telecasting Company, Fargo, North Dakota, Docket No. 12239, File No. BPCT-2261; North Dakota Broadcasting Company, Inc., Fargo, North Dakota, Docket No. 12240, File No. BPCT-2357; for construction permits for new Television Broadcast Stations (Channel 11).

It is ordered, This 8th day of November 1957, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 6, 1958, in Washington, D. C.

Released: November 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9500; Filed, Nov. 15, 1957; 8:52 a. m.]

[Docket Nos. 12241, 12242; FCC 57M-1112]

RADIO FRANKLIN, INC., AND S. L. GOODMAN

ORDER SCHEDULING HEARING

In re application of Radio Franklin, Incorporated, Rocky Mount, Virginia, Docket No. 12241, File No. BP-10915; S. L. Goodman, Bassett, Virginia, Docket No. 12242, File No. BP-11249; for construction permit.

It is ordered, This 8th day of November 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 9, 1958, in Washington, D. C.

Released: November 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9501; Filed, Nov. 15, 1957; 8:52 a. m.]

[Docket No. 12243; FCC 57M-1111]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER SCHEDULING HEARING

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

It is ordered, This 8th day of November 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 9, 1958, in Washington, D. C.

Released: November 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9502; Filed, Nov. 15, 1957; 8:52 a. m.]

[Docket No. 12244 etc.; FCC 57M-1107]

SANTA ROSA BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of B. Floyd Farr, George Snell, Edward W. McCleery, Robert Blum, d/b as Santa Rosa Broadcasting Company, Santa Rosa, California, Docket No. 12244, File No. BP-10626; Golden Valley Broadcasting Company (KRAK), Stockton, California, Docket No. 12245, File No. BP-10676; Joseph E. Gamble and Lew L. Gamble, d/b as Radio Santa Rosa, Santa Rosa, California, Docket No. 12246, File No. BP-11084; for construction permits.

It is ordered, This 8th day of November 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 9, 1958, in Washington, D. C.

Released: November 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9503; Filed, Nov. 15, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9866, 9935]

GAS TRANSPORT, INC. AND B. H. PUTNAM

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 12, 1957.

Take notice that Gas Transport, Inc. and B. H. Putnam, Operator, independent producers, filed separate applications, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and for the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Gas Transport, Inc., filed its application, on January 13, 1956, for authority to construct and operate: Approximately 8 miles of 6-inch gas line from a connection with an existing 6-inch gathering line in the Ravenswood area of the Putnam gas field in Jackson County, West Virginia, to a terminus with Gas Transport, Inc. existing 14-inch transmission line at a point in Wirt County, West Virginia.

The estimated cost of the proposed facilities is $92,607 which is to be financed from cash on hand.

On January 27, 1956, B. H. Putnam, operator, filed an application for authority to sell natural gas to Gas Transport, Inc. for transportation in interstate commerce for resale from production in the Putnam Gas Field, Wood and Johnson Counties, West Virginia.

Gas Transport, Inc., a wholly owned subsidiary of Anchor Hocking Glass Corporation (Anchor) gathers natural gas from various sources in West Virginia and transports such gas to a point called Gravel Bank, Ohio. At Gravel Bank, the gas is delivered to Ohio Fuel Gas Company (Ohio Fuel) for the account of Anchor. Ohio Fuel, in turn, delivers equivalent volumes of gas to Anchor at Lancaster, Ohio, in exchange for the gas received at Gravel Bank. Should Gas Transport, Inc. have volumes of gas available in excess of Anchor's requirements, such gas is sold to Ohio Fuel. Any deficiency in Anchor's supply is sold to it by Ohio Fuel.

The application states that the volumes available for sale to Anchor have been considerably less than Anchor's requirements. The proposed facilities are for the purpose of alleviating this deficiency.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 17, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9504; Filed, Nov. 15, 1957; 8:52 a. m.]

[Docket Nos. G-9587, 9591]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 12, 1957.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G-9587; K. D. Owen, Operator, et al., Docket No. G-9591.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation with its principal place of business in Houston, Texas, and K. D. Owen, Operator, et al. (Owen, et al.), independent producers, filed applications on November 1, 1955, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the construction and operation of certain natural gas facilities necessary for receiving and transporting natural gas and for the sale of natural gas in interstate commerce for resale, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

Transco filed an application in Docket No. G-9587 for authority to construct and operate approximately 5,500 feet of 4-inch pipeline and appurtenant facilities. The proposed facilities will extend from a point in the Sour Lake Field, Hardin County, Texas, northerly to a point on Transco's main 30-inch pipeline. Such facilities will be used to receive and transport natural gas purchased from Owen, et al., as hereinafter set forth.

Owen, et al. filed an application in Docket No. G-9591, for authority to sell natural gas in interstate commerce to Transco for resale from production in the Sour Lake Field, Hardin County, Texas, under a contract dated June 7, 1955.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 17, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9505; Filed, Nov. 15, 1957; 8:52 a. m.]

[Docket No. G-10781]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 12, 1957.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation with its principal place of business in Charleston, West Virginia, filed an application on July 20, 1956, pursuant to section 7 of the Natural Gas Act, for permission to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

In the application herein, Applicant seeks:

(1) Permission and approval to abandon two small compressor stations, Simmons and Wallback, and one compressor unit at the Lewis Compressor Station, all in Roane County, West Virginia. It is proposed to abandon entirely the 170 hp. Simmons Station and the 340 hp. now in the Lewis Station.

(2) A certificate of public convenience and necessity authorizing construction and operation of: An additional 2,000 horsepower compression unit at the existing Ceredo Compressor Station, Wayne County, West Virginia; 13 miles of 10¾-inch loop line extending north from the existing Hunt Compressor Station, Kanawha County, West Virginia, to Applicant's main 20-inch Line SM-80; and, finally, supercharging from 880 hp. to 1,100 hp. the existing gas engine driven compressor unit at Hunt Compressor Station.

Applicant states that it has been producing and purchasing local gas from the Clendenin area in West Virginia where the Simmons, Wallback and Lewis Stations are located. Because of declining production in these areas, Applicant has not been using the compressors proposed to be abandoned, but has been using, instead, other existing facilities to recover the remaining reserves in the area. The compressors are not now in use and Applicant does not anticipate needing them in the future. Therefore, it proposes to abandon them.

The Lewis Station is one of Applicant's main line stations pumping gas received from Tennessee Gas Transmission Company and local gas toward Pennsylvania. The application states that Applicant does not use all the 8,000 installed compressor horsepower at Lewis Station. Even on peak days and in summer periods, when the station will pump gas into storage pools X-17 and X-18, it needs no more than 7,000 hp. Applicant does not foresee any need for the eighth 1,000 horsepower unit and wishes to retire it.

There will be no curtailment of service by reason of the proposed abandonments.

Applicant states that it wishes to increase in Wayne County, West Virginia the compressor capacity of its Ceredo Compressor Station, by installing 2,000 horsepower increasing the rating from 6,000 to 8,000 hp. The purpose of this increase is to augment the summer flow of gas into storage pool X-52, while maintaining service to the markets dependent on Ceredo Station.

In Kanawha County, Applicant proposes to augment the winter peak day capacity of certain of its facilities by constructing and operating 1.3 miles of 10¾-inch pipe line looping an existing line north from Applicant's Hunt Compressor Station to Applicant's 20-inch line SM-80 and superchanging the compressor there from 880 horsepower to 1,100. This is required to increase the winter deliverability from storage pool X-54 in order to meet anticipated peak day demands in the 1956-57 winter.

The estimated cost of removal of facilities and construction of new facilities is $659,100 less $23,000 for salvage or a net of $635,800 which will come out of Applicant's current financing program. This is accomplished by sale of securities to Applicant's parent, the Columbia Gas System, Incorporated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the juridiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9506; Filed, Nov. 15, 1957; 8:52 a. m.]

[Docket No. G-13002]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 12, 1957.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation, with its principal place of business in Shreveport, Louisiana, filed an application on August 1, 1957, for a certificate of public convenience and necessity, authorizing the construction and operation of certain additional pipeline and appurtenant facilities in order to sell additional quantities of natural gas to the Sterlington Steam Electric Generating Station[1] (Sterlington Station), of Louisiana Power & Light Company (Louisiana Power), all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant is supplying boiler fuel for the presently operating electric generating units at the Sterlington Station. To meet the expanding market for electric power, Louisiana Power & Light is building a new unit, Number Six, which, because of its relatively large size, will practically double the firm annual gas requirement of the power plant.

Applicant proposes to construct and operate in order to render the additional service: 0.82 of a mile of 16-inch and 1.99 miles of 20-inch pipeline, with appurtenances, extending northward from its existing Sterlington Compressor Station, to the existing meter station serving the Sterlington Generating Station.

Applicant estimates that the firm contract increase to Louisiana Power will be from the present 18,580 Mcf per day to 50,000 Mcf per day. Applicant gives the following actual and estimated annual requirements of the power plant:

Mcf at 14.73#

1955	actual	8,162,866
1956	actual	8,196,106
1957	actual and estimated	7,444,755
1958	estimated	13,655,790
1959	estimated	17,724,204
1960	estimated	17,724,204

In addition to the 50,000 Mcf of firm peak-day gas, Applicant seeks authority to sell such volumes of excess gas as the Sterlington plant needs from day to day and Applicant has available. No indication of the magnitude of such excess volumes is given.

Applicant will finance the estimated cost of the proposed facilities, $203,949, from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9507; Filed, Nov. 15, 1957; 8:53 a. m.]

[1] Located in Ouachita Parish, Louisiana.

[Docket No. E-6785]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 12, 1957.

Take notice that on November 6, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of $18,000,000 unsecured Promissory Notes. Applicant has entered into Agreements, both dated November 4, 1957, with Irving Trust Company, New York, New York and the The Chase Manhattan Bank, New York, New York under which Applicant may borrow or reborrow at any time and from time to time from December 1, 1957, to and including November 30, 1958, up to an aggregate principal amount of $18,000,000 on Notes which mature not later than nine months from the date of each borrowing and in no event later than December 1, 1958, with the right, from time to time to renew all or any part of Notes maturing prior to December 1, 1958, as they mature for various periods with maturities up to and including December 1, 1958. The interest rate on all borrowings will be the prime rate of the lender in effect at the time of each borrowing and interest will be payable on the first day of March, June, September and December, and at maturity or on date of payment. Applicant proposes to use the proceeds from the sale of the aforesaid Notes to meet $4,300,000 of obligations maturing under agreements with the aforesaid Banks dated October 15, 1956 as supplemented by agreements dated April 29, 1957 and also to finance in part Applicant's current construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 26th day of November 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9508; Filed, Nov. 15, 1957; 8:53 a. m.]

[Docket No. G-13536]

MIDWEST OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES; CORRECTION

NOVEMBER 12, 1957.

In the Order For Hearing and Suspending Proposed Changes in Rates, issued October 18, 1957, and Published in the FEDERAL REGISTER on October 24, 1957 (22 F. R. 8405-6), after the words "By the Commission." on page 2, last line, "Commissioners Digby and Kline dissenting" should be added.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9509; Filed, Nov. 15, 1957; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2217]

JONTEX, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 12, 1957.

I. Jontex, Inc., 139 N. Virginia Street, Reno, Nevada, filed with the Commission on December 27, 1955, a notification and offering circular relative to a proposed offering of 1,500,000 shares at 20 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with by the issuer in that:

1. It has filed a report on Form 2-A, dated September 30, 1956, which is materially false and misleading; and

2. It has failed to file on Form 2-A subsequent reports of sales as required by Rule 224 of Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9478; Filed, Nov. 15, 1957; 8:48 a. m.]

[File No. 70-3634]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED EXECUTION OF SURETY BONDS BY HOLDING COMPANY FOR PUBLIC UTILITY SUBSIDIARIES

NOVEMBER 8, 1957.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 12 (b) of the act and Rule U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

Amere Gas Utilities Company ("Amere"), United Fuel Gas Company ("United"), and Cumberland and Alleghany Gas Company ("Cumberland"), three wholly-owned public utility subsidiaries of Columbia, have filed with the Public Service Commission of West Virginia revised rate schedules which will provide estimated annual increases in revenues approximately as follows: to Amere, $267,000; to United, $4,000,000; to Cumberland, $750,000. The effectiveness of two of these schedules was suspended for a period of five months from the date of filing and it is expected that the third one will receive similar treatment. The suspension period as to Amere expired on October 29, 1957, and the suspension period as to United will expire on December 17, 1957. It is estimated that the suspension period as to Cumberland will expire on or about April 1, 1958. Under applicable State law the companies may commence collecting the higher rates provided for in their revised schedules at the end of the several suspension periods, subject to an obligation to refund with interest any portion of the higher rates which the State commission may ultimately determine to be excessive. Such obligation to refund must be supported by a refunding bond, with approved surety, in an amount not exceeding $300,000 as to Amere, $5,000,000 as to United, and $750,000 as to Cumberland.

The State commission has indicated that it will accept Columbia as surety on the refunding bond of Amere, and it is assumed that Columbia will be similarly acceptable as surety on the bonds of United and Cumberland. Columbia proposes to act as surety without fee or other compensation, in order to relieve its said subsidiaries of the expense of

paying the customary fees of a surety company.

Notice is further given that any interested person may, not later than November 27, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-9479; Filed, Nov. 15, 1957; 8:48 a. m.]

[File No. 8-5437]

F. W. HORNE & CO., INC.

ORDER DENYING REGISTRATION AS BROKER-DEALER

NOVEMBER 7, 1957.

In the matter of F. W. Horne & Company, Inc., 96 South Main Street, Rochester, New Hampshire; File No. 8-5437.

Proceedings having been instituted pursuant to sections 15 (b) and 15A (b) (4) of the Securities Exchange Act of 1934 to determine whether the application of F. W. Horne & Company, Inc., for registration as a broker and dealer should be denied or permitted to become effective, and whether Frank W. Horne and Walter A. Smith should each be found a cause of any order of denial;

Hearings having been held after appropriate notice, proposed findings and conclusions having been submitted, the hearing officer having filed a recommended decision, and the Division of Trading and Exchanges having filed a further brief;

The Commission having this day issued its Findings and Opinion herein; on the basis of said Findings and Opinion:

It is ordered, That the application of F. W. Horne & Company, Inc. for registration as a broker and dealer be, and it hereby is, denied, and it is found that Frank W. Horne and Walter A. Smith are each a cause of this order of denial.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-9480; Filed, Nov. 15, 1957; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bali Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 12-1-57 to 11-30-58 (brassieres).

Bamberg Manufacturing Co., Inc., Bamberg, S. C.; effective 10-29-57 to 10-28-58 (robes for women and children).

Bayly Manufacturing Co., 1319 Southeast Union Avenue, Portland, Oreg.; effective 10-28-57 to 3-31-58 (men's work clothing, overalls and jeans).

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill.; effective 11-21-57 to 3-31-58 (men's and boys' pants).

Byrds Manufacturing Corp., Byrdstown, Tenn.; effective 11-1-57 to 10-31-58 (ladies' dress shirts).

Cater Frock Co., New Braunfels, Tex.; effective 11-9-57 to 4-8-58 (children's dresses).

Champion Garment Co., 100½ West Third Avenue, Rome, Ga.; effective 11-14-57 to 3-31-58 (men's and boys' slacks).

Chase City Manufacturing Co., Walker Street, Chase City, Va.; effective 10-31-57 to 3-31-58. Workers engaged in the manufacture of boys' dungarees and trousers (boys' dungarees).

Cluett, Peabody & Co., Inc., Virginia, Minn.; effective 11-19-57 to 3-31-58 (men's dress shirts).

Continental Manufacturing Co., Oskaloosa, Iowa; effective 11-1-57 to 10-31-58 (single pants, jackets).

Corman & Wasserman, Inc., 1220 Curtain Avenue, Baltimore, Md.; effective 11-1-57 to 10-31-58 (men's trousers).

Freeland Manufacturing Co., 156 Ridge Street, Freeland, Pa.; effective 11-1-57 to 10-31-58 (sport jackets, work clothing, work uniforms).

H & H Manufacturing Co., Statham, Ga.; effective 11-1-57 to 10-31-58 (men's slacks).

Harriet Shirt Co., Inc., Exmore, Va.; effective 11-1-57 to 10-31-58 (boys' shirts).

Higgins Slacks, Inc., Lineville, Ala.; effective 11-1-57 to 10-31-58 (men's and boys' single pants).

Hollywood Corset Co., 214 First Street SW., Paris, Tex.; effective 11-1-57 to 10-31-58 (brassieres).

Hubbard Pants Co., Bremen, Ga.; effective 11-1-57 to 10-31-58 (men's dress slacks).

Jackson Garment Co., Jackson, Tenn.; effective 11-1-57 to 10-31-58 (ladies' dresses).

Key Work Clothes, Inc., 523 East Wall Street, Fort Scott, Kans.; effective 10-31-57 to 10-30-58 (overalls, pants, jackets).

Key Work Clothes of Missouri, Nevada, Mo.; effective 11-1-57 to 10-31-58 (work pants, work shirts).

McMinnville Garment Co., McMinnville, Tenn.; effective 11-8-57 to 4-7-58 (cotton tan tropical trousers).

Movie Star of Mississippi, Inc., Purvis, Miss.; effective 10-31-57 to 3-30-58 (slips and petticoats).

Newport News Children's Dress Co., South 39th Street, Newport News, Va.; effective 11-17-57 to 3-31-58 (children's and girls' dresses, playsuits).

Park Avenue Shirt Co., 422 Park Avenue, Perth Amboy, N. J.; effective 11-1-57 to 10-31-58 (men's dress and sport shirts).

Pollack Bros., Inc., 227 West Main Street, Fort Wayne, Ind.; effective 11-1-57 to 10-31-58 (dresses, smocks, dusters).

The R & R Manufacturing Co., Inc., Auburn, Ga.; effective 11-1-57 to 10-31-58 (men's and boys' dress slacks).

Rugby Knitting Mills, Inc., 1490 Jefferson Avenue, Buffalo, N. Y.; effective 11-1-57 to 10-31-58 (men's and boys' jackets).

Salant & Salant, Inc., South First Street, Union City, Tenn.; effective 11-13-57 to 4-12-58 (men's and boys' pants).

Salemburg Manufacturing Co., Salemburg, N. C.; effective 10-30-57 to 10-29-58 (cotton dresses).

Savada Bros., Inc., 36-46 South Laurel Street, Bridgeton, N. J.; effective 11-1-57 to 3-31-58 (boys' sport shirts).

Spartans Manufacturing Co., Inc., Smithville, Tenn.; effective 11-1-57 to 10-31-58 (sport shirts).

Spartans Manufacturing Co., Inc., Sparta, Tenn.; effective 11-1-57 to 10-31-58 (ladies' sport shirts).

The Warner Brothers Co., Marianna, Fla.; effective 11-1-57 to 10-31-58 (corsets and brassieres).

Wentworth Manufacturing Co., Blanding Street, Lake City, S. C.; effective 11-1-57 to 10-31-58 (women's cotton housedresses).

Jack Winter, Inc., 183 North Milwaukee Street, Milwaukee, Wis.; effective 11-1-57 to 10-31-58 (ladies' slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

"Bundle O' Joy" Baby Wear Co., 43 South Pennsylvania Ave., Wilkes-Barre, Pa.; effective 11-1-57 to 10-31-58; 10 learners (infants' gowns, kimonos).

The Loudoun Manufacturing Co., Emmitsburg Manufacturing Co. Division, Emmitsburg, Md.; effective 11-1-57 to 10-31-58; 10 learners (men's trousers).

Madison Dress Co., Green and Wyoming Streets, Hazleton, Pa.; effective 11-1-57 to 10-31-58; 10 learners (women's dresess).

Prairie Manufacturing Co., East Prairie, Mo.; effective 11-1-57 to 10-31-58; 10 learners (work clothes and semi-dress pants).

Wolens Trouser Co., 6 West Fifth Street, Sterling, Ill.; effective 11-1-57 to 10-31-58; five learners (slacks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bali Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 11-1-57 to 4-30-58; 40 learners (brassieres).

Carolina Sportswear Co., Warrenton, N. C.; effective 10-30-57 to 4-29-58; 20 learners (men's and boys' knitted sportswear).

Harriet Shirt Co., Inc., Exmore, Va.; effective 11-1-57 to 4-30-58; 15 learners (boys' shirts).

LaCrosse Sportswear Corp., LaCrosse, Va.; effective 11-1-57 to 4-30-58; 30 learners (knitted sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Second and Washington Streets, Steelton, Pa.; effective 10-31-57 to 3-30-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of: (1) cigar machine operating for a learning period of 320 hours at the rate of 80 cents an hour; and (2) packing (cigars retailing for 6 cents or less) and machine stripping, each for a learning period of 160 hours at the rate of 80 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Wells Lamont Corp., Barry, Ill.; effective 11-3-57 to 3-31-58; five learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Hugo, Okla.; effective 11-1-57 to 3-31-58; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Francis-Louise Fall Fashion Mills, Inc., Valdese, N. C.; effective 10-30-57 to 10-29-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Mary Grey Hosiery Mills, Bristol, Va.; effective 10-31-57 to 10-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Hansen Hosiery Mills, Inc., 176 South Coldbrook Avenue, Chambersburg, Pa.; effective 10-31-57 to 10-30-58; five learners for normal labor turnover purposes (full-fashioned).

Hansen Hosiery Mills, Inc., 176 South Coldbrook Avenue, Chambersburg, Pa.; effective 10-31-57 to 4-30-58; five learners for plant expansion purposes (full-fashioned).

Hodges Knitting Mills, Inc., Milledgeville, Ga.; effective 10-31-57 to 10-30-58; five learners for normal labor turnover purposes (seamless).

Prim Hosiery Mills, Chester, Ill.; effective 11-2-57 to 5-1-58; 40 learners for plant expansion purposes (full-fashioned, seamless).

Russell Hosiery Mills, Inc., Star, N. C.; effective 10-31-57 to 10-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

P. H. Hanes Knitting Co., Jefferson Plant, Jefferson, N. C.; effective 11-10-57 to 11-9-58; 5 percent of the total number of factory production workers for normal labor turnover purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (men's and boys' undershorts).

P. H. Hanes Knitting Co., Jefferson Plant, Jefferson, N. C.; effective 11-10-57 to 5-9-58; 90 learners for plant expansion purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (men's and boys' undershorts).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 11-1-57 to 1-9-58; 30 learners for plant expansion purposes. Authorized occupations include final inspection and machine trimming, each for a learning period of 160 hours (Replacement Certificate) (ladies' underwear).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 11-1-57 to 10-31-58; 5 percent of the total number of factory production workers for normal labor turnover purposes. Authorized occupations include final inspection and machine trimming, each for a learning period of 160 hours (ladies' underwear).

Santa Cruz Shirt Co., 1010 Fair Avenue, Santa Cruz, Calif.; effective 10-31-57 to 4-30-58; 10 learners for plant expansion purposes (sport shirts, swim wear).

Santa Cruz Shirt Co., 1010 Fair Avenue, Santa Cruz, Calif.; effective 10-31-57 to 10-30-58; five learners for normal labor turnover purposes (sport shirts and swim wear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Dixie Paper Box Co., Inc., Hartsville, Tenn.; effective 11-1-57 to 4-30-58; authorizing the employment of six learners for normal labor turnover puroposes, in the occupation of basic hand and machine production operations, excluding cutting, scoring and slitting, for a learning period of 240 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 80 hours (paper boxes).

Hawaiian Casuals, 1024 Bethel Street, Honolulu, Hawaii; effective 11-1-57 to 10-31-58; authorizing the employment of five learners for normal labor turnover purposes, in the occupations of sewing machine operating and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 320 hours and 85 cents an hour for the remaining 160 hours. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' dresses, sportswear, swim wear, men's shirts and swim trunks).

Sarmont, Inc., 111 East Third, Caruthersville, Mo.; effective 11-4-57 to 5-3-58; authorizing the employment of 40 learners for plant expansion purposes, in the occupation of sewing machine operator only for a learning period of 320 hours at the rate of 85 cents an hour (Replacement Certificate) (tents, tarpaulins, canvas bags, boys' pants).

Silver Craft Studio, Sandwich, N. H.; effective 11-4-57 to 5-3-58; authorizing the employment of four learners for normal labor turnover purposes, in the occupations of sawing, chasing, shaping, filing and soldering and buffing and finishing, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours. The combined learning period for all the above occupations shall not exceed 480 hours (handmade sterling silver jewelry).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 5th day of November 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-9475; Filed, Nov. 15, 1957; 8:47 a. m.]

[Administrative Order 495]

ADMINISTRATOR'S ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

APPOINTMENTS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U. S. C. 201), and Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165), I, Clarence T. Lundquist, Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint the following named persons to constitute the Administrator's Advisory Committee on Sheltered Workshops:

Mr. John M. Convery, National Association of Manufacturers, New York, N. Y.

Mr. Willis C. Gorthy, Institute for the Crippled & Disabled, New York, N. Y.

Mr. Kenneth Hamilton, Ohio State University, Columbus, Ohio.

Mr. Lewis Hines, American Federation of Labor-Congress of Industrial Organizations, Washington, D. C.

Mr. Edward Hochhauser, Altro Health & Rehabilitation Services, Inc., New York, N. Y.

Mr. S. L. Hoffman, S. L. Hoffman Manufacturing, Co., New York, N. Y.

Mrs. Elizabeth K. Lammie, Pennsylvania Branch Shut-In Society, Philadelphia, Pa.

Mr. Walter J. Mason, American Federation of Labor-Congress of Industrial Organizations, Washington, D. C.

Colonel John F. McMahon, Volunteers of America, New York, N. Y.

Rt. Rev. Msgr. John O'Grady, National Conference of Catholic Charities, Washington, D. C.

Mr. Kenneth E. Pohlmann, United Mine Workers of America Welfare & Retirement Fund, Washington, D. C.

Mr. Alvin D. Puth, National Rehabilitation Association, Washington, D. C.

Mr. Peter J. Salmon, Industrial Home for the Blind, Brooklyn, N. Y.

Mr. Percy J. Trevethan, Goodwill Industries of America, Inc., Washington, D. C.

Mr. Arthur H. Korn (Non-voting member), Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C.

The above appointments will expire June 30, 1959.

Signed at Washington, D. C., this 12th day of November 1957.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-9511; Filed, Nov. 15, 1957; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 13, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34287: *Iron and steel articles from, to and between points in the West.* Filed by W. J. Prueter, Agent (WTL No. A–1938), for interested rail carriers. Rates on iron and steel articles, carloads from, to and between points in western trunkline territory included in the schedules listed below.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 200 to Agent Prueter's tariff I. C. C. A–3748. Supplement 153 to Agent Prueter's tariff I. C. C. A–3991. Supplement 71 to Agent Prueter's tariff I. C. C. A–4071.

FSA No. 34288: *Trailership service—Motor - ocean - motor, Pan Atlantic Steamship—Class and commodity rates.* Filed by Pan Atlantic Steamship Corporation (Passco No. 16), for interested motor carriers. Rates on property moving on class and commodity rates loaded in motor-truck trailers and transported aboard ship in trailership service between (a) eastern and southwestern points, between eastern and southeastern points, and between southern ports and points, as to class rates, and (b) eastern and southwestern points, as to commodity rates. Grounds for relief—Rail-Ocean, ocean-rail, and rail-ocean-rail competition, also competition with all-rail carriers.

Tariff: Supplement 2 to Pan Atlantic Steamship Corporation tariff I. C. C. No. 269.

FSA No. 34289: *Caustic soda—Calvert, Ky., to Foley, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Calvert, Ky., to Foley, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 73 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 34290: *Paper and paper articles—Eau Claire, Wis., to the Southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7153) for interested rail carriers. Rates on paper and paper articles, carloads, also pulpboard and related articles, carloads from Eau Claire, Wis., to specified points in Arkansas, Louisiana (west of the Mississippi River), Missouri (southern portion), New Mexico (eastern portion), Oklahoma, and Texas.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 60 to Agent Kratzmeir's tariff I. C. C. 4198.

FSA No. 34291: *T. O. F. C. Service—Class rates between Omaha, Nebr. and Southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7155), for interested rail carriers. Rates on property moving on class rates loaded in trailers and transported on railroad flat cars between Omaha, Nebr., on the one hand, and specified points in Arkansas, Louisiana, and Texas, also Natchez, Miss., and Memphis, Tenn., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 25 to Agent Kratzmeir's tariff I. C. C. 4254.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–9476; Filed, Nov. 15, 1957; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
NOV 20 1957
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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 224

Washington, Tuesday, November 19, 1957

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10738

INSPECTION OF ESTATE AND GIFT TAX RETURNS BY STATE TAX OFFICIALS

By virtue of the authority vested in me by section 55 (a) of the Internal Revenue Code of 1939 (53 Stat. 29; 54 Stat. 1008; 55 Stat. 722; 26 U. S. C. 55 (a)), and by section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), it is hereby ordered that any estate or gift tax return made under the Internal Revenue Code of 1939 or the Internal Revenue Code of 1954 shall be open to inspection by any official, body, or commission lawfully charged with the administration of any State tax law, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury for such inspection by Treasury Decision 4929, approved August 28, 1939, as amended, and as further amended and made applicable to the Internal Revenue Code of 1954 by the Treasury decision [1] approved by me this date.

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 15, 1957.

[F. R. Doc. 57–9612; Filed, Nov. 15, 1957; 4:59 p. m.]

EXECUTIVE ORDER 10739

AMENDMENT OF EXECUTIVE ORDER NO. 10152,[2] PRESCRIBING REGULATIONS RELATING TO INCENTIVE PAY FOR THE PERFORMANCE OF HAZARDOUS DUTY BY MEMBERS OF THE UNIFORMED SERVICES

By virtue of the authority vested in me by sections 204 and 501 (d) of the Career Compensation Act of 1949, as amended (37 U. S. C. 235, 301 (d)), and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

1. Section 9 of Executive Order No. 10152 of August 17, 1950, as amended by Executive Order No. 10618 of June 28, 1955, is hereby further amended by adding the following new subsection at the end thereof:

"(h) The term 'duty as human test subject in thermal stress experiments' shall be construed to mean duty performed by members exposed as human thermal experimental subjects in thermal stress experiments conducted under the supervision of any laboratory designated by the Secretary concerned."

2. This amendment shall be effective as of September 1, 1957.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 15, 1957.

[F. R. Doc. 57–9613; Filed, Nov. 15, 1957; 5:06 p. m.]

[1] See T. D. 6271 under Title 26, *infra.*

[2] 3 CFR, 1950 Supp., p. 111; 15 F. R. 5489.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (2) is added to § 6.111 as set out below.

§ 6.111 *Department of Agriculture.* • • •

(i) *Agricultural Research Service.* • • •

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than one year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be

(Continued on p. 9207)

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appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-9568; Filed, Nov. 18, 1957; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP OAT LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

Correction

In Federal Register Document 57-8928, published at page 8727 in the issue for Wednesday, October 30, 1957, the following changes should be made in the listings under § 421.2483:

1. The rate per bushel for Macomb County, Michigan, should read ".63".

2. "Fores" County, Wisconsin, should read "Forest".

[1957 C. C. C. Grain Sorghums Distress Loan Program Bulletin 1]

PART 473—SPECIAL PRICE SUPPORT PROGRAM

1957 CROP GRAIN SORGHUM DISTRESS LOAN PROGRAM

A price support program has been announced for the 1957 crop of grain sorghums and the applicable regulations (22 F. R. 3216, 5975 and 6961) have been issued by the Commodity Credit Corporation. This bulletin contains the regulations applicable to the 1957 Crop Grain Sorghums Distress Loan Program through which, as an adjunct to the price support program, recourse loans on grain sorghums are made available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to in this bulletin as CCC and CSS, respectively). This program is designed to assist producers in holding their grain sorghums until they can qualify for nonrecourse loans under the price support program.

Sec.
473.301 Administration.
473.302 Availability of loans.
473.303 Disbursement of loans.
473.304 Eligible producer.
473.305 Eligible grain sorghums.
473.306 Storage.
473.307 Determination of quantity.
473.308 Determination of quality.
473.309 Liens.
473.310 Service charges.
473.311 Set-offs.
473.312 Interest rate.
473.313 Release of grain sorghums; transfer of producer's interest.
473.314 Safeguarding of the grain sorghums.
473.315 Insurance.
473.316 Losses in quantity or quality.
473.317 Personal liability.
473.318 Loan rates.
473.319 Maturity.
473.320 Settlement.
473.321 Foreclosure.

AUTHORITY: §§ 473.301 to 473.321 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 473.301 *Administration.* The program to which this subpart applies will be administered by CSS under the general direction and supervision of the Executive Vice President, CCC, and, in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all such documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 473.302 *Availability of loans.*—(a) *Approved forms.* Loans will be evidenced by promissory notes and loan agreements and secured by chattel mortgages.

(b) *Area.* Distress loans are authorized on grain sorghums (1) stored on the ground, or (2) stored in temporary facilities, in areas in any State where the State Committee determines that conditions are such that the grain sorghums can be so stored temporarily. In areas where it is not feasible to store grain sorghums on the ground, the State Committee may authorize distress loans on grain sorghums stored in temporary facilities only.

(c) *Where to apply.* Application for a distress loan should be made at the office of the county committee which keeps the farm program records for the farm.

(d) *When to apply.* Loans will be available from the date the program is announced for the area by the State Committee. The final date of availabil-

ity of loans shall be 30 calendar days after the date the program is announced for the area, or 30 calendar days after the producer completed harvest of the grain sorghums tendered for loan, whichever is later, and the applicable loan documents must be signed by the producer and delivered to the office of the county committee not later than the final date of availability of loans. The applicable loan documents are the Producer's Note and Supplemental Loan Agreement, the Supplemental Loan Agreement—Distress Loans, and the Commodity Chattel Mortgage. It shall be the responsibility of the producer to ascertain from the county office whether the program has been announced for the area and the date that the program was announced.

§ 473.303 *Disbursement of loans.* Disbursement of loans will be made to producers by county offices by means of sight drafts drawn on CCC. No disbursements shall be made later than 15 days after the final date of availability of loans unless authorized by the Executive Vice President, CCC. The drawing of a sight draft shall constitute disbursement. Disbursement of the loan proceeds shall not be made unless the grain sorghums are in existence and in good condition. If the grain sorghums were not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 473.304 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof, producing grain sorghums in 1957 as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible grain sorghums harvested by them and stored commingled. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine he is not eligible for a distress loan.

§ 473.305 *Eligible grain sorghums.* The conditions of eligibility for grain sorghums shall be the same as under the 1957-crop grain sorghums price support program (§ 421.2428 of this chapter), as amended, except that there shall be no requirement for storing grain sorghums for a specified period prior to inspection.

§ 473.306 *Storage.* (a) Temporary storage facilities shall be facilities which, in the opinion of the county committee, are suitable for the temporary storage of grain sorghums.

(b) Grain sorghums piled on the ground shall be protected from animals and shall be piled on ground which will afford maximum protection from water damage.

§ 473.307 *Determination of quantity.* (a) The quantity of grain sorghums placed under loan will be estimated, but measurements, threshing records, and other guides shall be used to the extent that they are practicable or available.

(b) The quantity of any grain sorghums delivered to CCC shall be determined by weight. In determining the quantity by weight, a unit of 100 pounds shall be 100 pounds grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of three-fourths of a pound for each sack shall be made.

§ 473.308 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums, whether or not such determinations are made on the basis of an official inspection.

§ 473.309 *Liens.* If there are any liens or encumbrances on the grain sorghums, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds.

§ 473.310 *Service charges.* The producer shall pay a service charge of 2 cents per 100 pounds for each hundredweight of grain sorghums placed under a distress loan, or $3.00 whichever is greater. Such service charge shall be collected from the proceeds of the loan at the time the loan is disbursed. State committees, however, are authorized to require prepayment of $3.00 of the service charge at the time a producer applies for a loan. If, on or before the maturity date of the note, the producer obtains a nonrecourse price support loan on the grain sorghums under the 1957 grain sorghums price support program, he shall pay an additional service charge of 2 cents per 100 pounds if placed under farm-storage loan, and 1 cent per 100 pounds if placed under warehouse-storage loan, for each hundredweight by which the quantity of grain sorghums placed under the regular loan exceeds the total hundredweight placed under the distress loan. No refunds of service charges will be made.

§ 473.311 *Set-offs.* Set-offs shall be made against the proceeds of the distress loan in accordance with the provisions of § 421.2210 of this chapter.

§ 473.312 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that (a) where there is a default in satisfaction of the loan, the deficiency shall bear interest at the rate of 6 percent per annum from the date of default, and (b) where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 473.313 *Release of grain sorghums; transfer of producer's interest.* A producer may at any time obtain release of the grain sorghums under loan by paying to the holder of the note the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county office shall arrange for the release of the chattel mortgage. The producer shall not transfer either his remaining interest in or his right to redeem the grain sorghums mortgaged as security for a distress loan nor shall anyone acquire such interest or right. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the grain sorghums must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the grain sorghums from the premises when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers, at the office of the county committee.

§ 473.314 *Safeguarding of the grain sorghums.* The producer obtaining a distress loan shall take whatever action is practicable to keep the grain sorghums in good condition, and in the event of damage to the commodity, he shall immediately notify the county office in writing of such damage.

§ 473.315 *Insurance.* CCC will not require the producer to insure the commodity placed under loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest.

§ 473.316 *Losses in quantity or quality.* CCC will not assume losses in the quantity or quality of the grain sorghums occurring for any reason.

§ 473.317 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him, may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable not only for the amount of the loan (including interest) but also for any resulting expense incurred by any holder of the note. A producer shall be personally liable for any damage resulting from tendering to CCC grain sorghums containing mercurial compounds or other substances posionous to man or animals which are inadvertently accepted by CCC.

§ 473.318 *Loan rates.* Loans will be made under this program at 80 percent of the basis county support rate established for the grain sorghums under the 1957-crop sorghums price support program.

§ 473.319 *Maturity.* Loans will mature 90 days from the date of the note, or March 31, 1958, whichever is earlier, or earlier on demand.

§ 473.320 *Settlement—(a) Producer who obtains a price support loan.* If on or before maturity, the producer places the grain sorghums in approved farm-storage or in an approved warehouse, he may obtain a price support loan at the full support rate under §§ 421.2426 to 421.2436 of this chapter. The price support loan will be made at the full support rate on the basis of the quantity and quality of eligible grain sorghums which have been placed in an approved storage structure. When the price support loan is made, the principal of the distress grain sorghums loan, plus interest at the rate of 3½ percent per annum from the date of disbursement of the distriss loan to the date of disbursement of the price support loan, shall be repaid to CCC either in cash or out of the proceeds of the price support loan.

(b) *Producer who does not obtain a price support loan.* The producer shall, upon maturity, repay his distress loan in cash or deliver the grain sorghums to CCC as set forth in paragraphs (c) and (d) respectively of this section unless: (1) He places the grain sorghums in approved farm storage or approved warehouse storage on or before maturity; (2) the grain sorghums are eligible for a price support loan under §§ 421.2426 to 421.2436 of this chapter; and (3) the producer obtains a price support loan under the provisions of such sections.

(c) *Repayment of distress loan.* Repayments made in satisfaction of distress loans shall be made in cash and shall include the amount of the principal due on the loan plus interest at the rate specified in § 473.312.

(d) *Delivery to CCC.* If the producer desires to deliver the grain sorghums he should, prior to maturity, give the county office notice in writing of his intention to do so. Delivery of the grain sorghums to CCC shall be made in accordance with instructions issued by the county office. When the grain sorghums are delivered to CCC under the distress loan, credit shall be given to the producer for the quantity and quality of grain sorghums actually delivered, at the market price at the time and place of delivery as determined by CCC: *Provided, however,* That if such grain sorghums are sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price. If the amount of such credit exceeds the amount due on the principal of the loan plus interest, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the ASC County office subject to set-off in accordance with § 473.311. If the amount of such credit is less than the amount due on the principal of the loan plus interest, the amount of the deficiency plus interest thereon shall be paid to CCC. Any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States, may be set off against such deficiency.

(e) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

§ 473.321 *Foreclosure.* If the loan is not satisfied upon maturity, the holder of the note is authorized to remove the grain sorghums from storage; and also to sell, assign, transfer, and deliver the grain sorghums or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder may determine, at public or private sale, either by separate contract or after pooling it with other lots of grain sorghums similarly held. Any such disposition may similarly be effected without removing the grain sorghums from storage. The grain sorghums may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the grain sorghums. If the grain sorghums are pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled grain sorghums as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of grain sorghums even though part or all of such pooled grain sorghums are disposed of under such policies at prices less than the current domestic price for such grain sorghums. Any sum due the producer from the sale of the grain sorghums or from an insurance indemnity paid on the grain sorghums, or any ratable share resulting from the liquidation of a pool, after deducting the amount of the note, interest, and charges, shall be payable only to the producer without right of assignment by him. If the grain sorghums removed by CCC from storage are sold at less than the amount due on the loan including interest and charges, the producer shall pay to CCC the difference between the amount due on the loan and the sales proceeds of the grain sorghums. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States. The term "charges," as used in this section, means all fees, costs and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing of the grain sorghums, and otherwise protecting the interest in the mortgaged grain sorghums of any holder of the note or the producer, including foreclosure costs.

Issued this 14th day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-9577; Filed, Nov. 18, 1957; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS FOR GRADES OF CONCENTRATED ORANGE JUICE FOR MANUFACTURING [1]

On September 18, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 7428) regarding a proposed amendment to the United States Standards for Grades of Concentrated Orange Juice for Manufacturing (7 CFR 52.2221–52.2231).

After consideration of all relevant matters presented, including the proposals in the aforesaid notice, and pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.), the United States Standards for Grades of Concentrated Orange Juice for Manufacturing are hereby amended to read as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.2221 Product description.
52.2222 Grades of concentrated orange juice for manufacturing.

FILL OF CONTAINER

52.2223 Recommended fill of container.

FACTORS OF QUALITY

52.2224 Ascertaining the grade of a sample unit.
52.2225 Ascertaining the rating for the factors which are scored.
52.2226 Color.
52.2227 Defects.
52.2228 Flavor.

EXPLANATION AND METHODS OF ANALYSES

52.2229 Explanation of terms and analyses.

LOT INSPECTION AND CERTIFICATION

52.2230 Ascertaining the grade of a lot.

SCORE SHEET

52.2231 Score sheet for concentrated orange juice for manufacturing.

AUTHORITY: §§ 52.2221 to 52.2231 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.2221 *Product description.* Concentrated orange juice for manufacturing is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and the Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated orange juice is processed in accordance with good commercial practice; and may or may not require processing by heat,

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

subsequent refrigeration, or freezing to assure preservation of the product, but is not the product known as "frozen concentrated orange juice." The finished product may contain cold pressed orange oil to standardize the flavor and may contain chemical preservatives permissible under the Federal Food, Drug, and Cosmetic Act. The Brix value of the finished concentrate is not less than 20 degrees.

§ 52.2222 *Grades of concentrated orange juice for manufacturing.* (a) "U. S. Grade A for Manufacturing" (or "U. S. Fancy for Manufacturing") is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a reasonably good color; is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C for Manufacturing" or ("U. S. Standard for Manufacturing") is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard for Manufacturing" is the quality of concentrated orange juice that fails to meet the requirements of U. S. Grade C for Manufacturing.

FILL OF CONTAINER

§ 52.2223 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated orange juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2224 *Ascertaining the grade of a sample unit*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated in ascertaining the grade of a sample unit of concentrated orange juice for manufacturing:

(1) *Factor not rated by score points.* (i) Faculty of reconstituting properly.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum numbers of points that may be given such factors are:

Factors:	Points
Color	20
Defects	40
Flavor	40
Total score	100

§ 52.2225 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example: "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2226 *Color*—(a) *(A-Mfg.) classification.* Concentrated orange juice of which the reconstituted juice possesses a reasonably good color may be given a score of 17 to 20 points. "Reasonably good color" means that the color is a reasonably good yellow to yellow-orange color typical of properly processed and properly concentrated orange juice and is reasonably free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C-Mfg.) classification.* If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the orange juice may be slightly amber or very light in color and may show evidence of slight browning but is not off color.

(c) *(SStd-Mfg.) classification.* Concentrated orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

§ 52.2227 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, and from other defects.

(1) "Pulp" means particles of membrane, core, and peel.

(b) *(A-Mfg.) classification.* Concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding one-eighth inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice;

(2) Juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and

(3) Other defects that are not more than slightly objectionable.

(c) *(C-Mfg.) classification.* If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding one-eighth inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice;

(2) Juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and

(3) Other defects that are not materially objectionable.

(d) *(SStd-Mfg.) classification.* Concentrated orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

§ 52.2228 *Flavor*—(a) *(A-Mfg.) classification.* Concentrated orange juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated orange juice from properly processed and concentrated orange juice; that the flavor may range from high acidity to low acidity; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from other off flavors of any kind. To score in this classification the ratio of the Brix value of the concentrate to the acid shall be not less than 8 to 1 nor more than 20 to 1.

(b) *(C-Mfg.) classification.* If the reconstituted juice possesses a fairly good flavor a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated orange juice; and that the flavor may range from high acidity to low acidity; may have a slightly caramelized or slightly oxidized flavor or may possess traces of terpene but is free from off flavors of any kind. To score in this classification the ratio of the Brix value of the concentrate to the acid shall be not less than 8 to 1 nor more than 24 to 1.

(c) *(SStd-Mfg.) classification.* If the concentrated orange juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given. Concentrated orange juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2229 *Explanation of terms and analyses.* (a) "Reconstituted juice" means the product obtained by thoroughly mixing the concentrate with a sufficient quantity of distilled water to produce an article of between 11.7 and 12.7 degrees Brix.

(b) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 250 ml. graduated cylinder).

(c) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(d) "Brix value" is the refractometric sucrose value of the thawed concentrate determined in accordance with the refractometric method for sugars and sugar products outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists," and to which the applicable correction for acid is added.

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE[1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degrees Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degrees Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] SOURCE: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. 11, p. 447, Aug. 15, 1939.

(e) "Brix" of the reconstituted juice means the degree Brix as determined by the Brix hydrometer calibrated at 20 degrees Centigrade (68 degrees Fahrenheit) and to which any applicable temperature correction has been applied.

LOT INSPECTION AND CERTIFICATION

§ 52.2230 *Ascertaining the grade of a lot.* The grade of a lot of concentrated orange juice for manufacturing covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.2231 *Score sheet for concentrated orange juice for manufacturing.*

Size and kind of container	----
Container mark or identification	----
Label (including reconstitution factor)	----
Liquid measure (fluid ounces)	----
Net weight	----
Brix value of concentrate (corrected for acid)	----
Anhydrous citric acid in concentrate (percent by weight)	----
Brix value to acid ratio	----
Recoverable oil (ml./100 grams)	----
Reconstitutes properly (Yes) (No)	----

Factors		Score points	
Color	20	(A-Mfg.)	17–20
		(C-Mfg.)	[1] 14–16
		(SStd-Mfg.)	[1] 0–13
Defects	40	(A-Mfg.)	34–40
		(C-Mfg.)	[1] 28–33
		(SStd-Mfg.)	[1] 0–27
Flavor	40	(A-Mfg.)	34–40
		(C-Mfg.)	[1] 28–33
		(SStd-Mfg.)	[1] 0–27
Total score	100		
Grade for manufacturing			----

[1] Indicates limiting rule.

Effective time and supersedure. The United States Standards for Grades of Concentrated Orange Juice for Manufacturing (which is the second issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Concentrated Orange Juice for Manufacturing (7 CFR 52.2221–52.2231) which have been in effect since December 12, 1953.

Dated: November 14, 1957.

[SEAL] FRANK E. BLOOD,
Acting *Deputy Administrator,*
Marketing Services.

[F. R. Doc. 57-9536; Filed, Nov. 18, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 211]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.11, the Fort McClellan Restricted Area, Alabama (R–131), amended August 14, 1957, in 22 F. R. 6498 is further amended to include the following described area: "Beginning at latitude 33°41'20", longitude 85°59'00"; South to latitude 33°40'40", longitude 85°59'00"; West to latitude 33°40'40", longitude 86°00'00"; North to latitude 33°41'20", longitude 86°00'00"; East to point of beginning".

2. Section 608.31, the Grand Marais Restricted Area, Minnesota (R–187), amended August 14, 1957, in 22 F. R. 6498, is further amended by changing the "Controlling Agency" column to read: "Commander, 343rd Fighter Group (Air Defense), Duluth, Minnesota".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 4, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

NOVEMBER 12, 1957.

[F. R. Doc. 57-9517; Filed, Nov. 18, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6809]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NULIFE PRODUCTS CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service:* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Nulife Products Company et al., Philadelphia, Pa., Docket 6809, Oct. 18, 1957]

In the Matter of Nulife Products Company, a Corporation and Samuel Schimmel and Herbert Schimmel, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging mail order sellers in Philadelphia with representing falsely in advertising in newspapers, circulars, etc., that use of the eyeglasses they sold would correct the defects in vision in all persons over 40 to the extent that they would be able to read fine print "with ease never before thought possible".

Following an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Nulife Products Company, a corporation trading under its said name or as Clear Vision Products or Nulife Products or under any other name, and its officers, and respondents Samuel Schimmel and Herbert Schimmel, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of eyeglasses, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that the eyeglasses sold by respondents will correct defects in the vision of persons over 40 years of age to the extent that they can read satisfactorily, unless expressly limited to those persons who do not have astigmatism or diseases of the eye and who require only simple magnifying lenses.

2. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of their eyeglasses in commerce, as "commerce" is defined

in the Federal Trade Commission Act, which advertisement contains the representation referred to in Paragraph One hereof unless expressly limited as provided therein.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 18, 1957.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 57-9521; Filed, Nov. 18, 1957; 8:46 a. m.]

[Docket 6655]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GARY PHARMACAL CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.90 *History of product or offering;* § 13.170 *Qualities or properties of product or service.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1890 *Safety;* § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Gary Pharmacal Co. et al., Chicago, Ill., Docket 6655, Oct. 18, 1957]

In the Matter of Gary Pharmacal Company, a Corporation, and Saul C. Korkin, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in Chicago with representing falsely in advertising that its drug preparation "Dry-Tabs" was a new discovery that would correct the bed-wetting habit in all cases, and with failing to reveal conspicuously in its advertising that the preparation was of no value except in cases of functional bed-wetting not involving organic defects or diseases and that it should not be used by children under six except on a physician's advice.

Following acceptance of an agreement between the parties containing a proposed order, the hearing examiner made his initial decision and order to cease and desist which became on October 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Gary Pharmacal Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Dry-Tabs", or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly:

(a) That "Dry-Tabs" will be effective in stopping bed-wetting or correcting the bed-wetting habit in all cases.

(b) That "Dry-Tabs" is a new discovery for treatment of the bed-wetting habit.

2. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to clearly and conspicuously reveal that said preparation is of no value in stopping bed-wetting or in correcting the bed-wetting habit, except in cases of functional bed-wetting not involving organic defects or diseases; and that the preparation should not be used by children less than six years of age except upon the advice of a physician.

3. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's preparation, or similar products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in Paragraph 1 of this order, or which fails to comply with the affirmative requirements set forth in Paragraph 2 hereof.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Saul C. Korkin.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent Gary Pharmacal Company, a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 24, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-9522; Filed, Nov. 18, 1957; 8:46 a. m.]

[Docket 6829]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WOLVERINE LABORATORIES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Laboratory; Manufacturer;* § 13.90 *History of product or offering;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Using misleading name*—Vendor: § 13.2445 *Producer or laboratory status of dealer or seller.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Wolverine Laboratories, Inc., et al., Detroit, Mich., Docket 6829, Oct. 25, 1957]

In the Matter of Wolverine Laboratories, Inc., a Corporation, Lawrence R. O'Connor, Elaine J. O'Connor, Individually, and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in Detroit, Mich., with representing falsely through advertising mats furnished to dealer-purchasers—in payment for use of which in advertising they participated—and through display cards and circulars also furnished for dealers' use, that their preparation "Alpha Tablets" constituted an effective treatment for all kinds of arthritis, rheumatism, neuritis, and neuralgia, and also afforded complete and permanent relief from the pains and discomforts thereof; that it was a new discovery and a new medicine; that the alfalfa ingredient was of value in such treatment; and through use of the words "Manufacturers" and "Laboratories" on stationery and in advertising literature, that they manufactured the product.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Wolverine Laboratories, Inc., a corporation, and its officers, and Lawrence R. O'Connor and Elaine J. O'Connor, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation "Alpha Tablets", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

I. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said preparation:

(a) Is an adequate, effective or reliable treatment for any kind of arthritis, rheumatism, neuritis or neuralgia.

(b) Is an adequate, effective or reliable treatment for, or will afford complete or permanent relief of, the aches, pains or discomforts of any kind of arthritis, rheumatism, neuritis or neuralgia, or has any beneficial effect in any of such conditions or disorders in excess of affording temporary relief of the minor aches and pains thereof.

(c) Is a new discovery or a new medicine.

(d) Possesses any value in the treatment of any kind of arthritis, rheumatism, neuritis or neuralgia, or in the relief of the aches, pains and discomforts thereof, by virtue of the alfalfa ingredient therein.

II. Disseminating or causing to be disseminated any advertisements by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of such preparation which contain any of the representations prohibited in Paragraph 1 of this order.

It is further ordered, That respondents Wolverine Laboratories, Inc., a corporation, and its officers, and Lawrence R. O'Connor and Elaine J. O'Connor, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Alpha Tablets or any other preparation or product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Using the word "Laboratories", or any other word of similar import or meaning, in respondents' corporate name, or representing in any other manner, that respondents own, operate or control a laboratory.

(b) Representing, directly or by implication, through the use of words "Manufacturers" or "Manufactured", alone or in conjunction with other words, or in any other manner, that respondents manufacture the products which they sell or distribute.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 25, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-9523; Filed, Nov. 18, 1957; 8:46 a. m.]

[Docket 6748]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PHILADELPHIA CHEWING GUM CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.700 *Arbitrary or improper functional discounts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Philadelphia Chewing Gum Corporation, Havertown, Pa., Docket 6748, Oct. 26, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of bubble gum in Havertown, Pa., with discriminating in price in violation of section 2 (a) of the Clayton Act by granting certain jobbers a 5 percent "supply house" discount in addition to the 5 percent discount or its equivalent in premiums granted all its jobbers and dealers.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Philadelphia Chewing Gum Corporation, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in, or in connection with the sale of chewing gum products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Discriminating, directly or indirectly, in the price of said chewing gum products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser, which purchasers, in fact, compete in the resale or distribution of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 25, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-9524; Filed, Nov. 18, 1957; 8:46 a. m.]

[Docket 6747]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TOPPS CHEWING GUM, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price Discrimination under 2 (a): § 13.700 *Arbitrary or improper functional discounts;* [*Discriminating in price under section 2, Clayton Act, as amended*]—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Topps Chewing Gum, Inc., Brooklyn, N. Y., Docket 6747, Oct. 26, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Brooklyn, N. Y., of bubble gum and "Clor-Aid" chiclet type of gum containing chlorophyll, with discriminating in price in violation of sections 2 (a) and 2 (d) of the Clayton Act, respectively, by such practices as (a) selling its "Bazooka" brand bubble gum and picture card bubble gum to some jobbers at a 5 percent discount from the prices charged others; and (b) paying a chain of food stores $2,200 as compensation for advertising, etc., in connection with its products, while not making comparable offers to the chain's retailer competitors.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Topps Chewing Gum, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in, or in connection with the sale of chewing gum products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Discriminating, directly or indirectly, in the price of said chewing gum products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser, which purchasers, in fact, compete in the resale or distribution of such products.

2. Making or contracting to make, to or for the benefit of any customer, any payment or allowance of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of products sold to him by respondent, unless such payment or allowance is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 25, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-9525; Filed, Nov. 18, 1957; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.347]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority vested in the Secretary of State by section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c); and by section 503 of the Nationality Act of 1940 (54 Stat. 1171, 1172; 8 U. S. C. 903) as continued by section 405 (a) of the Immigration and Nationality Act as it relates to Part 50, Nationality Procedures Under the Immigration and Nationality Act; and by paragraph 126 of Executive Order No. 7856 (3 F. R. 799; 22 CFR 51.77), under authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U. S. C. 211a) as it relates to Part 52, Passports: Validation and Issuance in Wartime; and by section 215 of the Immigration and Nationality Act (66 Stat. 190; 8 U. S. C. 1185), and Presidential Proclamation No. 3004 of January 17, 1953, as they relate to Part 53, Control of Persons Entering and Leaving the United States in Wartime; and by Executive Order No. 8820 (6 F. R. 3421; 22 CFR 107; section 302, 60 Stat. 1001; 22 U. S. C. 842) as it relates to Part 107, Control of Nationals, those parts of Title 22 of the Code of Federal Regulations are hereby amended as follows:

PART 50—NATIONALITY PROCEDURES UNDER THE IMMIGRATION AND NATIONALITY ACT

Part 50—Nationality Procedures Under the Immigration and Nationality Act is amended by the addition of the following sections:

CERTIFICATE OF IDENTITY FOR ADMISSION TO THE UNITED STATES TO PROSECUTE AN ACTION UNDER SECTION 503 OF THE NATIONALITY ACT OF 1940

Sec.

50.45 Issuance of certificate of identity under the Nationality Act of 1940.
50.46 Application for certificate of identity.
50.47 Independent investigation.
50.48 Good faith and substantial basis of claim of United States nationality.
50.49 Denial of a right or privilege as a national of the United States.
50.50 Proof of institution of action.
50.51 In case of doubt as to issuance of certificate of identity.
50.52 Form and issuance of certificate of identity.
50.53 Period of validity of certificate of identity.
50.54 Denial of certificate of identity.
50.55 Appeal by applicant.
50.56 Certificate of identity obtained by fraud or other illegality.
50.57 Repeal of section 503, and savings clause.

AUTHORITY: §§ 50.45 to 50.57 issued under sec. 503, 54 Stat. 1171, sec. 4, 63 Stat. 111; 8 U. S. C. 903, 5 U. S. C. 151c.

CERTIFICATE OF IDENTITY FOR ADMISSION TO THE UNITED STATES TO PROSECUTE AN ACTION UNDER SECTION 503 OF THE NATIONALITY ACT OF 1940

§ 50.45 *Issuance of certificate of identity under the Nationality Act of 1940.* Section 503 of the Nationality Act of 1940 (54 Stat. 1171, 1172; 8 U. S. C. 903) provided:

If any person who claims a right or privilege as a national of the United States is denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States, and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificate of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided.

§ 50.46 *Application for certificate of identity*—(a) *What application shall show.* The application for a certificate of identity shall show:

(1) The full and true name of the applicant;

(2) The place of his residence outside the United States;

(3) That he claims to be a national of the United States, and the basis of such claim and evidence submitted in support thereof;

(4) That such claim is made in good faith and upon a substantial basis;

(5) That he claims a right or privilege as a national of the United States, and specifically the nature of such claim;

(6) That such right or privilege has been denied him by a specified department or agency or executive official of the United States on the ground that the applicant is not a national of the United States, and the date and place of such denial;

(7) That an action for a judgment declaring applicant to be a national of the United States has been instituted by him against the head of such department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the specified district in which he claims permanent residence;

(8) That such action was instituted in good faith with the intention of prosecuting it to conclusion and is pending in such court;

(9) That he desires to proceed to the United States to prosecute such action;

(10) That, if granted a certificate of identity and admitted to the United States for the purpose of prosecuting such action, he will do so with due diligence;

(11) That he understands that admission to the United States upon such certificate of identity shall be under regulations prescribed by the Immigration and Naturalization Service, and upon the condition that he shall be subject to deportation if the final outcome of such court action is not to the effect that he is a national of the United States and if he then fails to depart therefrom without delay in accordance with directions from the Immigration and Naturalization Service; and

(12) Such other facts and proofs, with respect to the foregoing, as may be required by the application form or by the diplomatic or consular officer before whom the application for a certificate of identity is executed.

(b) *Supporting witness.* The application for a certificate of identity shall be supported by the affidavit of a credible witness, but this requirement may be waived in the discretion of the officer before whom the application is executed.

(c) *Form and execution.* The application for a certificate of identity shall be made in quadruplicate on an approved form and shall be signed and sworn to (or affirmed) by the applicant in person before a diplomatic or consular officer of the United States. The affidavit of the witness, if not waived, shall also be made before a diplomatic or consular officer of the United States. The application shall be accompanied by four photographs of the applicant taken within thirty days of the date on which the application is filed. The photographs shall be 2 by 2 inches in size, unmounted, printed on thin paper, have a light background, and clearly show a full front view of the features of the applicant (with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately 1¼ inches. Snapshot, group, or full length pictures will not be accepted. The applicant, except in the case of a person physically or otherwise incapable of signing his name, shall sign each copy of the photograph with his full, true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write. One photograph shall be glued to the original application and one to each copy thereof and impressed with the legend machine so as not to cover the features. Officers not having a legend machine will use the impression seal. The consular impression seal should invariably be used in completing the application. Fingerprints of the applicant shall be required and attached to the application and each copy thereof, as in the case of a visa.

§ 50.47 *Independent investigation.* When an application for a certificate of identity is executed before a diplomatic or consular officer, an independent investigation of the facts in the case should be made, as far as practicable, by such officer, even though the application and proofs submitted therewith may on their face appear to justify issuance of a certificate of identity.

§ 50.48 *Good faith and substantial basis of claim of United States nationality*—(a) *Relationship to provision concerning loss of nationality.* The provision in section 503 of the Nationality Act of 1940 that a certificate of identity shall not be denied "solely on the ground that such person has lost a status previously had or acquired as a national of the United States" is to be read with the provision of the section that the claim of nationality presented in the court action be made in good faith and have a substantial basis.

(b) *Meaning of good faith.* Good faith means an honest belief of the applicant that he is a national of the United States, and is to be determined by the diplomatic or consular officer of the United States in the light of the facts and circumstances of each case. For example, where it appears that United States nationality has been lost by naturalization of the person upon his own application in a foreign state, good faith would appear to be lacking in the absence of a satisfactory showing to the contrary. Special care should be taken in the examination of the case of an applicant who, while in a foreign state, has exercised any rights or performed any duties for which only nationals of such state are eligible.

(c) *Meaning of substantial basis.* A substantial basis of a claim of United States nationality means one which satisfies the diplomatic or consular officer of the United States that the claim of the applicant that he is a national of the United States is, notwithstanding any previous ruling of a department, agency, or executive official of the United States, sufficiently meritorious to justify resort to the court for a determination of the question.

§ 50.49 *Denial of a right or privilege as a national of the United States.* Denial by a department or agency or executive official of the United States of a right or privilege as a national of the United States may have occurred in the administration of various laws. For example, it may have occurred where a person applied as a national of the United States for a passport or for registration at an American consulate or for nonquota status as an alien wife or alien minor child of an American citizen under sections 4 and 9 of the Immigration Act of 1924, and the application was denied on the ground that the applicant was not a national of the United States.

§ 50.50 *Proof of institution of action.* Proof that the applicant has instituted an action referred to in § 50.46 is best made by presentation of a duly certified copy of the complaint filed in the action. The presentation of such a copy may be waived only when other evidence is furnished which satisfactorily establishes that the suit has been instituted and is pending.

§ 50.51 *In case of doubt as to issuance of certificate of identity.* Where it appears that the presence of the applicant in the United States would endanger the public safety or where the diplomatic or consular officer believes that the applicant is a national of the United States and entitled to a passport as such or where the diplomatic or consular officer has any doubt with respect to the action he should take upon the application for a certificate of identity, the officer should suspend action and consult the Department of State.

§ 50.52 *Form and issuance of certificate of identity.* The certificate of identity shall be issued on the approved form, printed upon the application form. It shall be signed and sealed by the diplomatic or consular officer, who shall state on the original and each copy thereof the date and place of issuance. The three copies shall be marked "copy". One copy and any documentary evidence submitted by the applicant shall be retained in the files of the issuing office, and two copies sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.

§ 50.53 *Period of validity of certificate of identity.* A certificate of identity shall expire six months from the date of its issuance, unless extended by direction of the Secretary of State.

§ 50.54 *Denial of certificate of identity.* In case the certificate of identity is denied by a diplomatic or consular officer, a notation to that effect shall be made by him in the space provided therefor at the end of the original application and on each copy thereof. The notation shall set forth definitely the grounds for the denial. The original application and any documentary evidence submitted by the applicant shall be retained in the files of the office to which the application was submitted. One copy shall be returned to the applicant, and two copies shall be sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.

§ 50.55 *Appeal by applicant.* When an applicant is denied a certificate of identity, he may appeal by a written statement to the Secretary of State, setting forth fully the pertinent facts and the grounds upon which United States nationality is claimed and his reasons for considering that the denial of his application by the diplomatic or consular officer is not justified. The statement shall be executed in quadruplicate and submitted to the diplomatic or consular office in which the denial was made. If the statement contains facts not set forth in the application it shall be sworn to (or affirmed) by the applicant before a diplomatic or consular officer of the United States. The original statement and one copy shall be forwarded by the diplomatic or consular officer to the Department of State with two copies of the application for the certificate of identity and any documentary evidence submitted by the applicant, if the copies have not already been sent to that Department. One copy of the statement shall be retained in the files of the diplomatic or consular office in which the denial was made and one copy returned to the applicant. If it is not practicable for the statement to be sworn to or affirmed by the applicant in the diplomatic or consular office in which the denial was made, it may be sworn to or affirmed in any other diplomatic or consular office of the United States. In such case, the original and two copies of the statement shall be forwarded by that office to the diplomatic or consular office in which the application was denied, but if that is not practicable they shall be sent directly to the Department of State. One copy shall be returned to the applicant.

§ 50.56 *Certificate of identity obtained by fraud or other illegality.* Whenever a certificate of identity is found by a diplomatic or consular officer of the United States to have been obtained by fraud or other illegality, or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, directly to the Department of State.

§ 50.57 *Repeal of section 503, and savings clause.* Section 503 of the Nationality Act of 1940 was repealed by section 403 (a) (42) of the Immigration and Nationality Act of 1952. However, section 405 (a) of that act provides in part as follows:

Nothing contained in this Act, unless otherwise specifically provided therein, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certificate of citizenship, warrant of arrest, order or warrant of deportation, order of exclusion, or other document or proceeding which shall be valid at the time this Act shall take effect; or to affect any prosecution, suit, action, or proceedings, civil or criminal, done or existing, at the time this Act shall take effect; but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters the statutes or parts of statutes repealed by this Act are, unless otherwise specifically provided therein, hereby continued in force and effect.

PART 52—PASSPORTS: VALIDATION AND ISSUANCE IN WARTIME

Part 52—Passports: Validation and Issuance in Wartime is hereby revoked.

PART 53—TRAVEL CONTROL OF CITIZENS AND NATIONALS IN TIME OF WAR OR NATIONAL EMERGENCY

The part heading of Part 53—Control of Persons Entering and Leaving the United States in Wartime is amended to read as set forth above and the part is amended in its entirety as follows:

AMERICAN CITIZENS AND NATIONALS

Sec.

53.1 Definition of the term "United States".
53.2 Limitations upon travel.
53.3 Exceptions to regulations in § 53.2.
53.4 Persons considered as bearing passports.
53.5 Prevention of departure from or entry into the United States.
53.6 Attempt of a citizen or national to enter without a valid passport.
53.7 Optional use of a valid passport.

AUTHORITY: §§ 53.1 to 53.7 issued under sec. 215, 66 Stat. 190; 8 U. S. C. 1185.

§ 53.1 *Definition of the term "United States".* The term "United States" as used in this part includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

§ 53.2 *Limitations upon travel.* No citizen of the United States or person who owes allegiance to the United States shall depart from or enter into or attempt to depart from or enter into any part of the United States as defined in § 53.1, unless he bears a valid passport which has been issued by or under authority of the Secretary of State or unless he comes within one of the exceptions prescribed in § 53.3.

§ 53.3 *Exceptions to regulations in § 53.2.* No valid passport shall be required of a citizen of the United States or of a person who owes allegiance to the United States:

(a) When traveling between the continental United States and the Territory of Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, or between any such places; or

(b) When traveling between the United States and any country or territory in North, Central, or South America or in any island adjacent thereto: *Provided,* That this exception shall not be applicable to any such person when traveling to or arriving from a place outside the United States for which a valid passport is required under this part, if such travel is accomplished via any country or territory in North, Central, or South America or any island adjacent thereto: *And provided also,* That this section shall not be applicable to any seaman except as provided in paragraph (c) of this section; or

(c) When departing from or entering the United States in pursuit of the vocation of seaman: *Provided,* That the person is in possession of a specially validated United States merchant mariner's document issued by the United States Coast Guard; or

(d) When departing from or entering into the United States as an officer or member of the enlisted personnel of the United States Army or the United States Navy on a vessel operated by the United States Army or the United States Navy; or

(e) When traveling as a member of the Armed Forces of the United States or a civil employee of the Department of Defense between the continental United States, the Canal Zone, and all territories, continental or insular, subject to the jurisdiction of the United States, and any foreign country or territory for which a valid passport is required under the regulations in this part: *Provided,* That he is in possession of a document of identification issued for such purposes by the Department of Defense; or

(f) When traveling as an air crewman on board an American aircraft which is engaged in commercial air-transport service for the carriage of goods, passengers, or mail between the United States and a foreign country: *Provided,* That he is in possession of an identification card issued by the Civil Aeronautics Board which complies with the International Civil Aviation Organization requirements; or

(g) When specifically authorized by the Secretary of State, through the appropriate official channels, to depart from or enter into the United States, as defined in § 53.1.

§ 53.4 *Persons considered as bearing passports.* Every citizen of the United States, or person who owes allegiance to the United States, who is included in a valid passport issued by or under authority of the Secretary of State shall for the purpose of the rules and regulations in this part be considered as bearing a separate valid passport if such passport is presented to the appropriate official at the time he departs from or enters into or attempts to depart from or enter into any territory of the United States as defined in § 53.1.

§ 53.5 *Prevention of departure from or entry into the United States.* (a) Nothing in this part shall be construed as prohibiting the Secretary of State or his representative at a port in the United States from preventing the departure from or entry into the United States, as defined in § 53.1, of a citizen of the United States or a person who owes allegiance to the United States, notwithstanding the fact he may be destined for or arriving from a place outside any such territory of the United States for which a valid passport is not required under the regulations in this part.

(b) Nor shall anything in the regulations in this part be construed as prohibiting the Secretary of State or his representative at a port in the United States from preventing temporarily the departure from or entry into the United States, as defined in § 53.1, of a citizen of the United States or a person who owes allegiance to the United States, notwithstanding the fact that such person may bear a valid passport, card of identification, or other document of identity issued by or under authority of the Secretary of State or be destined for or arriving from a place outside any such territory of the United States for which a valid passport is not required under the regulations in this part.

§ 53.6 *Attempt of a citizen or national to enter without a valid passport.* If any person who alleges that he is a citizen of the United States or a person who owes allegiance to the United States attempts to enter the United States contrary to the provisions of the regulations in this part, the appropriate officer of the United States at the port at which the attempt is made to enter the United States, if satisfied that such person is a citizen of the United States or a person who owes allegiance to the United States, shall detain such person and immediately report the facts in the case to the Secretary of State and await his instructions.

§ 53.7 *Optional use of a valid passport.* Nothing in this part shall be construed to prevent the use of a valid passport by any citizen of the United States, or a person who owes allegiance to the United States, in a case in which a passport is not required by this part.

PART 107—CONTROL OF NATIONALS

Part 107—Control of Nationals is hereby revoked.

Dated: November 13, 1957.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 57-9580; Filed, Nov. 18, 1957; 8:56 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 6271]

PART 458—INSPECTION OF RETURNS

INSPECTION OF ESTATE AND GIFT TAX RETURNS BY STATE TAX OFFICIALS

PARAGRAPH 1. Pursuant to the provisions of section 55 (a) of the Internal Revenue Code of 1939 (53 Stat. 29; 54 Stat. 1008; 55 Stat. 722; 26 U. S. C. 55 (a)), and the Executive order signed this date,[1] section 463C.23 (26 CFR (1939) 458.61) of Treasury Decision 4929, approved August 28, 1939, relating to inspection by State officials of estate and gift tax returns, is amended to read as follows:

§ 458.61 *Inspection by State tax officials.* Any properly authorized official, body, or commission, lawfully charged with the administration of any State tax law, or any properly designated representative of such official, body, or commission, may, in the discretion of the Commissioner, be permitted to inspect estate tax returns and notices and gift tax returns for the purpose of such administration, provided a like cooperation is given by the State to the Commissioner or his representatives for use in the administration of the Federal tax laws. Requests for permission to inspect returns or notices shall be in writing signed by the governor of the State under the seal of the State and shall be addressed to the Commissioner of Internal Revenue, Washington 25, D. C., who will set a convenient time and place for such inspection. The request shall state (1) the kind of returns it is desired to inspect; (2) the name of the official, body, or commission by whom or which inspection is to be made; (3) the name of the representative of such official, body, or commission, designated to make the inspection; (4) by specific reference, the State tax law which such official, body, or commission is charged with administering and the law under which he, she, or it is so charged; (5) the purpose for which the inspection is to be made; and (6) that the State gives to the Commissioner and his representatives like cooperation with respect to the inspection of returns of estate, inheritance, legacy, succession, gift, or other tax of the State, for use in the administration of the Federal tax laws. (Section 463C.23)

(Sec. 6103, 68A Stat. 753; 26 U. S. C. 6103)

PAR. 2. Pursuant to the provisions of section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), and the Executive order signed this date, Treasury Decision 4929, approved August 28, 1939, as amended by Treasury Decision 4991, approved July 20, 1940, Treasury Decision 5019, approved November 7, 1940, and this Treasury decision, is hereby prescribed under and made applicable to section 6103 (a) of the Internal Revenue Code of 1954 until superseded by regulations issued under the Internal Revenue Code of 1954.

Because this Treasury decision constitutes a general statement of policy and establishes a rule of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

Approved: November 15, 1957.

DWIGHT D. EISENHOWER,
The White House.

[F. R. Doc. 57-9614; Filed, Nov. 18, 1957; 11:35 a. m.]

[1] See Executive Order 10738, *supra.*

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter G—Defense Contract Financing

PART 81—STATEMENT OF POLICY FOR TREATMENT OF DEPRECIATION ON EMERGENCY FACILITIES

CONTRACT PRICING

Section 81.3 (h) of this part has been amended to clarify the right of contractors to use either normal depreciation or true depreciation; if normal depreciation is used for contract pricing during the emergency period, it will be used after the emergency period. Section 81.3 (h), as amended, reads as follows:

§ 81.3 *Basic principles.* * * *

(h) Contractors may use normal depreciation without requesting a determination of true depreciation, or may elect to use normal depreciation even though a determination of true depreciation has been made. In either such case, contract pricing for both the emergency period and the post-emergency period (i. e., throughout the entire life of the emergency facility) will be based upon normal depreciation; and in such cases § 15.205 (b) (ii) of this chapter, is not intended to apply to assets fully amortized on the contractor's books of account under certificates of necessity. In all other cases, contract pricing for the post-emergency period will be based on depreciation computed by allocating the undepreciated cost of the emergency facilities at the end of the emergency period (cost less true depreciation for that period) over the estimated remaining life of the facilities, provided the remaining undepreciated portion of such cost shall not include any amount of unrecovered true depreciation.

(64 Stat. 798–822, as amended; 50 U. S. C. App. 2061–2166)

GLENN V. GIBSON,
Director, Planning and Requirements Policy.

[F. R. Doc. 57-9515; Filed, Nov. 18, 1957; 8:45 a. m.]

Chapter V—Department of the Army

Subchapter G—Procurement

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Amend § 591.203 by revising the section heading and paragraph (b) and by adding new paragraph (c), as follows:

§ 591.203 *Office of permanent record.* * * *

(b) *Contract administration file.* Each purchasing office or installation which administers contracts awarded by formal advertising will maintain files which will provide a complete résumé of the administration of each contract. These files need not be retained in a central location in the purchasing office or installation when it is administratively advantageous to maintain portions thereof on the site of performance. Unless these files are set up on an individual contract basis they must be so organized that they will provide an accurate and complete identification and cross-reference to related files. Upon final payment all papers pertaining to the administration of a particular contract will be consolidated into a single file. This file will be preserved in such office or installation for a period of 6 years following the final payment on the contract unless retired under pertinent Army regulations.

(c) The policy and procedure for the organization and maintenance of all contract files are set forth in § 606.211 of this chapter.

2. Section 592.212–2 is revised, and in § 592.405–3, revise the opening portion and paragraphs (a) and (b), as follows:

§ 592.212–2 *Application.* (a) As a matter of general procurement policy, contracting officers shall negotiate, rather than procure by formal advertising, when the proposed contract or purchase order or the supplies or services being procured are classified "Confidential" or higher, including "Confidential Modified Handling Authorized." This authority shall not be used to negotiate a contract or an amendment thereof, regardless of dollar amount, where any other authority to negotiate may be cited (§§ 592.205–2 and 592.211–2).

(b) In addition to the requirements of § 7.104–12 of this title and § 596.104–12 of this chapter, DD Form 254 (Security Requirements Check List) will be used in precontract negotiations when it is necessary for proposed contractors and subcontractors to have access to classified matter.

§ 592.405–3 *Letter contract.* The policy of the Department of the Army is to avoid use of letter contracts to the greatest extent possible. In amplification of § 3.405–3 of this title, letter contracts shall be used only where the contracting officer determines that the interest of the national defense demands that the contractor be given a binding commitment so that work can be commenced immediately, negotiation of a definitive contract in sufficient time to meet the essential procurement need is not possible, and that no other type of contract is suitable. A copy of each determination made by a contracting officer and a copy of the request for approval will be forwarded by the head of the procuring activity to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, ATTN: Chief, Contracts Branch.

(a) *Approval requirement.* Letter contracts, or any other type of preliminary contract, will not be used without prior approval of the Chief, Contracts Branch, Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, except that, subject to the limitation set forth in § 3.405–3 of this title and this section, Chiefs and acting chiefs of technical services are authorized to issue letter contracts in amounts representing not more than 50 percent of the total estimated amount of the definitive contract, provided, the estimated amount of the definitive contract does not exceed the approval authority of the particular technical service as authorized in §§ 606.204–3, 606.204–4 and 606.204–6 of this chapter. When the total estimated amount of the proposed definitive contract exceeds that which the procuring technical service is authorized to approve, or where it is desired to award a letter contract in an amount in excess of 50 percent of the total estimated amount of the proposed definitive contract, prior approval of the Chief, Contracts Branch, Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, is required.

(b) *Conditions for use.* In addition to the provisions of § 3.405–3 of this title, the authority to issue letter contracts is contingent upon compliance with the following:

(1) That the definitive contracts will contain all required standard clauses, in addition to such standard optional clauses as are necessary to protect fully the interest of the Government, and that this provision will be made a condition of each letter contract.

(2) That all fixed-price contracts, when there is no information upon which to base reasonableness of price, will contain applicable standard price redetermi-

nation clauses with upward limitations thereunder held to a minimum, but in no event to exceed 25 percent, and that this provision shall be made a condition of each applicable letter contract.

(i) Irrespective of total estimated definitive contract amount, a definitive contract or letter contract providing for a price redetermination clause with upward revision exceeding 25 percent must have prior approval of the Chief, Contracts Branch, Deputy Chief of Staff for Logistics, Headquarters, Department of the Army.

(ii) Independent Government estimate, prepared prior to receiving estimate from the proposed contractor, may be used to determine reasonableness of price.

(3) That the fixed-fee in a cost-reimbursement type contract will not exceed the limitations set forth in § 3.404–3 (c) of this title, with further consideration given to the following:

(i) The absence of risk to the contractor.

(ii) The estimated quantity of the following as compared with the total estimated definitive contract price: (*a*) Material, (*b*) subcontracting, (*c*) purchased parts, and (*d*) "off-the-shelf" items.

(iii) The size of the proposed contract.

(4) That the profit to be paid shall be consistent with the protection afforded to the contractor in the minimizing or removal of risk to him, with due consideration given to the estimated quantity of the following as compared to the total estimated contract price: (i) Material, (ii) subcontracting, (iii) purchased parts, and (iv) "off-the-shelf" items.

(5) That the duration of the letter contract will not exceed 180 days from the date of execution. Extensions which increase the duration beyond 180 days will not be made without prior approval of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Attn: Chief, Contracts Branch.

3. Revise §§ 596.150–1 and 606.202 and add new § 606.211, as follows:

§ 596.150–1 *Progress payments clause.* (a) Percentage of total costs clause (see § 82.59–1 of this title).

(b) Percentage of direct labor and materials cost clause (see § 82.59–2 of this title).

(c) Progress payments to subcontractors (see § 82.59–3 of this title).

§ 606.202 *Execution of contracts; requirements*—(a) *Availability of funds.* Contracting officers will, prior to the incurrence of an obligation, obtain from the finance and accounting officer a certificate which will contain a citation of the proper funds to be charged and a statement that sufficient funds are available for payment of the contractual obligation to be incurred. The certificate shall be retained in the contract file. The finance and accounting officer who is accounting for the funds will be responsible for determining the proper funds to be charged and the sufficiency thereof and for reserving in the fiscal accounts an amount sufficient to pay the obligation to be incurred. The appropriation and allotment chargeable will be cited on all contracts, purchase orders, and delivery orders. The signature of a contracting officer on a contract, purchase order, or delivery order constitutes a certification of the availability and sufficiency of the funds cited. The contracting officer will be responsible for assuring that final delivery, acceptance and payment, under the terms of the contract, are completed prior to expiration of the period in which the funds cited in the contract are authorized for expenditure.

(b) *Contracting officer's signature.* In the case of formal advertising, the personal signature of the contracting officer on the award consummates the contract. In the case of negotiated contracts, the contracting officer will personally sign on behalf of the United States after the contractor has signed, except where otherwise required by the particular contract form, as for example when DA Form 47 is used. In addition, the contracting officer's rank or title will be indicated. Proxy and facsimile signatures are not permissible.

(c) *Signature by agents of contractors.* Contracts executed on behalf of contractors by agents must be accompanied by evidence, satisfactory to the contracting officer, of the agent's authority to do so.

(d) *Signature by corporate officers.* In the case of corporations, the amount and type of evidence to be required to determine the authority of a particular corporate officer to bind a corporation is for administrative determination by the contracting officer, subject to the limitation that the interest of the Government shall be protected. The contracting officer need not require that corporations execute a certificate in the form included in DD Form 351–2 (Signature and Certificate Sheet), provided he obtains other evidence which satisfactorily shows that the agent is empowered to bind the corporation.

(e) *Contracts with partnerships.* Contracts entered into with partnerships shall be executed in the partnership name and shall enumerate the names of all the partners. The contract need be signed by only one partner provided the authority of the particular partner to effectively bind the partnership has been established. The contracting officer need not require that partnerships execute a certificate in the form included in DD Form 351–2 provided he obtains other evidence which satisfactorily shows that the partner is empowered to bind the partnership.

(f) *Presigned contracts subject to approval.* Contracts subject to the approval of higher authority as prescribed by these procedures (e. g., §§ 606.204–2 and 606.204–5) or by instructions of heads of procuring activities or both, are not binding on the Government until so approved, even though signed by both parties.

(g) *Contracts subject to approval of award.* Where approval of award of a contract is required either by these procedures (e. g., §§ 606.204–6 and 606.204–8) or by instructions of heads of procuring activities or both, no contract will be entered into or signed by a contracting officer until approval to award the contract has been obtained.

§ 606.211 *Organization and maintenance of contract files.* This section establishes general guidelines which will insure that every pre-award transaction file and contract administration file is fully documented to provide a complete history of the contractual actions and the basis for the individual actions taken, and establish a system for the organization of these files which will facilitate locating any particular document with the least practicable delay. The types of documents set forth in this section shall be included in these files to the extent applicable. Where procurements utilize the simplified purchase procedures, compliance with the requirements of those procedures will be considered to constitute adequate contract file documentation.

(a) *Pre-award file; Section A—Pre-award Section.* (1) Copy of procurement directive.

(2) When procurement is by negotiation appropriate documentation as to necessity for negotiation when over $2,500.

(3) List of firms solicited, or justification in the event only one firm was solicited.

(4 Security Requirements Checklist.

(5) Pre-award survey.

(6) Invitation for bids or requests for proposals, including drawings and specifications, or reference thereto.

(7) Bids or proposals received, including:

(i) Complete record of negotiation,

(ii) Price and cost analysis data.

(iii) Memorandums for record,

(iv) Statement that notice was sent to unsuccessful bidders, and

(v) Bid bond.

(8) Summary of proposals or abstract of bids.

(9) Report of equal bids.

(10) Determinations and findings.

(11) Review of proposed award(s).

(12) Approval of award.

(13) Exemption from "Buy American Act."

(14) Deviation approvals.

(15) Any other pre-award documents and correspondence not covered by the above subjects.

(b) *Contract Administration File; Section B—Contract Section.* (1) Contract (signed number) including any letter contract.

(2) Change orders in numerical sequence.

(3) Supplemental agreements in numerical series. (A single numerical series may be used for subparagraphs (2) and (3) of this paragraph.)

(4) Bonds, except bid bonds.

(5) Copy of individual procurement action report.

(6) Information regarding royalties.

(7) Contractor's statement of contingent fees.

(8) Neutrality Act certification of registration.

(9) Priority data and Controlled Materials Plan data.

(10) Price adjustment data, including contractors' proposals, price analyst recommendations, audit reports, and negotiation reports.

(11) Waivers.

(12) Any other documents and correspondence not covered by above items which properly belong in this section.

(c) *Contract Administration File; Section C—Property Section.* (Separate files sections may be maintained for Government-furnished property and for contract items.)

(1) End item delivery data, i. e., Material Inspection and Receiving Report, or other shipping documents with recap and storage data as appropriate. (Provision 303.3 of § 30.2 of this title.)

(2) Subsidiary inspection documents such as lot No. reports, technical data, report of sub-lots inspection, etc.

(3) Inspection requisitions and correspondence by other districts relating to inspection.

(4) Other inspection correspondence.

(5) Statement as to quality of contractor's product.

(6) Bills of lading.

(7) Report of Survey (incident to shipment) and other instruments affecting relief of responsibility for Government property except "Written Advices," i. e., special reports from the contractor on which the property administrator determines a "Written Advice" is not required or other instances where, under provision 402 of § 30.2 of this title, a contractor is relieved of responsibility for property other than consumption. (Provision 303.1 (d) of § 30.2 of this title and § 602.1709–2 of this chapter.)

(8) Copy of contracting officer's written determination and findings concerning loss, damage, shortage, or destruction of contract items or of Government property used, including excess consumption. (Provisions 402.1 (e) and 402.2 (a) of § 30.2 of this title.)

(9) Disposal data—at contract completion. (Subpart F, Part 8 of this title.)

(10) Property correspondence in chronological order or sufficiently indexed for ready reference.

(11) Where the Government maintains the official property control records under the deviation authority contained in provision 301 (a) of § 30.2 of this title or provision 207.1 of § 30.3 of this title, the property file will contain those records set forth in §§ 30.2 or 30.3 of this title necessary for effective property control. (§ 602.1706–1 (a) of this chapter).

(12) Contractor's written receipt for Government-furnished property. (Provision 303.1 of § 30.2 of this title.)

(13) Data, where appropriate, in connection with contractor acquired facilities. (§ 602.1706–1 (b).)

(14) All other records required to be maintained by §§ 30.2 or 30.3 of this title.

(d) *Contract Administration File; Section D—Fiscal Section.* (1) Invoices and Vouchers.

(2) Other documents relating to payments.

(3) Documents and correspondence relating to financial assistance to contractor.

(e) *Contract Administration File; Section E—Termination Section.* (1) Notice of Termination.

(2) Contractor's settlement proposal.

(3) Auditor's report and work papers.

(4) Price analyst report.

(5) Inventory schedule.

(6) Storage or Layaway agreement.

(7) All termination correspondence.

(8) Negotiator's report.

(9) Property disposal.

(10) If termination for default, (i) copy of contracting officer's findings, (ii) summary of initial action taken to buy against, and all subsequent actions on appeals taken, if any.

(f) *Contract Administration File; Section F—renegotiation data.* (1) Efficiency of contractor.

(2) Reasonableness of costs and profits.

(3) Capital employed.

(4) Extent of risk assumed.

(5) Contribution to the National Security.

(6) Character of business.

4. In § 606.703, revise paragraph (c) and add new paragraph (d), as follows:

§ 606.703 *Policy.* • • •

(c) *Inclusion of small business in research and development procurement.* (1) As a continuing activity, technical personnel, contracting officers, and small business specialists are responsible for actively seeking out and developing information as to the technical competence of small business concerns to perform research and development contracts. The selection of technically qualified concerns will be the primary responsibility of the contracting officer assisted by technical personnel and the small business specialist. The small business specialist shall assist in analyzing all available information and by making his recommendation to the contracting officer as to any small business concern whom he considers to be technically competent.

(2) Research and development contracts shall, as a policy, be awarded to those concerns which have the technical competence in the specific branch of science or technology required for the successful conduct of the project. The following factors will be considered in determining the technical competence of a contractor: (i) Availability of properly qualified and experienced scientific or technical personnel; (ii) availability, from any source, of suitable research facilities; (iii) experience or pertinent and novel ideas in the specific science or technology required by the proposed contract; and (iv) willingness to provide with diligence all resources at their disposal.

(d) *Information concerning small business firms or facilities.* The Department of the Army will give to representatives of the Small Business Administration access to any and all lists of small business firms or facilities which they have prepared for the purpose of consolidation by the Small Business Administration with such combined inventories of small business concerns and their facilities as the Small Business Administration may deem it advantageous to maintain.

5. In § 606.715, revise paragraphs (d), (e) and (f), and add new paragraph (g), as follows:

§ 606.715 *Certificate of competency.* • • •

(d) *Recommendation as to technical ability or competence.* The small business specialist may recommend to the contracting officer one or more contractors for consideration for the award of a research and development contract if he is convinced, after analyzing all available information, that the contractor has the technical competence (as outlined in § 606.703 (c)) required to perform the specific research or development.

(e) *Appeals procedure.* (1) In the event that the contracting officer questions the issuance of a proposed Certificate of Competency after complete interchange of information, he will so notify the representative of the Small Business Administration stating his reasons, and request that the Administrator, Small Business Administration, consider nonissue or withdrawal of the certificate, and that the contracting officer be notified in writing of the action taken.

(2) In the further event that nonissue or withdrawal of the certificate is declined by Small Business Administration and a certificate is issued, and the contracting officer then determines that acceptance would not be in the best interest of the Government the following procedure will be followed:

(i) The contracting officer will withhold award of the contract, pending decision by higher authority.

(ii) The contracting officer will promptly forward to the Head of the Procuring Activity a written request for withdrawal of the certificate. This request shall be supported by a complete statement of the facts, leading to the contracting officer's determination that the certificate should not be applied.

(iii) The Head of the Procuring Activity, if supporting the contracting officer, will refer the request to the Office of the Deputy Chief of Staff for Logistics.

(3) A preaward survey is still required and awards can only be made in accordance with § 1.307 of this title and § 590.307 of this chapter except as amended by the Small Business Act of 1953 (§ 606.702 (a)).

(f) *Notification to Small Business Administration*—(1) *Policy.* Contracting officers will advise Small Business Administration representatives with respect to small firms which, in spite of having submitted otherwise acceptable bids or proposals that would normally place them in a position to receive an award, have been found deficient as to capacity and/or credit, and for this reason contemplated awards to such small business firms are being or may be withheld. Based upon this notification the Small Business Administration may, after their own investigation and evaluation, issue a Certificate of Competency. Unless a Certificate of Competency is received by the purchasing office within 10 working days after receipt by Small Business Administration of the contracting officer's advice on a specific small business firm, it will be assumed by the purchasing office that no certificate will be issued and the contracting officer will make award in accordance

with normal procedures. Upon request, Small Business Administration representatives will be supplied with all reasonably available pertinent information developed by or known to the purchasing office with respect to the small business firm under consideration. Such information shall be furnished solely by the purchasing office.

(2) *Application.* (i) This procedure will not apply to proposed awards of less than $1,000.

(ii) This procedure may be utilized by the contracting officer on proposed awards of $1,000 and over and less than $10,000 at his option.

(iii) This procedure will be followed on proposed awards of $10,000 and over.

(g) *Termination for default.* No contract involving a Certificate of Competency issued by Small Business Administration will be terminated for default without prior administrative approval of the head of the procuring activity, due to the fact that another Government agency is involved.

6. Subpart L is revised to read as follows:

SUBPART L—CONTRACT FINANCING POLICIES AND PROCEDURES

§ 606.1201 *Definitions and references*—(a) *Contract financing.* The term "contract financing" covers guaranteed loans (V-loans), advance payments, and progress payments necessary for both performance and termination purposes. The term does not include partial payments (§ 82.58–1 of this title).

(b) *Contract financing office.* The term "contract financing office" refers to the Comptroller of the Army, Washington 25, D. C.

(c) *Guaranteed loan.* See § 82.6 of this title.

(d) *Progress payments.* See §§ 82.10 and 82.58 of this title.

(e) *Advance payments.* See § 82.8 of this title.

(f) *Partial payments.* See § 82.58–1 of this title.

§ 606.1202 *Policy.*

§ 606.1202–1 *Basic policies.* (a) Basic policies are outlined in Subpart B, Part 82 of this title. Financing must support procurement and be administered in such manner as to avoid risk of monetary loss to the Government, to the extent compatible with aiding essential procurement. Procuring activities, in placing contracts, must give due regard to the financial capabilities of prospective suppliers. Government financing should be provided only if, and to the extent, reasonably required for prompt and efficient contract performance. Generally, contract financing should be considered as a supplement to the contractor's capital investment and should bear a reasonable relationship thereto. Contract financing is intended to supplement other funds available to contractors for Government contract performance. It must be kept in mind that while the authorizing of Government financial assistance may materially assist the performance of Government contracts, it does not insure satisfactory contract performance, nor is it a proper substitute for any factor in determining a contractor's or prospective contractor's responsibility. The risk of financial loss assumed by the Government in authorizing financial assistance must be appropriately considered in the light of essentiality of the procurement concerned and other factors which would warrant the extent of risk to be assumed by the Government.

(b) Financing through advance payments and/or guaranteed loans may be made available, upon proper approval, to a supplier in cases where (1) the production or service is essential, and (2) no alternate source is readily available without prejudice to the National Defense. The availability of alternate sources, however, will not apply in cases of guaranteed loans to small business concerns (§ 606.701).

(c) In determining what form of financing shall be recommended or made available to suppliers the following order of preference will be observed:

(1) Private financing (without Government guarantee or participation).

(2) Guaranteed loans (with financing institutions participating to an extent appropriate to the risk involved).

(3) Progress payments.

(4) Advance payments.

§ 606.1202–2 *Limitations.* (a) Guaranteed loans under section 301 of the Defense Production Act of 1950, as amended, will be used primarily for working capital purposes. Such guarantee authority will not be used for loans for facilities expansion; however, this limitation is not intended to preclude guarantees in cases in which a relatively small part of the loan might be used for facilities expansion of a minor or incidental nature provided that the borrower's financial condition is such that the facilities expansion will not delay or impair repayment of a guaranteed loan which would be granted on a commercial banking basis.

(b) Guaranteed loans, progress payments, and advance payments should be self-liquidating from contract performance and therefore will not be used to finance fixed asset acquisitions for contractor ownership.

(c) The limitations outlined above do not apply to contracts under which the facilities are being acquired for Government ownership.

§ 606.1203 *General requirements.*

§ 606.1203–1 *Selection of contractors.* As indicated in § 1.307 of this title and § 590.307 of this chapter, contracting officers are responsible for determining that a proposed contractor has the financial as well as productive resources necessary to perform the contract concerned. The necessity for supplementing a contractor's working capital by contract financing should not deter contracting officers from considering proposed contractors where benefits from dealing with such contractors would accrue to the Government. In such cases, before awarding any contract or making any recommendations in connection with contract financing, contracting officers will make, or cause to be made, an adequate investigation into the financial condition of the proposed contractor. For this purpose, the contracting officer should use the services of the Army Audit Agency.

§ 606.1203–2 *Surveillance of contract financing and reports of adverse developments*—(a) *Surveillance of contract financing.* Surveillance will be maintained over all contractors who have been authorized guaranteed loans, progress payments, or advance payments. The degree of surveillance required depends upon the nature of the procurement, the type and amount of Government financing involved, and the character and financial ability of the contractor. The surveillance of contractors, to the extent considered appropriate by the contracting officer or Head of the Procuring Activity should include, but not be limited to, (1) frequent or periodic visits to the contractor's plant; (2) securing advice of the contractor's backlog of all undelivered contractual commitments; (3) securing financial statements from the contractor as often as deemed necessary; (4) having the resident representative, resident or traveling inspector (as the case may be) submit to the contracting officer not less frequently than monthly or more often if deemed necessary, his appraisal of the operations of the contractor to reflect such items of information as the quality of production or performance; rejection rate; contractor's ability to meet delivery schedules, and any other pertinent information regarding the contractor's operations.

(b) Wherever a contractor appears to be in financial or production difficulties which might impair the security or liquidation of Government-furnished financial assistance, the services of the U. S. Audit Agency may be utilized to conduct an analysis of the contractor's accounts and financial operations.

(c) If at any time with regard to any contractor who has been authorized guaranteed loans, progress payments, or advance payments, the contracting officer or Head of the Procuring Activity determines (or has reason to believe) that: (1) The contractor's financial condition is becoming sufficiently serious to prevent the purchase of materials necessary for production under Government contracts, thereby causing delay, possible default in deliveries, or stoppage in production; or (2) the contractor is approaching insolvency or possible bankruptcy or (3) production problems or other adverse conditions may seriously delay performance or cause the contractor to default on Government contracts, a complete report of such situation will be prepared and forwarded on a priority basis, through channels, to the Chief, Contracts Branch, Office, Deputy Chief of Staff for Logistics, Headquarters, Department of the Army. In forwarding this report, the Head of the Procuring Activity will include his recommendations as to the action which he considers should be taken. A separate copy of this report will be forwarded by the preparing office direct to the Comptroller of the Army, ATTN: Director of Contract Financing, Washington, D. C. It is essential that cases as described in this paragraph be reported immediately after the situation becomes known. This report, "Contractors in Difficulty Authorized Guaranteed Loans, Progress Payments or Advance Payments" is assigned Reports Control Symbol CSGLD–585.

§ 606.1203–3 *Advance approval.* In addition to the requirements outlined in § 606.204, all proposed contracts or letter contracts which will be financed by a combination of advance payments and guaranteed loans will be submitted to the Chief, Contracts Branch, Office, Deputy Chief of Staff for Logistics, for approval, prior to award.

§ 606.1204 *Guaranteed loans.*

§ 606.1204–1 *Policy.* (a) See § 606.1202–2.

(b) See Subparts B and C, Part 82 of this title.

§ 606.1204–2 *Procedures.* See Subpart C, Part 82 of this title.

§ 606.1204–3 *Reports.* See § 606.1203–2.

§ 606.1205 *Progress payments.*

§ 606.1205–1 *References.* Section 606.1201 and Subpart E, Part 82 of this title.

§ 606.1205–2 *Definitions.* See § 82.58 of this title.

§ 606.1205–3 *General considerations.* See provision V, Appendix 5 to Part 82 of this title.

§ 606.1205–4 *Contract provision for progress payments.* (a) Provision for progress payments in invitations for bids and requests for proposals will be in accord with Part 82 of this title.

(b) The provisions of § 82.56–1 of this title do not apply to requests for progress payments which involve amendment of existing contracts. The consideration for amending contracts to incorporate a progress payment provision will be determined by the contracting officer.

(c) All requests involving progress payments at rates exceeding 90 percent of direct labor and material costs or exceeding 75 percent of total costs, if regarded favorably by the Head of a Procuring Activity, or by a general officer designated by him, will be forwarded with supporting information through the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, to the Comptroller of the Army, in accordance with the provisions of § 82.64 of this title.

§ 606.1205–5 *Reports.* (a) The reporting requirements applicable to progress payments are prescribed in AR 35–227 (Administrative regulations of the Department of the Army).

(b) See § 606.1203–2.

§ 606.1205–6 *Contract clause.* Progress Payment clauses are contained in § 82.59 of this title.

§ 606.1206 *Advance payments.*

§ 606.1206–1 *Policies and procedures.* (a) See § 606.1202.

(b) See § 82.9 and Subparts A and D, Part 82 of this title.

§ 606.1206–2 *Reports.* See § 606.1203–2.

§ 606.1207 *Ascertainment and collection of debts owed by contractors.* Policies, responsibilities and procedures regarding the ascertainment and collection of contractors indebtedness are prescribed in AR 35–3290 (Administrative regulations of the Department of the Army).

[C 35, APP, August 8, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9516; Filed, Nov. 18, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PUBLIC LAW 212, 72D CONGRESS, AS AMENDED

In § 3.358, paragraph (a) is amended to read as follows:

§ 3.358 *Public Law 212, 72d Congress, as amended.* (a) Effective July 1, 1932, section 212 of Public Law 212, 72d Congress, as amended, which is permanent legislation, prohibits the concurrent payment of retirement pay other than that payable on and after July 1, 1947, to retired reserve officers during a period of actual membership in the Organized Reserve Corps of a Reserve component of the Armed Forces (Tanner v. U. S., 129 C. Cls. 792 and Comp. Gen. B–123382, June 11, 1957), and salary from the United States Government or the Municipal Government of the District of Columbia, or any corporation, the majority of the stock of which is owned by the United States, except under certain specified conditions. However, such prohibition is inapplicable if the disability for which retired was incurred in combat with an enemy of the United States. The above restriction is also inapplicable on and after July 15, 1940, if the disability for which retired resulted from an explosion of an instrumentality of war in line of duty and on and after January 1, 1951, if such disability was caused by an instrumentality of war in line of duty. A finding by the Board of Veterans Appeals that a disability is the direct result of the performance of duty, or that on all the evidence of record it is clearly shown that the disability for which retirement was granted was incurred in or aggravated by active service in fact in line of duty without benefit of any statutory or regulatory presumption of any kind, does not of itself meet the requirements of Public Law 212. There must be a specific finding of combat incurrence of a disability for which retirement was granted or a specific finding that the disability resulted from an explosion of an instrumentality of war or was caused by an instrumentality of war in line of duty during enlistment or employment as provided in Part I, paragraph I, Veterans Regulation 1 (a) (38 U. S. C. ch. 12A). If a retired officer is also an employee of the United States within the purview of section 212, Public Law 212, 72d Congress, as amended, and his retired pay is at a rate equal to or in excess of $10,000 per annum, he must elect which form of payment he desires during the period of such incumbency. If the rate of the retired pay and the rate of civilian compensation, when combined, are equal to or less than $10,000 per annum, he is entitled to both. On the other hand, if the civilian compensation is at a rate of less than $10,000 and the retired pay is also at a rate of less than $10,000, he is entitled to the full amount of his civilian pay and to such additional amount from the retired pay as will make a total payment annually of $10,000 (Comptroller General—June 25, 1942, B–24989—Public Law 239, 84th Cong.). If the retired pay is at a rate of less than $10,000 and the civilian pay is at a rate in excess of $10,000, there is no right of election, the civilian pay must be paid, and even though it is a part-time position and the salary actually paid is less than $10,000 per annum, there is no right to any portion of the retired pay (Comptroller General—August 17, 1932, 12 Comp. Gen. 256). The claim of a part-time employee should be adjudicated on the "rate" of pay for the position rather than on the part-time pay received. It is, therefore, necessary to ascertain from the department or establishment where the veteran is employed, the annual rate of pay for the position held. Section 212, Public Law 212, 72d Congress, as amended, is applicable to persons receiving fees from the Federal Government only when such fees are paid in connection with employment in "a civilian office or position, appointive or elective, under the United States Government or Municipal Government of the District of Columbia, or under corporation, the majority of the stock of which is owned by the United States." However, when the fees are based on services furnished under contract, i. e., when the person receiving same is not an "employee," section 212, Public Law 212, 72d Congress, as amended, is not for application. For example, employment by the Veterans Administration of former officers of the Armed Forces retired for disability as consultants upon a fee basis pursuant to section 14 (a) of Public Law 293, 79th Congress, is not in contravention of section 212 of Public Law 212, 72d Congress, inasmuch as such consultants do not occupy an "office or position" within the meaning of those terms as used in the cited statute, notwithstanding that the term "compensation" as used therein is sufficiently broad to include fees (Comp. Gen. B–62616, January 17, 1947).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 19, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-9544; Filed, Nov. 18, 1957; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 14—NONMAILABLE MATTER

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

MISCELLANEOUS AMENDMENTS

1. Section 14.9 *Certain items to overseas military post offices,* is amended to read as follows:

§ 14.9 *Certain items to overseas military post offices.* In addition to other nonmailable items mentioned in this part, the following may not be mailed to military post offices overseas:

(a) Matter likely to decay or spoil.

(b) Penicillin and streptomycin, except when sent in official shipments.

(c) Matches.

Articles prohibited or restricted in parcels are also prohibited or restricted in letter mail. For other restrictions see Part 17 of this chapter.

NOTE: The corresponding Postal Manual section is 124.9.

(R. S. 161, 396, as amended: sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

2. Part 17 is amended to read as follows:

§ 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas.*

Military APO No.	Post offices, Navy No.[1]	Cigarettes and other tobacco products prohibited[2]	Coffee prohibited	Other prohibited items	Weight restricted to 50 pounds	Customs declaration on Form 2966 or 2976-A required
3				[7] X		
4				[7] X		
7				[7] X		
9				[7] X		
10		X		[7] X		[5] X
11		X		[7] X		[5] X
12		X	X	[7] X		
13		X	X	[7] X		
16		X		[7] X		[5] X
17		X		[7] X		[5] X
18				[7] X		
19		X		[7] X		
21		X		[7] X		[5] X
22		X		[3] X	X	[4] [6] X
24				[7] X		
26		X	X	[7] X		
28		X	X	[7] X		
29		X	X	[7] X		
30		X		[3] X		[5] X
31				[7] X		
34		X	X	[7] X		
35		X	X	[7] X		
36		X	X	[7] X		
38				[7] X		
39		X	X	[7] X		
42		X	X	[7] X		
43				[7] X		
44		X		[3] X		[5] X
46		X	X	[7] X		
47				[7] X		
54				[7] X		
55		X		[7] X		[5] X
56				[7] X		
57		X	X	[7] X		
58		X		[7] X		[5] X
59				[7] X		
61		X	X	[7] X		
62		X		[7] X		[5] X
64				[7] X		
65		X	X	[7] X		
66		X	X	[7] X		
68				[7] X		
69		X	X	[7] X		
70				[7] X		
72				[7] X		
73				[7] X		
74				[7] X		
75				[7] X		
76				[7] X		
77				[7] X		
78		X		[7] X		[5] X
79		X	X	[7] X		
80		X	X	[7] X		
82		X		[7] X		[5] X
83		X		[7] X		[5] X
84		X		[7] X		[5] X
85				[7] X		
87		X		[7] X		[5] X
97		X		[7] X		[5] X
100		X		[3] X	X	[4] [6] X
102				[7] X		
106				[7] X		
107		X	X	[7] X		
108		X	X	[7] X		
109		X	X	[7] X		
110		X		[7] X		[5] X
111		X		[7] X		
112		X	X	[7] X		
113		X		[7] X		[5] X
114		X	X	[7] X		
115		X		[7] X		[5] X
116		X		[7] X		[5] X
117		X		[7] X		[5] X
118		X		[7] X		[5] X
119		X		[7] X		[5] X
120		X		[3] X	[6] X	[4] [6] X
121				[7] X		[5] X
122				[7] X		[5] X
122		X		[7] X		
123		X	X	[7] X		
124		X		[3] X	X	[4] [6] X
125		X		[3] X	X	[4] [6] X
126		X		[3] X	X	[4] [6] X
127		X		[3] X	[6] X	[4] [6] X
128		X		[7] X		
129		X		[3] X	[6] X	[4] [6] X
130		X	X	[7] X		
131		X	X	[7] X		
132		X	X	[7] X		
135		X		[7] X		
139		X	X	[7] X		
147		X		[3] X	X	[4] [6] X
154		X	X	[7] X		
157		X		[7] X		
161				[7] X		
162		X	X	[7] X		
163		X		[7] X		[5] X
164		X	X	[7] X		
165		X		[7] X		
166		X	X	[7] X		
167		X		[3] X	[6] X	[4] [6] X
168		X		[7] X		
169		X		[7] X		
170		X	X	[7] X		
171		X		[7] X		
172		X	X	[7] X		
173		X		[7] X		
175		X	X	[7] X		
176		X		[7] X		
177		X	X	[7] X		
178		X		[7] X		
179		X		[3] X	[6] X	[4] [6] X
180		X	X	[7] X		
181				[7] X		
183		X	X	[7] X		
185		X	X	[7] X		
186		X		[3] X	[6] X	[4] [6] X
188				[7] X		
188		X		[7] X		
189		X	X	[7] X		
190		X		[3] X	[6] X	[4] [6] X
191		X	X	[7] X		
193		X		[3] X	[6] X	[4] [6] X
194		X		[3] X	[6] X	[4] [6] X
195		X		[3] X	[6] X	[4] [6] X
196		X		[3] X	[6] X	[4] [6] X
197		X		[3] X	[6] X	[4] [6] X
198		X		[3] X	[6] X	[4] [6] X
199		X		[3] X	[6] X	[4] [6] X
200				[7] X		
202		X		[3] X	[6] X	[4] [6] X
203		X		[7] X		[5] X
204		X		[7] X		[5] X
205				[7] X		[5] X
207		X	X	[7] X		
208		X	X	[7] X		
210		X		[3] X	[6] X	[4] [6] X
211		X		[7] X		[5] X
212		X		[3] X	[6] X	[4] [6] X
213		X		[7] X		[5] X
214		X		[7] X		[5] X
215		X		[7] X		[5] X
216		X		[7] X		[5] X
217		X		[7] X		[5] X
218		X		[3] X	[6] X	[4] [6] X
219				[7] X		[5] X
220		X		[7] X		[5] X
221		X		[7] X		
224				[7] X		
225		X	X	[7] X		
226				[7] X		
227		X	X	[7] X		
230		X		[7] X		[5] X
231				[7] X		
232		X		[3] X	[6] X	[4] [6] X
235				[7] X		
237		X		[3] X	[6] X	[4] [6] X
238		X		[3] X	[6] X	[4] [6] X
239				[3] X		
240		X		[7] X		
241		X		[3] X	[6] X	[4] [6] X
242		X		[3] X	[6] X	[4] [6] X
243		X		[3] X	[6] X	[4] [6] X
245		X	X	[7] X		
247		X		[7] X		[5] X
250		X	X	[7] X		
252		X	X	[7] X		
253		X		[7] X		[5] X
254				[7] X		
255		X		[7] X		[5] X
256		X		[7] X		[5] X
257		X		[7] X		[5] X
258		X		[7] X		[5] X
259		X		[7] X		[5] X
271				[7] X		[5] X
287		X		[7] X		[5] X
288		X		[7] X		[5] X
289				[7] X		
291				[7] X		
292				[7] X		[5] X
293		X		[7] X		
294				[7] X		
301				[7] X		
305		X	X	[7] X		
317				[7] X		
319		X	X	[6] X		
320		X	X	[7] X		
321		X	X	[7] X		
322		X		[7] X		[5] X
323				[7] X		
324				[7] X		
325		X		[7] X		[5] X
326		X	X	[7] X		
328				[7] X		
341				[7] X		
343		X	X	[7] X		
343				[7] X		
349		X		[3] X	[6] X	[4] [6] X
354				[7] X		
358				[3] X		
378		X		[3] X	[6] X	[4] [6] X
380				[7] X		
403		X	X	[7] X		
407		X	X	[7] X		
455				[7] X		
500				[7] X		
503				[3] X		
510		X		[7] X		
520				[7] X		
525				[7] X		
535				[7] X		
547				[7] X		
613				[7] X		
616				[6] X		[5] X
653		X	X	[7] X		
680				[7] X		
686		X	X	[7] X		
703				[7] X		
710				[7] X		
712				[7] X		
713				[7] X		
720				[7] X		[5] X
742		X	X	[7] X		
743		X	X	[7] X		
751		X	X	[7] X		
755		X		[3] X	[6] X	[4] [6] X
757		X	X	[7] X		
794		X		[7] X		
800		X	X	[7] X		
807		X	X	[7] X		
815				[7] X		
825				[7] X		[5] X
826				[7] X		[5] X
827				[7] X		[5] X
828				[7] X		[5] X
829				[7] X		[5] X
830				[7] X		
832				[7] X		[5] X
834				[7] X		[5] X
837				[7] X		[5] X
843		X		[6] X		
846				[7] X		
850				[7] X		
872		X	X	[7] X		

See footnotes at end of table.

Military APO No.	Post offices, Navy No.[1]	Cigarettes and other tobacco products prohibited[2]	Coffee prohibited	Other prohibited items	Weight restricted to 50 pounds	Customs declaration on Form 2966 or 2976-A required
	875			[7] X		
	913	X	X	[7] X		
917				[7] X		
919				[7] X		
925				[7] X		
928				[7] X		
929				[7] X		
950				[7] X		
	955			[7] X		
959				[7] X		
	961			[7] X		
970				[7] X		
971				[7] X		
984				[7] X		
1000				[7] X		
	3002			[7] X		
	3835			[7] X		
	3847			[7] X		
	3912			[7] X		
	3923			[7] X		

[1] Mail addressed to personnel attached to Commander in Chief, U. S. Naval Forces, Eastern Atlantic and Mediterranean, or CINCNELM, Fleet Post Office, New York, is subject to limitations applicable to Navy No. 100.

[2] Parcels may not contain: a. Medicines and vaccines not conforming to French laws; b. nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents; c. monies, currencies, gold and silver bullion; d. securities.

[3] Parcels may not contain securities, precious metals, or currency.

[4] Customs declaration tags are not required for parcels which: a. Contain official matter from Government agencies and are addressed to a military organization or to military personnel; b. contain materials or supplies sent by contractors for Government use and bear the endorsement Contents for Official Use—Exempt from Customs Requirements.

[5] Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal effects, or items for personal use intended for military personnel or their dependents. Where the contents of a parcel meet these requirements, the mailer should place a certification similar to the following on the customs form under the heading—Description of Contents: Certified to be a bona fide gift, personal effects, or items for personal use of military personnel and dependents thereof. The following articles may not be accepted: a. Securities; b. precious metals; c. currency.

[6] Parcels may not exceed the following dimensions:

Length	Not over
42 inches	72 inches length and girth combined.
Over 42 to 44 inches	24 inches girth.
Over 44 to 46 inches	20 inches girth.
Over 46 to 48 inches	16 inches girth.

Maximum length 48 inches.

[7] Parcels may not contain firearms of any type.

[8] Parcels may not contain currency, foreign or domestic, except when sent in official shipments.

[9] Gift shipments of cigarettes, tobacco, and tobacco products donated by tobacco companies to hospitalized military personnel may be accepted when addressed to the commanding officer of a military hospital.

NOTE: The corresponding Postal Manual part is Part 127.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 57-9446; Filed, Nov. 18, 1957; 8:45 a. m.]

PART 22—SECOND CLASS

PART 46—RURAL SERVICE

MISCELLANEOUS AMENDMENTS

a. In § 22.1 *Second-class rates,* make the following changes:

1. In paragraph (d) (2) delete the country item "Morocco (Spanish Zone)" from the listing of countries therein.

NOTE: Corresponding Postal Manual section is 132.142.

2. Add new paragraph (g) to read as follows:

(g) *Minimum rate.* The minimum rate is computed on individually addressed copies or pieces. Bundles of unaddressed copies to which the minimum rate will not apply should be declared on separate Form 3542.

NOTE: Corresponding Postal Manual section is 132.17.

b. In § 22.4 *What may be mailed at the second-class rates,* amend paragraph (h) (3) by inserting immediately after the first sentence the following: "Novelty pages must be prepared specifically for and intended as integral pages of newspapers or other periodical publications."

NOTE: Corresponding Postal Manual section is 132.483.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

c. In § 46.3 *Carrier service,* amend paragraph (d) to read as follows:

(d) *Withdrawal of service.* Service will not be withdrawn from any box without specific authority from the district manager.

NOTE: Corresponding Postal Manual section is 156.34.

d. In § 46.5 *Rural boxes,* make the following changes in paragraph (a) (4):

1. Insert the following companies in proper alphabetical sequence:

Chicago Heights Furnace Supply Co., Inc., 96–104 East 22d Street, Chicago Heights, Ill.

Hermitage Stamping Co., 917–919 Ewing Avenue, Box 966, Nashville 4, Tenn.

Macklanburg-Duncan Co., 4041 North Santa Fe Street, Oklahoma City, Okla.

2. Delete the company Phillips & Butorff Mfg. Co., 217–223 Third Avenue, North, Nashville 3, Tenn. from the list of manufacturers.

NOTE: Corresponding Postal Manual section is 156.514.

(R. S. 161, 396, as amended, sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191, 192)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 57-9526; Filed, Nov. 18, 1957; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12141; FCC 57-1233]

PART 1—PRACTICE AND PROCEDURE

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

ANNUAL REPORT FORM M FOR CLASS A AND CLASS B TELEPHONE COMPANIES

In the matter of amendment of Annual Report Form M, for Class A and Class B Telephone Companies; Docket No. 12141.

1. On August 23, 1957, the Commission adopted a Notice of Proposed Rule Making proposing to amend certain schedules in Annual Report Form M in accordance with amendments made in the accounting for station apparatus, station installations and station wiring. This Notice was published in the FEDERAL REGISTER on August 28, 1957 (22 F. R. 6935) in accordance with section 4 (a) of the Administrative Procedure Act. Interested parties were given until September 30, 1957, to file comments on the proposed amendments and ten days thereafter were allowed for filing comments or briefs in reply to the original comments. Annual Report Form M is prescribed by § 43.21 of Part 43—Reports of Communication Common Carriers and Certain Affiliates and § 1.544 of Part 1—Practice and Procedure of the Commission's rules.

2. In brief, it was proposed in the Notice of Proposed Rule Making to delete in Schedule 12A, Analysis of Telephone Plant Accounts, of Form M the lines provided for plant accounts 232, "Station installations," 233, "Drop and block wires," 234, "Private branch exchanges," and 235, "Booths and special fittings," and to substitute in their place lines for accounts 232, "Station connections," and 234, "Large private branch exchanges." In Schedule 12B, Analysis of Credits for Telephone Plant Retired, it was proposed to eliminate the lines for accounts 605, "Repairs of station equipment," and 607, "Station removals and changes." In Schedules 14A, Analysis of Entries in Depreciation Reserve, 14B, Theoretical Depreciation Reserve Study, and 14C, Bases of Charges for Depreciation, it was proposed to delete the lines for accounts 234, "Private branch exchanges" and 235, "Booths and special fittings," and to substitute therefor lines for accounts 232, "Station connections," and 234, "Large private branch exchanges." Also in Schedule 14A it was proposed to delete the footnote reference to account 607, "Station removals and changes." In Schedule 35, Operating Expenses, it was proposed to delete line 15 reading "607 Station removals and changes." In Schedule 52, Telephones in Service, it was proposed to insert a new classification of telephones captioned "Coin." These telephones are now being reported as a part of business telephones. Two new schedules were proposed to be added to be designated 58A, Stations Left in Place, and 58B, Station Apparatus in Stock. The stations left in place would be classified as between business, coin and residential. They are now reported in total only in Schedule 52. Under station apparatus in stock it was proposed that there be reported the number in stock at the end of the year of telephones, teletypewriters and radiotelephones. It was proposed that the Form M for 1957, only, would contain copies of both the revised and present schedules 12A, 12B, 14A, 14B, 14C and 35 because some companies adopted the new accounting January 1, 1957, while others were deferring such adoption until January 1, 1958.

3. The time for filing comments on the above-mentioned proposed rule making has expired and the only comments received were from the United States Independent Telephone Association and from the American Telephone and Tele-

graph Company on behalf of the Bell System Telephone Companies.

4. USITA favored the adoption of the changes in the report form as proposed in the Notice of Proposed Rule Making.

5. The American Telephone and Telegraph Company offered three suggestions with respect to the proposed changes in Form M. One was that the Commission postpone the proposed deletion of a line from Schedule 35, Operating Expenses, inasmuch as it would be convenient to retain for 1957 the line captioned "Account 607, Station Removals and Changes," in filling out column (c) headed "Increase Over Preceding Year." The Commission believes this suggestion has merit and is therefore retaining Schedule 35 in its present form for 1957 and 1958, after which it will be deleted. As noted hereinbefore, some companies are not changing their accounting until 1958 while others made the changes in 1957.

6. The American Telephone and Telegraph Company's other two suggestions pertained to proposed new Schedule 58B, "Station Apparatus in Stock." The Company requested that instruction No. 1 be changed to read as follows:

1. In each of the three columns (b), (c) and (d), report the number of units either of the item designated by the heading, or of the respective "key item" which is inventoried by respondent as the closest practicable approach to the designated item. For example, "talking sets" may be reported in column (b) instead of telephones, "typing units" may be reported in column (c) instead of teletypewriters, and "transmitter-receiver combinations and separate receivers" may be reported in column (d) instead of mobile radiotelephones, subject to appropriate annotation.

If the data for columns (b), (c) and (d) are not available as of the end of the year, report data from the most recent annual inventory taken during the year, specifying the date thereof.

The Commission is accepting, with a minor modification, the suggested change in the first paragraph of the revised instruction inasmuch as it will furnish data equivalent to that initially indicated and in terms of units which are used for administrative purposes. As adopted by the Commission, the words "talking sets may be reported in column (b) instead of telephones," have been deleted from the second sentence of the suggested instruction inasmuch as there does not appear to be any distinction between a talking set and a telephone.

7. The American Telephone and Telegraph Company has indicated that the second paragraph of the revised instruction is desired so that the companies of the Bell System will not need to incur the expense of additional inventories or special record keeping which will be possible if they are permitted to use annual inventories which are generally taken not more than three months before the end of each year. The Company further states that under present practices Bell System companies will have year-end data which could be reported, but this may not always be the case. The Commission believes it is desirable that data relating to station apparatus in service be as of the end of the year. This will result in all data pertaining to station apparatus being reported as of the same and the most recent date. The requirement that such information be reported as at the end of each year is retained.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amending certain schedules in Annual Report Form M in the form set forth in the Notice of Proposed Rule Making except as otherwise noted;

It is ordered, That under authority contained in sections 4 (i) and 219 of the Communications Act of 1934, as amended, certain schedules in Annual Report Form M for 1957 and subsequent years are hereby amended in exactly the form proposed in the Notice of Proposed Rule Making except as indicated in paragraphs 5, 6 and 7 hereof with respect to effective date and substance.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: November 13, 1957.

Released: November 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9548; Filed, Nov. 18, 1957; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 920]

PART 95—CAR SERVICE

MISSOURI PACIFIC RAILROAD AUTHORIZED TO OPERATE OVER CERTAIN TRACKAGE OF THE MISSOURI-KANSAS-TEXAS RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of November A. D. 1957.

It appearing, that the Missouri Pacific Railroad Company has asked the right to perform service over that portion of the Missouri-Kansas-Texas Railroad Company's trackage situated in Council Grove, Kansas, extending from the present Missouri Pacific Railroad—Missouri-Kansas-Texas Railroad Company crossing in the east end of Council Grove to a point 2,910 feet west thereof, together with industrial tracks totaling 4,707 feet in length or a total aggregate length of 7,617 feet. The Commission is of the opinion that there is need for service over this line of railroad which the Missouri-Kansas-Texas Railroad Company has abandoned and that the operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.920 *Missouri Pacific Railroad*—(a) *Car service.* The Missouri Pacific Railroad Company be, and it is hereby authorized to perform service over the tracks of the Missouri-Kansas-Texas Railroad Company situated in Council Grove, Kansas, extending from the present Missouri Pacific Railroad—Missouri-Kansas-Texas Railroad Company's crossing in the east end of Council Grove to a point 2,910 feet west thereof and also over 4,707 feet of industrial trackage making a total aggregate length of 7,617 feet in order to serve the public and the commerce of the people.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This order shall become effective at 12:01 a. m., November 12, 1957.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p. m., June 30, 1958, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-9532; Filed, Nov. 18, 1957; 8:48 a. m.]

[S. O. 921]

PART 95—CAR SERVICE

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO. AUTHORIZED TO OPERATE OVER CERTAIN TRACKAGE OF THE MISSOURI-KANSAS-TEXAS RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of November A. D. 1957.

It appearing that the Chicago, Rock Island and Pacific Railroad Company has asked the right to perform service over a portion of the Missouri-Kansas-Texas Railroad Company's trackage situated in White City, Kansas. The trackage consists of 4,600 feet of industrial tracks located in and about White City, Kansas. The Commission is of the opinion that there is need for service over this line of railroad formerly operated by the Missouri-Kansas-Texas Railroad Company and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.921 *Chicago, Rock Island and Pacific Railroad Company*—(a) *Car service.* The Chicago, Rock Island and Pacific Railroad Company be, and it is hereby authorized to perform service over the tracks of the Missouri-Kansas-Texas Railroad Company situated in and about White City, Kansas, consisting of 4,600 feet of industrial tracks in order to serve the public and the commerce of the people.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This order shall become effective at 12:01 a. m., November 12, 1957.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p. m., June 30, 1958, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-9533; Filed, Nov. 18, 1957; 8:49 a. m.]

[S. O. 922]

PART 95—CAR SERVICE

UNION PACIFIC RAILROAD CO. AUTHORIZED TO OPERATE OVER CERTAIN TRACKAGE OF THE MISSOURI-KANSAS-TEXAS RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of November A. D. 1957.

It appearing, that the Union Pacific Railroad Company has asked the right to perform service over a portion of the Missouri-Kansas-Texas Railroad Company's trackage situated at Junction City, Kansas. The trackage consists of 3,639 feet of industrial tracks located in and about Junction City. The Commission is of the opinion that there is need for this service over this line of railroad formerly operated by the Missouri-Kansas-Texas Railroad Company and the operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.922 *Union Pacific Railroad Company*—(a) *Car service.* The Union Pacific Railroad Company be, and it hereby authorized to perform service over the tracks of the Missouri-Kansas-Texas Railroad Company situated in and about Junction City, Kansas, consisting of 3,639 feet of industrial tracks in order to serve the public and the commerce of the people.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This order shall become effective at 12:01 a. m., November 12, 1957.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p. m., June 30, 1958, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-9534; Filed, Nov. 18, 1957; 8:49 a. m.]

[S. O. 923]

PART 95—CAR SERVICE

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. AUTHORIZED TO OPERATE OVER CERTAIN TRACKAGE OF THE MISSOURI-KANSAS-TEXAS RAILROAD CO.

At the session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of November A. D. 1957.

It appearing, that the Atchison, Topeka and Santa Fe Railway Company has asked the right to perform service over a portion of the Missouri-Kansas-Texas Railroad Company's trackage situated in Emporia and Burlington, Kansas, consisting of 6,892 feet of industrial trackage at Emporia and 3,037 feet of industrial trackage at Burlington, Kansas. The Commission is of the opinion that there is need for service over this line of the railroad formerly operated by the Missouri-Kansas-Texas Railroad Company and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.923 *Atchison, Topeka and Santa Fe Railway Company*—(a) *Car service.* The Atchison, Topeka and Santa Fe Railway Company be, and it is hereby authorized to perform service over the tracks of the Missouri-Kansas-Texas Railroad Company situated in and about Emporia and Burlington, Kansas, consisting of 6,892 feet of trackage at Emporia and 3,037 feet of trackage at Burlington in order to serve the public and the commerce of the people.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This order shall become effective at 12:01 a. m., November 12, 1957.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p. m., June 30, 1958, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-9535; Filed, Nov. 18, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO ADMINISTRATIVE RULES AND PROCEDURES AND SUPPLEMENTARY ORDERS

Notice is hereby given that the Secretary of Agriculture has under consideration proposals to amend the administrative rules and procedures (7 CFR 989.101–989.176) for use in connection with the operation of Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisins variety grapes grown in California, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The proposals (except for minor modifications which have been made for the purposes of this notice) were submitted by the Raisin Administrative Committee, the administrative agency for the operation of the marketing agreement and order.

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday or Saturday or Sunday, each submission will be received by the Director not later than the close of business on the next following business day.

The administrative rules and procedures as proposed to be amended are as follows:

§ 989.101 *Order.* "Order" means Marketing Agreement No. 109, as amended, and Order No. 89, as amended (§§ 989.1 to 989.97), regulating the handling of raisins produced from raisin variety grapes grown in California, or as the same may be amended further hereafter.

§ 989.102 *Inspection agency.* The "inspection agency" shall be the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture.

§ 989.103 *Terms in the order.* Terms defined in the order shall have the same meaning when used in this subpart.

§ 989.104 *Lot*—(a) *Natural condition raisins.* For purposes of incoming or outgoing inspection of natural condition raisins, "lot" means any quantity of such raisins of the same varietal type or of differing varietal types when commingled within their containers (including sweat and picking boxes), which does not exceed a car, truck, or truck-trailer load, and which is submitted for inspection at one time and in the same place: *Provided*, That (1) where a portion of the quantity submitted for inspection meets the minimum grade and condition standards and has been separated from the remainder of the raisins failing to meet grade, that portion shall be one lot and the portion failing to meet grade shall be another lot, (2) if a quantity of raisins which are not in units of a car, truck, or truck-trailer load are submitted for inspection, the quantity may, at the discretion of the inspector, be separated into such portions, either prior to or in the course of inspection, as can be properly inspected, and each such portion shall be a lot, and (3) raisins which are resubmitted for inspection after reconditioning (such as sorting or drying) shall be a new lot.

(b) *Packed raisins.* For the purpose of outgoing inspection of packed raisins, "lot" means any quantity of packed raisins of the same varietal type and style or of differing varietal types or styles when commingled within their containers, which are in containers of the same size and type, and which are located in the same or adjacent warehouses or storage areas and are available for inspection at any one time: *Provided*, That (1) any of such raisins which are in a separate pile or piles which differ from the other raisins as to grade or other factors may be deemed to be a separate lot, (2) any portion of the raisins in a particular pile which bear an identification mark on the containers different from the marks of other raisins in that pile may be deemed to be a separate lot if determined to be of lower grade or different in other factors, or (3) if applicant requests more than one inspection certificate covering different portions of such raisins, the quantity of the raisins covered by each certificate shall be deemed to be a separate lot.

§ 989.105 *Inspection point for incoming raisins.* An inspection point shall be any plant or receiving station of a handler, and any other place where raisins are received by him in any considerable volume, at which there are reasonably adequate facilities (not necessarily scales) for receiving, weighing of samples, and inspecting raisins, and which will permit the practical administration of this part. Where a handler operates or has control over the operation of a dehydration business which includes the dehydration of raisins, the inspection point(s) of the handler shall include the area(s) in which he receives raisins for further dehydration unless he keeps his raisin dehydration business separate, physically and by records, from his business of handling raisins. The separation shall be such that it may easily be determined at any time whether any of the handler's raisins or transactions in raisins constitute part of his raisin handling business or a part of his dehydration business. In order that the committee may supervise properly the movement of natural condition raisins into his inspection points, each handler other than a processor shall submit promptly to the committee a description, including the boundaries and other pertinent detail, of each of his inspection points. Each such designated inspection point which complies with this definition shall be binding on such handler and the committee until notice of any modification thereof is received by the committee. In the event the committee determines that an inspection point does not comply with this definition, it shall refuse to consider such point as an inspection point, and shall advise the handler of the modifications needed to comply.

RAISIN ADVISORY BOARD

§989.129 *Voting at nomination meetings.* Any person (defined in § 989.3 as an individual, partnership, corporation, association, or any other business unit) who is engaged, in a proprietary capacity, in the production of raisin variety grapes and who qualifies under the provisions of § 969.29 (b) (2) shall be eligible to cast one vote for a nominee for each producer member position and one vote for a nominee for each producer alternate member position on the board which is to be filled for his district. Such person must be the one who or which: (a) Owns and farms land resulting in his or its ownership of the raisin variety grapes produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of the raisin variety grapes produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the raisin variety grapes produced thereon or of raisins obtained therefrom. In this connection, a partnership shall be deemed to include two or more persons (including a husband and wife) with respect to land the title to which or lease-hold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property. In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote for a nominee for each producer member position and one vote for each producer alternate member position. Hence, where two persons operate land as landlord and tenant on a share-crop basis, each person is entitled to one vote for each such position to be filled. Where land is leased on a cash rental basis, only the person who is the tenant or cash renter (producer) is entitled to vote. A partnership or corporation, when eligible, is entitled to cast only one vote for a nominee for each producer position to be filled in its district.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.148 *Compensation for attendance of alternates at committee meeting.* Whenever a member has reason to believe that he will be unable to attend a committee meeting and has so notified his alternate or the committee manager, such notification or a request from the manager shall be held to be a request for the alternate to attend and he shall be reimbursed for reasonable expenses subject to the limitations contained in § 989.48.

§ 989.152 *Mail or telegraphic voting.* Whenever a mail or telegraphic vote is taken, every reasonable effort shall be made to communicate with and obtain a vote from each committee member. If a committee member cannot be reached at his usual address or he is not readily available within normal distances for communicating with individual members, such member's alternate shall be requested to vote.

GRADE AND CONDITION STANDARDS

§ 989.158 *Natural condition raisins*—(a) *Incoming inspection.* (1) Each handler shall, at his expense, provide at each of his inspection points, reasonably adequate facilities for receiving, weighing of samples, and inspecting natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the dumping of the containers. The weight of raisins tendered for receiving, storage, reconditioning, or acquirement shall be substantiated by an official "State Certificate of Weights and Measures" issued by a public weighmaster whether located at the inspection point or otherwise.

(2) No handler other than a processor shall receive natural condition raisins from a tenderer, either for acquirement, for storage, for reconditioning, or for inspection, at points other than a designated inspection point: *Provided*, That this shall not preclude a handler from dehydrating at separate dehydrating facilities described in § 989.105, raisins not delivered to an inspection point, free from the provisions of this part. Any handler who accepts raisins at an inspection point for drying or other reconditioning shall be deemed to have received the raisins for reconditioning and shall be subject to the provisions of this part with respect to such raisins.

(3) For each lot of natural condition raisins received by a handler for acquirement, reconditioning, storage, or inspection, the handler shall, immediately upon physical receipt and tentative acceptance thereof, issue a prenumbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the lot. For the purpose of identifying incoming lots of raisins, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the committee. Any raisins so received by a handler shall, prior to their acceptance, be inspected at an inspection point during the unloading process, and if certified as standard raisins shall, upon acceptance by the handler, either be acquired by him or received by him for storage on memorandum receipt, as the case may be: *Provided*, That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection agency to the effect that inspection service cannot be furnished within a reasonable time: *And provided further*, That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection and furnish weight certificates promptly. The inspection certificates covering any lot of off-grade raisins shall state whether or not such off-grade raisins are storable. One of the tenderer's or handler's options (as referred to in § 989.58 (e)), with respect to any raisins which do not meet the applicable minimum grade standards, shall be exercised within five business days after inspection or three business days after issuance of the inspection certificate, whichever is later: *Provided*, That these time limits may be extended by the committee under such conditions as it may deem necessary in the circumstances. Any such lot of off-grade raisins shall, pending the exercise of one of the options, be identified by fixing to each pallet a prenumbered RAC control card (to be furnished by RAC), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC control card shall remain fixed to each pallet or containers as the case may be, until such raisins have been reconditioned, or have been delivered to the handler for the account of the committee, or have been returned to the person making the tender.

(4) If any lot of natural condition raisins tendered to a handler is separated into two or more lots because a portion of the original lot failed to meet minimum grade requirements, the handler shall issue a prenumbered weight certificate for each such lot not returned to the tenderer, showing the name and address of the tenderer, the weight of the lot, and the number and type of containers in the lot.

(5) An appeal inspection shall be made by the inspection agency upon the request of any interested party and upon the payment of any fees assessed by the inspection agency for such appeal inspection. No appeal inspection shall be made unless the raisins, in their original containers, are identifiable and shall not have been removed from the original inspection point.

(6) Raisins produced by a handler (i. e., handler-owned tonnage) shall, upon being hauled to an inspection point of a handler (either the same or another handler), be treated the same as provided in subparagraphs (3) and (4) of this paragraph for any other raisins received by the handler. Also, raisins produced by a handler by drying in a dehydrator located in an inspection point of the handler shall, immediately upon completion of the dehydration operation, be treated the same as provided in subparagraphs (3) and (4) of this paragraph for raisins received by the handler.

(7) Where lots of natural condition raisins which are comprised of raisins of different varietal types commingled within their containers are presented for inspection, each varietal type shall be inspected separately, except where Layer Muscat raisins are commingled within their containers with natural (sun-dried) Muscat raisins. Based upon such inspection, the inspection agency shall issue an inspection certificate showing the percentage which the raisins of each varietal type is of the total raisins contained in the lot and whether each varietal type meets the minimum grade standards established for such type. In the event that the raisins of any one varietal type contained in a lot should fail to meet the minimum grade standards established for the varietal type, none of the lot shall be certified as meeting the minimum grade standards unless it is found to be practicable to separate the raisins into new lots of standard and off-grade raisins, respectively.

(b) *Submission of inspection certificates to the committee.* A copy of each inspection certificate which a handler is required to submit to the committe pursuant to § 989.58 (d) shall be submitted not later than Wednesday of the week following the week for which such certificate was issued. This may be accomplished by authorizing the inspection agency to submit a copy of each such inspection certificate directly to the committee. A copy of such authorization shall be furnished to the committee.

(c) *Off-grade raisins*—(1) *Temporary holding.* Each lot of off-grade raisins held by a handler for reconditioning and subsequent inspection, or which are in his possession pending exercise of one of the options provided for in § 989.58 (e), shall be stored and/or marked in such a manner as to maintain its identity to the satisfaction of the inspector, which requirement shall be in addition to those requirements set forth in paragraph (a) (3) and (4) of this section.

(2) *Storage of storable off-grade raisins for the account of the committee.* All off-grade raisins received by a handler which have been certificated by an inspector as storable and which are held by the handler for the account of the committee shall be identified as such and shall be stored separate and apart by varietal types from all other raisins in such a manner as to be accessable to the committee: *Provided*, That any lots of off-grade raisins which consist of different varietal types commingled within their containers shall be identified as such and stored separate and apart from all other raisins.

(3) *Reconditioning of off-grade raisins.* Each handler shall furnish to the committee within five business days after the issuance of the inspection certificate for any lot of off-grade raisins held for reconditioning, two copies of the written agreement entered into between the handler and the tenderer of the raisins for such reconditioning. This

may be accomplished by submitting two copies of the agreement to the inspection agency. Such written agreements shall be signed by the handler and the tenderer and shall contain as a minimum, the following terms and conditions: (i) Name of handler, (ii) name and address of producer or tenderer, (iii) quantity and varietal type of off-grade raisins to be reconditioned, (iv) the inspection certificate number or numbers applicable to the off-grade lots of raisins to be reconditioned, (v) whether the reconditioning is to be performed on an identity preserved basis with a reweighing of the standard raisins after reconditioning, or whether the reconditioning is to be performed on a commingled basis, the quantity of standard raisins to be determined on a computed basis reflecting the excess defects over permitted tolerance as shown on the applicable inspection certificates, (vi) whether or not the handler is to acquire the standard raisins resulting from such reconditioning operations, and (vii) the latest date by which the handler expects to complete such reconditioning. In addition to these minimum terms and conditions which are necessary for the administration of this part, each such agreement may contain any other terms and conditions which are necessary to establish responsibility as between the tenderer and the handler, such as the amount of the charges to be paid by the tenderer for reconditioning, the financial and sale arrangements for any stemmed raisins which have not been reconditioned successfully and must be disposed of by the handler (as provided in subparagraph (4) of this paragraph), and which person is responsible for any deterioration of the raisins which may occur subsequent to their receipt by the handler. If such raisins are produced by the handler, he shall within the same period notify the committee, in writing, of his intention to recondition such raisins. Also, the handler shall notify the inspection agency at least one business day in advance of the time he plans to begin reconditioning each lot of raisins unless a shorter period is acceptable to the inspection agency. Natural condition raisins which have been reconditioned shall continue to be considered natural condition raisins for purposes of reinspection after such reconditioning has been completed, if no water or moisture has been added; otherwise, such raisins shall meet the minimum grade standards for packed raisins. If, after reconditioning, such raisins meet the minimum grade standards but no longer are natural condition raisins as defined in § 989.9, any handler who acquires such raisins shall meet his reserve and surplus obligations from natural condition standard raisins of the same varietal type acquired by him. The weight of the reconditioned raisins acquired shall be adjusted to natural condition weight by the use of factors established by the committee, applicable to the various degrees of processing accomplished. The inspector of the reconditioned raisins shall select from among the factors fixed by the committee the factor applicable to the lot. In reconditioning off-grade raisins, different off-grade lots may be run simultaneously provided the written agreement for each lot specifies that the reconditioning is to be on a commingled basis and the weight of the standard raisins resulting from such reconditioning is to be computed on the basis of the information contained in the respective incoming inspection certificates. On raisins reconditioned in separate lots the weight of the standard raisins after the reconditioning has been completed shall be determined by the reweighing of the lot and adding thereto any additional recovery of raisins from the residual material as provided in § 989.159 (g) (1). No off-grade lots may be reconditioned by blending them with raisins acquired as standard raisins. Reconditioning of off-grade raisins by a handler shall be done in accordance with such procedure as will enable the inspector to observe any lot of off-grade raisins at any time and to make a proper inspection. A handler may recover raisins from residual raisins obtained from his reconditioning operations in conformity with the applicable provisions of § 989.159 (g) (1). Any handler who has reconditioned off-grade raisins shall report such reconditioning to the committee as required in § 989.173 (c) (3).

(4) *Off-grade raisins which are not reconditioned successfully.* No handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed (and thus are no longer in their natural condition) and which then fail to meet the applicable minimum grade standards. The handler shall maintain the identity of such raisins and mark them as stemmed raisins which failed to meet the minimum grade requirements after reconditioning, and shall hold them separate and apart from any other raisins. He shall physically dispose of such raisins as soon as practicable pursuant to § 989.159 (g) (2), for distillation, animal feed, or for any use other than for human consumption. Where the tenderer has not sold such raisins to the handler, the choice of prescribed disposition outlets shall be with the tenderer and the sale for the account of the tenderer.

(5) *Return of off-grade raisins to tenderer.* Any off-grade raisins which are to be returned to the tenderer pursuant to subparagraph (1) of § 989.58 (e), shall be physically returned within five business days after the issuance of the inspection certificate: *Provided,* That the time limit may be extended by the committee as justified by extenuating circumstances. The handler shall file with the committee a report of the returned raisins as required in § 989.173 (b) (4).

(d) *Reinspection of raisins held more than one hundred and twenty days on memorandum receipt.* No handler shall acquire raisins held on memorandum receipt for a period longer than one hundred and twenty (120) days unless such raisins have been reinspected and certified immediately prior to acquirement as meeting the minimum requirements for standard raisins: *Provided,* That the committee at any time may require such reinspection and certification of raisins held on memorandum receipt as a prerequisite to acquisition if it has reason to believe that the raisins do not meet such requirements.

§ 989.159 *Regulation of the handling of raisins subsequent to their acquisition.*—(a) *Inspection facilities.* Each handler shall, at his expense, provide at each place where packed raisins are to be inspected reasonably adequate space and facilitis for inspecting such raisins.

(b) *Identification of inspected raisins.* (1) Each handler shall mark each shipping container with legible code or other identification, satisfactory to the committee and the inspector, which shall indicate the date that the raisins in such shipping container were packed: *Provided,* That in such marking of shipments of natural condition raisins, the date shall be the date of inspection.

(2) Each handler shall furnish promptly to the committee through the inspector, a certified report, on a form furnished by the committee, showing the handler's count and weight of the raisins of each pack and varietal type packed each day.

(c) *Outgoing inspection.* (1) Outgoing inspection and certification of raisins as required by § 989.59 (d) shall be made as set forth in this paragraph.

(2) Such inspection of natural condition raisins (which is subject to exceptions and exemptions provided in this part) shall be made of each individual lot and in each case not more than five days before the date of shipment or other final disposition of the lot. The certificate that the raisins meet the applicable minimum grade and condition standards for natural condition raisins which the handler is required to obtain and submit to the committee pursuant to § 989.59 (d) shall be on Form FV–209 labelled "Certificate of Quality and Condition for Processed Fruits and Vegetables." If shipment involves exportation to a foreign country, the handler shall surrender to the United States Customs Service at the port of exit two copies of the inspection certificate. Such an inspection and certification (on Form FV–209) may, if requested by the handler, be made at the time of his receipt or acquisition of the raisins. In such an event, no additional inspection shall be required if the lot remains intact and identifiable, and shipment or other final disposition takes place within five days after the date of the inspection.

(3) Such inspection of packed raisins shall be made prior to shipment or other final disposition and unless made during the final processing or packing operations so as to facilitate proper sampling, the inspector shall perform the inspection on the basis of samples drawn from representative containers of the packed raisins. Each handler shall notify the committee in writing, at the beginning of each marketing year and at any time during the year when there is a change in his position, whether outgoing inspection conducted at each of its facilities is continuous from its production line at time of packing or on the basis of representative sampling drawn from

containers of previously packed raisins. It shall be the responsibility of the handler to arrange with the inspection agency for an inspector to be present when the inspection is needed.

(4) Where a lot of packed raisins is comprised of raisins of different varietal types or sub-types commingled within their containers and is presented for inspection, each such type shall be inspected separately, except for moisture. Based upon such inspection, the inspection agency shall issue an inspection certificate showing the percentage which the raisins of each such type is of the total of the lot and whether each type meets the minimum grade standards established therefor. In the event that the raisins of any one varietal type or subtype contained in a lot should fail to meet the requirements, other than for moisture, of the applicable minimum grade standards established therefor, none of the lot shall be certified as meeting the minimum grade standards unless it is found to be practicable to separate the raisins into new lots which meet and which fail to meet the applicable minimum standards, respectively. Any lot of mixed types of packed raisins for which minimum grade standards are prescribed for each type pursuant to § 989.59 (a) but which in their commingled form cannot be inspected against the standards for the respective varietal types or sub-types and hence are excluded from the category of "mixed types" as defined in the United States Standards for Grades of Processed Raisins, and any raisins which as a mixed lot contain moisture in excess of 18 percent, shall not be certified as meeting the minimum grade standard.

(d) *Submission of inspection certificates to the committee.* A copy of each inspection certificate which a handler is required to submit to the committee pursuant to § 989.59 (d) shall be submitted within five business days after it is issued. This may be accomplished by authorizing the inspection agency to submit a copy of each such inspection certificate directly to the committee. A copy of such authorization shall be furnished to the committee.

(e) *Term of inspection certificate.* Any handler who fails to ship or make other disposition of any lot of packed raisins within 21 calendar days or any lot of natural condition raisins within 5 calendar days, after the date of the last inspection of the lot made in connection with the proposed disposition thereof shall, before making any shipment or other disposition, have the raisins inspected for condition and furnish promptly to the committee (which may be through the inspector) a copy of the inspection certificate showing that the raisins meet the applicable minimum grade standards.

(f) *Exemption of gift and specialty packs*—(1) *Shipment under exemption.* Upon obtaining approval of the committee as provided in this paragraph, any handler may ship or dispose of raisins in gift or specialty packs without regard to the provisions of § 989.59 (a), (b), and (d). For the purpose of these exceptions: "gift packages" means raisins specially packaged for gift purposes, composed either wholly of raisins or raisins in combination with other fruit, which are either (i) given or donated by a handler to others or (ii) sold by a handler for final or ultimate disposition as gifts; and "specialty packs" means raisins of special processing either as to moisture or coating and which may or may not be packed in tin or materials other than those employed in normal industrial or consumer packs.

(2) *Application for exemption.* Each application for exemption shall be filed with the committee in triplicate. The application shall contain information as to: (i) The name and address of the handler; (ii) the estimated quantity of each varietal type of raisins that will be shipped or disposed of under the exemption during the crop year; (iii) whether any special processing of the raisins is involved; (iv) each type of package or packages in which the raisins will be packed and the net weight content of each type of container; (v) the outlets in which disposition of the gift packages or specialty packs will be made, i. e., whether disposition will be made direct to consumers, to wholesalers or retailers for resale, or to persons or organizations for distribution as gifts, and any special uses expected to be made of the raisins; and (vi) the general quality, style and condition of the raisins expected to be shipped under exemption.

(3) *Committee action on application.* The committee, in its discretion, shall approve each application for exemption of any varietal type of raisins where the value of the raisins (or raisin products in case the form of the raisins is not changed) by virtue of their processing or packaging exceeds the value of normally processed or packaged raisins of comparable varietal type and where it can conclude that such exemption will not jeopardize the quality control or price objectives of the marketing order program. The committee shall notify the handler promptly in writing of its approval or disapproval of his application, and if the application is approved, the maximum quantity for which approval is granted. If the application is disapproved, the committee shall inform the handler of the reasons therefor.

(4) The handler shall report shipments or other dispositions under an approved exemption as required pursuant to § 989.173 (f).

(g) *Disposition of raisins which fail to meet grade accumulated by handlers*—(1) *Recovery of raisins.* For the purpose of §§ 989.59 (f) and 989.158 (c) (3), a handler may recover raisins from: (i) Residual raisins obtained from his processing of standard raisins; (ii) any raisins acquired as standard raisins by a handler which fail to meet the applicable outgoing grade standards for shipment or final disposition as raisins; and (iii) residual raisins obtained from the reconditioning of off-grade raisins: *Provided,* That such recovery under subdivision (iii) of this subparagraph must occur without blending with standard raisins, and the weight of standard raisins in such residual shall be credited on the basis of the original inspection certificate or recovery to the same lot or lots from which the residual was obtained. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal, or other agencies having jurisdiction.

(2) *Shipment of raisins which fail to meet minimum grade standards.* No handler shall ship for any purpose, except as provided in this subparagraph, raisins which do not meet the applicable minimum grade standards. As used in this subparagraph, such raisins include, but are not limited to, (i) natural condition raisins which do not meet the minimum grade and condition standards, (ii) stemmer waste or other residual material resulting from the packing of standard raisins or the reconditioning of off-grade raisins, (iii) off-grade raisins which are not reconditioned successfully, (iv) off-grade raisins received by a handler and which are for disposition pursuant to § 989.162 (b), and (v) raisins which are received as standard raisins but which later do not meet the minimum grade standards. A handler who has received or acquired such raisins in conformity with the provisions of this part may ship them to points within the continental United States for distillation, animal feed, or uses other than for human consumption if he files, in advance, a written application with the committee for permission to make such shipment and receives its approval prior to shipment: *Provided,* That such requirement shall not apply to the transfer of such raisins by a handler from one of his plants to another of his plants in the State of California, nor shall it apply to the shipment by a packer between points within the State of California, for such purposes, of stemmer waste and other raisin waste resulting from the processing, packing, or reconditioning of raisins. Each such application shall include as a minimum: (*a*) The name and address of the handler and of the buyer, and the address to which the raisins are to be shipped if different from that of the buyer; (*b*) the quantity of such raisins to be shipped; (*c*) a description of such raisins, as to type or origin; (*d*) the present location of the raisins; (*e*) the expected time of shipment; (*f*) a copy of the sales contract (which may be on a form furnished by the committee) wherein the buyer agrees to dispose of the raisins for distillation, animal feed, or uses other than for human consumption, not to resell them, and to permit representatives of the committee or of the Secretary of Agriculture to examine all of his books and records relating to such raisins; and (*g*) a provision wherein the handler in consideration of the committee approving his application, agrees that, in the event any raisins that are shipped pursuant to an approved application are not disposed of for distillation or animal feed but are disposed of for use for human consumption, it will cause serious and substantial damage to the committee and to producers and handlers of raisins, it will be difficult if not impossible to prove the extent of such damage, and therefore, he (the handler) shall pay to the

committee the sum of $200.00 as liquidated damages for each ton so used or disposed of, such sum being fair measure of damages and not a penalty. If disposition of the shipped raisins is to be made by the handler, the application shall set forth similar information insofar as it is applicable. In addition to filing any such application, the handler shall make available at his office at any time during business hours all of his books and records relating to such raisins for examination by representatives of the committee and of the Secretary of Agriculture. The committee shall approve or disapprove such application, specifying the maximum quantity of such raisins for which approval is granted. In the event the committee has cause to believe that such raisins may not be disposed of for distillation, animal feed, or uses other than for human consumption, or that adequate safeguards are or will not be provided to prevent such raisins from being used for other than such purposes, the committee shall disapprove the application and shall notify the applicant of such disapproval and the reason therefor. If the application is approved, the committee shall notify the applicant in writing of such action.

§ 989.160 *Storing, pooling and disposition of storable off-grade raisins*—(a) *Obligation of handlers.* Each handler shall hold in storage all storable off-grade raisins received by him for the account of the committee until he has been relieved of the responsibility by the committee. The handler shall store such off-grade raisins without the addition of moisture and in such manner as will maintain the raisins in the same condition as when they were received except for normal and natural deterioration and shrinkage and except for loss through fire, acts of God, force majeure, or other conditions beyond the handler's control.

(b) *Disposition.* All off-grade raisins held for the account of the committee shall be physically disposed of by the committee on or before June 30 of each crop year: *Provided*, That any of such off-grade raisins received between June 1 and August 31 shall be physically disposed of within 30 days after they are received.

(c) *Payment for receiving, storing, handling, and inspection.* (1) Each handler shall be compensated at the rate of $3.95 per ton (natural condition weight at time of acquisition) for receiving, storing and handling storable off-grade raisins: (i) Received during the period September 1–May 31 of a particular crop year and held for the account of the committee during all or any part of the same crop year: or (ii) received during the period June 1–August 31 of a particular crop year and held for the account of the committee during all or any part of the period from June 1 to September 30 of the succeeding crop year.

(2) Each handler shall be reimbursed by the committee for inspection costs applicable to storable off-grade raisins received and held by him for the account of the committee. Such payment shall be made on a weekly basis at the applicable rate per ton paid by such handler to the inspection agency and on the quantity reported by the handler for the applicable week.

(d) *Payment for other services.* (1) In addition to the payments provided for in paragraph (c) of this section, each handler shall be compensated only for such other services performed by him with respect to off-grade raisins as are set forth in this paragraph.

(2) The committee may arrange with handlers for the transportation of off-grade raisins held for its account. Payment for any such transportation shall be based on prevailing transportation rates for the type of service to be performed.

(3) Handlers shall be compensated in an amount determined by the committee, for placing in sacks or other containers off-grade raisins held for its account, which amount shall be specified in the offer made by the committee to handlers for such services.

(4) In the event the committee determines from time to time that it is necessary that handlers fumigate off-grade raisins held for its account, handlers shall be compensated for the reasonable costs therefor at a specified rate or rates per ton.

(e) *Distribution to equity holders of net proceeds from sale of off-grade raisins held for the account of the committee.* All expenses of the off-grade raisin pool shall be paid from the proceeds of that pool. The net proceeds shall be distributed by the committee to the respective producers, or their successors in interest thereto, on the basis of the volume of their respective contributions to the off-grade pool. Distribution of proceeds in connection with off-grade raisins contributed by non-profit cooperative marketing associations which have authority to market the raisins of their members and to allocate the proceeds therefrom to such members shall be made to such associations. Advance or progress payments may be made as sufficient funds become available.

§ 989.161 *Exemptions.* A processor may receive or acquire any raisins for use in distillation, animal feed, or uses other than for human consumption, and dispose of them in such outlets, without having them inspected and certified. No processor who receives or acquires raisins under such exemption, or otherwise receives or acquires raisins which do not meet the minimum grade standards, shall ship them except in conformity with the provisions of § 989.159 (g) (2). Processors shall report acquisitions and make such other reports as are or may be required pursuant to §§ 989.73 and 989.173.

§ 989.162 *Above parity situation*—(a) *Application of other provisions.* Whenever it is found that the season average price to producers for raisins will be in excess of the season average parity price, the provisions of this subpart which pertain to the storing, pooling, and disposition of off-grade raisins for the account of the committee shall not be effective during the pertinent crop year or any remaining portion thereof, except insofar as they may be required for the storage and disposition of any raisins which may be in the off-grade pool at the time the aforesaid finding is made. Except as otherwise specifically provided in this section and in § 989.173 (b) (1), all other provisions of this subpart which relate to the minimum grade and condition standards, inspection requirements, reports and records, and the administration and enforcement of such provisions shall continue in effect, irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level.

(b) *Holding and disposition of off-grade raisins.* During any period when, pursuant to paragraph (a) of this section, the provisions of this subpart which pertain to the storing, pooling, and disposition of off-grade raisins are not effective or when any of these provisions are effective only insofar as may be necessary for the liquidation of any raisins in the off-grade pool, any handler (other than a processor) who receives an off-grade lot of raisins which he does not return to the tenderer or accept for reconditioning shall maintain the identity of such raisins, mark them as off-grade raisins, and hold them separate and apart from raisins of any other category. Each handler, including processors, shall dispose of any such off-grade raisins for distillation, animal feed, or uses other than for human consumption, and any shipment shall be pursuant to § 989.159 (g) (2). The provisions of § 989.159 (g) (1) with respect to recovery of raisins shall not apply to such off-grade raisins.

VOLUME REGULATION

§ 989.166 *Reserve, surplus, and storable off-grade tonnage generally*—(a) *Shrinkage allowance for normal and natural shrinkage in weight.* For each crop year each handler shall be entitled to a shrinkage allowance for normal and natural shrinkage in weight of one percent of the original natural condition weight on those reserve tonnage raisins, surplus tonnage raisins, and storable off-grade raisins acquired by him during the crop year and held by him for the account of the committee on the Saturday nearest to May 1 of the same crop year. The handler shall be entitled to no other allowance for normal and natural shrinkage in weight for any of such raisins acquired during the crop year: *Provided*, That the committee shall grant an additional allowance for any normal and natural shrinkage in weight of any of such raisins held for the account of the committee beyond the end of the crop year of acquisition upon submission by the handler of satisfactory proof of such shrinkage during the period the raisins were so held.

(b) *Satisfaction of reserve and surplus obligation with residual Muscat raisins from layering operations.* Any handler who desires to satisfy his reserve or surplus tonnage obligations referable to his acquisitions of Layer Muscat raisins with residual Muscat raisins obtained by him in layering operations

shall, prior to setting aside such raisins for the account of the committee, have them dried to a moisture content not exceeding 16 percent, inspected and obtain from the inspection agency a certificate, a copy of which shall be submitted to the committee (which may be through the inspection agency) within five business days after it is issued, showing that the raisins meet the minimum grade and condition standards for natural (sun-dried) Muscat raisins (those standards for natural condition Muscat raisins other than Layer Muscat and Valencia Muscat raisins). The inspection of the residual raisins shall be made at the expense of the handler. The handler shall file with the committee on forms furnished by it, within seven days (exclusive of Saturdays, Sundays, and legal holidays) after setting aside the raisins, a certified report with respect to such use of the residual raisins, including the name of the producer of the Layer Muscat raisins and the quantity of the residual raisins so used. Also, he shall obtain a written statement from the producer evidencing agreement for the residual tonnage to be used to meet such obligation, and shall retain it for at least two years after the termination of the crop year in which the raisins were acquired.

(c) *Setaside obligations referable to acquisition of mixed varietal types of raisins.* A handler who acquires any lot of natural condition raisins of mixed varietal types (commingled within their containers) shall meet his reserve and surplus tonnage setaside obligations for each varietal type contained in the mixed lot separately and with raisins of the particular varietal type unmixed with raisins of other varietal types. The obligation as to each varietal type shall be computed according to the reserve and surplus percentages established by the Secretary and the percentage of the varietal type contained in the lot as shown by the incoming inspection certificate.

(d) *Storage requirements as to reserve and surplus raisins.* Each handler shall store separate and apart from other raisins and from each other, each varietal type of reserve tonnage raisins held for the account of the committee and each varietal type of surplus tonnage raisins so held. Raisins shall be considered as stored separate and apart from other raisins when they are identifiable from other raisins. Handlers shall store reserve and surplus tonnage raisins in sweat boxes, picking boxes, or in other portable containers not exceeding one ton capacity: *Provided*, That, in the event reserve or surplus pool raisins which are held in portable containers other than sweat or picking boxes are to be transferred from the premises of the handler storing them, such handler shall at his own expense, place such raisins in either sweat or picking boxes: *Provided further*, That such raisins at the time of transfer shall meet the applicable minimum grade requirements except for such normal and natural deterioration and shrinkage as would have occurred if such raisins had been stored in sweat boxes or picking boxes.

(e) *Deferment of obligation.* (1) Any handler who desires to defer the meeting of his reserve and surplus tonnage obligations pursuant to § 989.66 (c) shall file with the committee on a form furnished by it a certified application for deferment of his reserve and surplus tonnage obligations, containing: (i) The date of the application and the name and address of the handler; (ii) the period for which deferment is requested; (iii) with respect to each varietal type, the total reserve and the total surplus tonnage on which deferment is requested, segregated as to his current holdings and his expected acquisitions during the deferment period; (iv) a full description of the surety bond offered; and (v) the reasons why deferment is desired.

(2) The committee shall grant such an appiclation upon a showing by the handler that he has a need for the deferment and meets the requirements as to the written undertaking and bond which are prescribed in § 989.66 (c). The committee shall notify the applicant promptly of its decision with regard to his application, including the amount of the bond required by the terms of § 989.66 (c). The amount of said bond for a varietal type of raisins shall be the product obtained by multiplying the quantity for which deferment is granted by the then current field price for free tonnage raisins of the same varietal type. At any time during the period for which a deferment has been granted, the handler may request the committee to increase or decrease the amount of his deferment and the committee shall grant the revision after the necessary increase or decrease, as the case may be, is made in the amount of the bond. Also, at the request of the handler the committee may extend the deferment beyond the original period (not beyond November 15 of the crop year) for such a quantity as is specified in the request provided the bond is extended in the necessary amount.

(3) No handler shall use any of such reserve or surplus tonnage raisins as free tonnage raisins until he shall have received written approval of his application from the committee and shall have filed the required bond with the committee.

(f) *Remedy in the event of failure to deliver reserve, surplus, or off-grade raisins.* Except as provided otherwise in connection with a deferment granted pursuant to § 989.66 (c) and paragraph (e) of this section, a handler who fails to deliver to the committee, upon request, any reserve, surplus or off-grade tonnage raisins in the quantity or of a quality for which he has become obligated (after any shrinkage allowances which may then be in effect are applied and allowances for any deterioration due to conditions beyond his control are made), shall compensate the committee for the amount of the loss that is occasioned by his failure to so deliver. The amount of compensation for any shortage of tonnage shall be determined by multiplying the quantity of reserve, surplus, or off-grade raisins not delivered by the latest weighted average price per ton received by producers during the particular crop year for free tonnage raisins of the particular varietal type or types, plus any charges already paid or credited to the handler and any costs to the committee which is caused by the handler's failure to deliver. Such sales on which such weighted average price is computed shall include those during the particular crop year up to the time such cash payment is requested by the committee or up to the end of the particular crop year, whichever date may be earlier. The amount which a handler shall compensate the committee for any raisins (off-grade, reserve or surplus) which have deteriorated in quality during storage for reasons within his control, shall be the latest weighted average price received by the committee for the applicable varietal type of the particular reserve, surplus, or off-grade pool raisins, as the case may be, less the amount received by the committee in the disposition of the raisins delivered by the handler (or the reasonable value of such raisins, as determined by the committee, if not sold). Any amounts paid to the committee in satisfaction of such deficiencies shall be considered as being part of the particular reserve, surplus or off-grade tonnage pools involved. The remedies provided in this paragraph shall be in addition to and not exclusive of, any of the remedies or penalties prescribed in the act with respect to the failure on the part of the handler to comply with the applicable provisions of the act or this part.

(g) *Payments to handlers for services performed with respect to reserve and surplus tonnage raisins*—(1) *Payments for crop year of acquisition.* (i) Each handler shall, beginning with the crop year which began September 1, 1955, be compensated at the rate of $3.95 per ton (natural condition weight at the time of acquisition) for receiving, storing and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the committee during all or any part of the same crop year.

(ii) Each handler shall, beginning with September 1, 1955, be reimbursed by the committee for inspection costs applicable to the reserve and surplus pool raisins received and held by him for the account of the committee. Such payment shall be made on a weekly basis at the applicable rate per ton paid by such handler to the inspection agency, and on the quantity for the particular week reported by the handler. The committee shall pay the cost of any inspection required by it of any such pool raisins while they are being held for its account or are delivered in accordance with the request: *Provided*, That the cost of inspection of any raisins which a handler substitutes for raisins in the reserve or surplus pools or which he received by transfer from another handler pursuant to paragraph (j) (3) of this section shall be borne by the handler.

(iii) Each handler shall, beginning with the crop year which began on September 1, 1955, be paid an allowance for fumigation of $1.50 per ton of reserve and surplus tonnage raisins received during the crop year of acquisition and held

by him for the account of the committee during all or any part of such crop year.

(2) *Additional payments for surplus tonnage raisins held beyond the crop year of acquisition.* Each handler who holds surplus tonnage raisins for the account of the committee on September 1 of any crop year (beginning with September 1, 1955) which were also held on August 15 of the preceding crop year, shall be compensated: (i) For storing and handling such raisins at the rate of $1.00 per ton for the period ending November 30, or any part thereof, 50 cents per ton for the next three months or any part thereof, and 15 cents per ton for the next three months, or any part thereof, and 15 cents per ton for the last three months of the crop year, or any part thereof; and (ii) for fumigation services at the rate of 15 cents per ton for each fumigation required to maintain such raisins in good condition.

(h) *Payment of rental on boxes containing surplus pool raisins held beyond the crop year of acquisition.* Each handler and each producer, dehydrator or other person who furnishes boxes in which surplus pool raisins are held for the account of the committee on September 1 of any crop year (beginning with September 1, 1955) which were also held on August 15 of the preceding crop year, shall be compensated for the use of such boxes at the rate of 15 cents for each 160 pounds of raisins so held. No further compensation shall be paid unless the boxes are held on the succeeding September 1.

(i) *Payment for other services.* (1) In addition to the payments provided in paragraphs (g) and (h) of this section, handlers shall be compensated only for those services performed with respect to reserve and surplus tonnage raisins as are set forth in this paragraph.

(2) The committee may arrange with any handlers for transporting reserve or surplus tonnage raisins. Payment for such transportation shall be in an amount based on prevailing haulage rates for the type of transportation required.

(3) A handler who accepts an offer by the committee to pack surplus tonnage raisins for its account shall be compensated for such packing in an amount determined by or acceptable to the committee. In considering the amount of compensation to be paid, the committee shall take into account, among other factors, the particular varietal type of raisins to be packed, the particular pack or package required, and the quantity and quality of the raisins to be packed.

(4) In the event that the committee removes surplus tonnage raisins of a previous crop year from a handler upon request as provided in § 989.66 (f) and such handler subsequently desires redelivery to it of surplus tonnage raisins for contract packing or otherwise, such handler shall reimburse the committee for the net costs to it of the removal, storage, and redelivery of such raisins as a condition precedent to such redelivery: *Provided,* That the committee may waive payment by the handler of part or all of such costs if it determines that such waiver is necessary in order to facilitate disposition of the raisins.

(j) *Offers of surplus tonnage raisins to handlers for sale in export.* (1) Whenever the committee offers surplus tonnage raisins to handlers for sale in export, the committee shall specify, among other terms of the offer: (i) The period within which each handler shall be given the opportunity to purchase his share of the offer; (ii) the additional period during which, if any of the offer then remains unpurchased, a handler may purchase from his holdings of surplus tonnage raisins in excess of his share; and (iii) the further additional period during which, if any of the offer then remains unpurchased, a handler may purchase surplus tonnage raisins in excess of his share and in excess of his holdings. Approvals of handler's applications to purchase during the periods specified in subdivisions (ii) and (iii) of this subparagraph shall be made in the same order in which the applications are filed with the committee. The committee shall fix the length of each of the three periods so as to facilitate disposition of surplus tonnage raisins.

(2) Whenever a handler's share or allocation under an offer, in any crop year, of surplus tonnage raisins for sale in export, is less than or exceeds his holdings of surplus tonnage raisins by not more than two tons, the committee may adjust such handler's share or allocation so as to avoid the cost of the physical transfer of raisins.

(3) If, prior to the expiration of the period specified in subparagraph (1) (i) or (ii) of this paragraph, a handler has need for more surplus tonnage than is available to him on the basis of his allocation or his holdings, as the case may be, he may negotiate with another handler for uncommitted tonnage. During the period specified in said subparagraph (1) (i) of this paragraph, he may negotiate with another handler for the transfer to him of any unpurchased portion of the other handler's share of an offer. Any such transfer shall not be deemed to reduce the transferring handler's share of an offer. Any such transfer shall not be deemed to reduce the transferring handler's share or to increase the transferee handler s share, for the purpose of determining shares of subsequent offers. During the period specified in said subparagraph (1) (ii) of this paragraph and while part of the offer remains unpurchased, he may negotiate with another handler for all or any part (not more than the unpurchased portion of the offer) of the other handler's uncommitted holdings. Any such transfer shall be permitted by the committee only upon receipt of written authorization, on a form furnished by the committee, by the transferring handler. All limitations applicable to the transferred surplus tonnage shall continue to apply. Such surplus tonnage raisins will be released by the committee to the transferee handler upon submission of his completed application(s) and full payment for such raisins, and such transferee handler shall be responsible to the committee for the documents required under such sale(s). Any cost involved in such transfers shall be borne by the handlers concerned.

§ 989.167 *Reserve tonnage*—(a) *Determination of price.* Whenever, pursuant to § 989.67 (b), the committee finds with respect to any varietal type of raisins that a downward trend in the price received by producers for free tonnage or in the prices received by handlers for free tonnage packed raisins makes it impracticable to sell reserve tonnage at the average price received by producers for free tonnage, plus pooling costs, the committee may sell reserve tonnage raisins at the currently prevailing field price for free tonnage raisins of the same varietal type unless such price is deemed to be unrepresentative of the current f. o. b. price of packed raisins. In such an event or if there is no current field price, the committee shall make any offer of reserve tonnage at approximately the computed field price obtained by deducting from the current f. o. b. price for free tonnage packed raisins of the varietal type to be offered, the normal packing and handling margin between that price and the field price for free tonnage raisins.

(b) *Reserve tonnage raisins which become off-grade.* Any reserve tonnage raisins held by or for the account of the committee which have been inspected by the inspection agency and found to be off-grade shall, as the committee determines, either be reconditioned or disposed of or marketed by the committee for distillation, animal feed, or uses other than for human consumption.

§ 989.168 *Disposition of surplus tonnage raisins for distillation or for uses other than human consumption.* Any surplus tonnage raisins held by or for the account of the committee which have been inspected by the inspection agency and found to be off-grade shall, as the committee determines, either be reconditioned or disposed of or marketed by the committee for distillation, animal feed, or uses other than for human consumption. In the event that the committee has been unable to dispose of standard quality surplus tonnage raisins at more remunerative prices in one of the other outlets authorized by the order for disposition of surplus tonnage raisins, it may, subject to the Secretary's disapproval, offer to sell, and sell, such surplus tonnage raisins for distillation: *Provided,* That no such offer or sale shall be made during the period August 1 to October 15 of any calendar year. Whenever the committee proposes to offer to sell standard surplus tonnage raisins for distillation, animal feed, or uses other than for human consumption, it shall file with the Secretary complete information with respect thereto and the basis therefor. The Secretary shall have the right to disapprove, within seven calendar days, the making of such an offer or any term or condition thereof.

§ 989.169 *Substitution for Layer Muscats.* A handler who substitutes natural (sun-dried) Muscat or Valencia raisins for Layer Muscat raisins (as provided in § 989.69) shall file with the committee on forms furnished by it, within 7 days (exclusive of Saturdays, Sundays, and legal holidays) after making the substitution, a certified report with respect to such substitution, including the name of the producer of the Layer Muscat raisins for which the substitution was made, and the quantity of such Layer Muscat raisins. He shall obtain a written statement from the producer evidencing agreement to the substitution and shall retain it for at least two years after the termination of the crop year in which the substitution occurred.

REPORTS AND RECORDS

§ 989.173 *Reports*—(a) *Inventory reports.* Each handler shall file with the committee as of the close of business on August 31 of each crop year, and not later than the following September 6, an inventory report which shall show, with respect to each varietal type of raisins: (1) The quantity of free tonnage raisins held by him, segregated as to locations where they are stored and whether they are natural condition or packed; (2) the quantities of reserve tonnage, surplus tonnage, and off-grade raisins, respectively, held for the account of the committee. Upon request by the committee, each handler shall file at other times and as of other dates any of the said information which may reasonably be necessary for the determination or revision of marketing policy and which the committee shall specify in its request.

(b) *Reports of raisins received and/or acquired*—(1) *General.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph, each handler shall file with the committee (on forms furnished by it) for each week and not later than the following Wednesday the reports specified in subparagraphs (2), (3), (4) and (5) of this paragraph.

(ii) Whenever it is found that the season average price to producers for raisins will be in excess of the season average parity price, each handler shall, during the pertinent crop year or any remaining portion thereof, file with the committee for each month, and not later than the fifth business day of the succeeding month, the reports specified in subparagraphs (4) and (6) of this paragraph, and shall file for each week (not later than the following Wednesday) the reports specified in subparagraphs (2) and (5) of this paragraph: *Provided,* That if the committee finds it unnecessary that the reports specified in subparagraphs (2) and (5) be filed for each week during all or any part of the crop year, it shall prescribe a longer reporting period, and shall give notice thereof to each handler.

(iii) For each report required to be filed pursuant to this paragraph, the required information shall be shown separately for each varietal type. With each report, other than that specified in subparagraph (4) of this paragraph, the handler shall submit a copy of the door receipt or weight certificate for each lot of raisins received or acquired by him during the reporting period and for each lot of raisins held on memorandum storage which was returned to the tenderer during such period, which shall show the information to be contained on such receipts or weight certificates as specified in § 989.158 (a) (3). At the time he files the reports specified in subparagraphs (2) and (5) of this paragraph with the committee, each handler shall submit a copy of each such report to the inspection agency.

(2) *Acquisition of standard raisins.* Each handler shall report: (i) The total net weight of the standard raisins acquired during the reporting period, segregated when appropriate as to reserve and surplus tonnage; (ii) the locations of the reserve and surplus tonnage raisins; and (iii) the cumulative totals of such acquisitions (as so segregated) from the beginning of the then current crop year.

(3) *Storable off-grade raisins acquired for the account of the committee.* Each handler shall report: (i) The net weight of the storable off-grade raisins acquired by the handler for the account of the committee during the reporting periods; (ii) the locations of such storable off-grade raisins; and (iii) the cumulative totals at the end of the reporting period of such acquisitions from the beginning of the then current crop year.

(4) *Off-grade raisins returned to tenderers (producers or dehydrators).* Each handler shall report with respect to each lot of off-grade raisins which the handler returned during the reporting period to the tenderer pursuant to subparagraph (1) of § 989.58 (e): (i) The inspection certificate number; (ii) the net weight as indicated on the inspection certificate; and (iii) the name and address of the tenderer; and (iv) the date the lot was returned to the tenderer.

(5) *Standard raisins received for memorandum storage.* Each handler shall report: (i) The net weight of the standard raisins held at the start of the reporting period for memorandum receipt, storage bailment, or warehousing (raisins received other than by acquisition or interhandler transfer); (ii) the net weight of such raisins received during the reporting period; (iii) the net weight of such raisins acquired during such period and included with the acquisitions required to be reported pursuant to subparagraph (2) of this paragraph; (iv) the net weight of such raisins returned during such period to the persons from whom they were received; and (v) the net weight(s) and location(s) of such raisins held at the end of such period.

(6) *Off-grade raisins received and retained without reconditioning for disposition in prescribed outlets.* Each handler who is not a processor shall report: (i) The name and address of each tenderer and the net weight of each tender of the off-grade raisins received by the handler during the reporting period and retained by him without reconditioning for disposition for distillation, animal feed, or uses other than for human consumption; (ii) the locations where such off-grade raisins were received; (iii) the name and address of each person to whom disposition was made of such raisins during the reporting period, and the net weight delivered to each buyer; and (iv) the net weight of such off-grade raisins (according to location) held by him at the end of the reporting period.

(c) *Special raisin reports*—(1) *Monthly report of raisins acquired by processors under exemption.* Each processor who avails himself of the exemptions from the grade and inspection requirements as provided in §§ 989.58 (a), 989.59 (f) and 989.161 and acquires raisins (as the first handler thereof) shall file with the committee on or before the fifth day of each month a report of all such raisins acquired during the preceding month. Each report shall show for each varietal type and each acquisition: (i) The name and address of the person from whom the off-grade raisins were acquired; (ii) the date of the acquisition; (iii) the net weight of each acquisition; and (iv) the ultimate disposition made or to be made of such raisins.

(2) *Disposition reports by processors.* Each processor shall file with the committee, upon its request, such of the following information and for such period as the committee shall specify: (i) The quantity of raisins and raisin material used by the processor in his processing operations, segregated as to the processing outlets and the kinds of raisins or raisin material which the committee shall specify; and (ii) the quantity of raisins or raisin material sold or otherwise disposed of by the processor, segregated as to specified outlets and kinds of raisins or raisin material.

(3) *Off-grade raisins received under agreements with the tenderers (producers or dehydrators) for reconditioning.* Each handler who has received off-grade raisins pursuant to subparagraph (3) of § 989.58 (e) for reconditioning, shall file with the committee on or before the fifteenth day of each month a report of all such raisins reconditioned by him during the preceding month. Each such report shall contain the following information: (i) The name and address of the person from whom the off-grade raisins were received for reconditioning; (ii) the net weight of the off-grade raisins; (iii) the net weight of the standard raisins after reconditioning; (iv) inspection certificate number covering the recovered standard raisins; (v) whether the standard raisins were acquired by the handler or returned to the tenderer; (vi) net weight of such residual matter after reconditioning; (vii) disposition outlet of such residual matter, including, if sold, the name and address of the buyer; and (viii) net weight of any raisins which were not reconditioned successfully (as distinguished from normal residual matter) and disposed of, or held for disposition, by the handler pursuant to § 989.158 (c) (4), shown according to applicable inspection certificate and the person to whom disposition, if any, was made.

(4) *Disposition by handlers (other than processors) of off-grade raisins, stemmer waste, or raisin offal.* Each handler who is not a processor shall report to the committee upon its request all sales and other dispositions of off-grade raisins, stemmer waste, or raisin offal resulting from his sorting and/or packing operations made during such period as is specified in the request. Such report shall be filed on a form furnished by the committee and shall

include the following information: (i) Date of sale or other disposition; (ii) name and address of buyer; and (iii) description and weight of material sold.

(d) *Monthly report of disposition of free tonnage raisins.* Each handler who is not a processor shall file with the committee on or before the fifth day of each month a report for the preceding month showing the aggregate quantity of each varietal type of free tonnage packed raisins and standard natural condition raisins which were shipped (exclusive of interhandler or interplant transfers within the State of California) or otherwise disposed of by him during the month. Such information shall be segregated as to (1) domestic outlets (exclusive of Federal Government purchases) according to consumer and bulk packs, (2) Federal Government purchases, (3) export outlets according to consumer and bulk packs, and (4) each of any other outlets for such raisins (other than interhandler or interplant transfers) in which the handler has made disposition of such raisins. For the purposes of this paragraph, Canada shall be considered as a domestic outlet and not an export outlet.

(e) *Reports of interhandler transfers.* Any handler who transfers free tonnage raisins to another handler within the State of California shall file with the committee, not later than five calendar days following such transfer a report showing: (1) The date of transfer; (2) the name(s) and address(es) of the handler or handlers and the locations of the plants; (3) the varietal type, net weight and condition of the raisins transferred; and (4) if packed, the inspection certificate number in the event such raisins had been inspected prior to such transfer. Two copies of such report shall be forwarded to the receiving handler at the time the report is submitted to the committee, on one of which the receiving handler shall certify to the receipt of such raisins and submit it to the committee within five calendar days after the raisins or the copies of such report have been received by him, whichever is later.

(f) Each handler who obtains an exemption pursuant to § 989.159 (f) for the shipment of gift or specialty packs of raisins shall file with the committee on a copy of the approved application for exemption a report showing the quantity of raisins shipped or disposed of under such exemption. The handler shall file the report promptly after the end of the crop year or after completion by him of all shipments of such exempted raisins, whichever is earlier.

(g) *Reports pertaining to the release of reserve tonnage and marketing policy information.* Upon request of the committee, each handler shall file with the committee on forms furnished by it a report containing such of the following information for each specified varietal type of raisins as the committee may request: (1) The quantity of free tonnage raisins held by him in and outside California as of the date specified in the committee's request, segregated by the portion sold and the portion not sold; (2) the total quantity of raisins expected to be acquired by him subsequent to the date specified by the committee, pursuant to purchase contracts with producers and dehydrators, which are in effect as of the date specified by the committee; (3) the weighted average price paid by him to producers and dehydrators for free tonnage raisins, natural condition basis, during the period specified by the committee and the quantity of raisins for which such average was computed; (4) the quantity of free tonnage raisins sold or sold and shipped (as to which category the committee shall specify) by him during a period specified by the committee, segregated to show the quantities sold or sold and shipped in (i) domestic markets, including Canada, and (ii) foreign markets, detailed by country; (5) the average weighted f. o. b. sales prices received from sales during a period specified by the committee of raisins in 30 pound fibre cases in domestic markets (including Canada) and the quantity of raisins for which such average prices were computed. Each such report shall be filed not later than the end of the fifth calendar day following either the date of the request by the committee or the ending date of the period to be covered by the report, whichever is later.

(h) *Certificaton of reports.* All reports submitted to the committee pursuant to this part shall be dated, and certified to the United States Department of Agriculture and to the Raisin Administrative Committee as to the truthfulness, accuracy and completeness of the information shown thereon.

(i) *Reporting by non-profit cooperative associations.* Non-profit cooperative associations need not submit door tags, door receipts, weight certificates or other similar documents with its reports as to raisins received or acquired from its members.

(j) *Exemption from filing report.* A handler may be relieved of filing any of the reports required pursuant to paragraph (b) of this section which he shall specify in a written application therefor to the committee stating that no transactions subject to such reports are contemplated for the balance of the crop year: *Provided,* That any such exemption shall remain in effect only so long as said handler has no such transactions subject to such reports.

§ 989.176 *Records.* Each handler shall maintain complete, accurate, and current records of all of his business affairs concerning which he is required to file reports with the committee, and shall maintain such records for at least two years after the termination of the crop year in which the transaction occurred.

§ 989.180 *Assessable tonnage.* During any crop year or any portion of a crop year for which reserve or surplus percentages are not effective, all standard raisins acquired by handlers during such period shall be free tonnage for purposes of levying assessments.

Inasmuch as the latest amendment of said marketing agreement and order (7 CFR Part 989; 21 F. R. 8182) contains, in § 989.66, a portion of current § 989.266, and proposed § 989.166 is intended to implement said § 989.66, it is also proposed to revoke current § 989.266.

Dated: November 14, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9576; Filed, Nov. 18, 1957; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 618]

HIGH DENSITY AIR TRAFFIC ZONES AND AIRPORTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator of Civil Aeronautics proposes to designate the following high density zones and airports at which certain speed and communication requirements shall be applicable in accordance with § 60.18 of the Civil Air Regulations. The proposed designations have been coordinated with the Air Coordinating Committee, Airspace Panel. However, other interested persons may participate in the making of the proposed designations by submitting such written data, views, or arguments as they desire to the Director, Office of Air Traffic Control, Civil Aeronautics Administration, Washington 25, D. C., on or before December 16, 1957.

In view of the foregoing, it is proposed to amend Part 618 as follows:

1. By amending Subpart B by adding the designation of the new high density air traffic zones within the following boundaries:

Chicago, Ill., High Density Air Traffic Zone. All of the airspace extending upwards from the surface to and including an altitude of 3,000 feet above the surface within the following boundaries: Beginning at latitude 42°09'00" North, longitude 88°07'30" West; thence to latitude 41°48'00" North, longitude 88°01'30" West; thence to latitude 41°40'00" North, longitude 88°00'00" West; thence to latitude 41°40'00" North, longitude 87°27'00" West; thence north along the west shore of Lake Michigan to latitude 42°13'15" North, longitude 87°48'30" West; thence to the point of beginning.

Dallas-Fort Worth, Tex., High Density Air Traffic Zone. All of the airspace extending upwards from the surface to and including an altitude of 3,000 feet above the surface within the following boundaries: Beginning at latitude 32°59'50" North, longitude 97°31'25" West; thence east to latitude 32°59'50" North, longitude 96°56'30" West; thence clockwise around the arc of an 11½ mile radius circle centered at latitude 32°50'58" North, longitude 96°50'52" West on Love Field to latitude 32°41'00" North, longitude 96°50'00" West; thence south to latitude 32°39'00" North, longitude 96°50'00" West; thence west to latitude 32°39'00" North, longitude 97°05'00" West; thence west southwest to latitude 32°35'20" North, longitude 97°24'40" West; thence west to latitude 32°35'25" North, longitude 97°28'50"; thence north along the current western boundaries of Carswell Air Force Base control zone and control zone extensions (published in § 601.2029 of this chapter), to latitude 32°59'50" North, longitude 97°31'25" West, the point of beginning.

2. By amending Subpart C by adding the designation of the following high density airports:

Chicago—Midway Airport, Chicago, Ill.
Chicago—O'Hare International Airport, Chicago, Ill.
Glenview Naval Air Station, Glenview, Ill.
Love Field, Dallas, Tex.
Hensley Naval Air Station, Dallas, Tex.
Greater Fort Worth International (Amon Carter) Airport, Fort Worth, Tex.
Carswell Air Force Base, Fort Worth, Tex.

(Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 12, 1957.

[F. R. Doc. 57-9519; Filed, Nov. 18, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12251; FCC 57-1251]

TELEVISION BROADCAST STATIONS; PANAMA CITY, FLA.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, Panama City, Florida, Docket No. 12251.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on September 27, 1957, by WKRG-TV, Inc., requesting rule making to amend § 3.606 *Table of assignments,* Television Broadcast Stations, so as to assign Channel 13 to Panama City, Florida, as follows:

City	Channel No.	
	Present	Proposed
Panama City, Fla.	7+, *30, 36+	7+, 13, *30, 36+

3. WKRG-TV, Inc. submits that there is only one statio in operation in Panama City, WJDM on Channel 7, and that there are no applications on file for the UHF channels; that Panama City is an important and rapidly growing community and therefore needs a second local channel; that there are virtually no UHF receivers in the area and it is unlikely that any UHF station will be constructed in the foreseeable future; that the proposal conforms to the Rules; that there is an area in which transmitter sites are available; and that an application will be filed for the assignment in the event it is adopted by the Commission. The area where transmitter sites could be located is centered about 30 miles east of Panama City, with the nearest point to Panama City about 23 miles from the city.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment proposed by petitioner is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 16, 1957, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: November 13, 1957.

Released: November 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9547; Filed, Nov. 18, 1957; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11757; FCC 57M-1122]

TELEVISION BROADCAST STATIONS, EVANSVILLE, IND., AND LOUISVILLE, KY.; TABLE OF ASSIGNMENTS

ORDER DIRECTING PARTIES TO APPEAR AT PRE-HEARING CONFERENCE

In the matters of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, Evansville, Indiana, and Louisville, Kentucky, and order directing Evansville Television, Inc., to show cause why its authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7; Docket No. 11757.

It is ordered, This 13th day of November 1957, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10 o'clock a. m., December 2, 1957.

Released: November 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9548; Filed, Nov. 18, 1957; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 672]

[Administrative Order 494]

CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

RESIGNATION AND APPOINTMENT OF INDUSTRY COMMITTEE EMPLOYER MEMBER

Arturo Diaz, Jr., of Rio Piedras, Puerto Rico, appointed employer member of Industry Committee No. 35-B by Administrative Order No. 492 (22 F. R. 8265), has resigned from Industry Committee No. 35-B. The Secretary of Labor pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Henry C. Rexach, of Santurce, Puerto Rico, to serve in the place of Arturo Diaz, Jr. on such committee for the employers.

Signed at Washington, D. C., this 14th day of November 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-9574; Filed, Nov. 18, 1957; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957; Supp. 173]

PENNSYLVANIA THRESHERMAN & FARMERS' MUTUAL CASUALTY INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

NOVEMBER 13, 1957.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of $975,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Pennsylvania Threshermen & Farmers' Mutual Casualty Insurance Company, Harrisburg, Pennsylvania.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9542; Filed, Nov. 18, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIA LIGUORI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Maria Liguori, Rome, Italy; Maria Sette Liguori, Rome, Italy; Marcella Liguori, Rome, Italy; Valerie Liguori, Rome, Italy; Germana Liguori, Rome, Italy; An undivided two-fourteenths interest to Maria Liguori and an undivided two-fourteenths interest to Maria Sette Liguori, Marcella, Valerie and Germana Liguori in the property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,270,320; subject, however, to the royalty free, non-exclusive License Agreement dated March 7, 1944 (License No. 580) by and between the Alien Property Custodian and Lewyt Corporation, Brooklyn, New York relating to the above patent and the royalty free, non-exclusive License Agreement dated July 7, 1945 (License No. 1501) by and between the Alien Property Custodian and the Raytheon Manufacturing Company, Newton, Massachusetts relating to the aforesaid patent. Claim No. 62994. Vesting Order No. 201.

Executed at Washington, D. C., on November 12, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9545; Filed, Nov. 18, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 6400-9, between the member lines of the Pacific Coast River Plate Brazil Conference, modifies the basic agreement of that conference (No. 6400, as amended) to provide that member lines and their agents shall not represent any vessel in the trade covered by the agreement other than those operated for the account of a member line, except as husbanding agents or as agents for vessels loading full or partial cargoes of open-rated commodities, or as may be agreed by unanimous vote of the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 14, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9572; Filed, Nov. 18, 1957; 8:54 a. m.]

MITSUI STEAMSHIP CO. AND BULL INSULAR LINE, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8254, between Mitsui Steamship Company, Ltd., and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from the Far East to Puerto Rico, with transshipment at New York.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 14, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9569; Filed, Nov. 18, 1957; 8:54 a. m.]

MEMBER LINES OF NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 5850-2, between the member lines of the North Atlantic Westbound Freight Association, modifies the basic agreement of that conference (No. 5850, as amended) to provide that freight and charges payable in the U. S. A. shall be collected at the current rate of exchange in New York as of the date of the vessel's sailing from the final port of loading in the U. K., rather than as of the date of the vessel's entry at Custom House at the port of discharge as presently provided in Agreement No. 5850, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 14, 1957.

By order of the Federal Maritime Board.

GEO. H. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9570; Filed, Nov. 18, 1957; 8:54 a. m.]

NORTHERN PAN AMERICA LINE AKTIESELSKAB ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8257, between The Northern Pan America Line Aktieselskab, Aktieselskabet Sobral, and the carriers comprising the A. P. Moller-Maersk Line joint service, covers the establishment and maintenance of a joint cargo and passenger service, under the trade name "Gulf West Africa Line", in the trade between U. S. Atlantic and Gulf ports and ports on the West Coast of Africa not south of Angola, including Azores, Cape Verde Islands, Madeira and Canary Islands.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 14, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9571; Filed, Nov. 18, 1957; 8:54 a. m.]

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 150-8, between the member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic agreement of that conference (No. 150, as amended) to exclude member lines' own branch offices from the provision limiting member lines to only one office of their own or one agent or sub-agent at any one port in Japan, Okinawa or Korea.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 14, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9573; Filed, Nov. 18, 1957; 8:54 a. m.]

[Docket No. M-81]

BOSTON SHIPPING CORP.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT TWO N3-M-A1 TYPE VESSELS

Notice is hereby given that a public hearing will be held before Examiner Arnold J. Roth pursuant to section 5 (e), Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong., 50 U. S. C. App., 1738), on December 10, 1957, at 10:00 a. m., in Room 4519, New General Accounting Office Building, Washington, D. C., upon the application of Boston Shipping Corp. to bareboat charter two N3-M-A1 type vessels for employment in servicing off-shore oil rigs in the Gulf of Mexico.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately-owned, American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately owned vessels against competition from the vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present, and oral argument may be had before Examiner Roth at the conclusion of the receipt of evidence, in lieu of briefs. An initial decision will be issued. The time for filing exceptions thereto is hereby restricted to fifteen (15) days, and no replies to exceptions will be received.

Dated: November 14, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-9520; Filed, Nov. 18, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

NOTICE OF REVIEW OF ATOMIC ENERGY PATENT PROGRAM

Notice is hereby given that the Atomic Energy Commission is currently reviewing its entire patent program. In order to effectively reevaluate this program, the Commission is considering holding a public meeting at a later date at which time persons will be given an opportunity to express their views. To assist the Commission in determining the matters to be discussed at such a meeting, the Commission would appreciate receiving written comments from any person concerning problems or suggestions as to the patent program in the atomic energy field. Further, any person wishing to make an oral presentation of his views should so indicate. Communications concerning these matters should be submitted within thirty days after filing of this notice in the FEDERAL REGISTER. Such communications should be addressed to the Atomic Energy Commission, Office of the General Counsel, Washington 25, D. C., Attention, Patent Branch.

Dated at Washington, D. C., this 8th day of November 1957.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 57-9543; Filed, Nov. 18, 1957; 8:49 a. m.]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

NOTICE OF FINDINGS AND ORDER, AND ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that pursuant to an order of the Atomic Energy Commission dated October 31, 1957, in the above-entitled matter, a construction permit was issued on November 4, 1957, to Yankee Atomic Electric Company, in the form annexed to said order, authorizing the construction of a pressurized light water-moderated and -cooled reactor to produce 134,000 kilowatts of electrical energy, as described in the application for license. The Commission order is set out below. A "Memorandum of Opinion of the Commissioners", issued in connection with the order, is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 12th day of November 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ATOMIC ENERGY COMMISSION

In the matter of Yankee Atomic Electric Company.

At a session of the Atomic Energy Commission held in Washington, D. C., on the 30th day of October 1957, Chairman Lewis L. Strauss and Commissioners Willard F. Libby, Harold S. Vance, John S. Graham, and John F. Floberg present, it appeared that:

On July 9, 1958, Yankee Atomic Electric Company filed its application for a license under section 104 b. of the Atomic Energy Act of 1954, as amended, to construct and operate a nuclear reactor. Amendments to the application were filed on January 22, February 1, April 16, July 19, and September 3, 1957. An application was filed by the applicant on October 8, 1957, pursuant to § 50.12 of the Commission's regulations, for a temporary exemption from the financial requirements of §§ 50.40 (b) and 50.60 (c) (2). No petitions for leave to intervene were filed. Statements on behalf of the Honorable James T. Patterson, Congressman from the State of Connecticut, the Conol Sales Company, and the New England Council of the CIO-AFL Councils, were received pursuant to § 2.731 of the Commission's rules of practice and made a part of the record. Further, the Commission has received a statement from Carl and Anna Walz and placed this statement in the record pursuant to § 2.731 of the Commission's rules of practice. The report of the Advisory Committee on Reactor Safeguards, dated September 16, 1957, with respect to the application and amendments thereto, has been duly made available to the public and incorporated in the record herein.

Pursuant to section 189a of the Atomic Energy Act of 1954, as amended, a hearing was duly held on the application, as amended, on October 8 and 24, 1957.

Upon due consideration of the foregoing, the evidence adduced at the hearing, and the stipulations of the parties entered into at the hearing, and in light of the considerations expressed in the annexed memorandum of opinion of the Commissioners,

It is found that:

A. The reactor proposed by Yankee Atomic Electric Company (hereinafter "Yankee") will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. Yankee proposes to utilize the reactor in the conduct of research and development activities leading to the demonstration of the practical value of that type of reactor for industrial and commercial purposes.

C. Yankee and its contractors, Westinghouse Electric Corporation and Stone & Webster Engineering Corporation, are technically qualified to design and construct the proposed reactor.

D. There is sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public; and that additional information required to complete the application will be supplied. The Commission believes that the applicant has identified the subjects which should be further investigated and that the plans described for carrying out these investigations will produce the information which will be needed prior to consideration of final design and operating procedures and conversion of this construction permit to a license.

E. The issuance of a construction permit to Yankee will not be inimical to the common defense and security or to the health and safety of the public.

F. Although the evidence submitted by Yankee to date does not justify a finding with respect to the financial qualifications of Yankee, good cause has been shown why the applicant should be granted an exemption for a temporary period from the financial requirements of §§ 50.40 (b) and 50.60 (c) (2). Accordingly the continued effectiveness of the construction permit will be conditioned upon a further showing in this regard as stated in the construction permit.

It is ordered, That a construction permit be issued to the applicant in the form annexed hereto.

Dated: October 31, 1957.

ATOMIC ENERGY COMMISSION,
[SEAL] W. B. McCOOL,
Secretary.

CONSTRUCTION PERMIT

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Yankee Atomic Electric Company (hereinafter "Yankee") to construct a utilization facility in accordance with the application and amendments thereto. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954, as amended, and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is December 1959. The latest date for the completion of the reactor is June 1961. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Rowe, Massachusetts, described in the application.

C. The general type of facility authorized for construction is a pressurized light water-moderated and -cooled reactor to produce 134,000 kilowatts of electrical energy, as described in the application.

D. Unless, within twelve months from the date of this construction permit, Yankee submits sufficient information relating to its financial resources to enable the Commission to make a finding that the company has adequate financial resources to meet the requirements of the law and regulations, this permit shall expire: *Provided*, That the Commission may for good cause shown extend the time for the submission of such data.

E. The applicant may proceed to design and construct the proposed reactor without further authorization in accordance with the application and amendments thereto. However, this does not constitute final approval of any technical specification of the reactor. Before the license is issued to operate the facility, the Commission must finally approve all technical specifications. If the applicant desires final approval of any particular technical specification prior to the issuance of the license to operate, he may request that the Commission grant specific approval of any technical specification by appropriate amendment to this permit.

This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Yankee has submitted to the Commission (by proposed amendment to the application) the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph A above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, upon filing of proof of financial protection and execution of an indemnification agreement as required by section 170 of the act and the Commission's regulations, and upon a finding that the facility authorized has been constructed in conformity with the application as amended, and in conformity with the provisions of the act and the rules and regulations of the Commission and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the act, the Commission will issue a Class 104 license to Yankee pursuant to section 104 (b) of the act, which license shall expire forty (40) years after the date of this construction permit.

Pursuant to § 50.50 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Yankee for use in connection with the reactor, 6,052 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in Yankee's application for the license. Estimated schedules of special nuclear material transfers to Yankee and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Yankee in accordance with column 2 in Appendix "A" will be conditioned upon Yankee's return to the Commission of material substantially in accordance with column 3 of Appendix "A".

For the Atomic Energy Commission.

———,
Director,
Division of Civilian Application.

APPENDIX "A" TO CONSTRUCTION PERMIT

ESTIMATED SCHEDULE OF TRANSFER OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO YANKEE AND TO THE COMMISSION FROM YANKEE

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Yankee a kgs. U-235	(3) Returns by Yankee to AEC (kilograms U-235)		(4) Net yearly distribution kgs. U-235	(5) Cumulative distribution kgs. U-235
		Recoverable scrap b	Spent fuel b		
1960	710.06			710.06	710.06
1961	322.66	61.36		261.30	971.36
1962	1,142.44	145.86	609.90	386.68	1,358.04
1963	356.98	28.34	230.85	97.79	1,455.83
1964	356.98	28.34	230.85	97.79	1,553.62
1965	713.96	56.68	461.70	195.58	1,749.20
1966	356.98	28.34	230.85	97.79	1,846.99
1967	713.96	56.68	461.70	195.58	2,042.57
1968	356.98	28.34	230.85	97.79	2,140.36
1969	713.96	56.68	461.70	195.58	2,335.94
1970	356.98	28.34	230.85	97.79	2,433.73
1971	356.98	28.34	230.85	97.79	2,531.52
1972	713.96	56.68	471.70	195.58	2,727.10
1973	356.98	28.34	230.85	97.79	2,824.89
1974	713.96	56.68	461.70	195.58	3,020.47
1975	356.98	28.34	230.85	97.79	3,118.26
1976	713.96	56.68	461.70	195.58	3,313.84
1977	356.98	28.34	230.85	97.79	3,411.63
1978	356.98	28.34	230.85	97.79	3,509.42
1979	713.96	56.68	461.70	195.58	3,705.00
1980	356.98	28.34	230.85	97.79	3,802.79
1981	713.96	56.68	461.70	195.58	3,998.37
1982	356.98	28.34	230.85	97.79	4,096.16
1983	713.96	56.68	461.70	195.58	4,291.74
1984	356.98	28.34	230.85	97.79	4,389.53
1985	356.98	28.34	230.85	97.79	4,487.32
1986	713.96	56.68	461.70	195.58	4,682.90
1987	356.98	28.34	230.85	97.79	4,780.69
1988	713.96	56.68	461.70	195.58	4,976.27
1989	356.98	28.34	230.85	97.79	5,074.06
1990	713.96	56.68	461.70	195.58	5,269.64
1991	356.98	28.34	230.85	97.79	5,367.43
1992	356.98	28.34	230.85	97.79	5,465.22
1993	713.96	56.68	461.70	195.58	5,660.80
1994	356.98	28.34	230.85	97.79	5,758.59
1995	713.96	56.68	461.70	195.58	5,954.17
1996	356.98	28.34	230.85	97.79	6,051.96
1997			692.55	(692.55)	5,359.41
1998			* 91.52	(91.52)	5,267.89

* 2.6 percent.
b 1.9 percent except for (*) which is 2.6 percent.

[F. R. Doc. 57-9567; Filed, Nov. 18, 1957; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8641]

FLYING TIGER LINE, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 2, 1957, at 10:00 a. m., e. s. t., in Room 1064, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., November 13, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9579; Filed, Nov. 18, 1957; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11982, etc.; FCC 57M-1117]

ENTERPRISE BROADCASTING CO. ET AL.

ORDER SCHEDULING FURTHER PREHEARING CONFERENCE

In re application of Enterprise Broadcasting Company, Fresno, California; Docket No. 11982, File No. BP-10319; Air Waves Incorporated (KONG), Visalia, California; Docket No. 11983, File No. BP-10432; Radio Dinuba Company (KRDU), Dinuba, California; Docket No. 11984, File No. BP-10735; for construction permits.

It is ordered, This 12th day of November 1957, that a further prehearing conference in the above-entitled matter will be held at 10:00 a. m., December 12, 1957, in the offices of the Commission at Washington, D. C.

Released: November 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9549; Filed, Nov. 18, 1957; 8:50 a. m.]

[Docket No. 12098 etc.; FCC 57M-1116]

MOUNTAIN VIEW BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Mountain View Broadcasting Company, Jonesboro, Tennessee; Docket No. 12098, File No. BP-10900; Eugene Slatkin and Boyce H. Hanna, d/b as Cleveland County Broadcasting Company, Shelby, North Carolina; Docket No. 12099, File No. BP-11062; L. C. Young, tr/as Scott County Broadcasting Co., Gate City, Virginia; Docket No. 12100, File No. BP-11082; Daniel Gabriel and Arnold H. Johnson d/b as Lee County Broadcasting Company, Pennington Gap, Virginia; Docket No. 12101, File No. BP-11141; for construction permits.

Upon oral motion made by counsel for Cleveland County Broadcasting Company, on November 12, 1957, with the agreement of all other counsel in the above-entitled proceeding, and for good cause shown, the hearing presently scheduled for November 13, 1957, at 9:15 a. m., be and the same is hereby continued to November 22, 1957, at 10 o'clock a. m.

Dated this 12th day of November 1957.

Released: November 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9550; Filed, Nov. 18, 1957; 8:50 a. m.]

[Docket Nos. 12124, 12125; FCC 57M-1121]

GEOFFREY A. LAPPING AND PHOENIX BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Geoffrey A. Lapping, Phoenix, Arizona; Docket No. 12124, File No. BP-10963; Harold Lampel and Dawkins Espy d/b as Phoenix Broadcasting Company, Phoenix, Arizona; Docket No. 12125, File No. BP-10964; for construction permits.

It is ordered, This 13th day of November 1957, on the Hearing Examiner's own motion, that hearing in this proceeding, now tentatively scheduled for December 2, 1957, be, and the same is hereby, continued to December 4, 1957, at the Commission's offices in Washington, D. C., at 10 o'clock a. m.

Released: November 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9551; Filed, Nov. 18, 1957; 8:50 a. m.]

[Docket No. 12196 etc.; FCC 57M-1120]

RADIO VOICE OF NEW HAMPSHIRE, INC. (WMUR-TV) ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of The Radio Voice of New Hampshire, Inc. (WMUR-TV), Manchester, New Hampshire; Docket No. 12196, File No. BRCT-130; for renewal of license. In re application of The Radio Voice of New Hampshire, Inc. (WMUR-TV), Manchester, New Hampshire; Docket No. 12197, File No. BLCT-488; for license to cover construction permit. In re application of Television for New Hampshire, Inc., Manchester, New Hampshire; Docket No. 12198, File No. BPCT-2290; for construction permit for a television broadcast station.

It is ordered, This 13th day of November 1957, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of Section 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 2 o'clock p. m., November 27, 1957.

Released: November 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9552; Filed, Nov. 18, 1957; 8:51 a. m.]

[Docket Nos. 12235, 12236; FCC 57M-1119]

LOUISIANA PURCHASE CO. AND SIGNAL HILL TELECASTING CORP.

NOTICE OF PREHEARING CONFERENCE

In re applications of Louisiana Purchase Company, St. Louis, Missouri; Docket No. 12235, File No. BPCT-2295; for construction permit for a new television broadcast station. Signal Hill Telecasting Corporation, St. Louis, Missouri; Docket No. 12236, File No. BMPCT-4615; for modification of construction permit.

A prehearing conference will be held Wednesday, December 4, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Dated: November 13, 1957.

Released: November 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9553; Filed, Nov. 18, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9873, etc.]

SUPERIOR OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 13, 1957.

In the matters of The Superior Oil Company, Docket No. G-9873; Natural Gas Pipeline Company of America, Docket No. G-10197; Texoma Production Company, Docket No. G-10198; Sohio Petroleum Company, Docket No. G-10274; Stanolind Oil and Gas Company (now Pan American Petroleum Corporation), Docket No. G-10301; United Producing Company, Inc., Docket No. G-10606.

Take notice that there has been filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities necessary for receiving and transporting natural gas in interstate commerce for resale and for the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the respective applications, which are on file with the Commission and open to public inspection.

On April 3, 1956, Texoma Production Company (Texoma), an independent producer, filed an application in docket No. G-10198 for a certificate authorizing the sale of natural gas to Natural Gas Pipeline Company of America (Natural Gas Pipeline) from its well (State School Land No. 1) located in Sec. 5-T4N-R23ECM, Beaver County, Oklahoma, pursuant to a gas sales contract dated February 3, 1956.

On January 16, April 16, and April 23, 1956, Superior Oil Company (Superior), Sohio Petroleum Company (Sohio), and Stanolind Oil and Gas Company, now Pan American Petroleum Corporation (Pan American), independent producers, filed in docket Nos. G-9873, G-10274, and G-10301, respectively, their applications for certificates authorizing the sale of natural gas to Natural Gas Pipeline from production from their respective interests in the McFarland Gas Unit No. 1, located in NW/4 of Sec. 33-T5N-R23 ECM, Beaver County, Oklahoma. Both Superior's and Sohio's contracts are dated December 1, 1955. Pan American's contract with Natural Gas Pipeline is dated January 27, 1956.

United Producing Company, Inc. (United Producing), an independent producer, filed its application on June 18, 1956, in docket No. G-10606, for a certificate authorizing the sale of natural gas to Natural Gas Pipeline from its production from Sec. 22 T5N, R23ECM, Beaver County, Oklahoma, under a gas sales contract dated December 1, 1955, as ratified January 31, 1956.

Natural Gas Pipeline, having its principal place of business in Chicago, Illinois, filed its application on April 3, 1956, in docket No. G-10197, for a certificate authorizing the construction and operation of approximately 7,500 feet of 4-inch supply lateral pipeline extending from a proposed main line tap on its existing main transmission line in Beaver County, Oklahoma, to a meter station to be located in Sec. 5-T4N-R23ECM, Beaver County, Oklahoma. The proposed facilities will be used to receive and transport the natural gas which is the subject of these consolidated proceedings, as well as other production in the area.

The estimated total cost of the proposed facilities of Natural Gas Pipeline is $53,000, which will be financed from company funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under

the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9554; Filed, Nov. 18, 1957; 8:51 a. m.]

[Docket Nos. G-10260, G-10531]

PACIFIC NORTHWEST PIPELINE CORP. AND UNION PACIFIC RAILROAD CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 13, 1957.

In the matters of Pacific Northwest Pipeline Corporation, Docket No. G-10260; Union Pacific Railroad Company, Docket No. G-10531.

Take notice that Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation with its principal place of business in Salt Lake City, Utah, and Union Pacific Railroad Company (Union), an independent producer, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities for receiving and transporting natural gas and for the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

On April 13, 1956, Pacific filed in Docket No. G-10260 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.12 miles of 6-inch lateral supply pipeline to extend from a point on Pacific's existing 26-inch main transmission line in Rio Blanco County, Colorado, to a point of connection at the outlet of the existing Rangely Gasoline Plant in the Rangely Field, Rio Blanco County, Colorado, together with a 220 horsepower compressor station and necessary appurtenances. These proposed facilities will enable Pacific to buy and receive residue gas at the outlet of the existing Rangely Gasoline Plant produced by Union.

The estimated total cost of the proposed facilities is $156,792, which cost is to be financed from available funds.

On June 7, 1956, Union filed in Docket No. G-10531 an application for a certificate of public convenience and necessity covering the aforesaid sale of gas to Pacific to be made pursuant to a gas sales contract dated April 25, 1955, between Pacific and Union.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 17, 1957 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9555; Filed, Nov. 18, 1957; 8:51 a. m.]

[Docket Nos. G-10422, G-10466, G-10467]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 13, 1957.

Take notice that Mississippi River Fuel Corporation (Applicant), a Delaware corporation with its principal place of business in St. Louis, Missouri, filed applications in the above-designated proceedings, pursuant to section 7 of the Natural Gas Act, for authority to render natural gas service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

In docket No. G-10422, filed on May 17, 1956, Applicant proposes to sell Natural gas in interstate commerce to Texas Eastern Transmission Corporation for resale, under a contract dated April 12, 1956, covering certain acreage in the Bethany-Longstreet Field Area, De Soto Parish, Louisiana.

Applicant, in docket No. G-10466, filed on May 24, 1956, seeks authority to sell natural gas in interstate commerce to Tennessee Gas Transmission Company for resale under a contract dated April 2, 1956, covering acreage in the La Rosa Field, Lafourche Parish, Louisiana.

In docket No. G-10467, filed on May 24, 1956, Applicant seeks authority to sell natural gas in interstate commerce to Tennessee Gas Transmission Company for resale under a contract dated January 4, 1956, covering certain acreage in the Little Lake Field, Jefferson Parish, Louisiana.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9556; Filed, Nov. 18, 1957; 8:51 a. m.]

[Docket Nos. G-13289, G-3646]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 13, 1957.

Take notice that on September 18, 1957, The Texas Company (Applicant), a Delaware corporation, having its principal place of business in Houston, Texas, filed an application for a certificate of public convenience and necessity in Docket No. G-13289 for authorization to sell natural gas to United Fuel Gas Company (United), pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to United from its interest in the so-called "6300 foot sand" in the Erath Field, Vermilion Parish, Louisiana, pursuant to a letter agreement dated July 5, 1957, which dedicates natural gas produced from such sand to a basic sales contract between the two parties dated September 10, 1952. Applicant was previously authorized in Docket No. G-3646 to sell gas under the aforesaid basic contract of September 10, 1952, covering its interest in the Erath Field.[1] The gas from the 6300 foot sand will be delivered by Applicant at a point specified in the basic Erath contract or at some other mutually agreeable site in the subject field into the facilities of Gulf Interstate Gas Company (Gulf). Gulf will transport such gas for the account of United and deliver same into United's facilities at points in Kentucky. Gulf's facilities were authorized in Docket No. G-2058.

The letter agreement with United, dated July 5, 1957, increases the daily contract quantity specified in the basic contract, and dedicates to the increased contract quantity reserves in a new sand (6300 feet) in the Erath Field, Vermilion Parish, Louisiana. Applicant proposes to deliver the additional contract quantity under the terms and conditions of the original contract. It appears that the letter agreement of July 5, 1957, provides for the sale of additional gas by Applicant to United from reserves in a different geological sand in the Erath Field and amounts to an increase in volumetric obligation covered under Applicant's existing rate schedule.

This proposed amendment to the certificate issued to Applicant in Docket No. G-3646 should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1957; at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9557; Filed, Nov. 18, 1957; 8:51 a. m.]

[1] A unit created by a Unit Operating Agreement of June 1, 1942.

[Docket No. G-13664]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 8, 1957.

Sun Oil Company (Sun) on October 10, 1957, filed a request for reconsideration of the Commission's action of September 13, 1957, rejecting Sun's application for a certificate of public convenience and necessity in Docket No. G-13059 and rejecting Sun's filing of its contract, dated August 1, 1957, providing for sales to Southern Natural Gas Company (Southern Natural) of natural gas produced from Gwinville Field, Jefferson Davis County, Mississippi, at a proposed rate of 20¢ per Mcf, which it submitted as an initial rate schedule. By separate order issued concurrently herewith we have denied such motion for reconsideration.

As an alternative to the motion for reconsideration, Sun tendered the above-mentioned contract of August 1, 1957, as a proposed change in rate, with a notice of the change[1] which have been designated as Supplements Nos. 3 and 4 to Sun's FPC Gas Rate Schedule No. 55.

In support of the proposed increased rates of 20¢ per Mcf, Sun states the price was determined by bargaining at arm's length and constitutes an integral part of the contract consideration. Sun further states the price does not exceed the market price, market value, or commodity value of gas in the area and is just and reasonable, particularly in view of the long term of the contract and the nature and location of the gas reserves.

The increased rates and charges tendered by Sun have not been shown by Sun to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the supplements above described be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until April 10, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided in §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Digby dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9558; Filed, Nov. 18, 1957; 8:52 a. m.]

[1] Notice of Change dated October 9, 1957, filed October 10, 1957.

[Docket No. G-13675]

L. A. DOUGLAS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 13, 1957.

L. A. Douglas (Operator), et al. (Douglas), on October 14, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 10, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 3 to Douglas' FPC Gas Rate Schedule No. 1
Effective date: November 14, 1957 (effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed periodic rate increase, Douglas states that the proposed rate is a matter of contractual obligation resulting from bona fide arm's-length negotiation in a competitive market, and it would be unfair and confiscatory not to approve the rate and at the same time require him to deliver gas without the increase since it would have the effect of depriving him of his property without due process of law. Douglas also states that the prices in the contract are an integral part and constitute a single, indivisible rate and to grant the increase would not adversely affect the competition of gas with other fuels.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Douglas' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18

CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Douglas' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 14, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9559; Filed, Nov. 18, 1957; 8:52 a. m.]

[Docket No. G-9138]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 13, 1957.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation with its principal place of business in Pittsburgh, Pennsylvania, filed an application on July 15, 1955, as supplemented on August 10, 1955, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the replacement of 56.5 miles of 20-inch natural gas transmission line with 30-inch pipeline in Tioga County, Pennsylvania, and Steuben, Chemung, Tompkins, and Schuyler Counties, New York; and the addition of a 2,000 horsepower compressor engine to its Boom Compressor Station in Tioga County, Pennsylvania. The pipeline involved herein extends from Boom Station north to Ithaca.

Applicant states that at present it operates two 20-inch looped natural gas transmission lines, line 1 and line 31, between Boom Compressor Station, Tioga County, Pennsylvania, and Ithaca Compressor Station, Tompkins County, New York, serving principally Syracuse and markets on route. New York Natural proposed to replace line 1 with 30-inch pipe between these stations, a total distance of 56.5 miles. Line 1 has been in continuous service since 1932 and will not sustain high pressures. Applicant proposes immediate replacement of the first 12 miles of this line north of Boom Station, and subsequent replacement of the remainder of the line to Ithaca Station in increments of 17 miles, 14.6 miles, and 12.9 miles during 1956, 1957, and 1958, respectively. New York Natural also plans immediate installation of a 2,000 horsepower engine in the Boom Compressor Station. Boom Station presently discharges gas into lines 1 and 31, which gas is drawn from the southern portion of the system and from the Tioga Gas Storage Pool, at which it is located.

Lines 1 and 31 transport gas for delivery to various resale utility customers, including New York State Electric and Gas Corporation and Niagara Mohawk Power Corporation, distributing gas in various New York State communities, including Ithaca, Syracuse, Schenectady, and Albany. Anticipated peak day deliveries from Boom Station through Applicant's lines 1 and 31 (with the replacement) are estimated to be 401,000 Mcf in 1956 and 502,000 Mcf in 1959, and a maximum potential delivery of 683,000 Mcf per day.

The application states that the existing facilities fall by 17,000 Mcf per day in capacity to meet these estimated peak day demands in 1956 and lack about 118,000 Mcf per day in capacity to meet the estimated peak day demands in 1959, which increased demand is due primarily to the growth of domestic house-heating load in the area served by its wholesale customers.

Total cost of the proposal is estimated at $7,002,800, including $433,000 for purchase and installation of the 2,000 horsepower engine in Boom Station. Expenditures are scheduled as follows:

1955 (including compressor)	$1,823,000
1956	1,978,800
1957	1,699,400
1958	1,501,600
	7,002,800

Applicant will finance the program in part from available funds and in part from notes or stock issued to its parent company, Consolidated Natural Gas Company.

Applicant states the proposed construction will be used to supply natural gas to existing customers under present service agreements and that annual gas revenues will not be increased by the proposed construction except as generally related to the system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 17, 1957 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before December 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9560; Filed, Nov. 18, 1957; 8:52 a. m.]

[Docket No. G-9649]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 13, 1957.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, filed an application on November 14, 1955, as amended on December 27, 1955, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant, by its amended application, seeks authority to construct and operate 6.5 to 6.7 miles of 6-inch pipeline to receive and transport natural gas in interstate commerce produced in the Glenwood Field, Beaver County, Oklahoma.

The natural gas to be transported will be purchased from Orville H. Parker, et al., and J. M. Huber Corporation, which sales have been previously authorized in Docket Nos. G-9655 and G-9871, respectively, by the Commission's order issued May 21, 1956.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9561; Filed, Nov. 18, 1957; 8:52 a. m.]

GULF OIL CORP. AND MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 13, 1957.

In the matters of Gulf Oil Corporation, Operator, Docket No. G-9991; Michigan Wisconsin Pipe Line Company, Docket No. G-9992.

Take notice that Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), a Delaware corporation with its principal place of business in Detroit, Michigan, and Gulf Oil Corporation, Operator (Gulf), an independent producer, filed separate applications, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the construction and operation of certain facilities necessary for receiving and transporting natural gas in interstate commerce for resale and for the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On February 23, 1956, Michigan Wisconsin filed in docket No. G-9992 an application for a certificate authorizing the construction and operation of approximately 8.0 miles of 8⅝ inch O. D. supply lateral together with metering and dehydration facilities extending from the Nichols Field, Kiowa County, Kansas, to its existing Compressor Station No. 2 on its 24-inch main transmission line in Kiowa County, Kansas. In addition, Michigan Wisconsin proposes to construct and operate approximately 5.6 miles of field lines in the Nichols Field, Kiowa County, Kansas, varying in size from 2⅜ inch to 8⅝ inch O. D., together with metering facilities. These proposed facilities will receive gas from Gulf produced in the Nichols Field. The estimated total cost of all proposed facilities is $349,467. The cost is to be financed from company funds.

On February 23, 1956, Gulf filed an application in docket No. G-9991 for a certificate authorizing the sale of natural gas in interstate commerce to Michigan Wisconsin for resale from production in the Nichols Field, Kiowa County, Kansas, under a contract dated January 17, 1956, between Gulf and Michigan Wisconsin.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9562; Filed, Nov. 18, 1957; 8:52 a. m.]

[Docket Nos. 10380, 10421]

EDWIN M. JONES OIL CO. ET AL. AND UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 13, 1957.

In the matters of Henrietta Yerger Jones, d/b/a Edwin M. Jones Oil Company, et al., Docket No. G-10380; United Gas Pipe Line Company, Docket No. G-10421.

Take notice that Henrietta Yerger Jones, d/b/a Edwin M. Jones Oil Company, et al.[1] (Jones, et al.) and United Gas Pipe Line Company (United) filed applications, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the sale of natural gas and the construction and operation of natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On May 17, 1956, United filed in docket No. G-10421 an application for a certificate of public convenience and necessity authorizing the construction and operation of a purchase meter with appurtenant facilities to be installed on United's existing 20-inch transmission line in Karnes County, Texas, in order to receive gas produced by Jones, et al., in the North Hondo Creek Field, Karnes County, Texas. The estimated total cost of $3,200 is to be financed from company funds.

On May 10, 1956, Jones, et al., filed in docket No. G-10380 an application for a certificate of public convenience and necessity covering its sale of gas from the North Hondo Creek Field to be made pursuant to a contract dated March 12, 1956, as supplemented April 13, 1956, between United and Jones, et al.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9563; Filed, Nov. 18, 1957; 8:53 a. m.]

[1] "Et al." includes Nancy Lewis Welsh joined pro forma by her husband, James R. Welsh, Van Lewis, W. Earl Rowe, Preston G. Northrup, Field M. Davis, Joe W. Bates, M. E. Forney, Charles J. Worrell, and Robert N. Throop; all of whom are signatory parties, together with Henrietta Yerger Jones, d/b/a Edwin M. Jones Oil Co., to sales contract involved.

[Docket No. G-11529]

HOME GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 13, 1957.

Take notice that on November 26, 1956, Home Gas Company (Applicant) a New York corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate 2.7 miles of 6-inch pipeline within the Town of Owego, Tioga County, New York to replace an existing 3-inch and 4-inch line for the sale and delivery of gas to New York State Electric and Gas Corporation (New York Electric) for resale in the Village of Owego and vicinity. In connection therewith, Applicant requests permission, under section 7 (b) of the Natural Gas Act, to abandon the existing 3-inch and 4-inch line, which it proposes to replace.

The estimated gas requirements of the Owego area of New York Electric are as follows:

Year	1955	1956	1957	1958
	Mcf.	*Mcf.*	*Mcf.*	*Mcf.*
Peak day		1,424	1,700	1,700
Annual	179,653	193,761	204,900	216,400

The estimated cost of the proposed construction is $66,000. It is estimated that by reason of the retirement of 2.57 miles of 3-inch and 4-inch line there will be a credit to fixed capital of $9,800; that the cost of retirement will be $100, and that there will be salvage amounting to $100. The proposed construction will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 12, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9564; Filed, Nov. 18, 1957; 8:53 a. m.]

[Docket No. G-13676]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 13, 1957.

Magnolia Petroleum Company (Magnolia), on October 15, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 43.
Effective date: November 15, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Magnolia states arm's-length bargaining resulted in an installment price schedule for the long term of the contract; denial of the increase would be confiscatory, and increasing costs of exploration, production, and processing of natural gas requires additional revenue.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 43 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 43.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9565; Filed, Nov. 18, 1957; 8:53 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12210.

[Docket No. G-13677]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 13, 1957.

Pan American Petroleum Corporation (Pan American), on October 15, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 14, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 7 to Pan American's FPC Gas Rate Schedule No. 79.
Effective date: November 15, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Pan American states that the proposed rate is a matter of contractual obligation resulting from bona-fide arm's-length negotiation in a competitive market, and it would be unfair and confiscatory not to approve the rate and at the same time require it to deliver gas without the increase since it would have the effect of depriving it of its property without due process of law. Pan American also states that the prices in the contract are an integral part and constitute a single, indivisible rate and to grant the increase would not adversely affect the competition of gas with other fuels. Pan American submitted a copy of a letter agreement with United Gas Pipe Line Company providing for the redetermined rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Pan American's FPC Gas Rate Schedule No. 79 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Pan American's FPC Gas Rate Schedule No. 79.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9566; Filed, Nov. 18, 1957; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-670]

SPRINGFIELD SECURITIES CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

NOVEMBER 13, 1957.

Notice is hereby given that Springfield Securities Corporation ("Springfield") a corporation organized under the laws of the State of Massachusetts on January 23, 1945, and which is registered under the Investment Company Act of 1940 ("act") as a closed-end non-diversified investment company, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that Springfield has ceased to be an investment company.

The application recites that the outstanding securities of Springfield consist of three shares of common voting stock, all of a single class and owned by one person. Springfield has no assets other than the $30.00 paid in respect of the three common shares outstanding, and has no liabilities. The company has not made, is not now making and does not presently propose to make a public offering of its securities. Springfield has no plans for liquidation, but it does not presently intend to transact any business.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 27, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9527; Filed, Nov. 18, 1957; 8:47 a. m.]

[File No. 70-3619]

BROCKTON EDISON CO.

NOTICE OF FILING OF AMENDED APPLICATION-DECLARATION REGARDING REQUEST FOR EXEMPTION FROM COMPETITIVE BIDDING OF PROPOSED SALE OF PREFERRED STOCK

NOVEMBER 12, 1957.

Notice is hereby given that Brockton Edison Company ("Brockton"), an exempt holding company and a public utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, has filed an amended application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, designating sections 6 (a) and 7 and Rule U-50 (a) (5) as applicable to the proposed transactions, in respect of an exemption from the competitive bidding requirements of Rule U-50 of the proposed issue and sale of 30,000 shares of preferred stock.

All interested persons are referred to the amended application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

By order issued October 16, 1957, the Commission approved a proposal by Brockton to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 30,000 shares of an initial series of $100 par value cumulative preferred stock. Pursuant to said order, Brockton publicly invited bids to be submitted on October 23, 1957. Two groups qualified, but no bids were received.

Subsequently the Commission, upon the request of Brockton, informally authorized the company to negotiate with underwriters either for a public offering or a private placement of its preferred stock. Pursuant to said authorization Brockton entered into discussions with eight investment houses with the result that two of said firms evidenced no interest in the matter and two were interested only in a private placement. Upon further authorization by the Commission, Brockton entered into negotiations with the four remaining investment houses for a public offering of Brockton's preferred stock, subject to the condition that any proposal resulting from such negotiations be submitted to the Commission for approval.

After consideration of the terms indicated by each of the underwriters with which negotiations were undertaken, the company has determined that the offer submitted by Kuhn, Loeb & Co. provided the best basis for negotiation. The offer submitted by Kuhn, Loeb & Co. indicated that the preferred stock could be sold to the public at par to yield 6 percent, and that the underwriting compensation might vary from a maximum of 2½ percent of the gross amount of the issue to a minimum of 1⅞ percent resulting in a cost of money to the company of between 6.138 percent and 6.115 percent.

Brockton proposes to negotiate a definitive agreement with Kuhn, Loeb & Co. for the underwriting and public sale of the 30,000 shares of preferred stock.

Notice is further given that any interested person may not later than November 27, 1957 request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the amended application-declaration as filed or as it may hereafter be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act of the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9528; Filed, Nov. 18, 1957; 8:47 a. m.]

[File No. 70-3633]

SUBURBAN ELECTRIC CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF BONDS

NOVEMBER 13, 1957.

Notice is hereby given that Suburban Electric Company ("Suburban"), a pub-

lic utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act and Rules U-50 and U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application on file in the offices of the Commission for a statement of the proposed transactions which are summarized as follows:

Suburban proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $4,500,000 principal amount of First Mortgage Bonds ("New Bonds"), Series B, __ percent, to be dated December 1, 1957, and to mature December 1, 1987. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Suburban (which shall not be less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding.

The New Bonds are proposed to be issued under Suburban's First Mortgage Indenture and Deed of Trust dated as of March 1, 1954, to the Old Colony Trust Company, Trustee, as proposed to be supplemented by a First Supplemental Indenture to be dated as of December 1, 1957.

The proceeds from the sale of the New Bonds, exclusive of accrued interest, will be applied to the payment of $4,500,000 of short-term note indebtedness incurred for capitalizable expenditures.

The application states that the Massachusetts Department of Public Utilities has jurisdiction over the proposed issue and sale of securities by Suburban and that an application has been made for approval of the proposed issue and sale and the use of the proceeds therefrom. The application also states that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

If the interest rate on the New Bonds exceeds 6 percent per annum, or such other maximum as may be stated in the order of the Massachusetts Department of Public Utilities, a further order of that Department will be necessary before a sale of the New Bonds may be consummated.

The fees and expenses to be incurred by Suburban in connection with the above transactions are estimated at $45,000, including services of Lybrand, Ross Bros. & Montgomery, accountants, $2,000, and $18,000 payable to New England Power Service Company, an affiliated service company, consisting of $10,000 for legal services, $7,000 for accounting services, and $1,000 for miscellaneous services. The fee and expenses of counsel for the purchasers are to be paid by the successful bidders and will be supplied by amendment.

Notice is further given that any interested person may, not later than November 27, 1957, at 5:30 p. m., request the Commission in writing that hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9529; Filed, Nov. 18, 1957; 8:47 a. m.]

[File. No. 24FW-1115]

UNIVERSAL OIL RECOVERY CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 13, 1957.

I. Universal Oil Recovery Corporation (Universal), a Delaware corporation, 30 North La Salle Street, Chicago 2, Illinois, filed with the Commission on October 3, 1957, a notification on Form 1-A and an offering circular relating to an offering of 12,500 shares of its no par value common stock at $10 per share for an aggregate of $125,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder;

II. The Commission has reasonable cause to believe that no exemption is available under Regulation A for the securities purported to be offered thereunder by Universal in that appropriate escrow arrangements have not been made with respect to 50,000 shares of Universal stock which are presently held by directors, officers and promoters, and such shares, when computed at the proposed public offering price of $10 per share, exceed the $300,000 maximum offering permitted by Regulation A;

III. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. Item 9 of the notification fails adequately to describe transactions involving the original issuance of shares to the promoters, an apparent subsequent reclassification of shares by charter amendment, exchange of reclassified shares for the previously outstanding shares, and the transfer of 15,000 shares of the promoter's personally owned stock in satisfaction of loans to them aggregating $15,000, and exemptions from registration relied upon in connection with such transactions; and

2. The exhibit filed pursuant to Item 11 (a) fails to cover rights attaching to the securities being offered with respect to the nonassessable character of the shares, rights to dividends and upon liquidation and voting rights.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The failure to disclose expenses of the offering to be borne by Universal.

2. The failure to disclose Universal's transactions with its predecessor by which Universal's properties will be acquired and the considerations to be paid by Universal therefor;

3. The failure to disclose the sale by the promoters of 15,000 shares of their personally owned stock to a group of friends and relatives at the price of $1 per share in satisfaction of a loan of $15,000 previously made to the promoters by such persons, whereas public investors are required to pay $10 per share for any shares purchased by them;

4. The failure to disclose whether or not any arrangements have been or will be made to return the funds of purchasers in the event all shares being offered are not sold;

5. The failure to disclose that the offering price of $10 per share, which public investors are required to pay for such shares as they may purchase, is arbitrarily fixed and bears no relationship to the company's present operations and properties, or interests in properties;

6. The cash balance as shown on the Statement of Assets in that it does not reconcile with the difference between cash receipts and cash disbursements;

7. The failure to include the names and addresses of the underwriters of the proposed offering and letters of consent from such underwriters, consenting to being named in the offering circular;

8. The failure to state that $750,000 worth of oil over and above royalty, development costs and operating and overhead charges must be produced in order for a purchaser of the stock being offered to effect the return of his investment;

9. The failure to disclose that a very small portion of the 360 acres involved has apparently ever yielded any oil through primary methods;

10. The failure to include an adequate detailed map which would show the location of all productive wells and all dry holes on the acreage which Universal has under option as well as on the entire area contiguous thereto within a distance of half a mile in every direction from the outer limits of Universal's acreage;

11. The failure to disclose that the fact that such a small portion of the acreage yielded oil through primary production methods renders even more remote the possibility that the leases involved would ever be susceptible to successful waterflooding; and

12. The failure to disclose that not all leases which have produced under primary methods are, by any means, susceptible to successful waterflooding.

IV. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Universal Oil Recovery Corporation and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that, if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9530; Filed, Nov. 18, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 14, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34292: *Iron and steel articles—Sault Ste. Marie, Mich., to Milwaukee, Wis.* Filed by The Duluth, South Shore and Atlantic Railroad Company (No. A-2), for itself and interested rail carriers. Rates on iron and steel articles, carloads from Sault Ste. Marie, Mich., to Milwaukee, Wis.

Grounds for relief: Market competition.

Tariff: Supplement 25 to Duluth, South Shore and Atlantic Railroad Company's tariff I. C. C. 3931.

FSA No. 34293: *Substituted service—Motor and rail, Erie Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 67), for and on behalf of the Erie Railroad Company, General Expressways, Inc., and other interested motor carriers. Rates on property loaded in highway motor-truck trailers and transported in substituted service on railroad flat cars between Chicago, Ill., and Hammond, Ind., on the one hand, and Jersey City, N. J., on the other, on traffic originating at or destined to points beyond the named points reached by applicant motor-truck carriers.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. 17.

FSA No. 34294: *Substituted service—Motor and rail, Erie and N. Y. N. H. & H. R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 68), for the Erie Railroad Company, the New York, New Haven and Hartford Railroad Company, General Expressways, Inc., and other interested motor carriers. Rates on property loaded in highway motor-truck trailers and transported in substituted rail service on railroad flat cars between Chicago, Ill., and Hammond, Ind., on the one hand, and Boston and Worcester, Mass., and Providence, R. I., on the other, on traffic originating at or destined to points beyond the named points reached by applicant motor carriers.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. 17.

FSA No. 34295: *Substituted service—Motor and rail, B. & M., D. & H., and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 69), for the Boston & Maine Railroad, and other interested rail and motor carriers. Rates on property loaded in highway motor-truck trailers and transported in substituted rail service on railroad flat cars between Chicago and East St. Louis, Ill., on the one hand, and Kearny, N. J., or Philadelphia, Pa., on the other, on traffic originating at or destined to points on applicant motor carriers beyond the named points.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. 17.

FSA No. 34296: *Substituted service—Motor and rail, Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 70), for the Pennsylvania Railroad, and the Associated Transport, Inc., and other interested motor carriers. Rates on property loaded in highway motor-truck trailers and transported in substituted rail service on railroad flat cars between Cleveland, Ohio, on the one hand, and Baltimore, Md., Kearny, N. J., and Philadelphia, Pa., on the other on traffic originating at or destined to points reached by applicant motor carriers beyond the named points.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 17.

FSA No. 34297: *Substituted service—Motor and rail, N. H. N. H. & H., and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 71), for the New York, New Haven and Hartford, Railroad Company, The Pennsylvania Railroad Company, The Liberty Motor Freight Lines, Inc., and other interested motor carriers. Rates on property loaded in highway motor-truck trailers and transported in substituted rail service on railroad flat cars between (a) Chicago, East St. Louis, Ill., Cleveland, Ohio, and Indianapolis, Ind., on the one hand, and Providence, R. I., and Worcester, Mass., on the other, and (b) Cincinnati, Toledo, Ohio, Detroit, Mich., and Louisville, Ky., on the one hand, and Boston and Worcester, Mass., and Providence, R. I., on the other.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 17.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9531; Filed, Nov. 18, 1957; 8:48 a. m.]

UNIVERSITY OF MICHIGAN

UNIVERSITY OF MICHIGAN
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 225

Washington, Wednesday, November 20, 1957

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 61, 2d Revision, Supp. 2]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

CITIZENSHIP DECLARATIONS BY OWNERS OR MORTGAGEES OF VESSELS OF UNITED STATES

Section 221.11 is hereby supplemented by adding the following paragraph (e) at the end thereof:

(e) Form MA-4561 for execution by a corporation (specifically applicable to mutual savings banks) not authorized to issue capital stock but in which the voting power is exercised by its members, shall read as follows:

Form MA-4561
(11/57)

U. S. DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION

OWNER OR MORTGAGEE OF VESSEL

(Section 40, Shipping Act, 1916, as amended)

U. S. C., Title 46, Sec. 838, 40 Stat. 902, 62 Stat. 212

DECLARATION OF OFFICER OF MUTUAL SAVINGS BANK*

I _____, of _____, declare that I am [1] _____ of the [2] _____, a corporation organized under the laws of the State of _____, with offices at [3] _____; that said corporation is the owner (or) [4] mortgagee of the vessel, or part thereof, or interest therein,[4] called _____ of _____, official number _____, gross _____, net _____, built [5] in 19 ____, at _____, as appears by _____ No. _____, issued at _____, 19 ____, surrendered [6] _____; that I am a citizen of the United States of America by birth, having been born at _____, _____, on _____ (or) [7] by naturalization before the _____ for _____, _____, on _____, having been issued Naturalization Certificate No. _____; that the president and trustees of said bank are citizens of the United States of America; that said bank has no managing directors, the duties of managing directors being exercised by said trustees; that said bank is not authorized to issue stock; that the entire voting power and control of said bank is vested in the Board of Trustees free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; that through no contract or understanding is it so arranged that any of the voting power of said bank may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States of America; that by no means whatsoever is the control of any interest in said bank conferred upon or permitted to be exercised by any person who is not a citizen of the United States of America.

(Give cause of surrender)
(City) (State)
(Date of birth)
(Name of court)
(District, county, or State)
(Date naturalized)

_____
(Signature)

_____
(Date)

If more than one vessel is involved, only one form of declaration need be filed if by a notation inserted in the clause immediately prior to the clause about the citizenship of declarant, appropriate reference is made to a schedule added to said declaration, in which schedule shall be inserted the name and data of each additional vessel as required for the first vessel, owned by or under mortgage to the party on behalf of whom said declaration is made.

Penalty for false statement. Section 40, Shipping Act, 1916, as amended, provides "Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and

---

*This declaration is to be taken whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented by a corporation to any collector of customs for recording.

[1] Insert "President" or any other duly authorized official thereof, as the case may be.

[2] Insert full corporate name of bank.

[3] Insert business address of bank.

[4] Strike out word or expression not appropriate.

[5] Insert other means whereby vessel became entitled to American registry, when appropriate.

[6] I. e., document now surrendered, or document last surrendered heretofore (U. S. C., Title 46, Sec. 808).

[7] Strike out reference to naturalization if party is a native-born citizen.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both."

(Sec. 204, 46 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: November 15, 1957.

By order of the Acting Maritime Administrator.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9608; Filed, Nov. 19, 1957; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1022-1 Amdt. 4]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments contained herein are issued pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and the provisions of the Agricultural Act of 1956, for the purpose of amending §§ 717.1 and 717.3 of the regulations governing the holding of referenda on marketing quotas contained in §§ 717.1 to 717.14, inclusive (21 F. R. 3960, 4799, 8793; 22 F. R. 2982). Prior to preparing these amendments, public notice, including the text of the proposed amendments, was published in the FEDERAL REGISTER (22 F. R. 8154) in accordance with the provisions of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to these amendments which were submitted pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1956. Some changes have been made in language in these amendments from that contained in the public notice, but the only change in substance which has been made is to add a provision to § 717.3 (a) (4) to make eligible to vote in the wheat referendum on any crop of wheat any producer who has on file with respect to the immediately preceding crop of wheat an application for exemption from marketing quota obligations where all the wheat will be used on the farm as feed, seed, or food, if the exemption has become null and void prior to the date of the referendum because of a violation of any condition of the exemption.

In order that these amendments may be in effect for the referenda on upland cotton and extra long staple cotton to be held on December 10, 1957, it is necessary to waive the 30-day effective date provision of the Administrative Procedure Act. Accordingly these amendments shall become effective upon publication in the FEDERAL REGISTER.

The regulations governing the holding of referenda on marketing quotas are hereby amended in the following respects:

1. Section 717.1 (h) is amended to read as follows:

(h) *Engaged in the production.* The term "engaged in the production" shall include planting a crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. A person shall be deemed to be engaged in the production of a commodity in any year to the extent of the acreage of the commodity in which he would have shared as landlord, tenant, or sharecropper, if the commodity had been produced on acreage deemed to have been devoted in such year to the production of the commodity under section 377 of the Agricultural Adjustment Act of 1938 or section 106 (a) or 112 (2) of the Soil Bank Act, and applicable regulations issued thereunder.

2. Section 717.3 (a) (4), (5) and (6) is amended to read as follows:

(4) *Wheat.* A person shall be eligible to vote in a referendum with respect to wheat marketing quotas for any marketing year if during the calendar year in which such marketing year begins such person will be engaged as owner, operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant or sharecropper in the production of more than 15 acres of wheat for harvest as grain on a farm located in an area not designated at the time of the referendum as being outside the commercial wheat-producing area for such marketing year. Wheat acreage for harvest as grain shall include acreage which will be deemed to have been devoted to the production of wheat under section 377 of the Agricultural Adjustment Act of 1938 or section 106 (a) or 112 (2) of the Soil Bank Act. If a wheat acreage allotment in excess of fifteen acres is established for a farm it shall be presumed that more than fifteen acres of wheat will be produced for harvest as grain in the year for which the allotment is established. No person who signs a form MQ–32 Wheat, Application for Exemption from Provisions of Wheat Marketing Quota Obligations under the Provisions of Public Law 85–203, for any farm with respect to any crop of wheat which is filed with and approved by the county committee shall be eligible to vote in the referendum on the next succeeding crop of wheat, unless prior to the date of the referendum such application is cancelled or the exemption becomes null and void because of a violation of any condition thereof. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible to vote in a referendum.

(5) *Rice.* Farmers eligible to vote in a referendum with respect to rice will be those farmers who, in the continental United States and with respect to the crop of rice harvested immediately preceding the date of the referendum, engaged in the production of irrigated rice, or engaged in the production of more than three acres of non-irrigated rice on a farm, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant (including an irrigation company furnishing water for a share of the crop), or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. A person who obtained a rice allotment with respect to the crop of rice harvested immediately prior to the referendum as a new producer under applicable regulations and did not plant any of such rice allotment shall not be eligible to vote in the referendum.

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who were engaged in the production of more than one acre of peanuts for nuts on a farm in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible to vote in a referendum.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 312, 336, 343, 354, 358, 377, 52 Stat. 46, 55, 56, 61, as amended; 55 Stat. 88; 70 Stat. 206, as amended; secs. 106, 112, 70 Stat. 191, 195; 7 U. S. C. 1312, 1336, 1343, 1354, 1358, 1377, 1824, 1836)

Done at Washington, D. C., this 14th day of November 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9611; Filed, Nov. 19, 1957; 8:54 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[1015.301 Amdt. 3]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date hereinafter specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 1015.301 (b) (1) (22 F. R. 8976) are hereby amended as follows:

(b) *Order.* During the period from November 10, 1957, through December 15, 1957, the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area:

(1) No person shall handle any cucumbers, except for conversion into pickles or relishes, unless such cucumbers meet the requirements of U. S. Fancy, U. S. No. 1, U. S. No. 1 Small, or U. S. No. 1 Large: *Provided,* That during the period from November 20, 1957 through December 1, 1957, both dates inclusive, no person shall handle any cucumbers unless such cucumbers also are not larger than 2½ inches in diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 15, 1957, to become effective November 20, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9610; Filed, Nov. 19, 1957; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 43]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int AVP VOR R-215 and 285 brng to HZL MH.	HZL MH (Final)	Direct	2500	T-dn	300–1	300–1	
				C-d	600–1	600–1	
				C-n	600–2	600–2	
				S-d-27	600–1	600–1	
				S-n-27	600–1½	600–1¼	
				A-dn	NA	NA	

Procedure turn North side of crs, 105 Outbnd, 285 Inbnd, 3500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 285—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi, make 180° left climbing turn to 4000′, return to MH and hold on 105° brng from MH.
AIR CARRIER NOTE: NE-SW runway not authorized.
NOTES: Local weather and voice communications on 122.8 available 08:00—Sunset. ATC communications with Wilkes-Barre Approach Control.

City, Hazleton; State, Pa.; Airport Name, Hazleton; Elev., 1602′; Fac. Class, MH; Ident., HZL; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 Dec. 57

RFD LFR	RKF RBn	Direct	2500	T-dn	300–1	300–1	200–½
JVL VOR	RKF RBn	Direct	2500	C-dn	400–1	500–1	500–1½
Int JVL VOR 223 R and 090 Brng to "H"	RKF RBn	Direct	2000	S-dn-36	400–1	400–1	400–1
Int 054 Brg to RFD LFR and 090 Brg to "H".	RKF BBn	Direct	2000	A-dn	800–2	800–2	800–2
Int 314 Brg to RFD LFR and 270 Brg to "H".	RKF RBn	Direct	2000				

Procedure turn E side of crs, 182 Outbnd, 002 Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 002—4.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.7 miles make right turn, climb to 2000′ proceed to RFD "H".

City, Rockford; State, Ill.; Airport Name, Greater Rockford; Elev., 734′; Fac. Class, H; Ident., RKF; Procedure No. 1, Amdt. 1; Eff. Date, 7 Dec. 57; Sup. Amdt. No. 1; Dated, 11 July 56

2. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LaGuardia LFR	IDL-VOR	Direct	1500	T-dn	300–1	300–1	200–½
New Rochelle RBn	IDL-VOR	Direct	1500	C-dn	600–1	600–1	600–1½
Glen Cove RBn	IDL-VOR	Direct	1500	S-dn-4	600–1	600–1	600–1
Mitchel LFR	IDL-VOR	Direct	1500	A-dn	800–2	800–2	800–2
Paterson RBn	IDL-VOR	Direct	2500				
Scotland RBn	IDL-VOR	Direct	1500				

Terminal Area Radar Transition Altitudes: all directions 2500′ within 25 miles, E of the NE-SW crs of the LaGuardia LFR, 1500′ within 15 miles.
Procedure turn E side of crs, 240 Outbnd, 060 Inbnd, 1300′ within 10 miles.
Minimum altitude, over facility on final approach crs, 600.
Crs and distance, breakoff point to app end rny 4, 043—0.6.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 0 miles, make a right climbing turn to 1500′ and proceed to Lido RBn and hold SW. Contact Idlewild Approach Control for further instructions.
CAUTION: Straight-in landing minimums do not provide standard clearance over 278′ stack 1.7 mi SSE of airport.

City, New York; State, N. Y.; Airport Name, International; Elev., 12′; Fac. Class, VOR; Ident., IDL; Procedure No. TerVOR-4, Amdt. 4; Eff. Date, 7 Dec. 57; Sup. Amdt. No. 4; Dated, 11 May 57

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BIL VOR	LOM	Direct	5300	T-dn*	300–1	300–1	200–½
BIL LFR	LOM	Direct	5300	C-dn	400–1	500–1	500–1½
Park City FM	LOM	Direct	5300	S-dn-9#:			
Lavina FM	LOM	Direct	6000	ILS	200–½	200–½	200–½
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*Takeoff below 300–1 prohibited on all runways except 9–27.
#400–1 required with glide slope inoperative.
Procedure turn S side of crs, 275 Outbnd, 095 Inbnd, 5300′ within 10 miles. NA beyond 10 miles.
Minimum altitude at G. S. int inbound, 5000′ ILS; minimum altitude over LOM inbnd final 4800′ ADF.
Altitude of G. S. and distance to approach end of rny at OM 4935—4.0; at MM 3815—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 5200′ on E crs BIL-LFR within 20 miles.
CAUTION: Standard clearance over obstructions not provided on ADF final approach (terrain 3805′ MSL at BIL VOR). 4183′ msl tower 2.7 mi SE of airport.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3612′; Fac. Class, ILS-BIL; Ident., LOM-BI; Procedure No. ILS-9, Amdt. 3, Comb ILS-ADF; Eff. Date, 7 Dec. 57; Sup. Amdt. No. 2; Dated, 7 Sept. 57

FNO LFR	LOM	Direct	1700	T-dn	300–1	300–1	200–½
FNO VOR	LOM	Direct	1700	C-dn	500–1	500–1	500–1½
Bowles Int (LFR)	LOM	Direct	1700	S-dn-29#:			
Fowler Int (VHF)	LOM	Direct	1700	ILS	200–½	200–½	200–½
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS ##	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

#400–¾ required with glide slope inoperative. 400–1 required when only localizer and either the outer marker or outer compass locator operative.
##800–2 alternate landing minimums with any regular component of ILS inoperative.
Procedure turn S side of crs, 109 Outbnd, 289 Inbnd, 1700′ within 10 miles of LOM. Beyond 10 mi NA. (Nonstandard for more favorable terrain.)
Minimum altitude at G. S. int inbnd, 1700′ ILS, minimum altitude over LOM inbnd final 1000′ ADF.
Altitude of G. S. and distance to approach end of rny at OM 1400—3.8, at MM 535—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM (ADF), climb to 1500′ on course of 289, turn left and climb to 2000′ on W crs of FNO LFR within 20 miles, or climb to 2000′ on R-270 FNO within 20 miles.

City, Fresno; State, Calif.; Airport Name, Air Terminal; Elev. 331′; Fac. Class, ILS-FNO; Ident., LOM-FN; Procedure No. ILS-29, Amdt. 7, Comb. ILS-ADF; Eff. Date, 19 Dec. 57; Sup. Amdt. No. 6; Dated, 16 Mar. 57

LAN VOR	Grand Ledge Int	Direct	2000	T-dn	300–1	300–1	200–¼
LAN LFR	Grand Ledge Int	Direct	2200	C-dn	400–1	500–1	500–1¼
Int W crs LAN ILS and LAN R-293	Grand Ledge Int (Final)	Direct	1500	S-dn-9	400–1	400–1	400–1
LAN LOM	Grand Ledge Int	Direct	2400	A-dn	800–2	800–2	800–2

Procedure turn S side W crs, 273 Outbnd, 093 Inbnd, 2000′ within 10 miles.
No Glide Slope, altitude over Grand Ledge Int 1500′.
No Outer Marker, distance to appr end of rny 093—4.3; no Middle Marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of Grand Ledge Int, climb to 2400′ on Front crs ILS, proceed to LOM or, when directed by ATC: (1) make left turn climbing to 2000′ on NW crs LAN LFR within 20 miles.
NOTE: Grand Ledge Int: Int W crs LAN ILS and R-360 LAN. Procedure NA unless aircraft equipped to receive ILS and VOR simultaneously. 300–1 required for take-off on NW-SE runway.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 858′; Fac. Class, ILS; Ident., ILAN; Procedure No. ILS-9, Amdt. 2; Eff. Date, 7 Dec. 57; Sup. Amdt. No. 1; Dated, 29 Oct. 55

Monroe LFR	LOM	Direct	1300	T-dn	300–1	300–1	200–½
Monroe VOR	LOM	Direct	1400	C-dn	400–1	500–1	500–1½
				S-dn-4:			
				ILS#	300–¾	300–¾	300–¾
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

#400–¾ required when glide slope not utilized.
Procedure turn S side of SW crs, 218 Outbnd, 038 Inbnd, 1400′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1300′ ILS; over LOM inbnd final 800′ ADF.
Altitude of glide slope and distance to approach end of runway at OM 1300—4.2; at MM 275—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing LOM (ADF), climb to 1400′ on NE crs ILS (038) within 10 mi.
CAUTION: 850′ TV antenna 3.5 mi WNW of airport. No approach lights.
AIR CARRIER NOTE: No reduction in take-off minimums on cargo and ferry flights authorized on runway 4, 9, 13, 31 and 35.

City, Monroe; State, La.; Airport Name, Selman Field; Elev., 79′; Fac. Class, ILS-1MLV; Ident., LOM-ML; Procedure No. ILS-4, Amdt. 2, Comb. ILS-ADF; Eff. Date 7 Dec. 57; Sup. Amdt. No. 1; Dated, 29 Jan. 55.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Scotland MHW	LOM (Final)	Direct	1000	T-dn#	300–1	300–1	200–½
Colts Neck VOR via R-063	ILS SW crs	Direct	1400	C-dn	500–1	500–1	500–1½
Radar terminal area transitions:				S-dn–4*:			
All directions		Within 25 mi	2500	ILS	200–½	200–½	200–½
E of NE–SW crs of LGA–LFR		Within 15 mi	1500	ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*Runway 4 only—200–½ or runway visual range of 2600'; provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 212' msl shall not be made unless (a) visual contact with the approach lights has been established or (b) the aircraft is clear of clouds. (3) Both compass locators required to be operative for RVR 2600'.

#Runway 4 only—runway visual range of 2600' may be utilized in lieu of 200–½ when 200–½ is authorized.

Procedure turn S side SW crs ILS, 223 Outbnd, 043 Inbnd, 1200' within 10 mi of LOM.

Minimum altitude at glide slope int inbnd, 1000'. Minimum altitude over LOM inbnd final, 700' ADF.

Altitude of glide slope and distance to approach end of rny at LOM—770—2.5; at MM—230—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles (ADF), climb to 500' on NE crs ILS or bearing 043° from the LOM, make a climbing right turn to 1500' and proceed to the Lido MHW and hold SW. Contact Idlewild approach control for further instructions.

CAUTION: Circling landing minimums do not provide std clrnc over arpt cont twr and stack 278' 1.7 mi SSE rny 1R.

City, New York; State, N. Y.; Airport Name, International; Elev., 12'; Fac. Class, ILS, OM–II; Ident., IDL, IDL; Procedure No. ILS–4, Amdt. 15; Eff. Date, 7 Dec. 57; Sup. Amdt. No. 14; Dated, 31 Aug. 57

Syracuse LFR	LOM	Direct	1900	T-dn*	300–1	300–1	200–½
Syracuse VOR	LOM	Direct	1900	C-dn	#600–1	700–1	700–1½
Sherrill VHF Int via crs 310	E crs ILS	Direct	##2500	S-dn-28:			
Int E crs Syracuse LFR and brng 335° to LOM.	LOM	Direct	1900	ILS	200–½	200–½	200–½
				ADF	#600–1	700–1	700–1
Munnsville Int via crs 328°	E crs ILS	Direct	##3000	A-dn	800–2	800–2	800–2
Fablus Int	LOM	Direct	3000				

*600–1 required for take-off to SE.

#Standard clearance not provided over 836' radio mast, 1.1 mi SE of airport.

##After interception of localizer crs inbnd, descent on glide slope to cross the outer marker at 1600' on final approach is authorized.

Procedure turn N side E crs, 088 Outbnd, 278 Inbnd, 1600' within 10 miles.

Minimum Altitude at G. S. int inbnd 1600' ILS, minimum altitude over LOM inbnd final 1100' ADF.

Altitude of G. S. and distance to appr end of rwy at OM 1600—4.1; at MM 610—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM (ADF), climb to 2000' on W crs ILS or crs of 278 from LOM within 20 mi.

AIR CARRIER NOTE: No reduction in minimums or sliding scale authorized for take-off to the SE.

City, Syracuse; State, N. Y.; Airport Name, Hancock; Elev., 419'; Fac. Class, ILS–SYR; Ident., LOM–SY; Procedure No. ILS–28, Amdt 15, Comb. ILS–ADF; Eff. Date, 7 Dec. 57; Sup. Amdt. No. 14; Dated, 13 Mar. 57

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
0	360	Within 25 mi	3000	Precision approach			
070	290	Within 15 mi	2200	S-dn 9	200–½	200–½	200–½
				A-dn 9	600–2	600–2	600–2
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				C-dn–15	500–1	500–1	500–1½
				S-dn*	400–1	400–1	400–1
				S-dn–15	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.

*Runways 27, 33, 3, 9.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 9R and 3, climb to 3000' and proceed to Conyers Int via E crs ILS or climb to 3000' on NE crs ATL LFR within 20 mi. 15 R, climb to 2200', turn right and proceed to ATL VOR or proceed on SE crs of ATL LFR within 20 mi.; 27L, 33L, climb to 3000' and proceed to Chattahoochee Int via W crs ILS, or turn left and proceed on SW crs of ATL LFR within 20 miles.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class, Atlanta; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 7 Dec. 57; Sup. Amdt. No. 2; Dated, 2 Nov. 57

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar site	Within 25 mi	2500	Precision approach			
E of NE–SW crs of LGA–LFR	Radar site	Within 15 mi	1500	S-dn–4*	200–½	200–½	200–½
				C-dn-all	400–1	500–1	500–1½
				A-dn–4	600–2	600–2	600–2
				A-dn-all	800–2	800–2	800–2
				T-dn#	300–1	300–1	200–½

*Runway 4 only—200–½ or runway visual range of 2600'; provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 212' msl shall not be made unless (a) visual contact with the approach lights has been established or (b) the aircraft is clear of clouds. (3) Both compass locators required to be operative for RVR 2600'.

#Runway 4 only—runway visual range of 2600' may be utilized in lieu of 200–½ when 200–½ is authorized.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 500' on heading of 043, make a climbing right turn to 1500' and proceed to Lido MHW and hold SW.

Contact Idlewild approach control for further instructions.

CAUTION: Ceiling minimums do not provide standard clearance over 278' stack 1.7 mi SSE of Runway 4R and 165' airport control tower.

City, New York; State, N. Y.; Airport Name, International; Elev., 12'; Fac. Class, Idlewild; Ident., Radar; Procedure No. 1, Amdt. 9; Eff. Date, 7 Dec. 57; Sup. Amdt. No. 8; Dated, 12 Oct. 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

OCTOBER 31, 1957.

[F. R. Doc. 57-9225; Filed, Nov. 19, 1957; 9:13 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

RECAPITULATION OF PART

Because of the number of outstanding amendments to Part 18 since it was last published in the FEDERAL REGISTER (September 12, 1953, 18 F. R. 5490), Part 18 is recapitulated as of November 1, 1957, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

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18.3 When license is required.
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18.7 Operation on microwave frequencies.
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Subpart B—Medical Diathermy Equipment

18.11 Operation on assigned frequencies.
18.12 Operation on unassigned frequencies.
18.13 Measurement of field intensity.
18.14 Submission of equipment for type approval tests.
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Subpart C—Miscellaneous Equipment

18.31 Miscellaneous equipment.

Subpart D—Operation for Which a License is Required

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18.45 License period.
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18.73 Identification of type approved equipment.
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18.80 Certification attesting compliance with rules.
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Subpart F—Industrial Heating Equipment

18.101 Operation without a license.
18.102 Technical limitations.
18.103 Certification of industrial heating equipment.
18.104 Location of certificate.
18.105 Inspection of industrial heating equipment.
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18.107 Measurement of field strength.
18.108 Location of equipment.

AUTHORITY: §§ 18.1 to 18.108 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303.

SUBPART A—GENERAL

§ 18.1 *Statement of basis and purpose.* (a) Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications, or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. The operation in the industrial, scientific and medical service of medical diathermy equipment, industrial heating equipment and miscellaneous equipment of a type which emits radio frequency energy upon frequencies within the radio spectrum constitutes a serious source of interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

(b) The following rules and regulations are designed to have a twofold effect:

(1) They set forth the conditions under which the operation of the equipment in question is not regarded as a cause of interference to the authorized radio communication services and is therefore not required to be operated pursuant to license under the Communications Act.

(2) They provide a procedure for the licensing of medical diathermy, industrial heating and miscellaneous equipment which in operation constitute a source of interference to authorized communication services, directly affect the control of the Federal Government over the channels of interstate and foreign radio communication, and are therefore required to be licensed.

§ 18.2 *Definitions.* For purposes of the provisions of this part the following

definitions in the industrial, scientific, and medical service shall be applicable:

(a) "Radio frequency energy" shall include electromagnetic energy generated at any frequency in the radio spectrum between 10 kilocycles and 30,000 megacycles.

(b) "Medical diathermy equipment" shall include any apparatus (other than surgical diathermy apparatus designed for intermittent operation with low power) which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for therapeutic purposes.

(c) "Industrial heating equipment" shall include any apparatus which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for or in connection with industrial heating operations utilized in a manufacturing or production process.

(d) Miscellaneous equipment shall include apparatus other than that defined in or excepted by paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials to produce physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles which do not involve communications or the use of radio receiving equipment.

(e) Ultrasonic equipment is a special type of miscellaneous equipment which includes any apparatus which generates radio frequency energy on frequencies above 20 kc and utilizes that energy to excite or drive an electro-mechanical transducer for the production and transmission of ultrasonic energy for industrial, scientific, medical or other purposes.

(f) "Industrial, scientific and medical equipment" (ISM Equipment). Devices which use Hertzian waves for industrial, scientific, medical or other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

(g) "Harmful interference". Any radiation or induction which endangers the functioning of a radio-navigation service or of a safety service, or obstructs, or repeatedly interrupts a radio service operating in accordance with the regulations in Part 2 of this chapter.

(h) "ISM frequency". A frequency assigned by this part for the use of ISM equipment. A specified tolerance is associated with each ISM frequency. (See § 18.6).

§ 18.3 *When license is required.* Any medical diathermy equipment, industrial heating equipment or miscellaneous equipment which complies with the provisions of this part may be operated without a station license. A license is required for any such equipment operated otherwise.

§ 18.4 *Full information; inspection by Commission representatives.* Upon request by the Commission the owner or operator of any medical diathermy equipment, industrial heating equipment, or miscellaneous equipment shall promptly furnish the Commission with such information as may be requested concerning the operation of such equipment. The premises in which medical diathermy, industrial heating, or miscellaneous equipment are operated, and any license or certification required hereby, shall be available for inspection by representatives of the Commission at all reasonable hours.

§ 18.5 *Radio frequency stabilized arc welders.* (a) The requirements of this part with respect to electric arc welding devices using radio frequency energy is suspended until action is completed in the Docket No. 11467 proceeding with respect to these devices: *Provided,* That, in the event of interference from electric arc welding devices using radio frequency energy to any authorized radio service, steps to remedy such interference shall promptly be taken (except that, in case of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of certified electric arc welding equipment using radio frequency energy, this provision with respect to interference shall not apply): *And further provided, however,* That equipment manufactured after September 1, 1952 shall be subject to the same technical limitations and standards as set forth for industrial heating equipment in §§ 18.101 to 18.108, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.102: *And further provided,* That radio frequency stabilized electric arc welding equipment designed for operation on ISM frequencies may be type approved and operated in accordance with the provisions of § 18.31 (c): *And further provided,* That broad band type of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standards Specification for a Radio Noise Meter—0.15 to 25 Megacycles/second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination C63. Quasi-peak values of field strength shall be measured and used in determining compliance with § 18.102. Instruments not having characteristics similar to the above-mentioned standards may be used provided suitable correlation factors are used to adjust the field strength readings to values which would be obtained with an instrument having the desired characteristics.

(b) The certification required by § 18.101 may be based upon field strength measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

§ 18.6 *ISM frequencies and frequency tolerances.* The following frequencies are allocated for use by ISM equipment with the tolerance limits specified:

ISM frequency:	Frequency tolerance
13.560 kc	±6.78 kc
27,120 kc	±160.00 kc
40,680 kc	±20.00 kc
915 Mc [2]	±25 Mc
2450 Mc [1]	±50 Mc
5850 Mc [2]	±75 Mc
18,000 Mc [2]	±150 Mc

[1] By public notice and order dated December 26, 1946, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in that order which conditions are stated in § 18.7.

[2] By public notice and order dated May 15, 1947, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in the Commission's order of December 26, 1946, which conditions are stated in § 18.7.

§ 18.7 *Operation on microwave frequencies.* Except for industrial heating equipment which is regulated by §§ 18.101 through 18.108 inclusive, other ISM equipment may be operated on the microwave ISM frequencies (915 Mc, 2450 Mc, 5850 Mc and 18,000 Mc) subject to the following conditions:

(a) The emission of radio frequency energy resulting from such operation shall be on the particular frequency and must not exceed tolerance limits associated with each such frequency as set forth in § 18.6.

(b) The energy radiated and the bandwidth of emissions shall be reduced to the greatest extent practicable.

(c) No harmful interference shall be caused to authorized communication services from spurious or harmonic radiation. In the event of such harmful interference, operation of the ISM equipment causing such harmful interference shall cease and shall not be resumed until steps necessary to eliminate such interference have been taken.

§ 18.8 *Interferencc from ISM equipment.* (a) Subject to the exceptions in paragraphs (b) and (c) of this section and irrespective of whether the equipment otherwise complies with the rules in this part, the operator of ISM equipment that causes harmful interference to any authorized radio service shall promptly take steps as may be necessary to remedy the interference.

(b) The provisions of paragraph (a) of this section shall not apply in the case of interference to an authorized radio station operating on an ISM frequency (including tolerance).

(c) The provisions of paragraph (a) of this section shall not apply in the case of interference to a receiver arising from direct intermediate frequency pickup by the receiver of the fundamental frequency emissions of ISM equipment operating on an ISM frequency (including tolerance) and otherwise complying with the requirements of this part.

SUBPART B—MEDICAL DIATHERMY EQUIPMENT

§ 18.11 *Operation on assigned frequencies.* A station license is not required for the operation of medical diathermy equipment on assigned frequencies provided such operation meets the following conditions:

(a) Such operation must conform to the general conditions of operation set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies hereafter set forth:

ISM frequency:	Frequency tolerance
13,560 kc	±6.78 kc.
27,120 kc	±160.00 kc.
40,680 kc	±20.00 kc.
915 Mc [2]	±25 Mc.
2450 Mc [1]	±50 Mc.
5850 Mc [2]	±75 Mc.
18,000 Mc [2]	±150 Mc.

[1] By public notice and order dated December 26, 1946, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in that order which conditions are stated in § 18.7.

[2] By public notice and order dated May 15, 1947, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in the Commission's order of December 26, 1946, which conditions are stated in § 18.7.

(b) Such operation may be without regard to the type or power of emissions being radiated. Spurious and harmonic radiations on frequencies other than those specified above shall be suppressed so that such radiations do not exceed a strength of 25 microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment causing such radiations.

(c) With respect to equipment for which type approval has been received from the Commission in accordance with §§ 18.14 to 18.16, inclusive, there shall be affixed to each unit of equipment operated in accordance with paragraphs (a) and (b) of this section, or posted in the room in which such operation occurs, a dated certificate of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the F. C. C. type approval number for such equipment, the general conditions under which such equipment should be operated, and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for a period of at least three years. The certification required in this section shall describe with certainty the apparatus covered thereby.

(d) The owners or operators of equipment which has not received type approval but which is manufactured for operation without a license and designed to meet the technical requirements set forth under paragraphs (a) and (b) of this section shall have posted in the room in which such equipment is operated a dated certificate of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section for a period of at least three years under the described conditions of operation. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which such certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with § 18.13.

(e) No regular renewal of certification is required for equipment covered in paragraph (c) of this section. The certification required in paragraph (d) of this section shall be renewed at intervals of three years. Notwithstanding the above provisions with respect to renewal of certification, the certification required by paragraph (c) or (d) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with provisions of this part or the source of interference to radio communication.

§ 18.12 *Operation on unassigned frequencies.* A station license is not required for the operation of medical diathermy equipment on frequencies other than those specified in § 18.11 (a) provided such operation is in accordance with the general conditions of operation set out in the certification required in paragraph (b) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be provided with a rectified and filtered plate power supply, power line filters and shall be provided with sufficient shielding so that the emission of radio frequency energy generated by such operation, including spurious and harmonic emissions, shall not exceed a strength of fifteen microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment on frequencies other than those specified in § 18.11 (a) under any conditions of operation.

(b) There shall be affixed to each unit of equipment so operated, or posted in the room in which such operation occurs, a dated certification of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment setting forth the general conditions under which such equipment should be operated and certifying that under the described conditions of operation the requirements of this section may reasonably be expected to be met for a period of at least three years. The certification required by this section shall describe with certainty the equipment covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of § 18.13.

(c) The certification required in paragraph (b) of this section shall be renewed every three years: *Provided,* That such certification shall be renewed for particular equipment by such earlier date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of this part or a source of interference to radio communication.

§ 18.13 *Measurement of field intensity.* Measurements to determine the field intensity of radio frequency energy generated by medical diathermy equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field intensity meter using loop pickup shall be used for measurements on frequencies below and including 18 Mc., and such a meter with a doublet antenna shall be used for measurements for frequencies above 18 Mc. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) The field intensity at 1,000 feet from the medical diathermy equipment, or at any other point at which it becomes necessary to determine such intensity shall be determined by measurements at approximately 100-foot intervals along 5 radials approximately 72° apart, provided that additional measurements shall be taken when necessary in particular cases. An average curve shall be drawn through the points obtained for each radial and then either (1) the field intensity at 1,000 feet taken from the curve or (2) the curve extended to the 1,000-foot point to obtain the field intensity at that point. If points of measurement along a radial are such that marked changes of field intensity over short distances are noted because of standing waves, multipaths, etc., continuous measurements shall be made along any such radial at points 100 feet apart in order to obtain average values for such points.

(c) The field intensities specified in this section refer to the maximum field intensity regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field intensity may exceed that at 12 feet.

(d) If due to the location of equipment in a large city, or for some other reason, measurements as outlined above are impractical because of shadows or shielding of large buildings or other objects, every effort should be made to obtain necessary measurements at clear locations such as atop adjacent buildings, etc., with the measurements corrected to the height specified in paragraph (c) of this section in accordance with best available engineering information.

§ 18.14 *Submission of equipment for type approval tests.* (a) Manufacturers of medical diathermy equipment designed to operate on the frequencies specified in § 18.11 (a) may submit units of such equipment to this Commission for type approval upon the grant of request therefor made in writing by the

manufacturer to the Secretary of the Commission. Such a request will not be granted unless at least 5 units of the model to be submitted are scheduled for manufacture and the manufacturer agrees to bear all forwarding and return charges in connection with the shipment of the unit to be tested between the Federal Communications Commission, Laboratory Division, Laurel, Maryland, and the manufacturer.

(b) Any such equipment which is submitted will be tested and a certificate of type approval will be issued to the manufacturer for each type of equipment which meets the following tests:

(1) The frequency at all times during the tests below shall be maintained within 70% of the tolerance specified in § 18.11 (a).

(i) From a cold start the machine will be operated continuously at full load for 6 hours, except that machines classified as portable will be subject to a 2 hour test.

(ii) From a cold start the machine will be operated at no load for 5 minutes and then the frequency deviation determined over a normal treatment cycle. A treatment cycle will be simulated by artificial varying loads and varying settings of the resonance and other operating controls. Similar treatment cycle tests will be conducted after periods of continuous full load operations up to six hours (2 hours for portable operation) to determine the maximum deviation. The number of such tests normally will be determined by the results of test (i): *Provided, however,* That equipment designed to operate on the frequencies set forth in § 18.11 (a) may be granted type approval regardless of frequency stability, provided such equipment meets the other requirements hereof and contains a power cut-off mechanism which is effective in rendering the machine inoperative when the deviation from the assigned frequency exceeds 70 percent of the tolerance provided for.

(2) The equipment must be designed to prevent the emission of spurious and harmonic radiations to the extent required in § 18.11 (b).

(3) The electrical and mechanical components of the machine and their installation must be such as to give reasonable assurance of compliance with the requirements of permissible frequency tolerance for at least 5 years.

(4) In the case of withdrawal of a certificate of type approval as hereinafter provided for the manufacturer shall make no further sale of equipment under such certificate.

NOTE: Medical diathermy equipment operated on 915 Mc, 2450 Mc, 5850 Mc or 18,000 Mc, will be eligible for type approval upon a determination by the Laboratory Division of compliance with the requirements of the Commission's public notice and order of December 26, 1946, which requirements are set forth in § 18.7.

§ 18.15 *Effect of certificate of type approval.* A certificate of type approval constitutes a recognition that on the basis of the tests made the equipment appears to have the capability of functioning in accordance with the provisions of § 18.11 (a) and (b) provided such equipment is properly constructed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the Certificate of Type Approval issued by the Commission except on specific approval by the Commission to any changes made.

§ 18.16 *Withdrawal of certificate of type approval.* (a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of a certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

SUBPART C—MISCELLANEOUS EQUIPMENT

§ 18.31 *Miscellaneous equipment.* (a) The operation without a license of miscellaneous equipment, as defined in § 18.2 (d), generating radio frequency power of 500 watts or less, shall be in compliance with the provisions of this part for medical diathermy apparatus.

(b) Operation of such equipment generating radiofrequency power in excess of 500 watts shall be in compliance with the requirements for medical diathermy apparatus except that the maximum radiated field permitted shall be increased as the square root of the ratio of the generated power to 500 watts: *Provided,* That the radiated field shall in no case exceed the fields permitted industrial heating apparatus: *And provided further,* That equipment used in predominantly residential areas and operating on frequencies below 1,000 Mc. shall not be permitted the increase in field with power as indicated in this paragraph, but shall be subject to the restrictions contained in this paragraph for diathermy equipment.

(c) Miscellaneous equipment, as defined in § 18.2 (d), may be type approved under procedures similar to that for diathermy equipment with such changes in the above procedure as may be required because of the nature of the particular equipment involved.

(d) For the purpose of field intensity measurements, the location of the miscellaneous equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 200 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, the location of which will be the center of the smallest enclosing circle: *Provided, however,* That if the certification includes more than one unit, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by an amount equivalent to the radius of the circle encompassing the several units.

(e) It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

SUBPART D—OPERATION FOR WHICH A LICENSE IS REQUIRED

§ 18.41 *When a license is required.* (a) No medical diathermy equipment, industrial heating equipment or miscellaneous equipment which does not comply with this part shall be operated except pursuant to a station license issued by the Commission authorizing such operation.

(b) Whenever the Commission on complaint or on its own motion determines that medical diathermy equipment, industrial heating equipment or miscellaneous equipment is not in fact operating in compliance with the provisions of this part and so advises the operator of such equipment, further operation of such equipment without a station license shall be unlawful unless within 10 days of the receipt of such notice, or within such further time as the Commission may for good cause allow, the operator of such equipment shall file with the Commission a certificate of a competent engineer stating that the equipment is now capable of complying with the requirements of the rules.

§ 18.42 *Showing required.* A station license for the operation of medical diathermy equipment, industrial heating equipment or miscellaneous equipment will be granted upon proper application therefor in accordance with the provisions of this part and a showing that in the light of the following considerations the public interest, convenience, and necessity would be served by such a grant: (a) The purpose for which the equipment sought to be licensed will be used; (b) the reasons why the equipment involved may not be operated in compliance with the provisions of this part for the operation of such equipment without a license; and (c) the nature and extent of interference that may be caused to authorized communication services by the operation of such equipment.

§ 18.43 *Applications for station licenses.* Each applicant for a station license authorizing the operation of medical diathermy, industrial heating equipment, or miscellaneous equipment, or requesting the modification or renewal of such a license, shall file with the Commission in Washington, D. C., three copies of each application on the appropriate form designated by the Commission and a like number of any exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. Application for a license shall be made up on the appropriate form prescribed by the Commission, and separate application should be made for each unit of equipment for which a license is sought. Application for modification or renewal of a license shall also be upon appropriate form prescribed by the Commission.

§ 18.44 *Full information.* Each application for a license authorizing the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall contain full and complete information concerning all matters and things required to be disclosed by the application form.

§ 18.45 *License period.* Each station license authorizing the operation of medical diathermy, industrial equipment or miscellaneous equipment will expire at the hour of 3 a. m. and will be issued for a normal license period of five years or such other period as the Commission may specify upon consideration of the facts in a particular case. Each such license shall be nontransferable.

§ 18.46 *Renewal of license.* Unless otherwise directed or permitted by the Commission, applications for renewal of a station license for the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall be filed with the Commission upon prescribed forms at least 60 days prior to the expiration date of such license.

§ 18.47 *Station license, posting of.* The original of each station license shall be posted in the room in which the equipment is operated. Licenses covering equipment not used in a fixed place shall be attached to the equipment itself.

§ 18.48 *Operator requirements.* Equipment for which a station license is issued pursuant to the provisions of this part may be operated by persons who do not hold an operator license or permit issued by this agency.

§ 18.49 *Cessation of operation pursuant to license.* If any equipment for which a license has been issued hereunder shall cease to be operated pursuant to such license, or is transferred, sold, assigned, leased, loaned, stolen, destroyed, or otherwise removed from the possession of the licensee, the licensee shall within five days of such occurrance notify the Commission thereof and, where possible, include in such notification the name and address of the recipient of such equipment.

§ 18.51 *Existing equipment.* The provisions of this part shall not be applicable until June 30, 1954 to epilation equipment, which uses radio frequency energy, manufactured before December 31, 1950, and shall not be applicable until December 31, 1955 for such equipment manufactured between December 31, 1950 and June 30, 1953: *Provided,* That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the respective dates set forth in this section.

SUBPART E—ULTRASONIC EQUIPMENT

§ 18.70 *Operation without a license.* Ultrasonic equipment may be operated without a license: *Provided,* The design and operation complies with the technical limitations for such equipment: *And provided further,* That the equipment has been type approved by the Commission or has been certificated pursuant to the requirements of §§ 18.70 to 18.84 and the certificate is attached to the equipment or is prominently posted in the room in which the equipment is being operated; except that ultrasonic equipment operating on frequencies below 90 kc and generating less than 500 watts of radio frequency power may be operated without license, type approval or certification, if such equipment complies with all other applicable provisions of §§ 18.70 to 18.84.

§ 18.71 *Technical limitations.* (a) Ultrasonic equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to provide adequate suppression of emissions on frequencies outside the ISM frequency bands.

(b) Except for ultrasonic measurement equipment that operates over a continuous band of frequencies, the fundamental frequency of operation shall fall outside the frequency bands 490–510 kc, 2170–2194 kc, and 8354–8374 kc.

(c) The varying conditions under which ultrasonic equipment is operated shall not result in radiation exceeding the following limits:

Frequency	Distance	Field
	Feet	$\frac{\mu v/m}{2400}$
Up to and including 490 kc..	1,000	Frequency in kc
		$\frac{24000}{\text{Frequency in kc}}$
Over 490 kc up to and including 1600 kc.	100	
Over 1600 kc exclusive of frequencies in the ISM frequency bands.	100	15.

(d) The operation of ultrasonic equipment on frequencies below 490 kc using radio frequency power in excess of 500 watts shall be in compliance with the requirements of this section except that the maximum radiated field permitted may be increased as the square root of the ratio of the generated radio frequency power to 500 watts: *Provided,* That the radiated field shall in no case exceed the field permitted industrial heating equipment: *And provided further,* That equipment used in predominantly residential areas shall not be permitted the increase in field with power as indicated in this paragraph.

(e) On any frequency above 490 kc, the radio frequency voltage appearing on each power line shall not exceed 200 microvolts. On any frequency below 490 kc, the radio frequency voltage appearing on each power line shall not exceed 1000 microvolts. Measurement shall be made from each power line to ground with the equipment itself both grounded and ungrounded.

NOTE: One method of making conducted interference measurements is described in "Military Specification for Interference Measurement" MIL–I–16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, 2, New York. Note that this procedure calls for grounding the equipment under test, whereas these rules call for measurements with the equipment both grounded and ungrounded.

§ 18.72 *Type approval.* (a) Manufacturers of ultrasonic equipment desiring to obtain type approval for their equipment may request permission to submit such equipment to the Commission for testing by following the procedure set out in Part 2 of this chapter. The request shall include a statement that at least 5 units of the model to be submitted are scheduled for manufacture.

(b) To be acceptable for type approval, ultrasonic equipment must meet the following requirements:

(1) The equipment must comply with the technical limitations for ultrasonic equipment.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the rules in this part for at least 5 years under normal operation and with average maintenance.

(c) Additional rules relative to type approval will be found in Part 2 of this chapter.

§ 18.73 *Identification of type approved equipment.* (a) Equipment for which a certificate of type approval has been issued shall be identified by the insertion of the FCC Type Approval Number on the nameplate of the equipment.

(b) In addition to the nameplate, the manufacturer shall furnish each user of type approved equipment a certificate setting forth the conditions under which such equipment shall be operated.

§ 18.74 *Effect of certificate of type approval.* A certificate of type approval issued by the Commission constitutes a recognition that, on the basis of the tests made, the equipment appears to be capable of complying with the technical limitations in the rules in this part, provided such equipment is properly installed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the certificate of type approval except on specific prior approval by the Commission to any changes made.

§ 18.75 *Changes in type approved equipment.* No changes whatsoever may be made in ultrasonic equipment for which a certificate of type approval has been issued except on specific prior approval by the Commission.

§ 18.76 *Withdrawal of certificate of type approval.* (a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commis-

sion, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of

manufacturer of the ultrasonic equipment.

(c) The certification may be executed

The design and operation of the equipment complies with the technical limita-

(3) Brief description of the engineering tests and a summary of the measured

(b) The renewal of the certificate shall be based on measurements made at the point of installation.

necessary, the average curve shall be extended to show the extrapolated field strength at one mile. In these cases

sion, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of the certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

§ 18.77 *Measurement of field intensity.* Measurements to determine the field intensity of radio frequency energy including both fundamental and spurious (including harmonic) emissions, generated by the ultrasonic equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A field intensity meter using loop pickup shall be used for measurements on frequencies up to and including 18 Mc, and such a meter with a doublet antenna shall be used for measurements on frequencies above 18 Mc.

(b) The radiation shall be determined along at least 5 radials approximately 72° apart. A smooth curve shall be drawn through the measurements when plotted and the value of field intensity determined from these curves.

§ 18.78 *Location of equipment.* For the purpose of measurements required in order to execute a certification of compliance, the location of the ultrasonic equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 200 feet radius or less, the several units may at the election of the certifying engineer be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units treated as one equipment, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by the radius of the smallest circle that encloses the several units.

§ 18.79 [Reserved]

§ 18.80 *Certification attesting compliance with rules.* (a) A certification attesting compliance with the rules in this part may be affixed or posted for any ultrasonic equipment.

(b) The certification shall be based on an inspection of the equipment and measurements taken at the place of use after the ultrasonic equipment has been assembled and is ready for operation: *Provided however,* That the certifying engineer may, in lieu of measuring the radio frequency voltage on the power lines, base the certification on specifications for the power line filter and test data regarding the radio frequency voltage on the power lines furnished by the manufacturer of the ultrasonic equipment.

(c) The certification may be executed by any engineer skilled in making and interpreting field intensity measurements. The Commission may require such engineer to present proof of his qualifications to make such measurements.

(d) The certification shall contain the following information:

(1) Type and serial number, or other positive identification of the ultrasonic equipment being certificated.

(2) Conditions under which the certificated equipment shall be operated.

(3) Brief description of the engineering tests and a summary of the measured data upon which the certification is based.

(4) If the radio frequency voltage on the power line is not measured, a statement that, based on an inspection of the equipment and study of such test data and specifications as may be furnished by the manufacturer, the equipment can reasonably be expected to meet the requirements for radio frequency voltage on the power lines.

(5) A statement certifying that under the described condition of operation, the certificated equipment may reasonably be expected to meet the requirements of the rules in this part. This statement shall include the period of time over which the equipment may reasonably be expected to comply with the rules in this part.

(6) Date the measurements were made.

(7) Date of certification.

(8) Signature of certifying engineer.

(9) Name and address of employer of certifying engineer, if any.

§ 18.81 *Renewal of certification.* The certification required by §§ 18.70 to 18.84 does not require renewal. However, when the Commission has reason to believe that operation of the equipment concerned may be inconsistent with §§ 18.70 to 18.84, it may require a new certification based on a new set of measurements.

§ 18.82 *Certification after maintenance work.* It shall be the responsibility of the operator of the ultrasonic equipment to have such equipment recertificated when changes have been made that might increase the radiated or conducted interference beyond the limits specified in §§ 18.70 to 18.84.

§ 18.84 *Effective date.* (a) All ultrasonic equipment manufactured on or after July 1, 1955 must comply with the rules in §§ 18.70 to 18.84.

(b) Ultrasonic equipment manufactured prior to July 1, 1955, may be utilized until July 1, 1965, providing it complies either with the rules in §§ 18.70 to 18.84 or with the rules for miscellaneous equipment in § 18.31. After July 1, 1965, all such equipment must comply with the rules in §§ 18.70 to 18.84.

SUBPART F—INDUSTRIAL HEATING EQUIPMENT

§ 18.101 *Operation without a license.* Industrial heating equipment may be operated without a license: *Provided,* The design and operation of the equipment complies with the technical limitations in this part for such equipment: *And provided further,* That the equipment has been certificated pursuant to the requirements of this part.

§ 18.102 *Technical limitations.* (a) Industrial heating equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to meet the requirements of this part.

(b) Industrial heating equipment may be operated on any frequency except frequencies in the bands 490–510 kc, 2170–2194 kc, and 8354–8374 kc. Equipment operating on an ISM frequency may be operated with unlimited radiation on that frequency. Equipment operated on other frequencies must suppress radiation on the fundamental carrier frequency as well as other frequencies as required by this part.

(c) Industrial heating equipment designed for operation on an ISM frequency shall be adjusted to operate as close to that ISM frequency as practicable.

(d) Radiation of radio frequency energy from any industrial heating equipment on any frequency below 5775 Mc, except ISM frequencies, shall be suppressed so that the radiated field strength does not exceed 10 microvolts per meter at a distance of one mile or more from the equipment.

(e) Radiation of radio frequency energy from any industrial heating equipment on any frequency above 5775 Mc, except ISM frequencies, shall be reduced to the greatest extent practicable.

NOTE: The Commission will establish definite radiation limits for these frequencies as soon as information regarding equipment operating on these frequencies becomes available.

(f) Filtering between the industrial heating equipment and power lines must be provided to the extent necessary to prevent the radiation of energy from power lines on frequencies other than ISM frequencies with a field strength in excess of 10 microvolts per meter at a distance of one mile or more from the industrial heating equipment and at a distance of 50 feet from the power line.

§ 18.103 *Certification of industrial heating equipment.* (a) The certificate required by this part shall be executed by an engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to provide proof of his qualifications.

(b) The certificate may be issued on the basis of field strength measurements made at the point of use or on the basis of field strength measurements made on a prototype.

(c) The certificate for equipment measured at the location where the equipment is in use shall contain the following information:

(1) Type and serial number, or other positive identification, of the industrial heating equipment being certificated.

(2) Conditions under which the certificated equipment shall be operated and maintained.

(3) Brief description of the engineering tests and a summary of the measured data upon which the certificate is based.

(4) Date the measurements were made.

(5) A statement certifying that the subject equipment does meet and may reasonably be expected to continue to meet the requirements of this part.

(6) Date of certification.

(7) Signature of certifying engineer.

(8) Name and address of employer of certifying engineer, if any.

(d) The certificate for equipment measured at a location other than where the equipment is in use shall contain the information required by subparagraphs (1) through (8) of paragraph (c) of this section plus the following:

(1) Detailed installation instructions which will insure that the equipment complies with the radiation limitations in this part.

(2) A statement, signed by the person responsible for the operation of the equipment, attesting that the equipment has been installed in conformity with the installation instructions in this certificate.

§ 18.104 *Location of certificate.* In general the certificate shall be attached to the equipment. Alternatively the certificate may be placed at any location where it will be conveniently available for inspection by authorized representatives of the Commission, provided there is attached to the equipment a notice stating where the certificate is located.

§ 18.105 *Inspection of industrial heating equipment.* (a) Industrial heating equipment shall be periodically inspected in order to reaffirm the validity of the certificate required by this part.

(b) Inspection shall be made at sufficiently frequent intervals to insure that each industrial heating equipment is installed, maintained, and operated in a manner that provides compliance with the provisions of this part.

(c) A log shall be maintained of the inspections made. The inspector shall enter a brief note of his findings and shall date and sign each entry.

(d) The log shall be maintained at the same location as the certificate.

(e) The inspector shall require the equipment to be recertificated pursuant to the requirements of this part if he determines, as a result of his inspection, that such action is necessary in order to assure compliance with this part.

§ 18.106 *Renewal of certificate.* (a) The certificate required to be exhibited by this part shall be renewed:

(1) When changes have been made that might increase the radiated interference beyond the limits specified in this part.

(2) When the inspector has determined that such action is necessary to assure compliance with the requirements of this part.

(3) When required by the Commission because it has reason to believe that operation of the equipment concerned may be inconsistent with the requirements of this part.

(b) The renewal of the certificate shall be based on measurements made at the point of installation.

§ 18.107 *Measurement of field strength.* Measurements to determine the field strength of radio frequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A loop antenna shall be used for measurements on frequencies below 18 Mc, and a doublet antenna shall be used for measurements on frequencies above 30 Mc. Either a loop or doublet antenna shall be used on frequencies between 18 Mc and 30 Mc. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) Prior to the determination of the maximum field strength at one mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern and to assure the correct determination of the major lobes. Where conditions permit, these measurements shall be made at intervals of not more than 20 degrees in azimuth directions and at distances not exceeding 1,000 feet from the location of the equipment. The measurements so obtained shall be reduced to equivalent field strength at 1,000 feet.

(c) The field strength measurements for the maximum field strength at one mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. Sufficient measurements shall be made along radials extending through all lobes which are within 15 db of the apparent maximum lobe, as determined in paragraph (b) of this section to assure that the assumed lobe of greatest field strength is in fact the maximum lobe. If two or more lobes of radiation of approximately the same strength are present, measurements to determine field strength shall be made along the several radials for such lobes. Where possible, field strength measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field strength in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field strength at one mile. In these cases where it is impractical to conduct measurements along the radial of maximum radiation a sufficient number of field strength measurements shall be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from power lines, field strength measurements shall be made at not less than three points along the power line located approximately 1 mile from the location of the industrial heating equipment causing such radiation and to include a length of power line not less than 500 feet. One point of measurement shall lie within the 1-mile distance and the others beyond. At each of these points at least three measurements of field strength shall be made along a line normal to the power line and out to a distance from the power line not exceeding 50 feet measured horizontally along the ground from a point directly below the outermost conductor.

(e) The field strengths specified herein refer to the maximum field strengths, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field strengths may exceed that at 12 feet. Measurements made at frequencies below 18 Mc may be made at any convenient height.

§ 18.108 *Location of equipment.* For the purpose of measurements required in order to execute a certification of compliance, the location of the industrial heating equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 500 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units treated as one equipment, the distance of one mile at which the maximum permissible radiation is determined shall be reduced by the radius of the smallest circle that encloses the several units.

[F. R. Doc. 57–9598; Filed, Nov. 19, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 7, 1957.

The Department of Agriculture has filed an application, Serial No. Idaho 07978, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws. The applicant desires the land for a recreation area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KANIKSU NATIONAL FOREST

BOISE MERIDIAN, IDAHO

Dickensheet Bridge Recreation Area

T. 59 N., R. 4 W.,
Sec. 19, Lot 8;
Sec. 20, Lot 2.

Containing 19.53 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9592; Filed, Nov. 19, 1957; 8:48 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 8, 1957.

The Department of Agriculture has filed an application, Serial No. Idaho 07510, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for a recreation area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE NATIONAL FOREST

BOISE MERIDIAN, IDAHO

Sage Hen Reservoir Recreation Area

T. 11 N., R. 2 E.,
Sec. 2: Lots 1, 2, 3, 4.;
Sec. 3: Lot 1.
T. 12 N., R. 2 E.,
Sec. 34: SE¼NE¼, E½SE¼;
Sec. 35: N½N½, E½E½SE¼NE¼, W½NE¼SW¼NE¼, NW¼SW¼NE¼, N½SE¼NW¼, N½SW¼NW¼, W½SE¼SW¼NW¼, SW¼SW¼NW¼, E½NE¼SE¼, E½W½NE¼SE¼, W½E½NW¼SW¼, W½NW¼SW¼, SE¼SE¼, E½SW¼SE¼, E½W½SW¼SE¼, W½SW¼SW¼SE¼, E½SE¼SE¼SW¼, SW¼SE¼SE¼SW¼, S½SW¼SE¼SW¼, SE¼SE½SW¼SW¼, W½E½SW¼SW¼, W½SW¼SW¼.
Sec. 36: NW¼NW¼, SW¼NW¼, NW¼SW¼.

Total area: 728.59 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9593; Filed, Nov. 19, 1957; 8:49 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 12, 1957.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Colorado 018352, for withdrawal of the lands described below, from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as picnic grounds, campgrounds and recreation areas.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands included in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

WHITE RIVER NATIONAL FOREST

North Fork White River Campground

T. 1 N., R. 89 W.,
Sec. 18, lot 1 (NW¼NW¼), HES 142 (NW¼NW¼).
T. 1 N., R. 90 W.,
Sec. 13, HES 142, HES 145 (N½):
Sec. 14, HES 145 (S½NE¼, N½SE¼, NE¼SW¼), lot 1 (SW¼NE¼).

Heart Lake Recreation Area

T. 3 S., R. 89 W.,
Sec. 26, W½E½NE¼, W½NE¼, E½ NW¼.

Three Forks Campground

T. 3 S., R. 92 W.,
Sec. 26, SW¼NW¼, NW¼SW¼;
Sec. 27, SE¼NE¼.

Spruce Picnic Ground

T. 3 S., R. 92 W.,
Sec. 26, SW¼SW¼;
Sec. 35, NW¼NW¼.

Little Box Canyon Campground

T. 3 S., R. 92 W.,
Sec. 23, SE¼SW¼;
Sec. 26, NE¼NW¼.

Dowd Campground

T. 5 S., R. 81 W.,
Sec. 21, lot 6 (NE¼NE¼).

Homestake Campground

T. 6 S., R. 80 W.,
Sec. 30, S½NE¼SE¼.

Hornsilver Campground

T. 6 S., R. 80 W.,
Sec. 30, SE¼SE¼;
Sec. 31, NE¼NE¼.

Fulford Campground

T. 6 S., R. 83 W.,
Sec. 35, SE¼NE¼, E½SW¼NE¼.

Fulford Cave

T. 6 S., R. 83 W.,
Sec. 36, NW¼NW¼.

Gypsum Campground

T. 6 S., R. 85 W.,
Sec. 15, S½NW¼.

Grizzly Creek Picnic Ground

T. 6 S., R. 88 W.,
Sec. 5, lots 7, 8 (S½NW¼).

Lime Creek Campground

T. 8 S., R. 83 W.,
Sec. 17, NW¼SW¼, N½S½SW¼.

Forks Campground

T. 8 S., R. 83 W.,
Sec. 21, SE¼NW¼.

North Fork Campground

T. 8 S., R. 83 W.,
Sec. 24, S½NE¼NW¼, N½SE¼NW¼.

Chapman Recreation Area

T. 8 S., R. 83 W.,
Sec. 27, S½SE¼SW¼, S½SE¼SE¼;
Sec. 34, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 35, W½NW¼, NW¼SW¼, N½SW¼SW¼.

Highland Campground

T. 10 S., R. 85 W.,
Sec. 35, lot 2 and lot 5 and W½SE¼, less patented HES 112 and HES 113.

Difficult Campground

T. 10 S., R. 84 W.,
Sec. 33, NE¼NW¼, NW¼NE¼.

Aspen Park Campground

T. 10 S., R. 84 W.,
Sec. 28, NW¼SW¼.

Maroon Lake Campground

T. 11 S., R. 86 W.,
Sec. 13, N½, N½SW¼.

Crater Lake Campground

T. 11 S., R. 86 W.,
Sec. 23, NW¼.

Total acreage is approximately 2683.55 acres.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 57-9583; Filed, Nov. 19, 1957; 8:49 a. m.]

Bureau of Reclamation

[No. 37]

RIVERTON PROJECT, WYOMING

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

OCTOBER 31, 1957.

1. *Water rental.* Irrigation water will be furnished upon a rental basis during the irrigation season of 1958 and thereafter, until further notice, to the irrigable lands described in Public Notice No. 28 for the North Pavillion area, and Public Notice No. 30 for the North Portal area, Riverton Project, Wyoming.

2. *Charges and terms of payment.* A minimum water rental charge shall be payable for irrigable lands described in Public Notices Nos. 28 and 30, whether water is used or not. Such minimum charge need not be paid in any year for any acreage which the Riverton Project Manager certifies to be temporarily nonirrigable during such year due to seepage, land subsidence, shallow or impermeable soils, or excessive amounts of salts. Payment of the minimum water rental charge will entitle the water user to two acre-feet of water per irrigable acre. The minimum charge shall be payable in advance on January 1 of each year, and no water will be furnished until such charge is paid in full. Charges for water furnished in excess of two acre-feet per irrigable acre shall be payable on January 1 for water furnished during the preceding year.

The minimum water rental charge for lands in the North Pavillion area described in Public Notice No. 28 and for lands in the North Portal area described in Public Notice No. 30 shall be $2.80 per irrigable acre. Water in addition to two acre-feet per irrigable acre, if available, shall be furnished at the rate of $1.40 per acre-foot.

3. *Water for other lands.* Irrigation water, when available, will also be furnished at the rates described in Paragraph 2, to other lands in the North Pavillion and North Portal areas upon the filing each year of a temporary water rental application covering such other lands. The approval of a water rental application for these lands shall not be deemed to constitute an action leading to a continuing right to receive water in subsequent years. The application for water on other lands can be made at any time during the irrigation year. At the time of application, the water rental charge is due without application of the discounts or penalties prescribed in paragraph 5, and no water will be delivered until all charges have been paid in full.

4. *Abnormal precipitation.* In the event the recorded total precipitation at Pavillion from January 1 to September 30 varies from the 37-year average of 7.76 inches (1919–55) by more than one inch, the 2.0 acre-foot per irrigable acre water allowance for the minimum water charge will be adjusted. If the 9-month total precipitation is less than 6.76 inches, the water allowance for the minimum water charge will be increased by 0.2 foot for each inch that precipitation during this period is below the average of 7.76 inches. If the actual precipitation exceeds the average for the 9-month period by more than one inch, the water allowance will be reduced by 0.1 foot for each inch of such excess above the average of 7.76 inches.

5. *Discounts and penalties.* If payment of the minimum charge is made on or before December 31, a discount of 5 percent of such charge will be allowed. If payment of the charge for additional water is made on or before December 31 of the year in which used, a discount of 5 percent of such charge will be allowed. If payment of the minimum charge is not made by April 1 of each year, and if payment for additional water furnished to any lands is not made by April 1, subsequent to the year in which such additional water is delivered, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid, and the same penalty shall be added on the first day of each calendar month thereafter so long as such default shall continue, and no water will be delivered until all charges and penalties have been paid in full.

6. *Place of payment.* Payment of water rental charges shall be made at the Bureau of Reclamation Office in Riverton, Wyoming, or mailed to the Bureau of Reclamation, Riverton, Wyoming.

7. *Public Notices Nos. 28 and 30, supplemented.* This notice supersedes Public Notice No. 36 and supplements subparagraphs 24 (b) and 24 (c) of Public Notice No. 28, and subparagraphs 25 (b) and 25 (c) of Public Notice No. 30, Riverton Project.

F. M. CLINTON,
Regional Director.

[F. R. Doc. 57-9584; Filed, Nov. 19, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

DEPUTY ADMINISTRATOR AND ASSISTANT ADMINISTRATOR (PROGRAM)

DELEGATION AND ASSIGNMENT OF AUTHORITIES

I. Pursuant to authority contained in paragraph 116 of Title 9 of the Administrative Regulations of the Department of Agriculture and section 116 of the order of the Acting Secretary of Agriculture dated December 24, 1953 (19 F. R. 74), there hereby are delegated and assigned to the position of Deputy Administrator and to the position of Assistant Administrator (Program), subject to the general direction and supervision of the Administrator, all authorities, powers, functions, and duties that have been and that hereafter may be vested in the Secretary of Agriculture and delegated and assigned to the Administrator, with respect to:

A. Loan making, servicing, collection and liquidation, except the approval of any loan which will cause the total principal outstanding indebtedness of a borrower for all loans from the Farmers Home Administration to exceed $50,000.

B. The disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture is now or hereafter authorized to dispose of by the Administrator of the General Services Administration.

II. This order supersedes the order of the Administrator dated February 7, 1955 (20 F. R. 903) and the order of the Acting Administrator dated January 25, 1956 (21 F. R. 686).

Dated: November 13, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-9595; Filed, Nov. 19, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 3103–8, between the member lines of the Japan-Atlantic and Gulf Freight Conference, modifies the basic agreement of that conference (No. 3103, as amended) to exclude member lines' own branch offices from the provision limiting member lines to only one office of their own or one agent or subagent at any one port in Japan, Okinawa or Korea.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 15, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9609; Filed, Nov. 19, 1957; 8:54 a. m.]

Office of the Secretary

GEORGE L. WILSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 5, 1956, 21 F. R. 3030; November 1, 1956, 21 F. R. 8372; May 14, 1957, 22 F. R. 3396:

A. Deletions: Long Island Lighting.
B. Additions: Charles Pfizer, Dictaphone, Phillips Petroleum.

This statement is made as of October 20, 1957.

GEORGE L. WILSON.

NOVEMBER 12, 1957.

[F. R. Doc. 57-9582; Filed, Nov. 19, 1957; 8:45 a. m.]

ARVID O. LUNDELL

AMENDED STATEMENT OF FINANCIAL INTERESTS

Statement of changes in financial interests as required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

The following amended list replaces that published in the FEDERAL REGISTER of November 5, 1957; 22 F. R. 8884–5:

AMENDED LIST

STATEMENT OF FINANCIAL INTERESTS

Alloy steels.
American Machine and Foundry.
Atomic Development Mutual Fund.
Bachmann Uxbridge (Amerace Corp.).
Canada General Fund.
Century Shares Trust.
Chrysler Corporation.
Coins and Stamps, Inc.—Michigan.
Colonial Broach and Machine Company.
Consumers Power—Michigan.
Detroit Bank.

Detroit Edison.
Detroit Tap and Tool.
Elco Corporation.
Equity Corporation.
Ex-Cell-O Corporation.
Ford Motor Company.
Fargo Oil.
Grosse Pointe Restaurant Company—Michigan.
Lake Shore Engineering—Michigan.
National Bank of Detroit.
National City Lines.
New Method Steel Stamps, Inc.
Peoples State Bank of Hamtramck—Michigan.
Royalite Company Limited.
Raytheon Corporation.
Standard Products.
Sater Products.
Snyder Tool & Engineering.
Studebaker-Packard.
Tan-D Corporation—Michigan.
Tennessee Gas Transmission.
Transcontinental Gas & Pipe Line Corp.
Montana-Wyoming Gas Pipeline.
Highland Plastics—Michigan.
United Park City Mines.
W. J. R. Radio Station—Detroit.
Bank Accounts.
Municipal Bonds, School and Turnpike Revenue.
Jagarbo Hunting Club, Inc.—Michigan.

This statement is made as of October 29, 1957.

ARVID O. LUNDELL.

NOVEMBER 12, 1957.

[F. R. Doc. 57-9581; Filed, Nov. 19, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7902]

CAPITAL GAINS PROCEEDING

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 12, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 14, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9603; Filed, Nov. 19, 1957; 8:52 a. m.]

[Docket No. 8679]

QUAKER CITY AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the revocation of Interim Operating Authorization No. 34 issued to Quaker City Airways, Inc.

Notice is hereby given that oral argument in the above-entitled proceeding is assigned to be held on December 3, 1957, at 10:00 a. m., e.s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 14, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9604; Filed, Nov. 19, 1957; 8:52 a. m.]

[Docket No. 5081 et al.]

ADDITIONAL AIR SERVICE IN SOUTHEASTERN ALASKA

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 5, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 14, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9605; Filed, Nov. 19, 1957; 8:52 a. m.]

[Docket No. SR-2253]

ADMINISTRATOR OF CIVIC AERONAUTICS v. ORVILLE J. FEROE

NOTICE OF ORAL ARGUMENT

James T. Pyle, Administrator of Civil Aeronautics, complainant v. Orville J. Feroe, Respondent; Docket No. SR-2253.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 10, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board. Counsel for Orville J. Feroe has been allotted 30 minutes; and the Administrator 30 minutes to be presented in that order. Counsel for the respondent may reserve one-quarter of his allotted time for rebuttal.

Dated at Washington, D. C., November 15, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9606; Filed, Nov. 19, 1957; 8:53 a. m.]

[Docket No. 8619]

CALIFORNIA AIR CHARTER, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-indicated proceeding now assigned to be held November 19, 1957, is hereby postponed until December 2, 1957, at 10 a. m., e. s. t., in Room 5132, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., November 14, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9607; Filed, Nov. 19, 1957; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11645, 11646; FCC 57M-1124]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of American Telephone and Telegraph Company, Docket No. 11645; charges, classifications, regulations and practices for and in connection with private line services and channels. The Western Union Telegraph Company, Docket No. 11646; charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service.

The Hearing Examiner having under consideration a motion filed November 7, 1957, on behalf of the General Services Administration, requesting postponement of the hearing from December 16, 1957, to January 27, 1958, and statements filed November 12, 1957, on behalf of the respondents AT&T and Western Union agreeing to the postponement, requesting that the date for serving copies of the written testimony and exhibits by the respondents be extended from November 15 to December 9, 1957, and requesting that the date for the notification to the respondents of requests for additional information be extended from November 29, 1957, to January 3, 1958; and

It appearing that a possible conflict with another hearing (Docket No. 12194) in which the parties here pleading are involved led them and Bureau to agree to seek a postponement of the procedural schedule above referred to; and

It further appearing that the November 15 date for submission of the written testimony and exhibits requires immediate consideration of, and notified action upon, the pending motion as permitted in § 1.745 of the Commission's rules, and that the granting of the pending requests will conduce to the orderly dispatch of the Commission's business;

Now, therefore, it is ordered, This 13th day of November 1957, that the above motion is granted, and that the Order After Second Prehearing Conference as amended is modified to provide that: (1) The respondents' written testimony and exhibits shall be notified to the other parties on or before December 9, 1957; (2) additional information requests shall be notified to the respondents on or before January 3, 1958; and (3) the hearing of evidence shall be commenced at 10:00 a. m. on Monday, January 27, 1958, at Washington, D. C.

Released: November 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9599; Filed, Nov. 19, 1957; 8:50 a. m.]

[Docket No. 12217; FCC 57M-1126]

OREGON RADIO, INC.

ORDER CONTINUING HEARING

In re application of Oregon Radio, Inc., Salem, Oregon, Docket No. 12217, File No. BMPCT-4564; for extension of time to complete construction of Television Station KSLM-TV.

It is ordered, This 13th day of November 1957, that, upon request of the applicant and with the acquiescence of the Commission's Broadcast Bureau, the hearing in the above-entitled matter which is presently scheduled for November 25, 1957, is hereby rescheduled to commence at 10:00 a. m., December 2, 1957, in the Commission's offices at Washington, D. C.

Released: November 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9600; Filed, Nov. 19, 1957; 8:51 a. m.]

[Docket Nos. 12248, 12249; FCC 57-1243]

ST. ANTHONY TELEVISION CORP. AND WTVJ, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of: St. Anthony Television Corporation, Houma, Louisiana, Docket No. 12248, File No. BPCT-2328; WTVJ, Inc., Houma, Louisiana, Docket No. 12249, File No. BPCT-2354; for construction permit for a new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of November 1957;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in Houma, Louisiana; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing, and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto and the replies to the above letters, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary: that St. Anthony Television Corporation is legally qualified to construct, own and operate the proposed television broadcast station; and is technically so qualified except as to issue "1" below; and that WTVJ, Inc. is legally, financially and otherwise qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "1" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of St. Anthony Television Corporation and WTVJ, Inc. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna systems and sites proposed by St. Anthony Television Corporation and WTVJ, Inc. would constitute hazards to air navigation.

2. To determine the financial qualifications of St. Anthony Television Corporation to construct, own and operate the proposed television broadcast station.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, St. Anthony Television Corporation and WTVJ, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: November 15, 1957.

By direction of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9601; Filed, Nov. 19, 1957; 8:51 a. m.]

[Docket No. 12250; FCC 57-1244]

SACRAMENTO TELECASTERS, INC. (KBET-TV)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Sacramento Telecasters, Inc. (KBET-TV), Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of November 1957;

The Commission having under consideration (a) the above-entitled application filed on November 26, 1954, and granted without hearing on December 9, 1954; (b) a petition to stay the effective date of the grant, to designate the application for hearing, and for other relief, filed on January 13, 1955, pursuant to section 405 of the Communications Act of 1934, as amended, by McClatchy Broadcasting Company (hereinafter McClatchy), licensee of Radio Station KFBK, Sacramento, California; (c) the Commission's Memorandum Opinion and Order released March 18, 1955 (FCC 55-318) denying said petition on the grounds that McClatchy had no standing under section 405 of the Communications Act to seek reconsideration or the other relief requested; that allegations by McClatchy, relating to false presentations made by the applicant (Telecasters), were unfounded; and that a grant of the subject modification application would not adversely affect the interests of McClatchy with respect to its application for Channel 10 in Sacramento; (d) the decision issued on October 18, 1956, by the United States Court of Appeals for the District of Columbia Circuit in McClatchy Broadcasting Company v. Federal Communications Commission, 99 U. S. App. D. C. 199, 239 F. 2d 19, Cert. den. 353 U. S. 918, rehg. den. 353 U. S. 952; (e) a petition filed by McClatchy on September 6, 1957, requesting the Commission to adopt and include in its order of designation for hearing on remand the issues requested in its petition; the response thereto by Telecasters; McClatchy's reply thereto; and (f) a motion to strike McClatchy's petition for inclusion of issues from Dockets Numbers 9013 and 10298, filed by Telecasters on September 26, 1957; an opposition thereto by McClatchy; and Telecasters' reply thereto; and

It appearing that, by the aforementioned decision, the United States Court of Appeals for the District of Columbia

Circuit reversed the Commission's Order denying McClatchy's aforementioned petition, and remanded the case to the Commission for hearing "to decide whether to set aside either the modified grant to Telecasters, or the modification and the original grant as well, and, in either event, to consider what other action thereafter would be appropriate"; and

It further appearing that in the interest of orderly and expeditious Commission process, the hearing on the remand should be directed initially to the determination of whether the grant of the modification application would serve the public interest, convenience, and necessity; and

It further appearing that the hearing issues specified hereinbelow accord with the decision of the Court of Appeals as to the matters to be considered in a hearing on the modification application and also incorporate, in substance, such issues requested by McClatchy as relate to Telecasters' modification application; and

It further appearing that McClatchy's petition requesting inclusion of issues should be granted only insofar as the issues set forth therein relate to the above-entitled application for modification of construction permit; and

It further appearing that McClatchy has requested oral argument on its petition for inclusion of the issues specified by it, and that no useful purpose would be served by granting such request; and

It further appearing that the motion of Telecasters to strike McClatchy's petition requesting inclusion of issues from Dockets Numbers 9013 and 10298 should be granted since the proceedings therein are not under consideration by the Commission at this time; and

It further appearing that McClatchy has made no showing of irreparable injury to it or the public with respect to any construction or operation pursuant to the modified construction permit pending the outcome of the hearing; and that a stay of the grant of the above-captioned application pending a decision on the hearing would deprive the public of an existing television broadcast service, and would serve no useful purpose at this stage of the proceedings;

It is ordered, That McClatchy's requests for a stay of the grant of the above-captioned application and for oral argument on its petition for inclusion of issues are denied;

It is further ordered, That the petition of McClatchy for inclusion of issues is granted with respect to those issues therein which, in substance, are specified hereinbelow, and is denied in all other respects;

It is further ordered, That the motion of Telecasters to strike the petition of McClatchy for inclusion of issues from Dockets Numbers 9013 and 10298 is granted;

It is further ordered, That the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine the facts and circumstances leading to the filing of the above-captioned application for modification of construction permit by Sacramento Telecasters, Inc.

2. To determine the nature and extent of the change in coverage which would result from operation pursuant to the modified construction permit.[1]

3. To determine whether the filing of the above-captioned application for modification of construction permit raises a question of the good faith of Sacramento Telecasters, Inc., in view of the amendment of its original application as to antenna height and the result of its stipulation in the comparative hearing (Dockets Nos. 9013 and 10298) that there was no substantial difference in coverage between the two proposals, and in view of the evidence adduced under issues 1 and 2 above.

4. To determine whether Sacramento Telecasters, Inc., made false representations to the people in the area to be served by its proposed station with respect to the service that will be rendered by the station under the modification proposal.

5. To determine whether Sacramento Telecasters, Inc., made false representations to the people in the area to be served by its proposed station with respect to the service that will be rendered by the station under the modification proposal.

6. To determine whether William P. Wright, president of Sacramento Telecasters, Inc., made false representations to the Commission in his affidavit dated January 20, 1955.

7. To determine in light of the evidence adduced under the foregoing issues and the record made with respect thereto, whether the grant of the application of Sacramento Telecasters, Inc., for modification of its construction permit, would serve the public interest, convenience, and necessity.[2]

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to issues 1 and 2 above shall be on Sacramento Telecasters, Inc., and that the burdens as to issues 3, 4, 5, and 6 above shall be on McClatchy Broadcasting Company.

It is further ordered, That petitioner, McClatchy Broadcasting Company, and the Chief of the Broadcast Bureau are hereby made parties to the proceedings herein and that:

(a) The hearing on the above issues shall commence at a date to be specified in a subsequent order, before an Examiner to be specified at a later date.

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

[1] In connection with the evidentiary showing to be made under this issue, attention is called to the Commission's Memorandum Opinion and Order in Docket No. 10968, etc., (FCC 57-1212), released November 8, 1957.

[2] The Commission will decide, in the light of the record and decision in this hearing, what further action, if any, would be appropriate with respect to the original grant made to Telecasters on October 4, 1954.

(c) The appearances of the parties intending to participate in the above hearing shall be filed not later than November 27, 1957.

Released: November 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9602; Filed, Nov. 19, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13705]

MRS. TOM J. MOFFITT ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 13, 1957.

Mrs. Tom J. Moffitt, et al., (Moffitt), on October 14, 1957, tendered for filing a proposed change in her presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission.[1] The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 7 to Moffitt's FPC Gas Rate Schedule No. 1.
Effective date: November 14, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Moffitt states, that the increased price is a matter of contractual obligation arrived at by arm's-length bargaining in good faith.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Moffitt should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G-9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Moffitt, and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Moffitt is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G-9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Moffitt, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 14, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9585; Filed, Nov. 19, 1957; 8:46 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-8819.

[Docket No. G-13706]

MEREDITH AND CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 13, 1957.

Meredith and Company (Operator) et al., on October 14, 1957, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 3 to Meredith's FPC Gas Rate Schedule No. 3.
Effective date: November 14, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Meredith cites the contract provisions therefore and states that such provisions resulted from arm's-length bargaining and that the increase provisions are common in long-term contracts and provide protection to seller against inflation.

[1] Meredith previously proposed an increase under the same rate schedule which was suspended until April 1, 1957 in Docket No. G-11362, but was never made effective subject to refund.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until April 14, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9586; Filed, Nov. 19, 1957; 8:46 a. m.]

[Docket No. G-9961 etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 14, 1957.

In the matters of Trancontinental Gas Pipe Line Corporation, Docket No. G-9961; Sun Oil Company (Gulf Coast Division), Docket No. G-9989; Willard E. Walker, Docket No. G-10297; David Crow, Trustee, Docket No. G-10572.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation with its principal place of business in Houston, Texas, and Sun Oil Company (Sun), Willard E. Walker, (Walker) and David Crow, Trustee (Crow), independent producers, filed applications as indicated above, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and for the sale of natural gas in interstate commerce for resale, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

On February 8, 1956, Transco filed in Docket No. G-9961 an application for a certificate of public convenience and necessity authorizing the construction and operation of two 4-inch supply lateral pipelines, together with two meter stations and appurtenant facilities. One of the proposed laterals will extend from the terminus of Transco's 6-inch lateral pipeline in Bear Field, Beauregard Parish, Louisiana, approximately 2.37 miles to Transco's proposed meter station in the Cowpen Creek Field, Beauregard Parish. The other proposed lateral will extend approximately 0.59 miles from a point of connection on Transco's existing main transmission line in Allen Parish, Louisiana, to Transco's proposed meter station in the Kinder Field, Allen Parish, Louisiana. The proposed facilities will enable Transco to receive gas from Sun, Crow and Walker from the Cowpen Creek and Kinder Fields. The estimated total cost of the proposed facilities is $94,000. The cost is to be financed from company funds.

On February 23, April 23, and June 14, 1956, Sun, Walker, and Crow, in Docket Nos. G-9989, 10297 and 10572, respectively, filed separate applications for certificates authorizing the sale of natural gas in interstate commerce to Transco for resale from their respective interests in the Cowpen Creek and Kinder Fields. Sun proposes to sell its gas under a basic gas sales contract dated December 29, 1956, Walker under a ratification agreement dated March 9, 1956, and Crow under a ratification agreement dated May 3, 1956, to said basic contract, all between the respective parties and Transco.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before Decem-

ber 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9588; Filed, Nov. 19, 1957; 8:47 a. m.]

[Docket No. G-13041 etc.]

NORTHERN NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 14, 1957.

In the matters of Northern Natural Gas Company, Docket No. G-13041; J. M. Huber Corporation, Docket No. G-12743; United Producing Company, Inc., Docket No. G-12802; Magnolia Petroleum Company, Docket No. G-12821; Keating Drilling Company, Operator, et al., Docket No. G-12966; Oklahoma Natural Gas Company, Docket No. G-13127; Shell Oil Company, Docket No. G-13295; Shell Oil Company, Operator, and Agent for Simon Lebow, Docket No. G-13363.

Take notice that on August 12, 1957, Northern Natural Gas Company (Northern), a Delaware corporation having its principal place of business at Omaha, Nebraska, filed in Docket No. G-13041 an application, as supplemented September 17 and October 14, 1957, for a certificate of public convenience and necessity authorizing the construction and operation of:

(1) Approximately 13.3 miles of field lines varying in diameter from 4 to 8 inches, to extend from a proposed dehydration plant to be installed by Northern on its existing 30-inch transmission pipeline in Beaver County, Oklahoma, at a point approximately 30.6 miles upstream from its existing Beaver Compressor Station, to five wells in the Northeast Gate Lake area in Harper County, Oklahoma, together with metering facilities, in order to purchase and receive natural gas produced in the Northeast Gate Lake area by J. M. Huber Corporation (Huber), State Fuel Supply Company (State Fuel), Magnolia Petroleum Company (Magnolia), Keating Drilling Company, Operator (Keating), et al., and Shell Oil Company (Shell).

(2) Northern further proposes to construct and operate approximately 5.3 miles of field lines varying in diameter from 4 to 6 inches to extend from its aforementioned proposed dehydration plant to two completed wells in the South Glenwood area, Beaver County, Oklahoma, together with three meter stations in order to purchase and receive natural gas produced in the South Glenwood area by United Producing Company, Inc. (United), Keating, Oklahoma Natural Gas Company (Oklahoma Natural), Shell, Operator, et al., and Provident Royalties Corporation (Provident).[1]

Northern states that the estimated total initial cost of all the above facilities is $357,400, which cost will be financed out of cash on hand and cash generated from operations.

Northern also states that in addition to the above facilities it proposes to construct and operate additional field lines and meter stations in the subject areas to connect additional wells as they are completed.

Also take notice that the following related producer applications have been filed covering the above sales to Northern:

Docket No.	Applicant	Date filed	Contract date
G-12743	Huber	June 17, 1957	May 7, 1957
G-12802	United	June 27, 1957	May 15, 1957
G-12821	Magnolia	June 28, 1957	Apr. 17, 1957
G-12966	Keating	July 29, 1957 as amended Sept. 3, 1957	May 24, 1957
G-13127	Oklahoma Natural	Aug. 23, 1957	July 9, 1957
G-13295	Shell	Sept. 19, 1957	Aug. 26, 1957
G-13363	Shell	Oct. 7, 1957	July 9, 1957

Each of the above producers except Keating and Shell (in Docket No. G-13363) filed their respective applications to cover only their own interests in the leases involved which have been unitized, since each of such producers has its own separate contract with Northern.

Keating, in Docket No. G-12966, as Operator of five units in the Northeast Gate area, filed on its own behalf and on behalf of the following co-owners, all of whom, together with Keating, are signatory seller parties to the same gas sales contract with Northern dated May 24, 1957, namely, Oklahoma Contracting Co., Midwest Oil Corporation, Cities Service Oil Company, Bryon W. Beebe, T. A. Hester and M. W. Stapes. Exhibit 4 to Keating's application shows the percentum of interest of all the co-owners in the five units in which it is the operator. Keating is also filing as agent for State Fuel's interest in one of the aforesaid units. State Fuel is a sole signatory seller party to a separate gas sales contract with Northern dated May 6, 1957. Cities Service Oil Company has a possible reversionary interest in the leases comprising said units. With respect to the East Glenwood area, Keating is a non-operator and is filing for its own interest and the interests of Bryon W. Beebe, M. W. Stapes and T. A. Hester, the only signatory parties, together with Keating, to the contract involved herein owning interests in the East Glenwood area.

Shell in Docket No. G-13363 filed on its own behalf as Operator of two units in the South Glenwood area, and as agent for Simon Lebow, a co-owner of one of the units. Simon Lebow adopted the gas sales contract dated July 9, 1957, executed by and between Northern and Shell under an adoption agreement dated September 12, 1957, executed by and between Northern and Simon Lebow. Shell's application lists the percentum of interest of all the co-owners in the two units in which it is the operator.

Each of the gas sales contracts involved herein contains similar terms and provisions and extends to July 1, 1977. Exhibit A to each contract lists the acreage dedicated thereunder to Northern.

Producer's facilities consist of customary lease equipment. Proposed deliveries will be made at the metering facilities to be installed by Northern in each of the units involved herein.

Northern alleges that it will transport the gas received from the Producer Applicants commingled with its other gas supplies for sale in other states.

Northern indicates that no additional markets are proposed to be served by it other than those previously authorized by the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 9, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants herein listed to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9589; Filed, Nov. 19, 1957; 8:47 a. m.]

[Docket No. G-11731]

CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 14, 1957.

Take notice that Cumberland and Allegheny Gas Company (Applicant), a West Virginia corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on January 14, 1957 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, as hereinafter described, in order to sell and deliver natural gas from an existing transmission line for industrial service to Tygart Moulding Corporation (Tygart) at Beverly, Randolph County, West Virginia, all as more fully described in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a tap, regulating and measuring equipment and 300 feet of 1½-inch service line on its 3-inch transmission line No. 8067 near Beverly, Randolph County, West Virginia to connect with Tygart's lumber drying kilns. Applicant alleges that Tygart desires to use natural gas because of the economies and convenience involved instead of liquefied petroleum gas which it was currently using at the time of the filing of the application herein.

Tygart's annual gas requirements are estimated at 20,000 Mcf and its maximum day gas requirements are estimated at 60 Mcf.

Applicant estimates the total cost of its proposed facilities will be $2,400, which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9590; Filed, Nov. 19, 1957; 8:48 a. m.]

[Docket No. G-13116]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF OF HEARING

NOVEMBER 14, 1957.

Take notice that on August 22, 1957, Northern Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in Omaha, Nebraska, filed in Docket No. G-13116, an application, pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing it to transport and receive into its main pipeline system natural gas which it will purchase from independent producers located in areas adjacent to its existing pipeline transportation system from time to time during the balance of 1957 and the calendar year 1958, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that supplies of natural gas are available from numerous relatively small producing areas which are located adjacent to Applicant's pipeline system in the producing states of Texas, Oklahoma and Kansas. The volumes of gas which Applicant intends to purchase in these areas will become a part of Applicant's overall gas supply and such purchases are not contingent upon any expansion of its main line system.

Applicant submits a budget estimate of proposed construction of facilities to be undertaken by it in the sum of approximately $1,500,000 for the last half of 1957 and approximately $4,500,000 for the year 1958. It appears that the authorization sought by the application will eliminate numerous certificate filings by Applicant during the balance of 1957 and in 1958 for the sole purpose of installing facilities to attach new supplies of gas to its system although expansions of its over-all facilities are not involved. The proposal will further enable independent producers to commence deliveries promptly, after they receive authorization to sell natural gas from the Commission, and as soon as necessary facilities can be installed, without waiting for Applicant to prepare application for and receive certificate authorizations for facilities to connect such available supplies.

Applicant further states that it does not intend to utilize the authorization sought herein for the extension of facilities into any new producing areas where the cost of such extension and related facilities is in excess of $500,000.

Applicant proposes to finance its project, as the need arises, from cash on hand and from funds generated through operations.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9591; Filed, Nov. 19, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2190]

BIG UTE URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 13, 1957.

I. Big Ute Uranium Corporation, 139 North Virginia Street, Reno, Nevada, filed with the Commission on October 28, 1955 a notification on Form 1-A and an offering circular relative to a proposed offering of 3,000,000 shares at 10¢ per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission having reasonable grounds to believe that:

A. The notification and offering circular contained untrue statements of material facts, failed to reflect material changes which have occurred in the affairs of the corporation, and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly in that:

1. The notification and offering circular represented that the issuer's promoters had conveyed their interests in the described properties (White Silica Sands, Red Butte Group and Ute Group claim) to the issuer in consideration of stock and monies which were to be paid out of the proceeds of the offering, whereas the promoters had failed to make these alleged conveyances and the issuer held

[1] To date, Provident, a 1/32 nonoperating working interest owner in one of the leases involved herein and a sole signatory seller party to a contract with Northern, has made no certificate or rate filings covering its interest in the gas to be sold from said lease.

no title or interest in any of the described properties.

2. The offering circular failed to disclose that the alleged corporate properties, White Silica Sands and Red Butte Group, were lost in a law suit brought against the corporation's President in December 1955.

3. The offering circular failed to disclose that the issuer obtained new properties for a consideration of $5,000, which properties were subsequently lost when it was discovered that the seller held no title to the purchased properties.

4. The offering circular represented that no officers of the issuer would receive compensation in the early stage of the issuer's operations, whereas the treasurer of the corporation was and did continue to receive a salary of $500 a month throughout the offering.

B. The use of the offering circular did operate as a fraud and deceit upon the purchasers.

C. The terms and conditions of Regulation A have not been complied with in that the issuer has wilfully failed to file Form 2–A reports of sales as required by Rule 224 of Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9587; Filed, Nov. 19, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 191]

MOTOR CARRIER APPLICATIONS

NOVEMBER 15, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 109), filed August 26, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Gallup, N. Mex., and points in New Mexico within 25 miles thereof, to points in Arizona. Applicant is authorized to conduct similar operations in California, Arizona, Utah, Nevada, Washington, Montana, Oregon, and Idaho.

HEARING: January 30, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 29988 (Sub No. 67), filed September 23, 1957, DENVER CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, gasoline and other liquids in bulk, automobiles, coal, sand and gravel, and Portland cement, serving the site of the Sperry Phoenix Company, Division of the Sperry Rand Corporation plant located at Deer Valley Road and 19th Avenue, Phoenix, Ariz. (approximately 10 miles north of Phoenix, Ariz.), as an off-route point in connection with applicant's presently authorized regular route operations to and from Phoenix. Applicant is authorized to conduct operations in Colorado, Washington, Utah, Illinois, Missouri, Arizona, California, New York, Connecticut, Indiana, New Jersey, New Mexico, Kansas, Oregon, Idaho, Pennsylvania, Iowa, Massachusetts, Ohio, Nebraska, Rhode Island, Wyoming, and Michigan.

NOTE: Applicant's presently authorized operations to and from Phoenix are: (1) between Denver, Colo., and Tucson, Ariz.; (2) to and from the Reynolds Aluminum plant near Phoenix; (3) all intermediate points on applicant's regular route in New Mexico over U. S. Highways 85 and 66 and New Mexico Highway 6, for delivery only restricted to traffic moving from Phoenix, Ariz., and empty containers and skids used in the transportation of these commodities on return to Phoenix; and (4) between Tucson, Ariz., and Mesa, Ariz., and between junction Arizona Highways 84 and 87 near Picacho, and junction Arizona Highways 187 and 87 New Olberg, Ariz.

HEARING: January 30, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 44605 (Sub No. 6), filed September 30, 1957, MILNE TRUCK LINES, INC., 1000 South Third West Street, Salt Lake City, Utah. Applicant's attorney: David F. Anderson, 623 Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Los Angeles, Calif., and Hope, Ariz., over U. S. Highway 60, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (a) between Los Angeles and Needles, Calif.; (b) between Los Angeles and St. George, Utah; and (c) between Las Vegas, Nev., and Phoenix, Ariz. Applicant is authorized to transport similar commodities in Arizona, California, Nevada, and Utah.

HEARING: January 29, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 52858 (Sub No. 69), filed August 14, 1957, CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck tractors* and *truck chassis*, and *bodies for such vehicles*, and *trailers and semi-trailers* when being transported for delivery with a truck or truck tractor, in secondary movements, in truckaway service, between points in Colorado, Wyoming, Utah, Arizona, New Mexico, Nevada, Idaho, and Washington, except that no service is proposed westbound on new trucks from that part of Colorado on and south of U. S. Highway 50 and on and east of U. S. Highway 285, to points in New Mexico and Arizona. Applicant is authorized to transport similar commodities in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, North Dakota, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: February 3, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52858 (Sub No. 71), filed August 14, 1957, CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck tractors* and *truck chassis*, and *bodies for such vehicles*, and *trailers and semi-trailers* when being transported for delivery with a truck or truck tractor, in secondary movements, in truckaway service, between points in California, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Arizona, New Mexico, and Nevada, except that no service is proposed (a) between points in Los Angeles County, on the one hand, and, on the other, points in Nevada, Utah, New Mexico and Arizona; (b) between San Francisco and Oakland, Calif., and Reno, Nev.; (c) between San Francisco and Oakland, Calif., and points in Arizona and Utah; and (d) for the transportation of new trucks westbound from that part of Colorado on and south of U. S. Highway 50 and on and east of U. S. Highway 285 to points in California, nor from San Leandro, Calif., and points within twenty miles thereof, to points in Colorado, Wyoming, Utah, Arizona, New Mexico, and Nevada, nor from Salt Lake City, Utah, to San Leandro, Calif., and points within twenty miles thereof. Applicant is authorized to transport similar commodities in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, North Dakota, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: February 3, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 65451 (Sub No. 18), filed June 21, 1957, ALABAM FREIGHT LINES, 546 West Madison Street, Phoenix, Ariz. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Arizona as follows: (1) from Ashurst southeast over U. S. Highway 70 approximately two (2) miles to junction unnumbered highway and thence over unnumbered highway in a westerly direction to Klondyke; (2) from Cutter, Ariz., over U. S. Highway 70 in a westerly direction approximately two (2) miles to junction Arizona Highway 77, and thence over Arizona Highway 77 to Christmas; (3) from Superior, over Arizona Highway 177 to Inspiration Mine; and return over the afore-described routes, serving all intermediate points; (4) from the junction Arizona Highway 69 and Black Canyon cutoff southeast of Cordes, over Black Canyon cutoff to Camp Verde, and return over the same route, as an alternate route for operating convenience only serving no intermediate points. Applicant is authorized to conduct operations in Arizona, New Mexico, and Texas.

HEARING: January 27, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 80428 (Sub No. 25), filed October 30, 1957, H. LEON McBRIDE, FRANK McBRIDE AND H. LEON McBRIDE, JR., doing business as H. L. & F. McBRIDE, Main Street, Goshen, N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed*, in bulk, from Howells, N. Y., to points in New Jersey, Connecticut, those in Massachusetts on and west of a line beginning at the Massachusetts-New Hampshire State line and extending southerly along Massachusetts Highway 13 to Leominster, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, and those in Pennsylvania on, east and north of a line beginning at the New York-Pennsylvania State line and extending southerly along Pennsylvania Highway 14 to Sunbury, thence along U. S. Highway 122 to Hamburg, thence along U. S. Highway 22 to the Pennsylvania-New Jersey State line, including all points on the indicated portions of the highways specified. Applicant is authorized to transport other commodities in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Vermont.

HEARING: December 20, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 84428 (Sub No. 14), filed November 1, 1957, CHESTER JACKSON CO., a Corporation, 478 Schuyler Avenue, Kearny, N. J. Applicant's representative: A. David Millner, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitric acid*, in tank vehicles of 3,000 to 3,600 gallon capacity, from points within five miles of Parlin, N. J., not including Parlin, to points in Connecticut and Massachusetts on and west of U. S. Highway 5, those in that portion of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U. S. Highway 15 to Corning, N. Y., thence along New York Highway 414 to Wolcott, N. Y., thence along unnumbered highway to Lake Ontario, thence along Lake Ontario to Oswego, N. Y., thence on and south of a line beginning at Oswego and extending east along U. S. Highway 104 to Mexico, N. Y., thence along New York Highway 69 to Rome, N. Y., thence along New York Highway 46–A to Floyd, N. Y., thence along New York Highway 365 to Barneveld, N. Y., thence along New York Highway 28 to Poland, N. Y., thence along New York Highway 8 to Hague, N. Y., and thence along New York Highway 9–N to Ticonderoga, N. Y., and those in Pennsylvania on and east of U. S. Highway 15. Applicant is authorized to transport similar commodities in Connecticut, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania.

HEARING: December 19, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 103066 (Sub No. 12) (Revision), filed March 18, 1957, VAN STONE, doing business as STONE TRUCKING CO., P. O. Box 2014, 1516 West 49th Street, Tulsa, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. This is a third publication which corrects a portion of the revised notice of the subject application published in the FEDERAL REGISTER issue of September 25, 1957, at page 7621. Through inadvertence the referred-to notice omitted the states of New Mexico and Utah applied for in item (1) of the publication in the route description of the subject application. Correctly set forth, the territory in route (1) of the territorial description reads: between points in Arizona, Colorado, New Mexico, and Utah. At a hearing held on November 4, 1957, before Examiner Allen W. Hagerty, at Albuquerque, N. Mex., evidence was received in support of the application as filed. The Examiner's Report and Recommended Order will not be served until a lapse of thirty days after this publication in which time any persons who may have been prejudiced by the failure of the revised notice to clearly state the authority sought may file an appropriate petition for further hearing.

No. MC 107527 (Sub No. 35), filed September 26, 1957, POST TRANSPORTATION COMPANY, a Corporation, 3152 East 26th Street, Los Angeles 23, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Soda ash*, in bulk, in covered hopper vehicles, from Westend, Calif., to Grants, N. Mex., and points within twenty-five miles thereof. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Utah, and Wyoming.

HEARING: February 7, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109126 (Sub No. 6), filed August 21, 1957, LA SALLE TRUCKING COMPANY, a Corporation, 2317 Newton Avenue, P. O. Box 13037, San Diego 13, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank trucks and trailers, from points in Imperial County excluding Niland, Calif., to ports of entry on the International Boundary between the United States and Mexico at Calexico, Texate, and Andrade, Calif., and San Luis, Ariz., for delivery into lower California, Mexico. Applicant is authorized to conduct regular route operations in California, and irregular route operations in Arizona and California.

HEARING: January 20, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109584 (Sub No. 35), filed July 29, 1957, ARIZONA-PACIFIC TANK LINES, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in California to Phoenix and Tucson, Ariz.; *contaminated shipments of wine*, on return. Applicant is authorized to transport wine from Fresno, Calif., to Phoenix, Ariz., and Gallup, N. Mex. No duplicate authority is sought by this application.

HEARING: January 22, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109772 (Sub No. 13), filed October 16, 1957, 7101 East Slauson, Los Angeles, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *New and used motor vehicles*, not including trailers, in secondary movements and in truckaway

service, between points in Arizona, Nevada, New Mexico and Utah. Applicant is authorized to transport similar commodities in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE: Duplicating authority should be eliminated.

HEARING: January 16, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 111860 (Sub No. 2), filed October 21, 1957, CAROL TRANSPORTATION CO., a Corporation, foot of Henderson Street, Jersey City, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *The commodities*, classified as meats, meat products, and meat by-products in the appendix to the report in *Modification of Permits-Packing House Products*, 46 M. C. C. 23, from New York, N. Y., to points in Bergen, Passaic, Hudson, Essex, Union, Morris, Middlesex, and Monmouth Counties, N. J.

NOTE: Applicant is authorized to transport the same commodities from Jersey City, N. J., to the same destination territory and merely seeks authority in this application to broaden its base area to continue serving the same shippers now served from Jersey City, N. J.

HEARING: December 19, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 113129 (Sub No. 1) (CLARIFICATION), published issue October 30, 1957, at page 8757, filed August 16, 1957, SEXTON-CLARKE AUTO FREIGHT, INC., 1206 Sheldon Boulevard, Bremerton, Wash. Applicant's attorney: Carl A. Johnson, 400 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Tacoma, Wash., and Bremerton, Wash., in connection with applicant's authorized regular-route operations, as follows: points between Tacoma, Wash., and Port Orchard, Wash., on and within a five mile radius west of Washington Highway 14, but excluding points on Washington Highway 14B west of Purdy, Wash.; and points east of Washington Highway 14 within the area bounded by Sinclair Inlet and Rich Passage on the North and West passage and the Narrows on the East; and (2) in connection with applicant's authorized regular route operations between Seattle, Wash., and Bremerton, Wash., and between Tacoma, Wash., and Bremerton, Wash., as follows: all points in Kitsap County, Wash., except point on Bainbridge Island. Irregular route, non scheduled service as follows: (1) between Bremerton, Wash., and points in Kitsap County, Wash., except points on Bainbridge Island, and between points in Kitsap County, except points on Bainbridge Island. Alternate route (1) between Seattle, Wash., and Bremerton, Wash., over U. S. Highway 99 to Tacoma, Wash., thence over Tacoma Narrows Bridge and Washington Highway 14 to junction Washington Highway 21, thence over Washington Highway 21 to Bremerton, Wash., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Oregon and Washington.

HEARING: Remains as assigned December 4, 1957, in Room 231, Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 114290 (Sub No. 1), filed June 17, 1957, EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland 14, Oreg. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Processed fruits and vegetables* and *commodities* requiring refrigeration, from points in Yakima and Benton Counties, Wash., and from Salem, West Salem, Hillsboro, Woodburn, and Eugene, Oreg., to San Francisco, Oakland, Sacramento, Stockton, Fresno, Bakersfield, and points in Los Angeles County, Calif. From points in Alameda, Contra Costa, Fresno, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, and Ventura Counties, Calif., to Ashland, Medford, Eugene, Salem, and Portland, Oreg., and Seattle, Tacoma, Yakima, and Spokane, Wash.

HEARING: January 13, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 114364 (Sub No. 27) (CORRECTION), published issue October 30, 1957, at page 8758, filed May 3, 1957, WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, from Swink, Colo., to points in New Mexico; and *petroleum products*, in containers, and *lubricating oil*, in bulk, from Kansas City, Kans., and Ponca City, Okla., to Glen Canyon Dam Site, Ariz., including points in Arizona within 50 miles of said Dam Site. Applicant is authorized to transport similar commodities in Arkansas, Colorado, Idaho, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE: This corrected notice removes the restriction "in bulk" as pertains to the transportation of *sugar*.

HEARING: Remains as assigned December 16, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 114953 (Sub No. 3), filed August 21, 1957, LAMB TRANSPORTATION COMPANY, a Corporation, P. O. Box 850, 22422 South Alameda Street, Long Beach 1, Calif. Applicant's attorney: Warren N. Grossman, 727 West Seventh Street, Los Angeles 17, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hydrogen peroxide*, in specially constructed, shipper-owned tank trailers, from Port Hueneme, Calif., to the site of the Rocket Dyne Division of North American Aviation, Inc., located approximately 2 miles southeast of Santa Susana, Calif., and from the site of the Rocket Dyne Division of North American Aviation, Inc., located approximately 2 miles southeast of Santa Susana, Calif., to points in Arizona, Nevada, and New Mexico with California origin point of movement loaded. *Shipper-owned empty tank trailers*, on return. Applicant is authorized to transport road oils and liquid asphalts in bulk between points in Arizona and specified points in California and Nevada.

HEARING: January 21, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 114953 (Sub No. 4), filed August 30, 1957, LAMB TRANSPORTATION COMPANY, a Corporation, P. O. Box 850, 22422 South Alameda Street, Long Beach 1, Calif. Applicant's attorney: Warren N. Grossman, 727 West Seventh Street, Los Angeles 17, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fluid synthetic cracking catalyst*, in closed hopper trailers, from South Gate, Calif., to Ciniza, N. Mex. (approximately 18 miles east of Gallup, N. Mex.), *Rejected, returned and refused shipments* of the above-described commodity, on return. Applicant is authorized to transport road oils and liquid asphalts between points in Arizona, California, and Nevada.

HEARING: January 21, 1957, at the Federal Building, Los Angeles, Calif., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116062 (Sub No. 10); filed May 27, 1957, CALIFORNIA EXPRESS, INC., 1701 Vinewood, Fort Worth, Tex. Applicant's attorney: John W. Carlisle, 422 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in California to points in Arizona.

HEARING: January 23, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116084 (Sub No. 4), filed September 18, 1957, CAPITOL TANK LINE, INC., 3743 East Florence Avenue, Bell, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals* and *wine*, in bulk, in tank vehicles, between points in California, on the one hand, and, on the other, points in Illinois, Iowa, Louisiana, Michigan, Missouri, Nebraska, and Wisconsin.

HEARING: January 17, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 116367 (Sub No. 1), filed October 28, 1957, EMIL KLEIN, doing business as MIRO'S EXPRESS, 43–21 161 Street, Flushing 58, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Baggage*, between New York, N. Y., and points in Nassau and Westchester Counties, N. Y., on the one hand, and, on the other, points in Delaware, Essex, Franklin, Greene, Sullivan and Ulster Counties, N. Y., and points in Monroe, Pike, and Wayne Counties, Pa.

HEARING: December 20, 1957, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 116572, filed April 8, 1957, CECIL PAYNE SUPPLY COMPANY, INC., 1140 West Prince Road, Tucson, Ariz. Applicant's attorney: Richard Minne, 914 Title & Trust Building, Phoenix, Ariz. For authority to operate as a contract carrier, over irregular routes, transporting: *Timber for mines and mining facilities*, from points in Oregon and California, to points in Arizona and New Mexico, together with *motion to dismiss* for the reason and upon the ground that the operations of the applicant are such that the Commission has no jurisdiction over them. Any interested person may obtain a copy of the motion, upon request, from applicant's attorney and replies thereto filed by a protestant will be considered if filed with the Commission within 40 days after date of publication of this notice in the FEDERAL REGISTER. RESTRICTION: Above applied-for authority to be restricted to points located off rail lines.

HEARING: January 28, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 116824 (Sub No. 1), filed September 9, 1957, R. C. CHIPMAN, doing business as CHIPMAN TRUCK COMPANY, 22606 South Alameda Street, Long Beach, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dodecyl benzene sulfonic acid*, in bulk, in insulated, stainless steel tank vehicles, from South Gate, Calif., to storage tank located near Henderson, Nev. (approximately 5.3 miles northeast of intersection of U. S. Highway 466 with Nevada Highway 41, then 0.2 mile east of Nevada Highway 41).

HEARING: January 21, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116860, filed August 6, 1957, W. E. ROGERS, doing business as ROGERS TRUCKING CO., 4051 East Grand Avenue, Pomona, Calif. Applicant's representative: Cromwell Warner, 404 Yarmouth Road, Palos Verdes Estates, Calif. For authority to operate as a *contract carrier*, over regular and irregular routes, transporting: REGULAR ROUTES: *Paper* and *paper products*, from Pomona, Calif., to San Francisco, Oakland and Alameda Harbors, Calif. From Pomona over U. S. Highway 99 to junction California Highway 152 near Chowchilla, Calif. (Chowchilla Junction), thence over California Highway 152 to Gilroy, Calif., thence over U. S. Highway 101 to San Francisco Harbor (also from junction U. S. Highway 101 and California Highway 152 over U. S. Highway 101 to San Jose, Calif., thence over California Highway 17 to junction U. S. Highway 40, thence over U. S. Highway 40 to San Francisco Harbor). From Pomona over the above-specified route to San Jose, Calif., thence over California Highway 17 to Oakland Harbor. From Pomona over the above-specified route to San Jose, thence over California Highway 17 to Alameda. *Paper mill supplies, damaged, refused, returned and rejected shipments* of paper and paper products, and *empty containers or other such incidental facilities* (not specified) used in transporting paper and paper products, from the above-named destination points over the regular routes specified above to Pomona, Calif. Serving no intermediate points on the above-specified routes. IRREGULAR ROUTES: *Paper* and *paper products*, from Pomona, Calif., to Los Angeles Harbor and Long Beach Harbor, Calif., through San Bernardino, Orange, and Los Angeles Counties, Calif.; and *paper mill supplies, damaged, refused, returned and rejected shipments* of paper and paper products, and *empty containers or other such incidental facilities*, (not specified) used in transporting paper, paper products, on return movements. Applicant holds common carrier authority in Certificate No. MC 96646 in the name of W. E. BILL ROGERS, doing business as ROGERS TRUCKING COMPANY, to transport wrapping paper, from Pomona, Calif., to the ports of Long Beach and Wilmington, Calif., as restricted therein. Applicant states he does not desire to perform dual operations, and if the contract carrier operations herein sought are authorized, applicant will immediately request revocation of the Certificate.

HEARING: January 20, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116881, filed August 19, 1957, C. H. MILLER, doing business as C. H. MILLER TRANSPORTATION, P. O. Box 1027, Oroville, Calif. Applicant's representative: Pete H. Dawson, Suite 306, 717 Market Street, San Francisco, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *Generators, turbines*, and *generator and turbine parts*, (1) From Rogers Flat, Calif. (between Tobin and Belden, Calif.) to Poe Power House, approximately six miles southeast of Jarbo Pass, Calif., as follows: from Rogers Flat over Alternate U. S. Highway 40 to junction Butte County Road, approximately one mile south of Jarbo Pass, thence over Butte County Road, approximately one mile, to Pacific Gas and Electric Company private right-of-way, thence over said private right-of-way to Poe Power House, serving no intermediate points; (2) From Rogers Flat, Calif., to Caribou Power House, Calif., as follows: From Rogers Flat over Alternate U. S. Highway 40 to Howell Junction (approximately three miles northeast of Belden, Calif., thence north over Pacific Gas and Electrict Company private right-of-way to Caribou Power House, serving no intermediate points; (3) From Rogers Flat, Calif., to Yellow Creek Power House at Belden, Calif., as follows: From Rogers Flat over Alternate U. S. Highway 40 to Belden, thence over Pacific Gas and Electric Company private right-of-way to Yellow Creek Power House, serving no intermediate points; (4) From Rogers Flat, Calif., to Butte Valley Power House near Prattsville, Calif., as follows: From Rogers Flat over Alternate U. S. Highway 40 to junction California Highway 89, thence over California Highway 89 to Prattsville, thence over Pacific Gas and Electric Company private right-of-way to Butte Valley Power House, serving no intermediate points; (5) From Crescent Mills, Calif., to Caribou Power House, Calif., as follows: From Crescent Mills over California Highway 89 to junction Alternate U. S. Highway 40, thence over Alternate U. S. Highway 40 to Howell Junction, Calif., thence north over Pacific Gas and Electric Company private right-of-way to Caribou Power House, serving no intermediate points; (6) From Crescent Mills, Calif., to Yellow Creek Power House at Belden, Calif., as follows: From Crescent Mills over California Highway 89 to Junction Alternate U. S. Highway 40, thence over Alternate U. S. Highway 40 to Belden, thence over Pacific Gas and Electric Company private right-of-way to Yellow Creek Power House, serving no intermediate points; (7) From Crescent Mills, Calif., to Butte Valley Power House, Calif., as follows: From Crescent Mills over California Highway 89 to Prattsville (approximately sixteen miles north of Crescent Mills), thence over Pacific Gas and Electric Company private right-of-way to Butte Valley Power House, serving no intermediate points; and (8) From Chester, Calif., to Butte Valley Power House, Calif., as follows: From Chester over California Highway 36 to junction Pacific Gas and Electric Company private right-of-way approximately three miles south of Chester), thence over said private right-of-way to Butte Valley Power House, serving no intermediate points. OVER IRREGULAR ROUTES: *Wood molding* and *lumber*, finished and rough, from points in Butte and Plumas Counties, Calif., to San Francisco and Oakland, Calif. Applicant states he proposes to transport *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return.

NOTE: Applicant states that under Routes 1 to 8, inclusive, over regular routes, these shipments will move from rail-sidings to the origin points named to the various power houses. Over irregular routes, applicant states that Wood molding and lumber will move from mills at origin points to the docks at San Francisco and Oakland for export.

HEARING: February 5, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116939, filed September 18, 1957, M. L. AXELROD AND M. A. FORMAN, a partnership, doing business as A & F TRUCKING SERVICE, 235 Bentley Avenue, Los Angeles 49, Calif. Applicant's attorney: Jack Oliver Goldsmith, 901 Builders Exchange Building, 656 South Los Angeles Street, Los Angeles 14, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Conduits or pipe*, and *cement*, containing asbestos fiber, from points in Los Angeles County, Calif., to points in Arizona.

HEARING: January 20, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116950, filed September 24, 1957, JOSEPH L. DRAKE, 499 North Delaware, Chandler, Ariz. Applicant's attorney: Nathan Holt, 410 Luhrs Tower, Phoenix, Ariz. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry fertilizers*, in bags or in bulk, and *insecticides*, in bags or in drums, from Chandler, Ariz., to points in San Bernardino, Ventura, Imperial, Riverside, San Diego, Orange, Kern and Los Angeles Counties, Calif. *Dry fertilizers*, in bags or in bulk, and *insecticides*, in bags or in drums, from points in San Diego and Los Angeles Counties, Calif., to points in Arizona.

HEARING: January 29, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116980, filed October 14, 1957, F. P. NEILSON, WILLIS F. NEILSON, IVAN R. NEILSON AND LARS P. NEILSON, doing business as ARIZONA SALES COMPANY, P. O. Box 787, 116 West Fourth Avenue, Mesa, Ariz. Applicant's attorney: James F. Haythornewhite, 703 Luhrs Tower, Phoenix, Ariz. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Chemical fertilizers*, bulk and sacked, from points in Salt Lake and Utah Counties, Utah, and those in Los Angeles, San Diego, Ventura, and San Bernardino Counties, Calif., to points in Maricopa, Pinal, Cochise, Yuma, Pima and Graham Counties, Ariz., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from points in the above-specified Counties in Arizona to points in the above-designated Counties in Utah and California.

HEARING: January 31, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 398, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 117015, filed October 29, 1957, JOE F. COSTA, doing business as JOE F. COSTA TRUCKING COMPANY, South G Street, Arcata, Calif. Applicant's representative: Pete H. Dawson, Suite 306 Market Street, San Francisco, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* (including dimension lumber and boards, rough or surfaced), and *plywood*, from points in Humbolt County, Calif., to Eureka, Fields Landing, and San Francisco, and points in San Mateo and Santa Clara Counties, Calif.

HEARING: February 6, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 226), filed October 16, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Law Department, Public Service Coordinated Transport, (same address as applicant). For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Cape May County, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, the District of Columbia, Virginia, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, and Vermont.

HEARING: January 27, 1958, at the Penn Atlantic Hotel, 1219 Bacharach Boulevard, Atlantic City, N. J., before Examiner James I. Carr.

No. MC 3647 (Sub No. 227), filed October 16, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Law Department, Public Service Coordinated Transport, (same address as applicant). For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Ocean County, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, the District of Columbia, Virginia, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, and Vermont.

HEARING: January 27, 1958, at the Penn Atlantic Hotel, 1219 Bacharach Boulevard, Atlantic City, N. J., before Examiner James I. Carr.

No. MC 3647 (Sub No. 228), filed October 16, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Law Department, Public Service Coordinated Transport, (same address as applicant). For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Atlantic County, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: January 27, 1958, at the Penn Atlantic Hotel, 1219 Bacharach Boulevard, Atlantic City, N. J., before Examiner James I. Carr.

No. MC 58915 (Sub No. 34), filed October 8, 1957, LINCOLN TRANSIT CO., INC., U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Cape May County, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: January 27, 1958, at the Penn Atlantic Hotel, 1219 Bacharach Boulevard, Atlantic City, N. J., before Examiner James I. Carr.

No. MC 58915 (Sub No. 35), filed October 8, 1957, LINCOLN TRANSIT CO., INC., U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round-trip sightseeing and pleasure tours, beginning and ending at points in Atlantic County, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, the District of Columbia, Virginia, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, and Vermont.

HEARING: January 27, 1958, at the Penn Atlantic Hotel, 1219 Bacharach Boulevard, Atlantic City, N. J., before Examiner James I. Carr.

No. MC 58915 (Sub No. 36), filed October 8, 1957, LINCOLN TRANSIT CO., INC., U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Ocean County, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: January 27, 1958, at the Penn Atlantic Hotel, 1219 Bacharach Boulevard, Atlantic City, N. J., before Examiner James I. Carr.

PETITION

No. MC 42148, THOMAS BOYD, 114 West Turner Street, Philadelphia, Pa. Applicant's representative: Jacob Polin, Practitioner, P. O. Box 317, Bala-Cynwyd, Pa. *Petition (1) for waiver of Rule 101 (e) of General Rules of Practice to permit filing of Reconsideration Petition and (2) for Reconsideration of application and clarification of commodity description in certificate.* By virtue of Certificate dated February 8, 1941, petitioner holds authority to transport *Mill machinery and equipment* over irregular routes, between points in New Jersey, Maryland, and New York, and those in that part of Pennsylvania east of a line beginning at the Pennsylvania-New York State line near Millerton, Pa., and extending in a southerly direction through Williamsport, Pa., to the Pennsylvania-Maryland State line near West Manheim, Pa. An Order of the Commission dated April 27, 1953, effective June 4, 1953, provides, with respect to the authority to transport mill machinery and equipment, particularly as to whether "winches" is one of the numerous items included in said term, that applicant is hereby notified that the operating authority to transport mill machinery and equipment, as specified in Certificate No. MC 42148 is for the purpose of clarification, construed to include, among other articles, winches, provided the winches, when transported, had been used or are intended for ultimate use in or by a mill. Petitioner seeks in lieu of the commodity description above a description reading: *commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, in the territory described above.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub No. 93), filed November 4, 1957, GREAT SOUTHERN TRUCKING COMPANY, a Corporation, 2050 Kings Road, P. O. Box 2408, Jacksonville, Fla. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Hendersonville, N. C., and Spartanburg, S. C., over U. S. Highway 176, serving no intermediate points; (2) between Spartanburg, S. C., and Forest City, N. C., from Spartanburg over U. S. Highway 221 to junction with U. S. Highway 221-A, thence over U. S. Highway 221-A to Forest City, and return over the same route, serving no intermediate points; (3) between Spartanburg, S. C., and Rutherfordton, N. C., over U. S. Highway 221, serving no intermediate points; (4) between Shelby, N. C., and Gaffney, S. C., from Shelby over North Carolina Highway 18 to its junction with South Carolina Highway 18, thence over South Carolina Highway 18 to Gaffney, and return over the same route, serving no intermediate points; (5) between the junction of U. S. Highways 311 and 220 (approximately four miles north of Asheboro, N. C.), and Greensboro, N. C., over U. S. Highway 220, serving no intermediate points; (6) between Asheboro, N. C., and Durham, N. C., from Asheboro over U. S. Highway 64 to Pittsboro, N. C., thence over U. S. Highway 15 to Durham, and return over the same route, serving no intermediate points; (7) between Perry, Fla., and Quitman, Ga., over U. S. Highway 221, serving no intermediate points; (8) between Gainesville, Fla., and Trenton, Fla., over Florida Highway 26, serving no intermediate points: (9) between Glen St. Marys, Fla., and Valdosta, Ga., from Glen St. Marys over Florida Highway 125 to Eddy, thence over Florida Highway 2 to its junction with Georgia Highway 94, thence over Georgia Highway 94 to Valdosta, and return over the same route, serving no intermediate points; (10) between Columbus, Ga., and Macon, Ga., over U. S. Highway 80, serving no intermediate points; (11) between junction of U. S. Highway 29 and North Carolina Highway 49 (approximately seven miles north of Charlotte, N. C.) and the junction of North Carolina Highways 49 and 8 (approximately three miles north of New London, N. C.), over North Carolina Highway 49, serving no intermediate points; and (12) between Lake City, Fla., and Archer, Fla., over U. S. Highway 41, serving no intermediate points. All of the above described routes are to be used as alternate routes, for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to transport the commodities specified in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

No. MC 2998 (Sub No. 19), filed November 1, 1957, WOLVERINE EXPRESS, INCORPORATED, 701 Erie Avenue, Muskegon, Mich. Applicant's representative: James F. Nolan, 1901 Train Avenue, Cleveland, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and those requiring special equipment, serving the site of General Motors, Euclid Division Plant, located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from the Commercial Zone of Cleveland, Ohio. Applicant is authorized to transport similar commodities in Michigan, Ohio, Indiana, and Illinois.

No. MC 30319 (Sub No. 88), filed November 7, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, Houston, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including air freight having a prior or subsequent movement by air, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (a) over a reroute between Harlingen, Tex., and Lantana, Tex.: from Harlingen over Texas Farm Route 1595 to intersection unnumbered county road just west of Arroyo Colorado bridge, thence over unnumbered county road to intersection of Texas Highway 345, thence over applicant's authorized route over Texas Highway 345 to Lantana, and return over the same route, serving no intermediate points which applicant is not now authorized to serve, and (b) between Harlingen, Tex., and Brownsville, Tex.: from Harlingen over U. S. Highway 77 to intersection Texas Farm Road 511, thence over Texas Farm Road 511 to intersection Texas Farm Road 1846 (formerly unnumbered county road), thence over applicant's authorized route over Texas Farm Road 1846 to Brownsville (closed door), and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's authorized regular route operations between McAllen, Tex., and Brownsville, Tex., in Certificate MC 30319 (Sub No. 27) dated August 17, 1953.

NOTE: In connection with (a) above applicant seeks a reroute between Harlingen and Lantana, Tex., paralleling rail line of its affiliate (Texas and New Orleans Railroad Company), in lieu of authorized circuitous route via Rio Hondo as described in segment of authorized operations in Certificate MC 30319 (Sub No. 27) between McAllen and Brownsville, Tex., for the reasons more specifically set forth in its application. Application does not seek to serve any new or additional points.

No. MC 30824 (Sub No. 14), filed November 7, 1957, AALCO EXPRESS COMPANY, INC., 3514 Page Boulevard, St. Louis 6, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uncrated commercial refrigeration cases*, which because of size, weight and shape, require the use of special equipment and special handling and *related parts* and *equipment* when moving in conjunction with uncrated commercial refrigeration cases, from St. Louis, Mo., to all points in the United States, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 60012 (Sub No. 38), filed November 1, 1957, RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, Denver, Colo. Applicant's attorney: Marion R. Smyser, 604 Grande Building, Denver, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities in bulk, commodities requiring special equipment and*

Class A and B explosives, but excepting commodities of unusual value, and household goods as defined by the Commission, between Grand Valley, Colo., and the site of the Union Oil Company's shale oil plant at Parachute Creek (in Garfield County), Colo., from Grand Valley over unnumbered county highway which extends in a northwesterly direction for a distance of approximately fifteen miles to the site of the Union Oil Company's shale oil plant at Parachute Creek, and return over the same route, serving all intermediate points. Applicant is authorized to transport similar commodities in Colorado and New Mexico.

No. MC 61403 (Sub No. 23), filed October 30, 1957, ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cranston, R. I., to Old Hickory, Tenn.

No. MC 87514 (Sub No. 12), filed November 5, 1957, NICHOLAS TUSO, JR., doing business as INTER-STATE TRANSPORTATION COMPANY, P. O. Box 55, Third and Chestnut Avenue, Vineland, N. J. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Tullytown, Pa., to points in New Jersey. Applicant is authorized to transport petroleum products in Delaware, Pennsylvania, and New Jersey.

No. MC 113082 (Sub No. 4), filed November 5, 1957, CLARK STOOKESBERRY, Milton, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Used wire bottle-carrying crates* and *wire baskets*, for reconditioning, from points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin to Keosauqua, Iowa. Applicant is authorized to transport wire bottle-carrying crates and wire baskets from Keosauqua, Iowa to each of the above destination States and to Arkansas, Oklahoma, and Tennessee; and used wire bottle-carrying crates and wire baskets from points in Oklahoma, to Keosauqua, Iowa, and another commodity in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin.

NOTE: Applicant states the proposed transportation is for Barker Equipment Co.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 139), filed November 4, 1957, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: Earl A. Bagby, Western Greyhound Lines, Market and Fremont Streets, San Francisco 5, Calif. For authority to operate as a *common carrier* over regular routes transporting: *Passengers* and their *baggage*, and *express*, *newspapers* and *mail* in the same vehicle with passengers, (a) between the Nevada-California State Line east of Lakeside, and Sacramento: From the point where U. S. Highway 50 intersects the Nevada-California State Line, over U. S. Highway 50 to junction unnumbered highway southeast of Folsom (East Folsom Junction), thence over unnumbered highway via Folsom and Nimbus to junction U. S. Highway 50 southeast of Nimbus (West Folsom Junction), thence over U. S. Highway 50 to Sacramento, serving all intermediate points. (Connects with Nevada route 4.); and (b) between Stewart Junction and the Nevada-California State Line east of Lakeside, Calif.: From the junction of U. S. Highway 50 and U. S. Highway 395 (Stewart Junction), over U. S. Highway 50 to the Nevada-California State Line, serving all intermediate points. (Connects with California route 70.)

NOTE: Applicant presently holds the authority applied for above in Certificate No. 1501 (Sub No. 138), the authority in (a) being shown on Page 17, and (b) on Page 51 thereof. The authority in (a) contains the following restriction: Regular service is authorized to be conducted between the Nevada-California State Line and Placerville during the season extending approximately from June 10 to September 10 of each year. Service is authorized to be conducted in special operations only during that part of the year when regular service is not performed; and the authority in (b) contains the following restriction: Regular service is authorized to be operated during the season extending approximately from June 10 to September 10 of each year. Service is authorized to be conducted in special operations during that part of the year when regular service is not performed. Applicant states the purpose of this application is to change summer-season operating authority to all-year operating authority between Placerville, Calif., and Stewart Junction, Nev.

No. MC 67024 (Sub No. 24), filed October 8, 1957, SERVICE COACH LINE, INC., 1010 East Lafayette Street, c/o Tamiami Trail Tours, Inc., P. O. Box 2938, Tampa, Fla. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, *express*, *mail* and *newspapers*, in the same vehicle with passengers, between junction U. S. Highway 25 and Georgia Highway 88 (2 miles east of Hephzibah, Ga.), and Statesboro, Ga., from the junction of U. S. Highway 25 and Georgia Highway 88 over U. S. Highway 25 to Statesboro, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Georgia and Florida.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6756. Authority sought for control by JAR CORPORATION, 3401 Main Highway, Miami, Fla., of GREAT SOUTHERN TRUCKING COMPANY, 2050 Kings Road, Jacksonville, Fla., T. S. C. MOTOR FREIGHT LINES, INC., 400 Pickney Street, Houston, Tex., and MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHER CANNON, JR., SUCCESSOR TRUSTEE, Greensboro, N. C., and for acquisition by JAMES A. RYDER, also of Miami, Fla., of control of GREAT SOUTHERN TRUCKING COMPANY, T. S. C. MOTOR FREIGHT LINES, INC., AND MILLER MOTOR LINE OF NORTH CAROLINA, INC., through the acquisition by JAR CORPORATION. Applicants' attorney: Eugene T. Liipfert, 2001 Massachusetts Avenue, NW., Washington 6, D. C. Operating rights sought to be controlled: GREAT SOUTHERN TRUCKING COMPANY: Operates as a *common carrier* of *General commodities*, with certain exceptions, including houschold goods and commodities in bulk, over specified regular routes, serving certain intermediate and off-route points, principally in the States of Alabama, Georgia, South Carolina, North Carolina, Florida, and Virginia; and over irregular routes in North Carolina and Virginia; and over various specified alternate routes for operating convenience in connection with its regular route operations. T. S. C. MOTOR FREIGHT LINES, INC. operates as a *common carrier* of *General commodities*, with certain exceptions, including household goods and commodities in bulk, and of *malt beverages*, *bags and bagging*, *agricultural commodities*, *canned goods*, *dried fruit*, *petroleum products*, *cotton*, *roofing*, *lard and sugar*, over specified regular routes, serving certain intermediate and off-route points, principally in the States of Alabama, Louisiana, Texas and Mississippi; and over irregular routes in Texas and Louisiana; and *Government-owned compressed gas trailers*, empty or loaded, with compressed gases other than liquidified petroleum gas, between the points and over the regular and alternate routes, and to, from and between the points, and over the irregular routes, in the State of Texas, as authorized in MC 106977 Sub 2. MILLER MOTOR LINE OF NORTH CAROLINA, INC., is a *common carrier* of a *wide variety of commodities* in bulk, in tank vehicles, including but not limited to *petroleum products*, *liquid chemicals*, and *vegetable oils*, from, to, and between varying points and areas in the States of North Carolina, Virginia, Georgia, South Carolina, Tennessee, West Virginia, Maryland, Alabama, Florida, Louisiana, Mississippi, New York, New Jersey, Delaware, Pennsylvania, Arkansas, Kentucky, District of Columbia, Missouri, Ohio, and Texas. JAR CORPORATION holds no authority from this Commission, but is affiliated with RYDER SYSTEM, INC., which in turn owns all the capital stock of GREAT SOUTHERN TRUCKING COMPANY, T. S. C. MOTOR FREIGHT LINES, INC., and MILLER MOTOR LINE OF NORTH CAROLINA, INC. The application is accompanied with a motion to dismiss for lack of jurisdiction. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F 6757. Authority sought for purchase by UNITED STATES VAN LINES, INC., 3340 North Mannheim Road, Franklin Park, Ill., of the operating rights of OLIVER W. SILFVAST, DANIEL D. DAVIDOFF AND ADOLPH G. PIIPPO, doing business as DEAL TRANSFER AND FUEL, 312 North Division, Kellogg, Idaho, and for acquisition by ARCHIBALD H. STEVENS, 121 South Niagara, Saginaw, Mich., HAZEL H. STEVENS, also of Franklin Park, Ill., and ALLEN A. METCALF, SR., AND ALLEN A. METCALF, JR., both of 1255 East Highway 36, St. Paul, Minn., of control of such rights through the purchase. Applicants' attorney: Ramon S. Regan, 2255 Penobscot Building, Detroit 26, Mich. Operating rights sought to be purchased: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Shoshone County, Idaho, on the one hand, and, on the other, points in that part of Montana on and west of the 109th Meridian, those in that part of Idaho north of the south boundary of Idaho County, Idaho, those in that part of Washington east of the Cascade range of mountains, and those in that part of Oregon north of a line beginning at Ontario, Oreg., and extending west to Bend and Eugene, Oreg., to the Pacific Ocean including the points named. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia, except the States of Maine, Vermont, New Hampshire, Mississippi, Alabama, New Mexico, and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6758. Authority sought for purchase by UNITED STATES VAN LINES, INC., 3340 North Mannheim Road, Franklin Park, Ill., of the operating rights of PORTLAND MOVING & STORAGE CO., 800 Southeast Hawthorne Boulevard, Portland, Oreg., and for acquisition by ARCHIBALD H. STEVENS, 121 South Niagara, Saginaw, Mich., HAZEL H. STEVENS, also of Franklin Park, Ill., and ALLEN A. METCALF, SR., AND ALLEN A. METCALF, JR., both of 1255 East Highway 36, St. Paul, Minn., of control of such rights through the purchase. Applicants' attorney: Ramon S. Regan, 2255 Penobscot Building, Detroit 26, Mich. Operating rights sought to be purchased: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Oregon on the one hand, and, on the other, points in Washington. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia, except the States of Maine, Vermont, New Hampshire, Mississippi, Alabama, New Mexico, and Nevada. Application has not been filed for temporary authority under section 210a (b).

NO. MC–F 6760. Authority sought for purchase by CLAUDE S. CYPHERS, 548 Ann Street, Stroudsburg, Pa., of the operating rights and property of RICHARD S. ZIEGENFUS, R. D. No. 1, Palmerton, Pa. Applicants' attorney: James K. Peck, 811 Pennsylvania Power and Light Building, Scranton, Pa. Operating rights sought to be purchased: *Coal*, as a *common carrier*, over irregular routes, from Hazleton, Pa., points in Luzerne County within 5 miles of Hazleton, and points in Northumberland and Schuylkill Counties, Pa., to Palisades Park, Harrison, and Jersey City, N. J., and points in Mercer and Somerset Counties, N. J. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6761. Authority sought for purchase by GRUBB MOTOR LINES, INC., P. O. Box 567, Lexington, N. C. of the operating rights and property of BYRD MOTOR LINE, INCORPORATED, P. O. Box 441, Lexington, N. C. and for acquisition by J. C. GLOSSON AND A. H. ALEXANDER, both of Lexington, N. C. of control of such rights and property through the purchase. Applicants' attorney: Harry F. Gillis, 801 Mills Building, Washington 6, D. C. Operating rights sought to be purchased: *New furniture*, as a *common carrier*, over irregular routes, from points in North Carolina which are more than 10 miles but within 25 miles of High Point, N. C. to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia; from Mebane and Hillsboro, N. C., to points in Alabama, Connecticut, Florida, Illinois, except those in the Chicago, Ill., commercial zone, Kentucky, Louisiana, certain points in Michigan, Mississippi, New York, except those in the New York, N. Y., commercial zone, South Carolina, and Tennessee; from High Point, N. C., and points within 10 miles thereof to points in Alabama, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Delaware, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, Pennsylvania, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; *rejected shipments* of new furniture from the above destination points to the above origin points; *canned citrus fruits* and *canned citrus juices*, from Plant City and Frostproof, Fla., to certain points in North Carolina; *Veneer*, from Piqua, Ohio, and Edinburg, Ind., to Galax and Pulaski, Va., and certain points in North Carolina; from Louisville, Ky., to certain points in North Carolina; from Lawrenceburg, Greensburg and Nashville, Ind., to Lexington, N. C. Vendee is authorized to operate as a *common carrier* in Virginia, North Carolina, New York, Maryland, New Jersey, Pennsylvania, Delaware, District of Columbia, Tennessee, South Carolina, Georgia, Florida, Kentucky, Ohio, Rhode Island, and Massachusetts. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6762. Authority sought for purchase by FRANK COSGROVE TRANSPORTATION COMPANY, INC., 393 Mystic Avenue, Medford, Mass., of the operating rights and property of DAWNE TRANSPORTATION COMPANY, INC., 11 Pemberton Square, Room 609, Boston, Mass., and for acquisition by FRANK M. J. COSGROVE AND CHARLES E. DEMERS, both of Medford, Mass., of control of such rights and property through the purchase. Applicants' attorney: Mary E. Kelley, 84 State Street, Boston, Mass. Operating rights sought to be purchased: *Packing house products*, as defined by the Commission, *groceries*, *chemicals* and *sparkler bottles*, as a *common carrier*, over a regular route, between New York, N. Y. and Boston, Mass., serving certain intermediate and off-route points; *chemicals*, *turpentine*, *linseed oil*, and *casein*, over irregular routes, from Stoneham, Mass., to points in Providence County, R. I., and certain points in New Hampshire. Vendee is authorized to operate as a *common carrier* in Massachusetts, Vermont, New York, New Hampshire, Virginia, Tennessee, Illinois, Indiana, Ohio, Michigan, Maine, Connecticut, Rhode Island, Pennsylvania, Delaware, and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6763. Authority sought for purchase by FOGARTY BROS. TRANSFER, INC., 1103 Cumberland Avenue, Tampa, Fla., of a portion of the operating rights of MOELLER TRANSFER AND STORAGE CO., 210 Coosa Street, Montgomery, Ala., and for acquisition by J. E. FOGARTY AND JERRY E. FOGARTY, both of Tampa, Fla., of control of such rights through the purchase. Applicants' attorney: Edgar Watkins, 919 Munsey Building, Washington 4, D. C. Operating rights sought to be purchased: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Alabama, Florida, Georgia, Missouri, Tennessee, Louisiana, and Mississippi; between points in Alabama on the one hand, and, on the other, points in New Jersey, Pennsylvania, North Carolina, South Carolina, and Maryland. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, South Carolina, North Carolina, Virginia, Tennessee, Alabama, Kentucky, West Virginia, Ohio, Indiana, Illinois, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, District of Columbia, Michigan, Wisconsin, Arkansas, Mississippi, Louisiana, Kansas, Maine, Massachusetts, Missouri, New Hampshire, Oklahoma, Rhode Island, Texas, Vermont, Iowa, Nebraska, and Minnesota. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6759. Authority sought for purchase by NORTHEASTERN MISSOURI GREYHOUND LINES, INC., 500 South Washington Street, Mexico, Mo., of portions of the operating rights of (1) THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill., and (2) SOUTHWESTERN

GREYHOUND LINES, INC., 210 East Ninth Street, Fort Worth 2, Tex., and for acquisition by SOUTHWESTERN GREYHOUND LINES, INC., of control of such rights through the purchase. Applicants' attorneys: Crouch, Crouch and Spangler, Citizens National Bank Building, Harrisonville, Mo. Operating rights sought to be purchased: *Passengers and their baggage*, and *express, mail* and *newspapers*, as a *common carrier*, over regular routes, (1) between Louisiana, Mo., and Springfield, Ill., and (2) between Kingdom City, Mo., and Louisiana, Mo. Vendee is authorized to operate as a *common carrier* in Missouri. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-9597; Filed, Nov. 19, 1957; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 15, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34298: *Cement and clinkers—Pennsylvania points to North Judson, Ind.* Filed by O. E. Schultz, Agent (ER No. 2410), for interested rail carriers. Rates on cement, common, hydraulic, masonry, mortar, natural or portland, carloads, and clinker, carloads from Chapman, Coplay, Martins Creek, Northampton, and 15 other specified points in the Lehigh, Pa., cement district subject to Bath, Pa., basis of rates to North Judson, Ind.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 4 to Agent H. R. Hinsch's tariff I. C. C. 4788.

FSA No. 34299: *Coal—Tennessee points to Lamberts Point, Va.* Filed by The Southern Railway Company, for itself (No. 128-A), and the Norfolk and Western Railway Company. Rates on coal, carloads from Elk Valley, Newcomb, Tiprell, and Wooldridge, Tenn., to Lamberts Point, Va., for export.

Grounds for relief: Market competition and origin group relations.

Tariff: Supplement 29 to Southern Railway Company's tariff I. C. C. A-11352.

FSA No. 34300: *Fire brick and shapes—Worcester, Mass., to Arkansas points.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7154), for interested rail carriers. Rates on silicon carbide fire brick and fire brick shapes, straight or mixed carloads from Worcester, Mass., to Jones Mills and Gum Springs, Ark.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 109 to Agent Kratzmeir's tariff I. C. C. 4178.

FSA No. 34301: *Silica—Illinois points to points in the South.* Filed by O. W. South, Jr., Agent (SFA No. A3560), for interested rail carriers. Rates on silica, ground or pulverized, carloads, from Elco, Tamms and Olive Branch, Ill., to specified points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 130 to Agent Spaninger's tariff I. C. C. 1469.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-9596; Filed, Nov. 19, 1957; 8:49 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 22 — NUMBER 226

Washington, Thursday, November 21, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; FLORIDA

On November 5, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

FLORIDA	*Average value*
County:	
Alachua	$21,000
Baker	18,000
Bay	14,400
Bradford	18,000
Brevard	18,000
Broward	20,000
Calhoun	17,500
Charlotte	20,000
Citrus	17,500
Clay	18,000
Collier	20,000
Columbia	18,000
Dade	20,000
De Soto	18,000
Dixie	18,000
Duval	18,000
Escambia	21,000
Flagler	18,000
Gadsden	18,000
Gilchrist	18,000
Glades	20,000
Gulf	14,400
Hamilton	18,000
Hardee	18,000
Hendry	21,000
Hernando	18,000
Highlands	18,000
Hillsborough	17,500
Holmes	18,000
Indian River	20,000
Jackson	18,000
Jefferson	17,500
Lafayette	18,000
Lake	18,000
Lee	21,000
Levy	18,000
Liberty	14,400
Madison	$18,000
Manatee	18,000
Marion	20,000
Nassau	18,000
Okaloosa	18,000
Okeechobee	20,000
Orange	18,000
Osceola	17,500
Palm Beach	20,000
Pasco	18,000
Pinellas	17,500
Polk	20,000
Putnam	18,000
St. Johns	18,000
St. Lucie	20,000
Santa Rosa	21,000
Sarasota	18,000
Seminole	18,000
Sumter	18,000
Suwannee	18,000
Taylor	14,400
Union	18,000
Volusia	18,000
Wakulla	14,400
Walton	18,000
Washington	18,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: November 15, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-9615; Filed, Nov. 20, 1957; 8:45 a. m.]

Subchapter E—Account Servicing

[FHA Instruction 450.4]

PART 361—ROUTINE

SUBPART D—SERVICING ACCOUNTS OF BORROWERS ENTERING THE ARMED FORCES

Part 361, Title 6, Code of Federal Regulations is revised to add a new Subpart D as follows:

Sec.
361.61 General.
361.62 Borrower owing Farmers Home Administration loans which are secured by chattels.
361.63 Borrower owing Farmers Home Administration loans which are secured by real estate.

AUTHORITY: §§ 361.61 to 361.63 issued under R. S. 161, secs. 41.6, 50 Stat. 528, as amended,

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FEDERAL REGISTER

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870, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100; 5 U. S. C. 22, 7 U. S. C. 1015, 16 U. S. C. 590w, 42 U. S. C. 1480, 40 U. S. C. 442. Interpret or apply sec. 1, 50 Stat. 522, as amended, sec. 21, 50 Stat. 524, as amended, sec. 2, 63 Stat. 44, as amended, sec. 501, 63 Stat. 432, sec. 2, 67 Stat. 150, secs. 9, 10, 68 Stat. 735; 7 U. S. C. 1001, 1017, 12 U. S. C. 1148a,-2,-4, 42 U. S. C. 1017, 16 U. S. C. 590x-2,-3.

§ 361.61 *General.* It is not the policy of the Farmers Home Administration to renew, postpone or modify annual installments due under a borrower's promissory note because of his entry in the armed services. However, scheduled payments will not be enforced against such a borrower when such payments are beyond his ability to pay. Nevertheless, the long-time interest of the borrower can be served best by prompt and satisfactory arrangements for the use and protection, or disposition of the security property in accordance with the policies expressed herein.

§ 361.62 *Borrower owing Farmers Home Administration loans which are secured by chattels*—(a) *Policy.* When information is received that a borrower is entering the armed forces, the County Supervisor will be responsible for contacting the borrower immediately for the purpose of reaching an understanding concerning the actions to take in connection with the Farmers Home Administration loan indebtedness. Such a borrower will be permitted to retain his chattel security property when arrangements can be worked out which will be satisfactory to the borrower and the Farmers Home Administration. However, because of the nature of chattel security, such a borrower will be informed of the usual depreciation of such security property and will be encouraged to sell the property and apply the proceeds on his loan(s). In most cases, the interests of both the borrower and the Government can be served better by arranging for a voluntary sale of the security property. A borrower retaining security property will be expected to make payments on his loan(s) equal to scheduled payments.

(b) *Methods of handling.* In carrying out the above policy, the cases of borrowers entering the armed forces will be handled in accordance with one of the following methods:

(1) *Voluntary sale of security property.* When it is determined that the security property will be liquidated, the borrower will be urged to sell the property through the use of Form FHA–217, "Agreement for Public Sale," for a public sale, or Form FHA–851, "Statement of Conditions on which Lien will be Released," for a private sale. If for any reason it is more desirable or necessary for the property to be sold by the Farmers Home Administration, the sale will be through the use of Form FHA–209, "Agreement for Voluntary Liquidation of Mortgaged Chattels," executed by the borrower before he is accepted for service in the armed forces if the sale is to be completed before the borrower is accepted for service, or after he is accepted for service if the sale cannot be completed before the borrower is so accepted. For this purpose, an individual will be considered as accepted for service after he is ordered to report for induction, or if in the enlisted reserve, after he is ordered to report for service in the armed forces.

(2) *Assumption of indebtedness.* When the borrower arranges with a person satisfactory to the Farmers Home Administration to purchase the security property and to assume the Farmers Home Administration loan indebtedness secured by chattels, the State Director is authorized to approve an assumption agreement for this purpose between the borrower, the person assuming the debt, and the Farmers Home Administration. In such a case, the original borrower will not be released from liability.

(3) *Arrangements with third persons.* When the borrower arranges with a relative or other reliable person to maintain the security property in a satisfactory manner and to make scheduled payments, the State Director is authorized to approve the arrangement. In such a case, the borrower will be required to execute a power of attorney, prepared or approved by the Attorney in Charge, authorizing an attorney-in-fact to act for him during his absence.

(4) *Possible legal action.* If the borrower fails or refuses to cooperate in the servicing of his Farmers Home Administration loan indebtedness secured by chattels in accordance with one of the methods set forth herein, his case will be forwarded to the State Director for action to be taken in protecting the Government's interest.

(c) *Statements of accounts and transfers.* Borrowers entering the Armed Forces will be requested to designate mailing addresses for statements of account. In cases in which assumption agreements have been executed, statements of account will be mailed to the assuming borrower.

§ 361.63 *Borrower owing Farmers Home Administration loans which are secured by real estate.* Any borrower who is definitely entering the Armed Forces should consult with the County Supervisor prior to the borrower's military service concerning the most advantageous arrangements that can be made regarding the farm. The County Supervisor will assist such a borrower in working out mutually satisfactory arrangements.

(a) *Power of attorney.* Borrowers entering the armed forces who retain ownership of their farms should be encouraged to execute a power of attorney authorizing the person of their choice to take any actions necessary to insure proper operation and maintenance of the farm, payment of insurance and taxes, and repayment of the loan. No employee of the Farmers Home Administration will act as attorney-in-fact for a borrower.

(b) *When the borrower wishes to retain ownership of the farm.* When a borrower wishes to retain ownership of his farm, the Farmers Home Administration will assist him in making arrangements for the operation of the farm which will protect the interests of both the Government and the borrower.

(1) *Leasing.* It will be more satisfactory if the farm is leased under a written lease in accordance with equitable leasing policies and applicable Farmers Home Administration procedures. The County Supervisor should assist the borrower in securing a dependable tenant who is a good farmer, who will secure maximum production, and who will maintain the farm in good condition. The borrower should make arrangements for the rental income to be used for regular payments on the loan in order to avoid the accumulation of unpaid interest. The borrower also should make arrangements for the payment of taxes and insurance and maintenance of the farm to avoid having these charges paid by the Government and charged to his account. It would be desirable to provide that the lease will continue for the duration of the borrower's military service, unless either party gives written notice of earlier cancellation of the lease.

(2) *Operation by family.* When a borrower wishes to have the farm occupied and operated by his family or relatives without a written lease, the County Supervisor should advise him as to whether the proposed arrangements will be in the best interests of the borrower and the Government. When the farm is to be operated by relatives, the hazards and disadvantages to the borrower and the Government which are inherent in unwritten contracts will be discussed, and every effort will be made to induce the borrower to enter into formal contractual arrangements whenever possible to do so.

(c) *When the borrower does not desire to retain ownership of the farm.* When a borrower feels that the burden of managing the farm and continuing with payment of the indebtedness will be too great for him and his family, he may wish to transfer the farm to another approved applicant or to sell it outside the program. In any such case, the Farmers Home Administration will cooperate with the borrower in effecting a sale or transfer of the farm in accordance with applicable procedures.

(d) *When the borrower abandons the farm or fails to make satisfactory arrangements.* When a borrower aban-

dons the farm or fails to make satisfactory arrangements for maintenance of the farm, and payment of taxes, insurance, and installments on the loan, the County Supervisor will send a complete report on the case to the State Director and will include all the information he can secure regarding the borrower's plans for the farm and any evidence that indicates abandonment, in fact, has taken place. Abandonment cases, or instances in which the borrower fails to take action to transfer or sell his property and evidences no interest in it or desire to retain it, will be processed in accordance with applicable procedures.

(e) *Statements of account.* Borrowers entering the armed forces who retain ownership of their farms will be requested to designate mailing addresses for statements of accounts.

Dated: November 15, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-9616; Filed, Nov. 20, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ESTABLISHMENT OF MERCHANTABLE FREE, RESTRICTED AND ALLOCATION PERCENTAGES FOR 1957–58 MARKETING YEAR

Notice was published in the FEDERAL REGISTER on October 29, 1957 (22 F. R. 8538) that the Secretary was considering establishment of merchantable free, restricted, and allocation percentages for walnuts grown in California, Oregon, and Washington during the marketing year August 1, 1957 through July 31, 1958. The proposed rule, which was based on the recommendations of the Walnut Control Board and other information available to the Secretary, would have been established in accordance with the applicable provisions of Marketing Agreement No. 105 and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, (7 CFR Part 984; 22 F. R. 7885). Said marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Said notice provided that written data, views, and arguments filed by November 13, 1957 would be considered prior to issuance of a final order establishing the percentages. Two communcations were received. One concurred in and urged adoption of the proposed percentages with such adjustments as are warranted by changes in production estimates. The other objected to establishment of the proposed percentages on the basis that prices received by growers would exceed parity during the 1957–58 crop year, but no substantiating data in support of this contention was submitted. Information relating to probable returns to growers does not permit a finding at this time that returns to growers will exceed parity.

Subsequent to publication of the proposed percentages, the production estimate for California walnuts has decreased 3,000 tons, thus reducing the total supply of walnuts, and necessitating revision of the control percentages. The percentages established herein are based on the most recent official estimate of the walnut crop and, hence, differ from those proposed in the aforesaid notice.

After consideration of all relevant information available, it is hereby found and determined that the percentages set forth herein will tend to effectuate the declared policy of the act. Therefore, it is ordered that the control and allocation percentages for merchantable unshelled walnuts handled or certified for handling during the 1957–58 crop year shall be as follows:

§ 284.209 *Merchantable free, restricted, and allocation percentages for walnuts during the marketing year beginning August 1, 1957.* During the marketing year beginning August 1, 1957, the following percentages shall be in effect:

	District 1	District 2
	Percent	*Percent*
Merchantable free	72	86
Merchantable restricted	28	14
Merchantable allocation	38	16

It is hereby found and determined that good cause exists for not postponing the effective date of this order for thirty days, or any lesser period after its publication in the FEDERAL REGISTER for the reasons that: (1) The action will apply to all unshelled walnuts certified as merchantable during the marketing year which began on August 1, 1957, and such certification of walnuts has already begun; (2) prior notice of such action was given all interested parties; and (3) no advance or special preparation for operations hereunder is required of persons affected.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, November 15, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9655; Filed, Nov. 20, 1957; 8:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54482]

PART 6—AIR COMMERCE REGULATIONS

REENTRY OF AIRCRAFT

It has been found that the listing of accompanied baggage on the air cargo manifest, which is usually prepared prior to lading, is frequently inaccurate due to last minute changes in the number of pieces of such baggage presented for lading. Because of such inaccuracies, customs inspectors have been determining the number of pieces of accompanied baggage at the time of examination. For this purpose it is necessary that the customs officer have the total number of passengers and crew members on the flight. Therefore, the requirement for listing accompanied baggage on the air cargo manifest is being discontinued. Provision is being made for listing the total number of crew members on the general declaration when a crew manifest is not required.

The regulations of the Immigration and Naturalization Service (8 CFR Part 231) have been amended effective December 1, 1957, to provide for the manifesting of air passengers on individual card forms (Form I–94). As a result, there will be no passenger manifest available for the use of customs; therefore, a provision is being made for listing the total number of passengers on the face of the general declaration.

To implement the foregoing, the Customs regulations are amended as follows:

Section 6.6 (a) is amended by placing a period after "aircraft" in the first sentence and deleting the remainder of that sentence.

Section 6.6 (b) is amended to read as follows:

(b) The forms described in §§ 6.7 and 6.8 may be obtained from collectors of customs upon payment by the owner or operator of the aircraft. These forms may be printed or dittoed by private parties, provided the forms so printed or dittoed conform to the official forms currently in use, with respect to size, wording arrangement, style and size of type, and paper specifications. A small quantity of each of the forms shall be set aside by collectors of customs for free distribution and official use.

The first complete sentence of § 6.7 (b) (1) is amended by deleting the period at the end and adding: "but the total number of crew members shall be shown on the general declaration."

Section 6.7 (b) (2) is amended to read as follows:

(2) The total number of passengers shall be shown on the face of the general declaration.

(NOTE: No passenger manifest is required for customs purposes. For Immigration and Naturalization Service passenger manifest requirements, see 8 CFR Part 231.)

Section 6.7 (b) (4) is amended by deleting the first four sentences.

Section 6.7 (h) is amended by deleting the period at the end of the first sentence and adding "with merchandise or unaccompanied baggage." and by inserting the word "unaccompanied" before the word "baggage" wherever it appears in the paragraph.

Section 6.9 (b) is amended by deleting ", or passengers," from the first sentence.

(R. S. 161, 251, secs. 624, 644, 46 Stat. 759, 761, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 1644, 49 U. S. C. 177)

These amendments shall become effective at 12:01 a. m. local standard time on December 1, 1957.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 15, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9630; Filed, Nov. 20, 1957; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-423]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

SPECIAL CIVIL AIR REGULATION; TYPE CERTIFICATION OF TRANSPORT CATEGORY AIRPLANES WITH TURBO-PROP REPLACEMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of November 1957.

The airworthiness requirements with which a particular airplane is required to comply are established by the date of application for the type certificate. After the type certificate is issued, the holder of the type certificate or an applicant for a supplemental type certificate, at his option, can obtain approval of changes in the design in accordance with requirements in effect at the time of the original application for type certificate or in accordance with later requirements in effect at the time of the change.

Prior to May 18, 1954, the regulations placed no specific limit on the extent of changes to the airplane which could be approved in this manner nor did they define a new type design for which a new application for type certification would be required. Amendment 4b–1 effective on that date, among other changes in Part 4b, lists certain changes in design which if made to an airplane would require it to be considered as a new type. In such a case, a new application for type certification would be required and the regulations, together with all amendments thereto effective on the date of the new application, would have to be complied with (§ 4b.11 (a)). One such change which would require a new type certificate is a change to engines employing different principles of operation or propulsion (§ 4b.11 (e) (2)).

Interest has been shown recently within the aviation industry in the installation of turbo-propeller engines on airplanes presently equipped with reciprocating engines. In accordance with § 4b.11 (e) (2) such a change would require a showing of compliance with the latest airworthiness requirements of Part 4b. The Board is of the opinion that showing of compliance with all of the latest requirements might be burdensome, impractical, and not essential to safety.

This Special Civil Air Regulation will permit the certification of a turbo-propeller-powered airplane, which previously was type certificated with the same number of reciprocating engines, if compliance is shown with the airworthiness provisions applicable to the airplane as type certificated with reciprocating engines, together with certain later provisions of the Civil Air Regulations in effect on the date of application for a supplemental or new type certificate which are applicable or related to the powerplant of the turbo-propeller-powered version.

In order to insure that the level of safety of the turbine-powered airplane is equivalent to that intended by Part 4b, the Board considers that compliance must be shown with the later provisions of Part 4b which apply to the powerplant installation, airplane performance, and cockpit standardization, and such other requirements as the Administrator finds are otherwise related to the changes made in the engines.

Special Civil Air Regulation No. SR–422 establishes certain certification and operational requirements for all turbine-powered airplanes for which a type certificate is issued after the effective date of that regulation. Except as otherwise provided, all of the provisions of SR–422 remain applicable to airplanes certificated in accordance with the regulation prescribed herein. Therefore, to be certificated in accordance with the regulation prescribed herein compliance must be shown with the certification performance requirements prescribed in paragraph 2 of SR–422.

It must be emphasized that the certification performance limitations established by the performance requirements; i. e., the take-off weights, landing weights, take-off and accelerate-stop distances, and the operational limits, become part of the airworthiness certificate and must be complied with at all times, regardless of the type of operations conducted with the airplane. (See § 43.10, as amended, of Part 43 of the Civil Air Regulations).

In addition to certification performance limitations, SR–422 prescribes performance operating limitations which are applicable to turbine-powered transport category airplanes when used in air carrier passenger operations. Since turbo-propeller-powered airplanes certificated in accordance with the regulation prescribed herein are required to comply with the certification performance requirements of SR–422, they are also subject to the performance operating limitations prescribed in paragraph 3 of SR–422 when used in air carrier passenger operations.

Since a change in engines will require a rather extensive change in the cockpit to accommodate the new instruments and controls for turbine engines, the Board considers that compliance with the latest cockpit standardization requirements can be accomplished without any undue burden and such compliance would speed up the cockpit standardization of other airplanes in an airline's fleet in accordance with the Board's objectives. Therefore, this regulation makes the latest cockpit standardization requirements applicable, with the exception of such detailed requirements as the Administrator finds are impracticable, and do not contribute materially to standardization. It should be noted that in referring to this exception in the preamble to Draft Release No. 56–29, the use of the conjunction "or" after the word "impracticable" was inadvertent. As the language of the proposed regulation clearly indicated, "and" was the proper conjunction following the word "impracticable."

The Board also considers it appropriate to call attention to the fact that if other changes to the airplane are made simultaneously with, or subsequent to, such an engine change, then compliance will also have to be shown with all requirements related to the additional changes in effect on the date of the new application for a supplemental or new type certificate. In this regard, if an airplane converted to turbo-propeller power is to be certificated for operation at altitudes, speeds, or weights higher than those which are applicable to the reciprocating-engine-powered airplane, compliance will be required with all the latest provisions of the regulations which are related to such changes.

In order to assure that all airplanes converted to turbo-propeller power meet the minimum requirements considered essential to safety, this regulation is made retroactive and requires compliance with the provisions of the Civil Air Regulations as set forth herein for all of such airplanes for which application for a supplemental or new type certificate was made prior to the effective date of this regulation.

This Special Civil Air Regulation shall continue in effect for 5 years, at the end of which time the effectiveness of the regulation will be evaluated for the purpose of considering the incorporation of the substance of these rules in the permanent body of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this Special Civil Air Regulation (21 F. R. 9436), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective December 20, 1957.

Contrary provisions of § 4b.11 (a) as it applies to § 4b.11 (e) (2) of Part 4b of the Civil Air Regulations and paragraph (1) of Special Civil Air Regulation No. SR–422 notwithstanding, the following provisions shall

be applicable to the certification of a turbo-propeller-powered airplane which was previously type certificated with the same number of reciprocating engines:

(1) The airworthiness regulations applicable to the airplane as type certificated with reciprocating engines and, in addition thereto or in lieu thereof as appropriate, the following provisions of the Civil Air Regulations effective on the date of application for a supplemental or new type certificate (see paragraph (3)):

(a) The certification performance requirements prescribed in Special Civil Air Regulation No. SR-422;

(b) The powerplant installation requirements of Part 4b applicable to the turbo-propeller-powered airplane;

(c) The requirements of Part 4b for the standardization of cockpit controls and instruments, except where the Administrator finds that showing of compliance with a particular detailed requirement would be impracticable and would not contribute materially to standardization; and

(d) Such other requirements of Part 4b applicable to the turbo-propeller-powered airplane as the Administrator finds are related to the changes in engines and are necessary to insure a level of safety of the turbo-propeller-powered airplane equivalent to that generally intended by Part 4b.

(2) If new limitations are established with respect to weight, speed, or altitude of operation and the Administrator finds that such limitations are significantly altered from those approved for the airplane with reciprocating engines, compliance shall be shown with all of the requirements, applicable to the specific limitations being changed, which are in effect on the date of application for the new or supplemental type certificate.

(3) Airplanes converted to turbo-propeller power, for which application for a supplemental or a new type certificate was made prior to the effective date of this Special Civil Air Regulation, shall comply with all of the provisions of the Civil Air Regulations specified in paragraphs (1) and (2) effective on the date of this special regulation, rather than those provisions effective on the date application was made for the supplemental or the new type certificate.

This Special Civil Air Regulation shall terminate December 20, 1962, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009, as amended, 49 U. S. C. 551, 553)

Effective: December 20, 1957.

Adopted: November 15, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-9663; Filed, Nov. 20, 1957; 8:59 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 14]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.607 is amended to read:

§ 600.607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* From the intersection of the west course of the Fresno, Calif., radio range and the south course of the Travis AFB, Calif., radio range via the Travis AFB, Calif., radio range station to the Williams, Calif., radio range station.

2. Section 600.614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.)* is amended by changing the last portion to read: "From the intersection of the west course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range via the Stockton, Calif., radio range station to the intersection of the north course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS, *Acting Administrator of Civil Aeronautics.*

NOVEMBER 15, 1957.

[F. R. Doc. 57-9621; Filed, Nov. 20, 1957; 8:46 a. m.]

[Amdt. 17]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.4610 is amended to read:

§ 601.4610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* The intersection of the west course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range; Evergreen, Calif., nondirectional radio beacon.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS, *Acting Administrator of Civil Aeronautics.*

NOVEMBER 15, 1957.

[F. R. Doc. 57-9622; Filed, Nov. 20, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

PART 555—MOTION PICTURE SERVICE

MISCELLANEOUS AMENDMENTS

1. Sections 552.1 to 552.4, inclusive, under the heading "Real Estate," are hereby revoked.

2. New §§ 552.30 to 552.39 are hereby prescribed to read as follows:

ACQUISITION OF REAL ESTATE AND INTERESTS THEREIN

Sec.
552.30 Purpose.
552.31 Definitions.
552.32 Authority to acquire real estate and investments therein.
552.33 Estates and methods of acquisition.
552.34 Policies relative to new acquisition.
552.35 Rights-of-entry for survey and exploration.
552.36 Rights-of-entry for construction.
552.37 Acquisition by Chief of Engineers.
552.38 Acquisition of maneuver agreements for Army commanders.
552.39 Acquisition of short-term leases by local comanding officers.

AUTHORITY: §§ 552.30 to 552.39 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012.

§ 552.30 *Purpose.* The regulations in §§ 552.30 to 552.39 set forth the authority, policy, responsibility, and procedure for the acquisition of real estate and interests therein, for use for military purposes by the Department of the Army. The regulations of §§ 552.30 to 552.39 do not apply to Civil Works Projects which are under the supervision of the Chief of Engineers.

§ 552.31 *Definitions.* As used in §§ 552.30 to 552.39, the following definitions apply:

(a) *Real estate.* Real estate includes lands and interests therein, leaseholds, standing timber, buildings, improvements, and appurtenances thereto owned by the United States and under the control of the Department of the Army. It also includes piers, docks, warehouses, rights-of-way, and easements, whether temporary or permanent, and improvements permanently attached to and ordinarily considered real estate. It does not include machinery, equipment, or tools which have not been affixed to or which have been severed or removed from any such lands or buildings or may be so severed or removed without destroying the usefulness of the structures.

(b) *Installation.* An installation is real estate and the improvements thereon which is under the control of the Department of the Army, at which functions of the Department of the Army are carried on, and which has been established by order of the Department of the Army. Real estate and the improvements thereon utilized by posts, camps, airfields, hospitals, depots, arsenals, industrial facilities, cemeteries, etc., generally will be designated as an installation where located separately, but where located contiguously or on the same reservation the combined property will usually be designated as one installation and the separate functions will be designated as activities at that installation. As used in the regulations in §§ 552.30 to 552.39, the term "installation" will include installations, subinstallations, and separate locations housing an activity.

(c) *Subinstallation.* A subinstallation is real estate and the improvements thereon which is under the control of the Department of the Army, at which functions of the Department of the Army are carried on, and which has been assigned as a subinstallation by Department of the Army authority. Subinstallations are attached to installations for command and administrative purposes, although they are located separately.

(d) *Activity.* An activity is a function or a group of related functions which may be carried on at an installation, a subinstallation, or a separate location which has not been designated as a Department of the Army installation or subinstallation.

(e) *Command installation.* A command installation is any installation of the Department of the Army, including nonmanufacturing arsenals, primarily used or useful for activities of the Army other than for the production of materiel, munitions, or supplies.

(f) *Industrial installation.* Any unit of real property under control of the Department of the Army (including structures on land owned by or leased to the United States, substantially equipped with production utilities and maintenance machinery, tools, equipment, and including housing and other supporting facilities built as an integral part of the installation) designed for the production of equipment, supplies, or materials for military use; or for the processing, production, or manufacturing of components of such items.

(g) *Lease.* A lease is a conveyance of an interest in real estate for a term of years, revocable at will, or as otherwise provided in the instrument, in consideration of a return of rent.

(h) *License.* A license is a bare authority to do a specified act or acts upon the land of the licensor without possessing or acquiring any estate therein.

(i) *Easement.* An easement is a conveyance of an interest in real estate for the purpose or purposes specified in the grant.

§ 552.32 *Authority to acquire real estate and interests therein.* While the Federal Government has the inherent power to acquire land for its constitutional purposes, this power can be exercised only at the discretion of Congress (Van Brocklin v. Tennessee, 117 U. S. 151; 29 L. Ed. 845; 6 S. Ct. 670). No land shall be purchased on account of the United States, except under a law authorizing such purchase (R. S. 3736; 41 U. S. C. 14). No real estate not in Federal ownership shall be acquired by a military department, except as such acquisition is or shall be expressly authorized by law (section 501 (b), act July 27, 1954; Public Law 534, 83d Congress; 68 Stat. 560).

§ 552.33 *Estates and methods of acquisition.* (a) Title to non-Government-owned real estate will be by purchase, condemnation, donation (when the authorization act specifies donation), and exchange (when the authorization act specifies exchange).

(b) Easements in non-Government-owned real estate are the same as in paragraph (a) of this section.

(c) Licenses in non-Government-owned real estate are generally by donation, although a nonrevocable license might be acquired by purchase.

(d) Leaseholds in non-Government-owned real estate will be by negotiation or condemnation. Leaseholds may give the Government exclusive use or may give the Government co-use with the owner for specific purposes.

(e) Jurisdiction over Government-owned real estate will be by transfer, reassignment, withdrawal, and reservation.

(f) Permits to use Government-owned real estate will be by instrument issued by another Government department or agency. Although in the nature of a license (may be revocable or nonrevocable), the instrument is designated as a "permit", since it relates to Government-owned real estate, to distinguish it from a "license" relating to non-Government-owned real estate.

(g) Recapture of use of former Government-owned real estate which was disposed of subject to a "National Security Clause," a "National Emergency Clause," or a similar provision will be by letter from the Chief of Engineers to the owner of the property, based upon a directive from the Secretary of the Army or his designee.

(h) Revestment of title to former Government-owned real estate which was disposed of subject to a reverter provision, such as a "National Defense Purpose Clause" will be by letter to the owner by the official of the department designated in the conveyance by the Government.

(i) Procurement of options on real estate which is "suitable and likely to be required" in connection with a military public works project, prior to express authorization by law for the acquisition of said real estate will be by negotiation.

(j) Extinguishment of third party interests in lands owned or controlled by the United States, such as outstanding oil, gas, and other mineral rights; grazing rights; timber rights; water rights; and easements for rights-of-way for highways, railroads, power lines, communication lines, water lines, and sewer lines will be the same as prescribed in paragraph (a) of this section. Payment for extinguishment of grazing rights or licenses on public domain or other property owned by or under the control of the United States is made pursuant to act July 9, 1942; 56 Stat. 654; as amended by act May 28, 1948; 62 Stat. 277; and as further amended by act October 29, 1949; 63 Stat. 996 (43 U. S. C. 315q and r).

§ 552.34 *Policies relative to new acquisition*—(a) *Present holdings inadequate.* No additional real property will be acquired from outside the Department of Defense unless the real property currently under the control of all three military departments is inadequate to satisfy Army requirements or cannot be made available to the Army.

(b) *Current requirements given preference.* In considering the use of real property by a military department over which another military department has control, current requirements will, in the absence of unusual circumstances, be given preference over future needs and mobilization requirements. If the current requirement will not continue through mobilization, care must be exercised to avoid modification of the property in a manner that would prevent its timely return to the holding department to meet the mobilization requirement. If it is contemplated that the current requirement will continue through mobilization, the property may be modified as required and the mobilization plans of the military departments concerned should be changed accordingly.

(c) *Firm requirements and minimum acquisition.* Requirements in each individual case will be firmly determined and only the minimum amount of property necessary will be acquired.

(d) *Factors considered insufficient justification for acquisition by lease.* Desirability of location in an urban area, reduced travel time for employees or business representatives, nominal savings in transportation costs, environmental considerations, such as noise or traffic or desirability of single unit offices instead of split locations in close proximity will not be considered sufficient justification for acquiring leased space or facilities when Government-owned property is available. For exceptions, see paragraph (f) of this section.

(e) *Essential to assigned mission and no Government-owned real property available.* No new acquisition of title or a leasehold interest will be approved unless it is affirmatively demonstrated that the activity to be accommodated is essential to an assigned mission that cannot be performed by utilization of available Government-owned real property.

(f) *Special location considerations.* Acquisition of title or a leasehold interest in real property may be justified where it is demonstrated that the function to be accommodated is an essential activity and the geographic location thereof in other than Government-owned space is vital to the accomplishment of the assigned mission. Examples that may fall in this group are recruiting stations (exclusive of kindred examining and induction units), units of the Ground Observer Corps, airbases, air defense sites, and sites for construction of facilities for reserve components of the Armed Forces.

(g) *Prior alternatives to new acquisition.* Prior to acquisition by purchase, lease, or condemnation, it will first be determined that the requirements cannot be satisfied by:

(1) *Recapture of use.* Exercise of recapture of use rights.

(2) *Use of excess property.* Use of property that is excess to the needs of the other military departments or another Government agency.

(3) *Use of temporarily excess property.* Use of property that is temporarily excess to the needs of the other military departments or another Government agency and which can be secured for exclusive or joint use. The current inventories of real property holdings as maintained by each military department will be reviewed and the availability of suitable properties determined. Real property inventories of other Government agencies as maintained by the General Services Administration should also be reviewed to determine the availability of suitable properties.

(4) *Acquisition by exchange.* Exercise of existing authorities for the exchange of Government-owned real property for non-Government-owned real property that is by type or location adaptable for the military need. Consideration will also be given to acquiring available real property of the other military departments and other Government agencies to be used to exchange for such non-Government-owned real property.

(5) *Use of public domain.* Use of public domain which is by type or location adaptable for the military need.

(6) *Donation or long-term, nominal-rental lease.* Securing title to real property by donation or use thereof by long-term, nominal-rental lease.

(h) *Policy regarding new acquisitions*—(1) *General policy.* No new request to acquire an interest in real property will be considered or approved unless it is conclusively shown that the (i) proposed acquisition is essential to the accomplishment of an assigned mission; (ii) mission cannot be accomplished by utilization of existing Government-owned facilities; (iii) proposed acquisition is the absolute minimum required to accomplish the mission.

(2) *New installations.* No new installation will be established except in unusual circumstances. Proposed new activities will be located at existing permanent installations wherever possible, thereby eliminating or reducing requirements for additional land acquisitions, overhead personnel, operating funds, new construction, and related items.

(3) *New leased space.* The acquisition of leased space will not be approved unless it is determined that:

(i) Suitable Government-owned space is not available for use by the Department of the Army.

(ii) Available and suitable Government-owned space is not economically adaptable by alteration and rehabilitation for use.

(4) *Public notice and release of information relative to proposed real estate acquisitions.* It is the policy of the Department of the Army to give notice to the public and to release information to the public as early as possible (at the site selection stage) and as completely as possible, consistent with existing regulations. Even though opposition may develop in some cases because of early release of information as to proposed acquisitions, application of the policy set forth above should more often result in favorable public relations, general public support of proposed acquisitions, and material assistance in the selection of sites which will fulfill the military requirement and still have the least impact on the civilian economy. This policy will permit consideration of public preferences in the establishment of military facilities.

(5) *General application and exceptions.* Real estate is acquired at its fair market value, as established by Government appraisal and regardless of the ownership. For this reason, public notice and release of information should not tend normally to increase the value of the land involved or create speculation therein. Experience has proved that interest of the Government in specific real estate normally tends to discourage trafficking therein. Though normally the release of information should not result in subsequent disadvantage to the Government, information will not be released in any specific case where it might have that result.

(6) *Use of unappropriated and nonnavigable water.* It is the policy of the Department of the Army to utilize unappropriated and nonnavigable water upon or under lands under its jurisdiction in such a manner as is consonant with the purposes of water laws which have been enacted by the several states.

(i) *Permanent construction.* If permanent construction, defined as that which produces a building suitable and appropriate to serve a specific purpose for a maximum period of time (at least 25 years) and with a minimum of maintenance, is to be constructed by the Government, the Government must either hold or acquire fee title (inclusive of all mineral rights and improvements) or a permanent easement interest, with the following exceptions:

(1) *Right of re-use by exercise of National Security Clause.* Property including land or buildings over which the Government currently holds the right of re-use by exercise of the National Security Clause.

(2) *Right of re-use by exercise of National Emergency Use Provision.* Property including land or buildings over which the Government holds the right of re-use by exercise of a National Emergency Use Provision. Inasmuch as such rights inure to the Government only during the period or periods of national emergency as may be declared by the President or the Congress and are extinguished by the termination thereof, every effort will be made to negotiate a lease covering such property under terms that would provide for the right of continuous possession by the Government for a minimum of 25 years.

(3) *Industrial property.* Where major repairs, rehabilitation, or nonseverable improvements are carried out in a privately owned plant or on leased land, appropriate contractual standby rights to preserve and protect the mobilization reserve production capacity, upon termination of current procurement, should be obtained, wherever possible.

(4) *Rights-of-way.* Property required as a site for installation of utility lines and necessary appurtenances thereto, provided a long-term easement or lease can be secured at a consideration of $1 per term or per annum.

(5) *Airbase.* Property required for airbases provided such property can be acquired by lease containing provisions for:

(i) Right of continuous use by the Government under firm term or right of renewal, for a minimum of 50 years.

(ii) A rental consideration of $1 per term or per annum.

(iii) Reserving to the Government title to all improvements to be placed on the land and the right to dispose of such improvements by sale or abandonment.

(iv) Waiver by the lessor of any and all claims for restoration of the leased premises.

(v) Use of the property for "Government purposes" rather than for a specific purpose.

(6) *Reserve components facilities.* Property required for facilities for the Reserve components of the Armed Forces, provided such property can be acquired by lease containing provisions detailed in subparagraph (5) (i), (ii), (iii) and (iv) of this paragraph. When possible the insertion in the lease of a provision restricting the use of the land to a specific purpose will be avoided; use of a term such as "Government purposes" should be employed, whenever possible.

(7) *Air defense sites.* Property required for air defense sites provided such property can be acquired by lease containing provisions detailed in subparagraph (5) (ii), (iii) and (iv) of this paragraph and in addition thereto a right of continuous use by the Government under a firm term or right of renewal for as long as required for defense purposes.

(8) *Construction projects not in excess of $25,000.* Construction projects not in excess of $25,000 will not be considered as permanent construction for purposes of applying the policy of this section.

(j) *No permanent construction.* Where permanent construction is not to be placed by the Government, acquisition of a lesser interest (leasehold, easement, license, as appropriate) will generally be considered to be in the best interest of the Government, with the following exceptions:

(1) *Cost of construction.* Where any proposed temporary construction to be placed by the Government has an estimated cost equal to or in excess of the current market value of the property.

(2) *Rent plus restoration.* Where the calculated period of required use is of sufficient duration that the sum expended for rentals over this period plus restoration, if required, would exceed 50 percent of the current market value of the property. (Apply calculated period of required use or 20 years, whichever is less.)

(3) *Easement costing 75 percent of fee value.* Where the cost of acquiring an easement right exceeds 75 percent of the current fair market value of the property.

(k) *Commercial and industrial type facilities*—(1) *Policy.* Privately owned or Government-owned and privately operated commercial and industrial type facilities will be used to the greatest extent practicable, recognizing the basic military necessity for integrated, self-sustaining units responsible to command and the necessity for operating anywhere in the world. It is the policy of the Department of the Army not to engage in the operation of industrial or commercial type facilities unless it can be demonstrated that it is necessary for the Government itself to perform the required work or service.

(2) *Definition.* Commercial and industrial type facilities are defined as those devoted to an activity which normally might be performed by private industry (except commissaries, post exchanges, and nonappropriated fund activities) including, but not limited to, warehouses, motor repair shops, bakeries, laundries, and dry-cleaning facilities.

(l) *Department of Defense policy relative to liaison with Governor of Commonwealth of Puerto Rico.* By letter dated August 19, 1953, the Secretary of Defense informed the Governor of Commonwealth of Puerto Rico that the Department of Defense would establish liaison with the Governor to coordinate all military requirements for land acquisition in Puerto Rico. By memorandum dated August 19, 1953, the Secretary of Defense instructed that such liaison would be established under the direction of the Department of the Army, in coordination with the other interested services. On September 8, 1953, the Department of the Army requested the Commander-in-Chief, Caribbean Command, to establish such liaison. Liaison is being maintained locally between the Commandant of the Caribbean Sea Frontier, and the Chairman of the Puerto Rico Planning Board. The liaison applies to the proposed acquisition of title or any interest in land which is other than (Federal) Government-owned land. In all cases, liaison action will be initiated during the advance planning or site selection stages. The purpose is to give Puerto Rican officials advance notice of military real estate requirements and to give them an opportunity to suggest suitable alternatives in an effort to improve public relations with Puerto Rican officials, landowners, and the general public.

§ 552.35 *Rights-of-entry for survey and exploration*—(a) *Voluntary.* Where it is necessary to enter upon non-Government-owned real estate during site selection, particularly for the purpose of conducting topographic surveys and test borings, the appropriate division or district engineer will negotiate rights-of-entry for survey and exploration. The instrument is in the nature of a license which does not convey an interest in land but precludes the entry from being a trespass. Since the entry is for a limited purpose and for a relatively short period of time, the landowner is not offered rental for the privileges requested. Where the landowner insists upon payment for the privileges requested, district engineers are authorized to negotiate short-term co-use leases, within the limits of existing regulations.

(b) *Involuntary.* Where rights-of-entry for survey and exploration or short-term co-use leases cannot be negotiated, the right-of-entry may be obtained through the institution of proceedings for the condemnation of a short-term co-use leasehold interest. This action is taken only where it can be shown that the entry is imperative and that it is impossible to negotiate a voluntary right-of-entry or short-term co-use lease.

§ 552.36 *Rights-of-entry for construction*—(a) *When authorized.* Rights-of-entry for construction will be obtained by the district engineer only after a real estate directive or authorization to lease has been issued and then only when the construction schedule does not allow sufficient time to complete negotiations for an option to purchase or for a lease, as appropriate.

(b) *Involuntary.* Where a right-of-entry for construction cannot be negotiated, under the circumstances set forth in paragraph (a) of this section, a right-of-entry will be obtained through the institution of proceedings for the condemnation of fee title, an easement interest, or a leasehold interest, as appropriate.

§ 552.37 *Acquisition by Chief of Engineers*—(a) *Statutory authority.* The Chief of Engineers, under the authority of the Secretary of the Army, is charged with the acquisition of all real estate for the use of the Department of the Army (section 1, act December 1, 1941 (55 Stat. 787), as amended by act July 26, 1947 (61 Stat. 501; 10 U. S. C. 181b)).

(b) *Scope of responsibility.* This authority is exercised by the Chief of Engineers, acting for the Secretary of the Army, in the acquisition of all real estate and interests therein for the use of the Department of the Army in continental United States, Territories, possessions, and the Commonwealth of Puerto Rico.

(c) *Delegated authority.* The Chief of Engineers or his duly authorized representative has authority to approve, for the Secretary of the Army:

(1) Fee, easement, and license acquisitions which do not exceed $5,000 for any one parcel and which constitute small tracts of additional land needed in connection with projects for which final Department of the Army, Department of Defense, and/or Congressional approval has been obtained, or which constitute rights-of-way for roads, railroads, and utility lines necessary to the construction, maintenance, and operation of an approved project.

(2) Leasehold acquisition where the estimated annual rental for any single leasehold does not exceed $50,000 and the acquisition is not controversial, unusual, or inconsistent with Department of the Army policies.

(3) Renewal or extension of leaseholds.

(4) Acquisition by permit of the right to use real property of another Government department or agency, except as to "general purpose" space from the General Services Administration and the Post Office Department and all space in the metropolitan District of Columbia area.

(d) *Minor boundary changes.* The Chief of Engineers, in accomplishing acquisition in accordance with Department of Defense and Department of the Army policies and with real estate directives and authorizations to lease issued by the Secretary of the Army or his designee, is authorized to make minor boundary changes to avoid severance damages, by including or excluding small tracts of land which will not decrease the usefulness of the area for the purpose for which it is being acquired.

(e) *Responsibility for all negotiations.* To avoid any possibility of misunderstanding by property owners and resultant embarrassment to the Department of the Army, under no circumstances will commitments be made either by negotiation or by dissemination of information to property owners, by any authority other than the Chief of Engineers. This is not intended to restrict the public notice and release of general information as set forth in § 552.34 (h) (4).

(f) *Approval of title.* The written opinion of the Attorney General, in favor of the validity of the title, will be obtained for any site or land purchased by the United States. Unless expressly waived by the pertinent authorization act or other act of Congress, this opinion will be obtained prior to the expenditure of public money upon such site or land (section 355, as amended, of the Revised Statutes; 50 U. S. C. 175) except:

(1) Easements acquired for military purposes. (By agreement with the Attorney General, his opinion is obtained only in acquiring easements at a cost in excess of $100.)

(2) Leases and licenses.

(3) Jurisdiction of Government-owned land by transfer or use of Government-owned land by permit.

(g) *Furnishing title evidence.* The Chief of Engineers, acting under the authority of the Secretary of the Army, will procure any evidence of title required by the Attorney General. The expense of procurement, except where otherwise authorized by law or provided by contract, may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the Department of the Army (section 355, as amended, of the Revised Statutes; 50 U. S. C. 175).

(h) *Condemnation*—(1) *General.* Fee title, easements, or leasehold interests may be acquired by the exercise of right of eminent domain through the institution of condemnation proceedings. These proceedings are instituted in the United States District Courts by the Attorney General, based upon requests from the Secretary of the Army. Normally, condemnation proceedings are instituted only after agreement cannot be reached with landowners or other parties in interest as to the value of the real property

or interest therein to be acquired by the Government; where there are title defects which do not permit acquisition by purchase or lease, as appropriate; or where construction schedules or occupancy dates do not allow the Chief of Engineers sufficient time to conduct normal negotiations for options to purchase or lease.

(2) *Vesting of title or other interest in the United States.* Under a condemnation proceeding, title, or other interest condemned vests in the United States upon entry of final judgment in the proceeding. Where it is necessary to have title or other interest vested in the United States at an earlier date, a Declaration of Taking, signed by the Secretary of the Army, may be filed in the proceeding, with the petition or at any time before final judgment. Upon the filing of the Declaration of Taking and deposit in the court of the amount of estimated compensation, title or other interest condemned vests in the United States (act of February 26, 1931; 46 Stat. 1421; 40 U. S. C. 258a).

§ 552.38 *Acquisition of maneuver agreements for Army commanders*—(a) *Authorization.* After a maneuver is authorized by the Department of the Army, the Army commander will select the specific areas desired for use.

(b) *Real estate coverage.* Real estate coverage will be in the form of agreements with landowners, granting the right to conduct maneuvers at a given time or periodically. Short-term leases for exclusive use may also be acquired for special areas (such as headquarters areas, radio relay sites, base camp sites, field hospital sites, and supply dumps) and buildings needed for warehouses, ordnance shops and similar purposes directly related to the maneuver. Permits will also be obtained to cover the use of lands under the jurisdiction of another Government department or agency.

(c) *Responsibility for negotiation and restoration.* The appropriate division or district engineer will be responsible for negotiating maneuver agreements and short-term leases and, after the maneuver is completed, will be responsible for negotiating restoration settlements and/or releases, as appropriate.

§ 552.39 *Acquisition of short-term leases by local commanding officers.* Local commanding officers are authorized, without approval by higher authority, to make leases of camp sites, buildings, and grounds, for troops; office and storage space for small detachments; garage or parking space; space for recruiting stations; and land or space for similar purposes, provided:

(a) Funds are available to the local commanding officer,

(b) Rental consideration conforms to the prevailing rate in the locality,

(c) The premises are to be occupied not longer than 3 months,

(d) Rental for the entire period of occupancy does not exceed $500, and

(e) Clearance is made with the General Services Administration, where required.

3. Part 555—Motion Picture Service, including §§ 555.1 to 555.7, is hereby revoked.

[AR 405-10, June 10, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9619; Filed, Nov. 20, 1957; 8:46 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

ENLISTMENT AND REENLISTMENT IN THE AIR FORCE RESERVE

In Part 864, sections 864.1 to 864.14 are rescinded and the following substituted therefor:

Sec.
864.1 Purpose and scope.
864.2 Definitions.
864.3 Where to enlist or reenlist.
864.4 Periods of enlistment.
864.5 Grades authorized.
864.6 Enlisting members of reserve components of other Armed Forces.
864.7 Enlisting an applicant placed on the Air Force Reserve retired list.
864.8 Age requirements.
864.9 Citizen requirements.
864.10 Mental qualifications.
864.11 Physical qualifications.
864.12 Moral qualifications.
864.13 Applicants ineligible.

AUTHORITY: §§ 864.1 to 864.13 issued under sec. 8012, 70A Stat. 488; 10 U. S. C. 8012.

SOURCE: AFR 45-47, August 13, 1957 and change 45-47A, October 30, 1957.

§ 864.1 *Purpose and scope.* Sections 864.1 to 864.13 prescribe the eligibility requirements for enlisting men and women as members of the Air Force Reserve. Sections 864.1 to 864.13 apply to individuals acquiring membership in the Air Force Reserve only. Concurrent with enlistment in the Air National Guard of the appropriate State, Territory, or the District of Columbia, Air National Guard authorities will enlist airmen of the Air National Guard of the several States, Territories, and the District of Columbia as Reserves of the Air Froce (see section 228, Armed Forces Reserve Act of 1952 (10 U. S. C. 510 and 8261)).

§ 864.2 *Definitions*—(a) *Active duty for training.* A specified period of active duty for Reserve training under orders which provide for automatic reversion to inactive duty when the training is completed.

(b) *Active military service.* Full-time duty with the active establishment, either extended active duty or active duty for training.

(c) *AFWST.* Armed Forces Women's Selection Test.

(d) *Air Force Reserve.* One of the two Reserve components of the Air Force. The other Reserve component is the Air National Guard of the United States.

(e) *Applicant.* A man or woman applying for enlistment in the Air Force Reserve.

(f) *AQE.* Airman Qualifying Examination.

(g) *Armed Forces.* The following United States Armed Forces and their Reserve components:
(1) Army.
(2) Navy.
(3) Air Force.
(4) Marine Corps.
(5) Coast Guard.

(h) *Date of enlistment.* The date upon which the oath of enlistment is administered.

(i) *Enlist or enlistment.* Unless otherwise specified, the original enlistment of a person who was a former member of any of the Armed Forces or a person without prior service.

(j) *Extended active duty.* A tour of active military service performed by a Reservist who occupies an authorized troop space of the active military establishment.

(k) *Headquarters Air Reserve Records Center.* A subordinate command of the Continental Air Command located at 3800 York Street, Denver 5, Colorado.

(l) *"Persons," "applicants," "he," and "his".* These words refer to both men and women except when used in a section clearly applying to only one sex.

(m) *Prior service.* Active military service by virtue of which an individual is exempt from induction. For the purpose of this definition such service will be at least:

(1) One year of continuous active military service other than active duty for training, or

(2) Six months of continuous military service other than active duty for training from which the individual was released for the convenience of the Government.

NOTE: An individual last discharged by reason of minority is not considered to have prior service.

(n) *Reenlistment or reenlistee.* When used in reference to a person, applies only to a former Regular or Reserve airman who enlists in the Air Force Reserve within 90 days from the date he is discharged from the Regular Air Force or the Air Force Reserve.

(o) *Reserve of the Air Force.* The common Federal status of a Reservist who is a member of the Air Force Reserve or the Air National Guard.

§ 864.3 *Where to enlist or reenlist*—(a) *Within continental United States and United States Possessions and Territories (including the Canal Zone)*—(1) Men—(i) *Applicants subject to induction.* Applicants subject to induction may be enlisted for specific Reserve vacancies in Training Category A units only within the quotas and under the conditions specified by Headquarters USAF to the Continental Air Command by separate directive. The Regular Air Force unit supporting the Training Category A unit in which the vacancy exists or the Reserve unit itself may enlist such a person.

(ii) *Persons enlisting under section 202, Armed Forces Reserve Act of 1952, as added by the Reserve Forces Act of 1955 (69 Stat. 600; 50 U. S. C. 1013), as amended (70 Stat. 115).* Persons will be enlisted under section 262, Armed Forces Reserve Act of 1952, as amended, within the quotas and under the conditions specified by Headquarters USAF to the Continental Air Command by separate directive.

(iii) *Men with prior service and men without prior service who have reached their 26th birthday and are not subject to induction.* Air Force organizations having adequate facilities and the personnel to accomplish the enlistment may enlist men with prior service and men without prior service who have reached their 26th birthday and are not subject to induction under the Universal Military Training and Service Act.

(a) Applicants with prior service will be enlisted for specific Ready Air Force Reserve units or mobilization assignment positions.

(b) Applicants without prior service may be enlisted for Training Category A units only. They must agree to undergo basic training unless they possess the equivalent training, must meet the eligibility requirements for assignment contained in current applicable regulations, and must meet the age provisions specified in § 864.8.

(iv) *Enlisted members of any other Reserve component who are approved for enrollment in the advanced course of Air Force ROTC.* An enlisted member of a Reserve component of any of the military services who is accepted for enrollment in the advanced course of the Air Force ROTC will be enlisted in the grade equivalent to the grade he holds in the other Reserve component. An individual enlisted under this subdivision will be assigned to the Air Reserve Records Center (he will be assigned to the Ineligible Reserve Section if he is an obligor; to the Nonaffiliated Reserve Section if he is not an obligor).

(2) *Women.* An applicant may be enlisted for assignment to any position in any program element for which she is qualified and in which a vacancy exists, except for assignment to the tactical (combat) group headquarters or a tactical (combat) squadron of a Reserve combat wing. She may be trained and employed in any military job except one prohibited by law or one which is beyond her physical capability.

(b) *Outside the continental United States and United States Possessions and Territories.* (1) The enlistment officer of the base having custody of a Reservist's records will reenlist the Reservist if his term of enlistment or period of service expires while he is overseas in the active military service. Reenlistment will be made without a break in service for assignment to the vacancy in which the Reservist is currently serving on extended active duty.

(2) Any Air Force installation having adequate facilities and personnel to accomplish the enlistment may enlist a Reservist whose term of enlistment expires while he is overseas and who is not in the active military service and who has been discharged less than 12 months, provided that an appropriate Ready Reserve position is available and the individual resides within the area of jurisdiction of the command processing the enlistment. If the individual has been discharged for more than 12 months or resides outside the area of jurisdiction of the command processing the enlistment, the authorization for enlistment and assignment will be obtained from the Commander, Air Reserve Records Center.

§ 864.4 *Periods of enlistment.* Enlistments are authorized for 1, 2, 3, 4, 5, 6, and 8 years. Enlistments for 1 year are authorized only for those Reservists designated as officer candidates. Enlistments for 2 years are authorized only for women designated to participate in the WAF ROTC Program. Enlistments for 3, 4, 5, and 6 years will be at the option of the applicant enlisting. Individuals without prior military service who are between 18½ and 26 years of age will be enlisted only for a 6-year period. Individuals enlisting under section 262, Armed Forces Reserve Act of 1952, as amended, will be enlisted only for an 8-year period.

§ 864.5 *Grades authorized*—(a) *Applicants without prior service.* An applicant without prior service will be enlisted as a basic airman, E–1, unless he is authorized a higher grade under §§ 864.1 to 864.13, except that:

(1) A member of the Civil Air Patrol who possesses a certificate of proficiency or a letter from Civil Air Patrol headquarters indicating that he has successfully completed the Civil Air Patrol training program and who is currently a member of the Civil Air Patrol may be enlisted, if otherwise qualified, as an airman third class, E–2.

(2) The date of rank will be the date of enlistment.

(3) An applicant who has had 3 months or more of service in any of the Armed Forces who is otherwise qualified and who is not eligible to enlist in a higher grade under §§ 864.1 to 864.13 may be enlisted as an airman third class, E–2, provided that he was separated in the grade of E–2 or higher. The date of rank will be the date of enlistment.

(b) *Applicants with prior service.* An applicant with prior service will be enlisted as an airman third class, E–2, except that:

(1) An airman whose last period of service was in the Air Force Reserve, Regular Air Force, or the Air National Guard and who enlists within 12 months from the date of discharge will be enlisted in the highest grade held at time of discharge, either permanent or temporary, except as otherwise provided in this section. A person reenlisting within 90 days from the date of discharge will be given the date of rank held at time of discharge, less the number of days which have elapsed since the date of last discharge. For a person enlisting after 90 days from the date of discharge, the date of rank will be the date of enlistment.

(2) A former member of the Air Force Reserve who enlisted in the Regular Air Force before or immediately upon the expiration of his Reserve enlistment may reenlist in the Air Force Reserve upon honorable discharge from the Regular Air Force in the grade held at the time of discharge from his status as a Reserve of the Air Force, provided that he was not reduced for cause while a member of the Regular Air Force and provided that he enlists in the Air Force Reserve within 12 months of the date of discharge from the Regular Air Force. The date of rank will be determined as indicated in subparagraph (1) of this paragraph.

(3) An airman last discharged by reason of resignation will not be enlisted in a grade higher than airman third class, E–2. The date of rank will be the date of enlistment.

(4) An applicant not authorized a higher grade under §§ 864.1 to 864.13 will be enlisted as a basic airman, E–1. The date of rank will be the date of enlistment.

§ 864.6 *Enlisting members of Reserve components of other Armed Forces.* Members of the Reserve components of other Armed Forces may be enlisted as outlined in §§ 864.31 to 864.39.

§ 864.7 *Enlisting an applicant placed on the Air Force Reserve retired list.* An enlisted member of the Air Force Reserve who applies, is found qualified, and is placed on the Air Force Reserve retired list, established in accordance with section 207 (b), Armed Forces Reserve Act of 1952 (10 U. S. C. 1376), will be separated from his current Reserve enlistment and immediately enlisted for an unspecified period of time. For such an enlistment, the eligibility requirements of §§ 864.31 to 864.39 are waived. The only enlistment processing necessary will be completing and forwarding DD Form 4, "Enlistment Record—Armed Forces of the United States," to: The Air Adjutant General, Headquarters USAF, Attn: Military Personnel Records Division, Washington 25, D. C. The applicant's eligibility for assignment to the retired Reserve will determine his eligibility for enlistment.

§ 864.8 *Age requirements*—(a) *Men.* (1) To enlist, a man must be 17 to 34 years of age, inclusive, with parents' consent for a person under 18 years of age.

(2) A man 35 to 54 years of age, inclusive, may be enlisted provided that:

(i) His age at the time of enlistment is not greater than 35 years plus the length of the combined prior honorable active military service and Reserve service.

(ii) At least 3 months of the active and/or reserve service was in the Army Air Corps, Army Air Forces, United States Air Force, or Reserve of the Air Force.

(iii) Enlistment is for assignment to a mobilization position (Training Category A, B, C, or D).

(3) A former Air Force Reserve officer separated because of age may be enlisted without regard to the maximum age restrictions provided that he is otherwise qualified and that he enlists within 90 days from the date of separation. The provisions of this subparagraph will expire on June 30, 1958.

(4) Waivers of age requirements are not authorized.

(b) *Women.* (1) To enlist, a woman must be 18 or 34 years of age, inclusive,

with parents' consent for a person under 21 years of age.

(2) A woman may be enlisted if she is 35 or 54 years of age, inclusive, provided that her age at the time of enlistment is not greater than 35 years plus the length of the combined prior honorable active military service and Reserve service completed after September 1, 1943. Three months of this service must have been in the Women's Army Corps before September 1948 or in the Air Force at any time.

(3) A former Air Force Reserve officer separated because of age may be enlisted without regard to the maximum age restrictions provided that she is otherwise qualified and enlists within 90 days from the date of separation. The provisions of this subparagraph will expire on June 30, 1958.

(4) Waivers of age requirements are not authorized.

(c) *Exception.* The provisions of paragraphs (a) and (b) of this section do not apply to prior service airmen reenlisting within 90 days of the date of separation, except that a reenlistment will not be authorized if the airman has reached his 64th birthday and has sufficient service to qualify for retirement.

§ 864.9 *Citizenship requirements.* (a) An applicant must be:

(1) A citizen of the United States, or

(2) An alien who can present written evidence that he has made legal declaration of his intention to become a citizen of the United States. The evidence required is the triplicate of the United States Department of Justice Immigration and Naturalization Service Form N–315, "Declaration of Intention," or Form N–321 or N–325 (in place of one lost, mutilated, or destroyed), duly authenticated by an authorized State or Federal district court, except as indicated in paragraph (c) of this section.

(b) 18 U. S. C. 1426 (h) prohibits the reproduction of a declaration of intention to become a citizen or certificate of naturalization. Under no circumstances will these forms be reproduced.

(c) There are no citizenship requirements for reenlistees.

(d) Waivers of these citizenship requirements are not authorized.

§ 864.10 *Mental qualifications*—(a) *For an applicant without prior service.* (1) An applicant without prior service will be administered the AQE and must meet at least the minimum qualifying aptitude index for the career field subdivision for which being considered.

(2) In addition to meeting the requirement of subparagraph (1) of this paragraph, a woman without prior service must achieve a final score of 42 or higher on the AFEST 3 or 4. An applicant must possess a certificate of graduation from high school and must present substantiating data that she has successfully completed the high school level General Educational Development test. (Recruiting personnel will not administer this test. An applicant desiring information about the General Educational Development tests will be advised to contact the appropriate State department of education for information concerning this or similar tests.)

(b) *For an applicant with prior service.* (1) An applicant with prior service will be administered the AQE and must achieve a score of four or higher on technical specialty plus a score of four or higher on either the clerical or mechanical aptitude index. If the report of separation of an applicant with prior Air Force service indicates qualifying scores on the AQE, reexamining will not be required. A former Regular Air Force or Reserve of the Air Force airman discharged as an E–5, E–6, or E–7 with a 5- or 7-skill level in his primary specialty may enlist within 90 days from date discharge without regard to these mental standards provided that an AQE score is indicated on his report of separation.

(2) In addition to meeting the requirement of subparagraph (1) of this paragraph, a woman with prior service must have either a certificate of graduation from high school or present substantiating data that she has successfully completed the high school General Educational Development test. There is no specific educational requirement for a reenlistee.

(c) *Waivers.* Waivers of mental or educational qualifications are not authorized.

§ 864.11 *Physical qualifications*—(a) *Applicant without prior service.* (1) Except as provided in subparagraph (2) of this paragraph, an applicant without prior service will be given a standard medical examination, less serology, chest X-ray (except when otherwise indicated), electrocardiogram, audiogram determination, microscopic urinalysis, and lens correction. Medical officers of any of the Armed Forces, whether on active or inactive duty, may give the examination. The signature of only one medical officer is required. The Government will not reimburse a person for any expense incurred in having such a medical examination by a medical officer not on active duty and for any expense incident to travel to and from a place where the examination may be given.

(2) Results of a medical examination given by any of the Armed Forces, including an examination given an applicant for ROTC, officer candidate school, aviation cadet, for a Regular or Reserve commission, etc., will be acceptable in determining physical fitness for enlistment in place of the medical examination prescribed in subparagraph (1) of this paragraph, provided that the applicant was found to be qualified at the time of the previous examination and the examination was given during the preceding 12 months.

(b) *Applicant with prior service.* (1) An applicant with prior service who was separated for other than physical disability is not required to be given a medical examination provided that he declares he is sound and well. Item 38, DD Form 4, August 1, 1955, will contain the following statement:

I understand that if I am ordered to active duty, I will be given a physical examination and may be discharged if found physically disqualified on that examination.

(2) An applicant with prior service who was separated because of physical disability may be authorized to enlist provided that the Commander, Continental Air Command, grants a waiver of physical disability discharge. The medical examination will be completed in accordance with paragraph (a) (1) of this section before a waiver is requested. An applicant who was last separated from any of the Armed Forces for physical disability based upon any of the psychotic disorders, such as schizophrenic, affective or paranoid reactions, will not be accepted for enlistment. Waivers for history of psychotic disorders will not be granted.

(3) All other applicants will be given a medical examination and processed in the same manner as applicants without prior service as prescribed in paragraph (a) of this section.

§ 864.12 *Moral qualifications.* An applicant for enlistment must be of good moral character. An applicant's moral character will be determined by ascertaining his reputation in the community in which he resides.

§ 864.13 *Applicants ineligible.* In addition to applicants who do not meet the eligibility requirements for enlistment or reenlistment established in §§ 864.1 to 864.13, applicants listed in paragraphs (a) through (y) of this section are not eligible to enlist or reenlist unless waiver is authorized and granted.

(a) *Illiterates.* An applicant must be able to speak, read, write, and understand the English language sufficiently to insure that he can satisfactorily absorb the required training. A waiver is not authorized.

(b) *Members of other military and government services.* Except under conditions stated in § 864.6, any member of the Regular Air Force, other Armed Forces and Reserve components thereof, United States Public Health Service, Coast and Geodetic Survey, Air National Guard, and ROTC students will not be enlisted.

(c) *Intoxicated persons.* An applicant who is under the influence of alcohol or drugs or a habitually intoxicated person will not be enlisted. A waiver is not authorized.

(d) *Insane persons.* An insane person will not be enlisted. A waiver is not authorized.

(e) *Male applicants without prior service, under 26 years of age, and applicants subject to induction.* An applicant without prior service, under 26 years of age, and other applicants subject to induction under the Universal Military Training and Service Act will not be enlisted, except as may be authorized by Headquarters USAF to Continental Air Command by separate directive. This restriction does not apply to a Reserve airman reenlisting within 90 days of the date of discharge.

(f) *Applicants with time lost.* A male applicant who lost 30 days or more time in his last active duty enlistment and a female applicant who lost 5 days or more time in her last active duty enlistment under section 6 (a), appendix 2b, Manual for Courts Martial, 1951 (10 U. S. C. 3638 and 8638), as amended by the Act of July 24, 1956 (70 Stat. 631), or as previously referenced as Article of War 107, or has an equal amount of time lost under similar circumstances in the last active duty enlistment in any of the other Armed Forces will not be enlisted. The commanders of Continental Air Command numbered air forces may authorize waivers for time lost. Unless a waiver is granted, the foregoing disqualification for enlistment does not apply to any applicant for enlistment in the Air Force Reserve who has been honorably discharged from an inactive enlistment after the active duty enlistment in which he or she lost time under the directives cited in this paragraph.

(g) *Applicants with moral disqualifications.* An applicant considered morally unfit will not be enlisted in the Air Force Reserve. For an applicant with prior service, only an offense committed after the date of separation from the last period of service is considered disqualifying. The criteria for determining moral fitness of an applicant for enlistment will be determined as follows:

(1) *Male*—(i) *Applicant convicted by a civil court for an offense punishable by death.* An applicant convicted by a civil court for an offense punishable by death is unacceptable for enlistment. A waiver is not authorized.

(ii) *Applicant convicted by a civil court.* A person convicted by a civil court is unacceptable for enlistment except that the Air Force organization enlisting the person may authorize a waiver of a minor offense. A minor offense will include a single case of drunkenness, vagrancy, truancy, peace disturbance, or a similar offense for which no type of civil restraint is imposed. A parking ticket or a single case of a traffic violation where the fine imposed does not exceed $25 is not considered disqualifying and does not require a waiver. A request for waiver will include the nature of the offense for which convicted and a brief description of details surrounding the commission of the offense; date of the offense; age of the applicant at the time of the offense; and the city and State in which the offense was committed. A waiver may be requested from the commander of the Continental Air Command numbered air force for a man who has been convicted by a civil court where the disqualification is based upon an offense not involving moral turpitude.

(iii) *Repeated offender or a person with certain traits of character.* An applicant having frequent difficulties with law enforcement agencies, a history of anti-social behavior, alcoholism, drug addiction, or sexual perversion is unacceptable. A waiver is not authorized.

(iv) *Juvenile delinquent.* If the applicant is otherwise eligible, an adjudication that he is a juvenile delinquent, youthful offender, or wayward minor, or equivalent determination by a court having jurisdiction over juvenile cases is not in itself a disqualification for enlistment. However, before enlistment, all applicants will be asked if they have ever been in the custody of juvenile authorities or caused to appear before a court having jurisdiction over juvenile cases. If the applicant admits this or recruiting personnel suspect it because of other information that may be available, enlistment action will be held in abeyance pending a complete investigation of the facts. A waiver may be requested from the commander of the Continental Air Command numbered air force.

(2) *Female*—(i) *Offenders and persons with certain traits of character.* A person having difficulties with law enforcement agencies, a history of anti-social behavior, alcoholism, drug addiction, or sexual perversion will not be enlisted. A waiver is not authorized.

(ii) *Women with civil records.* A woman who has a juvenile or youthful offender record or who has been convicted by a civil court for any offense, except for minor traffic violations, will not be enlisted. A waiver is not authorized.

(h) *Applicants against whom criminal charges are filed or pending.* An applicant will not be enlisted if he has criminal charges filed or pending against him alleging a violation of State, Federal, or Territorial statute and who, as an alternative to further prosecution, indictment, trial, or incarceration for such a violation, is granted a release from the charge by the court on the condition that he will apply and is accepted for enlistment. A waiver is not authorized.

(i) *Parolees.* An applicant under parole, probation, or suspended sentence from any civil court will not be enlisted. A waiver is not authorized.

(j) *Applicants who have venereal disease.* A man or a woman who has an active or chronic venereal disease or a woman who has a history of venereal disease will not be enlisted. A waiver is not authorized.

(k) *Persons with certain types of separation.* (1) An applicant with prior service, separated from his last period of service for unsuitability, unfitness, security reasons, or under any of the regulations and/or conditions enumerated in the many criteria for discharge contained in the current regulations of the several Armed Forces, will not be enlisted. A waiver is not authorized.

(2) *Persons separated with other than honorable or general discharge.* A man last separated from any of the Armed Forces with other than an honorable or general discharge or a woman separated with other than an honorable discharge will not be enlisted. A waiver is not authorized.

(l) *Applicants last discharged for dependency or hardship.* (1) An applicant last separated for dependency or hardship from any of the Armed Forces is not eligible to enlist, except under the following conditions:

(i) He will not be enlisted until 1 year has elapsed from the date he was discharged and the cause for which discharged has been removed. The enlisting or comanding officer will make the final determination on whether the hardship has been removed. The burden of proof that the cause for which discharged does not exist any longer rests upon the applicant for enlistment. Proof will be furnished in the form of affidavits or sworn statements by the person or persons on whose behalf the dependency discharge was obtained or by another member of the community who is thoroughly familiar with the home conditions of the applicant's family. The facilities of the Selective Service System or the American Red Cross will not be used to obtain this information. The documentary evidence will be attached to the original DD Form 4 and will become a part of the applicant's permanent records.

(ii) When considered to be in the best interest of the Air Force, a request for waiver may be submitted for an applicant who has been separated from one of the Armed Forces for less than 1 year. Proof that the cause for which discharged has been removed will accompany the request for waiver.

(m) *Applicants who claim prior honorable service which cannot be substantiated.* An applicant who applies for enlistment from civilian life and who claims prior honorable service in the Armed Forces but who is unable to produce his discharge certificate or other written evidence of his last active service will not be enlisted until verification of such service is received.

(n) *Persons who have application for retirement pending.* An applicant who has an application for retirement pending will not be enlisted. A waiver is not authorized.

(o) *Retired persons.* An applicant who is retired from any branch of the Armed Forces will not be enlisted. Except as established in § 864.7, a waiver is not authorized.

(p) *Applicants receiving retirement or retainer pay.* An applicant receiving retirement or retainer pay from any of the Armed Forces will not be enlisted. A waiver is not authorized.

(q) *Applicants who may possibly be considered security risks.* An applicant who admits or whose available records show that he has at any time engaged in disloyal or subversive activities or who has been discharged under the military security program will not be enlisted. In addition, any applicant whose acceptance is not clearly consistent with the interests of national security will not be enlisted. A waiver is not authorized.

(r) *Applicants who refuse to sign the Armed Forces Security Questionnaire and conscientious objectors.* An applicant who intentionally fails or refuses to complete DD Form 98, "Armed Forces Security Questionnaire," in its entirety; who claims Federal constitutional privilege for any reason; or who is unwilling to bear arms or to give full unqualified military service to the United States is not eligible to enlist. A waiver is not authorized.

(s) *Cadets.* A cadet of the United States Military Academy, United States Air Force Academy, United States Naval Academy, or the United States Coast Guard Academy will not be enlisted. A waiver is not authorized.

(t) *Former Regular officers.* The following former Regular officers will not be enlisted (waivers are not authorized):

(1) Former Regular officers of all the other Armed Forces.

(2) Former Regular Air Force officers:

(i) Discharged with severance pay under chapter 859 of Title 10, United States Code, and officers who have resigned in lieu of such separation.

(ii) Separated under chapter 835 of Title 10, United States Code.

(iii) Separated under 10 U. S. C. 8814 and officers who have resigned in lieu of such separation.

(u) *Former Reserve officers.* Except when specifically authorized, a former Reserve officer of any of the Armed Forces will not be enlisted. A request will be submitted to the commander of the Continental Air Command numbered air force in an instance where an activity of that command is processing an individual for assignment to a Reserve unit under the jurisdiction of the numbered air force concerned. In all other instances, requests will be forwarded to: The Commander, Air Reserve Records Center, 3800 York Street, Denver 5, Colorado.

(v) *Applicants with dependents*—(1) *Men*—(i) *A man without prior service.* A man without prior service who has two or more dependents will not be enlisted. A waiver will not be granted.

(ii) *With prior service.* (*a*) A man with prior service who is otherwise eligible to enlist in pay grade E–1 or E–2 and who has two or more dependents will not be enlisted. A waiver will not be granted.

(*b*) A man with prior service who is otherwise eligible to enlist in pay grade E–3 and who has three or more dependents will not be enlisted.

(*c*) A man with prior service who is otherwise eligible to enlist in pay grade E–4 and who has three or more dependents will not be enlisted, except that a person otherwise eligible to enlist in pay grade E–4 who has 3½ or more years of service for pay purposes may be enlisted regardless of the number of dependents.

(*d*) A waiver request is authorized in (*b*) and (*c*) of this subdivision, only in exceptional cases of unusual financial stability and income not based on gratuities of money or support from relatives or upon the assumption that the wife and mother will continue to work to help support the family.

(*e*) There are no restrictions for a Regular or Reserve airman or an Air National Guardsman who enlists within 90 days from the date of his last discharge.

(2) *Women.* (i) A married woman without prior service will not be enlisted. A waiver will not be granted.

(ii) A woman with or without prior service will not be enlisted if she:

(*a*) Is the parent by birth or adoption of a child under 18 years of age of whom she has personal or legal custody.

(*b*) Is the stepparent of a child under 18 years of age and if the child is within her household for more than 30 days a year.

(*c*) Has personal custody of any child under 18 years of age.

(*d*) Has had an illegitimate pregnancy. Waivers will not be granted.

(w) *Applicants with prior service in any of the other Armed Forces.* A male applicant with prior service in any of the other Armed Forces but without prior Air Force service will not be enlisted without first obtaining the approval of the commander of a Continental Air Command numbered air force or a comparable level of command in the major air command of assignment. A female applicant with prior service in any of the other Armed Forces but without prior Air Force service or a WAF separated before January 1, 1950, will not be enlisted without first obtaining the approval of the Commander, Air Reserve Records Center.

(x) *Applicants who have not registered with the Selective Service System.* The following persons are ineligible for enlistment if they have not registered with the Selective Service System:

(1) A man over 18 years of age without prior service.

(2) A man with prior service.

(3) A reenlistee under 26 years of age who has been separated from the military service over 30 days.

(y) *Selective Service System registrants.* A Selective Service System registrant who has received his orders to report for induction or a registrant classified 1–A (P), 1A–O, 1–O, or 4–F will not be enlisted..

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force,
Deputy Air Adjutant General.

[F. R. Doc. 57-9618; Filed, Nov. 20, 1957; 8:45 a. m.]

Subchapter G—Personnel

PART 886—MILITARY PERSONNEL SECURITY PROGRAM

REPORTING INFORMATION

In Part 886, § 886.3 (c) (2) is corrected to read as follows:

§ 886.3 *Reporting information.* • • •

(c) *Investigations.* • • •

(2) The Office of Special Investigations, when conducting investigations pursuant to this program, will develop all relevant facts with special emphasis being given to that information which supports or refutes an allegation stemming from the criteria hereinafter described. The investigative reports should contain sufficient information about informants whose identities are not disclosed to permit those who utilize the reports to evaluate adequately the information furnished by such informants.

(Sec. 1, 70A Stat. 488; 10 U. S. C. 8012) [AFR 35–62, Apr. 8, 1957]

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force,
Deputy Air Adjutant General.

[F. R. Doc. 57-9617; Filed, Nov. 20, 1957; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

KENNEBUNK RIVER, MAINE, AND STEAMBOAT SLOUGH, CALIF.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.28 is hereby prescribed to govern the operation of the Maine State Highway Commission bridge across Kennebunk River between Kennebunk and Kennebunkport, Maine, as follows:

§ 203.28 *Kennebunk River, Maine, Dock Square Highway Bridge between Kennebunk and Kennebunkport, Maine.* (a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 7:00 a. m. and 5:00 p. m. (local time) on all days of the year.

(b) At times other than those specified in paragraph (a) of this section, the draw need not be opened for the passage of vessels except on advance notice to the drawtender to be given between the hours of 7:00 a. m. and 5:00 p. m. when the drawtender is on duty.

(c) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be easily read at any time, a copy of the regulations in this section.

[Regs., November 6, 1957, 823.01—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.716 governing the operation of drawbridges across Sacramento River and its tributaries is hereby amended prescribing special regulations to govern the operation of the State of California highway bridge across Steamboat Slough, California, by revision of paragraph (b), as follows:

§ 203.716 *Sacramento River and its tributaries, Calif.* • • •

(b) *Steamboat Slough, State of California highway bridge at the head of Grand Island.* (1) From 9:00 a. m. to 5:00 p. m., the bridge shall be opened promptly on receipt of the prescribed signal from a vessel desiring to pass through the bridge. Between 5:00 p. m. and 9:00 a. m. advance notice required before 4:00 p. m., to be given to the draw tender verbally or by telephone through the Courtland Exchange, or to be given to the State Highway Maintenance Superintendent at Fairfield.

(2) The signal for opening this bridge shall be two long blasts followed by one short blast.

• • • • •

[Regs., November 5, 1957, 823.01—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9620; Filed, Nov. 20, 1957; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1987]

PART 70—MINERAL LANDS; COAL PERMITS AND LEASES AND LICENSES FOR FREE USE OF COAL

APPLICATION FOR LEASE BY COMPETITIVE BIDDING

Paragraph (a) (2) of § 70.11 is amended to read as follows:

§ 70.11 *Application for lease by competitive bidding.* (a) • • •

(2) Proof of citizenship: If applicant is an individual, a statement as to whether native born or naturalized; if an association (including a partnership), it must submit a certified copy of the articles of association and a statement by its members as to their citizenship and holdings. If applicant is a corporation, it must submit statements showing: (i) The State or Territory of incorporation; (ii) that it is authorized to hold leases for coal deposits, and names of the officers authorized to act in such matters in behalf of the corporation; (iii) a separate showing as to citizenship and holdings of any stockholder owning or controlling at least 20 percent of the corporate stock; and (iv) a statement of the proportion of its stock owned or held by aliens. If a majority of the corporate stock is held by aliens, the application will be denied. A municipality must submit evidence of: (*a*) The manner in which it was organized; (*b*) that it is authorized to hold leases; and (*c*) that the action proposed has been duly authorized by its governing body. Where such material has previously been filed a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

(Sec. 17, 38 Stat. 745; 48 U. S. C. 451)

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 14, 1957.

[F. R. Doc. 57-9624; Filed, Nov. 20, 1957; 8:47 a. m.]

[Circular No. 1986]

PART 196—PHOSPHATE LEASES AND USE PERMITS

MISCELLANEOUS AMENDMENTS

Section 196.2 (a) is amended to read as follows:

§ 196.2 *Size of leasehold and limitation of acreage holdings.* (a) Except where the rule of approximation applies, a lease may not include over 2,560 acres in reasonably compact form. Each lease shall contain the description of the land involved by legal subdivisions of the public land surveys. No person, association, or corporation, may hold at any one time, either directly or indirectly, leases that exceed in the aggregate 10,240 acres in the United States.

Section 196.7 (b), (c) and (f) is amended to read as follows:

§ 196.7 *Application for lease.* • • •

(b) A statement of his interests, direct or indirect, whether as a member of an association or stockholder in a corporation, or otherwise in other phosphate leases or applications therefor on public lands, identifying the same by land office and serial number together with the total amount of acreage so held in the United States, and a statement that such holdings under said act, together with the lands applied for, do not exceed in the aggregate the maximum allowable area of 10,240 acres in the United States.

(c) Proof of citizenship: If applicant is an individual, a statement as to whether native born or naturalized; if an association (including a partnership), it must submit a certified copy of the articles of association and a statement by its members as to their citizenship and holdings. If the applicant is a corporation, it must submit statements showing (1) the State or Territory in which it is incorporated; (2) that it is authorized to hold leases for phosphate deposits, and the names of the officers authorized to act in such matters in behalf of the corporation; (3) the percentage of the corporate voting stock and of all the stock owned by aliens or those having addresses outside of the United States; and (4) the name, address, citizenship and acreage holdings of any stockholder owning or controlling 20 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or on behalf of aliens, or persons who have addresses outside of the United States, the corporation must give their names and addresses, the amount and class of stock held by each, and to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each. Where such material has previously been filed a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

• • • • •

(f) Each applicant must show in sufficient detail that:

(1) The amount of phosphate lands, Federal and non-Federal, held by him, together with the lands described in the application are necessary for his proposed development plan.

(2) He intends to explore, mine and develop the property in good faith.

(3) His proposed operations of the property will be in accordance with good conservation practice and this additional development is needed in order to supply an existing demand which cannot otherwise be reasonably met.

Section 196.8 (b) is amended to read as follows:

§ 196.8 *Noncompetitive application; publication; protest.* • • •

(b) The notice shall describe the land, specify the rental and royalty to be paid under the lease, and the minimum production requirement, together with a general statement as to the exploration program required by the Secretary to be undertaken by the applicant after lease issuance to ascertain that development is feasible under the lease. The notice shall also state (1) that the minimum production requirement will not be reduced or waived at the lessee's request except as provided in § 196.5, § 196.6, § 191.25 or § 191.26 of this chapter, and (2) that the lease will be canceled if apart from or in addition to any other grounds that may exist therefor, production, or the construction of production facilities, including processing plants, is not commenced by the beginning of the fourth year of the lease. A copy of the notice will be posted in the land office after receipt by the manager.

Section 196.10 is amended to read as follows:

§ 196.10 *Offer of lands or deposits for lease by competitive bidding.* If, in connection with a lease application or otherwise, the authorized officer shall determine, after consultation with the Mining Supervisor of the Geological Survey as to the need for further exploration, royalty rates and production requirements and any other technical matters, that specific lands or deposits which constitute an acceptable leasing unit are subject to phosphate lease without the need of further exploration before development could reasonably be undertaken, the offer of lease will be made on the terms and conditions to be specified in the notice of lease offer to the qualified person who offers the highest bonus by competitive bidding either at public auction or by sealed bids as provided in the notice of lease offer.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 14, 1957.

[F. R. Doc. 57-9623; Filed, Nov. 20, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO-225-A9]

MILK IN DETROIT, MICHIGAN, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Parlors E and F, Civic Center, 515 West Allegan Street, Lansing, Mich., beginning at 10:00 a. m., e. s. t., on December 10, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Detroit, Michigan, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

It is expected that sessions of the hearing to be held at Lansing, Michigan, will so far as practicable be devoted to receiving evidence with respect to proposals numbered 1 through 6, and that there will be opportunity to present evidence with respect to the remaining proposals at sessions of the hearing to be held in Detroit, Michigan, time and place of which will be announced by the Presiding Officer.

The proposals relative to redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Michigan Milk Producers' Association:

Proposal No. I: That § 924.5 *Detroit, Michigan Marketing Area* be changed by adding to the present area as defined the townships of Shelby and Macomb in Macomb County, Highland, Milford and Lyon in Oakland County, townships of Exeter, London, Milan and Dundee in Monroe County, townships of Linden, Dexter, Sylvan, Lima, Sharon, Freedom, Manchester and Bridgewater in Washtenaw County as well as all of Jackson County, all of Ingham County and the townships of Hamlin, Eaton Rapids, Windsor and Delta in Eaton County.

Proposal No. 2: That § 924.60 (c) Computation of Value of Milk for each Handler, be amended to provide that any handler operating a pool plant, located outside the marketing area, and more than 50 miles from City Hall, Detroit, be allowed a distance differential on Class I milk sold outside the marketing area, at the rate of 14 cents per cwt. for any distance of up to 50 miles from the City Hall and 1 cent for each 20 miles or fraction thereof over 50 miles.

Proposed by the Michigan Producers Dairy Company:

Proposal No. 3: Revise § 924.5 *Detroit Michigan Marketing Area* to include all of the present marketing area and such portions of Lenawee County not already in the Toledo Marketing Area.

Proposed by London's Farm Dairy, Inc.:

Proposal No. 4: That all of Sanilac County; the townships of Sherman, Sand Beach and Rubicon in Huron County; and those townships in St. Clair County which are not now a part of the Detroit marketing area be made a part of the area.

Proposed by Twin Pines Farm Dairy, Inc.:

Proposal No. 5: Add Livingston County to the previously proposed area to be added to the Detroit Marketing Area, with the stipulation that receiving stations within the area (where no processing operations are conducted) shall be entitled to deduct the distance differential.

Proposed by Ira Wilson & Sons Dairy Co. and Subsidiaries:

Proposal No. 6: Raise cost of transporting milk in § 924.60 (c) 2 cents per cwt.

Proposed by Michigan Milk Producers' Association:

Proposal No. 7: That § 924.52 *Class II Milk Prices*, be amended in such manner as to provide that during the months of February through September, skim milk and butterfat used to produce non-fat dry milk solids, whole milk powder, and butter, manufactured in a pool plant, be paid for at the butter-powder formula price used in the Class I basic formula less 18.3 cents.

Proposed by Ira Wilson & Sons Dairy Company:

Proposal No. 8: Delete §§ 924.52 (a) and (b) and replace with the following:

(a) The higher of (1) The price per hundredweight as described in § 924.50 (c), or (2) the price per hundredweight described in § 924.50 (b), less 18.3 cents.

Proposed by Michigan Milk Producers' Association:

Proposal No. 9: That § 924.70 *Base rules*, be amended to provide that all new shippers and shippers who have relinquished their base shall be paid during the first five full months of shipment, a percentage of their total shipment at the base milk price and the balance at the excess milk price. Such percentage to be according to the following schedule:

	Percent		Percent
January	70	July	60
February	70	August	75
March	65	September	75
April	60	October	80
May	40	November	80
June	40	December	80

After the first full 5 months, a base shall be determined by using the foregoing percentages of milk for each month shipped and dividing by the number of days shipped. The base so established shall be effective until the following February 1st.

Proposed by Dairyland Cooperative Creamery Company:

Proposal No. 10: Amend § 924.71 (c) to read as follows:

(c) A producer who does not deliver milk to any handler for forty-five (45) consecutive days shall forfeit his base except for a producer who suffers the complete loss of his barn as a result of fire or wind storm or whose herd is principally or entirely destroyed by bangs disease or other bovine disease, may retain his base without loss for six (6) months.

Proposed by Twin Pines Farm Dairy, Inc.:

Proposal No. 11: The seasonal relationship of the supply-demand percentages in the Order shall be changed annually to reflect the average monthly production-sales relationship for the most recent 4 years.

Proposed by Ira Wilson & Sons Dairy Co.:

Proposal No. 12: Adjust Class I Premium to a seasonal basis more closely approximating those differentials in adjoining markets, thus arriving at Class I prices being the competitive at the same time in the same areas.

Proposed by Twin Pines Farm Dairy, Inc.:

Proposal No. 13: In making settlement with producers, the total base pounds shipped by each producer will be multiplied by the market average percent of Class I Sales to base milk. The resulting pounds will be paid for at Class I price and the remainder at Excess price.

Proposed by Bodker Dairy Company:

Proposal No. 14: In § 924.16 (a) delete the remainder of the paragraph following the word "Provided" and substitute therefore the following: "that the total quantity distributed during any of the months of October through March on all routes operated inside or outside the marketing area is equal to 50 percent or more of the receipts from producers or from other plants of milk approved by the appropriate health authority for fluid use: or".

Proposed by Ira Wilson & Sons Dairy Company:

Proposal No. 15: Alter percentages in § 924.16 (a) from 45 and 55 to the following percentages:

January	65	July	50
February	65	August	70
March	60	September	70
April	50	October	80
May	30	November	80
June	30	December	80

Proposal No. 16: Replace the present Market wide pooling system with an Individual-Handler pooling system.

Proposed Separately by McDonald Cooperative Dairy Company and Lansing Dairy Co.:

Proposal No. 17: Revise § 924.43 (b) to read as follows:

(b) Skim milk and butterfat disposed of by the handler from a pool plant to a non-pool plant in the form of milk or skim milk shall be Class I utilization unless:

(1) The handler claims assignment to Class II in the report submitted pursuant to § 924.30 on or before the fifth day after the end of the month in which such transaction occurred;

(2) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat received in any form at such plant which are made available if requested by the market administrator for the purpose of verification.

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively in fluid milk products disposed of from such non-pool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such non-pool plant, subtract the skim milk and butterfat received at such plant from dairy farmers who hold permits from the appropriate health authority to supply milk to such plant for bottling purposes and who the market administrator determines constitute the regular source of supply for such fluid milk products for such non-pool plant;

(ii) From the remainder, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the act, provided that the amount subtracted pursuant to this subdivision shall be limited to such market's pro-rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such non-pool plants which are subject to the pricing provisions of an order issued pursuant to the act.

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers.

If any milk is transferred to a second nonpool plant under this paragraph the same conditions of audit, classification and allocation shall apply.

Proposed by the Dairy Division Agricultural Marketing Service:

Proposal No. 18: Add a section reading as follows:

§ 924.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Proposal No. 19: In § 924.8, delete the words following "producers" and substitute therefor the words "or from handlers other than as a Class I transfer."

Proposal No. 20: Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2899 West Grand Blvd., Detroit 2, Michigan, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 18th day of November 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57-9653; Filed, Nov. 20, 1957; 8:55 a. m.]

[7 CFR Part 939]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957-58 FISCAL PERIOD

Consideration is being given to the following proposals which were submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939); regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $29,747.50 are likely to be incurred by said committee during the fiscal period beginning July 1, 1957, and ending June 30, 1958, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid period, the rate of assessment at six mills ($0.006) per standard western pear box of pears or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 18, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-9654; Filed, Nov. 20, 1957; 8:55 a. m.]

Commodity Stabilization Service

[7 CFR Parts 815, 816]

MARKETING OF SUGAR AND LIQUID SUGAR PRODUCED FROM SUGAR BEETS AND SUGARCANE GROWN IN CONTINENTAL UNITED STATES AND MARKETING OF SUGAR FOR CONSUMPTION IN TERRITORY OF HAWAII AND PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), is considering a revision of Sugar Regulation 815 (7 CFR 815.1 et seq.) and all provisions remaining in effect of Sugar Regulation 816 (14 F. R. 2163) as hereinafter proposed.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director of the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., not later than 20 days after the publication of this notice in the FEDERAL REGISTER. The basis and purpose of the proposed revisions are as follows:

Basis and purpose. Sugar Regulation 815, as effective January 1, 1955 (19 F. R. 7930), was designed to establish a complete pattern to govern the handling of sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States in relation to quotas and allotments established pur-

suant to secs. 202 and 205 of the Sugar Act of 1948, as amended, and the prohibitions set forth in subsection (b) and (d) of section 209 of that act. The regulation was subsequently amended (20 F. R. 8807). After January 1, 1955, certain provisions of Sugar Regulation 816 (13 F. R. 127, 1076, 2063, 4590, 5903, 14 F. R. 466, 2163) remained in effect with respect to sugar or liquid sugar produced in the Territory of Hawaii and Puerto Rico. Additional changes are dictated by experience in administering the regulation, and by amendments to the Sugar Act by Public Law 545, 84th Congress, and are required to make the complete regulation apply to sugar and liquid sugar processed from sugarcane in the Territory of Hawaii or Puerto Rico for local consumption within such areas. Accordingly, under the proposed revision the provisions of Part 815 and Part 816 previously in effect are superseded and the provisions formerly in Part 815 as changed are republished as a new Part 816. Changes in wording have been made as needed for clarification, particularly as occasioned by changes in the act or in this regulation. In addition to changes in language to extend the provisions of the regulation to sugar for local consumption in Hawaii and Puerto Rico, the major changes are as follows:

1. *Renumbering of sections.* A new § 816.1 is added; § 815.1, as amended, now appears as § 816.2; § 815.2, as amended, now appears as § 816.4; § 815.3, as amended, now appears as § 816.5; § 815.4, as amended, now appears as § 816.3; the substance of §§ 815.5 and 815.6 is now incorporated into § 816.7; a new provision relating to processing of non-proportionate shares sugar beets or sugarcane now appears in § 816.6; a new provision heretofore incorporated in allotment orders appearing in Part 814 has been incorporated into § 816.3; and, the provisions of § 815.7 through § 815.9, as amended, appear in § 816.8 through 816.10, respectively.

2. *Purpose and persons affected.* Section 816.1 is added so that the purpose of the regulation and the identification of persons to whom the regulation is applicable will be readily apparent from the regulation as it will appear in the Code of Federal Regulations. This change is considered desirable because the scope of the regulation is broadened (1) to cover certain operations in Hawaii and Puerto Rico as well as on the mainland and (2) by the proposed amendment discussed in Item 4, to make it applicable to persons acquiring sugar as a result of unusual transactions with processors.

3. *Physical identity of sugar accounted for.* The meaning of the term "marketing" for the purposes of this regulation is limited in § 816.4, as renumbered, to specific actions in relation to mainland or local sugar which are taken by processors. Such processors may simultaneously handle sugar other than that which they process from sugar beets or sugarcane or acquire within the purview of this regulation. This raises a question regarding the extent to which it is necessary to segregate and separately identify all mainland or local sugar until an action specified in § 816.4 occurs in order to fulfill the requirements of section 211 (c) of the Sugar Act of 1948, as amended, through the provisions of this part.

The physical and chemical characteristics of sugar provide no basis for associating it with any kind of raw material, producing area or processor. In a wide and increasing variety of situations sugar from two or more sources is commingled. Commingling may be intermittent with respect to the "stream" of sugar from a given source and even a most exhaustive analysis of the records frequently may not establish clearly the extent and time at which the "stream" may in fact become involved in commingling. Designation of equivalent quantities within a larger total commingled quantity adequately serves all of the objectives of the act, including the specific objectives that gave rise to section 211 (c) of the act.

Accordingly, the definition of "mainland sugar" in § 816.2 (c) is amended to clarify the manner in which the identity of "mainland sugar" is to be established.

4. *When processor loses control of sugar by means other than sale or use.* Heretofore the regulations established when marketings occur entirely in terms of actions by the persons who manufacture sugar and with minor exceptions these actions relate to deliveries pursuant to contracts of sale. It is necessary to clarify and complete the coverage of the disposition of sugar to include cases in which the person who manufactured or processed the sugar is not a party to a contract of sale but which, nonetheless, have the same effect on the availability of the sugar for consumption in the continental United States. This is accomplished by amending the definition of "processor" in § 816.2 (e) and amending § 816.4 (a). The change in the definition of a processor covers situations not covered by specific provisions of the regulations, and the change in § 816.4 (a) covers barters, exchanges and gifts. The definition of "processor" is changed so that if circumstances arise in which the processor fails to control the sugar until a marketing, as described in this regulation is accomplished, a creditor, insuror, carrier, warehouseman or other person who may first take the actions described in § 816.4 may be held accountable for the marketing of sugar subject to applicable quota and allotment requirements and limitations.

5. *Sugar for local consumption in Hawaii and Puerto Rico refined in the continental United States.* Heretofore there has been no specific regulation covering the possible "reverse flow" of sugar from the continental United States to the Territory of Hawaii and Puerto Rico. It is known, however, that limited quantities of sugar do move in that manner, usually to meet special packaging or processing requirements for which the demand is so small that the desired preparation in the Islands is impractical. Other occasions may occur. The Sugar Act of 1948, as amended, subjects local requirements to quota limitations and such quotas are subject to allotment. Furthermore, section 211 (c) of that act requires that such quotas may be filled only by sugar or liquid sugar processed from sugarcane grown in such areas. The return of sugar to the Islands appears to be consistent with the objectives of the act, provided that (1) the shipper has received sugar processed from sugarcane grown in the area to which the sugar is shipped and (2) the quantities returned to each area are taken into account in establishing, allotting and filling the quota for local consumption in the area. Paragraph (d), § 816.4, is added to provide, in conjunction with provisions being proposed for inclusion in Part 817, for such marketings for local consumption in the Territory of Hawaii and Puerto Rico and exempt such quantities from the mainland quotas. Sugar processed and refined in Puerto Rico and marketed for consumption in the Virgin Islands is included as sugar subject to the Puerto Rican local quota since much of such sugar is delivered to the Virgin Islands through secondary distributors who supply both that area and Puerto Rico, thus making it impossible to separately identify the quantities ultimately delivered for consumption in Puerto Rico and the Virgin Islands.

6. *Production and marketing of sugar under bond for livestock feed.* Section 13 of Public Law 545, 84th Congress, amends section 301 (b) of the Sugar Act to permit sugar beets or sugarcane to be marketed (or processed) for the production of sugar for livestock feed or the production of livestock feed in excess of the proportionate share for the farm without disqualifying the producers for conditional payments under the act. When sugar beets or sugarcane are processed under this provision the purpose for which the sugar is produced is known at the time of delivery of the beets or sugarcane and it is necessary at that time to establish the obligation to use the sugar for the exempt purposes to support growers' claims of compliance with their proportionate shares and to exclude the sugar so produced from the quantities applicable for allotment purposes pursuant to section 205 of the act. Section 816.6 has been added and changes are made in § 816.7 to accomplish these purposes.

Section 816.7, as amended, also makes the processor the only acceptable principal on the bond provided to cover sugar produced and marketed for use as livestock feed or in the production of livestock feed or for use in the distillation of alcohol. This provides for greater flexibility in meeting the conditions of the bond and although the processor would be responsible for furnishing required evidence of use by his customers, he may adopt pricing practices or require bonds of the buyer to cover any liability that may befall him.

7. *Conversion of liquid sugar to raw value.* Subsection 101 (h) of the Sugar Act of 1948, as amended, defines "raw value" and outlines the manner in which the principal grades and types of sugar and liquid sugar shall be translated into terms of raw value. Paragraph (5) of this subsection provides for the Secretary to establish rates for translating any grade or type not otherwise provided for or for which he determines that the raw value cannot be measured adequately under the specific paragraphs of this subsection.

Liquid sugar was not marketed by processors of sugar beets or mainland sugarcane or for local consumption in Hawaii or Puerto Rico at the time that subsection 101 (h) of the Sugar Act was first adopted. As the practice subsequently developed, crystalline sugar was first produced and subsequently liquefied and, for the most part, such liquid sugar has been marketed in terms of the crystalline sugar contained therein. Most "liquid sugar," to be processed from mainland sugarcane or for marketing for local consumption in Hawaii or Puerto Rico is likely to be first produced as crystalline sugar. Reports of production and marketings were made to the Department on the basis of crystalline equivalents until 1955. In developing reporting requirements for mainland sugar under Sugar Regulation 815, as effective January 1, 1955, emphasis was laid upon reporting the quantities of liquid sugar on a basis that would result in translation in accordance with paragraph (h) (4) of section 101 of the Sugar Act when included in a larger quantity of beet sugar to which the factor 1.07 is applicable under paragraph (h) (1) of that act. As a result, problems arose with respect to paragraph (h) (4) when applied to liquid sugar produced from crystalline beet sugar. It represented a departure from established practice, lent itself to different interpretations and was not uniformly applied.

The amendment in Public Law 545, 84th Congress, of subsection 101 (c), defining direct-consumption sugar to include liquid sugar, make paragraphs (h) (1) and (h) (4) of section 101 of the act appear to apply to liquid sugar produced from crystalline beet sugar. However, paragraph (1) cannot apply to liquid sugar since liquid sugar does not test 92 degrees or more by the polariscope, and resort to paragraph (4) produces a result that differs significantly from the raw value of the crystalline sugar contained in the liquid sugar. Thus, it appears necessary for the Secretary to establish rates for translating liquid sugar produced from crystalline beet sugar into raw value pursuant to paragraph (5) of subsection 101 (h). The same rate appears to be applicable to liquid sugar produced from crystalline sugar processed from sugarcane and is, therefore, made applicable to all mainland and local sugar. A new paragraph (a) in § 816.8 of this regulation establishes such a rate.

The regulations, as amended, would read as follows:

Sec.
816.1 Purpose and persons affected.
816.2 Definitions.
816.3 Restrictions on marketings.
816.4 When a marketing occurs.
816.5 Effect of marketings on quotas and allotments.
816.6 Production of sugar for livestock feed.
816.7 Bond requirements.
816.8 Records and reports.
816.9 Delegation of authority.
816.10 Application of §§ 816.1 to 816.10 and prior regulations.

AUTHORITY: §§ 816.1 to 816.10 issued under sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 101, 205, 209, 211, 212, 301 (b); 61 Stat. 922, as amended, 926, as amended, 928, 929, as amended; 7 U. S. C. 1101, 1115, 1119, 1121, 1122, 1131.

§ 816.1 *Purpose and persons affected.* (a) The regulations in §§ 816.1 to 816.10 issued pursuant to the Sugar Act of 1948, as amended, govern the handling of sugar or liquid sugar produced from domestic sugar beets and mainland sugarcane, or produced from sugarcane in the Territory of Hawaii and in Puerto Rico and marketed for local consumption in relation to quotas and allotments established under sections 202, 203 and 205 of the act, and the prohibitions set forth in subsections (b), (c) and (d) of section 209 of the act. They also provide the method for exempting sugar produced from such sugar beets or sugarcane from quotas pursuant to item (4) of section 212 of the Sugar Act of 1948, as amended.

(b) The regulations in §§ 816.1 to 816.10 apply to processors and refiners with respect to all sugar and liquid sugar which they produce or refine from domestic sugar beets and mainland sugarcane or which they produce from Hawaiian or Puerto Rican sugarcane and market for consumption in such areas. It also extends records and reports requirements to all sugar and liquid sugar coming under the ownership and control of such persons in order to assure proper accounting for mainland and local sugar. The regulations in §§ 816.1 to 816.10 also apply to any person who acquires such sugar or liquid sugar for the distillation of alcohol or for livestock feed or for the production of livestock feed, or to any person who acquires such sugar or liquid sugar as a result of a sale or transfer thereof pursuant to a pledge, mortgage or other agreement, or a judgment, decree, writ or order of a court, if such sugar or liquid sugar has not previously been marketed as provided in § 816.4.

§ 816.2 *Definitions.* As used in this part:

(a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922, as amended).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust or other business enterprise or legal entity, and, wherever applicable, a unit of government or an instrumentality or agency thereof.

(c) The term "mainland sugar" means all sugar or liquid sugar as defined in section 101 of the act, processed from any sugar beets grown in the Domestic Beet Sugar Area or from any sugarcane grown in the Mainland Cane Sugar Area. Whenever a processor has commingled mainland sugar, as heretofore defined, that has not been marketed pursuant to § 816.4, and sugar acquired within a quota, that portion of the total commingled quantity designated by such processor, equivalent in quantity to such mainland sugar, shall be deemed to be mainland sugar within the definition of that term.

(d) The term "local sugar" means sugar as defined in section 101 of the act, processed from sugarcane grown in the Territory of Hawaii or Puerto Rico to be marketed for consumption within such area. The term also includes sugar processed in the Territory of Hawaii or Puerto Rico for livestock feed or the production of livestock feed from sugarcane grown in Hawaii or Puerto Rico, respectively, in excess of the proportionate shares determined pursuant to section 301 (b) of the act, and sugar processed and refined in Puerto Rico from sugarcane grown in Puerto Rico which is ultimately consumed in the Virgin Islands.

(e) The term "processor" means any person who manufactures "mainland sugar" or "local sugar" as defined in this part or any person for whose account mainland or local sugar is manufactured by another person and includes all persons who acquire control over such mainland sugar or local sugar if such sugar has not previously been marketed as provided in § 816.4.

(f) The term "refiner of mainland or local sugar" means any person who acquires mainland or local raw sugar from a processor for refining or otherwise improving the quality of such mainland or local sugar. (The same person may be both a "processor" and such a "refiner").

(g) The term "Department" means the United States Department of Agriculture.

(h) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has delegated authority, or to whom authority may hereafter be delegated, to act in his stead.

(i) The term "quota" means any calendar year quota established in Part 811 or in Part 812 of this chapter.

(j) The term "allotment" means the portion of a quota established for a processor in Part 813, Part 814, or Part 815 of this chapter.

§ 816.3 *Restrictions on marketings.* (a) Subject to the provisions of § 816.5 each processor is hereby prohibited from marketing a quantity of mainland or local sugar in excess of the quantity determined in Part 813, Part 814 or Part 815 of this chapter to be the allotment of such processor: *Provided*, That the Secretary may permit marketings to be made by one allottee, or other person within the allotment established for another allottee upon relinquishment by the latter allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Secretary that (1) a merger, consolidation, transfer of sugar processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process sugar beets or sugarcane which the allottee relinquishing allotment has become unable to process.

(b) In the absence of allotments, when the Secretary determines and gives public notice that prior authorizations are required to prevent the quota determined in Part 811 or Part 812 of this chapter from being exceeded, a processor shall not market mainland or local sugar until authorized by the Secretary in writing.

§ 816.4 *When a marketing occurs.* (a) Except as provided in paragraphs (b)

through (d) of this section, mainland sugar or local sugar shall be deemed to be marketed whenever pursuant to a contract of sale, or by barter, exchange or a gift one of the following actions first occurs:

(1) The processor physically delivers mainland or local sugar to another person.

(2) The processor physically delivers mainland or local sugar to a carrier for shipment to another person.

(3) The processor endorses and delivers to another person a negotiable warehouse receipt issued by a public warehouseman or an order bill of lading issued by a public carrier covering mainland or local sugar.

(4) A public warehouseman issues and delivers to another person at the processor's request a warehouse receipt (negotiable or non-negotiable) or a warehouse delivery advice covering mainland or local sugar.

(5) The processor transfers and delivers to another person a non-negotiable warehouse receipt issued by a public warehouseman covering mainland or local sugar, and the warehouseman acknowledges to such person that he is holding such sugar for the account of such buyer or other person.

(6) The processor and another person on or before December 31 of any year certify to the Secretary on a form prescribed by him that a specified quantity of mainland or local sugar in exclusive actual possession of the processor at the close of business on December 31 will be held for the account of such other person and will be physically delivered to such other person or to a carrier for shipment to such other person prior to March 1 of the year immediately following, and such physical delivery (those actions described in subparagraph (1) or (2), not those in subparagraph (3), (4), or (5) of this paragraph) is made prior to March 1.

(b) Mainland or local sugar used by the processor or caused to be used in activities under his control for food or feed, or for the production or manufacture of food or feed or other articles for commerce shall be deemed to be marketed at the time that such use occurs.

(c) Mainland sugar sold to a processor in the form of beet molasses and used for the production of direct-consumption sugar as defined in section 101 (e) of the act, shall be deemed to be marketed when the direct-consumption sugar so produced is first subject to one of the actions described in paragraphs (a) and (b) of this section.

(d) Sugar or liquid sugar processed from sugarcane grown in the Territory of Hawaii or Puerto Rico which is imported into the continental United States only to be further refined and improved in quality or repackaged pursuant to the provisions of Part 817 of this chapter, and which is subsequently returned to the area of origin for consumption therein, shall be deemed to be local sugar and to be marketed at the time such sugar is imported into the continental United States.

§ 816.5 *Effect of marketings on quotas and allotments.* Each marketing of mainland or local sugar as provided in § 816.4 shall be effective for the purpose of filling the applicable quota and allotment at the time it occurs except as follows:

(a) A marketing of mainland or local sugar for further processing, refining and storage with respect to which an obligation has been established under a bond pursuant to § 816.7, shall, upon release of the bond, be effective for the purpose of filling the applicable quota and allotment in effect at the time of the release of the bond, or, when the Secretary determines that a default in a condition of such a bond has occurred, the marketing under the bond shall, at the time of such determination, be effective for filling the applicable quota and allotment in effect at the time the sugar was marketed pursuant to § 816.4.

(b) A marketing of mainland or local sugar for the distillation of alcohol, or for livestock feed or for the production of livestock feed with respect to which an obligation has been established under a bond pursuant to § 816.7, shall be effective for the purpose of filling an applicable quota and allotment only when the Secretary determines that a default in a condition of the bond has occurred, and at the time of such determination, such a marketing shall be effective for filling the applicable quota and allotment in effect at the time that the sugar was marketed pursuant to § 816.4.

(c) A marketing of mainland sugar which is consigned by the processor to points outside the continental United States shall not be effective for the purpose of filling a quota established for the Mainland Cane Sugar Area or the Domestic Beet Sugar Area, or allotments thereof, provided, however, that no such shipments may be made to Puerto Rico or the Territory of Hawaii.

(d) A marketing of local sugar brought into the continental United States for refining or repackaging shall be effective for filling the local quota at the time it is imported for such purpose as provided in Part 817 of this chapter.

§ 816.6 *Production of sugar for livestock feed.* Prior to the processing of sugar beets or sugarcane in excess of proportionate shares received from producers for the production of sugar for use as livestock feed or for use in the production of livestock feed pursuant to the exception in section 301 (b) of the act, an obligation for such use of the sugar shall have been established under a bond accepted in accordance with the provisions of § 816.7.

§ 816.7 *Bond requirements*—(a) *General.* Bonds furnished to cover the production and marketing of mainland or local sugar for the purposes stated in paragraphs (a) and (b) of § 816.5 and in § 816.6 shall meet all of the requirements of this section pertaining thereto, shall be executed in triplicate on Form SU–76, shall be in an amount, determined as prescribed in subparagraph (2) of paragraph (c) of this section, sufficient to cover all quantities of sugar or liquid sugar to be covered by the bond and shall be submitted to the Sugar Division for acceptance prior to approval of applications pursuant to paragraph (c) of this section.

(b) *Principal and surety.* To cover marketings of mainland or local sugar for further processing, refining and storage, the principal named on the bond shall be a refiner. To cover marketings of mainland or local sugar for the distillation of alcohol, and for the marketing or production and marketing of mainland or local sugar for livestock feed or the production of livestock feed, the principal named on a bond shall be the processor of the sugar. The surety or sureties shall be among those listed by the Secretary of the Treasury as acceptable on a Federal bond.

(c) *Obligations*—(1) *Establishment.* An obligation under a bond shall be established by the Secretary's approval of an application by the principal named on the bond to cover under the bond marketings or use of a quantity of mainland or local sugar for the purpose stated in the application, which purpose shall be among those provided for in paragraph (a) or (b) of § 816.5 or in § 816.6. Any application for further processing, refining and storage of mainland or local sugar shall be made jointly by the principal (refiner) named on the bond and the processor of the sugar and shall be submitted and approved prior to the marketing of such sugar. An application to establish an obligation under a bond as required under § 816.6 with respect to processing sugar beets or sugarcane in excess of proportionate shares shall be made by the principal named on the bond and shall be submitted and approved prior to the processing of such sugar beets or sugarcane. Applications for any purpose provided for in paragraph (b) of § 816.5, exclusive of applications to establish an obligation under a bond as required under § 816.6, shall be made by the principal named on the bond and shall be submitted and approved prior to marketing the mainland or local sugar for such purpose.

(2) *Amount.* The amount of the obligation under the bond shall be the sum of the amounts applicable to all quantities of sugar or liquid sugar covered under the bond by approved applications with respect to which the conditions of the bond have not been fulfilled and such amount of obligation shall be effective whether or not the surety receives notice from the Secretary of the approval of any such application. The amount applicable to the quantity of sugar covered under the bond with respect to each approved application shall be the weight in pounds of sugar determined pursuant to paragraph (d) of this section multiplied by the "Spot Quotation (Cuban in bond equivalent)" per pound of raw sugar for consumption in the continental United States established by the New York Coffee and Sugar Exchange for the last business day before the date of application. The amount applicable to the quantity of liquid sugar covered under the bond by each approved application shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content," as defined in section 101 (i) of the act, contained in such liquid sugar.

(d) *Quantity of sugar to which conditions of bond apply.* The conditions of a bond shall apply to the sum of the quantities of sugar or liquid sugar covered at any one time thereunder by approved applications and the foregoing provisions of this paragraph shall be effective whether or not the surety receives notice from the Secretary of the approval of any such application. The quantity of sugar or liquid sugar covered under a bond by each approved application shall be as follows:

(1) For an application approved to cover under a bond marketings of mainland or local sugar to a refiner who is the principal under such bond, for further processing, refining and storage as referred to in paragraph (a) of § 816.5, the quantity covered shall be that stated in the application or, if different, the quantity actually marketed pursuant to such application as determined by the Secretary.

(2) For an application approved to cover under a bond the marketing of mainland or local sugar for the distillation of alcohol, for livestock feed or for the production of livestock feed as referred to in paragraph (b) of § 816.5, the quantity covered shall be that stated in the application, or, if smaller, the quantity actually marketed pursuant to the approved applications as determined by the Secretary.

(3) For an application approved to cover under a bond the production and marketing of mainland or local sugar from sugar beets or sugarcane in excess of proportionate shares as referred to in § 816.6, the quantity covered shall be that stated in the initial application until a revised application is approved at which time the quantity covered shall be that stated in the revised application. The quantity stated in the initial application should be the maximum quantity of sugar which the principal (processor) may produce from the total of the maximum number of tons of sugar beets or sugarcane expected to be received from each producer named in the application. In the revised application the quantity stated shall be the quantity produced determined as hereinafter provided. If sugar beets or sugarcane received for processing pursuant to an approved application are processed during a period when no other sugar beets or sugarcane are being processed, the quantity of sugar or liquid sugar produced shall be determined directly from the factory production records applicable to the sugar beets or sugarcane processed pursuant to the application. If the sugar beets or sugarcane received for processing pursuant to an approved application are processed simultaneously with the processing of other sugar beets or sugarcane, the quantity of sugar or liquid sugar produced shall be based on the sugar or liquid sugar produced from all sugar beets or sugarcane processed during the factory run period or periods in which the sugar beets or sugarcane received for processing pursuant to an approved application were processed determined as follows:

(i) For sugar beets, the sugar content in pounds of beets received for processing pursuant to the approved application multiplied by the average yield of sugar per pound of sugar content from all sugar beets of the same crop processed in the same factory, during the period used for computing the yield, adjusted for the sugar recoverable by desugarization of the molasses produced.

(ii) For sugarcane produced in the Mainland Cane Sugar Area, the number of tons of standard cane determined pursuant to the applicable determination of fair and reasonable prices (Parts 873 and 874 of this chapter) received for processing pursuant to an approved application multiplied by the yield in pounds of sugar made and estimated per ton of all standard sugarcane of the same crop processed in the same factory during the period or periods used for computing the yield which is reported and accepted on Form SU–123.

(iii) For sugarcane produced in Hawaii, Puerto Rico, or the Virgin Islands, the pounds of sugar commercially recoverable determined pursuant to the applicable determination of sugar commercially recoverable (Parts 836, 837 and 838 of this chapter) from the sugarcane received pursuant to the application initially approved.

(e) *Conditions.* Any bond accepted pursuant to this part shall be upon the following conditions:

(1) In the case of an application to market a quantity of mainland or local sugar for further processing, refining and storage, the principal shall hold and store the raw value equivalent of the sugar or liquid sugar received pursuant to the approved application until release thereof is authorized by the Secretary. Such sugar must be held and stored at the refinery where the mainland or local sugar was received, be in transit thereto, or be at other storage facilities where the quantity of sugar refined or to be refined at such refinery is placed for the account of the refiner, or be in transit thereto, after the mainland or local sugar identified with the approved application has been marketed.

(2) In the case of an application to market a quantity of mainland or local sugar for use in the distillation of alcohol or for use as livestock feed or in the production of livestock feed, and in the case of an application to produce and market a quantity of mainland or local sugar for use as livestock feed or in the production of livestock feed, the raw value equivalent of the quantity of mainland or local sugar stated in the approved application shall be so used within one year after the date of approval by the Secretary of the application, or within such extension of time thereafter as the Secretary may specify, and the principal on the bond shall transmit to the Sugar Division no later than 30 days after the expiration of the performance period under the bond certifications executed by the persons who used the quantity of sugar stated in the application showing the following information:

(i) Total quantity of sugar used between the first day of the month in which the sugar to which this certificate applies was acquired and the date of execution of this certificate:

Distillation of alcohol---------- ---- cwt.
Livestock feed---------- ---- cwt.
Production of livestock feed------ ---- cwt.

(ii) Part of total (subdivision (i) of this subparagraph) so used which was or is to be covered by other certificates (certificates previously executed or to be executed to cover sugar acquired from other suppliers or processors) ---- cwt.

(iii) Quantity of sugar to which this certificate applies ---- cwt.

Each certificate shall be endorsed by the principal of the bond acknowledging that the use of the sugar to which the certificate applies is to apply to the fulfillment of the conditions of the bond on which he is the principal.

(3) Upon default in any applicable condition heretofore set forth, and the expiration of any extension of time for fulfillment thereof that may be granted in writing by the Secretary, payment shall be made to the United States of America of a sum equal to the full amount of the obligation prescribed in paragraph (c) of this section applicable to the quantity of sugar or liquid sugar covered under the bond by an approved application and with respect to which quantity the default occurred in whole or in part.

(f) *Duration of obligation under a bond.* Any bond furnished pursuant to this part shall provide (1) that the obligation thereunder will remain in full force and effect until the Secretary notifies the principal and surety of release thereof with respect to all quantities authorized by the Secretary to be covered thereunder during the period within which obligations may be incurred under the bond as stated in the bond, and, (2) that the surety waives notice of any extension of time specified by the Secretary for performance of any condition of the bond.

§ 816.8 *Records and reports.* (a) For the purposes of this part, mainland or local sugar manufactured as crystalline sugar and subsequently converted into and marketed as liquid sugar shall be reported as the quantities of crystalline sugar so converted and the raw value thereof shall be determined as prescribed in paragraph (1), (2) or (3), section 101 (h) of the act, whichever paragraph is applicable to the crystalline sugar so converted. Liquid sugar for which the quantities of converted crystalline sugar are unknown shall be reported in terms of the total sugar content and the raw value thereof shall be determined by multiplying the total sugar content by the factor 1.07.

(b) Each person subject to the provisions of this part shall keep and preserve, for a period of two years following the end of the calendar year in which the mainland or local sugar is marketed, an accurate record of his processings, receipts and marketings of all sugar and liquid sugar. Upon request by any employee of the Department of Agriculture authorized in writing by the Secretary, such records shall be made freely available for examination by such employee during regular working hours of any business day.

(c) Each person subject to the provisions of this part shall report information as and when required by the Secretary on forms specified by him with such approval by the Bureau of the Budget as may be applicable under the Federal Reports Act of 1942. In addition to the applications and reports otherwise specifically referred to in this part, this requirement shall include but is not necessarily limited to, the information prescribed on Form SU-70 for sugar beet processors, Form SU-71, SU-72 or SU-73 for mainland sugarcane processors, Form SU-74 for refiners and Form SU-152 for processors and refiners in Puerto Rico.

§ 816.9 *Delegation of authority.* The Director or Deputy Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, is authorized to act for and on behalf of the Secretary in administering this part.

§ 816.10 *Application of §§ 816.1 to 816.10 and prior regulations.* Upon the effective date thereof, the regulations in §§ 816.1 to 816.10 shall supersede Sugar Regulations 815 (19 F. R. 7930, 20 F. R. 8807, Part 815 of this chapter) and 816 (14 F. R. 2163, Part 816 of this chapter), except that actions with respect to mainland and local sugar taken prior to such effective date and pursuant to Sugar Regulations 815 (19 F. R. 7930, 20 F. R. 8807) and 816 (14 F. R. 2163) shall be subject to and governed by such sugar regulations.

Done at Washington, D. C., this 15th day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-9631; Filed, Nov. 20, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

EMBROIDERY MACHINES

TARIFF CLASSIFICATION

NOVEMBER 15, 1957.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated March 16, 1957 (22 F. R. 1727), that the tariff classification of Cornely & Cie machines, Models A2, A5, AB, BCH, D, FBN, FD, L5, LG5, LGCH, RT, 121, 123, 148, 148H, and X, and similar machines by the same or other manufacturers was under review. The Bureau by its letter to the collector of customs at New York, dated November 15, 1957, ruled that such machines are classifiable under the provision for embroidery machines in paragraph 372, Tariff Act of 1930, as modified, with duty at the rate of 15 percent ad valorem, rather than under the provision for sewing machines, not specially provided for, in the same paragraph with duty at the rate of 10 percent ad valorem.

As that decision will result in the assessment of duty at a higher rate than has heretofore been assessed under an established and uniform practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of that decision in the weekly Treasury decisions.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-9664; Filed, Nov. 20, 1957; 8:59 a. m.]

[T. D. 54483; Order 165-7]

FIELD ORGANIZATION

REARRANGEMENT OF COLLECTION DISTRICTS

NOVEMBER 19, 1957.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U. S. C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the following changes are hereby made in the customs field organization, effective at the close of business December 31, 1957:

1. The following Customs Collection Districts are hereby abolished:

Customs Collection District No. 5 (Rhode Island).
Customs Collection District No. 8 (Rochester).
Customs Collection District No. 12 (Pittsburgh).
Customs Collection District No. 16 (South Carolina).
Customs Collection District No. 19 (Mobile).
Customs Collection District No. 21 (Sabine).
Customs Collection District No. 26 (Arizona).
Customs Collection District No. 36 (Duluth and Superior).
Customs Collection District No. 37 (Wisconsin).
Customs Collection District No. 43 (Tennessee).
Customs Collection District No. 47 (Colorado).

2. Each remaining Customs Collection District shall be known officially by its number. The identifying geographical language which has been used following each number is hereby discontinued, but for purposes of convenient identification each district may be referred to by the name of the headquarters port. No change is made by this order in the official number or the location of the headquarters port of any remaining district.

3. The limits of Customs Collection District No. 6, with headquarters port at Bridgeport, Connecticut, are hereby extended to include all the territory in the abolished District No. 5.

4. The limits of Customs Collection District No. 9, with headquarters port at Buffalo, New York, are hereby extended to include all the territory in the abolished District No. 8.

5. The limits of Customs Collection District No. 11, with headquarters port at Philadelphia, Pennsylvania, are hereby extended to include all the territory in the abolished District No. 12.

6. The limits of Customs Collection District No. 17, with headquarters port at Savannah, Georgia, are hereby extended to include all the territory in the abolished District No. 16.

7. The limits of Customs Collection District No. 20, with headquarters port at New Orleans, Louisiana, are hereby extended to include all the territory in the abolished District No. 19.

8. The limits of Customs Collection District No. 22, with headquarters port at Galveston, Texas, are hereby extended to include all the territory in the abolished District No. 21.

9. The limits of Customs Collection District No. 25, with headquarters port at San Diego, California, are hereby extended to include all the territory in the abolished District No. 26.

10. The limits of Customs Collection District No. 28, with headquarters port at San Francisco, California, are hereby extended to include all the territory in the abolished District No. 47.

11. The limits of Customs Collection District No. 34, with headquarters port at Pembina, North Dakota, are hereby extended to include all the territory in the abolished District No. 36, except the following territory: The counties of Cook, Lake, St. Louis, Carlton, and Pine in the State of Minnesota, that portion of the State of Wisconsin lying north of 46 degrees north latitude, and the island of Isle Royale in the State of Michigan.

12. The limits of Customs Collection District No. 35, with headquarters port at Minneapolis, Minnesota, are hereby extended to include the following territory in the abolished District No. 36: The counties of Cook, Lake, St. Louis, Carlton, and Pine in the State of Minnesota, that portion of the State of Wisconsin lying north of 46 degrees north latitude, and the island of Isle Royale in the State of Michigan.

13. The limits of Customs Collection District No. 39, with headquarters port at Chicago, Illinois, are hereby extended to include all the territory in the abolished District No. 37.

14. The limits of Customs Collection District No. 42, with headquarters port at Louisville, Kentucky, are hereby extended to include all the territory in the abolished District No. 43.

15. All ports of entry in each abolished Customs Collection District shall be ports of entry in the collection district whose limits are rearranged by this order to include them.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57-9700; Filed, Nov. 19, 1957; 4:53 p. m.]

[T. D. 54484]

REARRANGED COLLECTION DISTRICTS

PERFORMANCE OF FUNCTIONS

In view of Treasury Department Order No. 165-7, dated November 19, 1957, which abolishes certain Customs Collection Districts and rearranges the limits of some but not all of the remaining districts, effective at the close of business December 31, 1957, and by virtue of the authority vested in me by Treasury Department Order No. 165, revised (T. D. 53654; 19 F. R. 7241), I hereby give notice that effective at the close of business December 31, 1957,

(1) All existing delegations of authority and all the functions thereby delegated shall continue in effect; and

(2) Each collector of customs whose Customs Collection District is rearranged by Treasury Order No. 165-7 to include additional territory shall perform all the functions of collector of customs for such additional territory.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-9701; Filed, Nov. 19, 1957; 4:53 p. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FARRELL SHIPPING CO., INC. AND BERRY & MCCARTHY SHIPPING CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8263 between Farrell Shipping Co., Inc., New Orleans, Louisiana, and Berry & McCarthy Shipping Co., Inc., San Francisco, California, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 18, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9656; Filed, Nov. 20, 1957; 8:56 a. m.]

UNITED STATES LINES CO. AND ALCOA STEAMSHIP CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8259, between United States Lines Company (American Pioneer Line) and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from certain countries in the Far East and South Pacific areas to Puerto Rico, with transshipment at New York or Baltimore.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 18, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9657; Filed, Nov. 20, 1957; 8:57 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 311]

CHAIRMAN, AIRWAYS MODERNIZATION BOARD

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH AIRWAYS MODERNIZATION BOARD PROGRAMS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (hereinafter called "the act") authority is hereby delegated to the Chairman of the Airways Modernization Board to negotiate purchases and contracts for supplies and services without advertising under sections 302 (c) (2), (4), (5), (9), (10) and (11) of the act.

2. This authority shall be exercised only with respect to procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Airways Modernization Board.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of (3) above, the authority herein delegated may be redelegated to any official or employee of the Airways Modernization Board.

5. This delegation shall be effective as of the date hereof and shall not extend beyond June 30, 1960.

Dated: November 15, 1957.

EDWARD K. MILLS, Jr.,
Acting Administrator.

[F. R. Doc. 57-9644; Filed, Nov. 20, 1957; 8:52 a. m.]

[Delegation of Authority No. 312]

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS FOR HANDLING OF RADIOACTIVE MATERIALS IN CONNECTION WITH SCREW-WORM ERADICATION PROGRAMS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called "the act," authority is hereby delegated for the period ending December 31, 1958, to the Secretary of Agriculture, to negotiate, without advertising, under sections 302 (c) (4) and 302 (c) (9) of the act, contracts required by the Department of Agriculture in the administration of its programs for screw-worm eradication.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of Agriculture.

4. This delegation shall be effective as of the date hereof.

Dated: November 15, 1957.

EDWARD K. MILLS, Jr.,
Acting Administrator.

[F. R. Doc. 57-9658; Filed, Nov. 20, 1957; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 563]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

NOVEMBER 12, 1957.

Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), the following described lands listed in paragraph 1 of Federal Register Document 57-4460 appearing on page 3895 of the issue for June 4, 1957, are hereby revoked from the classification order:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 3 E.,
Sec. 2, E½ E½SW¼.
T. 3 N., R. 4 E.,
Sec. 4, NE¼.
T. 4 N., R. 3 E.,
Sec. 14, S½SE¼;
Sec. 22, W½NW¼, E½NE¼;

Sec. 23, SE¼;
Sec. 24, N½S½;
Sec. 35, E½E½, W½ SE¼.

ROLLA E. CHANDLER,
Officer - in - Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57-9626; Filed, Nov. 20, 1957; 8:47 a. m.]

[California No. 128]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER; AMENDMENT

NOVEMBER 12, 1957.

Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby revoke paragraph 1 of Federal Register Document 49-2191 of the issue for March 24, 1949, to the extent of the following described land:

MOUNT DIABLO MERIDIAN

T. 24 S., R. 43 E.,
Sec. 32, S½SW¼.

ROLLA E. CHANDLER,
Officer - in - Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57-9627; Filed, Nov. 20, 1957; 8:47 a. m.]

[Classification No. 577]

CALIFORNIA

SMALL TRACT CLASSIFICATION

NOVEMBER 12, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 363.17 acres, in San Bernardino County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 5 N., R. 2 W.,
Sec. 2, W½ of Lot 2, Lots 3 and 4, W½SW¼NE¼, W½NW¼SE¼, SW¼SE¼, S½NW¼, N½SW¼;
Sec. 9, NW¼NE¼NE¼, SE¼NW¼NE¼, N½NW¼NE¼;
Sec. 20, W½SW¼NW¼NW¼, E½SE¼NW¼NW¼, NW¼NE¼NW¼, N½NW¼NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended, until it is so provided by an order, to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 USC 279-284), as amended.

4. All valid applications filed prior to November 12, 1957, will be granted, as soon as possible, the preference right provided by 43 CFR 257.5 (a). Such applicants will be offered the opportunity to elect either to purchase or to lease, with an option to purchase. If lease is selected, the lease will be issued for a term of two years and will contain an option to purchase, in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either (a) complete the construction of a cabin, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). The improvement constructed, or agreed to be constructed, must conform to the health, sanitation, and construction requirements of local ordinances which apply to privately owned land within the local area and, in addition, must meet the following standards:

The residence must be suitable for year-round use, on a permanent foundation, with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive properly finished materials. Adequate disposal and sanitary facilities must be installed. Concrete slab or conventional concrete foundations are acceptable, but concrete piers are not acceptable as foundations.

ROLLA E. CHANDLER,
Officer in Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57-9628; Filed, Nov. 20, 1957; 8:48 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 13, 1957.

The Department of the Interior, Bureau of Reclamation, has filed an application, Serial No. LA-0153380, for the withdrawal of the lands described below, from all forms of appropriation subject to valid existing rights.

The applicant desires the land for rights-of-way for canals, dikes, distribution systems, settling basins and for sand, gravel and clay deposits for use in connection with the Coachella Division of the All-American Canal System.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO BASE AND MERIDIAN

T. 5 S., R. 8 E.,
Sec. 28, NE¼.
T. 6 S., R. 9 E.,
Sec. 18, E½SW¼, SE¼;
Sec. 20, S½NW¼, SW¼.
T. 7 S., R. 10 E.,
Sec. 18:
NE¼;
NW¼, Lot 1, Lot 2;
SW¼, Lot 2, Lot 1;
SE¼.

PAUL B. WITMER,
Manager, Land Office.

[F. R. Doc. 57-9629; Filed, Nov. 20, 1957; 8:48 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The U. S. Department of Agriculture has filed an application, Serial No. W-02524, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining laws, subject to valid existing claims in accordance with the authority vested in the Secretary of the Interior by Executive Order 10355 of May 26, 1952 (17 F. R. 4831).

The applicant desires the land for public recreational purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or suggestions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 209 Federal Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON—WILLAMETTE MERIDIAN

GIFFORD PINCHOT NATIONAL FOREST

Bird Creek Meadows Area (unsurveyed):
T. 8 N., R. 11 E.,
Sec. 20: E½;
Sec. 21: All;
Sec. 22: NW¼, S½;
Sec. 23: SW¼;
Sec. 26: W½NE¼, NW¼;
Sec. 27: N½, W½SW¼;
Sec. 28: All;
Sec. 29: E½;
Sec. 32: E½NE¼, NE¼SE¼;
Sec. 33: N½, N½S½;
Sec. 34: W½NW¼, NW¼SW¼.

The area described contains approximately 3,920 acres, more or less.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 57-9632; Filed, Nov. 20, 1957; 8:49 a. m.]

Office of the Secretary

MEMBERS OF KLAMATH TRIBE OF INDIANS

NOTICE OF FINAL ROLL

Pursuant to section 3 of the act of August 13, 1954 (68 Stat. 718), there is listed below the final roll of the members of the Klamath Tribe of Indians who were living on August 13, 1954.

Disposition has been made of all appeals to the Secretary contesting the inclusion or omission of the name of any person on or from the proposed roll as published in the FEDERAL REGISTER of May 13, 1955 (20 F. R. 3269).

ROGER C. ERNST,
Assistant Secretary of the Interior.

OCTOBER 10, 1957.

LIST OF CHANGES FROM PROPOSED ROLL OF THE KLAMATH TRIBE OF INDIANS, MADE BY REASON OF THE DECISION OF THE DEPARTMENT ON APPEALS FILED IN ACCORDANCE WITH SECTION 3 OF PUBLIC LAW 587—83D CONGRESS (68 STAT. 718, 720)

ADDITIONS TO PROPOSED ROLL

Final roll No.	Proposed roll No.	Name of enrollee—surname; given	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood	Remarks
1753	.....	Schonchin, Sharon Ray	Klamath Falls, Oreg	.....	F	9- 8-47	Daughter	1/4	
1754	.....	Schonchin, Richard Cecil	do	.....	M	6-26-51	Son	1/4	
773	.....	Dickens, Delbert Charles	Beatty, Oreg	.....	M	1-11-50	Son	1/2	
1600	.....	Perez, Gene Craig	Klamath Falls, Oreg	.....	M	9-20-53	Adopted son	5/16	
1833	.....	Barrett, Wayne Francis	Bly, Oreg	.....	M	6-11-53	Son	1/4	
1161	.....	John, Robert Terry	Klamath Falls, Oreg	.....	M	6-22-54	Son	1/2	
959	.....	Hultt, Genieve	(Missing)	.....	F	1-16-37	Daughter	5/8	
524	.....	Dearbone, Simon Louis	Seattle, Wash	.....	M	4-22-45	Adopted son	1/2	Appeal filed under name of George Glover Sandoval; legally adopted by Simon and Estella Dearbone on January 10, 1952.
1477	.....	Moreno, Frances Flores	Dinuba, Calif	.....	F	2-16-52	Adopted daughter.	1/2	Appeal filed under name of Francisca Jane Gains; legally adopted by Morris and Dora Moreno on July 17, 1957.
975	.....	Hunt, Ernest Rubbert	Chiloquin, Oreg	.....	M	2-17-46	Son	1/2	
976	.....	Hunt, Reginald Arnold	do	.....	M	5- 6-47	Son	1/2	
977	.....	Hunt, Patricia Ann	do	.....	F	5- 6-49	Daughter	1/2	
1630	.....	Quiver, Julia Christina	Lakeview, Oreg	.....	F	11- 1-46	Daughter	1/4	
1631	.....	Quiver, Jeanette Faye	do	.....	F	1-19-50	Daughter	1/4	
1632	.....	Quiver, Gloria Wilma	do	.....	F	12-19-53	Daughter	1/4	

NO DELETIONS FROM PROPOSED ROLL

Change in Spelling

1596	1613	Peixoto, Nancy (Strowbridge) rather than Strawbridge.

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1	1	Allen, Letitia (Kirk)	APO 113, Bx. 43, New York, N. Y	1525	F	12-25-09	Head	5/8
2	3	Dumore, Clayton W	Myrtle Creek, Oreg	.....	M	7-13-40	Son	5/16
3	4	Dumore, Dayton D	do	.....	M	7-13-40	Son	5/16
4	5	Allen, Marcella (Lobert)	620 SE. Market St., Portland, Oreg	.....	F	5- 9-27	Head	7/8
5	6	Gessner, Flora M	do	.....	F	10- 9-48	Daughter	7/16
6	7	Gessner, Edith A	do	.....	F	12- 6-45	Daughter	7/16
7	8	Allen, Robert	2527 Link St., Klamath Falls, Oreg	1347	M	1890	Head	1/4
8	9	Almquist, Vinette (Smith)	6510 Howard St., Dallas, Tex	.....	F	2-18-29	Head	1/4
9	10	Amos, Lila (Hultt)	Gen. Del., Talent, Oreg	.....	F	5-10-28	Head	1/2
10	11	Amos, Herbert R	do	.....	M	2-25-46	Son	1/4
11	12	Amos, Majorie S	do	.....	F	6-22-48	Daughter	1/4
12	13	Amos, Virginia N	do	.....	F	9-18-49	Daughter	1/4
13	14	Amos, Robert J	do	.....	M	4-15-53	Son	1/4
14	15	Anderson, Elva (George)	Beatty, Oreg	324	F	1894	Head	4/4
15	16	Anderson, George A	do	.....	M	2-16-28	Head	1/2
16	1446	Anderson, Ivy (Miller)	do	.....	F	9- 7-20	Wife	3/8
17	17	Anderson, James Quentin	2905 State St., Salem, Oreg	.....	M	3-29-23	Head	1/2
18	18	Anderson, Marcia L. (Chester)	Rt. 2, Bx. 665, Reno, Nev	.....	F	10- 6-35	Wife	4/4
19	19	Anderson, James Quentin, Jr	Rt. 1, Bx. 184, Redwood Valley, Calif	.....	M	10- 1-47	Son	1/4
20	20	Anderson, Richard Allen	do	.....	M	1-16-50	Son	1/4
21	296	Walker, William Dana	Beatty, Oreg	.....	M	7- 4-52	Stepson	9/16
22	21	Anderson, Norman Miller	do	.....	M	6- 8-30	Head	1/2
23	22	Anderson, Winifred (Jackson)	Chiloquin, Oreg	.....	F	9- 8-31	Head	4/4
24	23	Anderson, Norman McKinley	do	.....	M	5-22-47	Son	3/4
25	24	Anderson, Norman Miller, Jr	do	.....	M	9-20-50	Son	3/4
26	25	Anderson, Robert Wayne	do	.....	M	2- 5-53	Son	3/4
27	26	Anderson, Oscar Tilden, Jr	Beatty, Oreg	.....	M	11-23-25	Head	1/2
28	27	Anderson, Jessie (Miller)	do	.....	F	3- 5-27	Wife	3/8
29	28	Miller, Cynthia	do	.....	F	12-23-47	Stepdaughter	3/16
30	29	Anderson, Jodean	do	.....	F	6- 7-50	Daughter	7/16
31	30	Anderson, Oskie	do	.....	F	2-21-52	Daughter	7/16
32	31	Anderson, Virginia L. (Walker)	5328 13th Ave., Moline, Ill	.....	F	4- 5-28	Head	3/8
33	32	Anthony, Bernice (Lobert)	896 Steiner St., San Francisco, Calif	.....	F	5- 4-10	Head	1/2
34	33	Applegate, Anna	696 Delmar Ave., Chula Vista, Calif	652	F	1875	Head	1/2
35	34	Applegate, James C	do	655	M	1897	Head	1/4
36	35	Ashworth, Alameda (Lotches)	Chiloquin, Oreg	1187	F	1901	Head	4/4
37	36	Atchley, Cleo N. (Burns)	Rt. 1, Bx. 911, Grants Pass, Oreg	.....	F	4-11-31	Head	7/8
38	37	Atchley, Darcel R	do	.....	F	9-20-50	Daughter	1/8
39	38	Atchley, John Joseph	do	.....	M	4-13-53	Son	1/8
40	39	Avila, Joyce (Miller)	3952 Sunny Dunes, Palm Springs, Calif	.....	F	7-25-22	Head	13/16
41	40	Barkley, Sharon Anita	do	.....	F	2-24-43	Daughter	23/32
42	41	Barkley, Loren Elmer	do	.....	M	1-23-45	Son	23/32
43	42	Avila, Julia Marie	do	.....	F	11-11-47	Daughter	13/32
44	43	Avila, Albert Mario	do	.....	M	6-27-48	Son	13/32
45	44	Avila, Arlando Morris	do	.....	M	6- 7-49	Son	13/32
46	45	Avila, Antonio Marcus	do	.....	M	2- 6-52	Son	13/32
47	46	Avila, Randolph Ynez	do	.....	M	1-21-53	Son	13/32

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; malden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
48	957	Baker, Andrea (Wright)	2811 SE. 35th, Portland, Oreg		F	2-27-42	Head	1/2
49	47	Baker, Blurton	Beatty, Oreg	1600	M	1905	Head	3/4
50	293	Baker, Florene	4079 Gary St., Salem, Oreg		F	10-22-36	Head	7/8
51	298	Baker, Arnold	do		M	4-15-52	Son	7/16
52	299	Baker, Archie Emil	do		M	4-25-54	Son	7/16
53	48	Baker, Nathaniel Paul	Beatty, Oreg		M	8- 3-28	Head	7/8
54	49	Baker, Lounita (Crain)	300½ K St., Sacramento, Calif	1601	F	1907	Head	3/4
55	51	Crain, Robert Wayne	Estacada, Oreg		M	1-27-43	Grandson	5/16
56	52	Baker, Marian H. (Godowa)	Beatty, Oreg		F	9-24-13	Head	4/4
57	53	Baker, Quincy	(Died 8-25-57)		M	1904	Head	3/4
58	54	Baker, Jacqueline G	c/o Klamath Cty. Welfare, Klamath Falls, Oreg.		F	5-29-41	Granddaughter	15/16
59	55	Baker, Ruth Esther	Tacoma Med. Center, Tacoma, Wash		F	9-22-23	Head	7/8
60	504	Baker, Shirley (Dawson)	2270 Howard Ave., Medford, Oreg		F	4-25-35	Head	1/4
61	272	Baldwin, Larry J	5352 SE. 89th, Portland, Oreg		M	10-12-36	Head	1/2
62	56	Ball, Capron Lyle	864 Mills St., Salem, Oreg		M	2-26-25	Head	7/8
63	57	Ball, Wynona Lynn	do		F	5- 9-53	Daughter	7/16
64	936	Ball, Delwin Percy	Stellacoom, Wash		M	5-25-23	Head	7/8
65	58	Ball, Eva (Gallagher)	1215 7th, Sacramento, Calif		F	6- 1-14	Head	3/4
66	59	Ball, Frank Edward	Chiloquin, Oreg		M	8-30-35	Head	3/8
67	61	Ball, Joseph B	Rt. 12, Bx. 372, Tacoma, Wash	1515	M	4- 2-10	Head	3/4
68	62	Ball, Joseph S	Chiloquin, Oreg		M	6-18-14	Head	1/2
69	63	Ball, Joseph Waynewright	do		M	5-22-32	Head	1/4
70	64	Ball, Margaret Katherine	204 9th Ave., Spokane, Wash		F	8-17-30	Head	1/4
71	65	Ball, Maggie (John)	1829 Loma Vista, Riverside, Calif	610	F	1881	Head	1/2
72	66	Ball, Osborne	2605 State St., Salem, Oreg	959	M	8-31-07	Head	3/4
73	67	Ball, Frances (Wilson)	(Died 4-4-57)		F	9-27-20	Wife	4/4
74	68	Barkley, Dorothy Wilson	211 SE¼ 133d Ave., Portland, Oreg		F	3-11-42	Stepdaughter	13/16
75	69	Ball, Woodrow Wilson	7153 N. Fairport Rd., Portland, Oreg		M	9-25-17	Head	1/2
76	70	Ball, Evelyn Marthelle	do		F	5-13-42	Daughter	1/4
77	71	Ball, Peggy Joe	do		F	7- 8-43	Daughter	1/4
78	72	Ball, Woodrow Lee	do		M	1-11-48	Son	1/4
79	73	Ball, Thomas Jay	do		M	7- 4-49	Son	1/4
80	74	Ball, Deborah Kay	do		F	6-14-51	Daughter	1/4
81	75	Ball, Michael Ray	do		M	9- 1-53	Son	1/4
82	76	Barfield, Henry Louis	3000 NW. McDaniel Rd., Portland, Oreg	1516	M	1903	Head	1/8
83	77	Barfield, Henry Louis, Jr	5980 Sampson Dr., Sacramento, Calif		M	5-18-40	Head	1/16
84	78	Barfield, Robert Louis	1121 Sutter St., Vallejo, Calif		M	6- 5-32	Head	1/16
85	79	Barfield, Ruth (Allen)	Chiloquin, Oreg	7	F	1887	Head	1/4
86	81	Barfield, William R	do	1517	M	2- 8-05	Head	1/8
87	82	Barfield, Patricia B	do		F	5-24-30	Daughter	1/16
88	83	Barfield, William Raymond, Jr	873 Grand Ave., S. San Francisco, Calif		M	7- 4-32	Head	1/16
89	84	Barkley, Clifford Keleford	Chiloquin, Oreg		M	8-12-12	Head	1/2
90	85	Barkley, Retta (Nelson)	Modoc Point, Oreg		F	12-14-11	Head	4/4
91	86	Barkley, Donald M	Beatty, Oreg		M	9-21-19	Head	3/4
92	87	Barkley, Mary (Chocktoot)	(Died 1-18-57)		F	4-20-23	Wife	4/4
93	88	Barkley, Marie Elaine	Beatty, Oreg		F	4- 7-42	Daughter	7/8
94	89	Barkley, Donald, Jr	do		M	2-28-43	Son	7/8
95	90	Barkley, Marylyn	do		F	6-26-45	Daughter	7/8
96	91	Barkley, Madeline	do		F	6- 5-46	Daughter	7/8
97	92	Barkley, Maxine Elizabeth	do		F	5-27-47	Daughter	7/8
98	93	Barkley, Eunice Eileen	do		F	6- 5-49	Daughter	7/8
99	94	Barkley, Gertrude Irene	do		F	2-12-51	Daughter	7/8
100	95	Barkley, Effie (John)	do	1442	F	1879	Head	4/4
101	96	Barkley, Melvin Leon	Chiloquin, Oreg		M	7-21-20	Head	5/8
102	97	Barkley, LeRoy William	do		M	3-31-25	Head	1/2
103	98	Barkley, Sally A. (Jackson)	do		F	12-22-30	Wife	1/2
104	99	Barkley, Debra Lynn	do		F	2-23-53	Daughter	1/2
105	100	Barkley, Myron Louis	Beaverton, Oreg		M	1- 6-32	Head	3/8
106	103	Barkley, Robert Orville	Chiloquin, Oreg		M	8- 9-18	Head	5/8
107	104	Barkley, Lawrence Russell	Sprague River, Oreg		M	2- 3-41	Brother	7/8
108	105	Barkley, Raymond	do		M	12-17-41	Brother	7/8
109	106	Barkley, Jacqueline	do		F	5- 8-43	Sister	7/8
110	107	Barkley, Silas L	Represa, Calif	1177	M	2-12-06	Head	1/2
111	108	Barkley, Tena (Hood)	Chiloquin, Oreg		F	1892	Head	3/4
112	109	Barkley, John Alfred	Pendleton, Oreg		M	2-15-27	Head	5/8
113	110	Barkley, William	(Died 5-4-57)	280	M	6- 4-78	Head	1/2
114	111	Barkley, Wilma Gloria	2605 State St., Salem, Oreg		F	3- 3-22	Head	1/2
115	112	Barkley, Silas Ralph, Jr	Chiloquin, Oreg		M	3-15-31	Head	5/8
116	113	Barney, Calvin	Sprague River, Oreg		M	7-28-13	Head	3/4
117	114	Barney, Wynona (Crume)	do	1034	F	3-30-08	Wife	3/4
118	116	Barney, Melvin Edward	do		M	11-12-38	Son	3/4
119	117	Barney, Warren Norman	do		M	4-16-40	Son	3/4
120	118	Barney, Judith Faye	(Died 12-30-54)		F	9-16-41	Daughter	3/4
121	119	Barney, Elwyn Patrick	Sprague River, Oreg		M	9-25-44	Son	3/4
122	115	Barney, Jackie Lee	do		M	5- 4-36	Head	3/4
123	120	Barney, Charles Curtis	do		M	1-22-31	Head	1/4
124	123	Barney, Charles Curtis, Jr	do		M	10-27-53	Son	5/16
125	125	Barney, Finley R., Jr	do		M	9- 5-29	Head	1/4
126	126	Barney, James	1129 SW. Columbia, Portland, Oreg		M	10-14-34	Head	1/4
127	127	Barney, Louisa (Unive)	do		F	12-29-36	Wife	1/4
128	128	Barney, Levi Richard	Chiloquin, Oreg		M	6-25-18	Head	3/4
129	129	Barney, Richard Lee	do		M	9-16-40	Son	3/8
130	130	Barney, James Norman	do		M	3-19-44	Son	3/8
131	131	Barney, Theodore	Sprague River, Oreg		M	9-15-19	Head	3/4
132	132	Barney, Anna Frances	do		F	7- 1-39	Daughter	7/8
133	133	Barney, Theodore Larry	do		M	4-13-41	Son	7/8
134	134	Barney, Pamela Kay	do		F	9- 8-48	Daughter	7/8
135	135	Barney, Donna Lee	do		F	1-17-51	Daughter	7/8
136	136	Barrera, Etta (Charlie)	Gresham, Oreg	995	F	6-28-04	Head	4/4
137	140	Barrera, Lucille C	Chiloquin, Oreg		F	6-19-40	Daughter	1/2
138	141	Batiste, Wannish (Foster)	Warm Springs, Oreg		F	7-14-15	Head	4/4
139	1968	Bates, Annabell (Summers)	Chiloquin, Oreg		F	9- 9-27	Head	3/4
140	1969	Walker, Corinne Dee	do		F	12-20-50	Daughter	7/16
141	142	Beal, Alvin	Beatty, Oreg		M	6-30-17	Head	3/4
142	143	Beal, Lee I	do		M	1-20-19	Head	3/4
143	144	Beal, Wallace	Chiloquin, Oreg		M	8- 3-23	Head	7/8
144	145	Beal, Estella (Kirk)	(Died 12-19-56)		F	4-10-26	Wife	3/4
145	147	Beal, Wilburma	2613 SE. Pine, Portland, Oreg		F	10-23-21	Head	7/8
146	148	Beal, Betty Ruth	9317 N. Woolsey Ct., Portland, Oreg		F	6- 5-25	Head	7/8
147	149	Beal, Kenneth Allen	do		M	10-8-51	Son	7/16
148	150	Valesquez, Ivan Gene	do		M	1- 3-54	Son	7/16
149	502	Belgard, Maxine (Walker)	(Died 3-25-57)		F	10-29-36	Head	15/16
150	151	Bellm, Lawrence	Oakland, Oreg		M	2-26-13	Head	1/2
151	152	Bellm, Barbara A	Roseburg, Oreg		F	1- 2-38	Daughter	5/16

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; malden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
152	153	Bellm, Paul	3806 Clinton Ave., Klamath Falls, Oreg		M	11-12-14	Head	1/2
153	154	Bellm, Kenneth Eugene	do		M	2-13-40	Son	5/16
154	155	Bellm, James Vernon	do		M	2-24-41	Son	5/16
155	156	Bellm, Paul Lewis, Jr	do		M	8-17-42	Son	5/16
156	157	Bettles, Priscilla (Hoehes)	Star Rt., Chiloquin, Oreg		F	1-27-29	Head	1/2
157	158	Bettles, Amory Joseph	do		M	5- 1-46	Son	1/4
158	159	Bettles, Cecil James	do		M	2- 9-48	Son	1/4
159	160	Bettles, Robert Allen	do		M	6-17-49	Son	1/4
160	161	Bettles, Gordon Wayne	do		M	8-25-50	Son	1/4
161	162	Bettles, Quentin Jan	do		M	1-30-52	Son	1/4
162	163	Bettles, Jody Anne	do		F	4-12-53	Daughter	1/4
163	164	Bill, Zeta Pete (Williams)	1410 Homedale, Klamath Falls, Oreg		F	5-31-23	Head	3/4
164	165	John, Marilyn June	do		F	3-13-53	Daughter	3/8
165	166	John, Marlys Jean	do		F	7-31-54	Daughter	3/8
166	167	Bilyeu, Virginia (Savage)	4658 Crosby, Klamath Falls, Oreg		F	8- 5-28	Head	1/4
167	168	Bilyeu, Michael James	do		M	2-13-52	Son	1/8
168	183	Bickham, Mona Rose (George)	Chiloquin, Oreg		F	10- 4-14	Head	7/8
169	184	Bond, Thomas Roger	White Swan, Wash		M	4-28-36	Son	5/8
170	185	Bond, Loren Miller	Chiloquin, Oreg		M	2-25-47	Son	5/8
171	1680	Billy, Andrew, Jr	(Died 6-17-57)		M	5- 3-33	Head	4/4
172	169	Biss, Della (Chocktoot)	Beatty, Oreg	297	F	1881	Head	4/4
173	170	Biss, Richard	do		M	1- 3-23	Head	1/2
174	171	Biss, Bernice (Lynch)	(Died 10-12-55)		F	7- 7-28	Wife	3/4
175	172	Riddle, Norman Leroy	Estacado, Oreg		M	4- 2-44	Stepson	3/4
176	1039	Black, Tathema (Jackson)	Arcata, Calif		F	3-11-31	Head	11/16
177	173	Blair, Abraham	Chiloquin, Oreg	972	M	1905	Head	3/4
178	174	Blair, Carlos	do	540	M	1873	Head	1/2
179	175	Blansett, Agenes (Dumore)	Myrtle Creek, Oreg		F	3- 4-38	Head	1/4
180	176	Blunck, Lysalle (Miller)	350 Phelps St., Ashland, Oreg		F	12- 1-31	Head	7/16
181	177	Blunck, Bonny Alita	do		F	8- 1-51	Daughter	7/32
182	178	Blunck, Richard Dale, Jr	do		M	10-26-53	Son	7/32
183	615	Block, Joan Lee (Ortis)	911 Walnut, Klamath Falls, Oreg		F	3-10-36	Head	1/16
184	179	Bodner, Alfareta (Skeen)	Sprague River, Oreg	1253	F	7- 5-06	Head	3/4
185	180	Bodner, Vincent S., Jr	do		M	3-25-29	Head	3/8
186	181	Bodner, Cheryl Ann	do		F	6-10-50	Daughter	3/16
187	182	Bodner, David Vincent	do		M	4-13-52	Son	3/16
188	505	Broomfield, Beverly (Dawson)	Trail, Oreg		F	12-21-36	Head	1/4
189	186	Brown, Anna M. (Hiutt)	1234 Kane St., Klamath Falls, Oreg		F	3- 1-27	Head	5/8
190	187	Brown, Margaret Ann	do		F	1- 9-48	Daughter	1/4
191	188	Brown Sharon Louise	do		F	12-31-51	Daughter	1/4
192	189	Brown, Carol Lee	do		F	5-18-50	Daughter	1/4
193	190	Brown, Dorothy Marie	do		F	5-14-53	Daughter	1/4
194	191	Brown, Armenia	Bonanza, Oreg		F	3- 2-16	Head	7/8
195	771	Brown, Carl Lloyd	do		M	10- 5-33	Head	4/4
196	192	Brown, Crystal N. (Jackson)	Crannell, Calif		F	9-29-29	Head	3/4
197	193	Brown, Bernita Anna	do		F	9-23-49	Daughter	1/4
198	194	Brown, Bernadette Lee	do		F	12-29-50	Daughter	1/4
199	195	Brown, Crystal Norene	do		F	4- 7-52	Daughter	1/4
200	196	Brown, Jeanette Dearest	do		F	4-10-54	Daughter	1/4
201	198	Brown, Glen	Beatty, Oreg		M	6-25-29	Head	4/4
202	1111	Brown, Gertrude (Harrington)	do		F	8-23-25	Wife	1/2
203	197	Brown, Toy Aleway	Stellacoom, Wash	690	M	1897	Head	4/4
204	199	Brown, Wendell Noel	Beatty, Oreg		M	5- 1-31	Head	4/4
205	1598	Brown, Wanda (Swain)	do		F	12-24-40	Wife	4/4
206	772	Brown, Harding Andy	do		M	2-16-35	Head	4/4
207	203	Brown, Rollo	(Died 12-4-56)		M	3-13-20	Head	4/4
208	204	Brown, Estelle (Henry)	Beatty, Oreg		F	11-21-22	Head	4/4
209	205	Henry, Beverly Lou	do		F	5-27-47	Daughter	4/4
210	206	Tupper, Furman Watson	do		M	12-27-48	Son	4/4
211	207	Tupper, Valerie Eileen	do		F	7-18-50	Daughter	4/4
212	208	Brown, Minerva (Riddle)	Bonanza, Oreg	840	F	8-10-07	Head	3/4
213	209	Brown, Royse Lowell	do		M	2- 9-31	Head	7/8
214	210	Brown, James	Beatty, Oreg	1418	M	1882	Head	4/4
215	211	Brown, Mary E. (Huitt)	Alturas, Calif		F	9-16-31	Head	5/8
216	212	Brown, Maurice Chet	do		M	9-10-47	Son	1/4
217	213	Brown, Ralph David	do		M	6-26-52	Son	1/4
218	1799	Brown, Phoebe (Miller)	806 Buckner St., Graham, N. C		F	9-12-33	Head	7/16
219	214	Brown, Mary J. (John)	Visalia, Calif		F	11-28-16	Head	4/4
220	215	Brown, Rena (Chocktoot)	1234 Kane, Klamath Falls, Oreg	1002	F	1901	Head	4/4
221	216	Chocktoot, Clayton Melvin	do		M	1- 4-40	Son	1/2
222	217	Brown, Wesley Wendell	do		M	4- 1-43	Son	1/2
223	60	Bryant, Lavina (Ball)	Chiloquin, Oreg		F	3-10-37	Head	3/8
224	773	Bryant, Alberta (Brown)	Beatty, Oreg		F	2-21-39	Head	4/4
225	1318	Buckskin, Justine M	3487 16th St. San Francisco, Calif		F	2-14-36	Head	1/2
226	218	Burgdorf, Mary (Rossl)	Chiloquin, Oreg		F	6-11-23	Head	1/4
227	219	Borjorcas, Joy Ann	do		F	5-28-42	Daughter	1/8
228	220	Borjorcas, Robert Vernon	do		M	8- 3-43	Son	1/8
229	221	Burgdorf, Mary Jane	do		F	7-11-46	Daughter	1/8
230	222	Burgdorf, Janice Sue	do		F	10-13-49	Daughter	1/8
231	223	Burgdorf, Sidney Lindsley	do		M	6-25-47	Son	1/8
232	224	Burgdorf, Betty Lynn	do		F	1-22-51	Daughter	1/8
233	225	Burgdorf, Ethal Sedonia	do		F	3- 3-52	Daughter	1/8
234	2100	Burdette, Josephine (Rossl)	2504½ Peabody, Bellingham, Wash		F	1-16-27	Head	1/4
235	2101	Summers, Madelon Rae	do		F	3-11-49	Daughter	1/2
236	2102	Summers, Calvin Lee, Jr	do		M	10- 2-50	Daughter	1/2
237	2103	Wright, Pamela May	do		F	12-15-52	Daughter	1/2
238	226	Busby, Barbara (Barsfield)	1943 Lambareu Ave., Livermore, Calif		F	5-24-34	Head	1/16
239	227	Burns, Alta (Noneo)	Central Valley, Calif	1221	F	1905	Head	4/4
240	228	Butler, Aggie (Skellock)	7343 S. 6th, Klamath Falls, Oreg	1372	F	1886	Head	4/4
241	229	Butler, Alfred	2068 SW. Oak St., Portland, Oreg		M	1911	Head	4/4
242	230	Butler, Claude	Chiloquin, Oreg	988	M	1898	Head	4/4
243	231	Butler, Lincoln	do	817	M	1867	Head	4/4
244	232	Butler, Bybee	do	985	M	1905	Head	4/4
245	233	Butler, Jeanette (Norwest)	Gen. Delivery, Salem, Oreg		F	1-16-31	Head	3/8
246	234	Peone, Jesse P	do		M	6-20-49	Son	3/16
247	235	Butler, Everett Vernon, Jr	do		M	2-29-52	Son	3/16
248	236	Butler, Rex Melrose	Alcatraz, Calif		M	10-20-19	Head	4/4
249	238	Campagna, Donald	Klamath Agency, Oreg		M	9-11-15	Head	1/8
250	1665	Campagna, James Warren	do		M	11-10-36	Head	7/16
251	239	Campbell, Christine Adeline	Hillcrest School, Salem, Oreg		F	9- 1-41	Daughter	4/4
252	240	Campbell, Oskie (Coburn)	892 N. 21st, Springfield, Oreg	708	F	1898	Head	1/4
253	241	Campbell, David Cliff	625 G St., Springfield, Oreg		M	11- 6-19	Head	1/8
254	242	Campbell, Terry Susan	do		F	5-24-44	Daughter	1/16
255	243	Campbell, David John	do		M	5- 5-48	Son	1/16
256	1537	Cardwell, Agnes (Milkowski)	2111 Millway Dr., Medford, Oreg		F	1-29-29	Head	1/16
257	244	Captain, Gerald	Klamath Agency, Oreg		M	10-31-25	Head	4/4
258	245	Captain, Teddy	Beatty, Oreg	989	M	1904	Head	4/4
259	959	Captain, Lauranda (Lynch)	do	812	F	1898	Wife	4/4

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
260	246	Carter, Charlotte (Cole)	Brownsville, Oreg.	1014	F	1903	Head	1/2
261	247	Carter, Don Valoyd	do		M	2-13-30	Head	1/8
262	248	Case, Cassie (Lalo)	Chiloquin, Oreg.		F	10-15-18	Head	4/4
263	249	Case, Phyllis Frances	do		F	4-17-37	Daughter	7/8
264	250	Case, Cassie Lillian	do		F	3- 3-39	Daughter	7/8
265	251	Case, Jessie Pauline	do		F	9- 2-41	Daughter	7/8
266	252	Case, Edward Logan, Jr	do		M	10- 6-43	Son	7/8
267	253	Case, Delores Alfreta	do		F	12-31-46	Daughter	7/8
268	254	Case, Jacqueline Ethel	do		F	1- 6-51	Daughter	7/8
269	255	Castellanos, Ruth (Herkshan)	do		F	11-12-21	Head	4/4
270	256	McKenzie, Eleanor	(Died 8-15-57)		F	7-10-39	Daughter	1/2
271	257	McKenzie, Norma	Chiloquin, Oreg.		F	11-18-41	Daughter	1/2
272	258	McKenzie, James Charles	do		M	2-20-43	Son	1/2
273	259	Castellanos, Linda May	do		F	7- 2-46	Daughter	1/2
274	260	Castellanos, Ester Jean	do		F	9-25-48	Daughter	1/2
275	261	Castellanos, Dinah Lee	do		F	1-25-52	Daughter	1/2
276	137	Castro, Cecelia	6825 SE. 64th, Portland, Oreg.		F	2-17-37	Sister	1/2
277	138	Castro, Stewart Lynn	(Military service)		M	3-10-38	Brother	1/2
278	262	Chavez, Tilda (Chocktoot)	Independence, Oreg.		F	7-19-16	Head	4/4
279	264	Baker, Annabelle	do		F	7-29-38	Daughter	7/8
280	265	Wright, Irene	do		F	11-10-40	Daughter	13/16
281	266	Wright, Orville Elliott, Jr	do		M	4-14-43	Son	13/16
282	267	Chavez, Valleen Marie	do		F	9-22-51	Daughter	1/2
283	739	Charles, Gene C	Chiloquin, Oreg.		M	5-16-35	Head	15/16
284	270	Charlie, Jason	(Died 10-12-55)	109	M	1898	Head	4/4
285	271	Charlie, Rebecca (John)	5352 SE. 89th, Portland, Oreg.	993	F	5-28-02	Head	4/4
286	273	Baldwin, Barbara Verline	do		F	7- 7-41	Daughter	1/2
287	274	Charles, Avery	1317 Adams St., Klamath Falls, Oreg.		M	5-13-14	Head	7/8
288	301	Charles, Ruth Wanda (Chiloquin)	do		F	8- 1-32	Wife	4/4
289	302	Chiloquin, Velda Valine	do		F	12-30-53	Stepdaughter	15/16
290	275	Charles, Teresa (May)	2322 "I" St., Bellingham, Wash.		F	5-31-21	Head	1/4
291	276	Charles, Avery Chester, Jr	do		M	7-26-40	Son	9/16
292	277	Charles, Marie Ellen	do		F	10-28-41	Daughter	9/16
293	278	Charles, Barbara Jean	do		F	7-15-43	Daughter	9/16
294	279	Charles, Sandra Lee	do		F	10-20-44	Daughter	9/16
295	280	Charles, Terry Leon	do		M	5-21-47	Son	3/8
296	281	Moore, Yvonne Sue	do		F	6-25-48	Daughter	3/8
297	282	Moore, Carlette Gale	do		F	6- 8-49	Daughter	3/8
298	283	Moore, Alfred L., Jr	do		M	8-18-51	Son	3/8
299	284	Moore, Nikki Joe	do		F	5-23-53	Daughter	1/8
300	285	Charlie, Fleda (Foster)	806 Tamar Dr., La Puente, Calif.		F	1- 3-21	Head	4/4
301	286	Charlie, Edith Louise	do		F	12-14-49	Daughter	1/2
302	287	Charlie, Nathan Homer	do		M	3-19-52	Son	1/2
303	288	Cheraldo, Evaline (Lang)	Chiloquin, Oreg.	1547	F	1901	Head	1/2
304	291	Chester, Delores A	504 S. 5th, Klamath Falls, Oreg.		F	3-21-32	Head	1/2
305	295	Van Atter, Linda	do		F	12-24-48	Daughter	1/2
306	289	Chester, Luke	Beatty, Oreg.	999	M	1903	Head	4/4
307	294	Chester, Gary Leroy	do		M	8-25-45	Son	4/4
308	293	Chester, Harold R	San Pablo, Calif.		M	2-10-39	Head	4/4
309	403	Chester, Mary (Lynch)	do		F	7-17-39	Wife	4/4
310	290	Chester, Gerald	Beatty, Oreg.		M	9-27-30	Head	4/4
311	292	Chester, Florence Deal	do		F	9-23-33	Head	4/4
312	297	Chiloquin, Eveland	Chiloquin, Oreg.		M	12-19-29	Head	4/4
313	298	Chiloquin, Edison Philmore	do		M	8-31-23	Head	4/4
314	299	Chiloquin, Winfield Glenn	do		M	10-31-21	Head	4/4
315	300	Chiloquin, Melvin Lee	do		M	2-14-29	Head	4/4
316	303	Chipman, Clarice (Butler)	do		F	1-17-25	Head	3/4
317	304	Dumont, Marlene G	do		F	8- 8-40	Daughter	3/8
318	305	Dumont, Roberta Lee	do		F	2-12-42	Daughter	3/8
319	306	Dumont, Anthony L	do		M	11-28-42	Son	3/8
320	307	Dumont, James E	do		M	9-28-43	Son	3/8
321	308	Dumont, Robert	do		M	1- 2-45	Son	3/8
322	309	Chipps, Alice (Jackson)	Sprague River, Oreg.		F	1901	Head	7/8
323	310	Chipps, Calvin	Chiloquin, Oreg.	1136	M	10-27-19	Head	4/4
324	311	Chocktoot, David	Beatty, Oreg.		M	1880	Head	4/4
325	312	Chocktoot, Clara (Brown)	do	299	F	1887	Wife	4/4
326	313	Chocktoot, Mabel	(Died 4-12-57)	1414	F	1904	Head	4/4
327	314	Chocktoot, Geraldine	357 Wallombrosa Ave., Chico, Calif.	1304	F	1-25-35	Head	1/2
328	318	Chocktoot, Gerald Lee	do		M	11- 5-52	Son	1/4
329	315	Chocktoot, Valeta Babe	438 Washington St., Klamath Falls, Oreg.		F	7-10-37	Head	1/2
330	319	Chocktoot, Lola	3650 SE. 32d, Portland Oreg.		F	7-15-23	Head	1/2
331	320	Chocktoot, Dona Louise	Estacada, Oreg.		F	3-23-40	Daughter	1/4
332	944	Chocktoot, Betty M	Beatty, Oreg.		F	7-23-26	Head	4/4
333	945	Hood, Joseph James	do		M	6- 9-48	Son	4/4
334	946	Hood, Warren Lee	do		M	11- 7-50	Son	4/4
335	947	Chocktoot, Phillip	do		M	11-14-51	Son	1/2
336	948	Chocktoot, Phyllis	do		F	1-12-53	Daughter	1/2
337	321	Chocktoot, Perry	4570 Sherman Ave., Kaiser, Oreg.		M	4-18-32	Head	5/8
338	322	Chocktoot, Julia (Jefferson)	do		F	3-30-38	Wife	5/8
339	323	Chocktoot, Vivian M. (Brown)	(Died 8-19-55)	982	F	4- 5-08	Head	4/4
340	324	Chocktoot, Royde	(Died 2-28-56)	1007	M	1900	Head	4/4
341	325	Chocktoot, Norman Lester	Beatty, Oreg.		M	8-12-26	Head	4/4
342	642	Chocktoot, Joan Lou (Foster)	do		F	5-24-31	Wife	4/4
343	326	Christensen, Alice (John)	Nixon, Nev.		F	7- 3-30	Head	1/2
344	327	Christensen, Ronald Deane	do		M	9-25-53	Son	1/4
345	328	Clark, Glenn A	Sprague River, Oreg.		M	6- 3-50	Adopted Son	13/16
346	329	Clark, Warren W	do		M	1-20-53	Adopted Son	13/16
347	330	Clarkson, Grover	Chiloquin, Oreg.	1010	M	1895	Head	1/2
348	331	Clarkson, Minerva (Butler)	do	819	F	1896	Wife	4/4
349	332	Clarkson, Harry	do	1473	M	1899	Head	1/2
350	333	Clinton, Clarence	913 Alameda, Klamath Falls, Oreg.	1574	M	7-26-08	Head	1/2
351	334	Clinton, Viola (Cowen)	do		F	11- 7-15	Wife	3/4
352	335	Cowen, Franklyn M	do		F	5-22-38	Stepdaughter	3/8
353	336	Ferris, Shirley A	do		F	7-10-40	Stepdaughter	3/8
354	337	Ferris, Julia Dale	do		F	11-15-41	Stepdaughter	3/8
355	338	Ferris, Freddy Allen	do		M	3-20-43	Stepson	3/8
356	339	Ferris, Jerry Lee	do		M	4- 1-47	Stepson	3/8
357	340	Ferris, Charlene Faye	do		F	4-25-50	Daughter	3/8
358	341	Coburn, Emma C	892 N. 21st, Springfield, Oreg.	702	F	1867	Head	1/2
359	342	Coburn, Frank	Sprague River, Oreg.	705	M	1892	Head	1/4
360	343	Coburn, June Marie	do		F	6-29-33	Head	1/4
361	344	Coburn, Joseph F	2294 Congress, San Diego, Calif.		M	4-29-37	Head	1/4
362	345	Coburn, James F	do		M	11-30-34	Head	1/8
363	346	Coburn, Thelma (Jackson)	(Died 10-10-54)	794	F	12- 3-32	Wife	5/16
364	347	Cole, Eda Jackson			F	1892	Head	4/4

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
365	348	Cole, Edward R	Chiloquin, Oreg.		M	10-10-18	Head	3/4
366	349	Cole, Florence (Shadley)	do		F	3-27-21	Wife	1/2
367	350	Cole, Edward Raymond	do		M	2- 3-40	Son	5/8
368	351	Cole, Johnny Allen	do		M	2-17-41	Son	5/8
369	353	Cole, Robert Herald	do		M	5- 1-43	Son	5/8
370	354	Cole, Henry L	do		M	12-24-44	Son	5/8
371	355	Cole, Harley D	do		M	3-12-47	Son	5/8
372	356	Cole, Arvin V	do		M	12-25-49	Son	5/8
373	357	Cole, Wonnie Jewell	do		F	7-19-51	Daughter	5/8
374	358	Cole, John	do	616	M	1879	Head	1/2
375	359	Cole, Margaret A	do		F	2- 1-48	Adopted daughter	1/2
376	360	Colley, Claudia L. (Haymon)	8001 Loyola Blvd., Los Angeles, Calif.		F	12- 7-20	Head	1/4
377	361	Colley, Claude F	do		M	12-28-45	Son	1/8
378	362	Colley, Cynthia D	do		F	2- 1-47	Daughter	1/8
379	363	Colley, Maryl Lee	do		F	4-15-43	Daughter	1/8
380	364	Colley, Carl D	do		M	8-23-49	Son	1/8
381	365	Conney, Delbert	Beatty, Oreg.		M	6-13-14	Head	5/8
382	366	Contreas, Thelma (Knight)	Chiloquin, Oreg.		F	3-12-36	Head	1/8
383	367	Cook, Dibbon	Sprague River, Oreg.	1483	M	1902	Head	1/2
384	368	Cook, Esther (Sargeant)	do		F	3-27-21	Wife	3/16
385	369	Cook, Lou Ellen	do		F	4-16-40	Daughter	3/8
386	317	Cook, Melva J	do		F	8-20-51	Adopted daughter	1/4
387	370	Cook, Verna (George)	Rt. 1, Box 129, Corvallis, Oreg.		F	8-17-33	Head	4/4
388	371	Cookman, Eddie	Chiloquin, Oreg.	494	M	1881	Head	4/4
389	373	Cooper, Verna (Lobert)	32 Alta Loma, Vallejo, Calif.		F	12-10-25	Head	7/8
390	374	Herron, James L	do		M	3-24-48	Son	7/16
391	375	Cooper, Susan Blanche	do		F	1-21-53	Daughter	7/16
392	376	Copeland, John H	514 S. Water St., Silverton, Oreg.		M	4-30-10	Head	1/4
393	377	Copeland, Gordon Lee	do		M	2-19-39	Son	1/8
394	378	Copeland, Charles Donald	do		M	10-30-40	Son	1/8
395	379	Copeland, Catherine Marie	do		F	4-20-42	Daughter	1/8
396	380	Copeland, Shannon Roger	do		M	3-17-44	Son	1/8
397	381	Copeland, Sharon Jessie	do		F	12-22-45	Daughter	1/8
398	382	Copeland, Ralph R	2144 Applegate St., Klamath Falls, Oreg.		M	8-13-36	Head	5/16
399	383	Copperfield, Anna M. (Riddle)	Bonanza, Oreg.	835	F	1882	Head	3/4
400	384	Copperfield, Nathan	do		M	7- 5-19	Head	7/8
401	386	Corbell, Ida (Skeen)	(Died 2-8-56)	372	F	1892	Head	1/4
402	387	Cortez, Jose Clements	Shady Pine, Klamath Falls, Oreg.		M	2-11-45	Adopted son	1/8
403	388	Cortez, Patricia (Hoover)	3049 Delaware, Klamath Falls, Oreg.		F	4-23-34	Head	1/2
404	389	Norwest, Carmen Lea	do		F	4-28-49	Daughter	7/16
405	390	Norwest, Marcellus John, Jr	do		M	8-10-50	Son	7/16
406	391	Norwest, Andrew Merle	do		M	1-28-52	Son	7/16
407	392	Courtney, Clarence V	Box 852, Klamath Falls, Oreg.		M	2-11-25	Head	1/8
408	393	Courtney, Jonathan Kim	3226 SE. 82d, Portland, Oreg.		M	6-18-54	Son	1/16
409	394	Courtney, Claudia (Witt)	do	1334	F	1906	Head	1/4
410	396	Courtney, Bonnie M	do		F	11- 6-45	Daughter	1/8
411	395	Courtney, Laura M	do		F	10-12-36	Head	1/8
412	397	Cowen, Amanda	Chiloquin, Oreg.	712	F	1855	Head	4/4
413	398	Cowen, Ransom	do	714	M	1896	Head	3/4
414	399	Cowen, William McKinley	do	715	M	1898	Head	3/4
415	400	Cowen, Hugh Wallace	1740 5th St., San Diego, Calif.		M	8-15-24	Head	3/8
416	401	Crain, Carl Glenn	1003 Delta, Klamath Falls, Oreg.		M	8- 7-28	Head	3/4
417	402	Crain, Delford R	Beatty, Oreg.		M	8-10-29	Head	7/8
418	404	Crain, Ray Eugene	Station No. 1, Helena, Mont.		M	6- 1-49	Son	7/16
419	405	Crain, Daron Lloyd	Beatty, Oreg.		M	7-15-53	Son	15/16
420	406	Crain, Dice	1003 Delta St., Klamath Falls, Oreg.	1021	M	1882	Head	1/2
421	407	Crain, Alpha (Pitt)	do	1240	F	1894	Wife	4/4
422	408	Henry, Margaret Elaine	do		F	8-19-44	Granddaughter	1/2
423	409	Henry, Cornelius John	do		M	7- 8-39	Stepgrandson	1/2
424	410	Henry, Dwight Lee	do		M	5- 7-42	Stepgrandson	1/2
425	50	Crain, James	Vacaville, Calif.		M	8-26-27	Head	5/8
426	411	Crain, Lolana (Merritt)	(Died 1-14-57)	1196	F	1901	Head	4/4
427	412	Crain, Rosetta Mae	Beatty, Oreg.		F	9-15-35	Head	7/8
428	413	Crain, Furman	do		M	3-29-10	Head	3/4
429	414	Crain, Marian (Hecocta)	do		F	9-22-10	Wife	4/4
430	416	Crain, Furman, Jr	do		M	3- 3-39	Son	7/8
431	417	Crain, Cleora M	do		F	5-11-44	Daughter	7/8
432	418	Crain, George	Chiloquin, Oreg.	472	M	12-22-85	Head	1/2
433	419	Crain, John	Beatty, Oreg.		M	4-10-29	Head	5/8
434	420	Crain, Vernace (Chocktoot)	do		F	10-16-29	Wife	4/4
435	421	Crain, Anita Louise	do		F	7- 2-46	Daughter	9/16
436	422	Crain, Anna M	do		F	8- 8-47	Daughter	9/16
437	423	Crain, Faye Della	do		F	10-11-49	Daughter	9/16
438	424	Crain, Randolph	Chiloquin, Oreg.		M	7-25-19	Head	1/2
439	425	Crain, Naomi (Jackson)	do		F	1- 1-20	Wife	4/4
440	427	Crain, Janice	do		F	2- 6-41	Daughter	3/4
441	428	Crain, Glenn	do		M	11-12-45	Son	3/4
442	429	Crain, Randolph Alfred, Jr	do		M	10-22-46	Son	3/4
443	430	Crain, Alan	do		M	9-24-50	Son	3/4
444	431	Crawford, Bill Lee	Klamath Agency, Oreg.		M	2- 2-27	Head	1/4
445	432	Crawford, Joyce E	do		F	1- 5-52	Daughter	1/8
446	433	Crawford, Barkley Ann	do		F	5-21-53	Daughter	1/8
447	434	Crawford, Merle	1105 Larkin St., San Francisco, Calif.		M	7-17-13	Head	1/2
448	435	Crawford, Leon Merle	206 I.O.O.F. Bldg., Klamath Falls, Oreg.		M	12-17-35	Head	1/4
449	436	Crawford, Irving	1636 Halsey, Klamath Falls, Oreg.	1430	M	1898	Head	1/2
450	437	Crawford, Shirley Ruth	do		F	1-21-26	Head	1/4
451	438	Crawford, Phyllis Ellen	do		F	2- 8-28	Head	1/4
452	439	Crawford, Juanita	P. O. Box 1086, Klamath Falls, Oreg.	1026	F	12-21-03	Head	1/2
453	440	Crawford, Wade	Chiloquin, Oreg.	1429	M	7-11-94	Head	1/2
454	441	Crawford, Ida (Miller)	do	1467	F	10-27-95	Wife	1/4
455	442	Crawford, Coralie	1918 Manhattan Ave., E. Palo Alto, Calif.		F	7- 6-33	Head	3/8
456	102	Cress, Eldon James, Jr	Chiloquin, Oreg.		M	2-12-38	Head	1/4
457	443	Crim, Herschel	6226 SE. 122d, Portland, Oreg.	1592	M	4-15-04	Head	1/2
458	444	Crim, Wilbur	Chiloquin, Oreg.	1591	M	8-14-07	Head	1/2
459	445	Crispen, Jessie (Coburn)	Sprague River, Oreg.		F	11-10-29	Head	1/8
460	446	Jara, Marie Elaine	do		F	10-13-49	Daughter	1/16
461	447	Crispen, Francis Robert	do		M	3- 2-52	Son	1/16
462	448	Crowley, Kate	Chiloquin, Oreg.	542	F	1879	Head	4/4
463	449	Crume, Angeline (Schonchin)	Marlon, Oreg.	1346	F	7- 6-03	Head	4/4
464	450	Crume, Wayne P	do		M	10- 3-39	Son	7/8
465	451	Crume, Cinda (Chipps)	(Died 5-2-56)	922	F	1885	Head	4/4
466	452	Crume, Theodore Allen	Sprague River, Oreg.		M	6- 7-20	Head	3/4
467	637	Foreman, Allen Lee	do		M	8- 3-47	Adopted son	3/8
468	453	Crume, Howard Wallace	do		M	12-16-21	Head	3/4
469	146	Crume, Lauretta L	do		F	8- 7-50	Adopted daughter	3/8
470	454	Crume, Irwin Lee	do		M	10-22-33	Head	5/8
471	455	Crume, Irwin Lee, Jr	do		M	1-23-53	Son	1/4
472	456	Crume, Carolyn Gale	do		F	4-19-54	Daughter	1/4

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
473	457	Crume, Jonathan M	Star Rt., Chiloquin, Oreg	1520	M	3-21-10	Head	3/4
474	458	Crume, Dorothy (Jackson)	do		F	2- 7-21	Wife	15/16
475	460	Woods, Fred Arnold	do		M	1-11-42	Stepson	15/32
476	461	Woods, Muriel Edith	do		F	2-14-44	Stepdaughter	15/32
477	462	Woods, William Nathan	do		M	2-19-46	Stepson	15/32
478	463	Woods, Lawrence Marlowe	do		M	9-14-48	Stepson	15/32
479	464	Crume, Roland J	do		M	11-13-41	Adopted son	23/32
480	465	Melendres, Paul Garcia, Jr	do		M	6-18-46	Nephew	15/32
481	466	Hull, Alice E	do		F	7- 9-47	Niece	15/32
482	467	Crume, Jola Gail	do		F	3-28-53	Daughter	23/32
483	468	Crume, Patsy M	928 N. Ridge Rd, San Francisco, Calif		F	5-21-30	Head	5/8
484	469	Crume, Sylvan	Sprague River, Oreg	1032	M	1904	Head	3/4
485	470	Crume, Sylvan B., Jr	do		M	11-10-43	Son	3/8
486	1600	Crume, William G	2205 Etna, Klamath Falls, Oreg		M	9-28-37	Head	5/8
487	471	Crystal, Cora (Miller)	Chiloquin, Oreg	933	F	10- 2-97	Head	1/4
488	472	Cummins, Jacqueline (Jackson)	144 West G St., Casper, Wyo		F	11- 6-30	Head	1/4
489	473	Cummins, Cynthia Caroll	do		F	12-18-48	Daughter	1/8
490	474	Cunningham, Thelma (Gentry)	7113 Victoria Ave., Highland, Calif		F	5-16-12	Head	1/4
491	475	Cunningham, Allen Dale	do		M	2- 1-42	Son	1/8
492	476	Curran, Melrose (Lawvor)	Sprague River, Oreg		F	3-16-12	Head	1/2
493	477	Curtis, Azalia (Parazoo)	16586 Marchmont Dr., Los Gatos, Calif	1233	F	1905	Head	1/2
494	478	Curtis, Barbara Elaine	do		F	10- 5-41	Daughter	1/4
495	479	David, Beryl (Butler)	Chiloquin, Oreg	1476	F	1902	Head	4/4
496	480	Manning, Gordon Wayne	do		M	3-23-38	Son	7/8
497	481	David, Beverly Faye	do		F	9- 8-39	Daughter	7/8
498	482	David, Linda Joyce	do		F	9- 3-40	Daughter	7/8
499	483	David, Randolph	do		M	2-22-11	Head	3/4
500	484	David, Arlen V	do		M	9-10-38	Head	3/8
501	1846	David, James	do		M	3- 6-34	Head	1/2
502	485	David, Randolph Robert, Jr	do		M	9-12-34	Head	3/8
503	486	David, Reid	228 Looelin Dr., Bakersfield, Calif		M	1-27-10	Head	3/4
504	487	David, Ilene Aloma	do		F	9-16-41	Daughter	1/2
505	488	David, Reid Sharkey, Jr	1335 Federal, Bend, Oreg		M	9-28-43	Son	1/2
506	489	David, Robert	Chiloquin, Oreg	115	M	1877	Head	4/4
507	490	David, Lawrence	do		M	12- 6-17	Head	3/4
508	491	David, William McKinley	do	1622	M	1899	Head	4/4
509	492	Davis, Harold Lloyd	5629 Independence, Klamath Falls, Oreg		M	10- 8-25	Head	7/8
510	493	Davis, Elnathan	720 N. 9th, Klamath Falls, Oreg		M	3-11-22	Head	7/8
511	494	Davis, Helen Virginia	do		F	12-16-43	Daughter	13/16
512	495	Davis, Marvin Leigh	do		M	2-14-45	Son	13/16
513	496	Davis, Rita Louise	do		F	9- 6-49	Daughter	13/16
514	497	Davis, Elnathan Glen	do		M	10-31-51	Son	13/16
515	498	Davis, Minnie Kay	do		F	5- 7-53	Daughter	13/16
516	499	Davis, Orville	Beatty, Oreg	1042	M	1904	Head	3/4
517	500	Davis, Henrietta (John)	(Died 3-29-56)	1148	F	1904	Head	4/4
518	501	Davis, Vernita (Riddle)	Chiloquin, Oreg	1246	F	1904	Head	7/8
519	1768	Dawson, Laura Lee	Trail, Oreg		F	12-21-36	Adopted daughter	3/16
520	503	Dawson, Ellen C. (Shadley)	Chiloquin, Oreg		F	8-22-13	Head	1/2
521	506	Cole, Roger Wesley	do		M	6- 1-38	Son	1/4
522	507	Dawson, Gwen Eileen	do		F	1-22-50	Daughter	3/16
523	508	Dawson, Sharon Carlene	do		F	3- 5-53	Daughter	3/16
524		Dearbone, Simon Louis	420 21st Ave. N., Seattle, Wash		M	4-22-45	Adopted Son	1/2
525	509	Decker, Alvin	Imlay, Nev		M	4- 7-17	Head	1/2
526	510	Decker, Dora (Chipps)	Holland, Oreg	923	F	1889	Head	4/4
527	511	Decker, Willard	Cave Junction, Oreg		M	3-30-23	Head	1/2
528	512	Decker, Kelvin Willard	do		M	8-22-48	Son	1/4
529	513	Decker, Yolonda Renae	do		F	4-17-50	Daughter	1/4
530	514	Decker, Melvin Perry	do		M	7- 9-51	Son	1/4
531	515	Decker, Anita (Hecocta)	Sprague River, Oreg		F	3-24-16	Head	4/4
532	516	Crume, Jonathan Wayne	c/o Klamath City Welfare, Klamath Falls, Oreg.		M	1-16-47	Son	3/4
533	517	Crume, Jacquelne Eileen	do		F	4-13-49	Daughter	3/4
534	519	Decker, Tommy	Holland, Oreg		M	4-10-19	Head	1/2
535	1679	Decker, Melba Anne (Riddle)	do		F	10-19-36	Wife	7/8
536	522	Decker, Tommy Turner	do		M	3- 3-43	Son	3/4
537	523	Decker, William Loren	do		M	6- 3-47	Son	3/4
538	524	Decker, Marilyn Joan	do		F	8-26-49	Daughter	3/4
539	529	Decker, Woodrow	579 Pennsylvania, Denver, Colo		M	1915	Head	1/2
540	531	Decker, Dallas Deane	do		M	6- 5-38	Son	1/4
541	532	Delorme, Ethel (Barney)	Estacada, Oreg		F	4-21-12	Head	3/4
542	533	Delorme, Joseph Alexander	do		M	12-31-41	Son	5/8
543	534	Delorme, Teresa (Wright)	Chiloquin, Oreg		F	3-11-25	Head	5/8
544	535	Sargeant, Cynthia R	do		F	9- 3-46	Daughter	1/2
545	536	Sargeant, Susan Mary	do		F	10-13-49	Daughter	1/2
546	537	Sorahan, Debra	do		F	7-14-52	Daughter	5/16
547	459	Dexter, Geraldine (Woods)	Sprague River, Oreg		F	7- 2-40	Head	15/32
548	538	Dick, Myra (Captain)	Chiloquin, Oreg		F	10-27-19	Head	4/4
549	539	Dick, Bethel M	Klamath Agency, Oreg		F	4-11-47	Daughter	1/2
550	540	Dickens, Delmar Stewart	Beatty, Oreg		M	10-14-28	Head	4/4
551	541	Dickens, Victoria (George)	2921 SE. Morrison, Portland, Oreg		F	12- 3-29	Head	4/4
552	542	Dickens, Valerie Jean	do		F	1- 3-49	Daughter	1/2
553	543	Dickens, Elaine Frances	do		F	4-21-50	Daughter	1/2
554	544	Dickens, Karen Louise	do		F	2-21-53	Daughter	1/2
555	545	Dickens, Victoria Lynelle	do		F	6-26-54	Daughter	1/2
556	546	Dillstrom, Mae E. (Vaughn)	Box 713, Klamath Falls, Oreg	1284	F	5- 1-09	Head	1/8
557	547	Dillstrom, Belvie, Jr	Chiloquin, Oreg		M	7-29-29	Head	1/16
558	548	Dillstrom, Vernon Carl	Box 713, Klamath Falls, Oreg		M	2- 2-34	Head	1/16
559	549	Doak, Opal P. (Pearson)	Chiloquin, Oreg	1237	F	1903	Head	1/4
560	550	Doak, Ivan R	do		M	3-10-27	Head	1/8
561	551	Doak, Bobbie Jaye	do		F	12-10-51	Daughter	1/16
562	552	Doak, Lawana Jean	do		F	6-23-53	Daughter	1/16
563	553	Doggett, Shirley M. (Skeen)	Thurston, Oreg		F	10- 2-26	Head	1/8
564	554	Doggett, William G	do		M	9-13-48	Son	1/16
565	555	Doggett, Shirley Gayle	do		F	8- 4-50	Daughter	1/16
566	556	Donahue, Ethel (Jackson)	Rt. 1, Box 208, Arcata, Calif		F	5- 9-27	Head	3/4
567	557	Donahue, Brad Stephen	do		M	6- 9-45	Son	1/4
568	558	Donahue, Ronald Allen	do		M	7-27-46	Son	1/4
569	559	Donahue, Dawn Maudeen	do		F	9-10-47	Daughter	1/4
570	560	Donahue, Woodrow Zane	do		M	8-24-48	Son	1/4
571	561	Donahue, Arlan Wayne	do		M	5- 9-51	Son	1/4
572	562	Donahue, Gwen Arlette	do		F	7-22-53	Daughter	1/4
573	521	Duarte, Nancy (Decker)	Bonanza, Oreg		F	9-23-41	Head	3/4
574	566	Dufault, George	Lomita Tr. Ct., 1851 West Pacific Coast Hy., Lomita, Calif.	1048	M	1892	Head	1/4
575	567	Dufault, David E	1418 S. Central, Compton, Calif		M	6-29-39	Son	1/8
576	568	Dufault, Diane C	do		F	1-15-41	Daughter	1/8
577	569	Dufault, Helen	3795 Market St., San Francisco, Calif	1049	F	1898	Head	1/4
578	570	Duffer, Calsie	Beatty, Oreg		M	3-16-15	Head	4/4

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
579	571	Dunagan, Tiny (Kimball)	Chiloquin, Oreg		F	3-13-32	Head	1/4
580	572	Hatcher, Raymond Allen	do		M	9-12-48	Son	5/16
581	573	Hatcher, William Ernest	do		M	12-23-51	Son	5/16
582	574	Dumore, Willetta (Crain)	Myrtle Creek, Oreg		F	4-30-11	Head	1/2
583	575	Durham, Wilma (Mayfield)	118 Sutton Ave., San Francisco, Calif		F	5-21-21	Head	1/2
584	576	Duvall, Amos	Chiloquin, Oreg	1057	M	1904	Head	3/4
585	577	Duvall, George	do	128	M	1871	Head	1/2
586	578	Duvall, John	(Died 4-7-55)	132	M	1874	Head	1/2
587	579	Effman, Betsy (Gray)	Klamath Agency, Oreg	1089	F	1903	Head	4/4
588	580	Effman, George Gray	2566 16th, Sacramento, Calif		M	9-28-22	Head	1/2
589	581	Effman, Francine Layne	do		F	12- 6-44	Daughter	1/4
590	582	Effman, Graig Forrest	do		M	10- 8-50	Son	1/4
591	583	Effman, Joy Paulette	do		F	3-10-53	Daughter	1/4
592	584	Eggsman, Wilbur	Chiloquin, Oreg	1059	M	12-18-97	Head	4/4
593	585	Eggsman, Mable (Schonchin)	do	1501	F	6- 2-08	Wife	7/8
594	589	Eggsman, Allen Lee	do		M	8-10-42	Son	15/16
595	590	Eggsman, Arnold Guy	do		M	4- 4-47	Son	15/16
596	586	Eggsman, Walter James	do		M	7- 8-27	Head	15/16
597	587	Eggsman, Worden Gale	do		M	9-13-33	Head	15/16
598	588	Eggsman, Wendell Jack	do		M	10-29-36	Head	15/16
599	591	Eggsman, Wilbur, Jr	2605 State St., Salem, Oreg		M	1-20-31	Head	15/16
600	592	Eggsman, Thelma (Hood)	do		F	9-25-37	Wife	7/8
601	594	Engle, Melvin M	3803 Larchwood Pl., Riverside, Calif	1588	M	12- 8-09	Head	1/8
602	595	Engle, Bruce Hamilton	do		M	8- 8-39	Son	1/16
603	596	Engle, Marcia Ann	do		F	7- 8-48	Daughter	1/16
604	597	Erickson, Grace (Barney)	Chiloquin, Oreg		F	7-26-24	Head	3/4
605	598	Erickson, Delphine Lavina	do		F	4- 3-42	Daughter	3/8
606	599	Erickson, Mary Ellen	do		F	10- 2-43	Daughter	3/8
607	600	Erickson, Daniel Edwin	do		M	7-17-45	Son	3/8
608	601	Erickson, Hazel Grace	do		F	11-27-46	Daughter	3/8
609	1504	Fader, Janice Lenora (Ohles)	Anderson, Calif		F	7-27-37	Head	1/8
610	602	Faithful, Monroe	Beatty, Oreg	1068	M	1904	Head	4/4
611	603	Faithful, Pearl McNair	441 Trinity, Klamath Falls, Oreg	1223	F	1901	Head	1/2
612	604	Faithful, Raymond Monroe	Beatty, Oreg		M	11-20-33	Head	3/4
613	605	Farnsworth, Mamie (Skeen)	(Died 1-4-55)	373	F	1893	Head	1/4
614	972	Ferris, Lavenie Louise (Cowan)	Rt. 3, Box 633, Klamath Falls, Oreg		F	5-21-35	Head	3/8
615	606	Ferris, Ruth (Shadley)	829 Delaware, Bend, Oreg		F	10- 5-23	Head	1/2
616	607	Ferris, Bob Lloyd, Jr	do		M	2-14-43	Son	3/16
617	608	Ferris, Bert Dwayne	do		M	10-31-44	Son	3/16
618	609	Ferris, Christina Lee	do		F	2- 9-47	Daughter	3/16
619	1108	Ferris, Beverly Arlene	do		F	3-24-54	Adopted daughter	11/16
620	610	Ferris, Regina Rae	do		F	3- 3-48	Daughter	3/16
621	1497	Faulk, Anthony James	3829 Amesbury Rd., Los Angeles, Calif		M	1-21-49	Adopted son	5/16
622	611	Fields, Corrine (Campagna)	4511 Highway 99 S., Grants Pass, Oreg		F	11-14-20	Head	1/8
623	613	Fields, Robert Ray	do		M	10-10-40	Son	1/16
624	614	Fields, Marie (Campagna)	734 Plum, Klamath Falls, Oreg		F	6-25-18	Head	1/8
625	617	Fisher, Dora Mae (Foster)	(Died 4-24-56)		F	3- 8-25	Head	4/4
626	618	Fisher, Anna Lee	Parker, Ariz		F	4-18-44	Daughter	1/2
627	619	Fisher, John Arthur	Bly, Oreg		M	12-10-46	Son	3/4
628	622	Fitzwater, Frances (Barney)	East Ely, Nev		F	5-12-16	Head	3/4
629	623	Haskins, Richard Wayne	do		M	2- 2-40	Son	3/8
630	625	Hollinger, Geraldine	do		F	3- 7-42	Daughter	3/8
631	626	Fleming, Annabelle (Skeen)	Dorris, Calif		F	9-15-24	Head	1/8
632	627	Fleming, Dennis George	do		M	1-19-47	Son	1/16
633	628	Fleming, John Fredric	do		M	6-12-48	Son	1/16
634	629	Fleming, Charles Robert	do		M	5-29-49	Son	1/16
635	630	Fleming, Joanna Susan	do		F	6-11-50	Daughter	1/16
636	631	Follis, Evelyn (Walker)	33 "C" NW, Miami, Okla		F	4- 5-14	Head	3/8
637	632	Follis, Billie Gene	do		M	4-24-33	Son	3/16
638	633	Follis, Phil Walker	do		M	8- 9-36	Son	3/16
639	634	Follis, Judy Kay	do		F	2-10-40	Daughter	3/16
640	635	Follis, Karen Sue	do		F	8-22-43	Daughter	3/16
641	636	Foreman, Nora (Crume)	Sprague River, Oreg		F	1- 6-24	Head	3/4
642	1516	Fortner, Patricia (Newberry)	Wyandotte, Okla		F	5-16-40	Head	17/64
643	638	Foster, Gladys	Beatty, Oreg		F	2-21-18	Head	4/4
644	639	Foster, Andrew	do		M	10-17-20	Head	1/2
645	640	Foster, Lewellyn Daniel	Nixon, Nev		M	2- 9-53	Son	1/4
646	641	Foster, Enna Jean	Beatty, Oreg		F	1-12-27	Head	4/4
647	643	Foster, Alex	do		M	5-21-33	Head	4/4
648	415	Foster, Delores (Crain)	do		F	8- 7-36	Wife	7/8
649	644	Foster, Harry Aloysius	do		M	12-17-36	Head	4/4
650	645	Foster, John Carl	do		M	3-31-38	Head	4/4
651	646	Foster, Dan Adrian	do		M	1- 6-31	Head	1/2
652	647	Foster, Shirley (Crain)	do		F	4- 9-34	Wife	7/8
653	648	Kirk, Irvin Steve	do		M	5-23-49	Stepson	13/16
654	649	Kirk, Shirlene Ann	do		F	8-16-51	Stepdaughter	13/16
655	650	Kirk, Martina Lou	do		F	9-22-52	Stepdaughter	13/16
656	651	Foster, George Elmore	2730 SE. Ash, Portland, Oreg		M	2-20-29	Head	1/2
657	652	Foster, Anna (Robinson)	do		F	1-24-30	Wife	7/8
658	653	Foster, Geo. Ann	do		F	7-20-54	Daughter	11/16
659	654	Foster, Eleanora	916 Monroe St., Toppenish, Wash		F	1- 8-35	Head	4/4
660	656	Foster, Pearl (Allen)	418 Commercial, Klamath Falls, Oreg	1338	F	1897	Head	1/4
661	657	Foster, Wilma (Thompson)	4079 Gary St., Salem, Oreg		F	11- 9-25	Head	1/2
662	658	Foster, Ronald Harlan	do		M	8- 6-47	Son	1/2
663	659	Thompson, Latilda Joyce	do		F	3-19-46	Daughter	1/4
664	660	Foster, Mary Louise	do		F	2-19-49	Daughter	1/2
665	661	Foster, Jerald Lee	do		M	2-28-51	Son	1/2
666	662	Foster, Sandra Louise	(Died 9-30-55)		F	9-16-52	Daughter	1/2
667	663	Foster, Raymond J	(Died 7-11-55)		M	4-22-23	Head	4/4
668	664	Foster, Betty (Chocktoot)	(Died 8-6-56)		F	12-23-27	Wife	4/4
669	665	Foster, Gloria Jeanne	Beatty, Oreg		F	5-19-44	Daughter	4/4
670	666	Foster, Duane	do		M	1-28-46	Son	4/4
671	667	Foster, Patrick James	do		M	7-22-47	Son	4/4
672	668	Foster, Wayne	do		M	11-24-48	Son	3/4
673	669	Foster, Susan	do		F	10-24-50	Daughter	3/4
674	670	Foster, Vince Ray	do		M	11- 2-53	Son	3/4
675	671	Foster, Vernon Fred	Independence, Oreg		M	7-14-27	Head	4/4
676	672	Foster, Josephine (Thompson)	Lapwai, Idaho		F	9-19-21	Wife	4/4
677	673	Foster, Winona Mae	do		F	9-11-48	Daughter	1/2
678	674	Foster, Wallace	Independence, Oreg		M	10- 8-32	Head	1/2
679	675	Foster, Wernie	Beatty, Oreg	911	M	1889	Head	4/4
680	676	Foster, Josie (Godowa)	do	747	F	1895	Wife	4/4
681	677	Foster, Phoebe Lois	do		F	8- 5-31	Head	4/4
682	681	Foster, Robert Ray	do		M	8- 2-52	Son	1/2
683	678	Foster, Willetta	do		F	10-31-35	Head	4/4
684	679	Foster, Wilma	do		F	10-31-35	Head	4/4
685	680	Foster, Lucille	Warm Springs, Oreg		F	6- 7-37	Head	4/4

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
686	621	Fowler, Mary Elaine	125 Waite, Eugene, Oreg.		F	7-25-52	Adopted daughter	3/4
687	682	Francis, Anna (Skeen)	Butte Falls, Oreg.	371	F	1889	Head	1/4
688	683	Francis, Jesse Freddie	do		M	7-24-24	Head	1/8
689	684	Francis, Richard Henry	do		M	7- 9-47	Son	1/16
690	685	Francis, Karen Elizabeth	do		F	6-16-49	Daughter	1/16
691	686	Frank, Ella (Gentry)	Nespelem, Wash.		F	1-20-34	Head	1/4
692	687	Frank, Robert John	do		M	4- 9-53	Son	1/8
693	688	Frank, Brenda Ann	do		F	4-27-54	Daughter	1/8
694	689	Fredenburg, Dorothy (Hamilton)	Rt. 3, Box 1180, Klamath Falls, Oreg.		F	8-29-13	Head	1/8
695	690	Fredenburg, Dorothea Elvira	1108 "T" St., Sacramento, Calif.		F	12-27-32	Daughter	1/8
696	691	Frost, Amelia (Brown)	Beatty, Oreg.		F	8-24-22	Head	1/16
697	692	Brown, Annabel (Burnette)	do		F	5- 9-41	Daughter	4/4
698	693	Burnette, Cheryl Christina	do		F	7- 2-44	Daughter	1/2
699	694	Frost, Melvin James	(Died 4-22-56)		M	8-10-48	Son	1/2
700	695	Frost, Gary Duane	Beatty, Oreg.		M	9- 6-51	Son	1/2
701	696	Frost, Curtis Lynn	do		M	7- 7-53	Son	1/2
702	697	Fryatt, Andrew Clark	Seneca, Mo.		M	6- 2-19	Head	1/4
703	698	Fryatt, James Clark	4368 SURTC Midwestern Univ., Wichita Falls, Tex.		M	4- 3-44	Son	1/8
704	699	Fryatt, Laura Lynn	do		F	7- 4-46	Daughter	1/8
705	700	Fryatt, Viola (Clark)	Seneca, Mo.		F	7- 2-98	Head	1/2
706	1493	Fukui, Josefine (Navarro)	5619 El Granero, Sacramento, Calif.		F	7-24-38	Head	1/4
707	701	Gallagher, Inez (Cowen)	1108 "T" St., Sacramento, Calif.	59	F	1893	Head	3/4
708	702	Gallagher, Lola Margaret	Chiloquin, Oreg.		F	6-10-21	Head	3/4
709	703	Gallagher, Darelle Francis	do		M	8-22-42	Son	3/4
710	704	Gallagher, Osborne Lee	do		M	4-26-44	Son	3/4
711	705	Gallagher, Louis G.	do		M	8- 1-48	Son	11/16
712	706	Gallagher, Nadria Linn	do		F	6-28-51	Daughter	1/4
713	707	Gallagher, Arnold Lee	do		M	1-13-50	Son	1/4
714	708	Gallagher, Debra Donita	do		F	2- 8-53	Daughter	1/4
715	709	Gantenbein, Cornelia (Strowbridge)	340 Bradley Ave., San Jose, Calif.		F	12- 1-25	Head	1/4
716	710	Gantenbein, Linda Lee	do		F	5- 6-44	Daughter	1/8
717	711	Gantenbein, Bruce Dee	do		M	3-17-50	Son	1/8
718	712	Garcia, Mildred (George)	730 NE. 155th, Portland, Oreg.		F	1-27-11	Head	7/8
719	714	Garcia, Wallace C.	Lee, Nev.		M	4-16-32	Head	1/2
720	715	Garcia, Rose Marie	do		F	8-18-51	Daughter	1/4
721	716	Garcia, Marvin Leroy	do		M	10-22-52	Son	1/4
722	717	Garcia, Walter Ernest	Fort Campbell, Ky.		M	11-17-35	Head	1/2
723	720	Garrett, Millie (Lenz)	Chiloquin, Oreg.	231	F	1898	Head	1/4
724	721	Garrett, Violet (Rambo)	Prospect, Oreg.		F	10- 7-25	Head	1/8
725	722	Blair, Stephen	do		M	4-12-44	Son	7/16
726	723	Garrett, Sandra Ann	do		F	8-11-46	Daughter	1/16
727	724	Garrett, James L., Jr.	do		M	1- 7-49	Son	1/16
728	725	Garrett, Genell	do		F	1-17-49	Daughter	1/16
729	726	Garcia, Vera (Mitchell)	1094 W. Ramsey #3, Banning, Calif.		F	7- 7-25	Head	5/8
730	727	Mitchell, Michael	do		M	1-20-46	Son	5/16
731	728	Garcia, Marie Elaine	do		F	8-18-47	Daughter	5/16
732	729	Garcia, Rosalie Arvonne	do		F	7-23-48	Daughter	5/16
733	730	Gartin, Frances (Shadley)	2792 Buckshot Hill Rd., Medford, Oreg.		F	6-11-26	Head	1/2
734	731	Gartin, Harold Richard, Jr.	do		M	5- 6-42	Son	1/4
735	732	Gartin, Calvin Theodore	do		M	4-19-44	Son	1/4
736	733	Gartin, Margaret Marie	do		F	7- 5-45	Daughter	1/4
737	734	Gartin, Betty Joan	do		F	7-21-46	Daughter	1/4
738	735	Gartin, Roberta Lynn	do		F	4-28-48	Daughter	3/16
739	736	Gartin, James Gerald	do		M	5-29-49	Son	3/16
740	737	Gentry, Clarence M.	Chiloquin, Oreg.		M	7- 7-14	Head	1/4
741	738	Gentry, Anabel (Charles)	do		F	1-28-17	Wife	7/8
742	740	Charles, Nancy	do		F	2-19-38	Daughter	9/16
743	741	Gentry, Donald LeRoy	do		M	2-18-40	Son	9/16
744	742	Gentry, Clarence, Jr.	do		M	11- 2-41	Son	9/16
745	743	Gentry, David Ray	do		M	4- 2-46	Son	9/16
746	744	Gentry, Ila Ann	do		F	9- 7-49	Daughter	9/16
747	745	George, Delores	Beatty, Oreg.		F	6-26-38	Sister	4/4
748	746	George, Gloria Ann	do		F	5-23-40	Sister	4/4
749	747	George, Clifford	(Died 8-24-57)		M	7-23-21	Head	15/16
750	1828	George, Harriett (Chocktoot)	Beatty, Oreg.		F	9- 5-32	Wife	1/2
751	1829	Smith, Ernestine	do		F	5- 3-50	Stepdaughter	3/4
752	748	George, Sadie (Lobert)	1238 SW. 3d Ave., Portland, Oreg.		F	3-24-33	Head	5/8
753	749	George, Dean	(Died 1-31-56)	1075	M	11-26-06	Head	4/4
754	750	George, Nadine Laura	720 N. 25th, Corvallis, Oreg.		F	7-15-35	Head	4/4
755	751	George, Joel Ray Barkley	Chiloquin, Oreg.		M	11-18-35	Head	3/8
756	752	George, Mattie Weah	Bly, Oreg.	337	F	1875	Head	4/4
757	753	George, Robert	(Died 5-28-56)		M	8-10-12	Head	4/4
758	754	George, Ralph McKinley	(Died 12-11-55)	331	M	1895	Head	4/4
759	756	Gibbons, Lewis Harvey	Chiloquin, Oreg.		M	7- 5-32	Head	3/8
760	426	Gibbons, Juanita (Crain)	do		F	5- 2-39	Wife	3/4
761	758	Gibbons, Jack Ernest	do		M	8-19-38	Head	3/8
762	2090	Gibbons, Margaret Ann (Wright)	do		F	11- 4-39	Wife	5/8
763	759	Gibbs, Carl Webster	Warm Springs, Oreg.	742	M	1878	Head	4/4
764	760	Givan, Melvina (Smith)	Beatty, Oreg.	1595	F	3-31-07	Head	1/8
765	761	Smith, Lorraine Josephine	do		F	5-21-41	Niece	1/16
766	762	Givan, Ida (Francis)	do		F	12- 1-30	Head	1/8
767	763	Givan, Dallas Henry	do		M	11- 5-53	Son	1/16
768	764	Glenn, Lottie (Clarkson)	1423 SE. Powell Blvd., Portland, Oreg.	1472	F	1898	Head	1/2
769	765	Glenn, Albert Winfred	5345 SE. 39th, Portland, Oreg.		M	7-14-37	Head	1/2
770	769	Godowa, Clarence	Beatty, Oreg.		M	9-25-19	Head	4/4
771	770	Godowa, Tabitha (Watah)	do		F	11-10-11	Wife	4/4
772	774	Dickens, Randolph James	do		M	1- 6-54	Stepson	1/2
773	------	Dickens, Delbert Charles	do		M	1-11-50	Stepson	1/2
774	775	Godowa, Frank Morgan	do	1081	M	1892	Head	4/4
775	776	Godowa, LeRoy	do		M	10- 9-30	Head	4/4
776	718	Godowa, Corrine (Garcia)	do		F	5- 2-37	Wife	1/2
777	777	Godowa, James Ethridge	(Died 9-6-55)		M	7-26-16	Head	4/4
778	778	Godowa, James, Jr.	Beatty, Oreg.		M	5-23-34	Head	15/16
779	780	Riddle, Roxanne June	c/o Sankey Merritt, Modoc Point, Oreg.		F	10-31-46	Sister	7/16
780	781	Godowa, Lizzie	(Died 6-11-55)	1082	F	1853	Head	4/4
781	782	Godowa, Joseph, Jr.	Beatty, Oreg.	748	M	1898	Head	4/4
782	784	Granillo, Rose Marie (Fox)	1935 Ivory St., Klamath Falls, Oreg.		F	11-14-37	Head	1/2
783	785	Granillo, Nancy	do		F	3-27-54	Daughter	1/4
784	786	Greenback, Charles Alfonso	Muskogee, Okla.		M	12- 7-20	Head	3/4
785	1042	Gritts, Dorothy (Jackson)	Blue Lake, Calif.		F	2-28-41	Head	1/4
786	787	Hall, Alverna (George)	Macdoel, Calif.		F	9- 6-26	Head	15/16
787	788	Chandler, Dennice Rae	do		F	1-12-47	Daughter	15/32
788	789	Hall, Inez Marie	do		F	6-20-48	Daughter	15/32
789	790	Hall, Therm Marlin	do		M	9-23-49	Son	15/32
790	791	Hall, Adrian Vaughn	do		M	1- 6-51	Son	15/32
791	792	Hall, Elliott Wayne	do		M	5-19-52	Son	15/32

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
792	793	Hall, Marilyn (Mitchell)	Chiloquin, Oreg.		F	8-22-22	Head	5/8
793	794	Mitchell, Valrie Jean	do		F	2-11-46	Daughter	5/16
794	795	Hall, Lorraine Marie	do		F	6- 6-51	Daughter	5/16
795	796	Hall, Louise Lynn	do		F	6- 5-52	Daughter	5/16
796	797	Hall, Lloyd Lee	do		M	6- 5-52	Son	5/16
797	798	Hall, Lawrence Allen	do		M	1-24-54	Son	5/16
798	799	Hamilton, Alice (Allen)	1601 Wilford, Klamath Falls, Oreg.	5	F	1882	Head	1/4
799	800	Hamilton, Bertrand William	2045 Earle, Klamath Falls, Oreg.		M	8-30-17	Head	1/8
800	802	Hamilton, Richard Raymond	do		M	12-17-48	Son	1/16
801	803	Hamilton, Patricia Darlene	do		F	1-27-53	Daughter	1/16
802	804	Hamilton, Clarence Lewis	(Died 12-20-55)		M	7-14-29	Head	1/8
803	805	Hamilton, Lance R.	Creswell, Oreg.		M	6-20-54	Son	1/16
804	806	Hamilton, Gerald William	6724½ Stafford Ave., Huntington Park, Calif.		M	6-13-38	Head	1/16
805	807	Hamilton, Leonard Leroy	320 W. 15th, Chicago Heights., Ill.		M	10-15-19	Head	1/8
806	808	Hamilton, Robert Leonard	do		M	6-10-44	Son	1/16
807	809	Hamilton, Gordon Allen	do		M	9- 6-45	Son	1/16
808	810	Hamilton, Barbara Lynne	do		F	12- 3-46	Daughter	1/16
809	811	Harney, Elsie (Villard)	Owyhee, Nev.		F	10- 1909	Head	4/4
810	812	Harrington, Richard W.	Chiloquin, Oreg.		M	1-19-27	Head	1/2
811	813	Harrington, Ellen Ruff	do		F	7- 2-26	Wife	3/4
812	814	Wright, John, Jr.	do		M	5-15-44	Stepson	11/16
813	815	Ruff, Carl Warren	do		M	10-10-45	Stepson	3/16
814	816	Wright, Diane Lee	do		F	1- 5-48	Stepdaughter	11/16
815	817	Harrington, Richard William, Jr.	do		M	9-24-50	Son	5/8
816	818	Harrington, Sharron Ellen	do		F	10-29-51	Daughter	5/8
817	819	Harrington, Jean Duvall	do		M	4-21-53	Son	7/16
818	820	Harrington, Emma Lou	do		F	6- 1-54	Daughter	7/16
819	821	Harrington, Wilbur	do	1095	M	1903	Head	1/2
820	822	Harris, Lydia Mae (Kirk)	do		F	1- 3-29	Head	3/4
821	823	Kirk, Joseph Stephen	do		M	5-23-44	Son	3/8
822	824	Harris, Leonard Woodrow, Jr.	Clarksdale, Ariz.		M	3- 5-47	Son	3/8
823	825	Kirk, Sheila Ann	Chiloquin, Oreg.		F	8-31-50	Daughter	3/8
824	1336	Kirk, Sharon Lee	3011 Delaware, Klamath Falls, Oreg.		F	3- 1-54	Daughter	7/8
825	826	Harvell, Gertrude (Lynch)	1131 California, Klamath Falls, Oreg.		F	9-14-34	Head	4/4
826	827	Haskins, Buddy	Gen. Delivery, Salem, Oreg.		F	5-11-31	Head	1/4
827	828	Haskins, Mary (Norwest)	do		F	9-14-33	Wife	3/8
828	830	Haskins, Bud John, Jr.	do		M	4- 8-53	Son	5/16
829	831	Haskins, Glen	Chiloquin, Oreg.		M	1- 6-35	Head	1/2
830	833	Haskins, Zelmarine (Lang)	do		F	9- 3-29	Wife	3/4
831	834	Haskins, Robert Duane	Weaverville, Calif.		M	3- 3-33	Head	1/4
832	835	Hatcher, Allen Ray	Chiloquin, Oreg.		M	11-15-30	Head	3/8
833	836	Hatcher, Kathleen Rae	do		F	2-21-51	Daughter	3/16
834	837	Hatcher, Gaylor Lee	do		M	12-20-28	Head	3/8
835	838	Hatcher, Lunetta (Hicks)	do	1098	F	1901	Head	3/4
836	839	Hatcher, Errol Dean	do		M	12-18-35	Head	3/8
837	840	Hatcher, Karen (Miller)	12811 SE. 35th Place, Portland, Oreg.		F	7-30-37	Wife	3/8
838	372	Hatcher, Wayne Edward	Chiloquin, Oreg.		M	4-17-27	Head	3/8
839	841	Hatcher, Barbara (Cookman)	do		F	3- 9-34	Wife	3/4
840	842	Hatcher, Robert Wayne	1213 Center St., Lakeview, Oreg.		M	11-16-52	Son	3/16
841	843	Hatfield, Margaret Jane (Crowder)	P. O. Box 713, Klamath Falls, Oreg.		F	4-24-19	Head	1/8
842	844	Hatfield, James Lee	do		M	7- 8-43	Son	1/16
843	845	Hatfield, Ronald Joseph	Chiloquin, Oreg.		M	4- 9-33	Head	1/8
844	846	Hawk, Nora (Merritt)	Klamath Agency, Oreg.	249	F	1889	Head	4/4
845	847	Hawkins, Nora (McAuliffe)	Seneca, Oreg.		F	9-24-33	Head	1/4
846	849	Haymon, Bertrani	Neosha, Mo.		M	1900	Head	1/2
847	850	Haymon, Marion Claude	(Died 6-14-57)		M	1896	Head	1/2
848	851	Head, Lawrence Raymond	Chiloquin, Oreg.		M	5-14-34	Head	7/16
849	852	Head, Barbara (Gibbons)	do		F	8-21-35	Head	3/8
850	853	Head, Faith Marie	do		F	8-15-53	Daughter	13/32
851	854	Hecocta, Cleve	Beatty, Oreg.		M	1- 1-14	Head	4/4
852	855	Hecocta, Juanita (Williams)	(Died 2-24-55)	1510	F	4-19-07	Wife	4/4
853	856	Hecocta, Calvin Reed	Beatty, Oreg.		M	12- 7-42	Son	4/4
854	857	Hecocta, Samuel	do	751	M	1888	Head	4/4
855	858	Hecocta, Reba (Weiser)	do	1306	F	1888	Wife	4/4
856	859	Hecocta, Ellen (Miller)	(Died 6-21-55)	565	F	1874	Head	4/4
857	101	Hendricks, Fred	274 Whitmore, Oakland, Calif.	946	M	1877	Head	1/2
858	860	Hendron, Pauline	Rt. 1, Box 288, Crawfordsville, Ark.		F	2- 6-33	Head	5/16
859	861	Henry, Lavina (Chocktoot)	Beatty, Oreg.		F	2-13-16	Head	4/4
860	862	Henry, Richard, Jr.	(Military service)		M	1-28-39	Son	4/4
861	863	Henry, LaNew	Beatty, Oreg.		F	7- 5-41	Daughter	4/4
862	864	Henry, Robert Leon	do		M	9-25-43	Son	4/4
863	865	Henthorne, Clarence Thomas	Chiloquin, Oreg.		M	1- 5-37	Head	1/4
864	866	Henthorne, Winnie (Foster)	do		F	8-26-35	Wife	1/2
865	867	Hensley, Elvira (Mitchell)	Encino, Calif.		F	12-23-16	Head	1/4
866	868	Herkshan, Charles R.	Chiloquin, Oreg.		M	7- 3-49	Brother	1/4
867	869	Herkshan, Carmileta Mirmende	do		F	12-18-46	Sister	1/4
868	870	Herkshan, Carol Ann	do		F	6- 1-51	Sister	1/4
869	872	Herkshan, Enos Ivan	do		M	3-29-23	Head	4/4
870	873	Herkshan, Sarah Helen	do		F	10- 8-42	Daughter	9/16
871	871	Herkshan, Enos, Jr.	do		M	9-17-43	Son	9/16
872	874	Herkshan, Marceline (Johnson)	1536 SW. 1st, Portland, Oreg.		F	7- 6-29	Head	7/8
873	875	Herkshan, Tillie (Stokes)	Chiloquin, Oreg.	595	F	1890	Head	4/4
874	876	Herkshan, Hiram	do		M	8-12-11	Head	4/4
875	877	Herkshan, Lawrence Preston	Military service		M	2- 2-40	Son	1/4
876	878	Herkshan, Willford Robert	401 W. 31st, Tucson, Ariz.		M	7-23-43	Son	1/4
877	879	Herkshan, Walter Stephen	do		M	7-11-45	Son	1/4
878	880	Herkshan, James Nelson	do		M	12-19-47	Son	1/4
879	988	Herkshan, Thomas Kirk	do		M	10-27-49	Son	1/4
880	881	Herrera, Roma Lee (Hurtado)	335 Martin, Klamath Falls, Oreg.		F	5- 1-38	Head	5/8
881	882	Hescock, Jessie (Hatcher)	Chiloquin, Oreg.		F	2-14-33	Head	3/8
882	883	Hescock, Keith Allen	do		M	3-17-53	Son	3/16
883	884	Hess, Mona (Skeen)	Sprague River, Oreg.	1254	F	9-13-05	Head	1/2
884	885	Hess, William Douglas	do		M	9- 3-32	Head	1/4
885	886	Hess, Janice L.	do		F	11- 6-49	Daughter	1/8
886	887	Hess, Stephen Douglas	do		M	11-25-50	Son	1/8
887	888	Hess, Barbara Kay	do		F	9- 5-52	Daughter	1/8
888	889	Hicks, Harold W.	Chiloquin, Oreg.		M	1-12-24	Head	1/2
889	890	Hicks, Carmelita (Garcia)	do		F	6- 4-34	Wife	11/16
890	891	Hicks, Cheryl Lynn Hatcher	do		F	10-30-53	Daughter	19/32
891	892	Hicks, Leroy A.	do		M	12-30-27	Head	5/8
892	1244	Hicks, Verna (Knight)	1564 Franklin St., Denver, Colo.		F	5- 6-37	Wife	1/8
893	893	Hicks, Roland	Chiloquin, Oreg.	1100	M	1904	Head	3/4
894	894	Hicks, Roland James, Jr.	do		M	11-20-24	Head	5/8
895	895	Hicks, Hildegard (Gentry)	do		F	2- 8-24	Wife	1/4
896	896	Hicks, Roland J. III	do		M	12-15-42	Son	7/16
897	897	Hicks, Beverly Ann	do		F	11-18-46	Daughter	7/16
898	897	Hicks, Robert Allen	do		M	5- 4-48	Son	7/16

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; malden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
899	898	Hicks, Rufus	Chiloquin, Oreg	1099	M	1905	Head	3/4
900	2052	Hicks, Rufus Leon	do		M	6-16-28	Head	5/8
901	899	Hill, Celia J. (Jefferson)	Sprague River, Oreg		F	1-28-18	Head	1/2
902	901	Decker, Everett Ray	do		M	11- 8-43	Son	1/2
903	902	Decker, Alvin Lee	do		M	10-27-46	Son	1/2
904	903	Conney, Delbert, Jr	do		M	10-25-48	Son	1/2
905	904	Jefferson, Avanna Alene	do		F	9- 2-52	Daughter	9/16
906	905	Hill, Evans Nelson Garcia	Klamath Agency, Oreg		M	11-25-13	Head	1/4
907	906	Hill, Veryl (Barkley)	do		F	6-16-21	Wife	3/8
908	907	Hill, Phillip W	do		M	4-20-39	Son	1/2
909	908	Nelson, Evans Elmer, Jr	do		M	4-29-45	Son	7/16
910	909	Nelson, Allen Keith	do		M	6- 3-52	Son	7/16
911	910	Nelson, Verla Anne	do		F	10- 2-53	Daughter	7/16
912	911	Hill, Gerald Leroy	Chiloquin, Oreg		M	8-29-33	Head	1/4
913	912	Hill, Kathleen	Gen. Del., Roseburg, Oreg		F	6-23-51	Daughter	1/4
914	913	Hill, Gerald Leroy, Jr	do		M	3-22-54	Son	1/4
915	914	Hill, Lawrence	Klamath Agency, Oreg		M	5-18-10	Head	3/4
916	915	Hill, Carmen Lorraine	do		F	6-24-39	Daughter	1/2
917	917	Hill, Alissa Karen	do		F	5-22-42	Daughter	1/2
918	915	Hill, Roy Milton	do		M	6-29-36	Head	1/2
919	918	Hill, Harold Allen	Chiloquin, Oreg		M	4- 9-31	Head	4/4
920	920	Hill, Wilford Dean	Bx. 686, Calif. State Prison, Soledad, Calif		M	11-14-37	Head	4/4
921	921	Brown, Fred James, Jr	c/o Maggie Dumore, Chiloquin, Oreg		M	11-10-43	Brother	1/2
922	919	Hill, Phyllis Mae	Chiloquin, Oreg		F	8-12-36	Head	4/4
923	922	Hill, Loretta M	c/o W. Pankey, Ft. Hall, Idaho		F	6-19-52	Daughter	1/4
924	923	Hillaire, Phyllis (Miller)	Marietta, Wash		F	9- 3-29	Head	13/16
925	924	Hillaire, Valdeen Lynn	do		F	6-14-50	Daughter	13/32
926	925	Hillaire, Richard Raymond, Jr	do		M	11- 5-51	Son	13/32
927	926	Hillaire, Doreen Eve	do		F	11-13-53	Daughter	13/32
928	927	Hixon, Lee Arlott	West Salem, Oreg		M	7-22-19	Head	1/4
929	928	Hixon, Wilbur Gordon	441 Trinity, Klamath Falls, Oreg		M	12-19-20	Head	1/4
930	929	Hobbs, Alice M. (Gentry)	Chiloquin, Oreg		F	4- 1-17	Head	1/4
931	930	Hobbs, Joseph Daniel	do		M	4-12-51	Adopted son	21/32
932	931	Hobbs, Clara Eileen	do		F	10- 2-53	Adopted daughter	15/32
933	932	Hood, Charles, Jr	do		M	8- 2-30	Head	7/8
934	934	Hood, Charles	do	341	M	1897	Head	4/4
935	935	Hood, Thelma (Miller)	do	567	F	1899	Wife	3/4
936	937	Hood, Julian Roland	do		M	12-15-34	Head	7/8
937	939	Hood, Claudia	do	869	F	1882	Head	4/4
938	940	Hood, Fred, Jr	do		M	9-23-35	Head	13/16
939	938	Hood, Hawley Harvi	do		M	12-21-38	Head	7/8
940	1334	Hood, Ethel (Ruff)	do		F	2-23-30	Wife	3/8
941	1335	Hatfield, Colleen Ann	do		F	10-27-53	Stepdaughter	1/4
942	941	Hood, Lloyd L	1225 SW 1st Ave., Portland, Oreg		M	2-28-20	Head	4/4
943	942	Hood, Alice (O'Donovan)	Chiloquin, Oreg		F	2-27-12	Head	1/4
944	943	Hood, Vernie	do		F	4- 1-13	Head	4/4
945	949	Hoover, Leona (Weeks)	3049 Delaware, Klamath Falls, Oreg	1300	F	1900	Head	4/4
946	950	Hoover, Franklin	Chiloquin, Oreg		M	8-22-16	Head	3/4
947	951	Hoover, Leroy Merton	3049 Delaware, Klamath Falls, Oreg		M	3-20-26	Head	3/4
948	952	Hoover, Raymond D	Rialto, Calif		M	3-14-32	Head	3/4
949	953	Hoover, Laura (Jackson)	Chiloquin, Oreg		F	12-10-33	Wife	1/2
950	954	Horton, Addie (Weeks)	(Died 6-30-56)		F	11-30-14	Head	4/4
951	955	Hoppe, Ida (Miller)	2811 SE. 35th Place, Portland, Oreg		F	11-24-22	Head	3/8
952	956	Wright, George Leroy	do		M	7- 5-40	Son	1/2
953	958	Hoppe, Deena Marie	do		F	8-12-53	Daughter	3/16
954	960	Hudson, Elva (Tice)	(Died 5-19-57)		F	4-25-12	Head	3/8
955	961	Hood, Constance Faye	513 Dakota St., Medford, Oreg		F	7-24-41	Daughter	11/16
956	848	Hughes, Marion Corrine (Haymon)	1332 S. Genton, Tulsa, Okla		F	5-20-20	Head	1/4
957	962	Huff, Rose (Hood)	9013 W. Gilbert Ave., Portland, Oreg	1563	F	1889	Head	3/4
958	963	Huff, William Arnold	do		M	1- 5-23	Head	3/8
959	-------	Huitt, Geneve	(Missing)		F	1-16-37	Head	5/8
960	964	Huitt, Robert J	2605 State St., Salem, Oreg		M	10-28-33	Head	1/2
961	965	Huitt, Fred	(Military service)		M	7-16-38	Head	1/2
962	967	Huitt, Walter Charles	Box 252, Klamath Falls, Oreg		M	6- 3-29	Head	5/8
963	968	Huitt, Linda	Cedarville, Calif		F	4-11-49	Daughter	1/4
964	969	Huitt, Ramona Lee	do		F	8- 8-50	Daughter	1/4
965	970	Huitt, Michael	do		M	11-26-51	Son	1/4
966	971	Huitt, Ralph David	Canon City, Colo		M	7-17-30	Head	1/2
967	973	Hull, Jeff	2605 State St., Salem, Oreg		M	12-22-17	Head	1/2
968	1492	Hull, Gerald	1105 Larkin St., San Francisco, Calif		M	1- 8-37	Head	3/4
969	974	Hull, Willard T	Chiloquin, Oreg		M	8-15-22	Head	3/8
970	975	Hull, Edna Mae (Kimball)	Ft. Jones, Calif		F	4-23-36	Head	1/4
971	976	Hunt, Tressie (Brown)	Chiloquin, Oreg		F	5-18-	Head	4/4
972	977	Hunt, Levi Jr	(Died 5-8-56)		M	5-14-35	Son	1/2
973	978	Hunt, Vincent Jessper	Chiloquin, Oreg		M	5-20-39	Son	1/2
974	979	Hunt, Christine Sandra	do		F	5-27-51	Daughter	1/2
975	-------	Hunt, Ernest Rubbert	do		M	2-17-46	Son	1/2
976	-------	Hunt, Reginald Arnold	do		M	5- 6-47	Son	1/2
977	-------	Hunt, Patricia Ann	do		F	5- 6-49	Daughter	1/2
978	982	Hunter, Inez (Weeks)	348 5th Ave., San Francisco, Calif	944	F	1897	Head	4/4
979	983	Huntsinger, Margaret (Dillstrom)	Box 713, Klamath Falls, Oreg		F	3- 9-32	Head	1/16
980	984	Hurtado, Catherine (Stokes)	(Died 10-15-55)	1273	F	6-11-07	Head	4/4
981	987	Hurtado, Rubina (Scott)	Beatty, Oreg		F	9- 2-16	Head	3/4
982	989	Hurtado, Ned Lewis	do		M	12-11-40	Son	5/8
983	990	Hurtado, Nedyne Louise	do		F	8-28-44	Daughter	5/8
984	991	Hurtado, Fedyne Kay	do		F	8-28-44	Daughter	5/8
985	992	Hurtado, Frankie Kay	do		M	8-1 -46	Son	5/8
986	993	Hurtado, Ruby Louise	do		F	8-8 -49	Daughter	5/8
987	994	Hurtado, Rodney Lynn	do		M	1-3 -53	Son	5/8
988	995	Hutchinson, John	do	766	M	1885	Head	4/4
989	996	Hutchinson, Ora (George)	do	338	F	1897	Wife	4/4
990	997	Hutchinson, Francis Alvin	do		M	1-11-23	Head	4/4
991	998	Hutchinson, Louis Wallace	do		M	3-17-28	Head	4/4
992	999	Hutchinson, Calvin Milton	do		M	9-27-31	Head	4/4
993	1000	Hutchinson, Rudolph	do		M	10- 2-33	Head	4/4
994	1001	Hutchinson, Velma Eleanor	do		F	5- 9-37	Head	4/4
995	1002	Hutchinson, John Bob	(Died 12-9-55)		M	6-24-26	Head	4/4
996	1003	Hutchinson, Madeline (Riddle)	Bly, Oreg		F	8-11-26	Wife	7/8
997	1004	Jackson, Bonna Faye	do		F	11-19-44	Stepdaughter	15/16
998	1005	Hutchinson, Robert Leon	do		M	5-14-48	Son	15/16
999	1006	Hutchinson, Donna Lynn	do		F	12-11-50	Daughter	15/16
1000	1007	Hutchinson, Gary Duane	do		M	8- 3-53	Son	15/16
1001	1008	Hutchinson, Lee Andrew	Beatty, Oreg		M	4- 5-24	Head	4/4
1002	1009	Hutchinson, Arlene Riddle	do		F	7- 7-18	Wife	7/8
1003	1010	Dickens, Bernadine June	do		F	9-11-41	Stepdaughter	7/16
1004	1011	Jackson, Charlene Maize	do		F	5-28-43	Stepdaughter	15/16
1005	1012	Hutchinson, Vera Lee	do		F	10- 2-46	Daughter	15/16

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; malden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1006	1013	Hutchinson, Joyce Arline	Beatty, Oreg		F	2-11-48	Daughter	15/16
1007	1014	Hutchinson, Arlin Calvin	do		M	12-25-51	Son	15/16
1008	1015	Hutchinson, Lester Cleveland	Chiloquin, Oreg	770	M	1894	Head	4/4
1009	1016	Ide, John Harrison	17101 SE. Powell Blvd., Portland, Oreg		M	11-30-32	Head	1/8
1010	1017	Ide, Donald Ray	do		M	5- 8-35	Head	1/8
1011	1018	Ince, Josephine (Tupper)	Chiloquin, Oreg		F	7-27-16	Head	7/8
1012	1019	Isaacs, Alfred	do		M	9-25-17	Head	4/4
1013	1020	Isaacs, Marvin	do		M	10-10-19	Head	4/4
1014	1021	Jack, Delora (Mitchell)	do		F	9-29-23	Head	5/8
1015	1022	Jack, Cheryl Marie	do		F	8-20-45	Daughter	5/16
1016	1023	Jack, Reda Grace	do		F	8- 4-46	Daughter	5/16
1017	1024	Cole, Geraldine Marie	do		F	3-28-40	Cousin	5/8
1018	1025	Jackson, Alvin	(Died 5-3-55)	1593	M	2-16-09	Head	4/4
1019	1032	Jackson, Cordelia (George)	Bly, Oreg	1076	F	1904	Head	4/4
1020	1033	Jackson, Alvin James	(Military service)		M	4-20-38	Son	4/4
1021	1034	Jackson, Alberta Faye	624 SE. 14th, Portland, Oreg		F	4-15-40	Daughter	4/4
1022	1035	Jackson, Ilene Marie	1642 SW. Garden Home Rd., Portland, Oreg		F	4-22-42	Daughter	4/4
1023	1036	Jackson, Richard Allen	do		M	6-21-46	Son	4/4
1024	1037	Jackson, Marilyn May	2921 SE. Morrison, Portland, Oreg		F	5- 6-44	Daughter	4/4
1025	1038	Jackson, Athos	Chiloquin, Oreg	1598	M	3-12-10	Head	1/2
1026	1041	Jackson, Athos Gail	(Military service)		M	12- 2-38	Son	11/16
1027	1043	Jackson, Irene Louise	Blue Lake, Calif		F	1-17-42	Daughter	1/4
1028	1044	Jackson, Brian Lee	Chiloquin, Oreg		M	12-29-42	Son	1/4
1029	1045	Jackson, Stanley Harlan	do		M	10-28-44	Son	1/4
1030	1046	Jackson, Walter Harley	do		M	10-28-45	Son	1/4
1031	1047	Jackson, Judith Claudia	do		F	10-15-49	Daughter	1/4
1032	1048	Jackson, Gary Alan	do		M	10-22-50	Son	1/4
1033	1049	Jackson, Ricky Warren	Blue Lake, Calif		M	4-16-52	Son	1/4
1034	1050	Jackson, Kathryn April	do		F	4-26-53	Daughter	1/4
1035	1040	Jackson, Aramis Gray	2134 Pershing, Klamath Falls, Oreg		M	9-24-33	Head	11/16
1036	124	Jackson, Charlotte (Barney)	do		F	10-13-36	Wife	7/8
1037	1051	Jackson, Boyd J	Klamath Agency, Oreg	795	M	1888	Head	4/4
1038	1676	Jackson, Delphine	do		F	3-12-38	Adopted daughter	7/8
1039	1052	Jackson, Boyd J., Jr	2250 White St., Klamath Falls, Oreg		M	1- 5-19	Head	3/4
1040	779	Jackson, Regina (Godowa)	do		F	4-11-37	Wife	15/16
1041	1053	Jackson, Boyd J., III	Chiloquin, Oreg		M	1- 4-39	Son	13/16
1042	1054	Jackson, Dennis Ray	Matheson, Calif		M	11- 1-52	Son	1/4
1043	1055	Jackson, Isaac Backarlab	do		M	9- 4-53	Son	1/4
1044	1056	Jackson, Carol Fleming	Chiloquin, Oreg		M	9-29-29	Head	1/2
1045	1057	Jackson, Loyette (Moppen)	do		F	7-19-30	Wife	7/16
1046	1058	Jackson, Merris Lavonne	do		F	11- 1-53	Daughter	15/32
1047	1059	Jackson, Edna Captain	(Died 5-4-56)		F	6-20-11	Head	4/4
1048	1060	Jackson, Julia Phyllis	Chiloquin, Oreg		F	2- 7-38	Daughter	4/4
1049	1061	Jackson, Harley	do		M	9- 8-10	Head	4/4
1050	1026	Jackson, Eda (Chocktoot)	do		F	2-17-22	Wife	4/4
1051	1027	Chocktoot, Robert	do		M	12-16-43	Stepson	3/4
1052	1028	Smith, Linda Lou	do		F	11-22-46	Stepdaughter	4/4
1053	1029	Smith, Lida Mae	do		F	9-18-48	Stepdaughter	4/4
1054	1030	Smith, Judy Yvonne	do		F	3-18-50	Stepdaughter	4/4
1055	1031	Smith, Ida Mae	do		F	7-12-51	Stepdaughter	4/4
1056	1062	Jackson, Harry	(Died 6-13-57)	521	M	7-10-80	Head	4/4
1057	1063	Jackson, Amy (John)	Chiloquin, Oreg	187	F	11- -87	Wife	4/4
1058	1099	Jackson, Norman Harry	do		M	2- 1-43	Grandson	4/4
1059	1064	Jackson, Ivey Beecher	Sprague River, Oreg		M	11-17-24	Head	15/16
1060	1065	Jackson, Yvonne (Lugo)	Rt. 3, Box 613, Klamath Falls, Oreg		F	10-30-36	Wife	1/2
1061	1066	Lugo, Carmen Jean	do		F	2- 4-53	Stepdaughter	1/4
1062	1067	Lugo, Roger Herbert	do		M	4-16-54	Son	23/32
1063	1068	Jackson, John, Jr	Chiloquin, Oreg		M	4- 2-23	Head	4/4
1064	1069	Jackson, Carrie Mae	Klamath Agency, Oreg		F	12-13-50	Daughter	1/2
1065	1070	Jackson, Paul Thomas	do		M	3-26-52	Son	1/2
1066	1071	Jackson, Jonathan Adolph	do		M	6-10-25	Head	3/4
1067	1072	Jackson, Loraine (Bazan)	do		F	8- 3-34	Wife	1/2
1068	1073	Jackson, Melford Harlan	do		M	7-21-51	Son	1/2
1069	1074	Jackson, Janice Lee	do		F	7- 8-52	Daughter	1/2
1070	1075	Jackson, Veneta Anne	do		F	6- 7-53	Daughter	1/2
1071	1076	Jackson, Carl Stephen	30 Middle Pt. Rd., San Francisco, Calif		M	9-29-29	Head	1/2
1072	1077	Jackson, Eloise (Moppen)	do		F	2-10-34	Wife	7/16
1073	1078	Jackson, Gloria Lynn	do		F	12-30-53	Daughter	15/32
1074	1079	Jackson, Joseph, Jr	Clearwater, Wash		M	8-23-22	Head	7/8
1075	933	Jackson, Mary A	Chiloquin, Oreg		F	3-11-33	Head	15/16
1076	1080	Jackson, Norman (Weeks)	do	1303	F	1904	Head	4/4
1077	1081	Jackson, Leon Isaacs	(Died 3-26-55)		M	10- 5-35	Son	4/4
1078	1082	Jackson, Nancy Lee	(Died 10-28-56)		F	7-20-40	Daughter	4/4
1079	1083	Jackson, Victoria	Chiloquin, Oreg		F	12-10-43	Daughter	7/8
1080	1084	Jackson, Patrick J	(Died 1-1-56)	522	M	1886	Head	4/4
1081	1085	Jackson, Fanny A. (Captain)	Chiloquin, Oreg	547	F	10- 7-91	Head	4/4
1082	1086	Jackson, Patricia Pauline	do		F	2- 4-29	Head	4/4
1083	1087	Jackson, Thurmen Joseph	do		F	6-23-48	Son	1/2
1084	1088	Jackson, Larson Lee	Beatty, Oreg		M	5-19-23	Head	4/4
1085	1089	Jackson, Lorna N. (Riddle)	do		F	7- 1-29	Wife	3/4
1086	1090	Jackson, Rose Mary	do		F	11-17-50	Daughter	7/8
1087	1091	Jackson, Christman	do		M	12- 8-51	Son	7/8
1088	1092	Jackson, Gilbert Lee	do		M	1-24-53	Son	7/8
1089	1093	Jackson, LaNell Lee	do		F	12-20-53	Daughter	7/8
1090	1094	Jackson, Lawrence Dale	do		M	3- 2-25	Head	4/4
1091	1097	Jackson, Leroy	Chiloquin, Oreg		M	8-22-35	Head	4/4
1092	1427	Jackson, Catherine (Wright)	do		F	4-17-31	Wife	5/8
1093	1428	Miller, Barbara Carol	do		F	1-19-48	Stepdaughter	23/32
1094	1429	Miller, Janice Elaine	do		F	5-31-49	Stepdaughter	23/32
1095	1430	Miller, Romaine Dolan	do		M	5-10-51	Stepson	23/32
1096	1431	Miller, Darcy Ann	do		F	2-13-53	Stepdaughter	23/32
1097	1227	Jackson, Phillip Duane	do		M	12-27-35	Head	15/16
1098	1228	Jackson, Jerald	Bonanza, Oreg		M	8-18-38	Brother	23/32
1099	1095	Jackson, Victor Henry	Beatty, Oreg		M	2-12-29	Head	4/4
1100	1096	Jackson, Raymond Mathew	do		M	1- 5-31	Head	4/4
1101	1098	Jackson, Caledonia Pearl	Chiloquin, Oreg		F	9- 4-37	Head	4/4
1102	1100	Jackson, Phyllis (Barkley)	3002 Corvallis St., Klamath Falls, Oreg		F	6-23-23	Head	5/8
1103	1101	Jackson, Gloria Jeanne	do		F	1-12-49	Daughter	5/16
1104	1102	Jackson, Lestley, Jr	do		M	7-22-50	Son	5/16
1105	1103	Jackson, Donald Thomas	do		M	12-11-53	Son	5/16
1106	1104	Jackson, Richard Marlan	Rt. 1, Box 208, Arcata, Calif		M	6-23-37	Head	3/8
1107	1105	Jackson, Robert Ernest	Chiloquin, Oreg		M	4- 1-33	Head	4/4
1108	2069	Jackson, Elaine Annette (Jackson)	do		F	8- 2-39	Wife	3/4
1109	1107	Jackson, Nettie (Shadley)	do		F	12-17-37	Head	3/8
1110	1109	Jackson, Roland Charles	Beatty, Oreg		M	2-23-27	Head	4/4
1111	1110	Jackson, Frances (Garcia)	do		F	8-26-33	Wife	1/2
1112	1112	Jackson, Shirley Rose	Klamath Agency, Oreg		F	7-20-41	Daughter	3/4

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1113	1113	Jackson, Virgil Durand	Bonanza, Oreg.		M	4- 2-26	Head	15/16
1114	1114	Jackson, Jessie (Shadley)	do		F	7-12-29	Wife	3/8
1115	1379	Jackson, Feroi Jean	3002 Corvallis St., Klamath Falls, Oreg.		F	12-11-47	Daughter	15/32
1116	1115	Jackson, Holli Vern	4410 W. Weldon, Glendale, Ariz.		M	10-21-52	Son	15/32
1117	1116	Jackson, Ivan Ivey	Bonanza, Oreg.		M	2-14-48	Stepson	21/32
1118	1117	Jackson, Ava June	do		F	6-10-49	Stepdaughter	21/32
1119	1118	Jackson, William Ken	do		M	12-25-52	Stepson	21/32
1120	1119	Jackson, Virgil Durand, Jr.	do		M	3- 7-54	Son	21/32
1121	1120	James, Clyde L.	Taos, N. Mex.		M	3- 9-00	Head	1/2
1122	1121	James, Patricia Darlene	do		F	5-15-39	Daughter	1/4
1123	1122	James, Clyde S.	do		M	12-28-40	Son	1/4
1124	1123	James, Viola Darnell	do		F	8-23-42	Daughter	1/4
1125	1124	Jefferson, Eda (Chester)	Toppenish, Wash.		F	4-25-26	Head	4/4
1126	1125	Thompson, Lorraine Joyce	do		F	11- 6-47	Daughter	3/4
1127	1126	Thompson, Donna Leah	do		F	3-12-49	Daughter	3/4
1128	1127	Thompson, Maria Elaine	do		F	10-28-50	Daughter	3/4
1129	1128	Thompson, Marvin, Jr.	do		M	4-12-52	Son	3/4
1130	1129	Jefferson, Lyman Chester	do		M	1- 3-54	Son	1/2
1131	1130	Jefferson, Florence (Rossi)	2322 I St., Bellingham, Wash.		F	3-22-31	Head	1/4
1132	1131	Jefferson, Teresa Marie	do		F	4-10-54	Daughter	1/8
1133	1132	Jepson, Earl Rambo	193 NE. Lombardy Dr., Roseburg, Oreg.		M	11-28-18	Head	1/8
1134	1133	Rambo, Richard Brian	do		M	11-23-48	Son	1/16
1135	1134	Rambo, Douglas Earl	do		M	8-22-50	Son	1/16
1136	1135	Rambo, Michael Lynn	do		M	10-29-53	Son	1/16
1137	1138	Jimenez, Modesto	300-A Liberty St., Ashland, Oreg.		M	3- 8-37	Head	1/2
1138	1136	Jimenez, Ima (Lotches)	3011 Delaware, Klamath Falls, Oreg.		F	8- 6-11	Head	4/4
1139	1139	Jimenez, Madeline Antonia	do		F	8-29-41	Daughter	1/2
1140	1140	Jimenez, Linda Eleda	do		F	8-29-45	Daughter	1/2
1141	1141	Jimenez, Allen T.	do		M	11-19-47	Son	1/2
1142	1137	Jimenez, Ramon	Chiloquin, Oreg.		M	7-25-34	Head	1/2
1143	1810	Jimenez, Peggy (Henthorne)	do		F	5-25-38	Wife	1/4
1144	1142	Jimenez, Morris	1084 Orchard Home Dr., Medford, Oreg.		M	3- 9-33	Head	1/2
1145	1143	Jimenez, Dawn Lynette	do		F	9- 5-53	Daughter	1/4
1146	1144	Joe, Bernice (Foster)	Beatty, Oreg.		F	3-30-27	Head	4/4
1147	1145	Joe, Woody A., Jr.	do		M	4-19-49	Son	1/2
1148	1146	Joe, Eugene	do		M	11-10-51	Son	1/2
1149	1147	Joe, Dorcas (Miller)	Chiloquin, Oreg.		F	5-30-21	Head	4/4
1150	1148	Joe, Georgina Rosalie	do		F	9-11-46	Daughter	1/2
1151	1149	Joe, Ruth Elizabeth	do		F	3-11-48	Daughter	1/2
1152	1151	Joe, Vernon Lee	do		M	9-16-36	Head	2/16
1153	385	Joe, Birdie M. (Tupper)	do		F	8-28-30	Wife	15/16
1154	1152	Joe, Georgiana	do		F	10-17-37	Head	3/16
1155	1154	John, Beatty	Beatty, Oreg.	1,147	M	12-16-06	Head	4/4
1156	1155	John, Frank	Nixon, Nev.	1,152	M	1891	Head	4/4
1157	1156	John, Rollin	do		M	2- 6-26	Head	4/4
1158	1157	John, Nevel	do		M	2-23-34	Head	4/4
1159	1158	John, Kate (Villard)	Beatty, Oreg.	459	F	1873	Head	4/4
1160	1159	John Richard Leroy	Gresham, Oreg.		M	7-30-26	Head	4/4
1161	1160	John, Karen Karlene	911 N. 8th, Klamath Falls, Oreg.		F	1-28-49	Daughter	1/2
1162	1161	John, Gloria Jean	do		F	1-22-51	Daughter	1/2
1163	1162	John, Richard Allen	do		M	5-11-52	Son	1/2
1164	------	John, Robert Terry	do		M	6-22-54	Son	1/2
1165	1163	Johns, Virginia (Pete)	81 DiMaggio, Pittsburg, Calif.		F	6-13-18	Head	3/4
1166	1164	Pete, Carol Ann	do		F	4-25-38	Daughter	5/8
1167	1165	Pete, Norman Virgil	do		F	4- 4-41	Son	13/32
1168	1166	Johns, Dorothy Marilyn	do		F	6- 7-43	Daughter	3/8
1169	1167	Johns, Benjamin Daryl	do		M	5-18-46	Son	3/8
1170	1168	Johns, Ronald F.	do		M	7-26-47	Son	3/8
1171	1169	Johns, Gerald Allan	do		M	9- 2-50	Son	3/8
1172	1170	Johnson, Adlai	Chiloquin, Oreg.	203	M	1887	Head	4/4
1173	1484	Johnson, Arabella (Duvall)	do	1056	F	1900	Wife	3/4
1174	1485	Moses, Lawrence Walter	do		M	7- 7-38	Stepson	7/8
1175	1171	Johnson, Buford	Tacoma Med. Center, Tacoma, Wash.	1583	M	11- 4-09	Head	3/4
1176	1172	Johnson, Helen (Clinton)	(Died 5-6-56)		F	4- 9-32	Head	3/4
1177	1173	Johnson, Harriet Marie	c/o Amy Jackson, Chiloquin, Oreg.		F	6-25-51	Daughter	3/8
1178	1174	Johnson, James	(Died 2-15-55)	204	M	1876	Head	4/4
1179	1175	Johnson, Margaret M. (David)	Chiloquin, Oreg.	317	F	1895	Wife	4/4
1180	1176	Johnson, Joseph, Jr.	Gardnerville, Nev.		M	10-10-41	Brother	3/4
1181	1177	Johnson, Maxine Louise	do		F	4-22-40	Sister	3/4
1182	1178	Johnson, Robert Leroy	do		M	6-23-43	Brother	3/4
1183	1179	Johnson, Seda (Cowan)	1624 SW. 1st, Portland, Oreg.		F	3-10-13	Head	3/4
1184	1181	James, Michael Clay	do		M	11-27-43	Son	3/8
1185	1182	Fivekiller, Lonny Patrick	do		M	4-30-47	Son	3/8
1186	1183	Jones, Blanche (Wilson)	Chiloquin, Oreg.	628	F	1895	Head	4/4
1187	1184	Jones, Jack Howard	(Died 8-31-55)		M	9-10-29	Head	1/2
1188	1185	Jones, Ronald Jamie	1800 Sunset Ave., Concord, Calif.		M	2-23-52	Son	1/4
1189	1186	Jordon, Louverna (George)	484 NW. Sweetbriar, Roseburg, Oreg.		F	7-17-25	Head	15/16
1190	1187	Jordon, Vernon Dean	do		M	6-20-47	Son	15/32
1191	1188	Jordon, Faydeena	do		F	12-31-49	Daughter	15/32
1192	1189	Jourdan, Ormie (Beal)	Chiloquin, Oreg.	42	F	1888	Head	3/4
1193	1190	Karr, Rosetta (Crawford)	2241 Wantland Ave., Klamath Falls, Oreg.	1590	F	2-25-06	Head	1/2
1194	1191	Keane, John Joseph	892 N. 21st, Springfield, Oreg.		M	5-18-28	Head	1/8
1195	1192	Keane, Lyda (Coburn)	do	1482	F	1-20-04	Head	1/4
1196	1193	Keane, Maurice Eugene	2212 Laurel St., Klamath Falls, Oreg.		M	1-29-35	Head	1/8
1197	1751	Kendrick, Rodney Roger	514 S. Townsend, Santa Ana, Calif.		M	11-13-46	Adopted son	1/4
1198	1194	Kerrigan, Rose (Miller)	(Died 11-30-54)	568	F	1880	Head	3/4
1199	1195	Kidwell, Ziphy (Walker)	Seneca, Mo.		F	11-24-09	Head	3/8
1200	1197	Kimball, Charles E.	Chiloquin, Oreg.		M	5- 6-34	Head	1/4
1201	1198	Kimball, Harlene (Crume)	do		F	12-27-34	Wife	1/2
1202	1199	Crume, Harley H.	do		M	5-13-52	Stepson	1/4
1203	1200	Kimball, Delbert Lee	do		M	6-29-53	Son	7/16
1204	1201	Kimball, Vivian Norene	do		F	6-18-54	Daughter	7/16
1205	1718	Kimball, Preston Howard	Walla Walla, Wash.		M	12- 8-30	Head	1/4
1206	1202	Kirk, Abner	(Died 12-12-56)	1167	M	6-21-05	Head	4/4
1207	1203	Kirk, Dolly (Blair)	Chiloquin, Oreg.	973	F	3- 7-08	Wife	3/4
1208	1204	Kirk, Francis	do	1488	M	5-11-00	Head	3/4
1209	1205	Kirk, Barbara Joyce	do		F	3-26-39	Daughter	1/2
1210	1206	Kirk, Donald Francis	do		M	11-19-29	Head	1/2
1211	1207	Kirk, Robert Wayne	do		M	3-31-34	Head	1/2
1212	1208	Kirk, Ruth Faye	do		F	8-14-36	Head	1/2
1213	1209	Kirk, Roberta Lee	do		F	3-30-52	Daughter	1/4
1214	1210	Kirk, Friedman	do		M	10- 2-11	Head	3/4
1215	1211	Kirk, Frieda	do		F	2-15-36	Daughter	11/16
1216	1212	Kirk, Orin Gordon	do		M	9-27-41	Son	11/16

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1217	1213	Kirk, Jesse Lee	Beatty, Oreg.	1160	M	8-28-94	Head	3/4
1218	1214	Kirk, Olivia (Robinson)	do		F	12-24-12	Wife	3/4
1219	1215	Kirk, John Edward	do		M	3-13-45	Son	7/8
1220	1216	Kirk, Gloria Jean	do		F	1- 5-47	Daughter	7/8
1221	1218	Nelson, Erin Lee	do		M	1-13-47	Stepson	7/8
1222	1220	Kirk, Leslie Norman	do		M	4-22-52	Son	3/4
1223	1221	Kirk, Jesse Lee, Jr.	do		M	10-17-27	Head	3/4
1224	1222	Kirk, Lauretta (Skeen)	Chiloquin, Oreg.	1257	F	2-19-05	Head	3/4
1225	1223	Kirk, Letitia Josephine	Clackamus County Welfare Dept.		F	7-26-41	Granddaughter	5/8
1226	1224	Kirk, Lizzie (Knight)	Chiloquin, Oreg.	268	F	1879	Head	1/2
1227	1225	Kirk, Luther Joseph	2605 State St., Salem, Oreg.		M	4-23-11	Head	5/8
1228	1230	Kirk, Rebecca (Orr)	Chiloquin, Oreg.	1224	F	7-29-09	Head	1/4
1229	1231	Kirk, Seldon	Klamath Agency, Oreg.	554	M	4- 6-84	Head	3/4
1230	1232	Kirk, Lelia Constance	do		F	10- 1-18	Head	3/4
1231	1233	Kirk, Raymond Lyle	do		F	12- 2-53	Son	3/8
1232	1234	Kirk, Stephen Henry	Beatty, Oreg.		M	11-12-30	Head	3/4
1233	1235	Kirk, Geraldine (Nelson)	do		F	6-24-30	Wife	7/8
1234	1236	Kirk, Stephen Jesse	do		M	10-22-51	Son	13/16
1235	1237	Kirk, William Henry	(Died 4-18-56)	1447	M	1897	Head	3/4
1236	1238	Kirk, Eleanor (Blair)	Chiloquin, Oreg.		F	5-15-10	Wife	3/4
1237	1239	Kirk, William, Jr.	do		M	9- 8-28	Head	3/4
1238	1240	Kirk, Richard Winfield	do		M	11- 5-30	Head	3/4
1239	1241	Kirk, Leroy Jean	do		M	6-28-32	Head	3/4
1240	1242	Knight, Louis Theodore	Box 601, Klamath Falls, Oreg.		M	5-14-22	Head	1/2
1241	1243	Knight, Charles Blair, Jr.	Chiloquin, Oreg.		M	5-13-32	Head	1/8
1242	1245	Knight, Judith Ann	do		F	10- 5-43	Sister	1/8
1243	1246	Knight, Hugh	do	1171	M	1903	Head	1/4
1244	1247	Knoke, Alma (Marritt)	do		F	8-29-24	Head	4/4
1245	1248	Lobert, Stanley Elmo	do		M	6-19-49	Son	7/8
1246	1249	Knoke, Donald Webster	do		M	12-26-53	Son	1/2
1247	1253	Lalo, Leon	do		M	7- 4-14	Head	4/4
1248	1254	Lalo, Rowley	(Died 8-17-56)	1173	M	4- 9-07	Head	4/4
1249	1255	Lalo, Grace (Brown)	Chiloquin, Oreg.		F	1911	Wife	4/4
1250	1256	Lalo, Rowley Charles, Jr.	do		M	8-24-36	Son	4/4
1251	1257	Lalo, Gerald Ray	do		M	6- 8-39	Son	4/4
1252	1258	Lang, Delford	do	579	M	1897	Head	1/2
1253	832	Lang, Elizabeth Marie	do		F	1-26-53	Adopted dsughter	3/8
1254	1259	Lang, Ellsworth	do		M	5-24-15	Head	1/2
1255	1260	Lang, Inez (Hull)	do		F	7-29-20	Wife	1/2
1256	1261	Lang, Ellsworth Gary	do		M	12-21-40	Son	1/2
1257	1262	Lang, Stephen Lawrence	do		M	2- 1-42	Son	1/2
1258	1263	Lang, Thomas Harry	do		M	5-16-43	Son	1/2
1259	1264	Lang, Alan Duane	do		M	9-13-47	Son	1/2
1260	1265	Lang, Rose Marie	do		F	12-14-23	Head	1/2
1261	1266	Jackson, Jane Marie	do		F	11-20-43	Daughter	5/8
1262	1267	Jackson, Carolin Theo	do		F	5- 9-45	Daughter	5/8
1263	1268	Jackson, Jonathan Darrell	do		M	11-15-46	Son	5/8
1264	1269	Jackson, Alene Cheryl	do		F	2- 3-48	Daughter	5/8
1265	1270	Jackson, Vydell	do		F	8- 5-49	Daughter	5/8
1266	1271	Ladd, Thomasine (Smith)	Hornbrook, Calif.		F	11-30-22	Head	4/4
1267	1272	Lang, Thomas	Chiloquin, Oreg.	577	M	1871	Head	1/2
1268	1273	Lang, Lulu (Phillips)	do	578	F	1879	Wife	1/2
1269	1274	Lara, Gertie (Duvall)	(Died 8-8-55)	130	F	1896	Head	3/4
1270	2	LaPlante, Willene (Dumore)	1874½ Titus, San Diego, Calif.		F	9-3- 37	Head	5/16
1271	1275	Lassiter, Margaret (Haymon)	1520 Chapman Ave., Orange, Tex.		F	12-22-22	Head	1/4
1272	1276	Lassiter, Susan Melissa	do		F	5-30-43	Daughter	1/8
1273	1277	Lassiter, James Eric	do		M	4-10-49	Son	1/8
1274	1278	Lawyor, Lela M.	Sprague River, Oreg.	1530	F	1898	Head	1/2
1275	1279	Lawyor, Luscombe	do	1575	M	1904	Head	1/2
1276	1280	Lawyor, Lucille	do	1576	F	1909	Head	1/2
1277	1281	Lawyor, Mary Magdalene	do		F	11-27-13	Head	1/2
1278	1282	Lawyor, Orville Benjamin	14651 E. 14th, San Leandro, Calif.		M	7-20-16	Head	1/2
1279	518	Lawyor, Roselda (Jackson)	do		F	1-15-19	Wife	4/4
1280	1285	Lawyor, Albert Allen	Sprague River, Oreg.		M	12-27-42	Son	11/16
1281	1283	Lawyor, Orville Benjamin, Jr.	14651 E. 14th, San Leandro, Calif.		M	6- 6-36	Head	11/16
1282	1284	Lawyor, Edwin Wallace	do		M	10- 3-37	Head	11/16
1283	1286	Lawyor, (Shelby) Sylvas	Sprague River, Oreg.	1582	M	1899	Head	1/2
1284	1287	Lawyor, Jane (Schonchin)	do	856	F	8-10-06	Wife	4/4
1285	1288	Lee, Laverne (Chipps)	do		F	5- 1-28	Head	4/4
1286	1289	Walker, Gary Lee	Beatty, Oreg.		M	11-25-47	Son	9/16
1287	1290	Barlow, Loring Tyler	Sprague River, Oreg.		M	9-28-46	Son	1/2
1288	1291	Lenz, Annie	Chiloquin, Oreg.	1178	F	1869	Head	1/2
1289	1292	Lenz, Carl Lewis	do	1405	M	1894	Head	1/4
1290	1293	Lenz, Barbara Jane	Rt. 2, Box 5824, Reading, Calif.		F	7-16-24	Head	1/8
1291	620	Lewis, Merle Godowa	2532 Shasta Way, Klamath Falls, Oreg.		M	9-19-50	Adopted son	3/4
1292	1294	Lewis, Mollie (Corbell)	Chiloquin, Oreg.	1431	F	1884	Head	1/4
1293	1105	Lipscomb, Sonya (Bailey)	Rt. 1, Box 223, Arcata, Calif.		F	12-18-38	Head	1/2
1294	1295	Lobert, Billett	Chiloquin, Oreg.	1181	M	1885	Head	4/4
1295	1296	Lobert, Flora (Hill)	(Died 4-7-55)	150	F	1895	Wife	3/4
1296	1297	Lobert, Lance Gardley	Chiloquin, Oreg.		M	1-25-33	Head	7/8
1297	1298	Lobert, Carl Stewart	(Died 4-25-57)		M	3-17-21	Head	7/8
1298	1299	Lobert, LaVonne Marie	Chiloquin, Oreg.		F	9-18-50	Daughter	7/16
1299	1300	Lobert, Shelley Ann	do		F	1-20-52	Daughter	7/16
1300	1301	Lobert, Eddie	(Died 4-9-55)	1403	M	1888	Head	4/4
1301	1302	Lobert, Herman	Weed, Calif.	1180	M	1899	Head	4/4
1302	1303	Long, Robert	Chiloquin, Oreg.		M	1888	Head	3/4
1303	1304	Lopez, Elva (Henry)	Beatty, Oreg.	1092	F	1899	Head	4/4
1304	1305	Lopez, Glen Sileo	do		M	5-15-31	Head	1/2
1305	1306	Lotches, Chauncey Miller	Chiloquin, Oreg.		M	3-11-27	Head	15/16
1306	1307	Lotches, Dally Dean	do		M	7-11-28	Head	15/16
1307	1308	Lotches, Lloyd	do		M	10-26-15	Head	3/4
1308	237	Lotches, Gladys (Charles)	do		F	4- 8-20	Wife	7/8
1309	1309	Lotches, Martin	do	230	M	1893	Head	4/4
1310	1310	Lotches, Clarice (George)	do	1079	F	9-25-06	Wife	7/8
1311	1313	Lotches, Susan Marie	do		F	3- 1-50	Daughter	15/16
1312	1311	Lotches, Dorothy Maxine	do		F	3-11-36	Head	15/16
1313	1312	Lotches, Mary Ada	do		F	12- 5-37	Head	15/16
1314	1314	Lotches, Milton Ernest	do		M	4- 4-26	Head	3/4
1315	1315	Lotches, Betty (Hicks)	do		F	11- 4-31	Wife	5/8
1316	1316	Lotches, Ernest Noland	do		M	8- 2-54	Son	11/16
1317	1317	Loureiro, Ruby (Butler)	3487 16th, San Francisco, Calif.		F	11-16-15	Head	4/4
1318	1319	Buckskin, Robert	do		M	8- 7-40	Son	1/2
1319	1320	Buckskin, Ronald James	do		M	1-15-42	Son	1/2
1320	1321	Loureiro, Amelia Elaine	do		F	5-22-51	Daughter	1/2
1321	1322	Lugo, Doris (Schonchin)	P. O. Box 833, Klamath Falls, Oreg.		F	11-24-15	Head	4/4
1322	1325	Lugo, Vernon Lee	(Died 3-29-57)		M	10- 2-39	Son	1/2

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1323	1326	Lugo, Lawrence James	P. O. Box 833, Klamath Falls, Oreg		M	4-13-42	Son	1/2
1324	1327	Lugo, Stanley Louis	do		M	5-31-43	Son	1/2
1325	1328	Lugo, Vera Teresa	do		F	10-26-46	Daughter	1/2
1326	1329	Lugo, Carroll	do		F	6-27-48	Daughter	1/2
1327	1330	Lugo, Carolyn Louise	do		F	12-19-49	Daughter	1/2
1328	1331	Lugo, Roberta Jean	do		F	10-18-51	Daughter	1/2
1329	1332	Lugo, Aaron	do		M	1-13-53	Son	1/2
1330	1333	Lugo, Leonard Marvin	2905 State St., Salem, Oreg		M	2- 2-38	Head	1/2
1331	1323	Lugo, Carlos, Jr	Box 833, Klamath Falls, Oreg		M	2- 1-34	Head	1/2
1332	1324	Lugo, Alfred Leyva	2905 State St., Salem, Oreg		M	7-22-35	Head	1/2
1333	1340	Lyon, Marie (McAuliffe)	Malin, Oreg		F	1-27-40	Head	1/4
1334	1337	Mack, Uma (Godowa)	Beatty, Oreg		F	1891	Head	4/4
1335	1338	Mack, Dressie	Cedarville, Calif		F	8- 5-23	Head	1/2
1336	1341	Mann, Rena Marie	Queen of Angels Convent, Mt. Angel, Oreg		F	2- 3-17	Head	1/8
1337	1342	Manning, Christine Velda	Chiloquin, Oreg		F	8-28-31	Head	1/2
1338	1343	Manning, Gaylene Rae	do		F	6- 6-51	Daughter	3/8
1339	1344	Manning, Duane Lowell	do		M	6-10-52	Son	1/4
1340	1345	Manning, Loren Shaw	do		M	5- 1-54	Son	3/8
1341	1346	Manual, Wilma (Skeen)	Thurston, Oreg		F	10- 1-33	Head	1/8
1342	1347	Manual, Steven Eugene	do		M	5-14-53	Son	1/16
1343	1348	Martin, Laura (Willis)	Bly, Oreg	1328	F	5-20-08	Head	4/4
1344	1349	Robinson, Cynthia	do		F	1- 8-38	Daughter	7/8
1345	1350	Martindale, Vena (Vall)	2328 SW. 3d, Portland, Oreg		F	6-25-20	Head	7/8
1346	1351	Harrington, Delwin Laverne	do		M	7-13-42	Son	11/16
1347	1352	Martinez, Juanita (Merritt)	Chiloquin, Oreg		F	1-12-27	Head	4/4
1348	1353	Martinez, Cynthia Merle	do		F	6-19-46	Daughter	1/2
1349	757	Martinez, Patricia (Gibbons)	do		F	5-19-34	Head	3/8
1350	900	Matt, Ernestine (Decker)	33 Woodland Ave., San Rafael, Calif		F	11-22-41	Head	1/2
1351	1354	Mayfield, James Ruben	130 Manor Dr., San Francisco, Calif		M	7-16-23	Head	1/2
1352	1355	Mayfield, Elizabeth Ellen	1271 Capital, San Francisco, Calif		F	12-29-49	Daughter	1/8
1353	755	McAlister, Grace (Hill)	(Died 6-27-56)	1387	F	1899	Head	3/4
1354	1356	McAnulty, Dorothea (Allen)	Box 501, Klamath Falls, Oreg	6	F	1893	Head	1/4
1355	1359	McAuliffe, Daniel Thomas	Malin, Oreg		M	9- 6-36	Head	1/4
1356	1357	McAuliffe, John Daniel	do		M	4- 3-35	Head	1/4
1357	1358	McAuliffe, Marie (Decker)	do		F	10-23-13	Head	1/2
1358	1361	McAuliffe, Jerry Robert	do		M	4-29-42	Son	1/4
1359	1362	McCullum, Theodore	11020 Phinney Ave., Seattle, Wash		M	6-14-10	Head	1/2
1360	1363	McCullum, Theodore Odell	Miami, Okla		M	5-16-28	Head	1/4
1361	980	McCumber, Beatrice (Walker)	Beatty, Oreg		F	1- 3-25	Head	1/8
1362	981	Hunter, Richard Stephen	East Ely, Nev		M	8- 3-46	Son	1/16
1363	1588	McDaniel, Shirley (Parazoo)	2131 Oak St., Klamath Falls, Oreg		F	4-16-38	Head	3/8
1364	1364	McEnespy, Rebecca (Drew)	116 Melody Way SW., Vienna, Va		F	4-14-23	Head	4/4
1365	1365	McEnespy, Harold Weldon	do		M	5-11-43	Son	1/2
1366	1366	McEnespy, Rebecca June	do		F	6-16-45	Daughter	1/2
1367	1367	McEnespy, Susan Mae	do		F	9-21-48	Daughter	1/2
1368	1368	McEnespy, Darold Lynn	do		F	1-11-52	Son	1/2
1369	1369	McKee, Mary (Villard)	Owyhee, Nev		F	1913	Head	4/4
1370	1370	McKenzie, Billy Rogers	(Military service)		M	1-26-38	Head	1/4
1371	1371	McKinney, Lavina (George)	8111 N. Newman, Portland, Oreg		F	2-25-23	Head	15/16
1372	1372	McKinney, Vernetta	do		F	11-13-50	Daughter	15/32
1373	1373	McKinney, John Michael	do		M	7-29-53	Son	15/32
1374	1374	McLeod, Norma (Anderson)	Bly, Oreg		F	12-29-32	Head	1/2
1375	1375	McLeod, Dennis Dean	do		M	8- 6-50	Son	1/4
1376	1376	McLeod, Donald Gene, Jr	do		M	4-21-52	Son	1/4
1377	1377	McLeod, Darcy Ann	do		F	5-11-53	Daughter	1/4
1378	1378	McNair, Alfred David	3002 Corvallis, Klamath Falls, Oreg		M	1-26-28	Head	1/2
1379	1380	McNair, Randell Ray	do		M	10- 2-50	Son	1/4
1380	1381	McNair, Diana Marie	do		F	2-14-52	Daughter	1/4
1381	1382	McNair, Tania Lee	do		F	4- 3-54	Daughter	1/4
1382	767	McNair, Clara (Godowa)	Bly, Oreg		F	12-15-22	Head	4/4
1383	768	Olvera, Ramon Ricardo	2021 Willow, West Sacramento, Calif		M	8-20-39	Son	1/2
1384	1383	McNair, Dale Nathaniel	1039 Alameda, Klamath Falls, Oreg		M	4-25-30	Head	1/4
1385	1384	McNair, Phyllis (Noneo)	do		F	1928	Wife	1/2
1386	1385	McNair, John Lorne	do		M	3-20-53	Son	3/8
1387	1386	McNair, Vard Thaddeus	5505 Shasta Way, Klamath Falls, Oreg		M	11-25-24	Head	1/4
1388	1387	McNair, Mary (Merritt)	Modoc Point, Oreg		F	10-14-33	Wife	1/2
1389	1388	McNoise, Eleanor (Butler)	7343 S. 6th, Klamath Falls, Oreg		F	4-11-14	Head	4/4
1390	1389	McNoise, Emelle	do		F	10-21-38	Daughter	1/2
1391	1390	McNoise, Haines Loren	do		M	4- 6-40	Son	1/2
1392	1391	McNoise, Michele Agnes	do		F	3-14-42	Daughter	1/2
1393	1392	McNoise, Charles Benjamin	do		M	2-25-45	Son	1/2
1394	1393	McNoise, Charlene	do		F	2-24-48	Daughter	1/2
1395	1394	McNoise, Deborah Irene	do		F	11- 2-50	Daughter	1/2
1396	1395	McNoise, Cletus Rosewell	do		M	8-27-52	Son	1/2
1397	1396	McWilliams, Lorraine (Wilson)	Sprague River, Oreg		F	6-17-23	Head	1/2
1398	1397	McWilliams, Murel	do		F	4-11-47	Daughter	1/4
1399	1398	McWilliams, Marvel	do		F	8-21-48	Daughter	1/4
1400	1399	McWilliams, Maureen Mae	do		F	12- 5-49	Daughter	1/4
1401	1400	McWilliams, Marvin Elton	do		M	1- 2-53	Son	1/4
1402	1401	McWilliams, Murnell Dee	do		F	4-14-54	Daughter	1/4
1403	1402	McWilliams, Patricia (Schonchin)	Hayfork, Calif		F	2-12-26	Head	4/4
1404	1584	Mendoza, Alfreda (Parazoo)	2028 Wantland, Klamath Falls, Oreg		F	3-27-26	Head	5/8
1405	1585	Roach, Vicente A	Casa Grande, Ariz		M	5-18-43	Son	5/16
1406	1586	Roach, Leland P	do		M	4-13-46	Son	5/16
1407	1403	Merritt, Fred Sankey	Chiloquin, Oreg	248	M	1888	Head	4/4
1408	1405	Merritt, Darlene Evidene	do		F	8- 7-30	Daughter	4/4
1409	1406	Merritt, Knowlton, Jr	do		M	11-27-41	Grandson	11/16
1410	1407	Merritt, Linda Lorea	do		F	6-18-43	Granddaughter	11/16
1411	1404	Merritt, Jettie Jean	do		F	9- 4-36	Head	4/4
1412	1408	Merritt, George	do		M	1894	Head	4/4
1413	1409	Merritt, Helen (Lotches)	do		F	1904	Head	4/4
1414	1410	Mette, Minerva (Applegate)	696 Delmar St., Chula Vista, Calif	1188	F	1899	Head	1/4
1415	1411	Milhorn, Viola (Smith)	Dexter, Oreg	952	F	5- 2-21	Head	1/16
1416	1412	Milkowski, Linnie (Morgan)	Gold Hill, Oreg	1535	F	9-15-07	Head	1/8
1417	1413	Milkowski, Frances Loreen	do		F	8- 9-30	Daughter	1/16
1418	1414	Milkowski, Wayne Joseph	do		M	2- 4-28	Head	1/16
1419	1415	Miller, Arlen Gordon	Chiloquin, Oreg		M	9-21-23	Head	13/16
1420	1416	Miller, Glenn Emerson	do		M	8-26-48	Son	13/32
1421	1417	Miller, Fay Mary	do		F	9-10-49	Daughter	13/32
1422	1418	Miller, Bernie Arlen	do		M	1-29-51	Son	13/32
1423	1419	Miller, Joy Ann	do		F	12-17-52	Daughter	13/32
1424	1420	Miller, Asa Tuttle	do	1533	M	1878	Head	4/4
1425	1421	Miller, Dottie	(Died 1-31-55)		F	8-31-19	Head	4/4
1426	1422	Miller, Dona Elizabeth	Chiloquin, Oreg		F	1- 4-26	Head	4/4
1427	1423	Miller, Edward Dennis	do		M	8-17-47	Son	1/2
1428	1424	Miller, Asa Tuttle	do		M	8-29-48	Son	1/2
1429	1425	Miller, Barbara (McNair)	Malott, Wash		F	2- 9-27	Head	1/4

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1430	1426	Miller, Bruce Donald	1536 SW. 1st, Portland, Oreg		M	10-26-27	Head	13/16
1431	1432	Miller, Elwood Horace	Chiloquin, Oreg		M	4-19-25	Head	13/16
1432	1433	Miller, Lupe A. (Unive)	do		F	3-24-31	Wife	1/4
1433	1434	Miller, Cecelia Louise	do		F	9-19-47	Daughter	17/32
1434	1435	Miller, Videll Anise	do		F	10- 3-48	Daughter	17/32
1435	1436	Miller, Florence Kay	do		F	10-15-49	Daughter	17/32
1436	1437	Miller, LaTonna Eileen	do		F	10-17-51	Daughter	17/32
1437	1438	Miller, Elwood Horace, Jr	do		M	9- 1-53	Son	17/32
1438	1439	Miller, Joseph Beal	do		M	11-29-25	Head	3/8
1439	1440	Miller, Oran Lee	do		M	3-22-46	Son	3/16
1440	1441	Miller, Irwin Joseph	do		M	12- 4-47	Son	3/16
1441	1442	Miller, Sherrie Kay	do		F	2-12-51	Daughter	3/16
1442	1444	Miller, Eldon Seldon, Jr	319 Avery St., Ashland, Oreg		M	5- 6-40	Brother	1/2
1443	1445	Miller, Marilyn Claudette	do		F	3- 6-43	Sister	1/2
1444	1865	Miller, Lolana (Barkley)	Rt. 2, Box 264, Eugene, Oreg	965	F	1900	Head	1/2
1445	1447	Miller, Lottie (Beal)	Chiloquin, Oreg		F	1892	Head	3/4
1446	1448	Miller, Clarence Beal	do		M	1-24-30	Head	3/8
1447	1449	Miller, Lyda	do		F	10-15-24	Head	3/8
1448	1450	Miller, Clay Arnold	(Military service)		M	12-30-39	Son	3/16
1449	1451	Mitchell, Ben Faye	1766 Fargo, Klamath Falls, Oreg		M	11-20-30	Head	1/4
1450	1452	Mitchell, Betty (Shuey)	do		F	12-15-35	Wife	3/8
1451	1453	Mitchell, Ben Faye, Jr	do		M	5-19-54	Son	5/16
1452	1454	Mitchell, Edward Isom	Oretech, Oreg		M	11- 6-32	Head	1/4
1453	1455	Molling, Beverly (Courtney)	Box 422, Klamath Falls, Oreg		F	9-17-27	Head	1/8
1454	1456	Molling, Michael Dean	do		M	8-27-53	Son	1/16
1455	1458	Montes DeOca, Gladys (John)	6511 SE. 84th, Portland, Oreg		F	1-24-23	Head	4/4
1456	1459	Montes DeOca, Lucio, Jr	do		M	7-28-46	Son	1/2
1457	1460	Montes DeOca, Delores	do		F	3-28-50	Daughter	1/2
1458	1461	Montes DeOca, Darlene Guadalupe	do		F	11-25-51	Daughter	1/2
1459	1464	Montgomery, Judith (Wright)	Sprague River, Oreg		F	11-26-39	Head	13/16
1460	1934	Moore, Geraldine (Ball)	1816 Lexington, Klamath Falls, Oreg		F	4-14-39	Head	1/8
1461	1465	Moore, Newton Delford	Chiloquin, Oreg		M	10-22-27	Head	1/2
1462	1466	Moore, Mildred (Hendron)	do		F	11-15-35	Wife	1/4
1463	1467	Moore, Newton Delford, Jr	do		M	5-22-48	Son	3/8
1464	1468	Moore, Janice Sue	do		F	9-25-51	Daughter	3/8
1465	1469	Moore, Quimby Leonard	do	1206	M	1901	Head	1/2
1466	1470	Moore, Loutella (Lang)	do	1176	F	1904	Wife	1/2
1467	1474	Moore, Leonard	do		M	5-18-39	Son	1/2
1468	1471	Moore, Leroy Alfred	do		M	1- 7-26	Head	1/2
1469	1472	Moore, Betty Lon	do		F	7-13-32	Head	1/2
1470	1473	Moore, Babe Loujean	do		F	9-21-36	Head	1/2
1471	1475	Moore, Elliott	do	1209	M	1897	Head	1/2
1472	1476	Moore, Kenneth	Oregon State Hosp., Salem, Oreg	1207	M	1904	Head	1/2
1473	1477	Moore, Theodore	Chiloquin, Oreg	1208	M	11-25-07	Head	1/2
1474	713	Moppen, Sherman Buddy	730 NE. 155th, Portland, Oreg		M	8-26-32	Head	11/16
1475	1478	Morris, Leonard Laverne	P. O. Box 1172, Phoenix, Ariz		M	2-20-29	Head	1/8
1476	1479	Moore, Marie (Mann)	Crescent City, Calif	1194	F	1902	Head	1/4
1477		Moreno, Frances Flores	345 S. P St., Dinuba, Calif		F	2-16-52	Adopted daughter	1/2
1478	1480	Morgan, Beulah (White)	2449 SE. 117th, Portland, Oreg	1314	F	1904	Head	1/2
1479	1481	Morgan, Mark, Jr	do		M	8-15-29	Head	1/4
1480	1482	Morgan, Donald Lee	Crescent City, Calif		M	1-29-32	Head	1/16
1481	1483	Morgan, Edwin Leon	do		M	5-19-33	Head	1/16
1482	1486	Moses, Eva	(Died 5-3-55)	571	F	1872	Head	4/4
1483	1487	Moses, Manuel	Chiloquin, Oreg		M	2-10-19	Head	3/4
1484	1488	Moses, Neva (Hoches)	do		F	8-30-31	Head	1/2
1485	1489	Moses, Virginia Peggy	do		F	7-16-51	Daughter	1/4
1486	1490	Murphy, Mabel (Miller)	do	1468	F	12-27-92	Head	1/4
1487	1780	Murray, Patrick Erin	Weaverville, Calif		M	8- 7-36	Head	1/8
1488	1491	Navarro, Gladys (Hull)	1108 T St., Sacramento, Calif		F	11-23-15	Head	1/2
1489	1494	Hull, Bethel	State Industrial School, Ventura, Calif		F	9-21-40	Daughter	5/8
1490	1495	Nealy, Irma C. (Barkley)	(Died 9-10-55)		F	4- 3-23	Head	5/8
1491	1498	Nealy, Hetty (Barkley)	1831 Fargo, Klamath Falls, Oreg		F	2-15-27	Head	5/8
1492	1499	Nealy, Robert Leroy, Jr	do		M	11-22-45	Son	5/16
1493	1500	Nealy, Rose Marie	do		F	5-18-44	Daughter	5/16
1494	1501	Nealy, Clarence Leon	do		M	5-25-47	Son	5/16
1495	1502	Nealy, Ronald Larry	do		M	1-24-49	Son	5/16
1496	1503	Nealy, Ruby (Pearson)	Chiloquin, Oreg		F	5- 1-10	Head	1/4
1497	1504	Nelson, Gilbert	do	1218	M	8- 5-06	Head	4/4
1498	1339	Nelson, Helen (Crume)	1501 Canby, Klamath Falls, Oreg		F	9- 9-34	Head	7/8
1499	1340	Malone, Arlo Curtis	do		M	1- 5-54	Son	7/16
1500	1508	Nelson, Herbert	(Died 11-28-55)	259	M	1873	Head	4/4
1501	1509	Nelson, Nina (Eggsman)	Modoc Point, Oreg	260	F	1873	Wife	4/4
1502	1510	Nelson, Marion	do	1219	M	1-13-08	Head	4/4
1503	1511	Nelson, Hector	do		M	12-24-14	Head	4/4
1504	1512	Nelson, Martha (Hill)	Klamath Agency, Oreg	148	F	9- 6-90	Head	3/4
1505	1513	Nelson, Victoria Alice	do		F	12- 6-22	Head	7/8
1506	1217	Nelson, Maxine Ray	Beatty, Oreg		F	7- 3-34	Head	7/8
1507	1219	Nelson, Erik Ardean	do		M	2- 5-50	Son	7/16
1508	1514	Newberry, Loretta (Bellm)	Wyandotte, Okla		F	1919	Head	1/2
1509	1515	Newberry, Lorene	do		F	5-30-37	Daughter	17/64
1510	1517	Newberry, Betty Jo	do		F	4-21-42	Daughter	17/64
1511	1518	Newberry, Ruth Ann	do		F	9-11-49	Daughter	1/4
1512	1519	Newberry, George Lee	do		M	6-10-53	Son	1/4
1513	1520	Nicholson, Donna (Hobbs)	Fort Klamath, Oreg		F	7-31-36	Head	1/8
1514	1521	Nicholson, Larry William	do		M	4-17-54	Son	1/16
1515	1522	Nightpipe, Ilona Pearl	Warm Springs, Oreg		F	9- 4-52	Adopted daughter	1/2
1516	1523	Noneo, Chester	Fort Bidwell, Calif	1220	M	1907	Head	4/4
1517	1524	Noneo, William Truman	do		M	2- 9-45	Son	1/2
1518	1525	Noneo, Gailya Lavonna	do		F	1-24-47	Daughter	1/2
1519	1526	Noneo, Ramona	do		F	1- 9-49	Daughter	1/2
1520	1527	Noneo, Nathan Lee	do		M	7-11-52	Son	1/2
1521	1528	Noneo, Margie Suzan	do		F	4- 2-54	Daughter	1/2
1522	1529	Noneo, Frank	Nixon, Nev	877	M	1880	Head	4/4
1523	1530	Noneo, Emanuel	do		M	8-20-26	Head	4/4
1524	1531	Noneo, Richard Ferdinand	do		M	10-19-28	Head	4/4
1525	1532	Noneo, Henry	Beatty, Oreg	376	M	1879	Head	4/4
1526	2034	Norris, Irma (Wilson)	Smith River, Oreg		F	6- 7-13	Head	4/4
1527	2035	Norris, Vera Luella	do		F	6-21-52	Daughter	1/2
1528	1533	Norris, Marie (Garcia)	Chiloquin, Oreg		F	1-15-20	Head	3/8
1529	1534	Norris, Marlene Faye	do		F	8-26-44	Daughter	3/16
1530	1535	Norris, Lynell Jane	do		F	4-16-47	Daughter	3/16
1531	1536	Norris, Leonard, Oscar, Jr	do		M	9-27-51	Son	3/16
1532	1538	Norton, Ruby C. (Huff)	Brookline, Mass		F	10-24-20	Head	3/8
1533	1539	Norton, Forrest B	9013 W. Gilbert, Portland, Oreg		M	4-23-41	Son	3/8
1534	1540	Norwest, Marcellus	2905 State St., Salem, Oreg		M	5-28-29	Head	3/8
1535	1541	Norwest, Pauline (Barney)	Sprague River, Oreg		F	12-13-32	Head	5/8
1536	1542	Norwest, Melvin Marce	do		M	5-24-53	Son	7/16

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1537	1544	Norwest, Richard Thomas	576 Locust St., Salem, Oreg		M	12-16-34	Head	7/8
1538	1543	Norwest, Mary (Duvall)	do	1055	F	10- 5-05	Head	3/4
1539	1546	Norwest, Marcella May	do		F	6-27-43	Daughter	7/8
1540	1547	Norwest, Janice Loyette	do		F	3-21-46	Daughter	7/8
1541	1548	Norwest, Gregory George	do		M	2-22-48	Son	7/8
1542	1549	Norwest, Oscar Thompson	1393 N. Commercial, Salem, Oreg		F	3-29-36	Head	3/8
1543	1550	Norwest, Shirley (Haskins)	do		F	11-12-36	Wife	1/4
1544	1552	Ochoa, Gloria	Chiloquin, Oreg		F	9- 7-35	Head	1/4
1545	1551	Ochoa, Myra (Herkshan)	(Died 9-4-57)		F	7- 2-15	Head	1/2
1546	1553	Ochoa, Manual, Jr	Chiloquin, Oreg		M	8- 1-38	Son	1/4
1547	1554	Ochoa, Richard Brandon	do		M	9-19-39	Son	1/4
1548	1555	Ochoa, Juan	do		M	3-10-42	Son	1/4
1549	1556	Ochoa, Micheal	do		M	5- 1-43	Son	1/4
1550	1557	Ochoa, Martine	do		M	7-17-46	Son	1/4
1551	1558	Ochoa, Raquel	do		F	6-19-47	Daughter	1/4
1552	1559	Ochoa, Arthur Eleno	do		M	2-22-52	Son	1/4
1553	1638	Ochiho, Zelma (David)	do		F	7- 9-21	Head	7/8
1554	1560	O'Donovan, Richard	do		M	3-22-18	Head	1/4
1555	1561	Ogden, Helen (George)	720 N. 25th, Corvallis, Oreg		F	9-23-29	Head	4/4
1556	1562	Ogden, Donald Deane	do		M	1-19-52	Son	1/2
1557	1563	Ohles, Lawrence	1004 Rio Lane, Sacramento, Calif		M	10-23-13	Head	1/4
1558	1565	Ohles, Wallace Vincent	do		M	11-19-38	Son	1/8
1559	1566	Ohles, Laureen Mae	do		F	3-15-41	Daughter	1/8
1560	1567	Ohles, Norma Ann	do		F	4- 8-49	Daughter	1/8
1561	1568	Ohles, Pansy (Douglas)	Chiloquin, Oreg	1046	F	1901	Head	3/4
1562	612	Ortis, Arlene Marie	4511 Highway 99 S., Grants Pass, Oreg		F	10-19-37	Head	1/16
1563	1569	Ortis, Ernestine (Grafton)	Chiloquin, Oreg		F	1- 8-20	Head	1/4
1564	1571	Ortis, Andrew John	do		M	9-15-38	Son	1/8
1565	1572	Ortis, Daryl Lee	do		M	3- 5-51	Son	1/8
1566	1570	Ortis, Leland Ernest	do		M	8- 5-36	Head	1/8
1567	1809	Ortis, Orthella (Crain)	do		F	6-23-15	Head	1/2
1568	1811	Henthorne, Mary Kathryn	do		F	2-12-43	Daughter	1/4
1569	616	Ortis, Shirley Lee	911 Walnut, Klamath Falls, Oreg		F	3-10-36	Head	1/16
1570	1443	Overstreet, Elda Jean (Miller)	Trailer 56 MCTC, 29 Palms, Calif		F	8-19-37	Head	1/2
1571	1578	Paddy, Jackson	Beatty, Oreg	432	M	1890	Head	4/4
1572	1579	Paddy, Retta (John)	Fort Bidwell, Calif		F	8-19-21	Head	4/4
1573	1587	Parazoo, Cassie (Ball)	Chiloquin, Oreg		F	7-25-14	Head	3/4
1574	1589	Parazoo, Joseph Lee	(Died 6—20—55)		M	7-21-39	Son	3/8
1575	1590	Parazoo, Floyd	Chiloquin, Oreg		M	6-28-40	Son	3/8
1576	1591	Parazoo, Yvonne Elaine	do		F	8-25-41	Daughter	3/8
1577	1592	Parazoo, Michael James	do		M	3-14-51	Son	3/8
1578	1593	Parazoo, Sherri Gayl	do		F	4- 6-53	Daughter	3/8
1579	1594	Parish, Florence (Dufault)	3795 Market, San Francisco, Calif	1050	F	1901	Head	1/4
1580	1595	Parrish, Ramona (Barkley)	Ontario, Calif		F	4-25-26	Head	1/2
1581	1596	Parrish, Aloma Jean	do		F	2-14-44	Daughter	1/4
1582	1597	Parker, Esther (Watah)	Beatty, Oreg		F	1-20-17	Head	4/4
1583	1599	Parks, Francis (Barkley)	2205 Etna, Klamath Falls, Oreg		F	8-28-18	Head	1/2
1584	1601	Crume, Frances	do		F	6-14-40	Daughter	5/8
1585	1602	Shultz, Clayton S	do		M	11- 3-41	Son	9/32
1586	1603	Parks, Deanna Ural	do		F	6-20-44	Daughter	1/4
1587	1604	Parks, Delphine Gloria	Ukiah, Calif		F	12-20-45	Daughter	1/4
1588	1605	Parks, Michael Dennis	2205 Etna, Klamath Falls, Oreg		M	2- 9-48	Son	1/4
1589	1606	Parks, Twyla Sue	do		F	3- 1-52	Daughter	1/4
1590	1607	Pearson, Harry Elmo	Chiloquin, Oreg		M	5-31-12	Head	1/4
1591	1608	Pearson, Leon Gale	do		M	11-16-25	Head	3/8
1592	1609	Pearson, Zelda (Crim)	(Died 11-19-56)		F	8- 1-28	Wife	1/2
1593	1610	Wright, James Thomas	Chiloquin, Oreg		M	8-27-46	Stepson	1/4
1594	1611	Pearson, Gary Lee	do		M	11-28-49	Son	7/16
1595	1612	Pearson, Candace Eileen	do		F	12-28-52	Daughter	7/16
1596	1613	Peixoto, Nancy (Strowbridge)	Novato, Calif		F	2- 8-34	Head	1/4
1597	766	Peralta, Nathalie (Glenn)	1423 SE. Powell Blvd., Portland, Oreg		F	12-31-38	Head	1/2
1598	1614	Perez, Orpha (Schonchin)	P. O. Box 84, Klamath Falls, Oreg		F	4- 3-14	Head	1/2
1599	1615	Perez, Geneva	do		F	1- 4-52	Adopted daughter	1/16
1600	--------	Perez, Gene Craig	do		M	9-29-53	Adopted son	15/16
1601	1616	Pete, Dolly (George)	Beatty, Oreg	1416	F	1890	Head	4/4
1602	1617	Poitras, June (Wright)	8016 N. Willamette, Portland, Oreg		F	6-25-12	Head	5/8
1603	1618	Poitras, Diane Rae	do		F	3-15-51	Adopted daughter	1/2
1604	1619	Pompey, Grover	(Died 7-21-56)	20	M	1876	Head	4/4
1605	1620	Pompey, Maude (Weeks)	Chiloquin, Oreg	619	F	1879	Wife	4/4
1606	1621	Pompey, Lindsay	do	1243	M	10-30-06	Head	4/4
1607	1622	Ponina, Elva (Villard)	Beatty, Oreg	458	F	1872	Head	4/4
1608	1623	Pool, Patricia (Barkley)	Puente, Calif		F	7- 9-30	Head	3/8
1609	1624	Ponina, Paul	Smith, Nev	1214	M	1899	Head	4/4
1610	1625	Porter, Marian (David)	Chiloquin, Oreg	1039	F	6-20-05	Head	4/4
1611	1626	Porter, Ruby (Coburn)	607 D St., Springfield, Oreg		F	3-15-13	Head	1/8
1612	1627	Porter, Richard	do		M	6- 5-36	Son	1/16
1613	1628	Porter, Beverly Jean	do		F	10-18-38	Daughter	1/16
1614	1629	Powers, Diane (Jackson)	Petaluma, Calif		F	12- 3-22	Head	15/16
1615	1630	Jackson, Sharon Merle	Bonanza, Oreg		F	10-20-40	Daughter	15/32
1616	1631	Huff, Bernice Linda	Petaluma, Calif		F	11-15-45	Daughter	21/32
1617	1632	Huff, Billye Jean	do		F	11-17-46	Daughter	21/32
1618	1633	Pulido, Anna (Wilson)	1722 SE. Taggert, Portland, Oreg		F	12-20-26	Head	3/4
1619	1634	Pulido, John Frank	do		M	2- 5-48	Son	3/8
1620	1635	Pulido, Robert M	do		M	1- 1-50	Son	3/8
1621	1636	Pulido, Cheryl Ann	do		F	12-18-51	Daughter	3/8
1622	1637	Pulido, Steven A	do		M	1- 4-54	Son	3/8
1623	1639	Pratt, Harriet (Brown)	2212 Reclamation, Klamath Falls, Oreg		F	9- 8-27	Head	4/4
1624	1640	Pratt, Dwight E	do		M	6-30-45	Son	1/2
1625	201	Pratt, Gwendolyn Marie	do		F	6-15-53	Adopted daughter	1/2
1626	1641	Quiver, Bertha (Mack)	Lakeview, Oreg		F	5-13-18	Head	1/2
1627	1642	Watah, Shirley Joyce	do		F	7- 1-41	Daughter	1/2
1628	1643	Brown, Phyllis Jacqueline	do		F	4- 1-44	Daughter	1/2
1629	1644	Watah, Esther Louise	do		F	10-10-37	Daughter	1/2
1630	--------	Quiver, Julia Christina	do		F	11- 1-46	Daughter	1/4
1631	--------	Quiver, Jeanette Faye	do		F	1-19-50	Daughter	1/4
1632	--------	Quiver, Gloria Wilma	do		F	12-19-53	Daughter	1/4
1633	1645	Rambo, Grace (Allen)	Chiloquin, Oreg	8	F	1884	Head	1/4
1634	1646	Rawlings, Ethel (White)	583 5th Ave., San Francisco, Calif	614	F	1892	Head	1/2
1635	1647	Ray, Pearl (Jackson)	(Died 12-31-56)		F	11-18-19	Head	7/8
1636	1648	Jackson, Arlen James	2411 E. Burnside, Portland, Oreg		M	4- 6-39	Son	7/8
1637	1649	Ray, Eugene N., Jr	Clakamas Co. Welfare Dept., Oregon City, Oreg.		M	1-15-42	Son	11/16
1638	1650	Ray, William McKinley	do		M	4-27-43	Son	11/16
1639	1651	Weeks, Aileen Ann	Klamath Co. Welfare, Klamath Falls, Oreg		F	7-22-50	Daughter	7/8
1640	1652	Ray, Johanna (Siemens)	2340 Applegate St., Klamath Falls, Oreg		F	7-23-23	Head	1/8
1641	1653	Reed, Joanna (Hutchinson)	Beatty, Oreg		F	8-22-35	Head	4/4
1642	1654	Reed, Yvonne Elouise	do		F	5-24-53	Daughter	1/2
1643	1655	Reed, Gregory Silas	(Died 12-24-54)		M	7-18-54	Son	1/2

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1644	1656	Reed, Mary (Haymon)	1104 8th Ave., Lake Charles, Iowa		F	12- 9-22	Head	5/16
1645	1657	Reed, Kathyrn Elaine	do		F	12- 9-44	Daughter	1/8
1646	1658	Reed, Bill Jim, Jr	do		M	8- 8-46	Son	1/8
1647	1659	Reed, Roger Leroy	do		M	5-28-49	Son	1/8
1648	1660	Reed, Claudia Radelle	do		F	5-29-51	Daughter	1/8
1649	1661	Reed, Donna Joy	1090 Highland Blvd., Hayward, Calif		F	5-21-45	Adopted daughter	7/16
1650	1662	Reed, Ruby Ann	do		F	7-17-51	Adopted daughter	13/16
1651	1663	Reinhardt, Gladys (Siemens)	Orchards, Wash	1251	F	2-15-09	Head	5/8
1652	1861	Rentz, Rose Marie	Chiloquin, Oreg		F	1-19-52	Adopted daughter	3/16
1653	1664	Reyes, Mary (John)	Klamath Agency, Oreg		F	10-10-16	Head	3/4
1654	1666	Campagna, Donna Marie	do		F	6- 3-38	Daughter	7/16
1655	1667	Campagna, Merrynan	do		F	5- 6-40	Daughter	7/16
1656	1668	Campagna, Cheryl Ruth	do		F	3-18-46	Daughter	7/16
1657	1669	Campagna, Tod	do		M	5-25-50	Son	7/16
1658	1670	Reyes, Manual Angel, Jr	do		M	7-22-54	Son	3/8
1659	1671	Richards, Letha (Hamilton)	Sprague River, Oreg		F	6-14-15	Head	1/8
1660	1672	Richards, Allan Linford	do		M	7-15-44	Son	1/16
1661	1673	Richards, Cheryl Darlene	do		F	9- 9-48	Adopted daughter	3/8
1662	1674	Richards, Deanna Dale	do		F	8-15-52	Daughter	1/16
1663	520	Riddle, Christianna	210 E. Main, Klamath Falls, Oreg		F	3-13-27	Head	7/8
1664	525	Riddle, Janice Lynn	do		F	7-19-49	Daughter	1/2
1665	526	Riddle, Debra Lauren	do		F	4- 9-51	Daughter	7/16
1666	527	Riddle, Warren James	do		M	7- 7-48	Son	7/16
1667	528	Riddle, Jonathan Ray	do		M	7-15-54	Son	11/16
1668	1675	Riddle, Elsie (Noneo)	do	381	F	1896	Head	4/4
1669	1677	Riddle, Simeon Jr	Beatty, Oreg		M	11-24-30	Head	7/8
1670	1678	Riddle, Raymond Louis	do		M	11- 1-33	Head	7/8
1671	121	Riddle, Barbara (Shadley)	do		F	10- 6-31	Wife	3/8
1672	122	Wilson, Sherman Jean	do		M	4-24-52	Stepson	7/16
1673	1684	Riddle, Mildred (Lotches)	Chiloquin, Oreg		F	7-13-17	Head	3/4
1674	1685	Riddle, Mildred Alberta	do		F	3-24-45	Daughter	1/4
1675	1686	Riddle, Milburn Avery	do		M	6-17-47	Son	1/4
1676	1687	Riddle, Sheila Anne	do		F	12- 8-43	Daughter	1/4
1677	1688	Riddle, Steven Luke	do		M	3-29-51	Son	1/4
1678	1689	Riddle, James Lee	do		M	3-31-54	Son	1/4
1679	1690	Riddle, Owen	Beatty, Oreg	1247	M	2-19-06	Head	7/8
1680	1691	Riddle, Owen Charles	Klamath Co. Welfare Dept., Klamath Falls, Oreg.		M	2-11-38	Son	15/16
1681	1692	Robbins, Charles F	Quapaw, Okla		M	1900	Head	4/4
1682	1693	Robbins, Hiram R	Sprague River, Oreg	1537	M	1904	Head	1/2
1683	1694	Robbins, Winnie (Jackson)	do	796	F	1896	Wife	4/4
1684	1695	Lotches, Norman Lee	do		M	7-26-45	Step-grandson	13/16
1685	1696	Ortis, Darryl Gene	do		M	8- 4-40	Step-grandson	1/2
1686	1697	Robbins, Minnie (Snyder)	(Died 4-20-56)	1538	F	1879	Head	4/4
1687	1698	Robinson, Leslie Bryant, Jr	Beatty, Oreg		M	9-26-27	Head	7/8
1688	1699	Robinson, Hazel (Hecocta)	do		F	7-15-24	Wife	4/4
1689	1700	George, Clifford, Jr	do		M	11-27-42	Stepson	31/32
1690	1701	Robinson, Samuel Bryant	do		M	4- 6-47	Son	15/16
1691	1702	Williams, Wilma Hazel	do		F	1-27-45	Stepdaughter	4/4
1692	1703	Robinson, Darlene Lulu	do		F	10-12-52	Daughter	15/16
1693	1704	Roesler, Cecelia (Miller)	1017 Alta, Medford, Oreg		F	8-24-35	Head	7/16
1694	1705	Roff, Lyda L (Davis)	Rt. 1, Box 91, Grants Pass, Oreg		F	2-19-22	Head	1/2
1695	1706	Roff, Darrel Elden	do		M	8-9 -41	Son	1/4
1696	1707	Roff, Sharon Fay	do		F	5-17-44	Daughter	1/4
1697	1708	Roff, Cheryl Irene	do		F	7-22-46	Daughter	1/4
1698	1180	Rogers, Carolyn (Johnson)	7005 N. Concord, Portland, Oreg		F	11- 4-39	Head	1/2
1699	1709	Ross, Cynthia (Applegate)	Box 1172, Phoenix, Ariz		F	7-29-11	Head	1/4
1700	783	Rossi, Ada (Harrington)	Chiloquin, Oreg	1097	F	1901	Head	1/2
1701	1710	Rossi, Nicholas, Jr	do		M	1-11-25	Head	1/4
1702	1711	Rossi, Albert Joe	do		M	12-31-29	Head	1/4
1703	1712	Royse, Amy (Lenz)	615 California, Klamath Falls, Oreg	233	F	1887	Head	1/4
1704	1713	Royse, Robert Charles	Box 720, Klamath Falls, Oreg		M	5-12-13	Head	1/8
1705	1714	Royse, Raymond	135 Texas St., Travis Air Force Base, Calif		M	2-14-19	Head	1/8
1706	1715	Royse, Roselyn	do		F	1- 5-47	Daughter	1/16
1707	1716	Royse, Alida Diane	do		F	9-22-48	Daughter	1/16
1708	1717	Ruff, Viola (Knight)	Chiloquin, Oreg	217	F	6- 9-03	Head	1/2
1709	1719	Ruff, Warren Maxmillian	do		M	9-28-28	Head	3/8
1710	1462	Ruff, Agatha (Schonchin)	do		F	10-17-28	Wife	7/8
1711	1463	Anderson, Lynn Joseph	do		M	9-27-46	Stepson	11/16
1712	1720	Russell, Merle L. (Lange)	7935 SE. Sherman, Portland, Oreg		F	11-13-18	Head	1/8
1713	1721	Foster, William Stephen	1595 N. 23d St., Salem, Oreg		M	5-15-41	Son	1/16
1714	1722	Ryan, Pat	Box 338, La Canada, Calif		M	8-22-23	Head	1/8
1715	1723	Ryan, Diana Marie Sarl	P. O. Box 586, Bend, Oreg		F	10-23-51	Daughter	1/16
1716	1580	Sahin, Jennie (Paddy)	3930 Shasta Way, Klamath Falls, Oreg		F	2- 5-26	Head	15/16
1717	1581	Watah, Alward	do		F	12- 4-45	Daughter	31/32
1718	1582	Watah, Katherine	do		F	11-11-46	Daughter	31/32
1719	1583	Watah, Lillian	do		F	3-10-48	Daughter	31/32
1720	1724	Samson, Teo L. (Duvall)	Yreka, Calif		F	4-17-18	Head	3/4
1721	985	Saluskin, Roma (Scott)	General Delivery, Klamath Falls, Oreg		F	12-31-25	Head	3/4
1722	986	Hurtado, Jorene, Jean	do		F	6-3 -54	Daughter	1/4
1723	1725	Sampson, Carmelita (Weiser)	1637 Sparks Ave., Sparks, Nev		F	5- 3-33	Head	15/16
1724	1726	Sampson, Contina, Maude	do		F	2-17-51	Daughter	15/32
1725	1727	Sampson, Charlene Mona	do		F	7-19-52	Daughter	15/32
1726	1728	Sampson, Phelan Harry, Jr	do		M	6-22-53	Son	15/32
1727	1496	Sanchez, Darlene (Nealy)	Malin, Oreg		F	2-19-41	Head	5/16
1728	1729	Sanderville, Anna Phyllis (Applegate)	Klamath Agency, Oreg		F	2-15-18	Head	1/4
1729	1730	Sanderville, Oliver Thomas	do		M	6- 8-51	Son	1/8
1730	1731	Sanderville, James Joseph	do		M	2-28-53	Son	1/8
1731	1732	Sandoval, Linda (Herkshan)	Chiloquin, Oreg		F	3- 8-20	Head	4/4
1732	1733	Sandoval, Paul, Jr	do		M	4-28-43	Son	1/2
1733	1734	Sandoval, Maxine Faye	do		F	8-15-45	Daughter	1/2
1734	1735	Sandoval, Munson Michael	do		M	3-18-39	Son	1/4
1735	1736	Sargeant, Reginald F	do		M	7- 2-24	Head	3/8
1736	1505	Sargeant, Florence (Jones)	do		F	7- 4-27	Wife	4/4
1737	1737	Sargeant, Warren Leon	do		M	12-29-42	Son	3/16
1738	1738	Sargeant, Reginald, Jr	do		M	12-12-43	Son	3/16
1739	1739	Sargeant, Lanny Lee	do		M	1-10-45	Son	3/16
1740	1506	Hicks, Janice Florence	do		F	8-29-48	Stepdaughter	7/8
1741	1507	Hicks, John Arlan	do		M	6- 2-50	Stepson	7/8
1742	1740	Savage, Meda (Skeen)	3337 Altamont, Klamath Falls, Oreg	1594	F	11-16-08	Head	1/2
1743	1741	Shadley, Louis Benjamin	120 E. Elm St., Reedsport, Oreg		M	7-17-38	Brother	1/4
1744	1742	Shadley, Ramona Elaine	Chiloquin, Oreg		F	12-11-39	Sister	1/4
1745	1743	Schonchin, Donald L	Beatty, Oreg		M	6-19-28	Head	4/4
1746	1744	Schonchin, Evangeline (Dickens)	do		F	11-26-30	Wife	4/4
1747	1745	Schonchin, Donna Marie	do		F	2-24-50	Daughter	3/4
1748	1746	Schonchin, Sue Carol	do		F	7-27-51	Daughter	3/4

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; malden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1749	1747	Schonchin, Frederick Wayne	Beatty, Oreg.		M	9-22-52	Son	3/4
1750	1748	Schonchin, Lauren Jean	do		F	11- 4-53	Daughter	3/4
1751	1749	Schonchin, Magdalene	Chiloquin, Oreg.		F	8-27-27	Head	4/4
1752	1750	Schonchin, Raymond Roger	4505 Thompson, Klamath Falls, Oreg.		M	5-13-22	Head	1/2
1753		Schonchin, Sharon Ray	do		F	9- 8-47	Daughter	1/4
1754		Schonchin, Richard Cecil	do		M	6-26-51	Son	1/4
1755	1752	Schonchin, Williama Theresa	Sprague River, Oreg.		F	11- 1-23	Head	4/4
1756	1753	Schwarzenbach, Josephine (O'Donovan)	7114 N. Columbia, Portland, Oreg.		F	11- 3-13	Head	1/4
1757	352	Scott, Flava (Cole)	Warm Springs, Oreg.		F	1-17-42	Head	5/8
1758	1754	Scott, Iva (Smith)	(Died 12-14-54)	693	F	1895	Head	4/4
1759	1755	Scott, Walter Leroy	Beatty, Oreg.		M	5- 4-23	Head	3/4
1760	1756	Scott, Wayne Rodney	do		M	12-17-30	Head	3/4
1761	1757	Scott, Joe Jr.	Box 797, Klamath Falls, Oreg.		M	7- 1-21	Head	1/2
1762	1758	Scott, Verna (Grafton)	do		F	7- 4-26	Wife	1/4
1763	1759	Jenkins, Clarence, Jr.	Fort Klamath, Oreg.		M	6-29-43	Stepson	3/16
1764	1760	Jenkins, Karen Lou	do		F	6-13-45	Stepdaughter	3/16
1765	1761	Scott, Joseph George III	Box 797, Klamath Falls, Oreg.		M	9-24-52	Son	3/8
1766	1762	Scott, Carol Lee	1824 N. Nevada St., Carson City, Nev.		F	5- 7-42	Daughter	11/16
1767	1763	Scott, Jolene Lee	do		F	11-12-44	Daughter	11/16
1768	1764	Scott, Dalene	do		F	3-17-49	Daughter	11/16
1769	2048	Seid, Shirley Mae	Silverton, Oreg.		F	9-28-34	Head	4/4
1770	1765	Shadley, Calvin, Jr.	(Died—Body recovered 5-3-56)		M	2-19-25	Head	1/2
1771	1766	Shadley, Calvin Henry	Chiloquin, Oreg.		M	6-23-45	Son	3/16
1772	1767	Shadley, Ronald Loren	do		M	5-11-48	Son	3/16
1773	1769	Shadley, Johnny Lawrence	1170 Shady Lane, Salem, Oreg.		M	9- 6-53	Son	3/16
1774	1770	Shadley, Carrol Lynn	Chiloquin, Oreg.		M	8- 2-31	Head	3/8
1775	1771	Shadley, Blanche (Schonchin)	do		F	3-22-27	Wife	3/4
1776	1772	Hatcher, Linda Jo	do		F	6- 2-48	Stepdaughter	5/8
1777	1773	Hatcher, Calvin Lee	do		M	12-28-49	Stepson	5/8
1778	779	Shetp, Gayle (Copeland)	Weaverville, Calif.		F	11- 3-14	Head	1/4
1779	1781	Shelp, Don Everton	do		M	1-19-41	Son	1/8
1780	1782	Sherman, Anna (Anderson)	Vantage, Wash.		F	8- 6-21	Head	1/2
1781	1783	Sherman, Rollen Steve	do		M	7- 8-41	Son	1/4
1782	1784	Sherman, Herman Geno	do		M	8- 2-48	Son	1/4
1783	1785	Shore, James T.	Chiloquin, Oreg.	72	M	1883	Head	1/2
1784	1786	Shuck, Joanna (McAuliffe)	Malin, Oreg.		F	4-21-32	Head	1/4
1785	1788	Shuey, Albert Dean	(Military service)		M	3- 3-37	Head	3/8
1786	1787	Shuey, Mabel (Ball)	2408 Homedale, Klamath Falls, Oreg.		F	1-14-17	Head	3/4
1787	1789	Shuey, Doris Louise	(Military service)		F	12-23-38	Daughter	3/8
1788	1790	Shuey, Douglas Gene	2408 Homedale, Klamath Falls, Oreg.		M	4-20-40	Son	3/8
1789	1791	Shuey, Linda Kay	do		F	3- 5-50	Daughter	3/8
1790	1792	Shuey, Susan Ellen	do		F	8- 5-45	Daughter	3/8
1791	1793	Shuey, Craig Monroe	do		M	7-22-53	Son	3/8
1792	1794	Siemens, Holly H.	4318 11th St. NE., Seattle, Wash.	1343	M	1888	Head	1/4
1793	1795	Siemens, Jesse J.	Jacksonville, Oreg.	1342	M	1887	Head	1/4
1794	1796	Siemens, John	1112 Eldorado Ave., Klamath Falls, Oreg.	906	M	1893	Head	1/4
1795	1797	Siemens, John Charles	Chiloquin, Oreg.		M	4-30-17	Head	1/8
1796	1798	Silvers, Patrick	do	1500	M	3-17-08	Head	1/2
1797	1800	Sinclair, Beverly (Siemens)	2080 Mendocino St., Seaside, Oreg.		F	3- 1-21	Head	1/8
1798	1801	Skeen, Patricia June	Rt. 3, Box 102, Bend, Oreg.		F	6-22-31	Head	1/8
1799	1802	Skeen, Robert Edward	do		M	7-15-36	Head	1/8
1800	1803	Skeen, Charlotte Chloe	do		F	1-16-39	Sister	1/8
1801	1804	Skeen, David C.	Sprague River, Oreg.	1252	M	12-24-74	Head	1/2
1802	1805	Skeen, Dan	(Died 8-10-56)		M	10- 6-16	Head	3/4
1803	1806	Skeen, Stern Sterling	1805 Main St., Klamath Falls, Oreg.		M	3-23-48	Son	3/8
1804	1807	Skeen, William	Sprague River, Oreg.	860	M	1875	Head	1/2
1805	1808	Skellock, Irene	(Died 7-8-56)	77	F	1888	Head	4/4
1806	1812	Smith, Augustine Robert	(Died 11-7-54)		M	8- 5-20	Head	4/4
1807	1813	Smith, Alfred	2553 SE. 57th St., Portland, Oreg.		M	11-10-19	Head	3/4
1808	1814	Smith, Mark Alfred	do		M	11-11-48	Son	3/8
1809	1815	Smith, Maurine Frances	do		F	7- 6-50	Daughter	3/8
1810	1816	Smith, Raymond Charles	Walla Walla, Wash.		M	11-29-29	Head	4/4
1811	1817	Smith, Clifton J.	Beatty, Oreg.		M	6-17-31	Head	4/4
1812	1818	Smith, Milton Dewey	do		M	4- 6-35	Head	4/4
1813	1819	Smith, Imogene Marcia	3487 16th St., San Francisco, Calif.		F	10- 6-39	Sister	4/4
1814	1820	Smith, Mildred (Crain)	(Died 11-28-54)		F	6- 8-13	Head	1/2
1815	1824	Smith, Dell, Jr.	Fort Hall, Idaho		M	7-14-32	Head	9/16
1816	1825	Smith, Dell George, Jr.	do		M	12-31-50	Son	9/32
1817	1826	Smith, Deborah Ann	do		F	5- 8-53	Daughter	9/32
1818	1827	Smith, Colleen Gayle	do		F	12-30-31	Daughter	9/32
1819	1830	Smith, Marilyn (Noneo)	Nixon, Nev.		F	3-25-32	Head	4/4
1820	1831	Smith, Sharon Rafala	do		F	8-22-51	Daughter	1/4
1821	1832	Smith, Jenifer Drusella	do		F	2-25-53	Daughter	1/4
1822	1457	Smith, Lavena (Lalo)	Chiloquin, Oreg.	1174	F	10-10-08	Head	4/4
1823	1833	Smith, Nettie (Chipps)	Rt. 3, Box 619, Klamath Falls, Oreg.	1466	F	1882	Head	1/2
1824	1834	Smith, Sylvester	Fall Creek, Oreg.	1542	M	4-28-06	Head	1/2
1825	1835	Smith, Jonna Sue	do		F	1-20-47	Daughter	1/8
1826	1836	Smith, Marla Jo	do		F	4-28-48	Daughter	1/8
1827	1837	Smith, Chester John	do		M	2-14-50	Son	1/8
1828	1838	Smith, Darwin Duane	do		M	7-29-51	Son	1/8
1829	1839	Smith, Howard Lee	do		M	4- 9-54	Son	1/8
1830	1840	Smith, Charley Ray	do		M	12-25-52	Son	1/8
1831	1841	Smith, Sylvester H., Jr.	611 Cane St., Dunsmuir, Calif.		M	11-20-26	Head	1/4
1832	139	Snodgrass, Rebecca (Barrera)	Bly, Oreg.		F	12-23-38	Head	1/2
1833		Barrett, Wayne Francis	do		M	6-11-53	Son	1/4
1834	1842	Sollars, Barbara (Porter)	Browning, Mont.		F	5- 5-34	Head	1/16
1835	1843	Soto, Florinda (Lynch)	5629 Independence, Klamath Falls, Oreg.	1486	F	1900	Head	4/4
1836	1844	Soto, Ramona Edith	do		F	2- 6-44	Daughter	1/2
1837	1845	Sortwell, Enid (David)	Chiloquin, Oreg.		F	3-13-12	Head	3/4
1838	1847	David, Clark Dick	do		M	6-14-39	Son	5/8
1839	1848	Sortwell, Carrol Lea	do		F	8-30-45	Daughter	3/8
1840	1849	Sortwell, Shirley Anna	do		F	9-17-46	Daughter	3/8
1841	1850	Sortwell, Sandra Sue	do		F	11- 3-48	Daughter	3/8
1842	1851	Sortwell, Deborah Kay	do		F	11-23-52	Daughter	3/8
1843	1852	Sousa, Louise	Dorris, Calif.	1543	F	1904	Head	1/2
1844	1853	Sousa, Roland	do		M	12-28-14	Head	1/2
1845	1854	Stanley, Leslie	Rt. 3, Box 663, Klamath Falls, Oreg.	1554	M	1905	Head	1/2
1846	1855	Stanton, Edna (Cowen)	239 N. Eldorado, Klamath Falls, Oreg.		F	2- 6-27	Head	3/8
1847	1856	Olvera, Marilyn Louise	597 N. Dekum, Portland, Oreg.		F	11-10-44	Daughter	3/16
1848	1857	Stanton, Curtis Milton, Jr.	239 N. Eldorado, Klamath Falls, Oreg.		M	8- 2-47	Son	3/16
1849	1858	Stanton, Glenda Ruth	do		F	9-26-48	Daughter	3/16
1850	1859	Stanton, Ilene	do		F	5- 1-46	Daughter	3/16
1851	1860	Stanton, Christine May	do		F	5-17-50	Daughter	3/16
1852	1862	Stanton, Katherine Elizabeth	do		F	1- 2-53	Daughter	3/16
1853	80	Stearns, Virginia (Pompey)	Chiloquin, Oreg.		F	3-16-13	Head	4/4
1854	1863	Steward, Ellen (McAuliffe)	Alturas, Calif.		F	3-22-31	Head	1/4
1855	1864	Steward, Myra Jean	do		F	8- 3-50	Daughter	1/8

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; malden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1856	593	Strom, Marie Ora (Engle)	Chiloquin, Oreg.		F	11-30-10	Head	1/8
1857	1866	Strowbridge, Raymond	Box 1832, Stockton, California		M	4- 6-24	Head	1/4
1858	1867	Strowbridge, Ronald Ray	do		M	9- 5-46	Son	1/8
1859	1868	Summers, Frank	Chiloquin, Oreg.	1544	M	1898	Head	1/2
1860	1869	Summers, Angeline (Walker)	do	1507	F	1901	Wife	4/4
1861	1870	Summers, Albert Ray	do		M	7- 4-29	Head	3/4
1862	1871	Summers, Roylene Denice	do		F	12-11-50	Daughter	3/8
1863	1872	Summers, Mary Elizabeth	do		F	12-20-51	Daughter	3/8
1864	1873	Summers, Albert Roy, Jr.	do		M	8- 2-53	Son	3/8
1865	1874	Summers, Ora	do	1545	M	1901	Head	1/2
1866	1875	Summers, Martha (Jim)	do	36	F	1896	Wife	4/4
1867	1876	Summers, Robert	do	1546	M	1899	Head	1/2
1868	2023	Sutter, Betty J. (Morgan)	Roseburg, Oreg.		F	7- 8-26	Head	1/4
1869	2024	Williams, Morgan Lee	do		M	6-25-48	Son	1/8
1870	1877	Swartsfager, Greta (Lang)	2829 Front St., Klamath Falls, Oreg.		F	1-27-26	Head	5/8
1871	1878	Swartsfager, Johnnie Lee	do		M	9-20-45	Son	5/16
1872	1879	Swartsfager, Rosetta Marie	do		F	7- 6- 9	Daughter	5/16
1873	1880	Swartsfager, Ernest Arnold, Jr.	do		M	9-24-50	Son	5/16
1874	1881	Swartsfager, Bobby Dean	do		M	6- 9-53	Son	5/16
1875	966	Switlik, Donald	(Military service)		M	12-23-39	Adopted son	1/2
1876	655	Taggart, Archie Emil (Foster)	576 Locust St., Salem, Oreg.		M	1-21-37	Head	4/4
1877	1545	Taggart, Vernita (Norwest)	do		F	8-15-38	Wife	7/8
1878	1573	Taylor, Ruby (Charles)	Chiloquin, Oreg.		F	2- 2-23	Head	7/8
1879	1574	Castriotta, Nicholas V.	do		M	10-16-51	Son	7/16
1880	1575	Castriotta, Theda Marie	do		F	2- 2-53	Daughter	7/16
1881	1576	Castriotta, Margaret P.	do		F	2- 7-54	Daughter	7/16
1882	1577	Castriotta, Ruth	do		F	2- 7-54	Daughter	7/16
1883	1882	Tecumseh, Lester	Beatty, Oreg.		M	4-12-13	Head	4/4
1884	1883	Tecumseh, Angeline (Riddle)	do		F	4- 4-15	Wife	7/8
1885	1884	Tecumseh, Lester Jeff, Jr.	do		M	6- 3-36	Son	15/16
1886	1885	Tecumseh, Stanley Lewis	do		M	7- 9 37	Son	15/16
1887	1886	Tecumseh, Anthony Vernon	do		M	10-27-40	Son	15/16
1888	1887	Tecumseh, Angelena Rose	do		F	11-16-46	Daughter	15/16
1889	1888	Thomas, Eva (White)	130 Manor Dr., San Francisco, Calif.	1315½	F	1899	Head	1/2
1890	1889	Thompson, Alton Harlow	1424 E. 26th, Oakland, Calif.		M	10- 9-31	Head	1/2
1891	1890	Thompson, Pasculita J. (Chester)	do		F	7- 9-37	Wife	4/4
1892	1891	Thompson, Betty (Hunter)	75 Skyview Way, San Francisco, Calif.		F	8-31-24	Head	1/2
1893	1892	Thompson, Florence (Chocktoot)	(Died 10-24-55)	398	F	1898	Head	4/4
1894	1893	Thompson, Glen R.	Beatty, Oreg.		M	2-12-29	Head	1/2
1895	1894	Thompson, Rosalie	do		F	3-17-35	Head	1/2
1896	1895	Thompson, Howard Clyde	Klamath County Welfare Dept., Klamath Falls, Oreg.		M	2-19-52	Son	1/2
1897	1896	Thompson, Ilene	do		F	1-24-53	Daughter	1/4
1898	1897	Thompson, Marvin	Beatty, Oreg.		M	5-16-23	Head	1/2
1899	1898	Thrashier, Florine (Wilson)	Prineville, Oreg.		F	3-27-21	Head	3/4
1900	1899	Thrashier, Darla Rae	do		F	5-17-41	Daughter	3/8
1901	1900	Thrashier, Bonnie Kaye	do		F	9-16-42	Daughter	3/8
1902	1901	Thrashier, Jack L.	do		M	4-22-40	Son	3/8
1903	1902	Tice, Ralph, Jr.	Lakeview, Oreg.		M	2-24-32	Head	3/16
1904	1903	Tofthagen, Melvira (Duvall)	Chiloquin, Oreg.	131	F	1898	Head	3/4
1905	530	Travis, Marjory (Decker)	Malin, Oreg.		F	12-28-36	Head	1/4
1906	1904	Tupper, Beatrice (House)	Chiloquin, Oreg.	112	F	1902	Head	3/4
1907	1905	Tupper, James	5016 Cottage Ave., Klamath Falls, Oreg.		M	11-13-32	Head	7/8
1908	1906	Tupper, Benjamin	(Died 11-18-56)	503	M	1896	Head	4/4
1909	1907	Tupper, Bruce Elton	Chiloquin, Oreg.		M	6- 5-29	Head	4/4
1910	1908	Tupper, Dolson	(Died 11-6-55)	1279	M	9-17-07	Head	4/4
1911	1909	Tupper, Randall	Chiloquin, Oreg.		M	6-13-24	Head	4/4
1912	1910	Tupper, Ramona (Duvall)	Klamath Falls, Oreg.		F	10-22-32	Wife	7/8
1913	1911	Tupper, Watson	Crosby Nursing Home, Ashland, Oreg.	426	M	1873	Head	4/4
1914	1912	Tupper, Edison	(Died after 1-27-56)	1277	M	12- 7-05	Head	4/4
1915	1913	Tupper, Marvin	Beatty, Oreg.		M	11-25-13	Head	4/4
1916	1914	Tupper, Fillmore Henry	Sprague River, Oreg.		M	2-10-29	Head	15/16
1917	1915	Tupper, Rachel (Robbins)	do		F	8-15-23	Wife	3/4
1918	1916	Tupper, Rayson Colde	do		M	1-14-47	Son	27/32
1919	1917	Tupper, Clint, Stormy	do		M	1- 4-48	Son	27/32
1920	1918	Tupper, Tana Lee	do		F	12-29-48	Daughter	27/32
1921	1919	Tupper, Richard Kean	do		M	10-22-50	Son	27/32
1922	1920	Turvey, Helen (Applegate)	Box 718, Ashland, Oreg.	654	F	1894	Head	1/4
1923	1921	Uhler, Mary (Hoover)	5226 N. Riverside, Rialto, Calif.		F	12-26-13	Head	3/4
1924	1922	Uhler, Joan Frances	do		F	10-16-44	Daughter	3/8
1925	1923	Uhler, James Marion	do		M	10-30-45	Son	3/8
1926	1924	Uhler, Martina Marie	do		F	4- 2-50	Daughter	3/8
1927	1925	Uhler, Mark Franklin	do		M	7-16-51	Son	3/8
1928	1926	Uhler, Mathew Luke	do		M	11-20-52	Son	3/8
1929	1927	Ulrey, Beatrice (Peters)	Miami, Okla.		F	1903	Head	4/4
1930	1928	Underwood, Sylvia (Mitchell)	1403 S. New Haven, Tulsa, Okla.		F	5-15-35	Head	1/4
1931	1821	Unive, Antonio	Long Beach, Calif.		M	1-17-30	Head	1/4
1932	1823	Unive, Ramon	(Military service)		M	7- 3-39	Brother	1/4
1933	1929	Unive, Darold Gene	Chiloquin, Oreg.		M	10- 2-34	Head	1/4
1934	1930	Unive, Karen (Riddle)	do		F	6- 5-35	Wife	1/4
1935	1822	Unive, Vernon Ray	do		M	1-21-33	Head	1/4
1936	1250	Unive, Barbara (Barkley)	do		F	1- 4-30	Wife	5/8
1937	1251	Lahr, Harlan Reed	do		M	8-25-49	Stepson	1/4
1938	1252	Summers, Michele Gay	do		F	6- 8-53	Stepdaughter	5/8
1939	1931	Vaughn, John Milson	6154 1st Ave., Sacramento, Calif.		M	7- 3-14	Head	1/8
1940	1932	Vaughn, Dorothy Lee			F	4-17-38	Daughter	1/16
1941	1933	Vasquez, Ada (Ball)	Oroville, Calif.	962	F	6- 3-08	Head	1/2
1942	1935	Vigil, Joan (Isaacs)	Chiloquin, Oreg.		F	4- 7-33	Head	15/16
1943	1936	Vigil, Bruce Lee	do		M	2-20-54	Son	15/32
1944	1937	Vincent, Margaret A. (Parkhurst)	Box 713, Klamath Falls, Oreg.		F	6-17-37	Head	1/16
1945	1938	Wahl, Elveda (Anderson)	Oroville, Calif.		F	11-24-16	Head	7/8
1946	1939	Herrera, Elna C.	do		F	3- 6-43	Daughter	7/16
1947	1940	Herrera, Fernando D.	do		M	6-26-46	Son	7/16
1948	1941	Wahl, Joseph E., Jr.	do		M	7-22-50	Son	7/16
1949	1942	Waldrip, Nora (Keane)	407 N. 18th St., Springfield, Oreg.		F	2-24-30	Head	1/8
1950	1943	Waldrip, Suzanne Marie	do		F	6- 8-49	Daughter	1/16
1951	1944	Waldrip, John W., Jr.	do		M	6-30-51	Son	1/16
1952	1945	Walker, Charlotte (Crain)	Chiloquin, Oreg.		F	5-10-24	Head	3/4
1953	1946	Walker, Carla Mae	do		F	2-27-52	Adopted daughter	1/2
1954	1947	Walker, Edwin Joseph	Beatty, Oreg.		M	5-19-21	Head	1/8
1955	1948	Walker, Linda Ann	do		F	3-26-45	Daughter	1/16
1956	1949	Walker, Wayne Charles	do		M	12-27-46	Son	1/16
1957	1950	Walker, Ettie (Coburn)	Beatty, Oreg.	704	F	1890	Head	1/4
1958	1951	Walker, Alma E.	Queen of Angels Convent, Mt. Angel, Oreg.		F	12-18-28	Head	1/8
1959	1952	Walker, Marvin Jesse	Beatty, Oreg.		M	4-29-23	Head	1/8
1960	1953	Walker, Melborn Harold	Marion, Oreg.		M	7-18-27	Head	4/4

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
1951	1954	Walker, Marjorie (Lotches)	Chiloquin, Oreg.		F	9-24-29	Wife	15/16
1952	1955	Walker, Vera (Schonchin)	do		F	6- 1-20	Head	4/4
1953	1956	Sanders, Rueben, Jr.	do		M	9-15-40	Son	3/4
1954	1957	Walker, James Howard	do		M	12-15-45	Son	3/4
1955	1958	Walker, Dale Ivan, Jr.	do		M	10-20-47	Son	1/2
1956	1959	Walker, Donna Mae	do		F	5-17-50	Daughter	1/2
1957	1960	Walker, David Oscar	do		M	11-21-51	Son	1/2
1958	1961	Walker, Dora (Grant)	do	465	F	1879	Head	1/2
1959	1962	Walker, Vernon	Seneca, Mo.		M	1906	Head	4/4
1970	1963	Walker, Ramona May	do		F	1-30-46	Daughter	3/8
1971	1964	Walker, Colleen Ann	do		F	8-19-50	Daughter	3/16
1972	1965	Walker, Maureen Gay	do		F	8-19-50	Daughter	3/16
1973	1966	Walker, Virgil	do		M	1904	Head	3/8
1974	1967	Walker, William Coburn	Chiloquin, Oreg.		M	11-30-26	Head	1/8
1975	1150	Walker, Ethel (Miller)	do		F	1-29-19	Wife	3/8
1976	1153	Joe, Ivan	do		M	1-10-39	Stepson	3/16
1977	1774	Walker, Wilma (Helin)	Rt. 2, Box 381, Galena, Kans.		F	12- 2-16	Head	1/2
1978	1775	Shadwick, Jack Wesley	do		M	9-13-37	Son	17/64
1979	1776	Shadwick, Billy Clarence	do		M	4-10-36	Son	17/64
1980	1777	Shadwick, Katherine Marie	do		F	3-10-40	Daughter	17/64
1981	1778	Shadwick, George Marion	do		M	10-31-47	Son	17/64
1982	624	Walters, Gayle M. (Hollinger)	Stevensville, Mont.		F	1-26-41	Head	3/8
1983	1970	Washington, Bertha Villard	Burns, Oreg.	466	F	1879	Head	4/4
1984	1971	Watah, Bertina	Beatty, Oreg.		F	7-17-25	Head	1/2
1985	1972	Davis, Idanell	5629 Independence, Klamath Falls, Oreg.		F	6-11-46	Daughter	11/16
1986	316	Watah, Ione (Taylor)	Harney Co. Welfare, Burns, Oreg.		F	9-21-41	Niece	1/4
1987	1973	Watah, James Stephen	Beatty, Oreg.		M	12-18-19	Head	4/4
1988	1974	Watah, Charlotte (Chipps)	Sprague River, Oreg.		F	1- 3-24	Wife	4/4
1989	1975	Watah, Juda Weah	Beatty, Oreg.	875	F	1885	Head	4/4
1990	1976	Watah, Chester A	do		M	2-24-22	Head	4/4
1991	1977	Watah, Kenneth	do		M	4- 7-27	Head	4/4
1992	1978	Watah, Roscoe	do	896	M	1876	Head	4/4
1993	1979	Watkins, Zelma (Greenback)	Miami, Okla.		F	7- 8-24	Head	3/4
1994	1980	Weeks, Bennett Merle	(Died 6-8-57)		M	5-16-24	Head	13/16
1995	829	Weeks, Annette (Kirk)	Chiloquin, Oreg.		F	3-29-33	Wife	7/8
1996	1981	Weeks, Bennett	(Died 8-23-56)	1301	M	1- 3-06	Head	3/4
1997	1982	Weeks, Carmel (Jackson)	(Died 10-28-56)		F	7-28-26	Wife	4/4
1998	1983	Weeks, Leon McKinley	c/o Norma Jackson, Chiloquin, Oreg.		M	7-28-45	Son	7/8
1999	1984	Weeks, Carmel Mae	do		F	11-13-47	Daughter	7/8
2000	1985	Weeks, Bonnie Marie	do		F	5-24-50	Daughter	7/8
2001	1986	Weeks, Donald Monte	do		M	12-17-51	Son	7/8
2002	1987	Weeks, Norma Maranda	do		F	9-18-53	Daughter	7/8
2003	1988	Weeks, Daniel W.	Chiloquin, Oreg.	1297	M	1888	Head	4/4
2004	1989	Weeks, Eblyn	do		M	1-10-16	Head	4/4
2005	1990	Weeks, Eugene	(Died 2-24-57)	943	M	1895	Head	4/4
2006	1991	Weeks, Lorenzo Buford	2605 State St., Salem, Oreg.		M	3-13-16	Head	4/4
2007	1992	Weeks, Leatha (Henry)	(Died 9-3-55)		F	7- 9-24	Head	4/4
2008	1993	Weeks, Larry Duane	Clakamus Co. Welfare Dept., Oregon City, Oreg.		M	12-21-43	Son	4/4
2009	1994	Weeks, Claudette Elaine	do		F	1-26-45	Daughter	4/4
2010	1995	Weimer, Marie L. (Dufault)	10231 Bonser Ave., Garden Grove, Calif.		F	1-23-26	Head	1/8
2011	1996	Lane, Celia Ann	do		F	12- 1-44	Daughter	1/16
2012	1997	Weimer, Lawrence George	do		M	11-14-49	Son	1/16
2013	1998	Weimer, Theresa Marie	do		F	10-20-50	Daughter	1/16
2014	2001	Weiser, Buddy Ken	(Died 6-19-57)		M	4-28-35	Head	15/16
2015	200	Weiser, Frances Marie (Brown)	Beatty, Oreg.		F	9-11-36	Wife	4/4
2016	202	Brown, Claudette Eileen	do		F	7-15-54	Stepdaughter	1/2
2017	1999	Weiser, Irwin	238 Broad, Klamath Falls, Oreg.	1307	M	8-16-09	Head	4/4
2018	1226	Weiser, Gladys (Jackson)	(Died 6-9-55)		F	1917	Wife	15/16
2019	2003	Weiser, Bonnie Jean	Carson City, Nev.		F	1-23-44	Daughter	15/16
2020	1229	Weiser, Carmelita R.	Beatty, Oreg.		F	9-14-53	Daughter	31/32
2021	2000	Weiser, Irwin, Jr.	do		M	4-28-31	Head	15/16
2022	2005	Weiser, Lorentine	Sprague River, Oreg.		M	12-21-29	Head	15/16
2023	2006	Weiser, Jessie (Robbins)	(Died 7-28-57)		F	4-30-26	Wife	3/4
2024	2007	Weiser, Steve Loren	Sprague River, Oreg.		M	3-31-48	Son	27/32
2025	2008	Weiser, Ralph S.	(Died 12-11-54)		M	6-28-28	Head	15/16
2026	2009	Weiser, Estella (Swain)	Beatty, Oreg.		F	1-23-37	Wife	1/4
2027	2010	Swain, Ralph	do		M	6-30-54	Son	19/32
2028	2011	Weiser, Carrie (Brown)	do		F	11-19-32	Head	4/4
2029	2012	Weiser, Raleigh Sage	do		M	7- 7-50	Son	31/32
2030	2013	Weiser, Rodney	do		M	10-15-51	Son	31/32
2031	2014	Weiser, Carol	do		F	11-23-52	Daughter	31/32
2032	2015	Weiser, Catherine	do		F	6- 8-54	Daughter	31/32
2033	2016	Weiser, Sarah (Foster)	do	910	F	1882	Head	4/4
2034	2017	Weiser, Racine	do		M	9- 5-10	Head	4/4
2035	2002	Weiser, Wilda Mae	238 Broad St., Klamath Falls, Oreg.		F	1-26-37	Head	15/16
2036	2004	Weiser, Merton Allen	do		M	11-22-52	Son	15/32
2037	719	Welker, Beatrice Irene	1810 NE. Commercial, Roseburg, Oreg.		F	7-21-54	Adopted Daughter	1/4
2038	2018	Welton, Angelita (Hoover)	Rialto, Calif.		F	6-22-11	Head	1/2
2039	2019	White, Russell	Chiloquin, Oreg.	1569	M	1903	Head	4/4
2040	2020	Whitefoot, Betty (Baldwin)	White Swan, Wis.		F	3-13-34	Head	1/2
2041	2021	Whitefoot, John Ellis	do		M	7-28-52	Son	3/16
2042	2022	Wiekert, Nora (Mann)	1595 N. 23d St., Salem, Oreg.	1421	F	1888	Head	1/4
2043	563	Willhoite, Darlene J.	4210 Soule Ave., Eureka, Calif.		F	3- 9-34	Head	1/4
2044	564	Drew, Milton Joseph	do		M	10-31-53	Son	1/8
2045	565	Drew, Virginia Lee	do		F	10- 3-52	Daughter	1/8
2046	2025	Williams, Hilbert	Warm Springs, Oreg.		M	4-11-10	Head	4/4
2047	1681	Williams, Rosalia (Riddle)	708 Narregan St., Medford, Oreg.		F	4-26-24	Head	7/8
2048	1682	Riddle, Darrold Alan	do		M	12-31-49	Son	7/16
2049	1683	Riddle, Darla Faye	do		F	12-10-53	Daughter	7/16
2050	2026	Williams, Marvin	Lathrop, Calif.	1323	M	1899	Head	1/4
2051	2027	Williams, Willard	Springfield, Mo.		M	3- 3-16	Head	4/4
2052	2028	Wilson, Clifford Edgar	1722 SE. Taggert, Portland, Oreg.		M	10-27-22	Head	3/4
2053	2029	Wilson, Esther (Tupper)	Sprague River, Oreg.	1504	F	1900	Head	4/4
2054	2030	Wilson, Marlin Dale	do		M	12-10-33	Head	1/2
2055	2031	Wilson, Harlan Floyd	1202 Division, National City, Calif.		M	1-13-21	Head	1/8
2056	2032	Wilson, Harlan Ludwig	do		M	10- 9-41	Son	1/16
2057	2033	Wilson, Christine June	do		F	7-17-44	Daughter	1/16
2058	2036	Wilson, Leander	Chiloquin, Oreg.	1331	M	8-10-05	Head	4/4
2059	2037	Wilson, Paul	Klamath Agency, Oreg.		M	8- 6-29	Head	4/4
2060	2038	Wilson, Loren Richard	468 J St., Chula Vista, Calif.		M	10- 1-22	Head	1/8
2061	2039	Wilson, Raymond Arthur	do		M	5-13-47	Son	1/16
2062	2040	Wilson, Donna Marie	do		F	9- 9-48	Daughter	1/16
2063	2041	Wilson, Delbert	(Military service)		M	3-27-21	Head	3/4
2064	2042	Wilson, Ronald Ray	Sprague River, Oreg.		M	12-25-27	Head	3/4
2065	2043	Wilson, Millie (Riddle)	do		F	7-18-32	Wife	15/16
2066	2044	Wilson, Aaron Roy	do		M	3- 3-51	Son	23/32
2067	2045	Wilson, Lorene May	do		F	4- 2-54	Daughter	23/32

FINAL ROLL OF MEMBERS OF THE KLAMATH TRIBE OF INDIANS PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

Final roll No.	Proposed roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Date of birth	Family relationship	Degree of blood
2068	2046	Wilson, Vernie Lee	1722 SE. Taggart, Portland, Oreg.		M	2-10-20	Head	3/4
2069	2047	Wilson, Leona (Godowa)	Beatty, Oreg.	1088	F	7-22-07	Head	4/4
2070	2049	Wilson, Lillian Laverne	1423 SE. Powell Blvd. Portland, Oreg.		F	8-16-42	Daughter	7/8
2071	2050	Wilson, Virgil	Chiloquin, Oreg.		M	4-16-14	Head	3/4
2072	2051	Wilson, Eleanor (Wright)	do	1599	F	4- 5-10	Wife	1/2
2073	2053	Wilson, Virgil III	do		M	4-30-36	Son	5/8
2074	2054	Wilson, Darrell James	do		M	6-23-41	Son	5/8
2075	2055	Wilson, Eileen Kay	do		F	12-31-48	Daughter	5/8
2076	2056	Wilson, Darla Ann	do		F	1-17-51	Daughter	5/8
2077	1196	Wilson, Wanda (Kidwell)	Lakeside, Calif.		F	9- 6-28	Head	3/16
2078	2057	Witt, Lawrence Leroy	Rt. 3, Box 270, Klamath Falls, Oreg.		M	12-10-22	Head	1/8
2079	2058	Witt, Larl Barbara	do		F	7- 8-54	Daughter	1/16
2080	2059	Witt, Norls Verne	Poulsbo, Wis.		M	1-17-43	Son	1/16
2081	2060	Witt, Elsie Deane	do		F	2- 2-44	Daughter	1/16
2082	2061	Witt, Lawrence Lee, Jr.	do		M	9- 9-45	Son	1/16
2083	2062	Witt, Jon William	do		M	1- 4-48	Son	1/16
2084	2065	Wright, George Emmitt	(Died 12-30-56)		M	7-21-12	Head	1/2
2085	2066	Wright, Alice (Jackson)	Chiloquin, Oreg.		F	11- 1-13	Head	3/4
2086	2067	Crume, Marilyn Janette	do		F	12-28-36	Daughter	3/4
2087	2068	Jackson, Jonathan Wayne	do		M	6-10-38	Son	3/4
2088	2070	Jackson, Dowd Harwood	do		M	10- 9-40	Son	5/8
2089	2071	Jackson, Laverne Margaret	do		F	6- 4-42	Daughter	5/8
2090	2072	Jackson, Delmar Stephen	do		M	6-10-51	Son	3/8
2091	2073	Wright, Nadene Carroll	do		F	5-12-49	Daughter	1/2
2092	2074	Wright, Harold B.	(Military service)		M	6-25-33	Head	13/16
2093	2075	Wright, Maryetta (Ball)	Chiloquin, Oreg.		F	7-27-31	Head	5/8
2094	2076	Wright, Harry Frederick	do		M	1917	Head	5/8
2095	2077	Wright, Elmira J. (Charles)	do		F	6- 9-21	Wife	7/8
2096	2078	Charles, Patricia Ann	do		F	3- 9-45	Step-daughter	7/16
2097	2079	Wright, Geraldine Harriet	do		F	10-14-48	Daughter	3/4
2098	2080	Wright, Wanda Amelia	do		F	2-10-52	Daughter	3/4
2099	2081	Wright, Warren Wayne	do		M	4-10-50	Son	3/4
2100	2082	Wright, Floyd Harry	do		M	11- 3-53	Son	3/4
2101	2083	Wright, John	do		M	8-29-26	Head	5/8
2102	2084	Wright, Lorena (Jackson)	do		F	12-17-27	Wife	4/4
2103	2085	Wright, Faith	do		F	2-22-48	Daughter	13/16
2104	2086	Wright, Ruth Esther	do		F	9-20-49	Daughter	13/16
2105	2087	Wright, Gail Elizabeth	do		F	7-18-51	Daughter	13/16
2106	2088	Wright, Sandra Lee	do		F	5-15-53	Daughter	13/16
2107	2089	Wright, May (Silvers)	do	1409	F	1904	Head	1/2
2108	2091	Wright, Ralph	do		M	10- 7-45	Son	5/8
2109	2092	Wright, James, Jr.	do		M	5-10-43	Grandson	7/16
2110	2093	Wright, James	do		M	11-28-23	Head	5/8
2111	2094	Wright, Theodona L. (Walker)	do		F	3-13-30	Head	15/16
2112	2095	Wright, Eileen Susan	do		F	4- 3-48	Daughter	25/32
2113	2096	Wright, Marcella Jean	do		F	2-13-49	Daughter	25/32
2114	2097	Wright, Doreen Janice	do		F	7- 3-50	Daughter	25/32
2115	2098	Wright, Theodore Harold	do		M	6-27-51	Son	25/32
2116	2099	Wright, Lloyd James	do		M	2- 6-53	Son	25/32
2117	2104	Wright, Mabel O. (Hendricks)	Ashland, Oreg.		F	3-14-12	Head	1/8
2118	2105	Tullis, Howard L., Jr.	do		M	9-12-40	Son	1/16
2119	2106	Wright, Harry Applegate	do		M	3-10-47	Son	1/16
2120	2107	Wright, Orville Elliott	Beatty, Oreg.		M	6-13-14	Head	5/8
2121	2108	Wright, Mary (Henry)	do		F	10-23-28	Wife	4/4
2122	2109	Wright, Ruby (White)	Chiloquin, Oreg.	1316	F	1902	Head	4/4
2123	2110	Wright, Joseph E.	(Died 3-12-55)		M	4-30-35	Son	13/16
2124	2111	Wright, June Ruby	Chiloquin, Oreg.		F	6-25-44	Daughter	13/16
2125	2112	Yates, Flava M. (Wright)	do	1512	F	1896	Head	3/4
2126	2063	Yonemura, Mary (Gallagher)	1108 T St., Sacramento, Calif.		F	1- 3-30	Head	5/8
2127	2064	Wong, Ramona Jean	do		F	7-23-47	Daughter	5/16
2128	2113	Youngblood, May (Jackson)	do		F	5- 1-20	Head	4/4
2129	2114	Zamudio, Rose (Rossi)	do		F	7- 2-28	Head	1/4
2130	2115	Zamudio, Karen Lyle	do		F	2-16-46	Adopted daughter	9/16
2131	2116	Zamudio, Sharon Lynne	do		F	2-16-46	Adopted daughter	9/16
2132	2117	Zamudio, Ramon Jose, Jr.	do		M	5- 5-53	Son	1/8
2133	2118	Zebe, Lois (Godowa)	Sprague River, Oreg.		F	10-16-09	Head	4/4

Certificate. I certify that the foregoing Final Roll of the members of the Klamath Indian Tribe was prepared from the records of the Klamath Indian Agency, and that it is correct according to my best knowledge and belief; that the Final Roll was made pursuant to the provisions of section 3 of the act of August 13, 1954, Public Law 587.

ELMO MILLER,
Superintendent, Klamath Indian Agency,
Klamath Agency, Oregon.

SEPTEMBER 12, 1957.

I hereby certify that the foregoing roll consisting of 89 pages [in original document] and containing a total of 2,133 names constitutes the final roll of the Klamath Tribe of Indians and is submitted in accordance with section 3 of the act of August 13, 1954, Public Law 587 (68 Stat. 718) as amended by the act of August 14, 1957, Public Law 85-132 (71 Stat. 347). Disposition has been made of all appeals to the Secretary contesting the inclusion or omission of the name of any person on or from the proposed roll as published in the FEDERAL REGISTER on May 13, 1955 (20 F. R. 3269).

MARTIN N. B. HOLM,
Acting Area Director.

SEPTEMBER 13, 1957.

[F. R. Doc. 57-8537; Filed, Nov. 20, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8614]

AEROVIAS SUD AMERICANA, INC.; CERTIFICATE RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled case is assigned to be held on January 7, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Chief Examiner Francis W. Brown.

In order to facilitate the conduct of the conference it is requested that any party desiring to prosecute an application in this proceeding file on or before December 17, 1957 a motion for consolidation with Examiner Brown and/or any new applications for which consolidation may be sought.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party upon whom the evidence is sought on or before December 17, 1957.

Counsel will be expected to state the views of their client with respect to is-

sues discussed during the course of this conference.

Dated at Washington, D. C., November 15, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9662; Filed, Nov. 20, 1957; 8:58 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50-77]

CATHOLIC UNIVERSITY OF AMERICA

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on September 25, 1957, the Atomic Energy Commission has issued License R-31 authorizing The Catholic University of America to acquire, possess and operate, at the location in Washington, D. C., described in the application in Docket 50-77, a 100-milliwatt nuclear reactor constructed by Aerojet-General Nucleonics. Notice of the proposed action was published in the FEDERAL REGISTER on September 26, 1957, 22 F. R. 7668.

Dated at Washington, D. C., this 15th day of November 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-9659; Filed, Nov. 20, 1957; 8:58 a. m.]

[Docket No. 50-74]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission, pursuant to Section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and upon findings that (a) the reactor proposed to be exported is a utilization facility as defined in said act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with Italy, proposes to issue a facility export license to American Machine and Foundry Company, 261 Madison Avenue, New York 16, New York, authorizing the export of a one megawatt pool-type research reactor to Societa Ricerche Impianti Nucleari (SORIN), Via Filippo Turati 8, Milano, Italy, unless within 15 days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

Dated at Washington, D. C., this 14th day of November 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-9660; Filed, Nov. 20, 1957; 8:58 a. m.]

[Docket 50-38]

MARTIN CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license to The Martin Company, Baltimore, Maryland, substantially in the form set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is attached as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. A construction permit authorizing The Martin Company to construct the facility was issued by the Commission on May 13, 1957. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

The proposed license incorporates—as one of its conditions—a requirement that no critical experiment other than the Martin Power Reactor experiments described in the application may be conducted in the facility until a description of the experiment and a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

Dated at Washington, D. C., this 15th day of November 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE

1. The Atomic Energy Commission (hereinafter "the Commission") finds that:

a. The critical experiments facility (hereinafter "the facility") authorized for construction by Construction Permit No. CPCX-6 issued to The Martin Company has been constructed and will operate in conformity with the application as amended and in conformity with the Atomic Energy Act of 1954, as amended (hereinafter "the act") and the rules and regulations of the Commission;

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

c. The Martin Company is technically and financially qualified to operate the facility;

d. Issuance of a license to possess and operate the facility will not be inimical to the common defense and security or to the health and safety of the public;

e. The Martin Company has filed with the Commission, as proof of financial protection, pursuant to 10 CFR 140, copies of Binder No. 28 issued by the Nuclear Energy Liability Insurance Association covering the facility described in this license.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The Martin Company:

a. Pursuant to section 104 (c) of the act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the facility designated below;

b. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate such byproduct material as may be produced in the operation of the facility.

3. This license applies to the facility which is owned by The Martin Company and located near Middle River in Baltimore County, Maryland, and described in The Martin Company's application filed on October 26, 1956, and amendments thereto filed on November 16, 1956, February 26, 1957, March 4, 1957, August 20, 1957, October 11, 1957, and October 21, 1957 (all hereinafter "the application").

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

a. No critical experiment other than the Martin Power Reactor experiments described in MND-1112 dated August 15, 1957 may be conducted in the facility until a description of the experiment and a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

b. The Martin Company shall not operate the facility at a power level in excess of 10 watts (thermal).

c. In addition to those otherwise required under this license and applicable regulations, The Martin Company shall keep the following records:

(1) Facility operating records, including power levels, as set forth in MND-1111 dated August 15, 1957.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of The Martin Company as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

d. The Martin Company shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

5. This license is effective as of the date of issuance and shall expire at midnight May 13, 1959, unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

_____,
Director,
Division of Civilian Application.

ANNEX "B"

MEMORANDUM

Part I—Introduction. The Martin Company on October 26, 1956, filed an application for a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct a critical assembly and conduct therein two experiments designated as the Martin Power Reactor Experiment and the U. S. Army Package Power Reactor Experiment. On November 16, 1956, February 26, 1957, and March 4, 1957, The Martin Company filed amendments to its license application.

Notice of proposed issuance of a construction permit was published in the FEDERAL REGISTER on April 25, 1957, 22 F. R. 2922. Accompanying the notice was a memorandum submitted by the Division of Civilian Application summarizing the principal features of the proposed facility and experiments and the principal factors considered in reviewing the application for license. Construction Permit No. CPCX-6 was issued on May 31, 1957.

On August 20, 1957, October 11, 1957, and October 21, 1957, The Martin Company filed amendments to its application providing detailed and current information on the facility, a description and final hazards analysis of the Martin Power Reactor experiments and information submitted in compliance with the Commission's regulation 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements". The final hazards analysis of the Army Package Power Reactor experiment has not been submitted to date. That experiment therefore, is not discussed herein nor proposed for licensing at this time.

On November 7, 1957, representatives of the Commission inspected the facility and determined that it was constructed substantially in accordance with the specifications described in the application.

Part II—Description of the facility. The facility has been constructed as described in the aforementioned notice and memorandum, 22 F. R. 2922, except for the following changes:

1. Ventilation of the test cells is separate from that of work areas. Exhaust air from the cells will pass through filters and be discharged at roof level.

2. The manually operated valve previously located in the reactor core tank has been relocated to a position outside the test cell and backed up by two air-operated valves.

3. The Martin Power Reactor prototype control rods will not have fuel-bearing sections. Two of these prototype rods will be connected to air-cocked, spring-loaded actuators and used as safety rods. The other four will be positioned by hand-operated mechanisms. (For one experiment additional safety rods will be added so that the effect of placing the six prototype rods at various positions can be measured.) Plate type rods containing natural boron will be used for control during all experiments.

Part III—Safety analysis. The aforementioned memorandum pointed out that there was some doubt that the two feet of concrete shielding between the control room and the test cell would be adequate to provide sufficient shielding for the operator during a maximum credible accident and advised that, unless the applicant could definitely establish that the shielding as proposed would be adequate, additional shielding would have to be provided before the Commission would authorize performance of the proposed experiments. Since that time the applicant has provided calculations, with which we agree, that show that two feet of concrete shielding between the control room and the test cell is adequate to protect the operator during the maximum credible accident from receiving dosages in excess of those permissible by the Commission's regulation, 10 CFR 20, "Standards for Protection Against Radiation". As described in the memorandum, we concurred with the applicant that the maximum credible accident for the Martin Power Reactor experiment would not damage the core and therefore would not release any fission products.

We do not believe that any of the changes described in Part II of this memorandum adversely affect the safe operation of the facility.

Part IV—Technical and financial qualifications. At the time consideration was given to the issuance of a construction permit covering this facility the Commission reviewed The Martin Company's technical and financial qualifications and determined that the applicant was qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR. There is no additional information to suggest any change in that determination.

Part V—Financial protection. The Martin Company has filed with the Commission, as proof of financial protection, pursuant to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," copies of Binder No. 28, issued by the Nuclear Energy Liability Insurance Association covering The Martin Company's facility.

Part VI—Conclusions. Based on the above considerations, it is concluded that:

a. There is reasonable assurance that the health and safety of the public will not be endangered by operation of the facility at the proposed site near Middle River, Maryland.

b. The Martin Company is technically and financially qualified to engage in the proposed activities.

Dated: November 15, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-9661; Filed, Nov. 20, 1957; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11718]

MOUNTAIN GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 15, 1957.

Take notice that Mountain Gas Company (Applicant), a Pennsylvania Corporation, having its principal office in Kushequa, Pennsylvania, filed on January 9, 1957 an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing The Manufacturers Light and Heat Company (Manufacturers) to establish physical connection of its natural gas transportation facilities with the facilities of Applicant and to sell and deliver to Applicant natural gas in amounts sufficient to meet its needs, up to 500 Mcf per day, for local distribution to the public in the Townships of Wetmore and Hamlin and surrounding territory in McKean County, Pennsylvania. Applicant also seeks an order, pursuant to section 1 (c) of the Natural Gas Act, exempting it from the provisions of said act.

Applicant proposes that the gas from The Manufacturers Light and Heat Company be delivered at a point near the center of the north half of Warrant 3085, Hamlin Township, McKean County, Pennsylvania, where Manufacturers' 8-inch and 6-inch lines cross the 4-inch line of Kane Industrial Gas Company, which Applicant alleges is available to it by lease or purchase.

Applicant alleges that, its supply of local gas has been diminishing and that it needs this additional supply of gas in order to maintain satisfactory pressure for present and future customers.

Applicant estimates that the cost of the proposed connection will be approximately $500, which will be paid from funds on hand.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 19, 1957, at 10 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9634; Filed, Nov. 20, 1957; 8:49 a. m.]

[Docket No. G-12875]

COLORADO INTERSTATE GAS CO.

NOTICE OF DATE OF HEARING

NOVEMBER 15, 1957.

Take notice that, pursuant to the authority contained in sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing in the above-designated proceeding, postponed by Notice issued on September 12, 1957, will be held commencing on December 16, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application of Colorado Interstate Gas Company in Docket No. G-12875.

Notice of the application filed herein was published on August 22, 1957, in the FEDERAL REGISTER (22 F. R. 6806).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9635; Filed, Nov. 20, 1957; 8:50 a. m.]

[Project No. 2102]

WARRIOR RIVER ELECTRIC CO-OPERATIVE ASSN.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

NOVEMBER 15, 1957.

Public notice is hereby given that Warrior River Electric Co-operative Association, of Oneonta, Alabama, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for proposed water-power Project No. 2102, to be located on Locust Fork of Black Warrior River in Blount

County, Alabama, to change the description of the proposed Lower Development so that it shall be designated Smith's Ford Development and consist of an earth dam in sec. 18, T. 13 S., R. 1 W., Huntsville meridian, about 1,800 feet long with elevation at top of dam 522.0 m. s. l.; detached concrete spillway 579 feet long with twelve 40-foot by 22.5-foot gates and gate sill elevation 492.0 m. s. l.; dikes; power pool between elevations 472.0 and 513.0 feet m. s. l. with 508,000 acre-feet of usable storage; two tunnels about 1,000 feet long; turbo-generator units capable of producing 80,000 KW at 117 feet net head; transformers; and switchgear and other appurtenant equipment. The application also requests amendment of the license to change the clearing requirements for the Smith's Ford Development to conform with the proposed revision of the proposed development.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is December 30, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9636; Filed, Nov. 20, 1957; 8:50 a. m.]

[Docket No. G-13715]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 15, 1957.

Cities Service Oil Company (Cities Service), on October 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Letter,[1] dated July 24, 1957. (2) Notice of Change, dated September 18, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 3 to Cities Service's FPC Gas Rate Schedule No. 103. (2) Supplement No. 4 to Cities Service's FPC Gas Rate Schedule No. 103.

Effective date: November 18, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nations rate increase, Cities Service submits a copy of a letter from Texas Eastern Transmission Corporation notifying Cities Service that it has entered into a contract with another producer which would trigger the subject increase. Cities Service states that the proposed rate is not unreasonable and is less than the going area price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 3 and 4 to Cities Service's FPC Gas Rate Schedule No. 103 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 3 and 4 to Cities Service's FPC Gas Rate Schedule No. 103.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 18, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9637; Filed, Nov. 20, 1957; 8:50 a. m.]

[Docket No. G-13714]

DAN J. HARRISON, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 15, 1957.

Dan J. Harrison, Jr. (Operator), et al., (Harrison), on October 18, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 15, 1957.

Purchaser: Texas Gas Corporation.

Rate schedule designation: Supplement No. 4 to Harrison's FPC Gas Rate Schedule No. 2.

Effective date: November 18, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Harrison merely cites the contract provisions and states that the bona fide contract was entered into at arm's-length.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Harrison's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Harrison's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 18, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9638; Filed, Nov. 20, 1957; 8:50 a. m.]

[Docket No. G-13713]

SEABOARD OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 15, 1957.

Seaboard Oil Company (Seaboard), on October 18, 1957, tendered filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 1 to Seaboard's FPC Gas Rate Schedule No. 19.

Effective date: January 1, 1958 (effective date is the effective date proposed by Seaboard).

In support of the proposed rate increase, Seaboard cites the contract and states that the rate is part of the agreed contract price and to suspend the operation of the increase would be in effect to decrease the price originally agreed to by the purchaser in the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15, thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9639; Filed, Nov. 20, 1957; 8:51 a. m.]

[Docket Nos. G-9867, G-11111]

TENNESSEE GAS TRANSMISSION CO. AND TRICE PRODUCTION CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 15, 1957.

In the matters of Tennessee Gas Transmission Company, Docket No. G-9867; Trice Production Company, Operator, Docket No. G-11111.

Take notice that Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with its principal place of business in Houston, Texas, and Trice Production Company, Operator (Trice), an independent producer, filed applications, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and authorizing the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On January 13, 1956, Tennessee filed in Docket No. G-9867 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain new facilities and the continued operation of certain installed facilities not heretofore certificated for the purpose of receiving gas from certain producers in Texas. The estimated total cost of these facilities is $75,315. The cost is to be financed from company funds. The following describes the proposed facilities and the related independent producers' applications:

(A) One tap with appurtenant facilities at an estimated initial unit cost of $835 at a point on the existing La Sal Vieja lateral in the Chess Field, Willacy County, Texas, approximately 90 miles upstream from Applicant's existing Compressor Station No. 1; in order to receive gas produced by The Superior Oil Company from the Chess and La Sara Fields, Willacy County, Texas;

(B) One tap with appurtenant facilities at an estimated initial unit cost of $835 at a point on the Coleto Creek Cologne lateral, Victoria County, Texas, approximately 4 miles upstream from existing Compressor Station No. 9; in order to receive gas produced by George A. Musselman from the Cologne Field, Victoria County, Texas;

(C) One tap with appurtenant facilities at an estimated initial unit cost of $835 at a point on Applicant's existing main line in Ford Bend County, Texas, approximately 23 miles upstream from existing Compressor Station No. 25; in order to receive gas produced by Sam E. Wilson from the Fulshear (Randon) Field, Fort Bend County, Texas;

(D) One tap with appurtenant facilities at an estimated initial cost of $719 at a point on the existing Hope lateral in the East Gohlke Field, Victoria County, Texas, approximately 13 miles downstream from the existing Compressor Station No. 9; in order to receive gas produced by the Kirby Oil and Gas Company from the East Gohlke Field, Victoria County, Texas;

(E) One tap with appurtenant facilities at an estimated initial unit cost of $835 at a point on the existing Sheridan lateral in the Mustang Creek Field, Colorado County, Texas, approximately 20 miles upstream from existing Compressor Station No. 17; in order to receive gas produced by Milton V. Spencer from the Mustang Creek Field, Colorado County, Texas;

(F) One tap with appurtenant facilities at an estimated initial unit cost of $835 at a point on Applicant's existing main transmission line in the Odem Field, San Patricio County, Texas, approximately 80 miles upstream from existing Compressor Station No. 9; in order to receive gas produced by The Texas Company from the Odem Field, San Patricio County, Texas;

(G) Three taps with appurtenant facilities, together with 1.1 miles of 4-inch pipeline and 2.4 miles of 6-inch pipeline at an estimated initial cost of $56,000. The gas to be received by the above described facilities will enter existing Compressor Station No. 17 through the existing Sublime, Glasscock and Chesterville-New Ulm laterals and these facilities will receive gas produced by Lloyd H. Smith, Inc., et al., The Texas Company and Trice Production Company, respectively, produced from the West Rock Island Field, Colorado County, Texas; and

(H) One tap with appurtenant facilities at an estimated initial unit cost of $835 at a point on the existing Huffsmith lateral in the Tomball Field, Harris County, Texas, approximately 25 miles upstream from existing Compressor Station No. 25; in order to receive gas produced by Socs Vratis, et al. from the Tomball Field, Harris County, Texas.

Trice filed an application on September 20, 1956, for authority to sell natural gas in interstate commerce to Tennessee for resale from production in the West Rock Island Field, Colorado County, Texas, under an amendatory agreement dated March 9, 1956, dedicating additional acreage to the basic gas sales contract dated November 10, 1955. The sales under the basic contract was authorized in Docket No. G-9790.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1957. Failure of any party

[1] Bi-lateral agreement wherein parties agree to an increase in base rate from 13.1 cents to 14.4 cent per Mcf due to favored-nations clause in contract.

to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9640; Filed, Nov. 20, 1957; 8:51 a. m.]

[Docket Nos. G-9870, G-9902]

COASTAL STATES OIL AND GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 15, 1957.

In the matters of Coastal States Oil and Gas Company, et al., Docket No. G-9870; Texas-Illinois Natural Gas Pipeline Company, Docket No. G-9902.

Take notice that Texas Illinois Natural Gas Pipeline Company (Texas Illinois) and Coastal States Oil and Gas Company, et al. (Coastal States) filed applications, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the construction and operation of facilities for receiving and transporting natural gas and for the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On January 24, 1956, Texas Illinois filed in Docket No. G-9902 an application for a certificate of public convenience and necessity authorizing the construction and operation of a main line tap and appurtenant facilities on its main transmission line in Nueces County, Texas. This proposed tap will receive gas from Coastal States produced in the Riverside Field, San Patricio County, Texas. The estimated total cost of the proposed facilities is $1,500. The cost is to be financed from company funds.

On January 16, 1956, Coastal States filed in Docket No. G-9870 an application for a certificate of public convenience and necessity covering the sale of gas to Texas Illinois from the Riverside Field, San Patricio County, Texas, under a contract dated November 1, 1955, between Texas Illinois and Wymore Oil Company, Coastal States' predecessor in interest.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9641; Filed, Nov. 20, 1957; 8:51 a. m.]

[Docket Nos. G-9901, G-9923]

AMERADA PETROLEUM CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 15, 1957.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation with its principal place of business in Houston, Texas, and Amerada Petroleum Corporation (Amerada), an independent producer, filed applications, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the construction and operation of facilities for receiving and transporting natural gas in interstate commerce for resale and authorizing the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On January 26, 1956, Transco filed in Docket No. G-9923 an application, as amended February 14, 1957, for a certificate authorizing the construction and operation of approximately 2.16 miles of 6-inch lateral pipeline, together with a meter station and appurtenant equipment. The proposed lateral will extend from a point in the Leleux Field, Vermilion Parish, Louisiana, to a point of connection with Transco's existing lateral pipeline in Vermilion Parish, Louisiana. The proposed meter station will be installed in the Leleux Field. These proposed facilities will receive gas from Amerada Petroleum Corporation (Amerada) produced from its leases in the Leleux Field, Vermilion and Acadia Parishes, Louisiana. The estimated total cost of the proposed facilities is $75,000. The cost is to be financed from company funds.

On January 24, 1956, Amerada filed an application for a certificate in Docket No. G-9901, as amended February 1, 1956, covering the sale of gas to Transco from the Leleux Field, Vermilion and Acadia Parishes, Louisiana, under a contract dated January 19, 1956, between Transco and Amerada.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9642; Filed, Nov. 20, 1957; 8:52 a. m.]

[Docket No. G-13346]

TEXAS CO.

ORDER AMENDING ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES, PERMITTING CORRECTIVE RATE FILING, AND MAKING EFFECTIVE PROPOSED RATE CHANGE UPON FILING OF UNDERTAKING TO ASSURE REFUND OF EXCESS CHARGES

NOVEMBER 15, 1957.

By order issued October 4, 1957, in this proceeding, the Commission, pursuant to the authority of the Natural Gas Act, directed that a hearing be held concerning the lawfulness of the increased rate and charge proposed by The Texas Company (Texas), in Supplement No. 3 to its FPC Gas Rate Schedule No. 144, covering sales of natural gas to Phillips Petroleum Company (Phillips), and, pending decision thereon, the Commission suspended and deferred the use thereof until October 14, 1957, and such further time as it is made effective in the manner prescribed by the Natural Gas Act. The Commission's order provided, among other things, that the supplement thereby suspended should not be changed

until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

On October 16, 1957, Texas submitted a correction dated October 14, 1957, to its previously submitted Supplement No. 3 to its FPC Gas Rate Schedule No. 144 which proposed an increased rate of 8.234485 cents, proposing to reduce such rate by 0.194545 cent per Mcf to a rate of 8.039890 cents per Mcf totaling $54 yearly. Texas' Supplement No. 3 provides for a proposed spiral escalation rate increase for gas sold Phillips, resulting from an increase in Phillips' base rate for gas sales to Michigan-Wisconsin Pipe Line Company. Texas sent a copy of its filing to Phillips at the time of filing but no comment was received. Phillips now contends that the base rate of Texas should have been adjusted downward for sulphur content before escalation and not after escalation. To this, Texas now agrees, and has filed the aforementioned correction of the suspended rate.

On October 21, 1957, Texas, in accordance with the provisions of the Natural Gas Act, particularly section 4 (e) thereof, filed in this proceeding a motion requesting that the increased rate contained in its aforementioned Supplement No. 3 to its FPC Gas Rate Schedule No. 144, which was suspended by Commission's order issued October 4, 1957, be made effective as of October 14, 1957. Texas has submitted data showing its financial condition and has requested that, in lieu of being required to furnish bond, it be permitted to collect the increased rate and charge upon corporate undertaking to refund, pursuant to section 4 (e) of the act.

This proceeding, which was instituted pursuant to sections 4 and 15 of the Natural Gas Act for the purpose of determining the lawfulness of the increased rate and charge proposed by Texas, has not been concluded, nor decision rendered therein.

Section 4 (e) of the Natural Gas Act provides, in pertinent part:

> If the proceeding has not been concluded and an order made at the expiration of the suspension period, on motion of the natural-gas company making the filing, the proposed change of rate, charge, classification, or service shall go into effect. Where increased rates or charges are thus made effective, the Commission may, by order, require the natural-gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, to order such natural-gas company to refund, with interest, the portion of such increased rates or charges by its decision found not justified.

The Commission finds:

(1) Good cause has been shown that the correction in the suspended rate in Docket No. G-13346, tendered by Texas on October 16, 1957, be permitted to be filed as Supplement No. 1 to Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 144, and the suspended rate shall be that as corrected by such supplement and regarded as suspended as ordered originally. The rate, as corrected, to be placed into effect as hereinafter ordered and conditioned.

(2) It is appropriate and necessary in carrying out the provisions of the Natural Gas Act to require Texas to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) The correction in the suspended rate in Docket No. G-13346, tendered by Texas on October 16, 1957, be and it hereby is permitted to be filed as Supplement No. 1 to Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 144, and the suspended rate is that as corrected by such supplement and regarded as suspended as ordered originally. The rate, as corrected, hereby is placed into effect as hereinafter ordered and conditioned.

(B) Upon execution by Texas of the agreement and undertaking described in paragraph (D) below and acceptance thereof, evidenced by a letter addressed to Texas by the Secretary of the Commission, the rates, charges, and classifications set forth in Supplement No. 3, as corrected by Supplement No. 1 thereto, to Texas' FPC Gas Rate Schedule No. 144, shall be effective as of October 14, 1957, subject to further orders of the Commission in this proceeding.

(C) Texas shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Texas until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge effective as of October 14, 1957, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission monthly (or quarterly if Texas so elects and so notifies the Commission within thirty days), for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchaser and the revenues resulting therefrom, as computed under the rates in effect immediately prior to October 14, 1957, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(D) As a condition of this order, within 15 days from the date of issuance thereof, Texas shall execute and file with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (C) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

> Agreement and Undertaking of The Texas Company to Comply with the Terms and Conditions of Paragraph (C) of Federal Power Commission's Order Making Effective Proposed Rate Change.
>
> In conformity with the requirements of the order issued ------, 1957, in Docket No. G-13346, The Texas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (C) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ------, 1957.
>
> ----------,
> *The Texas Company.*
>
> Attest:
>
> ----------,
> *Secretary.*

(E) If Texas shall, in conformity with the terms and conditions of paragraph (C) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9643; Filed, Nov. 20, 1957; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3635]

KENTUCKY POWER CO.

NOTICE OF PROPOSED BANK BORROWINGS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY PURSUANT TO INCREASED LINE OF CREDIT

NOVEMBER 14, 1957.

Notice is hereby given that Kentucky Power Company ("Kentucky"), a public utility subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 7 thereof as applicable to the proposed transaction, which is summarized as follows:

Pursuant to authorization of the Commission, Kentucky will have issued and sold to Irving Trust Company and The Hanover Bank, prior to the end of the current calendar year, short-term promissory notes evidencing borrowings in an aggregate amount of $4,100,000, to finance its construction program for the years 1955-57 inclusive (Holding Company Act Release Nos. 12821, 13352). Such notes have heretofore been renewed or replaced as they have severally matured, and they will continue to be renewed or replaced until permanently financed.

Kentucky now proposes to issue and sell to said banks, from time to time prior to the end of 1958, additional short-term promissory notes in the amount of $1,000,000 evidencing further borrowings to assist in financing its 1958 construction program (estimated at $2,410,000). The notes will become due not more than 270 days from the dates of issuance, will bear interest at the prime credit rate then in effect, and will be prepayable without premium. As in the case of the

prior note issues, the additional notes will be renewed or replaced as they severally mature until permanently funded as aforesaid. Kentucky states that any future plan for financing of a permanent nature will provide for the prepayment of all then outstanding notes, and that upon the completion of such financing the authorization requested herein shall cease.

The declaration states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 29, 1957 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9645; Filed, Nov. 20, 1957; 8:52 a. m.]

[File No. 70-3636]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF PROPOSED STOCK DIVIDEND

NOVEMBER 14, 1957.

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 thereof as applicable to the proposed transaction, which is summarized as follows:

Pursuant to a resolution of its board of directors on October 30, 1957, American proposes to declare a stock dividend at the rate of one share on each 40 shares of $10 par value Common Stock outstanding, payable January 10, 1958, to holders of record on December 9, 1957.

As of September 30, 1957 the earned surplus of American was $64,653,010. American has presently outstanding 19,677,962 shares of its Common Stock with a par value of $10 per share or an aggregate of $196,779,620. If the maximum number of shares are issued, the stock dividend will involve the issuance of 491,949 shares and will bring the total number of shares to 20,169,911 with an aggregate par value of $201,699,110. American proposes to debit its earned surplus with an assigned value of $31 per share of its Common Stock to be issued as such stock dividend, or a total of not to exceed $15,250,419; to credit the Common Stock account with $10 per share, being the par value of such stock, or a total of not to exceed $4,919,490; and to credit Capital Surplus—Premium on Common Stock account with the excess of such assigned value over such par value, or a total of not to exceed $10,330,929.

No fractional shares of Common Stock will be issued in connection with the stock dividend. American proposes, in lieu thereof, to mail to each stockholder who would otherwise be entitled to a fractional share a letter advising such holder that arrangements have been made with Guaranty Trust Company of New York, Agent, pursuant to which such holder will be entitled during a period of 24 days, to instruct the Agent to take within such period either of the following courses of action with respect to the fractional interest to which such holder would otherwise be entitled: (1) To consolidate such fractional interest into one full share of Common Stock upon payment by such holder to the Agent of the cost of the additional fractional interest required to effect such consolidation, or (2) to sell such fractional interest on behalf of such holder. The communication so mailed will further advise that, if the Agent shall not have received any instructions from such holder prior to the expiration of such period, the fractional interest to which such holder would otherwise be entitled will be sold for the account of such holder. The Agent will be authorized to execute consolidation and sale requests received from time to time by matching the same upon the basis of the currently prevailing market price of shares of Common Stock of American as determined by the Agent in its discretion.

In the event that, at the expiration of the period, the Agent shall have received requests for consolidation calling for an aggregate number of shares of Common Stock of American which is greater than the aggregate number of shares of Common Stock represented by all fractional interests, the Agent will acquire the necessary additional shares of Common Stock by purchases on the New York Stock Exchange or otherwise. In the event that, at the expiration of the period, after giving effect to all requests for consolidation and sale of fractional interests, there shall remain any of the aggregate number of shares of Common Stock represented by all fractional interests, the Agent will sell the balance upon the New York Stock Exchange or otherwise. Cash proceeds received by the Agent in respect of fractional interests which are sold will be remitted to the holders of shares of Common Stock of American entitled thereto.

Interest in a fractional share will not entitle a stockholder to dividends or any other rights of a stockholder of American with respect to such fractional interest.

The services of the Agent will be rendered without charge to stockholders effecting consolidations and dispositions of fractional interests.

It is stated that no commission other than this Commission has jurisdiction over the proposed transaction.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than November 29, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9646; Filed, Nov. 20, 1957; 8:53 a. m.]

[File No. 70-3637]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF PROPOSED CAPITAL CONTRIBUTIONS BY HOLDING COMPANY TO SUBSIDIARY

NOVEMBER 14, 1957.

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 12 thereof and Rule U-45 thereunder as applicable to the proposed transaction, which is summarized as follows:

American proposes to make cash capital contributions to its public-utility subsidiary Indiana & Michigan Electric Company ("Indiana") in an aggregate amount of $9,000,000 in anticipation of the issuance and sale by Indiana, in the first quarter of 1958, of $25,000,000 principal amount of First Mortgage Bonds. The contributed funds will be used by Indiana to carry on its current construction program until said bonds are sold.

It is stated that no commission other than this Commission has jurisdiction over the proposed transaction, and that no fees or other expenses will be paid except for routine services of the system service company, to be performed at cost.

Notice is further given that any interested person may, not later than November 29, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9647; Filed, Nov. 20, 1957; 8:53 a. m.]

[File No. 812-1087]

DOW THEORY INVESTMENT FUND, INC.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR EXEMPTION OF SALE OF SHARES AT LESS THAN CURRENT PUBLIC OFFERING PRICE

NOVEMBER 14, 1957.

Notice is hereby given that Dow Theory Investment Fund, Inc. ("The Fund"), a registered open-end diversified management investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for exemption from the provisions of section 22 (d) thereof so as to permit the continuing sale of its shares to certain of its existing shareholders at a price lower than the current offering price described in its prospectus. Said application may be summarized as follows:

The Fund was organized in December 1954 and since that date its shares have been offered for sale by its principal underwriter, Dow Theory Forecasts, Inc., solely by mail. The public offering price of the Fund's shares as described in its current prospectus, includes a sales load of 5 percent which is reduced on single purchases in amounts in excess of $10,000.

The application states that the 5 percent sales load was adapted to the direct mail selling program. The Fund has now determined that it is no longer feasible to attempt to sell its shares exclusively by mail and it now proposes to use salesmen or broker-dealers for this purpose. It is therefore proposed to increase the sales load to the extent necessary to employ such salesmen or broker-dealers.

The application further states that a substantial portion of the Fund's outstanding shares have been sold pursuant to a so-called accumulation plan which contemplated a minimum initial investment of $50 with additional investments of at least $100 annually. It is proposed that the future purchases by existing accumulation planholders will be made on the basis of a 5 percent sales load although the sales load will be greater with respect to all other purchasers of the Fund's shares.

Section 22 (d) of the act, with certain exceptions not here relevant, prohibits an offering of redeemable securities otherwise than at a current offering price described in the prospectus. Section 6 (c) of the act provides that the Commission may grant an exemption from any provisions of the act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Since the proposed sale of shares to existing planholders on the basis described above may involve an offering of redeemable securities otherwise than at a current public offering price described in the prospectus within the meaning of section 22 (d) of the act, the application requests an exemption under section 6 (c) from the provisions of section 22 (d) to the extent necessary to permit such sales.

In support of the requested exemption the application states that the future sales to existing planholders involve no greater expense in processing or acquiring than the past sales to these persons. It is further stated that the principal underwriter believes it is under a moral obligation to the holders of the accumulation plans to permit them to continue to purchase the shares on the basis of a 5 percent sales load.

In respect of purchases under the accumulation plan the current prospectus of the company states "there is no extra charge or commission involved in such a plan; you pay only the regular offering price of the shares and the plan can be discontinued at any time by you, the underwriter and the fund."

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 3d day of December 1957, at 10:00 a. m., in the offices of the Securities and Exchange Commission, Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's Rules of Practice, on or before the date provided in that Rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination: Whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act to permit the future sale of the Fund's shares to the present holders of accumulation plans at a price which is less than the current public offering price to be described in the Fund's prospectus.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Dow Theory Investment Fund, Inc., and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9648; Filed, Nov. 20, 1957; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Baldwyn, Prentiss County, Miss.; effective 11-28-57 to 3-31-58 (blouses).

Blue Bell, Inc., Lenoir, N. C.; effective 12-1-57 to 11-30-58 (dungarees).

Cluett, Peabody & Co., Inc., Bremen, Ga.; effective 11-27-57 to 3-31-58 (dress shirts).

Continental Manufacturing Co., Knoxville, Iowa; effective 11-5-57 to 11-4-58 (single pants and allied garments).

Cornelia Garment Co., 107 Chattahoochee Street, Cornelia, Ga.; effective 11-11-57 to 4-10-58 (men's work shirts).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa.; effective 11-9-57 to 4-8-58 (sport, dress and army shirts).

Danville Manufacturing Co., Inc., 328 Ferry Street, Danville, Pa.; effective 12-1-57 to 11-30-58 (ladies lingerie).

Dixie Manufacturing Co., Plant No. 2, Bailey Street, Columbia, Tenn.; effective 11-12-57 to 11-11-58 (men's and boys' dungarees).

Industrial Garment Manufacturing Co., Carolina Street, Erwin, Tenn.; effective 12-1-57 to 4-30-58 (men's cotton work clothes).

Kentucky Pants Co., 117 North Race Street, Glasgow, Ky.; effective 11-15-57 to 3-31-58 (men's work pants).

Lady Ester Lingerie Corp., 10th and Walnut Streets, Berwick, Pa.; effective 12-1-57 to 11-30-58 (ladies' slips).

McEwen Manufacturing Co., McEwen, Tenn.; effective 11-8-57 to 3-31-58 (overalls).

Monticello Manufacturing Co., Monticello, Miss.; effective 11-24-57 to 4-23-58 (men's cotton work trousers).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa.; effective 11-8-57 to 11-7-58 (brassieres).

The Pyke Manufacturing Co., 154 West Second South, Salt Lake City, Utah; effective 11-6-57 to 3-31-58. Workers engaged in the manufacture of ladies' and girls' pedal pushers and shorts (pedal pushers, shorts).

The Pyke Manufacturing Co., 154 West Second South, Salt Lake City, Utah; effective 11-6-57 to 3-31-58. Workers engaged in the manufacture of work pants (work pants, corduroys).

Reliance Factory No. 42, Blytheville, Ark.; effective 11-21-57 to 3-31-58 (sport shirts).

Reliance Manufacturing Co., Lebanon, Mo.; effective 11-7-57 to 4-6-58 (overalls and dungarees).

Salant & Salant, Inc., First Street, Lexington, Tenn.; effective 11-9-57 to 11-8-58 (cotton work pants).

Salant & Salant, Inc., Pine Street, Lexington, Tenn.; effective 11-6-57 to 11-5-58 (cotton work shirts).

Salant & Salant, Inc., Obion, Tenn.; effective 11-9-57 to 11-8-58 (cotton work shirts).

Salant & Salant, Inc., Washington Street, Paris, Tenn.; effective 11-9-57 to 11-8-58 (sport and work shirts).

Salant & Salant, Inc., Tennessee Avenue, Parsons, Tenn.; effective 11-8-57 to 11-7-58 (cotton work pants).

Salant & Salant, Inc., Troy, Tenn.; effective 11-7-57 to 11-6-58 (cotton work shirts).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 11-11-57 to 10-31-58 (Replacement Certificate) (ladies' underwear).

Savada Bros., Inc., Glen Rock, Pa.; effective 11-8-57 to 11-7-58 (boys' pajamas).

Shane Manufacturing Co., Inc., 2015 West Maryland Street, Evansville, Ind.; effective 11-16-57 to 3-31-58 (denim overalls).

Stone Manufacturing Co., New Buncombe Road, Greenville, S. C.; effective 12-1-57 to 3-31-58 (children's and ladies' cotton and nylon slips).

Wayne Sportswear Co., 238 West North Street, Waynesboro, Pa.; effective 11-8-57 to 11-7-58 (men's trousers).

Weldon Manufacturing Co. of Pa., Muncy, Pa.; effective 11-18-57 to 3-31-58 (women's and girls' pajamas).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Adamo Dress Manufacturing Co., 124 Mansion Street, Coxsackie, N. Y.; effective 11-6-57 to 3-31-58; 5 learners (dresses).

Athens Garment Co., 208 N. Marion Street, Athens, Ala.; effective 11-8-57 to 10-23-58; 10 learners (Replacement Certificate) (work shirts).

Children's Garment Manufacturing Corp., Hicks Street, Lawrenceville, Va.; effective 11-6-57 to 11-5-58; 5 learners (children's cotton wearing apparel).

Devil Dog Manufacturing Co., Middlesex, N. C.; effective 11-4-57 to 11-3-58; 10 learners (ladies' and children's sportswear).

Duquesne Manufacturing Co., 852 Constitution Boulevard, New Kensington, Pa.; effective 11-15-57 to 3-31-58; 10 learners (cotton dresses).

The H. W. Gossard Co., Bicknell, Ind.; effective 11-11-57 to 11-10-58; 10 learners (girdles and brassieres).

J. & B. Sportswear Co., Maple Street, Treskow, Pa.; effective 11-8-57 to 3-31-58; 5 learners (women's and children's wearing apparel).

Kaley Shirts, Inc., Biscoe, N. C.; effective 11-7-57 to 3-31-58; 3 learners (tailored uniform shirts).

Lordley, Inc., Wendell, N. C.; effective 11-12-57 to 3-22-58; 10 learners (Replacement Certificate) (sport shirts).

Manchester Pants Co., Manchester, Md.; effective 11-7-57 to 11-6-58; 10 learners (men's trousers).

Stafford-Hayes, Inc., 402 South State Street, Clarks Summit, Pa.; effective 12-1-57 to 11-30-58; 5 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blackwelder Manufacturing Co., Yadkinville Highway, Mocksville, N. C.; effective 11-6-57 to 5-5-58; 10 learners (ladies' blouses).

Carolina Lingerie Co., Inc., Yadkinville Highway, Mocksville, N. C.; effective 11-7-57 to 5-6-58; 20 learners (ladies' pajamas).

Mid-South Manufacturing Co., Inc., Richton, Miss.; effective 11-5-57 to 5-4-58; 30 learners (work shirts and work pants).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 11-11-57 to 1-9-58; 30 learners (Replacement Certificate) (ladies' underwear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Jomac-North, Inc., 1624 East Winona Avenue, Warsaw, Ind.; effective 11-7-57 to 4-2-58; 10 learners for plant expansion purposes (Replacement Certificate) (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Dapper Hosiery Mills, Inc., Clinton, S. C.; effective 11-8-57 to 4-7-58; 5 learners for normal labor turnover purposes (full-fashioned).

Knit-Sox Knitting Mills, Inc., 8th Street, S. E., Hickory, N. C.; effective 11-8-57 to 4-7-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Niota Textile Mills, Inc., Niota, Tenn.; effective 11-8-57 to 11-7-58; 5 learners for normal labor turnover purposes (cotton and nylon hosiery).

Seneca Knitting Mills Co., Inc., Seneca Falls, N. Y.; effective 11-11-57 to 11-10-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Yanceyville Knitting Mills, Inc., Yanceyville, N. C.; effective 11-6-57 to 5-5-58; 5 learners for plant expansion purposes (children's anklets).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Underwear Co., Inc., Forsyth Div., Thomasville, N. C.; effective 11-8-57 to 5-7-58; 5 learners for plant expansion purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (women's, misses' and children's panties).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; effective 11-26-57 to 4-25-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Kingsboro Mills, Inc., Lafayette, Tenn.; effective 11-7-57 to 11-6-58; 5 percent of the total number of factory production workers for normal labor turnover purposes. Authorized occupations include final inspection of assembled garments, for a learning period of 160 hours (ladies' lingerie).

Mullins Textile Mills, Inc., Cypress Street, Mullins, S. C.; effective 11-4-57 to 1-26-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knitted underwear and outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Gem, Inc., Byhalia, Miss.; effective 11-6-57 to 5-5-58; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 320 hours at the rate of 85 cents an hour (closet accessories, ironing table pads and covers, dust mops, wet mops).

Lambert Manufacturing Co., Inc., Gallatin, Mo.; effective 11-6-57 to 5-5-58; authorizing the employment of 5 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 240 hours at the rate of 85 cents an hour (sport and work caps).

Pattonsburg Manufacturing Co., Pattonsburg, Mo.; effective 11-11-57 to 5-10-58; authorizing the employment of 10 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 85 cents an hour (headwear).

Pattonsburg Manufacturing Co., Pattonsburg, Mo.; effective 11-11-57 to 5-10-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 240 hours at the rate of 85 cents an hour (headwear).

Stanberry Manufacturing Co., Stanberry, Mo.; effective 11-11-57 to 5-10-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 85 cents an hour (headwear).

Stanberry Manufacturing Co., Stanberry, Mo.; effective 11-11-57 to 5-10-58; authorizing the employment of 10 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 240 hours at the rate of 85 cents an hour (headwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Angus Manufacturing Co., Inc., Mayaguez, P. R.; effective 10-25-57 to 4-24-58; authorizing the employment of 15 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (men's work clothing).

Beatrice Needle Craft, Inc., Ponce, P. R.; effective 11-5-57 to 11-4-58; authorizing the employment of 25 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (brassieres).

Catherine Needle Craft, Inc., Mayaguez, P. R.; effective 10-29-57 to 4-28-58; authorizing the employment of 40 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (brassieres).

Juana Diaz Co., Inc., Juana Diaz, P. R.; effective 11-5-57 to 5-4-58; authorizing the employment of 25 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (brassieres).

International Molded Plastics of Puerto Rico, Inc., Santurce, P. R.; effective 10-23-57 to 2-13-58; authorizing the employment of 14 learners for plant expansion purposes, in the occupations of: (1) preformers, moldera, buffers and sanders, each for a learning period of 200 hours at the rate of 75 cents an hour, and (2) inspectors for a learning period of 160 hours at the rate of 75 cents an hour (Replacement Certificate) (plastic dinnerware).

Roberts Corp., Km. 3.7 65th Infantry Ave., Rio Piedras, P. R.; effective 10-22-57 to 4-21-58; authorizing the employment of 5 learners for normal labor turnover purposes, in the occupations of smoothedge machine operator, nail making machine operator, and nail die grinder, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (carpet grippers and nails).

San Juan Flower Co., Canovanas, P. R.; effective 10-24-57 to 4-23-58; authorizing the employment of 16 learners for plant expansion purposes, in the occupations of: (1) injection machine molders for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 60 cents an hour for the remaining 160 hours, and (2) plastic precision trimming, assorting and assembling, each for a learning period of 160 hours at the rate of 51 cents an hour (plastic flowers and foliage).

Sangamo Electric Co., Puerto Rico Div., Km. 13.5 Old Caguas Rd., Hato Rey, P. R.; effective 10-22-57 to 4-21-58; authorizing the employment of 36 learners for plant expansion purposes, in the occupations of Federal beam gauge operators, punch press operators, and finished mica inspectors, each for a learning period of 240 hours at the rate of 50 cents an hour (fabrication of mica).

Sylvania Electric of Puerto Rico, Inc., Rio Piedras, P. R.; effective 11-1-57 to 10-31-58; authorizing the employment of 3 learners for normal labor turnover purposes, in the occupation of machinists for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (tools and dies).

Tobacco Products Manufacturing Corp., of P. R., Ruiz Belvis St., Caguas, P. R.; effective 10-21-57 to 4-20-58; authorizing the employment of 80 learners for plant expansion purposes, in the occupations of sorters for a learning period of 240 hours and sizers for a learning period of 160 hours, each at the rate of 50 cents an hour (tobacco).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 13th day of November 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-9633; Filed, Nov. 20, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGUERITE BOTTENHEIM ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Marguerite Bottenheim, nee Hartog, Oosterbeek, Holland; Jack Charles Bottenheim, Doorwerth, Holland; Mrs. Monique van Beek, nee Bottenheim, Amsterdam, Holland; Claim No. 62320; $1,010.00 in the Treasury of the United States; payable jointly to the claimants. Vesting Order No. 17764.

Executed at Washington, D. C., on November 13, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9649; Filed, Nov. 20, 1957; 8:54 a. m.]

ALFRED MEISTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Max Alfred Meister, Schwenckestr. 76, ptr. r. b/Kroger, Hamburg 19, Germany; Claim No. 62599; $3,403.46 in the Treasury of the United States. Vesting Order No. 13386.

Executed at Washington, D. C., on November 14, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9651; Filed, Nov. 20, 1957; 8:54 a. m.]

PAUL ROSENFELD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paul Rosenfeld, Lettenholzstrasse 41, Zurich 2, Switzerland; Claim No. 64049; $537.00 in the Treasury of the United States. Vesting Order No. 17903.

Executed at Washington, D. C., on November 13, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9652; Filed, Nov. 20, 1957; 8:54 a. m.]

LION SALOMONS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lion Salomons, Amersfoort, Holland; Claim No. 61744; $135.02 in the Treasury of the United States. Vesting Order No. 17915.

Executed at Washington, D. C., on November 13, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9652; Filed, Nov. 20, 1957; 8:54 a. m.]

UNIVERSITY OF MICHIGAN

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 227

Washington, Friday, November 22, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLE UNDER THE VETERANS' PREFERENCE ACT OF 1944

STATUS OF EMPLOYEE DURING NOTICE PERIOD

Section 22.204, Subpart B, is amended as set out below.

§ 22.204 *Status of employee during notice period.* Whether the employee is given thirty (30) full days' advance notice under § 22.201, or less than thirty (30) full days' notice under paragraph (b) of § 22.202, he shall be retained in an active duty status during such notice period. When the circumstances are such that his retention in an active duty status may result in damage to Government property, or may be detrimental to the interest of the Government or injurious to the employee, his felow workers or the general public, the employee may be temporarily assigned to duties in which these conditions would not exist or he may be placed on leave with his consent: *Provided*, That in an emergency case requiring prompt suspension of an employee, the employing agency may suspend him for not more than thirty (30) days. The employee shall be given written notice of the proposed emergency suspension at least twenty-four (24) hours in advance. The reasons for not retaining an employee in an active duty status shall be made part of the record. Such reasons shall be reviewed by the Commission in the event that the employee subsequently appeals from the final decision reached by the administrative officer.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-9676; Filed, Nov. 21, 1957; 8:48 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

BIOLOGIST POSITIONS

1. Paragraph (a) of § 24.70 and paragraph (a) of § 24.71 are amended as set out below.

§ 24.70 *Fishery Research Biologist, GS-482-5-15*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study of at least 24 semester hours in fishery science, biology, or zoology. This course of study must have included at least 9 semester hours in zoology and 6 semester hours in such aquatic courses as limnology, fishery biology, fish culture, or aquatic biology, or equivalent study in the subject-matter field.

§ 24.71 *Wildlife Research Biologist, GS-485-5-15*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in zoology, wildlife management, or a closely related subject-matter field of biology. This course of study must have included at least 9 semester hours of course work in zoology and 6 semester hours in such wildlife courses as mammalogy, ornithology, animal ecology, or wildlife management, or equivalent study in the subject-matter field, supplemented by at least 9 semester hours in botany.

2. Paragraph (a) (1) and (2) of § 24.91 and paragraph (a) (1) and (2) of § 24.92 are amended as set out below.

§ 24.91 *Fishery Management Biologist, GS-481-5-15*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study of at least 24 hours in fishery science, biology, or zoology. This

(Continued on p. 9337)

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FEDERAL REGISTER

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course of study must have included at least 9 semester hours in zoology and 6 semester hours in such aquatic courses as limnology, fishery biology, fish culture, or aquatic biology, or equivalent study in the subject-matter field.

(2) Successfully completed course work in an accredited college or university with major study of at least 24 semester hours in fishery science, biology, or zoology, including at least 9 semester hours in zoology and 6 semester hours in such aquatic courses as limnology, fishery biology, fish culture, or aquatic biology, or equivalent study in the subject-matter field, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 24 semester hours in fishery science, biology, or zoology, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subparagraph (1) of this paragraph.

§ 24.92 *Wildlife Management Biologist, GS–485–5–15*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in zoology, wildlife management, or a closely related subject-matter field of biology. This course of study must have included at least 9 semester hours in zoology and 6 semester hours in such wildlife courses as mammalogy, ornithology, animal ecology, or wildlife management, or equivalent study in the subject-matter field, supplemented by at least 9 semester hours in botany.

(2) Successfully completed course work in an accredited college or university with major study in zoology, wildlife management, or a closely related subject-matter field of biology, including at least 9 semester hours in zoology and 6 semester hours in such wildlife courses as mammalogy, ornithology, animal ecology, or wildlife management, supplemented by 9 semester hours in botany, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 24 semester hours in zoology, wildlife courses, and botany as enumerated above, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subparagraph (1) of this paragraph.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–9696; Filed, Nov. 21, 1957; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

SUBPART—1957 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1957 crop of types 21, 22, 23, 31, 35, 36, and 37 tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published July 9, 1957 (22 F. R. 4777).

Sec.
464.924 1957 crop; Virginia Fire-cured Tobacco, Type 21 advance schedule.
464.925 1957 crop; Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23 advance schedule.
464.926 1957 crop; Burley Tobacco, Type 31 advance schedule.
464.927 1957 crop; Dark Air-cured Tobacco, Types 35 and 36 advance schedule.
464.928 1957 crop; Virginia Sun-cured Tobacco, Type 37 advance schedule.

AUTHORITY: §§ 464.924 to 464.928 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054; sec. 2, 59 Stat. 506; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1423, 1312 note; secs. 125, 211, 70 Stat. 198, 202, 7 U. S. C. 1813, 1860.

§ 464.924 *1957 crop; Virginia Fire-cured Tobacco Type 21, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	60.12	60.12	
A2F	55.12	56.12	53.12
A3F	53.12	53.12	51.12
A1D	60.12	60.12	
A2D	55.12	56.12	53.12
A3D	53.12	53.12	51.12
B1F	56.12	56.12	54.12
B2F	53.12	53.12	49.12
B3F	45.12	46.12	43.12
B4F	38.12	40.12	39.12
B5F	35.12	36.12	35.12
B1D	56.12	56.12	54.12
B2D	53.12	53.12	49.12
B3D	45.12	46.12	43.12
B4D	38.12	40.12	39.12
B5D	35.12	36.12	35.12
B3M	38.12	39.12	38.12
B4M	37.12	38.12	37.12
B5M	33.12	34.12	33.12
B3G	38.12	39.12	38.12
B4G	37.12	38.12	37.12
B5G	33.12	34.12	33.12
C1L	60.12	60.12	55.12
C2L	55.12	55.12	51.12
C3L	49.12	49.12	45.12
C4L	39.12	40.12	39.12
C5L	34.12	35.12	34.12
C1F	60.12	60.12	55.12
C2F	55.12	55.12	51.12
C3F	49.12	49.12	45.12
C4F	39.12	40.12	39.12
C5F	34.12	35.12	34.12
C2D	35.12	36.12	35.12
C3D	31.12	32.12	31.12
C4D	30.12	31.12	30.12
C5D	26.12	27.12	26.12
C3M	33.12	34.12	33.12
C4M	31.12	32.12	31.12
C5M	29.12	30.12	29.12
C3G	31.12	32.12	31.12
C4G	29.12	30.12	29.12
C5G	24.12	25.12	24.12

[1] The Cooperative Associations through which price support is made available for Virginia fire-cured, type 21, Burley, type 31, and Virginia sun-cured, type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "DAM" (damaged), N2L, N2R, N2D, N2G, N-K, botched, nested, off-type, or decayed will not be accepted, except that tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 10 percent below the regular grade advance rates for types 22, 23, 35, and 36, and 20 percent below the regular grade advance rates for types 21 and 37. Types 22 and 23 grades marked with the special factor "OS"; type 35 grades marked with the special factor "BL"; and types 22, 23, 35, and 36 grades marked with the special factor "BH" in addition to the regular grade symbols shall have an advance rate 20 percent below the advance rate for the regular grades without such special factor.

[Dollars per hundred pounds, farm sales weight]

Grade		Grade	
T3F	39.12	X2F	36.12
T4F	37.12	X3F	34.12
T5F	32.12	X4F	31.12
T3D	39.12	X5F	26.12
T4D	37.12	X1D	39.12
T5D	32.12	X2D	36.12
T3M	37.12	X3D	34.12
T4M	34.12	X4D	31.12
T5M	28.12	X5D	26.12
T3G	37.12	X3M	30.12
T4G	34.12	X4M	28.12
T5G	28.12	X5M	24.12
		X3G	30.12
X1L	38.12	X4G	27.12
X2L	35.12	X5G	22.12
X3L	32.12		
X4L	31.12	N1L	17.12
X5L	26.12	N1R	17.12
X1F	39.12	N1G	17.12

§ 464.925 *1957 crop; Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	64	64	
A2F	60	60	53
A3F	50	50	47
A1D	64	64	
A2D	60	60	53
A3D	50	50	47
B1F	53	54	50
B2F	50	51	48
B3F	45	46	44
B4F	42	43	41
B5F	34	35	33
B3FV	43	44	41
B4FV	39	40	38
B5FV	32	33	31
B1D	53	54	50
B2D	50	51	48
B3D	48	49	47
B4D	43	44	42
B5D	33	34	31
B3M	43	44	41
B4M	38	39	36
B5M	29	30	26
B3G	44	45	42
B4G	39	40	37
B5G	27	28	24
C1L	52	53	50
C2L	48	49	47
C3L	46	47	44
C4L	41	42	40
C5L	34	35	34
C1F	52	53	50
C2F	48	49	47
C3F	46	47	45
C4F	41	42	40
C5F	34	35	34
C3FV	41	42	39
C4FV	36	37	35
C5FV	31	32	30
C2D	45	46	43
C3D	40	41	39
C4D	34	35	32
C5D	27	28	26
C3M	40	41	38
C4M	33	34	32
C5M	28	29	26
C3G	36	37	33
C4G	31	32	27
C5G	21	22	18

[Dollars per hundred pounds, farm sales weight]

Grade		Grade	
T3F	38	T5G	17
T4F	33	X1L	43
T5F	27	X2L	40
T3D	38	X3L	37
T4D	32	X4L	31
T5D	23	X5L	26
T3M	35	X1F	43
T4M	26	X2F	40
T5M	20	X3F	37
T3G	33	X4F	31
T4G	25	X5F	26

[1] See footnote on p. 9337.

[Dollars per hundred pounds, farm sales weight]

Grade		Grade	
X3FV	33	X4M	23
X4FV	28	X5M	18
X5FV	21	X3G	27
X1D	42	X4G	19
X2D	39	X5G	13
X3D	33		
X4D	26	N1L	15
X5D	18	N1R	13
X3M	30	N1G	12

§ 464.926 *1957 crop; Burley Tobacco, Type 31, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	64.12	T4D	25.12
B2F	62.12	T5D	22.12
B3F	58.12	T4GF	28.12
B4F	55.12	T5GF	23.12
B5F	50.12	T4GR	22.12
B3FV	55.12	T5GR	19.12
B4FV	49.12		
B3FK	50.12	C1L	69.12
B4FK	46.12	C2L	68.12
B1FR	55.12	C3L	67.12
B2FR	53.12	C4L	66.12
B3FR	48.12	C5L	62.12
B4FR	45.12	C1F	68.12
B5FR	40.12	C2F	67.12
B1R	46.12	C3F	66.12
B2R	43.12	C4F	65.12
B3R	40.12	C5F	60.12
B4R	36.12	C3FV	62.12
B5R	33.12	C4FV	60.12
B3RV	34.12	C3FK	56.12
B4RV	31.12	C4FK	54.12
B4D	28.12	C3R	58.12
B5D	23.12	C4R	55.12
B3M	46.12	C5R	49.12
B4M	42.12	C3RV	52.12
B5M	34.12	C4RV	49.12
B3GF	39.12	C4M	53.12
B4GF	36.12	C5M	47.12
B5GF	30.12	C4G	38.12
B3GR	27.12	C5G	30.12
B4GR	25.12		
B5GR	22.12	X1L	69.12
		X2L	68.12
M3F	52.12	X3L	67.12
M4F	47.12	X4L	64.12
M5F	44.12	X5L	55.12
M3R	41.12	X1F	68.12
M4R	36.12	X2F	67.12
M5R	31.12	X3F	66.12
		X4F	63.12
T3F	49.12	X5F	54.12
T4F	44.12	X3R	57.12
T5F	39.12	X4R	53.12
T3FV	42.12	X5R	43.12
T4FV	38.12	X4M	50.12
T3FR	44.12	X5M	40.12
T4FR	39.12	X4G	38.12
T5FR	33.12	X5G	28.12
T3R	33.12		
T4R	30.12	N1L	42.12
T5R	25.12	N1F	34.12
T3RV	29.12	N1D	19.12
T4RV	25.12	N1G	17.12

§ 464.927 *1957 crop; Dark Air-cured Tobacco, Types 35 and 36, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	52	52	
A2F	48	48	45
A3F	44	44	42
A1R	52	52	
A2R	48	48	45
A3R	44	44	42
B1F	48	49	47
B2F	44	45	43
B3F	43	44	42

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
B4F	41	42	40
B5F	36	37	35
B3FV	40	41	39
B4FV	39	40	38
B5FV	38	37	35
B1R	48	49	47
B2R	44	45	43
B3R	43	44	42
B4R	41	42	40
B5R	36	37	35
B1D	48	49	47
B2D	44	45	43
B3D	41	42	40
B4D	40	41	39
B5D	35	36	34
B3M	40	41	39
B4M	37	38	36
B5M	32	33	31
B3G	39	40	38
B4G	37	38	36
B5G	31	32	30
C1L	45	46	44
C2L	44	45	43
C3L	43	44	42
C4L	40	41	39
C5L	33	34	32
C1F	45	46	44
C2F	44	45	43
C3F	43	44	42
C4F	40	41	39
C5F	33	34	32
C3FV	40	41	39
C4FV	38	39	37
C5FV	31	32	30
C1R	43	44	42
C2R	42	43	41
C3R	41	42	40
C4R	39	40	38
C5R	30	31	29
C3M	40	41	39
C4M	36	37	35
C5M	28	29	27
C4G	36	37	35
C5G	27	28	26

[Dollars per hundred pounds, farm sales weight]

Grade		Grade	
T3F	37	X4F	33
T4F	33	X5F	28
T5F	25	X3FV	34
T3R	37	X4FV	30
T4R	33	X5FV	24
T5R	25	X1R	41
T3D	37	X2R	38
T4D	33	X3R	36
T5D	25	X4R	30
T3M	36	X5R	25
T4M	31	X3D	36
T5M	24	X4D	30
T3G	36	X5D	21
T4G	31	X3M	33
T5G	24	X4M	28
		X5M	22
X1L	41	X3G	33
X2L	39	X4G	24
X3L	37	X5G	19
X4L	33		
X5L	29	N1L	21
X1F	41	N1R	19
X2F	39	N1G	18
X3F	37		

§ 464.928 *1957 crop; Virginia Sun-cured Tobacco, Type 37, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44
A1F	57.12	
A2F	54.12	51.12
A3F	51.12	48.12
A1R	57.12	
A2R	55.12	52.12
A3R	52.12	49.12
B1F	53.12	50.12
B2F	52.12	49.12
B3F	46.12	43.12
B4F	40.12	39.12
B5F	36.12	35.12
B1R	54.12	51.12
B2R	53.12	50.12

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44
B3R	46.12	43.12
B4R	41.12	40.12
B5R	36.12	35.12
B1D	53.12	50.12
B2D	52.12	49.12
B3D	45.12	43.12
B4D	39.12	38.12
B5D	35.12	34.12
B3M	39.12	38.12
B4M	38.12	37.12
B5M	34.12	33.12
B3G	39.12	38.12
B4G	38.12	37.12
B5G	34.12	33.12
C1L	54.12	49.12
C2L	48.12	44.12
C3L	45.12	42.12
C4L	38.12	37.12
C5L	33.12	42.12
C1F	54.12	39.12
C2F	48.12	44.12
C3F	45.12	41.12
C4F	38.12	37.12
C5F	33.12	32.12
C1R	54.12	49.12
C2R	48.12	44.12
C3R	42.12	40.12
C4R	37.12	36.12
C5R	33.12	32.12
C3M	34.12	33.12
C4M	32.12	31.12
C5M	30.12	29.12
C4G	30.12	29.12
C5G	25.12	24.12

[Dollars per hundred pounds, farm sales value]

Grade		Grade	
T3F	39.12	X2F	36.12
T4F	37.12	X3F	33.12
T5F	31.12	X4F	31.12
T3R	39.12	X5F	24.12
T4R	37.12	X1R	39.12
T5R	31.12	X2R	36.12
T3D	37.12	X3R	32.12
T4D	35.12	X4R	31.12
T5D	29.12	X5R	24.12
T3M	36.12	X3D	32.12
T4M	34.12	X4D	30.12
T5M	28.12	X5D	23.12
T3G	36.12	X3M	29.12
T4G	34.12	X4M	28.12
T5G	28.12	X5M	23.12
		X3G	30.12
X1L	38.12	X4G	27.12
X2L	35.12	X5G	22.12
X3L	32.12		
X4L	31.12	N1L	16.12
X5L	25.12	N1R	16.12
X1F	39.12	N1G	16.12

Issued this 13th day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-9578; Filed, Nov. 21, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

LICENSED GRADERS, INSPECTORS, AND SAMPLERS

Notice of a proposed amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55) was published in the FEDERAL REGISTER on October 12, 1957 (22 F. R. 8123). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment provides that only Federal or State employees may be licensed as graders, inspectors and samplers. The amendment hereinafter set forth is the same as was published in the aforesaid notice.

The amendment is as follows:

Change paragraph (a) of § 55.10 *Licensed graders, inspectors, and samplers* to read as follows:

(a) Any person who is a Federal or State employee, possessing proper qualifications as determined by an examination for competency and who is to perform services pursuant to this part may be licensed by the Secretary as a grader, inspector, or sampler.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Issued at Washington, D. C., this 19th day of November 1957 to become effective January 1, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 57-9678; Filed, Nov. 21, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[959.315, Amdt. 3]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating on and after the effective date of this amendment the shipment of potatoes in the manner hereinafter set forth; (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date; (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area; (5) reasonable time is permitted, under the circumstances, for such preparation; and (6) this amendment relieves restrictions on the handling of Irish potatoes grown in the production area.

Order, as amended. The provisions of paragraph (b) (1) of § 959.315 as amended (FEDERAL REGISTER, 22 F. R. 5532, 7137, and 7732) are hereby amended to read as follows:

(b) *Order.* (1) Except as otherwise provided in this section, during the period from November 25, 1957, through June 30, 1958, no handler shall ship potatoes of any variety grown in any district unless:

(i) Such potatoes grade U. S. No. 2, or better, grade up to but not including the U. S. No. 1 grade, and weigh not less than 5 ounces in weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1555 of this title), including the tolerences set forth therein: *Provided,* That with respect to potatoes grown in District No. 3, potatoes that meet said grade requirements may be shipped if they are of a size not smaller than 1⅞ inches in diameter; or

(ii) Such potatoes grade U. S. No. 1, or better, grade and are of a size not smaller than 2 inches in diameter or 4 ounces in weight, as such terms, grades, and sizes are defined in the said United States Standards, including the tolerences set forth therein:

Provided, That potatoes meeting the aforesaid applicable grade and size requirements of this subparagraph may be commingled in the handling thereof.

Except as otherwise provided, terms used in this amendment shall have the same meaning as when used in said marketing agreement as amended, and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 19, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-9677; Filed, Nov. 21, 1957; 8:48 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1958

The protection and conservation of the soil and water resources of farm and ranch lands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers and ranchers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farm and ranch lands. Recognizing this, the Congress appropriates funds to share with farmers and ranchers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers and ranchers.

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1102.861 Practice 21: Improving the woodland protection which coffee groves provide for steep slopes by planting shade trees.

AUTHORITY: §§ 1102.800 to 1102.861 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 329; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1102.800 *Introduction.* (a) Through the 1958 Agricultural Conservation Program for Puerto Rico (referred to in this subpart as the "1958 program"), administered by the Department of Agriculture, the Federal Government will share with farmers of Puerto Rico the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm and the exact specifications and rates of cost-sharing for such practices, are set forth in this subpart. Any additional information may be obtained at the ASC District Offices, or at the local offices of the Soil Conservation Service with respect to practices 1 to 13 (§§ 1102.841 to 1102.853) and at the offices of the Forest Service with respect to practice 14 (§ 1102.854).

(c) The 1958 program was developed by the ASC State Office, the Director of the Soil Conservation Service for the Caribbean Area, the Forest Service official having jurisdiction of farm forestry in Puerto Rico, the Director of Agricultural Extension Service, and representatives of the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico.

GENERAL PROGRAM PRINCIPLES

§ 1102.801 *General program principles.* The 1958 Agricultural Conservation Program for Puerto Rico has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1958 on lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed soil and water conservation practices.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their life span. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm operator.

ALLOCATION OF FUNDS

§ 1102.802 *Allocation of funds.* The amount of funds available for conservation practices under this program is $868,000. This amount does not include the amount set aside for administrative expenses and the amount required for increase in small Federal cost-shares in § 1102.818.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

§ 1102.803 *Selection of practices.* The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

§ 1102.804 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of practices 1 to 13 (§§ 1102.841 to 1102.853). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. Complete specifications for practices 1 through 12 are contained in a document entitled "Detailed Specifications for Conservation Practices—Puerto Rico" prepared by the Soil Conservation Service, Caribbean Area Office, and available at the SCS Work Unit Offices and the ASC District Offices. The Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for practice 13 (§ 1102.853).

(b) The Forest Service is responsible for the technical phases of practice 14 (§ 1102.854). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practices, and (3) working through the ASC State Office, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent such services are available.

§ 1102.805 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1958 program as it applies to Puerto Rico, and forms will be made available at the State and District ASC Offices. Persons wishing to participate in this program should obtain all information needed from the offices mentioned in this subpart in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1102.806 *Opportunity for requesting cost-sharing.* Each farmer shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm.

§ 1102.807 *Prior request for cost-sharing.* (a) Costs will be shared only for those practices for which cost-sharing is requested by the farmer before performance thereof is started. For practices for which (1) approval was given under the 1957 Agricultural Conservation Program, (2) performance was started but not completed during the 1957 program year, and (3) the ASC State Office believes the extension of the approval to the 1958 program is justified under the 1958 program regulations and provisions, the filing of the request for cost-sharing under the 1957 program may be regarded as meeting the requirements of the 1958 program that a request for cost-sharing be filed before performance of the practice is started.

(b) Any farmer who wishes to participate in the 1958 program must file the applicable form as follows:

(1) For practices 1 to 14 (§§ 1102.841 to 1102.854), Cert. Form No. 39–58–P. R., Request for Federal Cost-Shares, Certification of Conservation Needs and Notice of Approval.

(2) For practices 15, 16, and 17 (§§ 1102.855, 1102.856, and 1102.857), Cert. Form No. 40–58–P. R., Request for Cost-Shares and Purchase Order, Certification of Eligibility and Notice of Approval.

(3) For practices 18 through 21 (§§ 1102.858 to 1102.861), O–Form No. 112 (Revised), Request for Cost-Shares and Purchase Order, Certification of Eligibility and Notice of Approval.

(c) These forms may be obtained and filed at any of the ASC District Offices, field offices of the Soil Conservation Service (SCS), field offices of the Extension Service, District Offices of Farmers Home Administration, and field offices of the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico.

(d) These forms must be filed on or before June 30, 1958, or such extension thereof as determined by the ASC State Office, but not extending beyond July 31, 1958, except for cases of hardship as determined by the ASC State Office.

§ 1102.808 *Method and extent of approval.* The ASC State Office will determine, or may delegate to the District Offices authority to determine, the extent to which Federal funds will be available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1958. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1102.809 *Initial establishment or installation of practices.* (a) Federal cost-sharing may be authorized under the 1958 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1958 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed, if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The ASC State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(b) With normal upkeep and maintenance, practices 1 to 18 and 21 (§§ 1102.841 to 1102.858 and 1102.861) carried out under the 1954 or a subsequent program would not have served their life spans by the end of the 1958 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

§ 1102.810 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 1102.811 *Pooling agreements.* Farmers in any local area may agree in writing, with the approval of the ASC State Office, to perform designated amounts of practices which will conserve or improve the agricultural resources of the community. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

§ 1102.812 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1102.813 and 1102.814, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1102.813 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1958 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1102.814 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the ASC State Office determines, in accordance with standards approved by the ASC State Office, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The ASC State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

FEDERAL COST-SHARES

§ 1102.815 *Conservation materials*—(a) *Availability.* (1) In order to facilitate the financing of the purchase of fertilizers for practices 15, 17, 18, 19, and 20 (§§ 1102.855 and 1102.857 to 1102.860), the fertilizer may be furnished on purchase orders to persons for carrying out these practices. Fertilizer may not be furnished to persons who are indebted to the Federal Government as indicated by the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ASC State Office that it waives its right to setoff in order to permit the furnishing of fertilizers. Purchase orders may be obtained by filing an application for such orders. Applications are available at the ASC District Offices, field offices of the Extension Service, field offices of the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico, field offices of the Soil Conservation Service, and District Offices of the Farmers Home Administration.

(2) Title to any fertilizer furnished through the Agricultural Conservation Program shall vest in the Federal Government until the fertilizer is applied or all charges for same are satisfied.

(b) *Cost to farmer.* The farmer shall pay that part of the cost of the fertilizer, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the fertilizer. The Federal cost-share increase on the amount of Federal cost-share attributable to the use of the fertilizer may be advanced as a credit against that part of the cost of the fertilizer required to be paid by the farmer.

(c) *Discharge of responsibility for fertilizer.* (1) The person to whom fertilizer is furnished under the 1958 program will be relieved of responsibility for the fertilizer upon determination by the ASC State Office that the fertilizer was used in performing the practice for which it was furnished. If the person uses any fertilizer for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the fertilizer borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(2) Any person to whom fertilizer is furnished shall be responsible to the Federal Government for any damage to the fertilizer, unless he shows that the damage was caused by circumstances beyond his control. If the fertilizer is abandoned or not used during the program year, it may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the fertilizer, or be retained by the person for use in a subsequent program year.

§ 1102.816 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the ASC State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1958 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1102.817 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of fertilizer furnished under purchase orders shall be credited to the person to whom the fertilizer is furnished, and it shall have priority over payment for other practices. Other Federal cost-shares shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1102.818 *Increase in small Federal cost-shares.* The sum of the Federal cost-shares computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1102.819 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1958 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1958 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1102.820 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1102.821 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the ASC District Offices forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the ASC District Offices and making copies available to the press. Other means of notification, including individual notices to person affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the ASC District Offices not later than February 28, 1959, except that the ASC State Office may accept an application filed after February 28, 1959, but not later than December 31, 1959, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the ASC District Office within the applicable time limit.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1959.

§ 1102.822 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1102.823 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1958 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1102.824 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1958 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance

with good farming practices as long as the land on which they are carried out is under his control.

§ 1102.825 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1958 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1958 program.

§ 1102.826 *Depriving others of Federal cost-shares.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1958 program.

§ 1102.827 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1958 program and shall refund all amounts that may have been paid to him under the 1958 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.828 *Misuse of purchase orders.* If the ASC State Office finds that any person has knowingly used a purchase order issued to him for conservation materials for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.829 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1102.830, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1102.830 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1958 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1958, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1102.833 *Definitions.* For the purposes of the 1958 Agricultural Conservation Program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Commonwealth of Puerto Rico.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant or sharecropper, participates in the operation of a farm.

(f) "Farm" means that area of land considered as a farm under the current definition of farm applicable to marketing quota and acreage allotment programs (Part 718 of this title).

(g) "Coffee farm" means the same as "farm" except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(h) "Sugarcane farm" means any farm that has sugarcane growing in 1958.

(i) "Cropland" means that land considered as cropland under the current definition of cropland applicable to marketing quota and acreage allotment programs (Part 718 of this title).

(j) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(k) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(l) "Program year" means the period from January 1, 1958, through December 31, 1958.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1102.835 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958.

§ 1102.836 *Availability of funds.* (a) The provisions of the 1958 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1958 program will not be available for paying Federal cost-shares for which applications are filed in the ASC District Offices after December 31, 1959.

§ 1102.837 *Applicability.* (a) The provisions of the 1958 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing land administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section; and (3) nonprivate persons for performance on any land owned by the United States or corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1102.841 *Practice 1: Establishment of water disposal area to dispose of excess water from ditches or terrace systems without causing erosion, by establishing perennial grasses or legumes in natural waterways or in other predetermined locations, or by constructing protected outlet channels.* In order to qualify for Federal cost-sharing, the establishment of natural waterways or disposal areas and the construction of outlet channels must conform with specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) $0.75 per 1,000 square feet, when established by shaping and seeding.

(b) $3.25 per 1,000 square feet, when established by shaping and sodding.

(c) $0.12 per cubic yard of earth moved, when a channel is constructed by excavation and vegetation is established.

§ 1102.842 *Practice 2: Constructing continuous terraces to detain or control the flow of water and check soil erosion on sloping land.* In order to qualify for Federal cost-sharing, a channel or Nichols type terrace shall be constructed on land of from 2 to 12 percent slope. The terrace system must also comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. $1.25 per 100 linear feet of terrace.

§ 1102.843 *Practice 3: Establishing field diversion ditches or diversion terraces to intercept surface runoff from the watershed above and divert it into protected outlets to prevent erosion and protect lower lying cultivated areas.* No Federal cost-sharing will be allowed for this practice if the cultivation of the lower lying areas does not follow the approximate contour. Necessary protected outlets must be established in accordance with the specifications contained in practice 1 (§ 1102.841) prior to construction of field diversion ditches. In order to qualify for Federal cost-sharing, the establishment of field diversion ditches or diversion terraces must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. $0.12 per cubic yard of earth moved.

§ 1102.844 *Practice 4: Constructing or enlarging permanent open drainage systems to dispose of excess water.* (a) Federal cost-sharing will be allowed for both new ditches and for clearing and/or enlarging old channels where there is poor drainage and flood damage due to poor conditions of natural streams of extremely low gradients, or to impaired carrying capacity because of vegetative or woody growth or irregularities in channel gradients, and where a new straight channel would have excessive gradient.

(b) No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years, or for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. No Federal cost-sharing will be allowed for permanent open farm drainage ditches constructed or enlarged on sugarcane land, except where such drainage is carried out as a community project under a pooling agreement approved by the ASC State Office. No Federal cost-sharing will be allowed for this practice where there is any likelihood that it will create an erosion or flood hazard. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

(c) Construction or improvement of channels under this practice will not be approved where the watershed being drained discharges large quantities of sand or silt creating a sedimentation problem in drainage channels, unless protective measures are applied in the contributing watershed such as vegetative cover on sand or silt contributing areas and/or silt detention reservoirs or desilting basins established prior to construction of ditches.

(d) In order to qualify for Federal cost-sharing, the construction or enlargement of permanent open drainage systems must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) $0.12 per cubic yard of earth moved.

(b) $15.00 per acre for clearing existing channel and 15 feet beyond each bank, but not to exceed 50 percent of actual cost of clearing. Receipts or records showing payment for labor will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.

§ 1102.845 *Practice 5: Installing permanent underground tile drainage systems to dispose of excess water.* (a) This practice will be applicable where internal drainage is needed, soils are adaptable, and all possible surface drainage consistent with farming practices has been completed.

(b) No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

(c) Regardless of the size of tile used, Federal cost-sharing shall not exceed $50.00 per acre. No Federal cost-sharing will be allowed for repairing or maintaining existing tile drainage systems. No Federal cost-sharing will be allowed for tile drainage installed on sugarcane land, except where such installation of tile drainage is carried out under a pooling agreement approved by the ASC State Office. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

(d) In order to qualify for Federal cost-sharing, acceptable size and grade of tile shall be laid to a pre-designed depth, grade and alignment, and covered, all in a workmanlike manner. An acceptable outlet must be provided.

(e) The tile drainage system must comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) $0.08 per linear foot for 4-inch tile.

(b) $0.10 per linear foot for 6-inch tile.

(c) $0.12 per linear foot for 8-inch tile.

(d) $0.15 per linear foot for 10- to 12-inch tile.

(e) $0.20 per linear foot for 12-inch tile and above.

§ 1102.846 *Practice 6: Constructing hillside ditches with or without vegetative barriers to detain or control the flow of water and check erosion on sloping land.* No Federal cost-sharing will be allowed for this practice if the hillside ditches are constructed in sugarcane land. In order to qualify for cost-sharing the hillside ditch system must be established on fields cultivated along the approximate contour or orchards of 2 to 45 percent slope in accordance with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. $1.00 per 100 linear feet.

§ 1102.847 *Practice 7: Constructing rock barriers to form and support bench terraces and control the flow of water and check erosion on sloping land.* In order to qualify for Federal cost-sharing, the rock barriers must be constructed in accordance with specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Carribbean Area Office.

Maximum Federal cost-share. $1.50 per cubic yard of rock used.

§ 1102.848 *Practice 8: Constructing, enlarging, or sealing dams, pits, or ponds as a means of protecting vegetative cover.* (a) The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

(b) In order to qualify for Federal cost-sharing, the construction, enlarging, or sealing of dams, pits, or ponds must conform with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) $0.12 per cubic yard of earth moved in the construction of an earth dam, pond, or pit.

(b) $10.00 per cubic yard of concrete or rubble masonry used in the construction of a concrete dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable, or in the construction of a masonry dam.

(c) $15.00 per cubic yard of steel reinforced concrete used for box culvert, cradle, cutoff walls, headwalls, outlet structures, and/or riser.

(d) 50 percent of actual cost of conduits, slide gates, and metal cutoff collars. Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.

§ 1102.849 *Practice 9: Constructing, enlarging, or sealing dams, pits, or ponds to impound surface water for irrigation, primarily for lands devoted to crops other than sugarcane, cotton or tobacco.* (a) No Federal cost-sharing will be allowed for constructing, enlarging, or sealing dams, pits, or ponds for irrigation, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

(b) In order to qualify for Federal cost-sharing, the construction, enlarging, or sealing of dams, pits, or ponds for irrigation water must conform with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) $0.12 per cubic yard of earth moved in the construction of an earth dam, pond or pit.

(b) $10.00 per cubic yard of concrete or rubble masonry used in the construction of a concrete dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable, or in the construction of a masonry dam.

(c) $15.00 per cubic yard for steel reinforced concrete used for box culvert, cradle, cutoff walls, headwalls, outlet structures, and/or riser.

(d) 50 percent of actual cost of conduits, slide gates, and metal cutoff collars. Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.

§ 1102.850 *Practice 10: Planting vegetative barriers on land, of types determined by the Soil Conservation Service of 10 percent or more slope.* No Federal cost-sharing will be allowed on cultivated land if cultivation does not follow the approximate contour. Cost-sharing will be allowed when the grasses forming the barrier are planted in accordance with the following specifications:

(a) Grasses listed under the specifications of practice 6 (§ 1102.846) may be used and must be planted along contour lines.

(b) The vertical distance between the barriers must not exceed 9 feet.

(c) When cuttings of stiff-stemmed grasses are used, two rows 6 inches apart must be planted. When clump divisions of such grasses are used, the rows must be approximately 6 inches wide.

(d) When sod-forming grasses are used, the planted rows must be approximately 3 feet wide.

Maximum Federal cost-share. $0.30 per 100 linear feet.

§ 1102.851 *Practice 11: Initial establishment of contour stripcropping on nonterraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.* No cost-sharing will be allowed on cultivated land if cultivation does not follow the approximate contour. Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips must be in accordance with the recommendations of the Soil Conservation Service. The width of the clean-tilled area must not exceed twice the width of the noncultivated area of vegetation.

Maximum Federal cost-share. $6.00 per acre.

§ 1102.852 *Practice 12: Leveling land for more efficient use of irrigation water and to prevent erosion.* (a) This practice is applicable primarily on land devoted to crops other than sugarcane, cotton, or tobacco. The purpose of this practice is to alter the slope or topography of irrigated land in such a manner as to (1) hold erosion damage to the minimum, (2) make maximum use of rainfall, (3) obtain effective use of irrigation water, and (4) facilitate soil and water management.

(b) Federal cost-sharing will not be approved for routine floating or restoration of grade, or on any land for which cost-sharing for leveling was given under a previous program. Federal cost-sharing will not be approved if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. The leveling must be carried out in accordance with a plan approved by the responsible technician.

(c) Cost-sharing will be available at a per-acre or per-cubic yard rate. The supervising technician will be responsible for determining when it is practicable to make a complete yardage survey of dirt to be moved, in which case cost-sharing may be on a per-cubic yard basis. The practice must be recommended, supervised, and approved by a Soil Conservation Service representative, and performed to meet the requirements of SCS Conservation Practice Engineering Specifications on "Land Leveling for Irrigation."

Maximum Federal cost-share. (a) $0.12 per cubic yard not to exceed $25.00 per acre, where a complete yardage survey is made.

(b) $5.00 per acre of land leveled, where it is not practicable to make a complete yardage survey of dirt moved on each acre.

§ 1102.853 *Practice 13: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.* For erosion control, trees must be planted on the contour and be protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. For windbreaks, the trees must be planted in such a pattern as to constitute an effective barrier against the prevailing winds. They must afford protection for adjacent areas which are devoted to agricultural purposes. Federal cost-sharing will be allowed for not more than 200 trees on a farm.

Maximum Federal cost-share. $0.10 per tree.

§ 1102.854 *Practice 14: Planting of trees on farmland for purposes other than the prevention of wind or water erosion.* In order to qualify for Federal cost-sharing, at least ½ acre must be planted, and the trees are to be spaced no wider than 8 by 8 feet. Plantings must be protected from fire and grazing. Federal cost-sharing may be authorized for fences, where needed to protect the trees being planted, but shall be limited to permanent fences. Boundary and road fences and the repair, replacement, or maintenance of existing fences are excluded. The fences must be constructed with new materials. The posts must be spaced not more than 8 feet apart with the corner posts adequately braced. Three strands of barbed wire, No. 12½ or heavier, properly stretched must be used.

Maximum Federal cost-share. (a) $2.00 per 100 trees living at the time of inspection. (b) $3.00 per 100 linear feet of fences.

§ 1102.855 *Practice 15: Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-reseeding annual or perennial grasses or a mixture of legumes and perennial grasses or other approved forage plants.* (a) Commercial fertilizers of formulas other than 12–6–10 or 12–6–8 may be accepted if approved by the ASC State Office and/or the Commonwealth Department of Agriculture and Commerce.

(b) When the fertilizer is purchased direct by the farmer, rather than obtained through a duly issued purchase order, receipts or invoices, in triplicate, showing the purchase and analysis of the fertilizer applied exclusively under this practice, properly dated and signed by the vendor, should be retained by the farmer for presentation upon request of the ASC State Office.

(c) The varieties of grasses and legumes planted must be well adapted to the conditions of the particular area. Plantings must be carried out on not less than ½ acre to qualify for cost-sharing. The land must be properly prepared by plowing, and harrowing if necessary, and furrowing on approximate contour lines, or by hand preparation. Sufficient clump divisions, sprigs, cuttings, or seeds must be used to secure a good ground cover at maturity.

(d) When a Guinea grass pasture is established by using seed, the rate of seeding should not be less than 20 pounds per acre. When Guinea and/or Molasses grass is seeded in mixtures with Tropical Kudzu, the rate of seeding will be as follows: (1) Molasses grass, 5 pounds per acre, Tropical Kudzu, 4 pounds per acre; (2) Guinea grass, 8 pounds per acre, Tropical Kudzu, 4 pounds per acre.

(e) When grass pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and all cultivating must be as near as practicable along the contour lines.

(f) Cost-sharing for carrying out this practice is limited to farms located within the Central West Area, comprising the municipalities of Adjuntas, Ciales, Jayuya, Lares, Las Marias, Maricao, Morovis, San Sebastian, Utuado, Naranjito, Corozal and Toa Alta; the North Area, comprising the municipalities of Toa Baja, Bayamon, Catano, Guaynabo, Carolina, Rio Piedras, Trujillo Alto and Dorado; the West Area, comprising the municipalities of Aguada, Aguadilla, Anasco, Rincon, Moca, Mayaguez, Cabo Rojo, Hormigueros, and San German; the Southeast Area, comprising the municipalities of Arroyo, Cayey, Guayama, and Salinas; the Southwest Area, comprising the municipalities of Guanica, Lajas, Sabana Grande and Yauco; and the South Area, comprising the municipalities of Guayanilla, Penuelas, Juana Diaz, Villalba, Santa Isabel and Ponce.

(g) No Federal cost-sharing will be allowed for any component of this practice for which the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. (a) $15.00 per acre for planting Para, Guinea, Gramalote, Pangola, Giant St. Augustine, Buffel, or Merker grass, or any combination of these grasses.

(b) $18.00 per acre for planting Tropical Kudzu in combination with Molasses, Guinea, Gramalote, or Para grass, or a combination of these grasses.

(c) $35.00 per ton of 12–6–10 or 12–6–8 fertilizer applied to permit the initial establishment of grasses and legumes under rates (a) and (b), but not exceeding 1,000 pounds per acre.

§ 1102.856 *Practice 16: Initial application of refuse from sugar mill grinding operations, known as filter cake, to permit the initial establishment of pasture under practice 15 (§ 1102.855) for soil protection and moisture conservation.* (a) Farms from which more than 100 acres of sugarcane are harvested in 1958, and any farm operated by a producer-processor, as defined under the Sugar Program, are not eligible for cost-sharing under this practice.

(b) The filter cake should be spread over the land and plowed under with the second plowing and before furrowing. A certificate from the mill showing the tons of filter cake delivered to the participating farmer must be retained for presentation to the farm inspector at the time of inspection. If such certificate is not obtainable, the farmer must request the corresponding ASC District Office to inspect the filter cake before it is spread over the land.

(c) Cost-sharing for carrying out this practice is limited to farms located within the six areas mentioned under practice 15 (§ 1102.855).

(d) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. $0.50 per ton, but not exceeding 20 tons per acre.

§ 1102.857 *Practice 17: Improvement of established permanent pasture of Molasses, Guinea, Gramalote, and Para grass by seeding Tropical Kudzu for soil or watershed protection.* (a) Commercial fertilizers of formulas other than 12–6–10 or 12–6–8 may be accepted if approved by the ASC State Office.

(b) When the fertilizer is purchased direct by the farmer, rather than obtained through a duly issued purchase order, receipts or invoices, in triplicate, showing the purchase and analysis of the fertilizer applied exclusively under this practice, properly dated and signed by the vendor, should be retained by the farmer for presentation upon request of the ASC State Office.

(c) Cost-sharing for carrying out this practice is limited to farms located within the six areas mentioned under practice 15 (§ 1102.855).

(d) No Federal cost-sharing will be allowed for any component of this practice for which the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. (a) $10.00 per acre for seeding at a rate of not less than 4 pounds of Tropical Kudzu. This rate of cost-sharing applies to the total area occupied by the Tropical Kudzu and the established pasture.

(b) $35.00 per ton of 12–6–10 or 12–6–8 fertilizer applied to the area selected to Tropical Kudzu, but not exceeding 500 pounds per acre.

§ 1102.858 *Practice 18: Development of permanent woodland cover for erosion control on steep slopes and for watershed protection through the initial establishment of coffee groves.* (a) In order to qualify for cost-sharing, all components which are needed must be carried out on the 1958 area designated for the initial establishment of the coffee groves. Such designated area shall not exceed 15 acres on the farm of any program participant.

(b) The shade trees to be planted must be of the leguminous species currently used such as guaba venezolana, guaba, guama, moca, bucare enano, madre de cacao, Leucaena, etc. Not more than 150 shade trees should be planted per acre and they must be well distributed throughout the area in order to provide, when grown, not less than approximately 20 percent shade nor more than approximately 40 percent shade. As far as practicable, all new permanent shade trees must be planted along the approximate contour. Cost-sharing will be allowed only for shade trees which are well established, free from vines and weeds, and at least 18 inches high at the time of inspection.

(c) Measures for the improvement of an existing stand of shade trees shall consist of thinning, pruning, cutting, and protection of desirable trees by removing or killing competing and undesirable vegetation. To be eligible for cost-sharing the trees left must be less than 6 inches in diameter at breast height and the residual stand of trees shall provide not less than approximately 20 percent shade nor more than approximately 40 percent shade.

(d) The live and dead ground cover must be maintained so that not less than 80 percent of the soil surface within the designated area is adequately maintained. The live ground cover must be dense and not less than about 6 inches tall nor more than about 18 inches tall.

(e) Coffee trees of improved varieties or of approved selections shall be planted. Trees shall be spaced as nearly as possible in rows 10 feet apart along the approximate contour. Within rows, the distance between trees may vary so as to allow between 700 and 1,200 trees per acre. The height of the coffee trees shall be not less than 18 inches at the time of inspection. The coffee trees must have full crowns with not more than one-fourth of the foliage area showing visible signs of insect damage or disease. Where necessary to maintain the coffee trees in a healthy condition, spraying or dusting must be carried out in accordance with the specifications approved by the ASC State Office.

(f) When the fertilizer applied on any farm contains less than 8 units of available nitrogen (N) and 8 units of available phosphate (P_2O_5), lower grades may be accepted if approved by the ASC State Office. When the fertilizer is purchased direct by the farmer, rather than obtained through a duly issued purchase order, receipts or invoices, in triplicate, showing the purchase and analysis of fertilizer applied exclusively under this practice, properly dated and signed by the vendor should be retained by the farmer for presentation upon request of the ASC State Office.

(g) Cost-sharing for the application of ground limestone will be allowed for up to 2 tons per acre if the determination of pH shows 5.2 or less. Receipts or invoices, in triplicate, showing the purchase and calcium carbonate content of the ground limestone applied, properly dated and signed by the vendor, together with a copy of the certificate of pH determination issued by the Agricultural Extension Service, Vocational Agriculture, or any agency designated for this purpose by the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico and the ASC State Office, should be retained by the farmer for presentation to the farm inspector at the time of inspection, except that such requirement may be waived if the ground limestone is furnished to the farmer through purchase orders issued by the Department of Agriculture and commerce of the Commonwealth of Puerto Rico.

(h) Water disposal areas shall be established, where necessary, as determined by the Soil Conservation Service, and in accordance with specifications for practice 1 (§ 1102.841).

(i) Field diversion ditches shall be established where necessary, as determined by the Soil Conservation Service, and in accordance with specifications for practice 3 (§ 1102.843).

(j) No Federal cost-sharing will be allowed for any component of this practice for which the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. (a) Initial establishment of permanent shade trees or initial improvement of an existing stand of shade trees.

(1) $0.02 per tree planted in 1958, but in no event for more than 150 trees per acre.

(2) 60 percent of the actual cost, but in no event more than $8.00 per acre, where measures for the improvement of an existing stand of shade trees are carried out in 1958. Receipts or records showing actual costs must be furnished as evidence of accomplishment.

(b) $35.00 per ton of fertilizer applied containing not less than 8 units of available nitrogen (N) and 8 units of available phos-

phate (P_2O_5), but not for more than 500 pounds per acre.

(c) $5.00 per ton of ground limestone applied containing at least 80 percent calcium carbonate equivalent.

(d) Establishment of water disposal areas:

(1) $0.75 per 1,000 square feet when established by shaping and seeding.

(2) $3.25 per 1,000 square feet when established by shaping and sodding.

(3) $0.12 per cubic yard of earth moved when a channel is constructed by excavation.

(e) $0.12 per cubic yard of earth moved in the establishment of field diversion ditches.

§ 1102.859 *Practice 19: Development of permanent woodland cover for erosion control on steep slopes and for watershed protection through the application of fertilizer to coffee groves more than one year old but not more than four years old.* (a) When the fertilizer applied on any farm contains less than 8 units of available nitrogen (N) and 8 units of available phosphate (P_2O_5), the lower grades may be accepted if approved by the ASC State Office.

(b) Cost-shares will be allowed only for acreage which was established in accordance with the specifications applicable to practice 18 (§ 1102.858) and which is still less than 4 years old.

(c) When the fertilizer is purchased direct by the farmer, rather than obtained through a duly issued purchase order, receipts or invoices, in triplicate, showing the purchase and analysis of fertilizer applied exclusively under this practice, properly dated and signed by the vendor, should be retained by the farmer for presentation upon request of the ASC State Office.

(d) The coffee trees shall be healthy trees free of diseases and harmful insects. The live ground cover (grass and herbs) should not be cut to a height of less than about 6 inches and the forest litter must not be removed. The shade trees should be kept so pruned or thinned that their shade does not exceed 40 percent. When new coffee trees are planted they must be planted, as far as practicable, along the contour.

(e) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. $35.00 per ton of fertilizer applied containing not less than 8 units of available nitrogen (N) and 8 units of available phosphate (P_2O_5), but for not more than 800 pounds per acre.

§ 1102.860 *Practice 20: Improving the woodland protection which coffee groves provide for steep slopes by applying to coffee trees fertilizer of grades containing not less than 8 units of available nitrogen (N) and 8 units of available phosphate (P_2O_5).* (a) When the fertilizer applied on any farm contains less than 8 units of available nitrogen (N) and 8 units of available phosphate (P_2O_5), the lower grades may be accepted if approved by the ASC State Office.

(b) The maximum number of pounds of coffee fertilizer for which cost-sharing will be allowed shall be the product of (1) 600 and (2) 25 percent of the actual number of coffee bearing acres on the farm.

(c) When the fertilizer is purchased direct by the farmer, rather than obtained through a duly issued purchase order, receipts or invoices, in triplicate, showing the purchase and analysis of fertilizer applied exclusively under this practice, properly dated and signed by the vendor, should be retained by the farmer for presentation upon request of the ASC State Office.

(d) To qualify for cost-sharing, the shade trees on the area where the fertilizer is applied must have been properly pruned, the forest litter and live ground cover properly maintained, and old or non-productive coffee trees removed; all in accordance with the specifications approved by the ASC State Office.

(e) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. $35.00 per ton of fertilizer applied.

§ 1102.861 *Practice 21: Improving the woodland protection which coffee groves provide for steep slopes by planting shade trees.* (a) The shade trees to be planted must be of the leguminous species currently used such as guaba venezolana, guaba, guama, moca, bucare enano, madre de cacao, Leucaena, etc. These must be well distributed among the coffee trees, and an appropriate number must be planted to provide, when grown, not less than approximately 20 percent shade nor more than approximately 40 percent shade. Cost-sharing will be allowed only for trees which are well established, free from weeds and vines, and at least 18 inches high at the time of inspection.

(b) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. $0.02 per tree planted in 1958 on the actual coffee bearing acreage of the farm, but not in excess of the greater of either 10 acres or 30 percent of the coffee bearing acres on the farm, but for not more than 100 trees per acre.

Done at Washington, D. C., this 19th day of November 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-9703; Filed, Nov. 21, 1957; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 26]

PART 60—AIR TRAFFIC RULES

CRUISING ALTITUDES WITHIN CONTINENTAL CONTROL AREA

Pursuant to the recent amendments to Part 60 of the Civil Air Regulations (22 F. R. 7897), the Civil Aeronautics Board has provided among other things for a continental control area and has delegated to the Administrator the authority to specify the VFR cruising altitudes within such area. Since these regulations become effective on December 1, 1957, it is necessary, in the interest of safety in air commerce, to specify VFR cruising altitudes for operations within the continental control area which will also become effective on that date. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and good cause exists for the adoption of the VFR cruising altitudes contained in this rule, as a temporary measure, to become effective on December 1, 1957.

In view of the above, interested persons desiring to present written views or comments with respect to these cruising altitudes are requested to submit them to the Director, Office of Flight Operations and Airworthiness, Civil Aeronautics Administration, Washington 25, D. C., on or before December 15, 1957. These cruising altitudes will then be reconsidered in accordance with the views and comments received.

A new § 60.32–2 is added to read as follows:

§ 60.32–2 *Cruising altitudes within the continental control area (CAA rules which apply to § 60.32 (a)).* Except as provided in § 60.32–1 for flights within civil airways,[1] aircraft operated in level cruising flight between 24,000 feet and up to, but not including 29,000 feet, MSL, shall be flown at an altitude appropriate to the magnetic course being flown as follows:

(a) 0° to 179° inclusive, at 25,000 (MSL), or 27,000 feet (MSL); or

(b) 180° to 359° inclusive, at 24,000 (MSL), 26,000 (MSL), or 28,000 feet (MSL).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

This supplement shall become effective on December 1, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 15, 1957.

[F. R. Doc. 57-9667; Filed, Nov. 21, 1957; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 42]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Correction

In Federal Register Document 57-9183, published at page 8930 in the issue for Thursday, November 7, 1957, the fourth line under the table in amendatory paragraph 3 should read: "Crs and distance. Creole Int to airport, 306–4.3."

[1] Within the continental control area, a civil airway extends upward to, but not including 27,000 feet, MSL. Therefore, flight within a civil airway below 27,000 feet, MSL, will be conducted at the cruising altitudes specified in § 60.32–1 for civil airways. Flights not within a civil airway, but operated in level cruising flight between 24,000 feet and up to, but not including 29,000 feet within the continental control area will be conducted in accordance with § 60.32–2.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICUTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MALATHION

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of malathion in or on certain raw agricultural commodities from postharvest application.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.111; 22 F. R. 7417, 8777) are amended by changing § 120.111 to read as follows:

§ 120.111 *Tolerances for residues of malathion.* Tolerances are established for residues of malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on raw agricultural commodities as follows:

(a) (1) From preharvest application: 8 parts per million in or on alfalfa, apples, apricots, asparagus, avocados, barley, beans, beets (including tops), blackberries, blueberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cherries, clover, collards, corn forage, cranberries, cucumbers, currants, dandelions, dates, dewberries, eggplants, endive (escarole), garlic, gooseberries, grapefruit, grapes, guavas, horseradish, kale, kholrabi, kumquats, leeks, lemons, lettuce, limes, loganberries, mangoes, melons, mushrooms, mustard greens, nectarines, oats, onions (including green onions), oranges, parsley, parsnips, passion fruit, peaches, pears, peas, pecans, peppermint, peppers, pineapples, plums, potatoes, prunes, pumpkins, quinces, radishes, raspberries, rice, rutabagas, rye, salsify (including tops), shallots, spearmint, spinach, squash (both summer and winter squash), strawberries, Swiss chard, tangelos, tangerines, tomatoes, turnips (including tops), walnuts, watercress, wheat.

(2) From postharvest application: 8 parts per million in or on peanuts and the following grains: Barley, corn, oats, rice, rye, sorghum, wheat.

(b) From preslaughter application: 4 parts per million in or on meat and meat byproducts from cattle, hogs, poultry. The tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, hogs, or poultry.

(c) From preharvest application: 2 parts per million in or on corn (kernels plus cob with husk removed), cottonseed.

(d) Zero part per million in eggs.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: November 15, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9669; Filed, Nov. 21, 1957; 8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.348]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

NONIMMIGRANT DOCUMENTARY WAIVERS

Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is amended in the following respect:

Section 41.8 *Nonimmigrants required to present visas or border crossing identification cards but not passports,* is amended to read as follows:

§ 41.8 *Nonimmigrants required to present visas or border crossing identification cards but not passports.* The provisions of section 212 (a) (26) (A) of the act relating to the requirement of valid passports for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) of the act, in cases of aliens who fall within the following-described categories:

(a) An alien who is described in section 212 (d) (8) of the act, and who is in possession of a travel document which is valid for at least thirty days from the date of his admission into the United States for his entry into a foreign country.

(b) A Mexican citizen who applies for admission as a border crosser at a port of entry on the land border between the United States and Mexico and who is in possession of a valid nonresident alien's border crossing identification card (Form I–186, revised November 1, 1956).

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

(Sec. 104, 60 Stat. 174; 8 U. S. C. 1104)

Dated: October 8, 1957.

HARRIS H. HUSTON,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: October 22, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F. R. Doc. 57-9682; Filed, Nov. 21, 1957; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 657—TOBACCO INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 490 (22 F. R. 7238) appointed, convened, and gave notice of the hearing of Industry Committee No. 34–A to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the tobacco industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is contained in 29 CFR Part 657. No change has been made in the definition of the industry in the new wage order. The recommendations of Industry Committee No. 34–A revised the classifications within the industry and recommended new rates of pay for such classifications.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85–A of the Secretary of Labor (22 F. R. 7614), the recommendations of this committee are to be published in the following amendment to Title 29 of the Code of Federal Regulations to become effective December 8, 1957.

Sec.
657.1 Definition.
657.2 Wage rates.
657.3 Notices.

AUTHORITY: §§ 657.1 to 657.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 657.1 *Definition.* The tobacco industry in Puerto Rico is defined as the processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco; and the manufacture of cigaretts, cigars, cheroots, little cigars, snuff, chewing tobacco, and smoking tobacco.

§ 657.2 *Wage rates.* (a) Wages at a rate of not less than 36 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Puerto Rican cigar filler tobacco processing classification of the tobacco industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the processing of Puerto Rican cigar filler type tobacco including, but without limitation, the grading, fermenting, stemming, packing, storing, drying, and handling of such tobacco prior to its use in the manufacture of cigars or other finished products: *Provided, however,* That this classification shall not include such activities when they are performed as part of an integrated machine processing operation: *And, providing further,* That this classification shall not include the shredding, chopping, threashing, or stemming of Puerto Rican tobacco by machine and operations immediately incidental thereto.

(b) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wrapper type tobacco processing classification of the tobacco industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the processing of cigar wrapper type tobacco including, but without limitation, the bulking, dampening, sorting, sizing, tying, muling or fermenting, drying, packing, storing and handling of such tobacco prior to its use in the manufacture of cigars or other finished tobacco products: *Provided, however,* That the shredding, chopping, threshing, or stemming of such tobacco by machine and operations immediately incidental thereto shall not be included.

(c) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the machine threshing, machine operations classification of the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and this classification shall be defined as the shredding, chopping, or threshing of all types of tobacco by machine and drying and inspection operations immediately incidental thereto.

(d) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the machine threshing, other operations classification of the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all processing of tobacco preceding and subsequent to the shredding, chopping or threshing of all type of tobacco by machine and drying and inspection operations immediately incidental thereto, when such preceding and subsequent processing is performed as a part of an integrated operation of machine shredding, chopping or threshing.

(e) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all products and activities in the tobacco industry in Puerto Rico as defined in this wage order, except products and activities included in the Puerto Rican cigar filler tobacco processing classification, the wrapper type tobacco processing classification, the machine threshing, machine operations classification, or in the machine threshing, other operations classification as defined herein.

§ 657.3 *Notices.* Every employer subject to the provisions of § 657.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 657.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 18th day of November 1957.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-9698; Filed, Nov. 21, 1957; 8:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

FLUSHING BAY, NEW YORK

Pursuant to the provisions of section 1 of an act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.60 is hereby amended by adding a new paragraph (m-1), designating an area in Flushing Bay, New York, as a special anchorage area wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.60 *Port of New York and vicinity.* • • •

(m-1) *Flushing Bay, West Area.* That portion of East River Anchorage No. 10 (described in § 202.155), in the waters of Flushing Bay adjacent to the northeasterly side of La Guardia Airport, southward of the prolonged southerly side of 15th Avenue, College Point, ranging through Flushing Bay Channel Lighted Buoy No. 2, westward of a line parallel to and 100 feet west of the westerly channel line of the buoyed Federal channel in Flushing Bay, and easterly of a line ranging from the Aero Beacon at La Guardia Airport through Rikers Island Channel Lighted Bell Buoy No. 1-A.

[Regs., Nov. 6, 1957, 800.212 (Flushing Bay, N. Y.)—ENGWO] (Sec. 1, 54 Stat. 150; 33 U. S. C. 180)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9666; Filed, Nov. 21, 1957; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

GUIDE FEES FOR MAMMOTH CAVE

Section 13.16 *Guide fees for Mammoth Cave,* is amended by addition of the following cave trip and admission fee therefor:

No. 7—Mammoth Dome---------- 1.50

This regulation shall be effective on and after January 1, 1958.

(Sec 3, 39 Stat. 535, as amended; 16 U. S. C., sec. 3)

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 18, 1957.

[F. R. Doc. 57-9672; Filed, Nov. 21, 1957; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Amdt. 2-6]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS

In the matter of amendment of § 2.104 (a)-(5) of the Commission's rules and regulations to effect certain editorial changes therein, Amdt. 2-6.

1. The Commission having under consideration the desirability of making certain editorial changes in Part 2, § 2.104 (a) (5) of its rules and regulations; and

2. It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

3. It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

4. *It is ordered,* This 18th day of November 1957 that, effective November 25, 1957, § 2.104 (a) (5) is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: November 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 2.104 (a) (5) of Part 2 of the Commission's rules is amended in the following particulars:

1. Delete the footnote indicator (NG 30) from Column 7 for the frequency band 2065–2105 kc.

2. Delete the footnote indicator (NG 33) from Column 8 for the frequency bands 4770–4850 kc and 4850–4965 kc.

3. Delete footnote NG47 from the list of NG footnotes following the table of frequency allocations.

[F. R. Doc. 57-9683; Filed, Nov. 21, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Ch. I, App.]

NORTHERN ALASKA

NOTICE OF INTENTION TO MODIFY PUBLIC LAND ORDER 82

Public Land Order No. 82 dated January 22, 1943, withdrew, among other lands, an area of 48,800,000 acres in Northern Alaska, from sale, location, selection and entry under the public land laws of the United States, including the mining laws, and from leasing under the mineral-leasing laws, and reserved the minerals in the lands under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war. Public Land Order No. 82 has been revoked as to all lands other than those which are the subject of this notice and which are described as follows:

NORTHERN ALASKA

All that part of Alaska lying north of a line beginning at a point on the boundary between the United States and Canada, on the divide between the north and south forks of Firth River, approximate latitude 68°52' N., longitude 141°00' W., thence westerly, along this divide, and the periphery of the watershed northward to the Arctic Ocean, along the crest of portions of the Brooks Range and the De Long Mountains, to Cape Lisburne.

The Secretary of the Interior hereby gives notice of intent to modify Public Land Order No. 82 to the extent necessary to permit locations and entries under the mining laws and the issuance of mineral leases pursuant to the Mineral Leasing Act of February 25, 1920, as amended and supplemented, for the lands, exclusive, however, of the following-described areas which would not be affected by the modification:

a. Lands in Naval Petroleum Reserve No. 4:
Commencing at the most northwestern extremity of the point of land shown on the maps of Alaska as Icy Cape, approximately lat. 70°21', long. 161°46'; thence extending in a true south course to the crest of the range of mountains forming the watershed between the Noatak River and its northern tributaries and the streams flowing into the Arctic Ocean; thence eastward along the crest of this range of mountains to a peak at the head of the northernmost of the two eastern forks of Midas Creek (Pl. 1, U. S. G. S., Bull. 536), at approximately lat. 67°50', long. 156°08' thence in a true north course to a point at the highest high water on the western or left bank of the Colville River; thence following said highest highwater mark downstream along said Colville River and the western bank of the most western slough at its mouth to the highest highwater mark on the Arctic coast. From here, following the highest highwater mark westward to the point of beginning, containing approximately 23,000,000 acres.

The coast line to be followed shall be that of the ocean side of the sandspits and islands forming the barrier reefs and extending across small lagoons from point to point, where such barrier reefs are not over three miles off shore, except in the case of Plover Islands, from Point Tangent to Point Barrow (Pl. 3, U. S. G. S., P. P. 109), long. approximately 154°50', where it shall be the highest highwater mark on the outer shore of the islands forming the groups and extending between the most adjacent points of these islands and the sandspits at either end. In cases where the barrier reef is over three miles off shore the boundary shall be the highest highwater mark of the coast of the mainland.

b. Lands in Proposed Wildlife Range:
An area which may be described as all lands lying east of Canning River, extending from its mouth on the Arctic Ocean at Flaxman Island in approximate longitude 146° W., to its source in the Brooks Range in approximate longitude 145°13', W., latitude 68°53' N., and containing approximately 5,000,000 acres.

The lands affected by the proposed modification would remain closed to all forms of disposal under the public land laws, other than mining locations and mineral leasing as above described.

The proposed order, if issued, would provide:

a. That the lands, or portions thereof, will become subject to oil and gas filings only as leasing maps are from time to time prepared, and a notice or notices of the time and place of filing of such maps and of the availability of the lands for leasing are published in the FEDERAL REGISTER.

b. That such notices will describe the lands subject to filing, will provide for a simultaneous filing period (in the case of noncompetitive filings), and will specify the rules to be observed by each applicant for a lease.

c. That no lease will be issued for lands within two miles of the exterior boundaries of Naval Petroleum Reserve No. 4.

d. That the lands will be opened to mining location under the United States mining laws at 10:00 a. m. on September 1, 1958.

e. That leasing maps will be filed and notices published within approximately 60 days after issuance of the formal order of modification, of the availability for competitive leasing of approximately 16,000 acres of lands within a known geologic structure as defined by the Geological Survey, and of approximately 4,000,000 acres, non-competitively, of lands not within such a structure. Additional leasing maps will thereafter be filed and notices will be published from time to time of the availability of other lands for leasing as the public interest might require.

All persons and organizations having an interest in the area are invited to submit to the Secretary of the Interior in writing any comments they may wish to make respecting the merits of the proposed modification, and the terms and conditions under which it should be made. Such comments should be submitted within 30 days after publication of this notice of intent in order to assure ample opportunity for their full consideration. All such comments will be made a part of the permanent record.

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 20, 1957.

[F. R. Doc. 57-9735; Filed, Nov. 21, 1957; 9:09 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of regulations governing the inspection of poultry and poultry products pursuant to the provisions of the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.).

The proposed regulations will apply to the inspection of poultry and poultry products in interstate or foreign commerce and in designated major consuming areas. The inspection of poultry and poultry products pursuant to these regulations will become mandatory on Jan-

uary 1, 1959, but inspection may be provided after January 1, 1958, to those applicants voluntarily applying for it. Currently, a similar inspection service is being provided the poultry processing industry on a voluntary basis pursuant to regulations (7 CFR Part 70) under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

As a preliminary step in the development of the proposed regulations, tentative proposals were discussed informally with members of the trade and other interested persons in various areas of the United States. The proposed regulations set forth herein are therefore reasonably familiar to many persons who will be affected by them.

In addition to the provisions contained herein, the Department is considering the inclusion in the regulations of a combined inspection and grade mark (which would be designated Figure 2).

The proposed regulations set forth herein contain the provisions applicable to the program during 1958 when applicants may voluntarily apply for and receive the inspection service pursuant to the Poultry Products Inspection Act. Additional provisions relating to other phases of the program, such as exemptions and importations, will be published prior to January 1, 1959.

All persons who desire to submit written data, views or arguments in connection with these proposed regulations should file the same, in triplicate, with the Director of the Poultry Division, Agricultural Marketing Service, U. S. Department of Agriculture, Room 2096, South Building, Washington 25, D. C., not later than 30 days following publication hereof in the FEDERAL REGISTER.

The proposed regulations are as follows:

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AUTHORITY: §§ 81.1 to 81.174 issued under sec. 14, 71 Stat. 447; 21 U. S. C. 463.

DEFINITIONS

§ 81.1 *Definitions.* Unless the context otherwise requires, the following terms shall have the following meanings:

Acceptable. "Acceptable" means suitable for the purpose intended and acceptable to the Administrator.

Act. "Act" means the Poultry Products Inspection Act (71 Stat. 441.).

Administrator. "Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

Adulterated. "Adulterated" shall apply to poultry and poultry products under one or more of the following circumstances:

(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health, but, in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render then injurious to health.

(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their production or unavoidable under good manufacturing practices as may be determined by the regulations in this part or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided,* That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

(3) If any substance has been substituted, wholly or in part, therefor.

(4) If damage or inferiority has been concealed in any manner.

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

Applicant. "Applicant" means any person who requests any inspection service.

Commerce. "Commerce" means commerce between any State, Territory, or possession or the District of Columbia, and any place outside thereof; or between points within the same State, or the District of Columbia, but through any place outside thereof; or within the District of Columbia, or between a designated major consuming area and any point outside thereof; or within a designated major consuming area.

Consumer package. "Consumer package" means any container in which a poultry product is enclosed for the purpose of display and sale to household consumers.

Container or package. "Container or package" includes any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

Department. "Department" means the United States Department of Agriculture.

Dressed poultry. "Dressed poultry" means poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed.

Dressed poultry identification mark. "Dressed poultry identification mark" means the symbol formulated pursuant to the regulations in this part stating that the dressed poultry is eligible for further processing in official establishments under USDA inspection.

Food product containing poultry product. "Food product containing poultry product" means any article of food for human consumption which is prepared in part from ready-to-cook poultry, but which has been exempted by the Administrator from the category of a poultry food product.

Giblets. "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: *Provided,* That each such organ has been properly trimmed and washed.

Immediate container. The term "immediate container" includes any consumer package; or any other container in which poultry carcasses or poultry products, not consumer packaged, are packed.

Inspected for wholesomeness. "Inspected for wholesomeness" means, with respect to any poultry product, that it has undergone an inspection and was found at the time of such inspection to be wholesome and not adulterated.

Inspection. "Inspection" means any ante mortem examination of poultry or any post-mortem inspection of dressed poultry at the time of evisceration or any inspection by an inspector to determine in accordance with the regulations in this part (1) the wholesomeness of any poultry product at any stage of the preparation or packaging thereof in the official establishment where inspected for wholesomeness, or (2) the wholesomeness of any previously inspected poultry product if such poultry product has not lost its identity as an inspected product.

Inspection service. "Inspection service" means the official service within the Department having the responsibility for carrying out the provisions of the Poultry Products Inspection Act. Inspection service also means the activities performed, including official reporting, by such official service.

Inspector. "Inspector" means (1) an employee or official of the United States Government, authorized by the Administrator to inspect poultry and poultry products, pursuant to the regulations in this part, or (2) an employee or official of any State government, authorized by the Administrator to inspect poultry and poultry products, pursuant to the regulations in this part, under an agreement entered into between the Agricultural Marketing Service and the appropriate State agency.

Label. "Label" means any written, printed, or graphic material upon the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package of the poultry product, or accompanying such product.

Official establishment. "Official establishment" means any establishment as determined by the Administrator at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained pursuant to the regulations in this part.

Official identification. "Official identification" means the official inspection mark or the dressed poultry identification mark.

Official inspection mark. "Official inspection mark" means the symbol, formulated pursuant to the regulations in this part, stating that the poultry product was inspected.

Person. "Person" means any individual, partnership, corporation, association, or any other business unit.

Potable water. "Potable water" means water that has been approved by the State health authority or agency or laboratory acceptable to the Administrator as safe for drinking, and suitable for food processing.

Poultry. "Poultry" means any live or slaughtered domesticated bird (chickens, turkeys, ducks, geese or guineas).

Poultry food product. "Poultry food product" means any human food product consisting of any edible part or parts of poultry in combination with other ingredients unless such human food product is exempted by the Administrator.

Poultry product. "Poultry product" means any ready-to-cook poultry or any poultry food product.

Product. "Product" means dressed poultry or poultry product or both.

Ready-to-cook poultry. "Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be), head, shanks, crop, oil gland, trachea, esophagus, entrails, kidneys, reproductive organs and lungs have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or any edible part thereof, as described in this paragraph.

Regulations. "Regulations" means the provisions of this entire part.

Secretary. "Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated or to whom there may here-

after be delegated, the authority to act in his stead.

Shipping container. "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

Slaughter. "Slaughter" means the act of killing poultry for human food in accordance with good commercial practices in a manner which will result in thorough bleeding of the carcasses.

Unwholesome. "Unwholesome" means:

(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

Wholesome. "Wholesome" means sound, healthful, clean, and otherwise fit for human food.

General Regulations

POULTRY PRODUCTS INSPECTION ACT

§ 81.2 *Effective date.* The Poultry Products Inspection Act became effective on August 28, 1957. However, no person is subject to the provisions of this act prior to January 1, 1959, unless such person, after January 1, 1958, applies for and receives inspection for poultry or poultry products pursuant to the act and the regulations in this part. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in the Poultry Products Inspection Act with respect to all poultry or poultry products handled in the establishment for which said application for inspection is made.

ADMINISTRATION

§ 81.3 *Administration.* The Administrator shall perform, for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures, equipment and processing techniques may be tested to facilitate definite improvements: *Provided,* That such variations from the provisions of the regulations are not in conflict with the purposes of the act. The Administrator is authorized to grant exemptions in accordance with the provisions of the act.

§ 81.4 *Inspection in accordance with methods prescribed or approved.* Inspection of poultry products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

SCOPE OF INSPECTION

§ 81.5 *Inspection services available.* The regulations in this part provide for inspection service pursuant to the provisions of the Poultry Products Inspection Act.

§ 81.6 *Establishments requiring inspection.* (a) Every establishment in which poultry is slaughtered for transportation or sale in commerce, or for transportation from an official establishment to another official establishment, and every establishment in which poultry products are prepared for transportation or sale in commerce shall have inspection under the regulations in this part, except as expressly exempted in this part.

(b) The term "prepared" as used in this section means any operation or combination of operations, whereby poultry is eviscerated, cut up, heat treated, canned, packed, labeled, or changed in size, shape or form, and includes the combining of poultry products with other edible ingredients. It does not refer to freezing of poultry or poultry products after they have been shipped from an official establishment, except when freezing is a part of the processing operations of such establishment in which case the provisions of §§ 81.50 and 81.104 shall apply.

§ 81.7 *Poultry and poultry products entering or prepared in official establishments.* All poultry and poultry products processed in an official establishment shall be inspected, handled, prepared, marked and labeled as required by the regulations in this part, and all dressed poultry and poultry products entering an official establishment shall have been inspected as required by the regulations in this part.

APPLICATION FOR SERVICE

§ 81.11 *How application shall be made.* The proprietor or operator of each establishment of the kind specified in § 81.6 shall make application to the Administrator for inspection service. Every application under this section shall be made on a form furnished by the Inspection Service. In cases of change of name or ownership or change of location, a new application shall be made.

§ 81.12 *Filing of application.* An application for inspection service shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the Administrator.

§ 81.13 *Authority of applicant.* Proof of authority of any person applying for inspection service may be required at the discretion of the Administrator.

§ 81.14 *Approval of application for inspection.* An application for inspection service to be rendered in an official establishment shall be approved according to the following procedure:

(a) *Drawings and specifications to be furnished.* (1) Applicants for inspection service may request and obtain information or assistance from the Inspection Service with respect to the requirements before submitting drawings and specifications.

(2) Four copies of drawings or blueprints showing the features specified herein shall be submitted to the Administrator. The drawings or blueprints shall be legible, made with sharp, clear lines, be properly drawn to scale, and shall consist of floor plans, elevations of various buildings, and a plot plan.

(3) The plot plan shall show such features as the limits of the plant's premises, locations in outline of buildings on the premises, one point of the compass, and roadways and railroads serving the plant.

(4) The floor plan shall show all space to be included in the official establishment. If rooms or compartments shown on the drawings are not to be included as part of the official establishment, this shall be clearly indicated thereon.

(5) The sheets of paper on which drawings or blueprints are made shall not exceed a size of 34" x 44". The drawings other than of the plot plan shall be made to a scale of ⅛" per foot, except that additional plans for some areas showing detail may be drawn to a scale of ¼" per foot. The plot plan may be drawn to a scale of not less than 1/32" per foot. The drawings shall indicate the scale used and shall also indicate the floor shown (i. e., basement, first, or second).

(b) *Features required to be shown on floor plan.* The following features shall be shown on the floor plan:

(1) The principal pieces of equipment drawn to scale in the proper locations.

(2) The name of the firm and the address of the plant by street and street number, or by other means properly identifying the location of the plant.

(3) One point of the compass.

(4) The doors and openings for passageways, designating those which are self-closing or permanently closed.

(5) All floor drain openings and gutter drains.

(6) Lavatories in toilet and processing rooms (lavatories which are other than hand-operated shall be so designated on the blueprints).

(7) All steam, hot and cold water outlets for clean-up purposes.

(8) Ice making and storage facilities.

(9) The point at which live poultry is hung on the conveyor line, the point where dressed poultry is removed, and the point of transfer to the eviscerating line.

(10) The routes of the edible and inedible products.

(11) The location of fresh air inlets, exhaust fans and hoods.

(c) *Specifications.* Specifications covering the following notations shall accompany the drawings:

(1) Height of ceilings.

(2) Type of ceilings—open or closed.

(3) Finish of ceilings; for example—cement plaster, metal, marine plywood, cement, asbestos board, etc.

(4) Finish of walls; for example—cement plaster, glazed tile, glazed brick, glass blocks, etc.

(5) Screens—indicate whether all outside openings are screened or provided with other suitable devices against entrance of flies or other insects.

(6) Finish of floors—concrete, brick, mastic material, etc.

(7) Drainage—indicate amount of slope of floors to the drains in processing rooms, coolers, toilets, and refuse rooms, and give description of trapping and venting of drainage lines, and of floor drain openings. Indicate size of drainage lines and whether house drainage lines and toilet soil lines are separate to a point outside of buildings.

(8) Heating—indicate type.

(9) Water supply—indicate whether public or private water supply, or both, and specify in terms of gallons per minute of water available for the processing needs of the plant. Also indicate whether or not a nonpotable water supply is used for any purpose in the plant and, if so, specify such uses.

(10) Hot water facilities—specify facilities such as boilers, storage tanks, mixing valves, etc., and indicate the size and number of boilers and storage tanks.

(11) Specify number of men and number of women who will use each toilet room.

(12) Sewage disposal—indicate whether city sewer, cesspool, sedimentation tank, etc.

(13) Approximate rate of production—indicate hourly rate of slaughter and evisceration for each class of poultry.

(d) *Rooms and compartments which must be included in the official establishment.* The official establishment shall include employees' toilet and dressing rooms, office space for the inspectors, storerooms for supplies, refuse rooms, and all rooms, compartments or passageways where poultry or poultry products, or any ingredients to be used in the preparation of products under inspection will be handled or kept. It also may include other rooms or compartments located in the buildings comprising the official establishment.

(e) *Changes in drawings or blueprints.* When changes are proposed in areas for which drawings have been previously approved, one of the following types of revised drawings shall be submitted for review and consideration:

(1) A completely revised sheet or sheets, showing proposed alterations or additions, or

(2) Approved pasters of the proposed changes which may be affixed to the affected areas on the previously approved blueprints in a manner not obscuring essential data. Paster drawings shall be prepared to the same scale and presented on a background similar to that of the originally approved drawing.

(f) *Use of information on file for plants operating under voluntary inspection service.* Applicants whose plants have been surveyed and are operating under voluntary inspection service pursuant to regulations (Part 70 of this chapter) in effect on the date service is made available under the Poultry Products Inspection Act will be exempt from the requirements of this section to the extent that the Administrator may determine that information and materials required by the provisions of this section are already available in official files of the Inspection Service.

(g) *Survey and plant approval.* Prior to the inauguration of the inspection service, a survey of the plant and premises shall be made by a representative of the Inspection Service to determine if the plant is constructed and facilities are installed in accordance with the approved drawings, specifications and the regulations in this part. The application for inspection service may be granted and the plant may be approved by the Administrator only when these requirements have been met.

(h) *Order of service.* On the date when service is inaugurated under this act all establishments that are approved pursuant to the regulations in this part will be granted inspection service simultaneously subject to the availability of funds and qualified inspectors. Thereafter, during 1958, applications will be considered in the order received and service will be installed in the order of approval of establishments subject to the availability of inspectors and funds to provide service.

§ 81.15 *Rejection of application for inspection.* Any application for inspection service may be rejected by the Administrator whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which inspection service is made available, or if he determines that any false statement was made in such application.

OFFICIAL PLANT NUMBERS, INAUGURATION, SUSPENSION AND WITHDRAWAL OF INSPECTION SERVICE

§ 81.21 *Official plant numbers.* An official plant number shall be assigned to each establishment granted inspection service. Such plant number shall be used to identify all containers of inspected products prepared in the establishment. An establishment shall not have more than one plant number.

§ 81.22 *Subsidiary establishments.* When inspection service has been granted to a person at an establishment, it shall not be granted to any other person at the same establishment, except that a subsidiary of the grantee, doing any of the business described in § 81.6 may apply for and receive inspection at such establishment.

§ 81.23 *Separation of official from unofficial establishments.* Each official establishment shall be separate and distinct from any other official establishment and from any unofficial establishment. Doorways, or other openings, may be permitted between establishments only at the discretion of the Administrator and under such conditions as he may prescribe.

§ 81.24 *Inauguration of service.* The inspector in charge or his supervisor shall, upon or prior to the inauguration of service, inform the proprietor or operator of the establishment of the requirements of the regulations in this part. If the establishment at the time service is inaugurated contains any product which has not been inspected and marked in compliance with the regulations, its identity shall be maintained, and it shall not be represented or dealt with as a product which has been inspected. Such products may be shipped in commerce as provided in § 81.154.

§ 81.25 *Suspension of plant approval and withdrawal of service.* (a) Any establishment approval given pursuant to the regulations may be suspended by the Administrator for (1) failure to maintain premises, facilities, and equipment in a satisfactory state of repair; (2) the use of operating procedures or practices which are not in accordance with the regulations; or (3) alterations of buildings, facilities, or equipment which have not been approved in accordance with the regulations.

(b) During such period of suspension, no processing of poultry or poultry products shall be carried on in the official establishment. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, inspection service shall be withdrawn from the establishment. Upon withdrawal of inspection service in an official establishment, the plant approval shall also become terminated.

PUBLICATIONS

§ 81.28 *Publications.* Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, and in the Service and Regulatory Announcements of the Department or in such other media as the Administrator may designate. Such publications will be available to applicants for inspection service.

Sanitary Requirements

GENERAL

§ 81.31 *Minimum standards for sanitation, facilities and operating procedures in official establishments.* The provisions of §§ 81.32 to 81.53, inclusive, shall apply with respect to inspection service in all official establishments.

BUILDINGS AND PLANT FACILITIES

§ 81.32 *Buildings.* The buildings shall be of sound construction and kept in good repair.

(a) *Outside openings.* (1) The doors, windows, skylights and other outside openings of the plant, except in receiving rooms and feeding rooms, shall be protected by properly fitted screens or other suitable devices, against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and feeding rooms, shall be so hung as to be close fitting when closed. Doors shall be provided with self-closing devices where necessary to prevent the entry of vermin into processing and storage rooms.

§ 81.33 *Rooms and compartments.* Rooms or compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where live poultry is held or slaughtered. Separate rooms shall be

provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(a) *Refuse rooms.* A separate refuse room, or other equally adequate facilities, shall be required in official establishments where accumulations of refuse occur. Refuse rooms shall be entirely separate from other rooms in the establishment, shall have tight fitting doors and be properly ventilated.

(b) *Rooms for holding carcasses for further inspection.* Rooms or other acceptable facilities in which carcasses or parts thereof are held for further inspection shall be in such numbers and such locations as the needs of the inspection in the establishment may require. These rooms or facilities shall be equipped with hasps for locking.

(c) *Coolers and freezers.* Coolers and freezers shall be of such size and capacity as are required for compliance with the provisions set forth in § 81.50. Freezing rooms, other than those for plate freezers or liquid freezing, shall have forced air circulation and freezers and coolers shall be equipped with floor racks or pallets unless other means are used which will assure that products will be maintained in a wholesome condition.

(d) *Storage and supply rooms.* The storage and supply rooms shall be kept in good repair, dry, and sanitary.

(e) *Boiler room.* The boiler room shall be a separate room where necessary to prevent dirt and objectionable odors entering from it into any room where dressed poultry or poultry products are prepared, handled, or stored.

(f) *Inspector's office.* Office space, including, but not being limited to furnishings, light, heat and janitor service, shall be provided rent free in the official establishment, for the use of Government personnel for official purposes. The room or space set apart for this purpose must meet the approval of the Inspection Service and be conveniently located, properly ventilated, and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing.

(g) *Toilet rooms.* Toilet rooms, opening directly into rooms where poultry products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

(h) *Lunch rooms.* Lunches and snacks shall not be eaten in processing, packing, or supply rooms. If needed, separate rooms or areas shall be provided in establishments where employees eat their lunches.

§ 81.34 *Floors, walls, ceilings, etc.*— (a) *Floors.* All floors in rooms where exposed products are prepared or handled shall be constructed of, or finished with materials impervious to moisture, so they can be readily and thoroughly cleaned. The floors in killing, ice cooling, ice packing, eviscerating, cooking, boning and cannery rooms shall be graded for complete runoff with no standing water.

(b) *Walls, posts, partitions, doors.* All walls, posts, partitions, and doors in rooms where exposed products are prepared or handled shall be smooth and constructed of materials impervious to moisture to a height of six feet above the floor to enable thorough cleaning. All surfaces above this height must be smooth and finished with moisture-resistant material.

(c) *Ceilings.* Ceilings must be moisture-resistant in rooms where exposed products are prepared or handled, finished and sealed to prevent collection of dirt or dust that might sift through floor above or fall from collecting surfaces on equipment or exposed product.

§ 81.35 *Draining and plumbing.* There shall be an efficient draining and plumbing system for the plant and premises.

(a) *Drains and gutters.* All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick runoff of all water from plant buildings, and of surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(b) *Sewage and plant wastes.* (1) The sewage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize and, if possible, prevent stoppage and surcharging of the system; (2) grease traps which are connected with the sewage system shall be suitably located, but not near any edible products department or in any area where products are unloaded from, or loaded into vehicles. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers; (3) all floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be installed so as to prevent sewage from backing up and flooding the floor; (4) toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless they are positively trapped to prevent backing up. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

§ 81.36 *Water supply.* Except as provided in paragraph (d) of this section, the water supply shall be ample, clean, and potable with adequate pressure and facilities for its distribution in the plant, and its protection against contamination and pollution. A water report, issued under the authority of the State health agency, certifying to the potability of the water supply, shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

(a) An adequate supply of hot water to enable proper cleaning shall be available.

(b) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(c) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms.

(d) Nonpotable water is permitted only in those parts of official plants where no product is handled or prepared, and then only for limited purposes such as on condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, and in sewer lines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment, nor is it permitted in boilers, scalder, chill vats or ice making machines. In all cases, nonpotable water lines shall be clearly identified and shall not be cross connected with the potable water supply unless this is necessary for fire protection. Any such connection must have an adequate break to assure against accidental contamination, and must be approved by local authorities and by the Administrator. Any untested water supply in an official establishment shall be treated as a nonpotable supply.

§ 81.37 *Lavatories, toilets, and other sanitary facilities.* Modern lavatory accommodations and properly located facilities for cleaning utensils and hands shall be provided.

(a) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot and cold water, soap (in sanitary dispensers), and towels or other acceptable facilities for drying hands, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(b) Sufficient metal containers shall be provided for used towels and other wastes.

(c) An adequate number of hand washing facilities serving areas where dressed poultry and poultry products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.

(d) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(e) Adequate toilet facilities shall be provided and the following formula shall serve as a basis for determining the number of toilet bowls required:

Persons of same sex:	Toilet bowls required
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1]3
56 to 80, inclusive	[1]4
For each additional 30 persons in excess of 80	[1]1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

§ 81.38 *Lighting and ventilation.* There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(a) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 30 foot candles of light intensity on all working surfaces, except that at the inspection stations such light intensity shall be of 50 foot candles. In all other rooms there shall be provided at least 5 foot candles of light intensity when measured at a distance of 30 inches from the floor.

(b) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

EQUIPMENT AND UTENSILS

§ 81.41 *Equipment and utensils.* Equipment and utensils used for preparing, processing, or otherwise handling any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products. Trucks and receptacles used for handling inedible products shall be of similar construction, shall be conspicuously and distinctly marked, and shall not be used for handling any poultry products.

(a) *Refuse containers.* Leakproof refuse containers with covers shall be provided.

(b) *Scalding equipment.* (1) Scalding tanks shall be constructed and installed so as to prevent contamination of potable water lines and to permit water to enter continuously at a rate which will result in a satisfactory scalding operation. The rate of flow necessary to maintain a sanitary scalding operation will be determined on such factors as the class of poultry and the number of birds per minute going into the scalding tank. It shall be the responsibility of the Station Supervisor to establish a minimum rate of flow for each scalding tank in each official establishment.

(2) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(3) The overflow, draw-off valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in close proximity to a floor or valley drain.

(c) *Wax finishing.* When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(d) *Ice shovels.* Ice shovels shall be smooth surfaced and entirely constructed of rust proof impervious material.

(e) *Conveyors.* (1) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit easy identification of viscera with its carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.

(2) Overhead conveyors shall be so constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle which shall be of noncorrosive metal.

(3) Nonmetallic belt-type conveyors used in moving poultry products shall be of water-proof composition.

(4) When individual trays are not used during eviscerating operations, each carcass shall be suspended and a metal trough or a trough constructed of other acceptable impervious material shall be provided beneath the conveyor to extend from the point where the carcass is opened to the point where the viscera has been completely removed, and such troughs shall be flushed continuously by a water spray.

(f) *Chilling and defrosting tanks.* Chilling and defrosting tanks shall be constructed of metal or other suitable material impervious to moisture and shall be of seamless construction with edges rolled outward. Where mechanical devices are not used for removing carcasses from the chilling or defrosting tanks, the tanks shall be of a size that will enable employees to remove poultry without getting inside the tanks.

(g) *Tables.* Inspection, eviscerating, and cutting tables shall be made of metal or other acceptable material, have coved corners, and be constructed and placed so as to permit thorough cleaning.

(h) *Plants lacking conveyors.* In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction or in a tray of other acceptable material and construction.

(i) *Water spray washing equipment.* Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(j) *Offal receptacles.* Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

(k) *Trucks and receptacles for diseased carcasses.* Watertight trucks and receptacles for holding or handling diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

§ 81.42 *Accessibility.* All equipment shall be placed so as to be readily accessible for all processing and cleaning operations.

(a) *Mechanical pickers.* When mechanical pickers are used they shall be installed so as to be accessible for thorough cleaning and removal of the accumulation of feathers.

§ 81.43 *Restrictions on use.* Equipment and utensils used in the official establishment shall not be used outside the official establishment, except under such conditions as may be prescribed or approved by the Administrator. Equipment used in the preparation of any article (including, but not limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the Administrator.

MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS

§ 81.46 *General.* The premises shall be kept free from refuse, waste materials and all other sources of objectionable odors and conditions.

§ 81.47 *Cleaning of rooms and compartments.* Rooms, compartments, or other parts of the official establishment, shall be kept clean and in sanitary condition.

§ 81.48 *Cleaning of equipment and utensils.* Equipment and utensils used for preparing or otherwise handling any poultry or poultry product shall be kept clean, sanitary, and in good repair.

(a) Batteries and dropping pans shall be cleaned regularly and the manure removed from the plant daily.

(b) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary, but not less frequently than once a day when in use.

(c) All equipment and utensils used in the killing, roughing, and pinning rooms shall be thoroughly washed and cleaned at least once daily when in use.

(d) The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(e) Chilling or defrosting tanks shall be emptied and rinsed after each use. They shall be thoroughly cleaned at least once daily when in use.

(f) Conveyor trays or belts which come in contact with raw products shall be completely washed and sanitized after each use.

(g) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook poultry shall, after cleaning, be drained on racks and shall not be nested.

§ 81.49 *Operations and procedures.* Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods, and shall be conducted in such a manner as will result in sanitary processing, proper inspection, and the production of wholesome poultry and poultry products.

(a) Materials which create an objectionable condition shall not be handled or stored in rooms, compartments, or other places in the establishment where any product is prepared, stored, or otherwise handled.

(b) Blood from the killing operation shall be confined to a relatively small area.

(c) The pinning and finishing of dressed poultry shall be performed in a part of the room that is located sufficiently away from the killing and roughing operations to prevent contamination of the product.

(d) In finishing and cleaning dressed poultry, the vestigial feathers (hair or down as the case may be) shall be removed by singeing or other means, feed shall be removed from the crop without incising the tissues, and the fecal material in the cloaca shall be removed by venting. These operations shall be completed prior to, or during the final washing, but prior to chilling and packaging

of such dressed poultry. Notwithstanding the foregoing, dressed poultry which is to be warm eviscerated is not required to be vented, and dressed poultry which is to be eviscerated in an official establishment within 72 hours from time of slaughter may, when approved by the Inspection Service be transferred by conveyor or operational type container or other approved means to such official establishment prior to removal of the feed in the crop.

(e) If dressed poultry is not to be immediately warm eviscerated, the head of each carcass shall be washed thoroughly either by automatic washer or manually to remove feed from the mouth and blood from the head and mouth.

(f) In the final washing of dressed poultry, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

(g) When frozen ready-to-cook poultry is to be defrosted in water, it shall be thawed in continuous running tap water of sufficient volume to thaw such poultry. If ready-to-cook poultry is to be defrosted in water which is heated, the water shall not be heated above 70° F. except when such poultry is defrosted in cooking kettles and the temperature of the water will be raised to cooking temperature immediately after the poultry has become defrosted. Frozen dressed poultry shall not be defrosted in tanks with continuously running water or residual water, but shall be defrosted on metal racks or in perforated metal containers under a continuous water spray at a temperature not in excess of 70° F.

(h) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(i) Paper and other material used for lining barrels or other containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product. Wooden containers to be used for packaging poultry shall be fully lined except when the individual birds to be packaged therein are fully wrapped.

(j) Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(k) Containers to be used for packaging dressed poultry and ready-to-cook poultry shall be clean, free from objectionable substances or odors and of sufficient strength and durability to protect the product adequately during normal distribution. Dressed and ready-to-cook poultry, other than that which is to be ice packed, shall be adequately drained to remove ice and free water prior to packing and packaging.

(l) Cleanliness and hygiene of personnel:

(1) All persons coming in contact with exposed poultry products, or poultry products handling equipment shall wear clean garments and suitable head coverings to prevent hair from falling into poultry products; and shall keep their hands clean at all times while thus engaged.

(2) All persons with infected cuts, boils, or open sores on their hands shall not handle dressed poultry or poultry products, or poultry products handling equipment.

(3) Every person shall wash his hands thoroughly after each use of toilet or change of garments before returning to duties that require the handling of dressed poultry or poultry products or containers thereof, or poultry products handling equipment.

(4) The use of tobacco in any form, the chewing of gum, or the eating of food shall not be permitted in any room where exposed dressed poultry or poultry products are being prepared, processed, or otherwise handled.

§ 81.50 *Temperatures and cooling and freezing procedures.* Temperatures and procedures which are necessary for cooling and freezing dressed and ready-to-cook poultry, including all edible portions thereof, shall be in accordance with operating practices which insure the prompt removal of the animal heat and will preserve the condition and wholesomeness of the poultry.

(a) *General cooling requirements.* All poultry that is prepared or processed in the official establishment shall be cooled immediately after processing so that the internal temperature is reduced to 40° F. or less, unless such poultry is to be further processed immediately at the official establishment. Poultry to be shipped from the plant in packaged form shall be maintained at 40° F. or less, except that during further processing and packaging operations, the internal temperature may rise to a maximum of 55° F.: *Provided,* That immediately after packaging, the poultry is placed under refrigeration at a temperature that will promptly lower the product to 40° F. or less, or placed in a freezer promptly. Poultry which is to be held at the plant in packaged form in excess of 24 hours shall be held in a room at a temperature of 36° F. or less.

(b) *Ice and water chilling.* (1) Only ice manufactured or produced from potable water may be used for ice-water chilling. The ice shall be handled and stored in a sanitary manner. If of block type, the ice shall be washed by spraying all surfaces with clean water before crushing.

(2) Poultry carcasses shall be chilled to 40° F. or lower within the times specified below:

Weight of carcass:	*Time (hours)*
Under 4 pounds	4
4 to 8 pounds	6
Over 8 pounds	8

Such chilled poultry shall be maintained constantly at 40° F. or below until removed from the vats or tanks for immediate packaging. Poultry may be removed from the vats or tanks prior to being cooled to 40° F. or lower for freezing or for further processing in the official establishment. Poultry shall not be packed until after it has been chilled to 40° F. or below except when the packaging will be followed immediately by freezing at the official establishment.

(3) In order to facilitate continuous processing operations, poultry may be held overnight in chilling tanks containing water-saturated ice, refrigerated water, or other approved cooling media that will maintain all poultry in the tanks at a temperature of 40° F., or lower. Practices (such as re-icing, recirculation of the chilling medium, or holding product in refrigerated rooms, or use of increased amounts of ice) shall be employed that will result in all of the poultry in the chilling tanks being maintained at a temperature of 40° F. or lower throughout the holding period.

(i) Should it be necessary to hold dressed poultry in excess of 24 hours in chilling tanks, the poultry shall be removed from the tanks, repacked in clean ice in clean tanks which are continually drained.

(ii) If it is necessary to hold ready-to-cook poultry in chilling tanks for longer periods than 24 hours, the tanks shall be drained and the chilling medium renewed to uniformly maintain the temperature of the ready-to-cook poultry at, or below, 40° F. The additional holding period shall not exceed 24 hours unless the poultry is maintained in continuously drained tanks which are adequately iced.

(4) Notwithstanding the foregoing cooling requirements, the Administrator is authorized to specify, under special circumstances, such additional cooling and handling methods as may be necessary to assure wholesome poultry and poultry products.

(c) *Air chilling.* In air chilling, dressed poultry shall be placed in a refrigerated room with moderate air movement at a temperature which will reduce the internal temperature of the carcasses to 40° F. or less within 24 hours. In air chilling ready-to-cook poultry, the internal temperature of the carcasses shall be reduced to 40° F. or less within 16 hours.

(d) *Cooling giblets.* Giblets shall be chilled to 40° F. or lower within two hours from the time they are removed from the inedible viscera, except when they are cooled with the carcass the requirements of paragraphs (b) (2) and (f) (5) of this section shall apply. Any of the acceptable methods of chilling the poultry carcass may be followed in cooling giblets, except that unwrapped livers shall not be cooled in agitated ice and water chilling media, but may be cooled in perforated containers which are immersed in noncirculated ice and water chilling media: *Provided,* That the livers are removed from the chilling containers when their temperature has been lowered to 40° F. When ready-to-cook birds are to be consumer packaged, the giblets shall be handled in a manner that will prevent free water from being included in the giblet package. Giblet wrappers shall be made of reasonably nonabsorbent materials and shall be no larger than necessary to properly wrap the giblets.

(e) *Other chilling procedures.* Any other chilling procedure which will effect chilling in a manner equal to that obtained by the procedures herein set forth may be permitted when approved by the Administrator.

(f) *Freezing.* (1) Dressed and ready-to-cook poultry which has been chilled to 40° F. or below prior to packaging and which is to be frozen and so labeled shall be placed into a freezer within 48 hours from time of packaging. If such poultry cannot be immediately placed into the freezer after packaging, it shall be held at 36° F. or lower.

(2) The freezing operation for dressed poultry shall be accomplished in such a manner as to bring the internal temperature of the birds in the center of the package to 0° F. or below within 96 hours from the time of entering the freezer; whereas, ready-to-cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0° F. or below within 72 hours from the time of entering the freezer.

(3) Upon written request, and under such conditions as may be prescribed by the Administrator, dressed and ready-to-cook poultry which is to be frozen immediately may be moved from the official establishment prior to freezing: *Provided,* That the plant and freezer are so located and the necessary arrangements are made so that the Inspection Service will have access to the freezing room and adequate opportunity to determine compliance with the time and temperature requirements specified in subparagraph (2) of this paragraph.

(4) Warm packaged ready-to-cook poultry which is to be chilled by immediate entry into a freezer within the official establishment shall within 2 hours from time of slaughter be placed in a plate freezer or a freezer with a functioning circulating air system where a temperature of −10° F. or lower is maintained.

(5) Frozen poultry shall be held under conditions which will maintain the product in a solidly frozen state with temperature maintained as constant as possible.

(6) Immersion or spray freezing equipment shall be constructed of noncorrosive metal or other acceptable material. Compounds used in immersion or spray freezing procedures shall be approved by the Administrator prior to use.

(7) Except as otherwise provided in § 81.104, freezing facilities shall be provided within the official establishment for frozen poultry products other than ready-to-cook poultry.

(g) *Ice-pack containers.* When poultry is ice packed in barrels or other containers, the barrels and containers shall be covered and shall have an adequate number of drain holes to permit the water to drain out.

§ 81.51 *Vermin.* Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official establishment. Dogs, cats, and other pets shall be excluded from rooms where poultry products and dressed poultry are processed, handled and stored.

§ 81.52 *Use of compounds.* Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar materials which will not contaminate or deleteriously affect the poultry and poultry products and which have been approved by the Administrator may be used in an official establishment. The use of such compounds shall be in a manner satisfactory to the Administrator.

§ 81.53 *Exclusion of diseased persons.* No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked dressed poultry or poultry products are prepard, processed, or otherwise handled.

Inspection Procedures

ante mortem inspection

§ 81.61 *Ante mortem inspection.* An ante mortem inspection of poultry shall, where and to the extent considered necessary by the Administrator and under such instructions as he may issue from time to time, be made of poultry on the day of slaughter in any official establishment processing poultry for commerce.

§ 81.62 *Facilities for ante mortem inspection.* Batteries, coops, or other facilities in which live poultry is presented for ante mortem inspection shall be of such arrangement, construction, and shall be so placed with sufficient light provided so that the inspector can clearly see the birds to the extent needed to carry out an adequate inspection.

§ 81.63 *Condemnation on ante mortem inspection.* Birds plainly showing on ante mortem inspection any disease or condition, that under §§ 81.79 to 81.91, inclusive, would cause condemnation of their carcasses on post-mortem inspection, shall be condemned. Birds which on ante mortem inspection are condemned shall not be dressed, nor shall they be conveyed into any department of the plant where poultry products are prepared or held. Poultry which has been condemned on ante mortem inspection and has been killed shall, under the supervision of an inspector of the Inspection Service, receive such treatment as that provided in § 81.92.

§ 81.64 *Segregation of suspects on antemortem inspection.* All birds which on antemortem inspection do not plainly show, but are suspected of being affected with any disease or condition that under §§ 81.79 to 81.91, inclusive, may cause condemnation in whole or in part on post-mortem inspection, shall be segregated from the other poultry and held for separate slaughter, evisceration, and post-mortem inspection. The inspector shall be notified when such segregated lots are presented for post-mortem inspection and inspection of such birds shall be conducted separately. Such procedure for the correlation of antemortem and post-mortem findings by the inspector, as may be prescribed or approved by the Administrator, shall be carried out.

§ 81.65 *Quarantine of diseased poultry.* If live poultry, which is affected by any contagious disease which is transmissible to man, is brought into an official establishment, such poultry shall be segregated. The slaughtering of such poultry shall be deferred and the poultry shall be dealt with in one of the following ways:

(a) If it is determined by a veterinary inspector that further handling of the poultry will not create a health hazard, the lot shall be subject to antemortem and post-mortem inspection pursuant to the regulations in this part.

(b) If it is determined by a veterinary inspector that further handling of the poultry will create a health hazard, such poultry may be released for treatment under the control of an appropriate State or Federal agency. If the circumstances are such that release for treatment is impracticable, a careful bird-by-bird ante mortem inspection shall be made, and all birds found to be, or which are suspected of being, affected with the contagious disease transmissible to man shall be condemned.

post-mortem inspection

§ 81.71 *Evisceration.* No viscera or any part thereof shall be removed from any dressed poultry which is to be processed under inspection in any official establishment, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector.

§ 81.72 *Carcasses held for further examination.* Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 81.73 *Condemnation of carcasses.* At the time of evisceration under inspection service each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food, shall be condemned.

§ 81.74 *Passing of carcasses.* Each carcass and all parts and organs thereof which are found to be sound, wholesome, unadulterated, and fit for human food, shall be passed.

disposition of diseased poultry carcasses and parts

§ 81.79 *General.* The carcasses or parts of carcasses of all poultry inspected at an official establishment and found at the time of post-mortem inspection, or at any subsequent inspection, to be

affected with any of the diseases or conditions named in other sections in this part, shall be disposed of in accordance with the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules for each specific disease or condition and to designate at just what stage a disease process results in an unwholesome product, the decision as to the disposal of all carcasses, parts, or organs not specifically covered by the regulations, or by instructions of the Administrator issued pursuant thereto, shall be left to the inspector in charge, and if the inspector in charge is in doubt concerning the disposition to be made, specimens from such carcasses shall be forwarded to the laboratory for diagnosis.

§ 81.80 *Tuberculosis.* Carcasses of poultry affected with tuberculosis shall be condemned.

§ 81.81 *Diseases of the leukosis complex.* Carcasses of poultry affected with any one or more of the several forms of the avian leukosis complex shall be condemned, except that carcasses affected with the ocular form only may be passed.

§ 81.82 *Septicemia or toxemia.* Carcasses of poultry showing evidence of any septicemic or toxemic disease, or showing evidence of an abnormal physiologic state, shall be condemned.

§ 81.83 *Special diseases.* Carcasses of poultry showing evidence of any disease which is characterized by the presence, in the meat, of organisms or toxins dangerous to the consumer, shall be condemned.

§ 81.84 *Inflammatory processes.* Any organ or part of a carcass which is affected by an inflammatory process shall be condemned and, if there is evidence of general systemic disturbance, the whole carcass shall be condemned.

§ 81.85 *Tumors.* Any organ or part of a carcass which is affected by a tumor shall be condemned and when there is evidence of metastasis or that the general condition of the bird has been affected by the size, position, or nature of the tumor, the whole carcass shall be condemned.

§ 81.86 *Parasites.* Edible organs or parts of carcasses which are found to be infested with parasites, or which show lesions of such infestation shall be condemned and, if the whole carcass is affected, the whole carcass shall be condemned.

§ 81.87 *Bruises.* Any part of a carcass which is badly bruised shall be condemned and, if the whole carcass is affected as a result of the bruise, the whole carcass shall be condemned. Parts of a carcass, which show only slight reddening from a bruise, may be passed for food.

§ 81.88 *Cadavers.* Carcasses of poultry showing evidence of having died from causes other than slaughter shall be condemned.

§ 81.89 *Contamination.* Carcasses of poultry contaminated by volatile oils, paints, poisons, gases, or other substances which affect the wholesomeness of the carcasses, shall be condemned. Any organ or part of a carcass which has been contaminated following mutilation shall be condemned, and if the whole carcass is affected, the whole carcass shall be condemned.

§ 81.90 *Overscald.* Carcasses of poultry which have been overscalded resulting in a cooked appearance of the flesh shall be condemned.

§ 81.91 *Decomposition.* Carcasses of poultry deleteriously affected by post-mortem changes shall be disposed of as follows:

(a) Carcasses which have reached a state of putrefaction or stinking fermentation shall be condemned.

(b) Any part of a carcass which is green struck shall be condemned and, if the carcass is so extensively affected that removal of affected parts is impracticable, the whole carcass shall be condemned.

(c) Carcasses affected by types of post-mortem change which are superficial in nature may be certified for food after removal and condemnation of affected parts.

§ 81.92 *Disposal of condemned carcasses and parts.* All condemned carcasses, or parts of carcasses, shall be disposed of by one of the following methods, under the supervision of an inspector of the Inspection Service: (Facilities and materials for carrying out the requirements in this section shall be furnished by the official establishment.)

(a) Steam sterilization which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure maintained for a sufficient time to effectively destroy it for human food purposes and preclude dissemination of disease through consumption by animals. Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no connection, by means of pipes, or otherwise, between tanks, rooms, or compartments containing inedible products and those containing edible products.

(b) Incineration or complete destruction by burning.

(c) Chemical denaturing, which shall be accomplished by the liberal application to all carcasses and parts thereof, of:

(1) Crude carbolic acid

(2) Kerosene or fuel oil, or

(3) Any phenolic disinfectant conforming to commercial standards CS 70–41 or CS 71–41 which shall be used in at least 2 percent emulsion or solution.

(4) Any other substance that the Administrator approves which will decharacterize the carcasses or parts to the extent necessary to accomplish the purposes of this section.

REINSPECTION

§ 81.95 *Reinspection of poultry products.* (a) Any inspected and passed poultry product may be brought into an official establishment only if the container of such product is marked for identification in the manner prescribed in § 81.130 and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, adulterated or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as that provided in § 81.92.

(b) Any product which is prepared under inspection in an official establishment shall be inspected in such establishment as often as the inspector deems it necessary in order to ascertain whether the product is sound, wholesome, and fit for human food at the time it leaves the establishment. Upon any such inspection, if any product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in § 81.92.

(c) All substances and ingredients used in the manufacture or preparation of any poultry product shall be clean, sound, wholesome, and fit for human food.

§ 81.96 *Retention tags.* An inspector may use such retention tags or other devices and methods as may be approved by the Administrator, for the identification of (a) products which are held for further examination, and (b) any equipment, utensils, rooms, or compartments which are found to be unclean and in violation of any of the regulations. No poultry product, equipment, utensil, room, or compartment so identified shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector.

APPEALS

§ 81.98 *Appeal inspections; how made.* Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: *Provided,* That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous.

CANNING REQUIREMENTS

§ 81.100 *Manner in which canned products shall be processed and handled.* Canned poultry products which are heat treated after closing or sealing shall be processed and handled in accordance with the following requirements:

(a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with running water of a temperature of at least 180° F., or by other means acceptable to the Administrator, immediately prior to filling with poultry products; and precautions shall be taken to avoid any subsequent soilage of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in paragraph (c) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees to ascertain whether the containers are perfectly sealed. The poultry products in such containers as are defectively closed or sealed shall, as promptly as practicable, be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36° F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler: *Provided,* That if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the poultry products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers.

(d) After heat processing, any containers of poultry products showing characteristics of short vacuum or overstuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Poultry products may, when authorized by the Administrator, and under such conditions as he may prescribe and approve, be canned without steam-pressure cooking, and such products, if frozen, shall be labeled "keep frozen," and if they are not frozen, they shall be labeled "perishable, keep under refrigeration."

(f) Each lot of canned poultry products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing or by other effective means which will positively prevent failure to heat process.

(g) Facilities shall be provided to incubate at least representative samples of fully processed canned poultry products. The incubation shall consist of holding the samples for at least 10 days at about 98° F. The extent to which incubation tests shall be required will depend on conditions such as the efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.

(1) In the event the official establishment fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned poultry products, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.

(2) The inspector in charge may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned poultry products to be shipped from the official plant when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the plant for reinspection should such action be indicated by the incubation results.

(h) All canned products shall be plainly and permanently marked, by code or otherwise, on the containers, with the identity of the contents and date of canning. If the marking is by code, its meaning shall be on record in the office of the inspector in charge.

FROZEN FOODS

§ 81.104 *Processing requirements.* Processing procedures with respect to frozen ready-to-heat-and-eat poultry products or stuffed ready-to-roast poultry shall be in accordance with sound operating practices and carried out in a manner which will assure wholesomeness of the products. Products to be frozen shall be moved into the freezer promptly under such supervision as will assure preservation of the products by prompt and efficient freezing. Adequate freezing facilities shall be provided within the official establishment where products to be frozen are prepared, except that, upon written request, and under such conditions as may be prescribed by the Administrator, such products may be moved from the official establishment prior to freezing: *Provided,* That the official establishment and freezer are so located and the necessary arrangements are made so that the Inspection Service will have access to the freezing room and adequate opportunity to determine that the products are being properly handled and frozen.

POULTRY PRODUCTS CONTAMINATED BY POLLUTED WATER

§ 81.107 *Procedure for handling.* (a) In the event there is polluted water (including, but not being limited to, flood water) in an official establishment, all poultry and poultry products and ingredients used in the preparation of such products that have been or may have been contaminated by the water shall be condemned.

(b) After the polluted water has receded, all walls, ceilings, posts and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector, be cleaned thoroughly. An adequate supply of hot water, under pressure, is essential for effective cleaning. After cleansing, a solution of sodium hypochlorite containing approximately ½ of 1 per cent of available chlorine (5,000 parts per million), or other disinfectant approved by the Administrator, shall be applied; and all metal surfaces shall be rinsed thoroughly with water to prevent corrosion. Any equipment that will afterwards be used in connection with any poultry product shall be rinsed thoroughly with clean water before being used.

(c) Hermetically sealed containers of poultry products which have been submerged in, or otherwise contaminated by, the polluted water shall be rehandled promptly under supervision of an inspector as follows:

(1) Such containers as are swollen or leaky or otherwise do not show the external characteristics of sound containers shall be segregated and the contents thereof condemned.

(2) Any labels, attached or affixed to the remaining containers shall be removed and the containers washed in warm soapy water; and, if necessary to remove rust and other foreign material, a brush shall be used.

(3) Thereafter, such containers shall be immersed in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine, or other disinfectant approved specifically for this purpose by the Administrator and rinsed in clean fresh water and dried thoroughly. Any such containers which show extensive rusting or corrosion, such as might materially weaken the container, shall be opened under the supervision of an inspector. The poultry products from such containers that are found by the inspector to be sound and wholesome shall be passed for human food.

(4) The remaining containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the poultry products therein.

(5) The identity of the canned poultry products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

PREPARATION OF ANIMAL FOOD

§ 81.110 *Preparation of animal food or similar uninspected articles in an official establishment.* (a) When an article (including, but not being limited to, animal food) that is not for use as human food is prepared in any room or compartment in an official establishment where poultry products are prepared or handled (such room or compartment being herein referred to as "edible products departments"), sufficient space and equipment shall be provided to assure that the preparation of the article in no

way interferes with the preparation or handling of the poultry products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be subject to the same sanitary requirements as apply to the edible products department. Preparation of the article shall be limited to those hours during which the official establishment operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the Administrator, be such as may be used in the preparation of a poultry product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.

(b) When any article (including, but not being limited to, animal food) that is not for use as human food, is prepared in any part of an official establishment other than an edible products department (such part of the establishment being herein referred to as "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Poultry products and inedible products may be brought from any edible products department into any inedible products department, but no poultry product or inedible product from an inedible products department may be brought into an edible products department except under such conditions as may be prescribed or approved by the Administrator. Any such articles as are in sealed containers or are handled in the manner prescribed or approved by the Administrator may be brought into an edible products department. Diseased carcasses or diseased parts of any carcass shall not be used in the preparation of any animal food unless it has been treated in the manner prescribed in § 81.92 (a). Trucks or containers used for the transportation of poultry products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of poultry products in the plant or the maintenance of the requisite sanitary conditions in the official establishment. The preparation of any article shall be subject to supervision by an inspector.

(c) The immediate container of any such article that is prepared in an official establishment shall be conspicuously labeled so as to distinguish it from human food.

REPORTS

§ 81.113 *Report of inspection work.* Reports of the inspection work carried on within official establishments shall be forwarded to the Administrator by the inspector in such a manner as may be specified by the Administrator.

§ 81.114 *Information to be furnished to inspectors.* When inspection service is performed within an official establishment, the applicant for such inspection service shall furnish the inspector rendering such service such information and assistance as may be required for the purpose of preparing certificates, reports, and the performance of other official duties.

§ 81.115 *Reports of violations.* Each inspector, agent, representative, or employee of the Inspection Service shall report, in the manner prescribed by the Administrator, all violations of the Poultry Products Inspection Act and noncompliance with the regulations in this part of which he has knowledge.

CERTIFICATES

§ 81.118 *Export certificates; issuance and disposition.* (a) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and passed poultry product, or of any poultry slaughtered in an official establishment, after suitable examination of the product has been made by the inspector.

(b) Each export certificate shall be issued in quintuplicate; the original and duplicate shall be delivered to the shipper who requested such certificate and the duplicate copy shall be delivered by him to the agent of the railroad or other carrier transporting such products from the United States otherwise than by water, or to the Chief Officer of the vessel on which the export shipment is made. The triplicate copy of such export certificate shall be forwarded to the Area Supervisor and by him to the Administrator; the quadruplicate copy shall be filed in the office of the Area Supervisor serving the area in which such export certificate was issued; and the memorandum copy shall be retained by the inspector for filing.

§ 81.119 *Form of export certificates.* Each export certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form and shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the names of such products, the total net weight thereof, and such other information as the Administrator may prescribe or approve.

§ 81.120 *Special procedure or requirements as to certification of poultry products for export to certain countries.* When export certificates are required by any foreign country for poultry products exported to such country, the Administrator shall prescribe or approve the form of export certificate to be used and the methods and procedures as he deems appropriate with respect to the preparation and transportation of such poultry products, in order to comply with requirements specified by the foreign country regarding the exported products.

§ 81.121 *Poultry inspection certificates; issuance and disposition.* (a) Upon the request of an interested party, any veterinary inspector is authorized to issue a poultry inspection certificate with respect to any lot of dressed poultry inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of poultry, each such inspector shall sign the certificate with respect to such lot. If the inspection of a lot covered by a certificate was made by a lay inspector, such certificate shall also be signed by the station supervisor or by the inspector in charge of the substation when such inspection was made.

(b) The original and one copy of each poultry inspection certificate shall be issued to the applicant who requested such certificate, and two copies shall be forwarded to the Area Supervisor, one of which will be forwarded by him to the Administrator. One copy shall be retained by the inspector for filing.

§ 81.122 *Form of poultry inspection certificate.* Each poultry inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and shall show the names of the poultry products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the wholesomeness thereof.

§ 81.123 *No erasures or alterations to be made on certificates.* No erasures or alterations shall be permitted on a certificate. All certificates rendered useless through clerical error or otherwise and all certificates cancelled for whatever cause shall be voided, initialed, and one copy shall be retained in the inspector's file; and the original and balance of the copies shall be forwarded to the Area Supervisor.

§ 81.124 *Data to be entered in proper spaces.* All certificates shall be so executed that the data entered thereon will appear in the proper spaces on each copy of the certificate.

LABELING

§ 81.125 *Containers of poultry required to be labeled.* Except as provided in § 81.154, each shipping container and each immediate container of any product shall at the time it leaves the official establishment bear approved labels containing information in accordance with the provisions set forth in §§ 81.126 to 81.146, inclusive, and the act.

§ 81.126 *Preparation of marking devices bearing the official inspection mark without advance approval prohibited; exception.* Except for the purposes of preparing and submitting a sample or samples of marking devices, or imprints prepared therefrom, to the Administrator for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, any stencil, or other marking device bearing official identification or any abbreviation, copy or representation thereof, for use on any product without the written authority therefor of the Administrator. However, when any sample stencil, or other marking device or an imprint prepared therefrom is approved by the Administrator for a particular applicant, additional supplies of such stencil, or other marking device of a character identical to such approved sample may be procured, made, or prepared by such applicant, for use in accordance with the regulations, without further approval by the Administrator.

§ 81.127 *Labels to be approved by the Administrator.* No label, except printer's proofs bearing official identification shall be printed until the printer's proof or a photostatic copy has been found by the Administrator to be acceptable; and no label or imprint bearing official identification shall be used until finished copies or samples thereof have been approved by the Administrator, except that approval may be given to printer's final proofs or photostatic copies of labels or samples of stenciled and rubber stamped imprints for shipping containers or containers for institutional packs, and no such labels or imprints shall be used until such proofs or copies have been approved by the Administrator.

§ 81.128 *Unauthorized use or disposition of approved labels.* Labels or imprints approved for use pursuant to §§ 81.126 and 81.127 shall be used only for the purpose for which approved, and shall not be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labels or labels bearing official identification may result in cancellation of the approval.

§ 81.129 *Wording and form of the inspection mark.* Except as otherwise authorized, the inspection mark required to be used with respect to inspected poultry products shall include wording as follows: "Inspected for wholesomeness by U. S. Department of Agriculture." This wording shall be contained within a circle. The form and arrangement of such wording shall be exactly as indicated in the example in Figure 1, except that the appropriate plant number shall be shown, and if the plant number appears elsewhere on the same label in the manner prescribed in § 81.130 (a) (6), it may be omitted from the inspection mark. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark, or the approved abbreviation thereof, shall be printed on consumer packages, or on a label to be securely affixed to such packages. The inspection mark, or approved abbreviation thereof, shall be applied to shipping containers and may be printed or stenciled thereon, but shall not be applied by rubber stamping.

FIGURE 1.

§ 81.130 *Wording on labels.* (a) Each label approved for use on an immediate container for poultry products shall bear in distinctly legible form the following information:

(1) The common or usual name of the poultry product.

(2) A statement of ingredients if fabricated from two or more ingredients, including a declaration as to artificial flavors, colors, or preservatives, if any. Such ingredients shall be listed by their common or usual names in the order of their descending proportions. For the purpose of this paragraph, the term "chicken meat," unless modified by an appropriate adjective, is construed to mean deboned white and dark meat; whereas, the term "chicken" may include other edible parts such as skin and fat not in excess of their natural proportions, in addition to the chicken meat. If the term "chicken meat" is listed and the product also contains skin, giblets, or fat, it is necessary to list each such ingredient. This terminology shall apply to poultry products prepared from other kinds of poultry where applicable.

(3) The net weight or other appropriate measure of the contents.

(4) The name and address of the packer or distributor and when the name of the distributor is shown, it shall be qualified by such term as "packed for," "distributed by," or "distributors."

(5) The official inspection mark.

(6) The plant number of the official establishment in which the product was inspected, either within the official inspection mark or clearly visible and in close proximity elsewhere on the exterior of the container, or in the case of canned products the establishment number may be embossed on the lid of each can. In the case of nontransparent consumer packages, such as cartons, the plant number may be shown on an insert label placed on top of the product within the package.

(b) Each label approved for use on a shipping container shall bear in distinctly legible form the following information:

(1) The official inspection mark.

(2) The plant number of the official establishment in which the product was inspected, either within the official inspection mark, or elsewhere on the container clearly visible and in close proximity to the official inspection mark.

(c) Any label which bears the official inspection mark or any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of the regulations shall not bear any statement that is false or misleading. If the Administrator has reason to believe that any label in use or prepared for use is false or misleading in any particular, he may direct that the use of the label be withheld unless it is modified in such manner as the Administrator may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Administrator, he may request a hearing, but the use of the label shall, if the Administrator so directs, be withheld pending hearing and final determination by the Administrator. Any person so denied the approval of any label shall be notified promptly of the reasons for the denial. A written application for a hearing with respect to the denial may be filed by said person with the Administrator within 10 days after notice of the denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying approval of the label. After consideration of the facts adduced at the hearing, any determination with respect to the matter by the Administrator shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the Circuit in which he has his principal place of business, or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

§ 81.131 *False or deceptive terms or devices; and other labeling requirements.* (a) No product, and no container thereof, shall be labeled with any false or deceptive name, but established trade names which are usual to such articles and are not false or deceptive and which have been approved by the Administrator may be used.

(b) No statement, word, picture, design, or device, which is false or misleading in any particular or conveys any false impression or gives any false indication of origin, identity, or quality, shall appear on any label. For example:

(1) Official grade designations such as the letter grades A, B, and C may be used in official establishments only on poultry which is graded by representatives of the Department.

(2) Terms having geographical significance with reference to a particular locality may be used only when the product was produced in that locality.

(3) Terms, such as "baby," may be used to indicate immaturity of poultry which is marketed earlier than the usual marketing age: *Provided*, That such terms are printed in a style and size of type no larger than is used to indicate the name of the product.

(c) Poultry products which have been prepared from poultry which has been hormonized shall be labeled to indicate such treatment.

(d) Poultry products which have been treated with compounds to retard spoilage shall be labeled to indicate such treatment.

(e) The terminology specified in subparagraphs (1) through (10) of this paragraph are applicable to parts of poultry cut in the manner described therein.

(1) "Breasts" shall be separated from the back at the shoulder joint and by a

cut running backward and downward from that point along the junction of the vertebral and sternal ribs. The ribs may be removed from the breasts, the breasts may be cut into two or more pieces, and a piece may be replaced by a like piece from a lighter or heavier bird for exact weight-making purposes without affecting the appropriateness of the labeling as "Chicken Breasts." Neck skin shall not be included with the breasts.

(2) "Breasts with ribs" shall be separated from the back at the junction of the vertebral ribs and back. Breasts with ribs may be cut into two or more pieces and a piece may be replaced by a like piece from a lighter or heavier bird for exact weight-making purposes without affecting the appropriateness of the labeling. Neck skin shall not be included with the breasts.

(3) "Wishbones" (Pulley Bones), with covering muscle and skin tissue, shall be severed from the breast approximately halfway between the end of the wishbone (hypocledium) and front point of the breast bone (cranial process of the sternal crest) to a point where the wishbone joins the shoulder. Neck skin shall not be included with the wishbone.

(4) "Drumsticks" shall be separated from the thigh by a cut through the knee joint (femorotibial and patellar joint) and from the hock joint (tarsal joint).

(5) "Thighs" shall be disjointed at the hip joint and may include the pelvic meat, but shall not include the pelvic bones. Back skin shall not be included.

(6) "Legs" shall include the whole leg, i. e., the thigh and the drumstick, whether jointed or disjointed. Back skin shall not be included.

(7) "Wings" shall include the entire wing with all muscle and skin tissue intact, except that the wing tip may be removed.

(8) "Backs" shall include the pelvic bones and all the vertebrae posterior to the shoulder joint. The meat shall not be peeled from the pelvic bones. The vertebral ribs and/or scapula may be removed or included without affecting the appropriateness of the title.

(9) "Stripped backs" shall include the vertebrae from the shoulder joint to the tail, and include the pelvic bones. The meat may be stripped off of the pelvic bones.

(10) "Necks", with or without neck skin, shall be separated from the carcass at the shoulder joint.

(11) Parts of poultry may be cut in any manner the processor desires as long as the labeling appropriately reflects the contents of the container of such poultry.

§ 81.132 *Formulas required.* Copies of each label submitted for approval shall, when the Administrator requires, be accompanied by a statement showing the kinds and percentages of the ingredients by their common or usual names comprising the poultry product and by a statement indicating the method of preparation of the product with respect to which the label is to be used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

§ 81.133 *Wording permitted on food products containing poultry products.* Any label which is to be affixed to a container of any food product containing poultry product which is packed under the supervision of an inspector in any official establishment may bear the phrase: "The poultry product contained herein has been inspected at an establishment where Federal inspection is maintained." Each such trade label shall also be subject to the applicable provisions of §§ 81.126 and 81.127. Such food products containing poultry products or any container thereof shall not bear the official inspection mark, or any abbreviation or representation thereof.

§ 81.134 *Product specifications for labeling purposes.* The Administrator is authorized to establish specifications covering the principal constituents of any poultry food product with respect to which a specified name of the product or other labeling terminology may be used.

(a) *Meat content of poultry pies.* Poultry pies, or pot pies, which are prepared from cooked meat shall contain a minimum of 14 percent (1⅛ ounces per 8-ounce pie) of cooked deboned poultry meat. Poultry pies, or pot pies, prepared with raw meat shall contain a minimum of 25 percent (2 ounces per 8-ounce pie) of raw deboned poultry meat. Both percentages shall be exclusive of any skin, giblets, or fat which may be included in the product.

(b) *Canned boned chicken or turkey.* Canned boned chicken or turkey which is prepared from cooked deboned meat shall not contain more than 10 percent added moisture. The product shall consist of deboned white and dark meat in natural proportions and may contain skin and fat not in excess of natural proportions.

(1) Canned boned poultry meat which is prepared from raw boned meat in combination with cooked boned meat may have moisture added not to exceed 10 percent of the weight of cooked meat used in the product.

(2) Boned chicken or turkey prepared from raw boned meat shall have no moisture added during the preparation and canning processes.

(3) If moisture is added in excess of amounts specified in this paragraph, the ingredient statement on the label shall contain a statement indicating the addition of moisture, and the name of the product shall be qualified to indicate the added moisture.

§ 81.135 *Labels in foreign languages.* Any label to be affixed to a container of any dressed poultry or poultry product for foreign commerce may be printed in a foreign language. However, the official identification shall appear on the label in English, but in addition, may be literally translated into such foreign language. Each such label shall be subject to the applicable provisions of §§ 81.126 to 81.130, inclusive. Deviations from the form of labeling required under the regulations in this part may be approved by the Administrator: *Provided,* (a) That the proposed labeling accords to the specifications of the foreign purchaser, (b) that it is not in conflict with the laws of the country to which it is intended for export, and (c) that the outside of the shipping container is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce, all the requirements of the regulations in this part shall apply.

§ 81.136 *Wording and form of the dressed poultry identification mark.* The dressed poultry identification mark required by § 81.137 (a) to be used with respect to dressed poultry which is shipped from an official establishment shall include wording as follows: "Dressed Poultry—Eligible for Further Processing in Official Establishments under USDA Inspection." Such labels shall also set forth the applicable plant number and shall be marked with a lot number which shall be the number of the day of the year the poultry was slaughtered or a coded number, the meaning of which shall be made known to the Inspection Service. This wording shall be contained within a rectangle not less than 1½" x 3" in size. The form and arrangement of such wording shall be as indicated in the example in Figure 3.

DRESSED POULTRY

ELIGIBLE FOR FURTHER PROCESSING

In Official Establishments Under USDA Inspection

Plant No. 000. Lot 000

FIGURE 3.

§ 81.137 *Labeling of dressed poultry—*(a) *Wording on labels for dressed poultry.* The provisions of § 81.127 shall apply to labels for dressed poultry to be shipped in commerce or to another official establishment, except that the dressed poultry identification mark shall be shown, but the official inspection mark shall not be shown on such labels.

(b) *Approval of labels for dressed poultry.* Any label which bears the dressed poultry identification mark shall be subject to the provisions of §§ 81.126 to 81.128. Only labels which have been approved by the Administrator may be used on containers for dressed poultry which is to be shipped in foreign commerce or to another official establishment.

§ 81.138 *Evidence of label approval.* No inspector shall authorize the use of official identification for any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 81.127.

§ 81.139 *Modifications of approved labels.* (a) The inspector in charge may permit the use of approved labels or other markings which have been modified as follows: *Provided,* That the labeling or marking as modified is so used as not to be false or deceptive:

(1) All features of the label or marking are proportionately enlarged with the color scheme remaining the same.

(2) Changes in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb." for "pound," "oz." for "ounce," or the "pound" or "ounce" is substituted for the abbreviation.

(3) The name and address of the distributor have been included in the blank space following the words "prepared for" or a similar statement, on a master or stock label which was approved with the understanding that such information would be added later.

(4) Addition during Christmas and other holiday seasons of wrappers or overprints in floral or foliage designs, or illustrations of rabbits, chicks, fire works, or other emblematic holiday designs to approved labels or markings. The use of such designs shall not obscure any mandatory information.

(5) A slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(6) The appropriate name or class of the poultry has been added to a master or stock label which was approved without this information appearing on the label.

(b) The inspector in charge shall send a copy of all such modified labels to the Chief of the Inspection Branch.

§ 81.140 *Approvals made by inspectors in charge.* The inspector in charge may approve labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided,* That the contract specifications include complete specific requirements with respect to labeling, and are made available to the inspector in charge.

§ 81.141 *Affixing of official identification.* No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by an inspector or under the supervision of an inspector or other person authorized by the Administrator. All such products shall have been inspected as required by the regulations in this part.

§ 81.142 *Removal of official identification.* Official establishments which receive dressed poultry or ready-to-cook poultry in containers which bear official identification shall remove or deface such identification upon removal of such poultry from the containers.

§ 81.143 *Packaging.* No container which bears or may bear an inspection mark or any abbreviation or copy or representation thereof may be filled in whole or in part except with poultry products which were inspected and passed and are, at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector.

§ 81.144 *Relabeling product.* When it is claimed by an official establishment that some of its labeled poultry product, which has been transported to a location other than an official establishment, is in need of relabeling on account of the labels having become mutilated or damaged, or for some other reason needs relabeling, the requests for relabeling the poultry product shall be sent to the Administrator and accompanied with a statement of the reasons therefor and the number of labels required. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Administrator. The relabeling of inspected and passed product with official labels shall be done under the supervision of an inspector. The establishment shall reimburse the Inspection Service for any cost involved in supervising the relabeling of such product.

§ 81.145 *Rescindment of label approvals.* Once a year, or more often if necessary, each official establishment shall submit to the Administrator a list in triplicate of approved labels that have become obsolete, accompanied with a statement that such labels are no longer desired. The labels shall be identified by the date of approval, and the name of product or other designation showing the class of material.

§ 81.146 *Use of previously approved labels.* Any supply of labels on hand at the time of inauguration of service under the regulations in this part, which were approved under the regulations issued pursuant to the Agricultural Marketing Act of 1946, as amended, may be used until the supply is exhausted: *Provided, however,* That such labels are not in conflict with the act. Such previously approved labels shall not be used after July 1, 1960. At the time of inauguration of service under the act an inventory of such previously approved labels shall be furnished to the Inspection Service.

SHIPMENT OF PRODUCTS IN COMMERCE

§ 81.151 *Violation of the Poultry Products Inspection Act.* It is a misdemeanor, punishable by fine and imprisonment, for any person to violate the provisions of sections 9, 10, 11 or 17 of the Poultry Products Inspection Act. Poultry Law Investigators shall be appointed and assigned to the Inspection Service to investigate complaints, irregularities, and apparent and alleged violations of the Poultry Products Inspection Act, and of the regulations, and to report their findings in the manner prescribed or approved by the Administrator.

§ 81.152 *Records of interstate shipment.* Persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a Poultry Laws Investigator or other authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Any record required to be maintained by this section shall be maintained for a period of two years after the transaction, which is the subject of such record, has taken place.

§ 81.153 *Shipment of dressed poultry in commerce.* During 1958, dressed poultry prepared in official establishments may be transported and sold in commerce. Effective January 1, 1959, dressed poultry or any poultry slaughtered for human food or any part thereof, separately or in combination with other ingredients (other than poultry products), may not be transported or sold in commerce except as provided in the regulations in this part: *Provided,* That such poultry may be transported from one official establishment to another official establishment or between an official establishment and a foreign country: *And provided further,* That upon application by a processor of dressed poultry to the Administrator accompanied by evidence showing that there has been insufficient time between the passage of the Poultry Products Inspection Act and the aforementioned effective date to permit the change-over of his plant and operations to the processing of poultry products, the Administrator may authorize the shipment of dressed poultry in commerce under such conditions as he may prescribe or approve, but in no event shall such authorization be extended beyond July 1, 1959.

§ 81.154 *Inventories of dressed poultry and poultry products on hand January 1, 1959.* Unless expressly exempted by regulations of the Secretary, an inventory of all noninspected dressed poultry and poultry products which were processed prior to January 1, 1959, and which are intended for transportation or sale in commerce shall be made by the owner of such products. Such products shall not be transported or sold in commerce unless they have been identified by an inspector or other authorized representative of the Inspection Service and the containers marked in a manner prescribed by the Administrator prior to that time. Application to have such products so identified and marked shall be made to the Administrator on a form furnished by the Inspection Service for that purpose. Any noninspected products which have been identified as prescribed in this section prior to January 1, 1959, may thereafter be transported or sold in commerce.

§ 81.155 *Products inspected pursuant to Agricultural Marketing Act.* Poultry and poultry products which, prior to January 1, 1959, have been inspected pursuant to the Agricultural Marketing Act of 1946, as amended, may move in commerce and into official establishments receiving inspection under the regulations in this part.

§ 81.156 *Distribution of inspected products to small lot buyers.* For the purpose of effecting the distribution in commerce of inspected poultry products

to small lot buyers, such as small restaurants, distributors or jobbers may remove inspected poultry products from immediate containers, other than consumer packages, and place them into other shipping containers which do not bear the inspection mark: *Provided*, That the individual carcasses of the poultry product bear the inspection mark and the plant number of the establishment that processed such products.

INSPECTION PERSONNEL AND ADMINISTRATION

PERFORMANCE OF SERVICES

§ 81.161 *Licensed inspectors.* (a) Any person who is a Federal or State employee possessing proper qualifications may be authorized by the Secretary to inspect poultry and poultry products pursuant to the regulations in this part. A license shall be issued to each such authorized Federal or State employee who is not an employee of the Poultry Inspection Service.

(b) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry inspection service of the Agricultural Marketing Service or any other designated officer of such service.

§ 81.162 *Suspension of license; revocation.* Pending final action by the Secretary, the officer in charge of the inspection service may, whenever he deems such action necessary, suspend any license effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

§ 81.163 *Surrender of license.* Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed inspector the licensee shall promptly surrender his license to his immediate superior.

§ 81.164 *Identification.* Each inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 81.165 *Access to establishments.* Any duly authorized representative of the Secretary shall have access at all reasonable times, by day or night, whether the establishment is in operation or not, to the premises or any part thereof of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated major consuming area, upon presentation of appropriate credentials.

§ 81.166 *Financial interest of inspectors.* No inspector shall inspect any product in which he is financially interested.

§ 81.167 *Political activity.* All inspectors who are employees of the Department are forbidden during the period of their respective appointments, to take an active part in political management or in political campaigns. Political activity in city, county, state, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of §§ 81.166 and 81.167 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 81.168 *Time of inspection.* The inspector who is to perform the inspection in an official establishment shall be informed, in advance, of the hours when such inspection will be required.

§ 81.169 *Schedule of operation of official establishment.* All hours of operation of an official establishment shall be subject to approval of the Administrator, and for the purpose of this regulation the normal operating schedule shall consist of a continuous 8 hour period per day (excluding not to exceed 1 hour for lunch), 5 days per week, Monday through Friday, for each full shift required. Any variation from such schedule of operation must be fully justified and approved in advance.

§ 81.170 *Overtime inspection service.* When official establishments require inspection service beyond the established normal operating schedule, such service is considered as overtime work. The official establishment shall give reasonable advance notice to the inspector in charge for any overtime service necessary and shall pay the Secretary for such overtime at a rate of $4.80 per hour to cover the cost thereof.

§ 81.171 *Holiday inspection service.* When an official establishment requires inspection service on a holiday, falling within the established normal operating schedule, such service is considered holiday work. The official establishment shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Secretary therefor at the rate of $3.40 per hour to cover the cost of such holiday service. Service in excess of the 8 hours for that day is considered overtime and shall be paid for at the rate of $4.80 per hour. Holidays shall be the 1st day of January, 22d day of February, 30th day of May, 4th day of July, 1st Monday of September, 11th day of November, 4th Thursday of November, 25th day of December, or any other calendar day designated as a holiday by Federal statute or executive order.

§ 81.172 *Supervisor overtime or holiday service.* When, because an establishment requires overtime service as provided in § 81.170 or requires holiday service as provided in § 81.171 or because of the type of operation of an establishment, a station supervisor (veterinarian) is required to work overtime or on a holiday, in the establishment in order to supervise the service or to make final condemnation, the establishment shall pay the Secretary for such overtime or holiday work at the established hourly rate.

§ 81.174 *Basis of billing establishments.* Overtime and/or holiday services shall be billed to the official establishments on the basis of each 15 minutes of overtime and/or holiday service performed by each inspector including supervisor providing such service to the establishment, except that when an official establishment requires the services of an inspector after he has completed his day's assignment and left the establishment or when he is called back to duty on a day outside of the established normal operating schedule or on a holiday, the official establishment shall pay for a minimum of two hours' service at the applicable established rate.

Issued at Washington, D. C., this 18th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9665; Filed, Nov. 21, 1957; 8:45 a. m.]

Agricultural Research Service

[9 CFR Part 18]

MEAT INSPECTION REGULATIONS; REINSPECTION AND PREPARATION OF PRODUCTS

PRESERVATIVES AND OTHER SUBSTANCES PERMITTED IN PRODUCT FOR EXPORT ONLY

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U. S. C. 71–96) it is proposed to amend § 18.8 of the Meat Inspection Regulations (9 C. F. R. 18.8, as amended) by changing the heading and paragraphs (a) and (b) of said section to read, respectively, as follows:

§ 18.8 *Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.* (a) Preservatives and other substances not otherwise permitted in Parts 1 through 29 of this subchapter may be used in the preparation of product intended for export provided the product (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping container to show that it is intended for export, and

is otherwise labeled as required by Parts 1 through 29 of this chapter for such export product.

(b) The preparation and packing of export product as provided for in paragraph (a) of this section shall be done in a manner acceptable to the inspector in charge so that the identity of the export product is maintained conclusively and the preparation of domestic product is adequately protected. The preservative or other substances not permitted in domestic product shall be stored in a room or compartment separate from areas used to store other supplies and shall be held under Division lock. Use of the preservative or other substances shall be under the personal supervision of a Division employee.

The foregoing proposed amendment to the Meat Inspection Regulations will allow for the manufacture of a meat food product with ingredients satisfactory to the foreign country for which the product is intended, although such ingredients may not be cleared for use in the manufacture of products for domestic use.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of November 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-9679; Filed, Nov. 21, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 672]

[Administrative Order 496]

CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

RESIGNATION AND APPOINTMENT OF INDUSTRY COMMITTEE EMPLOYER MEMBER

Henry C. Rexach, of Santurce, Puerto Rico, appointed employer member of Industry Committee No. 35–B by Administrative Order No. 494 (22 F. R. 9235), has resigned from Industry Committee No. 35–B. The Secretary of Labor pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby reappoints Arturo Diaz, Jr., of Rio Piedras, Puerto Rico, to serve in the place of Henry C. Rexach on such committee for the employers.

Signed at Washington, D. C., this 19th day of November 1957.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 57-9697; Filed, Nov. 21, 1957; 8:54 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF PYRETHRINS AND PIPERONYL BUTOXIDE ON PEANUTS

The U. S. Department of Agriculture has requested that action be taken to permit increased use of pyrethrins and piperonyl butoxide to combat insect pests on peanuts stored in the shell. They find that residues on the outside of the shell of peanuts from the proposed use would cause the present tolerances for these pesticide chemicals on peanuts to be exceeded. The residues on the outside of the shell enter food for humans and animal feed to only a very limited extent.

The Department of Agriculture has presented data showing that the residues from the use of pyrethrins and piperonyl butoxide on peanuts in the shell will not exceed the established tolerance levels when determined on the nuts with shell removed. Residues within the tolerances amended as herein proposed will not constitute a hazard to health.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Food, Drug, and Cosmetic Act (sec. 408 (b) and (e), 68 Stat. 514; 21 U. S. C. 346a (b) and (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), it is proposed by the Commissioner of Food and Drugs, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.127, 120.128) be amended as set forth below:

1. It is proposed to amend § 120.127 *Tolerances for residues of piperonyl butoxide* by inserting in paragraph (b), after "peanuts" the parenthetical phrase "(determined on the nuts with shell removed)".

2. It is proposed to amend § 120.128 *Tolerances for residues of pyrethrins* by inserting in paragraph (b), after "peanuts", the parenthetical phrase "(determined on the nuts with shell removed)".

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing piperonyl butoxide or pyrethrins, may request, within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: November 15, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9670; Filed, Nov. 21, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[412.1]

DRUGS DERIVED BY CHEMICAL REACTIONS AND SYNTHESIS

TARIFF CLASSIFICATION

Notice of Bureau of Customs decision on the tariff classification of synthetic drugs and drugs resulting from chemical changes in identity of natural substances from which derived other than those identical with the merchandise the subject of C. A. D. 614.

NOVEMBER 18, 1957.

A notice dated May 31, 1957, was published in the FEDERAL REGISTER, Volume 22, No. 110, of June 7, 1957, at page 4034, giving interested parties an opportunity to make representations regarding the scope and applicability of C. A. D. 614. A notice dated June 28, 1957, was published in the FEDERAL REGISTER, Volume 22, No. 129, of July 4, 1957, at page 4730, extending the time within which representations on this matter could be made.

After consideration of representations made pursuant to such notices, the provisions of paragraphs 5 and 34 and their respective legislative histories, and pertinent judicial interpretations of such provisions as found in Sherka Chemical Co., Inc., v. United States (1945) 33 C. C. P. A. 53, C. A. D. 316; Roche-Organon, Inc., v. United States (1948) 35 C. C. P. A. 99, C. A. D. 378; and Chemical Specialties Co., Inc., v. United States (1956) 43 C. C. P. A. 93, C. A. D. 614, the Bureau holds that an inedible product possessing therapeutic or medicinal properties cannot be classified as a natural and uncompounded inedible drug advanced in value or condition under the provisions of paragraph 34, Tariff Act of 1930, as modified, if, in its condition as imported, its therapeutic or medicinal properties are not those present in the substance, in its condition as found in nature, from which the product has been derived, but are the result of subsequent processing or chemical change of such substance.

To the extent that this decision will result in the assessment of duty at a rate higher than that which has heretofore been assessed under an established and uniform practice, it shall be applied to articles other than those identical with the merchandise the subject of C. A. D. 614 only when such nonidentical articles are entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication in the weekly Treasury decisions of an abstract of the Bureau letter to the collector of customs at New York setting forth this decision.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 57-9702; Filed, Nov. 21, 1957; 8:55 a. m.]

United States Coast Guard

[CGFR 57-47]

ACCEPTANCE OF CERTIFICATES AND/OR REGISTERS ISSUED BY INTERNATIONAL CARGO GEAR BUREAU, INC.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), and the applicable inspection laws administered in conjunction with R. S. 4405, as amended, and 4462, as amended (46 U. S. C. 375, 416), and the regulations in 46 CFR 71.25-25 (a) (5) and 91.25-25 (a) (3): *It is ordered,* That:

(1) The valid current certificates and/or registers issued by the International Cargo Gear Bureau, Inc., with home office at 52 Broadway, New York 4, New York, attesting to the tests and surveys of shipboard cargo gear on a passenger, cargo, or miscellaneous vessel conducted by or for such Bureau, may be accepted as prima facie evidence of the condition and suitability of such gear by the Coast Guard when performing an inspection of a vessel as further described in 46 CFR 71.25-25 or 91.25-25: *Provided,* That:

(a) Such certificates and/or registers shall be maintained currently and shall indicate that the described shipboard cargo gear for the particular vessel described therein complies with the standards respecting shipboard cargo gear as set forth in the Convention Concerning the Protection Against Accidents of Workers Employed in Loading or Unloading Ships (Revised) (International Labor Organization Convention No. 32); and,

(b) The dates when such tests or surveys were conducted, together with the signatures or initials of the competent persons performing them shall be recorded therein.

(2) This approval and permission to accept valid current certificates and/or registers of the International Cargo Gear Bureau, Inc., shall become effective on the date of publication of this document in the FEDERAL REGISTER and shall be in effect until suspended or canceled by proper authority.

Dated: November 19, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57-9681; Filed, Nov. 21, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

NIROSTA CORP.

[Dissolution Order No. 119]

In re: The Nirosta Corporation.

Whereas, by virtue of the issuance of Vesting Order No. 22, dated June 16, 1942 (7 F. R. 4628) and Executive Order 9788, dated October 14, 1946 (11 F. R. 11981, October 15, 1946), the Attorney General of the United States (hereinafter referred to as "Attorney General") is the owner of 715 of the 1,140 outstanding shares of $1.00 par value each of The Nirosta Corporation (hereinafter sometimes referred to as the "Company"), a Delaware corporation;

Whereas, a Certificate of Dissolution of the company was issued by the Secretary of State of the State of Delaware on June 5, 1957, certifying to the dissolution of the Company; and

Whereas, the Company has been substantially liquidated.

Now, therefore, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9695, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the known assets of the Company consist of cash in the amount of $21,536.06;

2. Finding that the known liabilities of the Company amount approximately to $315 for accrued federal income taxes and withholding payments; and

3. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up and that its assets be distributed,

hereby orders, that the officers and directors of the Company (and their successors, or any of them) wind up the affairs of The Nirosta Corporation and distribute the assets of the Company coming into their possession as follows:

I. They shall first pay current expenses and necessary charges in effecting the dissolution of the Company and winding up its affairs; and

II. They shall then pay all known federal, state, and local taxes, if any, owed by or accrued against the Company; and

III. They shall then pay over and deliver to the stockholders in proportion to their respective stock interests, all remaining cash of the Company as a liquidating distribution of assets, (such distribution to be without prejudice to any right of the Attorney General as a stockholder to require contribution from other stockholders up to an amount not exceeding the amount of the liquidating dividends paid to them, in the event that the Attorney General is required to pay any presently unknown claims or obligations of the Company after such liquidating distribution has been effected); and

IV. They shall then transfer, assign, convey and deliver to the Attorney General all remaining assets or property of the Company, including after-discovered assets or property. The Attorney General, as soon as practicable, will distribute such assets or property or the net proceeds of the liquidation thereof, if any, to the stockholders in proportion to their respective stock interests; and

further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading With the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any funds or property received by the Attorney General as a liquidating distribution hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided further,* That any such claim against the Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of the Company pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5 (b) (2) of the Trading With the Enemy Act, as amended (50 U. S. C. App. 5 (b) (2)), and the acquittance and exculpation provided therein.

Executed in Washington, D. C., on November 19, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-9732; Filed, Nov. 21, 1957; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF MEDITERRANEAN AMERICAN GREAT LAKES WESTBOUND FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8260-1, between the member lines of the Mediterranean American Great Lakes Westbound Freight Conference, modifies the basic agreement of the conference (No. 8260), (1) by changing the name of the conference to Mediterranean—U. S. A. Great Lakes Westbound Conference; (2) to clarify the description of the trading area covered by the agreement and to include ports on the Marmara, Black and Adriatic Seas and Morocco within its scope; (3) to set forth the requirements to be observed by member lines in fixing vessels for full cargoes; (4) to clarify the provision with respect to the payment of brokerage; (5) by amending the provision permitting members to withdraw upon 60 days notice to provide that such notice may be given only between November 1st and December 31st of any year; (6) to provide that conference meetings may be held upon request of the Chairman or of one or more member lines; and (7) to provide that in computing whether a member has abandoned service and thereby ceased to be a member of the conference, the months of November, December, January, February and March shall not be included within the six month period constituting abandonment of service under the terms of the agreement. Agreement No. 8260 presently covers the trade from Mediterranean, North African and Iberian Peninsular ports to U. S. ports of the Great Lakes, by direct call or transhipment.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 19, 1957.

By order of the Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9699; Filed, Nov. 21, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11880, 11881; FCC 57M-1132]

BIRNEY IMES, JR. (WMOX) AND MISSISSIPPI BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Birney Imes, Jr. (WMOX), Meridian, Mississippi, Docket No. 11880, File No. BP-10163; Mississippi Broadcasting Company, Carthage, Mississippi, Docket No. 11881, File No. BP-10637; for construction permits.

The Hearing Examiner having under consideration a joint petition filed November 13, 1957, by both of the above-entitled applicants requesting that the presently scheduled date for the final exchange of exhibits and the date of the evidentiary hearing be continued; and

It appearing that the reason for the requested continuance arises out of the fact that counsel for one of the applicants is presently ill, that the other is involved in other matters, and as a result, it is not feasible to attempt to exchange exhibits and start the evidentiary hearing on the dates presently scheduled; and

It further appearing that good cause for the requested continuance has been shown and that there are no objections to the granting of the joint petition for continuance or to the immediate consideration thereof;

It is ordered, This the 15th day of November 1957, that the joint petition for continuance is granted and the date for the exchange of exhibits is continued from November 22, 1957, to December 6, 1957, and the date of the evidentiary hearing is continued from December 10, 1957, to January 6, 1958.

Released: November 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9684; Filed, Nov. 21, 1957; 8:50 a. m.]

[Docket Nos. 11888, 11889; FCC 57M-1134]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

ORDER CONTINUING HEARING

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP-10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP-10691; for construction permits.

Having under consideration a petition for extension of time for exchanging the direct case and the date for the hearing in the above-entitled proceeding, filed by Kermit F. Tracy on November 12, 1957, and there being no objection to grant of the petition: *It is ordered,* This 15th day of November 1957, that the petition is granted, and the date for exchanging the direct case is extended from November 14, 1957, to December 16, 1957, and the date for the hearing now scheduled for November 18, 1957, is extended to December 20, 1957, at 2:00 p. m.

Released: November 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9685; Filed, Nov. 21, 1957; 8:51 a. m.]

[Docket Nos. 12126, 12127; FCC 57M-1136]

GOLD COAST BROADCASTING CO. AND PUBLIC SERVICE BROADCASTING

ORDER CONTINUING HEARING

In re applications of Garland C. Burt and Sam C. Phillips, d/b as Gold Coast Broadcasting Company, Lake Worth, Florida, Docket No. 12126, File No. BP-11005; Robert Hecksher, tr/as Public Service Broadcasting, Riviera Beach, Florida, Docket No. 12127, File No. BP-11256; for construction permits.

The Hearing Examiner having under consideration a motion for continuance, filed by Robert Hecksher, tr/as Public Service Broadcasting, on November 15, 1957, requesting that the date for the exchange of the direct narrative presentations of each of the above-designated parties be continued from November 15, 1957, to November 22, 1957; that the date for giving notice as to witnesses desired for cross-examination be continued from November 20, 1957 to November 27, 1957; and that the date for the commencement of the hearing be continued from November 27, 1957 to December 4, 1957;

It appearing, that counsel for other parties to the proceeding have consented to a grant of the motion and to a waiver of the "four-day" rule; and that the purpose of the continuance is to allow the filing of an amendment by Mr. Hecksher which will resolve the conflict between the applications herein;

It is ordered, This 15th day of November 1957, that the motion is granted; that the date for the exchange of applicants' direct cases is continued from November 15, 1957, to November 22, 1957; that the date for giving notice as to witnesses desired for cross-examination is continued from November 20, 1957, to November 27, 1957; and that the date for the commencement of the hearing is continued from November 27, 1957, to December 4, 1957.

Released: November 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9686; Filed, Nov. 21, 1957; 8:51 a. m.]

[Docket Nos. 12146-12148; FCC 57M-1138]

UNITED BROADCASTING CO., INC. ET AL.

MEMORANDUM OPINION AND ORDER RE ISSUES

In re applications of United Broadcasting Company, Inc., Wilmington, North Carolina, Docket No. 12146, File No. BPCT-2169; Carolina Broadcasting System, Inc., Wilmington, North Carolina, Docket No. 12147, File No. BPCT-2191; New Hanover Broadcasting Company, Wilmington, North Carolina, Docket No. 12148, File No. BPCT-2310; for construction permits for new television broadcast stations (Channel 3).

1. In this comparative proceeding the first and last designated issues are as follows:

1. To determine whether United Broadcasting Company, Inc., a Maryland Corporation, is authorized to construct, own and operate a television broadcast station in North Carolina.

• • • • • •

6. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

Provision was made in paragraph 3 of the Order After First Prehearing Conference for a deferred ruling concerning Issue 1 after an opportunity for the parties to file briefs upon the question herein decided. Briefs and Memoranda of Law have been filed on behalf of United, New Hanover, and Bureau; Carolina filed, on November 5, 1957, a petition to dismiss its application which has not been acted on. Further oral argument on the matter involved was not requested, and the

briefs have been considered in reaching the conclusions hereinafter stated.

2. It is correctly stated in the United brief that "The question raised by this issue is whether or not a showing by United that it can in the future comply with the laws of North Carolina so as to authorize it to do business in the state will be accepted under the issue." The negative answer that must be given to this question renders it unnecessary to consider United's suggested additional question as to whether such evidence "would satisfy the requirements of the Commission that the applicant establish its legal qualifications." Whereas United contends that it should be permitted to show that it can in the future become authorized to do business in North Carolina, New Hanover has urged, in prehearing and in its brief, that its intended objections should be sustained as to evidence of this nature because it is beyond the scope of the issue which was adopted by the Commission. The Bureau position is that such evidence would be material under the issue; its contention is thus summarized:

> While the issue itself is worded as to the present authority, a proper showing that the applicant will be able to obtain authority to do business in the state, the law of North Carolina as to the procedure and requirements of a foreign corporation to do business in that state, or other factors which tend to explain or demonstrate the reasons why the applicant has not obtained the proper authorization under the North Carolina law are factors which the Commission may desire to weigh and consider under the issue.

3. In order to sustain the contentions of United and Bureau it would be necessary to import to the issue a meaning which the simple words do not express. They would have it said that although the issue requires a determination as to whether United "is authorized" to do business in North Carolina, the issue should be construed to permit a determination as to whether United "is or may reasonably be expected to become authorized" to do business in that state. The brief for New Hanover cogently points out that the language used in the issue cannot be liberally interpreted to convey the latter meaning, and further emphasizes the point thus:

> In fact, in its response to the Commission's so-called McFarland letter of February 4, 1957, United made a similar contention. United's proposal to meet the question raised with respect to its legal qualifications by showing that it proposed to obtain authority to do business in North Carolina, was obviously rejected by the Commission since the issue was included in the order of designation notwithstanding United's response. If the Commission had intended to raise the question of whether or not United could, at some future date, obtain authority to do business in North Carolina, it would have worded the issue differently.

4. The briefs discuss as pertinent precedent these three cases: Pittsburg Publishing Co., 3 FCC 62, 67, 68 (1936); West Texas Broadcasting Company, 6 FCC 855, 858 (1939); and Worcester Broadcasting Corporation, 8 FCC 316, 318 (1940). The Worcester case is inapposite; the Commission granted in that non-comparative proceeding a construction permit for a station in California to a California corporation upon condition that the grantee furnish proof within 30 days of an authorization from the proper authority of the State of California for the issuance of its capital stock. The West Texas case is dubiously helpful precedent in that the Commission held, upon a challenge of its previously made finding as to the legal qualifications of Wichita Broadcasting Company.

> On this point the testimony taken at the hearing shows that the Wichita Broadcasting Company is a Delaware Corporation, and that at the time of the hearing it had not been admitted as a foreign corporation to the State of Texas. If this was a lack of legal qualification, it has been obviated. [By an apparent subsequent showing of authority to do business in Texas.]

The Pittsburg case is in point and the pertinent findings and conclusions are as follows:

> The President of the applicant corporation testified that said applicant corporation is not qualified to do business in the State of Kansas. He further testified that the said applicant corporation intends to qualify in the State of Kansas to do business there in the event this application is granted, but no showing was made which would indicate that the applicant could so qualify. The Communications Act of 1934 requires that the Commission grant applications only upon a showing that public interest, convenience, and necessity will be served. The Commission must look to the applicant as the potential licensee to maintain the burden required by the statute in exchange for the privileges which the granting of an application bestows. Pursuant thereto, the Commission requires that an applicant show affirmatively that he is legally, technically, financially, and otherwise qualified when the application is considered. The applicant herein has not shown that it is legally qualified to carry out the duties required of a broadcast station licensee until something further is done, namely, qualifying under the laws of Kansas to do business in that State. Therefore, the Commission must conclude, and so finds, that the applicant has failed to show necessary legal qualifications to entitle it to the grant herein requested.[1]

5. It is recognized, as argued for United, that early compliance by United with the legal requirements for doing business in North Carolina might subject it to regulatory or taxing responsibilities and liabilities of possible disadvantage to it. But it also must be recognized that such considerations did not deter the Commission from placing in issue the question of United's present authority to do business in North Carolina. It may be, as Bureau and United suggest, that evidence of the requirements of North Carolina law for authorizing a foreign corporation to do business in that state, as well as explanations of the reasons why United may choose to defer compliance therewith, are matters which ought to be considered in this comparative proceeding; but if that is so, the unexpressed intent of the issue can be made clear by the Commission but not by the Hearing Examiner who is precluded by the Commission's Rules from enlarging the issues either explicitly or by "interpretation" of unambiguous words. If the Commission desires to explore in this comparative proceeding the possibilities that United, a foreign corporation, may or may not achieve compliance with the domiciliary laws and requirements of North Carolina—a determination that ultimately rests with the properly constituted authorities of that sovereign state—it can readily convey that intention by an appropriately worded issue. The issue here does not have such meaning, and the decisional precedents do not warrant holding otherwise.

For the reasons hereinabove discussed:

It is ordered and ruled, This 15th day of November 1957, that under the first issue in this proceeding objections will be sustained to such evidence as may be offered to prove that United Broadcasting Company, Inc., may or will take certain steps for the purpose of becoming authorized to construct, own, and operate a television broadcast station in North Carolina, and that only evidence concerning whether United is so authorized will be deemed admissible: *And it is further ordered*, Pursuant to informal agreement among counsel for the applicants, that paragraph 8 of the Order After First Prehearing Conference is modified to provide that a further prehearing conference will be convened on Monday, February 3, 1958, in lieu of Monday, January 27, 1958: *And it is further ordered*, Pursuant to §§ 1.813, 1.841, and 1.844 of the Commission's rules, that for purposes of appeal to the Commission the effective date of this order shall be Thursday, November 21, 1957.

Released: November 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9687; Filed, Nov. 21, 1957; 8:51 a. m.]

[1] In view of the explicit holding of the last two sentences quoted, the dictum of the second quoted sentence, unilluminated by a discussion of the issue there involved, affords no basis for expanding the clear meaning of the issue under discussion.

[Docket Nos. 12237, 12238; FCC 57M-1135]

OKLAHOMA TELEVISION CORP. AND SUPREME BROADCASTING CO., INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Oklahoma Television Corporation, New Orleans, Louisiana, Docket No. 12237, File No. BPCT-2330; for construction permit for a new television broadcast station (channel 12); Supreme Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 12238, File No. BMPCT-4679; for modification of construction permit (from Channel 20 to Channel 12).

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on January 6, 1958; and

It appearing, that counsel for the applicants and the Chief of the Broadcast Bureau have informally consented to appear at the prehearing conference hereinafter ordered;

Now therefore, it is ordered, This 15th day of November 1957, pursuant to §§ 1.813 and 1.841 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m., on Thursday, December 12, 1957, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;
2. The possibility of stipulating with respect to facts;
3. The procedures to be followed prior to and at the hearing;
4. The limitation of the number of witnesses;
5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and
6. Such other matters as may aid in the disposition of this proceeding.

Released: November 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9688; Filed, Nov. 21, 1957; 8:51 a. m.]

[Docket Nos. 12248, 12249; FCC 57M-1139]

ST. ANTHONY TELEVISION CORP. AND WTVJ, INC.

ORDER SCHEDULING HEARING

In re applications of St. Anthony Television Corporation, Houma, Louisiana, Docket No. 12248, File No. BPCT-2328; WTVJ, Inc., Houma, Louisiana, Docket No. 12249, File No. BPCT-2354; for construction permit for a new television broadcast station (Channel 11).

It is ordered, This 18th day of November 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 13, 1958, in Washington, D. C.

Released: November 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9689; Filed, Nov. 21, 1957; 8:52 a. m]

[Docket No. 12250; FCC 57M-1140]

SACRAMENTO TELECASTERS, INC. (KBET-TV)

ORDER SCHEDULING HEARING

In re application of Sacramento Telecasters, Inc. (KBET-TV), Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

It is ordered, This 18th day of November 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 13, 1958, in Washington, D. C.

Released: November 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9690; Filed, Nov. 21, 1957; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 37]

GILA RIVER PIMA-MARICOPA INDIAN COMMUNITY

REDELEGATION OF AUTHORITY; FUNDS AND FISCAL MATTERS

Order 551, as amended, is further amended, by the addition of a new section under the heading, Functions Relating to Funds and Fiscal Matters, to read as follows:

SEC. 270. *Gila River Pima-Maricopa Indian Community Enterprises.* Subject to the limitations of section 18 (b) and (c), Order 2508, the approval of contracts made and executed pursuant to section 5 (f) of the corporate charter of the Gila River Pima-Maricopa Indian Community, Arizona, and the plans of operation for enterprises, as adopted by the Gila River Pima-Maricopa Community Council and approved by the Secretary or his authorized representative.

GLENN L. EMMONS,
Commissioner.

NOVEMBER 18, 1957.

[F. R. Doc. 57-9671; Filed, Nov. 21, 1957; 8:46 a. m.]

Bureau of Land Management

[Document 168]

ARIZONA

PARTIAL REVOCATION OF AIR NAVIGATION SITE WITHDRAWALS; ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 12, 1957.

1. By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 43 U. S. C. 214), and pursuant to authority delegated by document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15), it is ordered that the following Air Navigation Site Withdrawals be revoked as to the lands included in the following table:

ALL GILA AND SALT RIVER MERIDIAN

Withdrawal No.	Effective date	County	Legal description T.	R.	Sec.	Subdivision	Acreage
52	Feb. 9, 1931	Navajo	19N	19E	20	SE¼SW¼SE¼	10.00
	Feb. 9, 1931	Apache	19N	29E	18	S½N½, S½	
	June 3, 1931	Apache	19N	29E	18	Lot 1, NE¼NW¼, N½NE¼	631.30
51	Feb. 13, 1931	Pinal	8S	9E	22	W½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, W½NE¼NE¼, SE¼NE¼NE¼, W½NE¼, SE¼NE¼	157.50
56	Mar. 24, 1931	Pinal	9S	9E	15	SE¼SE¼	40.00
57	Apr. 15, 1931	Pinal	9S	9E	23	NW¼SW¼	40.00
91	Mar. 23, 1934	Pinal	9S	9E	22	All	640.00
158	Apr. 9, 1941	Maricopa	2N	8W	18	NE¼NE¼SE¼	10.00
		Yuma	2N	11W	8	NW¼NW¼SW¼	10.00
		Yuma	3N	16W	19	W½SW¼NW¼	
			3N	16W	19	W½W½SW¼	
			3N	17W	12	SW¼SW¼NE¼, E½SE¼NW¼, W½W½SE¼, SE¼SW¼SE¼	
					13	E½W½E½, SW¼SE¼SE¼	
					24	NE¼NE¼, NE¼SE¼NE¼	280.00
						Total	1,818.80

2. The lands are described as follows:

a. The portion in T. 19 N., R. 19 E., Sec. 20, is situated approximately 4.5 miles north of Joseph City in Navajo County. Elevation is approximately 5,500 feet and precipitation averages 8.8 inches annually. Vegetation consists of sparse stands of perennial short grasses and annual weeds. The topography is rough and broken with sandy to gravelly soil.

b. The portion in T. 19 N., R. 29 E., Sec. 18, is approximately 12 miles south of Sanders in Apache County. Elevation is approximately 6,000 feet and precipitation averages 9 inches annually. Vegetation consists of perennial short grasses and annual weeds, and range condition is good. The topography is relatively flat.

c. The portions in T. 8 S., R. 9 E., Sec. 22 and T. 9 S., R. 9 E., Secs. 15, 22, and 23 are on the slopes of Newman Peak and Picacho Peak in Pinal County. Elevation is from 3,000 to 3,300 feet and precipitation averages 7.5 inches annualy. Veg-

etation is of the southern desert shrub type in fair condition. The topography is rough and broken with steep slopes.

d. The portion in T. 2 N., R. 8 W., Sec. 18, is situated approximately 10 miles west of Tonopah in Maricopa County. Elevation is approximately 1,500 feet and precipitation averages approximately 7 inches annually. Vegetation is of the southern desert shrub type in fair condition. Topography is relatively flat.

e. The portion in T. 2 N., R. 11 W., Sec. 8, is on the northeast slopes of the Eagle Tail Mountains, approximately 21 miles southeast of Salome in Yuma County. Elevation is approximately 1,500 feet and precipitation averages 8 inches annually. Vegetation is of the southern desert shrub type in good condition. The topography is rolling to broken.

f. The portion in T. 3 N., R. 16 W., Sec. 19, and in T. 3 N., R. 17 W., Secs. 12, 13, & 24 is in the New Water Mountains in Yuma County. Elevation is from 2,000 to 2,500 feet and precipitation averages 7.5 inches annually. Vegetation is of the southern desert shrub type and is in good condition. The topography is rough and broken.

The highest use of all of the tracts included in this order appears to be for grazing.

3. No application will be allowed under the homestead, desert land, small tract, or other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 USC 279–284 as amended), presented prior to 10:00 a. m., on December 18, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on March 18, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on March 18, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on March 18, 1958.

5. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 148, Phoenix, Arizona.

EUGENE H. NEWELL,
Lands and Minerals Officer.

[F. R. Doc. 57-9625; Filed, Nov. 21, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8055]

RAILWAY EXPRESS INCREASED VALUATION AND C. O. D. CHARGES

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled investigation is assigned to be held on December 18, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9704; Filed, Nov. 21, 1957; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2975 etc.]

SUNRAY MID-CONTINENT OIL CO.

NOTICE OF APPLICATIONS, CONSOLIDATION OF PROCEEDINGS, AND DATE OF HEARING

NOVEMBER 18, 1957.

In the matters of Sunray Mid-Continent Oil Company, Docket Nos. G-2975; G-2976; G-2978—G-2980, inclusive; G-2991—G-2996, inclusive; G-3806—G-3813, inclusive; G-3815—G-3818, inclusive; G-3884—G-3887, inclusive; G-4268; G-4416; G-4912; G-4914—G-4919, inclusive; G-4944; G-4945; G-4947—G-4954, inclusive; G-5122—G-5135, inclusive; G-5172—G-5180, inclusive; G-5932; G-6044; G-6046—G-6051, inclusive; G-6053; G-6054; G-6056; G-6057; G-6059; G-6193; G-6194; G-6606; G-8286; G-8663; G-8791; G-8825; G-9257; G-9265; G-9530; G-9782; G-10019; G-10325; G-10326; G-10621; G-10706; G-10757; G-10765; G-10775; G-10825; G-10943; G-11026; G-11550; G-11661; G-11662; G-11760; G-11762; G-11878; G-12113; G-12114; G-12400; G-12489; G-12566; G-12784; G-12846; G-12857; G-12900—G-12902, inclusive; G-12959; G-13011; G-13094; G-13125; G-13163; G-13298.

Take notice that applications have been filed by Sunray Mid-Continent Oil Company [1] pursuant to section 7 of the Natural Gas Act, as hereinafter listed:

Docket No. G-; Date Filed; Field; and Buyer

2975, 2976; 9-22-54; North Agua Dulce Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

2978; 9-22-54; Spraberry Trend Field, Midland County, Tex.; El Paso Natural Gas Company.

2979; 9-22-54; Hugoton Field, Sherman County, Tex.; Phillips Petroleum Company.

2980; 9-22-54; Rhodessa-Jefferson, Gloyde Field, Marion County, Tex.; Arkansas Louisiana Gas Company.

2991–2994, inclusive, 2995, 2996; 9-22-54; Carthage Field, Panola County, Tex.; Texas Gas Transmission Company.

3806, 3807, 3809; 9-30-54; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Company.

3808; 9-30-54; Hugoton Field, Kearny County, Kans.; Kansas Colorado Utilities Company.

3810; 9-30-54; Fullerton Field, Andrews County, Tex.; El Paso Natural Gas Company.

3811; 9-30-54; Levelland Field, Hockley County, Tex.; El Paso Natural Gas Company.

3812; 9-30-54; Slaughter Field, Hockley County, Tex.; El Paso Natural Gas Company.

3813; 9-30-54; Blinebry and Tubbs Fields, Lea County, N. Mex.; Permian Basin Pipe Line Company.

3815; 9-30-54; Hugoton Field, Texas County, Okla.; Cities Service Gas Company.

3816; 9-30-54; West Edmund Hunton Line Unit, Oklahoma, Logan, Canadian and Kingfisher Counties, Okla.; Oklahoma Natural Gas Company and Cities Service Gas Company.

3817; 9-30-54; Hugoton Field, Texas County, Okla.; Dorchester Corporation.

3818; 9-30-54; Logansport Field, De Soto Parish, La.; Tennessee Gas Transmission Company.

3884; 10-1-54; Edinburg Field, Hidalgo County, Tex.; Tennessee Gas Transmission Company.

3885; 10-1-54; South Cottonwood Creek Field, De Witt County, Tex.; Texas Eastern Transmission Company.

3886; 10-1-54; Fremont Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

3887; 10-1-54; Seeligson Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

[1] Effective May 16, 1955, Mid-Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed its name to Sunray Mid-Continent Oil Company and adopted the applications of Mid-Continent Petroleum Corporation and Sunray Oil Corporation.

6606; [2] 11-29-54; Keyes Dome Field, Cimarron County, Okla.; Colorado Interstate Gas Company.

9257; 8-24-55; Gallegos Canyon Unit, San Juan County, N. Mex.; El Paso Natural Gas Company.

9265; 8-26-55; Church Point Field, Acadia Parish, La.; Transcontinental Gas Pipe Line Corporation.

10621; 6-20-56; North Hansford Field, Hansford County, Tex.; Northern Natural Gas Company.

10757; 7-16-56; Hardtner and Rhoades Field, Barber County, Kans.; Cities Service Gas Company.

10765; 7-17-56; McFaddin Field, Refugio and Victoria Counties, Tex.; United Gas Pipe Line Company.

10775; 7-19-56; Greenwood-Waskom Field, Caddo Parish, La.; Texas Eastern Transmission Corporation.

10825; 7-30-56; Cabeza Creek Field, Goliad County, Tex.; Texas Eastern Transmission Corporation.

10943; 8-20-56; Northeast Glenwood Field, Beaver County, Okla.; Cities Service Gas Company.

11026; 9-5-56; Southeast Charco Field, Goliad County, Tex.; Wilcox Trend Gathering System, Inc.

11550; 11-29-56; Mineral Field, Bee County, Tex.; Texas Eastern Transmission Corporation.

12400; 4-12-57; Camrick Field, Beaver County, Okla.; Natural Gas Pipe Line Company of America.

12489; 4-29-57; Estes Field, Cowley County, Kans.; Cities Service Gas Company.

12566; 5-13-57; Greenwood (Sparks) Field, Stanton County, Kans.; Colorado Interstate Gas Company.

12784; 6-24-57; Yoward Field, Bee County, Tex.; Wilcox Trend Gathering System, Inc.

12846; 7-5-57; Shoats Creek Field, Beauregard Parish, La.; United Gas Pipe Line Company.

12857; 7-8-57; Trousdale Field, Edwards County, Kans.; Cities Service Gas Company.

12900; 7-15-57; Mescalero Field, Lea County, N. Mex.; El Paso Natural Gas Company.

12901; 7-15-57; Embry Area, Edwards County, Kans.; Northern Natural Gas Company.

12902; 7-15-57; Blinebry, Byers-Queen, Eumont, Jalmat, Justis, Tubb and Langmat Fields, Lea County, N. Mex.; El Paso Natural Gas Company.

12959; 7-26-57; Northwest Avard Field, Woods County, Okla.; Cities Service Gas Company.

13011; 8-5-57; Valentine Field, La Forche Parish, La.; United Fuel Gas Company.

13094; 8-19-57; Cotton Valley Field, Webster Parish, La.; United Gas Pipe Line Company.

13125; 8-22-57; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Company.

13163; 8-28-57; Carlton Area Field, Ouachita Parish, La.; Southern Natural Gas Company.

13298; 9-20-57; Northeast Mehan Field, Payne County, Okla.; Cities Service Gas Company.

Also take notice that the following applications filed by Sunray Mid-Continent Oil Company or its predecessors have been noticed, severed, and/or continued for a hearing at a subsequent date to be fixed by further notice: Dockets Nos. G-4268; 4416; 4912; 4914–4919, incl.; 4944; 4945; 4947–4954, incl.; 5122, 5123–5135, incl.; 5172–5179, incl.; 5180; 5932; 6044; 6046–6051, incl.; 6053; 6054; 6056; 6057; 6059; 6193; 6194; 8286; 8663; 8791; 8825; 9530; 9782; 10019; 10325; 10326; 10706; 11661; 11662; 11760; 11762; 11878; 12113; 12114.

All of the above applications include all or any amendments or supplements filed by Applicant. Applicant produces, sells and proposes to sell natural gas for transportation in interstate commerce. Said applications are on file with the Commission and open for public inspection. These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9691; Filed, Nov. 21, 1957; 8:52 a. m.]

[Docket No. G-10885]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 18, 1957.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed an application on August 10, 1956, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale and delivery of natural gas and permitting abandonment of certain natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authorization (1) to install and operate pipeline and metering facilities necessary for the delivery and sale of natural gas to the Southern Union Gas Company (its existing customer) for resale to the Ganado Indian School and Mission and domestic users in the Navajo Indian Reservation, Apache County, Arizona, and (2) to abandon by lease the Southern Union Gas Company the operation of certain existing pipeline facilities, located in the environs of the city of El Paso, Texas. These facilities will continue to be owned by Applicant.

Applicant proposes to construct and operate approximately 7.2 miles of 2-inch pipeline, together with appurtenant metering facilities, from a connection with its San Juan-Topock main line system to the Ganado Mission; and to lease to Southern Union an existing branch pipeline consisting of approximately 1.9 miles of 4-inch pipeline and 1.3 miles of 2-inch pipeline, located within the city limits of El Paso, Texas.

Applicant proposes to build the necessary connecting line and metering facilities to serve the Ganado Mission area through the sale of gas to Southern Union for resale to the Mission and other users in the area. Southern Union has agreed to make a contribution to El Paso of $25,000, to be applied to the cost of construction of the connecting pipeline required to serve the area, and will also construct any distribution facilities which may be required in connection with its proposed resale of the gas.

Applicant states that its proposal to lease to Southern Union the aforementioned pipeline facilities in the El Paso area is required because the city of El Paso extended its city limits to include the area served by Applicant's 4-inch and 2-inch line. Applicant does not have franchise rights enabling it to own and operate facilities within the limits of the city of El Paso, and therefore proposes to lease these facilities to Southern Union, which has franchise rights in the area being served. The line apparently delivers gas directly to customers of Southern Union.

Applicant estimates the total capital cost of constructing the facilities required to serve the Ganado Mission area as $54,494. Of this amount, Southern Union will contribute $25,000, leaving a net cost to El Paso of $29,494, which will be financed from its current working funds.

Based upon estimated sales for the first three full years of operation of the proposed facilities, and using Applicant's currently effective rate schedule B-1-Non-Residential Service, Arizona, Applicant estimates its annual revenue as follows:

Year of service	Estimated requirements	
	Annual Mcf.	Peak day Mcf.
1	84,604	350
2	84,604	370
3	86,702	362

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 30, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power

[2] Carl M. Smith filed the original application in Docket No. G-6606. On November 1, 1955, Sunray filed a letter with the Commission stating that it had acquired said interest of Carl M. Smith.

Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9692; Filed, Nov. 21, 1957; 8:52 a. m.]

[Docket No. G-11080]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 18, 1957.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed an application on September 14, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary to deliver and sell natural gas at five proposed connections on its present system, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

The facilities to be installed and the service contemplated consist of:

(1) A city gate station along with necessary metering and regulating facilities to be located at Milepost 52.4 on Applicant's 20-inch San Juan-Maricopa pipeline, to enable Applicant to sell and deliver natural gas to the Southern Union Gas Company, for distribution and resale in and around the town of Humboldt, Yavapai County, Arizona. This installation will be known as the Humboldt city gate;

(2) A city gate station with the necessary metering and regulating facilities, to be located at Milepost 59.5 on Applicant's 20-inch San Juan-Maricopa pipeline, to enable Applicant to sell and deliver natural gas to the Southern Union Gas Company for distribution and resale in and around the town of Mayer, Yavapai County, Arizona. This installation will be known as the Mayer city gate;

(3) A main line tap and meter station, to be located at Milepost 376 on Applicant's 30-inch Permian-San Juan pipeline, to enable Applicant to sell and deliver natural gas on an interruptible basis to El Paso Natural Gas Products Company's proposed Ciniza refinery in McKinley County, New Mexico. The products company is a wholly-owned subsidiary of El Paso;

(4) A main line tap and meter station, to be located at Milepost 24 on Applicant's 34-inch Blanco-Gallup main line, to enable Applicant to sell and deliver natural gas on an interruptible basis to El Paso Natural Gas Products Company's proposed Bisti oil pumping station in San Juan County, New Mexico; and

(5) A main line tap and meter station, to be located at Milepost 338 on Applicant's 30-inch Permian-San Juan pipeline, to enable Applicant to sell and deliver natural gas on an interruptible basis to El Paso Natural Gas Procuts' Wingate oil pumping station in McKinley County, New Mexico.

The total cost of Applicant's facilities is estimated at $30,689, to be paid out of cash on hand.

Applicant states that it contemplates service to Southern Union Gas Company (Southern) at the proposed city gates for distribution by Southern in the unincorporated towns of Humboldt and Mayer, Arizona. Humboldt and Mayer, with estimated populations of 450 and 475, respectively, presently do not have natural gas service. For domestic and commercial purposes, the residents utilize oil, wood, LPG products. The town of Humboldt is within two miles of El Paso's San Juan-Maricopa transmission line, and Mayer is slightly nearer to this line.

Southern, an existing resale customer of Applicant, will serve both the residential and non-residential natural gas requirements of the towns and has prepared market studies, as submitted herein by Applicant, of the first three years of operations in the respective towns. A summary of the forecasts indicates that the annual and peak day requirements are as follows (in Mcf at 14.73 psia):

Year	Humboldt		Mayer	
	Annual	Peak day	Annual	Peak day
1	5,010	148	7,570	225
2	25,020	388	15,140	225
3	40,420	394	15,700	233

Applicant has submitted, as furnished by Products Company, detailed estimates of the gas requirements of the Ciniza Refinery and of the Bisti and Wingate stations, as summarized below (in Mcf at 14.73 psia):

Year	Ciniza Refinery		Bisti Station		Wingate Station	
	Annual	Maximum day	Annual	Maximum day	Annual	Maximum day
1	36,500	1,100	6,570	26.8	27,375	100
2	36,500	1,100	6,570	26.8	27,375	100
3	36,500	1,100	6,570	26.8	27,375	100

Applicant states that the refinery will operate in a manner such that certain units will produce fuel while others will consume fuel, and the overall operation will result in a fuel deficiency requiring 100 Mcf of natural gas on a design day and up to 1,100 Mcf under abnormal conditions. The Bisti station will utilize the gas to operate three 20 BHP engines, and the Wingate station will utilize the gas to operate two 145 BHP engines.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 30, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9693; Filed, Nov. 21, 1957; 8:53 a. m.]

[Docket No. G-13309]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 18, 1957.

Take notice that on September 24, 1957, The Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business in Columbus, Ohio, filed an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap, regulator, metering facilities and approximately 2,500 feet of 3½-inch lateral pipeline, on Applicant's Line D-345 in Crawford County, northwest of Bucyrus, Ohio, for the purpose of delivering and selling natural gas to two new direct industrial customers, National Lime and Stone Company and Ohio Road Pavement Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of the proposed facilities is estimated to be $17,680 which will be financed from cash on hand.

The estimated gas requirements for the two companies, both of which produce road-building materials, are:

	Peak day (Mcf.)	Annual (Mcf.)
National Lime & Stone Co.	480	50,000
Ohio Road Pavement Co.	350	8,000

The period of greatest road-building activity will make the peak period of gas use come during the summer for both companies.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 19, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9694; Filed, Nov. 21, 1957; 8:53 a. m.]

[Docket No. G-13296]

M. D. BAILEY

NOTICE OF APPLICATION

NOVEMBER 18, 1957.

Take notice that M. D. Bailey (Applicant), filed an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing Kentucky-West Virginia Gas Company to establish physical connection of its transportation facilities with the Applicant's existing distribution facilities operated in an unincorporated rural area near Paintsville, Johnson County, Kentucky, as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Bailey has been serving 35 or 40 consumers since 1950 with gas from a local gas well drilled in 1946. The Maurice Bailey Gas Well is depleted to the point where it can no longer meet the peak day needs of Bailey's existing customers. Kentucky-West Virginia Gas Company has agreed with the Kentucky Public Service Commission to furnish gas to Bailey provided that he does not add more customers and that he obtains an order from this Commission.

Applicant estimates he will have to spend $1,000 from cash on hand to build 1,500 feet of 2-inch pipeline and appurtenances to connect his distribution system to Kentucky-West Virginia's 8-inch line passing through Johnson County.

Applicant presents the following estimate of his prospective purchases and his own well production:

To be purchased from Kentucky-West Virginia:

Year of service	1	2	3
Annual (Mcf.)	1,500	2,500	3,000
Peak day (Mcf.)	75	100	100

BAILEY PRODUCTION

Annual (Mcf.)	1,500	1,000	1,000
Peak day (Mcf.)	50	40	25

Applicant states that while he cannot add new customers, he believes that present customers will use more gas as they come to rely on a steadier source of gas.

On October 21, 1957, Kentucky-West Virginia Gas Company filed an answer to the Bailey application stating that it "has no objection to serving Applicant, providing Applicant enters into a gas purchase agreement with Kentucky-West Virginia, which agreement shall include, among other things, the terms and conditions set forth in the application. Kentucky-West Virginia considers itself able to render the service requested in the application without affecting the supply of gas available for its other customers."

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9695; Filed, Nov. 21, 1957; 8:53 a. m.]

[Docket No. G-13716]

KANSAS-COLORADO UTILITIES, INC.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEET

NOVEMBER 15, 1957.

Kansas-Colorado Utilities, Inc. (Kansas-Colorado), on October 18, 1957, tendered for filing First Revised Sheet No. 4 and Original Sheets Nos. 4A and 4B to its FPC Gas Tariff, Original Volume No. 1, proposing an increase in its rates and charges contained in its firm service Rate Schedule G-1 from a straight volumetric rate of 22.5 cents per Mcf to 31.6 cents per Mcf and a new interruptible rate schedule at the rate of 24.6 cents per Mcf. The Commission by letter of October 30, 1957, requested additional information, and advised that the filing of the new interruptible rate schedule was premature in that a certificate of public convenience and necessity for such service must be first obtained. Thereafter, Kansas-Colorado on November 12, 1957, re-filed its First Revised Sheet No. 4 and withdrew its Original Sheets Nos. 4A and 4B. Consequently, as now proposed for filing First Revised Sheet No. 4 provides for an increased rate of 28.0 cents per Mcf, amounting to an annual increase of approximately $145,235, or 24 percent, based on sales for the year ended August 31, 1957, as adjusted. The increased rate is intended to become effective on December 5, 1957.

Kansas-Colorado's sole resale customer is its parent company, Plateau Natural Gas Company, which owned and operated the production and transportation facilities involved herein in conjunction with its distribution business until initial certificate authorization was granted Kansas-Colorado in Docket No. G-9952 and the subject tariff became effective June 18, 1956. That authorization stated that Kansas-Colorado's initial tariff, presently in effect, was "conditioned upon Applicants' making appropriate rate reductions and refunds upon final determination of the proceedings involving Colorado-Interstate Gas Company in Docket No. G-2576." A substantial portion of Kansas-Colorado's purchased gas cost arises out of purchases from Colorado-Interstate in those, as yet, unresolved proceedings. Due to the continuing nature of that certificate condition, the increased rate proposed herein is accepted subject thereto.

The proposed increased rate is stated to be based on (1) a rate of return of 7 percent together with associated Federal Income Taxes (credited with statutory depletion allowance); (2) increased rate base and costs of service resulting from a program of rehabilitation and modernization recently undertaken; (3) increased wages and hiring of additional personnel; and (4) increased cost of gas due to a 1 percent Kansas severance tax which became effective July 1, 1957.

Upon examination of the supporting statements and data it appears that the working capital allowance contained therein does not follow the established policy of excluding therefrom the cost of purchased gas and of crediting a portion of Federal Income Tax accruals. The requested 7 percent rate of return (not based upon a system capitalization ratio with its parent company) is a higher rate than the Commission has ever granted a natural gas pipeline company and cannot be adequately considered from the submitted information alone. Certain questionable items of cost and of allocation between affiliated companies also appear to necessitate further support

than is contained in the submitted data. The program of rehabilitation and modernization, which is stated to increase plant by $148,902, is scheduled for completion in January and February 1958, thus making an effective increase prior thereto premature.

The increased rate and charge proposed in said revised sheet, as tendered on November 12, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rate, charge, classifications, and services contained in Kansas-Colorado's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the revised tariff sheet tendered on November 12, 1957; and that the aforesaid First Revised Sheet No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rate, charge, classifications, and services contained in Kansas-Colorado's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the aforesaid revised sheet tendered for filing on November 12, 1957.

(B) Pending such hearing and decision thereon, Kansas-Colorado's proposed First Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, is hereby suspended and the use thereof deferred until May 5, 1958, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

(D) The proposed increased rate and charge contained in Kansas-Colorado's First Revised Sheet No. 4, as tendered for filing on November 12, 1957, is accepted for filing subject to the condition contained in the certificate authorization provided in order issued June 18, 1956, in Docket No. G-9952; i. e. that Kansas-Colorado make "the appropriate rate reductions and refunds upon final determination of the proceedings involving Colorado-Interstate Gas Company in Docket No. G-2576."

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9673; Filed, Nov. 21, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3638]

METROPOLITAN EDISON CO.

NOTICE OF FILING OF DECLARATION REGARDING INCREASE IN AUTHORIZED COMMON STOCK

NOVEMBER 15, 1957.

Notice is hereby given that Metropolitan Edison Company ("Meted"), a Pennsylvania corporation and a public-utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Meted has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which is summarized as follows:

Meted proposes to increase its authorized common stock without par value from 650,000 shares (of which 634,500 shares, all owned by GPU, are presently outstanding) to 900,000 shares. The declaration states that Meted does not have sufficient authorized but unissued shares of common stock to enable it to obtain the anticipated common stock equity component of its present projected 1958 financing program, and that the purpose of the proposed increase in its authorized common stock is to provide for that need as well as for the presently anticipated requirements of the years 1959 and 1960 for additional shares of authorized but unissued common stock.

Meted has been advised that GPU proposes to vote all the outstanding shares of Meted common stock in favor of the proposed increase in Meted's authorized common stock. Meted states that in view of the relative amounts in value of Meted's outstanding common and preferred stock, such vote of Meted's common stock will be sufficient to satisfy the requirements of the general law of the Commonwealth of Pennsylvania without any vote of its preferred stock; and, moreover, that Meted's preferred stock provisions do not require the consent of the holders of preferred stock, as a class, to an increase in Meted's authorized common stock. Accordingly, Meted proposes to give notice to the holders of its outstanding common and preferred stocks of the meeting of stockholders at which the proposed increase will be voted upon, but does not propose to solicit proxies from such holders.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that Meted's expenses in connection with the transaction will not exceed in the aggregate $1,630 including $1,500 for counsel fees.

Notice is further given that any interested person may not later than December 2, 1957 request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed, or as it may hereafter be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9674; Filed, Nov. 21, 1957; 8:48 a. m.]

[File No. 70-3639]

GENERAL PUBLIC UTILITIES CORP. AND PENNSYLVANIA ELECTRIC CO.

NOTICE OF FILING OF APPLICATION-DECLARATION

NOVEMBER 15, 1957.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and Pennsylvania Electric Company ("Penelec"), a public utility subsidiary thereof have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions. GPU and Penelec have designated sections 6 (a), 6 (b), 7, 9 (a) and 10 of the act and subparagraphs (a) (1), (a) (2) and (a) (3) of Rule U-50 as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes, from time to time but not later than March 31, 1958, to effect unsecured borrowings from one or more commercial banks in an aggregate amount not to exceed $10,000,000. Each such borrowing will be evidenced by GPU's unsecured note maturing 10 months from the date the borrowing is effected, bearing interest at the prime interest rate for commercial borrowing in New York at the date of issuance of the note and prepayable without premium. The proceeds from such borrowings will be utilized by GPU for the purchase of additional shares of Common Stock of Penelec. GPU will not pay any finder's fee or other compensation for negotiating the proposed borrowing and will not pay any commitment fee. The bank or banks from which GPU will effect such borrowings have not been determined but are expected to be one or more of GPU's usual banks of deposit.

Penelec proposes to increase its authorized Common Stock by 500,000 shares from the presently authorized 3,500,000 shares (of which 3,464,500 shares are outstanding) of the par value of $20 per share to 4,000,000 shares of the par value of $20 per share. Such increase does not require the consent or favorable vote of the holders of Penelec's outstanding shares of Preferred Stock and, therefore, Penelec does not propose to solicit proxies from such holders.

From time to time, but not later than March 31, 1958, Penelec proposes to issue and sell to GPU, and GPU proposes to purchase from Penelec, an aggregate of 500,000 additional shares of Penelec's Common Stock of the par value of $20 per share. GPU will pay Penelec $20 in cash for each such additional share thus purchased by it, so that Penelec will realize from the sale of said 500,000 shares an aggregate of $10,000,000. The amount thus realized by Penelec will be applied by it to the cost of property additions acquired subsequent to December 31, 1956, or to reimburse its treasury for expenditures therefrom for such purpose or to repay bank loans effected by it, the proceeds of which have been or will be applied to such purposes.

The application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction with respect to Penelec's proposed issuance and sale of the additional shares of its common stock. No other State commission and no Federal commission, other than this Commission, has jurisdiction with respect to any of the proposed transactions.

GPU estimates that its expenses in connection with the proposed transactions will not exceed in the aggregate $1,250 including counsel fees of $1,000. Penelec estimates that its expenses in connection with the proposed transactions will not exceed in the aggregate $32,600 including counsel fees of $1,500.

Notice is further given that any interested person may, not later than December 2, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9675; Filed, Nov. 21, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 19, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34302: *Lime—Southern points to points in West Virginia.* Filed by O. W. South, Jr., Agent (SFA No. A3561), for interested rail carriers. Rates on lime, carloads from specified points in Alabama, Georgia, and Tennessee to specified points in West Virginia.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 31 to Agent Spaninger's tariff I. C. C. 1178.

FSA No. 34303: *Pig iron—Keokuk, Iowa, to Flint, Mich.* Filed by W. J. Prueter, Agent (WTL No. A-1943), for interested rail carriers. Rates on pig iron, carloads from Keokuk, Iowa, to Flint, Mich.

Grounds for relief: Market competition and destination rate relationships.

Tariff: Supplement 19 to Agent Prueter's tariff I. C. C. A-4147.

FSA No. 34304: *Foodstuffs—Western trunk line and southwestern territories to official territory.* Filed by W. J. Prueter, Agent (WTL No. A-1946), for interested rail carriers. Rates on canned or preserved foodstuffs, carloads from points in western trunk-line and southwestern territories to points in official territory.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 13 to Agent Prueter's tariff I. C. C. A-4168. Supplement 15 to Agent F. C. Kratzmeir's tariff I. C. C. 4258.

FSA No. 34305: *Fuel wood—New Mexico points, southwestern and western points.* Filed by The Atchison, Topeka and Santa Fe Railway Company, for itself (No. 82-A), and interested rail carriers. Rates on wood, fuel or fuel wood (pinon wood), carloads from Albuquerque and Santa Fe, N. M., to points in Arkansas, eastern Colorado, Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma, Texas, and Cheyenne, Wyo.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 62 to AT&SF Ry. Co. tariff I. C. C. 14371. Supplement 102 to AT&SF Ry. Co. tariff I. C. C. 14165.

FSA No. 34306: *Lumber and related articles—Tennessee points to southern points.* Filed by O. W. South, Jr., Agent (SFA No. A3562), for interested rail carriers. Rates on lumber and related articles, carloads from Sevierville and Shooks, Tenn., to specified points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Grounds for relief: Short-line distance formula, grouping and market competition.

Tariff: Supplement 130 to Agent Spaninger's tariff I. C. C. 1298.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9680; Filed, Nov. 21, 1957; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 228

Washington, Saturday, November 23, 1957

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10740

CHANGE IN THE MEMBERSHIP OF THE PRESIDENT'S COUNCIL ON YOUTH FITNESS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The President's Council on Youth Fitness shall hereafter be composed of the Secretary of the Interior, who shall be the Chairman of the Council, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Labor, and the Secretary of Health, Education, and Welfare.

2. Section 1 of Executive Order No. 10673 of July 16, 1956, which established the President's Council on Youth Fitness and designated the members thereof, and which was amended by Executive Order No. 10704 of March 25, 1957, is further amended accordingly.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 21, 1957.

[F. R. Doc. 57-9796; Filed, Nov. 22, 1957; 11:31 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

CITIZENSHIP

Section 2.104 (a) is amended as set out below.

§ 2.104 *Citizenship.* (a) No person shall be admitted to competitive examination unless he is a citizen of or owes permanent allegiance to the United States. No person shall be given appointment, except a temporary appointment in the absence of qualified citizens, unless he is a citizen of or owes permanent allegiance to the United States.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-9726; Filed, Nov. 22, 1957; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED TOMATOES AND OKRA AND CANNED OKRA AND TOMATOES [1]

On July 13, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 5541) regarding a proposed issuance of the United States Standards for Grades of Canned Tomatoes and Okra and Canned Okra and Tomatoes.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Tomatoes and Okra and Canned Okra and Tomatoes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, PROPORTION OF INGREDIENTS, AND GRADES

Sec.
52.3421 Product description.
52.3422 Proportion of ingredients.
52.3423 Grades.

FILL OF CONTAINER

52.3424 Fill of container.

FACTORS OF QUALITY

52.3425 Ascertaining the grade.
52.3426 Ascertaining the rating for the factors which are scored.
52.3427 Color.
52.3428 Flavor.
52.3429 Defects.
52.3430 Character.

LOT INSPECTION AND CERTIFICATION

52.3431 Ascertaining the grade of a lot.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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SCORE SHEET

Sec.
52.3432 Score sheet for canned tomatoes and okra and canned okra and tomatoes.

AUTHORITY: §§ 52.3421 to 52.3432 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, PROPORTION OF INGREDIENTS, AND GRADES

§ 52.3421 *Product description.* Canned tomatoes and okra and canned okra and tomatoes, hereinafter called canned tomatoes and okra, is the product prepared from clean, sound, properly matured tomatoes of red or reddish varieties which may be canned, and the clean, sound, succulent, immature pods of either the green or white varieties of the okra plant which may be processed. The tomatoes have been prepared by trimming, washing, sorting, peeling, and coring. The okra is prepared by trimming, washing, and sorting, and may be whole or cut into pieces. The tomatoes and okra may be packed with or without a small amount of tomato juice or tomato puree and with or without such other ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act in accordance with good commercial practice. The product is sufficiently processed by heat to assure preservation in hermetically sealed containers.

§ 52.3422 *Proportion of ingredients.* (a) Canned tomatoes and okra shall consist of 50 percent or more, by weight, of the tomato ingredient and not less than 12.5 percent nor more than 50 percent, by weight, of whole or cut okra.

(b) Canned okra and tomatoes shall consist of 50 percent or more, by weight, of whole or cut okra and not less than 12.5 percent nor more than 50 percent, by weight, of the tomato ingredient.

(c) Compliance with the requirement for proportions of ingredients will be determined by averaging the percent, by weight, of each ingredient in all of the containers in the sample: *Provided,* That any deviation from the prescribed proportion of ingredients in any one container is within the limits of good commercial practice.

§ 52.3423 *Grades.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned tomatoes and okra that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned tomatoes and okra that possess a fairly good flavor; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned tomatoes and okra that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.3424 *Fill of container.* The recommended fill of container for canned tomatoes and okra is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full of tomatoes and okra as practicable without impairment of quality and that the product shall fill the container to not less than 90 percent of its total capacity.

FACTORS OF QUALITY

§ 52.3425 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points.* (i) Proportion of ingredients.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	20
Flavor	20
Defects	30
Character	30
Total score	100

§ 52.3426 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "26 to 30 points" means 26, 27, 28, 29, or 30 points).

§ 52.3427 *Color*—(a) (*A*) *classification.* Canned tomatoes and okra that possess a good color may be given a score of 17 to 20 points. "Good color" means that the tomato ingredient possesses a reasonably good red color that is typical of reasonably well ripened tomatoes and that the okra possesses the color of young tender okra, which ingredients have been properly prepared and properly processed and meet the following additional requirements:

(1) *Tomatoes.* Not less than 50 percent, by weight, of the drained tomato ingredient possesses as much or more red than USDA Tomato Red Color Standard: *Provided,* That the color of not more than 10 percent, by weight, of the remaining portion of the drained tomato ingredient may be yellow and none is green in color.

(2) *Okra.* The outer surface of the okra pods or pieces of pods possesses a color that is typical of young tender okra.

(b) (*C*) *classification.* Canned tomatoes and okra that possess a fairly good color may be given a score of 14 to 16 points. Canned tomatoes and okra that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the tomato ingredient possesses a fairly good red color typical of fairly well ripened tomatoes and that the okra possesses the color of reasonably tender okra, which ingredients have been properly prepared and properly processed.

(c) (*SStd.*) *classification.* Canned tomatoes and okra that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3428 *Flavor*—(a) (*A*) *classification.* Canned tomatoes and okra that possess a good flavor may be given a score of 17 to 20 points. "Good flavor" means that the product has a characteristic flavor and odor typical of well ripened tomatoes and young tender okra.

(b) (*C*) *classification.* Canned tomatoes and okra that possess a fairly good flavor may be given a score of 14 to 16 points. Canned tomatoes and okra that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) (*SStd.*) *classification.* Canned tomatoes and okra that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3429 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from sand, grit, or silt; harmless extraneous material; tomato peel; tomato core material; small pieces of okra; and from damaged or seriously damaged tomato or okra ingredient.

(1) "Sand, grit, or silt" means any particle of earthy material.

(2) "Harmless extraneous material" means any extraneous vegetable substance (including, but not limited to, a leaf, unattached stem, or portions thereof) that is harmless.

(3) "Damaged" means that the appearance and eating quality of the product is materially affected by the presence of scarred, discolored, or blemished tomato ingredient and/or scarred, poorly trimmed okra ingredient, and small pieces of pod less than 3/8 inch in length, or other damage.

(4) "Seriously damaged" means that the appearance and eating quality of the product is seriously affected by the presence of damaged ingredients.

(b) (*A*) *classification.* Canned tomatoes and okra that are practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that the presence of sand, grit, or silt; harmless extraneous material; tomato peel; core material; and damaged and seriously damage ingredients, individually or collectively, does

not materially affect the appearance and eating quality of the product.

(c) (*C*) *classification.* Canned tomatoes and okra that are fairly free from defects may be given a score of 21 to 24 points. Canned tomatoes and okra that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the presence of sand, grit, or silt; harmless extraneous material; tomato peel; core material; and damaged and seriously damaged ingredients, individually or collectively, does not seriously affect the appearance and eating quality of the product.

(d) (*SStd.*) *classification.* Canned tomatoes and okra that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3430 *Character—(a) General.* The factor of character refers to the texture and wholeness of the tomato ingredient and the tenderness and texture of the okra pods or pieces of pods.

(1) "Large piece of tomato ingredient" means a piece of tomato flesh that weighs not less than 1 ounce.

(2) "Small piece of tomato ingredient" means a piece of tomato flesh that weighs less than 1 ounce and that does not pass through a United States Standard ½-inch sieve.

(b) (*A*) *classification.* Canned tomatoes and okra that possess a good character may be given a score of 26 to 30 points. "Good character" means that the tomato ingredient is composed of whole, almost whole, or large pieces of tomato flesh and that the okra pods or pieces of pods are fleshy and tender and practically intact, that the okra seed is in the early stages of development, and that not more than 2 percent, by count, of the pods or pieces of pods may possess fibrous material which is materially objectionable upon eating.

(c) (*C*) *classification.* Canned tomatoes and okra that possess a fairly good character may be given a score of 21 to 25 points. Canned tomatoes and okra that fall into this classification on account of fibrous material shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly good character" means that the tomato ingredient may be predominantly in small pieces and that the okra pods and pieces of pods may have lost to a considerable extent their fleshy texture, that the units may be fairly tender but not excessively mushy, that the seed may be in the later stages of maturity but are not hard, and that not more than 5 percent, by count, of the pods or pieces of pods may possess fibrous material which is materially objectionable upon eating.

(d) (*SStd.*) *classification.* Canned tomatoes and okra that fail to meet the requirements of paragraph (c) of this section with respect to fibrous material may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a partial limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3431 *Ascertaining the grade of a lot.* The grade of a lot of canned tomatoes and okra covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.3432 *Score sheet for canned tomatoes and okra and canned okra and tomatoes.*

Size and kind of container			
Container mark or identification			
Label			
Net weight (ounces)			
Vacuum readings (inches)			
Proportion of ingredients, —% tomatoes, —% okra			
Whole or cut okra			
Factors	**Score points**		
Color	20	(A) 17–20 (C) [1] 14–16 (SStd.) [1] 0–13	
Flavor	20	(A) 17–20 (C) [1] 14–16 (SStd.) [1] 0–13	
Defects	30	(A) 25–30 (C) [1] 21–24 (SStd.) [1] 0–20	
Character	30	(A) 26–30 (C) [2] 21–25 (SStd.) [2] 0–20	
Total score	100		
Grade			

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

The United States Standards for Grades of Canned Tomatoes and Okra and Canned Okra and Tomatoes (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: November 20, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-9709; Filed, Nov. 22, 1957; 8:46 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1957 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 418.1 of the above-identified regulations, as amended (20 F. R. 10015; 21 FR. 5164, 9397; 22 F. R. 7018, 8473), the following counties have been designated for insurance for the 1958 crop year.

California:
Kern.
Los Angeles.
Monterey.
San Luis Obispo.
Tulare.
Colorado:
Adams.
Arapahoe.
Cheyenne.
Elbert.
Kit Carson.
Larimer.
Lincoln.
Logan.
Phillips.
Sedgwick.
Washington.
Yuma.
Idaho:
Benewah.
Bonneville.
Camas.
Cassia.
Idaho.
Kootenai.
Latah.
Lewis.
Nez Perce.
Oneida.
Power.
Teton.
Illinois:
Adams.
Bond.
Christian.
Clinton.
Effingham.
Fayette.
Greene.
Jersey.
Macoupin.
Madison.
Marion.
Mason.
Monroe.
Montgomery.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Vermilion.
Washington.
Indiana:
Allen.
Boone.
Clinton.
Decatur.
De Kalb.
Howard.
Johnson.
Kosciusko.
Madison.
Montgomery.
Noble.
Pulaski.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Wayne.
Whitley.
Kansas:
Atchison.
Barber.
Barton.
Cheyenne.
Clark.
Clay.
Cloud.
Cowley.
Decatur.
Dickinson.
Edwards.
Ellis.
Ellsworth.
Finney.
Ford.
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Gove.
Graham.
Grant.
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Greeley.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Kearny.
Kingman.
Kiowa.
Lane.
Lincoln.
Logan.
McPherson.
Marion.
Marshall.
Meade.
Mitchell.
Morris.
Nemaha.
Ness.
Norton.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Sheridan.
Sherman.
Smith.
Stafford.
Staunton.
Stevens.
Sumner.
Thomas.
Trego.
Wallace.
Washington.
Wichita.
Maryland:
Kent.
Michigan:
Calhoun.
Clinton.
Eaton.
Hillsdale.
Huron.
Ingham.
Ionia.
Kalamazoo.
Lenawee.
Monroe.
Saginaw.
St. Clair.
Sanilac.
Shiawassee.
Missouri:
Bates.
Buchanan.
Carroll.
Cass.
Chariton.
Cooper.
Franklin.
Henry.
Holt.
Jasper.
Lafayette.
Lawrence.
Marion.
Pettis.
Pike.
St. Charles.
Saline.
Vernon.
Montana:
Blaine.
Cascade.
Chouteau.
Fergus.
Hill.
Judith Basin.
Liberty.
Petroleum.
Pondera.
Teton.
Yellowstone.
Nebraska:
Banner.
Box Butte.
Butler.
Chase.
Cheyenne.
Dawes.
Deuel.
Frontier.
Furnas.
Gage.
Garden.
Gosper.
Hamilton.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Keith.
Kimball.
Lancaster.
Morrill.
Perkins.
Phelps.
Red Willow.
Richardson.
Saline.
Saunders.
Seward.
Thayer.
York.
North Carolina:
Cleveland.
Lincoln.
Mecklenburg.
Rutherford.
Ohio:
Allen.
Auglaize.
Clinton.
Erie.
Fayette.
Franklin.
Greene.
Hardin.
Henry.
Highland.
Knox.
Marion.
Mercer.
Montgomery.
Morrow.
Pickaway.
Preble.
Putnam.
Sandusky.
Seneca.
Stark.
Tuscarawas.
Williams.
Oklahoma:
Alfalfa.
Beckham.
Blaine.
Oklahoma—Con.
Caddo.
Canadian.
Comanche.
Cotton.
Custer.
Dewey.
Ellis.
Garfield.
Grant.
Greer.
Harmon.
Harper.
Kay.
Kingfisher.
Kiowa.
Major.
Noble.
Texas.
Tillman.
Washita.
Woods.
Oregon:
Baker.
Gilliam.
Jefferson.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Pennsylvania:
Chester.
Lancaster.
South Dakota:
Bennett.
Jones.
Lyman.
Mellette.
Tripp.
Texas:
Baylor.
Castro.
Collin.
Cooke.
Denton.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Jones.
Lipscomb.
Potter.
Wilbarger.
Utah:
Box Elder.
Cache.
Washington:
Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Wyoming:
Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9425; Filed, Nov. 22, 1957; 8:45 a. m.]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 420.1 of the above-identified regulations, as amended (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473, 5883, 6858, 7314, 7787 8534, 9397; 22 F. R. 2076, 2796, 3284, 5855, 7019), the following counties have been designated for insurance for the 1958 crop year.

Arkansas:
Arkansas.
Colorado:
Morgan.
Weld.
Illinois:
Bond.
Christian.
Clinton.
Effingham.
Fayette.
Jasper.
Jersey.
Madison.
Morgan.
Pike.
Schuyler.
Scott.
Indiana:
Boone.
Delaware.
Jackson.
Marshall.
Ripley.
Shelby.
Sullivan.
Wells.
Whitley.
Iowa:
Delaware.
Emmet.
Howard.
Humboldt.
Ida.
Tama.
Union.
Warren.
Winnebago.
Worth.
Kansas:
Bourbon.
Cherokee.
Franklin.
Linn.
Montgomery.
Louisiana:
St. Martin.
Vermilion.
Maryland:
Kent.
Michigan:
Gratiot.
Jackson.
Monroe.
Minnesota:
Big Stone.
Chippewa.
Dakota.
Goodhue.
Kandiyohi.
Lac Qui Parle.
McLeod.
Polk, East.
Minnesota—Con.
Pope.
Stearns.
Stevens.
Swift.
Yellow Medicine.
Missouri:
Audrain.
Callaway.
Carroll.
Cass.
Cooper.
Franklin.
Johnson.
St. Charles.
Nebraska:
Antelope.
Pawnee.
Washington.
North Dakota:
Barnes.
Dickey.
Grand Forks.
LaMoure.
Pierce.
Ransom.
Richland.
Sargent.
Steele.
Ohio:
Hancock.
Paulding.
Sandusky.
Union.
Van Wert.
Wayne.
Williams.
Oregon:
Linn.
Malheur.
Pennsylvania:
Chester.
Lebanon.
South Dakota:
Bon Homme.
Clay.
Day.
Deuel.
Grant.
Hamlin.
Hutchinson.
Kingsbury.
Lake.
McCook.
Miner.
Tennessee:
Franklin.
Obion.
Weakley.
Wisconsin:
Fond du Lac.
Wyoming:
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply Secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9426; Filed, Nov. 22, 1957; 8:45 a. m.]

PART 424—BARLEY CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 424.1 of the above-identified regulations, as amended (19 F. R. 9315; 20 F. R. 7637, 10023; 21 F. R. 1004, 5164, 7323; 22 F. R. 7020), the following counties have been designated for insurance for the 1958 crop year.

California:
Monterey.
San Luis Obispo.
Idaho:
Idaho.
Lewis.
Oregon:
Morrow.
Sherman.
Umatilla.
Washington:
Walla Walla.
Whitman.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9428; Filed, Nov. 22, 1957; 8:45 a. m.]

PART 425—PEACH CROP INSURANCE

SUBPART—REGULATIONS FOR CONTRACTS FOR THE 1958 CROP YEAR

APPENDIX

Pursuant to authority contained in paragraph (a) of § 425.21 of the above-identified regulations (22 F. R. 8473), the following county has been designated for insurance for the 1958 crop year.

South Carolina:
Spartanburg.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9428; Filed, Nov. 22, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 123]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.423 *Navel Orange Regulation 123—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information sub-

mitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 21, 1957.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 24, 1957, and ending at 12:01 a. m., P. s. t., December 1, 1957, are hereby fixed as follows:

(i) District 1: 554,400 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 92,400 cartons;
(iv) District 4: 23,100 cartons.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: November 22, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9792; Filed, Nov. 22, 1957; 11:10 a. m.]

[Lemon Reg. 714]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.821 *Lemon Regulation 714*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 20, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 24, 1957, and ending at 12:01 a. m., P. s. t., December 1, 1957, are hereby fixed as follows:

(i) District 1: 23,250 cartons;
(ii) District 2: 172,050 cartons;
(iii) District 3: 27,900 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 21, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9784; Filed, Nov. 22, 1957; 8:57 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 96]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (22 F. R. 3005, 4377, 6910, 7223, 8929), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended by adding a new subdivision (vi) to subparagraph (11) of paragraph (d), relating to Ocean County in New Jersey, to read:

(vi) that part of Union Township lying west of the Garden State Parkway, north of the Union-Stafford Township line, northeast of the Burlington County line, south of the Lacey-Union Township line, and southwest of Ocean-Union Township line and that part of Stafford Township lying southwest of U. S. Highway No. 72, west of U. S. Highway No. 9, northeast of the Stafford-Eagleswood Township line, east of the Little Egg Harbor-Stafford Township line, and south of the Union-Stafford Township line.

Effective Date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a certain area in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1956 Supp., Part 76, Subpart B, as amended, will not apply to such area. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under Section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 19th day of November 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 57-9711; Filed, Nov. 22, 1957; 8:47 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 198; Docket No. R-162]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

SUBMISSION OF DATA BY INDEPENDENT PRODUCERS; REVISION OF FORM

In this proceeding the Commission has under consideration the amendment of Part 260, entitled "Statements and Reports (Schedules)" of Subchapter G, Approved Forms, Natural Gas Act, by the revision of § 260.5 so as to prescribe FPC Form No. 301–1956, Independent Producers Report—1956.[1]

General public notice of this proposed rulemaking was given by publication in the FEDERAL REGISTER on April 24, 1957, (22 F. R. 2882) and mailing notices to interested parties, including State and Federal regulatory agencies. The notice invited the submission by interested persons of views and comments in writing concerning the proposed form. Many comments and suggestions were received, some of which were constructive and have been incorporated in the form hereinafter prescribed. On September 5, 1957, the Commission heard oral argument by those representatives of the industry who had raised certain issues asserted to be involved in the method of adoption and the content of the form proposed in the notice.

Objectors claimed, among other things, that the notice given was legally inadequate and that the form (1) would cause an excessive burden of work and expense, (2) is illegal in that it requires the filing of information with respect to matters over which the Commission has no jurisdiction, (3) would make public information that should not be divulged, and (4) requires information that could serve no useful purpose in the Commission's regulation of producers. The Commission has given careful consideration to all of the comments, suggestions, and objections, both written and oral, and has made modifications in the form which are believed to meet the objections to the extent they have substance. These modifications are summarized generally as follows:

1. Parts I, II, and III have been changed to permit the reporting of gross sales and gross revenues on an estimated basis if the producer keeps its records on a net basis. (See Part I, item 2; Part II, items 5 and 7 (a); and Part III, item 3).

2. Parts I, II, and III have been changed to permit reporting on a calendar year basis or a fiscal year basis at the option of the producer.

3. Parts I, II, and III were changed to require that those parts be completed in their entirety only by producers whose total gross sales under all FPC rate schedules in 1956 were in excess of 2 million Mcf. Other producers need complete a portion of Part I only. The corresponding figure in the original draft of the form was 250,000 Mcf. (See Part I, item 1; Part II, item 1; and Part III, item 1).

4. Part IV has been changed by striking out paragraphs (a), (b), and (c) and modifying (d) so as to require the filing with the Commission of a report to stockholders only by those producers whose sales for the year exceeded 2 million Mcf.

5. The verification form has been changed to an attestation without any requirement for an oath.

Analysis of the data supplied by form 301, for the year ended December 31, 1955, indicated certain deficiencies in that form and its extreme brevity excluded data since proven necessary to properly regulate the producers in accordance with the Natural Gas Act. Specifically, the 1955 report failed to make available to the Commission reliable data respecting (1) the total volume of sales under each individual contract including the sales of all parties to that rate schedule or contract; (2) the interstate sales of independent producers for which the independent producer made no separate filing; (3) information which would permit the Commission to identify duplicate rate filings; and (4) certain financial information. The report for 1956 is designed to supply the needed information.

The form hereinafter prescribed differs from the 1955 form in two principal aspects. It requires more detailed information to supply the deficiencies pointed out in (1), (2), and (3) above and it requires brief financial information by producers whose sales for the year under filed rate schedules exceeded 2 million Mcf. That effective regulation is impossible without such information is recognized by regulatory statutes, including the Natural Gas Act, and particularly the accounting and reporting provisions thereof. The Commission's regulations exempt producers from compliance with the comprehensive accounting and reporting requirements of the Natural Gas Act. This exemption is still continued, but the Commission's experience in the regulation of producers convinces it of the necessity of at least the minimum financial data called for in form 301–1956 in order that the regulatory responsibilities of the Commission may be viewed in relation to the relative importance and financial effects of such regulation on the regulated producers.

For the reasons set forth above the Commission finds:

The amendment hereinafter adopted including the form therein prescribed is necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to authority granted by sections 10 and 16 of the Natural Gas Act (52 Stat. 826, 830; 15 U. S. C. 717i, 717o) orders:

(A) Part 260 of the Commission's Regulations entitled "Statements and Reports (Schedules)" of Subchapter G, Approved Forms, Natural Gas Act (18 CFR, Part 260) is amended by amending § 260.5 to read as follows:

§ 260.5 *Form No. 301–1956, Statement of Sales and Revenues of Independent Producers.* (a) FPC Form No. 301–1956, Independent Producers Report—1956, being a statement of sales of natural gas made during the calendar year 1956 (or most recent established fiscal year) under rate schedules filed with the Commission pursuant to §§ 154.92 and 154.94 of this chapter, including the instructions and schedules therein contained, be and the same hereby is approved.

(b) Each independent producer as defined in § 154.91 of this chapter who had a rate schedule on file with the Commission on December 31, 1956, shall file on or before December 31, 1957, two copies of such FPC form No. 301–1956.

(B) The amendment to Part 260 herein prescribed is hereby made effective upon the issuance of this order.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Issued: November 19, 1957.

By the Commission (Commissioner Digby dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9712; Filed, Nov. 22, 1957; 8:48 a. m.]

[1] Filed as part of the original document.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 44]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 14 DEC. 57, DUE DECOMMISSIONING OF FINAL APPROACH FIX.

City, Amarillo; State, Tex.; Airport Name, Air Terminal; Elev., 3604'; Fac. Class, SBRAZ; Ident., AMA; Procedure No. 2, Amdt. 9; Eff. Date, 2 Mar. 57; Sup. Amdt. No. 8 Dated, 14 Jan. 58

Beaumont VOR	BUJ-LFR	Direct	1200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-16	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side N crs, 340 Outbnd, 160 Inbnd, 1800' within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 160—3.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi, climb to 1400' on S crs within 20 mi.
CAUTION: 787' msl radio antenna 4.26 mi E of final approach crs.

City, Beaumont; State, Tex; Airport Name, Jefferson County; Elev., 15'; Fac. Class, SBMRLZ; Ident, BUJ; Procedure No. 1, Amdt. 7; Eff. Date, 14 Dec. 57; Sup. Amdt No. 6; Dated, 14 May 55

Greenwood VOR	GRW-LFR	Direct	1400	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side E crs, 085 Outbnd, 265 Inbnd, 1800' within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 266—1.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 mi, climb to 1400' on W crs within 20 mi.
NOTE: Not approved for ADF approach.

City, Greenwood; State, Miss.; Airport Name, Municipal; Elev., 129'; Fac. Class, BMLZ; Ident., GRW; Procedure No. 1, Amdt. 7; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 6; Dated, 4 June 55

Midland VOR	MAF-LFR	Direct	4200	T-dn	300–1	300–1	*200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

AIR CARRIER NOTE: 300–1 required on runways 16L and 34R.
Procedure turn S side of SW crs, 229 Outbnd, 049 Inbnd, 4400' within 10 miles. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 3800'.
Crs and distance, facility to airport, 049–3.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 4000' on SE crs of LFR within 20 miles.

NOTE: This procedure not approved for ADF approach.

City, Midland; State, Tex.; Airport Name, Air Terminal; Elev, 2867'; Fac. Class, BMRLZ; Ident., MAF; Procedure No. 1, Amdt. 8; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 7; Dated, 16 July 55.

Bayou St. John FM	MSY-LFR (Final)	Direct	900	T-dn	300–1	300–1	200–½
New Orleans VOR	MSY-LFR	Direct	1500	C-dn	400–1	500–1	500–1½
Madisonville FM	MSY-LFR	Direct	1400	S-dn-28*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

*580 FPM required at 105 K.
Procedure turn N side E crs, 073 Outbnd, 253 Inbnd, 1500' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 267—2.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles, climb to 1400' on W crs within 20 miles, or when directed by ATC, (1) turn left, climb to 1500' on S crs within 20 miles, or (2) turn right, climb to 1400' on N crs within 20 miles.
CAUTION: 409' WWL Radio Antenna located 2.3 miles N of airport. 452' electric transmission towers located 3.4 miles S of LFR or 4.3 miles SE of airport.

City, New Orleans; State, La.; Airport Name, Moisant Int'l.; Elev., 3'; Fac. Class, SBRAZ; Ident., MSY; Procedure No. 1, Amdt. 8; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 7; Dated, 13 July 57

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Madisonville FM	MSY-LFR	Direct	1400	T-dn	300–1	300–1	200–½
New Orleans VOR	MSY-LFR	Direct	1500	C-dn	400–1	500–1	500–1½
Int 360 hrng to La Place RBn and W crs MSY LFR.	LOM (Final)	Direct	900	S-dn-10	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of W crs, 272 Outbnd, 092 Inbnd, 1400' within 5 mi of LOM. Beyond 5 mi NA.
Minimum altitude over facility on final approach crs, 900' over LOM.
Crs and distance, facility to airport 092—3.4 from LOM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles of LOM, climb to 1500' on E crs within 20 miles, or when directed by ATC, (1) turn right, climb to 1500' on S crs within 20 miles, or (2) turn left, climb to 1400' on N crs within 20 mi.
NOTE: Procedure authorized only for aircraft equipped to receive MSY LFR and LOM bearings or OM simultaneously.
CAUTION: 409' WWL Radio Antenna located 2.3 miles N of airport. 452' electric transmission towers 3.4 mi S of LFR or 4.3 miles SE of airport.

City, New Orleans; State, La.; Airport Name, Moisant Int'l.; Elev, 3'; Fac. Class, SBRAZ; Ident, MSY; Procedure No. 2, Amdt. 8; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 7; Dated, 13 July 57

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	300–1
				C-dn	600–1	600–1	600–1½
				S-dn	500–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 300 Outbnd, 120 Inbnd, 2300' within 10 mi.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 120—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, climb to 3500' on crs 120° within 20 mi, turn north and return to FOD VOR.
SHUTTLE: Descend in Standard Two Minute Holding Pattern on FOD VOR 120° Inbnd.
CAUTION: 1773' msl radio tower located 3.7 miles SSW of airport.

City, Fort Dodge; State, Iowa; Airport Name, Municipal; Elev, 1166'; Fac. Class, BVOR; Ident. FOD; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Dec. 57

Greenwood LFR	GRW-VOR	Direct	1400	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 237 Outbnd, 057 Inbnd, 1300' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 057—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, climb to 1800' on R-057 within 20 mi.

City, Greenwood; State, Miss.; Airport Name, Municipal; Elev., 129'; Fac. Class, BVOR; Ident., GRW; Procedure No. 1, Amdt. 1; Eff. Date, 14 Dec. 57; Sup. Amdt. No. Orig.; Dated, 15 Oct. 55

SSM-LFR	SSM-VOR	Direct		T-d	300–1	300–1	NA
				C-d	500–1	500–1½	NA
				S-d-32	500–1	500–1	NA
				A-d	800–2	800–2	NA

Procedure turn E side SE crs, 159 Outbnd, 339 Inbnd, 1800' within 10 mi.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 339—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 2500' on R-339 Sault Ste. Marie VOR within 20 mi.
CAUTION: 895' tower 0.3 miles, 025° from airport. 936' tower 2.4 miles, 205° from airport.

City, Sault Ste. Marie; State, Mich.; Airport Name, Sault Ste. Marie; Elev., 722'; Fac. Class, VOR; Ident., SSM; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Dec. 57 or date of com. of fac.

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
King Hill Int	TWF VOR	Direct	6300	T-dn	300-1	300-1	200-½
GNG-RBn	TWF VOR	Direct	6300	C-dn	500-1	500-1	500-1½
Glenns Ferry Int	TWF VOR	Direct	6300	S-dn-25	500-1	500-1	500-1
BYI-VOR	TWF VOR	Direct	6700	A-dn	800-2	800-2	800-2
BYI-LFR	TWF VOR	Direct	6700				

Procedure turn North side of crs, 068 Outbnd, 248 Inbnd, 5700′ within 10 mi. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 4900′.
Crs and distance, facility to airport, 253—0.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 6000′ on R-292 within 20 mi.

City, Twin Falls; State, Idaho; Airport Name, Joslin; Elev., 4148′; Fac. Class, BVOR; Ident., TWF; Procedure No. TerVOR-25, Amdt. 1; Eff. Date, 14 Dec. 57; Sup. Amdt. No. Orig.; Dated, 4 Feb. 54

King Hill Int	TWF VOR	Direct	6300	T-dn	300-1	300-1	200-½
GNG BII	TWF VOR	Direct	6300	C-dn	800-1	800-1	800-1½
Glenns Ferry Int	TWF VOR	Direct	6300	S-dn-7	800-1	800-1	800-1
BYI-VOR	TWF VOR	Direct	6700	A-dn	800-2	800-2	800-2
BYI-LFR	TWF VOR	Direct	6700				

Procedure turn *North side of crs, 261° Outbnd, 081° Inbnd, 5800′ within 10 mi. NA beyond 10 mi.
*Procedure turn on South side NA due to high terrain.
Minimum altitude over facility on final approach crs, 4900′.
Crs and distance, facility to airport, 073—0.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 6000′ on R-060 within 20 mi.

City, Twin Falls; State, Idaho; Airport Name, Joslin; Elev., 4148′; Fac. Class, BVOR; Ident., TWF; Procedure No. TerVOR-7, Amdt. 1; Eff. Date, 14 Dec. 57; Sup. Amdt. No. Orig.; Dated, 4 Feb. 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 308 Outbnd, 128 Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, breakoff point to app end rny 12, 122—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, make left climbing turn to 2100′ on R-112 within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Municipal; Elev. 870′; Fac. Class, BVOR; Ident, ALO; Procedure No. TerVOR-12, Amdt. 3; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 2; Dated, 15 Sept. 56

4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
R-022 at 32 mi fix#	R-032	32 mi orbit	1300	T-dn	300-1	300-1	200-½
	22.5 fix R-032	Direct	800	C-dn	500-1	500-1	500-1½
32 mi fix R-032	20.7 mi fix R-032 (Final-22)	Direct	500	S-d	500-1	500-1	500-1
22.5 mi fix R-032				A-dn	NA	NA	NA

#Popano Int.
Procedure turn W side R-032, 1300′ between 22.5 and 32.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished immediately* turn left, climb to 1300′ on R-032 within 30 miles of Miami VOR.
*CAUTION: 1005′ TV TWR six miles SW of airport.
NOTE: Weather service not available. Authorized only when arrangements have been made for weather service at this airport.

City, Ft. Lauderdale; State, Fla.; Airport Name, Broward County; Elev., 10′; Fac. Class and Ident., BVOR-DME-MIA; Procedure No. VOR-DME-22; Amdt. 1; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 1; Dated, 10 Mar. 56

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
GJT VOR	Loma Int	Direct	8000	T-dn	#400-1	#500-2	300-1
GJT VOR	ILS LMM	Direct	10000	C-dn	#800-1½	1000-2	1000-2
Int R-047 GJT and NW crs ILS	Loma Int	Direct	8000	S-dn-11	#400-1	#500-2	#500-2
Int R-303 GJT and NW crs ILS	Int R-330 GJT and NW crs ILS	Direct	11000	A-dn	1500-2	1500-2	1500-2
Int R-330 GJT and NW crs ILS	OM (Final)	Direct	*8000				

#800-2 with glide slope or approach lights inoperative, 1000-2 with other ILS components inoperative.
*After intercepting glide slope at 8000′, descent on glide slope to cross OM at 6060′ authorized. (Note simultaneous reception of ILS and GJT VOR required for straight-in approach from R-330.)
Procedure turn S side NW crs, 290 Outbnd, 110 Inbnd, 8000′ within 5 mi of Loma Int. Beyond 5 mi NA.
Minimum altitude at G. S. int inbnd, 6200′.
Altitude of G. S. and distance to approach end of rny at OM 6060—3.9, at MM 5065—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 8000′ on NW crs ILS to Loma Int. If second approach not desired proceed to GJT VOR from Loma Int climbing to 10000′.
AIR CARRIER NOTE: Sliding scale applicable to straight-in minimums only.

City, Grand Junction; State, Colorado; Airport Name, Walker Field; Elev., 4858′; Fac. Class, ILS; Ident., GJT; Procedure No. ILS-11, Amdt. 11; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 10; Dated, 23 June 56

Midland VOR	LMM	Direct	4200	T-dn	300-1	300-1	*200-½
Midland VOR	LOM	Direct	4200	C-dn	400-1	500-1	500-1½
Midland LFR	LOM	Direct	4000	S-dn-4:			
Midland LFR	LMM	Direct	4000	ILS	200-½	200-½	200-½
				ADF	400-1	400-1	400-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

AIR CARRIER NOTE: *300-1 required Runways 16L and 34R.
Procedure turn S side SW crs, 223 Outbnd, 043 Inbnd, 4400′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd—4100′ ILS. Min. alt. over LOM inbnd final—3800′ ADF; over LMM, 3300′ ADF.
Altitude of glide slope and distance to approach end of rny at LOM—4010—4.1; at MM—3070—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mi after passing LMM (ADF), climb to 4400′ on NE crs ILS (043) within 20 mi. When directed by ATC, turn right, climb to 4400′ on SE crs LFR or R-150 within 20 mi. If LOM not received altitude over LMM is 3800′ and straight in minima NA. 400-¾ required when glide slope not utilized.

City, Midland; State, Tex.; Airport Name, Air Terminal; Elev., 2867′; Fac. Class, ILS-IMAF; Ident., LMM-AF; Procedure No. ILS-4, Comb. ILS-ADF, Amdt. 7; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 6; Dated, 16 July 55

Midland VOR	Radio Int#	Direct	4100	T-dn	300-1	300-1	*200-½
Stanton Int	Tank Farm Int	Direct	4400	C-dn	400-1	500-1	500-1½
Tank Farm Int	Radio Int (Final)	Direct	3900	S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*300-1 required Runways 16L and 34R.
#Radio Int: Int NE crs ILS and R-117 MAF.
Procedure turn N side of NE crs of ILS, 043 Outbnd, 223 Inbnd, 4400′ within 10 mi. Beyond 10 mi NA.
No glide slope. Altitude over Radio Int, 3900′; Crs and distance, Radio Int to Airport, 223—3.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi, climb to 4400′ on SW crs ILS within 20 mi, or when directed by ATC, climb to 4000′ on R-150 MAF or climb to 4000′ on SE crs of MAF LFR within 20 mi.

City, Midland; State, Tex.; Airport Name, Air Terminal; Elev., 2867′; Fac. Class, ILS-IMAF; Ident., BYOR-MAF; procedure No. ILS-22, Amdt. 2; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 1; Dated, 6 Aug. 55

Salinas VOR	LOM	Direct	4000	T-dn	300-1	300-1	300-¾
Davenport Int	LOM	Direct	2000	S-dn	300-¾	300-¾	300-¾
MRY RBn	LOM	Direct	1800	C-d	700-2	700-2	700-2
				C-n	700-3	700-3	700-3
				A-d	700-2	700-2	700-2
				A-n	700-3	700-3	700-3

Procedure turn South side of W crs, 276° Outbnd, 096° Inbnd, 1600′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int. inbnd, 1600′ ILS.
Altitude of glide slope and distance to approach end of rny at LOM—1500—4.1; at MM—370—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles after passing LMM make immediate left climbing turn and climb to 1800′ to LOM.
CAUTION: Circling minimums do not provide standard clearance over terrain south of airport. All maneuvering for circling approaches must be accomplished north of localizer course.
NOTE: Provisions for use with inoperative components not applicable.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class, ILS; Ident., IMRY; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 Dec. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PIH VOR	LOM	Direct	7000	T-dn	300-1	300-1	200-½
PIH LFR	LOM	Direct	7000	C-d	500-1	600-1	600-1½
Falls Int	LOM	Direct	7000	C-n	500-2	600-2	600-2
				S-dn-21:			
				ILS	300-¾	300-¾	300-¾
				ADF	500-1	600-1	600-1½
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn N side of NE crs, 027 Outbnd, 207 Inbnd, 7000′ within 10 mi of PIH-LOM. NA beyond 10 mi.
Minimum altitude at glide slope int inbnd, 7000′ ILS. Min. alt over LOM inbnd final—5800′ ADF.
Altitude of glide slope and distance to approach end of runway at OM—5610′—3.7; at MM—4660′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi of LOM (ADF) climb to 6500′ on W crs PIH-LFR or on R-234 PIH within 20 mi. Alternate missed approach when directed by ATC: turn right and climb to 7500′ on N crs of PIH-LFR or on R-335 PIH within 20 mi.
CAUTION: High terrain SW through SE of airport.

City, Pocatello; State, Idaho; Airport Name, Municipal; Elev, 4448′; Fac. Class, ILS-PIH; Ident. LOM-PI; Procedure No. ILS21, Comb ILS-ADF, Amdt. 3; Eff. Date, 11 Dec. 57; Sup. Amdt. No. 2; Dated, 23 Mar. 57

Verdigris River FM	OWS-RBn	Direct	1900	T-dn	300-1	300-1	200-½
Tulsa LFR	OWS-RBn	Direct	1900	C-dn	400-1	500-1	500-1½
Skiatook FM	OWS-RBn	Direct	2000	S-dn-17L ADF and ILS.	400-1	400-1	400-1
Tulsa VOR	OWS-RBn	Direct	1900				
Int R-327 TUL and N crs ILS	OWS-RBn (Final)	Direct	1300	A-dn	800-2	800-2	800-2

300-1 required on Runways 3L, 21R, 17R and 35L.
Procedure turn W side of crs, 354 Outbnd, 174 Inbnd, 2200′ within 10 miles. NA beyond 10 mi.
No glide slope. Minimum altitude over OWS on final approach, 1300′.
Brng and distance, OWS to Rny 17L, 174—5.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, climb to 2200′ on S crs ILS (174° from OWS) within 20 miles, or when directed by ATC, climb to 2200′ on R-114 TUL VOR within 20 miles.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674′; Fac. Class, ILS-ITUL; Ident., MHW-OWS; Procedure No. ILS, Comb ILS-ADF, Amdt.1; Eff. Date, 14 Dec. 57; Sup. Amdt. No. Orig.; Dated, 9 Apr. 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 12, 1957.

[F. R. Doc. 57-9518; Filed, Nov. 22, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6612]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SURF SALES CO., INC., ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 13.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Using, selling, or supplying lottery devices:* § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Surf Sales Co., Inc., et al., Chicago, Ill., Docket 6612, October 28, 1957]

In the Matter of Surf Sales Company, Inc., a Corporation, and Thomas F. Marsh, Individually and as President of Surf Sales Company, Inc.; and Samuel Specter, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Chicago of cameras, electric appliances, and other articles of merchandise, with furnishing to operators and to members of the public various plans of merchandising—including push cards and instructions for their use—which involved the operation of games of chance or lottery schemes in the sale of the goods to the consuming public.

After a hearing, the hearing examiner filed his initial decision and order to cease and desist, from which respondents appealed. After hearing the matter on briefs and oral argument, the Commission on October 28 rendered its decision denying the appeal and adopting the findings, conclusions, and order contained in the initial decision.

The order to cease and desist is as follows:

It is ordered, That respondent Surf Sales Company, Inc., a corporation, and its officers, and respondents Thomas F. Marsh and Samuel Specter individually, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches, electric coffee sets, fry-pan, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards or any other lottery devices, either with merchandise or separately, which are designed or intended to be used in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

By "Final Order," report of compliance was required as follows:

It is ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: October 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-9713; Filed, Nov. 22, 1957; 8:49 a. m.]

[Docket 6630]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

VIRGINIA EXCELSIOR MILLS, INC., ET AL.

Subpart—*Combining or conspiring:* § 13.410 *To eliminate or restrain competition in conspirators' goods;* § 13.430 *To enhance, maintain or unify prices;* § 13.452 *To limit production.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Virginia Excelsior Mills, Inc. (Doswell, Va.), et al., Docket 6630, October 25, 1957]

In the Matter of Virginia Excelsior Mills, Inc., a Corporation; W. H. Baker, T. Frank Flippo, H. L. Taylor, and F. C. Flippo, Individuals and Officers of Respondent Virginia Excelsior Mills, Inc.; T. Frank Flippo, F. Carter Flippo, and Arthur P. Flippo, Individuals and Copartners Trading as T. Frank Flippo & Sons; H. L. Taylor, H. Ashton Taylor, G. K. Coleman, Sr., and G. K. Coleman, Jr., Individuals and Copartners Trading as Ruther Glen Excelsior Company; Thomas H. Blanton, an Individual Trading as Thomas H. Blanton Excelsior Mill; T. Nelson Haley and Jesse C. Haley, Individuals and Copartners Trading as Haley Excelsior Company; W. H. Baker, an Individual Trading as Hallsboro Manufacturing Company; S. D. Quarles and J. R. Gilman, Individuals and Copartners Trading as Penola Excelsior Company; C. J. Haley, an Individual Trading as Ashland Excelsior Company; Noah Markey, an Individual Trading as Markey Excelsior Company; S. D. Quarles Lumber Company, Inc., a Corporation; C. T. Smith, an Individual Trading as C. T. Smith; Catherine C. Wright and Dorothy E. Campbell, Trustees of the Estates of D. E. Campbell and T. E. Campbell, and Ray S. Campbell, Addie C. Doswell, Elliot Campbell, E. May Campbell, and Bessie S. Campbell, Are Individuals and Copartners Trading and Doing Business as Old Dominion Excelsior Company, Respondents

This proceeding was heard by a hearing examiner on the complaint of the Commission charging some 15 manufacturers of excelsior in the State of Virginia with collusively organizing a common selling agent, also respondent in this proceeding, all of whose stock they owned, as a medium through which they jointly fixed and maintained the selling price of excelsior and the production quota for each manufacturer; prohibited their manufacturers from selling to anyone except said selling agent and from quoting prices to any prospective customers; established a method of uniform classification of excelsior and maintained the price for each class; fixed penalties to be imposed on any manufacturer who violated any of the aforesaid provisions of their contract; and prohibited any manufacturer from selling its plant unless in connection therewith it sold its stock in said common selling agent.

Following hearings in due course, the hearing examiner made his initial decision including findings, conclusions, and order to cease and desist, from which counsel for respondents filed appeal. After hearing the matter on briefs and oral argument, the Commission on October 25 rendered its decision denying the appeal and adopting the initial decision as its own decision.

The order to cease and desist is as follows:

It is ordered, That Respondents Virginia Excelsior Mills, Inc., a corporation, W. H. Baker, T. Frank Flippo, H. L. Taylor and F. C. Flippo, individuals and officers of Respondent Virginia Excelsior Mills, Inc., T. Frank Flippo, F. Carter Flippo, and Arthur P. Flippo, individuals and copartners trading as T. Frank Flippo & Sons, H. L. Taylor, H. Ashton Taylor, G. K. Coleman, Sr., and G. K. Coleman, Jr., individuals and copartners trading as Ruther Glen Excelsior Company, T. Nelson Haley and Jesse C. Haley, individuals and copartners trading as Haley Excelsior Company, W. H. Baker, an individual trading as Hallsboro Manufacturing Company, S. D. Quarles and J. R. Gilman, individuals and copartners trading as Penola Excelsior Company, C. J. Haley, an individual trading as Ashland Excelsior Company, H. L. Taylor and Thomas H. Chewning, individuals and copartners trading as Caroline Excelsior Company, and as Chilesburg Excelsior Company, Benjamin Jeter, an individual trading as Benjamin Jeter, S. D. Quarles Lumber Company, Inc., a corporation, C. T. Smith, an individual trading as C. T. Smith, Ray S. Campbell, Addie C. Doswell, Elliot Campbell, E. May Campbell, and Bessie S. Campbell, individuals and copartners trading and doing business as Melford Excelsior Company, and said respective Respondents' officers, agents, representatives and employees, in or in connection with the production, offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of excelsior, do forthwith cease and desist from enterin~ into, continuing, cooperating in, or carrying out any combination, agreement, understanding, or planned common course of action between any two or more of said Respondents, or between or among any one or more of said Respondents and others not parties hereto, to do or perform any of the following acts or practices:

1. Operating or maintaining the Respondent Virginia Excelsior Mills, Inc., or any other corporation or organization as a common selling agent;

2. Fixing the selling price of excelsior or maintaining any prices so fixed;

3. Fixing or in anywise regulating production quotas;

4. Restricting manufacturers in selling and offering excelsior for sale by

a. Designating the party to whom they or either of them can sell;

b. Designating the party to whom they or either of them can offer to sell;

c. Designating the party to whom they or either of them can quote prices;

d. Designating the party to whom they or either of them can quote; or

e. Imposing any other restriction, or enforcing any such restriction by the imposition of penalties, or otherwise;

5. Classifying excelsior for pricing purposes;

6. Designating conditions under which mill owners who own stock in Respondent Virginia Excelsior Mills, Inc., may sell their mills or machines.

It is further ordered, That the complaint herein, insofar as it relates to Respondents Thomas L. Blanton, Noah Markey, Catherine C. Wright and Dorothy E. Campbell, be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such action in the future as the facts may then warrant.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondents, Virginia Excelsior Mills, Inc., a corporation, W. H. Baker, T. Frank Flippo, H. L. Taylor and F. C. Flippo, individuals and officers of said corporation, F. Carter Flippo, Arthur P. Flippo, H. Ashton Taylor, G. K. Coleman, Sr., G. K. Coleman, Jr., T. Nelson Haley, Jesse C. Haley, S. D. Quarles, J. R. Gilman, C. J. Haley, Thomas H. Chewning, Benjamin Jeter, S. D. Quarles Lumber Company, Inc., a corporation, C. T. Smith, Ray S. Campbell, Addie C. Doswell, Elliot Campbell, E. May Campbell, Bessie S. Campbell, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 25, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-9714; Filed, Nov. 22, 1957; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 202—PROCEDURE BEFORE THE GENERAL COUNSEL

In Part 202 *Procedure Before The Solicitor*, make the following changes:

1. Amend the Part caption to read as set forth above.

2. Amend Subpart A, *Procedure Governing the Admission of Attorneys to Practice Before the Post Office Department*, to read as follows:

SUBPART A—PROCEDURE GOVERNING THE ADMISSION OF ATTORNEYS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

Sec.
202.1 Requisites to admission.
202.2 Persons ineligible for admission to practice.
202.3 Authorization of appearance required.
202.4 Complaint of misconduct.
202.5 Suspension and disbarment from practice; grounds.
202.6 Notice of disbarment; exclusion from practice.

AUTHORITY: §§ 202.1 to 202.6 issued under R. S. 161, 396, as amended; 5 U. S. C. 22, 369.

SUBPART A—PROCEDURE GOVERNING THE ADMISSION OF ATTORNEYS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

§ 202.1 *Requisites to admission.* (a) Any individual who is a party to any proceedings before an examiner may appear for himself or by an attorney-at-law.

(b) Except as provided in § 202.2, any attorney-at-law who is a member in good standing of the Bar of the Supreme Court of the United States or of the highest court of any State, Territory or of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice

of law may represent others before the Post Office Department.

(c) When an attorney acting in a representative capacity appears in person or signs a paper in practice before the Post Office Department his personal appearance or signature shall constitute a representation to the Post Office Department that under the provisions of this part and the law he is authorized and qualified to represent the particular party in whose behalf he acts.

§ 202.2 *Persons ineligible for admission to practice.* (a) No attorney disbarred from practice in this Department or in any other executive department will be eligible for admission to practice before the Post Office Department until said order of disbarment shall have been revoked.

(b) Any attorney who, subsequently to being admitted to practice before the Post Office Department, is disbarred by any other executive department shall be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(c) No person who has been an attorney, officer, clerk, or employee in this Department will be recognized as attorney for prosecuting before this Department or any office thereof any case or matter with which he was in anywise connected while he was such attorney, officer, clerk, or employee.

(d) No person coming within the prohibitions of 5 U. S. C. 99, 18 U. S. C. 281, or 18 U. S. C. 283, will be recognized as attorney before this Department or any office thereof.

§ 202.3 *Authorization of appearance required.* The head of any bureau or office may require an attorney to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 202.4 *Complaint of misconduct.* If the head of any bureau or office of the Department has reason to believe, or if complaint be made to him, that any attorney is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the General Counsel, who shall proceed in accordance with the rules issued by him, which are set forth in §§ 202.20 to 202.41.

§ 202.5 *Suspension and disbarment from practice; grounds.* Any attorney who is guilty of conduct falling in one or more of the following categories may be suspended or disbarred:

(a) Who charges or receives, either directly or indirectly, in cases before the Post Office Department arising under the Federal Tort Claims Act (62 Stat. 869, 28 U. S. C. 2678), any fee or compensation in excess of that provided for by section 2678 of said act, or in cases before the Department not arising under said act, any fee or compensation deemed to be grossly excessive in relation to the services performed.

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Post Office Department or postal service, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Post Office Department or postal service concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice by means of runners or other unethical methods;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other Governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension, or disbarment being known to him;

(j) Who wilfully made false statements in his application for admission to practice or in his participation in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(n) Who no longer possesses the qualifications required for admission to practice.

§ 202.6 *Notice of disbarment; exclusion from practice.* Upon the disbarment of an attorney, notice thereof will be given to the heads of the offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be recognized as attorneys before the Post Office Department or any office thereof.

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 57-9736; Filed, Nov. 22, 1957; 8:57 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1553]

[71745]

WYOMING

POWER SITE RESTORATION NO. 528; PARTIALLY REVOKING EXECUTIVE ORDER OF JULY 13, 1911, WHICH CREATED POWER SITE RESERVE NO. 190

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of July 13, 1911, which created Power Site Reserve No. 190, is hereby revoked so far as it affects the following-described land:

SIXTH PRINCIPAL MERIDIAN

T. 34 N., R. 109 W.,
Sec. 26, N½NE¼NE¼NE¼.

The tract described contains 5 acres.

The land lies ⅜ of a mile south of the southern tip of Fremont Lake in Sublette County and two and one-half miles north of the town of Pinedale. The surface of the land is rolling to broken and is covered with large boulders. The soil is gravelly and coarse and it supports a moderately heavy stand of big sagebrush with an understory of perennial grasses.

This order shall not become effective to change the status of the described land until 10:00 a. m. on December 25, 1957. At that time the said land shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for the land may be obtained from the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 19, 1957.

[F. R. Doc. 57-9705; Filed, Nov. 22, 1957; 8:45 a. m.]

[Public Land Order 1554]

[Utah 06124]

UTAH

PARTIALLY REVOKING PUBLIC LAND ORDER 1187

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 1187 of July 11, 1955, reserving certain lands in the State of Utah under jurisdiction of the Secretary of the Interior, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 6 N., R. 5 W.,
Sec. 6, lots 3 and 4.

The areas described contain 80.14 acres.

Beginning on December 25, 1957, the lands will become subject to application, location, offer, or selection under the public-land laws, including the mining and mineral-leasing laws.

This revocation is made in furtherance of a proposed exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U. S. C. 315g) as amended, by which the offered lands will benefit a Federal land program. This opening is therefore not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting certain preference rights to veterans of World War II, the Korean Conflict, and others.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 19, 1957.

[F. R. Doc. 57-9706; Filed, Nov. 22, 1957; 8:45 a. m.]

[Public Land Order 1555]

[Oregon 05521]

OREGON

WITHDRAWING PUBLIC LANDS IN OREGON FOR USE OF BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, but not the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) and reserved for use of the Bureau of Land Management, Department of the Interior, as an administrative site:

WILLAMETTE MERIDIAN

T. 33 S., R. 32¾ E.,
Sec. 1, lots 1, 2, and SW¼NE¼.

The areas described aggregate 116.12 acres.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 19, 1957.

[F. R. Doc. 57-9707; Filed, Nov. 22, 1957; 8:45 a. m.]

[Public Land Order 1556]

[Arizona 04756]

ARIZONA

RESERVING PUBLIC LANDS WITHIN PRESCOTT NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, AND ROADSIDE ZONES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Prescott National Forest in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, and roadside zones as indicated:

GILA AND SALT RIVER MERIDIAN

CROWN KING ADMINISTRATIVE SITE

T. 10 N., R. 1 W., unsurveyed,
Starting at Corner No. 1 of Estella patented mining claim covered by Mineral Survey No. 3187 and expected to be located in sec. 14, T. 10 N., R. 1 W., thence due East for a distance of 10 chains, thence due South for a distance of 20 chains, thence due West for a distance of 20 chains, thence due North for a distance of 20 chains, thence due East for a distance of 10 chains to point of beginning.
The area described contains 40 acres.

DRAKE ADMINISTRATIVE SITE

T. 19 N., R. 1 W.,
Sec. 32, NE¼ and E½SE¼.
The areas described aggregate 240 acres.

GOVERNMENT SPRING RECREATION AREA

T. 12 N., R. 3 E.,
Sec. 3, lot 3.
T. 13 N., R. 3 E.,
Sec. 33, lots 11 and 14.
The areas described aggregate 116.53 acres.

GRANITE CREEK RECREATION AREA

T. 13 N., R. 2 W.,
Sec. 16, W½E½NW¼, SE¼NW¼NW¼, E½SW¼NW¼, E½NW¼SW¼, SW¼NW¼SW¼, N½NE¼SW¼, SE¼NE¼SW¼, and NW¼SW¼SW¼.
The areas described aggregate 140 acres.

GROOM CREEK ADMINISTRATIVE SITE

T. 13 N., R. 2 W.,
Sec. 26, lot 28.
The area described contains 7.88 acres.

HICKEY MOUNTAIN SUMMER HOME AREA, POTATO PATCH PICNIC AREA, AND LOWER MINGUS MOUNTAIN WINTER SPORTS AREA

T. 15 N., R. 2 E., unsurveyed,
Sec. 4, SW¼NW¼ and NW¼SW¼;
Sec. 5, S½NE¼ and N½SE¼.
The areas described aggregate 240 acres.

HYDE MOUNTAIN LOOKOUT

T. 17 N., R. 6 W.,
Sec. 20, SW¼SE¼;
Sec. 29, NW¼NE¼.
The areas described aggregate 80 acres.

INDIAN CREEK RECREATION AREA

T. 13 N., R. 2 W.,
Sec. 19, lots 12, 13, 19, and 20;
Sec. 20, lots 5, 12, and 13;
Sec. 29, lots 6 and 7;
Sec. 30, lot 5.
The areas described aggregate 441.37 acres.

JOHNSON WASH RANGER STATION

T. 14 N., R. 3 E.,
Sec. 33, lots 1, 2, 3, S½NW¼SE¼, S½NE¼SW¼, and SE¼NW¼SW¼.
The areas described aggregate 132.05 acres.

MINGUS MOUNTAIN LOOKOUT, MINGUS MOUNTAIN RECREATION AREA, MINGUS MOUNTAIN SUMMER HOME AREA, AND PLAYGROUNDS PICNIC AREA

T. 15 N., R. 2 E., unsurveyed,
Starting at Corner No. 6 of Homestead Entry Survey No. 92, expected to be located in secs. 3, 4, 9 and 10, thence due East for a distance of 50 chains, thence due South for a distance of 60 chains, thence due West for a distance of 130 chains, thence due North for a distance of 60 chains, thence due East for a distance of 80 chains to point of beginning.
The areas described contain 662.84 acres.

POWELL SPRINGS RECREATION AREA

T. 14 N., R. 3 E.,
Sec. 19, E½NE¼SW¼, NW¼SE¼, SW¼NE¼SE¼, N½SW¼SE¼, and NW¼SE¼SE¼.
The areas described aggregate 100 acres.

SPRUCE MOUNTAIN LOOKOUT

T. 13 N., R. 1 W.,
Sec. 31, NW¼SE¼.
The area described contains 40 acres.

THUMB BUTTE RECREATION AREA

T. 14 N., R. 3 W.,
Sec. 36, lots 1, 2, SE¼NW¼NE¼, and NE¼SW¼NE¼.
The areas described aggregate 105.28 acres.

TONTO SPRINGS ADMINISTRATIVE SITE

T. 15 N., R. 4 W.,
Sec. 34, W½W½W½.
The area described contains 80 acres.

TOWERS MOUNTAIN LOOKOUT

T. 10 N., R. 1 W., unsurveyed,
Starting at the mineral survey corner designated as Corner No. 2 of the Bear patented mining claim and Corner No. 3 of the Kitty patented mining claim as shown on Mineral Survey No. 3010, thence due South along the West side of the Kitty patented claim a distance of 750 feet to the point of beginning, thence due South a distance of 20 chains, thence due West a distance of 20 chains, thence due North a distance of 20 chains, thence due East a distance of 20 chains to the point of beginning.
The area described contains 40 acres.

WILLOW ADMINISTRATIVE SITE ADDITION

T. 14 N., R. 3 W.,
Sec. 13, lot 1.
The area described contains 41.47 acres.

WOLF CREEK RECREATION AREA

T. 12½ N., R. 2 W., unsurveyed,
Sec. 3, NW¼NW¼NE¼.
T. 13 N., R. 2 W.,
Sec. 34, lots 15, 16, and 17.
The areas described aggregate 130.73 acres.

YAEGER CANYON ADMINISTRATIVE SITE

T. 15 N., R. 2 E., unsurveyed,
Sec. 17, S½NW¼, S½NW¼NW¼, SW¼NE¼NW¼, S½SW¼NE¼, NW¼SW¼NE¼, SW¼SE¼NE¼, SE¼, and N½N½SW¼;
Sec. 18, SE¼NW¼, S½SW¼NW¼, NE¼SW¼NW¼, S½NE¼, S½N½NE¼, N½N½SE¼, NE¼SW¼, N½NW¼SW¼, SE¼NW¼SW¼;

Sec. 20, N½N½NE¼.
The areas described aggregate 690 acres.

WHITE SPAR (U. S. NO. 89) HIGHWAY, ROADSIDE ZONE

A strip of land 300 feet on each side of the center line of U. S. Highway No. 89 through the following legal subdivisions:

T. 12½ N., R. 3 W.,
Sec. 23, lots 1, 2, SW¼SE¼, and SE¼SW¼;
Sec. 24, lots 2, 3, and 4;
Sec. 26, NW¼ and SW¼;
Sec. 33, NW¼, SW¼, and SE¼;
Sec. 34, SW¼, SE¼, and NE¼;
Sec. 35, NW¼.
T. 13 N., R. 2 W.,
Sec. 16, NW¼ and SW¼;
Sec. 17, lot 16;
Sec. 19, lots 12, 13, and 20;
Sec. 20, lots 1, 2, 3, 4, 5, and 6;
Sec. 30, lots 5, 10, 11, 12, 15, 16, and 17;
Sec. 31, lot 8.
T. 13 N., R. 3 W.,
Sec. 25, lots 3 and 4;
Sec. 35, SE¼;
Sec. 36, NE¼, SE¼, and SW¼.

PRESCOTT-ASHFORK (U. S. NO. 89) HIGHWAY ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of U. S. Highway No. 89 through the following legal subdivisions:

T. 18 N., R. 1 W.,
Sec. 6, NE¼, NW¼, and SW¼.
T. 18 N., R. 2 W., unsurveyed,
Sec. 1, SE¼;
Sec. 12, NE¼, SE¼, and SW¼;
Sec. 13, NW¼ and SW¼;
Sec. 14, SE¼;
Sec. 23, NE¼, NW¼, and SW¼.
T. 19 N., R. 1 W.,
Sec. 6, NE¼ and SE¼;
Sec. 7, NE¼ and SE¼;
Sec. 17, NW¼ and SW¼;
Sec. 18, NE¼ and SE¼;
Sec. 20, NW¼ and SW¼;
Sec. 29, NW¼ and SW¼;
Sec. 31, NE¼ and SE¼;
Sec. 32, NW¼.
T. 20 N., R. 1 W.,
Sec. 31, NE¼, NW¼, and SE¼.

NEW BLACK CANYON HIGHWAY—CORDES JUNCTION TO FLAGSTAFF, ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of the Cordes Junction to Flagstaff section of the New Black Canyon Highway, through the following legal subdivisions:

T. 12 N., R. 3 E.,
Sec. 3, NE¼, NW¼, and SE¼;
Sec. 10, NE¼, SE¼, and SW¼;
Sec. 15, NW¼;
Sec. 16, NE¼ and NW¼;
Sec. 17, NE¼, SE¼, and SW¼;
Sec. 20, NE¼, NW¼, and SW¼.
T. 13 N., R. 3 E.,
Sec. 1, SE¼ and SW¼;
Sec. 2, SE¼;
Sec. 11, NE¼ and SE¼;
Sec. 14, NE¼, NW¼, and SW¼;
Sec. 15, SE¼;
Sec. 22, NE¼, SE¼, and SW¼;
Sec. 27, NW¼;
Sec. 28, NE¼ and SE¼;
Sec. 33, NE¼, SE¼, and SW¼.
T. 13 N., R. 4 E.,
Sec. 3, NE¼SE¼;
Sec. 7, lots 2 and 3;
Sec. 8, NW¼, SW¼, and SE¼;
Sec. 9, NE¼, NW¼, and SW¼;
Sec. 10, NE¼ and NW¼.
T. 14 N., R. 4 E.,
Sec. 25, NW¼, and SW¼;
Sec. 26, SE¼;
Sec. 34, SE¼;
Sec. 35, NE¼, NW¼, and SW¼.

MINGUS MOUNTAIN HIGHWAY (U. S. NO. 89A) ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of the Mingus Mountain Highway, U. S. Highway 89A, through the following legal subdivisions:

T. 15 N., R. 2 E., unsurveyed,
Sec. 5, NE¼, SE¼, and SW¼;
Sec. 7, NE¼ and SE¼;
Sec. 8, NE¼ and NW¼;
Sec. 18.
T. 16 N., R. 2 E.,
Sec. 13, SE¼ (unsurveyed);
Sec. 22, SE¼ (unsurveyed);
Sec. 23, NE¼, SE¼, and SW¼;
Sec. 24, NE¼ and NW¼;
Sec. 27, NE¼ and NW¼ (unsurveyed);
Sec. 28 (unsurveyed);
Sec. 32, NE¼ and SE¼ (unsurveyed);
Sec. 33, NW¼ and SW¼ (unsurveyed).

SENATOR HIGHWAY (FOREST ROAD NO. 52), ROADSIDE ZONE

A strip of land 300 feet on each side of the center line of the Senator Highway, Forest Highway No. 52, through the following legal subdivisions:

T. 13 N., R. 2 W.,
Sec. 14, lots 4, 12, 13, and 14;
Sec. 15, lots 1, 8, and 9;
Sec. 23, lots 3, 4, 6, 7, 10, and 14;
Sec. 26, lots 20, 26, 29, 33, and 34;
Sec. 35, lots 5, 6, 7, 8, 14, 15, and 16.
T. 12½ N., R. 2 W., unsurveyed,
Sec. 23, E½W½ and W½E½;
Sec. 26, NE¼ and SE¼.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

NOVEMBER 19, 1957.

[F. R. Doc. 57-9708; Filed, Nov. 22, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

IRISH POTATOES GROWN IN MAINE

NOTICE OF PROPOSED REVISION OF FISCAL PERIOD, AND PROPOSED EXPENSES AND RATE OF ASSESSMENT FOR THE 1957-58 FISCAL PERIOD

Notice is hereby given that the Secretary of Agriculture is considering the approval of the beginning and ending dates of the fiscal period and of the expenses and rate of assessment for the 1957-58 fiscal period, hereinafter set forth, which were recommended by the Maine Potato Administrative Committee established pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

Revise the provisions in § 970.201 *Fiscal period* and § 970.205 *Expenses and rate of assessment*, to read as follows:

§ 970.201 *Fiscal period.* The initial fiscal period shall begin on the effective date of this part, August 30, 1954, and end July 31, 1955, both dates inclusive. Thereafter, and until August 1, 1957, each fiscal period shall begin on August 1 of each year and end July 31 of the following year, both dates inclusive. The fiscal period beginning August 1, 1957, shall end August 31, 1958. Thereafter, each fiscal period shall begin September 1 of each year and end on August 31 of the following year, both dates inclusive.

§ 970.205 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Maine Potato Administrative Committee, established pursuant to Marketing Agreement No. 122 and Order No. 70, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period beginning August 1, 1957, and ending August 31, 1958, will amount to $64,850.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 122 and Order No. 70 with respect to potatoes handled by him as the first handler thereof during said fiscal period shall be: $1.25 per railroad car; $1.25 per truckload of 36,000 pounds or more; 80 cents per truckload of not less than 25,000 pounds, up to, but not including, 36,000 pounds; and 50 cents per truckload of less than 25,000 pounds.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70.

Dated: November 20, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9734; Filed, Nov. 22, 1957; 8:56 a. m.]

[7 CFR Part 980]

[Docket No. AO-301]

MILK IN WESTERN COLORADO MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and

procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Civic Auditorium, Room 250, City Hall, Grand Junction, Colorado, beginning at 10:00 a. m., local time, on December 10, 1957, with respect to a proposed marketing agreement and order to regulate the handling of milk in the Western Colorado marketing area.

This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions, which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the act.

The proposals set forth below have not received the approval of the Secretary of Agriculture.

Marketing agreement and order regulating the handling of milk in the Western Colorado Marketing Area proposal by: Western Colorado Milk Producers Association.

DEFINITIONS

§ 980.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 980.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 980.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified herein.

§ 980.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 980.5 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines after application by the association;

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making sales or marketing milk or its products for its members.

§ 980.6 *Western Colorado Marketing Area.* "Western Colorado Marketing Area" hereinafter called the "marketing area" means all territory within the counties of Delta, Dolores, Garfield, Mesa, Gunnison, Hinsdale, La Plata, Montezuma, Montrose, Ouray, San Juan, and San Miguel, all in the State of Colorado.

§ 980.7 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with fluid milk product requirements of a duly constituted health authority having jurisdiction with the marketing area, and whose milk is received at a pool plant.

§ 980.8 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a pasteurizing plant and who receives no milk from other dairy farmers and distributes less than 1,000 pounds per day of fluid milk products on routes in the marketing area.

§ 980.9 *Handler.* "Handler" means any person in his capacity as the operator of a pasteurizing plant or a supply plant.

§ 980.10 *Pasteurizing plant.* "Pasteurizing plant" means a plant which pasteurizes and packages fluid milk products and which is:

(a) Located in the marketing area and disposes of such products on routes in the marketing area; or

(b) Located outside the marketing area and disposes of not less than 1,000 pounds per day of such products on routes in the marketing area.

§ 980.11 *Supply plant.* "Supply plant" means a plant, other than a pasteurizing plant, from which fluid milk products are supplied to a pasteurizing plant.

§ 980.12 *Pool plant.* "Pool plant" means:

(a) A pasteurizing plant; or

(b) A supply plant, not less than 50 percent of whose milk is shipped to pasteurizing plants during the month.

§ 980.13 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 980.14 *Producer milk.* "Producer milk" means skim milk or butterfat contained in milk received from producers.

§ 980.15 *Other source milk.* "Other source milk" means all skim milk and butterfat in milk other than producer milk.

§ 980.16 *Fluid milk product.* "Fluid milk product" means milk (including frozen or concentrated milk), chocolate milk, chocolate drink, fluid cream (sweet or sour), yoghurt, egg nog, skim milk and fortified skim milk.

§ 980.17 *Route.* "Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

§ 980.18 *Base milk.* "Base milk" means producer milk received by a handler from a producer which is not in excess of such producer's daily base determined pursuant to § 980.100 multiplied by the number of days in the month.

§ 980.19 *Excess milk.* "Excess milk" means producer milk received by a handler from a producer which is in excess of base milk.

§ 980.20 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago, as reported by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 980.21 *Chicago powder price.* "Chicago powder price" means the carlot price per pound of nonfat dry milk, spray process, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

MARKET ADMINISTRATOR

§ 980.30 *Designation.* The agency for the administration of this order shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 980.31 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 980.32 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 980.96:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses except those incurred under § 980.95 necessarily in-

curred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to § 980.40 through § 980.43, or payments pursuant to § 980.90 through § 980.96;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 10th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 6th day of each month, the Class I price and the butterfat differential for the month; computed pursuant to §§ 80.61 and 80.62, respectively;

(2) The 6th day of each month, the Class II price and the Class III price and the butterfat differential for the preceding month, computed pursuant to §§ 80.61 and 80.62, respectively;

(3) The 10th day of each month, the uniform price for producer milk computed pursuant to § 80.81, the base price and the excess price computed pursuant to § 80.82, and the butterfat differential computed pursuant to § 80.83, all for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 980.40 *Reports of sources and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

(c) On or before the 7th day after the end of each month, each handler shall report to the market administrator in the detail and on the forms prescribed by the market administrator for each of his nonpool plants from which fluid milk products are disposed of during the month on routes in the marketing area the quantities of skim milk and butterfat contained in:

(1) Milk received from farmers who produce Grade A milk;

(2) Fluid milk products received from pool plants;

(3) Milk or milk products received from any other source;

(4) Inventories of fluid milk products on hand at the beginning of the month;

(5) The utilization of all skim milk and butterfat required to be reported;

(6) The amount of gross payment made to farmers who produce Grade A milk; and

(7) Such other information as the market administrator may prescribe.

§ 980.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator;

(1) On or before the 7th day of each month, the aggregate quantity of base and excess milk received at his pool plants for the preceding month;

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for that month, which shall show for each producer;

(i) His name and address;

(ii) The total pounds of milk received from such producer, including the pounds of base milk;

(iii) The days for which milk was received from such producer;

(iv) The average butterfat content of such milk; and

(v) The net amount of the handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plants his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times, as the market administrator shall prescribe.

§ 980.42 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 980.43 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 980.50 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plant pursuant to § 980.40 shall be classified by the market administrator, pursuant to the provisions of § 980.51 through § 980.55.

§ 980.51 *Classes of utilization.* Subject to the conditions set forth in § 980.52 through § 980.55, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (c) (3) of this section; and

(2) Not specifically accounted for as Class II milk or Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat used to produce ice cream, imitation ice cream, frozen desserts, ice cream mix, imitation ice cream mix, cottage cheese, frozen dessert mix, and evaporated milk, in hermetically sealed cans;

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of as skim milk for livestock feed; and

(4) Dumped as skim milk if with the prior approval of the market administrator.

§ 980.52 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who received such skim milk and butterfat established to the satisfaction of the market administrator that it should be classified as Class II milk or Class III milk.

§ 980.53 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 980.40: *Provided*, That the skim milk or butterfat so assigned to Class II milk or Class III milk shall be limited to the respective amounts thereof remaining at the pool plants of the receiving handler after the subtraction of other source milk pursuant to § 980.55;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk;

(c) Skim milk and butterfat transferred in bulk form as milk, skim milk, or cream to a nonpool plant shall be classified as Class I milk unless:

(1) The transferee-plant is located less than 150 miles from the Delta County Court House by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring handler claims classification in Class II milk or Class III milk in his report;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant, in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk.

§ 980.54 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 980.40 and compute the total pounds of skim milk and butterfat respectively, in Class I milk, Class II milk and Class III milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 980.55 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations with respect to the pool plants of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler:

(1) Subtract from the pounds of skim milk in series beginning with Class III milk the pounds of skim milk in other source milk;

(2) Subtract from the pounds of skim milk remaining in the lowest available class the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(3) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 980.53; and

(4) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class III milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 980.60 *Basic formula price.* The basic formula price for each month to be used in determining the class prices, set forth in § 980.61 shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent:

(a) Determine the average of the basic, or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department:

Located at:
Coopersville, Mich.
Mt. Pleasant, Mich.
Sparta, Mich.
Wayland, Mich.
Belleville, Wis.
Manitowoc, Wis.
New Glarus, Wis.
New London, Wis.
Ocqnomowoc, Wis.
Orfordville, Wis.
Richland Center, Wis.
West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the Chicago butter price;

(2) Multiply by 8.2 the Chicago powder price;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

§ 980.61 *Class prices.* Subject to the provisions of § 980.62 and § 980.63, each handler shall pay producers at the time and in the manner set forth in § 980.90 not less than the following prices per hundredweight of milk of 3.5 percent butterfat content:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.20;

(b) *Class II milk.* The price for Class II milk shall be the basic formula price for the current month plus 60 cents;

(c) *Class III milk.* The price for Class III milk shall be the price computed pursuant to § 980.60 (b) for the current month.

§ 980.62 *Butterfat differentials to handlers.* For each class of milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 980.61 shall be increased or decreased respectively, for each one-tenth percent of butterfat by an amount computed by multiplying the Chicago butter price for the preceding month by 1.20 and dividing the result by 10.

§ 980.63 *Location differentials to handlers.* For milk received from producers at a pool plant located outside the marketing area, and which is assigned to Class I milk, the price specified in § 980.61 (a) shall be reduced at the rate set forth in the following schedule, calculated from the Delta County Court House by the shortest hard-surfaced highway distance as determined by the market administrator:

Shortest highway distance from Delta County Court House (miles):	*Location adjustment (dollars per cwt.)*
0–25	.0
Over 25–50	.085
Over 50–75	.1275
Over 75–100	.17

And $0.17 for each additional 10 miles.

§ 980.64 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 980.70 *Producer-handler.* Sections 980.50 through 980.55, 980.60 through

980.64, 980.80 through 980.85, 980.90 through 980.96, and 980.100 through 980.102 shall not apply to producer-handler.

§ 980.71 *Plants subject to other federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, any plant specified in paragraph (a) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as he may require and allow verification of such reports by the market administrator:

(a) Any plant which:

(1) Would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act; and

(2) Does not dispose of a greater volume of Class I milk on routes in Western Colorado, marketing area than in the marketing area regulated pursuant to such other order.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 980.80 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 980.55 by the applicable class price (adjusted pursuant to § 980.63) and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 980.55 (a) (4) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the Class III price and the Class I price by the hundredweight of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 980.55 (a) (3) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 980.55 (a) (2) and (b) for the current month, whichever is less;

(d) Except for milk received from a nonpool plant subject to the pricing provisions of another federal order, add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 980.55 (a) (1) by the rate determined by subtracting the Class III price from the Class I price adjusted by the location differential, pursuant to § 980.63: *Provided,* That this provision shall not apply for months for which in excess of 95 percent of producer milk is classified as Class I milk.

§ 980.81 *Computation of the uniform price.* The market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 980.80 for the producer milk of all handlers who submitted reports prescribed in § 980.40, and who are not in default of payments pursuant to § 980.90 and § 980.92;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 980.83 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 980.84;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents to restore the balance in the producer-settlement fund. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content.

§ 980.82 *Computation of the uniform prices for base milk and excess milk.* The market administrator shall compute the uniform price per hundredweight for base milk and for excess milk each of 3.5 percent butterfat content, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submitted reports pursuant to § 980.40 and who are not in default of payments pursuant to § 980.90 or § 980.92 by multiplying the hundredweight of such excess milk by the Class III price: *Provided,* That if the total amount of excess milk exceeds the amount of Class III milk allocated to producer milk, the remaining amount shall be multiplied by the next lowest Class price available for such utilization;

(b) The uniform price for excess milk shall be the weighted average price of the values computed pursuant to paragraph (a) of this section less the amount specified in § 980.81 (f).

(c) Subtract the total value of excess milk as determined pursuant to paragraph (a) of this section from the total value of producer milk computed pursuant to § 980.81 (a) and (b);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract the amount specified by § 980.81 (f) from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content.

§ 980.83 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent respectively, at a rate determined by multiplying the Chicago butter price by 1.2 and dividing the result by 10.

§ 980.84 *Location differential to producers.* The applicable uniform prices computed pursuant to § 980.81 and § 980.82 to be paid for producer milk received at a pool plant located outside the marketing area shall be reduced according to the location of the pool plant where such milk was received, at the rates set forth in § 980.63.

§ 980.85 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The amount and value of his base milk and excess milk, respectively, and the totals thereof;

(c) The uniform prices computed pursuant to § 980.81 and § 980.82 and the producer butterfat differential computed pursuant to § 980.83;

(d) The amounts to be paid by such handler pursuant to §§ 980.92, 980.95, and 980.96, and the amount due such handler pursuant to § 980.93.

PAYMENTS

§ 980.90 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 15th day of the following month, an amount equal to not less than the uniform prices pursuant to §§ 980.81 and 980.82 adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of base milk and excess milk received from each producer, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 980.95;

(ii) Plus or minus adjustments for errors made in previous payments to such producer; and

(iii) Less advance payments and proper deductions authorized in writing by such producer: *Provided,* That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 980.93 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(2) On or before the last day of each month, an amount equal to not less than the Class II price for the previous month

(b) In the case of a cooperative association, which the market administrator determines is authorized by its members to collect payment for their milk, and which has requested of any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 10th day of the month, the total pounds of milk received during the preceding month;

(2) The pounds of milk received each day, together with the butterfat content of such milk;

(3) The total pounds of base and excess milk;

(4) The amount or rate and nature of any authorized deductions to be made from payments; and

(5) The amount and nature of payments due pursuant to § 980.94.

§ 980.91 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 980.92 and out of which he shall make all payments pursuant to § 980.93: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 980.92 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month:

(a) Each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 980.80, is greater than the amount owed by him for such milk at the appropriate uniform prices determined pursuant to § 980.82, adjusted by the producer butterfat and location differentials; and

(b) Each handler who operates a nonpool plant except those designated pursuant to § 980.71, shall pay to the market administrator an amount, resulting from the computation of subparagraphs (1) or (2) of this paragraph whichever is less:

(1) Multiply the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant in the marketing area by the difference between the price for Class I milk and the price for Class III milk; or

(2) An amount determined as the value of milk to be paid producers if such handler operated a pool plant less the gross payments made by such handler to farmers delivering Grade A milk for the month.

§ 980.93 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 980.80 is less than the amount owed by him for such milk at the appropriate uniform prices adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 980.94 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler; (b) a handler from the market administrator; or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 980.95 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 980.90, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 980.96 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator 5 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in:

(a) Producer milk;

(b) Other source milk allocated to Class I milk pursuant to § 980.55 (a) (1) and (b); and

(c) All other source milk handled by nonpool plants as described in § 980.40 (c).

§ 980.97 *Termination of obligations.* The provisions of this section shall apply to any obligations under this order for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE AND EXCESS

§ 980.100 *Determination of daily base.* The daily base of each producer which shall be applicable during the months of the following calendar year, shall be determined by the market administrator for each year as follows:

(a) For each producer from whom milk was purchased by a handler during the months of July through December, the daily base shall be computed by dividing such producer's total deliveries of milk to handlers during such 6-month

period by the number of days for which milk was delivered by such producer.

(b) For each producer from whom milk was not received by a handler during each of the 6 months of the base forming period or who commences the delivery of milk to a handler after the beginning of the base forming period, the daily base shall be computed for the first 3 months or fractional part thereof by multiplying his average daily production for each month by .40 and thereafter until such producer has regularly established a base by .65.

(c) Any producer for whom a base has been established pursuant to paragraph (a) of this section, may relinquish such base for the following year by notifying the market administrator prior to February 8 of each year. The daily base of such producers shall then be determined in the same manner as for a new producer.

§ 980.101 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only if the market administrator has been notified in writing prior to the last day of the delivery period in which such base is to be transferred to the person named in such notice and only under the following circumstances:

(1) In the event of the death, retirement, or entry into the military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operation;

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

§ 980.102 *Announcement of established basis.* On or before January 25 of each year the market administrator shall notify each producer, and the handler receiving milk from such producer, of the producer's daily base for the current year.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 980.110 *Effective time.* The provisions of this order, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 980.111 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this order, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 980.112 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 980.113 *Liquidation.* Upon the suspension or termination of any or all provisions of this order, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 980.120 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this order.

§ 980.121 *Separability of provisions.* If any provisions of this order, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provision of this order, to other persons or circumstances shall not be affected thereby.

By Crescent Creamery, Grand Junction, Colorado.

1. Define the Western Colorado Marketing area to include the area in Delta, Montrose and Mesa counties only.

2. That § 980.100 (a) be changed to read:

(a) For each producer from whom milk was received by a handler during the 4 months of least production (expressed as a percentage of total Class I milk utilization for the market), the daily base shall be computed by dividing such producer's total deliveries of milk to handlers during such 4-month period by the numbers of days on which milk was received from such producer:

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 19th day of November 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57-9710; Filed, Nov. 22, 1957; 8:46 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket Nos. G-9749 etc.]

TOWN GAS CO. OF ILLINOIS ET AL.

ORDER ADOPTING INITIAL DECISION OF PRESIDING EXAMINER IN PART, ORDERING SEVERANCE IN DOCKET NOS. G-10740 AND G-11119, AND FIXING DATE FOR ORAL ARGUMENT IN OTHER DOCKETS

In the matters of Town Gas Company of Illinois, G-9749; Village of Edinburg, Illinois, G-10349; Village of Divernon, Illinois, G-10350; Village of Pawnee, Illinois, G-10351; Central Illinois Public Service Company, G-10740; Central Illinois Public Service Company, G-10785; Michigan Gas Utilities Company, G-10898; Village of Riverton, Illinois, G-11036; Village of Wayne City, Illinois, G-11037; and Ohio Gas Company, G-11119.

On October 10, 1957, the Presiding Examiner filed his decision in this proceeding, in which he determined that the application of Central Illinois Public Service Company (Central Illinois) in Docket No. G-10740 for an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities known as the Peoria Lateral with the proposed facilities of Central Illinois at a point approximately one-half mile northeast of New Holland, Logan County, Illinois, and to sell natural gas to Central Illinois for local distribution to the inhabitants of Mason City and the area adjacent thereto in Mason County, Illinois should be granted. The Presiding Examiner has also determined that the application of Ohio Gas Company (Ohio Gas) in Docket No. G-11119 should be granted. In this matter Ohio Gas seeks an order for an additional connection with Panhandle at a point approximately eight miles east of Swanton, Ohio.

In each of these matters the applicant does not seek additional gas. In the Central Illinois case, the applicant showed that its construction of a propane plant at Quincy, Illinois, although there are no interconnecting facilities between Quincy and Mason City, will make available an additional volume of gas by displacement. In the Ohio Gas case, the applicant will be able to serve Swanton under its present service agreement. In its brief (p. 26) filed herein on July 22, 1957, Panhandle stated that it does not oppose the application of Central Illinois for a new connection. Panhandle's counsel stated on the record (Tr. 72) at the hearing that Panhandle did not oppose the application of Ohio Gas (Tr. 72) if, in fact, the service could be rendered without an additional allocation of gas.

No exceptions have been filed to the decision of the Presiding Examiner with respect to these two dockets. However, Central Illinois and Ohio Gas have filed on November 4 and November 1, 1957, respectively, motions for severance of their 7 (a) applications and for immediate decisions thereon.

Central Illinois alleges in its motion for severance that the ordinance of the City of Mason City granting it the right to construct and operate a gas utility provides that it commence operations of a gas utility in said city within two years from the date of acceptance by Central Illinois of said ordinance, which acceptance was made on May 4, 1956. Central Illinois states that construction of said gas utility should be started at once to enable it to provide natural gas service to residents of Mason City and adjacent area during the 1957-1958 winter heating season, and to comply with said condition in said ordinance.

Ohio Gas states in its motion for severance that under the terms of its franchise it must provide natural gas service to the Village of Swanton on or before December 13, 1957, otherwise the franchise granted to it will by its terms expire. As further ground for its motion Ohio Gas alleges that the winter season is rapidly approaching and it is in the best interest of the inhabitants of the Village of Swanton to be supplied with natural gas during the coming winter to prevent an undue hardship. It states further that it is fully prepared to proceed with the construction of its necessary lines to provide natural gas service to the Village of Swanton, Ohio, immediately upon the order of this Commission.

The Presiding Examiner's decision, having been served on all parties of record herein, all of the other 7 (a) applicants and staff counsel filed exceptions thereto[1] and most of the parties have asked for oral argument. No exceptions have been taken by any party to the Presiding Examiner's decision in granting the applications of Central Illinois in Docket No. G-10740 and Ohio Gas in Docket No. G-11119. The staff, however, has suggested a slight change in the wording of ordering paragraphs (B) and (C). The staff has proposed that after the words "Mason County, Illinois" in ordering paragraph (B) the following language be substituted for the remaining words of that paragraph:

• • • upon the filing by Panhandle of a new service agreement providing for the delivery of specific volumes of natural gas to Central Illinois Public Service Company at the seven delivery points set forth in the application herein instead of the six points described in the existing service agreement.

The staff has also proposed that after the words "Swanton, Ohio" in the tenth line of ordering paragraph (C) the following language be substituted for the remaining words of that paragraph:

• • • upon the filing by Panhandle of a new service agreement providing for the delivery of specific volumes of natural gas at the additional delivery point described in the application. The total volume of gas to be delivered to Ohio Gas by Panhandle on any day shall not exceed the maximum volume Panhandle is presently obligated to deliver.

The Commission is of the opinion that this correction should be made.

The Commission having considered the evidence, the briefs filed, the decision of the Presiding Examiner, and the motions for severance in the Matters of Central Illinois Public Service Company, Docket No. G-10740, and Ohio Gas Company, Docket No. G-11119, finds that the public interest requires that the proceedings in Docket Nos. G-10740 and G-11119 be severed from these consolidated proceedings and that the decision of the Presiding Examiner relating to said dockets should be affirmed with the modification in the wording of ordering paragraphs (B) and (C) as above set forth.

The Commission finds also that the other dockets in these proceedings involve the question of the combined capacity of the Panhandle-Trunkline system to render the proposed service concerning which exceptions have been filed, and that it is appropriate that the requests for oral argument be granted.

The Commission orders:

(A) The proceedings In the Matters of Central Illinois Public Service Company, Docket No. G-10740, and Ohio Gas Company, Docket No. G-11119, be and the same are hereby severed from these consolidated proceedings.

(B) The decision of the Presiding Examiner issued herein on October 10, 1957 be and is hereby adopted with respect to Central Illinois Public Service Company, Docket No. G-10740, except that the language in ordering paragraph (B) of said decision shall be changed to read as follows:

The prayer of the applicant Central Illinois Public Service Company as contained in its application under section 7 of the Natural Gas Act in Docket No. G-10740 be and the same is hereby granted, and Panhandle Eastern Pipe Line Company is hereby directed to establish physical connection of its transportation facilities known as the Peoria Lateral with the proposed facilities of Central Illinois Public Service Company set forth and described in its application, and to sell and deliver natural gas to Central Illinois for local distribution and sale to the inhabitants of Mason City and the area adjacent thereto in Mason County, Illinois, upon the filing by Panhandle of a new service agreement providing for the delivery of specific volumes of natural gas to Central Illinois Public Service Company at the seven delivery points set forth in the application herein instead of the six points described in the existing service agreement.

(C) The decision of the Presiding Examiner issued herein on October 10, 1957, be and is hereby adopting, with respect to Ohio Gas Company, Docket No. G-11119, except that the language in ordering paragraph (C) be changed to read as follows:

The prayer of Ohio Gas Company as contained in its application under Section 7 of the Natural Gas Act in Docket No. G-11119 be and the same is hereby granted, and Panhandle Eastern Pipe Line Company is hereby directed to establish physical connection of its transportation facilities with the facilities of Ohio Gas Company at a point approximately eight miles east of Swanton, Ohio, and to sell and deliver natural gas to Ohio Gas for local distribution and sale to the inhabitants of the Village of Swanton, Ohio, upon the filing by Panhandle of a new service agreement providing for the delivery of specific volumes of natural gas at the additional delivery point described in the application. The total volume of gas to be delivered to Ohio Gas by Panhandle on any day shall not exceed the maximum volume Panhandle is presently obligated to deliver.

(D) The Presiding Examiner's decision as it relates to said Docket Nos. G-10740 and G-11119 as so modified shall become effective as the decision of the Commission as of the date of issuance of this order.

(E) Oral argument be had before the Commission on December 12, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in all of the above-entitled consolidated proceedings except those herein severed.

(F) Each party to the proceedings desiring to participate in the oral argument shall notify the Secretary of the Commission on or before December 2, 1957, of such intention and of the amount of time requested for presentation of their argument.

Issued: November 20, 1957.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9737; Filed, Nov. 22, 1957; 8:57 a. m.]

[1] Town Gas Company of Illinois, Docket No. G-9749, exceptions filed October 30, 1957.
Village of Edinburg, Illinois, Docket No. G-10349, exceptions filed November 7, 1957.
Village of Divernon, Illinois, Docket No. G-10350, exceptions filed November 7, 1957.
Village of Pawnee, Illinois, Docket No. G-10351, exceptions filed November 7, 1957.
Michigan Gas Utilities Company, Docket No. G-10898, exceptions filed October 28, 1957.
Village of Riverton, Illinois, Docket No. G-11036, exceptions filed October 31, 1957.
Village of Wayne City, Illinois, Docket No. G-11037, exceptions filed October 31, 1957.
Staff counsel, exceptions filed October 30, 1957.

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF CALCUTTA/U. S. A. CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 6500-9, between the member lines of the Calcutta/U. S. A. Conference, modifies the basic agreement of that conference (No. 6500, as amended) to provide (1) for the deletion of suspended clauses of the agreement restricting the number of sailings to be made by the member lines and the

amount of cargo to be loaded per vessel at Calcutta; and (2) for the admission of other carriers to conference membership upon agreement of the member lines.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 20, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9733; Filed, Nov. 22, 1957; 8:55 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are available, as of November 15, 1957, with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Junks.
Sampans.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 57-9722; Filed, Nov. 22, 1957; 8:53 a. m.]

Office of the Secretary

[1957 Dept. Circular 1000]

3⅞ PERCENT TREASURY BONDS OF 1974

OFFERING OF BONDS

NOVEMBER 20, 1957.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1974. The amount of the offering under this circular is $500,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these bonds to Government Investment Accounts. The books will be open only on November 20 for the receipt of subscriptions for this issue.

II. *Description of bonds.* 1. The bonds will be dated December 2, 1957, and will bear interest from that date at the rate of 3⅞ percent per annum, payable on a semiannual basis on May 15 and November 15, 1958, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1974, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment,[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) that the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding 25 percent of the combined capital, surplus and undivided profits, of the subscribing bank, as of June 30, 1957. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of bonds allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from April 16 to May 15 and from October 16 to November 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before December 2, 1957, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57-9723; Filed, Nov. 22, 1957; 8:53 a. m.]

[1957 Dept. Circular 999]

3¾ PERCENT TREASURY NOTES OF SERIES C-1962

OFFERING OF NOTES

NOVEMBER 20, 1957.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States, designated 3¾ percent Treasury Notes of Series C-1962. The amount of the offering under this circular is $1,000,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these notes to Government Investment Accounts. The books will be open only on November 20 for the receipt of subscriptions for this issue.

II. *Description of notes.* 1. The notes will be dated November 29, 1957, and will bear interest from that date at the rate of 3¾ percent per annum, payable on a semiannual basis on May 15 and November 15, 1958, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1962, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding 50 percent of the combined capital, surplus and undivided profits, of the subscribing bank, as of June 30, 1957. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before November 29, 1957, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57-9724; Filed, Nov. 22, 1957; 8:53 a. m.]

[1957 Dept. Circular 998]

3¾ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D-1958

NOVEMBER 20, 1957.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 3¾ percent Treasury Certificates of Indebtedness of Series D-1958, in exchange for 3⅜ percent Treasury Certificates of Indebtedness of Series E-1957, maturing December 1, 1957. The amount of the offering under this circular will be limited to the amount of maturing certificates tendered in exchange and accepted. The books will be open only on November 21 and November 22 for the receipt of subscriptions for this issue.

II. *Description of certificates.* 1. The certificates will be dated December 1, 1957, and will bear interest from that date at the rate of 3¾ percent per annum, payable semiannually on June 1 and December 1, 1958. They will mature December 1, 1958. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of

1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before December 2, 1957, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series E–1957, maturing December 1, 1957, which will be accepted at par, and should accompany the subscription. Coupons dated December 1, 1957, should be detached from the certificates when surrendered, and cashed when due.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57–9725; Filed, Nov. 22, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11588 etc.; FCC 57M–1143]

JOSEPH M. RIPLEY, INC., ET AL.

ORDER SCHEDULING HEARING

In the matter of Joseph M. Ripley, Inc., Jacksonville, Florida, Docket No. 11588, File No. BP–9788; Robert Hecksher, Jacksonville, Florida, Docket No. 11777, File No. BP–10255; Dan Richardson, Orange Park, Florida, Docket No. 11999, File No. BP–10697; for construction permits.

Pursuant to a pre-hearing conference held this date in the above-entitled proceeding, and with the concurrence of counsel; *It is ordered*, This 18th day of November 1957, that hearing herein be, and the same is hereby, set for January 20, 1958, commencing at 10 o'clock a. m., in the offices of the Commission in Washington, D. C.

Released: November 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 9727; Filed; Nov. 22, 1957; 8:54 a. m.]

[Docket Nos. 12244—12246; FCC 57M–1149]

SANTA ROSA BROADCASTING CO. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of B. Floyd Farr, George Snell, Edward W. McCleery, Robert Blum d/b as Santa Rosa Broadcasting Company, Santa Rosa, California, Docket No. 12244, File No. BP–10626; Golden Valley Broadcasting Company (KRAK), Stockton, California, Docket No. 12245, File No. BP–10676; Joseph E. Gamble and Lew L. Gamble d/b as Radio Santa Rosa, Santa Rosa, California, Docket No. 12246, File No. BP–11084; for construction permits.

It is ordered, This 19th day of November 1957, that a prehearing conference, in accordance with § 1.813 of the Rules, will be held in the above-entitled matter at 10:00 a. m., December 6, 1957, in the Commission's offices at Washington, D. C.

Released: November 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9728; Filed, Nov. 22, 1957; 8:54 a. m.]

[Docket No. 12174; FCC 57M–1144]

ATLANTIC COAST BROADCASTING CORP. OF CHARLESTON (WTMA–TV)

ORDER CONTINUING HEARING

In re application of Atlantic Coast Broadcasting Corporation of Charleston (WTMA–TV), Charleston, South Carolina, Docket No. 12174, File No. BPCT–2346; for construction permit for a new television broadcast station.

At the oral request of the applicant in the above-entitled proceeding and with the concurrence of all other participants; *It is ordered*, This 18th day of November, 1957, that hearing in the above-entitled proceedings now scheduled for November 19, 1957, is continued to December 3, 1957.

Released: November 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9729; Filed, Nov. 22, 1957; 8:55 a. m.]

[Docket Nos. 12209, 12210; FCC 57M–1142]

DAVID M. SEGAL ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP–10427; Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP–11289; for construction permits.

It is ordered, This 18th day of November 1957, that the prehearing conference in the above-entitled matter heretofore scheduled to commence on November 21, 1957, is hereby rescheduled to commence at 10 a. m., November 25, 1957, in the Commission's offices at Washington, D. C.

Released: November 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9730; Filed, Nov. 22, 1957; 8:55 a. m.]

[Docket No. 12234]

CAPITOL CAB CO., INC.

ORDER TO SHOW CAUSE

In the matter of Capitol Cab Company, Inc., Somerville, Massachusetts, Docket No. 12234; Order to Show Cause Why the License for Taxicab Radio Station KCE 672 Should Not Be Revoked.

The Commission having under consideration the matter of certain alleged violations of the Communications Act of 1934, as amended, and the Commission's rules in connection with the operation of Taxicab Radio Station KCE 672, licensed to the Capitol Cab Company, Inc., 104 Dover Street, Somerville, Massachusetts;

It appearing that a letter from the licensee to the Commission, dated October 24, 1956, in response to a Violation Notice which had been issued to the licensee, plus other information available to the Commission, raised the question whether the licensee was using subject taxicab radio station in its own taxicab operations as required by the applicable provisions of the Commission's rules

under which the license had been granted; and

It further appearing that the Commission by letter, dated March 27, 1957, certified mail No. 97401, acknowledged licensee's letter of October 24, 1956, and among other things, initiated inquiry as to whether Capitol Cab Company, Inc. was utilizing subject taxicab radio station in its own taxicab operations, or was using this station entirely for the purpose of rendering communication service to the Yellow Cab Company, Inc.; and

It further appearing that the licensee responded by letter dated April 10, 1957, to the Commission's letter, dated March 27, 1957, and stated, among other things, that there were no radios in operation in any Capitol Cab Company taxicabs, but promised installation of radio equipment therein within fifteen (15) days from the date of its letter; and

It further appearing that the Commission by letter, dated April 16, 1957, acknowledged licensee's response, dated April 10, 1957, and further requested that licensee notify the Commission that said taxicab radio station was being utilized for the primary purpose for which it was authorized as soon as the necessary installation was made; and

It further appearing that licensee made no response to the Commission about installation of said radios as requested by the Commission's letter, dated April 16, 1957; and

It further appearing that the Commission in a letter, dated July 16, 1957, by referring to its letter, dated April 16, 1957, again requested information concerning the utilization of such radio station; and

It further appearing that licensee made no response to the Commission's letter, dated July 16, 1957; and

It further appearing that the Commission sent licensee a final warning letter, dated September 23, 1957, by certified mail, No. 97290, concerning this matter, wherein licensee was informed that the Commission received no answer to its letters, dated April 16, 1957 and July 16, 1957, and wherein, pursuant to section 308 (b) of the Communications Act of 1934 as amended, licensee was requested to furnish the Commission with a statement under oath or affirmation, which must reach the Commission within ten (10) days of the receipt of the warning letter, stating whether licensee is now using Taxicab Radio Station KCE 672 in connection with the operation of Capitol Cab Company, Inc., referring licensee to §§ 16.401 and 16.151 of the Commission's rules and warning licensee that failure to submit a satisfactory answer would result in the institution of revocation proceedings; and

It further appearing that a United States Post Office return receipt card indicates that licensee received said warning letter on September 26, 1957; and

It further appearing that more than ten (10) days have elapsed since the licensee received the Commission's letter, dated September 23, 1957, and that no answer has been received by the Commission; and

It further appearing that, based on the foregoing recital, licensee has repeatedly or wilfully violated section 308 (b) of the Communications Act of 1934, as amended, and §§ 1.401 and 16.159 of the Commission's rules by failing to respond to official inquiries; and

It further appearing that the Commission would not have granted said license if at the time of issuance it had known that applicant would not utilize said station in conjunction with its own taxicab operations;

It is ordered, This 19th day of November, 1957, pursuant to the provisions of section 312 (a) (2), (4) and (c) of the Communications Act of 1934, as, amended, that said licensee, Capitol Cab Company, Inc., show cause why the license for Taxicab Radio Station KCE 672 should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on the 20th day of January 1958; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to said Capitol Cab Company, Inc., 104 Dover Street, Somerville, Massachusetts.

Released: November 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–9731; Filed, Nov. 22, 1957; 8:55 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 313]

SECRETARY OF THE INTERIOR

DISPOSAL OF 3.12 MILES, 115-KV, ELECTRIC POWER TRANSMISSION LINE, NEAR COOS BAY, OREGON

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, (63 Stat. 377) as amended, authority is hereby delegated to the Secretary of the Interior to determine that the excess real property and any related personal property comprising a 3.12-mile section of the Bonneville Power Administration's 42-mile, 115-kv electric power transmission line designated as "Line 20", near Coos Bay, Southern Oregon, is not required for the needs and responsibilities of Federal agencies and thereafter to dispose of said power line section by negotiated sale to the Pacific Power and Light Company upon such terms as may be advantageous to the United States: *Provided*, That not less than the appraised fair market value of the property shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the act and the regulations issued pursuant thereto.

3. The Secretary of the Interior shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203 (e) of the act, as amended. A copy of such statement shall be furnished to the General Services Administration.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior.

5. This delegation of authority shall be effective as of the date hereof.

Dated: November 18, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57–9716; Filed, Nov. 22, 1957; 8:51 a. m.]

[Delegation of Authority 314]

SECRETARY OF THE INTERIOR

DISPOSAL OF 3.75 MILES, ELECTRIC POWER TRANSMISSION LINE, NEAR TRUTH OR CONSEQUENCES, NEW MEXICO

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended, hereinafter referred to as the act, authority is hereby delegated to the Secretary of the Interior to determine that the excess real property comprising the Bureau of Reclamation 3.75 miles electric power transmission line, near the City of Truth or Consequences, New Mexico, is not required for the needs and responsibilities of Federal agencies and thereafter to dispose of said transmission line by sale to the Sierra Electric Cooperative, Inc., at the fair market value thereof, pursuant to the provisions of section 13 (d) of the Surplus Property Act of 1944, as amended, which section is continued in effect by section 602 (a) of the act.

2. The authority conferred herein shall be exercised in accordance with the act and the regulations issued pursuant thereto.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation of authority shall be effective as of the date hereof.

Dated: November 19, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-9715; Filed, Nov. 22, 1957; 8:51 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 168]

TEXAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of November, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Jefferson and Orange (Tornado occurring on or about November 7).

Offices: Small Business Administration Regional Office, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Veterans Administration Building, 1424 Hadley, Houston, Tex.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1958.

Dated: November 8, 1957.

ALBERT C. KELLY,
Deputy Administrator.

[F. R. Doc. 57-9719; Filed, Nov. 22, 1957; 8:52 a. m.]

[Declaration of Disaster Area 169]

LOUISIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of November, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Parish (including any areas adjacent to said Parish) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Rapides Parish (Tornado occurring on or about November 7).

Offices: Small Business Administration Regional Office, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Masonic Temple Building, Room 708, 333 St. Charles Street, New Orleans 12, La.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1958.

Dated: November 8, 1957.

ALBERT C. KELLY,
Deputy Administrator.

[F. R. Doc. 57-9720; Filed, Nov. 22, 1957; 8:52 a. m.]

[Delegation of Authority No. 30-X-11]

MANAGER, DISASTER FIELD OFFICE, LAKE CHARLES, LOUISIANA

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Notice is hereby given that this delegation is rescinded in its entirety. (Disaster Field Office closed COB 10-12-57.)

Dated: October 14, 1957.

C. W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F. R. Doc. 57-9721; Filed, Nov. 22, 1957; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 20, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34307: *Starch or dextrine—Points in Illinois to Gramercy, La.* Filed by R. G. Raasch, Agent (No. 636), for interested rail carriers. Rates on starch or dextrine, carloads, from specified points in Illinois, Indiana, Iowa, and Missouri in Illinois territory to Gramercy, La.

Grounds for relief: Market competition with imported tapioca and sago.

Tariffs: Supplement 144 to Agent Raasch's tariff I. C. C. 776. Supplement 74 to Agent C. A. Spaninger's tariff I. C. C. 1548.

FSA No. 34308: *Canned or preserved foodstuffs in official territory.* Filed by O. E. Schultz, Agent (ER No. 2411), for interested rail carriers. Rates on canned or preserved foodstuffs, carloads between points in official territory except within New England, in Illinois territory, points in Iowa, northern Illinois, southern Wisconsin, and points in extended zone "C" in Wisconsin.

Grounds for relief: Short-line distance formula and truck competition.

Tariffs: Agent H. R. Hinsch's tariff I. C. C. 4804. Supplement 13 to Agent R. G. Raasch's tariff I. C. C. 877.

FSA No. 34309: *Rock salt—Ojibway, Ontario, to Chicago, Ill.* Filed by O. E. Schultz, Agent (ER No. 2412), for and on behalf of The Essex Terminal Railway Company and The New York Central Railroad Company. Rates on salt, rock (sodium chloride), carloads, in bulk, from Ojibway, Ontario, Canada to Chicago, Ill.

Grounds for relief: Water competition.

Tariff: Supplement 13 to Agent R. K. Watson's tariff I. C. C. 197.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-9717; Filed, Nov. 22, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-103, 70-3623]

AMERICAN NATURAL GAS CO.

NOTICE OF AND ORDER INSTITUTING PROCEEDING AND FOR HEARING; AND ORDER OF CONSOLIDATION OF PROCEEDINGS

NOVEMBER 18, 1957.

The Commission having been advised by its Division of Corporate Regulation ("Division") that the Division, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935 ("act"), has examined the corporate structure of the holding company system of American Natural Gas Company ("American Natural"), a registered holding company, to determine whether and to what extent the corporate structure thereof should be simplified, unnecessary complexities therein eliminated, and voting power fairly and equitably distributed among the security holders; and it appearing to the Division from such examination that:

I. 1. American Natural is solely a holding company and is registered as such under section 5 of the act. The company was incorporated in 1901 under the laws of New Jersey as American Light & Traction Company and in June 1949 adopted its present name.

2. As of June 30, 1957, American Natural owned directly all the outstanding capital stocks of its six subsidiary companies. The names of the subsidiary companies, their states of incorporation, and the nature of the businesses carried on by each of these companies are set forth in Table I below:

TABLE I

Name of Company, State of Incorporation, Type of Business
American Louisiana Pipe Line Company, Delaware, Natural gas transmission.
American Natural Gas Service Company, Michigan, Service company.
Michigan Consolidated Gas Company, Michigan Gas utility company.
Michigan Wisconsin Pipe Line Company, Delaware, Natural gas transmission.
Milwaukee Gas Light Company, Wisconsin, Gas utility company.
Milwaukee Solvay Coke Company, Wisconsin, Coke and by-product coke-oven gas.

3. The capitalization and surplus of American Natural, on a corporate basis, as at June 30, 1957, was as follows:

TABLE II

	Amount	Percent
Long-term debt: 3¼ percent promissory notes due serially to 1962	$10,500,000	5.4
Preferred stock: 6 percent non-redeemable cumulative preferred stock, 27,481 shares, $25 par value	687,025	0.3
Common stock and surplus:		
Common stock, 4,863,246 shares, $25 par value	121,581,150	62.0
Capital surplus	32,978,914	16.8
Earned surplus	30,380,428	15.5
Total	184,940,492	94.3
Total capitalization and surplus	196,127,517	100.0

4. The capitalization and surplus of American Natural and its subsidiaries, on a consolidated basis, as of June 30, 1957, was as follows:

TABLE III

	Amount	Percent
Long-term debt	$392,085,000	65.5
Preferred stock: 6 percent non-redeemable cumulative preferred stock, 27,481 shares, $25 par value (American Natural)	687,025	0.1
Common stock and surplus:		
Common stock, 4,863,246 shares, $25 par value (American Natural)	121,581,150	20.3
Capital surplus	32,978,914	5.5
Earned surplus	51,232,581	8.6
Total	205,792,645	34.4
Total capitalization and surplus	598,564,670	100.0

5. The preferred stock of American Natural was issued in 1901 and at intervals thereafter. Originally, the shares had a par value of $100 per share but in 1930 four shares of $25 par value were exchanged for each outstanding share. The preferred stock is entitled to cumulative annual dividends at the rate of 6 percent per annum; is entitled in liquidation, whether voluntary or involuntary, to a preference of $25 per share and accrued unpaid dividends; and is non-redeemable. The holders of the preferred and common stocks of American Natural have one vote per share on general corporate matters. Under the General Laws of the State of New Jersey an affirmative vote of the holders of two-thirds of the outstanding preferred and common stock, voting by classes, is required to approve amendments to American Natural's Certificate of Incorporation.

6. On December 31, 1947, 536,324 shares of the preferred stock of American Natural were outstanding. As a result of the offer, made pursuant to a section 11 (e) plan and which was in effect between November 5 and December 6, 1948, a total of 505,770 shares of preferred stock, with an aggregate par value of $12,644,250 was purchased and retired. Thereafter American Natural purchased and retired additional shares of its preferred stock under Commission Rule U-42 (b) (6) promulgated under the act which permits such purchases to the extent of not more than $50,000 in any calendar year; such purchases resulting in the reduction of the number of outstanding shares to the 27,481 shown in Tables II and III.

II. The Division avers that the foregoing allegations, and the facts otherwise disclosed in the course of its examination of the corporate structure of American Natural's holding company system, established, or tend to establish, that the existence of the 6 percent cumulative, $25 par value, non-redeemable preferred stock of American Natural in the corporate structure of the American Natural holding company system unduly and unnecessarily complicates such structure and unfairly and inequitably distributes voting power among the security holders of such system.

III. It appearing to the Commission, on the basis of the allegations hereinbefore set forth in Parts I and II hereof that it is appropriate to institute a proceeding under section 11 (b) (2) of the act with respect to the American Natural holding company system to determine whether an appropriate order should be entered pursuant to that Section; and

It further appearing to the Commission that common questions of law and fact are involved in said proceeding instituted by the Commission under section 11 (b) (2) of the act and in a proceeding pending upon the application-declaration (File No. 70-3623) filed by American Natural seeking Commission authorization to purchase from time to time additional shares of its 6 percent preferred stock; that the said proceedings involve common questions of law and fact and that evidence adduced in one proceeding may have a bearing upon the issues in the other proceeding; and that a substantial saving in time and expense will result if the proceedings are consolidated:

It therefore is ordered, That a proceeding be, and the same hereby is, instituted pursuant to section 11 (b) (2) of the act directed to American Natural.

It is further ordered, That the proceeding instituted pursuant to section 11 (b) (2) of the act (File No. 59-103) and the proceeding with respect to the application-declaration (File No. 70-3623) filed by American Natural be, and hereby are, consolidated for hearing and disposition.

It is further ordered, That American Natural file with the Secretary of the Commission, on or before the 10th day of December 1957, an answer in the form prescribed by Rule U-25, admitting, denying, or otherwise explaining its position as to each of the allegations set forth in Parts I and II hereof. Such answer may also include a statement as to what steps respondent deems to be necessary or appropriate and is prepared to take to ensure that the system's corporate structure is not unduly or unnecessarily complicated and that voting power is not unfairly and inequitably distributed among the system's security holders.

It is further ordered, Pursuant to the applicable provisions of the act, that the hearing in the consolidated proceedings be held at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. on December 17, 1957, at 10:00 a. m. The hearing on said application-declaration of American Natural previously fixed for November 19, 1957, is hereby continued to December 17, 1957, and the final date for filing requests for leave to be heard, previously fixed at November 15, 1957 is hereby extended to December 13, 1957. On December 17, 1957 the hearing room clerk in Room 193 will advise as to the room where such hearing will be held.

It is further ordered, That any person desiring to be heard in connection with these consolidated proceedings or proposing to intervene herein shall file with the Secretary of this Commission, not later than December 13, 1957, his request or application therefor, as prescribed by Rule XVII of the Commission's rules of practice. Such request shall set forth the nature of the applicant's interest in the proceeding, his reasons for requesting to be heard or to intervene, which of the allegations set forth above and the issues specified below the applicant proposes to controvert, together with a statement of any additional issues which the applicant proposes to raise with respect to this proceeding.

IV. The Division having further advised the Commission that, upon the basis of its preliminary examination of the corporate structure of the American Natural holding company system and the facts otherwise disclosed in the course thereof, the following matters and questions are presented for consideration, without prejudice to the specifying of additional matters and questions upon further examination:

1. Whether the continued existence of the 6 percent cumulative, $25 par value, non-redeemable preferred stock of American Natural in the corporate structure of the American Natural holding company system unduly or unnecessarily complicates such structure or unfairly and inequitably distributes voting power among the security holders of the American Natural holding company system.

2. What steps are necessary to be taken by American Natural to ensure that the corporate structure is not unduly or unnecessarily complicated and voting power

is not unfairly and inequitably distributed among the security holders of its system.

It is further ordered, That particular attention be directed at said consolidated hearing to the foregoing matters and questions and, in addition, to the matters and questions set forth for consideration in the Order for Hearing (Holding Company Act Release No. 13565 (October 18, 1957)) in respect of the application-declaration (File No. 70–3623) filed by American Natural.

It is further ordered, That James G. Ewell or any other officer or officers of this Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings and to take such other action as may appear necessary or appropriate to the orderly and economical dispostion of the matters involved.

It is further ordered, That American Natural shall give notice of this hearing to all of the holders of its $25 par value, 6 percent, non-redeemable cumulative preferred stock (insofar as the identity of such stockholders is known or available to it) by mailing to each such security holder at his last known address a copy of this Notice and Order at least twenty (20) days prior to the date of the hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-9718; Filed, Nov. 22, 1957; 8:52 a. m.]

UNIVERSITY
OF MICHIGAN

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 22 NUMBER 229

Washington, Tuesday, November 26, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 331—POLICIES AND AUTHORITIES

PART 332—PROCESSING INITIAL LOANS

Subchapter C—Operating Loans

PART 341—POLICIES AND AUTHORITIES

Subchapter D—Soil and Water Conservation Loans

PART 351—POLICIES AND AUTHORITIES

PART 352—PROCESSING LOANS TO INDIVIDUALS

Subchapter G—Miscellaneous Regulations

PART 381—EMERGENCY LOANS

PART 383—FARM HOUSING LOANS

PART 384—SPECIAL LIVESTOCK LOANS

PART 392—LOANS TO INDIANS, AND PERMITTEES AND LESSEES ON INDIAN TRUST LANDS

LOANS TO INDIANS, AND PERMITTEES AND LESSEES ON INDIAN TRUST LANDS; MISCELLANEOUS AMENDMENTS

Chapter III of Title 6, Code of Federal Regulations, is amended as follows to prescribe additional policies and procedures applicable to the making of Farmers Home Administration loans to Indians, and permittees and lessees on Indian trust lands:

1. Section 331.1 (21 F. R. 10443) is amended to read as follows:

§ 331.1 *General.* This part outlines the policies and authorities for making insured and direct loans referred to in this part as Farm Ownership loans, under Title I of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1000, et seq.). The making of Farm Ownership loans to Indians is subject to the additional policies and procedures contained in Part 392 of this chapter.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015).

2. Section 332.16 (21 F. R. 8266) is revoked.

3. Section 341.1 (a) (22 F. R. 685) is amended to read as follows:

§ 341.1 *General.* (a) This subpart prescribes the policies and authorities for making Operating loans to full-time operators of family-type farms as authorized under Title II of the Bankhead-Jones Farm Tenant Act. The making of such loans to Indians, and permittees and lessees on Indian trust lands is subject to the additional policies and procedures contained in Part 392 of this chapter.

4. Section 341.21 (a) (22 F. R. 691) is amended to read as follows:

§ 341.21 *General.* (a) This subpart prescribes the policies and authorities for making Operating loans to part-time farmers including operators of less than family-type farms as authorized under Title II of the Bankhead-Jones Farm Tenant Act, as amended. The making of such loans to Indians, and permittees and lessees on Indian trust lands is subject to the additional policies and procedures contained in Part 392 of this chapter.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015)

5. The introductory statement preceding paragraph (a) of § 351.1 (20 F. R. 1962) is amended to read as follows:

§ 351.1 *General.* Sections 351.1 to 351.6 outline the general policies and authorities for making Soil and Water Conservation loans. The making of such loans to Indians, and permittees and lessees on Indian trust lands is subject to the additional policies and procedures contained in Part 392 of this chapter.

(R. S. 161, Sec. 6, 50 Stat. 870, Sec. 10, 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w, 590x–3)

6. Section 352.8 (21 F. R. 8266) is revoked.

7. The introductory statement preceding paragraph (a) § 381.1 (21 F. R. 10359) is amended to read as follows:

§ 381.1 *General.* This part provides the policies, authorities, and routines for making Emergency loans. The making of such loans to Indians, and permittees and lessees on Indian trust lands is sub-

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ject to the additional policies and procedures contained in Part 392 this chapter. The term "Emergency loans" includes the following:

(R. S. 161; 5 U. S. C. 22)

8. Section 383.1 (21 F. R. 3477) is amended to read as follows:

§ 383.1 *General.* This part prescribes the policies, authorities, and procedures for making direct Farm Housing loans under section 502 of the Housing Act of 1949, as amended. The making of such loans to Indians is subject to the additional policies and procedures contained in Part 392 of this chapter.

9. Section 383.6 (d) (21 F. R. 3479, 22 F. R. 3) is revoked.

(R. S. 161, Sec. 510, 63 Stat. 438; 5 U. S. C. 22, 42 U. S. C. 1480)

10. Section 384.1 (18 F. R. 4944) is amended by the addition of paragraph (c) as follows:

§ 384.1 *General.* • • •

(c) The making of Special Livestock loans to Indians, and permittees and lessees on Indian trust lands is subject to the additional policies and procedures contained in Part 392 of this chapter.

(R. S. 161; 5. U. S. C. 22)

11. Part 392 is added as follows:

Sec.
392.1 General.
392.2 Policies.
392.3 Processing loan applications from Indians.
392.4 Servicing loans to Indians.
392.5 Permittees and lessees of Indian trust lands.

AUTHORITY: §§ 392.1 to 392.5 issued under R. S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, sec. 10, 68 Stat. 735; 5 U. S. C. 22, 7 U. S. C. 1015, 16 U. S. C. 590w, 42 U. S. C. 1480, 16 U. S. C. 590x–3. Statutes interpreted or applied are cited to text in parentheses.

§ 392.1 *General.* This part outlines the general procedures and policies for making and servicing Farm Ownership, Farm Housing, Soil and Water Conservation, Operating, Emergency, and Special Livestock loans to Indians owning land or chattel property in a trust or restricted status or who have undivided interests in tribal property. This part also outlines procedures to be followed in order to enable permittees and lessees (whether Indian or non-Indian) on Indian Trust Lands who are obtaining any such loans to provide the required chattel security for their loans.

§ 392.2 *Policies.* An Indian who (1) holds individually all of his land under fee patents or unrestricted deeds, (2) owns all non-trust chattel property, and (3) has no undivided interest in tribal lands is eligible for all loans provided he meets all eligibility factors required of non-Indians. An Indian who meets all eligibility factors required of non-Indians but who does not meet the applicable requirements of paragraphs (1), (2) and/or (3) of this section may be made loans only upon fulfillment of the applicable requirements set forth in § 392.2 to § 392.5.

(a) Loans to be secured by real estate liens may be made to Indians holding land in severalty under trust patents or deeds containing restriction against alienation subject to statutes under which said land may be validly mortgaged with the approval of the Secretary of Interior such as 70 Stat. 62, 63. An Indian applicant who owns land in a trust or restricted status and applies for a loan to acquire land to enlarge a farm will not be required to convert the trust or restricted land he owns to an unrestricted status. The land purchased with loan funds will be acquired and held by the Indian in an unrestricted status.

(Sec. 2, 50 Stat. 523, as amended, sec. 502, 63 Stat. 433, sec. 9, 68 Stat. 735; 7 U. S. C. 1003, 42 U. S. C. 1472, 16 U. S. C. 590x–2)

(b) Loans to be secured by chattel security only may be made to Indians who hold land in severalty under trust patents or deeds containing restrictions against alienation subject to statutes under which such land may be validly mortgaged with the approval of the Secretary of the Interior and who own chattel property in a trust or restricted status or who have undivided interests in tribal property. Such loans also may be made to those tribal Indians who live within or without the boundaries of the Indian reservations and who have available a suitable farm or ranch under satisfactory tenure arrangements. An Indian applicant who owns chattels in trust or restricted status and applies for an operating loan will be required to convert the trust or restricted chattels to an unrestricted status before such loan is made when such property is to serve as security for the loan.

(Sec. 21, 50 Stat. 524, as amended, sec. 2, 63 Stat. 44, as amended, sec. 2, 67 Stat. 150, sec. 9, 68 Stat. 735, sec. 2, 68 Stat. 999, as amended; 7 U. S. C. 1007, 12 U. S. C. 1148a–2, 12 U. S. C. 1148a–4, 16 U. S. C. 590x–2, 12 U. S. C. 1148a–1 note)

(c) Utilization of split lines of chattel credit:

(1) *Definitions.* "Split lines of chattel credit" are those where the financing of a particular enterprise is undertaken by more than one lender. "Split Security" means that the Indian Lending Organization and the Farmers Home Administration each have liens of equal priority on a different part of the livestock of a particular type owned by a borrower.

(2) *Policy*—(i) *Operating loans.* A split line of credit in connection with a particular livestock herd or flock is unarthorized in connection with operating loans.

(ii) *Emergency and Special Livestock loans.* Such loans may be made even though such may result in a split line of credit if the following conditions are met:

(*a*) The arrangement with respect to the split financing is acceptable to both the Farmers Home Administration, the Indian Lending Organization, and the Bureau of Indian Affairs representative.

(*b*) The applicant's farming or ranching operations after he receives the loan will be sound and, under the conditions likely to prevail, will enable him to make the required payments of all his indebtedness on schedule.

(c) When loans for operating expenses result in the Farmers Home Administration acquiring the liens on livestock from which payments on the loan are expected, and such livestock are subject to a prior lien of the Indian Lending Organization, an agreement will be reached before such loans are closed as to an equitable division of livestock income for application on the loans of the two lenders. Form FHA–916, "Agreement-Special Livestock Loans," or a similar form will be used for this purpose and will be executed by an authorized representative of the Indian Lending Organization and by the Bureau of Indian Affairs. In the case of cattle, separate brands will be used to identify the cattle, descriptions will be used by each lender which will make possible the identification of property serving as security for each loan.

§ 392.3 *Processing loan applications from Indians*—(a) *County Committee or Special Livestock Loan Committee action.* When any such committee determines that an Indian applicant is clearly ineligible for the loan applied for, the applicant must be notified in writing of this determination by the Farmers Home Administration County Supervisor.

(b) *Development of loan dockets.* If the applicant is found eligible the loan docket will be developed in accordance with applicable Farmers Home Administration regulations. After a real estate loan has been approved and the title evidence has been furnished, the docket will

be submitted to the appropriate Attorney in Charge, Office of the General Counsel, U. S. Department of Agriculture, for review and preparation of closing instructions.

(c) *Special loan closing conditions*—(1) *Loans on real estate.* (i) When preparing closing instructions, the Attorney in Charge will insert at the end of the security instrument, after the form provided for acknowledgment of the borrower's signature a "Certificate of Approval" to be executed on behalf of the Secretary of Interior by a duly authorized agent.

(ii) After execution, but before recording the security instrument, the County Supervisor will submit the original executed security instrument to the Bureau of Indian Affairs. Upon return of the original executed security instrument with the Certificate of Approval duly signed and acknowledged by the authorized representative of the Secretary of Interior, the County Supervisor will file it for record. No loans funds will be disbursed until the security instrument is filed for record and the loan is, in all other respects, properly closed.

(2) *Loans on chattels.* Where an Indian applicant obtaining a Farmers Home Administration loan requiring chattel security holds grazing permits or agricultural leases on Indian trust lands, the lien clauses in said instrument(s) must be modified as prescribed for non-Indian permittees and lessees in § 392.5.

(d) *When consent of Bureau of Indian Affairs required.* No consent is necessary on deeds, mortgages or other instruments affecting non-trust or unrestricted property whether real estate or chattels; mortgages of trust chattels against which there is no indebtedness to the Indian Lending Organization; for mortgages on crops grown on trust or restricted land after severance if there is no prior lien thereon; and mortgages on crops on tribal land leased to an Indian under the same terms and conditions as leases of tribal land to non-Indians. Consent is necessary on mortgages or deeds on trust or restricted property, both real estate and chattels; mortgages on trust chattels against which there is indebtedness to the Indian Lending Organization; and mortgages on crops grown on trust or restricted land prior to severance, and after severance if there is a prior lien thereon.

§ 392.4 *Servicing loans to Indians.* (a) Assignment of income from trust property: When repayment of any loans made hereunder is dependent in whole or in part upon income the borrower will receive from trust or restricted land, the Indian must, upon request by the County Supervisor, execute Form 5–845, "Assignment of Income from Trust Property," in favor of the Farmers Home Administration. Before execution, the form must be modified by the County Supervisor by adding in the first paragraph, line 3, between the words "loans" and "all," the following: ------ percent (------ %) of,".

(b) Supervision provided by the Farmers Home Administration: County Supervisors and other officials shall give the same supervisory assistance afforded to non-Indian borrowers to the extent such be necessary or desirable for effectuating the purpose of the loan as well as to assure the orderly repayment thereof. Where an Indian Lending Organization has a lien on the borrower's land or chattels, or the borrower owns land or chattels in a trust or restricted status or leases land through the Bureau of Indian Affairs, the County Supervisor and the Bureau of Indian Affairs will review jointly each borrower's plans of operation.

(c) All collection and foreclosure policies applicable to non-Indian borrowers shall be equally applicable to Indian borrowers.

§ 392.5 *Permittees and lessees of Indian trust lands.* In order to enable loan applicants, whether Indian or non-Indian, who hold a grazing permit on Form No. 5–512 or an agricultural lease on Form No. 5–180 to give the required security for chattel loans, the lien clause in Form No. 5–512 must first be modified to read as follows:

When the permittee obtains a loan from the Farmers Home Administration, it is understood and agreed that the prior and first lien upon said livestock and other property under this provision in the permit shall be subordinated to the lien of all chattel mortgages now held or hereafter acquired by the Farmers Home Administration from the permittee except as to the payment of the annual grazing fees due for the first operating year of the loan.

and Form 5–180 must first be modified to read as follows:

When the lessee obtains a loan from the Farmers Home Administration, it is understood and agreed that the prior and first lien upon "all implements, livestock, or other property of the lessee on the premises," under this provision of the lease shall be subordinated to the lien of all chattel mortgages now held or hereafter acquired by the Farmers Home Administration from the lessee except as to the payment of the annual rentals due for the first year of the loan.

Unless such permits or leases are modified as above specified by a duly authorized representative of the Bureau of Indian Affairs, no loans shall be made, the chattel security for which may become subject to either of said lien clauses.

Dated: November 20, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57–9788; Filed, Nov. 25, 1957; 8:58 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 CCC Tung Bulletin]

PART 443—OILSEEDS

SUBPART—1957 CROP TUNG NUT PRICE SUPPORT PROGRAM

This bulletin contains the regulations applicable to the 1957 crop Tung Nut Price Support Program under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as "CCC" and "CSS", respectively).

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443.1363 Methods of price support.
443.1364 Eligible producer.
443.1365 Eligible tung nuts and tung oil.
443.1366 Disbursement of loans.
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443.1381 Liquidation of the loan and delivery under purchase agreement.
443.1382 Purchase of notes.
443.1383 Storage and handling charges.
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443.1385 CSS Commodity Office.

AUTHORITY: §§ 443.1361 to 443.1385 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. 714c, 7 U. S. C. 1446, 1421.

§ 443.1361 *Administration.* (a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC, or the Vice President, CCC, who is Deputy Administrator for Price Support, CSS. In the field, the program will be carried out by Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and County Committees) and the Dallas CSS Commodity Office.

(b) It will be the responsibility of the State committee in each State to carry out the provisions of the 1957 tung nut price support program in such a manner that price support will be available to all eligible producers of tung nuts.

(c) Forms will be distributed through the offices of State and county committees. All documents in connection with warehouse storage loans on tung oil and purchase agreements on tung nuts and tung oil will be approved by the county committee which will retain copies of all such documents. The county committee may authorize the county office manager to prepare and approve purchase agreement and loan documents on behalf of the committee.

(d) State and county committees and the Commodity office do not have authority to modify or waive any of the provisions of this bulletin or any amendments or supplements hereto.

§ 443.1362 *Availability*—(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1, 1957, through January 31, 1958. Loans and purchase agreements covering tung oil will be available from November 1, 1957, through June 30, 1958.

(c) *Where to apply.* Application for price support should be made through the office of the county committee which keeps the farm program records for the farm.

§ 443.1363 *Methods of price support.* Price support will be available to eligible producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and nonrecourse loans on eligible tung oil stored in approved storage facilities.

§ 443.1364 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, estate, or other legal entity producing tung nuts of the 1957 crop as landowner, landlord, tenant, or share-cropper. The beneficial interest in the tung nuts tendered for purchase under a purchase agreement, and in the tung nuts and the resultant tung oil tendered for a loan or for purchase under a purchasing agreement, must be in the producer making such tender, and must have always been in him or in him and a former producer whom he succeeded either as landowner, landlord, tenant, or share-cropper before the tung nuts were harvested. Any eligible producer or group of eligible producers may designate in writing, on the form or forms approved by CCC, an agent to act on the producer's behalf or on the joint behalf of a group of producers in obtaining price support under this program.

(b) Any cooperative association of producers (hereinafter called "cooperative") which normally handles or crushes tung nuts delivered to it by eligible producers or markets tung oil delivered to it by eligible producers shall also be considered an eligible producer with respect to the oil produced from 1957 crop tung nuts delivered to it by eligible producers or with respect to eligible tung oil delivered to it by eligible producers provided all the following requirements are met:

(1) The beneficial interest in the tung oil and the tung nuts from which such tung oil was extracted is and always has been in the eligible producers who deliver the tung nuts or tung oil to the cooperative or in such producers and former producers whom such producers succeeded either as landowner, landlord, tenant, or sharecropper, before the tung nuts were harvested;

(2) The major part of the tung oil handled or marketed by the cooperative is extracted from tung nuts grown by members who are eligible producers;

(3) The producers share proportionately in the proceeds from marketings according to the quantity and quality of tung nuts or tung oil each delivers to the cooperative;

(4) The cooperative has the legal right to pledge the tung oil as security for a loan as well as the authority to sell such tung oil under purchase agreements;

(5) The cooperative shall maintain a record showing separately (i) the total quantity of tung oil processed by it from 1957 crop tung nuts obtained from all sources, (ii) the total quantity of tung oil obtained from all sources, (iii) the total quantity of tung oil processed by it from 1957 crop tung nuts obtained from all eligible producers, (iv) the total quantity of tung oil obtained from all eligible producers, (v) the total quantity of tung oil processed from 1957 crop tung nuts obtained from eligible producer-members, and (vi) the total quantity of tung oil obtained from eligible producer-members. The cooperative shall make its records available to CCC for inspection at all reasonable times through June, 1960.

§ 443.1365 *Eligible tung nuts and tung oil*—(a) *Tung nuts.* Tung nuts must be from the 1957 crop, and must be matured, air dried with hard hulls dark in color and suitable for milling.

(b) *Tung oil.* Tung oil must have been extracted from 1957 crop tung nuts and must meet sections 3 and 4 of Federal Specification TT–T–775, Tung Oil, Raw (Chinawood) dated May 28, 1957 (hereinafter referred to as Federal Specifications). The eligibility of tung oil delivered under this program must be evidenced by a certification, signed by the producer or an agent designated as provided in § 443.1370 (f) or in the case of a cooperative by an authorized officer thereof, in the form prescribed in § 443.1370 (d) or (e), whichever form is appropriate.

§ 443.1366 *Disbursement of loans.* Disbursement of loans on tung oil will be made by approved lending agencies or by sight drafts drawn on CCC by the ASC county office. Disbursements shall not be made later than 15 days after the final date of the availability of loans, unless authorized by the Executive Vice President, CCC, or the Vice President, CCC who is the Deputy Administrator for Price Support, CSS. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the tung oil is not in existence and in good condition at the time of disbursement, the loan proceeds shall be refused or promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

§ 443.1367 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency agreement on CCC Form 322 (4–22–54) and CCC Form 322–1 (6–22–56) or other form prescribed by CCC.

§ 443.1368 *Approved storage facilities.* Approved facilities shall consist of storage facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on Commodity Credit Corporation Form 77 (Revised November 1957) for the 1957 crop has been entered into with CCC through the Dallas CSS Commodity Office. The names of owners or operators of approved facilities may be obtained from the Dallas CSS Commodity Office and State and county ASC offices.

§ 443.1369 *Maturity date of loans and period of notification to sell under purchase agreement.* (a) Loans on tung oil mature on October 31, 1958, or on such earlier date as may be determined by CCC.

(b) Producers who elect to sell tung nuts under a purchase agreement must notify the county committee of their intentions within a 30-day period ending March 31, 1958, or ending on such earlier date as may be determined by CCC. Producers who elect to sell tung oil under a purchase agreement must notify the county committee of their intentions within the 30-day period ending October 31, 1958, or ending on such earlier date as may be determined by CCC.

§ 443.1370 *Applicable forms.* The approved forms consist of the purchase agreement forms, loan forms, and such other forms and documents as may be required, which together with the provisions of this bulletin, and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Note and loan agreements must have State documentary and revenue stamps affixed thereto when required by law. Purchase agreement or loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement, Commodity Purchase Form 1; Delivery Instructions, Commodity Purchase Form 3; Purchase Agreement Settlement, Commodity Purchase Form 4; Lien Waiver for Purchase, Commodity Purchase Form 5; and other applicable forms prescribed in paragraph (c) of this section.

(b) *Loan documents.* Loan forms shall consist of the Producer's Note and Loan Agreement, Commodity Form B, and other applicable forms prescribed in paragraph (c) of this section.

(c) *Other forms.* Warehouse receipts, chemical analysis certificates issued by approved chemists, certification of eligibility of tung oil, producer's designation of agent, and such other forms as may be prescribed by CCC.

(d) *Producer's certification of eligibility of tung oil.* Before a loan is made on tung oil to a producer, other than a cooperative, or before delivery of tung oil from such producer under a purchase agreement can be accepted by the county committee, the producer, or his agent designated as provided in paragraph (f) of this section, must sign a statement in substantially the following form:

I hereby certify:
(1) That the ---------- pounds of tung oil located in ---------- at
(Name of storage facility)

(Address)

which I am pledging to CCC as collateral

which I am pledging to CCC as collateral for loan or am tendering for delivery to CCC under purchase agreement was delivered to me as oil processed for my account by ---------- out of ----------
(Name of plant)
tons of 1957 crop tung nuts produced by me which I delivered to such plant for toll processing;

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me or in me and a former producer whom I succeeded either as landowner, landlord, tenant or share-cropper, before such tung nuts were harvested.

(Signature) ----------
(Producer)
By ----------
(Agent)

(Date)

(e) *Cooperative's certification of eligibility of tung oil.* Before a loan is made to a cooperative or delivery of tung oil from such cooperative under a purchase agreement can be accepted by the county committee, the manager or the official empowered to sign contracts for or on behalf of the cooperative must sign a statement in substantially the following form:

I hereby certify:

(1) That ------ pounds of tung oil which are being pledged to CCC as collateral for a loan, or are being tendered for delivery to CCC under purchase agreement were processed from ------ tons of eligible 1957 crop tung nuts which were delivered by eligible producers to tung mills in quantities as follows:

(1) Name and address of tung mill	(2) 1957 crop tung nuts delivered for crushing (Tons)	(3) Tung oil crushed from tung nuts in column 2 (Pounds)

and that such tung oil is presently stored at these mill locations unless otherwise noted below:

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in such producers or in such producers and former producers whom such producers succeeded, either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested.

(Date)

(Name of Cooperative)
By ----------
Title ----------

(f) *Designation of agent by a producer or group of producers.* A single eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event the producer or group of producers shall execute a form substantially equivalent to CCC Tung Nut Form 1 (1957) for purchase agreements or to CCC Tung Nut Form 1–A (1957) for loans. A copy of each designation of agent signed by the producer(s) and indicating the maximum quantity of eligible tung nuts which the producer (or each producer in the case of a group) will produce on the producer's own farm, and on which price support is desired, must be delivered to the county committee before any purchase agreement or loan documents filed by the agent on behalf of such producer(s) are approved by the county committee. A separate certification of eligibility must be executed for or on behalf of each producer.

U. S. Department of Agriculture
CCC Tung Nut Form 1 (1957) No. ------

PRODUCERS DESIGNATION OF AGENT
PURCHASE AGREEMENT

1957 TUNG NUT PRICE SUPPORT PROGRAM

I (we) the undersigned eligible tung nut producer(s) hereby appoint ----------,
(Name)
---------- my (our) agent with full
(Address)
authority to act for me (us) and in my (our) name and stead in obtaining price support under the 1957 crop tung nut price support program of the Commodity Credit Corporation, which is administered through State and County ASC Committees of the United States Department of Agriculture. In exercising such authority the above named person is empowered to execute all applicable purchase agreement documents, to notify Commodity Credit Corporation of my (our) intention to sell tung nuts or tung oil, to pool my (our) tung nuts or tung oil with tung nuts or tung oil owned by other eligible producers and to warehouse such tung nuts or tung oil at my (our) pro rata expense, and to sell and deliver such pooled tung nuts or tung oil to Commodity Credit Corporation, to make joint settlement and receive payment on my (our) behalf for tung nuts or tung oil so sold and delivered, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally. This appointment shall continue in effect until it is revoked in writing and a signed copy of the revocation is delivered to Commodity Credit Corporation through the ASC county committee. The approximate quantity of tung nuts of the 1957 crop produced on my (our) farm(s) is indicated below.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this ------ day of ----------, 195--.

In presence of—

---------- ---------- ----------
(Witness) (Signature) (Tons)
---------- ---------- ----------
(Witness) (Signature) (Tons)
---------- ---------- ----------
(Witness) (Signature) (Tons)

U. S. Department of Agriculture
CCC Tung Nut Form 1–A (1957) No. ------

PRODUCERS DESIGNATION OF AGENT
TUNG OIL LOAN

1957 TUNG NUT PRICE SUPPORT PROGRAM

I (We) the undersigned eligible tung nut producer(s) hereby appoint ----------,
(Name)
---------- my (our) agent with full
(Address)
authority to act for me (us) and in my (our) name and stead in obtaining price support under the 1957 crop tung nut price support program of the Commodity Credit Corporation, which is administered through State and County ASC Committees of the United States Department of Agriculture. In exercising such authority the above-named person is empowered to execute all loan documents, to pool my (our) tung oil with tung oil owned by other eligible producers, to pledge to CCC as security for loan(s) warehouse receipts representing such pooled oil, to receive the proceeds of such loan(a) on my (our) behalf, to distribute all of such proceeds pro rata among me (us) and any other producers in accordance with the respective producer's interest in the pooled oil under loan, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally, including but not limited to the authority to redeem pooled oil under loan in accordance with instructions from me (us) and other producers having an interest in such oil. This appointment shall continue in effect until revoked in writing and a signed copy thereof delivered to Commodity Credit Corporation through the ASC county committee. The approximate quantity of tung oil crushed from tung nuts of the 1957 crop produced on my (our) farms is indicated below.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this ------ day of ----------, 195--.

In presence of—

---------- ---------- ----------
(Witness) (Signature) (Pounds)
---------- ---------- ----------
(Witness) (Signature) (Pounds)
---------- ---------- ----------
(Witness) (Signature) (Pounds)

(g) *Warehouse receipts.* Warehouse receipts representing tung oil in approved warehouse storage to be placed under loan or to be delivered under a purchase agreement, must meet all the following requirements:

(1) Must be issued in the name of the producer (in case of a cooperative, in the name of the producer delivering tung nuts or tung oil to it), show storage location, describe the quantity and quality of tung oil delivered to the warehouseman, be signed by the warehouseman and be properly endorsed in blank by the producer so as to vest title in the holder.

(2) Must guarantee that when delivered out by the warehouse, the oil will meet Federal specifications.

(3) Must contain the warehouseman's statement that the oil is insured as required in § 443.1376. If such insurance was not effective as of the date of deposit of the tung oil in the warehouse, the warehouseman must certify as of the effective date of the insurance and that the oil is in the warehouse and undamaged.

(4) Must show the date of issue.

(5) Must carry an endorsement in substantially the following form:

Warehouse charges through October 31, 1958, on the tung oil represented by this warehouse receipt have been paid or otherwise provided for and the warehouseman has no lien upon such tung oil for such charges.

(6) Must contain such other terms and conditions as CCC may require in tung oil storage agreement with approved warehousemen.

§ 443.1371 *Personal liability of the producer.* Any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer, will render the producer or agent subject to criminal prosecution under Federal Law and liable for any damages suffered by CCC as a result of purchase of the commodity, for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

§ 443.1372 *Determination of quantity*—(a) *Tung nuts.* The quantity of tung nuts delivered under purchase agreement shall be determined on the basis of net weight at point of delivery to CCC. The net weight is the gross scale weight less foreign material and bags.

(b) *Tung oil.* Where the tung oil pledged to secure a loan or tendered under a purchase agreement is represented by warehouse receipts issued by approved warehouses, the determination of quantity for purposes of settlement with the producer shall be based on the net weight specified on such warehouse receipts. Where tung oil tendered under a purchase agreement is not stored in an approved warehouse, the quantity of such tung oil shall be determined on the basis of approved scale weight at destination.

§ 443.1373 *Determination of quality.* (a) The determination of the oil content of the tung nuts and the quality of tung oil not stored in approved warehouses which is delivered under purchase agreement shall be made on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture. The samples shall be analyzed by chemists approved by the Department of Agriculture (hereinafter referred to as "approved chemists"). The oil content of the tung nuts shall be determined on the basis of a sample drawn as of the time of delivery of the tung nuts to CCC. The time of determining the quality of the tung oil and evidence of such quality shall be as provided in § 443.1381 (b) (5). The cost of sampling and analysis shall be borne by the producer.

(b) In the case of tung oil stored in approved warehouses where appropriate warehouse receipts are delivered to CCC in connection with a purchase agreement or a loan on such tung oil, the quality of such tung oil for the purposes of settlement with the producer shall be the quality shown on the warehouse receipts.

§ 443.1374 *Liens.* If there are any liens or encumbrances on the tung nuts or tung oil, waivers acceptable to the county committee must be obtained.

§ 443.1375 *Service charges.* Producers shall pay to the county committee service charges on the quantity of the commodity placed under loan or specified in the purchase agreement, computed at the following rates:

	Rates	Minimum charges
Tung oil	6 cents per hundredweight	$1.50
Tung nuts	18 cents per ton	1.50

No service charges will be refunded.

§ 443.1376 *Insurance.* Tung oil tendered for loan or under purchase agreement which is stored in an approved warehouse on a commingled basis must be insured by the warehouseman for not less than the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, tornado, leakage and such other hazards as are normally insured against by the warehouseman or required by statute.

§ 443.1377 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are past due or are payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, such producer must designate CCC or the lending agency holding such note as the payee of the proceeds of the purchase or loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. In the case of a cooperative, the cooperative must designate CCC, or the lending agency holding the note evidencing a loan on farm storage facilities or mobile drying equipment, as the payee of the proceeds of the purchase or loan to the extent of any such indebtedness or installments due by any individual producer who delivered to the cooperative tung oil or the tung nuts from which was processed the oil constituting the basis for the loan or the purchase agreement. For purposes of this provision the cooperative must deliver to the county committee a list of the individual producers who delivered the tung oil or the tung nuts to the cooperative together with the quantity of oil processed for each producer. The county committee will furnish the cooperative with the names of such producers which appear on the county debt register and the amount of their indebtedness.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after payment of service charges and claims of prior lienholders.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 443.1378 *Interest rate.* Loans shall bear interest at the rate of 3.5 percent per annum from the date of disbursement to the date of repayment.

§ 443.1379 *Transfer of producer's right or equity*—(a) *Loans.* The right of a producer to transfer either his right to redeem the tung oil under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 443.1380 *Release of tung oil under loan.* A producer may at any time on or before maturity obtain release of the tung oil under loan by paying to the holder of the note and loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Partial release prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released. However, the quantity to be released must be equal to the quantity covered by one or more warehouse receipts.

§ 443.1381 *Liquidation of the loans and delivery under purchase agreement*—(a) *Liquidation of the loan.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the tung oil to satisfy the loan in accordance with the provisions of the note and loan agreement and this section. If tung oil is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat pooled tung oil as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled tung oil is disposed of under such policies at prices less than the current domestic price for such commodity. Any payment due the producer as a result of the sale of the commodity, or out of the proceeds of insurance on the commodity, or any ratable share resulting from the liquidation of a pool, will be made by the Dallas CSS Commodity Office and shall be payable only to the producer or his agent without right of assignment by him.

(b) *Delivery and payment under purchase agreement.* (1) A producer who signs a purchase agreement, Commodity Purchase Form 1, will not be obligated to sell any specified quantity of tung nuts or tung oil to CCC but shall have the option subject to subparagraphs (4) and (5) of this paragraph of delivering to CCC at the support price any quantity of tung nuts or tung oil within the maximum specified in the purchase agreement executed by him.

(2) A producer who has signed a purchase agreement in terms of tung nuts, may, at his option, deliver in lieu of tung nuts not in excess of the quantity of eligible tung oil which has been processed from such tung nuts: *Provided,* That tung oil shall be delivered in accordance with subparagraph (4) or (5) of this paragraph whichever is applicable.

(3) Eligible tung nuts will be purchased on the basis of the net weight and the oil content as shown by a chemical analysis. CCC will not accept delivery until a determination of eligibility has been made and a sample for chemical analysis has been drawn. The producer shall deliver tung nuts to CCC in accordance with instructions issued by the county committee on or after March 31, 1958. If the producer is required by such instructions to make delivery to a

point more distant from the farm than his usual milling point, CCC will pay the difference, if any, between the cost of transportation from the farm to the designated delivery point and the cost of transportation from the farm to the usual milling point but not in excess of an amount which the county committee determines is a reasonable difference in cost for such services. The producer must complete delivery of tung nuts within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(4) In the case of tung oil stored in approved storage facilities, the producer must, not later than the day following the final date of the 30-day notification period prescribed in § 443.1369 (b), or during such period of time thereafter as may be specified by CCC, submit to the county committee warehouse receipts issued in the form prescribed in § 443.1370 (g). The total quantity of oil represented by such warehouse receipts shall not exceed the quantity shown on Commodity Purchase Form 1. CCC will not accept delivery of less than the total quantity of tung oil covered by a warehouse receipt. The certification of the eligibility of tung oil, as provided in § 443.1370 (d) or (e), whichever is applicable, must accompany the warehouse receipt.

(5) In the case of tung oil stored in storage facilities which have not been approved, delivery will be accepted only f. o. b. tank cars at the producer's usual milling point or at other locations approved by CCC. The county committee will on or after the final date of the 30-day notification period prescribed in § 443.1369 (b), issue delivery instructions to the producer. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering such tank car offered showing that oil meets Federal Specifications; or if it is found by the county committee that a submission of these analyses certificates on tank car lots would cause undue delay in shipment, the producer may (i) submit evidence that a sample of each car lot of oil has been properly drawn and submitted to an approved chemist for analysis, provided that the producer (*a*) waives his right of appeal of the findings of the approved chemist, (*b*) agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account, and (*c*) agrees further that if the tung oil does not meet Federal Specifications the car shall be rejected with all freight, demurrage, and handling charges reverting to the account of the producer; or (ii) the producer may submit chemical analysis certificates (issued by an approved chemist) showing that the tung oil offered meets Federal Specifications and is stored in sealed identity preserved tanks, provided that the producer agrees to have such tung oil check-loaded by a representative of CCC into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f. o. b. tank cars. The producer must submit a certification of the eligibility of tung oil, as provided in § 443.1370 (d) or (e), whichever is applicable, and complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. Notwithstanding the above provisions of this section, delivery of less than tank car lots may be accepted by CCC f. o. b. tank truck or other conveyance in those cases where the Dallas CSS Commodity Office determines that such action is in the interest of CCC. The tung nuts or tung oil will be purchased by CCC at the applicable support rate and payment will be made by sight drafts drawn on CCC by the ASC county office.

§ 443.1382 *Purchase of notes.* The county committee, acting on behalf of CCC, will purchase from approved lending agencies notes evidencing approved loans which are secured by warehouse receipts issued by approved warehouses. The purchase price will be the principal sums remaining due on such notes, plus interest computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the county office where the loan documents were approved.

§ 443.1383 *Storage and handling charges*—(a) *Tung nuts.* CCC will not pay or assume any of the costs of transportation (except as provided in § 443.1381 (b) (3)), storage, cleaning, insurance premiums, bags and bagging, sampling, testing and analysis reports, and tagging accruing prior to delivery of the tung nuts to CCC under a purchase agreement, nor will CCC assume the cost of handling or processing expenses which are necessary to prepare the tung nuts to meet eligibility requirements.

(b) *Tung oil.* CCC will not pay or assume the cost of transportation, sampling, insurance, testing and analysis accruing on the tung oil prior to delivery under a purchase agreement or prior to the maturity date of the loan on tung oil placed under loan, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. Storage charges on tung oil stored in approved warehouse shall be paid by the producer through October 31, 1958. Storage charges accruing on such tung oil after such date will be for the account of CCC. All storage charges on tung oil stored in unapproved warehouses shall be for the account of the producer.

(c) *Unexpired storage time and services.* CCC and any subsequent holder of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer became entitled under any contract between the producer and the warehouseman.

§ 443.1384 *Support prices*—(a) *Tung nuts.* The support price for tung nuts containing 18.5 percent oil (original moisture basis) shall be $52.13 per ton in all areas. This price shall be adjusted upward or downward by 30 cents per ton for each variation of 1/10 of 1 percent oil from the base of 18.5 percent oil content (original moisture basis) on the basis of chemical analysis certificates issued by an approved chemist.

(b) *Tung oil.* The equivalent price for eligible tung oil will be 20.5 cents per pound in all areas.

§ 443.1385 *CSS Commodity Office.* The Dallas CSS Commodity Office will serve the tung area and the States served by it are shown below:

Address and States
500 South Ervay Street, Dallas 1, Tex.; Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

Issued this 21st day of November, 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-9787; Filed, Nov. 25, 1957; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—1958–59 MARKETING YEAR

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS AND NATIONAL ACREAGE ALLOTMENT FOR 1958 CROP, AND APPORTIONMENT OF 1958 NATIONAL ACREAGE ALLOTMENT AMONG THE SEVERAL STATES

Sec.
730.901 Basis and purpose.
730.902 Marketing quotas on 1958 crop of rice.
730.903 National acreage allotment of rice for 1958.
730.904 Apportionment of 1958 national acreage allotment of rice among the several States.

AUTHORITY: §§ 730.901 to 730.904 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 352, 353, 354, 52 Stat. 38, 60, 61, as amended; 7 U. S. C. 1301, 1352, 1353, 1354.

§ 730.901 *Basis and purpose.* (a) Section 730.902 is issued under and in accordance with sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of rice for the marketing year beginning August 1, 1957, and to proclaim that marketing quotas will be applicable to the 1958 crop of rice. Section 730.903 is issued under and in accordance with sections 352 and 353 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the national acreage allotment of rice for the calendar year 1958. Section 353 (c) (6) of the act provides that the national acreage allotment of rice for 1958 shall be not less than the total acreage allotted in 1956. Section 730.904 is issued under and in accordance with section 353 of the Agricultural Adjustment Act of 1938, as amended, to apportion among the

several States the national acreage allotment of rice for 1958 as proclaimed in § 730.903. Section 353 of the act provides that the national acreage allotment of rice for 1958, less a reserve of not to exceed one per centum for apportionment to farms receiving inadequate allotments, shall be apportioned among the States in the same proportion that they shared in the total acreage allotted in 1956.

(b) The findings and determinations made in §§ 730.902, 730.903, and 730.904 have been made on the basis of the latest available statistics of the Federal Government. The findings in § 730.902 show that marketing quotas are required for the 1958 crop of rice. The determinations made in §730.903 indicate the amount of the 1958 national acreage allotment of rice.

(c) Prior to taking action herein, public notice (22 F. R. 7865) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1958 crop of rice, to determine and proclaim the national acreage allotment of rice for 1958, and to apportion among the States the 1958 national acreage allotment of rice. All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(d) The Agricultural Adjustment Act of 1938, as amended, requires that the Secretary's proclamation with respect to marketing quotas for the 1958 crop of rice be issued not later than December 31, 1957; that the referendum to determine whether farmers are in favor of or opposed to such quotas be held within 30 days after the issuance of the proclamation; and that insofar as practicable operators of farms be notified of their farm rice acreage allotments prior to the holding of the referendum. Therefore, it is necessary to waive the 30-day effective date provision of section 4 of the Administrative Procedure Act and such provision is hereby waived. Accordingly, the regulations in §§ 730.901 to 730.904, inclusive, shall become effective upon the filing of this document with the Director, Division of the Federal Register.

§ 730.902 *Marketing quotas on 1958 crop of rice.* The total supply of rice in the United States for the marketing year beginning August 1, 1957, is determined to be 63,193 thousand hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 50,630 thousand hundredweight. Since the total supply of rice for the 1957–58 marketing year exceeds the normal supply for such marketing year by more than 10 per centum, marketing quotas shall be in effect on the 1958 crop of rice.

§ 730.903 *National acreage allotment of rice for 1958.* The normal supply of rice for the marketing year commencing August 1, 1958, is determined to be 47,512 thousand hundredweight (rough basis). The carry-over of rice on August 1, 1958, is determined to be 17,000 thousand hundredweight. Therefore, the production of rice needed in 1958 to make available a total supply of rice for the 1958–59 marketing year equal to the normal supply for such marketing year is 30,512 thousand hundredweight. The national average yield of rice for the five calendar years, 1953 through 1957 is determined to be 2,792 pounds per planted acre. The national acreage allotment of rice for 1958 computed on the basis of the production of rice needed in 1958 and the national average yield per planted acre of rice for the five calendar years, 1953 through 1957, is 1,092,837 acres. Since this amount is less than the total acreage allotted in 1956, which is the minimum for 1958 provided by law, the national acreage allotment of rice for the calendar year 1958 shall be 1,652,596 acres.

§ 730.904 *Apportionment of 1958 national acreage allotment of rice among the several States.* The national acreage allotment proclaimed in § 730.903, less a reserve of 300 acres, is hereby apportioned among the several rice-producing States as follows:

State:	*Acres*
Arizona	229
Arkansas	399,014
California	299,767
Florida	957
Illinois	20
Louisiana	475,010
Mississippi	46,675
Missouri	4,767
North Carolina	29
Oklahoma	149
South Carolina	2,846
Tennessee	517
Texas	422,316

Issued at Washington, D. C., this 20th day of November 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9739; Filed, Nov. 25, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 11]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

AIRCRAFT AUDIO AND INTERPHONE AMPLIFIERS (FOR AIR CARRIER AIRCRAFT)

Minimum performance standards for audio and interphone amplifiers to be used in civil aircraft of the United States engaged in air carrier operations are defined in § 514.49.

Section 514.49 appeared as a notice of proposed rule making in 22 F. R. 7564 on September 24, 1957. All interested persons have been afforded an opportunity to submit written views, data or argument. No comments were received.

Section 514.49 is added under Subpart B of this part to read as follows:

§ 514.49 *Aircraft audio and interphone amplifiers for air carrier aircraft—TSO–C50*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft audio and interphone amplifiers which are to be used in civil aircraft of the United States engaged in air carrier operations. New models of aircraft audio and interphone amplifiers manufactured for use in civil aircraft on or after December 1, 1957, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Aircraft Audio and Interphone Amplifiers" (Paper 45–57/DO–78, dated March 15, 1957,[1] with the exception listed in subparagraph (2) of this paragraph. Aircraft audio and interphone amplifiers approved by the Civil Aeronautics Administration prior to December 1, 1957, may continue to be manufactured under the provisions of their original approval.

(2) *Exception.* The exception applies to section 3.0, Minimum Performance Standards Under Environmental Test Conditions. Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 dated April 13, 1954,[1] which is incorporated by reference in and thus is a part of Paper 45–57/DO–78, outlines environmental test procedures for equipment designed to operate under three different temperature ranges as specified therein under Procedures A, B, and C. Only aircraft audio and interphone amplifiers which meet the operating requirements in the temperature range of −55° C to +55° C or −40° C to +55° C, whichever is applicable, as outlined in Procedure A or Procedure B of Paper 100–54/DO–60, are eligible under this order.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over a temperature range of −55° C to +55° C as outlined in Procedure A of RTCA Paper 100–54/DO–60 shall be marked as Category A equipment. Equipment which has been designed to operate over a temperature range of −40° C to +55° C, as outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

Effective date. December 1, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 15, 1957.

[F. R. Doc. 57-9747; Filed, Nov. 25, 1957; 8:46 a. m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1064, T–5 Building, Sixteenth and Constitution Avenue NW., Washington 25, D. C.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54489]

PART 6—AIR COMMERCE REGULATIONS

INTERNATIONAL AIRPORTS; CHANGE IN OFFICIAL NAME OF DETROIT-WAYNE MAJOR AIRPORT, DETROIT, MICH.

The official name of the Detroit-Wayne Major Airport, Detroit, Michigan, which is a designated international airport (airport of entry), has been changed to "Detroit Metropolitan Wayne County Airport." Therefore, § 6.13 of the Customs Regulations is hereby amended by substituting the name "Detroit Metropolitan Wayne County Airport" for the name "Detroit-Wayne Major Airport" opposite "Detroit, Michigan."

(R. S. 161, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 49 U. S. C. 177)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 19, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9770; Filed, Nov. 25, 1957; 8:52 a. m.]

[T. D. 54485]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED FARE, ETC.

VESSEL SUPPLIES

To permit the crediting or cancellation of a bond against which a conditionally free withdrawal of vessel supplies, equipment, or repair articles under section 309 of the Tariff Act of 1930, as amended, is charged, a declaration of business or trade is required under certain conditions. This declaration presently may be executed only by the master or other officer of the vessel on which the articles are used who has knowledge of the facts. Such limitation on the execution of the declaration may result in long delay in closing a transaction, particularly when the withdrawer must engage in protracted correspondence to obtain the declaraton.

To facilitate compliance with the requirement of a declaration of business or trade and to give proper effect to section 317 (b) of the Tariff Act of 1930, as amended, under which the shipment or delivery of articles for use as supplies or equipment upon, or in the maintenance or repair of any vessel described in section 309 (a) (2) of the Tariff Act of 1930, as amended, shall be deemed an exportation, the Customs Regulations are amended as follows:

1. Section 10.61 (b) is amended by substituting "supplies, equipment, or repair articles" for "supplies" in the first and third sentences.

2. Section 10.63 (a) is amended by substituting "If an American-flag vessel" for "If a vessel" at the beginning of the first sentence.

3a. Section 10.64 is amended by substituting "supplies, equipment, or repair articles of a vessel may be credited or canceled in respect of such articles if a proper declaration as prescribed below" for "supplies of a vessel may be credited or canceled in respect of such articles if a declaration in the form prescribed below" in the first sentence of paragraph (a). That portion of the fourth sentence of paragraph (a) preceding the colon is deleted and the following substituted therefor:

The declaration shall be executed by one of the following who has knowledge of the facts:

(1) The operations manager or port captain for the vessel on which the articles are used but not a representative of the supplier.

(2) The master or other officer of the vessel on which the articles are used.

In the case of an American-flag vessel, the declaration shall be in substantially the following form:

b. The parenthetical matter immediately below "I _____, * * *" at the beginning of the declaration form is amended to read: "(Operations Manager, Port Captain, Master, or other officer)".

c. Paragraph (a) is further amended by adding the following at the end of the paragraph:

In the case of a foreign vessel, the declaration shall be in substantially the following form:

I, _____
(Operations manager, port captain, master, or other officer)
of the vessel _____, declare that I have knowledge of the facts set forth herein, and that upon the lading of the articles covered by withdrawal No. _____, filed at _____, (as listed
(Name of port)
in the vessel's stores log of supplies, equipment, or repair articles withdrawn from bond) the vessel then proceeded in ballast to lade cargo or passengers; that the vessel was suitable for service in the class of trade checked below with fittings, outfit, and equipment for such trade already installed when the vessel so departed in ballast; and that upon arrival it proceeded to engage in the carriage of cargo or passengers in such trade, except as stated below:

_____
(If no exception, note "None")

1. Foreign trade.
2. Fisheries.
3. Whaling.
4. Trade between the united States and any of its possessions.

_____
(Name and title)

d. Paragraph (b) is amended by substituting "a declaration" for "the declaration".

(Sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 19, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9771; Filed, Nov. 25, 1957; 8:52 a. m.]

[T. D. 54486]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

CUSTOMS WAREHOUSE OFFICERS; REIMBURSEMENT OF TRANSPORTATION EXPENSES

The purpose of the amendments is to provide for reimbursement to the Government by proprietors of customs bonded warehouses of the transportation expenses of customs warehouse officers whose salaries are fully reimbursable for going from one customs bonded warehouse to another within port limits during official hours.

1a. Section 19.5 is amended by redesignating paragraphs (d) and (e) as (e) and (f), respectively, and by adding a new paragraph (d) to read:

(d) When a customs warehouse officer has charge of more than one warehouse, transportation expenses for going from one bonded warehouse to another within port limits during official hours shall be charged to the warehouse proprietors concerned. However, no charge shall be made for transportation of a warehouse officer to his first assignment or from his last assignment.

b. Redesignated paragraph (e) is amended to read:

(e) If any customs warehouse officer has charge of more than one warehouse, the charge for his compensation and transportation expenses shall be equitably apportioned among the respective warehouse proprietors concerned.

(R. S. 161, 251, secs. 555, 556, 624, 46 Stat. 743, 759; 5 U. S. C. 22, 19 U. S. C. 66, 1555, 1556, 1624)

2a. Section 24.17 (c) is amended to read:

(c) When services are rendered within the port limits, no charge shall be made for transportation expenses incurred except in the case of a customs warehouse officer whose compensation is fully reimbursable. (See § 19.5 (d) of this chapter.)

b. The citation of authority for § 24.17 is amended to read:

(Secs. 456, 524, 557, 562, 46 Stat. 716, 741, as amended, 744, as amended, 745, as amended, sec. 1, 24 Stat. 79, as amended; 19 U. S. C. 1456, 1524, 1557, 1562, 46 U. S. C. 331)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

Notice of the proposed amendment of these regulations was published in the FEDERAL REGISTER on July 18, 1957 (22 F. R. 5720) pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or arguments pertaining thereto having been received the amendments set forth above are hereby adopted.

This amendment shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 19, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9772; Filed, Nov. 25, 1957; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6272]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

COMPUTATION OF TAXABLE INCOME

On November 2, 1956, notice of proposed rule making with respect to regulations under part I (sections 61, 62, and 63) and part IV (sections 141 to 145, inclusive) of subchapter B of chapter 1 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 8397). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations so published are hereby adopted, effective with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954, subject to the changes set forth below:

PARAGRAPH 1. Section 1.61-2 is revised as follows:

(A) By changing the first sentence of paragraph (c) to read as follows: "The value of services is not includible in gross income when such services are rendered directly and gratuitously to an organization described in section 170 (c)."

(B) By changing the first sentence of paragraph (d) (1) to read as follows: "If services are paid for other than in money, the fair market value of the property or service; taken in payment must be included in income."

(C) By changing the third sentence of paragraph (d) (2) to read as follows: "Generally, life insurance premiums paid by an employer on the lives of his employees, where the proceeds of such insurance are payable to the beneficiaries of such employees, are part of the gross income of the employees."

PAR. 2. Section 1.61-4 is revised as follows

(A) By adding the following sentence after the second sentence of paragraph (a): "However, see section 162 and the regulations thereunder with respect to the computation of taxable income on other than the crop method where the cost of seeds or young plants purchased for further development and cultivation prior to sale is involved."

(B) By amending the second sentence of paragraph (b), including subparagraphs (1) to (7), inclusive.

(C) By deleting the third sentence of paragraph (d), and inserting in lieu thereof the following: "For more detailed rules with respect to the determination of whether or not an individual is engaged in farming, see § 1.175-3."

PAR. 3. The first sentence of paragraph (b) (2) of § 1.61-5 is revised by deleting the phrase "subdivisions (i), (ii), and (iii) of".

PAR. 4. Section 1.61-6 is revised as follows:

(A) By changing the second sentence of paragraph (a) to read as follows: "For this purpose property includes tangible items, such as a building, and intangible items, such as goodwill."

(B) By deleting the word "like" in the second sentence of paragraph (c) and substituting therefor the word "as".

PAR. 5. The first two sentences of paragraph (c) of § 1.61-7 are revised to read as follows: "When notes, bonds, or other certificates of indebtedness are issued by a corporation or the Government at a discount and are later redeemed by the debtor at the face amount, the original discount is interest, except as otherwise provided by law. See also paragraph (b) of this section for the rules relating to Government bonds."

PAR. 6. Section 1.61-8 is revised as follows:

(A) By deleting the seventh sentence of paragraph (a).

(B) By changing the first sentence of paragraph (b) to read as follows: "Gross income includes advance rentals, which must be included in income for the year of receipt regardless of the period covered or the method of accounting employed by the taxpayer."

(C) By deleting the second sentence of paragraph (b).

PAR. 7. Section 1.61-9 is revised as follows:

(A) By deleting the second, third, fourth, fifth, and sixth sentences of paragraph (a) and inserting in lieu thereof the following: "For the principal rules with respect to dividends includible in gross income, see section 316 and the regulations thereunder. As to distributions made or deemed to be made by regulated investment companies, see sections 851 through 855, and the regulations thereunder."

(B) By revising the entitlement of paragraph (b) to read as follows: "*Dividends in kind; stock dividends; stock redemptions.*"

(C) By inserting the following sentence after the first sentence in paragraph (b): "For amounts to be included in gross income when distributions of property are made, see section 301 and the regulations thereunder."

(D) By revising the third sentence of paragraph (b) to read as follows: "However, the term 'dividend' includes a distribution of stock, or rights to acquire stock, in a corporation other than the corporation making the distribution."

(E) By deleting the last sentence of paragraph (b) and, in addition, paragraph (c) in its entirety, and inserting in lieu thereof the following: "For determining when distributions in complete liquidation shall be treated as dividends, see section 333 and the regulations thereunder. For rules determining when amounts received in exchanges under section 354 or exchanges and distributions under section 355 shall be treated as dividends, see section 356 and the regulations thereunder."

(F) By changing the designation of paragraph (d) to (c).

PAR. 8. Paragraph (a) of § 1.61-12 is revised by inserting the words "to the extent of the principal of the debt" immediately before the period at the end thereof.

PAR. 9. Paragraph (c) (4) of § 1.62-1 is revised.

[SEAL] O. GORDON DELK,
Acting Comissioner of Internal Revenue.

Approved: November 20, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

COMPUTATION OF TAXABLE INCOME

DEFINITION OF GROSS INCOME, ADJUSTED GROSS INCOME, AND TAXABLE INCOME

Sec.	
1.61	Statutory provisions; gross income defined.
1.61-1	Gross income.
1.61-2	Compensation for services, including fees, commissions, and similar items.
1.61-3	Gross income derived from business.
1.61-4	Gross income of farmers.
1.61-5	Allocations by cooperative associations; tax treatment as to patrons.
1.61-6	Gains derived from dealings in property.
1.61-7	Interest.
1.61-8	Rents and royalties.
1.61-9	Dividends.
1.61-10	Alimony and separate maintenance payments; annuities; income from life insurance and endowment contracts.
1.61-11	Pensions.
1.61-12	Income from discharge of indebtedness.
1.61-13	Distributive share of partnership gross income; income in respect of a decedent; income from an interest in an estate or trust.
1.61-14	Miscellaneous items of gross income.
1.62	Statutory provisions; adjusted gross income defined.
1.62-1	Adjusted gross income.
1.63	Statutory provisions; taxable income defined.

STANDARD DEDUCTION FOR INDIVIDUALS

1.141	Statutory provisions; standard deduction.
1.141-1	Standard deduction.
1.142	Statutory provisions; individuals not eligible for standard deduction.
1.142-1	Husband and wife.
1.142-2	Standard deduction not allowable.
1.143	Statutory provisions; determination of marital status.
1.143-1	Determination of marital status.
1.144	Statutory provisions; election of standard deduction.
1.144-1	Manner and effect of election to take the standard deduction.
1.144-2	Change of election to take, or not to take, the standard deduction.
1.145	Statutory provisions; cross reference.

AUTHORITY: §§ 1.61 to 1.145 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

COMPUTATION OF TAXABLE INCOME

DEFINITION OF GROSS INCOME, ADJUSTED GROSS INCOME, AND TAXABLE INCOME

§ 1.61 *Statutory provisions; gross income defined.*

SEC. 61. *Gross income defined*—(a) *General definition.* Except as otherwise provided in this subtitle, gross income means all income from whatever source derived, including (but not limited to) the following items:

(1) Compensation for services, including fees, commissions, and similar items;
(2) Gross income derived from business;
(3) Gains derived from dealings in property;
(4) Interest;
(5) Rents;
(6) Royalties;
(7) Dividends;
(8) Alimony and separate maintenance payments;
(9) Annuities;
(10) Income from life insurance and endowment contracts;
(11) Pensions;
(12) Income from discharge of indebtedness;
(13) Distributive share of partnership gross income;
(14) Income in respect of a decedent; and
(15) Income from an interest in an estate or trust.

(b) *Cross references.* For items specifically included in gross income, see part II (sec. 71 and following). For items specifically excluded from gross income, see part III (sec. 101 and following).

§ 1.61–1 *Gross income*—(a) *General definition.* Gross income means all income from whatever source derived, unless excluded by law. Gross income includes income realized in any form, whether in money, property, or services. Income may be realized, therefore, in the form of services, meals, accommodations, stock, or other property, as well as in cash. Section 61 lists the more common items of gross income for purposes of illustration. For purposes of further illustration, § 1.61–14 mentions several miscellaneous items of gross income not listed specifically in section 61. Gross income, however, is not limited to the items so enumerated.

(b) *Cross references.* Cross references to other provisions of the Internal Revenue Code of 1954 are to be found throughout the regulations under section 61. The purpose of these cross references is to direct attention to the more common items which are included in or excluded from gross income entirely, or treated in some special manner. To the extent that another section of the Internal Revenue Code of 1954, or of the regulations thereunder, provides specific treatment for any item of income, such other provision shall apply notwithstanding section 61 and these regulations. The cross references do not cover all possible items.

(1) For examples of items specifically included in gross income, see sections 71 through 77.

(2) For examples of items specifically excluded from gross income, see sections 101 through 121.

(3) For general rules as to the taxable year for which an item is to be included in gross income, see section 451 and the regulations thereunder.

§ 1.61–2 *Compensation for services, including fees, commissions, and similar items*—(a) *In general.* (1) Wages, salaries, commissions paid salesmen, compensation for services on the basis of a percentage of profits, commissions on insurance premiums, tips, bonuses (including Christmas bonuses), termination or severance pay, rewards, jury fees, marriage fees and other contributions received by a clergyman for services, pay of persons in the military or naval forces of the United States, retired pay of employees, pensions, and retirement allowances are income to the recipients unless excluded by law. Several special rules apply to members of the Armed Forces, Coast and Geodetic Survey, and Public Health Service of the United States; see paragraph (b) of this section.

(2) The Internal Revenue Code of 1954 provides special rules including the following items in gross income:

(i) Distributions from employees' trusts, see sections 72, 402, and 403, and the regulations thereunder;

(ii) Compensation for child's services (in child's gross income), see section 73 and the regulations thereunder;

(iii) Prizes and awards, see section 74 and the regulations thereunder.

(3) Similarily, the Internal Revenue Code of 1954 provides special rules excluding the following items from gross income in whole or in part:

(i) Gifts, see section 102 and the regulations thereunder;

(ii) Compensation for injuries or sickness, see section 104 and the regulations thereunder;

(iii) Amounts received under accident and health plans, see section 105 and the regulations thereunder;

(iv) Scholarship and fellowship grants, see section 117 and the regulations thereunder;

(v) Miscellaneous items, see section 121.

(b) *Members of the Armed Forces, Coast and Geodetic Survey, and Public Health Service.* Subsistence and uniform allowances granted commissioned officers, chief warrant officers, warrant officers, and enlisted personnel of the Armed Forces, Coast and Geodetic Survey, and Public Health Service of the United States, and amounts received by them as commutation of quarters, are to be excluded from gross income. Similarly, the value of quarters or subsistence furnished to such persons is to be excluded from gross income. For the exclusion from gross income of—

(1) Disability pensions, see section 104 (a) (4) and the regulations thereunder;

(2) Mustering-out payments, see section 113 and the regulations thereunder;

(3) Miscellaneous items, see section 121.

However, the per diem allowance in lieu of subsistence and the mileage allowance received by such persons while in a travel status or on temporary duty away from their permanent stations shall be included in their gross income.

(c) *Payment to charitable, etc., organization on behalf of person rendering services.* The value of services is not includible in gross income when such services are rendered directly and gratuitously to an organization described in section 170 (c). Where, however, pursuant to an agreement or understanding, services are rendered to a person for the benefit of an organization described in section 170 (c) and an amount for such services is paid to such organization by the person to whom the services are rendered, the amount so paid constitutes income to the person performing the services.

(d) *Compensation paid other than in cash*—(1) *In general.* If services are paid for other than in money, the fair market value of the property or services taken in payment must be included in income. If the services were rendered at a stipulated price, such price will be presumed to be the fair market value of the compensation received in the absence of evidence to the contrary.

(2) *Property transferred to employee; insurance premiums paid by employer.* Except as otherwise provided in section 421 and the regulations thereunder (relating to employee stock options), if property is transferred by an employer to an employee for an amount less than its fair market value, regardless of whether the transfer is in the form of a sale or exchange, the difference between the amount paid for the property and the amount of its fair market value at the time of the transfer is compensation and shall be included in the gross income of the employee. In computing the gain or loss from the subsequent sale of such property, its basis shall be the amount paid for the property increased by the amount of such difference included in gross income. Generally, life insurance premiums paid by an employer on the lives of his employees, where the proceeds of such insurance are payable to the beneficiaries of such employees, are part of the gross income of the employees. However, premiums paid by an employer on policies of group term life insurance covering the lives of his employees are not gross income to the employees, even if they designate the beneficiaries. For special rules relating to the exclusion of contributions by an employer to accident and health plans, see section 106 and the regulations thereunder.

(3) *Meals and living quarters.* The value of living quarters or meals which an employee receives in addition to his salary constitutes gross income unless they are furnished for the convenience of the employer and meet the conditions specified in section 119 and the regulations thereunder. For the treatment of rental value of parsonages or rental allowance paid to ministers, see section 107 and the regulations thereunder; for the treatment of statutory subsistence allowances received by police, see section 120 and the regulations thereunder.

(4) *Stock and notes transferred to employee.* If a corporation transfers its own stock to an employee as compensation for services, the fair market value of the stock at the time of transfer shall be included in the gross income of the employee. Notes or other evidences of indebtedness received in payment for services constitute income in the amount

of their fair market value at the time of the transfer. A taxpayer receiving as compensation a note regarded as good for its face value at maturity, but not bearing interest, shall treat as income as of the time of receipt its fair discounted value computed at the prevailing rate. As payments are received on such a note, there shall be included in income that portion of each payment which represents the proportionate part of the discount originally taken on the entire note.

§ 1.61–3 *Gross income derived from business*—(a) *In general.* In a manufacturing, merchandising, or mining business, "gross income" means the total sales, less the cost of goods sold, plus any income from investments and from incidental or outside operations or sources. Gross income is determined without subtraction of depletion allowances based on a percentage of income, and without subtraction of selling expenses, losses, or other items not ordinarily used in computing cost of goods sold. The cost of goods sold should be determined in accordance with the method of accounting consistently used by the taxpayer.

(b) *State contracts.* The profit from a contract with a State or political subdivision thereof must be included in gross income. If warrants are issued by a city, town, or other political subdivision of a State, and are accepted by the contractor in payment for public work done, the fair market value of such warrants should be returned as income. If, upon conversion of the warrants into cash, the contractor does not receive and cannot recover the full value of the warrants so returned, he may deduct any loss sustained from his gross income for the year in which the warrants are so converted. If, however, he realizes more than the value of the warrants so returned, he must include the excess in his gross income for the year in which realized.

§ 1.61–4 *Gross income of farmers*—(a) *Farmers using the cash method of accounting.* A farmer using the cash receipts and disbursements method of accounting shall include in his gross income for the taxable year—

(1) The amount of cash and the value of merchandise or other property received during the taxable year from the sale of livestock and produce which he raised,

(2) The profits from the sale of any livestock or other items which were purchased,

(3) All amounts received from breeding fees, fees from rent of teams, machinery, or land, and other incidental farm income,

(4) All subsidy and conservation payments received which must be considered as income, and

(5) Gross income from all other sources.

The profit from the sale of livestock or other items which were purchased is to be ascertained by deducting the cost from the sales price in the year in which the sale occurs, except that in the case of the sale of purchased animals held for draft, breeding, or dairy purposes, the profits shall be the amount of any excess of the sales price over the amount representing the difference between the cost and the depreciation allowed or allowable (determined in accordance with the rules applicable under section 1016 (a) and the regulations thereunder). However, see section 162 and the regulations thereunder with respect to the computation of taxable income on other than the crop method where the cost of seeds and young plants purchased for further development and cultivation prior to sale is involved.

Crop shares (whether or not considered rent under State law) shall be included in gross income as of the year in which the crop shares are reduced to money or the equivalent of money.

(b) *Farmers using an accrual method of accounting.* A farmer using an accrual method of accounting must use inventories to determine his gross income. His gross income on an accrual method is determined by adding the total of the items described in subparagraphs (1) through (5) of this paragraph and subtracting therefrom the total of the items described in subparagraphs (6) and (7) of this paragraph. These items are as follows:

(1) The sales price of all livestock and other products held for sale and sold during the year;

(2) The inventory value of livestock and products on hand and not sold at the end of the year;

(3) All miscellaneous items of income, such as breeding fees, fees from the rent of teams, machinery, or land, or other incidental farm income;

(4) Any subsidy or conservation payments which must be considered as income;

(5) Gross income from all other sources;

(6) The inventory value of the livestock and products on hand and not sold at the beginning of the year; and

(7) The cost of any livestock or products purchased during the year (except livestock held for draft, dairy, or breeding purposes, unless included in inventory).

All livestock raised or purchased for sale shall be added in the inventory at their proper valuation determined in accordance with the method authorized and adopted for the purpose. Livestock acquired for draft, breeding, or dairy purposes and not for sale may be included in the inventory (see subparagraphs (2), (6), and (7) of this paragraph) instead of being treated as capital assets subject to depreciation, provided such practice is followed consistently from year to year by the taxpayer. When any livestock included in an inventory are sold, their cost must not be taken as an additional deduction in computing taxable income, because such deduction is reflected in the inventory. See the regulations under section 471. Crop shares (whether or not considered rent under State law) shall be included in gross income as of the year in which the crop shares are reduced to money or the equivalent of money.

(c) *Special rules for certain receipts.* In the case of the sale of machinery, farm equipment, or any other property (except stock in trade of the taxpayer, or property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business), any excess of the proceeds of the sale over the adjusted basis of such property shall be included in the taxpayer's gross income for the taxable year in which such sale is made. See, however, section 453 and the regulations thereunder for special rules relating to certain installment sales. If farm produce is exchanged for merchandise, groceries, or the like, the market value of the article received in exchange is to be included in gross income. Proceeds of insurance, such as hail or fire insurance on growing crops, should be included in gross income to the extent of the amount received in cash or its equivalent for the crop injured or destroyed. If a farmer is engaged in producing crops which take more than a year from the time of planting to the time of gathering and disposing, the income therefrom may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be computed upon the crop method; but in any such cases, the entire cost of producing the crop must be taken as a deduction for the year in which the gross income from the crop is realized, and not earlier.

(d) *Definition of "farm".* As used in this section, the term "farm" embraces the farm in the ordinarily accepted sense, and includes stock, dairy, poultry, fruit, and truck farms; also plantations, ranches, and all land used for farming operations. All individuals, partnerships, or corporations that cultivate, operate, or manage farms for gain or profit, either as owners or tenants, are designated as farmers. For more detailed rules with respect to the determination of whether or not an individual is engaged in farming, see § 1.175–3. For rules applicable to persons cultivating or operating a farm for recreation or pleasure, see sections 162 and 165, and the regulations thereunder.

(e) *Cross references.* (1) For election to include Commodity Credit Corporation loans as income, see section 77 and regulations thereunder.

(2) For definition of gross income derived from farming for purposes of limiting deductibility of soil and water conservation expenditures, see section 175 and regulations thereunder.

(3) For definition of gross income from farming in connection with declarations of estimated income tax, see section 6073 and regulations thereunder.

§ 1.61–5 *Allocations by cooperative associations; tax treatment as to patrons*—(a) *In general.* Amounts allocated on the basis of the business done with or for a patron by a cooperative association, whether or not entitled to tax treatment under section 522, in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice or in some other manner disclosing to the patron the dollar amount allocated, shall be included in the computation of the gross income of such patron

for the taxable year in which received to the extent prescribed in paragraph (b) of this section, regardless of whether the allocation is deemed, for the purpose of section 522, to be made at the close of a preceding taxable year of the cooperative association. The determination of the extent of taxability of such amounts is in no way dependent upon the method of accounting employed by the patron or upon the method, cash, accrual, or otherwise, upon which the taxable income of such patron is computed.

(b) *Extent of taxability.* (1) Amounts allocated to a patron on a patronage basis by a cooperative association with respect to products marketed for such patron, or with respect to supplies, equipment, or services, the cost of which was deductible by the patron under section 162 or section 212, shall be included in the computation of the gross income of such patron to the following extent:

(i) If the allocation is in cash, in the amount of cash received.

(ii) If the allocation is in merchandise, to the extent of the fair market value of such merchandise at the time of receipt by the patron.

(iii) If the allocation is in the form of capital stock, revolving fund certificates, certificates of indebtedness, letters of advice, retain certificates, or similar documents—

(*a*) To the extent of the face amount of such documents, if the allocation was made in fulfillment and satisfaction of a valid obligation of such association to the patron, which obligation was in existence prior to the receipt by the cooperative association of the amount allocated. For this purpose, it is immaterial whether such allocation was made within the time mentioned in § 1.522–3 (a) (2).

(*b*) To the extent of the face amount of such documents, if the allocation was made with respect to patronage of a year preceding the taxable year from amounts retained as "reasonable reserves" under § 1.522–3 (a).

(c) To the extent of the cash or merchandise received in redemption or satisfaction of such documents (except those which are negotiable instruments) at the time of receipt of such cash or merchandise by the patron, where such allocation was not made in pursuance of the valid obligation referred to in (*a*) of this subdivision, or from amounts retained as "reasonable reserves" referred to in (*b*) of this subdivision. Where, in such case, the documents allocated are negotiable instruments, such documents shall be includible in the income of the patron to the extent of their fair market value at the time of their receipt.

(2) Amounts which are allocated on a patronage basis by a cooperative association with respect to supplies, equipment, or services, the cost of which was not deductible by the patron under section 162 or section 212, are not includible in the computation of the gross income of such patron; however, in the case of such amounts which are allocated with respect to capital assets (as defined in section 1221) or property used in the trade or business within the meaning of section 1231, such amounts shall, to the extent set forth in subparagraph (1) of this paragraph, be taken into account in determining the cost or other basis of the assets or property purchased for the patron. For example, if a farmer purchased a tractor in 1955 from a cooperative association for use in his farming activities for $2,000 and in a later year (after $400 has been properly deducted as depreciation in computing taxable income) has $100 allocated to him on a patronage basis by reason of his purchase of the tractor, then such $100 is not included in his gross income, but in the year of receipt reduces his unrecovered cost or other basis of the tractor, determined in accordance with section 1016, to $1,500. All subsequent depreciation deductions shall be determined on the basis of such remaining cost and the remaining expected useful life of the tractor.

§ 1.61–6 *Gains derived from dealings in property*—(a) *In general.* Gain realized on the sale or exchange of property is included in gross income, unless excluded by law. For this purpose property includes tangible items, such as a building, and intangible items, such as goodwill. Generally, the gain is the excess of the amount realized over the unrecovered cost or other basis for the property sold or exchanged. The specific rules for computing the amount of gain or loss are contained in section 1001 and the regulations thereunder. When a part of a larger property is sold, the cost or other basis of the entire property shall be equitably apportioned among the several parts, and the gain realized or loss sustained on the part of the entire property sold is the difference between the selling price and the cost or other basis allocated to such part. The sale of each part is treated as a separate transaction and gain or loss shall be computed separately on each part. Thus, gain or loss shall be determined at the time of sale of each part and not deferred until the entire property has been disposed of. This rule may be illustrated by the following examples:

Example (1). A, a dealer in real estate, acquires a 40-acre tract for $10,000, which he divides into 20 lots. The $10,000 cost must be equitably apportioned among the lots so that on the sale of each A can determine his taxable gain or deductible loss.

Example (2). B purchases for $25,000 property consisting of a used car lot and adjoining filling station. At the time, the fair market value of the filling station is $15,000 and the fair market value of the used car lot is $10,000. Five years later B sells the filling station for $20,000 at a time when $2,000 has been properly allowed as depreciation thereon. B's gain on this sale is $7,000, since $7,000 is the amount by which the selling price of the filling station exceeds the portion of the cost equitably allocable to the filling station at the time of purchase reduced by the depreciation properly allowed.

(b) *Nontaxable exchanges.* Certain realized gains or losses on the sale or exchange of property are not "recognized", that is, are not included in or deducted from gross income at the time the transaction occurs. Gain or loss from such sales or exchanges is generally recognized at some later time. Examples of such sales or exchanges are the following:

(1) Certain formations, reorganizations, and liquidations of corporations, see sections 331, 333, 337, 351, 354, 355, and 361;

(2) Certain formations and distributions of partnerships, see sections 721 and 731;

(3) Exchange of certain property held for productive use or investment for property of like kind, see section 1031;

(4) A corporation's exchange of its stock for property, see section 1032;

(5) Certain involuntary conversions of property if replaced, see section 1033;

(6) Sale or exchange of residence if replaced, see section 1034;

(7) Certain exchanges of insurance policies and annuity contracts, see section 1035; and

(8) Certain exchanges of stock for stock in the same corporation, see section 1036.

(c) *Character of recognized gain.* Under subchapter P of chapter 1 of the Internal Revenue Code of 1954, relating to capital gains and losses, certain gains derived from dealings in property are treated specially, and under certain circumstances the maximum rate of tax on such gains is 25 percent, as provided in section 1201. Generally, the property subject to this treatment is a "capital asset", or treated as a "capital asset". For definition of such assets, see sections 1221 and 1231, and the regulations thereunder. For some of the rules either granting or denying this special treatment, see the following sections and the regulations thereunder:

(1) Transactions between partner and partnership, section 707;

(2) Sale or exchange of property used in the trade or business and involuntary conversions, section 1231;

(3) Payment of bonds and other evidences of indebtedness, section 1232;

(4) Gains and losses from short sales, section 1233;

(5) Options to buy or sell, section 1234;

(6) Sale or exchange of patents, section 1235;

(7) Securities sold by dealers in securities, section 1236;

(8) Real property subdivided for sale, section 1237;

(9) Amortization in excess of depreciation, section 1238;

(10) Gain from sale of certain property between spouses or between an individual and a controlled corporation, section 1239;

(11) Taxability to employee of termination payments, section 1240.

§ 1.61–7 *Interest*—(a) *In general.* As a general rule, interest received by or credited to the taxpayer constitutes gross income and is fully taxable. Interest income includes interest on savings or other bank deposits; interest on coupon bonds; interest on an open account, a promissory note, a mortgage, or a corporate bond or debenture; the interest portion of a condemnation award; usurious interest (unless by State law it is automatically converted to a payment on the principal); interest on legacies; interest on life insurance proceeds held under an agreement to pay interest thereon; and interest on refunds of Federal taxes. For rules determining the

taxable year in which interest, including interest accrued or constructively received, is included in gross income, see section 451 and the regulations thereunder. For the inclusion of interest in income for the purpose of the retirement income credit, see section 37 and the regulations thereunder. For credit of tax withheld at source on interest on tax-free covenant bonds, see section 32 and the regulations thereunder.

(b) *Interest on Government obligations*—(1) *Wholly tax-exempt interest.* Interest upon the obligations of a State, Territory, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia, is wholly exempt from tax. Interest on certain United States obligations issued before March 1, 1941, is exempt from tax to the extent provided in the acts of Congress authorizing the various issues. See section 103 and the regulations thereunder.

(2) *Partially tax-exempt interest.* Interest earned on certain United States obligations is partly tax exempt and partly taxable. For example, the interest on United States Treasury bonds issued before March 1, 1941, to the extent that the principal of such bonds exceeds $5,000, is exempt from normal tax but is subject to surtax. See sections 35 and 103, and the regulations thereunder.

(3) *Fully taxable interest.* In general, interest on United States obligations issued on or after March 1, 1941, and obligations issued by any agency or instrumentality of the United States after that date, is fully taxable; but see section 103 and the regulations thereunder. A taxpayer using the cash receipts and disbursements method of accounting who owns United States savings bonds issued at a discount has an election as to when he will report the interest; see section 454 and the regulations thereunder.

(c) *Obligations bought at a discount; bonds bought when interest defaulted or accrued.* When notes, bonds, or other certificates of indebtedness are issued by a corporation or the Government at a discount and are later redeemed by the debtor at the face amount, the original discount is interest, except as otherwise provided by law. See also paragraph (b) of this section for the rules relating to Government bonds. If a taxpayer purchases bonds when interest has been defaulted or when the interest has accrued but has not been paid, any interest which is in arrears but has accrued at the time of purchase is not income and is not taxable as interest if subsequently paid. Such payments are returns of capital which reduce the remaining cost basis. Interest which accrues after the date of purchase, however, is taxable interest income for the year in which received or accrued (depending on the method of accounting used by the taxpayer).

(d) *Bonds sold between interest dates; amounts received in excess of original issue discount; interest on life insurance.* When bonds are sold between interest dates, part of the sales price represents interest accrued to the date of the sale and must be reported as interest income. Amounts received in excess of the original issue discount upon the retirement or sale of a bond or other evidence of indebtedness may under some circumstances constitute capital gain instead of ordinary income. See section 1232 and the regulations thereunder. Interest payments on amounts payable as employees' death benefits (whether or not section 101 (b) applies thereto) and on the proceeds of life insurance policies payable by reason of the insured's death constitute gross income under some circumstances. See section 101 and the regulations thereunder for details. Where accrued interest on unwithdrawn insurance policy dividends is credited annually and is subject to withdrawal annually by the insured, such interest credits constitute taxable income to the insured as of the year of credit.

§ 1.61–8 *Rents and royalties*—(a) *In general.* Gross income includes rentals received or accrued for the occupancy of real estate or the use of personal property. For the inclusion of rents in income for the purpose of the retirement income credit, see section 37 and the regulations thereunder. Gross income includes royalties. Royalties may be received from books, stories, plays, copyrights, trademarks, formulas, patents, and from the exploitation of natural resources, such as coal, gas, oil, copper, or timber. Payments received as a result of the transfer of patent rights may under some circumstances constitute capital gain instead of ordinary income. See section 1235 and the regulations thereunder. For special rules for certain income from natural resources, see sections 611 to 632 and the regulations thereunder.

(b) *Advance rentals; cancellation payments.* Gross income includes advance rentals, which must be included in income for the year of receipt regardless of the period covered or the method of accounting employed by the taxpayer. An amount received by a lessor from a lessee for cancelling a lease constitutes gross income for the year in which it is received, since it is essentially a substitute for rental payments. As to amounts received by a lessee for the cancellation of a lease, see section 1241 and the regulations thereunder.

(c) *Expenditures by lessee.* As a general rule, if a lessee pays any of the expenses of his lessor such payments are additional rental income of the lessor. If a lessee places improvements on real estate which constitute, in whole or in part, a substitute for rent, such improvements constitute rental income to the lessor. Whether or not improvements made by a lessee result in rental income to the lessor in a particular case depends upon the intention of the parties, which may be indicated either by the terms of the lease or by the surrounding circumstances. For the exclusion from gross income of income (other than rent) derived by a lessor of real property on the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by a lessee, see section 109 and the regulations thereunder. For the exclusion from gross income of a lessor corporation of certain of its income taxes on rental income paid by a lessee corporation under a lease entered into before January 1, 1954, see section 110 and the regulations thereunder.

§ 1.61–9 *Dividends*—(a) *In general.* Except as otherwise specifically provided, dividends are included in gross income under sections 61 and 301. For the principal rules with respect to dividends includible in gross income, see section 316 and the regulations thereunder. As to distributions made or deemed to be made by regulated investment companies, see sections 851 through 855, and the regulations thereunder. See section 116 for the exclusion from gross income of $50 of dividends received by an individual, except those from certain corporations. Furthermore, dividends may give rise to a credit against tax under section 34, relating to dividends received by individuals, and under section 37, relating to retirement income.

(b) *Dividends in kind; stock dividends; stock redemptions.* Gross income includes dividends in property other than cash, as well as cash dividends. For amounts to be included in gross income when distributions of property are made, see section 301 and the regulations thereunder. A distribution of stock, or rights to acquire stock, in the corporation making the distribution is not a dividend except under the circumstances described in section 305 (b). However, the term "dividend" includes a distribution of stock, or rights to acquire stock, in a corporation other than the corporation making the distribution.

For determining when distributions in complete liquidation shall be treated as dividends, see section 333 and the regulations thereunder.

For rules determining when amounts received in exchanges under section 354 or exchanges and distributions under section 355 shall be treated as dividends, see section 356 and the regulations thereunder.

(c) *Dividends on stock sold.* When stock is sold, and a dividend is both declared and paid after the sale, such dividend is not gross income to the seller. When stock is sold after the declaration of a dividend and after the date as of which the seller becomes entitled to the dividend, the dividend ordinarily is income to the seller. When stock is sold between the time of declaration and the time of payment of the dividend, and the sale takes place at such time that the purchaser becomes entitled to the dividend, the dividend ordinarily is income to him. The fact that the purchaser may have included the amount of the dividend in his purchase price in contemplation of receiving the dividend does not exempt him from tax. Nor can the purchaser deduct the added amount he advanced to the seller in anticipation of the dividend. That added amount is merely part of the purchase price of the stock. In some cases, however, the purchaser may be considered to be the recipient of the dividend even though he has not received the legal title to the stock itself and does not himself receive the dividend. For example, if the seller retains the legal title to the stock as trustee solely for the purpose of securing the payment of the purchase price, with the

understanding that he is to apply the dividends received from time to time in reduction of the purchase price, the dividends are considered to be income to the purchaser.

§ 1.61–10 *Alimony and separate maintenance payments; annuities; income from life insurance and endowment contracts*—(a) *In general.* Alimony and separate maintenance payments, annuities, and income from life insurance and endowment contracts in general constitute gross income, unless excluded by law. Annuities paid by religious, charitable, and educational corporations are generally taxable to the same extent as other annuities. An annuity charged upon devised land is taxable to the donee-annuitant to the extent that it becomes payable out of the rents or other income of the land, whether or not it is a charge upon the income of the land.

(b) *Cross references.* For the detailed rules relating to—

(1) Alimony and separate maintenance payments, see section 71 and the regulations thereunder;

(2) Annuities, certain proceeds of endowment and life insurance contracts, see section 72 and the regulations thereunder;

(3) Life insurance proceeds paid by reason of death of insured, employees' death benefits, see section 101 and the regulations thereunder;

(4) Annuities paid by employees' trusts, see section 402 and the regulations thereunder;

(5) Annuities purchased for employee by employer, see section 403 and the regulations thereunder.

§ 1.61–11 *Pensions*—(a) *In general.* Pensions and retirement allowances paid either by the Government or by private persons constitute gross income unless excluded by law. Usually, where the taxpayer did not contribute to the cost of a pension and was not taxable on his employer's contributions, the full amount of the pension is to be included in his gross income. But see sections 72, 402, and 403, and the regulations thereunder. When amounts are received from other types of pensions, a portion of the payment may be excluded from gross income. Under some circumstances, amounts distributed from a pension plan in excess of the employee's contributions may constitute long-term capital gain, rather than ordinary income.

(b) *Cross references.* For the inclusion of pensions in income for the purpose of the retirement income credit, see section 37 and the regulations thereunder. Detailed rules concerning the extent to which pensions and retirement allowances are to be included in or excluded from gross income are contained in other sections of the Internal Revenue Code of 1954 and the regulations thereunder. Amounts received as pensions or annuities under the Social Security Act or the Railroad Retirement Act are excluded from gross income. For other partial and total exclusions from gross income, see the following:

(1) Annuities in general, section 72 and the regulations thereunder;

(2) Employees' annuities, sections 402 and 403 and the regulations thereunder;

(3) References to other acts of Congress exempting veterans' pensions and railroad retirement annuities and pensions, section 121.

§ 1.61–12 *Income from discharge of indebtedness*—(a) *In general.* The discharge of indebtedness, in whole or in part, may result in the realization of income. If, for example, an individual performs services for a creditor, who in consideration thereof cancels the debt, the debtor realizes income in the amount of the debt as compensation for his services. A taxpayer may realize income by the payment or purchase of his obligations at less than their face value. In general, if a shareholder in a corporation which is indebted to him gratuitously forgives the debt, the transaction amounts to a contribution to the capital of the corporation to the extent of the principal of the debt.

(b) *Proceedings under Bankruptcy Act.* (1) Income is not realized by a taxpayer by virtue of the discharge, under section 14 of the Bankruptcy Act (11 U. S. C. 32), of his indebtedness as the result of an adjudication in bankruptcy, or by virtue of an agreement among his creditors not consummated under any provision of the Bankruptcy Act, if immediately thereafter the taxpayer's liabilities exceed the value of his assets. Furthermore, unless one of the principal purposes of seeking a confirmation under the Bankruptcy Act is the avoidance of income tax, income is not realized by a taxpayer in the case of a cancellation or reduction of his indebtedness under—

(i) A plan of corporate reorganization confirmed under Chapter X of the Bankruptcy Act (11 U. S. C., c. 10);

(ii) An "arrangement" or a "real property arrangement" confirmed under Chapter XI or XII, respectively, of the Bankruptcy Act (11 U. S. C., c. 11, 12); or

(iii) A "wage earner's plan" confirmed under Chapter XIII of the Bankruptcy Act (11 U. S. C., c. 13).

(2) For adjustment of basis of certain property in the case of cancellation or reduction of indebtedness resulting from a proceeding under the Bankruptcy Act, see the regulations under section 1016.

(c) *Sale and purchase by corporation of its bonds.* (1) If bonds are issued by a corporation at their face value, the corporation realizes no gain or loss. If the corporation purchases any of such bonds at a price in excess of the issuing price or face value, the excess of the purchase price over the issuing price or face value is a deductible expense for the taxable year. If, however, the corporation purchases any of such bonds at a price less than the issuing price or face value, the excess of the issuing price or face value over the purchase price is income for the taxable year.

(2) If, subsequent to February 28, 1913, bonds are issued by a corporation at a premium, the net amount of such premium is income which should be prorated or amortized over the life of the bonds. If the corporation purchases any of such bonds at a price in excess of the issuing price minus any amount of premium already returned as income, the excess of the purchase price over the issuing price minus any amount of premium already returned as income (or over the face value plus any amount of premium not yet returned as income) is a deductible expense for the taxable year. If, however, the corporation purchases any of such bonds at a price less than the issuing price minus any amount of premium already returned as income, the excess of the issuing price, minus any amount of premium already returned as income (or of the face value plus any amount of premium not yet returned as income), over the purchase price is income for the taxable year.

(3) If bonds are issued by a corporation at a discount, the net amount of such discount is deductible and should be prorated or amortized over the life of the bonds. If the corporation purchases any of such bonds at a price in excess of the issuing price plus any amount of discount already deducted, the excess of the purchase price over the issuing price plus any amount of discount already deducted (or over the face value minus any amount of discount not yet deducted) is a deductible expense for the taxable year. If, however, the corporation purchases any of such bonds at a price less than the issuing price plus any amount of discount already deducted, the excess of the issuing price, plus any amount of discount already deducted (or of the face value minus any amount of discount not yet deducted), over the purchase price is income for the taxable year.

(4) If bonds were issued by a corporation prior to March 1, 1913, at a premium, the net amount of such premium was income for the year in which the bonds were issued and should not be prorated or amortized over the life of the bonds. If the corporation purchases any of such bonds at a price in excess of the face value of the bonds, the excess of the purchase price over the face value is a deductible expense for the taxable year. If, however, the corporation purchases any of such bonds at a price less than the face value, the excess of the face value over the purchase price is income for the taxable year.

(d) *Cross references.* For exclusion from gross income of—

(1) Income from discharge of indebtedness in certain cases, see sections 108 and 1017, and regulations thereunder;

(2) Forgiveness of Government payments to encourage exploration, development, and mining for defense purposes, see section 621 and regulations thereunder.

§ 1.61–13 *Distributive share of partnership gross income; income in respect of a decedent; income from an interest in an estate or trust*—(a) *In general.* A partner's distributive share of partnership gross income (under section 702 (c)) constitutes gross income to him. Income in respect of a decedent (under section 691) constitutes gross income to the recipient. Income from an interest in an estate or trust constitutes gross income under the detailed rules of sections 641 through 683. In many cases, these sections also determine who is to include in his gross income the income from an estate or trust.

(b) *Creation of sinking fund by corporation.* If a corporation, for the sole purpose of securing the payment of its bonds or other indebtedness, places property in trust or sets aside certain amounts in a sinking fund under the control of a trustee who may be authorized to invest and reinvest such sums from time to time, the property or fund thus set aside by the corporation and held by the trustee is an asset of the corporation, and any gain arising therefrom is income of the corporation and shall be included as such in its gross income.

§ 1.61–14 *Miscellaneous items of gross income*—(a) *In general.* In addition to the items enumerated in section 61 (a), there are many other kinds of gross income. For example, punitive damages such as treble damages under the antitrust laws and exemplary damages for fraud are gross income. Another person's payment of the taxpayer's income taxes constitutes gross income to the taxpayer unless excluded by law. Illegal gains constitute gross income. Treasure trove, to the extent of its value in United States currency, constitutes gross income for the taxable year in which it is reduced to undisputed possession.

(b) *Cross references.* (1) Prizes and awards, see section 74 and regulations thereunder;

(2) Damages for personal injury or sickness, see section 104 and the regulations thereunder;

(3) Income taxes paid by lessee corporation, see section 110 and regulations thereunder;

(4) Scholarships and fellowship grants, see section 117 and regulations thereunder;

(5) Miscellaneous exemptions under other Acts of Congress, see section 121;

(6) Tax-free covenant bonds, see section 1451 and regulations thereunder.

§ 1.62 *Statutory provisions; adjusted gross income defined.*

SEC. 62. *Adjusted gross income defined.* For purposes of this subtitle, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(1) *Trade and business deductions.* The deductions allowed by this chapter (other than by part VII of this subchapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(2) *Trade and business deductions of employees*—(A) *Reimbursed expenses.* The deductions allowed by part VI (sec. 161 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(B) *Expenses for travel away from home.* The deductions allowed by part VI (sec. 161 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(C) *Transportation expenses.* The deductions allowed by part VI (sec. 161 and following) which consist of expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(D) *Outside salesmen.* The deductions allowed by part VI (sec. 161 and following) which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer.

(3) *Long-term capital gains.* The deduction allowed by section 1202.

(4) *Losses from sale or exchange of property.* The deductions allowed by part VI (sec. 161 and following) as losses from the sale or exchange of property.

(5) *Deductions attributable to rents and royalties.* The deductions allowed by part VI (sec. 161 and following), by section 212 (relating to expenses for production of income), and by section 611 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(6) *Certain deductions of life tenants and income beneficiaries of property.* In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee of an estate, the deduction for depreciation allowed by section 167 and the deduction allowed by section 611. Nothing in this section shall permit the same item to be deducted more than once.

§ 1.62–1 *Adjusted gross income.* (a) The term "adjusted gross income" means the gross income computed under section 61 minus such of the deductions allowed by chapter 1 of the Internal Revenue Code of 1954 as are specified in section 62. Adjusted gross income is used as the basis for the determination of the following:

(1) The optional tax if adjusted gross income is less than $5,000 (under section 3);

(2) The amount of the standard deduction (under section 141);

(3) The limitation on the amount of the deduction for charitable contributions (under section 170 (b) (1));

(4) The limitation on the amount of the deduction for medical and dental expenses (under section 213); and

(5) In certain cases, the limitation on the deduction for expenses of care of certain dependents (under section 214).

(b) Section 62 merely specifies which of the deductions provided in chapter 1 of the Internal Revenue Code of 1954 shall be allowed in computing adjusted gross income. It does not create any new deductions. The fact that a particular item may be specified in more than one of the paragraphs under section 62 does not permit the item to be twice deducted in computing either adjusted gross income or taxable income.

(c) The deductions specified in section 62 for the purpose of computing adjusted gross income are:

(1) Deductions allowable under chapter 1 (other than by part VII of subchapter B (sections 211 through 216)) which are attributable to a trade or business carried on by the taxpayer not consisting of services performed as an employee;

(2) Deductions allowable under part VI of subchapter B (sections 161 through 177) which consist of expenses paid or incurred in connection with the performance of services by the taxpayer as an employee under a reimbursement or other expense-allowance arrangement with his employer;

(3) Deductions allowable under part VI which constitute expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee;

(4) Transportation expenses (as defined in paragraph (g) of this section) paid or incurred by the taxpayer in connection with the performance by him of services as an employee, allowable as a deduction under part VI;

(5) Deductions allowable by part VI which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer;

(6) The deduction for long-term capital gains allowed by section 1202;

(7) Deductions which are allowable under part VI as losses from the sale or exchange of property;

(8) Deductions allowable under part VI, section 212, and section 611 which are attributable to property held for the production of rents or royalties; and

(9) Deductions for depreciation and depletion allowable under sections 167 and 611 to a life tenant of property or to an income beneficiary of property held in trust or to an heir, legatee, or devisee of an estate.

(d) For the purpose of the deductions specified in section 62, the performance of personal services as an employee does not constitute the carrying on of a trade or business, except as otherwise expressly provided. The practice of a profession, not as an employee, is considered the conduct of a trade or business within the meaning of such section. To be deductible for the purposes of determining adjusted gross income, expenses must be those directly, and not those merely remotely, connected with the conduct of a trade or business. For example, taxes are deductible in arriving at adjusted gross income only if they constitute expenditures directly attributable to a trade or business or to property from which rents or royalties are derived. Thus, property taxes paid or incurred on real property used in a trade or business are deductible, but State taxes on net income are not deductible even though the taxpayer's income is derived from the conduct of a trade or business.

(e) Traveling expenses paid or incurred by an employee in connection with his employment while away from home which are deductible from gross income under part VI in computing taxable income may be deducted from gross income in computing adjusted gross income. Among the items included in traveling expenses are charges for transportation of persons or baggage, expenditures for meals and lodging, and payments for the use of sample rooms for the display of goods. See section 162 and the regulations thereunder.

(f) (1) Expenses paid or incurred by an employee which are deductible from gross income under part VI in computing taxable income and for which he is reimbursed by the employer under an express agreement for reimbursement or pursuant to an expense allowance arrangement may be deducted from

gross income in computing adjusted gross income. Where an employee is reimbursed by his employer in an amount less than his total expense, and the reimbursement is intended to cover all types of deductible expenses, expenses other than those described in section 62 (2) (B), (C), and (D) are taken into account in computing adjusted gross income in an amount which bears the same ratio to the amount of the reimbursement as the total amount of deductible expenses computed without those described in section 62 (2) (B), (C), and (D) bears to the total amount of deductible expenses, including those described in section 62 (2) (B), (C), and (D).

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example: S, who is not a full-time outside salesman, received a salary of $20,000 and an expense allowance of $1,200 for the calendar year 1954. He expended $800 for travel, meals, and lodging while away from home, $500 for local transportation expenses and $300 for the entertainment of customers. His adjusted gross income is computed as follows:

Salary	$20,000	
Expense allowance	1,200	
Gross income		$21,200
Less:		
Travel, meals and lodging while away from home	$800	
Transportation expense	500	
Reimbursed expenses [1]	225	
	1,525	
Adjusted gross income		$19,675

[1] The amount of the reimbursement allocable to entertainment expenses is determined as follows:

Travel, meals, and lodging while away from home	$800
Transportation expense	500
Expenses deductible in arriving at adjusted gross income (whether or not reimbursed)	1,300
Entertainment expense	300
Total expenses	1,600
Deductible for adjusted gross income: 300/1,600×$1,200 (expense allowance)	225

(g) Transportation expenses paid or incurred by an employee in connection with performance by him of services for his employer are deductible from gross income under part VI in computing adjusted gross income. "Transportation", as used in section 62 (2) (C), is a narrower concept than "travel", as used in section 62 (2) (B), and does not include meals and lodging. The term "transportation expense" includes only the cost of transporting the employee from one place to another in the course of his employment, while he is not away from home in a travel status. Thus, transportation costs may include cab fares, bus fares, and the like, and also a pro rata share of the employee's expenses of operating his automobile, including gas, oil, and depreciation. All transportation expenses must be allowable expenses under part VI of subchapter B (section 161 and following) as ordinary and necessary expenses incurred during the taxable year in carrying on a trade or business as an employee. Transportation expenses do not include the cost of commuting to and from work; this cost constitutes a personal, living, or family expense and is not deductible. (See section 262.)

(h) The expenses of an employee attributable to the trade or business carried on as an outside salesman which are allowed by part VI of subchapter B (section 161 and following) are deductible from gross income in computing adjusted gross income. An outside salesman is an individual who solicits business as a full-time salesman for his employer away from his employer's place of business. The term "outside salesman" does not include a taxpayer whose principal activities consist of service and delivery. For example, a bread driver-salesman or a milk driver-salesman would not be included within the definition. However, an outside salesman may perform incidental inside activities at his employer's place of business, such as writing up and transmitting orders and spending short periods at the employer's place of business to make and receive telephone calls, without losing his classification as an outside salesman.

§ 1.63 *Statutory provisions; taxable income defined.*

SEC. 63. *Taxable income defined*—(a) *General rule.* Except as provided in subsection (b), for purposes of this subtitle the term "taxable income" means gross income, minus the deductions allowed by this chapter, other than the standard deduction allowed by part IV (sec. 141 and following).

(b) *Individuals electing standard deduction.* In the case of an individual electing under section 144 to use the standard deduction provided in part IV (sec. 141 and following), for purposes of this subtitle the term "taxable income" means adjusted gross income, minus—

(1) Such standard deduction, and

(2) The deductions for personal exemptions provided in section 151.

STANDARD DEDUCTION FOR INDIVIDUALS

§ 1.141 *Statutory provisions; standard deduction.*

SEC. 141. *Standard deduction.* The standard deduction referred to in section 63 (b) (defining taxable income in case of individual electing standard deduction) shall be an amount equal to 10 percent of the adjusted gross income or $1,000, whichever is the lesser, except that in the case of a separate return by a married individual the standard deduction shall not exceed $500.

§ 1.141–1 *Standard deduction.* (a) The taxpayer may elect to take, in addition to the deductions from gross income allowable in computing adjusted gross income and the deduction described in section 151, relating to personal exemptions, a standard deduction in lieu of all nonbusiness deductions (that is, deductions other than those described in section 62) and in lieu of certain credits allowable to the taxpayer, had he not so elected. See section 36. Such credits include: The credit provided by section 33 for taxes imposed by foreign countries or possessions of the United States; the credit provided by section 32 for tax withheld at source under section 1451 by the obligor on tax-free covenant bonds with respect to interest on such bonds; and the credit provided by section 35 with respect to interest on United States obligations and interest on obligations of instrumentalities of the United States.

(b) In the case of a joint return, there is only one adjusted gross income and only one standard deduction. For example, if a husband has an income of $15,000 and his spouse has an income of $12,000 for the taxable year for which they file a joint return, and they have no deductions allowable for the purpose of computing adjusted gross income, the adjusted gross income is $27,000, and the standard deduction is $1,000 (and not $2,000).

(c) In the case of taxpayers whose adjusted gross income is $5,000 or more, the standard deduction is $1,000 or 10 percent of adjusted gross income, whichever is the lesser, except that in the case of a separate return by a married individual the standard deduction is $500. For determination of marital status see § 1.143–1.

(d) In the case of taxpayers whose adjusted gross income is less than $5,000, the table provided in section 3 has incorporated a standard deduction of about 10 percent of the adjusted gross income upon which the tax is determined.

(e) An election to take the standard deduction may be made for a taxable year which is less than 12 months on account of the death of the taxpayer.

§ 1.142 *Statutory provisions; individuals not eligible for standard deduction.*

SEC. 142. *Individuals not eligible for standard deduction*—(a) *Husband and Wife.* The standard deduction shall not be allowed to a husband or wife if the tax of the other spouse is determined under section 1 on the basis of the taxable income computed without regard to the standard deduction.

(b) *Certain other taxpayers ineligible.* The standard deduction shall not be allowed in computing the taxable income of—

(1) A nonresident alien individual;

(2) A citizen of the United States entitled to the benefits of section 931 (relating to income from sources within possessions of the United States);

(3) An individual making a return under section 443 (a) (1) for a period of less than 12 months on account of a change in his annual accounting period; or

(4) An estate or trust, common trust fund, or partnership.

§ 1.142–1 *Husband and wife.* (a) In the case of husband and wife, if the tax of one spouse is determined under section 1 or 1201 on the basis of the taxable income computed without regard to the standard deduction, the other spouse may not elect to take the standard deduction. If a joint return is filed and election made thereon to take the standard deduction, such deduction shall be determined by reference to the aggregate adjusted gross income of both spouses. If Form 1040A is filed as a combined return, the standard deduction is allowed through the use of the tax table in section 3. See the regulations under section 6014, limiting the use of Form 1040A as a combined return to cases in which the aggregate adjusted gross income of the spouses is less than $5,000.

(b) If each spouse files a separate Form 1040, both must elect to take the standard deduction or both are denied the standard deduction. If one spouse files Form 1040 and does not elect to take the standard deduction, the other spouse may not elect to take the standard deduction and, hence, may not file Form 1040A as his or her return. Thus, if A and his wife B have adjusted gross incomes of $6,000 and $3,500, respectively, from wages subject to withholding and A files Form 1040 and does not elect thereon to take the standard deduction, B may not file Form 1040A but must file Form 1040, taking thereon only her actual allowable deductions and not the standard deduction. In such case, however, if both elect to take the standard deduction, A must file Form 1040, but B may file Form 1040A or, in the alternative, she may file Form 1040 and compute the tax under section 3. Under either alternative, effect is given to the standard deduction through the application of section 3.

(c) The restriction upon the right of a married person to elect the standard deduction in his separate return is applicable with respect to the taxable years of the husband and wife ending in the same calendar year, except that in the event of the death of one spouse the restriction is applicable with respect to the taxable year ended with death and the taxable year of the surviving spouse in which such death occurs. The restriction applies unless the spouses are legally separated under a decree of divorce or separate maintenance. For determination of marital status, see § 1.143–1.

§ 1.142–2 *Standard deduction not allowable.* The standard deduction is not allowable in the case of—

(a) A nonresident alien individual (including one who enters and leaves the United States at frequent intervals);

(b) A citizen of the United States entitled to the benefits of section 931;

(c) A taxable year of less than 12 months where such taxable year arises because of a change in accounting period under section 443 (a) (1); or

(d) An estate or trust, common trust fund, or partnership.

§ 1.143 *Statutory provisions; determination of marital status.*

SEC. 143. *Determination of marital status.* For purposes of this part—

(1) The determination of whether an individual is married shall be made as of the close of his taxable year; except that if his spouse dies during his taxable year such determination shall be made as of the time of such death; and

(2) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

§ 1.143–1 *Determination of marital status.* The determination of whether an individual is married shall be made as of the close of his taxable year unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and an individual shall be considered as married even though living apart from his spouse unless legally separated under a decree of divorce or separate maintenance. The provisions of this section may be illustrated by the following examples:

Example (1). Taxpayer A and his wife B both make their returns on a calendar year basis. In July 1954 they enter into a separation agreement and thereafter live apart, but no decree of divorce or separate maintenance is issued until March 1955. If A itemizes and claims his actual deductions on his return for the calendar year 1954, B may not elect the standard deduction on her return since B is considered as married to A (although permanently separated by agreement) on the last day of 1954.

Example (2). Taxpayer A makes his returns on the basis of a fiscal year ending June 30. His wife B makes her returns on the calendar year basis. A died in October 1954. In such case, since A and B were married as of the date of death, B may not elect the standard deduction for the calendar year 1954 if the income of A for the short taxable year ending with the date of his death is determined without regard to the standard deduction.

§ 1.144 *Statutory provisions; election of standard deduction.*

SEC. 144. *Election of standard deduction*—(a) *Method and effect of election.* (1) If the adjusted gross income shown on the return is $5,000 or more, the standard deduction shall be allowed if the taxpayer so elects in his return, and the Secretary or his delegate shall by regulations prescribe the manner of signifying such election in the return. If the adjusted gross income shown on the return is $5,000 or more, but the correct adjusted gross income is less than $5,000, then an election by the taxpayer under the preceding sentence to take the standard deduction shall be considered as his election to pay the tax imposed by section 3 (relating to tax based on tax table); and his failure to make under the preceding sentence an election to take the standard deduction shall be considered his election not to pay the tax imposed by section 3.

(2) If the adjusted gross income shown on the return is less than $5,000, the standard deduction shall be allowed only if the taxpayer elects, in the manner provided in section 4, to pay the tax imposed by section 3. If the adjusted gross income shown on the return is less than $5,000, but the correct adjusted gross income is $5,000 or more, then an election by the taxpayer to pay the tax imposed by section 3 shall be considered as his election to take the standard deduction; and his failure to elect to pay the tax imposed by section 3 shall be considered his election not to take the standard deduction.

(3) If the taxpayer on making his return fails to signify, in the manner provided by paragraph (1) or (2), his election to take the standard deduction or to pay the tax imposed by section 3, as the case may be, such failure shall be considered his election not to take the standard deduction.

(b) *Change of election.* Under regulations prescribed by the Secretary or his delegate, a change of an election for any taxable year to take, or not to take, the standard deduction, or to pay, or not to pay, the tax under section 3, may be made after the filing of the return for such year. If the spouse of the taxpayer filed a separate return for any taxable year corresponding, for purposes of section 142 (a), to the taxable year of the taxpayer, the change shall not be allowed unless, in accordance with such regulations—

(1) The spouse makes a change of election with respect to the standard deduction for the taxable year covered in such separate return, consistent with the change of election sought by the taxpayer, and

(2) The taxpayer and his spouse consent in writing to the assessment, within such period as may be agreed on with the Secretary or his delegate, of any deficiency, to the extent attributable to such change of election, even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

This subsection shall not apply if the tax liability of the taxpayer's spouse, for the taxable year corresponding (for purposes of section 142 (a)) to the taxable year of the taxpayer, has been compromised under section 7122.

§ 1.144–1 *Manner and effect of election to take the standard deduction.* The following rules are prescribed with respect to the manner of signifying an election by a taxpayer to take the standard deduction:

(a) A taxpayer whose adjusted gross income as shown by his return is $5,000 or more shall be allowed the standard deduction if he signifies on his return his election to take such deduction. Such taxpayer shall so signify on his return by claiming thereon the deduction in the amount provided for in section 141 instead of itemizing the deductions allowable in computing taxable income, other than those specified in sections 62 and 151. The amount to be claimed on the return by such taxpayer is $1,000 or 10 percent of the adjusted gross income, whichever is lesser (except that in the case of a separate return by a married individual with an adjusted gross income of $5,000 or more, the amount is $500). If in any case the adjusted gross income shown on the return of the taxpayer is $5,000 or more, but the correct adjusted gross income is less than $5,000, then:

(1) If the taxpayer has elected on his return to take the standard deduction, such election shall be deemed to be an election by the taxpayer to pay the tax imposed by section 3; and

(2) If the taxpayer has not so elected upon his return, it shall be deemed that the taxpayer has elected not to pay the tax under section 3.

(b) If the adjusted gross income shown on the return is less than $5,000, the standard deduction is allowable if the taxpayer elects to pay the tax imposed by section 3. As to the manner and effect of election to pay the tax under section 3, see § 1.4–2. In the case of a taxpayer who files Form 1040, he shall signify his election to pay the tax imposed by section 3 by showing on Form 1040 as his tax the amount computed by use of the tax table in section 3. In any case, however, in which adjusted gross income shown on the return is less than $5,000, but the correct adjusted gross income is in fact $5,000 or more, then:

(1) If the taxpayer has elected to pay the tax imposed under section 3, it shall be deemed that he has elected to take the standard deduction; and

(2) If the taxpayer has not elected on his return to pay the tax under section 3, it shall be deemed that he has made an election not to take the standard deduction.

A taxpayer having adjusted gross income of less than $5,000, who does not elect to pay the tax imposed by section 3, may not take the standard deduction.

§ 1.144–2 *Change of election to take, or not to take, the standard deduction.* (a) A change of the election to take, or not to take, the standard deduction for any taxable year may be made before or after the time prescribed for filing the return for the taxable year. However, the period of time prescribed in section 6511 within which claim for credit or refund of tax must be made is not extended by the right to effect a change of election.

(b) If the spouse of the taxpayer filed a separate return for any taxable year that corresponds, for the purpose of section 142 (a), to the taxable year of the taxpayer, a change of election may not be made by the taxpayer unless: (1) The spouse makes a change of election in such separate return with respect to the standard deduction consistent with the change of election sought by the taxpayer, and (2) the taxpayer and his spouse file a consent in writing to the assessment, within such period of time as may be agreed upon, of any deficiency of either to the extent attributable to such change of election even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

(c) A change of election for any taxable year shall not be permitted if the tax liability of the taxpayer for the taxable year, or of the taxpayer's spouse for the taxable year corresponding, for the purpose of section 142 (a), to the taxable year of the taxpayer, has been compromised under the provisions of section 7122.

§ 1.145 *Statutory provisions; cross reference.*

SEC. 145 *Cross reference.* For disallowance of certain credits against the tax in the case of individuals electing the standard deduction, see section 36.

[F. R. Doc. 57–9780; Filed, Nov. 25, 1957; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Miscellaneous Rules

PART 765—RULES APPLICABLE TO THE PUBLIC

OFFENSE COMMITTED WITHIN LIMITS OF A NAVAL STATION

1. Section 765.1 is revised to read as follows:

§ 765.1 *Offenses committed within the limits of a naval station.* (a) All persons within the limits of a naval station or other shore activity are subject to Federal law including the penal laws adopted as Federal law (18 U. S. C. 13) of the State, Territory, Commonwealth, Possession or District where the station or activity is located.

(b) Persons not in the naval service who commit offenses within the limits of a naval station or other shore activity are subject to trial in the United States District Court for the district in which the station or activity is situated. Nothing said herein shall be construed to restrict military jurisdiction over such persons when they are subject thereto in accordance with law, including the law of war.

(R. S. 161; 5 U. S. C. 22)

By direction of the Secretary of the Navy.

[SEAL] P. A. WALKER,
Captain, U. S. Navy,
Acting Judge Advocate General.

NOVEMBER 19, 1957.

[F. R. Doc. 57–9781; Filed, Nov. 25, 1957; 8:56 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICER'S RESERVE

TOURS OF ACTIVE DUTY

In Part 861, §§ 861.1151 to 861.1160 are revised to read as follows:

Sec.
861.1151 Authorization.
861.1152 Definitions.
861.1153 Reservists not eligible.
861.1154 Duration and limitations.
861.1155 Medical qualifications.
861.1156 Statement to sign upon reporting.
861.1157 Statement to sign upon relief.
861.1158 Reservists medically disqualified.
861.1159 Statement of physical condition.

AUTHORITY: §§ 861.1151 to 861.1159 issued under sec. 8012, 70A Stat. 488; 10 U. S. C. 8012.

SOURCE: AFR 45–14, August 21, 1957.

§ 861.1151 *Authorization.* (a) Tours of active duty or active duty for training are authorized only for reservists assigned to ready mobilization program elements of the Air Force Reserve.

(b) Reservists performing tour authorized by §§ 861.1151 to 861.1159 retain their Ready Reserve assignments, and strength accountability remains with the reserve unit of assignment.

§ 861.1152 *Definitions* — (a) *Short tour.* A tour of active duty for training on which an Air Force reservist is ordered to satisfy the annual active duty for training requirements of his assigned program element.

(b) *School tour.* A programmed and funded tour of active duty for training to attend schools conducted by one of the military services.

(c) *Special tour.* A tour of active duty or active duty for training other than those defined in this section.

§ 861.1153 *Reservists not eligible.* (a) Reservists assigned to other than Ready Reserve mobilization program elements are not eligible for tours.

(b) Reservists whose enlistments will expire before they complete their tour of duty are not eligible for tours.

(c) Reservists drawing pensions, disability compensation, retired pay, or retirement pay, unless they waive such entitlement, or waive their active and inactive duty pay prior to entry on active duty are not eligible for tours.

§ 861.1154 *Duration and limitations*—(a) *Short tour.* A short tour is 15 days continuous duration including travel time, except that a short tour for personnel identified with Pay Group E will be 30 days duration. A reservist may not perform more than one short tour in any fiscal year. However, if an emergency terminates his tour before 50 percent completion he will either be required to complete a new short tour during the same fiscal year or be excused from the tour. If the time spent was at least 50 percent it will be considered as fulfilling the tour requirement for the year. Split tours and tours which overlap into another fiscal year will not be permitted. A reservist may participate in school and/or special tours in addition to his short tour.

(b) *School tour.* A school tour will include travel time and will be of sufficient duration for the reservist to complete the course he is selected to attend.

(c) *Short and/or special tour.* A reservist may not be authorized short and/or special tours in excess of 90 days in a fiscal year. A reservist must volunteer for a special tour.

(d) *Federal employees.* A reservist who is a full-time employee of the Federal Government will not be ordered to active duty for training to perform duties in the same position in which he is employed as a civilian. The law grants 15 days of military leave each calendar year to permanent full-time employees, without charge to annual leave or loss of pay, to participate in reserve training. When this leave expires, the reservist's employing agency may grant him annual leave to perform further military duty. He is entitled to the compensation of his civilian position plus his military pay and allowances for both periods without regard to dual compensation laws.

(e) *Tours outside the Zone of Interior.* If reservists are assigned to activities located within the Zone of Interior, they will not perform active duty for training at places outside the Continental United States, or conversely. Also, commanders will not order reservists to duty within the Zone of Interior and then place them on temporary duty outside the Continental United States. Exception: Reservists participating in over-water training flights contained in approved operating programs.

(f) *Temporary duty.* Reservists will be ordered to active duty at the place where the tour of duty is to be performed. They may not be placed on temporary duty away from that station at any one location for more than 50 percent of their tour.

(g) *Continuation of pay for hospitalized reservists.* Reservists who are injured or contract disease while on a tour of active duty or active duty for training are entitled to continuation of pay and allowances. The prescribed period of active duty will not be affected by hospitalization of a reservist.

(h) *Active duty training without pay.* Active duty training without pay is not authorized.

§ 861.1155 *Medical qualifications.* (a) Applicants must meet the appropriate medical requirements. Reservists will be ordered to active duty for 30 days or less without prior medical examination except as provided in § 861.1156.

(b) Reservists applying for active duty tours of more than 30 days are required to undergo a medical examination. Normally, it will not be given more than 45 days before the expected date of entry on active duty. However, medical examinations completed not more than 90 days before the expected date of entry on active duty are acceptable. Such examinations will be without expense to the government for travel, pay or subsistence. Examinations may be performed at the military installation nearest to the reservist's residence if the necessary medical facilities are available. The reservist should make an appointment with the medical facility before reporting for examination.

§ 861.1156 *Statement to sign upon reporting.* Unless required to take a medical examination upon reporting for active duty or active duty for training, each reservist who considers himself qualified for full military duty will sign in duplicate statement contained in § 861.1159 (a). If he does not consider himself qualified and cannot conscientiously sign the certificate, the commander of the training base will order him to undergo a medical examination. In any event, if he reports for active duty with an obvious physical disability, if he is ill, has been injured in any way since last taking a medical examination, or is drawing a disability pension or disability compensation, he must submit to a medical examination.

§ 861.1157 *Statement to sign upon relief.* Normally, upon relief from active duty each reservist will sign the statement contained in § 861.1159 (b). However, if he believes that his physical condition has materially changed during his active duty tour or if he is suffering from any disability or defect that was not present at the beginning of the tour, the commander of his training base will order him to undergo a medical examination.

§ 861.1158 *Reservists medically disqualified.* When a reservist on active duty is found to be medically disqualified, the commander of the base where the medical examination is taken will relieve him from active duty. He will then send notice to this effect to the commander who ordered the reservist to active duty. Upon receipt of a medical disqualification notice, the commander responsible for the administration of the reservist will reassign him to the Inactive Status List Reserve Section (Continental Air Command) for transfer to the Retired Reserve Section or for separation, which is appropriate.

§ 861.1159 *Statement of physical condition*—(a) *Medical Statement Number 1.*

_____
(Date)

I now consider myself sound and well and physically able to perform military duty; that I was considered physically qualified for military service when examination was accomplished on/or about _____
(Date)
at _____; to the best of
(Place)
my knowledge and belief, I have no physical defects or conditions, except as noted below, which would preclude the performance of military duty.

Signed _____

(b) *Medical Statement Number 2.*

_____
(Date)

During my tour of duty from _____ to _____ there has been no change in my physical condition and I am not suffering any disability, defect or illness which was not present at the beginning of the tour of duty.

Signed _____

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force,
Deputy Air Adjutant General.

[F. R. Doc. 57–9741; Filed, Nov. 25, 1957; 8:45 a. m.]

PART 865—RETIREMENT OF AIR FORCE RESERVE PERSONNEL

PLACEMENT ON RETIRED LIST WITH RETIRED PAY AT AGE SIXTY

In Part 865, §§ 865.1 to 865.5 are rescinded and the following substituted therefor:

Sec.
865.1 Purpose and scope.
865.2 Application.
865.3 Definitions.
865.4 Annuities, dual office; dual compensation.
865.5 Veterans Administration, pensions or compensation
865.6 Criteria for eligibility.
865.7 Creditable service.
865.8 How years of satisfactory Federal service are computed.
865.9 How retired pay is computed.

AUTHORITY: §§ 865.1 to 865.9 issued under sec. 8012, 70A Stat. 488; 10 U. S. C. 8012. Interpret or apply secs. 101, 676, 1001, 1331–1337, 1401, 8966; 10 U. S. C. 101, 676, 1001, 1331–1337, 1401, 8966.

SOURCE: AFR 45–7, October 25, 1957.

§ 865.1 *Purpose and scope.* Sections 865.1 to 865.9 outline the eligibility requirements for placing members and former members of the Reserve components of the Air Force on the United States Air Force retired list with entitlement to retired pay at age sixty. Sections 865.1 to 865.9 list the organizations in which a person may have performed creditable active Federal service before July 1, 1949 and tell how retired pay is computed.

§ 865.2 *Application.* Sections 865.1 to 865.9 apply to members of and former members whose last service was with the Reserve components of the Air Force who attain age sixty and who are otherwise eligible to receive retired pay as outlined in §§ 865.1 to 865.9.

§ 865.3 *Definitions*—(a) *Reserve of the Air Force.* The common Federal status possessed by members of the Air Force Reserve and the Air National Guard of the United States.

(b) *Reserve components of the Air Force.* The Air Force Reserve and the Air National Guard of the United States.

(c) *Active status.* The status of all Reservists except those on the Inactive Status List and those in the Retired Reserve Section.

(d) *Active Federal service.*, All periods of service with the active military establishment, including all periods of active duty for training, annual training duty, all prescribed periods of attendance at such service schools as have been, or may be designated as such by the Secretary of the Army, the Secretary of the Air Force for their respective services, or by law, or any other period of time when ordered to active duty under competent Federal orders. It does not include periods of hospitalization which extend beyond an active duty training tour.

(e) *Extended active duty.* Any tour of active duty, other than active duty for training, performed in the Federal service by a member of a Reserve component. Extended active duty may be further defined as the only tour in which strength accountability changes from the Reserve to the active establishment.

(f) *Active duty for training.* Full-time duty with the active establishment for training (§§ 861.1151 to 861.1159). Strength accountability remains with the unit of Reserve assignment.

(g) *Inactive duty training.* Unit training assemblies, training periods instruction, appropriate duties, or equivalent training, including hazardous duty, which are performed with or without pay by members of the Reserve components not on extended active duty or on active duty for training. Inactive duty training includes duties performed in connection with training, administration, and support activities of the unit of assignment or study through the USAF Extension Course Institute. Points will be awarded in accordance with §§ 861.31 to 861.36.

(h) *Points.* Credits awarded members of the Reserve components for military service on extended active duty, when not on extended active duty (but while in an active status), for performance of active duty training and inactive duty training, and for membership in an active status in a Reserve component.

§ 865.4 *Annuities, dual office; dual compensation*—(a) *Annuities.* Individuals receiving retired pay as authorized in §§ 865.1 to 865.9 may concurrently receive annuities under the provisions of the Civil Service Retirement Act of 1930 (46 Stat. 468; 5 U. S. C. 2256 (a)–(d)), as amended.

(b) *Dual office.* Individuals receiving retired pay as authorized in §§ 865.1 to 865.9 do not hold an office to which compensation is attached within the meaning of the dual office act of July 31, 1894 (28 Stat. 205, 31 U. S. C. 237a), as amended.

(c) *Dual compensation.* Members of the Reserve components receiving re-

tired pay as authorized in §§ 865.1 to 865.9 are not subject to the dual compensation restriction imposed by section 212 of the Act of June 30, 1932 (47 Stat. 406, 5 U. S. C. 59a), as amended, which limits the combined salaries from Federal employment and retired pay to $10,000 per annum. However, individuals who hold no military status who are receiving retired pay as authorized in §§ 865.1 to 865.9 are bound by the restriction imposed by this law and payment of retired pay will be withheld by the Air Force Accounting and Finance Center to the extent that such pay when added to the Federal employment pay exceeds $10,000, until the Federal employment is terminated or the individual is retired in his civilian status. Persons in this category must attach a statement, in duplicate, from their paymaster or chief clerk to their application showing the effective dates of their employment and all salary rates payable to them effective the last day of the month in which they attain age 60 or the last day of the month in which their applications are filed, as appropriate. To prevent delay in receipt of retired pay these persons must notify the Commander, Air Force Accounting and Finance Center, upon termination of their Federal employment.

§ 865.5 *Veterans Administration pensions or compensation.* (a) The Administrator of Veterans Affairs has held that pensions and compensation administered by the Veterans Administration may not be paid concurrently with retired pay as authorized by §§ 865.1 to 865.9. Individuals may elect to receive retired pay or to continue to receive pensions or compensation from the Veterans Administration. Should they elect to receive retired pay they are no longer eligible to receive pensions or compensation from the Veterans Administration, nor can they waive a part of their retired pay and receive benefits from the Veterans Administration.

(b) Individuals who elect to receive retired pay who receive pensions or compensation from the Veterans Administration after the date on which they are entitled to receive retired pay must refund any amount received. Refund may be made either by personal check payable to the Treasurer of the United States or by deductions from their retired pay.

(c) Individuals receiving pensions or compensation from the Veterans Administration must forward a Certificate of Election, in duplicate with their application for retired pay.

§ 865.6 *Criteria for eligibility.* An individual need not have a military status to be eligible to receive retired pay as outlined in §§ 865.1 to 865.9. However, he must:

(a) Have attained age 60.

(b) Have completed a minimum of 20 years of satisfactory Federal service in the status of a commissioned officer, warrant officer, flight officer, enlisted person, Army field clerk, or field clerk—Quartermaster Corps.

(c) Have served the last 8 years of his qualifying service as a member of a Reserve component of any of the Armed Forces. This does not have to be the last 8 years of military service, nor does it have to be continuous or consecutive service. Service in the Army of the United States or the United States Air Force without component is considered to be service in a Reserve component. Simultaneous service as a member of a Reserve component and as a member of the Regular Army, Navy, Air Force, Marine Corps, or Coast Guard is active Federal service but is not considered to be service in a Reserve component.

(d) Have performed active Federal service during some portion of either of two periods from April 6, 1917, to November 11, 1918, or September 9, 1940, to December 31, 1946, all dates inclusive, if he was a member of a Reserve component of the Armed Forces on or before August 15, 1945.

(e) Not be receiving nor be entitled to receive, under any other provision of law, retired pay for military or naval service, including retainer pay as a transferred member of the Fleet Reserve and the Fleet Marine Corps Reserve.

(f) Not have been discharged with severance pay for physical disability under the provisions of section 1212, Title 10, United States Code.

(g) Not fall within the prohibitions of the act of September 1, 1954 (68 Stat. 1142, 5 U. S. C. 740b–740i). Generally, this statute denies retired pay to persons who commit or who are convicted of certain offenses, or who invoke the privilege against self-incrimination under certain circumstances.

§ 865.7 *Creditable service.* The term "Federal service" includes all active Federal service (see § 865.3 (d)) and all service as a member of a Reserve component while not serving on active duty except as indicated in paragraph (b) of this section. Simultaneous service as a member of a Reserve component and as a member of the Regular Army, Navy, Air Force, Marine Corps, or Coast Guard is creditable as active Federal service but is not creditable as service in a Reserve component.

(a) Service in the following organizations before July 1, 1949, is considered to be Federal service as a member of a Reserve component:

(1) The National Guard of the United States.

(2) The Air National Guard of the United States.

(3) The National Guard or the Air National Guard while in the service of the United States.

(4) The federally recognized National Guard prior to June 15, 1933.

(5) A federally recognized status in the National Guard prior to June 15, 1933.

(6) A federally recognized status as an officer in an active status of the National Guard of a State during the period January 1, 1933, through October 31, 1934, provided the officer held this status on June 15, 1933, and accepted appointment as an officer in the National Guard of the United States on or before October 31, 1934.

(7) The Organized Militia after January 21, 1903, and prior to June 3, 1916.

(8) The Regular Army Reserve.

(9) The Officer's Reserve Corps and Enlisted Reserve Corps prior to March 25, 1948.

(10) The Organized Reserve Corps.

(11) The Air Force Reserve (officer and enlisted).

(12) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and Fleet Naval Reserve transferred thereto after completion of 16 or more years of active Naval service.

(13) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.

(14) The National Naval Volunteers.

(15) The Honorary Retired List of the Navy Reserve or Marine Corps Reserve.

(16) The Marine Corps Reserve and the Marine Corps Reserve Force, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of active Naval service.

(17) The Limited Service Marine Corps Reserve.

(18) The Coast Guard Reserve.

(19) The Army of the United States without component.

(20) The United States Air Force (Air Force of the United States) without component.

(21) The Philippine Scouts.

(22) Classified field service as an Army Headquarters Clerk or as a clerk of the Quartermaster Corps under laws in effect before August 29, 1916 (considered as service performed in the status of a warrant officer).

(b) Service in the following organizations is not considered "Federal service" and is not creditable in determining eligibility for retired pay:

(1) Army Specialist Corps.

(2) Auxiliary Reserve.

(3) Inactive Reserve (ISLRS).

(4) Honorary Reserve or Retired Reserve, except as provided in paragraph (a) (15) of this section.

(5) Reserve Officer's Training Corps or Citizen's Military Training Camp.

(6) Civilian Conservation Corps (unless ordered to CCC duty as Reserve officer).

(7) Inactive National Guard or Air National Guard.

(8) State National Guard or Air National Guard.

(9) National Guard Reserve.

(10) Service in a nonfederally recognized status in the National Guard or Air National Guard.

(11) State Administrative Staff before the Army Appropriation Act, May 12, 1917.

(12) Philippine Army.

(13) Philippine Constabulary.

(14) Public Health Service.

(15) Women's Army Auxiliary or Women's Air Service Pilots.

(16) Contract surgeons and contract dentists.

(17) Candidate, Officer's Training Corps, before January 5, 1918.

(18) Cadet or midshipman at a Military or Naval Academy.

§ 865.8 *How years of satisfactory Federal service are computed.* (a) All Federal service performed before July 1, 1949, and defined as creditable service in § 865.7 (a) will be credited in computing years of satisfactory Federal service. Enlisted service in China, Cuba, Philippine Islands, Guam, Alaska, and Panama before August 24, 1912, and in Puerto Rico and the Territory of Hawaii before April 23, 1904, is creditable as double-time for determining eligibility under §§ 865.1 to 865.9 Service is computed from the date the individual enlisted, accepted appointment, or was transferred from an inactive section to an active section of a Reserve component of any of the Armed Forces, to date he was discharged, his appointment terminated, or he was transferred from an active section to an inactive section of a Reserve component of any of the Armed Forces both dates inclusive, providing his service was satisfactory.

Example: A person enlisted in the Regular Army on January 12, 1917, and was honorably discharged on December 15, 1919; he accepted appointment as Second Lieutenant, Air Service, Officer's Reserve Corps, on February 18, 1920; was transferred to the Auxiliary Reserve on November 15, 1924; was assigned to Air Service, Officer's Reserve Corps on July 1, 1927; his appointment terminated on February 17, 1930. He is credited with:

	Years	Months	Days
Ending date	1919	12	15
Beginning date	1917	1	12
	2	11	4
Ending date	1924	11	15
Beginning date	1920	2	18
	4	8	28
Ending date	1930	2	17
Beginning date	1927	7	1
	2	7	17
Total	10	3	19

(b) An individual will be credited with a year of satisfactory Federal service after June 30, 1949, for each 12 consecutive month period, 365 days or 366 days in leap years (referred to as "year of service for retirement" or "retirement year"), in which he earns a minimum of 50 points creditable as indicated in this paragraph.

(1) One point for each day of active Federal service.

(2) One point for each day of service under sections 316, 503, 504, and 505 of Title 32, U. S. C., while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary of the Armed Force concerned, if that service conformed to required standards and qualifications.

(3) One point for each drill or period of equivalent instruction which conforms to the requirements prescribed by the Secretary of the Air Force for the year concerned.

(4) Fifteen points for membership in an active status in a Reserve component for each year of Federal service (referred to as "membership points"). Membership points will be prorated for any retirement year which began between April 15, 1955, and August 9, 1956 (both dates inclusive), provided active duty was performed between these dates.

(c) For persons who were members of a Reserve component of one of the Armed Forces in an active status on July 1, 1949, the year of service for retirement will be computed from July 1 of one year to June 30 of the next year, both dates inclusive, provided there has been no break in active status since July 1, 1949.

(d) For persons who become members of a Reserve component or who are returned to an active status in a Reserve component after July 1, 1949, the year of service for retirement will begin on the date the person attains a Reserve status or the date of latest return to an active status and will end on the day preceding the annual anniversary of such entry or reentry into active status.

(1) A new year of service for retirement will not be established when a person transfers between Reserve components of the Armed Services nor upon reassignment from one program element to another program element of the Air Force Reserve, without a break in active status.

(2) A new year of service for retirement will not be established when a person is appointed as a commissioned or warrant officer from a warrant officer or enlisted status, reenlisted, or transferred from another branch of the Armed Forces, unless there is a break in service incident to such appointment, reenlistment, or transfer.

(e) After June 30, 1949, a reservist whose active status in a Reserve component is terminated before completing a year of service for retirement will be credited with a portion of that year as satisfactory Federal service, if he earns a proportionate part of the required 50 points, including membership points during that period.

§ 865.9 *How retired pay is computed.* Any person who is entitled to receive retired pay as outlined in §§ 865.1 to 865.9 shall receive it at an annual rate equal to 2½ percent of the annual active duty basic pay he would receive if serving, at the time granted such pay, on active duty in the highest grade, temporary or permanent, satisfactorily held by him during his entire period of service, multiplied by the number of years of service creditable for percentage purposes and any fractions thereof, not to exceed 75 percent of such active duty pay. Reserve medical and dental officers who were credited with constructive longevity under the provisions of section 202 (a) (7) of the Career Compensation Act of 1949, as changed by Public Law 497, 84th Congress (10 U. S. C. 5447, 5448, 5449) are entitled to include such constructive credit in determining the annual base and longevity pay for retired pay purposes but are not entitled to such constructive service for computation of the percentage multiple in determining the amount of retired pay.

(a) *Years of service for percentage purposes.* Total the days, including fractions thereof, credited to the individual as follows:

(1) One day for each day of active Federal service. (See § 865.3 (d)).

(2) Before July 1, 1949, 50 days for each year of Federal service, other than active Federal service, as a member of a Reserve component. (See § 865.7). To obtain this figure, divide the total number of days of creditable service, other than active Federal service, by 365 and multiply the figure obtained by 50. Double time service will not be credited in the computation of retired pay.

(3) After June 30, 1949, one day for each point credited to the individual in accordance with § 865.8 (b) (2), (3) and (4), not to exceed 60 days in any one retirement year. Individuals whose active status in a Reserve component is terminated before they complete a year of service for retirement may be credited with one day for each point credited to them in accordance with § 865.8 (b), not to exceed the proportionate part of the maximum 60 points allowed in any one year. The maximum inactive duty points, including membership points, are credited for a period of service less than a full year for retirement. For example:

A reservist's year of service for retirement begins on July 1, 1955. On January 31, 1956, he is assigned to the Inactive Status List Reserve Section. During this time 214 days, he earned a total of 45 points, including 9 membership points. He may be credited with only 35 points for this period of service and would receive credit for 35 days in computing his service for percentum purposes.

(4) Divide the total days creditable by 360.

(b) *Percentage for pay purposes.* Multiply the result obtained in paragraph (a) of this section by 2½ percent.

(c) *Gross retired pay.* Determine the basic pay of the highest grade, permanent or temporary, which the individual held satisfactorily during his entire period of service. Multiply this figure by paragraph (b) of this section. The result is the annual gross retired pay, provided the amount does not exceed 75 percent of the annual active duty pay.

[SEAL] CHARLES M. McDERMOTT,
Colonel, U. S. Air Force,
Deputy Air Adjutant General.

[F. R. Doc. 57-9742; Filed, Nov. 25, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BACK RIVER, MAINE

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.6 is hereby prescribed to govern the operation of the Main State Highway Commission bridge across Back River, Boothbay, Maine, as follows:

§ 203.6 *Back River, Maine; highway bridge between Hodgdon and Barter Islands in the Town of Boothbay, Maine.* (a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 8:00 a. m. and 5:00 p. m. (local time) during the

months of June to October, inclusive. At other hours during these months the draw need not be opened for the passage of vessels except on previous notice in person, by telephone, or in writing to the drawtender. Such previous notice to be received during the hours the drawtender is on duty.

(b) From November to May, inclusive, the draw need not be opened for the passage of vessels any hour of the day or night except on a 24-hour advance notice to the drawtender of the bridge over Townsend Gut between Southport and Boothbay Harbor, Maine, or to the Maine State Highway Commission, Augusta, Maine.

(c) Upon receipt of such notice, the authorized representatives of the owner or agency controlling the bridge, in compliance therewith, shall arrange for the opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the representative stated in paragraph (b) of this section may be reached.

[Regs., Nov. 6, 1957, 823.01 (Back River, Maine)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9744; Filed, Nov. 25, 1957; 8:46 a. m.]

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.2 is hereby prescribed to govern the operation of the Maine State Highway Commission bridge across Narraguagus River, Milbridge, Maine, as follows:

§ 203.2 *Narraguagus River, Maine; Maine State Highway Commission bridge across Narraguagus River, Milbridge, Maine.* (a) The owner of or agency controlling the drawbridge will not be required to keep a drawtender in constant attendance.

(b) Whenever a vessel desires an opening of the drawspan at least a 24-hour advance notice of the time the opening is required shall be given in person, in writing, or by telephone to the Maine State Highway Commission, Division Office, Ellsworth, Maine.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the representative stated in paragraph (b) of this section may be reached.

[Regs., Nov. 12, 1957, 823.01—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.125 (a) governing the operation of the highway bridge (known as the Washington Bridge) across Housatonic River between Milford and Stratford, Connecticut, is hereby amended, changing subparagraphs (1) and (2) in order to relieve congestion of highway traffic during peak load periods, effective on and after publication of this amendment in the FEDERAL REGISTER, as follows:

§ 203.125 *Housatonic River, Conn.; bridges (highway and railroad) between Milford and Stratford, Conn., known as the Washington Bridge, and bridge of New York, New Haven and Hartford Railroad Co.*—(a) *For the highway bridge.* (1) Except as provided for in subparagraph (2) of this paragraph, the draw shall be immediately opened at any hour of the day or night for the passage of foreign vessels and "vessels of the United States," as defined by section 4311, Revised Statutes (46 U. S. C. 251), upon a signal given by one long and one short blast of a horn or steam whistle.

(2) The draw of the bridge need not be opened, except in an emergency, between 7:00 a. m. and 9:00 a. m., Monday to Friday, inclusive, and between 4:00 p. m. and 5:45 p. m. every day throughout the year. At all other times including the period 7:00 a. m. and 9:00 a. m. on Saturdays, Sundays, and legal holidays, the draw shall, when the signal described in subparagraph (1) of this paragraph is given, be opened as soon as practicable for all other vessels which cannot pass the closed bridge, but in no case shall the delay be over 20 minutes.

[Regs., Nov. 12, 1957, 823.01—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.164 is hereby prescribed to govern the use of a restricted area in Cape Fear River and its tributaries at the Sunny Point Army Terminal, Brunswick County, North Carolina, as follows:

§ 207.164a *Cape Fear River and tributaries at Sunny Point Army Terminal, Brunswick County, North Carolina; restricted area.* (a) The area: That portion of Cape Fear River due west of the main ship channel extending from U. S. Coast Guard buoy No. 31A at the north approach channel to Sunny Point Army Terminal to U. S. Coast Guard buoy No. 23A at the south approach channel to Sunny Point Army Terminal and all waters of its tributaries therein.

(b) Except in cases of extreme emergency, vessels of any size or rafts other than those authorized by the Commander, Sunny Point Army Terminal, are prohibited from entering this area without prior permission of the enforcing agency.

(c) The regulations in this section shall be enforced by the Commander, Sunny Point Army Terminal, Southport, North Carolina, and such agencies as he may designate.

[Regs., Nov. 12, 1957, 800.21 (Cape Fear River, N. C.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9743; Filed, Nov. 25, 1957; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1557]

[LA. 032537]

[805093]

CALIFORNIA

MODIFYING EXECUTIVE ORDER OF OCTOBER 16, 1918, WHICH CREATED PUBLIC WATER RESERVE NO. 56

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of October 16, 1918, creating Public Water Reserve No. 56, California No. 7, is hereby modified to the extent necessary to permit disposal of the following-described lands under applicable public-land laws by a State selection or by an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g), provided, that the consummation of an exchange other than a State exchange pursuant to an application under the said act of June 28, 1934, as amended, shall be contingent upon a prior determination that it will be of assistance in a Federal land program other than one authorized by the homestead or desert-land laws or by the Small Tract Act of June 1, 1938, as amended. Provided, that this order shall not be construed to preclude lease or disposal of the lands pursuant to the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869):

SAN BERNARDINO MERIDIAN

T. 3 S., R. 4 E.,
Sec. 22, S½, S½NW¼, and SW¼NE¼;
Sec. 26 and 28;
Sec. 34, N½.

The areas described aggregate 2,040 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 19, 1957.

[F. R. Doc. 57-9752; Filed, Nov. 25, 1957; 8:48 a. m.]

[Public Land Order 1558]

[57478]

WISCONSIN

REVOKING PUBLIC LAND ORDER NO. 741 OF AUGUST 9, 1951

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 741 of August 9, 1951, which withdrew the following-described public lands in Wisconsin for use of the Wisconsin Conservative Department in connection with the Totogatic Conservation Area, is hereby revoked:

FOURTH PRINCIPAL MERIDIAN

T. 42 N., R. 9 W.,
Sec. 20, SW¼NE¼.

The area described contains 40 acres.

The lands have been patented to the State of Wisconsin.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 19, 1957.

[F. R. Doc. 57-9753; Filed, Nov. 25, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 2, 7, 9]

MISCELLANEOUS AMENDMENTS TO CHAPTER

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules implementing the act of September 11, 1957. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 630, 119 D Street NE., Washington 25, D. C. written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. Section 2.5 is amended by adding a new item at the end thereof, so that, when taken with the introductory material, it will read as follows:

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

. . . . . .

For filing application for adjustment of status pursuant to section 9 or 13 of the act of September 11, 1957.. $25.00

2. Subparagraphs (1) and (2) of paragraph (a) of § 7.1 are amended, so that, when taken with the introductory material, they will read as follows:

§ 7.1 *Regional commissioners*—(a) *Appellate jurisdiction.* Appeals shall lie to the regional commissioners from the following:

(1) Decisions of district directors on petitions filed in accordance with section 204 or 214 (c) of the Immigration and Nationality Act or section 4 (b) (2) (B) of the act of September 11, 1957, or from decisions revoking the approval of such petitions in accordance with section 206 of the Immigration and Nationality Act, as provided in Parts 204, 205, 214h, and 206 of this chapter;

(2) Decisions of district directors on applications for consent to reapply for admission to the United States under section 212 (a) of the Immigration and Nationality Act and on applications for waiver of excludable grounds under section 5 or 7 of the act of September 11, 1957, filed by a visa applicant outside the United States, as provided in Part 212 of this chapter;

3. Paragraphs (e) and (aa) of § 9.5a are amended, so that, when taken with the introductory material, they will read as follows:

§ 9.5a *Authority of Regional Commissioners.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the regional commissioners:

. . . . . .

(e) Applications for consent to apply or reapply because inadmissible to the United States under paragraph (16) or (17) of section 212 (a) of the Immigration and Nationality Act and applications for waiver of excludable grounds under section 5 or 7 of the act of September 11, 1957, as provided in Part 212 of this chapter.

. . . . . .

(aa) Adjustment of status to persons admitted for permanent residence as provided in section 245 of the Immigration and Nationality Act, section 9 or 13 of the act of September 11, 1957, and Part 245 of this chapter.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140; sec. 103, 66 Stat 173; 8 U. S. C. 1103)

Dated: November 12, 1957.

WILLIAM P. ROGERS,
Attorney General.

Recommended: October 22, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57-9779; Filed, Nov. 25, 1957; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

[Docket No. AO-298; AO-238-88]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order amending the order, regulating the handling of milk in the Central West Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order amending the order, for the Central West Texas marketing area, were formulated, was conducted at Wichita Falls, Texas, on August 6–9, 1957, pursuant to notice thereof which was issued on July 10, 1957 (22 F. R. 5705).

The hearing, in addition to considering proposed amendments to the Central West Texas marketing order, was also concerned with the question of whether regulation should be extended to several additional counties in Texas and Oklahoma. The further question was raised as to whether all these counties should be combined into a single marketing area and a new order issued, or whether the Texas counties should be added to the Central West Texas marketing area.

The proposals set forth in the notice of hearing included Palo Pinto County among those proposed to be regulated either under a new order or through addition to the Central West Texas marketing area. There was also a separate proposal by the principal handler in Palo Pinto County that it be added to the Central West Texas marketing area.

At the hearing the proponents of the new order abandoned Palo Pinto County and no evidence was presented with respect to its inclusion in a new order should one be issued. Palo Pinto County has very little, if any, relationship with the other counties listed in the notice of hearing, and the question of its addition to the Central West Texas marketing area should be considered separately

and apart from that of the remaining territory proposed.

The proposals which deal with amendment, other than marketing area, of the Central West Texas marketing order are such that immediate action should be taken with respect to them. It has been concluded, therefore, that a separate decision should be published with respect to these issues. The question of Palo Pinto County will also be considered in this decision.

With respect to the remaining counties, the decision is reserved as to whether they should be regulated and, if so, whether by addition to Central West Texas or by the issuance of a separate marketing order. A decision in this matter will be issued subsequently.

The material issues, other than those which relate to the area not included in this recommended decision, were concerned with whether:

(1) Palo Pinto County should be added to the Central West Texas marketing area;

(2) A cooperative association should be the handler with respect to milk deliveries to the plants of other handlers in tank trucks owned or operated by the cooperative association;

(3) A compensatory payment should be assessed on other source milk disposed of as Class I milk by regulated handlers;

(4) A special cheese price should be established on a year-round basis;

(5) The present provisions with respect to custom bottling should be retained; and

(6) The provisions relating to the standards which must be met by a plant to qualify it as a pool plant should be amended.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded as follows:

1. The City of Mineral Wells in Palo Pinto County should be added to the Central West Texas marketing area.

Palo Pinto County is predominantly rural. The only community in the county having a population in excess of 1,000 persons is Mineral Wells, which has a population of approximately 8,000. There are no effective health regulations outside Mineral Wells, and there are no handlers located elsewhere in the county. For these reasons it has been concluded that the remainder of the county should not be included in the marketing area.

The handler located in Mineral Wells is, and has been for several years, regulated under the Central West Texas marketing order, except for a period of 3 or 4 months when he was regulated under the North Texas order. This resulted from his having secured a military contract in the North Texas marketing area. The additional sales in North Texas during the life of the contract were sufficient to bring him under regulation by that order instead of the Central West Texas order.

Most of the milk disposed of in Mineral Wells is supplied by Central West Texas handlers. The producers who furnish milk to the handler located there are members of the cooperative association which furnishes most of the milk to other Central West Texas handlers. Addition of this city to the Central West Texas marketing area will stabilize marketing conditions there and allay the fears of producers supplying the Mineral Wells plant that they may find their milk regulated under another order. The uncertainty of these producers as to what order their milk will be subject, has caused some of them to shift to other plants and has threatened the supply of milk for the handler at Mineral Wells.

2. The order should be amended to provide that under certain circumstances a cooperative association should be the handler for milk of its member producers which is delivered directly to the plants of other handlers from the producers' farms.

The cooperative associations which furnish the greater portion of the milk to the Central West Texas marketing area are primarily bargaining associations. These associations, however, own plants where milk may be received for manufacturing into dairy products when it is not needed for fluid use by distributing plants on the market. Thus, these associations are in a position to balance the supply of milk to the requirements of the distributing plants.

These associations also own and operate insulated tank trucks in which the milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Recently there has been a very rapid expansion in the number of bulk cooling tanks being installed on the farm and in the number of tank trucks acquired by the cooperative associations to transport such milk. It is likely that the trend in this direction will continue at a very rapid rate.

The transportation of milk from farm to market in insulated tank trucks owned and operated by the cooperative associations has created a problem with respect to the determination of who is responsible to the individual producer. When milk comes to the market in cans, the milk of the individual producer is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant has the responsibility for paying either the individual producer or, where authorized, a cooperative association for the pounds of milk received at the butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in a tank truck. When these tank trucks are owned and operated by the cooperative associations, the weight of each producer's milk is checked, and a sample of the milk for butterfat testing is taken by a person who is an employee of, or who is directly responsible to, the cooperative association. The handler who receives the milk of several producers intermingled in a tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries make up the load, except as such information may be reported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives. Under these circumstances, it is preferable to make the cooperative association the handler for such milk and the person who is required, both to account to the pool for it, and to make payment to the individual producer for the volume of milk he has delivered at its correct butterfat test. The handler who utilizes the milk should be required to pay the class price to the cooperative association for such milk. The cooperative association, in turn, should be required to make the monthly report with respect to such milk, and to settle with the producer-settlement fund for it. With respect to milk from producers' farms in cans, or in tank trucks, owned or operated by the distributing plant, the operator of such plant should continue to be the handler for such milk and should be required to account to the market administrator for it. For such milk the handler would continue to make payment to the producer or to the cooperative association at the applicable uniform price.

3. A compensatory payment should be required with respect to other source milk received by handlers, other than in the form of fluid milk products, which is allocated to Class I utilization.

Producers proposed that a compensatory payment equal to the difference between the Class I price and the Class II price be levied on any other source milk which is classified as Class I milk. It was their contention that handlers could purchase other source milk at somewhat less than the Class I prices under the Central West Texas marketing order, at least during certain seasons of the year, and could use it to displace producer milk if no charge were made on such milk, and that occasionally distress milk could be purchased for little more than the price for manufacturing milk.

It is clear from the record, however, that very little other source milk in fluid form has displaced producer milk for Class I uses. Under the circumstances, it is concluded that a compensatory payment is not necessary at this time with respect to other source milk received by pool plants in the form of fluid milk products.

Some handlers, however, regularly purchase non-fat solids in the form of powder or condensed skim milk which is used for standardizing, or for fortifying skim milk, and is sometimes reconstituted for sale as skim milk, buttermilk, or flavored milk drinks. The records of the market administrator show that very little butterfat in other source milk has been allocated to Class I. It must be concluded that the other source milk allocated to Class I has been largely that which was received in the form of non-fat dry milk or condensed skim milk.

If a handler is able to use, in Class I, non-fat solids he purchases in the form of manufactured dairy products, he stands to gain an advantage, but in so doing he undermines the Class I market price. An important feature of the order is to insure that the position of a handler paying producers a Class I price for milk for fluid use will not be impaired by other handlers using the excess or surplus producer milk for Class I use. It is as important that the Class I market be protected from the use of milk reconstituted from manufactured dairy products as from the use of its own surplus. If the order fails to provide such protection, handlers could curtail purchases of milk from producers to their own advantage and reconstitute condensed milk and non-fat dry milk for Class I use.

Increasing use of reconstituted milk for Class I disposition would tend to demoralize the Class I pricing structure of the market and would impair the production of milk for the market. Such marketing conditions would be contrary to the stated purposes of the act. It is necessary, therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, that some measure be taken to remove the incentive which handlers have to reconstitute condensed milk or non-fat dry milk, and to undermine the Class I pricing structure.

It would be extremely difficult, if not impossible, to determine the original source of the manufactured products reconstituted by handler, since such products may move through several hands and be intermingled with the output of other plants before being acquired by Central West Texas handlers. It is not feasible, therefore, to attempt to regulate the plants where such products originate. The only alternative available is to levy a charge against such products allocated to Class I to whatever extent is necessary to remove the advantage there may be in using such products instead of priced milk from producers.

The Class II price established by the order is a reasonably accurate measure of the value of condensed milk or non-fat dry milk in the Central West Texas marketing area. The compensation payment on concentrated products allocated to Class I, therefore, should be an amount equal to the difference between the Class I and the Class II prices multiplied by the milk or skim milk equivalent of such products adjusted by the applicable butterfat differentials.

4. The order should be amended to provide a special price for milk manufactured into cheddar cheese but only during the months of flush production.

Producers proposed that a special cheese price be established on a year-round basis. The cooperative association operates a cheese plant in which it manufactures the milk which cannot be utilized in the distributing plants. It is the association's contention that even during the months of short supply there are odd lots of milk which cannot be utilized in a higher classification. This is due in large measure to the great extent of the marketing area. The distances between the plants of handlers make it difficult at times to move milk from a plant which may have some excess to a plant where it could be utilized in Class I.

Other than the cheese plant of the cooperative association there are no manufacturing plants in the milkshed. Thus any milk received by handlers in excess of that which can be utilized in their plants must either be dumped or transferred to the cheese factory of the cooperative association. The only manufacturing plants which might be able to use such milk in products yielding a higher return are so distant that the cost of moving milk to them would be prohibitive.

The cooperative association insists that it is impossible to recover from their cheese operation sufficient returns to pay the Class II price for milk so used. The sporadic nature of the operation results in very high overhead costs per hundredweight of milk. The volume of milk going through the plant, even in the flush season, is so small that they are unable to dispose of the cheese in carload lots and must sell it to assemblers at a discount. Since the plant is so far from the market, the transportation charges on less than carload lots of cheese are very high. It is these conditions which have resulted in the order's being amended each spring to provide a special cheese price for the flush months of production.

It is not necessary to provide a cheese price for the entire year. The Central West Texas market is in relatively short supply. The records of the market administrator show that in the fall months receipts of milk from producers are very little in excess of Class I sales and in some months have been even less than Class I sales. At such times the amount of milk which cannot find an outlet other than in cheese is very small. The establishment of a special price for such milk is unwarranted.

It is not expected that every lot of milk which is received by a handler will result in his making a profit. In all businesses there must be some transactions which result in a loss. If milk were priced so low that a handler were insured a profit on every lot of milk handled, the price to producers would be reduced substantially. The incentive which exists to see that milk is utilized in the highest class possible would be removed. This would result in lower returns to producers, and possibly a request for a higher Class I price to offset the reduction. All this could lead to disorderly marketing.

In the months of flush production the situation is somewhat different. As noted above, the only outlet available for excess supplies is the cheese factory. If production is substantially greater than can be utilized in higher return products and the loss incurred in milk which is transferred to the cheese factory becomes excessive, handlers will refuse to accept from producers more milk than they can utilize in their fluid operation. Thus, some producers might lose their market during the spring of the year, and the entire loss incurred on milk manufactured into cheese would be borne by the cooperative association.

It is concluded, therefore, that to maintain orderly marketing conditions during the months of flush production, a special cheese price should be provided for the months of February through July, inclusive. This price should be equal to 8.4 times the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddar" f. o. b. Wisconsin assembly points, cars or truckloads) as reported by the United States Department of Agriculture during the month. In recent months this would have resulted in an average price of approximately $2.95 per hundredweight. This appears to be the maximum return which can be realized from the costly and inefficient operation that must be maintained to absorb the market surplus during the flush months. To accomplish this objective, the order should provide a separate classification for milk manufactured into American Cheddar cheese during the months of February through July. This classification should be designated as Class II A.

5. The present provisions of the order which were designed to accommodate certain custom bottling operations which existed at the time the order was issued should be deleted.

At present, and for some time past, no handler in the market is engaging in custom bottling or is having milk bottled by other plants. There is no indication that the practice will be revived. Since the provisions are no longer effective they should be eliminated.

6. No change should be made in the present standards which a plant must meet to qualify as a pool plant.

Although the notice of hearing contained a proposal to fully regulate those plants which are now partially regulated, the proposal was abandoned by its proponents and no evidence with respect to it was presented on the record.

It was proposed by the handler in Mineral Wells that any plant which qualified as a pool plant during the base-forming period should continue to be a pool plant during the base-paying period even though it no longer met the standards specified in the order. As noted above, this handler found himself regulated under the North Texas order instead of under the Central West Texas order for a few months in the spring of 1957. Since this included a portion of the base-paying period, it created considerable dissatisfaction among his producers who had expected to receive the base price computed for Central West Texas and instead received the somewhat lower base price under the North Texas order. The handler received no advantage thereby since the Class I price at Mineral Wells under the Central West Texas order is identical to what it is under the North Texas order. It merely resulted in his payments to the producer-settlement fund in North Texas being greater than they would have been under the Central West Texas order. This proposal was presented by the handler as an alternative to his proposal to add Palo Pinto County to the marketing area. Adoption of either amendment would insure his continued regulation under the Central West Texas marketing order.

The proposal should be denied. Since it has been concluded that Mineral Wells in Palo Pinto County be annexed to the Central West Texas marketing area, it is not necessary to insure the handler's continuing to be regulated under the Central West Texas order. Its adoption could lead to very serious consequences.

Under such a proposal a plant which had been regulated, but which had withdrawn from the market, could continue to share in the market-wide pool and divert to farmers no longer associated with the market money which should go to those producers who continue to bear the obligation of furnishing an adequate supply of milk to the market.

In addition to the amendments specifically discussed above certain other changes must be made in the order to bring its administrative provisions into conformity with the amendments recommended above. These changes, however, are solely for the purpose of securing conformity and have no substantive effect beyond that discussed in connection with the above recommendations.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons set forth above.

General findings. (a) The proposed marketing agreement and order amending the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, amending the order, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The proposed marketing agreement and the order amending the order, will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(d) All milk and milk products handled by handlers as defined in the order, as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

Recommended marketing agreement and order amending the order, as amended. The following order, amending the order, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as hereby proposed to be amended.

1. Delete § 982.6 and substitute therefor the following:

§ 982.6 *Central West Texas marketing area.* "Central West Texas marketing area," hereafter called the "marketing area," means all territory within the boundaries of the Abilene Air Force Base and within the corporate limits of the following cities and towns, all in the State of Texas:

Abilene.	Lamesa.
Albany.	Merkel.
Anson.	Midland.
Aspermont.	Mineral Wells.
Ballinger.	Munday.
Big Spring.	Odessa.
Breckenridge.	Ranger.
Brownwood.	Rochester.
Cisco.	Rotan.
Coleman.	Rule.
Colorado City.	San Angelo.
Comanche.	Snyder.
Eastland.	Stamford.
Hamlin.	Sweetwater.
Haskell.	Tye.
Knox City.	Winters.

2. Delete § 982.9 and substitute therefor the following:

§ 982.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of during the month on a route in the marketing area;

(c) Any cooperative association with respect to the milk of its member producers which it causes to be delivered directly from the farm for its own account, in tank truck(s) owned or operated by such association, to the approved plant of another handler described in § 982.7 (a) (1) or (b): *Provided,* That such milk shall be deemed to have been received by the cooperative association at the location of the plant to which it is delivered; or

(d) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

3. Delete § 982.10 (c) and substitute therefor the following:

(c) "Producer" shall include any such person whose milk is received by a cooperative association pursuant to § 982.9 (c) or is regularly received at an approved plant, but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received by the handler at the location of the approved plant from which it is caused to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 982.61.

4. Delete § 982.14 and substitute therefor the following:

§ 982.14 *Route.* "Route" means any delivery (including any delivery by a vendor or at a plant store) of milk, skim milk, buttermilk or flavored milk drink other than to a milk processing plant.

5. At the end of § 982.41 (b) (1) delete the semicolon and add the following: ", except Cheddar cheese during the months of February through July;"

6. After § 982.41 (b) (5) add a new paragraph as follows:

(c) Class II–A milk shall be all skim milk and butterfat used to produce Cheddar cheese during the months of February through July.

7. Delete § 982.46 (a) and substitute therefor the following:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 982.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk (including, in the case of concentrated products, all the water originally contained in the skim milk) in other source milk received during the month in a form other than milk, skim milk, or cream;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest class (Class II–A milk during the months of February through July and Class II milk during other months) the pounds of skim milk in other source milk received during the month in the form of Class I items;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk contained in the Class I items in inventory at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk, or cream according to its classification as determined pursuant to § 982.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage".

8. Add the following new paragraph at the end of § 982.51:

(c) *Class II–A milk.* For the months of February through July, subject to the provisions of § 982.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin primary markets ("Cheddars" f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved.

9. Amend § 982.52 (b) to read "Class II and Class II–A milk:"

10. Delete § 982.70 and substitute therefor the following:

§ 982.70 *Computation of value of milk.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 982.46 by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 982.46 (a) (7) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 982.46 (a) (4) and the corresponding step of paragraph (b); and

(d) If any other source milk has been subtracted from Class I pursuant to § 982.46 (a) (2) and the corresponding step of paragraph (b), add an amount equal to its value computed at the difference between the Class I and Class II price for the current month.

Issued at Washington, D. C., this 21st day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9786; Filed, Nov. 25, 1957; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 18, 1957.

The Department of Agriculture has filed an application, Serial No. Idaho 04218, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws and Mining Laws. The applicant desires the land for Lolo-Eldorado Creek Road in the Clearwater National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the applications will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CLEARWATER NATIONAL FOREST—BOISE MERIDIAN, IDAHO

LOLO-ELDORADO CREEK ROAD

T. 34 N., R. 6 E.,
Sec. 1, Lots 1, 2, S½NE¼, SE¼;
Sec. 3, Lot 2, SW¼NE¼, W½SE¼, SE¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 5, Lots 3, 4, S½NW¼;
Sec. 6, Lot 1, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 7, E½;
Sec. 9, NE¼NE¼, W½E½, E½NW¼, SE¼SW¼;
Sec. 10, NW¼NE¼, NE¼NW¼, W½NW¼;
Sec. 12, E½;
Sec. 13, W½NE¼, NW¼, W½SW¼;
Sec. 14, E½E½, SE¼SW¼, SW¼SE¼;
Sec. 16, W½E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 17, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 18, N½NE¼;
Sec. 21, NE¼, N½SE¼, SE¼SE¼;
Sec. 22, W½SW¼;
Sec. 23, NW¼NE¼, NW¼, W½SW¼;
Sec. 26, W½NW¼;
Sec. 27, NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, NE¼SW¼, NW¼SE¼;
Sec. 28, E½NE¼.

T. 35 N., R. 6 E.,
Sec. 1, S½SE¼;
Sec. 9, E½E½, SE¼SW¼, SW¼SE¼;
Sec. 10, NE¼, S½NW¼, NE¼SW¼, W½SW¼, NE¼SE¼;
Sec. 11, SE¼NE¼, SW¼NW¼, N½SW¼, SE¼;
Sec. 12, N½N½, SW¼NW¼, NW¼SW¼;
Sec. 16, N½NE¼, NE¼NW¼, S½NW¼, NW¼SW¼;
Sec. 17, Lots 6, 7, NE¼SE¼;
Sec. 20, W½E½, SE¼SW¼;
Sec. 25, E½E½;
Sec. 27, SE¼SW¼, W½SE¼;
Sec. 29, W½E½, SE¼NW¼;
Sec. 32, Lot 2, SW¼NE¼, SW¼, NW¼SE¼;
Sec. 34, W½E½, E½NW¼;
Sec. 36, E½NE¼, SW¼NE¼, SE¼.

T. 34 N., R. 7 E.,
Sec. 5, Lots 1, 2, 3, SW¼NE¼, S½NW¼;
Sec. 6, SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 7, Lots 1, 2, 3, NE¼NW¼.

T. 35 N., R. 7 E.,
Sec. 4, Lots 2, 3, S½NW¼, NW¼SW¼;
Sec. 5, SW¼, N½SE¼, SW¼SE¼;
Sec. 6, Lot 7, SE¼SW¼, SE¼;
Sec. 7, Lot 1, NW¼NE¼, NE¼NW¼;
Sec. 17, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 19, Lot 4, NE¼, E½SW¼, NW¼SE¼;
Sec. 30, Lots 1, 2, 3, NE¼NW¼.

T. 36 N., R. 7 E.
Sec. 33, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼, S½SE¼;
Sec. 34, NW¼, N½SW¼.

The areas described aggregate 10,320.64 acres of public land.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9773; Filed, Nov. 25, 1957; 8:53 a. m.]

[Montana 027356]

MONTANA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 18, 1957.

In accordance with Delegation of Authority contained in Order No. 541 of April 21, 1954, Bureau of Land Management (19 F. R. 2473) the plats of survey of the lands described below will be officially filed in the land office at Billings, Montana, effective at 10:00 a. m., on December 24, 1957:

T. 1 S., R. 10 W., P. M. Montana,
All sections 16, 17, 18, 19, 20, 21, 22, 33.

The area described aggregates 5,103.08 acres.

T. 3 S., R. 3 W., P. M., Montana,
All sections 1, 2, 11, 12, 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36.

The area described aggregates 12,801.62 acres.

The lands are within the exterior boundaries of the Beaverhead National Forest, and are therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, granting a preference right of application to veterans of World War II and others. The lands have been subject to mining location under the Act of August 11, 1955 (69 Stat. 681).

The NW¼NE¼, E½W½, SW¼SW¼, Section 22, T. 1 S., R. 10 W., P. M. Montana, are included in Power Site Classification No. 231. The NE¼NE¼ Section 33, T. 1 S., R. 10 W., is withdrawn under Section 24 of the Federal Water Power Act for Power Project No. 1372.

Commencing at 10: 00 a.m., on December 24, 1957, the lands shall be subject to operation of the pulic land laws relating to national forests subject to valid existing rights and the provisions of existing withdrawals as noted above.

Inquiries relating to these lands shall be addressed to the Manager, Land Office, 1245 North 29th Street, Billings, Montana.

THEO. E. ANHDER,
Manager,
Land Office.

[F. R. Doc. 57-9754; Filed Nov. 25, 1957; 8:48 a. m.]

Geological Survey

[Power Site Cancellation 125]

WASHINGTON

POWER SITE CANCELLATION

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Department Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classifications Nos. 75, 126, 156, and 207 are hereby cancelled in so far as and to the extent that they affect the following described lands:

WILLAMETTE MERIDIAN—WASHINGTON

POWER SITE CLASSIFICATION NO. 75, APPROVED JUNE 6, 1924

COWLITZ RIVER BASIN

T. 12 N., R. 8 E.,
Sec. 10, N½SE¼.

POWER SITE CLASSIFICATION NO. 126, APPROVED JANUARY 23, 1926

NOOKSACK RIVER BASIN

T. 37 N., R. 5 E.,
Sec. 21, lots 2 and 7.
T. 40 N., R. 6 E.,
Sec. 28, lot 11.

POWER SITE CLASSIFICATION NO. 156, APPROVED DECEMBER 4, 1926

WIND RIVER

T. 3 N., R. 7 E.,
Sec. 1, lot 2.

POWER SITE CLASSIFICATION NO. 207, APPROVED NOVEMBER 13, 1928

SKAGIT RIVER BASIN

T. 33 N., R. 10 E.,
Sec. 20, lot 9;
Sec. 22, lot 2.

The area described aggregates 195 acres.

Dated: November 19, 1957.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 57-9751; Filed, Nov. 25, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CANNED GRAPEFRUIT SECTIONS

NOTICE OF PURCHASE PROGRAM YMP 1358

In order to encourage the domestic consumption of grapefruit by diverting them from the normal channels of trade and commerce in accordance with Section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the Agricultural Marketing Service offers to purchase canned grapefruit sections, packed from the 1957-58 crop, for use in school lunch programs. Details and specifications of the offer to purchase are contained in Canned Grapefruit Sections Announcement FV-253 issued by the Department. Purchases will depend upon the quantities and prices offered and the supplies which can be used in school lunch programs during the current school year. Information concerning this purchase program may be obtained from Mr. M. F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Florida Citrus Mutual Building, Lakeland, Florida, or the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. 612c)

Dated: November 21, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9785; Filed, Nov. 25, 1957; 8:57 a. m.]

Commodity Stabilization Service

RICE

NOTICE OF MARKETING QUOTA REFERENDUM FOR 1958 CROP

The Secretary of Agriculture has duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended, marketing quotas for the crop of rice to be produced in 1958. Said act requires the Secretary to conduct a referendum within 30 days after the date of the issuance of said proclamation of farmers who were engaged in the production of rice in 1957 to determine whether such farmers are in favor of or opposed to such quotas. Since the only purpose of this notice is to establish the date for holding such referendum as required by said act and it is desirable to give as much advance notice as possible for the convenience of the voters and to facilitate preparations for holding the referendum, it is hereby found that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. Accordingly, it is hereby determined that the rice marketing quota referendum under said act for the 1958 crop of rice shall be held on December 10, 1957, which is within thirty days from the date of issuance of the proclamation of marketing quotas.

Done at Washington, D. C., this 20th day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9740; Filed, Nov. 25, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8957]

WESTERN TRANSPORTATION CO., INC.; ENFORCEMENT CASE

NOTICE OF POSTPONMENT OF HEARING

In the matter of Western Transportation Co., Inc., doing business as W. T. C., Airfreight Enforcement Proceeding.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled matter now assigned to be held on December 2, 1957, is hereby postponed to February 17, 1958.

Dated at Washington, D. C., November 21, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9789; Filed, Nov. 25, 1957; 8:58 a. m.]

[Docket No. 5081 et al.]

ADDITIONAL AIR SERVICE IN SOUTHEASTERN ALASKA

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned to be held on December 5, 1957 is postponed to January 22, 1958, 10:00 a. m., e. s. t., Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 21, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9790; Filed, Nov. 25, 1957; 8:58 a. m.]

[Docket No. 9063]

TRANS WORLD AIRLINES, INC.; SIESTA SLEEPER SEAT SERVICE

NOTICE OF HEARING

In the matter of the investigation of fares to be charged by Trans World Airlines, Inc., for siesta sleeper seat service between east and west coast points.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 9, 1957, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by the order of investigation, particular attention will be directed to the following matters and questions:

(1) Are the first-class fares for siesta sleeper seat service provided by TWA just and reasonable?

(a) Are these fares economical at reasonably attainable load factors?

(b) What effect will such service have on TWA's operating revenues, expenses and profit position?

(c) What effect will such service have on the competitive relationship between TWA and other carriers, in particular American and United?

(d) What effect will such service have on the operating revenues, expenses and profit position of other air carriers, particularly American and United?

(2) Are the first-class fares for siesta sleeper seat service provided by TWA unjustly discriminatory or unduly prejudicial against:

(a) TWA's first-class passengers not provided with siesta sleeper seat service?

(b) TWA's coach passengers?

(3) If the fares for siesta sleeper seat service provided by TWA are found to be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, what are the proper fares?

For more detailed information with respect to the issues involved, attention is directed to the prehearing conference report served in this proceeding on November 5, 1957.

Notice is further given that any persons, other than parties of record as of November 21, 1957, desiring to be heard in this proceeding must file with the Board, on or before December 9, 1957, a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

For further details with respect to this investigation, interested parties are referred to the Board's order instituting the investigation, order No. E-11877, dated October 14, 1957, on file with the Civil Aeronautics Board.

Dated at Washington, D. C., November 21, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-9791; Filed, Nov. 25, 1957; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13202]

PACIFIC NORTHWEST PIPELINE CORP.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEET

NOVEMBER 20, 1957.

Pacific Northwest Pipeline Corporation (Pacific), on October 21, 1957, tendered for filing First Revised Sheet No. 16-A to its FPC Gas Tariff, Original Volume No. 1. The proposed tariff sheet constitutes a revision of Pacific's Rate Schedule XS-PL-1 (Excess Service for Pipeline Companies), increasing such rate from 20.1 cents to 25.5 cents per Mcf, and would amount to an increase of $15,930 per year, based on estimated sales for the twelve months ending August 31, 1958.

Pacific's Rate Schedule XS-PL-1 is a companion schedule to the company's Rate Schedule PL-1 (Pipeline Service) and the service under the Excess Service Schedule is available only to customers purchasing their firm requirements under Rate Schedule PL-1, the price under Rate Schedule XS-PL-1 being equal to the 100 percent load factor price under Rate Schedule PL-1.

On August 6, 1957, Pacific tendered for filing a general increase in rates, including an increase in the PL schedule, with a proposed effective date of September 5, 1957. Pacific states that, through inadvertence, the proposed tariff sheet was not included with the general filing and requests waiver of notice requirements of the Natural Gas Act and an effective date of September 5, 1957. The increased rates proposed in Pacific's filing of August 6, 1957, where suspended by order issued herein on September 4, 1957, until February 5, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. In view of the interrelationship between the suspended PL schedule and the proposed XS schedule, the reasons which required suspension of the PL schedule apply to the companion schedule.

The rates and charges provided in the revised tariff sheet tendered on October 21, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Pacific's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by First Revised Sheet No. 16-A; and that the aforesaid First Revised Sheet No. 16-A be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held concerning the lawfulness of the rates, charges, classifications, and services contained in Pacific's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by First Revised Sheet No. 16-A, said hearing to be held on the same date as that to be established by notice from the Secretary as provided under order issued herein on September 4, 1957.

(B) Pending such hearing and decision thereon, Pacific's First Revised Sheet No. 16-A to its FPC Gas Tariff, Original Volume No. 1, is hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9774; Filed, Nov. 25, 1957; 8:53 a. m.]

[Docket Nos. G-11797, G-12580]

EL PASO NATURAL GAS CO.

ORDER POSTPONING RESUMPTION OF HEARING

NOVEMBER 20, 1957.

Resumption of hearings on the subject docketed applications of El Paso Natural Gas Company is presently set for December 4, 1957. Pursuant to the Commission's letter of September 27, 1957, El Paso furnished additional information regarding gas supply on October 14, 1957 and October 24, 1957. Substantial volumes of data and information were submitted in response to the Commission's request. However, examination of the data submitted particularly with regard to the San Juan Basin disclosed deficiencies in the information furnished.

On November 12, 1957, El Paso submitted additional information pursuant to the Commission's letter of September 27, 1957, and has agreed to furnish additional data and information to the Commission's staff.

It appears that additional time to study the information and data submitted and which will be submitted is required by the Commission's staff.

The Commission finds: It is appropriate and in the public interest to postpone the resumption of the hearing now set for December 4, 1957 in the above-styled proceedings.

The Commission orders: The resumption of the hearing in the consolidated proceedings in the above-captioned cases is postponed to January 28, 1958.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9775; Filed, Nov. 25, 1957; 8:54 a. m.]

[Docket No. G-13734]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROGRAM CHANGE IN RATES

NOVEMBER 20, 1957.

Phillips Petroleum Company (Phillips), on October 21, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 16, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 11 to Phillips' FPC Gas Rate Schedule No. 10.

Effective date: November 22, 1957 (effective date is the date Warren's suspended rates becomes effective in Docket No. G-12767).

In support of the proposed favored-nations rate increase, Phillips states that the contract was negotiated at arm's length; the provisions for such increase were included to protect seller from the effects of increased costs, and the proposed rate is just and reasonable. Phillips also refers to its Exhibit No. 289 in the proceedings in Docket Nos. G-1148, et al., wherein it was shown that a rate of 23.25 cents per Mcf was necessary for the subject gas in order to recover costs of its jurisdictional gas operations plus a return of 12 percent.

Phillips states that its subject increase was triggered by increases filed by Warren Petroleum Corporation (Operator) et al., (Warren) for gas sold to El Paso Natural Gas Company in Lea County, New Mexico, and suspended until November 22, 1957, by Commission's order issued June 20, 1957, in Docket No. G-12767. Phillips, accordingly, requests an effective date for its increase of November 22, 1957, or such later date as Warren's suspended rates are made effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change,

[1] Dissenting opinion of Commissioners Digby and Stueck filed as part of the original document.

and that Supplement No. 11 to Phillips' FPC Gas Rate Schedule No. 10 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Phillips' FPC Gas Rate Schedule No. 10.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 22, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9776; Filed, Nov. 25, 1957; 8:54 a. m.]

[Docket No. G-13733]

BARNWELL DRILLING CO., INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 20, 1957.

Barnwell Drilling Company, Inc., (Barnwell), on October 21, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 18, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 4 to Barnwell's FPC Gas Rate Schedule No. 1.

Effective date: November 21, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Barnwell states that the whole schedule of prices in the contract was entered into at arm's length and enables the seller to receive full market value for the gas sold over the twenty-year term of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Barnwell's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Barnwell's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 21, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9777; Filed, Nov. 25, 1957; 8:54 a. m.]

[Docket No. G-13732]

HUMBLE OIL AND REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 20, 1957.

Humble Oil and Refining Company (Humble), on October 21, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increase rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 2, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 14 to Humble's FPC Gas Rate Schedule No. 15.

Effective date: November 21, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nations rate increase, Humble cites the long term (20 years) of the contract which Humble states was negotiated in good faith and at arm's length. Humble further states that the increased price is reasonable and cites other sales in Texas Railroad Commission District No. 3 under contract specifying increased prices effective November 1, 1957, equal to or higher than its proposed rate. Humble also states that suspension of its increased rate would abrogate the contract, deprive Humble of valuable contractual rights without due process and unjustly enrich Texas Eastern Transmission Corporation at Humble's expense.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 14 to Humble's FPC Gas Rate Schedule No. 15 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 14 to Humble's FPC Gas Rate Schedule No. 15.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 21, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9778; Filed, Nov. 25, 1957; 8:54 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11301.

[DOCKET No. G-11227 etc.]

TENNESSEE GAS TRANSMISSION CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 19, 1957.

In the matters of Tennessee Gas Transmission Company, Docket No. G-11227; Austral Oil Exploration Company, Inc., Docket No. G-11253; Tidewater Oil Company, Docket No. G-11265; The Calvert Distilling Company, d/b/a Frankfort Oil Company, Docket No. G-11503; American Louisiana Pipe Line Company, Docket No. G-11510.

Take notice that American Louisiana Pipe Line Company (American Louisiana), Tennessee Gas Transmission Company (Tennessee), Austral Oil Exploration Company, Inc. (Austral), Tidewater Oil Company (Tidewater), and The Calvert Distilling Company, d/b/a Frankfort Oil Company (Calvert) filed applications for certificates of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On November 19, 1956, American Louisiana filed in Docket No. G-11510 an application, as supplemented December 13, 1956, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 7.39 miles of 16-inch pipeline and 4.86 miles of 12-inch pipeline to connect North Holly Beach Field and Second Bayou Field, Cameron Parish, Louisiana, with American Louisiana's existing facilities, together with appurtenant facilities and two purchase meters. These proposed facilities will enable American Louisiana to purchase and receive natural gas into its system produced by Austral, operator of certain gas properties in the North Holly Beach field, of which Oil Participations Inc., owns 50 per cent interest and Tidewater and Tennessee each own 25 per cent interest, respectively. The proposed facilities will also enable American Louisiana to purchase and receive natural gas into its system produced by Calvert and Union Producing Company in the Second Bayou field. The estimated total initial cost of the proposed facilities is $1,481,130, which cost will be financed from company funds.

The following applications have been filed, seeking authority to sell natural gas in interstate commerce to American Louisiana for resale from production, as indicated above:

Docket No.; Applicant; and Date Filed

G-11227; Tennessee; October 11, 1956.
G-11253; Austral; October 18, 1956, amended January 28, 1957.
G-11265; Tidewater; October 19, 1956.
G-11503; Calvert; November 19, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9755; Filed, Nov. 25, 1957; 8:48 a. m.]

[Docket No. G-11371 etc.]

CARTER-JONES DRILLING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 19, 1957.

In the matters of Carter-Jones Drilling Company, Operator, et al., Docket No. G-11371; Texas Eastern Transmission Corporation, Docket No. G-11642; Lyons & Logan, Operator, et al., Docket No. G-11665.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal place of business in Shreveport, Louisiana, Carter-Jones Drilling Company, Operator, et al. (Carter-Jones) and Lyons & Logan, Operator, et al. (Lyons & Logan), independent producers, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities for receiving and transporting natural gas and for the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

On December 21, 1956, Texas Eastern filed in Docket No. G-11642 an application, as amended January 22, 1957, for a certificate authorizing the construction and operation of approximately 2.79 miles of 6⅝-inch O. D. lateral supply pipeline extending from a point in the South Hallsville Field, Harrison County, Texas, to a point of connection with its existing 20-inch Joaquin-Longview pipeline, together with a mainline tap and appurtenant facilities. These proposed facilities will enable Texas Eastern to purchase and receive natural gas produced in the South Hallsville Field by The Atlantic Refining Company, J. C. Trahan, Drilling Contractor, Inc., et al., Lyons & Logan and Carter-Jones. The estimated capital cost of the proposed facilities is $53,368 which cost is to be financed from company funds.

Carter-Jones filed an application on October 26, 1956 in Docket No. G-11371, as supplemented on November 5, 1956, for authorization to sell natural gas in interstate commerce to Texas Eastern for resale from production in the South Hallsville Field, Harrison County, Texas, under a gas sales contract dated October 16, 1956.

On December 26, 1956, Lyons & Logan, filed an application in Docket No. G-11665, for authority to sell natural gas in interstate commerce to Texas Eastern for resale from production in the South Hallsville Field, Harrison County, Texas, under a gas sales contract dated July 27, 1956, as amended July 27, September 20, and December 12, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9756; Filed, Nov. 25, 1957; 8:49 a. m.]

[Docket Nos. G–11481, G–11873]

CHAMPLIN OIL & REFINING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 19, 1957.

In the matters of Champlin Oil & Refining Company, Operator, et. al., Docket No. G–11481; Texas Eastern Transmission Corporation, Docket No. G–11873.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal place of business in Shreveport, Louisiana, and Champlin Oil & Refining Company,[1] Operator, et al.[2] (Champlin, et al.), an independent producer, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and for the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On February 1, 1957, Texas Eastern filed in Docket No. G–11873 an application for a certificate authorizing the construction and operation of approximately 1.65 miles of 4½-inch O. D. supply lateral pipeline to extend from a point in the Chapman Ranch Field, Nueces County, Texas, to a point of connection with Texas Eastern's 12-inch Bird Island-Chevron Field lateral, at Milepost 20.8 in Nueces County, Texas, together with a tap and appurtenant equipment. These proposed facilities will enable Texas Eastern to purchase and receive natural gas produced by Champlin, et al., in the Chapman Ranch Field. The estimated total initial cost of proposed facilities is $28,000, which cost is to be financed from company funds.

The Chicago Corporation, Operator, et al., predecessor in interest to Champlin et al., filed an application on November 14, 1956, in Docket No. G–11481, for authority to sell natural gas in interstate commerce to Texas Eastern, for resale, from production from the Chapman Ranch Field, Nueces County, Texas, under a gas sales contract dated September 14, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9757; Filed, Nov. 25, 1957; 8:49 a. m.]

[1] By letter filed November 29, 1956, Champlin requests that subject Docket No. G–11481, originally filed in the name of The Chicago Corporation, be redesignated to be in the name of Champlin. The Commission records show that effective on the close of business December 31, 1956, The Chicago Corporation and Champlin were merged, Champlin being the surviving company.

[2] "Et al." consists of Republic Natural Gas Company, a signatory seller party with The Chicago Corporation (predecessor in interest to Champlin) to the contract involved. Each owns a 50 percent interest in the gas involved herein.

[Docket No. G–10760]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 19, 1957.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application on July 15, 1956, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authority to make field sales of casinghead gas from the Carpenter "D" and "E" leases in the Fox-Graham Field, Carter County, Oklahoma, to Signal Oil and Gas Company (Signal), Operator of the Fox Gasoline Plant in the field, pursuant to two gas sales contracts, each dated January 12, 1954, as amended, between Fox Gasoline Company, Signal's predecessor in interest, and Nichols-Duncan Oil Company (Nichols) et al. By contract dated February 15, 1956, effective February 1, 1956, Tennessee acquired the interests of Nichols, the operator of the aforesaid two leases, and succeeded Nichols as operator therein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 7, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 41 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9758; Filed, Nov. 25, 1957; 8:49 a. m.]

[Docket Nos. G–11519, G–11526]

WILCOX TREND GATHERING SYSTEM, INC., AND GASOLINE PRODUCTION CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 19, 1957.

In the matters of Wilcox Trend Gathering System, Inc., Docket No. G–11519; Gasoline Production Corporation, Operator, Docket No. G–11526.

Take notice that Wilcox Trend Gathering System, Inc. (Wilcox) and Gasoline Production Corporation, Operator (Gasoline Production) filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and authorizing the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the commission and open to public inspection.

On November 21, 1956, Wilcox filed in Docket No. G–11519 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 0.64 mile of 3½-inch O. D. supply lateral pipeline to extend from Gasoline Production's No. 1 Sherwood well in the Mineral Field, Bee County, Texas, to a point of connection with Wilcox's existing 14-inch main transmission line at Milepost 93.76 in Bee County, Texas; together with a purchase meter station and appurtenances. The above facilities will enable Wilcox to receive gas produced from the said Sherwood No. 1, in the Mineral Field, by Gasoline Production and Sunray Mid-Continent Oil Company.[1] The estimated total initial cost of the proposed facilities is $10,400, which cost will be financed from company funds.

Gasoline Production filed an application on November 23, 1956 in Docket No. G–11526, wherein it seeks authority to sell natural gas in interstate commerce to Wilcox for resale from its No. 1 Sherwood well in the Mineral Field, Bee County, Texas, under a gas sales contract dated August 10, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 7, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9759; Filed, Nov. 25, 1957; 8:49 a. m.]

[Docket Nos. G–11538, G–11705]

AMOY MINERALS CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 19, 1957.

In the matters of Amoy Minerals Corporation et al., Docket No. G–11538; Texas Illinois Natural Gas Pipeline Company, Docket No. G–11705.

Take notice that Texas Illinois Natural Gas Pipeline Company (Texas Illinois) with its principal place of business in Chicago, Illinois, and Amoy Minerals Corporation, et al.[1] (Amoy, et al.), an independent producer, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and authorizing the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

On January 4, 1957, Texas Illinois filed in Docket No. G–11705 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3.2 miles of 4-inch supply lateral pipeline to extend from a well in the North McFaddin Field, Victoria County, Texas, to its existing Heyser Field lateral line; together with a line tap and metering facilities in order to enable Texas Illinois to purchase and receive natural gas produced by Amoy et al., in the North McFaddin field.

The estimated total cost of the Texas Illinois facilities is $66,800, which will be financed from company funds.

Amoy et al., filed an application on November 27, 1956, in Docket No. G–11538, for a certificate authorizing the sale of natural gas in interstate commerce to Texas Illinois for resale from production in the North McFaddin Field, Victoria County, Texas, under a gas sales contract dated October 1, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 7, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–9760; Filed, Nov. 25, 1957; 8:50 a. m.]

[1] Sunray Mid-Continent Oil Company's sale of its share of the gas involved herein to Wilcox is the subject of its application filed November 29, 1956, in Docket No. G–11558.

[1] Et al. consists of W. H. Francis, Jr., a signatory seller with Amoy to the sales contract involved.

[Docket No. G–11781]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 19, 1957.

Take notice, that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on January 24, 1957, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas from an existing transmission line in Ellwood City, Pennsylvania, to National Tube Division of United States Steel Corporation (National Tube), subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to deliver to National Tube from its existing 8-inch Line No. 157 in the Borough of Ellwood City, Lawrence County, Pennsylvania, volumes of natural gas estimated at 1,300,000 Mcf per year and 5,100 Mcf on a maximum day in the years 1957–1960, in addition to the deliveries estimated at 1,000 Mcf per day which Manufacturers would deliver to National Tube for the account of Carnegie Natural Gas Company (Carnegie).

Applicant alleges that in 1932 Carnegie, an affiliate of National Tube, entered into an agreement with Greensboro Gas Company (Greensboro) then an affiliate of Applicant, but now merged with Applicant, whereby Carnegie delivered certain production to Greensboro and Greensboro in turn, by separate agreement with Applicant, secured the delivery to Carnegie at Ellwood City of the requirements of National Tube. The agreement provides that Carnegie shall be paid for any excess of its deliveries to Applicant over the return deliveries to Carnegie at 15 cents per Mcf, and that Applicant shall be paid for any excess of deliveries to Carnegie over Carnegie's deliveries to Applicant at Applicant's current industrial rate effective in the Ellwood City area. Carnegie pays Applicant a transportation charge of 10 cents per Mcf for the gas exchanged between the parties.

From 1932 through 1955, deliveries of gas by Carnegie and Greensboro (or Applicant) were always balanced and no cash settlements were necessary. Effective January 1, 1956, however, Carnegie informed Applicant that it could only deliver 1,000 Mcf per day for redelivery to National Tube, and Carnegie and Manufacturers agreed it would be preferable for Applicant to provide the remainder of National Tube's requirements

under a new direct sales contract between Applicant and National Tube, rather than have Carnegie pay for the excess deliveries. This proposed delivery is the subject of this application.

Manufacturers has executed a service agreement with National Tube dated January 1, 1956, providing that National Tube will purchase gas from Applicant on an interruptible basis at a sliding scale rate ranging from 43.2 cents per Mcf to $2.00 per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9761; Filed, Nov. 25, 1957; 8:50 a. m.]

[Docket No. G-13101 etc.]

SOUTHERN UNION GATHERING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 19, 1957.

In the matters of Southern Union Gathering Company, Docket No. G-13101; Southern Union Gas Company, Docket No. G-13102; Aztec Oil & Gas Company, Operator, Docket No. G-13103; Pubco Petroleum Corporation, Operator, Docket No. G-13104; Gas Producers Corporation, Operator, Docket No. G-13105; Beaver Lodge Oil Corporation, Operator, Docket No. G-13106.

Take notice that on August 21, 1957, Southern Union Gathering Company (Gathering Company) filed in Docket No. G-13101 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the proposed sale of natural gas produced from wells located in the Blanco-Mesa Verde and the Aztec-Pictured Cliffs Fields, San Juan County, New Mexico, to El Paso Natural Gas Company (El Paso) for transportation in interstate commerce for resale, pursuant to a supplemental agreement dated July 25, 1957, to a basic sales contract dated August 31, 1953, executed by and between Gathering Company and El Paso, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

All of the gas involved in the above application is presently being sold in intrastate commerce to Gathering Company which is presently selling said gas to Southern Union Gas Company (Gas Company) for resale wholly within the State of New Mexico. Gathering Company's proposal herein is designed to divert gas now being sold by Gas Company in a relatively low market demand area, to El Paso's lines which are requiring over-production from their present sources of supply.

On August 21, 1957, the following listed producer applications were filed to cover each producer's sales to Gathering Company as contemplated in the application in Docket G-13101:

Docket No.; Applicant; and Basic Contract Date
G-13102; Southern Union Gas Company; September 27, 1954, July 25, 1957.
G-13103; Aztec Oil and Gas Company; December 12, 1953.
G-13104; Pubco Petroleum Corporation; March 30, 1951.
G-13105; Gas Producers Corporation; June 16, 1953.
G-13106; Beaver Lodge Oil Corporation; March 20, 1953, August 1, 1957.

All of the above Applicants have signatory seller status to their respective sales contracts with Gathering Company. Each producer is filing as Operator and shows in its application the working interest ownership percentages by wells. In Docket No. G-13105, Gas Producers Corporation is the Operator and 100 percent owner. Producer sales are made at the wellhead and facilities consist of customary lease equipment. All of these applications are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 19, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9762; Filed, Nov. 25, 1957; 8:50 a. m.]

[Docket No. G-13271]

GULF INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 19, 1957.

Take notice that on September 13, 1957, Gulf Interstate Gas Company (Applicant), a Delaware corporation, having its principal place of business in Houston, Texas, filed in Docket No. G-13271, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following described facilities, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission and open to public inspection. The facilities are:

(a) 9.9 miles of 20-inch (Thornwell Loop) to loop existing 12-inch lateral, extending from junction of 6-inch East Thornwell lateral with Applicant's existing 12-inch West lateral gathering line, paralleling said 12-inch West lateral gathering line and the existing 20-inch West gathering line.

(b) 2.9 miles of 6-inch (6-inch East Mud Lake Loop) to loop the existing 6-inch gathering line, extending from a point on the eixsting 6-inch Cameron Meadows gathering line of Applicant to the existing 12-inch West gathering line of Applicant.

Applicant represents that the proposed facilities will enable it to increase the take of natural gas from fields in the area by approximately 44,000 Mcf of natural gas per day over that heretofore represented in other proceedings before the Commission.

The estimated cost of the proposed facilities is $730,000 for which financing arrangements have been made.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 19, 1957, at 9:30 a. m., e. s. t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however;* That the Commission may, after a non-contested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 13, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9763; Filed, Nov. 25, 1957; 8:50 a. m.]

[Docket No. G-13288]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 19, 1957.

Take notice that on September 17, 1957, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its principal place of business in Minneapolis, Minnesota, filed in Docket No. G-13288 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 11.8 miles of 3½-inch lateral pipe line, together with a meter and regulator station, from a connection on its existing 12¾-inch Black Hills main line near Belle Fourche, South Dakota, extending westerly to the National Lead Company (National Lead), a new industrial customer, near Colony, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated cost of the lateral line and meter station is $109,492, of which National Lead will advance $104,592 to Applicant for construction of the lateral line, to be repaid by Applicant's discounting National Lead's monthly bills by 20 percent per year until the amount is fully paid, and Applicant will finance the cost of the meter station from current working capital.

The maximum annual delivery to National Lead is estimated at 269,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 19, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9764; Filed, Nov. 25, 1957; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

DEFENSE MATERIALS SERVICE

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

Report of purchases under Domestic Purchase Regulations (pursuant to section 4, PL 206, 83d Congress).

SEPTEMBER 30, 1957.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases [1] during quarter		Cumulative purchases [1] through end of quarter	
				Quantity	Amount	Quantity	Amount
Asbestos	10- 1-57	Short tons, crude No. 1 and/or crude No. 2 asbestos.	1,500	0	$0	1,499	$1,762,505.00
		Short tons, crude No. 3.	----------	0	0	850	840,070.05
Beryl	6-30-62	Short dry tons, Beryl Ore.	4,500	114	64,126.51	1,581	877,753.83
Chrome	6-30-59	Long dry tons, chrome ore and/or chrome concentrates.	200,000	7,952	755,520.08	158,667	15,536,665.02
Columbium-Tantalum.	12-31-58	Pounds, contained combined pentoxide.	15,000,000	0	[2] 4,420.00	15,580,392	60,587,891.16
Manganese: Butte-Phillipsburg.	6-30-58	Long ton units, recoverable manganese.	6,000,000	729,554	882,959.80	4,835,750	6,868,851.03
Deming	6-30-58	...do	6,000,000	0	0	6,215,258	12,036,388.37
Wenden	6-30-58	...do	6,000,000	0	0	6,108,136	10,743,179.21
Domestic small producers.	1- 1-61	Long ton units, contained manganese.	28,000,000	1,620,395	4,181,347.02	15,339,621	38,503,079.79
Mercury	12-31-57	Flasks, prime virgin mercury.	125,000	0	0	5	1,125.09
Mica	6-30-62	Short tons, hand-cobbed mica or equivalent.	25,000	665	579,348.42	12,173	12,718,987.09
Tungsten	7- 1-58	Short ton units, tungsten trioxide.	3,000,000	0	[2] 224.07	2,996,280	189,213,846.79

[1] Quantities represent deliveries.

[2] Costs applicable to prior acquisitions.

Dated: November 19, 1957.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 57-9765; Filed, Nov. 25, 1957; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-84]

REGENTS OF UNIVERSITY OF CALIFORNIA

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on September 24, 1957, the Atomic Energy Commission has issued License R-30 authorizing The Regents of the University of California to acquire, possess and operate, at the location in Berkeley, California, described in the application in Docket 50-84, a 100-milliwatt nuclear reactor constructed by Aerojet-General Nucleonics, San Ramon, California. Notice of the proposed action was published in the FEDERAL REGISTER on September 25, 1957, 22 FR 7617.

Dated at Washington, D. C., this 19th day of November 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN, *Acting Director, Division of Civilian Application.*

[F. R. Doc. 57-9738; Filed, Nov. 25, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 20, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation; File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On November 8, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending November 20, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, November 21 to 30, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9782; Filed, Nov. 25, 1957; 8:56 a. m.]

[File No. 24FW-1119]

ILLOWATA OIL CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 20, 1957.

I. Illowata Oil Company ("Illowata"), a Colorado corporation, 1509 Mile High Center, Denver, Colorado, filed with the Commission on October 24, 1957, a notification on Form 1-A and an offering circular relating to an offering of 900,000 shares of its $.01 par value capital stock at $.10 per share for an aggregate of $90,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Allen A. Borton, predecessor of Illowata, was convicted on February 21, 1957, in the United States District Court for the Eastern District of Illinois, of violating and conspiring with another to violate the registration and anti-fraud provisions of the Securities Act of 1933, as amended, and the Mail Fraud Statute and, pursuant to Rule 252 (c) of the general rules and regulations under the Securities Act of 1933, as amended, an exemption from Regulation A for the securities purported to be offered thereunder by Illowata is not available.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The notification fails to name Allen A. Borton as a predecessor of Illowata in response to Item 2 (a);

2. The response to Item 5 (a) of the notification that no predecessor of the issuer has been convicted of any crime or offense specified in Rule 252 (c) (3);

3. The offering circular fails to disclose on page 4 and on page 7 under the caption, "Application of Proceeds" that $20,000 would be insufficient to develop 200 acres of leases;

4. The offering circular fails to disclose on page 8 that the Alluwe Pool has not been particularly prolific after water flooding and that this project must be considered extremely hazardous;

5. The offering circular fails to disclose that there appears to be between 5 and 6 feet of sand which might be floodable, but that such sand is so thin as to render any such operation extremely hazardous;

6. The report of E. A. Whitworth, dated March 27, 1956, showing 120,000 barrels of developed and 380,000 barrels of undeveloped reserves in that it apparently applies to acreage other than that owned by Illowata;

7. The letter prepared by Harry O. Graves, partner and manager of N. Y. K. Oil Company in that Allen A. Borton owns the lease, and reference is made to a core analysis;

8. The page headed N. Y. K. Oil Co. and shown as "Page 1" immediately following the Whitworth report which includes information setting forth 1,800 barrels as the recoverable reserves from each of 100 acres in that the core analysis data and the tabulation dated December 31, 1955 are insufficient basis for estimating recoverable reserves.

9. The core data including that prepared July 25, 1955, by Oilfield Research Laboratories in that it indicates on page 4 that 1,300 barrels of oil per acre are recoverable from the Clark lease when, in fact, it is not known whether any oil can be recovered at a profit from such acreage; and

10. The offering circular fails to include a map showing location of the lease and all wells drilled on such lease or within one mile thereof together with their present status.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Illowata Oil Company and to any persons having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9783; Filed, Nov. 25, 1957; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 85 (Amended), Amdt. 2]

CENSUS BUREAU

ORGANIZATION AND FUNCTIONS

The material appearing in 20 F. R. 492-494 (January 21, 1955), and 21 F. R. 6820 (September 6, 1956), is amended as follows:

In order to reflect recent changes in nomenclature and organization and to include appropriate delegations of authority Department Order No. 85, as amended, is further amended as follows:

1. The title "Coordinator, International Statistics" in sections 2.02 and 5.021 is hereby changed to "International Statistical Programs Office."

2. Section 3.01 is revised to read as follows:

.01 Pursuant to the authority vested in the Secretary of Commerce by the provisions of 13 U. S. C. 4 and Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director is hereby authorized to perform the functions and duties of the Secretary under Title 13, United States Code, and that part of Chapter 5, Title 15, United States Code relating to the collection, compilation and publication of foreign trade statistics and any subsequent legislation with respect to the collection, tabulation, analysis, publication and dissemination of statistical data relating to the social and economic activities and characteristics of the population and enterprises of the United States and its outlying territories and possessions.

3. The following new section 5.053 is added:

3. Electronic Systems Division plans for and conducts continuous developmental research on all phases of electronic high speed digital computer systems including the development of new and more effective programming methods, more efficient operational and scheduling procedures, improved maintenance and servicing techniques and application of new developments in the computer field for purposes of achieving maximum effectiveness of such systems in their application to Bureau programs; and utilizes electronic digital computer systems in the processing of mass data for the programs of the Bureau and in the solution of mathematical problems.

4. Sections 2.02 and 5.05 are amended by the addition of the Electronic Systems Division.

Effective date: November 13, 1957.

[SEAL] SINCLAIR WEEKS, *Secretary of Commerce.*

[F. R. Doc. 57-9748; Filed, Nov. 25, 1957; 8:47 a. m.]

[Dept. Order 152 Revised]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

ORGANIZATION AND FUNCTIONS

The material appearing in 18 F. R. 6503-6505, October 10, 1953; 18 F. R. 6791, October 1953; and 20 F. R. 6263-6264, August 26, 1955 is revised as follows:

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization, functions, and authorities of the Business and Defense Services Administration.

SEC. 2. *Establishment and organization.* .01 The Business and Defense Services Administration was established by the Secretary of Commerce by Department Order 152 of October 1, 1953, as a primary organization unit of the Department of Commerce, pursuant to authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and Executive Order No. 10480 of August 14, 1953, under the Defense Production Act of 1950 as amended and extended. The Business and Defense Services Administration shall be under the authority and supervision of the Assistant Secretary for Domestic Affairs and shall be directed by an Administrator who shall be appointed by the Secretary and who shall report and be responsible to the Assistant Secretary.

.02 The Business and Defense Services Administration shall consist of the following organization units:

1. Office of the Administrator, including:

(1) Deputy Administrator.
(2) Assistant Administrator, Business Services.
(3) Management Services Staff.

2. Program Offices, including:

(1) Office of Industrial Mobilization.
(2) Office of Technical Services.
(3) Office of Distribution.
(4) Office of Construction Statistics.

3. Industry Divisions, including:

(1) Agricultural, Construction, and Mining Equipment.
(2) Aluminum and Magnesium.
(3) Automotive and Transportation Equipment.
(4) Building Materials.
(5) Business Machines and Office Equipment.
(6) Chemical and Rubber.
(7) Communications Industries.
(8) Consumer Durable Goods.
(9) Containers and Packaging.
(10) Copper.
(11) Electrical Equipment.
(12) Electronics.
(13) Food Industries.
(14) Forest Products.
(15) General Industrial Equipment and Components.
(16) Iron and Steel.
(17) Leather, Shoes, and Allied Products.
(18) Metalworking Equipment.
(19) Miscellaneous Metals and Minerals.
(20) Power Equipment.
(21) Printing and Publishing.
(22) Scientific, Motion Picture, and Photographic Products.
(23) Textiles and Clothing.
(24) Water and Sewerage Industry and Utilities.

4. Office of Field Services.

SEC. 3. *Delegation of authority.* .01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Administrator of the Business and Defense Services Administration shall perform the functions and exercise the authority of the Secretary of Commerce relating to the industry and trade of the United States more specifically described in but not limited to the applicable provisions of:

The act of February 14, 1903 (32 Stat. 826), as amended, to foster, promote, and develop the domestic commerce of the United States;

The Defense Production Act of 1950 (64 Stat. 798), as amended and extended, and Executive Order No. 10480 thereunder except the authority of the Secretary of Commerce with respect to the use of transportation facilities and the creation of new agencies within the Department of Commerce;

The National Security Act of 1947 (61 Stat. 495), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

The Strategic and Critical Materials Stock Piling Act (60 Stat. 596) with respect to the acquisition of stocks of materials for defense purposes;

Section 168 of the Internal Revenue Code of 1954, as amended by Public Law 85-165, relating to accelerated tax amortization for defense purposes;

The act of September 9, 1950 (64 Stat. 823; 15 U. S. C. 1151), authorizing the collection and dissemination of scientific, technical, and engineering information;

Executive Order No. 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense.

.02 The Administrator of the Business and Defense Services Administration may redelegate any power or authority conferred on him by this order to any officer of the Business and Defense Services Administration or to any other officer or agency of the Government.

.03 In carrying out the functions and authorities assigned by this order, the Business and Defense Services Administration will cooperate and collaborate with the Bureau of Foreign Commerce wherever the commodity and industrial interests of the latter organization are applicable.

SEC. 4. *General functions and objectives.* The general functions and objectives of the Business and Defense Services Administration, consistent with the scope and authority conferred on the Secretary of Commerce by or pursuant to law, shall be to:

1. Assure the achievement of military and atomic energy programs by channeling, where necessary, the materials and products required therefor in accordance with the provisions of the Defense Production Act of 1950, as amended;

2. Within the limitations of the Defense Production Act as amended, and pursuant to basic Government policy, assist in achieving a fair and equitable distribution of that portion of critical materials in excess of defense requirements to civilian industry, including small business;

3. Participate in the development of national plans for industrial and economic mobilization including the development of systems for scheduling and controlling the production and distribution of materials and products during a period of emergency and the development and administration of preparedness measures;

4. Insure the development of practical mobilization programs by ascertaining the production potential of the industrial economy as related to materials, products, and facilities for defense-supporting and essential civilian needs, for which the Department of Commerce is the cognizant agency;

5. Provide the framework for the integration of defense production and mobilization programs with industry's long-range plans for maintaining civilian production and employment on a sound basis;

6. Stimulate the development of industry and commerce by providing information and advisory services to American business and industry and provide facilities by means of which the experience of American business and industry may be brought to bear in the development of Government policies and programs;

7. Obtain the views and advice of business through the establishment of, and consultation with, industry advisory groups and through cooperation with trade associations;

8. Encourage efficient and effective domestic distribution of goods and services to further the expansion of domestic markets necessary for optimum utilization of the nation's productive capacity;

9. Act as a clearing house for Government technological information of interest to business and assist industry in the voluntary standardization of products; and

10. Work with other agencies of Government in programs to achieve national economic stability and growth and with industry in the development of industrial and business programs having as their purpose a sound, prosperous, and expanding economy.

SEC. 5. *Functions of the Office of the Administrator.* .01 The Administrator shall determine, develop and coordinate policies and programs and direct all operations of the Business and Defense Services Administration.

.02 The Deputy Administrator shall be the chief operating aide to the Administrator and assist in the direction of operations of the Administration and perform other duties assigned by the Administrator. In addition, he shall direct activities of the Coordinator, Executive Reserve Program, and the Advisor on Foreign Activities.

.03 The Assistant Administrator, Business Services, shall participate with the Administrator in the formulation and evaluation of the Administration's policies and programs directed to the promotion and development of domestic commerce and trade using data developed throughout the Federal establishment including mobilization data and shall coordinate business service programs with plans for mobilization of production. He shall be responsible for the formulation and direction of programs relating to public information, business operations in Government, and surplus property disposal; development of recommendations to the Assistant Secretary for Domestic Affairs with respect to the position of the Department on matters pertaining to the International Labor Organization; liaison with Small Business Administration and other agencies having small business functions; and development of business service programs in the field of service and distributive trades. In addition, he shall direct the publications program of the Administration through a Publications Committee.

.04 The Management Services Staff shall be responsible for all aspects of administration and management, including budget, organization planning, administrative procedures, personnel management and utilization, security and agency inspection, and administrative services within the framework of general administrative policies, standards, and procedures established or approved by the Assistant Secretary for Administration. The Staff shall assist the Administrator in assuring administrative efficiency and economy in the operation of the Administration. It shall be responsible for industry advisory committee operations; the physical aspects of emergency relocation activities; and administrative mobilization planning. The Staff shall secure required administrative and personal services for the Business and Defense Services Administration through the offices reporting to the Assistant Secretary of Commerce for Administration.

SEC. 6. *Functions of Program Offices.* .01 The Office of Industrial Mobilization shall be responsible for the formulation and direction of activities, relating to the exercise of the Title I authority of the Defense Production Act of 1950, as amended, delegated to the Administrator and all mobilization readiness and preparedness programs of the Business and Defense Services Administration. These programs include administration of the Defense Materials System (including set-aside determinations); issuance of priorities and directives and administration of such special orders for allocation and control of materials as are necessary; cooperation with the Office of General Counsel to insure compliance therewith; development of recommended policies for expansion goals and certificates of necessity for tax amortization; preparation of basic data sheets and stockpile recommendations; preparation of program levels of production under full mobilization; appraisal of productive capacity for full mobilization requirements recommendation of critical industry facilities for identification by the Industry Evaluation Board; development of a cooperative program with industry for plans to insure continuity of essential production in the event of nuclear attack; development of the mobilization production control system, including preparation of standby orders and regulations; preparation and maintenance of mobilization base books; conduct of the bomb damage assessment program; development of product assignment determinations under the Defense Materials System; liaison with Office of Defense Mobilization, Department of Defense, Atomic Energy Commission, and the Federal Civil Defense Administration; and development of substantive programs for emergency exercises.

.02 The Office of Technical Services shall collect and compile scientific and technical information on technological research and development, including information obtained through reciprocal exchanges with other countries, for dissemination to business enterprises; assist industries to develop and agree upon commercial standards as to quality, testing, and ratings; shall serve as the point of contact with trade associations and other non-profit trade groups for the purpose of encouraging their cooperation and obtaining recommendations with respect to the domestic commerce programs and activities of the Department; and bring to the attention of American inventors, in cooperation with the National Inventors Council and representation of the Department of Defense and such other Federal agencies as may wish representation, the technical programs of Government groups.

.03 The Office of Distribution shall provide a focal point within the Department of Commerce for the retail, wholesale, and service trades, and for all others engaged in the domestic distribution of goods and services; collect, analyze, and disseminate information on domestic market characteristics and potentials by industry and geographical areas; cooperate with other data collection agencies for the development of effective programs for the exchange of marketing information; and advise on policy issues affecting the domestic distribution and service trades, and the impact of current or proposed marketing laws and regulations upon the effective operation of such distribution activities.

.04 The Office of Construction Statistics shall be the focal point in the Business and Defense Services Administration for planning, developing, and conducting construction statistics programs concerning such data as construction volume, costs, materials production, and materials use; conducting economic and statistical research and developing analytical and interpretive data on trends and developments in the construction industry and their impact on the remainder of the economy; disseminating construction industry information to Government and private users, and developing cooperative construction research programs with other Federal and State agencies.

SEC. 7. *Functions of the industry divisions.* .01 Each Industry Division of the Business and Defense Services Administration is assigned functions and responsibilities with respect to individual or related segments of American domestic industry.

.02 The Industry Divisions shall initiate policy and program proposals affecting their respective areas of operations for submission to and consideration and decision by the Administrator.

.03 The Industry Divisions shall cooperate with other organizations of the Department of Commerce, other Governmental agencies and business and industry in developing programs of practical value to the business and industrial communities so as to foster a common understanding of the problems of Government and business and industry.

.04 More specifically, the Industry Divisions shall perform the following functions as prescribed by the Administrator:

1. Defense production and mobilization preparedness activities:

(1) Perform the operations as required by the Business and Defense Services Administration and Defense Materials System regulations and take related action to assure meeting required delivery dates of materials and products against military and atomic energy production and construction schedules,

(2) Take such actions as may be necessary to minimize the impact of defense procurement on the supply of scarce materials available to meet civilian demands, especially those of small business,

(3) Make recommendations on the stockpiling or the disposal of stockpiled strategic materials and equipment in relation to industrial requirements to minimize any adverse effects on the national economy,

(4) Participate in the development of the national mobilization programs and expansion goals to provide adequate industrial facilities in the event of national emergency,

(5) Provide basic data for use in the identification and rating of facilities to be protected against the possibilities of enemy damage,

(6) Review and make recommendations to the Office of Defense Mobilization on tax amortization and domestic loan applications, and

(7) Carry out agency policy in cooperation with industry in the development of post-attack planning measures;

2. Business services activities:

(1) In furtherance of economic stability and growth, provide information and recommend to the Administrator and the Assistant Secretary for Domestic Affairs policies designed to promote industrial expansion and business progress for their guidance in the determination of policy and also in the presentation of business opinion and advice to the Executive and Legislative Branches,

(2) For Governmental purposes and as a service to business and trade groups, collect, analyze, and disseminate information on the condition and levels of business activity in specific industries and trades with reference to the production and marketing of industrial commodities and resources,

(3) Evaluate policies, plans, activities, and orders of the Department of Commerce, as well as existing and proposed legislation affecting business, from the standpoint of the workability of these measures in everyday business and industrial operation,

(4) Assess the impact of Government operations insofar as they impinge on the interests of private business and report such assessments to the Administrator, and

(5) Assist domestic business and industry in its relations with other departments and agencies of the Government.

SEC. 8. *Functions of The Office of Field Services.* .01 The Director, Office of Field Services, shall participate in the formulation of and shall direct the field programs of the Business and Defense Services Administration, Bureau of Foreign Commerce, Office of Business Economics, Office of Area Development, and such other organization units as the Secretary of Commerce may designate.

.02 The Director shall be responsible for evaluating the requirements of the field programs of the above organization units of the Department in terms of available field resources so as to assure the effective implementation of all approved programs.

.03 The Office of Field Services shall make the Department's services and facilities readily available to the business community through Departmental field and cooperative offices and shall serve to establish and maintain on a local level the Department's relationship to the business community. The Office shall maintain continuing contacts with organization units whose field programs are executed under this provision for the purpose of assisting such units in the initiation, development, and determination of programs and policies governing field activities relating to their respective responsibilities.

.04 In addition to its own facilities in the field, the Office of Field Services shall utilize to the fullest extent practicable local and state associations, boards of trade, and similar organizations or groups to increase the use and effectiveness of the services, facilities, and published information and data of the Department and to develop close relationships between the Department and such organizations and the business community.

Effective date: November 8, 1957.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-9749; Filed, Nov. 25, 1957; 8:47 a. m.]

[Dept. Order 153 (Amended), Amdt. 1]

BUREAU OF FOREIGN COMMERCE

ORGANIZATION AND FUNCTIONS

The material appearing in 21 F. R. 2993, May 4, 1956, is amended as follows:

In order to reflect the transfer of the Foreign Trade Zones Board staff services from the Office of Trade Promotion to the Office of the Director and to clarify certain other provisions of the order, Department Order No. 153 (Amended) of April 17, 1956 is amended as follows:

1. Item (7) of section 2.022 is eliminated and the following new item (6) is added to section 2.021:

(6) Foreign Trade Zones Staff.

Item (8) of section 2.022 is renumbered item (7).

2. The following new section 5.015 is added:

5. Foreign Trade Zones Staff performs staff work for the Foreign Trade Zones Board in carrying out its responsibilities for supervising and regulating foreign trade zones.

3. Section 5.028 is eliminated and section 5.029 is renumbered section 5.028.

4. Item (4) of section 2.022 is revised to read "International Travel Division."

Effective date: November 13, 1957.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-9750; Filed, Nov. 25, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32313]

COMMODITIES; PAN-ATLANTIC, BETWEEN THE EAST AND TEXAS

RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 8th day of November A. D. 1957.

There being under consideration the matter of rates and charges, and rules, regulations and practices affecting such rates and charges applicable on interstate or foreign commerce of various commodities, from eastern origins to Dallas and Ft. Worth, Texas, as set forth in the following schedules:

Pan-Atlantic Steamship Corporation:
MF-I. C. C. NO. 64;
On Thirteenth Revised Page 90, Item No. 3030;
On Fourteenth Revised Page 91, Item No. 3060;
On Seventh Revised Page 99, Item No. 3359;
On Eighth Revised Page 104-A, Item No. 3561;
On First Revised Page 126-A, Item No. 4181;
On Fifteenth Revised Page 128, Item No. 4205;
On Tenth Revised Page 129, in Item No. 4231, the 204-cent rates;
On Fifth Revised Page 129-A, Item No. 4242;
On Twenty-First Revised Page 133, Item No. 4392;
On Third Revised Page 134-A, Item No. 4459;
On Twelfth Revised Page 138, Item No. 4545;
On Sixth Revised Page 140-C, in Item No. 4601, the rates from New Haven, Conn., Baltimore, Md., and Philadelphia, Pa.;
On Eleventh Revised Page 145, Item No. 4764;
On Sixth Revised Page 154, Item No. 5190;
On Eighth Revised Page 157-A, in Item No. 5321, the rate from Buffalo, N. Y.;
On Fourteenth Revised Page 158, Item No. 5330;
On Eighteenth Revised Page 159, Item No. 5370;
On Fifth Revised Page 159-A, Item No. 5378;
On Fifteenth Revised Page 161, Item No. 5450;
On Eleventh Revised Page 169, in Item No. 5750, the rate from York, Pa.;
On Fifth Revised Page 169-A, in Item No. 5760, and on Twelfth Revised Page 170, in Item No. 5770, the rates from Hanover and York, Pa.; or as the same may be amended or reissued;

It appearing, that upon consideration of the tariff schedules there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations, and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-9766; Filed, Nov. 25, 1957; 8:51 a. m.]

J. ALEX CROTHERS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475; 21 F. R. 9198; 22 F. R. 3777) during the six months' period ended November 9, 1957:

On October 30, 1957, I purchased 20 shares (common stock) of American Telephone & Telegraph Company stock and 50 shares (common stock) of Philadelphia Electric Company stock. Otherwise there have been no changes in my financial interests or business connections during the six months' period ending November 9, 1957.

Dated: November 9, 1957.

[SEAL] J. ALEX CROTHERS.

[F. R. Doc. 57-9767; Filed, Nov. 25, 1957; 8:51 a. m.]

KEITH H. LYRLA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475; 21 F. R. 9198; 22 F. R. 3777) during the six months' period ended November 14, 1957:

No change.

Dated: November 14, 1957.

[SEAL] KEITH H. LYRLA.

[F. R. Doc. 57-9768; Filed, Nov. 25, 1957; 8:52 a. m.]

EUGENE S. ROOT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c) Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475; 21 F. R. 9198; 22 F. R. 3778) during the six months' period ended November 10, 1957:

Nothing to report.

Dated: November 10, 1957.

[SEAL] EUGENE S. ROOT.

[F. R. Doc. 57-9769; Filed, Nov. 25, 1957; 8:52 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10741

ESTABLISHING THE TRADE POLICY COMMITTEE

By virtue of the authority vested in me by the Constitution and statutes, including the Trade Agreements Act approved June 12, 1934, as amended (48 Stat. 943; 57 Stat. 125; 59 Stat. 410; 63 Stat. 698; 65 Stat. 72; 69 Stat. 162; 19 U. S. C. 1351–1354), it is ordered as follows:

SECTION 1. There is hereby established the Trade Policy Committee, consisting of the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor, or of alternates designated by them. Such alternates shall be officials who are required to be appointed by the President with the advice and consent of the Senate. The Secretary of Commerce or his alternate shall be the Chairman of the Committee. The Committee may invite the participation in its activities of other Government agencies when matters of interest thereto are under consideration; provided that such participation shall be limited to the heads of such agencies, or their alternates who are required to be appointed to office as above described.

SEC. 2. The Trade Policy Committee shall make recommendations to the President on basic policy issues arising in the administration of the trade-agreements program, which, as approved by the President, shall guide the Interdepartmental Committee on Trade Agreements established by paragraph 1 of Executive Order No. 10082 of October 5, 1949 (hereinafter referred to as the Trade Agreements Committee), in carrying out its functions.

SEC. 3. Each recommendation made by the Trade Agreements Committee to the President, together with the dissent of any agency, shall be transmitted to the President through the Trade Policy Committee, which shall submit to the President such advice with respect to such recommendation as it may deem appropriate. The said Executive Order No. 10082 is hereby amended accordingly.

SEC. 4. The Trade Policy Committee shall make recommendations to the President as to what action, if any, he should take on reports submitted to him by the United States Tariff Commission pursuant to section 7 of the Trade Agreements Extension Act of 1951, as amended (65 Stat. 74; 67 Stat. 472; 69 Stat. 166), and pursuant to Executive Order No. 10401 of October 14, 1952.

SEC. 5. Agencies of the Government shall furnish the Trade Policy Committee available information upon request of the Committee therefor for use in connection with the carrying out of the functions conferred upon the Committee by this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 25, 1957.

[F. R. Doc. 57-9899; Filed, Nov. 26, 1957; 10:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, and Marketing Practices), Department of Agriculture

PART 30—TOBACCO STOCKS AND STANDARDS REPORTS

A notice of proposed amendment to the regulations pertaining to tobacco stocks and standards (7 CFR Part 30) was published in the FEDERAL REGISTER on November 1, 1957 (22 F. R. 8821) and afforded interested persons the opportunity to submit written data, views, or arguments in connection therewith.

Decision on the promulgation of so much of the proposed rule as would require the reporting of leaf tobacco converted to sheet form during the preceding quarter is reserved for further consideration of the data, views, and arguments presented, including arguments

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FEDERAL REGISTER

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to the effect that present legislation does not authorize this reporting requirement and perhaps indicating the need for additional legislative authority therefor.

After consideration of all relevant data, views, and arguments submitted and the notice of rule making, the amendment hereafter set forth is hereby promulgated to become effective 30 days after publication in the FEDERAL REGISTER. The amendment is as follows:

1. Add a new § 30.60 to read as follows:

§ 30.60 *Reports.* Within fifteen (15) days after January 1, April 1, July 1, and October 1 of each year, all manufacturers, dealers, grower cooperative associations, owners or agents, other than the original grower of the tobacco and manufacturers who produced less than 185,000 cigars, or 750,000 cigarettes or 35,000 pounds of manufactured tobacco during the first three quarters of the preceding calendar year, shall complete and mail to the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., in the detail required on forms[1] available from him, reports showing the following information as to leaf tobacco in leaf and sheet form:

(a) *Tobacco in leaf form.* The pounds of tobacco in leaf form owned on the first day of the applicable quarter, with all stocks reported by types of tobacco and whether stemmed or unstemmed, and an additional separation to broad quality grouping for cigar leaf; and

(b) *Tobacco in sheet form.* The pounds of leaf tobacco stemmed or unstemmed included in and represented by all stocks of tobacco sheet owned on the first day of the applicable quarter, segregated by the classification and type of tobacco included in and represented by such tobacco sheet and further segregated as to whether for cigar binder or for cigarettes, except that a purchaser of tobacco sheet may, in lieu of the above, report the pounds of sheet tobacco owned on the first day of the applicable quarter, segregated as to whether for cigar binder or cigarettes and give the name of the firm or firms which produced such sheet tobacco.

[1] Filed as part of the original document.

(45 Stat. 1079, as amended; 7 U. S. C. 502)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reporting Act of 1942.

Done at Washington, D. C., this 22d day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9829; Filed, Nov. 26, 1957; 8:58 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-103-A15]

PART 942—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 942.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions of said order as hereby amended will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, four cents per hundredweight, or such amount not exceeding four cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk received by each handler, during the delivery period from producers, including that received from handler's own production.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than December 1, 1957. Any delay beyond that date will seriously threaten the orderly marketing of milk in the New Orleans, Louisiana, marketing area.

(2) The provisions of the said order are known to handlers. The decision containing all amendment provisions of this order was issued by the Assistant Secretary on November 1, 1957. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1957 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the New Orleans, Louisiana, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who, during the determined representative period (August 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, as follows:

1. Delete § 942.4 and substitute therefor the following:

§ 942.4 *New Orleans marketing area.* "New Orleans marketing area" hereinafter referred to as the marketing area means all territory, including incorporated municipalities, geographically within Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne parishes all in the State of Louisiana.

2. Delete § 942.6 and substitute therefor the following:

§ 942.6 *Producer.* "Producer" means any person other than a producer-handler who produces milk in compliance with Grade A inspection requirements for milk for fluid consumption within the marketing area which milk is (a) received during the month at a fluid milk plant, or (b) diverted from a fluid milk plant to another fluid milk plant or to a nonfluid milk plant pursuant to § 942.10.

3. Delete § 942.9 and substitute therefor the following:

§ 942.9 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which Class I milk pursuant to § 942.41 (a) is disposed of to retail or wholesale outlets (including plant stores) in the marketing area, or (b) a plant from which during the month:

(1) Shipments of milk, skim milk or cream are made to a plant described in paragraph (a) of this section;

(i) On 20 or more days during any month of September through December; or

(ii) On 5 or more days during any other month; and

(2) Some skim milk or butterfat in such shipments of milk, skim milk or cream is assigned to Class I pursuant to § 942.45.

4. Delete § 942.10 and substitute therefor the following:

§ 942.10 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in the milk (a) received at a fluid milk plant directly from producers, or (b) diverted for the account of the operator of a fluid milk plant from a fluid milk plant to another fluid milk plant or to a nonfluid milk plant. Any such milk so diverted shall be deemed to have been received at the fluid milk plant from which it was diverted.

5. Delete § 942.11 and substitute therefor the following:

§ 942.11 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from fluid milk plants and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

6. Delete § 942.43 and substitute therefor the following:

§ 942.43 *Transfers.* Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a fluid milk plant to:

(a) The fluid milk plant of another handler shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonfluid milk plant located more than 275 miles by the shortest highway distance from City Hall in New Orleans, Louisiana, as determined by the market administrator, shall be Class I milk unless transferred in the form of cream in bulk to such a nonfluid milk plant having only Class II milk pursuant to § 942.41 (b);

(d) A nonfluid milk plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonfluid milk plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The "Grade A Class II usage", as herein determined, exceeds such skim milk and butterfat received from a fluid milk plant(s) and from any plant(s) at which the milk is priced under another order(s) issued pursuant to the act. In the event the "Grade A Class II usage" is less than the aggregate of receipts from such regulated plants, amounts of skim milk and butterfat respectively, equal to the differences shall be classified as Class I milk, with each fluid milk plant being assigned a share of such Class I milk, pro rata, in accordance with the receipts of milk from all regulated plants. The "Grade A Class II usage" in a nonfluid milk plant shall be determined as follows: From the sum of (i) the amounts of skim milk and butterfat respectively, used during the month in such plant to produce any product included in Class II milk pursuant to § 942.41 (b), (ii) bulk cream transferred from such a plant to a second nonfluid milk plant that meets the conditions of the first sentence of this subparagraph and of subparagraph (2) of this paragraph, and (iii) bulk cream transferred to a second plant subject to this part or another Federal order (but only if such cream is allocated thereunder in the transferee-plant to a class use other than Class I as defined in this part or such other order), subtract the amounts of skim milk and butterfat, respectively, received during the month at the nonfluid milk plant from any source(s) other than that which meets the standards of a governmental regulation for fluid Grade A products.

7. Delete § 942.53 (b) and substitute therefor the following:

(b) The market administrator shall determine and publicly announce the zone location of each plant of each handler according to the shortest toll-free highway distance between such plant and the City Hall in New Orleans. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

8. Delete the first paragraph of § 942.51 (a) and substitute therefor:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.30 for the months of March through June, and plus $2.50 for all other months, plus or minus a supply-demand adjustment calculated for each month as follows:

9. Delete the period in § 942.93 (a) and add the following: "and to each person for whose account producer milk was delivered to a plant that did not qualify as a fluid milk plant during each month of the base forming period but which qualifies as a fluid milk plant during any of the months of March through August, bases shall be assigned on deliveries at such plant in the same manner as if such plant was a fluid milk plant during each month of the base forming period."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 21st day of November to be effective on and after December 1, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9793; Filed, Nov. 26, 1957; 8:46 a. m.]

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

INCREASED RATE OF ASSIGNMENT FOR INITIAL FISCAL PERIOD

Notice was published in the November 8, 1957, daily issue of the FEDERAL REGISTER (22 F. R. 8987) that consideration was being given to a proposal regarding an increase in the rate of assessment for the initial fiscal period ending March 31, 1958, under the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514) regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

a. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order): *It is hereby ordered,* That the provisions in paragraph (b) of § 1020.201 *Expenses and rate of assessment for the initial fiscal period* (22 F. R. 5746) be, and hereby are, amended to read as follows:

(b) *Rate of assessment.* The rate of assessment, which each handler, who first handles apricots shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar and fifty cents ($1.50) per ton of apricots so handled by such handler during such initial fiscal period.

b. It is hereby found and determined that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate of assessment in accordance with the provisions of the marketing agreement and order is applicable to all apricots handled during the aforesaid fiscal period; (2) such handling has now been completed, and the volume of apricots handled was substantially less than that upon which the rate of assessment was initially based, and the application of such rate to the volume handled resulted in income insufficient to defray the Washington Apricot Marketing Committee's previously approved expenses which were determined to be reasonable and likely to be incurred during such initial fiscal period; and (3) it is essential that the specification of the assessment rate herein provided be issued immediately so as to enable the said committee to perform its duties and functions in accordance with the said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, November 22, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Adminstrator,
Marketing Services.

[F. R. Doc. 57-9827; Filed, Nov. 26, 1957; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. No. ER-224]

PART 241—REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

PRESCRIPTION OF DEPRECIATION ACCOUNTING PRACTICES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of November 1957.

A notice of proposed rule-making amending the Board's revised accounting manual, effective January 1, 1957, was published in the FEDERAL REGISTER (21 F. R. 3192, 3878) and circulated to the Industry as Economic Regulations Draft Release No. 82, dated April 30, 1956.

The Air Transport Association (ATA) submitted extensive written comments, on behalf of its membership which comprises the bulk of the certificated air carrier industry, concerning this draft release. On September 27, 1956, oral argument was held before the Board. Subsequently, ATA was granted leave to submit additional comments which were filed on November 9, 1956.

The proposed regulation directed air carriers to use the so-called straight-line method of allocating total depreciation charges to annual accounting periods, in equal installments, and also prescribed specific depreciation rates for certain classes of aircraft and related flight equipment. The Board has decided to adopt the proposed regulation as an amendment to the revised accounting and reporting system which became effective on January 1, 1957.[1]

The principal purpose of this amendment is to increase the effectiveness of the Board's prescribed system of accounts and reports by directly controlling the depreciation accounting practices of certificated air carriers. The revised manual of accounts expressly requires that depreciation be calculated in order to distribute the total expense over the estimated service life of the depreciable property and equipment on the basis of years of life.[2] However, it does not prescribe any uniform method of calculating the depreciation charge for each year of the service life of depreciable property and equipment. Nor does the manual now contain any specific determinations of the proper amounts to be charged as depreciation expense for particular classes of property. True enough, the manual contemplates that the Board will review[3] the depreciation entries made by particular companies, on a case-to-case basis, in order to insure that the depreciation charges calculated by the air carrier will not create excessive or inadequate charges to annual operating expenses or result in the accumulation of improper depreciation reserve balances. However, it does not appear that this type of indirect control over depreciation accounting practices will prove adequate to meet the problems generated by the current financial and operating situation of the air transport industry.

In the past, the great majority of airlines have voluntarily adhered to the Board's own view that the straight-line method and a seven-year service life most accurately reflect the annual rate of depreciation in flight equipment of the types encompassed by this rule. But, it appears that many airlines are recording residual values, in their depreciation accounts, which are significantly lower than the 15 percent residuals which have been deemed reasonable by the Board for rate-making purposes. In addition, depreciation is and has always been a very significant element in the total operating expenses of certificated air carriers.

The industry has challenged the proposed rule on both legal and policy grounds. We shall deal first with its fundamental challenge to the legal power of the Board to regulate the substance of the depreciation accounting policies utilized by certificated air carriers for accounting and reporting purposes. It is argued that since section 407 of the act does not expressly empower the Board to prescribe the method and rates of depreciation to be used by air carriers, in contrast to section 20 (4) of the Interstate Commerce Act which specifically grants such powers, the entire area of depreciation accounting practices is beyond the ambit of the Board's duly granted statutory authority. Reliance is also placed upon the fact that Congress, which originally considered including a specific depreciation provision in the Civil Aeronautics Act, ultimately failed to do so. Finally, the industry attaches great weight and significance to certain statements made on the floor of the Senate during the consideration of the bill which ultimately became the act.

However, such resort to inferences concerning Congressional intent appears to be of doubtful propriety because of the clear and unambiguous meaning of the express language contained in section 407. That language does not draw any distinction between the scope of the Board's powers with respect to depreciation accounts, records and reports, and all other accounts, records and reports. Section 407(d) requires the Board to "prescribe the forms of any and all accounts, records and memoranda to be kept by air carriers • • •", and further makes it "unlawful for air carriers to keep any accounts, records or memoranda other than those prescribed or approved by the Authority [Board] • • •" The failure of Congress to expressly exclude depreciation from the all-inclusive scope of the

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[1] As originally proposed, these changes were to be incorporated into both the then effective accounting manual and the revised accounting manual. But the extended period of time which has been consumed in processing this amendment obviates the necessity for integrating these depreciation provisions with the former manual.

[2] Section 241.5-4 (g).

[3] Such review is implicit in the directive of the manual that neither excessive nor inadequate reserves shall be accumulated. Section 241.2-14 (c).

accounting matters, subject to the Board's supervisory powers, gains significance from its action in creating a specific exception to the foregoing general prohibition in section 407(d). That section permits air carriers to keep additional accounts when their maintenance does not result in impairment of the integrity of those prescribed or approved by the Board and also does not impose any undue financial burden upon the carrier concerned. In view of these considerations, the industry's attempt to limit the Board's accounting powers derived from section 407(d) to phases of accounting not involving depreciation appears to be unsupportable.

Further support for the view that Congress effectively conferred upon the Board plenary authority to regulate the entire field of depreciation accounting, under the "form of accounts" provision, can be found in the fact that the Interstate Commerce Commission, the Congress, and the Supreme Court have all construed an identical provision to include such power before the enactment of the Civil Aeronautics Act in 1938.

In 1906, when the "form of accounts" provision [4] was added to its original enabling act, the ICC compelled railroads to establish depreciation reserve accounts and further required that all operating expenses charged thereto be reasonable in amount. Carriers which charged either excessive or inadequate amounts to depreciation expense were compelled to adjust their reported expenses to a reasonable level.[5]

Subsequently, Congress was dissatisfied with the failure of the ICC to establish uniform depreciation rates for entire classes of property. For this reason, it enacted a specific depreciation provision mandatorily directing the ICC to establish uniform class rates of depreciation. During the Congressional hearings on this amendment held in 1919 and 1920, both the ICC and members of Congressional Committees declared that the Commission already had plenary power to prescribe all aspects of depreciation accounting, including uniform depreciation rates, under the "form of accounts" provision.[6] In 1931, the ICC decided in a depreciation accounting case, where the issue became pertinent, that the specific depreciation provision added in 1920 did not confer any additional powers but was merely intended to compel the Commission to exercise its previously granted powers to prescribe uniform depreciation rates for entire classes of property.[7] In 1936, the Supreme Court reached the same conclusion in Northwestern Bell Telephone Co. v. Nebraska State Railway Commission, 297 U. S. 471. This decision makes manifest the understanding of the Supreme Court that the act of 1920 merely made mandatory the exercise of a preexisting power. After reciting that the 1906 act had conferred authority on the Commission to prescribe a uniform system of accounts for telephone companies "in its discretion," the Court stated (at 477):

> The Commission never undertook to prescribe rates of depreciation for telephone companies under the Act of 1906. But the Transportation Act of February 28, 1920, again amending § 20 (5) of the Interstate Commerce Act, directed the Commission, "as soon as practicable", [to prescribe the classes of property to be depreciated and the applicable percentages of depreciation].

Nor does it appear that the ATA has made any satisfactory demonstration of even an unexpressed Congressional intention to withhold all powers over the entire subject of depreciation accounting from the Board. Surely, such an intent may not properly be inferred from the failure of Congress to include in the Civil Aeronautics Act a provision mandatorily directing the Board to prescribe uniform depreciation rates for classes of property.[8]

The best evidence of any such intention would, of course, have to be found in the legislative history of the Civil Aeronautics Act. But, there is no pertinent unambiguous statement in that legislative history which would support the inference that Congress intended to make depreciation an exception to the plenary scope of the Board's general power to regulate both the substance and the form of accounts.[9] True enough, the Senate incorporated in its version of the bill, which ultimately became the act, a provision mandatorily directing the Board to prescribe uniform depreciation rates for classes of property while the bill which finally passed the House omitted this specific depreciation provision. Thus it was the action of the Conference Committee which controlled the final content of the Civil Aeronautics Act. That Committee made no mention of its reasons for omitting any provision specifically dealing with depreciation and merely reported that section 407 (d), as finally enacted, empowered the Board to prescribe the forms of accounts.[10] It is most unlikely that the Committee would have taken the far-reaching and unprecedented step of withholding from the Board the powers over depreciation accounting which it had previously and subsequently included in the enabling acts of all other federal regulatory agencies unless it believed that such omission had only the limited effect of leaving the choice between the use of uniform depreciation rates and case-to-case review of non-uniform depreciation rates, established initially by the carriers, to the discretion of the Board.

[4] Section 20 (5) of the current Interstate Commerce Act.

[5] See history of depreciation rate regulation, for accounting purposes, summarized in Telephone and Railroad Depreciation Charges, 177 ICC 351, 359–365 (1931).

[6] Senate Hearings on Extension of Tenure of Government Control of Railroads, 65th Cong., 3rd Sess., 240, and House Hearings on Return of Railroads to Private Control, 66th Cong., 1st Sess., 2858, quoted at 177 ICC 362, 363.

[7] Telephone and Railroad Depreciation Charges, 177 ICC 351, 360, 367 (1931).

[8] At the outset, it should be noted that at the time when the Civil Aeronautics Act was enacted and throughout the period when it was under consideration by Congress, the only relevant provisions which had been enacted were section 20 (4) of the Interstate Commerce Act, relating to railroads, and section 220 (b) of the Federal Communications Act. Both of these provisions were framed in terms of a mandatory direction to the agency concerned to exercise preexisting powers. In 1940, after the enactment of the Civil Aeronautics Act, section 220 (c), granting discretionary authority to the Commission to prescribe depreciation rates, was added to Part II of the Interstate Commerce Act. Simultaneously, section 313 (d), which was a mandatory provision identical with section 20 (4) but applicable to water carriers, was added to Part III of the Interstate Commerce Act. Finally, the legislative history of these specific depreciation provisions does not contain any support for the view that Congress regarded them as grants of additional powers.

Furthermore, even if it were assumed that the failure of Congress to include a similar specific provision in the Civil Aeronautics Act was intended to withhold such powers as would otherwise be granted, the industry has mistaken the extent of the maximum powers over depreciation accounting which would be affected. By their very terms, each of these specific depreciation provisions relates to the prescription of uniform rates of depreciation for classes of property owned by classes of carriers. Furthermore, these provisions also contain clauses providing that the various prohibitions they impose with respect to depreciation charges shall only become effective when the regulatory agency concerned has exercised its specific authority to prescribe such class rates of depreciation. It should be noted that the ICC has continued for many years to prescribe specific depreciation rates for individual companies despite the fact that it has prescribed a very limited number of class depreciation rates. These considerations strongly indicate that the specific depreciation provisions relied upon by the industry are merely mandatory directions to exercise only a portion of the preexisting depreciation accounting powers which the ICC possesses under its general powers to prescribe the form of accounts. The United States Supreme Court appears to have reached the same conclusion in Northwestern Bell Telephone Co. v. Nebraska State Railway Commission, cited supra. In that case an ICC order prescribing a uniform system of accounts which specified, in great detail, the precise methods to be used in determining depreciation charges but did not fix any specific depreciation rates, was held not to constitute an exercise of the specifically granted statutory power to prescribe depreciation rates.

Consequently, the Board would enjoy ample statutory authority to regulate all aspects of air carrier depreciation accounting practices other than the prescription of uniform class depreciation rates even if the industry's interpretation of the Congressional intent underlying the enactment of section 407 (d) could properly override the plain meaning of its language.

[9] The only reference to this subject can be found in two statements made by Senator Truman which merely disclosed his opposition to the imposition of a mandatory requirement upon a new agency engaged in regulating a dynamic and rapidly changing industry. (Hearings before the Senate Subcommittee of the Committee on Interstate and Foreign Commerce on S. 3659, 75th Cong. 3d Sess. 5 (1938); Cong. Rec. May 12, 1938 at page 6727.) Irrespective, however, of the validity of this interpretation of these statements it should be noted that they may not be given great weight. For, the Senate did not accede to Truman's view. Furthermore, even though Truman was one of the conferees it cannot be assumed that the omission of the specific provision was motivated by his reasons.

[10] Conference Report to accompany S. 3845, 75th Cong., 3d Sess., June 7, 1938.

Consideration of the drastic and adverse impact which would flow from the ATA's position that an affirmative intent to withhold all power over depreciation accounting from the Board should be inferred from the silence of the Congressional Committee lends substantial support to the foregoing interpretation. If Congress has deprived the Board of all power to regulate depreciation accounting, all air carriers are at liberty to fail to keep any depreciation accounts whatsoever. Consequently, they would enjoy statutory sanction to disclose false asset values on their balance sheets which would seriously hamper the Board in discharging its regulatory responsibilities under the act. And, any such practice would also undermine the value of certificated air carrier financial statements to the public by inflating the investment bases reflected in the Form 41 reports to the Board and thus obscuring the amount of the earned profit as well as the basis for determination of the reasonable return of the true amount of the used and useful investment. The Board does not believe that any intention to create such a significant hiatus in the comprehensive scheme of regulation embodied in the Civil Aeronautics Act should be imputed to Congress in disregard of the plain meaning of the statutory language deliberately chosen to define the limits of the Board's jurisdiction over air carrier accounting practices.

Finally, in Alaska Airlines v. C. A. B., D. C. D. C., Civil, No. 3638–56, memorandum of June 25, 1957 (appeal pending), the Court expressly upheld the Board's power to regulate depreciation accounting.

Turning now to the policy objections raised by ATA, it appears that the need for Board control of depreciation accounting practices has been questioned on the theory that the Board itself could make all accounting adjustments necessary to conform the reports of air carriers to the standards required in the regulatory process. Thus, it is argued that the Board clearly enjoys ample legal power to prescribe depreciation rates and methods in rate proceedings but that it may not require an air carrier to keep its accounts in accordance with such determinations. However, such adjusted depreciation status can be made available to the Board only by means of separate and independent records developed by its staff which must be used in lieu of the accounts kept by the air carriers in conformance with the Board's accounting regulations. Clearly then, depreciation adjustments made in rate cases but never incorporated in the accounts of the air carriers cannot serve as an adequate substitute for the prescription of the depreciation accounting practices of air carriers as a part of the Uniform System of Accounts. It is understood, of course, that these regulations relate to accounting practices only, while rate cases are decided on the basis of the records made therein.

Finally, the industry suggestion ignores the fundamental objective of a Uniform System of Accounts, namely, that it provide the tools by which the Board may effectively perform its regulatory responsibility. The substantive aspects of depreciation cannot reasonably be differentiated from other substantive aspects of the uniform system. The Congress must have intended that there be only one set of carrier accounts and records, namely, those of the carriers maintained on such consistent basis as the Board may prescribe. But, under the industry suggestion two sets of accounts and records would be maintained for depreciation alone, among all substantive areas embraced by the uniform system, one by the carriers and another by the Board to meet regulatory needs. The Congress could not have intended that the government employ a staff for the purpose of keeping accounts and records of carrier operations in the area of depreciation while at the same time directing the industry to keep such accounts and records in other areas in the manner required by the Board. Indeed, such an imposition of the Board and its staff would be virtually impossible of performance except in particular isolated cases and could not be performed currently on a timely basis coincident with the release of carrier quarterly financial statements as would be required to meet the recurrent analytical needs of the Board and the public. But even if independent record keeping and publication by the Board is considered feasible, substantial public confusion would result in the reliance upon different financial statements: one used by the carriers and the other by the Board, both of which purport to be based upon a Uniform System of Accounts prescribed by the Board.

The ATA also argues that apart from the question of whether Board control over depreciation accounting practices is necessary, it is impossible to prescribe uniform depreciation methods or rates at the present stage of the development of the air transportation industry. This contention is largely predicated upon the allegation that the operating and financial conditions of different air carriers are so greatly at variance as to preclude the use of standardized depreciation accounting practices. One basic difficulty with this contention is that it ignores the fact that while the service life of depreciable property is usually estimated primarily upon the basis of useful physical life, the Board has consistently accorded greater weight to obsolescence factors in making its depreciation life determinations.

The reasons underlying this choice of service lives shorter than useful physical lives are explained by the Board in its opinion in the Transatlantic Final Mail Rate Case (Order No. E–8833), decided December 20, 1954. That opinion stated, in justifying the reasonableness of the rate of return therein prescribed, that:

> In determining the reasonableness of a 9 percent rate of return to meet the carriers' needs, there is one additional factor which we must consider. That is the Board's depreciation policies. We have in the past deliberately followed a very conservative policy with respect to the periods over which carriers are permitted to depreciate equipment. This policy was designed to provide the maximum protection against loss on disposition of equipment consistent with the overall public interest. As a result of such policy, there have been relatively few occasions when equipment has had to be sold at a loss. As a matter of fact, today both TWA and PAA operate fully depreciated Constellation equipment which will be useful for many years. The relatively short period of time over which the Board has allowed the industry to recoup the cost of its equipment through depreciation charges has been a tremendous aid in the financing of new equipment, which is by far the greatest capital need of the industry. It has enabled the carriers to borrow at low interest rates. It has contributed to the financial strength of the carriers' balance sheets. Thus, our depreciation policies not only directly affect the carriers' need for long term capital but also have a substantial impact on the cost of such capital as they do need.

Again, in the Reopened Transatlantic Final Mail Rate Case (Order No. E–10117), decided March 23, 1956, the Board sustained an Examiner's ruling that the entire profit realized from the sale of certain flight equipment during an open mail rate period was to be offset against the recognized need for subsidy mail pay because such profits stemmed from its deliberate * * * "use of conservative service lives for depreciation purposes as an incentive to replace fleets with more modern aircraft. It would be a perversion of this promotional objective to accede to TWA's argument." By the same token, a departure from the already liberal seven-year service life and realistic straight-line method would constitute the extension of greater privileges to air carriers not necessary to the realization of the Board's promotional objective.

While not advocating any specific alternative to straight-line depreciation, the industry holds the view that the particular method or methods to be used in the future should be left to the choice of individual carrier managements and has challenged the proposed prescription of straight-line depreciation. But, the Uniform System of Accounts must speak a common language to be useful to Board and public users of the financial statements derived therefrom. The industry has cited the general practice in other regulatory agencies of not prescribing uniform depreciation rates. It is believed, that whatever the practice may be respecting rates of depreciation, other regulatory agencies generally do prescribe a uniform method of depreciation.

There are many methods of allocating depreciation between different time periods which are equally acceptable from an accounting point of view depending upon existing circumstances. The straight-line method is one such method which is commonly used throughout the industry. For many years, the Board has used a 7-year service life on airframes and aircraft engines of the types encompassed by this rule in its determinations of fair and reasonable mail rates. Moreover, it has consistently utilized a 15 percent residual value for such equipment during the last several years in establishing mail rates. No other method has gained any substantial acceptance throughout industry. No alternative common method has been advocated by the air transport industry.

Yet financial statements of a regulated industry must be prepared on a consistent basis to be useful in the regulatory process. As a consequence there would seem to be no justification in terms of current or immediately contemplated circumstances for the Board to depart from the straight-line depreciation methods now in use on such a widespread basis within the air transport industry. Nevertheless, the Board recognizes other methods could conceivably in the future or under particular circumstances produce more reasonable allocation of depreciation costs between accounting periods. The specific waiver provision for departure from prescribed depreciation practices has therefore been expanded to embrace methods as well as rates of depreciation.

The industry has also challenged the propriety of establishing uniform rates of depreciation on grounds that the facts of depreciation are peculiarly influenced by the characteristics of individual carriers. The industry cites as evidence the fact that other regulatory agencies generally prescribed particularized depreciation rates rather than uniform rates. However, the Board must presume that all regulatory agencies have as an underlying objective the application of consistent standards to all entities subject to their regulation and that like circumstances in operating conditions would result in the establishment of like rates of depreciation. While not attempting to assess the circumstances of other regulated industries, the Board believes that the circumstances surrounding air transportation are such that airframes and aircraft engines of any given type of the individual carriers generally reflect a common rate of loss in value. In the first place obsolescence factors, rather than physical deterioration factors, are of primary influence in the lessening in value of airframes and aircraft engines for use by particular carriers. Moreover, air carriers are highly competitive and in large part operate over identical or parallel routes serving substantially equivalent traffic markets. The competitive impact is evident by the common tendency of whole segments of the industry to dispose of particular types within such a short span of time as to approximate a common retirement date. In addition, aircraft are of standardized manufacture and are generally readily interchangeable, and as a matter of practice are commonly interchanged in operations as between carriers under lease or through flight agreements. Being primarily a matter of obsolescence to particular segments of the industry rather than physical wear and tear to particular carriers, depreciation of aircraft is in very large part determined by the availability and the valuations placed upon particular types by a secondhand market irrespective of carriers by which used. The replacement program of industry segments rather than individual carriers consequently determines in large part the value, if any, the market will place upon particular types of aircraft. As a consequence the desirable objective of consistency of regulation under common circumstances would seem generally attainable within the air transport industry.

However, the Board has recognized that uniform depreciation rates should not be prescribed by legislative flat in the absence of actual uniformity as between carriers. This rule therefore provides for waiver from the standardized depreciation rates herein prescribed upon a demonstration by particular air carriers, or groups of air carriers, that such standardized rates are not supportable under particularized circumstances. The Board, as clearly stated in Draft Release 68, intends to revise the prescribed rates, through such formal or informal procedures as appear appropriate, whenever revisions of this regulation may be required by changed circumstances of the industry or individual carriers. Consequently, it would seem the challenge directed at this rule by the industry is premature because no question has been raised with respect to the application of the provisions of this rule to any carrier whose circumstances may justify a departure from the standardized rates here prescribed.

It is a fundamental precept of all accounting that costs be distributed to the accounting years in which the revenues made possible thereby are realized. Depreciation accounting is firmly rooted in this principle. Unless it is closely observed, serious distortions of both asset values and income will necessarily result. The Board has commonly used a seven-year service life in all of its mail rate proceedings for many years. Moreover, it has consistently used a 15 percent residual value in settling mail rates for several years. Likewise, the industry has also predominantly used a seven-year service life for internal accounting and for reporting to the Board. However, there has been substantial diversity in the residual values used by air carriers. Nevertheless, the 15 percent residual value used by the Board in its determinations of depreciation for mail rate purposes appears conservative in light of historical disposal prices commonly realized by the industry. Nor has the industry directly challenged the specifically prescribed depreciation rates as constituting unreasonable rates of depreciation. For the foregoing reasons, the Board believes that the rates of depreciation here prescribed conform with the fundamental accounting principle of matching costs and revenues and does not find persuasive the industry view that it should reverse the longstanding depreciation policy held by the Board, for mail rate-making purposes, of prescribing standard depreciation rates for like airframes and aircraft engines operated by different carriers.

Interested persons have been afforded an opportunity to participate in the formulation of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1958, to read as follows:

1. By amending § 241.2-14 (c) and (d) to read as follows:

(c) The residual values and service lives to be used by air carriers in calculating depreciation shall be those which may be prescribed from time to time by the Civil Aeronautics Board (see § 241.35), except that where no rates previously have been prescribed, the air carrier shall calculate depreciation in accordance with the instructions herein. Where changing conditions make necessary a revision or adjustment in rates of depreciation prescribed by the Civil Aeronautics Board, or when the prescribed rates fail to recognize the impact of peculiarities of particular operations upon depreciation factors, the air carrier may petition for waiver of such prescribed rates. In the event such waiver is made, the revised rates shall become effective only as approved and from such date as shall be prescribed by the Civil Aeronautics Board. In the event residual values and service lives have not been prescribed by the Civil Aeronautics Board, depreciation shall be calculated by the air carrier in such manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate reserves, and shall be based upon a study of the air carrier's history and experience and such engineering or other information as may be available with respect to prospective future conditions and without regard to depreciation accounting practices adopted for tax purposes. Undepreciable residual values shall be established for each class of property and equipment and shall represent the fair and reasonable estimate of the recoverable value as of the end of the service life over which property is depreciated. Residual values shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations, and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual values, would produce duplicate charges to expense.

(d) Each air carrier shall file with the Civil Aeronautics Board on or before January 1, 1957 a statement which clearly and completely describes for each category of property and equipment the bases upon which the respective residual values and service lives have been assigned. For each new type of property or equipment acquired subsequently, such a statement shall be submitted within 90 days after the property or equipment has been placed in regular service. Where changing conditions make necessary a revision or adjustment in rates of depreciation or residual values on categories of property or equipment for which rates of depreciation or residual values have not been prescribed by the Civil Aeronautics Board, a supplementary statement shall be attached to CAB Form 41 filed for the period in which such revisions or adjustments are made which shall clearly and completely describe the bases upon which the residual values and service lives have been revised. Retroactive adjustments in depreciation rates are in general prohibited. The depreciation rates and residual values set forth in such statement shall thenceforth be used by the air carrier unless it is notified by the Civil Aeronautics Board that the service lives or residual values do not meet the requirements set forth herein.

2. By amending § 241.5-4 (g) to read as follows:

(g) Rates of depreciation and undepreciable residual values applied to each class of depreciable property and equipment shall be calculated to distribute the estimated depreciable value, under the straight-line method, in equal annual charges to operating expense accounts and other accounts over the estimated service life of the property and equipment; provided, that other methods may be used for depreciation of specific classes of property or equipment upon waiver of this requirement by the Civil Aeronautics Board following a factually supported demonstration that the service life of each such class of property or equipment corresponds more closely to such other methods than to straight-line calendar time.

3. By inserting § 241.35 to read as follows:

§ 241.35 *Property and equipment depreciation rates.* (a) For purposes of this system of accounts and reports, the following residual values and service lives are herewith prescribed:

(1) For each pressurized cabin airframe, and each related aircraft engine, acquired subsequent to December 31, 1947, exclusive of Boeing B-377 aircraft and turbo-prop or jet propelled aircraft types: (i) An undepreciated residual value equivalent to 15 percent of book cost, plus the estimated one-time cost of each material periodic maintenance operation performed at intervals significantly longer than 12 months apart, and (ii) a straight-line, seven-year service life applied to the depreciable value.

This is Amendment No. 2 to Part 241 (Revised), effective January 1, 1957, printed in the FEDERAL REGISTER June 23, 1956.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 407, 416, 52 Stat. 1000, as amended, 1004, as amended; 49 U. S. C. 487, 496)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-9850; Filed, Nov. 26, 1957; 8:59 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 15]

PART 600—DESIGNATION OF CIVIL AIRWAYS

EXTENT OF CIVIL AIRWAYS

The recent amendments to Part 60 of the Civil Air Regulations adopted by the Civil Aeronautics Board on October 1, 1957 (22 F. R. 7897), authorizing the Administrator to designate a continental control area, specify that the present system of Colored and Victor airways will extend up to but not include 27,000 feet mean sea level. At and above 27,000 feet, MSL, navigation will be conducted primarily on designated high altitude L/MF or VOR facilities which will serve to define the routes to be flown. Such routes, which will be no longer known as civil airways, will be established by the Administrator as Jet Routes and prescribed in Part 602 of this title. In addition, in order to implement the provisions for a continental control area, the definition of a civil airway is amended to provide that a civil airway extends upwards to, but not including 27,000 feet MSL, within the continental control area.

Since Part 60 was amended some time ago by substituting the term "prohibited area" for "airspace reservation", this amendment now provides for the exclusion of prohibited areas instead of an airspace reservation from the airspace designated as a civil airway.

The explanation of terms is also amended to provide that all bearings used in this part shall be true from the point of origin. This editorial provision eliminates the necessity of repeating the word "true" after each bearing in each airway description.

Inasmuch as the adoption of the amendments to Part 60 by the Board afforded interested persons an opportunity to express their views and comments respecting the redesignation of the civil airways to conform with the amendments to Part 60, further notice and public procedure in accordance with section 4 of the Administrative Procedure Act is unnecessary and contrary to the public interest. Therefore, the amendment as proposed will become effective on December 1, 1957.

Part 600 is amended as follows:

1. Section 600.2 is amended by adding new paragraphs (d), (e), and (f) to read as follows:

§ 600.2 *Explanation of terms.* • • •

(d) As used in this part all bearings shall be true from the point of origin.

(e) As used in this part the continental United States shall mean all of the several States of the United States (including the District of Columbia) and the territorial waters and the overlying airspace thereof.

(f) As used in this part the United States shall mean the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof) and the overlying airspace, but shall not include the Canal Zone.

2. Section 600.3 (a) is amended to read as follows:

§ 600.3 *Extent of civil airways.* (a) Unless otherwise specified in Subparts B and C of this part, each civil airway shall include the navigable airspace of the United States above all that area on the surface of the earth lying within 5 miles of the centerline prescribed for each such airway: *Provided,* That a civil airway lying within the continental United States shall not include the airspace at and above 27,000 feet MSL: *Provided further,* That a civil airway shall not include any of the airspace of a prohibited area as defined in Part 60 of this title.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment will become effective December 1, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

NOVEMBER 21, 1957.

[F. R. Doc. 57-9799; Filed, Nov. 26, 1957; 8:47 a. m.]

[Amdt. 18]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

CONTINENTAL CONTROL AREA

Pursuant to the recent amendments to Part 60 adopted by the Civil Aeronautics Board on October 1, 1957 (22 F. R. 7897), which authorizes the Administrator to designate a continental control area within the United States at and above 24,000 feet, MSL, exclusive of prohibited and restricted areas, Part 601 is hereby amended to designate a continental control area. Within the area so designated, air traffic control is to be exercised and the air traffic rules of Part 60 shall apply.

Since the adoption of the amendments to Part 60 by the Board on October 1, 1957, afforded interested persons an opportunity to express their views and comments respecting the designation of this continental control area, in the interest of safety in air commerce, further notice and public procedure in accordance with the Administrative Procedure Act is unnecessary and contrary to the public interest. Therefore, the designation of the continental control area is adopted to become effective on December 1, 1957. In order to accomplish this designation, Part 601 is amended to read as follows:

1. By amending the title of Part 601 to read as set forth above.

2. By amending §§ 601.1 through 601.9 of Subpart A to read as follows:

Subpart A—Introduction

GENERAL

Sec.
601.1 Basis and purpose.
601.2 Explanation of terms.

CONTROL AREAS

601.9 Lateral extent of control areas.

AUTHORITY: §§ 601.1 to 601.9 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

SUBPART A—INTRODUCTION

GENERAL

§ 601.1 *Basis and purpose.* The basis of this part is found in sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and Part 60 of this title. The purpose of this part is to designate the continental control area, control areas, control zones, and reporting points in order to provide for the safety of aircraft operating in interstate, overseas, and foreign air commerce.

[1] Vice Chairman Gurney dissenting.

§ 601.2 *Explanation of terms.* As used in this part:

(a) "Control area" shall mean the airspace within an area designated in Subparts B and C, extending upward from an altitude of 700 feet, above the surface, but not including the airspace within that area designated as the continental control area. Within a control area air traffic control is exercised in accordance with the air traffic rules of Part 60 of this title.

(b) "Continental control area" shall mean the airspace above 24,000 feet, MSL, within the continental United States as designated in § 601.7101, within which air traffic control is exercised in accordance with the air traffic rules of Part 60 of this title.

(c) "Control zone" shall mean the airspace within an area designated in Subpart D of this part, upward from the surface to include one or more airports and within which rules additional to those governing flight in control areas are prescribed in Part 60 of this title, for protection of air traffic.

(d) "Reporting point" shall mean a geographic location in relation to which the position of an aircraft shall be reported in accordance with the requirements of § 60.47 of this title.

(e) "Mile" means "statute mile" unless otherwise specified in this part.

(f) All bearings shall be true from the point of origin.

CONTROL AREAS

§ 601.9 *Lateral extent of control areas.* Where a point or intersection prescribed in this part for designating a control area coincides with a point or intersection specified in designating the centerline of civil airways, the control areas shall include all of the airspace within 5 miles either side of a straight line extended through the center of the points or intersections specified in designating the civil airways and all of the airspace within a 5-mile radius of such points or intersections unless otherwise provided in Subparts B, C and F of this part. In addition, such control areas shall include all the airspace between straight lines connecting the center of the points or intersections specified in designating the main and associated alternate VOR civil airways, unless otherwise specified.

3. A new Subpart H is added to read as follows:

SUBPART H—CONTINENTAL CONTROL AREA

§ 601.7101 *Designation of Continental Control Area.* The Continental Control Area shall consist of all the airspace above the several states of the United States (including the District of Columbia), and the territorial waters thereof, at and above 24,000 feet, mean sea level, exclusive of restricted and prohibited areas prescribed by Executive Order or in Part 608 of this chapter.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These amendments shall become effective December 1, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

NOVEMBER 21, 1957.

[F. R. Doc. 57-9800; Filed, Nov. 26, 1957; 8:47 a. m.]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN CONTINENTAL CONTROL AREA

The recent amendments to Part 60 of the Civil Air Regulations, adopted by the Civil Aeronautics Board on October 1, 1957, 22 F. R. 7897, authorized the Administrator, among other things, to designate a continental control area at and above 24,000 feet, MSL. Moreover, as stated in the preamble to such amendments, the present system of Colored and Victor airways will extend up to but not include 27,000 feet, MSL, within the continental control area. At and above such altitude the Administrator will establish a jet route structure and establish navigational aids for the navigation of jet aircraft within the continental control area.

In view of the above, the Administrator hereby adopts a new Part 602 establishing jet routes within the continental control area. These jet routes are established as direct courses between two or more high altitude navigational facilities or the intersections of their signals and codified for convenience of the users.

In addition to the coded jet routes, this part also establishes navigational facilities or intersections of their signals between which aircraft may also navigate outside of the coded jet route system.

The jet routes will have no defined width. In view of the operational requirements of § 60.45 (b) of this title, that aircraft be flown along the direct course between navigational aids or fixes defining the route, air traffic control will be exercised on the assumption that aircraft are being flown in compliance with this requirement and lateral separation will be provided accordingly.

Since the adoption of the amendments to Part 60 by the Board afforded interested persons an opportunity to express their views and comments respecting the establishment of high altitude navigational routes, and the amendments have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, further notice and public procedure in accordance with section 4 of the Administrative Procedure Act is unnecessary and contrary to public interest. Therefore, this part is adopted to become effective December 1, 1957.

Subpart A—Introduction

Sec.
602.1 Basis and purpose.
602.2 Explanation of terms.
602.3 Direction of jet routes.
602.9 Establishment of navigational aids and intersections of their signals within the continental control area.
602.10 Establishment of jet routes.

Subpart B—Established Navigational Aids and Intersections of Their Signals Within the Continental Control Area

Sec.
602.11 Established navigational aids and intersections within the continental control area.
602.101 L/MF jet route No. 1 (San Diego, Calif., to Seattle, Wash.).
602.102 L/MF jet route No. 2 (San Diego, Calif., to Jacksonville, Fla.).
602.103 L/MF jet route No. 3 (San Diego, Calif., to Spokane, Wash.).
602.104 L/MF jet route No. 4 (Los Angeles, Calif., to Florence, S. C.).
602.105 L/MF jet route No. 5 (Los Angeles, Calif., to Seattle, Wash.).
602.106 L/MF jet route No. 6 (Palmdale, Calif., to Washington, D. C.).
602.107 L/MF jet route No. 7 (Oakland, Calif., to Great Falls, Mont.).
602.108 L/MF jet route No. 8 (Oklahoma City, Okla., to Belleville, Ill.).
602.109 L/MF jet route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).
602.110 L/MF jet route No. 10 (Los Angeles, Calif., to New York, N. Y.).
602.111 L/MF jet route No. 11 (Phoenix, Ariz., to Prescott, Ariz.).
602.112 L/MF jet route No. 12 (Denver, Colo., to Baltimore, Md.).
602.113 L/MF jet route No. 13 (El Paso, Tex., to Great Falls, Mont.).
602.114 L/MF jet route No. 14 (Sacramento, Calif., to New York, N. Y.).
602.115 L/MF jet route No. 15 (Wink, Tex., to Boise, Idaho).
602.116 L/MF jet route No. 16 (Portland, Oreg., to Boston, Mass.).
602.117 L/MF jet route No. 17 (San Antonio, Tex., to Rapid City, S. Dak.).
602.118 L/MF jet route No. 18 (Seattle, Wash., to Sault Ste. Marie, Mich.).
602.119 L/MF jet route No. 19 (Dallas, Tex., to Omaha, Nebr.).
602.120 L/MF jet route No. 20 (Seattle, Wash., to Melbourne, Fla.).
602.121 L/MF jet route No. 21 (Laredo, Tex., to Duluth, Minn.).
602.122 L/MF jet route No. 22 (Laredo, Tex., to Washington, D. C.).
602.123 L/MF jet route No. 23 (Brownsville, Tex., to North Platte, Nebr.).
602.124 L/MF jet route No. 24 (Gila Bend, Ariz., to Norfolk, Va.).
602.125 L/MF jet route No. 25 (San Antonio, Tex., to Tulsa, Okla.).
602.126 L/MF jet route No. 26 (El Paso, Tex., to Norfolk, Va.).
602.127 L/MF jet route No. 27 (San Antonio, Tex., to Peoria, Ill.).
602.128 L/MF jet route No. 28 (Pueblo, Colo., to Wichita, Kans.).
602.129 L/MF jet route No. 29 (Alice, Tex., to Presque Isle, Maine).
602.130 L/MF jet route No. 30 (Denver, Colo., to Washington, D. C.).
602.131 L/MF jet route No. 31 (Lake Charles, La., to Pueblo, Colo.).
602.132 L/MF jet route No. 32 (Elko, Nev., to Duluth, Minn.).
602.133 L/MF jet route No. 33 (Lake Charles, La., to Minneapolis, Minn.).
602.134 L/MF jet route No. 34 (Dickinson, N. Dak., to Baltimore, Md.).
602.135 L/MF jet route No. 35 (New Orleans, La., to Chicago, Ill.).
602.136 L/MF jet route No. 36 (Fargo, N. Dak., to Selfridge, Mich.).
602.137 L/MF jet route No. 37 (New Orleans, La., to Burlington, Vt.).
602.138 L/MF jet route No. 38 (Philipsburg, Pa., to New York, N. Y.).
602.139 L/MF jet route No. 39 (Crestview, Fla., to Houghton, Mich.).
602.140 L/MF jet route No. 40 (Montgomery, Ala., to Charleston, S. C.).

Sec.
602.141 L/MF jet route No. 41 (Miami, Fla., to Omaha, Nebr.).
602.142 L/MF jet route No. 42 (Dallas, Tex., to Norfolk, Va.).
602.143 L/MF jet route No. 43 (Key West, Fla., to Dayton, Ohio.).
602.144 L/MF jet route No. 44 (Las Vegas, Nev., to Prescott, Ariz.).
602.145 L/MF jet route No. 45 (Jacksonville, Fla., to Des Moines, Iowa)
602.146 L/MF jet route No. 46 (Tampa, Fla., to West Palm Beach, Fla.).
602.147 L/MF jet route No. 47 (Charleston, S. C., to Dayton, Ohio.).
602.148 L/MF jet route No. 48. [Unassigned.]
602.149 L/MF jet route No. 49 (Greensboro, N. C., to Presque Isle, Maine).
602.150 L/MF jet route No. 50. [Unassigned.]
602.151 L/MF jet route No. 51 (Jacksonville, Fla., to Raleigh, N. C.).
602.152 L/MF jet route No. 52 (Birmingham, Ala., to Florence, S. C.).
602.153 L/MF jet route No. 53 (Miami, Fla., to New York, N. Y.).
602.154 L/MF jet route No. 54. [Unassigned.]
602.155 L/MF jet route No. 55 (Key West, Fla., to Presque Isle, Maine).
602.156 L/MF jet route No. 56. [Unassigned.]
602.157 L/MF jet route No. 57 (Greensboro, N. C., to Sault Ste. Marie, Mich.).
602.158 L/MF jet route No. 58 (Sacramento, Calif., to Enterprise, Utah).
602.159 L/MF jet route No. 59 (Philipsburg, Pa., to Syracuse, N. Y.).
602.160 L/MF jet route No. 60. [Unassigned.]
602.161 L/MF jet route No. 61 (Baltimore, Md., to Buffalo, N. Y.).
602.162 L/MF jet route No. 62. [Unassigned.]
602.163 L/MF jet route No. 63 (New York, N. Y., to Syracuse, N. Y.).
602.164 L/MF jet route No. 64. [Unassigned.]
602.165 L/MF jet route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).

Subpart D—VOR/VORTAC Jet Routes

602.501 VOR/VORTAC jet route No. 1 (San Diego, Calif., to Seattle, Wash.).
602.502 VOR/VORTAC jet route No. 2 (San Diego, Calif., to Jacksonville, Fla.).
602.503 VOR/VORTAC jet route No. 3 (San Diego, Calif., to Spokane, Wash.).
602.504 VOR/VORTAC jet route No. 4 (Los Angeles, Calif., to Florence, S. C.).
602.505 VOR/VORTAC jet route No. 5 (Los Angeles, Calif., to Seattle, Wash.).
602.506 VOR/VORTAC jet route No. 6 (Palmdale, Calif., to Herndon, Va.).
602.507 VOR/VORTAC jet route No. 7 (Oakland, Calif., to Great Falls, Mont.).
602.508 VOR/VORTAC jet route No. 8 (Oklahoma City, Okla., to Herndon, Va.).
602.509 VOR/VORTAC jet route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).
602.510 VOR/VORTAC jet route No. 10 (Los Angeles, Calif., to New York, N. Y.).
602.511 VOR/VORTAC jet route No. 11 (Phoenix, Ariz., to Salt Lake City, Utah).
602.512 VOR/VORTAC jet route No. 12 (Utah Lake, Utah, to Baltimore, Md.).
602.513 VOR/VORTAC jet route No. 13 (El Paso, Tex., to Great Falls, Mont.).
602.514 VOR/VORTAC jet route No. 14 (Oakland, Calif., to New York N. Y.).
602.515 VOR/VORTAC jet route No. 15 (Wink, Tex., to Boise Idaho).
602.516 VOR/VORTAC jet route No. 16 (Portland, Oreg., to Boston, Mass.).
602.517 VOR/VORTAC jet route No. 17 (San Antonio, Tex., to Rapid City, S. Dak.).
602.518 VOR/VORTAC jet route No. 18 (Seattle, Wash., to Duluth, Minn.).
602.519 VOR/VORTAC jet route No. 19 (Dallas, Tex., to Omaha, Nebr.).
602.520 VOR/VORTAC jet route No. 20 (Seattle, Wash., to Orlando, Fla.).
602.521 VOR/VORTAC jet route No. 21 (Laredo, Tex., to Duluth, Minn.).
602.522 VOR/VORTAC jet route No. 22 (Laredo, Tex., to Washington, D. C.).
602.523 VOR/VORTAC jet route No. 23 (Brownsville, Tex., to North Platte, Nebr.).
602.524 VOR/VORTAC jet route No. 24 (Gila Bend, Ariz., to Flat Rock, Va.).
602.525 VOR/VORTAC jet route No. 25 (San Antonio, Tex., to Kansas City, Mo.).
602.526 VOR/VORTAC jet route No. 26 (El Paso, Tex., to Gordonsville, Va.).
602.527 VOR/VORTAC jet route No. 27 (San Antonio, Tex., to Peoria, Ill.).
602.528 VOR/VORTAC jet route No. 28 (Daggett, Calif., to Vichy, Mo.).
602.529 VOR/VORTAC jet route No. 29 (Alice, Tex., to Presque Isle, Maine).
602.530 VOR/VORTAC jet route No. 30 (Denver, Colo., to Washington, D. C.).
602.531 VOR/VORTAC jet route No. 31 (Lake Charles, La., to Pueblo, Colo.).
602.532 VOR/VORTAC jet route No. 32 (Elko, Nev., to Duluth, Minn.).
602.533 VOR/VORTAC jet route No. 33 (Lake Charles, La., to Minneapolis, Minn.).
602.534 VOR/VORTAC jet route No. 34 (Dickinson, N. Dak., to Herndon, Va.).
602.535 VOR/VORTAC jet route No. 35 (New Orleans, La., to Naperville, Ill.).
602.536 VOR/VORTAC jet route No. 36 (Fargo, N. Dak., to Selfridge, Mich.).
602.537 VOR/VORTAC jet route No. 37 (New Orleans, La., to Plattsburg, N. Y.).
602.538 VOR/VORTAC jet route No. 38 (Duluth, Minn., to New York, N. Y.).
602.539 VOR/VORTAC jet route No. 39 (Crestview, Fla., to Lansing, Mich.).
602.540 VOR/VORTAC jet route No. 40 (Montgomery, Ala., to Charleston, S. C.).
602.541 VOR/VORTAC jet route No. 41 (Miami, Fla., to Omaha, Nebr.).
602.542 VOR/VORTAC jet route No. 42 (Dallas, Tex., to Nashville, Tenn.).
602.543 VOR/VORTAC jet route No. 43 (Key West, Fla., to Dayton, Ohio).
602.544 VOR/VORTAC jet route No. 44 (Las Vegas, Nev., to Prescott, Ariz.).
602.545 VOR/VORTAC jet route No. 45 (Jacksonville, Fla., to Des Moines, Iowa).
602.546 VOR/VORTAC jet route No. 46 (Tampa, Fla., to West Palm Beach, Fla.).
602.547 VOR/VORTAC jet route No. 47 (Charleston, S. C., to Dayton, Ohio).
602.548 VOR/VORTAC jet route No. 48 (El Paso, Tex., to San Antonio, Tex.).
602.549 VOR/VORTAC jet route No. 49 (Miami, Fla., to Presque Isle, Maine).
602.550 VOR/VORTAC jet route No. 50 (El Paso, Tex., to Crestview, Fla.).
602.551 VOR/VORTAC jet route No. 51 (Jacksonville, Fla., to Raleigh, N. C.).
602.552 VOR/VORTAC jet route No. 52 (Birmingham, Ala., to Florence, S. C.).
602.553 VOR/VORTAC jet route No. 53 (Key West, Fla., to Pittsburgh, Pa.).
602.554 VOR/VORTAC jet route No. 54 (Garden City, Kans., to Springfield, Mo.).
602.555 VOR/VORTAC jet route No. 55 (Jacksonville, Fla., to Presque Isle, Maine).
602.556 VOR/VORTAC jet route No. 56 (Salt Lake City, Utah, to Kremmling, Colo.).
602.557 VOR/VORTAC jet route No. 57 (Greensboro, N. C., to Appleton, Ohio).
602.558 VOR/VORTAC jet route No. 58. [Unassigned.]
602.559 VOR/VORTAC jet route No. 59 (Charleston, W. Va., to Syracuse, N. Y.).
602.560 VOR/VORTAC jet route No. 60. [Unassigned.]
602.561 VOR/VORTAC jet route No. 61 (Baltimore, Md., to Buffalo, N. Y.).
602.562 VOR/VORTAC jet route No. 62. [Unassigned.]
602.563 VOR/VORTAC jet route No. 63 (New York, N. Y., to Syracuse, N. Y.).
602.564 VOR/VORTAC jet route No. 64. [Unassigned.]
602.565 VOR/VORTAC jet route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).

Subpart E—TACAN Jet Routes

602.801 TACAN Jet route No. 1 (Oceana, Va., to Brunswick, Maine).

AUTHORITY: §§ 602.1 to 602.801 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452.

SUBPART A—INTRODUCTION

§ 602.1 *Basis and purpose.* The basis of this part is found in section 205 and section 601 of the Civil Aeronautics Act of 1938, as amended, and in Part 60 of this title. The purpose of this part is to establish coded jet routes between navigational aids, or intersections of their signals, as well as other navigational aids and the intersections of their signals along and between which aircraft may be operated within the continental control area at or above 27,000 feet MSL.

§ 602.2 *Explanation of terms.* As used in this part, terms shall be defined as follows:

(a) "Established navigational aid" shall mean navigational facilities or intersections of their signals, which may be used for the navigation of aircraft within the continental control area at and above 27,000 feet, MSL.

(b) "Coded jet route" shall mean a direct course for the navigation of aircraft at and above 27,000 feet, mean sea level, within the continental control area, between points or intersections specified for such route. Jet routes are codified as follows:

(1) L/MF jet routes: (i) Even numbered routes, (ii) odd numbered routes.

(2) VOR/VORTAC jet routes: (i) Even numbered routes, (ii) odd numbered routes.

(3) TACAN jet routes: (i) Even numbered routes, (ii) odd numbered routes.

(c) "Mile" means "statute mile" unless otherwise specified in this part.

(d) "Continental control area" shall mean all the airspace above the several states of the United States (including the District of Columbia), and the territorial waters thereof, at and above 24,000 feet, mean sea level, exclusive of restricted and prohibited areas prescribed by Executive Order or in Part 608 of the Regulations of the Administrator.

(e) "INT" shall mean intersection.

(f) "RBN" shall mean radio beacon.

(g) "VOR" shall mean omnirange station.

(h) "RR" shall mean LF or MF radio range station.

(i) "VORTAC" shall mean a collocated VOR and TACAN.

(j) "TACAN" shall mean a military tactical air navigational aid.

(k) "CONSOLAN" shall mean low frequency long range navigational aid.

(l) "FM" shall mean fan marker.

(m) "ILS" shall mean instrument landing system.

(n) "TVOR" shall mean terminal omnirange station.

(o) "OM" shall mean instrument landing system outer marker.

(p) "MM" shall mean instrument landing system middle marker.

(q) "LF" shall mean low frequency.

(r) "MF" shall mean medium frequency.

(s) "VHF" shall mean very high frequency.

(t) As used in this part all bearings shall be true from the point of origin.

§ 602.3 *Direction of coded jet routes.* (a) Even numbers are normally assigned to coded jet routes established in a westerly to easterly direction between the initial and final points of such routes, even though portions of such routes may deviate from the westerly to easterly direction between any two or more established intermediate points.

(b) Odd numbers are normally assigned to coded jet routes established in a southerly to northerly direction between the initial and final points of such routes, even though portions of such routes may deviate from the southerly to northerly direction between any two or more established intermediate points.

§ 602.9 *Establishment of navigational aids.* The points and intersections described in Subpart B are established as navigational aids.

§ 602.10 *Establishment of jet routes.* In addition to the established navigational aids, the direct courses between the points or intersections described in Subparts C, D, and E of this part are established as coded jet routes.

SUBPART B—ESTABLISHED NAVIGATIONAL AIDS WITHIN THE CONTINENTAL CONTROL AREA

§ 602.11 *Description of points and intersections*—(a) *Nondirectional radio beacons.*

Dalhart, Tex., RBN.
Los Angeles, Calif., RBN.
Oceanside, Calif., RBN.
Vichy, Mo., RBN.

(b) *L/MF radio range station.*

Abilene, Tex., RR.
Augusta, Ga., RR.
Albuquerque, N. Mex., RR.
Amarillo, Tex., RR.
Albany, N. Y., RR.
Austin, Tex., RR.
Alice, Tex., RR.
Aberdeen, S. Dak., RR.
Allentown, Pa., RR.
Albany, Ga., RR.
Alma, Ga., RR.
Atlantic City (Navy), N. J., RR.
Biloxi (Keesler AFB), Miss., RR.
Bakersfield, Calif., RR.
Blythe, Calif., RR.
Boise, Idaho, RR.
Belleville (Scott AFB), Ill., RR.
Baltimore, Md., RR.
Buffalo, N. Y., RR.
Boston, Mass., RR.
Baker, Idaho, RR.
Birmingham, Ala., RR.
Brownsville, Tex., RR.
Burlington, Vt., RR.
Bangor, Maine, RR.
Columbus, N. Mex., RR.
Crestview, Fla., RR.
Columbia, S. C., RR.
Charleston, W. Va., RR.
Columbus, Ohio, RR.
Cheyenne, Wyo., RR.
Casper, Wyo., RR.
Chicago, Ill., RR.
Cleveland, Ohio, RR.
Cincinnati, Ohio, RR.
Charleston, S. C., RR.
Dallas, Tex., RR.
Dillon, Mont., RR.
Delta, Utah, RR.
Dubois, Idaho, RR.
Dayton (Wright-Patterson), Ohio, RR.
Denver, Colo., RR.
Des Moines, Iowa, RR.
Dickinson, N. Dak., RR.
Duluth, Minn., RR.
Dothan, Ga., RR.
Daggett, Calif., RR.
Effingham, Ill., RR.
Elko, Nev., RR.
Ephrata, Wash., RR.
Enterprise, Utah, RR.
El Paso, Tex., RR.
Florence, S. C., RR.
Fargo, N. Dak., RR.
Great Falls, Mont., RR.
Garden City, Kans., RR.
Gordonsville, Va., RR.
Greenville, S. C., RR.
Greensboro, N. C., RR.
Gila Bend, Ariz., RR.
Houston, Tex., RR.
Houghton, Mich., RR.
Hartford, Conn., RR.
Indianapolis, Ind., RR.
Jackson, Miss., RR.
Jacksonville, Fla., RR.
Klamath Falls, Oreg., RR.
Kansas City, Mo., RR.
Knoxville, Tenn., RR.
Key West, Fla., RR.
Las Vegas, Nev., RR.
Las Vegas, N. Mex., RR.
Livingston, Mont., RR.
Lucin, Utah, RR.
Lansing, Mich., RR.
Laredo, Tex., RR.
Lake Charles, La., RR.
Lufkin, Tex., RR.
La Crosse, Wis., RR.
Little Rock, Ark., RR.
Lewiston, Mont., RR.
Long Beach, Calif., RR.
Medford, Oreg., RR.
Montgomery (Maxwell AFB), Ala., RR.
Memphis, Tenn., RR.
Malad City, Idaho, RR.
Melbourne, Fla., RR.
Minneapolis, Minn., RR.
Milwaukee, Wis., RR.
Miami, Fla., RR.
Morgantown, W. Va., RR.
Millville, N. J., RR.
Millinocket, Maine, RR.
Mullan Pass, Idaho, RR.
New Orleans, La., RR.
Nashville, Tenn., RR.
New York (La Guardia), N. Y., RR.
North Platte, Nebr., RR.
Norfolk, (Langley AFB), Va., RR.
New York (Mitchell AFB), N. Y., RR.
Oakland, Calif., RR.
Oklahoma City, Okla., RR.
Ogden, Utah, RR.
Omaha, Nebr., RR.
Orlando, Fla., RR.
Portland, Oreg., RR.
Pendleton, Oreg., RR.
Phoenix, Ariz., RR.
Palmdale, Calif., RR.
Pittsburgh, Pa., RR.
Philipsburg, Pa., RR.
Prescott, Ariz., RR.
Peoria, Ill., RR.
Pueblo, Colo., RR.
Palacios, Tex., RR.
Presque Isle, Maine, RR.
Quantico (Marine), Va., RR.
Red Bluff, Calif., RR.
Reno, Nev., RR.
Roswell, N. Mex., RR.
Rapid City, S. Dak., RR.
Rock Springs, Wyo., RR.
Richmond, Va., RR.
Raleigh, N. C., RR.
Riverside, Calif., RR.
San Diego, Calif., RR.
Seattle, Wash., RR.
San Antonio (Kelly AFB), Tex., RR.
Spokane, Wash., RR.
Shreveport, La., RR.
Springfield, Mo., RR.
Salt Lake City, Utah, RR.
Sacramento, Calif., RR.
Sheridan, Wyo., RR.
Sioux Falls, S. Dak., RR.
Selfridge, Mich., RR.
Syracuse, N. Y., RR.
San Antonio, Tex., RR.
Sault Ste. Marie, Mich., RR.
St. Louis, Mo., RR.
Savannah, Ga., RR.
Tucson, Ariz., RR.
Tallahassee, Fla., RR.
Tulsa, Okla., RR.
Truth or Consequences, N. Mex., RR.
Toledo, Ohio, RR.
The Dalles, Oreg., RR.
Tri-City, Tenn., RR.
Tampa, Fla., RR.
Tappahannock, Va., RR.
Traverse City, Mich., RR.
Tonopah, Nev., RR.
Wink, Tex., RR.
Washington (Arcola), D. C., RR.
Wichita Falls, Tex., RR.
Wichita, Kans., RR.
Wendover, Nev., RR.
Washington (Andrews AFB), D. C., RR.
West Palm Beach, Fla., RR.
Washington, D. C., RR.
Yuma, Ariz., RR.
Yakima, Wash., RR.
Zuni, N. Mex., RR.

(c) *Omnirange stations.*

Aberdeen, S. Dak., VOR.
Abilene, Tex., VOR.
Albany, N. Y., VOR.
Albuquerque, N. Mex., VOR.
Alexandria, La., VOR.
Alice, Tex., VOR.
Allentown, Pa., VOR.
Alma, Ga., VOR.
Amarillo, Tex., VOR.
Appleton, Ohio, VOR.
Atlanta, Ga., VOR.
Augusta, Ga., VOR.
Austin, Tex., VOR.
Bakersfield, Calif., VOR.

Baltimore, Md., VOR.
Bangor, Maine, VOR.
Birmingham, Ala., VOR.
Blythe, Calif., VOR.
Boise, Idaho, VOR.
Bonneville, Utah, VOR.
Boston, Mass., VOR.
Brownsville, Tex., VOR.
Bryce Canyon, Utah, VOR.
Buffalo, N. Y., VOR.
Butler, Mo., VOR.
Casper, Wyo., VOR.
Charleston, S. C., VOR.
Charleston, W. Va., VOR.
Cheyenne, Wyo., VOR.
Cleveland, Ohio, VOR.
Columbia, S. C., VOR.
Columbus, Ga., VOR.
Columbus, N. Mex., VOR.
Crestview, Fla., VOR.
Daggett, Calif., VOR.
Dallas, Tex., VOR.
Dayton, Ohio, VOR.
Denver, Colo., VOR.
Des Moines, Iowa, VOR.
Dickinson, N. Dak., VOR.
Dillon, Mont., VOR.
Dover, Del., VOR.
Dubois, Idaho, VOR.
Duluth, Minn., VOR.
Elko, Nev., VOR.
El Paso, Tex., VOR.
Ephrata, Wash., VOR.
Erie, Pa., VOR.
Evansville, Ind., VOR.
Fargo, N. Dak., VOR.
Farmington, N. Mex., VOR.
Flat Rock, Va., VOR.
Florence, S. C., VOR.
Fort Stockton, Tex., VOR.
Gainesville, Fla., VOR.
Garden City, Kans., VOR.
Gila Bend, Ariz., VOR.
Goodland, Kans., VOR.
Gordonsville, Va., VOR.
Grand Junction, Colo., VOR.
Grants, N. Mex., VOR.
Great Falls, Mont., VOR.
Green Bay, Wis., VOR.
Greensboro, N. C., VOR.
Herndon, Va., VOR.
Houston, Tex., VOR.
Indianapolis, Ind., VOR.
Jackson, Miss., VOR.
Jacksonville, Fla., VOR.
Kansas City, Mo., VOR.
Key West, Fla., VOR.
Klamath Falls, Oreg., VOR.
Knoxville, Tenn., VOR.
Kremmling, Colo., VOR.
La Crosse, Wis., VOR.
Lake Charles, La., VOR.
Lakeland, Fla., VOR.
Lansing, Mich., VOR.
Laredo, Tex., VOR.
Las Vegas, Nev., VOR.
Lewiston, Mont., VOR.
Lexington, Ky., VOR.
Little Rock, Ark., VOR.
Livingston, Mont., VOR.
Los Angeles, Calif., VOR.
Louisville, Ky., VOR.
Lucin, Utah, VOR.
Lufkin, Tex., VOR.
Malad City, Idaho, VOR.
Marianna, Fla., VOR.
Mason City, Iowa, VOR.
McComb, Miss., VOR.
Medford, Oreg., VOR.
Memphis, Tenn., VOR.
Miami, Fla., VOR.
Milford, Utah, VOR.
Milwaukee, Wis., VOR.
Minneapolis, Minn., VOR.
Mobile, Ala., VOR.
Montgomery, Ala., VOR.
Morgantown, W. Va., VOR.
Naperville, Ill., VOR.
Nashville, Tenn., VOR.
New Orleans, La., VOR.
New York (Idlewild), N. Y., VOR.
North Platte, Nebr., VOR.
Oakland, Calif., VOR.
Oceanside, Calif., VOR.
Ogden, Utah, VOR.
Oklahoma City, Okla., VOR.
Omaha, Nebr., VOR.
Orlando, Fla., VOR.
Palacious, Tex., VOR.
Palmdale, Calif., VOR.
Pendleton, Oreg., VOR.
Peoria, Ill., VOR.
Philipsburg, Pa., VOR.
Phoenix, Ariz., VOR.
Pittsburgh, Pa., VOR.
Plattsburg, N. Y., VOR.
Ponca City, Okla., VOR.
Portland, Oreg., VOR.
Prescott, Ariz., VOR.
Presque Isle, Maine, VOR.
Pueblo, Colo., VOR.
Pulaski, Va., VOR.
Raleigh, N. C., VOR.
Rapid City, S. Dak., VOR.
Red Bluff, Calif., VOR.
Reno, Nev., VOR.
Rock Springs, Wyo., VOR.
Rome, Oreg., VOR.
Roswell, N. Mex., VOR.
Sacramento, Calif., VOR.
St. Louis, Mo., VOR.
Salina, Kans., VOR.
Salt Lake City, Utah, VOR.
San Angelo, Tex., VOR.
San Antonio, Tex., VOR.
San Diego, Calif., VOR.
Savannah, Ga., VOR.
Seattle, Wash., VOR.
Selfridge, Mich., VOR.
Sheridan, Wyo., VOR.
Shreveport, La., VOR.
Sioux Falls, S. Dak., VOR.
Spartanburg, N. C., VOR.
Spokane, Wash., VOR.
Springfield, Mo., VOR.
Syracuse, N. Y., VOR.
Tallahassee, Fla., VOR.
Tampa, Fla., VOR.
The Dalles, Oreg., VOR.
Truth or Consequences, N. Mex., VOR.
Tucson, Ariz., VOR.
Tulsa, Okla., VOR.
Utah Lake, Utah, VOR.
Valle, Ariz., VOR.
Vero Beach, Fla., VOR.
Vichy, Mo., VOR.
Waco, Tex., VOR.
Waterville, Ohio, VOR.
West Palm Beach, Fla., VOR.
Wichita, Kans., VOR.
Wichita Falls, Tex., VOR.
Wink, Tex., VOR.
Yakima, Wash., VOR.
Yuma, Ariz., VOR.

(d) *TACAN stations.*

Atlantic City (NAS), N. J., TACAN.
Alameda (NAS), Calif., TACAN.
Brunswick (NAS), Maine, TACAN.
Chincoteague (NAS), Va., TACAN.
Edenton (NAAS), N. C., TACAN.
El Toro (MCAS), Calif., TACAN.
Fallon (NAAS), Nev., TACAN.
Key West (NAS), Fla., TACAN.
Moffett (NAS), Calif., TACAN.
Miramar (NAS), Calif., TACAN.
Oceana (NAS), Va., TACAN.
Patuxent River (NAS), Md., TACAN.
Quonsett Point (NAS), R. I., TACAN.
Sanford (NAS), Fla., TACAN.

SUBPART C—L/MF JET ROUTES

§ 602.101 *L/MF jet route No. 1 (San Diego, Calif., to Seattle, Wash.).* From the San Diego, Calif., RR via the Oceanside, Calif., RBN; Long Beach, Calif., RR; Los Angeles, Calif., RBN; Oakland, Calif., RR; Red Bluff, Calif., RR; Medford, Oreg., RR; Eugene, Oreg., RR; Portland, Oreg., RR to the Seattle, Wash., RR.

§ 602.102 *L/MF jet route No. 2 (San Diego, Calif., to Jacksonville, Fla.).* From the San Diego, Calif., RR via the Yuma, Ariz., RR; Gila Bend, Ariz., RR; Tucson, Ariz., RR; Columbus, N. Mex., RR; El Paso, Tex., RR; Wink, Tex., RR; San Antonio, Tex., RR; Houston, Tex., RR; Lake Charles, La., RR; New Orleans, La., RR; Biloxi, Miss. (Keesler AFB), RR; Crestview, Fla., RR; INT Crestview RR east course and Tallahassee RR northwest course; Tallahassee, Fla., RR to the Jacksonville, Fla., RR.

§ 602.103 *L/MF jet route No. 3 (San Diego, Calif., to Spokane, Wash.).* From the San Diego, Calif., RR via the Oceanside, Calif., RBN; Long Beach, Calif., RR; Los Angeles, Calif., RBN; INT Palmdale, Calif., RR northwest course and Bakersfield RR south course; Bakersfield, Calif., RR; Oakland, Calif., RR; Red Bluff, Calif., RR; Klamath Falls, Oreg., RR; Pendleton, Oreg., RR to the Spokane, Wash., RR.

§ 602.104 *L/MF jet route No. 4 (Los Angeles, Calif., to Florence, S. C.).* From the Los Angeles, Calif., RBN via the INT of the Riverside, Calif., RR east course and Blythe RR west course; Blythe, Calif., RR; Phoenix, Ariz., RR; Tucson, Ariz., RR; Columbus, N. Mex., RR; El Paso, Tex., RR; Wink, Tex., RR; Abilene, Tex., RR; Dallas, Tex., RR; Shreveport, La., RR; Jackson, Miss., RR; Montgomery, Ala. (Maxwell AFB), RR; Augusta, Ga., RR; Columbia, S. C., RR to the Florence, S. C., RR.

§ 602.105 *L/MF jet route No. 5 (Los Angeles, Calif., to Seattle, Wash.).* From the Los Angeles, Calif., RBN via the INT of the Palmdale, Calif., RR northwest course and Bakersfield RR south course; Bakersfield, Calif., RR; Reno, Nev., RR; Klamath Falls, Oreg., RR; Portland, Oreg., RR to the Seattle, Wash., RR.

§ 602.106 *L/MF jet route No. 6 (Palmdale, Calif., to Washington, D. C.).* From the Palmdale, Calif., RR via the Daggett, Calif., RR; Prescott, Ariz., RR; Zuni, N. Mex., RR; Albuquerque, N. Mex., RR; Amarillo, Tex., RR; Oklahoma City, Okla., RR; Little Rock, Ark., RR; Memphis, Tenn., RR; Nashville, Tenn., RR; Charleston, W. Va., RR to the Washington, D. C. (Arcola), RR.

§ 602.107 *L/MF jet route No. 7 (Oakland, Calif., to Great Falls, Mont.).* From the Oakland, Calif., RR to the Red Bluff, Calif., RR. From the Boise, Idaho, RR via Dillon, Mont., RR to the Great Falls, Mont., RR.

§ 602.108 *L/MF jet route No. 8 (Oklahoma City, Okla., to Belleville, Ill.).* From the Oklahoma City, Okla., RR via the INT of the Oklahoma City RR southeast course and Tulsa, Okla., RR southwest course; Tulsa, Okla., RR; Springfield, Mo., RR; Vichy, Mo., RBN to the Belleville, Ill. (Scott AFB), RR.

§ 602.109 *L/MF jet route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).* From the Los Angeles, Calif., RBN via the Daggett, Calif., RR; Las Vegas, Nev., RR; Enterprise, Utah, RR; Delta, Utah, RR; Salt Lake City, Utah, RR; Ogden,

Utah, RR; Dubois, Idaho, RR; Dillon, Mont., RR to the Great Falls, Mont., RR.

§ 602.110 *L/MF jet route No. 10 (Los Angeles, Calif., to New York, N. Y.).* From the Los Angeles, Calif., RBN via Daggett, Calif., RR to Las Vegas, Nev., RR. From Kansas City, Mo., RR via Belleville, Ill. (Scott AFB), RR; INT Belleville (Scott AFB) RR northeast course and Effingham RR west course; Effingham, Ill., RR; Indianapolis, Ind., RR; Dayton, Ohio (Wright-Patterson), RR; Columbus, Ohio, RR; Pittsburgh, Pa., RR; Philipsburg, Pa., RR to the New York, N. Y. (La Guardia), RR.

§ 602.111 *L/MF jet route No. 11 (Phoenix, Ariz., to Prescott, Ariz.).* From the Phoenix, Ariz., RR to the Prescott, Ariz., RR.

§ 602.112 *L/MF jet route No. 12 (Denver, Colo., to Baltimore, Md.).* From the Denver, Colo., RR via North Platte, Nebr., RR; Omaha, Nebr., RR; Peoria, Ill., RR; Indianapolis, Ind., RR; Dayton, Ohio (Wright-Patterson), RR; Columbus, Ohio, RR; Pittsburgh, Pa., RR to the Baltimore, Md., RR.

§ 602.113 *L/MF jet route No. 13 (El Paso, Tex., to Great Falls, Mont.).* From the El Paso, Tex., RR via the INT of the El Paso RR west course and Truth or Consequences RR south course; Truth or Consequences, N. Mex., RR; Albuquerque, N. Mex., RR; Las Vegas, N. Mex., RR; Pueblo, Colo., RR; Denver, Colo., RR; Cheyenne, Wyo., RR; Casper, Wyo., RR; Livingston, Mont., RR to the Great Falls, Mont., RR.

§ 602.114 *L/MF jet route No. 14 (Sacramento, Calif., to New York, N. Y.).* From the Sacramento, Calif., RR via the Reno, Nev., RR; Elko, Nev., RR; Lucin, Utah, RR; Ogden, Utah, RR; Rock Springs, Wyo., RR; Cheyenne, Wyo., RR; North Platte, Nebr., RR; Omaha, Nebr., RR; Des Moines, Iowa, RR; Chicago, Ill., RR; Toledo, Ohio, RR; Cleveland, Ohio, RR; Philipsburg, Pa., RR to New York, N. Y. (La Guardia), RR.

§ 602.115 *L/MF jet route No. 15 (Wink, Tex., to Boise, Idaho.).* From the Wink, Tex., RR via the Roswell, N. Mex., RR to Albuquerque, N. Mex., RR. From the Salt Lake City, Utah, RR via the Ogden, Utah, RR to the Boise, Idaho, RR.

§ 602.116 *L/MF jet route No. 16 (Portland, Oreg., to Boston, Mass.).* From the Portland, Oreg., RR via The Dalles, Oreg., RR; INT The Dalles RR east course and Pendleton RR west course; Pendleton, Oreg., RR; Dillon, Mont., RR; Sheridan, Wyo., RR; Rapid City, S. Dak., RR; Sioux Falls, S. Dak., RR; Chicago, Ill., RR; Lansing, Mich., RR to the Selfridge, Mich., RR. From the Buffalo, N. Y., RR via the Syracuse, N. Y., RR; Albany, N. Y., RR to the Boston, Mass., RR.

§ 602.117 *L/MF jet route No. 17 (San Antonio, Tex., to Rapid City, S. Dak.).* From the San Antonio, Tex., RR via Abilene, Tex., RR; Amarillo, Tex., RR; Dalhart, Tex., RBN; Pueblo, Colo., RR; Denver, Colo., RR to the Rapid City, S. Dak., RR.

§ 602.118 *L/MF jet route No. 18 (Seattle, Wash., to Sault Ste. Marie, Mich.).* From the Seattle, Wash., RR via the Ephrata, Wash., RR; Mullan Pass, Idaho, RR; Great Falls, Mont., RR; Lewiston, Mont., RR; Dickinson, N. Dak., RR; Fargo, N. Dak., RR; Duluth, Minn., RR to Sault Ste. Marie, Mich., RR.

§ 602.119 *L/MF jet route No. 19 (Dallas, Tex., to Omaha, Nebr.).* From the Dallas, Tex., RR via the Wichita Falls, Tex., RR; Garden City, Kans., RR to the Omaha, Nebr., RR.

§ 602.120 *L/MF jet route No. 20 (Seattle, Wash., to Melbourne, Fla.).* From the Seattle, Wash., RR via the Yakima, Wash., RR; Pendleton, Oreg., RR; Baker, Idaho, RR; Boise, Idaho, RR; Malad City, Idaho, RR; Rock Springs, Wyo., RR; Denver, Colo., RR; Garden City, Kans., RR; Oklahoma City, Okla., RR; Shreveport, La., RR; Jackson, Miss., RR; Crestview, Fla., RR; INT Dothan, Ga., RR southeast course and Tallahassee RR northwest course; Tallahassee, Fla., RR; Orlando, Fla., RR to the Melbourne, Fla., RR.

§ 602.121 *L/MF jet route No. 21 (Laredo, Tex., to Duluth, Minn.).* From the Laredo, Tex., RR via the San Antonio, Tex., RR; Austin, Tex., RR; Dallas, Tex., RR; Oklahoma City, Okla., RR; Wichita, Kans., RR; Omaha, Nebr., RR; Minneapolis, Minn., RR to the Duluth, Minn., RR.

§ 602.122 *L/MF jet route No. 22 (Laredo, Tex., to Washington, D. C.).* From the Laredo, Tex., RR via the Alice, Tex., RR; Palacios, Tex., RR; Lake Charles, La., RR; Jackson, Miss., RR; Birmingham, Ala., RR; Knoxville, Tenn., RR; Tri-City, Tenn., RR; Gordonsville, Va., RR; Quantico, Va. (Marine), RR to the Washington, D. C., RR.

§ 602.123 *L/MF jet route No. 23 (Brownsville, Tex., to North Platte, Nebr.).* From the Brownsville, Tex., RR via the Alice, Tex., RR; San Antonio, Tex., RR; Wichita Falls, Tex., RR; Oklahoma City, Okla., RR; Wichita, Kans., RR to the North Platte, Nebr., RR.

§ 602.124 *L/MF jet route No. 24 (Gila Bend, Ariz., to Norfolk, Va.).* From the Gila Bend, Ariz., RR via the Phoenix, Ariz., RR; Zuni, N. Mex., RR; Albuquerque, N. Mex., RR; Las Vegas, N. Mex., RR to Garden City, Kans., RR. From the Indianapolis, Ind., RR via the Cincinnati, Ohio, RR; INT Cincinnati, Ohio, RR southeast course and Charleston RR west course; Charleston, W. Va., RR; Richmond, Va., RR to the Norfolk, Va. (Langley), RR.

§ 602.125 *L/MF jet route No. 25 (San Antonio, Tex., to Tulsa, Okla.).* From the San Antonio, Tex., RR via the Austin, Tex., RR; Dallas, Tex., RR to the Tulsa, Okla., RR.

§ 602.126 *L/MF jet route No. 26 (El Paso, Tex., to Norfolk, Va.).* From the El Paso, Tex., RR via the INT of the El Paso RR east course and Roswell RR southwest course; Roswell, N. Mex., RR; Amarillo, Tex., RR; Wichita, Kans., RR; Kansas City, Mo., RR; Peoria, Ill., RR; Chicago, Ill., RR; Dayton, Ohio (Wright-Patterson), RR; Columbus, Ohio, RR; Gordonsville, Va., RR; Richmond, Va., RR to the Norfolk, Va. (Langley), RR.

§ 602.127 *L/MF jet route No. 27 (San Antonio, Tex., to Peoria, Ill.).* From the San Antonio, Tex. (Kelly AFB), RR via the Lufkin, Tex., RR; Shreveport, La., RR; Little Rock, Ark., RR; St. Louis, Mo., RR to the Peoria, Ill., RR.

§ 602.128 *L/MF jet route No. 28 (Pueblo, Colo., to Wichita, Kans.).* From the Pueblo, Colo., RR via the Garden City, Kans., RR to the Wichita, Kans., RR.

§ 602.129 *L/MF jet route No. 29 (Alice, Tex., to Presque Isle, Maine).* From the Alice, Tex., RR via the Palacios, Tex., RR; Houston, Tex., RR; Lufkin, Tex., RR; Shreveport, La., RR to Memphis, Tenn., RR. From the Dayton, Ohio (Wright-Patterson), RR to the Cleveland, Ohio, RR. From Buffalo, N. Y., RR; Syracuse, N. Y., RR; Burlington, Vt., RR; Millinocket, Maine, RR to the Presque Isle, Maine, RR.

§ 602.130 *L/MF jet route No. 30 (Denver, Colo., to Washington, D. C.).* From the Denver, Colo., RR via the North Platte, Nebr., RR; Sioux Falls, S. Dak., RR; Minneapolis, Minn., RR; La Crosse, Wis., RR; Chicago, Ill., RR; Columbus, Ohio, RR; Gordonsville, Va., RR; Quantico, Va. (Marine), RR to the Washington, D. C., RR.

§ 602.131 *L/MF jet route No. 31 (Lake Charles, La., to Pueblo, Colo.).* From the Lakes Charles, La., RR via the Dallas, Tex., RR; Wichita Falls, Tex., RR; Amarillo, Tex., RR; Dalhart, Tex., RBN to the Pueblo, Colo., RR.

§ 602.132 *L/MF jet route No. 32 (Elko, Nev., to Duluth, Minn.).* From the Elko, Nev., RR via the Wendover, Nev., RR; Salt Lake City, Utah, RR; Rock Springs, Wyo., RR; Casper, Wyo., RR; Rapid City, S. Dak., RR; Aberdeen, S. Dak., RR to the Duluth, Minn., RR.

§ 602.133 *L/MF jet route No. 33 (Lake Charles, La., to Minneapolis, Minn.).* From the Lake Charles, La., RR via the INT of the Alexandria, La., RR northwest course and Shreveport RR south course; Shreveport, La., RR; Springfield, Mo., RR; Kansas City, Mo., RR; Des Moines, Iowa, RR to the Minneapolis, Minn., RR.

§ 602.134 *L/MF jet route No. 34 (Dickinson, N. Dak., to Baltimore, Md.).* From the Dickinson, N. Dak., RR via the Aberdeen, S. Dak., RR; Minneapolis, Minn., RR; La Crosse, Wis., RR; Milwaukee, Wis., RR; Toledo, Ohio, RR; Cleveland, Ohio, RR; Pittsburgh, Pa., RR to the Baltimore, Md., RR.

§ 602.135 *L/MF jet route No. 35 (New Orleans, La., to Chicago, Ill.).* From the New Orleans, La., RR via the Jackson, Miss., RR; Memphis, Tenn., RR; St. Louis, Mo., RR to the Chicago, Ill., RR.

§ 602.136 *L/MF jet route No. 36 (Fargo, N. Dak., to Selfridge, Mich.).* From the Fargo, N. Dak., RR via the Minneapolis, Minn., RR; La Crosse, Wis., RR; Milwaukee, Wis., RR; Lansing, Mich., RR to the Selfridge, Mich., RR.

§ 602.137 *L/MF jet route No. 37 (New Orleans, La., to Burlington, Vt.).* From the New Orleans, La., RR via the Biloxi, Miss. (Keesler AFB), RR; Montgomery, Ala. (Maxwell AFB), RR; Atlanta, Ga., RR; Greenville, S. C., RR; Greensboro, N. C., RR; Richmond, Va., RR; Tappahannock, Va., RR; INT Tappahannock RR northeast course and Washington (Andrews) RR southeast course; Washington, D. C. (Andrews AFB), RR; Washington, D. C., RR; Baltimore, Md., RR; Allentown, Pa., RR; Albany, N. Y., RR to the Burlington, Vt., RR.

§ 602.138 *L/MF jet route No. 38 (Philipsburg, Pa., to New York, N. Y.).* From the Philipsburg, Pa., RR to the New York, N. Y. (La Guardia), RR.

§ 602.139 *L/MF jet route No. 39 (Crestview, Fla., to Houghton, Mich.).* From the Crestview, Fla., RR via the Montgomery, Ala. (Maxwell AFB), RR; Birmingham, Ala., RR; INT of a line bearing 357° True from the Birmingham RR with a line bearing 191° True from the Nashville MFR; Nashville, Tenn., RR; Cincinnati, Ohio, RR; Dayton, Ohio (Wright-Patterson), RR; Lansing, Mich., RR; Traverse City, Mich., RR to the Houghton, Mich., RR.

§ 602.140 *L/MF jet route No. 40 (Montgomery, Ala., to Charleston, S. C.).* From the Montgomery, Ala. (Maxwell AFB), RR to the Charleston, S. C., RR.

§ 602.141 *L/MF jet route No. 41 (Miami Fla., to Omaha, Nebr.).* From the Miami, Fla., RR via the Tampa, Fla., RR; Tallahassee, Fla., RR; INT Tallahassee RR northwest course and Dothan RR southeast course; Dothan, Fla., RR; Montgomery, Ala. (Maxwell AFB), RR; Memphis, Tenn., RR; Springfield, Mo., RR; Kansas City, Mo., RR to the Omaha, Nebr., RR.

§ 602.142 *L/MF jet route No. 42 (Dallas, Tex., to Norfolk, Va.)* From the Dallas, Tex., RR via the Little Rock, Ark., RR; Memphis, Tenn., RR; Nashville, Tenn., RR; Tri-City, Tenn., RR to the Norfolk, Va. (Langley), RR.

§ 602.143 *L/MF jet route No. 43 (Key West, Fla., to Dayton, Ohio).* From the Key West, Fla., RR via the Tampa, Fla., RR; Tallahassee, Fla., RR; Albany, Ga., RR; Atlanta, Ga., RR; Knoxville, Tenn., RR; Cincinnati, Ohio, RR to the Dayton, Ohio (Wright-Patterson), RR.

§ 602.144 *L/MF jet route No. 44 (Las Vegas, Nev., to Prescott, Ariz.).* From the Las Vegas, Nev., RR to the Prescott, Ariz., RR.

§ 602.145 *L/MF jet route No. 45 (Jacksonville, Fla., to Des Moines, Iowa.)* From the Jacksonville, Fla., RR via the Alma, Ga., RR; Atlanta, Ga., RR; Nashville, Tenn., RR; St. Louis, Mo., RR to the Des Moines, Iowa, RR.

§ 602.146 *L/MF jet route No. 46 (Tampa, Fla., to West Palm Beach, Fla.).* From the Tampa, Fla., RR to the West Palm Beach, Fla., RR.

§ 602.147 *L/MF jet route No. 47 (Charleston, S. C., to Dayton, Ohio).* From the Charleston, S. C., RR via the Columbia, S. C., RR; Tri-City, Tenn., RR; Cincinnati, Ohio, RR to the Dayton, Ohio (Wright-Patterson), RR.

§ 602.148 *L/MF jet route No. 48.* [Unassigned.]

§ 602.149 *L/MF jet route No. 49 (Greensboro, N. C., to Presque Isle, Maine).* From the Greensboro, N. C., RR via the Morgantown, W. Va., RR; Pittsburgh, Pa., RR; Philipsburg, Pa., RR; Albany, N. Y., RR; Millinocket, Maine, RR to the Presque Isle, Maine, RR.

§ 602.150 *L/MF jet route No. 50.* [Unassigned.]

§ 602.151 *L/MF jet route No. 51 (Jacksonville, Fla., to Raleigh, N. C.).* From the Jacksonville, Fla., RR via the Savannah, Ga., RR; Columbia, S. C., RR to the Raleigh, N. C., RR.

§ 602.152 *L/MF jet route No. 52 (Birmingham, Ala., to Florence, S. C.).* From the Birmingham, Ala., RR via the Atlanta, Ga., RR; Augusta, Ga., RR; Columbia, S. C., RR to the Florence, S. C., RR.

§ 602.153 *L/MF jet route No. 53 (Miami, Fla., to New York, N. Y.).* From the Miami, Fla., RR via the INT of the Miami RR east course and West Palm Beach RR south course; West Palm Beach, Fla., RR; Melbourne, Fla., RR; Jacksonville, Fla., RR; Charleston, S. C., RR; Florence, S. C., RR; Norfolk, Va. (Langley), RR; Atlantic City, N. J. (Navy), RR; INT Millville, N. J., RR northeast course and New York, N. Y. (Mitchell AFB), RR southwest course to the New York, N. Y. (Mitchell AFB), RR.

§ 602.154 *L/MF jet route No. 54.* [Unassigned.]

§ 602.155 *L/MF jet route No. 55 (Key West, Fla., to Presque Isle, Maine).* From the Key West, Fla., RR via the Miami, Fla., RR; Orlando, Fla., RR; Jacksonville, Fla., RR; Charleston, S. C., RR; Florence, S. C., RR; INT Florence RR north course and Raleigh RR southwest course; Raleigh, N. C., RR; Richmond, Va., RR; INT Richmond RR north course and Washington, D. C., RR southwest course; Quantico, Va., RR; Washington, D. C. (Andrews AFB), RR; Millville, N. J., RR; INT Millville RR northeast course and New York (Mitchell AFB), RR southwest course; New York, N. Y. (Mitchell AFB), RR; Hartford, Conn., RR; Boston, Mass., RR; Bangor, Maine, RR; Millinocket, Maine, RR to the Presque Isle, Maine, RR.

§ 602.156 *L/MF jet route No. 56.* [Unassigned.]

§ 602.157 *L/MF jet route No. 57 (Greensboro, N. C., to Sault Ste. Marie, Mich.).* From the Greensboro, N. C., RR via the Charleston, W. Va., RR to Columbus, Ohio RR. From the Selfridge, Mich., RR via the Traverse City, Mich., RR to the Sault Ste. Marie, Mich., RR.

§ 602.158 *L/MF jet route No. 58 (Sacramento, Calif., to Enterprise, Utah).* From the Sacramento, Calif., RR via the Tonopah, Nev., RR to the Enterprise, Utah, RR.

§ 602.159 *L/MF jet route No. 59 (Philipsburg, Pa., to Syracuse, N. Y.).* From the Philipsburg, Pa., RR to the Syracuse, N. Y., RR.

§ 602.160 *L/MF jet route No. 60.* [Unassigned.]

§ 602.161 *L/MF jet route No. 61 (Baltimore, Md., to Buffalo, N. Y.).* From the Baltimore, Md., RR via the Philipsburg, Pa., RR to the Buffalo, N. Y., RR.

§ 602.162 *L/MF jet route No. 62.* [Unassigned.]

§ 602.163 *L/MF jet route No. 63 (New York, N. Y., to Syracuse, N. Y.).* From the New York, N. Y. (La Guardia), RR to the Syracuse, N. Y., RR.

§ 602.164 *L/MF jet route No. 64.* [Unassigned.]

§ 602.165 *L/MF jet route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).* From the Phoenix, Ariz., RR via the Blythe, Calif., RR; INT Blythe RR west course and Riverside, Calif., RR east course; Palmdale, Calif., RR; INT Palmdale RR northwest course and Bakersfield, Calif., RR south course; Bakersfield, Calif., RR; Fresno, Calif., RR; Sacramento, Calif., RR to the Red Bluff, Calif., RR.

SUBPART D—VOR/VORTAC JET ROUTES

§ 602.501 *VOR/VORTAC jet route No. 1 (San Diego, Calif., to Seattle, Wash.).* From the San Diego, Calif., VOR via the Oceanside, Calif., VOR; Los Angeles, Calif., VOR; Oakland, Calif., VOR; Red Bluff, Calif., VOR; Medford, Oreg., VOR; Portland, Oreg., VOR to the Seattle, Wash., VOR.

§ 602.502 *VOR/VORTAC jet route No. 2 (San Diego, Calif., to Jacksonville, Fla.).* From the San Diego, Calif., VOR via the Yuma, Ariz., VOR; Gila Bend, Ariz., VOR; Tucson, Ariz., VOR; Columbus, N. Mex., VOR; El Paso, Tex. VOR; Wink, Tex., VOR; San Antonio, Tex., VOR; Houston, Tex., VOR; Lake Charles, La., VOR; New Orleans, La., VOR; INT New Orleans, 078° and Mobile, Ala., 224° radials; Crestview, Fla., VOR; Marianna, Fla., VOR; Tallahassee, Fla., VOR to the Jacksonville, Fla., VOR.

§ 602.503 *VOR/VORTAC jet route No. 3 (San Diego, Calif., to Spokane, Wash.).* From the San Diego, Calif., VOR via the Oceanside, Calif., VOR; Los Angeles, Calif., VOR; INT Palmdale, Calif., 291° and Bakersfield 149° radials; Bakersfield, Calif., VOR; Oakland, Calif., VOR; Red Bluff, Calif., VOR; Klamath Falls, Oreg., VOR; Pendleton, Oreg., VOR to the Spokane, Wash., VOR.

§ 602.504 *VOR/VORTAC jet route No. 4 (Los Angeles, Calif., to Florence, S. C.).* From the Los Angeles, Calif., VOR via INT Los Angeles 090° and Palmdale, Calif., 118° radials; Blythe, Calif., VOR; Phoenix, Ariz., VOR; Tucson, Ariz., VOR; Columbus, N. Mex., VOR; El Paso, Tex., VOR; Wink, Tex., VOR; Abilene, Tex., VOR; Dallas, Tex., VOR; Shreveport, La., VOR; Jackson, Miss., VOR; Montgomery, Ala., VOR; Augusta, Ga., VOR; Columbia, S. C., VOR to the Florence, S. C., VOR.

§ 602.505 *VOR/VORTAC jet route No. 5 (Los Angeles, Calif., to Seattle, Wash.).* From the Los Angeles, Calif., VOR via INT of Palmdale, Calif., 291° and Bakersfield 149° radials; Bakersfield, Calif., VOR; Reno, Nev., VOR; Klamath Falls, Oreg., VOR; Portland, Oreg., VOR to the Seattle, Wash., VOR.

§ 602.506 *VOR/VORTAC jet route No. 6 (Palmdale, Calif., to Herndon, Va.).* From the Palmdale, Calif., VOR via the Daggett, Calif., VOR; Prescott, Ariz., VOR; Grants, N. Mex., VOR; Albuquerque, N. Mex., VOR; Amarillo, Tex., VOR; Oklahoma City, Okla., VOR; Little Rock, Ark., VOR; Memphis, Tenn., VOR; Nashville, Tenn., VOR; Charleston, W. Va., VOR to the Herndon, Va., VOR.

§ 602.507 *VOR/VORTAC jet route No. 7 (Oakland, Calif., to Great Falls, Mont.).* From the Oakland, Calif., VOR via the Red Bluff, Calif., VOR; Rome, Oreg., VOR; Boise, Idaho, VOR; Dillon, Mont., VOR to the Great Falls, Mont., VOR.

§ 602.508 *VOR/VORTAC jet route No. 8 (Oklahoma City, Okla., to Herndon, Va.).* From the Oklahoma City, Okla., VOR via the Tulsa, Okla., VOR; Springfield, Mo., VOR; Vichy, Mo., VOR; St. Louis, Mo., VOR; Louisville, Ky., VOR; Charleston, W. Va., VOR to the Herndon, Va., VOR.

§ 602.509 *VOR/VORTAC jet route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).* From the Los Angeles, Calif., VOR via the Daggett, Calif., VOR; Las Vegas, Nev., VOR; Milford, Utah, VOR; Utah Lake, Utah, VOR; Salt Lake City, Utah, VOR; Ogden, Utah, VOR; Du Bois, Idaho, VOR; Dillon, Mont., VOR to the Great Falls, Mont., VOR.

§ 602.510 *VOR/VORTAC jet route No. 10 (Los Angeles, Calif., to New York, N. Y.).* From the Los Angeles, Calif., VOR via the Daggett, Calif., VOR; Las Vegas, Nev., VOR; Bryce Canyon, Utah, VOR; Grand Junction, Colo., VOR; Kremmling, Colo., VOR; Denver, Colo., VOR; Goodland, Kans., VOR; Salina, Kans., VOR; Kansas City, Mo., VOR; St. Louis, Mo., VOR; Indianapolis, Ind., VOR; Dayton, Ohio, VOR; Appleton, Ohio, VOR; Pittsburgh, Pa., VOR; Philipsburg, Pa., VOR; Allentown, Pa., VOR to the New York, N. Y. (Idlewild), VOR.

§ 602.511 *VOR/VORTAC jet route No. 11 (Phoenix, Ariz., to Salt Lake City, Utah).* From the Phoenix, Ariz., VOR via the Prescott, Ariz., VOR; Bryce Canyon, Utah, VOR; Utah Lake, Utah, VOR to the Salt Lake City, Utah, VOR.

§ 602.512 *VOR/VORTAC jet route No. 12 (Utah Lake, Utah, to Baltimore, Md.).* From the Utah Lake, Utah, VOR via the Kremmling, Colo., VOR; Denver, Colo., VOR; North Platte, Nebr., VOR; Omaha, Nebr., VOR; Peoria, Ill., VOR; Indianapolis, Ind., VOR; Dayton, Ohio, VOR; Appleton, Ohio, VOR; Pittsburgh, Pa., VOR to the Baltimore, Md., VOR.

§ 602.513 *VOR/VORTAC jet route No. 13 (El Paso, Tex., to Great Falls, Mont.).* From the El Paso, Tex., VOR via the INT of the El Paso 271° and Truth or Consequences 162° radials; Truth or Consequences, N. Mex., VOR; INT Truth or Consequences 021° and Albuquerque 169° radials; Albuquerque, N. Mex., VOR; Las Vegas, N. Mex., VOR; Pueblo, Colo., VOR; Denver, Colo., VOR; Cheyenne, Wyo., VOR; Casper, Wyo., VOR; Livingston, Mont., VOR to the Great Falls, Mont., VOR.

§ 602.514 *VOR/VORTAC jet route No. 14 (Oakland, Calif., to New York, N. Y.).* From the Oakland, Calif., VOR via the Sacramento, Calif., VOR; Reno, Nev., VOR; Elko, Nev., VOR; Lucin, Utah, VOR; Ogden, Utah, VOR; Rock Springs, Wyo., VOR; Cheyenne, Wyo., VOR; North Platte, Nebr., VOR; Omaha, Nebr., VOR; Des Moines, Iowa, VOR; Naperville, Ill., VOR; Waterville, Ohio, VOR; Cleveland, Ohio, VOR; Philipsburg, Pa., VOR; Allentown, Pa., VOR to the New York, N. Y. (Idlewild), VOR.

§ 602.515 *VOR/VORTAC jet route No. 15 (Wink, Tex., to Boise, Idaho).* From the Wink, Tex., VOR via the Roswell, N. Mex., VOR; Albuquerque, N. Mex., VOR; Grand Junction, Colo., VOR; Salt Lake City, Utah, VOR; Ogden, Utah, VOR to the Boise, Idaho, VOR.

§ 602.516 *VOR/VORTAC jet route No. 16 (Portland, Oreg., to Boston, Mass.).* From the Portland, Oreg., VOR via the The Dalles, Oreg., VOR; INT The Dalles 096° and Pendleton 255° radials; Pendleton, Oreg., VOR; Dillon, Mont., VOR; Sheridan, Wyo., VOR; Rapid City, S. Dak., VOR; Sioux Falls, S. Dak., VOR; Mason City, Iowa, VOR; Naperville, Ill., VOR; Lansing, Mich., VOR to the Selfridge, Mich., VOR. From the Buffalo, N. Y., VOR via the Syracuse, N. Y., VOR; Albany, N. Y., VOR to the Boston, Mass., VOR.

§ 602.517 *VOR/VORTAC jet route No. 17 (San Antonio, Tex., to Rapid City, S. Dak.).* From the San Antonio, Tex., VOR via the Abilene, Tex., VOR; Amarillo, Tex., VOR; Pueblo, Colo., VOR; Denver, Colo., VOR to the Rapid City, S. Dak., VOR.

§ 602.518 *VOR/VORTAC jet route No. 18 (Seattle, Wash., to Duluth, Minn.).* From the Seattle, Wash., VOR via the Ephrata, Wash., VOR; Spokane, Wash., VOR; Great Falls, Mont., VOR; Lewistown, Mont., VOR; Dickinson, N. Dak., VOR; Fargo, N. Dak., VOR to the Duluth, Minn., VOR.

§ 602.519 *VOR/VORTAC jet route No. 19 (Dallas, Tex., to Omaha, Nebr.).* From the Dallas, Tex., VOR via the Wichita Falls, Tex., VOR; Garden City, Kans., VOR to the Omaha, Nebr., VOR.

§ 602.520 *VOR/VORTAC jet route No. 20 (Seattle, Wash., to Orlando, Fla.).* From the Seattle, Wash., VOR via the Yakima, Wash., VOR; Pendleton, Oreg., VOR; Boise, Idaho, VOR; Malad City, Idaho, VOR; Rock Springs, Wyo., VOR; Denver, Colo., VOR; Garden City, Kans., VOR; Oklahoma City, Okla., VOR; Shreveport, La., VOR; Jackson, Miss., VOR; Crestview, Fla., VOR; Marianna, Fla., VOR; Tallahassee, Fla., VOR; Orlando, Fla., VOR to INT Orlando 118° and Vero Beach, Fla., 339° radials.

§ 602.521 *VOR/VORTAC jet route No. 21 (Laredo, Tex., to Duluth, Minn.).* From the Laredo, Tex., VOR via the San Antonio, Tex., VOR; Austin, Tex., VOR; Dallas, Tex., VOR; Oklahoma City, Okla., VOR; Wichita, Kans., VOR; Omaha, Nebr., VOR; Minneapolis, Minn., VOR to the Duluth, Minn., VOR.

§ 602.522 *VOR/VORTAC jet route No. 22 (Laredo, Tex., to Washington, D. C.).* From the Laredo, Tex., VOR via the Alice, Tex., VOR; Palacious, Tex., VOR; Lake Charles, La., VOR; Jackson, Miss., VOR; Birmingham, Ala., VOR; Knoxville, Tenn., VOR; Pulaski, Va., VOR; Gordonsville, Va., VOR to the INT of the Flat Rock, Va. 024° and Herndon, Va., 164° radials.

§ 602.523 *VOR/VORTAC jet route No. 23 (Brownsville, Tex., to North Platte, Nebr.).* From the Brownsville, Tex., VOR via the Alice, Tex., VOR; San Antonio, Tex., VOR; Wichita Falls, Tex., VOR; Oklahoma City, Okla., VOR; Wichita, Kans., VOR to the North Platte, Nebr., VOR.

§ 602.524 *VOR/VORTAC jet route No. 24 (Gila Bend, Ariz., to Flat Rock, Va.).* From the Gila Bend, Ariz., VOR via the Phoenix, Ariz., VOR; Grants, N. Mex., VOR; Albuquerque, N. Mex., VOR; Las Vegas, N. Mex., VOR; Garden City, Kans., VOR; Salina, Kans., VOR; Kansas City, Mo., VOR; St. Louis, Mo., VOR; Indianapolis, Ind., VOR; INT Indianapolis 113° and Charleston 291° radials; Charleston, W. Va., VOR to the Flat Rock, Va., VOR.

§ 602.525 *VOR/VORTAC jet route No. 25 (San Antonio, Tex., to Kansas City, Mo.).* From the San Antonio, Tex., VOR via the Austin, Tex., VOR; Dallas, Tex., VOR; Tulsa, Okla., VOR; Butler, Mo., VOR to the Kansas City, Mo., VOR.

§ 602.526 *VOR/VORTAC jet route No. 26 (El Paso, Tex., to Gordonsville, Va.).* From the El Paso, Tex., VOR; INT El Paso 089° and Roswell 216° radials; Roswell, N. Mex., VOR; Amarillo, Tex., VOR; Wichita, Kans., VOR; Kansas City, Mo., VOR; Peoria, Ill., VOR; Naperville, Ill., VOR; Dayton, Ohio, VOR; Appleton, Ohio, VOR to the Gordonsville, Va., VOR.

§ 602.527 *VOR/VORTAC jet route No. 27 (San Antonio, Tex., to Peoria, Ill.).* From the San Antonio, Tex., VOR via the Lufkin, Tex., VOR; Shreveport, La., VOR; Little Rock, Ark., VOR; St. Louis, Mo., VOR to the Peoria, Ill., VOR.

§ 602.528 *VOR/VORTAC jet route No. 28 (Daggett, Calif., to Vichy, Mo.).* From the Daggett, Calif., VOR via the Valle, Ariz., VOR; Farmington, N. Mex., VOR; Pueblo, Colo., VOR; Garden City, Kans., VOR; Wichita, Kans., VOR; Butler, Mo., VOR to the Vichy, Mo., VOR.

§ 602.529 *VOR/VORTAC jet route No. 29 (Alice, Tex., to Presque Isle, Maine).* From the Alice, Tex., VOR via the Palacios, Tex., VOR; Houston, Tex., VOR; Lufkin, Tex., VOR; Shreveport, La., VOR; Memphis, Tenn., VOR; Evansville, Ill., VOR; Dayton, Ohio, VOR; Cleveland, Ohio, VOR; Erie, Pa., VOR; Syracuse, N. Y., VOR; Plattsburgh, N. Y., VOR; Bangor, Maine, VOR to the Presque Isle, Maine, VOR.

§ 602.530 *VOR/VORTAC jet route No. 30 (Denver, Colo., to Washington, D. C.).* From the Denver, Colo., VOR via the North Platte, Nebr., VOR; Sioux Falls, S. Dak., VOR; Minneapolis, Minn., VOR; La Crosse, Wis., VOR; Naperville, Ill., VOR; Appleton, Ohio, VOR; Gordonsville, Va., VOR to INT Flat Rock, Va., 024° and Herndon, Va., 164° radials.

§ 602.531 *VOR/VORTAC jet route No. 31 (Lake Charles, La., to Pueblo, Colo.).* From the Lake Charles, La., VOR via the Dallas, Tex., VOR; Wichita Falls, Tex., VOR; Amarillo, Tex., VOR to the Pueblo, Colo., VOR.

§ 602.532 *VOR/VORTAC jet route No. 32 (Elko, Nev., to Duluth, Minn.).* From the Elko, Nev., VOR via the Bonneville, Utah., VOR; Salt Lake City, Utah., VOR; Rock Springs, Wyo., VOR; Casper, Wyo., VOR; Rapid City, S. Dak., VOR; Aberdeen, S. Dak., VOR to the Duluth, Minn., VOR.

§ 602.533 *VOR/VORTAC jet route No. 33 (Lake Charles, La., to Minneapolis, Minn.).* From the Lake Charles, La., VOR via the INT of the Lake Charles 343° and Shreveport 176° radials; Shreveport, La., VOR; Springfield, Mo., VOR; Kansas City, Mo., VOR; Des Moines, Iowa, VOR to the Minneapolis, Minn., VOR.

§ 602.534 *VOR/VORTAC jet route No. 34 (Dickinson, N. Dak., to Herndon, Va.).* From the Dickinson, N. Dak., VOR via the Aberdeen, S. Dak., VOR; Minneapolis, Minn., VOR; La Crosse, Wis., VOR; Milwaukee, Wis., VOR; Waterville, Ohio, VOR; Cleveland, Ohio., VOR; Pittsburgh, Pa., VOR to the Herndon, Va., VOR.

§ 602.535 *VOR/VORTAC jet route No. 35 (New Orleans, La., to Naperville, Ill.).* From the New Orleans, La., VOR via the Jackson, Miss., VOR; Memphis, Tenn., VOR; St. Louis, Mo., VOR to the Naperville, Ill., VOR.

§ 602.536 *VOR/VORTAC jet route No. 36 (Fargo, N. Dak., to Selfridge, Mich.).* From the Fargo, N. Dak., VOR via the Minneapolis, Minn., VOR; La Crosse, Wis., VOR; Milwaukee, Wis., VOR; Lansing, Mich., VOR to the Selfridge, Mich., VOR.

§ 602.537 *VOR/VORTAC jet route No. 37 (New Orleans, La., to Plattsburgh, N. Y.).* From the New Orleans, La., VOR via the Mobile, Ala., VOR; Montgomery, Ala., VOR; Atlanta, Ga., VOR; Spartanburg, S. C., VOR; Greensboro, N. C., VOR; Flat Rock, Va., VOR; INT Flat Rock 024° and Herndon, Va., 164° radials; Baltimore, Md., VOR; Allentown, Pa., VOR; Albany, N. Y., VOR to the Plattsburgh, N. Y., VOR.

§ 602.538 *VOR/VORTAC jet route No. 38 (Duluth, Minn., to New York, N. Y.)* From the Duluth, Minn., VOR via the Green Bay, Wis., VOR to the Selfridge, Mich., VOR. From the Philipsburg, Pa., VOR via the Allentown, Pa., VOR to the New York, N. Y. (Idlewild), VOR.

§ 602.539 *VOR/VORTAC jet route No. 39 (Crestview, Fla., to Lansing, Mich.).* From the Crestview, Fla., VOR via the Montgomery, Ala., VOR; Birmingham, Ala., VOR; INT Birmingham 360° and Nashville, Tenn., 191° radials; Nashville, Tenn., VOR; Louisville, Ky., VOR; Dayton, Ohio, VOR to the Lansing, Mich., VOR.

§ 602.540 *VOR/VORTAC jet route No. 40 (Montgomery, Ala., to Charleston, S. C.).* From the Montgomery, Ala., VOR via the Columbus, Ga., VOR to the Charleston, S. C., VOR.

§ 602.541 *VOR/VORTAC jet route No. 41 (Miami, Fla., to Omaha, Nebr.).* From the Miami, Fla., VOR via the Tampa, Fla., VOR; Tallahassee, Fla., VOR; Marianna, Fla., VOR; Montgomery, Ala., VOR; Memphis, Tenn., VOR; Springfield, Mo., VOR; Kansas City, Mo., VOR to the Omaha, Nebr., VOR.

§ 602.542 *VOR/VORTAC jet route No. 42 (Dallas, Tex., to Nashville, Tenn.).* From the Dallas, Tex., VOR via the Little Rock, Ark., VOR; Memphis, Tenn., VOR to the Nashville, Tenn., VOR.

§ 602.543 *VOR/VORTAC jet route No. 43 (Key West, Fla., to Dayton, Ohio).* From the Key West, Fla., VOR via the Tampa, Fla., VOR; Tallahassee, Fla., VOR; Atlanta, Ga., VOR; Knoxville, Tenn., VOR; Lexington, Ky., VOR to the Dayton, Ohio, VOR.

§ 602.544 *VOR/VORTAC jet route No. 44 (Las Vegas, Nev., to Prescott, Ariz.).* From the Las Vegas, Nev., VOR to the Prescott, Ariz., VOR.

§ 602.545 *VOR/VORTAC jet route No. 45 (Jacksonville, Fla., to Des Moines, Iowa).* From the Jacksonville, Fla., VOR via the Alma, Ga., VOR; Atlanta, Ga., VOR; Nashville, Tenn., VOR; St. Louis, Mo., VOR to the Des Moines, Iowa, VOR.

§ 602.546 *VOR/VORTAC jet route No. 46 (Tampa, Fla., to West Palm Beach, Fla.).* From the Tampa, Fla., VOR to the West Palm Beach, Fla., VOR.

§ 602.547 *VOR/VORTAC jet route No. 47 (Charleston, S. C., to Dayton, Ohio).* From the Charleston, S. C., VOR via the Columbia, S. C., VOR; Spartanburg, S. C., VOR; Lexington, Ky., VOR to the Dayton, Ohio, VOR.

§ 602.548 *VOR/VORTAC jet route No. 48 (El Paso, Tex., to San Antonio, Tex.).* From the El Paso, Tex., VOR via the Fort Stockton, Tex., VOR to the San Antonio, Tex., VOR.

§ 602.549 *VOR/VORTAC jet route No. 49 (Miami, Fla., to Presque Isle, Maine).* From the Miami, Fla., VOR via the Lakeland, Fla., VOR; Gainesville, Fla., VOR; Alma, Ga., VOR; Augusta, Ga., VOR; Spartanburg, S. C., VOR; Greensboro, N. C., VOR; Morgantown, W. Va., VOR; Pittsburgh, Pa., VOR; Philipsburg, Pa., VOR; Albany, N. Y., VOR; Bangor, Maine, VOR to the Presque Isle, Maine, VOR.

§ 602.550 *VOR/VORTAC jet route No. 50 (El Paso, Tex., to Crestview, Fla.).* From the El Paso, Tex., VOR via the Wink, Tex., VOR; San Angelo, Tex., VOR; Waco, Tex., VOR; Lufkin, Tex., VOR; INT Lufkin 086° and Alexandria, La., 270° radials; Alexandria, La., VOR; McComb, Miss., VOR to the Crestview, Fla., VOR.

§ 602.551 *VOR/VORTAC jet route No. 51 (Jacksonville, Fla., to Raleigh, N. C.).* From the Jacksonville, Fla., VOR via the Savannah, Ga., VOR; Columbia, S. C., VOR; INT Florence, S. C., 008° and Raleigh 232° radials to the Raleigh, N. C., VOR.

§ 602.552 *VOR/VORTAC jet route No. 52 (Birmingham, Ala., to Florence, S. C.).* From the Birmingham, Ala., VOR via the Atlanta, Ga., VOR; Augusta, Ga., VOR; Columbia, S. C., VOR to the Florence, S. C., VOR.

§ 602.553 *VOR/VORTAC jet route No. 53 (Key West, Fla., to Pittsburgh, Pa.).* From the Key West, Fla., VOR via the Miami, Fla., VOR; INT Miami 060° and West Palm Beach 176° radials; West Palm Beach., Fla., VOR; Vero Beach, Fla., VOR; Jacksonville, Fla., VOR; INT Jacksonville 347° and Augusta 176° radials; Augusta, Ga., VOR; Spartanburg, S. C., VOR; Pulaski, Va., VOR; Morgantown, W. Va., VOR to the Pittsburgh; Pa., VOR.

§ 602.554 *VOR/VORTAC jet route No. 54 (Garden City, Kans., to Springfield, Mo.).* From the Garden City, Kans., VOR via the Ponca City, Okla., VOR to the Springfield, Mo., VOR.

§ 602.555 *VOR/VORTAC jet route No. 55 (Jacksonville, Fla., to Presque Isle, Maine).* From the Jacksonville, Fla., VOR via the Charleston, S. C., VOR; Florence, S. C., VOR; INT Florence 008° and Raleigh 232° radials; Raleigh, N. C., VOR; Flat Rock, Va., VOR; Flat Rock, Va., VOR; INT Flat Rock 024° and Herndon, Va., 164° radials; Dover, Del., VOR; New York (Idlewild), N. Y., VOR; Boston, Mass., VOR; Bangor, Maine, VOR to the Presque Isle, Maine, VOR.

§ 602.556 *VOR/VORTAC jet route No. 56 (Salt Lake City, Utah, to Kremmling, Colo.).* From the Salt Lake City, Utah, VOR to the Kremmling, Colo., VOR.

§ 602.557 *VOR/VORTAC jet route No. 57 (Greensboro, N. C., to Appleton, Ohio).* From the Greensboro, N. C., VOR via the Pulaski, Va., VOR; Charleston, W. Va., VOR to the Appleton, Ohio, VOR.

§ 602.558 *VOR/VORTAC jet route No. 58.* [Unassigned.]

§ 602.559 *VOR/VORTAC jet route No. 59 (Charleston, W. Va., to Syracuse, N. Y.).* From the Charleston, W. Va., VOR via the Morgantown, W. Va., VOR; Philipsburg, Pa., VOR to the Syracuse, N. Y., VOR.

§ 602.560 *VOR/VORTAC jet route No. 60.* [Unassigned.]

§ 602.561 *VOR/VORTAC jet route No. 61 (Baltimore, Md., to Buffalo, N. Y.).* From the Baltimore, Md., VOR via the Philipsburg, Pa., VOR to the Buffalo, N. Y., VOR.

§ 602.562 *VOR/VORTAC jet route No. 62.* [Unassigned.]

2. Section 608.18, the Jacksonville, Florida, area (R–161B) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Jacksonville, Fla., restricted area (R–161B) (Jacksonville, Orlando).	Beginning at latitude 30°00'00", longitude 82°02'00"; thence to latitude 29°57'30", longitude 82°02'00"; thence counterclockwise along the arc of a circle 5 miles in radius centered at latitude 29°53'30", longitude 82°00'25"; thence to latitude 29°58'30", longitude 82°15'00"; thence to latitude 30°00'00", longitude 82°19'30"; thence to point of beginning at latitude 30°00'00", longitude 82°02'00".	From 5,000 feet to unlimited.	Continuous...	COMFAIR JAX., NAS Jacksonville, Fla.

3. Section 608.18, the Jacksonville, Florida, area (R–161C) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Jacksonville, Fla., restricted area (R–161C) (Orlando).	Beginning at latitude 29°44'30", longitude 81°42'00"; thence to latitude 29°44'30", longitude 82°00'00"; thence to latitude 29°49'00", longitude 82°00'00"; thence counterclockwise along the arc of a circle 5 miles in radius centered at latitude 29°53'20", longitude 82°00'25"; thence to latitude 29°50'00", longitude 81°55'00"; thence to point of beginning at latitude 29°44'30", longitude 81°42'00".	8,000 feet to unlimited.	Continuous...	COMFAIR JAX., NAS Jacksonville, Fla.

4. Section 608.18, the Jacksonville, Florida, area (R–161D) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Jacksonville, Fla., restricted area (R–161D) (Orlando).	Beginning at latitude 29°44'30", longitude 81°35'00"; thence to latitude 29°28'00", longitude 81°35'00"; thence to latitude 29°23'00", longitude 81°40'00"; thence to latitude 29°21'30", longitude 82°01'30"; thence to latitude 29°23'00", longitude 82°13'00"; thence to latitude 29°42'00", longitude 82°14'00"; thence to latitude 29°53'30", longitude 82°18'00"; thence to latitude 29°53'30", longitude 82°05'30"; thence counter clockwise along the arc of a circle 5 miles in radius centered at latitude 29°53'20", longitude 82°00'25"; thence to latitude 29°51'35", longitude 82°01'15"; thence to latitude 29°49'35", longitude 82°03'00"; thence counter clockwise along the arc of a circle 5 miles in radius centered at latitude 29°53'20", longitude 82°00'25"; to latitude 29°57'30", longitude 82°00'00"; thence to latitude 30°00'00", longitude 82°02'00"; thence to point of beginning latitude 29°44'30", longitude 81°35'00".	15,000 feet to unlimited.	Continuous...	COMFAIR JAX., NAS Jacksonville, Fla.

5. Section 608.18, the Keystone, Florida, area (R–180) amended June 5, 1957 in 22 F. R. 3922 is rescinded.

6. Section 608.18, the Bostwick, Florida, area (R–166) amended April 9, 1955 in 20 F. R. 2301 is rescinded.

§ 602.563 *VOR/VORTAC jet route No. 63 (New York, N. Y., to Syracuse, N. Y.).* From the New York, N. Y. (Idlewild) VOR to the Syracuse, N. Y. VOR.

§ 602.564 *VOR/VORTAC jet route No. 64.* [Unassigned.]

§ 602.565 *VOR/VORTAC jet route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).* From the Phoenix, Ariz., VOR via the Blythe, Calif., VOR; INT Los Angeles, Calif., 090° and Palmdale, Calif. 118° radials; Palmdale, Calif., VOR; INT Palmdale 291° and Bakersfield, Calif., 149° radials; Bakersfield, Calif., VOR; Fresno, Calif., VOR; Sacramento, Calif., VOR to the Red Bluff, Calif., VOR to the Red Bluff, Calif., VOR.

SUBPART E—TACAN JET ROUTES

§ 602.801 *TACAN jet route No. 1 (Oceana, Va., to Brunswick, Maine).* From the Oceana (NAS), Va., TACAN via the INT Oceana (NAS) TACAN 005° and Chincoteague (NAS) TACAN 217° radials; Chincoteague (NAS), Va., TACAN; Atlantic City (NAS), N. J., TACAN; INT Atlantic City (NAS) TACAN 055° and the Quonsett Point (NAS) TACAN 222° radials; Quonsett Point (NAS), R. I., TACAN; to the Brunswick (NAS), Maine, TACAN.

This part shall become effective December 1, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

NOVEMBER 21, 1957.

[F. R. Doc. 57-9801; Filed, Nov. 26, 1957; 8:47 a. m.]

[Amdt. 212]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.18, the Jacksonville, Florida, area (R–161A formerly R–161), amended January 29, 1956 in 21 F. R. 419 is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Jacksonville, Fla., restricted area (R–161A) (Jacksonville, Orlando).	Beginning at latitude 30°21'30", longitude 81°35'45"; thence to latitude 30°16'45", longitude 81°50'25"; thence to latitude 30°16'45", longitude 81°40'00"; thence clockwise along an arc of a circle of 3 mile radius centered at latitude 30°14'00", longitude 81°37'00"; thence to latitude 30°14'00", longitude 81°36'00"; thence to latitude 30°10'45", longitude 81°35'00"; thence to latitude 29°44'30", longitude 81°35'00"; thence to latitude 29°44'30", longitude 82°00'00"; thence to latitude 29°50'00", longitude 81°57'00"; thence clockwise along the arc of a circle 5 miles in radius centered at latitude 29°53'20", longitude 82°00'25"; to latitude 29°57'30", longitude 82°02'00"; but excluding that area one mile on either side of a 220° True bearing from, and more than two miles from latitude 29°53'20", longitude 82°00'25"; thence to latitude 30°00'00", longitude 82°02'00"; thence to latitude 30°00'00", longitude 82°19'30"; thence to latitude 30°03'00", longitude 82°20'00"; thence to latitude 30°21'30", longitude 81°55'45".	Surface to unlimited.	Continuous...	COMFAIR JAX., NAS, Jacksonville, Fla.

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7. Section 608.28, the Patuxent River, Maryland, area (R–43) amended October 31, 1951 in 16 F. R. 11066 is redesignated as follows: "Beginning at the town of Federalsburg, Maryland, latitude 38°41'15", longitude 75°46'00"; thence southerly to Sharptown, Maryland, latitude 38°32'30", longitude 75°43'45"; thence southeast to Fruitland, Maryland, latitude 38°19'00", longitude 75°37'00"; thence southerly along the railroad to Princess Anne, Maryland, latitude 38°12'30", longitude 75°41'30"; thence southwesterly to latitude 38°02'30", longitude 75°52'30"; thence south to the west boundary of Victor 1 at latitude 37°55'00", longitude 75°52'30"; thence southwesterly to latitude 37°46'39", longitude 75°57'43"; (which is on the eastern boundary of R–88 and which is the point of beginning of the Chesapeake Bay, Virginia, Controlled Firing Area); thence following the circumference of R–88 (5 nautical mile radius) to latitude 37°45'00", longitude 76°08'51" (which point is located on the southern circumference of R–88 and on the northern boundary of R–388); thence due west to latitude 37°45'00", longitude 76°23'30"; thence northwesterly to latitude 37°50'30", longitude 76°32'00"; thence northerly to latitude 38°05'10", longitude 76°34'15"; thence northeasterly to latitude 38°11'10", longitude 76°25'10"; thence northeasterly to latitude 38°30'00", longitude 76°04'00"; thence northeasterly to New Market, Maryland, latitude 38°36'00", longitude 75°55'30"; thence northeasterly along the railroad to Federalsburg, Maryland, latitude 38°41'15", longitude 75°46'00"; the point of beginning."

NOTE: From 3500 feet to an unlimited altitude excluding R–39, R–418, R–88, R–41 and excluding R–71, below 5,000 feet.

8. Section 608.54, the Chesapeake Bay, Virginia, area (R–388) amended October 24, 1956 in 21 F. R. 8144 is redesignated as follows:

Name and location	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Chesapeake Bay, Va restricted area (R–388) (Norfolk).	Beginning at latitude 37°43'32", longitude 76°00'45"; thence southerly to latitude 37°33'00", longitude 76°03'55"; thence northwesterly to latitude 37°33'00", longitude 76°08'34"; thence northerly to latitude 37°45'00", longitude 76°09'48"; thence due east to latitude 37°45'00", longitude 76°08'51"; thence along the circumference of the Tangier Island Restricted Area R–88, 5 nautical mile radius to the point of beginning at latitude 37°43'33", longitude 76°00'45".	Surface to 30,000 feet.	Daylight and darkness, 7 days a week.	Virginia Capes Operating Area Coordinator NOV, Norfolk, Va.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 19, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 19, 1957.

[F. R. Doc. 57-9746; Filed, Nov. 26, 1957; 8:45 a. m.]

[Amdt. 25]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (listed items to be placed in appropriate sequence in the sections indicated).

Section 610.19 *Green civil airway 9* is amended to read:

From Swordfish INT, T. H.; to Coconut INT, T. H.; MEA 1,000.

From Coconut INT, T. H.; to Honolulu, T. H., LFR; MEA 3,500.

From Honolulu, T. H., LFR; to Banana INT, T. H.; MEA 6,000.

From Banana INT, T. H.; to North Mau INT, T. H.; southwestbound, MEA 6,000; northeastbound, MEA 1,000.

From North Mau INT, T. H.; to North Hilo INT, T. H.; MEA 1,000.

Section 610.101 *Amber civil airway 1* is amended to read in part:

From San Diego, Calif., LFR; to Oceanside, Calif., LF/RBN; MEA 2,500.

Section 610.107 *Amber civil airway 7* is amended to read in part:

From Savannah, Ga., LFR; to *Meggett INT, S. C.; MEA 1,500. *2,000—MRA.

From Maggett INT, S. C.; to Charleston, S. C., LFR; MEA 1,500.

Section 610.110 *Amber civil airway 10* is amended to read:

From South Honolulu INT, T. H.; to *Southgate INT, T. H.; MEA 1,000. *2,000—MCA Southgate INT, northbound.

From Southgate INT, T. H.; to Honolulu, T. H., LFR; northbound, MEA 4,000; southbound, MEA 1,000.

Section 610.111 *Amber civil airway 11* is amended to read:

From South Maui INT, T. H.; to Maui, T. H., LFR; Southbound, MEA 1,000; Northbound, MEA 6,000.

From Maui, T. H., LFR; to 38 miles N Maui LFR; MEA 6,000.

Section 610.112 *Amber civil airway 12* is amended to read:

From 37 miles S Hilo LFR; to Hilo, T. H., LFR; MEA 4,000.

From Hilo, T. H., LFR; to Kuku Point INT, T. H.; Northbound, MEA 3,000; Southbound, MEA 4,000.

Section 610.113 *Amber civil airway 13* is added to read:

From South Port Allen INT, T. H., to Swordfish INT, T. H.; MEA 1,000.

From Swordfish INT, T. H.; to Port Allen, T. H., LFR; Northbound, MEA 6,000; Southbound, MEA 3,000.

Section 610.245 *Red civil airway 45* is amended to read in part:

From Manakin, Va., LF/RBN; to Woodford INT, Va.; MEA 1,700.

From Woodford INT, Va.; to Quantico, Va., LFR; MEA 1,500.

Section 610.277 *Red civil airway 77* is amended to read in part:

From Greensboro, N. C., LFR; to Lynchburg, Va., LFR; MEA 4,000.

Section 610.287 *Red civil airway 87* is amended to read:

From Bonita INT, T. H.; to *Port Allen, T. H., LFR; MEA 6,000. *6,000—MCA Port Allen LFR, westbound.

From Port Allen, T. H., LFR; to Driftwood INT, T. H.; southeastbound, 3,000. northwestbound, 4,000.

From Driftwood INT, T. H.; to Coconut INT, T. H.; MEA 1,000.

From Coconut INT, T. H.; to Honolulu, T. H., LFR; MEA 3,500.

From *Honolulu, T. H., LFR; to **Maui, T. H., LFR; MEA 6,000. *4,000—MCA Honolulu LFR, southeastbound. **8,000—MCA Maui LFR, southeastbound.

From Maui, T. H., LFR; to 20 miles southeast Maui LFR; MEA 8,000.

From 20 miles southeast Maui LFR; to Kuku Point INT, T. H.; northwestbound, MEA 8,000; to southeastbound, MEA 5,000.

From Kuku Point INT, T. H., Hilo, T. H., LFR; southbound, MEA 4,000; northbound, MEA 3,000.

From Hilo, T. H., LFR; to East Hilo INT, T. H.; MEA 3,000.

Section 610.313 *Red civil airway 113* is amended to read:

From South Port Allen INT, T. H.; to Hula Girl INT, T. H.; MEA 1,000.

From Hula Girl INT, T. H.; to Makai INT, T. H.; southwestbound, MEA 1,000; northeastbound, MEA 2,000.

From Makai INT, T. H.; to *Honolulu, T. H., LFR; MEA 2,000. *5,000—MCA Honolulu LFR, northeastbound.

From Honolulu, T. H., LFR; to Makapuu Pt., T. H., LF/RBN; MEA 5,000.

From Makapuu Pt., T. H., LF/RBN; to Skipjack INT, T. H.; southwestbound, MEA 5,000; northeastbound, MEA 1,000.

From Skipjack INT, T. H.; to N. Maui INT, T. H.; MEA 1,000.

Section 610.607 *Blue civil airway 7* is amended to read in part:

From Gilroy INT, Calif.; to Altamont INT, Calif.; MEA 6,500.

Section 610.610 *Blue civil airway 10* is amended to delete:

From Fresno, Calif., LFR; to *Evergreen, Calif., LF/RBN; MEA 6,000. *6,000—MCA Evergreen LF/RBN, southeastbound.

From Morgan Hill, Calif., FM; to Evergreen, Calif., LF/RBN, northwestbound only, MEA 5,000.

Section 610.610 *Blue civil airway 10* is amended by adding:

From Fresno, Calif., LFR; to Los Banos INT, Calif.; MEA 3,000.

From Los Banos INT, Calif.; to Morgan Hill, Calif., FM; MEA 6,000.

From Morgan Hill, Calif., FM; to *Evergreen, Calif., LF/RBN; northwestbound, MEA 5,000; southeastbound, MEA 6,000. *6,000—MCA Evergreen LF/RBN, southeastbound.

Section 610.614 *Blue civil airway 14* is amended to delete:

From Panoche INT, Calif.; to Stockton, Calif., LFR; MEA 6,000.

Section 610.614 *Blue civil airway 14* is amended by adding:

From Los Banos INT, Calif.; to Stockton, Calif., LFR; MEA 3,000.

Section 610.614 *Blue civil airway 14* is amended to read in part:

From Panoche INT, Calif.; to Volta INT, Calif.; MEA 6,000.

From Volta INT, Calif.; to Stockton, Calif., VOR; MEA 3,000. *4,000—MCA Volta INT, southbound.

Section 610.1001 *Direct routes—U. S.* is amended by adding:

From Lakeland, Fla., VOR; to Kissimee INT, Fla.; MEA 1,500.

From Kissimee INT, Fla.; to Vero Beach, Fla., VOR; 1,500.

From La Grange, Ga., VOR; to Macon, Ga., VOR; MEA 2,400.

From Birmingham, Ala., VOR; to La Grange, Ga., VOR; MEA 3,900.

From Fall River INT, Tenn.; to Franklin INT, Tenn.; MEA 5,500.

From Rome, Ga., LFR; to Chattanooga, Tenn., VOR; MEA 3,900.

From Rome, Ga., LFR; to Int. E crs Rome LFR and 150 M rad. Chattanooga VOR; MEA 3,800.

From Crabapple INT, Ga.; to Crossville, Tenn., VOR; MEA 6,000.

From Crabapple INT, Ga., to Chattanooga, Tenn., VOR; MEA 4,000.

From Houston, Tex., VOR; to Leona, Tex., VOR; MEA 2,500.

From Kemp INT, Tex.; to Leona, Tex., VOR; MEA 5,300.

From Dallas, Tex., VOR; to Leona, Tex., VOR; MEA 2,900.

From Dallas, Tex., VOR; to Leona, Tex., VOR; MEA 3,600.

From Ennis INT, Tex.; to Leona, Tex., VOR; MEA 3,300.

From Greenville, S. C., LFR; to Spartanburg, S. C., LFR; MEA 2,300.

From Austin, Tex., VOR; to Int. 060 M rad. Austin VOR and 260 M rad. College Station, VOR; MEA 2,000.

From Int. 060 M rad. Austin VOR and 260 M rad. College Station VOR; to College Station, Tex., VOR; MEA 2,000.

Section 610.1001 *Direct routes, U. S.* is amended to delete:

From Chattanooga, Tenn., LFR; to Rome, Ga., LFR; MEA 3,900.

From Cartersville INT, Ga., to Rome, Ga., LFR; MEA 2,800.

Section 610.1001 *Direct routes—U. S.* is amended to read in part:

From Raleigh, N. C., LFR; to Wilmington, N. C., LF/RBN; MEA 2,500.

From Fort Myers, Fla., LF/RBN; to West Palm Beach, Fla., LFR; MEA 1,300.

From Austin, Tex., VOR; to College Station, Tex., VOR; MEA 2,000.

Section 610.6001 *VOR civil airway 1* is amended to read in part:

From Salisbury, Md., VOR; to *Wildwood INT, N. J.; MEA **2,000. *2,000—MRA **1,500—MOCA.

From Wildwood INT, N. J.; to Atlantic City INT, N. J.; MEA *2,000. *1,500—MOCA.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From Albany, N. Y., VOR; to *Greenfield INT, Mass.; MEA 5,500. *5,500—MCA Greenfield INT, westbound.

From Grafton INT, N. Y.; to Albany, N. Y., VOR, westbound only; MEA 3,000.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Savannah, Ga., VOR; to Charleston, S. C., VOR; MEA 1,400.

From Flat Rock, Va., VOR; to Brooke, Va., VOR; MEA 1,700.

Section 610.6004 *VOR civil airway 4* is amended to read in part:

From Laramie, Colo., VOR via N alter.; to *Nunn INT, Colo., via N alter.; MEA **12,500. *12,500—MRA. **11,000—MOCA.

From Nunn INT, Colo., via N alter.; to *Gill INT, Colo., via N alter.; MEA **14,000 (deletes MCA at Gill INT). *13,000—MRA. **7,500—MOCA.

From Salina, Kans., VOR via S alter.; to *Admire INT, Kans., via S alter.; MEA **4,500. *4,500—MRA. **3,000—MOCA.

From Admire INT, Kans., via S alter.; to Topeka, Kans, VOR via S alter.; MEA 3,000.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From *Ogden, Utah, VOR via N alter.; to Blacksmith INT, Utah, via N alter.; MEA 13,000. *11,000—MCA Ogden VOR, northbound.

From Blacksmith INT, Utah, via N alter.; to Fort Bridger, Wyo., VOR via N alter.; MEA 12,000.

Section 610.6007 *VOR civil airway 7* is amended to delete:

From Lafayette, Ind., VOR via E alter.; to Chicago Heights, Ill., VOR, via E alter.; MEA 2,000.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Lafayette, Ind., VOR; to *Zoro INT, Ind.; MEA 2,000. *2,500—MRA.

From Zoro INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.

From Chicago Heights Ill., VOR via E alter.; to *White Fish INT, Ill., via E alter.; MEA 2,500. *3,500—MRA.

From *Tanner INT, Ala., via E alter.; to **Fall River INT, Tenn., via E alter.; MEA ***4,500. *4,500—MRA. **5,500—MRA. ***2,400—MOCA.

From Fall River INT, Tenn., via E alter.; to Graham, Tenn., VOR via E alter.; MEA *4,500. *2,400—MOCA.

Section 610.6008 *VOR civil airway 8* is amended by adding:

From Daggett, Calif., VOR via E alter.; to Las Vegas, Nev., VOR via E alter.; MEA 11,500.

Section 610.6009 *VOR civil airway 9* is amended to read in part:

From New Orleans, La., VOR via E alter.; to Picayune, Miss., VOR via E alter.; MEA 1,400.

From Picayune, Miss., VOR via E alter.; to McComb, Miss., VOR via E alter.; MEA 1,700.

Section 610.6010 *VOR civil airway 10* is amended to delete:

From Hutchinson, Kans., VOR via N alter.; to Emporia, Kans., VOR via N alter.; MEA 3,300.

Section 610.6010 *VOR civil airway 10* is amended to read in part:

From Pelee INT, Ont., Canada; to *Gill INT, Mich.; MEA **#3,500. *3,000—MRA. **2,500—MOCA. #For that airspace over U. S. territory.

From Gill INT, Mich.; to North Perry INT, Ohio; MEA 3,000.

Section 610.6012 *VOR civil airway 12* is amended to delete:

From Needles, Calif., VOR; to Prescott, Ariz., VOR; MEA 10,000.

From Prescott, Ariz., VOR; to Winslow, Ariz., VOR; MEA 10,000.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From Needles, Calif., VOR; to Drake, Ariz., VOR; MEA 10,000.

From Drake, Ariz., VOR; to Winslow, Ariz., VOR; MEA 10,000.

From Needles, Calif., VOR via S alter.; to Prescott, Ariz., VOR via S alter.; MEA 10,000.

From Prescott, Ariz., VOR via S alter.; to Winslow, Ariz., VOR via S alter.; MEA *12,000. *11,000—MOCA.

From Tucumcari, N. Mex., VOR via S alter.; to Amarillo, Tex., VOR via S alter.; MEA *6,000. *5,100—MOCA.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Tucumcari, N. Mex., VOR; to *Vega INT, Tex.; MEA 5,500. *6,500—MRA.

From Vega INT, Tex.; to Amarillo, Tex., VOR; MEA 5,500.

From Gage, Okla., VOR via N alter.; to Aetna INT, Okla., via N alter.; MEA 3,500.

From Aetna INT, Okla., via N alter.; to Salt INT, Kans., via N alter.; MEA *6,300. *3,500—MOCA.

From Salt INT, Kans., via N alter.; to Rago INT, Kans., via N alter.; MEA *6,300. *2,800—MOCA.

From Rago INT, Kans., via N alter.; to Wichita, Kans., VOR via N alter.; MEA 3,400.

From *Wichita, Kans., VOR, via N alter.; to Emporia, Kans., VOR via N alter.; MEA 3,000. *3,000—MCA Wichita VOR, northeastbound.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Neosho, Mo., VOR via W alter.; to *Waco INT, Mo., via W alter.; MEA 2,700. *6,500—MRA.

From Waco INT, Mo., via W alter.; to Butler, Mo., VOR via W alter.; MEA 2,700.

From Houston, Tex., VOR via W alter.; to New Waverly INT, Tex., via W alter.; MEA *2,300. *1,800—MOCA.

From New Waverly INT, Tex., via W alter.; to Lufkin, Tex., VOR via W alter.; MEA *2,000. *1,500—MOCA.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Neosho, Mo., VOR via S alter.; to *Billings INT, Mo., via S alter.; MEA **2,800. *2,800—MRA. **2,600—MOCA.

From Billings INT, Mo., via S alter.; to Springfield, Mo., VOR via S alter.; MEA 2,600.

From Albany, N. Y., VOR to *Greenfield INT, Mass.; MEA 5,500. *5,500—MCA Greenfield INT, westbound.

From Grafton INT, N. Y.; to Albany, N. Y., VOR westbound only; MEA 3,000.

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Houston, Tex., VOR; to College Station, Tex., VOR; MEA 2,000.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Eudora INT, Miss., via S alter.; to Memphis, Tenn., VOR via S alter.; MEA 1,600.

From Phoenix, Ariz., VOR; to Toltec INT, Ariz.; MEA 5,000.

From Toltec INT, Ariz.; to *Tucson, Ariz., VOR; MEA 7,000. *9,000—MCA Tucson VOR, eastbound.

Section 610.6020 *VOR civil airway 20* is amended by adding:

From Beaumont, Tex., VOR via N alter.; to Lake Charles, La., VOR via N alter.; MEA 1,400.

From Lake Charles, La., VOR via N alter.; to Lafayette, La., VOR via N alter.; MEA 1,500.

From Lake Charles, La., VOR via S alter.; to Lafayette, La., VOR via S alter.; MEA 1,200.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Palacios, Tex., VOR via N alter.; to Rosenberg INT, Tex., via N alter.; MEA *2,000. *1,400—MOCA.

From Rosenberg INT, Tex., via N alter.; to Houston, Tex., VOR via N alter.; MEA 2,100.

From Mooresville INT, N. C.; to Barber INT, N. C.; MEA *3,000. *2,400—MOCA.

From Barber INT, N. C.; to Greensboro, N. C., VOR; MEA 2,400.

From Houston, Tex., VOR via S alter.; to High Island INT, Tex., via S alter.; MEA 1,500.

From High Island INT, Tex., via S alter.; to Sabine INT, Tex., via S alter.; MEA *2,300. *1,400—MOCA.

From Sabine INT, Tex., via S alter.; to Lake Charles, La., VOR via S alter.; MEA 1,300.

From New Orleans, La., VOR via N alter.; to Picayune, Miss., VOR via N alter.; MEA 1,400.

From Picayune, Miss., VOR via N alter.; to Mobile, Ala., VOR via N alter.; MEA 1,400.

From Mobile, Ala., VOR via N alter.; to *Citronelle INT, Ala., via N alter.; MEA 1,500. *2,500—MRA.

From Citronelle INT, Ala., via N alter.; to Evergreen, Ala., VOR via N alter.; MEA *2,500. *1,500—MOCA.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From San Diego, Calif., VOR; to Oceanside, Calif., VOR; MEA 2,500.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Tallahassee, Fla., VOR; to Calvary INT, Fla.; MEA 1,500.

From Calvary INT, Fla.; to Albany, Ga., VOR; MEA 1,700.

From Albany, Ga., VOR; to *Perry INT, Ga.; MEA 1,700. *3,000—MRA.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Peotone, Ill., VOR; to Wheatfield INT, Ind.; MEA 2,000.

From Wheatfield INT, Ind., to Claypool INT, Ind.; MEA *4,000. *2,000—MOCA.

Section 610.6047 *VOR civil airway 47* is amended to delete:

From Englewood INT, Ohio, via W alter.; to Sidney, Ohio, VOR via W alter.; MEA 3,000.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Crossville, Tenn., VOR; to Highway INT, Ky.; MEA 5,000.

From Highway INT, Ky.; to Campbellsville INT, Ky.; MEA *5,000. *3,000—MOCA.

From Nabb, Ind., VOR; to Hope INT, Ind.; MEA 2,100.

From Hope INT, Ind.; to Shelbyville, Ind., VOR; MEA 2,100.

From Shelbyville, Ind., VOR; to Lebanon INT, Ind.; MEA 2,900.

From Lebanon INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300.

From Lafayette, Ind., VOR; to *Zoro INT, Ind.; MEA 2,000. *2,500—MRA.

From Zoro INT, Ind.; to Chicago Hgts., Ill., VOR; MEA 2,000.

Section 610.6053 *VOR civil airway 53* is amended to delete:

From Louisville, Ky., VOR via E alter.; to Nabb, Ind., VOR via E alter.; MEA 2,100.

From Nabb, Ind., VOR via E alter.; to Hartsville INT, Ind., via E alter.; MEA 2,100.

From Hartsville INT, Ind., via E alter.; to Indianapolis, Ind., VOR via E alter.; MEA 2,300.

From Indianapolis, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,300.

From Indianapolis, Ind., VOR via W alter.; to Lafayette, Ind., VOR via W alter.; MEA 2,100.

From Lafayette, Ind., VOR; to Peotone, Ill., VOR; MEA 2,000.

Section 610.6053 *VOR civil airway 53* is amended by adding:

From Indianapolis, Ind., VOR; to Linden INT, Ind.; MEA 2,100.

From Linden INT, Ind.; to *Winthrop INT, Ind.; MEA **2,500. *2,500—MRA. **2,000—MOCA.

From Winthrop INT, Ind.; to Kentland INT, Ind.; MEA *2,500. *2,000—MOCA.

From Kentland INT, Ind.; to Peotone, Ill., VOR; MEA 2,000.

Section 610.6054 *VOR civil airway 54* is amended to read in part:

From Lonoke INT, Ark., via N alter.; to Hillemann INT, Ark., via N alter.; MEA *2,500 (deletes MRA Hillemann INT). *1,600—MOCA.

Section 610.6060 *VOR civil airway 60* is amended to read in part:

From Tucumcari, N. Mex., VOR; to Texico, Tex., VOR; MEA 6,000.

From Texico, Tex., VOR; to Lubbock, Tex., VOR; MEA *5,500. *5,300—MOCA.

Section 610.6062 *VOR civil airway 62* is amended to read in part:

From Anton Chico, N. Mex., VOR; to Field INT, N. Mex.; MEA 8,000.

From Field INT, N. Mex.; to Texico, Tex., VOR; MEA 6,000.

From Texico, Tex., VOR; to Lubbock, Tex., VOR; MEA *5,500. *5,300—MOCA.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From Culberson, Tex., VOR; to *Pyote INT, Tex.; MEA **8,000. *5,000—MRA. **6,300—MOCA.

From Pyote INT, Tex.; to Midland, Tex., VOR; MEA *5,000. *4,400—MOCA.

From Gila Bend, Ariz. VOR via N alter.; to Casa Grande, Ariz., VOR via N alter.; MEA 5,000.

From Casa Grande, Ariz., via N alter.; to Toltec INT, Ariz., via N alter.; MEA 5,000.

From Toltec INT, Ariz., via N alter.; to Tucson, Ariz., VOR via N alter; MEA 7,000.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From *Sterling INT, Tex.; to San Angelo, Tex., VOR; MEA 3,600. *4,500—MRA.

From Midland, Tex., VOR via S. alter.; to *King INT, Tex., via S alter.; MEA 4,400. *4,700—MRA.

Section 610.6069 *VOR civil airway 69* is amended to read in part:

From Biscoe INT, Ark.; to Hillemann INT, Ark.; MEA *3,000 (deletes MRA Hillemann INT). *1,400—MOCA.

Section 610.6070 *VOR civil airway 70* is amended to delete:

From Baton Rouge, La., VOR; to *Hammond INT, La.; MEA 2,000. *2,000—MRA.

Section 610.6070 *VOR civil airway 70* is amended by adding:

From Baton Rouge, La., VOR; to Hammond INT, La.; MEA 2,000.

From Hammond INT, La.; to Picayune, Miss., VOR; MEA 1,400.

From Picayune, Miss., VOR; to *Citronelle INT, Ala.; MEA **3,500. *2,500—MRA. **1600—MOCA.

From Citronelle INT, Ala.; to Evergreen, Ala., VOR; MEA *2,500. *1,500—MOCA.

Section 610.6070 *VOR civil airway 70* is amended to read in part:

From Galveston, Tex., VOR; to High Island INT, Tex.; MEA 1,400.

From High Island INT; to Sabine INT, Tex.; MEA *2,300. *1,400—MOCA.

From Sabine INT, Tex.; to Lake Charles, La., VOR; MEA 1,300.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From State Line INT, Ind.; to *Winthrop INT, Ind.; MEA 2,000. *2,500—MRA.

From Winthrop INT, Ind.; to Lafayette, Ind., VOR; MEA 2,000.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From Vannatta INT, Tex., via N alter.; to *Rowena INT, Tex., via N alter.; MEA **6,000. *6,000—MRA. **3,900—MOCA.

Section 610.6077 *VOR civil airway 77* is amended to read in part:

From San Angelo, Tex., VOR; to *Rowena INT, Tex.; MEA 3,400. *6,000—MRA.

From Rowena INT, Tex.; to Abilene, Tex., VOR; MEA 3,400.

From *Wichita, Kans., VOR; to Florence INT, Kans.; MEA 3,000. *3,000—MCA Wichita VOR, northeastbound.

From Florence INT, Kans.; to Wilsey INT, Kans.; MEA *4,500. *3,000—MOCA.

From Wilsey INT, Kans.; to *Admire INT, Kans.; MEA **4,500. *4,500—MRA. **3,000—MOCA.

From Admire INT, Kans.; to Topeka, Kans., VOR; MEA 3,000.

Section 610.6079 *VOR civil airway 79* is amended to read in part:

From Fort Stockton, Tex., VOR; to *Pyote INT, Tex.; MEA 4,000. *5,000—MRA.

From Pyote INT, Tex.; to Wink, Tex., VOR; MEA 4,000.

Section 610.6083 *VOR civil airway 83* is amended by adding:

From Sante Fe, N. Mex., VOR; to *Alamosa, Colo., VOR; MEA 12,000. *15,000—MCA Alamosa VOR, northeastbound.

From Alamosa, Colo., VOR; to *Pueblo, Colo., VOR; MEA 16,500. *12,000—MCA Pueblo VOR, westbound.

Section 610.6088 *VOR civil airway 88* is amended to read in part:

From Vinita INT, Okla.; to *Waco INT, Mo.; MEA **6,500. *6,500—MRA. **2,300—MOCA.

From Vinita INT., Okla.; to Waco INT, Mo.; MEA #3,500. #Utilizing Joplin LOM.

Section 610.6089 *VOR civil airway 89* is amended to read in part:

From Denver, Colo., VOR; to *Nunn INT, Colo.; MEA 7,500. *12,500—MRA.

From Nunn INT, Colo.; to Cheyenne, Wyo., VOR; MEA 7,500.

From Denver, Colo., VOR via E alter.; to *Hudson INT, Colo., via E alter.; MEA 7,500. *9,000—MRA.

From Hudson INT, Colo., via E alter.; to *Gill INT, Colo., via E alter.; MEA 7,500. *13,000—MRA.

Section 610.6094 *VOR civil airway 94* is amended by adding:

From Casa Grande, Ariz., VOR; to *Toltec INT, Ariz.; MEA 5,000. *5,500—MCA Toltec INT, eastbound.

From Toltec INT, Ariz.; to San Simon, Ariz., VOR; MEA 10,000.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Tallahassee, Fla., VOR; to Calvary INT, Fla.; MEA 1,500.
From Calvary INT, Fla.; to Albany, Ga., VOR; MEA 1,700.
From Albany, Ga., VOR; to *Junction City INT, Ga.; MEA **3,500. *3,000—MRA. **1,700—MOCA.
From Cincinnati, Ohio, VOR; to Shelbyville, Ind., VOR; MEA 2,300.
From Cincinnati, Ohio, VOR via E alter.; to Shelbyville, Ind., VOR, via E alter.; MEA 2,200.
From Cincinnati, Ohio, VOR via W alter.; to Hope INT, Ind., via W alter.; MEA *2,700. *2,200—MOCA.
From Hope INT, Ind., via W alter.; to Shelbyville, Ind., VOR via W alter.; MEA 2,100.
From Shelbyville, Ind., VOR; to Lebanon INT, Ind.; MEA 2,900.
From Lebanon INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300.
From Shelbyville, Ind., VOR via W alter.; to Indianapolis, Ind., VOR via W alter.; MEA 2,900.
From Indianapolis, Ind., VOR via W alter.; to Lebanon INT, Ind., via W alter.; MEA 2,300.
From Lafayette, Ind., VOR; to *Zoro INT, Ind.; MEA 2,000. *2,500—MRA.
From Zoro INT, Ind.; to Chicago Hgts., Ill., VOR; MEA 2,000.
From *Richmond INT, Ky.; to Lexington, Ky., VOR; northbound; MEA 2,300; southbound; MEA 3,000. *3,000—MRA.
From Lexington, Ky., VOR; to *Georgetown INT, Ky.; MEA 2,600. *3,000—MRA.
From Georgetown INT, Ky.; to Dry Ridge INT, Ky.; MEA 2,600.

Section 610.6102 *VOR civil airway 102* is amended to read in part:

From Guthrie, Tex., VOR; to Santa Rosa INT, Tex.; MEA *5,000. *3,000—MOCA.
From Santa Rosa INT, Tex.; to Wichita Falls, Tex., VOR; MEA 2,300.

Section 610.6103 *VOR civil airway 103* is amended to read in part:

From Roanoke, Va., TVOR; to *Daleville INT, Va.; MEA 6,000. *6,000—MRA.
From Daleville INT, Va.; to Covington INT, Va.; MEA 6,000.

Section 610.6107 *VOR civil airway 107* is amended to read in part:

From *Maricopa INT., Calif.; to McKettrick INT, Calif.; northwestbound, MEA 6,000; southeastbound, MEA 9,500. *9,500—MCA Maricopa INT, southeastbound.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From Kemp INT, Tex.; to Mount Sylvan INT, Tex.; MEA *4,000. *1,800—MOCA.
From Mount Sylvan, INT, Tex.; to Gregg County, Tex., VOR; 2,100.

Section 610.6120 *VOR civil airway 120* is amended to read in part:

From Augusta INT, Mont.; to Great Falls, Mont., VOR; westbound, MEA 10,000; eastbound, MEA 7,000.
From *Great Falls, Mont., VOR; to Lewistown, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.
From Lewistown, Mont., VOR; to Sumatra INT, Mont.; MEA 8,000.
From Sumatra INT, Mont.; to Miles City, Mont., VOR; eastbound, MEA 6,000; westbound, MEA 7,000.

Section 610.6128 *VOR civil airway 128* is amended to delete:

From Peotone, Ill., VOR; to Lafayette, Ind., VOR; MEA 2,000.
From Lafayette, Ind., VOR ;to Horton INT, Ind.; MEA 2,300.
From Horton INT, Ind.; to *Maxwell INT, Ind.; MEA **4,000. *4,000—MRA. **2,300—MOCA.
From Maxwell INT, Ind.; to *Charlottesville INT, Ind.; MEA **4,000. *5,000—MRA. **2,300—MOCA.
From Charlottesville INT, Ind.; to Rushville INT, Ind.; MEA *4,000. *2,300—MOCA.
From Rushville INT, Ind.; to Cincinnati, Ohio, VOR; MEA 2,300.

Section 610.6128 *VOR civil airway 128* is amended by adding:

From Petotone, Ill., VOR; to Kentland INT, Ind.; MEA 2,000.
From Kentland INT, Ind.; to *Winthrop INT, Ind.; MEA **2,500. *2,500—MRA. **2,000—MOCA.
From Winthrop INT, Ind.; to Linden INT, Ind.; MEA *2,500. *2,000—MOCA.
From Linden INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,100.
From Indianapolis, Ind., VOR; to Whiteland INT, Ind.; MEA 2,300.
From Whiteland INT, Ind.; to Hope INT, Ind.; MEA 2,100.
From Hope INT, Ind.; to Cincinnati, Ohio, VOR; MEA *2,700. *2,300—MOCA.

Section 610.6132 *VOR civil airway 132* is amended to read in part:

From Florence INT, Kans.; to *Cassoday INT, Kans.; MEA 4,000. *4,000—MRA.
From Cassoday INT, Kans.; to Chanute, Kans., VOR; MEA *4,000. *3,000—MOCA.

Section 610.6137 *VOR civil airway 137* is amended to delete:

From Maricopa INT, Calif.; to McKettrick INT, Calif.; northwestbound, MEA 6,000; southeastbound, MEA 11,000.
From McKettrick INT, Calif.; to Coalinga, Calif., VOR; MEA 6,000.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Nashville, Tenn., VOR; to Hartsville INT, Tenn.; MEA *3,400. *2,000—MOCA.
From Hartsville INT, Tenn.; to Corbin, Ky., VAR; MEA *5,000. *3,400—MOCA.
From Dyersburg, Tenn., VOR; to McEwen INT, Tenn.; MEA *3,500. *1,800—MOCA.
From McEwen INT, Tenn.; to Nashville, Tenn., VOR; MEA 3,000.

Section 610.6143 *VOR civil airway 143* is amended to read in part:

From Mooresville INT., N. C., via W alter.; to Barber INT, N. C., via W alter.; MEA *3,000. *2,400—MOCA.
From Barber INT, N. C., via W alter.; to Greensboro, N. C., VOR via W alter.; MEA 2,400.

Section 610.6144 *VOR civil airway 144* is amended to read in part:

From Peotone, Ill., VOR; to Wheatfield INT, Ind.; MEA 2,000.
From Wheatfield INT, Ind.; to Claypool INT, Ind.; MEA *4,000. *2,200—MOCA.

Section 610.6154 *VOR civil airway 154* is amended to read in part:

From *Lotta INT, Ga.; to Savannah, Ga., VOR; MEA 1,400. *2,000—MRA.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From *Quitman INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA **3,000. *3,000—MRA. **1,700—MOCA.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From San Antonio, Tex., VOR via W alter.; to Guadalupe INT, Tex., via W alter.; MEA 2,500.
From Guadalupe INT, Tex., via W alter.; to *Fredericksburg INT, Tex., via W alter.; MEA 3,000. *4,000—MRA.

Section 610.6172 *VOR civil airway 172* is amended by adding:

From Denver, Colo., VOR; to Wiggins INT, Colo.; MEA 6,600.
From Wiggins INT, Colo.; to Holyoke INT, Colo.; MEA *9,500. *7,000—MOCA.
From Holyoke INT, Colo.; to North Platte, Nebr., VOR; MEA *7,000. *6,000—MOCA.

Section 610.6177 *VOR civil airway 177* is amended by adding:

From Wheatfield INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.

Section 610.6188 *VOR civil airway 188* is amended to read in part:

From Pelee INT, Ontario, Canada; to *Gill INT, Mich.; MEA **#3,500. *3,000—MRA. **2,500—MOCA. #For that airspace over U. S. territory.
From Gill INT, Mich.; to North Perry INT, Ohio; MEA 3,000.

Section 610.6193 *VOR civil airway 193* is amended by adding:

From Pellston, Mich., LF/RBN; to Sault Ste. Marie, Mich., VOR; MEA 2,200.

Section 610.6198 *VOR civil airway 198* is amended to read in part:

From Hudspeth, Tex., VOR; to Fort Stockton, Tex., VOR; MEA *9,700. *8,400—MOCA.

Section 610.6207 *VOR civil airway 207* is amended to read in part:

From *Hudson INT, Colo.; to **Gill INT, Colo.; MEA 7,500. *9,000—MRA. **13,000—MRA.

Section 610.6208 *VOR civil airway 208* is amended to read in part:

From *Los Angeles, Calif., VOR; to Avalon INT, Calif.; MEA 4,000. *2,000—MCA Los Angeles VOR, southbound.
From Avalon INT, Calif.; to *Oceanside, Calif., VOR; MEA 3,000. *5,000—MCA Oceanside VOR, eastbound.

Section 610.6210 *VOR civil airway 210* is amended to read in part:

From Sidney, Ohio, VOR; to *Richwood INT, Ohio; MEA **4,000. *4,000—MRA. **2,400—MOCA.
From Richwood INT, Ohio; to Tiverton, Ohio, VOR; MEA *4,000. *2,400—MOCA.

Section 610.6211 *VOR civil airway 211* is amended to read in part:

From *Ozoma INT, Tex.; to Rocksprings Tex., VOR; MEA 4,000. *8,000—MRA.

Section 610.6214 *VOR civil airway 214* is amended by adding:

From Shelbyville, Ind., VOR; to Camden INT, Ohio; MEA *2,500. *2,300—MOCA.

Section 610.6222 *VOR civil airway 222* is amended to read in part:

From *Ozna INT, Tex.; to Junction, Tex., VOR; MEA **4,700. *8,000—MRA. **3,900—MOCA.
From Junction, Tex., VOR to *Fredericksburg INT, Tex.; MEA **4,000. *4,000—MRA. **3,400—MOCA.
From Fredericksburg INT, Tex.; to Guadalupe INT, Tex.; MEA 3,000.
From Guadalupe INT, Tex.; to San Antonio, Tex.; MEA 2,500.

Section 610.6227 *VOR civil airway 227* is amended by adding:

From Indianapolis, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,100.
From Lafayette, Ind., VOR; to Peotone, Ill., VOR; MEA 2,000.

Section 610.6237 *VOR civil airway 237* is amended to read in part:

From Needles, Calif., VOR; to Union Pass INT, Ariz.; MEA 9,000 (deletes MRA Union Pass INT).

Section 610.6240 *VOR civil airway 240* is amended to read:

From New Orleans, La., VOR; to *Breton INT, Miss.; MEA **2,000. *5,000—MRA. **1,600—MOCA.
From Breton INT, Miss.; to Dog INT, La.; MEA *5,000. *1,100—MOCA.
From Dog INT, La.; to Mobile, Ala., VOR; MEA *1,500. *1,400—MOCA.

Section 610.6243 *VOR civil airway 243* is amended to read in part:

From Smithville INT, Tenn.; to Bowling Green, Ky., VOR; MEA *4,000. *3,500—MOCA.

Section 610.6249 *VOR civil airway 249* is amended to read in part:

From Rockdale, N. Y., VOR; to Utica, N. Y., LF/RBN; MEA 4,000.

Section 610.6267 *VOR civil airway 267* is amended to read in part:

From Orlando, Fla., VOR; to Barberville INT, Fla.; MEA *3,000. *2,000—MOCA.
From Barberville INT, Fla.; to Roy INT, Fla.; MEA *3,000. *1,300—MOCA.

Section 610.6279 *VOR civil airways 279* is amended to read in part:

From Columbus, Ohio, LFR; to *Richwood INT, Ohio; MEA 2,500. *4,000—MRA.
From Richwood INT, Ohio; to Findlay, Ohio, VOR; MEA 2,500.

Section 610.6280 *VOR civil airway 280* is added to read:

From Roswell, N. Mex., VOR; to *Kenna INT, N. Mex.; MEA **8,000. *9,000—MRA. **5,500—MOCA.
From Kenna INT, N. Mex.; to Texico, N. Mex., VOR; MEA *8,000. 15,500—MOCA.
From Texico, N. Mex., VOR; to *Vega INT, Tex.; MEA **6,500. *6,500—MRA. **5,300—MOCA.
From Vega INT, Tex.; to Amarillo, Tex., VOR; MEA 5,500.
From Gage, Okla., VOR; to Aetna INT, Okla.; MEA 3,500.
From Aetna INT, Okla.; to Salt INT, Kans.; MEA *6,300. *3,500—MOCA.
From Salt INT, Kans.; to Hutchinson, Kans., VOR; MEA *6,300. *2,800—MOCA.
From Hutchinson, Kans., VOR; to Wilsey INT, Kans.; MEA *4,500. *3,300—MOCA.
From Wilsey INT, Kans.; to *Admire INT, Kans.; MEA **4,500. *4,500—MRA. **3,000—MOCA.
From Admire INT, Kans.; to Topeka, Kans., VOR; MEA 3,000.
From Topeka, Kans., VOR; to Kansas City, Kans., VOR; MEA 2,400.

Section 610.6284 *VOR civil airway 284* is amended to read in part:

From Fort Stockton, Tex.; to San Angelo, Tex.; MEA *6,800. *4,000—MOCA.

Section 610.6286 *VOR civil airway 286* is added to read:

From Front Royal, Va., VOR; to Remington INT, Va.; MEA 4,000.
From Remington INT, Va.; to Brooke, Va., VOR; MEA 1,500.
From Brooke, Va., VOR; to Cape Charles, Va., VOR; MEA 1,500.

Section 610.6288 *VOR civil airway 288* is added to read:

From Lucin, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 12,000.

Section 610.6289 *VOR civil airway 289* is added to read:

From Beaumont, Tex., VOR; to Lufkin, Tex., VOR via E alter.; MEA *1,600. *1,400—MOCA.

Section 610.6291 *VOR civil airway 291* is added to read:

From Prescott, Ariz., VOR; to Drake, Ariz., VOR; MEA 8,000.
From Drake, Ariz., VOR; to Valle, Ariz., VOR; MEA 10,500.

Section 610.6401 *Hawaii VOR civil airway* is amended to read:

From Hilo, T. H., VOR; to Hibiscus INT, T. H.; MEA 3,000.

Section 610.6402 *Hawaii VOR civil airway* is amended to read:

From Lihue, T. H. VOR; to Seaweed INT, T. H.; southeastbound; MEA 3,000; northwestbound, MEA 4,000.
From Seaweed INT, T. H.; to Coconut INT, T. H.; MEA 5,000.
From *Coconut INT, T. H.; to Honolulu, T. H., VOR; MEA 3,500. *5,000—MCA Coconut INT, northwestbound.
From Lihue, T. H., VOR via S alter.; to Hula Girl INT, T. H., via S alter.; MEA 4,000.
From Hula Girl INT, T. H., via S alter.; to *Makai INT, T. H., via S alter.; northeastbound, MEA 2,000; southwestbound, MEA 4,000. *5,000—MRA.
From Makai INT, T. H., via S alter.; to Honolulu, T. H., VOR via S alter.; northeastbound, MEA 2,000; southwestbound, MEA 4,000.
From Honolulu, T. H., VOR; to Lanai, T. H., VOR; MEA 5,000.
From Honolulu, T. H., VOR via S alter.; to Pansy INT, T. H., via S alter.; westbound, MEA 4,000; eastbound, MEA 3,000.
From *Pansy INT, T. H., via S alter.; to Lanai, T. H., VOR via S alter.; MEA 5,000. *5,000—MCA Pansy INT, eastbound.
From Lanai, T. H., VOR; to Upolu Point, T. H., VOR; MEA 5,000.
From Upolu Point, T. H., VOR; to Paradise INT, T. H.; MEA 5,000.
From Paradise INT, T. H.; to Hilo, T. H., VOR; MEA 4,000.
From Hilo, T. H., VOR; to 33 miles E from Hilo VOR; MEA 3,000.

Section 610.6403 *Hawaii VOR civil airway 3* is amended to read:

From 36 miles S from Hilo VOR; to Hilo, T. H., VOR; MEA 4,000.
From Hilo, T. H., VOR; to Grass Shack INT, T. H.; 3,000.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to read:

From South Port Allen INT, T. H.; to Hula Girl INT, T. H.; MEA 7,000.
From Hula Girl INT, T. H.; to *Makai INT, T. H.; northeastbound, MEA 2,000; southwestbound, MEA 4,000. *5,000—MRA.
From Makai INT, T. H.; to Honolulu, T. H., VOR; northeastbound, MEA 2,000; southwestbound, MEA 4,000.
From *Honolulu, T. H., VOR; to Banana INT, T. H.; MEA 6,000. *5,000—MCA Honolulu VOR, northeastbound.
From Banana INT, T. H.; to North Lanai INT, T. H.; MEA 9,000.
From North Lanai INT, T. H.; to *North Maui INT, T. H.; northeastbound, MEA 20,000; southwestbound, MEA 9,000. *20,000—MRA.
From Swordfish INT, T. H., via N alter.; to Orchid INT, T. H., via N alter.; MEA 7,000.
From Orchid INT, T. H., via N alter.; to Coconut INT, T. H., via N alter.; MEA 4,000.
From Coconut INT, T. H., via N alter.; to Honolulu, T. H., VOR via N alter.; MEA 3,500.

Section 610.6405 *Hawaii VOR civil airway 5* is amended to read:

From Mango INT, T. H.; to *Kahului, T. H., VOR; MEA 6,000. *6,000—MCA Kahului VOR, southbound.

Section 610.6406 *Hawaii VOR civil airway 6* is amended to read:

From Bluefin INT, T. H.; to Kahului, T. H., VOR; MEA 5,000.
From Kahului, T. H., VOR; to Sweet Pea INT, T. H.; MEA 5,000.
From Sweet Pea INT, T. H.; to Marlin INT, T. H.; MEA 6,000.
From Marlin INT, T. H.; to Paradise INT, T. H.; southeastbound; MEA 4,000; northwestbound, MEA 6,000.
From Paradise INT, T. H.; to Hilo, T. H., VOR; MEA 4,000.

Section 610.6407 *Hawaii VOR civil airway 7* is amended to read:

From Lanai, T. H., VOR; to Molokai, T. H., VOR; southeastbound, MEA 5,000; northwestbound, MEA 4,000.

Section 610.6408 *Hawaii VOR civil airway 8* is amended to read:

From Southgate INT, T. H.; to *Molokai, T. H., VOR; MEA 2,500. *3,000—MCA Molokai VOR, eastbound.
From Molokai, T. H., VOR; to Tuna INT, T. H.; MEA 5,000.

Section 610.6409 *Hawaii VOR civil airway 9* is amended to read:

From South Honolulu INT, T. H.; to Coral INT, T. H.; southbound, MEA 6,000; northbound, MEA 3,000.
From Coral INT, T. H.; to Southgate INT, T. H.; MEA 3,000.
From Southgate INT, T. H.; to Honolulu, T. H., VOR; Northbound, MEA 4,000; southbound, MEA 3,000.

Section 610.6410 *Hawaii VOR civil airway 1* is amended to read:

From Upolu Point, T. H., VOR; to Paradise INT, T. H.; MEA 5,000.
From Paradise INT, T. H.; to Hibiscus INT, T. H.; MEA 3,000.

Section 610.6411 *Hawaii VOR civil airway 1* is amended to read:

From Upolu Point, T. H., VOR; to Sweet Pea INT, T. H., MEA 5,000.

Section 610.6618 *VOR civil airway 1518* is amended to delete:

From Needles, Calif., VOR; to Prescott, Ariz., VOR; MEA 10,000.
From Prescott, Ariz., VOR; to Winslow, Ariz., VOR; MEA 10,000.

Section 610.6618 *VOR civil airway 1518* is amended by adding:

From Needles, Calif., VOR; to Drake, Ariz., VOR; MEA 10,000.
From Drake, Ariz., VOR; to Winslow, Ariz., VOR; MEA 10,000.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From Dyersburg, Tenn., VOR; to McEwen INT, Tenn.; MEA *3,500. *1,800—MOCA.
From McEwen INT, Tenn.; to Nashville, Tenn., VOR; MEA 3,000.
From Nashville, Tenn., VOR; to Hartsville INT, Tenn.; MEA *3,400. *2,000—MOCA.
From Hartsville INT, Tenn.; to Corbin, Ky., VAR; MEA *5,000. *3,400—MOCA.
From Tucumcari, N. Mex., VOR; to *Vega INT, Tex.; MEA 5,500. *6,500—MRA.

From Vega INT, Tex.; to Amarillo, Tex., VOR; MEA 5,500.

Section 610.6620 *VOR civil airway 1520* is amended to read in part:

From Pulaski, Va., VOR; to *Daleville INT, Va.; MEA 6,000. *6,000—MRA.
From Daleville INT, Va.; to Montebello, Va., VOR; MEA 6,000.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From Mooresville INT, N. C.; to Barber INT, N. C.; MEA *3,000. *2,400—MOCA.
From Barber INT, N. C.; to Greensboro, N. C., VOR; MEA 2,400.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 19, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 19, 1957.

[F. R. Doc. 57-9745; Filed, Nov. 26, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6648]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL CLEARANCE BUREAU ET AL.

Subpart—*Acquiring confidential information unfairly:* § 13.1 *Acquiring confidential information unfairly.* Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Nature; § 13.85 *Government approval, action, connection or standards.* Subpart—*Using misleading name*—Vendor: § 13.2380 *Government connection.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Clearance Bureau et al., East Orange, N. J., Docket 6648, Oct. 31, 1957]

In the Matter of National Clearance Bureau, a Corporation, and Abraham Montag, Melvin Montag, and Edwin G. Axel, Individually and as Officers of Said Corporation, and Edwin G. Axel, Individually and Trading and Doing Business as Credit Information Bureau

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a company in East Orange, N. J., with selling—mainly to credit bureaus maintained by business and professional organizations, collection agencies, and finance companies—and using in its own collection business, printed "skip tracing" forms, cards, and envelopes designed to obtain information concerning alleged delinquent debtors by subterfuge through falsely representing connection with the United States Government through use of such headings as "Treasurer's Office Disbursement Notice," etc., and a printed picture of an eagle or the Treasury Department building or a like structure, and representing further that a check for a sum of money would be forwarded to the person addressed upon receipt of the completed questionnaire.

Following hearings, etc., the hearing examiner filed his initial decision and order to cease and desist from which respondents appealed. The Commission denied the appeal and on October 31 adopted, as modified, the initial decision.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondents, National Clearance Bureau, a corporation and its officers and Melvin Montag and Edwin G. Axel, individually and as officers of said corporation, and Edwin G. Axel, individually and trading and doing business as Credit Information Bureau, or under any other name, their representatives, agents and employees, directly or through any corporate or other device in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale, or distribution of forms or other material for use in obtaining information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, any forms, letters, questionnaires or other material, printed or written, which does not clearly and expressly state that the information requested is to be used for credit or collection purposes;

2. Representing, or placing in the hands of others, by sale or otherwise, any means of representing, directly or by implication, that money is being held for, or is due, persons concerning whom information is sought, or is collectible by such persons, unless money is in fact due and collectible by such persons and the amount of money is actually stated;

3. Using the words "Treasurer's Office," "Disbursement Office," or the picturization of an eagle or of a structure so designed as to suggest that it is a government building, or any other word, phrase, or picturization of similar import on forms or otherwise, to designate, describe, or refer to respondents' business; or otherwise representing, directly or by implication, that requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business or forms are in any way connected with the United States Government;

4. Using the name, "Disbursement Notice", or "Disbursement Certificate", or any other name of similar import to designate, describe, or refer to respondents' business or forms, or otherwise representing, directly or by implication, that money has been deposited with them for persons from whom the information is requested, unless or until the money has in fact been so deposited, and then only when the amount so deposited is clearly and expressly stated.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Abraham Montag, individually.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents National Clearance Bureau, a corporation, Melvin Montag, and Edwin G. Axel, within sixty (60) days after service of this order upon them, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the initial decision as hereinabove modified.

Issued: October 31, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-9811; Filed, Nov. 26, 1957; 8:52 a. m.]

[Docket 6825]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OWENS, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Using misleading name* — Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Owens, Inc., Rockford, Ill., Docket 6825, Nov. 5, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Rockford, Ill., with violating the Fur Products Labeling Act by failing to label and invoice certain fur products as required; and by advertising in newspapers which failed to disclose the name of the animal producing certain furs or that the fur in certain products was artificially colored or of inferior quality, or which named other animals than those producing the fur in certain products.

Following approval of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Owens, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

(a) Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product.

(b) Setting forth on labels attached to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is intermingled with nonrequired information.

(c) Failing to set forth on one side of the labels attached to fur products, all of the information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

2. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoices;

(6) The name of the country of origin of any imported furs contained in the fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

(a) Fails to disclose:

(1) The name or names of the animal or animals which produced the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the said rules and regulations;

(2) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(3) That the fur products are composed in whole or substantial part of paws, tails, bellies, or waste fur when such is the fact.

(b) Contains the name or names of any animal or animals other than the name or names provided for in Paragraph 3 (a) (1) above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 5, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-9812; Filed, Nov. 26, 1957; 8:52 a. m.]

[Docket 6810]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN PHOTOGRAPHIC SOCIETY ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Nature; § 13.75 *Free goods or services;* § 13.105 *Individual's special selection or situation;* § 13.205 *Scientific or other relevant facts;* § 13.285 *Value.* Subpart—*Using misleading name*—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Photographic Society et al., Pasadena, Calif., Oct. 31, 1957]

In the Matter of American Photographic Society, a Corporation, Advertising-Research Institute, a Corporation, Donald D. Moore, and Alice S. Moore, Individually and as Officers of Said Corporations, and John B. Isgrig, Individually and as Officer of Advertising-Research Institute

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a company in Pasadena, Calif., engaged in selling photograph albums together with certificates for photographs to be taken at independent affiliated studios, through salesmen calling upon mothers of newborn children whose names they obtained from newspapers, hospitals, etc., with representing falsely that the persons solicited were specially selected and would receive free two albums, the larger of which alone was worth more than the total price paid; and that they had studios all over the country to take the pictures; and with representing falsely that it was a society or foundation or an institute engaged in research, through use of its corporate name and the word "Foundation" in connection therewith, and of the corporate name "Advertising-Research Institute."

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 31 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents American Photographic Society, a corporation, and Advertising-Research Institute, a corporation, and their officers; Donald D. Moore and Alice S. Moore, individually and as officers of said corporations, and John B. Isgrig, individually and as an officer of respondent Advertising-Research Institute, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photograph albums or certificates for photographs, in commerce, as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That the persons to whom they sell their albums have been especially selected;

(b) That their albums are given free or without cost;

(c) That their albums are worth or are of a value in excess of the price at which said albums are usually and customarily sold at retail.

2. Misrepresenting the availability and location of photographers who will honor certificates issued by respondents or that photographers who will honor such certificates will be available in any city or locality.

3. Using the corporate name "American Photographic Society" or any other name of similar import or the word "Foundation" to designate, describe or refer to respondents' business or otherwise representing that their business is a society of photographers.

4. Using the corporate name "Advertising-Research Institute" or any other name of similar import to designate or refer to respondents' business or otherwise representing that their business is an institute or is engaged in advertising research.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 31, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-9813; Filed, Nov. 26, 1957; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

DISCONTINUANCE OF APPORTIONMENTS; EFFECTIVE DATES

Section 3.317 is revised to read as follows:

§ 3.317 *Discontinuance of apportionments; effective dates.* Where disability pension, disability compensation, service pension, or emergency officers' retirement pay is apportioned between the veteran and his dependents and payments have been or are being made to the dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the dependent shall be the date of last payment and the award to the veteran will be adjusted accordingly; except that in the event of death, the date of death (upon the death of an apportionee, all or any part of the unpaid apportioned disability pension, compensation, or retirement pay will be paid to the veteran or to any other dependent or dependents as may be determined by the Administrator of Veterans Affairs—sec. 12, Public Law 144, 78th Cong.); divorce, (a) in cases involving additional compensation for a wife under Public Law 877, 80th Congress, as amended, the apportionment of the basic compensation will be discontinued effective the date of last payment; however, the additional compensation will be discontinued effective the date preceding the date of divorce and an overpayment will be created—(b) in cases involving the provisions of Public Law 85–24 and § 3.255a, the apportioned award of disability pension to the former wife will be discontinued effective the date preceding the date of divorce, creating an overpayment; in the case of a child, the date preceding the 18th or 21st birthday, or cessation of school attendance (see § 3.287 and § 4.98 of this chapter), or the date preceding the date of marriage; in the case of a dependent parent, the date on which dependency ceases, will be the effective date. Where a minor child of a disabled person being paid apportioned disability compensation, pension, or emergency officers' retirement pay enters the active military or naval service, such apportioned award will be discontinued as of the date of last payment and, effective as of the next day, such child's apportioned share will be added to the disability compensation, pension, or emergency officers' retirement pay otherwise payable to the veteran. Where the estranged wife of a disabled veteran is receiving apportioned disability compensation, pension, or emergency officers' retirement pay in behalf of herself and a minor child and such minor child enters the active military or naval service, the apportioned share for the estranged wife will be continued in the same amount as was payable prior to the child's entry into active service, such increased amount to continue during the child's minority or until the cessation of the condition upon which the apportionment was made.

(Sec. 4, 48 Stat. 9, sec. 3, 54 Stat. 1195, secs. 1, 2, 62 Stat. 1219, as amended, 71 Stat. 25, Vet. Reg. 2 (a); 38 U. S. C. 49a, 704, 740, 741, ch. 12A)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 27, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-9826; Filed, Nov. 26, 1957; 8:57 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 13—VENDING FACILITIES OPERATED BY BLIND PERSONS

Part 13, reading as follows, is added to 43 CFR, Subtitle A:

Sec.
13.1 Authority and purpose.
13.2 Application for permit.
13.3 Cooperation in selection of facilities.
13.4 Terms of permit.
13.5 Protection from competition.
13.6 Appeals.

AUTHORITY: §§ 13.1 to 13.6 issued under sec. 4, 68 Stat. 663; 20 U. S. C. 107.

§ 13.1 *Authority and purpose.* The Randolph-Sheppard Vending Stand Act of June 20, 1936, as amended by section 4 of the act of August 3, 1954 (68 Stat. 663; 20 U. S. C. 107), directs that, insofar as practicable, preference shall be given to blind persons in the operation of vending stands and machines on any Federal property. The regulations in this part prescribe the policies and procedures to achieve and protect that preference on property, including land, owned or leased by the United States and controlled by the Department of the Interior.

§ 13.2 *Application for permit.* (a) State licensing agencies designated by the Department of Health, Education, and Welfare under the Randolph-Sheppard Vending Stand Act may apply for permits to establish and maintain vending facilities, including both vending stands and machines, to be operated by blind persons licensed by the State agencies. Application for a permit shall be made, in writing, by the State licensing agency to the head of the Interior bureau or office having control of the property in question. In the regulations in this part the term "head of the Interior bureau or office" includes the authorized representatives of that bureau or office.

(b) The head of the Interior bureau or office may deny an application if he determines that the issuance of a permit would unduly inconvenience the bureau or office or adversely affect the interests of the United States. Such determination shall be in writing and shall state the reasons on which it is based. The fact that a permit will be without charge for rent shall not constitute a basis for denying an application.

(c) In considering applications for permits, due regard shall be given to the terms of any existing contractual arrangements.

§ 13.3 *Cooperation in selection of facilities.* Upon request from a State licensing agency, the Interior bureau or office shall cooperate in selecting locations and arranging accommodations for vending facilities to be operated by blind persons. In making such selection, due consideration shall be given to the requirements of occupant agencies, availability of suitable space, and requirements for preparation and maintenance of the space.

§ 13.4 *Terms of permit.* Every permit shall describe the location of the vending facilities and shall be subject to the following provisions:

(a) The permit shall be issued in the name of the applicant State licensing agency.

(b) The permit shall be for a definite term, not to exceed five years, and shall be without charge for rent.

(c) The permit may be revoked at any time upon not less than 30 days written notice to the permittee from the head of the Interior bureau or office having control of the property where the vending facilities are located. Such notice shall state the reasons on which it is based.

(d) Items sold at the vending facilities shall be limited to newspapers, periodicals, pre-packaged confections, tobacco products, articles dispensed automatically or in containers or wrappings in which they are placed before receipt by the vendor, and such other articles as may be approved by the head of the Interior bureau or office for each location. The head of the Interior bureau or office may require discontinuance of sale of any type of article, upon not less than 15 days' notice in writing.

(e) Vending facilities shall be operated in compliance with such standards of appearance, safety, health, sanitation, and efficiency as may be prescribed by the head of the Interior bureau or office. Such standards shall conform, so far as practicable with the provisions of State laws and regulations, whether or not the property is under the exclusive jurisdiction of the United States.

(f) The permittee shall arrange for the modification or relocation of the vending facilities when in the opinion of the head of the Interior bureau or office such action is essential to the satisfactory maintenance, operation, or use of the property concerned and shall not modify or relocate such facilities without such approval. Installation, modification, relocation, or removal of vending facilities shall be made only under the supervision of the head of the Interior bureau or office and without cost to the Department of the Interior. The permittee may be required to remove any vending device deemed undesirable by the head of the Interior bureau or office. Ownership of vending devices installed by the permittee or operator shall remain vested with the installer. All extra identifiable costs incurred by the Department of the Interior in restoring to its original condition any space vacated by removal or relocation of vending facilities shall be reimbursed by the permittee or the operator.

(g) In the event a vending facility is being operated in a manner unsatisfactory to the Interior bureau or office, the permittee will be notified in writing and required to take appropriate action to rectify the situation.

(h) The operator of the vending facility shall carry such insurance against losses by fire, public liability, employer's liability, or other hazards as is customary among prudent operators of similar businesses under comparable circumstances.

§ 13.5 *Protection from competition.* (a) The head of the Interior bureau or office shall protect the blind operator of the vending facility against direct competition from other vendors or vending machines on property which the head of the Interior bureau or office controls. Other vendors or vending machines shall be considered in direct competition with vending facilities permitted under the regulations in this part if they sell or dispense articles which are similar or identical to those on sale at the vending facilities in such proximity to the vending facility as to attract customers who might otherwise patronize the vending facilities.

(b) After a permit has been issued under the regulations in this part to a State licensing agency for operation of a vending facility, the head of the Interior bureau or office, except as provided in paragraphs (c) and (d) of this section, shall take action to terminate, as soon as possible and with minimum interruption to the service afforded customers, any existing competitive arrangement for the sale of any articles similar to or identical to those sold or to be sold under the permit. Notice of such termination shall be given as required under the terms of the existing arrangement, or if none is provided, a notice of not less than 30 days shall be given in writing.

(c) Existing arrangements with respect to vending machines need not be terminated if such vending machines are moved at the expense of their operators to locations elsewhere on the property which are noncompetitive with a blind-operated vending facility, or if the income from such machines is assigned to the blind operator.

(d) This section shall not apply to the sale and service of food and other articles considered as food and usually sold in connection with meals by cafeterias, restaurants, or similar food dispensing establishments.

§ 13.6 *Appeals.* When the head of an Interior bureau or office has designated an authorized representative to act for him under the regulations in this part he shall provide for the review of any matter in dispute between such authorized representatives and the permittee or operator of vending facilities. Such review shall be final, except that with respect to denials or revocations of permits, appeals may be made in writing to the Secretary of the Interior or his designee within 15 days from the notice of determination. The decision of the Secretary of the Interior or his designee shall be final.

D. OTIS BEASLEY,
Administrative Assistant, Secretary of the Interior.

OCTOBER 29, 1957.

Approved: November 15, 1957.

P. F. BRUNDAGE,
Director, Bureau of the Budget.

[F. R. Doc. 57-9806; Filed, Nov. 26, 1957; 8:49 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1986]

PART 196—PHOSPHATE LEASES AND USE PERMITS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 57-9623, published on page 9293 in the issue for Thursday, November 21, 1957, the Circular number should read as set forth above.

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 12—DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Part 12 of Title 45 CFR is hereby amended to read as follows:

Sec.
12.1 Definitions.
12.2 Scope.
12.3 General policies.
12.4 Limitations.
12.5 Awards.
12.6 Notice of available property.
12.7 Applications for surplus real property.
12.8 Assignment of surplus real property.
12.9 General disposal terms and conditions.
12.10 Deferred use disposal terms and conditions.
12.11 Special terms and conditions.
12.12 Utilization.
12.13 Form of conveyance.
12.14 Compliance inspections and reports.

AUTHORITY: §§ 12.1 to 12.14 issued under sec. 203, 63 Stat. 385 as amended; 40 U. S. C. 484.

§ 12.1 *Definitions.* (a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U. S. C. 471 et seq.). Terms defined in the act and not defined in this section, shall have in this part the meaning given to them in the act.

(b) "Accredited" means approval by a recognized accreditation board or association on a regional, State, or national level, such as a State Board of Education or Health, State University, Middle States Association of Colleges and Secondary Schools, National Architectural Board, American College of Surgeons, etc. A college may be said to be accredited if the credits are accepted for transfer purposes by other colleges or universities not connected or associated with it.

(c) "Administrator" means the Administrator of General Services.

(d) "Approved" means recognition or approval by the State Department of Education, State Department of Health, or other appropriate authority in charge of educational or health activities in a State.

(e) "Assigned property" means real and related personal property which, in the discretion of the Administrator or his designee, has been made available to the Department for transfer for educational or for public health purposes, including research.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Disposal Agency" means the executive agency of the Government which has authority to assign or to consider assignment of property to the Department for transfer for health and educational utilization.

(h) "Excess" when used with respect to real property means any real property under the control of any Department or agency in the Executive Branch of the Government which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

(i) "Holding Agency" means the executive agency of the Government which has control and accountability for the real property involved.

(j) "Non-profit institution" as used in this part means any institution, organization, or association, whether incorporated or unincorporated, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101 (6) of the 1939 Internal Revenue Code, or section 501 (c) (3) of the 1954 Internal Revenue Code.

(k) "Off-site property" means surplus buildings, underground utilities and all other removable improvements, including related personal property, to be transferred where located, by the Department for educational or for public health purposes, including research, for removal and use away from the site.

(l) "On-site property" means surplus real property including related personalty, to be transferred by the Department for educational or for public health

purposes, including research, for use in place.

(m) "Public Benefit Allowance" means a discount on the purchase price of real property to be transferred for educational or public health purposes, including research, representing any benefit determined by the Secretary which has accrued or may accrue to the United States from use of surplus real property for educational or public health purposes, including research.

(n) "Related personal property" means any personal property, (1) which is located on and is (i) an integral or necessary part of, or is (ii) essential to the operation of real property, or (2) which is determined by the Administrator to be otherwise related to the real property.

(o) "Secretary" means the Secretary of Health, Education, and Welfare.

(p) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

(q) "Surplus" when used with respect to real property means any excess real property not required for the needs and the discharge of the responsibilities of all Federal agencies as determined by the Administrator or his designee.

§ 12.2 *Scope.* This part is applicable to surplus real property located within any State which is appropriate for assignment to, or which has been assigned to the Department for disposal for educational or public health purposes, as provided in section 203 (k) of the act.

§ 12.3 *General policies.* (a) It is the policy of the Department to foster and assure maximum utilization of surplus real property for educational and public health purposes, including research.

(b) Transfers may be made only to States, their political subdivisions, and instrumentalities, tax-supported educational or public health institutions, and non-profit educational or public health institutions which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code of 1939 (now substantially reenacted in section 501 (c) (3) of the Internal Revenue Code of 1954).

(c) Real property will only be requested for assignment when the Department has determined that the property is suitable and needed for health or educational purposes. Such property, except for transfers contemplated under § 12.10, will not be requested for assignment unless it is needed at the time of application for educational or for public health purposes, including research, or unless it will be so needed within the immediate foreseeable future, except that where construction is contemplated, such construction must be initiated within 18 months after the date of transfer. The amounts of both real and related personal property to be transferred shall not be excessive to normal operating requirements.

(d) Land may be requested for assignment for transfer in accordance with § 12.10, for public tax-supported educational and public health purposes where, although there is no immediate need for the property, population trends, location, present facilities and plans for additional facilities justify immediate transfer to reasonably provide for future needs.

(e) Transfers will be made only when the proposed program is not in conflict with State or local zoning restrictions, building codes, or similar limitations.

(f) Only those activities devoted to academic, vocational or professional instruction, or organized and operated to promote and protect the public health, are eligible. Examples of such eligible activities are universities, colleges, junior colleges, junior or senior high schools, elementary schools or school systems, vocational and specialized schools, research activities, public libraries, and similar activities primarily educational in character; general and specialty hospitals, mental institutions, clinics, health sanitation activities (including water and sewer departments), facilities providing public health services, and similar activities devoted primarily to the protection and promotion of public health. The program of an institution eligible for a transfer must contemplate use of the property as an integral part of an approved or accredited activity of the kind above described. The activity must obtain such licenses for operations as may be required by State and local law.

(g) Use of the property applied for must be for a fundamental educational or public health purpose. Examples of such fundamental utilizations are classrooms, vocational shops, libraries, laboratories, auditoriums, gymnasiums, cafeterias, dormitories, faculty housing, infirmaries, recreational facilities, hospitals, clinics, facilities providing public health services, and similar utilization. The property applied for must be for a purpose for which the eligible organization would be authorized to expand its own funds to acquire.

§ 12.4 *Limitations.* (a) Surplus property transferred pursuant to this part shall be disposed of "as is", "where is", and without warranty of any kind.

(b) Where the assigned property is located on a known mineral structure, the transfer, with respect to which public benefit allowance is granted, will not include any mineral rights which, however, may be acquired separately by the applicant upon the payment of the fair value of such mineral rights.

§ 12.5 *Awards.* Where there is more than one applicant for the same property, the following principles shall be observed:

(a) Greater consideration will be given to programs of utilization most nearly consistent with the Government's purpose in acquiring or using the property. For instance, a surplus hospital will be considered for transfer for a health program in preference to an educational program.

(b) Property will be awarded to the applicant having a program of utilization which provides, in the opinion of the Department, the greatest public benefit.

(c) The Department will have, as an objective, the apportionment of an available property to fit the needs of as many applicant health and educational programs as is practicable.

§ 12.6 *Notice of available property.* Reasonable publicity shall be given to the availability of surplus real property which is suitable for assignment to the Department for disposal for educational or public health use. The Department shall establish procedures reasonably calculated to afford all eligible users having a legitimate interest in acquiring property for educational or public health purposes, including research, who show due diligence, a full and complete opportunity to make an application therefor: *Provided, however,* That publicity need not be given as to the availability of surplus real property which is occupied and being used by an applicant for eligible educational or public health purposes, including research, at the time the property is declared excess and the Department determines that the applicant has a continuing need for the property and that the transfer for such continued utilization by the applicant is in the best interest of the United States.

§ 12.7 *Applications for surplus real property.* Applications for surplus real property for educational or public health purposes, including research, shall be made to the Department through the regional office specified in the notice of availability. Where cooperative agreements have been entered into with State Agencies for Surplus Property and where a State instrumentality has been designated by State law or executive order to represent or assist educational and health institutions in acquiring Federal surplus real property, the applications will be made through such State Agencies or instrumentalities to regional offices of the Department.

§ 12.8 *Assignment of surplus real property.* (a) Notice of interest in a specific property for educational or public health utilization shall be furnished the General Services Administration or other agency having disposal jurisdiction by the Department at the earliest possible date.

(b) Requests to the Administrator, or his designee disposal agency, for assignment of surplus real property to the Department for disposal for educational and public health purposes, including research, shall be based upon the following conditions:

(1) There is an acceptable application for the property of record with the Department.

(2) The applicant is willing, authorized, and in a position to assume immediate care, custody, and maintenance of the property.

(3) The applicant is able, willing and authorized to pay the external administrative expenses incident to a transfer.

(c) A copy of each request for assignment of surplus real property shall be furnished the holding agency.

§ 12.9 *General disposal terms and conditions.* (a) Surplus real property disposals under this part shall be limited to transactions which are primarily for educational or public health purposes, including research. Transferees shall

be entitled to public benefit allowances computed in consideration of benefits which have accrued or may accrue to the United States from the use of such property for educational or public health purposes, including research.

(b) Transfer of surplus real property for educational or public health purposes is subject to the disapproval of the administrator within 30 days after notice is given to him of a proposed transfer.

(c) Transfer shall be on the following terms and conditions:

(1) The transferee shall be obligated to continuously utilize the property in accordance with an approved plan of operation.

(2) The transferee shall not be permitted to sell, lease, mortgage, or otherwise dispose of the property except after authorization by the Department or its designee.

(3) The transferee shall file with the Department such reports covering the utilization of the property as may be required.

(4) In the event the property is sold, leased, disposed of, or is used for purposes other than those set forth in the approved plan without the consent of the Department, all revenues or the reasonable value, as determined by the Department, of benefits to the transferee deriving directly or indirectly from such use shall be considered to have been received and held in trust by the transferee for the United States and shall be subject to direction and control of the Department. The provisions of this paragraph shall not impair or effect the rights preserved to the United States in subparagraph (5) of this paragraph.

(5) With respect to on-site property, in the event of non-compliance with any of the conditions of the transfer, title to the property transferred, and right to immediate possession shall, at the option of the Department, revert to the Government. In the event title is reverted to the United States for non-compliance or voluntarily reconveyed in lieu of reverter, the transferee, at the option of the Department, shall be responsible and be required to reimburse the Government for the decreased value of the property not due to reasonable wear and tear, acts of God, and alterations and conversions made by the transferee to adapt the property to the educational or health use for which the property was acquired. The Government shall, in addition thereto, be reimbursed for such damages including such costs as may be incurred in recovering title to or possession of the property as it may sustain as the result of the non-compliance.

(6) With respect to off-site property, in the event of non-compliance with any of the terms and conditions of the transfer, the unearned public benefit allowance shall, at the option of the Department, become immediately due and payable, or, if the property or any portion thereof is sold, leased, or otherwise disposed of without authorization from the Department or its designee, such sale, lease, or other disposal shall be for the benefit and account of the United States and the United States shall be entitled to the proceeds of any such disposal. In the event the transferee fails to remove the property or any portion thereof within the time specified, then, in addition to the rights reserved above, at the option of the Department all right, title, and interest in and to such unremoved property shall be retransferred to other eligible applicants or shall be forfeited to the United States.

(7) With respect to on-site property, the Government, at its option, shall have the right during any period of emergency declared by the President of the United States or by the Congress of the United States to the full unrestricted use of the surplus real property, or of any portion thereof, disposed of in accordance with the provisions of this part. Such use may be either exclusive or non-exclusive. Prior to the expiration or termination of the period of restricted use by the transferee, the Government shall not be obligated to pay rent or any other fees or charges during the period of emergency, except that the Government shall (i) bear the entire cost of maintenance of such portion of the property used by it exclusively or over which it may have exclusive possession or control, (ii) pay the fair share, commensurate with the use, of the cost of maintenance of such surplus real property as it may use non-exclusively or over which it may have non-exclusive possession or control (iii) pay a fair rental for the use of improvements or additions to the surplus real property made by the purchaser or lessee without Government aid, and (iv) be responsible for any damage to the surplus real property caused by its use, reasonable wear and tear, the common enemy and acts of God excepted.

(8) The restrictions set forth in subparagraphs (1) through (6) of this paragraph shall extend for the following periods:

(i) Twenty (20) years for permanent facilities being acquired for use in-place;

(ii) Ten (10) years for temporary facilities being acquired with land for use in-place, except in those cases where the value of the underlying land is out of proportion to the value of the temporary facilities, in which event the limitations shall extend for twenty (20) years;

(iii) A minimum of five (5) years for facilities being acquired separately from land whether they are for use on-site or off-site. However, where the estimated economic life of the structures for the use for which they are requested is greater than five years, limitations on the use of the structures shall be equal to their estimated economic life.

(d) Transferees by obtaining the consent of the Department may be permitted to pay the unearned portion of any public benefit allowance granted and thereby secure abrogation of the restrictions set forth in the transfer terms, for all or any portion of the property, except that the Government's right of recapture for use during a period of emergency will not be released unless there are exceptional circumstances.

(e) Related personal property shall be transferred in accordance with real property procedures and forms and shall be transferred only as part of the real property transaction at the public benefit allowance granted therefor. Where related personal property is involved in an on-site transaction the related personal property may be transferred by a bill of sale imposing restrictions for a period not to exceed five years from the date of transfer, other terms and conditions being tied to and made a part of the real property transaction.

§ 12.10 *Deferred use disposal terms and conditions.* (a) Surplus real property disposals under this section shall be limited to transfers of land to States and their political subdivisions and instrumentalities and tax-supported educational or public health institutions for use as sites for school or public health facilities to be constructed thereon within a maximum period of 8 years from date of transfer.

(b) Transfers under this section shall be subject to all of the general terms and conditions set forth in § 12.9 (b), (c) (1), (2), (3), (4), (5), and (7) and, in addition, the following special terms and conditions shall apply:

(1) Transferee shall be obligated to continuously use the property, including the proposed facilities constructed thereon, in conformance with its approved plan, for a period of 20 years from the date of transfer.

(2) The transferee shall be obligated to construct all proposed facilities and commence utilization of the conveyed property for educational or public health purposes in conformance with the approved plan no later than 8 years from the date of transfer. The Department, may, in its discretion, effect transfer upon the requirement that construction be completed and utilization be commenced within a period of time less than 8 years from the date of transfer.

(3) The transfer shall be made in consideration of payments and public benefits inuring to the United States equal to the fair value of the property as follows: Until such time as the facilities contemplated in the transferee's approved plan have been constructed and placed in use in conformance therewith the transferee shall pay to the United States within one year from the date of transfer and annually thereafter on the anniversary date thereof an amount equal to five (5) percent of the fair value of the property, together with interest at the prevailing rate as determined by the Department for the disposals of government real property upon the unpaid balance of the fair value of the property. At such time as the facilities last mentioned shall have been constructed and placed in use, which may be prior to but not later than the maximum time fixed by the Department and specified in the instrument of transfer, the transferee shall be entitled to a public benefit allowance, to be applied against the unpaid balance of the fair value computed upon the basis of the benefit which has accrued or may accrue to the United States from the use of such property for educational or health purposes. In the case of a transfer on less than 100 percent public benefit allowance, the public benefit allowance shall be computed on and applied against the balance of the fair value remaining unpaid at the time of commencement of

utilization in accordance with this section. The transferee shall, at such time, make full payment in cash of any balance of the fair value remaining after application of such public benefit allowance.

(c) Prior to the transfer of any land under this section, the transferee shall submit to the Department together with its application, an opinion of the highest legal officer of the State as to the authority of the transferee to enter into the proposed transaction, accept the property subject to the foregoing terms and conditions and undertake the obligations provided for thereunder.

(d) After the facilities have been constructed and the property has been placed into required use in conformance with the approved plan, a transferee by obtaining the consent of the Department may be permitted to pay the unamortized fair value of the property and thereby secure abrogation of the restrictions set forth in the transfer terms, for all or any portion of the property, except that the Government's right of recapture for use during a period of emergency will not be released unless there are exceptional circumstances.

(e) Any installments, interest, or other payments made against the fair value of property transferred under this section shall, upon a forfeiture of title to the property for breach of condition, be forfeited.

§ 12.11 *Special terms and conditions.* (a) In the case of on-site disposals, applicants shall be required to pay all external administrative costs which shall include, but not be limited to taxes, surveys, appraisals, inventorying costs, legal fees, title search, certificate or abstract expenses, decontamination costs, government moving costs, closing fees in connection with the transaction and service charges, if any, made by State Agencies for Surplus Property under the terms of a cooperative agreement with the Department.

(b) In transfers of off-site property, applicants will be required to post performance bonds, make performance guarantee deposits, or give such other assurances as may be required by the Department or the holding agency to insure adequate site clearance.

(c) Whenever negotiations are undertaken for disposal to nonprofit public health or educational organizations which are not instrumentalities of State or local governments of any surplus real property which cost the Government one million dollars or more, the Department shall give notice to the Attorney General of the United States of the proposed disposal and the probable terms and conditions thereof. The applicant shall furnish to the Department such information and documents as the Attorney General may determine to be appropriate or necessary to enable him to give the advice as provided for by section 207 of the act or to determine whether any other disposition or proposed disposition of the surplus real property violates the antitrust laws of the United States.

(d) Where an applicant proposes to acquire and use in place improvements located on land which the Government does not own, he shall be required, before disposal shall be consummated, to obtain a right to use the land commensurate with the duration of the restrictions applicable to the improvements. The applicant shall be required to assume, or obtain release of, the Government's obligations respecting the land including but not limited to such obligations as restoration, waste, and rent. At the option of the Department, the applicant may be permitted to post a bond to indemnify the Government against such obligations.

(e) The Department may require the inclusion on the transfer document of any other provision deemed desirable or necessary.

§ 12.12 *Utilization.* (a) Where property or any portion thereof is not being utilized for the purposes for which transferred, the transferee shall be required at the direction of the Department:

(1) To retransfer such property to other health or educational user as the Department may direct;

(2) To sell such property for the benefit and account of the United States;

(3) To return title to such property to the United States; or

(4) To abrogate the conditions and restrictions of the transfer, as set forth in § 12.9 (d), except that where property has never been placed in use for the purposes for which transferred, abrogation will not be permitted except under extenuating circumstances.

(b) Where the transferee desires to place the property in temporary use for a purpose other than that for which the property was transferred, approval of the Department must be obtained, and will be conditioned upon such terms as the Department may impose, including but not limited to the requirement that net revenues therefrom will be payable to the Department.

§ 12.13 *Form of conveyance.* (a) Transfers of surplus real property shall be on forms approved by the General Counsel of the Department and shall include the disposal terms and conditions set forth in this part and such other terms and conditions as the General Counsel may deem appropriate or necessary.

(b) Transfers of on-site property normally shall be by quit claim deed without warranty of title.

§ 12.14 *Compliance inspections and reports.* The Department, or its designee, shall make such compliance inspections as are necessary and shall require of the transferee such compliance reports and actions as are deemed necessary.

Dated: November 19, 1957.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-9803; Filed, Nov. 26, 1957; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-1280]

[Rules Amdt. 21-9]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1957;

The Commission, having under consideration certain necessary modifications to Part 21 of its rules entitled Domestic Public Radio Services (Other than Maritime Mobile), to correct, standardize, or more clearly delineate certain provisions and requirements which have consistently been applied by rule or administrative practice in the grant of related authorizations; and

It appearing, that, such clarification and standardization would be in the public interest; and

It further appearing, That, because the proposed changes would not impose any new or additional requirements upon Commission licensees beyond those actually followed in daily practice and, therefore, are unlikely to affect any person adversely, notice of proposed rule-making and public procedures with respect thereto, as prescribed in section 4 (a) of the Administrative Procedure Act, are unnecessary;

It is ordered, That, pursuant to the authority contained in sections 4 (i) and 303 (f) and (r) of the Communications Act of 1934, as amended, and section 4 (a) of the Administrative Procedure Act, the revisions of Part 21, Domestic Public Radio Services (Other than Maritime Mobile), are adopted as set forth below, effective January 1, 1958.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.)

Released: November 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 21 of the Commission's rules is revised in the following particulars:

1. In order to correct a typographical error, the present text of § 21.504 (a) should be deleted and the following substituted:

§ 21.504 *Service area of base station.* (a) The limits of reliable service area of a base station are considered to be described by a field strength contour of 37 decibels above one microvolt per meter for stations engaged in two-way communication service with mobile stations and 43 decibels above one microvolt per meter for stations engaged in one-way signaling service. Service within that area is generally expected to have an average reliability of not less than 90 percent.

2. Delete the present text of § 21.611 and substitute the following:

§ 21.611 *Notification of station operation at temporary locations.* (a) The licensee of stations which are authorized pursuant to the provisions of § 21.610 shall notify the Commission, and its Engineer-in-Charge of the radio district wherein operation is to be conducted, of each period of operation at least two days prior to installation of the facilities. This notification shall include:

(1) The call sign and specific location of the transmitter.

(2) The location of the transmitter control point.

(3) The identity and location of the station with which it will communicate.

(4) The exact frequency or frequencies to be used.

(5) The commencement and anticipated termination dates of operation from each location. In the event the actual termination date differs from the previous notification, written notice thereof promptly shall be given to the Commission and its Engineer-in-Charge.

(b) A copy of the foregoing notification shall be posted with the station license (see § 21.214).

3. Delete the present text of § 21.707 (a) (2) and substitute the following:

(2) When a fixed station authorized to operate at temporary locations is installed and its subsequently becomes necessary for the station to operate from such location for more than six months, applications (FCC Forms 401 and 403) for a station authorization to specify the permanent location shall be filed at least thirty days prior to the expiration of the six month period.

4. Delete the present text of subparagraphs (1) through (5) of § 21.708 (a) and substitute the following:

(1) The call sign and specific location of the transmitter.

(2) The location of the transmitter control point.

(3) The location of the transmitting or receiving station with which it will communicate and the identity of the correspondent operating such facilities.

(4) The exact frequency or frequencies to be used.

(5) The public interest, convenience and necessity to be served by operation of the proposed installation.

(6) The commencement and anticipated termination dates of operation from each location. In the event the actual termination date differs from the previous notification, written notice thereof promptly shall be given to the Commission and its Engineer-in-Charge.

5. Add a new § 21.807 to read as follows:

§ 21.807 *Stations at temporary fixed locations.* (a) Authorizations may be issued upon proper application for the use of frequencies listed in § 21.801 by stations in the Local Television Transmission Service for rendition of temporary service to subscribers under the following conditions:

(1) When a fixed station is to remain at a single location for less than six months, the location is considered to be temporary.

(2) When a fixed station authorized to operate at temporary locations is installed and it subsequently becomes necessary for the station to operate from such location for more than six months, applications (FCC Forms 401 and 403) for a station authorization to specify the permanent location shall be filed at least thirty days prior to the expiration of the six month period.

(3) The station shall be used only for rendition of communication service at a remote point where the provision of wire facilities is not practicable.

(4) The antenna height employed at any location shall not exceed the criteria set forth in § 17.3 of this chapter unless, in each instance, authorization for use of a specified maximum antenna height for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall be accompanied by FCC Form 401-A completed in triplicate.

(b) Applications for authorizations to operate stations at temporary locations under the provisions of this section shall be made upon FCC Form 401, and may be accompanied by completed FCC Form 403 for simultaneous consideration provided the equipment to be used is of "packaged" design. Blanket applications may be submitted for the required number of transmitters.

6. Add a new § 21.808 to read as follows:

§ 21.808 *Notification of station operation at temporary locations.* (a) The licensee of stations which are authorized pursuant to the provisions of § 21.807 shall notify the Commission, and its Engineer-in-Charge of the radio district wherein operation is to be conducted, of each period of operation at least two days prior to installation of the facilities. This notification shall include:

(1) The call sign and specific location of the transmitter.

(2) The location of the transmitter control point.

(3) The location of the transmitting or receiving station with which it will communicate and the identity of the correspondent operating such facilities.

(4) The exact frequency or frequencies to be used.

(5) The public interest, convenience and necessity to be served by operation of the proposed installation.

(6) The commencement and anticipated termination dates of operation from each location. In the event the actual termination date differs from the previous notification, written notice thereof promptly shall be given to the Commission and its Engineer-in-Charge.

(b) A copy of the foregoing notification shall be posted with the station license (see § 21.214).

[F. R. Doc. 57-9839; Filed, Nov. 26, 1957; 8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A33]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

The order regulating the handling of milk in the New York-New Jersey milk marketing area (7 CFR Part 927) provides that, whenever for each of three consecutive months the minimum price established for Class I-A milk is more than $2.50 (or less than $1.00) higher than the average of prices reported to have been paid for such months by 12 Midwest condenseries, a public hearing be called promptly to consider those and other economic conditions, or announcement be made of a determination that such a hearing should not be held, together with reasons for such determination.

The Class I-A price was more than $2.50 higher than the average of prices reported to have been paid by Midwest condenseries for each of the months of August, September, and October 1957.

Accordingly, in compliance with said order provision, and pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Utica Hotel, Utica, New York, beginning at 10:00 a. m., on December 5, 1957, for the purpose of receiving evidence with respect to economic and marketing conditions relating to the question of whether the order should be amended by reducing the level of Class I-A prices.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 22d day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9828; Filed, Nov. 26, 1957; 8:58 a. m.]

[7 CFR Part 937]

[Docket No. AO–289]

MILK IN BATTLE CREEK-KALAMAZOO, MICH., MARKETING AREA

FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kalamazoo, Michigan, on November 26–29, 1956, pursuant to notice thereof issued on November 5, 1956 (21 F. R. 8663), upon a proposed marketing agreement and order regulating the handling of milk in the Battle Creek-Kalamazoo, Michigan, marketing area. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, issued on August 7, 1957, and the final decision of the Assistant Secretary of Agriculture issued on September 13, 1957, setting forth a proposed marketing agreement and a proposed order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on August 10, 1957 (22 F. R. 6415), and September 19, 1957 (22 F. R. 7470; Doc. 57–7681), respectively. Annexed to and made a part of the decision of the Assistant Secretary of Agriculture issued September 13, 1957 (22 F. R. 7470; Doc. 57–7681), was an order directing that a referendum be conducted among producers to determine whether the requisite percentage of such producers favor the issuance of the proposed order. Notice of extension of time for completing referendum was issued on October 4, 1957 (22 F. R. 8067) by the Assistant Secretary of Agriculture.

It is hereby found and determined on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order that issuance of the proposed order regulating the handling of milk in the Battle Creek-Kalamazoo, Michigan marketing area, as set forth in the aforesaid decision, is not favored by the requisite percentage voting in the aforesaid referendum.

It is hereby further determined that the proposed order set forth in the Assistant Secretary's decision of September 13, 1957 (22 F. R. 7470) will not be issued or made effective because of the failure of producers to approve or favor by the requisite percentage of producers voting in the referendum conducted among such producers.

Issued at Washington, D. C., this 21st day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–9795; Filed, Nov. 26, 1957; 8:46 a. m.]

[7 CFR Part 987]

[Docket No. AO–252–A5]

MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Bamboo Room, Hotel Edwards, Jackson, Mississippi, beginning at 10:00 a. m., Local time on December 9, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Mississippi marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Mississippi Milk Producers' Association, Jackson, Mississippi:

Proposal No. 1: Amend the diversion provisions of the order to clarify the status of diverted milk with respect to the "supply plant" and "distributing plant" definitions.

Proposal No. 2: Continue beyond March, 1958, the present Class I differentials of $1.85 and $2.25 in § 987.51 (a).

Proposal No. 3: Delete § 987.54 (a) and (b) and substitute therefor:

(a) For any month during which the receipts of producer milk at all pool plants is less than 107 percent of the total Class I sales of all handlers, subtract the uniform price to producers from the Class I price.

(b) For any month during which the receipts of producer milk at all pool plants is 107 percent or more of the total Class I sales of all handlers, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential and in the case of fluid milk products, by the location differential to handlers.

Proposal No. 4: Amend § 987.82 (b) by adding thereto the following: "*And provided further,* That when a base is transferred to a producer who holds a base pursuant to the provisions of § 987.80 the total base held by the transferee shall be computed by adding together the milk deliveries of the transferee and transferor made during the base forming period and dividing the total by the number of days from the first day milk was received from either the transferee or transferor during the base forming period to the last day of January inclusive but not less than 120 days."

Proposed by Vance Dairy, Hattiesburg, Mississippi:

Proposal No. 5: Amend the definition of handler and producer-handler so that a handler's own farm production will not be subject to the pricing and pooling provisions of Order No. 87.

Proposal No. 6: Delete § 987.41 (b) (4) and substitute therefor the following:

(4) In shrinkage not to exceed ½ of one percent of the skim milk and butterfat received directly from producers plus 1½ percent of the skim milk and butterfat received from all sources as milk, skim milk, or cream in fluid form which was not disposed of as bulk milk, skim milk or cream to another plant.

Proposal No. 7: Amend § 987.42 (b) to read as follows:

Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in (1) producer milk and milk received from other pool plants and (2) other source milk.

Proposal No. 8: Amend § 987.46 (a) as follows: After the words "producer milk" insert "and milk received from other pool plants".

Proposed by Pet Dairy Products Company and Hattiesburg Creamery:

Proposal No. 9: Amend § 987.8 "Supply plant", by substituting in the first proviso the words "August, September, October, November and January" for the words "August through January".

Proposal No. 10: Amend § 987.41 (a), Class I milk, by adding to the items excluded from Class I ice milk mixes, frozen dessert mixes, frozen ice milk and frozen desserts.

Proposal No. 11: Amend § 987.41 (a), Class I milk, by providing in subparagraph (2) thereof that milk and butterfat contained in inventory shall be separately classified and shall be priced at $4.00 per hundredweight for inventory purposes.

Proposal No. 12: Amend § 987.42 *Assignment of shrinkage* to provide that when producer milk is received at a supply plant and transferred by the supply plant to a distributing plant, shrinkage shall be allowed on both skim milk and butterfat to the supply plant on the basis of one-half of one percent (0.5 percent) and to the distributing plant at one and one-half percent (1.5 percent) prorated to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

Proposal No. 13: Amend § 987.51 (a), Class I milk price, by deleting the reference to the 18-month period following October 1, 1956, and by adding the month of July to the months of March, April, May and June, during which $1.85 is added to the basic formula price.

Proposal No. 14: Amend § 987.51 (b), so as to delete the provision for the addition of 10 cents to the Class II milk price during each of the months of March, April, May and June and 20 cents during all other months.

Proposed by East Central Dairies, Newton, Mississippi:

Proposal No. 15: Change § 987.8 (b) "Supply plant" to mean any five out of six months of August through January.

Proposed by Dairy Division, Agricultural Marketing Service:

Proposal No. 16: Amend § 987.13 as follows: In the proviso following the words "January through August" delete the words "or on not more than 10 days" and substitute therefor the words "or not more than 10 days' production".

Proposal No. 17: Amend § 987.44 to provide specific rules with respect to the classification of milk, skim milk and cream transferred to nonpool plants located either in or outside the marketing area.

Proposal No. 18: Amend § 987.80 to include the following: Producers delivering milk to a plant that did not qualify as a pool plant during each month of the base period but which qualifies as a pool plant during any of the months of February through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant was a pool plant during each month of the base-forming period.

Proposal No. 19: Add a new § 987.55 as follows:

§ 987.55 *Use of equivalent price.* If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Proposal No. 20: Make such changes as may be required to make the entire order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fondren Bank Branch Building, Rooms 204–6, 603 Duling Street, Jackson, Mississippi, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 22d day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57–9794; Filed, Nov. 26, 1957; 8:46 a. m.]

[7 CFR Part 1021]

[Docket No. AO–291]

WATERMELONS GROWN IN FLORIDA, GEORGIA, AND SOUTH CAROLINA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 57–9373, published at page 9017 in the issue for Wednesday, November 13, 1957, the following change should be made in the referendum order on page 9037: In the second line of the second paragraph, the word "Producer" should read "Procedure".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

NOTICE OF PROPOSAL TO EXEMPT DIPHENHYDRAMINE HYDROCHLORIDE PREPARATIONS

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1956 Supp., 130.101 (b)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraph:

Diphenhydramine hydrochloride preparations meeting all the following conditions:

(i) The diphenhydramine hydrochloride is prepared with suitable expectorant and other components in a liquid dosage form for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The diphenhydramine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 3.0 milligrams of diphenhydramine hydrochloride per milliliter.

(v) The preparation is labeled with adequate directions for use only by adults and children over 6 years of age, in the temporary relief of coughs due to colds.

(vi) The dosages recommended or suggested in the directions for use do not exceed: For adults, 30 milligrams per dose or 120 milligrams per 24-hour period; for children 6 to 12 years of age, 15 milligrams per dose or 60 milligrams per 24-hour period.

(vii) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Administration to children under 6 years of age unless directed by a physician.

(*b*) Exceeding the recommended dosage.

(*c*) Use in the presence of high fever or persistent cough unless directed by a physician, since this may indicate the presence of a serious condition.

(*d*) Driving a car or operating machinery while using the drug, since it may cause drowsiness.

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 130.101 (b) of this chapter (21 CFR, 1956 Supp., 130.101 (b)) petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c))

Dated: November 18, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57–9802; Filed, Nov. 26, 1957; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 17]

[Docket No. 11665; FCC 57–1284]

ANTENNA TOWERS

FURTHER NOTICE OF PROPOSED RULE MAKING

1. Further notice is hereby given of proposed rule making in the above-entitled matter.

2. On March 29, 1956, the Commission released a Notice of Proposed Rule Making, intended to encourage the grouping of antenna towers of more than five hundred feet in height in areas designated by the Airspace Panel of the Air Coordinating Committee (antenna farm areas), and to encourage the multiple use of existing structures.

3. Various broadcast industry representatives requested that the time for filing comments in Docket 11665 be extended, while others requested that this rule making proceeding be joined with any rule making instituted in light of recommendations produced by the Joint Industry/Government Tall Structures

Committee (JIGTSC) which at that time was considering new criteria for determining whether applications involving antenna towers would require special aeronautical study.

4. The JIGTSC study now has been completed, and in view of the interrelation between (a) the original rule making in Docket 11665, and (b) the JIGTSC recommendations regarding new criteria for determining whether applications for antenna towers will require special aeronautical study, it appears that the public interest will be served by including the criteria as part of the proceeding in Docket 11665.

5. In addition, some comments thus far received in Docket 11665 make it appear that there is a misunderstanding concerning the application and scope of the original proposal. Accordingly, appropriate changes have been made in the orignal proposal. Comment is invited on both.

6. The proposed amendments are issued under the authority of sections 303 (b), (d), (e), (g), (q), and (r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 30, 1957, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 20, 1957.

Release: November 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 1—Practice and Procedure, and Part 17—Construction, Marking and Lighting of Antenna Structures, as indicated below:

o. Add a new § 1.348 and a new § 17.5, each to read as follows:

§ 1.348 and § 17.5 *Antenna location.* (a) Except as provided in paragraph (b) of this section, all applications proposing new or modified antenna structures over 500 feet in height shall be accompanied by a showing that the applicant will locate the antenna:

(1) In an antenna farm area in which there are located one or more antenna structures of equal or greater height; or

(2) On an existing antenna structure, the height of which will not be increased by approval of the application.

(b) Applications proposing new or modified antenna structures over 500 feet in height which fail to meet either condition specified in paragraph (a) of this section shall be accompanied by:

(1) A full and complete explanation of the reason or reasons why the proposed antenna cannot be located in an antenna farm area or placed on an existing antenna structure under the conditions specified in subparagraphs (1) and (2) of paragraph (a) of this section;

(2) An adequate showing that the proposed structure will not constitute an undue hazard to air navigation; and

(3) At statement regarding the terms under which the proposed structure and site will be made available to future applicants with compatible requirements.

1. Amend subparagraph (2) of § 17.2 (c) to read as follows:

(2) *Width.* The approach area is symmetrically located with respect to the extended runway center line, and for all instrument runways has a total width of 1,000 feet (1,500 feet for regular Department of Defense Air bases) at the end adjacent to the runway. The approach area flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section and to a total width of 16,000 feet at the end of the additional 40,000-foot section. For all other runways not designated for instrument operation on both large and small airports, the approach area has a total width of 500 feet at the end adjacent to the runway and 2,500 feet at the outward, or approach end.

2. Amend subparagraph (3) of § 17.2 (c), to read as follows:

(3) *Slope.* For instrument runways the slope of the approach surface along the runway center line extended is 50:1 (an elevation of 1 foot for each 50 feet of horizontal distance) beginning at a point 2,000 feet from the end of each runway. For non-instrument runways the slope of the approach surface is 40:1 beginning at a point 2,000 feet from the end of each runway.

3. Add new subparagraph (1) to § 17.2 (d), to read as follows:

(1) *Inner conical surface.* The inner conical surface is an imaginary surface through the airspace extending upward and outward from the periphery of the horizontal surface and having a slope of 40:1 for large and small airports and 30:1 for personal airports. Measuring radially outward, from the periphery of the horizontal surface, the conical surface extends for a horizontal distance as follows:

(i) Large airports—2½ miles (13,200').
(ii) Small airports—1½ miles (7,920').
(iii) Personal airports—2 miles (10,560').

4. Add new subparagraph (2) to § 17.2 (d), to read as follows:

(2) *Outer conical surface.* The outer conical surface is an imaginary surface through airspace extending upward and outward from the periphery of the inner conical surface and having a slope of 100:1 for large and small airports and 50:1 for personal airports. Measuring radially outward from the periphery of the inner conical surface, the outer conical surface shall extend for a horizontal distance as follows:

(i) Large airports—10 miles (52,800').
(ii) Small airports—2 miles (10,560').
(iii) Personal airports—1½ miles (7,920').

5. Add new subparagraph (3) to § 17.2 (d), to read as follows:

(3) *Conical surface for heliports.* The conical surface for heliports is an imaginary surface through the airspace extending upward and outward from the edge of the heliport and having a slope of 20:1. Measuring radially outward from the edge of the heliport, the conical surface for heliports extends for a horizontal distance of 4,000 feet. The edge of a heliport is considered to be 500 feet from the center, or the edge of the existing or planned heliport, if the latter is greater than 500 feet from its center and shown on local aeronautical charts.

6. Amend paragraph (j) of § 17.2, to read as follows:

(j) *Horizontal surface.* The horizontal surface is an imaginary plane through the air space, circular in shape, with its height 150 feet above the established airport elevation and having a radius from the airport reference point as follows:
(1) Large airports—2½ miles (13,200').
(2) Small airports—1½ miles (7,920').
(3) Personal airports—1½ miles (7,920').

7. Add new paragraph (o) to § 17.2, to read as follows:

(o) *Low altitude inter-city route.* A low altitude inter-city route is a route authorized by CAA for air carrier operation between two closely located cities (airports) at an altitude or altitudes generally lower than the minimum en route altitude authorized for flight on the airway joining the two cities.

8. Add new paragraph (p) to § 17.2, to read as follows:

(p) *Flyways.* A flyway is a "Natural" route between two points, shown on Aeronautical charts and extensively flown in VFR operations to avoid high terrain, or to follow natural landmarks (rivers) where radio navigational facilities are not available.

9. Add new paragraph (q) to § 17.2, to read as follows:

(q) *Large airports.* For the purpose of this part, large airports are those having one or more runways of 3,500 feet in length, or greater.

10. Add new paragraph (r) to § 17.2, to read as follows:

(r) *Small airports.* For the purpose of this part, small airports are those having runways of 2,000 to 3,500 feet in length.

11. Add new paragraph (s) to § 17.2, to read as follows:

(s) *Personal airports.* For the purpose of this part, personal airports are those having all runways of less than 2,000 feet in length.

12. Amend paragraph (a) of § 17.12, to read as follows:

(a) Where antenna structures less than 500 feet in height would necessitate the raising of the minimum flight altitude within: (1) The Civil Airways, (2) designated air traffic control areas, and (3) CAA authorized low altitude inter-city routes.

13. Amend paragraph (b) of § 17.12, to read as follows:

(b) In areas of established coastal corridors (normally 10 miles in width).

14. Add new paragraph (d) to § 17.12, to read as follows:

(d) Where the antenna structure is located within 5 miles of the center line of established and published flyways.

[F. R. Doc. 57-9840; Filed, Nov. 26, 1957; 8:58 a. m.]

[47 CFR Part 3]

[Docket No. 12254; FCC 57-1277]

TELEVISION BROADCAST STATIONS, (MARINETTE-GREEN BAY, WIS.)

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Marinette-Green Bay, Wisconsin); Docket No. 12254.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on September 13, 1957, by M & M Broadcasting Company, Inc., Marinette, Wisconsin, requesting amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, so as to shift Channel 11 from Marinette to Green Bay, Wisconsin, as follows: [1]

City	Channel No.	
	Present	Proposed
Marinette, Wis.	11+, 32−, *38+	32−, *38+
Green Bay, Wis.	2+, 5+, 70+	2+, 5+, 11+, 70+

3. Petitioner states that it is the permittee of Station WMBV–TV operating on Channel 11 at Marinette, Wisconsin, with a transmitter site approximately 14 miles southwest of Marinette and 32 miles north of Green Bay; that Marinette is a community of only 14,178 persons whereas Green Bay has a population of 52,735 and a metropolitan area population of 98,314; and that in view of its competitive disadvantage in comparison with the Green Bay stations, it has sustained large losses. Petitioner urges that a VHF station operating at Marinette, only about 45 miles from the much larger market of Green Bay, cannot operate successfully; that only 15 percent of its station advertisers are from the Marinette-Menominee area and the largest number with the largest accounts come from Green Bay; and that it is not practical to operate a local station situated so close to a large metropolitan market. M & M Broadcasting submits that it has considered various alternatives which would place a stronger signal over the more populous area to the south, but has concluded that the best solution would be a shift of the assignment of Channel 11 to Green Bay and a move of its transmitter site to the vicinity of the two stations in Green Bay.

4. On November 5, 1957, Valley Telecasting Company, operator of Station WFRV–TV on Channel 5 at Green Bay, filed an opposition to the petition for rule making. Valley urges that the Marinette-Menominee area now has only one VHF station and petitioner seeks to move this station to Green Bay, a community which already has two VHF stations on the air fully serving its needs.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b), and 316 of the Communications Act of 1934, as amended.

7. M & M Broadcasting Company is presently authorized to operate on Channel 11 at Marinette and the rule making proposed herein would shift this frequency to Green Bay. In the event the Commission decides to amend the rules as proposed, the Commission will then determine what further steps should be taken in light of this outstanding authorization.

8. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 20, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

9. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: November 20, 1957.

Released: November 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9841; Filed, Nov. 26, 1957; 8:58 a. m.]

[1] Valley Telecasting Company and Norbertine Fathers, operators of stations in Green Bay, requested that no action on this proposal be taken for a period of 30 days. M & M Broadcasting filed an opposition to these requests. On November 5, 1957, Valley Telecasting filed an opposition to the petition for rule making. Norbertine Fathers has not as yet submitted an opposition. We do not believe we would be justified in delaying action in this matter. All interested parties will be able to participate in the rule making proceeding we are now instituting and to make their views known.

[47 CFR Part 3]

[Docket No. 12255; FCC 57-1278]

TELEVISION BROADCAST STATIONS (PITTSBURGH-IRWIN, PENNSYLVANIA)

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606, *Table of assignments* Television Broadcast Stations (Pittsburgh-Irwin, Pennsylvania); Docket No. 12255.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on September 24, 1957, by Television City, Inc., McKeesport, Pennsylvania, requesting the institution of rule making to amend § 3.606 of the Commission's rules and regulations by shifting the allocation of Channel 4+ from Irwin, Pennsylvania, to Pittsburgh, Pennsylvania.

3. In support of its request, Television City submits that it is the permittee of television Station WTAE on Channel 4 at McKeesport, Pennsylvania, and that Channel 4 was assigned originally to Irwin rather than Pittsburgh since it was not technically feasible to make the assignment to Pittsburgh under the then-existing rules. Petitioner urges that the proposed amendment would conform to the rules; that the assignment of Channel 4 to Irwin was made in recognition of the need of the Pittsburgh area for additional service; that the assignment of Channel 4 to Pittsburgh is now possible in view of the recent amendment to § 3.611 (a) (4); that similar shifts have been made by the Commission; and that the proposal would improve the opportunities for more effective competition among a larger number of stations.

4. The Commission is of the view that a rule making proceeding should be instituted in this matter in order that interested parties may submit their views and relevant data.

5. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 20, 1957, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically

requested by the Commission or (2) good cause for the filing of such additional comments is established.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

7. Television City, Inc., is presently authorized to construct a station on Channel 4 at McKeesport, Pennsylvania, and the rule making herein would shift this frequency to Pittsburgh. In the event the Commission decides to amend the rules as proposed, the Commission will determine what further steps should be taken in light of this outstanding authorization.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 20, 1957.

Released: November 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 57-9842; Filed, Nov. 26, 1957; 8:59 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

HAIR OF CERTAIN ANIMALS, AND COTTON AND SILK WASTE

IMPORTATION FROM COUNTRIES NOT IN AUTHORIZED TRADE TERRITORY; APPLICATIONS FOR LICENSES

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control regulations (31 CFR 500.101 to 500.808) for the importation during 1958 of limited quantities of the following commodities from countries (other than Communist China and North Korea) not in the authorized trade territory:

Badger hair.
Camel hair.
Cotton waste.
Goat hair.
Horse mane hair, horse tail hair and other horse hair.
Silk waste.
Yak hair.

Applications must be filed on or before December 16, 1957.

Any person interested in importing any of the above-named commodities from a country (other than Communist China and North Korea) not in the authorized trade territory may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

Attention is directed to the fact that the term "authorized trade territory" is defined in § 500.322 of the Foreign Assets Control regulations and that the term "countries (other than Communist China and North Korea) not in the authorized trade territory" as used herein includes Albania, Bulgaria, Czechoslovakia, the Eastern Zone of Germany, the Eastern Sector of Berlin, Estonia, Hungary, Laos (only those areas under Communist control), Latvia, Lithuania, Outer Mongolia, Poland and Danzig, Roumania, the Union of Soviet Socialist Republics, and Viet-Nam (only those areas under Communist control).

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 57-9890; Filed, Nov. 26, 1957; 8:59 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 19, 1957.

The Department of Agriculture has filed an application, Serial No. Idaho 07977, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws. The applicant desires the land for a public service site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PAYETTE NATIONAL FOREST

BOISE MERIDIAN, IDAHO

Buckhorn Bar Public Service Site

T. 19 N., R. 6 E.,
Sec. 33, SW¼SW¼SW¼, E½W½SW¼, W½E½SW¼.

Total area 90 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9804; Filed, Nov. 26, 1957; 8:49 a. m.]

[Utah (I-6)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; AMENDED

NOVEMBER 18, 1957.

Notice of an application, Serial No. U-010062, filed by the United States Department of Agriculture, for the withdrawal of land for administrative and other purposes was published in the FEDERAL REGISTER of April 13, 1955, Vol. 20, Pages 2428, 2429, and 2430. That notice is amended to exclude the following-described lands:

SALT LAKE MERIDIAN, UTAH

CACHE NATIONAL FOREST

Woodruff-Huntsville (Utah No. 39) Highway Roadside Zone

A strip of land 100 feet on each side of the center line of Woodruff-Huntsville, Utah Highway No. 39, through the following legal subdivisions:

T. 9 N., R. 4 E.,
Sec. 11: SE¼SW¼, NW¼NE¼;
Sec. 15: NE¼SE¼, SE¼NE¼.
T. 10 N., R. 4 E.,
Sec. 1: SE¼NE¼, Lots 3, 4;
Sec. 12: SW¼SE¼, E½SW¼, SE¼NW¼, W½NE¼, NE¼NE¼;
Sec. 13: SW¼SE¼, SE¼SW¼, NE¼WN¼, NW¼NE¼;
Sec. 24: E½SW¼, NW¼SW¼, S½NW¼, NE¼NW¼, NW¼NE¼;
Sec. 25: W½W½;
Sec. 35: SE¼SE¼.
T. 10 N., R. 5 E.,
Sec. 6: Lot 11.
T. 11 N., R. 4 E.,
Sec. 1: S½SE¼, SE¼SW¼;
Sec. 25: W½SE¼, NE¼SE¼, SE¼NE¼.
T. 11 N., R. 5 E.,
Sec. 7: SW¼SE¼, E½SW¼, Lots 2, 3;
Sec. 17: SE¼SW¼;
Sec. 18: NW¼NE¼;
Sec. 19: W½SW¼, N½SE¼, SE¼NE¼;
Sec. 20: S½NW¼, NE¼NW¼;
Sec. 30: W½NW¼.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-9805; Filed, Nov. 26, 1957; 8:49 a. m.]

Office of the Secretary

DIRECTOR, BUREAU OF MINES

DELEGATION OF AUTHORITY TO NEGOTIATE A CONTRACT FOR THE OBTAINING OF AN EICKHOFF MINING MACHINE FOR RESEARCH CONCERNING THE LONGWALL MINING METHOD

1. The Director, Bureau of Mines, is authorized to exercise, subject to the provisions of 2 below, the authority delegated by the Administrator of General Services (22 F. R. 8862) to the Secretary of the Interior, to negotiate, without advertising, under section 302 (c) (10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 252 et seq.), a contract required by the Bureau of Mines in the administration of its program for research work in connection with the adaptability of a new type of mining machine manufactured by the Eickhoff Mining Machine Company to the mining of anthracite coal.

2. The authority granted in 1 above does not include authority to make the determination required by section 302 (c) (10) of the act if the amount involved is in excess of $25,000. The authority granted shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 305 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration. In addition to the information specified in section 302 (c) (10) of the act, a copy of the contract and any amendments thereto shall be supplied the General Services Administration.

3. The Director, Bureau of Mines, may, in writing, redelegate or authorize written redelegation of the authority granted in 1 above. Any such redelegation shall be published in the FEDERAL REGISTER.

November 21, 1957.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-9807; Filed, Nov. 26, 1957; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Mississippi a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Adams.	Jefferson.
Attala.	Lee.
Carroll.	Monroe.
Holmes.	Yazoo.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 22d day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9838; Filed, Nov. 26, 1957; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11710 etc.; FCC 57-1258]

KNORR BROADCASTING CORP. ET AL.

ORDER AMENDING ISSUES

In re applications of Knorr Broadcasting Corporation, Lansing, Michigan; Docket No. 11710, File No. BP-10391; Capitol Broadcasting Company, East Lansing, Michigan; Docket No. 11848, File No. BP-10604; W. A. Pomeroy, Tawas City-East Tawas, Michigan; Docket No. 11849, File No. BP-10629; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1957;

The Commission having under consideration a petition to enlarge issues and to amend designation order in the above-captioned proceeding, filed by the Chief of the Commission's Broadcast Bureau on October 8, 1957, and to which no opposition has been filed;

It appearing that enlargement of the issues and amendment of the designation order in the manner requested is self-explanatory, and is necessary to the conduct of the above-described proceeding;

It is ordered, That the above-described petition of the Chief, Broadcast Bureau is granted, and that the order of designation (FCC 56-999) in the above-entitled proceeding, released October 22, 1956, is amended in the following respects:

(a) That Issue No. 3 be modified to read as follows: "To determine whether, because of the interference received, the proposals of the Knorr Broadcasting Corporation, Capitol Broadcasting Company and W. A. Pomeroy would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules."

(b) That Issues Nos. 3 through 8 be renumbered 4 through 9, respectively, and that a New Issue No. 3 be added as follows: "To determine whether the proposed operation of W. A. Pomeroy would cause interference to the operation of a Canadian station at Blind River, Ontario, in violation of the terms of the North American Regional Broadcasting Agreement."

(c) That an additional ordering clause be added to read as follows: *"It is further ordered*, That, pursuant to § 1.300 (e) and the note to § 3.28 (b) of the Commission's rules, the hearing herein ordered shall be governed by the procedures established in § 1.300 (c)."

Released: November 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9843; Filed, Nov. 26, 1957; 8:59 a. m.]

[Docket No. 11972; FCC 57-1266]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In the matter of American Telephone and Telegraph Company, et al.; Docket No. 11972; lease and maintenance of equipment and facilities for private communication systems.

1. The Commission has before it (a) a Petition for Reconsideration filed June 26, 1957, by Petroleum Industry Electrical Association (PIEA), requesting that the Commission reconsider its Memorandum Opinion and Order of May 29, 1957, which denied petitions of PIEA and Motorola, Inc. for enlargment of the issues herein and other modifications of the Commission's Order of March 27, 1957, instituting these proceedings; (b) a statement in support of the petition of PIEA filed by Motorola, Inc. on August 30, 1957; (c) a statement of the Department of Justice filed on September 6, 1957;[1] (d) replies to the petition of PIEA and the statement of the Department of Justice filed by American Telephone and Telegraph Company (AT&T) on July 8, and September 16, 1957 respectively, and by United States Independent Telephone Association on September 30, 1957; (e) a "Response to Commission Action on Intervention and Amendment of Issues" filed by Motorola on September 24, 1957; (f) a "Reply Statement of the Department of Justice" filed October 4, 1957; (g) a "Petition for Amendment of Hearing Order or for Other Relief" filed by Motorola on September 10, 1957; and (h) an opposition to Motorola's last named petition filed by AT&T on September 20, 1957; and (i) a "Reply to Respondent's Opposition" filed by Motorola on September 27, 1957.

2. The principal questions presented by the above listed plethora of pleadings may be summarized as follows: (a) Should the issues herein be modified so as to include consideration herein of matters relating to the lessening of competition and anti-trust law violations, which allegedly will result from AT&T's Tariff FCC No. 235, as bearing on the preliminary question as to the Commission's jurisdiction over the service to which the tariff applies; (b) does the Consent Decree (Final Judgment) entered in the U. S. District Court for the District of New Jersey[2] prohibit AT&T and its subsidiaries from furnishing the service to which the tariff applies regardless of whether it is a common carrier communication service subject to this Commission's regulatory jurisdiction under Title II of the Communications Act of 1934, as amended? Certain collateral questions are also raised by the various pleadings and those will be dealt with hereinafter.

3. At the outset, it should be stated that, of course, the Commission will consider the competitive matters which have been raised in connection with AT&T's Tariff FCC No. 235 insofar as they bear upon the public interest determinations which the Commission is required to make herein. It has not relegated such matters "to a subordinate role" as alleged by PIEA and Motorola. However, as we indicated in our Memorandum Opinion and Order of May 29, 1957, the competitive effects of AT&T's tariff have no materiality to a determination of the question as to whether the service covered by the tariff is a common carrier communication service subject to our jurisdiction. Obviously, we are not ousted from jurisdiction over a common carrier communication service merely because it presents problems of competition. Only if the question of our jurisdiction, which is the subject of the initial stage of the proceeding herein, is resolved in the affirmative will it be necessary or proper for the Commission to

[1] Inasmuch as the Statement of the Department of Justice appeared to request enlargement of the issues herein, the Commission by letter of September 19, 1957, advised the Department that it would be treated as a party intervenor herein and that its statement would be regarded as a petition to amend the issues.

[2] CA 17-49.

consider the merits of the tariff under the standard of justness and reasonableness which is the statutory test all tariffs applicable to common carrier communications services subject to our jurisdiction must satisfy. Such test would apply not only to the specific rates and regulations of AT&T's proposed tariff, but also to whether the leasing and maintenance activities embraced by the tariff constitute a just and reasonable classification of communication service (see section 201 of the Communications Act). In connection with such determinations, the competitive questions raised by the Justice Department and other parties herein would be material and relevant to no lesser extent than any other considerations which bear upon the justness and reasonableness of AT&T's tariff. This is equally true with respect to the questions which have been raised as to the possible conflicts which may arise between AT&T's tariff filed under Title II of the Communications Act and the Commission's policies and regulations regarding radio operations under Title III of the act. However, determination of these matters is not essential to a determination of the threshold jurisdictional question as to whether we are here dealing with an undertaking which has the attributes of a common carrier communication service within the meaning of the Communications Act.

4. With respect to the construction to be given to the Consent Decree (Final Judgment), referred to above, we, of course, have given careful consideration to the views of the Department of Justice, which was a party signatory to the Decree and whose responsibility it is to enforce the anti-trust laws of the United States. Justice, in its most recent pleading herein, has apparently taken the position that the Decree absolutely prohibits the respondents from leasing and maintaining equipment and facilities for private mobile communications systems as described in the tariff here at issue, whether or not this service is found to be a common carrier communication service. AT&T, the other party to the Decree, has taken an opposite view. Under such circumstances of disagreement between the parties to the decree, it would appear that the most logical course to be followed in effectively resolving the conflict of interpretation is for one or both of the parties to apply to the court in which the Decree was rendered for such interpretation or clarification of the Decree as may be necessary. By the terms of the Decree (Section XVII), that court appears to have retained continuing jurisdiction for this very purpose, among others. Obviously, this Commission has no standing to apply for such a determination. As we stated in our previous Memorandum Opinion of May 29, 1957, and as will be more fully developed hereinafter, we have been unable to find any basis in the specific language of the Decree to support the contention of PIEA and Justice as to the effect of the Decree. If, as has been contended, it is the intent of the Decree to absolutely prohibit the service, regulated or unregulated, then to the extent that such intent is not evident from the plain language on the face of the Decree, it would appear that only the court having original jurisdiction of the cause in which the Decree was entered may competently look beyond such language.

5. Justice has suggested, without citing any authority therefor, that resort to that court may be premature in view of the pendency of the present proceeding. However, we cannot see that the instant proceeding is a bar to such action. The court has continuing jurisdiction as specified in section XVII of the Decree to issue orders and directions for the construction or carrying out of the Decree. It is difficult to see how these proceedings can oust the court from such jurisdiction. It is of the utmost importance that the uncertainties of the situation be resolved as quickly as possible. Numerous radio station licensees of the Commission now utilize communications equipment under lease-maintenance agreements with AT&T and its subsidiaries. Many of these licensees utilize radio services which are necessary to the public safety and to important economic enterprises. It is essential that these licensees know well in advance of January 24, 1961, whether they may continue to utilize radio equipment under their current arrangements or whether they must seek new arrangements. In the absence of a timely and firm resolution of this uncertainty in the forum which has primary jurisdiction, radio services which cannot tolerate discontinuity of service may well be faced with such an eventuality. These uncertainties are compounded by the fact that numerous State jurisdictions are also involved to the extent that tariffs covering lease-maintenance activities by AT&T subsidiaries may be filed in each such jurisdiction. In addition to these latter considerations, it is evident also that to await the outcome of time-consuming proceedings before this Commission and possibly various State jurisdictions prior to seeking action in the Court of primary jurisdiction would result in a wasteful expenditure of time, expenses and energies by the various interested persons and this Commission. Accordingly, if it is indicated to the Commission within the next 20 days from the date of issuance of this Memorandum Opinion and Order that the Department of Justice or AT&T is taking steps to apply to the court for construction or modification of the Decree in this respect, the Commission will give consideration to postponing further proceedings herein pending action by the Court. Otherwise, the proceedings herein will continue in their normal course.

6. Should it be determined, on the basis of the hearings to be held in the initial stage of these proceedings, that the service is not a common carrier communication service subject to the Commission's jurisdiction under Title II of the Communications Act, the question as to the effect of the Decree in this respect becomes moot so far as this Commission's Title II regulatory authority is concerned. If, on the other hand, it should be determined that the service is a common carrier communication service subject to our Title II authority, then an interpretation of the Decree becomes essential to the further course of the proceedings herein in order to determine, as a question of law, the effect of the Decree on the legal capacity of AT&T to furnish the service to which its tariff is applicable. If no other competent interpretation has been promulgated at that point, it will be incumbent upon the Commission in the performance of its statutory duties concerning a tariff falling within its regulatory jurisdiction to place its own interpretation upon the Decree. As we stated in our Memorandum Opinion of May 29, 1957 herein, we have been unable to find any basis in the specific language of the Decree to support the contention of Justice and PIEA that AT&T is absolutely prohibited from engaging in lease-maintenance service, regardless of whether the service is subject to public regulation. None of the arguments advanced in the recent pleadings herein have served to change our opinion in this respect. In this connection, two principal arguments have been advanced by PIEA and Justice, respectively, with respect to the interpretation advocated by them. PIEA argues that the clause "the charges for which are not subject to public regulation" which is found in clause (d) of section V of the Consent Decree amounts to an adjudication by the court that the charges of AT&T for private systems are "inherently and generically beyond rate regulation." Justice in its Reply Statement appears to advance the argument that, because section V of the Decree gives AT&T five years to terminate lease-maintenance agreements, it must have been contemplated that lease-maintenance service was absolutely barred thereunder. Section V of the Decree reads, in pertinent part, as follows:

> The defendant AT&T is enjoined and restrained from engaging, either directly, or indirectly through its subsidiaries other than Western and Western's subsidiaries, in any business other than the furnishing of common carrier communications services; provided, however, that this Service V shall not apply to • • • (d) for a period of five (5) years from the date of this Final Judgment, leasing and maintaining facilities for private communications systems, *the charges for which are not subject to public regulation*, to persons who are lessees from defendants or their subsidiaries of such systems forty-five (45) days after the date of this Final Judgment • • •

If it had been the intent of the Final Judgment to prohibit the leasing and maintaining of private communications facilities by AT&T under any circumstances, the italicized clause would not have been necessary. Moreover, it does not appear that in the context of the proceeding which resulted in the Final Judgment, the court was in a position to adjudicate the question of whether the service contemplated by AT&T's Tariff FCC No. 235 is a common carrier communications service subject to regulation by this Commission under the applicable provisions of the Communications Act. As we read this section in the overall context of the Decree, it appears clear that only such activities as are not subject to public regulation, including that lease-maintenance service which was then not so subject, are prohibited. The fact that the Decree gives a five year grace period for discontinuing that part of the business not so regulated would not appear to prohibit that same business if it becomes subject to regulation. In fact, the interpretation advocated by Justice would appear to conflict with the definition of "common carrier communication service" contained elsewhere in the Decree which expressly recognizes the possibility of service which may become subject to regulation in the future. Accordingly, on the basis of the arguments hitherto advanced with respect to this question of law, we are still of the opinion that, in the event that the service governed by AT&T's Tariff F. C. C. No. 235 shall be determined to be a common carrier communication service subject to our regulatory jurisdiction under Title II, the rendition of such service by AT&T is not barred by the terms of the Decree.

7. One other matter advanced by PIEA is that in refusing to include an issue herein with respect to the AT&T Consent Decree, the Commission is not consistent with its action in the ABC-Paramount merger case.[8] PIEA alleges that in that case we included an issue as to whether the proposed merger of ABC and Paramount would pose any conflict with the terms of an existing consent decree involving Paramount. In the Paramount case, there was no question of a "conflict" in the sense that the petitioner alleges in connection with this case. In the former, we gave consideration (1) to the performance by Paramount of its general obligations under the decree as a factor bearing upon its qualifications and (2) to whether under color of the decree Paramount had affected transfer of control of radio stations prior to Commission approval. There was no question of a conflict between that consent decree and the transfer of control sought by the applications there involved.[9]

8. Both PIEA and Justice raise questions with respect to the applicability of the Clayton Act[10] to the proposed tariff. PIEA requests that we institute proceedings under the provisions of section 11 of that act against AT&T. It must be remembered that the Commission in this proceeding is dealing with a tariff purportedly filed with it under section 203 of the Communications Act, and is following the procedures prescribed elsewhere in the Communications Act in connection with the review of such tariffs. Should it subsequently appear that substantial Clayton Act questions are involved in connection with the proposed service, and that other procedures such as those contained in section 11 of the Clayton Act are required in order to resolve such questions, the Commission will give consideration to instituting appropriate proceedings to that end. Meanwhile, as we have previously stated, we will give consideration to any competitive implications which may be presented herein in connection with the reasonableness of the classification represented by the tariff here at issue, in the event that it is determined that the Commission has jurisdiction over the proposed service.

9. Certain other matters urged by the parties are directed to the question of whether or not the service governed by the tariff possesses the attributes of a common carrier communication service. This matter is already in issue in the initial stage of the proceeding, and the arguments advanced, as well as any evidentiary matters bearing thereon, will be given due consideration in connection with this issue.

10. A question unrelated to those discussed above is presented by the "Petition for Amendment of Hearing Order or for Other Relief" filed by Motorola on September 10, 1957. The question involves the applicability of the certification requirements of section 214 (a) of the Communications Act[11] to the lease-maintenance activities contemplated by the proposed tariff of AT&T in the event it is determined that such activities constitute a common carrier communications service within the meaning of the act. This petition requests that the Commission take action as follows:

> (A) Issue an amended hearing order deleting Issue No. 3 from the original hearing order and substitute therefor a new paragraph substantially as follows:
>
> *It is further ordered*, That in the event it is determined under Issues (1) and (2) above that the lease and maintenance of private mobile communications systems as proposed or contemplated by respondents constitute a communications service subject to the jurisdiction of the Commission under Title II of the act, consideration of the proposal on its merits shall be subject to the filing by respondents of an appropriate application for certificates of public convenience and necessity, pursuant to section 214 of the act and Part 63 of the Commission's regulations.
>
> (B) In the alternative, strike the tariff with leave for resubmission as part of an application for a certification of convenience and necessity under Rule 63.01.

The request in alternative (B) is easily disposed of. If the Commission were to grant this request, it would be doing precisely what the Supreme Court stated to be error in Powell v. U. S., 300 U. S. 276 (1937) cited by Petitioner. Certain of the cases cited by Petitioner in support of the relief requested in Alternative B arose under Parts II and III of the Interstate Commerce Act, applicable to motor carriers and water carriers, respectively, the provisions of which are different from those here involved of the Communications Act. The other cases cited by Petitioner which arose under the Communications Act were concerned directly with the application of section 214 of the act and involved no tariff question. If we were to adopt alternative (A), moreover, we would in effect be dismissing the instant proceeding, for if respondents declined to file applications for certificates under section 214 of the act, the effect of our refusal to consider the merits of this case would be to permit the tariff to become effective as if no proceeding had been instituted. In this connection, it is to be kept in mind that AT&T's Tariff FCC No. 235, which was filed to become effective March 28, 1957, was suspended by the Commission for the maximum statutory period of three months until June 28, 1957; and that by subsequent voluntary action of AT&T, the effective date of the tariff has been postponed from time to time, in order to permit resolution of the questions at issue in the proceedings. Therefore, in the absence of further voluntary postponements by AT&T, or withdrawal by AT&T of the tariff, or an order duly entered by this Commission, after hearing, the tariff would become effective, as filed. This result we cannot believe is desired by Petitioner. The Petitioner, however, does raise certain questions with respect to the applicability of section 214 which should be resolved. Although it is well settled that the courts, not the Commission, must finally determine this question[12], it would appear appropriate for the Commission to consider the applicability of section 214 to the proposed service of AT&T in order to ascertain whether it should take any action looking toward such a determination. We are therefore modifying our hearing order of March 27, 1957 herein to include an appropriate issue.

11. *Accordingly, it is ordered*, That the Commission's Order of March 27, 1957, herein is hereby modified so as to add the following issue for consideration in connection with the second stage of the proceedings, in the event that the Commission determines that the service contemplated by AT&T Tariff FCC No. 235 is a common carrier communication service subject to its regulatory authority under Title II of the act:

[8] 8 R. R. 541 (Docket No. 10031 et al.).

[9] The Paramount case involved applications for radio authorizations under Title III of the act. To the extent that the acts of the applicants leading up to the Decree reflected upon their qualifications to become licensees, the Decree was also indirectly involved therein. The instant case, however, does not involve radio applications of AT&T.

[10] 38 Stat. 730; 15 U. S. C. A. Sec. 12 et seq.

[11] Section 214, in pertinent part, reads as follows: "No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line: Provided, That no such certificate shall be required under this section for the construction, acquisition, or operation of (1) a line within a single State unless such line constitutes part of an interstate line, (2) local, branch, or terminal lines not exceeding ten miles in length, or (3) any line acquired under section 221 or 222 of this Act: Provided further, That the Commission may, upon appropriate request being made, authorize temporary or emergency service, or the supplementing of existing facilities, without regard to the provisions of this section. . . . As used in this section the term 'line' means any channel of communication established by the use of appropriate equipment, other than a channel of communication established by the interconnection of two or more existing channels: • • •"

[12] Texas & Pac. Ry. Co. v. Gulf, C. & S. F. Ry. Co., 210 U. S. 266; Powell v. U. S., supra.

(4) Whether any authorization or certificate from the Commission pursuant to the provisions of section 214 of the Communications Act of 1934, as amended, is required by respondents before they may lawfully provide the service to which the above-mentioned tariff is applicable, and, if so, what action should be taken by the Commission to enforce compliance by respondents with such requirement.

It is further ordered, That the aforementioned petitions are denied, except as heretofore indicated.

Adopted: November 20, 1957.

Released: November 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9844; Filed, Nov. 26, 1957; 8:59 a. m.]

[Docket No. 11982 etc.; FCC 57M-1151]

ENTERPRISE BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Enterprise Broadcasting Company, Fresno, California; Docket No. 11982, File No. BP-10319; Air Waves, Incorporated (KONG), Visalia, California; Docket No. 11983, File No. BP-10432; Radio Dinuba Company (KRDU), Dinuba, California; Docket No. 11984, File No. BP-10735; for construction permits.

It is ordered, This 20th day of November 1957, that the further prehearing conference in the above-entitled matter presently scheduled for December 12, 1957, is cancelled; and

It is further ordered, That a further prehearing conference is hereby scheduled to commence at 2:00 p. m., November 21, 1957, in the Commission's offices in Washington, D. C., and the hearing proper is hereby scheduled to commence at 10:00 a. m., December 12, 1957, in the Commission's offices in Washington, D. C.

Released: November 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9845; Filed, Nov. 26, 1957; 8:59 a. m.]

[Docket Nos. 12128, 12129; FCC 57M-1156]

ALLEGAN COUNTY BROADCASTERS AND BOOTH RADIO & TELEVISION STATIONS, INC. (WJVA)

ORDER CONTINUING HEARING

In re applications of Allegan County Broadcasters, Allegan, Michigan; Docket No. 12128, File No. BP-10928; Booth Radio & Television Stations, Inc. (WJVA), South Bend, Indiana; Docket No. 12129, File No. BP-11107; for construction permits.

The Hearing Examiner having under consideration a petition filed November 19, 1957, by counsel for the Broadcast Bureau, requesting that the hearing in the above-entitled proceeding presently scheduled for November 21, 1957, be continued until December 4, 1957, at 11 a. m.;

It appearing, that counsel for the other parties to this proceeding have indicated to petitioner their consent to the immediate consideration and grant of the petition and good cause has been shown therefor;

It is ordered, This 20th day of November 1957 that the petition be and it is hereby granted and the hearing in the above-entitled proceeding be and it is hereby continued from November 21, 1957, to December 4, 1957, at 11 a. m.

Released: November 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9846; Filed, Nov. 26, 1957; 8:59 a. m.]

[Docket No. 12179 etc.; FCC 57M-1155]

RADIO ST. CROIX, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Radio St. Croix, Incorporated, New Richmond, Wisconsin; Docket No. 12179, File No. BP-10925; Florida East Coast Broadcasting Company, Inc., South St. Paul, Minnesota; Docket No. 12180, File No. BP-11170; Hennepin County Broadcasting Company, Golden Valley, Minnesota; Docket No. 12181, File No. BP-11341; for construction permits.

The Hearing Examiner having under consideration the necessity of a continuance;

It appearing that a fourth application is on file which may have to be designated for hearing in consolidation with the above-entitled applications and that a prehearing conference was held on November 20, 1957, at which time the matter was discussed; and

It further appearing that the date for commencement of hearing should be continued;

It is ordered, This 20th day of November 1957, that the hearing now scheduled to commence on November 25, 1957, is continued indefinitely.

Released: November 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9847; Filed, Nov. 26, 1957; 8:59 a. m.]

[FCC 57-1287; Amdt. 0-37]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

FORFEITURES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1957;

The Commission having under consideration the necessity for amending section 0.292 (d) of its Statement of Delegations of Authority to authorize the Chief of the Safety and Special Radio Services Bureau, or in his absence, the Acting Chief of the Bureau, to make determinations and notifications of incurrences of forfeitures under the provisions of sections 364, 386 and 507 of the Communications Act of 1934, as amended;

It appearing that such amendment is designed to improve the internal administration of the Commission's functions and will facilitate the prompt and orderly handling of the above-described matters; and

It further appearing that the amendment herein ordered relates to internal Commission order and procedure and that publication of notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedures Act is not required; and

It further appearing that authority for the proposed amendment is contained in sections 4 (i) and 5 (d) (1) of the Communications Act of 1934, as amended:

It is ordered, That, effective November 20, 1957, section 0.292 (d) of the Commission's Statement of Delegations of Authority is amended to read as follows:

(d) Make determination and notification of incurrence of forfeitures under the provisions of sections 364, 386 and 507 of the Communications Act.

Released: November 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9848; Filed, Nov. 26, 1957; 8:59 a. m.]

[FCC 57-1285; Amdt. 0-36]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

LINE OF SUCCESSION IN EVENT OF EMERGENCY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1957:

The Commission having under consideration the necessity for amending section 0.217 (d) of the Commission's Statement of Organization, Delegations of Authority, and other information, to modify a line of succession in the event of the inability of the Commission to function at its offices in Washington, D. C., resulting from disaster or the threat of disaster from enemy attack or from natural causes;

It appearing that such amendment is designed to improve the internal administration of the Commission and will facilitate the prompt and orderly conduct of the Commission's functions under conditions of emergency;

It further appearing that the amendment herein ordered relates to internal Commission organization and procedure and, therefore, compliance with the public notice and rule making procedures

prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It further appearing that authority for the proposed amendment is contained in sections 4 (i) and 5 (b) of the Communications Act of 1934, as amended;

It is ordered, That, effective November 20, 1957, section 0.217 (d), of the aforementioned statement is amended to read as follows:

(d) In descending order, the designated occupants of the following positions are delegated full responsibility and authority to act for the Commission during an emergency in which higher authority is not present or is unable to act:

1. Chairman.
2. The Defense Commissioner.
3. An Alternate Defense Commissioner.
4. Any other Commissioner.
5. The Chief, Field Engineering and Monitoring Bureau.
6. The General Counsel.
7. The Chief Engineer.
8. The Chief, Safety and Special Radio Services Bureau.
9. The Chief, Broadcast Bureau.
10. The Chief, Common Carrier Bureau.
11. The Executive Officer.
12. The Assistant Chief, Field Engineering and Monitoring Bureau.
13. The Associate General Counsel.
14. The Assistant Chief Engineer.
15. The Assistant Chief, Safety and Special Radio Services Bureau.
16. The Assistant Chief, Broadcast Bureau.
17. The Assistant Chief, Common Carrier Bureau.
18. The Chief of a Division ranking in the same order as indicated in items 5 through 10, inclusive.

Released: November 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9849; Filed, Nov. 26, 1957; 8:59 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-88]

AEROJET-GENERAL NUCLEONICS

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on November 12, 1957, Aerojet-General Nucleonics, San Ramon, California, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate at San Ramon a pool-type nuclear reactor designed to operate at a power level of one watt and designated by the applicant as Model AGN-211.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 19th day of November 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-9797; Filed, Nov. 26, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6786]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION FOR ORDER AUTHORIZING ISSUANCE OF UNSECURED PROMISSORY NOTES

NOVEMBER 21, 1957.

Take notice that on November 18, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Iowa Public Service Company ("Applicant"), a corporation organized under the laws of the State of Iowa and doing business in the States of Iowa, South Dakota, and Nebraska, with its principal business office at Sioux City, Iowa, seeking an order authorizing the issuance of $8,000,000 unsecured promissory notes. Applicant has made arrangements to borrow the funds from banks listed below:

Guaranty Trust Company of New York	$6,000,000
Bankers Trust Company, New York	1,000,000
The First National Bank of Chicago	1,000,000
Total	8,000,000

and will issue to said banks the unsecured promissory notes referred to above with borrowings to be made from each bank proportionately. Applicant proposes, from time to time prior to September 1, 1958, to borrow from the aforesaid banks and to evidence such borrowings by the issue of its notes payable to the banks. Each note is to be dated as of the date of the borrowing which it evidences and shall bear interest from its date and shall mature September 30, 1958. Each note is to bear interest at the prime credit rate current at the time of borrowing. The arrangements contemplate that the aggregate principal amount of the notes shall not exceed $8,000,000 at any one time outstanding and Applicant may prepay said notes at any time without premium. Applicant proposes to use the proceeds from the sale of the aforesaid notes to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to its property.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of December 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9821; Filed, Nov. 26, 1957; 8:55 a. m.]

[Docket No. G-12052]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 21, 1957.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on February 20, 1957, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of the necessary taps on its existing transmission lines, together with certain service facilities, in order to render interruptible natural gas service to Wheeling Steel Corporation in Cross Creek District, Brooke County, West Virginia, and Dyfoam Corporation in New Castle, Lawrence County, Pennsylvania, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a tap, metering and regulating equipment and miscellaneous valves and fittings on its existing Line No. 5 and approximately 60 feet of 2-inch service line to serve Wheeling Steel Corporation, North Follansbee, Brooke County, West Virginia, which company is planning to use natural gas as a raw material in the production of benzene by hydrogenation in connection with its coke oven operations.

Applicant also proposes to construct and operate a tap, metering and regulating equipment and miscellaneous valves and fittings and 300 feet of 4-inch service line from its existing transmission Line No. 1395 to serve Dyfoam Corporation, which uses gas to generate steam for expanding plastic material and for making insulation shapes in presses.

The estimated requirements of the two customers are as follows:

	Annual (Mcf)	Maximum Day (Mcf)
Wheeling Steel	12,600	48
Dyfoam	39,600	150

The estimated cost of the proposed construction to serve Wheeling Steel Corporation is $1,775, and the cost of that to serve Dyfoam Corporation, $3,150.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 23, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Com-

mission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9822; Filed, Nov. 26, 1957; 8:56 a. m.]

[Docket No. G-13735]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 21, 1957.

The Texas Company (Texas), on October 23, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Northern Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 7.
Effective date: January 1, 1958 (effective date is the effective date proposed by Texas).

In support of the proposed periodic rate increase, Texas states that the increase is one of a series of periodic adjustments, all comprising one overall contract consideration; is required to partially compensate it for increasing costs and diminishing successful discoveries, and similar gas is being purchased by Northern Natural Gas Company in the area for as much as 16½ cents per Mcf. Texas also cites wage increases of 6 percent in May 1957 and increases in cost of steel of 3 percent in February 1957 and 5 percent in July 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 7.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline Dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9823; Filed, Nov. 26, 1957; 8:56 a. m.]

[Docket No. G-13736]

WOODLEY PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 21, 1957.

Woodley Petroleum Company (Woodley), on October 23, 1957, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 18, 1957.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 5 to Woodley's FPC Gas Rate Schedule No. 6.
Effective date: November 23, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Woodley mentions arm's length bargaining; similar gas being sold in the general area for higher prices, and the proposed rate is below the fair market value and is just and reasonable and required because of increased expenses.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Woodley's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Woodley's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 23, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9824; Filed, Nov. 26, 1957; 8:57 a. m.]

[Project No. 2130]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

NOVEMBER 21, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Pacific Gas and Electric Company, of San Francisco, California, licensee for Project No. 2130 situated on Stanislaus River and its Middle and South Forks in Calaveras and Tuolumne Counties, California, for amendment of its license for the project. Licensee desires to delete from the project works of the Spring Gap development the 110 kv transmission line extending about 13 miles from the Spring Gap powerhouse to the Stanislaus powerhouse. The Spring Gap powerhouse is now connected to the transmission line of Project No. 2118.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 30, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9825; Filed, Nov. 26, 1957; 8:57 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-9772.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3634]

COLUMBIA GAS SYSTEM, INC.

SUPPLEMENTAL NOTICE OF PROPOSED EXECUTION OF SURETY BOND BY HOLDING COMPANY FOR PUBLIC UTILITY SUBSIDIARY

NOVEMBER 20, 1957.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed Amendment No. 1 to its declaration herein pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 12 (b) of the act and Rule U-45 thereunder as applicable to the proposed transaction, which is summarized as follows:

In its original declaration, heretofore noticed, Columbia proposed to execute bonds as surety for such refunds, if any, as three of its wholly-owned public utility subsidiaries operating in the State of West Virginia might be required to pay as a result of filing schedules of increased rates with the Public Service Commission of West Virginia.

By Amendment No. 1 Columbia proposes to execute a similar bond as surety for a fourth wholly-owned public utility subsidiary operating in West Virginia, The Manufacturers Light and Heat Company ("Manufacturers"). It is stated that on June 14, 1957, Manufacturers filed with the State commission revised rate schedules estimated to produce increased annual revenues approximating $1,315,000. The effectiveness of these schedules was suspended to November 11, 1957. Manufacturers plans to commence collection under the revised rate schedules as of November 11, 1957, and proposes to file with the State commission, when and as required, a bond as a condition to the collection of the increased rates, in such amount as that commission may require, but not in excess of $1,500,000, with Columbia as surety thereon. Columbia proposes to execute a refunding bond as surety for Manufacturers without fee or other expense, in order to relieve Manufacturers of the burden of paying the customary fee of a surety company.

Notice is further given that any interested person may, not later than December 5, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said Amendment No. 1 which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declarations as amended by Amendment No. 1 or as further amended may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9809; Filed, Nov. 26, 1957; 8:51 a. m.]

[File No. 812-1118]

REMINGTON ARMS CO.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING CERTAIN TRANSACTION BETWEEN AFFILIATES

NOVEMBER 20, 1957.

Notice is hereby given that Remington Arms Company ("Remington"), which is indirectly controlled by Christiana Securities Corporation ("Christiana"), a registered closed-end, non-diversified investment company, which in turn is controlled by Delaware Realty and Investment Company ("Realty"), also a registered closed-end, non-diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the prohibitions contained in section 17 (a) of the act the transaction described below whereby Remington proposes to transfer to Crucible Steel Company of America ("Crucible"), of Pittsburgh, Pa., a New Jersey corporation, its fifty percent interest in the capital stock and notes of Rem-Cru Titanium, Inc. ("Rem-Cru") in exchange for 150,000 shares of common stock of Crucible.

The application may be summarized as follows:

1. Realty owns approximately thirty-three percent of the outstanding common stock of Christiana. Christiana owns approximately twenty-seven per cent of the outstanding common stock of E. I. du Pont de Nemours and Company, which in turn owns approximately sixty percent of the outstanding voting securities of Remington. Remington and Crucible each own fifty percent of the outstanding common stock of Rem-Cru.

2. Rem-Cru was formed by Remington and Crucible in 1950 for the purpose of producing and selling titanium and its alloys. The handling of titanium from its raw form to the fabrication of mill products requires a substantial investment in working capital and physical assets. Rem-Cru's principal physical assets consist of melting facilities and it has practically no facilities for processing of titanium ingots into primary fabricated products. Such processing is done for Rem-Cru on a toll basis, much of it on mill facilities owned by Crucible and located on property adjacent to Rem-Cru.

3. Rem-Cru from its inception has had the long-term objective of providing its own facilities so as to become a fully integrated enterprise. Funds for such facilities were expected to be provided from Rem-Cru's earnings; however, this possibility has not materialized to date and seems unlikely to materialize in the immediate years ahead.

4. Rem-Cru has paid no dividends since its inception and it is expected that its earnings will be required in the business for some time to come. Except for interest on its loans to Rem-Cru, Remington sees no prospect of any return on its investment in Rem-Cru for some years. Moreover, Remington's continuation in Rem-Cru probably would require substantial additional capital contributions which would involve a larger investment and entail greater risks than Remington's Board of Directors deems wise for Remington under the circumstances, involving, as they do, a new industry and depending upon military uses of its products.

5. Crucible was approached as the logical buyer because of its present interest in Rem-Cru, the close proximity of Rem-Cru's plant and facilities to those of Crucible, and Crucible's possession of the necessary fabricating equipment and know-how, thereby affording a reasonable degree of integration without additional investment by Crucible.

6. Remington's investment in Rem-Cru consists of $2,800,000 of loans advanced to Rem-Cru on 4 percent notes and $500,000 representing its cost of 5,000 shares of capital stock, $100 par. At September 30, 1957 the capital stock had a book value of $1,679,000. The book value of Rem-Cru's capital stock plus the face amount of the notes amounts to $4,479,000. On October 23, 1957, the date of acceptance by Crucible of the offer by Remington to sell its interest in Rem-Cru, the common stock of Crucible had a market price of 19⅜ per share and a book value of approximately $31.50 per share. On this basis, the aggregate consideration represented by the 150,000 shares of common stock to be received by Remington amounts to $2,906,250 in terms of market value and to $4,725,000 in terms of book value.

Remington has received interest on the 4 percent notes of Rem-Cru held by it currently amounting to $112,000 annually (before taxes), and $54,000 (after taxes) and its equity in the undistributed net income on its holdings of the Rem-Cru capital stock averaged $189,000 per year for the five years 1952–1956, inclusive. For the nine months ended September 30, 1957, such earnings amounted to $288,617.

Section 17 (a) of the act in pertinent part prohibits an affiliated person (Crucible) of an affiliated person (Rem-Cru) of a registered investment company (Realty) and (Christiana), from selling to, or purchasing from, any company (Remington) controlled by such registered company, any security, unless the Commission upon application pursuant to section 17 (b) of the act grants an exemption from the provisions of section 17 (a) of the act and finds that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than December 6, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9810; Filed, Nov. 26, 1957; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1]

APPLICATIONS FOR CONVERSION BY MOTOR CONTRACT CARRIERS

NOVEMBER 22, 1957.

The following proceedings are governed by the Interstate Commerce Commission's special rules of practice, published in the FEDERAL REGISTER on November 13, 1957, Volume 22, FEDERAL REGISTER, page 9015, concerning notice of proceedings upon application of a holder of motor contract carrier authority, under section 212 (c) of the Interstate Commerce Act, for the revocation of motor contract carrier authority issued on or before August 22, 1957, and the issuance in lieu thereof of a certificate of public convenience and necessity (49 CFR 1.242). A proceeding to determine the status of the carriers' operations has been instituted under section 212 (c).

Protests may be filed with the Commission within 30 days after the date of this notice. If oral hearing is desired the protest must so indicate.

The authority set out in the pertinent permits upon which a determination is sought, has, in most instances, been *summarized.*

MOTOR CARRIERS OF PROPERTY

No. MC 1978 (Sub. No. 2), filed October 15, 1957, THE J. P. BRESLIN TRUCKING & TERMINAL CORPORATION, 142 West Ostend Street, Baltimore 30, Md. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 1978, dated October 17, 1950.

Canned goods, dried fruit, and *matches,* over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points in the District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, and West Virginia, within 300 miles of Baltimore.

No. MC 4159 (Sub No. 6) filed October 11, 1957, CARL HUMES, doing business as HUMES TRANSFER, 4100 Main Street, Weirton, W. Va. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 4159, dated June 14, 1949.

Steel and *metal and wire products,* over irregular routes, between Columbus and Martins Ferry, Ohio, on the one hand, and, on the other, points and places in Ohio.

Wire and wire products, sheet steel ware, steel coal doors, steel channels, steel fence posts, solder, sheet steel, tin plate, and *terne plate,* over irregular routes, between Columbus and Portsmouth, Ohio, and Wheeling, W. Va., and points and places within 25 miles of Wheeling, on the one hand, and, on the other, points and places in Ohio and those in Indiana south of a line beginning at the Ohio-Indiana State line and extending along U. S. Highway 30 from the Ohio-Indiana State line to Etna Green, Ind., thence along Indiana Highway 19 to its junction with Indiana Highway 10, thence along Indiana Highway 10 to the Indiana-Illinois State line, and north of a line beginning at the Ohio-Indiana State line and extending along U. S. Highway 50 to its junction with Indiana Highway 7, thence along Indiana Highway 7 to Columbus, Ind., thence along Indiana Highway 46 to Bloomington, Ind., thence along Indiana Highway 45 to its junction with Indiana Highway 54, and thence along Indiana Highway 54 to the Indiana-Illinois State line, including points on the indicated portions of the named highways.

From Portsmouth, Ohio, and Wheeling, W. Va., and points and places within 25 miles of Wheeling, to Detroit, Mich.

Fertilizer, between Columbus, Ohio, on the one hand, and, on the other, points and places in West Virginia on and west of U. S. Highway 19 and on and north of U. S. Highway 60.

No. MC 4159 (Sub No. 3), dated June 16, 1949.

Flat rolled steel sheets and strip steel (flat or on coils), over irregular routes, from Weirton, W. Va., to Seymour, Ind.

No. MC 4159 (Sub No. 4), dated September 28, 1953.

Ferro alloys, in bulk, in dump vehicles, over irregular routes, from Brilliant, Ohio, to Baltimore, Md., St. Louis, Mo., points in Illinois, Indiana, Kentucky, Michigan, New York, those in that part of Pennsylvania east of U. S. Highway 219, and those in that part of West Virginia west of a line beginning at the Ohio River and extending along U. S. Highway 21 to the Virginia-West Virginia State line.

No. MC 4159 (Sub No. 5), dated December 7, 1954.

Ferro-alloys, over irregular routes, from Brilliant, Ohio to points in Pennsylvania on and west of U. S. Highway 219 and in West Virginia on and east of U. S. Highway 21 and on and north of U. S. Highway 50, including points on these routes.

No. MC 13145 (Sub No. 9), filed October 16, 1957, S. W. HIXSON, doing business as HIXSON TRUCK LINE, 941 Canton Road (P. O. Box 2771) Akron 12, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 13145, dated April 14, 1949.

Such commodities as are manufactured, processed and dealt in by rubber manufacturers and steel products manufacturers and *equipment, materials,* and *supplies* used in the conduct of such business, over irregular routes, subject to "Keystone" restriction, from Akron, Ohio to points and places in Rhode Island, Massachusetts, Connecticut, those in that part of New York east and north of a line beginning at Port Jervis, N. Y., and extending along U. S. Highway 209 to Kingston, N. Y., thence along U. S. Highway 9W to Albany, N. Y., thence along U. S. Highway 20 to junction U. S. Highway 11, thence along U. S. Highway 11 to Watertown, N. Y., and thence along New York Highway 12 to Clayton, N. Y., including the points named and including New York, N. Y., points and places on Long Island, N. Y., those on the indicated portions of the highways specified, and those in New Jersey on and north of New Jersey Highway 33.

Tire fabric, from Fall River and New Bedford, Mass., to Akron, Ohio.

Chemicals, from Naugatuck, Conn., to Akron, Ohio.

Scrap tires and *tubes,* from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N. J., and Albany and New York, N. Y., and points and places on Long Island, N. Y., to Akron, Ohio.

Scrap tires and tubes, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N. J., and Albany and New York, N. Y., and points and places on Long Island, N. Y., to Akron, Ohio.

Bicycle tires, bicycle tire and tube accessories, and *bicycle repair materials,* over irregular routes, from New Bedford, Mass., to Cleveland, Elyria, Shelby, Dayton, Akron, Columbus, Cincinnati, and Toledo, Ohio.

Such commodities as are dealt in by brush manufacturing concerns, and in connection therewith, *equipment, materials,* and *supplies* used in the conduct of such business, subject to "Keystone" restriction, from East Berlin, Greenwich, and Hartford, Conn., and Albany, N. Y., to Toledo, Ohio, Hammond, Ind., and Chicago, Ill.

From Albany, Troy, and Port Chester, N. Y., to Hamilton and Steubenville, Ohio.

Between Hartford and East Berlin, Conn., on the one hand, and, on the other, Hamilton and Steubenville, Ohio.

No. MC 13145 (Sub No. 8), dated February 14, 1955.

Such merchandise as is dealt in, or used by brush manufacturing businesses, over irregular routes, subject to "Keystone" restriction, from Hartford, Conn., and Albany, N. Y., to Ashtabula, Ohio.

No. MC 14458 (Sub No. 2) filed October 23, 1957, JAMES L. KEENAN, doing business as KEENAN BROTHERS, 300 Wilma Avenue, Steubenville, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 14458, dated April 6, 1949.

Petroleum products and *gasoline filling-station equipment,* over irregular routes, from Midland, Pa., and Steubenville and Martins Ferry, Ohio, to points and places in that part of Ohio east and south of a line beginning at Marietta, and extending along U. S. Highway 21 to junction Ohio Highway 5, thence along Ohio Highway 5 to Warren, and thence along Ohio Highway 82 to the Ohio-Pennsylvania State line, including points and places on the indicated portions of the highways specified.

Liquid petroleum products, in bulk, in tank trucks, from Freedom, Pa., to points in the above-specified destination territory, and from Midland, Pa., to points in Ohio County, W. Va.

Coal mining machinery, between Morgantown and Charleston, W. Va., McKeesport and Washington, Pa., and Smithfield, Fairpoint, Amsterdam, and Tiltonsville, Ohio.

Road construction materials, contractors' supplies and equipment, and *such commodities* as are usually transported in dump trucks, between points and places in West Virginia, Ohio, and Pennsylvania within 50 miles of Steubenville, Ohio, including Steubenville.

No. MC 15315 (Sub No. 6), filed October 16, 1957, INDUSTRIAL CARTAGE CO., 2540 Niles Road SE., Warren, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 15315, dated May 2, 1942.

Irregular Routes:

Iron and steel products, from Apollo, Farrell, Leechburg, Sharon, and Vandergrift, Pa., Ashland and Newport, Ky., Gary, Ind., Wheeling and Weirton, W. Va., and points in Allegheny and Mercer Counties, Pa., to Alliance and Warren, Ohio.

From Warren, Ohio, to points in Cook County, Ill., those in that part of New York on and west of U. S. Highway 9, those in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U. S. Highway 11 to Northumberland, Pa., thence along U. S. Highway 15 to Sunbury, Pa., thence along U. S. Highway 122 to Reading, Pa., and thence along U. S. Highway 122 to the Pennsylvania-Maryland State line, and those in Indiana, Michigan, and West Virginia.

Washing machine tubs and *enameled plumber goods,* from Alliance, Ohio, to points in Cook County, Ill., Allegheny County, Pa. and Erie County, N. Y.

Fertilizer, from Cleveland, Ohio, and Buffalo, N. Y., to points in that part of Pennsylvania on and west of U. S. Highway 219.

No. MC 15315 (Sub No. 1), dated January 22, 1941.

Sheet steel and *steel plates,* in truckloads, over irregular routes, from Apollo, Leechburg, and Vandergrift, Pa., and points in Allegheny and Mercer Counties, Pa., to Niles, Ohio.

From Niles, Ohio, to Buffalo, N. Y., Detroit, Monroe, and Lansing, Mich., Chicago, Ill., Logansport and Indianapolis, Ind., Louisville, Ky., Bluefield, Fairmont, and Morgantown, W. Va., and points in Pennsylvania on and west of U. S. Highway 219.

No. MC 15315 (Sub No. 2), dated November 5, 1951.

Iron and steel articles, over irregular routes, from Warren, Ohio, to points in New Jersey and those in that part of New York located east of U. S. Highway 9.

No. MC 16007 (Sub No. 18), filed September 27, 1957, CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permtis:

No. MC 16007, dated March 7, 1952.

Fresh fruits & vegetables, from Muskogee and East Muskogee, Okla., to St. Louis, Mo., Omaha and Grand Island, Nebr., Des Moines and Sioux City, Iowa;

Condiments, olives, olive oil, cheese, macaroni, noodles, spaghetti, vermicelli and fish, from St. Louis, Mo., to Muskogee and McAlester, Okla.; and

Malt beverages, from St. Louis, Mo., to Muskogee, Tulsa and McAlester, Okla., and from Washington, Mo. to McAlester and Muskogee, Okla., and *empty malt beverage containers* on return.

No. MC 16007 (Sub No. 1), dated March 7, 1952.

Beer, over a specified regular route between Belleville, Ill., and McAlester, Okla., serving no intermediate points, and *empty beer containers* on return.

No. MC 16007 (Sub No. 3), dated March 7, 1952.

Malt beverages, from Omaha, Nebr., Belleville, Ill., and Kansas City and St. Louis, Mo., to Miami, Muskogee, and Tulsa, Okla.; and *empty malt beverage containers* on return.

No. MC 16007 (Sub No. 4), dated March 7, 1952.

Glass bottles, carboys, demijohns, and *jars,* with or without caps, covers, stoppers or tops, from Muskogee, Okla., to points in Kansas, Missouri, and Arkansas.

Paper containers, from Kansas City, Kans., to Muskogee, Okla.

No. MC 16007 (Sub No. 7), dated March 7, 1952.

Glass bottles, glass carboys, glass demijohns and *jars,* with or without caps, covers, stoppers or tops, from Muskogee, Okla., to points in Iowa and Nebraska.

No. MC 16007 (Sub No. 8), dated March 7, 1952.

Malt beverages, from St. Joseph, Mo., to Muskogee, Okla., and *empty malt beverages containers,* on return.

No. MC 16007 (Sub No. 9), dated March 7, 1952.

Malt beverages, from Omaha, Nebr., to Bartlesville, Okla., and *empty containers,* and *damaged and defective shipments* of malt beverages, on return.

No. MC 16007 (Sub No. 12), dated March 21, 1956.

Glass bottles, jars, carboys and *demijohns,* with or without caps, covers, stoppers or tops therefor, from Okmulgee, Okla., to points in Nebraska and Kansas, except those in the Kansas City, Mo.-Kans., Commercial Zone and points within 20 miles thereof;

From Sapulpa, Okla., to points in Nebraska, Minnesota, and those in Wisconsin except Milwaukee, Racine, Kenosha, Cudahy, West Allis, Carrollville, and Wauwatosa;

From Sand Springs, Okla., to points in Iowa, Nebraska, Minnesota, those in Wisconsin except Milwaukee, Racine, Kenosha, Cudahy, West Allis, Carrollville, and Wauwatosa, those in Kansas except Wichita, Arkansas City, and Winfield and those in the Kansas City, Mo.-Kans., Commercial Zone and points within 20 miles thereof, and those in Missouri except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, those in Jefferson, St. Louis, and St. Charles Counties, Mo., and those in the Kansas City, Mo.-Kans., Commercial Zone and points within 20 miles thereof;

From Ada, Okla., to points in Minnesota and Nebraska; and

From Blackell and Muskogee, Okla., to points in Minnesota.

No. MC 16007 (Sub No. 14), dated May 13, 1954.

Malt beverages, over specified regular routes, from Terre Haute, Ind., to Oklahoma City, Okla., serving the intermediate point of St. Louis, Mo., restricted to pick-up only; the intermediate point of Joplin, Mo., restricted to delivery of shipments originating at Terre Haute, Ind.; and the intermediate point of Tulsa, Okla., restricted to delivery of shipments originating at St. Louis, Mo.; From St. Louis, Mo., to Muskogee, Okmulgee, Stillwater, and Pawhuska, Okla., serving the intermediate point of Tulsa, Okla., restricted to delivery only; and *empty malt beverage containers,* on return.

Malt beverages, over irregular routes, from St. Louis, and Terre Haute and Marion, Ind., to points in Oklahoma; from Belleville, Ill., to Vinita, Tulsa, Muskogee, McAlester, Okmulgee, Pawhuska, Stillwater, Sallisaw, Poteau, Bristow, Stroud, Seminole, Bartlesville, and Enid, Okla., and *empty malt beverage containers,* on return to restricted origin points.

No. MC 17605 (Sub No. 2), filed October 23, 1957, EDGAR DRUCK, 660 Blackburn, Avenue, Hamilton, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 17605, dated August 17, 1943.

Paper mill products, from Hamilton over specified regular routes, to Cleves, Ohio, Sellersburg, Ind., and Jeffersonville, Ind., from Hamilton over specified regular routes to Greenville, Ohio, And-

erson, Ind., Marion, Ind., Wabash, Ind., and thence over irregular routes to points in that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending along U. S. Highway 36 to Jacksonville, Ill., thence along U. S. Highway 67 to the Illinois-Iowa State line, at Rock Island, Ill., thence along the Illinois-Iowa State line to the Illinois-Wisconsin State line, thence along the Illinois-Wisconsin State line to Lake Michigan, thence along the shore of Lake Michigan to the Illinois-Indiana State line, and thence along the Illinois-Indiana State line to the point of beginning, including portions of the highways specified. Service is authorized to and from all intermediate points on the above-specified regular routes, from Hamilton over irregular routes to Columbus, Connersville, Fort Wayne, and Madison, Ind., and points in Ohio; and *materials* and *supplies* used in the manufacture and shipment of paper mill products, from Jeffersonville, Ind., over U. S. Highway 31E to Sellersburg, Ind., thence over U. S. Highway 31 to junction U. S. Highway 50, thence over U. S. Highway 50 to Cleves, Ohio, thence over Bypass U. S. Highway 50 to junction U. S. Highway 127 and thence over U. S. Highway 127 to Hamilton, from points in the above-specified Illinois territory over irregular routes to the Illinois-Indiana State line, and thence over the above-specified regular route to Hamilton, service is authorized to and from all intermediate points on the above-specified regular routes, from Columbus, Connersville, Fort Wayne, and Madison, Ind., and points in Ohio, over irregular routes to Hamilton.

No. MC 17605 (Sub No. 1), dated January 12, 1939.

Paper and *paper products*, over irregular routes, from Hamilton, Ohio, to points in Illinois on and north of U. S. Highway 40, east of U. S. Highway 67, and south of U. S. Highway 36, those in Indiana on and north of U. S. Highway 40, except Fort Wayne, Ind., those in Michigan on and south of Michigan Highway 21, and to Milwaukee, Racine, and Beloit, Wis., St. Louis, Mo., Erie, Pa., and Buffalo and Rochester, N. Y.; and

Steel strapping, paper and paper products, and *materials and supplies* used in the manufacture and shipping of paper and paper products, from the above-specified destination points and Toledo, Ohio, to Hamilton.

No. MC 21563 (Sub No. 1), filed October 10, 1957, ANDREW J. KOVACS, 627 Rahway Avenue, Woodbridge, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 21563, dated July 26, 1944.

Such products as are manufactured, reclaimed, or distributed, by the manufacturers of heat resisting materials, and, in connection therewith, *equipment, materials*, and *supplies*, used in the manufacture thereof, over irregular routes, between Fords, N. J., and points within five miles of Fords, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, subject to a "Keystone" restriction.

No. MC 26641 (Sub No. 15) filed October 17, 1957, ROMANO BROS. TRUCKING, INC., 11 Meadow Street, Rutland, Vermont. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 26641, dated July 25, 1951.

Over Irregular Routes:

Dairy products and *equipment and supplies* used or useful in dairies, from Boston, Mass., and points within five miles thereof, to East Berkshire, Morrisville, South Troy, Greensboro Bend, and Randolph, Vt.

Groceries, grocery store supplies, canned goods, and *sugar*, from Boston, Mass., to points in Vermont north of U. S. Highway 4, and west of U. S. Highway 5, including points on the indicated portions of the highways specified.

Marble and *marble products*, from Swanton, Florence, Proctor, Center Rutland, West Rutland, Middlebury, and Danby, Vt., to points in New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia.

Malt beverages, from Orange, N. J., and New York, N. Y., to Rutland, Vt., and *empty malt-beverage containers*, on return.

Malt and vinous beverages, in containers, from Willimansett, Mass., to Rutland, Vt., and *empty malt and vinous beverages containers*, on return.

Dairy products, between East Berkshire, Morrisville, South Troy, Greensboro Bend, Randolph, Vergennes, White River Junction, and Woodstock, Vt., on the one hand, and, on the other, Keene, Concord, Manchester, and Nashua, N. H., Fitchburg and Worcester, Mass., and points in Essex, Suffolk, and Middlesex Counties, Mass.

No. MC 29713 (Sub No. 1), filed September 26, 1957, FARMERS UNION COOPERATIVE OIL ASSOCIATION, INC., Stromsburg, Nebr. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 29713, dated February 26, 1942.

Petroleum products, in bulk, from refining and distributing points in Kansas to Shelby, Osceola, Stromsburg and Polk, Nebr.

No. MC 42317 (Sub No. 2) filed October 11, 1957, LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., Manheim Pike, Lancaster, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 42317, dated August 23, 1938.

Scrap aluminum and tin foil, from Hershey, Pa., to New York, N. Y., over specified regular routes.

Empty cans and canisters and *tin plates*, from Lancaster, Pa., to New York, N. Y., over specified regular routes.

Coffee beans, from New York, N. Y., and Hoboken, N. J., to Lancaster, Pa., over a specified regular route, serving no intermediate points.

Chocolate and *chocolate products*, and *commodities* used or useful in the manufacture, distribution, and advertising of chocolate and chocolate products, between Hershey, Pa., and New York, N. Y., over a specified regular route, serving the intermediate points of Lancaster and Philadelphia, Pa., and Trenton and New Brunswick, N. J., and the off-route points of Lititz and Florin, Pa.; Camden, N. J., and points in New Jersey within 30 miles of New York, N. Y.; Glendale, N. Y., and points in the New York, N. Y., Commercial Zone, as defined by the Commission in 1 M. C. C. 665.

Tin plates, over irregular routes, from Lancaster, Pa., to Elizabeth, Bloomfield, Bayonne, Passaic, Rutherford, New Brunswick, Newark, and Jersey City, N. J., and Mamaroneck, N. Y.

No. MC 42317 (Sub No. 1), dated June 24, 1939.

Chocolate and chocolate products and *products* used or useful in the manufacture, distribution, and advertising of chocolate and chocolate products, between Hershey, Pa., over a specified regular route, and New York, N. Y., serving no intermediate points.

No. MC 44947 (Sub No. 14), filed October 3, 1957, DEIOMA TRUCKING CO., A Corporation, P. O. Box 11, East Sparta, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 44947, dated September 14, 1949.

Floor and wall tile, from East Sparta, Ohio, to points in the New York, N. Y., Commercial Zone;

No. MC 44947 (Sub No. 1), dated July 10, 1950.

Sugar, nuts, dates and *coffee*, from points in the New York, N. Y., Commercial Zone, and in the Philadelphia, Pa., Commercial Zone, to points in Carroll, Columbiana, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio.

Floor and wall tile, from East Sparta, Ohio, to points in New Jersey except those in the New York and Pennsylvania commercial zone.

No. MC 44947 (Sub No. 5), dated September 14, 1949.

Clay, from East Sparta, Ohio, to Parkersburg, W. Va.; and *Wall-tile*, on return.

No. MC 44947 (Sub No. 6), dated September 14, 1949.

Machinery, tools, dies, and *empty containers*, between East Sparta Ohio, and Parkersburg, W. Va.

No. MC 44947 (Sub No. 7), dated September 14, 1949.

Floor and wall tile, from East Sparta, Ohio, to points in the Philadelphia, Pa., commercial zone.

No. MC 44947 (Sub No. 9), dated April 22, 1955.

Clay products, between points in Ohio, on the one hand, and, on the other, points in Michigan, Maryland, New York, Pennsylvania, and West Virginia; between points in Warwick, Goshen, and Mill Townships, Tuscarawas County, and in Palmyra Township, Portage County, Ohio, on the one hand, and, on the other, points in New Jersey, Delaware, Virginia, and the District of Columbia; From points in Summit, Stark, and Tuscarawas Counties, Ohio, to points in Indiana, with no transportation for compensation on return except as otherwise authorized; and From Lisbon and East Liverpool, Ohio, to points in Delaware, New Jersey, and the District of Columbia.

No. MC 44947 (Sub No. 10), dated May 24, 1956.

Pallets, skids, and empty containers which have been used in the transportation of clay products, on return movements, from points in Michigan, Maryland, New York, Pennsylvania, West Virginia, Indiana, New Jersey, Delaware, Virginia, and the District of Columbia to points in Ohio.

No. MC 44947 (Sub No. 11), dated April 26, 1957.

Clay products, other than brick, from Lisbon and East Liverpool, Ohio, to points in Indiana and Virginia, and *Pallets*, on return.

No. MC 44947 (Sub No. 12), dated November 5, 1956.

Clay products, from Windham and Portsmouth, Ohio, to points in Indiana; and *empty used containers for clay products, pallets*, and *skids*, on return.

No. MC 45079 (Sub No. 5), filed October 2, 1957, ELI E. WAGNER, JR., 724 East Boundary Avenue, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. For authority to operate as a *common carrier*, of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 45079, dated February 2, 1950.

Steel plates and *steel sheets*, from Harrisburg, Pa. to Alexandria, Va., Baltimore, Annapolis, Carderock and Hagerstown, Md., Washington, D. C., New York, N. Y., and points in New York and New Jersey within 20 miles of New York, N. Y.

Materials, supplies and equipment used in or incidental to the production of steel plates and sheets, from Baltimore, Md., New York, N. Y., and points in New York and New Jersey within 20 miles of New York, N. Y., to Harrisburg, Pa.

NOTE: Applicant also conducts common carrier operations in Certificates Nos. MC 70267 and Sub Nos. 5 and 7 thereunder.

No. MC 49397 (Sub No. 2) filed October 16, 1957, HENRY J. GIORGI, INC., 135-54 125th Street, South Ozone Park, N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 49397, dated January 29, 1957.

Irregular routes:

Piling, timber, lumber, railroad ties, poles, and *boat fenders*, between Allendale, N. J., and points in New Jersey and New York within 100 miles of Allendale, N. J., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, and Massachusetts, and those in Pennsylvania within 150 miles of Allendale, N. J.

Pile driving machinery and equipment, stone crushers, and *steel tanks*, between points in New Jersey, New York, Connecticut, Rhode Island, and Massachusetts. *Milk*, in tank trucks, from points in New York within 100 miles of Allendale, N. J., to New York, N. Y., and points in Bergen, Passaic, and Hudson Counties, N. J., with no transportation for compensation on return except as otherwise authorized.

Doors and door frames, from New York, N. Y., to points in Connecticut, New Jersey, New York, Pennsylvania, Delaware, and Maryland; and *damaged shipments of doors and door frames*, on return.

No. MC 50404 (Sub No. 55), filed October 23, 1957, THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, Cincinnati, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 50404, dated September 1, 1950.

Steel and *steel products*, and *materials and supplies* used in the operation and maintenance of plants producing steel and steel products, over irregular routes, between Middleton, Ohio, Ashland, Ky., and Huntington, W. Va., on the one hand, and, on the other, points in Ohio, and those in Kentucky on and east of U. S. Highways 25 and 25W.

Between Middletown, Ohio, and Ashland, Ky., on the one hand, and, on the other, Buffalo, N. Y., and Butler, Pa.

Petroleum products, from Leach and Covington, Ky., to Williamsburg, Ohio.

From Maysville, Ky. to Dayton, Ohio.

From Leach, Covington, and Maysville, Ky., to points in that part of Ohio east of U. S. Highway 68, south of U. S. Highway 40, and west of U. S. Highway 21; and return.

Petroleum and *petroleum products*, in bulk, between Cincinnati, Ohio, and points in Indiana within 50 miles of Cincinnati.

Between Cincinnati, Ohio, and points in Kentucky within 100 miles of Cincinnati.

Petroleum liquid asphalt and *petroleum residual fuel oils*, in bulk, in tank trucks, from Leach, Ky., to points in Ohio on and south of U. S. Highway 40 and on and west of Ohio Highway 77, and those in West Virginia on and south of U. S. Highway 50 and on and west of U. S. Highway 250; and return.

Residual fuel oil and *liquid petroleum asphalt*, in bulk, in tank vehicles, from Covington, Ky., to points in Ohio within 135 miles of Cincinnati.

Liquid petroleum asphalt and petroleum residual fuel oils, in bulk, in tank trucks, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky within 125 miles of Cincinnati, Ohio.

Petroleum residual fuel oils, in bulk, in tank trucks, from Covington, Ky., to that part of Ohio bounded by a line beginning at the junction of the Ohio-Indiana State line with the Ohio River and extending northward along said State line to junction with Ohio Highway 47, thence along Ohio Highway 47 to junction with U. S. Highway 23, thence along U. S. Highway 23 to the Ohio River, and thence along said river to the point of beginning, including points on the indicated portions of the State line highways, and river specified above, except New Miami.

Liquid petroleum asphalt and *petroleum residual fuel oils*, in bulk, in tank trucks, from Leach, Ky., to that part of Ohio bounded by a line beginning at the junction of the Ohio-Indiana State line with the Ohio River and extending northward along said State line to junction with Ohio Highway 47, thence along Ohio Highway 47 to junction with U. S. Highway 23, thence along U. S. Highway 23 to junction with Ohio Highway 229 at Norton, Ohio, thence along Ohio Highway 229 to junction with U. S. Highway 36 at Mt. Vernon, Ohio, thence along U. S. Highway 36 to junction with U. S. Highway 21 at Newcomerstown, Ohio, thence south along U. S. Highway 21 to the Ohio River, and thence west along said river to the point of beginning, including points and places on the indicated portions of the State line, highways and river specified above.

Rejected shipments of the above-mentioned commodities, from points in the above-mentioned destination territories respectively, to points in Hamilton County, Ohio, and Covington and Leach, Ky., respectively.

Liquid core compound, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Illinois, Indiana, Kentucky, the lower peninsula of Michigan, Missouri, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

Liquid petroleum asphalt, in bulk, in tank vehicles, between points in De Kalb County, Ind., on the one hand, and, on the other, points in Indiana, Ohio, and Michigan within 150 miles of De Kalb County.

From Covington, Ky., to points and places in De Kalb County.

Coal tar and coal tar products, in bulk, in tank vehicles, between points in Lawrence County, Ohio, on the one hand, and, on the other, points in Kentucky and West Virginia.

No. MC 50404 (Sub No. 15), dated April 4, 1956.

Styrene and *synthetic liquid resins*, in bulk, in tank vehicles, over irregular routes, from Addyston, Ohio, to points in Illinois, Indiana, Michigan, those in Kentucky (except points in Jefferson County), those in Pennsylvania (except points in Allegheny, Butler, Chester, Delaware, Franklin, Mercer, Philadelphia, Beaver, Cambria, Dauphin, Fayette, McKean, Montgomery, Schuylkill, and Venango Counties), and those in West Virginia (except points in Brooke, Han-

cock, Monongalia, Hampshire, Kanawha, Ohio, Marion, Marshall, Pleasants and Wetzel Counties).

Hydrochloric acid, in bulk, in tank vehicles, from Cincinnati to Huntington, W. Va., points in Illinois, Indiana, and those in Kentucky (except points in Jefferson County).

Silicate of soda, in bulk, in tank vehicles, from Jeffersonville and Anderson, Ind., to Cincinnati, Ohio.

Lacquer thinner, in bulk, in tank vehicles, from Dayton, Ohio, to Anderson, Ind.

No. MC 50404 (Sub No. 18), dated March 25, 1954.

Styrene, synthetic resins, and *phenolic resins*, in bulk, in tank vehicles, over irregular routes, from Addyston, Ohio, to Louisville, Ky.

Hydrochloric acid, in bulk, in tank vehicles, from Cincinnati, Ohio, to Louisville, Ky.

No. MC 50404 (Sub No. 20), dated March 8, 1956.

Benzol, benzine, toluol, and *xylol*, in bulk, in tank vehicles, over irregular routes, from Middletown, Ohio, to points in Indiana.

No. MC 50404 (Sub No. 21), dated September 15, 1954.

Styrene and synthetic liquid resins, in bulk, in tank vehicles, over irregular routes, from Addyston, Ohio, to points in that portion of Wisconsin on and east of a line beginning at Gills Rock, Wis., and extending in a southwest direction along the eastern shore of Green Bay to the city of Green Bay, Wis., thence along U. S. Highway 41 to Fond du Lac, Wis., thence along U. S. Highway 151 to Madison, Wis., and thence along Wisconsin Highway 13 to the Wisconsin-Illinois State line.

No. MC 50404 (Sub No. 24), dated May 17, 1955.

Liquid glue, in bulk, in tank vehicles, over irregular routes, from Addyston, Ohio, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

Synthetic liquid resins, in bulk, in tank vehicles, from Addyston, Ohio, to points in Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Wisconsin.

No. MC 50404 (Sub No. 30), dated August 10, 1955.

Sulphuric acid, in bulk, in tank vehicles, over irregular routes, from Cincinnati, Ohio, to Louisville, Ky.

No. MC 50404 (Sub No. 38), dated April 10, 1957.

Coal spray oil, in bulk, in tank vehicles, over irregular routes, from points in Hamilton County, Ohio, to points in Illinois, Indiana, Kentucky, and West Virginia and points in Maryland, Pennsylvania, Tennessee, and Virginia, on and west of U. S. Highway 15.

No. MC 50404 (Sub No. 40) dated October 30, 1956.

Paint removing compound, in bulk, in tank vehicles, over irregular routes, from Cincinnati, Ohio, to Louisville, Ky.

No. MC 50404 (Sub No. 43), dated November 6, 1956.

Rosin sizing, in bulk, in tank vehicles, over irregular routes, from Addyston, Ohio, to points in the lower peninsula of Michigan.

No. MC 50404 (Sub No. 47), dated May 9, 1957.

Varnish, in bulk, in tank vehicles, over irregular routes, from Columbus, Ohio, to points in De Kalb County, Ill.

No. MC 50404 (Sub No. 48), dated August 9, 1957.

Paints, in bulk, in tank vehicles, over irregular routes, from Cincinnati, Ohio, to Louisville, Ky. Paint solvents, in bulk, in tank vehicles, from the site of the Interchemical Company plant, Cincinnati, Ohio, to the site of the General Electric Company plant, Louisville, Ky.

No. MC 50404 (Sub No. 50), dated July 22, 1957.

Lacquer thinner, in bulk, in tank vehicles, over irregular routes, between Xenia, Ohio, and points within five miles thereof on the one hand, and, on the other, points in Delaware and Madison Counties, Ind., except Shideler, Ind.

No. MC 52552 (Sub No. 14) filed October 18, 1957, DARL D. WOMELDORF, doing business as W. I. WOMELDORF & SONS, P. O. Box 232, McKeesport, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, Philadelphia 2, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 52552, dated May 24, 1950.

Plate glass, window glass, and *wire glass*, over irregular routes, from Butler, Dunbar, Floreffe, and New Kensington, Pa., and Clarksburg, W. Va., to Baltimore, Md., Camden, Jersey City, and Trenton, N. J., Dover and Wilmington, Del., New York, N. Y., and Martinsville and Winchester, Va.

Sugar and *canned goods*, from Baltimore, Md., to Greensburg, Pa.

Such general merchandise as is dealt in by five-cent-to-one-dollar business houses, subject to "Keystone" restriction, over specified regular routes, from McKeesport, Pa., to Orange, N. J., serving the intermediate and off-route points of Washington and Westfield, N. J., restricted to delivery only.

From New York, N. Y., to McKeesport, Pa., over specified regular routes, serving the off-route points of Aliquippa, Ambridge, Bellevue, Carnegie, Duquesne, East Pittsburgh, Etna, Ford City, Kittanning, New Kensington, Pittsburgh, Sewickley, Tarentum, Turtle Creek, Vandergrift, Verona, Wilkinsburg, and Wilmerding, Pa., restricted to delivery only.

No. MC 52552 (Sub No. 1), dated December 30, 1944.

Such commodities as are dealt in by chain retail five-cent-to-one dollar stores or stores of like character, the business of which is the sale of general commodities, over irregular routes, subject to "Keystone" restriction, from McKeesport and Pittsburgh, Pa., to Ocean City and Wildwood, N. J., and Medina, Dansville, North Tonawanda, Lancaster, Le Roy, Syracuse, Buffalo, Fredonia, and Jamestown, N. Y.

From points in New Jersey and New York, except New York, N. Y., to McKeesport, Aliquippa, Ambridge, Bellevue, Carnegie, Duquesne, East Pittsburgh, Etna, Ford City, Kittanning, New Kensington, Pittsburgh, Sewickley, Tarentum, Turtle Creek, Vandergrift, Verona, Wilkinsburg, and Wilmerding, Pa.

No. MC 52552 (Sub No. 2), dated June 15, 1944.

Irregular Routes:

Such merchandise as is dealt in by five-cent-to-one-dollar stores, from McKeesport and Pittsburgh, Pa., to Torrington, Stamford, New Canaan, Naugatuck, and Ansonia, Conn.

From New Haven, Torrington, Stamford, New Canaan, Naugatuck, and Ansonia, Conn., to points in Allegheny County, Pa., subject to "Keystone" restriction.

Glass bottles, from Brockway, Pa., to points in Delaware, Maryland, New Jersey, and New York.

No. MC 52552 (Sub No. 7), dated January 6, 1949.

Irregular Routes:

Wooden boxes and *wooden containers*, set up or knocked down, from Brockway, Pa., to points and places in Delaware, Maryland, New Jersey, and New York.

Glass bottles, bottle caps, corrugated paper boxes and *corrugated paper containers*, and *equipment* and *supplies* used by manufacturers of glass bottles and containers, from points and places in Delaware, Maryland, New Jersey, except Hudson, Essex, Bergen, Union and Passaic Counties, and New York except Queens, Kings, and Suffolk Counties, to Brockway, Pa.

Glass bottles and *cullet*, from Hudson, Essex, Bergen, Union, and Passaic Counties, N. J., and from Kings, Queens, and Suffolk Counties, N. Y., to Brockway, Pa.

No. MC 52552 (Sub No. 8), dated August 5, 1949.

Glass containers, glass bottles and *glass jars*, common, not exceeding one gallon in capacity, with or without caps, covers, tops or stoppers, *glassware*, other than cut glassware, and *wooden boxes* and *wooden containers*, set up or knocked down, over irregular routes, from Knox, Marienville, Oil City, Parkers Landing, and Sheffield, Pa., to points and places in Delaware, Maryland, New Jersey, and New York.

Corrugated paper boxes, corrugated paper containers, and *glass bottle and glass container caps, covers, tops, and stoppers*, over irregular routes, from points and places in Delaware, Maryland, New Jersey, and New York, to Knox, Marienville, Oil City, Parkers Landing, and Sheffield, Pa.

No. MC 52552 (Sub No. 10), dated June 18, 1956.

Irregular Routes:

Glass containers, from Parkers Landing, Knox, Marienville, and Sheffield, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Glass containers and closures and nipples therefor, from Oil City, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

No. MC 52552 (Sub No. 11), dated September 7, 1956.

Irregular Routes:

Petroleum products in containers, polishes, denatured alcohol, gasoline pumps, oil pumps, and *advertising matter* used in connection with the above-described commodities, from Philadelphia, Pa., to points in West Virginia; and

Petroleum products in containers, polishes, denatured alcohol, and *advertising matter* used in connection with the above-described commodities, from Marcus Hook, Pa., to points in West Virginia; and

Empty containers for petroleum products, from points in West Virginia, to Philadelphia and Marcus Hook, Pa.

Such commodities as are sold in, or used in connection with the operation of, gasoline service stations, except petroleum products in containers and in bulk, polishes, denatured alcohol, gasoline and oil pumps, and advertising matter used in connection with such excepted commodities, subject to "Keystone" restriction, from Philadelphia, Pa., to points in West Virginia; and

Such commodities as sold in, or used in connection with the operation of, gasoline service stations, except petroleum products in containers and in bulk, polishes, denatured alcohol, and advertising matter used in connection with such excepted commodities, from Marcus Hook, Pa., to points in West Virginia; and *empty containers* for the above specified commodities, except empty petroleum products containers, from points in West Virginia, to Philadelphia, and Marcus Hook, Pa.

No. MC 52989 (Sub No. 8), filed October 18, 1957, JOYCE TRUCKING COMPANY, a Corporation, 1621 Shields Avenue, Chicago Heights, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, of the same commodities between the same points or within the same territory as authorized in the following permit, over irregular routes,

No. MC 52989, dated March 29, 1955.

Petroleum and petroleum products (in containers), from East Chicago, Ind., to points in Michigan bounded by a line and extending along U. S. Highway 12 to Benton Harbor, Mich., thence along U. S. Highway 31 to Holland, Mich., thence along Michigan Highway 21 to Grand Rapids, Mich., thence along U. S. Highway 16 to Lansing, Mich., thence along U. S. Highway 127 through Jackson, Mich., to the Michigan-Ohio State line, and thence along the Michigan-Ohio-Indiana State lines to point of beginning including points on the indicated portions of the highways specified, and *empty petroleum and petroleum-product containers*, on return.

Asphalt-roofing products and nails, from Chicago Heights, Ill., to Veedersburg, Ind., and points in Indiana north of Indiana Highway 28, and points in Michigan east and south of a line beginning at the Indiana-Michigan State line and extending along U. S. Highway 12 to Jackson, Mich., thence west of a line beginning at Jackson, Mich., and extending along U. S. Highway 127 to the Michigan-Ohio State line, including points on the indicated portions of the highways specified.

Roofing and building materials and supplies used in the installation thereof, except asphalt-roofing products and

nails, from Chicago Heights, Ill., to Veedersburg, Ind., points in Indiana north of Indiana Highway 28, and those in Michigan east and south of a line beginning at the Indiana-Michigan State line and extending along U. S. Highway 12 to Jackson, Mich., thence west of a line beginning at Jackson, Mich., and extending along U. S. Highway 127 to the Michigan-Ohio State line, including points on the indicated portions of the highways specified.

No. MC 55555 (Sub No. 1) filed October 17, 1957, FRANK FERRARO, doing business as FRANK FERRARO TRUCKING CO., 310 21st Avenue, Paterson 3, N. J. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 55555, dated April 13, 1955.

Poultry, eggs, dairy products, packinghouse products and *such merchandise* as is dealt in by wholesale, retail, and chain grocers, over irregular routes, from Paterson, N. J., to Matamoras, Pa., and points in Sullivan, Orange, and Rockland Counties, N. Y.

NOTE: Applicant conducts common carrier operations by virtue of Certificate No. MC 55556, dated March 18, 1955.

No. MC 59903 (Sub No. 1) filed October 10, 1957, CHARLES DE ROBBIO, doing business as C. DE ROBBIO & SONS, 52 York Avenue, Paterson, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 59903, dated November 9, 1955.

Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, subject to "Keystone" restriction, over irregular routes, between points within the territory bounded by a line beginning at Weehawken, N. J., and extending in a northwesterly direction through Rutherford to Mountain View, N. J., thence in a southwesterly direction to Myersville, N. J., thence west through Far Hills to Cokesbury, N. J., thence in a northwesterly direction through Port Murray to Belvidere, N. J., thence across the Delaware River to the west bank thereof, thence in a northeasterly direction along the west bank of the river through Milford and Matamoras, Pa., to Port Jervis, N. Y., thence in a northeasterly direction through Middletown to Pine Bush, N. Y., thence east to Wallkill, N. Y., thence in a southeasterly direction to Newburgh, N. Y., and thence south along the west bank of the Hudson River to Weehawken, including the points named.

Between points in the above-specified territory, on the one hand, and, on the other, points in New York, Bronx, Kings, Queens, Nassau, and Richmond Counties, N. Y., and those in Hudson, Bergen, and Essex Counties, N. J.

Fruits, vegetables, farm products, poultry, and *sea food*, in the respective seasons of their production, from points in the grape-producing district of Ulster County, N. Y., and the fruit-producing district of Hunterdon County, N. J., to points in the above-specified territory.

NOTE: Carrier conducts *common carrier* operations by virtue of Certificate No. MC 106923.

No. MC 60078 (Sub No. 8) filed October 15, 1957, HOME OIL & GAS CORPORATION, 915 Atchison Street, St. Joseph, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 60078, dated November 19, 1946.

Petroleum and petroleum products, in bulk, over irregular routes, from Arkansas City, Coffeyville, Great Bend, Hutchinson, Kansas City, McPherson, Neodsha, Potwin, Salina, and Wichita, Kans., to Phelps City, St. Joseph, and Weston, Mo., and Clearfield, Iowa.

Petroleum products, in bulk, in tank vehicles, over irregular routes, from points in the Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission, to Ballatin, Mo., and to points in that part of Missouri, on, north and west of a line beginning at Kansas City and extending along U. S. Highway 40 to Grain Valley, thence along an unnumbered highway through Buckner, Sibley, and Miltondale to Excelsior Springs and thence along U. S. Highway 69 to the Missouri-Iowa State line; and *rejected shipments*, of the above-described commodities, on return.

Liquid petroleum products, from Coffeyville, Kans., to Weston, Mo., over specified regular routes, serving no intermediate points.

No. MC 69622 (Sub No. 1), filed October 9, 1957, HARVEY REDDEN, INC., 221 Murray Street, Newark, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit, over irregular routes.

No. MC 69622, dated November 27, 1950.

Construction equipment, materials, and *supplies*, between points in that part of New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania within 115 miles of Newark, N. J.

Railroad equipment, materials, and *supplies*, between New York, N. Y., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey and New York along the rail routes of the Pennsylvania Railroad.

Magazines and *paper*, between Dunellen, N. J., and New York, N. Y., on the one hand, and, on the other, points in Bergen, Union, Essex, Middlesex, Passaic, and Hudson Counties, N. J.

NOTE: Carrier conducts contract carrier operations of passengers by virtue of Permit No. MC 52767, dated November 27, 1950. BOR 96 to cover conversion of this Permit has been assigned No. MC 52767 (Sub No. 1).

No. MC 75397 (Sub No. 1) filed October 23, 1957, HOMER SPRUANCE TRUCKING CO., 1221 South Verity Parkway, Middletown, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 75397, dated July 29, 1941.

Paper, corrugated paper cartons, silicate in containers, *empty silicate containers*, and *rubber rolls*, between Cincinnati, Ohio, and Dayton, Ohio, over specified regular routes, and serving the intermediate points of Franklin, Hamilton, Miamisburg, Middletown, and West Carrollton, Ohio.

No. MC 76279 (Sub No. 4), filed November 7, 1957, SODAK TRANSPORT, INC., 907 Thomas Avenue North, Minneapolis, Minn. Applicant's attorney: Sidney S. Feinberg, Rand Tower, Minneapolis 2, Minn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 76279, dated January 17, 1956.

Foods, oyster shells and *such commodities as are usually dealt in by retail grocery stores*, including *supplies and equipment* used or useful in the conduct of such business, from Minneapolis, Minn., to points in that part of Iowa west of U. S. 71 and north of U. S. 20, and those in that part of South Dakota east of the Missouri River, except Big Stone City, Milbank, Twin Brooks, Marvin, Summit, Ortley, Waubay, Webster, Holmquist, Bristol, Butler, Andover, Pierpont, Langford, Eden, Roslyn, Claremont, Sisseton, Aberdeen, Groton, and Britton, S. Dak. From Mitchell, Huron, Flandreau, Kimball, Pierre, Brookings, Watertown, Sioux Falls, and Madison, S. Dak. to the above-specified Iowa and South Dakota points; empty containers used in connection with the above commodities, from points in that part of Iowa and South Dakota specified above, to Minneapolis, Minn., and Mitchell, Huron, Flandreau, Kimball, Pierre, Brookings, Watertown, Sioux Falls and Madison, S. Dak.

Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, from Hopkins, Minn. to points in that part of Iowa west of U. S. 71 and north of U. S. 20 and those in that part of South Dakota east of the Missouri River, except Big Stone City, Milbank, Twin Brooks, Marvin, Summit, Ortley, Waubay, Webster, Holmquist, Bristol, Butler, Andover, Pierpont, Langford, Eden, Roslyn, Claremont, Sisseton, Aberdeen, Groton, and Britton, S. Dak. *Empty containers* for the above-specified commodities, from destination points specified immediately above to Hopkins, Minn.

No. MC 80265 (Sub No. 2) filed October 23, 1957, ALBERT L. SMITH, 1718 Greenwood Avenue, Hamilton, Ohio. For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 80265, dated July 2, 1941.

Finished paper and *paper products*, over irregular routes, from Hamilton, Ohio, to Chicago and St. Charles, Ill., and South Bend, Ind.

Scrap paper, over irregular routes, from Chicago and St. Charles, Ill., and South Bend, Ind. to Hamilton, Ohio.

No. MC 80265 (Sub No. 1), dated January 7, 1939.

Paper and *paper products*, over irregular routes, from Hamilton, Ohio, to points in Illinois on and north of U. S. Highway 40, except Chicago and St. Charles, Ill., those in Indiana on and north of U. S. Highway 40, except South Bend, Ind., those in Michigan on and south of Michigan Highway 21, and to Milwaukee, Racine, and Beloit, Wis., St. Louis, Mo., Erie, Pa., and Buffalo and Rochester, N. Y.; and

Steel strapping, paper and paper products, and *materials and supplies*, used in the manufacture and shipping of paper and paper products, from the above-specified destination points and Toledo, Ohio, to Hamilton.

No. MC 82336 (Sub No. 18), filed October 11, 1957, UNITED PARCEL DELIVERY, INC., 663 Bryson Street, Youngstown, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 82336, dated February 6, 1950.

Irregular routes:

Agricultural limestone, from Bessemer, Pa., to Youngstown, Ohio.

Flour, grains, feeds, salt, macaroni, soap, soap powders, vegetable shortening, paint, and *chemicals*, from Youngstown, Ohio, to points in Ohio and Pennsylvania within 90 miles of Youngstown.

New furniture, uncrated, from Columbiana, Ohio, to points in Indiana, Kentucky, Maryland, New Jersey, New York, Pennsylvania, West Virginia, the District of Columbia, and those in Monroe, Wayne, and Macomb Counties, Mich.

New furniture and *used furniture* when transported for or after refinishing, reconditioning, or reupholstering at a factory, repair shop, or upholstery shop, between points in Mahoning and Columbiana Counties, Ohio, on the one hand, and, on the other, points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania State line near Tuna, Pa., and extending along U. S. Highway 219 to junction U. S. Highway 322, thence along U. S. Highway 322 to junction U. S. Highway 220, thence along U. S. Highway 220 to the Maryland-Pennsylvania State line, including points on the indicated portions of the highways specified, and points in that part of West Virginia on and north of U. S. Highway 50. RESTRICTION: The service authorized immediately above is restricted against the transportation of new furniture from points in Warren County, Pa.

Such commodities as are dealt in by wholesale and retail hardware houses, and ladies' ready-to-wear stores, from Youngstown, Ohio, to points in Lawrence and Mercer Counties, Pa.

Such commodities as are dealt in by wholesale and retail paper houses, from Youngstown, Ohio, to Sharon, Barrell, Sharpsville and Wheatland, Pa., and *rejected* and *returned shipments* of the above-specified commodities, from the above-specified destination points to Youngstown, Ohio, subject to "Keystone" restriction.

No. MC 82336 (Sub No. 12), dated October 6, 1952.

Such commodities, as are dealt in by wholesale and retail hardware houses, over irregular routes, from Youngstown, Ohio, to points in Beaver, Butler, Crawford, Erie, and Venango Counties, Pa.

No. MC 82336 (Sub No. 17), dated February 13, 1957.

New furniture, uncrated, as defined by the Commission from Columbiana, Ohio, to Chicago, Ill., and points in Michigan (except those in Monroe, Wayne, and Macomb, Counties).

From Salem, Ohio, to Chicago, Ill., Louisville, Owensboro, and Newport, Ky., Huntington, Kenova, Logan, Charleston, and South Charleston, W. Va., Elizabeth, N. J., Baltimore and Frederick, Md., points in Michigan, Indiana, and New York, and points in Pennsylvania east of a line near Tuna, Pa., and extending along U. S. Highway 219 to junction U. S. Highway 322, thence along U. S. Highway 322 to junction U. S. Highway 220, thence along U. S. Highway 220 to the Maryland-Pennsylvania State line.

No. MC 86676 (Sub No. 3), filed October 17, 1957, ANTON SCHNEIDER, Box 92, Lannon, Wis. Applicant's attorney: William C. Dineen, 341 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 86676 (Sub No. 2), dated October 18, 1955.

Rough stone and *cut stone*, over irregular routes, from Lannon, Wis., and points in Menominee and Lisbon Townships, Waukesha County, Wis., to points in Indiana, Illinois, Iowa, Minnesota, and Michigan, and *empty pallets*, on return.

No. MC 86928 (Sub No. 29), filed October 2, 1957, C. E. REYNOLDS, 2209 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *common carrier* of the commodities between the same points or within the same territory as authorized in the following permits:

No. MC 86928, dated February 3, 1950.

Refined petroleum products, in bulk, from Coffeyville, Kans., to Wellington and Osborn, Mo., and from Arkansas City, Kans., to Springfield, Mo.

Lubricating oil, in containers, from Cleveland, Okla., to Joplin, Pierce City, and Seneca, Mo.

Petroleum products, in truck load lots, from Enid, Cleveland, Cushing, and Blackwell, Okla., to points in Kansas on and south of U. S. Highway 40.

Petroleum products, in bulk, in tank vehicles, from Cleveland, Sand Springs,

and Tulsa, Okla., and from Coffeyville, Kans., to St. Joseph and Berger, Mo., points in that part of Missouri on and south of U. S. Highway 54 from the Kansas-Missouri State line to Camdenton, Mo., and on and west of Missouri Highway 5 from Camden to the Missouri-Arkansas State line, and to points in Missouri on U. S. Highway 71 between Nevada, Mo., and Harrisonville, Mo., those on Missouri Highway 35 between junction Missouri Highway 35 and U. S. Highway 71 and Clinton, Mo., those on U. S. Highway 54 between Camdenton, Mo., and Mexico, Mo., those on U. S. Highway 63 between Jefferson City, Mo., and Columbia, Mo., those on U. S. Highway 66 between Lebanon, Mo., and Cuba, Mo., those on U. S. Highway 63 between Rolla, Mo., and Licking, Mo., those on Missouri Highway 72 between Rolla, Mo., and Salem, Mo., those on Missouri Highway 28 between junction Missouri Highway 28 and U. S. Highway 66 and junction Missouri Highway 28 and U. S. Highway 63 (three miles south of Vienna, Mo.), those on U. S. Highway 63 between junction Missouri Highway 28 and U. S. Highway 63 (as aforesaid) and Westphalia, Mo., and those on Missouri Highway 19 between Cuba, Mo., and Hermann, Mo., including service at each of the named Missouri points.

No. MC 86928 (Sub No. 18), dated January 14, 1953.

Petroleum products, in bulk, in tank vehicles, from Coffeyville, Kans., to Birch Tree, Hartville, Houston, Licking, Mountain Grove, Mountain View, Montier, Raymondville, Salem, Success, Summersville, Thayer, and Willow Springs, Mo.

From Coffeyville and El Dorado, Kans., to Cabool, Mo.

No. MC 86928 (Sub No. 19), dated March 1, 1955.

Sulphuric acid, in bulk, in tank vehicles, from Galena, Kans., to points in Missouri, Arkansas, and Oklahoma within 250 miles of Galena, and from Atlas, Mo., to points in Arkansas, Kansas and Oklahoma within 250 miles of Galena, Kans., and to Trenton, Mo.

No. MC 86928 (Sub No. 23), dated January 16, 1956.

Phosphoric acid and *sulphuric acid*, in bulk, in tank vehicles, from Atlas, Mo., to Perry, Iowa.

No. MC 86928 (Sub No. 24), dated October 14, 1955.

Phosphoric acid, in bulk, in tank vehicles, from Horn and Atlas, Mo., to Trenton, Mo., and points in Kansas, Oklahoma, and Arkansas.

No. MC 86928 (Sub No. 26), dated December 10, 1956.

Nitric acid, in bulk, in tank vehicles, from plant site of the Atlas Powder Company located about three miles northeast of Duenweg, Mo., to Monsanto, Ill.

NOTE: Applicant is authorized to conduct common carrier operations in Certificate No. MC 114890 dated May 18, 1955.

No. MC 88453 (Sub No. 1), filed October 8, 1957, E. J. WEISS, doing business as E. J. WEISS TRUCK SERVICE, 2722 La Salle Street, St. Louis, Mo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 88453, dated February 2, 1939.

Flowers and *shrubs*, over a specified regular route between Pana, Ill., and St. Louis, Mo., and *empty containers* and *floral and greenhouse supplies*, on return, serving the intermediate points of Litchfield and Hillsboro, Ill.

No. MC 100929 (Sub No. 9), filed October 16, 1957, R. W. ISHERWOOD, INC., 39 Highland Avenue, Patchogue, Long Island, N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 100929, dated July 2, 1953.

Irregular routes:

Agricultural commodities, from points in Suffolk County, N. Y., to Newark, Jersey City, West New York, Passaic, Paterson, and Hawthorne, N. J.

Potatoes, from Port Newark, N. J., to points in Suffolk County, N. Y.

Fertilizer, fertilizer materials, and *acids*, from Bayonne, Edgewater, Carteret and Jersey City, N. J., to Riverhead, Mattituck, and Southold, N. Y.

Lima beans, from points in Suffolk County, N. Y., to Bridgeton, N. J.

Fertilizer and *fertilizer materials*, from Bayonne, Edgewater, Carteret, and Jersey City, N. J., to points in Suffolk County, (except Riverhead, Mattituck, and Southold), N. Y., and *damaged, defective, rejected or returned shipments* of the above-specified commodities, on return.

Agricultural insecticides, from Bristol and Bridesburg, Pa., to points in Suffolk County, N. Y.

Limestone and *limestone products*, in containers, from Swedeland, Devault, McCoy, and Plymouth Meeting, Pa., and points in Pennsylvania within six miles of each of the four points named immediately above, to points in Nassau and Suffolk Counties, N. Y.

Fertilizer and *fertilizer materials*, from Camden, N. J., to points in Suffolk County, N. Y.

Fertilizer and *fertilizer ingredients*, in bulk, from the site of the Fairless Works of the United States Steel Corporation, at or near Morrisville, Pa., to points in Suffolk County, N. Y.

Insecticides and *fungicides*, from Middleport, N. Y., to Suffolk County, N. Y.

No. MC 100929 (Sub No. 6), dated April 14, 1955.

Sulphate of ammonia, in bulk, in other than tank vehicles, over irregular routes, from Bristol, Pa., to points in Suffolk County, N. Y.

No. MC 100929 (Sub No. 8), dated December 26, 1956.

Agricultural insecticides, in containers, in seasonal operations between April 1 and September 30, inclusive, of each year, over irregular routes, from Elkton, Md., to points in Nassau and Suffolk Counties, N. Y.

No. MC 101362 (Sub No. 1), filed October 17, 1957, GUS FRASK, EDWARD RZONCA AND WALTER VOYTUS, doing business as G. E. & W. TRUCKING CO., 37–25 58th Street, Woodside, Long Island, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 101362, dated May 24, 1949.

New furniture, uncrated, over irregular routes, between New York, N. Y., on the one hand, and, on the other, points in New Jersey within 35 miles of New York, N. Y.

No. MC 102035 (Sub No. 1) filed October 14, 1957, ERNEST ZUBER, 1600 Wilmington Road, New Castle, Del. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 102035, dated July 16, 1942.

Tile, linoleum, carpets and *rugs*, and *cement and equipment* used in the installation of floor coverings, between Wilmington, Del., on the one hand, and, on the other, points in that part of Pennsylvania, New Jersey and Maryland within 30 miles of Wilmington, subject to a "Keystone" restriction.

No. MC 104515 (Sub No. 6) filed October 14, 1957, MARTIN V. KIPP, 807 Warren Street, Hudson, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 104515 (Sub No. 1), dated October 18, 1943.

Gasoline and *oil*, over specified regular routes, serving no intermediate points, between Rensselaer, N. Y., and Pittsfield, Mass. and, between Rensselaer, N. Y., and Catskill, N. Y.

No. MC 104515 (Sub No. 2), dated May 18, 1948.

Petroleum products, in bulk, in tank trucks, over irregular routes, from Hudson, N. Y., to Great Barrington, Mass., and to points and places in Massachusetts and Connecticut within 15 miles of Great Barrington.

No. MC 104515 (Sub No. 5), dated September 29, 1950.

Petroleum products, in bulk, in tank vehicles, over irregular routes, from Catskill, N. Y., to Great Barrington, Mass., and points within 15 miles thereof.

No. MC 104724 (Sub No. 12), filed October 14, 1957, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. For authority to operate as a common carrier of the same commodities between the same points of within the same territory as authorized in the following permits:

No. MC 104724, dated May 25, 1954.

Malt beverages, from Atlanta, Ga., to Tuscumbia, Birmingham, Montgomery, and Abbeville, Ala., over specified regular routes, serving the intermediate points of Huntsville, Gadsden, and Anniston, Ala.

Empty malt beverage containers, from Tuscumbia, Birmingham, Montgomery, and Abbeville, Ala., to Atlanta, Ga., over specified regular routes, serving the

intermediate points of Huntsville, Gadsden, and Anniston, Ala.

Malt beverages, over irregular routes, (1) from Atlanta, Ga., to Chattanooga, Lawrenceburg, Shelbyville, Cookeville, Harriman, Johnson City, Knoxville, and Nashville, Tenn., and to points in Alabama, Florida, North Carolina, and South Carolina. (2) from Orlando, Fla., to points in Georgia, North Carolina, South Carolina, and Tennessee, and *empty malt beverage containers*, on return in connection with (1) and (2) above.

No. MC 104724 (Sub No. 10), dated July 19, 1957.

Advertising matter used in the sale and distribution of malt beverages, when moving in mixed shipments with malt beverages, over irregular routes, from Atlanta, Ga., to Chattanooga, Lawrenceburg, Shelbyville, Cookeville, Harriman, Johnson City, Knoxville, and Nashville, Tenn., and points in Alabama, Florida, North Carolina, and South Carolina.

No. MC 106437 (Sub No. 6) filed October 10, 1957, JULIUS CROLLE, doing business as CROLLE TRUCKING, Dale Road, Wanaque, N. J. Applicant's representative: Bert Bollins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 106437, dated August 6, 1956.

Irregular routes:

Pattern tissue paper, from Butler, N. J., to New York, N. Y., and Greenwich, Conn.

Waste tissue paper, from New York, N. Y., to Butler, N. J.

Leather shoe findings, materials, and *supplies* used in the manufacture, sale, and distribution of shoes, between Lodi, N. J., and New York, N. Y.

Pharmaceutical chemicals, in containers, from Lodi, N. J., to New York, N. Y., and *empty containers*, on return.

Acetate and paperboard containers, from Bloomingdale, N. J., to New York, N. Y., and *empty containers*, on return.

No. MC 107272 (Sub No. 14), filed October 10, 1957, MONKEM COMPANY, INC., 601 North High Street, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 107272, dated February 13, 1956.

Roofing paper, building paper, roofing cement, asphaltum, roofing asphalt, prepared roofing, and *prepared shingles*, from Joplin, Mo., to points in Arkansas, Kansas, Missouri, and Oklahoma, within 250 miles of Joplin.

Manufactured fertilizer, in bags, from the site of the Thurston Chemical Company located approximately two miles west of Tulsa, Okla., to points in Kansas within 250 miles of Tulsa, and those points in that part of Arkansas on and west of U. S. Highway 67 within 250 miles of Tulsa.

Fertilizer, in bags, from the site of the Thurston Chemical Company plant at or near Atlas, Mo., to points in Arkansas, Kansas, and Oklahoma within 250 miles of Atlas, Mo., and to those in Iowa and Nebraska, and *damaged, defective, rejected or returned shipments* of fertilizer in bags, on return.

Ammonia nitrate fertilizer, in bags, from the site of the plant of Spencer Chemical Company at or near Military, Kans., to points in Missouri, Oklahoma, Arkansas, Nebraska, and Iowa.

No. MC 107272 (Sub No. 12), dated June 25, 1957.

Ammonium nitrate fertilizer, dry, in bags, from the site of the Spencer Chemical Company, at or near Military, Kans., to points in Illinois, Indiana, Ohio, Kentucky, Mississippi, Tennessee, Louisiana, and Alabama.

No. MC 108335 (Sub No. 1) filed October 18, 1957, JAMES FASANO, doing business as RIVERS TRUCKING COMPANY, 36–25 34th Street, Long Island City, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 108335, dated August 6, 1948.

Refrigerators, deep-freeze units, stoves, and *washing, ironing, and drying machines*, over irregular routes, from Long Island City, N. Y., to points in Fairfield County, Conn., and those in Hudson, Bergen, Passaic, Essex, Union, Middlesex, Monmouth, Somerset, Hunterdon, Morris, Warren, Sussex, and Ocean Counties, N. J.

No. MC 108446 (Sub No. 17) filed September 30, 1957, FISCHBACH TRUCKING CO., a Corporation, 921 Sherman Street, Akron, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 108446 (Sub No. 1), dated June 24, 1954.

Such commodities, as are manufactured, processed, or dealt in by rubber or rubber products manufacturers including *supplies* incidental to the conduct of such business, from Clarksville, Tenn., to Cleveland and Elyria, Ohio, and *rejected shipments* on return.

Such commodities, as are manufactured, processed, or dealt in by rubber and rubber products manufacturers and *supplies* used in the conduct of such businesses, from Clarksville, Tenn., to points in the Akron, Ohio, Commercial Zone, and *rejected articles* and *empty used containers*, on return.

Equipment, materials, and *supplies* used in the conduct of such businesses, except textiles and textile products, from points in the Akron, Ohio, Commercial Zone, to Clarksville, Tenn., and *rejected articles* and *empty used containers*, on return.

Machinery used in the manufacture of rubber products, between Kent, Ohio, on the one hand, and, on the other, Clarksville, Tenn., Chicago Heights, Ill., and points in the Chicago, Ill., Commercial Zone, and points in Massachusetts, Connecticut, New Jersey, Rhode Island, and those in that portion of New York on and east of a line extending in a southerly direction along the St. Lawrence River to Alexandria Bay, N. Y., thence along New York Highway 12 to Binghamton and thence along U. S. Highway 11 to the New York-Pennsylvania State line, and those in Pennsylvania on and south of U. S. Highway 22 and on and east of U. S. Highway 111.

Floor covering and *materials and supplies used in the installation thereof, linoleum, steel rollers* and *wallboard, pulpboard*, between Paulsboro, N. J., and East Walpole, Mass., on the one hand, and, on the other, St. Louis, Mo., points in Ohio, Indiana, and Illinois, and points in that part of Pennsylvania on and west of U. S. Highway 119 from the Pennsylvania-West Virginia State line to Dubois, Pa., thence on and west of U. S. Highway 219 to the Pennsylvania-New York State line.

Agricultural commodities and *prepared foods*, from points in New York to points in Ohio.

Such merchandise as is manufactured or dealt in by rubber products plants, and, in connection therewith, *equipment, materials*, and *supplies*, used in the conduct of such business, between points in the Akron, Ohio, Commercial Zone, on the one hand, and, on the other, points in Massachusetts, Connecticut, New Jersey, Rhode Island, those in that portion of New York on and east of a line extending in a southerly direction along the St. Lawrence River to Alexandria Bay, N. Y., thence along New York Highway 12 to Binghampton, N. Y., and thence along U. S. Highway 11 to the New York-Pennsylvania State line, and those on and east of U. S. Highway 111.

Between Chicago, Ill., and points in the Akron, Ohio, Commercial Zone.

From Watertown and Canton, Mass., to Syracuse, Buffalo, and Niagara Falls, N. Y., Chicago, Ill., points in Ohio, and those in that portion of Indiana on and north of a line beginning at the Indiana-Ohio State line, and extending along U. S. Highway 36 to Indianapolis, and thence along U. S. Highway 52 to the Indiana-Illinois State line, subject to a "Keystone" restriction.

Building, roofing and specified insulating materials and *supplies* used in the installation thereof, from Chicago Heights, Ill., to points in Ohio.

Linoleum, cork felt base floor covering or tiling, asphalt, composition tiling, and *supplies and equipment* used in the installation of said commodities when transported incidentally to and in conjunction with shipments thereof, from Lancaster, Pa., to Mansfield, Ohio.

From Lancaster and Marcus Hook, Pa., and Kearny N. J., to Canton, Ohio.

Asbestos roofing shingles, asbestos siding shingles, asbestos paper, and *asbestos pipe covering*, from Ambler, Pa., to Akron and Canton, Ohio.

Prepared food products, from Baltimore, Md., Philadelphia, Pa., and points in New York, to Canton, Ohio.

Books, from Cambridge, Mass., to Chicago and Argo, Ill., and Columbus, Ohio.

Books, subject to a "Keystone" restriction, from Cambridge, Mass., to points in the Chicago, Ill., Commercial Zone, and *damaged shipments* and *empty book containers* and *skids* on return.

Such merchandise as is manufactured or dealt in by rubber products plants, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, subject to a "Keystone" restriction, between points in the Akron, Ohio, Commercial Zone, and Watertown, Mass., on the one hand, and, on the other, Chicago Heights, Ill., and points in the Chicago, Ill. Commercial Zone.

No. MC 108446 (Sub No. 5), dated January 26, 1950.

Such merchandise as is manufactured or dealt in by rubber products plants, from Lawrence, Mass., to Syracuse, Buffalo and Niagara Falls, N. Y., points in Ohio, those in that part of Indiana on and north of a line beginning at the Ohio-Indiana State line and extending along U. S. 36 to Indianapolis, and thence along U. S. 52 to the Indiana-Illinois State line, those in the Chicago Commercial Zone, and to Chicago Heights, Ill.

No. MC 108446 (Sub No. 6), dated April 2, 1948.

Such commodities as are manufactured by rubber products manufacturers, and *materials, equipment* and *supplies* used in the conduct of such business, between Clarksville, Tenn., on the one hand, and, on the other, points in the Boston Commercial Zone, and with persons who operate manufacturing plants the business of which is the manufacture and sale of asbestos products, for the transportation of the commodities indicated and in the manner specified below:

Such commodities as are manufactured, processed or dealt in by manufacturers of asbestos products, from Ambler, Pa. to points in that part of Ohio on and north of U. S. 40, and *rejected shipments* on return.

No. MC 108446 (Sub No. 9), dated January 23, 1950.

Canned and preserved foodstuffs, including items packed in glass containers and wooden barrels, from points in New York to Charleston and Huntington, W. Va.

No. MC 108446 (Sub No. 15), dated April 11, 1957.

Such commodities as are manufactured, processed, or dealt in by rubber and rubber products manufacturers, and *supplies* used in the conduct of such businesses, between Akron, Ohio, and West Helena, Ark.

No. MC 109035 (Sub No. 2), filed October 2, 1957, RAYMOND O. FEHSAL, doing business as FEHSAL'S EXPRESS, 50 South Main Street, Pearl River, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 109035 (Sub No. 1), dated July 17, 1950.

General commodities, except dangerous explosives, household goods as defined by the Commission, and liquid commodities in bulk, limited to a service wherein motor vehicles accompanied by drivers employed by applicant and who operate such vehicles are assigned to shippers under continuing contracts for the exclusive use of each individual shipper in transporting such shipper's property, between New York, N. Y., on the one hand, and, on the other, points in Rockland, Orange, Westchester, Nassau, Sullivan and Ulster Counties, N. Y.

NOTE: Applicant is authorized to conduct operations as a common carrier in Certificate No. MC 106542 dated June 28, 1950.

No. MC 109504 (Sub No. 2) filed October 10, 1957, PAUL EDWARD McMAHON, 1264 Hanover Avenue, South Meriden, Conn. Applicant's attorney: Reubin Kaminsky, Suite 417, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 109504, dated October 29, 1948.

Brick, over irregular routes, from Berlin, Conn., to points in Massachusetts.

No. MC 109504 (Sub No. 1), dated May 1, 1950.

Brick, over irregular routes, from Berlin, Conn., to points in Rhode Island and to points in that part of New York on and south of New York Highways 2 and 7 to junction U. S. Highway 9 and on and east of U. S. Highways 9 and 9W to the New York-New Jersey State line including New York, N. Y., and points on Long Island, N. Y.

No. MC 109761 (Sub No. 12), filed September 20, 1957, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's attorney: Benjamin J. Brooks, Washington Loan & Trust Building, Washington 4, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 109761, dated February 21, 1955.

Canned fruit and *canned fruit juices*, not frozen, from Winter Haven, Lakeland, and Lake Wales, Fla., to Carson City, Mich., Mount Vernon, Eldorado, Bloomington, and Danville, Ill., Beloit and Madison, Wis., St. Paul, Winona, and Waseca, Minn., and all points in Indiana. *Tobacco*, with stems removed, in containers, from Versailles, Ohio, to Tampa, Fla., and *empty containers* for tobacco on return.

No. MC 109761 (Sub No. 3), dated January 21, 1955.

Tobacco, tobacco with stems removed, and *tobacco* with stems removed and leaves cut, chopped or shredded, from points in Darke County, Ohio, to Jacksonville, Tampa, and Quincy, Fla., and Waycross, Ga., and *empty containers* for tobacco on return.

No. MC 110588 (Sub No. 2), filed October 18, 1957, PINE MOUNTAIN REFRIGERATOR LINES, Route 1, Pineville, Ky. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 110588, dated January 4, 1957.

Oxygen gas and *acetylene gas*, from Cincinnati, Ohio, to Harlan, Ky., serving no intermediate points, over specified regular routes, and *empty containers* on return.

Stoves, ranges, and *stove parts*, between Cleveland, Tenn., and Harlan, Ky., serving no intermediate points, over specified regular routes.

Meat, meat products, meat by-products, dairy products, and *articles distributed by meat-packing houses*, from National Stock Yards, Ill., to Pineville and Middlesboro, Ky.; and *empty containers* on return.

Packing house products, from Pineville and Harlan, Ky., to points in Kentucky and Virginia within 50 miles of Harlan.

Meats, packinghouse products, dairy products and *articles distributed by meat-packing houses, etc.*, from Pineville, Ky., to points in Tennessee within 60 miles of Harlan, Ky.

Fresh meats and *packinghouse products*, from Corbin, Ky., to points in that part of Kentucky within 50 miles of Harlan, Ky., and in that part of Tennessee within 60 miles of Harlan, Ky.

No. MC 110603 (Sub No. 8), filed October 7, 1957, HI-WAY DISPATCH, INC., 26th Street and Highway No. 37 By-Pass, Marion, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 110603, dated April 14, 1950.

Malt beverages, over a specified regular route, between Peoria, Ill., and Marion, Ind., and *empty malt beverage containers*, on return, serving no intermedate points.

Malt beverages and *advertising material* to promote the sale thereof, over specified regular routes, between Cleveland, Columbus, Dayton, and Cincinnati, Ohio, and Chicago, Ill., and Anderson and Muncie, Ind., and *empty malt beverage containers*, on return, serving the intermediate points of Piqua and Springfield, Ohio and Warsaw, Wabash, Marion, Jonesboro, Matthews, Muncie, Alexandria, Union City, Richmond, and New Castle, Ind., and the off-route points of Minster, Ohio, and Gas City, Ind.

Paper, from Franklin, Ohio, to Marion, Ind.

Paper cartons, from Marion, Ind., to St. Louis, Joplin, St. Joseph, and Kansas City, Mo., and points in that part of Michigan on south and east of Michigan Highway 46.

Paper products, from Marion, Ind., to Louisville, Ky., Milwaukee, Wis., and points in Illinois and Ohio.

Malt beverages, from Marion, Ind., to Louisville, Ky., St. Louis, Mo., Beloit, Milwaukee, Racine, and Sheboygan, Wis., and points in Illinois and Ohio.

From Milwaukee, Wis., Cincinnati, Cleveland, Columbus, Minster, and Toledo, Ohio, Chicago, Ill., St. Louis, Mo., and Louisville, Ky., to Frankfort, Hartford City, Huntington, Kokomo, Marion, Muncie, Peru, Portland, Tipton, and Hartford City, Ind.

From Peoria, Ill., to Frankfort, Peru, Kokomo, Muncie, Huntington, Wabash, Winchester, Union City, Portland, Tipton, and Hartford City, Ind.

From Milwaukee, Wis., Newport and Louisville, Ky., Cincinnati, Toledo, Cleveland, and Columbus, Ohio, St. Louis, Mo., and Detroit, Mich., to New Castle, Richmond, Fort Wayne, Angola, Auburn, Bluffton, Columbia City, Elkhart, Goshen, Kendallville, Syracuse, Lagrange, and Decatur, Ind.

From Milwaukee, Wis., Chicago and Peoria, Ill., St. Louis, Mo., Louisville and Newport, Ky., and Cincinnati, Columbus, and Cleveland, Ohio, to Knox, Winamac, Plymouth, Rochester, Logansport, Wabash, Indianapolis, Danville, Greencastle, Rockville, Brazil, Muncie, Anderson, Attica, Crawfordville, Noblesville, New Castle, Richmond, Bloomington, Veedersburg, Batesville, Rensselaer, Washington, Madison, Kentland, Vincennes, Evansville, Seymour, and Columbus, Ind.

Malt beverages and *malt beverage advertising material*, from Marion, Ind., to points in Michigan; from points in Michigan to Marion, Frankfort, Peru, Kokomo, Muncie, Huntington, Wabash, Winchester, Union City, Portland, Tipton, and Hartford City, Ind., and *empty malt beverage containers*, on return.

Glass containers, caps, covers, and *tops therefor*, from Marion, Ind., to Milwaukee, Wis., Covington and Louisville, Ky., St. Louis, Joplin, St. Joseph, North Kansas City, and Kansas City, Mo., points in that part of Illinois on and north of U. S. Highway 36, those in that part of Ohio on and west of Ohio Highway 3, and those in Michigan on south and east of Michigan Highway 46.

Caps, covers, and *tops for glass containers, paper cartons,* and *cullet*, from the above-specified destination points not including Milwaukee, Wis., to Marion, Ind.

Livestock feed, fertilizer, and *fertilizer materials*, from Louisville, Ky., Cincinnati, Ohio, points in the Chicago, Ill., Commercial Zone, and those in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to points in Indiana.

Prepared or composition roofing, asphalt shingles, and *materials and supplies* used in the installation of roofing and siding, from Lockport, Ill., to points in Indiana.

Irregular routes, in truckloads only:

Motor oil, in containers and greases, from Wood River, Ill., Emlenton, Farmers Valley, and Oil City, Pa., and St. Marys, W. Va., to points in Indiana.

Glass bottles and *glass food containers*, from Dunkirk, Ind., to Milwaukee, Wis.

Lime, from Woodville and Scioto, Ohio, to points in Indiana.

Sewer pipe, from Uhrichsville and Junction City, Ohio, to points in Indiana.

Plaster, from Grand Rapids, Mich., to points in Indiana.

Brick, from Delaware, Ohio, to points in Indiana.

Tile, from Malvern, Ohio, and Cloverport, Ky., to points in Indiana.

Automobile parts (including automobile motors and parts therefor), from Akron, Canton, Cleveland, Cincinnati, Dayton, Galion, Massillon, Middletown, Toledo, and Youngstown, Ohio, Chicago and Rockford, Ill., Allegan, Buchanan, Detroit, Flint, Lansing, Muskegon, Muskegon Heights, and Saginaw, Mich., Erie, Pittsburgh, Reading, and Williamsport, Pa., Louisville, Ky., and St. Louis, Mo., and Milwaukee, Oshkosh, Racine, and Waukesha, Wis., to Marion, Ind.

No. MC 110603 (Sub No. 7), dated July 22, 1955.

Used Pallets, platforms or *skids*, from Milwaukee, Wis., Covington and Louisville, Ky., St. Louis, Joplin, North Kansas City, and Kansas City, Mo., points in Illinois on and north of U. S. Highway 136, those in Ohio on and west of Ohio Highway 3 and those in Michigan south and east of Michigan Highway 46, to Marion, Ind.

No. MC 110941 (Sub No. 1) filed October 17, 1957, SALVATORE LEMBO, 48–43 39th Place, Long Island City, New York, N. Y. Applicant's attorney: M. Hiram Kagan, 16 Court Street, Brooklyn 1, N. Y. For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 110941, dated February 6, 1950.

Scrap iron, scrap steel, and *scrap tin plate*, in dump vehicles, over irregular routes, from Queens and Brooklyn, New York, N. Y., to Kearny, Newark, Sewaren, South Amboy, Trenton, Burlington, Florence, Bordentown, and Camden, N. J. RESTRICTION: The authorized operations shall be conducted separately from said carrier's other activities, and separate records therefor shall be maintained, and said carrier shall not transport property as both a contract and private carrier in the same vehicle at the same time.

No. MC 111149 (Sub No. 16) filed October 15, 1957, KILMER TRANSPORTATION CO., a Corporation, P. O. Box 233, Plainfield Avenue, Edison, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 111149, dated May 8, 1950.

Earthenware, from Perth Amboy, Woodbridge, and South Amboy, N. J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, within 300 miles of Perth Amboy.

From Perth Amboy and Woodbridge, N. J., to points in Florida, Georgia, South Carolina, North Carolina, Virginia, Tennessee, Alabama, Kentucky, Indiana, Illinois, and Michigan.

From Perth Amboy, N. J., to points in Ohio.

Materials and *equipment* used in the manufacture of earthenware, on return.

Lead, lead products, lead and zinc-lined materials, from Perth Amboy, South Amboy, and Woodbridge, N. J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, within 300 miles of Perth Amboy.

Damaged, rejected, or returned shipments and materials, supplies, and *equipment* used or useful in the manufacture of lead products, on return.

Pigments, from Piscataway, Middlesex County, N. J., to Bethlehem, Pa.

Damaged or rejected shipments on return.

No. MC 111149 (Sub No. 5), dated November 9, 1950.

Earthenware and *fittings* therefor, from Rockport, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

Earthenware, steel sink cabinets, shower stalls, and *fittings* therefor, from Delphi and Kokomo, Ind., to points in Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, West Virginia, Virginia, and the District of Columbia.

Damaged and *returned shipments* on return.

No. MC 111149 (Sub No. 10), dated February 16, 1954.

Earthenware plumbing fixtures and fittings therefor, from Woodbridge, N. J., to points in Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, North Dakota, South Dakota, Nebraska, and Colorado.

No. MC 111149 (Sub No. 14), dated August 30, 1956.

Earthenware (except plumbing fixtures and supplies), loose and uncrated, from the site of the plant of the Federal Seaboard Terra Cotta Company at Perth Amboy, N. J., to points in Mississippi and West Virginia, and *damaged or returned* shipments on return.

No. MC 111149 (Sub No. 15), dated February 17, 1956.

Earthenware, from Mannington, W. Va., to points in Connecticut.

No. MC 111478 (Sub No. 11) filed October 23, 1957, OIL CARRIERS CO., a Corporation, 12030 Pleasant, Detroit 25, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 111478, dated March 21, 1950.

Chemicals, paint and paint materials, synthetic resin, resin compound surface coating, ester-gum, paint oil, varnish, glycerine, and *liquid glue*, in bulk, in tank vehicles, between Ferndale, Mich., on the one hand, and, on the other, points in Michigan, Ohio, New York, Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, Missouri, Kansas, Iowa, Wisconsin, Minnesota, New Jersey, Alabama, Tennessee, and Georgia.

Vegetable oils, paint thinners and *solvents*, in bulk, in tank vehicles, from points in the above-specified states to Ferndale, Mich.;

Chemicals, paint and paint materials, synthetic resin, resin compound surface coating, ester-gum, paint oil, varnish, and *liquid glue*, in bulk, in tank vehicles, between Ferndale, Mich., on the one hand, and, on the other, the boundary of the United States and Canada at Detroit, Mich.

NOTE: Applicant is authorized to conduct *common* carrier operations in Certificate No. MC 112703 (Sub No. 1). It has also filed concurrently with this application, Form BMC 78 application for extension of its contract carrier authority, No. MC 111478 (Sub No. 10).

No. MC 111686 (Sub No. 1) filed October 17, 1957, M & M TRUCKING COMPANY, a Corporation, State Highway 50 and Dillard Street, Winter Garden, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 111686, dated October 17, 1950.

Petroleum products, in containers, from St. Marys, W. Va., and Farmers Valley, Pa., to points in Florida in and south of Levy, Marion, Lake, and Volusia Counties, Fla.

No. MC 111771 (Sub No. 2) filed October 23, 1957, ORVILLE A. ZAK, doing business as ZAK BOX AND CARTAGE CO., 7100 Clark Avenue, Cleveland, Ohio. Applicant's representative: J. J. Kuhner, 736 Society for Savings Building, Cleveland 14, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 111771, dated October 11, 1950.

Aluminum ingots, slabs and scrap, and *zinc slabs and scrap,* from Maple Heights, Ohio, to points in Pennsylvania on and west of U. S. Highway 219.

Aluminum and zinc scrap, on return.

No. MC 111771 (Sub No. 1), dated March 18, 1952.

Aluminum shot, granular aluminum and *zinc ingots,* from Maple Heights, Ohio, to points in Pennsylvania on and west of U. S. Highway 219.

No. MC 112017 (Sub No. 2) filed October 8, 1957, HARRY PROBO, 31 Stegman Place, Jersey City 5, N. J. For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 112017 (Sub No. 1), dated March 9, 1955.

School, church and theatre furniture, between points in New Jersey within 100 miles of Jersey City, N. J., including Jersey City, restricted to traffic having a prior movement by railroad.

No. MC 113141 (Sub No. 2) filed October 7, 1957, JOHN HAGGARD, JR., doing business as HAGGARD HEAVY HAULING, 1316 St. Louis Avenue, Kansas City 1, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 113141 (Sub No. 1), dated July 15, 1954.

Heavy machinery, construction materials, supplies and equipment, junk, and *fencing materials,* between Kansas City, Mo., and North Kansas City, Mo., on the one hand, and, on the other, points in Kansas, Oklahoma, Nebraska, Iowa, and Illinois.

No. MC 113382 (Sub No. 6) filed October 16, 1957, HOWARD J. NELSEN AND JAMES MELVIN NELSEN, a Partnership, doing business as NELSEN BROTHERS, 1215 Sixth Corso, Nebraska City, Nebr. Applicant's attorney: J. Max Harding, IBM Bldg., 605 South 12th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 113382 (Sub No. 1), dated January 15, 1953.

Canned vegetables, canned fruits, and *canned meats,* over specified regular route between Hamburg, Iowa, and Nebraska City, Nebr.

Fresh meats, from Wichita and Topeka, Kans., Kansas City and St. Joseph, Mo., and Mason City, Waterloo, Ottumwa, and Sioux City, Iowa, to Nebraska City, Nebr.

Fresh vegetables, from Kansas City, Mo., Des Moines and Iowa City, Iowa, to Nebraska City, Nebr.

And under special and individual contracts or agreements, for the transportation of the commodities indicated and in the manner specified below:

Canned goods and *table sauces,* from Nebraska City, Nebr., to points in Nebraska, Iowa, Missouri, Kansas, Colorado, Oklahoma, Minnesota, South Dakota, Montana, Wyoming, Illinois, and Arkansas.

Building paper, prepared roofing, and *roofing cement,* in truckload lots, from Kansas City, Mo., to Tecumseh, Chester, Auburn, Dawson, Shubert, Nemaha, Beatrice, Beaver Crossing, Cook, Lincoln, and Grand Island, Nebr.

Barium, from Kansas City, Mo. to Nebraska City, Nebr.

Salt, from Hutchinson, Kans., to Nebraska City, Nebr.

Beans and *peas,* from Sioux City, Iowa, Billings, Mont., and points in Colorado, to Nebraska City, Nebr.

Canned goods, from Grinnell and Atlantic, Iowa, to Nebraska City, Nebr.

Feed, from Kansas City, Kans., to Auburn, Nebr.

Canned dog food, from Kansas City, Kans., to Omaha, Lincoln, and Nebraska.

Such merchandise as is dealt in by retail grocery and food business houses, subject to a "Keystone" restriction, from Kansas City, Mo., and Kansas City, Kans., to Nebraska City, Fort Crook, Omaha, Fort Omaha, Lincoln, and Grand Island, Nebr., and Council Bluffs, Iowa.

No. MC 114614 (Sub No. 5) filed October 4, 1957, T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 1104 Chitwood Avenue, Fort Payne, Ala. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 114614, dated April 15, 1957.

Carpeting, over specified regular routes, between Cincinnati, Ohio, and Cordele, Ga., serving the intermediate points of Atlanta, Griffin, and Macon, Ga., and the off-route points of Columbus, Albany, and Rome, Ga.

White, red, and sublime lead, litharge, zinc oxide, lithapone, pig ingot and bar lead, lead pipe and fittings, lead roof flanges, solder, babbit, base metal alloy, and *pig tin,* from Cincinnati, Ohio to points in the described part of Georgia, serving no intermediate points on the specified regular routes, as follows: From Cincinnati over U. S. Highway 25 to Lexington, Ky., thence over U. S. Highway 27 to Chattanooga, Tenn., thence over U. S. Highway 41 to the Tennessee-Georgia State line, and thence over irregular routes to points in that part of Georgia on and west of a line beginning at a point on the North Carolina-Georgia State line near Dillard, Ga., and extending along Georgia Highway 15 to Dublin, Ga., thence along Georgia Highway 31 to junction U. S. Highway 129 to the Georgia-Florida State line, including points in Georgia on the indicated portions of the highways specified; and return over irregular routes to the Georgia-Tennessee State line, thence over the regular route specified immediately above to Cincinnati.

Such commodities, as are manufactured, processed or dealt in by rubber or rubber products manufacturers, including *supplies* incidental to the conduct of such businesses, from Newark, Ohio, to points in Alabama, Tennessee, and Georgia.

From Akron, Ohio, to Knoxville, Chattanooga, and Nashville, Tenn., and points in Alabama and Georgia; and *Materials* used in the manufacture of rubber products and *returned or rejected shipments* of such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, including supplies incidental to the conduct of such businesses, from Knoxville, Chattanooga, and Nashville, Tenn., and points in Alabama and Georgia, to Akron, Ohio.

Rejected shipments of such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, including supplies incidental to the conduct of such businesses, from points in Alabama, Tennessee, and Georgia, except Atlanta, Ga., to Newark, Ohio, with no transportation for compensation on return except as otherwise authorized.

Returned or rejected shipments of such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, and *equipment, materials, and supplies* used in the conduct of such businesses, from Atlanta, Ga., to Newark, Ohio.

Such commodities, as are manufactured, processed or dealt in by rubber and rubber products manufacturers, and supplies used in the conduct of such businesses, from Akron, Ohio, to Jackson, Laurel, Meridian, and Columbus, Miss.

From Mansfield, Ohio, to Nashville, Knoxville, and Chattanooga, Tenn., and points in Georgia and Alabama and

Rejected articles and *empty used containers*, from destination points specified in the two paragraphs next above to the respective origin points.

Equipment, materials, and supplies used in the conduct of businesses as specified above, except textiles and textile products, from Jackson, Laurel, Meridian, and Columbus, Miss., to Akron, Ohio,

From Nashville, Knoxville, and Chattanooga, Tenn., and points in Georgia and Alabama, to Mansfield, Ohio, and

Rejected articles and *empty used containers*, from destination points specified in the two paragraphs next above to the respective origin points.

Textiles and *textile products*, from points in that part of Georgia, on and north of U. S. Highway 80 extending from Columbus to Macon and on and west of U. S. Highway 129 extending from Macon to the Georgia-North Carolina State line, to Mansfield, Ohio, from Tallassee, Ala., and points in Georgia on and north of U. S. Highway 80 extending from Columbus to Macon and on and west of U. S. Highway 120 extending from Macon to the Georgia-North Carolina State line, to Newark, Ohio, and

Rejected articles and *empty used containers*, from destination points specified in the two paragraphs next above to the respective origin points.

Machinery used in the manufacture of rubber products, between Kent, Ohio, on the one hand, and, on the other, Knoxville, Chattanooga, and Nashville, Tenn., Jackson, Laurel, Meridian, and Columbus, Miss., and points in Alabama and Georgia.

No. MC 115297 (Sub No. 1) filed October 4, 1957, RAY MOLDER CARRIER CORPORATION, 4444 17th Street Extension SW., Canton, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 115297, dated May 23, 1955.

Petroleum products, in bulk, in tank vehicles, from Toledo, Ohio, to points in the lower peninsula of Michigan;

Liquid petroleum products, in tank vehicles from Findlay, Ohio, to points in the lower peninsula of Michigan.

No. MC 115488 (Sub No. 1) filed October 3, 1957, LOUIS MORRIS, 97 East Third Street, New York, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 115488, dated May 14, 1956.

New furniture as described in Appendix II to the report in Descriptions in Motor Carrier Certificates 61 MCC 209, *stoves, ranges, refrigerators, freezers, ironers, washing machines, drying machines, air conditioners, television sets, talking machines, radios* and *combination radio-talking machine-television sets*, uncrated, from New York, N. Y. to points in New Jersey on and north of New Jersey Highway 33 except Trenton, N. J.

MOTOR CARRIERS OF PASSENGERS

No. MC 52767 (Sub No. 1), filed October 9, 1957, HARVEY REDDEN, INC., 221 Murray Street, Newark, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 52767, dated November 27, 1950.

Passengers, restricted to the transportation of workmen to or from railway maintenance and/or repair jobs, over irregular routes, between points on the line of the Pennsylvania Railroad lying between New York, N. Y., on the one hand, and, on the other, Philadelphia, Pa.

NOTE: Carrier conducts contract carrier operations of property by virtue of Permit No. MC 69622, dated November 27, 1950. BOR 96 to cover conversion of this Permit has been assigned No. MC 69622 (Sub No. 1).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9820; Filed, Nov. 26, 1957; 8:55 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 22, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34310: *Fertilizer and materials between points in southern territory.* Filed by O. W. South, Jr., Agent, (SFA No. A3563), for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, also land plaster and phospho plaster, carloads between points in southern territory, including points in Virginia and specified points in West Virginia, as included in the schedules listed below.

Grounds for relief: Short-line distance formula, grouping and special rate treatment for short or weak lines.

Tariffs: Supplement 100 to Agent Spaninger's tariff I. C. C. 1510. Supplement 44 to Agent Spaninger's tariff I. C. C. 1267.

FSA No. 34311: *Asphalt—Southwestern points to points in southern territory.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7151, for interested rail carriers. Rates on asphalt (asphaltum), natural by-product or petroleum (other than paint, stain or varnish), in packages, or in bulk, straight or mixed carloads, and in tank-car loads from points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas described in the schedule below to points in states in southern territory except Virginia, named or described in the schedule listed below, including border points, Cincinnati, Ohio, Evansville, Jeffersonville, and New Albany, Ind.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 27 to Agent Kratzmeir's tariff I. C. C. 4165.

FSA No. 34312: *Chemicals—Velasco, Tex., to Kansas City, Mo.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7159), for interested rail carriers. Rates on carbon tetrachloride and ethylene dichloride, straight or mixed tank-car loads from Velasco, Tex., to Kansas City, Mo.

Grounds for relief: Barge competition.

Tariff: Supplement 405 to Agent Kratzmeir's tariff I. C. C. 4139.

AGGREGATE OF INTERMEDIATES

FSA No. 34313: *Chemicals—Velasco, Tex., to Kansas City, Mo.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7160), for interested rail carriers. Rates on carbon tetrachloride and ethylene dichloride, straight or mixed tank-car loads from Velasco, Tex., to Kansas City, Mo.

Grounds for relief: Maintenance of water-competitive rate not applicable in constructing combination rates lower than through rates from or to points beyond the named points.

Tariff: Supplement 405 to Agent Kratzmeir's tariff I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9814; Filed, Nov. 26, 1957; 8:53 a. m.]

[No. 32313]

COMMODITIES; PAN-ATLANTIC, BETWEEN THE EAST AND TEXAS

RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 8th day of November, A. D. 1957.

There being under consideration the matter of rates and charges, and rules, regulations and practices affecting such rates and charges applicable on interstate or foreign commerce of various commodities, from eastern origins to Dallas and Ft. Worth, Texas, as set forth in the following schedules:

Pan-Atlantic Steamship Corporation:
MF-I. C. C. No. 64:
On Thirteenth Revised Page 90, Item No. 3030;
On Fourteenth Revised Page 91, Item No. 3060;
On Seventh Revised Page 99, Item No. 3359;
On Eighth Revised Page 104-A, Item No. 3561;
On First Revised Page 126-A, Item No. 4181;
On Fifteenth Revised Page 128, Item No. 4205;
On Tenth Revised Page 129, in Item No. 4231, the 204-cent rates;
On Fifth Revised Page 129-A, Item No. 4242;
On Twenty First Revised Page 133, Item No. 4392;
On Third Revised Page 134-A, Item No. 4459;
On Twelfth Revised Page 138, Item No. 4545;

On Sixth Revised Page 140-C, in Item No. 4601, the rates from New Haven, Conn., Baltimore, Md., and Philadelphia, Pa.;
On Eleventh Revised Page 145, Item No. 4764;
On Sixth Revised Page 154, Item No. 5190;
On Eighth Revised Page 157-A, in Item No. 5321, the rate from Buffalo, N. Y.;
On Fourteenth Revised Page 158, Item No. 5330;
On Eighteenth Revised Page 159, Item No. 5370;
On Fifth Revised Page 159-A, Item No. 5378;
On Fifteenth Revised Page 161, Item No. 5450;
On Eleventh Revised Page 169, in Item No. 5750, the rate from York, Pa.;
On Fifth Revised Page 169-A, in Item No. 5760, and on Twelfth Revised Page 170, in Item No. 5770, the rates from Hanover and York, Pa.;
or as the same may be amended or reissued;

It appearing, that upon consideration of the tariff schedules there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations, and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9815; Filed, Nov. 26, 1957; 8:53 a. m.]

[No. 32294]

ILLINOIS INTRASTATE COAL RATES TO EAST ST. LOUIS, ILL.

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., this 20th day of November A. D. 1957.

The Illinois Central Railroad Company, a common carrier by railroad operating to, from, and between points in the State of Illinois, filed a petition dated October 11, 1957, averring that reduced intrastate multiple-car rates on bituminous coal from points in the Southern Illinois group to East St. Louis and certain intermediate and related destinations in Illinois established by the Chicago, Burlington & Quincy Railroad Company, effective October 8, 1957, cause and create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce, on the one hand, and in interstate commerce, on the other hand, and cause undue, unreasonable and unjust discrimination against and an undue burden upon interstate commerce in violation of sections 3, 13 and 15a of the Interstate Commerce Act. Petitioner requests the Commission to institute an investigation of such rates, and to assign the proceeding for hearing jointly with I. & S. No. 6815, Bituminous Coal—Illinois to St. Louis, Mo., wherein the Commission suspended, pending investigation thereof, reduced multiple-car interstate rates on bituminous coal from certain points in Illinois to St. Louis, Mo., proposed by the Chicago, Burlington & Quincy Railroad Company.

Upon consideration of the petition, the reply thereto by the Chicago, Burlington & Quincy Railroad Company, and the matters under investigation in I. & S. 6815, and for good cause appearing:

It is ordered, That the petition be, and it is hereby, received and docketed under the above-numbered and titled proceeding; that in response to such petition, an investigation be, and it is hereby, instituted and that a hearing be held herein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested persons as to the lawfulness of said intrastate rates in the State of Illinois (as more particularly set forth in the petition) to determine whether they are in violation of the Interstate Commerce Act;

It is further ordered, That the common carriers by railroad listed in the appendix to said petition, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Illinois be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said state, and to the Illinois Commerce Commission at Chicago, Ill.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing with I. & S. No. 6815 on January 13, 1958, at 9:30 a. m., U. S. standard time, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Richard S. Ries.

By the Commission, Division 2:

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-9816; Filed, Nov. 26, 1957; 8:54 a. m.]

[Rev. S. O. 562, Amdt. 1 to Taylor's I. C. C. Order 88]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 88 and good cause appearing therefor: *It is ordered*, That:

Taylor's I. C. C. Order No. 88, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., May 31, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., November 30, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., November 21, 1957.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 57-9817; Filed, Nov. 26, 1957; 8:54 a. m.]

[Notice 17]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 22, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any

should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-29859 (Deviation No. 1), BRINKER TRUCK LINE, INC., 210 Poplar Street, St. Louis 2, Mo., filed November 14, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes (a) between junction U. S. Highway 67A (formerly U. S. Highway 67) and U. S. Highway 67 south of Jacksonville, Ill., and the junction of the same highways north of Alton, Ill., as follows: from junction U. S. Highways 67A and 67 south of Jacksonville, over U. S. Highway 67 to junction U. S. Highway 67A north of Alton; and (b) between Alton, Ill., and St. Louis, Mo., as follows: from Alton, over U. S. Highway 67 (formerly Missouri Highway 99) to St. Louis; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the above-described termini over U. S. Highway 67A (formerly U. S. Highway 67).

No. MC-101458 (Deviation No. 1), NATIONAL CARTAGE CO., 1017 West 48th Street, Chicago, Ill., filed November 14, 1957. Attorney for said carrier, Ferdinand Born, 1019 Chamber of Commerce Bldg., Indianapolis 4, Ind. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over six deviation routes (a) between Gary, Ind., and Valparaiso, Ind., as follows: from Gary over the Indiana Toll Road to junction Indiana Highway 49, thence over Indiana Highway 49 to Valparaiso; (b) between Gary, Ind., and Michigan City, Ind., as follows: from Gary over the Indiana Toll Road to junction U. S. Highway 421, thence over U. S. Highway 421 to Michigan City; (c) between the Indiana-Illinois State line and LaPorte, Ind., as follows: from the Indiana-Illinois State line over the Indiana Toll Road to junction Indiana Highway 39, thence over Indiana Highway 39 to LaPorte; (d) between Gary, Ind., and New Buffalo, Mich., as follows: from Gary over the Indiana Toll Road to junction Indiana Highway 39, thence over Indiana and Michigan Highway 39 to New Buffalo; (e) between Gary, Ind., and U. S. Highway 31 (near South Bend, Ind.) as follows: from Gary over the Indiana Toll Road to junction U. S. Highway 31; and (f) between Gary, Ind., and Elkhart, Ind., as follows: from Gary over the Indiana Toll Road to junction Indiana Highway 19, thence over Indiana Highway 19 to Elkhart; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: between Chicago, Ill., and South Bend, Ind., over U. S. Highways 12, 112, and 31; between Chicago, Ill., and Dowagiac, Mich., over U. S. Highways 12, 112, and Michigan Highway 40; between Joliet, Ill., and Elkhart, Ind., over U. S. Highway 6, Indiana Highway 130, Indiana Highway 2, and U. S. Highway 20; between Benton Harbor, Mich., and South Bend, Ind., over Michigan Highway 139, unnumbered highway, Michigan Highway 62, and Indiana Highway 23; between Chicago, Ill., and Chicago Heights, Ill., over Illinois Highway 1; between Chicago, Ill., and St. Charles, Ill., over Illinois Highway 64; between Chicago, Ill., and Joliet, Ill., over Illinois Highway 4A; between Chicago, Ill., and Waukegan, Ill., over Illinois Highway 42; between Chicago, Ill., and Lake Bluff, Ill., over U. S. Highway 12 and Illinois Highway 176; between Chicago, Ill., and Gary, Ind., over U. S. Highway 20; between South Bend., Ind., and LaPorte, Ind., over Indiana Highway 23, U. S. Highways 6 and 35; between junction Indiana Highway 2 and U. S. Highway 6 and Kingsbury, Ind., over U. S. Highways 6 and 35; and return over the same routes.

No. MC-107475 (Deviation No. 1), DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati 3, Ohio, filed November 14, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Lexington, Ky., and Chattanooga, Tenn., as follows: from Lexington over U. S. Highway 27 to Harriman, Tenn., thence over Tennessee Highway 61 to Rockwood, Tenn., and thence over U. S. Highway 27 to Chattanooga, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Lexington, Ky., and Chattanooga, Tenn., over U. S. Highway 27.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-9818; Filed, Nov. 26, 1957; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Product Corp., Andalusia, Ala.; effective 12-1-57 to 11-30-58 (dress shirts, sport shirts, work pants).

Alabama Textile Product Corp., Panama City, Fla.; effective 12-1-57 to 11-30-58 (dress shirts).

Allen Garment Co., Inc., 706 19th Avenue, North, Nashville, Tenn.; effective 11-26-57 to 4-25-58 (men's and boys' sport shirts).

The Andala Co., Andalusia, Ala.; effective 12-1-57 to 11-30-58 (work shirts, work pants).

Benjamin & Johnes, Inc., Bien Jolie Foundation, 410 Ashe Avenue, Dunn, N. C., effective 11-14-57 to 11-13-58 (women's foundation garments).

Biltmore Manufacturing Co., Asheville, N. C.; effective 12-1-57 to 11-30-58 (women's sportswear).

Blue Bell, Inc., Prentiss County, Booneville, Miss.; effective 11-25-57 to 4-30-58 (men's and women's shirts).

Blue Bell, Inc., 450 East Barnes Street, Bushnell, Ill., effective 12-9-57 to 12-8-58 (men's and boys' cotton twill matched pants).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; effective 12-1-57 to 11-30-58 (men's trousers).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 11-28-57 to 11-27-58. Workers engaged in the production of men's overalls and jackets (bib overalls and jackets).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 11-28-57 to 11-27-58. Workers engaged in the production of ladies' and girls' dungarees (girls' and ladies' jeans).

Crisfield Shirt & Pajama Co., Inc., Princess Anne, Md., effective 12-1-57 to 11-30-58 (boys' shirts).

Empire Manufacturing Co., Winder, Ga.; effective 11-23-57 to 3-31-58 (pants).

Four's Co., Inc., East Brown Street, Blairsville, Pa.; effective 11-14-57 to 11-13-58 (children's dresses).

Glen Lyon Bra Co., West Enterprise and Market Streets, Glen Lyon, Pa.; effective 11-18-57 to 4-17-48 (brassieres).

Glen Lyon Brassiere & Corset Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 11-15-57 to 4-30-58 (corsets and allied garments).

Harrisville Garment Corp., Harrisville, W. Va.; effective 11-24-57 to 4-23-58 (women's and children's cotton blouses).

The Jay Garment Co., Portland, Ind.; effective 12-1-57 to 11-30-58 (men's cotton work clothing).

Lincoln Brassiere Co., Inc., Lincoln County, Hamlin, W. Va.; effective 12-1-57 to 11-30-58 (brassieres).

Linn Manufacturing Co., Linn, Mo.; effective 11-22-57 to 4-30-58 (men's semidress trousers).

Metter Manufacturing Co., Metter, Ga., effective 11-15-57 to 4-30-58 (ladies' blouses).

Newton Co., Newton, Miss.; effective 11-29-57 to 4-30-58. Workers engaged in the production of ladies' slacks (ladies' slacks).

Newton Co., Newton, Miss.; effective 11-29-57 to 4-30-58. Workers engaged in the production of men's slacks (men's slacks).

Phillips-Van Heusen Corp., Brinkley, Ark., effective 12-1-57 to 11-30-58 (dress shirts).

Regal Shirt Corp., 208 South Third Street, Catawissa, Pa.; effective 12-1-57 to 11-30-58 (sport shirts).

Regina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 12-1-57 to 4-30-58 (women's apparel).

Reliance Manufacturing Co., Magnolia Factory, Laurel, Miss.; effective 12-1-57 to 4-30-58 (sport shirts).

Sandye Shirt Corp., Portland, Tenn.; effective 11-20-57 to 4-19-58 (men's and boys' shirts).

M. C. Schrank Co., 17-21 Broad Street, Bridgeton, N. J.; effective 12-1-57 to 11-30-58 (ladies' lingerie and sleepwear).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; effective 12-1-57 to 11-30-58 (men's and boys' pants).

States Nitewear Manufacturing Co., Inc., Healy and Bates Streets, New Bedford, Mass.; effective 12-1-57 to 11-30-58 (cotton nightgowns and pajamas).

Sunstate Slacks, Inc., 900 North Howard Avenue, Tampa, Fla.; effective 12-1-57 to 11-30-58 (dress trousers).

Terre Hill Manufacturing Co., Inc., Lancaster County, Blue Ball, Pa.; effective 11-22-57 to 3-31-58. Workers engaged in the production of ladies' and children's slips and ladies' nightwear of woven fabric (ladies' nightgowns, ladies' and children's slips).

The Warner Brothers Co., Thomasville, Ga.; effective 12-1-57 to 11-30-58 (corsets and brassieres).

Wilcox Garment Co., Inc., Rochelle, Ga.; effective 12-1-57 to 4-30-58 (men's dress shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Armored Garments, Inc., Spruce Pine, N. C.; effective 12-1-57 to 11-30-58; 10 learners (denim dungarees).

Glenn Berry Manufacturers, Inc., 307 Illinois, Oswego, Kans.; effective 12-1-57 to 11-30-58; 10 learners (boys' dungarees).

Century Manufacturing Corp., 3 North Main Street, Sandwich, Ill.; effective 11-18-57 to 11-17-58; five learners (overalls and dungarees).

H. & A. Pants Manufacturing Co., 625 Washington Boulevard, Baltimore, Md.; effective 12-1-57 to 11-30-58; five learners (boys' pants).

J. B. C. Co., Inc., 541 West Coolidge Avenue, Coolidge, Ariz.; effective 11-19-57 to 11-18-58; 10 learners (men's pants).

Jay Garment Co., Brookville, Ind.; effective 12-1-57 to 11-30-58; 10 learners (cotton overalls).

Necho Mills, Inc., 108 Logan Street, Pottsville, Pa.; effective 11-19-57 to 11-18-58; 10 learners (knitted outerwear).

Prescott Sportswear Manufacturing Co., Inc., 117 North Montezuma Street, Prescott, Ariz.; effective 12-1-57 to 11-30-58; five learners (men's frontier pants, women's and children's riders, women's cotton shorts and similar sportswear items).

Shrewsbury Manufacturing Co., Inc., 46 East Forrest Street, Shrewsbury, Pa.; effective 11-18-57 to 11-17-58; five learners (women's and girls' pajamas).

Thunderbird Fashions, Inc., 116 North Cortez, Prescott, Ariz.; effective 12-1-57 to 11-30-58; five learners (women's squaw dresses).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark.; effective 11-23-57 to 4-30-58; 10 learners (men's and boys' trousers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Edmonton Manufacturing Co., Edmonton, Ky.; effective 11-14-57 to 5-13-58; 25 learners (men's work clothing—pants, shirts, jackets, etc.).

True Loom Manufacturing Co., Inc., Lafayette, Tenn.; effective 12-7-57 to 6-6-58; 50 learners (men's sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

John H. Swisher & Son, Inc., Cullman, Ala.; effective 11-18-57 to 5-17-58; 100 learners for plant expansion purposes, in the occupations of: (1) cigar machine operating and cigar packing (cigars retailing for over 6 cents) for a learning period of 320 hours at the rate of 80 cents an hour; and (2) cigar packing (cigars retailing for 6 cents or less) and machine stripping for a learning period of 160 hours at the rate of 80 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Mount Ida, Ark.; effective 11-14-57 to 11-13-58; 10 learners for normal labor turnover purposes (work gloves).

Newton Glove Manufacturing Co., Newton, N. C.; effective 11-21-57 to 4-20-58; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

V. I. Prewett & Son, Fort Payne, Ala.; effective 11-13-57 to 11-12-58; five learners for normal labor turnover purposes (seamless and infants' hosiery).

Sharon Hosiery Dyeing & Finishing Co., Inc., Heller Rd., Quakertown, Pa.; effective 11-11-57 to 11-10-58; five learners for normal labor turnover purposes (full-fashioned).

Villa Rica Hosiery Mills, Villa Rica, Ga.; effective 11-18-57 to 4-17-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dixie Belle Textiles, Inc., Gibsonville, N. C.; effective 11-12-57 to 4-11-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's knitted underwear and woven underwear).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 11-26-57 to 3-31-58; 5 percent of the total number of factory production workers for normal labor turnover purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (ladies' underwear, slips).

Kingsboro Mills, Inc., Lebanon, Tenn.; effective 11-18-57 to 11-17-58; five learners for normal labor turnover purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (ladies' lingerie).

Kingsboro Mills, Inc., Sparta Street, McMinnville, Tenn.; effective 11-16-57 to 11-15-58; 5 percent of the total number of factory production workers for normal labor turnover purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (women's and children's lingerie).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 11-15-57 to 5-14-58; 10 learners for plant expansion purposes (swimwear).

Reidler Knitting Mills, Inc., 757 West Broad Street, Hazleton, Pa.; effective 11-24-57 to 3-31-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knit underwear).

Terre Hill Manufacturing Co., Inc., Lancaster County, Blue Ball, Pa., Plant No. 2, Terre Hill, Pa.; effective 11-22-57 to 3-31-58; 5 percent of the total number of factory production workers engaged in the production of slips and nightgowns of knitted fabric for normal labor turnover purposes. Authorized occupations include final inspection of assembled garments for a learning period of 160 hours (ladies' and children's slips).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

L. E. Beaudin Shoe Co., Inc., Factory Street, Hanover, Pa.; effective 12-1-57 to 11-30-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Casey Manufacturing Co., E. Main Street, Casey, Ill.; effective 11-16-57 to 3-31-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Greenup Manufacturing Co., Greenup, Ill.; effective 11-16-57 to 11-15-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Penn Footwear Co., Line and Grove Streets, Nanticoke, Pa.; effective 12-1-57 to 11-30-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Rex Shoe Co., Inc., 1950 Wyoming Avenue, Exeter (Pittston), Pa.; effective 12-1-57 to 11-30-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Vocational Footwear, Inc., Lutesville, Mo.; effective 12-1-57 to 11-30-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Muscatine Pearl Works, Columbus Junction, Iowa; effective 11-15-57 to 5-14-58; authorizing the employment of 3 learners for normal labor turnover purposes, in the occupation of blank button cutter for a learning period of 480 hours at the rates of 85 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (button blanks).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

High Fidelity, Inc., Mirasol Street, Ponce Playa, P. R.; effective 10-23-57 to 2-5-58; authorizing the employment of 36 learners for plant expansion purposes, in the occupations of: (1) press operators for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for, the remaining 160 hours; (2) blenders, spreaders and quality inspectors, each for a learning period of 160 hours at the rate of 68 cents an hour; and (3) stampers maintenance for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (replacement certificate) (phonograph records).

Master Record Syndicate, Inc., Rio Piedras, P. R.; effective 10-23-57 to 3-12-58; authorizing the employment of 9 learners for plant expansion purposes, in the occupations of:

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(1) press operators and preformers, each for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours; and (2) testers and final inspectors, each for a learning period of 160 hours at the rate of 68 cents an hour (replacement certificate) (phonograph records).

Standard Products Co., Inc., Hato Rey, P. R.; effective 10–21–57 to 3–3–58; authorizing the employment of 30 learners for plant expansion purposes, in the occupations of winding, stacking, electrical testing, mechanical testing, finishing and processing, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 75 cents an hour for the remaining 240 hours (supplementary certificate) (assembly of transformers).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 20th day of November 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–9808; Filed, Nov. 26, 1957; 8:51 a. m.]

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THE NATIONAL ARCHIVES

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OF THE UNITED STATES 1934

VOLUME 22 NUMBER 231

Washington, Thursday, November 28, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

WEED CONTROL PROVISIONS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2405, 5733, 7200, and 8055 containing the specific requirements of the 1957-crop wheat price support program are hereby amended as follows:

Section 421.2243 (d) (2) (iii) is hereby deleted and a new paragraph (d) (4) containing the provisions applicable to wheat affected by State, district or county weed control laws is substituted in lieu thereof.

§ 421.2243 *Determination of support rates.* * * *

(d) *Support rates.* * * *

(4) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws are being administered in such a way as to affect the wheat crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the wheat complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the wheat is stored determines that State, district or county weed control laws are being administered in such a way as to affect wheat stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the wheat complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Issued this 22d day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57–9859; Filed, Nov. 27, 1957; 8:46 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

WEED CONTROL PROVISIONS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2971, 3172, 3249, 4045, 6611, and 8222 containing the specific require-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ments of the 1957-crop barley price support program are hereby amended as follows:

Section 421.2283 (c) (2) is hereby deleted and a new paragraph (e) containing the provisions applicable to barley affected by State, district or county weed control laws is substituted in lieu thereof.

§ 421.2433 *Support rates.* • • •

(e) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws are being administered in such a way as to affect the barley crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the barley complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the barley is stored determines that State, district or county weed control laws are being administered in such a way as to affect barley stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the barley complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714; 7 U. S. C. 1421, 1442)

Issued this 22d day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-9854; Filed, Nov. 27, 1957; 8:46 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

WEED CONTROL PROVISIONS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2875, 4315 and 8722 containing the specific requirements of the 1957-crop oats price support program are hereby amended as follows:

Section 421.2483 (b) is hereby deleted and a new paragraph (b) containing the provisions applicable to oats affected by State, district or county weed control laws is substituted in lieu thereof.

§ 421.2483 *Basic county support rates.* • • •

(b) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws are being administered in such a way as to affect the oat crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate for the county in which the oats were produced unless the producer obtains a certificate from the appropriate weed control official indicating that the oats comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the oats are stored determines that State, district or county weed control laws are being administered in such a way as to affect oats stored in approved warehouses, the rate shall be 10 cents below the applicable support rate for the county in which the oats were produced unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the oats comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATE

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1421)

Issued this 22d day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-9856; Filed, Nov. 27, 1957; 8:46 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

WEED CONTROL PROVISIONS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3035, 3865, 7555, and 8730 containing the specific requirements of the 1957-crop rye price support program are hereby amended as follows:

Section 421.2583 (d) (2) (iii) is hereby deleted and a new paragraph (d) (5)

containing the provisions applicable to rye affected by State, district or county weed control laws is substituted in lieu thereof.

§ 421.2583 *Determination of support rates.* • • •

(d) *Support rates.* • • •

(5) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws are being administered in such a way as to affect the rye crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the rye complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the rye is stored determines that State, district or county weed control laws are being administered in such a way as to affect rye stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the rye complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

---------- (Signature)

---------- (Address)

---------- (Date)

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 22d day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-9857; Filed, Nov. 27, 1957; 8:46 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

WEED CONTROL PROVISIONS

The regulation issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3063, 7206 and 8057 containing the specific requirements of the 1957-crop soybean price support program are hereby amended as follows:

Section 421.2637 (a) (2) is hereby deleted and a new subparagraph (2) containing the provisions applicable to soybeans affected by State, district or county weed control laws is substituted in lieu thereof.

§ 421.2637 *Support rates.* • • •

(a) *Basic county support rates.* • • •

(2) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws are being administered in such a way as to affect the soybean crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate for the county in which the soybeans were produced unless the producer obtains a certificate from the appropriate weed control official indicating that the soybeans comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the soybeans are stored determines that State, district or county weed control laws are being administered in such a way as to affect soybeans stored in approved warehouses, the rate shall be 10 cents below the applicable support rate for the county in which the soybeans were produced unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the soybeans comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

---------- (Signature)

---------- (Address)

---------- (Date)

(Sec 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 22d day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-9858; Filed, Nov. 27, 1957; 8:46 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

WEED CONTROL PROVISIONS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3249 and 3483 containing the specific requirements of the 1957-crop flaxseed price support program are hereby amended as follows:

Section 421.2683 (c) (2) is hereby deleted and a new paragraph (e) containing the provisions applicable to flaxseed affected by State, district or county weed control laws is substituted in lieu thereof.

§ 421.2683 *Support rates.* • • •

(e) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws are being administered in such a way as to affect the flaxseed crop, the support rate in the case of farm storage shall be 15 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the flaxseed complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the flaxseed is stored determines that State, district or county weed control laws are being administered in such a way as to affect flaxseed stored in approved warehouses, the rate shall be 15 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the flaxseed complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

---------- (Signature)

---------- (Address)

---------- (Date)

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 22d day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-9855; Filed, Nov. 27, 1957; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473), the following counties have been designated for barley crop insurance for the 1958 crop year.

Colorado:
Phillips.
Sedgwick.
Minnesota:
Kittson.
Pope.
West Polk
Montana:
Cascade.
Chouteau.
Fergus.
Judith Basin
Pondera.
Montana—Con.
Teton.
North Dakota:
Cass.
Cavalier.
Pembina.
Traill.
Walsh.
Williams.
South Dakota:
Clark.
Grant.
Marshall.

(Secs. 506, 516, 52 Stat, 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9830; Filed, Nov. 27, 1957; 8:45 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR DRY EDIBLE BEAN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473), the following counties have been designated for dry edible bean crop insurance for the 1958 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and county	Class(es) of beans insured
Colorado:	
Dolores	Pinto.
Montezuma	Do.
Idaho:	
Cassia	Great Northern, Pinto, Small Red.
Gooding	Do.
Jerome	Do.
Minidoka	Do.
Twin Falls	Do.
Michigan:	
Bay	Pea and Medium White.
Gratiot	Do.
Huron	Do.
Saginaw	Do.
Saint Clair	Do.
Sanilac	Do.
Shiawassee	Do.
Nebraska:	
Morrill	Great Northern, Pinto.
Scotts Bluff	Do.
Washington:	
Grant	Great Northern, Pinto, Small Red, Flat Small White.
Wyoming:	
Goshen	Great Northern, Pinto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9831; Filed, Nov. 27, 1957; 8:45 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473), the following counties have been designated for corn crop insurance for the 1958 crop year.

Illinois:
Adams.
Bond.
Carroll.
Cass.
Christian.
Clinton.
Effingham.
Fayette.
Jasper.
Jersey.
Livingston.
McDonough.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Indiana:
Boone.
Carroll.
Clinton.
Clay.
Decatur.
DeKalb.
Delaware.
Huntington.
Jackson.
Johnson.
Marshall.
Miami.
Randolph.
Ripley.
Shelby.
Sullivan.
Vigo.
Wayne.
Wells.
Whitley.
Iowa:
Adair.
Audubon.
Boone.
Iowa—Con.
Buchanan.
Buena Vista.
Calhoun.
Carroll.
Cass.
Cerro Gordo.
Chickasaw.
Clay.
Clayton.
Crawford.
Delaware.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Guthrie.
Hancock.
Hardin.
Howard.
Humboldt.
Ida.
Jones.
Linn.
Lyon.
Madison.
Mitchell.
Osceola.
Polk.
Poweshiek.
Shelby.
Sac.
Sioux.
Story.
Tama.
Union.
Warren.
Washington.
Webster.
E. Pottawatamie.
W. Pottawatamie.
Winnebago.
Winneshiek.
Worth.
Kansas:
Atchison.
Brown.
Jackson.
Marshall.
Nemaha.
Washington.
Maryland:
Kent.
Michigan:
Branch.
Gratiot.
Jackson.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Minnesota:
Blue Earth.
Brown.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Faribault.
Goodhue.
Jackson.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Murray.
Nicollet.
Nobles.
Pipestone.
Redwood.
Renville.
Rice.
Rock.
Steele.
Wabasha.
Watonwan.
Yellow Medicine.
Missouri:
Atchison.
Audrain.
Bates.
Calloway.
Carroll.
Cass.
Charlton.
Cooper.
Franklin.
Henry.
Howard.
Holt.
Jasper.
Johnson.
Lafayette.
Lawrence.
Marion.
Macon.
Nodaway.
Pettis.
Pike.
Missouri—Con.
Ralls.
St. Charles.
Saline.
Shelby.
Vernon.
Worth.
Nebraska:
Boone.
Butler.
Cass.
Cedar.
Colfax.
Cuming.
Dodge.
Pierce.
Richardson.
Saunders.
Stanton.
Wayne.
Ohio:
Allen.
Delaware.
Hancock.
Hardin.
Henry.
Huron
Medina.
Paulding.
Preble.
Sandusky.
Seneca.
Union.
Van Wert.
Wayne.
Williams.
Pennsylvania:
Chester.
Lancaster.
South Dakota:
Bon Homme.
Clay.
Lincoln.
Minnehaha.
Moody.
Union.
Yankton.
Tennessee:
Obion.
Wisconsin:
Columbia.
Dane.
Grant.
Green.
Iowa.
Lafayette.
Pierce.
Rock.
Trempealeau.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9832; Filed, Nov. 27, 1957; 8:45 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473), the following counties have been designated for cotton crop insurance for the 1958 crop year.

Alabama:
Blount.
Cherokee.
Colbert.
Cullman.
DeKalb.
Etowah.
Franklin.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Tuscaloosa.
Arkansas:
Chicot.
Craighead.
Crittenden.
Desha.
Jefferson.
Lee.
Lincoln.
Mississippi.
Monroe.
Phillips.
Saint Francis.
California:
Fresno.
Tulare.
Georgia:
Bulloch.
Colquitt.
Louisiana:
Avoyelles.
Caddo.
East Carroll.
Franklin.
Morehouse.
Natchitoches.
Rapides.
Richland.
Saint Landry.
Mississippi:
Alcorn.
Bolivar.
Coahoma.
DeSoto.
Hinds.
Holmes.
Humphreys.
Jefferson Davis.
Lee.
Leflore.
Madison.
Marion.
Marshall.
Monroe.
Panola.
Pontotoc.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tunica.
Union.
Washington.
Yazoo.
New Mexico:
Chaves.
Dona Ana.
Eddy.
Luna.
North Carolina:
Cleveland.
Lincoln.
Mecklenburg.
Robeson.
Rutherford.
Oklahoma:
Beckham.
Tillman.
Washita.
South Carolina:
Anderson.
Chesterfield.
Clarendon.
Darlington.
Dillon.
Florence.
Greenville.
Marion.
Orangeburg.
Spartanburg.
Sumter.
Williamsburg.
York.
Tennessee:
Carroll.
Fayette
Gibson.
Hardeman.
Haywood.
McNairy.
Madison.
Obion.
Shelby.
Tipton.
Texas:
Bailey.
Bell.
Brazos.
Castro.
Collin.
Ellis.
Falls.
Fannin.
Floyd.
Grayson.
Hale.
Hill.
Hockley.
Hunt.
Lamar.
Lamb.
Limestone.
Lubbock.
McLennan.
Milam.
Navarro.
Nueces.
San Patricio.
Swisher.
Travis.
Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9833; Filed, Nov. 27, 1957; 8:45 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473), the following counties have been designated for flax crop insurance for the 1958 crop year.

Minnesota:
Becker.
Big Stone.
Brown.
Chippewa.
Clay.
Cottonwood.
Jackson.
Kittson.
Lac Qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Murray.
Nobles.
Norman.
Pennington.
Pipestone.
Polk, East.
Polk, West.
Pope.
Redwood.
Renville.
Rock.
Roseau.
Traverse.
Wilkin.
Minnesota—Con.
Yellow Medicine.
North Dakota:
Benson.
Bottineau.
Cass.
Cavalier.
Eddy.
Emmons.
Foster.
Logan.
McIntosh.
McLean.
Nelson.
Pembina.
Ramsey.
Stutsman.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark.
Codington.
Day.
Grant.
Marshall.
Roberts.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9834; Filed, Nov. 27, 1957; 8:45 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473), the following counties have been designated for soybean crop insurance for the 1958 crop year.

Illinois:
Bond.
Cass.
Christian.
Clinton.
Effingham.
Fayette.
Jasper.
Jersey
Livingston.
McDonough.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Morgan.
Pike.
St. Clair.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Indiana:
Boone.
Clay.
Carroll.
Indiana—Con.
DeKalb.
Delaware.
Huntington.
Jackson.
Johnson.
Marshall.
Miami.
Randolph.
Ripley.
Shelby.
Sullivan.
Vigo.
Wells.
Whitley.
Iowa:
Boone.
Buena Vista.
Buchanan.
Calhoun.
Carroll.
Cerro Gordo
Chickasaw
Clay.
Emmet.
Fayette.
Floyd.
Franklin.
Iowa—Con.
Guthrie.
Hancock.
Hardin.
Howard.
Humboldt.
Ida.
Lyon.
Madison.
Mitchell.
Osceola.
Polk.
Poweshiek.
Sac.
Sioux.
Story.
Tama.
Union.
Warren.
Washington.
Webster.
Winnebago.
Worth.
Michigan:
Gratiot.
Monroe.
Saginaw.
St. Joseph.
Minnesota:
Big Stone.
Blue Earth.
Brown.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Faribault.
Goodhue.
Lac Qui Parle.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Nicollet.
Pope.
Minnesota—Con.
Redwood.
Renville.
Steele.
Traverse.
Watonwan.
Yellow Medicine.
Missouri:
Audrain.
Callaway.
Carroll.
Charlton.
Howard.
Johnson.
Macon.
Marion.
Nodaway.
Pettis.
Pike.
Ralls.
St. Charles.
Saline.
Shelby.
Worth.
Ohio:
Allen.
Delaware.
Hancock.
Hardin.
Henry.
Huron.
Medina.
Mercer.
Paulding.
Putnam.
Sandusky.
Seneca.
Union.
Van Wert.
Williams.
South Dakota:
Clay.
Lincoln.
Union.
Tennessee:
Obion.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9835; Filed, Nov. 27, 1957; 8:46 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473), the following counties have been designated for tobacco crop insurance for the 1958 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

Connecticut:	
Hartford	51, 52
Florida:	
Alachua	14
Columbia	14
Hamilton	14
Madison	14
Suwannee	14
Georgia:	
Appling	14
Berrien	14
Brooks	14

Georgia—Continued	
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Lowndes	14
Mitchell	14
Tattnall	14
Tift	14
Toombs	14
Worth	14
Kentucky:	
Adair	31
Allen	31, 35
Barren	31
Bath	31
Bourbon	31
Bracken	31
Breckenridge	31
Caldwell	22, 31, 35
Calloway	23, 35
Casey	31
Christian	22, 31, 35
Clark	31
Daviess	31, 36
Fleming	31
Franklin	31
Garrard	31
Grant	31
Graves	23, 31, 35
Green	31
Harrison	31
Hart	31
Henry	31
Larue	31
Lincoln	31
Logan	22, 31, 35
Mason	31
Mercer	31
Metcalfe	31
Montgomery	31
Nelson	31
Nicholas	31
Owen	31
Pendleton	31
Pulaski	31
Russell	31
Scott	31
Simpson	31, 35
Todd	22, 31, 35
Warren	31, 35
Washington	31
Wayne	31
Maryland:	
Charles	32
Calvert	32
St. Marys	32
Massachusetts:	
Hampshire	52
North Carolina:	
Alamance	11a
Beaufort	12
Brunswick	13
Buncombe	31
Caswell	11a
Columbus	13
Duplin	12
Edgecombe	12
Forsyth	11a
Franklin	11b
Granville	11b
Greene	12
Guilford	11a
Harnett	11b
Jones	12
Johnston	12
Lee	11b
Lenoir	12
Moore	11b
Nash	12
Person	11a
Pitt	12
Robeson	13
Rockingham	11a
Sampson	12
Stokes	11a
Surry	11a
Vance	11b
Wake	11b
Warren	11b
North Carolina—Continued	
Wayne	12
Wilson	12
Yadkin	11a
Ohio:	
Adams	31
Brown	31
Highland	31
Pennsylvania:	
Lancaster	41
South Carolina:	
Chesterfield	13
Clarendon	13
Darlington	13
Dillon	13
Florence	13
Georgetown	13
Horry	13
Marion	13
Sumter	13
Williamsburg	13
Tennessee:	
Claiborne	31
De Kalb	31
Dickson	22
Grainger	31
Greene	31
Hamblen	31
Hawkins	31
Johnson	31
Loudon	31
Marshall	31
McMinn	31
Maury	31
Monroe	31
Montgomery	22, 31
Obion	23, 35
Putnam	31
Robertson	22, 31, 35
Sevier	31
Smith	31
Stewart	22, 31
Sullivan	31
Sumner	22, 31, 35
Trousdale	31
Unicoi	31
Washington	31
Williamson	31
Wilson	31
Virginia:	
Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Charlotte	11a, 21
Cumberland	11a, 21, 37
Dinwiddie	11a, 21
Halifax	11a
Lee	31
Lunenburg	11a
Mecklenburg	11a
Pittsylvania	11a
Prince Edward	11a, 21, 37
Russell	31
Scott	31
Washington	31
Wisconsin:	
Dane	54
Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9836; Filed, Nov. 27, 1957; 8:46 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473), the following counties have been designated for wheat crop insurance for the 1958 crop year.

Minnesota:
Becker.
Big Stone.
Clay.
Kittson.
Mahnomen.
Marshall.
Norman.
Otter Tail, West.
Polk, East.
Polk, West.
Traverse.
Wilkin.
Montana:
Daniels.
Dawson.
McCone.
Phillips.
Richland.
Roosevelt.
Sheridan.
Valley.
North Dakota:
Adams.
Benson.
Billings.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grant.
Griggs.
Hettinger.
Kidder.
Logan.
McHenry.
McIntosh.
North Dakota—Con.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Ramsey.
Renville.
Rolette.
Sheridan.
Sioux.
Slope.
Stark.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.
South Dakota:
Beadle.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Dewey.
Edmunds.
Faulk.
Grant.
Hand.
McPherson.
Marshall.
Perkins.
Potter.
Roberts.
Spink.
Sully.
Walworth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-9837; Filed, Nov. 27, 1957; 8:46 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

ANNOUNCEMENT AND APPORTIONMENT OF NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR 1958-59 MARKETING YEAR

§ 725.901 *Basis and purpose.* (a) Sections 725.901 and 725.902 are issued to announce the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1957, and to establish the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1958. The findings and determinations by the Secretary contained in § 725.902 have been made on

the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others as provided in a notice (22 F. R. 8187) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since flue-cured tobacco growers are making plans for their 1958 farming operations and will soon be preparing plant beds and purchasing fertilizer and other materials, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for flue-cured tobacco for the 1958-59 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.902 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1958*—(a) *Reserve supply level.*[1] The reserve supply level for flue-cured tobacco is 3,083.8 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 780 million pounds and a normal year's exports of 480 million pounds.

(b) *Total supply.* The total supply of flue-cured tobacco for the marketing year beginning July 1, 1957, is 3,501.3 million pounds consisting of carryover of 2,511.3 million pounds and estimated 1957 production of 990 million pounds.

(c) *Carryover.* The estimated carryover of flue-cured tobacco at the beginning of the marketing year for such tobacco beginning July 1, 1958, is 2,268.5 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning July 1, 1957, of 1,232.8 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of flue-cured tobacco which will make available during the marketing year beginning July 1, 1958, a supply of flue-cured tobacco equal to the reserve supply level of such tobacco is 815.3 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 815.3 million pounds would result in undue restriction of marketings during the 1958–59 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for flue-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1958, is 978,400,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the Act as follows:

State:	*Acreage allotment*
Alabama	501
Florida	15,127
Georgia	72,228
North Carolina	469,821
South Carolina	82,639
Virginia	71,368
Reserve[1]	1,784

[1] Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, 46, 47, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 22d day of November 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9860; Filed, Nov. 27, 1957; 8:46 a. m.]

[1] Rounded to the nearest tenth of a million pounds.

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 206—REVOCATION OF APPROVAL OF PETITIONS

Section 206.1 *Automatic revocation* is amended by adding paragraph (c) to read as follows:

(c) Any petition approved under section 205 of the act according section 101 (a) (27) (A) status or section 203 (a) (2), (3), or (4) status, which was automatically revoked by failure to obtain a visa within the prescribed period of time, may be revalidated by a district director, in his discretion, retroactively as of the date of the initial approval.

PART 214k—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

Section 214k.7 is amended to read as follows:

§ 214k.7 *Previous removal, deportation; permission to reapply.* Pursuant to the authority contained in section 212 (d) (3) of the act, the bar to admissibility contained in paragraph (16) or (17) of section 212 (a) of the act is hereby waived for an alien who establishes that he is otherwise admissible as an agricultural worker under the provisions of this part, except for his previous removal or deportation because of entry without inspection or lack of required documents.

PART 214m—ADMISSION OF NONIMMIGRANTS: NATO ALIENS

Part 214m is added to read as follows:

Sec.
214m.1 Definition.
214m.2 Acceptance of classification.
214m.3 Limitation as to time for which alien may be admitted.

AUTHORITY: §§ 214m.1 to 214m.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 102, 212, 214, 235, 66 Stat. 173, 182, 189, 198; 8 U. S. C. 1102, 1182, 1184, 1225.

§ 214m.1 *Definition.* As used in this part:

(a) The term "NATO alien" and members of his immediate family means (1) an alien seeking admission to the United States pursuant to Articles 12 to 21 of the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff or (2) an alien member of a civilian component and his dependents seeking admission to the United States pursuant to Article 3 of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty; and

(b) The term "immediate family" means aliens who are closely related to the principal alien by blood, marriage, or adoption and who reside regularly in the household of the principal alien.

§ 214m.2 *Acceptance of classification.* Whenever an alien who applies for admission to the United States as a nonimmigrant presents to the examining immigration officer at a port of entry to the United States a valid unexpired nonimmigrant visa duly issued to him by a consular officer containing the classification symbols NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, or NATO–6, the immigration officer shall accept the consular officer's classification and admit the alien, if he is otherwise admissible to the United States, unless specifically directed to the contrary by the regional commissioner after consultation with the Department of State, in which event the examining officer shall take further action as provided in section 235 of the act. The excluding provisions of section 102 (2) of the act are considered applicable to an alien presenting a valid unexpired nonimmigrant visa containing the classification symbol NATO–1, and the excluding provisions of section 102 (3) are considered applicable to an alien presenting a valid unexpired nonimmigrant visa containing the classification symbols NATO–2, NATO–3, and NATO–4.

§ 214m.3 *Limitation as to time for which alien may be admitted.* The period of the alien's admission to the United States as a nonimmigrant classified as NATO–1, NATO–2, NATO–3, and NATO–4 shall not exceed such time as he continues to be entitled to that status. An alien of the NATO–5 and NATO–6 class shall not be admitted initially to the United States for more than one year.

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

The eighth and ninth sentences of paragraph (a) *Presentation* of § 231.1 *Arrival manifests, lists, and arrival-departure cards* are amended to read as follows: "At the option of the carrier, inspection of passengers destined to subsequent ports of arrival may be deferred at the first port of arrival. The manifests or lists of those passengers not inspected, and in the case of an aircraft a copy of the Form I–92 (Report of Aircraft Arrival/Departure) prepared by the examining immigration officer, shall be delivered to the master for presentation at subsequent ports of arrival."

PART 232—DETENTION FOR EXAMINATION TO DETERMINE MENTAL OR PHYSICAL DEFECTS

Part 232 is amended to read as follows:

§ 232.1 *Detention.* When a district director has reasonable grounds for believing that persons arriving in the United States should be detained for reasons specified in section 232 of the act, he shall, after consultation with the United States Public Health Service at the port of entry, notify the master or agent of the arriving vessel or aircraft of his intention to effect such detention on board the arriving vessel, another vessel of the same transportation line, at the airport of arrival, or any other suitable place of detention. Such notice on Form I–259 shall indicate the names of the persons to be detained, the place of detention, and the reasons therefor. If the master or agent desires to assume responsibility during removal and detention, he shall so request the district director, and, if granted, shall execute agreement Form I–259A or blanket agreement Form I–259B to assume such responsibility. Following determination of admissibility, the district director will ascertain the assessable detention expenses and bill or reimburse the master or agent.

(Sec. 232, 66 Stat. 196; 8 U. S. C. 1222)

PART 233—TEMPORARY REMOVAL FOR INSPECTION

Part 233 is amended to read as follows:

§ 233.1 *Temporary removal.* When an immigration officer at the port of entry has reasonable grounds for believing that it would facilitate the inspection of persons arriving in the United States if they were temporarily removed, he shall notify the master or agent of the arriving vessel or aircraft of his intention to effect their removal for examination. Such notice on Form I–259 shall indicate the names of the persons to be removed, the place to which they shall be removed, and the reasons therefor. If the master or agent desires to assume responsibility during removal and detention, he shall so request the district director at the port of entry, and, if granted, shall execute agreement Form I–259A or blanket agreement Form I–259B to assume such responsibility. Following determination of admissibility, the district director will ascertain the assessable detention expenses and bill or reimburse the master or agent.

(Sec. 233, 66 Stat. 197; 8 U. S. C. 1223)

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

The last sentence of paragraph (b) *Action by regional commissioner* of § 235.8 *Temporary exclusion* is amended to read as follows: "In any other case the regional commissioner may direct that an immigration officer shall further examine the alien as to his admissibility or that the alien be given a hearing or further hearing before a special inquiry officer."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES; APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. Paragraphs (a) and (d) of § 246.16 are amended to read as follows:

§ 242.16 *Hearing*—(a) *Opening.* The special inquiry officer shall advise the respondent of his right to representation, at no expense to the Government, by counsel of his own choice authorized to practice in the proceedings and require him to state then and there whether he desires representation; advise the respondent that he will have a reasonable opportunity to examine and object to the evidence against him, to present evidence in his own behalf, and to cross-examine witnesses presented by the Government; place the respondent under oath; read the factual allegations and the charges in the order to show cause to the respondent and explain them in nontechnical language, and enter the order to show cause as an exhibit in the record.

* * * * * * *

(d) *Additional charges.* An examining officer who has been assigned to a case may at any time during a hearing lodge additional charges of deportability, including factual allegations against the respondent. The additional factual allegations and charges shall be submitted in writing and entered as an exhibit in the record. The special inquiry officer shall read the additional factual allegations and charges to the respondent and explain them to him in nontechnical language. The special inquiry officer shall advise the respondent if he is not represented by counsel that he may be so represented and also that he may have a reasonable time within which to meet the additional factual allegations and charges. The respondent shall be required to state then and there whether he desires a continuance for either of these reasons. Thereafter, the provisions of paragraph (b) of this section shall apply to the additional factual allegations and lodged charges.

2. Paragraph (a) of § 242.17 *Decision of Special Inquiry Officer* is amended to read as follows:

(a) *Contents.* The decision of the special inquiry officer may be oral or written. Except in cases where deportability is determined on the pleadings pursuant to § 242.16 (b) or (d), the decision shall include a summary of the evidence and shall set forth findings of fact and conclusions of law as to deportability. Adoption by the special inquiry officer of the factual allegations and charges in the order to show cause or of the additional factual allegations and lodged charges shall constitute the setting forth of findings of fact and conclusions of law within the meaning of this paragraph. The decision shall also contain a discussion of the evidence relating to the respondent's eligibility for any discretionary relief requested and the reasons for granting or denying the application. The decision shall be concluded with the order of the special inquiry officer.

PART 247—ADJUSTMENT OF STATUS OF CERTAIN RESIDENT ALIENS

Section 247.13 is amended to read as follows:

§ 247.13 *Disposition of Form I–508.* If Form I–508 is executed and filed, the duplicate copy thereof shall be filed in the office of the Assistant Commissioner, Administrative Division, and may be made available for inspection by any interested officer or agency of the United States.

PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

1. Paragraph (a) *Registration not required* of § 263.1 *Foreign government officials, representatives to international organizations and similar classes* is amended by adding the following sentence thereto: "The provisions of section 262 of the act shall not be applicable to any alien who is in the United States as a nonimmigrant with the classification of NATO–1, NATO–2, NATO–3, and NATO–4."

2. Paragraph (a) of § 263.3 *Aliens under deportation proceedings or confined in institutions within the United States* is amended to read as follows:

(a) *Under deportation proceedings.* The fingerprinting of an alien under deportation proceedings commenced pursuant to Part 242 of this chapter shall be regarded as registration under section 262 of the act during the pendency of such proceedings. Pending completion of the deportation proceedings, the copy of the order to show cause served on the alien, endorsed to show that he has been fingerprinted, or the Form I–222 issued to an alien under supervision pursuant to section 242 (d) of the act, shall constitute the evidence of registration required to be carried with him and in his personal possession by section 264 of the act.

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

Subparagraph (4) of paragraph (c) *Forms constituting alien-registration receipt cards under the Immigration and Nationality Act* of § 264.1 *Alien registration receipt card* is amended to read as follows:

(4) *Forms I–221 and I–222.* Pending completion of the deportation proceedings, the alien's copy of the order to show cause on Form I–221 served on him, or the Form I–222 issued to him while under supervision pursuant to section 242 (d) of the act, shall be regarded as an alien-registration receipt card.

PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended by adding in numerical sequence the following forms:

Form No.	Title and description
I-92_____	Report of Aircraft Arrival/Departure.
I-221____	Order to Show Cause and Notice of Hearing.
I-222____	Evidence of Registration for Supervised Alien.
I-259B___	Agreement by Transportation Line to Assume Responsibility for Removal of Aliens.

PART 334—PETITION FOR NATURALIZATION

Paragraphs (c) and (d) of § 334.17 *Transfer of petition for naturalization* are amended to read as follows:

(c) *Action by court in which petition is filed.* The court in which the petition is filed shall enter an order on the original copy of Form N–455, approving or disapproving the application. If the application is approved, the original copy of Form N–455 shall be filed with the naturalization record in the office of the clerk of court, the duplicate and triplicate copies, duly attested and certified, transmitted to the court to which the petition is to be transferred, and the quadruplicate copy, also attested and certified, transmitted to the district director. If the application is disapproved, the original Form N–455 shall be filed with the naturalization record in the office of the clerk of court and the remaining copies transmitted to the district director, who shall notify the applicant of the disapproval.

(d) *Action by court to which petition is transferred.* The court to which the petition is to be transferred shall enter an order on the duplicate copy of Form N–455, approving or disapproving the transfer. The duplicate copy shall be filed with the clerk of the court to which the petition is to be transferred, and the triplicate copy, duly attested and certified, transmitted to the clerk of the court in which the petition is filed. If the application is disapproved, the clerk of court receiving the triplicate copy shall notify the district director, who shall notify the applicant of the disapproval.

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

Paragraphs (a) and (c) of § 336.13 are amended to read as follows:

§ 336.13 *Preparation of lists and orders of court for presentation at final hearing.* (a) At or prior to the final naturalization hearing the representative attending the hearing shall submit to the court lists and orders of court, in duplicate, on Forms N–480, N–480A, N–481, N–485, N–485A, N–490, or N–492, as appropriate, for petitions recommended to be granted; on Form N–483 for petitions recommended to be continued; and on Forms N–484, N–484A, N–486, N–486A, N–491, or N–493, as appropriate, for petitions recommended to be denied. The regional commissioner's list on Form N–492 or N–493, as appropriate, shall be signed by the district director. After the final hearing, and after any required amendments therein have been made, the presiding judge shall sign the orders of the court.

* * * * *

(c) When the court does not waive the taking of the oath of allegiance in the case of a child, the order of court granting the petition shall be amended by changing the word "waived" to "taken".

PART 332a—OFFICIAL FORMS

Section 332a.2 *Official forms prescribed for use of clerks of naturalization courts* is amended in the following respects:

1. The following form and reference thereto is deleted:

Form No.	Title and description
N–11_____	Penalty Envelope (addressed to the Central Office of Service).

2. The following forms and references thereto are added in numerical sequence:

Form No.	Title and description
N–485A__	Order of Court Granting Petitions for Naturalization.
N–486A__	Order of Court Denying Petitions for Naturalization.

PART 499—NATIONALITY FORMS

Section 499.1 *Prescribed forms* is amended in the following respects:

1. The following form and reference thereto is deleted:

Form No.	Title and description
N–11_____	Penalty Envelope (addressed to the Central Office of Service).

2. The following forms and references thereto are added in numerical sequence:

Form No.	Title and description
N–485A __	Order of Court Granting Petitions for Naturalization.
N–486A __	Order of Court Denying Petitions for Naturalization.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency management and procedure and confer benefits upon persons affected thereby.

Dated: November 22, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57-9886; Filed, Nov. 27, 1957; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 5]

PART 52—REPAIR STATION CERTIFICATES

CHANGES IN HOUSING AND FACILITIES

Section 52.10–1 pertains to a change of location only and does not refer to a change in housing and facilities as provided in § 52.10 of the Civil Air Regulations. Therefore, to correct this omission, § 52.10–1 is revised to incorporate the procedures pertaining to CAA approval for a change in housing and facilities. Also, this supplement increases the time period for formal inspections after certification or recertification as contained in § 52.12–1 from every four months to annually.

1. Section 52.10–1 is revised to read:

§ 52.10–1 *Procedure for changing the location or housing and facilities of a certificated repair station (CAA policies which apply to § 52.10).* (a) A certificated repair station changing its location or its housing and facilities should notify the CAA Regional Administrator for the region in which the repair station is located, or the Flight Operations and Airworthiness inspector who has jurisdiction over the repair station certificate, using Form ACA–394 (Part II) for this purpose. Since a repair station certificate is based on the approval of the location and specific physical facilities of a repair station at a particular location, it is necessary for a CAA inspector to conduct an inspection and approve the new location or housing and facilities prior to their use under the privileges of a repair station certificate. If approved, an amended certificate will be issued incorporating the approved change in location or housing and facilities.

(b) The CAA will prescribe the conditions under which the station may operate while the change in location or housing and facilities is being accomplished.

2. In § 52.12–1 the first and second sentences are revised to read:

§ 52.12–1 *Formal inspections (CAA policies which apply to § 52.12).* The applicant's compliance with the requirements of this part will be determined by the Flight Operations and Airworthiness inspector after completing an inspection of the applicant's facilities. After the original inspection for certification or recertification, formal inspections will normally be made by an inspector annually. * * *

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 1, 601, 602, 605, 607, 610, 52 Stat. 977, 1007, 1008, 1010, 1011, 1012, as amended; 49 U. S. C. 401, 551, 552, 555, 557, 560)

This supplement shall become effective December 10, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

NOVEMBER 22, 1957.

[F. R. Doc. 57-9864; Filed, Nov. 27, 1957; 8:48 a. m.]

Subchapter B—Economic Regulations

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

TEMPORARY AUTHORIZATION FOR NATIONAL TRANSPORTATION

By Order of the Board, No. E–11972,[1] dated November 22, 1957, the effectiveness of the provisions of § 207.11 was further extended to December 1, 1958.

[1] Filed as part of the original document.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425)

Dated: November 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-9897; Filed, Nov. 27, 1957; 8:57 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 16]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.19 is amended to read:

§ 600.19 *Green civil airway No. 9 (Hawaiian Islands).* From the intersection of the west course of the Honolulu, Oahu, T. H., radio range and the south course of the Port Allen, Kauai, T. H., radio range via the Honolulu, Oahu, T. H., radio range station to the intersection of the northeast course of the Honolulu radio range and the north course of the Hilo, T. H., radio range, excluding the portion at and below 5,000 feet above mean sea level which overlaps the Kaneohe Naval Airspace Reservation (P–331).

2. Section 600.110 *Amber civil airway No. 10 (Hawaiian Islands),* is amended by changing the words which read: "excluding the portion above 10,000 feet." to read: "excluding the portion above 21,000 feet mean sea level which overlaps Warning Area (W–321)."

3. Section 600.111 is amended to read:

§ 600.111 *Amber civil airway No. 11 (Hawaiian Islands).* From the intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range via the Maui, T. H., radio range station to the intersection of the north course of the Maui, T. H., radio range and a point 38 statute miles north of the Maui, T. H., radio range station.

4. Section 600.112 is amended to read:

§ 600.112 *Amber civil airway No. 12 (Hawaiian Islands).* From the intersection of the south course of the Hilo, Hawaii, T. H., radio range and a point 37 statute miles south of the Hilo radio range station via the Hilo, Hawaii, T. H., radio range station to the intersection of the north course of the Hilo radio range and the southeast course of the Maui, T. H., radio range.

5. Section 600.113 is added to read:

§ 600.113 *Amber civil airway No. 13 (Hawaiian Islands).* From the intersection of the south course of the Port Allen, Kauai, T. H., radio range and a line bearing 246° True from the Honolulu, Oahu, T. H., radio range to the Port Allen, Kauai, T. H., radio range station.

6. Section 600.287 is amended to read:

§ 600.287 *Red civil airway No. 87 (Hawaiian Islands).* From the intersection of the northwest course of the Port Allen, Kauai, T. H., radio range and a point 100 miles northwest of the Port Allen radio range station via the Port Allen, Kauai, T. H., radio range station; the intersection of the southeast course of the Port Allen radio range and the west course of the Honolulu radio range; Honolulu, Oahu, T. H., radio range station; Maui, T. H., radio range station; intersection of the southeast course of the Maui, T. H., radio range and the north course of the Hilo radio range; Hilo, Hawaii, T. H., radio range station to the intersection of the east course of the Hilo radio range and the southeast course of the Maui radio range. The portions of the airway at and below 5000 feet mean sea level which lie within the Bonham restricted area (R–509) and the Bonham warning area (W–510) are excluded.

7. Section 600.313 is amended to read:

§ 600.313 *Red civil airway No. 113 (Hawaiian Islands).* From the intersection of the south course of the Port Allen, Kauai, T. H., radio range and a line bearing 246° True from the Honolulu, Oahu, T. H., radio range station via the Honolulu, Oahu, T. H., radio range station; Makapuu Point, Oahu, T. H., nondirectional radio beacon; the intersection of a line bearing 62° True from the Makapuu Point nondirectional radio beacon and the north course of the Maui, T. H., radio range to the intersection of the north course of the Maui, T. H., radio range and the northeast course of the Honolulu radio range.

8. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing the portion which reads: "Topeka, Kans., omnirange station, including a south alternate;" to read: "Topeka, Kans., omnirange station, including a south alternate via the intersection of the Salina omnirange 095° True and the Topeka omnirange 236° True radials;".

9. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion which reads: "Chicago Heights, Ill., omnirange station, including an east alternate via the intersection of the Lafayette omnirange 353° True and the Chicago Heights omnirange 143° True radials;" to read: "Chicago Heights, Ill., omnirange station;".

10. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Las Vegas, Nev., omnirange station;" to read: "Las Vegas, Nev., omnirange station, including a south alternate via the intersection of the Daggett omnirange 062° True and the Las Vegas omnirange 212° True radials;".

11. Section 600.6009 *VOR civil airway No. 9 (New Orleans, La., to Milwaukee, Wis.)* is amended by changing the portion which reads: "From the New Orleans, La., omnirange station via the McComb, Miss., omnirange station, including a west alternate and also an east alternate from the New Orleans omnirange station to the McComb omnirange station via the point of intersection of the New Orleans omnirange 036° True and the Mobile, Ala., omnirange 260° True radials;" to read: "From the New Orleans, La., omnirange station via the McComb, Miss., omnirange station, including a west alternate and also an east alternate from the New Orleans omnirange station to the McComb omnirange station via the Picayune, Miss., omnirange station;".

12. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing the portion which reads: "Emporia, Kans., omnirange station, including a north alternate;" to read: "Emporia, Kans., omnirange station;".

13. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Prescott, Ariz., omnirange station; Winslow, Ariz., omnirange station;" to read: "intersection of the Needles omnirange 077° True and the Drake omnirange 274° True radials; Drake, Ariz., omnirange station; Winslow, Ariz., omnirange station, including a south alternate from the Needles omnirange station to the Winslow omnirange station via the Prescott, Ariz., omnirange station and the intersection of the Prescott omnirange 095° True and the Winslow omnirange 248° True radials;" by changing the portion which reads: "Amarillo, Tex., omnirange station, including a north alternate;" to read: "Amarillo, Tex., omnirange station, including a north alternate and also a south alternate via the point of intersection of the Texico, N. Mex., omnirange 021° True and the Amarillo omnirange 252° True radials;" and by changing the portion which reads: "Wichita, Kans., omnirange station, including a north alternate from the Gage omnirange station to the Wichita omnirange station via the intersection of the Gage omnirange 044° True and the Wichita omnirange 245° True radials and also a south alternate from the Anthony omnirange station to the Wichita omnirange station via the intersection of the Anthony omnirange 060° True and the Wichita omnirange 190° True radials; Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 046° True and the Emporia omnirange 259° True radials;" to read: "Wichita, Kans., omnirange station, including a north alternate from the Gage omnirange station to the Wichita omnirange station via the point of intersection of the Wichita omnirange 245° True radial with the Gage omnirange direct radial to the Hutchinson, Kans., omnirange station

and also a south alternate from the Anthony omnirange station to the Wichita omnirange station via the intersection of the Anthony omnirange 060° True and the Wichita omnirange 190° True radials; Emporia, Kans., omnirange station, including a north alternate via the point of intersection of the Wichita omnirange direct radial to the point of intersection of the Hutchinson, Kans., omnirange 062° True and the Topeka, Kans., omnirange 236° True radials with the Emporia omnirange direct radial to the Hutchinson, Kans., omnirange station;".

14. Section 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.)* is amended by changing the portion which reads: "and also a west alternate via the intersection of the Houston omnirange 353° True and the Lufkin omnirange 218° True radials;" to read: "and also a west alternate via the intersection of the Houston omnirange 353° True and the Lufkin omnirange 223° True radials;".

15. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion which reads: "Springfield, Mo., omnirange station, including a north alternate via the intersection of the Neosho omnirange 045° True and the Springfield omnirange 261° True radials and also a south alternate;" to read: "Springfield, Mo., omnirange station, including a north alternate via the intersection of the Neosho omnirange 044° True and the Springfield omnirange 261° True radials and also a south alternate via the point of intersection of the Neosho omnirange 074° True radial with the Springfield omnirange direct radial to the Fayetteville, Ark., omnirange station;".

16. Section 600.6015 *VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.)* is amended by changing the portion which reads: "intersection of the Houston omnirange 323° True and the College Station omnirange 127° True radials;" to read: "intersection of the Houston omnirange 323° True and the College Station omnirange 124° True radials;".

17. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion which reads: "intersection of the Phoenix omnirange 160° True and the Tucson omnirange 315° True radials;" to read: "point of intersection of the Phoenix omnirange 161° True radial with the Casa Grande, Ariz., omnirange direct radial to the San Simon, Ariz., omnirange station;".

18. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by changing the portion which reads: "Lake Charles, La., omnirange station, including a south alternate from the Houston omnirange station to the Lake Charles omnirange station via the intersection of the Houston omnirange 090° True and the Lake Charles direct radial to the Galveston, Tex., omnirange station; Lafayette, La., omnirange station;" to read: "Lake Charles, La., omnirange station, including a north alternate via the intersection of the Beaumont omnirange 060° True and the Lake Charles omnirange 271° True radials and also a south alternate from the Houston omnirange station to the Lake Charles omnirange station via the intersection of the Houston omnirange 090° True and the Lake Charles omnirange 241° True radials; Lafayette, La., omnirange station, including a north alternate via the intersection of the Lake Charles omnirange 058° True and the Lafayette omnirange 287° True radials and also a south alternate via the intersection of the Lake Charles omnirange 119° True and the Lafayette omnirange 255° True radials;" and by changing the portion which reads: "intersection of the New Orleans omnirange 066° True and the Mobile omnirange 242° True radials; Mobile, Ala., omnirange station, including a north alternate from the New Orleans omnirange station to the Mobile omnirange station via the intersection of the New Orleans omnirange 036° True and the Mobile omnirange 260° True radials; Evergreen, Ala., omnirange station, including a north alternate via the intersection of the Mobile omnirange 015° True and the Evergreen omnirange 244° True radials;" to read: "intersection of the New Orleans omnirange 066° True and the Mobile omnirange 242° True radials; Mobile, Ala., omnirange station, including a north alternate from the New Orleans omnirange station to the Mobile omnirange station via Picayune, Miss., omnirange station; Evergreen, Ala., omnirange station, including a north alternate via the intersection of the Mobile omnirange 015° True and the Evergreen omnirange 246° True radials;".

19. Section 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.)* is amended by changing the portion which reads: "Sidney, Ohio, omnirange station, including a west alternate from the Cincinnati omnirange station to the Sidney omnirange station via the point of intersection of the Cincinnati omnirange 004° True radial with the Dayton, Ohio, Dayton Airport ILS localizer southwest course and the point of intersection of the Dayton Airport ILS localizer southwest course with the Sidney omnirange direct radial to the Cincinnati omnirange station;" to read: "Sidney, Ohio, omnirange station, including a west alternate from the Cincinnati omnirange station to the point of intersection of the Dayton, Ohio, Dayton Airport ILS localizer southwest course with the Sidney omnirange direct radial to the Cincinnati omnirange station via the point of intersection of the Cincinnati omnirange 004° True radial with the Dayton Airport ILS localizer southwest course;".

20. Section 600.6051 *VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.)* is amended by changing the portion which reads: "Nabb, Ind., omnirange station; point of intersection of the Cincinnati, Ohio, omnirange 318° True and the Nabb omnirange 359° True radials; Lafayette, Ind., omnirange station; Chicago Heights, Ill., omnirange station;" to read: "Nabb, Ind., omnirange station; Shelbyville, Ind., omnirange station; Lafayette, Ind., omnirange station; Chicago Heights, Ill., omnirange station;".

21. Section 600.6053 *VOR civil airway No. 53 (Charleston, S. C., to Chicago, Ill.)* is amended by changing the portion which reads: "Indianapolis, Ind., omnirange station, including an east alternate from the Louisville omnirange station to the Indianapolis omnirange station via the Nabb, Ind., omnirange station and the point of intersection of the Indianapolis omnirange 137° True and the Nabb, Ind., omnirange 359° True radials; Lafayette, Ind., omnirange station, including a west alternate; Peotone, Ill., omnirange station;" to read: "Indianapolis, Ind., omnirange station; intersection of the Indianapolis omnirange 311° True and the Peotone omnirange 153° True radials; Peotone, Ill., omnirange station;".

22. Section 600.6060 is amended to read:

§ 600.6060 *VOR civil airway No. 60 (Albuquerque, N. Mex., to Lubbock, Tex.).* From the Albuquerque, N. Mex., omnirange station via the Otto, N. Mex., omnirange station, including a south alternate; Las Vegas, N. Mex., omnirange station; Tucumcari, N. Mex., omnirange station; Texico, N. Mex., omnirange station; to the Lubbock, Tex., omnirange station.

23. Section 600.6062 is amended to read:

§ 600.6062 *VOR civil airway No. 62 (Santa Fe, N. Mex., to Abilene, Tex.).* From the Santa Fe, N. Mex., omnirange station via the Anton Chico, N. Mex., omnirange station; Texico, N. Mex., omnirange station; Lubbock, Tex., omnirange station; intersection of the Lubbock omnirange station 101° True and the Abilene omnirange 327° True radials; to the Abilene, Tex., omnirange station.

24. Section 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Charlotte, N. C.)* is amended by changing the portion which reads: "Tucson, Ariz., omnirange station including a north alternate via the intersection of the Gila Bend omnirange 100° True and the Tucson omnirange 315° True radials;" to read: "Tucson, Ariz., omnirange station, including a north alternate from the Gila Bend omnirange station to the Tucson omnirange station via the Casa Grande, Ariz., omnirange station and the point of intersection of the Phoenix, Ariz., omnirange 161° True radial with the Casa Grande omnirange direct radial to the San Simon, Ariz., omnirange station;" and by changing the portion which reads: "intersection of the Culberson omnirange 090° True and the Midland omnirange 234° True radials;" to read: "intersection of the Culberson omnirange 090° True and the Midland omnirange 242° True radials;".

25. Section 600.600.6070 is amended to read:

§ 600.6070 *VOR civil airway No. 70 (Corpus Christi, Tex., to Evergreen, Ala.).* From the Corpus Christi, Tex., omnirange station via the Palacios, Tex., omnirange station; Galveston, Tex., omnirange station; intersection of the Galveston omnirange 067° True and the Lake Charles omnirange 241° True radials; Lake Charles, La., omnirange station; Lafayette, La., omnirange station; Baton Rouge, La., omnirange station; Picayune, Miss., omnirange station; to the Evergreen, Ala., omnirange station.

26. Section 600.6077 *VOR civil airway No. 77 (Cotulla, Tex., to Des Moines, Iowa)* is amended by changing the portion which reads: "Wichita, Kans., omnirange station; Topeka, Kans., omnirange station;" to read: "Wichita, Kans., omnirange station; point of intersection of the Hutchinson, Kans., omnirange 062° True and the Topeka omnirange 236° True radials; Topeka, Kans., omnirange station;".

27. Section 600.6083 is amended to read:

§ 600.6083 *VOR civil airway No. 83 (Carlsbad, N. Mex., to Pueblo, Colo.).* From the Carlsbad, N. Mex., omnirange station, via the Roswell, N. Mex., omnirange station; Corona, N. Mex., omnirange station, including an east alternate via the intersection of the Roswell omnirange 335° True and the Corona omnirange 125° True radials; Otto, N. Mex., omnirange station; Santa Fe, N. Mex., omnirange station; intersection of the Santa Fe omnirange 010° True and the Alamosa omnirange 183° True radials; Alamosa, Colo., omnirange station; to the Pueblo, Colo., omnirange station.

28. Section 600.6094 is amended by changing the caption to read: *"VOR civil airway No. 94 (Casa Grande, Ariz., to Longview, Tex.)"* and by changing all before the Newman, Tex., omnirange station to read: "From the Casa Grande, Ariz., omirange station via the San Simon, Ariz., omnirange station; point of intersection of the San Simon omnirange 089° True and the El Paso, Tex., omnirange 293° True radials; point of intersection of the El Paso omnirange 293° True and the Newman omnirange 272° True radials; Newman, Tex., omnirange station;".

29. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.)* is amended by changing the portion which reads: "Cincinnati, Ohio, omnirange station; Indianapolis, Ind., omnirange station, including an east alternate and also a west alternate via the point of intersection of the Nabb, Ind., omnirange 359° True and the Indianapolis omnirange 137° True radials; intersection of the Indianapolis omnirange 341° True and the Chicago Heights omnirange 143° True radials; to the Chicago Heights, Ill., omnirange station." to read: "Cincinnati, Ohio, omnirange station; Shelbyville, Ind., omnirange station, including an east alternate via the intersection of the Cincinnati omnirange 321° True and the Shelbyville omnirange 110° True radials and also a west alternate via the intersection of the Cincinnati omnirange 290° True and the Shelbyville omnirange 172° True radials; Lafayette, Ind., omnirange station, including a west alternate from the Shelbyville omnirange station to the Lafayette omnirange station via the Indianapolis, Ind., omnirange station and the intersection of the Indianapolis omnirange 344° True and the Lafayette omnirange 133° True radials; to the Chicago Heights, Ill., omnirange station."

30. Section 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to Charleston, W. Va.)* is amended by changing all before the Cincinnati, Ohio, omnirange station to read: "From the point of intersection of the Joliet, Ill., omirange 056° True and the Peotone omnirange 003° True radials via the Peotone, Ill., omnirange station; intersection of the Peotone omnirange 153° True and the Indianapolis omnirange 311° True radials; Indianapolis, Ind., omnirange station; intersection of the Indianapolis omnirange 137° True and the Cincinnati omnirange 290° True radials; Cincinnati, Ohio, omnirange station;".

31. Section 600.6132 *VOR civil airway No. 132 (Cheyenne, Wyo., to Springfield, Mo.)* is amended by changing the portion which reads: "point of intersection of the Wichita, Kans., omnirange 046° True and the Emporja, Kans., omnirange 259° True radials;" to read: "point of intersection of the Wichita, Kans., omnirange direct radial to the intersection of the Hutchinson, Kans., omnirange 062° True and the Topeka, Kans., omnirange 236° True radials with the Hutchinson, Kans., omnirange direct radial to the Emporia, Kans., omnirange station;".

32. Section 600.6137 *VOR civil airway No. 137 (Thermal, Calif., to Ukiah, Calif.)* is amended by changing all before the Agnew, Calif., omnirange station to read: "From the Thermal, Calif., omnirange station via the Palmdale, Calif., omnirange station; to the point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga omnirange 152° True radials. From the Coalinga, Calif., omnirange station via the Salinas, Calif., omnirange station; Agnew, Calif., omnirange station;".

33. Section 600.6172 is amended to read:

§ 600.6172 *VOR civil airway No. 172 (Denver, Colo., to Chicago, Ill.).* From the Denver, Colo., omnirange station via the point of intersection of the Denver omnirange 061° True and the Imperial, Nebr., ominrange 271° True radials; point of intersection of the Imperial omnirange 271° True and the North Platte omnirange 246° True radials; to the North Platte, Nebr., omnirange station. From the Des Moines, Iowa., omnirange station via the point of intersection of the Des Moines omnirange 071° True and the Iowa City, Iowa, omnirange 283° True radials; Cedar Rapids, Iowa, omnirange station; Polo, Ill., omnirange station; to the Chicago, Ill., International (O'Hare) Airport terminal omnirange station.

34. Section 600.6177 is amended to read:

§ 600.6177 *VOR civil airway No. 177 (Wheatfield, Ill., to Janesville, Wis.).* From the point of intersection of the Peotone, Ill., omnirange 096° True and the Chicago Heights 128° True radials to the Chicago Heights, Ill., omnirange station. From the Naperville, Ill., omnirange station to the Janesville, Wis., omnriange station.

35. Section 600.6193 *VOR civil airway No. 193 (Keeler, Mich., to Sault Ste. Marie, Mich.)* is amended by changing the portion which reads: "to the Pellston, Mich., non-directional radio beacon." to read: "Pellston, Mich., non-directional radio beacon; to the Sault Ste. Marie, Mich., omnirange station."

36. Section 600.6214 is amended to read:

§ 600.6214 *VOR civil airway No. 214 (Shelbyville, Ind., to Wheeling, W. Va.)* From the Shelbyville, Ind., omnirange station to the point of intersection of the Cincinnati, Ohio, omnirange 004° True and the Dayton, Ohio, omnirange 209° True radials. From the Columbus, Ohio, Port Columbus Airport ILS localizer via the Zanesville, Ohio, omnirange station; point of intersection of the Parkersburg, W. Va., omnirange 006° True and the Wheeling omnirange 252° True radials; to the Wheeling, W. Va., omnirange station.

37. Section 600.6227 is amended to read:

§ 600.6227 *VOR civil airway No. 227 (Louisville, Ky., to Peotone, Ill.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 310° and the Indianapolis omnirange 185° True radials; Indianapolis, Ind., omnirange station; intersection of the Indianapolis omnirange 311° True and the Lafayette omnirange 159° True radials; Lafayette, Ind., omnirange station; intersection of the Lafayette omnirange 313° True and the Peotone omnirange 153° True radials; to the Peotone, Ill., omnirange station.

38. Section 600.6240 is amended to read:

§ 600.6240 *VOR civil airway No. 240 (New Orleans, La., to Mobile, Ala.).* From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 106° True and the Mobile omnirange 224° True radials; to the Mobile, Ala., omnirange station.

39. Section 600.6249 *VOR civil airway No. 249 (Caldwell, N. J., to Utica, N. Y.)* is amended by changing the portion which reads: "to the Utica, N. Y., Oneida County Airport, ILS outer marker." to read: "to the Utica, N. Y., nondirectional radio beacon."

40. Section 600.6275 *VOR civil airway No. 275 (Cincinnati, Ohio, to Detroit, Mich.)* is amended by changing the portion which reads: "point of intersection of the Findlay omnirange 211° True radial with the Sidney, Ohio, omnirange direct radial to the Fort Wayne, Ind., omnirange station;" to read: "point of intersection of the Findlay omnirange 212° True radial with the Sidney, Ohio, omnirange direct radial to the Fort Wayne, Ind., omnirange station;".

41. Section 600.6280 is amended to read:

§ 600.6280 *VOR civil airway No. 280 (El Paso, Tex., to Kansas City, Mo.).* From the El Paso, Tex., omnirange station via the point of intersection of the El Paso omnirange 092° True and the Pinon omnirange 219° True radials; Pinon, N. Mex., omnirange station; Roswell, N. Mex., omnirange station; point

of intersection of the Roswell omnirange 063° True and the Lubbock, Tex., omnirange 277° True radials; Texico, N. Mex., omnirange station; intersection of the Texico omnirange 021° True and the Amarillo omnirange 267° True radials; to the Amarillo, Tex., omnirange station. From the Gage, Okla., omnirange station via the Hutchinson, Kans., omnirange station; intersection of the Hutchinson omnirange 062° True and the Topeka omnirange 236° True radials; Topeka, Kans., omnirange station; intersection of the Topeka omnirange 064° True and the Kansas City omnirange 275° True radials; to the Kansas City, Mo., omnirange station.

42. Section 600.6286 is added to read:

§ 600.6286 *VOR civil airway No. 286 (Front Royal, Va., to Cape Charles, Va.).* From the Front Royal, Va., omnirange station via the point of intersection of the Brooke omnirange 306° True radial with the Gordonsville, Va., omnirange direct radial to the Herndon, Va., omnirange station; Brooke, Va., omnirange station; to the Cape Charles, Va., omnirange station. The portions of this airway which overlie the Quantico Restricted Area (R–37), the West Dahlgren Restricted Area (R–38) and the Camp A. P. Hill Restricted Area (R–40) are excluded.

43. Section 600.6288 is added to read:

§ 600.6288 *VOR civil airway No. 288 (Lucin, Utah, to Fort Bridger, Wyo.).* From the Lucin, Utah, omnirange station via the point of intersection of the Fort Bridger omnirange 278° True radial with the Ogden, Utah, omnirange direct radial to the Malad City, Idaho, omnirange station; to the Fort Bridger, Wyo., omnirange station.

44. Section 600.6289 is added to read:

§ 600.6289 *VOR civil airway No. 289 (Beaumont, Tex., to Lufkin, Tex.).* From the Beaumont, Tex., omnirange station via the intersection of the Beaumont omnirange 334° True and the Lufkin omnirange 160° True radials; to the Lufkin, Tex., omnirange station, including an east alternate via the intersection of the Beaumont omnirange 349° True and the Lufkin omnirange 145° True radials.

45. Section 600.6290 is added to read:

§ 600.6290 *VOR civil airway No. 290.* [Unassigned.]

46. Section 600.6291 is added to read:

§ 600.6291 *VOR civil airway No. 291 (Prescott, Ariz., to Valle, Ariz.).* From the Prescott, Ariz., omnirange station via the Drake, Ariz., omnirange station; to the Valle, Ariz., omnirange station.

47. Section 600.6618 *VOR civil airway No. 1518 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Needles, Calif., omnirange station; Prescott, Ariz., omnirange station; Winslow, Ariz., omnirange station;" to read: "Needles, Calif., omnirange station; intersection of the Needles omnirange 077° True and the Drake omnirange 274° True radials; Drake, Ariz., omnirange station; Winslow, Ariz., omnirange station;".

48. Section 600.6401 is amended to read:

§ 600.6401 *Hawaiian VOR civil airway No. 1.* From the Hilo, Hawaii, T. H., omnirange station to the point of intersection of the Hilo omnirange 034° True and the Upolu Point, Hawaii, T. H., omnirange 096° True radials.

49. Section 600.6402 is amended to read:

§ 600.6402 *Hawaiian VOR civil airway No. 2.* From the Lihue, Kauai, T. H., omnirange station via the point of intersection of the Lihue omnirange 126° True and the Honolulu omnirange 261° True radials; Honolulu, Oahu, T. H., omnirange station, including a south alternate from the Lihue omnirange station to the Honolulu omnirange station via the intersection of the Lihue omnirange 141° True and the Honolulu omnirange 246° True radials; Lanai, T. H., omnirange station, including a south alternate; point of intersection of the Lanai omnirange 111° True and the Upolu Point omnirange 302° True radials; Upolu Point, Hawaii, T. H., omnirange station; point of intersection of the Upolu Point omnirange 096° True and the Hilo omnirange 334° True radials; Hilo, Hawaii, T. H., omnirange station; to the intersection of the Hilo omnirange 089° True radial with a point 33 statute miles east from the Hilo omnirange station. The portions of this airway which overlap the Kahoolawe Restricted Area (R–327) are excluded.

50. Section 600.6403 is amended to read:

§ 600.6403 *Hawaiian VOR civil airway No. 3.* From the intersection of the Hilo omnirange 173° True radial with a point 36 statute miles south from the Hilo omnirange station via the Hilo, Hawaii, T. H., omnirange station; to the point of intersection of the Hilo omnirange 004° True and the Upolu Point, Hawaii, T. H., omnirange 096° True radials.

51. Section 600.6404 is amended to read:

§ 600.6404 *Hawaiian VOR civil airway No. 4.* From the point of intersection of the Lihue, Kauai, T. H., omnirange 186° True and the Honolulu omnirange 246° True radials via the Honolulu, Oahu, T. H., omnirange station, including a north alternate from the point of intersection of the Lihue omnirange 189° True and the Honolulu omnirange 261° True radials to the Honolulu omnirange station; to the point of intersection of the Honolulu omnirange 061° True and the Kahului, Maui, T. H., omnirange 352° True radials. In addition, this airway shall include the airspace between straight lines starting from a point on each outer boundary of the airway, at a distance of 50 statute miles southwest and also northeast from the Honolulu omnirange station, and diverging southwestward and northeastward at angles of 6° relative to the airway's centerline. The north alternate shall include the airspace between straight lines starting from a point on each outer boundary of the north alternate, at a distance of 50 statute miles west from the Honolulu omnirange station, and diverging westward at angles of 6° relative to the north alternate's centerline. The portion of this airway at and below 5,000 feet, mean sea level, which overlaps the Kaneohe Bay Airspace Reservation (P–331) is excluded. The portion of this airway which overlaps the Waikane Restricted Area (R–496) is excluded.

52. Section 600.6405 is amended to read:

§ 600.6405 *Hawaiian VOR civil airway No. 5.* From the point of intersection of the Lanai, T. H., omnirange 111° True and the Kahului omnirange 204° True radials to the Kahului, Maui, T. H., omnirange station. The portion of this airway which overlaps the Kahoolawe Restricted Area (R–327) is excluded.

53. Section 600.6406 is amended to read:

§ 600.6406 *Hawaiian VOR civil airway No. 6.* From the point of intersection of the Molokai, T. H., omnirange 067° True and the Kahului, Maui, T. H., omnirange 331° True radials via the Kahului, Maui, T. H., omnirange station; point of intersection of the Kahului omnirange 080° True and the Hilo omnirange 334° True radials; to the Hilo, Hawaii, T. H., omnirange station. The portion of this airway between the Kahului omnirange station and the point of intersection of the Kahului omnirange 331° True and the Molokai omnirange 067° True radials which lies in proximity to the Mokuhoonike Restricted Area (R–326) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

54. Section 600.6407 is amended to read:

§ 600.6407 *Hawaiian VOR civil airway No. 7.* From the Lanai, T. H., omnirange station to the Molokai, T. H., omnirange station. The portion of this airway which overlaps the Molokai Restricted Area (R–325) is excluded.

55. Section 600.6408 is amended to read:

§ 600.6408 *Hawaiian VOR civil airway No. 8.* From the point of intersection of the Honolulu, Oahu, T. H., omnirange 179° True and the Molokai, T. H., omnirange 268° True radials via the Molokai, T. H., omnirange station; to the point of intersection of the Molokai omnirange 067° True and the Upolu Point, Hawaii, T. H., omnirange 012° True radials. In addition, this airway shall include the airspace between straight lines starting from a point on each outer boundary of the airway, at a distance of 50 statute miles northeast from the Molokai omnirange station, and diverging northeastward at angles of 6° relative to the centerline of the airway. The portion of this airway which overlaps the West Molokai Restricted Area (R–325) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

56. Section 600.6409 is amended to read:

§ 600.6409 *Hawaiian VOR civil airway No. 9.* From the point of intersection of the Lanai, T. H., omnirange 224° True and the Honolulu omnirange 179° True radials to the Honolulu, Oahu, T. H., omnirange station. In addition, this airway shall include the airspace between straight lines starting from a point on each outer boundary of the airway, at a distance of 50 statute miles south from the Honolulu omnirange station, and diverging southward at angles of 6° relative to the centerline of the airway. The portion of this airway above 21,000 feet, mean sea level, which overlaps Warning Area C (W–321) is excluded.

57. Section 600.6410 is amended to read:

§ 600.6410 *Hawaiian VOR civil airway No. 10.* From the Upolu Point, Hawaii, T. H., omnirange station to the point of intersection of the Upolu Point omnirange 096° True and the Hilo, Hawaii, T. H., omnirange 034° True radials.

58. Section 600.6411 is added to read:

§ 600.6411 *Hawaiian VOR civil airway No. 11.* From the Upolu Point, Hawaii, T. H., omnirange station to the point of intersection of the Upolu Point omnirange 349° True and the Kahului, Maui, T. H., omnirange 080° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. December 19, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

NOVEMBER 22, 1957.

[F. R. Doc. 57–9862; Filed, Nov. 27, 1957; 8:47 a. m.]

[Amdt. 19]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.113 is added to read:

§ 601.113 *Amber civil airway No. 13 control areas (Hawaiian Islands).* All of Amber civil airway No. 13.

2. Section 601.1008 is amended to read:

§ 601.1008 *Control area extension (Savannah, Ga.).* The airspace within a 40-mile radius of Hunter Air Force Base, Savannah, Ga., excluding the portion south of latitude 31°35'00" and excluding the portions which overlap Restricted Areas R–159 and R-339 and Warning Areas W-132, W-157, and W-160 at all times and all altitudes.

3. Section 601.1023 is amended to read:

§ 601.1023 *Control area extension (Akron, Colo.).* Within 5 miles either side of the 167° True radial of the Akron, Colo., omnirange extending from the omnirange station to a point 25 miles south.

4. Section 601.1033 is amended to read:

§ 601.1033 *Control area extension (St. Joseph, Mo.).* The airspace within a 25-mile radius of Rosecrans Memorial Airport bounded on the northeast by VOR civil airway No. 15 and on the southeast by VOR civil airway No. 77.

5. Section 601.1098 is amended to read:

§ 601.1098 *Control area extension (Casper, Wyo.).* The airspace within a 25-mile radius of the Casper radio range station lying in the southwest, northwest, and northeast quadrants of the radio range, and within 5 miles either side of the Casper Air Terminal ILS localizer course extending from the localizer to a point 25 miles west of the airport.

6. Section 601.1151 *Control area extension (Wilmington, N. C.)* is amended by changing the words which read: "Oakes, Nassau, B. W. I., nondirectional radio beacon" to read: "Nassau, B. W. I., nondirectional radio beacon".

7. Section 601.1174 is added to read:

§ 601.1174 *Control area extension (Ukiah, Calif.).* Within 5 miles either side of the 218° True radial of the Ukiah omnirange extending from the omnirange station to a point 17 miles southwest.

8. Section 601.1179 *Control area extension (Hilo, Hawaii, T. H.)* is amended by adding the following to present control area extension: "The airspace lying east of Hilo bounded by a line beginning at a point at latitude 19°39'30" N., longitude 154°30'20" W., thence extending clockwise along the arc of a circle centered at a point at latitude 19°39'30" N., longitude 154°46'00" W., to a point at latitude 19°25'30" N., longitude 154°41'00" W., thence to a point at latitude 19°34'00" N., longitude 154°-55'00" W., thence to a point at latitude 19°39'30" N., longitude 154°56'00" W., thence to point of beginning.

9. Section 601.1205 *Control area extension (Albuquerque, N. Mex.)* is amended by adding the following portion to present control area extension: "that airspace lying southwest of Albuquerque bounded on the north by VOR civil airway No. 12, on the east by VOR civil airway No. 19, and on the southwest by VOR civil airway No. 192, excluding the portion which conflicts with restricted area R–313."

10. Section 601.1245 is amended to read:

§ 601.1245 *Control area extension (Port Allen, Kauai, T. H.).* The airspace lying northeast of Port Allen bounded on the south by Red civil airway No. 87, on the west by longiture 159°30'00" W., and on the northeast by the arc of a circle 25 statute miles in radius centered at latitude 21°58'07" N., longitude 159°20'27" W.

11. Section 601.1323 is amended to read:

§ 601.1323 *Control area extension (Dallas, Tex.) (Dallas-Houston-Austin area.).* All of the airspace bounded on the east by a line 5 miles east of and parallel to the 133° True radial of the Dallas, Tex., omnirange, the 353° True and 140° True radials of the Leona, Tex., omnirange and the 353° True radial of the Houston, Tex., omnirange and by Red civil airway No. 96, bounded on the southwest by Red civil airway No. 32, on the northwest by Amber civil airway No. 4 to the Waco, Tex., radio range station and by Blue civil airway No. 5 to the Dallas nondirectional radio beacon, and bounded on the north by VOR civil airway No. 16.

12. Section 601.1326 is amended to read:

§ 601.1326 *Control area extension (Fortuna, Calif.).* The airspace east of Fortuna lying within a 30 mile radius of the Arcata Airport bounded on the west by VOR civil airway No. 27; the airspace west of Fortuna bounded on the east by VOR civil airway No. 27, on the south by Fortuna control area extension 601.1415, on the west by longitude 124°30'00", and on the north by a line drawn through points at latitude 41°07'45", longitude 124°30'00" and latitude 41°04'30", longitude 124°20'00".

13. Section 601.1327 *Control area extension (Crescent City, Calif.)* is amended by changing the portion which reads: "to points 20 miles northwest and southwest." to read: "to points 25 miles northwest and 20 miles southwest of the omnirange station."

14. Section 601.1367 is amended to read:

§ 601.1367 *Control area extension (Wink, Tex.).* The airspace southeast of Wink bounded on the east by the Midland, Tex., control area extension, on the southeast by a line drawn through points at latitude 31°30'00", longitude 102°-47'00" and latitude 31°24'00", longitude 103°01'40", on the west by VOR civil airway No. 79, and on the northwest by VOR civil airway No. 66; the airspace northwest of Wink bounded on the east by VOR civil airway No. 79, on the south by VOR civil airway No. 16 N, and on the northwest by the arc of a 20-mile radius circle centered on the Wink omnirange station.

15. Section 601.1380 *Control area extension (Kaneohe, Oahu, T. H.)* is amended by deleting the words which

read: "and excluding the airspace below 5,000 feet lying within caution area C-330".

16. Section 601.1428 is amended to read:

§ 601.1428 *Control area extension (Gainesville, Fla.).* The airspace within a 15-mile radius of the Gainesville Municipal Airport excluding the portion above 5,000 feet MSL which overlaps Jacksonville Restricted Area B (R-161-B), and excluding the portion above 15,000 feet MSL which overlaps Jacksonville Restricted Area 4 (R-161-D).

17. Section 601.1438 is added to read:

§ 601.1438 *Control area extension (Kahului, Maui, T. H.).* The airspace lying north of Kahului within a 25-statute-mile radius of the Kahului, Maui, T. H., omnirange station bounded on the southwest and south by VOR civil airway No. 6.

18. Section 601.1439 is added to read:

§ 601.1439 *Control area extension (Battle Mountain, Nev.).* Within 5 miles either side of the 218° True and 348° True radials of the Battle Mountain omnirange extending from the omnirange station to points 23 miles southwest and 12 miles north of the omnirange station.

19. Section 601.1440 is added to read:

§ 601.1440 *Control area extension (Williams, Ariz.).* The airspace bounded by a line beginning at a point at Latitude 33°22'00", longitude 111°47'00", extending to a point at latitude 33°22'00", longitude 111°13'00", thence to a point at latitude 32°56'00", longitude 110°31'00", thence to a point at latitude 32°42'00", longitude 110°42'00", thence to a point at latitude 32°53'00", longitude 111°34'00" thence to the point of beginning.

20. Section 601.1441 is added to read:

§ 601.1441 *Control area extension (Tucson, Ariz.).* The airspace northeast of Tucson bounded on the north by VOR civil airway No. 94, on the southeast by VOR civil airway No. 202 and on the south and southwest by VOR civil airway No. 16.

21. Section 601.1442 is added to read:

§ 601.1442 *Control area extension (Fort Bridger, Wyo.).* Within 5 miles either side of the 45° True radial of the Fort Bridger omnirange extending from the omnirange station to a point 15 miles northeast and within 5 miles either side of the 346° True radial of the omnirange extending from the omnirange station to a point 25 miles north.

22. Section 601.1443 is added to read:

§ 601.1443 *Control area extension (Bryce Canyon, Utah).* Within 5 miles either side of the 110° True radial of the Bryce Canyon omnirange extending from the omnirange station to a point 25 miles southeast.

23. Section 601.1444 is added to read:

§ 601.1444 *Control area extension (Truth or Consequences, N. Mex.).* The airspace bounded on the east by Amber civil airway No. 3 and on the southwest and northwest by VOR civil airway No. 19. The portion of this control area above 20,000 feet MSL which overlaps the White Sands restricted area, Area 2 (R-521), (published in § 608.39 of this chapter), shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

24. Section 601.1445 is added to read:

§ 601.1445 *Control area extension (Neah Bay, Wash.).* The airspace lying south of the United States-Canadian Border and the Vancouver Oceanic Flight Information Region within lines drawn tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., radio range station and the circumference of a 15-mile radius circle centered on the intersection of the northwest course of the Neah Bay radio range and a point at latitude 48°40'00", longitude 125°17'30", excluding the portion below 5,000 feet MSL.

25. Section 601.2069 *St. Joseph, Mo., control zone* is amended by changing the name "Rosecrans Field," to read: "Rosecrans Memorial Airport,".

26. Section 601.2221 *La Crosse, Wis., control zone* is amended by deleting the portion which reads: "and extending 2 miles either side of the 146° True radial of the La Crosse omnirange to a point 10 miles southeast of the omnirange station." and by adding the following portion to read: "and extending 2 miles either side of the 227° True radial of the La Crosse terminal omnirange to a point 12 miles southwest of the terminal omnirange station."

27. Section 601.2262 is amended to read:

§ 601.2262 *Honolulu, Oahu, T. H., control zone.* Within a 5-mile radius of Honolulu International Airport, within a 3-mile radius of the Barber's Point Naval Air Station and within 2 miles either side of the west course of the Honolulu radio range extending to a point 10 miles west of the radio range station.

28. Section 601.2303 *Great Falls, Mont., control zone* is amended by changing the name "Great Falls Municipal Airport," to read: "Great Falls International Airport," wherever it appears.

29. Section 601.2368 *Sault Ste. Marie, Mich., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 146° and 326° True radials of the omnirange extending to a point 12 miles southeast of the omnirange station."

30. Section 601.2374 *Billings, Mont., control zone* is amended by changing the name "Billings Municipal Airport" to read: "Logan Field, Billings, Mont.,".

31. Section 601.4019 is amended to read:

§ 601.4019 *Green civil airway No. 9 (Hawaiian Islands).* The intersection of the south course of the Port Allen, Kauai, T. H., radio range and the west course of the Honolulu, Oahu, T. H., radio range; the intersection of the west course of the Honolulu, Oahu, T. H., radio range and a line bearing 222° True from the Kahuku, Oahu, T. H., nondirectional radio beacon; Honolulu, Oahu, T. H., radio range station; the intersection of the northeast course of the Honolulu, Oahu, T. H., radio range and a line bearing 007° True from the Makapuu Point, Oahu, T. H., nondirectional radio beacon; the intersection of the northeast course of the Honolulu, Oahu, T. H., radio range and the north course of the Maui, T. H., radio range; the intersection of the northeast course of the Honolulu, Oahu, T. H., radio range and the north course of the Hilo, Hawaii, T. H., radio range.

32. Section 601.4110 *Amber civil airway No. 10 (Hawaiian Islands)* is amended by adding the following reporting point: "the intersection of the south course of the Honolulu, Oahu, T. H., radio range and a line bearing 237° True from the Makapuu Point, Oahu, T. H., nondirectional radio beacon."

33. Section 601.4112 *Amber civil airway No. 12 (Hawaiian Islands)* is amended by changing the words "east course of the Maui, T. H., radio range" to read: "southeast course of the Maui, T. H., radio range".

34. Section 601.4113 is added to read:

§ 601.4113 *Amber civil airway No. 13 (Hawaiian Islands).* No reporting point designation.

35. Section 601.4287 *Red civil airway No. 87 (Hawaiian Islands)* is amended by changing the words which read: "intersection of the east course of the Maui, T. H., radio range and the east course of the Hilo, T. H., radio range." to read: "intersection of the southeast course of the Maui, T. H., radio range and the east course of the Hilo, T. H., radio range."

36. Section 601.4313 is amended to read:

§ 601.4313 *Red civil airway No. 113 (Hawaiian Islands).* The intersection of the south course of the Port Allen, Kauai, T. H., radio range and a line bearing 246° True from the Honolulu, Oahu, T. H., radio range station; Makapuu Point, Oahu, T. H., nondirectional radio beacon; the intersection of a line bearing 062° True from the Makapuu Point, Oahu, T. H., nondirectional radio beacon and the north course of the Maui, T. H., radio range.

37. Section 601.5001 *Other reporting points* is amended by adding the following:

Carp Intersection: The intersection of a direct line between the Carolina Beach (Wilmington, N. C.) nondirectional radio beacon and the Nassau, British West Indies, nondirectional radio beacon with the western boundary of the New York Oceanic Control Area.

38. Section 601.6012 is amended to read:

§ 601.6012 *VOR civil airway No. 12 control areas (Santa Barbara, Calif., to Philadelphia, Pa.).* All of VOR civil airway No. 12 including north and south alternates, but excluding the airspace between the main airway and its south alternate airway from the Needles, Calif., omnirange station to the Winslow, Ariz., omnirange station.

39. Section 601.6053 is amended to read:

§ 601.6053 *VOR civil airway No. 53 control areas (Charleston, S. C., to Chicago, Ill.).* All of VOR civil airway No. 53.

40. Section 601.6070 is amended to read:

§ 601.6070 *VOR civil airway No. 70 control areas (Corpus Christi, Tex., to Evergreen, Ala.).* All of VOR civil airway No. 70.

41. Section 601.6083 is amended to read:

§ 601.6083 *VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Pueblo, Colo.).* All of VOR civil airway No. 83 including an east alternate.

42. Section 601.6094 is amended to read:

§ 601.6094 *VOR civil airway No. 94 control areas (Casa Grande, Ariz., to Longview, Tex.).* All of VOR civil airway No. 94.

43. Section 601.6172 is amended to read:

§ 601.6172 *VOR civil airway No. 172 control areas (Denver, Colo., to Chicago, Ill.).* All of VOR civil airway No. 172.

44. Section 601.6177 is amended to read:

§ 601.6177 *VOR civil airway No. 177 control areas (Wheatfield, Ill., to Janesville, Wis.).* All of VOR civil airway No. 177.

45. Section 601.6214 is amended to read:

§ 601.6214 *VOR civil airway No. 214 control areas (Shelbyville, Ind., to Wheeling, W. Va.).* All of VOR civil airway No. 214.

46. Section 601.6227 is amended to read:

§ 601.6227 *VOR civil airway No. 227 control areas (Louisville, Ky., to Peotone, Ill.).* All of VOR civil airway No. 227.

47. Section 601.6240 is amended to read:

§ 601.6240 *VOR civil airway No. 240 control areas (New Orleans, La., to Mobile, Ala.).* All of VOR civil airway No. 240.

48. Section 601.6280 is amended to read:

§ 601.6280 *VOR civil airway No. 280 control areas (El Paso, Tex., to Kansas City, Mo.).* All of VOR civil airway No. 280.

49. Section 601.6286 is added to read:

§ 601.6286 *VOR civil airway No. 286 control areas (Front Royal, Va., to Cape Charles, Va.).* All of VOR civil airway No. 286.

50. Section 601.6288 is added to read:

§ 601.6288 *VOR civil airway No. 288 control areas (Lucin, Utah, to Fort Bridger, Wyo.).* All of VOR civil airway No. 288.

51. Section 601.6289 is added to read:

§ 601.6289 *VOR civil airway No. 289 control areas (Beaumont, Tex., to Lufkin, Tex.).* All of VOR civil airway No. 289.

52. Section 601.6290 is added to read:

§ 601.6290 *VOR civil airway No. 290 control areas.* [Unassigned.]

53. Section 601.6291 is added to read:

§ 601.6291 *VOR civil airway No. 291 control areas (Prescott, Ariz., to Valle, Ariz.).* All of VOR civil airway No. 291.

54. Section 601.6404 is amended to read:

§ 601.6404 *Hawaiian VOR civil airway No. 4 control areas.* All of Hawaiian VOR civil airway No. 4 including a north alternate, but excluding the airspace between the main airway and the north alternate airway.

55. Section 601.6411 is added to read:

§ 601.6411 *Hawaiian VOR civil airway No. 11 control areas.* All of Hawaiian VOR civil airway No. 11.

56. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Coconut Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 261° True radial and a line bearing 220° True from the Kahuku, Oahu, T. H., nondirectional radio beacon.

Swordfish Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 261° True and the Lihue, Kauai, T. H., omnirange 189° True radials.

Tuna Intersection: The intersection of the Molokai, T. H., omnirange 067° True and the Upolu Point, Hawaii, T. H., omnirange 012° True radials.

Banana Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 061° True and the Lanai, T. H., omnirange 320° True radials.

Banning Intersection: The intersection of the Ontario, Calif., omnirange 091° True and the March, Calif., omnirange 061° True radials.

Sumatra Intersection: The intersection of the Miles City, Mont., omnirange 286° True and the Billings, Mont., omnirange 036° True radials.

Kahului, Maui, T. H., omnirange station.
Molokai, T. H., omnirange station.

by changing the following reporting points to read:

Southgate Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 179° True and the Molokai, T. H., omnirange 268° True radials.

North Maui Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 061° True and the Kahului, Maui, T. H., omnirange 352° True radials.

Paradise Intersection: The intersection of the Upolu Point, Hawaii, T. H., omnirange 096° True and the Hilo, Hawaii, T. H., omnirange 334° True radials.

Grass Shack Intersection: The intersection of the Upolu Point, Hawaii, T. H., omnirange 096° True and the Hilo, Hawaii, T. H., omnirange 004° True radials.

Hibiscus Intersection: The intersection of the Upolu Point, Hawaii, T. H., omnirange 096° True and the Hilo, Hawaii, T. H., omnirange 034° True radials.

and by revoking the following reporting points:

Hula Girl Intersection: The intersection of the Lihue, Kauai, T. H., omnirange 141° True and the Honolulu omnirange 246° True radials.

Makai Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 246° True and the Lihue, Kauai, T. H., omnirange 126° True radials.

Kaneohe Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 061° True and the Lanai, T. H., omnirange 318° True radials.

North Lanai Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 061° True and the Lanai, T. H. omnirange 337° True radials.

Rainbow Intersection: The intersection of the Maui, T. H., omnirange 191° True and the Lanai, T. H., omnirange 111° True radials.

Pineapple Intersection: The intersection of the Lanai, T. H., omnirange 111° True and the Maui, T. H., omnirange 237° True radials.

Waterway Intersection: The intersection of the Galveston, Tex., omnirange 064° True; the Lake Charles, La., omnirange 244° True and the Beaumont, Tex., omnirange 168° True radials.

Stonyfork Intersection: The intersection of the Elmira, N. Y., omnirange 212° True and the Bradford, Pa., omnirange 097° True radials.

Trumansburg Intersection: The intersection of the Elmira, N. Y., omnirange 029° True and the Rochester, N. Y., omnirange 130° True radials.

Maui, T. H., omnirange station.

(Sec 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., December 19, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

NOVEMBER 22, 1957.

[F. R. Doc. 57-9863; Filed, Nov. 27, 1957; 8:48 a.m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF MANGANOUS DIMETHYLDITHIOCARBAMATE

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of manganous dimethyldithiocarbamate.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which this tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for

tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.3; 22 F. R. 3106) are amended as indicated below:

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (3) is amended by inserting in the list of dithiocarbamates, after "Maneb", the item "Manganous dimethyldithiocarbamate."

2. Part 120 is further amended by adding the following new section:

§ 120.161 *Tolerance for residues of manganous dimethyldithiocarbamate.* A tolerance of 7 parts per million is established for residues of manganous dimethyldithiocarbamate, calculated as zinc ethylenebisdithiocarbamate, in or on apples.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S .C. 346a)

Dated: November 22, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9892; Filed, Nov. 27, 1957; 8:55 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTITIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF MERCAPTOBENZOTHIAZOLE

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of mercaptobenzothiazole in or an apples.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which this tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.160 *Tolerance for residues of mercaptobenzothiazole.* A tolerance of 0.1 part per million is established for residues of mercaptobenzothiazole, calculated as 2,2'-dithiobisbenzothiazole, in or on apples.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511, 21 U. S. C. 346a)

Dated: November 22, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9893; Filed, Nov. 27, 1957; 8:56 a. m.]

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 146a, 146b; 21 CFR, 1956 Supp.; 22 F. R. 3108), are amended as indicated below:

1. Section 141a.41 is revised to read as follows:

§ 141a.41 *Penicillin-bacitracin troches; penicillin-zinc bacitracin troches*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.12 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(2) *Bacitracin or zinc bacitracin content.* Proceed as directed in § 141e.403 (a) of this chapter, except that sufficient penicillinase is added to the solution under test to completely inactivate the penicillin present. Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

2. Section 146a.60 is revised to read as follows:

§ 146a.60 *Penicillin-bacitracin troches; penicillin-zinc bacitracin troches.* (a) Penicillin-bacitracin troches and penicillin-zinc bacitracin troches conform to all the requirements prescribed by § 146a.30 for penicillin troches, and are subject to all procedures prescribed by § 146a.30 for penicillin troches, except paragraph (f) of that section, and except that:

(1) Each troche shall contain not less than 50 units of bacitracin or zinc bacitracin. The bacitracin used conforms to the standards prescribed by § 146e.401 (a) of this chapter, except § 146e.401 (a) (1), (2), and (4), but its potency is not less than 30 units per milligram. The zinc bacitracin used conforms to the standards prescribed by § 146e.418 (a) of this chapter.

(2) In lieu of the labeling prescribed for penicillin troches by § 146a.30 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of units of bacitracin or zinc bacitracin in each troche of the batch.

(3) In addition to complying with the requirements of § 146a.30 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the bacitracin or zinc bacitracin used in making the batch for potency, toxicity, moisture, pH, and zinc content, if it is zinc bacitracin. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 6 packages, each containing approximately equal portions of not less than 500 milligrams of the bacitracin (or not less than 1.0 gram of the zinc bacitracin) used in making the batch, packaged in accordance with the requirements of § 146e.401 (b) or § 146e.418 (b) of this chapter.

(b) The fees for the services rendered with respect to the samples submitted in accordance with paragraph (a) (3) of this section shall be:

(1) $1.00 for each troche submitted.

(2) $4.00 for each immediate container of bacitracin or zinc bacitracin submitted.

3. In § 146b.104 *Streptomycin tablets* * * *, paragraph (a) *Standards of identity* * * * is revised to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Streptomycin tablets and dihydrostreptomycin tablets are streptomycin or dihydrostreptomycin tableted with or without glucuronolactone, kaolin, or other suitable and harmless absorbent ingredients, pectin, and dried aluminum hydroxide gel, with or without bismuth glycolylarsanilate and one or more suitable sulfonamides, and with or without the addition of one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. If it is intended solely for veterinary use and is conspicuously so labeled, it may contain vitamin A. The potency of each tablet is not less than 50 milligrams. Its moisture content is not more than 10 percent. If the tablets are intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103, except the standards for sterility and pyrogens. If the tablets are intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: November 22, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-9894; Filed, Nov. 27, 1957; 8:56 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

PART 7—TAXATION PURSUANT TO TREATIES

PATENT AND COPYRIGHT ROYALTIES

CROSS REFERENCE: For revocation of § 7.418 and substitution of new regulations therefor, see F. R. Document 57-9889, 26 CFR (1954) 514.5 (d), *infra*.

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6274]

PART 212—FORMULAS FOR DENATURED ALCOHOL

BAY RUM, ALCOHOLADO, AND PROPRIETARY SOLVENTS

On September 20, 1957, a notice of proposed rule making with respect to the amendment of the regulations in 26 CFR Part 212 was published in the FEDERAL REGISTER (22 F. R. 7520). The proposed amendments would permit the use of rubber hydrocarbon solvent as a substitute for gasoline in proprietary solvents formulations and would require bay rum, alcoholado, or alcoholado type toilet waters made with specially denatured alcohol to contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octaacetate in each gallon of finished product.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the period of 30 days prescribed in the notice, and the regulations as so published are hereby adopted.

This Treasury decision shall be effective on the first day of the first month which begins not less than 60 days after the date of publication in the FEDERAL REGISTER.

[SEAL] O. GORDON DELK,
Acting Commissioner.

Approved: November 22, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury,

In order to permit the use of rubber hydrocarbon solvent as a substitute for gasoline in the manufacture of proprietary solvents, to prevent the diversion of specially denatured alcohol to illegal uses, and to protect the revenue, 26 CFR Part 212 is amended as follows:

PARAGRAPH 1. Section 212.16 (c) is amended to read as follows:

(c) *Standard proprietary solvents formulations using S. D. A. No. 1*—(1) *Formulation No. I.*

	Gallons
Specially denatured alcohol formula No. 1	100
Ethyl acetate	5
Gasoline or rubber hydrocarbon solvent	1

(2) *Formulation No. II.*

Specially denatured alcohol formula No. 1	100
Denaturing grade wood alcohol	2
Ethyl acetate	1
Gasoline or rubber hydrocarbon solvent	1

(3) *Formulation No. III.*

Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
Ethyl acetate	1
Gasoline or rubber hydrocarbon solvent	1

(4) *Formulation No. IV.*

Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
tert-butyl alcohol	2
Gasoline or rubber hydrocarbon solvent	1

(5) *Formulation No. V.*

Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
Secondary butyl alcohol	2
Gasoline or rubber hydrocarbon solvent	1

PAR. 2. Section 212.30 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum manufactured with Formula No. 23-A must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 3. Section 212.47 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum manufactured with Formula No. 37 must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 4. Section 212.48 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All alcoholado or alcoholado type toilet waters manufactured with Formula No. 38-B must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 5. Section 212.52 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 39 must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 6. Section 212.53 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All alcoholado or alcoholado type toilet waters manufactured with Formula No. 39-A must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 7. Section 212.54 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 39-B must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 8. Section 212.55 is amended by adding at the end of paragraph (c) the following sentence: "All alcoholado or alcoholado type toilet waters manufactured with Formula No. 39-C must also contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product."

PAR. 9. Section 212.56 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum manufactured with Formula No. 39-D must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 10. Section 212.57 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 40 must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 11. Section 212.58 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 40–A must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[F. R. Doc. 57–9891; Filed, Nov. 27, 1957; 8:55 a. m.]

Subchapter G—Regulations Under Tax Conventions

[T. D. 6273]

PART 514—INCOME TAX WITHHOLDING; FRANCE

Release of excess tax withheld, and exemption from, or reduction in rate of, withholding of tax at source in the case of residents of France and of French corporations or other entities, as affected by the income tax convention between the United States and France signed on July 25, 1939, and supplementary convention signed June 22, 1956.

Sec.

514.1 Introductory.
514.2 Dividends.
514.3 Dividends received by addressee not actual owner.
514.4 Interest.
514.5 Patent and copyright royalties and film rentals.
514.6 Private pensions and life annuities.
514.7 Beneficiaries of a domestic estate or trust.
514.8 Release of excess tax withheld at source.
514.9 Refund of excess tax withheld.
514.10 Effective date.

AUTHORITY: §§ 514.1 to 514.10 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 514.1 *Introductory*—(a) *Applicable provisions of convention.* The income tax convention between the United States and France, signed on July 25, 1939, and October 18, 1946, as modified by the supplemental convention, signed June 22, 1956 (the instruments of ratification of which were exchanged on June 13, 1957), hereinafter referred to as the convention, provides in part as follows, the quoted articles being effective as indicated:

Article I (a) of the Supplemental Convention of 1956, on June 13, 1957.

Article I (d) of the Supplemental Convention of 1956, on January 1, 1952.

Article 7 and the Protocol of the Convention of 1939, on January 1, 1945.

The supplemental convention signed June 22, 1956, provides in part as follows:

Article I

The provisions of the Convention and Protocol between the United States and the French Republic signed at Paris on July 25, 1939 are hereby modified and supplemented as follows:

(a) By striking out Article 1 (a) and inserting in lieu thereof the following:

"(a) In the case of the United States: The Federal income taxes (including surtaxes and excess profits taxes) and the documentary taxes on sales or transfers of shares or certificates of stock or bonds."

• • • • • •

(d) By adding immediately after Article 6 the following new articles:

"Article 6A

Dividends and interest derived, on or after January 1, 1952, from sources within one of the contracting States by a resident or corporation or other entity of the other State, not having a permanent establishment in the former State shall be subject to tax by such former State at a rate not in excess of 15 percent of the gross amount of such dividends or interest. Such reduced rate of tax shall not apply to dividends or interest paid prior to the calendar year in which are exchanged the instruments of ratification of the present Convention if, for the taxable year in which such dividends or interest is received, penalty for fraud with respect to the taxes which are the subject of the present Convention has been imposed against the recipient of such dividends or interest."

• • • • • •

Article III

(a) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Paris as soon as possible.

(b) Its provisions shall come into force and shall become effective as of the date of the exchange of the instruments of ratification subject both to the provisions of Article I (d) and (e) and to the provisions set forth herein below.

• • • • • •

(c) If refund of any overpayment resulting from the application of Article I (d) of the present Convention is prevented on the date of exchange of instruments of ratification or within two years from such date by the operation of any law, refund of such overpayment (without interest) shall nevertheless be made provided that claim for refund is filed within two years after the date of the exchange of instruments of ratification of the present Convention with the contracting State to which such overpayment was made.

(d) The present Convention shall remain effective so long as the Conventions signed July 25, 1939 and October 18, 1946, remain effective.

The convention of July 25, 1939, provides, in part, as follows:

ARTICLE 7

• • • • • •

Royalties derived from within one of the contracting States by a resident, or by a corporation or other entity of the other contracting State as consideration for the right to use copyrights, patents, secret processes and formulae, trademarks and other analogous rights shall be exempt from taxation in the former State, provided such resident, corporation or other entity does not have a permanent establishment there.

ARTICLE 8

• • • • • •

Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

Protocol:

• • • • • •

III. As used in this Convention:

(a) The term "permanent establishment" includes branches, mines and oil wells, plantations, factories, workshops, stores, purchasing and selling and other offices, agencies, warehouses, and other fixed places of business but does not include a subsidiary corporation.

When an enterprise of one of the contracting States carries on business in the other State through an employee or agent, established there, who has general authority to negotiate and conclude contracts or has a stock of merchandise from which he regularly fills orders which he receives, this enterprise shall be deemed to have a permanent establishment in the latter State. But the fact that an enterprise of one of the contracting States has business dealings in the other State through a bona fide commission agent or broker shall not be held to mean that such enterprise has a permanent establishment in the latter State.

Insurance enterprises shall be considered as having a permanent establishment in one of the States as soon as they receive premiums from or insure risks in the territory of that State.

IV. The term "life annuities" referred to in Article 8 of this Convention means a stated sum payable periodically at stated times during life, or during a specified number of years to the person who has paid the premium or a gross sum for such an obligation.

The convention of October 18, 1946, provides, in part, as follows:

TITLE III

Administrative Assistance

• • • • • •

Article 13

(1) The competent authorities of the two Contracting States may prescribe regulations necessary to interpret and carry out the provisions of the present Convention and the Convention of July 25, 1939.

• • • • • •

(b) *Definitions*—(1) *In General.* Any term defined in the convention or §§ 514.1 to 514.10 shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(2) *France.* As used in §§ 514.1 to 514.10, the term "France", when used in a geographical sense, means continental France, exclusive of Algeria and the Colonies.

§ 514.2 *Dividends*—(a) *General.* (1) The rate of United States tax imposed by the Internal Revenue Code upon dividends derived from sources within the United States on or after January 1, 1952, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of France when such dividend is so paid, or by a French corporation, shall not exceed 15 percent if such alien or corporation at no time during the taxable year in which such dividends are so received has no permanent establishment within the United States. Article I (a) of the convention, signed June 22, 1956. As to what constitutes a "permanent establishment" see Protocol III (a), in § 514.1.

(2) Thus, if a nonresident alien individual who is a resident of France performs personal services within the United States during the taxable year

but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived from United States sources, as provided in Article I (d) of the convention even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having rendered personal services therein.

(b) *Effect of address in France on withholding in the case of dividends.* For the purpose of withholding of United States tax in the case of dividends, every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) whose address is in France shall be deemed by United States withholding agents to be a nonresident alien who is a resident of France not having a permanent establishment in the United States; and every foreign corporation whose address is in France shall be deemed by such withholding agents to be a French corporation not having a permanent establishment in the United States.

(c) *Rate of withholding.* (1) Withholding at source in the case of dividends derived from sources within the United States and paid on or after January 1, 1957, to nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and to foreign corporations, whose addresses are in France, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue has notified the withholding agent that the reduced rate of withholding shall not apply.

(2) The preceding provisions respecting the application of the reduced withholding rate in the case of dividends paid to nonresident aliens and foreign corporations with addresses in France are based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived and consequently is the person liable to the United States upon such dividend. As to action by the recipient who is not the owner of the dividend, see § 514.3.

(3) The rate at which the United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which §§ 514.1 to 514.10 are published in the FEDERAL REGISTER to any person whose address is in France at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment or on an accompanying statement.

§ 514.3 *Dividends received by addressee not actual owner*—(a) *Additional tax to be withheld*—(1) *Nominee or representative.* The recipient in France of any dividend, paid on or after January 1, 1957, from which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 514.2 (c) (1), who is a nominee or representative through whom the dividend is received by a person other than one described in § 514.2 (a) as being entitled to the reduced rate, shall withhold an additional amount of United States tax equivalent to the United States tax which would have been withheld if the convention had not been in effect (30 percent as of the date of approval of §§ 514.1 to 514.10) minus the 15 percent which has been withheld at the source.

(2) *Fiduciary or partnership.* A fiduciary or a partnership with an address in France which receives, otherwise than as a nominee or representative, a dividend from which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 514.2 shall withhold an additional amount of United States tax from the portion of the dividend included in the gross income from sources within the United States of any beneficiary or partner, as the case may be, who is not entitled to the reduced rate of tax in accordance with § 514.2 (c). The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) *Released amounts of tax.* If any amount of United States tax is released pursuant to § 514.8 (a) (1) by the withholding agent in the United States with respect to a dividend paid to a nominee, representative, fiduciary, or partnership with an address in France, the latter shall withhold from such released amount any additional amount of United States tax, otherwise required to be withheld from the dividend by the provisions of subparagraphs (1) and (2) of this paragraph, in the same manner as if at the time of payment of the dividends United States tax at the rate of only 15 percent had been withheld at source therefrom.

(b) *Returns filed by French withholding agents.* The amounts withheld pursuant to paragraph (a) of this section by any withholding agent in France shall be deposited, without converting the amounts into United States dollars, with the Directeur General des Impots of France on or before the 15th day after the close of the quarter of the calendar year in which the withholding in France occurs. The withholding agent making the deposit shall render therewith such appropriate French form as may be prescribed by the Directeur General des Impots. The amounts so deposited should be remitted by the Directeur General des Impots by draft in the United States dollars to the Director, International Operations Division, Internal Revenue Service, Washington 25, D. C., U. S. A., on or before the end of the calendar month in which the deposit is made, and should be accompanied by such French form as may be required to be rendered by the withholding agent in France in connection with the deposit.

§ 514.4 *Interest*—(a) *General.* The rate of United States tax imposed by the Internal Revenue Code upon interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is derived from sources within the United States in taxable years beginning on or after January 1, 1952, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of France, or by a French corporation or other entity, shall not exceed 15 percent under the provisions of Article I (d) of the convention if such alien, corporation, or other French entity at no time during the taxable year in which such interest is received has a permanent establishment in the United States. As to what constitutes a permanent establishment see Article III (a) of the convention.

(b) *Application of reduced rate at source.* (1) To secure withholding of United States tax at the rate of 15 percent at source in the case of coupon bond interest, the nonresident alien who is a resident of France, or the French corporation or other entity, shall, for each issue of bonds, file Form 1001–F in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, or by his trustee or agent, and shall show the name and address of the obligor, the name and address of the owner of the interest, and the amount of the interest. It shall contain a statement that the owner (i) is a resident of France, or is a French corporation or other entity, and (ii) has no permanent establishment in the United States.

(2) The reduction in the rate of United States tax contemplated by Article 6A of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon or on whose behalf it is presented shall, for the purpose of the reduction in tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon, or on whose behalf it is presented, is not the owner of the bond, Form 1001, and not Form 1001–F, shall be executed.

(3) The original and duplicate of Form 1001–F shall be forwarded by the withholding agent to the Director, International Operations Division, Internal Revenue Service, Washington 25, D. C., with the annual return on Form 1042. Form 1001–F shall be listed on Form 1042.

(4) To secure the reduced rate of United States tax at source in the case of interest other than coupon bond interest, the nonresident alien individual who is a resident of France, or the French corporation or other entity, shall file Form 1001A–F in duplicate with the withholding agent in the United States. This form shall be signed by the owner of the interest, or by his trustee or agent, and shall show the name and address of the obligor and the name and address of the owner of the interest. It shall contain a statement that the owner (i) is a resident of France, or is a French corporation or other entity, and (ii) has no permanent establishment in the United States.

(5) Form 1001A–F shall be filed with the withholding agent for each succes-

sive three-calendar-year period during which such interest is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1957. Each such form filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once such a form has been filed in respect of any three-calendar-year period, no additional Form 1001A–F need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that another such form shall be filed by the taxpayer. If, after filing such form, the taxpayer ceases to be eligible for the reduced rate of United States tax granted by Article 6A of the convention in respect to such interest, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the reduction in rate of withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a Form 1001A–F with the withholding agent.

(6) The duplicate of each Form 1001A–F shall be immediately forwarded by the withholding agent to the Director, International Operations Division, Internal Revenue Service, Washington 25, D. C.

§ 514.5 *Patent and copyright royalties and film rentals*—(a) *Exemption from tax.* Royalties for the right to use copyrights, patents, designs, secret processes and formulae, trademarks, and other analogous property, and royalties and rentals in respect of motion picture films or for the use of industrial, commercial, or scientific equipment, which are derived from sources within the United States on or after January 1, 1945, by a nonresident alien individual who is a resident of France, or by a French corporation, are exempt from United States tax under the provisions of Article 7 of the convention signed July 25, 1939, as modified by Article 7 (b) of the convention signed October 18, 1946, if such alien or corporation at no time during the taxable year in which such income is derived has engaged in trade or business within the United States through a permanent establishment situated therein.

(b) *Exemption from withholding of United States tax.* To avoid withholding of United States tax at source in the case of items of income to which this section applies, the nonresident alien who is a resident of France, or the French corporation, shall file Form 1001A–F, in duplicate, with the withholding agent in the United States.

(c) *Manner of filing.* The provisions of § 514.4 relating to the execution, filing, effective period, and disposition of Form 1001A–F, are equally applicable with respect to the income falling within the scope of this section.

(d) *Revocation of 26 CFR (1939) 7.418 (Treasury Decision 5499).* Effective January 1, 1957, the provisions of 26 CFR (1939) 7.418 (Treasury Decision 5499), approved February 27, 1946, are hereby made inapplicable, and the provisions of this section are hereby substituted therefor with respect to payments of royalties and film rentals made on or after January 1, 1957.

§ 514.6 *Private pensions and life annuities*—(a) *Exemption from tax.* Private pensions and life annuities as defined in paragraph (d) of this section, derived from sources within the United States on or after January 1, 1945, and paid to a nonresident alien who is a resident of France are exempt from United States tax under the provisions of Article 8 of the convention of July 25, 1939.

(b) *Exemption from withholding of United States tax—Form to use.* To secure exemption from withholding of United States tax at the source in the case of private pensions and life annuities, the nonresident alien who is a resident of France shall file form 1001A–F, in duplicate, with the withholding agent in the United States.

(c) *Manner of filing.* The provisions of § 514.4 relating to the execution, filing, effective period, and disposal of Form 1001A–F are equally applicable with respect to the income falling within the scope of this section.

(d) *Definition.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received, and the term "life annuities" means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth. Neither term includes retired pay or pensions paid by the United States or by any State or Territory of the United States.

§ 514.7 *Beneficiaries of a domestic estate or trust*—(a) *Entitled to benefits of convention.* If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien individual who is a resident of France and who is a beneficiary of a domestic estate or trust shall be entitled to the reduction in the rate of, or exemption from, United States tax granted by Articles 6A and 7 of the convention with respect to dividends, interest, and patent royalties and other like amounts to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items, and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Withholding of United States tax.* In order to be entitled, because of the application of paragraph (a) of this section, to the reduction in rate of, or exemption from, withholding of United States tax the beneficiary must otherwise satisfy the requirements of the respective articles concerned, and shall, where applicable, execute and submit to the fiduciary of the estate or trust in the United States the appropriate form or forms prescribed in §§ 514.4 (b) and 514.6 (b).

(c) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

§ 514.8 *Release of excess tax withhc'd at source*—(a) *Amounts to be released*—(1) *Dividends derived from domestic corporation.* If United States tax has been withheld at the statutory rate on or after January 1, 1957, from dividends described in § 514.2 (a) and derived from a domestic corporation by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or by a foreign corporation, whose address at the time of payment was in France, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 514.2 (c).

(2) *Coupon bond interest*—(i) *Substitute form.* In the case of every taxpayer who furnishes to the withholding agent Form 1001–F clearly marked "Substitute" and executed in accordance with § 514.4 (b) (1), where United States tax has been withheld at the statutory rate on or after January 1, 1957, from coupon bond interest, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 514.4 (b) (1) if the taxpayer also attaches to such form a letter in duplicate, signed by the owner, trustee, or agent and containing the following:

(*a*) The name and address of the obligor;

(*b*) The name and address of the owner from which the excess tax was withheld;

(*c*) A statement that, at the time when the interest was derived from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of France, or, in the case of a corporation, the owner was a French corporation; and

(*d*) A statement that the owner at no time during the taxable year in which the interest was derived was engaged in trade or business within the United States through a permanent establishment situated therein.

One such substitute form shall be filed, in duplicate, with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released. If the person presenting the coupon, or on whose behalf it is presented, is not the owner of the bond, Form 1001, and not Form 1001–F, shall be executed.

(ii) *Disposition of form.* The original and duplicate of substitute Form 1001–F (and letter) shall be forwarded by the withholding agent to the Director, International Operations Division, Internal Revenue Service, Washington 25, D. C., with the annual return on Form 1042. Substitute Form 1001–F need not be listed on Form 1042.

(3) *Noncoupon interest, royalties, private pensions, and life annuities.* (i) If a taxpayer furnishes to the withholding agent a Form 1001A–F, properly executed as prescribed by § 514.4 (b) (4), and United States tax has been withheld at the statutory rate on or after January 1, 1957, from noncoupon interest payments in respect of which the form is filed, the withholding agent should release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 514.4 (b) (4).

(ii) If a taxpayer furnishes to the withholding agent a Form 1001A–F, properly executed as prescribed by § 514.4 (b) (4), and United States tax has been withheld at the statutory rate on or after January 1, 1957, from royalties, private pensions, and life annuities in respect of which the form is filed, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the total tax so withheld.

(b) *Amounts not to be released.* The provisions of this section do not apply to excess tax withheld at source which has been paid by the withholding agent to the internal revenue officer entitled to receive payment of the tax withheld under chapter 3 of the Internal Revenue Code of 1954.

(c) *Statutory rate.* As used in this section, the term "statutory rate" means the rate prescribed by chapter 3 of the Internal Revenue Code of 1954 and the regulations thereunder, as though the convention had not come into effect.

§ 514.9 *Refund of excess tax withheld*—(a) *Years 1952, 1953, 1954, 1955, 1956.* Where the tax withheld at the source upon dividends and interest paid in any one or more of the calendar years 1952, 1953, 1954, 1955, and 1956 is in excess of the tax due from the taxpayer under the convention, supplemented as set forth above, it will be necessary for the taxpayer to file an income tax return (Form 1040NB France for individuals and Form 1120NB France for corporations) with respect to such taxable year or years. The return shall cover all years for which a refund is claimed. The return must be filed on or before June 13, 1959. One return shall cover all years for which a refund is claimed. The taxpayer's total fixed or determinable, annual or periodical income (other than royalties) from sources within the United States should be reported on the return, and the income for each taxable year should be shown separately. There shall also be shown on such returns the amounts, if any, received in any of such years of capital gains (other than gains from the sale or exchange of stocks, securities or commodities) from sources within the United States. For this purpose, beginning with the calendar year 1954, certain distributions from employees' trusts, and amounts received incident to disposal of timber or coal or patent rights shall be included in such capital gains. See section 871 (a) (1) of the Internal Revenue Code of 1954 for provisions pertaining to individual taxpayers and section 881 (a) for provisions pertinent to corporate taxpayers. There shall be included with the return the following statements:

(1) That the taxpayer was a nonresident alien (including a nonresident alien individual, fiduciary, or partnership) resident in France or was a French corporation, during the year or years for which the return is filed;

(2) That the taxpayer had no permanent establishment in the United States during the respective years in which the income was received;

(3) That no penalty for fraud has been imposed by the United States against the taxpayer claimant with respect to income tax for the year or years for which the return is filed.

In addition to the above statements, all information requested on the return must be furnished. Any tax paid in excess of that due from the owner of the income will be refunded by the United States Government as required by law. For the purpose of refund of excess tax withheld resulting from the tax convention, a properly executed return on Form 1040NB France or Form 1120NB France shall constitute a claim for refund or credit for the amount of the overpayment disclosed by such return.

(b) *Date of payment of tax.* The United States tax withheld from dividends and interest derived from sources within the United States by nonresident aliens, or by a foreign corporation not engaged in trade or business in the United States, is deemed to have been paid on March 15 of the calendar year immediately succeeding that in which such income has been so derived. Section 1461, Internal Revenue Code of 1954. Hence, the United States tax withheld from dividends and interest derived by such aliens resident in France and such French corporations for the years 1952, 1953, 1954, 1955, and 1956 is deemed to have been paid, respectively, on March 15, 1953, March 15, 1954, March 15, 1955, March 15, 1956, and March 15, 1957.

§ 514.10 *Effective date*—(a) *Payments on or after January 1, 1957.* In order to give the convention effective application at the earliest practicable date, the exemptions from, and reductions in the rate of, withholding of United States tax at source granted by §§ 514.1 to 514.10 are hereby made effective beginning January 1, 1957, contingent upon compliance with the applicable provisions hereof.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting release of excess tax withheld, and exemption from, or reduction in the rate of, withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 22, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc 57–9889; Filed, Nov. 27, 1957; 8:54 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 689—SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

WAGE ORDERS GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 490 (22 F. R. 7238), as amended by Administrative Order No. 493 (22 F. R. 8787), appointed, convened, and gave notice of the hearings of Industry Committees Nos. 34–B and 34–C to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the food and related products industry in Puerto Rico and the sugar manufacturing industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to investigations and hearings conducted pursuant to the notice, each committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The present wage orders for the food and related products industry and the sugar manufacturing industry are contained in 29 CFR, Parts 673 and 689, respectively. For purposes of clarity, minor editorial changes in the definitions of the industries in the new wage orders have been made. However, no change in the application of the wage orders was effected by the editorial revision of the definitions. The recommendations of the Industry Committee No. 34–B for the food and related products industry in Puerto Rico revised the classifications within the industry and recommended new rates of pay for such classifications. Industry Committee No. 34–C for the sugar manufacturing industry in Puerto Rico found that it was neither reasonable nor necessary to recommend the establishment of separable classifications in the sugar manufacturing industry in Puerto Rico and, therefore, established one rate of pay for the entire industry.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85–A of the Secretary of Labor (22 F. R. 7614), the recommendations of the committees are hereby published in these amendments

to Title 29 of the Code of Federal Regulations, effective December 14, 1957, to read as follows:

1. Part 673 is revised to read as follows:

Sec.
673.1 Definition.
673.2 Wage rates.
673.3 Notices.

AUTHORITY: §§ 673.1 to 673.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 673.1 *Definition.* The food and related products industry in Puerto Rico to which this part shall apply is defined as the canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal products, poultry and poultry products, milk and dairy products, fish and seafood products, fruits and vegetables, and fruit or vegetable products, grains and grain products, bakery products, confectionery and related products, and miscellaneous foods and food products; and the handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life: *Provided, however,* That the definition shall not include any product or activity included in the chemical, petroleum, rubber, and related products industry, the sugar manufacturing industry, or the alcoholic beverage and industrial alcohol industry as defined in the wage orders for these industries (Parts 670, 689, 706 of this chapter), respectively.

§ 673.2 *Wage rates.* (a) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the citron brining and fruit, vegetable, nut, and coffee grading and packing classification of the food and related products industry, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the brining and other processing of fruit citron, and the grading and packing of fresh fruits, vegetables, nuts, and green coffee.

(b) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the milk products and ice cream, biscuit and cracker, soft drink, frozen seafood, yeast, and animal feeds classification of the food and related products industry, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of milk products and ice cream, biscuits, and crackers, soft drinks, frozen seafoods, yeast, and animal feeds.

(c) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the food and related products industry, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture or processing of all products, and the packaging in conjunction therewith of all products, as well as the gathering of wild plant or animal life, included in the food and related products industry, as defined in this part, except those activities and products included in the citron brining and fruit, vegetable, nut, and coffee grading and packing classification and in the milk products and ice cream, biscuit and cracker, soft drink, frozen sea food, yeast, and animal feeds classification, as those classifications are defined herein.

§ 673.3 *Notices.* Every employer subject to the provisions of § 673.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 673.2 are working, such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

2. Part 689 is revised to read as follows:

Sec.
689.1 Definition.
689.2 Wage rate.
689.3 Notices.

AUTHORITY: §§ 689.1 to 689.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 689.1 *Definition.* The sugar manufacturing industry in Puerto Rico to which this part shall apply is defined as the production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products; all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry; and any transportation activities by truck or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any transportation activity covered by the wage order for the communications, utilities, and transportation industry in Puerto Rico (Part 671 of this chapter), or any transportation activity to which the agricultural exemption contained in section 13 (a) (6) of the act is applicable.

§ 689.2 *Wage rate.* Wages at a rate of $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sugar manufacturing industry in Puerto Rico as defined in this part, who is engaged in commerce or in the production of goods for commerce.

§ 689.3 *Notices.* Every employer subject to the provisions of § 689.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 689.2 are working, such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 25th day of November 1957.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-9895; Filed, Nov. 27, 1957; 8:56 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

HOT SPRINGS NATIONAL PARK

Part 20, Special Regulations, § 20.18 *Hot Springs National Park,* paragraph (b) *Use of water,* is amended to read as follows:

§ 20.18 *Hot Springs National Park.* * * *

(b) *Use of water.* The taking or carrying away of water, hot or cold, from any of the springs, fountains, or other sources of supply in Hot Springs National Park for the purpose of sale, or for any use other than personal drinking, is prohibited.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 31st day of October 1957.

D. S. LIBBEY,
Superintendent,
Hot Springs National Park.

[F. R. Doc. 57-9887; Filed, Nov. 27, 1957; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-26]

DMO I-26—PROVIDING FOR ESTABLISHMENT AND COORDINATION OF A NATIONAL DAMAGE ASSESSMENT PROGRAM

By virtue of the authority vested in me by the Defense Production Act of 1950, as amended; Reorganization Plan 3, effective June 12, 1953; and Executive Order 10480 of August 14, 1953, it is hereby ordered as follows:

1. There is established in the Office of Defense Mobilization a National Damage Assessment Center to be headed by a Director, staffed on a full-time basis by personnel of the Office of Defense Mobilization, and supported as appropriate by qualified representatives of each Executive department of the Government, the Atomic Energy Commission, the Federal Civil Defense Administration, the Federal Reserve System, the General Services Administration, the Housing and Home Finance Agency, the Interstate Commerce Commission, the Small Business Administration, the Selective Service System, the Veterans Administration, and such other agencies as the Director of the Office of Defense Mobilization may designate from time to time.

2. The Center shall perform the following functions:

a. Maintain a constant state of readiness to evaluate, quantitatively and qualitatively, the condition of the population, manpower, and physical resources important to defense mobilization following any attack upon the United States.

b. Prepare periodic estimates of damage, both direct and indirect, to United States resources from possible enemy attack.

c. Prepare general vulnerability studies designed to show the survival probabilities and protection requirements for resources in vulnerable locations throughout the United States.

d. Provide basic information concerning surviving resources in order to insure the feasibility of mobilization programs generated in association with hypothetical or actual attack situations.

e. Following an actual attack, prepare and provide to the federal government agencies concerned, national damage assessment summaries and estimates of resources destroyed or otherwise unavailable.

3. The Center shall maintain a capability for post-attack damage assessment, at a relatively safe location, linked by communication facilities adequate for transmission of necessary damage and resource information to principal relocation facilities of all government departments and agencies and selected major subordinate elements thereof.

4. Each Executive department and agency designated by, or pursuant to, paragraph 1 of this order shall:

a. In accordance with paragraph 1, contribute qualified personnel to assist the NDAC as mutually determined to be necessary and appropriate by the agency involved and the Office of Defense Mobilization.

b. Provide detailed statements of requirements for damage information and surviving resource estimates necessary for each department or agency to perform its responsibilities.

c. Provide the National Damage Assessment Center with data mutually agreed to be necessary for the performance of functions described in paragraph 2 of this order, on all resources important to defense mobilization for which such department or agency has primary responsibility.

5. In addition to the responsibilities of each department and agency as prescribed in paragraph 4, above:

a. The Department of Defense will, to the extent feasible from the resources of the military departments not required for the support of essential wartime operations, provide the National Damage Assessment Center, in the event of attack, with aerial reconnaissance support and photographic interpretations covering such areas as conditions permit. (Certain limited aerial reconnaissance capabilities in the hands of other departments and agencies will be used to the maximum extent feasible.)

b. The Federal Civil Defense Administration will coordinate the development and maintenance of (1) a capability for accurate measurement of radiation intensities at appropriate U. S. points; (2) a capability for providing post-attack damage information based on surveys of damaged areas; and (3) such regional, state, and local damage assessment and resource evaluation programs as are required for civil defense planning and emergency operations; and will provide the National Damage Assessment Center with such information in an emergency.

6. There is established a Damage Assessment Steering Group, consisting of the Director of the National Damage Assessment Center as Chairman, and representatives of the Department of Defense and the Federal Civil Defense Administration. The Damage Assessment Steering Group will develop recommendations to the Director of the Office of Defense Mobilization on the scope and conduct of national damage assessment and resource evaluation programs.

7. The Director of the National Damage Assessment Center, on behalf of the Office of Defense Mobilization, and with the advice and assistance of the Damage Assessment Steering Group, shall coordinate all national damage assessment and related resource evaluation activities of the Executive Branch of the government, except those performed by an individual department or agency in the discharge of its individual responsibilities.

8. In carrying out the above functions, the National Damage Assessment Center shall, among other things:

a. Perform the central planning functions incident to determination of the damage assessment and resource evaluation programs required to meet defense mobilization needs.

b. Prepare coordinated plans for the use of alternate facilities under emergency conditions.

c. Coordinate the collection and communication of attack information, including ground zeros, weapon yields, types of burst, times of burst, radiation intensities, and relevant meteorological data.

d. Prepare coordinated plans for the dissemination, after actual attack, or damage assessment summaries and estimates to the federal government agencies concerned.

e. Prescribe the types of data and format for data submission necessary to perform the responsibilities herein set forth.

f. Evaluate periodically with each submitting and receiving agency the utilization and adequacy of data collected and communicated; provide for modifications as necessary to assure availability of appropriate data in readily usable form.

g. Assist participating agencies, to the extent practicable, in making special damage estimates and resource evaluations needed to meet individual department or agency requirements.

9. Nothing herein shall preclude the Secretary of Defense, the Federal Civil Defense Administrator, or any other department or agency head, from making such additional damage estimates and resource evaluations as are required for planning and operations consistent with his responsibilities, or, in coordination with the Director of the Office of Defense Mobilization, from utilizing in such projects data and techniques developed for the national damage assessment program.

10. This order is effective immediately.

OFFICE OF DEFENSE MOBILIZATION.
GORDON GRAY,
Director.

[F. R. Doc. 57-9851; Filed, Nov. 27, 1957; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

HILLSBORO INLET, FLORIDA; NANTUCKET SOUND, BUZZARDS BAY, AND ADJACENT WATERS, MASS.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.442 is hereby prescribed to govern the operations of the State Road Department of Florida highway bridge on Highway A1A across Hillsboro Inlet near Pompano Beach, Florida, as follows:

§ 203.442 *Hillsboro Inlet, Fla.; State Road Department of Florida highway bridge (State Road No. A1A) near Pompano Beach, Fla.* (a) During the period 1 December to 30 April, both dates inclusive, except as otherwise provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 7:00 a. m. and 7:00 p. m., except on the hour and half-hour when the drawspan shall be opened to allow all accumulated vessels to pass, and except that from 7:30 to 8:30 a. m., from 11:45 a. m. to 1:30 p. m., and from 4:45 to 5:30 p. m., the bridge will be opened at any time upon request.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(d) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such a

manner that it can be easily read at any time.

[Regs., Nov. 14, 1957, 823.01 (Hillsboro Inlet, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), paragraphs (c), (d) and (f) of § 204.5 governing the use and navigation of danger zones in Nantucket Sound, Buzzards Bay, and adjacent waters, Massachusetts, are hereby revoked, as follows:

§ 204.5 *Nantucket Sound, Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.* • • •

(c) *Buzzards Bay, northeasterly of Weepeckett Island.* [Revoked.]

(d) *Vineyard Sound in vicinity of Quicks Hole.* [Revoked.]

• • • • •

(f) *Atlantic Ocean in vicinity of Sow and Pigs Reef.* [Revoked.]

[Regs., Nov. 12, 1957, 800.2121 (Nantucket Sound, Mass.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9861; Filed, Nov. 27 1957; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1988]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

FEES; TIME OF PAYMENT; REFUNDS

1. Paragraph (b) of § 161.8 is amended to read as follows:

§ 161.8 *Fees; time of payment; refunds.* • • •

(b) *Licenses and permits.* Each regular licensee or permittee, and holder of a nonrenewable license will be charged fees, consisting of a grazing fee for the use of the range and a range improvement fee, for the animal unit months authorized by the license or permit, at a rate per animal unit month. Such rates, including the percentage of the total fee to be credited to range improvement, will be published as a notice in the FEDERAL REGISTER. All billing shall be issued in accordance with the rates prescribed in the notice. All livestock six months of age or over allowed on the Federal range will be considered at any point of time during the grazing period as a part of the total number for which a license or permit has been issued. No fees will be charged for livestock under six months of age. Range improvement fees, upon the recommendation of the advisory board and approval of the Director, may vary in accordance with the character or requirements of the various districts or portions thereof. Grazing fees may differ in any district or unit thereof in which the grazing capacity of the Federal range is increased by reason of the addition of land not owned by the United States, or by reason of a cooperative agreement or memorandum of understanding between the Bureau of Land Management, and any State or Federal agency, or any person, association, or corporation. A minimum annual charge of $5 will be made on all regular licenses or permits, and non-renewable licenses.

NOTE: The fees for the year beginning January 1, 1958, will be established at the rate equivalent to the average of prices of beef and lamb to the nearest whole cent, paid to growers during the calendar year 1957 in the markets of the eleven Western States, as determined by the Director of the Bureau of Land Management on the basis of marketing data for the preceding year furnished by the Agricultural Marketing Service, Department of Agriculture. In succeeding years a change in the fees will be made only when the average of such prices paid to the growers in the preceding year, rounded to the nearest whole cent, shall be two cents or more above or two cents or more below the fees then in effect. The fee rate, including the percentage of the total fee to be credited to range improvement, for 1958 and subsequent changes in such rate, will be published as a notice in the FEDERAL REGISTER. All regular billings shall be issued in accordance with the rate prescribed in the notice.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 21, 1957.

[F. R. Doc. 57-9865; Filed, Nov. 27, 1957; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[No. 32153]

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 20th day of November A. D. 1957.

Having under consideration the matter of certain modifications of the Uniform System of Accounts for Railroad Companies which were approved April 12, 1957, pursuant to provisions of section 20 of the Interstate Commerce Act, as amended (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3)), and published April 19, 1957 as proposed rule making in the FEDERAL REGISTER (22 F. R. 2738); the effecdate of which modifications was postponed from July 1, 1957 to January 1, 1958 by an order entered June 24, 1957 (22 F. R. 4672); and, upon consideration of the views, arguments, and other representations received in response to the said Notice of April 12, 1957, certain changes being deemed necessary in the specifications for giving effect to the proposed rule as originally adopted:

It is ordered, That the modifications under consideration in this proceeding be, and each of them hereby is, canceled, but only to the extent that specifications for giving effect to them have not been incorporated in the attachments to this order;

It is further ordered, That, having been found necessary in the course of this rule making proceeding, the modifications of the Uniform System of Accounts for Railroad Companies which are set forth below, be, and they are hereby, approved to become effective January 1, 1958;

And it is further ordered, That this order shall be served on all respondents of record in this proceeding, and on each railroad company subject to the act and not independently operated as an electric line, and each lessor thereof, and on every trustee, receiver, executor, administrator, or assignee of such railroad company or lessor, and that notice of the order including the attachments shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order and attachments with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

1. In § 10.02–3 *Delayed items,* cancel the text of the instruction and substitute the following provisions in lieu thereof:

§ 10.02–3 *Delayed items.* "Delayed items" are items representing transactions which occurred before the calendar year.

Delayed items and adjustments arising during the current year which are applicable to prior years shall be included in the same account which would have been charged or credited if the item had been taken up or the adjustment made in the year to which it pertained. When the amount of a delayed item is relatively so large that its inclusion in net income for a single month would seriously distort the accounts for the month (but not for the year), such amount may be distributed in equal monthly charges or credits, as the case may be, to the remaining months of the calendar year.

When the amount of a delayed item, which is not an ordinary adjustment of a recurring nature, is relatively so large that its inclusion in the appropriate account for the current year would seriously distort net income for the year, the amount shall be credited to account 606, "Other credits to retained income", or charged to account 616, "Other debits to retained income", as may be appropriate, unless other disposition shall have been authorized by the Commission.

2. In § 10.06–1 *Income accounts defined,* change the last comma in the first sentence of the text to a period and delete the following expression: "and the appropriations made from income during the period".

In the same section insert the following new and additional paragraph:

All items of profit and loss recognized during the year are includible in net income except those resulting from unusual sales of property and investment securities other than temporary cash investments, from company bonds reacquired, and from delayed items (other than ordinary adjustments of a recurring nature), when the item of profit or loss is material in relation to net income for the year. Material items are those which, unless excluded from income accounts, would distort the accounts and impair the significance of net income for the year so that misleading inferences might be drawn therefrom.

3. In § 10.08.2 *Discount premium, and assessment on capital stock,* cancel the last sentence in the fifth paragraph of the text, substituting the following provision in lieu thereof: "Any remaining discount may be amortized by charge to account 616, 'Other debits to retained income', or may be retained and carried in account 793, 'Discount on capital stock', until the stock to which the discount applies is retired."

In the same section reference is made in both the eighth and ninth paragraphs of the text to account 621, "Miscellaneous debits". Both references should be deleted and the following substituted in lieu of each: 616, "Other debits to retained income".

4. Cancel the text of § 10.519 *Miscellaneous income,* substituting the following provisions in lieu thereof:

§ 10.519 *Miscellaneous income.* This account shall include all items, not provided for elsewhere, properly creditable to income accounts during the current year. Among the items which shall be included in this account are:

Cancellation of balance sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

Profit from sale of securities carried as temporary cash investments.

Profit from sale of land used for transportation purposes, of noncarrier property, and of securities acquired for investment purposes.

Profit from company bonds reacquired.

NOTE: When the profit from sale of land, noncarrier property, or investment securities other than temporary cash investments, or from the reacquisition of the company's own bonds, is so material in amount that its inclusion in this account would distort the account and would impair the significance of net income for the year, such profit shall be credited to the appropriate retained income account.

5. In § 10.520 *Delayed income credits,* cancel the number, title, text, and note of this account.

6. In § 10.532 *Railway tax accruals,* delete the parenthetical reference "including Federal income tax", in the first paragraph of the text. Insert the following new and additional paragraph to the text of this account:

Accruals for Federal income taxes shall be included in this account, except that the tax consequences of the items recorded directly in retained income accounts shall be included in account 617, "Federal income taxes assigned to retained income." Federal income taxes paid in prior years which are refundable as the result of carry-back of operating loss shall be credited to this account in the year in which the loss occurs. The reduction in taxes due to operating losses carried forward shall be credited to this account in the year in which such losses are applied to reduce taxes, except as otherwise provided in account 606, "Other credits to retained income."

7. In § 10.551 *Miscellaneous income charges,* cancel the text of this account and substitute the following provisions in lieu thereof:

§ 10.551 *Miscellaneous income charges.* This account shall include items, not provided for elsewhere, properly chargeable to income account during the fiscal year. Among the items which shall be included in this account are:

Interest on tax deficiencies, on overcharge claims, and on court awards.

Income tax upon the interest on the accounting company's funded debt when these taxes are assumed by the company.

Payments of old accounts previously written off.

Penalties and fines for violation of the Interstate Commerce Act or other Federal and State laws when not specifically provided for elsewhere.

Loss on sale of securities carried as temporary cash investments.

Loss on sale of land used for transportation purposes, and of noncarrier property.

Loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment in their value.

Loss from company bonds reacquired.

NOTE: When the loss on the sale of land, noncarrier property, or investment securities other than temporary cash investments, or on the reacquisition of the company's own bonds, is so material in amount that its inclusion in this account would distort the account and would impair the significance of net income for the year, such loss shall be debited to the appropriate retained income account.

8. In each of the appropriate sections cancel the provisions of the following accounts, including the account numbers, titles, texts, and notes:

§ 10.552 *Income applied to sinking and other reserve funds.*
§ 10.553 *Dividend appropriations of income.*
§ 10.554 *Income appropriated for investment in physical property.*
§ 10.555 *Stock discount extinguished through income.*
§ 10.556 *Miscellaneous appropriations of income.*
§ 10.557 *Delayed income debits.*

9. In § 10.560 *Form of income statement,* make the following corrections:

a. Delete the reference to account 520, "Delayed income credits," where it appears under the caption, "Other Income."

b. Delete the reference to account 557, "Delayed income debits," where it appears under the caption, "Miscellaneous Deductions from Income."

c. After the group of accounts under the caption, "Other Deductions," delete the caption, "Disposition of Net Income," and also delete the references under that caption to all accounts from 552, "Income applied to sinking and other reserve funds," to 602, "Balance of income transferred to retained income—Unappropriated," both inclusive.

10. Cancel the numbers, titles, and texts of § 10.607 and of §§ 10.613 to 10.621 and substitute the following provisions in lieu thereof:

§ 10.603 *Profit from sale of property.* This account shall include profit derived from the sale of land used for transportation purposes and of noncarrier property, when such profit is material in relation to net income for the year. (See § 10.06–1 *Income accounts defined,* and account 519, "Miscellaneous income").

§ 10.604 *Profit from sale of investment securities.* This account shall include profit derived from the sale of investment securities, other than temporary cash investments, when such profit is material in relation to net income for the year. (See § 10.06–1 *Income accounts defined,* and account 519, "Miscellaneous income."

NOTE: Profit from sale of securities carried as temporary cash investments shall be credited to account 519, "Miscellaneous income".

§ 10.605 *Profit from company bonds reacquired.* This account shall include the amount of profit resulting from adjustments required to bring to par, bonds and other debt securities issued or assumed by the company and reacquired at a cost less than the par value, after giving effect to unreleased premiums and unextinguished discount on such securities, when the amount is material in relation to net income for the year.

NOTE: When the aggregate amount resulting from adjustments for securities reacquired is immaterial in relation to net income for the year, that amount shall be credited to account 519, "Miscellaneous income." In determining whether the amount of profit is material, all adjustments in this account together with the adjustments in account 10.615, "Loss on company bonds reacquired", shall be considered.

§ 10.606 *Other credits to retained income.* This account shall include profits and credit adjustments, not provided for elsewhere, which are so material in amount that inclusion in income accounts would distort such accounts and impair the significance of net income for the year. Among amounts which shall be included in this account are adjustments of items relating to prior years, other than ordinary adjustments of a recurring nature, such as unusual credit adjustments and refunds of Federal income taxes of prior years, unusual adjustments of reserves of prior years determined to be excessive, and other items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year. (See §10.06–1 *Income accounts defined,* and account 519, "Miscellaneous income.")

The account may also include profits and credit adjustments, not provided for elsewhere, resulting from unusual transactions and events which occurred during the current year, but only after such inclusion has been authorized by the Commission.

NOTE: Ordinary adjustments of a recurring nature shall be included in the same

manner that it can be easily read at any time.

[Regs., Nov. 14, 1957, 823.01 (Hillsboro Inlet, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), paragraphs (c), (d) and (f) of § 204.5 governing the use and navigation of danger zones in Nantucket Sound, Buzzards Bay, and adjacent waters, Massachusetts, are hereby revoked, as follows:

§ 204.5 *Nantucket Sound, Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.* • • •

(c) *Buzzards Bay, northeasterly of Weepeckett Island.* [Revoked.]

(d) *Vineyard Sound in vicinity of Quicks Hole.* [Revoked.]

• • • • •

(f) *Atlantic Ocean in vicinity of Sow and Pigs Reef.* [Revoked.]

[Regs., Nov. 12, 1957, 800.2121 (Nantucket Sound, Mass.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-9861; Filed, Nov. 27 1957; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1988]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

FEES; TIME OF PAYMENT; REFUNDS

1. Paragraph (b) of § 161.8 is amended to read as follows:

§ 161.8 *Fees; time of payment; refunds.* • • •

(b) *Licenses and permits.* Each regular licensee or permittee, and holder of a nonrenewable license will be charged fees, consisting of a grazing fee for the use of the range and a range improvement fee, for the animal unit months authorized by the license or permit, at a rate per animal unit month. Such rates, including the percentage of the total fee to be credited to range improvement, will be published as a notice in the FEDERAL REGISTER. All billing shall be issued in accordance with the rates prescribed in the notice. All livestock six months of age or over allowed on the Federal range will be considered at any point of time during the grazing period as a part of the total number for which a license or permit has been issued. No fees will be charged for livestock under six months of age. Range improvement fees, upon the recommendation of the advisory board and approval of the Director, may vary in accordance with the character or requirements of the various districts or portions thereof. Grazing fees may differ in any district or unit thereof in which the grazing capacity of the Federal range is increased by reason of the addition of land not owned by the United States, or by reason of a cooperative agreement or memorandum of understanding between the Bureau of Land Management, and any State or Federal agency, or any person, association, or corporation. A minimum annual charge of $5 will be made on all regular licenses or permits, and non-renewable licenses.

NOTE: The fees for the year beginning January 1, 1958, will be established at the rate equivalent to the average of prices of beef and lamb to the nearest whole cent, paid to growers during the calendar year 1957 in the markets of the eleven Western States, as determined by the Director of the Bureau of Land Management on the basis of marketing data for the preceding year furnished by the Agricultural Marketing Service, Department of Agriculture. In succeeding years a change in the fees will be made only when the average of such prices paid to the growers in the preceding year, rounded to the nearest whole cent, shall be two cents or more above or two cents or more below the fees then in effect. The fee rate, including the percentage of the total fee to be credited to range improvement, for 1958 and subsequent changes in such rate, will be published as a notice in the FEDERAL REGISTER. All regular billings shall be issued in accordance with the rate prescribed in the notice.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 21, 1957.

[F. R. Doc. 57-9865; Filed, Nov. 27, 1957; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[No. 32153]

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 20th day of November A. D. 1957.

Having under consideration the matter of certain modifications of the Uniform System of Accounts for Railroad Companies which were approved April 12, 1957, pursuant to provisions of section 20 of the Interstate Commerce Act, as amended (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3)), and published April 19, 1957 as proposed rule making in the FEDERAL REGISTER (22 F. R. 2738); the effecdate of which modifications was postponed from July 1, 1957 to January 1, 1958 by an order entered June 24, 1957 (22 F. R. 4672); and, upon consideration of the views, arguments, and other representations received in response to the said Notice of April 12, 1957, certain changes being deemed necessary in the specifications for giving effect to the proposed rule as originally adopted:

It is ordered, That the modifications under consideration in this proceeding be, and each of them hereby is, canceled, but only to the extent that specifications for giving effect to them have not been incorporated in the attachments to this order;

It is further ordered, That, having been found necessary in the course of this rule making proceeding, the modifications of the Uniform System of Accounts for Railroad Companies which are set forth below, be, and they are hereby, approved to become effective January 1, 1958;

And it is further ordered, That this order shall be served on all respondents of record in this proceeding, and on each railroad company subject to the act and not independently operated as an electric line, and each lessor thereof, and on every trustee, receiver, executor, administrator, or assignee of such railroad company or lessor, and that notice of the order including the attachments shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order and attachments with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

1. In § 10.02–3 *Delayed items,* cancel the text of the instruction and substitute the following provisions in lieu thereof:

§ 10.02–3 *Delayed items.* "Delayed items" are items representing transactions which occurred before the calendar year.

Delayed items and adjustments arising during the current year which are applicable to prior years shall be included in the same account which would have been charged or credited if the item had been taken up or the adjustment made in the year to which it pertained. When the amount of a delayed item is relatively so large that its inclusion in net income for a single month would seriously distort the accounts for the month (but not for the year), such amount may be distributed in equal monthly charges or credits, as the case may be, to the remaining months of the calendar year.

When the amount of a delayed item, which is not an ordinary adjustment of a recurring nature, is relatively so large that its inclusion in the appropriate account for the current year would seriously distort net income for the year, the amount shall be credited to account 606, "Other credits to retained income", or charged to account 616, "Other debits to retained income", as may be appropriate, unless other disposition shall have been authorized by the Commission.

2. In § 10.06–1 *Income accounts defined,* change the last comma in the first sentence of the text to a period and delete the following expression: "and the appropriations made from income during the period".

In the same section insert the following new and additional paragraph:

All items of profit and loss recognized during the year are includible in net income except those resulting from unusual sales of property and investment securities other than temporary cash investments, from company bonds reacquired, and from delayed items (other than ordinary adjustments of a recurring nature), when the item of profit or loss is material in relation to net income for the year. Material items are those which, unless excluded from income accounts, would distort the accounts and impair the significance of net income for the year so that misleading inferences might be drawn therefrom.

3. In § 10.08.2 *Discount premium, and assessment on capital stock,* cancel the last sentence in the fifth paragraph of the text, substituting the following provision in lieu thereof: "Any remaining discount may be amortized by charge to account 616, 'Other debits to retained income', or may be retained and carried in account 793, 'Discount on capital stock', until the stock to which the discount applies is retired."

In the same section reference is made in both the eighth and ninth paragraphs of the text to account 621, "Miscellaneous debits". Both references should be deleted and the following substituted in lieu of each: 616, "Other debits to retained income".

4. Cancel the text of § 10.519 *Miscellaneous income,* substituting the following provisions in lieu thereof:

§ 10.519 *Miscellaneous income.* This account shall include all items, not provided for elsewhere, properly creditable to income accounts during the current year. Among the items which shall be included in this account are:

Cancellation of balance sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

Profit from sale of securities carried as temporary cash investments.

Profit from sale of land used for transportation purposes, of noncarrier property, and of securities acquired for investment purposes.

Profit from company bonds reacquired.

NOTE: When the profit from sale of land, noncarrier property, or investment securities other than temporary cash investments, or from the reacquisition of the company's own bonds, is so material in amount that its inclusion in this account would distort the account and would impair the significance of net income for the year, such profit shall be credited to the appropriate retained income account.

5. In § 10.520 *Delayed income credits,* cancel the number, title, text, and note of this account.

6. In § 10.532 *Railway tax accruals,* delete the parenthetical reference "including Federal income tax", in the first paragraph of the text. Insert the following new and additional paragraph to the text of this account:

Accruals for Federal income taxes shall be included in this account, except that the tax consequences of the items recorded directly in retained income accounts shall be included in account 617, "Federal income taxes assigned to retained income." Federal income taxes paid in prior years which are refundable as the result of carry-back of operating loss shall be credited to this account in the year in which the loss occurs. The reduction in taxes due to operating losses carried forward shall be credited to this account in the year in which such losses are applied to reduce taxes, except as otherwise provided in account 606, "Other credits to retained income."

7. In § 10.551 *Miscellaneous income charges,* cancel the text of this account and substitute the following provisions in lieu thereof:

§ 10.551 *Miscellaneous income charges.* This account shall include items, not provided for elsewhere, properly chargeable to income account during the fiscal year. Among the items which shall be included in this account are:

Interest on tax deficiencies, on overcharge claims, and on court awards.

Income tax upon the interest on the accounting company's funded debt when these taxes are assumed by the company.

Payments of old accounts previously written off.

Penalties and fines for violation of the Interstate Commerce Act or other Federal and State laws when not specifically provided for elsewhere.

Loss on sale of securities carried as temporary cash investments.

Loss on sale of land used for transportation purposes, and of noncarrier property.

Loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment in their value.

Loss from company bonds reacquired.

NOTE: When the loss on the sale of land, noncarrier property, or investment securities other than temporary cash investments, or on the reacquisition of the company's own bonds, is so material in amount that its inclusion in this account would distort the account and would impair the significance of net income for the year, such loss shall be debited to the appropriate retained income account.

8. In each of the appropriate sections cancel the provisions of the following accounts, including the account numbers, titles, texts, and notes:

§ 10.552 *Income applied to sinking and other reserve funds.*
§ 10.553 *Dividend appropriations of income.*
§ 10.554 *Income appropriated for investment in physical property.*
§ 10.555 *Stock discount extinguished through income.*
§ 10.556 *Miscellaneous appropriations of income.*
§ 10.557 *Delayed income debits.*

9. In § 10.560 *Form of income statement,* make the following corrections:

a. Delete the reference to account 520, "Delayed income credits," where it appears under the caption, "Other Income."

b. Delete the reference to account 557, "Delayed income debits," where it appears under the caption, "Miscellaneous Deductions from Income."

c. After the group of accounts under the caption, "Other Deductions," delete the caption, "Disposition of Net Income," and also delete the references under that caption to all accounts from 552, "Income applied to sinking and other reserve funds," to 602, "Balance of income transferred to retained income—Unappropriated," both inclusive.

10. Cancel the numbers, titles, and texts of § 10.607 and of §§ 10.613 to 10.621 and substitute the following provisions in lieu thereof:

§ 10.603 *Profit from sale of property.* This account shall include profit derived from the sale of land used for transportation purposes and of noncarrier property, when such profit is material in relation to net income for the year. (See § 10.06–1 *Income accounts defined,* and account 519, "Miscellaneous income").

§ 10.604 *Profit from sale of investment securities.* This account shall include profit derived from the sale of investment securities, other than temporary cash investments, when such profit is material in relation to net income for the year. (See § 10.06–1 *Income accounts defined,* and account 519, "Miscellaneous income."

NOTE: Profit from sale of securities carried as temporary cash investments shall be credited to account 519, "Miscellaneous income".

§ 10.605 *Profit from company bonds reacquired.* This account shall include the amount of profit resulting from adjustments required to bring to par, bonds and other debt securities issued or assumed by the company and reacquired at a cost less than the par value, after giving effect to unreleased premiums and unextinguished discount on such securities, when the amount is material in relation to net income for the year.

NOTE: When the aggregate amount resulting from adjustments for securities reacquired is immaterial in relation to net income for the year, that amount shall be credited to account 519, "Miscellaneous income." In determining whether the amount of profit is material, all adjustments in this account together with the adjustments in account 10.615, "Loss on company bonds reacquired", shall be considered.

§ 10.606 *Other credits to retained income.* This account shall include profits and credit adjustments, not provided for elsewhere, which are so material in amount that inclusion in income accounts would distort such accounts and impair the significance of net income for the year. Among amounts which shall be included in this account are adjustments of items relating to prior years, other than ordinary adjustments of a recurring nature, such as unusual credit adjustments and refunds of Federal income taxes of prior years, unusual adjustments of reserves of prior years determined to be excessive, and other items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year. (See §10.06–1 *Income accounts defined,* and account 519, "Miscellaneous income.")

The account may also include profits and credit adjustments, not provided for elsewhere, resulting from unusual transactions and events which occurred during the current year, but only after such inclusion has been authorized by the Commission.

NOTE: Ordinary adjustments of a recurring nature shall be included in the same

account or accounts which would have been credited if the item had been taken up or adjusted in the year to which it pertained.

§ 10.613 *Loss on sale or retirement of property.* This account shall include loss incurred on the sale or retirement of land used for transportation purposes and of noncarrier property, when such loss is material in relation to net income for the year. (See § 10.06–1 *Income accounts defined*, and account 551, "Miscellaneous income charges").

NOTE: This account shall not include loss on retired transportation property, other than land, unless such inclusion is authorized by the Commission.

§ 10.614 *Loss on sale of investment securities.* This account shall include loss incurred on the sale of investment securities, other than temporary cash investments, when such loss is material in relation to net income for the year. (See § 10.06–1 *Income accounts defined*, and account 551, "Miscellaneous income charges").

NOTE: Loss on sale of securities carried as temporary cash investments shall be charged to account 551, "Miscellaneous income charges".

§ 10.615 *Loss on company bonds reacquired.* This account shall include the amount of loss resulting from adjustments required to bring to par, bonds and other debt securities issued or assumed by the company and reacquired at a cost exceeding the par value, after giving effect to unreleased premiums and unextinguished discount on such securities, when the amount is material in relation to net income for the year.

NOTE: When the aggregate amount resulting from adjustments for securities reacquired is immaterial in relation to net income for the year this amount shall be charged to account 551, "Miscellaneous income charges." In determining whether the amount of loss is material, all adjustments in this account together with the adjustments in account 10.605, "Profit from company bonds reacquired", shall be considered.

§ 10.616 *Other debits to retained income.* The account shall include losses and debit adjustments not provided for elsewhere, which are so material in amount that inclusion in income accounts would distort such accounts and impair the significance of net income for the year. Among amounts which shall be included in this account are adjustment of items relating to prior years, other than ordinary adjustments of a recurring nature, such as unusual debit adjustments and assessments of Federal income taxes of prior years, unusual adjustments of reserves of prior years determined to be deficient, and similar items representing transactions of prior years which are not indentifiable with or do not result from business operations of the current year. (See § 10.06–1 *Income accounts defined*, and account 551, "Miscellaneous income charges").

This account shall also include charges which reduce or write off discount on capital stock issued by the company, but only to the extent that such charges exceed credit balances in capital surplus for shares reacquired.

The account may also include losses and debit adjustments not provided for elsewhere resulting from unusual transactions and events which occurred during the current year, such as losses resulting from abnormal floods, storms, and similar calamities or catastrophes, but only after such inclusion has been authorized by the Commission.

NOTE: Ordinary adjustments of a recurring nature shall be included in the same account which would have been charged if the item had been taken up or adjusted in the year to which it pertained.

§ 10.617 *Federal income taxes assigned to retained income.* This account shall include the estimated Federal income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary, and are recorded in retained income accounts.

§ 10.620 *Appropriations for sinking and other reserve funds.* This account shall be charged and account 797, "Retained income—Appropriated," shall be credited with amounts appropriated pursuant to provisions of reorganization plans, mortgages, deeds of trust, or other contracts requiring payments into sinking funds, capital funds, and other funds.

§ 10.621 *Appropriations for other purposes.* This account shall be charged and account 797, "Retained income—Appropriated," shall be credited with the amount of appropriations for corporate purposes not provided for elsewhere. The appropriations shall be released when their respective purposes have been served.

§ 10.622 *Appropriations released.* This account is provided to return to unappropriated retained income the amount of appropriations no longer required as segregations of retained income. The account shall be subdivided to show the nature of the appropriations being released and the circumstances of the release shall be fully described.

§ 10.623 *Dividends.* This account shall be charged with the amount of dividends declared on actually outstanding capital stock issued or assumed by the company, other than debenture stock. If the dividend is not payable in cash, the securities or other property to be distributed shall be described with sufficient particularity to identify the distribution. The account shall be subdivided to show separately the dividends declared on the various subclasses of capital stock.

NOTE A: Interest on debenture stock shall be charged to account 546, "Interest on funded debt."

NOTE B: This account shall not include charges for dividends on capital stock issued or assumed by the company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

11. In § 10.701 *Cash*, add the following note to the text of this account:

NOTE: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to this account. When the amount of such checks and drafts cannot be determined with absolute accuracy an estimate of the amount shall be used.

12. In § 10.733 *Acquisition adjustment*, cancel the note to the text of this account and insert the following new and additional provision:

(j) This account is to be considered a temporary clearing account provided for the purposes of paragraphs (a) to (i) of the text. When the transportation property acquired is fully incorporated in the carrier's system for all practical operating purposes, whether the acquisition was by purchase, merger, reorganization, or otherwise, the carrier shall be prepared to submit for the Commission's approval a program with respect to each acquisition designed to amortize or otherwise dispose of any balances remaining herein as to such acquisition.

13. In § 10.753 *Audited accounts and wages payable*, add the following note:

NOTE: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash".

14. In § 10.754 *Miscellaneous accounts payable*, change the present note to read Note A, and add the following additional Note B:

NOTE B: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash". When the amount of such checks and drafts cannot be determined with absolute accuracy an estimate of the amount shall be used.

15. In § 10.759 *Accrued accounts payable*, preceding the note to the text, insert the following as an additional example of items to be included:

Estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items.

16. In § 10.760 *Taxes accrued*, change the section number and title to read: "§ 10.761 *Other taxes accrued.*" In the first sentence of the text insert a comma after the expression, "all taxes", followed by the expression, "other than Federal income taxes,".

Preceding this amended § 10.761 *Other taxes accrued*, insert the following new and additional account number, title, and text:

§ 10.760 *Federal income taxes accrued.* This account shall be credited with the estimated liability for Federal income taxes which has been concurrently charged to the appropriate income or other accounts.

Renumber present § 10.761 *Other current liabilities*, to read, § 10.763 *Other current liabilities*, without changing the provisions thereof.

17. Prescribe the following new and additional balance sheet account to be shown separately in the balance sheet statement in § 10.799 following "Current Liabilities," and preceding "Long-Term Debt":

§ 10.764 *Equipment obligations and other debt due within one year.* This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which arrangements for refunding have not been made or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

In § 10.765 *Funded debt unmatured*, cancel the first paragraph of the text of this account and substitute the following provisions in lieu thereof:

§ 10.765 *Funded debt unmatured.* This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 764, "Equipment obligations and other debt due within one year".)

In § 10.766 *Equipment obligations*, cancel both the first paragraph of the text of this account and the note which applies to that text, and substitute the following provisions in lieu thereof:

§ 10.766 *Equipment obligations.* This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal or obligations maturing serially or payable in installments within one year from the close of the accounting period. (See account 764, "Equipment obligations and other debt within one year.")

18. In § 10.771 *Pension and welfare reserves*, insert a comma after the word, "expenses" in the first sentence of the text, and delete the following expression: "or by specific appropriations of income or retained income,".

19. In § 10.774 *Casualty and other reserves*, designate the present note as "Note A" and add the following note B:

NOTE B: Estimates of amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items, shall be transferred from this account to account 759, "Accrued accounts payable".

20. In § 10.797 *Retained income; appropriated*, and § 10.798 *Retained income; unappropriated*, cancel the texts of the two accounts and substitute the following provisions in lieu thereof:

§ 10.797 *Retained income; appropriated.* This account shall include the accumulated amount of retained income which has been appropriated and set aside pursuant to provisions of mortgages, deeds of trust, reorganization plans, or other agreements requiring payments into capital funds, sinking funds, or other funds; and also appropriations for other specific purposes. The account is to be subdivided by classes of appropriations showing the purpose for which each is made.

§ 10.798 *Retained income; unappropriated.* This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 623, inclusive. It shall not include transfers either to or from accounts 795, "Paid-in surplus," or 796, "Other capital surplus," unless so authorized upon application to the Commission.

Any balance representing retained income not segregated at the date of the balance sheet shall be included in a subdivision of this account.

The balance of accounts 601 to 623, inclusive, shall be closed into this account at the end of each calendar year.

21. In § 10.799 *Form of general balance sheet statement*, under the caption, "Current Liabilities," delete the references to:

760 Taxes accrued.
761 Other current liabilities.
Total current liabilities.

and substitute for them the following:

760 Federal income taxes accrued.
761 Other taxes accrued.
763 Other current liabilities.
Total current liabilities (exclusive of long-term debt due within one year).

Preceding the caption "Long-term debt," insert the following new and additional caption and account:

Long-term debt due within one year:
764 Equipment obligations and other debt.

22. Hereinafter is a list of sections in this part which now include reference to numbers, or to numbers and titles, of accounts which should be changed to conform to the modified numbers, or numbers and titles, assigned to those accounts by this order. Where both the number and title of an account have been changed, the old and new number and title are shown. If only the number is changed, the title is omitted.

If reference is made to the same account more than once in the same section or paragraph thereof, a parenthentical number, such as (2) or (3), will indicate the number of such references to be changed.

CFR section No.	Present reference	Should be changed to read
§ 10.01–10: 2d sentence	621, "Miscellaneous debits,"	551, "Miscellaneous income charges," or account 613, "Loss on sale or retirement of property," as appropriate.
3d sentence	607, "Miscellaneous credits," or 621, "Miscellaneous debits,".	519, "Miscellaneous income," 551, "Miscellaneous income charges," or retained income.
§ 10.05–2	607, "Miscellaneous credits," or account 621, "Miscellaneous debits,".	519, "Miscellaneous income," 551, "Miscellaneous income charges," or retained income.
§ 10.08–3: Par. 7	Retained income	Account 519, "Miscellaneous income," account 551, "Miscellaneous income charges," or to retained income.
Par. 8	Retained income	Account 519, "Miscellaneous income," account 551, "Miscellaneous income charges," or through retained income, as appropriate.
§ 10.08–5 par. (b)	621, "Miscellaneous debits."	551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.
Par. (c)	621, "Miscellaneous debits."	551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.
§ 10.08–6	552, "Income applied to sinking and other reserve funds,".	620, "Appropriations for sinking and other reserve funds,".
§ 10.457; note	621, "Miscellaneous debits."	616, "Other debits to retained income."
§ 10.516; note	552, "Income applied to sinking and other reserve funds."	620, "Appropriations for sinking and other reserve funds."
§ 10.546; note A	(See account 552, income applied to sinking and other reserve funds).	(Delete.)
§ 10.723, 1st par	621, "Miscellaneous debits"	551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.
2d par	621, "Miscellaneous debits"	(2) 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.
§ 10.735 par. (a)	607, "Miscellaneous credits"	606, "Other credits to retained income".
	621, "Miscellaneous debits"	616, "Other debits to retained income".
§ 10.763	Accounts 751 to 760, inclusive	Accounts 751 to 761, inclusive.
§ 10.782; note	Account 761	Account 763.
§ 10.791; note B	621, "Miscellaneous debits"	616, "Other debits to retained income".

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

[F. R. Doc. 57–9883; Filed, Nov. 27, 1957; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

EXPENSES AND RATE OF ASSESSMENT; ADDITIONAL TIME FOR FILING DATA, VIEWS, OR ARGUMENTS

A notice of rule making with respect to the establishment of a budget of expenses for the Florida Cucumber Committee established pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015; 22 F. R. 6083), and a rate of assessment was published in the FEDERAL REGISTER of October 22, 1957 (22 F. R. 8293). The proposed rule, based upon recommendations of the Florida Cucumber Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of said marketing agreement and order which regulates the handling of cucumbers grown in Florida.

Such notice stated that consideration would be given to any data, views, or arguments pertaining thereto, which were received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., no later than 10 days following publication in the FEDERAL REGISTER. Within the period specified the Florida Cucumber Committee requested an extension of said period. In accordance with such request the period was extended until November 22, 1957 (22 F. R. 8908).

In consideration of views and requests received from the Florida Cucumber Committee indicating the need for further study of the proposal by the industry, notice is hereby given of an additional period of time until December 6, 1957, within which written data, views, or arguments may be submitted in connection with the aforesaid proposed expenses and rate of assessments.

Dated: November 22, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9853; Filed, Nov. 27, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

OFFICE OF THE JUDGE ADVOCATE GENERAL

In Organization Statement of the Department of the Navy, published at 16 F. R. 12573–12590:

1. Delete paragraph (1) of subsection H (a) appearing at 16 F. R. 12585, as amended 22 F. R. 7343, and insert the following paragraph in lieu thereof:

(1) In substance, the organization consists of a Judge Advocate General, a Deputy and Assistant Judge Advocate General, an Assistant Judge Advocate General (International and Administrative Law), an Assistant Judge Advocate General (Personnel, Reserve and Management), an Assistant Judge Advocate General (Military Justice), and thirteen principal divisions designated as International Law, Admiralty, Civil Law, Administrative Law, Litigation, Personnel Security, Military Personnel, Administrative Management, Naval Reserve and Legal Assistance, Appellate Defense, Military Justice, Investigations, and Editorial and Research Divisions. Within the several divisions are branches and sections performing specific functions embraced by the mission of the parent division. In addition to the divisions of the Office, there are special assistants and the Boards of Review organized pursuant to article 66 of the Uniform Code of Military Justice (10 U. S. C. 866); two of the Boards are the principal part of the Office of the Judge Advocate General of the Navy, West Coast, located at San Bruno, California.

2. After paragraph (4) (iv) of subsection H (b) appearing at 16 F. R. 12585, as amended 22 F. R. 3079, insert the following new paragraph:

(v) Legislative Comment Branch coordinates the action to be taken by the Judge Advocate General upon those legislative items, Executive Orders, Proclamations and reports that are referred for comment and recommendation by the Chief of Legislative Liaison.

3. Delete paragraph (14) of subsection H (b) appearing at 16 F. R. 12585, as amended 22 F. R. 3081.

By direction of the Secretary of the Navy.

[SEAL] P. A. WALKER,
Captain, U. S. Navy,
Deputy and Assistant Judge Advocate General.

NOVEMBER 20, 1957.

[F. R. Doc. 57-9868; Filed, Nov. 27, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 19]

COLORADO

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Secretary's Order No. 541, dated April 2, 1954 (19 F. R. 2473), I hereby classify the following described public land in Mesa County, Colorado, as suitable for public sale under the Small Tract Act of June 1, 1938 (53 Stat. 609); (43 U. S. C. 682a) as amended.

UTE MERIDIAN, COLORADO

T. 2 S., R. 1 E.,
Sec. 4, lot 14.

2. Classification of the above-described lot by this order segregates it from all appropriations, including locations under the mining laws, except applications under the Mineral Leasing Laws.

3. The land is located approximately 8 miles southeast of Grand Junction, Colorado, on U. S. Highway 50. The topography is gently rolling and the soil is a shallow gravelly loam. Electrical power is available. Schools, stores, and other public facilities are available in the town of Grand Junction. The native vegetation consists of shadscale, galleta grass, and other desert plants. There is no evidence of metallic or non-metallic minerals.

4. This tract contains 2.95 acres. The appraised value of this tract is $750. Rights-of-way for the City of Grand Junction for Kannah Creek pipeline, and U. S. Highway 50, and an irrigation ditch will be reserved. All minerals in the land will be reserved to the United States.

5. Persons who have acquired a tract under the Small Tract Act are not qualified to purchase this tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above-described tract will be sold at public auction at a public sale to be held in Room 367, New Custom House, Denver, Colorado, at 10:00 a. m., and 2:00 p. m., on March 13, 1958. The sale at 10:00 a. m., will be open only to those persons who qualify for veterans preference under the provisions outlined in paragraph 9 below. The 2:00 p. m., sale will be open to the public generally but will be held only if the tract described in paragraph 1 above remains unsold after the 10:00 a. m., sale. Bids may be made personally by an individual or his agent at either sale, or by mail. Bids sent by mail will be considered only if received at the Colorado Land Office prior to 10:00 a. m., on March 13, 1958. No bid will be accepted if it is less than the appraised value of the tract. See paragraph 4 above for appraised value.

7. To facilitate the completion of the sale, all oral bidders at the 10:00 a. m. sale should bring with them a photostatic copy of their discharge papers or other acceptable certification of proof of right to veteran's preference, as outlined in paragraph 9 below:

8. Each bid sent by mail must clearly show: (a) the full name and mailing address of the bidder; (b) Classification Order No. 19; (c) the legal description of the tract for which the bid is made, described in accordance with paragraph 1 of this order. Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, post office money order, or bank draft, made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. A photostatic copy of bidder's discharge papers or other certification showing proof of veteran's preference, as outlined in paragraph 9 below, must accompany the bid. Such papers will be returned promptly after the sale. Each envelope containing a bid must be addressed to the Manager, Land Office, Bureau of Land Management, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado, and carry in the lower left-hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Classification Order No. 19"; (c) "Veteran's Preference"; if the bidder is entitled to such preference; and (d) the description of the tract for which the bid is made, described in accordance with paragraph 4 above. Sender's name and return address should be shown on reverse side of envelope.

9. In accordance with 43 CFR 257.14 (c), the tract, when offered at the 10:00 a. m. sale, will be awarded to the highest bidder among persons entitled to veteran's preference. Persons entitled to veteran's preference, in brief, are (a) honorably discharged veterans who served at least 90 days after September 15, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. Veterans who were discharged on account of wounds or disability incurred in the line of duty, or the surviving spouse or minor children of veterans killed in line of duty are eligible for veteran's preference regardless of whether such servicemen served less than 90 days after September 15, 1940. The tract will be offered at the 2:00 p. m. sale if it is not sold at the 10:00 a. m. sale, and will be awarded to the highest bidder among the general public irrespective of qualifications upon which veteran's preference is based.

10. Mr. Charles J. Barone, 2856 Bunting Avenue, Grand Junction, Colorado, claims an equity in a frame house and other improvements on this lot. In the event Mr. Barone is not the successful bidder for this tract, he will be allowed a reasonable period of time from March 13, 1958, the date of sale, within which to remove any improvements that can be removed without substantial damage to the land or the improvements. Any other person acquiring this lot as a result of this sale will be required, as a condition precedent to issuance of final certificate and patent, to reimburse Mr. Barone for the reasonable value of all the permanent improvements which are left on the land and which are of value to the persons taking over the land. Proof of such reimbursement must be filed with the Land Office Manager, Bureau of Land Management, P. O. Box 1018, 357 New Custom House, Denver 1, Colorado. In the absence of agreement between the owner of the improvements and the purchaser at public auction, the Bureau of Land Management will determine the fair and reasonable value for the improvements upon the land for which compensation must be paid.

11. Sealed bids will be opened in the presence of the public in Room 367 New Custom House, Denver 1, Colorado, beginning at 10:00 a. m., on March 13, 1958. The highest sealed bid received for the tract will be posted for public inspection at the sale.

12. All inquiries concerning this tract should be addressed to the Land Office Manager, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

LOWELL M. PUCKETT,
State Supervisor.

NOVEMBER 20, 1957.

[F. R. Doc. 57-9866; Filed, Nov. 27, 1957; 8:49 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 20, 1957.

Department of Agriculture has filed an application, Serial No. Idaho 08506, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws. The applicant desires the land for administrative sites and public camp grounds.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BITTERROOT NATIONAL FOREST

BOISE MERIDIAN, IDAHO

Lantz Bar Guard Station Administrative Site

T. 24 N., R. 13 E.

Unsurveyed, but when surveyed will probably be:

Section 16, that part of the E½SW¼ lying north of the Salmon River, and that part of the E½W½SW¼ lying north of the Salmon River.

The areas described aggregate approximately 65 acres.

Magruder Ranger Station Administrative Site

T. 27 N., R. 14 E.

Unsurveyed but when surveyed will probably be: Section 3, W½E½SW¼, E½W½SW¼, W½SE¼NW¼, E½SW¼NW¼.

The area described aggregates approximately 120 acres.

Deep Creek Public Campground

T. 27 N., R. 14 E.

Unsurveyed, but when surveyed will probably be: Section 3, N½NW¼, E½NE¼NW¼.

T. 28 N., R. 14 E.

Unsurveyed, but when surveyed will probably be: Section 34, S½SW¼SE¼.

The areas described aggregate approximately 60 acres.

Magruder Public Campground

T. 28 N., R. 14 E.

Unsurveyed, but when surveyed will probably be: Section 29, SW¼NW¼, E½NW¼NW¼.

The area described aggregates approximately 60 acres.

Paradise Guard Station Administrative Site

T. 29 N., R. 14 E.

Unsurveyed, but when surveyed will probably be: Section 9, W½SW¼NE¼, SE¼NW¼, NE¼SW¼, E½NW¼SW¼, E½SW¼SW¼, W½SE¼SW¼.

The area described aggregates approximately 160 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-9867; Filed, Nov. 27, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY ALABAMA AGRICULTURAL STABILIZATION AND CONSERVATION STATE COMMITTEE

The Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760; 22 F. R. 6659, 6741, 6987, 8475), issued pursuant to the allotment and marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281–1393), provide that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein redelegations of authority vested in the Agricultural Stabilization and Conservation State Committee by the regulations referred to above which have been made by the Alabama State Committee for the 1958 crop of peanuts. The following sets forth the sections of the regulations containing the authority being redelegated and the person to whom the authority has been redelegated.

Alabama

Section 729.828—To B. L. Collins, State Administrative Officer.

Section 729.817 (b) (5)—To B. L. Collins, State Administrative Officer.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359,

361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, 90, as amended; 66 Stat. 27; secs. 106, 112, 377, 70 Stat. 191, 195, 206; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1377, 1388)

Issued at Washington, D. C., this 25th day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-9896; Filed, Nov. 27, 1957; 8:57 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN MATHEMATICAL STATISTICIAN POSITIONS IN CONTINENTAL UNITED STATES; ITS TERRITORIES AND POSSESSIONS (EXCEPT PUERTO RICO); AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the rate of pay for positions in the specialization of Mathematical Statistician in the GS–1530–0 Series at grades GS–5, GS–7, GS–9, and GS–11 as follows:

GS–5 to $4,480 (the top step of the grade);
GS–7 to $5,335 (the top step of the grade);
GS–9 to $6,115 (the sixth step of the grade);
GS–11 to $7,035 (the fourth step of the grade).

These increases are effective on the first day of the first pay period which begins after November 19, 1957. The increased rates apply throughout the continental United States; its territories and possessions (except Puerto Rico); and in foreign countries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-9885; Filed, Nov. 27, 1957; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9986 etc.]

HAWKINS & KELLY ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 22, 1957.

In the matters of Hawkins & Kelly, operator, Docket No. G–9986; Estate of Lyda Bunker Hunt, deceased, Docket No. G–10333; Claude M. Langton, trustee, Docket No. G–10334; H. L. Hunt, operator, Docket No. G–10335; Secure Trusts, Docket No. G–10336; J. R. Goff, trustee, Docket No. G–10337; Trunkline Gas Company, Docket No. G–10845.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and authorizing the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On August 1, 1956, Trunkline Gas Company (Trunkline) filed in Docket No. G–10845 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to enable it to receive natural gas produced by Hawkins & Kelly (Hawkins) in the South Epps Field, West Carroll Parish, Louisiana, and by Estate of Lyda Bunker Hunt, Deceased (Estate), Claude M. Langton, Trustee (Langton), H. L. Hunt (Hunt), Secure Trusts (Secure), and J. R. Goff, Trustee (Goff), in the Clear Creek Field, Beauregard Parish, Louisiana.

The following facilities are proposed by Trunkline:

(1) One 4-inch tap on Applicant's existing 26-inch main transmission line in West Carroll Parish, together with 144 feet of 4½ inch O. D. lateral pipeline and a measuring station, at an estimated total cost of $5,302; and

(2) One 6-inch tap on Applicant's existing 20-inch Grand Lake lateral in Beauregard Parish, together with 13,293 feet of 6⅝ inch O. D. lateral pipeline and a measuring station, at an estimated total cost of $75,950.

The estimated total cost of the above proposed facilities of $81,252 is to be financed from company funds.

The afore-mentioned independent producers filed applications for certificates authorizing the sale of natural gas to Trunkline for resale from production as described above and as indicated below:

Docket; Producer; Date Filed; and Contract Date

G–9986; Hawkins; February 23, 1955; December 28, 1955.
G–10333; Estate; May 1, 1956; March 2, 1956.
G–10334; Langton; May 1, 1956; March 2, 1956.
G–10335; Hunt; May 1, 1956, as amended April 3, 1957; March 2, 1956.
G–10336; Secure; May 1, 1956; March 2, 1956.
G–10337; Goff; May 1, 1956; March 2, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 7, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9870; Filed, Nov. 27, 1957; 8:50 a. m.]

[Docket No. G–10819 etc.]

SUN OIL CO. (SOUTHWEST DIVISION) ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 22, 1957.

In the matters of Sun Oil Company (Southwest Division), Docket No. G–10819; The Atlantic Refining Company, Docket No. G–10970; Wilcox Trend Gathering System, Inc., Docket No. G–11073; Continental Oil Company, Docket No. G–11083.

Take notice that Wilcox Trend Gathering System, Inc. (Wilcox), Sun Oil Company (Southwest Division) (Sun), The Atlantic Refining Company (Atlantic) and Continental Oil Company (Continental), filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and authorizing the sale of natural gas, as hereinafter described, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

On September 12, 1956, Wilcox filed in Docket No. G–11073 an application, as amended November 13, 1956, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.9 miles of 4½-inch O. D. lateral supply pipeline with metering facilities, extending from a point in the Cabeza Creek Field to a proposed tap to be installed at Milepost 66.45 on its existing 16-inch main transmission line, all in Goliad County, Texas. The proposed facilities will receive casinghead gas produced by Sun Oil Company (Sun), Sunray Mid-Continent Oil Company,[1] The Atlantic Refining Company (Atlantic) and Continental Oil Company (Continental) in the Cabeza Creek Field.

The estimated total cost of the above-described facilities is $27,000, which cost is to be financed from company funds.

The following related producer applications have been filed covering the above sales to Texas Eastern Transmission Corporation (Texas Eastern), assignee of Wilcox.

[1] Sunray Mid-Continent Oil Company filed an application covering its interest in the subject gas on July 30, 1956, in Docket No. G–10825 which is the subject of another proceeding.

Docket No.; Applicant; and Date Filed

G–10819; Sun; July 27, 1956.
G–10970; Atlantic; August 24, 1956.
G–11083; Continental; September 14, 1956.

Each of the above producers seek authority to sell natural gas in interstate commerce to Texas Eastern for resale from production in the Cabeza Creek Field, Goliad County, Texas, under a gas sales contract dated March 1, 1956 with Wilcox.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction, conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.18 or 1.10) on or before December 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9871; Filed, Nov. 27, 1957; 8:50 a. m.]

[Docket Nos. G–10868, G–10895]

TEXAS EASTERN TRANSMISSION CORP. AND DEEP FORK NATURAL GAS CO., INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 22, 1957.

In the matters of Texas Eastern Transmission Corporation, Docket No. G–10868; Deep Fork Natural Gas Company, Inc., Docket No. G–10895.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal place of business in Shreveport, Louisiana, and Deep Fork Natural Gas Company, Inc. (Deep Fork), an independent producer, filed applications, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and authorizing the sale of natural gas, as hereinafter described, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On August 8, 1956, Texas Eastern filed in Docket No. G–10868 an application for a certificate of public convenience and necessity authorizing the construction and operation of a 2-inch tap to be installed at approximate Milepost 509.9 on Texas Eastern's existing 24-inch main transmission line in Saline County, Illinois, in order to receive gas purchased from Deep Fork, assignee of K-B Compression Company, Inc. (K-B), and produced in the Harco Field and Sun Extension of the Harco Field, Saline County, Illinois. The estimated total cost of the proposed tap is $520, which cost is to be financed from company funds.

Deep Fork filed an application on August 12, 1956, in Docket No. G–10895, for a certificate authorizing the sale of natural gas in interstate commerce to Texas Eastern for resale from production in the Harco Field and Sun Extension of the Harco Field, Saline County, Illinois, under a gas sales contract between Texas Eastern and K-B, dated November 22, 1955, and assigned to Deep Fork by instrument dated August 9, 1956, between K-B and Deep Fork.

Deep Fork states that the subject gas is to be purchased by it for resale to Texas Eastern from two producers in the Harco Field and Sun Extension of the Harco Field, namely, Phillips Petroleum Company and Del Wood Oil Company, pursuant to gas sales contracts between K-B and each of the two above producers, dated June 1, 1956, and June 29, 1956, respectively, and assigned to Deep Fork by K-B by instrument dated August 9, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR or 1.10) on or before December 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9872; Filed, Nov. 27, 1957; 8:50 a. m.]

[Docket Nos. G–12695, G–12704]

UNION OIL COMPANY OF CALIFORNIA AND TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 22, 1957.

In the matters of Union Oil Company of California, Docket No. G–12695; Transcontinental Gas Pipe Line Corporation, Docket No. G–12704.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation with its principal place of business in Houston, Texas, and Union Oil Company of California (Union), an independent producer, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities for receiving and transporting natural gas and for the sale of natural gas in interstate commerce for resale, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On June 5, 1957, Transco filed in Docket No. G–12704 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.36 miles of 6-inch lateral supply pipeline, together with a meter station and appurtenant equipment, to extend southerly from a point of connection with Transco's existing 16-inch Cow Island-Live Oak Lateral at Milepost 8.86 in Vermilion Parish, Louisiana, to the proposed meter station to be installed by Transco in the Live Oak Field in Vermilion Parish, in order to purchase and receive natural gas produced by Union in the Live Oak Field. The estimated total capital cost of these facilities is $71,000, which cost is to be financed from company funds.

Union filed an application on June 4, 1957, in Docket No. G–12695, for authority to sell natural gas to Transco from production in the Live Oak Field, Vermilion Parish, Louisiana, under a gas sales contract dated May 9, 1957.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 7, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9873; Filed, Nov. 27, 1957; 8:51 a. m.]

[Docket No. G-13730]

REPUBLIC NATURAL GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 22, 1957.

Republic Natural Gas Company, et al., (Republic), on October 28, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to Republic's FPC Gas Rate Schedule No. 14.
Effective date: January 1, 1958 (effective date is the effective date proposed by Republic).

In support of the proposed rate increase, Republic states that the contract was negotiated by arm's length bargaining, that the gradual pricing provisions are necessary to protect against increasing costs and effects of inflation, and that the proposed rate does not exceed the current market price in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9874; Filed, Nov. 27, 1957; 8:51 a. m.]

[Docket No. G-13731]

ALL STAR GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 22, 1957.

All Star Gas Company (All Star), on October 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 28, 1957.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to All Star's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1958 (effective date is the effective date proposed by All Star).

In support of the proposed rate increase, All Star states that the rate is provided for in the contract with the purchaser.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9875; Filed, Nov. 27, 1957; 8:51 a. m.]

[Docket No. G-13738]

M. H. MARR

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 22, 1957.

M. H. Marr (Marr), on October 25, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 23, 1957.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 4 to Marr's FPC Gas Rate Schedule No. 6.
Effective date: November 25, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed two-step redetermined rate increase, Marr mentions arm's length bargaining; similar gas being sold in the general area for higher prices, and the proposed rate is below the fair market value and is just and reasonable and required because of increased expenses. Marr states that his proposed rate has been determined in accordance with the procedure prescribed in the contract and is based upon information obtained as to field prices in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Marr's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Marr's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 25, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9876; Filed, Nov. 27, 1957; 8:51 a. m]

[Docket No. G-13740]

FINLEY CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 22, 1957.

Finley Company (Operator), et al., (Finley), on October 28, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 2 to Finley's FPC Gas Rate Schedule No. 2.
Effective date: November 28, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Finley states that the contract was entered into in good faith as a result of arm's-length bargaining under competitive conditions; that the whole schedule of increasing prices was an incentive to seller to commit his gas for the twenty-year term of the contract, and to deny the increased price would be to confiscate applicant's property without due process of law. Finley further states that the increased price is just and reasonable and is not in excess of the current market value.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Finley's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Finley's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9877; Filed, Nov. 27, 1957; 8:52 a. m.]

[Docket No. G-13741]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 22, 1957.

Sunray Mid-Continent Oil Company (Sunray), on October 28, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 23, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 132.
Effective date: November 28, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Sunray states that the contract was entered into at arm's length and without the price increase provision Sunray would not have entered into such long-term contract. Sunray also states that the increased price is just and reasonable and to deny same would be unjust and discriminatory.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 132 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 132.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9878; Filed, Nov. 27, 1957; 8:52 a. m.]

[Docket No. G-13742]

RENWAR OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 22, 1957.

Renwar Oil Corporation (Operator), (Renwar), on October 28, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 24, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 4 to Renwar's FPC Gas Rate Schedule No. 9.

Effective date: November 28, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Renwar merely cites the contract provisions and states that the increased rate which is below others allowed in the area, is necessary to provide a fair rate of return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Renwar's FPC Gas Rate Schedule No. 9 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Renwar's FPC Gas Rate Schedule Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(c) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9879; Filed, Nov. 27, 1957; 8:52 a. m.]

[Docket No. G-13743]

EDWIN L. COX

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 22, 1957.

Edwin L. Cox (Cox), on October 28, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 16, 1957.

Purchaser: Kansas-Nebraska Natural Gas Company, Inc.

Rate schedule designation: Supplement No. 1 to Cox's FPC Gas Rate Schedule No. 12.

Effective date: December 1, 1957 (effective date is the effective date proposed by Cox).

In support of the proposed periodic rate increase, Cox states that the pricing provisions are an integral part of the contract, that such escalation in price is in general use in long-term contracts to permit initial delivery at a lower price than the average price for the term of the contract and to enable seller to receive progressively higher returns contemporaneously with increases in production, development and operating costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Cox's FPC Gas Rate Schedule No. 12 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Cox's FPC Gas Rate Schedule No. 12.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9880; Filed, Nov. 27, 1957; 8:52 a. m.]

[Docket No. G-13737]

M. H. MARR

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 22, 1957.

M. H. Marr (Marr), on October 25, 1957, tendered for filing a proposed change in his presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 23, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 7 to Marr's FPC Gas Rate Schedule No. 3.

Effective date: November 25, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed three-step periodic rate increase, Marr states that the increase reflects the provisions of the contract which was negotiated at arm's length, makes allowance for the varying economic conditions, and the proposed rate is just and reasonable and does not exceed the fair or market value of the gas in the field where sold.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Marr's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Marr's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 25, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9881; Filed, Nov. 27, 1957; 8:53 a. m.]

[1] A previous increase was suspended in Docket No. G-11249 until April 1, 1957, but a motion to place the suspended rate into effect subject to refund was never filed by Marr.

INTERNATIONAL COOPERATION ADMINISTRATION

POLISH IMMIGRATION COMMITTEE; SEVENTH-DAY ADVENTIST WELFARE SERVICE, INC.

REGISTER OF VOLUNTARY FOREIGN AID AGENCIES

In accordance with the regulations of the International Cooperation Administration concerning Registration of Agencies for Volunatry Foreign Aid (ICA Regulation 3) 22 CFR Part 203, promulgated pursuant to section 521 of the Mutual Security Act of 1954, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration to each of the following agencies:

Polish Immigration Committee, 25 St. Marks Place, New York 3, New York.

Seventh-Day Adventist Welfare Service, Inc., 6840 Eastern Avenue, Washington, D. C.

J. H. SMITH, Jr., *Director.*

NOVEMBER 15, 1957.

[F. R. Doc. 57-9869; Filed, Nov. 27, 1957; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

HENRY W. CLARK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change in business interests since date of last submission.

This amends statement previously published in the FEDERAL REGISTER, June 1, 1957 (22 F. R. 3859).

Dated: October 26, 1957.

HENRY W. CLARK.

[F. R. Doc. 57-9852; Filed, Nov. 27, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-221]

LOUISIANA GAS SERVICE CO. ET AL.

ORDER APPROVING PLAN

NOVEMBER 22, 1957.

In the matter of Louisiana Gas Service Company, Louisiana Power & Light Company, Middle South Utilities, Inc., File No. 54-221.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, Louisiana Power & Light Company ("Louisiana Power"), a subsidiary of Middle South, and Louisiana Gas Service Company ("Louisiana Gas"), a newly-organized subsidiary of Louisiana Power, having filed a plan and amendments thereto (the "Plan") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") providing, among other things, for the sale and transfer by Louisiana Power of all its non-electric properties to Louisiana Gas and the issuance by the latter of unsecured notes and of common stock in exchange therefor;

Public hearings having been duly held after appropriate notice at which hearings all interested persons were afforded an opportunity to be heard;

Middle South, Louisiana Power, and Louisiana Gas having requested the Commission, pursuant to section 11 (e) of the act, to apply to a United States District Court to enforce and carry out the terms and provisions of the Plan; and the Commission having considered the record in this matter and having this day filed its Findings and Opinion herein, finding that the Plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby:

It is ordered, On the basis of the record herein and said Findings and Opinion, pursuant to section 11 (e) and other applicable provisions of the act, that the Plan be, and hereby is, approved, subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

(1) This order shall not become operative to authorize the consummation of the transactions proposed in the Plan until a court of competent jurisdiction shall, upon application thereto, enter an order enforcing the Plan; and

(2) Jurisdiction be, and the same hereby is, specifically reserved as to the following matters: (a) To determine, approve, award, allow, or allocate any fees, expenses and remunerations in connection with the Plan, and to pass upon the reasonableness thereof; (b) to enter such further proceedings, to make such supplemental findings, to enter such further orders, and to take such action as the Commission may deem appropriate in connection with the Plan, the transactions incidental thereto and the consummation thereof.

It is further ordered and recited, That the sale, transfer and conveyance by Louisiana Power to Louisiana Gas of its non-electric properties at the net book cost of said properties at the date of transfer in exchange for the issuance and delivery to Louisiana Power by Louisiana Gas of its promissory note in the principal amount of $4,900,000 and the issuance and delivery to Louisiana Power by Louisiana Gas of shares of its common capital stock having a total par value equal to the difference between the net book cost of the property at the date of transfer and the principal amount of said note, the subsequent issuance by Louisiana Gas of its notes for cash advances by Louisiana Power to Louisiana Gas as provided in the Plan; and that all other issues, distributions, transfers and exchanges of property, stock and securities which are required in order to carry out the Plan, are necessary and appropriate to the integration or simplification of the holding company system of which Louisiana Power and Louisiana Gas are members and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirement of the Internal Revenue Code of 1954, as amended, including sections 1081 through 1083 and 4382 (b) (2) thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-9884; Filed, Nov. 27, 1957; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 192]

MOTOR CARRIER APPLICATIONS

NOVEMBER 22, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 665 (Sub No. 56), filed September 23, 1957, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a Corporation, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, live-

stock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Fort Scott, Kans., as an intermediate point, for purpose of joinder only, in connection with applicant's authorized operations between junction Kansas Highways 96 and 99 near Severy, Kans., and Nevada, Mo., in Certificate No. MC 665 Sub 13. Applicant is authorized to conduct similar operations in Kansas, Arkansas, Missouri, and Oklahoma.

NOTE: Applicant states purpose of this application is to add Fort Scott, Kans., as point of joinder to its authorized route in MC 665 Sub 13.

HEARING: January 20, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 665 (Sub No. 57), filed October 21, 1957, MISSOURI - ARKANSAS TRANSPORTATION COMPANY, a Corporation, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk and those requiring special equipment, serving the site of the Natural Storage Company, Inc., at or near Loring, Kans., as an off-route point in connection with applicant's authorized regular route operations to and from points in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone.

HEARING: January 20, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 2202 (Sub No. 161), filed October 31, 1957, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, Ohio. Aplicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cass, Ga., and Atlanta, Ga., from Cass over U. S. Highway 41 to Atlanta, and return over the same route, serving no intermediate points, for operating convenience only. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 16, 1958, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 2990 (Sub No. 13), filed September 27, 1957, BLUE ARROW TRANSPORT LINES, INC., 525 Burton SW., Grand Rapids, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between Cadillac, Mich., and Plainwell, Mich., from Cadillac over U. S. Highway 131 to Plainwell, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Benton Harbor, Mich., and Flint, and Saginaw, Mich., and between Kalamazoo, Mich. and Otsego, Mich. Applicant is authorized to conduct similar operations in Illinois, Indiana and Michigan.

HEARING: January 16, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 13062 (Sub No. 7), filed October 16, 1957, SUTTON TRANSFER, INC., 332 High School Avenue, Lebanon, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *Alcoholic liquors*, between Camp Nelson, Ky., and points within five miles of Camp Nelson and Frankfort and Lawrenceburg, Ky. (1) from Camp Nelson and points within five miles of Camp Nelson over U. S. Highway 27 to Nicholasville, Ky., thence over Kentucky Highway 29 to junction U. S. Highway 68, thence over U. S. Highway 68 to junction Kentucky Highway 33, thence over Kentucky Highway 33 to Versailles, Ky., and thence over U. S. Highway 62 to Lawrenceburg, Ky., and return over the same route, serving no intermediate points; (2) from Camp Nelson, Ky., and points within five miles of Camp Nelson, over U. S. Highway 27 to Nicholasville, Ky., thence over Kentucky Highway 169 to junction Kentucky Highway 33, thence over Kentucky Highway 33 to Versailles, Ky., and thence over U. S. Highway 62 to Lawrenceburg, Ky., and return over the same route, serving no intermediate points; (3) from Camp Nelson and points within five miles of Camp Nelson, to Versailles, Ky., over the routes described in (1) above, and thence over U. S. Highway 60 to Frankfort, Ky., and return over the same route, serving no intermediate points; and (4) from Camp Nelson and points within five miles of Camp Nelson, to Versailles, Ky., over the routes described in (2) above, and thence over U. S. Highway 60 to Frankfort, Ky., and return over the same route, serving no intermediate points. RESTRICTION: Applied-for authority to be restricted to shipments of alcoholic liquors for consolidation only with other shipments.

HEARING: January 8, 1958, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 105, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 14743 (Sub No. 19), filed October 3, 1957, E. L. POWELL, H. H. POWELL, AND B. L. POWELL, doing business as E. L. POWELL AND SONS TRUCKING COMPANY, 405 North Elwood, Tulsa, Okla. Applicant's attorney: Floyd P. Willette, 753 Central Avenue, Kansas City, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) (a) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (b) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (2) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (3) (a) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and (b) *Machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines; (4) *Machinery, equipment, materials*, and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (5) (a) *Machinery* and *equipment* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products; and (b) *Materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, when moving to or from exploration, drilling, production, job, construction, and plant (including refining, manufacturing, and processing plant) sites, or storage sites; (6) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the drilling of water wells; and (7) (a) *Machinery, equipment, materials*, and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (b) *Machinery, equipment, materials*, and *supplies* used in, in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines, between Kansas City, Kans., on the one hand, and, on the other, Kansas City, Mo., and points in the Kansas City, Mo., Commercial Zone, as defined by the Commission, which includes points within eleven (11) miles beyond the City limits of Kansas City, Mo. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

HEARING: January 21, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 30518 (Sub No. 1), filed October 30, 1957, CARLOS A. STILWELL, doing business as STILWELL TRUCK SERVICE, Detroit, Ill. Applicant's attorney: Grover C. Hoff, 1121 Ridgely Building, Springfield, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry whey, animal feed*, from Pittsfield and Dundee, Ill., to points in Indiana, Iowa, Minnesota, Missouri, Ohio, and Wisconsin. Applicant is authorized to transport other commodities in Illinois and Missouri.

HEARING: January 15, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 31438 (Sub No. 7), filed October 7, 1957, ROY O. WETZ, doing business as R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, Ohio. Applicant's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Precast concrete products and materials, parts and accessories moving with those products and used in erecting or assembling those products*, from Marietta, Ohio and points within 5 miles thereof in Ohio to points in Michigan, New York, Kentucky, Pennsylvania, Illinois, West Virginia, and Indiana, and *damaged, defective, rejected or returned shipments* of the above commodities on return. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, Maryland, Virginia, Pennsylvania, New York, Illinois, Kentucky, West Virginia, and New Jersey.

HEARING: January 17, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 31454 (Sub No. 3), filed October 18, 1957, JOSEPH F. PECK AND ALVA F. LIKES, doing business as SLATER AND SAMPSON TRANSFER LINE, 543 Division, Benton Harbor, Mich. Applicant's attorney: Arthur H. Lee, 785 Pipestone Street, Benton Harbor, Mich. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, (1) serving La Porte, Ind., and points and stations on the Chesapeake and Ohio Railway (Pere Marquette Railway) in Indiana within two miles of La Porte, and serving points and stations within two miles of Benton Harbor, Bridgman, Lakeside, New Buffalo, Sawyer, Stevensville, and Union Pier, Mich., and those within two miles of Michigan City, Ind. (2) Between Benton Harbor, Mich., and La Porte, Ind., from Benton Harbor over present authorized regular route U. S. Highway 12 to Michigan City, Ind., thence over U. S. Highway 421 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 35, thence over U. S. Highway 35 to La Porte, and return over the same route, serving points and stations on the Chesapeake and Ohio Railway (Pere Marquette Division) in Indiana and points within two miles thereof including those within two miles of La Porte. *General commodities*, except Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, serving points within two miles of terminal, intermediate and off-route points presently authorized and stations on the rail line of the Pere Marquette Railway Company under Certificate No. MC 31454 (Sub No. 2) in connection with applicant's authorized regular route operations between Benton Harbor, Mich., and East Saugatuck, Paw Paw, and Coloma, Mich., between Hartford, Mich., and East Saugatuck, Mich., between Bangor, Mich., and South Haven, Mich., and between Forest Dunes, Mich., and South Haven, Mich. Applicant also seeks to initiate pick-up and delivery service in Michigan over present routing and within a radius of two miles from said corporate limits served by Chesapeake and Ohio Railway (Pere Marquette Division). Applicant states it desires to effect hauls to the depot and institute delivery of freight to the consignees within the city limits and within a radius of two miles of the unincorporated towns, as well as within a two mile radius of the incorporated towns. Proposed service to be subject to conditions under Restriction in Certificate No. MC 31454 (Sub No. 2), with regard to service which is auxiliary to, or supplemental of, rail service of the Pere Marquette Railway Company. Applicant is authorized to conduct operations in Indiana and Michigan.

HEARING: January 16, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 35320 (Sub No. 47), filed November 4, 1957, T. I. M. E. INCORPORATED, 2604 Texas Avenue, P. O. Box 1120, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., 1105 Great Plains Life Building, Lubbock, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Sperry Phoenix Company, division of the Sperry Rand Corporation, plant located at Deer Valley Road and 19th Avenue, Phoenix, Ariz., approximately 10 miles north of Phoenix, Ariz., as an off-route point in connection with applicant's authorized regular route operations to and from Phoenix, Ariz.

HEARING: January 30, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 36473 (Sub No. 64), filed September 27, 1957, CENTRAL TRUCK LINES, INC., 1005 Jackson Street, Tampa, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction U. S. Highway 27 and Florida Highway 540, near Waverly, Fla., and junction Florida Highway 33 and U. S. Highway 27, near Leesburg, Fla., over U. S. Highway 27, serving all intermediate points between Haines City, Fla., and junction Florida Highway 33 and U. S. Highway 27, and serving junction Florida Highway 540 and U. S. Highway 27 for joinder purposes only; and (2) between Groveland, Fla., and junction Florida Highway 19 and Florida Highway 561, from Groveland over Florida Highway 459 to junction Florida Highway 19, thence over Florida Highway 19 to junction Florida Highway 561, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, and Louisiana.

HEARING: January 27, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 41792 (Sub No. 10), filed October 10, 1957, HOLDCROFT TRANSPORTATION COMPANY, a corporation, Highway 75 and 32d Street, Box 266, Sioux City, Iowa. Applicant's attorney: Wallace W. Huff, 310–314 Security Bank Building, Sioux City 1, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery stores, and *equipment, fixtures*, and *supplies* necessary in the conduct of such businesses, between Sioux City, Iowa and Burbank, Volin, Mission Hill, Yankton, Mitchell, Huron, Redfield, Aberdeen, Jefferson, Elk Point, Beresford, Worthing, Sioux Falls, Dell Rapids, Brookings, Arlington, Watertown, Canton, Lennox, Madison, Flandreau, Parker, Viborg, and Centerville, S. Dak. Applicant is authorized to conduct operations in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska and South Dakota.

NOTE: Applicant states the purpose of this instant application is to amend a portion of its present regular route authority in Certificate No. MC 41792 for General commodities to the above-described irregular route authority. Applicant further states that the South Dakota points named above are presently authorized in the General commodity authority of the applicant, and that the amendment will, if granted, have the effect of making applicant's Certificate conform to the service actually being performed for the public.

HEARING: January 9, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 185, or if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 42487 (Sub No. 346), filed September 16, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorneys: Donald A. Schafer, 1026 Public Service Building, Portland 4, Oreg., and Ron E. Poelman, 431 Burgess Drive, Menlo Park, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Minneapolis, Minn., and Pocatello, Idaho, from Minneapolis over U. S. Highway 65 to Albert Lea, Minn., thence over U. S. Highway 69 to Ames, Iowa, thence over U. S. Highway 30 to Little America, Wyo., thence over U. S. Highway 30–N to Pocatello, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (a) Seattle, Wash., and St. Paul, Minn., (b) Twin Falls and Idaho Falls, Idaho, (c) Idaho Falls and St. Anthony, Idaho, (d) St. Anthony and Idaho Falls, Idaho, (e) West Yellowstone, Mont., and St. Anthony, Idaho, and (f) Bozeman and West Yellowstone, Mont. Applicant is authorized to conduct operations in California, Idaho, Illinois, Minnesota, Montana, Nevada, Oregon, South Dakota, Utah, Washington, and Wisconsin.

HEARING: January 22, 1958, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner David Waters.

No. MC 50132 (Sub No. 34), filed October 25, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *common or contract carrier*, over irregular routes, transporting: *Lumber*, semi-dimensions and dimension, from points in Arkansas, Illinois, Kentucky, Missouri, North Carolina, and Tennessee, to points in Iowa, Missouri, and Nebraska, and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 50132. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: January 28, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner William E. Messer.

No. MC 50132 (Sub No. 35), filed October 25, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *common or contract carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission in *Motor Carrier Certificates*, 61 M. C. C. 209, 272, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to Bastrop, Delhi, Lake Providence, Mer Rouge, Oak Grove, Rayville, Tallulah, and Winnsboro, La., and Eudora, Ark., and *empty containers or other such incidental facilities* used in transporting the commodities specified, and *items* used by meat-packers in the conduct of their business when destined to meat packers, from the above-described destination points to points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 50132. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: January 27, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner William E. Messer.

No. MC 50132 (Sub No. 36), filed November 1, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *common or contract carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles distributed by meat-packing houses*, as defined by the Commission, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to New Orleans, Cutoff, Golden Meadows, Gibson, Houma, Lockport, Raceland, Morgan City, and Thibodeaux, La., and *empty containers or other such incidental facilities* (not specified), and *items* used in transporting the commodities specified, and items used by meat-packers in the conduct of their business when destined to meat-packers, from the above described destination points to points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone.

NOTE: Applicant is authorized to conduct contract carrier operations in Permits No. MC 50132. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: January 22, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 50404 (Sub No. 54), filed October 23, 1957, THE MAXWELL CO., a Corporation, 2200 Glendale - Milford Road, Cincinnati, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sulphuric acid, rosin sizing* and *sulphate of aluminum*, in bulk, in tank vehicles, from Hamilton, Ohio, to points in Indiana, and to Newport, Ky., and *empty containers or other such incidental facilities* (not specified) on return: Applicant is authorized to transport rosin sizing in Michigan and Ohio, and other specified commodities in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: January 21, 1958, at the New Post Office Building., Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 56082 (Sub No. 20), filed August 15, 1957, DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Cleveland, Ohio, to all points in Tioga County, Pa.; and *empty malt beverage containers*, from the above-specified destination points to Cleveland, Ohio. Applicant is authorized to transport the commodities specified in New Jersey, New York, Ohio, and Pennsylvania; and other commodities in New York and Pennsylvania.

HEARING: January 9, 1958, at the Fulton Building, 101–115 Sixth Street, Pitsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 56082 (Sub No. 21), filed September 3, 1957, DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from points in Wayne County, Mich., to points in New York and Pennsylvania, and *empty malt beverage containers* on return. Applicant is authorized to conduct operations in New Jersey, New York, Ohio, and Pennsylvania.

HEARING: January 10, 1958, at the Federal Building, Detroit, Mich., before Examiner Richard H. Roberts.

No. MC 63562 (Sub No. 32), filed November 20, 1957, NORTHERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East Fifth Street, St. Paul, Minn. Applicant's attorneys and representative: Joseph L. Thomas, Atty., Old National Bank Building, Spokane, Wash., H. K. Bradford, Jr., Atty., 176 East Fifth Street, St. Paul, Minn., Lelland M. Cowan, Reg. Practitioner, 425 Burlington Avenue, Billings, Mont. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *those of unusual value, commodities in bulk*, and *those requiring special equipment*, but excluding, Class A and B explosives and household goods as defined by the Commission. Route 1. Between Missoula, Mont., and Portland, Oreg., as follows: from Missoula, Mont., over U. S. Highway 10 to Seattle, Wash., thence over U. S. Highway 99 to Portland, Oreg., and return over the same route, serving all intermediate points, except Huron and Alberton, Mont.; Kellogg, Smelterville, Osburn, Kingston, and Cataldo, Idaho; Opportunity, Dishman, Moses Lake, Burke, Vantage, Kittitas, and Hyak, Wash., serving the off-route points of Burke and Bunn, Idaho; Warden, Wheeler, Roslyn, Ronald, Napavine, Winlock, Vador, Castle Rock, Longview, Ridgefield, Yacolt, and Battle Ground, Wash. Route 1A. Between Missoula, Mont., and Portland, Oreg., as follows: from Missoula, Mont., over U. S. Highway 10 to junction with U. S. Highway 10A, thence over U. S. Highway 10A to Athol, Idaho, thence over unnumbered highway to Rathdrum, Idaho, thence over Idaho Highway 53 to Idaho-Washington State line, thence over unnumbered highway to Otis Orchards, Wash., thence over Washington Highway 2H to Spokane, Wash., thence over U. S. Highway 395 to Pasco, Wash., thence over U. S. Highway 410 to Prosser, Wash., thence over Washington Highway 3A to Union Gap, Wash., thence over U. S. Highway 410 to Yakima, Wash., thence U. S. Highway 97 to Ellensburg, Wash., thence over U. S. Highway 10 to Seattle, Wash., thence over U. S. Highway 99 to Portland, Oreg., and return over the same route, serving all intermediate points, serving the off-route points of Cunningham, Hatton, Mesa, Harrah, White, Swan, Selah, Naches, Thorp, Tieton, and Richland, Wash. Alternate Route 1B. Alternate route for operating convenience only, between Pasco, Wash., and Portland, Oreg., as follows: from Pasco, Wash., over U. S. Highway 395 to junction with U. S. Highway 730, thence over U. S. Highway 730 to Boardman, Oreg., thence over U. S. Highway 30 to Portland, Oreg., and return over the same route, serving no intermediate points. Alternate Route 1C, for operating convenience only, between Toppenish, Wash., and Portland, Oreg., as follows: From Toppenish, Wash. over U. S. Highway 97 to Maryhill, Wash., thence over U. S. Highway 197 to junction with U. S. Highway 30 (near The Dalles, Oreg.), thence over U. S. Highway 30 to Portland, Oreg., and return over the same route, serving no intermediate points. Alternate Route 1D, for operating convenience only, between Athol, Idaho, and Coeur d'Alene, Idaho, as follows: from Athol, Idaho, over U. S. Highway 10A to Coeur d'Alene, Idaho, and return over the same route, serving no intermediate points. Route 2. Between Spokane, Wash., and Pasco, Wash., as follows: From Spokane, Wash., over U. S. Highway 195 to Pullman, Wash., thence over Washington Highway 3 to junction with Idaho Highway 8, thence over Idaho Highway 8 to Moscow, Idaho, thence over U. S. Highway 95 to Lewiston, Idaho, thence over U. S. Highway 410 to Pasco, Wash., and return over the same route, serving all intermediate points except Pomeroy, Zumwalt, Houser, Dodge, Chard, Delaney, Whitman, Lowden, and Touchet, Wash., serving the off-route points of Genesee, Troy, Kendrick, and Jullaetta, Idaho; Colton and Uniontown, Wash. Alternate Route 2A, for operating convenience only, between Waitsburg, Wash., and Pasco, Wash., as follows: From Waitsburg, Wash., over Washington Highway 3E to junction with Washington Highway 3D, thence over Washington Highway 3D to Pasco, Wash., and return over the same route, serving no intermediate points. Route 3. Between Walla Walla, Wash., and Pendleton, Oreg., as follows: From Walla Walla, Wash., over Washington Highway 3 to junction with Oregon Highway 11, thence over Oregon Highway 11 to Pendleton, Oreg., and return over the same route, serving the intermediate points of Milton-Freewater and Athena, Oreg. Route 3A. Between Wallula, Wash., and Pendleton, Oreg., as follows: From Wallula, Wash., over U. S. Highway 395 to Pendleton, Oreg., and return over the same route, serving no intermediate points. Route 4. Between Spokane, Wash., and Coulee City, Wash., as follows: From Spokane, Wash., over U. S. Highway 10 to Flour Lakes, Wash., thence over unnumbered highway via Medical Lake, Wash., to junction with U. S. Highway 2, thence over U. S. Highway 2 to Coulee City, Wash., and return over the same route, serving all intermediate points, and the off-route point of Eleanor, Wash. Route 5. Between Seattle, Wash., and Sumas, Wash., as follows: From Seattle, Wash., over Washington Highway 2 to Woodinville, Wash., thence over Washington Highway 1A to Snohomish, Wash., thence over Washington Highway 15 to Everett, Wash., thence over U. S. Highway 99 to junction with Washington Highway 1E, thence over Washington Highway 1E to Arlington, Wash., thence over Washington Highway 1A to Sumas, Wash., and return over the same route, serving all intermediate points, and the off-route points of Hartford, Darrington, and Bellingham, Wash., Alternate Route 5A, for operating convenience only. Between Seattle, Wash., and Bellingham, Wash., as follows: From Seattle, Wash., over U. S. Highway 99 to Bellingham, Wash., and return over the same route, serving no intermediate points. Route 6. Between Seattle, Wash., and Tacoma, Wash., as follows: From Seattle, Wash., over Washington Highway 5 to Tacoma, Wash., and return over the same route, serving all intermediate points. Route 7. Between Renton, Wash., and North Bend, Wash., as follows: From Renton, Wash., over Washington Highway 2A to Woodinville, Wash., thence over Washington Highway 2 to North Bend, Wash., and return over the same route, serving all intermediate points. Route 8. Between Tacoma, Wash., and Hoquiam, Wash., as follows: From Tacoma, Wash., over U. S. Highway 99 to Olympia, Wash., thence over U. S. Highway 410 to Hoquiam, Wash., and return over the same route, serving all intermediate points and the off-route points of Nisqually, Lacey, Steilacoom and McChord Field, Wash. Alternate Route 8A, for operating convenience only. Between Tacoma, Wash., and Bremerton, Wash., as follows: From Tacoma, Wash., over Washington Highway 14 to Bremerton, Wash., and return over the same route, serving no intermediate points. Route 8B. Between Tacoma, Wash., and Centralia, Wash., as follows: From Tacoma, Wash., over Washington Highway 5 to junction with Washington Highway 5H, thence over Washington Highway 5H to Tenino, Wash., thence over Washington Highway 1N to Centralia, Wash., and return over the same route, serving the intermediate points of Roy, Yelm Rainier, and Tenino, Wash. Route 8C. Between Tacoma, Wash., and Auburn, Wash., as follows: From Tacoma, Wash., over Washington Highway 5 to junction with unnumbered highway, thence over unnumbered highway to junction with Washington Highway 5 (east of South Prairie, Wash.), thence over Washington Highway 5 to Auburn, Wash., and return over the same route, serving all intermediate points, and the off-route points of Wilkeson and Carbonado, Wash. Route 9. Between South Bend, Wash., and Hoquiam, Wash., as follows: From South Bend, Wash., over Washington Highway 12 to Chehalis, Wash., thence over U. S. Highway 99 to Centralia, Wash., thence over Washington Highway 9 to Elma, Wash., thence over U. S. Highway 410 to Hoquiam, Wash., and return over the same route, serving all intermediate points, and the off-route points of Carlisle, Pacific Beach, Copalis, Moclips, and Markham, Wash. Alternate Route 9A, for operating convenience only, between South Bend, Wash., and Hoquiam, Wash., as follows: From South Bend, Wash., over U. S. Highway 101 to Hoquiam, Wash., and return over the same route, serving no intermediate points. Route 10. Between Tumwater, Wash. and Bremerton, Wash., as follows: From Tumwater, Wash., over U. S. Highway 101 to Shelton, Wash., thence over Washington Highway 14A to junction with Washington Highway 14, thence over Washington Highway 14 to junction with Washington Highway 21, thence over Washington Highway 21 to Bremerton, Wash., and return over the same route, serving the intermediate point of Sheldon, and the off-route point of Bangor, Wash. Alternate Route 10A, for operating convenience only. Between Shelton, Wash., and McCleary, Wash., as follows: From Shelton, Wash., over U. S. Highway 101 to junction with Washington Highway 9D, thence over Washington Highway 9D to McCleary, Wash., and return over the same route, serving no intermiate points.

NOTE: The purpose of application is to provide a motor carrier service which is auxiliary and supplemental to the train service of the Northern Pacific Railway Company and the Walla Walla Valley Railway (a wholly owned subsidiary of the Northern Pacific Railway Company) with key points of Spokane and Seattle, Wash., and Portland, Oreg., and serving no points that are not stations on the Northern Pacific Railway and the Walla Walla Valley Railway and in connection with present authorities of Northern Pacific Transport Company in MC–63562 and all subs.

PRE-HEARING CONFERENCE: December 14, 1957, at the Davenport Hotel, Spokane, Wash., Examiner John P. McCarthy presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) the possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their direct testimony including: (a) Their present operating authority, (b) Their corporate organizations, if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities and (e) Supporting shippers; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters which will serve to expedite or simplify the hearing or aid the Commission's handling of the application.

No. MC 76177 (Sub No. 262), filed November 5, 1957, BAGGETT TRANSPORTATION COMPANY, a Corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, blasting materials, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, 1. Between Atlanta, Ga., and junction U. S. Highway 78 and Alabama Highway 202 (Branch 78) 12 miles southwest of Anniston, Ala., from Atlanta over Georgia Highway 166 to junction Georgia Highway 92, thence over Georgia Highway 92 to Douglasville, Ga., thence over U. S. Highway 78 to junction Alabama Highway 202 (Branch 78) 12 miles southwest of Anniston, Ala., for purposes of joinder only with U. S. Highway 78, and return over the same route, serving no indtermediate points; and 2. Between Anniston, Ala., and Oxford, Ala., from Anniston over Alabama Highway 11 to Oxford, and return over the same route, serving no intermediate points. Proposed operations are in connection with applicant's authorized regular route operations between Birmingham, Ala., and Atlanta, Ga., and between Birmingham, Ala., and Gadsden, Ala.

NOTE: Applicant holds contract carrier authority in Permit No. MC 89778 and Subs thereunder. Section 210, dual operations, may be involved.

HEARING: January 23, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 76177 (Sub No. 263), filed November 5, 1957, BAGGETT TRANSPORTATION COMPANY, a Corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, blasting supplies, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Montgomery, Ala., and Phenix City, Ala., from Montgomery over U. S. Highway 80 to Phenix City, and return over the same route, serving no intermediate points, in connection with applicant's authorized regular route operations between Montgomery, Ala., and Eufaula, Ala., and between Columbus, Ga., and Troy, Ala.

NOTE: Applicant holds contract carrier authority in Permit No. MC 89778 and Subs thereunder. Section 210, dual operations, may be involved.

HEARING: January 23, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 89811 (Sub No. 1), filed September 16, 1957, LOUISVILLE AND NASHVILLE RAILROAD COMPANY, a Corporation, 908 West Broadway, Louisville 1, Ky. Applicant's attorney: James W. Hoeland, Law Department, Louisville and Nashville Railroad Company (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, Beginning and ending at Nashville, Tenn., as follows: (1) from Nashville over U. S. Highway 41 to Hopkinsville, Ky., thence over U. S. Highway 41–A to Clarksville, Tenn., thence continuing over U. S. Highway 41–A to junction Tennessee Highway 49, thence over Tennessee Highway 49 to Springfield, Tenn., thence over U. S. Highway 431 to Nashville, and return over the same route, serving, in addition to all points mentioned, the intermediate points of Goodlettsville and Springfield, Tenn., Guthrie and Trenton, Ky., and the off-route point of St. Bethlehem, Tenn. (via U. S. Highway 79 from Clarksville, Tenn.) (2) from Nashville over U. S. Highway 31–W to Bowling Green, Ky., thence over U. S. Highway 231 to Scottsville, Ky., thence continuing over U. S. Highway 231 to junction Tennessee Highway 25, thence over Tennessee Highway 25 to Hartsville, Tenn., thence continuing over Tennessee Highway 25 to Gallatin, Tenn., thence over U. S. Highway 31–E to Nashville, and return over the same route, serving, in addition to all points mentioned, the intermediate points of Franklin, Ky., and Madison and Westmoreland, Tenn., and the off-route points of Portland, Tenn. (via Tennessee Highway 52 from its junction with U. S. Highway 31–W), and Woodburn, Ky. (via Kentucky Highway 240 from its junction with U. S. Highway 31–W). (3) from Nashville over U. S. Highway 31 to Columbia, Tenn., thence over U. S. Highway 43 to junction Tennessee Highway 20, thence over Tennessee Highway 20 to Hohenwald, Tenn., thence over Tennessee Highway 48 to junction Tennessee Highway 100, thence over Tennessee Highway 100 to junction Tennessee Highway 46, thence over Tennessee Highway 46 to Dickson, Tenn., thence over U. S. Highway 70 to Nashville, and return over the same route, serving in addition to all points mentioned, the intermediate points of Franklin, Mt. Pleasant, Rockdale, Colesburg, and Centerville, Tenn., and the off-route points of Lyles, Tenn. (via an unnumbered highway from its junction with Tennessee Highway), Burns, Tenn. (via Tennessee Highway 96 from its junction with Tennessee Highway 46), and Belleview, Tenn. (via an unnumbered highway from its junction with U. S. Highway 70). (4) from Nashville over U. S. Highway 41 to Manchester, Tenn., thence over Tennessee Highway 55 to McMinnville, Tenn., thence over U. S. Highway 70–S to Sparta, Tenn., thence over Tennessee Highway 26 to junction U. S. Highway 70–N, thence continuing over U. S. Highway 70–N to Nashville, and return over the same route, serving, in addition to all points mentioned, the intermediate points of Smyrna, Lavergne, Florence, Morrison, and Murfreesboro, Tenn., and the off-route points of Summitville, Tenn. (via an unnumbered highway from its junction with Tennessee Highway 55), and Rowland, Tenn. (via an unnumbered highway from its junction with U. S. Highway 70–S) (5) from Nashville, Tenn., over U. S. Highway 41–A to Winchester, Tenn., thence over U. S. Highway 64 to Fayetteville, Tenn., thence over U. S. Highway 231 to Shelbyville, Tenn., thence over U. S. Highway 41–A to Nashville, Tenn., and return over the same route, serving, in addition to all points mentioned, the intermediate point of Tullahoma, Tenn., and the off-route points of Wartrace, Tenn. (via Tennessee Highway 64 from its junction with U. S. Highway 41–A), Decherd, Tenn. (via Tennessee Highway 50 from its junction with U. S. Highway 41–A), Cowan, Tenn. (via U. S. Highway 64 from its junction with U. S. Highway 41–A), and Huntland, Tenn. (via Tennessee Highway 97 from its junction with U. S. Highway 64) (6) Between Nashville, Tenn., and Sheffield, Ala., from Nashville over U. S. Highway 31–A to Pulaski, Tenn., thence over U. S. Highway 64 to Lawrenceburg, Tenn., thence over U. S. Highway 43 to Sheffield, and return over the same route, serving, in addition to all points mentioned, the intermediate points of College Grove, Chappel Hill, Lewisburg, and Loretto, Tenn., and Florence, Ala., and the off-route points of Iron City, Tenn. (via an unnumbered highway from the junction of that highway with U. S. Highway 43), and Wales, Tenn. (via an unnumbered highway from the junction of that highway with U. S. Highway 64) (7) Between Lewisburg, Tenn., and Pulaski, Tenn., from Lewisburg over U. S. Highway 31–A to junction Tennessee Highway 129, thence over Tennessee Highway 129 to junction U. S. Highway 31, thence over U. S. Highway 31 to Pulaski, and return over the same route, serving the intermediate point of Lynnville, Tenn. (8) Beginning and ending at Decatur, Ala., from Decatur over U. S. Highway 31 to Cullman, Ala., thence over U. S. Highway 278 to junction Alabama Highway 32, thence over Alabama Highway 32 to junction Alabama Highway 168, thence over Alabama Highway 168 to junction U. S. Highway 431, thence over U. S. Highway 431 to Huntsville, Ala., thence over U. S. Highway 72 to Athens, Ala., thence over Alabama Highway 127 to Elkmont, Ala., thence over an unnumbered highway to junction U. S. Highway 31, thence over U. S. Highway 31 to Ardmore, Tenn.-Ala., thence over U. S. Highway 31 to Decatur, and return over the same route, serving, in addition to all points mentioned, the intermediate points of Hartselle, Falkville, Boaz, Albertville, and Guntheraville, Ala., and the off-route points of Normal, Ala. (via U. S. Highway 431 from Huntsville), and Chase, Ala. (via an unnumbered highway from Normal) (9) Between Guntersville, Ala., and Huntsville, Ala., from Guntersville over U. S. Highway 431 to junction County Highway 8, thence over County Highway 8 through Hobbs Island, Ala., to junction U. S. Highway 231, thence over U. S. Highway 231 to Huntsville, and return over the same route, serving the intermediate point of Hobbs Island, Ala. (10) Between Elizabethtown, Ky., and Madisonville, Ky., from Elizabethtown, over U. S. Highway 31–W to Bowling Green, Ky., thence over U. S. Highway 68 to Russellville, Ky., thence over U. S. Highway 431 to Central City, Ky., thence over U. S. Highway 62 to Nortonville, Ky., thence over U. S. Highway 41 to Madisonville, and return over the same route, serving, in addition to all points mentioned, the intermediate points of Sonora, Upton, Bonnieville, Mumfordsville, Rowletts, Horse Cave, Cave City, Park City, Rocky Hill, Bristow, Auburn, Epleys, Edwards, Lewisburg, Wolf Lick, Dunmor, Belton, Browder, Drakesboro, Mondray, Bevier, Mortons Gap, and Earlington, Ky., and the off-route points of Glendale and Homeland, Ky. (via an unnumbered highway from its junction with U. S. Highway 31–W), Smiths Grove, Ky. (via Kentucky Highway 101 from its junction with U. S. Highway 31–W), Oakland, and Sunnyside, Ky. (via an unnumbered highway from its junction with U. S. Highway 31–W), Beech Creek, Ky. (via Kentucky Highway 246 from its junction with U. S. Highway 431), and Moorman, Ky. (via U. S. Highway 431 from Central City). Applicant is authorized to conduct operations in Kentucky and Tennessee.

NOTE: Route (10) herein is numbered 8, in the application and applicant states this route is a modification of present authority. Applicant also states all points for which authority is sought are now served by applicant in its operation as a common carrier by railroad.

HEARING: January 13, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 284, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 92983 (Sub No. 256), filed September 19, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from Chicago, Ill., and points in Illinois and Indiana within 50 miles of Chicago, to points in Iowa, Kansas, Missouri, Minnesota, and Nebraska. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kansas, Indiana, Minnesota, Ohio, Arkansas, Kentucky, Louisiana, North and South Carolina, Florida, Tennessee, Michigan, New York, Texas, North and South Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, and Alabama.

HEARING: January 8, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 92983 (Sub No. 258), filed October 18, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Non-edible oils, vegetable oils, fish oils, sea animal or animal oils* and/or *derivatives* or *blends thereof including, but not limited to, paint oils* or *varnish oils* and *fatty acids; synthetic resins, surface coating resin compounds*, and *ester gum*, in bulk, in tank vehicles, from Valley Park, Mo., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

HEARING: January 23, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner William E. Messer.

No. MC 92983 (Sub No. 259), filed October 21, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from points in Alabama, Florida, Georgia, and Mississippi, to Memphis, Tenn. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kansas, Indiana, Minnesota, Ohio, Arkansas, Kentucky, North and South Carolina, Florida, Louisiana, Tennessee, Michigan, New York, Texas, North and South Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, and Alabama.

HEARING: January 20, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 99957, GRAY & SON, INCORPORATED, 1918, North Eighth Street, Paducah, Ky. Assigned for hearing to determine whether the motor vehicle operations of the said carrier are and will be managed and operated in a common interest, management, and control with those of Ollie Gray and Courtney Gray, doing business as Gray & Son Truck Lines, and those of M. P. & St. L. Express, Inc., multiple-State operators under Certificates Nos. MC 108697 and MC 115169, respectively, and of the eligibility of the said GRAY & SON, INCORPORATED, to engage in operations in interstate or foreign commerce within the State of Kentucky, under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

HEARING: January 9, 1958, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Examiner Alton R. Smith.

No. MC 103051 (Sub No. 37), filed October 25, 1957, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonium sulfide*, in bulk, in tank vehicles, from Cartersville, Ga., to Elizabethton and Knoxville, Tenn. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, South Carolina, and Tennessee.

HEARING: January 17, 1958, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 238, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 103378 (Sub No. 94), filed September 30, 1957, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas, anhydrous ammonia and nitrogen solutions*, in bulk, in tank vehicles, and agricultural products, naval stores, sugar (raw, beet and cane sugar), *feed stuff for livestock, sand, gravel*, and *crushed stone, fertilizers, cement* and *lime, coal, flour, sulphur, clays of all kinds*, in bulk, in hopper or dump type vehicles, from points in Decatur County, Ga., to all points in Georgia, Florida, and Alabama. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: Duplication with present authority to be eliminated.

HEARING: January 15, 1958, at Peachtree-Seventh Bldg., 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 103583 (Sub No. 95), filed October 23, 1957, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Synthetic resins* and *paint oils*, in bulk, in tank vehicles, from Brooker, Fla., to points in Georgia, South Carolina, North Carolina, and Alabama. Applicant is authorized to transport similar commodities in Florida, Georgia and Alabama.

HEARING: January 27, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Michael B. Driscoll.

No. MC 103993 (Sub No. 103), filed October 31, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John

E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from all points in Mississippi (except from the site of the plant of the Magnolia Trailer Manufacturing Company about six miles south of Vicksburg, Miss., on U. S. Highway 61) to all points in the United States. Applicant is authorized to transport trailers throughout the United States.

HEARING: January 27, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Alton R. Smith.

No. MC 104960 (Sub No. 23), filed November 8, 1957, MOTOR FUEL CARRIERS, INC., 404 Elm Avenue, P. O. Box 976, Panama City, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum naphtha*, in bulk, in tank vehicles, from Jacksonville, Fla., to points in Georgia except to Atlanta, Ga. and points within ten (10) miles of Atlanta, and to points located within 200 miles of Jacksonville. Applicant is authorized to transport similar commodities from and to specified points in Florida, Georgia, Alabama, North and South Carolina, and Mississippi.

HEARING: January 29, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 105045 (Sub No. 3), filed October 21, 1957, R. L. JEFFRIES, ELEANOR JEFFRIES, CLYDE R. JEFFRIES, JEAN M. JEFFRIES, ORVILLE E. JEFFRIES AND LUCILLE E. JEFFRIES, doing business as R. L. JEFFRIES TRUCKING COMPANY, 201 South East First Street, Evansville, Ind. Applicant's attorney: Harry E. Yockey, Morris Plan Bldg., Suite 806, 108 East Washington Street., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Indiana, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, New York, District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and Tennessee. Applicant is authorized to transport similar commodities in Indiana, Illinois, Kentucky, West Virginia, Ohio, Michigan, Wisconsin, Iowa, Nebraska, Missouri, Kansas, Arkansas, Oklahoma, Louisiana, Texas, Tennessee, Mississippi, Alabama, Georgia, and Florida.

NOTE: Applicant states it does not seek any duplication of service.

HEARING: January 6, 1958, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 106398 (Sub No. 92), filed October 31, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road (P. O. Box 896 Dawson Station), Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Mississippi to points in the United States. Applicant is authorized to conduct operations in the United States.

HEARING: January 27, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Alton R. Smith.

No. MC 107002 (Sub No. 114), filed October 14, 1957, W. M. CHAMBERS TRUCK LINE, INC., 105 Giuffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Diesel fuel*, in bulk, in tank vehicles, from Birmingham, Ala., to Columbus, Miss., and points within ten (10) miles thereof. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 27, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 107128 (Sub No. 9), filed October 21, 1957, FAST FREIGHT, INC., 2612 West Morris Street, Indianapolis 21, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Empty glass containers*, with or without closures, and *empty fiberboard cartons*, knocked down, when shipped in mixed truckloads with shipments of empty glass containers, from Dunkirk, Ind., to points in Kentucky. *Refused, rejected or returned shipments* of the articles described above, from points in Kentucky to Dunkirk, Ind. (2) *Glassware*, with or without closures, *empty fiberboard cartons*, knocked down, when shipped in mixed truckloads with shipments of empty glass containers, from Vienna, W. Va., to points in Kentucky, those in Wisconsin north of Wisconsin Highway 54 and west of Wisconsin Highway 80, and those in Iowa north of U. S. Highway 34 and west of U. S. Highway 218, and *refused, rejected or damaged shipments* on return. (3) *Glassware*, with or without closures, *empty fiberboard cartons*, knocked down, when shipped in mixed truckloads with shipments of empty glass containers, from Winchester, Ind., to points in Kentucky, and *empty pallets, refused, rejected or damaged shipments* on return. (4) *Glassware*, with or without closures, *empty fiberboard cartons*, knocked down, when shipped in mixed truckloads with shipments of empty glass containers, from Lapel, Ind., to St. Paul and Minneapolis, Minn., and *empty pallets, refused, rejected or damaged shipments* on return. (5) *Glassware*, with or without closures, *empty fiberboard cartons*, knocked down, when shipped in mixed truckloads with shipments of empty glass containers, (a) from Gas City, Ind., to points in Kentucky, Wisconsin, Iowa, Missouri, those in the Upper Peninsula of Michigan and those in the Lower Peninsula of Michigan, north of a line extending from Bay City over Michigan Highway 20 to junction with Michigan Highway 82, thence over Michigan Highway 82 to Shelby, Mich., thence over unnumbered highway through Little Point Sable to Lake Michigan, except Bay City, Mich., and Minneapolis and St. Paul, Minn., and *empty pallets, refused, rejected or damaged shipments* on return. (b) From Marion, Ind., to points in Kentucky. (c) From Muncie, Ind., to points in Kentucky, Wisconsin, and West Virginia. Applicant is authorized to transport various commodities in Illinois, Indiana, Iowa, Kentucky, Ohio, Pennsylvania, Michigan, Missouri, West Virginia, and Wisconsin.

HEARING: January 14, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No MC 108053 (Sub No. 20), filed October 25, 1957, LITTLE AUDREY'S TRANSPORTATION COMPANY, INC. (Registered Office: Simms Building, Albuquerque, N. Mex.), P. O. Box 310, Fremont, Nebr. Applicant's attorney: Erle W. Francis, Veterans of Foreign Wars Building, 214 West Sixth Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by packing houses*, as defined by the Commission, from York, Nebr., to Phoenix and Tucson, Ariz., Salt Lake City, Utah, Denver, Colo., Las Vegas and Reno, Nev., and to points in California, Washington, and Oregon, and *damaged and rejected shipments* of the above-specified commodities and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, New Mexico, South Dakota, and Texas.

HEARING: January 13, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner William E. Messer.

No. MC 109637 (Sub No. 58), filed November 4, 1957, GASOLINE TRANSPORT CO., a Corporation, 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Denatured rum*, from Covington, Ky., to Richmond, Va. Applicant is authorized to transport commodities other than rum in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louiciana, Michigan, Minnesota,

Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: January 10, 1958, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Examiner Alton R. Smith.

No. MC 109637 (Sub No. 59), filed November 4, 1957, GASOLINE TRANSPORT CO., a Corporation, 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Covington, Ky., to points in Ohio. Applicant is authorized to transport petroleum and petroleum products in Illinois, Indiana, Kentucky, Ohio, and Tennessee.

HEARING: January 10, 1958, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 109914 (Sub No. 13), filed August 28, 1957, DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo 9, Ohio. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defind by the Commission, commodities in bulk, and commodities requiring special equipment, serving the intermediate point of Deerfield, Mich., in connection with applicant's authorized regular route operations between Adrian, Mich., and Petersburg, Mich., over unnumbered highway; and also between Blissfield, Mich., and Deerfield, Mich., over unnumbered highway. Applicant is authorized to transport general commodities in Illinois, Indiana, Michigan and Ohio.

HEARING: January 15, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 110284 (Sub No. 5), filed October 22, 1957, H. W. MILLER TRUCKING COMPANY, a Corporation, Hillsboro Road, Durham, N. C. Applicant's attorney: A. W. Flynn, Jr., 201–204 Jefferson Building, Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Clay and shale products*, from points within sixty (60) miles of Durham, N. C., including Durham, to points in Virginia on and east of U. S. Highway 29; and (2) *Fertilizer* and *fertilizer materials*, from Hopewell, Va., to points in Rockingham, Guilford, Alamance, Caswell, Orange, Durham, Chatham, Person, Granville, Davie, Yadkin, Wake, Forsyth, Stokes, Surry, Iredell, Davidson, Lincoln, Cleveland, Rowan, Lee, Harnett, Warren, Franklin, Halifax, Catawba, and Alexander Counties, N. C., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Georgia, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: January 7, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 7, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 110486 (Sub No. 9), filed October 14, 1957, WALTER PITTS, 301 South Fifth Street, P. O. Box 807, West Memphis, Ark. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, (except pipe, pipeline material, machinery, equipment and supplies incidental to and used in connection with the construction, dismantling and repairing of pipelines), the transportation of which because of size or weight require the use of special equipment, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, between Memphis, Tenn., and points within 25 miles thereof, on the one hand, and, on the other points in Mississippi and Louisiana. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Oklahoma, Tennessee, and Wisconsin.

HEARING: January 23, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 110525 (Sub No. 347), filed October 23, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Kerosene*, in bulk, in tank vehicles, from Columbia Park (Hamilton County), Ohio to Springdale, Pa. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 8, 1958, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 110659 (Sub No. 12), filed September 16, 1957, COMMERCIAL CARRIERS, INC., P. O. Box 366, 203 Welch Street, Charleston, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Cleveland, Ohio, to Bluefield, Huntington, Welch, Logan, Beckley, and Williamson, W. Va., (2) from Cincinnati, Ohio, to Bluefield, Beckley, Huntington, and Logan, W. Va., (3) from Columbus, Ohio, to Charleston, Huntington, Beckley, Williamson, Bluefield, and Welch, W. Va., (4) from Pittsburgh, Pa., to Rainelle and Logan, W. Va., (5) from St. Louis, Mo., to Beckley, Bluefield, Charleston, and Welch, W. Va., and (6) from Louisville, Ky., to Beckley, Bluefield, Welch, Williamson, and Logan, W. Va. *Empty containers or other such incidental facilities* (not specified) used in transporting malt beverages from the above-specified destination points to the above-designated origin points. Applicant is authorized to conduct regular route operations in Indiana, Kentucky, Missouri, Ohio, and West Virginia, and irregular route operations in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia.

HEARING: January 24, 1958, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Examiner Richard H. Roberts.

No. MC 111326 (Sub No. 4), filed November 5, 1957, WARREN TRANSPORT, INC., 224 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Agricultural machinery and implements*, and *tractors*, and *attachments and parts* for agricultural machinery and implements, and tractors; (2) *assemblies and component parts* for agricultural machinery and implements, tractors, and attachments for agricultural machinery and implements, and tractors; and (3) *machinery, equipment, material and supplies* used in the assembly, manufacture and distribution of agricultural machinery and implements, tractors, and attachments for agricultural machinery and implements, and tractors, between Moline and East Moline, Ill., Dubuque, Waterloo, Ottumwa, and Des Moines, Iowa, and points within six miles of Des Moines, on the one hand, and on the other, the port of entry on the International Boundary between the United States and Mexico at Laredo, Tex.

HEARING: January 7, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 112069 (Sub No. 6), filed October 17, 1957, LIPSMAN-FULKERSON & COMPANY, 314 South 11th Street, Omaha, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Trust Building, Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products* as defined in Part A of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 as modified in 61 M. C. C. 766; and *pies*, including but not limited to meat, poultry, fish or shell fish, with vegetables, baked, partly baked, or unbaked, frozen in boxes, from York, Nebr., to points in Oregon, Washington, and California. Applicant is authorized to conduct operations in Wisconsin, Minnesota, Iowa, California, Oregon, Washington, Kansas, Missouri, Nebraska, and Illinois.

HEARING: January 13, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner William E. Messer.

No. MC 112173 (Sub No. 12), filed November 19, 1957, BOYD E. RICHNER, INC., 404 Third Avenue, Durango, Colo. Applicant's attorney: John H. Lewis, Stockton, Linville & Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common*

carrier, over irregular routes, transporting: *Ore concentrates*, from points in McKinley, Valencia and San Juan Counties, N. Mex., to points within 25 miles of Grand Junction, Colo., including Grand Junction, and *damaged or rejected shipments* of ore concentrates on return. Applicant is authorized to conduct regular route operations in Colorado and Wyoming, and irregular route operations in Colorado, New Mexico, Utah, and Wyoming.

HEARING: December 11, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 112303 (Sub No. 1), filed September 11, 1957, MELTON MOTOR COMPANY, INC., Belleville, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between points in Kansas, on the one hand, and, on the other, points in Texas, Oklahoma, and Colorado, and *trailers* and *repossessed automobiles*, between points in Kansas, on the one hand, and, on the other, points in Iowa, Missouri, Nebraska, South Dakota, Texas, Oklahoma, and Colorado. Applicant is authorized to transport wrecked and disabled motor vehicles between points in Kansas, on the one hand, and, on the other, points in Iowa, Missouri, Nebraska, and South Dakota.

HEARING: January 20, 1958, at the Hotel Kansan, Topeka, Kans., before Examiner William E. Messer.

No. MC 112497 (Sub No. 101), filed October 7, 1957, HEARIN TANK LINES, INC., 6440 Rawlins Street, P. O. Box 3096, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals* (except liquid caustic soda), in bulk, in tank vehicles, from McIntosh, Ala., to points in Tennessee, South Carolina, Georgia, and Florida, except muriatic acid to Cartersville, Ga., and Port St. Joe, Fla. Applicant is authorized to transport the commodities specified in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, and other commodities in each of those States and in California, Illinois, Indiana, Kentucky, Missouri, New York, North Carolina, Ohio, and South Carolina.

HEARING: January 20, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Examiner Michael B. Driscoll.

No. MC 112520 (Sub No. 17), filed October 11, 1957, SOUTH STATE OIL CO., New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid naval stores, naval stores products* and *products* and *by-products* derived or manufactured therefrom, including but not limited to: *rosin, molten, wood, printing ink* or otherwise; *resin* and *resinous compounds, synthetic* or otherwise; *ester gum solution; gum turpentine; pinene; resinous oils; tall oil, tall oil products*, and *zinc resinates*, in bulk, in tank vehicles, (1) from Mobile, Ala., and points within 10 miles thereof to Pensacola, Fla., and points within 10 miles thereof; (2) from Pensacola, Fla., and points within 25 miles thereof to Bay Minette, Ala., and points within 5 miles thereof. Applicant is authorized to conduct operations in Mississippi, Alabama, Florida, Georgia, and Arkansas.

HEARING: January 21, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 112617 (Sub No. 34), filed October 21, 1957, LIQUID TRANSPORTERS, INC., P. O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, as described by the Commission in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, 294, in bulk, in tank vehicles, between Siloam, Greenup County, Ky., and points within ten miles of Siloam, on the one hand, and, on the other, points in Delaware, Georgia, Indiana, Kentucky, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to transport petroleum products in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: January 22, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 112701 (Sub No. 3), filed November 1, 1957, JAMES HORACE NOWLIN, doing business as J. H. NOWLIN, P. O. Box 637, Burnsville, N. C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feldspar*, in bulk, in special equipment, from points in Yancy and Mitchell Counties, N. C., to Hapeville, Ga. Applicant is authorized to transport ground mica in Alabama, Delaware, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and West Virginia.

HEARING: January 8, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 112701 (Sub No. 4), filed November 4, 1957, JAMES HORACE NOWLIN, doing business as J. H. NOWLIN, P. O. Box 637, Burnsville, N. C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dry ground mica*, from points in Yancy and Mitchell Counties, N. C., to points in Louisiana, Texas, Oklahoma, Illinois, Indiana, Florida, Alabama, Mississippi, New Mexico, and Missouri, Tigo and Wilmington, N. Dak., Craig, Colo., Niagara Falls and Fulton, N. Y., Lockland, Cincinnati, Franklin, and Cleveland, Ohio, Savannah, Ga., Baltimore, Md., East Rutherford and Perth Amboy, N. J., Joliet and Summit, Ill., Tuscaloosa, Ala., Charleston, W. Va., Detroit, Mich., Edgemoor, Del., Erie and York, Pa., Louisville, Ky., Memphis, Tenn., and Newport News, Va. Applicant has authority to transport dry ground mica from Newdale, N. C., to specified points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, and to points in Louisiana, Oklahoma, and Texas. Duplication with present authority to be eliminated.

HEARING: January 8, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Michael B. Driscoll.

No. MC 112796 (Sub No. 2), filed July 11, 1957, ELMER G. bRAKE, doing business as BRAKE & COMPANY, North Fourth and Baltimore Avenue, Clarksburg, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glassware, glass containers*, and *glass*, from Clarksburg and Grafton, W. Va., to points in Illinois. Applicant is authorized to transport similar commodities in West Virginia and Michigan.

HEARING: January 23, 1958, at the City Council Chamber City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Richard H. Roberts.

No. MC 113255 (Sub No. 2), filed October 14, 1957, MILK TRANSPORT, INC., P. O. Box 398, New Brighton, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid paraffin wax*, from West Lake Charles, La., Beaumont, Tex., and Ponca City, Okla., and points within ten miles of each, to points in Minnesota, North Dakota, South Dakota, and those in Iowa on and north of U. S. Highway 30 and those in Wisconsin on and east of U. S. Highway 51. Applicant is authorized to transport other commodities in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, and Texas.

HEARING: January 24, 1958, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner David Waters.

No. MC 113255 (Sub No. 3), filed October 21, 1957, MILK TRANSPORT, INC., Box 398, New Brighton, Minn. Applicant's representative: R. J. Edwards, Mason City Traffic Bureau, 600 Fourth Street SW., P. O. Box 445, Mason City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Juices* (orange, grapefruit, prune, vinegar, pineapple, and vegetable); *Chemical products*, used in the processing of manufactured products by Meat Packing Houses; *Packing House products* and *Chemical Division products* (glue stock, glycerin, greases (animal), lard and lard compounds, lard substitutes, oils (cooking, corn, cottonseed, lard, neatsfoot, oleo, salad, tallow vegetable, oleo stock, soybean, coconut), animal oils, animal fats, vegetable oils and products, and blends thereof); *Dairy products* (condensed milk and ice cream mix); *Alcoholic beverages* (wine); and *beverages*, flavored or phosphated, including extracts, syrups, or food beverages, in bulk, in tank vehicles, between points in Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, and Texas.

NOTE: Duplication with present authority to be eliminated.

HEARING: January 27, 1958, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner David Waters.

No. MC 113617 (Sub No. 9), filed October 17, 1957, L. D. EASTER, E. M. EASTER, M. E. EASTER, L. W. EASTER, L. B. EASTER AND M. M. MORSE, doing business as HIGHWAY TRANSPORT COMPANY, 4143 East 43d Street, Des Moines 17, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses* (as defined in Descriptions in Motor Carrier Certificates, Ex Parte No. MC-45), in secondary movements, by the truckaway method, from Kenosha, Wis., to points in Colorado, Iowa, Kansas, and Nebraska.

HEARING: January 13, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 113651 (Sub No. 15), filed August 30, 1957, INDIANA REFRIGERATOR LINES, INC., 13th and North Elm Streets, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meatpacking houses*, as described by the Commission in Appendix I, 61 MCC 209, from Fremont and Omaha, Nebr., and Sioux City, Iowa, to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Applicant is authorized to conduct similar operations from Muncie and Frankfort, Ind., and Postville, Iowa, to specified points in Indiana, Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Kentucky, Maryland, Missouri, the District of Columbia, Connecticut, Maine, Illinois, Delaware, New Hampshire, and Iowa.

HEARING: January 10, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner William E. Messer.

No. MC 113751 (Sub No. 1), filed October 25, 1957, HAROLD F. DUSHEK, 406 East Lake Street, Waupaca, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Madison, Wis., to points in the Upper Peninsula of Michigan, and points in those portions of Iowa and Minnesota bounded by U. S. Highway 20 from Dubuque, Iowa, to its junction with U. S. Highway 71 near Early, Iowa, thence northward along U. S. Highway 71 to its junction with U. S. Highway 52 near Sauk Centre, Minn., thence eastward along U. S. Highway 52 to its junction with Minnesota Highway 95 at St. Cloud, Minn., thence eastward along Minnesota Highway 95 to the Mississippi River, and thence southward along the Mississippi River to Dubuque, Iowa, including municipalities located on the highways specified.

NOTE: Applicant is authorized to transport fertilizer from Dubuque, Iowa, to specified points in Wisconsin in Certificate MC 113751; applicant also has contract carrier authority in Permits MC 109650 and MC 109650 (Sub No. 7); applicant proposes to file an application for the conversion of said permits to common carriage.

HEARING: January 16, 1958, at the Wisconsin Public Service Comm., Madison, Wis., before Examiner David Waters.

No. MC 113883 (Sub No. 3), filed October 22, 1957, HARVEY BORCHERS, Big Rock, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements* and *parts*, as described in Appendix XII to the report in Descriptions in Motor Carrier Certificates 61 M. C. C. 209, from Hutchinson, Kans., to Wheatland, Iowa. Applicant is authorized to transport other commodities in Illinois, Iowa, Indiana, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

HEARING: January 9, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 113952 (Sub No. 3), filed September 25, 1957, HARVEY SERVICE, INC., 6001 West State Street, Milwaukee, Wis. Applicant's attorney: George D. Young, 935 Empire Building, Milwaukee 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities* as are sold by retail mail order houses, between Milwaukee, Wis., and points in Wisconsin within the territory described as beginning at Marinette, Wis., south on U. S. Highway 41 to Oconto, thence south and west on State Trunk 22 to Shawano thence generally west on state trunk 29 to Wausau, thence generally south on U. S. Highway 51 through Stevens Point to state trunk 54, thence southwest through Wisconsin Rapids to Black River Falls, thence south on state trunk 27 through Sparta, thence south to Prairie du Chien, thence southeasterly along the east line of the Mississippi River to the Wisconsin-Illinois line, thence easterly to the west shore of Lake Michigan, thence generally north along said shore to the City of Two Rivers, thence northwesterly on state trunk 147 to its junction with U. S. Highway 141, thence northwesterly on U. S. Highway 141 through Green Bay to the place of beginning. Applicant is authorized to conduct operations in Illinois and Wisconsin.

HEARING: January 17, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 114070 (Sub No. 2), filed October 30, 1957, WAGONER TRANSPORTATION COMPANY, a Corporation, 755 East Hackley, Muskegon Heights, Mich. Applicant's attorney: John P. Boeschenstein, Hackley Bank Building, Muskegon, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (a) from Escanaba, Mich., and points within fifteen (15) miles thereof, to points in Wisconsin; and (b) from Kewaunee, Wis., to points in the Upper Peninsula of Michigan; and *Damaged shipments* of the above-specified commodities and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-described destination points to the above-specified origin points. Applicant is authorized to transport Petroleum and petroleum products, in bulk, in tank vehicles, from Granger, Ind., to points in the lower peninsula of Michigan.

HEARING: January 20, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 114456 (Sub No. 5), filed November 6, 1957, GORDON N. CAVES, doing business as CAVES TRUCKING CO., Wild Rose, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Metal battery carriers*, from Belmont Township, Portage County, Wis., to points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and *materials, supplies and equipment* used or useful in the manufacture of metal battery carriers, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Belmont Township, Portage County, Wis. Applicant is authorized to conduct operations from

and to specified points in Minnesota, Wisconsin, Illinois, and Iowa.

HEARING: January 17, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 114533 (Sub No. 3), filed October 4, 1957, BANKER'S DISPATCH CORPORATION, 4652 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Office records; and such commercial papers, documents and written instruments*, except coins, currency, and negotiable securities, as are used in the conduct and operation of banks and banking institutions, between Chicago, Ill., on the one hand, and, on the other, points in Berrien, Cass, Saint Joseph, Branch, Hillsdale, Monroe, Lenawee, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Allegan, Barry, Eaton, Ingham, Livingston, Oakland, Macomb, Ottawa, Kent, Ionia, Clinton, Shiawassee, Genesee, Lapeer, Saint Clair, Muskegon, Montcalm, Gratiot, Saginaw, Tuscola, Sanilac, Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, and Huron Counties, Mich.; and (2) between Detroit, Mich., and Toledo, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

HEARING: January 9, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 114552 (Sub No. 3), filed October 11, 1957, A. D. SENN, doing business as SENN TRUCKING COMPANY, Silverstreet, S. C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbus 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, dressed and rough, *including oak flooring*, except plywood and veneer, on flat-bed equipment, between points in South Carolina (except from Newberry, S. C., to points in Alexander, Buncombe, Caldwell, Cleveland, Cumberland, Forsyth, Gaston, Guilford, Iredell, McDowell, Mecklenburg, Rowan, Surry, Union and Wilkes Counties, N. C.) and Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, and Union Counties, N. C., and McDuffie County, Ga., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. *Fertilizer*, in bags and in bulk, in hopper and tank semi-trailers, from Charleston, Chester and Roebuck, S. C., Savannah, Ga., and Hopewell, Va., to points in Georgia, North Carolina, and South Carolina. Applicant is authorized to conduct operations in North Carolina and South Carolina.

HEARING: January 13, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Examiner Michael B. Driscoll.

No. MC 114602 (Sub No. 1), REPUBLICATION, filed July 26, 1957, published in August 14, 1957 issue FEDERAL REGISTER, Page 6544, SILVER FOX LINES, a Corporation, 1106 Riverside Drive, Danville, Va. The summary of the notice of filing of the application previously published in the FEDERAL REGISTER omitted a portion of the authority sought in a statement in the application reading: "As the applicant only holds authority to serve the intermediate points of Purley, Blanch and Estelle, N. C. in its present operating authority, authority is now sought to serve all intermediate points on its present route except those granted. When the applicant's former application was filed a request for authority was inadvertently omitted to serve all intermediate points. The applicant now desires to correct this situation."

Division 1 of the Commission in the report of November 14, 1957, authorized the issuance of a Certificate to applicant as follows: In Interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, and newspapers, in the same vehicle with passengers, (1) between junction North Carolina Highways 86 and 514, about one mile south of Purley, N. C., and junction North Carolina Highways 514 and 62 (also known as Taylor's Store), about 8 miles north of Yanceyville, N. C.; from junction North Carolina Highways 86 and 514 over North Carolina Highway 86 to junction U. S. Highway 158, thence over U. S. Highway 158 via Yanceyville, N. C., to junction North Carolina Highway 62, thence over North Carolina Highway 62 to junction North Carolina Highway 514, and return over the same route, serving all intermediate points; and (2) from and to all intermediate points on applicant's present routes, except those which applicant is presently authorized to serve, as described in applicant's existing Certificate No. MC 114602 dated December 10, 1956, including intermediate points on the segment of such existing routes between Danville, Va., and the Virginia-North Carolina State line, which is incorrectly designated as Virginia Highway 66 in such Certificate, and is hereby correctly designated, as Virginia Highway 86; and that an appropriate Certificate in No. MC 114602 (Sub No. 1) and a corrected Certificate in No. MC 114602 should be granted.

An appropriate Certificate in No. MC 114602 (Sub No. 1) will be issued to perform the service authorized by Division 1 after the elapse of 30 days from the date of this publication provided no protests and petitions are received during such period.

No. MC 114969 (Sub No. 9), filed November 12, 1957, PROPANE TRANSPORT, INC., 27 Water Street, Milford, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, 294, in bulk, in tank vehicles, from Siloam, Greenup County, Ky., and points within five miles of Siloam, to points in Delaware, Georgia, Indiana, Kentucky, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to transport liquefied petroleum gas in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania.

HEARING: January 22, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 115162 (Sub No. 24), filed September 27, 1957, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Furniture finishing paint material*, consisting of varnish, base coat, sealers, thinners and finishing inks, from Louisville, Ky., to Frisco City, Ala. Applicant is authorized to transport other commodities in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: January 22, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Examiner Michael B. Driscoll.

No. MC 115162 (Sub No. 25), filed November 8, 1957, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plywood*, from West Helena, Ark., to Frisco City, Ala. Applicant is authorized to transport similar commodities in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

HEARING: January 22, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Examiner Michael B. Driscoll.

No. MC 115162 (Sub No. 26), filed November 8, 1957, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, 2284 West Fairview Avenue, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Swedish hardboard* (sometimes known as "Masonite"), from New Orleans, La., to Frisco City, Ala. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: January 22, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Examiner Michael B. Driscoll. Applicant is authorized to participate, before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 115162 (Sub No. 27), filed November 13, 1957, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, 2284 West Fairview Avenue, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bed rails*, from New Orleans, La., to Frisco City, Ala. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: January 22, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 115162 (Sub No. 28), filed November 13, 1957, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, 2284 West Fairview Avenue, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mirrors*, not crated but framed around edges to prevent chipping, from Grenada, Miss., to Frisco City, Ala. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: January 22, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 115169 (Sub No. 4), filed October 18, 1957, M. P. & ST. L. EXPRESS, INC., P. O. Box 548, Paducah, Ky. Applicant's attorney: Drew L. Carraway, Suite 618 Perpetual Bldg., 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (a) between Memphis, Tenn., on the one hand, and, on the other, Paducah, Ky., *or, in the alternative*, (b) OVER A REGULAR ROUTE, between Memphis, Tenn., and Paducah, Ky., as follows: From Memphis over U. S. Highway 51 to junction U. S. Highway 45, thence over U. S. Highway 45 to Paducah, and return over the same route, serving no intermediate points; together with MOTION TO DISMISS this application on the ground that applicant presently holds authority to transport traffic between Paducah, Ky., on the one hand, and, Memphis, Tenn., on the other. Applicant is authorized to conduct operations in Illinois, Kentucky, Missouri, and Tennessee.

HEARING: January 28, 1958, at the Peabody Hotel, Memphis, Tenn., before Joint Board No. 281, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 115169 (Sub No. 5), filed October 24, 1957, M. P. & ST. L. EXPRESS, INC., North Eighth Street, Paducah, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lamps, lamp bases, lamp shades*, and *component parts*, made by Deena Products Co., Arlington, Ky., from Arlington, Ky., to Paducah, Ky., and *supplies and materials* used by the Deena Products Co. on return. Applicant is authorized to conduct operations in Illinois, Kentucky, Missouri and Tennessee.

HEARING: January 8, 1958, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 105, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 115556 (Sub No. 3), filed September 20, 1957, DOUGLAS DeWITT, Oconto, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, sawdust* and *wood chips*, between Ironwood, Mich., on the one hand, and, on the other, points in Minnesota, Iowa, Illinois, Indiana, Ohio, Wisconsin, and the Lower Peninsula of Michigan. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

HEARING: January 16, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner David Waters.

No. MC 115917 (Sub No. 1), filed November 1, 1957, UNDERWOOD & WELD COMPANY, INC., P. O. Box 103, Crossnore, N. C. Applicant's attorney: Wilmer A. Hill, 216 Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dry ground mica*, from points in Avery, Mitchell, and Yancey Counties, N. C., to points in Texas, Louisiana, Oklahoma, Arizona, New Mexico, Arkansas, and Colorado. Applicant is authorized to transport Dry ground mica in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: Duplication with present authority to be eliminated.

HEARING: January 7, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Michael B. Driscoll.

No. MC 116205 (Sub No. 1), filed October 10, 1957, ROBERT L. JENKINS, doing business as BOB JENKINS TRUCK LINE, 500 Diagonal Avenue, Charles City, Iowa. Applicant's attorney: Keith S. Noah, Charles City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm equipment*, except tractors, and *material used in manufacture of farm equipment* except tractors, between Charles City, Iowa, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: January 6, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 116205 (Sub No. 2), filed November 8, 1957, ROBERT L. JENKINS, doing business as BOB JENKINS TRUCK LINE, 500 Diagonal Avenue, Charles City, Iowa. Applicant's attorney: Keith S. Nosh, Charles City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tarctors and/or parts* and *agricultural implements and/or parts, tractor and truck excavating, grading and loading attachments and parts*, between Charles City, Iowa, on the one hand, and, on the other, points in Washington, Oregon, California, Arizona, Nevada, Utah, Idaho, Montana, Wyoming, and New Mexico.

HEARING: January 6, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 116334 (Sub No. 1), filed October 16, 1957, ARCHER SERVICE COMPANY, a corporation, Oil City, Pa. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) (a) *Baby feeding and nursing equipment*, including *glass and plastic bottles, rubber products, caps, discs, cleaning compounds, sterilizers, pacifiers*, and *electric appliances* and *parts* thereof; and (b) *Machinery, equipment, materials*, and *supplies* used in the manufacture and distribution of baby feeding equipment, between Ravenna, Ohio, on the one hand, and, on the other, Oil City, and Tionesta, Pa.; and (2) *Moulding compounds* and *plastic compounds*, from Akron, Ohio, to Tionesta, Pa.

NOTE: Applicant states it is willing to eliminate any duplicating authority.

HEARING: January 9, 1958, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 116597 (Sub No. 3), filed October 10, 1957, CHANCEY TRUCK LINE, INC., 235 Ponce de Leon Avenue, Decatur, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in

Tennessee on and east of U. S. Highway 27, and those in Alabama, Georgia, North Carolina, South Carolina, and Florida, on the one hand, and, on the other, points in Tennessee west of U. S. Highway 27, and those in Kentucky, Ohio, Illinois, Michigan, Indiana, Virginia, West Virginia, Maryland, Pennsylvania, New Jersey, Delaware, New York, and the District of Columbia. Applicant is authorized to transport Lumber from points in Georgia to points in Florida.

HEARING: January 9, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Examiner Michael B. Driscoll.

No. MC 116604 (Sub No. 2), filed November 6, 1957, GEORGE C. WILDER AND HERMAN KERNS, a Partnership, doing business as CLARK COUNTY GRAIN COMPANY, Osceola, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commercial fertilizer*, in bags and in bulk, from Joplin and Trenton, Mo., to Perry, Iowa.

HEARING: January 9, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 137, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 116702 (Sub No. 2), filed September 3, 1957, THADDEUS A. GORSKI, 13556 Indiana, Detroit, Mich. Applicant's attorneys: Eugene C. Ewald and George S. Dixon, Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Crude ammonia liquor*, in bulk, in tank vehicles, from Cleveland, Ohio, and Buffalo, N. Y., to ports of entry on the International Boundary line between the United States and Canada at or near Detroit, Mich., and Buffalo, N. Y.

HEARING: January 10, 1958, at the Federal Building, Detroit, Mich., before Examiner Richard H. Roberts.

No. MC 116713 (Sub No. 1), filed October 17, 1957, CARL F. ROPOS, doing business as ROPOS MOBILE HOME HAULING, 101 South Pitts Street, Freeburg, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles, in truckaway service, between points in St. Clair County, Ill., on the one hand, and, on the other points in the United States.

HEARING: January 24, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner William E. Messer.

No. MC 116763 (Sub No. 5), filed September 30, 1957, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Mail address: North West Street, Versailles, Ohio. Applicant's attorney: Jerome A. Selman, Investment Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fruit and vegetable juices, including citrus juices, not frozen, and citrus sections and fruit salads*, not frozen, in bulk, in refrigerated tank vehicles, from points in Florida to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Louisiana, Mississippi, Texas, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Oklahoma, Missouri, Kansas, Arkansas, and the District of Columbia. Applicant holds contract carrier authority in Permit No. MC 109761 and sub numbers thereunder.

NOTE: Section 210, dual operations may be involved.

HEARING: January 30, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Michael B. Driscoll.

No. MC 116763 (Sub No. 6), filed October 15, 1957, CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned, prepared, or preserved foodstuffs*, not requiring refrigeration, from points in Florida to points in Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *exempt commodities* on return.

NOTE: Applicant has contract carrier irregular route authority in Permit Nos. MC 109761, MC 109761 (Sub No. 3) and MC 109761 (Sub No. 6), dated February 21, 1955, January 21, 1955, and September 20, 1957, respectively. Section 210 (dual authority) may be involved.

HEARING: January 23, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner David Waters.

No. MC 116797 (Sub No. 2), filed October 22, 1957, A. E. CARTER, doing business as SOUTHERN PINE EXPRESS, U. S. Highway 52, Gold Hill, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Livestock, dehydrated cattle manure* (Fertal-Gro), and *alfalfa meal*, from the site of Maegeo Farms, Inc., near Lexington, N. C., to points in Maryland, the District of Columbia, Ohio, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Florida. *Fertilizer*, from Columbia and Charleston, S. C., Danville and Norfolk, Va., Wilmington, N. C., and Savannah, Ga., to the site of Maegeo Farms, Inc., near Lexington, N. C. *Rock phosphate*, from Fort Pierce, Fla., to the site of Maegeo Farms, Inc., near Lexington, N. C. *Citrus pulp*, from Dade City, Fla., to the site of Maegeo Farms, Inc., near Lexington, N. C. *Slag* (iron and steel flue dust), from Birmingham, Ala., to the site of Maegeo Farms, Inc., near Lexington, N. C. *Animal and poultry feed ingredients*, from Marion, Ohio, to the site of Maegeo Farms, Inc., near Lexington, N. C. Applicant has pending Common Carrier Application in No. MC 116622. Section 210, dual operations, may be involved.

HEARING: January 8, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan St., Raleigh, N. C., before Examiner Michael B. Driscoll.

No. MC 116848 (Sub No. 1), filed August 12, 1957, JESSE L. MASON, 2700½ Linden Street, Parkersburg, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Forest products*, from Waverly, W. Va., and points within five miles thereof, to Marietta, Orrville, and Finney, Ohio, Russell, Ky., and Adelaide, Pa.

HEARING: January 23, 1958, at the City Council Chamber City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Richard H. Roberts.

No. MC 116870, filed August 13, 1957, OWEN BERRY, doing business as O. H. BERRY TRUCKING COMPANY, Box 8, London, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick* and *tile*, from Barboursville and Charleston, W. Va., to points in Ohio. Applicant is authorized to transport other commodities in North Carolina, Ohio, Pennsylvania and West Virginia. Applicant holds Certificate No. MC 115054 as a common carrier. Dual operations, section 210, may be involved.

HEARING: January 23, 1958, at the City Council Chamber City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 61, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116916, filed September 9, 1957, BURNS TRANSPORT LTD., R. R. No. 1, Georgetown, Ontario, Canada. Applicant's attorney: John M. Veale, Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid lime compound*, in drums, from Parchment, Mich., to the Port of Entry on the International boundary line between the United States and Canada at Port Huron, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified on return.

HEARING: January 15, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 163, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116933, filed September 16, 1957, FREDERICK E. WAGNER, Cass City Road, Cass City, Mich. Applicant's attorney: William B. Elmer, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Face brick, damaged face brick* and *empty containers or other such incidental facilities* (not specified), used in transporting face brick, between Alliance, Ohio, on the one hand, and, on the other points in the Lower Peninsula of Michigan, except points in Wayne, Monroe, Macomb, Oakland, and Washtenaw Counties, and the City of Grand Rapids.

HEARING: January 16, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116959, filed September 27, 1957, PAUL KLANKOWSKI, East Grove Street, Caledonia, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feed*, in bags and in bulk, from Belmond, Iowa, to points in Fillmore, Houston, and Winona Counties, Minn., and points in La Crosse, Monroe, and Vernon Counties, Wis.

HEARING: January 22, 1958, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Joint Board No. 181, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 116967 (Sub No. 1), filed October 23, 1957, MARTIN WONDAAL, 2857 Ridge Road, Lansing, Ill. Applicant's attorney: Alfred L. Roth, 188 West Randolph Street, Chicago 1, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glazed slag blocks*, from Chicago, Ill., to points in Indiana, Iowa, Michigan, Missouri, and Wisconsin. *Empty containers or other such incidental facilities* used in transporting the commodity specified, on return.

HEARING: January 15, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 116978, filed October 7, 1957, HOWARD BUNCH, 901 Webster Street, Corinth, Miss. Applicant's attorney: J. O. Clark, Iuka, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, as described by the Commission in Appendix XIII to the Report in *Description in Motor Carrier Certificates*, 61 MCC 209–293, in bulk, in tank vehicles, from Memphis, Tenn., to points in Mississippi on or north of U. S. Highway 82.

HEARING: January 21, 1958 at the Peabody Hotel, Memphis, Tenn., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 116988, filed October 14, 1957, RICHARD LYON, 131 Walnut Street, Mason, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Blocks*, building, made of cement, slag or cinders, with glazed surface, from Lansing, Mich., to points in Michigan, Ohio, and Indiana. *Damaged or rejected shipments* of the above-described commodity, on return.

HEARING: January 16, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116990, filed October 15, 1957, CHARLES L. NAUSE, doing business as C. L. NAUSE TRUCK LINE, Marks, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Carbon blacks*, from points in Arkansas, Louisiana, and Texas to Clarksdale, Miss.

HEARING: January 20, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 116992, filed October 18, 1957, BROCK JENKINS, doing business as TIDEWATER LINES, 10th Avenue, North, P. O. Box 3337, Myrtle Beach, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Wilmington, N. C., on the one hand, and, on the other, points in Horry County, S. C.

HEARING: January 14, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Joint Board No. 2, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 116997, filed October 21, 1957, COLUMBUS DISPATCH, INC., 2107 14th Street, Columbus, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Ditcher and terracing (or terracer) machines*, from Columbus, Nebr., to points in the United States. (2) *Iron and steel articles* as described in Groups I through IV at Appendix V to Ex Parte No. MC–45, 61 M. C. C. 209, from points in Colorado, Illinois, Indiana, Missouri, Ohio, Pennsylvania, and Texas, to Columbus, Nebr. *Iron and steel articles*, on return movements for (1) and (2) above.

HEARING: January 16, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner William E. Messer.

No. MC 117003, filed October 23, 1957, PAUL J. BRAY, Box 5201, Orange Blossom Street, Orlando, Fla. Applicant's attorney: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Clay drain tile, vitrified sewer pipe*, and *sewer pipe fittings*, from points in Perry County, Ohio to points in Florida; and (2) *Clay pottery, metal stands for clay pottery, chinaware, earthenware*, and *glassware*, from points in Guernsey and Muskingum Counties, Ohio, to points in Florida, Oklahoma, and Texas, and also to Shreveport, La.

HEARING: January 17, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 117007, filed October 25, 1957, JOHN R. KRISLE and JOE R. KRISLE, a Partnership doing business as KRISLE TRUCKING COMPANY, Route 3, Springfield, Tenn. Applicant's attorney: Charles H. Warfield, American Trust Building, Nashville 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New furniture*, uncrated, from points in Robertson County, Tenn., to points in Kentucky, Indiana, Missouri, Ohio, Mississippi, Louisiana, Arkansas, Georgia, Alabama, and Virginia; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

HEARING: January 16, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alton R. Smith.

No. MC 117009, filed October 24, 1957, TIDEWATER ENTERPRISES, INC., 5600 Southwest 23d Street, Hollywood, Fla. Applicant's attorney: A. C. Franks, Seybold Building, Miami 32, Fla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aluminum products* consisting of *doors, screen, glass, windows, jalousies, hardware* and *accessories*, from Miami, Fla., to points in North Carolina, New Jersey, Pennsylvania, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Louisiana, and Arkansas. *Ingots, billets, hardware, plumbing supplies, accessories, aluminum tubing, geon rubber, clay piping*, and also *exempt commodities*, from points in Michigan, Illinois, Ohio, Pennsylvania, Kentucky, North Carolina, Tennessee, Arkansas, and Louisiana to points in Florida.

HEARING: January 28, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Michael B. Driscoll.

No. MC 117010 (Sub No. 1), filed October 25, 1957, HAROLD D. WAGNER, doing business as WAGNER TRUCKING, 3654 West Lake Road, Erie, Pa. Applicant's attorney: William B. Washabaugh, Jr., Ariel Building, Erie, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plastic, plastic articles*, and *dies* used in the manufacture of plastic articles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Erie, Pa., and points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Maryland.

HEARING: January 8, 1958, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Richard H. Roberts.

No. MC 117013, filed October 28, 1957, THOMAS G. BURKHOLDER, 1955 Bellemeade Drive, Altoona, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building brick* and *building tile*, from East Palestine, East Canton, Magnolia, Wadsworth, Baltic, Logan, and Nelsonville, Ohio, to points in Blair, Bedford, Cambria, Somerset, Fulton, Franklin, Huntingdon, Centre, Clearfield, Jefferson, and Indiana Counties, Pa.

HEARING: January 21, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117014, filed October 28, 1957, EDWIN J. THUEMLING, Laurens, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale grocery company, from points in Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, Maryland, and Michigan, to Laurens, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodi-

tles specified in this application, on return.

HEARING: January 8, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William E. Messer.

No. MC 117016, filed October 29, 1957, LOBNITZ IMPLEMENT COMPANY, a Corporation, Renville, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements* and *machinery*, from Moline, Ill., and Waterloo, Des Moines, Ottumwa, and Dubuque, Iowa, to points in Renville, Kandiyohi, McLeod, Carver, Chippewa, Redwood, Sibley, and Nicollet Counties, Minn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: January 21, 1958, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner David Waters.

No. MC 117021, filed October 31, 1957, COY V. DODDS, 806 Offners Street, Portsmouth, Ohio. Applicant's attorney: H. J. Micklethwaite, 402 Masonic Temple, Portsmouth, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cinder blocks* and *concrete blocks, cinder and concrete flue blocks, cinder and concrete pre-cast lintel, bag cement*, and *masonry cement*, from the manufacturing plant of Scioto Building Units, Portsmouth, Scioto County, Ohio, to points in Boyd, Greenup, Lewis, and Carter Counties, Ky., and from the manufacturing plant of Scioto Building Units Summit Yard one mile off Rt. 60, approximately two miles south of the corporate limits of Ashland, Ky., to points in Lawrence, Jackson, Gallia, Scioto, and Adams Counties, Ohio. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from the above-specified destination points to the above designated origin points.

HEARING: January 20, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117022, filed November 7, 1957, DONALD L. WILSON, Riverdale, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, in packages and containers, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to Wichita, Riverdale and Dodge City, Kans., and Amarillo, Shamrock, and Lubbock, Tex.

HEARING: January 17, 1958, at the Hotel Kansan, Topeka, Kans., before Examiner William E. Messer.

No. MC 117025, filed November 4, 1957, LEROY HILT, 3751 Sumner Street, Lincoln, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *grain products*, dry and uncooked, manufactured, *Flour* or *meal*, prepared, edible, manufactured from grain or grain products, with not in excess of 40 percent of other ingredients, *feed*, animal or poultry, *beans, lentels* and *peas*, edible, dried, *macaroni, noodles, spaghetti* and *vermicelli*, unprepared, from points in Nebraska to points in Missouri and points in Madison, Bond, Clinton, Washington, St. Clair, Monroe, Randolph, Jackson, Perry, Fayette, Marion, Jefferson, Franklin, Williamson, Union, Johnson, Alexander, Pulaski, Massac, Pope, Hardin, Gallatin, Saline, Hamilton, White, Wayne, Clay, Richland, Effingham, Jasper, Crawford, Lawrence, Wabash, and Edwards Counties, Ill.; (b) *malt beverages*, from St. Louis, Mo., to points in Nebraska; and (c) *empty containers or other such incidental facilities* used in transporting malt beverages, from points in Nebraska to St. Louis, Mo.

HEARING: January 15, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner William E. Messer.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 229), filed October 22, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Law Department, same address as applicant. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, within Jersey City, N. J.: from junction Old Bergen Road and Gates Avenue (Greenville Garage), Jersey City, N. J., over Gates Avenue to Ocean Avenue, thence over Ocean Avenue to Grand Street, thence over Grand Street to Jersey Avenue, thence over Jersey Avenue to Eighth Street, thence over Eighth Street to West Hamilton Place, thence over West Hamilton Place to Ninth Street, thence over Ninth Street to Jersey Avenue, thence over Jersey Avenue to applicant's authorized route at 12th Street, Jersey City, N. J., returning from applicant's present authorized route at 14th Street and Jersey Avenue, Jersey City, N. J., over Jersey Avenue to Ninth Street, thence over Ninth Street to East Hamilton Place, thence over East Hamilton Place to Eighth Street, thence over Eighth Street to Jersey Avenue, thence over Jersey Avenue to Grand Street, thence over Grand Street to Ocean Avenue, thence over Ocean Avenue to Gates Avenue, thence over Gates Avenue to Old Bergen Road at Greenville Garage, Jersey City; and *Pacific Avenue Service:* From the above-described route at Grand Street and Communipaw Avenue, Jersey City, over Communipaw Avenue, thence over Communipaw Avenue to Pacific Avenue, thence over Pacific Avenue to the above-described route at Grand Street, Jersey City, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE: Duplication with present and pending authority to be eliminated.

HEARING: January 20, 1958, at the N. J. Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 3647 (Sub No. 231), filed November 7, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Public Service Coordinated Transport, (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Irvington, N. J., and Newark, N. J., from Irvington Bus Terminal, Irvington, N. J., over Clinton Avenue, and West Clinton Avenue to junction Irvington Avenue, Maplewood, N. J., thence over Irvington Avenue to junction Manor Drive, in Newark, thence over Manor Drive to junction Mt. Vernon Place, and thence over Mt. Vernon Place to bus loop, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Virginia, Maryland, Delaware, the District of Columbia, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

HEARING: February 4, 1958, at the N. J. Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 50959 (Sub No. 19), filed September 16, 1957, THE CINCINNATI, NEWPORT AND COVINGTON TRANSPORTATION COMPANY, 11th and Lowell Streets, Newport, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *their baggage*, in the same vehicle with passengers, in round-trip special operations, during the racing season, beginning and ending at authorized points on the carrier's regular routes in Kenton, Campbell, and Boone Counties, Ky., and Cincinnati, Ohio, and extending to the Kentucky Raceway. Applicant is authorized to conduct operations in Kentucky and Ohio.

HEARING: January 20, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116966, filed September 30, 1957, E. F. CALLAWAY, doing business as R & G MOTOR LINES, 212 Brookhaven Drive, Covington, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *light express*, in the same vehicle with passengers, between Rome, Ga., and Gadsden, Ala.: From Rome over Georgia Highway 53, via Cave Spring, Ga., to the Georgia-Alabama State line, thence over U. S. Highway 411, via Centre, Ala., to Gadsden (also from Rome over Georgia Highway 20, via Coosa, Ga., to the Georgia-Alabama State line, thence over Alabama Highway 9 to Centre, Ala.) (also from Leesburg, Ala., over Alabama Highway 68 to Gaylesville, Ala., thence over Alabama Highway 35 to Lawrence, Ala.), and return over the same route, serving the intermediate points of Coosa and Cave Spring, Ga., and Gaylesville, Cedar Bluff, Centre, and Leesburg, Ala.

HEARING: January 16, 1958, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 116994, filed October 21, 1957, KEEL H. BROWN AND ALFRED BROWN, a Partnership, doing business as BROWN & BROWN, Atmore, Ala. For authority to operate as a *contract carrier*, over a regular route, transporting: *Passengers*, who are employees of Chemstrand Corporation at Gonzalez, Fla., between Frisco City, Ala., and Gonzalez, Fla.: from Frisco City over Alabama Highway 21 (formerly Alabama Highway 11), to the Alabama-Florida State line, thence over Florida Highway 97 to junction with U. S. Highway 29, and thence over U. S. Highway 29 to Gonzalez, and return over the same route, serving no intermediate points.

HEARING: January 21, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12669, filed October 18, 1957, KNOXVILLE TOURS, INCORPORATED, 212 Oglewood Avenue, Knoxville, Tenn. For a license (BMC 5) to operate as a broker at Knoxville, Tenn., in arranging for transportation in interstate or foreign commerce by motor vehicle of *Passengers and groups of passengers and their baggage*, in the same vehicle with passengers, in all-expense conducted tours and sight-seeing tours, beginning and ending at Knoxville, Tenn., and extending to points in the United States.

NOTE: Applicant proposes to procure business by direct solicitation, newspapers and advertisements and descriptive circulars for the purchase of package vacation trips for a fixed sum of money, for which applicant proposes to provide transportation, guide service, meals, hotel accommodations, and guide service incidental to the performance of the above.

HEARING: January 17, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 112), filed October 21, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, and excepting livestock, household goods as defined by the Commission and commodities requiring special equipment, between Santaquin, Utah, and the Junction of U. S. Highways 50 and 93 southeast of Ely, Nev., over U. S. Highway 50, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Los Angeles, Calif., and Salt Lake City, Utah; and between San Francisco, Calif., and Salt Lake City, Utah. Applicant is authorized to transport similar commodities in California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

No. MC 4761 (Sub No. 11), filed November 13, 1957, JOHN F. STANG, doing business as LOCK CITY TRANSPORTATION CO., 327 Sixth Avenue, Menominee, Mich. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphur dioxide*, in bulk, in tank vehicles, from Marinette, Wis., to Decatur, Ala., points in Kansas (except Kansas City, Kans.), points in Kentucky, (except Louisville, Ky.), points in Missouri (except St. Joseph, Mo.), and points in Tennessee. Applicant is authorized to transport sulphur dioxide in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 19553 (Sub No. 17), filed November 18, 1957, KNOX MOTOR SERVICE, INC., P. O. Box 359, Rockford, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Candy and chocolate*, in cartons, *bakery goods* and *other confectionary*, serving the site of the Green River Ordnance Plant, Ill., located three miles east of the junction of U. S. Highway 30 and Illinois Highway 26, as an off-route point in connection with applicant's authorized regular route operations between Davenport, Iowa, and Milwaukee, Wis., in MC-19553.

No. MC 34865 (Sub No. 34), filed November 13, 1957, CONTRACT CARRIERS, INC., 2425 Walton Street, Anderson, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Buffing or polishing compound, iron or steel rust preventative compound* other than petroleum, and *radiator cement*, from Roxana, Ill., to Covington, Henderson, and Louisville, Ky., and points in Indiana, Iowa, Michigan, Missouri, and Ohio. *Pallets, platforms* or *skids*, and *damaged, rejected or unclaimed shipments* of the commodities specified in this application, from the above-specified destination points to Roxana, Ill. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Missouri and Ohio, and irregular route operations in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin.

No. MC 42343 (Sub No. 7), filed November 13, 1957, MACHISE EXPRESS COMPANY, INC., 500 Egg Harbor Road, Hammonton, N. J. Applicant's attorney: Robert J. Corber, Shoreham Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, from Tullytown, Pa., to points in New Jersey. Applicant is authorized to conduct operations in Delaware, New Jersey, and Pennsylvania.

No. MC 42487 (Sub No. 349), filed October 21, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude perlite rock*, in dump or hopper type equipment, from points in Taos County, N. Mex., to points in Conejos County, Colo.

No. MC 44605 (Sub No. 7), filed October 31, 1957, MILNE TRUCK LINES, INC., 1000 South Third West Street, Salt Lake City, Utah. Applicant's attorney: David F. Anderson, 623 Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, serving points within thirty (30) miles of Needles, including Needles, Calif., as off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arizona, California, Nevada, and Utah.

NOTE: Duplication with present authority to be eliminated.

No. MC 75320 (Sub No. 81), filed November 14, 1957, CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, 2333 East Mill Street, Springfield, Mo. Applicant's attorney: John F. Carr, 926 Woodruff Building, Springfield, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and Birmingham, Ala., from Chicago over Illinois Highway 1 to junction U. S. Highway 50 at Lawrenceville, Ill., thence over U. S. Highway 50 to junction U. S. Highway 41 at Vincennes, Ind., thence over U. S. Highway 41 to junction U. S. Highway 31 at Nashville, Tenn., thence over U. S. Highway 31 to Birmingham, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (a) Springfield, Mo., and Chicago, Ill., via St. Louis, Mo., (b) Memphis, Tenn., and St. Louis, Mo., (c) Memphis, Tenn., and Tupelo, Miss., (d) Birmingham, Ala., and Columbus, Miss., (e) alternate route between Tupelo, Miss., and Birmingham, Ala. Applicant is authorized to conduct similar operations in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana,

Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 102570 (Sub No. 1), published issue September 11, 1957, at page 7254, filed April 17, 1957, FRED FINK, Delmont, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial livestock feed* and *poultry feed, fertilizer*, and *building materials*, from Sioux City, Iowa, to Delmont, S. Dak., and points within 15 miles of Delmont. The hearing previously assigned was canceled and verified statements have been filed on behalf of applicant.

No. MC 108461 (Sub No. 61), filed October 28, 1957, WHITFIELD TRANSPORTATION, INC., 240 West Amador Street, Las Cruces, N. Mex. Applicant's attorney: Loyal G. Kaplan, 924 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement admixes*, in bulk, in hopper-type vehicles, from Bernalillo, N. Mex., to Cortez, Colo. Applicant is authorized to conduct operations in Texas, New Mexico, Utah, Colorado, Arizona, and California.

No. MC 111956 (Sub No. 3), filed November 13, 1957, SUWAK TRUCKING COMPANY, a Corporation, 1105–1115 Fayette Street, Washington, Pa. Applicant's attorney: Frank C. Roney, Washington Trust Building, Washington, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Euclid Division Plant, located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Washington, Pa., and Cleveland, and Akron, Ohio. Applicant is authorized to transport similar commodities in Ohio, Pennsylvania, and West Virginia.

No. MC 115992 (Sub No. 1), (Republication) published at Page 7123, issue of September 5, 1957, filed May 31, 1957, L. M. PEPPER, doing business as PEP'S KEROSENE SERVICE, 2300 Tidelands Avenue, National City, Calif. Applicant's attorney: Waller Taylor II, 523 West Sixth Street, Los Angeles 14, Calif. For authority to operate as a *contract carrier*, over regular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, as described by the Commission, 61 M. C. C. 209, other than those moving in pressurized vehicles, serving points in Arizona within fifty (50) miles of Yuma, Ariz.: as intermediate or off-route points, in connection with applicant's authorized regular route operations from San Diego over U. S. Highway 80 to Yuma, and return over the same route.

NOTE: Applicant is authorized in Permit MC 115992 to transport the above-described commodities from San Diego, Calif. to Yuma, Ariz. The purpose of this application is to enable applicant to service customers located at points in Arizona within fifty (50) miles of Yuma.

MOTOR CARRIERS OF PASSENGERS

No. MC 460 (Sub No. 8), filed November 12, 1957, THE OKLAHOMA TRANSPORTATION CO., INC., 1206 Exchange Avenue, Oklahoma City, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express, newspapers* and *mail* in the same vehicle with passengers, between junction of U. S. Highway 77 and Oklahoma Highway 74F and Purcell, Okla., from junction U. S. Highway 77 and Oklahoma Highway 74F, over Oklahoma Highway 74F to junction with Oklahoma Highway 74, thence over Oklahoma Highway 74 to junction with Oklahoma Highway 9, thence over Oklahoma Highway 9 to junction with Interstate Highway 35, thence over Interstate Highway 35 to Purcell, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Oklahoma, and Texas.

NOTE: Applicant states applied-for authority is over a segment of Interstate Highway 35 now under construction, and when completed proposed operations would be coordinated with present authority over U. S. Highway 77.

No. MC 1501 (Sub No. 140), filed November 12, 1957, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: Earl A. Bagby, The Greyhound Corporation, Western Greyhound Lines Division, Market and Fremont Streets, San Francisco 5, Calif. For authority to operate as a *common carrier*, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, between Ontario, Oreg., and Weiser Wye, Oreg., from Ontario over U. S. Highway 30 to junction U. S. Highway 30N west of Weiser, Idaho (Weiser Wye), and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Ogden, Utah, and Portland, Oreg., and between Fruitland, Idaho, and Caldwell, Idaho. Applicant is authorized to conduct operations throughout the United States.

No. MC 30787 (Sub No. 2), filed November 12, 1957, NIAGARA SCENIC BUS LINES, INC., 37 West Falls Street, Niagara Falls, N. Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Niagara Falls, N. Y., and Fort Niagara, Niagara County, N. Y., from Niagara Falls over city streets to junction New York Highway 18, thence over New York Highway 18 to its junction with New York Highway 18F; thence over New York Highway 18F to Fort Niagara, and return over the same route, serving the intermediate point of Youngstown, N. Y. Applicant is authorized to conduct similar operations in New York.

NOTE: Applicant states no duplicating authority is desired.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6485 (Correction), published in issue of FEDERAL REGISTER January 9, 1957, at page 206. NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth Street, St. Paul, Minn., to purchase the operating rights of HUMPHRIES TRANSPORT INCORPORATED, 3020 Smith Street, Everett, Wash. Certificate when issued will be under Docket Series 63562, common carrier of property.

No. MC–F 6765. Authority sought for control by TAKIN BROS. FREIGHT LINES, INC., 100 East 10th Street, Waterloo, Iowa, of CORDLE CARTAGE COMPANY, INC., Charles City, Iowa, and for acquisition by FRANK J. WIRTZ, 1800 Governor's Highway, Homewood, Ill., and WIRTZ LEASING SERVICE, INC., 7500 West Chicago Avenue, Gary, Ill., of control of CORDLE CARTAGE COMPANY, INC., through the acquisition by TAKIN BROS. FREIGHT LINES, INC. Applicants' attorney: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. Authority sought to be controlled: *General commodities*, as a *common carrier*, over regular routes, between Mason City, Iowa, and Osage, Iowa; between Osage, Iowa, and Stacyville, Iowa; between Osage, Iowa, and Waterloo, Iowa; between Riceville, Iowa, and La Crosse, Wis., serving certain intermediate and off-route points in connection with the above routes: *General commodities*, with certain exceptions, including household goods and commodities in bulk, between Iowa Falls, Iowa, and Mason City, Iowa; between Thornton, Iowa, and Mason City, Iowa; from Mason City, Iowa, to Austin, Minn.; between Mason City, Iowa, and Grafton, Iowa; between La Crescent, Minn., and Davis Corners, Iowa, serving certain intermediate points in connection with the above routes; alternate route for operating convenience only between Nora Springs, Iowa, and Floyd, Iowa; *General commodities*, with certain exceptions, including household goods and commodities in bulk, over irregular routes, between Hampton, Iowa, on the one hand, and, on the other, Latimer, Coulter, Alexander, Roway, Hansell, Dumont, Sheffield, Dows, and Geneva, Iowa; *Household goods*, as defined by the Commission, between Nashua, Iowa, and points within 20 miles thereof, on the one hand, and, on the other, points in Illinois, Wisconsin, and Minnesota. Takin Bros. Freight Lines, Inc., is authorized to operate as a *common carrier* in Iowa, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6769. Authority sought for purchase by P. WAJER & SONS EXPRESS CO., INC., 26–28 Poland Street, Webster, Mass., of the operating rights and property of CARL O. LINDELL, doing business as LINDELL MOTOR EXPRESS, 140 Sharon Street, Springfield, Mass., and for acquisition by JOSEPH WAJER, ROBERT WAJER AND ROMAN WAJER, all of Webster, Mass., of control of such rights and property through the purchase. Applicants' attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a *common carrier*, over a regular route, between West Springfield, Mass., and Southbridge, Mass., serving all intermediate points and the off-route points of Wales and Holland, Mass. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–9819; Filed, Nov. 26, 1957; 12:30 p. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 25, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34314: *Molasses and syrup—Louisiana points to Canadian points.* Filed by J. H. Marque, Agent (No. A–58), for interested rail carriers. Rates on molasses, noibn, carloads, and syrup, except medicated, coloring, flavoring or fruit, in packages as described, straight or mixed carloads from specified points on The Texas and Pacific Railway Company in Louisiana west of the Mississippi River to Montreal and Toronto, Ont., Canada.

Grounds for relief: Maintenance of origin groups in rate relations with those from New Orleans, La.

Tariff: Supplement 44 to Agent Marque's tariff I. C. C. 437.

FSA No. 34315: *Substituted service—Motor and rail, Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 16), for The Pennsylvania Railroad Company, the Liberty Motor Freight Lines, Incorporated, and other interested motor carriers. Rates on freight loaded in highway trailers and transported in substituted rail service on railroad flat cars between Cleveland, Ohio, and Chicago, Ill., on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 7 to Central States Motor Freight Bureau, Inc., Agent, tariff I. C. C. No. 27.

FSA No. 34316: *Zinc alloys—Corpus Christi Tex. to official territory.* Filed by F. C. Kratzmeir Agent (SWFB No. B–7163) for interested rail carriers. Rates on zinc alloy (containing over 90 percent zinc), in ingots, pigs or slabs, carloads from Corpus Christi, Tex., to specified destinations in official territory including Ashland, Ky., and Johnstown, Pa.

Grounds for relief: Maintenance of rates constructed on combination basis formula described in the application.

Tariff: Supplement 166 to Agent Kratzmeir's tariff I. C. C. 4045.

FSA No. 34317: *Grain products—Indiana points to Indianapolis, Ind., and Ohio River crossings.* Filed by The Pennsylvania Railroad Company, Agent (No. 1), for itself. Rates on grain products, namely, feed, hominy; flour, corn; grits, corn; and meal, corn, carloads from specified points on the Pennsylvania Railroad in Indiana, Camby to Vincennes, Ind., to Indianapolis, Jeffersonville, New Albany, Ind., Cincinnati, Ohio, and Louisville, Ky.

Grounds for relief: Market competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–9882; Filed, Nov. 27, 1957; 8:53 a. m.]

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

CITIZENSHIP

In Federal Register Document 57-9726, filed November 22, 1957, the third sentence of § 2.104 (a) was inadvertently omitted. As amended, § 2.104 (a) reads as follows:

§ 2.104 *Citizenship.* (a) No person shall be admitted to competitive examination unless he is a citizen of or owes permanent allegiance to the United States. No person shall be given appointment, except a temporary appointment in the absence of qualified citizens, unless he is a citizen of or owes permanent allegiance to the United States. However, citizens of the Republic of Panama may be admitted to examinations for employment by, and may be appointed only to positions in, the Canal Zone Government and the Panama Canal Company in the Canal Zone.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-9932; Filed, Nov. 29, 1957; 8:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.2]

PART 332—PROCESSING INITIAL LOANS

ATTESTING SIGNATURES OF COUNTY SUPERVISORS

Section 332.11, Title 6, Code of Federal Regulations (22 F. R. 9103), is revised to provide for the State Director attesting the signature of the County Supervisor and to read as follows:

§ 332.11 *Action by State Office after approval of insured loan.* When Form FHA-971, "Request for Check," is received from the County Office, the State Office will check or insert the name and address of the lender and see that these entries are correct, attest the signature of the County Supervisor on the original of Form FHA-971, and forward the original of Form FHA-971 to the lender.

(R. S. 161, sec. 41, 50 Stat. 528, as amended, sec. 4, 64 Stat. 100; 5 U. S. C. 22, 7 U. S. C. 1015, 40 U. S. C. 442)

Dated: November 25, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-9944; Filed, Nov. 29, 1957; 8:55 a. m.]

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.4]

PART 354—PROCESSING LOANS TO ASSOCIATIONS

MISCELLANEOUS AMENDMENTS

1. Section 354.7, Title 6, Code of Federal Regulations (21 F. R. 9760) is revised to eliminate the selection of lenders in the National Office and to modify the requirements with respect to deposit of funds in supervised bank accounts. The revised section reads as follows:

§ 354.7 *Actions between approval and closing of loan*—(a) *Loan approval conditions.* When the County Supervisor receives the loan approval memorandum and loan closing instructions, he will deliver a copy of these two documents to the association. An understanding will be reached with the association regarding compliance with the conditions set forth in the memorandum and the loan closing instructions.

(b) *Change in amount of loan.* If it becomes evident on or before loan closing that the amount of the loan should be increased or decreased, the County Supervisor will request that all distributed docket forms be returned to him for revision.

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FEDERAL REGISTER

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(c) *Requesting loan check from insured lender.* (1) For an insured loan, the County Supervisor will prepare Form FHA–971, "Request for Check," and forward it to the State Director. Whenever a bank handling a supervised bank account will require the lender's personal check to clear before disbursing funds, the lender will furnish a certified or cashier's check. When suitable arrangements can be made with the lender, the bank draft method may be used to obtain insured loan funds.

(2) For an insured loan with more than one advance, the County Supervisor will request the check for each subsequent advance by submitting Form FHA–971 in sufficient time so that the check will be issued on or about the proposed date of the advance. The County Supervisor will remind the lender by appropriate notation on Form FHA–971 submitted for each subsequent advance, to insert the date of the loan check in the column for that purpose in the table entitled, "Schedule of Advances," on the reverse side of the note.

(3) When Form FHA–971 is received from the County Office, the State Office will check or enter the name and address of the lender and see that these entries are correct, attest the signature of the County Supervisor on the original of Form FHA–971, and forward the original of Form FHA–971 to the lender.

(4) Upon request, mailed to the Farmers Home Administration, U. S. Department of Agriculture, Washington 25, D. C., the lender will be furnished with a duplicate of the signature card of each employee of the State Office who is authorized to attest the signature of the County Supervisor on Form FHA–971.

(d) *Handling loan checks.* Loan checks will be deposited in a supervised bank account in accordance with Part 303 of this chapter. The County Supervisor is authorized to endorse, on behalf of the Farmers Home Administration, a loan check for making an insured loan if it is drawn payable jointly to the borrower(s) and the Farmers Home Administration, provided the following endorsement is used: "Endorsed without recourse: Farmers Home Administration, By: _____ Title: _____." The State Director also is authorized to endorse such checks in the same manner.

2. In § 354.8, Title 6, Code of Federal Regulations (20 F. R. 7214, 8535, 21 F. R. 4997), a new paragraph (b) (5a) is added concerning payment of the first installment and paragraph (e) is amended to discontinue the submission of fidelity bonds to the State Office. The new paragraph and the revised paragraph read as follows:

§ 354.8 *Loan closing.* • • •

(b) *Preparation of promissory note.* • • •

(5a) When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing.

• • • • • •

(e) *Obtaining fidelity bonds.* At the time the loan check is delivered, the association will provide a fidelity bond covering the position entrusted with the receipt and disbursement of its funds and custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the association will have on hand at any one time exclusive of funds deposited in a supervised bank account and loan checks endorsed directly to vendors. The association will pay the premium for the bond. The United States of America, as its interests may appear, will be named as an obligee in the bond. The fidelity bond may be obtained locally through an acceptable bonding company.

(R. S. 161, sec. 6, 50 Stat. 870, sec. 10, 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w, 590x–3)

Dated: November 25, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57–9943; Filed, Nov. 29, 1957; 8:55 a. m.]

Subchapter F—Security Servicing and Liquidations

[FHA Instructions 465.5 and 465.6]

PART 372—FARM OWNERSHIP LOANS

SUBPART E—MANAGEMENT AND DISPOSITION OF ACQUIRED FARMS

SUBPART F—SALE OF FARMS NOT SUITABLE FOR PURPOSES OF TITLE I

CONVEYANCE OF MINERAL RIGHTS

Sections 372.84 (b) and 372.103 (b) in Title 6, Code of Federal Regulations (17 F. R. 10846 and 16 F. R. 5831, respectively) are revised to prescribe restrictions on the sales of mineral interests in making conveyances of real property, and to read as follows:

§ 372.84 *Miscellaneous matters pertaining to the sale of acquired farms.* • • •

(b) *Type of deed form.* Conveyances will be made by deed without warranty and will be executed by the State Director. If legally possible, and the sale is to be made within the Farm Ownership Program, the deed should create an estate with the right of survivorship. On or after September 6, 1957, the sale of acquired farms will include only mineral interests acquired in the last acquisition of the farm and any State Rural Rehabilitation Corporation reserved mineral interest held in trust under an agreement entered into pursuant to section 2 (f), 64 Stat. 99.

§ 372.103 *Terms and conditions of sale.* • • •

(b) *Mineral rights.* On or after September 6, 1957, the sale of acquired farms will include only mineral interests acquired in the last acquisition of the farm and any State Rural Rehabilitation Corporation reserved mineral interests held in trust under an agreement entered into pursuant to section 2 (f), 64 Stat. 99.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: November 25, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-9942; Filed, Nov. 29, 1957; 8:55 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

SUBPART—1957 TOBACCO LOAN PROGRAM

Correction

In Federal Register Document 57-9578, published at page 9337, in the issue for Friday, November 22, 1957, the following changes should be made in the table under § 464.928: In the column headed "Length 44", the entries for Grades C5L and C1F, now reading "42.12" and "39.12", respectively, should read "32.12" and "49.12", respectively.

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

PROCLAMATION OF ACREAGE ALLOTMENT FOR 1958 IN THE COMMERCIAL CORN-PRODUCING AREA

§ 721.903 *Basis and purpose.* Section 721.904 is issued under and in accordance with sections 301 and 328 of the Agricultural Adjustment Act of 1938, as amended. Its purpose is to announce the acreage allotment for 1958 for the commercial corn-producing area. The findings and determination made by the Secretary in § 721.904 have been made on the basis of the latest available statistics of the Federal Government.

§ 721.904 *1958 acreage allotment for corn.* The normal supply of corn for the 1958–59 marketing year is determined to be 3,749 million bushels. The estimated carry-over of corn for the marketing year beginning October 1, 1958 is 1,450 million bushels. Production outside the 1958 Commercial Corn-producing Area plus imports is estimated to be 525 million bushels. The average yield (1953–57 adjusted for abnormal weather conditions) is determined to be 45.7 bushels per acre. Thus the 1958 acreage allotment for corn is computed to be 38,818,381 acres.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 328, 52 Stat. 38, 52; 7 U. S. C. 1301, 1328)

Issued at Washington, D. C., this 27th day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9987; Filed, Nov. 29, 1957; 9:56 a. m.]

PART 730—RICE

SUBPART—REGULATIONS FOR ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1958 CROP OF RICE

MISCELLANEOUS AMENDMENTS

The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to (1) provide more latitude in adjustments by county committees in the establishment of 1958 base acreages where a definitely established crop-rotation system is being carried out on farms; (2) delete the word "rice" where it inadvertently appears in the present language pertaining to new producer and new farm rice allotments thereby eliminating an inconsistency in language; and (3) to provide for either the actual or facsimile signature of a county committeeman on allotment notices.

Since ASC county committees are currently engaged in the process of listing rice acreage data on the rice listing sheets and determining base acreages for producers, it is imperative that they be informed of these revisions as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest and these amendments shall become effective upon the date of their publication in the FEDERAL REGISTER.

1. Section 730.916 (f) (2) is amended by changing the proviso to read as follows: "*Provided,* That in no case shall such adjusted acreage exceed 110 or be less than 90 percent of the 1957 preliminary rice acreage allotment for such producer, except that (1) if a definitely established crop-rotation system is being carried out on a farm and such acreage for the landowner is adjusted the adjusted acreage shall not exceed the largest or be less than the smallest allotment established for such owner for any year during the 1955–1957 period, unless a zero allotment was established for a landowner in each of the years 1955, 1956, and 1957 because of an established crop-rotation system, and rice will be planted on his farm under such system in 1958 in which event the adjusted acreage shall not exceed his share of the largest acreage planted to rice on the farm in 1953 or 1954, or unless rice was planted on a farm in each of the years 1955, 1956, and 1957 and it is determined that no rice will be planted on the farm in 1958 under such a system in which event an adjusted acreage of zero may be established for such landowner; and (2) if a producer planted rice in 1957 without an allotment or planted rice in a farm State during the period 1953 through 1957 but will produce rice in 1958 in a producer State the 1958 recommended base acreage for such a producer shall not exceed the 1958 recommended base acreage established or which might have been established for the produeer if he had been engaged in the production of rice in the State in 1957 as a new producer."

2. Section 730.918 is amended by deleting in the second sentence of paragraph (b) immediately following the language "livelihood in 1958 from" the word "rice".

3. Section 730.919 is amended by adding the following sentence immediately following the second sentence: "Such notice shall bear the actual or facsimile signature of a member of the county committee."

4. Section 730.923 is amended by adding in the first sentence immediately following the language "with § 730.922" the words "bearing the actual or facsimile signature of a member of the county committee".

5. Section 730.927 (d) (2) is amended by changing the proviso to read as follows: "*Provided,* That in no case shall such adjusted acreage exceed 110 percent or be less than 90 percent of the 1957 rice acreage allotment for such farm, except that (1) if a definitely established crop-rotation system is being carried out on a farm such adjusted acreage shall not exceed the largest or be less than the smallest allotment established for such farm for any year during the 1955-1957 period, unless a zero allotment was established for a farm in each of the years 1955, 1956 and 1957 because an established crop-rotation system is being carried out on such farm and under such a system rice will be planted on the farm in 1958 in which event the adjusted acreage shall not exceed the largest acreage planted to rice on the farm in 1953 or 1954, or unless rice was planted on a farm in each of the years 1955, 1956 and 1957 and it is determined that no rice will be planted on the farm in 1958 under such a system in which event an adjusted acreage of zero may be established for such landowner in each of the years 1955, 1956 and 1957 because an established crop-rotation system is being carried out on such farm and under such a system rice will be planted on the farm in 1958 in which event the adjusted acreage shall not exceed the largest acreage planted to rice on the farm in 1953 or 1954, or unless rice was planted on a farm in each of the years 1955, 1956 and 1957 and it is determined that no rice will be planted on the farm in 1958 under such a system in which event an adjusted acreage of zero may be established for such landowner; and (2) if rice was planted on a farm in only one of the years 1955, 1956, or 1957, without an allotment for such year, the 1958 recommended base acreage for such farm shall not exceed the 1958 recommended base acreage established or which might have been established for a farm if such farm had been a new farm in 1957."

6. Section 730.929 is amended by deleting in the second sentence of paragraph (b) immediately following the words "is expected to be derived from" the word "rice".

7. Section 730.930 is amended by adding in the first sentence immediately following the language "Notice of 1958 farm acreage allotment" the words "bearing the actual or facsimile signature of a member of the county committee".

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 353, 362, 52 Stat. 61, 62, as amended; 7 U. S. C. 1353, 1362)

Done at Washington, D. C., this 27th day of November 1957. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-9989; Filed, Nov. 29, 1957; 9:56 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 124]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.424 *Navel Orange Regulation 124*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 27, 1957.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 1, 1957, and ending at 12:01 a. m., P. s. t., December 8, 1957, are hereby fixed as follows:

(i) District 1: 831,600 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 106,260 cartons;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: November 29, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10006; Filed, Nov. 29, 1957; 11:14 a. m.]

[Orange Reg. 327, Amdt. 1]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of Temple oranges, grown in the State of Florida.

Order, as amended. The provisions in paragraph (b) of § 933.872 (Orange Regulation 327; 22 F. R. 9132) are hereby amended by adding, at the end of such paragraph, the following:

(3) Notwithstanding any provisions of subparagraph (2) of this paragraph, any handler may, during the period beginning at 12:01 a. m., e. s. t., November 28, 1957, and ending at 12:01 a. m., e. s. t., December 2, 1957, ship any Temple oranges, grown in the State of Florida, which grade at least U. S. No. 1 Bronze and which are of a size not smaller than $2^{9}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1186; 22 F. R. 6676).

This amendment shall become effective at 12:01 a. m., e. s. t., November 28, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 26, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9912; Filed, Nov. 29, 1957; 8:49 a. m.]

[Tangerine Reg. 195]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS, GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.873 *Tangerine Regulation 195*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 25, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., December 2, 1957, and ending at 12:01 a. m., e. s. t., December 9, 1957, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 27, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9959; Filed, Nov. 29, 1957; 8:55 a. m.]

[Grapefruit Reg. 275]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.874 *Grapefruit Regulation 275*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 25, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., December 2, 1957, and ending at 12:01 a. m., e. s. t., December 9, 1957, no handler shall ship between the production area and any point outside therof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 27, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9957; Filed, Nov. 29, 1957; 8:55 a. m.]

[Orange Reg. 328]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.875 *Orange Regulation 328*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 25, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., December 2, 1957, and ending at 12:01 a. m., e. s. t., December 9, 1957, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, grown in the production area, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅝₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2⅝₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2⁹⁄₁₆ inches in diameter and smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2⅝₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 27, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9958; Filed, Nov. 29, 1957; 8:55 a. m.]

[Lemon Reg. 715]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.822 *Lemon Regulation 715*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 26, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 1, 1957, and ending at 12:01 a. m., P. s. t., December 8, 1957, are hereby fixed as follows:

(i) District 1: 23,250 cartons;

(ii) District 2: 148,800 cartons;

(iii) District 3: 37,200 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 27, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-9993; Filed, Nov. 29, 1957; 8:57 a. m.]

[Docket No. AO-268-A3]

PART 1002—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

ORDER AMENDING THE ORDER

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1002.0 Findings and determinations.

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1002.2 Secretary.
1002.3 Department of Agriculture.
1002.4 Person.

Sec.

Sec.
1002.5 Greater Wheeling marketing area.
1002.6 Producer.
1002.7 Approved plant.
1002.8 Distributing plant.
1002.9 Supply plant.
1002.10 Pool plant.
1002.11 Nonpool plant.
1002.12 Handler.
1002.13 Producer-handler.
1002.14 Producer milk.
1002.15 Fluid milk product.
1002.16 Other source milk.
1002.17 Cooperative association.
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1002.19 Base milk.
1002.20 Excess milk.

MARKET ADMINISTRATOR

1002.25 Designation.
1002.26 Powers.
1002.27 Duties.

REPORTS, RECORDS, AND FACILITIES

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APPLICATION OF PROVISIONS

1002.60 Producer-handlers.
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1002.84 Adjustment of accounts.
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DETERMINATION OF BASE

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1002.91 Base rules.
1002.92 Announcement of established bases.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1002.100 Effective time.
1002.101 Suspension or termination.
1002.102 Continuing obligations.
1002.103 Liquidation.

MISCELLANEOUS PROVISIONS

1002.110 Agents.
1002.111 Separability of provisions.

AUTHORITY: §§ 1002.0 to 1002.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1002.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to each hundredweight of butterfat and skim milk contained in producer milk, other source milk allocated to Class I milk, and Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective December 1, 1957. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Greater Wheeling marketing area. Any delay beyond December 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Greater Wheeling marketing area.

The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on March 26, 27 and 28, 1957, the recommended decision having been issued on September 10, 1957 (22 F. R. 7316), and the final decision having been issued on November 13, 1957. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order, as amended, effective December 1, 1957 (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the representative period (August 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Wheeling, West Virginia, marketing area shall be in conformity to and in compliance with the terms and

conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 1002.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1002.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1002.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1002.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1002.5 *Greater Wheeling marketing area.* "Greater Wheeling marketing area", hereinafter called the "marketing area", means all territory included within the boundaries of (a) Jefferson, Belmont and Monroe counties, Ohio, (b) Hancock, Brooke, Ohio, and Marshall counties, West Virginia, (c) East Liverpool, St. Clair, Wellsville, Yellow Creek, Madison, and Washington townships in Columbiana County, Ohio, and (d) Londonderry, Oxford and Millwood townships in Guernsey County, Ohio.

§ 1002.6 *Producer.* "Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1002.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of (a) a plant in which any fluid milk product is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (excluding other plants) in the marketing area, or (b) a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are shipped during the month to a plant described in paragraph (a) of this section.

§ 1002.8 *Distributing plant.* "Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1002.6 is disposed of as Class I milk during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

§ 1002.9 *Supply plant.* "Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1002.6 are shipped to distributing plants or plants described in § 1002.10 (c) which during the month dispose of as Class I milk on routes described in § 1002.8 (a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1002.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1002.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided,* That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

§ 1002.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant;

(b) A supply plant; or

(c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to retail or wholesale outlets (excluding pool plants), is so disposed of in the marketing area.

§ 1002.11 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1002.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1002.6; or (b) Any person in his capacity as the operator of one or more approved plants.

§ 1002.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

§ 1002.14 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received by a handler directly from producers, not including milk delivered for another handler's account pursuant to § 1002.63; or (b) diverted by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1002.6; or (c) caused by a handler to be delivered for his account to the pool plant of another handler pursuant to § 1002.63.

§ 1002.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1002.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1002.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1002.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market ad-

ministrator, of the daily wholesale sell- [illegible] vided for in this

ministrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1002.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1002.90 multiplied by the number of days of milk production delivered in such month.

§ 1002.20 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1002.90.

MARKET ADMINISTRATOR

§ 1002.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1002.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1002.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1002.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1002.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1002.30 and 1002.31 or payments pursuant to §§ 1002.80 through 1002.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform prices, computed pursuant to §§ 1002.71 and 1002.72, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1002.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month;

(5) Milk caused to be moved from a producer's farm to a plant of another handler; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1002.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of April through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1002.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1002.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1002.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the

retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1002.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported pursuant to § 1002.30 (a) shall be classified each month pursuant to the provisions of §§ 1002.41 through 1002.45.

§ 1002.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1002.42 through 1002.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) and (4) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk, respectively.

§ 1002.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1002.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (including that which the handler causes to be delivered from a producer's farm to the pool plant of the other handler, but not including transfers to a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1002.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1002.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Wheeling, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1002.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1002.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1002.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month,

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1002.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the act and classified as Class I pursuant to such other order(s): *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1002.43 (a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for de-

termining the allocation of skim milk

termining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1002.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a), (b), or (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed,

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

(c) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5,

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1002.51 *Class prices.* Subject to the provisions of §§ 1002.52 and 1002.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month plus the following amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.50
All others	1.95

Provided, That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (Order No. 75, Part 975 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1002.50.

§ 1002.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1002.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1002.53 *Location differentials to handlers.* For milk disposed of from a pool plant located 60 miles or more from the city halls of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest by shortest hard-surfaced highway distance as determined by the market administrator, as Class I milk pursuant to paragraphs (a) and (b) of this section, but not to exceed producer milk received and milk caused to be delivered pursuant to § 1002.63 at such plant, the price specified in § 1002.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the city hall of Wheeling, W. Va., East Liverpool or Steubenville, Ohio, whichever is nearest (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that portion of the milk moved which remains after assigning such milk to the quantity of Class II milk in the transferee plant as determined by the calculations prescribed in § 1002.45 (a) (1) through (4), and the comparable steps in § 1002.45 (b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential; and

(b) Class I disposition from the plant other than disposition to the other pool plants.

§ 1002.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows, except that the rate shall be zero in any month in which total deliveries by producers are less than 110 percent of Class I utilization (excluding duplications) in plants qualified as pool plants pursuant to § 1002.10 (a) and (b):

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and adjusted by the location differential rates set forth in § 1002.53 for the location of the plant at which the milk was received from farmers.

§ 1002.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1002.60 *Producer-handlers.* Sections 1002.40 through 1002.45, 1002.50 through 1002.53, 1002.61 through 1002.63, 1002.70 through 1002.75, and 1002.80 through 1002.87 shall not apply to a producer-handler.

§ 1002.61 *Plants subject to other Federal orders.* Upon determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1002.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Greater Wheeling marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the act, and which is subject to the classification and pricing provisions of such other order if exempted pursuant to this paragraph from regulation as a pool plant under this part;

(b) Any plant qualified pursuant to § 1002.10 (b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the act and the Secretary determines that such plant should be exempted from this part.

§ 1002.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing

provisions of another order issued pursuant to the act, shall on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1002.54: *Provided,* That such payments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order.

§ 1002.63 *Milk caused by a handler to be delivered to another handler's pool plant.* Milk caused by a handler, as the operator of a pool plant which is an approved plant pursuant to § 1002.7 (a), to be delivered for his account to another handler's pool plant similarly qualified pursuant to § 1002.7 (a), shall be considered, for purposes of reporting, classification, and payment, to be received by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

DETERMINATION OF PRICES TO PRODUCERS

§ 1002.70 *Computation of the obligation of each handler.* For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1002.45 by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 1002.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1002.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1002.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1002.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1002.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1002.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1002.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the obligations computed pursuant to § 1002.70 for all pool plants which submit reports prescribed in § 1002.30 and who are not in default of payments pursuant to § 1002.80 or § 1002.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1002.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1002.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1002.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1002.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1002.30, and who are not in default of payments pursuant to §§ 1002.80 or 1002.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1002.71 (a) through (d) then add the total amount of payments due pursuant to § 1002.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f. o. b. market.

§ 1002.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1002.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1002.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk, as defined in § 1002.14 (a) and (b), received at a pool plant located 60 miles or more from the city hall of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest by shortest hard-surfaced highway distance, as determined by the market administrator, or caused to be delivered pursuant to § 1002.63, to a pool plant so located shall be reduced at the rates set forth in § 1002.53 according to the location of such plant.

§ 1002.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1002.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1002.71 and 1002.72 and the butterfat differential computed pursuant to § 1002.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1002.82, 1002.85 and 1002.86, or 1002.62 and the amount due such handler pursuant to § 1002.83.

PAYMENTS

§ 1002.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1002.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1002.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1002.84.

§ 1002.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1002.62, 1002.82 and 1002.84, and out of which he shall make all payments pursuant to §§ 1002.83 and 1002.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1002.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which his obligation as computed pursuant to § 1002.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1002.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 1002.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer betterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1002.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1002.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1002.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1002.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1002.45 (a) (2) and (b), and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1002.62.

§ 1002.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation.

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1002.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1002.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided*, That any producer who, during the preceding months of September through December, delivered his milk to a nonpool plant which became a pool plant after the beginning of such period shall be assigned a base, in the same manner as if he had been a producer during such period, calculated from his deliveries during such September–December period to such plant.

§ 1002.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base calculated pursuant to § 1002.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) A base which is assigned pursuant to the proviso of § 1002.90 shall be nontransferable. An entire base which is otherwise assigned shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1002.92 *Announcement of established bases.* On or before February 15 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1002.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1002.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1002.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1002.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1002.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1002.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of November 1957 to be effective on of November 29, 1957:

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-9953; Filed, Nov. 29, 1957; 8:55 a. m.]

[Docket No. AO-268-A3]

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

ORDER AMENDING THE ORDER

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AUTHORITY: §§ 1009.0 to 1009.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1009.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective December 1, 1957. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Clarksburg marketing area. Any delay beyond December 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Clarksburg marketing area.

The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on March 26, 27 and 28, 1957, the recommended decision having been issued on September 10, 1957 (22 F. R. 7316), and the final decision having been issued on November 13, 1957. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order, as amended, effective December 1, 1957 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the representative period (August 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 1009.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1009.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1009.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1009.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1009.5 *Clarksburg marketing area.* "Clarksburg marketing area", hereinafter called the "Marketing Area" means all territory included within the boundaries of (a) Monongalia, Marion and Harrison Counties, (b) Grafton magisterial district in Taylor County, (c) Philippi magisterial district in Barbour County, (d) Leadsville magisterial district in Randolph County, (e) the City of Buckhannon in Upshur County, (f) the City of Weston in Lewis County and (g) the Town of Kingwood in Preston County, all in the State of West Virginia.

§ 1009.6 *Producer.* "Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1009.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of (a) a plant in which any fluid milk product is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (excluding other plants) in the marketing area, or (b) a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are shipped during the month to a plant described in paragraph (a) of this section.

§ 1009.8 *Distributing plant.* "Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from

dairy farmers who meet the inspection requirements pursuant to § 1009.6 is disposed of as Class I milk during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

§ 1009.9 *Supply plant.* "Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1009.6 are shipped to distributing plants or plants described in § 1009.10 (c) which during the month dispose of as Class I milk on routes as described in § 1009.8 (a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1009.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1009.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

§ 1009.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant;

(b) A supply plant; or

(c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to retail or wholesale outlets (excluding pool plants) is so disposed of in the marketing area.

§ 1009.11 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1009.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1009.6; or (b) any person in his capacity as the operator of one or more approved plants.

§ 1009.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

§ 1009.14 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received by a handler directly from producers, not including milk delivered for another handler's account pursuant to § 1009.63; or (b) diverted by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1009.6; or (c) caused by a handler to be delivered for his account to the pool plant of another handler pursuant to § 1009.63.

§ 1009.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1009.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1009.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1009.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1009.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1009.90 multiplied by the number of days of milk production delivered in such month.

§ 1009.20 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1009.90.

MARKET ADMINISTRATOR

§ 1009.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1009.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1009.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1009.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1009.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who,

after the date on which he

after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1009.30 and 1009.31 or payments pursuant to §§ 1009.80 through 1009.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform prices computed pursuant to §§ 1009.71 and 1009.72 and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1009.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk,

(4) Inventories of fluid milk products on hand at the beginning of the month; (5) Milk caused to be moved from a producer's farm to a plant of another handler; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1009.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of April through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1009.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1009.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1009.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1009.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported pursuant to § 1009.30 (a) shall be classified each month pursuant to the provisions of §§ 1009.41 through 1009.45.

§ 1009.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1009.42 through 1009.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) and (4) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk, respectively.

§ 1009.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1009.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (including that which the handler causes to be delivered from a producer's farm to the pool plant of the other handler, but not including transfers to a producer-handler) in the form of fluid milk products, shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1009.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof

remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1009.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Clarksburg, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided;* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1009.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1009.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1009.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month,

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1009.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act and classified as Class I pursuant to such other order(s): *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1009.43 (a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1009.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a), (b) or (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed,

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

(c) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5, and

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1009.51 *Class prices.* Subject to the provisions of §§ 1009.52 and 1009.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50)

for the preceding month plus the following amount for the month indicated:

Month	Amount
February, March, April, May, June, and July	$1.75
All others	2.20

Provided, That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (Order No. 75, Part 975 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1009.50.

§ 1009.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1009.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1009.53 *Location differentials to handlers.* For milk disposed of from a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by shortest hard-surfaced highway distance, as determined by the market administrator, as Class I milk pursuant to paragraphs (a) and (b) of this section, but not to exceed producer milk received and milk caused to be delivered pursuant to § 1009.63 at such plant, the price specified in § 1009.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the City Hall of Clarksburg, W. Va., (miles):	Rate per hundredweight (cents)
60 but not more than 70	20
70 but not more than 80	22
80 but not more than 90	24
For each additional 10 miles or fraction thereof an additional	1

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that portion of the milk moved which remains after assigning such milk to Class II milk in the transferee plant as determined by the calculations prescribed in § 1009.45 (a) (1) through (4), and the comparable steps in § 1009.45 (b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential; and

(b) Class I disposition from the plant other than disposition to other pool plants.

§ 1009.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows, except that the rate shall be zero in any month in which total deliveries by producers are less than 110 percent of Class I utilization (excluding duplications) in plants qualified as pool plants pursuant to § 1009.10 (a) and (b):

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and the location differential rates set forth in § 1009.53 for the location of the plant at which the milk was received from farmers. In any month in which total producer deliveries are less than 110 percent of all handlers' Class I uses the rate pursuant to this paragraph shall be zero.

§ 1009.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1009.60 *Producer-handlers.* Sections 1009.40 through 1009.45, 1009.50 through 1009.53, 1009.61 through 1009.63, 1009.70 through 1009.75, and 1009.80 through 1009.87 shall not apply to a producer-handler.

§ 1009.61 *Plants subject to other Federal orders.* Upon determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1009.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Clarksburg marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the act, and which is subject to the classification and pricing provisions of such other order if exempted pursuant to this paragraph from regulation as a pool plant under this part;

(b) Any plant qualified pursuant to § 1009.10 (b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the act and the Secretary determines that such plant should be exempted from this part.

§ 1009.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1009.54: *Provided*, That such payments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order.

§ 1009.63 *Milk caused by a handler to be delivered to another handler's pool plant.* Milk caused by a handler, as the operator of a pool plant which is an approved plant pursuant to § 1009.7 (a), to be delivered for his account to another handler's pool plant similarly qualified pursuant to § 1009.7 (a), shall be considered, for purposes of reporting, classification, and payment, to be received by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

DETERMINATION OF PRICES TO PRODUCERS

§ 1009.70 *Computation of the obligation of each handler.* For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1009.45 by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 1009.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1009.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1009.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1009.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1009.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1009.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1009.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the obligations computed pursuant to § 1009.70 for all pool plants which submit reports

prescribed in § 1009.30 and who are not in default of payments pursuant to § 1009.80 or § 1009.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed to § 1009.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1009.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1009.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1009.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1009.30, and who are not in default of payments pursuant to §§ 1009.80 or 1009.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1009.71 (a) through (d) then add the total amount of payments due pursuant to § 1009.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f. o. b. market.

§ 1009.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1009.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1009.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk, as defined in § 1009.14 (a) and (b), received at a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by the shortest hard-surfaced highway distance, as determined by the market administrator, or caused to be delivered pursuant to § 1009.63 to a pool plant so located shall be reduced at the rates set forth in § 1009.53 according to the location of such plant.

§ 1009.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1009.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1009.71 and 1009.72 and the butterfat differential computed pursuant to § 1009.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1009.82, 1009.85, and 1009.86, or 1009.62 and the amount due such handler pursuant to § 1009.83.

PAYMENTS

§ 1009.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1009.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1009.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk, and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1009.84.

§ 1009.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1009.62, 1009.82 and 1009.84, and out of which he shall make all payments pursuant to §§ 1009.83 and 1009.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1009.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which his obligation as computed pursuant to § 1009.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) ad-

justed by the producer butterfat and location differentials.

§ 1009.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 1009.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1009.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records or accounts or other verification discloses errors resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1009.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1009.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1009.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1009.45 (a) (2) and (b), and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1009.62.

§ 1009.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1009.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1009.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided,* That any producer who, during the preceding months of September through December, delivered his milk to a nonpool plant which became a pool plant after the beginning of such period shall be assigned a base, in the same manner as if he had been a producer during such period, calculated from his deliveries during such September–December period to such plant.

§ 1009.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1009.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) A base which is assigned pursuant to the proviso of § 1009.90 shall be nontransferable. An entire base which is otherwise assigned shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1009.92 *Announcement of established bases.* On or before February 15, of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1009.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1009.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1009.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1009.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1009.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1009.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of November 1957, to be effective on and after December 1, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-9954; Filed, Nov. 29, 1957; 8:55 a. m.]

[1015.301 Amdt. 4]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date hereinafter specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order, as amended.* The provisions of § 1015.301 (b) (1) (22 F. R. 9251) are hereby amended as follows:

During the period from December 2, 1957, through December 15, 1957, the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area:

(1) No person shall handle any cucumbers, except for conversion into pickles or relishes, unless such cucumbers meet the requirements of U. S. Fancy, U. S. No. 1, U. S. No., 1 Small, or U. S. No. 1 Large, and are not larger than 2½ inches in diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 27, 1957, to become effective December 2, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-9990; Filed, Nov. 29, 1957; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-5]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

AIRCRAFT RATINGS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of November 1957.

Section 20.121 (a) of revised Part 20 of the Civil Air Regulations sets forth the requirements which an applicant must meet in order to acquire an additional aircraft rating. This section was recently amended to assure that a person's previous piloting experience would be taken into consideration in connection with his application for a glider pilot certificate.

The basic glider provisions of revised Part 20 still require, among other things, that an applicant for such a rating acquire a minimum amount of flight instruction and solo flight time in gliders. However, in amending § 20.121 (a) the term "dual instruction" was inadvertently used in place of "flight instruction." This would impose a greater restriction on applicants with previous piloting experience than is imposed on applicants with no previous piloting experience. This was not the Board's intent. Therefore, to correct this error and the resulting inconsistency, it is necessary to substitute the word "flight" for the word "dual" in § 20.121 (a) (2).

Since this amendment corrects an error, is minor in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective November 26, 1957.

By amending § 20.121 (a) (2) by deleting the word "dual" and inserting in lieu thereof the word "flight"

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 602, 610, 52 Stat. 1008, 1012, as amended; 49 U. S. C. 552, 560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-9947; Filed, Nov. 29, 1957; 8:55 a.m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 47 [1]]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U. S. IMPORTS)

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States,* paragraph (d) *Delivery verification on imports into the United States* is amended by substi-

[1] This amendment was published in Current Export Bulletin 794, dated November 21, 1957.

tuting "Form FC–908 (Rev. 10–17–57)" for "Form IT– or FC–908" wherever it appears in that paragraph.[2]

This part of the amendment shall become effective as of December 21, 1957.

2. Section 372.7 *License applications for ship stores, plane stores, supplies and equipment*, paragraph (c) *Exportations of petroleum and petroleum products, including bunker fuel for use on vessels and fuel for planes departing from the U. S.* is amended to read as follows:

(c) *Exportations of petroleum and petroleum products, including bunker fuel for use on vessels and planes departing from the United States.* Applications for licenses to export petroleum or petroleum products, including bunker fuel for vessels or fuel for planes departing from the United States, may be included on a single Form FC–419. Such application shall indicate, at the top of the Form FC–419, the word "Bunker" in the case of exportations for the use of vessels, or "Plane Fuel" in the case of exportations for the use of aircraft. The application shall be prepared on Form FC–419, in accordance with the instructions contained in § 372.5, except as modified below in subparagraphs (1) through (5) of this paragraph with respect to the spaces on the application labelled as follows:

(1) *Country of ultimate destination.* Show the country in which the carrier is registered.

(2) *Ultimate consignee in foreign country.* Show the name of the carrier and the port or point where petroleum or petroleum products are to be taken aboard.

(3) *If purchaser in foreign country is other than ultimate consignee, give name and address.* Show name and address of owner of carrier. If carrier is under charter to or control of party other than owner, show names and addresses of both owner and party otherwise in control of carrier.

(4) *Commodity description.* (i) In addition to a description of the commodities to be exported, list for each of the carrier's calls at Macao or any point under Far Eastern Communist control within 180 days prior to the date of application (or 30 days in the case of aircraft), the dates of each call and a statement, or a copy of the manifest, showing the cargo loaded or discharged. (If the carrier was in ballast, so state.)

(ii) Also submit the carrier's proposed calls at Macao or any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States.[3]

(iii) If the carrier will call at Macao or a point under Far Eastern Communist control within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or if the carrier is registered in Poland, Danzig, or a Subgroup A Country, or if the carrier is under charter to or control of a national of Poland, Danzig, or a Subgroup A Country, state whether any commodities included on the Positive List of Commodities (§ 399.1 of this subchapter), the United States Munitions List (§ 370.4 (a) of this subchapter), or the United States Atomic Energy List (§ 370.4 (d) of this subchapter), are carried on board the vessel or aircraft and destined directly or indirectly to Macao or any point under Far Eastern Communist control. If the answer is in the affirmative, indicate where such commodities will be discharged.

(5) *Additional information.* (i) State the reasons why a general license is inapplicable to the proposed exportation unless the reasons are already indicated elsewhere on the application or on an attachment thereto. If additional space is required an attachment may be used.

(ii) Also state the gross registered tonnage (GRT), type of main engines and rated horsepower, with daily fuel consumption rate, total fuel capacity, and fuel supply on board, indicating specifically the number of days' running supply from the port where additional supplies are requested. In the case of aircraft, state make and model.

This part of the amendment shall become effective as of December 21, 1957.

3. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended as follows:

a. Paragraph (b) *Nickel scrap, nickel alloy scrap, and nickel-bearing cobalt scrap* is amended to read as follows:

(b) *Nickel scrap, nickel alloy scrap, and nickel-bearing cobalt scrap*—(1) *General.* License applications to export nickel scrap containing 95 percent or more nickel, Schedule B No. 654502, will generally be denied. License applications to export all other clean and contaminated nickel scrap, nickel alloy scrap and cobalt nickel alloy scrap, Schedule B Nos. 654502 and 664526, will be considered for approval in accordance with the procedures described below.

(2) *Nickel-copper alloy scrap, Schedule B No. 654502.*[4] License applications to export nickel-copper alloy scrap (including monel scrap), Schedule B No. 654502 will be considered for approval in accordance with the procedures described in subdivision (i) and (ii) of this subparagraph:

(i) *Statement of Past Participation in Exports, Form IT– or FC–821.* A statement of past participation in exports (Form IT– or FC–821), shall be submitted to the Bureau of Foreign Commerce in accordance with the procedure set forth in § 373.4. In order to be considered during the fourth quarter 1957, the Form IT– or FC–821 must be received in the Bureau of Foreign Commerce no later than October 31, 1957. The report shall be broken down by countries of destination and shall show the total quantity in pounds (gross scrap weight) of exports from the United States made by the applicant during the twelve month period, October 1, 1955 through September 30, 1956. In preparing the form, the heading above items (c) and (d) shall be changed to read "October 1, 1955-September 30, 1956."

(ii) *Evidence of commercial unsalability.* The application is supported by evidence of unsalability in the domestic market. This evidence shall be submitted in the form of a letter or other statement from the applicant, supplier, or person to whom the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and if available, the reason(s) for rejection of offers to sell.

(3) *All other clean and contaminated nickel scrap, nickel alloy scrap and cobalt nickel alloy scrap, Schedule B Nos. 654502 and 664526.*[5] License applications to export clean nickel scrap containing less than 95% nickel, clean and contaminated nickel alloy scrap and cobalt nickel alloy scrap, Schedule B Nos. 654502 and 664526, shall be supported by evidence of unsalability of the scrap in the domestic market as set forth in § 373.41 (b) (2) (ii).

NOTE: For purposes of paragraph (b) (3), material is considered to be contaminated when the contaminant cannot be readily sorted from the balance of the material.

(4) *Time for submission of applications.* Applications for licenses to export nickel-copper alloy scrap (including monel scrap), Schedule B No. 654502 shall be submitted in accordance with the time schedules set forth in § 373.81.

(5) *Validity period.* Licenses to export all commodities covered by this paragraph, will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on December 16, 1957, would expire March 31, 1958.

(6) *Amendments to export licenses.* Amendments requesting an extension of the validity period of a license issued under the provisions of this paragraph may be submitted to any field office of the Department of Commerce listed in § 380.2 of this subchapter or directly to the Bureau of Foreign Commerce. Where an amendment request involves an action other than an extension of the validity period, it shall be submitted directly to the Bureau of Foreign Commerce.

b. Paragraph (c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms* is amended by deleting subdivision

[2] Copies of Form FC–908 (Rev. 10–17–57) filed with the Federal Register Division.

[3] If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to the future destination and areas of operation shall be submitted.

[4] Does not include grindings, crushed radio tubes and slags; and skimmings and drosses. License applications covering these commodities will be considered for approval by the Bureau of Foreign Commerce on an open-end basis.

[5] Does not include grindings, crushed radio tubes and slags; and skimmings and drosses. License applications covering these commodities will be considered for approval by the Bureau of Foreign Commerce on an open-end basis.

(iv) of subparagraph (4) *Copper scrap and copper-base alloy scrap.*

This part of the amendment shall become effective as of November 21, 1957.

4. Section 373.49 *Machinery and parts*, paragraph (a) *Machinery and equipment* is amended to read as follows:

(a) *Machinery, equipment, and apparatus.* Applications for licenses to export machinery, equipment and appartus, with the processing codes CONS, ELME, GIEQ, SATE, TOOL, and TRAN must include the following identifying information in addition to the requirements of § 372.4 (e) of this subchapter:

(1) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

(2) For commodities having a rated capacity, show maximum rating.

(3) For machinery, equipment, or apparatus, if production and exportation can not be completed within six months, the Bureau of Foreign Commerce will consider the issuance of a license with a validity period of one year. In these instances, the exporter shall enter this request in the item entitled "additional information" on the Form FC–419, or on an attachment to the Form FC–419, explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

This part of the amendment shall become effective as of November 21, 1957.

5. Section 373.55 *Chemicals and medicinals* is amended by adding thereto a new paragraph (d) to read as follows:

(d) *Influenza vaccine, Asian (Far East) strain*—(1) *Licensing policy.* An export quota in the amount of 1,000,000 cc's for the month of December 1957 has been established for the commercial export of influenza vaccine, Asian (Far East) strain, Schedule B No. 812200. License applications submitted against this quota will be considered for approval as follows:

(i) *Distribution of quota.* In order to assure an equitable distribution of the December export quota, 90 percent of the quota will be apportioned by the Bureau of Foreign Commerce among producer-exporters on the basis of their individual production released for use through October 31, 1957. The remaining 10 percent will be set aside for non-producer exporters and emergency situations which may develop.

(ii) *Issuance of license.* Licenses will be issued immediately against the December quota for shipment beginning December 1, 1957. Beginning with the first quarter of 1958, this vaccine will be licensed on an open-end basis. Export license applications received during the months of November and December which cannot be considered for approval against the December quota will be licensed immediately against the first quarter of 1958 open-end export quota for shipment beginning January 1, 1958.

(2) *Ex-quota exportations.* Applications to export this vaccine for use for any of the following purposes will be considered for approval without regard to quota limitations:

(i) Product registration;

(ii) Biologics control;

(iii) Laboratory experimentation or research other than for immunization purposes;

(iv) Inoculation of United States nationals stationed abroad (excluding members of the United States Armed Services and United States Government employees stationed abroad for whom provisions have been made to receive vaccine inoculations through United States Government facilities).

This part of the amendment shall become effective as of November 21, 1957.

6. Section 373.81 *Supplement 1; Time schedules for submission of applications to export certain Positive List commodities* is amended to read as follows:

§ 373.81 *Supplement 1.*

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES
(Fourth quarter of 1957)

Dept. of Commerce Schedule B No.	Commodity	Submission dates
601170	Rerolling rails [1]	Oct. 1 to Dec. 13, 1957.
619159	Nickel powder, pure	Before Nov. 16, 1957. [2] [6]
644000	Copper-nickel alloy scrap, containing 40% or more copper and 5% or more nickel, including nickel silver (German silver) scrap. [3]	Before Nov. 16, 1957. [6]
654502	Nickel anodes, cast and rolled, [4] and nickel and nickel alloy shot	Before Nov. 16, 1957. [2] [6]
654502	Nickel-copper alloy scrap (including monel scrap) [5]	Oct. 1 to Dec. 20, 1957.

[1] See § 373.40 (e) for special licensing provisions.

[2] Generally applications for licenses to export nickel powder, shot and anodes will not be approved prior to November 16, 1957.

[3] See § 373.41 (c) for special licensing provisions.

[4] Licenses will be issued principally for Latin American countries and the Philippines since these countries lack facilities for producing nickel anodes and are traditionally dependent upon United States for their supplies thereof.

[5] See § 373.41 (b) (1) for special licensing provisions.

[6] License applications may be submitted between November 21 and December 31, 1957, for consideration against any fourth quarter export quota remaining after applications received prior to November 16, 1957 have been considered.

NOTES

Return of unused quotas. As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation.

Where no filing dates are announced. Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c) of this subparagraph).

Intransit shipments. Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (c) of this subchapter).

7. Section 379.10 *Destination control*, paragraph (c) *Statement regarding ultimate destination on Declaration, Bill of Lading, and Commercial Invoice*, subparagraph (3) is amended to read as follows:

(3) No licensee, shipper, or consignor, exporter, or agent thereof, or any other person, shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this paragraph, unless such invoice or invoices, and all copies thereof, shall contain on the face thereof the same destination control statement. This statement shall be an applicable statement as set forth in subparagraph (1) of this paragraph.

8. Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entry is added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Monk, A. C. & Co., Inc., Farmville, N. C.	10–17–57	[1] 4–17–58	General and validated licenses, all commodities, any destination, also exports to Canada. (No actual period of suspension. On probation from 10–17–57 to 4–17–58).	22 F. R. 8324. 10–23–57.

[1] This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

b. The following entries are amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Guetta, Amedeo H., 120 Wall Street, New York 5, N. Y.	6–24–57	11–24–57 [1] (6–24–59)	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 8071, 10–10–57.
Industrial Overseas Technical Corp., 120 Wall Street, New York 5, N. Y.	6–24–57	11–24–57 [1] (6–24–59)	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Messrs. Jarach & Guetta, which see).	22 F. R. 8071, 10–10–57.
Jarach-Guetta Industrial Overseas Co., Inc., 120 Wall Street, New York 5, N. Y.	6–24–57	11–24–57 [1] (6–24–59)	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 8071, 10–10–57.
Jarach, Lawrence M., 120 Wall Street, New York 5, N. Y.	6–24–57	11–24–57 [1] (6–24–59)	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 8071, 10–10–57.

[1] This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-9888; Filed, Nov. 29, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6792]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

A. A. WYN, INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new.* Subpart—*Using misleading name—Goods:* § 13.2320 *Old, secondhand, reconstructed or reused as new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, A. A. Wyn, Inc., et al., New York, N. Y., Docket 6792, Nov. 9, 1957]

In the Matter of A. A. Wyn, Inc., a Corporation, and Aaron A. Wyn and Rose Wyn, Individually and as Officers of A. A. Wyn, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging book distributors in New York City with selling newly titled reprints without adequate disclosure of the titles under which the books were originally published.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents A. A. Wyn, Inc., a corporation and its officers, and Aaron A. Wyn and Rose Wyn, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using or substituting a new title for, or in place of, the original title of a reprinted book unless a statement which reveals the original title of the book and that it has been previously published thereunder appears in clear, conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the new title or in another position adapted readily to attract the attention of a prospective purchaser.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 12, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-9923; Filed, Nov. 29, 1957; 8:53 a. m.]

[Docket 6703]

PART 13—DIGEST OF CEASE AND DESIST ORDER

CIMIER WATCH CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.175 *Quality of product or service.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1255 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Cimier Watch Corp. et al., New York, N. Y., Docket 6703, Nov. 9, 1957]

In the Matter of Cimier Watch Corp., a Corporation; Ab-Swiss Watch Corp., a Corporation, and Irving Abelov and Barnett Shiff, Individually and as Officers of Said Corporations and as Copartners Trading as Swiss Time Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two concerns doing business at the same address in New York City with misrepresenting their "Cimier" watches by display cards and posters furnished to jobbers and dealers and by them distributed to retailers, which advertised the watches falsely as "Golden De Luxe", "Jeweled Movement", with "One Year Unconditional Guarantee"; and by the word "jeweled" imprinted on the face of the watches.

Following approval of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Cimier Watch Corporation, a corporation; and its officers; Irving Abelov and Barnett Shiff, individually and as officers of said corporation, and trading as Swiss Time Company, or under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That a watch is a jeweled watch, or that it contains a jeweled movement, unless said watch contains at least seven jewels, each of which serves a mechanical purpose as a frictional bearing.

2. That the cases of watches are gold, unless such is the fact and the gold content is accurately and conspicuously described.

3. That watches are guaranteed without clearly disclosing the nature and extent of such guaranty.

4. That watches are guaranteed, when a service charge is imposed, unless the amount thereof is clearly and conspicuously disclosed.

It is further ordered, That this proceeding be dismissed as to respondent AB-Swiss Watch Corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Cimier Watch Corp., a corporation, Irving Abelov and Barnett Shiff, individually and as officers of said corporation and as copartners trading as Swiss Time Company shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 12, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-9924; Filed, Nov. 29, 1957; 8:53 a. m.]

[Docket 6460]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SWEETS COMPANY OF AMERICA, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—* Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, The Sweets Company of America, Inc., Hoboken, N. J., Docket 6460, Nov. 7, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a candy manufacturer in Hoboken, N. J., with violating Sec. 2 (d) of the Clayton Act as amended by making special allowances to certain customers—such as those granted for for promotion of anniversary sales to food chains in Philadelphia, Pa., and Washington, D. C.—without making

them available to competing customers on proportionally equal terms.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The Sweets Company of America, Inc., a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of candy and other products in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of candy and other products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such candy and other products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 12, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-9925; Filed, Nov. 29, 1957; 8:54 a. m.]

[Docket 6795]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HOME STUDY EDUCATORS

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Personnel or staff; § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.155 *Prices:* Usual as reduced, special, etc.; § 13.225 *Services.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Gordon L. Van der Boom et al., doing business as Home Study Educators, Los Angeles, Calif., Docket 6795, Nov. 6, 1957]

In the Matter of Gordon L. Van der Boom, John J. McNaughton, and Arnold Heiderich, Individually and Doing Business Under the Name and Style of Home Study Educators

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Los Angeles, Calif., correspondence school with advertising falsely that its correspondence course in fish, forestry, and wildlife covered essential requirements for State and federal jobs in those fields and that it provided a placement service for those completing its course; and with misrepresenting the educational requirements, opportunities for employment and advancement, and starting salaries, among other things.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Gordon L. Van der Boom, John J. McNaughton and Arnold Heiderich, individually and doing business as Home Study Educators, or under any other name, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their course of instruction pertaining to fish, forestry and wildlife, or any other similar course, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly:

(a) That said course of instruction is a complete course or that it covers the essential requirements for all positions with the fish, forestry or wildlife departments of each of the States of the United States or of the United States Government, or misrepresenting in any manner the extent or coverage of said course of instruction.

(b) That testimonials set out in respondents' advertisements are unbiased or unsolicited when such is not the fact.

(c) That respondents provide a placement service for those completing their course of instruction or render service to them in obtaining positions in cases involving civil service employment.

(d) That an expert on fish, forestry or wildlife is on respondents' staff, unless such is the fact.

(e) That respondents provide consultation service or personal counseling to those who purchase their course of instruction, unless such is the fact.

(f) That their course of instruction is offered at a saving unless the represented saving is based upon the price at which the course of instruction is usually and customarily sold.

2. Misrepresenting the necessary basic educational requirements or experience, or lack of either of them, to qualify persons for positions referred to in 1 (a) above.

3. Misrepresenting the openings and opportunities for employment in the various fields referred to in 1 (a) above.

4. Misrepresenting the salaries and opportunities for advancement for any of the types of employment referred to in 1 (a) above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 6, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-9926; Filed, Nov. 29, 1957; 8:55 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

FORMAL AND INFORMAL STATEMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a)), the Federal Caustic Poison Act (sec. 9 (c) (1), 44 Stat. 1409; 15 U. S. C. 409 (c) (1), the Federal Import Milk Act (sec. 3, 44 Stat. 1102, as amended; 21 U. S. C. 143), and the Tea Importation Act (sec. 10, 29 Stat. 607, as amended; 21 U. S. C. 50), and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the following additions and changes are made in Part 3—Statements of General Policy or Interpretation:

1. Part 3 is divided into two subparts. Subpart A, comprising §§ 3.1–3.200, will be entitled: Subpart A—Formal Statements of Policy or Interpretation.

2. A new Subpart B, comprising § 3.201 et seq. is added and will include informal statements of general policy or interpretation excerpted from letters written by responsible officials of the Food and Drug Administration to representatives of the affected industries and other persons, on subjects of general interest, and from other sources.

3. Under Subpart B—Informal Statements of General Policy or Interpretation, the following sections are added:

SUBPART B—INFORMAL STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Sec.
3.201 Declaration of pyroligneous acid in food.
3.202 Labeling of kosher and kosher-style food.
3.203 Quaternary ammonium compounds in foods.

Sec.
3.204 Sprout inhibitors; tolerances for residues in food.
3.205 Jams and jellies containing artificial sweeteners.
3.206 Whipped cream products containing flavoring or sweetening.
3.501 Disposition of outdated drugs.
3.502 Use of term "infant" in drug labeling.
3.503 Magnesium sulfate heptahydrate; label declaration on drug products.
3.504 Prescription legend on drugs intended for export.
3.505 Estradiol labeling.
3.506 Use of octadecylamine in steam lines of food and drug establishments.
3.700 Definition of ammonia under Federal Caustic Poison Act.

AUTHORITY: §§ 3.201 to 3.506 issued under sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. § 3.700 issued under sec. 9, 44 Stat. 1409; 15 U. S. C. 409. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 3.201 *Declaration of pyroligneous acid in food.* Pyroligneous acid may be used in foods insofar as the Federal Food, Drug, and Cosmetic Act is concerned, if it is of a degree of purity suitable for food use and does not serve to conceal damage or inferiority, or to make the food appear better or of greater value than it is. If the food is one for which an identity standard has been promulgated, pyroligneous acid should not be used unless it is an ingredient provided for in the definition and standard of identity. When used, it should be declared as an artificial flavor by some such phrase as "pyroligneous acid, an artificial flavor," "pyroligneous acid, an artificial smoke flavor," or "artificially flavored with pyroligneous acid." There should be no representation in the labeling, either directly or implied, that a product flavored with pyroligneous acid has been smoked or has a true smoke flavor, nor should there be any representation in the labeling of a seasoning, sauce, or similar product containing pyroligneous acid and used to season or flavor other foods that their use will result in a smoked product or one having a true smoked flavor.

(Secs. 402, 403, 52 Stat. 1047, 1048; 21 U. S. C. 342, 343)

§ 3.202 *Labeling of kosher and kosher-style foods.* The term "kosher" should be used only on food products that meet certain religious dietary requirements. The precise significance of the phrase "kosher style" as applied to any particular product by the public has not been determined. There is a likelihood that the use of the term may cause the prospective purchaser to think that the product is "kosher." Accordingly, the Food and Drug Administration believes that use of the phrase should be discouraged on products that do not meet the religious dietary requirements.

(Sec. 403, 52 Stat. 1047; 21 U. S. C. 343)

§ 3.203 *Quaternary ammonium compounds in foods.* The Food and Drug Administration classifies quaternary ammonium compounds as poisonous and deleterious substances. Foods bearing or containing these substances will be considered adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act.

(Sec. 402, 52 Stat. 1046; 21 U. S. C. 342)

§ 3.204 *Sprout inhibitors; tolerances for residues in food.* Sprout inhibitors are not classed as pesticides; therefore, tolerances for their residues in or on raw agricultural commodities cannot be established under section 408 (the pesticide amendment) of the Federal Food, Drug, and Cosmetic Act; however, if the residues are poisonous or deleterious, tolerances for them in food might be established under section 406 (a) of the act, if it can be established that they are required in production.

(Secs. 406, 408, 52 Stat. 1049, 68 Stat. 511; 21 U. S. C. 346, 346a)

§ 3.205 *Jams and jellies containing artificial sweeteners.* Sugar is one of the basic ingredients of jam and jelly. Its presence in these foods is required by the standards of identity for the products. An artificially sweetened jam or jelly must be labeled as imitation, even though the fruit or fruit juice content equals or exceeds that of the standardized article.

(Secs. 401, 402, 403, 52 Stat. 1046, 1048; 21 U. S. C. 341, 342, 343)

§ 3.206 *Whipped cream products containing flavoring or sweetening.* The unqualified name "whipped cream" should not be applied to any product other than one made by whipping the cream that complies with the standards of identity for whipping cream (§§ 18.510, 18.511, and 18.515 of this chapter). If flavoring and/or sweetening is added, the resulting product is a flavored and/or sweetened whipped cream, and should be so identified.

(Secs. 401, 403, 52 Stat. 1047, 1048; 21 U. S. C. 341, 343)

§ 3.501 *Disposition of outdated drugs.* When certification becomes invalid because the expiration date is passed, such articles should not be disposed of for drug use either through commercial or charitable channels unless the articles have been assayed to establish potency and recertified.

(Secs. 506, 507, 55 Stat. 851, 59 Stat. 463, as amended; 21 U. S. C. 356, 357)

§ 3.502 *Use of term "infant" in drug labeling.* The regulations affecting special dietary foods (§ 125.1 (d) of this chapter) define an infant as a child not more than 12 months old. Apart from this, the Food and Drug Administration has not established any definition of the term "infant." Some question has arisen whether, for the purposes of drug labeling, an infant means a child up to 1 year of age or a child up to 2 years of age. Until the term is more precisely defined by legislation or formal regulation, where the exact meaning of the term is significant, manufacturers should qualify any reference to "infant" to indicate whether it refers to a child who is not more than 1 year of age, or a child not more than 2 years of age.

(Sec. 502, 52 Stat. 1051; 21 U. S. C. 352)

§ 3.503 *Magnesium sulfate heptahydrate; label declaration on drug products.* Magnesium sulfate heptahydrate should be listed on the label of a drug product as epsom salt, which is its common or usual name.

(Sec. 502, 52 Stat. 1051; 21 U. S. C. 352)

§ 3.504 *Prescription legend on drugs intended for export.* The legend "Caution: Federal law prohibits dispensing without prescription" might be inappropriate on drugs exported from the United States, since their sale may or may not be restricted under the laws of the country of destination. The Food and Drug Administration would not object to a slight modification of the wording to read, "Caution: Federal (U. S. A.) law prohibits dispensing without prescription," by a manufacturer who wishes to market a drug under the same label both in domestic and foreign commerce.

(Secs. 503, 801, 52 Stat. 1052, 1058; 21 U. S. C. 353, 381)

§ 3.505 *Estradiol labeling.* The article presently recognized in The National Formulary under the heading "Estradiol" and which is said to be "17-cis-beta estradiol" is the same substance formerly recognized in the United States Pharmacopeia under the designation "Alpha Estradiol." The substance should no longer be referred to in drug labeling as "Alpha Estradiol." The Food and Drug Administration would not object to label references to the article as simply "Estradiol"; nor would it object if the label of a preparation containing this substance referred to the presence of "Estradiol (formerly known as Alpha Estradiol)."

(Secs. 201, 502, 52 Stat. 1040, 1051; 21 U. S. C. 321, 352)

§ 3.506 *Use of octadecylamine in steam lines of food and drug establishments.* (a) Octadecylamine is classed as a poisonous and deleterious substance; therefore, it may not be used in the steam lines of steam that may be incorporated into food products unless it can be established that it is required in the production of the food and a tolerance is established for the amount that would be safe for such use.

(b) The Food and Drug Administration will not object to the use of octadecylamine in steam lines where the steam may be used for autoclaving surgical instruments and gauze if the octadecylamine in the steam is not more than 2.4 parts per million.

(Secs. 406, 502, 52 Stat. 1049, 1051; 21 U. S. C. 346, 352)

§ 3.700 *Definition of ammonia under Federal Caustic Poison Act.* For the purpose of determining whether an article containing ammonia is subject to the Federal Caustic Poison Act, the ammonia content is to be calculated as NH_3.

(Secs. 2, 9, 44 Stat. 1409; 15 U. S. C. 409)

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371; sec. 3, 44 Stat. 1102; 21 U. S. C. 143; sec. 9, 44 Stat. 1409; 15 U. S. C. 409)

Dated: November 22, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-9898; Filed, Nov. 29, 1957; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.349]

PART 75—UNITED STATES MUNITIONS LIST: ENUMERATIONS OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR, INCLUDING TECHNICAL DATA RELATING THERETO; AND REGULATIONS GOVERNING SAME

MISCELLANEOUS AMENDMENTS

The regulations of the Secretary of State, issued August 26, 1955, as amended May 15, 1956, November 5, 1956, August 31, 1957, and October 1, 1957, are amended as follows:

1. Section 75.2 is amended to read:

§ 75.2 *Definition of aircraft.* As used in § 75.10, Category X, the term "aircraft" shall include piloted, pilotless, and robot aircraft and non-expansible balloons in excess of 3,000 cubic feet capacity.

2. Section 75.3 is amended to read:

§ 75.3 *Definition of major aircraft components.* The articles listed below shall be considered as major components of aircraft:

(a) Air frames and components thereof:

Fuselages or hulls.
Wings, wing panels, and sections.
Rudders and fins.

(b) Complete engines and superchargers including jet engines and afterburners.

(c) Propellers:

Complete assemblies.
Propeller blades.

(d) Landing gears:

Complete assemblies.
Wheels.
Tires and tubes.
Brakes.

(e) Automatic pilots.

(f) Aircraft radio:

Transmitters.
Receivers.

(g) Aircraft radar.

(h) Components, instruments, accessories and attachments peculiarly military in nature which are installed in or attached to tactical aircraft shall be considered as major components.

3. The following sections are added:

§ 75.5 *Unclassified technical data.* (a) The term "technical data" refers to any professional, scientific, or technical information, including any model design, photographic negative, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis, or operation in the production, manufacture, or reconstruction of articles or materials.

(b) As used in Category XVIII of the of the United States Munitions List the term "technical data" refers to any unclassified technical data relating to arms, ammunition and implements of war.

§ 75.6 *Classified technical data.* Classified technical data is included under Category XVII, and refers to any material or information which has been officially assigned a security classification, i. e., "top secret", "secret", or "confidential" by any officer or agency of the United States Government.

§ 75.7 *Advanced technical data material.* Unclassified technical data as used in §§ 75.121 and 75.122 is considered to contain advanced plans, specifications, design, processing and manufacturing techniques when it has not been reviewed by competent technical personnel of the United States Government with respect to its possible military implications.

4. Section 75.56 is deleted.

5. The following section is added:

§ 75.73 *Aircraft parts and components to Armed Services.* Collectors of Customs are authorized to permit the exportation of aircraft spare parts and components without a license on presentation of satisfactory evidence that the shipment is being made to the United States Armed Services abroad.

6. Section 75.77 (b) is amended to read:

(b) In the case of aircraft, however, an export license is required for its reexport only when it has undergone a major overhaul or major components were installed thereon during its stay in the United States. Major components of aircraft are defined in § 75.3.

7. Section 75.103 is added to read:

§ 75.103 *Required provisions in agreements.* (a) Proposed technical assistance or manufacturing license agreements which may involve the transfer or interchange of technical data (see § 75.6) should set out in detail the terms and conditions of such transfer or interchange and define in precise terms the following:

(1) The equipment and technology involved.

(2) The scope of the information to be furnished.

(3) The period of duration of the agreement.

(b) Licensing agreements will provide that (1) the licensee may not include as a cost factor in the sale of articles produced under the agreement a charge for technical data furnished or developed at the expense of the United State Government, and (2) new designs, processes or manufacturing techniques derived from such data will be made available on an unrestricted basis to the United States Government at reasonable cost by the licensee.

8. Section 75.110 is amended to read:

§ 75.110 *Exportation of technical data.* (a) Written approval by the Department of State is required in all cases for the exportation of unclassified technical data to any of the destinations referred to in § 75.141 (see also §§ 75.5 and 75.7).

(b) Written approval by the Department of State is also required for the exportation of such data to all other destinations except when otherwise exempted by §§ 75.111 to 75.160 or when it is in published form and:

(1) Sold at newsstands or bookstores;

(2) Available by subscription or purchase to any individual without restriction;

(3) Granted second class mailing privilege by the United States Government; or

(4) Consists of unclassified informational media on aviation equipment freely available at symposia attended by the general public, provided such releases have ben approved by the United States Government.

(c) The written approval may take the form of a Department of State license or letter. An application form (Form DSP-5) should be used if Customs clearance is required. The request for a written approval whether by letter or application must be submitted in triplicate.

(d) Classified military information, including classified technical data, may only be transferred or exported on a government-to-government basis or under other procedures established by the cognizant military agency. Should classified data be involved in any proposed commercial transaction, the matter must be taken up with the Department of State by letter. Such a letter should contain full details of the proposed transaction and be accompanied by additional documents to assist in the consideration of the proposal. The letter and documents submitted for this purpose should be in triplicate.

9. Section 75.120 is amended to read:

§ 75.120 *Unclassified technical data relating to sales bulletins, operational manuals, etc.* (a) Collectors of customs or postal authorities may permit the exportation without written approval to any destination other than those listed in § 75.141 of unclassified technical data in the form of sales bulletins, operational, maintenance and sales promotion manuals which relate to equipment previously approved for commercial export.

(b) Collectors of Customs or postal authorities may permit the exportation without a new written approval or license to any destination other than those listed in § 75.141 of unclassified technical data in the form of sales bulletins, operational maintenance and sales promotion manuals previously approved for export to those destinations.

10. Section 75.121 is amended to read:

§ 75.121 *Unclassified technical data relating to civil aircraft equipment.* Collectors of Customs or postal authorities may permit the exportation without a license (subject to the provisions of § 75.140) of unclassified technical data relating to civil aircraft in the form of sales brochures, sales promotion manuals, and publications except when advanced plans, performance data, designs, processes and manufacturing techniques are included.

11. The following section is added:

§ 75.126 *Written approval.* Collectors of Customs or postal authorities may release for export unclassified technical data relating to arms, ammunition and implements of war when covered by a letter of approval from the Department of State.

12. Section 75.140 is amended to read:

§ 75.140 *Certification requirement.* If the exporter wishes to claim the benefit of an exemption from the requirement for a specific written approval in accordance with the provisions of §§ 75.120 to 75.126, he is required to certify that he has complied with the conditions set forth in §§ 75.141 to 75.148. He may so certify by marking the package or letter "22 CFR 75.140 complied with."

13. The following sections are added:

§ 75.141 *Destination.* Under any of the exemptions provided in this part the exporter must certify that the technical data is not intended for the Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of the 17th parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control. Certification as to these facts may be made in accordance with the provisions of § 75.140.

§ 75.142 *Sales bulletins, etc.* Under the exemption provided by § 75.120 the exporter must certify that the exportation consists of unclassified sales bulletins, operational, maintenance and sales promotion manuals which relate to equipment previously approved for commercial export or have been previously approved for export to these destinations. Upon certifying as to these facts and complying with the provisions of § 75.140, the exporter may be exempted from the requirement that he present a written approval from the Department of State.

§ 75.143 *Aircraft and small arms.* Under the exemptions provided by §§ 75.121 and 75.122 the exporter must certify that the sales literature being exported contains no advanced plans, performance data, designs, processes, manufacturing techniques or specifications. Certification as to these facts may be made in accordance with the provisions of § 75.140.

§ 75.144 *Imports.* Under the exemption provided by § 75.123 the exporter must certify that the technical data being exported was imported from abroad and is being returned to the country of origin. Certifications as to these facts may be made in accordance with the provisions of § 75.140.

§ 75.145 *Government contracts.* Under the exemption provided by § 75.124 the exporter must certify that the technical data is being shipped directly in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer. Certification as to these facts may be made in accordance with the provisions of § 75.140.

§ 75.146 *Licensing agreements.* Under the exemption provided by § 75.125 the exporter must certify that the technical data is being shipped directly in furtherance of a licensing agreement to which the Department of State has, in writing, expressed no objection and which does not pertain to a more recent design, process or manufacturing technique. Certification as to these facts may be made in accordance with the provisions of § 75.140.

§ 75.147 *Written approval.* Under the exemption provided by § 75.126 the exporter must certify that he has a letter of approval from the Department of State by marking the letter or package as set forth in § 75.140.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103. E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

Dated: November 21, 1957.

For the Secretary of State.

RODERIC L. O'CONNOR,
Administrator, Bureau of Security and Consular Affairs.

[F. R. Doc. 57-9908; Filed, Nov. 29, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The regulations set forth in paragraph 1 below are hereby prescribed under section 267 of the Internal Revenue Code of 1954. Section 1.707-1 (b) (3) (26 CFR 1.707-1 (b) (3)) is hereby amended as set forth in paragraph 2 below. Except as specifically provided otherwise, the regulations contained in this Treasury decision are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

PARAGRAPH 1. The following regulations are hereby prescribed under section 267 of the Internal Revenue Code of 1954.

Sec.
1.267 (a) Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; deductions disallowed.
1.267 (a)-1 Deductions disallowed.
1.267 (b) Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; relationships.
1.267 (b)-1 Relationships.
1.267 (c) Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; constructive ownership of stock.
1.267 (c)-1 Constructive ownership of stock.
1.267 (d) Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; amount of gain where loss previously disallowed.
1.267 (d)-1 Amount of gain where loss previously disallowed.
1.267 (d)-2 Effective date; taxable years subject to the Internal Revenue Code of 1939.

§ 1.267 (a) *Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; deductions disallowed.*

SEC. 267. *Losses, expenses, and interest with respect to transactions between related taxpayers*—(a) *Deductions disallowed.* No deduction shall be allowed—

(1) *Losses.* In respect of losses from sales or exchanges of property (other than losses in cases of distributions in corporate liquidations), directly or indirectly, between persons specified within any one of the paragraphs of subsection (b).

(2) *Unpaid expenses and interest.* In respect of expenses, otherwise deductible under section 162 or 212, or of interest, otherwise deductible under section 163—

(A) If within the period consisting of the taxable year of the taxpayer and 2½ months after the close thereof (i) such expenses or interest are not paid, and (ii) the amount thereof is not includible in the gross income of the person to whom the payment is to be made; and

(B) If, by reason of the method of accounting of the person to whom the payment is to be made, the amount thereof is not, unless paid, includible in the gross income of such person for the taxable year in which or with which the taxable year of the taxpayer ends; and

(C) If, at the close of the taxable year of the taxpayer or at any time within 2½ months thereafter, both the taxpayer and the person to whom the payment is to be made are persons specified within any one of the paragraphs of subsection (b).

§ 1.267 (a)-1 *Deductions disallowed*—(a) *Losses.* Except in cases of distributions in corporate liquidations, no deduction shall be allowed for losses arising from direct or indirect sales or exchanges of property between persons who, on the date of the sale or exchange, are within any one of the relationships specified in section 267 (b). See § 1.267 (b)-1. For example, a husband sells 100 shares of stock on a stock exchange incurring a loss on the transaction. The next day his wife purchases the same number of shares on a stock exchange. This transaction is an indirect sale to the wife and the loss is denied the husband.

(b) *Unpaid expenses and interest.* (1) No deduction shall be allowed a taxpayer for trade or business expenses otherwise deductible under section 162, for expenses for production of income otherwise deductible under section 212, or for interest otherwise deductible under section 163—

(i) If, at the close of the taxpayer's taxable year within which such items are accrued by the taxpayer or at any time within 2½ months thereafter, both the taxpayer and the payee are persons within any one of the relationships specified in section 267 (b) (see § 1.267 (b)-1); and

(ii) If the payee is on the cash receipts and disbursements method of accounting with respect to such items of gross income for his taxable year in which or with which the taxable year of accrual by the debtor-taxpayer ends; and

(iii) If, within the taxpayer's taxable year within which such items are accrued by the taxpayer and 2½ months after the close thereof, the amount of such items is not paid and the amount of such items is not otherwise (under the rules of constructive receipt) includible in the gross income of the payee.

(2) The provisions of section 267 (a) (2) and this paragraph do not otherwise affect the general rules governing the allowance of deductions under an accrual method of accounting. For example, if the accrued expenses or interest are paid after the deduction has become disallowed under section 267 (a) (2), no deduction would be allowable for the taxable year in which payment is made, since an accrual item is deductible only in the taxable year in which it is properly accruable.

(3) The expenses and interest specified in section 267 (a) (2) and this paragraph shall be considered as paid for purposes of that section to the extent of the fair market value on the date of issue of notes or other instruments of similar effect received in payment of such expenses or interest if such notes or other instruments were issued in such payment by the taxpayer within his taxable year or within 2½ months after the close thereof. Such payment by notes or other instruments of similar effect is limited to the expenses and interest specified in section 267 (a) (2) and this paragraph, and the fair market value on the date of issue of such notes or other instruments of similar effect is includible in the gross income of the payee for the taxable year in which he receives the notes or other instruments.

(4) The provisions of this paragraph may be illustrated by the following example:

Example. A, an individual, is the holder and owner of an interest-bearing note of the M Corporation, all the stock of which was owned by him on December 31, 1956. A and the M Corporation make their income tax returns for a calendar year. The M Corporation uses an accrual method of accounting. A uses a combination of accounting methods permitted under section 446 (c) (4) in which he uses the cash receipts and disbursements method in respect of items of gross income. The M Corporation does not pay any interest on the note to A during the calendar year 1956 or within 2½ months after the close of that year, nor does it credit any interest to A's account in such a manner that it is subject to his unqualified demand and thus is constructively received by him. M Corporation claims a deduction for the year 1956 for the interest accruing on the note in that year. Since A is on the cash receipts and disbursements method in respect of items of gross income, the interest is not includible in his return for the year 1956. Under the provisions of section 267 (a) (2) and this paragraph, no deduction for such interest is allowable in computing the taxable income of the M Corporation for the taxable year 1956 or for any other taxable year. However, if the interest had actually been paid to A on or before March 15, 1957, or if it had been made available to A before that time (and thus had been constructively received by him), the M Corporation would be allowed to deduct the amount of the payment in computing its taxable income for 1956.

(c) *Scope of section.* Section 267 (a) requires that deductions for losses or unpaid expenses or interest described therein be disallowed even though the transaction in which such losses, expenses, or interest were incurred was a bona fide transaction. However, section 267 is not exclusive. No deduction for losses or unpaid expenses or interest arising in a transaction which is not bona fide will be allowed even though section 267 does not apply to the transaction.

§ 1.267 (b) *Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; relationships.*

SEC. 267. *Losses, expenses, and interest with respect to transactions between related taxpayers.* • • •

(b) *Relationships.* The persons referred to in subsection (a) are:

(1) Members of a family, as defined in subsection (c) (4);

(2) An individual and a corporation more than 50 percent in value of the outstanding stock of which is owned, directly or indirectly, by or for such individual;

(3) Two corporations more than 50 percent in value of the outstanding stock of each of which is owned, directly or indirectly, by or for the same individual, if either one of such corporations, with respect to the taxable year of the corporation preceding the date of the sale or exchange was, under the law applicable to such taxable year, a personal holding company or a foreign personal holding company;

(4) A grantor and a fiduciary of any trust;

(5) A fiduciary of a trust and a fiduciary of another trust, if the same person is a grantor of both trusts;

(6) A fiduciary of a trust and a beneficiary of such trust;

(7) A fiduciary of a trust and a beneficiary of another trust, if the same person is a grantor of both trusts;

(8) A fiduciary of a trust and a corporation more than 50 percent in value of the outstanding stock of which is owned, directly or indirectly, by or for the trust or by or for a person who is a grantor of the trust; or

(9) A person and an organization to which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies and which is controlled directly or indirectly by such person or (if such person is an individual) by members of the family of such individual.

§ 1.267 (b)-1 *Relationships*—(a) *In general.* (1) The persons referred to in section 267 (a) and § 1.267 (a)-1 are specified in section 267 (b).

(2) Under section 267 (b) (3), it is not necessary that either of the two corporations be a personal holding company or a foreign personal holding company for the taxable year in which the sale or exchange occurs or in which the expenses or interest are properly accruable, but either one of them must be such a company for the taxable year next preceding the taxable year in which the sale or exchange occurs or in which the expenses or interest are accrued.

(3) Under section 267 (b) (9), the control of certain educational and charitable organizations exempt from tax under section 501 includes any kind of control, direct or indirect, by means of which a person in fact controls such an organization, whether or not the control is legally enforceable and regardless of the method by which the control is exercised or exercisable. In the case of an individual, control possessed by the individual's family, as defined in section 267 (c) (4) and § 1.267 (c)-1 (a) (4), shall be taken into account.

(b) *Partnerships.* (1) Since section 267 does not include members of a partnership and the partnership as related persons, transactions between partners and partnerships do not come within the scope of section 267. Such transactions are governed by section 707 for the purposes of which the partnership is considered to be an entity separate from the partners. See section 707 and § 1.707-1. Any transaction described in section 267 (a) between a partnership and a person other than a partner shall be considered as occurring between the other person and the members of the partnership separately. Therefore, if the other person and a partner are within any one of the relationships specified in section 267 (b), no deductions with respect to such transactions between the other person and the partnership shall be allowed—

(i) To the related partner to the extent of his distributive share of partnership deductions for losses or unpaid expenses or interest resulting from such transactions, and

(ii) To the other person to the extent the related partner acquires an interest in any property sold to or exchanged with the partnership by such other per-

son at a loss, or to the extent of the related partner's distributive share of the unpaid expenses or interest payable to the partnership by the other person as a result of such transaction.

(2) The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, an equal partner in the ABC partnership, personally owns all the stock of M Corporation. B and C are not related to A. The partnership and all the partners use an accrual method of accounting, and are on a calendar year. M Corporation uses the cash receipts and disbursements method of accounting and is also on a calendar year. During 1956 the partnership borrowed money from M Corporation and also sold property to M Corporation, sustaining a loss on the sale. On December 31, 1956, the partnership accrued its interest liability to the M Corporation and on April 1, 1957 (more than 2½ months after the close of its taxable year), it paid the M Corporation the amount of such accrued interest. Applying the rules of this paragraph, the transactions are considered as occurring between M Corporation and the partners separately. The sale and interest transactions considered as occurring between A and the M Corporation fall within the scope of section 267 (a) and (b), but the transactions considered as occurring between partners B and C and the M Corporation do not. The latter two partners may, therefore, deduct their distributive shares of partnership deductions for the loss and the accrued interest. However, no deduction shall be allowed to A for his distributive shares of these partnership deductions. Furthermore, A's adjusted basis for his partnership interest must be decreased by the amount of his distributive share of such deductions. See section 705 (a) (2).

Example (2). Assume the same facts as in example (1) of this subparagraph except that the partnership and all the partners use the cash receipts and disbursements method of accounting, and that M Corporation uses an accrual method. Assume further, that during 1956 M Corporation borrowed money from the partnership and that on a sale of property to the partnership during that year M Corporation sustained a loss. On December 31, 1956, the M Corporation accrued its interest liability on the borrowed money and on April 1, 1957 (more than 2½ months after the close of its taxable year) it paid the accrued interest to the partnership. The corporation's deduction for the accrued interest is not allowed to the extent of A's distributive share (one-third) of such interest income. M Corporation's deduction for the loss on the sale of the property to the partnership is not allowed to the extent of A's one-third interest in the purchased property.

§ 1.267 (c) *Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; constructive ownership of stock.*

SEC. 267. *Losses, expenses, and interest with respect to transactions between related taxpayers.* • • •

(c) *Constructive ownership of stock.* For purposes of determining, in applying subsection (b), the ownership of stock—

(1) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries;

(2) An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family;

(3) An individual owning (otherwise than by the application of paragraph (2)) any stock in a corporation shall be considered as owning the stock owned, directly or indirectly, by or for his partner;

(4) The family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(5) Stock constructively owned by a person by reason of the application of paragraph (1) shall, for the purpose of applying paragraph (1), (2), or (3), be treated as actually owned by such person, but stock constructively owned by an individual by reason of the application of paragraph (2) or (3) shall not be treated as owned by him for the purpose of again applying either of such paragraphs in order to make another the constructive owner of such stock.

§ 1.267 (c)–1 *Constructive ownership of stock*—(a) *In general.* (1) The determination of stock ownership for purposes of section 267 (b) shall be in accordance with the rules in section 267 (c).

(2) For an individual to be considered under section 267 (c) (2) as constructively owning the stock of a corporation which is owned, directly or indirectly, by or for members of his family it is not necessary that he own stock in the corporation either directly or indirectly. On the other hand, for an individual to be considered under section 267 (c) (3) as owning the stock of a corporation owned either actually, or constructively under section 267 (c) (1), by or for his partner, such individual must himself actually own, or constructively own under section 267 (c) (1), stock of such corporation.

(3) An individual's constructive ownership, under section 267 (c) (2) or (3), of stock owned directly or indirectly by or for a member of his family, or by or for his partner, is not to be considered as actual ownership of such stock, and the individual's constructive ownership of the stock is not to be attributed to another member of his family or to another partner. However, an individual's constructive ownership, under section 267 (c) (1), of stock owned directly or indirectly by or for a corporation, partnership, estate, or trust shall be considered as actual ownership of the stock, and the individual's ownership may be attributed to a member of his family or to his partner.

(4) The family of an individual shall include only his brothers and sisters, spouse, ancestors, and lineal descendants. In determining whether any of these relationships exist, full effect shall be given to a legal adoption. The term "ancestors" includes parents and grandparents, and the term "lineal descendants" includes children and grandchildren.

(b) *Examples.* The application of section 267 (c) may be illustrated by the following examples:

Example (1). On July 1, 1957, A owned 75 percent, and AW, his wife, owned 25 percent, of the outstanding stock of the M Corporation. The M Corporation in turn owned 80 percent of the outstanding stock of the O Corporation. Under section 267 (c) (1), A and AW are each considered as owning an amount of the O Corporation stock actually owned by M Corporation in proportion to their respective ownership of M Corporation stock. Therefore, A constructively owns 60 percent (75 percent of 80 percent) of the O Corporation stock and AW constructively owns 20 percent (25 percent of 80 percent) of such stock. Under the family ownership rule of section 267 (c) (2), an individual is considered as constructively owning the stock actually owned by his spouse. A and AW, therefore, are each considered as constructively owning the M Corporation stock actually owned by the other. For the purpose of applying this family ownership rule, A's and AW's constructive ownership of O Corporation stock is considered as actual ownership under section 267 (c) (5). Thus, A constructively owns the 20 percent of the O Corporation stock constructively owned by AW, and AW constructively owns the 60 percent of the O Corporation stock constructively owned by A. In addition, the family ownership rule may be applied to make AWF, AW's father, the constructive owner of the 25 percent of the M Corporation stock actually owned by AW. As noted above, AW's constructive ownership of 20 percent of the O Corporation stock is considered as actual ownership for purposes of applying the family ownership rule, and AWF is thereby considered the constructive owner of this stock also. However, AW's constructive ownership of the stock constructively and actually owned by A may not be considered as actual ownership for the purpose of again applying the family ownership rule to make AWF the constructive owner of these shares. The ownership of the stock in the M and O Corporations may be tabulated as follows:

Person	Stock ownership in M Corporation		Total under Section 267	Stock ownership in O Corporation		Total under Section 267
	Actual	Constructive		Actual	Constructive	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
A	75	25	100	None	60	80
					20	
AW (A's wife)	25	75	100	None	20	80
					60	
AWF (AW's father)	None	25	25	None	20	20
M Corporation				80	None	80
O Corporation	None	None	None			

Assuming that the M Corporation and the O Corporation make their income tax returns for calendar years, and that there was no distribution in liquidation of the M or O Corporation, and further assuming that either corporation was a personal holding company under section 542 for the calendar year 1956, no deduction is allowable with respect to losses from sales or exchanges of property made on July 1, 1957, between the two corporations. Moreover, whether or not either corporation was a personal holding company, no loss would be allowable on a sale or exchange between A or AW and either corporation. A deduction would be allowed, however, for a loss sustained in an arm's length sale or exchange between A and AWF, and between AWF and the M or O Corporation.

Example (2). On June 15, 1957, all of the stock of the N Corporation was owned in equal proportions by A and his partner, AP. Except in the case of distributions in liquidation by the N Corporation, no deduction is allowable with respect to losses from sales or exchanges of property made on June 15, 1957, between A and the N Corporation or AP and the N Corporation since each partner is considered as owning the stock owned by the other; therefore, each is considered as owning more than 50 percent in value of the outstanding stock of the N Corporation.

Example (3). On June 7, 1957, A owned no stock in X Corporation, but his wife, AW, owned 20 percent in value of the outstanding stock of X, and A's partner, AP, owned 60 percent in value of the outstanding stock of X. The partnership firm of A and AP owned no stock in X Corporation. The ownership of AW's stock is attributed to A, but not that of AP since A does not own any X Corporation stock either actually, or constructively under section 267 (c) (1). A's constructive ownership of AW's stock is not the ownership required for the attribution of AP's stock. Therefore, deductions for losses from sales or exchanges of property made on June 7 1957, between X Corporation and A or AW are allowable since neither person owned more than 50 percent in value of the outstanding stock of X, but deductions for losses from sales or exchanges between X Corporation and AP would not be allowable by section 267 (a) (except for distributions in liquidation of X Corporation).

§ 1.267 (d) *Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; amount of gain where loss previously disallowed.*

SEC. 267. *Losses, expenses, and interest with respect to transactions between related taxpayers.* • • •

(d) *Amount of gain where loss previously disallowed.* If—

(1) In the case of a sale or exchange of property to the taxpayer a loss sustained by the transferor is not allowable to the transferor as a deduction by reason of subsection (a) (1) (or by reason of section 24 (b) of the Internal Revenue Code of 1939); and

(2) After December 31, 1953, the taxpayer sells or otherwise disposes of such property (or of other property the basis of which in his hands is determined directly or indirectly by reference to such property) at a gain,

then such gain shall be recognized only to the extent that it exceeds so much of such loss as is properly allocable to the property sold or otherwise disposed of by the taxpayer. This subsection applies with respect to taxable years ending after December 31, 1953. This subsection shall not apply if the loss sustained by the transferor is not allowable to the transferor as a deduction by reason of section 1091 (relating to wash sales) or by reason of section 118 of the Internal Revenue Code of 1939.

§ 1.267 (d)–1 *Amount of gain where loss previously disallowed*—(a) *General rule.* (1) If a taxpayer acquires property by purchase or exchange from a transferor who, on the transaction, sustained a loss not allowable as a deduction by reason of section 267 (a) (1) (or by reason of section 24 (b) of the Internal Revenue Code of 1939), then any gain realized by the taxpayer on a sale or other disposition of the property after December 31, 1953, shall be recognized only to the extent that the gain exceeds the amount of such loss as is properly allocable to the property sold or otherwise disposed of by the taxpayer.

(2) The general rule is also applicable to a sale or other disposition of property by a taxpayer when the basis of such property in the taxpayer's hands is determined directly or indirectly by reference to other property acquired by the taxpayer from a transferor through a sale or exchange in which a loss sustained by the transferor was not allowable. Therefore, section 267 (d) applies to a sale or other disposition of property after a series of transactions if the basis of the property acquired in each transaction is determined by reference to the basis of the property transferred, and if the original property was acquired in a transaction in which a loss to a transferor was not allowable by reason of section 267 (a) (1) (or by reason of section 24 (b) of the Internal Revenue Code of 1939).

(3) The benefit of the general rule is available only to the original transferee but does not apply to any original transferee (e. g., a donee) who acquired the property in any manner other than by purchase or exchange.

(4) The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). H sells to his wife, W, for $500, certain corporate stock with an adjusted basis for determining loss to him of $800. The loss of $300 is not allowable to H by reason of section 267 (a) (1) and § 1.267 (a)–1 (a). W later sells this stock for $1,000. Although W's realized gain is $500 ($1,000 minus $500, her basis), her recognized gain under section 267 (d) is only $200, the excess of the realized gain of $500 over the loss of $300 not allowable to H. In determining capital gain or loss W's holding period commences on the date of the sale from H to W.

Example (2). Assume the same facts as in example (1) except that W later sells her stock for $300 instead of $1,000. Her recognized loss is $200 and not $500 since section 267 (d) applies only to the nonrecognition of gain and does not affect basis.

Example (3). Assume the same facts as in example (1) except that W transfers her stock as a gift to X. The basis of the stock in the hands of X for the purpose of determining gain, under the provisions of section 1015, is the same as W's, or $500. If X later sells the stock for $1,000 the entire $500 gain is taxed to him.

Example (4). H sells to his wife, W, for $5,500, farmland, with an adjusted basis for determining loss to him of $8,000. The loss of $2,500 is not allowable to H by reason of section 267 (a) (1) and § 1.267 (a)–1 (a). W exchanges the farmland, held for investment purposes, with S, an unrelated individual, for two city lots, also held for investment purposes. The basis of the city lots in the hands of W ($5,500) is a substituted basis determined under section 1031 (d) by reference to the basis of the farmland. Later W sells the city lots for $10,000. Although W's realized gain is $4,500 (10,000 minus $5,500), her recognized gain under section 267 (d) is only $2,000, the excess of the realized gain of $4,500 over the loss of $2,500 not allowable to H.

(b) *Determination of basis and gain with respect to divisible property*—(1) *Taxpayer's basis.* When the taxpayer acquires divisible property or property that consists of several items or classes of items by a purchase or exchange on which loss is not allowable to the transferor, the basis in the taxpayer's hands of a particular part, item, or class of such property shall be determined (if the taxpayer's basis for that part is not known) by allocating to the particular part, item, or class a portion of the taxpayer's basis for the entire property in the proportion that the fair market value of the particular part, item, or class bears to the fair market value of the entire property at the time of the taxpayer's acquisition of the property.

(2) *Taxpayer's recognized gain.* Gain realized by the taxpayer on sales or other dispositions after December 31, 1953, of a part, item, or class of the property shall be recognized only to the extent that such gain exceeds the amount of loss attributable to such part, item, or class of property not allowable to the taxpayer's transferor on the latter's sale or exchange of such property to the taxpayer.

(3) *Transferor's loss not allowable.* (i) The transferor's loss on the sale or exchange of a part, item, or class of the property to the taxpayer shall be the excess of the transferor's adjusted basis for determining loss on the part, item, or class of the property over the amount realized by the transferor on the sale or exchange of the part, item, or class. The amount realized by the transferor on the part, item, or class shall be determined (if such amount is not known) in the same manner that the taxpayer's basis for such part, item, or class is determined. See subparagraph (1) of this paragraph.

(ii) If the transferor's basis for determining loss on the part, item, or class cannot be determined, the transferor's loss on the particular part, item, or class transferred to the taxpayer shall be determined by allocating to the part, item, or class a portion of his loss on the entire property in the proportion that the fair market value of such part, item, or class bears to the fair market value of the entire property on the date of the taxpayer's acquisition of the entire property.

(4) *Examples.* The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). During 1953, H sold class A stock which had cost him $1,100, and common stock which had cost him $2,000, to his wife W for a lump sum of $1,500. Under section 24 (b) (1) (A) of the 1939 Code, the loss of $1,600 on the transaction was not allowable to H. At the time the stocks were purchased by W, the fair market value of class A stock was $900 and the fair market value of common stock was $600. In 1954, W sold the class A stock for $2,500. W's recognized gain is determined as follows:

Amount realized by W on sale of class A stock		$2,500
Less: Basis allocated to class A stock—$900/$1,500 x $1,500		900
Realized gain on transaction		1,600
Less: Loss sustained by H on sale of class A stock to W not allowable as a deduction:		
Basis to H of class A stock	$1,100	
Amount realized by H on class A stock—$900/$1,500 x $1,500	900	
Unallowable loss to H on sale of class A stock		200
Recognized gain on sale of class A stock by W		1,400

Example (2). Assume the same facts as those stated in example (1) of this subparagraph except that H originally purchased both classes of stock for a lump sum of $3,100. The unallowable loss to H on the sale

of all the stock to W is $1,600 ($3,100 minus $1,500). An exact determination of the unallowable loss sustained by H on sale to W of class A stock cannot be made because H's basis for class A stock cannot be determined. Therefore, a determination of the unallowable loss is made by allocating to class A stock a portion of H's loss on the entire property transferred to W in the proportion that the fair market value of class A stock at the time acquired by W ($900) bears to the fair market value of both classes of stock at that time ($1,500). The allocated portion is $900/$1,500 x $1,600, or $960. W's recognized gain is, therefore, $640 (W's realized gain of $1,600 minus $960).

(c) *Special rules.* (1) Section 267 (d) does not affect the basis of property for determining gain. Depreciation and other items which depend on such basis are also not affected.

(2) The provisions of section 267 (d) shall not apply if the loss sustained by the transferor is not allowable to the transferor as a deduction by reason of section 1091, or section 118 of the Internal Revenue Code of 1939 which relate to losses from wash sales of stock or securities.

(3) In determining the holding period in the hands of the transferee of property received in an exchange with a transferor with respect to whom a loss on the exchange is not allowable by reason of section 267, section 1232 (2) does not apply to include the period during which the property was held by the transferor. In determining such holding period, however, section 1232 (1) may apply to include the period during which the transferee held the property which he exchanged where, for example, he exchanged a capital asset in a transaction which, as to him, was nontaxable under section 1031 and the property received in the exchange has the same basis as the property exchanged.

§ 1.267 (d)–2 *Effective date; taxable years subject to the Internal Revenue Code of 1939.* Pursuant to section 7851 (a) (1) (C), the regulations prescribed in § 1.267 (d)–1, to the extent that they relate to determination of gain resulting from the sale or other disposition of property after December 31, 1953, with respect to which property a loss was not allowable to the transferor by reason of section 267 (a) (1) (or by reason of section 24 (b) of the Internal Revenue Code of 1939), shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, and taxable years beginning after December 31, 1953, and ending before August 17, 1954, which years are subject to the Internal Revenue Code of 1939.

PAR. 2. Section 1.707–1 (b) (3) as prescribed by Treasury Decision 6175 (21 F. R. 3500), approved May 23, 1956, is amended to read as follows:

(3) *Ownership of a capital or profits interest.* In determining the extent of the ownership by a partner, as defined in section 761 (b), of his capital interest or profits interest in a partnership, the rules for constructive ownership of stock provided in section 267 (c) (1), (2), (4), and (5) shall be applied for the purpose of section 707 (b) and this paragraph. Under these rules, ownership of a capital or profits interest in a partnership may be attributed to a person who is not a partner as defined in section 761 (b) in order that another partner may be considered the constructive owner of such interest under section 267 (c). However, section 707 (b) (1) (A) does not apply to a constructive owner of a partnership interest since he is not a partner as defined in section 761 (b). For example, where trust T is a partner in the partnership ABT, and AW, A's wife, is the sole beneficiary of the trust, the ownership of a capital and profits interest in the partnership by T will be attributed to AW only for the purpose of further attributing the ownership of such interest to A. See section 267 (c) (1) and (5). If A, B, and T are equal partners, then A will be considered as owning more than 50 percent of the capital and profits interest in the partnership, and losses on transactions between him and the partnership will be disallowed by section 707 (b) (1) (A). However, a loss sustained by AW on a sale or exchange of property with the partnership would not be disallowed by section 707, but will be disallowed to the extent provided in § 1.267 (b)–1 (b). See section 267 (a) and (b), and the regulations thereunder.

[F. R. Doc. 57–9922; Filed, Nov. 29, 1957; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO–210–A10]

HANDLING OF MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Pioneer Room of the Tulsa Hotel, Tulsa, Oklahoma, beginning at 10:00 a. m., central standard time, on December 6, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Oklahoma Metropolitan marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Oklahoma Milk Marketing Federation:

1. Change the contra-seasonal pricing provision from § 906.51 (a) to the end of that section after paragraph (c). The purpose of this is, of course, to make the contra-seasonal pricing provision apply to the supply-demand provision, as well as to the basic formula provision of the order.

2. Amend § 906.51 (a) to change the maximum rate of supply-demand adjustment from 50 cents per hundredweight to 23 cents per hundredweight.

3. Change the standard utilization percentages contained in § 906.51 (a) (iii) as follows:

January	125–130
February	125–130
March	130–135
April	139–144
May	146–151
June	143–148
July	132–137
August	121–126
September	116–121
October	117–122
November	120–125
December	124–129

4. Amend § 906.51 (a) (iii) to use the second and third preceding month, rather than the immediately two preceding months, as a basis for computing the supply-demand percentages.

Proposed by the Dairy Division, Agricultural Marketing Service:

5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. Richard E. Arnold, 2570 S. Harvard, Tulsa, Oklahoma, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 26th day of November, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57–9941: Filed, Nov. 29, 1957; 8:55 a. m.]

[7 CFR Part 961]

[Dockets Nos. AO–160–A18, AO–160–A19]

HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Philadelphia, Pennsylvania, on June 11–13, July 16–31, August 3–22, November 13–21, 1956, and January 21–31, February 1–2, 1957, pursuant to notice thereof duly published in the FEDERAL REGISTER on May 22, 1956 (21 F. R. 3386; F. R. Doc. 56–3983) and supplemental notices duly published in the FEDERAL REGISTER on October 25, 1956 (21 F. R. 8194; F. R. Doc. 56–8624) and January 10, 1957 (22 F. R. 223; F. R. Doc. 57–185) and on September 9–10, 1957 pursuant to notice thereof issued on August 30, 1957 (22 F. R. 7106; F. R. Doc. 57–7281).

Upon the basis of the evidence introduced at the June–February hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 23, 1957 (22 F. R. 6920) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Enlargement of the marketing area.
2. The producer milk plant definition.
3. Revision of the Class I pricing formula, the level of the Class I price and the deletion of the supply-demand adjuster.
4. The level of Class II price.
5. The handler and producer butterfat differentials.
6. Elimination of nearby location differentials.
7. Revision of other location differentials.
8. Provision for an out-of-area pricing.
9. The adoption of a marketwide type of pooling.
10. Miscellaneous revisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof:

1. *Enlargement of the marketing area.* Proposals of producers and handlers as set forth in the hearing notice encompassed an area which, in addition to the present marketing area, would have included the remainder of Philadelphia County, virtually all of both Bucks and Montgomery Counties, eleven boroughs and townships in the southeastern corner and the eastern edge of Chester County. At the hearing they withdrew their proposals except for the remainder of Philadelphia County, 15 townships and boroughs in the southern portion of Bucks County, all or portions of 16 townships and boroughs in Montgomery County and three townships and boroughs in Chester County.

It is concluded that the marketing area should be extended and redefined to include, in addition to the present territory, the remainder of Philadelphia County and that part of Bucks County encompassing the townships of Bensalem, Bristol, Falls, Lower Makefield, Middletown, and Lower Southampton, and the boroughs of Yardley, Morrisville, Tullytown, Bristol, Hulmeville, Langhorne, Langhorne Manor, and Penndel.

The marketing area, as presently constituted, includes all of Delaware County, the bulk of Philadelphia County (City) and, with the exception of the northern tip of Upper Moreland township, ten immediately adjacent Montgomery County townships and boroughs.

The inclusion of the remainder of Philadelphia County at this time will bring no additional handlers under regulation. This area, which in earlier years was substantially rural in character, is now highly urbanized and represents an appropriate extension of the present marketing area. It is served generally by Order 61 handlers in the regular course of business and is virtually indistinguishable from the remainder of the county which has long been a part of the marketing area.

The southern portion of Bucks County which is herein recommended for inclusion in the marketing area is served by Philadelphia regulated handlers, local Pennsylvania dealers and by New Jersey dealers, primarily from the Trenton area. While the record suggests that that portion of the proposed marketing area immediately across the river from Trenton was earlier served primarily by Trenton dealers, rapid urbanization has encouraged Philadelphia handlers to extend their routes throughout this area. While Philadelphia handlers have greatly expanded their business in such area there appears to have been little increase in the relative volume of distribution by Trenton handlers. There can be no doubt, on the basis of the record, that Philadelphia handlers are the primary handlers now serving the area. While the local Pennsylvania dealers who would be brought under regulation by this extension do virtually all of their business within the Bucks County portion of the proposed area, the distribution within the proposed area by New Jersey dealers is a minor part of their total Class I business. Borden-Castania, the largest New Jersey dealer serving the area, does almost 25 percent of its total Class I business here. Other New Jersey dealers, however, do a much smaller proportion of their business here.

Even though certain New Jersey dealers may be brought under regulation by doing less than 25 percent of their total fluid business in the area, such dealers are not placed in the usual circumstances of the regulated dealer who finds himself in competition with unregulated milk in his normal market. New Jersey has a State milk control law and since 1951 prices established by the New Jersey Office of Milk Industry have been higher than prices established under Federal marketing Order No. 61. Under such circumstances the obligation of paying minimum Federal order prices will not adversely affect a New Jersey handler's operations in his local distribution. At the same time it will give assurance to present Order 61 handlers and to local Pennsylvania dealers operating in the area under consideration that such New Jersey dealers cannot operate under a pricing advantage gained through uncontrolled interstate movements of milk.

The situation in the presently unregulated portion of Philadelphia County and the southern part of Bucks County herein recommended for inclusion in the marketing area is significantly different from that in the balance of the Chester-Montgomery-Bucks County area which producers and handlers proposed and supported for inclusion. While the record does not permit a precise determination of what dealers serve each of the various townships and boroughs in this area it is clear that the inclusion of any part thereof would bring under regulation a number of local Pennsylvania dealers doing the greater volume of their business over a much wider unregulated area. The record also substantiates the fact that presently regulated handlers do a substantial business beyond the limits of the supported proposal.

The dynamic urbanization of the Philadelphia suburbs is not restricted to the Philadelphia-Southern Bucks County area herein proposed for inclusion nor to the remaining area which proponents supported at the hearing. Both producers and handlers placed considerable emphasis on population density in the delineation of marketing area. While density of population is an important factor in the organization of distribution routes, an arbitrary density standard cannot appropriately provide the standard for area delineation. It is apparent that neither the present marketing area, nor the area as herein recommended embraces the normal area of distribution of regulated handlers. Not only do Order 61 handlers located in Philadelphia do a substantial business outside the area supported at the hearing, but other Order 61 handlers have their receiving and bottling plants actually located in this outside area and it is apparent that they do a very substantial part of their fluid business in the surrounding local area. The record does not reveal why both producers and handlers withdrew support of their original proposals.

Ideally, the established marketing area boundaries should encompass that area in which handlers who would be regulated do the preponderance of their business and should leave a minimum of competition with unregulated handlers outside the area. The record is clear, that much of the data and argument presented by producers and handlers in support of their modified proposals is equally applicable with reference to the area originally proposed and then abandoned at the hearing. Any further extension of the marketing area on the basis of the facts contained in this record would necessarily encompass a substantially larger area than was supported by proponents. However, all of the information necessary for a precise delineation of boundaries to provide further extension of area is not set forth in the record.

2. *Revision of the producer milk plant definition.* The producer milk plant definition should be revised by deleting the listing of plants which in the past has provided the basis for regulation of the specified plants irrespective of their actual performance in supplying milk to the market. The criteria for determining whether a plant shall or shall not be regulated should be its current performance in supplying Class I milk to the market. It is not intended that through Federal regulation any group of producers shall be guaranteed a market for their milk. The order is intended to fix minimum prices which handlers must pay for milk in accordance with its actual use classification. So far as this order is concerned the handler, however, is free to choose his

source of supply without restraint of any kind.

It has been concluded in a later part of this decision that the individual handler type of pooling presently used in distributing returns to producers should not be changed at this time. If substantial performance standards are established under an individual handler pool a handler may elect to get a part or all of his supply from plants not meeting the qualifying standards and by so doing, to evade effective regulation. While it cannot be concluded that a procedure for protecting the integrity of regulation through some appropriate system of compensatory payment is not practical under an individual handler type pooling, the record of this hearing does not provide the basis for such a provision. Consequently, except during the short months of production, it is necessary that the operator of any plant which supplies milk to the market, any part of which is allocated to Class I, be fully regulated under the terms of the order and that all of the milk received at such plants from dairy farmers be considered producer milk fully subject to the pricing provisions of the order.

During the months of October through January, under the present terms of the order, a plant which makes shipments on less than 11 days during the month(s) to a pasteurizing or bottling plant or to a plant(s) supplying such plant, any part of which is allocated to Class I milk does not qualify as a producer milk plant. It was pointed out at the hearing that the Philadelphia market has an adequate supply of producer milk throughout the year and that such a provision is no longer necessary. In recognition of this fact it was proposed that this exemption be either entirely removed or at least be further limited to plants supplying milk in an amount less than one hundred thousand pounds during the month.

With supply plants fully regulated during the balance of the year there is little likelihood that a handler would give up his regular supply during the short months of production in order to gain a possible short term advantage by the use of unpriced milk during such months when milk is generally in demand and prices are highest. While the record indicates that there is an adequate supply of regular producer milk throughout the year in the Philadelphia market, it must be recognized that under changing circumstances it is possible that during the shortest months of production handlers may find it necessary to import supplemental supplies to meet fluid needs. Unless shipping privileges during this period are left rather liberal, handlers may have difficulty in securing such supplemental supplies when necessary since plant operators may be reluctant to place their entire operations under full regulation on the basis of limited shipments to the market. Notwithstanding, producers should have assurance that their milk, which is the regular source of supply for the market, will not be displaced by unpriced milk in Class I uses. Proposed changes in the allocation procedure will tend to implement this position. Under the circumstances, it is unnecessary at this time to place further limitations on milk from other than fully regulated plants.

The handler, however, should not be permitted to change his regular source of supply from its regulated to an unregulated status merely by application of the 11-day shipping provision. Accordingly, it is provided that during any of the months of October through January a plant which supplies milk, any part of which is allocated to Class I, and which plant was a producer milk plant in at least four of the eight preceding months of February through September shall be a producer milk plant in such month even though such shipments were made on less than eleven days.

In the situation of a distributing plant (producer milk plant) which receives milk directly from producers, as well as from independent supply plants, available Class I utilization at the distributing plant should first be assigned to the direct receipts from producers, then to receipts from other producer milk plants and finally to receipts from independent supply plants. Such assignment as between several independent supply plants should be made pro rata according to the proportional volume of receipts from each such plant. This same procedure should also be applicable in the case of distributing plants which receive no milk from producers but which look to other plants as a source of supply.

In the case of a multiple plant handler with both a pasteurizing and bottling plant and receiving plants, the handler should be permitted for pooling purposes to qualify his system of supply plants as a unit irrespective of whether the milk actually moves to the market as Class I milk. A multiple plant handler has a considerable degree of flexibility in the operation of a system of plants and under usual circumstances would be in a position to qualify all of his plants even though individual plant performance standards were established. The operator of such a system should be required to advise the market administrator in writing what plants are to be included in the unit.

The Deputy Administrator in his recommended decision proposed that the notice of system designation be submitted to the market administrator on or before the first day of the month to which such notice applied. Exception was filed to this conclusion on the grounds that such limited notice would not provide reasonable notice to dairy farmers of their possible change in status as producers under the order. It was suggested that 15 days notice be required and that three consecutive months of nonshipment be required as a condition of removing a plant from a system designation. It is concluded that the 15-day notice will tend to promote greater market stability and should be adopted. The market administrator should also be required to publicly announce designations, or changes therein, promptly after receipt of notice thereof. The request for a requirement of three consecutive months of nonshipment as a condition of change in plant designation is overruled. Such a provision could have no purpose except to hold milk on the market which was not needed for fluid uses and would tend to place unreasonable limitations on the multiple plant handler in his ability to change a plant's status as a producer milk plant.

While a multiple plant handler should be permitted to qualify his system as a unit, producers shipping to such handlers should not be required to bear the cost of transporting to the market milk for Class II use nor should they bear the cost of transporting milk from distant points when milk is available from such handlers' nearby producer milk plants. In order to implement this principle it is provided that for purposes of computing transportation allowances in the case of a multiple plant handler, the total system Class I utilization shall first be allocated to direct producer receipts at the Philadelphia pasteurizing and bottling plant(s) and then in sequence to producer receipts at other plants qualified on the basis of the system in accordance to their nearness to Philadelphia.

Certain producers and handlers excepted to this procedure on the grounds that the recommended decision failed to recognize that Grade A milk supplies have been developed at selected plants and that in several instances such plants of system handlers are among their most distant plants. It is apparent that under the existing market structure handlers must use their existing Grade A milk, wherever located, to supply their Class I needs for Grade A milk. Under the circumstances it is concluded that for purposes of computing location differentials, Class I disposition of milk under a Grade A label should be assigned to receipts of Grade A milk at plants, in sequence, in accordance to their nearness to Philadelphia. After this assignment of Class I milk labeled as Grade A, the remaining Class I disposition should be assigned under the sequence hereinbefore provided without distinction as between Grade A and standard milk.

The procedure of assignment herein proposed for determination of location allowances will provide maximum freedom to the handler in the operation of his system plants while at the same time providing producers assurance that they will not be burdened with unnecessary transportation costs for the convenience of the handler.

3. *Revision of the Class I pricing formula, the level of the Class I price and the deletion of the supply-demand adjuster.* No change should be made in the Class I pricing formula or in the level of Class I price on the basis of this record. The Class I price under the order is presently determined on the basis of an economic type formula reflecting the movements in the U. S. wholesale price index, prices paid Pennsylvania farmers for feed, prices received by Pennsylvania farmers for farm products except dairy, the midwestern condensery pay price and Class I sales by regulated handlers. The formula contains a supply-demand adjustment factor which under specified conditions may raise or lower the price 40 cents per hundredweight. Producer proponents at the hearing proposed that (1) the formula be revised to include a farm labor index, (2) the annual Class I level be raised, and (3) the supply-demand adjustment factor be eliminated.

Producer witnesses on the issue of Class I price strongly supported the inclusion of a farm labor factor in the pricing formula. They contended that wages for farm labor in the Philadelphia milkshed are strongly influenced by the fact that much of the area is highly industrialized and that farm labor has considerable alternative employment opportunity. As a result farm wage rates have advanced very sharply over an extended period of time and the pricing formula has failed to fully reflect these increased costs.

There can be no question but that farm wage rates have very substantially increased since 1951 when the present pricing formula was first adopted under the order. It is also quite evident that the rate of increase in farm wages has been much greater than the rate of increases in the other factors which are included in the pricing formula. In this connection, however, it must be recognized that very substantial strides have been made in the efficiency of labor during this same period. Any factor intended to reflect labor costs necessarily must take cognizance not only of the increase in the labor wage rates per se, but also of the increase in efficiency of labor. The index of labor wage rates proposed for inclusion in the formula fails to provide any weighting for changes in efficiency.

Producer witnesses at the hearing proposed that the Class I price be increased 5 cents per hundredweight to a level equal to the then effective Pennsylvania Milk Control Commission price and that an additional 7-cent increase per hundredweight be granted to offset currently higher transportation costs of milk. In their briefs filed subsequent to the hearing producer proponents for a Class I price increase argued that a minimum increase of 20 cents per hundredweight was in order.

Obviously, producers' primary interest in a labor factor in the pricing formula was the expectation that the inclusion of this factor would prospectively strengthen the Class I price. Evidence offered at the hearing indicated that the index of combined farm wage rates for Pennsylvania, using the period of 1936–1940 as a base, stood at 356.6 in July 1956. At this time the composite formula index for all items presently in the formula was approximately 200. Official notice is taken of the fact that the proposed index of combined farm wage rates increased from 356.6 for July 1956 to 372.6 in April 1957. While producer proponents at the hearing contended that the proposal for the inclusion of the labor factor in the pricing formula in combination with other proposed formula adjustments would not have significantly changed the Class I price it is apparent at this time that the results of the proposed changes would currently be a 20-cent higher Class I price.

The basic change in the Class I formula proposed at the hearing, in addition to the inclusion of a wage index, included bringing up to date seasonal variation used to adjust farm prices other than milk, the midwest condensery pay price and Class I sales.

In any consideration of the level of Class I price it must be recognized that the prices which resulted from the present formula and which were the effective prices in the market until January 1, 1957 provided at least an adequate supply of milk for the fluid market. This is one of the statutory standards provided in the act which must be weighed in any consideration of pricing level. Under the supply-demand situation which has existed in the Philadelphia market it is not possible to consider an increase in the Class I price level at this time. Any change in the pricing formula to include an index of farm wages or revise the seasonality of factors necessarily would have to be accomplished by an adjustment in the basic price level which would assure that the prospective price in future months would be no higher than for that resulting from the present formula. Since this pricing formula has been providing prices which meet the standards of the act, it is not clear what would be accomplished by piecemeal adjustments of the formula at this time. Under the circumstances it is concluded that there is no need on the basis of this record to make any changes in the pricing formula.

Producers also proposed the deletion of the supply-demand adjuster from the pricing formula on the premise that such a factor in their judgment was unnecessary in the Philadelphia order.

The supply-demand adjustment feature in the Class I pricing formula is intended to adjust the price either upward or downward as the case may be, whenever supply during the 12-month period ending with the second preceding month is less than 115 percent or more than 137 percent of Class I sales, respectively. The adjuster is not intended to eliminate the hearing process but does provide assurance that whenever the supply-demand balance in the market is significantly out of adjustment a limited Class I price change will be provided. Under the present provisions of the order the possible range of adjustment is 80 cents with a change of 40 cents up or down from normal. Handlers, while opposing the deletion of the adjuster, suggested that the range of adjustment be limited to 40 cents with a change from normal of 20 cents.

The supply-demand adjuster in the Philadelphia market is not particularly variable and producers and handlers will have ample forewarning of prospective price changes as a result of its action. Since the adjuster has never changed the Class I price it is not possible to conclude that the 40-cent movement presently provided is inappropriate.

The changes hereinafter proposed in the application of location differentials and the sequence of assignment will tend to increase handlers' overall costs for milk. However, the impact will vary as between handlers and it is not possible to specifically ascertain the overall effect either on the market as a whole or on individual handlers. In general, it is anticipated that the overall returns for the market as a whole will be enhanced slightly in excess of three cents per hundredweight by virtue of the change in location differentials. In addition, the recommended sequence of assignment of receipts to Class I will further affect costs and hence returns to producers. While the overall effect will tend to increase handlers' costs, the increase is not of such magnitude as to necessitate a revision in the basic price level.

In response to a petition by Inter-State Milk Producers' Cooperative Inc., in which they alleged that extended drought conditions had substantially reduced the supply of milk for the market, the Department again reviewed the Class I price level at a public hearing held in Philadelphia on September 9–10, 1957, pursuant to a notice issued on August 30, 1957 (22 F. R. 7106; F. R. Doc. 57–7281).

Proponents at the hearing pointed out that since January 1957 the price in the Philadelphia market under the Pennsylvania Milk Control Commission has been approximately 51 cents above the Federal order price and that the prices in surrounding unregulated and State regulated markets are above the Order 61 price. In addition, they pointed out that the Class I price and the blended price in the New York market under Order 27 has increased in recent months with the result that the blended price advantage which Philadelphia producers have maintained over Order 27 producers has diminished. It was contended that the Commission prices have not brought forth an excessive supply of milk and that milk production, which in the first half of 1957 was running well above the similar period for 1956, has declined sharply to the point where production in the last part of August actually ran below the level for the corresponding period of 1956.

While Class I prices paid to producers in the Philadelphia market have been above Order 61 prices as a result of the 51-cent higher Class I price established under the Pennsylvania State Milk Control Commission orders, it may not be concluded that prices under Order 61 have been inappropriate and would not have brought forth an adequate supply of milk for the market. Production in the month of May 1957 was abnormally heavy. Even under drought conditions production during June and July was well above production during the same period of last year. Any comparison of August production statistics for 1956 and 1957 must give recognition to the contraseasonal upward movement of production from July to August 1956. While August production figures, adjusted to exclude the receipts of a new handler in the market, indicate a somewhat greater than average decline from June and July there is no reason to conclude this is other than a temporary aberration resulting from the extreme drought conditions during the summer months. Even in August the level of supply was more than adequate to supply the Class I needs of the market. There is no indication at this time that current and prospective price alignment as between Philadelphia and other markets is such as to jeopardize the milk

supply for the Philadelphia market. Accordingly, it is concluded that no action to increase the Class I price can be taken on the basis of that record.

Under usual circumstances the industry would be given opportunity to file written exceptions to a decision of this nature in which no action is recommended. However, since no significant change in the relation of market supply and demand was revealed and the previous decision (to take no action in raising the level of Class I price) is being re-affirmed, no useful purpose could be served by again issuing a recommended decision on this issue.

4. *The level of Class II price.* No change should be made in the price regularly applicable to Class II milk and no provision should be made for a sub-Class II classification and pricing during the months of March, April, May, and June.

Under the present terms of the order all milk other than that disposed of in Class I uses is priced at the same level and on the basis of Philadelphia cream or New York 92-score butter price and roller nonfat dry milk solids prices. The Milk Distributors Association proposed to increase make allowances during each March, April, May and June for Class II milk and to provide a permanent classification and lower pricing for milk used in specified manufactured products during these months.

In support of their proposal proponents said that manufacturing plant costs have increased despite increasing volumes of Class II milk in the Philadelphia market. They contended that the classification applicable to nonfluid products under the order is too broad and that the pricing formula for Class II milk is deficient in that it provides inadequate make allowances, especially during the flush production months. They alleged that they are forced to operate at a competitive disadvantage with New York Order 27 Class III milk and unregulated milk with which they compete since the New York order provides for a butter-cheese adjustment on all milk used for butter and cheese and the Pennsylvania Milk Control Commission orders provide, in addition to a regular Class II classification, a Class III classification for milk manufactured into specified uses and a procedure for emergency relief which may be granted to dealers regulated under Pennsylvania Milk Control orders through so-called "B–I" orders during surplus production months. Inter-State Milk Producers' Cooperative supported the proposal for a sub-Class II classification and pricing during March, April, May and June and suggested that a permanent subclassification and pricing similar to that which was provided for under the Philadelphia order during the past several years (prior to 1956) would allay the need for increased make allowances for manufactured Class II products. On the other hand, Southern York County Dairymen's Association opposed any decrease in the Class II price and proposed that the pricing formula be revised to provide an increase in such price to compensate for increased milk production costs.

The appropriate price level for milk in excess of the Class I needs of the fluid market is that which will move such milk in an orderly manner into dairy products for which outlets are available in the local market and at the same time return to producers the highest practical prices for such milk.

The regular Class II price under the Philadelphia order is directly related to open market cream, butter and nonfat dry milk values and as such should reflect the value of milk disposed of in such uses. A considerable quantity of producer milk is disposed of as fluid cream in all months of the year. Since, at the same time, substantial quantities of outside cream regularly find a market locally throughout the year it is apparent that a ready market for butterfat in producer milk is available at all times.

The Class II pricing under the order has accommodated the disposal of producer milk in excess of Class I needs during all months of each year except those in which a special sub-Class II price has been in effect. No subclassification was provided for the flush months of 1956 and the record shows that all surplus milk in the market was readily moved to manufacturing facilities. The record provides no basis for concluding that milk cannot be disposed of throughout the year, including the months of March, April, May and June, under the present pricing since both the Class II price and the Class II butterfat differential reflect current market values for milk and butterfat during all months of the year.

The bulk of the Class II disposition other than in fluid cream, soft cheese, condensed milk, condensed skim milk and ice cream for which no special pricing has been provided in the past, is in nonfat dry milk, soup, candy and bakery products. The New York Class III price, which has been comparable to the Philadelphia Class II price, has regularly accommodated marketing of New York producer milk in these products. A substantial portion of the skim milk in producer milk in excess of Class I needs is regularly disposed of in the manufacture of nonfat dry milk throughout the year and with the exception of the months when a sub-Class II has been effective this milk has been handled at the regular Class II price. In both 1954 and 1955 roughly 75 percent of all milk subject to special subclass price was disposed of in nonfat dry milk solids. As indicated in the Assistant Secretary's decision of May 7, 1956 in denying a sub-Class II pricing for 1956, there is no apparent reason why such milk should not return to producers a price which reflects the adjacent New York open market nonfat solids price.

The utilization of producer milk in nonfat dry milk solids, cream, ice cream, evaporated and condensed milk should afford ample outlets for all excess producer milk. If there is a demand for producer milk in butter, cheese, candy, soup or bakery products the price for milk in these products should not be lower than that established for other manufacturing uses which provide adequate outlets for all producer milk in excess of fluid needs.

Milk production under normal conditions varies from season to season with the greatest production occurring in the spring months as cows are turned onto pastures. In developing his procurement policy, a handler must make a decision as to whether to operate with a full year-round supply of producer milk or whether it is to his advantage to look to outside sources for supplemental supplies during the short season in order to minimize his surplus problems during the flush. A handler who uses nonproducer milk to supplement his producer supplies may find that, when handling and transportation costs are added to procurement cost, the overall cost for such supplemental supplies exceeds the cost of local producer milk. The order grants no compensation to such handler for his additional procurement costs in such instances. The handler who operates with a full year-round supply should likewise expect to assume some direct responsibility and risk in the dispostion of his seasonal surplus. As to which way he wishes to operate his plant is clearly a choice of the handler.

5. *Revision of the handler and producer butterfat differentials.* The basic butterfat test at which milk is priced to handlers and on which the uniform prices to producers are computed should be changed to 3.7 percent. The Class I and Class II butterfat differentials used in the computation of each handler's cost for milk utilized at tests above or below basic test and the producer butterfat differential used in computing the payments for producer milk received which is above or below basic test should be directly related to the butterfat component of the Class II price. The Grade A butterfat premium should be eliminated.

Under the present order provisions prices are computed at a basic test of 4.0 percent. The Class I butterfat differential applicable for milk with a butterfat content of from 3 to 6 percent, inclusive, is 5 cents and the butterfat differential for Class I milk with a butterfat content below 3 percent or in excess of 6 percent and the Class II butterfat differential are directly related to the butterfat component of the Class II price. The producer butterfat differential is 5 cents and an additional 2 cents is provided in the way of a premium for Grade A milk received with a butterfat content in excess of 3.7 percent.

Butterfat differentials have been an issue in the Philadelphia market over an extended period of time. A recommendation on butterfat differentials for the Philadelphia market prepared in May 1952 by a committee representing technicians from the University of Delaware, the University of Maryland, the Pennsylvania State College and Rutgers University and introduced in evidence in previous hearings was also presented as an exhibit in this hearing. Some of the proposals by producer organizations in the market were based on the findings and recommendations of the committee report of 1952.

While milk is priced to handlers on a per hundredweight basis and at the basic test (herein recommended to be 3.7 percent), the handler may by separation or standardization decrease or increase the butterfat percentage in the milk as actually utilized in a class. Under the classified pricing scheme in effect in this market it is intended that the handler pay for the skim milk and butterfat components of producer milk in the class in which such milk is actually utilized. It is necessary therefore, that butterfat differentials be established to adjust the Class I and Class II prices of milk in accordance with the average test of milk in each class and thus reflect the variations in value due to variations in butterfat content. It is herein proposed that such differentials shall be the same for both Class I and Class II milk and that the same differential shall be effective for the entire range of variations in test in the two classes.

The sanitary regulations applicable in the marketing area permit standardization of milk for consumer use. Accordingly, there is no reason why each pound of butterfat received in producer milk and disposed of for Class I use should not be equally priced. Under usual circumstances, milk disposed of for fluid uses commands a higher price than milk disposed of for manufactured uses. This principle is generally recognized in milk pricing and reflects the greater cost of producing quality milk for fluid uses. Under such circumstances it is inappropriate to price even a portion of the butterfat in Class I milk below that fixed for Class II milk.

The butterfat differential herein proposed reflects a competitive price for butterfat and represents the identical pricing for differential butterfat in Class II and for Class I milk testing below 3 percent and in an excess of 6 percent which has prevailed under the present order. The use of central market cream and/or butter prices to reflect values of butterfat in milk for adjusting for butterfat variations is a standard practice in most fluid milk markets.

Producer milk delivered to Philadelphia handlers is intended primarily for the fluid milk requirements of the market and the butterfat differential should be designed to encourage the production of milk with a butterfat content about the same, or at least as high, as the butterfat content of fluid milk products sold by handlers. Inspected milk not designated as Grade A milk accounts for approximately 75 percent of total Class I sales of handlers. The average test of inspected milk sales other than Grade A are slightly less than 3.7 percent butterfat. Over 59 percent of the non-Grade A shippers' tests in 1955 were 3.7 percent or below. While there has been very little decline in average test of producer milk since 1952, the record suggests that this has been due, at least in part, to the fact that handlers have required producers to maintain not less than a 3.5 percent test to stay on the market.

The producer butterfat differential which is used to adjust the uniform price in the event the receipts of milk from a producer contain more or less than 3.7 percent butterfat, should approximate the differential which handlers are charged for differential fat in both Class I and Class II. Such differential reflects the competitive value of butterfat and gives producers assurance that they are being paid for their milk on the basis of its use value. The use of a different differential would tend to disturb the skim milk and butterfat values and would not equitably distribute returns among producers.

The producer butterfat differential should move in one-cent intervals and should be adjusted to the nearest cent for convenience to handlers in computing amounts due to each producer for milk received and in recognition of the practice that producers have long been on a fixed differential and are not accustomed to constantly changing values. The handlers' butterfat differential, however, should be computed to the nearest one-tenth cent. This has been a practice of long standing under the order program in the case of Class II differentials and the Class I differential applicable in the case of milk with a butterfat content below 3 percent or over 6 percent.

The removal of the butterfat differential premium of two cents per point applicable to Grade A milk testing in excess of 3.7 percent butterfat will maintain handler costs for Grade A milk at approximately the same level which has prevailed under the present terms of the order and will assure handlers the same costs for all differential fat.

Producer witnesses at the hearing contended that the removal of the Grade A butterfat premium would tend to encourage production of milk with a lower butterfat content while handlers would continue to collect the premium price from consumers based in part on the high fat content of the milk. They further contended that the act requires the establishment of uniform prices to handlers for all butterfat and requested that the two-cent butterfat premium be made applicable to standard milk in excess of 4.0 percent butterfat tests. They argued that unless this is done premiums now existing in the market will be gradually reduced and eventually eliminated. Handlers, on the other hand, while asking that no change be made in the present differential or basis of pricing contended that the butterfat premium was intended to encourage the production of high fat milk and that if the regular butterfat differential was raised the intent of the Grade A fat premium would be accomplished, and accordingly, there would be no justification for continuation of such premium.

The record supports the position that high fat content standard milk is a competitive product with Grade A milk. Much of the 21.3 million pounds decline in the annual sales of Grade A milk which has occurred since 1951 has been offset by increase sales in high fat standard milk. The use of central market cream and/or butter prices to price differential fat whether in Grade A or standard milk will tend to promote equity as between handlers in the cost of their milk. Such values reflect a competitive price for butterfat and represent the price which a handler must pay for butterfat of similar quality purchased in the Philadelphia market which is an open cream market.

6. *Elimination of nearby location differential.* The nearby location differentials should be deleted. Under the present order provisions plants located more than 11 miles from Philadelphia City Hall but not in excess of 16 miles may deduct 7 cents per hundredweight from payments otherwise due producers and plants located more than 16 miles but less than 31 miles from such point may deduct the 7 cents plus 2 cents for each additional 5 miles in excess of 16 miles. Producer proponents at the hearing supported deletion of these differentials. These nearby differentials are applicable irrespective of use which is made of the milk and were initially placed in the order when the Philadelphia fluid market was essentially the concentrated population area in and immediately around the city. The handlers' milk plants located beyond the 11-mile limit but within the 31 miles then looked to the same population concentration as an outlet for their milk as did the handlers whose plants were located in and immediately adjacent to the city proper. Over the years the population concentration has extended over a much wider area embracing essentially most of the area within the 31-mile limit. This area is substantially the extended marketing area originally proposed by both producers and handlers in the hearing notice. In this area center city handlers operate regular routes in direct competition with local Order 61 handlers who under the present pricing scheme have received their milk from 7 to 13 cents cheaper by reason of the nearby differentials. Center city handlers, however, are confronted with the same transportation cost in moving milk to customers in the suburban areas as suburban handlers have in moving packaged milk from their plants to center city consumers. The elimination of the nearby location differentials will promote equality in cost of milk among handlers and will provide to producers assurance that their milk is being priced and paid for in accordance with its actual use value.

Certain handlers excepted to the elimination of the nearby differentials. Such exceptions raised no new arguments which were not raised on the record or in briefs except to point out that nearby differentials are provided under Order 27. Such differentials under Order 27 were based on a separate and independent hearing record and cannot constitute justification for nearby differentials under Order 61. The exceptions are therefore overruled for reasons previously stated.

7. *Revision of other location differentials.* The handler Class I and the producer location differentials should be revised to more nearly reflect transportation cost in moving milk from receiving stations to city plants and the additional handling costs involved at the processing plant in receiving milk from receiving stations. No change should be made in the handler Class II location differential. Under the present order provisions the handler Class I location differential reflects a 16-cent allowance for receiving stations plus a 15-cent transportation al-

lowance at the 31–40 mile zone and an additional one cent for each additional 10-mile zone. The Class II location differential reflects the cost of moving milk in the form of cream and nonfat dry milk from the country plant to city. The producer location differential is computed on a pro rata basis weighted by the handler's actual percentage utilization in Class I and Class II, respectively, and the Class I and Class II handler location differential.

Handlers contended that the present transportation allowances in the location differentials do not reflect actual transportation costs and proposed that they be adjusted to more accurately reflect such costs. Extensive testimony was presented by handler witnesses and by witnesses from the Pennsylvania State College relative to receiving and transportation costs. While there appears little question but that hauling costs have increased over the years and that the present allowance of one cent per ten mile zone in the Class I differential is inadequate, the evidence presented on the record raises a far more fundamental question, i. e., the propriety of the receiving station allowances contained in the present differentials.

The evidence introduced in the record was intended to show that receiving station costs, per se, in the market averaged 24.8 cents and 23.3 cents, respectively, in 1954 and 1955. Other figures were introduced to substantiate receiving costs of tank milk at city plants of 5.7 and 5.5 cents, respectively, for these years, resulting in total receiving costs for receiving station milk of 30.5 and 28.8 cents, respectively. At the same time data were presented for these same years showing direct receiving costs at city plants of 15.5 and 15.3 cents respectively, leaving a net difference in favor of city plant receiving of 15.0 and 13.5 cents respectively. While these data proport to represent actual cost data submitted by individual handlers on their operations, the record is clear that no analysis was made of the original records of the handlers involved or of the propriety of the individual handlers' allocation of cost as between receiving, processing, bottling, administration, overhead, etc., for purposes of computing their receiving cost data, collectively presented on the record.

Evidence presented by a witness of the State Milk Control Commission substantiates the fact that receiving costs for manufacturing plants in the Philadelphia milkshed varied from 5 cents to over 12 cents per hundredweight and averaged 9.93 cents per hundredweight. The receiving cost information presented by proponent witnesses must be presumed to reflect these figures since at least 5 of the 42 country receiving plants in 1955 carried on manufacturing operations.

No reason appears why there should be a substantial difference in the actual receiving costs as between country receiving plants, manufacturing plants and city plants. If the figures presented by proponents accurately reflect their actual costs, their receiving station operations apparently are somewhat inefficient and such costs should not be recognized in fixing location differentials.

Location differentials recognize the principle that milk similarly used and located should be similarly priced. Milk which originates nearest the market should command a higher price than milk more distantly located in order to reflect the differences in transporting it to the marketing area. No advantage is accorded any particular group of producers if the location differentials established realistically reflect only differences in transportation and associated receiving and handling costs. Consideration, of course, must be given to any added and incidental costs which result to the handler in transferring milk from the receiving station to the city bottling plant and in actual receipt at the second plant.

The determination of proper location differentials can be made without passing specific judgment as to the receiving costs, per se. As previously indicated there is no reason why there should be substantial differences in the actual receiving costs as between country receiving plants, manufacturing plants and city plants. Location differentials should reflect the costs of additional functions involved in country assembly at receiving stations and transportation to city plants as compared to the costs of receiving milk directly from producers at city plants. These additional costs include only loading the tank truck at the country plant, transportation from the country plant to the city plant and receiving the milk at the city plant.

The record indicates that the fixed cost of transportation associated with the loading a tanker in the Philadelphia milkshed approximates 10 cents per hundredweight. The record indicates that the additional cost of hauling tank milk in this area under current conditions is approximately 1.5 cents per hundredweight per 10 miles transported. Because of paucity of evidence on the factors included in this rate, its accuracy cannot be verified. However, it is the best rate which can be developed from the evidence. Since there are presently no receiving stations in the Philadelphia market located less than 45 miles distance from the City Hall in Philadelphia, it is unnecessary to provide for location differentials within this distance from which milk should normally move directly from farm to city plant. The application of the loading and hauling rates indicated above would provide a differential of 17.5 cents for a plant located 45 miles distance from Philadelphia. If the 5.5 cents receiving costs which proponents indicate is their average 1955 experience in receiving bulk milk at city plants is recognized an overall location differential of 23 cents would be appropriate for a plant at a 45-mile location. This differential is computed as follows: (1) Loading, $0.10; (2) transportation (5 zones $0.015 per zone), $0.075; and (3) city receiving, $0.055.

In the case of plants located in excess of 45-mile distance from Philadelphia the differential should be increased at the rate of 1.5 cents for each additional 10-mile distance or fraction thereof. This will provide a reasonable location allowance and is concluded to appropriately reflect additional costs which a handler incurs in receiving milk at the country point and transporting it to the city.

The Class II location differential in the order was initially intended to reflect the cost of moving producer milk to market in the form of cream and nonfat dry milk and the necessary amount of fluid milk needed to float the cream. The record indicates, however, that much of the cream and nonfat dry milk manufactured at country plants is now sold f. o. b. manufacturing plant at competitive prices reflected in the Class II price. Under such circumstances, there is serious question as to the propriety of providing any Class II location differential. A proposal for discontinuation of this differential was included in the hearing notice but was not supported at the hearing. No action in this regard should be taken on the basis of the record. However, it appears desirable that further consideration of the matter be given in a future hearing. In order to conform with the revisions made in application of the Class I differential, the initial zone in which the Class II differential becomes applicable should be changed to the 45–70 mile zone.

Producers on the Philadelphia market are producing milk for a fluid market. The difference in the use value of producer milk for fluid purposes received at a country plant as compared to a city plant is the additional cost to the handler in getting the country plant milk to his city bottling plant. Returns to producers located near the market should reflect their location advantage. In order to preserve equity as between producers in the distribution of returns from the sale of their milk, the applicable uniform price effective at the city should be reduced 23 cents in paying producers for milk received at plants located at least 45 miles from the City Hall at Philadelphia plus 1.5 cents for each additional 10 miles or fraction thereof.

Certain handlers and producers excepted to the revision of location differentials. Exceptants contended that the proposal for a revision in such differentials contemplated only an increase therein; that a lesser differential was not noticed and was unsupported at the hearing, and therefore that the recommended change was not legally possible.

A proposal to increase the location differentials is a proposal to consider whether the present differentials are functioning properly under the order. The location differentials are an integral part of the order in that they are inextricably interrelated to the over-all pricing scheme. The differentials herein provided recognize only transportation and added costs of loading at the country stations and unloading at the city plant which functions are over and above the functions performed by handlers in the case of direct receipts at bottling plants. As previously stated, recognition is being taken of the market practice of maintaining Grade A and standard milk supplies. All other exceptions to the location differentials and their application are overruled for reasons already stated.

8. *Provision for an out-of-area pricing.* No provision for a special out-of-area pricing should be included in the order. Under the present terms of the order all Class I milk is priced at the specified order price subject only to quality premiums and location differentials for place of receipt.

The proposal to provide an out-of-area pricing was made by Borden-Castania of Trenton, New Jersey, who may become a regulated handler under the area extension herein proposed. It was supported at the hearing by Inter-State Milk Producers, Order 61 handlers and suburban dealers. Essentially, however, the facts and arguments presented at the hearing were the same or similar to those offered at the hearing held on February 1–7, 1956 on which the Assistant Secretary in the decision of May 7, 1956, concluded that the out-of-area pricing provision then in the order should be removed.

The essentials of the classified pricing plan in effect in the Philadelphia order and generally applicable to all Federal orders issued by the Secretary are to establish one level of price for milk which is sold as fluid milk or fluid milk products for fluid consumption and another lower price or prices for the necessary surplus of the market which is disposed of in lower valued manufactured products. It is intended that the Class I price effective under the Philadelphia order shall be established at a level which will bring forth a sufficient supply to meet the demands of milk for the marketing area but not necessarily to fulfill the requirements of outside markets. Producer milk sold for fluid uses outside the Philadelphia marketing area has the same characteristics of bulk and perishability, is produced under identical conditions and cost and is subject to the same transportation cost of moving from the farm to the handlers' producer milk plant, as is milk disposed of in the marketing area. Different health and sanitation requirements in markets outside the marketing area might result in different costs of producing milk for those markets only, but would have no effect on the production cost of producer milk sold to Philadelphia handlers. It is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by competing unregulated distributors in such markets. Such action would tend to lower blended returns to producers in the Philadelphia market with the result that the level of prices for milk to be sold within the regulated market might have to be raised to provide incentive for the production of a sufficient supply to fulfill the market needs. In this connection, the local consumers should not be called upon to subsidize consumers in out-of-area markets. It is concluded that no change should be made in the order to provide for out-of-area pricing.

Exceptions were filed to certain findings and conclusions of the Deputy Administrator on the grounds that the order should recognize sales made into marketing areas under other orders issued by the Secretary by providing a pricing for milk so disposed of at the level of pricing established under such other order.

The proposed order provides, in the case of a plant doing business under more than one order of the Secretary, that the plant shall be regulated under that order under which it does the greater volume of its business. Producer prices in other federally regulated markets in which Philadelphia handlers may wish to sell may be either higher or lower than such prices in the Philadelphia market. In establishing the level of price in a Federal order market, consideration is given to prices being paid for milk in competing adjacent markets. Under usual circumstances the variation in basic prices for milk of similar quality and use in various order markets reflects differences in transportation costs. These basic prices may be adjusted to reflect differences in seasonality of production and the local supply-demand situation. This general alignment of prices as between orders will tend to maintain equity and no further provision is ordinarily necessary. In this connection, however, the situation as between Order 61 and Order 27 must be handled as a specific exception due to extraordinary circumstances.

The present pricing scheme under Order No. 61 for milk sold into the marketing area under Order 27 was devised to prevent handlers, who might do a substantial business under Order 27 and with only a casual association with the Philadelphia market, from using the Philadelphia order as a means of evading regulation and pooling under Order 27 and thus deprive the Order 27 pool and regular producers under that order of the value of the Class I sales made there. The reasoning which lead to the adoption of the present procedure for pricing milk disposed of in the marketing area of Order 27 is equally applicable at this time.

All exceptions to the denial of any change in the order provisions with reference to milk sold outside of the Philadelphia marketing area are overruled for reasons previously stated.

9. *The adoption of a marketwide type of pooling.* No change should be made at this time in the type of pooling employed to distribute proceeds from the sale of producer milk. The present terms of the order provide for individual handler pooling whereby each handler pools the use value of his producer receipts and returns to all of his producers a uniform per hundredweight price varied as among producers to reflect only variations in butterfat test, quality and place of receipt.

Certain Philadelphia handlers and certain producer and handler interests associated with the New York market proposed that the individual handler pooling be dropped in favor of a marketwide type of pooling. A great deal of time and testimony on the record was devoted to this proposal. The proposal was opposed by most of the organized producer groups presently associated with the Philadelphia market; however, individual producers appeared in favor of the proposal.

Under usual circumstances the question of pooling is primarily a producer consideration. Since it does not affect handler costs for milk under the order, the desires of the majority of producers are of primary importance.

Under certain circumstances, however, the type of pool in a market can create situations which threaten the general stability of the market; in such case the problem extends beyond producer preferences. Usually the individual handler pool is more appropriately adapted to those markets where the utilization of the several handlers is similar and no one handler or group of handlers (or producers) carry the burden of the surplus of the market. Individual handler type pools also have value in markets where certain handlers primarily interested in manufacturing operations would use a marketwide pool to maintain a satisfactory return to producers at the expense of the regular producers for the fluid market.

The situation presently existing in the Philadelphia market raises many questions as to the adequacy of present pooling methods under existing marketing conditions. Under the individual handler pool which has operated in the market since it was placed under regulation, little attention has been given to the development of a dynamic marketing structure. Except insofar as price is a factor the market has exercised little initiative in moving milk of producers among handlers. Because of this situation blend prices of individual handlers vary widely. Certain handlers with insufficient producer milk to meet their fluid needs have relied regularly on nonproducer sources for a substantial part of their supply. At the same time other handlers with excess producer milk have marketed their surplus in manufacturing outlets, in many instances at sub-Class II prices. On numerous occasions producers supplying certain other handlers have been forced to withhold portions of their production from the market to be disposed of in low price manufacturing outlets. Producers thus have not only lost Class I sales to unregulated unpriced milk, but have also received a price less than competitive market value for their surplus.

Handlers asking for a market pool claim they function as a supply balance and have handled the surplus of the entire market. But there is and has been a minimum of movement of supplies between handlers; those with surplus facilities in a large measure handle only their own excess supplies and any outside market nonproducer milk which from a pricing standpoint they may find it advantageous to purchase. These handlers state that the fact milk does not move readily between handlers is due to variations in health regulations. Yet at the same time, they admit that arrangements could easily be made to assure ready movement of milk. They suggest that the ease with which other handlers have been able to use unpriced

nonproducer milk for fluid uses has deterred movement of milk between handlers. Other handlers who normally operate with a very high Class I utilization and who rely on outside sources for balancing supply contend that unreasonable handling charges demanded by local handlers deters free movement of producer milk.

Certainly, under circumstances presently existing in the market, it cannot be concluded that the handler proponents for a market pool are in fact acting as a balance of supply for the market nor that they handle the surplus for the market. The relatively low blends of these particular handlers are primarily of their own making.

On the other hand, a market structure where manufacturing facilities are concentrated in the plants of a few handlers usually indicates the preferability of a market pool. Further, the record does not support the claims of excessive handling charges. It seems probable in this regard that such charges appear excessive to the affected handlers primarily because of the freedom which they have enjoyed in using unpriced milk.

The amending order made effective June 1, 1956, substantially restricted a handler's ability to use unpriced nonproducer milk as Class I milk except in the short production season. Additional changes proposed in this decision in the allocation and pricing provisions are intended to further restrict the displacement of producer milk by unpriced milk and to provide greater equality among handlers in the cost of producer milk. The framework of this proposed amended order is also intended to encourage a greater freedom of movement of milk between handlers. Under the circumstances, the burden of proving their position as a balance of supply for the market rests squarely with the handlers with manufacturing facilities. Further consideration of market pooling should be deferred for later hearing.

Exceptions were filed to the findings in the recommended decision that no change should be made under the order in the method of pooling at this time. Such exceptions speculate as to the possible effect of a handler who entered the market subsequent to the close of the hearing. The record does not contain adequate evidence to justify a change to a market pool at this time. A decision cannot be made on speculation as to how the market may be affected in the future by the entry of new handlers. Therefore, all such exceptions are overruled.

10. *Other issues.* No change should be made in the producer and handler definitions on the basis of this record to permit diversion of producer milk. Under the present order provisions milk must be received directly at a producer milk plant to qualify as producer milk and the operator of the plant at which the milk is first received is the responsible handler for properly accounting for milk and for payments to producers. Both the principal cooperative association in the market and proprietary handlers proposed that consideration be given to incorporating diversion privileges in the applicable provisions of the order.

The producers' interest in diversion is associated with the anticipated expansion of farm bulk tank handling. Their primary concern, however, is in a procedure for designating those producers to be considered as regularly associated with the market and hence eligible for pooling.

It is not intended that through Federal regulation any particular group of producers shall be guaranteed a market for their milk to the exclusion of other producers. The order establishes minimum prices which handlers must pay and the handler is free to choose his sources of supply within the limits of the applicable health regulation in the market. Under the terms of the order as herein proposed any milk received at a producer milk plant directly from dairy farmers will be accorded producer status. While it might be possible, and desirable under certain circumstances, to condition producer status on regularity of delivery, it is not clear on the basis of the record how this procedure should be adopted under the individual handler pooling in effect in this market.

Proprietary handlers' interest in diversion is also primarily associated with the anticipated expansion of farm bulk tank handling. Here again the proponent was unable to place into the record the specific circumstances under which the proposed provision would or should have application.

It must be recognized that bulk handling of milk encourages far greater mobility and flexibility in the handling of milk than in the case of can milk. For this reason it is essential that any change in the order to permit diversions be very carefully framed in recognition of the local conditions in the particular market. The record of this hearing does not provide the basis for revision of the order in this respect.

Under the present order provisions it is not clear that a cooperative association may receive payments of the amounts otherwise due its individual member producers. The provisions dealing with class prices specifically provide that the handler shall pay for milk received "____ from producers or an association of producers _____." The payment provision, however, provides that the handler shall make full payment "____ to each producer _____." Under the provisions hereinafter proposed a cooperative association by definition has "full authority in the sale of milk of its members" and is engaged in "making collective sales of or marketing milk or its products for its members". As the duly authorized agent of its producer members there can be no question of its authority to receive the payments otherwise due such producers. This privilege is specifically provided for in the act. The record indicates that under certain situations this practice is being followed at the present time. The inclusion of this provision will provide specificity regarding the status of such practice.

The order should also require that a handler must pay the minimum class prices for all milk received from a cooperative association in its capacity as a handler. The act clearly establishes the intent that no cooperative association may sell milk to any handler at less than the prescribed order class prices. Under certain conditions it is possible that a cooperative association might be able to enhance its overall returns to its members by selling its excess milk in the market to an account which would be available only at prices below the prescribed order prices. Clearly, this is not in accordance with the intent of regulation and this situation can best be safeguarded against by a requirement that handlers pay to cooperative associations the minimum class prices. The pricing provisions of the order are applicable at the plant of the handler on whom the regulation is binding. In this situation the applicable prices are those for the location of the plant of handlers to whom the cooperative is selling. Adoption of this provision will provide greater assurance of equality as between handlers in the cost of their milk.

The entire order should be redrafted to add greater specificity to the various provisions and to incorporate a number of conforming and clarifying changes throughout the order.

A definition of certified milk should be provided to describe a special type of milk sold in the Philadelphia marketing area and such milk received at producer milk plants in packaged form from the farm on which it was produced and packaged should be exempted from regulation under the order.

There is one farm engaged in the production of certified milk for sale in the Philadelphia marketing area. This farm is also a source of supply for certified milk in other surrounding fluid markets. The milk is sold in packaged form from the farm on which it was produced to Order 61 handlers who distribute it on their regular milk routes. The handler producing and packaging the milk has no retail or wholesale distribution in the marketing area and sells only to other handlers.

Production requirements for certified milk are far more rigid than for other fluid milk and all such milk must be bottled on the farm where produced which must be the sole source of supply. Certified milk sells for a price substantially higher than for other milk and is sold under conditions not generally competitive with other milk. The circumstances under which certified milk is produced and marketed are such that an expansion in its production sufficient to be a disturbing factor in the market appears extremely remote.

Under the present order provisions this certified milk operation has been interpreted as a producer-handler operation. There is some question, however, whether receipts in package form from a dairy farmer with no direct distribution properly qualifies as a receipt from a producer-handler. The definition and treatment as to classification and allocation herein recommended clarifies the status of such milk and is consistent with the past treatment accorded such receipts.

The powers and duties of the market administrator should be redefined for greater specificity to conform more generally with the language of other milk orders issued under the act. The powers

of the market administrator as herein recommended are specifically provided in section 8c (7) (c) of the act and the proposed language is essentially that of the statutory language. The duties herein provided are essentially those found in Federal milk orders generally. Some question was raised as to the propriety of permitting the administrator any discretion in the performance of his duties. In this connection it must be recognized that the market administrator is the agent of and is directly responsible to the Secretary. Unless some latitude of judgment is permitted in handling unusual circumstances in the event of violations, equitable and efficient administration cannot prevail.

The provisions dealing with the computation and allocation of shrinkage should be revised to provide for a pro rata allocation of shrinkage between producer and nonproducer milk and to limit the allowable shrinkage on producer milk and butterfat to be classified in Class II to 2 percent of receipts thereof, respectively. It is not intended that allowable shrinkage be permitted twice on the same milk. Accordingly, it is provided in the case of interhandler transfers that shrinkage be allowed only to the handler first receiving the milk.

Under the present terms of the order shrinkage in Class II is limited to 2 percent of total receipts and this is all allocated to producer milk. The change herein provided, while limiting shrinkage on producer milk in Class II to 2 percent of such receipts, permits unlimited allocation of shrinkage on other source milk in such class. Producers thereby have assurance that their milk is fully accounted for and paid for at actual use value and they are not required to bear excess shrinkage losses on nonproducer milk. On the other hand, handlers have assurance that their payments to producers will not be increased solely as a result of excess shrinkage on other source milk.

If after making the various assignments of milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose fluid milk plant(s) the computation is being made, such "overage" should be assigned first to available Class II utilization and any remainder to Class I. Such overage should be paid for by the handler at the applicable class prices. In the allocation procedure recognition is given to all receipts of other source milk reported by the handler. When utilization records indicate a disposition greater than receipts it must be presumed that the handler has underreported his receipts of producer milk. This "overage" is thus charged to him at the applicable price in the lowest available class usage.

The transfer provisions should be revised to provide producer milk priority on Class I utilization in the case of transfers between producer milk plants and to revise the procedure of classification in the case of transfers to producer-handlers and to nonproducer milk plants. Under the present terms of the order transfers between producer milk plants may be classified by agreement, provided, in the case of a Class II agreement, an equivalent amount of milk was actually so utilized in the transferee plant. Under such circumstances it is possible that producer milk may be classified in Class II at the same time that the transferee handler is utilizing nonproducer milk in Class I. The procedure herein proposed while permitting continuation of classification by agreement, conditions such classification by providing that the classification in both plants shall be made in a manner which provides the greatest utilization of producer milk in Class I.

In the case of transfers of milk or skim milk to a producer-handler the classification should be in Class I. Producer-handlers operate primarily only a fluid milk business. Any supplemental supplies which a producer-handler may obtain from other handlers, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. Any milk which is received at a producer milk plant from a producer-handler should be allocated to the lowest class utilization after the allocation and shrinkage on producer milk. Milk disposed of to another handler by a producer-handler must be presumed to be surplus to the operation of the producer-handler and since other producers do not share in the Class I utilization of the producer-handler it would be unfair to provide that producers share their Class I utilization with the excess milk of a producer-handler.

Transfers of milk and skim milk to a nonproducer milk plant may be classified as other than Class I provided specified conditions are met. Transfers of cream both to nonproducer milk plants and to producer-handlers are automatically classified in Class II and are not subject to change. While it is possible that cream so transferred might find its way into a Class I use it must be recognized that the market is an open cream market and any other procedure would likely deny the outlet to local cream.

The allocation provisions should be revised to recognize the treatment hereinbefore proposed to be accorded certified milk, to provide for the computation of overage, to discontinue the permissive pro rata allocation of milk received from producer-handlers and to provide during all months of the year for the allocation of nonproducer milk in the lowest available use class after the allocation of allowable shrinkage and receipts from producer-handlers.

In his decision of May 7, 1956, the Assistant Secretary concluded that the market had a more than adequate supply of producer milk during the months of February through September and that there was no need to accommodate the use of milk from nonproducer sources for fluid purposes during this period. He further indicated that there was serious questions under the existing supply-demand situation whether nonproducer milk should be permitted to be used in Class I even in the months of October through January.

Producer witnesses appearing at this hearing contended that nonproducer milk should not be permitted to displace producer milk in Class I. They requested that during the months of October through March the permissive pro rata allocation of nonproducer milk be discontinued and such milk be allocated to the lowest available use class prior to the allocation of producer milk.

As previously indicated in this decision it is possible even though the market is adequately supplied and handlers may at times during the short production months find it necessary to secure supplemental supplies. Unless shipping privileges are rather liberal in these months handlers might have difficulty in securing such necessary supplemental supplies. Notwithstanding, the milk of producers who are the regular suppliers of milk for the Philadelphia market should be given priority in the assignment of Class I utilization at producer milk plants in all months of the year. Unless this precedure is followed there can be no assurance that nonproducer milk will not be used to displace producer milk in Class I when it is advantageous to the purchasing handler. This procedure of allocation should in no way jeopardize a handler's ability or willingness to obtain other source milk if such milk is actually needed because of a shortage of regular producer milk.

Producer proponents suggested the possibility of reserving 5 percent of producer receipts in Class II before the allocation of nonproducer milk during the short production months in recognition of the fact that handlers might over the entire month have sufficient producer receipt to cover Class I needs but still be short on certain days. In this regard the record indicates that certain handlers continuously maintain extremely high Class I utilization in all months of the year. The choice of maintaining an adequate supply or buying supplemental milk is the choice of the individual handler. Producers should not be expected to share the risks which are properly those of the handler.

Handler witnesses at the hearing proposed that the accounting for condensed or nonfat dry milk used to fortify Class I products be on the basis of actual product pounds so used rather than in the milk equivalent thereof. Under the accounting system in effect under the Philadelphia order producer milk, which is the regular source of supply for the market, is given priority in assignment to Class I and the handler is required to make a full accounting for all milk, skim milk and butterfat received. Condensed or dry milk utilized in Class I, either to reconstitute or fortify, displaces regular producer milk. Unless accounting is made on the whole milk equivalent the intent of the classification system is violated and producers do not realize the full use value from their milk.

It was pointed out at the hearing that the present requirement that handlers file their reports of receipts and utilization with the market administrator not later than the 8th day after the close of the month places considerable hardship

on handlers and in many cases requires extra help or overtime to comply. The market administrator has indicated that under the individual handler pooling in effect in this market it is not necessary for him to wait until all handlers have filed reports before he begins the computation of individual uniform prices and that some additional time could be permitted handlers without delaying the announcement of uniform price on the 15th. Under the circumstances it is concluded that the deadline for filing reports should be changed from the 8th to the 10th day after the end of the month.

The order presently provides that the advance payment to producers for milk delivered during the first 15 days of the month be made on or before the last day of the month at not less than the handler's estimate of his uniform price. This provision provides no standard for the market administrator in determining whether a handler is complying with the intent of the order and leaves entirely to the discretion of the handler the amount of the advance payment. While there is no indication that handlers have taken advantage of the latitude of discretion granted them in the wording of this provision to delay payments to producers it is desirable that greater specificity be provided. It is concluded therefore that the minimum payment should be at not less than the Class II price for the previous month. Such payment will provide a reasonable advance for producers while at the same time providing full protection to the handler. There is nothing which would prevent a handler from making a larger payment if he so desired.

Under the present order provisions the administrative assessment charge is applicable on all milk received directly from producers and on all nonproducer milk allocated to Class I. By administrative determination the assessment has not been made on the handler's own farm production.

The act provides that the cost of order administration shall be financed through an assessment on handlers. Equity in sharing the cost of administration among handlers can best be achieved by applying the administrative assessment uniformly to all producer milk and to other source milk allocated to Class I. Since under the present order a handler is a producer with reference to his own farm production which is received at a producer milk plant, the assessment should be applicable on such milk. The language of the order in this regard is clear and no changes therein are necessary to accomplish this end.

Other changes in the order deal largely with the general administrative provisions which are common to all orders and which are necessary for the proper and efficient administration of the order.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the records were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. A general exception was filed to the findings and conclusions of the recommended decision in their entirety which contended, in effect, that the terms and provisions of the proposed amended order and procedural techniques allegedly used in drafting such order are contrary with the applicable law and congressional policy. Such exception is unwarranted and improper in that it pertains to the performance of duly delegated executive functions which require the exercise of judgment and discretion, and is, accordingly, overruled.

Certain producers filed written exceptions to the recommended decision and requested that oral exceptions be permitted. Such exceptions are overruled inasmuch as the rules and regulations do not provide for oral exceptions.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for reasons previously set forth in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of July 1957 is hereby determined to be the representative period for the conduct of such referendum.

L. S. Iverson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is issued.

Issued at Washington, D. C., this 25th day of November 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area

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AUTHORITY: §§ 961.0 to 961.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to all receipts of producer milk (including such handler's own farm production) and receipts of milk from nonproducer milk plants which are classified as Class I milk.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 961.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 961.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 961.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 961.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 961.5 *Philadelphia, Pennsylvania, milk marketing area.* "Philadelphia, Pennsylvania, milk marketing area", hereinafter called the "marketing area" means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cut-off of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the lower Merion township line; thence along the northern boundary of lower Merion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning.

§ 961.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 961.7 *Producer milk plant.* "Producer milk plant" means:

(a) A pasteurizing or bottling plant from which milk is disposed of during the month as Class I milk in the marketing area on routes (including routes operated by vendors), or through plant stores to retail or wholesale outlets (except other producer milk plants); or

(b) Any other plant from which milk in the form of products designated as Class I milk (not including certified milk) is supplied during the month to a pasteurizing or bottling plant described in paragraph (a) of this section, any part of which is allocated to Class I milk pursuant to § 961.47: *Provided,* That any such other plant shall not be included in this definition during any of the months of October, November, December and January in which shipments, any part of which is allocated to Class I milk, are made from the plant on less than 11 days during such month to such pasteurizing and bottling plant, or to a plant or plants supplying such pasteurizing or bottling plant unless such plant was a producer milk plant in at least four of the preceding months of February through September: *And provided further,* That in the case of a system operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a producer milk plant(s) under paragraph (a) of this section and two or more

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

receiving plants qualified to ship milk to his pasteurizing and bottling plant(s), any of such qualified receiving plants as the handler may designate shall be considered as a unit (system) upon written notice to the market administrator setting forth the plants to be included as a unit and the period during which such designation shall apply. Such notice and notice of any changes in designation, shall be furnished on or before the 15th day of the month preceding the month to which the notice applies.

§ 961.8 *Nonproducer milk plant.* "Nonproducer milk plant" means any milk manufacturing, processing, bottling or distributing plant other than a producer milk plant.

§ 961.9 *Handler.* "Handler" means any person wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area as milk, or skim milk.

§ 961.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is received directly at a producer milk plant.

§ 961.11 *Producer-handler.* "Producer-handler" means any person who operates as his own personal enterprises both a dairy farm and a producer milk plant from which Class I milk is disposed of in the marketing area, but who receives no milk from producers.

§ 961.12 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 961.13 *Product pounds.* "Product pounds" means the total pounds of milk, skim milk, cream or butterfat including the skim milk equivalent of all concentrated milk products and other milk products in any form which enter into the accounting as a source of supply for a producer milk plant.

§ 961.14 *Other source milk.* "Other source milk" means all receipts from any source in the form of products designated as Class II pursuant to § 961.41 (b) which are reprocessed or converted to another product during the month and all receipts in the form of Class I products from any source other than producers and producer milk plants other than those operated by producer-handlers.

§ 961.15 *Certified milk.* Certified milk is milk which is produced, packaged and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Commissions.

MARKET ADMINISTRATOR

§ 961.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 961.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 961.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 961.85, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation and (3) all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(f) Publicly disclose to the handlers and producers, at his discretion, the name of any person who within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 961.30 and 961.31 or (2) payments pursuant to §§ 961.80 through 961.85;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handlers' records and the records of any other handler or person upon whose utilization the classification of milk and butterfat for such handler depends;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following:

(1) The 5th day of each month, the Class II price and the handler butterfat differential, both for the preceding month;

(2) The 15th day of the month preceding the start of each calendar quarter, the Class I price for such calendar quarter;

(3) The 15th day of each month, the uniform price for each handler computed pursuant to § 961.71, the utilization percentage for such handlers, and the differentials applicable pursuant to §§ 961.81 and 961.82 all for the preceding month;

(4) The 15th day of each month the names and locations of all nonproducer milk plants which supplied milk or skim milk during the preceding month to a producer milk plant(s), any part of which milk or skim milk was allocated to Class I milk; and

(5) Promptly after receipt of notice from any handler of unit (system) designations, or of changes therein, pursuant to the second proviso of § 961.7 (b) the names and locations of plants so designated.

REPORTS AND RECORDS

§ 961.30 *Reports of receipts and utilization.* On or before the 10th day after the end of each month, each handler, except a producer-handler, shall report for each of his producer milk plants for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) Receipts of producer milk (including such handler's own production);

(b) Receipts from other producer milk plant(s);

(c) Receipts of other source milk;

(d) The utilization of all milk, milk products and butterfat required to be reported pursuant to this section; and

(e) Inventories of milk and milk products on hand at the beginning and end of the month.

§ 961.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each of his producer milk plants his producer payroll for such month which shall show for each producer, (i) his name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions;

(2) His purchases, if any, of sweet cream showing the quantity and source of each such purchase and the cost thereof at Philadelphia;

(3) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received;

(4) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may prescribe; and

(5) Promptly after milk is first received from any producer, (i) the name and address of such producer, (ii) the date upon which such milk was first received, and (iii) the plant at which such milk was received.

§ 961.32 *Verification of reports.* Each handler shall permit the market administrator or his agent, or such other person as the Secretary may designate, during the usual hours of business, to (a) verify the information contained in reports submitted in accordance with this section and (b) weigh milk received from each producer and sample and test milk for butterfat.

§ 961.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are not longer necessary in connection therewith.

CLASSIFICATION

§ 961.40 *Milk to be classified.* All milk and milk products received within the month at producer milk plants and which is required to be reported pursuant to § 961.30 shall be classified by the market administrator pursuant to the provisions of §§ 961.41 through 961.47.

§ 961.41 *Classes of utilization.* Subject to the conditions set forth in §§ 961.43 through 961.45 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all milk and skim milk (including the milk or skim milk equivalent of concentrated milk, and of dry whole milk, condensed skim milk and nonfat dry milk used in reconstituting or fortifying any Class I product) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, or any mixture of milk, cream, or skim milk containing less than 18 percent butterfat (except sterilized products in hermetically sealed containers, ice cream mixes, ice milk mixes and eggnog) including such products which are: (1) Disposed of to retail establishments which dispose of milk both for fluid and other uses, (2) contained in inventory variations of milk and milk products designated as Class I milk, or (3) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all milk, skim milk and butterfat: (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) dumped or disposed of for livestock feed; (3) disposed of in bulk and used in soup, candy, bakery products or any other nondairy commercial food product; (4) contained in inventory variation of cream and (5) in actual plant shrinkage not in excess of 2 percent of the total pounds of producer milk received by handler at all of his producer milk plants; and (6) in shrinkage of other source milk.

§ 961.42 *Shrinkage.* The market administrator shall allocate shrinkage at the producer milk plant(s) of each handler as follows:

(a) Compute the shrinkage of product pounds of milk and butterfat;

(b) Allocate the resulting amounts pro rata to the handler(s) receipts of product pounds of milk and butterfat, respectively, in producer milk and in other source milk.

§ 961.43 *Responsibility of handlers and reclassification of milk.* (a) All milk, skim milk and butterfat required to be classified shall be Class I milk unless the handler who first receives such milk, skim milk and butterfat proves to the market administrator that such milk, skim milk and butterfat should be classified otherwise.

(b) Any milk, skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 961.44 *Transfers of milk.* Milk and skim milk containing less than 18 percent butterfat disposed of each month from a producer milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 961.41 (a) to a producer milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 961.30: *Provided*, That the milk or skim milk so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee handler after the allocation of receipts from plants subject to regulation under other Federal orders pursuant to subparagraph (6) of § 961.47 (a) and (b) and any additional amount of milk and skim milk shall be classified as Class I milk: *And provided, further*, That if either or both handlers have received other source milk, the milk and skim milk so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 961.41 (a);

(c) As Class I milk if transferred in bulk to a nonproducer milk plant unless: (1) the handler claims a Class II utilization; (2) the buyer maintains books and records showing the utilization of all milk and skim milk at his plant which are made available if requested by the market administrator for the purpose of verification; and (3) not less than an equivalent amount of milk and skim milk was actually used as Class II milk in such buyer's plant.

§ 961.45 *Transfers of cream.* Cream containing 18 percent or more butterfat disposed of each month from a producer milk plant shall be classified: (a) as Class II milk if transferred to a producer milk plant of another handler: *Provided*, That the cream so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee handler after the allocation of receipts from plants subject to regulation under other Federal orders, pursuant to subparagraph (6) of § 961.47 (a) and (b) and any additional amounts of cream shall be classified as Class I milk; (b) as Class II milk if transferred to a producer-handler; and (c) as Class II milk if transferred to a nonproducer milk plant.

§ 961.46 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 961.30 and compute the total product pounds of milk and milk products and the pounds of butterfat respectively, in Class I milk and Class II milk in the producer milk plant(s) of such handler.

§ 961.47 *Allocation of milk, skim milk, and butterfat classified.* After making the computations pursuant to § 961.46 the market administrator shall determine the classification of producer milk for each handler as follows:

(a) The gross product pounds of milk and milk products classified shall be allocated in the following manner:

(1) Subtract from the total product pounds in Class II milk the product pounds in producer milk classified pursuant to § 961.41 (b) (5);

(2) Subtract from the remaining product pounds in Class II milk the total product pounds of milk and milk products in receipts from producer-handlers;

(3) Subtract from the total product pounds in Class I milk the product pounds of receipts of certified milk in packaged form;

(4) Subtract from the remaining product pounds in each class, in sequence beginning with Class II milk, the product pounds in receipts of other source milk in the form of cream containing 18 percent or more butterfat and the milk or skim milk equivalent of such receipts of concentrated and dried milk or skim milk utilized in a reconstituted or fortified product and other Class II products which are reprocessed during the month;

(5) Subtract from the remaining product pounds in Class II milk the product pounds in the form of Class I products received as other source milk (except from plants exempted from regulation pursuant to § 961.61): *Provided*, That during the months of October through January, if the product pounds of such receipts exceed the remaining product pounds in Class II the balance shall be subtracted from the remaining product pounds in Class I milk;

(6) Subtract from the remaining product pounds in each class, in sequence, beginning with Class II milk, the product pounds in the form of Class I products received from plants subject to regulation under other Federal orders;

(7) Subtract from the product pounds remaining in each class the product pounds in receipts from producer milk plants of other handlers and assigned to such class pursuant to §§ 961.44 and 961.45: *Provided*, That if the product pounds of such receipts to be subtracted from Class II milk are greater than the remaining product pounds in such class, the balance shall be subtracted from the remaining product pounds of Class I milk;

(8) Add to the remaining product pounds in Class II milk the product pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) If the remaining product pounds in both classes exceeds the product pounds of producer milk, subtract such excess from the remaining product pounds in series beginning with Class II milk. Any amount so subtracted shall be known as overage.

(b) Butterfat shall be allocated under the same procedure outlined for gross product pounds in paragraph (a) of this section.

(c) Divide the pounds of butterfat in each class by the hundredweight of product pounds in such class to determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 961.50 *Class prices.* Except as set forth in § 961.53, each handler shall pay, at the time and in the manner set forth in § 961.80 for each hundredweight of milk containing 3.7 percent of butterfat received at his producer milk plant(s) during each month from producers or a cooperative association not less than the following prices, subject to the differentials set forth in §§ 961.51 and 961.52:

(a) *Class I milk.* For each month the price per hundredweight of Class I milk shall be the price computed pursuant to subparagraphs (1) through (8) of this paragraph.

(1) Compute an index of wholesale commodity prices by averaging the four latest weekly index figures of wholesale commodity prices published by the Bureau of Labor Statistics, United States Department of Labor, and convert the result to a 1936–1940 base period by dividing by 0.5108.

(2) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1936–1940 base period, by dividing by 0.01776 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(3) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, in a 1936–1940 base period, by dividing the monthly index published by the Pennsylvania Federal-State Crop Reporting Service on a 1910–1914 base by 1.0915, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January, February, March	0.96
April, May, June	1.00
July, August, September	1.04
October, November, December	1.00

(4) Compute an index of prices paid for milk by selected Midwest condenseries, using a 1936–40 base period, by dividing by 0.013945 the monthly average price paid by selected Midwest condenseries as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	1.02	July	0.97
February	1.02	August	1.00
March	1.01	September	1.00
April	0.99	October	1.00
May	0.98	November	1.02
June	0.96	December	1.03

(5) Compute an index of average daily pounds of Class I milk sold by all handlers during the previous month, except that milk which is moved to plants outside of New Jersey and Delaware from which no routes are operated in the marketing area, using a 1936–40 base period, by dividing the monthly figure by 16.640, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	0.98	July	0.99
February	0.99	August	0.99
March	1.00	September	1.04
April	0.99	October	1.05
May	0.98	November	1.02
June	0.98	December	0.99

(6) Divide the sum of the indexes calculated in subparagraphs (1) through (5) of this paragraph by 5. This figure shall be the formula index, and shall determine the Class I price for each calendar quarter in accordance with the following table, subject to the provisions of subparagraphs (7) and (8) of this paragraph. The price for each calendar quarter shall be determined by the index value calculated and announced in the month preceding the calendar quarter, in accordance with the bracket shown in the following table in which such index value is included, for if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

CLASS I PRICE SCHEDULE—CLASS I PRICE PER HUNDREDWEIGHT

Formula index	Jan., Feb., Mar., July., Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
116.3–120.3	$3.29	$2.89	$3.69
124.1–128.1	3.49	3.09	3.89
131.9–135.9	3.69	3.29	4.09
139.6–143.6	3.89	3.49	4.29
147.4–151.4	4.09	3.69	4.49
155.2–159.2	4.29	3.89	4.69
163.0–167.0	4.49	4.09	4.89
170.8–174.8	4.69	4.29	5.09
178.5–182.5	4.89	4.49	5.29
186.3–190.3	5.09	4.69	5.49
194.1–198.1	5.29	4.89	5.69
201.9–205.9	5.49	5.09	5.89
209.7–213.7	5.69	5.29	6.09
217.5–221.5	5.89	5.49	6.29
225.2–229.2	6.09	5.69	6.49
233.0–237.0	6.29	5.89	6.69
240.8–244.8	6.49	6.09	6.89
248.6–252.6	6.69	6.29	7.09
256.4–260.4	6.89	6.49	7.29

If the formula index is more than 260.4, this table shall be extended at the same rate as in the three highest index brackets shown above.

(7) For any calendar quarter the Class I price shall be 40 cents more than the price prescribed in subparagraph (6) of this paragraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are less than 115 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents.

(8) For any calendar quarter the Class I price shall be 40 cents less than the price prescribed in subparagraph (6) of this paragraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are more than 137 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount, which will result in a Class I price equal to the Class I price for the same quarter of the preceding year minus 80 cents.

(b) *Class II milk.* The price per hundredweight of Class II milk during each month shall be the sum of the values calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph.

(1) *Butterfat.* Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00 and divide by 9.19: *Provided*, That such butterfat value shall not be less than 3.7 times 120 percent of the average of the daily wholesale selling price for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 18.0 cents.

(2) *Skim milk.* From the average of all the prices per pound for nonfat dry milk made by the roller process sold as "other brands" for human consumption in bags or barrels by carlots (using midpoint of any range as one quotation), published during such month in "Producer's Price Current", subtract 5 cents, multiply by .90 and multiply by 7.5.

§ 961.51 *Butterfat differential to handlers.* For milk containing more or less than 3.7 percent butterfat, the class prices for the month calculated pursuant to § 961.50 shall be increased or decreased, respectively, for each one-tenth of one percent variation in butterfat content by the amount calculated pursuant to § 961.50 (b) (1) divided by 37 and rounded to the nearest one-tenth cent.

§ 961.52 *Location differential to handlers*—(a) *Class I milk.* For that milk received from producers at a producer milk plant located 45 miles from City Hall in Philadelphia, Pennsylvania, by shortest highway distance as determined by the market administrator, and classified as Class I milk, the Class I price set forth in § 961.50 (a) shall be reduced 23 cents per hundredweight plus one and one-half cent for each additional 10 miles distance, or fraction thereof, which such plant is located from City Hall in Philadelphia: *Provided*, That for purpose of calculating such location differential, in the case of a handler who operates multiple producer milk plants as a system, the Class I utilization allocated to producer receipts pursuant to § 961.47 shall be assigned first to producer receipts at the plant located nearest the City Hall in Philadelphia and any remaining Class I utilization shall be assigned to the remaining plants in the system, in sequence, beginning with the plant next nearest the City Hall in Philadelphia: *And provided further*, That in the case of such multiple plant handler who receives both Grade A and standard milk, the receipt of Grade A milk shall first be assigned in the sequence set forth in the first proviso of this paragraph to the extent of actual disposition as Grade A milk in Class I and any remaining receipts of Grade A milk shall be assigned in conjunction with standard milk under the first proviso of this paragraph.

(b) *Class II milk.* For that milk received from producers at a producer milk plant located 45–70 miles from City Hall in Philadelphia, Pennsylvania, by shortest highway distance, as determined by the market administrator, and classified as Class II milk, the Class II price set forth in § 961.50 (b) shall be reduced 5 cents per hundredweight plus one cent for each additional 70 miles distance, or fraction thereof, which such plant is located from City Hall in Philadelphia.

§ 961.53 *Class I milk disposed of in the New York-New Jersey marketing area.* The price to be paid by handlers for Class I milk disposed of in the New York-New Jersey marketing area (Part 927 of this chapter) shall be the Class I–A price computed pursuant to such part less such payment as is required on such milk pursuant to such part.

§ 961.54 *Equivalent prices or indexes.* If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 961.60 *Handlers who receive no milk from producers.* Sections 961.40 through 961.47, 961.50 through 961.53, 961.70 through 961.71 and 961.80 through 961.85 shall not apply to a producer-handler nor to a handler whose sole source of milk supply consists of receipts from other producer milk plants.

§ 961.61 *Plants subject to other Federal orders.* A plant specified in paragraphs (a), (b) or (c) of this section shall be exempt from regulation under this order except that the operator thereof shall, with respect to total receipts and utilization at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to §§ 961.30 through 961.31) and allow verification of such reports by the market administrator.

(a) Any distributing or supply plant which disposes of Class I milk in the marketing area but which is a fully regulated plant under Part 927 of this chapter.

(b) Any other distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except producer milk plants) in the Philadelphia marketing area than in the marketing area regulated pursuant to such other order.

(c) Any other supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant disposes of a greater volume of Class I milk to producer milk plants under the Philadelphia order than to plants distributing in the marketing area regulated pursuant to such other order.

DETERMINATION OF UNIFORM PRICES

§ 961.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his producer milk plant(s) each month shall be the sum of money computed by the market administrator as follows:

(a) Multiply the total hundredweight of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 961.47 (a) (9) and (b) by the applicable class price;

(d) Add or subtract as the case may be the amount necessary to correct errors discovered by the market administrator in the verification of such handler's receipts and utilization of milk for the previous month(s); and

(e) Add any amount computed pursuant to § 961.83 as a result of Grade A sales in excess of the milk received from designated Grade A producers.

§ 961.71 *Computation of uniform prices for handlers.* For each month the market administrator shall compute a uniform price for the producer milk receipts received by each handler as follows:

(a) Add to the amount computed pursuant to § 961.70 the total of the location differential deductions applicable pursuant to § 961.82;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.7 percent an amount computed by multiplying such difference by the butterfat differential to producers computed pursuant to § 961.81 and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 3.7 butterfat content, f. o. b. market.

PAYMENTS

§ 961.80 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested in writing by the cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section:

(a) On or before the last day of each month each handler shall make payment for milk received during the first 15 days of such month at not less than such handler's estimate of his uniform price per hundredweight but in no event less than the price per hundredweight for Class II milk for the preceding month.

(b) On or before the 20th day after each month each handler shall make payment for milk received during such month at not less than the uniform price per hundredweight computed for such handler pursuant to § 961.71, subject to the butterfat differential computed pursuant to § 961.81, the location differential computed pursuant to §961.82 and Grade A premiums in § 961.83 less proper deductions authorized in writing by such producers and less payment made pursuant to paragraph (a) of this section.

(c) On or before the 20th day of each month each handler shall pay a cooperative association which is a handler, with respect to milk, skim milk and cream received by him from a producer milk plant operated by such cooperative association not less than an amount computed by multiplying the minimum prices in each class subject to butterfat differential computed pursuant to § 961.51 and the location differential of the buying handler computed pursuant to § 961.52 by the hundredweight of such milk in each class.

§ 961.81 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 961.80 shall be increased or decreased, for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.7 percent, respectively, at a rate determined by dividing by 37 the butterfat value computed pursuant to § 961.50 (b) (1) and rounded to the nearest full cent.

§ 961.82 *Location differential to producers.* In making payments to producers pursuant to § 961.80, the applicable uniform prices to be paid for producer milk received at a producer milk plant located at least 45 miles from the City Hall in Philadelphia, Pennsylvania, by shortest highway distance as determined by the market administrator, shall be reduced 23 cents plus one and one-half cent for each additional 10 miles distance, or fraction thereof, which such plant is located from the City Hall in Philadelphia.

§ 961.83 *Premium for Grade A milk.* In addition to the uniform price and all other payments required pursuant to §§ 961.80 through 961.82 each handler shall pay for milk, which he has designated as qualified under the Commonwealth of Pennsylvania Department of Health or the New Jersey Department of Health requirements for sale as Grade A milk and which is delivered to a plant similarly qualified (so long as such requirements are in effect as a separate grade), 40 cents per hundredweight of Grade A milk received from producers of 10,000 bacteria or less per c. c. and 25 cents per hundred weight of Grade A milk received from producers of more than 10,000 but less than 25,000 bacteria, times the ratio of such milk sold as Grade A either in fluid form or as products manufactured from Grade A milk to the total quantity of Grade A milk received from producers: *Provided*, That in addition to the above payments each handler shall add to the value of his milk computed pursuant to § 961.70, 40 cents per hundredweight of milk sold by a handler as Grade A in excess of the milk received from designated Grade A producers for whom the handler has maintained adequate laboratory records which qualify such producers for the 40-cent or 25-cent premiums described in this section.

§ 961.84 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclosed errors resulting in money due a producer or the market administrator, from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 961.85 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 20th day after the end of the month for such month 2 cents per hundredweight, or such amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk including such handler's own production, and (b) receipts of milk from nonproducer milk plants which are classified as Class I milk.

§ 961.86 *Termination of obligations.* The provisions of the section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 961.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 961.91.

§ 961.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 961.92 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 961.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 961.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 961.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-9913; Filed, Nov. 29, 1957; 8:50 a. m.]

[7 CFR Part 994]

[Docket No. AO-300]

MILK IN COLORADO SPRINGS-PUEBLO, COLO., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Acacia Hotel, Colorado Springs, Colorado, beginning at 10:00 a. m., local time on December 16, 1957, with respect to a proposed marketing agreement and order to regulate the handling of milk in the Colorado Springs-Pueblo, Colorado, marketing area.

This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions, which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burden, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals set forth below have not received the approval of the Secretary of Agriculture.

Marketing Agreement Regulating the Handling of Milk in the Colorado Springs-Pueblo, Colorado, Marketing Area Proposed by: The Colorado Springs Milk Producers Association, Inc., and the Pueblo Dairy Exchange, Inc.:

DEFINITIONS

§ 994.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 994.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 994.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified herein.

§ 994.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 994.5 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association;

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making sales or marketing milk or its products for its members.

§ 994.6 *Colorado Springs-Pueblo, Colorado, marketing area.* "Colorado Springs-Pueblo, Colorado, marketing area," hereinafter called the "marketing area," means all territory within the counties of El Paso, Fremont, Pueblo, Crowley, Huerfano, and Otero, all in the State of Colorado. All Government reservations within this territory shall be considered part of the marketing area.

§ 994.7 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with fluid milk product requirements of a duly constituted health authority having jurisdiction within the marketing area, and whose milk is received at a pool plant.

§ 994.8 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a pasteurizing plant but who receives no milk from other dairy farmers.

§ 994.9 *Handler.* "Handler" means any person in his capacity as the operator of a pasteurizing plant or a supply plant.

§ 994.10 *Pasteurizing plant.* "Pasteurizing plant" means a plant which pasteurizes and packages fluid milk products and which is:

(a) Located in the marketing area and disposes of such products on routes in the marketing area; or

(b) Located outside the marketing area and disposes of not less than 1,000 pounds per day of such products on routes in the marketing area.

§ 994.11 *Supply plant.* "Supply plant" means a plant, other than a pasteurizing plant, from which fluid milk products are supplied to a pasteurizing plant.

§ 994.12 *Pool plant.* "Pool plant" means:

(a) A pasteurizing plant; or

(b) A supply plant, not less than 50 percent of whose milk is shipped to pasteurizing plants during the month.

§ 994.13 *Nonpool plant.* "Nonpool plant" means any milk receiving manufacturing, or processing plant other than a pool plant.

§ 994.14 *Producer milk.* "Producer milk" means skim milk or butterfat contained in milk received from producers.

§ 994.15 *Other source milk.* "Other source milk" means all skim milk and butterfat in milk other than producer milk.

§ 994.16 *Fluid milk product.* "Fluid milk product" means milk (including frozen or concentrated milk), chocolate milk, chocolate drink, fluid cream (sweet or sour), yoghurt, eggnog, skim milk and fortified skim milk.

§ 994.17 *Route.* "Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

§ 994.18 *Base milk.* "Base milk" means producer milk received by a handler from a producer which is not in excess of such producer's daily base determined pursuant to § 994.100 multiplied by the number of days in the month.

§ 994.19 *Excess milk.* "Excess milk" means producer milk received by a handler from a producer which is in excess of base milk.

§ 994.20 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago, as reported by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 994.21 *Chicago powder price.* "Chicago powder price" means the carlot price per pound of nonfat dry milk, spray process, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

MARKET ADMINISTRATOR

§ 994.30 *Designation.* The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 994.31 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 994.32 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 994.96:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses except those incurred under § 994.95 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 994.40 through 994.43, or payments pursuant to §§ 994.90 through 994.96;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 10th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 6th day of each month, the Class I price and butterfat differential for the month; computed pursuant to §§ 994.61 and 994.62, respectively;

(2) The 6th day of each month, the Class II price and the Class III price and the butterfat differential for the preceding month, computed pursuant to §§ 994.61 and 994.62, respectively;

(3) The 10th day of each month, the uniform price for producer milk computed pursuant to § 994.81, the base price and the excess price computed pursuant to § 994.82, and the butterfat differential computed pursuant to § 994.83, all for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 994.40 *Reports of sources and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

(c) On or before the 7th day after the end of each month, each handler shall report to the market administrator in the detail and on the forms prescribed by the market administrator for each of his nonpool plants from which fluid milk products are disposed of during the month on routes in the marketing area the quantities of skim milk and butterfat contained in:

(1) Milk received from farmers who produce Grade A milk;

(2) Fluid milk products received from pool plants;

(3) Milk or milk products received from any other source;

(4) Inventories of fluid milk products on hand at the beginning of the month;

(5) The utilization of all skim milk and butterfat required to be reported;

(6) The amount of gross payment made to farmers who produce Grade A milk; and

(7) Such other information as the market administrator may prescribe.

§ 994.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator;

(1) On or before the 7th day of each month, the aggregate quantity of base and excess milk received at his pool plants for the preceding month;

(2) On or before the 20th day after the end of the month, for each of his pool plant, his producers payroll for that month, which shall show for each producer;

(i) His name and address;

(ii) The total pounds of milk received from such producer, including the pounds of base milk;

(iii) The days for which milk was received from such producer;

(iv) The average butterfat content of such milk, and

(v) The net amount of the handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the first day other source milk is received in the form of fluid milk product at his pool plants his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times, as the market administrator shall prescribe.

§ 994.42 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 994.43 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specfied books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 994.50 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 994.40 shall be classified by the market administrator, pursuant to the provisions of §§ 994.51 through 994.55.

§ 994.51 *Classes of utilization.* Subject to the conditions set forth in §§ 994.52 through 994.55, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (c) (3) of this section; and

(2) Not specifically accounted for as Class II milk or Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat used to produce ice cream, frozen desserts, ice cream mix, imitation ice cream mix, cottage cheese, frozen dessert mix, and evaporated milk, in hermetically sealed cans;

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of as skim milk for livestock feed; and

(4) Dumped as skim milk if with the prior approval of the market administrator.

§ 994.52 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who received such skim milk and butterfat established to the satisfaction of the market administrator that it should be classified as Class II milk or Class III milk.

§ 994.53 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 994.40: *Provided,* That the skim milk or butterfat so assigned to Class II milk or Class III milk shall be limited to the respective amounts thereof remaining at the pool plants of the receiving handler after the subtraction of other source milk pursuant to § 994.55;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk;

(c) Skim milk and butterfat transferred in bulk form as milk, skim milk, or cream to a nonpool plant shall be classified as Class I milk unless:

(1) The transferee-plant is located less than 50 miles from the El Paso County Court House by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring handler claims classification in Class II milk or Class III milk in his report.

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant, in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk.

§ 994.54 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 994.40 and compute the total pounds of skim milk and butterfat respectively, in Class I milk, Class II milk and Class III milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized; produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 994.55 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations with respect to the pool plants of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler;

(1) Subtract from the pounds of skim milk in series beginning with Class III milk the pounds of skim milk in other source milk;

(2) Subtract from the pounds of skim milk remaining in the lowest available class the pounds of skim milk contained in inventory fluid milk products on hand at the beginning of the month;

(3) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 994.53; and

(4) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class III milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 994.60 *Basic formula price.* The basic formula price for each month to be used in determining the class prices, set forth in § 994.61, shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent:

(a) Determine the average of the basic, or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market adminstrator or the Department:

Located at:

Coopersville, Mich.	New London, Wis.
Mt. Pleasant, Mich.	Oconomowoc, Wis.
Sparta, Mich.	Orfordville, Wis.
Wayland, Mich.	Richland Center, Wis.
Belleville, Wis.	West Bend, Wis.
Manitowoc, Wis.	
New Glarus, Wis.	

(b) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the Chicago butter price;

(2) Multiply by 8.2 the Chicago powder price;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

§ 994.61 *Class prices.* Subject to the provisions of §§ 994.62 and 994.63, each handler shall pay producers at the time and in the manner set forth in § 994.90 not less than the following prices per hundredweight of milk of 3.5 percent butterfat content:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.40;

(b) *Class II milk.* The price for Class II milk shall be the basic formula price for the current month plus 60 cents.

(c) *Class III milk.* The price for Class III milk shall be the price computed pursuant to § 994.60 (b) for the current month.

§ 994.62 *Butterfat differentials to handlers.* For each class of milk containing more or less than 3.5 percent butterfat, the class prices calcuated pursuant to § 994.61 shall be increased or decreased, respectively, for each one-tenth percent of butterfat by an amount computed by multiplying the Chicago butter price for the preceding month by 1.20 and dividing the result by 10.

§ 994.63 *Location differentials to handlers.* For milk received from producers at a pool plant located outside Pueblo, El Paso, Adams, Arapahoe, Jefferson and Denver Counties, and which is assigned to Class I milk, the price specified in § 994.61 (a) shall be reduced at the rate set forth in the following schedule, calculated from the El Paso County Court House by the shortest hard-surfaced highway distance as determined by the market administrator:

SHORTEST HIGHWAY DISTANCE FROM EL PASO COUNTY COURTHOUSE

Miles	Location adjustment (dollars per hundredweight)
0–25	0
Over 25–50	.085
Over 50–75	.1275
Over 75–100	.17

And $0.017 for each additional 10 miles.

§ 994.64 *Use of equivalent prices.* If for any reason a price quotation required by this order for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 994.70 *Producer-handler.* Sections 994.50 through 994.55, 994.60 through

994.64, 994.80 through 994.85, 994.90 through 994.96, and 994.100 through 994.102 shall not apply to producer-handler.

§ 994.71 *Plants subject to other federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, any plant specified in paragraph (a) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as he may require and allow verification of such reports by the market administrator:

(a) Any plant which—

(1) Would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act; and

(2) Does not dispose of a greater volume of Class I milk on routes in the Colorado Springs-Pueblo, Colorado, marketing area than in the marketing area regulated pursuant to such other order.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 994.80 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 994.55 by the applicable class price (adjusted pursuant to § 994.63) and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 994.55 (a) (4) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the Class III price and the Class I price by the hundredweight of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 994.55 (a) (3) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 994.55 (a) (2) and (b) for the current month, whichever is less;

(d) Except for milk received from a nonpool plant subject to the pricing provisions of another federal order, add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 994.55 (a) (1) by the rate determined by subtracting the Class III price from the Class I price adjusted by the location differential, pursuant to § 994.63: *Provided,* That this provision shall not apply for months for which in excess of 95 percent of producer milk is classified as Class I milk.

§ 994.81 *Computation of the uniform price.* The market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 994.80 for the producer milk of all handlers who submitted reports prescribed in § 994.40, and who are not in default of payments pursuant to §§ 994.90 and 994.92;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 994.83 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 994.84;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents to restore the balance in the producer-settlement fund. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content.

§ 994.82 *Computation of the uniform prices for base milk and excess milk.* The market administrator shall compute the uniform price per hundredweight for base milk and for excess milk each of 3.5 percent butterfat content, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submitted reports pursuant to § 994.40 and who are not in default of payments pursuant to § 994.90 or § 994.92 by multiplying the hundredweight of such excess milk by the Class III price: *Provided,* That if the total amount of excess milk exceeds the amount of Class III milk allocated to producer milk, the remaining amount shall be multiplied by the next lowest Class price available for such utilization;

(b) The uniform price for excess milk shall be the weighted average price of the values computed pursuant to paragraph (a) of this section less the amount specified in § 994.81 (f);

(c) Subtract the total value of excess milk as determined pursuant to paragraph (a) of this section from the total value of producer milk computed pursuant to § 994.81 (a) and (b);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract the amount specified by § 994.81 (f) from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content.

§ 994.83 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent respectively, at a rate determined by multiplying the Chicago butter price by 1.2 and dividing the result by 10.

§ 994.84 *Location differential to producers.* The applicable uniform prices computed pursuant to § 994.81 and § 994.82 to be paid for producer milk received at a pool plant located outside Pueblo, El Paso, Adams, Arrapahoe, Jefferson and Denver counties shall be reduced according to the location of the pool plant where such milk was received, at the rates set forth in § 994.63.

§ 994.85 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The amount and value of his base milk and excess milk, respectively, and the total thereof;

(c) The uniform prices computed pursuant to §§ 994.81 and 994.82 and the producer butterfat differential computed pursuant to § 994.83;

(d) The amounts to be paid by such handler pursuant to §§ 994.92, 994.95, and 994.96, and the amount due such handler pursuant to § 994.93.

PAYMENTS

§ 994.90 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 15th day of the following month, an amount equal to not less than the uniform prices pursuant to §§ 994.81 and 994.82 adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of base milk and excess milk received from each producer, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 994.95;

(ii) Plus or minus adjustments for errors made in previous payments to such producer; and

(iii) Less advance payments and proper deductions authorized in writing by such producer: *Provided,* That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 994.93 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(2) On or before the last day of each month, an amount equal to not less than the Class II price for the previous month

(b) In the case of a cooperative association, which the market administrator determines is authorized by its members to collect payment for their milk, and which has requested of any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 10th day of the month, the total pounds of milk received during the preceding month;

(2) The pounds of milk received each day, together with the butterfat content of such milk;

(3) The total pounds of base and excess milk;

(4) The amount or rate and nature of any authorized deductions to be made from payments; and

(5) The amount and nature of payments due pursuant to § 994.94.

§ 994.91 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 994.92 and out of which he shall make all payments pursuant to § 994.93; *Provided,* That any payments due to any handler shall be off-set by any payments due from such handler.

§ 994.92 *Payments to the producer settlement fund.* On or before the 12th day after the end of each month.

(a) Each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 994.80, is greater than the amount owed by him for such milk at the appropriate uniform prices determined pursuant to § 994.82, adjusted by the producer butterfat and location differentials; and

(b) Each handler who operates a nonpool plant except those designated pursuant to § 994.71, shall pay to the market administrator an amount resulting from the computations of subparagraphs (1) or (2) of this paragraph whichever is less:

(1) Multiply the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant in the marketing area by the difference between the price for Class I milk and the price for Class III milk; or

(2) An amount determined as the value of milk to be paid producers if such handler operated a pool plant less the gross payments made by such handler to farmers delivering Grade A milk for the month.

§ 994.93 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 994.80 is less than the amount owed by him for such milk at the appropriate uniform prices adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 994.94 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler; (b) a handler from the market administrator; or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 994.95 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 994.90, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 994.96 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator 5 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in:

(a) Producer milk;

(b) Other source milk allocated to Class I milk pursuant to § 994.55 (a) (1) and (b); and

(c) Other source milk handled by nonpool plants as described in § 994.40 (c).

§ 994.97 *Termination of obligations.* The provisions of this section shall apply to any obligations under this order for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE AND EXCESS

§ 994.100 *Determination of daily base.* The daily base of each producer which shall be applicable during the months of the following calendar year, shall be determined by the market administrator for each year as follows:

(a) For each producer from whom milk was purchased by a handler during the months of July through December the daily base shall be computed by dividing such producer's total deliveries of milk to handlers during such 6-month period by the number of days for which milk was delivered by such producer.

(b) For each producer from whom milk was not received by a handler during each of the 6 months of the base forming period or who commences the delivery of milk to a handler after the beginning of the base forming period, the daily base shall be computed for the first 3 months or fractional part thereof by multiplying his average daily production for each month by .40 and thereafter until such producer has regularly established a base by .65.

(c) Any producer for whom a base has been established pursuant to paragraph (a) of this section may relinquish such base for the following year by notifying the market administrator prior to February 8 of each year. The daily base of such producers shall then be determined in the same manner as for a new producer.

§ 994.101 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only if the market administrator has been notified in writing prior to the last day of the delivery period in which such base is to be transferred to the person named in such notice and only under the following circumstances:

(1) In the event of the death, retirement, or entry into the military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operation;

(2) If a base in held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

§ 994.102 *Announcement of established basis.* On or before January 25 of each year the market administrator shall notify each producer, and the handler receiving milk from such producer, of the producer's daily base for the current year.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 994.110 *Effective time.* The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 994.111 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 994.112 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 994.113 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 994.120 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 994.121 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by F. Nonnamaker, attorney for certain milk dealers:

Marketing area. The marketing area shall include the following counties:

Colorado:	Colorado—Con.
Alamosa.	Otero.
Baca.	Park.
Bent.	Prowers.
Chaffee.	Pueblo.
Cheyenne.	Rio Grande.
Crowley.	Saguache.
Custer.	Teller.
Douglas.	Kansas:
Elbert.	Cheyenne.
El Paso.	Gove.
Fremont.	Greeley.
Huerfano.	Logan.
Kiowa.	Sherman.
Kit Carson.	Wallace.
Las Animas.	New Mexico:
Lincoln.	Colfax.

Proposed by the Fairmont Foods Company, Dodge City, Kansas: "That the marketing area include the following additional territory: Bent and Prowers counties in the state of Colorado".

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 26th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9940; Filed, Nov. 29, 1957; 8:55 a. m.]

Agricultural Research Service

[9 CFR Part 51]

CATTLE DESTROYED BECAUSE OF BRUCELLOSIS, TUBERCULOSIS, OR PARATUBERCULOSIS

PAYMENT OF INDEMNITIES

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U S. C. 1003) that, pursuant to the provisions of sections 3 and 11 of the act of May 29, 1884, as amended (21 U. S. C. 114, 114a), section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), and section 204 (e) of the Agricultural Act of 1954 (68 Stat. 900), it is proposed to amend the regulations pertaining to payment of indemnities for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis (9 CFR, 1956 Supp., Part 51 (22 F. R. 4603)), to read as follows:

§ 51.8 *Claims for indemnity.* Claims for indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, shall be presented on ADE Form 1–23 on which the owner of the cattle shall certify that the animals covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, ADE Form 1–25 shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the ADE Form 1–23 has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. The Veterinarian in Charge or official designated by him shall record on the ADE Form 1–23 the salvage value of the cattle destroyed and the amount of Federal and State indemnity payments that appears to be due to the owner of the cattle, and shall furnish a copy of the Form to the owner. The Veterinarian in Charge or official designated by him shall then forward ADE Form 1–23 to the appropriate official for further action on the claim.

§ 51.9 *Claims not allowed.* • • •

(i) If the premises occupied by the cattle which were destroyed and all infected or exposed materials on such premises have not been properly cleaned and disinfected, with a disinfectant permitted by the division in accordance with recommendations of the proper State and division official, within 15 days from date reactors were removed from premises, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period to 30 days and the Director of Division, for reasons satisfactory to him, may extend it beyond 30 days.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 25th day of November 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-9914; Filed, Nov. 29, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF O,O-DIETHYL O-(2-ISOPROPYL-4-METHYL-6-PYRIMIDINYL) PHOSPHOROTHIOATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Geigy Agricultural Chemicals, Ardsley, New York, proposing the establishment of a tolerance of 1 part per million for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on olives.

The analytical methods proposed in the petition for determining residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate are those cited in the notice of filing published in the FEDERAL REGISTER of March 21, 1957 (22 F. R. 1889).

Dated: November 21, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological
and Physical Sciences.

[F. R. Doc. 57-9900; Filed, Nov. 29, 1957; 8:45 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF HEPTACHLOR

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Velsicol Corporation, Division of Arvey Corporation, 330 East Grand Avenue, Chicago, Illinois, proposing the establishment of a tolerance of 0.1 part per million for residues of heptachlor in or on the following raw agricultural commodities: Apples, barley, blackeye peas, cherries, cowpeas, grapes, grain sorghum, milo, oats, peaches, peas, pineapples, rye, tomatoes, wheat.

The analytical method proposed in the petition for determining residues of heptachlor is an adaptation to microtechnique of the method described in Analytical Chemistry, Volume 24, page 733, April 1952.

Dated: November 21, 1957.

ROBERT S. ROE,
Director,
Bureau of Biological
and Physical Sciences.

[F. R. Doc. 57-9901; Filed, Nov. 29, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 41, 42]

[Draft Release No. 57-26]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES; IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

OPERATION IN ICING CONDITIONS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Parts 41 and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Dec. 30, 1957. Copies of such communications will be available after Jan. 2, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Part 41 of the Civil Air Regulations contains requirements applicable to scheduled air carrier operations outside the continental limits of the United States. Part 42 of the Civil Air Regulations contains requirements applicable to irregular air carrier and off-route rules. Both of these parts establish limitations for operation in various icing conditions. Sections 41.97 and 42.54 contain similar provisions in this respect. These sections do not, however, specifically cover the problems associated with take-offs when frost, snow, or ice is adhering to the aircraft.

In recognition of the importance of icing on take-off, air carriers, for many years, have established means for the prevention of frost, snow, and ice adhering to their aircraft and for their removal prior to take-off. Furthermore, the Civil Air Regulations applicable to domestic scheduled air carrier operations (Part 40) have for some years contained a specific provision that no airplane shall take off when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane.

With the increasing use of large, high-performance air carrier aircraft and the imminent introduction of jet-powered aircraft, the adverse effect of frost, snow, or ice upon aircraft performance requires that additional emphasis be placed on the safety aspects of flight under these conditions. This is further emphasized by the fact that there is no engineering flight test data available upon which determinations may be made of the effect of ice, snow, or frost adhering to such aircraft.

The Bureau of Safety is of the opinion that a requirement identical to that now applicable to domestic scheduled operations should be made applicable to operations conducted under Parts 41 and 42. The amendments proposed herein are necessary to obtain the Board's objective; namely, to insure that aircraft performance in an aircraft operation is not lowered during take-off by frost, snow, or ice actually adhering to the wings, control surfaces, or propellers of the aircraft. Furthermore, the amendments proposed herein are consistent with the established Board policy that the same standards should apply to various types of air carrier operations, regardless of where they are conducted, except where the inherent differences in the types of operations conducted so require. Differences in form and language of the icing regulations in the several parts of the Civil Air Regulations covering air carrier operations are such that they tend to lead to operating practices which were not contemplated by the Board. Furthermore, these differences create difficulties in the uniform administration and enforcement of comparable provisions of the various parts.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that Parts 41 and 42 of the Civil Air Regulations be amended:

1. By amending § 41.97 of Part 41 to read as follows:

§ 41.97 *Operation in icing conditions.* (a) An aircraft shall not be dispatched, en route operations continued, or landing made when, in the opinion of the pilot in command or aircraft dispatcher, icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No aircraft shall take off when snow, frost, or ice is adhering to the wings, control surfaces, or propellers of the aircraft.

2. By amending § 42.54 of Part 42 to read as follows:

§ 42.54 *Operation in icing conditions.* (a) An aircraft shall not be flown, en route operations continued, or landing made when, in the opinion of the pilot in command, icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No aircraft shall take off when snow, frost, or ice is adhering to the wings, control surfaces, or propellers of the aircraft.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed

in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., November 22, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 57-9946; Filed, Nov. 29, 1957; 8:55 a. m.]

[14 CFR Part 399]

STATEMENTS OF GENERAL POLICY

1958 TRANSATLANTIC CHARTER POLICY

NOVEMBER 26, 1957.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of the proposed 1958 Transatlantic Charter Policy set forth below, to be effective on January 1, 1958.

Interested persons may submit comments regarding the proposed policy, in quintuplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before December 12, 1957, will be considered by the Board before taking final action on the proposed 1958 policy.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

1958 TRANSLATLANTIC CHARTER POLICY

Having received written comments and heard oral argument from interested persons concerning the Board's 1957 Transatlantic Charter Policy, the Board hereby promulgates its 1958 Transatlantic Charter Policy.

The Board believes that in its broad aspects the existing Charter Policy should be continued but that certain changes are warranted, most of which are for purposes of clarification and more ready administration. These changes are reflected in the substantive sections of 1958 charter policy which follow. It will be noted that the charter policy provisions have been reorganized for easier use by interested segments of the public. The 1958 Charter Policy which follows consists of three parts; provisions of general applicability; provisions relating to "pro rata charters" (where the passengers transported share the cost of transportation); and provisions relating to "entity charters" (where the entire transportation cost is borne by the chartering organization and none of the cost is paid by the individual passenger).

I. *General provisions.* A. The Board will neither grant blanket exemptions to an entire class of carriers to engage in charter operations, nor exempt all charter flights performed during an entire season by a particular air carrier. Thus, an application for specific exemption must be filed for each proposed charter movement.

B. The Board's policy is to favor the granting of only those applications which comply fully with the terms and conditions of the charter policy. However, the determination of whether a particular exemption should be granted will be made on a case-to-case basis in the light of the statutory standard of section 416 (b). Thus the Board is necessarily reserving its discretion to waive any of the requirements of this Transatlantic Charter Policy in appropriate cases.

C. It is the Board's policy to retain the basic charter concept presently found in § 207.1 of the Economic Regulations as amplified and modified by this statement in order to preclude the entry of persons acting as indirect air carriers in this field.

II. *Pro rata charters*—A. *Requirements relating to air carrier applicant.* 1. Within 72 hours after a charter flight date is reserved by the carrier or its agent, the carrier must advise the Board in writing of the name and address of the prospective charterer in order that the Board may inform the charterer of the requirements of the Transatlantic Charter Policy and the availability of the procedure for obtaining an advisory opinion from the Board's staff with respect to the eligibility of the group for charter service.

2. Within seven days after a charter contract has been executed a copy of the contract must be submitted to the Board.

3. The application for exemption authority to conduct the charter flight must be filed with the Board at least 60 days in advance of the first flight under the charter contract. It is the intention of the Board to process applications, properly submitted with required data, within 30 days after filing.

4. The carrier must have on file with the Board at the time the application is filed an effective tariff disclosing all its rates and charges for air transportation and all its rules and regulations in connection with all transatlantic pro rata charter service which it offers to perform.

5. The total charter price or other terms of service set forth in the application must conform to those set forth in the applicable tariff on file with the Board and in effect at the time the exemption application is filed. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter; provided that the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

6. The carrier's application must contain the information required by the questionnnaire attached as Appendix A [1] hereto.

7. The carrier may not pay its agent a commission or any other benefits, directly or indirectly, in excess of five percent of the total charter price as set forth in the carrier's charter tariff on file with the Board.

8. The carrier shall require full payment of the total round-trip charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

9. Without prior Board approval, upon good cause shown at the time the application is filed, the carrier shall not transport one-way passengers in the case of a round-trip charter. Similarly, in the case of a charter contract calling for two or more round trips, without prior Board approval upon good cause shown, each plane-load group shall move as a unit in both directions.

10. Within five days after the completion of each one-way flight, manifests shall be filed showing the names and addresses of the persons transported and the relationship of each such person to the charterer.

11. Within thirty days after completion of each one way, or each round trip, whichever is authorized, a report shall be filed showing separately all the charges (including air transportation) pro rated by the charterer among the members of the group, indicating the number of passengers, and resulting pro rated charge per passenger. (See Appendix B [1].)

12. The carrier may not solicit individual members of the chartering organization either through personal contact, through the placing of advertisements in newspapers, magazines or billboards, or through radio or television stations, or otherwise, provided, however, that a carrier may solicit prospective charter groups.

13. A carrier is not prohibited from "institutional-type" advertising to the effect that it conducts transatlantic charters under procedures established by the Civil Aeronautics Board. However, the carrier may not, directly or indirectly, advertise rates on an individual passenger basis.

14. The carrier may not employ, directly or indirectly, any person for the purpose of organizing and assembling members of the chartering party into a chartering group.

15. The carrier or its agent shall, at the time a charter flight date is tentatively reserved, advise the chartering group of the availability of prior clearance of the charterworthiness of the group by the staff of the Civil Aeronautics Board.

B. *Requirements relating to travel agent.* 1. A travel agent may not receive a commission from both the direct air carrier and the charterer for services performed in connection with the charter agreement or for services rendered on behalf of the charterer.

2. A travel agent may not assist in the organization and assembly of the charter group or handle the sale or ticketing of any individual members of the group except as hereinafter indicated.

3. In cases where the group has itself engaged the aircraft without intermediary, they may employ the services of a travel agent for the land tour who

[1] Filed as a part of the original document.

may solicit individual members of the group for such tours, receive deposits and conduct ticketing for such land tours. He may not, however, engage in any activities with or without compensation relating to the organization or assembly of the charter group itself or receive remuneration of any kind from the carrier in connection with the charter.

4. In cases where an agent, either singly or by agreement with others, acts as both the direct air carrier's agent and as agent for land tours, such agent may not directly handle the sale or ticketing of any individual members of the group either for the air transportation portion of their journey or for the land tour portion, except for charter participants who, on an individual basis, request land tour arrangements different from those made available to the charter group. The services of the travel agent may be utilized in the preparation of a brochure or other literature describing all the aspects of the whole trip; provided, however, that the distribution of such material, and the actual administration of the charter flight (which includes the collection and distribution of all pro rata shares of all the participants) be confined to the hands of the charterer.

5. The travel agent shall not incur any obligations on behalf of a chartering group relating to the expenses of solicitation or organization of the individual participants in the chartering group, whether or not it is intended for the group to assume ultimately the obligation incurred.

6. The travel agent shall make no payments or extend gratuities of any kind, directly or indirectly, to any member of the chartering organization in relation either to the air transportation or land tour portions of the charter trip.

7. No travel agent, or officer, director or employee of such an agent, who may be a member of a charter group, shall participate in the charter activity of such group, if such travel agent, or officer, director or employee thereof, is receiving directly or indirectly any compensation either from the charter flight or the land tours.

C. *Requirements relating to chartering organization.* 1. An application for exemption to perform a charter flight in foreign air transportation will be granted where the participants therein are individually bearing all or a substantial part of the cost of such transportation only where such participants have not been drawn from the general public. In making this determination, the Board will consider the size of the group from which the participants are drawn, and the extent of the area in which they reside.

As a rule of thumb, the Board has heretofore followed a policy of granting exemptions for organizations with substantial memberships only where they have been located in a limited area, and has denied approval to groups of more limited size organized on a state or nationwide basis. For example, the Board has approved charters drawn from universities and employees of business firms in a given locality open to more than 20,000 persons but has denied charters to statewide organizations with memberships in excess of 10,000 persons, and nationwide groups having more than 5,000 members. In this connection, a charter open to statewide or nationwide membership of a religious denomination, a political party, or a profession or occupation would ordinarily be considered as drawn, in effect, from the general public and thus ineligible. But a charter open only to a subdivision of any of the foregoing might, in many circumstances, be found eligible. Furthermore, where a charter is desired to transport a limited number of members of a national or statewide organization who are to participate actively in a special project, e. g., as delegates to a scientific congress—and participation is on a selective basis so that the charter is not open to the membership in general, the size or geographic area of the whole organization may not be a bar to approval of the charter. The Board has found the following types of organizations charterworthy, where there has been no evidence of public solicitation:

a. Government agency recreational associations.

b. Employee groups of industrial and mercantile firms.

c. Local chapters of professional associations.

d. College campus charters and college study trips.

e. Local church groups.

f. Local social and fraternal clubs.

2. An organized club or group may solicit only its members and their immediate families for participation on the charter flight. Immediate family is construed by the Board to include the spouse, children and parents who are in the member's immediate household. Further, participation of immediate families should be limited to the immediate families of those members who will themselves participate in the charter flight as passengers. Only those members who are members at the time the application is filed and will have been members of the organization for a minimum period of six months prior to charter flight date may be solicited. If other members of the organization are solicited, the applicant must affirmatively prove that it has not actually engaged in solicitation of the general public for the charter flight. This requirement is primarily directed toward social or fraternal clubs with only nominal entrance requirements. Conversely, where full-time employment in a given organization is a requirement for participation in a charter, for example, the six-month membership provision would appear to be inapplicable.

3. It shall be considered solicitation of the general public when the charter is described, announced or referred to in advertisements, whether paid or unpaid, in any media of mass communication such as newspapers, magazines, radio, or television. A news item carried on such media would be considered as solicitation if initiated or inspired by the charterer, carrier, or travel agent and, if reasonably construed, it is likely to induce travel on the charter. However, advertising or the initiation of an unpaid announcement in media the circulation of which is primarily restricted to an eligible group, e. g., the plant newspaper of a factory, the student newspaper of a college, would not ordinarily be considered as solicitation of the general public, particularly if it included a statement that the charter is limited to bona fide members of the organization and their immediate families. Distribution of circulars to persons not members of the organization or the posting of notices outside the premises of the organization will also be regarded as evidence of solicitation of the general public, as will campaigns by telephone, telegraph, or letter going beyond the bona fide membership.

4. In the case of a round-trip charter flight, one-way passengers are not permitted. Where more than one round trip is contracted for, intermingling between flights or reforming of plane-load groups is not permitted, and each plane-load group must move as a unit in both directions. Waiver of these rules may be obtained only where there is good cause shown at the time the charter application is filed.

5. The costs of the charter flight must be prorated equally among all charter passengers, except to the extent that the charter application may indicate a lesser charge for children under 12. In the event there is any unequal division of charges, good cause therefor must be shown at the time the application is filed. Free transportation of a particular passenger (except children under 2 years) is not permitted.

6. Reasonable administrative costs of developing the charter may be prorated among the charter participants. These may include a reasonable amount of compensation to members of the organization for labor in administering the charter. Any such charge should be clearly indicated and should not exceed in total the amount of $300.00 for the round-trip charter unless the additional amounts above $300.00 are justified at the time the application is filed. Neither the organizers of the charter, any member participating in the charter, nor any member of the chartering organization (non-participants) may receive any compensation, direct or indirect, from the carrier, the travel agent, or any organization providing any services to the chartering group whether of an air transportation or land tour nature or otherwise.

7. The chartering organization may not make charges to the charter participants which exceed the actual out-of-pocket or added costs incurred in consummating the charter arrangements. The chartering organization must supply to each charter participant a detailed statement of the total and prorated amounts collected from each charter participant and paid to the direct air carrier together with an itemization and justification of all charges made in addition to the pro rata share

of the total charter transportation charge. Such statement shall also include the names of all persons receiving payment for their services and the amounts paid to each.

8. The chartering organization must prepare and submit to the direct air carrier, for purposes of filing with the Board, the statement of prorated charges as outlined in A–11 above. Failure on the part of the chartering organization to submit an adequate and timely report will be a factor in any future Board decision as to charters for such organization.

9. In order to avoid uncertainties on the part of the prospective groups concerning their eligibility for charters under the Board's policy and to prevent hardships resulting from consummation of travel arrangements and their subsequent disapproval and cancellation shortly before flight time, the Board has instructed the Bureau of Air Operations to render advisory opinions concerning the eligibility of a particular group to either the group or the applicant carrier. Whenever the chartering group has any doubts as to its eligibility, it is strongly urged that these advisory opinion procedures be utilized. The advisory opinion must, of course, be given on the basis of representations made by the requesting parties and cannot be considered a valid indication of the Board's probable position unless the charter actually conforms thereto. Further, the opinions are not binding upon the Board.

D. *Requirements relating to certificated transatlantic passenger carriers.* In last year's policy the Board provided that applications for transatlantic pro rata charter exemptions would be denied where the certificated carrier serving the route was itself willing to perform adequately such charter service at reasonable rates. This procedure was not utilized by the certificated carriers for any such transatlantic charters during the past season, and for the peak transatlantic travel months of June through September it will not be kept in effect in this present policy.

III. *Single entity charters.* 1. Single entity charters must be filed at least 30 days before flight date. Later filings may be made if good cause is shown.

2. Single entity charters are not subject to first refusal rights on the part of certificated air carriers.

3. Commissions may not be paid to a travel agent in excess of 5 per cent of the total charter price.

4. Tariffs are not required to be on file at time of application in the case of single entity charters, but must be on file prior to flight.

IV. *Mixed single entity and pro rata charters.* The Board has approved several mixed single entity and pro rata charters in the past such as for an industrial concern where the employees have paid less than their pro rata share of the cost and the industrial concern has borne the residual costs. The pro rata rules in the Transatlantic Charter Policy apply in the case of such charters.

[F. R. Doc. 57-9945; Filed, Nov. 29, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 19]

CITIZENS RADIO SERVICE

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of the Commission's rules and regulations governing the Citizens Radio Service regarding requirements necessary for type approval of equipment; Docket No. 12228.

The Commission has before it for consideration a petition of the Vocaline Company of America, Inc., filed on November 15, 1957, seeking an extension of the November 22, 1957, date for filing of comments in the above-entitled proceeding.

The petitioner states that an extension of 90 days is required to permit it to conduct tests and studies for the purpose of determining the impact of the proposed amendment on petitioner's equipment and on the Citizens Radio Service. In view of the considerations advanced by the petitioner, the Commission feels that an extension of the comment period to February 21, 1958 would be in the public interest.

Accordingly, pursuant to section 0.291 (b) (4) of the Commission's rules: *It is ordered*, That the time for filing original comments in the above-entitled proceeding is extended from November 22, 1957 to February 21, 1958 and the time for reply comments to March 7, 1958.

Adopted: November 25, 1957.

Released: November 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9939; Filed, Nov. 29, 1957; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 579]

CALIFORNIA

SMALL TRACT CLASSIFICATION

NOVEMBER 20, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 14, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 567.17 acres in Riverside County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 7 E.,
Sec. 30, S½NE¼, S½N½NE¼, SE¼, E½ SW¼, E½SE¼NW¼, SW¼SE¼NW¼, SE¼NE¼NW¼, Lots 21, 22, 25 to 36, inclusive.
T. 7 S., R. 3 E.,
Sec. 18, S½SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to November 20, 1957, will be granted, as soon as possible after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

ROLLA E. CHANDLER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57-9905; Filed, Nov. 29, 1957; 8:47 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 21, 1957.

The Corps of Engineers, United States Department of the Army, has filed an application, Serial No. Oregon 05047, for the withdrawal, subject to valid existing rights, of the lands in the Willamette National Forest, described below, from all forms of appropriation under the public land laws. Portions of the land will remain under the management of the United States Forest Service and portions will be under the administration of the applicant.

The applicant desires the land for use in connection with the Cougar Reservoir Project now under construction.

For a period of 30 days from the date of publication of this Notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1001 Northeast Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 16 S., R. 4½ E.,
Sec. 24: Lots 1 and 2;
Sec. 25: The north 10 chains of Lot 1.
T. 16 S., R. 5 E.,
Sec. 19: Lots 4, 8, SW¼;
Sec. 29: S½SW¼SW¼;
Sec. 30: NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 31: E½, E½NW¼;
Sec. 32: N½, SW¼, N½NE¼SE¼, W½ SE¼.
T. 17 S., R. 5 E., unsurveyed;
Sec. 4: S½SW¼NE¼, SW¼NW¼, NW¼ SE¼NW¼, S½SE¼NW¼, N½SW¼, W½ NE¼SE¼, NW¼SE¼;
Sec. 5: NW¼NE¼, S½NE¼, W½, N½SE¼, SW¼SE¼;
Sec. 6: NE¼, E½SE¼, E½W½SE¼;
Sec. 7: E½NE¼, NE¼SE¼;
Sec. 8: W½NE¼, S½SE¼NE¼, NW¼, S½;
Sec. 9: W½NW¼SW¼;
Sec. 17: E½, E½W½, E½W½NW¼, E½ NW¼SW¼, SW¼SW¼;
Sec. 20: E½, N½NW¼, SE¼NW¼, E½E½ SW¼;
Sec. 21: W½SW¼SW¼;
Sec. 28: W½NW¼NW¼, W½W½SW¼;
Sec. 29: NE¼, E½SE¼, E½NW¼SE¼;
Sec. 33: NW¼NW¼.

The areas described aggregate 4,973.84 acres, more or less.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 57-9906; Filed, Nov. 29, 1957; 8:47 a. m.]

Bureau of Reclamation

[Public Announcement No. 24, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

NOVEMBER 20, 1957.

Public announcement of the sale of full-time farm units in the East and Quincy Columbia Basin Irrigation Districts, Columbia Basin Project, Washington, dated January 10, 1956, and published in the FEDERAL REGISTER at 21 F. R. 592, is amended as follows:

In subsection 1a by deleting from the list of farm units offered, the farm units listed below:

Irrigation Block No.	*Farm Unit No.*
89	32
89	105

The following farm units which have been offered under the provisions of subsection 1.b. will no longer be available for sale under the terms of this announcement:

Irrigation Block No.	*Farm Unit No.*
42	164
42	165

FRED G. AANDAHL,
Assistant Secretary of the Interior.

NOVEMBER 20, 1957.

[F. R. Doc. 57-9907; Filed, Nov. 29, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEYS

NOTICE OF DETERMINATION

In conformity with the act of Congress approved August 31, 1954, Title 13, United States Code, Section 181, and due notice having been published (22 F. R. 8158, October 15, 1957) pursuant to said act, I have determined that annual data covering 1957 to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the Annual Survey of Manufactures which will be conducted on a sample basis and which calls for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on products shipped, and the lumber production and stocks surveys which will also be conducted on a sample basis.

Annual survey of manufactures.
Stocks of wool (as of January 1, 1958).
Cotton and synthetic woven goods finished.
Knit cloth.
Woolen and worsted machinery activity.
Gloves and mittens.
Apparel.
Softwood plywood.
Softwood veneer.
Red cedar shingles.
Lumber.
Paper and board-detailed grade.
Sulfuric acid.
Compressed and liquefied gases.
Inorganic chemicals.
Office furniture.
Pressed and blown glassware.
Steel mill products.
Aluminum foil converted.
Steel boilers.
Heating and cooking equipment.
Internal combustion engines.
Construction machinery.
Machine tools.
Metal working machinery.
Tractors.
Farm machines and equipment.
Radios, televisions, and phonographs.
Mechanical stokers.
Refrigeration equipment.
Office, computing, and accounting machines.

The following list of surveys represents annual counterparts of monthly, quarterly, and semi-annual surveys. The content of these annual reports will be identical with that of the monthly, quarterly, and semi-annual reports. However, there will be no duplication inasmuch as establishments that file the monthly, quarterly, and semi-annual reports during the year covered by the annual report will not need to submit annual reports on these products.

Flour milling products.
Confectionary products.
Broad woven goods (cotton, wool, silk and synthetic).
Consumption of wool and other fibers, and production of tops and noils.
Shoes and slippers.
Hardwood plywood (for sale).
Pulp, paper, and board.
Consumers of wood pulp.
Mattresses and bedsprings.
Converted flexible packaging products.
Superphosphate.
Paint, varnish, and lacquer.
Refractories.
Clay construction products.
Asphalt and tar roofing and siding products.
Glass containers.
Nonferrous castings.
Plumbing fixtures.
Steel shipping barrels, drums and pails.
Commercial and home canning closures.
Metal cans.
Farm pumps.
Fans, blowers, and unit heaters.
Electric lamps.
Fluorescent lamp ballasts.
Farm and household water conditioning equipment.
Complete aircraft and aircraft engines.
Backlog of orders for aircraft companies.
Aircraft propellers.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington 25, D. C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: November 21, 1957.

[SEAL] ROBERT W. BURGESS,
Director, Bureau of the Census.

Approved: November 26, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-9948; Filed, Nov. 29, 1957; 8:55 a. m.]

INVENTORIES, SALES, AND ACCOUNTS RECEIVABLE OF RETAILERS

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct a 1957 Annual Retail Trade Survey of year-end inventories; annual sales; and accounts receivable, charge and installment; as of the end of the year, under the provisions of the Act of Congress approved August 31, 1954, 13 U. S. C. 181, 224, and 225. This survey will provide the only continuing source of important information on these phases of retail trade in the various kinds of retail business. On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all retail establishments in the United States, but only from a selected sample,

in order to provide, with measurable reliability, annual sales figures by Census Regions, and national figures on inventories, sales-inventory ratios, and charge and installment accounts receivable as of the end of the year. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms in terms of number of retail stores operated will be requested to report regardless of the store locations.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census and will receive consideration.

[SEAL] ROBERT W. BURGESS,
Director,
Bureau of the Census.

Approved: November 26, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-9949; Filed, Nov. 29, 1957; 8:55 a. m.]

Federal Maritime Board

ANNUAL REVIEW OF BAREBOAT CHARTERS

NOTICE OF TENTATIVE FINDINGS

In accordance with section 5 (e) (1) of the Merchant Ship Sales Act of 1946, as amended, the bareboat charters of the following government-owned, war-built, dry cargo vessels have been reviewed as of November 29, 1957:

Vessel and Charterer

"Council Bluffs Victory"—American President Lines, Ltd.

"Hope Victory"—American President Lines, Ltd.

"Baylor Victory"—Central Gulf Steamship Corporation.

"Lahaina Victory"—American Mail Line, Ltd.

"Pine Bluff Victory"—Pacific Atlantic Steamship Co.

"Casimir Pulaski"—American Coal Shipping, Inc.

"Joseph G. Cannon"—Bildberg-Rothchild Co., Inc.

"Greece Victory"—Isbrandtsen Company, Inc.

"Navajo Victory"—Isbrandtsen Company, Inc.

The Federal Maritime Board has tentatively found that conditions do not exist justifying the continuance of the charters for additional twelve-month periods.

Any interested party may request a hearing concerning the tentative findings by filing written objections stating the reasons therefor with the Secretary, Federal Maritime Board, within seven (7) days after publication of this notice.

The findings will become final if no objections thereto or requests for a hearing are filed, as provided above. If such hearing is granted, the ultimate resulting findings will be the subject of a report by the Board.

Dated: November 29, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-10015; Filed, Nov. 29, 1957; 11:39 a. m.]

Office of the Secretary

GEORGE A. SANDS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 6, 1956, 21 F. R. 9685; May 22, 1957, 22 F. R. 3602.

A. Deletions: No change.
B. Additions: Standard Oil Company of New Jersey.

This statement is made as of November 8, 1957.

Dated: November 12, 1957.

GEORGE A. SANDS.

[F. R. Doc. 57-9902; Filed, Nov. 29, 1957; 8:45 a. m.]

JULIEN R. STEELMAN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 14, 1956, 21 F. R. 9985; May 29, 1957, 22 F. R. 3768.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 14, 1957.

Dated: November 14, 1957.

JULIEN R. STEELMAN.

[F. R. Doc. 57-9903; Filed, Nov. 29, 1957; 8:45 a. m.]

WILLIAM E. VAUGHN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 1, 1956, 21 F. R. 3728; November 30, 1956, 21 F. R. 9389; June 7, 1957, 22 F. R. 4036.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 18, 1957.

Dated: November 18, 1957.

WILLIAM E. VAUGHN.

[F. R. Doc. 57-9904; Filed, Nov. 29, 1957; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

FIRECRACKERS

IMPORTATION FROM MACAO VIA HONG KONG

Notice is hereby given that the Treasury Department is now prepared to consider applications for additional licenses under the Foreign Assets Control Regulations (31 CFR 500.101-500.808) for the importation of firecrackers from Macao via Hong Kong. Heretofore licenses for the importation of such firecrackers have been granted under a quota system based on Macao's known production, the quantities licensed for each applicant being based upon the applicant's past history of importation of firecrackers. The Foreign Assets Control, however, has recently resurveyed the current production facilities in Macao for the manufacture of firecrackers, and has re-studied the pattern of importation and consumption of firecrackers in the United States in order to determine what changes, if any, in its licensing policy might be warranted by changed circumstances. On the basis of these findings, it has concluded that the importation of firecrackers produced in Macao may now appropriately be licensed without regard to the quotas which have previously prevailed and regardless of the applicant's previous history of importation of firecrackers. Applicants will receive licenses valid for six months authorizing the importation of firecrackers from any of the manufacturers in Macao whose production has been determined. Quarterly reports will be required in connection with importations under these licenses.

Any person interested in importing such firecrackers may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 57-9920; Filed, Nov. 29, 1957; 8:51 a. m.]

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957, Supp. 174]

PRUDENTIAL INSURANCE COMPANY OF GREAT BRITAIN

ACCEPTABLE REINSURING COMPANY ON FEDERAL BONDS

NOVEMBER 22, 1957.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $568,000.00 has been established for the company.

The Prudential Insurance Company of Great Britain Located in New York, New York, N. Y.

[SEAL] LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-9921; Filed, Nov. 29, 1957; 8:51 a. m.]

United States Coast Guard

[CGFR 57-46]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT OR INSTALLATIONS AND MATERIALS

Correction

In Federal Register Document 57-9034, published at page 8822 in the issue dated November 1, 1957, the following change should be made in the middle column on page 8824: In the entries for Approval No. 160.047/137/0 and Approval No. 160.047/138/0, "Burlington Hills" should read "Burlington Mills".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12016; FCC 57M-1175]

JAY SADOW

ORDER CONTINUING HEARING CONFERENCE

In re application of Jay Sadow, Rossville, Georgia, Docket No. 12016, File No. BP-10827; for construction permit.

The Hearing Examiner having been advised by letter dated November 19, 1957, that applicant in this proceeding, Jay Sadow, will file an amendment to his instant application to provide for a two-tower directional array;

It appearing, that such amendment will eliminate the necessity for the informal conference presently scheduled for November 25, 1957;

It is ordered, This 25th day of November 1957, that the informal conference scheduled for this date be, and the same is hereby, continued without date.

Released: November 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9933; Filed, Nov. 29, 1957; 8:56 a. m.]

[Docket No. 12250; FCC 57-1244]

SACRAMENTO TELECASTERS, INC. (KBET-TV)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Sacramento Telecasters, Inc. (KBET-TV), Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of November 1957;

The Commission having under consideration (a) the above-entitled application filed on November 26, 1954, and granted without hearing on December 9, 1954; (b) a petition to stay the effective date of the grant, to designate the application for hearing, and for other relief, filed on January 13, 1955, pursuant to section 405 of the Communications Act of 1934, as amended, by McClatchy Broadcasting Company (hereinafter McClatchy), licensee of Radio Station KFBK, Sacramento, California; (c) the Commission's Memorandum Opinion and Order released March 18, 1955 (FCC 55-318) denying said petition on the grounds that McClatchy had no standing under section 405 of the Communications Act to seek reconsideration or the other relief requested; that allegations by McClatchy, relating to false presentations made by the applicant (Telecasters), were unfounded; and that a grant of the subject modification application would not adversely affect the interests of McClatchy with respect to its application for Channel 10 in Sacramento; (d) the decision issued on October 18, 1956, by the United States Court of Appeals for the District of Columbia Circuit in McClatchy Broadcasting Company v. Federal Communications Commission, 99 U. S. App. D. C. 199, 239, F. 2d 19, Cert. den. 353 U. S. 918, rehg. den. 353 U. S. 952; (e) a petition filed by McClatchy on September 6, 1957, requesting the Commission to adopt and include in its order of designation for hearing on remand the issues requested in its petition; the response thereto by Telecasters; McClatchy's reply thereto; and (f) a motion to strike McClatchy's petition for inclusion of issues from Dockets Numbers 9013 and 10298, filed by Telecasters on September 26, 1957; an opposition thereto by McClatchy; and Telecasters' reply thereto; and

It appearing that, by the aforementioned decision, the United State Court of Appeals for the District of Columbia Circuit, reversed the Commission's Order denying McClatchy's aforementioned petition, and remanded the case to the Commission for hearing "to decide whether to set aside either the modified grant to Telecasters, or the modification and the original grant as well, and, in either event, to consider what other action thereafter would be appropriate"; and

It further appearing that in the interest of orderly and expeditious Commission process, the hearing on the remand should be directed initially to the determination of whether the grant of the modification application would serve the public interest, convenience, and necessity; and

It further appearing that the hearing issues specified hereinbelow accord with the decision of the Court of Appeals as to the matters to be considered in a hearing on the modification application and also incorporate, in substance, such issues requested by McClatchy as relate to Telecasters' modification application; and

It further appearing that McClatchy's petition requesting inclusion of issues should be granted only insofar as the issues set forth therein relate to the above-entitled application for modification of construction permit; and

It further appearing that McClatchy has requested oral argument on its petition for inclusion of the issues specified by it, and that no useful purpose would be served by granting such request; and

It further appearing that the motion of Telecasters to strike McClatchy's petition requesting inclusion of issues from Dockets Numbers 9013 and 10298 should be granted since the proceedings therein are not under consideration by the Commission at this time; and

It further appearing that McClatchy has made no showing of irreparable injury to it or the public with respect to any construction or operation pursuant to the modified construction permit pending the outcome of the hearing; and that a stay of the grant of the above-captioned application pending a decision on the hearing would deprive the public of an existing television broadcast service, and would serve no useful purpose at this stage of the proceedings;

It is ordered, That McClatchy's requests for a stay of the grant of the above-captioned application and for oral argument on its petition for inclusion of issues are denied;

It is further ordered, That the petition of McClatchy for inclusion of issues is granted with respect to those issues therein which, in substance, are specified hereinbelow, and is denied in all other respects;

It is further ordered, That the motion of Telecasters to strike the petition of McClatchy for inclusion of issues from Dockets Numbers 9013 and 10298 is granted;

It is further ordered, That the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C. on the following issues:

1. To determine the facts and circumstances leading to the filing of the above-captioned application for modification of construction permit by Sacramento Telecasters, Inc.

2. To determine the nature and extent of the change in coverage which would result from operation pursuant to the modified permit.[1]

3. To determine whether the filing of the above-captioned application for modification of construction permit raises a question of the good faith of Sacramento Telecasters, Inc., in view of the amendment of its original application as to antenna height and the result of its stipulation in the comparative hearing (Dockets Numbers 9013 and 10298) that there was no substantial difference in coverage between the two proposals, and in view of the evidence adduced under issues 1 and 2 above.

[1] In connection with the evidentiary showing to be made under this issue, attention is called to the Commission's Memorandum Opinion and Order in Docket No. 10968, etc., (FCC 57-1212), released November 8, 1957.

4. To determine whether Sacramento Telecasters, Inc., made false representations to the Commission in the above-captioned application for modification of its construction permit.

5. To determine whether Sacramento Telecasters, Inc., made false representations to the people in the area to be served by its proposed station with respect to the service that will be rendered by the station under the modification proposal.

6. To determine whether William P. Wright, president of Sacramento Telecasters, Inc., made false representations to the Commission in his affidavit dated January 20, 1955.

7. To determine in light of the evidence adduced under the foregoing issues and the record made with respect thereto, whether the grant of the application of Sacramento Telecasters, Inc., for modification of its construction permit, would serve the public interest, convenience, and necessity.[1]

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to issues 1 and 2 above shall be on Sacramento Telecasters, Inc., and that the burdens as to issues 3, 4, 5, and 6 above shall be on McClatchy Broadcasting Company.

It is further ordered, That petitioner, McClatchy Broadcasting Company, and the Chief of the Broadcast Bureau are hereby made parties to the proceedings herein and that:

(a) The hearing on the above issues shall commence at a date to be specified in a subsequent order, before an Examiner to be specified at a later date.

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

(c) The appearances of the parties intending to participate in the above hearing shall be filed not later than November 27, 1957.

Released: November 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9934; Filed, Nov. 29, 1957; 8:56 a. m.]

[Docket No. 12252; FCC 57-1272]

GEORGE A. HORMEL, II (KQAQ)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of George A. Hormel, II (KQAQ), Austin, Minnesota, Docket No. 12252, File No. BP-10673; for construction permit.

[1] The Commission will decide, in the light of the record and decision in this hearing, what further action, if any, would be appropriate with respect to the original grant made to Telecasters on October 4, 1954.

1. The Commission has before it for consideration (a) a "Protest And Petition For Reconsideration", pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, filed on October 21, 1957 by Minnesota-Iowa Television Company, licensee of standard broadcast station KAUS (1480 kc, 1 kw, DA-2, U) and television station KMMT, Austin, Minnesota, and directed to the Commission's action of September 19, 1957, (Public Notice given on September 20, 1957) in granting without hearing the above-captioned application of George A. Hormel, II, for a construction permit for a new standard broadcast station (KQAQ) at Austin, Minnesota to operate on 970 kilocycles with a power of 1 kilowatt, daytime only; (b) an opposition thereto filed on October 31, 1957 by George A. Hormel, II (hereinafter referred to as KQAQ); (c) a reply to opposition filed on November 7, 1957 by Minnesota-Iowa Television Company; (d) a motion to dismiss the instant protest and petition for reconsideration, filed by KQAQ on November 8, 1957; and (e) an opposition thereto filed by Minnesota-Iowa Television Company on November 13, 1957.

2. Protestant requests the Commission to reconsider its said grant, designate the KQAQ application for hearing, make protestant a party thereto, and postpone the effective date of the grant to the effective date of the Commission's decision after hearing.

3. Protestant claims that it is a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the act, respectively, to have standing to file its instant pleading pursuant thereto. Protestant bases this claim on a showing that its existing stations (AM and TV) in the city where KQAQ proposes to operate will be economically injured by competition from KQAQ for revenues and audiences.

4. In support of its protest and petition for reconsideration, protestant alleges that the KQAQ grant "was made in violation of § 3.28 (c) of the rules and regulations of the Commission" because the interference received by KQAQ from stations WDAY, Fargo, North Dakota, and WHA, Madison, Wisconsin, would affect more than 10 percent of the population in KQAQ's normally protected primary service area. On the basis of data submitted with the application and conductivities contained in Figure M-3 of the Commission's rules, the KQAQ application was granted upon a determination that interference from Stations WDAY and WHA would affect 17,399 persons, or a total of 6.4 percent of the 270,009 persons within the normally protected primary service area of KQAQ.

5. Submitted with the instant protest and petition for reconsideration is an engineering affidavit which includes field intensity measurement data made along radials bearing 134, 144.8 and 155 degrees true from co-channel Station WDAY and along radials bearing 263, 276.2 degrees true from co-channel Station WHA. This engineering affidavit purports to show that the total population which would normally receive service from KQAQ is 390,883, in an area of 12,684 square miles; that on the basis of the above-mentioned field intensity measurement data, KQAQ would lose 56,885 and 16,306 people, respectively, due to interference from WDAY and WHA. Therefore, according to protestant's data, interference from WDAY would affect 14.5 percent of the population in KQAQ's normally protected primary service area, and the total amount of interference from WDAY and WHA would affect 18.7 percent of the population within that area. Section 3.28 (c) of the Commission's rules provides that interference received by a proposal shall not affect more than 10 percent of the population within its normally protected daytime primary service area.

6. Protestant also claims that its stations, KAUS and KMMT (TV), depend primarily upon the sale of advertising in Austin, Minnesota, and the surrounding area; that Austin has a population of 23,100; that a "diversion of any part of the advertising revenue available in the Austin area to the station authorized to Mr. Hormel will quickly reduce protestant's income to the point where it will not only be insufficient for the improvements contemplated but will force curtailment and, perhaps, eventual cessation of the services rendered"; that "if the Hormel station is permitted to be constructed and operated, protestant, for the reasons stated above, will suffer irreparable injury and the public interest will be adversely affected."

7. Protestant specified the following issues upon which it requests an opportunity to present evidence at a hearing:

(a) To determine whether or not the Austin, Minnesota market area will provide sufficient revenues to permit the proposed station to operate in the public interest in competition with existing services;

(b) To determine whether, because of the limited advertising potential of the Austin area, protestant will suffer economic hardship from the competition of the proposed additional station in the market, thus forcing it to curtail its service and preventing it from expanding its facilities, with the result that the public interest will be adversely affected in the area;

(c) To determine whether a need exists for the service proposed to be rendered by the station authorized in the protested grant;

(d) To determine whether or not more than 10 percent of the population in the normally protected primary service area of the station proposed to be installed by George A. Hormel II will be affected by interference from other stations and, if so, the nature and extent of said interference;

(e) To determine what other services are available to the areas and populations proposed to be served; and

(f) To determine whether public interest, convenience, and necessity would be served by the grant of the application of George A. Hormel II.

8. In its opposition, KQAQ states that the "standing of the protestant to file the instant protest is conceded under the applicable decisions of the Court of Appeals"; that, although protestant's economic injury issues could be heard on oral argument, these issues should be designated for evidentiary hearing since "it appears that an evidentiary hearing will be required in any event because of the allegations as to interference from WHA and WDAY" and that no "substantial saving of time will, therefore, be effected by scheduling oral argument only on the economic issue"; that a "second reason for ordering an evidentiary hearing on the economic-injury issues is to discourage so-called hit-and-run tactics by protestants in this type of situation"; that "under the present system, the protestant merely pleads such injury—but is never called upon to prove it"; that "in every other type of pleading the pleader must prove the truth of his allegations if they are controverted"; that "there is no reason why an exception should exist for the protestant claiming economic injury"; that it is "highly unlikely that the protestant will suffer substantial economic injury to its television and AM operations" as a result of the challenged grant; that while "protestant will lose its monopoly and will have to work a bit harder for its business * * * it is not at all self-evident that economic injury will result"; that on "the contrary, the hard work that the competition will force upon protestant, may, in fact, turn out to result in economic gain to protestant"; that "protestant should, therefore, be required to prove its economic injury—to prove it not by generalities and so-called expert opinion but by detailed financial showing based upon its actual operations"; and that "protestant must obviously be required to make available all of its detailed financial records used in the operation of the two stations [KAUS and KMMT (TV)] to enable [KQAQ] to test the accuracy of protestant's showing."

9. In an engineering affidavit submitted with its opposition, KQAQ alleges that the field intensity measurement data filed by protestant is not sufficient, according to the Commission's rules, to support the finding that excessive loss of population would result to KQAQ.

Specifically, KQAQ alleges:

(a) That the showing by protestant with regard to the qualifications of the engineers who made the field intensity measurement data is not sufficient;

(b) That protestant's data does not include information concerning the accuracy of the field intensity measurement equipment used subsequent to its being calibrated in December 1955;

(c) That protestant's data does not include information concerning the WHA and WDAY antenna current and resistance during the time the field intensity measurement data was being made as required by § 3.186 of the rules;

(d) That, with respect to the measurements on Station WDAY, there are 18 to 20 measurements on the 144.8 degree radial as required by § 3.186 of the rules; but only 4 measurements within the first 2 miles instead of every tenth of a mile as required by this section; that none of the 4 measurements within the first 2 mile area supports the protestant's analysis; and that some of the measurements made along the 144.8 degree radial were made within 2 hours from sunset or sunrise at the midpoint, instead of 2 hours removed from sunset or sunrise, as alleged by protestant;

(e) That neither the 134 nor the 155 degree radials from WDAY, nor the 263 and 292 degree WHA (stub) radials contain sufficient measurements to meet the requirements of the rules;

(f) That the protestant's measurement data along the 276.2 degree WHA radial contains only 6 measured points within the first 2 miles, whereas § 3.186 requires approximately 18 such measurements;

(g) That the area in which the field intensity measurement data was made by protestant had been subject to considerable rainfall; that the moisture content of the ground was far above the normal average conditions; and that such condition of the soil made a great difference in the conductivity of the paths measured.

10. In its reply, protestant contends that KQAQ's request that the protestant be required to make its financial records available for inspection is premature; that the "Commission is in no position to determine at this time what records should be produced, and protestant, as a matter of principle, opposes, and would resist to the last, any such broad demand" made by KQAQ that "though protestant believes and, so believing, avers that the operation of KQAQ at Austin would work economic hardship and irreparable injury upon protestant, it has decided, in view of KQAQ's concern with respect to the proof of economic injury, and his concession that protestant has standing to file its protest, to withdraw from its requested issues based on economic injury i. e., issues (a) and (b)." Protestant further contends that there is no merit to KQAQ's allegations with respect to the protestant's measurements not being in accordance with requirements of Commission rules. Submitted with the protestant's reply is an engineering affidavit in which is stated in summary:

(a) The field intensity measurements have been made in compliance with Rules 3.152 and 3.186. KQAQ's objections to lack of antenna resistance measurements and maintenance of antenna current are not founded on correct interpretations of the Commission's rules.

(b) Qualifications of engineer making measurements should be taken to mean Robert M. Silliman rather than actual operators of field meters.

(c) Accuracy of calibration of the field meters is within tolerance as proven by calibrations made by manufacturer. There is no time limit on the life of a calibration stated in the rules.

(d) The number of close-in measurements is adequate and within the latitude contemplated by the rules.

(e) The stub radials are justified because the inverse field at one mile as determined by the main radial establishes the field at one mile for the stubs. The rules allow 1 radial to establish the field at 1 mile for a 45 degree sector of a non-directional station.

(f) The variations in signal levels measured more than two hours from sunrise or sunset were caused by beating groundwave signals. The excursions in signal level caused by the beating signals do not destroy the usefulness of the measurement in determining the strength of the stronger signal.

(g) The moisture content of the ground in Austin, Minnesota, area was not above average and could not have caused the excessively high interference signals during the measurement period.

(h) Even should the WHA stub radials be given no weight due to the possibility of skywave interference, the subject application would be in violation of Rule 3.28 (c) due to WDAY interference alone.

11. On November 8, 1957, KQAQ filed a motion in which it requested dismissal of the instant protest and petition for reconsideration on the ground that protestant's standing in this case has disappeared on the basis of its own pleadings. In support of this motion, KQAQ points out that protestant has withdrawn its economic-injury issues and that, "while [KQAQ] conceded in its opposition that protestant had standing to file the protest, this concession was based upon the assumption that protestant was prepared to prove the facts of such injury at a hearing"; that the "reply of protestant now reveals that protestant has no such intention but expects the Commission to accept on faith the allegations of economic injury"; that "protestant alleges economic injury but announces in advance that although the fact of economic injury is controverted by respondent, protestant does not intend to offer evidence on this point"; that "protestant is in the same position as a plaintiff would be if the plaintiff were to file a complaint alleging facts which, if true, would establish a cause of action"; that "the complaint accordingly would not be subject to a motion to dismiss at that point"; that "however, if the defendant should deny the facts set forth in the complaint and call upon plaintiff to prove them at the hearing, certainly the plaintiff's reply in a responsive pleading that he did not intend to prove the facts should lead to the dismissal of the complaint"; that "the same result is applicable here"; and that "protestant has itself undermined its standing."

12. In its opposition to said motion to dismiss, protestant states that section 309 (c) of the act only requires a sufficient showing of economic injury to enable the Commission to make a finding as to standing and does not require proof before such finding can be made; and that protestant has established standing under sections 309 (c) and 405 of the act.

13. The initial question to be resolved is whether the protestant has shown itself to be a "party in interest" or "person aggrieved or whose interests would be adversely affected" within the meaning of sections 309 (c) and 405 of the act, respectively, to have standing to file its protest and petition for reconsideration pursuant thereto. Protestant alleges that its existing AM and TV stations in the city where KQAQ proposes to operate will be economically injured by the competition of KQAQ for local advertising and audience. Protestant further claims that it would suffer economic injury to the extent that its stations KAUS and KMMT (TV), may have to curtail some of their services, could not expand as planned, and that the public interest would, therefore, be adversely affected thereby. In its reply to KQAQ's opposition, protestant reiterates its allegation that it would be economically injured by KQAQ but withdraws the issues it had

specified to determine whether the Austin, Minnesota market would provide sufficient revenue for KQAQ to operate in the public interest and whether the protestant would suffer economic hardship to the extent that it would have to curtail services and expansion plans with the result that the public interest would be adversely affected thereby. KQAQ contends that because protestant withdrew said economic injury issues, the protestant does not intend to prove economic injury at a hearing and thus has lost its standing to file the instant protest and petition for reconsideration.

14. The protestant's showing to the effect that it operates the only existing standard broadcast station in Austin, Minnesota, the proposed location of Station KQAQ, is adequate, in our opinion, to establish it is a "party in interest" or "person aggrieved" or whose interests are adversely affected within the meaning of sections 309 (c) and 405 of the act, respectively. T. E. Allen & Sons, 9 Pike and Fischer RR 197, 198. In withdrawing its economic injury issues, protestant did not nullify its showing that it would be injured by competition from KQAQ in the city where both would operate. The issues withdrawn by protestant go farther than its showing of economic injury advanced to establish standing to file the subject protest and petition for reconsideration. These issues, on which protestant requested an opportunity to present evidence at a hearing, were seeking to establish the extent of the claimed economic injury, i. e. whether the economic injury is such that protestant would have to curtail services and expansion plans with the result that the public interest would be adversely affected thereby; and whether the Austin, Minnesota market could support KQAQ to operate in the public interest. These issues go to whether the economic injury would adversely affect the public interest. Accordingly, the Commission cannot agree with KQAQ that withdrawal of said issues or the allegations in support thereof leave protestant without a valid showing of economic injury to itself and to have standing to file its instant pleading pursuant to sections 309 (c) and 405 of the act, respectively.

15. With regard to the engineering matters here involved, the following considerations obtain: The engineering affidavit submitted with the subject protest and petition for reconsideration was prepared by Mr. Robert M. Silliman, consulting radio engineer, Washington, D. C. His qualifications are a matter of record with this Commission. Mr. Silliman either prepared or directly supervised the preparation of all engineering material therein and directed the taking of the field intensity measurements. Under Mr. Silliman's direction, the measurements on Station WHA were made by Mr. Kirksey, Technical Director of Stations KWWL and KWWL-TV, who, according to Mr. Silliman, is familiar with the procedure for taking such measurements. The measurements on Station WDAY were made by Mr. Harry Seabrooke under the direction of Mr. Silliman, by whom he is employed. Mr. Silliman states in his engineering affidavit that the Nems Clark Field Intensity Meter (Serial No. 209) was calibrated on December 15, 1955 by Nems Clark, and that the other meter (RCA WX2B, Serial No. 680) which was used to measure the WHA signals, was thoroughly checked with the Clark meter and found to be in good agreement. Section 3.186 of the Commission rules requires a recitation as to the description, accuracy, date and by whom each instrument was last calibrated. However, the lapse of time since the Clark meter was calibrated is not necessarily an indication that the meter is inaccurate. More important, perhaps, is the care which an instrument receives. Thus, a recently-calibrated meter may not be more accurate than one calibrated in 1955. Nevertheless, KQAQ does not specifically allege that the meters are inaccurate. KQAQ has stated that the antenna resistance and current data on WHA and WDAY were not submitted as required by § 3.186. However, § 3.152 of the rules states that antenna resistance measurements required by § 3.186, need not be taken or submitted when groundwave field intensity measurements are taken for the purpose of determining interference, as protestant has done here.

16. With regard to KQAQ's allegations that the WDAY measurement data along the 144.8 degree radial should contain 18 measurements rather than 4 within the first 2 miles, and that the protestant's analysis of inverse distance field strength at one mile is not adequately supported by the data submitted, it is believed that the measurements submitted are sufficiently complete to determine that considerably more interference would result to the proposed operation of Station KQAQ, than was apparent at the time the construction permit was granted.

17. KQAQ's allegation that some of the measurements were made within two hours of sunset or sunrise, are apparently true with respect to four measurements on the WDAY 144.8 degree radial between 89.05 and 124.5 miles and two measurements between 266.4 and 271.4 miles removed from WDAY. (These six measurements are part of a total of 39 measurements made). It appears furthermore, that a few of the measurements along the other radials were made within two hours of sunrise or sunset, Commission Rules do not specifically require that field intensity measurements not be made within two hours of sunset or sunrise; however, it appears that enough measurements were made, excluding those within two hours of sunset or sunrise, to support adequately the protestant's data. Further, the Silliman analysis of the 144.8 degree WDAY radial measurement data agrees closely with the measurement data submitted by WDAY in March 1941.

18. With respect to the WDAY "stub" radials, the measurement data, here supported by the complete 144.8 degree radial and the previously mentioned 1941 data, is sufficient to indicate that the WDAY 0.025 millivolt per meter interference contour penetrates the Austin service area considerably farther than indicated in the subject application. Accordingly, it appears that the field intensity measurement data submitted by protestant on the WDAY signals is sufficent to support its allegation that the loss to the KQAQ authorization from WDAY is excessive according to our rules.

19. KQAQ alleges that the WHA 276.2 degree radial data contains only six measurements within the first 2 miles rather than 18 as required. However, this data is sufficiently complete to indicate the extent of the WHA interfering contour. The Commission's study of this data indicates that the WHA contour extends virtually the same distance along this radial as indicated by Figure M-3, and since the measurements along the stub radials on WHA are so few and scattered, they are insufficient to indicate the extent of interference along these bearings. Thus, interference from WHA to KQAQ is essentially as indicated in the subject application.

20. KQAQ submits data to indicate that the area in which the protestant's measurements were made had been subject to considerable rainfall and that the conductivity of the paths measured, of necessity, would be somewhat higher than normal. However, the rules do not relate the moisture content of the ground to the time field intensity measurement data are made, and the degree of departure of the ground conductivity from a drier condition is indeterminate from the data on file.

21. In view of the foregoing, the Commission is of the opinion that the measurement data submitted by the protestant is sufficient to indicate that interference from Station WDAY would affect more than 10 percent of the population in KQAQ's normally protected primary service area. The interference from Station WHA would further raise the percentage of population affected.

22. If, at the time the Commission granted the subject application, it had known, as noted in the preceeding paragraph, of the excessive population loss received by KQAQ's proposal, it would not have granted the application but would have designated it for hearing, in due course, on issues designed to determine the magniture of said interference. Consequently, the KQAQ application must be designated for hearing as hereinafter ordered.

23. The Commission is adopting the issue specified as (d) by the protestant and hereinafter redrafted and designated as Issue 1 (To determine whether the operation of Station KQAQ would be in compliance with § 3.28 (c) of the Commission rules) so as to encompass in the issue the showing of need required by § 3.28 (c). Thus, the Commission believes that the issue as redrafted will take care of Issues (c) and (e) as specified by the protestant. In the event that Issues (c), relating to need, and (e), relating to other services, were intended to inquire into matters beyond the scope of Issue 1 as redrafted, the protestant will be afforded an opportunity at an oral argument to show their materiality.

24. We turn now to the question of whether the effective date of the subject grant should be postponed pending a final decision in the hearing ordered below. Section 309 (c) provides that "the effective date of the Commission's action to which the protest is made shall be postponed to the effective date of the Commission's decision after hearing unless * * * the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." The Senate Report on H. R. 5614, amending section 309 (c) (1 Pike and Fischer RR 10:373), states that "The Committee is well aware of the very real inconvenience to the public which would result if a grant is permitted to stay in effect and it is ultimately determined that the grant must be set aside and the service terminated"; that "in exercising its limited discretion to continue a protested authorization in effect, the Commission would have to consider not only the need for the new service in question, but also the likelihood that the grant in question would ultimately have to be set aside."

25. As stated above, the Commission finds that, on the basis of the measurements submitted by protestant, the proposed operation of KQAQ would not be in compliance with § 3.28 (c) of our rules. Accordingly, a likelihood exists that the grant to KQAQ may have to be set aside after a hearing on its application. The Commission cannot, therefore, make an affirmative finding here that the public interest requires that the grant remain in effect pending a decision in the hearing hereinafter ordered.

26. In view of the foregoing: *It is ordered*, That, if so requested by the protestant within ten (10) days from release of this order, an oral argument will be held before the Commission, en banc, to determine whether the matters raised by the following two issues, assuming the facts in support of said issues to be true, are grounds for setting aside the grant in question:

a. To determine whether a need exists for the service proposed to be rendered by the station authorized in the protested grant.

b. To determine what other services are available to the areas and populations proposed to be served.

It is further ordered, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final determination by the Commission in the hearing described below; and that the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues and such other issues as may be specified following the oral argument provided for above:

1. To determine whether the operation of Station KQAQ would be in compliance with § 3.28 (c) of the Commission's rules.

2. To determine whether the public interest, convenience and necessity would be served by a grant of the instant KQAQ application.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof on Issue 1 shall be on KQAQ;

It is further ordered, That the above-described motion by KQAQ to dismiss the instant protest and petition for reconsideration is denied;

It is further ordered, That the protestant and the Chief, Broadcast Bureau are hereby made parties to the proceeding herein and that;

1. The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

2. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

3. The appearances by the parties intending to participate in the above hearing shall be filed not later than December 2, 1957.

Adopted: November 20, 1957.

Released: November 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9935; Filed, Nov. 29, 1957; 8:56 a. m.]

[Docket No. 12252; FCC 57M-1170]

GEORGE A. HORMEL II (KQAQ)

ORDER DESIGNATING PRESIDING OFFICER

In re application of George A. Hormel II (KQAQ), Austin, Minnesota, Docket No. 12252, File No. BP-10673; for construction permit.

It is ordered, this 21st day of November 1957, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 23, 1957, in Washington, D. C.

Released: November 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9936; Filed, Nov. 29, 1957; 8:56 a. m.]

[Docket No. 12253; FCC 57-1276]

LOUIS WASMER AND KREM BROADCASTING CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Louis Wasmer (assignor) and KREM Broadcasting Company (assignee), Docket No. 12253, File Nos. BAL-2763, BALH-292, BALCT-53, BALRE-348; for assignment of license of Stations KREM, KREM-FM, KREM-TV Spokane, Washington.

1. The Commission has before it for consideration (a) "Protest and Petition for Reconsideration" filed on October 25, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Television Spokane, Inc., directed against the Commission's action of September 25, 1957, granting without hearing the above-entitled application; (b) oppositions thereto filed on November 8, 1957, by KREM Broadcasting Company and Louis Wasmer; and (c) the reply to said oppositions filed by Television Spokane, Inc., on November 15, 1957.[1]

2. KREM Broadcasting Company is owned 60 percent by KING Broadcasting Company and 40 percent by Dorothy S. Bullitt who is also First Vice President and director of the proposed assignee. KING Broadcasting Company is the licensee of Stations KING, KING-FM and KING-TV, Seattle, Washington, and is also 100 percent owner of the common stock of Pioneer Broadcasting Company, licensee of Stations KGW and KGW-TV, Portland, Oregon. Dorothy S. Bullitt is President, director and owner of 72.56 percent of the voting stock of KING Broadcasting Company and also owner of 50.8 percent of the Bullitt Company. Seattle and Spokane according to the 1950 United States Census have populations of 467,591 and 161,721, respectively, and are the largest cities in the State of Washington. They are 233 miles distant from each other. Portland with a population of 373,628 is the largest city in Oregon and is located 290 miles from Seattle, Washington.

3. In its protest and petition, protestant alleges, in substance, that from 1952 to March 1954, protestant and Louis Wasmer had on file with the Commission mutually exclusive applications for television Channel 2 in Spokane, Washington, which applications had been designated for hearing; that to hasten additional television service to Spokane, the protestant and Wasmer entered into an agreement dated February 23, 1954, whereby the protestant, in consideration of dismissing its application, was to receive partial reimbursement for the expenses incurred in connection with the application and a "first refusal option" to purchase the controlling interest in Wasmer's proposed television station if and when he should decide to sell; that this agreement was filed with the Com-

[1] Although sections 309 (c) and 405 of the act do not provide for the filing of oppositions and replies thereto, we have accepted such pleadings where they have been submitted within the periods specified in § 1.730 of the Commission's rules relating to the filing of such pleadings. The oppositions in this case were due on November 4, 1957. By stipulation, the parties agreed to extend the filing date. As a result, the oppositions were filed on November 8, 1957, and the reply was filed on November 15, 1957. Inasmuch as the Commission is required, by statute, to act on the protest within 30 days from the date of filing, only 10 days were left to the Commission to comply with the statute. Accordingly, although full consideration has been given to all of the pleadings herein, the Commission does not view with favor any stipulations or arrangements between parties for extensions of time to file opposing pleadings in protest cases.

mission; that the application of the protestant was dismissed on March 2, 1954 and on March 18, 1954 the application of Louis Wasmer was granted; that Station KREM–TV was constructed and has been in operation at Spokane since October 1954; that under date of March 25, 1957, in a letter from counsel for Wasmer, the protestant was first advised that an offer had been received "from a third party to purchase all of the assets of Radio Station KREM and Television Station KREM–TV" and was informed that if the protestant "would make a bona fide offer within a period of ten days from the date hereof your offer will be considered along with the offer of the third party;" that the first refusal option of the protestant under the agreement of February 23, 1954 concerned only Station KREM–TV and it was under no obligation to purchase either Station KREM or Station KREM–FM in order to acquire Station KREM–TV; that despite this, the protestant informed Wasmer that it was ready, able and willing to undertake to purchase these stations and sought in good faith to negotiate for such purpose; that Wasmer refused to furnish any financial information concerning the stations' operating costs or revenues, or the amounts due under film or other outstanding contracts for the stations; that a proposal was being prepared when there was an announcement in trade papers around July 15, 1957 that the stations had been sold to parties holding the controlling interests in Stations KING, KING–FM and KING–TV, Seattle, Washington; that the protestant received no notice of such sale from either Wasmer or his counsel; that in the agreement between Wasmer and KREM Broadcasting Company, the sale of these stations is treated as a package; and that it is not possible to determine the portion of the $2,000,000 purchase price allocated for the assets of Station KREM–TV as distinguished from the assets for the other stations.

4. The protestant further alleges, that it will suffer substantial and irreparable injury from the grant of the above-entitled application in that the Commission's action completely deprives it of the "fruits of its agreement of February 23, 1954 with Wasmer for a first refusal option for the purchase of the station;" that the injury is irreparable in that the Commission's action would make worthless the first refusal option aspects of the contract and permit the assignment of license to third parties in complete disregard of the licensee's contractual obligations, thereby causing it "to be deprived of the opportunity to be the licensee * * * and thereby lose the expected economic benefits therefrom;" that the grant of the application results in the virtual elimination of petitioner's remedy in the courts of the State of Washington; that it would operate to "frustrate the ostensible concurrent jurisdiction of the Washington courts;" that Television Spokane, Inc. is preparing an action for filing in the state court of Washington for adjudication of its first refusal option rights; and that in view of the substantial and irreparable injury arising from the grant, it is a party in interest within the meaning of section 309 (c) of the act and has standing to protest the grant of the application.

5. Petitioner further alleges that in an affidavit attached to the petition there are set forth certain representations which were made by Wasmer to Burl C. Hagadone, President of Television Spokane, Inc., leading up to the execution of the agreement of February 23, 1954, and their clear understanding that the petitioner was to have a first refusal option to purchase the television station; that in business parlance this means the right to purchase the station, if and when Wasmer desires to sell, upon meeting the terms and conditions of a third party best offer; that the petitioner is ready, able and willing to purchase Station KREM–TV and the other Wasmer stations upon the "same terms and conditions as specified in this application and in the contract of July 11, 1957 with KREM Broadcasting Company;" that despite the fact that the first refusal option concerned only Station KREM–TV, it was made plain by Wasmer's counsel that the TV station could only be obtained with the purchase of Stations KREM and KREM–FM; and that Wasmer's declination to disclose any information concerning the stations' operating costs and revenues as well as the actual amount due in considerable magnitude under existing contracts were designed to debar the petitioner from obtaining these stations.

6. It is further asserted that there is involved a possibly serious abuse of Commission processes, namely, the use of Commission authority to defeat rights in the protestant resulting from its efforts to comply with Commission policy; that the first refusal option rights of the petitioner were fundamental to the resolution of differences between Wasmer and Television Spokane, Inc., as competing applicants in compliance with Commission policy encouraging such arrangements so that additional television service might be provided at the earliest possible date; that in view of the foregoing, it would appear that Wasmer lacks the character qualifications necessary for a broadcast licensee; and that this must first be resolved before there can be any determination that a grant of the above-styled application for assignment of licenses would serve the public interest, convenience and necessity.

7. The protestant sets forth additional allegations concerning the population statistics of Seattle and Spokane, Washington, and Portland, Oregon, previously stated in paragraph 2, supra, as well as the additional ownership interests of KING Broadcasting Company and Dorothy S. Bullitt in Stations KING (AM, FM and TV), Seattle, Washington and KGW (AM and TV), Portland, Oregon. In addition, it is claimed that in the Commission's Table of Television Assignments (§ 3.606), there are three commercial VHF channels assigned to each of these communities; that with the assignment of KREM–TV, as proposed, Dorothy S. Bullitt would have ownership control of 33⅓ percent of the VHF commercial channels in the three principal communities in the Pacific Northwest, namely, Seattle, Spokane and Portland; that this fact raises the question whether the proposed assignment would result in a concentration of control of television broadcasting in the Pacific Northwest in a manner inconsistent with the public interest, convenience or necessity, and contrary to the provisions of § 3.636 of the Commission's rules.

8. The protestant further claims that the fact that it plans to file an action against Wasmer in the state courts of Washington does not affect the protestant's rights as a party aggrieved or the Commission's responsibility with respect to the public interest questions that are raised in this proceeding; that as a "party in interest" it is entitled as a matter of law to the procedural opportunity provided by section 309 (c) of the Communications Act, to show that a grant of the above-entitled application would not be in the public interest; that in view of the unresolved factual issues, it is incumbent upon the Commission under the provisions of section 309 (c) of the act to designate this application for assignment for a full evidentiary hearing; and that inasmuch as consummation of the assignment of licenses of these stations would constitute irreparable injury to the protestant, a stay of the effectiveness of the grant of the application is dictated.

9. Finally, protestant requests that the Commission designate the above-entitled application for hearing, upon the issues requested by the protestant, make Television Spokane, Inc., a party to that hearing, postpone the effective date of the Commission's action granting such application to the effective date of the Commission's decision after hearing, postpone immediately the effective date of the grant of the above-entitled application until its decision on this Protest and Petition for Reconsideration[1], and require, if the assignment authorized is consummated prior to Commission action on this protest, that the licenses of the stations be returned so that there can be the relief requested above.

10. In its opposition to the protest, KREM Broadcasting Company alleges, in substance, that the protestant is not a party in interest; that it has failed to establish that it has any interest, competitive or otherwise, in the above-entitled application; that the protestant has failed to demonstrate that any of its right has been breached or that grant of the above-entitled application has adversely affected its interests in any way; that if the protestant believed that it had been legally wronged, it could have brought an appropriate legal action in a court of competent jurisdiction; that protestant's claim that the Commission's grant "results in the virtual elimination of petitioner's remedy in the courts of the State of Washington is plainly erroneous"; that the only relevant case cited by protestant is Granik v. Federal Communications Commission, 98 U. S. App. D. C. 247, 234, F. 2d 682; that in the Granik case, the protestants made out a strong prima facie case that they actually were equitable owners of the stations (subject only to Commission approval), while here there has not even been an assertion of a right to a specific performance of protestant's so-called "first refusal option"; and that there is no basis for a claim that the Commission's action affected protestant's asserted rights.

11. KREM Broadcasting further contends that the protestant's assertion that Wasmer breached an agreement with protestant is frivolous; that the protestant relies upon a "whereas" clause in its contract with Wasmer, which refers to an undefined "first refusal option" which protestant contends gave it a right to purchase the Wasmer television station on the same terms offered any other person; that the specific operative language of the contract between Wasmer and Television Spokane limits Wasmer's obligation to the duties (1) to notify protestant if it should be decided to sell the television station, and (2) to give "equal consideration" to any offer by protestant; that the first duty was clearly satisfied by Wasmer's timely notice of March 25, 1957, and the second duty never came into play because Wasmer never received an offer from protestant.

12. It is also alleged that the assumption is made that the Commission will not undertake to resolve any private legal dispute between the protestant and Louis Wasmer; that the facts concerning such a dispute have relevance only insofar as they might raise a character question concerning Mr. Wasmer; that the facts here suggest a difference of interpretation of a legal agreement, not that Mr. Wasmer acted in bad faith; that under these circumstances, the private dispute between the parties is wholly immaterial to the question as to whether the grant will serve the public interest, convenience and necessity; that no violation of the multiple ownership rules has been alleged; that the protestant has failed to present a complete picture of television assignments in Oregon and Washington; that if, VHF commercial assignments alone were considered, there are 13 such assignments in Oregon, and 11 in Washington; that no facts are alleged that assignee has operated its other stations in any manner contrary to the public interest; and that the facts as alleged do not furnish a basis for a conclusion that undue concentration of control would result from common ownership of stations operating in different markets on one-eighth of the commercial VHF channels assigned to the two states involved.

13. In his opposition to the protest and petition for reconsideration, Louis Wasmer alleges, in substance, that Television Spokane, Inc. lacks standing and has not alleged facts, which, even if true, show that the grant is against the public interest. In support of his allegations, Wasmer contends that the protestant has no option or other contractual rights to acquire any interest in KREM–TV; that no suit was filed by the protestant in the state courts within the thirty-day statutory period in which protest allegations must be made; that protestant's allegation that the contract of February 23, 1954 granted it a "first refusal option" is clearly a legal conclusion, not an "allegation of fact;" and that Wasmer's only obligation under the contract was to "give any offer which Television Spokane, Inc. may make to purchase, equal consideration to that given to the offers of any other persons." In addition, Wasmer alleges that the instant protest contains little that did not appear in an earlier petition by the protestant in an attempt to obstruct the grant of the instant application; that nowhere in these allegations is Wasmer quoted as promising to give the protestant a right to purchase the station, if and when he desired to sell, upon meeting the terms and conditions of a third party best offer; that his only obligation was to "notify" the protestant of his desire to sell and give "equal consideration" to any "offer" made; that the protestant had adequate opportunity to make an offer but never did; that the protestant has alleged facts to place his legal, technical or financial qualifications in issue; that, absent an intentionally misleading material statement upon which the protestant relied to its detriment, there is no fraud, and therefore nothing could possibly reflect on his character; and, finally, that the opposition of KREM Broadcasting Company shows conclusively that no violations of the multiple ownership rules would occur.

14. In its reply, protestant urges, in substance, that its tangible interest gives it standing to protest; that there is no requirement for concurrently pending court litigation between the parties to achieve standing; that the facts relied upon in support of the protest have been set forth with particularity and require an evidentiary hearing; that KREM Broadcasting Company is not in a position to attempt interpretation of the contract between protestant and Wasmer; that good faith and fair dealing bear upon the public interest, and the protestant is the one to present the facts to the Commission, citing the Granik case; and that the multiple ownership question which is presented concerns the public interest.

15. Inasmuch as there is no dispute that there is a contract which may convey either a "first refusal option" or "equal consideration" to purchase Station KREM–TV, we find the protestant to be a "party in interest" and a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405, respectively, of the Communications Act of 1934, as amended. Granik et al. v. FCC, 98 US App. D. C. 247, 13 Pike & Fischer RR 2185; FCC v. Sanders, 309 U. S. 407; In re General-Times Television Corporation, 13 Pike & Fischer RR 1049; Camden Radio, Inc. v. FCC, 94 US App. D. C. 312, 220 F. 2d 191. This is not to say that this prima facie right of protestant may not be determined by the appropriate court either to be nonexistent or to have been fully complied with. On the basis of the facts before us, however, we are unable to make any such determination at this time and, therefore, must conclude that the protestant has standing. We further find that the protestant has specified with sufficient particularity the facts relied upon to warrant designation of the application for hearing. Federal Broadcasting System, Inc. v. FCC, 231 F. 2d 246, 13 Pike & Fischer RR 2094. In view of the nature of the matters to which the allegations in the protest are directed, i. e., good faith and fair dealing, and the concentration of television stations in one party in a limited populated area, we are unable to accede to the applicants' request to designate the protest for oral hearing. Accordingly, the Commission is designating the above application for an evidentiary hearing on the issues specified by the protestant. However, we are not adopting any of said issues, and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestant.

16. There remains for our consideration the question whether the protested grant should remain in effect. Section 309 (c) provides that pending hearing and decision, the effective date of the Commission's action shall be postponed "unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." We are of the view that no facts have been presented which permit a finding in accordance with the above-quoted language of the act. Accordingly, the effective date of the protested grant herein must be postponed.

17. In light of the above: *It is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application[1] is postponed pending final determination by the Commission in the hearing ordered below with respect to the protest herein; that the petition for reconsideration filed herein under section 405 of the act is granted to the extent provided for below and is denied in all other respects; and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(a) To determine whether or not on July 11, 1957 there was in existence a valid agreement between Television Spokane, Inc. and Louis Wasmer whereby Television Spokane, Inc. had a first refusal option (meet the terms and conditions of a third party best offer) to acquire Station KREM–TV, Spokane, Washington if and when Louis Wasmer decided to sell such station.

(b) To determine all the matters and facts incident to the agreement of February 23, 1954, between Television Spokane, Inc., and Louis Wasmer for first refusal option rights to Station KREM–TV, Spokane, Washington, and whether such rights were intentionally circumvented by Louis Wasmer.

[1] On November 13, 1957, the Commission denied the request for an interim stay.

(c) To determine all the matters and facts incident to the agreement of July 11, 1957, between Louis Wasmer and KREM Broadcasting Company for the assignment of licenses for Stations KREM, KREM-FM and KREM-TV and Remote Pickup Broadcast Stations KD-3176-76 and KOI-882, Spokane, Washington.

(d) To determine whether Louis Wasmer has the necessary qualifications required of a broadcast station licensee.

(e) To determine whether the grant of the application for assignment of the license for Station KREM-TV, Spokane, Washington, would result in an undue concentration of control of television broadcast stations in the Pacific Northwest section of the United States contrary to the provisions of § 3.636 of the Commission's rules and inconsistent with the public interest, convenience or necessity.

(f) To determine whether in view of the evidence adduced under the issues the assignment of the licenses for Stations KREM, KREM-FM, KREM-TV, KD-3171-76 and KOI-882, Spokane, Washington, will serve the public interest, convenience and necessity.

The burden of proceeding with the introduction of evidence and the burden of proof as to each of the above issues shall be on the protestant.

18. *It is further ordered*, That the protestant and the Chief, Broadcast Bureau, are hereby made parties to the above-entitled proceedings and that:

(a) The hearing on the above issues shall commence at a time and place and before an Examiner to be specified in a subsequent order; and

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than December 4, 1957.

19. *It is further ordered*, That, in the event the above assignment has been consummated, the parties to the above-entitled application shall set aside said assignment and return the status quo within 30 days from the date of this order.

Adopted: November 20, 1957.

Released: November 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-9937; Filed, Nov. 29, 1957; 8:56 a. m.]

[Docket No. 12253; FCC 57M-1171]

LOUIS WASMER AND KREM BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Louis Wasmer (assignor) and KREM Broadcasting Company (assignee), Docket No. 12253, File Nos. BAL-2763, BALH-292, BALCT-53, BALRE-348; for assignment of license of Stations KREM, KREM-FM, KREM-TV, Spokane, Washington.

It is ordered, This 21st day of November 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 23, 1957, in Washington, D. C.

Released: November 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-9938; Filed, Nov. 29, 1957; 8:56 a. m.]

[1] Commissioner Craven dissenting.

FEDERAL POWER COMMISSION

[Docket Nos. G-9749, etc.]

TOWN GAS CO. OF ILLINOIS

AMENDMENT

NOVEMBER 22, 1957.

In the matters of Town Gas Company of Illinois, Docket No. G-9749; Village of Edinburg, Illinois, Docket No. G-10349; Village of Divernon, Illinois, Docket No. G-10350; Village of Pawnee, Illinois, Docket No. G-10351; Central Illinois Public Service Company, Docket No. G-10740; Central Illinois Public Service Company, Docket No. G-10758; Michigan Gas Utilities Company, Docket No. G-10898; Village of Riverton, Illinois, Docket No. G-11036; Village of Wayne City, Illinois, Docket No. G-11037; Ohio Gas Company, Docket No. G-11119.

In the Order Adopting Initial Decision of Presiding Examiner in Part, Ordering Severance in Docket Nos. G-10740 and G-11119, and Fixing Date for Oral Argument in Other Dockets, issued November 20, 1957, and published in the FEDERAL REGISTER on November 23, 1957 (22 F. R. 9400-1), on page 4, line 2 of paragraphs (B) and (C), the word "adopting" should be corrected to read "adopted."

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9909; Filed, Nov. 29, 1957; 8:48 a. m.]

[Docket Nos. G-12970, G-13261]

JOE D. DAVIS AND MILTON V. SPENCER

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 25, 1957.

Take notice that on July 29, 1957, Joe D. Davis (Davis) Operator, in Docket No. G-12970, and on September 11, 1957, Milton V. Spencer (Spencer), Operator, in Docket No. G-13261, filed applications, pursuant to section 7 of the Natural Gas Act, for authority to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission.

The applications seek authority for: (1) Spencer, Operator, to abandon service to Tennessee Gas Transmission Company (Tennessee) from certain leases in Mustang Creek Field, Colorado County, Texas, being rendered pursuant to a sales contract dated November 9, 1955, which service was heretofore authorized by the Commission on April 16, 1956, in Docket No. G-9769; and

(2) Davis, Operator, to continue the subject service to Tennessee proposed to be abandoned by Spencer.

Details, including a revised list of lease owners in Docket No. G-13261 and their respective working interests, are more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicants state that Spencer, Operator, and certain other parties to the above-mentioned sales contract sold their interests in the wells and properties covered in Docket No. G-9769 to Davis, Operator, and Thomas W. Clay on January 28, 1957.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and Procedure, a hearing will be held on December 30, 1957, at 9:30 a.m. e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street N. W., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE *Secretary.*

[F. R. Doc. 57-9910; Filed, Nov. 29, 1957; 8:48 a. m.]

[Docket No. G-13396]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 25, 1957.

Take notice that on October 10, 1957, Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business in Dallas, Texas, filed in Docket No. G-13396 an application pursuant to section 7 (b) of the Natural Gas Act for permision to abandon its existing 7,550 horsepower Petrolia Compressor Station located on its main transmission lines in Clay County, Texas, as more fully set forth in the application which is on file with the Commission and open to public inspection. The station has been used in the past to compress gas produced in the Petrolia Field and certain Oklahoma fields.

Applicant states that the subject station has not been used since 1953, its engines are obsolete, and there will be no future need for compression at this point because the Petrolia Field nearby is depleted and gas from other Oklahoma fields reaches the Petrolia Station at pressures sufficiently high to make compression here unnecessary.

It is proposed to sell for salvage the obsolete engines and compressors, salvage and use elsewhere such equipment as can be transferred, and convert such buildings and equipment at this site as can be used by Applicant's personnel in the operation of Applicant's pipeline system in the area.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 30, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-9911; Filed, Nov. 29, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2134]

DOUGLASS MUFFLER MANUFACTURING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 25, 1957.

I. Douglass Muffler Manufacturing Corporation, a California corporation, 1916 West Valley Boulevard, Alhambra, California, filed with the Commission on August 9, 1955, a Notification and Offering Circular relative to a proposed offering of 5,000 shares at $10 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission having reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that the corporation has wilfully failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9927; Filed, Nov. 29, 1957; 8:55 a. m.]

[File No. 812-620]

INVESTORS SYNDICATE OF AMERICA, INC.

NOTICE OF APPLICATION FOR AN AMENDED ORDER

NOVEMBER 22, 1957.

Notice is hereby given that Investors Syndicate of America, Inc. of Minneapolis, Minnesota, ("Applicant") a registered investment company, has filed an application under section 6 (c) of the Investment Company Act of 1940 ("act") for an amended order which conditionally will exempt from the provisions of section 12 (d) (2) of said act, and will modify the provisions of a former Order of the Commission so as to permit the conversion of 30,000 shares of Class B common stock of North American Life and Casualty Company ("North American") into 30,000 shares of Class A common stock of said company, which Class A shares then would be held, but not voted in the election of directors, by Applicant. In addition to the 30,000 shares of Class B common stock owned owned by Applicant, North American now has outstanding 70,000 shares of Class A common stock. The only difference between the two classes of stock is that the Class B common stock is not entitled to vote in the election of directors of North American.

Section 12 (d) (2) of the act, with certain exceptions not pertinent here, prohibits the purchase or acquisition by a registered investment company and any company or companies controlled by it, of more than 10 percent in the aggregate of the total outstanding voting stock of any insurance company unless at the time of such purchase or acquisition the registered investment company and any company, or companies controlled by it, own in the aggregate at least 25 percent of the total outstanding voting stock of such insurance company.

On January 18, 1950 the Commission issued an order herein (Investment Company Act Release No. 1401) permitting the acquisition by Applicant of 15,000 shares of Class B non-voting, common stock of North American (now increased to 30,000 shares by reason of a 100 percent stock dividend) subject to a provision stated in such order that Applicant should not exercise rights it held to require North American to take steps necessary to convert said Class B non-voting stock into Class A voting stock unless this Commission shall have issued an order exempting such transaction from the provisions of section 12 (d) (2) of the act.

Said rights to require conversion of such Class B stock will expire on December 31, 1957. Applicant is now requesting the Commission to amend its previous order herein so as to authorize the conversion of the Class B common shares now held by Applicant into Class A shares. The amended order would be subject to the condition that so long as the Class A shares to be received upon conversion are held by Applicant, or by its parent, Investors Diversified Services, Inc., or by any person controlled by either of them, said Class A shares will not be voted by Applicant or any other person for directors of North American.

Applicant has committed itself to accept and to observe such condition and to refrain from voting upon or otherwise participating in any manner in the election of directors of North American.

All interested persons are referred to said application which is on file at the Washington, D. C. offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that any interested person may, not later than December 9, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted

as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9928; Filed, Nov. 29, 1957; 8:55 a. m.]

[File No. 812-1092]

MULTNOMAH CANADIAN FUND, LTD.

NOTICE OF APPLICATION BY CANADIAN INVESTMENT COMPANY FOR ORDER PERMITTING ITS REGISTRATION AND SALE OF ITS SECURITIES IN UNITED STATES

NOVEMBER 22, 1957.

Notice is hereby given that Multnomah Canadian Fund, Ltd. ("Applicant"), an investment company organized under the laws of the Province of British Columbia, Dominion of Canada, has filed an application under section 7 (d) of the Investment Company Act of 1940 (the "act") and Rule N-7D-1 thereunder, seeking an order of the Commission permitting Applicant to register as an investment company under the act and to make a public offering of its securities in the United States.

Section 7 (d) of the act prohibits a foreign investment company from selling its securities to the public through the mails or any means or instrumentalities of interstate commerce unless the Commission issues a conditional or unconditional order permitting such company to register under the act and to make a public offering of its securities in the United States. To issue such an order the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Applicant was organized on February 27, 1957 for the purpose of carrying on business as an investment company, concentrating its investments principally in Canadian government, province and municipal bonds and in high grade Canadian corporate bonds and preferred stocks. Its authorized capital stock consists of 1,000,000 Class A Common Shares of $1 par value and 1,000 Deferred Shares of $1 par value. Class A Common Shares and Deferred Shares have the same rights except that Deferred Shares have no redemption rights. The initial capital of Applicant in the amount of $110,000 was provided by its directors who individually purchased an aggregate of 10,000 Class A Common Shares and 1,000 Deferred Shares for a consideration of $10 cash per share in Canadian dollars. Applicant proposes to make a public offering of its Class A Common Shares in the United States. It does not intend to issue any additional Deferred Shares. Applicant proposes to operate as an open-end non-diversified management investment company.

The application contains certain undertakings and agreements, all as specified in Rule N-7D-1, which together with the provisions of the Applicant's charter and by-laws, are proposed by the Applicant as "special circumstances and arrangements" justifying the entry of the requested order.

Applicant's charter and by-laws contain, in substance and effect, the substantive provisions of the act applicable to open-end investment companies, which provisions the Applicant has agreed may be enforced as a matter of contract right in the United States or Canada by Applicant's shareholders.

Applicant's by-laws also contain, among other things, provisions summarized as follows: (1) That all of its securities and cash, other than cash in an amount necessary to meet Applicant's current administrative expenses, will be maintained in the sole custody of a bank in the United States; (2) that at least a majority of Applicant's directors and of its officers will be citizens of the United States of whom a majority will be residents of the United States; (3) that Applicant will retain an independent public accountant with a permanent office and place of business in the United States; (4) that Applicant's investment adviser will maintain its books and records relating to Applicant in the United States; and (5) that Applicant's principal underwriter will be a resident and citizen of the United States and a member of a securities association registered under the Securities Exchange Act of 1934.

Applicant has undertaken and agreed in its application, among other things, (i) that its charter and by-laws will not be amended in any manner inconsistent with the agreements and undertakings contained in its application or the act and rules thereunder unless authorized by the Commission; (ii) that Applicant's present and future officers, directors, investment advisers, principal underwriters and custodian will enter into agreements to comply with the act, Applicant's charter, by-laws, and the undertakings and agreements contained in the instant application; (iii) that Applicant's agreements shall inure to the benefit of Applicant's shareholders as parties and beneficiaries; (iv) that breach of the aforesaid agreements or violation of the act by any of the contracting parties will permit revocation of the requested order and the liquidation and distribution of Applicant's assets; and (v) that the original or duplicate copy of its books and records will be maintained in the United States.

Other agreements and undertakings contained in the application are designed to facilitate the enforcement of the act by the Commission or Applicant's shareholders. To that end each of the contracting parties who are not citizens and residents of the United States will appoint, irrevocably, an agent within the United States for service of process. To ensure the applicability of the act to purchases and sales of portfolio securities not made on established securities exchanges, Applicant has agreed that its custodian will consummate such transactions only in the United States and that the mails or means of interstate commerce will be employed.

Applicant requests an exemption pursuant to section 6 (c) of the act from section 22 (e) (1) of the act to the extent that it may be permitted to suspend the right of redemption of its shares during periods when the Toronto Stock Exchange, on which some of the portfolio securities of the Applicant will be traded, is closed or trading thereon is restricted as well as when the New York Stock Exchange is closed or trading thereon restricted as provided in section 22 (e) (1).

Applicant also requests an exemption pursuant to section 6 (c) of the act from the provisions of section 22 (d) of the act so as to permit members, employees and sales representatives of Applicant's principal underwriter, officers and directors of Applicant and officers and directors of Applicant's investment adviser to purchase shares of Applicant at net asset value without any sales charge, provided such persons give assurances that shares so acquired are not acquired for the purpose of resale.

Notice is further given that any interested person may, not later than December 9, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9929; Filed, Nov. 29, 1957; 8:56 a. m.]

[File No. 70-3643]

PUBLIC SERVICE COMPANY OF OKLAHOMA AND CENTRAL AND SOUTH WEST CORP.

NOTICE OF PROPOSED ISSUANCE AND SALE BY SUBSIDIARY PUBLIC-UTILITY COMPANY TO PARENT REGISTERED HOLDING COMPANY OF COMMON STOCK

NOVEMBER 22, 1957.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, and its public-utility subsidiary, Public Service Company of Oklahoma ("Oklahoma"), all of whose outstanding common stock is owned by Central, have filed with this Commission a joint application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 9 and 10 of the act and Rules U-43, U-50 and U-100 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application for a statement of the proposed transactions which are summarized as follows:

Oklahoma proposes to issue and sell 350,000 shares of its authorized but unissued common stock having a par value of $10 per share. Central proposes to purchase and acquire said shares at $10 per share. The proposed issue of the shares is stated to be solely for the purpose of financing the business of Oklahoma.

The application states that prior to the issuance of the shares express authorization therefor will be obtained from the Corporation Commission of the State of Oklahoma, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The only fees and expenses to be incurred in connection with the above transactions will consist of a Federal original issue stamp tax amounting to $3,850 payable by Oklahoma and miscellaneous expenses incurred by both companies estimated not to exceed $300 in the aggregate.

Notice is further given that any interested person may, not later than December 9, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9930; Filed, Nov. 29, 1957; 8:56 a. m.]

[File No. 70-3641]

UNION ELECTRIC CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE OF SHORT-TERM NOTES

NOVEMBER 22, 1957.

Notice is hereby given that Union Electric Company ("Union"), a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 (b) of the act as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Under the applicable provisions of section 6 (b) of the act, which exempt from the requirements of section 6 (a) thereof the issue of short-term notes of a maturity of not exceeding 9 months and in an amount not exceeding 5 percent of the principal or par amount of its other outstanding securities, Union is at present authorized to incur such short-term obligations in the amount of approximately $18,882,000. At November 1, 1957 Union had outstanding $14,950,000 principal amount of such short-term promissory notes, of which $7,000,000 bear interest at the rate of 4 percent per annum and $7,950,000 at the rate of 4½ percent per annum, the prime interest rates at the respective dates of issue thereof. Union now requests that the aforesaid 5 percent limitation be increased to 9 percent, so as to permit it to borrow approximately $15,100,000 in excess of the amount it is now authorized to borrow under section 6 (b), and also requests that such increase remain in effect until June 27, 1958 or such earlier date upon which Union shall have consummated its permanent financing program referred to below.

Union has made informal arrangements with certain of the commercial banks now holding its short-term promissory notes and with Guaranty Trust Company for the additional borrowings. The application states that these borrowings will be made as required by Union, from time to time, without any commitment fees, to be evidenced by promissory notes to be dated as of the date of each particular borrowing, to mature on June 27, 1958, to bear interest at the prime interest rate effective at the particular time of borrowing, and to be prepayable prior to maturity without premium.

The application further states that the estimated cash requirements of Union from external sources in the near future based on present estimates of construction and other expenditures, total $16,000,000 during the months from November 1957 to January 1958, inclusive. The company contemplates permanent financing, early in March 1958, through the issue and sale at competitive bidding of $35,000,000 principal amount of additional First Mortgage Bonds to obtain funds for the repayment of its promissory notes and for continuation of its construction program.

The application states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than December 6, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-9931; Filed, Nov. 29, 1957; 8:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

P. E. BOOGMANS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

P. E. Boogmans, Rotterdam, Netherlands, $138.73 in the Treasury of the United States. Vesting Order No. 17915; Claim No. G1654.

Executed at Washington, D. C., on November 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-9916; Filed, Nov. 29, 1957; 8:51 a. m.]

WILHELM KRAUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Wilhelm Kraus, Basel, Switzerland. Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent Nos. 2,033,718, 2,040,207 and 2,077,841.

Vesting Order No. 201, Claim No. 42895.

Executed at Washington, D. C., on November 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-9917; Filed, Nov. 29, 1957; 8:51 a. m.]

"HENRY-RADIO" HEINRICH & Co.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

"Henry-Radio" Heinrich & Co., Vienna, Austria. Property described in Vesting Order No. 68 (7 Fed. Reg. 6181, August 11, 1942) relating to Patent Application Serial No. 409,712.

Vesting Order No. 68, Claim No. 63455.

Executed at Washington, D. C., on November 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9918; Filed, Nov. 29, 1957; 8:51 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF ROLF DENTZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Rolf Dentz, L. S. Claim No. 151; Mrs. Minnie de Jong-Tasch, L. S. Claim No. 511; Salomon Elkar Sanders Fonds, L. S. Claim No. 709; Margaretha van Moppes-Streep and William J. Streep, L. S. Claim No. 912; Vesting Orders Nos. 18520 and 18521; Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the following securities.

$1,730.00. Norfolk & Western Railway Company 4/96, Bonds Nos. 16728, 17681, 19006, 19200, 19557, 25557 and 27737, in the principal amount of $1,000 each, and Bonds Nos. 4280 and 4760, in the principal amount of $500 each. Union Pacific Railroad Company 4/47, Bonds Nos. 33945, 48889, 53816, 55232, 59177, 60599, 77691, 78364, 78372, 78374, 79779 and 89306, in the principal amount of $1,000 each, and Bonds Nos. 9545 and 13555, in the principal amount of $500 each.

$500.00. Norfolk & Western Railway Company 4/96, Bonds Nos. 19605 and 31057, in the principal amount of $1,000 each.

$99.24. Atchison, Topeka and Sante Fe Railway Company 4/95, Bond No. 25016, in the principal amount of $1,000.

$6,724.28.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Executed at Washington, D. C., on November 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-9919; Filed, Nov. 29, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 26, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34318: *Syrup—Iowa, Nebr., and S. Dak., points to points in the south.* Filed by W. J. Prueter, Agent (WTL No. A-1941), for interested rail carriers. Rates on syrup, corn, unmixed (glucose), in packages, carloads, also tank-car loads from specified points in Iowa, Nebraska, and South Dakota to specified points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

Grounds for relief: Modified short-line distance formula.

Tariffs: Supplement 48 to Agent Prueter's tariff I. C. C. A-4171. Supplement 104 to Agent Prueter's tariff I. C. C. A-3831.

FSA No. 34319: *Fine coal—Alabama mines to Gantt, Ala.* Filed jointly by The Central of Georgia Railway Company (No. 83) and The St. Louis-San Francisco Railway Company, for themselves and interested rail carriers. Rates on fine coal, carloads from mines and stations in Alabama on applicants' lines to Gantt, Ala.

Grounds for relief: Competition with natural gas.

Tariffs: Supplement 38 to Central of Georgia Tariff I. C. C. 3297. Supplement 33 to St. Louis-San Francisco Tariff I. C. C. A580.

FSA No. 34320: *Bituminous fine coal to Wisconsin points.* Filed by H. R. Johnson, Agent (Agt. Raasch's No. 637), for interested rail carriers. Rates on bituminous fine coal, carloads from mines and stations in Illinois, Indiana and western Kentucky described in the application to Eau Claire and Chippewa Falls, Wis.

Grounds for relief: Rail-barge-truck competition.

Tariffs: Supplement 1 to Agent Raasch's tariff I. C. C. 890 and other schedules listed in exhibit 1 of the application.

FSA No. 34321: *Liquefied petroleum gas from and to points in the southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7162), for interested rail carriers. Rates on liquefied petroleum gas, tank-carloads from specified points in New Mexico, Oklahoma, and Texas to specified points in Arkansas, Missouri, and Oklahoma.

Grounds for relief: Pipeline and truck competition.

Tariff: Supplement 144 to Agent Kratzmeir's tariff I. C. C. 4086.

FSA No. 34322: *Cast iron pipe and fittings—Texas points to points in Wyoming.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7161), for interested rail carriers. Rates on cast iron pipe and fittings, carloads from Ft. Worth, Lone Star, Swan, and Tyler, Tex., to Ft. MacKenzie, Gillette, New Castle and Sheridan, Wyo.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 124 to Agent Kratzmeir's tariff I. C. C. 4136.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-9915; Filed, Nov. 29, 1957; 8:50 a. m.]

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UNIVERSITY OF MICHIGAN
JAN
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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the regulations for the conservation reserve program issued August 16, 1956 (21 F. R. 6289), as amended, are hereby amended as follows:

1. A new § 485.153a is added immediately following § 485.153, as follows:

§ 485.153a *Farms under new ownership.* Effective with respect to contracts under which 1958 or a subsequent year would be the first year of the contract period, a farm as to which the ownership has changed shall not be eligible to be placed in the conservation reserve during the first twelve months of the new ownership unless the county committee determines that the farm would continue to be farmed by the new owner in the absence of the Soil Bank Program.

2. Section 485.156 (c) (7) is amended to read as follows:

(7) If the contract provides that any conservation reserve acreage is to be established in tree or shrub cover under practice A–8 for shelter belt or windbreak purposes or in tree or shrub cover under practice G–1, G–2, or G–3, the contract period shall be 5 or 10 years for such acreage at the election of the producer. Any 10-year contract period established for conservation reserve acreage to be established in tree or shrub cover for which 1956 or 1957 is the first year of the contract period may be reduced to 5 years at the election of the producer where such tree or shrub cover was established for shelter belt or windbreak purposes or as a part of practice G–1, G–2, or G–3.

3. Section 485.156 (c) (8) is amended to read as follows:

(8) Notwithstanding any other provision of this paragraph, if additional land is designated as conservation reserve under an existing contract, the contract period for the land previously placed in the conservation reserve may be increased to 4, 5, 6, 7, 8, or 9 years, or the contract period for the additional land placed in the conservation reserve may be established at 4, 5, 6, 7, 8, or 9 years, if it is necessary to increase the contract period to, or establish such period at, such number of years in order to make the contract periods for all the land on the farm in the conservation reserve (except land planted to forest trees under practice A–7) expire simultaneously, except that the contract period may not be less than the minimum required period for any of the approved conservation uses to which any of the land is devoted.

4. Section 485.156 (c) is amended by adding a new subparagraph (9) to the end thereof as follows:

(9) Contract periods previously established for conservation reserve acreage, other than acreage planted to forest trees under practice A–7, which are less than the maximum contract periods authorized under this section may be increased at the request of the producer to such maximum contract periods authorized in this section provided the county committee approves such longer period as being in the interest of the program.

5. Section 485.156 (d) is amended to read as follows:

(d) *Modification and termination of contracts.* (1) Contracts previously entered into with producers shall be modied as required by § 485.159 or to permit the contract signers to increase the acreage in the designated conservation reserve. Contracts also may be modified upon mutual agreement of the contract signers and the county committee in the following respects: (i) To correct erroneous entries in the contract; (ii) to permit the producer to change the conservation use of the designated conservation reserve; (iii) to permit a change as authorized in paragraph (c) (8) and (9) of this section, of the previously established contract period; and (iv) to permit a producer to reduce the amount of land in the conservation reserve at the regular rate in the case of

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FEDERAL REGISTER

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a contract for which the first year of the contract period is 1956 or 1957, if the $3,000.00 limitation on 1958 acreage reserve payments contained in § 485.315 (c) (1958 acreage reserve regulations, as amended, 22 F. R. 6397, 7652), results in the producer not being permitted to place as many acres in 1958 acreage reserve agreements as he placed in 1957 acreage reserve agreements. In case of a modificaton under subdivision (iv) of this subparagraph, the acreage in the conservation reserve at the regular rate shall not be reduced by an acreage which exceeds the sum of the farm acreage allotments for commodities to which the 1958 acreage reserve program applies less the maximum acreage on the farm which may be placed in 1958 acreage reserve agreements and less the acreage permitted to be devoted to soil bank base crops for 1958; cost-share payments paid or payable on the land removed from the conservation reserve shall be forfeited or refunded; and the land in the conservation reserve for which no cost-share payment has been earned shall be removed from the conservation reserve before the producer will be permitted to remove land therefrom for which cost-share payments have been earned. No other modification may be made unless specifically approved by the Administrator, CSS.

(2) Contracts previously entered into with producers may be terminated upon mutual agreement of the contract signers and the county committee and approval of the State committee if the county committee determines (i) that the operator of the farm has become physically handicapped after entering into the contract to such an extent that he could not reasonably be expected to carry out the terms and conditions of the contract and that to require him to do so would work an undue hardship on him; or (ii) that the operator of the farm is or was at the time he signed the contract mentally unstable to such an extent that he could not reasonably be expected to comply with the terms and conditions of the contract. In case of such termination, no annual payment will be made for the year in which the contract is terminated, but cost-share payments earned prior to termination of the contract will be paid. Contracts previously entered into with producers may be terminated by the producer in any case in which the county is included in the commercial corn-producing area after the contract is executed, provided an "old farm" corn allotment is established for the farm covered by the contract. In case of such termination, no annual payment will be made for the year in which the contract is terminated and all cost-share payments earned in connection with the contract shall be forfeited or refunded. A contract shall not be terminated for any other reason unless specifically approved by the Administrator, CSS.

6. Section 485.156 is amended by adding a new paragraph (e) at the end thereof to read as follows:

(e) *Land added to previously existing contracts.* Eligible land for which the first year of the contract period will be 1958 or a subsequent year may be added to the conservation reserve on a farm for which a conservation reserve contract is already in existence under the following conditions: (1) A new contract, Form CSS–811 (Soil Bank) (8–28–57), must be entered into covering the land under the existing contract as well as the land being added; (2) any change in the regulations pertaining to eligibility of land which was made after the existing contract was entered into will not affect the eligibility of the land which was previously designated under the existing contract; (3) the soil bank base for the farm under the new contract will be established in accordance with the provisions of § 485.158 (a) (3); (4) the maximum number of acres on the farm which may be devoted to soil bank base crops under the new contract will be determined in accordance with the provisions of § 485.158 (b) and (c); (5) the payment rates and the maximum limitations on such rates previously established for the land under the existing contract will remain in effect for such land for the rest of the contract period; (6) practices which are approved on or after the date the new land is added for the land under the existing contract as well as the land being added shall be subject to the provisions of the contract and regulations applicable to practices on the land being added; (7) beginning with the first year of the contract period for the land being added, all other terms and conditions of the contract and regulations in effect at the time the new land is added shall apply to all the land under the contract; (8) any changes in the terms and conditions because of the addition of the new land shall not affect payments earned for prior years.

7. Section 485.157 (d) (2) is amended by changing the wording for practices A–7 and A–8 to read as follows:

A–7—Initial establishment of a stand of trees or shrubs on farmland for erosion control, watershed protection, or forestry purposes. For land for which the first year of the contract period is 1958 or a subsequent year, practice A–7 shall be: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

A–8—Initial establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion. Prevention of wind or water erosion on farmland shall consist of the use of (a) windbreaks, (b) shelterbelts, (c) gully stabilization, and (d) stabilization of streambanks. The use of this practice should include considerations of enhancement to wildlife habitat. This practice shall be applicable only to land for which the first year of the contract period is 1958 or a subsequent year.

8. Section 485.158 (a) (3) is amended to read as follows:

(3) If the contract is modified to include additional land in the conservation reserve, other than through reconstitution of the farm, and there has been no change in the classification of a crop grown on the farm as a soil bank base crop since the soil bank base under the existing contract was established, the soil bank base established for the farm under the original contract shall remain the same under the contract as modified. If there has been a change in the classification of a crop grown on the farm, the farm soil bank base for the new contract shall be adjusted to reflect such change in the classification of the crop.

9. Section 485.158 (b) is amended to read as follows:

(b) If the farm soil bank base for any year of the contract period is more than 30 acres, the producers (1) shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops (i. e., the crops included in determining the farm soil bank base) in excess of the farm soil bank base less the number of acres in the conservation reserve at the regular rate and, in the case of contracts which include land for which 1958 or a subsequent year is the first year of the contract period, less the number of acres in the acreage reserve which is deducted from the soil bank base in arriving at the number of acres which may be devoted to soil bank base crops in accordance with the acreage reserve regulations, and (2) may place an acreage in the conservation reserve in excess of the number of acres in the farm soil bank base only if the entire eligible land on the farm is placed in the conservation reserve, in which event the non-diversion rate specified in § 485.163 (c) shall apply to the acreage in the conservation reserve in excess of the number of acres in the farm soil bank base. Notwithstanding the provisions of subparagraph (2) of this paragraph, if the reconstitution of a farm under contract results in all or a part of the conservation reserve for the reconstituted farm being in excess of the soil bank base for such farm, the part of the conservation reserve in excess of the soil bank base may be continued in the conservation reserve for the duration of the contract at the non-diversion rate specified in § 485.163. Notwithstanding any other provisions of this paragraph, beginning with contracts which include land for which the first year of the contract period is 1958 or a subsequent year, there may be placed in the conservation reserve on any farm (i) an acreage at the non-diversion rate up to but not in excess of the acreage on such farm placed in the conservation reserve at the regular rate; and (ii) any acreage at the non-diversion rate which is to be devoted to forest trees under practice A–7.

10. Section 485.158 (c) is amended to read as follows:

(c) If the farm soil bank base for each year of the contract period is not more than 30 acres, (1) the producers may enter into a contract under which the entire conservation reserve is placed in the conservation reserve program at the non-diversion rate specified in § 485.163 (c), in which event they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the soil bank base, and in the case of contracts which include land for which 1958 or a subsequent year is the first year of the contract

period, less the number of acres in the acreage reserve which is deducted from the soil bank base in arriving at the number of acres which may be devoted to soil bank base crops in accordance with the acreage reserve regulations; or (2) the producers may enter into a contract under which a specified acreage of the conservation reserve, not to exceed the number of acres in the farm soil bank base, is placed in the conservation reserve program at the regular rate specified in § 485.163 (b) (such acreage may be in addition to acreage placed in the conservation reserve program at the non-diversion rate), in which event they they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the farm soil bank base less the number of acres placed in the conservation reserve at the regular rate less, in the case of contracts which include land for which the first year of the contract period is 1958 or a subsequent year, any acreage in the acreage reserve which is deducted from the soil bank base in arriving at the number of acres which may be devoted to soil bank base crops in accordance with the acreage reserve regulations.

11. Section 485.163 (d) (2) is amended by adding at the end thereof the following: "Notwithstanding the foregoing provision, a producer will not be considered in violation of his conservation reserve contract even though the acreage devoted to soil bank base crops on the farm is in excess of the acres permitted to be devoted to such crops if the county committee determines that the farm operator was not given a notice of such excess acreage or was given an erroneous notice of such excess acreage, provided the producer could not have been reasonably expected to know that the acreage permitted to be devoted to such crops was being exceeded and the producer made reasonable efforts by measuring or otherwise not to exceed the acres permitted. In the event the producer is considered not in violation of the contract, the annual payment for the contract for such year will be reduced by an amount equal to the number of excess acres times the regular annual payment rate per acre established for the contract."

12. Section 485.164 is amended as follows:

a. For purposes of clarification, the last sentence of the section is amended to read as follows: "For purposes of this provision, members of the family include husband or wife of the settlor, children of the settlor, their husbands and wives, and members of the immediate household of the settlor; and payments to a trustee shall be regarded as payments to the beneficiaries of the trust."

b. A new sentence is added at the end of the section reading as follows: "Effective with respect to contracts entered into on or after November 15, 1957, for purposes of this section, a family shall include grandchildren of the settlor, stepchildren of a child of the settlor, and any minor related to the settlor by blood or marriage."

13. Section 485.168 (c) is amended to read as follows:

(c) (1) Effective with respect to contracts under which 1958 or a subsequent year is the first year of the contract period, if there is a change in the ownership of a farm which was previously farmed by a tenant or sharecropper, such farm shall not be eligible to be placed in the conservation reserve for at least twelve months after the change in ownership, unless the land continues to be farmed by a tenant or sharecropper, or the county committee determines that the new owner would normally farm the land without a tenant or sharecropper.

(2) In addition to the grounds for not approving a contract specified in paragraph (a) of this section, the county committee shall disapprove a contract where such action is for any other reason determined by the county committee to be necessary to protect the interests of tenants and sharecroppers.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Done at Washington, D. C., this 27th day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10001; Filed, Dec. 2, 1957; 8:50 a. m.]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT II—SPRING-PLANTED COMMODITIES

The regulations in §§ 485.375 to 485.380 contain specific provisions applicable to spring wheat and other spring-planted commodities and supplement the general regulations governing the 1958 acreage reserve part of the Soil Bank Program.

Sec.
485.375 Eligible commodities.
485.376 National acreage reserve goals.
485.377 Maximum acreage limitations on extent of participation.
485.378 Closing date for filing agreements.
485.379 Unit rates per pound for tobacco.
485.380 County rates of compensation per acre.

AUTHORITY: §§ 485.375 to 485.380 issued under sec. 124, 70 Stat. 198; 7 U. S. C. 1812. Intrepret or apply secs. 101–107, 114–126, 70 Stat. 188; 7 U. S. C. 1801–1813, 1821–1824, 1831.

§ 485.375 *Eligible commodities.* Each of the commodities for which a national acreage reserve goal is established under § 485.376 shall be considered an eligible commodity.

§ 485.376 *National acreage reserve goals.* There are hereby established 1958 national acreage reserve goals for commodities as follows:

Commodity			1958 goal (acres)
Corn			4,000,000 to 5,000,000.
Cotton (Upland)			2,700,000 to 3,700,000.
Rice			170,000 to 210,000.
Tobacco:	*Kind*	*Type*	
	Flue-cured	11–14	50,000 to 70,000.
	Fire-cured	21	1,000 to 2,000.
	Fire-cured	22–23	5,000 to 10,000.
	Burley	31	15,000 to 24,000.
	Maryland	32	6,000 to 9,000.
	Dark air-cured	35–36	2,300 to 5,300.
	Virginia sun-cured	37	700 to 2,300.
	Cigar-filler	42–44	400 to 600.
	Cigar-binder	51	3,700 to 4,300.
	Cigar-binder	52	3,600 to 4,000.
	Cigar-binder	54	400 to 1,000.
	Cigar-binder	55	1,800 to 2,500.
Total			90,000 to 135,000.
Wheat (both winter and spring wheat).			4,500,000 to 5,500,000.

(This revises the national acreage reserve goal for wheat set forth in Supplement I to the regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program.)

§ 485.377 *Maximum acreage limitations on extent of participation.* There are no additional maximum acreage limitations on the extent of participation beyond those maximum limits set forth in § 485.308, as amended, of the regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program except as follows: The acreage which may be placed in the acreage reserve for a farm or for a county may not exceed limitations determined by the State committee to be necessary in order to give producers a fair and equitable opportunity to participate in the program or to prevent serious adverse effect on the economy of any county or area. Information as to any acreage limitations so established shall be available in the office of the county committee and shall be obtained by the farm operator from such office.

§ 485.378 *Closing date for filing agreements.* The closing date for filing an agreement with respect to spring wheat and other spring-planted commodities shall be March 7, 1958. If a farm is in an area in which wheat is normally planted in the fall, the producers may participate in the program for spring wheat only if wheat was planted on the farm in the spring of 1955, 1956, or 1957.

§ 485.379 *Unit rates per pound for tobacco.* The unit rates per pound for tobacco are specified below.

Tobacco		Unit rate (cents per pound)
Kind	Type	
Flue-cured	11–14	18
Fire-cured	21	13
Fire-cured	22–23	13
Burley	31	18
Maryland	32	17
Dark air-cured	35–36	12
Virginia sun-cured	37	13
Cigar-filler	42–44	09
Cigar-binder	51	19
Cigar-binder	52	13
Cigar-binder	54	08
Cigar-binder	55	11

§ 485.380 *County rates of compensation per acre.* The county rates of compensation per acre for wheat are set forth in Supplement I to the regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program. The county rates of compensation per acre for corn will be specified in an amendment to this Supplement II. The county rates of compensation per acre for cotton and rice are specified below:

COUNTY RATES OF COMPENSATION PER ACRE FOR 1958 ACREAGE RESERVE PROGRAM

ALABAMA

Cotton

County	Dollars per acre	County	Dollars per acre
Autauga	64	Houston	60
Baldwin	67	Jackson	70
Barbour	53	Jefferson	63
Bibb	65	Lamar	56
Blount	67	Lauderdale	52
Bullock	50	Lawrence	60
Butler	59	Lee	52
Calhoun	59	Limestone	61
Chambers	54	Lowndes	59
Cherokee	74	Macon	54
Chilton	69	Madison	66
Choctaw	51	Marengo	56
Clarke	51	Marion	57
Clay	61	Marshall	77
Cleburne	50	Mobile	69
Coffee	60	Monroe	72
Colbert	61	Montgomery	58
Conecuh	57	Morgan	63
Coosa	54	Perry	64
Covington	62	Pickens	56
Crenshaw	56	Pike	51
Cullman	74	Randolph	59
Dale	58	Russell	47
Dallas	62	St. Clair	62
De Kalb	75	Shelby	64
Elmore	70	Sumter	53
Escambia	81	Talladega	51
Etowah	67	Tallapoosa	52
Fayette	58	Tuscaloosa	61
Franklin	53	Walker	56
Geneva	67	Washington	62
Greene	49	Wilcox	57
Hale	62	Winston	61
Henry	59		

ARIZONA

Cotton

Cochise	82	Pima	137
Gila	146	Pinal	147
Graham	122	Santa Cruz	120
Greenlee	119	Yavapai	142
Maricopa	160	Yuma	143
Mohave	76		

ARKANSAS

Cotton

Arkansas	63	Garland	42
Ashley	77	Grant	40
Baxter	38	Greene	62
Benton	41	Hempstead	50
Boone	46	Hot Spring	36
Bradley	41	Howard	37
Calhoun	45	Independence	50
Chicot	75	Izard	38
Clark	47	Jackson	61
Clay	61	Jefferson	77
Cleburne	33	Johnson	70
Cleveland	40	Lafayette	65
Columbia	36	Lawrence	56
Conway	50	Lee	72
Craighead	69	Lincoln	72
Crawford	79	Little River	57
Crittenden	87	Logan	63
Cross	76	Lonoke	60
Dallas	42	Marion	36
Desha	81	Miller	49
Drew	63	Mississippi	79
Faulkner	45	Monroe	63
Franklin	52	Montgomery	36
Fulton	35	Nevada	32

ARKANSAS—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Newton	41	Scott	32
Ouachita	36	Searcy	41
Perry	57	Sebastian	44
Phillips	77	Sevier	40
Pike	38	Sharp	39
Poinsett	78	Stone	30
Polk	46	Union	33
Pope	53	Van Buren	25
Prairie	56	Washington	41
Pulaski	62	White	41
Randolph	63	Woodruff	65
St. Francis	75	Yell	67
Saline	35		

CALIFORNIA

Cotton

Butte	34	San Benito	103
Fresno	123	San Bernardino	52
Glenn	77	San Diego	86
Imperial	136	San Joaquin	82
Kern	142	San Luis Obispo	49
Kings	109	Stanislaus	66
Los Angeles	48	Tehama	64
Madera	93	Tulare	103
Merced	102	Yuba	34
Riverside	127		

FLORIDA

Cotton

Alachua	56	Lafayette	50
Baker	52	Leon	41
Bay	69	Levy	34
Calhoun	53	Liberty	40
Clay	57	Madison	48
Columbia	42	Nassau	58
Dixie	37	Okaloosa	65
Duval	52	Orange	45
Escambia	65	Santa Rosa	62
Gadsden	52	Suwannee	59
Gilchrist	41	Taylor	44
Hamilton	47	Union	45
Holmes	56	Walton	58
Jackson	44	Washington	56
Jefferson	36		

GEORGIA

Cotton

Appling	59	Coweta	50
Atkinson	59	Crawford	58
Bacon	58	Crisp	63
Baker	49	Dade	54
Baldwin	50	Dawson	45
Banks	67	Decatur	38
Barrow	61	De Kalb	52
Bartow	76	Dodge	51
Ben Hill	59	Dooly	64
Berrien	56	Dougherty	46
Bibb	72	Douglas	45
Bleckley	67	Early	62
Brantley	51	Echols	40
Brooks	60	Effingham	59
Bryan	47	Elbert	67
Bulloch	58	Emanuel	51
Burke	53	Evans	57
Butts	58	Fayette	53
Calhoun	59	Floyd	62
Camden	50	Forsyth	60
Candler	51	Franklin	71
Carroll	56	Fulton	59
Catoosa	66	Gilmer	46
Charlton	49	Glascock	45
Chatham	66	Gordon	70
Chattahoochee	32	Grady	63
Chattooga	61	Greene	48
Cherokee	54	Gwinnett	60
Clarke	62	Habersham	62
Clay	59	Hall	58
Clayton	47	Hancock	49
Clinch	54	Haralson	56
Cobb	50	Harris	50
Coffee	51	Hart	71
Colquitt	63	Heard	58
Columbia	44	Henry	58
Cook	62	Houston	53

GEORGIA—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Irwin	57	Putnam	54
Jackson	57	Quitman	46
Jasper	59	Randolph	57
Jeff Davis	58	Richmond	46
Jefferson	49	Rockdale	49
Jenkins	52	Schley	56
Johnson	48	Screven	50
Jones	45	Seminole	67
Lamar	54	Spalding	60
Lanier	53	Stephens	62
Laurens	51	Stewart	50
Lee	52	Sumter	70
Liberty	42	Talbot	45
Lincoln	46	Taliaferro	41
Long	57	Tattnall	53
Lowndes	58	Taylor	43
Lumpkin	60	Telfair	49
McDuffie	46	Terrell	71
McIntosh	38	Thomas	57
Macon	63	Tift	59
Madison	64	Toombs	59
Marion	50	Treutlen	56
Meriwether	59	Troup	47
Miller	57	Turner	60
Mitchell	56	Twiggs	47
Monroe	48	Upson	54
Montgomery	51	Walker	54
Morgan	62	Walton	64
Murray	58	Ware	57
Muscogee	44	Warren	50
Newton	60	Washington	54
Oconee	61	Wayne	59
Oglethorpe	62	Webster	46
Paulding	54	Wheeler	54
Peach	75	White	64
Pickens	44	Whitfield	52
Pierce	57	Wilcox	54
Pike	61	Wilkes	49
Polk	59	Wilkinson	41
Pulaski	54	Worth	63

ILLINOIS

Cotton

Alexander	56	Massac	53
Jefferson	52	Pulaski	52
Madison	52	Williamson	50

KANSAS

Cotton

Cowley	26	Montgomery	26

KENTUCKY

Cotton

Ballard	47	Graves	57
Calloway	53	Hickman	77
Carlisle	57	McCracken	48
Fulton	90	Marshall	47

LOUISIANA

Cotton

Acadia	75	Iberia	57
Allen	54	Iberville	62
Ascension	57	Jackson	38
Assumption	65	Jefferson	58
Avoyelles	95	Jefferson Davis	54
Beauregard	41	Lafayette	79
Bienville	44	Lafourche	52
Bossier	77	La Salle	67
Caddo	86	Lincoln	36
Calcasieu	54	Livingston	59
Caldwell	70	Madison	90
Cameron	57	Morehouse	85
Catahoula	71	Natchitoches	71
Claiborne	34	Orleans	60
Concordia	91	Ouachita	76
De Soto	42	Plaquemines	60
East Baton Rouge	56	Pointe Coupee	89
East Carroll	87	Rapides	112
East Feliciana	62	Red River	71
Evangeline	84	Richland	64
Franklin	61	Sabine	41
Grant	77	St. Bernard	53
		St. Helena	56

LOUISIANA—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
St. James	62	Vermilion	71
St. John the Baptist	54	Vernon	42
St. Landry	86	Washington	65
St. Martin	82	Webster	46
St. Mary	57	West Baton Rouge	79
St. Tammany	59	West Carroll	66
Tangipahoa	59	West Feliciana	69
Tensas	87	Winn	38
Union	46		

MARYLAND

Cotton

Caroline	50

MISSISSIPPI

Cotton

County	Dollars per acre	County	Dollars per acre
Adams	60	Leflore	86
Alcorn	62	Lincoln	61
Amite	61	Lowndes	56
Attala	69	Madison	75
Benton	66	Marion	63
Bolivar	81	Marshall	66
Calhoun	76	Monroe	64
Carroll	76	Montgomery	79
Chickasaw	65	Neshoba	61
Choctaw	67	Newton	58
Claiborne	74	Noxubee	64
Clarke	57	Oktibbeha	48
Clay	60	Panola	79
Coahoma	93	Pearl River	61
Copiah	65	Perry	60
Covington	63	Pike	61
De Soto	77	Pontotoc	72
Forrest	64	Prentiss	67
Franklin	53	Quitman	85
George	67	Rankin	77
Greene	64	Scott	69
Grenada	82	Sharkey	82
Hancock	61	Simpson	63
Harrison	61	Smith	65
Hinds	65	Stone	61
Holmes	91	Sunflower	77
Humphreys	81	Tallahatchie	82
Issaquena	77	Tate	89
Itawamba	63	Tippah	69
Jackson	65	Tishomingo	53
Jasper	57	Tunica	88
Jefferson	63	Union	67
Jefferson Davis	65	Walthall	72
Jones	69	Warren	87
Kemper	54	Washington	79
Lafayette	64	Wayne	62
Lamar	66	Webster	75
Lauderdale	61	Wilkinson	64
Lawrence	60	Winston	65
Leake	71	Yalobusha	66
Lee	65	Yazoo	83

MISSOURI

Cotton

County	Dollars per acre	County	Dollars per acre
Bollinger	39	Oregon	34
Butler	57	Ozark	38
Cape Girardeau	56	Pemiscot	77
Carter	36	Ripley	45
Dunklin	72	Scott	67
Howell	34	Stoddard	79
Jefferson	47	Vernon	60
Mississippi	78	Wayne	36
New Madrid	71		

NEVADA

Cotton

Clark	126	Nye	77

NEW MEXICO

Cotton

County	Dollars per acre	County	Dollars per acre
Bernalillo	41	Dona Ana	123
Chaves	124	Eddy	123
Curry	35	Grant	62
De Baca	88	Guadalupe	38

NEW MEXICO—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Hidalgo	102	Roosevelt	36
Lea	86	Sierra	120
Luna	126	Socorro	76
Otero	97	Valencia	41
Quay	53		

NORTH CAROLINA

Cotton

County	Dollars per acre	County	Dollars per acre
Alamance	62	Jones	54
Alexander	61	Lee	70
Anson	63	Lenoir	63
Beaufort	72	Lincoln	65
Bertie	66	Martin	69
Bladen	57	Mecklenburg	65
Brunswick	58	Montgomery	59
Burke	59	Moore	57
Cabarrus	65	Nash	57
Caldwell	66	New Hanover	56
Camden	74	Northampton	74
Carteret	57	Onslow	60
Catawba	65	Orange	62
Chatham	57	Pamlico	57
Chowan	74	Pasquotank	61
Cleveland	72	Pender	58
Columbus	61	Perquimans	76
Craven	56	Person	54
Cumberland	64	Pitt	62
Currituck	62	Polk	67
Davidson	64	Randolph	61
Davie	63	Richmond	53
Duplin	66	Robeson	65
Durham	61	Rockingham	62
Edgecombe	59	Rowan	67
Forsyth	54	Rutherford	67
Franklin	53	Sampson	69
Gaston	64	Scotland	57
Gates	72	Stanly	70
Granville	54	Tyrrell	75
Greene	62	Union	71
Guilford	62	Vance	60
Halifax	65	Wake	56
Harnett	70	Warren	56
Hertford	65	Washington	74
Hoke	61	Wayne	69
Hyde	57	Wilkes	56
Iredell	64	Wilson	63
Johnston	65	Yadkin	64

OKLAHOMA

Cotton

County	Dollars per acre	County	Dollars per acre
Adair	22	Kingfisher	28
Alfalfa	24	Kiowa	32
Atoka	25	Latimer	22
Beaver	23	Le Flore	46
Beckham	30	Lincoln	25
Blaine	33	Logan	29
Bryan	34	Love	32
Caddo	39	McClain	39
Canadian	38	McCurtain	59
Carter	24	McIntosh	37
Cherokee	21	Major	27
Choctaw	39	Marshall	42
Cleveland	44	Mayes	35
Coal	32	Murray	38
Comanche	21	Muskogee	46
Cotton	27	Noble	27
Craig	36	Nowata	25
Creek	25	Okfuskee	26
Custer	34	Oklahoma	29
Delaware	34	Okmulgee	28
Dewey	27	Osage	40
Ellis	26	Pawnee	32
Garfield	26	Payne	28
Garvin	42	Pittsburg	36
Grady	42	Pontotoc	28
Grant	26	Pottawatomie	32
Greer	28	Pushmataha	17
Harmon	32	Roger Mills	27
Harper	21	Rogers	32
Haskell	35	Seminole	22
Hughes	34	Sequoyah	57
Jackson	39	Stephens	24
Jefferson	25	Texas	26
Johnston	30	Tillman	40
Kay	37	Tulsa	42

OKLAHOMA—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Wagoner	39	Washita	35
Washington	25	Woodward	20

SOUTH CAROLINA

Cotton

County	Dollars per acre	County	Dollars per acre
Abbeville	60	Greenwood	54
Aiken	57	Hampton	64
Allendale	57	Horry	58
Anderson	66	Jasper	60
Bamberg	57	Kershaw	50
Barnwell	53	Lancaster	63
Beaufort	57	Laurens	64
Berkeley	60	Lee	70
Calhoun	70	Lexington	57
Charleston	50	McCormick	53
Cherokee	60	Marion	61
Chester	65	Marlboro	67
Chesterfield	56	Newberry	61
Clarendon	64	Oconee	76
Colleton	63	Orangeburg	64
Darlington	62	Pickens	72
Dillon	58	Richland	63
Dorchester	72	Saluda	67
Edgefield	74	Spartanburg	60
Fairfield	60	Sumter	69
Florence	60	Union	57
Georgetown	49	Williamsburg	61
Greenville	71	York	71

TENNESSEE

Cotton

County	Dollars per acre	County	Dollars per acre
Bedford	49	Lewis	48
Benton	56	Lincoln	62
Bradley	53	Loudon	46
Cannon	49	McMinn	46
Carroll	66	McNairy	71
Chester	69	Madison	65
Coffee	69	Marion	64
Crockett	79	Marshall	52
Cumberland	46	Maury	49
Davidson	50	Meigs	46
Decatur	49	Monroe	42
De Kalb	45	Montgomery	50
Dyer	81	Moore	56
Fayette	69	Obion	83
Franklin	71	Perry	54
Gibson	72	Polk	58
Giles	52	Rhea	46
Grundy	63	Roane	38
Hamilton	52	Robertson	50
Hardeman	70	Rutherford	69
Hardin	52	Shelby	72
Haywood	73	Tipton	79
Henderson	65	Van Buren	44
Henry	59	Warren	49
Hickman	51	Wayne	46
Humphreys	44	Weakley	62
Knox	67	White	46
Lake	106	Williamson	47
Lauderdale	83	Wilson	49
Lawrence	58		

TEXAS

Cotton

County	Dollars per acre	County	Dollars per acre
Anderson	28	Brazos	58
Andrews	24	Brewster	89
Angelina	41	Briscoe	37
Aransas	38	Brooks	20
Archer	26	Brown	20
Armstrong	30	Burleson	56
Atascosa	23	Burnet	21
Austin	53	Caldwell	33
Bailey	30	Calhoun	60
Bandera	28	Callahan	21
Bastrop	26	Cameron	63
Baylor	30	Camp	33
Bee	34	Carson	28
Bell	30	Cass	36
Bexar	25	Castro	60
Blanco	27	Chambers	64
Borden	26	Cherokee	36
Bosque	25	Childress	29
Bowie	58	Clay	27
Brazoria	72	Cochran	30

TEXAS—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Coke	17	Kendall	28
Coleman	23	Kenedy	23
Collin	37	Kent	26
Collingsworth	28	Kerr	26
Colorado	47	Kimble	29
Comal	30	King	29
Comanche	19	Kinney	41
Concho	23	Kleberg	33
Cooke	34	Knox	37
Coryell	25	Lamar	36
Cottle	32	Lamb	53
Crockett	57	Lampasas	21
Crosby	47	La Salle	23
Culberson	112	Lavaca	36
Dallam	34	Lee	27
Dallas	33	Leon	40
Dawson	32	Liberty	59
Deaf Smith	44	Limestone	24
Delta	41	Live Oak	34
Denton	29	Llano	21
De Witt	30	Loving	48
Dickens	30	Lubbock	69
Dimmit	56	Lynn	32
Donley	27	McCulloch	21
Duval	20	McLennan	28
Eastland	21	McMullen	26
Ector	59	Madison	40
Ellis	35	Marion	29
El Paso	136	Martin	29
Erath	21	Mason	23
Falls	29	Matagorda	59
Fannin	36	Maverick	69
Fayette	40	Medina	27
Fisher	28	Menard	21
Floyd	58	Midland	26
Foard	30	Milam	35
Fort Bend	70	Mills	23
Franklin	34	Mitchell	32
Freestone	27	Montague	25
Frio	28	Montgomery	34
Gaines	23	Moore	29
Galveston	60	Morris	33
Garza	32	Motley	28
Gillespie	23	Nacogdoches	38
Glasscock	25	Navarro	28
Goliad	32	Newton	32
Gonzales	27	Nolan	30
Gray	28	Nueces	48
Grayson	35	Ochiltree	30
Gregg	36	Oldham	39
Grimes	49	Orange	59
Guadalupe	29	Palo Pinto	22
Hale	73	Panola	37
Hall	32	Parker	22
Hamilton	23	Parmer	64
Hansford	28	Pecos	107
Hardeman	26	Polk	38
Hardin	48	Potter	32
Harris	59	Presidio	120
Harrison	33	Rains	29
Hartley	29	Randall	25
Haskell	36	Reagan	34
Hays	33	Real	39
Hemphill	27	Red River	39
Henderson	28	Reeves	138
Hidalgo	60	Refugio	53
Hill	29	Roberts	27
Hockley	44	Robertson	54
Hood	24	Rockwall	35
Hopkins	28	Runnels	24
Houston	40	Rusk	35
Howard	32	Sabine	34
Hudspeth	107	San Augustine	33
Hunt	34	San Jacinto	38
Irion	23	San Patricio	52
Jack	23	San Saba	23
Jackson	52	Schleicher	27
Jasper	39	Scurry	29
Jeff Davis	105	Shackelford	21
Jefferson	60	Shelby	38
Jim Hogg	16	Smith	34
Jim Wells	29	Somervell	22
Johnson	30	Starr	23
Jones	26	Stephens	17
Karnes	28	Sterling	26
Kaufman	29	Stonewall	25

TEXAS—continued

Cotton—Continued

County	Dollars per acre	County	Dollars per acre
Sutton	102	Waller	48
Swisher	56	Ward	64
Tarrant	32	Washington	47
Taylor	22	Webb	51
Terrell	62	Wharton	64
Terry	28	Wheeler	27
Throckmorton	30	Wichita	35
Titus	45	Wilbarger	36
Tom Green	28	Willacy	59
Travis	29	Williamson	32
Trinity	37	Wilson	24
Tyler	52	Winkler	47
Upshur	29	Wise	27
Upton	34	Wood	29
Uvalde	84	Yoakum	27
Val Verde	69	Young	25
Van Zandt	29	Zapata	57
Victoria	52	Zavala	83
Walker	38		

VIRGINIA

Cotton

County	Dollars per acre	County	Dollars per acre
Accomack	70	Lunenburg	67
Brunswick	59	Mecklenburg	60
Caroline	67	Nansemond	71
Charlotte	54	Norfolk	58
Chesterfield	62	Prince Edward	56
Cumberland	58	Prince George	56
Dinwiddie	58	Princess Anne	58
Franklin	56	Southampton	67
Greensville	60	Surry	59
Halifax	56	Sussex	61
Isle of Wight	62		

ARKANSAS

Rice

County	Dollars per acre	County	Dollars per acre
Arkansas	72	Lafayette	52
Ashley	64	Lawrence	64
Chicot	65	Lee	69
Clark	67	Lincoln	61
Clay	64	Little River	53
Conway	62	Lonoke	69
Craighead	69	Miller	57
Crittenden	68	Mississippi	67
Cross	64	Monroe	67
Dallas	63	Perry	57
Desha	63	Phillips	64
Drew	64	Poinsett	69
Faulkner	65	Prairie	69
Grant	61	Pulaski	63
Greene	65	Randolph	64
Hot Spring	62	St. Francis	67
Independence	62	White	67
Jackson	68	Woodruff	67
Jefferson	62		

CALIFORNIA

Rice

County	Dollars per acre	County	Dollars per acre
Butte	88	Riverside	49
Colusa	85	Sacramento	82
Fresno	78	San Joaquin	70
Glenn	83	Solano	71
Imperial	34	Stanislaus	85
Kern	67	Sutter	84
Kings	46	Tulare	46
Madera	79	Yola	75
Merced	67	Yuba	67
Placer	78		

ILLINOIS

Rice

Adams	70

FLORIDA

Rice

Palm Beach	31

LOUISIANA

Rice

County	Dollars per acre	County	Dollars per acre
Acadia	63	Ascension	63
Allen	61	Assumption	61

LOUISIANA—continued

Rice—Continued

County	Dollars per acre	County	Dollars per acre
Avoyelles	64	Morehouse	76
Beauregard	48	Plaquemines	59
Bossier	64	Rapides	63
Calcasieu	53	Richland	71
Cameron	61	St. Charles	57
Concordia	71	St. James	59
East Carroll	80	St. John the Baptist	69
Evangeline	61	St. Landry	62
Franklin	62	St. Martin	70
Grant	63	St. Mary	61
Iberia	60	St. Tammany	48
Iberville	65	Tensas	74
Jefferson Davis	63	Terrebonne	55
Lafayette	64	Vermilion	61
Lafourche	54	West Carroll	76
Madison	71		

MISSISSIPPI

Rice

County	Dollars per acre	County	Dollars per acre
Bolivar	64	Quitman	67
Coahoma	64	Sharkey	64
De Soto	67	Sunflower	63
Hancock	43	Tallahatchie	68
Humphreys	63	Tate	61
Issaquena	61	Tunica	68
Leflore	68	Washington	64
Panola	65		

MISSOURI

Rice

County	Dollars per acre	County	Dollars per acre
Butler	82	New Madrid	42
Dunklin	97	Pemiscot	73
Lewis	71	Ripley	57
Lincoln	76	St. Charles	86
Marion	68	Scott	84
Mississippi	39	Stoddard	61

NORTH CAROLINA

Rice

Hyde	50

OKLAHOMA

Rice

McCurtain	57

SOUTH CAROLINA

Rice

County	Dollars per acre	County	Dollars per acre
Berkeley	47	Georgetown	29
Charleston	30	Horry	47
Colleton	31	Jasper	41

TENNESSEE

Rice

Dyer	47
Fayette	47
Lauderdale	70

TEXAS

Rice

County	Dollars per acre	County	Dollars per acre
Austin	72	Lavaca	69
Bowie	61	Liberty	63
Brazoria	65	Matagorda	71
Calhoun	65	Milam	63
Chambers	61	Newton	65
Colorado	73	Orange	60
Fort Bend	69	Polk	58
Galveston	62	San Jacinto	58
Hardin	68	Victoria	71
Harris	70	Walker	65
Jackson	74	Waller	72
Jasper	60	Washington	74
Jefferson	61	Wharton	71

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10002; Filed, Dec. 2, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 627, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WITCHWEED

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.80–2 of the regulations supplemental to the witchweed quarantine (7 CFR 301.80–2, 22 F. R. 7134), under the Federal Plant Pest Act (Public Law 85–36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions appearing as 7 CFR 301.80–2a (22 F. R. 7136) are hereby revised to read as follows:

§ 301.80–2a *Administrative instructions designating regulated areas under the witchweed quarantine.* Infestations of the witchweed have been determined to exist, in the quarantined States, in the civil divisions and premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and premises, and parts thereof, are hereby designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Bladen County. An area consisting of all of Bladen County exclusive of the southeastern portion bounded by a line beginning at a point where North Carolina State Highway No. 41 crosses the Bladen-Sampson County line and extending west along this highway to its intersection with the Cape Fear River, thence southeast along said River to the point where the Bladen-Columbus County line and the Bladen-Pender County line meet, thence northeast along the Bladen-Pender County line to the Bladen-Sampson County line, thence northwest along this line to the point of beginning.

The Mrs. Cammy K. Newly farm located on North Carolina Highway No. 53 and seven miles east of Kelly, where said highway crosses Black River, including all highways and roadways abutting thereon.

The R. L. Tippitt farm located on a dirt road two miles west and south of Kelly, including all highways and roadways abutting thereon.

Columbus County. The area bounded by a line beginning at a point where North Carolina Highway No. 131 crosses the Columbus-Bladen County line and extending southeast along said highway to its intersection with U. S. Highway No. 701, thence southeast along U. S. Highway No. 701 to its junction with the Atlantic Coast Line Railroad, thence west along said railroad to its intersection with the Cerro Gordo-Cherry Grove Highway, thence south along said highway to its intersection with the North Carolina-South Carolina State line, thence northwest along said State line to its intersection with the Lumber River, thence following said river northeast to its junction with the Bladen-Columbus County line, thence east along said county line to the point of beginning, including the area within the corporate limits of the town of Chadbourn, but excluding the area within the corporate limits of the towns of Whiteville and Cerro Gordo.

The George Elkin farm located on a dirt road one mile south of the junction of said dirt road with U. S. Highway No. 701, said junction being 2.7 miles southwest of the Columbus-Bladen County line, including all highways and roadways abutting thereon.

The Minnie I. Tedder farm located six miles southeast of Chadbourn on the west side of Hewitt Road, including all highways and roadways abutting thereon.

Cumberland County. The portion of the county lying east of U. S. Highway No. 301, excluding the area within the corporate limits of the City of Fayetteville.

The area lying west of U. S. Highway No. 301 and bounded by an arc having a 3.5 miles radius and center at Hope Mills.

The J. T. Piner farm located on the west side of U. S. Highway No. 15A and 0.9 mile north of Tokay, including all highways and roadways abutting thereon.

Duplin County. The Alton Smith farm located on the east side of U. S. Highway No. 117 and 0.5 mile north of Bowdens, including all highways and roadways abutting thereon.

The Norman Quinn farm located on south side of a dirt road and 0.4 mile east of junction of said dirt road with the Sampson-Duplin County line, said junction being three miles southwest of Bowdens, including all highways and roadways abutting thereon.

The Bryant Miller farm located on south side of a dirt road and 1.2 miles northwest of junction of said dirt road wth North Carolina Highway No. 11, said junction being three miles northeast of Kenansville, including all highways and roadways abutting thereon.

The Paisley Bomham farm located on north side of a dirt road and one mile west of Pin Hook, including all highways and roadways abutting thereon.

Harnett County. The area bounded by a line beginning at a point where North Carolina State Highway No. 87 crosses the Harnett-Cumberland County line, extending northwest along this highway to its intersection with Overhills-Lillington dirt road, thence northeast along this road 5.4 miles to its intersection with a stone surfaced road, thence southeast along this road to its intersection with North Carolina State Highway No. 210, thence southwest along this highway to the Harnett-Cumberland County line, thence west along the county line to the point of beginning.

The C. T. Jackson farm located on the south side of a dirt road and 0.4 mile northwest of Johnsonville, including all highways and roadways abutting thereon.

The Ray Thomas farm located on the east side of a dirt road and one mile southwest of Johnsonville, including all highways and roadways abutting thereon.

Hoke County. The southern portion of the county bounded by a line beginning at a point where the Laurinburg and Southern Railroad crosses the Hoke-Scotland County line and extending northeast along said railroad to its junction with North Carolina Highway No. 20, thence in a southeast direction along said highway to its junction with the Hoke-Robeson County line, thence southwest and west along said county line to the point of beginning, excluding the area within the corporate limits of the City of Raeford, including all highways and roadways abutting thereon.

Pender County. The F. R. Keith farm located approximately one mile south of North Carolina Highway No. 210 at a point 0.5 mile east of intersection of the said highway with the Bladen-Pender County line, including all highways and roadways abutting thereon.

The Standberry Scott, W. H. Malloy and Lawrence Mallory farms located on the south side of North Carolina Highway No. 210 and 0.7 mile east of the intersection of said highway with U. S. Highway No. 117, including all highways and roadways abutting thereon.

Richmond County. The A. M. Wadell farm located on a dirt road one mile east of U. S. Highway No. 1, said dirt road intersecting Highway No. 1, one mile southwest of Biggs, including all highways and roadways abutting thereon.

Robeson County. All of Robeson County.

Sampson County. The area bounded by a line beginning at a point where North Carolina Highway No. 41 crosses the Bladen-Sampson County line, thence northwest along said county line to its intersection with the Clement-Beamans Cross Roads Highway, thence northeast along said highway to its intersection with U. S. Highway No. 421 at Beamans Cross Roads, thence southeast along said highway to its junction with U. S. Highway No. 701, thence south along U. S. Highway No. 701 to its junction with the Ingold-Tomahawk Highway, thence southeast along said highway to its junction with the Tomahawk-Clear Run Highway, thence southwest along said highway to its junction with North Carolina Highway No. 41, thence southwest along said highway to the point of beginning, excluding the area within the corporate limits of the Town of Clinton.

The Regal Paper Company farm located on west side of a dirt road and 50 yards south of intersection of said dirt road and the Sampson-Duplin County line, said intersection being 3 miles due north of a point where said county line crosses North Carolina Highway No. 24, including all highways and roadways abutting thereon.

The Kenneth Chambers farm located on west side of a dirt road and 0.2 mile south of intersection of said dirt road and the Duplin-Sampson County line, said intersection being 3 miles due north of a point where said county line crosses North Carolina Highway No. 24, including all highways and roadways abutting thereon.

The James Caldwell farm located on west side of the Turkey-Ingold Highway and 4.3 miles southwest of Turkey, including all highways and roadways abutting thereon.

The James Caldwell farm located on south side of a dirt road and 1.2 miles east of junction of said dirt road with the Turkey-Ingold Highway, said junction being 4.4 miles south of Turkey, including all highways and roadways abutting thereon.

The H. I. Register farm located on the north side of the Turkey-Ingold Highway and 3.4 miles northeast of Ingold, including all highways and roadways abutting thereon.

The Thurman Peterson farm located on west side of a dirt road one mile south of junction of said dirt road with U. S. Highway No. 421, said junction being 1.2 miles south of Taylors Bridge on the west side of U. S. Highway No. 421, including all highways and roadways abutting thereon.

The D. F. Bullard farm located on the west side of a dirt road and 2 miles southeast of the junction of said dirt road with the Turkey-Ingold Highway, said junction being 2 miles northeast of Ingold, including all highways and roadways abutting thereon.

Scotland County. The portion of the county lying east of U. S. Highway No. 15, excluding the area within the corporate limits of the City of Laurinburg.

The McNair farm, operated by Clyde Davis, located on a dirt road 0.5 mile northwest of the junction of U. S. Highway No. 15 and the Laurinburg and Southern Railroad, said junction being approximately two miles north of Laurinburg, including all highways and roadways abutting thereon.

The Mrs. Polly McMillan farm, operated by Charlie McMillan, located on a dirt road one mile north of Nashville Church, said church being one mile northeast of Silver Hill, including all highways and roadways abutting thereon.

SOUTH CAROLINA

Darlington County. The J. B. Howle farm located on a dirt road and 0.6 mile northeast of the junction of said dirt road and South Carolina State Secondary Highway No. 29, said junction being 1.8 miles northwest of Mechanicsville, including all highways and roadways abutting thereon.

The D. M. Fountain farm located on the north side of South Carolina Primary Highway No. 34 and 0.1 mile northeast of the junction of South Carolina Primary Highway No. 34 and South Carolina Secondary Highway No. 29, including all highways and roadways abutting thereon.

Dillon County. All of Dillon County.

Florence County. The area lying south of South Carolina Secondary Highway No. 24 and bounded by the said highway and an arc having a 1.5 mile radius and center at the point where South Carolina Secondary Highway No. 24 intersects South Carolina Secondary Highway No. 89.

The area lying north and east of South Carolina Secondary Highway No. 57 and bounded by the said highway and an arc having a two mile radius and center at the point where South Carolina Secondary Highway No. 57 crosses Willow Creek.

The Marvin Taylor farm located on both sides of a dirt road and 1.0 mile southeast of the junction of said dirt road with South Carolina Primary Highway No. 327, said junction being 4.0 miles east of Mars Bluff School, including all highways and roadways abutting thereon.

The Janie Scott property located at 1105 Pine Street, Florence.

Horry County. The northwestern portion of the county bounded by a line beginning at a point where U. S. Highway No. 76 crosses the North Carolina-South Carolina State line and extending southwest along said highway to its junction with South Carolina Secondary Highway No. 44, thence southwest along said secondary highway to its junction with South Carolina Secondary Highway No. 34, and continuing southeast along said Highway No. 34 to its junction with Lake Swamp Creek, thence west and north along said creek to the Little Pee Dee River, thence northeast along said river to the Lumber River, thence northeast along said river to the North Carolina State line, thence southeast along the North Carolina-South Carolina State line to the point of beginning.

The area included within a circle having a five mile radius and center at Good Hope Church located on South Carolina State Secondary Highway No. 97.

The George H. Harrelson farm located on the north side of a dirt road and 0.6 mile west of the junction of said dirt road and South Carolina State Secondary Highway No. 31, said junction being approximately one mile north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

The Hortense Hughes farm located on the south side of a dirt road and 0.5 mile west of the junction of said dirt road with South Carolina State Secondary Highway No. 31, said junction being approximately 1.5 miles north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

The Joseph W. Davis farm located on the south side of a dirt road and 0.8 mile east of the junction of said dirt road and South Carolina Secondary Highway No. 31, said junction being four miles southeast of Loris, including all highways and roadways abutting thereon.

Marion County. The area bounded by a line beginning at the junction of the Little Pee Dee River and South Carolina Secondary Highway No. 60 and extending northeast along said highway to its junction with South Carolina Secondary Highway No. 30, thence east along said Highway No. 30 to the corporate limits of the City of Nichols, thence south along said corporate limits to the junction of U. S. Highway No. 76, thence southwest along said highway to the Little Pee Dee River, thence northwest along said river to the point of beginning, including the area within the corporate limits of the Towns of Marion and Mullins.

The area bounded by a line beginning at a point where South Carolina Primary Highway No. 41 crosses the Marion-Dillon County line and extending south along said highway to its junction with South Carolina Primary Highway No. 41A, thence northwest along said highway to its junction with U. S. Highway No. 501, thence northwest along said highway to its junction with U. S. Highway No. 76, thence west along said highway to its junction with the Florence-Marion County line, thence north along said county line to the Dillon-Marion County line, thence east along said county line to the point of beginning, including the area within the corporate limits of the Towns of Mullins and Marion.

The area included within a circle having a two mile radius and center at the junction of South Carolina Secondary Highway No. 9 and South Carolina Secondary Highway No. 47 near the Friendship Community.

The Walter W. Larrimore farm located on the north side of U. S. Highway No. 378 and 0.5 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

The Mrs. John Steadman farm, located on the north side of U. S. Highway No. 378 and 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

The Charlie Ingram farm located on the south side of U. S. Highway No. 378 and 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

Marlboro County. The southern portion of the county bounded on the east by the Dillon-Marlboro County line, on the south by the Florence-Marlboro County line, on the west by the Darlington-Marlboro County line, and on the north by South Carolina Secondary Highway No. 57 and South Carolina Secondary Highway No. 49, including all highways and roadways abutting thereon.

The area bounded by a line beginning at a point where U. S. Highway No. 15 crosses the North Carolina-South Carolina State line, and extending southeast along said State line to the Dillon-Marlboro County line, thence southwest along said county line to its intersection with South Carolina Primary Highway No. 9, thence northwest along said Highway No. 9 to its intersection with U. S. Highway No. 15, thence northeast along said Highway No. 15 to the point of beginning, including all highways and roadways abutting thereon.

The purposes of this revision are to add to the regulated area for the first time certain farms and localities in Duplin, Pender, and Richmond Counties, North Carolina, and Florence County, South Carolina; and to enlarge the present regulated areas in the North Carolina Counties of Bladen, Columbus, Cumberland, Harnett, Hoke, Sampson, and Scotland, and the South Carolina Counties of Darlington, Dillon, Horry, and Marion.

These revised administrative instructions shall become effective December 3, 1957, when they shall supersede P. P. C. 627, 22 F. R. 7136, September 6, 1957.

Since the revision adds new territory to the regulated area, prompt action on the additions is necessary in order to control the movement therefrom of articles that might spread the witchweed. Therefore, it is found upon good cause that notice and other public procedure under the Administrative Procedure Act are impracticable and contrary to the public interest, and good cause is found for making the effective date hereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 27th day of November 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57–9992; Filed, Dec. 2, 1957; 8:49 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—1958–59 MARKETING YEAR

STATE AND COUNTY RESERVE ACREAGES AND COUNTY ACREAGE ALLOTMENTS FOR 1958 CROP RICE

Sec.
730.905 Basis and purpose.
730.906 State reserve acreages.
730.907 County acreage allotments and county reserve acreages.

AUTHORITY: §§ 730.905 to 730.907 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 373, 52 Stat. 61, as amended; 7 U. S. C. 1353.

§ 730.905 *Basis and purpose.* (a) The State and county reserve acreage and county acreage allotments for 1958 crop rice contained herein have been determined pursuant to and in conformity with the provisions of section 353 of the Agricultural Adjustment Act of 1938, as amended. The purpose of this docket is to announce: (1) State reserve acreages for new farms in all rice-producing States; (2) State reserve acreages for appeals and corrections, missed farms, and adjustments in the producer States of Arizona, California, Florida, North Carolina, Tennessee, and Texas; and (3) county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in the farm States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma, and South Carolina. Since farm acreage allotments for 1958 crop rice in the producer States will be established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1958 State acreage allotments of rice for those States will be apportioned directly to farms, and county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments for those States will not be determined.

(b) The State and county reserve acreages in §§ 730.906 and 730.907 were established on the basis of the needs therefor as recommended by the State and county committees.

(c) The county acreage allotments in § 730.907 were established by apportioning State acreage allotments among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353 (c) (1) and (6) of the Agricultural Adjustment Act of 1938, as amended. No adjustments in county acreage allotments were made under the proviso in section 353 (c) (1) of the act.

(d) Prior to the determination of State and county reserve acreages and county acreage allotments for 1958 crop rice, public notice (22 F. R. 7865) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the determination of the State and county reserve acreages and county acreage allotments for 1958 crop rice which were submitted pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. The determinations made by the Secretary in § 730.907 were on the basis of the latest available statistics of the Federal Government as required by section 301 (c) of the Agricultural Adjustment Act of 1938, as amended. The act requires that, insofar as practicable, notices of farm acreage allotments, which are based on State and county allotments and reserves, be mailed to producers in time to be received prior to the referendum on marketing quotas. Since the rice referendum will be held on December 10, 1957, it is necessary to waive the 30-day effective date provision of the Administrative Procedure Act. Accordingly, this document shall become effective upon publication in the FEDERAL REGISTER.

§ 730.906 *State reserve acreages.*

State	State reserve acreages for new farms or new producers	State reserve acreages for appeals, etc.[1] in producer States
Arizona	0	0
Arkansas	103	----
California	1,199	1,499
Florida	20	0
Illinois	0	----
Louisiana	230	----
Mississippi	233	----
Missouri	25	----
North Carolina	0	0
Oklahoma	0	----
South Carolina	30	----
Tennessee	0	0
Texas	1,000	500

[1] For appeals and corrections, missed farms, and adjustments.

§ 730.907 *County acreage allotments and county reserve acreages.*

County	County acreage allotment	County reserve acreage[1]
ARKANSAS		
Arkansas	69,471	65.0
Ashley	5,962	21.5
Chicot	8,812	0
Clark	507	0
Clay	6,987	25.0
Conway	10	0
Craighead	15,869	60.0
Crittenden	5,863	14.1
Cross	33,053	24.9
Dallas	65	0
Desha	12,805	100.0
Drew	4,376	0
Faulkner	420	1.1
Grant	31	0
Green	5,183	20.0
Hot Spring	433	0
Independence	564	0
Jackson	18,497	1.5
Jefferson	15,809	5.0
Lafayette	802	2.0
Lawrence	7,713	12.0
Lee	7,792	10.0
Lincoln	8,578	3.5
Little River	373	0
Lonoke	35,684	51.9
Miller	686	0
Mississippi	1,401	0
Monroe	13,363	9.4
Perry	909	9.1
Phillips	4,783	7.0
Poinsett	35,133	52.9
Prairie	36,625	47.8
Pulaski	1,720	0
Randolph	2,062	10.0
St. Francis	16,981	13.9
White	1,050	1.4
Woodruff	18,539	36.1
State total	398,911	605.1
ILLINOIS		
Adams	20	0
LOUISIANA		
Acadia	85,130	1,703.0
Allen	22,028	550.7
Ascension	1,504	0
Assumption	554	0
Avoyelles	2,535	126.0
Beauregard	4,559	9.0
Bossier	60	0
Caldwell	60,165	210.7
Cameron	12,135	242.0
Concordia	277	0
East Carroll	3,968	198.0
Evangeline	40,931	48.0
Franklin	1	0
Grant	168	0
Iberia	5,749	287.0
Iberville	2,395	110.0
Jefferson Davis	88,385	441.9
Lafayette	8,643	50.0
Lafourche	495	0
Madison	249	0
Morehouse	838	25.0
Plaquemines	331	0
Rapides	522	0
Richland	163	0
St. Charles	516	0
St. James	3,055	150.0
St. John the Baptist	984	49.0
St. Landry	15,570	17.0
St. Martin	3,764	75.2
St. Mary	2,911	0
St. Tammany	1,040	52.0
Tensas	114	0
Terrebonne	172	0
Vermilion	104,562	133.0
West Carroll	287	0
State total	474,760	4,477.5
MISSISSIPPI		
Bolivar	19,445	0
Cohoma	1,506	0
De Soto	1,346	0
Hancock	196	0
Humphreys	1,933	0
Issaquena	96	0
Leflore	3,371	0
Panola	72	0
Quitman	1,274	0
Sharkey	656	10.0
Sunflower	4,077	0
Tallahatchie	462	0
Tate	108	0
Tunica	2,905	0
Washington	9,025	361.0
State total	46,442	371.0
MISSOURI		
Butler	1,429	42.8
Dunklin	47	0
Holt	2	2.0
Lewis	8	0
Lincoln	34	0
Marion	306	0
Mississippi	86	0
New Madrid	201	0
Pemiscot	544	0
Ripley	466	0
St. Charles	35	0
Scott	241	12.0
Stoddard	1,343	0
State total	4,742	56.8
OKLAHOMA		
McCurtain	149	0
SOUTH CAROLINA		
Berkeley	143	0
Charleston	468	0
Colleton	705	0
Georgetown	40	0
Horry	207	0
Jasper	1,253	0
State total	2,816	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

See footnote at end of table.

See footnote at end of table.

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended; 7 U. S. C. 1353)

Issued at Washington, D. C., this 27th day of November 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9988; Filed, Dec. 2, 1957; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF THE WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR THE MARKETING YEAR BEGINNING AUGUST 1, 1957.

Notice was published in the FEDERAL REGISTER of November 2, 1957 (22 F. R. 8853) that the Secretary was considering establishment of a budget of expenses of the Walnut Control Board in the amount of $103,200 and assessment rates of 0.13 cent and 0.17 cent per pound for merchantable unshelled and shelled walnuts, respectively, for the marketing year beginning August 1, 1957. The action was proposed to be taken in accordance with applicable provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984; 22 F. R. 7885, 8775) regulating the handling of walnuts grown in California, Oregon, and Washington. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The aforesaid notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposals. The prescribed time has expired and no such communications have been filed.

After consideration of all relevant matters presented, including the proposals contained in such notice which were recommended by the Walnut Control Board, it is hereby found that the aggregate expenses hereinafter set forth are reasonable and likely to be incurred by the Control Board during the 1957-58 marketing year and that the rates of assessment as computed and fixed hereby should assure adequate funds to defray such expenses for such marketing year. It, is, therefore, ordered that the expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1957 shall be as follows:

§ 984.309 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1957*—(a) *Expenses.* Expenses for the marketing year beginning August 1, 1957 in the total amount of $103,200 are reasonable and likely to be incurred by the Walnut Control Board during such marketing year for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment to be paid by each handler to the Walnut Control Board in accordance with this part are hereby fixed at 0.13 cent per pound of merchantable unshelled walnuts handled or certified for handling and at 0.17 cent per pound of merchantable shelled walnuts handled or declared for handling by such handler during said marketing year.

(c) Terms used in this section shall have the same meaning as when used in this part.

It is hereby found that good cause exists for not postponing the effective date of this document for 30 days or any lesser period after publication in the FEDERAL REGISTER for the reasons that: (1) The action is applicable, as provided in the amended marketing agreement and order, to all merchantable walnuts handled, or certified or declared for handling, during the current marketing year; (2) such handling, certifying, and declaring with respect to such walnuts have already begun; (3) the specification of expenses and fixing of the rates of assessment should be effected at the time hereinafter provided to enable the Walnut Control Board to perform its functions in accordance with the requirements of said amended marketing agreement and order; (4) prior notice of the proposed action was given all interested parties; and (5) compliance herewith will not require any special or advance preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, November 27, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-9960; Filed, Dec. 2, 1957; 8:46 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ESTABLISHMENT OF MERCHANTABLE FREE, RESTRICTED, AND ALLOCATION PERCENTAGES FOR 1957-58 MARKETING YEAR

Correction

In Federal Register Document 57-9655, published on page 9282 in the issue for Thursday, November 21, 1957, "§ 284.209" should be designated "§ 984.209".

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter III — Public Housing Administration, Housing and Home Finance Agency

PART 320—LOW-RENT HOUSING PROGRAM

FAMILIES OF LOW INCOME; FEDERALLY OWNED LOW-RENT HOUSING

1. Section 320.1 *Definitions,* is amended as follows:

Paragraph (d) is amended to read as follows:

(d) *Families of low income.* Families who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use.

2. Section 320.6 *Federally owned low-rent housing,* is amended to read as follows:

§ 320.6 *Federally owned low-rent housing.* The Federal Government owns the low-rent housing projects listed below, some of which are operated directly by the PHA and others by Local Authorities under lease agreement with the PHA. These projects are being disposed of where possible and the list will be revised from time to time in accordance with information received concerning such disposals. Inquiries concerning the projects and requests for statements of policy, procedures, and forms issued for the use or guidance of the public should be directed to the addresses shown.

NAME OF PROJECT AND ADDRESS OF OPERATING AGENCY

ARIZONA

Avondale; Housing Authority of Maricopa County, Post Office Box 150, Phoenix, Ariz.

CALIFORNIA

Arvin, Shafter; Housing Authority of the County of Kern, Post Office Box 1478, Bakersfield, Calif.

Brawley; Housing Authority of the County of Imperial, Post Office Box 1001, Brawley, Calif.

Patterson; Housing Authority of the County of Stanislaus, Post Office Box 935, Modesto, Calif.

Soledad; Housing Authority of the County of Monterey, 134 Carneros Street, Salinas, Calif.

Winters, Woodland; Housing Authority of the County of Yolo, Post Office Box 57, Woodland, Calif.

Wasco; City of Wasco Housing Authority, 617 Sixth Street, Wasco, Calif.

INDIANA

Lockefield Gardens; Public Housing Administration, 900 Indiana Avenue, Indianapolis 2, Ind.

MASSACHUSETTS

Old Harbor Village; Boston Housing Authority, 230 Congress Street, Boston, Mass.

MINNESOTA

Sumner Field Homes; Public Housing Administration, Sumner Field Homes, 1061 Eighth Avenue, North, Minneapolis 11, Minn.

NEW YORK

Baker Homes; Public Housing Administration, Ridge and Abbott Roads, Lackawanna 18, N. Y.

OHIO

Laurel Homes; Cincinnati Metropolitan Housing Authority, 595 Armory Avenue, Cincinnati, Ohio.

OKLAHOMA

Cherokee Terrace; Public Housing Administration, Cherokee Terrace, 619 East Main Street, Enid, Okla.

Will Rogers Court; Public Housing Administration, 1620 Heyman Street, Will Rogers Court, Oklahoma City 8, Okla.

PENNSYLVANIA

Highland Homes; Deleware County Housing Authority, 1827 Constitution Avenue, Chester 36, Pa.

WASHINGTON

Salishan; Housing Authority of the City of Tacoma, 1728 East 44th Street, Tacoma 4, Wash.

(Sec. 8, 50 Stat. 891; 49 U. S. C. 1408)

Date approved: November 25, 1957.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 57-9956; Filed, Dec. 2, 1957; 8:45 a. m.]

TITLE 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE

PART 102—RULES AND REGULATIONS, SERIES 6

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following further amendments to Statements of Procedure (29 CFR Part 101) and to its Rules and Regulations, Series 6, as amended, (29 CFR Part 102) which it finds necessary to carry out the provisions of said act, such amendments to be effective December 4, 1957.

National Labor Relations Board Statements of Procedure and Rules and Regulations, Series 6, as amended, and as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated: Washington, D. C., November 27, 1957.

By direction of the Board.

[SEAL] FRANK M. KLEILER,
Executive Secretary.

A. Part 101 is amended as follows:

SUBPART B—UNFAIR LABOR PRACTICE CASES UNDER SECTION 10 (A) TO (I) OF THE ACT AND TELEGRAPH MERGER ACT CASES

Section 101.7 *Settlements*, is amended as follows:

a. In the fourth sentence of this section after the words "provide for" strike the remainder of the sentence and substitute therefor "an appeal to the general counsel, as described in § 101.6, by a complainant who will not join in a settlement or adjustment deemed adequate by the regional director."

b. In the fifth sentence of this section delete the word "such".

(Sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156)

B. Part 102 is amended as follows:

SUBPART B—PROCEDURE UNDER SECTION 10 (A) TO (I) OF THE ACT FOR PREVENTION OF UNFAIR LABOR PRACTICES

1. Sections 102.20 and 102.21 are amended as follows:

§ 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.* The Respondent shall, within 10 days from the service of the complaint, file an answer thereto. The Respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the Respondent is without knowledge, in which case the Respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the Respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

§ 102.21 *Where to file; service upon the parties; form.* An original and four copies of the answer shall be filed with the regional director issuing the complaint. Immediately upon the filing of his answer, Respondent shall serve a copy thereof on each of the other parties. An answer of a party represented by counsel shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his answer and state his address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the answer; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

2. In § 102.42 *Filing of briefs and proposed findings with the trial examiner and oral argument at the hearing*, in the second sentence strike the figure "20" and insert the figure "35".

3. In § 102.46 *Exceptions or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments:*

a. Add the following sentence at the end of paragraph (a): "Requests for an extension must be received by the Board 3 days prior to the due date."

b. In paragraph (c), delete the period after "paragraph (a) of this section" and add "with proof of service on all other parties furnished with such request."

SUBPART C—PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

4. In § 102.61 *Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing:*

a. Strike the period at the end of the third sentence, insert a semi-colon and add the words *"Provided, however,* That in a proceeding involving an employer filed petition or a petition for decertification the labor organization certified, currently recognized or found to be seeking recognition may not have its name removed from the ballot without giving timely notice in writing to all parties, including the regional director, disclaiming any representation interest among the employees in the unit."

b. Strike the period at the end of the sentence commencing "In any case in which the Board", insert a semi-colon and add the words *"Provided, however,* That in any proceeding wherein a representation case has been consolidated with an unfair labor practice case for purposes of hearing the provisions of § 102.46 shall govern with respect to the filing of exceptions to the intermediate report and recommended order."

c. Strike the sentence commencing "Within 10 days from the date of issuance" and substitute therefor the following: "Within 10 days from the date of issuance of the report on unchallenged ballots, objections, or both, or within such further period as the Board may allow upon written request to the Board for an extension made not later than 3 days before such exceptions are due in Washington, D. C., with copies of such request served on each of the other parties, any party may file with the Board in Washington, D. C., seven copies of exceptions to such report which shall be legibly printed or otherwise legibly duplicated."

d. Within this section designate the first paragraph "(a)", the second paragraph "(b)", the third and fourth paragraphs "(c)", the fifth paragraph "(d)" and the sixth paragraph "(e)".

5. In § 102.63 *Refusal to issue notice of hearing; appeals to Board from action of the Regional Director:*

a. Add after "The request shall" the words "be submitted in seven copies and shall".

b. Add as the last sentence in this section "Requests for an extension of time within which to file the request for review shall be filed with the Board in Washington, D. C., and proof of service shall accompany such request."

SUBPART C—SERVICE AND FILING OF PAPERS

6. In § 102.82 *Date of service; filing of proof of service*, the second paragraph is amended to read as follows: "The person or party serving the papers or process on other parties in conformance with §§ 102.80 and 102.81 shall submit a written statement of service thereof to the Board stating the names of the parties served and the date and manner of service. Proof of service as defined in § 102.81 shall be required by the Board only if subsequent to the receipt of the statement of service a question is raised with respect to proper service. Failure to make proof of service does not affect the validity of the service."

(Sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156)

The above amendments shall be effective December 4, 1957.

[F. R. Doc. 57-9972; Filed, Dec. 2, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 45]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Delta Island Int	ANC LFR	Direct	1500	T-dn	300–1	300–1	200–½
LOM	ANC LFR	Direct	1500	C-dn	600–1	600–1	600–1½
Turnagain Int	ANC LFR (Final)	Direct	900	A-dn	800–2	800–2	800–2

Procedure turn W side SW crs, 183° Outbnd, 003° Inbnd, 1500′ within 10 mi (non-standard).
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 006°—5.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles: climb to 1500′ on NW crs (305°) Anchorage LFR to Susitna Intersection.
Alternate Missed Approach Procedures when directed by ATC: 1. Climb to 1500′ proceeding direct to Anchorage LOM, thence on crs of 244° outbnd, 064° inbnd, within 20 mi. 2. Climb to 1500′ on NW crs Anchorage LFR (305°) to hold at Susitna Int.
CAUTION: Mountains 8 mi E and TV tower 384′ msl 1.4 miles W of ANC LFR.

City, Anchorage; State, Alaska; Airport Name, Merrill Field; Elev., 139′; Fac. Class, SBRAZ; Ident., ANC; Procedure No. 1, Amdt. 10; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 9; Dated, 13 July 57

For RBn	FAI LFR	Direct	4000	T-dn	300–1	300–1	200–½
				C-dn	700–2	700–2	700–2
				A-dn	800–2	800–2	800–2

Procedure turn S side E crs, 060 Outbnd, 240 Inbnd, 2400′ within 10 mi. NA beyond 10 mi. (nonstandard due to terrain)
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 234—9.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, turn left, climb to 2400′ on E crs Fairbanks LFR to Chena Int.
ALTERNATE MISSED APPROACH: When directed by ATC, turn left, climb to 3900′ SW bound on NE crs Nenana LFR within 20 miles of Fairbanks LFR.
CAUTION: When using circling minimums, all maneuvering must be confined to area E of airport. 800′ terrain within 1.3 miles W of airport rising to 1000′ within 1.7 miles.

City, Fairbanks; State, Alaska; Airport Name, Fairbanks International; Elev., 434′; Fac. Class, SBRAZ; Ident., FAI; Procedure No. 1, Amdt. 3; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 2; Dated, 14 Apr. 56

Modesto VOR	SCK-LFR	Direct	2000	T-dn*	300–1	300–1	300–1
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

*400–3 required for takeoff on Runway 34.
Procedure turn E side S crs, 147 Outbnd, 327 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 285—2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles, climb to 2000′ on West crs within 15 miles.
NOTE: ADF procedure not authorized.
CAUTION: 340′ MSL Radio Mast 1.5 miles N of airport.

City, Stockton; State, Calif.; Airport Name, Stockton; Elev., 28′; Fac. Class, BMRLZ; Ident., SCK; Procedure No. 1, Amdt. 5; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 4; Dated, 7 May 55

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dallas RBn	DCV RBn	Direct	2000	T-dn	300–1	300–1	NA
Dallas VOR	DCV RBn	Direct	2000	C-dn	500–1	500–1	NA
				A-dn	NA	NA	NA

Procedure turn E side of crs, 150 Outbnd, 330 Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 347—1.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles, turn right, return to DCV MHW climbing to 2600′.
CAUTION: 1000′ MSL radio tower located 2.5 miles S of airport.
NOTE: No weather service available. Air Carrier Use NA. Radar Terminal Area transition altitude: 2000′ within 5 to 20 N mi. Radar control must provide 3 N mi or 1000′ vert separation or 3 to 5 N mi and 500′ vert separation from radio towers 1108′ MSL 20 N mi N 2349′ MSL 16 N mi SSW—1230 MSL′ 10 N mi WNW of airport.

City, Dallas; State, Texas; Airport Name, Red Bird; Elev., 642′; Fac. Class, MHW; Ident., DCV; Procedure No. 1, Amdt. 1; Eff. Date, 21 Dec. 57; Sup. Amdt. No. Orig.; Dated, 8 Oct. 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Charlotte LFR	CLT-VOR	Direct	2100	T-dn	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				A-dn*	800–2	800–2	800–2

Procedure turn E side of crs, 185 Outbnd, 005 Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, CLT VOR 1600′; CLT LFR-Z 1600*.
*If LFR-Z not identified descent below 1600′ NA and minima become 900–2.
Crs and distance, facility to airport, 005—13.4 from CLT-VOR; 005—1.5 from CLT-LFR-Z.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 mi, climb to 2300′ on R–005 or when directed by ATC turn right, climb to 2900′ on R–040 within 20 mi.
CAUTION: 1116′ MSL tower located 4 mi SE of LFR and 3 mi E of final approach crs.

City, Charlotte; State, N. C.; Airport Name, Douglas; Elev., 748′; Fac. Class, BVOR; Ident., CLT; Procedure No. 1, Amdt. 3; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 2; Dated, 25 May 57

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-5	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 049—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2000′ on MBS VOR R-058 within 20 mi.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR–5, Amdt. Orig.; Eff. Date, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-9	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 260 Outbnd, 080 Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 094—0.64 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to facility, climb to 2000′ on MBS VOR R080 within 20 miles.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR–9, Amdt. Orig.; Eff. Date, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-14	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 139—0.28 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2600′ on MBS VOR R-133 within 20 miles.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR–14, Amdt. Orig.; Eff. Date, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-23	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 038 Outbnd, 218 Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 229—0.29 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2000′ on MBS VOR R-218 within 20 mi.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR–23, Amdt. Orig.; Eff. Date, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	1400–1	1400–1	1400–1½
				S-dn-27	1400–1	1400–1	1400–1
				A-dn	1400–2	1400–2	1400–2

Procedure turn N side of crs, 110° Outbnd, 290° Inbnd, 2600′ within 10 mi.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 274—0.67 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2000′ on MBS VOR R-290 within 20 miles.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR–27, Amdt. Orig.; Eff. Date, 21 Dec. 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	900–1	900–1	900–1½
				S-dn-32	900–1	900–1	900–1
				A-dn	900–2	900–2	900–2

Procedure turn W side SE crs, 150° Outbnd, 330° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 319—0.44 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to facility, climb to 2000′ on MBS VOR R–330 within 20 miles.
NOTE: All turns will be made on the West side of R–145 due to a 1647′ radio tower East.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class, VOR; Ident., MBS; Procedure No. VOR–32, Amdt. Orig.; Eff. Date, 21 Dec. 57

				T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				S-dn-36	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 160 Outbnd, 340 Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 340—3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 7500′ on R–340 Traverse City VOR within 20 mi.
CAUTION: 4 radio towers WNW of airport 3 to 5 miles, 1132′ to 1546′.

City, Traverse City; State, Mich.; Airport Name, Municipal; Elev., 623′; Fac. Class, VOR; Ident., TVC; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Dec. 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int OGG R-205 and LNY R-100	Mango Int	Direct	4000	T-d	500–1	500–1	500–1
Int UPP R-291 and OGG R-175	Mango Int	Direct	4000	T-n	600–2	600–2	600–2
Mango Int	Int LNY R-082 or 143° brng to MAU and OGG R-193.	Direct	3000	C-d	700–1	700–1	700–1½
				C-n	700–3	700–3	700–3
Int LNY R-082 and OGG R-193	OGG VOR (Final)	Direct	800	A-dn	800–3	800–3	800–3

Procedure turn not authorized. Straight-in approach from Mango Int only.
Minimum altitude over facility on final approach crs, 800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 3000′ on R–027 within 20 miles, reverse course climbing to 4000′ over station.

City, Kahului; State, Maui, T. H.; Airport Name, Kahului; Elev., 59′; Fac. Class, VOR; Ident., OGG; Procedure No. TerVOR–2, Amdt. 1; Eff. Date, 21 Dec. 57; Sup. Amdt. No. Orig.; Dated, 26 Oct. 57

				T-d	500–1	500–1	500–1
				T-n	600–2	600–2	600–2
				C-d	600–1	600–1	600–1½
				C-n	600–3	600–3	600–3
				A-dn	800–3	800–3	800–3

Procedure turn West side of crs, 027° Outbnd, 207° Inbnd, 1500′ within 20 miles.
Minimum altitude over facility on final approach crs, 700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left, climb to 3000′ on R–027 within 20 miles, reverse course climbing to 4000′ over station.

City, Kahului; State, Maui, T. H.; Airport Name, Kahului; Elev., 59′; Fac. Class, VOR; Ident., OGG; Procedure No. TerVOR–20, Amdt. 1; Eff. Date, 21 Dec. 57; Sup. Amdt. No. Orig.; Dated, 26 Oct. 57

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-30	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 114° Outbnd, 294° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, break off point to Runwy 30, 302—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 2100′ on R-308 within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Municipal; Elev., 870′; Fac. Class, BVOR; Ident., ALO; Procedure No. TerVOR-30, Amdt. Orig.; Eff. Date, 21 Dec. 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Anchorage LFR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Delta Island Int	LOM	Direct	1500	C-dn	600–1	600–1	600–1½
Susitna Int	LOM	Direct	1500	S-dn-6:			
Turnagain Int	LOM	Direct	1500	ILS	300–½	300–½	300–½
Radar Transition	Radar Site	Within 25 mi	As directed by ATC	ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Procedure turn S side of W crs, 244 Outbnd, 064 Inbnd, 1500′ within 10 mi of LOM.
Minimum altitude at G. S. int inbnd, 1500′ ILS, minimum altitude over LOM inbnd final 1500′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 1500—4.8, at MM 320—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM (ADF) climb to 1500′ on SW crs (183) ANC LFR within 20 mi, or when directed by ATC: (1) climb to 1500′ on W crs ILS (244) within 20 miles of LOM, (2) climb to 1500′ on NW crs ANC LFR (305) to hold at Susitna Int.
CAUTION: Terrain 384′ msl 1.6 mi SW of airport and 1.6 mi S of approach to Rnwy 06.

City, Anchorage; State, Alaska; Airport Name, International; Elev., 113′; Fac. Class, ILS-1-ANC; Ident., LOM-AN; Procedure No. ILS-6 Comb ILS and ADF, Amdt. 6; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 5; Dated, 8 June 57

Fairbanks LFR	LOM	Direct	4000	T-dn	300–1	300–1	200–½
Wood River Int	LOM	Direct	4000	C-dn	400–1	500–1	500–1½
Chena Int	LOM	Direct	4000	S-dn-19:			
Fox Rbn ILS	LOM (Final)	Direct	3000	ILS	200–½	200–½	200–½
Fox Rbn ADF	LOM (Final)	Direct	2300	ADF	400–1	400–1	400–1
Additional Transitions to FOX Rbn:				A-dn:			
Fairbanks LFR	Fox RBn	Direct	4000	ILS	600–2	600–2	600–2
Wood River Int	Fox RBn	Direct	4000	ADF	800–2	800–2	800–2
Chena Int	Fox RBn	Direct	4000				

Procedure turn W side N crs, 009 Outbnd, 189 Inbnd, 3000′ within 5 miles LOM; 4000′* within 15 miles FOX MHW.
*CAUTION: Do not descend below 4000′ until past FOX MHW inbnd on final approach.
Minimum altitude at G. S. int inbnd 3000′ ILS, minimum altitude over LOM inbnd final 2300′ ADF.
Altitude of G. S. and distance to approach end of rny at OM 2320—5.8, at MM 670—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM (ADF) climb to 3000′ on crs of 189° to Wood River Int, then SW on NE crs (216°) Nenana LFR within 20 miles of int. or, when directed by ATC, climb to 2400′ proceeding direct to Fairbanks LFR, thence on E crs (060°) to Chena Int.
RESTRICTION: Minimums established on condition that all maneuvering be confined to E of airport; 800′ terrain within 1½ miles W of airport rising to 1000′ within 2 miles.

City, Fairbanks; State, Alaska; Airport Name, International; Elev., 434′; Fac. Class, ILS-1-FAI, MHW-FOX; Ident., LOM-FA; Procedure No. ILS-19, Comb ILS and ADF, Amdt. 3; Eff. Date 21 Dec. 57; Sup. Amdt. No. 2; Dated, 14 Apr. 56

Radar terminal area transition altitude	NW ILS	All directions within 20 mi.	2600	T-dn	300–1	300–1	200–½
			2600	C-dn	500–1	500–1	500–1½
6 mi radar fix	App. end Rnwy 11R (Final)		2500	S-dn-11R	400–1	400–1	400–1
5 mi radar fix	App. end Rnwy 11R (Final)		1800	A-dn	800–2	800–2	800–2
3 mi radar fix	App. end Rnwy 11R (Final)		1500				
2 mi radar fix	App. end Rnwy 11R (Final)						

Procedure turn S side NW crs, 295 Outbnd, 115 Inbnd, 2600′ within 10 mi of Runway 11R as specified by radar controller.
No glide slope or markers.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished on final approach within 2 mi after passing 2 mi radar fix, make right climbing turn, climb to 2500′ on SW crs.
MSP LFR to Jordan fan marker.
NOTE: This procedure authorized only when airport surveillance radar is operating and utilized.
CAUTION: Do not descend below 1700′ MSL until radar controller has advised passing 1085′ tower 2.5 mi from app. end Runway 11R.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840′; Fac. Class, ILS-MSP; Ident., Radar MSP; Procedure No. ILS-11, Amdt. 2; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 2; Dated, 1 Oct. 55

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
													65 knots or less	More than 65 knots	
160	020	5	1400	8	1400	15	1500	20	1500	25	1500	Surveillance approach			
020	120	5	2500	8	9000	15	9000	20	9000	25	9500				
120	160	5	1400	8	1400	15	5000	20	6000	25	6500	T-dn	300–1	300–1	200–½
												C-dn	600–1	600–1	600–1½
												S-dn*	400–1	400–1	400–1
												A-dn	800–2	800–2	800–2

All bearings are from the radar site with sector azimuths progressing clockwise.
*Runways 6–31–13 (Surveillance approaches to Runway 24 NA due to high terrain E and ground clutter.)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on SW crs Anchorage LFR within 20 mi, or when directed by ATC: (1) Climb to 1500′ proceeding direct to Anchorage LOM, thence on crs of 244 Outbnd, 064 Inbnd, within 20 mi. (2) Climb to 1500′ on NW crs Anchorage LFR to hold at Susitna Intersection.
CAUTION: Terrain 384′ msl 1.6 mi SSW of airport and 1.5 mi W of approach crs to Runway 31, and 1.6 mi S of approach crs to Runway 6.

City, Anchorage; State, Alaska; Airport Name, International; Elev., 113′; Fac. Class & Ident., Anchorage Radar; Procedure No. 1, Amdt. 4; Eff. Date, 21 Dec. 57; Sup. Amdt. No. 3; Dated, 8 June 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 15, 1957.

[F. R. Doc. 57-9668; Filed, Dec. 2, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6275]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

On June 22, 1956, notice of proposed rule making regarding regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 901 through 905 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 4407). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published (except for § 1.902–1 (d), relating to credit to a domestic corporate stockholder for foreign taxes paid by a foreign corporation) are hereby adopted, subject to the changes set forth below. Proposed § 1.902–1 (d) is withdrawn and proposed regulations in lieu thereof will be published at a future date.

PARAGRAPH 1. The first sentence of paragraph (c) of § 1.901–1 is revised.

PAR. 2. Subparagraph (5) of § 1.901–1 (g) is revised.

PAR. 3. Subparagraph (2) of § 1.902–2 (a) is revised.

PAR. 4. Paragraph (a) of § 1.905–1 is revised as follows:

(A) By revising the first sentence.

(B) By revising the third sentence.

RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 25, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

INCOME FROM SOURCES WITHOUT THE UNITED STATES

FOREIGN TAX CREDIT

Sec.
1.901 Statutory provisions; taxes of foreign countries and of possessions of United States.
1.901–1 Allowance of credit for taxes.
1.901–2 Definitions.
1.902 Statutory provisions; credit for corporate stockholder in foreign corporation.
1.902–1 Taxes of foreign corporation.
1.902–2 Special rules for payments from certain wholly-owned foreign corporations.
1.903 Statutory provisions; credit for taxes in lieu of income, etc., taxes.
1.903–1 Definition of taxes in lieu of income, war profits, or excess profits taxes.
1.904 Statutory provisions; limitation on credit.
1.904–1 Limitation on credit for foreign taxes.
1.905 Statutory provisions; applicable rules.
1.905–1 When credit for taxes may be taken.
1.905–2 Conditions of allowance of credit.
1.905–3 Redetermination of the tax when credit proves incorrect.
1.905–4 Credit for taxes accrued but not paid.

AUTHORITY: §§ 1.901 to 1.905–4 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

INCOME FROM SOURCES WITHOUT THE UNITED STATES

FOREIGN TAX CREDIT

§ 1.901 *Statutory provisions; taxes of foreign countries and of possessions of United States; allowance of credit.*

SEC. 901. *Taxes of foreign countries and of possessions of United States*—(a) *Allowance of credit.* If the taxpayer chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b) plus, in the case of a corporation, the taxes deemed to have been paid under section 902. Such choice may be made or changed at any time prior to the expiration of the period prescribed for making a claim for credit or refund of the tax against which the credit is allowable. The credit shall not be allowed against the tax imposed by section 531 (relating to the tax on accumulated earnings), against the additional tax imposed for the taxable year under section 1333 (relating to war loss recoveries), or against the personal holding company tax imposed by section 541.

(b) *Amount allowed.* Subject to the limitation of section 904, the following amounts shall be allowed as the credit under subsection (a):

(1) *Citizens and domestic corporations.* In the case of a citizen of the United States and of a domestic corporation, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) *Resident of the United States or Puerto Rico.* In the case of a resident of the United States and in the case of an individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued

during the taxable year to any possession of the United States; and

(3) *Alien resident of the United States or Puerto Rico.* In the case of an alien resident of the United States and in the case of an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

(4) *Partnerships and estates.* In the case of any individual described in paragraph (1), (2), or (3), who is a member of a partnership or a beneficiary of an estate or trust, the amount of his proportionate share of the taxes (described in such paragraph) of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

(c) *Corporations treated as foreign.* For purposes of this subpart, the following corporations shall be treated as foreign corporations:

(1) A corporation entitled to the benefits of section 931, by reason of receiving a large percentage of its gross income from sources within a possession of the United States; and

(2) A corporation organized under the China Trade Act, 1922 (15 U. S. C., chapter 4), and entitled to the deduction provided in section 941.

(d) *Cross reference.* (1) For deductions of income, war profits, and excess profits taxes paid to a foreign country or a possession of the United States, see section 164.

(2) For right of each partner to make election under this section, see section 703 (b).

(3) For right of estate or trust to the credit for taxes imposed by foreign countries and possessions of the United States under this section, see section 642 (a) (2).

§ 1.901–1 *Allowance of credit for taxes*—(a) *In general.* Citizens of the United States, domestic corporations, and certain aliens resident in the United States or Puerto Rico may choose to claim a credit, as provided in section 901, against the tax imposed by chapter 1 for taxes paid or accrued to foreign countries and possessions of the United States, subject to the conditions prescribed in the following subparagraphs:

(1) *Citizen of the United States.* A citizen of the United States, whether resident or nonresident, may claim a credit for (i) the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and (ii) his share of any such taxes of a partnership of which he is a member, or of an estate or trust of which he is a beneficiary.

(2) *Domestic corporation.* A domestic corporation may claim a credit for (i) the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and (ii) the taxes deemed to have been paid under section 902.

(3) *Alien resident of the United States or Puerto Rico.* An alien resident of the United States, or an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, may claim a credit for—

(i) The amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any possession of the United States;

(ii) The amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

(iii) His share of any such taxes of a partnership of which he is a member, or of an estate or trust of which he is a beneficiary, paid or accrued during the taxable year,

(*a*) To any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country, or

(*b*) To any possession of the United States, as the case may be.

(b) *Foreign countries which satisfy the similar credit requirement*—(1) *Taxes of foreign country of which alien resident is citizen or subject.* A foreign country of which an alien resident is a citizen or subject allows a similar credit, within the meaning of section 901 (b) (3), to a United States citizen residing in such country either—

(i) If such country allows him a credit against its income taxes for the amount of income taxes paid or accrued to the United States; or

(ii) If, in imposing such taxes, such country exempts from taxation the income received by him from sources within the United States (as determined under sections 861 through 864).

(2) *Taxes of foreign country other than one of which alien resident is citizen or subject.* An alien resident of the United States may claim a credit for income taxes paid or accrued by him to a foreign country other than the one of which he is a citizen or subject if the country of which he is a citizen or subject either—

(i) Allows a credit to a United States citizen residing therein for income taxes paid or accrued by him to such other foreign country; or

(ii) In imposing its income taxes, exempts from taxation the income of a United States citizen residing therein from sources within such other foreign country.

(c) *Deduction denied if credit claimed.* If a taxpayer chooses with respect to any taxable year to claim a credit for taxes to any extent, such choice will be considered to apply to income, war profits, and excess profits taxes paid or accrued in such taxable year to all foreign countries and possessions of the United States, and no portion of any such taxes shall be allowed as a deduction from gross income in such taxable year or any succeeding taxable year. See section 164 (b) (6).

(d) *Period during which election can be made or changed.* The taxpayer may, with respect to a particular taxable year, claim the benefits of section 901 (or change such choice if previously made) at any time prior to the expiration of the period prescribed for making a claim for credit or refund of the tax against which the credit is allowable. See section 6511 (a) and (d) (3).

(e) *Joint return.* In the case of a husband and wife making a joint return, credit for taxes paid or accrued to any foreign country or to any possession of the United States shall be computed upon the basis of the total taxes so paid by or accrued against the spouses.

(f) *Taxes against which credit not allowed.* The credit for taxes shall be allowed only against the tax imposed by chapter 1 but it shall not be allowed against the following taxes imposed under that chapter:

(1) The tax on accumulated earnings imposed by section 531;

(2) The personal holding company tax imposed by section 541; and

(3) The additional tax relating to war loss recoveries imposed by section 1333.

(g) *Taxpayers to whom credit not allowed.* Among those to whom the credit for taxes is not allowed are the following:

(1) A foreign corporation (see section 882 (c) (4));

(2) A China Trade Act corporation (see section 942);

(3) A citizen or domestic corporation entitled to the benefits of the exemption provided by section 931 for income from possessions of the United States (see section 931 (g));

(4) A nonresident alien, other than an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year (see sections 874 (c) and 901 (b) (3));

(5) A citizen of a possession of the United States (except Puerto Rico) who is not otherwise a citizen of the United States and who is not a resident of the United States and persons who are inhabitants of the Virgin Islands (see section 932).

(h) *Taxpayers denied credit in a particular taxable year.* Taxpayers who are denied the credit for taxes for particular taxable years are the following:

(1) An individual who elects to pay the optional tax imposed by section 3, or one who elects under section 144 to take the standard deduction (see section 36);

(2) A taxpayer who elects to deduct taxes paid or accrued to any foreign country or possession of the United States (see section 164);

(3) A regulated investment company which has exercised the election under section 853.

§ 1.901–2 *Definitions.* (a) The term "amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year" means taxes proper, paid or accrued during the taxable year on behalf of the taxpayer claiming credit. No credit is given for amounts representing interest or penalties.

(b) As used in sections 901–905, inclusive, the term "foreign country" means any foreign state or political subdivision thereof, or any foreign political entity, which levies and collects income, war profits, or excess profits taxes.

(c) As used in sections 901–905, inclusive, the term "any possession of the United States" includes Guam, Puerto Rico and the Virgin Islands. But see section 931 and the regulations thereunder.

(d) The principles of sections 861 through 864 and the regulations thereunder shall apply in determining the sources of income for the purposes of sections 901–905, inclusive.

(e) For definitions generally, see section 7701 and the regulations thereunder.

§ 1.902 *Statutory provisions; credit for corporate stockholder in foreign corporation.*

SEC. 902. *Credit for corporate stockholder in foreign corporation*—(a) *Treatment of taxes paid by foreign corporation.* For purposes of this subpart, a domestic corporation which owns at least 10 percent of the voting stock of a foreign corporation from which it receives dividends in any taxable year shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid or deemed to be paid by such foreign corporation to any foreign country or to any possession of the United States, on or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits.

(b) *Foreign subsidiary of foreign corporation.* If such foreign corporation owns 50 percent or more of the voting stock of another foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid by such other foreign corporation to any foreign country or to any possession of the United States, on or with respect to the accumulated profits of the corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits.

(c) *Applicable rules.* (1) The term "accumulated profits," when used in this section in reference to a foreign corporation, means the amount of its gains, profits, or income in excess of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income; and the Secretary or his delegate shall have full power to determine from the accumulated profits of what year or years such dividends were paid, treating dividends paid in the first 60 days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings.

(2) In the case of a foreign corporation, the income, war profits, and excess profits taxes of which are determined on the basis of an accounting period of less than 1 year, the word "year" as used in this subsection shall be construed to mean such accounting period.

(d) *Special rules for certain wholly-owned foreign corporations.* For purposes of this subtitle, if—

(1) A domestic corporation owns, directly or indirectly, 100 percent of all classes of outstanding stock of a foreign corporation engaged in manufacturing, production, or mining,

(2) Such domestic corporation receives property in the form of a royalty or compensation from such foreign corporation pursuant to any form of contractual arrangement under which the domestic corporation agrees to furnish services or property in consideration for the property so received, and

(3) Such contractual arrangement provides that the property so received by such domestic corporation shall be accepted by such domestic corporation in lieu of dividends and that such foreign corporation shall neither declare nor pay any dividends of any kind in any calendar year in which such property is paid to such domestic corporation by such foreign corporation,

then the excess of the fair market value of such property so received by such domestic corporation over the cost to such domestic corporation of the property and services so furnished by such domestic corporation shall be treated as a distribution by such foreign corporation to such domestic corporation, and for purposes of section 301, the amount of such distribution shall be such excess, in lieu of any amount otherwise determined under section 301 without regard to this subsection; and the basis of such property so received by such domestic corporation shall be the fair market value of such property, in lieu of the basis otherwise determined under section 301 (d) without regard to this subsection.

§ 1.902–1 *Taxes of foreign corporation*—(a) *Domestic corporation owning stock of a foreign corporation.* In the case of a domestic corporation which owns at least 10 percent of the voting stock of a foreign corporation from which it receives dividends in any taxable year, the credit for foreign taxes includes the income, war profits, and excess profits taxes deemed to have been paid by such domestic corporation. The amount of taxes so deemed to have been paid by the domestic corporation is determined by taking the same proportion of any income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States by such foreign corporation, on or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of any such dividends received bears to the amount of such accumulated profits. If dividends are received from more than one such foreign corporation, the taxes deemed to have been paid by the domestic corporation are computed separately for the dividends received from each such foreign corporation. If the credit for foreign taxes includes taxes deemed to have been paid, the taxpayer must furnish the same information with respect to such taxes as it is required to furnish with respect to the taxes actually paid or accrued by it. Taxes paid or accrued by such a foreign corporation are deemed to have been paid by the domestic corporation for purposes of credit only. For other limitations on the amount of credit, see § 1.904–1.

(b) *Foreign corporation owning stock of another foreign corporation.* If any foreign corporation (hereafter in this paragraph referred to as the former corporation) coming within the scope of paragraph (a) of this section owns 50 percent or more of the voting stock of another foreign corporation (hereafter in this paragraph referred to as the latter corporation) from which it receives dividends in any taxable year, the former corporation shall be deemed to have paid that proportion of any income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States by the latter corporation, on or with respect to the accumulated profits of such latter corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits. Such tax so deemed to have been paid shall then be taken into consideration in determining the amount of income, war profits, and excess profits taxes paid or deemed to have been paid by the former corporation to any possession or foreign country on or with respect to its own accumulated profits from which the dividends were paid by such corporation to the domestic corporation.

(c) *Source of income of foreign subsidiaries and country to which tax is deemed to have been paid.* For the purpose of section 904, dividends of a foreign corporation (at least 10 percent of whose voting stock is owned by a domestic corporation) shall be deemed to have been derived from sources within the foreign country or possession of the United States in which such foreign corporation is incorporated, to the extent that under section 862 (a) (2) such dividends are treated as income from sources without the United States. In addition, all income, war profits, and excess profits taxes paid or deemed to have been paid by such foreign corporation to any foreign country or possession of the United States shall be deemed to have been paid to the country or possession under whose laws such foreign corporation is incorporated.

(d) [Reserved.]

§ 1.902–2 *Special rules for payments from certain wholly-owned foreign corporations*—(a) *Qualifications.* Section 902 (d) provides a special rule for the purpose of allowing credit in accordance with section 902 (a) for foreign taxes in the case of dividends paid by certain foreign corporations. Certain payments made by a wholly-owned foreign subsidiary to its domestic parent corporation shall be treated, to the extent prescribed in section 902 (d) and paragraph (b) of this section, as distributions by the foreign corporation to the domestic corporation for purposes of subtitle A and thus for purposes of the foreign tax credit of the domestic parent. In order for the payments to qualify for the treatment provided by section 902 (d) all the following conditions must be met:

(1) The domestic corporation must own (directly or indirectly) 100 percent of all classes of outstanding stock of a foreign corporation which is engaged in manufacturing, production, or mining.

(2) Such domestic corporation must receive property (including money) in the form of a royalty, or of compensation from such foreign corporation pursuant to any form of contractual arrangement under which the domestic corporation agrees to furnish services or property in consideration for the property so received from the foreign corporation.

(3) Such contractual arrangement must provide that the property so received by such domestic corporation shall be accepted by such domestic corporation in lieu of dividends and that such foreign corporation shall neither declare nor pay any dividends of any kind in any calendar year in which such property is paid to such domestic corporation by such foreign corporation.

(b) *Amount and nature of distribution.* In cases where section 902 (d) applies, the excess of the fair market value

of the property so received in lieu of dividends by the domestic corporation over the cost to it of the property and services so furnished by it shall be treated as a distribution of property by the foreign corporation to which section 301 applies. For purposes of section 301 (relating to distributions of property by a corporation to a shareholder) the amount of such distribution in lieu of dividends shall be such excess of the fair market value (on the date of distribution) of the property received by the domestic corporation over the cost of the property and services furnished by it, in lieu of any amount otherwise determined under section 301 without regard to section 902 (d). However, the amount determined under the preceding two sentences can not exceed the amount which would constitute a dividend for the purposes of subtitle A, and thus for the purposes of section 902 (a), if such excess had been declared and paid as a dividend by such foreign corporation. Any adjustment to the earnings and profits of the foreign corporation because of such distribution of property shall be made only in accordance with the provisions of section 312. The basis of the property so received by the domestic corporation shall be the fair market value of such property (on the date of distribution), in lieu of the basis otherwise determined under section 301 (d) without regard to section 902 (d).

(c) *Illustration of principles.* The application of the principles of section 902 (d) may be illustrated by the following example:

Example. A, a domestic corporation, has owned since January 1, 1950, 100 percent of all classes of outstanding stock of B, a foreign corporation engaged in the mining of certain ore (not constituting inventory assets as defined in section 312 (b) (2) (A)). On February 1, 1950, A and B entered into a contractual arrangement under which A agreed to furnish technical services to B in consideration of a royalty payment by B of ten percent of the ore mined. The contractual arrangement further provides that the ore received by A shall be accepted in lieu of dividends and that B shall neither declare nor pay any dividends of any kind in any calendar year in which such ore is paid to A. In 1955, the cost to A of the technical services furnished under the contractual arrangement is $30,000. The ore received by A during 1955, had an adjusted basis in the hands of B of $40,000, and a fair market value of $100,000. The earnings and profits of B accumulated as of the close of 1955, are $200,000. Under these facts A has received from B in 1955 a distribution under section 902 (d) of $70,000 ($100,000 minus $30,000), which is includible in the gross income of A as a dividend in that amount. A is deemed to have paid, to the extent provided in section 902 (a), foreign income taxes imposed on B on or with respect to the accumulated profits of B from which such dividend of $70,000 was paid. The basis to A of the ore received is $100,000, its fair market value. The accumulated earnings and profits of B shall be reduced by $28,000 $\left(\frac{\$70,000}{\$100,000} \times \$40,000\right)$, i. e., that portion of the adjusted basis (in the hands of B immediately prior to the distribution) of the property distributed which is allocable to the distribution.

§ 1.903 *Statutory provisions; credit for taxes in lieu of income, etc., taxes.*

SEC. 903. *Credit for taxes in lieu of income, etc., taxes.* For purposes of this subpart and of section 164 (b), the term "income, war profits, and excess profits taxes" shall include a tax paid in lieu of a tax on income, war profits, or excess profits otherwise generally imposed by any foreign country or by any possession of the United States.

§ 1.903–1 *Definition of taxes in lieu of income, war profits, or excess profits taxes*—(a) *In general.* For the purposes of sections 901 through 905, inclusive, and section 164 (b) (6), the term "income, war profits, and excess profits taxes" includes a tax imposed by statute or decree by a foreign country or by a possession of the United States if—

(1) Such country or possession has in force a general income tax law,

(2) The taxpayer claiming the credit would, in the absence of a specific provision applicable to such taxpayer, be subject to such general income tax, and

(3) Such general income tax is not imposed upon the taxpayer thus subject to such substituted tax.

(b) *Example.* The application of section 903 may be illustrated by the following example:

Example. The A Corporation does business in X country, which imposes an income tax upon substantially a taxable income base. The ascertainment of taxable income, though not the determination of gross income, from sources in X country is found administratively difficult. The X country, by decree, provides that corporations circumstanced as was the A Corporation would, in lieu of the income tax at the rate of 20 percent otherwise payable, be subject to tax at the rate of 10 percent upon the amount of gross income from X country. In accordance with such decree the A Corporation paid X country the sum of $25,000 in 1955 with respect to its tax liability to the X country for the year 1954. Such amount, subject to the applicable limitations, is available as a credit to the A Corporation as foreign income, war profits, or excess profits taxes against the United States tax liability for the year 1954.

§ 1.904 *Statutory provisions; limitation on credit.*

SEC. 904. *Limitation on credit*—(a) *Limitation.* The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(b) *Taxable income for purpose of computing limitation.* For purposes of computing the limitation under subsection (a), the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642 (b).

§ 1.904–1 *Limitation on credit for foreign taxes*—(a) *General.* The amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the limitation prescribed in section 904. This limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid) to each foreign country or possession of the United States may not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(b) *Special computation of taxable income.* For purposes of computing the limitation under paragraph (a), the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642 (b).

(c) *Illustration of principles.* The operation of this limitation on the credit for foreign taxes paid or accrued may be illustrated by the following examples:

Example (1). The credit for foreign taxes allowable for 1954 in the case of X, an unmarried citizen of the United States who in 1954 received the income shown below and had three exemptions under section 151, is $14,904, computed as follows:

Taxable income (computed without deductions for personal exemptions) from sources within the United States	$50,000
Taxable income (computed without deductions for personal exemptions) from sources within Great Britain	25,000
Total taxable income	75,000
United States income tax (based on taxable income computed with the deductions for personal exemptions)	44,712
British income and profits taxes	18,000
Limitation under section 904 $\left(\frac{25,000}{75,000} \text{ of } \$44,712\right)$	14,904
Credit for British income and profits taxes (total British income and profits taxes, reduced in accordance with the limitation under section 904)	14,904

Example (2). Assume the same facts as in example (1) except that the sources of X's income and taxes paid are as shown below. The credit for foreign taxes allowable to X is $13,442.40, computed as follows:

Taxable income (computed without deductions for personal exemptions) from sources within the United States	$50,000
Taxable income (computed without deductions for personal exemptions) from sources within Great Britain	15,000
Taxable income (computed without deductions for personal exemptions) from sources within Canada	10,000
Total taxable income	75,000
United States income tax (based on taxable income computed with the deductions for personal exemptions)	44,712
British income and profits taxes	10,800
Limitation on British income and profits taxes under section 904 $\left(\frac{15,000}{75,000} \text{ of } \$44,712\right)$	8,942.40
Credit for British income and profits taxes (limited under section 904)	8,942.40
Canadian income and profits taxes	4,500.00
Limitation on Canadian income and profits taxes under section 904 $\left(\frac{10,000}{75,000} \text{ of } \$44,712\right)$	5,961.60
Credit for Canadian income and profits taxes (total Canadian income and profits taxes, since such amount does not exceed the limitation under section 904)	$4,500.00
Total amount of credit allowable (sum of credits—$8,942.40 plus $4,500)	13,442.40

Example (3). A domestic corporation realized taxable income in 1954 in the amount of $100,000, consisting of $50,000 from United States sources and dividends of $50,000 from a French corporation, 20 percent of whose voting stock it owned. The French corporation paid income and profits taxes to France on its income and in addition paid a dividend tax for the account of its shareholders on income distributed to them, the latter tax being withheld and paid at the source. The domestic corporation's credit for foreign taxes is $23,250, computed as follows:

Taxable income from sources within the United States	$50,000
Taxable income from sources within France	50,000
Total taxable income	100,000
United States income tax	46,500
Dividend tax paid at source to France	19,000
Income and profits taxes deemed under section 902 to have been paid to France, computed as follows:	
Dividends received from French corporation during 1954	$50,000
Income of French corporation during 1954	200,000
Income and profits taxes paid to France on $200,000	30,000
Accumulated profits ($200,000 minus $30,000)	170,000
French taxes applicable to accumulated profits distributed: $\frac{50,000}{170,000}$ of $\frac{170,000}{200,000}$ of $30,000	7,500
Total income and profits taxes paid and deemed to have been paid to France	26,500
Limitation under section 904 $\left(\frac{50,000}{100,000} \text{ of } \$46,500\right)$	23,250
Credit for French income and profits taxes (limited under section 904)	23,250

(d) *Joint return.* In the case of a husband and wife making a joint return, the limitation prescribed by section 904 upon the credit for taxes paid or accrued to any foreign country or to any possession of the United States shall be applied with respect to the aggregate taxable income from sources within each such country or possession, and the aggregate taxable income from all sources, of the spouses.

§ 1.905 *Statutory provisions; applicable rules.*

SEC. 905. *Applicable rules*—(a) *Year in which credit taken.* The credits provided in this subpart may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping his books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subsection (c). If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possession of the United States accrued, the credits for all subsequent years shall be taken on the same basis, and no portion of any such taxes shall be allowed as a deduction in the same or any succeeding year.

(b) *Proof of credits.* The credits provided in this subpart shall be allowed only if the taxpayer establishes to the satisfaction of the Secretary or his delegate—

(1) The total amount of income derived from sources without the United States, determined as provided in part I,

(2) The amount of income derived from each country, the tax paid or accrued to which is claimed as a credit under this subpart, such amount to be determined under regulations prescribed by the Secretary or his delegate, and

(3) All other information necessary for the verification and computation of such credits.

(c) *Adjustments on payment of accrued taxes.* If accrued taxes when paid differ from the amounts claimed as credits by the taxpayer, or if any tax paid is refunded in whole or in part, the taxpayer shall notify the Secretary or his delegate, who shall redetermine the amount of the tax for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by the taxpayer on notice and demand by the Secretary or his delegate, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with subchapter B of chapter 66 (sec. 6511 and following). In the case of such a tax accrued but not paid, the Secretary or his delegate, as a condition precedent to the allowance of this credit may require the taxpayer to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the taxpayer of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from the taxpayer for the year or years affected by a refund, the amount of the taxes refunded for which credit has been allowed under this section shall be reduced by the amount of any tax described in section 901 imposed by the foreign country or possession of the United States with respect to such refund; but no credit under this subpart, and no deduction under section 164 (relating to deduction for taxes) shall be allowed for any taxable year with respect to such tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the taxpayer, for any period before the receipt of such refund, except to the extent interest was paid by the foreign country or possession of the United States on such refund for such period.

§ 1.905–1 *When credit for taxes may be taken*—(a) *In general.* The credit for taxes provided in sections 901 to 905, inclusive, may ordinarily be taken either in the return for the year in which the taxes accrued or in which the taxes were paid, dependent upon whether the accounts of the taxpayer are kept and his returns filed using an accrual method or using the cash receipts and disbursements method. Section 905 (a) allows the taxpayer, at his option and irrespective of the method of accounting employed in keeping his books, to take such credit for taxes as may be allowable in the return for the year in which the taxes accrued. An election thus made under section 905 (a) (or under the corresponding provisions of prior internal revenue laws) must be followed in returns for all subsequent years, and no portion of any such taxes accrued in a year in which a credit is claimed will be allowed as a deduction from gross income in any year. See also § 1.905–4.

(b) *Foreign income subject to exchange controls.* If, however, under the provisions of the regulations under section 461, an amount otherwise constituting gross income for the taxable year from sources without the United States is, owing to monetary, exchange, or other restrictions imposed by a foreign country, not includible in gross income of the taxpayer for such year, the credit for income taxes imposed by such foreign country with respect to such amount shall be taken proportionately in any subsequent taxable year in which such amount or portion thereof is includible in gross income.

§ 1.905–2 *Conditions of allowance of credit*—(a) *Forms and information.* (1) Whenever the taxpayer chooses, in accordance with paragraph (d) of § 1.901–1, to claim the benefits of the foreign tax credit, the claim for credit shall be accompanied by Form 1116 in the case of an individual or by Form 1118 in the case of a corporation.

(2) The form must be carefully filled in with all the information called for and with the calculations of credits indicated, and must be signed and contain or be verified by a written declaration that it is made under the penalties of perjury. Except where it is established to the satisfaction of the district director that it is impossible for the taxpayer to furnish such evidence, the form must have attached to it (i) the receipt for each such tax payment if credit is sought for taxes already paid or (ii) the return on which each such accrued tax was based if credit is sought for taxes accrued. This receipt or return so attached must be either the original, a duplicate original, a duly certified or authenticated copy, or a sworn copy. In case only a sworn copy of a receipt or return is attached, there must be kept readily available for comparison on request the original, a duplicate original, or a duly certified or authenticated copy. If the receipt or the return is in a foreign language, a certified translation thereof must be furnished by the taxpayer. Any additional information necessary for the determination under sections 861 through 864 of the amount of income derived from sources without the United States and from each foreign country shall, upon the request of the district director, be furnished by the taxpayer.

(b) *Secondary evidence.* Where it has been established to the satisfaction of the district director that it is impossible to furnish a receipt for such foreign tax payment, the foreign tax return, or direct evidence of the amount of tax withheld at the source, the district di-

rector, may, in his discretion, accept secondary evidence thereof as follows:

(1) *Receipt for payment.* In the absence of a receipt for payment of foreign taxes there shall be submitted a photostatic copy of the check, draft, or other medium of payment showing the amount and date thereof, with certification identifying it with the tax claimed to have been paid, together with evidence establishing that the tax was paid for taxpayer's account as his own tax on his own income. If credit is claimed on an accrual method, it must be shown that the tax accrued in the taxable year.

(2) *Foreign tax return.* If the foreign tax return is not available, the foreign tax has not been paid, and credit is claimed on an accrual method, there shall be submitted—

(i) A certified statement of the amount claimed to have accrued,

(ii) Excerpts from the taxpayer's accounts showing amounts of foreign income and tax thereon accrued on its books,

(iii) A computation of the foreign tax based on income from the foreign country carried on the books and at current rates of tax to be established by data such as excerpts from the foreign law, assessment notices, or other documentary evidence thereof,

(iv) A bond, if deemed necessary by the district director, filed in the manner provided in cases where the foreign return is available, and

(v) In case a bond is not required, a specific agreement wherein the taxpayer shall recognize its liability to report the correct amount of tax when ascertained, as required by the provisions of section 905 (c).

If at any time the foreign tax receipts or foreign tax returns become available to the taxpayer, they shall be promptly submitted to the district director.

(3) *Tax withheld at source.* In the case of taxes withheld at the source from dividends, interest, royalties, compensation, or other form of income, where evidence of withholding and of the amount withheld cannot be secured from those who have made the payments, the district director may, in his discretion, accept secondary evidence of such withholding and of the amount of the tax so withheld, having due regard to the taxpayer's books of account and to the rates of taxation prevailing in the particular foreign country during the period involved.

§ 1.905–3 *Redetermination of the tax when credit proves incorrect*—(a) *In general.* In case credit has been given for taxes accrued, or a proportionate share thereof, and the amount that is actually paid on account of such taxes, or a proportionate share thereof, is not the same as the amount of such credit, or in case any tax payment credited is refunded in whole or in part, the taxpayer shall immediately notify the Commissioner. The Commissioner will thereupon redetermine the amount of the tax of such taxpayer for the year or years for which such incorrect credit was granted. The amount of tax, if any, due upon such redetermination shall be paid by the taxpayer upon notice and demand by the district director. The amount of tax, if any, shown by such redetermination to have been overpaid shall be credited or refunded to the taxpayer in accordance with the provisions of § 301.6511 (d)–3 of the regulations on procedure and administration.

(b) *Foreign tax imposed on foreign refund.* Where the redetermination of the tax for a taxable year, or years, is occasioned by the refund to the taxpayer of tax paid to a foreign country or possession of the United States, the amount of the taxes refunded for which credit has been allowed shall be reduced by the amount of any tax described in section 901 imposed by the foreign country or possession of the United States with respect to such refund. In such case no credit under section 901, and no deduction under section 164, shall be allowed for any taxable year with respect to such tax imposed on the refund.

(c) *Interest.* Where the redetermination of the tax for a taxable year, or years, is occasioned by the refund to the taxpayer of tax paid to a foreign country or possession of the United States, no interest shall be assessed or collected on the amount of tax due upon such redetermination resulting from such refund to the taxpayer, for any period before the receipt of such refund, except to the extent interest was paid by the foreign country or possession of the United States on such refund for such period.

§ 1.905–4 *Credit for taxes accrued but not paid.* In the case of a credit sought for a tax accrued but not paid, the district director may, as a condition precedent to the allowance of a credit, require a bond from the taxpayer, in addition to Form 1116 or 1118. If such a bond is required, Form 1117 shall be used by an individual; and Form 1119, by a corporation. It shall be in such sum as the Commissioner may prescribe, and shall be conditioned for the payment by the taxpayer of any amount of tax found due upon any redetermination of the tax made necessary by such credit proving incorrect, with such further conditions as the district director may require. This bond shall be executed by the taxpayer, or the agent or representative of the taxpayer, as principal, and by sureties satisfactory to and approved by the Commissioner. See also 6 U. S. C. 15.

[F. R. Doc. 57-9967; Filed, Dec. 2, 1957; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 24—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 25th day of November A. D. 1957.

The matter of accounting regulations prescribed for persons which furnish cars or protective services against heat or cold being under consideration pursuant to provisions of section 20 (6) of the Interstate Commerce Act; as amended (54 Stat. 917, 49 U. S. C. 20 (6)); and,

It appearing that a notice of proposed rule making was approved April 27, 1956, and published May 10, 1956, in the FEDERAL REGISTER pursuant to requirements of section 4 (a) of the Administrative Procedure Act, covering certain changes in the Uniform System of Accounts for Persons Furnishing Cars or Protective Services Against Heat or Cold and permitting interested persons to file written views or arguments to be considered in connection with such changes; and,

It further appearing that representations were filed on behalf of all carriers subject to that system of accounts, not protesting the changes then under consideration but requesting that consideration be also given to regrouping the prescribed operating revenue and operating expense accounts in that system in recognition of substantial changes in the practice of providing protective services, and that no views or arguments were received in response to the notice dated April 27, 1956, other than on behalf of such carriers; and consideration having been given to the carriers' views:

It is ordered, That, effective January 1, 1958, the title of the regulations in this part and of Part 24 of Title 49 in the Code of Federal Regulations be, and they both are hereby, changed to conform to the heading of this order.

It is further ordered, That, effective January 1, 1958, all refrigerator car lines which are railroad owned or controlled, and are operated in interstate commerce subject to provisions of section 20 (6) of the act, shall comply with the Uniform System of Accounts for Refrigerator Car Lines as modified in conformity with the attachments hereto which are by this reference made a part of this order.

And it is further ordered, That a copy of this order with the attachments shall be served on each refrigerator car line which is subject to its provisions and on every trustee, receiver, executor, administrator, or assignee of any such refrigerator car line, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

INSTRUCTIONS

In § 24.01–16 *Retirements and replacements,* reference is made in paragraph (b) (2) to account 839, "Other unadjusted debits." This reference should be changed to read account 833, "Other deferred assets."

PROPERTY ACCOUNTS

Insert the following new and additional property accounts:

§ 24.16 *Mechanical protective service units.* This account shall include the cost of mechanical protective service units, and of appurtenances and fixtures necessary to equip them for service, including inspection, setting up and trying out after receipt from builders, and transportation charges.

§ 24.17 *Mechanical protective service facilities.* This account shall include the cost of special facilities used in the maintenance and operation of mechanical protective service units and services, including building and structures, complete with foundations, furniture, and fixtures; water supply, drainage, and sewer systems; and heating and lighting systems.

This account shall also include the cost of machinery and appurtenances in special facilities used in the maintenance and operation of mechanical protective service units and service, including cost of special foundations and installation, and cost of hand tools necessary to equip such facilities.

OPERATING REVENUE

1. In § 24.103 *Other car service revenue,* renumber this section to read: 24.108 *Other car service revenue.*

2. Insert the following new and additional revenue account:

§ 24.104 *Cleaning cars.* This account shall include amounts receivable for cleaning cars for loading.

3. Change the center heading, "Refrigeration Service," to read: "Icing Protective Service."

4. Insert the following new and additional revenue accounts:

Mechanical Protective Service

§ 24.116 *Mechanical protective service units.* This account shall include revenue from the use of mechanical protective service units installed in cars owned, leased, or otherwise under the control of the accounting company while in service on railroad companies' lines.

§ 24.117 *Inspecting, servicing, and supervision.* This account shall include revenue from inspecting and servicing mechanical protective service units while in service on railroad companies' lines for protection of perishable freight, and revenue from supervising such service.

§ 24.118 *Fuel.* This account shall include revenue from fuel furnished mechanical protective service units while in service on railroad companies' lines for the protection of perishable freight.

§ 24.119 *Miscellaneous revenue.* This account shall include revenue from mechanical protective service operations not otherwise provided for, including amounts billed against others for lubricating oil and other supplies, except fuel, furnished mechanical protective service units.

5. In § 24.131 *Cleaning cars,* cancel the number, title, and text of this account.

OPERATING EXPENSES

1. In the groups of operating expense accounts designated by the center headings "Ice and Salt" and "Other Refrigeration Service":

2. Change the center heading "Ice and Salt," which follows § 24.338, to read "Icing Protective Service."

3. Section 24.355 *Icing operations:* Renumber this section as § 24.354.

4. Section 24.360 *Repairs; icing facilities:* Renumber this section as § 24.355.

5. Section 24.361 *Injuries to persons:* Renumber this section as § 24.356.

6. Section 24.362 *Insurance:* Renumber this section as § 24.357.

7. Section 24.369 *Other expenses:* Renumber this section as § 24.358.

8. Section 24.386 *Depreciation; icing facilities:* Renumber this section as § 24.365.

9. Section 24.388 *Retirements; icing facilities:* Renumber this section as § 24.370.

10. Section 24.395 *Salt:* Renumber this section as § 24.375.

11. Change center heading "Other Refrigeration Service" to read "Other Icing Service."

12. Section 24.401 *Supervision:* Renumber this section as § 24.381.

13. Section 24.403 *Rents; refrigeration service facilities:* Renumber this section as § 24.382.

14. Section 24.405 *Diversions and reconsignments:* Cancel the number, title, and text of this section in its entirety.

15. Section 24.410 *Repairs; refrigeration service facilities:* Renumber this section as § 24.383.

16. Section 24.411 *Precooling service:* Renumber this section as § 24.384.

17. Section 24.421 *Injuries to persons:* Renumber this section as § 24.385.

18. Section 24.422 *Insurance:* Renumber this section as § 24.386.

19. Section 24.423 *Stationery and printing:* Renumber this section as § 24.387.

20. Section 24.429 *Other expenses:* Renumber this section as § 24.390.

21. Section 24.436 *Depreciation; refrigeration service facilities:* Renumber this section as § 24.395.

22. Section 24.438 *Retirements; refrigeration service facilities:* Renumber this section as § 24.396.

23. Insert the following new and additional operating expense accounts:

Mechanical Protective Service

§ 24.401 *Supervision.* This account shall include the cost of supervising and directing the maintenance and operation of mechanical protective service.

§ 24.402 *Rents.* This account shall include all rents of property of others used, occupied, or operated in connection with furnishing mechanical protective service.

§ 24.403 *Fuel.* This account shall include the cost of fuel (including transportation charges and cost of storage, if stored at company expense) delivered to mechanical protective service units, including the labor cost (when separable) of delivering such fuel to the units.

NOTE: When fuel is used in mechanical protective service units during inspections and repairs, the labor costs in connection therewith, when not readily separable, may be included in account 405, "Inspecting and servicing," or account 406, "Repairs," as appropriate.

§ 24.404 *Other supplies.* This account shall include the cost of all supplies except fuel used in mechanical protective service units, including freon, anti-freeze, lubricating oil, and supplies for standby service. It shall be charged with payments made to others for supplies for such units in cars for which the accounting company is liable.

NOTE: When such supplies are incidental to inspections or repairs, the labor costs in connection therewith, when not readily separable, may be included in account 405, "Inspecting and servicing," or account 406, "Repairs," as appropriate.

§ 24.405 *Inspecting and servicing.* This account shall include the pay of employees engaged in inspecting and servicing mechanical protective service units, both preparatory to loading cars and while under load, to place and keep the units in proper operating condition for protection of the lading, including setting thermostats, refueling, and (when not separable) furnishing supplies.

NOTE: The costs of inspecting and servicing mechanical protective service units in the process of repairing or otherwise maintaining the units are chargeable to account 406, "Repairs."

§ 24.406 *Repairs.* (a) This account shall include the cost of maintaining and repairing mechanical protective service units, including the cost of inspecting and servicing incidental to such repairs; and of buildings, machinery, and fixtures and other appurtenances used in connection with furnishing mechanical protective service; also the cost of maintaining grounds appurtenant to those facilities.

(b) This account shall also be charged with amounts paid to others for repairs to units for which the accounting company is liable, and credited with amounts billed against others for repairs to units not owned or controlled by the accounting company.

§ 24.407 *Injuries to persons.* This account shall include payments on account of injuries to persons when caused directly in connection with mechanical protective service maintenance and operations and not recoverable through insurance, including expenses of physicians and surgeons, nurses, hospital service, medical and surgical supplies, artificial limbs, undertaking and funeral expenses, and transportation expenses of injured persons and their attendants; also expenses of employees and others while engaged as adjusters and witnesses in connection with claims for such injuries.

§ 24.408 *Insurance.* This account shall include the cost of premiums, except reinsurance premiums, for insuring the company against loss through injuries to persons, damage to or destruction or loss of property when such injuries, damage, or loss would be chargeable to mechanical protective service maintenance and operations; also premiums on fidelity bonds of employees whose pay is charged to such service.

§ 24.409 *Stationery and printing.* This account shall include the cost of all

stationery and printing, and rentals of and repairs to office appliances and machines, used in connection with mechanical protective service maintenance and operations.

§ 24.415 *Other expenses.* This account shall include all expenses in connection with mechanical protective service maintenance and operations not otherwise provided for.

§ 24.420 *Depreciation; mechanical service facilities.* This account shall include the amount of depreciation charges applicable to the accounting period relating to mechanical protective service property. (See provisions of § 24.01–48 *Depreciation.*)

§ 24.421 *Retirements; mechanical service facilities.* This account shall include the cost of dismantling retired mechanical protective service units and facilities, and recovering the salvage therefrom. It shall also include the undepreciated service value of mechanical protective service units and facilities at the time of their retirement. (See provisions of § 24.01–48 *Depreciation.*)

24. In § 24.455 *Diversions and reconsignments,* cancel the number, title, and text of this account.

25. Insert the following new and additional miscellaneous operating expense account:

§ 24.514 *Diversions and reconsignments.* This account shall include the pay, and travel and other expenses of employees engaged in handling and maintaining records of diversions and reconsignments of shipments moving under protective service, including furnishing passing information, and all other expenses incident to diversion or reconsignment of such shipments.

[F. R. Doc. 57–9965; Filed, Dec. 2, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED HOMINY [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Canned Hominy, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than January 15, 1958.

The proposed standard is as follows:

PRODUCT DESCRIPTION, COLOR, STYLES, AND GRADES

Sec.
52.3281 Product description.
52.3282 Color of canned hominy.
52.3283 Styles of canned hominy.
52.3284 Grades of canned hominy.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.3285 Recommended fill of container.
52.3286 Recommended minimum drained weight.
52.3287 Compliance with recommended minimum drained weights.

FACTORS OF QUALITY

52.3288 Ascertaining the grade.
52.3289 Ascertaining the rating for the factors which are scored.
52.3290 Liquor.
52.3291 Color.
52.3292 Defects.
52.3293 Character.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

LOT INSPECTION AND CERTIFICATION

Sec.
52.3294 Ascertaining the grade of a lot.

SCORE SHEET

52.3295 Score sheet for canned hominy.

AUTHORITY: §§ 52.3281 to 52.3294 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, COLOR, STYLES, AND GRADES

§ 52.3281 *Product description.* "Canned hominy" means the canned product prepared from clean, sound field corn, either white or golden (yellow), by removal of the pericarp, by precooking or other processing, soaking, and sorting. The product is packed in a liquid packing medium or in a jelled packing medium, in accordance with good commercial practice, and is sufficiently processed by heat to assure preservation in hermetically sealed containers.

§ 52.3282 *Color of canned hominy.* (a) White.

(b) Golden (yellow).

§ 52.3283 *Styles of canned hominy.* (a) "Style I Whole" means canned whole kernel hominy which has been prepared from whole kernels of white or yellow field corn and is packed in a liquid packing medium. "Vacuum pack" canned whole kernel hominy means whole kernel hominy packed in not more than 20 percent, by weight, of liquid packing medium and the container is closed under conditions creating a high vacuum.

(b) "Style II Grits" means canned hominy which has been prepared from coarse kernel particles of white or yellow field corn from which the pericarp and germ have been removed. "Vacuum pack" canned hominy grits means hominy grits packed in not more than 20 percent, by weight, of liquid packing medium and the container is closed under conditions creating a high vacuum.

(c) "Style III Grits, Jelled Pack" means canned hominy which has been prepared from coarse kernel particles of white or yellow field corn from which the pericarp and germ have been removed and is packed in a jelled packing medium.

§ 52.3284 *Grades of canned hominy.* (a) "U. S. Grade A" or "U. S. Fancy," hereinafter called U. S. Grade A, is the quality of canned hominy that possesses similar varietal characteristics; that possesses a normal flavor; that possesses a good color; that is practically free from defects; that possesses a good character; that with respect to Style I Whole and Style II Grits possesses a good liquor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided,* That Style I may be fairly free from defects with respect to crushed or broken kernels and Style I and Style II may possess a fairly good liquor, if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard," hereinafter called U. S. Grade C, is the quality of canned hominy that possesses similar varietal characteristics; that possesses a normal flavor; that possesses a fairly good color; that is fairly free from defects; that possesses a fairly good character; that with respect to Style I and Style II possesses a good liquor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned hominy that fails to meet the requirements of U. S. Grade C.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.3285 *Recommended fill of container.* The recommended fill of container for canned hominy is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned hominy be filled as full as practicable with hominy without impairment of quality.

§ 52.3286 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. 1 of this section are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned hominy is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage, and allow to drain for two minutes. The drained weight is the weight of the sieve and the hominy less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE No. 1

RECOMMENDED MINIMUM DRAINED WEIGHT (IN OUNCES) OF HOMINY STYLES NO. I AND NO. II

Container size or designation	Dimensions (inches) or water capacity (fluid ounces)	Drained weight (ounces)	
		Style I	Style II
No. 1 (picnic)	2 11/16 x 4	6½	7¾
No. 1 (tall)	3 1/16 x 4 1/16	9¾	11¾
No. 300	3 x 4 7/16	9	10¾
No. 303	3 1/16 x 4 7/16	10	12
No. 303 jar	17.0	10½	12½
No. 2	3 7/16 x 4 9/16	12	14¼
No. 2½	4 1/16 x 4 1/16	18	21¼
No. 2½ jar	28.3	17¼	21
No. 10	6 1/16 x 7	72	76

§ 52.3287 *Compliance with recommended minimum drained weights.* Compliance with the recommended minimum drained weight for canned hominy is determined by averaging the drained weights of all of the containers which are representative of a specific lot. Such lot is considered as meeting recommendations, if:

(a) At least one-half of the containers meets the recommended minimum drained weight;

(b) The drained weights of the containers which do not meet the recommended minimum drained weight are within the range of variability of good commercial practice; and

(c) The average drained weight of all of the containers which are representative of the lot does not fall below the minimum recommended drained weight.

FACTORS OF QUALITY

§ 52.3288 *Ascertaining the grade—*(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points—*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Liquor	10
Color	30
Defects	30
Character	30
Total score	100

(b) "Normal flavor" means that the product has a characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

§ 52.3289 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is rated by score points are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each such factor is inclusive (for example, "25 to 30 points" means 25, 26, 27, 28, 29, or 30 points).

§ 52.3290 *Liquor—*(a) *General.* The factor of liquor is not scored in Style III Grits, Jelled Pack. The other four factors shall be scored and the total score shall be multiplied by 100 and divided by 90, dropping any fractions, to determine the total score for the product.

(b) *(A) classification.* Canned hominy that possesses a good liquor may be given a score of 9 or 10 points. "Good liquor" means that the liquor is light in color, may be slightly cloudy or slightly opaque, and may be slightly viscous but is reasonably free from starchy globules and sediment.

(c) *(C) classification.* If the canned hominy possesses a fairly good liquor, a score of 7 or 8 points may be given. "Fairly good liquor" means that the liquor may be definitely cloudy or opaque and viscous but not jelled, and is fairly free from starchy globules and sediment.

(d) *(SStd.) classification.* Canned hominy that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3291 *Color—*(a) *(A) classification.* Canned hominy that possesses a good color may be given a score of 25 to 30 points. "Good color" means that the kernels possess a practically uniform, bright color typical of white or golden (yellow) hominy, as the case may be, and that the product contains not more than 2 percent, by count, of "off-variety" kernels or pieces of kernels.

(b) *(C) classification.* If the canned hominy possesses a fairly good color, a score of 21 to 24 points may be given. Canned hominy that falls into this classification shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the kernels or pieces of kernels may possess a fairly uniform, typical color and may be slightly dull, and that the product contains not more than 3 percent, by count, of "off-variety" kernels or pieces of kernels.

(c) *(SStd.) classification.* Canned hominy that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3292 *Defects—*(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous material, from kernels or pieces of kernels with pericarp attached, from broken kernels in Style I, and from damaged and seriously damaged kernels or pieces of kernels.

(1) "Harmless extraneous material" means vegetable material such as pieces of cob, hulls, and loose germs.

(2) "Damage" means kernels or pieces of kernels damaged by discoloration, insect injury, pathological injury, or damaged by other means to the extent that the appearance or eating quality is materially affected.

(3) "Serious damage" means kernels or pieces of kernels damaged to such an extent that the appearance or eating quality is seriously affected.

(b) *(A) classification.* Canned hominy that is practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that the product is practically free from harmless extraneous material, from kernels or pieces of kernels with pericarp attached, and that not more than 2 percent, by weight, of the kernels or pieces of kernels may be damaged and seriously damaged, and of such 2 percent, not more than one-fourth thereof or one-half of 1 percent may be seriously damaged, and with respect to Style I not more than 10 percent, by count, of the kernels may be broken: *Provided,* That the aforesaid defects, individually or collectively, do not more than slightly affect the appearance or eating quality of the product.

(c) *(C) classification.* If the canned hominy is fairly free from defects, a score of 21 to 24 points may be given. Canned hominy that scores in this classification, except for broken kernels in Style I, shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a partial limiting rule). "Fairly free from defects" means that the product is fairly free from harmless extraneous material, from kernels or pieces of kernels with pericarp attached, and that not more than 3 percent, by weight, of the kernels or pieces of kernels may be damaged and seriously damaged, and of such 3 percent not more than one-third thereof or 1 percent may be seriously damaged, and with respect to Style I not more than 20 percent, by count, of the kernels may be broken: *Provided,* That the aforesaid defects, individually or collectively, do not seriously affect the appearance or eating quality of the product.

(d) *(SStd.) classification.* Canned hominy that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3293 *Character—*(a) *General.* The factor of character refers to the tenderness of the product and freedom from hard or excessively soft kernels or pieces of kernels.

(b) *(A) classification.* Canned hominy that possesses a good character may be given a score of 26 to 30 points. "Good character" means that the kernels or pieces of kernels may be reasonably firm and tender, and reasonably free from hard kernels and from excessively soft kernels or pieces of kernels.

(c) *(C) classification.* If the canned hominy possesses a fairly good character, a score of 21 to 25 points may be given. Canned hominy that falls into this classification shall not be graded above U. S.

Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the kernels or pieces of kernels may be fairly firm and tender and fairly free from hard kernels and excessively soft kernels or pieces of kernels.

(d) *(SStd.) classification.* Canned hominy that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3294 *Ascertaining the grade of a lot.* The grade of a lot of canned hominy covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3295 *Score sheet for canned hominy.*

Size and kind of container			
Container marks or identification			
Label			
Net weight (ounces)			
Vacuum (inches)			
Drained weight (ounces)			
Color—White; Golden (yellow)			
Style			
Factors		**Score points**	
Liquor	10	(A)	9–10
		(C)	7– 8
		(SStd.)	[1] 0– 6
Color	30	(A)	25–30
		(C)	[2] 21–24
		(SStd.)	[1] 0–20
Defects	30	(A)	25–30
		(C)	[2] 21–24
		(SStd.)	[1] 0–20
Character	30	(A)	26–30
		(C)	[2] 21–25
		(SStd.)	[1] 0–20
Total score	100		
Flavor			
Varietal characteristics			
Grade			

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: November 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57–9995; Filed, Dec. 2, 1957; 8:49 a. m.]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED SQUASH (SUMMER TYPE)[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards (7 CFR §§ 52.3581–52.3592) for Grades of Canned Squash (Summer Type) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for the inclusion of a diced style of canned squash (summer type) and redefines the term "poorly cut" to include allowances for diced style.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than January 15, 1957.

The proposed amendments are as follows:

1. Change § 52.3582 to read:

§ 52.3582 *Styles of canned squash.* (a) "Whole" means canned squash consisting of whole squash with stems removed.

(b) "Sliced crosswise" means canned squash consisting of units cut at right angle to the longitudinal axis into slices of approximately uniform thickness with parallel surfaces.

(c) "Diced" means canned squash which has been cut into fairly uniform diced units.

(d) "Cut" means canned squash cut into units which are not uniform in size or shape or which do not conform to any of the foregoing styles.

2. In § 52.3589, paragraph (a), change subparagraph (5) to read:

(5) "Poorly cut" means units with attached stems or stem material, very ragged cut units, and pieces of less than one-half slice in sliced style squash, pieces measuring one-half inch or less in the longest dimension for cut style, and pieces measuring less than one-quarter inch in the longest dimension for diced style.

Dated: November 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57–9996; Filed, Dec. 2, 1957; 8:50 a. m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 55]

GRADING AND INSPECTION OF EGG PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of egg products (7 CFR, Part 55), issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment would increase the charges on basic salaries of resident Federal graders from 8 percent to 15 percent to applicants for grading and inspection service of egg products performed on a resident grading basis. The increase results from a decision that resident graders should properly be covered under the Federal leave system which increases benefits to the employees and correspondingly increases costs of the more liberal leave benefits. A charge, therefore, included in the basic salary cost, equal to 15 percent of the base salary is necessary to cover these increased costs including Employer's tax for Old Age and Survivors Benefits and the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than fifteen (15) days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (a) (4) of § 55.68 *On a resident inspection basis,* to read as follows:

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided,* That, no charge is to be made for salary cost for any assigned grader or inspector of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing inspections for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture.

2. Change paragraph (a) (8) of § 55.68 *On a resident inspection basis,* to read as follows:

(8) A charge, included in salary cost, equal to fifteen (15) percent of the base salary to cover the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivors Benefits under the Social Security System, and an amount equal to the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, sick leave, annual leave, and related servicing costs.

Issued at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57–9997; Filed, Dec. 2, 1957; 8:50 a. m.]

[7 CFR Part 56]

GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES AND WEIGHT CLASSES FOR SHELL EGGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of shell eggs and United States standards, grades, and weight classes for shell eggs (7 CFR Part 56), issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment would increase the charges on basic salaries of resident Federal graders from 8 percent to 15 percent to applicants for grading service of shell eggs performed on a resident grading basis. The increase results from a decision that resident graders should properly be covered under the Federal Leave System which increases benefits to the employees and correspondingly increases costs of the more liberal leave benfits. A charge, therefore, included in the basic salary cost, equal to 15 percent of the base salary is necessary to cover these increased costs including Employer's tax for Old Age and Survivors Benefits and the cost to AMS for insurance as provided in the Federal Employees Group Life Insurance Act of 1954. In addition, the amendment would provide for a charge of $25 per month when service is furnished exclusively by a licensed grader who is not a Federal or State employee to cover increased supervisory costs of company licensees.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than fifteen (15) days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (a) (4) of § 56.52 *On a resident grading basis,* to read as follows:

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided,* That, no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture;

2. Change paragraph (a) (8) of § 56.52 *On a resident grading basis,* to read as follows:

(8) A charge, included in salary cost, equal to 15 percent of the base salary to cover the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivors Benefits under the Social Security System, and an amount equal to the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, sick leave, annual leave, and related servicing costs;

3. Insert a new subparagraph (a) (13) to § 56.52 *On a resident grading basis,* to read as follows:

(13) A charge, in addition to that provided in subparagraph (9) of this paragraph, of $25 per month when service is furnished exclusively by a licensed grader who is not a Federal or State employee.

Issued at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57–9999; Filed, Dec. 2, 1957; 8:50 a. m.]

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment would increase the charges on basic salaries of resident Federal graders from 8 percent to 15 percent to applicants for grading of poultry and edible products thereof performed on a resident grading basis. The increase results from a decision that resident graders should properly be covered under the Federal leave system which increases benefits to the employees and correspondingly increases costs of the more liberal leave benefits. A charge, therefore, included in the basic salary cost, equal to 15 percent of the base salary is necessary to cover these increased costs including Employer's tax for Old Age and Survivor's benefits and the cost to AMS for insurance as provided in the Federal Employees Group Life Insurance Act of 1954.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than fifteen (15) days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (a) (4) of § 70.138 *Grading performed on a resident grading basis,* to read as follows:

(4) A charge equal to the salary costs paid to each grader assigned to the applicant's plant by AMS: *Provided,* That, no charge is to be made for salary costs of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant except when the assigned grader is performing service for the Department of Defense on products for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture;

2. Change paragraph (a) (8) of § 70.138 *Grading performed on a resident grading basis,* to read as follows:

(8) A charge, included in salary costs, equal to 15 percent of the base salary to cover the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System and an amount equal to the cost to AMS for insurance as provided in the Federal Employees Group Life Insurance Act of 1954, sick leave, annual leave, and related servicing costs;

Issued at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57–9998; Filed, Dec. 2, 1957; 8:50 a. m.]

[7 CFR Part 965]

[Docket No. AO–166–A22]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was

conducted at Cincinnati, Ohio, on June 25–26, 1957, pursuant to notice thereof which was issued on June 11, 1957 (22 F. R. 4237).

Material issues of record relate to:

1. Revisions of the definitions of "pool plant", "producer", and "other source milk" and the addition of definitions for "fluid milk product" and "Chicago butter price".

2. Revision of the pricing provisions, including changes in the basic formula price, the supply-demand adjuster, the Class II price for milk used in cottage cheese and the incorporation of a provision for equivalent prices.

3. Extension of location differential credits to handlers on milk moved from country pool plants and on producer milk received at pool plants located outside of the marketing area.

4. Clarification of provisions applicable to partially regulated plants and provisions for dealing with a plant subject to another Federal order issued pursuant to the act.

5. Adoption of a quota plan for the payment to producers of the proceeds from the sale of their milk.

6. Redrafting and reissuance of complete order with provisions for the reporting and accounting for skim milk and butterfat, separately, including more specific accounting and allocation procedures for skim milk and a reduction in allowable skrinkage in Class III milk.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The definitions of "producer", "pool plant", "producer milk" and "other source milk" should be clarified and definitions for "fluid milk product" and "Chicago butter price" should be added.

The language of the present definition of a producer, among other things, refers to a person operating a dairy farm who produces milk under a dairy farm permit issued by an appropriate health authority. The phrase, "an appropriate health authority", has been applied to include persons who hold permits from a duly constituted health authority for the production of milk for fluid disposition, if such milk is permitted by the health authority having jurisdiction in the marketing area to be disposed of for fluid consumption in the marketing area. In the provisions of the order relating to the qualification of supply plants as pool plants, reference is made to plants which receive milk from dairy farmers. No reference is made to health authority approval.

Producers proposed that changes be made in the definitions of producer and the supply plant portion of the pool plant definition so as to require a dairy farmer to hold a dairy farm permit issued by a health authority having jurisdiction in the marketing area. Producers contended that the present definition was susceptible to more than one interpretation and has resulted in the pooling of milk which is not closely associated with the market. Furthermore, it was argued that all producer milk must be produced under local health department permits to conform with the declared policy of the act of providing prices which will assure a sufficient quantity of pure and wholesome milk and be in the public interest.

The primary purpose of definitions of "producer" and "pool plant" is to provide the criteria for determining what milk and what plants are to be subject to regulation under the order. Reference is made to health authorities and approval of milk by them in the producer definition primarily for the purpose of distinguishing between dairy farmers who supply milk to pool plants which is eligible for fluid disposition in the marketing area and dairy farmers who may supply milk which is not eligible for fluid disposition in the marketing area.

The establishment and application of sanitary standards which milk must meet for fluid disposition in the different segments of the marketing area is the responsibility of the respective health authorities having jurisdiction in the several segments. It is not the function of the Federal order to provide, or in any way to enforce, sanitary standards for milk marketed for fluid disposition and which is regulated and priced under its provisions. It is the responsibility of the order to provide a method of pricing that milk which the consumers in a given area, through the authority granted to their duly constituted health authorities, consider to be pure and wholesome milk on the basis of the health requirements they have established. At the present time, the sanitary requirements of milk for disposition as fluid milk in the marketing area are the responsibility of the Boards of Health of the City of Cincinnati, the City of Norwood, and for Hamilton County, the State of Ohio. Each of these segments of the marketing area has adopted health ordinances patterned after the standard ordinance and code of the U. S. Public Service. These ordinances prescribe standards for the production and handling of milk and the requirements the milk must meet to be labeled as Grade A milk. All milk disposed of for fluid consumption to consumers in the marketing area is required to meet these Grade A standards.

It is the practice of some of the health authorities having jurisdiction in the marketing area to permit milk from other approved Grade A sources to be used for fluid disposition in the marketing area without inspecting individual farms or issuing permits to the individual dairy farmers. The actual farm inspections are conducted by the health authorities in the areas where the plants supplying such milk are located. If the plant supplying such milk meets the pool plant requirements of the order, it would be unreasonable to exclude such dairy farmers as producers under the order merely because their farms are not physically approved or permits issued by the health authority in the marketing area. Such dairy farmers are, in fact, subject to the same requirements to qualify as producers under the order as dairy farmers who produce milk under permits which are physically issued by a health authority having jurisdiction in the marketing area—they must produce inspected milk of a quality acceptable to the health authority in the marketing area and, at the same time, be associated with a pool plant. Only the mechanics by which approval is granted by the health authority in the marketing area are different.

"Producer" should be defined, therefore, to include a dairy farmer who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition, which milk is received at a pool plant and is permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area. Any dairy farmer not meeting any one of these requirements would, of course, not be qualified as a producer under the order.

To limit the definition of a producer to dairy farmers who hold permits issued by a health authority having jurisdiction in the marketing area, as proposed by producers, could result in an undue restriction on supplies of milk from dairy farmers delivering their milk to supply plants or fluid milk plants located outside the marketing area. It could prevent producers who are regularly and primarily associated with the market from participating in the marketwide pool.

That portion of the definition of a pool plant which applies to supply plants should be clarified in accordance with the recommended change in the definition of a producer.

A definition of "producer milk" is useful in drafting the order to refer to that milk which is to be priced and the proceeds from the sale of which is to be included in the marketwide pooling arrangement. The definition of producer milk should be clarified by specifying that it applies to only that skim milk and butterfat which is received at the pool plant directly from producers during the month or diverted from a pool plant to a nonpool plant under the same conditions as specified by the present order. Construction of other order provisions will be facilitated by incorporating the conditions relative to the point of receipt of diverted milk in this definition. The present definition is not intended to include milk received from producer-handlers. The order should be clarified in this respect by excluding a producer-handler under the definition of a producer.

A definition of "fluid milk product" should be incorporated in the order. This is a convenient term for use in constructing the order to refer to the skim milk and butterfat in the fluid form of milk, cream and other milk products as contrasted to manufactured dairy products. Storage cream, aerated cream, ice cream mixes, condensed and evaporated milk and other manufactured dairy products should be excluded from the category of a fluid milk product.

The definition of "other source milk" should be modified to incorporate references to the proposed new term of fluid milk product and to clarify its meaning. A precise and clear definition of other source milk is essential to facilitate the reporting, classification, allocation and compensatory payment provisions of the order. The present definition should be changed to facilitate the accounting for skim milk as recommended hereinafter (Issue 6). Other source milk should be defined so as to include all skim milk and butterfat in fluid milk products received from sources other than producers, other pool plants and from inventory of fluid milk products. Other source milk should include all skim milk and butterfat represented by (used to produce) all manufactured products which are used or reused in the plant during the month except Class II products which are received from other pool plants. The application of other order provisions will be simplified by excluding from other source milk Class II products received from other pool plants, and manufactured products which are disposed of or may be purchased or manufactured and carried in inventory but which are not used in the plant during the month. To include Class II products from other pool plants and inventories of Class III products in the receipt and utilization report would unnecessarily complicate the transfer and allocation procedures and could result in duplicating compensatory payment charges on transfers of such milk between pool plants.

All Class II products from nonpool plants and other manufactured products included in Class III milk, such as storage cream, evaporated or condensed milk, dry milk solids and the like, which are reprocessed, repackaged or in any way converted into another product during the month, should be accounted for as other source milk, the same as provided by the present definition. Although only products which are used during the month are to enter into the classification and allocation procedure for the month, other provisions of the order require the handler to maintain such accounts and records of his operations as are necessary for the market administrator to ascertain the utilization of all skim milk and butterfat received at a pool plant during the month. It will be necessary, therefore, for handlers to keep records of stocks, production, receipts and disposition of such products in order for the market administrator to verify the reported use of such products during the month. The definition of other source milk proposed herein will not change the method of accounting that has been found necesary for butterfat in this market under the present order.

A definition for "Chicago butter price" should be added to the order. The addition of this definition will not change the intent of the present order but its application will facilitate the drafting of other order provisions.

2. The supply-demand adjuster should be revised to conform with the more even seasonal pattern of producer milk deliveries in the Cincinnati market and to include all Class I milk in the base and current-month Class I utilization percentages.

The seasonal pattern of producer milk deliveries to the Cincinnati market has changed since the base utilization percentages of the present supply-demand adjuster were adopted. A larger proportion of the annual supply of producer milk is being delivered during the fall and winter months and a smaller proportion during the spring and summer months.

Data on receipts and Class I sales are contained in the record of hearing through March of 1957. The use of data which have become available since that time will contribute to the determination of a more representative seasonal relationship between receipts and sales. For that reason, receipts and sales data for April through August 1957 also have been used in this analysis. The source of these data is the monthly releases of the market administrator for the Cincinnati, Ohio, milk marketing area for the period April through August 1957, entitled "Uniform Price Computation", of which official notice is hereby taken.

For the years 1954–55, the average monthly receipts of producer milk during the months of October through December (the months of lowest production in relation to Class I sales) were equal to 84 percent of the average monthly receipts of the two-year period, and for the months of May through July, 120 percent. During the October–December, 1956 period and the May–July, 1956 period, average monthly receipts constituted 93 and 116 percent, respectively, of average monthly receipts of the same two-year period. For the years 1955, 1956, and 1957 average monthly receipts for January and February were 72, 74, and 77 percent, of average monthly receipts for May through July. All of these comparisons are based on receipts and sales at plants which were in operation during the entire period since January 1954. Two plants which formerly had been included in the pool discontinued selling milk in the marketing area during 1956.

This changed seasonal pattern of production, in conjunction with a relatively stable seasonal pattern of Class I utilization has caused the supply-demand adjuster to increase Class I prices during some of the flush production months of the spring and summer and to reduce adjustments in the shorter production months of the fall and winter. This, of course, works counter to the fall incentive payment plan in encouraging a more even seasonal pattern of production and in bringing market supplies more in line with fluid milk requirements. This payment plan was made effective in the Cincinnati market, May 1, 1955. While it is not the purpose of the supply-demand adjuster to encourage a more even seasonal pattern of production, it should not work counter to such adjustments. Also, unless the supply-demand adjuster is "neutral" with respect to seasonal movements, its effectiveness in performing its primary functions of adjusting the Class I price in response to changes in the level of supply in relation to market requirements will be dampened. It is concluded, therefore, that the base utilization percentages should be revised to reflect the shift in the seasonality of producer milk receipts.

A proposal to increase the difference between the minimum and maximum base utilization percentages and lower the minimum percentages should not be adopted. Elimination of contraseasonal price adjustments should be dependent upon the seasonal variation of the base utilization percentages conforming to the seasonal variation of the Class I utilization percentages. Even though absolute negative adjustments may be eliminated by increasing the spread between the minimum and maximum percentages or by lowering the minimum relative to the maximum, supply-demand adjustments will be greater at some seasons of the year than at others, unless seasonality of the base percentages conforms to the normal seasonality of the Class I percentages. Except for the contraseasonal price adjustments, the supply-demand adjuster has not produced erratic or unwarranted adjustments. Therefore, to increase the spread between the minimum and maximum and lower the minimum would serve only to reduce the over-all effectiveness of the supply-demand adjuster in adjusting Class I prices promptly to promote the desired alignment between producer receipts and fluid milk requirements, particularly when receipts are high relative to fluid milk requirements.

The average level of the present base utilization percentages is at the proper level to reflect necessary adjustments in Class I prices in relation to the fluid milk requirements of the market. Prices established thereunder have brought forth an adequate supply of milk, not only for the Class I requirements of the market, but also for Class II milk. On the basis of market data adjusted to include only receipts and sales at those plants which were in the pool for the entire period September 1954–August 1955 and to reflect the present system of classification, producer receipts were in the following relationship to Class I sales during selected periods:

Period:	*Percent producer receipts are of Class I sales*
September 1954–August 1955	159
September 1955–August 1956	149
September 1955–August 1957	155
October–December 1954	127
October–December 1955	121
October–December 1956	134
August 1956	162
August 1957	159

The Class I utilization percentage should be revised to include all Class I milk. At the present time, milk used in fluid cream, Class I products in fluid form containing eight percent or more butterfat and unaccounted for milk in Class I, are not included in the Class I utilization percentage. Inclusion of this milk in the current utilization percentage would make a more representative sample of the fluid milk requirements of the market, thereby facilitating more accurate and appropriate Class I price adjustments under the supply-demand provisions. The use of total Class I milk also will simplify the determination of the current utilization percentage. The base utilization percentages should be adjusted therefore to reflect the inclusion of the additional milk in the Class I utili-

zation percentage. In view of the above stated considerations, it is concluded that the following base utilization percentages should be adopted:

Month for which price is being computed	Base utilization percentage	
	Minimum	Maximum
January	67	69
February	66	68
March	66	68
April	67	69
May	63	65
June	60	62
July	53	55
August	49	51
September	48	50
October	51	53
November	58	60
December	63	65

These values take into account the existing seasonal pattern of production and the effect of including all Class I milk in the Class I utilization percentage. In view of the improvements made since installation of the Louisville Plan, they also allow for some further evening of the seasonal pattern of production. The proposed base utilization percentages are intended to result in approximately the same average annual Class I price adjustments as would be provided by the present order. The proposed schedule would have added to the pool value between 10 and 11 cents per hundredweight of producer milk classified in Class I milk during the 12-month period August 1956–July 1957. The amount added by the present schedule is in this same range.

Basic formula prices. The butter-nonfat dry milk solids formula used in the basic formula should be revised.

The Class I price is composed of the basic formula price and a fixed differential, which is adjusted by the supply-demand adjuster. The basic formula is designed to reflect the value of milk used in manufacturing, thereby reflecting changes in fluid milk prices which conform to changes in manufacturing milk prices. The fixed differential is designed to reflect the additional incentive necessary to obtain the production and delivery of the fluid milk requirements of the market.

Under the present order, the basic formula price is the higher of the average price paid by a group of midwest condenseries or the price yielded by a formula designed to reflect the value of milk used in the manufacture of butter and nonfat dry milk. Dry skim milk produced by the spray process and the roller process, at present, receive equal weight in determining the formula value of skim milk. However, during recent years, the production of dry skim milk by the spray process has increased each year relative to production by the roller process and at the present time, makes up about 90 percent of total production.

Also, there has been a slight upward trend in the spread between the prices of the two types of nonfat dry milk. During the period 1949–1952, the average annual price of spray process exceeded the average annual price of roller process by 1.67 cents per pound, while during the period 1953–1956, the spray process was higher by an average of 2.11 cents per pound. The average increase in the price of spray relative to the price of roller has been accompanied by considerable variation from year to year. During the 1949–1952 period, the amount by which the price of spray exceeded the price of roller ranged from 1.43 cents per pound on an annual basis to 1.93 cents. During the 1953–1956 period, the range was from 1.79 to 2.66 cents.

It is concluded, therefore, that the average price of spray and roller process nonfat dry milk should be replaced by the price of spray process in the butter-dry milk element of the basic formula. The revised formula will yield prices which more nearly represent changes in the value of milk used to produce butter and dry milk solids. Because the present level of the Class I price is appropriate, as previously concluded under this issue, and since the butter-nonfat dry milk formula is only one of the alternative elements of the basic formula, a conforming change should be made in the manufacturing allowance of the butter-nonfat dry milk solids formula. Stated in terms of the present formula, the five and one-half cents which are deducted from the price of nonfat dry milk solids should be increased to six and four-tenths cents.

Equivalent prices. Provision should be made for the use of an equivalent price, if, for any reason, a price quotation required by the order for computing class prices or for other purposes is not available. A particular price quotation required under the provisions of the order may be discontinued or not available in the manner or at the time described by the order. Should such contingencies materialize, equivalent pricing will permit the intent of the pricing provisions of the order to be carried out without interruption until the order can be amended.

No testimony was presented on a proposal contained in the notice of hearing for separate pricing of milk used to produce cottage cheese disposed of outside the marketing area. The proposal, therefore, is denied.

3. A schedule of location adjustments applicable to milk received at pool plants should be established in relation to the distance the plant is located from Cincinnati.

The present order provides for a location differential which is credited to handlers with respect to milk (a) received and utilized at a pool plant located more than 45 miles from the City Hall as any items of Class I and Class II milk or (b) which is moved from such pool plant to a pool plant located less than 45 miles from the City Hall in Cincinnati in the form of a fluid milk product or as condensed skim milk or frozen cream. In the case of such movements to pool plants, the differential allowed is limited to that portion of product moved which is allocated to Class I and Class II utilization in the transferee plant after first subtracting receipts of producer milk at such plant. Under the present provision, the credit on movements between plants may be allowed to the receiving plant to the extent that such credit does not exceed the obligation of the receiving handler to the producer-settlement fund for the month. Uniform prices to producers at pool plants so situated are adjusted by the same rate.

Under the present provision, Class I, Class II and uniform prices to producers at pool plants located at considerable distances from the marketing area would be the same as the corresponding prices at plants located just outside the 45-mile radius. On milk received from producers at distant pool plants, the handler assumes the cost of moving the milk from the plant to marketing area plants or in packaged form to retail and wholesale outlets in the marketing area. In contrast, the entire cost of moving milk from farms to plants located within the 45-mile radius is borne by producers.

Milk at farms or at plants has a progressively lower value to the market as such farms or plants are located farther from the market. The difference in value is related directly to the cost of transporting the milk from the respective locations to the market. It is economically sound and necessary to recognize such differences in value at pool plants to promote equality in cost of milk among pool plants and returns for milk among producers. This should be accomplished by a schedule of location adjustments applying at distant plants in accordance with their location with respect to the marketing area.

At the time of the hearing, three country pool plants supplied milk to the marketing area. These plants are all located within a 110 mile radius of Cincinnati. No evidence was presented which would indicate that the present location adjustment rate of 15 cents at each of these plants should be changed. Since a substantial portion of the cost of moving milk within this relatively short distance is not associated with the distance the milk is moved, it is reasonable to have the 15-cent rate apply to all plants located more than 45 miles but less than 110 miles from the City Hall in Cincinnati. For plants located greater distances from Cincinnati, the rate should be increased one and one-half cents for each additional 10 miles or portion thereof that the plant is located more than 110 miles from the City Hall. The rate of 1.5 cents for each additional 10 miles approximates the cost of moving milk such distances to the marketing area by efficient means and conforms closely to the rate applied under other Federal orders.

4. The provisions applicable to partially regulated plants and provisions for dealing with plants subject to another Federal order should be clarified.

The present order provides that a plant located outside the marketing area and which distributes milk inside the marketing area but in an amount less than 10 percent of the entire route distribution from such plant is a nonpool plant. The operators of such nonpool plants are required to make reports of their receipts and utilization to the market administrator each month and are subject to audit. On the Class I milk disposed of inside the marketing area, a compensatory payment is required to be made to the producer-settlement fund. The findings and conclusions issued at the time compensatory payments were incorporated in the order (19 F. R. 3475) stated that milk from plants which are subject to the pricing provisions of another order should be exempt from such payments. Provision for such exemption was made with respect to other source milk received at pool plants from plants regulated by another order but such exemption was inadvertently omitted in the case of nonpool plants which are subject to regulation under another order. In view of the stated intent, no payments have been enforced on milk disposed of in the marketing area by such plants.

Producers proposed that payments on milk distributed in the marketing area from plants subject to another order be required at the difference between the Class I price under the Cincinnati order and the Class I price under the order to which such milk is subject to regulation.

The minimum prices for Class I milk under other Fedral orders which would regulate any nonpool plants which might reasonably be expected to distribute milk in the Cincinnati marketing area are equal to or exceed the Cincinnati Class I price as adjusted by the Class I location differential applicable at pool plants of the same location. Handlers operating plants subject to such other Federal orders are required to pay the respective order Class I prices for all milk disposed of on routes in the Cincinnati marketing area. They would not be in a position to purchase milk for such disposition, therefore, at a competitive advantage over Cincinnati pool plants. Furthermore, if for some reason, plants subject to other Federal orders have a competitive advantage over a period of time in the procurement of milk for sale in the Cincinnati marketing area, the problem fundamentally would be one of establishing the proper alignment in Class I prices between markets. No compensatory payments, therefore, should be required on milk distributed by nonpool plants in the Cincinnati marketing area which is classified and priced as Class I milk under another Federal milk marketing order.

Under the present pool plant definition of the Cincinnati order, plants at which the milk of dairy farmers is priced by another Federal order are excluded as pool plants. It is possible that a plant could be subject to another Federal order and exempt from regulation under the Cincinnati order even though a major portion of its Class I milk disposition may be made in the Cincinnati marketing area. It is reasonable and economically sound that a plant should be regulated under the order for the marketing area where the largest portion of the plant's Class I milk is disposed of. Such a determination should be made on the basis of sales over a period of time to reduce the possibility of subjecting plants to different orders from month to month under situations where nearly equal amounts of milk are supplied to the Cincinnati and other marketing areas. A reasonable basis for this determination is sales during the current and each of the immediately preceding three months. A new section, therefore, § 965.92 incorporating these conclusions should be added to the order. The proposed language will avoid jurisdictional questions which could result under the present language contained in this and in some other orders.

5. The quota plan for distributing to pryoducers the proceeds from the sale of their milk should not be adopted at this time.

Producers proposed that a quota (base and excess) plan be adopted. Producers are presently paid on the basis of a fall incentive plan whereby a certain rate per hundredweight of producer milk is set aside from the marketwide pool value of milk during the flush production season and distributed to producers on the basis of their deliveries during the short production season. This plan, having been adopted May 1, 1955, has been in operation for only two years. It was the intention of proponents to have the quota plan work in conjunction with the fall incentive plan but not replace it. Both the fall incentive plan and the quota plan have the common objective of decreasing seasonal variation of producer milk receipts. Producers contended that the addition of a quota plan with each producer assigned a quota or base would be more effective in promoting more even production and would reduce the possibility of dairy farmers from other markets sharing in the marketwide pool by delivering their excess milk to pool plants during the flush production season. The revised definition of a producer as recommended herein should greatly reduce this latter possibility. As discussed under Issue No. 2, considerable progress has been made under the fall incentive plan in obtaining more even production in the relatively short period of time since it became effective. Additional time is needed before the final degree of effectiveness can be appraised and the need for additional means of evening the seasonal pattern of production determined. It is concluded, therefore, that producers' proposal should be denied at this time.

6. The entire order should be redrafted to provide for reporting and accounting for skim milk and butterfat, separately, to add more specificity in the provisions with respect to the reporting and accounting for milk and to incorporate a number of conforming and clarifying changes.

Most of the provisions of the present order with respect to reporting, classification and allocation are written in terms of milk and butterfat. Some provisions are written in terms of skim milk and butterfat. The present language fails to provide for explicit accounting for skim milk. These provisions should be redrafted and brought into conformance with good accounting practice and the procedures followed in orders generally by applying separate accounting for skim milk and butterfat.

Condensed skim milk, dry skim milk and other products from which some of the water contained in skim milk is removed are manufactured in pool plants. Some of these products are reused in the plant where produced or disposed of to other pool plants. Operators of other pool plants may purchase skim milk solids from outside sources. Such solids may be used for reconstituting certain fluid milk products or to fortify skim milk drinks. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product should be accounted for as as amount equal to the nonfat milk solids contained in such product plus the water content normally associated with such solids in the form of whole milk. Receipts of skim milk in concentrated form also should be accounted for in this manner. This method of accounting promotes uniformity in the cost of skim milk among handlers in accordance with its class usage and is necessary to effectuate the established principle of allocating current receipts of producer milk to the higher-priced utilizations to the fullest extent that current receipts from producers are available to supply such uses. This procedure has been followed in this market in order to carry out the intent of the present order and, in redrafting the order provisions, should be specified.

The present order provides for classifying shrinkage on butterfat as Class III milk up to 2.5 percent of the receipts of butterfat in producer milk. No maximum shrinkage allowance is provided on skim milk in producer milk.

The maximum amount of shrinkage on producer milk which may be accounted for in Class III milk should be reduced to 2.0 percent for both skim milk and butterfat. This is in accordance with the experience at most pool plants and is reasonable for this market. This figure and the practice of a maximum allowance on skim milk has been adopted under most other Federal orders.

The explicit accounting for skim milk and butterfat, separately, and the application of the skim milk equivalent basis of accounting for all concentrated skim milk products used during the month (other source milk) necessitates a revision in the method of allocating total plant shrinkage between producer milk and other source milk. Because skim milk and butterfat is accounted for in Class II and Class III milk products on a used to produce basis, shrinkage involved in manufacturing such products is included in the amount of skim milk and butterfat reported in such uses. Under this accounting system, the shrinkage experienced by handlers, therefore, is confined primarily to losses incurred in receiving bulk fluid milk and in processing milk for Class I disposition. To determine the respective amounts of shrinkage on producer milk and other source milk, therefore, total shrinkage should be prorated between receipts of producer milk and other source milk received in the form of a fluid milk product in bulk.

All other provisions of the order should be redrafted where necessary to incorporate conforming changes and make editorial changes for the purpose of clarification.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the find-

ings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended margeting agreement and order amending the order. The following order amending the order regulating the handling of milk in the Cincinnati, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the City of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk all or a portion of which is disposed of during the month on a route(s) operated wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means a milk plant, other than a plant operated by a producer-handler, which is:

(a) A fluid milk plant located in the marketing area;

(b) A fluid milk plant located outside the marketing area and from which not less than 10 percent of the entire route disposition of Class I milk from such plant during the month is disposed of on a route(s) operated wholly or partially within the marketing area; or

(c) A plant which receives milk from persons described in § 965.10 (a) and from which an amount of milk or skim milk in fluid form has been moved to a plant(s) described in paragraph (a) or (b) of this section equal to not less than one percent of the total Class I utilization of all plants described in paragraphs (a) and (b) of this section during the second month preceding such movement, as specified in the following schedule:

Months' Plant Is Pool Plant	
Months milk is moved:	
One of the months of October and November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 965.9 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 965.10 *Producer.* "Producer" means a dairy farmer, other than a producer-handler, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant; or

(c) Either: (1) Diverted during any of the months of March through August from a pool plant to a nonpool plant for the account of a handler as defined in § 965.11 (a) (1); or (2) diverted during the month to a nonpool plant for the account of a handler as defined in § 965.11 (b), if such milk is from a dairy farmer whose milk previously has been received at a pool plant.

§ 965.11 *Handler.* "Handler" means (a) any person who operates (1) a pool plant; or (2) a fluid milk plant which is a nonpool plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted to a nonpool plant by the cooperative association during the month.

§ 965.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers during the month, or (b) diverted from a pool plant to a nonpool plant pursuant to the conditions set forth in § 965.10 (c): *Provided,* That if such diverted milk is from a producer whose milk was physically received from the farm at a pool plant located less than 45 miles from the City Hall in Cincinnati on (1) 60 percent or more of the days of its delivery during the immediately preceding period of September through December or (2) 60 percent or more of the days of its delivery from the date of first delivery to the last day of February in the immediately preceding period of September through February, such milk shall be deemed to have been received by the handler at a pool plant at the same location as the pool plant from which it was diverted. Diverted milk not meeting the conditions specified in subparagraph (1) or (2) of this paragraph shall be deemed to have been received by the handler at a pool plant at the same location as the nonpool plant to which the milk is diverted.

§ 965.13 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 965.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by (a) receipts during the month in the form of fluid milk products except (1) producer milk, (2) such products received from other pool plants, and (3) inventory of fluid milk products at the beginning of the month; and (b) products other than fluid milk products from any source (except Class II products from pool plants but including products other than Class II products produced at the pool plant), which are reprocessed, repackaged, or converted to another

product during the month or for which other utilization or disposition is not established pursuant to § 965.33.

§ 965.15 *Fluid milk product.* "Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, milk drink, cream (sweet, cultured, sour, or whipped), eggnog, concentrated milk and any mixture of milk, skim milk or cream (except frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, and evaporated or condensed milk).

§ 965.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the United States Department of Agriculture.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 965.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Pay, out of the fund provided by § 965.76, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within ten days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request and submit his books and records to examination by the Secretary at any and all times;

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.63, and the producer butterfat differential computed pursuant to § 965.74;

(i) On or before the 13th day after the end of each month:

(1) Notify each handler of his net obligation pursuant to §§ 965.60 and 965.61 and of any adjustments pursuant to § 965.62; and

(2) Report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 965.30 *Monthly reports of receipts and utilization.* On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plants, in the detail and on forms prescribed by the market administrator the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Beginning and ending inventories of fluid milk products.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe;

(d) His producer payroll, which shall show for each producer: (1) The total pounds of milk with the average butterfat test thereof, (2) the amount of the advance payment to such producer made pursuant to § 965.70 and the nature and amount of deductions and charges made by the handler; and

(e) The name and address of each new producer.

§ 965.31 *Other reports.* Each handler who operates a fluid milk plant, which is a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 965.32 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to §§ 965.30 and 965.31, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* The skim milk and butterfat which are required to be reported pursuant to § 965.30 (a) shall be classified by the market administrator, subject to the provisions of §§ 965.41 through 965.46.

§ 965.41 *Classes of utilization.* Subject to the conditions set forth in §§ 965.43 and 965.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product,

except as provided in paragraphs (c) (2) and (3) of this section, and (2) not accounted for as Class II milk or Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce ice cream, ice cream mix, frozen desserts, milk (or skim milk) and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped, or aerated product, and cottage cheese; and (2) inventories of fluid milk products; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), and evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk during the months of March through August, inclusive, as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) actual plant shrinkage allocated to producer milk pursuant to § 965.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (5) actual plant shrinkage allocated to other source milk pursuant to § 965.42.

§ 965.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and other source milk received in the form of a fluid milk product in bulk.

§ 965.43 *Transfers.* Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred to the pool plant of another handler in the form of a fluid milk product, unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 965.30; and

(2) The receiving plant has utilization in the claimed classification of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 965.46 (a) (1), (2), and (3) and the corresponding steps of (b): *Provided,* That if either or both plants have other source milk, the milk, skim milk or cream so transferred shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk: *And provided further,* That milk may be transferred in farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are pool plants pursuant to § 965.7 (a) or (b);

(b) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant located in Campbell County or Kenton County, Kentucky, from which a route(s) is operated, unless:

(1) The handler claims classification in another class and furnishes, on or before the 10th day after the end of the month to the market administrator, a statement signed by all parties to the transaction that such skim milk and butterfat was used in a lower priced class;

(2) Books and records are maintained for the nonpool plant showing utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator, for the verification of such mutually indicated utilization; and

(3) The Class I utilization (as defined in § 965.41) at such nonpool plant is less than the skim milk and butterfat, respectively, transferred or diverted to such nonpool plant, in which case, such skim milk and butterfat shall be assigned to the highest-valued use classification available at such plant;

(c) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form to a fluid milk plant operated by a producer-handler.

(d) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant, except as provided in paragraphs (b) and (c) of this section, unless the conditions specified in subparagraphs (1) and (2) of paragraph (b) of this section are met and an equivalent amount of skim milk and butterfat, respectively, was used at such nonpool plant in the classification(s) claimed. Any amounts in excess of the actual use in such claimed classification(s) shall be assigned to Class III milk to the extent available then in sequence to Class II milk and Class I milk.

§ 965.44 *Responsibility of handlers.* In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk and butterfat, should not be classified as Class I milk.

§ 965.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, Class II milk, and Class III milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

§ 965.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 965.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in producer milk shrinkage assigned to Class III milk pursuant to § 965.41 (c) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk less the pounds subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk received in the form of a fluid milk product which is subject to the Class I pricing provisions of another order issued pursuant to the act;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 965.41 and 965.43;

(5) Subtract from the remaining pounds of skim milk, in series from Class II milk and then Class I milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month; and

(6) Add to the pounds of skim milk remaining in Class III milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced use available.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2;

(2) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6.4 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Subject to the provisions of § 965.52, the class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.30, plus or minus "a supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross pounds of Class I milk set forth in § 965.41 (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total pounds of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease such differential by three cents: *Provided,* That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January	67	69
February	66	68
March	66	68
April	67	69
May	63	65
June	60	62
July	53	55
August	49	51
September	48	50
October	51	53
November	58	60
December	63	65

(b) *Class II milk.* The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.13; and

(2) From the average price for nonfat dry milk spray process, described in paragraph (b) (2) of § 965.50, deduct 5.5 cents and multiply the result by 8.2.

(c) *Class III milk.* The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February shall be the same as the Class II price;

(1) The simple average, as computed by the market administrator of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M. and R. Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Add 1.25 cents to the butterfat differential for Class II milk;

(b) *Class II milk.* Multiply the Chicago butter price by 118, subtract therefrom the amount computed pursuant to § 965.51 (b) (2) and divide the result by 1000; and

(c) *Class III milk.* Multiply the Chicago butter price less 5.0 cents by 120, subtract therefrom the amount computed pursuant to § 965.50 (b) (2) and divide the result by 1000: *Provided,* That for each of the months of September through February, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month.

§ 965.53 *Location differential to handlers.* For that skim milk and butterfat in producer milk received at a pool plant located 45 miles or more by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located less than 45 miles from the City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or Class II milk at such plant, the handler's obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk and butterfat is received from producers as follows:

Distance from the City Hall (miles):	*Rate per hundredweight (cents)*
45 but less than 110	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant, the total skim milk and butterfat in producer milk physically received at such plant and (2) shall be allowed to the transferee handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

§ 965.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

COMPUTATION OF UNIFORM PRICE

§ 965.60 *Net obligation of each handler.* The net obligation of each handler for producer milk for the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Subtract the location differential credits pursuant to § 965.53;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 965.46 (a) (6) and the corresponding step of (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the pounds of milk in inventory subtracted from Class I milk pursuant to § 965.46 (a) (5) and the corresponding step of (b); and

(e) Add an amount computed by multiplying the pounds of other source milk subtracted from Class I milk and Class II milk pursuant to § 965.46 (a) (2) and the corresponding step of (b) by the difference between the price for milk (of the same butterfat content) in the class from which subtracted and the price computed pursuant to § 965.50 (b), adjusted to the same test by the Class III butterfat differential (other than butter): *Provided,* That for any month when the aggregate utilization of Class I milk for all handlers at pool plants is 90 percent or more of producer milk, no obligations shall be incurred pursuant to: (1) This paragraph, (2) paragraph (d) of this section on milk which is in excess of producer milk classified as Class II milk for the preceding month, or (3) § 965.61.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying the hundredweight of milk disposed of as Class I milk from such plant on routes operated within the marketing area, (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant) by the amount by which the price of Class I milk computed pursuant to §§ 965.51, 965.52, and 965.53, exceeds the price computed pursuant to § 965.50 (b) adjusted by the Class III butterfat differential (other than butter). Such obligations shall be paid by such handler to the market administrator on or before the 17th day after the end of each month.

§ 965.62 *Correction of errors.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 965.63 *Computation of uniform prices.* For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(b) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.74 times 10;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(d) Add for each of the months of September, October, November, and December an amount computed by dividing by four the total amount of the obligated balance in the producer-settlement fund pursuant to § 965.71 (b) on September 30 of such year;

(e) Add the sum of the values of the location differentials allowable pursuant to § 965.75;

(f) Add the unobligated balance in the producer-settlement fund;

(g) Divide by the total hundredweight of producer milk pooled pursuant to paragraph (a) of this section; and

(h) Subtract not less than four cents or more than five cents per hundredweight.

PAYMENTS FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay to each producer $1.00 per hundredweight of milk received from such producer during the month: *Provided,* That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 965.61 and 965.72 shall be deposited in this fund, and all payments made pursuant to § 965.73 shall be made out of this fund;

(b) All amounts substracted pursuant to § 965.63 (c) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.63 (d); and

(c) The difference between the amount added pursuant to § 965.63 (f) and the amount resulting from the subtraction pursuant to § 965.63 (h) shall be deposited in, or withdrawn from, this fund, as the case may be.

§ 965.72 *Payments to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 965.22 (i) (1) less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided,* That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70), will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.64 adjusted by the location differential pursuant to § 965.75 and the butterfat differential pursuant to § 965.74, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.77:

(1) Direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section; and

(2) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

§ 965.74 *Butterfat differential to producers.* In computing the payments due each producer for milk pursuant to § 965.73, there shall be added to, or subtracted from the uniform price per hundredweight, for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

§ 965.75 *Location differentials to producers.* In computing the payment due each producer pursuant to § 965.73, the uniform price for milk which is received at a pool plant located 45 miles or more, by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

	Rate per hundredweight (cents)
Distance from City Hall (miles):	
45 but less 110	15.0
For each additional 10 miles or fraction thereof, an additional	1.5

§ 965.76 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, two cents per hundredweight or such lesser amount as

the Secretary may from time to time prescribe, with respect to all producer milk received during the month.

§ 965.77 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding six cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market adminstrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this part, or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary, account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 965.91 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 965.92 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a fluid milk plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant meets the requirements for a pool plant pursuant to § 965.7 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Cincinnati, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided,* That the operator of a fluid milk plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Filed at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-9961; Filed, Dec. 2, 1957; 8:46 a. m.]

Agricultural Research Service

[9 CFR Part 112]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS AND CERTAIN ORGANISMS AND VECTORS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U. S. C. 151 et seq.), it is proposed to amend § 112.2 (a) (2) of the regulations relating to viruses, serums, toxins, and analogous products (9 CFR 112.2 (a) (2), as amended) to read:

(2) In the case of product manufactured in the United States, the name and address of the licensee, or of the subsidiary which manufactured the product, when named in the license as provided in § 102.4 (d), and in the case of foreign-manufactured product offered for importation, the name and address of the permittee and of the foreign manufacturer: *Provided,* That when the licensee has more than one establishment, one street address only shall be given, although the general location of each licensed establishment in such case may be stated;

The purposes of the proposed amendment are to modify the requirements with respect to labeling of biological products (for use in the treatment of domestic animals) produced by corporations which are actual producing subsidiaries of a licensee, and to impose certain requirements for the labeling of biologicals for such use, produced in foreign countries and imported into the United States, which are consistent with the labeling requirements applicable to domestically produced biologicals.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Animal Inspection and Quarantine Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of November 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-10000; Filed, Dec. 2, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

UTAH STATE BOARD OF AGRICULTURE

AUTHORIZATION FOR INSPECTION OF LIVESTOCK

The Utah State Board of Agriculture, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217a), has filed a written application with the Secretary of Agriculture for authority to act as an official livestock inspection agency with respect to livestock originating in or shipped from the State of Utah. It is found that the applicant is an agency of the State of Utah, that branding and marking of livestock as a means of establishing ownership prevails by custom or statute in said State, that no other application of a similar nature has been filed with the Department of Agriculture, and that it is necessary to authorize the Utah State Board of Agriculture to charge and collect a reasonable and non-discriminatory fee at posted stockyards which are subject to the provisions of the act for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from the State of Utah for the purpose of determining the ownership of such livestock.

Therefore, after consideration of such application and all data, views and arguments submitted as a result of the notice of proposed rule making in connection therewith published in the FEDERAL REGISTER on October 11, 1957 (22 F. R. 8099), and pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended, the following authorization is granted to become effective 30 days after publication in the FEDERAL REGISTER:

Authorization. The Utah State Board of Agriculture is hereby authorized, with respect to livestock originating in or shipped from the State of Utah, to charge and collect, at those stockyards posted under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), at which the said Utah State Board of Agriculture may register as a market agency to perform such inspection, reasonable and non-discriminatory fees for the inspection of brands, marks and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said Utah State Board of Agriculture. Such inspection charges and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and the regulations issued thereunder. (7 U. S. C. 217a.)

Done at Washington, D. C., this 27th day of November 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-9994; Filed, Dec. 2, 1957; 8:49 a. m.]

Office of the Secretary

KANSAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Kansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Cherokee.	Montgomery.
Crawford.	Neosho.
Labette.	Wilson.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 26th day of November 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-9962; Filed, Dec. 2, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Department of Lands has filed an application, Serial No. A. 039140, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for transfer to the Territory for school construction purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 3 N., R. 11 W., Seward Meridian, Section 31, SW¼SE¼NW¼.

Containing approximately 10 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 57-9991; Filed, Dec. 2, 1957; 8:49 a. m.]

Bureau of Reclamation

[No. 75]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIFORNIA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES AND ANNUAL WATER RENTAL CHARGES

NOVEMBER 20, 1957.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the calendar year 1958 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $8.00 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72 dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the division under public notice. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of calendar year 1958 will be applied against the minimum charges for water during calendar year 1959. No credit will be given for water purchased during calendar year 1958 at the minimum charge but undelivered at the end of calendar year 1958.

Where in the opinion of the Chief, Operations Division, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Chief, Operations Division that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1958, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1958 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: the minimum annual charge shall be $8.00 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot. All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

4. *Place of payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma Air Base, or mailed to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

W. H. TAYLOR,
Regional Director.

[F. R. Doc. 57-9966; Filed, Dec. 2, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LORETZ & CO. AND SAN DIEGO TRAFFIC SERVICES

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916. (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8228 between Loretz & Company, Los Angeles, California, and San Diego Traffic Services, San Diego, California, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 27, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-9955; Filed, Dec. 2, 1957; 8:45 a. m.]

Office of the Secretary

GEORGE W. FLANAGAN

STATEMENT OF CHANGES IN FINANCIAL INTEREST

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 15, 1956, 21 F. R. 8892; May 14, 1957, 22 F. R. 3396.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 6, 1957.

GEORGE W. FLANAGAN.

NOVEMBER 25, 1957.

[F. R. Doc. 57-9963; Filed, Dec. 2, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that General Dynamics Corporation, San Diego, California, on November 19, 1957 filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a nuclear reactor designed to operate at a power level of 10 kilowatts and to be located at Torrey Pines Mesa, San Diego, California.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 22d day of November 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57-9950; Filed, Dec. 2, 1957; 8:45 a. m.]

[Docket No. 27-6]

NUCLEAR CONSULTANTS, INC.

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICES

Please take notice that an application for a license to provide radioactive waste disposal services has been filed by Nuclear Consultants, Inc., 9842 Manchester Road, St. Louis 19, Missouri.

The application specifies a maximum possession limit of 3 curies of each radioisotope with atomic numbers from 3 to 83 except for Cobalt 60, Iridium 192, Cesium 137 and Thulium 170 for which the possession limit is 25 curies each. It is proposed that short lived material will be held for decay and disposed in accordance with the criteria established in Title 10 Code of Federal Regulations, Part 20, "Standards for Protection Against Radi-

ation". That material which cannot be disposed in accordance with these criteria will be packaged and shipped to Oak Ridge National Laboratory, Oak Ridge, Tennessee.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 20th day of November 1957.

For the Atomic Energy Commission,

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57-9951; Filed, Dec. 2, 1957; 8:45 a. m.]

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on November 25, 1957, issued License No. CX-6 to Westinghouse Electric Corporation authorizing the operation of a critical experiment facility at the Westinghouse Reactor Evaluation Center, Westmoreland County, Pennsylvania. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on October 2, 1957.

Dated at Washington, D. C., this 25th day of November 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57-9952; Filed, Dec. 2, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12124, 12125; FCC 57M-1191]

GEOFFREY A. LAPPING AND PHOENIX BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Geoffrey A. Lapping, Phoenix, Arizona, Docket No. 12124, File No. BP-10963; Harold Lampel and Dawkins Espy d/b as Phoenix Broadcasting Company, Phoenix, Arizona, Docket No. 12125, File No. BP-10964; for construction permits.

Pursuant to a pre-hearing conference this date, and with the concurrence of counsel for all parties: *It is ordered,* This 27th day of November 1957, that the hearing now scheduled in this proceeding to commence on December 4, 1957, is continued without date.

Released: November 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9983; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket Nos. 12209, 12210; FCC 57M-1182]

DAVID M. SEGAL ET AL.

ORDER FOLLOWING FIRST PREHEARING CONFERENCE (CONTINUING HEARING)

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP-10427; Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-11289; for construction permits.

1. At a prehearing conference in the above-entitled matter held on November 25, 1957, the applicants and parties agreed to observe the following procedural steps:

(1) The applicants will informally submit to Commission counsel and to each other their engineering exhibits on January 6, 1958.

(2) The applicants will informally submit to Commission counsel, the Hearing Examiner, and to each other the exhibits comprising their direct comparative cases in writing on January 13, 1958.

(3) The hearing proper shall be commenced on January 20, 1958.

It is accordingly ordered, This 25th day of November 1957, that the first and second agreements noted above shall be effectuated by the parties in question; and

It is further ordered, That the hearing in this matter presently scheduled to commence December 20, 1957, is hereby rescheduled to commence at 10:00 a. m., January 20, 1958, in the Commission's offices at Washington, D. C.

Released: November 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9984; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket No. 12243; FCC 57M-1188]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 26th day of November 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., December 5, 1957.

Released: November 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9985; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket No. 12250; FCC 57M-1187]

SACRAMENTO TELECASTERS, INC. (KBET-TV)

NOTICE SCHEDULING PREHEARING CONFERENCE

In re application of Sacramento Telecasters, Inc. (KBET-TV), Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

There will be a prehearing conference on December 5, 1957, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: November 26, 1957.

Released: November 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-9986; Filed, Dec. 2, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8055]

RAILWAY EXPRESS INCREASED VALUATION AND C. O. D. CHARGES

NOTICE OF CANCELLATION OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled investigation now assigned for December 18, 1957, is cancelled.

Dated at Washington, D. C., November 26, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10003; Filed, Dec. 2, 1957; 8:50 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN ENGINEERING DRAFTSMAN POSITIONS IN THE STATE OF UTAH

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CSR 25.103, 25.105, the Commission has increased the minimum rates of pay for all classes of positions at grades 2 through 7 in the Engineering Design and Drafting Series GS-818-0 as follows:

GS-2 to be increased to $3,215 (4th step).
GS-3 to be increased to $3,600 (6th step).
GS-4 to be increased to $3,840 (6th step).
GS-5 to be increased to $4,345 (6th step).
GS-6 to be increased to $4,755 (6th step).
GS-7 to be increased to $5,200 (6th step).

These increases will be effective on the first day of the first pay period which begins after November 23, 1957, and will be applicable to all such positions in the State of Utah.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-9982; Filed, Dec. 2, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11618]

R. H. FULTON ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 26, 1957.

In the matter of R. H. Fulton, et al., Oil and Gas Property Management, Inc., and Beacon Building Corporation, Docket No. G-11618.

Take notice that on December 18, 1956, as amended on February 19, 1957, R. H. Fulton, et al.[1] (Fulton), Oil and Gas Property Management, Inc. (Management), and Beacon Building Corporation (Beacon), independent producers of natural gas, filed in Docket No. G-11618 a joint application seeking permission for Fulton to abandon certain sales of natural gas and authorizing Management and Beacon to continue said sales, pursuant to sections 7 (b) and (c), respectively, of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Fulton seeks permission to abandon the sale of, and Management and Beacon seek certification to sell natural gas to Colorado Interstate Gas Company (Colorado Interstate) from the Keyes Field, Cimarron County, Oklahoma, under a sales contract dated May 8, 1954, between Fulton and Colorado Interstate; and also permission to abandon and certification to sell natural gas to Natural Gas Pipeline Company of America (Natural Gas Pipeline) from the Hansford Field, Hansford County, Texas, under a sales contract dated August 2, 1954, between Fulton and Natural Gas Pipeline.

Fulton states that it has sold to Management and Beacon all of its interest in oil and gas properties affected by the above contracts effective December 27, 1956, and Management and Beacon have undertaken to continue the sales of gas thereunder without interruption or alteration of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Sreet NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9973; Filed, Dec. 2, 1957; 8:47 a. m.]

[1] R. H. Fulton filed individually and doing business as R. H. Fulton & Company, and Fulton Development Company.

[Docket No. G-11962]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 26, 1957.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on February 11, 1957 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, as hereinafter described, subject to the jurisdiction of the Commission, for the sale and delivery of natural gas from existing transmission lines for interruptible service to three direct industrial customers, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a tap, metering and regulating equipment on Applicant's transmission line No. 513 near Houston, Washington County, Pennsylvania, and 40 feet of 2-inch service line to serve Jay Metalcraft Company, which plans to use natural gas in two new brass melting furnaces and two existing unit space heaters.

Applicant proposes to construct and operate a tap, metering and regulating equipment on its transmission line No. 515 near Meadowlands, Washington County, Pennsylvania, and 950 feet of 4-inch service line to serve Rubber Rolls, Inc., which plans to use gas for the firing of a boiler used in processing rubber products and for space heating in its new plant located in Chartiers Township, Washington County.

Applicant also proposes to construct and operate a tap, metering and regulating equipment on its transmission line No. 515 near said Meadowlands and 60 feet of 4-inch service line to serve Metco, Inc., which plans to use gas for a hearth furnace for reclaiming oxides and in a 100 H. P. boiler to be installed as soon as gas service becomes available.

The estimated gas requirements of the three new customers are:

	Annual (Mcf)	Peak day (Mcf)
Jay Metalcraft Co.	4,000	25
Rubber Rolls, Inc.	15,000	60
Metco, Inc.	24,000	88

The estimated cost of the proposed construction to serve Jay Metalcraft is $2,450, of that to serve Rubber Rolls, Inc., $7,150, and of that to serve Metco, Inc., $4,500.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 2, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9974; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket No. G-13117]

CITY OF OLIVE HILL, KENTUCKY

NOTICE OF APPLICATION

NOVEMBER 26, 1957.

Take notice that the city of Olive Hill, Carter County, Kentucky (Applicant), a fifth class city organized under the laws of the Commonwealth of Kentucky, filed an application on August 22, 1957, pursuant to section 7 (a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection with the proposed facilities of Applicant and to sell to Applicant volumes of natural gas for resale in the city of Olive Hill, at a point on the system of Tennessee in the vicinity of Applicant, as more fully described in the application on file with the Commission and open to public inspection.

The application recites that Applicant has an estimated population of 2,500 in

its proposed service area; and that gas requirements for the first three years of operation will be annually and on a peak day as follows:

Year of operation	1	2	3
Annual (Mcf)	27,955	39,055	47,880
Peak day (Mcf)	258	360	441

Applicant proposes to construct and operate (1) approximately 1.5 miles of 4-inch transmission line extending from a point on Tennessee's existing 24-inch looped lines at the intersection of said line and Kentucky State Highway No. 174 to a town border regulator station at the south end of Olive Hill and (2) a distribution system in the town of Olive Hill, Kentucky.

Applicant proposes to issue and place 5 percent revenue bonds to provide the finances for the cost of the proposed project, the estimated cost of which is $210,000.

Tennessee on October 11, 1957 filed an answer to Applicant's request asserting (a) it has no unallocated capacity available in its existing or authorized system to provide the service requested, but (b) as a practical matter it will be able to deliver the small quantities of gas required by Olive Hill without impairing its ability to meet its contractual commitments, authorized and proposed.

This matter is one that should be disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, if no request for hearing is made concerning the matters involved in and the issues presented by such application the Commission may dispose of the proceedings pursuant to the provisions of section 7 (a) of the Natural Gas Act and the Commission's rules of practice and procedure.

Protests, requests for hearing or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9975; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket No. G-13302]

BERT FIELDS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 26, 1957.

Take notice that Bert Fields, W. S. Fields, Jr., Bert Fields, Jr., Trust, Gregg Oil Company, and J. S. Hudnall (Applicant), independent producers of natural gas with a principal place of business in Dallas, Texas, filed an application on September 20, 1957, and an amendment thereto on October 24, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Trebloc Pool, Chickasaw County, Mississippi, to Texas Eastern Transmission Corporation for transportation in interstate commerce and resale.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 2, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9976; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket Nos. G-13089, G-13095]

CURRIE B. DAVIS AND GARLAND CLYMORE

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 26, 1957.

In the matters of Currie B. Davis, operator, Docket No. G-13089; Garland Clymore, operator, Docket No. G-13095.

Take notice that Currie B. Davis, operator (Davis) and Garland Clymore, operator (Clymore), independent producers, filed applications on August 19, 1957, in Docket Nos. G-13089 and G-13095, respectively, for permission and approval to abandon and continue to render natural gas service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective applications seek authority for:

(1) Davis to abandon service to Trunkline Gas Company (Trunkline) from leases in the Colettonville and East Colettonville Fields, Victoria and Goliad Counties, Texas, dedicated under a gas sales contract dated November 1, 1954, as amended May 3, 1955, between Davis, et al., as sellers, and Trunkline, as buyer, some of which leases have expired and the remainder of which have been assigned to Clymore; and

(2) Clymore to continue the service to Trunkline proposed to be abandoned by Davis from the leases which Clymore has acquired.

Applicants state that all of the leases originally dedicated under the above-mentioned contract and a portion of the leases dedicated by the subject amendment thereto have expired while Davis' interest in the remaining leases dedicated by the amendment has been acquired by Clymore subject to said contract. In addition, Clymore has succeeded Davis as operator of the acquired properties.

Davis was authorized on May 13, 1955, in Docket No. G-8320, to render service to Trunkline from the acreage originally dedicated under the contract of November 1, 1954.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 14, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9977; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket No. E-6787]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

NOVEMBER 26, 1957.

Take notice that on November 20, 1957, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Pacific Gas and Electric Company ("Applicant"), seeking an order authorizing it to acquire all the facilities of Pinole Light and Power Company ("Pinole"), a wholly owned subsidiary of the Applicant. Applicant is a corporation organized under the laws of the State of California, authorized to do business only in California, with its principal business office at San Francisco, California. Pinole is a corporation organized under the laws of the State of California, authorized to do business only in California, with its principal business office at San Francisco, California. Applicant presently owns all the capital stock of Pinole outstanding and proposes to merge Pinole into Applicant for the purpose of eliminating Pinole from Applicant's corporate structure in order to effect economies in administration and operation. The facilities of Pinole to be acquired by Applicant by the merger constitute all Pinole's operating facilities and distribution system now used in supplying electric service in the towns of Pinole, Hercules and Rodeo in the County of Contra Costa in the State of California. The estimated original cost of Pinole's utility plant is set forth in the application as $263,680.28. Applicant proposes to continue to use such facilities for such service to the aforementioned towns of Pinole, Hercules and Rodeo after consummation of the merger of Pinole into Applicant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of December 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9978; Filed, Dec. 2, 1957; 8:47 a. m.]

[Docket No. G-12878 etc.]

SUPERIOR OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 26, 1957.

In the matters of The Superior Oil Company, Docket No. G-12878; United Gas Pipe Line Company, Docket No. G-12926; Austral Oil Exploration Company, Inc., Docket No. G-12967; Union Oil Company of California, Docket No. G-13003.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas in interstate commerce for resale and authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On July 19, 1957, United Gas Pipe Line Company (United) filed in Docket No. G-12926 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3.13 miles of 8-inch supply lateral pipeline, a purchase meter station on platform, separator installation and appurtenant facilities, together with other facilities required from time to time, for further deliveries. The proposed pipeline will extend southwesterly from a point on United's existing Lirette Field-Napoleonville Junction 24-inch pipeline to the proposed meter station to be installed in the Lake Hatch Field area, all in Terrebonne Parish, Louisiana. The proposed facilities are necessary to enable United to purchase and receive natural gas from The Superior Oil Company (Superior), Austral Oil Exploration Company, Inc., (Austral), and Union Oil Company of California (Union). The estimated total cost of United's proposed facilities is $180,633, which cost is to be financed from current working funds.

The following related producer applications have been filed covering the above sales to United:

Docket No., Producer, Date Filed, and Contract Date

G-12878; Superior; July 12, 1957; June 21, 1957.

G-12967; Austral; July 29, 1957; July 3, 1957.

G-13003; Union; August 2, 1957; June 25, 1957.

Each of the above-named producers seek authority to sell natural gas in interstate commerce to United for resale from production as described above.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 14, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-9979; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket No. G-12365 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 26, 1957.

In the matters of Pan American Petroleum Corporation, Docket No. G-12365; Gulf Interstate Gas Company, Docket No. G-12771; Robert Mosbacher, Operator, Docket No. G-12772; Austral Oil Exploration Company, Inc., Docket No. G-12825.

Take notice that there have been filed with the Federal Power Commission, applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary to receive and transport natural gas in interstate commerce and authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On June 20, 1957, Gulf Interstate Gas Company (Gulf), filed in Docket No. G-12771 an application for a certificate of public convenience and necessity, authorizing the construction and operation of:

(1) Approximately 3.8 miles of 8-inch field line extending from a point on Gulf's 8-inch E. Lateral in Lafourche Parish, Louisiana, to a proposed meter station to be located in the Valentine Field, together with 0.3 mile of 4-inch field line extending from a point on the proposed 8-inch line to a second proposed meter station in the same field.

The above proposed facilities will enable Gulf to transport for the account of United Fuel Gas Company (United Fuel natural gas produced in the Valentine Field by Robert Mosbacher (Mosbacher), et al., and Pan American Petroleum Corporation (Pan Am.)).

(2) Approximately 2.3 miles of 4-inch field line extending from a point on Gulf's existing 16-inch S. Pecan Lake Lateral in Vermilion Parish, Louisiana, to a proposed meter station in the South Lake Arthur Field.

The proposed facilities in (2) above will enable Gulf to receive and transport for the account of United Fuel natural gas produced in the South Lake Arthur Field by Oil Participations, Incorporated,

H. L. Hawkins and H. L. Hawkins, Jr., as represented by Austral Oil Exploration Company, Incorporated (Austral) as Agent for said producers.

The estimated total cost of Gulf's proposed facilities is $233,000, which cost will be paid from available company funds.

The following related producer applications have been filed covering the above sales to United Fuel:

Docket No., Producer, Date Filed, and Contract date

G–12365; Pan Am; April 3, 1957; January 31, 1957.

G–12772; Mosbacher; June 20, 1957; June 4, 1957.

G–12825; Austral; July 1, 1957; June 5, 1957.

Each of the above producers seek authority to sell natural gas in interstate commerce to United Fuel for resale from production as indicated above.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–9980; Filed, Dec. 2, 1957; 8:48 a. m.]

[Docket No. G–12263]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 26, 1957.

Take notice that on March 19, 1957, Alabama-Tennessee Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in Florence, Alabama, filed in Docket No. G–12263 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale on an interruptible basis to its presently authorized resale customers through existing facilities and connections, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that because of diversity of demands on its system Applicant occasionally has available quantities of natural gas over and above the requirements of its general service customers which are limited by their service agreements to specified quantities of firm gas. Certain customers have indicated that they can sell quantities of industrial gas at certain periods in excess of their applicable billing demands and they would like to buy such excess gas on an interruptible basis, thus providing an inducement for further industrial development and growth in their communities, and improving Applicant's system load factor.

No new construction or facilities are involved and no new customers will be served.

One existing firm service customer, Muscle Shoals Natural Gas Corporation, has entered into a contract dated March 8, 1957, with Applicant for the purchase of up to 800 Mcf of natural gas per day on an interruptible basis for industrial resale, in addition to its firm purchases.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–9981; Filed, Dec. 2, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 170]

ALABAMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of November, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Jefferson (Tornado occurring on or about November 17).

Offices: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga. Small Business Administration Branch Office, 704 North 22d Street, Birmingham 4, Ala.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1958.

Dated: November 19, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57–9969; Filed, Dec. 2, 1957; 8:46 a. m.]

[Declaration of Disaster Area 171]

KENTUCKY

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of November 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Christian, Trigg, Hart, Metcalfe and Calloway (Floods and tornadoes beginning on or about November 18).

Offices: Small Business Administration Regional Office, Federal Reserve Bank Building, 4th Floor, 713 Superior Avenue, Cleveland 1, Ohio. Small Business Administration Branch Office, Federal Building, Suite 413, Sixth and Broadway, Louisville 2, Ky.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1958.

Dated: November 19, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57–9970; Filed, Dec. 2, 1957; 8:46 a. m.]

[Delegation of Authority 30–IV–7, Amdt. 1]

BRANCH MANAGER, CHARLOTTE, NORTH CAROLINA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30–IV–7 (22 F. R. 6389) is hereby amended by deleting I.B.1 in its entirety by redesignating I.B.2, 3 and 4, as I.B.5, 6 and 7, and inserting in I.B. the following:

1. To approve the following types of loans:

(a) Direct Business Loans in an amount not exceeding $20,000;

(b) Participation Business Loans in an amount not exceeding $50,000;

(c) Disaster Loans in an amount not exceeding $50,000;

2. To decline Disaster Loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with Banks.

Dated: November 26, 1957.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F. R. Doc. 57–9971; Filed, Dec. 2, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32293]

AGRICULTURAL IMPLEMENTS IN NORTHWESTERN STATES

FIRST SUPPLEMENTAL ORDER WITH RESPECT TO RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 21st day of November A. D. 1957.

In the original order in this proceeding, the Commission, Board of Suspension, entered upon an investigation concerning certain rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of agricultural implements and parts, and farm machinery and parts, from points in Illinois and Iowa to points in Iowa, Minnesota, North Dakota and South Dakota, as set forth in schedules designated therein:

It appearing that the following schedules contain rates and charges, rules, regulations and practices applicable in the same general territory which are similar to those covered by the original order in this proceeding:

Harland Miller, Agent MF–I. C. C. No. 5: In Supplement No. 7, Item 255;

A. R. Fowler, Agent MF–I. C. C. No. A–65: In Supplement No. 24, insofar as it provides rates on agricultural implements and parts;

Philip J. Groetken MF–I. C. C. No. 5: Items 275 and 285 insofar as they apply on agricultural implements and parts;

Hove Truck Line MF–I. C. C. No. 17 (Melford A. Hove, dba Hove Truck Line, series) insofar as it provides rates on agricultural implements and parts;

It appearing that upon consideration of the tariff schedules shown in the foregoing, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That this investigation be, and it is hereby, broadened, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations, and practices contained in the schedules designated herein, or as the same may be amended or reissued, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–9964; Filed, Dec. 2, 1957; 8:46 a. m.]

UNIVERSITY OF MICHIGAN

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

THE NATIONAL ARCHIVES
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Washington, Wednesday, December 4, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3212

MODIFICATION OF TRADE AGREEMENT CONCESSION AND ADJUSTMENT OF RATE OF DUTY ON SAFETY PINS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U. S. C. 1351), on October 30, 1947 he entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Parts 5 and 6) A7, A11, and A2051);

2. WHEREAS item 350 in Part I of Schedule XX (Geneva—1947) annexed to and made a part of the said General Agreement reads in pertinent part as follows:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
350	Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; and brass, copper, iron, steel, or other base metal pins, with heads of glass, paste, or fusible enamel; all the foregoing not plated with gold or silver, and not commonly known as jewelry:	
	Safety pins	22½% ad val.

3. WHEREAS, in accordance with Article II of the said General Agreement and by virtue of Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103), the United States rate of duty applicable to safety pins described in the said item 350 is 22½ per centum ad valorem, as specified in the said item 350, which duty reflects the tariff concession granted in the said General Agreement with respect to such product;

4. WHEREAS the United States Tariff Commission has submitted to me a report of its investigation No. 53 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C. 1364), on the basis of which investigation, including a hearing held in connection therewith, the Commission has found that as a result in part of the duty reflecting the concession granted in the said General Agreement safety pins described in the said item 350 are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or directly competitive products;

5. WHEREAS the said Tariff Commission has recommended that the concession granted in the said General Agreement with respect to the safety pins be modified to permit the application to such safety pins of the increased rate of duty hereinafter proclaimed, which duty the said Tariff Commission found and reported to be necessary to remedy the serious injury to the domestic industry producing like or directly competitive products;

6. WHEREAS section 350 of the Tariff Act of 1930, as amended, authorizes the President to proclaim such modifications of existing duties or such additional import restrictions as are required or appropriate to carry out any foreign trade agreement that the President has entered into under the said section 350; and

7. WHEREAS, upon modification of the concession granted in the said General Agreement with respect to safety pins as recommended by the Tariff Commission, it will be appropriate, to carry out the said General Agreement, to apply to the said pins the rate of duty hereinafter proclaimed:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of the said General Agreement, do proclaim that, effective after the close of business on December 30, 1957, and until the

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President otherwise proclaims, the said Item 350 in Part I of Schedule XX (Geneva—1947) shall be modified by substituting the rate "35% ad val." for the rate "22½% ad val."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of November in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-10104; Filed, Dec. 3, 1957; 11:21 a. m.]

EXECUTIVE ORDER 10742

FURTHER PROVIDING FOR THE ADMINISTRATION OF FOREIGN-AID FUNCTIONS

By virtue of the authority vested in me by the Mutual Security Act of 1954 (68 Stat. 832), as amended, including particularly sections 521 and 525 thereof, and as President of the United States, it is ordered as follows:

SECTION 1. Executive Order No. 10575 of November 6, 1954 (19 F. R. 7249), as amended or affected by Executive Order No. 10610 (20 F. R. 3179), Executive Order No. 10625 (20 F. R. 5571), and Executive Order No. 10663 (21 F. R. 1845), is hereby further amended as follows:

(a) Section 101 (b) is amended (1) by deleting from the first sentence "sections 402, 505, and 201 of the Act" and inserting in lieu thereof "sections 402 and 505 of the Act", (2) by deleting from the second sentence "sections 201 (a) and 505 of", and (3) by deleting from the third sentence "the said section 505" and inserting in lieu thereof "section 505 of the Act".

(b) Section 103 (a) (2) is amended to read as follows:

"(2) The functions conferred upon the President by sections 105 (b) (3), 202, 204, 405 (a), 413 (b) (2) and (3), and 529 (b) and (c) of the Act."

(c) A new section 108 is inserted after section 107, reading as follows:

"SEC. 108. *Development Loan Committee.* There is hereby established, in accordance with section 205 (b) of the Act, the Development Loan Committee, consisting of the Deputy Under Secretary of State for Economic Affairs, who shall be chairman, the Director of the International Cooperation Administration, and the Chairman of the Board of Directors of the Export-Import Bank."

SEC. 2. Executive Order No. 10610 of May 9, 1955 (20 F. R. 3179), as amended or affected by Executive Order No. 10625 (20 F. R. 5571), and Executive Order No. 10663 (21 F. R. 1845), is hereby further amended as follows:

(a) Section 103 (a) is amended to read as follows:

"SEC. 103. (a) The Secretary of State shall establish, with the offices, personnel, and facilities transferred to the Department of State by or under sections 102 (a) and 302 of this order, an agency in the Department of State which shall be known as the International Cooperation Administration. The agencies transferred by sections 102 (b), (c), and (d) of this order shall be made a part of or attached to the International Cooperation Administration. The International Cooperation Administration shall be headed by the Director of the International Cooperation Administration referred to in the first sentence of section 103 (b) of this order. Except as may be otherwise provided by the Secretary of State, the functions transferred by section 101 hereof shall be carried out by or under the International Cooperation Administration or the Director thereof. The said Administration and all functions, officers, and agencies transferred by this Part shall be subject to the direction and control of the Secretary of State. This order shall not preclude the Secretary of State from transferring elsewhere in the Department of State the transferred offices, personnel, facilities, and agencies referred to in the first and second sentences of this section. To such extent as the Secretary of State shall prescribe, consistent with law, (1) the International Cooperation Administration and any other agencies of the Department of State designated by the Secretary of State shall be deemed to be the successors of the Foreign Operations Administration in respect of transfers to the Department of State made by this order, and (2) the Director of the International Cooperation Administration and any other officers of the Department of State designated by the Secretary of State shall be deemed to be the successors of the Director of the Foreign Operations Administration in respect of transfers to the Secretary of State made by this order."

(b) Subsections (b) and (c) of section 104 are hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 29, 1957.

[F. R. Doc. 57-10071; Filed, Dec. 2, 1957; 3:24 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; PENNSYLVANIA

On November 15, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

PENNSYLVANIA

County:	Average value
Bedford	$21,000
Centre	22,500
Chester	27,500
Erie	22,000
Indiana	20,000
Mercer	20,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: November 27, 1957.

[SEAL] DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-10049; Filed, Dec. 3, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter B—Prohibitions of Imported Commodities

[Cucumber Reg., Amdt. 1]

PART 1070—CUCUMBERS

IMPORT RESTRICTIONS

Pursuant to regulations issued under Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083), regulating the handling of cucumbers grown in Florida, and in accordance with the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (b) *Import restrictions* of § 1070.1 *Cucumber Regulation No. 1* (22 F. R. 9045) is hereby amended to read as follows:

(b) *Import restrictions.* During the period from December 8, 1957, to December 15, 1957, both dates inclusive, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any cucumbers of any variety unless such cucumbers meet the requirements of U. S. No. 1, or better, grade, and are not larger than 2½ inches in diameter.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendatory regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which make such amended regulation mandatory; (ii) notice hereof is hereby determined to be reasonable in accordance with the requirements of the act and is not less than the minimum of three days as required by the act; (iii) the regulations hereby established for cucumbers that may be imported into the United States comply with grade, size, quality and maturity restrictions imposed upon domestic cucumbers under Marketing Agreement No. 118 and Order No. 115 (7 CFR 1015.301; 22 F. R. 8148, 8219, 8810, 8976, 9251); and (iv) compliance with this cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 906, as amended; 7 U. S. C. 608e)

Dated November 29, 1957, to become effective December 8, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10052; Filed, Dec. 3, 1957; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. No. ER-225]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

PRESERVATION OF FLIGHT COUPONS BY SERVICE RATE AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of November 1957.

Category 151 (a) of the Schedule of Records, § 249.11 *Time for preservation of records by certificated air carriers,* requires that lifted flight coupons be retained for the longer period of two years or until receipt, by an air carrier, of a notification from the Board's Office of Carrier Accounts and Statistics that a final audit has been performed for the period to which such records relate.

Such records accumulate rapidly and in some instances their storage becomes an acute problem for individual air carriers. With respect to the records of service rate carriers, it appears that the foregoing provisions are more restrictive than necessary for proper administration of the regulation and that the basic two year period for the retention of flight coupons (as opposed to auditors coupons) is adequate. Accordingly, upon expiration of the two year retention period service rate air carriers will be allowed, at their option, to destroy lifted flight coupons, except insofar as the preservation of such records is otherwise required by § 249.11.

Conversely, the retention of such records by subsidized carriers until a final audit has been completed is essential since a deficiency in the revenue accounting procedures of such carriers may have an immediate impact upon the burden to the Treasury. Thus, it is in the public interest and necessary to the proper discharge of the Board's responsibilities that air carriers receiving or claiming subsidy continue to preserve such records until they are notified that a final audit has been performed for the period to which the records relate.

Since this amendment relaxes the existing regulation, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days notice.

Accordingly, Part 249 of the Economic Regulations is amended in the following respect:

1. By appending a footnote 2 in § 249.11 to Category 151 (a) in the Schedule of Records, to read as follows:

[2] Flight coupons, related to periods during which an air carrier is operating under a final mail rate which does not include a subsidy element, may be destroyed at the option of the air carrier after the two year preservation period.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-10050; Filed, Dec. 3, 1957; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR 131), approval is hereby given to the amendment of the rules and regulations of the Control Agency, issued on November 12, 1957, by the Control Agency pursuant to the provisions of the aforesaid order.

The amendment was adopted by the Control Agency after notice of proposed amendment published in the FEDERAL REGISTER on September 27, 1957 (22 F. R. 7713), and due consideration of the data, views and arguments presented by interested parties in writing and at the Control Agency meeting of November 12, 1957. Copies of the rules and regulations, as amended, may be procured from the Control Agency, Office of the Executive Secretary, 512 Veterans of Foreign Wars Building, Kansas City 11, Missouri.

Done at Washington, D. C., this 27th day of November, 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

On September 27, 1957, two notes of proposed rule making were published in the FEDERAL REGISTER (22 F. R. 7713) regarding proposed amendment of the rules and regulations of the Control Agency (9 CFR Part 131) which notice extended to all interested parties the opportunity to submit written data, views and arguments in connection therewith. The amendment hereinafter promulgated is issued pursuant to the provisions of the Anti-hog-cholera serum and hog-cholera virus Marketing Agreement Act (49 Stat. 781; 7 U. S. C. 851 et seq.).

After consideration of all relevant matters presented, including the proposed amendment to the rules and regulations set forth in the aforesaid notices, the following amendment to the rules and regulations of the Control Agency is hereby promulgated by the Control Agency, to become effective 30 days after publication in the FEDERAL REGISTER.

The amendment is as follows:

1. Amend § 131.251 by adding the following at the end thereof: "A price list or an amended price list shall be filed in the office of the Control Agency only during the designated business hours of such office. The office of the Control Agency shall be open for the transaction of official business on Monday through Friday of each week between the hours of 9 a. m. and 5 p. m., except for those days falling on a Federal legal holiday."

2. Delete § 131.252 and substitute therefor the following:

§ 131.252 *Form of price list.*

POSTED PRICES

To be filled in by Control Agency
No. A—
Filed:
Effective:

In accordance with the provisions of the approved Marketing Agreement and Order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, the undersigned files this price list and respectfully represents to the Secretary of Agriculture, the Control Agency and all other handlers that, during the period this price list is in effect, all serum and virus sold by the undersigned to buyers in the classes named herein will be at the following prices, discounts and terms of sale at time of delivery, it being understood that the term "time of delivery" means the time when physical possession of the products sold is surrendered by the undersigned to the buyer or to a carrier for and on behalf of the buyer.

Product	Price	Terms of sale and discounts
Consumers—owners of swine:		
Serum	per 100 cc	
Antibody concentrate	per 100 cc	
Virulent virus	per 100 cc	
Inactivated virus	per dose	
Modified virus:		
Must be used with serum.[1]	per dose	
May be used without serum.[1]	per dose	
Dealers:		
Serum	per 100 cc	
Antibody concentrate	per 100 cc	
Virulent virus	per 100 cc	
Inactivated virus	per dose	
Modified virus:		
Must be used with serum.[1]	per dose	
May be used without serum.[1]	per dose	
Wholesalers:		
Serum	per 100 cc	
Antibody concentrate	per 100 cc	
Virulent virus	per 100 cc	
Inactivated virus	per dose	
Modified virus:		
Must be used with serum.[1]	per dose	
May be used without serum.[1]	per dose	

[1] The prices quoted are in accordance with the type as identified by the recommendations of the manufacturer as shown on the true container label of the product.

Where prices, terms of sale and discounts are omitted from this list with respect to any of the above classes of buyers, undersigned states that he makes no sales to such classes.

Signed _____
By _____
Address _____

3. Add new § 131.253 to read as follows:

§ 131.253 *Notification of filing price list.* Upon the filing of a new or amended price list the Executive Secretary of the Control Agency shall immediately mail to each manufacturer and wholesaler handler and to the Secretary written notice thereof. The notification of the filing of a new or amended price list to any person shall be given only by United States mail, including air mail if so requested. The Executive Secretary and the employees of the Control Agency are prohibited from giving to any person any information with respect to the filing of a new or amended price list, or the contents thereof, except in the manner provided in this section: Provided, however, that information with respect thereto may be given in any manner after such price list has become effective.

(49 Stat. 781-782; 7 U. S. C. 851-855)

Dated this 12th day of November 1957

CONTROL AGENCY,
E. C. JONES,
Chairman.

[F. R. Doc. 57-10048; Filed, Dec. 3, 1957; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF *O,O*-DIETHYL *O*-(2-ISOPROPYL-4-METHYL-6-PYRIMIDINYL)-PHOSPHOROTHIOATE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl)-phosphorothioate in or on certain raw agricultural commodities. The request for a tolerance on sweet corn was subsequently withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (22 F. R. 4017) are amended by changing § 120.153 to read as follows:

§ 120.153 *Tolerances for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl)-phosphorothioate.* A tolerance of 0.75 part per million is established for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl)-phosphorothioate in or on each of the following raw agricultural commodities: Apples, broccoli, cabbage, cauliflower, cherries, pears, tomatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701; 53 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: November 26, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-10016; Filed, Dec. 3, 1957; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 776—INTERPRETATIVE BULLETIN ON THE GENERAL COVERAGE OF THE WAGE AND HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

GEOGRAPHICAL SCOPE OF COVERAGE

In accordance with the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165), General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), and section 3 (a) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1002 (a)), the following amendment to 29 CFR Part 776, revising § 776.7 (b) and footnote thereto, is adopted to read as follows:

(b) Under the definitions in paragraph (a) of this section, employees within the District of Columbia or within the Territories or possessions of Alaska, Hawaii, Puerto Rico, the Virgin Islands, outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U. S. C. 1331 et seq.), American Samoa, Guam, Wake Island, and the Canal Zone are dealt with on the same basis as employees working in any of the forty-eight states.[20] Congress did not exercise the national legislative power over the District of Columbia or the Territories or possessions referred to by extending the act to purely local commerce within them.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

Signed at Washington, D. C., this 27th day of November 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-10018; Filed, Dec. 3, 1957; 8:46 a. m.]

PART 776—INTERPRETATIVE BULLETIN ON THE GENERAL COVERAGE OF THE WAGE AND HOUR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

EMPLOYEES OF INDEPENDENT EMPLOYERS MEETING NEEDS OF PRODUCERS FOR COMMERCE

In accordance with Section 3 of the Administrative Procedure Act (5 U..S. C. 1002), and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85–A of the Secretary of Labor (22 F. R. 7614), an amendment is hereby adopted to 29 CFR Part 776 amending § 776.19 (b) (4), including the footnotes thereto, to read as follows:

(4) A further illustration of the distinction between work that is, and work that is not, "closely related" to the production of goods for commerce may be found in situations involving activities which are directly essential to the production by farmers of farm products which are shipped in commerce. Employees of an employer furnishing to such farmers, within the same State, water for the irrigation of their crops, power for use in their agricultural production for commerce, or seed from which the crops grow, are engaged in work "closely related" as well as "directly essential" to the production of goods for commerce.[12] On the other hand, it is apparent from the legislative history that Congress did not regard, as "closely related" to the production of farm products for commerce, the activities of employees in a local fertilizer plant producing fertilizer for use by farmers within the same State to improve the productivity of the land used in growing such products.[13] Fertilizer is ordinarily thought to be assimilated by the soil rather than by the crop and, in the ordinary case, may be considered less directly essential to production of farm products than the water or seed, without which such production would not be possible. Probably the withdrawal from coverage of such employees (who were held "necessary" to production of goods for commerce under the act prior to the 1949 amendments[14]) rests wholly or in part on the principles stated in paragraph (a) (3) of this section and subparagraph (1) of this paragraph. Heretofore the Department has taken the position that producing or supplying feed for poultry and livestock to be used by farmers within the State in the production of poultry or cattle for commerce was covered. The case of Mitchell v. Garrard Mills[15] has reached a contrary conclusion as to a local producer of such feed in a situation where all of the feed was sold to farmers and dealers for use exclusively within the State. For the time being, and until further clarification from the courts, the Divisions will not assert the position that coverage exists under the factual situation which existed in this case.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

Signed at Washington, D. C., this 27th day of November 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-10019; Filed, Dec. 3, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

DECORATIONS FOR INDIVIDUALS; MISCELLANEOUS AMENDMENTS

1. In § 578.3, revise paragraph (d) (2) to read as follows:

§ 578.3 *General provisions governing the awards of decorations.* • • •

(d) *By whom awarded—peacetime criteria.* • • •

(2) The Legion of Merit, the Medal of Freedom, and the Distinguished Civilian Service Medal are the only United States decorations which may be awarded by the Army to foreign nationals under peacetime criteria.

• • • • • •

2. Revise paragraph (a) (1) and (2) of § 578.8 and add new § 578.17a, as follows:

§ 578.8 *Legion of Merit.* • • •

(a) *Criteria for Armed Forces of the United States.* (1) The performance must have been such as to merit recognition of key individuals for service rendered in a clearly exceptional manner. Superior performance of duties normal to the grade, branch, specialty, or assignment, and experience of an individual is not an adequate basis for this award.

(2) For service not related to actual war, the term "key individuals" applies to a narrower range of positions than in time of war and requires evidence of significant achievement. Such service, performed in peacetime, should be in the nature of a special requirement or the performance of an extremely difficult duty in an unprecedented and clearly exceptional manner. However, justification of the award may accrue by virtue of exceptionally meritorious service in a succession of important positions.

• • • • • •

§ 578.17a *Distinguished Civilian Service Medal*—(a) *Criteria.* The Distinguished Civilian Service Medal, established by the Secretary of the Army, is awarded to civilians other than employees of the Department of the Army, who render outstanding service during peacetime which makes a substantial contribution to the accomplishments of the Army's mission. Award is made by the Secretary of the Army upon recommendation of a staff agency.

(b) *Description.* Distinguished Civilian Service Medal, Department of the Army, is bronze, gold filled, 1¼ inches in diameter. The central design of the obverse of the medal incorporates a disc with a wreath on the lower half of the rim denoting nonmilitary service. The equilateral triangle is symbolic of the civilian. Displayed on the triangle is the eagle from the Great Seal of the United States. The reverse of the medal is inscribed "Awarded To _____ for Distinguished Civilian Service To The United States Army." The medal is suspended from a ribbon 1⅜ inch in width consisting of a white stripe (1/16 in.), a blue stripe (1/16 in.), a white stripe (1/16 in.), a red stripe (1/16 in.), a white stripe (1/16 in.), a blue stripe (1/16 in.), a white stripe (5/8 in.), a blue stripe (1/16 in.), a red stripe (1/16 in.), a white stripe (1/16 in.), a blue stripe (1/16 in.), and a white stripe (1/16 in.). A rosette 13/32 inch in diameter, made of the medal ribbon into a red centered white disc surrounded by blue, is provided for lapel wear.

(c) *Recommendations.* Recommendations will be submitted through military channels to the Deputy Chief of Staff for personnel, Headquarters, Department of the Army, Washington 25, D. C., Attn: Office of Civilian Personnel. Each recommendation will describe the project, research, or type of service rendered; the activity in which performed; and the dates of this service. The relationship and value of this service to the Army as a whole must be clearly indicated. The recommendation will also include a statement that the individual is not employed by the Army, or was not so employed during the period in which the services to be recognized were rendered. A proposed citation will be inclosed.

3. In § 578.18, revise paragraph (f) to read as follows:

§ 578.18 *Appurtenances to military decorations.* • • •

(f) *Rosette.* See §§ 578.4 (b), 578.15 (b), and 578.17a (b).

4. In § 578.19, revise paragraph (d) to read as follows:

§ 578.19 *Foreign decorations.* • • •

(d) *Military Assistance Program and United Nations Truce supervisory personnel.* (1) Except as indicated in subparagraph (2) of this paragraph, members of the Armed Forces and civilian employees of the United States Government are not authorized to receive decorations from foreign governments for duties performed in connection with the Military Assistance Program. This includes all Military Assistance Advisory Groups and those military missions having dual Military Assistance Program functions and mission responsibilities. This restriction also applies to personnel performing United Nations Truce supervisory activities. Personnel so assigned are not authorized to participate in presentation ceremonies as provided in paragraph (b) of this section. Conversely, members of those military missions not having Military Assistance Program functions may receive foreign decorations under the provisions of paragraphs (b) and (c) of this section.

(2) The above prohibition does not bar such personnel from receiving awards for services in connection with actual combat operations or for acts of heroism such as saving of life.

5. Revise §§ 578.21 and 578.24, and add new § 578.25c, as follows:

§ 578.21 *Original issue or replacement*—(a) *Issue to be made without cost.* All United States Army decorations are issued without cost to the person to whom awarded. Replacements likewise are issued without cost when the individual to whom the decoration was awarded submits a written statement that it was lost, destroyed, or rendered unfit for use without fault or neglect on his part.

(b) *Personnel in active service and personnel in the active reserve components.* Military personnel on active duty or actively participating in the Reserve program in National Guard or Army Reserve organizations who have not received the original issue of an Army decoration which has been awarded to them, and those who under provisions of paragraph (a) of this section request a replacement, may obtain such decorations through normal supply channels. Requisitions will contain first name, middle initial, and last name of each recipient for engraving purposes.

(c) *Retired personnel.* All requests from or in behalf of living retired Army personnel for decorations will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGPS–AD.

(d) *Discharged personnel.* All requests from or in behalf of individuals separated from the service by discharge or death will be forwarded to the Commanding Officer, U. S. Army Records Center, with the exception of individuals whose last service was prior to April 1917, in which case the request will be made to The Adjutant General.

§ 578.24 *Certificate of Appreciation.* As a token of appreciation and in recognition of patriotic civilian service contributing to the accomplishment of the mission of an installation, command, or Staff Agency of the Army, or to the welfare of Army personnel, a Certificate of Appreciation has been established. This certificate, together with a brief citation may be awarded by commanders of major commands and heads of Headquarters, Department of the Army Staff agencies on behalf of the Secretary of the Army for services rendered to elements of the Army under their respective jurisdictions. The accompanying citation should conform to § 578.3 (b) (2) and will be made a matter of record in the headquarters of issue, or, when issued by a Headquarters, Department of the Army Staff agency, will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGAO–N, for file.

(a) *Awards to individuals.* The award may be made to civilians who are not employed by the Department of the Army and were not so employed during the period for which the services are being recognized. It is intended that this certificate be used when the services to be recognized do not fulfill all the requirements for a decoration, but are outstanding to a degree which merits public recognition by the Army in the local area. When this certificate is presented as an individual award the recipient will be furnished with the Patriotic Civilian Service lapel button.

(b) *Awards to organizations, companies, etc.* The award may be made to business firms, fraternal organizations, quasi-military units, etc., on the same basis as stated above for individual awards. No lapel button or other device accompanies the certificate and citation when presented to organizations.

(c) *Supply.* This is a standard Department of the Army certificate which may be obtained by a written request to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGPS-AD. The certificates when provided will bear the signature of the Secretary of the Army in the lower right and will be countersigned on the left by the major commander or head of a Headquarters, Department of the Army Staff agency making the award. Patriotic Civilian Service Lapel Buttons will be obtained in the same manner. Not more than a 6-month supply of certificates and lapel buttons will be maintained by using agencies.

§ 578.25c *Special Certificate of Achievement for public and community relations.* (a) A Special Certificate of Achievement for issuance to information media, civic, fraternal and other types of organizations and groups who have actively supported the Army in its public and community relations efforts, including the Reserve Forces Program, has been established. This special certificate is designed to give official Department of the Army recognition to civilian groups and organizations who have made an exceptional contribution to the development of public understanding of the Army, gaining for it greater public confidence and support. Consideration should be given to the award of this certificate as an expression of the appreciation of the Army for the service rendered by civilian organizations which have con-

[20] An amendment to the Fair Labor Standards Act of 1938, 71 Stat. 514 (approved August 30, 1957) provides that no employer shall be subject to any liability or punishment under the act with respect to work performed at any time in work places excluded from the act's coverage by this law or for work performed prior to November 29, 1957, on Guam, Wake Island, or the Canal Zone; or for work performed prior to the establishment, by the Secretary, of a minimum wage rate applicable to such work in American Samoa. Work performed by employees in "a work place within a foreign country or within territory under the jurisdiction of the United States" other than those enumerated in this paragraph is exempt by this amendment from coverage under the act. When part of the work performed by an employee for an employer in any workweek is covered work performed in any State, it makes no difference where the remainder of such work is performed; the employee is entitled to the benefits of the act for the entire workweek unless he comes within some specific exemption. The reference in 71 Stat. 514 to liability for work performed in American Samoa is an extension of the relief granted by the American Samoa Labor Standards Amendments of 1956 (29 U. S. C. Supp. IV, secs. 206, 213, and 216).

[12] See Farmers Reservoir Co. v. McComb, 337 U. S. 755; Reynolds v. Salt River Valley Water Users Assn., 143 F. 2d 863 (C. A. 9); Meeker Coop. Light & Power Assn. v. Phillips, 158 F. 2d 698 (C. A. 8).

Reference should be made to section 13 (a) (6) of the act providing an exemption from the wage and hours provisions for employees employed in agriculture and for certain employees of nonprofit and sharecrop irrigation companies.

[13] H. Mgrs. St., 1949, p. 15.

[14] McComb v. Super-A Fertilizer Works, 165 F. 2d 824 (C. A. 1).

[15] 241 F. 2d 249 (C. A. 6).

tributed directly to improved relationship between members of local military commands and civilian communities. The award may be made in recognition of service rendered over a prolonged period of time, or for a specific one-time program or service considered to be so outstanding as to merit commendation by the Secretary of the Army.

(b) Letter recommendations for issuance of the Special Certificate of Achievement for Public and Community Relations will be submitted to the Chief of Information, Department of the Army, Washington 25, D. C., through military channels. Recommendations will include a detailed description of the contributions made by the nominee, the inclusive dates of the period during which the contributions were made, and a proposed citation. The value of these contributions to the Army must be clearly indicated. No distinguishing device is authorized for wear by members of the cited organization.

(c) Presentation of the special certificate will be made in a manner commensurate with the significance of the award.

[AR 672-5-1, C2, February 25, 1957, C3, April 4, 1957, C4, August 14, 1957, C5, September 30, 1957, and C6, November 14, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-10011; Filed, Dec. 3, 1957; 8:45 a. m.]

Chapter VI—Department of the Navy

Subchapter A—Official Records

PART 701—AVAILABILITY OF OFFICIAL RECORDS

MISCELLANEOUS AMENDMENTS

1. Paragraphs (a) and (b) of § 701.1 are revised to read as follows:

(a) Persons properly and directly concerned in any matter acted upon by the Department of the Navy or within its cognizance may apply in writing for access to official records of such matter. Such application should be addressed to the Secretary of the Navy unless otherwise specified herein. If the applicant believes that he is entitled to access under section 3 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), he will state the nature of his concern and identify as exactly as may be the records to which he desires access. If the applicant is an agent or attorney acting for another, he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory, such agent or attorney will be given access to any record to which his principal would be given access.

(b) Official records, within the meaning of this rule, include applications, registrations, petitions, reports and returns filed with the Department of the Navy by persons not in the Naval service, certain records relating to Naval personnel, and all documents embodying Navy action directly affecting persons outside the Naval service, such as orders, rules, licenses, and contracts. The great mass of material relating to the internal operation of the Department of the Navy and the Naval forces is not a matter of official record within the meaning of this rule. Official records in the Department of the Navy's files are merely incidental to the performance of its major functions and it is not practicable to list all types of such official records. The Secretary will, however, determine when application is made whether or not any document is an official record, and whether or not it should be withheld as confidential, according to the principles herein stated.

2. Subparagraphs (1) and (2) of §701.1 (c) are revised to read as follows:

(1) Material classified "Confidential," "Secret," or "Top Secret" within the purview of Executive Order 10501 (18 F. R. 7049) or constituting Restricted Data under the Atomic Energy Act of 1954 as amended (42 U. S. C. 2011 et seq.).

(2) Material, such as tax returns, which is made confidential by law. (Cf. § 7213, Internal Revenue Code, 26 U. S. C. 7213.)

3. Paragraph (e) of § 701.1 is revised to read as follows:

(e) Officers' and enlisted men's service records are deemed confidential for good cause found within the meaning of this rule except to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman, e. g., executors, guardians, etc., who present proper proof thereof. See § 701.3 (b).

4. Paragraphs (i) and (j) of § 701.1 are revised to read as follows:

(i) The Secretary of the Navy has legal custody of all official records of the Department of the Navy, and no subpoena duces tecum directed to any Department of the Navy employee or officer other than the Secretary is legally valid or effective to compel such officer or employee to produce any official record of the Department of the Navy, or other report, paper, or document in its custody. It is hereby declared to be contrary to the public interest to produce in any proceeding or trial any memorandum or document from Department of the Navy files to which access has not been asked and granted pursuant to this rule, whether a public record or not.

(j) This rule regarding public records has no application to access to records by officers or employees of other agencies or branches of the Government.

(R. S. 161; 5 U. S. C. 22)

Dated: November 26, 1957.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

[F. R. Doc. 57-10020; Filed, Dec. 3, 1957; 8:47 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

BUFORD RESERVOIR AREA (LAKE SIDNEY LANIER) CHATTAHOOCHEE RIVER, GEORGIA

The Secretary of the Army having determined that the use of the Buford Reservoir Area (Lake Sidney Lanier) Chattahoochee River, Georgia, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations for its public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954, adding new paragraph (lll) to § 311.1, as follows:

§ 311.1 *Areas covered.* • • •

(lll) Buford Reservoir Area (Lake Sidney Lanier), Chattahoochee River, Georgia.

[Reg., November 7, 1957, ENGWO] (Sec. 209, 68 Stat. 1266; 16 U. S. C. 460d)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-10010; Filed, Dec. 3, 1957; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

ST. JOSEPH BAY, FLORIDA; CHESAPEAKE BAY, MD. AND VA.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (39 Stat. 1053; 33 U. S. C. 471), paragraph (b) (1) of § 202.193a establishing and governing the use and navigation of two explosives anchorages in St. Joseph Bay, Port St. Joe, Florida is hereby amended to extend the duration of the anchorage period to 96 hours, as follows:

§ 202.193a *St. Joseph Bay, Fla.* • • •

(b) *The regulations.* (1) The explosives anchorage areas shall be used as temporary anchorage for vessels engaged in loading and unloading explosives at the port of Port St. Joe, Florida, when the duration of the anchorage period is less than 96 hours.

[Regs., November 21, 1957, 800.212 (St. Joseph Bay, Fla.)—ENGWO] (Sec. 7, 39 Stat. 1053; 33 U. S. C. 471)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) § 204.46 is hereby amended modifying the boundary of a danger zone in Chesapeake Bay, south of Tangier Island, Virginia, revising paragraphs (a) and (b) (5) as follows:

§ 204.46 *Chesapeake Bay, south of Tangier Island, Virginia; naval firing range*—(a) *The danger zone.* Beginning at latitude 37°46'39", longitude 75°57'43", thence to latitude 37°43'42", longitude 75°55'30"; thence to latitude 37°27'00", longitude 76°02'48"; thence to latitude 37°27'00", longitude 76°08'00"; thence to latitude 37°45'00", longitude 76°09'48"; thence to latitude 37°45'00", longitude 76°08'51"; and thence along the circumference of a circle of five nautical miles radius whose center is at latitude 37°47'54", longitude 76°03'48", to the point of beginning.

(b) *Regulations.* • • •

(5) This section shall be enforced by the Commandant, Fifth Naval District, U. S. Naval Base, Norfolk, Virgina and such agencies as he may designate.

[Regs., November 20, 1957, 800.2121 (Chesapeake Bay, Va.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-10009; Filed, Dec. 3, 1957; 8:45 a. m.]

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

PALM RIVER (TRIBUTARY OF MCKAY BAY), NEAR TAMPA, FLA.; ST. MARYS FALLS CANAL AND LOCKS, MICH.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 (i) (5) governing the operation of the Atlantic Coast Line Railroad Company Bridge across Palm River (Sixmile Creek), a tributary of McKay Bay, near Tampa, Florida is hereby revoked, the movable span of the bridge having been converted to a fixed span, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(i) • • •

(5) [Revoked.]

[Regs., November 18, 1957, 823.01 (Palm River, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.441 governing the security of St. Marys Falls Canal and Locks, Michigan, is hereby amended in respect to the transit of pleasure craft, revising paragraph (b) (3) as follows:

§ 207.441 *St. Marys Falls Canal and Locks, Mich.; security.* • • •

(b) *Restrictions on transit of vessels.* • • •

(3) All pleasure craft; except that, during daylight hours, motorboats that are numbered under the Motorboat Act of April 25, 1940, may be permitted to transit the canal immediately following inspection by and receipt of a clearance certificate from the St. Marys River Patrol of the U. S. Coast Guard. Downbound pleasure craft desiring to transit the canal shall report for inspection to the U. S. Coast Guard Dispatch Station at Big Point in the upper St. Marys River, and upon receipt of a clearance certificate shall deliver it to the Lock Dispatch Station on the Northwest Pier. Upbound pleasure craft desiring to transit the canal shall report for inspection to the Captain of the Port Office, U. S. Coast Guard Base, Sault Ste. Marie, Michigan, which is located adjacent to the International Ferry Dock immediately below the locks, and upon receipt of a clearance certificate shall deliver it to the Lock Dispatch Station on the East Center Pier.

[Regs., November 12, 1957, 800.21 (St. Marys Falls Canal, Mich.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-10008; Filed, Dec. 3, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 61—MONEY ORDERS

PART 111—POSTAL UNION MAIL

PART 112—PARCEL POST

MISCELLANEOUS AMENDMENTS

In § 61.2 *How to buy an international money order*, amend paragraph (e) as follows:

1. In list of countries insert "Martinique," with France as intermediary; and "New Hebrides," with New South Wales as intermediary.

2. Delete "French Cameroon" from the list of countries and insert in lieu thereof "Cameroun, State of."

3. As to Pondichery, change the intermediary from France to Great Britain.

NOTE: The corresponding Postal Manual section is 171.25.

(R. S. 161, 396, as amended, 4027; 5 U. S. C. 22, 369, 39 U. S. C. 711)

In § 111.1 *All categories*, make the following changes:

1. In paragraph (a) delete "French Cameroons" from list of countries and insert in lieu thereof "Cameroun, State of," with accompanying data, in proper alphabetical sequence.

2. In list of countries immediately following paragraph (a) delete "French Cameroons" and insert in lieu thereof "Cameroun, State of," in proper alphabetical sequence.

3. In paragraph (a) opposite Pakistan and under "Special delivery" change X to [16]√.

[16] Service limited to ordinary (unregistered) articles and performed only by post offices which have telegraph service.

4. New footnote 16 is added to the chart in paragraph (a), to read as follows:

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

In § 112.1 *Chart of rates and mailing conditions*, make the following changes:

1. Delete "French Cameroons" from the list of countries and insert in lieu thereof "Cameroun, State of," with accompanying data, in proper alphabetical sequence.

2. Opposite Spain and under Insurance delete footnote 5.

NOTE: This change is effective December 1, 1957

3. Opposite Rhodesia and Nyasaland and under "Weight limit (pounds)" strike out 11 and insert in lieu thereof 22.

(R. S. 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 57-10035; Filed, Dec. 3, 1957; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 8—INVENTIONS RESULTING FROM RESEARCH GRANTS, FELLOWSHIP AWARDS, AND CONTRACTS FOR RESEARCH

MISCELLANEOUS AMENDMENTS

1. The title of Part 8 is amended to read as set forth above.

2. Section 8.5 is amended to read as follows:

§ 8.5 *Fellowships.* In the discretion of the head of the responsible constituent organization, the award of a fellowship to a person not a Government employee may provide for the reporting of any invention made during the term thereof, and for its disposition in accordance with the provisions of paragraph (a) of § 8.1, or for its disposition by the institution at which the research was performed in accordance with its established policies, if applicable to such an invention, which meet the requirements of paragraph (b) of such section.

3. Part 8 is further amended by the addition of the following section:

§ 8.6 *Contracts for research.* Contracts for research, whether or not with nonprofit organizations, shall provide that any invention first conceived or actually reduced to practice in the course of the performance of the contract shall be promptly and fully reported to the head of the constituent organization responsible for the contract, for determination by him as to the manner of disposition of all rights in and to such invention, including the right to require assignment of all rights to the United States or dedication to the public. In the exercise of this power the organization head will be guided by the policy specified in § 8.2 with respect to grants.

4. Part 8 is further amended by the addition of the following new section:

§ 8.7 *Cancer chemotherapy industrial research contracts.* Notwithstanding the provisions of § 8.6, the Surgeon General in the negotiation of contracts with other than nonprofit organizations for the cancer chemotherapy research program shall be subject only to such limitations and alternatives as the Secretary may approve for such program.

5. Section 8.3 is hereby amended to read:

§ 8.3 *Licenses to the Government.* Any arrangement or determination as to the disposition of rights in inventions pursuant to § 8.1, § 8.2, § 8.5 or § 8.6 shall require that there be reserved under any patent application or patent thereon, domestic or foreign, a nonexclusive, irrevocable, royalty-free license to the Government with power to sublicense for all governmental purposes.

Effective date. These amendments shall be effective upon date of publication in the FEDERAL REGISTER. Since they deal with grants, benefits, or contracts, notice of proposed rule making is not required.

(Reorg. Plan No. 1 of 1953, 18 F. R. 2053; 3 CFR, 1953 Supp.)

Dated: November 26, 1957.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 57-10017; Filed, Dec. 3, 1957; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[No. 32156]

PART 181—COMMON AND CONTRACT CARRIERS OF PASSENGERS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 27th day of November A. D. 1957.

Having under consideration the matter of certain modifications of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers which were approved April 18, 1957, pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 746, 563; 49 U. S. C. 304, 320), and published April 27, 1957 as proposed rule making in the FEDERAL REGISTER (22 F. R. 3016); the effective date of which modifications was postponed from July 1, 1957 to January 1, 1958 by an order entered June 24, 1957 (22 F. R. 4672); and, upon consideration of the views, arguments, and other representations received in response to the said notice of April 18, 1957, certain changes being deemed necessary in the specifications for giving effect to the proposed rule as originally adopted:

It is ordered, That the modifications under consideration in this proceeding be, and each of them hereby is, canceled, but only to the extent that specifications for giving effect to them have not been incorporated in the attachments to this order;

It is further ordered, That, having been found necessary in the course of this rule making proceeding, the modifications of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers which are set forth below and are by this reference made a part of this order, be, and they are hereby approved to become effective January 1, 1958;

And it is further ordered, That this order shall be served on all respondents of record in this proceeding, and on each Class I motor carrier of passengers which is subject to provisions of the act, and on every trustee, receiver, executor, administrator, or assignee of any such carrier, and that notice of the order including the attachments shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order and attachments with the Director of the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

1. In § 181.01-18 *Current liabilities,* change the comma which follows the expression "or upon demand," to a period and delete the remainder of this definition.

2. In paragraph (c) of § 181.02-19 *Operating property to be recorded at cost,* change the reference to the amount of $50.00 to read $200.00, without otherwise altering the provisions of this instruction.

In paragraph (b) of § 181.02-22 *Leased property; expenditures,* change the reference to the amount of $50.00 to read $200.00. Add the following new and additional sentence to this instruction: "If a carrier adopts a rule hereunder, changes in the rule shall be reported to the Commission."

In paragraph (b) of § 181.1271 *Improvements to leasehold property,* change the reference to the amount of $50.00 to read $200.00. Add the following new and additional sentence to this paragraph: "See provisions of § 181.02-22."

3. In § 181.2190 *Other current liabilities,* renumber this section to read § 181.2180 *Other current liabilities.* Cancel the second sentence of the text of this account and substitute the following provisions in lieu thereof: "This includes unmatured rents accrued, unclaimed wages, and estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items."

4. Prescribe the following new and additional balance sheet account to be shown separately in the balance sheet statement following "Current Liabilities," and preceding "Advances Payable":

§ 181.2190 *Equipment obligations and other debt due within one year.* This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which arrangements for refunding have not been made or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

5. In § 181.2250 *Other advances payable,* insert the following new and additional paragraph:

(c) The liability for advances payable to individuals and companies, other than affiliated companies, maturing within one year of the close of the accounting period is includible in account 2190—Equipment Obligations and Other Debt Due Within One Year.

6. In § 181.2300 *Equipment obligations,* cancel both the first sentence of paragraph (a) in the text of this account and Note B which applies to that text, and substitute the following paragraph in lieu thereof:

(a) This account shall include the face value of unmatured equipment obligations issued by the carrier and maturing more than one year from the close of the accounting period or, if payable in installments, the face amount of such installments not due within one year from such closing. (See account 2190—Equipment Obligations and Other Debt Due Within One Year.)

7. In § 181.2330 *Bonds,* cancel both the first sentence of paragraph (a) in the text of this account and Note B which applies to that text, and substitute the following paragraph in lieu thereof:

(a) This account shall include the face value of bonds, other than equipment obligations, issued by the carrier and maturing more than one year from the close of the accounting period; also the face value of such bonds issued by others, the payment of which has been assumed by the carrier. (See account 2190—Equipment Obligations and Other Debt Due Within One Year.)

8. In § 181.2360 *Other long-term obligations,* cancel both the first sentence of paragraph (a) in the text of this account and Note B which applies to that text, and substitute the following paragraph in lieu thereof:

(a) This account shall include all long-term obligations not otherwise provided for which mature more than one year from the close of the accounting period. (See account 2190—Equipment Obligations and Other Debt Due Within One Year.)

9. In § 181.2680 *Injuries, loss and damage reserves,* insert the following new and additional paragraph:

(e) At the close of the accounting period the estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items shall be transferred for purposes of the balance sheet statement to account 2180—Other Current Liabilities.

10. In the note "Form of balance sheet statement," which follows § 181.2946 and precedes the center heading, "Income Accounts," make the following changes:

Under the caption, "Current Liabilities," change the reference to account, "2190 Other Current Liabilities," to read, "2180 Other Current Liabilities".

Change the reference to, "Total Current Liabilities," to read, "Total Current Liabilities (exclusive of long-term debt due within one year)."

Preceding the caption, "Advances Payable," insert the following new and additional caption and account:

Long-term debt due within one year.
2190—Equipment obligations and other debt.

Under the caption, "Equipment and Other Long-Term Obligations," for each of the accounts 2300—Equipment Obligations, 2330—Bonds, and 2360—Other Long-Term Obligations, delete the short column requirements designated, "(a) Due within one year," and "(b) Not due within one year," respectively.

[F. R. Doc. 57-10029; Filed, Dec. 3, 1957; 8:48 a. m.]

[No. 32155]

PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 27th day of November A. D. 1957.

Having under consideration the matter of certain modifications of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property which were approved April 18, 1957, pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 546, 563; 49 U. S. C. 304, 320), and published April 27, 1957 as proposed rule making in the FEDERAL REGISTER (22 F. R. 3017); the effective date of which modifications was postponed from July 1, 1957 to January 1, 1958 by an order entered June 24, 1957 (22 F. R. 4673); and, upon consideration of the views, arguments, and other representations received in response to the said notice of April 18, 1957, certain changes being deemed necessary in the specifications for giving effect to the proposed rule as originally adopted:

It is ordered, That the modifications under consideration in this proceeding be, and each of them hereby is, canceled, but only to the extent that specifications for giving effect to them have not been incorporated in the attachments to this order;

It is further ordered, That, having been found necessary in the course of this rule making proceeding, the modifications of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property which are set forth below and are by this reference made a part of this order, be, and they are hereby approved to become effective January 1, 1958;

And it is further ordered, That this order shall be served on all respondents of record in this proceeding, and on each Class I motor carrier of property which is subject to provisions of the act, and on every trustee, receiver, executor, administrator, or assignee of any such carrier, and that notice of the order including the attachments shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order and attachments with the Director of the Division of the FEDERAL REGISTER.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

1. In paragraph (p) of § 182.00-1 *Definitions,* change the comma which follows the expression, "or upon demand," to a period, and delete the remainder of this definition.

In paragraph (a) of § 182.01-17 *Equipment and long-term obligations,* change the period which closes the paragraph to a comma, and add the following expression: "except as otherwise provided in the text of account 2190—Equipment Obligations and Other Debt Due Within One Year."

2. In paragraph (c) (1) of § 182.01-19 *Carrier operating property,* the reference to the amount of $50.00 in each of the first two sentences should be changed to read $200.00. In paragraph (c) (2) of the same section the reference to the amount of $50.00 should also be changed to read $200.00.

In paragraph (b) of § 182.1270 *Improvements to leasehold property,* the reference to the amount of $50.00 should be changed to read $200.00.

3. In § 182.2190 *Other current liabilities,* renumber this section to read § 182.2180 *Other current liabilities.* Cancel the second sentence of the text of this account and substitute the following sentence in lieu thereof: "This includes unmatured rents accrued, estimated insurance premiums accrued, unclaimed wages, and estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items."

4. Prescribe the following new and additional balance sheet account to be shown separately in the balance sheet statement following, "Current Liabilities," and preceding, "Advances Payable":

§ 182.2190 *Equipment obligations and other debt due within one year.* This account shall include the total amount of bonds, equipment obligations, and other long-term obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which arrangements for refunding have not been made or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

5. In § 182.2250 *Other advances payable,* insert the following new and additional paragraph:

(c) The liability for advances payable to individuals and companies, other than affiliated companies, maturing within one year of the close of the accounting period is includible in account 2190—Equipment Obligations and Other Debt Due Within One Year.

6. In paragraph (a) of § 182.2300 *Equipment obligations,* following the word, "unmatured" in the second line of the text, delete the expression, "short term and", and also delete Note B which applies to that text. Insert the following new and additional sentence immediately preceding the parenthetical reference, "(See Note A.)": "The liability for equipment obligations maturing within one year of the close of the accounting period is includible in account 2190—Equipment Obligations and Other Debt Due Within One Year."

7. In § 182.2330 *Bonds,* cancel both the first sentence of paragraph (a) in the text of this account and Note B which applies to that text, and substitute the following paragraph in lieu thereof:

(a) This account shall include the face value of bonds, other than equipment obligations, issued by the carrier and maturing more than one year from the close of the accounting period; also the face value of such bonds issued by others, the payment of which has been assumed by the carrier. (See account 2190—Equipment Obligations and Other Debt Due Within One Year.)

8. In § 182.2360 *Other long-term obligations,* cancel both the first sentence of paragraph (a) in the text of this account and Note B which applies to that text, and substitute the following paragraph in lieu thereof:

(a) This account shall include all long-term obligations not otherwise provided for which mature more than one year from the close of the accounting period. (See account 2190—Equipment Obligations and Other Debt Due Within One Year.)

9. In § 182.2680 *Injuries, loss and damage reserve,* insert the following new and additional paragraph:

(d) At the close of the accounting period the estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items shall be transferred for purposes of the balance sheet statement to account 2180—Other Current Liabilities.

10. In the "Form of balance sheet statement," which follows § 182.2948 and precedes the center heading, "Income Accounts," make the following changes:

Under the caption, "Current Liabilities," change the reference to account, "2190—Other current liabilities," to read, "2180—Other current liabilities."

Change the reference to, "Total current liabilities," to read, "Total current liabilities (exclusive of long-term debt due within one year)."

Preceding the caption, "Advances Payable," insert the following new and additional caption and account:

Long-term debt due within one year.
2190—Equipment obligations and other debt.

Under the caption, "Equipment and Other Long-Term Obligations," for each of the accounts 2300—Equipment obligations, 2330—Bonds, and 2360—Other

long-term obligations, delete the short column requirements designated, "(a) Due within one year," and "(b) Not due within one year," respectively.

(Sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304)

[F. R. Doc. 57-10030; Filed, Dec. 3, 1957; 8:48 a. m.]

[No. 32155 Sub. No. 1]

PART 184—CHART OF ACCOUNTS FOR CLASS II MOTOR CARRIERS OF PROPERTY

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 27th day of November A. D. 1957.

Having under consideration the matter of certain modifications in the accounting regulations prescribed for Class II common and contract motor carriers of property, which modifications were approved April 18, 1957, pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 546, 563; 49 U. S. C. 304, 320), and published April 27, 1957 as proposed rule making in the FEDERAL REGISTER (22 F. R. 3018); the effective date of which modifications was postponed from July 1, 1957 to January 1, 1958 by an order entered June 24, 1957 (22 F. R. 4673); and upon consideration of the views, arguments, and other representations received in response to the said notice of April 18, 1957, certain changes being deemed necessary in the specifications for giving effect to the proposed rule as originally adopted:

It is ordered, That the modifications under consideration in this proceeding be, and each of them hereby is, canceled, but only to the extent that specifications for giving effect to them have not been incorporated in the attachments to this order;

It is further ordered, That effective January 1, 1958 all Class II common and contract motor carriers of property shall, pursuant to provisions of § 184.2 *Instructions*, conform their accounts to modifications of accounts prescribed for Class I carriers (49 CFR Part 182) which modifications have been found necessary in the course of this rule making proceeding and by this reference made a part of this order; [1]

It is further ordered, That effective January 1, 1958, § 184.5 *Accounts prescribed*, in the Chart of Accounts for Class II Motor Carriers of Property (49 CFR 184) be, and it is hereby, amended to include modifications which are also set forth below and are by this reference made a part of this order;

And it is further ordered, That this order shall be served on all respondents of record in this proceeding, and on each Class II motor carrier of property which is subject to provisions of the act, and on every trustee, receiver, executor, administrator, or assignee of any such carrier, and that notice of the order including the attachments shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order and attachments with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

In § 184.5 *Accounts prescribed*, make the following changes to conform accounts prescribed for Class II carriers to changes in Class I accounts which become effective January 1, 1958:

1. Under the caption, *current liabilities*, which follows the center heading, "Balance Sheet—Liability Side," change the reference to account, "219 Other current and accrued liabilities," to read account, "218 Other current and accrued liabilities," and in the corresponding Class I accounts change the reference to account, "2190 Other current liabilities," to read account, "2180 Other current liabilities."

2. Preceding the caption, *Equipment and other long-term obligations*, insert the following new caption and account reference:

Long-term debt due within one year. 219—Equipment obligations and other debt.

To correspond to those insertions, also insert under Class I accounts the following new caption and account reference:

Long-term debt due within one year. 2190—Equipment obligations and other debt.

(Sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304)

[F. R. Doc. 57-10031; Filed, Dec. 3, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Administrative Procedure Act, approved June 11, 1946, proposed regulations under section 902 of the Internal Revenue Code of 1954 were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for June 22, 1956 (21 F. R. 4407). Section 1.902-1 (d) of such proposed regulations was withdrawn in connection with the issuance of Treasury Decision 6275, approved November 25, 1957.

Notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate, in substitution for the proposed regulations hereinbefore withdrawn. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

The Income Tax Regulations (26 CFR Part 1) are amended by adding at the end of § 1.902-1 the following new paragraph:

(d) *Illustration of principles.* For taxable years beginning after December 31, 1957, the application of the principles of this section in the determination of the amount of the foreign tax available as a basis for a credit to the domestic corporation may be illustrated by the following example involving Corporation A, a domestic corporation which owns 40 percent of the voting stock of Corporation B, a foreign corporation which in turn owns 80 percent of the voting stock of Corporation C, another foreign corporation. It is assumed that all transactions have taken place within, and are related to, the same taxable year.

(1) *Application of section 902 (b) to determine tax deemed to be paid by Corporation B.*

(i) Gains, profits, and income of Corporation C	$125,000
(ii) Foreign tax paid by Corporation C with respect to such gains, profits, and income	25,000
(iii) Accumulated profits of Corporation C: $125,000 less $25,000	100,000
(iv) Dividends paid by Corporation C to Corporation B	50,000
(v) Corporation C foreign tax with respect to the accumulated profits of Corporation C from which the dividends were paid to Corporation B: $25,000 × 100,000/125,000	20,000

[1] See Part 182 of this chapter, *supra.*

(vi) Corporation C foreign tax with respect to the accumulated profits distributed which is deemed to be paid by Corporation B: $20,000 × 50,000/100,000	$10,000

(2) *Application of section 902 (a) to determine tax deemed to be paid by Corporation A.*

(i) Gains, profits, and income of Corporation B: Business profits $50,000; Dividends from Corporation C (as per subparagraph (1)) 50,000	$100,000
(ii) Foreign tax actually paid by Corporation B with respect to such gains, profits, and income	20,000
(iii) Accumulated profits of Corporation B: $100,000 income less $20,000 taxes paid	80,000
(iv) Dividends paid by Corporation B to Corporation A	15,000
(v) Corporation B foreign tax paid and deemed paid with respect to the accumulated profits of Corporation B from which the dividends were paid to Corporation A: $30,000 ($10,000+$20,000) × 80,000/100,000	24,000
(vi) Corporation B foreign tax deemed paid by Corporation A with respect to the accumulated profits distributed: 15,000/80,000 × $24,000	4,500

(The adjustments made in this example are required whether or not the dividends are exempt from tax (or subject to a special rate of tax) in the hands of Corporation B).

[F. R. Doc. 57-9968; Filed, Dec. 3, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

REQUIREMENT FOR SEPARATE REPORTS OF SCHEDULED SERVICES BY CERTIFICATED ALL-CARGO CARRIERS

NOVEMBER 27, 1957.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations which requires certificated all-cargo carriers to separately report Domestic and Foreign and Overseas Operations, subdivided as between Scheduled and Nonscheduled Services.

The principal features of the proposed regulation are explained in the Explanatory Statement below and the proposed amendment to Part 241 is set forth in the proposed rule below.

Interested persons may participate in the proposed rule-making through submission of written data, views or arguments pertaining thereto, in quintuplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before January 2, 1958, will be considered by the Board before taking final action on the proposed rule.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 407 (a) and (d), 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

Explanatory statement. In Order No. E-11786 (Docket No. 8980) the Civil Aeronautics Board indicated that appropriate steps be taken to assure that future reports, submitted by certificated all-cargo carriers, contain sufficient detail to ascertain the income and expense attributable to the scheduled services and to the nonscheduled services conducted by such air carriers. In view of the differing responsibilities of the Board in the field of Domestic and Foreign and Overseas air transportation it is also necessary that the reports separately identify operations applicable to each such area.

Therefore, under this proposal all-cargo carriers would be required to separately account for and report Domestic Scheduled Services, Foreign and Overseas Scheduled Services, Domestic Nonscheduled Services and, Foreign and Overseas Nonscheduled Services, where applicable, as if each such service were conducted by a physically separated entity. Reports of such separate entities will embrace such balance sheet, profit and loss, and traffic and capacity elements required of separate reporting entities under the existing accounting and reporting regulations.

Accordingly, it is proposed to amend Part 241 of the economic regulations (14 CFR Part 241), effective January 1, 1958, in the following respects:

By amending § 241.21 (i) to read as follows:

(i) The entities for which separate reports are hereinafter prescribed shall be those for which separate reports are being made as of December 31, 1956; provided, that certificated all-cargo air carriers shall make separate reports of transport services for Domestic Operations and Foreign and Overseas Operations, subdivided as between Scheduled Services and Nonscheduled Services, as if such operations and services were conducted by physically separated transport entities. (Refer to § 241.1-6.) When and as required in the national interest any air carrier which performs nonscheduled transport services for the defense establishment of the United States shall, as directed by the Board, make separate reports for such services as if they were conducted by a physically separated transport entity. Such reports shall consist of Schedules D-1, P-1 through P-9, T-1, and T-3. The letter D shall be inserted on such reports following the schedule number of each P and T schedule. Where a carrier has more than one reporting entity, nontransport services or nonscheduled transport services, not separately reported, and nonscheduled defense services shall be assigned to the reporting entity to which most closely related.

[F. R. Doc. 57-10051; Filed, Dec. 3, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF APPLICATION

Notice is hereby given of the application of American President Lines, Ltd., for written permission under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to carry passengers from California to Hawaii on the SS. "President Hoover," Voyage 8, scheduled to sail from San Francisco, California, to the Far East in the Trans-Pacific Service, on or about December 22, 1957.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should, within five (5) days from the date of publication of this notice in the FEDERAL REGISTER, notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with the rules of practice and procedure.

If no request for hearing and petition for leave to intervene is received within the specified time, the requested permission will be granted.

By order of the Maritime Administrator.

Dated: December 2, 1957.

GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 57-10065; Filed, Dec. 3, 1957; 8:52 a. m.]

Office of the Secretary

WILLIAM J. KLEINKNECHT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. William J. Kleinknecht.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: November 6, 1957.

4. Title of position: Assistant Director, Communications Division.

5. Name of private employer: American District Telegraph Company, 155 Sixth Avenue, New York 13, New York.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 22, 1957.

Statement of Financial Interests

Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American District Telegraph Company.
Bank deposits.

Dated: November 6, 1957.

WILLIAM J. KLEINKNECHT.

[F. R. Doc. 57-10012; Filed, Dec. 3, 1957; 8:45 a. m.]

EDWARD ABBOTT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8937; June 12, 1956, 21 F. R. 4030; November 29, 1956, 21 F. R. 9336; May 29, 1957, 22 F. R. 3767-8.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 18, 1957.

Dated: November 18, 1957.

EDWARD ABBOTT.

[F. R. Doc. 57-10013; Filed, Dec. 3, 1957; 8:45 a. m.]

ARTHUR W. MCKINNEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 7, 1956, 21 F. R. 9727; May 29, 1957, 22 F. R. 3767.

A. Deletions: British American Oil, Ltd.; Ohio Citizens Trust Co.
B. Additions: None.

This statement is made as of November 8, 1957.

Dated: November 20, 1957.

ARTHUR W. MCKINNEY.

[F. R. Doc. 57-10014; Filed, Dec. 3, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Byproduct Material License No. 31-246-2]

M. W. KELLOGG CO.

NOTICE OF MODIFICATION OF TEMPORARY SUSPENSION ORDER

Please take notice that no request for formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division, 22 F. R. 8965, on November 7, 1957, the Atomic Energy Commission has issued a Modification of Temporary Suspension Order authorizing the M. W. Kellogg Company to undertake certain activities necessary to decontaminate facilities and dispose of byproduct material on hand under License No. 31-246-2.

The modification, including the precise list of activities permitted and the detailed conditions, is on file for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 25th day of November 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57-10007; Filed, Dec. 3, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12037 etc.; FCC 57-1292]

BROADCASTERS, INC., ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Broadcasters, Inc., South Plainfield, New Jersey; docket No. 12037, File No. BP-10587; Eastern Broadcasting Company, Inc. (WDRF), Chester, Pennsylvania; Docket No. 12038, File No. BP-10722; Tri-County Broadcasting Corp., Plainfield, New Jersey; Docket No. 12039, File No. BP-10878; for construction permits.

1. The Commission has before it for consideration (1) petition to enlarge issues and supplement thereto filed June 24 and July 29, 1957, respectively, by Broadcasters, Inc.; opposition thereto filed June 28, 1957 by Tri-County Broadcasting Corp.; comment on and partial opposition to petition and errata filed July 17 and July 23, 1957, respectively, by Chief, Broadcast Bureau; and motion to strike supplemental petition filed August 1, 1957, by Tri-County Broadcasting Corp.; (2) petition to enlarge issues filed June 24, 1957, by Eastern Broadcasting Company, Inc.; oppositions thereto filed June 28 and July 17, 1957, by Tri-County Broadcasting Corp. and Chief, Broadcast Bureau, respectively; and replies to oppositions filed July 2 and July 22, 1957, respectively, by Eastern Broadcasting Company, Inc.; and (3) petition to enlarge issues filed June 24, 1957 by Tri-County Broadcasting Corp., and comment on and partial opposition to said petition and errata filed July 17 and July 23, 1957, respectively, by Chief, Broadcast Bureau.

2. Broadcasters, Inc. (Broadcasters) and Tri-County Broadcasting Corp. (Tri-County) each filed an application for a construction permit for a new standard broadcast station to operate on 1590 kilocycles with power of 500 watts, directional antenna, daytime only, at South Plainfield and Plainfield, New Jersey, respectively. Eastern Broadcasting Company, Inc. (Eastern), licensee of Station WDRF, Chester, Pennsylvania, seeks to increase the daytime power of its station from 1 kilowatt to 5 kilowatts and to continue operation on its presently assigned frequency of 1590 kilocycles with power of 1 kilowatt with directional antenna at night, unlimited time. By Commission order, released June 4, 1957, the applications were designated for hearing in a consolidated proceeding on the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Broadcasters, Inc., and the Tri-County Broadcasting Corp. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDRF as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operations of Broadcasters, Inc., and the Tri-County Broadcasting Corp. would cause interference to Station WWRL, New York, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine whether the operation proposed by Station WDRF would be in compliance with § 3.24 (b) (7) of the Commission's rules with regard to the population within the 1000 mv/m contour, and if compliance with § 3.24 (b) (7) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

6. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

Long Island Broadcasting Corporation, licensee of Station WWRL, New York, New York (1600 kc, 5 kw, DA-1, U) was made a party to the proceeding.

3. By order released June 5, 1957, hearing was scheduled to commence on July 24, 1957. A pre-hearing conference was held June 19, 1957. Subsequent thereto, on June 24, 1957, petitions to enlarge issues were filed by the applicants. By order of July 3, 1957, the Examiner continued the hearing without date. A second pre-hearing conference was held on July 24, 1957. On that date, the Hearing Examiner issued her "First Statement Concerning Pre-Hearing Conferences and Order" and therein approved agreements among the parties with respect to the filing of written requests for rulings on the admissibility of evidence under the issues as presently constituted and continued the hearing without date pending action by the Commission on the petitions to enlarge issues filed June 24, 1957.

4. In the petitions to enlarge issues presently under consideration, each of the three applicants has requested that an issue be included to permit some comparison of the applicants and their proposals other than 307 (b) which is covered in the existing issues. Broadcasters requests that an issue be included permitting a comparison of its proposal with that of Tri-County as to program service, integration of ownership and management, and staff. Eastern and Tri-County request that the standard comparative issue be added permitting a comparison between the three applicants with respect to their background and experience, management and operation proposals, and proposed programming service.

5. Broadcasters, in support of its request, submits that there can be no legal limitation of its right to a delineation of its full direct case under § 1.841 of the Commission's rules[1] and that since Broadcasters and Tri-County propose to serve substantially the same area—both aiming principally at Plainfield—and Tri-County causes far greater interference to Station WWRL, New York, as proposed than does Broadcasters, it is entitled to show its superiority to Tri-County notwithstanding the 307 (b) issue and the other engineering issues. Tri-County, in its petition, points out that it would appear from the issues as designated for hearing that the Commission believes this to be a case in which the mandate of section 307 (b) will be controlling and that no comparative consideration is required under the decision in Federal Communications Commission v. Allentown Broadcasting Corp., 349 U. S. 358, 12 RR 2019 (1955). However, to support its position that the issues should be enlarged to permit comparative consideration of the applicants, Tri-County refers to the uncertainty evidenced at the prehearing conference as to what evidence is required by the issues designated for hearing or by § 1.841 of the Commission's rules.[2] It submits that it cannot determine what evidence is admissible in this proceeding and that if the Examiner should conclude that a choice between Broadcasters and Tri-County cannot be made under section 307 (b) and that both are to be preferred to Eastern under section 307 (b), an enlargement of the issues and the submission of additional evidence would then be required. It urges that enlargement of the issues at this time will permit a more expeditious hearing and properly protect the interests of all parties.

6. In support of its request that the standard comparative issue be designated for hearing, Eastern asserts that it is not certain whether, under the issues as presently constituted, it can put into evidence matters relating to its local residence, civic participation, programming service and related matters and that if it is prevented from exploring such subjects it will be deprived of its right to a "full" hearing and of due process of law. Eastern maintains that the Communications Act sets forth two basic standards which the Commission must observe in passing upon applications for broadcast facilities, the licensing standard of the "public interest, convenience, and necessity"[3] and the allocation standard contained in section 307 (b), but points out that the issues as presently designated for hearing make no reference to the licensing standard.[4] It notes that since the decision of the Supreme Court in the Allentown case, supra, the Commission has not ordered cases involving a section 307 (b) issue heard on the standard comparative issue and argues that, in so doing, the Commission has cut itself off from full evidence as to important factors pertaining to the public interest and deprived the parties of the opportunity to demonstrate that the opposing applications should be denied, all of which is in derogation of the right provided by section 309 (b) to a "full" hearing. It is submitted that all factors which bear on the public interest must be considered in applying the licensing standard of "public interest, convenience, and necessity". Eastern asserts that the only reasonable construction of the Allentown decision is that after evidence has been adduced on such matters as local residence, civic participation and other comparative considerations, and the relative needs of the proposed principal communities, the Commission may turn the case upon the greater needs of a community; that the Court in that case decided only that it was not necessary that the comparative qualifications of the applicants be equated before consideration could be given to need under section 307 (b); and that any other construction is a prejudgment by the Commission that the case will be decided on the 307 (b) issue alone.

7. Eastern requests, if the standard comparative issue is not included in this proceeding, that Issues 1 and 2 be modified to permit a showing as to the nature and character of the program service to be gained or lost from the operation of the stations as proposed and the extent to which such program service meets the requirements of the populations and areas proposed to gain or lose service. In support thereof, Eastern refers to the Commission's action in John Poole Broadcasting Co. (KBIG), 9 RR 1018 (1953), where issues similar to the present issues were modified to permit program showings. It submits that such amendment will not unduly prolong this case, but that, in any event, administrative convenience or expediency is not a substitute for a full hearing.

8. The Broadcast Bureau would enlarge the issues to permit comparative consideration of the proposals of Broadcasters and Tri-County. It points out that Broadcasters and Tri-County both propose to serve the Plainfield and South Plainfield communities and submits that in view of the possibility that under section 307 (b) a determination could be made that those communities have a greater need for a new broadcast service than the community of Chester, Pennsylvania, a choice between these two applicants would have to be made in addition to section 307 (b) considerations. It would not add the standard comparative issue with respect to Eastern since if the community of Chester, Pennsylvania has a greater need for the proposed broadcast service no comparative considerations would be necessary under the decision in the Allentown case. The Broadcast Bureau argues that Eastern has incorrectly viewed the Supreme Court's decision in the Allentown case; that the Court supported the Commission's view that it must first determine which community has the greater need for additional service and then determine which applicant can best serve that community need; and that once it is determined that one community has the greater need it is unnecessary to compare the ability and proposals of mutually exclusive applicants to serve their respective communities for it is only when such a determination cannot be made that it is necessary to proceed to a comparison of the respective abilities of the applicants. The Broadcast Bureau also would not enlarge Issues 1 and 2 to permit program showings. It is not clear, according to the Broadcast Bureau, why the requested issues are being sought for Eastern argues only that inquiry should be made into program services. Further, it is contended that the Poole case is not

[1] Section 1.841 provides for the exchange between the parties of the "exhibits to be offered in the hearing as the direct case" of each applicant. It further provides "The exhibits required to be exchanged by this paragraph shall comprise the full direct case of the applicant, i. e., all data desired to be submitted by the applicant in connection with his qualifications and proposals."

[2] Counsel for Tri-County states, with respect to the assertions based on § 1.841 of the rules, that it understood the position of counsel for Broadcasters to be that § 1.841 requires as part of the written affirmative direct case the submission of evidence concerning the various comparative criteria even though the issues appear to limit the evidence to that required by section 307 (b) of the act.

[3] Found in sections 307 (a), 309 (a) and (b) of the Communications Act.

[4] Reference is made to language of the Supreme Court in N. B. C. v. United States, 319 U. S. 190 (1943) showing that the two standards are supplementary and not synonymous and to language in F. R. C. v. Nelson Bros. Bond & Mortgage Co., 289 U. S. 266 (1932) wherein the Supreme Court said "In granting licenses the Commission is required to act 'as public convenience, interest or necessity requires'." (289 U. S., at page 285.)

applicable for it was a single applicant proceeding and did not involve any 307 (b) considerations. The Broadcast Bureau points out that outside of the mutual interference existing between the applicants, the only other question of interference involves the Plainfield and South Plainfield applicants and Station WWRL and it argues that neither of these situations calls for the issues requested by Eastern; that it is immaterial whether the service of Eastern in its added area would be superior to the service that would be provided by the other applicants in an entirely different area.

9. The issues as presently designated for hearing do not permit comparative consideration of the background and experience and proposals of the applicants. Courier-Times, Inc., 13 RR 1290, 1292 (1956). The Hearing Examiner has specifically so ruled in paragraphs 3 and 4 of a Memorandum Opinion and Order (FCC 57M–703; Mimeo No. 48063), issued July 18, 1957, in this proceeding. This ruling is consistent with the provisions of § 1.841 of the Commission's rules, for this section does not permit the introduction of a comparative presentation without regard to the issues designated for hearing. An applicant, at the time it files an appearance under § 1.387 of the rules, states that it will "present evidence on the issues specified in the order". Section 1.841 provides only for the exchange of exhibits and information within the scope of the issues set for hearing.

10. The Commission does not believe that in all 307 (b) cases it is required, where petitioned to do so, to enlarge the issues to permit the usual standard comparison of the applicants. The decision of the Supreme Court in Federal Communications Commission v. Allentown Broadcasting Corp., supra, does not require such an enlargement of the issues. On numerous occasions since the Allentown decision was announced on June 6, 1955, the Commission has stated the policy which would be adhered to consistent with the rationale of that case insofar as it related to the application of section 307 (b) of the act. It is unnecessary to reiterate those views here; we adhere to them. Courier-Times, 13 RR 1292; Southern Indiana Broadcasters, 14 RR 117; and Birney Imes, 15 RR 553. See also the discussion in Mercer Broadcasting Co., 22 FCC 1009, 1027; 13 RR 891, 911, and Miners Broadcasting Service, Inc., 23 FCC 408, 443–444; 13 RR 1163, 1196c.

11. However, the ruling enunciated in the cited cases, and others on the same point, does not fully dispose of the question now before us because of essential differences in the factual situations. The present case is made unique insofar as the Plainfield and South Plainfield applications are concerned, by the fact that Tri-County and Broadcasters will, according to the engineering data contained in their applications, provide not only 5 mv/m service to both cities but also 25 mv/m service to the business and industrial areas of both cities. These signal values meet the requirements of §§ 3.182 (f) and 3.188 (b) of the rules. The areas proposed to be served by these two applicants are quite similar. The two cities are only approximately 3 miles apart and the specified transmitter sites are closely proximate to each other.

12. Under these circumstances, a substantial factual question would exist as to which of the two applicants would better serve either South Plainfield or Plainfield in the event that one or the other of these two cities were to be selected as having the greater need for service in terms of section 307 (b). This is the type of situation in which a 309 (b) camparison is necessary under the doctrine of Allentown, supra. Nevertheless, it does not follow that this comparison must include Eastern, for Eastern will not provide primary service to either Plainfield or South Plainfield, so that there would be no point in attempting to ascertain whether it would serve these cities better than either of the other two applicants. As between the applicants for these two cities, on the one hand, and Eastern as the Chester, Pennsylvania applicant on the other, the analysis referred to in paragraph 10 applies.

13. Another reason for allowing a 309 (b) comparison between Broadcasters and Tri-County is that it is not unlikely, in view of their close proximity, etc. that a choice between them on 307 (b) grounds may not be possible. The chance of this situation occurring is increased because the frequency proposed by both (and by Eastern) is a regional channel. Under § 3.22 of the Commission's rules, a station which operates on a regional channel "is designed to render service primarily to a metropolitan district and the rural area contiguous thereto" as distinguished from a station operating on a local channel which is "designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto." The Commission has found, on occasion, where frequencies other than "local" channels were involved, that the "community" to be served, for section 307 (b) considerations, encompassed more than the area within the corporate limits of the principal city named in the applications or station license. See Huntington Broadcasting Company, 5 RR 721, 6 RR 569 (1950). As before, however, these additional facts do not necessitate including Eastern, the Chester applicant, in the 309 (b) comparison, for the distance between Chester and the two Plainfields (approximately 70 miles) and the complete difference in their service areas, both urban and rural, makes it impossible for the same situation to arise as between the 307 (b) needs of Chester and the two Plainfields.

14. Eastern argued that enlargement is necessary because section 309 (b) provides for a "full hearing". Acceptance of this interpretation would render altogether meaningless the provision of 309 (b) preceding the full hearing requirement which states that where the Commission is unable to make the public interest finding required by subsection (a) after following the predesignation procedure of (b) it "shall formally designate the application for hearing *on the grounds or reasons then obtaining* and shall notify the applicant and all other known parties in interest of such action and *the grounds and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally.*" (Emphasis supplied.) The Commission fully complied with the statutory requirements when it provided for a "full" hearing at the time it designated the applications for hearing in a consolidated proceeding "on the grounds or reasons then obtaining" specifying with particularity "the matters and things in issue." A comparison of the backgrounds of the applicants and their respective operating proposals was not in issue because the Commission, at the time of designation, considered such an inquiry irrelevant in the context of a 307 (b) proceeding, having previously determined that the proposals of each applicant were satisfactory and would meet the needs of the area each proposed to serve. Good cause having been shown, the Commission will enlarge the issues to permit a comparison on the usual grounds of Broadcasters and Tri-County, for the reasons heretofore discussed, but such enlargement for good cause in no sense warrants general enlargement to include other fields of inquiry without a showing sufficient for the Commission to conclude that there are "grounds and reasons" therefor. As was stated at the beginning of this paragraph, a contrary view would subtract all the meaning from much of section 309 (b) and would involve an interpretation of the "full hearing" provision completely out of context. It is to be observed that the Commission is not ignoring the standard of the "public interest, convenience, and necessity" when, in a proceeding such as this, it does not include an issue which makes specific reference to that language.[6] By its action in designating these applications for hearing under section 309 (b) of the act, the Commission indicates its inquiry into the factors which make up the public interest, conveniency and necessity.

15. We see no merit to Eastern's request that Issues 1 and 2 be modified to permit showings as to the nature and character of the program service to be gained or lost from the operation of the stations as proposed and the extent to which such program service meets the requirements of the populations and areas proposed to gain or lose service. That part of this request relating to Issue 1 is rendered moot by our action permitting Broadcasters and Tri-County to make comparative showings, including the program service proposed by each. Eastern failed to support its request with respect to Issue 2 other than to state that such inquiry is relevant and might be material to the disposition of this proceeding. We are not persuaded that such an inquiry is relevant. The reasons set forth supra, which militate against inclusion of the standard comparative issue with respect to Eastern apply also against inclusion of a comparative programming issue. See the references in paragraph 10, supra.

16. Broadcasters, in its petition to enlarge issues filed June 24, 1957, requested the inclusion of an issue to determine whether a grant of the application of Tri-County would be in contravention of § 3.35 of the Commission's rules relating to multiple ownership. It alleged no facts in support thereof. On July 29, 1957, a supplemental petition was filed setting forth certain facts which petitioner submits establish more than a prima facie showing of the elements necessary to warrant scrutiny of the Tri-County application under said section of the rules. As good cause for the filing thereof, under § 1.389 of the rules,[7] Broadcasters states that said supplemental petition was "filed within a fortnight of the date," July 11, 1957, when the Commission granted an assignment of license of Station WCRV, Washington, New Jersey, to Warren Broadcasting Corporation, which is owned by relatives of one of the stockholders in Tri-County, James R. Croy, III. Tri-County filed a motion to strike said supplemental petition as untimely filed.

17. The Commission hesitates to condone the filing of suplemental pleadings which attempt to supply deficiencies in the original pleading. However, under the circumstances of this particular proceeding, we are of the opinion that good cause has been shown for the filing thereof. Consequently, Tri-County's motion to strike said supplemental petition is denied. The Commission is of the opinion, nevertheless, on the basis of the matters set forth in said supplemental petition, that inclusion of an issue relating to multiple ownership would not be justified. Broadcasters has failed to set forth any facts, other than the fact of family relationship, to show that there is any common ownership or control of the Tri-County applicant and the licensees of Station WMTR, Morristown, and Station WCRV, Washington, New Jersey. The possibility that James R. Croy, III, a 25 percent stockholder in Tri-County, might become a stockholder in Station WMTR under his father's will does not alter our determination. Inquiry therein can be had at such time as that possibility becomes a reality.

18. Eastern, in addition to requesting enlargement of the issues as set forth above, asks that issues be included with respect to the legal, character and financial qualifications of Broadcasters, the availability of the antenna site of Broadcasters, and the financial qualifications of Tri-County. Broadcasters filed no opposition to Eastern's petition. Tri-County does not oppose the inclusion of the issues relating to Broadcasters but contends that petitioner has failed to establish sufficient cause for inclusion of an issue relating to Tri-County's financial qualifications. The Broadcast Bureau opposes inclusion of any of the requested issues, pointing out that petitioner is insisting on a theoretical legal right to question the Commission's findings respecting the basic minimum statutory qualifications of the applicants without factual justification therefor.

19. The Commission is of the opinion that petitioner has set forth sufficient facts to justify the designation for hearing of an issue with respect to the financial qualifications of Broadcasters and Tri-County. Sufficient support has also been shown for the designation of an issue relating to the availability of the antenna site of Broadcasters. However, inquiry into the character qualifications of Broadcasters and its principals is not justified on the basis of the showing made by petitioner. Moreover, inquiry into the legal qualifications of Broadcasters is not warranted. The fact that Broadcasters may have issued or may yet issue its voting stock contrary to the laws of the State of New Jersey is not properly the subject of determination in this proceeding. These questions can be answered only in proceedings instituted against the corporation by the State of New Jersey. Greater New Castle Broadcasting Corporation, 8 RR 291, 314 (1953) and The Travelers Broadcasting Service Corp., 12 RR 689, 793 (1956).

On the basis of the foregoing: *It is ordered*, This 27th day of November, 1957, that the petitions to enlarge issues filed June 24, 1957 by Broadcasters, Inc., Eastern Broadcasting Company, Inc. and Tri-County Broadcasting Corp. are granted to the extent set forth hereinafter and are denied in all other respects and that the motion of Tri-County Broadcasting Corp. to strike the supplemental petition to enlarge issues, filed July 29, 1957 by Broadcasters, Inc. is denied.

It is further ordered, That Issue No. 6 is renumbered as Issue No. 10 and the hearing issues are enlarged to read as follows:

1. To determine the areas and populations which would receive primary service from the proposed operations of Broadcasters, Inc., and the Tri-County Broadcasting Corp. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDRF as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operations of Broadcasters, Inc., and the Tri-County Broadcasting Corp., would cause interference to Station WWRL, New York, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine whether the operation proposed by Station WDRF would be in compliance with § 3.24 (b) (7) of the Commission's rules with regard to the population within the 1000 mv/m contour, and if compliance with § 3.24 (b) (7) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

6. To determine on a comparative basis, in the event either that Plainfield or South Plainfield, New Jersey, or that Plainfield and South Plainfield, New Jersey are considered to have the greater need for a new radio facility under Issue 5, which of the operations proposed by Broadcasters, Inc. and Tri-County Broadcasting Corp. would better serve the public interest, convenience, and necessity in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed standard broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of said applications.

7. To determine whether Broadcasters, Inc. is financially qualified to construct, own and operate the proposed station.

8. To determine whether Tri-County Broadcasting Corp. is financially qualified to construct, own and operate the proposed station.

9. To determine whether the proposed antenna site of Broadcasters, Inc. would be available to that applicant.

10. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

Released: November 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10041; Filed, Dec. 3, 1957; 8:49 a. m.]

[Docket Nos. 12196—12198; FCC57M–1195]

RADIO VOICE OF NEW HAMPSHIRE, INC., AND TELEVISION FOR NEW HAMPSHIRE, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of The Radio Voice of New Hampshire, Inc. (WMUR–TV), Manchester, New Hampshire; Docket No. 12196, File No. BRCT–130; for renewal of license. In re application of The Radio Voice of New Hampshire, Inc. (WMUR–TV), Manchester, New Hampshire; Docket No. 12197, File No. BLCT–488; for license to cover construction permit. In re application of Television For New Hampshire, Inc., Manchester, New Hampshire; Docket No. 12198, File No. BPCT–2290; for construction permit for a television broadcast station.

Pursuant to pre-hearing conference of this date and with the concurrence of all counsel: *It is ordered*, This 27th day of November 1957, that an exchange of the direct case in writing of each applicant shall be made on or before December 18, 1957: *And it is further ordered*, That a further pre-hearing conference shall be held in this proceeding on Jan-

[6] This language is found in the standard comparative issue sought to be included.

[7] Section 1.389 provides for the filing of motions to enlarge or change issues. Good cause must be shown for the failure to file such motions within 15 days after the issues in the hearing have first been filed in the FEDERAL REGISTER.

uary 3, 1958, at 10 o'clock a. m. in the Commission's offices in Washington, D. C., and that the hearing now scheduled for December 17, 1957, be, and the same is hereby, continued to January 13, 1958, at 10 o'clock a. m. in the Commission's offices in Washington, D. C.

Released: November 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10042; Filed, Dec. 3, 1957; 8:50 a. m.]

[Docket Nos. 12199, 12200; FCC 57M-1196]

KOOS, INC. (KOOS-TV) AND PACIFIC TELEVISION, INC.

ORDER CONTINUING HEARING

In re applications of KOOS, Inc. (KOOS-TV), Coos Bay, Oregon; Docket No. 12199, File No. BMPCT-4680; for modification of construction permit (From Channel 16 to Channel 11). Pacific Television, Inc., Coos Bay, Oregon; Docket No. 12200, File No. BPCT-2309; for construction permit for a new television broadcast station (Channel 11).

The Hearing Examiner having under consideration a Joint Motion for Continuance filed November 25, 1957, on behalf of KOOS, Inc. and Pacific Television, Inc., requesting continuance of the hearing date from December 19, 1957, to February 19, 1958, and that the prehearing conference now scheduled on December 5, 1957, be continued to "such date after January 2, 1958, as may be convenient to the Hearing Examiner"; and

It appearing, that Bureau counsel has informally agreed to a grant of the joint motion and that the continuances as ordered will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 27th day of November 1957, that the prehearing conference now scheduled at 10:00 a. m. on Thursday, December 5, 1957, is continued to 10:00 a. m. on Thursday, January 23, 1958, and that the hearing now scheduled to be commenced on December 19, 1957, is continued to 10:00 a. m. on Wednesday, February 19, 1958.

Released: November 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10043; Filed, Dec. 3, 1957; 8:50 a. m.]

[Docket Nos. 12203—12205; FCC 57M-1193]

HALL BROADCASTING CO. ET AL.

ORDER FOLLOWING FIRST PRE-HEARING CONFERENCE CONTINUING HEARING

In re applications of Hall Broadcasting Company, Inc., Los Angeles, California; Docket No. 12203, File No. BPH-2175; Hogan Broadcasting Corporation, Long Beach, California; Docket No. 12204, File No. BPH-2180; Richard C. Simonton, Los Angeles, California; Docket No. 12205, File No. BPH-2239; for construction permits, FM Channel 274 (102.7 Mc).

1. Pursuant to an appropriate order of the Commission, a pre-hearing conference in the above-entitled proceeding was held November 19, 1957, at which each of the three applicants and the Chief of the Broadcast Bureau were represented by counsel.

2. In this proceeding, each of the above-entitled applicants requests a permit to construct a new Class D FM broadcast station to operate on the frequency 102.7 Mc, Channel 274, at the cities indicated in the caption. The Commission by order dated October 2, 1957, released October 8, 1957, found each of the applicants to be legally, technically, financially and otherwise qualified to operate the station proposed by it but that the operation of all of the stations as proposed would result in mutually destructive interference and designated the applications for hearing in a consolidated proceeding on the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

3. The Commission order of October 2, 1957 authorized the Hearing Examiner on his own motion or on a petition properly filed by any party to add the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

At the hearing conference, no party questioned the ability of any applicant to carry out the proposals set forth in the application with the funds available to it. No reason has yet been shown why the issues should be enlarged.

4. Hall Broadcasting Company, Inc. is now and for many years has been the licensee of Standard Broadcast Station KLAC, Los Angeles, California. Hogan Broadcasting Corporation is the licensee of Standard Broadcast Station KFOX, Long Beach, California. Mr. Hogan acquired control of this licensee in 1956. Mr. Richard C. Simonton is presently a principal officer and stockholder in the licensee of Station KULA, Honolulu, T. H., and from June 15, 1955, to March 29, 1957, was a principal officer and stockholder in the licensees of Station KRKD, Los Angeles, California, and Station KITO, San Bernardino, California.

5. Two of the applicants, Hall Broadcasting Company, Inc. and Hogan Broadcasting Corporation, intend to rely on the past programming of their stations in the presentation of their affirmative case. At the hearing conference, counsel for Richard C. Simonton was unable to state whether Richard C. Simonton intended to rely on the past operation of any one or all the stations with which Richard C. Simonton is or has been affiliated.

6. It was agreed at the hearing conference that in comparing past programming and operation of the stations in which the principals of the three applicants are or have been interested, such comparison, if made, will be confined to the period January 1, 1955, to and including November 19, 1957. It was also agreed that each applicant intending to rely on past programming as part of its affirmative case may show the programming of its station for the current 1957 composite week as identified by the Federal Communications Commission in a Public Notice adopted September 5, 1957, released September 6, 1957, Public Notice—B, FCC 57-960, which specifies the days of the composite week to be Sunday, December 16, 1956; Monday, February 25, 1957; Tuesday, March 26, 1957; Wednesday, April 3, 1957; Thursday, June 13, 1957; Friday, July 19, 1957; and Saturday, October 5, 1957. It was also agreed that if Richard C. Simonton decides to rely on the programming or operation of Stations KRKD and KITO, he should use for such programming the 1956 composite week as specified by the Federal Communications Commission.[1] Any applicant relying on the programming and operation of its station or stations may, if it desires, show by an exhibit how and in what particulars the composite week fails to reflect adequately the programs and policies of the station during the period January 1, 1955, to November 19, 1957, if that be the case.

7. At the hearing conference, no party advanced any contention that the programming of any of the stations with which the principals of the three applicants have been or are affiliated has been deficient in any particular or failed to serve properly the public interest, convenience and necessity. The Hearing Examiner, accordingly, ruled that until some challenge is made to the programming and operation of a station, a concise description of the programs and content with a statistical analysis thereof would be adequate and if at the further hearing conference it appears that a challenge is or will be made with respect to alleged deficiencies in the programming or operation of any station or stations, such challenge and the method of presenting the evidence relating thereto will be explored at that time.

8. Each party relying upon the past programming of its station will make available to the other parties the program logs or copies thereof which were

[1] 1956 composite week as specified in Public Notice FCC 56-917 dated September 27, 1956, is as follows: Sunday, December 4, 1955; Monday, February 6, 1956; Tuesday, March 13, 1956; Wednesday, April 25, 1956; Thursday, May 3, 1956; Friday, August 10, 1956; and Saturday, September 15, 1956.

used in preparing the exhibits to be offered in evidence.

9. It was agreed that in showing the background and experience of the principals of each of the applicants, such background may include any and all experience either in the field of broadcasting or in any other activity.

10. The programming proposals of each applicant shall describe briefly but adequately the various programs proposed. A statistical analysis of such programs by source and type will be included.

11. Each applicant, if it desires, may give the background and experience of its principal employees insofar as may be deemed necessary to show the ability of the station to effectuate the programming proposed.

12. It was agreed that no party questioned the adequacy of the proposals of the applicants as to proposed studio, studio transmitter and auxiliary broadcasting equipment, studio office or transmitter building facilities and that no party intended to rely on the question of coverage as a matter of comparative consideration.

13. It was agreed that the applicants would exchange copies of the exhibits to be offered by them in support of their affirmative case on or before Monday, December 9, 1957, and that a further prehearing conference would be held on Tuesday, December 17, 1957, at which time the date for the start of the evidentiary hearing will be specified.

14. The exhibits to be introduced by each party to the proceeding will be numbered consecutively and will carry identifying symbols as follows: For Hall Broadcasting Company, Inc., the word "Hall"; for Hogan Broadcasting Corporation, the word "Hogan"; for Richard C. Simonton, the word "Simonton"; and for the Chief, Broadcast Bureau, Federal Communications Commission, the letters "FCC".

It is ordered, This the 26th day of November 1957, that pursuant to the agreements reached at the pre-hearing conference of November 19, 1957, the applicants will exchange exhibits to be offered in support of their affirmative case on or before Monday, December 9, 1957, and that a further pre-hearing conference will be held on Tuesday, December 17, 1957;

It is further ordered, That the evidentiary hearing in this proceeding presently scheduled to commence on December 17, 1957, is continued to a date to be announced at the subsequent pre-hearing conference which will be held on December 17, 1957.

Released: November 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10044; Filed, Dec. 3, 1957; 8:50 a. m.]

[Docket No. 12256; FCC 57-1299]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Philadelphia, Pa.		283
Trenton, N. J.	284	278

3. The purpose of the proposed amendment it to make available Channel 283 in Philadelphia, as requested by a petition submitted by The Young People's Church of the Air, 730 Chestnut Street, Philadelphia, Pennsylvania.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before December 27, 1957 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 27, 1957.

Released: November 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10045; Filed, Dec. 3, 1957; 8:50 a. m.]

[Docket No. 12257; FCC 57-1300]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Sacramento, Calif.	245	223

3. The purpose of the proposed amendment is to substitute Channel 223 for Channel 245 in Sacramento for subsequent assignment to Station KFBK-FM in order to eliminate television interference in the area due to present operations of KFBK-FM on Channel 245.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before December 27, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 27, 1957.

Released: November 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10046; Filed, Dec. 3, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2145]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

NOVEMBER 29, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Public Utility District No. 1 of Chelan County, Washington, licensee for Project No. 2145, for amendment of its license for the project to reflect the change in the name plate rating of each of the generating units from 90,000 kilowatts to 101,650 kilowatts.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington, 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 19, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10047; Filed, Dec. 3, 1957; 8:51 a. m.]

[Docket Nos. G-13009, G-13114]

HUMBLE OIL & REFINING CO. AND UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 27, 1957.

In the matters of Humble Oil & Refining Company, Docket No. G-13009; United Gas Pipe Line Company, Docket No. G-13114.

On August 22, 1957, United Gas Pipe Line Company (United) filed in Docket No. G-13114 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities, all in Terrebonne Parish, Louisiana, to enable United to receive and transport in interstate commerce for resale natural gas produced from certain areas by Humble Oil & Refining Company (Humble), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities are briefly as follows:

(1) Approximately 13 miles of 16-inch transmission pipeline, with separator and appurtenant facilities, to extend from the terminus of United's existing 20-inch Kent Bayou Field lateral pipeline to a point in the Halter Island Field area. The estimated cost of these facilities is $1,485,750.

(2) Approximately 7 miles of 8-inch lateral supply pipeline to extend from a point of connection with United's above proposed 16-inch transmission pipeline to a proposed meter station to be installed by United on a platform in the Bayou Penchant Field, with appurtenant facilities.

(3) Two 8-inch lateral supply pipelines approximately 1 mile and 1.1 miles long, respectively, each to extend from separate points of connection with United's above proposed 16-inch transmission pipeline to separate proposed meter stations to be installed by United on platforms in the Deer Island Field, with appurtenant facilities.

(4) Approximately 1.6 miles of 8-inch lateral supply pipeline to extend from a point of connection with United's above proposed 16-inch transmission pipeline to a proposed meter station to be installed by United on a platform in the Palmetto Bayou Field, with appurtenant facilities.

(5) A meter station to be installed on a platform at a point on United's above proposed 16-inch transmission pipeline near the end of such line, with appurtenant facilities.

(6) Approximately 6.7 miles of 8-inch lateral supply pipeline to extend from a point of connection with United's above proposed 16-inch transmission pipeline to a proposed meter station to be installed by United on a platform in the Four League Bay Field, with appurtenant facilities.

(7) Such other facilities as may be needed from time to time to connect, or take additional deliveries from, wells in the subject areas.

The estimated cost of the proposed facilities, Items 2-7 inclusive is $1,167,460, for a total cost under this application of $2,653,210, which cost will be paid from current working funds.

On August 5, 1957, Humble filed in Docket No. G-13009 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate covering the sales of natural gas in interstate commerce to be made pursuant to a 20-year gas purchase contract dated July 18, 1957, executed by and between United and Humble.

Humble's facilities consist of customary lease equipment and field lines. Deliveries will be made at United's proposed meter stations in the fields and will commence upon receipt of authorization and completion of facilities. United will transport the gas received from Humble commingled with its other gas supplies for sale in other states.

The foregoing shall constitute notice of the filing of the applications by Humble and United and such applications are on file with the Commission and open to public inspection.

The Commission finds: These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations of the Commission.

The Commission orders:

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G-13009 and G-13114: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

By the Commission (Commissioner Connole dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10021; Filed, Dec. 3, 1957; 8:47 a. m.]

[Docket No. G-13777]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 27, 1957.

Cities Service Oil Company (Cities Service), on November 8, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of Change, dated November 1, 1957. (2) Notice of Change, dated November 4, 1957.

Purchaser: Cities Service Gas Company.

Rate schedule designations: (1) Supplement No. 2 to Cities Service FPC Gas Rate Schedule No. 42. (2) Supplement No. 2 to Cities Service FPC Gas Rate Schedule No. 93.

Effective dates: (1) December 26, 1957. (2) December 23, 1957 (effective dates are the effective dates proposed by Cities Service).

In support of the proposed rate increases, Cities Service states that the increases result from a provision of the contracts and that the escalation provisions of the contracts were a means of establishing an average price for the whole term of the contract and it would be unfair to deny the higher part of the average price after deliveries have been made at the lower part of the price. Cities Service also states that the increased rates are less than the going price in the area and are lower than the present market value of the gas.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential; or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Cities

Service FPC Gas Rate Schedule No. 42 and Supplement No. 2 to Cities Service FPC Gas Rate Schedule No. 93 are hereby suspended and the use thereof deferred until May 26, 1957, and May 23, 1957, respectively, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10022; Filed, Dec. 3, 1957; 8:47 a. m.]

[Docket No. G-13776]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 27, 1957.

Sinclair Oil & Gas Company (Sinclair), on November 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 29, 1957.

Purchaser: Consolidated Gas Utilities Corporation.

Rate schedule designation: Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 114.

Effective date: December 2, 1957 (effective date is the date proposed by Sinclair).

In support of the proposed periodic rate increase, Sinclair states that the proposed rate will not result in an excessive rate of return to it from its regulated business and will have the effect of assisting Sinclair in obtaining a return commensurate with the risks inherent in the exploration, development, production, gathering, and sale of natural gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until May 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10023; Filed, Dec. 3, 1957; 8:47 a. m.]

[Docket No. G-13771]

PEERLESS OIL AND GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 27, 1957.

Peerless Oil and Gas Company (Peerless), on October 28, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of Change, dated October 22, 1957. (2) Notice of Change, dated October 23, 1957.

Purchaser: Cities Service Gas Company.

Rate schedule designation: (1) Supplement No. 3 to Peerless' FPC Gas Rate Schedule No. 14. (2) Supplement No. 3 to Peerless' FPC Gas Rate Schedule No. 15.

Effective date: February 1, 1958 (effective date is the earliest date that Republic's increase can be made effective subject to refund; or, from such subsequent date as Republic's subject increased rate is made effective in the manner prescribed by the Natural Gas Act).

In support of the proposed favored-nations rate increases, Peerless merely cites the favored-nation provisions therefor and Republic Natural Gas Company's (Republic) proposed triggering increase. The Commission suspended Republic's increase for five months until February 1, 1958, in Docket No. G-13062.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 90-day maximum notice period provided in § 154.94 (b) of the regulations under the Natural Gas Act be waived with respect to Supplement No. 3 to Peerless' FPC Gas Rate Schedule No. 14, and Supplement No. 3 to Peerless' FPC Gas Rate Schedule No. 15, and that such supplements be permitted to be filed.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 90-day maximum notice period provided in § 154.94 (b) of the regulations under the Natural Gas Act is hereby waived with respect to Supplement No. 3 to Peerless' FPC Gas Rate Schedule No. 14, and Supplement No. 3 to Peerless' FPC Gas Rate Schedule No. 15, and such supplements hereby are permitted to be filed.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in above-designated supplements.

(C) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until July 1, 1958, unless otherwise ordered by the Commission, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10024; Filed, Dec. 3, 1957; 8:47 a. m.]

[Docket No. G-13769]

MIDSTATES OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 27, 1957.

Midstates Oil Corporation (Midstates), on October 30, 1957, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-4932.

Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 29, 1957.

Purchaser: Louisiana Nevada Transit Company.

Rate schedule designation: Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 32.

Effective date: November 30, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Midstates submits that it would not have entered into the long-term contract had it not been assured by the terms of such contract of a sliding scale of prices to afford it a uniform net operating income over the period thereof. Midstates also cites increasing costs of operation.

The subject filing is similar to other increases in the Cotton Valley Field where the parties' right to file is in dispute in Docket No. G–9086. Louisiana Nevada Transit Company has filed a protest requesting rejection of the filing on the basis that Midstates is not the proper party to make such filing.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Midstates should be accepted for filing conditionally, subject to final order in Docket No. G–9086.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 32 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Midstates hereby is accepted for filing conditionally, subject to final order in Docket No. G–9086.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 32.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 30, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10025; Filed, Dec. 3, 1957; 8:47 a. m.]

[Docket No. G–13739]

BAYVIEW OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 27, 1957.

Bayview Oil Corporation (Operator), et al. (Bayview), on October 28, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 6 to Bayview's FPC Gas Rate Schedule No. 6.

Effective date: November 30, 1957 (effective date is the effective date proposed by Bayview).

In support of the proposed periodic rate increase, Bayview adopts statements made by The British-American Oil Producing Company at the time the rate contained in Supplement No. 5 to its FPC Gas Rate Schedule No. 7 was suspended (Docket No. G–12068), to the effect that the contract resulted from arm's-length bargaining and the effect of the increase is the same as if the parties had agreed on an average rate for the contract life.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 (only insofar as it proposes a periodic increase to a rate of 13.8796 cents per Mcf) to Bayview's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 (only insofar as it proposes a periodic increase to a rate of 13.8796 cents per Mcf) to Bayview's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 30, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10026; Filed, Dec. 3, 1957; 8:47 a. m.]

[Docket No. G–11738 etc.]

HONAKER-DAVIS DRILLING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 27, 1957.

In the matters of Honaker-Davis Drilling Company, Operator, et al.,[1] Docket No. G–11738; Glenn Tompkins, d. b. a. Hardman Farm Oil and Gas Company,[2] Docket No. G–11741; Shell Oil Company,[3] Docket No. G–11743; C. F. Moran, Docket No. G–12122; H. L. Ayers Gas Company (by Glenn L. Haught, Agent),[4] Docket No. G–12124; Rush Cook Gas Co. (by Cecil B. Dean, Agent),[5] Docket No. G–12151; Damron Development Gas Company,[6] Docket No. G–12168; Bee Oil & Gas Company, Docket No. G–12186; Mary A. Stump Gas Co. (by P. P. Gunn, Harry Stevens and C. N. Hall, Agents),[7] Docket No. G–12239; Ferrell Oil & Gas Co. (by Glenn L. Haught, Agent),[8] Docket No. G–12276; Skelly Oil Company, Docket No. G–12286; R. H. Adkins, d. b. a. Joyce Gas Company, Docket No. G–12290; The Ohio Oil Company,[9] Docket No. G–12293; Sinclair Oil & Gas Company, Docket No. G–12332; L. D. French, Operator,[10] Docket No. G–12350.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

See footnotes at end of doucment.

Docket No. G–, Location of Field, and Buyer

11738; Acreage in Barber County, Kans.; Cities Service Gas Company.

11741; Smithville Field, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

11743; Old Ocean Field, Brazoria County, Tex.; Texas Illinois Natural Gas Pipeline Company.

12122; Indian Fork Field, Lewis County, W. Va.; Equitable Gas Company.

12124; Acreage in Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

12151; Oceana Field, Wyoming County, W. Va.; Hope Natural Gas Company.

12168; Acreage in Triadelphia District, Logan County, W. Va.; Hope Natural Gas Company.

12186; Acreage in Pullman District, Ritchie County, W. Va.; Carnegie Natural Gas Company.

12239; Acreage in Center District, Gilmer County, W. Va.; Hope Natural Gas Company.

12276; Acreage in Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Company.

12286; Sec. 32–27 N–9 W., San Juan County, N. Mex.; El Paso Natural Gas Company.

12290; Buffalo Creek Field, Logan County, W. Va.; Hope Natural Gas Company.

12293; Logansport Field, De Soto Parish, La.; Texas Eastern Transmission Corporation.

12332; Sentell Field, Bossier Parish, La.; Arkansas Louisiana Gas Company.

12350; East Kingsville Field, Kleberg County, Tex.; Texas Eastern Transmission Corporation.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 23, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] A partnership composed of Joe J. Honaker, Ruby Lee Honaker, H. C. Davis and H. S. Forbes, d. b. a. Honaker-Davis Drilling Company, Operator, is filing for itself and on behalf of the nonoperator, W. G. Haun. All of the individuals listed above are signatory seller parties to the gas sales contract dated January 7, 1957.

[2] Glenn Tompkins, d. b. a. Hardman Farm Oil and Gas Company, is a signatory seller party to the gas sales contract dated December 19, 1956.

[3] Shell Oil Company, nonoperator, is filing for its interest in the subject gas unit and is a signatory seller party to the ratification agreement (also signed by Buyer) dated September 15, 1956, of a basic contract between Stanolind Oil and Gas Company, Operator (Seller), and Texas Illinois (Buyer) dated January 23, 1950.

[4] H. L. Ayers Gas Company is a partnership composed of Glenn L. Haught, Mountain Iron and Supply Company, R. M. Busch, N. O. Waide, L. D. Nutter, Howard E. Koontz, Sydney Renehan, Paul Bertram, Paul McCoy, William A. Barker, L. E. Haught and P. F. Osborn. All the above-named individuals are signatory seller parties to the gas sales contract dated January 18, 1957, by the signature of Glenn L. Haught who has signed the contract for himself and as attorney-in-fact for the above-named individuals who are doing business as H. L. Ayers Gas Company.

[5] Rush Cook Gas Company is a partnership composed of Ernie Donahue, Don Donahue, Forest Donahue, C. N. Hall, Sr., C. L. Wilkerson, John Mayne, Faye Morton, Daisy Hall and Eugene Curry. All the above-named individuals are signatory seller parties to the gas sales contract dated February 4, 1957, by the signature of Cecil B. Dean who has signed the contract for himself and as attorney-in-fact for the above-named individuals who are doing business as Rush Cook Gas Company.

[6] Damron Development Gas Company is a partnership composed of W. F. Damron and O. D. Damron. Both are signatory seller parties to the gas sales contract dated February 13, 1957.

[7] Mary A. Stump Gas Company is a partnership composed of Harry Stevens, Clinton E. Curry, D. D. Kidd, J. R. Osborne, Alice J. Gillispie, Hal Pack, Donald L. Gillenwater, C. H. Miller, Homer Hall, Ray Frame, MD., E. E. White, Paul S. Soulsby, H. B. Dale, J. O. Lutwiler, Joe L. Browning, E. E. Sigmon, Hal S. McComas, Henry G. Shaffer, Jr., J. C. McWhorter and L. M. Pack. All the above-named individuals are signatory seller parties to the gas sales contract dated February 20, 1957, by the signatures of P. P. Gunn, Harry Stevens and C. N. Hall who have signed the contract for themselves and as attorneys-in-fact for the above-named individuals.

[8] Ferrell Oil & Gas Company is a partnership composed of Glenn L. Haught, Mountain Iron and Supply Company, Paul Bertram, Warren R. Haught, Eldon J. Haught, Richard G. Lynch and Paul McCoy. All the above-named individuals are signatory seller parties to the gas sales contract dated February 27, 1957, by the signature of Glenn L. Haught who has signed the contract for himself and as attorney-in-fact for the above-named individuals who are doing business as Ferrell Oil & Gas Company.

[9] The Ohio Oil Company, Nonoperator, is filing for its interest in the Andrews Unit and is a signatory seller party to the gas sales contract dated December 19, 1956, between Carter-Jones Drilling Company, et al., Sellers, and Texas Eastern, Buyer.

[10] L. D. French, Operator, is filing for its interest in the subject lease and is the only signatory seller party to the gas sales contract dated February 1, 1957. In addition, Operator lists names and percentage of interest of 16 royalty, overriding royalty and mineral fee owners.

[F. R. Doc. 57–10027; Filed, Dec. 3, 1957; 8:47 a. m.]

[Docket No. G–13770]

SPARTAN DRILLING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 27, 1957.

Spartan Drilling Company, et al. (Spartan), on October 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 28, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Spartan's FPC Gas Rate Schedule No. 2.

Effective date: January 1, 1958 (effective date is the effective date proposed by Spartan).

In support of the proposed periodic rate increase, Spartan states that the price escalation clause embodied in the contract is common in such long-term contracts; the initial price is not adequate to cover rising costs to the producer, and the increased rate represents the fair field price of the gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Spartan's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Spartan's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10028; Filed, Dec. 3, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1065]

INSURED ACCOUNTS FUND

ORDER DENYING APPLICATION AND DECLARING NAME NOT DECEPTIVE OR MISLEADING

NOVEMBER 22, 1957.

Insured Accounts Fund, a registered investment company, having filed an application for an order pursuant to section 6 (c) of the Investment Company Act of 1940 exempting it from the provisions of sections 16 (a) and 18 (i) of the act so as to permit it to issue certificates of beneficial interest which do not possess the right to vote in the selection of its trustees;

Proceedings having been instituted to determine whether such application should be granted and whether applicant's name is deceptive or misleading within the meaning of section 35 (d) of the act;

A public hearing having been held after appropriate notice, a recommended decision by the hearing examiner having been waived, the Division of Corporate Regulation having filed proposed findings and conclusions, briefs having been filed, and oral argument having been heard;

The Commission having this day issued its Findings and Opinion herein; on the basis of such Findings and Opinion

It is ordered, That the application of Insured Accounts Fund for an exemption from the voting requirements of section 16 (a) and section 18 (i) of the Investment Company Act of 1940 be, and it hereby is, denied, and it is declared that the name "Insured Accounts Fund" is not deceptive or misleading within the meaning of section 35 (d) of the Investment Company Act of 1940.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10036; Filed, Dec. 3, 1957; 8:48 a. m.]

[File No. 24FW-1102]

GIANT PETROLEUM CORP.

ORDER POSTPONING DATE OF HEARING

NOVEMBER 27, 1957.

The Commission by order dated October 29, 1957, having ordered a hearing in the above-entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 261 thereunder and said hearing being now scheduled to commence on December 2, 1957, at 10:00 a. m., c. s. t., at the Fort Worth Regional Office of the Commission; and

Counsel for Giant Petroleum Corporation having requested that such hearing be postponed; and counsel for the Division of Corporation Finance not objecting thereto;

It is ordered, That the hearing scheduled to commence on December 2, 1957 be and hereby is postponed to commence on January 20, 1958 at 10:00 a. m., c. s. t., at the Regional Office of the Commission, U. S. Courthouse, 10th and Lamar Streets, Fort Worth, Texas, and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10037; Filed, Dec. 3, 1957; 8:48 a. m.]

[File No. 24A-1065]

MONARCH LAUNDRY MACHINERY CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 27, 1957.

I. Monarch Laundry Machinery Corporation, a Florida corporation, 516 Northwest First Avenue, Fort Lauderdale, Florida, filed with the Commission on September 17, 1956, a notification on Form 1-A, and an offering circular, and subsequently filed amendments thereto, relating to an offering of 241,420 shares of its common stock, Class II, non-voting, $1.00 par value, at $1.00 per share and 1,000 shares of 6 percent cumulative preferred stock, $11.00 par value, at $11.00 per share, aggregating $252,420.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, (the act) pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that the offering circular is misleading within the meaning of Rule 261 (a) (2) and that the offering would be made in violation of section 17 (a) of the act within the meaning of Rule 261 (a) (3) in that:

1. The balance sheet, as of September 30, 1956, made a part of the offering circular, as amended, shows an "Earned Surplus" of $20,691.40, whereas it appears that the issuer actually had an operating deficit as of that date.

2. The Statement of Profit and Loss for the period December 1, 1955, to September 30, 1956, made a part of the offering circular, as amended, shows a "Net Profit after Federal Income Tax" of $18,950.38, whereas it appears that the issuer actually had an operating loss during this period.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days herefrom; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10038; Filed, Dec. 3, 1957; 8:49 a. m.]

[File Nos. 812-1121, 812-1122]

GAS INDUSTRIES FUND, INC., AND COLONIAL FUND, INC.

NOTICE OF FILING OF APPLICATIONS FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATES FOR SUCH SECURITIES

NOVEMBER 29, 1957.

In the matter of Gas Industries Fund, Inc., File No. 812-1121; The Colonial Fund, Inc., File No. 812-1122.

Notice is hereby given that The Colonial Fund, Inc. ("Colonial") and Gas Industries Fund, Inc. ("Gas Industries"), both registered closed-end diversified investment companies, have filed separate applications, pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for orders of the Commission exempting from the provisions of section 10 (f) of the act, proposed purchases by the respective applicants of certain Convertible Junior Subordinated Debentures of Commonwealth Oil Refining Company, Inc. ("Oil"), a Puerto Rican oil refinery.

Oil has filed a registration statement with the Commission pursuant to the provisions of the Securities Act of 1933 proposing a public offering of $20,000,000 principal amount of such debentures which is expected to become effective on or about December 10, 1957. The debentures, at the option of the holder, will be convertible into common stock of Oil at a conversion price to be determined prior to the offering. The First Boston Corporation is expected to form and manage an underwriting group which will offer the securities. The application of Colonial and Gas Industries states that James H. Orr, a director of both such companies, is a director of The First Boston Corporation.

The respective applications represent that Colonial proposes to purchase approximately $170,000 principal amount of such debentures, or approximately 0.8 percent of the total offering, which, on the basis of a price of 100 percent of principal amount would represent 0.40 percent of its total assets. The application of Gas Industries represents that such

applicant proposes to purchase approximately $340,000 principal amount of such debentures, or 1.6 percent of the total offering, which would represent 0.55 percent of the total assets of Gas Industries.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director or member of an advisory board of such registered investment company is an affiliated person unless the Commission by order grants an exemption therefrom. Since Orr is an affiliated person of the investment banking firm which may be part of the underwriting group of the securities offering by Oil referred to above, the purchases of securities of that company by the respective applicants are each subject to the provisions of section 10 (f) of the act.

Each application represents that the respective purchase of the securities of Oil is consistent with the investment policies of each applicant.

Notice is further given that any interested person may, not later than December 9, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing in either or both such matters and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing as to either or both such matters. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, either or both such applications may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10070; Filed, Dec. 3, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 2]

APPLICATIONS FOR CONVERSION BY MOTOR CONTRACT CARRIERS

NOVEMBER 29, 1957.

The following proceedings are governed by the Interstate Commerce Commission's special rules of practice, published in the FEDERAL REGISTER on November 13, 1957, Volume 22, page 9015, concerning notice of proceedings upon application of a holder of motor contract carrier authority, under section 212 (c) of the Interstate Commerce Act, for the revocation of motor contract carrier authority issued on or before August 22, 1957, and the issuance in lieu thereof of a certificate of public convenience and necessity (49 CFR 1.242). A proceeding to determine the status of the carriers' operations has been instituted under section 212 (c).

Protests may be filed with the Commission within 30 days after the date notice of the proceedings is published in the FEDERAL REGISTER. If oral hearing is desired the protest must so indicate.

The authority set out in the pertinent permits upon which a determination is sought, has, in most instances, been summarized.

No. MC 2113 (Sub No. 2) filed November 18, 1957, MORGAN G. HIVELY, Zinn's Quarry Road, York, Penna. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Penna. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 2113, dated September 16, 1949.

Roofing and building materials and *materials, supplies, machinery* and *equipment* used in or incidental to the production and distribution of roofing and building materials, between York, Pa., on the one hand, and, on the other, Wilmington, Del., Washington, D. C., and points in Maryland and New Jersey.

No. MC 16528 (Sub No. 1) filed October 16, 1957, BLANKENSHIP MOTORS, INC., 2744 East 12th Street, Oakland, 1, Calif. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 16528 dated August 5, 1953.

Such merchandise as is handled or dealt in by mail order houses, and *equipment, materials* and *supplies* incidental to, or used in, the conduct of such business, over irregular routes, between points in California.

No. MC 33914 (Sub No. 2), filed October 23, 1957, MARTHA ELIZABETH JONES AND DAVID W. JONES, JR., Executors of the Estate of DAVID W. JONES, SR., doing business as CARLSON TRUCK SERVICE, P. O. Box 601, Follansbee, W. Va. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 33914, dated August 12, 1957.

Iron and steel products, between Weirton, W. Va., on the one hand, and, on the other, points in Ohio, New York, Pennsylvania, and West Virginia.

Children's toys and *materials, supplies and equipment* used in the manufacture and sale of children's toys, between Glen Dale and McMechen, W. Va., on the one hand, and, on the other, points in Ohio, New York, Pennsylvania, and West Virginia.

No. MC 40021 (Sub No. 3), filed October 21, 1957, RALPH McLAUGHLIN, doing business as CONSOLIDATED FILM DELIVERY SERVICE, 1306 South Wabash Avenue, Chicago, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 40021 (Sub No. 2), dated July 1, 1955.

Motion picture films, motion picture equipment, and *motion picture supplies,* between Chicago, Ill., on the one hand, and, on the other, points in Lake County, Ind., within 35 miles of Chicago, Ill.

No. MC 45386 (Sub No. 7) filed October 14, 1957, BEE LINE TRUCK DISPATCH, 744 Folger Street, Berkeley, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 45386 dated December 2, 1955.

Explosives, over irregular routes, from Oakland, Calif., and points within 20 miles thereof, to points in Arizona, Idaho, Montana, New Mexico, Utah, and Washington. From Oakland, Calif., and points within 20 miles thereof, to the International Boundary between the United States and Mexico at San Ysidro and Calexico, Calif. From points within 20 miles of Oakland, Calif., to points in Nevada and Oregon. Between Trevarno and Oakland, Calif., and points within 20 miles of Oakland, on the one hand, and, on the other, points in California.

No. MC 49017 (Sub No. 2) filed October 23, 1957, ROBERT E. BAUMAN, doing business as BAUMAN'S DELIVERY SERVICE, 329 Pullen Avenue, Pawtucket, R. I. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 49017 dated August 31, 1949.

Such commodities as are dealt in by retail furniture and department stores, over irregular routes, between Pawtucket, R. I., on the one hand, and, on the other, points in that part of Massachusetts on and east of U. S. Highway 5.

No. MC 60234 (Sub No. 2) filed October 8, 1957, NICK STRIMBU, INC., P. O. Box 187, Masury, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 60234, dated August 1, 1957.

Steel and *steel products,* between Sharon, Pa., on the one hand, and, on the other, points in Ohio.

Clay and *clay products,* from points in Clay and Mill Townships, Tuscarawas County, Ohio, to points in Kentucky, Indiana, Michigan, Pennsylvania, and West Virginia.

No. MC 64114 (Sub No. 6) filed September 27, 1957, SCOTT TRUCK LINE, INC., 1337 34th Street, Denver, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant St. Building, Denver 3, Colo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 64114, dated August 10, 1949.

Advertising matter and *such general merchandise* as is dealt in by wholesale

and retail grocery and food business houses, over specified regular routes between Denver, Colo., and Chicago, Ill., and Imperial, Nebr., serving the intermediate and off-route points of Haxtun, Colo., and Lamar, Elsie, Madrid, Grant, Venago, and Champion, Nebr., subject to a Keystone restriction.

No. MC 64114 (Sub No. 4), dated December 13, 1955.

Meats, fresh and frozen, from the site of the packing plant of National Food Stores, Inc. at Denver, Colo., to Milwaukee, Wis., Indianapolis, Ind., and Lansing and Detroit, Mich.

NOTE: Applicant filed a Form BMC 78 application, Docket No. MC 113658 (Sub No. 1), prior to, and for the same purpose as sought in the Form BOR–96 application, and requests that both be considered simultaneously.

No. MC 68807 (Sub No. 25), filed October 1, 1957, BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 68807, dated October 10, 1949.

Hard-surface floor coverings, composition wall coverings, and *wall covering adhesives, linoleum cement, floor tile cement, floor wax, paper or paper felt carpet lining, linoleum steel rollers, caulking compounds, lacquer, varnish, cement*, and *paste*, from Wilmington, Del., to Albany, N. Y., and points in Pennsylvania.

Batteries, battery cases, and *battery parts* and *accompanying advertising matter*, from Philadelphia, Pa., to Albany, Troy, and Schenectady, N. Y., and points in New Jersey.

Plumbing enamelware, laundry tubs, and *plumbing equipment, parts* and *fittings*, from Ford City, Pa., to Brooklyn and New York, N. Y., and from Monaca, Pa., to Brooklyn and New York, N. Y., and points in New Jersey.

Paper towels, towel cabinets, toilet paper, toilet paper-holders, and *accompanying advertising matter*, from Albany, N. Y., to Philadelphia, Pa.

Steel, from Weirton, W. Va., to Washington, N. J.

Petroleum products, in containers, from Marcus Hook and Chester, Pa., to Cleveland, Boardman, and Akron, Ohio, Wheeling, W. Va., Providence, R. I., Baltimore, Md., Richmond, Va., and points in New York, New Jersey, Connecticut, and Massachusetts; and *empty petroleum products containers*, on return.

Prepared food products, in glass and tin containers, from Medina, N. Y., to points in Delaware, Maryland, the District of Columbia, New Jersey, except Salem, N. J., and Pennsylvania, except Pittsburgh and Chambersburg, Pa.

Prepared food products and *materials, equipment*, and *supplies* used in, or incidental to, the preparation, packing, and sale thereof, between Medina, N. Y., Chambersburg, Pa., Pittsburgh, Pa., and Salem, N. J., subject to a Keystone restriction.

No. MC 68807 (Sub No. 7), dated August 29, 1949.

Petroleum products, in containers, from Wellsville, N. Y., to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, and *empty containers* for petroleum products, on return.

Paint, petroleum, refinery equipment, and *petroleum refinery machinery*, and *ingredients* for compounded oils, between Wellsville, N. Y., and Marcus Hook, Pa.

No. MC 68807 (Sub No. 11), dated December 7, 1950.

Hard surface floor coverings, composition wall coverings, wall covering adhesives, linoleum cement, floor tile cement, floor wax, paper or paper felt carpet lining, linoleum steel rollers, caulking compounds, lacquer, varnish, cement, and *paste*, from Wilmington, Del., to Bluefield, Va., and to Glens Falls, Newburgh, Schenectady, and Utica, N. Y.

No. MC 68897 (Sub No. 12), dated June 21, 1951.

Petroleum products, in containers, from Wellsville, N. Y., to points in Connecticut, Massachusetts, and Rhode Island, and *empty petroleum products containers*, on return, and from points in Virginia, Maryland, and Delaware except Richmond, Va., and Baltimore, Md., to Marcus Hook, Pa., and with persons (as defined in section 203 (a) of the act) engaged in the distribution and sale of petroleum products, the principal business of which is the sale of petroleum products.

Auto wax, auto cleaner, hydraulic brake fluid, radiator flush compound, radiator stop leak and *advertising matter* used in the sale of these commodities, from Marcus Hook, Pa., to Wheeling, W. Va., Providence, R. I., Baltimore, Md., Richmond, Va., and points in New York, New Jersey, Connecticut, and Massachusetts.

From Wellsville, N. Y., to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

No. MC 68807 (Sub No. 15), dated April 15, 1953.

Plumbers goods, from Ellwood City, Pa., to points in Connecticut, Massachusetts, District of Columbia, New York (except points in the New York, N. Y., Commercial Zone), Virginia (except points in that portion on, south and west of a line beginning at the Virginia-West Virginia State line, and extending along U. S. Highway 60 to Buena Vista, Va., thence along U. S. Highway 501 to the Virginia-North Carolina State line), Wilmington, Del., Frederick, Cumberland, Prince Frederick, and Cambridge, Md., Paterson, Passaic, Newton, Red Bank, Freehold, Asbury Park, and Egg Harbor City, N. J., Providence, R. I., and Philadelphia, Pa.

No. MC 68807 (Sub No. 17), dated August 13, 1954.

Plumbing fixtures and fittings, except those requiring special equipment, from Bristol and Philadelphia, Pa., to points in that part of New York on, north and west of a line beginning at the Pennsylvania-New York State line and extending along U. S. Highway 209 to Kingston, N. Y., thence across the Hudson River to junction with New York Highway 308, thence along New York Highway 308 to junction with New York Highway 199, and thence along New York Highway 199 to the Connecticut-New York State line, (except points in Erie, Monroe, Onondaga, Broome, Chemung, and Chautauqua Counties, N. Y.).

From Camden, N. J., to points in that part of Pennsylvania on and west of U. S. Highway 15 (except points in Adams, Allegheny, Armstrong, Blair, Butler, Cambria, Centre, Cumberland, Dauphin, Fayette, Franklin, Huntington, Juniata, Mifflin, Perry, Somerset, Washington, and Westmoreland Counties, Pa.).

No. MC 68807 (Sub No. 18), dated July 10, 1954.

Composition roofing, composition siding, composition roofing and *composition siding materials*, and *articles* used in the application of composition roofing and composition siding, from Edge Moor, Del., to points in Warren, Washington, Saratoga, Fulton, Montgomery, Schenectady, Albany, Rensselaer, Columbia, Dutchess, Putnam, Ulster, Greene, Orange, Schoharie, Otsego, Delaware, Sullivan, Chenago, Broome, Tioga, and Chemung Counties, N. Y., and Elk, Mercer, and Fulton Counties, Pa., and *empty containers*, on return.

No. MC 68807 (Sub No. 19), dated December 23, 1955.

Composition roofing, composition siding, composition roofing and siding materials, and *articles* used in the application of composition roofing and composition siding, from Edge Moor, Del., to points in Connecticut and Pike and Wayne Counties, Pa., and *empty containers*, on return.

No. MC 68807 (Sub No. 20), dated February 18, 1955.

Plumbers goods, from Ellwood City, Pa., to points in Maine, New Hampshire, Vermont, and to Haddon Heights, N. J.

No. MC 68807 (Sub No. 22), dated July 13, 1955.

Table and drawer slides, from Genesee, Pa., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, and Ohio.

No. MC 68807 (Sub No. 23), dated July 10, 1956.

Plumbers' goods, between Zanesville, Ohio, and Ellwood City, Pa.

NOTE: Applicant is also conducting operations as a *common carrier* in Certificates Nos. MC 105461 dated August 24, 1950, and MC 105461 (Sub No. 6), dated April 20, 1956.

No. MC 72993 (Sub No. 3) filed October 3, 1957, CURTIS L. PERDUE, doing business as PERDUE EXPRESS, RFD 1, P. O. Box 100, Pittsville, Md. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 72993, dated October 8, 1953.

Bottled soft drinks, from Baltimore, Md., to Salisbury, Md.

Malt beverages, from Philadelphia, Pa., and Baltimore, Md. to Salisbury, Md.; and from Philadelphia, Pa., to Ridgely, Md.

Empty malt beverage containers, on return.

Empty soft drink containers, between Salisbury, Md., and Baltimore, Md.

Carbonated beverages, from Claymont, Del., to Salisbury, Md., and *empty carbonated beverage bottles*, on return.

No. MC 73795 (Sub No. 4) filed October 4, 1957, CLYDE R. SAUERS, 2649 Ohio River Boulevard, Pittsburgh 12, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 73795, dated August 4, 1947.

Caskets, casket parts and *funeral supplies*, from Pittsburgh, Pa., to Buffalo, Rochester, Syracuse and Long Island City, N. Y., Philadelphia, Pa., Cleveland, Ohio, Baltimore, Md., and Washington, D. C., and *refused, rejected or returned shipments* thereof, on return. Dried, canned and preserved fruits and vegetables, from Philadelphia, Pa., Swedesboro, N. J., and points in that part of New York west of a line beginning at the Pennsylvania-New York State line and extending along U. S. Highway 11 to Syracuse, thence along New York Highway 57 to Oswego, including points on the indicated portions of the highways specified, to Pittsburgh and McKeesport, Pa., and *refused, rejected or returned shipments* thereof, on return.

No. MC 73795 (Sub No. 1), dated October 1, 1948.

Caskets, casket parts and *funeral supplies*, between Chicago, Ill., Indianapolis, Ind., and Long Island City, N. Y.; between Chicago, Ill., Indianapolis, Ind., and Pittsburgh, Pa.

Casket parts and *accessories thereof*, from Connersville, Ind., to Pittsburgh, Pa.

No. MC 73795 (Sub No. 2), dated January 19, 1950.

Caskets, casket parts and *casket accessories*, and *funeral supplies*, between Pittsburgh, Pa., on the one hand, and, on the other, Louisville, Ky., and Newark, N. J.; and from Baltimore, Md., to Pittsburgh, Pa.

NOTE: Applicant is authorized to conduct *common* carrier operations in Certificate No. MC 79687.

No. MC 88499 (Sub No. 3) filed October 23, 1957, MICHAEL RAVOLESE, JR., doing business as HIGHLAND EXPRESS, 10 Spencer Court, East Hartford, Conn. Applicant's representative: William L. Mobley, Rooms 317–319, 1694 Main Street, Springfield 3, Mass. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 88499, dated October 4, 1949.

Bakery supplies and *flour*, over irregular routes, from East Hartford, Conn., to Springfield and Holyoke, Mass.

Flour and *bakers' supplies and equipment*, between Hartford, Conn., on the one hand, and, on the other, Springfield, Pittsfield, and Clinton, Mass. Between Springfield, Mass., on the one hand, and, on the other, Claverack, Albany, Troy, and Saratoga Springs, N. Y.

No. MC 89778 (Sub No. 69) filed October 18, 1957, BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 89778 (Sub No. 1), dated November 22, 1941.

Dangerous explosives and *blasting supplies*, between Mooar, on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles of Birmingham; between Joplin, Mo., and points within 15 miles of Joplin, on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles of Birmingham; between Seneca, Ill., and points within 15 miles of Seneca, on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles of Birmingham; between Pompton Lakes, N. J., and points within 15 miles of Pompton Lakes, on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles of Birmingham; between Gibbstown, N. J., and points within 15 miles of Gibbstown, on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles of Birmingham; between Nemours, W. Va., and points within 15 miles of Nemours, on the one hand, and, on the other, points in Tennessee, Mississippi, Georgia, North Carolina, South Carolina, and Alabama; *Explosives* and *blasting supplies*, between McAdory, Ala., and points within 15 miles of McAdory, on the one hand, and, on the other, points in Missouri, Indiana, and Illinois.

No. MC 89778 (Sub No. 7), dated October 28, 1943.

High explosives and *blasting supplies*, between points in Alabama on the one hand, and, on the other, points in Alabama, Florida, Georgia, Tennessee, South Carolina, North Carolina, Louisiana, Mississippi, Texas, Kentucky, and Virginia.

No. MC 89778 (Sub No. 12), dated September 17, 1947.

Dangerous explosives and *blasting supplies*, from Mooar, Iowa, and points within 15 miles thereof, to points in Tennessee and those in Alabama except Birmingham and points within 15 miles thereof; from Pompton Lakes and Gibbstown, N. J., and points within 15 miles of each, to points in Tennessee, Mississippi, Louisiana, Georgia, and Florida, and those in Alabama except Birmingham and points within 15 miles thereof; from Nemours, W. Va., and points within 15 miles thereof to points in Florida; from Port Ewen, N. Y., and points within 15 miles thereof to points in Alabama, Mississippi and Louisiana; from Reynolds and White Haven, Pa., Wolfe Lake, Ill., Atlas, Mo., and points within 15 miles of each, to points in Virginia, West Virginia, Kentucky, Indiana, Tennessee, Georgia, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, and Texas, except from Atlas, Mo., and points within 15 miles of Atlas to points in Texas and to Alexandria, La.; from Mineral Springs, Ala., and points within 15 miles thereof to points in West Virginia, Arkansas, Oklahoma, Missouri, Indiana and Illinois; from Kenvil, N. J., and points within 15 miles thereof, to points in Alabama, Tennessee, Mississippi, Louisiana, Georgia, and Florida; from McAdory, Ala., and points within 15 miles thereof to points in West Virginia, Arkansas, and Oklahoma.

No. MC 89778 (Sub No. 20), dated December 19, 1949.

Class A, Class B, and Class C, explosives, as defined by the Commission from Grafton, Ill., and points within 15 miles of Grafton, to points in Tennessee, Mississippi, Louisiana, Georgia, and Alabama except McAdory, Ala., and points within 15 miles of McAdory; from the Naval Ordnance Depot near Inness, S. C., to Kenvil, N. J., and points within 15 miles thereof; from Port Ewen, N. Y., and points within 15 miles thereof, to Jasonville, Ind., Carthage, Mo., and Baxter Springs, Kans., and points within 15 miles of each.

No. MC 89778 (Sub No. 21), dated August 8, 1949.

Dangerous explosives and *blasting supplies*, between Allentown, Pa., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and Nebraska.

No. MC 89778 (Sub No. 23), dated October 18, 1949.

Explosives, ammunition, and *blasting supplies*, between the site of the Naval Ammunition Depot at Hingham, Mass., on the one hand, and, on the other, the site of the Naval Ammunition Depot at St. Juliens Creek, Va.

Dangerous explosives and *blasting supplies*, between Reynolds and White Haven, Pa., and points within 15 miles of each on the one hand, and, on the other, points in Arkansas, Connecticut, Delaware, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia; Between McAdory, Ala., and Carthage, Mo., and points within 15 miles of each, on the one hand, and, on the other, points in Delaware, Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

Between Kenvil, N. J., and points within 15 miles thereof on the one hand, and, on the other, points in North Carolina and South Carolina.

Between Jasonville, Ind., and points within 15 miles thereof, on the one hand, and, on the other, points in Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia.

Between Nemours, West Virginia, and Moosic, Pa., and points within 15 miles of each, on the one hand, and, on the other, points in Indiana, Iowa, and Illinois.

No. MC 89778 (Sub No. 29), dated December 29, 1949.

Dangerous explosives, between Atlas, Mo., and points within 6 miles thereof, on the one hand, and, on the other, points in Colorado, Utah, and Wyoming.

No. MC 89778 (Sub No. 30), dated September 29, 1949.

Dangerous explosives, ammunition, and *blasting supplies*, between Portsmouth, Va., and Macon, Ga., including points and places within 15 miles of each;

Between Hingham, Mass., and Macon, Ga., including points within 15 miles of each; *dangerous explosives* and *blasting supplies*, between Rio Grande, N. J., and points within 5 miles thereof, on the one hand, and, on the other, points in Mississippi, Louisiana, Georgia, Florida, and Alabama.

No. MC 89778 (Sub No. 33), dated November 4, 1949.

Explosives and *ammunition* and *empty containers* for explosives and ammunition, moving on United States Government bills of lading, between Portsmouth, Va., and points within 10 miles thereof, on the one hand, and, on the other, the United States Government explosive and ammunition installation at or near Crane, Ind.

No. MC 89778 (Sub No. 34), dated November 4, 1949. *Explosives, ammunition, nitro-cellulose,* and *empty containers* therefor, moving on United States Government bills of lading, between Indian Head, Md., and points within 10 miles thereof, on the one hand, and, on the other, Radford, Va., and points within 15 miles thereof; *Explosives, ammunition,* and *ingredients and component parts* of explosives, and ammunition, and *empty containers* therefor, moving on United States Government bills of lading, between Earle, N. J., and points within 15 miles thereof, on the one hand, and, on the other, Portsmouth, Va., and points within 10 miles thereof;

Between Portsmouth, Va., and points within 10 miles thereof, on the one hand, and, on the other, the Naval Air Station, Patuxent River, Md., and Indian Head, Md., and points within 10 miles thereof;

Between Crane, Ind., and points within 15 miles thereof, on the one hand, and, on the other, Pensacola, Jacksonville, and Key West, Fla., Macon, Ga., Charleston, S. C., and points within 15 miles of each, the Naval Air Station, Patuxent River, Md., and Indian Head, Md., and points within 10 miles thereof.

No. MC 89778 (Sub No. 35), dated January 9, 1950.

Explosives and *blasting supplies*, between Seneca, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in Tennessee, Louisiana, Georgia, Florida, Mississippi, Texas, and Arkansas, and points in Alabama except Birmingham, and points within 15 miles thereof.

No. MC 89778 (Sub No. 36), dated April 25, 1955.

Class A, B, and C explosives, as defined by the Commission, and *ammunition* and *ingredients and component parts* of explosives and *ammunition* not included in Class A, B and C explosives, and *empty containers* used in the transportation of the commodities specified above, between the Naval Ammunition Depot at or near Crane, Ind., and the Naval Ammunition Depot at or near Earle, N. J.;

Between the Naval Ammunition Depot at or near Crane, Ind., and the Naval Ammunition Depot at Hingham, Mass.;

Between the Naval Mine Depot at Yorktown, Va., and the Naval Ammunition Depot at or near Crane, Ind.

Between the Naval Ammunition Depot at or near Earle, N. J. and the Naval Mine Depot at Yorktown, Va.

No. MC 89778 (Sub No. 41), dated June 20, 1950.

Dangerous explosives and *blasting supplies* between Springville, Utah, and points within 15 miles thereof, on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, and Missouri, except Atlas, Mo., and points within 6 miles of Carthage, Mo.

No. MC 89778 (Sub No. 42), dated June 20, 1950.

Dangerous explosives and *blasting supplies* between Grafton, Ill., and points within 2 miles thereof, on the one hand, and, on the other, points in Indiana, Missouri, Kentucky, Virginia, Ohio, and West Virginia, except Nemours, W. Va.

No. MC 89778 (Sub No. 44), dated June 22, 1950.

Explosives and *blasting supplies*, between Moosic, Pa., and points within 5 miles thereof, on the one hand, and, on the other, points in Florida, Alabama, Georgia, Louisiana, Mississippi, and South Carolina;

From Gibbstown, N. J., and points within 3 miles thereof, to Blair and Columbia, S. C.

No. MC 89778 (Sub No. 47), dated September 18, 1950.

Explosives and *blasting supplies*, between Seneca, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in New Mexico, Colorado, Wyoming, and Montana.

No. MC 89778 (Sub No. 50), dated September 28, 1951.

Explosives, defined as Classes A, B and C explosives, defined by the Commission, and *blasting supplies*, between East Alton, Ill., and points within 2 miles thereof, on the one hand, and, on the other, points in Illinois, Minnesota, Kansas, Virginia, West Virginia, Alabama, Kentucky, and Tennessee;

From Grafton, Ill., and points within 2 miles thereof to points in Illinois, Minnesota, Kansas, Virginia, West Virginia, Alabama, Kentucky, Tennessee, Indiana, Missouri, and Ohio.

Empty containers for the above-specified commodities, between points in Illinois, Minnesota, Kansas, Virginia, West Virginia, Alabama, Kentucky, and Tennessee, on the one hand, and, on the other, East Alton, Ill., and points within 2 miles thereof;

From points in Illinois, Minnesota, Kansas, Virginia, West Virginia, Alabama, Kentucky, Tennessee, Indiana, Missouri, and Ohio to Grafton, Ill., and points within 2 miles thereof.

No. MC 89778 (Sub No. 52), dated January 30, 1952.

Explosives, defined as Classes A, B and C explosives, as defined by the Commission, and *blasting supplies*, between points in West Virginia within 10 miles of Martinsburg, W. Va., not including Martinsburg, on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and Nebraska;

Ingredients and *component parts* of the above-described commodities and *empty containers* for such commodities, from points in the States named above to points in West Virginia within 10 miles of Martinsburg, not including Martinsburg.

No. MC 89778 (Sub No. 61) dated November 25, 1955.

Class A, B, and C explosives, as defined by the Commission, ammunition not included within Class A, B, and C explosives, *component parts* of ammunition and explosives, and *empty containers*, used in transporting the commodities specified above, between site of the Red Stone Arsenal near Huntsville, Ala., and the site of the Milan Arsenal near Milan, Tenn., on the one hand, and, on the other, the site of the Jefferson Proving Grounds near Madison, Ind.

No. MC 89778 (Sub No. 62), dated May 4, 1956, to expire May 4, 1961.

Class B explosives, as defined by the Commission, from points within 10 miles of Kenvil, N. J., to New Brighton, Minn.

No. MC 89778 (Sub No. 63), dated February 28, 1956, to expire February 28, 1961.

Explosives and *blasting supplies*, from Greenup, Ky., and points within 5 miles thereof to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, Maryland, Virginia, West Virginia, South Carolina, Georgia, Florida, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, and that part of Texas on and east of U. S. Highway 59 extending between Laredo, Tex., and Texarkana, Ark.-Tex., through Victoria, Houston, Lufkin, and Marshall, Tex.

No. MC 89778 (Sub No. 64), dated August 2, 1956, to expire August 2, 1961.

Class A, B, and C explosives and *blasting supplies*, between Wolf Lake, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in Arkansas, Kansas, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, Wisconsin, and Colorado.

No. MC 89778 (Sub No. 68), dated July 5, 1957, to expire July 5, 1962.

Class A, B, and C explosives, as defined by the Commission, and *blasting supplies*, between Energy, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, New Mexico, Texas and Florida.

NOTE: Applicant conducts *common carrier* operations by virtue of Certificate No. MC 76177 and various sub numbers thereunder.

No. MC 92550 (Sub No. 5) filed October 23, 1957, J. G. STROCK, doing business as SAFEWAY MOTOR FREIGHT COMPANY, 846 Willard Avenue NE., Warren, Ohio. Applicant's attorney: J. J. Kuhner, 736 Society For Savings Building, Cleveland 14, Ohio. For authority to operate as a *common carrier*, of the same commodities between the same points or within the same territory as authorized in the following permit:

No MC 92550, dated March 7, 1951.

Iron and steel rivets, over irregular routes, from Girard, Ohio, to Detroit and Lansing, Mich., Ashland, Ky., and Parkersburg, W. Va., *Steel wire*, from New Brighton, Pa., to Girard, Ohio.

No. MC 96505 (Sub No. 27) filed October 8, 1957, CONTRACT STEEL CARRIERS, INC., P. O. Box 806, East Chicago, Ind. For authority to operate as a *common carrier*, of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 96505, dated November 27, 1956.

Steel articles and *such materials* as are used or useful on highway construction projects, except cement, rock, sand and gravel, from St. Louis and Springfield, Mo., points in the Kansas City, Mo-Kansas City, Kans. Commercial Zone, Chicago, Ill., and Tulsa, Okla., and points within 5 miles of Tulsa, to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Oklahoma, and Texas.

From points in the Chicago, Ill., Commercial Zone to points in Arkansas, Iowa, Kansas, Missouri, Oklahoma, and Texas;

From Houston, Tex., and points within 5 miles of Houston, to points in that part of Louisiana, Arkansas, and Oklahoma within 400 miles of Houston; and *refused, rejected or damaged shipments* of the above-specified commodities, from points in that part of Louisiana, Arkansas, and Oklahoma within 400 miles of Houston, Tex., to Houston, Tex., and points within 5 miles thereof.

Such materials as are used or useful on highway construction projects, except cement, rock, sand and gravel, from St. Louis, Mo., and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, to points in Nebraska and South Dakota; and *rejected shipments* on return.

Used steel forms used on highway construction projects, from points in Missouri, Kansas, Nebraska, Iowa, South Dakota, Oklahoma, Arkansas, and Texas, to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, Oklahoma City, Okla., Omaha, Nebr., and Cicero, Ill.

Used steel spools and *used wooden spools*, from points in Illinois, Missouri, Kansas, Nebraska, Iowa, South Dakota, Oklahoma, Arkansas, and Texas, to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone.

No. MC 107000 (Sub No. 22) filed October 17, 1957, W. W. WINN, doing business as WINN TRANSPORT CO., 1312 North 12th, Duncan, Okla. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 107000 dated August 7, 1957.

Gasoline, over regular routes, from the Magnolia Petroleum Plant near Electra, Tex., to Beckett, Okla., serving the intermediate point of Burkburnett, Tex., for pick-up only.

Motor fuel, from Beckett, Okla., to Wichita Falls, Tex.

Casinghead gasoline, over irregular routes, from points in Archer, Clay, Jack, Montague, Wichita, Wilbarger, and Young Counties, Tex., (except Wichita Falls, Tex., and points within 5 miles thereof), to Beckett, Okla.; *Casinghead gasoline*, in bulk, in tank vehicles, from points in Archer, Clay, Jack, Montague, Wichita, Wilbarger, and Young Counties, Tex., (except Wichita Falls, Tex., and points within 5 miles thereof), to Santa Fe, Okla.: *Motor fuel gasoline*, from Beckett, Okla., to points in Archer, Clay, Jack, Montague, Wichita, Wilbarger, and Young Counties, Tex.

No. MC 109307 (Sub No. 13) filed October 16, 1957, KANSAS-ARIZONA MOTOR EXPRESS, INC., 2630½ West Beverly Boulevard, Montebello, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 109307, dated October 3, 1950.

Fresh fruits and vegetables, over irregular routes, from points in Colorado, New Mexico, those in Los Angeles, San Francisco, Orange, Fresno, Tulare, Monterey, Kern, Riverside, San Bernardino, Imperial, San Joaquin, Santa Clara, Sacramento, Madera, and San Diego Counties, Calif., and those in Arizona within 20 miles of Phoenix, Ariz., including Phoenix, to Dodge City, Kans.

Commodities classified (1) as meats, meat products, and meat by-products; (2) as dairy products, and (3) as articles distributed by meat-packing houses, subject to a "Keystone" restriction, from Topeka, Larned, Emporia, and Oswego, Kans., to Los Angeles, San Diego, and El Cajon, Calif., Tucson, Ariz., Las Cruces, N. Mex., Denver, Pueblo, and Walsenburg, Colo., and points on U. S. Highway 85 between Trinidad, Colo., and Albuquerque, N. Mex., including Trinidad and Albuquerque; those on U. S. Highway 66 between Albuquerque and Flagstaff, Ariz., including Flagstaff, and those on U. S. Highway 89 between Flagstaff and Phoenix, Ariz., including Phoenix.

No. MC 109307 (Sub No. 12) dated May 18, 1956.

Meats, meat products and meat by-products, dairy products and articles distributed by meat-packing houses, over irregular routes from the plant sites of John Morrell, & Company at Ottumwa, Iowa, and Sioux Falls, S. Dak., to Los Angeles, San Diego, and El Cajon, Calif., Tucson, Ariz., Las Cruces, N. Mex., Denver, Pueblo, and Walsenburg, Colo., and points on U. S. Highway 85 between Trinidad, Colo., and Albuquerque, N. Mex., including Trinidad and Albuquerque, those on U. S. Highway 66 between Albuquerque and Flagstaff, Ariz., including Flagstaff, and those on U. S. Highway 89 between Flagstaff and Phoenix, Ariz., including Phoenix.

No. MC 111461 (Sub No. 2), filed October 17, 1957, H. ABB WOOLDRIDGE JR., doing business as ABB'S MOVING SERVICE, 50 North Water Street, Mobile, Ala. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 111461, dated November 9, 1951.

Such commodities as are dealt in by chain retail and mail-order department stores, from Mobile, Ala., to points in Mississippi within 65 miles of Mobile, subject to a Keystone restriction; also subject to the condition that shipments to be transported under the authority herein granted shall not be carried in the same vehicle, and at the same time, with shipments transported as a common carrier.

NOTE: Applicant is authorized to conduct common carrier operations in Certificate No. MC 110475 and Sub No. 1 thereunder, dated June 6, 1959, and March 13, respectively.

No. MC 111472 (Sub No. 53) filed October 14, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 111472, dated March 14, 1950.

Tractors and parts, and *agricultural implements and parts*, between Charles City, Iowa, on the one hand, and, on the other, South Bend, Ind., and points in Iowa, Illinois, Minnesota, Missouri, and Nebraska.

No. MC 111472 (Sub No. 1), dated March 14, 1950.

Agricultural machinery and *parts thereof*, from Charles City, Iowa, to points in North and South Dakota and Wisconsin; and *rejected shipments*, on return.

No. MC 111472 (Sub No. 2), dated March 14, 1950.

Road building and maintenance machinery and equipment, from Des Moines, Iowa, to points in Iowa, Illinois, Indiana, Minnesota, Missouri, Nebraska, North and South Dakota, and Wisconsin.

Tractors, from Charles City, Iowa, to points in Indiana, except South Bend.

Agricultural implements and agricultural machinery and parts thereof, from Shelbyville, Ill., and South Bend, Ind., to points in Iowa, Illinois, Indiana, Minnesota, Missouri, Nebraska, North and South Dakota, and Wisconsin.

No. MC 111472 (Sub No. 3), dated March 14, 1950.

Combines, threshers, corn pickers and *parts* thereof, from Battle Creek, Mich., to points in Wisconsin, Illinois, Indiana, Upper Peninsula of Michigan, Missouri, Iowa, North and South Dakota, and Nebraska;

Farm tractors, from Charles City, Iowa, to points in Michigan.

No. MC 111472 (Sub No. 4), dated March 14, 1950.

Farm tractors, and *farm machinery*, set up, from Racine, Wis., to points in Iowa, Illinois, Indiana, Minnesota, Michigan, Missouri, North and South Dakota, and Nebraska.

Combines, threshers and *corn pickers,* set up, from Battle Creek, Mich., to points in Minnesota.

No. MC 111472 (Sub No. 5), dated March 14, 1950.

Tractors, farm machinery and *parts* thereof, from Fond du Lac, Wis., and points within 1 mile thereof, to points in Illinois, Minnesota, and the Upper Peninsula of Michigan; *Damaged and defective* shipments, on return.

No. MC 111472 (Sub No. 8), dated April 3, 1950.

Farm machinery, from Racine, Wis., to points in Kansas and Ohio.

No. MC 111472 (Sub No. 9), dated October 16, 1950.

Soil pulverizing and soil packing machines, grain drilling and seeding machines, and *vacuum harvesting machines,* from Brillion, Wis., to points in Illinois except those in the Chicago, Ill., Commercial Zone, points in Minnesota except those in the St. Paul-Minneapolis, Minn., Commercial Zone, and points in Iowa, Michigan, Indiana, Missouri, Ohio, North and South Dakota, Nebraska, Kansas, Tennessee, and Pennsylvania.

No. MC 111472 (Sub No. 10), dated January 10, 1951.

Agricultural machinery and *parts therefor,* from West Bend, Wis., to points in Illinois, Indiana, Missouri, Michigan, Nebraska, North and South Dakota, Oklahoma, Kansas, Ohio, and Iowa.

No. MC 111472 (Sub No. 11), dated November 9, 1951.

Agricultural machinery, from Batavia, N. Y., to points in North and South Dakota, Minnesota, Iowa, Nebraska, Kansas, Missouri, Wisconsin, Illinois, Indiana, Ohio, and Michigan.

No. MC 111472 (Sub No. 13), dated July 6, 1951.

Farm implements, from Owatonna, Minn., to points in Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan (except points in the lower peninsula of Michigan), Missouri, Nebraska, North and South Dakota, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

No. MC 111472 (Sub No. 15), dated September 27, 1951.

Agricultural implements, from Appleton, Wis., to points in Illinois, Iowa, Minnesota, Michigan, Indiana, Ohio, Missouri, Nebraska, North and South Dakota, Kansas, and Pennsylvania.

No. MC 111472 (Sub No. 16), dated July 18, 1952.

Farm machinery and *farm tractors,* from Bettendorf, Iowa, and Rock Island, Ill., to points in Indiana, Michigan, Ohio, points in Missouri on and east of U. S. 65 and those in Wisconsin on and north of U. S. 10.

No. MC 111472 (Sub No. 18), dated May, 24, 1955.

Agricultural machinery and implements other than hand, as defined by the Commission, from West Bend, Wis., to points in New York, Pennsylvania, Maryland, Delaware, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and Colorado.

No. MC 111472 (Sub No. 20), dated March 30, 1955.

Harvester-thresher combines and component parts thereof, from Burlington, Ia., to points in Illinois, Wisconsin, Indiana, Michigan, Ohio, Missouri, Kansas, Nebraska, North and South Dakota, and Minnesota.

No. MC 111472 (Sub No. 23), dated November 12, 1954.

Agricultural machinery as described by the Commission, from West Bend, Wis., to points in Alabama, Arkansas, Georgia, Louisiana, and Texas.

No. MC 111472 (Sub No. 25), dated March 27, 1956.

Agricultural machinery as described by the Commission, from Owatonna, Minn., to points in Alabama, Arizona, California, Idaho, Mississippi, Montana, the lower peninsula of Michigan, New Mexico, New York, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

No. MC 111472 (Sub No. 29), dated October 20, 1955.

Agricultural machinery and implements, other than hand, as defined by the Commission, from West Bend, Wis., to points in Kentucky and Tennessee, except Memphis, Tenn.

No. 111472 (Sub No. 31), dated February 20, 1957.

Agricultural machinery, and implements other than hand, as described by the Commission, from Appleton, Wis., to points in Colorado and Montana.

From West Bend, Wis., to points in Montana.

No. MC 111472 (Sub No. 32), dated April 30, 1956.

Agricultural machinery, and implements, other than hand, and *parts thereof,* as described by the Commission, from West Bend, Wis., to points in Mississippi.

No. MC 111472 (Sub No. 33), dated April 4, 1957.

Agricultural machinery, and implements, other than hand, as described by the Commission, from Rockford, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 111472 (Sub No. 34), dated August 31, 1956.

Agricultural machinery, and implements, other than hand, as described by the Commission, from West Bend, Wis., to points in Wyoming.

No. MC 111472 (Sub No. 35), dated February 12, 1957.

Agricultural machinery and implements, other than hand, as described by the Commission, and *agricultural tractors,* from Racine, Wis., to points in Oklahoma and Texas.

No. MC 111472 (Sub No. 36), dated August 20, 1957.

Agricultural machinery, implements and parts, as described by the Commission, from West Bend, Wis., to points in Florida.

No. MC 111472 (Sub No. 39), dated June 11, 1957.

Agricultural machinery, implements and parts, other than hand, as described by the Commission, (except commodities the transportation of which by reason of size or weight to require the use of special equipment), from West Bend, Wis., to points in Virginia, West Virginia, South Carolina, and North Carolina.

No. MC 111472 (Sub No. 45), dated August 20, 1957.

Agricultural machinery, and implements, other than hand, as described by the Commission, from West Bend, Wis., to Memphis, Tenn., and points in New Mexico.

No. MC 112573 (Sub No. 7) filed October 17, 1957, RYE McILLWAIN, East Main Street, Parsons, Tenn. Applicant's attorney: Edwin C. Townsend, Farmers Bank Building, Parsons, Tenn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 112573 (Sub No. 1) dated September 6, 1951.

Untreated wooden ties, and *lumber,* over irregular routes, from points in Benton, Decatur, Henderson and Perry Counties, Tenn., to Metropolis, Ill., and points within one mile thereof.

No. MC 112573 (Sub No. 2) dated January 7, 1953.

Untreated wooden ties and *lumber,* from points in Humphreys, Carroll, and Gibson Counties, Tenn., to points in Massac County, Ill.

No. MC 112573 (Sub No. 3) dated October 28, 1953.

Untreated wooden ties, and *lumber,* from points in Weakley and Obion Counties, Tenn., to points in Massac County, Ill.

No. MC 113979 (Sub No. 2), filed October 21, 1957, MINER TRUCKING, INC., North Creek, N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 113979, dated August 2, 1956.

Lumber, from Poland, N. Y., and points in Essex, Hamilton and Warren Counties, N. Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont.

No. MC 114411 (Sub No. 1), filed October 28, 1957, NORTH CREEK TRUCKING, INC., North Creek, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 114411, dated November 3, 1955.

Rough lumber, from North Creek and Wells, N. Y., to New York, N. Y., and points in New York and New Jersey within 10 miles of New York, N. Y., and to points in Massachusetts, New Hampshire, and Vermont, and

Wooden racks used in the transportation of rough lumber, on return.

NOTE: Applicant has a pending application for common carrier operations in No. MC 115606.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10034; Filed, Dec. 3, 1957; 8:48 a. m.]

[Notice 18]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 29, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-5908 (Deviation No. 1), TRUCK TRANSPORT COMPANY, 3601 Wyoming, Dearborn, Mich., filed November 21, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route, between Indianapolis, Ind., and Evansville, Ind., as follows: from Indianapolis, over Indiana Highway 67 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction U. S. Highway 41, thence over U. S. Highway 41 to Evansville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Indianapolis, Ind., and Evansville, Ind., over the following pertinent route: from Indianapolis over U. S. Highway 40 to junction U. S. Highway 41 at Terre Haute, Ind., thence over U. S. Highway 41 to Evansville, and return over the same route.

No. MC-22229 (Deviation No. 2), TERMINAL TRANSPORT COMPANY, INC., 180 Harriet Street SE., Atlanta 1, Ga., filed November 21, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over two deviation routes, (A) between Hawkinsville, Ga., and the junction of U. S. Highways 441 and 41, as follows: from Hawkinsville over U. S. Highway 129 to the junction of U. S. Highway 82, thence over U. S. Highway 82 to the junction of U. S. Highway 441, thence over U. S. Highway 441 to the junction of U. S. Highway 41 approximately 3 miles north Lake City, Fla.; and (B) between Lake City, Fla., and Brooksville, Fla., as follows: from Lake City over Florida Highway 47 to junction Florida Highway 49, thence over Florida Highway 49 to Chiefland, Fla., thence over U. S. Highway 98 to Brooksville, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: between Hawkinsville, Ga., and the junction U. S. Highways 441 and U. S. Highway 41 over U. S. Highways 341, and 41; and between Lake City, Fla., and Brooksville, Fla., over U. S. Highway 41; and return over the same routes.

No. MC-77404 (Deviation No. 1), MOHAWK MOTOR, INC., 40 Harrison Street, Tiffin, Ohio, filed November 20, 1957. Attorney for said carrier, Taylor C. Burneson, 3510 Le Veque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route, between Toledo, Ohio and Detroit, Mich., as follows: from Toledo over U. S. Highway 24-A to its junction with Michigan Highway 85, thence over Michigan Highway 85 to Detroit and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Toledo, Ohio and Detroit, Mich., over the following pertinent route: from Toledo over U. S. Highway 24 to its junction with U. S. Highway 25 (north of Flat Rock), thence over U. S. Highway 25 to Detroit.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10032; Filed, Dec. 3, 1957; 8:48 a. m.]

[Notice 193]

MOTOR CARRIER APPLICATIONS

NOVEMBER 29, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under Sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 5648 (Sub No. 17), filed September 27, 1957, P. E. KRAMME, INC., Monroeville, N. J. Applicant's attorney: Paul F. Barnes, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Tetra-ethyl lead, anti-knock compounds, dyes, chemicals,* and *articles and material* used in connection with tetra-ethyl lead, anti-knock compounds, dyes, and chemicals, from Edge Moor, Del., to Providence, R. I., Baltimore, Md., Norfolk, Va., and points in New York, New Jersey, and Pennsylvania, those in New Castle County, Del., those in Ohio east of U. S. Highway 21, those in West Virginia west and north of a line beginning at the West Virginia-Pennsylvania State line and extending along U. S. Highway 19 to Gauley Bridge, W. Va., thence along U. S. Highway 60 to the Ohio River, and those in Massachusetts east and south of a line beginning at the Massachusetts-Connecticut State line and extending along Massachusetts Highway 12 to Worcester, Mass., thence along Massachusetts Highway 110 to the Massachusetts-New Hampshire State line, including points on the indicated portions of the highways specified. Applicant is authorized to transport the commodities specified in Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

HEARING: January 7, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 23939 (Sub No. 83) (Amended), filed May 29, 1957, published page 8748, issue of October 30, 1957. ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: Bart F. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles 13, Calif. For authority to operate as a *common carrier,* over irregular routes, transporting: *Liquid oxygen* and *liquid nitrogen,* in bulk, in tank semi-trailers, and *empty trailers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Denver, Colo., on the one hand, and, on the other, the site of The Glenn Martin Company Plant near Waterton, Colo.

HEARING: Remains as assigned December 18, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 29886 (Sub No. 107), filed October 21, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier,* over irregular routes, transporting: *Farm and industrial tractors,* restricted to traffic having a prior movement by water, from Baltimore, Md., to points in Indiana, Illinois, Iowa, Kansas, Michigan, Nebraska, Ohio, South Dakota, and Wisconsin. Applicant is authorized to transport tractors in Arizona, Arkansas, California, Colorado, Indiana, Kansas, Michigan, Minnesota, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: January 7, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 29886 (Sub No. 108), filed October 21, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to

operate as a *common carrier*, over irregular routes, transporting: *Farm and industrial tractors*, restricted to traffic having a prior movement by water, from New York, N. Y., to points in Indiana, Illinois, Iowa, Kansas, Michigan, Nebraska, Ohio, South Dakota, and Wisconsin. Applicant is authorized to transport tractors in Arizona, Arkansas, California, Colorado, Indiana, Kansas, Michigan, Minnesota, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: January 8, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 35396 (Sub No. 24), filed October 31, 1957, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, U. S. 41 South, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, Seventh Floor, McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Radioactive materials*, and *semiprocessed feed material* in granular form, in hopper type vehicles, between the site of the Atomic Energy Commission plant at or near Fernald, Ohio, on the one hand, and, on the other, the sites of the Atomic Energy Commission plants at or near Oak Ridge, Tenn., and Kevil, Ky.

HEARING: January 16, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 209, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 97560 (Sub No. 2), filed November 12, 1957, CITIES FUEL LINES, a Corporation, P. O. Box 4048, Fresno, Calif. Applicant's representative: Pete H. Dawson, Suite 306, 717 Market Street, San Francisco, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Richmond, Martinez, Kettleman Hills (60 miles southwest of Fresno), and points in Kern County and the Los Angeles Harbor Commercial Zone, Calif., to Reno, Carson City, and Virginia City, Nev.

NOTE: Although applicant is authorized to operate under the second proviso of section 206 (a) (1) in MC 97560, applicant states no traffic has been transported under that authority, and if the applied-for authority is granted, a petition to dismiss the second proviso filing in MC 97560 will be filed immediately.

HEARING: January 7, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 105159 (Sub No. 8), filed October 31, 1957, ALTON S. LAWRENCE, 1427 West Main, Red Wing, Minn. Applicant's representative: A. E. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Linseed meal* and *soybean meal*, in sacks, and in bulk, from Red Wing, Minn., to points in Illinois, Indiana, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to transport other commodities in Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: January 22, 1958, at the Federal Court Building, Marquette Avenue, South, and Third Street, Minneapolis, Minn., before Examiner David Waters.

No. MC 107227 (Sub No. 55), filed November 12, 1957, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck tractors*, and *truck chassis*, in initial movements, in truckaway service, from Seattle and Renton, Wash., to points in the United States, except points in Montana, Washington, that part of Idaho north of and including Idaho County, and that part of Oregon north of and including Lane, Deschutes, Crook, Grant, and Baker Counties, and *damaged shipments* of the above-described units on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 6, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 109907 (Sub No. 4), filed October 17, 1957, HARRY J. SCARI, doing business as SCARI'S DELIVERY SERVICE, 1014 West Sixth, Wilmington, Del. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Toilet preparations, premiums* and *sales aid articles*, from Newark, Del., to Wilmington, Del. Applicant is authorized to conduct similar operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia. Applicant has common carrier authority under No. MC 115955 Sub 1 TA to transport general commodities, with exceptions, from and to named airports in Delaware and Pennsylvania. Dual operations under section 210 may be involved.

HEARING: January 8, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 272, or, if the Joint Board waives its right to participate before Examiner Allen W. Hagerty.

No. MC 111138 (Sub No. 8), filed October 18, 1957, COLONIAL & PACIFIC FRIGIDWAYS, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rendered hog fat* and *oils, rendered animal fat* and *animal oils* or *blends thereof; vegetable oils* and *products* or *blends thereof; deodorized edible fish oils* or *blends thereof; wines* and *beer* without stipulated alcoholic contents, other than state regulations; *fruit juices* with and without sugar content; *imitation fruit flavored drink* with sugar added and *fruit juice mixtures* with or without sugar added or *blends thereof*, in bulk, in tank vehicles, between points in Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Arkansas on the one hand, and, on the other, points in California, Washington, Oregon, Idaho, Utah, and Phoenix, Ariz. Applicant is authorized to transport other commodities from specified points in Illinois, Iowa, and Wisconsin to specified points in California and Washington.

HEARING: February 10, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 112030 (Sub No. 2), filed October 29, 1957, PAUL W. WILLS, INC., 9107 South Telegraph Road, Inkster, Mich. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, from points in Cuyahoga and Lake Counties, Ohio, to points in Illinois, Indiana, Michigan, Ohio, and West Virginia, and points in New York and Pennsylvania on and west of U. S. Highway 15; and *empty containers or other such incidental facilities* (not specified) used in transporting salt, on return. Applicant is authorized to transport salt in Illinois, Indiana, Michigan, and Ohio.

HEARING: January 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 112750 (Sub No. 26), filed October 24, 1957, ARMORED CARRIER CORPORATION, DeBevoise Bldg., 222–17 Northern Boulevard, Bayside, Long Island, N. Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except currency, coin, bullion and negotiable instruments) as are used in the businesses of banks and banking institutions, when transported in containers other than trace-alarm bags and in vehicles other than armored vehicles, and *empty containers or other such incidental facilities* used in transporting the commodities specified, (1) between New York, N. Y., on the one hand, and, on the other, Baltimore, Md., Washington, D. C., and Wilmington, Del., and (2) between Baltimore, Md., Philadelphia, Pa., and Wilmington, Del., on the one hand, and, on the other, Richmond, Va. Applicant is authorized to conduct similar operations between specified points in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Delaware, Maryland, Virginia, the District of Columbia, and Massachusetts.

HEARING: January 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 116205 (Sub No. 2), filed November 8, 1957, ROBERT L. JENKINS, doing business as BOB JENKINS TRUCK LINE, 500 Diagonal Avenue, Charles City, Iowa, published issue November 27, 1957. Applicant's attorney: *Keith S. Noah*, Charles City, Iowa. Previous publication gave the attorney's name as Keith S. *Nosh*. This was in error.

REPUBLICATION

No. MC 116546, filed March 27, 1957, PETER COLEINE AND ANGELO CORTAZZO, doing business as AMWILL TRUCKING COMPANY, 647 West 130th Street, New York 27, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. This is a *second publication* which covers an order of the Commission, Division 1, dated November 18, 1957, that (1) vacates and sets aside the report and recommended order which became effective by operation of law as the order of the Commission as of July 9, 1957, granting applicants in the above-entitled proceeding certain authority to operate, in interstate and foreign commerce, as a *contract carrier* by motor vehicle over irregular routes transporting: *meats, meat products* and *meat byproducts, dairy products*, and *articles distributed by meat packinghouses* as specified in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 and 766, from New York, N. Y., to points in Westchester County, N. Y., and, (2) reopens the proceeding for further consideration solely for the purpose of providing an opportunity for applicants to establish that public convenience and necessity require the proposed service, (3) allows applicants until December 24, 1957, in which to submit verified statements showing that public convenience and necessity require the proposed operation, and permits any proper party in interest to, on or before January 24, 1958, reply thereto.

No. MC 116985, filed October 10, 1957, L. A. PILLSBURY, 222 North Charlotte Street, Pottstown, Pa. Applicant's attorney: Alvin L. Weiss, 41 High Street, Pottstown, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Granite, tombstones*, and *materials* used in the manufacture and distribution thereof, from St. Peters, Chester County, Pa., to points in New Jersey, New York, Connecticut, Vermont, Massachusetts, Rhode Island, Ohio, Delaware, Maryland, North Carolina, South Carolina, West Virginia, Virginia, and the District of Columbia, and *Granite, lumber* for crating, *stone*, and *abrasive shot*, from the above destination points to St. Peters, Chester County, Pa.

HEARING: January 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 117019, filed October 28, 1957, EUGENE J. KANE, doing business as KANE FREIGHT LINES, 1301–1303 Ridge Row, Scranton, Pa. Applicant's attorney: John J. Dempsey, Jr., Suite 1200 Miners National Bank Building, Wilkes-Barre, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Television receivers*, from plant site of General Electric Company located at or near Syracuse (Onandaga County), N. Y., to Berwick (Columbia County), Pa., Forest City (Susquehanna County), Pa., and points in Wayne, Wyoming, Lackawanna, Pike, Luzerne, Monroe, Schuylkill, Carbon, Northampton, Lehigh, Berks, Lancaster, Lebanon, Dauphin, Perry, Juniata, Mifflin, Cumberland, York, Adams, Franklin, and Fulton Counties, Pa.

NOTE: Applicant is authorized in MC 99567 to conduct operations in interstate or foreign commerce in the State of Pennsylvania under the second proviso of section 206 (a) (1) of the Interstate Commerce Act. Applicant has filed a request for cancelation of its second proviso filing conditioned upon grant of the instant application for authority to operate outside the State of Pennsylvania.

HEARING: January 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 109677 (Sub No. 14), published issue October 30, 1957, at page 8766, filed October 15, 1957, FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from Corinth, N. Y., to Ambler, Van Dyke, and Womelsdorf, Pa., *Passaic, N. J.*, and ports of entry on the International boundary line between the United States and Canada at Buffalo and Niagara Falls, N. Y., in connection with shipments destined to Toronto, Ontario, Canada. Applicant is authorized to conduct operations in New York, New Jersey, Vermont, Maine, and Maryland.

No. MC 109728 (Sub No. 3), filed November 22, 1957, HUESTON POWELL, 1343 Virginia, Columbus, Ga. Applicant's attorney: Bates Block, 1220 First National Bank Building, Atlanta 3, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, tile, and other clay products*, from Phenix City, Ala., and points within ten (10) miles thereof, to points in Florida in and west of Jefferson County, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authrized to conduct operations in Alabama and Georgia.

No. MC 109729 (Sub No. 3), filed November 22, 1957, HERMAN POWELL, Overlook Drive, Phenix City, Ala. Applicant's attorney: Bates Block, 1220 First National Bank Building, Atlanta 3, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, tile, and other clay products*, from Phenix City, Ala., and points within ten (10) miles thereof, to points in Florida in and west of Jefferson County, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama and Georgia.

No. MC 109730 (Sub No. 3), filed November 22, 1957, EARL POWELL, Route 2, Box 218C, Phenix City, Ala. Applicant's attorney: Bates Block, 1220 First National Bank Building, Atlanta 3, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, tile, and other clay products*, from Phenix City, Ala., and points within ten (10) miles thereof, to points in Florida in and west of Jefferson County, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama and Georgia.

MOTOR CARRIERS OF PASSENGERS

No. MC 30787 (Sub No. 2), (Correction) published issue November 27, 1957, filed November 12, 1957, NIAGARA SCENIC BUS LINES, INC., 37 West Falls Street, Niagara Falls, N. Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Niagara Falls, N. Y., and Fort Niagara, Niagara County, N. Y., from Niagara Falls over city streets to junction New York Highway 18, thence over New York Highway 18 to its junction with New York Highway 18E, thence over New York 18E to junction New York Highway 18F, thence over New York Highway 18F to Fort Niagara, and return over the same route, serving the intermediate point of Youngstown, N. Y. Applicant is authorized to conduct simlar operations in New York.

NOTE: Applicant states no duplicating authority is desired.

PETITIONS

No. MC 78277 (Sub Nos. 5 and 6), PETITION FOR MODIFICATION OF RESTRICTION, filed November 12, 1957, RICHARD F. McCABE, doing business as McCABE MOVING & STORAGE CO., 3149 Northeast Sandy Boulevard, Portland 12, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Applicant is authorized, in Certificate No. MC 78277 (Sub No. 5) issued October 30, 1949, and Certificate No. MC 78277 (Sub No. 6) issued December 19, 1951, to transport *new furniture* and *store fixtures*, uncrated, from Portland, Oreg., to points in California, Idaho, and Montana, and *new furniture*, uncrated, between points in Oregon, on the one hand, and, on the other, points in Washington. By the instant petition it seeks to eliminate the restriction as to "uncrated" for the reasons set forth herein, particularly because a substantial volume of applicant's traffic is shipped in cartons or other types of packing, and that the public interest will best be served by removal of the present restriction.

No. MC 111617, PETITION FOR MODIFICATION OF RESTRICTIONS, filed November 12, 1957, O'NEILL TRANSFER COMPANY, INC., 1991 Northwest Upshur Street, Portland, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. By virtue of a Certificate in No. MC 111617 applicant is authorized to transport: *New furniture*, uncrated, and *mattresses*, over irregular routes, between points in Washington, on the one hand, and, on the other, points in Oregon. Between points in Washington and Oregon, on the one

hand, and, on the other, points in Idaho. The purpose of the instant petition is to remove the restriction, *uncrated*.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE.

MOTOR CARRIERS OF PROPERTY

No. MC 113140 (Sub No. 3), filed November 15, 1957, J. A. NEVIS TRUCKING, INC., Industrial Road, P. O. Box 910, Pittsburgh, Calif. Applicant's attorney: Frank Loughran, Suite 1620 Russ Building, San Francisco 4, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *Iron, steel*, and *iron and steel articles; empty carriers and pallets; roofing, building materials; waste paper, waste paperboard, waste pumpboard, waste fibreboard* and *waste rags; lumber and forest products; brick, fire clay, clay and clay products*, including *tile mortar* and *sand; petroleum* and *petroleum products*, in packages; *machinery* and *machinery parts, road construction machinery and equipment, agricultural machinery, implements* and *parts, electrical appliances, equipment* and *parts; acids* and *chemicals* (liquid or dry in packages and in tank vehicles); *aluminum, aluminum alloys, aluminum pipe tubing and fittings;* and *gases*, compressed in packages or in tank vehicles, (1) between Santa Rosa, Calif., and Santa Ana, Calif., over U. S. Highway 101 and U. S. Highway 101 By-Pass; (2) between junction U. S. Highway 101 and Alternate U. S. Highway 101 near Oxnard, Calif., and Huntington Beach, Calif., over Alternate U. S. Highway 101; (3) between Woodland and Colton, Calif., from Woodland over U. S. Highway 99–W to its junction with U. S. Highway 99, thence over U. S. Highway 99 to Colton, and return over the same route; (4) between San Francisco and Las Cruces, Calif., over California Highway 1; (5) between Pinole and Stockton, Calif., over California Highway 4; (6) between San Francisco and Sacramento, Calif., over U. S. Highway 40; (7) between Castroville, Calif., and the junction of California Highways 156 and 152 (near Gilroy), over California Highway 156; (8) between Santa Rosa and Lodi, Calif., over California Highway 12; (9) between Oakland and Santa Cruz, Calif., over California Highway 17; (10) between Oakland and Sacramento, Calif., over California Highway 24; (11) between San Francisco and Manteca, Calif., over U. S. Highway 50; (12) between Watsonville and Califa, Madera County, Calif., over California Highway 152; (13) between San Lucas and Visalia, Calif., over California Highway 198; (14) between Paso Robles and Famoso, Calif., over U. S. Highway 466; (15) between the junction of California Highway 33 and U. S. Highway 50 (near Tracey), and the junction of California Highway 33 and U. S. Highway 99 (near Wheeler Ridge), over California Highway 33; (16) between Mendota and the junction of California Highways 180 and 65 near Pinehurst, over California Highway 180; (17) between Santa Margarita and Bakersfield, Calif., over California Highway 178; (18) between Friant, Fresno County, Calif., and the junction of U. S. Highway 466 and California Highway 41 (near Cholame), over California Highway 41; (19) between Selma, Calif., and the junction of unnumbered highway and U. S. Highway 466 near Lost Hills, Calif., over unnumbered highway through Hanford, Odessa, Guernsey and Cocoran, Calif.; (20) between Vernalis and Modesto, Calif., over California Highway 132; (21) between Pinehurst, Calif., and the junction of U. S. Highway 99 and California Highway 65 near Bakersfield, over California Highway 65; (22) between the junction of U. S. Highway 101 and California Highway 118 near Ventura and Pasadena, over California Highway 118; (23) between Pasadena and San Bernardino, Calif., over U. S. Highway 66; and (24) between Anaheim and San Bernardino, over California Highway 91, serving all intermediate points on the portions of the highways specified.

NOTE: Carrier is operating under the second proviso of section 206 (a) (1) of the Interstate Commerce Act by virtue of filing in No. MC 113140 (Sub No. 2). This application is directly related to MC–F 6751, published in a previous issue of the FEDERAL REGISTER, under date of November 14, 1957.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6766. Authority sought for purchase by JOHN B. ABLE, doing business as MONTEZUMA TRUCK LINE, 873 East Third Street, Durango, Colo., of the operating rights and certain property of JOSEPH SOLIS, JR., doing business as SOLIS TRUCKING, 6822 Second Street NW., Albuquerque, New Mexico. Applicants' attorney: H. O. Waggoner, P. O. Box 1035, Simms Building, Albuquerque, New Mexico. Operating rights sought to be purchased: *Cement*, in containers, as a *common carrier*, over irregular routes, from Portland, Colo., to points in San Juan County, N. Mex., and certain points in Arizona; *lumber*, between points in New Mexico, Colorado and Arizona; between points in New Mexico, Colorado and Arizona, on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas; *pumice products, concrete products, clay products* and *lumber*, from points in Bernalillo County, N. Mex., to certain points in Colorado and Arizona. Vendee is authorized to operate as a *common carrier* in Colorado, New Mexico, Arizona, and California. Application has been for temporary authority under section 210a (b).

NO. MC–F 6767. Authority sought for purchase by P. WAJER & SONS EXPRESS CO., INC., 26–28 Poland Street, Webster, Mass., of the operating rights and property of WILLIAM R. CONNELLY, doing business as COLUMBIA TRANSFER, 15 Texel Drive, Springfield, Mass., and for acquisition by JOSEPH WAJER, ROBERT WAJER AND ROMAN WAJER, all of Webster, Mass., of control of such rights and property through the purchase. Applicants' attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. Operating rights sought to be purchased: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a *common carrier* over regular routes, between Springfield, Mass., and Broad Brook, Conn., serving all intermediate points and certain off-route points. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a (b).

NO. MC–F 6768. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wis., of the operating rights and property of WILLIAM F. METZA, doing business as BERT H. JONES TRANSFER, Bloomer, Wis., and for acquisition by FRANK BABBITT, also of Bloomer, Wis., of control of such rights and property through the purchase. Applicants' attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. Operating rights sought to be purchased: *General commodities*, with certain exceptions, including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Eau Claire, Wis., on the one hand, and, on the other, points in Wisconsin within 75 miles of Eau Claire; *household goods*, as defined by the Commission, between Eau Claire, Wis., and points within 75 miles of Eau Claire, on the one hand, and, on the other, points in Minnesota, Michigan, Illinois, Iowa, North Dakota, South Dakota, Indiana, Kentucky, and Ohio. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6770. Authority sought for control by WILLIAM H. HIGGINS AND RICHARD C. HIGGINS, 143–151 Perry Street, Buffalo, N. Y., of SAM GOTTRY CARTING COMPANY, INC., 47 Parkway, Rochester, N. Y. Applicants' attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, from Rochester, N. Y., to Barnard, Bergen, Byron, Charlotte, Chili, Churchville, Cold Water, East Rochester, Mortimer, Ridgeland, and South Byron, N. Y.; *household goods as defined in Practices of Motor Common Carriers of Household Goods*, 17 M. C. C. 467, between points in New York, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Rhode Island, Pennsylvania, Vermont, Virginia, West Virginia, and the District of Columbia, and between Rochester, N. Y., and points within 25 miles of Rochester on the one hand, and, on the other, points in New York; *photostat machines* and *machinery* requiring special equipment and handling, from Rochester, N. Y., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. WILLIAM H. HIGGINS and RICHARD C. HIGGINS holds no authority from this Commission but are affiliated with WILLIAM H. HIGGINS & SONS, INC., Buffalo, N. Y., which is authorized to operate as a *common carrier* in New York and Pennsylvania. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6771. Authority sought for purchase by DAYS TRANSFER, INC., 730 East Beardsley Avenue, Elkart, Ind., of a portion of the operating rights and property of FERGUSON TRANSFER, INC., 1001 Lincoln Way, Valparaiso, Ind. Applicants' attorney: Warren C. Moberly, 1511 Fletcher Trust Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route, between Valparaiso, Ind., and Chicago, Ill., serving all intermediate points and off-route points within 25 miles of Chicago; *heavy machinery*, over irregular routes, between points in Indiana, Michigan, and Illinois within 75 miles of Valparaiso, Ind., including Valparaiso. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Michigan and Ohio. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–10033; Filed, Dec. 3, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 172]

ISLAND OF GUAM

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about November 15, 1957, because of the disastrous effects of typhoon, damage resulted to residences and business property located in certain areas on the Island of Guam;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated on the Island of Guam suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 870 Market Street, Flood Building, Room 952, San Francisco 2, Calif.

2. Information regarding the filing of loan applications will be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1958.

Dated: November 21, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57–10039; Filed, Dec. 3, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LEOPOLD HENRI DE WEERD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Leopold Henri de Weerd, Brussels, Belgium; Claim Nos. 61517, 61518, 61519 and 61520; Vesting Order Nos. 17840, 17915, 17947 and 18010; $1,941.57 in the Treasury of the United States.

Executed at Washington, D. C., on November 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–10040; Filed, Dec. 3, 1957; 8:49 a. m.]

UNIVERSITY
OF MICHIGAN

MAIN
READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 22 — NUMBER 235

Washington, Thursday, December 5, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS REVOCATIONS

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (d) (1) and (2) and (e) (1) of § 6.103, paragraph (a) (11) of § 6.110, paragraph (i) (1) of § 6.111, and paragraph (d) (1) of § 6.142, having expired by their own terms, are revoked.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) through (4) of § 6.303, having expired by its own terms, is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10077; Filed, Dec. 4, 1957; 8:50 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MATHEMATICAL STATISTICIAN

Section 24.136 is added as set out below.

§ 24.136 *Mathematical Statistician. GS-1530-5 through GS-15*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, or its equivalent, in an accredited college or university leading to a bachelor's degree. This study must have included courses in mathematics and statistics consisting of lectures and recitations totaling at least 24 semester hours, of which at least 12 semester hours are in mathematics and 6 semester hours are in statistics.

(2) Courses in mathematics and statistics, in an accredited college or university, consisting of lectures and recitations totaling at least 24 semester hours of which 12 semester hours are in mathematics and 6 semester hours are in statistics; plus additional appropriate experience or education which, when combined with the 24 semester hours in mathematics and statistics will total 4 years of education and experience and give the applicant a technical and general professional knowledge comparable to that which would have been acquired through the successful completion of the 4-year college course described in subparagraph (1) of this paragraph.

Credit in subjects such as the following, which are frequently offered in the mathematics departments of colleges, may be considered to meet the statistics requirement in either subparagraph (1) or (2) of this paragraph: Theory of Probability; Combinatorial Analysis; Numerical Methods; Calculus of Observations; Calculus of Finite Differences; Interpolation; Graduation; Methods of Applied Mathematics; Linear Algebra; Statistical Mechanics; Actuarial Mathematics; and Digital Computing.

(b) *Duties.* The mathematical statistician applies and develops the principles of statistical inference and the theory of probability to the design of surveys or experiments in order to secure from samples the greatest amount of information having the maximum reliability obtainable within existing physical and administrative limitations. He develops new or adapts existing methods for the planning and execution of statistical investigations. He selects, modifies, and develops systems of experimental and sample designs and specifications for general types or classes of problems. He develops the theory and appropriate methodology for the analysis of these families of problems by means of methods of estimation, anaylsis of variance, statistical inference, quality control, operations analysis, etc. He carries out research in experimental and sample design and tests their validity and efficiency, compares the usefulness and accuracy of surveys of all types, investigates methods for detection, control or elimination of

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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bias and error, studies the validity and effectivenes of specific statistical techniques for the analysis of data and develops or adapts appropriate formulas. The mathematical statistician advises the subject-matter specialists and applied statisticians on general plans for specific studies by assisting in formulating the problem quantitatively, selecting the appropriate specification of reliability and establishing both the general design and criteria for evaluating the accuracy and precision of results.

(c) (1) *Knowledge and training requisite for performance of duties.* While the number of mathematical statisticians in the Federal service is very small, they as a group play a critical role in the basic research carried out by the subject-matter specialists in various scientific areas. The increasing application of modern statistical and probabilistic methods to problems in many areas of research and engineering is evidenced by an examination of the technical journals in such fields as physics, geology, chemistry, sociology, psychology, and industrial management.

(2) The mathematical statistician cannot perform his function without a sound basic knowledge and understanding of fundamental mathematics and related courses in probability theory. The only method by which such professional knowledge, training and understanding may be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10076; Filed, Dec. 4, 1957; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Mobile Drier Bulletin 1, Amdt. 1]

PART 474—FARM STORAGE FACILITIES

SUBPART—1957 PROGRAM TO FINANCE THE PURCHASE OF MOBILE DRYING EQUIPMENT FOR FARM COMMODITIES

ELIGIBLE EQUIPMENT; TERMS AND CONDITIONS OF LOAN

The purpose of this amendment is to amend the bulletin setting forth the conditions under which loans will be made to borrowers for purchase of mobile drying equipment so that (1) borrowers may make equipment purchased with such loans available for use in conditioning commodities in which the respective borrowers have no interest and (2) county committees may approve applications for loans in amounts not to exceed $5,000 each. To that end the bulletin setting forth the regulations governing the Mobile Drying Equipment Program (22 F. R. 4315) is amended as follows:

Sections 474.665 (b) and 474.666 (b) are amended to read as follows:

§ 474.665 *Eligible equipment.* • • •

(b) Loans will not be available (1) for the refinancing, repair, remodeling or maintenance of existing eligible equipment, or (2) for the purchase of secondhand eligible equipment, or (3) for the use in connection with the conditioning of commodities which the borrower intends to purchase, or condition or store for others, provided, however, that a producer who is determined to require a heated air dryer to dry his own grain is permitted to use such dryer to dry the grain of his neighboring producers, or (4) where it appears that the equipment may be attached to, or become a part of, or made use of, in connection with any commercial operation, including but not limited to elevators, warehouses, drying or processing plants.

§ 474.666 *Terms and conditions of loan.* • • •

(b) *Amount of loan.* (1) The maximum amount loaned on any single mobile dryer, or any mobile equipment shall not exceed the maximum amount authorized by the State committee and in no event shall exceed seventy-five percent of the delivered and assembled out-of-pocket cost paid by the borrower for such dryer or equipment. The borrower shall be required to furnish receipted bills showing the cost of the dryer or any mobile equipment, and amount of down payment, before the loan is disbursed.

(2) County committees may approve loan applications issue loan commitments and make disbursement of loans, without prior approval of the State committee, except as specifically provided herein, of any amount not in excess of $5,000. Applications for mobile drying equipment loans in the amount of $5,000 or over shall be submitted through the State committee to the Deputy Administrator for Operations CSS, for review and approval prior to the issuance of a commitment.

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C., 714b. Interpret or apply secs. 4, 6, 62 Stat. 1070, as amended, 1072, 15 U. S. C. 714b, 714c)

Issued this 29th day of November 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-10082; Filed, Dec. 4, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-268-A3]

PART 1002—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

ORDER AMENDING THE ORDER

Correction

In Federal Register Document 57-9953, published at page 9573 of the issue for Saturday, November 30, 1957, the issuance paragraph appearing at the end of the document should read as follows:

Issued at Washington, D. C., this 26th day of November 1957 to be effective on December 1, 1957.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 97]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (22 F. R. 3005, 4377, 6910, 7223, 8929, 9384), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. New subdivisions (xvii) and (xviii) are added to subparagraph (2) of paragraph (d), relating to Burlington County in New Jersey, to read:

(xvii) Lot 14, Block 42, Plate 7, in Evesham Township, owned and operated by John Dziedzic; and

(xviii) Lot 5, Block 35, Plate 6, in Evesham Township, owned and operated by C. Boychuck.

2. A new subdivision (lxxx) is added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxx) Plot 4, Lot 11, Plate 2, in Deptford Township, owned and operated by Virgil Louis.

3. A new subdivision (xv) is added to subparagraph (6) of paragraph (d), relating to Hudson County in New Jersey, to read:

(xv) Block 42, Lot 7895, in Secaucus Township, owned and operated by Michael Schmitt.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR 1956 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 2d day of December 1957.

[SEAL] B. T. SHAW,
Administrator, Agricultural Research Service.

[F. R. Doc. 57-10081; Filed, Dec. 4, 1957; 8:50 a. m.]

Chapter II—Agricultural Marketing Service, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U. S. C. 181 et seq.), and in accordance with the notice of proposed rule making published in the FEDERAL REGISTER on November 6, 1957 (22 F. R. 8908), paragraph (d) of § 201.10 and § 201.29 of the regulations under such act (9 CFR 201.10 (d), 201.29) are hereby amended in the respects specified below.

1. Paragraph (d) of § 201.10 is amended to read as follows:

(d) No person applying for registration to engage in business as a market agency selling livestock on an agency basis shall be registered to act in the capacity of clearing agency for any independently operated and separately registered market agency or dealer. No market agency engaged in selling livestock on an agency basis shall act in the capacity of clearing agency for any independently operated and separately registered dealer. No market agency selling livestock on an agency basis shall act in the capacity of clearing agency for any independently operated and separately registered market agency unless such clearing agency was acting in that capacity for such market agency on September 1, 1957.

2. Section 201.29 is amended to read as follows:

§ 201.29 *Market agencies and dealers to file on or before commencing operations.* Every market agency and dealer, except packer buyers registered as dealers to purchase livestock for slaughter only, shall, on or before the date of commencement of operations, execute and thereafter maintain, or cause to be executed and thereafter maintained, a reasonable bond, to a suitable trustee, to secure the performance of obligations incurred as such market agency or dealer at posted stockyards: *Provided*, That on and after September 1, 1954, the only bond equivalent that may be filed by an applicant for registration to operate as a market agency selling livestock on an agency basis shall be one representing a pledge of fully negotiable bonds of the United States Government: *And provided further*, That with the exception of those bond equivalents which were in effect on September 1, 1957, the only bond equivalent that may be filed or maintained by a market agency engaged in selling livestock on an agency basis shall be one representing a pledge of fully negotiable bonds of the United States Government. The bond of every registrant, acting in the capacity of clearing agency, and thereby being responsible for the financial obligations of other registrants, shall show the name of the person for whom the clearing agency holds itself out to be responsible and whose obligations are covered by the bond. Any person registered as both a market agency selling livestock on an agency basis and as a dealer shall file separate bonds to cover his market agency and dealer operations. The amount of each such bond will be computed on the basis of the volume of business handled by the registrant in each separate capacity.

The purpose of the amendments is to provide an exemption in the provisions of the regulations as to those market agencies operating in the capacity specified on September 1, 1957. Since the amendments grant an exemption, they may be made effective less than thirty days after publication in the FEDERAL REGISTER (5 U. S. C. 1003).

(Sec. 407, 42 Stat. 169; 7 U. S. C. 228)

Done at Washington, D. C., this 2d day of December 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-10080; Filed, Dec. 4, 1957; 8:50 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. G]

PART 207—COLLECTION OF NONCASH ITEMS

DESIGNATION OF FEDERAL RESERVE DISTRICT FOR PUERTO RICO

1. Effective on and after January 1, 1958, § 207.53 is added to read as follows:

§ 207.53 *Designation of Federal Reserve District for Puerto Rico.* For purposes of this part, Puerto Rico shall be deemed to be in or of the Second Federal Reserve District.

2a. The purpose of this amendment is to designate Puerto Rico as being in or of the Second Federal Reserve District so that noncash items payable in Puerto Rico may be collected through a Federal Reserve Bank.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interprets or applies secs. 13, 16, 38 Stat. 263, 265, as amended; 12 U. S. C. 248 (o), 342, 360)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 57-10058; Filed, Dec. 4, 1957; 8:46 a. m.]

[Reg. J]

PART 210—CHECK CLEARING AND COLLECTION

DESIGNATION OF FEDERAL RESERVE DISTRICT FOR PUERTO RICO

1. Effective on and after January 1, 1958, § 210.53 is added to read as follows:

§ 210.53 *Designation of Federal Reserve District for Puerto Rico.* For purposes of this part, Puerto Rico shall be deemed to be in or of the Second Federal Reserve District.

2a. The purpose of this amendment is to designate Puerto Rico as being in or of the Second Federal Reserve District so that checks drawn on nonmember par-remitting banks located in Puerto Rico may be collected through a Federal Reserve Bank.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interprets or applies secs. 13, 16, 38 Stat. 263, 265, as amended; 12 U. S. C. 248 (o), 342, 360)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 57-10059; Filed, Dec. 4, 1957; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6445]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KAY JEWELRY STORES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Kay Jewelry Stores, Inc. (Washington, D. C.), et al., Docket 6445, November 12, 1957]

In the Matter of Kay Jewelry Stores, Inc., a Corporation, Fairfax Distributing Company, a Corporation, and Cecil D. Kaufmann, Joel S. Kaufmann, David R. Trattner, Benjamin B. Golding and Simon Hirsham, Individually and as Officers of Said Kay Jewelry Stores, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation furnishing supervision and management services to a chain of approximately 110 retail jewelry stores throughout the United States and its wholly owned sales subsidiary, with principal place of business in Washington, D. C., with falsely representing the usual and regular retail price of their "Lachine" watches, which sold at retail for $19.75, by affixing to them price tags ranging from $33.75 to $125, and by making the same false representations in advertisements in newspapers.

Following hearings, the hearing examiner made his initial decision including findings, conclusions, and order to cease and desist, from which respondents appealed. The Commission, having heard the matter upon briefs and oral argument, denied the appeal and on November 12 adopted the initial decision as modified as the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondents, Kay Jewelry Stores, Inc., a corporation, and its officers, and Cecil D. Kaufmann, Joel S. Kaufmann, David R. Trattner, Benjamin B. Golding and Simon Hirsham, as officers of said corporation, and Fairfax Distributing Company, a corporation, and its officers, and Cecil D. Kaufmann and Joel S. Kaufmann, as officers thereof, and respondents' agents, representatives and employees, directly or though any corporate or other device, in connection with the offering for sale, sale and distribution of watches or other merchandise in commerce, as "commerce" is defined in the act, do forthwith cease and desist from:

1. Representing in any manner that certain amounts are the regular and usual retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail; and

2. Representing directly or by implication the savings to be effectuated by purchasers by means of prices represented as the usual and regular retail prices of merchandise which are in excess of the prices at which such merchandise is usually and regularly sold at retail, or representing directly or by implication that any savings are afforded to purchasers of respondents' merchandise in excess of those actually afforded.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Kay Jewelry Stores, Inc., a corporation, and Cecil D. Kaufmann, Joel S. Kaufmann, David R. Trattner, Benjamin B. Golding and Simon Hirsham, as officers of said corporation, and Fairfax Distributing Company, a corporation, and Cecil D. Kaufmann and Joel S. Kaufmann, as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision, as modified.

Issued: November 12, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-10060; Filed, Dec. 4, 1957; 8:46 a. m.]

[Docket 6770]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SUPERIOR PRODUCTS

Subpart—*Advertising falsely or misleadingly:* § 13.135 *Nature;* § 13.170 *Qualities or properties of product or service;* § 13.190 *Results.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Harry G. Kriegel trading as Superior Products, New York, N. Y., Docket 6770, November 7, 1957]

In the Matter of Harry G. Kriegel, an Individual Trading as Superior Products

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in New York City with representing falsely in advertisements in newspapers and periodicals and in advertising material supplied to his distributors that attachment of his colored sheet of transparent plastic designated "Color V" to a black-and-white television set would produce the same effect as a color television; would eliminate glare and prevent and relieve eyestrain caused by viewing television; and was an electronic device.

Respondent did not appear at the scheduled hearing or present any evidence in his behalf under his answer or otherwise. The hearing examiner, on the basis of the record submitted, found the allegations of the complaint to be sustained by the evidence and made his initial decision including finding of facts, conclusions, and order to cease and desist, which became on November 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Harry G. Kriegel, an individual trading under the name of Superior Products, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of a plastic sheet to be fastened over the viewing screen of a television set, designated as "Color V," or any other product of substantially similar construction or possessing substantially the same characteristics, whether sold under the same or any other name, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That by the use of such product:

(a) In connection with the operation of a black-and-white television set, said television set will thereby produce the same visual effect as a color television set or misrepresenting in any manner the color provided by said product when used in connection with a television set;

(b) Glare will be eliminated from television screens;

(c) Eye strain caused by viewing television will be prevented or relieved.

2. That such product is an electronic device.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Harry G. Kriegel, an individual trading as Superior Products, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: November 12, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-10061; Filed, Dec. 4, 1957; 8:46 a. m.]

[Docket 6737]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BORDEN CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.710 *Cash discounts;* § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, The Borden Company (New York, N. Y.) et al., Docket 6737, November 13, 1957]

In the Matter of the Borden Company, a Corporation, Sylvan Seal Milk, Inc., a Corporation, and 612 Corporation, a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer and processor of fluid milk and other dairy products and two of its subsidiaries, one the successor of the other in handling such products in the areas concerned and with an annual business therein of approximately $14,000,000, with discriminating in price in violation of section 2 (a) of the Clayton Act through charging customers in Wilmington, Del., for fluid milk prices substantially lower than those charged customers in Pennsylvania and New Jersey, and also through giving favored customers cash purchase discounts of 2 percent.

Following acceptance of an agreement between the parties providing for the entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Sylvan Seal Milk, Inc., a corporation, and 612 Corporation, a corporation and their successors or assigns, and their respective officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of fluid milk in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in price by selling fluid milk of like grade and quality to any purchaser at a price which is lower than the price charged any other purchaser in the same line of commerce:

(1) Where such lower price undercuts the price at which the purchaser charged the lower price may purchase fluid milk

of like grade and quality from another seller; or

(2) Where any purchaser who does not receive the benefit of the lower price does in fact compete in the resale of such product with the purchaser who does receive the benefit of the lower price.

It is further ordered, That respondent The Borden Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from directing or suggesting or participating in any conduct, on the part of respondent Sylvan Seal Milk, Inc. or respondent 612 Corporation or their successors or assigns, and their respective officers, representatives, agents and employees, constituting a violation of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10062; Filed, Dec. 4, 1957; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF ALLETHRIN

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of allethrin (allyl homolog of cinerin I) in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp.) are amended as follows:

Section 120.113 is amended by adding the following new paragraph (c):

§ 120.113 *Tolerances and exemptions from the requirement of a tolerance for residues of allethrin (allyl homolog of cinerin I).* • • •

(c) Tolerances of 2 parts per million for residues of allethrin from postharvest use of such pesticide chemical are established in or on the following grains: Barley, corn, grain sorghum, milo, oats, rye, wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: November 27, 1957.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 57-10054; Filed, Dec. 4, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1466]

[BLM 043444]

MINNESOTA

EXTENDING BOUNDARIES OF SUPERIOR NATIONAL FOREST; REVOKING EXECUTIVE ORDER NO. 4889 OF MAY 26, 1928

Correction

In F. R. Doc. 57-6638, appearing at page 6511 of the issue for Wednesday, August 14, 1957, the following change should be made:

In the 4th line of the 2d column on page 6513, the words "lots 10 and 16" should read "lots 10 to 16".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

[Docket No. AO-103-A16]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF RECONVENED HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reconvening of the public hearing which was opened and recessed without date at New Orleans, Louisiana, on November 13, 1957, on proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the New Orleans, Louisiana, marketing area.

The purpose of the reconvened hearing is to afford interested parties opportunity to introduce evidence with respect to emergency and other economic conditions which relate to the handling of milk in the New Orleans, Louisiana, marketing area, and to the originally proposed amendments and the additional proposals for amendment hereinafter set forth, or appropriate modifications thereof. Neither the proposals set forth below nor those contained in the original notice of hearing have been approved by the Secretary of Agriculture.

The reconvened hearing will be held in the Boulevard Room, Lenfant's Restaurant, 5236 Canal Boulevard, New Orleans, Louisiana, beginning at 10:00 a. m., local time, December 16, 1957.

The following additional amendments have been proposed:

Proposed by the New Orleans Area Milk Producers Association, Hammond, Louisiana, and the Louisiana-Mississippi Milk Producers Association, Franklinton, Louisiana:

Proposal No. 11: Delete § 942.6 and substitute therefor the following:

§ 942.6 *Producer.* "Producer" means any person other than a producer-handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant: *Provided*, That, if such milk is diverted from a pool plant by a handler to a nonpool plant for his account, any day during the months of January through August, or on not more than ten days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

Proposal No. 12: Delete § 942.7 and substitute therefor the following:

§ 942.7 *Handler.* "Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 942.6; or

(b) Any person in his capacity as the operator of one or more approved plants: *Provided*, That, if a person operates more than one pool plant, he may, upon written application to the market administrator, be considered as a separate handler for the month with respect to one or more of his pool plant(s) if no fluid milk products or producers are transferred during the month between such plant(s) and other pool plant(s) of such handler.

Proposal No. 13: Delete § 942.8 and substitute therefor the following:

§ 942.8 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk; no producer milk or receipts from other handlers.

Proposal No. 14: Delete § 942.9 and substitute therefor the following:

§ 942.9 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except milk distributing or processing plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

Proposal No. 15: Add new § 942.10 as follows:

§ 942.10 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk to not less than 50 percent of its receipts of producer milk and fluid milk products from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which Class I milk equal to not less than 25 percent of such receipts is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

Proposal No. 16: Add a new § 942.11 as follows:

§ 942.11 *Supply plant.* "Supply-plant" means:

(a) An approved plant from which fluid milk products equal to not less than 50 percent of its receipts of producer milk during the month are shipped to a distributing plant: *Provided*, That, any plant which qualifies as a supply plant for each of the months during the period September through December, upon written application to the market administrator, on or before the end of such period, shall be designated as a supply plant for the following months of January through August: *Provided further*, That, the following plants shall be supply plants for the period of January through August 1958, unless such supply plant notifies the market administrator in writing, prior to the delivery period in which such supply plant does not desire to be a supply plant: Louisiana-Mississippi Milk Producers Association, Franklinton, Louisiana; Louisiana-Mississippi Milk Producers Association, Poplarville, Mississippi; Magee's Creamery, Franklinton, Louisiana; Gold Seal Creamery, Franklinton, Louisiana; Gold Seal Creamery, Hammond, Louisiana; Hilltop Creamery, Franklinton, Louisiana; The Borden Company, Kentwood, Louisiana; The Borden Company, Tylertown, Mississippi; Seal Test Dairy Products, Inc., Tangipahoa, Louisiana; Seal Test Dairy Products, Inc., Magnolia, Mississippi; Roemer's Dairy, Loranger, Louisiana; Hammond Dairy Products Company, Hammond, Louisiana; Muller's Dairy Products Company, Hammond, Louisiana; and Hayes Dairy Company, Ponchatoula, Louisiana.

Proposal No. 17: Add a new § 942.12 as follows:

§ 942.12 *Pool plant.* "Pool plant" means either a distributing plant or supply plant, except a plant operated by a producer-handler.

Proposal No. 18: Add a new § 942.13 as follows:

§ 942.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant other than a pool plant.

Proposal No. 19: Delete § 942.10 and substitute therefor a new section as § 942.14 as follows:

§ 942.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the provisions of § 942.6.

Proposal No. 20: Delete § 942.11 and substitute therefor a new section as § 942.15 as follows:

§ 942.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

Proposal No. 21: Delete § 942.13 and substitute therefor a new section as § 942.16 as follows:

§ 942.16 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through August of each year which is not in excess of such producer's daily average base computed pursuant to § 942.90 multiplied by the number of days in such month.

Proposal No. 22: Delete § 942.14 and substitute therefor a new section as § 942.17 as follows:

§ 942.17 *Excess milk.* "Excess milk" means milk received from a producer during any of the months of March through August of each year which is in excess of the base milk of such producer for such month.

Proposal No. 23: Renumber §§ 942.12, 942.15, 942.16 as 942.18, 942.19 (a) and (b), respectively.

Proposal No. 24: Delete paragraph (j) of § 942.22 and substitute therefor the following:

(j) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Proposal No. 25: Delete § 942.44 and substitute therefor the following:

§ 942.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 942.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That, the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

Proposal No. 26: Add a new § 942.55 as follows:

§ 942.55 *Rate of compensatory payment.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of January through August, subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price, adjusted by the Class I butterfat differential and the Class I location differential.

(b) For the months of September through December, subtract an amount per hundredweight representing the weighted average of the uniform price for base and excess milk to producers from the Class I milk price.

Proposal No. 27: Delete §§ 942.60 and 942.61 and substitute therefor the following:

APPLICATION OF PROVISIONS

§ 942.60 *Producer-handler.* Sections 942.40 through 942.45, 942.50 through 942.55, 942.61, and 942.62, and 942.70 through 942.76, and 942.80 through 942.87, 942.90 through 942.94, shall not apply to a producer-handler.

§ 942.61 *Plants subject to other Federal orders.* A plant specified in para-

graph (a) or (b) of this section shall be a nonpool plant for purposes of this part except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may request (in lieu of the reports required pursuant to § 942.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk was disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the New Orleans marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of August through January.

Proposal No. 28: Add a new § 942.62 as follows:

§ 942.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, shall, on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 942.55.

Proposal No. 29: Delete § 942.70 and substitute therefor the following:

DETERMINATION OF PRICES TO PRODUCERS

§ 942.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 942.45 by the applicable class price, and total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 942.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 942.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 942.55 for the nearest plant(s) from which an equivalent amount of other source milk was received by each handler in the form of fluid milk products: *Provided,* That with respect to nonfluid milk products classified as Class I milk, the location differential will apply at the plant where such products are converted to any fluid milk product(s).

(c) Add an amount determined by multiplying the pounds of milk subtracted pursuant to § 942.45 (a) (7) and (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 942.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 942.45 (a) (4) and (b) for the current month, whichever is less, respectively.

Proposal No. 30: Delete § 942.71 and substitute therefor the following:

§ 942.71 *Computation of aggregate value used to determine price(s).* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 942.70 for all handlers who made the reports prescribed in § 942.30 and who made the payments pursuant to §§ 942.80 and 942.82 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 942.75.

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 942.83.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 942.74 and multiplying the resulting figure by the total hundredweight of such milk.

Proposal No. 31: Delete § 942.72 and substitute therefor the following:

§ 942.72 *Computation of uniform price.* For each of the months of September through February the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 942.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

Proposal No. 32: Delete § 942.73 and substitute therefor the following:

§ 942.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through August the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content as follows:

(a) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk;

(b) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (a) of this section from the net amount computed pursuant to § 942.72 (a) and (b): *Provided,* That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(c) Divide the net amount obtained in paragraph (b) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; f. o. b. 61–70 mile zone; and

(d) Divide the sum of the amount obtained in paragraph (a) of this section and any amount subtracted pursuant to the proviso of paragraph (b) of this section by the hundredweight of excess milk. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

Proposal No. 33: Delete § 942.74 and substitute a new paragraph as follows:

§ 942.74 *Producer butterfat differential.* In making payments pursuant to § 942.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform price(s) thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent butterfat differentials computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

Proposal No. 34: Add new § 942.75 as follows:

§ 942.75 *Location differentials to producers.* The applicable uniform price of base milk to be paid each producer whose milk was received at a pool plant situated other than in the zone located 61–70 miles from the City Hall in New Orleans, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be adjusted according to the location of the pool plant where such milk was received at the rates set forth in § 942.53.

Proposal No. 35: Add new § 942.76 as follows:

§ 942.76 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 942.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The amounts and value of his base and excess milk, respectively;

(c) The uniform prices for base milk and excess milk computed pursuant to § 942.72, and the butterfat differentials computed pursuant to § 942.74; and

(d) The amounts to be paid by such handler pursuant to §§ 942.62, 942.82, 942.85, 942.86, and the amount due such handler pursuant to §§ 942.83 and 942.87.

Proposal No. 36: Add the following paragraph to § 942.80 (a) (2) (vi): "*Provided,* That, if by such date such handler has not received full payment from the market administrator pursuant to § 942.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator."

Proposal No. 37: Renumber § 942.81 as § 942.84.

Proposal No. 38: Add new § 942.81 as follows:

§ 942.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 942.62, 942.82, and 942.84, and out of which he shall make all payments pursuant to §§ 942.83 and 942.84: *Provided,* That, any payments due to any handler shall be offset by any payments due from such handler.

Proposal No. 39: Renumber § 942.82 to read § 942.85 and add new § 942.82 as follows:

§ 942.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 942.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

Proposal No. 40: Renumber § 942.83 as § 942.86 and add new § 942.83 as follows:

§ 942.83 *Payment out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 942.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

Proposal No. 41: Renumber § 942.84 as § 942.88.

Proposal No. 42: Add new § 942.87 as follows:

§ 942.87 *Adjustment of overdue accounts.* There shall be added to any balance due to the market administrator pursuant to §§ 942.62, 942.82, 942.84, and 942.85, an amount equal to one-half of one percent of such balance for each month or any portion thereof that payment of the balance is overdue.

Proposal No. 43: Consider the elimination of the base-excess plan or appropriate revision of the present provisions relating thereto.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 3709 South Carrollton Avenue, New Orleans, Louisiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 2d day of December 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator.

[F. R. Doc. 57-10079; Filed, Dec. 4, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF OBJECTIONS FILED TO ORDER DENYING PETITION TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR MOZZARELLA CHEESE, SCAMORZA CHEESE; PART-SKIM MOZZARELLA CHEESE, PART-SKIM SCAMORZA CHEESE

In the matter of adopting definitions and standards of identity for mozzarella cheese, scamorza cheese and for part-skim mozzarella cheese, part-skim scamorza cheese:

The National Cheese Institute, Chicago, Illinois, filed a petition setting forth a proposed definition and standard of identity for mozzarella cheese, scamorza cheese and a proposed definition and standard of identity for part-skim mozzarella cheese, part-skim scamorza cheese. These proposals were published in the FEDERAL REGISTER of January 23, 1957 (22 F. R. 428) and comments were invited. Upon consideration of the comments filed, the information advanced in support of the proposals, and information otherwise available, an order was published in the FEDERAL REGISTER of October 4, 1957 (22 F. R. 7906) announcing that the definitions and standards of identity proposed by the National Cheese Institute were not adopted.

Pursuant to section 701. (e) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055, as amended 70 Stat. 919; 21 U. S. C. 371 (e)), the following persons have filed objections showing that they would be adversely affected by the order and requesting a public hearing for receiving evidence in support of establishing the definitions and standards of identity proposed by the National Cheese Institute:

Stella Cheese Company, Chicago, Illinois.
Tolibia Cheese Manufacturing Corporation, Fond du Lac, Wisconsin.
The Borden Company, New York, New York.
Kraft Foods Division of National Dairy Products Corporation, Chicago, Illinois.

A public hearing to receive evidence on the proposed definitions and standards of identity will later be announced by publication in the FEDERAL REGISTER.

Dated: November 27, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-10053; Filed, Dec. 4, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 27, 1957.

The Corps of Army Engineers, U. S. Army has filed an application, Serial No. Montana 024829, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The applicant desires the land for use as a radar site by the Lewistown Air Force Station, United States Air Force.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

LEWISTOWN AIR FORCE STATION

A parcel in the northeast quarter of Section 19, Township 17 North, Range 20 East of the Montana Principal Meridian, Fergus County, Montana, described as beginning at

a point which is south 23°13'33" east 6880.73 feet from the northwest corner of Section 18, Township 17 North, Range 20 East of the Montana Principal Meridian; thence north 37°16'10" west 65.56 feet; thence north 52°43'50" east 100.00 feet; thence south 37°16'10" east 30.00 feet to a point which is south 24°01'12" east 6826.53 feet from the said northwest corner of Section 18; thence continuing south 37°16'10" east 70.00 feet; thence south 52°43'50" west 100.00 feet; thence north 37°16'10" west 34.44 feet to the point of beginning, containing 0.23 of an acre, more or less.

T. 17 N., R. 20 E.,

South half of Sec. 19, more particularly described as beginning at a point north 16°27' west 1314.22 feet from the southeast corner of said Section 19; thence south 0°12' west 118.97 feet; north 89°48' west 624.26 feet; north 44°48' west 323.12 feet; north 89°48' west 157.00 feet; south 58°12' west 338.35 feet; north 89°48' west 503.00 feet; south 72°12' west 508.00 feet; north 89°48' west 420.00 feet; north 65°48' west 433.76 feet; north 0°12' east 535.00 feet; north 59°12' east 540.00 feet; south 77°48' east 535.00 feet; north 73°12' east 692.00 feet; south 89°48' east 830.00 feet; south 0°12' west 188.48 feet; south 89°48' east 621.67 feet; and thence south 0°12' west 790.00 feet to the point of beginning, containing 59.60 acres, more or less.

The areas described total 59.83 acres in Fergus County, Montana.

R. D. NIELSON,
State Supervisor, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

[F. R. Doc. 57-10055; Filed, Dec. 4, 1957; 8:45 a. m.]

[Classification Order 128]

NEVADA

SMALL TRACT OPENING

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby open the following described lands, which were classified by Classification Order No. 128, dated May 14, 1957 (F. R. Doc. 57-4189), to application under the Small Tract Act of June 1, 1938 (Stat. 609, 43 U. S. C. 682a) as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 N., R. 20 E.,
Sec. 34, SW¼NW¼, NE¼NW¼SW¼.

50 acres subdivided into 10 small tracts.

2. The land is located 12 miles south of Reno, Nevada, in Washoe County. State Highway No. 17 passes three-fourths of a mile north of the area. Dirt roads traverse the section but do not cross the area classified. Access can be gained from adjoining classified areas. Culinary water must be obtained from underground sources. Schools, stores and other public facilities are available in the City of Reno. The topography is rolling to slightly rough.

3. The individual tracts are 5 acres in size and are all rectangular in shape. The appraised value of each tract is $250. Rights-of-way, 40' in width, for roads and public utilities, will be reserved as shown below. All minerals in the land will be reserved to the United States.

Tract No.	Acreage	Advance rentals (3 years)	Rights-of-way width location	Appraised value	Tract description
1[1]	5	$30	40' N-S-E-W boundary	$250	E½NE¼SW¼NW¼.
2	5	30	40' N-S-E-W boundary	250	W½NE¼SW¼NW¼.
3	5	30	40' N-S-E-W boundary	250	E½NW¼SW¼NW¼.
4	5	30	40' N-S-E-W boundary	250	W½NW¼SW¼NW¼.
5	5	30	40' N-S-E-W boundary	250	W½SW¼SW¼NW¼.
6	5	30	40' N-S-E-W boundary	250	E½SW¼SW¼NW¼.
7	5	30	40' N-S-E-W boundary	250	W½SE¼SW¼NW¼.
8	5	30	40' N-S-E-W boundary	250	E½SE¼SW¼NW¼.
9	5	30	40' N-S-E-W boundary	250	E½NE¼NW¼SW¼.
10	5	30	40' N-S-E-W boundary	250	W½NE¼NW¼SW¼.

[1] Under application from an individual entitled to preference under 43 CFR 257.5 (a).

4. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The improvements referred to in paragraph 4 above must conform with health, sanitation and construction requirements of applicable ordinances and must, in addition, meet the following standards: The home must be suitable for year-round use, on a permanent foundation, and with a minimum of 500 square feet of floor space.

7. The lands are now open to filing of drawing-entry cards (Form 4-775) only by persons entitled to veterans' preference. In the brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Land Office, 50 Ryland Street, P. O. Box 1551, Reno, Nevada.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the above-named official. A drawing will be held at a time to be announced for those tracts remaining after statutory preference-right claimants have made their selections of tracts in conformance with this order. At the time of announcement of the drawing, plats showing the location of each tract can be secured from the Manager of the Land Office, 50 Ryland Street, P. O. Box 1551, Reno, Nevada. Any person who submits more than one card will be declared ineligible to participate in the drawing.

8. Inquiries concerning these lands shall be addressed to Manager, Land Office, 50 Ryland Street, P. O. Box 1551, Reno, Nevada.

E. R. GREENSLET,
State Supervisor for Nevada.

NOVEMBER 26, 1957.

[F. R. Doc. 57-10057; Filed, Dec. 4, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-30]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Pursuant to section 182b of the Atomic Energy Act of 1954, as amended, notice is hereby given that the report of the Advisory Committee on Reactor Safeguards in the matter of the National Advisory Committee for Aeronautics is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C. A hazards analysis by the AEC Staff on this matter is also available at the Public Document Room.

Dated: November 29, 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director, Division of Civilian Application.

[F. R. Doc. 57-10072; Filed, Dec. 4, 1957; 8:49 a. m.]

[Docket No. 50-83]

UNIVERSITY OF FLORIDA

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue to The University of Florida a construction permit substantially in the form set forth in Annex "A" below unless on or before fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is attached as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 27th day of November 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director, Division of Civilian Application.

ANNEX A

CONSTRUCTION PERMIT

The University of Florida (hereinafter referred to as "the University") on August 23, 1957, filed its application for a Class 104 license to construct and operate a nuclear reactor.

The Atomic Energy Commission (hereinafter referred to as "the Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The University proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. The University is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The University and its contractor, the General Nuclear Engineering Corporation, are technically qualified to design and construct the reactor.

E. The University has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

F. The issuance of a construction permit to the University will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 (hereinafter "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to the University to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest completion date of the reactor is May 1, 1958. The latest date for completion of the reactor is August 1, 1958. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Gainesville, Alachua County, Florida, specified in the application.

C. The general type of facility authorized for construction is a light water-cooled, graphite-moderated and -reflected research reactor designed to operate at thermal power levels up to ten kilowatts, as described in the application.

This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless the University has submitted to the Commission (by proposed amendment of the application) the information required to complete its Hazards Summary Report and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to the University pursuant to section 104c of the act, which license shall expire ten (10) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to the University for use in connection with the facility, four (4) kilograms of uranium 235 contained in uranium enriched to approximately 20 percent in the isotope uranium 235. Estimated schedules of special nuclear material transfers to the University and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to the University in accordance with column 2 in Appendix "A" will be conditioned upon the University's return to the Commission of material substantially in accordance with column 3 of Appendix "A."

Date of issuance:

For the Atomic Energy Commission.

_____,
Director, Division of Civilian Application.

APPENDIX "A" TO UNIVERSITY OF FLORIDA CONSTRUCTION PERMIT

ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO THE UNIVERSITY AND TO THE COMMISSION FROM THE UNIVERSITY

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to the university, kgs. U-235	(3) Returns by the university to AEC, kgs. U-235.		(4) Net yearly distribution including cumulative losses, kgs. U-235	(5) Cumulative distribution including cumulative losses, kgs. U-235
		Recoverable cold scrap	Spent hot fuel		
1958	4.400	0.400		4.000	4.000
1959		.360		(.360)	3.640
1960					3.640
1961					3.640
1962					3.640
1963	.011	.001	0.005	.005	3.645
1964					3.645
1965					3.645
1966					3.645
1967					3.645
1968	.011	.001	.005	.005	3.650
Inventory to be ret			.640	3.640	.010
	4.422	0.762	3.650	0.010	

ANNEX B

MEMORANDUM

Part I. *Description of facility.* The University of Florida has submitted an application for license to build and operate a low power nuclear reactor to be used for training purposes. This reactor is a 10 kilowatt, light-water cooled, graphite-moderated and -reflected reactor with flat fuel plates of uranium-aluminum alloy, with geometrical arrangement somewhat similar to that of the "Argonaut" reactor located at the Commission's Argonne National Laboratory. The designer and prime construction contractor is the General Nuclear Engineering Corporation, Dunedin, Florida.

Location. The reactor will be located near the center of the main campus of the University of Florida, which has a population of approximately 19,000. The campus lies one mile southeast from the center of Gainesville which has a total population of 45,000. The reactor will be housed in a new building constructed 50 feet from an engineering building and 85 feet from a temporary men's dormitory. A future science building will be joined to it.

Building. The reactor room will be 30 feet by 60 feet with poured concrete walls 1.5 feet thick on three sides and 1.0 foot thick on the side next to the attached building containing supporting facilities. It is equipped with a 10-foot by 12-foot freight door which is sealed at all times during operation. Personnel entrances are provided through an airlock to the laboratory building, and a door to the outside. The control room is located in one corner of the reactor room. An exhaust stack is provided which dilutes 250 cubic feet per minute drawn from the ventilating ducts in and around the reactor graphite with 10,000 cubic feet per minute from the reactor room to reduce the argon concentration at the stack exhaust. The ventilation system is equipped with filters and fast acting automatic dampers on both inlet and outlet ducts which close when there is an over-pressure in the reactor room. A 16-foot viewing window is provided, for the benefit of visitors, in the wall of the upper floor near the main entrance.

Reactor. The reactor is designed to operate at 10 kilowatts and to provide a maximum neutron flux of 10^{11} neutrons per square centimeter per second. It is shielded by a 15-foot cube of concrete blocks which can be arranged to suit experimental needs. Light water is used for coolant and partial moderator, with graphite for the reflector and remaining moderator. Control is achieved by the use of four cadmium sheets on steel arms arranged as vertically swinging blades similar to those used in the CP-3 and CP-5 reactors.

Fuel. A fuel element consists of 14 flat plates bolted together with spacers to form an assembly approximately 3 inches square

and 24 inches long. Six vertical aluminum fuel boxes 48 inches long and having a 5-inch by 6-inch cross section each contain four such elements located centrally along their length. The six boxes are arranged in two parallel rows, with a row of graphite pieces between them. Thus, there are 24 fuel elements of 14 plates each in the assembly, arranged in two parallel rows with graphite between them. Means are provided by which the distance between the rows of elements can be varied. The two central plates in each box can be removed or replaced individually for fine adjustment of the excess reactivity in the reactor, which is limited at all times to 0.6 percent or less. The complete fuel loading is expected to be 3.6 kilograms of U-235. The fuel boxes are filled with light water up to the level of the exit port in the top extension or plenum, approximately 6 inches above the top end of the fuel plates. The top of each fuel box is covered with plastic-coated paper which retards evaporation of the coolant and escape of any radioactive materials that may be present. In addition, a lid is provided, which can be locked in place to prevent unauthorized removal or addition of fuel.

Coolant. The coolant is light water which enters the fuel boxes through a pipe into a bottom planum and leaves through an opening in the side of the top plenum. There is no pressure in the system, and the total flow is only 10 gallons per minute. The water passes from a 10 gallons-per-minute pump through a fixed orifice to six parallel stainless steel pipes which lead to the bottom of the fuel boxes. From the top of the fuel boxes, similar pipes, equipped with an air vent, pass to an air-cooled heat exchanger, the temperature of which is regulated by louvers. From there the water goes to a 200-gallon storage tank, which is also vented. The pump obtains its water from this tank. A small bypass line from the pump discharge to a demineralizer allows some of the water to be purified.

A 3-inch dump line is equipped with a quick-opening valve, which allows water to drain by gravity from the bottom headers of the fuel boxes into the storage tank for emergency shutdown. A low-pressure diaphragm in the end of this line under the fuel boxes is designed to break and let the water out the bottom in case of an excursion. Additional pressure relief may also be achieved by means of easily ruptured plastic-coated paper covers on the fuel boxes. Any water so expelled will be prevented from falling straight back into the fuel boxes by deflector plates located above each row of fuel boxes.

Interlocks. Interlocks are provided which require proper pump discharge pressure, presence of water in the overflow lines from the fuel boxes, and the prechosen reading on the coolant level gage before the control rods can be operated. If the pump stops, the water will flow by gravity out of the fuel boxes into the storage tank by reverse flow in the normal fill lines. The afterheat is not sufficient to damage the fuel plates.

Control. The reactor is controlled by four cadmium blades located in narrow magnesium boxes between the fuel boxes. Each blade is actuated by an AC motor connected through reduction gears and a magnetic clutch to provide somewhat less than 90 degrees of rotation. Three blades are for safety only, while one, which may have a slower drive, is used for control. Since the total excess reactivity in the reactor is only 0.6 percent, and each blade is worth approximately 1 percent, adequate control is provided. The safety blades will fall into the core by gravity in approximately 0.5 seconds if the reactor is scrammed. The positions of the blades are measured by means of selsyn indicators.

Instrumentation. For normal power operation, two ion chambers are connected in independent channels to amplifiers which are capable of initiating rod-scrams in case prechosen neutron levels are exceeded. A third chamber feeds a period-measuring amplifier also capable of scramming the reactor on a preset period signal. In addition, during startup, two more circuits are provided. One of these is an ion chamber which feeds a signal to a vibrating reed electrometer and a power level recorder. The other is a boron trifluoride chamber which supplies pulses to a scaler and a count rate meter. Neither of these circuits is provided with scram interlocks.

Experimental facilities. The reactor has considerable flexibility for experiments.

1. Foil slots ¾ inches x 1 inch are provided in the spaces between fuel boxes.

2. Vertical beam holes 1½ inches diameter are provided in the graphite between the two rows of fuel boxes, with extensions through the top concrete shield. These can be used for irradiating samples or for pile oscillator experiments.

3. A horizontal thermal column of graphite extends outward from the outside face of the core, with a 4-inch square beam hole along its axis.

4. A removable water tank for shielding and irradiation experiments may be placed adjacent to the opposite face of the reactor from the thermal column. When the water tank is used, a concrete shield will be placed outside the tank for additional protection.

5. The concrete shield or plug on top of the core may be removed and an exponential pile assembled in its place on top of the graphite reflector.

Further safety procedures. Continuous monitoring of the gamma radiation level in the reactor room, stack effluent, and coolant will be provided.

The radiation tolerance level which will be observed for personnel working with the reactor will be only 40 milliroentgens per week averaged over a 13-week period.

The neutron source will be locked in place in the reactor, and possession of the key will be restricted. Each experiment will be checked by the Reactor Operations and Safety Committee before it is placed in the reactor. Spent fuel will be stored in vertical pipes under the floor and monitored periodically.

Part II. *Safety analysis.* The design of the University of Florida Training Reactor is generally similar to that of the Argonaut and the Borax reactors and has a corresponding degree of inherent safety. The similarity is greatest in the composition and arrangement of the fuel plates and the coolant. All three reactors utilize aluminum-clad fuel plates immersed in water and spaced so that the void coefficient of reactivity is strongly negative. The high conductivity of the aluminum plates assures that heat generated during a transient will be transferred rapidly to the coolant. The negative void coefficient insures that any voids formed by this heat will provide the negative reactivity necessary for a rapid shutdown of the reactor.

Design of the reactor is such that the total reactivity change due to removing water is sufficient to shut down any conceivable excursion. To obtain full utilization of water expulsion as an ultimate shutdown mechanism, baffle plates are provided above the fuel boxes to deflect the water and prevent its re-entering the boxes. In this way, it will not be possible to have large recurrent excursions, which might damage the core or release fission products.

The supply of fuel for the reactor will be very limited, and the excess fuel will be locked up with access to the key restricted to a few responsible people. The geometry of the core is such that excess amounts of fuel cannot be inserted anywhere in the active core region to increase the excess reactivity above normal limits. These features and procedures give increased confidence that the intention to limit the excess reactivity to 0.6 percent at all times, will be achieved.

A startup key is necessary to operate the reactor, and possession of this will be limited to a very few individuals. Removal of the key from the control console will turn off the power to the pumps and control blades, causing the blades to fall into the reactor, and the water to drain out. An operating rule requires that the reactor cannot be started unless readings are obtained on the flux instruments. This procedure is designed to prevent startup without source and without instruments on which neutron level can be continuously followed.

Experiments. To establish the behavior characteristics of the reactor more firmly than they can be estimated in advance, the temperature coefficient, reactivity effect of experimental holes and other reactor constants will be measured.

In addition, it is proposed to measure the inertial resistance of the water to expulsion, the fraction which returns to the fuel boxes after expulsion through the tops, and the steam coefficient of reactivity. These experiments will not be performed by means of nuclear transients, but rather by mechanical, non-nuclear tests, such as blowing known quantities of air or nitrogen into the coolant stream.

Accidents. The applicant has postulated a variety of possible causes of accidents. In each instance, it was concluded that such accident would not result in a release of fission products. While we agree with the applicant in his evaluations we note that a release might occur as a result of a particular experiment. However, we are confident that appropriate limitations on the experimental program will preclude such releases and that in no case would such release result in dosages in excess of those permissible under 10 CFR Part 20.

Summary. The proposed reactor is of a basically safe type which would be expected to be stable in operation. As long as experiments show that the void coefficient in all parts of the core is strongly negative, and no means are provided by which more than 0.6 percent excess reactivity can be introduced to the reactor, the safety described in the report will be achieved. If, in addition, reasonable restrictions are placed on the operation of the reactor, to be described at later stages in the project, it is concluded that the facility can be designed and built in such a way that its operation will not cause undue danger to the health and safety of the public.

Part III. *Technical qualifications.* Over 40 members of the University's engineering and scientific staffs have participated in AEC training programs, have been employed by AEC installations, or have gained other experience in atomic energy applications. The General Nuclear Engineering Corporation has been engaged by the University to complete working drawings of the reactor, act as prime contractor for the fabrication of components, supervise reactor assembly and initial operation and act as general consultants for the reactor project.

Part IV. *Financial qualifications.* The University of Florida has been granted funds by the Atomic Energy Commission to build the reactor and to procure necessary operating equipment. The Florida utility industry has agreed to finance the housing facilities, and the Florida State Legislature has appropriated $2.8 million for the 1957–59 nuclear program.

Part V. *Conclusions.* Based on the above considerations, it is concluded that:

a. There is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

Dated: November 27, 1957.

For the Division of Civilian Application.

FRANK K. PITTMAN,
Acting Director.

[F. R. Doc. 57–10073; Filed, Dec. 4, 1957; 8:49 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN PROFESSIONAL PATENT POSITIONS IN CONTINENTAL UNITED STATES; ITS TERRITORIES AND POSSESSIONS (EXCEPT PUERTO RICO); AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the rate of pay for professional patent positions at grades GS–12, GS–13, GS–14, GS–15, and GS–16 in the following series:

GS–1220–0 Patent Administration Series.
GS–1222–0 Patent Attorney Series.
GS–1223–0 Patent Classifying Series.
GS–1224–0 Patent Examining Series.
GS–1225–0 Patent Interference Examining Series.

The new rates of compensation for the above positions are increased as follows:

GS–12 to $8,645 (the top step of the grade).
GS–13 to $10,065 (the top step of the grade).
GS–14 to $11,395 (the top step of the grade).
GS–15 to $12,690 (the top step of the grade).
GS–16 to $13,760 (the top step of the grade).

These increases are effective on the first day of the first pay period which begins after November 23, 1957. The increased rates apply throughout the continental United States; its territories and possessions (except Puerto Rico); and in foreign countries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–10068; Filed, Dec. 4, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8641]

FLYING TIGER LINE, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of The Flying Tiger Line, Inc., enforcement proceeding.

Notice is given herewith, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled proceeding heretofore assigned to be held on December 2, 1957, is reassigned to be held on December 30, 1957, at 10:00 a. m., e. s. t., in Room E–224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., November 29, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–10078; Filed, Dec. 4, 1957; 8:50 a. m.]

[Docket No. 8235]

HUGHES TWA-ATLAS-NORTHEAST AIRLINES POSSIBLE COMMON CONTROL CASE

NOTICE OF REOPENED HEARING

In the matter of the investigation of the possible common control of Trans World Airlines, Inc., and Northeast Airlines, Inc., by Howard R. Hughes.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding will be reopened on December 9, 1957, at 10:00 a. m., e. s. t., in Room E–210 of Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Paul N. Pfeiffer, Hearing Examiner, for the purpose of taking the testimony of Howard R. Hughes relevant and material to the issues in this proceeding, and such other persons as desire to be heard.

Dated at Washington, D. C., December 2, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–10085; Filed, Dec. 4, 1957; 8:51 a. m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 671]

CHIEF OR ASSISTANTS TO CHIEF, ADMINISTRATIVE DIVISION

AUTHORIZATION TO AUTHENTICATE DOCUMENTS, CERTIFY OFFICIAL RECORDS, AND AFFIX SEAL

V. V. Hemstreet, Chief, Administrative Division, and Zelina A. Ahern and Laura R. Miller, Assistants to the Chief, Administrative Division, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

The foregoing revokes Farm Credit Administration Order No. 631, dated August 5, 1955, 20 F. R. 5885.

[SEAL] R. B. TOOTELL,
Governor.

[F. R. Doc. 57–10069; Filed, Dec. 4, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–13772]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 29, 1957.

Gulf Oil Corporation (Gulf), on November 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Phillips Petroleum Company.
Rate schedule designation: Supplement No. 1 to Gulf's FPC Gas Rate Schedule No. 11.
Effective date: December 2, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Gulf states that it negotiated the contract terms under market conditions unfavorable to it and cites increased costs of production and delivery.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has

expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10074; Filed, Dec. 4, 1957; 8:49 a. m.]

[Docket No. G-13820]

UNION PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 29, 1957.

Included among numerous rate schedules and supplements tendered on October 31, 1957, by Union Producing Company (Union) in answer to an order of the Commission [1] was a proposed change in a presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 31, 1957.

Purchaser: Frank S. Kelly, Jr., et al.

Rate schedule designation: Supplement No. 3 to Union's FPC Gas Rate Schedule No. 72.

Effective date: December 1, 1957 (effective date is the first day after expiration of the required thirty days' notice, although Union requested an effective date of January 1, 1957).

In support of the proposed increase, Union asserts (1) that the increase will tend to offset the increased costs over the long term of the contract, and (2) that increase is necessary in what it calls the current inflationary trend of the American economy to enable Union to search for, develop, and market natural gas. It also contends that another producer in the same field is receiving more than its proposed increased rates. In any event, such comparison alone does not per se justify the proposed increased rate. Union Oil Company, 16 F. P. C. 100.

The increased rate and charge so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The aforesaid supplement relates to the sale of natural gas produced by Union from the Floyd "Epps" Field, East Carroll and West Carroll Parishes, Louisiana, and sold in turn by the purchaser to Southern Natural Gas Company pursuant to Delta Drilling Company, et al., F. P. C. Gas Rate Schedule No. 7, the purchaser being one of the cosignatory parties under Delta's rate schedule. The latter's proposed increase (identical to the increase sought here by Union) was suspended by order of the Commission issued on December 21, 1956, Delta Drilling Co., et al., Docket No. G-11625, 16 F. P. C. 1378, and was made effective as of August 5, 1957, subject to an undertaking, by order issued therein on September 20, 1957. It appears hence that Kelly Jr., et al. are, and have been since August 5, 1957, collecting the increased rate in Docket No. G-11625 subject to refund, applicable to the portion of natural gas purchased from Union and resold to Southern Natural.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Union's FPC Gas Rate Schedule No. 72.

(B) Pending such hearing and decision thereon the aforesaid supplement is hereby suspended and the use thereof deferred until December 2, 1957, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10075; Filed, Dec. 4, 1957; 8:50 a. m.]

[1] Union Producing Company and United Gas Pipe Line Company, Docket No. G-10060, order issued October 3, 1957.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 29, 1957.

In the matter of Trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation; File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On November 20, 1957 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending November 30, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, December 1 to 10, 1957, inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10063; Filed, Dec. 4, 1957; 8:47 a. m.]

[File No. 812-1120]

E. I. DU PONT DE NEMOURS AND CO. AND HENRY B. DU PONT

NOTICE OF APPLICATION REGARDING TRANSACTION BETWEEN AFFILIATED PERSONS

NOVEMBER 27, 1957.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Applicant") of Wilmington, Delaware, an affiliated person of and presumptively controlled by Christiana Securities Company ("Christiana"), a registered closed-end non-diversified management company, which is an affiliated person of and presumptively controlled by Delaware Realty and Investment Company ("Realty"), a registered closed-end non-diversified management investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940, for an order exempting from the provisions of section 17 (a) of the act the acquisition by Applicant of certain real estate from Henry B. du Pont ("Vendor"). Vendor, a Director and Vice President of Applicant, is a Director of Realty and a Director and President of Christiana.

It appears from the application that Applicant is to acquire from Vendor a certain tract of land now owned by Vendor of approximately 70 acres in size which is located in the vicinity of Wilmington, Delaware. The purchase price is to be $3,500 per acre, a total of approximately $245,000 in cash. Applicant desires to acquire such land primarily to permit expansion of adjacent laboratory facilities now owned and operated by Applicant and for other company purposes.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since, by definition under the act, Vendor is an affiliated person of du Pont, a company controlled by a registered investment company, the proposed purchase by du Pont from Vendor is subject to the provisions of section 17 (a) of the act.

Notice is further given that any interested person may, not later than December 11, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10064; Filed, Dec. 4, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32321]

SUGAR; BALTIMORE TO ROANOKE AND SALEM, VA.

NOTICE OF INVESTIGATION AND HEARING WITH RESPECT TO RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 21st day of November A. D. 1957.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of beet and cane sugar, as set forth in the following schedules:

Middle Atlantic Conference, Agent:

Supplement No. 101 to MF-I. C. C. No. A-724; on page 6 thereof, in Item 3940H, the rates to Roanoke and Salem, Va.;

MF-I. C. C. No. A-877; on page 228 thereof, in Item 4900, the rates to Roanoke and Salem, Va.

Russell Transfer, Incorporated:

MF-I. C. C. No. 3; on page 4 thereof, Item No. 70;

or as the same may be amended or reissued.

It appearing, that upon consideration of the tariff schedules and protests thereto there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, into and concerning the lawfulness of the rates, charges, rules, regulations, and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-10066; Filed, Dec. 4, 1957; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 2, 1957.

Protest to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34323: *Substituted Service, Motor and Rail, New York, New Haven and Hartford Railroad.* Filed by The New York, New Haven and Hartford Railroad Company and the Bonded Trucking and Rigging, Inc. (No. 199), for themselves and other motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Boston, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Motor truck competition.

FSA No. 34324: *Substituted Service, Motor and Rail, New York, New Haven and Hartford Railroad.* Filed by The New York, New Haven and Hartford Railroad Company and Wright Trucking, Inc. (No. 204), for themselves and other motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Boston and Worcester, Mass., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Motor truck competition.

FSA No. 34325: *Substituted service, motor and rail, Pennsylvania Railroad.* Filed by Midwest Haulers, Inc., Agent (No. 4), for itself, The Pennsylvania Railroad Company, and other motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between substitution points in official territory served by the Pennsylvania Railroad.

Grounds for relief: Motor truck competition.

Tariff: Supplement 13 to Midwest Haulers, Inc., Agent, tariff MF-I. C. C. No. 21.

FSA No. 34326: *Substituted service, motor and rail, Erie Railroad.* Filed by Midwest Haulers, Inc., Agent (No. 5), for itself, Erie Railroad Company, and other motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Jersey City, N. J., on the one hand, and Chicago, Ill., and Hammond, Ind., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 13 to Midwest Haulers, Inc., Agent, tariff MF-I. C. C. No. 21.

FSA No. 34327: *Substituted service, motor and rail, Chicago and North Western Railway Company.* Filed by Middlewest Motor Freight Bureau, Agent (No. 93), for the Chicago and North Western Railway Company and motor carriers named therein. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Council Bluffs and Sioux City, Iowa, on the other.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10067; Filed, Dec. 4, 1957; 8:48 a. m.]

Part II begins on page 9765

PART I

FEDERAL REGISTER

VOLUME 22 NUMBER 236

Washington, Friday, December 6, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

FARM MANAGEMENT POSITIONS

Subparagraph (10) of § 24.36 (a) is revoked and § 24.137 is added as set out below.

§ 24.137 *Farm Management Supervisor, Farm Management Officer, and Farm Management Representative, CS-451-5-15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in farm management, livestock management or ranch management, or in agricultural economics, agronomy, horticulture, animal, dairy or poultry husbandry, agricultural education, agricultural engineering, general agriculture, or closely related fields. This course of study must have included at least 6 semester hours of course-work in any one or any combination of the following subjects: Agricultural economics, farm management, livestock management, or ranch management.

(ii) A total of at least 30 semester hours of course-work in the agricultural or related sciences such as farm, livestock or ranch management, agricultural economics, agronomy, horticulture, animal, dairy or poultry husbandry, agricultural education, agricultural engineering, general agriculture, or closely related fields. A least 6 semester hours of the 30 must have been course-work in any one or in any combination of the following subjects: agricultural economics, farm management, livestock management, or ranch management. In addition to the specified 30 semester hours of courses, candidates must show enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in the agricultural or related sciences, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(b) *Duties.* (1) Farm Management Supervisors perform professional work at the county office level in the field of supervised agricultural credit in connection with the making and servicing of farm loans. This involves the application of a professional knowledge of the basic principles, concepts, and practices of farm management, farm credit, crop and livestock production, soil conservation, and water management to local conditions on a day-to-day basis; and the application of sound credit principles in the servicing of loans, the obtaining of security on loans, and the effecting of collections on accounts.

(2) Farm Management Officers perform similar professional work at the state office level and are concerned with the planning, technical direction, coordination, and administration of state and county loan programs. They provide professional advisory, training and review services at the county office level; and apply a working knowledge of the scientific principles of farm, livestock, or ranch management to local, area or state-wide conditions.

(3) Farm Management Representatives perform similar professional work at the national office level and are concerned with the planning, developing, coordination and carrying out of program loan activities on an agency-wide basis. They develop, or assist in developing, basic operating instructions, provide professional advice and assistance, train field staffs, and observe and review program operations at the state and county

(Continued on next page)

This issue includes two parts bound together. Part II contains a republication of the regulations of the Immigration and Naturalization Service, Department of Justice, 8 CFR Ch. I, as of November 27, 1957.

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FEDERAL REGISTER

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methods which underlie the agricultural sciences, and scientific training in farm management. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of farm management and in related fields of agriculture. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories, and throughly trained instructors, gives expert guidance, and evaluates progress competently.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10103; Filed, Dec. 5, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOMINATIONS

Notice was published in the FEDERAL REGISTER issue of November 15, 1957 (22 F. R. 9111), that the Department was giving consideration to proposed amendment of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 922.100 et seq.), that are currently in effect pursuant to applicable provisions of the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Valencia Orange Administrative Committee (established pursuant to the said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are hereby amended as follows:

1. Delete from the second sentence in paragraph (a) (3) of § 922.102 *Nomination procedure* the words "one grower member, one alternate grower member" and substitute therefor the words "not less than two grower members, two alternate grower members."

2. After § 922.102, add the following new section:

§ 922.103 *Changes in nomination and selection of grower members and alternate grower members of the Valencia Orange Administrative Committee.* (a) The number of grower members and alternate grower members to be nominated and selected pursuant to § 922.22 (c) and the second sentence of § 922.23, respectively, shall be one grower member and one alternate grower member.

(b) The number of grower members and alternate grower members to be nominated and selected pursuant to § 922.22 (d) and the third sentence of § 922.23, respectively, shall be two grower members and two alternate grower members.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 3, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-10121; Filed, Dec. 5, 1957; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments to this Part 56 have been authorized by the Secretary of Defense and the Secretary of Health, Education, and Welfare:

1. New § 56.5–3 (a) (3) has been added to read as follows; redesignate present subparagraphs (3), (4), (5), and (6) as (4), (5), (6), and (7):

(3) *Ward accommodations.* The term "ward accommodations" signifies the presence of 5 or more beds in a room in which the patient is hospitalized. Where ward accommodations are furnished under the circumstances described herein, a portion of the cost will be borne by the Government in accordance with § 56.5–6 (a). Ward facilities may be used for pediatric cases whenever this is the normal medical practice. Further, when the attending physician admits his patient to a hospital in which all semi-private accommodations are occupied, care furnished therein shall be considered authorized care, but the patient should be transferred to a semi-private accommodation as soon as possible. Finally, when the patient is admitted to an otherwise eligible institution which furnishes only ward accommodations, care furnished therein shall be considered authorized care.

2. Section 56.5–6 (b) (3) has been amended by adding a note; § 56.5–6 (b) (3), as amended, now reads as follows:

§ 56.5–6 *Charges.* * * *
(b) * * *

(3) Twenty-five percent (25%) of the difference between private room charges and weighted average cost of semi-private room charges.

NOTE: For hospitals having only private rooms, the term "weighted average cost of semi-private room charges" is defined as 90 percent of the daily hospital charges for the room furnished the dependent or $15.00 per day, whichever is lesser.

3. New § 56.5–6 (d) has been added to read as follows; redesignate present paragraphs (d), (e), and (f) as (e), (f), and (g):

(d) If hospital care in a private room is provided in a hospital which has only private rooms, the Government will pay 90 percent of the daily hospital charges for the room provided the dependent, or $15.00 per day, whichever is the lesser. The patient will be required to pay the hospital the greater of (1) or (2) and, in addition, (3) below:

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the established per diem rate. (See § 56.4–8 (a))

(3) Ten percent (10%) of the daily hospital charges for the private room provided the dependent or the total daily hospital charges for such room, less $15.00 per day, whichever is the greater.

(4) New § 56.5–6 (h) has been added to read as follows; redesignate present paragraph (g) as (i):

(h) Patients who previously were admitted to a hospital for authorized care, who paid at least $25.00 of the hospital charges for that admission and who are readmitted to a civilian hospital within 14 days following discharge from the previous admission for authorized treatment of the original condition for which initially hospitallized, or direct complications thereof, will not be required to pay the first twenty-five dollars ($25.00) of subsequent hospitalizations, but will be required to pay an amount determined by multiplying the number of days of the current hospitalization by the established per diem rate (See § 56.4–8 (a)), plus any additional charges that might be specified elsewhere herein. Hospitals will be responsible for obtaining from the patient, physician, sponsor, or other hospital(s) satisfactory evidence that the patient is entitled to the lesser charge.

(Secs. 101–103, 201–204, 301–305, 70 Stat. 250–254; 37 U. S. C. 401–403, 411–414, 421–423, 404–405)

MAURICE W. ROCHE,
Administrative Secretary.

Dated: November 7, 1957.

Approved:

F. B. BERRY,
Assistant Secretary of Defense (Health and Medical).

Dated: November 20, 1957.

Approved:

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-10083; Filed, Dec. 5, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 47]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATION

The Automatic Direction Finding (ADF) Procedure No. 1 for Greater Rockford Airport, Rockford, Illinois, appearing in Amendment No. 43 and published in the FEDERAL REGISTER on November 20, 1957 (22 F. R. 9252) is hereby corrected to read: "If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.7 miles make right turn, climb to 2,000' proceed to RKF RBn" instead of "If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.7 miles make right turn, climb to 2,000' proceed to RFD 'H'."

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

NOVEMBER 27, 1957.

[F. R. Doc. 57-10084; Filed, Dec. 5, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—SERVICE IN POST OFFICES

PART 61—MONEY ORDERS

MISCELLANEOUS AMENDMENTS

In § 41.3 *Post office boxes* make the following changes:

1. In paragraph (g) (1) amend the caption to read *"Improper purposes"*.
2. In paragraph (g) (2) amend the caption to read *"Misuse"*.
3. Amend paragraph (g) (3) to read as follows:

(3) *Improper matter.* Only matter which has passed through the mail, or official postal notices, may be placed in a post office box. (See paragraph (a) of this section).

NOTE: The corresponding Postal Manual section is 151.37.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369. Interprets or applies 18 U. S. C. 1725)

In § 61.3 *How to cash a money order* amend paragraph (b) (3) to read as follows:

(3) Money orders issued at military post offices are payable only at military post offices and United States military banking facilities, or at post offices or banks located in the United States, its possessions or Territories, and countries with which the United States transacts domestic-international money order business. If the remitter or payee of a money order issued at a military post office transfers ownership by endorsement to another, the endorsee must cash the money order at either a military post office, a United States military banking facility, or a post office located in the United States, its possessions, or Territories.

NOTE: The corresponding Postal Manual section is 171.31c.

(R. S. 161, 396, as amended, 4027; 5 U. S. C. 22, 369, 39 U. S. C. 711)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 57-10099; Filed, Dec. 5, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Ch. II]

β-3-ETHYL-1-METHYL-4-PHENYL-4-PROPIONOXYPIPERIDINE, AN OPIATE

NOTICE OF PROPOSED RULE MAKING

By Proclamation No. 2851, dated August 26, 1949 (14 F. R. 5361, 63 Stat. 1290), the President proclaimed the finding by the Secretary of the Treasury, after due notice and opportunity for public hearing, that a drug described as NU-1932, β-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine, had addiction-forming or addiction-sustaining liability similar to morphine. It was subsequently determined that said finding was based on tests made of the alpha rather than the beta isomer of the drug, and notice was published in the FEDERAL REGISTER of August 2, 1956 (21 F. R. 5779), of a proposed determination that the alpha isomer of the drug had addiction-forming or addiction-sustaining liability similar to morphine and was an opiate. Appropriate tests have now been completed with respect to a substance known to be the beta isomer of the drug, more correctly described chemically as β-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine.

Therefore, notice is hereby given, pursuant to the provisions of the act of March 8, 1946 (60 Stat. 38; 26 U. S. C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F. R. 1480), that a determination is proposed to be made that the following-named new drug has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

β - 3 - ethyl - 1 - methyl - 4 - phenyl - 4-propionoxypiperidine.

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or addiction-sustaining liability of the above-named drug, which are received by the Commissioner of Narcotics prior to January 9, 1958. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the above-named drug will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D. C., at 10:00 o'clock a. m., January 9, 1958, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington, 25, D. C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the act of March 8, 1946.

(60 Stat. 38; 26 U. S. C. 4731)

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

[F. R. Doc. 57-10105; Filed, Dec. 5, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

STANDARDS FOR GRADES OF FROZEN PEAS

ADDITIONAL TIME FOR FILING DATA, VIEWS, OR ARGUMENTS

On May 1, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 3072) regarding a proposed revision of the United States Standards for Grades of Frozen Peas.

In consideration of comments and suggestions received indicating the need for further study of the proposal by industry, notice is hereby given of an additional period of time until March 15, 1958, within which written data, views, or arguments may be submitted.

All persons who desire to submit written data, views or arguments for consideration with the proposed standards should file same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C.

Dated: December 3, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-10122; Filed, Dec. 5, 1957; 8:50 a. m.]

[7 CFR Part 917]

[Docket No. AO-248-A2]

MILK IN BLACK HILLS, S. DAK., MARKETING AREA

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Black Hills, South Dakota, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Rapid City, South Dakota, on July 9, 1957, pursuant to notice thereof which was issued June 18, 1957 (22 F. R. 4396).

The material issues on the record of the hearing related to:

1. Expansion of the marketing area;
2. Qualifications for attaining pool plant status;
3. Revision of the producer-handler definition;
4. Classification of skim milk and butterfat in inventory;
5. Application of location differentials on class prices and in paying producers;
6. Payments on unpriced milk disposed of in the marketing area from nonpool plants; and
7. Miscellaneous administrative and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area should include all the territory within the boundaries of Custer, Fall River, Lawrence and Pennington Counties, the cities of Belle Fourche and Sturgis, the Ellsworth Air Base and the Veterans Administration Hospital at Fort Meade, all in the State of South Dakota. At the present time, the marketing area is limited to Lawrence County, the cities of Belle Fourche, Custer, Rapid City and Sturgis, the Ellsworth Air Base and the Veterans Administration Hospital at Fort Meade. The change herein recommended would add to the present marketing area all the territory in Pennington County outside Rapid City, the territory in Custer County outside the city of Custer, and all the territory in Fall River County.

Rapid City is the largest city in the present marketing area. Its population, which was 25,000 in 1950, is estimated to be 40,000 at present. The population of Hot Springs in Fall River County, the largest city which would be added by explansion of the marketing area, was 5,000 in 1950. Population of the proposed marketing area was approximately 70,000 in 1950.

From May through September of each year the inflow of vacationers and tourists to the many popular attractions and resort areas in the Black Hills tends to increase the demand for milk during these months as much as 25 percent above that for other months. Besides the sales to the customary retail and wholesale outlets, substantial quantities of milk are sold throughout the year to the many governmental and other institutional establishments in the area, which include the Ellsworth Air Base, Veteran's Administration Hospitals at Fort Meade and at Hot Springs, State Soldiers Home at Hot Springs, the State Tuberculosis Hospital at Sanator in Custer County and the Army installation at Igloo in Fall River County.

Handlers now regulated by the order are the principal distributors throughout the proposed enlarged marketing area. Other handlers who sell milk in the territory proposed to be added to the present marketing area are the Kilmer Dairy of Lust, Wyoming, the Hot Springs Milk Company of Hot Springs, and Staska Dairy of Chadron, Nebraska. It is expected that sales by the Kilmer Dairy and Hot Springs Milk Company in the marketing area would qualify them as pool plants fully subject to the provisions of the order. The limited sales now made by Staska Dairy in the marketing area would not qualify it as a pool plant, but would subject it to partial regulation as a nonpool plant because some milk is distributed in the proposed marketing area.

Although a large part of its distribution business is in Wyoming, the Kilmer Dairy disposes of Class I milk on routes in various places in the proposed marketing area, including the cities of Hot Springs, Custer, Edgemont and Igloo. This handler has become an important competitor of regulated handlers for markets in Custer and Fall River Counties, and at the time of the hearing held the contract for supplying Grade A milk and milk products to the Veteran's Administration Hospital in Hot Springs.

The Hot Springs Milk Company, from whose plant milk is distributed in Hot Springs, Edgemont and in various smaller communities throughout the Fall River County, receives milk from two independent producers and the balance of its supply from producer members of the Black Hills Milk Producers Cooperative of Rapid City.

The only distribution in the proposed marketing area from the plant of the Staska Dairy in Chadron, Nebraska, is in Oelrichs in Fall River County.

The marketing area herein recommended is the same as that proposed by producers. Handlers now regulated by the order testified at the hearing in support of the enlarged marketing area. The owner of Hot Springs Milk Company, the principal handler in the new territory to be added to the marketing area, presented testimony in support of adding Fall River County to the marketing area. No testimony was presented in opposition to the proposal to enlarge the marketing area.

Handlers now regulated by the order are at a disadvantage in competing with unregulated handlers in the various places throughout the area wherein they are, and have been, the principal distributors. While regulated handlers are required to pay the order's Class I prices for milk for fluid use and maintain an adequate supply of milk for the market on a year-round basis, unregulated handlers may frequently obtain milk at prices approximating the blend prices or manufacturing prices under the order for milk disposed of for Class I uses. This is possible especially during the periods of flush production. During such periods milk from the plants of unregulated handlers may displace producer milk by underbidding on contracts to supply the Grade A milk requirements of the expanded summer resort business, governmental establishments, and other institutions. The loss of such sales to handlers who generally supply the various contracts on a year-round basis and who maintain supplies of producer milk on an annual basis in order to serve the needs of summer resort business results in local producer milk being displaced from its usual Class I markets.

At the time producers requested a hearing to consider regulation, which resulted in promulgation of the present order, Grade A ordinances were not consistently prevalent throughout the area. Hot Springs, for example, had no Grade A ordinance at that time and it is for this reason that producers then had not requested the larger marketing area herein recommended. At the present time no ungraded milk for human consumption may be sold throughout the proposed marketing area.

Grade A milk products sold for fluid consumption throughout the proposed area must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Movements of milk both in bulk and packaged form between various localities in the marketing area take place through reciprocal approval of the respective health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. The degree of similarity of minimum health standards throughout the area justifies uniform regulation for milk marketed throughout the area.

Many of the sales outlets in the proposed enlarged marketing area are in neither incorporated towns nor municipalities. The many resort areas in the Black Hills, such as Wind Cave National Park, State Game Lodge, Sylvan Lake Hotel, and Coolidge Inn, which accommodate many thousands of people during the summer vacation period, are in local-

ities that are rural in character. The stability of the market would be impaired if these important outlets for Class I milk in the Black Hills area were not included in the marketing area. The only practical way for including these sales outlets in the marketing area is by defining the marketing area to designate the entire county in which are located these widely scattered users of a substantial proportion of the fluid milk distributed in the Black Hills. The marketing area herein recommended gives consideration to this factor.

It was urged at the hearing that the order provide specifically that any territory within the boundaries of the designated marketing area which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions or other establishments should be considered as within the marketing area. It is clearly intended that all such territory be included in the marketing area. However, so that there will be no doubt as to the intent of the marketing area definition, it should be indicated that the designated places in the Black Hills marketing area shall include territory within such boundaries which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments.

2. Provision should be made for a plant which supplies milk to a distributing plant which is a pool plant to qualify as a pool plant. The present order makes no provision for supply plants to qualify as pool plants. At the time of the inception of the order no supply plants were serving milk to Black Hills handlers as a major part of their operations. Neither are any such plants now on the market. With the enlargement of the marketing area, as is proposed in this decision, there is greater likelihood than heretofore that such plants may become associated with the market. Accordingly, provision should be made to qualify as a pool plant a plant supplying a major part of its receipts of Grade A milk from dairy farmers to distributing plants which are pool plants under the Black Hills order.

Essential to the operation of a marketwide pool is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby participate in the marketwide pool and have its producers share in the Class I sales of the market. Any dairy farmer who meets the necessary health department requirements should not be prohibited by the order from selling his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Black Hills market will depend on the economic circumstances with which they are confronted, such as prices, transportation, costs, and alternative outlets.

Because of the difference in marketing practices and functions between distributing plants and supply plants, different performance standards must be provided. A "distributing plant" should be defined as a plant in which milk is processed or packaged and from which any fluid milk products (as hereinafter defined) are disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. "Supply plant" should be defined to mean a plant from which milk, skim milk, or cream which is acceptable to the appropriate health authorities for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant which is qualified as a pool plant.

As now provided in the order, a distributing plant may qualify as a pool plant by disposing of at least 20 percent of its Grade A receipts during the month as Class I milk on routes to retail or wholesale outlets in the marketing area. No evidence was presented to revise this requirement and this standard is appropriate for application in the proposed extended area.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the Black Hills market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market have not needed all the milk available from producers to keep their Class I outlets fully supplied. In order to insure that the producer milk which is pooled will be available for Class I and the plant supplying such milk is primarily associated with the market, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in the month in the form of supplemented supplies of fluid milk products. Unless more than half of the milk from such plant is disposed of in this manner a supply plant should not, under the present conditions in the Black Hills market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. Under present conditions, however, during the months of flush production it is likely that supplies of milk received at plants in or near the marketing area will be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the spring months of heavy production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status during the months of heaviest production if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. Accordingly, a supply plant which furnishes 50 percent of its receipts of "Grade A" milk directly from dairy farmers during the immediately preceding period of September through November to distributing plants which are pool plants should be allowed to attain automatic pool status for the months of March through June.

Any distributing plant which does not meet the standards for a pool plant is now required to file reports and submit to audits by the market administrator to verify the status of such plant.

3. It was proposed that the plant of a producer-handler from which more than an average of 400 pounds of milk daily is disposed of in the marketing area should be a pool plant. The order now exempts from pooling all milk produced on the farm of a producer-handler.

There are three producer-handlers in the area. The largest of these, Hooper Dairy, is located near Sturgis and distributes approximately 1,200 pounds of Grade A pasteurized milk daily in that city. From the Dale Farm Dairy, which is near Edgemont in Fall River County, approximately 60 to 80 gallons of Grade A raw milk are distributed daily. Relatively small quantities of milk are sold by the third producer-handler, who recently began making sales at his farm in the vicinity of the Ellsworth Air Base.

Proponents argued that producer-handlers have the benefit of a share of the Class I market without carrying their fair share of the burden of surplus for the market, but this was not shown in fact to be the case.

It was argued that unless the producer-handler definition is revised an additional number of producers would come on the market as producer-handlers, bringing about unstable and demoralized marketing conditions. It is not possible to justify this conclusion on the basis of the information contained in the hearing record.

In view of the above, it is concluded that no action should be taken at this time with respect to changing the producer-dealer definition in the order. Accordingly, the request therefor is denied.

4. Provision should be made for the classification and allocation of month end inventories of fluid milk products. Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. It has been the practice under the Black Hills order to classify in Class II the differences by which the pounds of butterfat and skim milk in fluid milk products at the end of the month exceed the inventories at the beginning of the month.

Inventories should include all the skim milk and butterfat in fluid milk products, whether in bulk or in packages. Since the disposition of skim milk and butterfat in non-fluid milk products had been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

The accounting procedure will be facilitated by providing specifically that

month-end inventories of all fluid milk products be classified in Class II milk. Such inventories will be the beginning inventories the following month and subtracted from any available Class II milk under the allocation procedure prescribed on the order. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis. Inventories of fluid milk products at an approved plant at the beginning of any month during which such plant becomes a regulated plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

5. Milk in packaged form from plants located at significant distances from the marketing area is distributed regularly in the proposed enlarged marketing area. Such distribution is made at various points in the marketing area from plants as far away as Denver, Colorado, which is 400 miles from Rapid City. In addition, such supplemental supplies of milk as might be needed by handlers on the market during periods of short supply would have to be obtained from sources located at substantial distances from the production area for the Black Hills market.

It would be neither practicable nor economically justifiable to require each handler to pay the same minimum class prices for milk received from producers regardless of the location of his plant in relation to the marketing area. With the same class prices applicable, milk received at a plant outside the marketing area and moved to the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from producers at his processing plant in the marketing area. In the same manner, additional transportation costs would be incurred by the operator of a plant from which packaged milk is moved a relatively long distance to the marketing area. Unless provision is made in the order for the application of location differentials, producers delivering milk to plants located at some distance from the marketing area would be paid the same uniform prices as producers delivering to plants in the marketing area.

It is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from more distant plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than at a plant from which milk must be moved to the marketing area for Class I uses. Recognition in the order through the medium of a location differential should be given to this difference in value.

So as to be equitable to all handlers, the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward in the case of a plant which assumes the cost of hauling milk to the marketing area.

It is customary, in both regulated and unregulated markets, for handlers to pay producers delivering milk to plants farther removed from the market a lesser price per hundredweight than is paid producers delivering directly to plants in the marketing area. To the extent that this represents a lower price because of the location of the milk, such difference of value should be recognized under the order.

Official notice is here taken of Order No. 105, regulating the handling of milk in the North Central Iowa marketing area, which order became effective October 1, 1937 (22 F. R. 6235). The location differential in that order reduces the price for Class I milk received from producers at a pool plant located more than 50 miles from the four principal cities in the marketing area by 10 cents for the first 61 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the city halls in such cities.

Rapid City, Lead, Hot Springs, and Custer are the principal cities in the Black Hills marketing area. The post office in each of these cities would be an appropriate point from which the mileage used in applying the location differential adjustment might be measured. Such differential should be computed from the nearest of such cities. This will reflect the value of the milk in relation to the nearest potential outlet and it may reasonably be expected that milk which is moved for regular distribution or as a supplementary source of supply would be nearer to the city to which the shipments were made. This method of arriving at location differential adjustments will result in values for milk at plants at different locations in such a manner as to promote the economical allocation of available supplies in accordance with location of such supplies with respect to the major consuming centers in the marketing area.

Because the Black Hills marketing area is spread over a relatively large territory and because milk distributed in the marketing area is moved great distances, it would be inappropriate to have location differentials applicable at plants which are less than 100 miles from any of the principal cities in the marketing area. Accordingly, it is concluded that the Class I price under the Black Hills order should be reduced by 15 cents for the first 110 miles and 1.5 cents for each additional 10 miles or fraction thereof with respect to producer milk received at a plant which is not less than 100 miles from the nearest of the post offices of Rapid City, Lead, Hot Springs and Custer.

The location differential here recommended is economically sound and will be applicable to all handlers wherever located. The proposed rates are fundamentally the same as those contained in various other orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials supply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous possible method. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant before any of the direct producer receipts are assigned to Class II milk at such plant.

6. The compensatory payment rates now applicable to other source milk should not be changed at this time.

Different rates of compensatory payments are now applied to Class I milk distributed in the marketing area from a nonpool plant and to other source milk allocated to Class I at a pool plant. The rate used with respect to the latter is the difference between the Class I price and the Class II price for the months of April, May and June and the differences between the Class I price and "the weighted average value of all producer milk" in other months. When milk is distributed in the marketing area from a nonpool plant, the operator of such plant is required to pay the producer-settlement fund the lesser of either the difference between the Class I value and Class II value of such milk or an amount by which the value of milk received from dairy farmers at such plant (which value would be computed as if such plant were a pool plant) exceeds the gross payments made by the handler to such dairy farmers for milk received during the month.

It was proposed by producers that the compensatory payment rate on unpriced milk distributed in the marketing area from a nonpool plant be the same as the rate now applicable to other source milk allocated to Class I at a pool plant.

Milk which is processed and packaged by the Lucerne Milk Division of Safeway Stores in Denver, Colorado, approximately 400 miles from Rapid City, is distributed in the marketing area through stores in Rapid City, Belle Fourche and Deadwood. Since the overall payment to dairy farmers from whom this milk is received is greater than the value of such milk computed on the basis of the class prices under the order, no compensatory payment is required. Kilmer Dairy of Lusk, Wyoming, is the other nonpool plant from which packaged milk is distributed in the marketing area. This handler has incurred obligations to the producer-settlement fund under the compensatory payment provision of the order. It is expected, however, that with the expansion of the marketing area, as is recommended elsewhere in this decision, the Kilmer Dairy, by reason of its total sales in the enlarged marketing area, would be a pool plant and fully regulated by the order.

It was not established at the hearing that the basis which is now being used for determining the compensatory payment obligation of a nonpool distributor to the producer-settlement fund is inequitable to or works an unjustice on either pool plant or nonpool plant operators. Neither was it shown that, with the enlargement of the marketing area, such basis would work out differently than at present. A nonpool distributor is now required to pay the difference between the Class I and Class II prices on milk distributed in the marketing area or to pay for milk received from his Grade A producers an amount not less than that which he would be required to pay if he were operating a pool plant. In this manner, a handler who, by reason of his limited sales in the marketing area, is not sufficiently associated with the market to qualify as a pool plant must pay as much for his milk as a fully regulated handler or pay a compensatory payment. Accordingly, under the conditions which prevail in this market, the present provision removes any economic advantage either in the procurement of milk or on sales of milk in the marketing area which might otherwise accrue to partially regulated handlers as compared with fully regulated handlers.

Producers argued that compensatory payments should be required on all milk distributed in the marketing area from nonpool plants irrespective of such factors as the actual cost of milk to the nonpool handler and the expense incurred in transporting milk to the marketing area. Milk from plants making limited sales in the marketing area, it was stated, displaces the milk of local producers for Class I use, gives the handler operating such nonpool plant the benefit of the stable market provided by the order and supported by regulated handlers, and places such nonpool handler in an advantageous position as against fully regulated handlers, especially in periods of flush production, in bidding on governmental and other institutional contracts.

There are various factors involved in the marketing of milk in the Black Hills area to justify different rates of compensatory payments between milk distributed from a nonpool plant in the marketing area and other source milk allocated to Class I at a pool plant. A nonpool handler distributing milk on routes in the marketing area does not do so on a seasonal basis but carries on such business as a regular part of his distribution. Consequently, a source of supply must be maintained by such handler on a year-round basis. Likewise, he is precluded (the same as a regulated handler) by the compensatory payment provisions from supplying his regular customers or seasonal business in the marketing area during periods of flush production with surplus milk from other markets which might be available at manufacturing prices. Moreover, the quantity of milk such a distributor may dispose of on routes in the marketing area is limited, since increasing such sales to 20 percent of his receipts from dairy farmers would automatically subject him to full regulation under the order. As a further safeguard to all handlers, the records of any distributor who disposes of Class I milk in the marketing area are subject to audit by the market administrator.

In the decision of the Assistant Secretary issued on June 9, 1954 (19 F. R. 3468) which was based on the record of the Black Hills order promulgation hearing, it was concluded that no compensatory payment should be required on milk classified and priced as Class I milk under another Federal milk marketing order. Although producers proposed that such milk should now be subject to the compensatory payment provisions of the Black Hills order, in the same manner as milk emanating from unregulated plants, no evidence was presented to indicate that marketing conditions had changed or that any other event had occurred since the inception of the order which would warrant such action.

It is not necessary to extend regulation under this order to plants from which the principal disposition is in other areas and which are subject to regulation by other orders. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

7. The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

(a) In designating which persons would be subject to regulation and application of order provisions to them, new or revised definitions are provided in the attached order, including those for "approved plant," "approved dairy farmer," "producer," "fluid milk product," "approved milk," "producer milk," "other source milk," and "Chicago butter price". The definitions for "pool plant," "distributing plant," and "supply plant" are discussed elsewhere in this decision.

"Approved plant" should be defined as a pool plant or a distributing plant which is not a pool plant, thereby included in one designation all plants for which reports are required to be submitted to the market administrator.

"Approved dairy farmer" should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at an approved plant or diverted from an approved plant to a nonpool plant.

"Producer" should mean an approved dairy farmer whose milk is received at a pool plant.

"Fluid milk product" should mean milk, skim milk, buttermilk, milk drinks (plain or flavored) cream or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items included as fluid milk products are those products which when disposed of by handlers are considered as Class I milk under the present order.

"Approved milk" should mean only that skim milk and butterfat contained in milk received at an approved plant directly from approved dairy farmers or diverted from an approved plant to a nonpool plant. Milk transferred to an approved plant from the plant of another handler should not be included in the approved milk definition. When receipts at a shipping plant are from approved dairy farmers and from other sources, the milk is intermingled and it cannot always be ascertained whether the milk being moved is that from approved dairy farmers, from other sources or a mixture of the two.

"Producer milk" should mean approved milk which is received at a pool plant.

"Other source milk" should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except approved milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which is not subject to the pricing provisions of this order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a latter month.

"Chicago butter price" should mean the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92 score) bulk creamery butter at Chicago as reported during the month by the Department.

(b) It has been the practice in the market to classify in Class II skim milk "dumped" at pool plants. Most of such dumping has been by a cooperative association, the principal handler of surplus in the market. During June 1957, when the cooperative handled 570,000 pounds of milk in its plant, 240,000 pounds of skim milk were dumped because no nearby markets were available and it was not economically feasible to move the skim milk the long distances necessary to obtain an outlet.

Since the plants other than the cooperative associations operate only 5 or 6 days a week, the cooperative is required on the other days to handle the milk customarily received elsewhere. It is these irregular shipments that tax the facilities of the cooperative plant, necessitating the dumping of skim milk. Until the producer organization is able to handle the large quantities of skim milk for manufacturing in its own plant or procures a sales outlet for the skim from which it would realize some return, it may be expected that substantial quantities of skim milk will continue to be dumped.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk dumped, with a proviso that the market administrator be notified in advance and be afforded the opportunity to verify the dumping.

(c) One of the formulas used in determining the basic formula price, which is used in calculating the Black Hills order Class I price, is the average of the prices paid for milk received from dairy farmers at specified plants in Wisconsin and Michigan, known as the "Midwestern Condenseries." Of the 15 plants now listed in the order, these (Carnation Company, Berlin, Wisconsin; Carnation Company, Chilton, Wisconsin; and Pet Milk Company, Hudson, Michigan) are no longer in operation. Accordingly, only the 12 plants of the original Midwestern Condensery group now operating are listed in the attached proposed order as the plants whose prices paid to dairy farmers shall be used in determining the basic formula price under the order.

(d) Since production of some producers shipping by bulk tank is picked up at their farms on alternate days, the total number of deliveries from such farms is not more than 16 days in any month. Although the market administrator in computing the daily base of such producers has been considering the number of days on which milk was produced as the number of days of delivery, the order does not now prescribe that this procedure be followed. It was proposed by producers that the wording of the order be revised to provide that for the purpose of calculating the daily base of a producer the number of days of production included in his producer milk deliveries shall be considered the number of days on which milk was received at a pool plant. Since such a change will make unequivocal the intent of the order with respect to determining the daily base of any producer, provision therefor should be made in the order.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Black Hills, South Dakota marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 917.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 917.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 917.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 917.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 917.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 917.6 *Black Hills, South Dakota, marketing area.* "Black Hills, South Dakota, marketing area", hereinafter called the "marketing area", means all of the territory within the boundaries of Custer, Fall River, Lawrence and Pennington Counties, the cities of Belle Fourche and Sturgis, the Ellsworth Air Base, and the Veterans' Administration Hospital at Fort Meade, all in the State of South Dakota, including territory within such boundaries which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions, or establishments.

§ 917.7 *Approved dairy farmer.* "Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at an approved plant, or (b) diverted from an approved plant to a nonpool plant for the account of either the operator of the approved plant or a cooperative association: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 917.8 *Producer.* "Producer" means an approved dairy farmer whose milk is received at a pool plant.

§ 917.9 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 917.10 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 917.12 (a).

§ 917.11 *Approved plant.* "Approved plant" means a pool plant or a distributing plant which is not a pool plant.

§ 917.12 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 20 percent of the Grade A milk re-

ceived at such plant from producers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year.

§ 917.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 917.14 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more distributing or supply plants.

(b) Any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 917.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 917.16 *Approved milk.* "Approved milk" means the skim milk and butterfat contained in milk (a) received at an approved plant directly from approved dairy farmers or (b) diverted from an approved plant to a nonpool plant in accordance with the conditions set forth in § 917.7.

§ 917.17 *Producer milk.* "Producer milk" means aproved milk which is received at a pool plant.

§ 917.18 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of milk, skim milk and cream (except ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 917.19 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) approved milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 917.20 *Base milk.* "Base milk" means milk received at a pool plant from a producer during any of the months of January through June which is not in excess of the amount obtained in multiplying such producer's daily base by the number of days in such month.

§ 917.21 *Excess milk.* "Excess milk" means milk received at a pool plant from a producer during any of the months of January through June which is in excess of the base milk received from such producer during such month.

§ 917.22 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 917.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 917.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 917.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 917.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 917.30 and 917.31, or payments pursuant to §§ 917.62, 917.80, 917.84, 917.86, and 917.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 917.51 (a) and the Class I butterfat differential pursuant to § 917.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 917.51 (b) and the Class II butterfat differential pursuant to § 917.52 (b), both for the preceding month;

(2) The 10th day after the end of the months of July through December, the uniform price pursuant to § 917.72 and the producer butterfat differential pursuant to § 917.81; and

(3) The 10th day after the end of the months of January through June, the uniform price for base milk pursuant to § 917.73 and the butterfat differential pusuant to § 917.81.

REPORTS, RECORDS AND FACILITIES

§ 917.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for such month for each of his approved plants in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of milk from approved dairy farmers and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by approved milk diverted to nonpool plants pursuant to § 917.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(g) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 917.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

(1) His name and address,

(2) The total pounds of milk received from such producer including for the months of January through June, the total pounds of base and excess milk,

(3) The number of days, if less than the entire month, for which milk was received from such producer,

(4) The average butterfat content of such milk, and

(5) The net amount of such handler's payment together with the price paid and the amount and nature of any deductions.

§ 917.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations.

§ 917.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 917.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 917.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 917.41 through 917.46.

§ 917.41 *Classes of utilization.* Subject to the conditions set forth in § 917.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) and (3) of this section), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product, (2) disposed of and used for livestock feed, (3) contained in skim milk dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping, (4) contained in inventory of fluid milk products on hand at the end of the month, (5) in shrinkage allocated to receipts of approved milk (except milk diverted to a nonpool plant pursuant to § 917.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (6) in shrinkage of other source milk.

§ 917.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in approved milk and in other source milk.

§ 917.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 917.44 *Transfers.* Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator pursuant to § 917.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 917.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further,* That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 917.46 (a) (2) and the corresponding step in paragraph (b) thereof: *And provided further,* That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product; and

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 917.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) An equivalent amount of skim milk and butterfat has been used at the nonpool plant during the month in the indicated utilization.

§ 917.43 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each approved plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be in an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 917.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 917.45 the market administrator shall determine the classification of approved milk received at each approved plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to approved milk pursuant to § 917.41 (b) (5);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of another order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products as determined pursuant to § 917.44 (a);

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in approved milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of approved milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 917.50 *Basic formula price.* The basic formula price shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the Department.

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Subtract 6.5 cents from the Chicago butter price for the month and multiply the remainder by 4.2.

(2) From the simple average, as computed by the market administrator of the arithmetical average of the carlot prices per pound of nonfat dry milk solids, spray and roller process for human consumption delivered at Chicago as reported for the month by the Department, subtract 6.5 cents and multiply the remainder by 7.913: *Provided*, That if the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the price of nonfat dry milk solids, spray and roller process for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month.

§ 917.51 *Class prices.* Subject to the provisions of §§ 917.52 and 917.53 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.15.

(b) *Class II milk price.* The Class II milk price shall be the price computed pursuant to § 917.50 (b).

§ 917.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 917.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Add 4.3 cents to the butterfat differential computed pursuant to paragraph (b) of this section for the preceding month.

(b) *Class II price.* Subtract 6.5 cents from the Chicago butter price for the current month and multiply the remainder by 0.120.

§ 917.53 *Location differentials to handlers.* For that milk which is received from approved dairy farmers at an approved plant located 100 miles or more from the Post Offices of each of the cities of Rapid City, Lead, Hot Springs and Custer, South Dakota, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 917.11 (a) shall be reduced by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the Rapid City, Lead, Hot Springs and Custer Post Offices: *Provided*, That for the purpose of calculating the location differentials adjustment applicable pursuant to this section, fluid milk products which are transfered between approved plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 917.46 (a) (4) and the comparable steps in § 917.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 917.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 917.60 *Producer-handler.* Sections 917.40 through 917.46, 917.50 through 917.53, 917.70 through 917.77 and 917.80 through 917.83 shall not apply to a producer-handler.

§ 917.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 917.12 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Black Hills marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 917.30) and allow verification of such reports by the market administrator.

§ 917.62 *Handlers operating nonpool plants.* Unless payment for approved milk at such plant is made pursuant to § 917.80 (b), each handler in his capacity as the operator of a nonpool plant shall, on or before the 10th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund an amount obtained by subtracting from the value, at the Class I price pursuant to § 917.51 (a), of the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, the value of such skim milk and butterfat at the Class II price pursuant to § 917.51 (b).

§ 917.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of April, May and June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through March, the uniform price pursuant to §§ 917.72 and 917.73, adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 917.70 *Computation of value of milk at each approved plant.* The value of approved milk received during each month at each approved plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 917.46 (a) (7) and the corresponding step of § 917.46 (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of approved milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 917.46 (a) (6) and the corresponding step of § 917.46 (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 917.46 (a) (2) and (3) and the corresponding step of § 917.46 (b) by the rate of payment on unpriced milk determined pursuant to § 917.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified.

§ 917.71 *Computation of aggregate value used to determine uniform price.* For each month the market administrator shall compute an aggregate value from which to determine uniform prices per hundredweight for producer milk of 3.5 percent butterfat content, f. o. b. plants located within 100 miles of the Post Offices of Rapid City, Lead, Hot Spring, and Custer, South Dakota, as follows:

(a) Combine into one total the value computed pursuant to § 917.70 for all pool plants for which the reports prescribed in § 917.30 for such month were made, except those in default of payments required pursuant to § 917.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 917.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 917.72 *Computation of uniform price.* For each of the months of July through December, the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 100 miles of the Post Offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota, as follows:

(a) Divide the aggregate value computed pursuant to § 917.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 917.73 *Computation of uniform price for base milk.* For each of the months of January through June, the market administrator shall compute the uniform price per hundredweight for base milk of 3.5 percent butterfat content f. o. b. pool plants located within 100 miles of the Post Offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota, as follows:

(a) From the reports submitted by handlers pursuant to § 917.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 917.71 and the total hundredweight of such milk which is base milk and which is excess milk;

(b) Subtract from the aggregate value computed pursuant to § 917.71 the amount obtained by multiplying the hundredweight of such excess milk by the price for Class II milk of 3.5 percent butterfat content;

(c) Divide the remainder by the hundredweight of base milk; and

(d) Subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 917.74 *Notification of handlers.* On or before the 9th day of each month the market administrator shall notify each handler with respect to each of his pool plants:

(a) The amount and value of milk in each class computed pursuant to §§ 917.46 and 917.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 917.72 or § 917.73, whichever is applicable;

(c) The amount due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 917.80 and 917.84; and

(e) The amount to be paid by such handler pursuant to § 917.88.

DETERMINATION OF BASE

§ 917.75 *Daily base.* The daily base for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of July through December immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the daily base of a producer pursuant to this section, the number of days of production included in his producer milk deliveries shall be the number of days on which milk is received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of July through December or if milk is received on less than 120 days during such months, the daily base of such producer shall be calculated for each of the months of January through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and multiplying the quotient by the following percentages: January and February, 60; March and April, 50; and May and June, 40; *And provided further*, That any producer for whom a daily base has been established pursuant to this section based on deliveries of 120 days or more during the preceding months of July through December may, in lieu thereof, by notifying the market administrator prior to January 31, be accorded a daily base calculated pursuant to the immediately preceding proviso of this section.

§ 917.76 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing prior to the last day of the month in which such base is to be transferred to the person named in such notice and only under the following conditions:

(1) In the event of the death, retirement, or entry into the military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operation.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

§ 917.77 *Announcement of established bases.* The market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by the producer.

PAYMENT FOR MILK

§ 917.80 *Time and method of payment.* On or before the 12th day after the end of each month during which milk is received, each handler shall make payment as follows:

(a) To each producer for milk received from him at a pool plant and for which payment is not made to a cooperative association pursuant to paragraph (c) of this section at not less than the following prices subject to the butterfat differentials computed pursuant to § 917.81:

(1) For all milk that is not excess milk, the uniform price pursuant to §§ 917.72 and 917.73, less location differential deductions pursuant to § 917.82; and

(2) For excess milk, the price for Class II milk of 3.5 percent butterfat content.

(b) To each approved dairy farmer for milk received from him at an approved plant which is a nonpool plant and for which payment is not made to a cooperative association pursuant to paragraph (c) of this section, at not less than the price per hundredweight, adjusted by

the butterfat differential pursuant to § 917.81, obtained by dividing the value of approved milk at such plant computed pursuant by § 917.70 by the hundredweight of approved milk at such plant: *Provided*, That if the total amount paid to such approved dairy farmers is less than that prescribed by this paragraph, payment of the difference shall be made to the producer-settlement fund: *And provided further*, That this paragraph shall not be applicable to approved milk received at an approved plant which is a nonpool plant in any month for which the handler operating such plant makes payment to the producer-settlement fund pursuant to § 917.62 on Class I milk disposed of in the marketing area from such plant.

(c) To a cooperative association for approved milk which it caused to be delivered to such handler if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such approved milk.

§ 917.81 *Butterfat differentials to producers.* The price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate, rounded to the nearest cent, of 0.120 times the Chicago butter price.

§ 917.82 *Location differentials to producers.* The uniform price to be paid producers for milk received at a pool plant located 100 miles or more from the post offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the post offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota.

§ 917.83 *Producer-settlement fund.* The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 917.62, 917.80, 917.84, 917.85, and 917.86: Provided, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 917.84 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 917.80 of such handler to producers for milk received at a pool plant during the month is less than the value of such producer milk pursuant to § 917.70.

§ 917.85 *Payments out of the producer-settlement fund.* On or before the 10th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 917.80, of such handler to producers for milk received at a pool plant during the month exceeds the value of such producer milk pursuant to § 917.70.

§ 917.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 917.84 and 917.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall within 5 days, make such payment to such handler.

§ 917.87 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any approved dairy farmer or cooperative association, discloses payment of less than is required by § 917.80 the handler shall make up such payment to the approved dairy farmer or cooperative association not later than the time of making payments next following such disclosure.

§ 917.88 *Expense of administration.* As his pro rata share of the expenses of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to butterfat, and skim milk contained in (a) producer milk received at a pool plant, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 917.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant.

§ 917.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 917.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 917.91.

§ 917.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 917.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 917.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 917.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 917.95 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 3rd day of December, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator.

[F. R. Doc. 57-10120; Filed, Dec. 5, 1957; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

INDUSTRIES OF A SEASONAL NATURE

NOTICE OF PROPOSED AMENDMENT OF DETERMINATION THAT PACKING, HANDLING, PREPARING IN THEIR RAW OR NATURAL STATE OF FRESH FRUITS AND VEGETABLES IS PART OF AN INDUSTRY OF A SEASONAL NATURE

On August 24, 1940 (5 F. R. 3167), the Administrator of the Wage and Hour Division issued a determination that the packing, handling, and preparing in their raw or natural state of perishable or seasonal fresh fruits and vegetables is a part of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063, as amended; 29 U. S. C. 207 (b) (3)).

It has been the Administrator's position that this determination applies to the packing, handling, and preparing of perishable or seasonal fresh fruits and vegetables when associated with the assembling of these commodities. The determination thus applies to the packing, handling, and preparing of fresh fruits and vegetables at packing houses; to handling and preparing preceding the entry of fresh fruits and vegetables into packing houses and processing plants and, with respect to farm-packed produce, to handling and preparing at the packing houses and at shipping sheds or platforms which, except for packing the commodities, perform the same function in assembling the fruits and vegetables as packing houses. The determination has not been considered applicable to essentially distributive functions, including the repacking of fresh fruits and vegetables.

In order to avoid any misunderstanding as to the scope of the determination of August 24, 1940, it should be amended to more clearly express the Administrator's longstanding interpretation. Accordingly, notice is hereby given that pursuant to the authority provided in section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063, as amended; 29 U. S. C. 207 (b) (3)), Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165), General Order No. 45-A (15 F. R. 3290), General Order No. 85-A (22 F. R. 7614), and § 526.5 (b) of Title 29, Code of Federal Regulations, the Administrator proposes to amend paragraph 3 of the determination of August 24, 1940 (5 F. R. 3167) by adding at the end thereof the following:

As used in this determination packing, handling, and preparing in their raw or natural state of perishable or seasonal fresh fruits and vegetables means these operations when associated with the assembling of these commodities, including packing, handling, and preparing at packing houses, handling, and preparing preceding the entry of the commodities into packing houses and processing plants, and handling and preparing of farm-packed produce at packing houses and at shipping sheds or platforms which, except for packing the commodities, perform the same function as packing houses. The operations of packing, handling, and preparing are not included in the determination when they are performed as essentially distributive functions. The term "distributive functions" includes wholesaling, repacking and in-transit handling after the commodities have left the packing houses and shipping sheds or platforms referred to above.

Prior to final adoption of this proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Acting Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., on or before the 20th day of December 1957.

Signed at Washington, D. C., this 2nd day of December 1957.

[SEAL] CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-10088; Filed, Dec. 5, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 47]

NEW MEXICO

SMALL TRACT CLASSIFICATION

NOVEMBER 27, 1957.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 800 acres in San Juan County, New Mexico as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 13 W.,
Sec. 26, All;
Sec. 34, N½NE¼;
Sec. 35, W½NW¼.

2. Classification of the above described lands by this order segregates them from all forms of appropriation, including location under the mining laws, except application under the mineral leasing laws.

3. The lands are located one mile north of the City of Farmington and are accessible by primitive roads. The topography is moderately rolling and undulating to extremely rough and hilly. Several large arroyas traverse the area. The soils are predominantly sandy loam and contain considerable rock. The sandstone is exposed over large areas. Vegetation consists chiefly of scrub pinon, juniper trees, brush, and some galleta grass. The climate is mild and semi-arid, the annual precipitation is 9 inches, and the average yearly temperature is 52°. The elevation is approximately 5600'. Utilities may be provided from the City of Farmington, or if not, the purchasers will have to provide utilities for themselves. Business, educational, religious and recreational facilities are available in the City of Farmington, New Mexico.

4. Each of the tracts, numbered 1 through 322 for reference purposes only, contain 2.5 acres, more or less. The fair market value of the tracts, the reference number, and legal description are shown below. The tracts will be subject to all rights-of-way of record, and an additional floating right-of-way 33' in width will be reserved from each tract. The floating right-of-way is to be located by the purchaser of the tract as feasible to provide for roads, utility lines, etc. These floating rights-of-way are necessary as the lands are rough and rights-of-way could not always follow along the outer boundaries of the tracts. All minerals will be reserved by the United States.

T. 30 N., R. 13 W., N. M. P. M., Sec. 26

Tract No.	Legal description	Purchase price
1	NE¼NE¼NE¼NE¼	$375
2	SE¼NE¼NE¼NE¼	375
3	NE¼SE¼NE¼NE¼	375
4	SE¼SE¼NE¼NE¼	375
5	NE¼NE¼SE¼NE¼	375
6	SE¼NE¼SE¼NE¼	375
7	NE¼SE¼SE¼NE¼	375
8	SE¼SE¼SE¼NE¼	375
9	NE¼NE¼NE¼SE¼	375
10	SE¼NE¼NE¼SE¼	375
11	NE¼SE¼NE¼SE¼	375
12	SE¼SE¼NE¼SE¼	375
13	NE¼NE¼SE¼SE¼	375
14	SE¼NE¼SE¼SE¼	375
15	NE¼SE¼SE¼SE¼	375
16	SE¼SE¼SE¼SE¼	375
19	SW¼NE¼SE¼SE¼	375
22	NW¼SE¼NE¼SE¼	375
23	SW¼NE¼NE¼SE¼	375
24	NW¼NE¼NE¼SE¼	375
25	SW¼SE¼SE¼NE¼	375
27	SW¼NE¼SE¼NE¼	375
29	SW¼SE¼NE¼NE¼	375
30	NW¼SE¼NE¼NE¼	375
31	SW¼NE¼NE¼NE¼	375
32	NW¼NE¼NE¼NE¼	375
33	NE¼NW¼NE¼NE¼	375
34	SE¼NW¼NE¼NE¼	375
35	NE¼SW¼NE¼NE¼	375
36	SE¼SW¼NE¼NE¼	375
37	NE¼NW¼SE¼NE¼	375
38	SE¼NW¼SE¼NE¼	375
39	NE¼SW¼SE¼NE¼	375
40	SE¼SW¼SE¼NE¼	375
41	NE¼NW¼NE¼SE¼	375
42	SE¼NW¼NE¼SE¼	375
43	NE¼SW¼NE¼SE¼	375
44	SE¼SW¼NE¼SE¼	375
45	NE¼NW¼SE¼SE¼	375
46	SE¼NW¼SE¼SE¼	375
47	NE¼SW¼SE¼SE¼	375
48	SE¼SW¼SE¼SE¼	375
52	NW¼NW¼SE¼SE¼	375
53	SW¼SW¼NE¼SE¼	375
54	NW¼SW¼NE¼SE¼	375
106	SE¼NW¼NW¼SE¼	375
56	NW¼NW¼NE¼SE¼	375
60	NW¼NW¼SE¼NE¼	375
61	SW¼SW¼NE¼NE¼	375
62	NW¼SW¼NE¼NE¼	375
63	SW¼NW¼NE¼NE¼	375
64	NW¼NW¼NE¼NE¼	375
65	NE¼NE¼NW¼NE¼	375
73	NE¼NE¼NW¼SE¼	375
74	SE¼NE¼NW¼SE¼	375
75	NE¼SE¼NW¼SE¼	375
76	SE¼SE¼NW¼SE¼	375
81	SW¼SE¼SW¼SE¼	500
82	NW¼SE¼SW¼SE¼	500
83	SW¼NE¼SW¼SE¼	500
84	NW¼NE¼SW¼SE¼	500
85	SW¼SE¼NW¼SE¼	375
86	NW¼SE¼NW¼SE¼	375
87	SW¼NE¼NW¼SE¼	375
88	NW¼NE¼NW¼SE¼	375
89	SW¼SE¼SW¼NE¼	375
90	NW¼SE¼SW¼NE¼	375
50	NW¼SW¼SE¼SE¼	375
91	SW¼NE¼SW¼NE¼	375
92	NW¼NE¼SW¼NE¼	375
93	SW¼SE¼NW¼NE¼	375
94	NW¼SE¼NW¼NE¼	375
95	SW¼NE¼NW¼NE¼	375
96	NW¼NE¼NW¼NE¼	375
97	NE¼NW¼NW¼NE¼	375
99	NE¼SW¼NW¼NE¼	375
104	SE¼SW¼SW¼NE¼	375
108	SE¼SW¼NW¼SE¼	375
109	NE¼NW¼SW¼SE¼	375
110	SE¼NW¼SW¼SE¼	500
114	NW¼SW¼SW¼SE¼	500
115	SW¼NW¼SW¼SE¼	500
116	NW¼NW¼SW¼SE¼	500
117	SW¼SW¼NW¼SE¼	375
118	NW¼SW¼NW¼SE¼	375
119	SW¼NW¼NW¼SE¼	375
120	NW¼NW¼NW¼SE¼	375
121	SW¼SW¼SW¼NE¼	375
122	NW¼SW¼SW¼NE¼	375
123	SW¼NW¼SW¼NE¼	375
124	NW¼NW¼SW¼NE¼	375
125	SW¼SW¼NW¼NE¼	375
126	NW¼SW¼NW¼NE¼	375
127	SW¼NW¼NW¼NE¼	375
128	NW¼NW¼NW¼NE¼	375
129	NE¼NE¼NE¼NW¼	375
130	SE¼NE¼NE¼NW¼	375
131	NE¼SE¼NE¼NW¼	375
132	SE¼SE¼NE¼NW¼	375
133	NE¼NE¼SE¼NW¼	375
134	SE¼NE¼SE¼NW¼	375
135	NE¼SE¼SE¼NW¼	375
136	SE¼SE¼SE¼NW¼	375
137	NE¼NE¼NE¼SW¼	375
138	SE¼NE¼NE¼SW¼	375
139	NE¼SE¼NE¼SW¼	375
140	SE¼SE¼NE¼SW¼	375
141	NE¼NE¼SE¼SW¼	375
142	SE¼NE¼SE¼SW¼	375

T. 30 N., R. 13 W., N. M. P. M., Sec. 26—Con.

Tract No.	Legal description	Purchase price
144	SE¼SE¼SE¼SW¼	$500
148	NW¼NE¼SE¼SW¼	375
149	SW¼SE¼NE¼SW¼	375
154	NW¼SE¼SE¼NW¼	375
155	SW¼NE¼SE¼NW¼	375
28	NW¼NE¼SE¼NE¼	375
157	SW¼SE¼NE¼NW¼	375
158	NW¼SE¼NE¼NW¼	375
160	NW¼NE¼NE¼NW¼	375
161	NE¼NW¼NE¼NW¼	375
162	SE¼NW¼NE¼NW¼	375
163	NE¼SW¼NE¼NW¼	375
164	SE¼SW¼NE¼NW¼	375
165	NE¼NW¼SE¼NW¼	375
166	SE¼NW¼SE¼NW¼	375
167	NE¼SW¼SE¼NW¼	375
168	SE¼SW¼SE¼NW¼	375
169	NE¼NW¼NE¼SW¼	375
170	SE¼NW¼NE¼SW¼	375
171	NE¼SW¼NE¼SW¼	375
172	SE¼SW¼NE¼SW¼	375
173	NE¼NW¼SE¼SW¼	375
174	SE¼NW¼SE¼SW¼	375
175	NE¼SW¼SE¼SW¼	500
176	SE¼SW¼SE¼SW¼	500
181	SW¼SW¼NE¼SW¼	375
187	SW¼NW¼SE¼SW¼	375
191	SW¼NW¼NE¼NW¼	375
192	NW¼NW¼NE¼NW¼	375
193	NE¼NE¼NW¼NW¼	375
194	SE¼NE¼NW¼NW¼	375
195	NE¼SE¼NW¼NW¼	375
196	SE¼SE¼NW¼NW¼	375
197	NE¼NE¼SW¼NW¼	375
198	SE¼NE¼SW¼NW¼	375
199	NE¼SE¼SW¼NW¼	375
200	SE¼SE¼SW¼NW¼	375
201	NE¼NE¼NW¼SW¼	375
202	SE¼NE¼NW¼SW¼	375
203	NE¼SE¼NW¼SW¼	375
205	NE¼NE¼SW¼SW¼	500
206	SE¼NE¼SW¼SW¼	500
207	NE¼SE¼SW¼SW¼	500
208	SE¼SE¼SW¼SW¼	500
210	NW¼SE¼SW¼SW¼	500
221	SW¼SE¼SW¼SW¼	375
222	NW¼SE¼NW¼NW¼	375
223	SW¼NE¼NW¼NW¼	375
224	NW¼NE¼NW¼NW¼	375
225	NE¼NW¼NW¼NW¼	375
226	SE¼NW¼NW¼NW¼	375
227	NE¼SW¼NW¼NW¼	375
228	SE¼SW¼NW¼NW¼	375
229	NE¼NW¼SW¼NW¼	375
231	NE¼SW¼SW¼NW¼	375
232	SE¼SW¼SW¼NW¼	375
233	NE¼NW¼NW¼SW¼	375
234	SE¼NW¼NW¼SW¼	375
241	SW¼SW¼SW¼SW¼	500
242	NW¼SW¼SW¼SW¼	500
243	SW¼NW¼SW¼SW¼	500
244	NW¼NW¼SW¼SW¼	500
245	SW¼SW¼NW¼SW¼	375
246	NW¼SW¼NW¼SW¼	375
247	SW¼NW¼NW¼SW¼	375
248	NW¼NW¼NW¼SW¼	375
249	SW¼SW¼SW¼NW¼	375
250	NW¼SW¼SW¼NW¼	375
251	SW¼NW¼SW¼NW¼	375
252	NW¼NW¼SW¼NW¼	375
253	SW¼SW¼NW¼NW¼	375
254	NW¼SW¼NW¼NW¼	375
255	SW¼NW¼NW¼NW¼	375
256	NW¼NW¼NW¼NW¼	375

T. 30 N., R. 13 W., N. M. P. M., Sec. 34

257	NE¼NE¼NE¼NE¼	$500
258	SE¼NE¼NE¼NE¼	500
259	NE¼SE¼NE¼NE¼	500
260	SE¼SE¼NE¼NE¼	500
270	SW¼SW¼NE¼NE¼	500
271	NW¼SW¼NE¼NE¼	500
272	SW¼NW¼NE¼NE¼	500
273	NW¼NW¼NE¼NE¼	500
278	SW¼SE¼NW¼NE¼	500
279	NW¼SE¼NW¼NE¼	500
280	SW¼NE¼NW¼NE¼	500
281	NW¼NE¼NW¼NE¼	500
287	SW¼SW¼NW¼NE¼	500
288	NW¼SW¼NW¼NE¼	500
289	SW¼NW¼NW¼NE¼	500
290	NW¼NW¼NW¼NE¼	500

T. 30 N., R. 13 W., N. M. P. M., Sec. 35

291	NE¼NE¼NW¼NW¼	$500
292	SE¼NE¼NW¼NW¼	500
293	NE¼SE¼NW¼NW¼	500
294	SE¼SE¼NW¼NW¼	500
295	NE¼NE¼SW¼NW¼	500
296	SE¼NE¼SW¼NW¼	500
297	NE¼SE¼SW¼NW¼	500
298	SE¼SE¼SW¼NW¼	500

T. 30 N., R. 13 W., N. M. P. M., Sec. 35—Con.

Tract No.	Legal description	Purchase price
307	NE¼NW¼NW¼NW¼	$500
308	SE¼NW¼NW¼NW¼	500
309	NE¼SW¼NW¼NW¼	500
310	SE¼SW¼NW¼NW¼	500
311	NE¼NW¼SW¼NW¼	500
312	SE¼NW¼SW¼NW¼	500
313	NE¼SW¼SW¼NW¼	500
314	SE¼SW¼SW¼NW¼	500

The following described tracts are under application from individuals having statutory preference under 43 CFR 257.5 (a):

T. 30 N., R. 13 W., N. M. P. M., Sec. 26

Tract No.	Legal description	Purchase price
236	SE¼SW¼NW¼SW¼	$375
235	NE¼SW¼NW¼SW¼	375
237	NE¼NW¼SW¼SW¼	500
238	SE¼NW¼SW¼SW¼	500
239	NE¼SW¼SW¼SW¼	500
240	SE¼SW¼SW¼SW¼	500
180	NW¼NW¼SE¼SW¼	375
230	SE¼NW¼SW¼NW¼	375
215	SW¼NE¼NW¼SW¼	375
237	NE¼NW¼SW¼SW¼	500
20	NW¼NE¼SE¼SE¼	375
57	SW¼SW¼SE¼NE¼	375
59	SW¼NW¼SE¼NE¼	375
58	NW¼SW¼SE¼NE¼	375
184	NW¼NW¼NE¼SW¼	375
182	NW¼SW¼NE¼SW¼	375
218	NW¼SE¼SW¼NW¼	375
216	NW¼NE¼NW¼SW¼	375
151	SW¼NE¼NE¼SW¼	375
143	NE¼SE¼SE¼SW¼	500
150	NW¼SE¼NE¼SW¼	375
183	SW¼SE¼SW¼SW¼	375
178	NW¼SW¼SE¼SW¼	500
217	SW¼SE¼SW¼NW¼	375
66	SE¼NE¼NW¼NE¼	375
212	NW¼NE¼SW¼SW¼	500
153	SW¼SE¼SE¼NW¼	375
69	NE¼NE¼SW¼NE¼	375
111	NE¼SW¼SW¼SE¼	500
55	SW¼NW¼NE¼SE¼	375
185	SW¼SW¼SE¼NW¼	375
214	NW¼SE¼NW¼SW¼	375
105	NE¼NW¼NW¼SE¼	375
72	SE¼SE¼SW¼NE¼	375
152	NW¼NE¼NE¼SW¼	375
70	SE¼NE¼SW¼NE¼	375
71	NE¼SE¼SW¼NE¼	375
26	NW¼SE¼SE¼NE¼	375
100	SE¼SW¼NW¼NE¼	375
156	NW¼NE¼SE¼NW¼	375
98	SE¼NW¼NW¼NE¼	375
159	SW¼NE¼NE¼NW¼	375
177	SW¼SW¼SE¼SW¼	500
80	SE¼SE¼SW¼SE¼	500
49	SW¼SW¼SE¼SE¼	375
17	SW¼SE¼SE¼SE¼	375
145	SW¼SE¼SE¼SW¼	500
78	SE¼NE¼SW¼SE¼	500
77	NE¼NE¼SW¼SE¼	500
211	SW¼NE¼SW¼SW¼	500
209	SW¼SE¼SW¼SW¼	500
79	NE¼SE¼SW¼SE¼	500
179	SW¼NW¼SE¼SW¼	375
146	NW¼SE¼SE¼SW¼	500
102	SE¼NW¼SW¼NE¼	375
68	SE¼SE¼NW¼NE¼	375
51	SW¼NW¼SE¼SE¼	375
147	SW¼NE¼SE¼SW¼	375
101	NE¼NW¼SW¼NE¼	375
67	NE¼SE¼NW¼NE¼	375
18	NW¼SE¼SE¼SE¼	375
103	NE¼SW¼SW¼NE¼	375
186	NW¼SW¼SE¼NW¼	375
219	SW¼NE¼SW¼NW¼	375
188	NW¼NW¼SE¼NW¼	375
190	NW¼SW¼NE¼NW¼	375
220	NW¼NE¼SW¼NW¼	375
107	NE¼SW¼NW¼SE¼	375
189	SW¼SW¼NE¼NW¼	375
21	SW¼SE¼NE¼SE¼	375
213	SW¼SE¼NW¼SW¼	375
204	SE¼SE¼NW¼SW¼	375

T. 30 N., R. 13 W., N. M. P. M., Sec. 34

283	NE¼NW¼NW¼NE¼	$500
284	SE¼NW¼NW¼NE¼	500
285	NE¼SW¼NW¼NE¼	500
286	SE¼SW¼NW¼NE¼	500
274	NE¼NE¼NW¼NE¼	500
275	SE¼NE¼NW¼NE¼	500
276	NE¼SE¼NW¼NE¼	500
277	SE¼SE¼NW¼NE¼	500
265	NE¼NW¼NE¼NE¼	500

T. 30 N., R. 13 W., N. M. P. M., Sec. 34—Con.

Tract No.	Legal description	Purchase price
266	SE¼NW¼NE¼NE¼	$500
267	NE¼SW¼NE¼NE¼	500
268	SE¼SW¼NE¼NE¼	500
264	NW¼NE¼NE¼NE¼	500
263	SW¼NE¼NE¼NE¼	500
262	NW¼SE¼NE¼NE¼	500
261	SW¼SE¼NE¼NE¼	500

T. 30 N., R. 13 W., N. M. P. M., Sec. 35

304	NW¼SE¼NW¼NW¼	$500
306	NW¼NE¼NW¼NW¼	500
317	SW¼NW¼SW¼NW¼	500
302	NW¼NE¼SW¼NW¼	500
315	SW¼SW¼SW¼NW¼	500
298	SW¼SE¼SW¼NW¼	500
300	NW¼SE¼SW¼NW¼	500
305	SW¼NE¼NW¼NW¼	500
303	SW¼SE¼NW¼NW¼	500
316	NW¼SW¼SW¼NW¼	500
318	NW¼NW¼SW¼NW¼	500
319	SW¼SW¼NW¼NW¼	500
301	SW¼NE¼SW¼NW¼	500
321	SW¼NW¼NW¼NW¼	500
320	NW¼SW¼NW¼NW¼	500
322	NW¼NW¼NW¼NW¼	500

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above described tracts, except as to those for which statutory preference claimants exercise their rights, will be sold at public auction at a public sale to be held at the City Hall in the Public Meeting Room, Farmington, New Mexico, at 10:30 a. m., March 18 through March 20, 1958. Bids may be made personally by the applicant or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Santa Fe Land Office prior to 3:00 p. m. March 14, 1958 and at the Farmington District Grazing Office prior to 10:00 a. m. March 18, 1958. No bid will be accepted if it is less than the appraised value of the tract. See paragraph 4 for appraised values.

7. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Classification No. 47, (c) the land description of the tract for which the bid is made, described in accordance with paragraph 4 of this order, (d) whether the bidder is entitled to veterans' preference in accordance with paragraph 8 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope but payment need only accompany the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) "Classification No. 47," (b) Veterans' Preference, if the bidder is entitled to veterans' preference in accordance with paragraph 8, and (c) the description of the tract for which the bid is made, described in accordance with paragraph 4 of this order.

8. All valid applications filed in Section 34 prior to August 30, 1956 and valid applications filed in Sections 26 and 35 filed prior to October 23, 1956, will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each tract will be awarded to the highest bidder among persons entitled to veterans' preference, and if there be none, to the highest bidder among nonpreference bidders. No person will be awarded more than one tract. Persons entitled to veterans' preference, in brief, are (a) honorably discharged veterans who served at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or to the surviving spouse or minor children of veterans killed in the line of duty. Successful bidders among preference claimants will be called upon for proof of the military service upon which their claim is based.

9. All inquiries concerning these lands shall be addressed to the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 57-10056; Filed, Dec. 5, 1957; 8:45 a. m.]

NEW MEXICO GRAZING DISTRICT NO. 7

RULES FOR ADMINISTRATION, AMENDMENT

NOVEMBER 26, 1957.

By virtue of the authority vested in me by section 2 of the act of June 28, 1934 (48 Stat. 1270, 43 U. S. C. 315a), delegated to me by Departmental Order No. 2583 of August 16, 1950 (15 F. R. 5643, as amended, and to the provisions of § 161.16 of the Federal Range Code for Grazing Districts, 1956 Rev. (43 CFR 161.16), the Rules for the Administration of New Mexico Grazing District No. 7, approved September 3, 1949 (14 F. R. 5575), as amended April 15, 1954 (19 F. R. 2378), are amended as to paragraph (d) as follows:

(d) Free use grazing privileges may be accorded to any resident Indian applicant in the district to the extent of 100 sheep units, or an equivalent in other classes of livestock: *Provided*, That no free use grazing privileges will be authorized to any person who may be indebted to the United States by reason of delinquent grazing fees or trespass charges for unauthorized grazing use: *Provided, further*, That in the issuance of free use grazing privileges any applicant having less than 100 sheep units shall henceforth be limited to the number of sheep units or their equivalent for which a license was issued, or for which an applicant may have been qualified for the period July 1, 1954 to June 30, 1955, except that increases may be allowed by the District Range Manager whenever additional range or grazing privileges are available for such allocation.

EDWARD WOOZLEY,
Director.

I concur: December 2, 1957.

GLENN L. EMMONS,
Commissioner,
Bureau of Indian Affairs.

[F. R. Doc. 57-10114; Filed, Dec. 5, 1957; 8:49 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 27, 1957.

The Bureau of Reclamation, United States Department of the Interior has filed an application, Serial No. Oregon 05771, for the withdrawal of lands described below, subject to valid existing rights, from all forms of appropriation, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), except the grazing administration of the lands in Townships 16 and 17 South, Range 17 East, Willamette Meridian, will remain under the Bureau of Land Management until January 1, 1959.

The applicant desires the land for use in connection with the construction of the Prineville Dam on the Crooked River in central Oregon, and development of the reservoir area in the Crooked River Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 17 S., R. 16 E.
Sec. 10: NE¼NE¼, S½NE¼, NE¼SE¼;
Sec. 11: NW¼NE¼, N½NW¼;
Sec. 24: NE¼SE¼.

T. 16 S., R. 17 E.,
Sec. 24: NE¼NW¼;
Sec. 31: SW¼NE¼, SE¼NW¼, NE¼SE¼;
Sec. 34: SW¼NE¼.

T. 17 S., R. 17 E.,
Sec. 9: NE¼NE¼.

Approximately 560 Acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 57-10086; Filed, Dec. 5, 1957; 8:45 a. m.]

Bureau of Reclamation

[No. 64]

HEART MOUNTAIN DIVISION, SHOSHONE PROJECT, WYOMING

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

NOVEMBER 15, 1957.

1. *Water rental.* (a) The minimum water rental charge for lands of the Heart Mountain Division for the irrigation season of 1958 and thereafter, until further notice, will be $2.75 per irrigable acre, whether water is used or not, except that such minimum charge need not be paid in any year for any acreage which the Chief, Shoshone Field Division, certifies is temporarily nonirrigable during the year due to seepage or land subsidence. Payment of such minimum charge will entitle each water user to such amount of water per acre as may beneficially be used by him, such amounts being based on water-holding capacity soil groups and topography. Determination of the total amount of water allowable under the minimum charge payment will be made by the Chief, Shoshone Field Division, whose decision will be final, in accordance with tables of water requirements for particular soil and topographic land factors. Such tables will be compiled by the Bureau of Reclamation and will be on file and available for inspection at the office of the Chief, Shoshone Field Division. Water in addition to the determined requirements, if available, will be furnished during each irrigation season at the rate of $1.25 per acre-foot for the first acre-foot of water per acre, and for $1.50 per acre-foot for the second and succeeding acre-foot of water per acre.

(b) Upon approval of the Chief, Shoshone Field Division, water may be furnished for classes 5 and 6 lands. The determination of the total amount of water allowable, the minimum charge, and rates for additional water, will be in accordance with paragraph 1 (a) of this notice.

2. *Time of payment.* The minimum charge for water to be delivered for each irrigation season will be due and payable on March 31 preceding that season. Charges for water delivered in excess of the minimum for each irrigation season will be due and payable by the following January 1. No water will be delivered to a water user until all charges have been paid in full.

3. *Discounts and penalties.* If payment of the minimum charge and the charge for additional water furnished under this notice is made on or before January 1 of the year in which due, a discount of 5 percent of such charges will be allowed. To any payment of the charges which is made on and after April 1 of the year in which such payment is due, there shall be added a penalty of one-half of one percent of the unpaid amount for each month or fraction thereof after March 31, so long as such default shall continue, and no water will be delivered until all charges and penalties have been paid in full.

4. *Place of payment.* All charges will be paid at the office of the Bureau of Reclamation, P. O. Box 822, Powell, Wyoming.

5. *Public Notices Nos. 53, 55, and 58 supplemented.* This notice supplements subparagraphs 5a (1) and (2) of Public Notices Nos. 53, 55, and subparagraph 24 (b) of Public Notice No. 58, Shoshone Project, Wyoming.

F. M. CLINTON,
Regional Director.

[F. R. Doc. 57-10087; Filed, Dec. 5, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS, OGDEN, UTAH

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 10, 1957 (16 A. D. 502), continuing in effect to and including December 19, 1957, an order issued on June 9, 1955 (14 A. D. 446), as modified by orders issued on April 9, 1956 (15 A. D. 381), and December 20, 1956 (15 A. D. 1306). The order of June 9, 1955, as continued in effect by the order of June 10, 1957, was further modified by an order issued on November 7, 1957. Under these orders the respondents, Market Agencies at the Union Stock Yards, Ogden, Utah, are authorized to assess the current rates and charges.

On October 30, 1957, documents were filed on behalf of the respondents, except J. E. Manning, owner of the Ogden Livestock Auction Company, requesting that the current rates and charges be modified in the following respects:

1. Amend Article II, "Selling Commissions," of the current schedule as indicated below:

	Per head
Cattle	$1.35
Calves	.85
Bulls (over 600 lbs.)	Delete
• • • • •	
Springers, T. B. or Bangs Reactors, suspects	Delete
• • • • •	

Sheep—consignments of 179 head and less:

	Per head
First 20 head	$0.50
Next 30 head	.34
Next 129 head	.12

Consignments of 180 head and over a flat rate of $0.20 per head will be assessed on the entire consignment.

• • • • •

2. Delete section A, "Extra Draft Charge", from Article III of the current schedule.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 2d day of December 1957.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-10123; Filed, Dec. 5, 1957; 8:51 a. m.]

Office of the Secretary

MISSISSIPPI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Pennsylvania a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Calhoun.	Leake.
Chickasaw.	Montgomery.
Choctaw.	Panola.
Clay.	Simpson.
De Soto.	Sunflower.
Grenada.	Tallahatchie.
Hinds.	Tate.
Humphreys.	Washington.
Itawamba.	Webster.
Lafayette.	Yalobusha.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 3d day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10124; Filed, Dec. 5, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED STATES LINES CO.

NOTICE OF APPLICATION

Notice is hereby given that United States Lines Company has on file with the Federal Maritime Board an application to increase, effective January 1, 1957, subsidized sailings from a maximum of 37 to a maximum of 42 sailings on Trade Route No. 11 service described in F. R. Doc. 56-3278, appearing in the FEDERAL REGISTER issue of April 27, 1956 (21 F. R. 2730).

Parties having an interest in such application may file with the Secretary, Federal Maritime Board, any objections thereto, within five (5) days from the date of this publication.

Subsequent to the expiration of the above period, the Federal Maritime Board will take such action with respect to the application and any objections thereto, as may be deemed appropriate.

Dated: December 3, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-10115; Filed, Dec. 5, 1957; 8:49 a. m.]

Maritime Administration

TRADE ROUTE 11—U. S. SOUTH ATLANTIC AND UNITED KINGDOM, EUROPE NORTH OF PORTUGAL

NOTICE OF CLARIFICATION

Notice is hereby given that the Maritime Administrator has determined that the term "approximately 2 to 3 per month" appearing under United States flag service requirements on Trade Route No. 11 as published in the FEDERAL REGISTER issues of April 27, and May 24, 1956, needs clarification and accordingly is hereby amended to read "approximately 3 per month."

Dated: December 3, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-10116; Filed, Dec. 5, 1957; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8727]

BLATZ AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Blatz Airlines, Inc., Enforcement Proceeding.

Notice is given herewith, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding heretofore assigned to be held on December 3, 1957, is hereby reassigned to be held on January 15, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., December 2, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10117; Filed, Dec. 5, 1957; 8:49 a. m.]

[Docket No. SR-2253]

ORVILLE J. FEROE

NOTICE OF POSTPONMENT OF ORAL ARGUMENT

In the matter of James T. Pyle, Administrator of Civil Aeronautics, complainant v. Orville J. Feroe, respondent; Docket No. SR-2253.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned to be held on December 10 is postponed to December 18, 1957; 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 3, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10118; Filed, Dec. 5, 1957; 8:50 a. m.]

[Docket No. 9088]

RESORT AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of an application by Resort Airlines, Inc. for approval of the purchase of one DC-4 aircraft or the alternative for the Disclaimer of Jurisdiction over such aircraft.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on December 9, 1957, at 2:00 p. m., e. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., December 3, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10119; Filed, Dec. 5, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-7]

ISOTOPE SPECIALTIES CO.

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICES

Please take notice that an application for a license to provide radioactive waste disposal services has been filed by Isotope Specialties Company, 170 West Providencia, Burbank, California.

The application specifies a maximum possession limit of 100 curies total of Byproduct Material with atomic numbers from 3 to 83 and Source Material. The radioactive material will be buried at sea at minimum depths of 1,000 fathoms.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 26th day of November 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director, Division of Civilian Application.

[F. R. Doc. 57-10112; Filed, Dec. 5, 1957; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11934; FCC 57-1296]

TEXAS TECHNOLOGICAL COLLEGE

ORDER REOPENING RECORD FOR FURTHER HEARING ON STATED ISSUES

In re application of Texas Technological College, Lubbock, Texas, Docket No. 11934, File No. BPCT-2183; for construction permit for a new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of November 1957;

The Commission having under consideration the Initial Decision herein of Examiner Millard F. French, released September 17, 1957, which proposes to grant the above-entitled application and the matters of record in this proceeding involving the application of Texas Technological College for a construction permit for a new television broadcast station to operate on Channel 5 at Lubbock, Texas, including, (1) the extent of the legal authority of applicant to operate a television broadcast station; (2) the agreements of Texas Telecasting, Inc. and Bryant Radio and Television, Inc., licensees of the two commercial television stations in Lubbock, Texas, to donate certain sums of money to applicant for the securing and constructing of a non-commercial educational television station; and (3) the dismissal without prejudice on April 12, 1957 of the application of C. L. Trigg for the same facilities (BPCT-2185), pursuant to an agreement with Texas Technological College whereby C. L. Trigg, was allegedly partially reimbursed for his expenses in the amount of $25,000;

It appearing that preliminary to the determination that the public interest would be served by a grant of the above-entitled application, more detailed evidence as to these matters, as set forth in the issues hereinafter specified, is desirable, and that accordingly, further hearing is required;

It is ordered, That the above-entitled matter is remanded to the Hearing Examiner, who presided at this hearing, with the instructions to reopen the record for further hearing on the issues hereinafter specified; and

It is further ordered, That after procedural steps appropriate to the further proceeding herein have been taken, the Hearing Examiner shall issue a supplemental Initial Decision; and

It is further ordered, That the further hearing be held upon the following issues:

1. To determine whether the applicant is legally qualified fully to operate, as well as own and construct, the proposed station, including commercial as well as non-commercial operation thereof.

2. To determine the full facts and circumstances surrounding the agreement of Texas Telecasting, Inc. and Bryant Radio and Television, Inc. to donate funds to the applicant, including the terms and conditions thereof, with special reference to whether the applicant

Bureau of Reclamation

[No. 64]

HEART MOUNTAIN DIVISION, SHOSHONE PROJECT, WYOMING

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

NOVEMBER 15, 1957.

1. *Water rental.* (a) The minimum water rental charge for lands of the Heart Mountain Division for the irrigation season of 1958 and thereafter, until further notice, will be $2.75 per irrigable acre, whether water is used or not, except that such minimum charge need not be paid in any year for any acreage which the Chief, Shoshone Field Division, certifies is temporarily nonirrigable during the year due to seepage or land subsidence. Payment of such minimum charge will entitle each water user to such amount of water per acre as may beneficially be used by him, such amounts being based on water-holding capacity soil groups and topography. Determination of the total amount of water allowable under the minimum charge payment will be made by the Chief, Shoshone Field Division, whose decision will be final, in accordance with tables of water requirements for particular soil and topographic land factors. Such tables will be compiled by the Bureau of Reclamation and will be on file and available for inspection at the office of the Chief, Shoshone Field Division. Water in addition to the determined requirements, if available, will be furnished during each irrigation season at the rate of $1.25 per acre-foot for the first acre-foot of water per acre, and for $1.50 per acre-foot for the second and succeeding acre-foot of water per acre.

(b) Upon approval of the Chief, Shoshone Field Division, water may be furnished for classes 5 and 6 lands. The determination of the total amount of water allowable, the minimum charge, and rates for additional water, will be in accordance with paragraph 1 (a) of this notice.

2. *Time of payment.* The minimum charge for water to be delivered for each irrigation season will be due and payable on March 31 preceding that season. Charges for water delivered in excess of the minimum for each irrigation season will be due and payable by the following January 1. No water will be delivered to a water user until all charges have been paid in full.

3. *Discounts and penalties.* If payment of the minimum charge and the charge for additional water furnished under this notice is made on or before January 1 of the year in which due, a discount of 5 percent of such charges will be allowed. To any payment of the charges which is made on and after April 1 of the year in which such payment is due, there shall be added a penalty of one-half of one percent of the unpaid amount for each month or fraction thereof after March 31, so long as such default shall continue, and no water will be delivered until all charges and penalties have been paid in full.

4. *Place of payment.* All charges will be paid at the office of the Bureau of Reclamation, P. O. Box 822, Powell, Wyoming.

5. *Public Notices Nos. 53, 55, and 58 supplemented.* This notice supplements subparagraphs 5a (1) and (2) of Public Notices Nos. 53, 55, and subparagraph 24 (b) of Public Notice No. 58, Shoshone Project, Wyoming.

F. M. CLINTON,
Regional Director.

[F. R. Doc. 57-10087; Filed, Dec. 5, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS, OGDEN, UTAH

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 10, 1957 (16 A. D. 502), continuing in effect to and including December 19, 1957, an order issued on June 9, 1955 (14 A. D. 446), as modified by orders issued on April 9, 1956 (15 A. D. 381), and December 20, 1956 (15 A. D. 1306). The order of June 9, 1955, as continued in effect by the order of June 10, 1957, was further modified by an order issued on November 7, 1957. Under these orders the respondents, Market Agencies at the Union Stock Yards, Ogden, Utah, are authorized to assess the current rates and charges.

On October 30, 1957, documents were filed on behalf of the respondents, except J. E. Manning, owner of the Ogden Livestock Auction Company, requesting that the current rates and charges be modified in the following respects:

1. Amend Article II, "Selling Commissions," of the current schedule as indicated below:

	Per head
Cattle	$1.35
Calves	.85
Bulls (over 600 lbs.)	Delete
• • • • •	
Springers, T. B. or Bangs Reactors, suspects	Delete
• • • • •	
Sheep—consignments of 179 head and less:	*Per head*
First 20 head	$0.50
Next 30 head	.34
Next 129 head	.12

Consignments of 180 head and over a flat rate of $0.20 per head will be assessed on the entire consignment.

• • • • •

2. Delete section A, "Extra Draft Charge", from Article III of the current schedule.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 2d day of December 1957.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-10123; Filed, Dec. 5, 1957; 8:51 a. m.]

Office of the Secretary

MISSISSIPPI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Pennsylvania a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Calhoun.	Leake.
Chickasaw.	Montgomery.
Choctaw.	Panola.
Clay.	Simpson.
De Soto.	Sunflower.
Grenada.	Tallahatchie.
Hinds.	Tate.
Humphreys.	Washington.
Itawamba.	Webster.
Lafayette.	Yalobusha.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 3d day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10124; Filed, Dec. 5, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED STATES LINES CO.

NOTICE OF APPLICATION

Notice is hereby given that United States Lines Company has on file with the Federal Maritime Board an application to increase, effective January 1, 1957, subsidized sailings from a maximum of 37 to a maximum of 42 sailings on Trade Route No. 11 service described in F. R. Doc. 56-3278, appearing in the FEDERAL REGISTER issue of April 27, 1956 (21 F. R. 2730).

Parties having an interest in such application may file with the Secretary, Federal Maritime Board, any objections thereto, within five (5) days from the date of this publication.

Subsequent to the expiration of the above period, the Federal Maritime Board will take such action with respect to the application and any objections thereto, as may be deemed appropriate.

Dated: December 3, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-10115; Filed, Dec. 5, 1957; 8:49 a. m.]

Maritime Administration

TRADE ROUTE 11—U. S. SOUTH ATLANTIC AND UNITED KINGDOM, EUROPE NORTH OF PORTUGAL

NOTICE OF CLARIFICATION

Notice is hereby given that the Maritime Administrator has determined that the term "approximately 2 to 3 per month" appearing under United States flag service requirements on Trade Route No. 11 as published in the FEDERAL REGISTER issues of April 27, and May 24, 1956, needs clarification and accordingly is hereby amended to read "approximately 3 per month."

Dated: December 3, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-10116; Filed, Dec. 5, 1957; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8727]

BLATZ AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Blatz Airlines, Inc., Enforcement Proceeding.

Notice is given herewith, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding heretofore assigned to be held on December 3, 1957, is hereby reassigned to be held on January 15, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., December 2, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10117; Filed, Dec. 5, 1957; 8:49 a. m.]

[Docket No. SR-2253]

ORVILLE J. FEROE

NOTICE OF POSTPONMENT OF ORAL ARGUMENT

In the matter of James T. Pyle, Administrator of Civil Aeronautics, complainant v. Orville J. Feroe, respondent; Docket No. SR-2253.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned to be held on December 10 is postponed to December 18, 1957; 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 3, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10118; Filed, Dec. 5, 1957; 8:50 a. m.]

[Docket No. 9088]

RESORT AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of an application by Resort Airlines, Inc. for approval of the purchase of one DC-4 aircraft or the alternative for the Disclaimer of Jurisdiction over such aircraft.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on December 9, 1957, at 2:00 p. m., e. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., December 3, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10119; Filed, Dec. 5, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-7]

ISOTOPE SPECIALTIES CO.

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICES

Please take notice that an application for a license to provide radioactive waste disposal services has been filed by Isotope Specialties Company, 170 West Providencia, Burbank, California.

The application specifies a maximum possession limit of 100 curies total of Byproduct Material with atomic numbers from 3 to 83 and Source Material. The radioactive material will be buried at sea at minimum depths of 1,000 fathoms.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 26th day of November 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director, Division of Civilian Application.

[F. R. Doc. 57-10112; Filed, Dec. 5, 1957; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11934; FCC 57-1296]

TEXAS TECHNOLOGICAL COLLEGE

ORDER REOPENING RECORD FOR FURTHER HEARING ON STATED ISSUES

In re application of Texas Technological College, Lubbock, Texas, Docket No. 11934, File No. BPCT-2183; for construction permit for a new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of November 1957;

The Commission having under consideration the Initial Decision herein of Examiner Millard F. French, released September 17, 1957, which proposes to grant the above-entitled application and the matters of record in this proceeding involving the application of Texas Technological College for a construction permit for a new television broadcast station to operate on Channel 5 at Lubbock, Texas, including, (1) the extent of the legal authority of applicant to operate a television broadcast station; (2) the agreements of Texas Telecasting, Inc. and Bryant Radio and Television, Inc., licensees of the two commercial television stations in Lubbock, Texas, to donate certain sums of money to applicant for the securing and constructing of a non-commercial educational television station; and (3) the dismissal without prejudice on April 12, 1957 of the application of C. L. Trigg for the same facilities (BPCT-2185), pursuant to an agreement with Texas Technological College whereby C. L. Trigg, was allegedly partially reimbursed for his expenses in the amount of $25,000;

It appearing that preliminary to the determination that the public interest would be served by a grant of the above-entitled application, more detailed evidence as to these matters, as set forth in the issues hereinafter specified, is desirable, and that accordingly, further hearing is required;

It is ordered, That the above-entitled matter is remanded to the Hearing Examiner, who presided at this hearing, with the instructions to reopen the record for further hearing on the issues hereinafter specified; and

It is further ordered, That after procedural steps appropriate to the further proceeding herein have been taken, the Hearing Examiner shall issue a supplemental Initial Decision; and

It is further ordered, That the further hearing be held upon the following issues:

1. To determine whether the applicant is legally qualified fully to operate, as well as own and construct, the proposed station, including commercial as well as non-commercial operation thereof.

2. To determine the full facts and circumstances surrounding the agreement of Texas Telecasting, Inc. and Bryant Radio and Television, Inc. to donate funds to the applicant, including the terms and conditions thereof, with special reference to whether the applicant

would thus, by agreement, understanding, or otherwise, be precluded from carrying commercial television programming if the public interest so required.

3. To determine the full facts and circumstances surrounding the dismissal of the application herein of C. L. Trigg including, but not limited to, an account of the expenses incurred by C. L. Trigg for which he was assertedly partially reimbursed, and the source or sources of the $25,000 paid to C. L. Trigg.

It is further ordered, That the hearing ordered herein shall be expedited.

Released: December 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10106; Filed, Dec. 5, 1957; 8:48 a. m.]

[Docket Nos. 12037-12039; FCC 57M-1201]

BROADCASTERS, INC., ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Broadcasters, Inc., South Plainfield, New Jersey, Docket No. 12037, File No. BP-10587; Eastern Broadcasting Company, Inc. (WDRF), Chester, Pennsylvania, Docket No. 12038, File No. BP-10722; Tri-County Broadcasting Corp., Plainfield, New Jersey, Docket No. 12039, File No. BP-10878; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding:

It is ordered, This 2d day of December 1957, that all parties, or their attorneys, are directed to appear for a further prehearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., on December 19, 1957.

Released: December 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10107; Filed, Dec. 5, 1957; 8:48 a. m.]

[Docket No. 12231; FCC 57M-1197]

GREYLOCK BROADCASTING CO. (WBRK)

ORDER FOR PRE-HEARING CONFERENCE

In re application of Greylock Broadcasting Company (WBRK), Pittsfield, Massachusetts, Docket No. 12231, File No. BP-11385; for construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Monday, December 9, 1957, beginning at 2:00 p. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 27th day of November 1957.

Released: November 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10108; Filed, Dec. 5, 1957; 8:48 a. m.]

[Docket Nos. 12244-12246; FCC 57M-1205]

SANTA ROSA BROADCASTING CO., ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of B. Floyd Farr, George Snell, Edward W. McCleery, Robert Blum d/b as Santa Rosa Broadcasting Company, Santa Rosa, California, Docket No. 12244, File No. BP-10626; Golden Valley Broadcasting Company (KRAK), Stockton, California, Docket No. 12245, File No. BP-10676; Joseph E. Gamble and Lew L. Gamble d/b as Radio Santa Rosa, Santa Rosa, California, Docket No. 12246, File No. BP-11084; for construction permits.

At the request of counsel for Radio Santa Rosa and with the consent of the other parties, including the Broadcast Bureau: *It is ordered*, This 2d day of December 1957, that the prehearing conference presently scheduled for December 6, 1957, is hereby rescheduled to commence at 10:00 a. m., December 23, 1957, in the Commission's offices at Washington, D. C.

Released: December 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10109; Filed, Dec. 5, 1957; 8:48 a. m.]

[Docket No. 12250; FCC 57M-1199]

SACRAMENTO TELECASTERS, INC. (KBET-TV)

NOTICE CONTINUING HEARING CONFERENCE

In re application of Sacramento Telecasters, Inc. (KBET-TV) Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

On the oral request of counsel for Sacramento Telecasters, Inc., and without objection by other counsel, the prehearing conference scheduled for December 5 is continued to Monday, December 9, 1957, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: December 2, 1957.

Released: December 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10110; Filed, Dec. 5, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10807, G-11263]

JOINT ADVENTURE NO. FOUR, NOW INLAND NATURAL GASOLINE, AND EL PASO NATURAL GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 29, 1957.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation with its principal place of business in El Paso, Texas, and Joint Adventure No. Four, now Inland Natural Gasoline Operator (Inland), filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas in interstate commerce for resale and authorizing the sale and delivery in interstate commerce of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Inland filed an application on January 10, 1957, in Docket No. G-10807, for authority to sell natural gas in interstate commerce to El Paso for resale from its South Cowden gasoline plant in Ector County, Texas, under a gas sales contract dated June 25, 1956.

On October 19, 1956, El Paso filed in Docket No. G-11263 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.3 miles of 4½-inch O. D. lateral supply pipeline to extend from a point on its existing 20-inch O. D. Sweetie Peck to Goldsmith pipeline in Ector County, Texas, to a proposed purchase meter station, with appurtenances, to be installed at the discharge side of Inland's South Cowden gasoline plant located in the South Cowden Field, Ector County, Texas. These proposed facilities will enable El Paso to purchase and receive daily volumes of approximately 2,000 Mcf of residue gas from Inland's gasoline plant. The estimated total cost of El Paso's proposed facilities is $25,000, which cost is to be financed from current working funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 14, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10096; Filed, Dec. 5, 1957; 8:46 a. m.]

[Docket No. 12059 etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

ORDER MODIFYING AND ADOPTING AS MODIFIED INITIAL DECISION OF PRESIDING EXAMINER, REOPENING A PART OF PROCEEDING AND CONSOLIDATING PROCEEDINGS FOR THE PURPOSE OF HEARING

NOVEMBER 29, 1957.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G-12059; Eastern Shore Natural Gas Company, Docket No. G-12200; Transcontinental Gas Pipe Line Corporation, Docket No. G-13357; Transcontinental Gas Pipe Line Corporation, Docket No. G-13560; Atlantic Seaboard Corporation, Docket No. G-13707.

This matter, which arises under section 7 of the Natural Gas Act, is before us upon exceptions filed on October 2, 1957, by Delaware Power & Light Company and on October 10, 1957, by the National Coal Association, et al., and as a consequence of applications filed by Transcontinental Gas Pipe Line Corporation (Transco) and Atlantic Seaboard Corporation (Seaboard) subsequent to the Examiner's decision issued on September 20, 1957, in Docket Nos. G-12059 and G-12200.

The Examiner's decision on the matters involved in Docket Nos. G-12059 and G-12200 issued certificates of public convenience and necessity to Transco and Eastern Shore Natural Gas Company (Eastern Shore) as requested by said applicants in their respective applications, with certain conditions attached.

The certificates referred to above authorized Transco to construct and operate certain natural gas facilities for the purpose of rendering increased service to existing customers and for the purpose of initiating new service to new customers, including an interruptible transportation service of 25,553 Mcf per day to Virginia Electric and Power Company (VEPCO), as conditioned therein.

Eastern Shore was authorized to construct and operate natural gas facilities for the distribution and sale for resale of natural gas purchased from Transco and the transportation of natural gas for Delaware Power & Light Corporation. However, the record clearly shows that such transportation service is to be priced at a rate of 3 cents per Mcf as compared with an admitted cost of approximately 6 cents per Mcf. We do not believe Eastern Shore should be permitted to offset the deficiency in revenues from Delaware by increased rates for jurisdictional sales or service rendered to the other customers and shall so condition the authorization to be granted.

Upon consideration of the deficiency in transportation revenues from Delaware and the exceptions filed and applications filed by Transco in Docket Nos. G-13357 and G-13560 and by Seaboard in Docket No. G-13707, we will affirm and adopt the Presiding Examiner's decision in the consolidated proceeding involving the applications in Docket Nos. G-12059 and G-12200, excepting the authorization to Transco for the construction and operation of facilities necessary for initiating interruptible transportation service to VEPCO, for reasons hereinafter stated and ordered, and excepting the modifications hereinafter ordered with respect to authorization of service by Eastern Shore.

Transco in its application in Docket No. G-12059 proposed inter alia, the construction and operation of 25,553 Mcf per day capacity which it proposed to utilize for the transportation and delivery of natural gas on an interruptible basis to VEPCO at its Possum Point Plant and for the sale and delivery of winter peaking gas to its Zone 3 customers. The two services in combination were proposed by Transco to justify authorization for the construction and operation of the aforementioned 25,553 Mcf per day capacity. It developed upon the record in this proceeding that Transco had not yet contracted for the sale of any of the winter peaking service to be made available by the authorization of such facilities. Subsequent to the issuance of the Presiding Examiner's decision herein, Transco filed an application on October 4, 1957, in Docket No. G-13357, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, for authority to utilize the capacity proposed in Docket No. G-12059 to sell 25,553 Mcf per day of winter peaking gas to Seaboard in Transco's Zone 2 service area under a proposed new rate schedule for that zone, all as more fully described in the application.

Seaboard on November 13, 1957, filed an application in Docket No. G-13707, for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary for receiving the 25,553 Mcf per day of winter peaking gas as proposed by Transco in its application in Docket No. G-13357, all as more fully described in the application in Docket No. G-13707.

By airmail letters dated June 12, 1957, August 30, 1957, and October 30, 1957, Transco was authorized to construct and operate facilities which would increase its system sales capacity to approximately 921,700 Mcf per day during winter periods. To render the service being authorized herein, exclusive of the VEPCO transportation, it will be necessary for Transco to construct and operate facilities which would further increase winter sales capacity by 26,362 Mcf per day to a total of 948,062 Mcf per day. The record does not disclose specifically which facilities are necessary for this purpose. The record does disclose that the facilities authorized under the aforesaid temporary certificates will permit Transco to meet the requirements of its customers during the 1957-58 winter. Our order herein will provide that Transco, prior to construction of any additional facilities over those authorized by the temporary certificates, for the rendition of the full authorized service, shall submit details of such additional facilities to the Commission for its approval.

On October 21, 1957, Transco filed an application in Docket No. G-13560 seeking authority to construct and operate approximately 2.63 miles of 36-inch loop pipeline between Milepost 1222.85 at existing mainline valve 14-1 and Milepost 1225.48 in Cherokee County, South Carolina, all as more fully described in the application.

Transco states that the proposed construction of the 2.63 miles of loops was to have been included in its anticipated 1958 construction program. However, because of delay in the completion of its compressor station No. 34 proposed and authorized under temporary authority in Docket No. G-12059, the loop proposed herein is now being requested.

Because the application fails to describe the effect on Transco's ultimate capacity with both the 2.63 miles of 36-inch loop and station No. 34 and since Transco has been granted temporary authority to construct and operate the proposed loop, it is believed advisable to treat the subject application as a request to amend the proposal in Docket No. G-12059 to be heard and determined as hereinafter ordered.

The issuance and publication of this order will constitute due notice of the applications filed in Docket Nos. G-13357, G-13560 and G-13707, as required by the Commission's rules of practice and procedure.

Since the proposed winter peaking service to Seaboard in Transco's Zone 2 is the subject of the applications in Docket Nos. G-13357 and G-13707, and is proposed to be complementary to the transportation service for VEPCO as presented in Docket No. G-12059, it would appear that these matters including Transco's proposal in Docket No. G-13560, are so interrelated with regard to service and rates as to require that a new record be made regarding the proper rates to be charged by Transco for winter peaking service to Seaboard and transportation for VEPCO and such issues and any related matters should be heard and considered in a consolidated proceeding, and to that end:

The Commission finds: Upon review of the entire record in the consolidated proceeding in Docket Nos. G-12059 and G-12200, including the exceptions filed therein, the Presiding Examiner's deci-

sion should be modified as hereinafter ordered.

The Commission orders:

(A) The Examiner's decision issued September 20, 1957 in Docket Nos. G-12059, et al., be and the same hereby is modified by deleting therefrom any authorization to Transco for the construction and operation of natural gas facilities for the transportation of natural gas for VEPCO for delivery at its Possum Point Plant.

(B) The Presiding Examiner's decision be and the same hereby is modified by adding the following to paragraph (C) and paragraph (E) of said order.

Paragraph (C): "• • • The certificate of public convenience and necessity issued herein to Eastern Shore Natural Gas Company is conditioned to provide that so long as the transportation service is rendered to Delaware Power and Light Company at the rate of 3 cents per Mcf no part of the costs properly applicable to such service may be assigned to sales or service for jurisdictional customers other than Delaware Power and Light Company."

Paragraph (E): "• • • *Provided, however,* That this condition shall not become applicable until Eastern Shore's facilities are completed so that it is able to supply gas service to Elkton Gas Company."

(C) That portion of the record in the consolidated proceedings in Docket Nos. G-12059, et al. relating to any authorization for the construction and operation of facilities for the transportation of natural gas for VEPCO for delivery at its Possum Point plant be and the same hereby is reopened, remanded and consolidated for further hearing with the applications filed in Docket Nos. G-13357, G-13560 and G-13707, such hearing to be held on January 6, 1958, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1957.

(D) Prior to the construction of any additional facilities over and above those authorized by letter dated June 12, 1957, August 30, 1957, and October 30, 1957, necessary for the rendition of all the service herein authorized, Transco shall submit details of such additional facilities to the Commission and receive approval thereof.

(E) The initial decision of the Presiding Examiner, as modified shall become effective as the decision of the Commission as of the date of the issuance of this order.

By the Commission (Commissioner Digby dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10095; Filed, Dec. 5, 1957; 8:46 a. m.]

[Docket No. G-12858]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 2, 1957.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation with its principal place of business in Pittsburgh, Pennsylvania, filed an application on July 8, 1957, for a certificate of public convenience and necessity, and permission and approval to abandon pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and the abandonment of certain facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the construction and operation of two pipeline projects as follows:

Job 1, approximately 8.83 miles of 10-inch transmission line looping a section of its Coatesville-Port Jervis line between Applicant's Downingtown Compressor Station, West Bradford Township, and its Eagle Compressor Station, West Vincent Township, all in Chester County, Pennsylvania; and

Job 2, approximately 1.70 miles of 8-inch transmission line in Penn Township, York County, Pennsylvania, south of the community of Hanover, replacing an equal length of 6-inch Line No. 136 in the same location.

Applicant states that its Job 1 is predicated on establishment of an interconnection with Transcontinental Gas Pipe Line Corporation (Transco) where the lines of the two firms cross about 3 miles north of Applicant's Downingtown Compressor Station. Transco's line operates at about 550 psig, but Applicant's existing Port Jervis line is operated at up to double that pressure. To be able to receive from Transco 10,000 Mcf of natural gas per day, for which authorization was granted in Docket No. G-12059, yet not have to construct and operate a new compressor station, Applicant plans the subject 10-inch loop paralleling a section of the existing 14-inch Port Jervis pipeline. The gas from Transco could be routed to the intake side of either or both the Downingtown and the Eagle Compressor Stations depending largely on curtailment of deliveries by Applicant to its customer, Lukens Steel Company, a large gas user located upstream from the Downingtown Station.

Applicant's Job 2 is made necessary because the age and condition of 6-inch Line 136 in Adams County limit its operating pressure to 96 psig for service to retail markets in Littlestown, Gettysburg and Fairfield and to existing customer, York County Gas Company, serving Hanover and other nearby towns. By paralleling a portion of the old 6-inch line with an 8-inch line operating at higher pressure, Applicant can, for the time being, meet the expanding requirements of its existing customers between Fairfield and Hanover with a minimum amount of construction.

Applicant seeks authority to abandon the 6-inch line to be looped by the proposed 8-inch line next year, at which time a $10,000 regulator will be needed to supply gas at the Baltimore Street connection of York County Gas Company near Hanover now served by the 6-inch line.

Job 1 is estimated to cost $492,000 while Job 2 is estimated to cost $73,000, less credit to fixed capital of $6,000 for the proposed abandonment of facilities. The funds will come out of Applicant's share of 1957 Columbia System financing whereby member companies borrow from Columbia through the sale of stock and promissory notes to the parent company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 15, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10097; Filed, Dec. 5, 1957; 8:46 a. m.]

[Docket No. G-13119]

KERR-MCGEE OIL INDUSTRIES, INC.

ORDER ACCEPTING CORRECTION TO RATE SCHEDULE HERETOFORE SUSPENDED

NOVEMBER 29, 1957.

On August 27, 1957, the Commission, pursuant to the authority of the Natural Gas Act, issued its order in this proceeding providing for a hearing and suspending a proposed change in rates as shown by Supplement No. 12 to Kerr-McGee Oil Industries, Inc. (Kerr-McGee), FPC Gas Rate Schedule No. 8 until February 15, 1958. The Commission's order provided, among other things, that the foregoing supplement thereby suspended should not be changed until this proceeding had been disposed of or until the period of suspension had expired, unless otherwise ordered by the Commission.

On October 31, 1957, Kerr-McGee filed a correction to the foregoing Supplement No. 12 to its FPC Gas Rate Schedule No. 8 and thereby reflected an increase of 0.00025 cents to 9.51061 cents for sweet gas and a decrease of 0.00428 cents to 8.8998 cents per Mcf for sour gas.

The Commission finds: Good cause has been shown that the correction filed on October 31, 1957, to Supplement No. 12 to Kerr-McGee's FPC Gas Rate Schedule No. 8, as suspended by the order of the Commission in this docket, be accepted and be permitted to be filed and that the suspended rate in this proceeding be that as corrected, as reflected herein, and be regarded as a part of that rate suspended as originally ordered.

The Commission orders: Supplement No. 12 to Kerr-McGee's FPC Gas Rate Schedule No. 8 is corrected as shown by the filing made by Kerr-McGee on October 31, 1957, affecting such Supplement No. 12, and that as corrected by an increase of 0.00025 cents to 9.51061 cents for sweet gas and a decrease of 0.00428 cents to 8.8998 cents for sour gas, the said corrected rate continues subject to the suspension order issued on August 27, 1957, in this proceeding, and the use of such rate as corrected is deferred until February 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10094; Filed, Dec. 5, 1957; 8:46 a. m.]

[Docket No. G-13603]

HOME UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 29, 1957.

Take notice that Home Utilities Company (Applicant) of Marietta, Ohio, filed an application on October 28, 1957, pursuant to section 7 (a) of the Natural Gas Act, for an order of the Commission directing Ohio Fuel Gas Company (Ohio Fuel) to establish a physical connection of its transmission facilities with the facilities of Applicant and to sell natural gas to Applicant for resale in and about Somerset and Warren Townships in Belmont County, Ohio, as hereinafter described, all as more fully represnted in the application, which is on file with the Commission and open to public inspection.

Applicant states that it operates a natural gas distribution system in and around the Village of Batesville and Carlisle in Noble County, Ohio, as well as the Villages of Temperanceville and Somerton in Belmont County, Ohio; that it has an adequate but limited gas supply for its service area with the exception of the area in and around Somerton and that this application concerns gas supply for that area only. There is no existing connection between the Somerton area and Applicant's other areas of operation. Such a connection is impractical due to distance involved and limited supplies.

Applicant further states that the Somerton area is presently, as in the past, being supplied with natural gas from local wells owned or leased by Applicant. The supply from these wells has been declining for some years and they are no longer adequate to serve existing or potential needs of the Somerton area. Applicant states that it has been unsuccessful in recent attempts to increase its production in this area by drilling new wells. The most feasible method of obtaining the additional gas supply needed for this area is from Ohio Fuel.

Applicant proposes to purchase Ohio Fuel's line 0-26, a 6⅝ inch line extending from a point on Ohio Fuel's line 0-949, near Barnesville, Ohio, southerly to a point northwest of Somerton where the connection requested herein is to be located. The proposed purchase at net book cost and method of financing has been approved by the Public Utilities Commission of Ohio.

Applicant's estimates of the volumes of gas required in the Somerton area which it proposes to purchase from Ohio Fuel are as follows:

[Vols. in Mcf]

Year	1957	1958	1959	1960
Peak day	50	60	60	80
Annual	759	5,092	6,469	7,047

On November 8, 1957, Ohio Fuel filed its answer to Applicant's request therein, stating that it is willing and able and has sufficient capacity to deliver the first year peak-day requirements of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10091; Filed, Dec. 5, 1957; 8:46 a. m.]

[Docket No. G-13729]

HUMBLE OIL AND REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 29, 1957.

Humble Oil and Refining Company (Humble), on October 30, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of changes, dated October 23, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 28. Supplement No. 8 to Humble's FPC Gas Rate Schedule No. 31. Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 33. Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 45.

Effective date: January 1, 1958 (effective date is the effective date proposed by Humble).

In support of the proposed periodic rate increases, Humble submits its usual statements to the effect that the contract was entered into in good faith and at arm's-length; the price increase provision is an integral part of the contract which was agreed to by El Paso Natural Gas Company (El Paso) and thus is not a price increase, and the 10.5 cent rate is just and reasonable. In addition, Humble cites sales to El Paso in the area under other contracts which provide for the 10.5 cent rate.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 28; Supplement No. 8 to Humble's FPC Gas Rate Schedule No. 31; Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 33, and Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 45, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 28; Supplement No. 8 to Humble's FPC Gas Rate Schedule No. 31; Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 33, and Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 45.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by sections 1.8

and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10092; Filed, Dec. 5, 1957; 8:46 a. m.]

[Docket No. G-13811]

UNION PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

NOVEMBER 29, 1957.

Union Producing Company (Union), on October 31, 1957, included among 216 rate schedules and supplements tendered in answer to an order of the Commission issued on October 3, 1957, in Docket No. G-10060,[1] a number of proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. Included among the proposed changes, which constitute increased rates and charges, are the following designated filings:

(1) Description: Supplemental Agreement, dated February 28, 1956, Notice of Change, dated October 31, 1957. Rate schedule designation: Supplements Nos. 5 and 6 to its FPC Gas Rate Schedule No. 78;

(2) Description: Contract, dated September 12, 1957,[2] Notice of Change, dated October 31, 1957. Rate schedule designation: FPC Gas Rate Schedule No. 215 and Supplement No. 1 to FPC Gas Rate Schedule No. 215;

(3) Description: Contract, dated September 20, 1957,[3] Notice of Change, dated October 21, 1957. Rate schedule designation: FPC Gas Rate Schedule No. 216 and Supplement No. 1 to FPC Gas Rate Schedule No. 216;

(4) Description: Supplemental Agreement, dated December 1, 1954, Notice of Change, dated October 31, 1957. Rate schedule designation: Supplements Nos. 1 and 2 to its FPC Gas Rate Schedule No. 92.

The purchaser in each instance is United Gas Pipe Line Company, which, like Union, is a subsidiary of United Gas Corporation. The rate schedules and supplements relate to sales of natural gas produced from the Greta-Tom O'Connor Field, Refugio County, Texas; Lirette Field, Terrebonne Parish, Louisiana; Bay Baptiste Field, Terrebonne Parish, Louisiana; and Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Mississippi, respectively.

For each of the proposed changes in rates, Union requests an effective date corresponding to the date the change was due under the contract. In the alternative, Union requests waiver of the notice provisions of the Natural Gas Act and the Regulations thereunder to make the changes effective on the date of filing.

In support of the proposed increases, Union states that the increased revenues will tend to offset its increased costs over the long terms of the contracts, and the increased revenues are necessary in what it calls the current inflationary trend of the American economy to enable Union to search, develop, and market natural gas. Union also contends that other independent producers are receiving rates equal to or in excess of the increased rates proposed by it. It appears that some of the rates Union refers to are rates received for intrastate sales or for new services recently initiated. In any event, such prices alone do not per se justify the proposed increased rates. Union Oil Company, 16 F. P. C. 100.

The increased rates and charges so proposed (other than certain tax changes and a periodic increase hereinafter described) have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of said proposed changes, and that the above-designated schedules and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, Supplements Nos. 5 and 6 to Union's FPC Gas Rate Schedule No. 78 (except insofar as they provide for tax changes due September 1, 1954, and September 1, 1955, and for a periodic increase due February 15, 1956, together with the tax component applicable thereto); Union's FPC Gas Rate Schedule No. 215 and Supplement No. 1 thereto; Union's FPC Gas Rate Schedule No. 216 and Supplement No. 1 thereto; and Supplements Nos. 1 and 2 to Union's FPC Gas Rate Schedule No. 92 (except insofar as they provide for a tax change due April 1, 1955) are hereby suspended and the use thereof deferred until May 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedules nor supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10089; Filed, Dec. 5, 1957; 8:45 a. m.]

[Docket No. G-13819]

MIDWEST OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

NOVEMBER 29, 1957.

Midwest Oil Corporation (Midwest) on November 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 30, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 2 to Midwest's FPC Gas Rate Schedule No. 13.

Effective date: December 2, 1957 (effective date is the first day after expiration of the required thirty days' notice).

Midwest submits no support for its proposed two-step periodic rate increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Midwest's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Midwest's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10090; Filed, Dec. 5, 1957; 8:46 a. m.]

[1] In the Matter of Union Producing Company and United Gas Pipe Line Company.

[2] Supersedes Union Producing Company FPC Gas Rate Schedule No. 85.

[3] Supersedes Union Producing Company FPC Gas Rate Schedule No. 43.

[Project No. 2230]

CITY OF SITKA, ALASKA

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

NOVEMBER 29, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 7912-825r) by City of Sitka, Alaska, for preliminary permit for proposed water power Project No. 2230 to be located on Blue Lake and Medvetcha River in Baranof Island, Territory of Alaska, and affecting lands of the United States within Tongass National Forest. The proposed project will consist of a concrete arch dam on Medvetcha River about 400 feet below outlet of Blue Lake about 250 feet long and 200 feet high; a tunnel about 1,200 feet long; a powerhouse with installed capacity of two 3,000-kw generators.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 15, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10093; Filed, Dec. 5, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2105]

KINGSFORD CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

DECEMBER 2, 1957.

In the matter of Kingsford Company, Common Stock, File No. 1-2105.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

At the annual meeting on October 25, 1957, pursuant to solicitation by a proxy statement in respect of the management's delisting proposal, 1,715,820 of the 2,269,819 outstanding common shares were voted, of which 1,622,478 were voted for and 11,990 against the proposal. Of the 2,104 common shareholders of record, 994 voted for and 70 voted against the proposal. None of the 47 holders of the 13,100 outstanding convertible preferred shares voted against the proposal. The applicant has accordingly complied with the pertinent delisting rule of the Midwest Stock Exchange. The common stock continues to be listed on the American Stock Exchange and the management desires to save the expenses of a duplicate listing.

Upon receipt of a request, on or before December 16, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10102; Filed, Dec. 5, 1957; 8:47 a. m.]

[File No. 7-1900]

VIRGINIAN RAILWAY CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 2, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Virginian Railway Company, Common Stock, File No. 7-1900.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 16, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10101; Filed, Dec. 5, 1957; 8:47 a. m.]

[File No. 70-3644]

LOUISIANA POWER & LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

NOTICE REGARDING PROPOSED ISSUE AND SALE OF ADDITIONAL SHARES OF COMMON STOCK BY PUBLIC-UTILITY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

NOVEMBER 29, 1957.

Notice is hereby given that Middle South Utilities, Inc., ("Middle South"), a registered holding company, and its public-utility subsidiary, Louisiana Power & Light Company ("Louisiana"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Louisiana proposes to issue and sell and Middle South proposes to acquire, for $6,500,000 cash, 1,800,000 additional shares of the authorized but unissued no par common stock of Louisiana. Louisiana also proposes to transfer $2,500,000 from its earned surplus account to its common capital stock account. The proceeds received from the proposed sale of common stock are to be used by Louisiana to pay part of the cost of construction of new facilities and for the extension and improvement of its present facilities.

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is hereby given that any interested person may, not later than December 16, 1957, at 5:30 p.m., e. s. t., request in writing that a hearing be held in respect to such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant and permit to become effective the application-declaration, as filed or as it may be hereafter amended, pursuant to Rule U-23 promulgated under the act, or the Commission may exempt the proposed transactions pursuant to Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10100; Filed, Dec. 5, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GYÖRGYI HARTMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Györgyi Hartman, Toronto, Ontario, Canada, $2,576.17 in the Treasury of the United States.

Vesting Order No. 9352, Claim Nos. 33758 and 33759.

Executed at Washington, D. C. November 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10111; Filed, Dec. 5, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 3, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34328: *Chemical fertilizers from the southwest to the south.* Filed by F. C. Kratzmier, Agent (SWFB No. B-7164), for interested rail carriers. Rates on dry fertilizer and fertilizer materials, carloads from points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to points in southern territory; also Baton Rouge, New Orleans, La., Natchez, Vicksburg, Miss., and Memphis, Tenn.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 241 to Agent Kratzmier's tariff I. C. C. 4112.

FSA No. 34329—*Scrap iron and related articles in official territory.* Filed by H. R. Hinsch, Agent (CTR No. 2361), for interested rail carriers. Rates on scrap iron and articles taking the same rate, carloads from points in central territory to points in central and trunk line territories.

Grounds for relief: Rates constructed on short-line distance formula, and grouping.

Tariff: Agent Hinsch's tariff I. C. C. No. 4807.

FSA No. 34330: *Substituted service, motor and rail, B. & M., D. & H. and Erie.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 72), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and East Cambridge, Holyoke, or Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 17.

FSA No. 34331: *Substituted service, motor and rail, Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 73), for and on behalf of The Pennsylvania Railroad Company, Association Transport, Inc., and other interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Cincinnati, Ohio, on the one hand, and Baltimore, Md., Kearny, N. J., or Philadelphia, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 17.

FSA No. 34332: *Substituted service, motor and rail, Erie Railroad Company.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 74); for and on behalf of The Erie Railroad Company, Chicago Express, Inc., and other interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., or Hammond, Ind., on the one hand, and Jersey City, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. 17.

FSA No. 34333: *Substituted service, motor and rail, Erie and N. Y., N. H. & H.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 75), for and on behalf of the Erie Railroad Company, and other interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., or Hammond, Ind., on the one hand, and Boston, or Worcester, Mass., or Providence, R. I., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 17.

FSA No. 34334: *Newsprint paper between points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3565), for interested rail carriers. Rates on newsprint paper, carloads between points in Southern territory.

Grounds for relief: Short-line distance formulas, grouping, maintenance of rates including short or relief line arbitraries from or to points on short or weak lines.

Tariff: Supplement 26 to Agent Spaninger's tariff I. C. C. 1601.

FSA No. 34335: *Sulphuric acid—Le Moyne, Ala., to Miami, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3566), for interested rail carriers. Rates on sulphuric acid, tank-car loads, from Le Moyne, Ala., to Miami, Fla.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 161 to Agent Spaninger's tariff I. C. C. 1357.

FSA No. 34336: *Caustic soda—Between and from and to points in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3570) for interested rail carriers. Rates on liquid caustic soda, tank-car loads between points in southern territory, and between points in southern territory, on the one hand, and points in southern Illinois and Indiana, also St. Louis, Mo., on the other.

Grounds for relief: Short-line distance formula, grouping, and short-or relief line arbitraries.

Tariffs: Supplement 10 to Agent Spaninger's tariff I. C. C. 1613 and two other schedules.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10098; Filed, Dec. 5, 1957; 8:47 a. m.]

PART II

FEDERAL REGISTER

VOLUME 22 — NUMBER 236

Washington, Friday, December 6, 1957

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Because of the numerous amendments which have been made in Title 8, Chapter I, of the Code of Federal Regulations, the chapter is republished in its entirety as set forth below as of November 27, 1957.[1]

NOTE: This table shows sections of Title 8 of the United States Code and corresponding sections of the Immigration and Nationality Act and of parts in Subchapters A, B, and C of Chapter I of Title 8 of the Code of Federal Regulations. Those sections of Title 8 of the United States Code bearing an asterisk do not have a corresponding part in Chapter I of Title 8 of the Code of Federal Regulations.

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1230*	240	1352	282
1251	241	1353*	283
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[1] See amendments in F. R. Doc. 57-9888, 22 F. R. 9518, November 28, 1957.

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Subchapter A—General Provisions

PART 1—GENERAL

Sec.
1.1 Definitions.
1.2 Prior regulations.

AUTHORITY: §§ 1.1 and 1.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 332, 66 Stat. 166, 252; 8 U. S. C. 1101, 1443.

§ 1.1 *Definitions*—(a) *Terms used in this chapter.* (1) The terms defined in section 101 of the Immigration and Nationality Act have the same meanings ascribed to them in that section and as supplemented, explained, and further defined in this chapter.

(2) The term "act" means the "Immigration and Nationality Act" (66 Stat. 163).

(3) The term "attorney" means a person licensed to practice law in the Federal, State, territorial, or insular courts.

(4) Unless the context otherwise requires, the term "case" means any proceeding arising under the immigration laws, Executive orders and Presidential proclamations, except that for the purposes of Part 292 of this chapter, a proceeding under Part 332 of this chapter shall not be regarded as a case.

(5) The term "Central Office" means the headquarters office of the Service at Washington, D. C.

(6) The term "day" when computing the period of time for taking any action provided in this chapter, including the taking of an appeal, shall include Sundays and legal holidays, except that when the last day of the period so computed falls on a Sunday or legal holiday, the period shall run until the end of the next day which is neither a Sunday nor a legal holiday.

(7) The term "region" or "immigration region" when used in a geographical sense means that portion of the territory of the United States comprising each of the various major subdivisions of the Service defined and delineated in the statement of organization of the Service.

(8) The term "regional commissioner" means:

(i) The officer duly appointed to the titular position as the Service officer in charge of a region whose appointment has not terminated, or

(ii) The officer or employee of the Service who has been designated to act as regional commissioner in the absence of the regional commissioner.

(9) The term "district" or "immigration district" when used in a geographical sense means that portion of the territory of the United States comprising each of the various major subdivisions of the Service defined and delineated in the statement of organization of the Service.

(10) The term "district director" means:

(i) The officer duly appointed to the titular position as the Service officer in charge of a district whose appointment has not terminated, or

(ii) The officer or employee of the Service who has been designated to act as district director in the absence of the district director.

(11) The term "immigration officer" means:

(i) Any officer or employee of the Service who on December 24, 1952, was serving under an appointment theretofore made to the position of immigrant inspector, patrol inspector, detention officer, investigator, or naturalization examiner, or any other officer of the Service of a higher grade whose appointment has not terminated, or who hereafter is appointed to such position; and

(ii) Any persons designated by the Commissioner to perform the duties and exercise the powers of an immigration officer as set forth in the Immigration and Nationality Act.

(12) The term "officer in charge" means the Service Officer in charge of a suboffice.

(13) The term "practice" means the act of an attorney or representative in appearing in any case, either in person or through the filing of a brief or other document, paper, application or petition on behalf of a client before an officer of the Service or the Board.

(14) The term "representative" means a person representing a religious, charitable, social service or similar organization established in the United States and recognized as such by the Board, or a person described in § 292.1 (b) (2) and (3) of this chapter.

(15) The term "suboffice" means any office or facility specifically designated as such in the statement of organization of the Service.

(b) *Terms used in Subchapter B of this chapter.* (1) The terms—

"arriving at ports of the United States" as used in sections 232, 234, and 235 of the Immigration and Nationality Act; and

"arrival at a port of the United States" as used in section 233 of the Immigration and Nationality Act; and

"arrival in a port of the United States" as used in section 253 of the Immigration and Nationality Act,

mean any coming to any port of the United States from a foreign port or

place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, except:

(i) That any person (including a crewman) coming to a port in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States, by vessel or aircraft, whose examination under sections 234 and 235 of the Immigration and Nationality Act is not completed at the first port of call in the United States of such vessel or aircraft shall be considered as coming from a foreign port or place, an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any ports in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place solely by reason of such passage through the Canal Zone.

(2) The terms—

"arriving in the United States" as used in section 256 of the Immigration and Nationality Act; and

"bringing an alien to, or providing a means for an alien to come to, the United States" as used in section 271 of the Immigration and Nationality Act; and

"bring to the United States" as used in section 272 of the Immigration and Nationality Act,

mean any coming from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States to or into the United States or the territorial waters or overlying airspace thereof, except:

(i) That any person (including a crewman) coming to the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States, by vessel or aircraft, whose examination under sections 234 and 235 of the Immigration and Nationality Act is not completed at the first port of call in the United States of such vessel or aircraft shall be considered as coming from a foreign port or place, an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any port in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place solely by reason of such passage through the Canal Zone.

(3) The terms—

"arrival of any person by water or by air at any port within the United States from any place outside the United States" as used in section 231 of the Immigration and Nationality Act; and

"bring to the United States from any place outside thereof" as used in section 273 (a) of the Immigration and Nationality Act,

mean any coming from a foreign port or place or from an outlying possession of the United States to any port of the United States, except:

(i) That any person (including a crewman) coming from a foreign port or place or from an outlying possession of the United States to a port in the United States, by vessel or aircraft, whose examination under sections 234 and 235 of the Immigration and Nationality Act is not completed at the first port of call in the United States of such vessel or aircraft shall be considered as coming from a foreign port or place or from an outlying possession of the United States at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any port in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place solely by reason of such passage through the Canal Zone;

(iii) Solely for the purposes of section 231 of the Immigration and Nationality Act, if it is established to the satisfaction of the district director having administrative jurisdiction over the place of arrival that the coming of any vessel or aircraft to a port of the United States was wholly involuntary, not intended, or not reasonably to be expected, no person on board such vessel or aircraft shall be regarded as arriving from any place outside the United States.

(4) The terms—

"arrival of any vessel or aircraft in the United States from any place outside the United States" as used in section 251 of the Immigration and Nationality Act; and

"arriving in the United States from any place outside thereof" as used in section 254 of the Immigration and Nationality Act; and

"arriving at the United States from any place outside thereof" as used in section 273 (d) of the Immigration and Nationality Act,

mean any coming from a foreign port or place or from an outlying possession of the United States to or into the United States or the territorial waters or overlying airspace thereof, except:

(i) That if the examination under sections 234 and 235 of the Immigration and Nationality Act of any person (including a crewman) on board such vessel or aircraft is not completed at the first port of call in the United States of such vessel or aircraft, the vessel or aircraft shall be regarded as coming from a foreign port or place, or an outlying possession of the United States, at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That a vessel not otherwise within this definition shall not be regarded as falling within the terms thereof solely by reason of passage through the Canal Zone: *Provided*, That if in connection with such passage any vessel enters and clears at any port in the Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, it shall be regarded as arriving in the United States from a place outside thereof;

(iii) Solely for the purposes of section 251 (a) of the Immigration and Nationality Act, with respect to any coming which is established to the satisfaction of the district director having administrative judisdiction over the place of arrival to have been wholly involuntary, not reasonably to be expected, or not intended;

(5) The term "beneficiary" means an alien in whose behalf a petition is filed under section 204, 205 or 214 (c) of the Immigration and Nationality Act.

(6) The term "Board" means the Board of Immigration Appeals.

(7) The term "continental United States" means the 48 States and the District of Columbia.

(8) Except as otherwise provided in §§ 214a.1 and 214g.1 of this chapter, the term "immediate family" means a close alien relative by blood or by marriage who is regularly residing in the household of the person in whose family membership is alleged.

(9) The term "passport":

(i) When used with reference to the documentation of immigrant aliens, means a document defined in section 101 (a) (30) of the Immigration and Nationality Act which is unconditionally valid for the bearer's entry into a foreign country at least 60 days beyond the expiration date of his immigrant visa.

(ii) When used with reference to the documentation of a nonimmigrant alien, means a document defined in section 101 (a) (30) of the Immigration and Nationality Act, which document is valid for a minimum period of 6 months from the date of the expiration of the initial period of the bearer's admission or contemplated initial period of stay authorizing the bearer to return to the country from which he came or to proceed to and enter some other country during such period, except that in the case of a nonimmigrant who is applying for admission as a member of any of the classes described in section 102 of the Immigration and Nationality Act, the period of such validity shall not be required to extend beyond the date of the application of such nonimmigrant for admission to the United States if he is admitted in that status.

(10) The term "permit to enter" means the document issued by the Service to an alien lawfully admitted for permanent residence who is returning from a temporary visit abroad.

(10) The term "permit to enter" includes an Immigrant Visa, Nonimmigrant Visa, Border Crossing Identification Card and a Reentry Permit, but does not include a Passport.

(11) The term "special inquiry officer" means any immigration officer who has been designated and appointed a special inquiry officer in accordance with the provisions of § 9.1 (b) of this chapter and who has a certificate of designation and appointment issued under that section.

(12) The term "western hemisphere" means North, Central, and South America and the islands immediately adjacent thereto including the places named in section 101 (b) (5) of the Immigration and Nationality Act.

(13) The term "American Indians born in Canada", as used in section 289 of the Immigration and Nationality Act, means persons who possess at least fifty per centum of blood of the American Indian race. It does not include persons of less than fifty per centum of blood of the American Indian race who are the spouses or children of such Indians or whose membership in Indian tribes or families is created by adoption.

(14) The term "pay off or discharge", as used in section 256 of the Immigration and Nationality Act, means the signing off the articles of a crewman or the termination in any manner of his service and presence on board the vessel or aircraft on which he arrived in the United States.

(c) *Terms used in section 101 (a) (30) of the Immigration and Nationality Act.* (1) The term "competent authority" means an official duly authorized by the national governments of his own or some other country to issue passports or to authenticate other documents which are cognizable as passports.

(d) *Terms used in Chapter 7 of Title II of the Immigration and Nationality Act and Parts 262 to 266 inclusive of this chapter.* (1) The term "alien" includes, but is not limited to, any person who, because of doubt as to the applicability of the registration requirement, applies for registration or is registered as a matter of precaution, and any person who is registered upon the application of another person acting in his behalf under the provisions of Chapter 7 of Title II of the Immigration and Nationality Act.

(2) The term "registration" or "register" or "registered" includes fingerprinting in the case of aliens 14 years of age or over.

(3) The term "alien registration receipt card" means any card, certificate or document issued to an alien pursuant to the registration requirements of chapter 7 of Title II of the Immigration and Nationality Act or Title III of the Alien Registration Act, 1940.

§ 1.2 *Prior regulations.* Regulations under Chapter I of this title, which were in effect on the effective date of the promulgation of these regulations, shall continue to be effective insofar as may be applicable and necessary under the provisions of section 405 of the Immigration and Nationality Act and, as to the control of the departure of persons, under the act of May 22, 1918, as amended and extended by section 1 (a) (30) of Public Law 450, 82d Congress.

PART 2—SERVICE RECORDS: FEES

Sec.
2.1 Authority of officers to release information and to certify records.
2.2 Certification of nonexistence of record.
2.3 Remittance of fees.
2.4 Copies of Service records and information; fees.
2.5 Fees for service, documents, papers, and records, not specified in the Immigration and Nationality Act.

AUTHORITY: §§ 2.1 to 2.5 issued under sec. 501, 65 Stat. 290, sec. 103, 66 Stat. 173; 5 U. S. C. 140, 8 U. S. C. 1103 Interpret or apply secs. 281, 332, 343, 344, 405, 66 Stat. 230, 252, 263, 266, 280; 8 U. S. C. 1351, 1443, 1454, 1455, 1101 note.

§ 2.1 *Authority of officers to release information and to certify records.* The Commissioner, the General Counsel of the Service, Regional Commissioners, District Directors, or such other officers of the Service as may be designated by the Commissioner, upon application, may furnish to any person entitled thereto, copies of immigration and naturalization records, or information therefrom, and may certify that any official file, document, or record in the custody or control of the Service is a true file, document, or record, or that a copy of such file, document or record is a true copy.

§ 2.2 *Certification of nonexistence of record.* The chief of the Records Administration and Information Branch of the Central Office may certify the nonexistence in the records of the Service of an official file, document, or record pertaining to a specified person or subject.

§ 2.3 *Remittance of fees*—(a) *When submitted.* Except as otherwise provided in § 2.5, fees shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by the act or other applicable statute or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefor, the district director having administrative jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. All remittances shall be accepted subject to collection. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectible. Such fees shall not be accepted in the form of postage stamps.

(b) *Payee.* Remittances shall be made payable to the "Immigration and Naturalization Service, Department of Justice," except that in the case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and except that in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam." The address of the payee shall not be included in that part of the form of remittance intended solely for the designation of the payee. Whenever it shall be necessary to indicate on a form of remittance the place at which the remittance is collectible or payable, there shall be used the name of the city or town and the State in which is located the Service office to which the application is to be sent.

§ 2.4 *Copies of Service records and information: fees.* Except as otherwise provided by law or regulations, there shall be paid in advance for furnishing any person or agency (other than an officer or agency of the United States or of any State or any subdivision thereof for official use in connection with the official duties of such officers or agencies) copies, certified or uncertified, of any part of, or information from, the records of the Service, a fee of 25 cents per folio of one hundred words or fraction thereof, with a minimum fee of 50 cents for any such service. Whenever it is desired that a copy of a document or written information from the records be officially certified under seal, an additional fee of $1.00 is required.

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

For filing application for United States citizen border crossing identification card	$5.00
For filing application for the benefits of section 316 (b) or 317 of the Immigration and Nationality Act	10.00
For filing an appeal from, or a motion to reopen or reconsider, a decision in an exclusion or deportation proceeding. (The minimum fee of $25 shall be charged whenever such an appeal or motion is filed by or on behalf of two or more aliens and all of such aliens are covered by one decision.)	25.00
For filing an appeal from, or a motion to reopen or reconsider, any decision under the immigration laws, except from a decision in an exclusion or deportation proceeding. (The minimum fee of $10 shall be charged whenever such an appeal or motion is filed by or on behalf of two or more aliens and all of such aliens are covered by one decision.)	10.00
For filing application for Alien Registration Receipt Card in lieu of one lost, mutilated, or destroyed, or in changed name, or in lieu of form other than I–151	5.00
For filing application for approval of a school	25.00
For filing application for permission to reapply in the case of excluded or deported aliens, aliens who have fallen into distress and have been removed, aliens who have been removed as alien enemies, or aliens who have been removed at Government expense in lieu of deportation	5.00
For filing application for discretionary relief under section 212 (c) of the Immigration and Nationality Act	25.00
For filing application for discretionary relief under section 212 (d) (3) of the Immigration and Nationality Act, except in emergency cases or where the granting of the application is in the interest of the United States Government	25.00
For filing application for Alien Laborer's Permit in lieu of one lost, mutilated, or destroyed	1.00

For filing application for waiver of passport or visa of an individual alien prior to or at the time he applies for temporary admission to the United States. (This fee shall not be applicable to an admissible alien who is officially engaged in activities in connection with any multipartite treaty organization of which the United States is signatory, or who is a member of the armed forces of any foreign government, or who is seeking admission under section 101 (a) (15) (A) or (G) of the act)[1]	$10.00
For filing application for waiver of visa of an individual alien at the time he applies for admission to the United States as a returning resident[1]	10.00
For a search of an arrival record in case information is for personal benefit	3.00
For annual subscription for "Passenger Travel Reports via Sea and Air"	10.00
For an annual table on "Passenger Travel Reports via Sea and Air"	.20
For set of six annual tables on "Passenger Travel Reports via Sea and Air"	1.00
For filing application for waiver of grounds for exclusion contained in section 212 (a) (14) of the Immigration and Nationality Act	10.00
For special statistical tabulations a charge will be made to cover the cost of the work involved.	
For filing application for stay of deportation under § 243.3 (b) of this chapter, except when made concurrently with a motion to reopen or reconsider a decision in a deportation proceeding	25.00
For filing application for waiver of passport of an individual alien prior to or at the time he applies for admission to the United States for permanent residence[1]	10.00
For filing application for preexamination. (The fee and application shall not be required of an alien who has filed an application for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended, or section 6 of the Refugee Relief Act of 1953, as amended; for suspension of deportation; a previous application for preexamination, or an application for adjustment of status under section 245 or 248 or for creation of a record of admission for permanent residence under section 249 of the Immigration and Nationality Act.)	25.00
For filing an application for certificate of citizenship by claimant under section 309 (c) of the act	5.00

[1] Plus communication costs.

PART 3—IMMIGRATION BONDS

§ 3.1 *Immigration bonds*—(a) *Acceptable sureties.* In cases other than those in which cash is deposited pursuant to Part 213 of this chapter, the following shall be the only acceptable sureties on a bond furnished in connection with the administration of the Immigration and Nationality Act:

(1) A company holding a certificate from the Secretary of the Treasury under sections 6 to 13 of title 6 of the United States Code as an acceptable surety on Federal bonds;

(2) A surety who deposits United States bonds or notes which are of the class described in section 15 of title 6 of the United States Code and Treasury Department regulations issued pursuant thereto and which are not redeemable within one year from the date on which they are offered for deposit; or

(3) Sureties, who shall be two in number, each of whom shall justify separately in real property which is not exempted from levy and sale upon execution and which is actually valued, over and above all encumbrances, at double the amount of the bond, and each of whom shall, in addition to making such justification, satisfactorily establish to the immigration officer authorized to approve the bond that his net worth, over and above all obligations and liabilities of any kind, secured or unsecured, is equal to double the amount of the bond.

(b) *Approval; extension agreements; consent of surety; collateral security.* Regardless of the section of law or regulations under which a bond is required, district directors are authorized, either directly or through officers or employees designated by them, to approve bonds which are prepared on a form approved by the Commissioner. Such officers are also authorized to approve formal agreements by which a surety consents to an extension of his liability on any such bond and to approve any power of attorney executed on Form I–312 or Form I–313 which purports to authorize the delivery after its release of collateral deposited to secure the performance of any such bond to some person or concern other than the depositor thereof. Unless otherwise specifically provided in this chapter or by the Commissioner in any case or class of cases, bonds prepared on forms approved by the Commissioner, all agreements of extension of liability relating thereto, and all powers of attorney for delivery of collateral security deposited in connection therewith shall be retained at the office of the Service where approved. Bonds prepared on any form other than one approved by the Commissioner, agreements of extension of liability relating thereto, and any powers of attorney to receive back collateral deposited in connection therewith, shall be submitted to the regional commissioner for approval. Regardless of the form on which the bond is prepared, any power of attorney not executed on Form I–312 or Form I–313, purporting to authorize the delivery after its release of any deposit of collateral security to some person or concern other than the depositor thereof, shall be forwarded, together with the bond and all appurtenant documents, to the regional commissioner for approval. In the same manner, all requests for delivery of collateral security to a person other than the depositor or his approved attorney in fact shall be forwarded to the regional commissioner for approval, except that a request for delivery of collateral security to a duly appointed and undischarged administrator or executor of the estate of a deceased depositor shall be forwarded to the district director for approval.

(c) *Violation of conditions; cancellation.* (1) Whenever it shall appear that a condition of a bond executed in connection with the administration of the immigration laws may have been violated, or when a request for release from liability is received from an obligor, the bond, all appurtenant documents, and a full report of the circumstances shall be forwarded to the district director having administrative jurisdiction over the office where the bond is retained for decision as to whether the conditions of the bond have been met so that it may be cancelled, or whether any condition of the bond has been violated so that liability thereunder should be enforced, or whether the circumstances are such that the bond should be continued in effect. If the obligors are adversely affected by the decision of the district director, they shall be notified by him in writing on Form I–323 of his decision. No appeal shall lie from the decision of the district director.

(2) If all the conditions of a bond executed in connection with the administration of the immigration laws have been complied with and the obligation has thereby been discharged by its own terms, the district director shall so notify the obligors on Form I–391. Similar notice may be given if all the conditions of the bond have been complied with and (i) the alien has departed from the United States or, being the sole obligor on the bond or holding an approved power of attorney from the obligor, is about to depart from the United States, (ii) the alien has died, (iii) the alien has been naturalized as a citizen of the United States, (iv) a new bond has been furnished to replace the existing bond, or (v) in the case of a delivery bond, the warrant of arrest or deportation has been cancelled, or the alien's application for suspension of deportation has been approved, or the alien has been imprisoned, or inducted into the armed forces of the United States.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 4—LAWFUL ADMISSION FOR PERMANENT RESIDENCE: SPECIAL CLASSES; WHEN PRESUMED

Sec.
4.1 Chinese person; definition.
4.2 Presumption of lawful admission.
4.3 Applicability of travel restrictions imposed by section 212 (d) (7) of the Immigration and Nationality Act.

AUTHORITY: §§ 4.1 to 4.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 66 Stat. 166, 182; 8 U. S. C. 1101, 1182.

§ 4.1 *Chinese person; definition.* For the purposes of this part an alien who is of as much as one-half Chinese blood and is not of as much as one-half blood of a race or races which were ineligible for naturalization under section 303 of the Nationality Act of 1940, as amended, shall be regarded as a Chinese person.

§ 4.2 *Presumption of lawful admission.* An alien of any of the following-described classes shall be presumed to have been lawfully admitted for permanent residence within the meaning of the Immigration and Nationality Act (even though no record of his admission can be found, except as otherwise provided in this part) unless the alien abandoned his status as a lawful permanent resident, or

lost such status by operation of law, at any time subsequent to such admission:

(a) *Aliens who entered prior to June 30, 1906.* An alien who establishes that he entered the United States prior to June 30, 1906.

(b) *Aliens who entered across land borders of the United States.* An alien who establishes that, while a citizen of Canada or Newfoundland, he entered the United States across the Canadian border prior to October 1, 1906, and an alien who establishes that while a citizen of Mexico he entered the United States across the Mexican border prior to July 1, 1908.

(b–1) *Aliens who entered at the port of Presidio, Texas, prior to October 21, 1918.* An alien who establishes that, while a citizen of Mexico, he entered the United States at the port of Presidio, Texas, prior to October 21, 1918.

(c) *Aliens preexamined in Canada prior to July 1, 1924.* An alien in whose case no record exists of his actual admission to the United States but who establishes that he gained admission to the United States prior to July 1, 1924 pursuant to preexamination at a United States immigration station in Canada and that a record of such preexamination exists.

(d) *Aliens who entered the Virgin Islands.* An alien who establishes that he entered the Virgin Islands of the United States prior to July 1, 1938, even though a record of his admission as a non-immigrant under the Immigration Act of 1924, prior to July 1, 1938, exists.

(e) *Aliens within the Asiatic barred zone.* An alien who establishes that he is of a race indigenous to, and a native of a country within, the Asiatic zone defined in section 3 of the act of February 5, 1917, as amended, that he was a member of a class of aliens exempted from exclusion by the provisions of the said section, and that he entered the United States prior to July 1, 1924, provided that a record of such entry exists.

(f) *Chinese persons.* (1) A Chinese person in whose case there exists a record of his admission to the United States prior to July 1, 1924, under the provisions of the laws, orders, rules or regulations applicable to Chinese and who establishes that at the time of his admission he was a member of one or more of the following-described classes:

Merchants.
Teachers.
Students.
Sons or daughters under 21 years of age and wives, accompanying or following to join such merchants, teachers, and students.
Travelers for curiosity or pleasure.
Accompanying sons or daughters under 21 years of age and accompanying wives of such travelers.
Wives of United States citizens.
Returning laborers.
Persons admitted as United States citizens under section 1993 of the Revised Statutes of the United States, as amended, but who were admitted in error for the reason that their fathers had not resided in the United States prior to their birth.

(2) A Chinese person in whose case there exists a record of his admission to the United States as a member of one of the following classes, and who establishes that he was, at the time of his admission, a member thereof:

Aliens readmitted between July 1, 1924, and December 16, 1943, inclusive, as returning Chinese laborers who acquired lawful permanent residence prior to July 1, 1924.
Persons admitted between July 1, 1924 and June 6, 1927, inclusive, as United States citizens under section 1993 of the Revised Statutes of the United States, but who were admitted in error for the reason that their fathers had not resided in the United States prior to their birth.
Aliens admitted at any time after June 30, 1924, under subsections (b) or (d) of section 4 of the Immigration Act of 1924.
Alien wives admitted between June 13, 1930, and December 16, 1943, inclusive, and after August 9, 1946, under subsection (a) of section 4 of the Immigration Act of 1924.
Aliens admitted on or after December 17, 1943, under subsection (f) of section 4 of the Immigration Act of 1924.
Aliens admitted on or after December 17, 1943, under section 317 (c) of the Nationality Act of 1940, as amended.
Aliens admitted on or after December 17, 1943, as preference or non-perference quota immigrants pursuant to section 2 of the act of that date.
Aliens admitted between July 1, 1924, and December 23, 1952, both dates inclusive, as the wives or minor sons or daughters of treaty merchants, admitted before July 1, 1924.

(g) *Citizens of the Philippine Islands*—(1) *Who entered United States before May 1, 1934.* An alien who establishes that he entered the United States prior to May 1, 1934, and that he was on the date of such entry a citizen of the Philippine Islands: *Provided,* That, for the purpose of petitioning for naturalization under Title III of the Immigration and Nationality Act, such alien shall not be regarded as having been lawfully admitted to the United States for permanent residence unless he was a citizen of the Commonwealth of the Philippines on July 2, 1946.

(2) *Who entered Hawaii between May 1, 1934 and July 3, 1946.* An alien who establishes that he entered Hawaii between May 1, 1934 and July 3, 1946, inclusive, under the provisions of the last sentence of section 8 (a) (1) of the act of March 24, 1934, as amended, that he was on the date of such entry a citizen of the Philippine Islands, and that a record of such entry exists.

(3) *Travel restrictions.* Notwithstanding the provision of this paragraph, an alien of the class described in subparagraph (2) of this paragraph, and an alien of the class described in subparagraph (1) of this paragraph who entered the United States at Hawaii prior to May 1, 1934, shall be subject to the travel restriction imposed by the proviso to section 212 (d) (7) of the Immigration and Nationality Act.

(h) *Aliens temporarily admitted to the United States.* Aliens in any of the following-described classes, who on their admission expressed an intention to remain in the United States temporarily or to pass in transit through the United States, of whose admission a record exists, but who remained in the United States:

(1) Aliens admitted prior to June 3, 1921, except aliens admitted temporarily under the 9th proviso to section 3 of the Immigration Act of 1917, aliens admitted as accredited officials of foreign governments, their suites, families, or guests, and seamen admitted in pursuit of their calling.

(2) Aliens admitted under the act of May 19, 1921, as amended, who were admissible for permanent residence under that act notwithstanding the quota limitations thereof.

(3) An accompanying wife or unmarried son or daughter under 21 years of age of an alien admitted under the act of May 19, 1921, as amended, who was admissible for permanent residence under that act notwithstanding the quota limitations thereof.

(4) Aliens admitted under the act of May 19, 1921, as amended, who were charged under that act to the proper quota at time of their admission or subsequently and who remained so charged.

(i) *Citizens of the Trust Territory of the Pacific Islands who entered Guam prior to December 24, 1952.* An alien who establishes that while a citizen of the Trust Territory of the Pacific Islands he entered Guam prior to December 24, 1952, by records, such as Service records subsequent to June 15, 1952, records of the Guamanian Immigration Service, records of the Navy or Air Force, or records of contractors of those agencies, and was residing in Guam on that date.

(j) *Aliens admitted to Guam.* (1) An alien who establishes that he was admitted to Guam prior to December 24, 1952, by records, such as Service records subsequent to June 15, 1952, records of the Guamanian Immigration Service, records of the Navy or Air Force, or records of contractors of those agencies; that he was not excludable under the act of February 5, 1917, as amended; and that he continued to reside in Guam until December 24, 1952, and thereafter has not been admitted or readmitted into Guam as a nonimmigrant: *Provided,* That the provisions of this subparagraph shall not apply to an alien who was exempted from the contract laborer provisions of section 3 of the Immigration Act of February 5, 1917, as amended, through the exercise, expressly or impliedly, of the 4th or 9th provisos to section 3 of the said act.

(2) An alien residing in Guam who establishes that he was previously lawfully admitted for permanent residence at a continental port of the United States, that a record of such admission exists, and that he has not abandoned the status of resident of the United States.

§ 4.3 *Applicability of travel restrictions imposed by section 212 (d), (7) of the Immigration and Nationality Act.* Nothing in this part shall be construed as exempting any person or class of persons enumerated herein from the application of section 212 (d) (7) of the Immigration and Nationality Act.

PART 5—REVOCATION OF CERTIFICATES, DOCUMENTS, OR RECORDS ISSUED OR MADE BY ADMINISTRATIVE OFFICERS

Sec.
5.1 Certificates, documents, and records subject to cancellation.

Sec.
5.11 Report and notice.
5.12 Failure to answer; admission of allegations.
5.13 Answer filed; personal appearance; notice.
5.14 Surrender of documents.

AUTHORITY: §§ 5.1 to 5.14 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 342—344, 66 Stat. 252, 263—264; 8 U. S. C. 1443, 1453—1455.

§ 5.1 *Certificates, documents, and records subject to cancellation.* The cancellation of certificates, documents, or records referred to in section 342 of the Immigration and Nationality Act shall apply to a certificate of naturalization, certificate of repatriation, certificate of citizenship, certificate of derivative citizenship, certificate of lawful entry or certificate of registry issued prior to December 24, 1952, special certificate of naturalization for recognition by a foreign state, copies of such certificates, documents, or records, exception from the classification of alien enemy, and certifications of the records of the Service made or issued under section 341 (e) or 342 (b) (8) of the Nationality Act of 1940, or section 343 (e) or 344 (b) (6) of the Immigration and Nationality Act.

§ 5.11 *Report and notice.* Except as otherwise provided in this chapter, whenever it shall appear that any certificate, document, or record referred to in § 5.1 was illegally or fraudulently obtained from, or was created through illegality or by fraud practiced upon, the issuing officer, a complete report shall be submitted to the district director having administrative jurisdiction over the subject's last known place of residence in the United States. If the district director is satisfied that a prima facie showing has been made that such certificate, document, or record was obtained or granted through illegality or fraud, he shall cause to be served a written notice on the person to whom the certificate or document was issued or in whose behalf the record was furnished at such person's last known address. The notice shall inform such person of intention to cancel the certificate, document, or record, and the grounds upon which it is intended to base such cancellation. The notice shall also inform the person to whom it is addressed that he may submit, within 60 days from the date of service of the notice, an answer in writing under oath, setting forth reasons why such certificate, document, or record should not be cancelled. The notice shall also advise the person to whom it is addressed that he may, within such period and upon his request have an opportunity to appear in person, in support or in lieu of his written answer, before such immigration officer as may be designated for that purpose. The person to whom the notice is addressed shall further be advised therein that he may have the assistance of counsel, without expense to the government of the United States, in the preparation of his answer or in connection with such personal appearance, and shall have opportunity to examine, at the appropriate office of the Service, the evidence upon which it is proposed to base such cancellation.

§ 5.12 *Failure to answer; admission of allegations.* If the person served with notice under § 5.11 fails to file a written answer within the time allowed therefor, or if the answer admits the allegations in the notice irrespective of whether a personal appearance is requested, the district director shall cancel the certificate, document, or record. No appeal shall lie from such cancellation.

§ 5.13 *Answer filed; personal appearance; notice.* Upon receipt of an answer asserting a defense to the allegations in a notice served pursuant to § 5.11, the district director shall designate an officer of the Service to consider and, if a request for a personal appearance was made, to interview the party affected. If a personal appearance was requested, such officer shall notify the subject of the time, date and place, to appear for interview and of the subject's right to be represented by counsel or representative at no expense to the Government. At the conclusion of the interview, the subject or his attorney or representative shall be given a reasonable time not to exceed 10 days for the submission of briefs. The officer shall, after consideration of the case if no personal appearance was requested, or after completion of the interview and the consideration of any brief submitted, prepare a report summarizing the evidence and containing his findings and recommendation. The report shall be forwarded to the district director, with the record in the case. If the district director finds that the certificate, document, or record was not obtained through illegality or fraud, he shall order the matter terminated, and the subject shall be so notified. If the district director finds that the certificate, document, or record was obtained or created through illegality or fraud, he shall order that it be cancelled ab initio. Notice of such action and the reasons therefor shall be given to the subject or his attorney or representative, and the subject shall be informed of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

§ 5.14 *Surrender of documents.* Upon the cancellation of any document under this part, the subject shall be requested by the district director, in writing, to surrender the document to the district director.

PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION.

Sec.
6.1 Board of Immigration Appeals.
6.2 Reopening or reconsideration.
6.11 Notice of appeal.
6.12 Withdrawal of appeal.
6.13 Forwarding of record on appeal.
6.14 Stay of execution of decision.
6.15 Notice of certification.
6.16 Fees.
6.21 Motion to reopen or motion to reconsider.

AUTHORITY: §§ 6.1 to 6.21 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103.

§ 6.1 *Board of Immigration Appeals*—(a) *Organization.* There shall be in the office of the Attorney General a Board of Immigration Appeals. It shall be under the supervision and direction of the Attorney General and shall be responsible solely to him. The Board shall consist of a chairman and four other members and shall have attached to it an executive assistant-chief examiner who shall have authority to act as an alternate member. It shall also have attached to it such number of attorneys and other employees as the Attorney General upon recommendation of the Board, shall from time to time direct. In the absence of the chairman, a member designated by him shall act as chairman.

(b) *Appellate jurisdiction.* Appeals shall lie to the Board of Immigration Appeals from the following:

(1) Decisions of special inquiry officers in exclusion cases, as provided in Part 236 of this chapter;

(2) Decisions of special inquiry officers in deportation cases, as provided in Part 242 of this chapter;

(3) Decisions of district directors on applications for the advance exercise of the discretionary authority contained in section 212 (c) of the Immigration and Nationality Act, as provided in Part 212 of this chapter;

(4) Decisions of district directors involving administrative fines and penalties, including mitigation thereof, as provided in Part 280 of this chapter;

(5) Decisions of district directors on petitions filed in accordance with section 205 of the Immigration and Nationality Act or decisions revoking the approval of such petitions in accordance with section 206 of the Immigration and Nationality Act, as provided in Parts 205 and 206, respectively, of this chapter;

(6) Decisions of district directors or the Assistant Commissioner, Examinations Division, on applications for the advance exercise of the discretionary authority contained in section 212 (d) (3) of the Immigration and Nationality Act, as provided in Part 212 of this chapter;

(7) Determinations of regional commissioners or district directors relating to bond, parole, or detention of an alien as provided in Part 242 of this chapter.

(c) *Jurisdiction by certification.* The Commissioner, an assistant commissioner, a regional commissioner, or the Board may in any case arising under paragraph (b) (1) through (6) of this section require certification of such case to the Board.

(d) *Powers of the Board*—(1) *Generally.* Subject to any specific limitation prescribed by this chapter, in considering and determining cases before it as provided in this part the Board shall exercise such discretion and authority conferred upon the Attorney General by law as is appropriate and necessary for the disposition of the case, except that the Board shall have no authority to consider or determine the manner, at whose expense, or to which country an alien shall be deported.

(2) *Finality of decision.* The decision of the Board shall be final except in those cases reviewed by the Attorney General in accordance with paragraph (h) of this section. The Board may re-

turn a case to the Service for such further action as may be appropriate to the case, without entering a final decision on its merits.

(3) *Admission to practice.* The Board shall have authority, with the approval of the Attorney General, to promulgate rules of practice governing the proceedings before it, and to determine the admission, conduct, and disbarment, of attorneys, representatives, and other persons authorized to practice before the Board or the Service.

(e) *Oral argument.* Oral argument shall be heard by the Board upon request, in any case over which the Board acquires jurisdiction by appeal or certification as provided in this part. If an appeal has been taken, request for oral argument if desired shall be included in the Notice of Appeal. The Board shall have authority to fix any date or change any date upon which oral argument is to be heard. The Service may be represented in argument before the Board by any officer designated by the Commissioner. The Board shall convene for the purpose of hearing oral argument at its offices in Washington, D. C., at 2:00 p. m. or such other time as it may designate on every day except Saturdays, Sundays, and legal holidays.

(f) *Service of Board decisions.* The decision of the Board shall be in writing and copies shall be transmitted by the Board to the Service and a copy served upon the alien or party affected as provided in §§ 292.11 and 292.12 of this chapter.

(g) *Board's decisions as precedents.* Except as they may be modified or overruled by the Board or the Attorney General, decisions of the Board shall be binding on all officers and employees of the Service in the administration of the Immigration and Nationality Act, and selected decisions designated by the Board shall serve as precedents in all proceedings involving the same issue or issues.

(h) *Referral of cases to the Attorney General.* (1) The Board shall refer to the Attorney General for review of its decision all cases which:

(i) The Attorney General directs the Board to refer to him.

(ii) The chairman or a majority of the Board believes should be referred to the Attorney General for review.

(iii) The Commissioner or an assistant commissioner requests be referred to the Attorney General for review.

(2) In any case in which the Attorney General shall review the decision of the Board, his decision shall be stated in writing and shall be transmitted to the Board for transmittal and service as provided in paragraph (f) of this section.

§ 6.2 *Reopening or reconsideration.* Reconsideration or reopening of any case in which a decision has been made by the Board, whether requested by the Commissioner, an assistant commissioner, a regional commissioner, or by the party affected by the decision, shall be only upon written motion to the Board. A motion to reopen or a motion to reconsider shall not be made by or in behalf of a person who is the subject of deportation proceedings subsequent to his departure from the United States. Any departure of such person from the United States occurring after the making of a motion to reopen or a motion to reconsider shall constitute a withdrawal of such motion. For the purpose of this section, any final decision made by the Commissioner prior to the effective date of the Immigration and Nationality Act and of this chapter with respect to any case within the classes of cases enumerated in § 6.1 (b) (1), (2), (3), (4), and (5) shall be regarded as a decision by the Board.

§ 6.11 *Notice of appeal.* A party affected by a decision who is entitled under this chapter to appeal to the Board shall be given notice of his right to appeal. An appeal is taken by filing Notice of Appeal, Form I–290A, in triplicate, with the district director having administrative jurisdiction over the case, within the time specified in the governing sections of this chapter. The regional commissioner, district director, or the Board, in their discretion, for good cause shown, may extend the time within which to submit a brief in support of such appeal. The certification of a case as provided in this part shall not relieve the party affected from compliance with the provisions of this section in the event he is entitled, and desires, to appeal from an initial decision, nor shall it serve to extend the time specified in the applicable parts of this chapter for the taking of an appeal. Departure from the United States of a person under deportation proceedings, prior to the taking of an appeal from a decision in his case, shall constitute a waiver of his right to appeal.

§ 6.12 *Withdrawal of appeal.* In any case in which an appeal has been taken, the party taking the appeal may file a written withdrawal of such appeal with the officer with whom the notice of appeal was filed. If the record in the case has not been forwarded to the Board on appeal in accordance with § 6.13 the decision made in the case shall be final to the same extent as though no appeal had been taken. If the record has been forwarded on appeal, the withdrawal of the appeal shall be forwarded to the Board and, if no decision in the case has been made on the appeal, the record shall be returned and the initial decision shall be final to the same extent as though no appeal had been taken. If a decision on the appeal was made by the Board in the case, further action shall be taken in accordance therewith. Departure from the United States of a person who is the subject of deportation proceedings subsequent to the taking of an appeal but prior to a decision thereon shall constitute a withdrawal of the appeal and the initial decision in the case shall be final to the same extent as though no appeal had been taken.

§ 6.13 *Forwarding of record on appeal.* If an appeal is taken from a decision, as provided in this chapter, the entire record of the proceeding shall be forwarded to the Board by the district director having administrative jurisdiction over the case upon timely receipt of the brief in support of the appeal, or upon expiration of the time allowed for the submission of the brief.

§ 6.14 *Stay of execution of decision.* The decision in any proceeding under this chapter from which an appeal to the Board may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the Board by way of certification.

§ 6.15 *Notice of certification.* Whenever in accordance with the provisions of § 6.1 (c) a case is required to be certified to the Board, the alien or other party affected shall be given notice of certification. A case shall not be certified until an initial decision has been made and no appeal has been taken. If it is known at the time of making the initial decision that the case will be certified, the notice of certification shall be included in such decision and no further notice of certification shall be required. If it is not known until after the initial decision was made that the case will be certified, the district director having administrative jurisdiction over the case shall cause a Notice of Certification (Form I–290C) to be served upon the party affected. In either case the notice shall inform the party affected that the case is required to be certified to the Board and of the right to make representation before the Board, including oral argument and submission of brief, if desired. The brief shall be submitted to such district director for transmittal to the Board within 10 days from receipt of the notice of certification, unless for good cause shown the district director or the Board extends the time within which the brief may be submitted. The party affected may waive the submission of such brief. The case shall be certified and forwarded to the Board by the district director upon receipt of the brief, or the expiration of the time within which the brief may be submitted, or upon receipt of a written waiver of the right to submit a brief.

§ 6.16 *Fees.* Except as otherwise provided in this section, a notice of appeal or a motion filed under this part by any person other than an officer of the Service shall be accompanied by a fee specified by, and remitted in accordance with, the provisions of Part 2 of this chapter. In any case in which an alien or other party affected is unable to pay the fee for an appeal or a motion, he shall file with the notice of appeal or the motion his affidavit stating the nature of the motion or appeal, the affiant's belief that he is entitled to redress, his inability to pay the required fee, and request permission to prosecute the appeal or motion without prepayment of such fee. If such an affidavit is filed with the officer of the Service from whose decision the appeal is taken or with respect to whose decision the motion is addressed, he shall, if he believes that the appeal or motion is not taken or made in good faith, certify in writing his reasons for such belief for consideration by the Board. The Board may, in its discretion, authorize the prosecution of any appeal or motion without prepayment of fee.

§ 6.21 *Motion to reopen or motion to reconsider*—(a) *Form.* Motions to reopen and motions to reconsider shall be submitted in triplicate. A request for oral argument if desired shall be incorporated in the motion. The Board in its discretion may grant or deny oral argument. Motions to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. Motions to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. In any case in which a deportation order is in effect, there shall be included in the motion to reopen or reconsider that order a statement by or on behalf of the moving party declaring whether or not the subject of the deportation order is also the subject of any pending criminal proceeding under section 242 (e) of the Immigration and Nationality Act and, if so, the current status of that proceeding. If the motion to reopen or reconsider is for the purpose of seeking discretionary relief, there shall be included in the motion a statement by or on behalf of the moving party declaring whether or not the alien for whose relief the motion is filed is subject to any pending criminal prosecution and, if so, the nature and current status of that prosecution. The filing of a motion to reopen or a motion to reconsider shall not serve to stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay of execution is specifically granted by the Board or the district director having administrative jurisdiction over the case.

(b) *Distribution of motion papers when alien is moving party.* In any case in which a motion to reopen or a motion to reconsider is made by the alien or other party affected, the three copies of the motion papers shall be submitted to the district director having administrative jurisdiction over the place where the proceedings were conducted, who shall retain one copy, forward one copy to the officer of the Service who made the initial decision in the case, and submit the third copy with the case to the Board.

(c) *Distribution of motion papers when the Commissioner, an assistant commissioner, or a regional commissioner is the moving party.* Whenever a motion to reopen or a motion to reconsider is made by the Commissioner, an assistant commissioner, or a regional commissioner, he shall cause one copy of the motion to be served upon the alien or party affected, as provided in §§ 292.11 and 292.12 of this chapter, and shall cause the record in the case and one copy of the motion to be filed directly with the Board, together with proof of service upon the alien or other party affected. Such alien or party shall have a period of ten days from the date of service upon him of the motion within which to submit a brief in opposition to the motion. Two copies of such brief shall be filed directly with the Board and one copy directly with the Commissioner. The submission of such brief may be waived. The Board, in its discretion, for good cause shown may extend the time within which such brief may be submitted.

(d) *Ruling on motion.* Rulings upon motions to reopen or motions to reconsider shall be by written order. If the order directs a reopening, the record shall be returned to the district director having administrative jurisdiction over the place where the reopened proceedings are to be conducted. If the motion to reconsider is granted, the decision upon such reconsideration shall affirm, modify, or reverse the original decision made in the case.

PART 7—REGIONAL COMMISSIONERS: APPEALS

Sec.
7.1 Regional commissioners.
7.11 Notice of appeal.
7.12 Withdrawal of appeal.
7.13 Forwarding of record on appeal.
7.14 Stay of execution of decision.
7.15 Notice of certification.
7.16 Fees.

AUTHORITY: §§ 7.1 to 7.16 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 332, 66 Stat. 252; 8 U. S. C. 1443.

§ 7.1 *Regional commissioners*—(a) *Appellate jurisdiction.* Appeals shall lie to the regional commissioners from the following:

(1) Decisions of district directors on petitions filed in accordance with section 204 or 214 (c) of the Immigration and Nationality Act or from decisions revoking the approval of such petitions in accordance with section 206 of that act, as provided in Parts 204, 214h, and 206 of this chapter;

(2) Decisions of district directors on applications for consent to reapply for admission to the United States under section 212 (a) of the Immigration and Nationality Act, as provided in Part 212 of this chapter;

(3) Decisions of district directors on applications for permission for aliens to enter the United States notwithstanding section 212 (a) (14) of the Immigration and Nationality Act, as provided in Part 212a of this chapter;

(4) Decisions of district directors on applications for the approval of schools or from decisions of district directors revoking the approval of schools, in accordance with section 101 (a) (15) (F) of the Immigration and Nationality Act, as provided in Part 214f of this chapter;

(5) Decisions of district directors on applications for reentry permits under section 223 of the Immigration and Nationality Act, as provided in Part 223 of this chapter;

(6) Decisions of district directors on applications for adjustment of status under section 245 of the Immigration and Nationality Act, as provided in Part 245 of this chapter;

(7) Decisions of district directors rescinding adjustment of status under section 246 of the Immigration and Nationality Act, as provided in Part 246 of this chapter;

(8) Decisions of district directors adjusting status under section 247 of the Immigration and Nationality Act, as provided in Part 247 of this chapter;

(9) Decisions of district directors on applications to change status under section 248 of the Immigration and Nationality Act, as provided in Part 248 of this chapter;

(10) Decisions of district directors on applications for the creation of a record of admission under section 249 of the Immigration and Nationality Act, as provided in Part 249 of this chapter;

(11) Decisions of district directors on applications filed under Parts 316 and 317 of this chapter for residence or physical presence benefits for naturalization purposes;

(12) [Reserved.]

(13) Decisions of district directors on applications for certificates of citizenship under Part 341 of this chapter;

(14) Decisions of district directors revoking certificates, documents or records under section 342 of the Immigration and Nationality Act, as provided in Part 5 of this chapter;

(15) Decisions of district directors on applications for certificates of naturalization or repatriation under Part 343 of this chapter;

(16) Decisions of district directors on applications for replacement of certificates of naturalization or citizenship under Part 343a of this chapter;

(17) Decisions of district directors on applications for special certificates of naturalization under section 343 of the Immigration and Nationality Act, as provided in Part 343b of this chapter;

(18) [Reserved.]

(19) Decisions of district directors on applications for preexamination under Part 235a of this chapter.

(b) *Jurisdiction by certification.* The regional commissioner may direct that any case or class of cases be certified to him. If the case is one of a class enumerated in § 6.1 (b) of this chapter, the regional commissioner may certify the case to the Board in accordance with § 6.1 (c) of this chapter. In any other case, he may enter such decision as he deems appropriate, and further action shall be taken in accordance with such decision.

(c) *Powers of the regional commissioner.* In considering and determining cases appealed or certified to him and in which he has jurisdiction to enter a decision, the regional commissioner shall exercise such discretion and authority conferred upon the Attorney General by the Immigration and Nationality Act as is appropriate and necessary for the disposition of the case.

(d) *Decision of regional commissioner.* The decision of the regional commissioner shall be in writing. The alien or other party affected by the decision shall be informed of the decision made in the case.

§ 7.11 *Notice of appeal.* Whenever an alien or other party affected by a written decision is entitled under this chapter to appeal to the regional commissioner, he shall be given written notice that he may appeal from such decision; that such appeal may be taken by filing with the district director having administrative jurisdiction over the case three copies of Notice of Appeal, Form I–290B; and, except as otherwise pro-

vided in this chapter, that such appeal must be taken within ten days from the receipt of notification of decision. The forms I–290B shall be enclosed with the written notice to the alien. The party taking the appeal may file with the Notice of Appeal a brief in support of his appeal. The party affected may waive the submission of such brief. The district director or the regional commissioner, in his discretion, for good cause shown, may extend the time within which the brief may be submitted. One copy of the Notice of Appeal shall be retained in the office where the proceedings are pending and two copies shall be placed in the file relating to the case. The certification of a case as provided in this part shall not relieve the party affected from compliance with the provisions of this section in the event such party is entitled, and desires, to appeal from an initial decision, nor shall it serve to extend the time specified in the applicable parts of this chapter for the taking of an appeal.

§ 7.12 *Withdrawal of appeal.* In any case in which an appeal has been taken, the party taking the appeal may file a written withdrawal of such appeal with the officer with whom the Notice of Appeal was filed. If the record in the case has not been forwarded to the regional commissioner on appeal in accordance with § 7.13, the decision made in the case shall be final to the same extent as though no appeal had been taken. If the record in the case has been forwarded on appeal, the withdrawal of the appeal shall be forwarded to the regional commissioner and if no decision in the case has been made on the appeal, the record shall be returned to the office in which the proceedings are pending and the decision in the case shall be final to the same extent as though no appeal had been taken. If a decision on the appeal was made in the case, further action shall be taken in accordance therewith.

§ 7.13 *Forwarding of record on appeal.* If an appeal is taken from a decision, either written or oral, as provided in this chapter, the entire record of the proceedings shall be forwarded by the district director having administrative jurisdiction over the case to the regional commissioner:

(a) Upon receipt of the Notice of Appeal and brief in support thereof if the decision appealed from was in writing; or

(b) Upon receipt of the brief in support of an appeal taken orally if the decision appealed from was oral; or

(c) Upon expiration of the time allowed for the submission of the brief; or

(d) Upon receipt of a written waiver of the right to submit a brief.

§ 7.14 *Stay of execution of decision.* The decision of any proceeding under this chapter from which an appeal to the regional commissioner may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the regional commissioner by way of certification.

§ 7.15 *Notice of certification.* When the regional commissioner in accordance with the provisions of § 7.1 (b) directs that a case (other than one falling within the classes enumerated in § 6.1 (b) of this chapter) be certified to him for review, the alien or other party affected shall be given notice of such certification. Except as otherwise provided in this chapter, a case shall not be certified until an initial decision has been made and no appeal has been taken. If it is known at the time of making the initial decision that the case will be certified, the notice of certification shall be included in such decision and no further notice of certification shall be required. If it is not known until after the initial decision was made that the case will be certified, the district director having administrative jurisdiction over the case shall cause a notice of certification (Form I–290C) to be served upon the party affected. In either case the notice shall inform the party affected that the case is required to be certified to the regional commissioner and of the right to submit a brief, if desired, for consideration by the regional commissioner. The brief shall be submitted to such district director for transmittal to the regional commissioner within ten days from receipt of the notice of certification, unless, for good cause shown, the district director or the regional commissioner extends the time within which the brief may be submitted. The party affected may waive the submission of such brief. The record of the case shall be certified and forwarded to the regional commissioner by the district director upon receipt of the brief, or the expiration of the time within which the brief may be submitted, or upon receipt of a written waiver of the right to submit a brief.

§ 7.16 *Fees.* Except as otherwise provided in this section, a notice of appeal filed under this part shall be accompanied by a fee of $10 as prescribed by, and remitted in accordance with, the provisions of Part 2 of this chapter. In any case in which an alien or other party affected is unable to pay the fee for an appeal, he shall file with the notice of appeal his affidavit stating the nature of the appeal, the affiant's belief that he is entitled to redress, his inability to pay the required fee, and requesting permission to prosecute the appeal without prepayment of such fee. If such an affidavit is filed, the officer of the Service from whose decision the appeal is taken shall, if he believes that the appeal is not taken in good faith, certify in writing his reasons for such belief for consideration by the regional commissioner. The regional commissioner may, in his discretion, authorize the prosecution of any such appeal without prepayment of fee.

PART 8—REOPENING AND RECONSIDERATION

Sec.
8.1 Reopening and reconsideration.
8.2 Reopening of suspension cases pending in Congress.
8.11 Motion to reopen or reconsider.

AUTHORITY: §§ 8.1 to 8.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103.

§ 8.1 *Reopening and reconsideration.* Except as provided in § 6.2 of this chapter, a hearing or examination in any proceeding provided for in this chapter may be reopened or the decision made therein reconsidered for proper cause at the instance of, or upon motion made by the party affected and granted by the regional commissioner, if the decision in the case was made by him, or if the case is before him for review; or the district director, if the decision in the case was made by such officer, unless the record in the case previously was forwarded to the Board or to the regional commissioner; or the special inquiry officer, if he has ordered suspension of deportation and the regional commissioner has approved the granting of suspension but final action in the case has not been taken by Congress; or the special inquiry officer, in any other case in which the decision was made by him, unless the record in the case previously was forwarded to the Board or to the regional commissioner. A motion to reopen or a motion to reconsider shall not be made by or in behalf of a person who is the subject of deportation proceedings subsequent to his departure from the United States. Any departure of such person from the United States occurring after the making by him of a motion to reopen or a motion to reconsider shall constitute a withdrawal of such motion.

§ 8.2 *Reopening of suspension cases pending in Congress.* Any deportation proceeding in which a special inquiry officer has ordered suspension of deportation, the regional commissioner (or the Assistant Commissioner, Inspections and Examinations Division, prior to January 3, 1955) has approved the granting of suspension, and final action in the case has not been taken by Congress, may be reopened by the special inquiry officer for proper cause upon motion made by the district director having administrative jurisdiction over the place where the proceeding was conducted. A motion to reopen which is granted by the special inquiry officer in a suspension case pending before Congress shall be conditioned upon withdrawal of the case from the list of suspension cases referred to Congress.

§ 8.11 *Motion to reopen or reconsider*—(a) *Filing.* When the alien is the moving party, a motion to reopen or to reconsider shall be filed in duplicate with the district director of the place where the proceeding was conducted for transmittal to the officer having jurisdiction to act on the motion, as provided in § 8.1. In any case in which an examining officer has appeared before a special inquiry officer, the district director shall immediately forward a copy of the alien's motion to such examining officer. When an officer of the Service is the moving party, a copy of the motion shall be served on the alien or other party in interest, as provided in §§ 292.11 and 292.12 of this chapter, and the motion, together with proof of service, shall be filed directly with the officer having jurisdiction to act on the motion. The party opposing the motion shall have ten days from the date of service thereof within which he may submit a brief. In his discretion, for good cause shown, the officer having jurisdiction to act on the motion may extend the time within which such brief may be submitted. If the officer who originally decided the case is unavailable, the motion may be referred to another officer in the district or region having jurisdiction over the subject matter and authorized to act in such cases. Motions to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. Motions to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. A motion not complying fully with this section shall not be accepted and shall be returned to the moving party with a brief statement of the reason for its return. The filing of a motion to reopen or a motion to reconsider under this part shall not serve to stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay is specifically granted by the district director of the place where the proceeding was conducted.

(b) *Ruling on motion.* Rulings upon motions to reopen or motions to reconsider shall be by written decision. If the decision directs a reopening, the record shall be returned to the district director having administrative jurisdiction over the place where the reopened proceedings are to be conducted. If the motion to reconsider is granted, the original decision shall be reconsidered at the time of, and by the officer, granting such motion. The decision upon such reconsideration shall affirm, modify, or reverse the original decision made in the case.

(c) *Notice of reopened hearing or examination.* In any case in which a hearing or examination is reopened as provided in Part 6 of this chapter or this part, a notice of hearing or examination shall be served on the party affected in the same manner and form as the notice required for the original hearing or examination.

(d) *Reopened hearing or examination.* The reopened hearing or examination shall be conducted and further action taken in the proceedings as provided in this chapter for the conduct of the original hearing or examination.

(e) *Appeal.* The decision upon a motion to reopen or a motion to reconsider shall be final, subject to the limitations imposed by § 6.1 (b) (2) of this chapter.

(f) *Fees.* Except as otherwise provided in this paragraph, a motion filed under this part by any person other than an officer of the Service shall be accompanied by a fee specified by, and remitted in accordance with, the provisions of Part 2 of this chapter. In any case in which an alien or other party affected is unable to pay the fee for a motion, he shall file with the motion his affidavit stating the nature of the motion, the affiant's belief that he is entitled to redress, his inability to pay the required fee, and request permission to prosecute the motion without prepayment of such fee. If such an affidavit is filed, the district director having administrative jurisdiction over the place where the proceedings were conducted shall, if he believes that the motion is not made in good faith, certify in writing his reasons for such belief for consideration by the officer having jurisdiction to act on the motion as provided in § 8.1. The officer having jurisdiction to act on the motion may, in his discretion, authorize the prosecution of any such motion without prepayment of fee.

PART 9—AUTHORITY OF COMMISSIONER, REGIONAL COMMISSIONERS, AND ASSISTANT COMMISSIONERS

Sec.
9.1 Authority of Commissioner.
9.2 Authority of Assistant Commissioner, Examinations Division.
9.3 Authority of Assistant Commissioner, Investigations Division.
9.4 Authority of Assistant Commissioner, Enforcement Division.
9.5 Authority of Assistant Commissioner, Administrative Division.
9.5a Authority of Regional Commissioners.
9.5b Authority of District Directors.
9.6 Reservation of authority.

AUTHORITY: §§ 9.1 to 9.6 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 332, 66 Stat. 252; 8 U. S. C. 1443.

§ 9.1 *Authority of Commissioner*—(a) *General.* Under the general direction of the Attorney General, the Commissioner is authorized and directed to supervise and direct the administration of the Service, and, subject to the limitations contained in section 103 of the Immigration and Nationality Act and Part 6 of this chapter, to administer and enforce the Immigration and Nationality Act and all other laws relating to immigration, naturalization, and nationality; and for such purposes he is authorized to exercise or perform any of the powers, privileges, and duties conferred or imposed upon the Attorney General thereby, including the authority to promulgate regulations under Subchapters B, and C of this chapter.

(b) *Designation and appointment of special inquiry officer.* The Commissioner may designate, select, and appoint as a special inquiry officer any immigration officer whom he deems specially qualified to exercise the powers and perform the duties of a special inquiry officer as set forth in the Immigration and Nationality Act and this chapter. The Commissioner shall issue to each officer so appointed a certificate under his signature bearing the seal of the Service. Such certificate shall state, and shall be accepted in any proceeding as evidence, that the officer to whom the certificate is issued has the authority to exercise the powers and perform the duties of a special inquiry officer as provided in the Immigration and Nationality Act and in this chapter.

§ 9.2 *Authority of Assistant Commissioner, Examinations Division.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the inspections, examinations, and hearing programs of the Service, are hereby conferred or imposed upon the Assistant Commissioner, Examinations Division, including:

(a) Applications for waiver of ground of inadmissibility as provided in section 212 (d) (3) of the Immigration and Nationality Act and Part 212 of this chapter, but only in those cases where such applications have been recommended by the Secretary of State or by a consular officer.

(b) Final determinations regarding qualifications of aliens for the benefits of section 212 (a) (28) (I) (ii) of the Immigration and Nationality Act.

§ 9.3 *Authority of Assistant Commissioner, Investigations Division.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the investigation programs of the Service are hereby conferred or imposed upon the Assistant Commissioner, Investigations Division.

§ 9.4 *Authority of Assistant Commissioner, Enforcement Division.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the border patrol, detention, deportation, and parole programs of the Service are hereby conferred or imposed upon the Assistant Commissioner, Enforcement Division.

§ 9.5 *Authority of Assistant Commissioner, Administrative Division.* The function of requesting information from other Government agencies regarding the identity and location of aliens as provided for in sections 290 (b) and (c) of the Immigration and Nationality Act is conferred upon the Assistant Commissioner, Administrative Division, with related functions.

§ 9.5a *Authority of Regional Commissioners.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the regional commissioners:

(a) Petitions for immigrant status pursuant to the provisions of sections 204 and 205 of the Immigration and Nationality Act and Parts 204, 205, and 206 of this chapter.

(b) Applications to import nonimmigrants pursuant to the provisions of section 214 of the Immigration and Nationality Act and Parts 214h and 206 of this chapter.

(c) Waiver of passport and visa requirements in particular cases of immigrants in accordance with Part 211 of this chapter.

(d) Nonresident aliens' border crossing identification cards as defined or provided by section 101 (a) (6) of the Immigration and Nationality Act and Part 212 of this chapter.

(e) Applications for permission to reapply for admission after arrest and deportation, exclusion and deportation, removal of aliens who have fallen into distress, removal of alien enemies or removal of aliens at government expense in lieu of deportation, as provided by section 212 (a) (16) and (17) of the Immigration and Nationality Act and Part 212 of this chapter.

(f) Applications for waiver of ground of inadmissibility of certain resident or nonresident aliens as provided in section 212 (c) or (d) (3) of the Immigration and Nationality Act and Part 212 of this chapter, except as otherwise provided in § 9.2.

(g) Parole of aliens into the United States, and the conditions thereof as provided in section 212 (d) (5) of the Immigration and Nationality Act and Part 212 of this chapter.

(h) Waiver of nonimmigrant passport and visa requirements, acting jointly with the Secretary of State, or his authorized representative, if any, in individual cases of unforeseen emergency, as provided by section 212 (d) (4) of the Immigration and Nationality Act.

(i) Admission on bond of aliens excludable because they are likely to become public charges or because of certain physical defects, diseases, or disabilities as provided in section 213 of the Immigration and Nationality Act and Part 213 of this chapter.

(j) Determinations as to the time for, and conditions under, which nonimmigrants may be admitted to the United States, and as to applications for extension of their temporary stay, as provided in section 214 (a) of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, and section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and Parts 214 to 214k, inclusive, of this chapter.

(k) Determinations as to whether escorts shall accompany aliens in transit through the United States as provided in section 214 of the Immigration and Nationality Act and Part 214c of this chapter.

(l) Petitions for approval of schools and the withdrawal of such approval as provided in section 101 (a) (15) (F) of the Immigration and Nationality Act and Part 214f of this chapter.

(m) Applications for waiver of ground of inadmissibility for certain immigrant laborers as provided in secton 212 (a) (14) of the Immigration and Nationality Act and Part 212a of this chapter.

(n) Applications for reentry permits as provided in section 223 of the Immigration and Nationality Act and Part 223 of this chapter.

(o) Designation, and withdrawal of designation, of ports of entry for aliens arriving by vessel or by land transportation as provided in the statement of organization of the Service, and designation, and withdrawal of designation, of airports as international airports for entry of aliens as provided in Part 239 of this chapter.

(p) Detention and designation of the place of detention of aliens as provided by sections 232 and 233 of the Immigration and Nationality Act and Parts 232 and 233 of this chapter.

(q) Exclusion of aliens on grounds relating to the safety and security of the United States and determinations in connection with such cases, as provided in section 235 (c) of the Immigration and Nationality Act and Part 235 of this chapter.

(r) [Reserved.]

(s) [Reserved.]

(t) Stay of deportation of excluded aliens as provided in section 237 of the Immigration and Nationality Act and Part 237 of this chapter.

(u) Issuance and cancellation of warrants of arrests and orders to show cause prior to hearing as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter.

(v) Voluntary departure of aliens prior to hearing as provided in section 242 (b) of the Immigration and Nationality Act and Part 242 of this chapter.

(w) Continuation of detention of aliens or release of aliens from custody as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter.

(x) Detention, conditions of release, and revocation of bond or parole, of aliens as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter.

(y) Designation of the countries to which and at whose expense aliens shall be deported and determination as to whether an attendant is required as provided in section 243 of the Immigration and Nationality Act and Part 243 of this chapter.

(z) Stay of execution of warrants and orders of deportation as provided in section 243 of the Immigration and Nationality Act and Part 243 of this chapter.

(aa) Adjustment of status from nonimmigrant to immigrant, as provided in section 245 of the Immigration and Nationality Act and Part 245 of this chapter.

(bb) Rescission of adjustment of status as provided in section 246 of the Immigration and Nationality Act and Part 246 of this chapter.

(cc) Adjustment of the status of aliens lawfully admitted for permanent residence to that of certain nonimmigrant classes as provided in section 247 of the Immigration and Nationality Act and Part 247 of this chapter.

(dd) Change of status of aliens from one nonimmigrant class to another nonimmigrant class as provided in section 248 of the Immigration and Nationality Act and Part 248 of this chapter.

(ee) Creation of record of lawful admission for permanent residence, as provided by section 249 of the Immigration and Nationality Act and Part 249 of this chapter.

(ff) Determinations of applications for removal of aliens who have fallen into distress, as provided in section 250 of the Immigration and Nationality Act and Part 250 of this chapter.

(gg) Removal from the United States of aliens who have fallen into distress as provided in section 250 of the Immigration and Nationality Act and Part 250 of this chapter.

(hh) [Reserved.]

(ii) [Reserved.]

(jj) Replacement of alien-registration receipt cards under Part 264 of this chapter.

(kk) Issuance of subpenas as provided in section 235 (a) of the Immigration and Nationality Act and Part 287 of this chapter.

(ll) Control and guarding of boundaries and borders of the United States against the illegal entry of aliens and the fixing of boundary distances as provided in section 287 of the Immigration and Nationality Act and Part 287 of this chapter.

(mm) Applications for residence and physical presence benefits under section 316 of the Immigration and Nationality Act and Parts 316a and 317 of this chapter and determinations that employers are American institutions of research or public international organizations within the meaning of section 316 (b) or 319 (b) of the Immigration and Nationality Act.

(nn) [Reserved.]

(oo) [Reserved.]

(pp) Applications for transfer of petitions for naturalization under section 335 (i) of the Immigration and Nationality Act and Part 334 of this chapter.

(qq) Consent to the withdrawal of petitions for naturalization or dismissal for want of prosecution under section 335 (e) of the Immigration and Nationality Act and Part 334 of this chapter.

(rr) Designation of employees of the Service to conduct preliminary examinations upon petitions for naturalization under section 335 (b) of the Immigration and Nationality Act and Part 335 of this chapter.

(ss) Assignment of examining officers at preliminary examinations upon petitions for naturalization under Part 335 of this chapter.

(tt) Waivers of personal investigation of petitioners for naturalization under section 335 (a) of the Immigration and Nationality Act and Part 335c of this chapter.

(uu) Applications for corrections of certificates of naturalization under Part 338 of this chapter.

(vv) Applications for certificates of citizenship under Part 341 of this chapter.

(ww) Applications for certificates of naturalization and repatriation under section 343 (a) of the Immigration and Nationality Act and Part 343 of this chapter.

(xx) Applications for naturalization and citizenship papers replaced under section 343 (b) of the Immigration and Nationality Act and Part 343a of this chapter.

(yy) Applications for special certificates of naturalization under section 343 (c) of the Immigration and Nationality Act and Part 343b of this chapter.

(zz) Admission of immigrants pursuant to the provisions of section 211 (c) and (d) of the Immigration and Nationality Act.

(aaa) Adjustment of immigration status as provided in section 4 of the Displaced Persons Act, as amended, and section 6 of the Refugee Relief Act of 1953 and Part 245a of this chapter.

(bbb) Review of certain designated examiner recommendations as to final disposition of petitions for naturalization by courts under Part 335 of this chapter.

(ccc) Applications for preexamination under Part 235a of this chapter.

(ddd) Determinations regarding qualifications of aliens for the benefits of section 212 (a) (28) (I) (i) of the Immigration and Nationality Act.

(eee) Waiver of the requirement that certain exchange aliens be resident and physically present in a cooperating country for an aggregate period of two years following departure from the United States, as provided in section 201 of the United States Information and Educational Exchange Act of 1948, as amended. (Sec. 2, Reorganization Plan 2, 1950, 64 Stat. 1261, note fol. 5 U. S. C. 133z-15)

§ 9.5b *Authority of District Directors.* Except as otherwise provided, district directors are authorized to grant or deny any formal application or petition in any case provided for in this chapter.

§ 9.6 *Reservation of authority.* The powers, privileges, and duties conferred or imposed by this chapter upon officers or employees of the Service other than those referred to in this section shall be in addition to, and not in substitution for, those conferred or imposed by this part upon the assistant commissioners and the regional commissioners. The powers, privileges, and duties conferred or imposed by this chapter upon officers or employees of the Service other than the Commissioner shall be in addition to, and not in substitution for, those conferred upon the Commissioner by this part. Concurrent and coexistent powers and authority with respect to all delegations made by this chapter are retained by the Attorney General.

PART 10—FORMAL APPLICATIONS AND PETITIONS

§ 10.1 *General.* Every formal application or petition shall be submitted in accordance with the instructions accompanying it or contained therein, such instructions being hereby incorporated into the particular section of the regulations in this chapter requiring its submission. Such applications shall not be accepted and shall be returned if improperly executed. A person or guardian may file a formal application or a petition on behalf of a son, daughter, or ward under 14 years of age. Except as otherwise provided in this chapter, a separate application or petition shall be filed by each applicant or petitioner. Any oath required in the execution of a formal application or a petition may be administered in the United States by an immigration officer or by any other person authorized generally to administer oaths. The Service officer authorized to make decisions may, in his discretion, require the submission of additional evidence, including blood tests where that is deemed helpful and appropriate; may require the testimony of the applicant, petitioner, or other person, and may direct the making of any investigation which he deems necessary to establish the truth or falsity of the allegations in the application or petition and the eligibility of the applicant or petitioner for the requested right or privilege. Any allegations made in addition to or in substitution for, any of those contained in the original application or petition shall be made under oath and filed in the same manner as the original application or petition or noted on the original application or petition and acknowledged under oath thereon. Formal applications or petitions delivered in person or by mail to any Service office shall be stamped to show the time and date of their actual receipt and shall be regarded as filed when so stamped unless they are returned because they are improperly executed. All documents in a foreign language which are submitted as supporting evidence shall be accompanied by certified English translations thereof.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Subchapter B—Immigration Regulations

PART 204—PETITION FOR IMMIGRANT STATUS AS A MINISTER OR AS A PERSON WHOSE SERVICES ARE NEEDED URGENTLY

Sec.
204.1 Definition.
204.2 Petition.

AUTHORITY: §§ 204.1 and 204.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 203, 204, 66 Stat. 166, 179, 179; 8 U. S. C. 1101, 1153, 1154.

§ 204.1 *Definition.* As used in section 101 (a) (27) (F) of the act and this part, the term "minister of a religious denomination" means a person duly authorized by a recognized religious sect or denomination to conduct religious worship, and to perform other duties usually performed by a regularly ordained pastor or clergyman. Lay preachers not authorized to perform the duties usually performed by a regularly ordained pastor or clergyman, and cantors, or nuns, do not come within this definition.

§ 204.2 *Petition.* The petition required by section 204 (b) of the act shall be filed by the person, institution, firm, organization,, or governmental agency for whom the work, labor, or services are to be performed on Form I–129A for nonquota classification under section 101 (a) (27) (F) (i) of the act as a minister of a religious denomination and on Form I–129 for quota classification under section 203 (a) (1) (A) of the act as an alien whose services are needed urgently in the United States. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

PART 205—PETITION FOR IMMIGRANT STATUS AS RELATIVE OF UNITED STATES CITIZEN OR LAWFUL RESIDENT ALIEN

§ 205.1 *Petition.* A petition by a United States citizen under section 205 (b) of the act shall be filed on Form I–133. A petition by an alien under section 205 (b) of the act shall be filed on Form I–133A. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 10 days from the receipt of such notification in accordance with Part 6 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies sec. 205, 66 Stat. 180; 8 U. S. C. 1155)

PART 206—REVOCATION OF APPROVAL OF PETITIONS

Sec.
206.1 Automatic revocation.
206.2 Revocation on notice.
206.11 Notice of revocation.
206.21 Revocation on notice; procedure.
206.22 Notice of revocation.

AUTHORITY: §§ 206.1 to 206.22 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 204, 205, 214, 66 Stat. 179, 180, 189; 8 U. S. C. 1154, 1155, 1184.

§ 206.1 *Automatic revocation.* The approval of a petition made under section 204, 205, or 214 (c) of the act and in accordance with Part 204, 205, or 214h of this chapter is revoked as of the date of approval in any of the following circumstances:

(a) As to a petition approved under section 204 or 214 (c) of the Immigration and Nationality Act:

(1) The beneficiary is an alien seeking classification as a nonquota immigrant under section 101 (a) (27) (F) (i) of the Immigration and Nationality Act and is not issued a visa under the classification approved within one year of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification as a nonimmigrant under section 101 (a) (15) (H) of the Immigration and Nationality Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(3) The beneficiary is an alien seeking classification under section 203 (a) (1) (A) of the Immigration and Nationality Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition. In the case of any such petition terminated by the expiration of the period for which approval was given, the Attorney General may, in his discretion, reaffirm such approval for an additional period.

(4) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States to apply for admission under the classification approved.

(b) As to a petition approved under section 205 of the act:

(1) The beneficiary is an alien seeking classification as a nonquota immigrant under section 101 (a) (27) (A) and is not issued a visa under the classification approved within two years of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification under section 203 (a) (2), (3), or (4) and is not issued a visa under the classification approved within three years of the date on which the petition was approved or during the quota year in which such three-year period expired.

(3) The petitioner loses his United States citizenship or his status as an alien lawfully admitted for permanent residence, whichever was applicable to the approval of the petition, or dies, before the beneficiary arrives in the United States to apply for admission under the classification approved.

(4) As to a spouse beneficiary, the marriage of the petitioner to the beneficiary terminates by death, divorce, or

annulment before the beneficiary arrives

PART 211—DOCUMENTARY REQUIREMENTS

annulment before the beneficiary arrives in the United States to apply for admission under the classification approved.

(5) As to a child beneficiary, the beneficiary is married before he arrives in the United States to apply for admission under the classification approved, or the beneficiary reaches the 21st anniversary of his birth before he arrives in the United States to apply for admission under the classification approved. In any such case involving a son or daughter of a United States citizen petitioner, the approved petition will continue to be valid for the purposes of section 203 (a) (4) until the expiration of three years from the date of its approval or during the quota year in which such three-year period expired.

§ 206.2 *Revocation on notice.* The approval of a petition made under section 204, 205, or 214 (c) of the Immigration and Nationality Act and in accordance with Part 204, 205, or 214h of this chapter may be revoked on any ground other than those specified in § 206.1 by any officer authorized to approve such petition when the propriety of such revocation is brought to the attention of the Service, including request for revocation or reconsideration made by consular officers.

§ 206.11 *Notice of revocation.* In any case in which it shall appear to a district director that the approval of a petition has been automatically revoked under and by virtue of § 206.1, such district director shall cause a notice of such revocation to be sent promptly to the Visa Office of the Bureau of Security and Consular Affairs, Department of State, and a copy of such notice to be mailed to the petitioner's last known address.

§ 206.21 *Revocation on notice; procedure.* Revocation of approval of a petition under § 206.2 shall be made upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If upon reconsideration, the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have ten days from the receipt of notification of the decision within which to appeal to the Board as provided in Part 6 of this chapter if the petition initially was approved for classification under section 205 of the act, or to the regional commissioner as provided in Part 7 of this chapter if the petition initially was approved for classification under section 204 or 214 (c) of the act.

§ 206.22 *Notice of revocation.* In any case in which approval of a petition is revoked under §§ 206.2 and 206.21, the district director having administrative jurisdiction over the office in which the proceeding is pending shall cause notice of such revocation to be sent promptly to the Visa Office of the Bureau of Security and Consular Affairs, Department of State.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Sec.
211.1 Visas.
211.2 Passports.

AUTHORITY: §§ 211.1 and 211.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 211, 212, 222, 235, 66 Stat. 181, 182, 193, 198; 8 U. S. C. 1181, 1182, 1202, 1225.

§ 211.1 *Visas.* A valid unexpired immigrant visa shall be presented by each arriving immigrant alien except an immigrant who (a) was born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa, or (b) is returning to an unrelinquished lawful permanent residence after a temporary absence abroad (1) not exceeding one year and presents a Form I–151 alien registration receipt card duly issued to him or (2) presents a valid unexpired reentry permit duly issued to him, or (3) satisfies the district director in charge of the port of entry that there is good cause for the failure to present the required document, in which case an application for waiver shall be made on Form I–193.

§ 211.2 *Passports.* A valid unexpired passport shall be presented by each arriving immigrant alien except an immigrant who (a) is the spouse, parent or unmarried son or daughter of a United States citizen, or (b) is the spouse or unmarried son or daughter of an alien lawful permanent resident of the United States, or (c) is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, or (d) is a stateless person or a person who because of his opposition to communism is unwilling or unable to obtain a passport from the country of his nationality, or (e) is a first-preference quota immigrant, or (f) satisfies the district director in charge of the port of entry that there is good cause for failure to present the required document, in which case an application for waiver shall be made on Form I–193.

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Sec.
212.1 Documentary requirements for nonimmigrants.
212.2 Period of validity of passports for certain nonimmigrants.
212.3 Nonimmigrants not required to present passports, visas, or border crossing identification cards.
212.4 Nonimmigrants required to present visas or border-crossing identification cards but not passports.
212.5 Nonimmigrants required to present passports but not visas or border crossing identification cards.
212.6 Aliens previously deported or removed, or who departed at Government expense; consent to reapply for admission.
212.7 Request by certain resident aliens for permission to reenter the United States.
212.8 Request by certain nonimmigrant aliens for permission to enter the United States temporarily.
212.9 Parole of aliens into the United States.
212.11 Nonresident alien Mexican border crossing card.
212.71 Application for permission to reenter the United States; prior to application for readmission at a port of entry.
212.73 Application for permission to reenter the United States; at time of application for readmission at a port of entry.
212.81 Application for permission to enter the United States temporarily; prior to application for admission at a port of entry.
212.82 Application for permission to enter the United States temporarily; at time of application for admission at a port of entry.

AUTHORITY: §§ 212.1 to 212.82 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 214, 236, 238, 66 Stat. 166, 182, 189, 200, 202; 8 U. S. C. 1101, 1182, 1184, 1226, 1228.

§ 212.1 *Documentary requirements for nonimmigrants.* Except as otherwise provided in the Immigration and Nationality Act and this chapter, an alien (including an alien crewman) who applies for admission to the United States as a nonimmigrant shall present a valid unexpired nonimmigrant visa issued to him under the nonimmigrant classification in which he seeks admission, and an unexpired passport valid for at least the period set forth in section 212 (a) (26) of the Immigration and Nationality Act: *Provided*, That a valid nonresident alien Mexican border crossing card shall be acceptable in lieu of a nonimmigrant visa when presented in accordance with the provisions of § 212.11.

§ 212.2 *Period of validity of passports for certain nonimmigrants.* An alien not within the purview of § 212.3 who applies for admission to the United States as a nonimmigrant under clause (i) or (ii) of section 101 (a) (15) (A) of the Immigration and Nationality Act or under clause (i), (ii), (iii), or (iv) of section 101 (a) (15) (G) of that act and who presents a valid unexpired nonimmigrant visa issued to him under the nonimmigrant classification in which he seeks admission shall present a passport which is valid and unexpired on the date of the bearer's application for admission to the United States.

§ 212.3 *Nonimmigrants not required to present passports, visas, or border-crossing identification cards.* (a) The provisions of section 212 (a) (26) of the act and of this chapter relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants, have been waived on a reciprocal basis by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (B) of the act, in the cases of aliens (including alien crewmen) who fall within any of the following-described categories:

(1) A Canadian citizen who has his residence in Canada and who makes application for admission into the United States (i) from Canada; or (ii) from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands; or (iii) from, and after a visit solely to, some place in the Western Hemisphere if such citizen departed on a round-trip cruise from a port of the United States or Canada and has not transshipped from the original vessel or aircraft.

(2) A British subject who has his residence in Canada and who makes application for admission into the United States (i) from Canada; or (ii) from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands; or (iii) from, and after a visit solely to, some place in the Western Hemisphere if such subject departed on a round-trip cruise from a port of the United States or Canada and has not transshipped from the original vessel or aircraft.

(3) A Mexican national who:

(i) Is a military or civilian official or employee of the Mexican national government, or of a Mexican state or municipal government, or a member of the family of any such official or employee, and who makes application for admission into the continental United States from Mexico on personal or official business or for pleasure; or

(ii) Makes application to pass in immediate and continuous transit through the continental United States from one place in Mexico to another by means of a transportation line which crosses the border between the United States and Mexico; or

(iii) Is a member of a fire-fighting group entering the United States in connection with fire-fighting activities.

(4) International Boundary and Water Commission officers, employees, and other personnel entering the United States in the performance of their official duties, and Mexican nationals employed directly or indirectly on the construction, operation, or maintenance of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944, between the United States and Mexico, and entering the United States temporarily in connection with such employment.

(5) A national of Cuba who is an official of the Cuban Immigration Service, who makes continuous round trips on regularly scheduled steamships between Havana, Cuba, and Miami, Florida, for the purpose of inspecting passengers, and who makes application for admission into the United States in connection with such employment.

(6) A national of Cuba who is a crewman serving on board a Cuban military or naval aircraft and who makes application for admission into the United States in connection with his official duties.

(7) A British subject who has his residence in Bermuda and who makes application for admission into the United States as a visitor for business or pleasure under the provisions of section 101 (a) (15) (B) of the act (i) from Bermuda; or (ii) from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands; or (iii) from, and after a visit solely to, some place in the Western Hemisphere if such subject departed on a round-trip cruise from a port of the United States or Bermuda and has not transshipped from the original vessel or aircraft.

(b) The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (C) of the act, for aliens embraced within the provisions of § 214c.1 of this chapter.

(c) The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act, in the individual cases of aliens who fall within the following-described category, which is hereby declared to be an unforeseen emergency within the purview of that section:

(1) An alien who is a pilot of vessels and who is compelled to travel to the United States because weather conditions made it impossible for him to disembark from a vessel after he had guided it out of a foreign port.

§ 212.4 *Nonimmigrants required to present visas or border-crossing identification cards but not passports.* (a) The provisions of section 212 (a) (26) (A) of the act relating to the requirement of valid passports for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act in the individual cases of aliens who fall within the following-described category, which is hereby declared to be an unforeseen emergency within the purview of that section:

(1) An alien who is described in section 212 (d) (8) of the act, and who is in possession of a travel document which is valid for at least 30 days from the date of his admission into the United States for his entry into a foreign country.

§ 212.5 *Nonimmigrants required to present passports but not visas or border-crossing identification cards.* (a) The provisions of section 212 (a) (26) (B) of the Immigration and Nationality Act relating to the requirement of visas and border-crossing identification cards for nonimmigrants have been waived on a reciprocal basis by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (B) of the Immigration and Nationality Act in the cases of aliens (including alien crewmen) who fall within any of the following-described categories:

(1) A Canadian citizen who has his residence in Canada, who is not within the purview of § 212.3 (a) (1), and who makes application for admission into the United States.

(2) A British subject who has his residence in British territory in the West Indies and who makes application for admission to Puerto Rico or the Virgin Islands of the United States.

(3) A French national who has his residence in French territory in the West Indies and who makes application for admission to Puerto Rico or the Virgin Islands of the United States.

(4) A Netherlands subject who has his residence in Netherlands territory in the West Indies and who makes application for admission to Puerto Rico or the Virgin Islands of the United States.

(5) Nationals of foreign contiguous territory or adjacent islands who make application for admission into the United States as seasonal or temporary workers under specific legislation enacted by the Congress and in accordance with any required international arrangements concluded upon the basis of such legislation.

(6) Nationals of adjacent islands in the British West Indies who are being imported as agricultural workers from the British West Indies, and who make application for admission into the United States.

(7) A Mexican national who makes application for admission into the United States as a crewman of an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States, who is employed in any capacity required for normal operation and service on board, including a crewman employed as a steward or hostess, and who is in possession of a valid Mexican passport or a valid air crewman's certificate issued under the provisions of Annex 9 of the International Civil Aviation Convention.

(8) A Cuban national who makes application for admission into the United States as a crewman of an aircraft belonging to a Cuban company authorized to engage in commercial transportation into the United States, who is employed in any capacity required for normal operation and service on board, including a crewman employed as a steward or hostess, and who is in possession of a valid Cuban passport or a valid air crewman's certificate issued under the provisions of Annex 9 of the International Civil Aviation Convention.

(9) A British subject who has his residence in, and arrives in the United States directly from, the Cayman Islands, and who, in making application for admission into the United States, presents a certificate from the Clerk of Court of the Cayman Islands stating what, if anything, the Court's criminal records show concerning such subject, and a certificate from the Office of Commissioner of the Cayman Islands stating what, if anything, its records show with respect to such subject's political associations or affiliations.

(b) The provisions of section 212 (a) (26) (B) of the act relating to the requirement of visas and border-crossing identification cards for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act in the individual cases of aliens

who fall within any of the following-described categories, which are hereby declared to be unforeseen emergencies within the purview of that section:

(1) A crewman serving on a vessel or aircraft proceeding directly to the United States from a port or place at which no American consular officer is stationed and no consular officer is stationed at a nearby port or place to whom the crew list may be submitted for visaing by mail or otherwise without delaying the departure of the vessel or aircraft.

(2) A crewman serving on a vessel or aircraft which is proceeding from a foreign port or place, not destined to the United States, and is diverted to a port of the United States.

(3) A crewman serving on a vessel or aircraft who was necessarily signed on as a replacement after the crew-list visa was obtained, and there was no opportunity thereafter to have such crewman included in a supplemental crew-list visa, without delaying the departure of the vessel or aircraft.

(4) An alien in the United States in a lawful nonimmigrant status who proceeds from a port in the United States to another port of the United States via the Canal Zone and who upon arrival in the United States from the Canal Zone is in possession of an expired nonimmigrant visa.

(5) An alien who arrives at a United States port of entry from a remote Pacific island and who could not reasonably be expected to obtain a nonimmigrant visa because of the distance from his place of residence to the nearest United States consular office.

(6) An alien who is a resident of Greenland and who makes application for admission into the United States.

§ 212.6 *Aliens previously deported or removed, or who departed at Government expense; consent to reapply for admission.* (a) Except as provided in § 236.13 (b) of this chapter and paragraph (b) of this section, an alien who is inadmissible to the United States under paragraph (16) or (17) of section 212 (a) of the act and who desires to apply for admission to the United States shall file an application for consent to reapply for admission to the United States on Form I–212 with the district director having administrative jurisdiction over the office in which were held the proceedings which resulted in the alien's deportation, removal or departure at Government expense.

(b) Except as otherwise provided in paragraph (a) of this section, an alien who is inadmissible to the United States under paragraph (16) or (17) of section 212 (a) of the act and who desires to enter the United States frequently across an international land border to purchase the necessities of life, or in connection with the business in which he is engaged, or for some other legitimate reason, may file his application for consent to reapply for admission to the United States with the district director having administrative jurisdiction over the nearest port of entry adjacent to the alien's foreign residence.

(c) The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

§ 212.7 *Request by certain resident aliens for permission to reenter the United States.* An alien who has been lawfully admitted for permanent residence and who is or believes himself to be inadmissible to the United States under any paragraph of section 212 (a) of the Immigration and Nationality Act other than paragraph (27), (28) or (29), may, prior to or after his temporary departure from the United States, apply for permission to reenter the United States under the authority contained in section 212 (c) of the Immigration and Nationality Act notwithstanding any such ground of inadmissibility.

§ 212.8 *Request by certain nonimmigrant aliens for permission to enter the United States temporarily.* (a) An alien who desires to enter the United States temporarily as a nonimmigrant and who is or believes himself to be inadmissible under any paragraph of section 212 (a) of the Immigration and Nationality Act other than paragraph (27) or (29), may apply for permission to enter the United States temporarily under the authority contained in section 212 (d) (3) of the Immigration and Nationality Act notwithstanding any such ground of inadmissibility.

(b) Pursuant to the authority contained in section 212 (d) (3) of the Immigration and Nationality Act, the ground of inadmissibility contained in section 212 (a) (24) of the act is waived in the case of an alien, otherwise admissible under the immigration laws, who is in possession of appropriate documents or has been granted a waiver thereof and is seeking admission to the United States as a nonimmigrant.

§ 212.9 *Parole of aliens into the United States.* Subject to the provisions of section 212 (d) (5) of the Immigration and Nationality Act, the district director having administrative jurisdiction over the port of entry may, in his discretion, parole into the United States temporarily any alien who applies for admission to the United States at such port, under such terms and conditions, including the exaction of a bond on Form I–324, as such officer shall deem appropriate.

§ 212.11 *Nonresident alien Mexican border crossing card*—(a) *Form.* Form I-186 is a nonresident alien's border crossing identification card when it is in the possession of and presented by the rightful holder thereof as provided in this part.

(b) *Use.* The rightful holder of a nonresident alien Mexican border crossing card may present such card in lieu of a nonimmigrant visa when arriving direct from Mexico and applying for admission to the United States at a port of entry situated along the border between the United States and Mexico. The presentation of such card shall not otherwise relieve the holder from establishing his admissibility to the United States under the applicable provisions of the act.

(c) *Form I–186; who may apply.* A nonresident alien Mexican border crossing card may be issued to any alien who, upon application therefor, (1) submits satisfactory evidence that he is a citizen and resident of Mexico, (2) presents a valid unexpired passport required of nonimmigrants, unless a passport is not required to be presented under the provisions of this part, (3) desires temporary admission into the continental United States for a period or periods of not more than 72 hours each, (4) is admissible to the United States as a bona fide nonimmigrant, and (5) has been fingerprinted.

(d) *Application.* Application for a nonresident alien Mexican border crossing card shall be made on Form I–190 at any Service office located at a port of entry situated along the border between the United States and Mexico, or at any United States consulate in Mexico. Photographs of the applicant shall be submitted with each application form. No appeal shall lie from a denial of the application, but such denial shall be without prejudice to the alien's application to an American consul for a nonimmigrant or immigrant visa, or to the Service for admission into the United States.

(e) *Validity of Form I–186.* A nonresident alien Mexican border crossing card shall be valid until declared void. Any immigration or consular officer may, without notice, void a nonresident alien Mexican border crossing card. Such action shall be without prejudice to the alien making application to an American consul for a nonimmigrant or immigrant visa, or to the Service for admission into the United States. No appeal shall lie from the decision of an immigration or consular officer declaring void a nonresident alien Mexican border crossing card.

(f) *Surrender and replacement.* A void nonresident alien Mexican border crossing card shall be immediately surrendered to any immigration or consular officer. A nonresident alien's border crossing identification card issued prior to November 1, 1956, shall be invalid after July 1, 1957. If a nonresident alien Mexican border crossing card has been lost, mutilated, or destroyed, the person to whom such card was issued may apply for a new card in accordance with the provisions of this section, and in such case shall attach the mutilated card to his application.

(g) *Previous removal, deportation; permission to reapply.* An alien who establishes that he is in all respects entitled to admission as a visitor for business or pleasure or as a student when in possession of a nonresident alien Mexican border crossing card, except that he has been previously removed at Government expense pursuant to section 242 (b) of the act, or excluded or deported solely because of entry without inspection or absence of required documents, is hereby granted permission to reapply for admission to the United States.

§ 212.71 *Application for permission to reenter the United States; prior to application for readmission at a port of entry.* An application for the exercise of discretion under the provisions of section 212 (c) of the act shall be submitted on Form I–191 to the district director having administrative jurisdiction over the applicant's place of residence in the United States if the application is made prior to the alien's application for readmission to the United States at a port of entry. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal to the Board within 10 days from the receipt of such notification in accordance with Part 6 of this chapter.

§ 212.73 *Application for permission to reenter the United States; at time of application for readmission at a port of entry.* An application for the exercise of discretion under the provisions of section 212 (c) of the act made at the time of applying for readmission to the United States at a port of entry shall be made orally or in writing to the immigration officer conducting the examination of the alien, if the case has not been referred to a special inquiry officer for further inquiry, who shall refer it for decision to the district director having administrative jurisdiction over the place where the examination is being conducted. If the case has been referred to a special inquiry officer, the application shall be made during the proceedings before the special inquiry officer in accordance with the provisions of section 235 (b) of the act. If the application is denied by the district director, he shall return the case to the examining immigration officer for further proceedings in accordance with sections 235 and 236 of the act. No appeal shall lie from the decision of the district director but if adverse to the alien it shall be without prejudice to the renewal of the application before the special inquiry officer to whom the case is referred for further proceedings in accordance with sections 235 and 236 of the act. The special inquiry officer, in his discretion, may, in his decision provided for in Part 236 of this chapter, grant or deny any such application which is submitted to him. In any case in which an appeal may not be taken from a decision of a special inquiry officer excluding an alien but in which the alien has applied for the exercise of discretion under the provisions of section 212 (c) of the act, the alien may appeal to the Board from a denial of such application in accordance with the provisions of § 236.15 of this chapter.

§ 212.81 *Application for permission to enter the United States temporarily; prior to application for admission at a port of entry.* When a visa is not required, an application for the exercise of discretion under section 212 (d) (3) (B) of the act made prior to the alien's application for admission shall be on Form I–192 and submitted to the district director having jurisdiction over the intended port of entry. When Form I–192 is not readily available and the case is one of unforeseen emergency, a written application containing all the information required by such form may be made. The applicant shall be notified of the decision and if the application is denied, of the reasons therefor and of his right to appeal to the Board within 10 days from the receipt of such notification in accordance with Part 6 of this chapter.

CROSS REFERENCE: For State Department procedure when a visa is required see 22 CFR 41.150.

§ 212.82 *Application for permission to enter the United States temporarily; at time of application for admission at a port of entry.* An alien applying at a port of entry for temporary admission to the United States as a nonimmigrant may apply orally or in writing for the exercise of discretion under the provisions of section 212 (d) (3) of the act provided he was not aware of the ground of inadmissibility prior to his departure for the United States and such ground of inadmissibility could not have been ascertained by the exercise of reasonable diligence, and the alien is in possession of appropriate documents or has been granted a waiver thereof. If the case has not been referred to a special inquiry officer for further inquiry, the application shall be made to the immigration officer conducting the examination of the alien who shall refer it for decision to the district director having administrative jurisdiction over the place where the examination is being conducted. If the case has been referred to a special inquiry officer, the application shall be made during the proceedings before the special inquiry officer in accordance with the provisions of section 235 (b) of the act. If the application is denied by the district director, he shall return the case to the examining immigration officer for further proceedings in accordance with sections 235 and 236 of the act. No appeal shall lie from the decision of the district director but if adverse to the alien it shall be without prejudice to the renewal of the application before the special inquiry officer to whom the case is referred for further proceedings in accordance with sections 235 and 236 of the act. The special inquiry officer, in his discretion, may, in his decision provided for in part 236 of this chapter, grant or deny any such application which is submitted to him. In any case in which an appeal may not be taken from a decision of a special inquiry officer excluding an alien but in which the alien has applied for the exercise of discretion under the provisions of section 212 (d) (3) of the act, the alien may appeal to the Board from a denial of such application in accordance with the provisions of § 236.15 of this chapter.

PART 212a—ADMISSION OF CERTAIN ALIENS TO PERFORM SKILLED OR UNSKILLED LABOR

§ 212a.1 *Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor; application.* An alien of any of the classes described in section 101 (a) (27) (C), (D), or (E) of the act, and any alien described in the nonpreference category of section 203 (a) (4) of that act, who is ineligible to receive an immigrant visa and is subject to exclusion from the United States under section 212 (a) (14) of that act may apply, or the person, institution, firm, organization or governmental agency for whom the alien will perform skilled or unskilled labor may apply on Form I–129C for permission for such alien to enter the United States under the authority contained in section 212 (a) (14) of the act notwithstanding such ground of inadmissibility. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets and applies secs. 101, 203, 212, 66 Stat. 166, 178, 182; 8 U. S. C. 1101, 1153, 1182)

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

Sec.
213.1 Authority to admit under bond or cash deposit.
213.11 Form of public charge bond.

AUTHORITY: §§ 213.1 and 213.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 213, 235, 66 Stat. 188, 198; 8 U. S. C. 1183, 1225.

§ 213.1 *Authority to admit under bond or cash deposit.* An alien who applies for admission to the United States for permanent residence whose case is referred to the district director having administrative jurisdiction over the place where the examination for admission is being conducted, as provided in § 235.7 of this chapter, may be admitted to the United States in the discretion of such officer upon the furnishing of a bond on Form I–354, in the sum of not less than $1,000, or, in lieu of such bond, upon depositing cash, which may be in the form of United States money orders or bank cashier checks, in the sum of not less than $1,000 for the same purposes and subject to the same conditions as those set forth in Form I–354. If such officer does not so admit the alien, the special inquiry officer to whom the case is referred, as provided in § 235.7 of this chapter may, in his discretion, admit the alien upon the furnishing of bond or the depositing of cash as aforesaid.

§ 213.11 *Form of public charge bond.* All bonds, and all agreements covering cash deposits, given as a condition of admission of an alien under section 213 of the Immigration and Nationality Act shall be executed on Form I–354. If cash is deposited, the depositor shall give his power of attorney and agreement on Form I–304, authorizing the officers designated thereon to collect, assign, or transfer such deposit, in whole or in part, in case any of the conditions of the bond are violated; and the officer accepting such deposit shall give his receipt therefor on Form I–305.

PART 214—ADMISSION OF NONIMMIGRANTS: GENERAL

Sec.
214.1 Time for which nonimmigrants may be admitted.
214.2 Conditions of nonimmigrant status.

Sec.

Sec.
214.3 Bonds.
214.4 Extension of period of temporary admission.
214.5 Change of status as affecting period of admission.
214.6 Limitation.

AUTHORITY: §§ 214.1 to 214.6 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 501–508, 65 Stat. 119–121, as amended, secs. 101, 102, 212, 214, 235, 66 Stat. 166, 173, 182, 189, 198; 7 U. S. C. 1461–1468, 8 U. S. C. 1101, 1102, 1182, 1184, 1225.

§ 214.1 *Time for which nonimmigrants may be admitted.* The maximum period for which a nonimmigrant may be admitted initially to the United States shall be whatever period the admitting officer deems appropriate to accomplish the intended purpose of the alien's temporary stay in the United States, except that

(a) In no event shall such period exceed any limit fixed by any of the other provisions of this chapter relating to particular nonimmigrant classes; and

(b) Except as provided in section 102 of the Immigration and Nationality Act, such period shall be subject to the provisions of section 212 (a) (26) of the Immigration and Nationality Act in the case of a nonimmigrant required to present a passport; and

(c) A nonimmigrant admitted to the United States upon a waiver of the passport requirement, shall not be admitted beyond a date six months prior to the end of the period during which he will be eligible for readmission to the country whence he came or for admission to some other country.

§ 214.2 *Conditions of nonimmigrant status.* An alien found admissible as a nonimmigrant under the Immigration and Nationality Act shall be admitted to the United States, and an alien after admission to the United States as a nonimmigrant or after acquisition of a nonimmigrant status under the Immigration and Nationality Act or any prior act shall be permitted to remain in the United States only upon the following conditions:

(a) That while in the United States he will maintain the particular nonimmigrant status under which he was admitted or such other status as he may acquire in accordance with the provisions of the Immigration and Nationality Act or which he may have acquired in accordance with the provisions of any prior law.

(b) That he will depart from the United States within the period of his admission or any authorized extension thereof.

(c) That while in the United States he will not engage in any employment or activity inconsistent with and not essential to the status under which he is in the United States unless such employment or activity has first been authorized by the district director having administrative jurisdiction over the alien's place of temporary residence in the United States.

(d) That he will not remain in the United States beyond a date six months, or in the case of a nonimmigrant admitted prior to the effective date of the Immigration and Nationality Act, two months, prior to the end of the period during which he will be eligible for readmission to the country whence he came or for admission to some other country, as evidenced by a valid passport or other travel document.

(e) That he will fulfill such other conditions as the admitting immigration officer, in his discretion, may impose or may have imposed to insure that he will depart from the United States at the expiration of the time for which he was admitted, and that he will maintain the status under which he was admitted or which he may have lawfully acquired subsequent to his admission.

§ 214.3 *Bonds.* Except as may be otherwise specifically provided by the Immigration and Nationality Act and by any provisions of this chapter relating to particular classes of nonimmigrants, in the discretion of the district director having administrative jurisdiction over the port of entry or the special inquiry officer, or, pursuant to an order entered on appeal from the decision of a special inquiry officer, an alien applying for admission to the United States as a nonimmigrant may be required to post a bond in the sum of not less than $500 as a condition precedent to his admission to the United States to insure that he will depart from the United States at the expiration of the time for which he is admitted and that he will maintain the status under which he is admitted or which he may subsequently acquire under the Immigration and Nationality Act: *Provided,* That no such bond shall be required as a condition to the admission of any alien within the classes described in section 102 of the Immigration and Nationality Act. Bond shall be furnished on Form I–317 or I–377 as the admitting officer shall determine.

§ 214.4 *Extension of period of temporary admission.* An alien other than one admitted in transit under section 101 (a) (15) (C) of the Immigration and Nationality Act or section 3 (3) of the Immigration Act of 1924, who is maintaining the nonimmigrant status under which he is permitted to remain in the United States and whose period of admission has not expired, may apply on Form I–539 for and may be granted or denied an extension or extensions of the period of his temporary admission by an officer in charge of a suboffice or a district director subject to the following limitations and conditions:

(a) All extensions shall be subject to the time limitations specified in § 214.1.

(b) The alien shall establish that he has fulfilled, and agrees that he will continue to fulfill, all the conditions set forth in § 214.2 and such other conditions as may be imposed as conditions precedent to the granting of the extension, including, in the case of an alien admitted as a nonimmigrant or as a nonquota immigrant student prior to December 24, 1952, the condition that he shall present with his application for the extension a passport or other travel document valid for his readmission to the country whence he came or to some other country for six months after expiration of the period for which the extension is requested.

(c) In any case in which the grant of the extension would authorize the alien to remain in the United States for a period not exceeding one year after arrival, the officer deciding the application may, in his discretion, require as a condition precedent to the granting of the extension that the alien furnish bond or continue to furnish bond or to furnish bond in different sum on the form and for the purposes stated in § 214.3.

(d) No extension which will authorize the alien to remain in the United States for a period exceeding one year after arrival shall be granted unless there has been furnished, or is furnished, a bond on the form, for the purposes, and in the sum provided in § 214.3: *Provided,* That a district director may authorize the granting of such extension without bond or with bond in less sum.

(e) Such other conditions and limitations as are prescribed by provisions of this chapter relating to particular classes of nonimmigrants.

(f) A nonimmigrant alien crewman shall not be granted any extension which would permit him to remain in the United States for more than 29 days from the date of his initial temporary landing.

(g) No appeal shall lie from the decision of the officer denying the application.

§ 214.5 *Change of status as affecting period of admission.* An alien admitted to the United States under the Immigration and Nationality Act or any prior act as a nonimmigrant, whose status is subsequently changed in accordance with the provisions of the Immigration and Nationality Act, shall be permitted to remain in the United States for such period of time as shall have been fixed in the decision changing his status or any authorized extension thereof, in no event to exceed the time he continues to maintain the status so acquired.

§ 214.6 *Limitation.* The provisions of this part shall not be applicable to a nonimmigrant agricultural worker applying for admission, or admitted, to the United States in accordance with the provisions of Title V of the Agricultural Act of 1949, as amended. The case of such alien shall be governed by the provisions of Part 214k of this chapter.

PART 214a—ADMISSION OF NONIMMIGRANTS: FOREIGN GOVERNMENT OFFICIAL

Sec.
214a.1 Acceptance of classification.
214a.2 Limitation as to time for which alien may be admitted.
214a.4 Failure to maintain status.

AUTHORITY: §§ 214a.1 to 214a.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 214, 235, 66 Stat. 166, 189, 198; 8 U. S. C. 1101, 1184, 1225.

§ 214a.1 *Acceptance of classification.* Whenever an alien who applies for admission to the United States as a nonimmigrant of one of the classes described in section 101 (a) (15) (A) of the Immigration and Nationality Act presents to the examining immigration officer at a port of entry in the United States a valid unexpired nonimmigrant visa duly issued to him by a consular officer under such classification, the immigration officer shall accept the consular officer's classification of the alien and admit the alien, if he is otherwise admissible to the United States, unless specifically directed to the contrary by the regional commissioner after consultation with the Department of State, in which event, the examining immigration officer shall take further action as provided in section 235 of the Immigration and Nationality Act. For the purposes of this part, the term "immediate family" as used in section 101 (a) (15) (A) of the Immigration and Nationality Act means aliens who are closely related to the principal alien by blood, marriage, or adoption, and who reside regularly in the household of the principal alien.

§ 214a.2 *Limitation as to time for which alien may be admitted.* The period of an alien's admission to the United States as a nonimmigrant of the class described in section 101 (a) (15) (A) (i) or (ii) of the Immigration and Nationality Act shall not exceed such time as the Secretary of State continues to recognize him as a member of such class. An alien of the class described in clause (iii) of section 101 (a) (15) (A) of the Immigration and Nationality Act shall not be admitted initially to the United States for more than one year.

§ 214a.4 *Failure to maintain status.* At such time as any official or employee described in clause (i) or clause (ii) of section 101 (a) (15) (A) of the Immigration and Nationality Act, or any official of a foreign government as described in section 3 (1) of the Immigration Act of 1924, as amended, is ineligible under the Immigration and Nationality Act and this chapter to remain in the United States in the status of such official or employee, any alien member of the immediate family of such official or employee, any attendant, servant, or personal employee of any such official or employee, and any member of the immediate family of such attendant, servant, or personal employee who has nonimmigrant status pursuant to section 101 (a) (15) (A) of the Immigration and Nationality Act or section 3 (1) of the Immigration Act of 1924, as amended, shall be regarded as having failed to maintain such status. This section shall not be construed as setting forth the sole ground on which the persons herein described may be regarded as having failed to maintain such status.

PART 214b—ADMISSION OF NONIMMIGRANTS: TEMPORARY VISITOR FOR BUSINESS OR PLEASURE

§ 214b.1 *Limitation as to time for which temporary visitors may be admitted.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (B) of the Immigration and Nationality Act shall be admitted initially for a period not to exceed six months unless such alien intends to sojourn in the United States in more than one immigration district, in which event the period of initial admission shall not exceed three months.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 1101, 1184)

PART 214c—ADMISSION OF NONIMMIGRANTS: TRANSIT ALIENS

Sec.
214c.1 Special prerequisites for admission as a transit without a visa.
214c.2 Limitation as to time for which transit aliens may be admitted.
214c.3 United Nations Headquarters District.

AUTHORITY: §§ 214c.1 to 214c.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 1101, 1184.

§ 214c.1 *Special prerequisites for admission as a transit without a visa.* Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Peoples Republic of China, Peoples Democratic Republic of Korea (North Korea Regime), German Democratic Republic, and North Vietnam (Viet Minh), may apply for immediate and continuous transit through the United States. Such an alien must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure from the United States will be completed within a maximum of five calendar days after his arrival in the United States), and that he has a document establishing his ability to enter some country other than the United States. Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without visa must be made at one of the following ports of entry: Boston, Mass.; New York, N. Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Miami, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, T. H.; Seattle, Wash.; Portland, Oreg.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alsaka; San Juan, P. R.; Charlotte Amalie, V. I.; Christiansted, V. I.; Agana, Guam. The acceptance of the privilege of such transit shall constitute an agreement by the alien and the carrier that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director having administrative jurisdiction over the port of entry, and should he violate any of the terms of such admission, an agreement by the alien immediately to depart voluntarily from the United States without recourse to any type of hearing or proceeding provided for in this chapter.

§ 214c.2 *Limitation as to time for which transit aliens may be admitted.* An alien admitted to the United States as a nonimmigrant of the classes described in section 101 (a) (15) (C) of the act shall be admitted for a period of time fixed by the admitting officer, not to exceed 29 days.

§ 214c.3 *United Nations Headquarters District.* An alien of the class described in section 101 (a) (15) (C) of the act whose nonimmigrant visa by its own terms is limited to transit to and from the United Nations Headquarters District, if otherwise admissible under the immigration laws, shall be admitted on the additional conditions that he shall proceed directly to New York City and shall remain continuously in that city during his sojourn in the United States, departing therefrom only if required in connection with his departure from the United States and that he shall be in possession of a valid visa or other form of valid authority assuring his entry into the country whence he came or to some other foreign country following his sojourn in the United Nations Headquarters District.

PART 214d—ADMISSION OF NONIMMIGRANTS: CREWMEN

§ 214d.1 *Applicable provisions.* The provisions of Parts 252 and 253 of this chapter shall control and govern the landing of crewmen as nonimmigrants of the class described in section 101 (a) (15) (D) of the Immigration and Nationality Act.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 1101, 1184)

PART 214e—ADMISSION OF NONIMMIGRANTS: TREATY TRADER

Sec.
214e.1 Definitions.
214e.2 Limitations on time for which admitted.
214e.4 Failure to maintain status.
214e.6 Trader and dependents admitted under Immigration Act of 1924.

AUTHORITY: §§ 214e.1 to 214e.6 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 214, 223, 66 Stat. 166, 189, 194; 8 U. S. C. 1101, 1184, 1203.

§ 214e.1 *Definitions.* As used in this part, the term:

(a) "Trader" means (1) an alien admitted to the United States under the provisions of section 101 (a) (15) (E) of the Immigration and Nationality Act; or (2) an alien admitted to the United States under the provisions of section 3 (6) of the Immigration Act of 1924; or (3) an alien who after admission lawfully acquires a status under clause (1) or (2) of this paragraph; or (4) an alien who is readmitted to the United States on the basis of a re-entry permit lawfully issued under the provisions of paragraphs (a) (2) and (b) of section 223 of the Immigration and Nationality Act; or (5) an alien who was readmitted to the United States on the basis of a re-entry permit lawfully issued under the provisions of section 10 (g) of the Immigration Act of 1924, as amended.

(b) "Dependent" means a trader's alien spouse or alien child admitted under paragraph (a) (1), (2), (3), (4), or (5) of this section.

§ 214e.2 *Limitations on time for which admitted.* An alien admitted to the United States as a nonimmigrant of the

class described in section 101 (a) (15) (E) of the Immigration and Nationality Act shall be admitted for a period of time fixed by the admitting officer.

§ 214e.4 *Failure to maintain status.* A trader or dependent shall be deemed to have failed to maintain status upon the occurrence of any one of the following events, which are not exclusive as to what shall constitute failure to maintain status:

(a) In the case of a trader:

(1) The termination of the treaty on which the status of trader has been based; or

(2) A change by a trader from the activities specified in clause (i) of section 101 (a) (15) (E) of the Immigration and Nationality Act to the activities specified in clause (ii) of said section or vice versa unless, prior to making such change, he obtains consent to do so from the district director having administrative jurisdiction over the district in which the trader resides.

(b) In the case of a dependent:

(1) When the trader is no longer eligible to remain in the United States as a trader; or

(2) When the trader dies; or

(3) In the case of the dependent spouse, when the marriage to the trader terminates; or

(4) In the case of the dependent child, when such child marries or reaches the 21st anniversary of his birth;

unless at the time of the happening of any such event after the effective date of the Immigration and Nationality Act, the dependent in his own right would be entitled to the status of a nonimmigrant of the class described in section 101 (a) (15) (E) of the Immigration and Nationality Act were he applying for admission to the United States in such status in possession of appropriate documents; or unless at the time of the happening of any such event prior to December 24, 1952, the dependent in his own right at that time would have been entitled to the status of a nonimmigrant of the class described in section 3 (6) of the Immigration Act of 1924 were he applying for admission to the United States in such status in possession of appropriate documents. Any such dependent who is entitled to a nonimmigrant status in his own right may be permitted to remain in the United States subject to the provisions of the Immigration and Nationality Act and this part. If a dependent spouse establishes such eligibility, the child of such spouse may also be permitted to remain in the United States subject to the applicable provisions of the Immigration and Nationality Act and this part. The fact that a dependent child establishes such eligibility shall not authorize the parent of such child to remain in the United States.

(c) Failure to submit a maintenance of status report in accordance with § 214e.6.

§ 214e.6 *Trader and dependents admitted under Immigration Act of 1924.* A trader or dependent admitted to the United States under the Immigration Act of 1924 without limitation of time shall make a report annually on the anniversary date of his original admission to the United States on Form I–126 to the district director having administrative jurisdiction over the place where the alien resides in the United States indicating whether he continues to be eligible for readmission to the country whence he came or for admission to some other country, and has fulfilled and will continue to fulfill all the conditions prescribed by § 214.2 of this chapter. No appeal shall lie from such officer's decision that the alien is not maintaining his status.

PART 214f—ADMISSION OF NONIMMIGRANTS: STUDENTS

Sec.
214f.1 Petition for approval.
214f.2 Approval of certain institutions of learning and recognized places of study.
214f.3 Withdrawal of approval.
214f.4 Certificate of eligibility.
214f.5 Prerequisites for admission.
214f.6 Limitation on time for which admitted.
214f.7 Employment.
214f.31 Withdrawal of approval; procedure.

AUTHORITY: §§ 214f.1 to 214f.31 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 1101, 1184.

§ 214f.1 *Petition for approval.* Any institution of learning or other recognized place of study desiring the approval required by section 101 (a) (15) (F) of the act shall file with the district director having administrative jurisdiction over the place in which the institution or place of study is located a petition for such approval on Form I–17. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of the right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

§ 214f.2 *Approval of certain institutions of learning and recognized places of study.* Any institution of learning or other place of study in the United States which falls within any of the following-described categories, and which agrees to report in writing to the district director having administrative jurisdiction over the place where such institution of learning or place of study is located the enrollment and termination of attendance of each nonimmigrant student, is hereby approved for the attendance of nonimmigrant students in accordance with section 101 (a) (15) (F) of the act:

(a) Any public educational institution listed in the current issue of one of the following-described publications or lists:

(1) "Directory of Secondary Day Schools in the United States," U. S. Office of Education, Washington, D. C.

(2) Directories and official lists of public educational institutions issued by State departments of education. In a State that does not publish all-inclusive public school directories or official lists, a statement over the signature of the local public school superintendent that any school is an approved or recognized part of that public school system, will suffice within the meaning of this subparagraph.

(3) Education Directory, Part 3, "Higher Education," U. S. Office of Education (including privately controlled colleges and universities listed therein).

(4) "Accredited Higher Institutions," U. S. Office of Education (including privately controlled colleges and universities listed therein).

(b) Any secondary school which is operated by or as a part of an institution of higher learning listed in paragraph (a) (2), (3), or (4) of this section.

(c) Private and parochial elementary and secondary schools, if they meet any one of the following conditions:

(1) The school is currently listed as accredited in the U. S. Office of Education publication "Directory of Secondary Day Schools in the United States."

(2) The school is currently listed in the educational directory of the respective State department of education.

(3) The school is an elementary school related to an accredited secondary school.

(4) The school is certified by a responsible official of a State or local public education department or system as meeting the requirements of the State or local public educational system.

The agreement to report the initial registration and termination of attendance of each nonimmigrant student shall be executed on Form I–17, and the report made pursuant to such agreement may be prepared on Form I–21. The provisions of § 2.5 of this chapter relating to payment of a fee shall not be applicable to an institution of learning or other place of study which meets the requirements of this section.

§ 214f.3 *Withdrawal of approval.* Approval granted under section 101 (a) (15) (F) of the Immigration and Nationality Act or section 4 (e) of the Immigration Act of 1924 to an institution of learning or place of study which materially reduces its educational program or facilities, or which fails, neglects, or refuses to comply with all the terms of its agreement and section 101 (a) (15) (F) of the act may be revoked by the district director having administrative jurisdiction over the place in which such institution or place of study is located.

§ 214f.4 *Certificate of eligibility.* When a prospective nonimmigrant student has been found eligible for attendance, the appropriate officer of the approved institution of learning or place of study shall execute Form I–20 and furnish it to the student for presentation to the American consul (if a visa is required) and the Service. If requested by the student, the school shall execute a new Form I–20 in a single copy for the student's use in temporarily departing from and reentering the United States, in connection with any application for extension of the period of his temporary admission, or in connection with any request to transfer to another school. Form I–20 presented by a student returning from a temporary absence may be retained by the student and used in connection with reentries any number of times within six months from date of issuance.

§ 214f.5 *Prerequisites for admission.* An alien, otherwise admissible to the United States as a nonimmigrant of the class described in section 101 (a) (15) (F) of the act, shall not be eligible for admission to the United States in such nonimmigrant classification unless he presents Form I–20 properly filled out by the institution to which he is destined, and personally executes the reverse of Form I–20.

§ 214f.6 *Limitation on time for which admitted.* An alien may be admitted initially to the United States as a nonimmigrant of the class described in section 101 (a) (15) (F) of the act for a period not to exceed one year.

§ 214f.7 *Employment.* If it becomes necessary for a student to accept employment after admission, he shall, before accepting such employment, apply on Form I–24 to the district director having administrative jurisdiction over the place in which is located the approved institution or place of study attended by him. If the district director is satisfied that the applicant is meeting all the conditions and requirements of his status, that he does not have sufficient means to cover his expenses, and that the desired employment will not interfere with his carrying successfully a course of study of the required scope, he may grant permission to accept employment. An application for practical training, which may be authorized within the limitations specified on Form I–20, shall be made on Form I–24 and shall be endorsed by the institution of learning or place of study which requires or recommends such practical training.

§ 214f.31 *Withdrawal of approval; procedure.* Whenever a district director having administrative jurisdiction over the place in which an approved institution of learning or place of study is located has reason to believe that such institution or place of study has materially reduced its educational program or facilities, or has failed, neglected, or refused to comply with all the terms of its agreement and section 101 (a) (15) (F) of the act, he shall cause a notice to be sent to such institution or place of study that it is proposed within 30 days of the delivery of the notice to enter a decision withdrawing the approval previously granted for reasons set forth in the notice. Within such 30-day period the institution or place of study may submit to the district director written representations, under oath and supported by documentary evidence, setting forth reasons why the approval should not be withdrawn. The period within which such representations may be submitted may be extended in the discretion of the district director upon timely request for such extension. After consideration of the facts presented, the district director shall notify the institution or place of study in writing of his decision and, if said decision is to withdraw the approval previously granted, the reasons therefor and that the institution or place of study has 10 days from receipt of notification of decision in which to appeal in accordance with Part 7 of this chapter.

PART 214g—ADMISSION OF NONIMMIGRANTS: FOREIGN GOVERNMENT REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

Sec.
214g.1 Acceptance of classification.
214g.2 Limitation as to time for which alien may be admitted.
214g.4 Failure to maintain status.

AUTHORITY: §§ 214g.1 to 214g.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 214, 235, 66 Stat. 166, 189, 198; 8 U. S. C. 1101, 1184, 1225.

§ 214g.1 *Acceptance of classification.* Whenever an alien who applies for admission to the United States as a nonimmigrant of one of the classes described in section 101 (a) (15) (G) of the Immigration and Nationality Act presents to the examining immigration officer at a port of entry to the United States a valid unexpired nonimmigrant visa duly issued to him by a consular officer under such classification, the immigration officer shall accept the consular officer's classification of the alien and admit the alien, if he is otherwise admissible to the United States, unless specifically directed to the contrary by the regional commissioner after consultation with the Department of State, in which event the examining officer shall take further action as provided in section 235 of the Immigration and Nationality Act. For the purposes of this part, the term "immediate family" as used in section 101 (a) (15) (G) of the Immigration and Nationality Act means aliens who are closely related to the principal alien by blood, marriage, or adoption and who reside regularly in the household of the principal alien.

§ 214g.2 *Limitation as to time for which alien may be admitted.* The period of alien's admission to the United States as a nonimmigrant of the class described in section 101 (a) (15) (G) (i), (ii), (iii), or (iv) of the Immigration and Nationality Act shall not exceed such time as the Secretary of State continues to recognize him as a member of such class. An alien of the class described in clause (v) of section 101 (a) (15) (G) of the Immigration and Nationality Act shall not be admitted initially to the United States for more than one year.

§ 214g.4 *Failure to maintain status.* At such time as any representative, officer, or employee described in clauses (i) to (iv) inclusive of section 101 (a) (15) (G) of the Immigration and Nationality Act, or any representative, officer, or employee of an international organization as described in section 3 (7) of the Immigration Act of 1924, as amended, is ineligible under the Immigration and Nationality Act and this chapter to remain in the United States in the status of such representative, officer or employee, any alien member of the immediate family of such representative, officer, or employee, any attendant, servant or personal employee of any such representative, officer or employee, and any member of the immediate family of such attendant, servant, or personal employee who has nonimmigrant status pursuant to section 101 (a) (15) (G) of the Immigration and Nationality Act or section 3 (7) of the Immigration Act of 1924, as amended, shall be regarded as having failed to maintain such status. This section shall not be construed as setting forth the sole ground on which the persons herein described may be regarded as having failed to maintain such status.

PART 214h—ADMISSION OF NONIMMIGRANTS: TEMPORARY SERVICES, LABOR, OR TRAINING

Sec.
214h.1 Limitation as to time for which alien may be admitted.
214h.2 Bond.
214h.3 Special prerequisites for admission.
214h.4 Petition.
214h.6 Limitation.

AUTHORITY: §§ 214h.1 to 214h.6 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 1101, 1184.

§ 214h.1 *Limitation as to time for which alien may be admitted.* An alien of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be admitted to the United States for such period, not to exceed one year, as may be authorized by the district director or the regional commissioner in granting a petition to import such alien.

§ 214h.2 *Bond.* Nonimmigrants of the classes described in section 101 (a) (15) (H) of the act who are required to furnish bonds under § 214.3 or § 214.4 of this chapter shall do so on Form I–377, and shall be in an amount specified by the district director or the regional commissioner.

§ 214h.3 *Special prerequisites for admission.* An alien of any of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall not be admitted to the United States unless he establishes to the satisfaction of the admitting officer that he is destined in good faith to a petitioner whose petition for such alien's importation has been filed and approved in accordance with the provisions of section 214 (c) of the Immigration and Nationality Act and this part, and that he is entering the United States in good faith to perform the services, labor, or training specified in the petition.

§ 214h.4 *Petition.* The petition required by section 214 (c) of the act shall be filed on Form I–129B. Form I–129B may include several prospective nonimmigrants provided they are proceeding from the same place of origin and destined to the United States to perform the same type of services. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

§ 214h.6 *Limitation.* The provisions of this part shall not be applicable to a nonimmigrant agricultural worker applying for admission, or admitted, to the United States in accordance with the provisions of Title V of the Agricultural

Act of 1949, as amended. The case of such alien shall be governed by the provisions of Part 214k of this chapter.

PART 214i—ADMISSION OF NONIMMIGRANTS: REPRESENTATIVES OF INFORMATION MEDIA

Sec.
214i.1 Limitation as to time for which alien may be admitted.
214i.3 Special conditions of admission.
214i.4 Failure to maintain status.

AUTHORITY: §§ 214i.1 to 214i.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 1101, 1184.

§ 214i.1 *Limitation as to time for which alien may be admitted.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act shall be admitted initially for a period fixed by the admitting officer not to exceed one year.

§ 214i.3 *Special conditions of admission.* A nonimmigrant of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act shall be admitted to the United States on condition that (a) he will not change the information medium or his employer by which he is accredited unless and until he obtains consent to do so from the district director having administrative jurisdiction over the district in which the alien resides in the United States, and (b) he will depart from the United States at such time as the Secretary of State determines that the reciprocity required by section 101 (a) (15) (I) of the Immigration and Nationality Act has ceased to exist. For the purposes of section 101 (a) (15) (I) and this part, reciprocity shall be deemed to exist when the alien is accredited by a foreign information medium having its home office in a foreign country, the government of which grants similar privileges to representatives of such information medium with home offices in the United States, except that when the information medium is owned, operated, subsidized, or controlled by a foreign government, directly or indirectly, the reciprocity required shall be accorded by such foreign government.

§ 214i.4 *Failure to maintain status.* At such time as an alien of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act is ineligible under the Act and this chapter to remain in the United States in such status, the members of such alien's family having nonimmigrant status as such under section 101 (a) (15) (I) of the Immigration and Nationality Act shall be regarded as having failed to maintain such status. This section shall not be construed as setting forth the sole ground on which the persons herein described may be regarded as having failed to maintain status.

PART 214j—ADMISSION OF NONIMMIGRANTS: EXCHANGE ALIENS

Sec.
214j.1 Definition.
214j.2 Limitation as to time for which alien may be admitted.
214j.3 Bonds.
214j.4 Special condition of admission.
214j.5 Employment.

AUTHORITY: §§ 214j.1 to 214j.5 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 201, 62 Stat. 7, as amended, sec. 1, 62 Stat. 771, as amended, secs. 101, 214, 248, 66 Stat. 166, 189, 218; 22 U. S. C. 1446, 18 U. S. C. 1546, 8 U. S. C. 1101, 1184, 1258.

§ 214j.1 *Definition.* As used in this part the term "exchange alien" means (a) an alien admitted to the United States prior to December 24, 1952, pursuant to section 201 of the United States Information and Educational Exchange Act of 1948 as a nonimmigrant under section 3 (2) of the Immigration Act of 1924 or, (b) an alien admitted or seeking admission to the United States pursuant to section 201 of the United States Information and Educational Exchange Act of 1948, as amended, as a nonimmigrant under section 101 (a) (15) of the Immigration and Nationality Act.

§ 214j.2 *Limitation as to time for which alien may be admitted.* An alien applying for admission to the United States as a nonimmigrant under section 201 of the United States Information and Educational Exchange Act of 1948, as amended, whose visa by its own terms indicates that it was issued under that Act, and who is otherwise admissible to the United States, may be admitted for the period specified in a written agreement, commitment, guarantee, or similar paper made or executed by such alien's approved sponsor or intended employer and presented by such alien at the port where he applies for admission to the United States, not to exceed one year.

§ 214j.3 *Bonds.* Exchange aliens shall not be required to furnish bond under § 214.3 or § 214.4 of this chapter.

§ 214j.4 *Special condition of admission.* A nonimmigrant of the class described in this part shall be admitted on the condition that he agrees not to apply for a change of the nonimmigrant status under which he is admitted to any other class or classes of nonimmigrant pursuant to section 248 of the act, or adjustment of status to that of a permanent resident pursuant to section 245 of the act: *Provided,* That said agreement shall cease to be binding upon any such nonimmigrant who, subsequent to admission, is granted a waiver in accordance with the provisions of section 201 (b) of the United States Information and Educational Exchange Act, as amended.

§ 214j.5 *Employment.* An exchange alien may accept remunerative employment in the United States only if it is consistent with the purpose of the United States Information and Educational Exchange Act of 1948, as amended.

PART 214k—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

Sec.
214k.1 Definitions.
214k.2 Period for which admitted.
214k.3 Conditions of admission.
214k.4 Compliance by employer.
214k.5 Extension of stay; conditions.
214k.6 Readmission after temporary visits to Mexico.
214k.7 Previous removal, deportation; permission to reapply.
214k.8 Arrest and deportation of agricultural workers.
214k.21 Recruitment centers; preliminary inspection.
214k.22 Immigration inspection at reception centers.
214k.23 Recontracting in the United States.
214k.24 Duplicate identification cards.
214k.51 Extension of period of admission.

AUTHORITY: §§ 214k.1 to 214k.51 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 501–508, 65 Stat. 119, secs. 101, 212, 235, 241, 242, 264, 405, 66 Stat. 166, 182, 198, 204, 208, 224, 280; 7 U. S. C. 1461–1468, 8 U. S. C. 1101 and note, 1182, 1225, 1251, 1252, 1304.

§ 214k.1 *Definitions.* As used in this part:

(a) The term "agricultural worker" means a native-born citizen of Mexico who is and has been a bona fide resident of Mexico for at least one year immediately preceding the date of application for admission and who seeks to enter the United States temporarily under the provisions of Title V of the Agricultural Act of 1949, as amended (63 Stat. 1051, Pub. Law 78, 82d Cong.), for the sole purpose of engaging in agricultural employment as defined in this section, and who is legally admitted to the United States for temporary employment in agriculture in accordance with the terms of the Migrant Labor Agreement of 1951, as amended, entered into between the Governments of the United States and Mexico.

(b) The term "agricultural employment" means:

(1) Cultivation and tillage of the soil, planting, production, cultivation, growing, and harvesting of any agricultural or horticultural commodities and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage, or to market, or to a carrier for transportation to market; or

(2) The maintenance of a farm and its tools and equipment, or salvaging of timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm; or

(3) The maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit and used exclusively for supplying or storing water for farming purposes, and cotton ginning; or

(4) Handling, drying, packing, packaging, processing, freezing, grading or storing, in its unmanufactured state any agricultural or horticultural commodity for the operator of a farm; but only if such operator produced more than one-half of the commodity with respect to which the service is performed; or

(5) All of the activities described in subparagraph (4) of this paragraph for a group of operators of farms but only if such operators produced the commodities with respect to which such activities are performed: *Provided,* That the provisions of this subparagraph and subparagraph (4) of this paragraph shall not be applicable with respect to services performed in connection with commercial canning or commercial freezing, or in connection with any agricultural or horticultural commodities, after their delivery to a terminal market for distribution or consumption.

(c) The term "employer" means:

(1) The operator of agricultural property who is engaged in agricultural employment, as defined in this section;

(2) An association or other group of employees but only if those of its members for whom Mexican workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to the provisions of the Migrant Labor Agreement of 1951, as amended, unless the Secretary of Labor of the United States determines that such individual liability is not necessary to assure performance of such obligations; or

(3) A processor, shipper or marketer of agricultural products when the Mexican workers whom he obtains are employed by him in agriculture or crops purchased by him.

§ 214k.2 *Period for which admitted.* An agricultural worker may be admitted to the United States temporarily as a nonimmigrant pursuant to the provisions of Title V of the Agricultural Act of 1949, as amended, *Provided:*

(a) That the initial period of admission shall be for not less than four weeks and not more than six months. The initial period of admission or any extension thereof shall not extend beyond June 30, 1959;

(b) That no maintenance-of-status or departure bond shall be required; and

(c) That the period of temporary admission shall be subject to immediate revocation, without notice, by the district director of the district having jurisdiction over the place of the alien's employment upon:

(1) Failure of the agricultural worker to maintain his status as such by accepting any employment or engaging in any activities not specifically authorized at the time of his recruitment and temporary admission;

(2) Withdrawal of the employer's certification because of violation of Title V of the Agricultural Act of 1949, as amended, or the Migrant Labor Agreement of 1951, as amended, or individual work contract made thereunder, as specified in § 214k.4 (b); or

(3) Determination and notification by the Secretary of Labor that sufficient domestic workers who are able, willing, and qualified are available at the time and place needed to perform the work for which such workers are employed, or that the employment of such workers is adversely affecting the wages and working conditions of domestic agricultural workers similarly employed, or that reasonable efforts have not been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers; or

(4) Termination of the Migrant Labor Agreement of 1951, as amended.

§ 214k.3 *Conditions of admission.* Any alien who applies for admission into the United States under the provisions of Title V of the Agricultural Act of 1949, as amended, and the provisions of this part, must:

(a) Establish that he is an agricultural worker as defined in § 214k.1 (a);

(b) Establish that he is in all respects admissible under the provisions of the immigration laws;

(c) Have been regularly recruited by the Secretary of Labor as an agricultural worker;

(d) Comply with and continue to fulfill all of the terms, conditions, and requirements of his individual work contract;

(e) At all times carry with him and have in his personal possession the Form I–100 issued to him at the time of his admission, pursuant to § 214k.22 (a); and

(f) Establish to the satisfaction of the examining immigration officer that, if admitted, he will comply with all of the conditions of such admission.

§ 214k.4 *Compliance by employer.* (a) No agricultural workers shall be made available to, nor shall any such workers made available be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States. Whenever it shall appear that a Mexican alien not lawfully in the United States is so employed, an investigation shall be made and a report submitted to the district director having jurisdiction over the place of the alien's employment. If the district director determines that the employer has employed such Mexican aliens in violation of this section, he may require that other agricultural workers be removed from said place of employment, either by transfer to an eligible employer or by return to Mexico.

(b) Upon notification from the Secretary of Labor that an employer fails or refuses to comply with the provision of Title V of the Agricultural Act of 1949, as amended, or the Migrant Labor Agreement of 1951, as amended, or individual work contract made thereunder, the temporary admission of all agricultural workers employed by such employer may be revoked in the same manner as provided in § 214k.2 (c).

(c) If a Mexican agricultural worker leaves his employment without proper authorization, the employer shall report such departure immediately or within five days thereof to the immigration officer in charge of the reception center where the worker was admitted. Such notification shall contain the individual worker's name, as shown in the employer's copy of the contract; the worker's Form I–100C number; the date the worker left the employer, and the present whereabouts of the worker, if known.

§ 214k.5 *Extension of stay; conditions.* After an alien has been admitted to the United States as an agricultural worker under the provisions of this part or of prior regulations pertaining to Title V of the Agricultural Act of 1949, as amended, he may be granted an extension or extensions of the period of his temporary admission by the district director or the officer in charge of the suboffice having jurisdiction over the place of the alien's employment, subject to the same limitations as are placed on original admission by § 214k.2.

§ 214k.6 *Readmission after temporary visits to Mexico.* (a) An agricultural worker who has been admitted to the United States under the provisions of this part or of prior regulations pertaining to Title V of the Agricultural Act of 1949, as amended, may be readmitted after temporary visits to Mexico on presentation of Form I–100C, Alien Laborer's Permit, if he is still maintaining the status of an agricultural worker in the United States.

(b) An agricultural worker who is granted a furlough which is for more than 15 days, or will take place during the last 15 days of a six-week contract, or will take place during the last 30 days of a contract of more than six weeks, shall be furnished with a letter by the employer stating the time for which the furlough is granted and that contractual obligations will be reassumed upon his return to his employment after furlough. The letter shall be appropriately endorsed to show approval of the furlough by a representative of the United States Employment Service and the appropriate Mexican Consul.

§ 214k.7 *Previous removal, deportation; permission to reapply.* An alien who establishes that he is in all respects entitled to admission as an agricultural worker under the provisions of this part, except that he has been previously removed at Government expense pursuant to section 242 (b) of the act or excluded or arrested and deported solely because of illegal entry or absence of required documents, is hereby granted permission to reapply for admission to the United States as an agricultural worker.

§ 214k.8 *Arrest and deportation of agricultural workers.* (a) An alien admitted to the United States as an agricultural worker shall be deemed to have failed to maintain his nonimmigrant status within the meaning of section 241 (a) (9) of the Immigration and Nationality Act if:

(1) He remains in the United States after the expiration of the time for which he was temporarily admitted or after the expiration of any authorized extension of such period; or

(2) He violates or fails to fulfill any of the other conditions of his admission to or extended stay in the United States; or

(3) He evidences orally or in writing or by conduct an intention to violate or to fail to fulfill any of the conditions of his temporary admission to or extended stay in the United States; or

(4) He remains in the United States after the period of his temporary admission or extended stay is revoked pursuant to § 214k.2 (c).

(b) Any alien to whom paragraph (a) of this section is applicable shall be subject to being taken into custody and

made the subject of further proceedings under the applicable provisions of the Immigration and Nationality Act and the regulations in this chapter.

§ 214k.21 *Recruitment centers; preliminary inspection.* To the extent possible under the circumstances, all immigration inspections and medical examinations of the agricultural workers at recruitment centers in Mexico shall be similar to those regularly conducted at ports of entry on the border. If the immigration officer at the recruitment center in Mexico determines that the alien is admissible as an agricultural worker he shall so note and initial the conditional permit which is issued to the alien by the Secretary of Labor when the alien is recruited. Such endorsement shall not be construed as a guarantee that the alien will be admitted to the United States nor shall the alien be entitled to accept employment in the United States unless and until he has been issued Form I–100C as prescribed in § 214k.22. Aliens whose conditional permits have been noted by immigration officers shall be conveyed directly from the recruitment center to a reception center at or near a port of entry under the supervision of representatives of the Secretary of Labor for completion of immigration inspection. The conveyance of an agricultural worker to a reception center shall not constitute an admission to the United States. Such alien shall be considered to have been admitted to the United States only after he has been inspected and issued Form I–100C as prescribed in § 214k.22. If the immigration officer at the recruitment center in Mexico determines that the alien is inadmissible as an agricultural worker, he shall refuse to note the alien's conditional permit and such decision by the immigration officer shall not be subject to appeal to a special inquiry officer.

§ 214k.22 *Immigration inspection at reception centers*—(a) *Authority to admit.* An alien who presents a conditional permit, as described in § 214k.21, duly noted by an immigration officer at a recruitment center, may be admitted at the reception center if he is found admissible by the examining immigration officer. The examining officer shall fingerprint each alien admitted. The alien shall be given the Form I–100C bearing his photograph and stating his name and place of birth. Such form shall be duly noted by an immigration officer to show the date, place, and period of the alien's admission to the United States and shall be signed by such officer across the photograph. Such noted card shall be the sole document required for admission to the United States as an agricultural worker under this part.

(b) *Hearing before special inquiry officer.* If the examining immigration officer is not satisfied that an alien seeking admission under this part is admissible, the alien shall be held for hearing before a special inquiry officer, and the hearing procedure applicable generally to aliens seeking admission to the United States under the immigration laws shall be followed: *Provided, however,* That the case of an alien believed to be inadmissible to the United States under the provisions of paragraph (27), (28), or (29) of section 212 (a) of the Immigration and Nationality Act shall be handled in accordance with the provisions of section 235 (c) of that act and § 235.8 of this chapter.

§ 214k.23 *Recontracting in the United States.* During the period for which he is admitted, or any authorized extension thereof, an agricultural worker may be recontracted by another employer. When an agricultural worker is recontracted, his Form I–100C shall be appropriately noted and the admitting reception center notified.

§ 214k.24 *Duplicate identification cards.* A duplicate Form I–100C may be issued by the admitting reception center when the original has been lost, mutilated, or destroyed. An application for such a card shall be made on Form I–102.

§ 214k.51 *Extension of period of admission.* Extension of the temporary admission of an alien admitted to the United States as an agricultural worker under Title V of the Agricultural Act of 1949, as amended, and regulations pursuant thereto or under this part may be granted by the district director or the officer in charge of the suboffice having jurisdiction over the place of the alien's employment only upon determination and certification by the Secretary of Labor that:

(a) Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed;

(b) The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and

(c) Reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

PART 223—REENTRY PERMITS

Sec.
223.1 Application.
223.2 Reentry permit.
223.3 Extensions.
223.5 Expired permits.

AUTHORITY: §§ 223.1 to 223.5 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 223, 66 Stat. 194; 8 U. S. C. 1203.

§ 223.1 *Application.* An application for a reentry permit under the provisions of section 223 of the act shall be submitted on Form I–131. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

§ 223.2 *Reentry permit*—(a) *Form.* Reentry permits shall be issued on Form I–132 and shall indicate whether they are issued under paragraph (a) (1) or (a) (2) of section 223 of the act and the period of their validity.

(b) *Limited reentry permit.* Limited reentry permits, valid for reentry to Hawaii only, may be issued to those citizens of the Philippine Islands specified in § 4.2 (g) of this chapter, if otherwise eligible.

§ 223.3 *Extensions.* An application for extension of a reentry permit shall be submitted to the office having jurisdiction over the applicant's place of residence in the United States prior to the expiration of the period of validity of the reentry permit. The application shall be in writing and shall state the applicant's name and address in the United States; when, where, and the manner in which he departed from the United States; the port of landing and the date of his arrival abroad; the countries visited by him in the order visited; his reasons for requesting an extension and the period for which the extension is desired, and the address to which the permit is to be returned. If the extension application is granted, the permit will be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the permit returned to him if the remaining period of its validity permits its use for return to the United States. No appeal shall lie from a decision denying an application for extension of a reentry permit.

§ 223.5 *Expired permits.* Upon the expiration of the period of validity of a reentry permit, the permit shall be surrendered by the holder to the issuing office. If any such expired permit has not been surrendered to the Service, no subsequent reentry permit shall be issued to the same alien unless he shall first surrender the expired permit, or satisfactorily account for his failure so to do.

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Sec.
231.1 Arrival manifests, lists, and arrival-departure cards.
231.2 Departure lists and arrival-departure cards.

AUTHORITY: §§ 231.1 and 231.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 231, 238, 239, 66 Stat. 167, 182, 195, 202, 203; 8 U. S. C. 1101, 1182, 1221, 1228, 1229.

§ 231.1 *Arrival manifests, lists, and arrival-departure cards*—(a) *Presentation.* The master or agent of every vessel arriving in the United States shall present to the immigration officer at the port of first arrival, typed or legibly printed in accordance with instructions on the reverse thereof, a manifest on Form I–418 of all passengers on board. To facilitate inspection the manifest on Form I–418 may be presented in separate alphabetical listings for United States citizens and for aliens and may be further subdivided according to the separate foreign ports of embarkation and United States ports of debarkation. The master or agent of every aircraft arriving in the United States shall present to the immigration officer at the port of first arrival a manifest consisting of an arrival-departure card (Form I–94) for each passenger on board. Neither a Form I–418 nor a Form I–94 shall be required of a vessel or aircraft arriving in the continental United States or Alaska directly from Canada on a voyage or flight originating in that country. In lieu of Form I–418 or Form I–94, the master or agent of a vessel or aircraft arriving in the United States without touching at a foreign port on a voyage or flight originating in Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, shall submit a list containing the surname, given name, and middle initial of each passenger on board. To facilitate inspection, an advance list of the names of all passengers on board may be delivered to the immigration officer at the first port of arrival prior to the vessel's or aircraft's arrival. When such advance list has been submitted, there shall be delivered to the immigration officer at the time of arrival at the first port a list containing any changes or corrections which differ from the advance list. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival may be deferred in the discretion of the examining immigration officer. The manifests or lists of those passengers not inspected shall be returned to the master for presentation at subsequent ports of arrival. The procedure followed at the first port of arrival shall be followed at any subsequent port of arrival.

(b) *Additional documents.* When a manifest on Form I–418 is required to be presented, the master or agent of the vessel shall prepare as a part thereof a completely executed set of Forms I–94 for each alien passenger, except (1) an immigrant or (2) a Canadian citizen or a British subject who has his residence in Canada or Bermuda. The set of Forms I–94 shall be delivered to each alien for presentation to the examining immigration officer at the port of entry. When a manifest is not required or a nonimmigrant alien is applying other than as a passenger or crewman on board a vessel or aircraft, a set of Forms I–94 shall be prepared by the examining immigration officer for each nonimmigrant.

§ 231.2 *Departure lists and arrival-departure cards*—(a) *Presentation.* The master or agent of every vessel departing from the United States shall present to the immigration officer at the port from which the vessel will proceed directly to a foreign port or place a list of all passengers on board on Form I–418 in accordance with instructions contained thereon. The master or agent of every aircraft departing from the United States shall present to the immigration officer at the port from which the aircraft will proceed directly to a foreign port or place a fully executed Form I–94 (including departure information on the reverse) for each passenger departing. When available the Form I–94 given an alien at the time of his last arrival in the United States shall be utilized. Such departure lists and cards shall be presented prior to the departure of the vessel or aircraft except that vessels or aircraft making regular trips to and from the United States in accordance with a published schedule may defer the presentation of such forms and attachments for a period not in excess of 30 days. Forms I–418 or arrival-departure cards shall not be required for vessels or aircraft departing the continental United States or Alaska directly to Canada on a voyage or flight terminating in that country.

(b) *Additional documents.* When a manifest on Form I–418 is presented, the master or agent shall attach to such manifest a fully executed Form I–94 (including departure information on the reverse) for each manifested alien passenger aboard except (1) an alien permanent resident of the United States or (2) a Canadian citizen or a British subject who has his residence in Canada or Bermuda. When available, the Form I–94 given the alien at the time of his last arrival in the United States shall be utilized. Any alien registration receipt card on Form I–151 surrendered pursuant to § 264.1 (d) of this chapter by an alien lawfully admitted for permanent residence who is permanently departing shall also be attached to Form I–418 or the relating arrival-departure card (Form I–94). The alien shall surrender his Form I–94 to a Canadian immigration officer or United States immigration officer when it is not required to be presented by the master or agent of the vessel or aircraft.

PART 232—DETENTION OF ALIENS FOR OBSERVATION AND EXAMINATION

Sec.
232.1 Definitions.
232.2 Authority to detain and designate place of detention of aliens for observation and examination.
232.3 Responsibility for safekeeping of aliens ordered removed from vessel or airport of arrival for observation and examination.
232.4 Place of detention.
232.5 Liability for detention expenses.
232.11 Removal and detention of aliens.
232.51 Collection of detention expenses.
232.52 Reimbursement of transportation line for detention expenses in certain cases.

AUTHORITY: §§ 232.1 to 232.52 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 3, 63 Stat. 166, as amended, sec. 232, 66 Stat. 196; 5 U. S. C. 836, 8 U. S. C. 1222.

§ 232.1 *Definitions.* For the purposes of this part the term "transportation line" means a vessel, aircraft, transportation line, transportation company, steamship company, or the master, commanding officer, authorized agent, owner, charterer, or consignee of a vessel or aircraft, and the term "alien" means any alien as defined by the Immigration and Nationality Act and any person applying for admission to the United States as a citizen or national of the United States.

§ 232.2 *Authority to detain and designate place of detention of aliens for observation and examination.* The authority to detain aliens and to designate the place of detention, if detention is required other than on board a vessel or at the airport of arrival, under the provisions of section 232 of the Immigration and Nationality Act may be exercised by the examining immigration officer, or by the district director or officer in charge having administrative jurisdiction over the port at which such aliens arrived.

§ 232.3 *Responsibility for safekeeping of aliens ordered removed from vessel or airport of arrival for observation and examination.* The responsibility for the safekeeping during the removal and subsequent detention of an alien (including an alien crewman), who has been ordered removed from a vessel or airport of arrival and detained pursuant to section 232 of the Immigration and Nationality Act and this part shall be upon the transportation line bringing the alien to the United States, except that such transportation line shall be relieved of that responsibility during such time as the alien is detained on premises owned or controlled by the United States.

§ 232.4 *Place of detention.* Any alien who is ordered removed or detained pursuant to section 232 of the Immigration and Nationality Act and this part shall, unless treatment in a hospital is necessary, be kept in custody in a facility operated by the Service if such a facility exists at the port of arrival or if at a nearby port there is such a facility which can be utilized. If no such facility is available such alien may, with the approval of the district director or officer in charge having administrative jurisdiction over the port of arrival, be detained at a place to be arranged for by the transportation line bringing him to the United States.

§ 232.5 *Liability for detention expenses.* In any case in which an alien (including alien crewman) is removed from a vessel or airport of arrival and detained for observation and examination under section 232 of the Immigration and Nationality Act and this part, the transportation line bringing such alien to the United States shall be responsible initially for the payment of detention expenses if the district director having administrative jurisdiction over the port of arrival has reason to believe from the facts presented that such detention expenses may properly be assessed against the transportation line. In any such case the transportation line, at the option of the district director shall be required to obligate itself in a manner satisfactory to such officer for the payment of the expenses referred to in this section, and may be required to make payment in advance, or deposit security with respect to each alien so detained.

§ 232.11 *Removal and detention of aliens.* Whenever the district director, officer in charge or examining immigration officer, in his discretion, determines that an alien should be removed from a vessel or airport of arrival for detention elsewhere for the purpose of observation and examination, such officer shall serve or cause to be served on the transportation line bringing such alien to the United States a notice, on Form I–259, directing such removal. The notice shall specify the date and time the alien is to be removed, the place at which he is to be detained, and the reasons for the removal.

§ 232.51 *Collection of detention expenses.* In all cases in which the Government has initially paid the detention expenses and expenses incident thereto of an alien detained pursuant to section 232 of the Immigration and Nationality Act, bills pertaining to the detention expenses shall be presented monthly or oftener, at the option of the district director, to the responsible transportation line as soon as liability therefor is established to the satisfaction of the district director. Such expenses shall include, but shall not be limited to, expenses of maintenance, medical treatment in hospital or elsewhere, and burial in the event of death. At ports where the Service maintains hospitals, the hospital expenses shall be such as are fixed by the Service and at other hospitals they shall be such as are fixed by the authorities thereof.

§ 232.52 *Reimbursement of transportation line for detention expenses in certain cases.* A transportation line which has paid the detention expenses referred to in § 232.5 shall, upon presentation of itemized receipts, be reimbursed from the applicable appropriation of the Service if it is finally determined that the transportation line should not be assessed for the payment of such expenses. The reimbursement shall cover only reasonable amounts actually expended for such expenses, but the reimbursement for the cost of maintenance shall not, except in unusual circumstances and unless the expense was incurred with the prior approval of the district director having administrative jurisdiction over the port, exceed the maximum per diem allowance prescribed in section 836 of Title 5 of the United States Code in lieu of subsistence. No reimbursement shall be made for detention expenses incurred after the alien has been offered for deportation to the transportation line which brought him to the United States.

PART 233—TEMPORARY REMOVAL FOR EXAMINATION UPON ARRIVAL

Sec.
233.1 Definitions.
233.2 Assumption of responsibility.
233.3 Expenses of removal; payment.
233.4 Burial expenses.
233.5 Liability for detention expenses.
233.6 Termination of Government liability for detention expenses.
233.7 Place of detention.
233.31 Collection of removal expenses.
233.51 Collection of detention expenses.
233.52 Reimbursement of transportation line for detention expenses in certain cases.

AUTHORITY: §§ 233.1 to 233.52 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 1, 2, 46 Stat. 1467, as amended, 54 Stat. 858, as amended, sec. 3, 63 Stat. 166, as amended, secs. 233, 237, 66 Stat. 197, 201; 5 U. S. C. 342c, 342d, 342e, 836, 8 U. S. C. 1223, 1227.

§ 233.1 *Definitions.* For the purposes of this part the term "transportation line" means a vessel, aircraft, transportation line, transportation company, steamship company, or the master, commanding officer, authorized agent, owner, charterer, or consignee of a vessel or aircraft, and the term "alien" means any alien as defined by the Immigration and Nationality Act and any person applying for admission to the United States as a citizen or national of the United States.

§ 233.2 *Assumption of responsibility.* (a) Whenever a transportation line, in accordance with the provisions of section 233 (a) of the Immigration and Nationality Act and this part, desires to assume responsibility for the safekeeping of an alien during his removal to a designated place for examination and inspection, it shall submit a request therefor to the district director having administrative jurisdiction over the port of arrival. If the request is approved by the district director the transportation line shall execute an agreement on Form I–259A, and the district director shall cause a notice to detain and remove, on Form I–259, to be served upon the transportation line. Such notice shall specify the date and time the alien is to be removed, the place to which such removal shall be made, and the reason therefor. If such agreement is executed, the removal of the alien shall not be made by an immigration officer.

(b) A transportation line may enter into a blanket agreement assuming the responsibility for the safekeeping of all aliens brought to a port of the United States by such line who are required to be removed for examination and inspection. In the absence of a written notice to the contrary, the acceptance of service of Form I–259 naming the specific alien or aliens to be removed and the reasons therefor shall be good and sufficient evidence of the assumption by the said transportation line of its responsibility in accordance with the provisions of section 233 (a) of the Immigration and Nationality Act and this part.

§ 233.3 *Expenses of removal; payment.* Whenever an alien (including an alien crewman) is removed for examination and inspection by an immigration officer under section 233 (a) of the Immigration and Nationality Act and this part, the expenses of removal to be borne by the transportation line shall include payment for the salary of such officer for the time consumed in the removal, including travel time of the officer from and to the office at which he is stationed. The hourly rate of pay for such officer shall be based upon his gross annual salary. For the purposes of this section any fraction of an hour consumed in the removal of the alien shall be considered as a full hour. Any portion of such services which is performed after 5 p. m. or before 8 a. m., or on Sundays or holidays, shall be compensated for at the rate specified in the act of March 2, 1931, as amended by the act of August 22, 1940 (8 U. S. C. 109a–109c). The expenses to be borne by the transportation line shall also include, but shall not be limited to the costs of transportation of the officer and alien, meals, cost of matrons, nurses, attendants, guards, ambulances, and similar costs for any accompanying alien whose protection or guardianship is required if the alien being removed for inspection and examination is helpless by reason of sickness or mental or physical disability or infancy.

§ 233.4 *Burial expenses.* For the purposes of section 233 of the Immigration and Nationality Act the burial expenses referred to therein shall include the payment of an amount not exceeding $10.00 in any case for the services of a minister of any religious denomination.

§ 233.5 *Liability for detention expenses.* In any case in which an alien (including alien crewmen) is removed from a vessel or aircraft and detained for examination and inspection under section 233 or 237 of the Immigration and Nationality Act and this part, the transportation line bringing such alien to the United States shall be responsible initially for the payment of detention expenses if the district director having administrative jurisdiction over the port of arrival has reason to believe from the facts presented that such detention expenses may properly be assessed against the transportation line. In any such case the transportation line, at the option of the district director, shall be required to obligate itself in a manner satisfactory to such officer for the payment of the expenses referred to in this section, and may be required to make payment in advance or deposit security, with respect to each alien so detained.

§ 233.6 *Termination of Government liability for detention expenses.* Any detention expenses and expenses incident thereto which are required to be borne by the Government under section 233 or 237 of the Immigration and Nationality Act shall continue to be borne by the Government until the alien is offered for deportation to the transportation line which brought him to the United States. Thereafter all detention expenses and expenses incident thereto shall be borne by such transportation line.

§ 233.7 *Place of detention.* Any alien who arrives in the United States by vessel or aircraft and who is ordered removed temporarily therefrom pending final decision as to his admissibility shall be detained at such appropriate place as shall be designated for that purpose by the district director or officer in charge having administrative jurisdiction over the port of arrival.

§ 233.31 *Collection of removal expenses.* Bills pertaining to removal expenses of an alien removed pursuant to section 233 of the Immigration and Nationality Act and this part shall be presented monthly or oftener, at the option of the district director, to the responsible transportation line.

§ 233.51 *Collection of detention expenses.* In all cases in which the Government has initially paid the detention expenses and expenses incident thereto and the deportation expenses of a detained alien, pursuant to section 233 or 237 of the Immigration and Nationality Act, bills pertaining to the detention and deportation expenses shall be presented monthly or oftener, at the option of the district director, to the responsible transportation line as soon as liability therefor is established to the satisfaction of the district director. Such expenses shall include, but shall not be limited to, expenses of maintenance, medical treatment in hospital or elsewhere, burial in the event of death and transfer to the vessel or aircraft in the event of deportation. At ports where the Service maintains hospitals, the hospital expenses shall be such as are fixed by the Service, and at other hospitals they shall be such as are fixed by the authorities thereof.

§ 233.52 *Reimbursement of transportation line for detention expenses in certain cases.* A transportation line which has paid the detention expenses referred to in § 233.5 shall, upon presentation of itemized receipts be reimbursed from the applicable appropriation of the Service if it is finally determined that the transportation line should not be assessed for the payment of such expenses. The reimbursement shall cover only reasonable amounts actually expended for such expenses, but the reimbursement for the cost of maintenance shall not, except in unusual circumstances and unless the expense was incurred with the prior approval of the district director having administrative jurisdiction over the port, exceed the maximum per diem allowance prescribed in section 836 of Title 5 of the United States Code in lieu of subsistence. No reimbursement shall be made for detention expenses incurred after the alien has been offered for deportation to the transportation line which brought him to the United States.

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

Sec.
235.1 General qualifications.
235.2 Examination postponed.
235.3 Detention.
235.4 Notations on documents.
235.5 Pre-inspection in certain parts of the United States.
235.6 Notice of referral to special inquiry officer.
235.7 Referral of certain cases to district director.
235.8 Temporary exclusion.

AUTHORITY: §§ 235.1 to 235.8 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 213, 221, 234, 235, 236, 237, 238, 242, 66 Stat. 166, 182, 188, 191, 198, 200, 201, 202, 208, as amended; 8 U. S. C. 1101, 1182, 1163, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

§ 235.1 *General qualifications.* The following general qualifications and requirements shall be met by an alien seeking to enter the United States regardless of whether he seeks to enter for permanent, indefinite, or temporary stay, and regardless of the purpose for which he seeks to enter: he shall apply in person at a place designated as a port of entry for aliens at a time when the immigration office at the port is open for inspection; he shall make his application in person to an immigration officer and shall present whatever documents are required; and he shall establish to the satisfaction of the immigration officer that he is not subject to exclusion under the immigration laws, Executive orders, or Presidential proclamations and is entitled under all of the applicable provisions of the immigration laws and this chapter to enter the United States.

§ 235.2 *Examination postponed.* Whenever an alien on arrival is found or believed to be suffering from a disability which renders it impractical to proceed with the examination under the act, the examination of such alien, members of his family concerning whose admissibility it is necessary to have such alien testify, and any accompanying aliens whose protection or guardianship will be required should such alien be found inadmissible shall be deferred for such time and under such conditions as the district director in whose district the port is located imposes.

§ 235.3 *Detention.* All persons arriving at a port in the United States by vessel or aircraft shall be detained aboard the vessel or at the airport of arrival by the master, commanding officer, purser, person in charge, agent, owner, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service. Notice or order to so detain shall not be required.

§ 235.4 *Notations on documents.* The admitting examining officer shall by means of a stamp record in each passport required to be presented the word "Admitted" and the date and place of admission and shall record the same information on any immigrant visa, reentry permit, or Form I–94 presented by or prepared for an arriving admitted alien. One copy of the Form I–94, so endorsed, shall be returned to the admitted alien by whom it was presented or for whom it was prepared for his retention while in the United States and for surrender at the time of his departure from the United States, except that the copy of the I–94 shall be delivered to a representative of the carrier which brought him in the case of each alien who is authorized direct transit through the United States under section 238 (d) of the act.

§ 235.5 *Pre-inspection in certain parts of the United States.* In the case of any aircraft proceeding from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States destined directly and without touching at a foreign port or place to any other of such places or to the continental United States, the examination required by the act of the passengers and crew may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such departure. The examination shall be conducted in accordance with sections 234, 235, 236, and 237 of the act and this part and Parts 236 and 237 of this chapter, except that if it appears to the examining immigration officer that any person in the United States being examined under this section is prima facie deportable from the United States, further action with respect to his examination shall be deferred and further proceedings conducted as provided in section 242 of the act and Part 242 of this chapter. When the foregoing inspection procedure is applied to any aircraft, persons examined and found admissible shall be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person shall be permitted to depart on such aircraft until and unless he is found to be admissible as provided in this section.

§ 235.6 *Notice of referral to special inquiry officer.* If, in accordance with the provisions of section 235 (b) of the act, the examining immigration officer detains an alien for further inquiry before a special inquiry officer, he shall immediately sign and deliver to the alien a Notice To Alien Detained For Hearing By Special Inquiry Officer (Form I–122). If the alien is unable to read or understand the notice, it shall be read and explained to him by an employee of the Service, through an interpreter, if necessary, prior to such further inquiry.

§ 235.7 *Referral of certain cases to district director.* If the examining officer has reason to believe that the cause of an alien's excludability can readily be removed by posting of a bond in accordance with the provisions of section 213 of the act; by the exercise of section 212 (d) (3) or (4) of the act; or by the exercise of section 212 (c) of the act, he may in lieu of detaining the alien for hearing in accordance with section 235 (b) and section 236 of the act refer the alien's case to the district director within whose district the port is located for consideration of such action and defer further examination pending the decision of the district director. Refusal of a district director to authorize admission under section 213 or to grant application for the benefits of section 212 (d) (3) or (4) or section 212 (c) of the act shall be without prejudice to the renewal of such application or the authorizing of such admission by the special inquiry officer without additional fee.

§ 235.8 *Temporary exclusion* — (a) *Report.* Any immigration officer who temporarily excludes an alien under the provisions of section 235 (c) of the act shall report such action promptly to the district director having administrative jurisdiction over the port at which such alien arrived. If the subject of the report is an alien who seeks to enter the United States other than under section 101 (a) (15) (D) of the act, the report shall be forwarded by the district director to the regional commissioner and further action shall be taken thereon as provided in paragraph (b) of this section.

(b) *Action by regional commissioner.* If the regional commissioner is satisfied that the alien is inadmissible to the United States under paragraph (27), (28), or (29) of section 212 (a) of the act and if the regional commissioner, in the exercise of his discretion, concludes that such inadmissibility is based on information of a confidential nature the disclosure of which would be prejudicial to the public interest, safety, or security, he may deny any hearing or further hearing by a special inquiry officer and order such alien excluded and deported, or enter such other order in the case as he deems appropriate. In any other case the regional commissioner shall direct that the alien be given a hearing or further hearing before a special inquiry officer.

(c) *Finality of decision.* The decision of the regional commissioner provided

for in paragraph (b) of this section shall be final and no appeal may be taken therefrom. The decision of the regional commissioner shall be in writing, signed by him and, unless it contains confidential matter, a copy shall be served on the alien. If the decision contains confidential matter, a separate order showing only the ultimate disposition of the case shall be signed by the regional commissioner and served on the alien.

(d) *Hearing by special inquiry officer.* If the regional commissioner directs that an alien temporarily excluded be given a hearing or further hearing before a special inquiry officer, such hearing and all further proceedings in the case shall be conducted in accordance with the provisions of section 236 and other applicable sections of the act to the same extent as though the alien had been referred to a special inquiry officer by the examining immigration officer; except, that if confidential information, not previously considered in the case, is adduced supporting the exclusion of the alien under paragraph (27), (28), or (29) of section 212 (a) of the act, the disclosure of which, in the discretion of the special inquiry officer, may be prejudicial to the public interest, safety, or security, the special inquiry officer may again temporarily exclude the alien under the authority of section 235 (c) of the act and further action shall be taken as provided in this section.

PART 235a—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Sec.
235a.1 Application.
235a.11 Disposition of case.

AUTHORITY: §§ 235a.1 and 235a.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103.

§ 235a.1 *Application.* Any alien, except a citizen of Canada, Mexico, or islands adjacent to the United States, who entered the United States prior to January 1, 1957, and has been continuously physically present in the United States since that date, shall apply for preexamination on Form I–63 if he intends to apply to a consular officer of the United States in Canada for an immigrant visa and he believes that he will be admissable to the United States under all the provisions of the immigration laws if in possession of an immigrant visa; that he will be able to obtain the prompt issuance of an immigrant visa, and that he is a person of good moral character. Any alien who files Form I–63 shall be deemed to have thereby abandoned his nonimmigrant status in the United States. Form I–63 shall be submitted to the office of the Immigration and Naturalization Service having jurisdiction over the applicant's place of residence, and may be filed separately or in conjunction with a petition for nonquota or preference quota status under Part 204 or 205 of this chapter. If the applicant is under deportation proceedings, the application shall be made to the special inquiry officer during the hearing pursuant to Part 242 of this chapter. The applicant shall be notified of the decision, and, if the application is denied, of the reasons therefor and of his right to appeal under Part 6 or 7 of this chapter.

§ 235a.11 *Disposition of case.* If preexamination has been authorized, the applicant shall not be preexamined until he has presented written assurance from the consular officer of the United States in Canada that a visa will be promptly available if upon personal examination he is found eligible for a visa, and a report from a medical officer of the United States Public Health Service setting forth findings of the applicant's mental and physical condition. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212 (a) of the act may appeal to a board of medical officers of the United States Public Health Service as provided in section 234 of the act and § 236.13 (c) of this chapter. Preexamination to determine the applicant's admissibility to the United States shall be conducted by an immigration officer. If it shall appear to the immigration officer that the applicant is not clearly and beyond a doubt admissible, the matter shall be referred to a special inquiry officer for disposition pursuant to section 236 of the act and Part 236 of this chapter. If the applicant is found admissible, he shall be given a sealed letter addressed to the Canadian immigration officer at the port through which he will enter Canada, showing the purpose of the applicant's visit to Canada and guaranteeing that if admitted to Canada he will be readmitted to the United States. An applicant previously found admissible in preexamination proceedings, who, having proceeded to Canada, is found inadmissible at the time of seeking reentry into the United States, shall be paroled into the United States.

PART 236—EXCLUSION OF ALIENS

Sec.
236.1 Authority of special inquiry officers.
236.11 Conduct of hearing.
236.12 Decision of special inquiry officer.
236.13 Advice to alien found excludable.
236.14 Finality of decision.
236.15 Appeal by alien.
236.16 Appeal by district director.
236.17 Fingerprinting of excluded aliens; photographs.

AUTHORITY: §§ 236.1 to 236.17 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 212, 221, 235, 236; 263, 66 Stat. 182, 191, 198, 200, 224; 8 U. S. C. 1182, 1201, 1225, 1226, 1303.

§ 236.1 *Authority of special inquiry officers.* Subject to any specific limitation prescribed by this chapter and by the Immigration and Nationality Act, special inquiry officers shall, in determining cases referred to them for further inquiry as provided in section 235 of the Immigration and Nationality Act, exercise such discretion and authority conferred upon the Attorney General by said Act as is appropriate and necessary for the disposition of such cases.

§ 236.11 *Conduct of hearing*—(a) *General provisions; duties of special inquiry officers.* At the commencement of the hearing the special inquiry officer shall enter of record as an exhibit in the case a copy of the Form I–122 previously delivered to the alien by the examining immigration officer as provided in Part 235 of this chapter. The special inquiry officer shall rule upon objections, introduce material and relevant evidence in behalf of the Government and the alien, and otherwise regulate the course of the hearing, and exercise such other powers and authority as are conferred upon him by the Immigration and Nationality Act and this chapter. If the alien has a relative or a friend present at the hearing who is a witness in the case, the testimony of the relative or friend shall be completed before he is permitted to remain at the hearing, unless, in the discretion of the special inquiry officer, his presence before testifying will not be prejudicial to a proper determination of the case. During the course of the hearing the alien's attorney or representative shall be permitted to examine the alien and he, or the alien, shall be permitted to examine any witnesses offered in the alien's behalf, to cross-examine any witnesses called by the Government, to offer evidence material and relevant to any matter in issue, and to make objections which shall be stated succinctly and entered on the record. Argument in support of objections and any irrelevant material or unduly repetitious matter shall be excluded from the record. If the alien is not represented by an attorney or representative, the special inquiry officer shall advise the alien of his rights, as described in this section, and shall assist the alien in the presentation of his case to the end that all of the material and relevant facts may be adduced.

(b) *Development of facts relating to penalties incurred by transportation company.* In all cases in which there is reason to believe that any administrative fine prescribed may have been incurred, the special inquiry officer shall develop in the course of the hearing all facts and circumstances material to a determination of liability to such fine.

(c) *Medical examiner as witness.* Whenever the certificate of an examining surgeon does not adequately describe the nature, character, and extent of the physical defect, disease, or disability which may affect the ability of the alien to earn a living and the alien has not affirmatively established that he will not have to earn a living, the special inquiry officer shall call the examining surgeon as a witness and interrogate him fully as to the particular nature, character, and extent of the defect, disease, or disability. Such testimony shall be made a part of the record.

(d) *Record in illiteracy cases.* In all cases in which the reading test is applied and aliens are rejected as unable to read and understand, the record shall, in addition to the number of the reading card used, clearly set forth (1) that the alien designated the particular language used in the test, (2) the complete English text appearing on the card, (3) a definite finding by the special inquiry officer as to the degree to which the alien failed to read and understand, and (4) if the alien claims to be within any class exempted from the test, a definite finding by the special inquiry officer as to the validity of such claim.

§ 236.12 *Decision of special inquiry officer*—(a) *Oral decision.* Except as provided in paragraph (b) of this section, the special inquiry officer shall, immediately following the conclusion of the hearing, state for the record in the presence of the alien or his attorney or representative, his decision in the case, which shall include a summary of the evidence adduced, findings of fact, conclusions of law, and order. If the alien is entitled to appeal to the Board from an adverse decision of the special inquiry officer, he shall be so advised, and the exact language employed in conveying this advice to the alien, and the alien's representations or acknowledging statements, shall be made a part of the record in the case.

(b) *Written decision.* In any case in which he deems such action appropriate, the special inquiry officer may, as soon as practicable after the conclusion of the hearing, prepare a written decision signed by him which shall include a summary of the evidence adduced, findings of fact, conclusions of law, and order. The district director having administrative jurisdiction over the office in which the proceeding is pending shall cause a signed copy of such decision to be served on the alien with the notice referred to in § 6.11 of this chapter.

§ 236.13 *Advice to alien found excludable*—(a) *Return voyage.* An excluded alien shall be informed of the provisions of section 237 (a) of the Immigration and Nationality Act relating to the transportation expenses of his deportation from the United States, and to the class of travel in connection therewith. If the alien is entitled to refund of passage money he shall be so informed.

(b) *Permission to reapply.* The special inquiry officer excluding an alien shall advise him of the provisions of the Immigration and Nationality Act and of this chapter relating to the necessity of obtaining permission to reapply for admission to the United States should he desire to reapply within one year from his deportation under the excluding decision. The fact that such advice has been given to the alien of that notification shall be noted in the record together with the alien's foreign address. In cases in which the alien is excluded for causes which can readily be removed or overcome, he may be advised by the special inquiry officer that the application for permission to reapply for admission may then and there be made. If the alien does not appeal from the excluding decision and desires to make such application, the special inquiry officer may, in his discretion grant him permission to reapply for admission. Written notification of such permission shall be furnished to the alien for his use in subsequent proceedings. If the application for permission to reapply is denied by the special inquiry officer no appeal shall lie from such denial, but it shall be without prejudice to any further application made by the applicant pursuant to § 212.6 of this chapter. If an appeal is taken from a decision of the special inquiry officer as provided in section 236 (b) of the Immigration and Nationality Act, the decision on appeal, if adverse to the alien, may grant him permission to reapply for admission within one year.

(c) *Alien certified for mental condition; right of medical appeal.* An alien certified under paragraphs (1), (2), (3), (4), or (5) of section 212 (a) of the Immigration and Nationality Act shall be advised of his right to appeal to a board of medical officers of the United States Public Health Service, and of his right to produce before such board one expert medical witness at the alien's own cost and expense. In the event the alien desires to appeal to such medical board, the district director having administrative jurisdiction over the office in which the proceedings are pending shall, in conformity with regulations prescribed by the United States Public Health Service, make such arrangements with the office of the Surgeon General as may be necessary for the convening of such medical board.

(d) *Notice of possible appeal by district director.* In any case falling within the purview of § 236.16 in which the decision of the special inquiry officer is to admit the alien, the special inquiry officer shall advise the alien at the conclusion of the hearing that the decision is not final and is subject to possible appeal by the district director having administrative jurisdiction over the office in which the hearing was conducted, and that such appeal may be taken within a period of 5 days after a transcript of the record is made available to such district director.

(e) *Contents of record.* The exact language employed in conveying information to an alien in accordance with this section, and the alien's replies or acknowledging statements, shall be made a part of the record in the case.

§ 236.14 *Finality of decision.* The decision of the special inquiry officer shall be final except when:

(a) The case has been certified to the regional commissioner as provided in § 7.1 (b) of this chapter, or certified to the Board as provided in § 6.1 (c) of this chapter; or

(b) The alien takes an appeal as provided in § 236.15; or

(c) The district director takes an appeal as provided in § 236.16.

§ 236.15 *Appeal by alien*—(a) *From oral decision.* Immediately following an oral decision of the special inquiry officer, the alien, if entitled to appeal to the Board, shall be required to state for the record whether or not he desires to appeal and, if he does, whether or not he desires to file a brief in support of such appeal. If the alien desires to appeal, he shall then and there be required to submit a completed Form I–290A. If the alien desires to file a brief, he shall be allowed 5 days from the date of the oral decision within which to submit his brief to the district director having administrative jurisdiction over the office in which the proceeding is pending. Upon good cause shown, such district director or the special inquiry officer who presided at the hearing, or the Board may, in their discretion, extend the time within which the brief may be submitted. In any case in which the alien has stated that he desires to submit a brief, he may, within the period allowed for the submission of such brief file with the district director a written waiver thereof. An alien appealing from an oral decision of a special inquiry officer shall be furnished with a transcript of the oral decision.

(b) *From written decision.* In any case in which an alien is entitled to appeal from a written decision of a special inquiry officer, such appeal shall be taken on Form I–290A in accordance with the provisions of § 6.11 of this chapter within 5 days after receipt of the written decision.

§ 236.16 *Appeal by district director.* The district director having administrative jurisdiction over the office in which the hearing was conducted may require any case or classes of cases to be referred to him for review in which the decision of the special inquiry officer is to admit the alien. The district director shall, within 5 days after receipt of the transcript of the record in any such case, determine whether or not he desires to appeal to the Board. If an appeal is taken by the district director, written notice thereof shall be delivered to the alien and the alien shall be advised that he may make such representations to the Board as he may desire, including the filing of a brief. If the alien desires to file a brief, he shall be allowed 5 days from receipt of notification of appeal within which to file a brief with the district director for transmittal to the Board with the record in the case. The filing of such brief may be waived by the alien. For good cause shown, such district director, or the special inquiry officer who presided at the hearing, or the Board, may in their discretion, extend the time within which the brief may be submitted.

§ 236.17 *Fingerprinting of excluded aliens; photographs.* Every alien 14 years of age or older who is excluded from admission to the United States by a special inquiry officer shall be fingerprinted, unless during the preceding year he has been fingerprinted at an American consular office. Any alien so excluded, regardless of his age, shall be photographed if a photograph is required by the district director having administrative jurisdiction over the office in which the proceeding was conducted.

PART 237—DEPORTATION OF EXCLUDED ALIENS

Sec.
237.1 Stay of deportation of excluded alien.
237.2 Cost of maintenance not assessed.
237.3 Imposition of penalty.
237.11 Request for stay of deportation; detention expenses.
237.12 Notice to transportation line of alien's exclusion.
237.13 Notice to district director of proposed departure.
237.14 Aliens rejected at ports outside the United States.
237.15 Excluded aliens requiring special care and attention.
237.21 Submission of proof by transportation line.

AUTHORITY: §§ 237.1 to 237.21 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 233, 237, 238, 243, 260, 66 Stat. 197, 201, 202, 212, 230; 8 U. S. C. 1223, 1227, 1228, 1253, 1330.

§ 237.1 *Stay of deportation of excluded alien.* The immediate deportation of an excluded alien as provided in section 237 (a) of the Immigration and Nationality Act may be stayed in the discretion of district directors, upon a determination that immediate deportation is not practicable or proper, or that the alien's testimony is necessary in behalf of the United States as provided in section 237 (d) of that act.

§ 237.2 *Cost of maintenance not assessed.* Whenever the owner or owners of a vessel or aircraft, in order to exempt the transportation line from liability for the cost of the alien's maintenance, seek to establish that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation as provided in section 237 (a) (2) (B) of the Immigration and Nationality Act, such claim shall be established to the satisfaction of the district director having administrative jurisdiction over the port of arrival. No appeal shall lie from a decision adverse to such claim.

§ 237.3 *Imposition of penalty.* Penalties for violation of sections 233 and 237 of the Immigration and Nationality Act shall be imposed in accordance with the provisions of Part 280 of this chapter. A bond or undertaking submitted to obtain clearance as provided in section 237 (b) of that act shall be on Form I–310.

§ 237.11 *Request for stay of deportation; detention expenses.* A stay of deportation may be authorized by the district director having administrative jurisdiction over the place where the alien is located on his own instance, or upon a written request of the alien filed with the district director setting forth under oath the reasons for requesting such stay. The district director may, in his discretion, grant or deny the alien's request. No appeal shall lie from a denial of a request for a stay. In case the alien is detained, whether at the expense of the Government or the transportation line, the request of the alien for a stay shall not be granted unless sufficient cash is deposited to defray the cost of his continued detention and expenses incident thereto for the period of time deportation is requested to be stayed, or, in lieu of cash, a bond acceptable to the district director is given guaranteeing the payment of all such expenses. In any case in which a stay is granted under section 237 (d) of the Immigration and Nationality Act and the alien is detained by the Service, the district director may, in his discretion, authorize the alien's release under bond on Form I–324 as provided in section 237 (d) of that act and under such terms and conditions as the district director may, in his discretion, prescribe.

§ 237.12 *Notice to transportation line of alien's exclusion.* Whenever it is determined that an alien shall be excluded and deported the alien shall, immediately or as promptly as the circumstances permit, be offered for deportation to the master, commanding officer, purser, person in charge, agent, owner or consignee of the vessel or aircraft by which the alien is to be deported, as determined by the district director, with a notice specifying the cause of exclusion and the class of travel in which such alien arrived and in which the alien is to be deported.

§ 237.13 *Notice to district director of proposed departure.* At least 24 hours' notice of the time of sailing of every vessel which has brought aliens to the United States shall be given to the district director having administrative jurisdiction over the port at which such vessel arrived: *Provided,* That such district director may, in his discretion, accept notice that is given less than 24 hours in advance of sailing whenever it appears to such officer that it was impossible or impracticable for the transportation line to furnish such information earlier.

§ 237.14 *Aliens rejected at ports outside the United States.* Any alien destined to the United States, who has been brought to a port in foreign contiguous territory or adjacent islands by a transportation line signatory to a contract made pursuant to section 238 (a) of the Immigration and Nationality Act, and who is there excluded from admission to the United States, shall be returned to the country whence he came by the transportation line bringing him unless, upon examination by officials of such territory or island, such alien is admitted to such territory or island.

§ 237.15 *Excluded aliens requiring special care and attention.* The provisions of § 243.11 of this chapter shall apply to the deportation of aliens under this part.

§ 237.21 *Submission of proof by transportation line.* A transportation line claiming exemption from liability for the cost of the alien's maintenance in accordance with the provisions of § 237.2 shall be afforded a reasonable period of time, as determined by the district director, within which to submit to the district director affidavits and briefs in support of its claim.

PART 238—ENTRY THROUGH OR FROM FOREIGN CONTIGUOUS TERRITORY AND ADJACENT ISLANDS

Sec.
238.1 Inspection outside the United States.
238.2 Contracts with transportation lines.
238.3 Contracts and bonding agreement for certain transit aliens.
238.11 Preexamination outside the United States.

AUTHORITY: §§ 238.1 to 238.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 221, 235, 236, 237, 238, 66 Stat. 191, 198, 200, 201, 202; 8 U. S. C. 1201, 1225, 1226, 1227, 1228.

§ 238.1 *Inspection outside the United States.* All inspections and medical examinations which may be conducted in foreign contiguous territory or adjacent islands under the provisions of section 238 of the Immigration and Nationality Act, shall be in all respects similar to those conducted at ports of entry in the United States, and officials of the United States making the inspections and examinations required under the immigration laws of the United States shall be provided with all necessary facilities.

§ 238.2 *Contracts with transportation lines.* The contracts with transportation lines including bonding agreements, referred to in section 238 of the act, shall be made by the regional commissioner in behalf of the government, and shall be in such form as prescribed.

§ 238.3 *Contracts and bonding agreement for certain transit aliens.* Transportation lines desiring to bring to the United States aliens in direct and continuous transit through the United States en route to foreign destinations in accordance with the provisions of section 238 (d) of the act shall apply to the Commissioner for the privilege of entering into a contract, including a bonding agreement. Such contract, if agreed to by the Commissioner, shall be on Form I–426.

§ 238.11 *Preexamination outside the United States*—(a) *Who may apply.* Subject to the limitations hereinafter provided, whenever officers of the Service are stationed in foreign contiguous territory or adjacent islands, persons (whether citizens or nationals of the United States or aliens) who intend to apply for admission to the United States may appear before such officer to be preexamined as to their admissibility to the United States. Persons required by the Immigration and Nationality Act and this chapter to be in possession of a permit to enter or a passport shall not be preexamined unless such permit to enter or passport is presented.

(b) *Preparation of Form I–94.* A set of Forms I–94 shall be prepared by an immigration officer for an alien presenting himself for preexamination if such set would be required if the alien were applying at a port of entry for admission to the United States. If a full set of Forms I–94 would not be so required and if the applicant is an alien not in possession of a permit to enter, or if the applicant is a citizen or a national of the United States, the immigration officer shall prepare a set of Forms I–94 for the applicant. The names and ages of children under 14 years of age may be included in the Forms I–94 prepared for an accompanying parent or guardian.

(c) *Procedure when applicant is found to be admissible.* If the examining officer determines that the applicant being preexamined is admissible to the United States, he shall note that determination on the immigrant or nonimmigrant form prepared for or presented by the applicant, and return the form to the applicant for presentation and surrender at the actual port of entry in the United States. If the applicant applies for admission to the United States at a port of entry in the United States within 30 days from the finding of admissibility by the notation of the preexamining officer and there has been no subsequent change in the applicant's immigration status, the applicant may be admitted upon identification, provided he presents valid, unexpired documents as required by the Immigration and Nationality Act and this chapter in the case of a person applying for admission without having been preexamined. The port of entry into the United States shall be the "record" port of entry for all purposes. If notwithstanding the determination on preexamination, the examining immigration officer at the port of entry is not satisfied that the applicant is admissible, further action shall be taken as provided in sections 235, 236, and 237 of the Immigration and Nationality Act and Parts 235, 236, and 237 of this chapter to the same extent as though the alien had not been preexamined.

(d) *Procedure when applicant is not found to be admissible.* If the examining immigration officer is not satisfied that the applicant being preexamined is admissible to the United States, further action shall be taken as provided in sections 235, 236, and 237 of the Immigration and Nationality Act and Parts 235, 236, and 237 of this chapter to the same extent as though the applicant were applying for admission at a port of entry, except that if the applicant is found to be admissible by a special inquiry officer or on appeal, the provisions of paragraph (c) of this section shall govern the further disposition of the case.

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT: DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

Sec.
239.1 Definitions.
239.2 Landing requirements.
239.3 Aircraft; how considered.
239.4 International airports for entry of aliens.

AUTHORITY: §§ 239.1 to 239.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 231, 239, 66 Stat. 195, 203; 8 U. S. C. 1221, 1229.

§ 239.1 *Definitions.* As used in this part, the term "scheduled airline" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States, or from one place to another in the United States, and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938.

§ 239.2 *Landing requirements*—(a) *Place of landing.* Aircraft carrying passengers or crew required to be inspected under the act shall land at the international airports enumerated in the Statement of Organization of the Service unless permission to land elsewhere shall first be obtained from the Commissioner of Customs in the case of aircraft operated by scheduled airlines, and in all other cases from the Collector of Customs or other Customs Officer having jurisdiction over the airport of entry nearest the intended place of landing. Whenever such permission is granted, the owner, operator, or person in charge of the aircraft shall pay any additional expenses incurred in inspecting passengers or crew on board such aircraft, except that when permission is granted to a scheduled airline to land an aircraft operating on a schedule no inspection charge shall be made for overtime service performed by immigration officers if the aircraft arrives substantially in accordance with schedules on file with the Service.

(b) *Advance notice of arrival.* Aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act, except aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the Service at the place of landing, shall furnish notice of the intended flight to the immigration officer at or nearest the intended place of landing, or shall furnish similar notice to the Collector of Customs or other Customs officer in charge at such place. Such notice shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the airport of entry, or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival. The notice shall be sent in sufficient time to enable the officers designated to inspect the aircraft to reach the airport of entry or such other place of landing prior to the arrival of the aircraft.

(c) *Permission to discharge or depart.* Aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act shall not discharge or permit to depart any passenger or crewman without permission from an immigration officer.

(d) *Emergency or forced landing.* Should any aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act make a forced landing in the United States, the commanding officer or person in command shall not allow any passenger or crewman thereon to depart from the landing place without permission of an immigration officer, unless such departure is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the commanding officer or person in command, or the owner of the aircraft, shall communicate with the nearest immigration officer and make a full report of the circumstances of the flight and of the emergency or forced landing.

§ 239.3 *Aircraft; how considered.* Except as otherwise specifically provided in the Immigration and Nationality Act and this chapter, aircraft arriving in or departing from the continental United States or Alaska directly from or to foreign contiguous territory or the French island of St. Pierre or Miquelon shall be regarded for the purposes of the Immigration and Nationality Act and this chapter as other transportation lines or companies arriving or departing over the land borders of the United States. Aliens on aircraft arriving overland in foreign contiguous territory on journeys which did not begin outside of North or South America or islands belonging to countries or to political subdivisions of these continents shall not be held to be subject to section 212 (a) (24) of the Immigration and Nationality Act.

§ 239.4 *International airports for entry of aliens.* International airports for the entry of aliens shall be those airports designated as such by the Commissioner. An application for designation of an airport as an international airport for the entry of aliens shall be made to the Commissioner and shall state whether the airport (a) has been approved by the Secretary of Commerce as a properly equipped airport, (b) has been designated by the Secretary of the Treasury as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried thereon, and (c) has been designated by the Secretary of Health, Education, and Welfare as a place for quarantine inspection. An airport shall not be so designated by the Commissioner without such prior approval and designation, and unless it appears to the satisfaction of the Commissioner that conditions render such designation necessary or advisable, and unless adequate facilities have been or will be provided at such airport without cost to the Federal Government for the proper inspection and disposition of aliens, including office space and such temporary detention quarters as may be found necessary. The designation of an airport as an international airport for the entry of aliens may be withdrawn whenever, in the judgment of the Commissioner, there appears just cause for such action.

PART 241—JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION

§ 241.1 *Notice; recommendation.* For the purposes of clause (2) of section 241 (b) of the Immigration and Nationality Act, notice to the district director having administrative jurisdiction over the place in which the court imposing sentence is located shall be regarded as notice to the Service. A recommendation against deportation by the sentencing court made to the district director receiving the notice shall be regarded as made to the Attorney General.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies sec. 241, 66 Stat. 204; 8 U. S. C. 1251)

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Sec.
242.1 Order to show cause and notice of hearing.
242.2 Apprehension, custody, and detention.
242.3 Aliens confined to institutions; incompetents, minors.
242.4 Fingerprints and photographs.
242.5 Voluntary departure prior to commencement of hearing.
242.6 Aliens deportable under section 242 (f) of the act.
242.7 Cancellation of proceedings.
242.8 Special inquiry officers.
242.9 Examining officers.
242.10 Representation by counsel.
242.11 Incompetent respondents.
242.12 Interpreter.
242.13 Postponement and adjournment of hearing.
242.14 Evidence.
242.15 Contents of record.
242.16 Hearing.
242.17 Decision of special inquiry officer.
242.18 Order of special inquiry officer.
242.19 Notice of decision.

Sec.
242.20 Finality of order.
242.21 Appeals.
242.22 Proceedings under section 242 (f) of the act.
242.23 Savings clause.

AUTHORITY: §§ 242.1 to 242.23 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 242, 244, 292, 66 Stat. 208, as amended, 214, 235; 8 U. S. C. 1252, 1254, 1362.

§ 242.1 *Order to show cause and notice of hearing*—(a) *Commencement.* Every proceeding to determine the deportability of an alien in the United States is commenced by the issuance and service of an order to show cause by the Service. In the proceeding the alien shall be known as the respondent. Orders to show cause may be issued by district directors, deputy district directors, district officers who are in charge of investigations.

(b) *Statement of nature of proceeding.* The order to show cause will contain a statement of the nature of the proceeding, the legal authority under which the proceeding is conducted, a concise statement of factual allegations informing the respondent of the acts or conduct alleged to be in violation of the law, and a designation of the charges against the respondent and of the statutory provisions alleged to have been violated. The order will require the respondent to show cause why he should not be deported. The order will call upon the respondent to appear before a special inquiry officer for hearing at a time and place stated in the order, not less than seven days, after the service of such order, except that where the issuing officer, in his discretion, believes that the public interest, safety, or security so requires, he may provide in the order for a shorter period. The issuing officer may, in his discretion, fix a shorter period in any other case at the request of and for the convenience of the respondent.

(c) *Service.* Service of the order to show cause shall be made by having a copy delivered to the respondent by an immigration officer or by mailing it to the respondent at his last known address by certified or registered mail, return receipt requested. Delivery of a copy within this rule means: handing it to the respondent or leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing. The post office return receipt or the certificate by the officer serving the order by personal delivery setting forth the manner of said service shall be proof of service.

§ 242.2 *Apprehension, custody, and detention*—(a) *Warrant of arrest.* At the commencement of any proceeding under this part, or at any time thereafter and up to the time the respondent becomes subject to supervision under the authority contained in section 242 (d) of the act, the respondent may be arrested and taken into custody under the authority of a warrant of arrest issued by a district director whenever, in his discretion, it appears that the arrest of the respondent is necessary or desirable. If, after the issuance of a warrant of arrest, a determination is made not to serve it, the district director who issued the warrant of arrest may authorize its cancellation.

(b) *Authorized officer.* A district director may exercise the authority contained in section 242 of the act to continue or detain an alien in, or release him from, custody, and shall promptly notify the alien in writing of any determination made in his case. The alien may appeal to the Board of Immigration Appeals from any determination of such officer relating to bond, parole, or detention. Such appeal shall be taken by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is delivered in person or mailed to the alien. Upon the filing of such a notice of appeal, the district director shall immediately transmit to the Board of Immigration Appeals all records and information pertaining to his action in relation to such bond, parole, or detention and shall notify the regional commissioner. The filing of such an appeal shall not operate to disturb the custody of the alien or to stay the administrative proceedings or deportation. The foregoing provisions concerning notice, reporting, and appeal shall not apply when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose.

(c) *Revocation of bond or parole.* When an alien who having been arrested and taken into custody has been released under bond or released on parole, such bond or parole may be revoked at any time in the discretion of the district director, in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and cancelled.

(d) *Supervision.* Until an alien against whom a final order of deportation has been outstanding for more than six months is deported, he shall be subject to supervision by a district director or immigration officer acting for him and required to comply with the provisions of section 242 (d) of the act relating to his availability for deportation.

§ 242.3 *Aliens confined to institutions; incompetents, minors*—(a) *Service.* If the respondent is confined in a penal or mental institution or hospital and is competent to understand the nature of the proceedings, a copy of the order to show cause, and the warrant of arrest, if issued, shall be served upon him and upon the person in charge of the institution or hospital. If the respondent is not competent to understand the nature of the proceedings, a copy of the order to show cause, and the warrant of arrest, if issued, shall be served only upon the person in charge of the institution or hospital in which the respondent is confined, such service being deemed service upon the respondent. In case of mental incompetency, whether or not confined in an institution, and in the case of a child under 16 years of age, a copy of the order and of the warrant of arrest, if issued, shall be served upon such respondent's guardian, near relative, or friend, whenever possible.

(b) *Service custody; cost of maintenance.* An alien confined in an institution or hospital shall not be accepted into physical custody by the Service until an order of deportation has been made and the Service is ready to deport the alien. When an alien is an inmate of a public or private institution at the time of the commencement of the deportation proceedings, expense for the maintenance of the alien shall not be incurred by the Government until he is taken into physical custody by the Service.

§ 242.4 *Fingerprints and photographs.* Every alien 14 years of age or older against whom proceedings are commenced under this part shall be fingerprinted. Any such alien, regardless of his age, shall be photographed if a photograph is required by the district director.

§ 242.5 *Voluntary departure prior to commencement of hearing*—(a) *Authorized officers.* The authority contained in section 242 (b) of the act to permit aliens to depart voluntarily from the United States may be exercised by district directors, district officers who are in charge of investigations, and officers in charge.

(b) *Application.* Any alien who believes himself to be eligible for voluntary departure under section 242 (b) of the act may apply therefor at an office of the Service any time prior to the commencement of his hearing under an order to show cause. The officers designated in paragraph (a) of this section may deny or grant the application and determine the conditions under which the alien's departure shall be effected. An appeal shall not lie from a denial of an application for voluntary departure under this section, but the denial shall be without prejudice to the alien's right to apply for relief from deportation under any provision of law.

(c) *Revocation.* If, subsequent to the granting of an application for voluntary departure under this section, it is ascertained that the application should not have been granted, that grant may be revoked without notice by any district director, district officer in charge of investigations, or officer in charge.

§ 242.6 *Aliens deportable under section 242 (f) of the act.* In the case of an alien within the purview of section 242 (f) of the act, the order to show cause shall charge him with deportability only under section 242 (f) of the act. The prior order of deportation and evidence of the execution thereof, properly identified, shall constitute prima facie cause for deportation under that section.

§ 242.7 *Cancellation of proceedings.* If an order to show cause has been issued, a district director, deputy district director, or district officer who is in charge of investigations may cancel the order to show cause or, prior to the actual commencement of the hearing under a served order to show cause, terminate proceedings thereunder, if in either case he is satisfied that the respondent is actually a national of the United States, or is not deportable under the immigration laws, or is deceased, or is not in the United States. If an order to show cause has been cancelled or proceedings have been terminated pursuant to this section, any outstanding warrant of arrest shall also be cancelled.

§ 242.8 *Special inquiry officers*—(a) *Authority.* In a proceeding conducted under this part, the special inquiry officer shall have the authority to determine deportability and to make decisions including orders of deportation as provided by section 242 (b) of the act, to reinstate orders of deportation as provided by section 242 (f) of the act, to suspend deportation and authorize voluntary departure as provided by section 244 of the act, to authorize preexamination as provided by Part 235a of this chapter, to take or cause depositions to be taken, to certify the completeness and correctness of transcripts of hearings, and to take any other action consistent with applicable provisions of law and regulations. In his discretion, the special inquiry officer may exclude from the record any argument in connection with motions, applications, or objections, but in such event the person affected may submit a brief. Nothing contained in this part shall be construed to diminish the authority conferred on special inquiry officers by the act.

(b) *Withdrawal and substitution of special inquiry officers.* The special inquiry officer assigned to conduct the hearing shall at any time withdraw if he deems himself disqualified. If a hearing has begun but no evidence has been adduced other than by the respondent's pleading pursuant to § 242.16 (b), or if a special inquiry officer becomes unavailable to complete his duties within a reasonable time, or if at any time the respondent consents to a substitution, another special inquiry officer may be assigned to complete the case. The new special inquiry officer shall familiarize himself with the record in the case and shall state for the record that he has done so.

§ 242.9 *Examining officers*—(a) *Authority.* When an additional immigration officer is assigned to a proceeding under this part to perform the duties of an examining officer, he shall present the evidence on behalf of the Government as to deportability as provided in section 242 (b) of the act. The examining officer shall also inquire thoroughly into the respondent's eligibility for any requested discretionary relief from deportation and shall develop such other information as may be pertinent to the proper disposition of any case to which he is assigned. The examining officer is authorized to appeal from a decision of a special inquiry officer pursuant to § 242.21 and to move for reopening or reconsideration pursuant to Part 8 of this chapter.

(b) *Assignment.* The district director shall assign an examining officer to every case within the provisions of § 242.16 (c). In his discretion, or at the request of the special inquiry officer, the district director may assign an examining officer to any other case at any stage of the proceedings.

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§ 242.10 *Representation by counsel.* The respondent may be represented at the hearing by an attorney or other representative qualified under Part 292 of this chapter.

§ 242.11 *Incompetent respondents.* When it is impracticable for the respondent to be present at the hearing because of mental incompetency, the guardian, near relative, or friend who was served with a copy of the order to show cause shall be permitted to appear on behalf of the respondent. If such a person cannot reasonably be found or fails or refuses to appear, the custodian of the respondent shall be requested to appear on behalf of the respondent.

§ 242.12 *Interpreter.* Any person acting as interpreter in a hearing under this part shall be sworn to interpret and translate accurately, unless the interpreter is an employee of the Service, in which event no such oath shall be required.

§ 242.13 *Postponement and adjournment of hearing.* Prior to the commencement of a hearing, the district director may grant a reasonable postponement for good cause shown, at his own instance upon notice to the respondent, or upon request of the respondent. After the commencement of the hearing, the special inquiry officer may grant a reasonable adjournment either at his own instance or, for good cause shown, upon application by the respondent or the examining officer. A continuance of the hearing for the purpose of allowing the respondent to obtain representation shall not be granted more than once unless sufficient cause for the granting of more time is shown.

§ 242.14 *Evidence*—(a) *Sufficiency.* A determination of deportability shall not be valid unless based on reasonable, substantial, and probative evidence.

(b) [Reserved.]

(c) *Use of prior statements.* The special inquiry officer may receive in evidence any oral or written statement which is material and relevant to any issue in the case previously made by the respondent or any other person during any investigation, examination, hearing, or trial.

(d) *Testimony.* Testimony of witnesses appearing at the hearing shall be under oath or affirmation administered by the special inquiry officer.

§ 242.15 *Contents of record.* The hearing before the special inquiry officer, including the respondent's pleading, the testimony, the exhibits, the special inquiry officer's decision, and all written orders, motions, appeals, and other papers filed in the proceeding shall constitute the record in the case. The hearing shall be recorded verbatim except for statements made off the record with the permission of the special inquiry officer.

§ 242.16 *Hearing*—(a) *Opening.* The special inquiry officer shall advise the respondent of his right to representation, at no expense to the Government, by counsel of his own choice authorized to practice in the proceedings and require him to state then and there whether he desires representation; advise the respondent that he will have a reasonable opportunity to examine and object to the evidence against him, to present evidence in his own behalf, and to cross-examine witnesses presented by the Government; place the respondent under oath; read the factual allegations and the charges in the order to show cause to the respondent and explain them in nontechnical language, and enter the order to show cause and warrant of arrest, if any, as exhibits in the record.

(b) *Pleading by respondent.* The special inquiry officer shall require the respondent to plead to the order to show cause by stating whether he admits or denies the factual allegations and his deportability under the charges contained therein. If the respondent admits the factual allegations and admits his deportability under the charges and the special inquiry officer is satisfied that no issues of law or fact remain, the special inquiry officer may determine that deportability as charged has been established by the admissions of the respondent.

(c) *Issues of deportability.* When deportability is not determined under the provisions of paragraph (b) of this section, the special inquiry officer shall request the assignment of an examining officer, and shall receive evidence as to any unresolved issues, except that no further evidence need be received as to any facts admitted during the pleading.

(d) *Additional charges.* An examining officer who has been assigned to a case may at any time during a hearing lodge additional charges of deportability, including factual allegations against the respondent. When additional charges are lodged, the special inquiry officer shall explain these charges to the respondent in nontechnical language and shall advise him if he is not represented by counsel, that he may be so represented. The special inquiry officer shall also inform the respondent that he may have a reasonable time within which to meet the additional charges. The respondent shall be required to state then and there whether he desires a continuance for either of these reasons.

(e) *Application for discretionary relief.* The respondent may apply during the hearing for suspension of deportation on Form I–256A, voluntary departure under section 244 of the act, preexamination on Form I–63 under Part 235a of this chapter, or such other discretionary relief as may be appropriate to the case. The respondent has the burden of establishing his eligibility for discretionary relief and may submit evidence in support of his application.

§ 242.17 *Decision of special inquiry officer*—(a) *Contents.* The decision of the special inquiry officer may be oral or written. Except in cases where deportability is determined on the pleadings pursuant to § 242.16 (b), the decision shall include a summary of the evidence and shall set forth findings of fact and conclusions of law as to deportability. Adoption by the special inquiry officer of the factual allegations and charges in the order to show cause shall constitute the setting forth of findings of fact and conclusions of law within the meaning of

this paragraph. The decision shall also contain a discussion of the evidence relating to the respondent's eligibility for any discretionary relief requested and the reasons for granting or denying the application. The decision shall be concluded with the order of the special inquiry officer.

(b) *Summary decision.* Notwithstanding the provisions of paragraph (a) of this section, in any case where deportability is determined on the pleadings pursuant to § 242.16 (b) and the respondent does not apply for any discretionary relief, or the respondent applies for voluntary departure only and the special inquiry officer grants the application, the special inquiry officer may enter a summary decision on Form I–38, if deportation is ordered, or on Form I–39 if voluntary departure is granted with an alternate order of deportation.

(c) *Use of non-record information.* In determining an application for discretionary relief from deportation in proceedings under this part, the special inquiry officer may consider and rely upon information not contained in the record only when the Commissioner has determined that it is in the interest of national security and safety to do so.

§ 242.18 *Order of special inquiry officer.* The order of the special inquiry officer shall be that the alien be deported, or that the proceedings be terminated, or that the alien's deportation be suspended, or that the alien be granted voluntary departure at his own expense in lieu of deportation, with or without preexamination, or any combination of these orders in the alternative or that such other action be taken in the proceedings as may be required for the appropriate disposition of the case.

§ 242.19 *Notice of decision*—(a) *Written decision.* A written decision shall be served upon the respondent and the examining officer, if any, by the district director together with the notice referred to in § 6.11 of this chapter. Service by mail is complete upon mailing.

(b) *Oral decision.* An oral decision shall be stated by the special inquiry officer in the presence of the respondent and the examining officer, if any, at the conclusion of the hearing. Unless appeal from the decision is then and there waived, a typewritten copy of the oral decision shall be served in the same manner as a written decision.

(c) *Summary decision.* When the special inquiry officer renders a summary decision as provided in § 242.17 (b), he shall serve a copy thereof upon the respondent at the conclusion of the hearing. Unless appeal from the decision is waived, the respondent shall also be furnished with two copies of Notice of Appeal, Form I–290A, and advised of the provisions of § 242.21 (c).

§ 242.20 *Finality of order.* The order of the special inquiry officer shall be final except when the case has been certified as provided in § 6.1 (c) or § 7.1 (b) of this chapter, or an appeal is taken to the Board of Immigration Appeals by the respondent or by the examining officer.

§ 242.21 *Appeals*—(a) *Non-appealable cases.* An appeal shall not lie from a decision of a special inquiry officer denying an application for voluntary departure or preexamination as a matter of discretion where the special inquiry officer has found the alien statutorily eligible for voluntary departure or eligible for preexamination pursuant to Part 235a of this chapter, and the alien has been in the United States for a period of less than five years at the time of the service of the order to show cause in deportation proceedings. A Notice of Appeal shall not be filed or accepted in any case within the provisions of this paragraph.

(b) *Cases appealable.* Pursuant to Part 6 of this chapter, an appeal shall lie from a decision of the special inquiry officer under this part to the Board of Immigration Appeals (except in cases covered by the provisions of § 242.20 relating to certifications). The reasons for the appeal shall be stated briefly in the Notice of Appeal, Form I–290A. When the conclusion as to deportability is contested, the appellant shall be required to indicate in the Notice of Appeal, Form I–290A, the particular findings of fact or conclusions of law with which he disagrees. Failure to do so may constitute a ground for dismissal of the appeal by the Board.

(c) *Time for taking appeal.* An appeal shall be taken within ten days after the mailing of a written decision or of a typewritten copy of an oral decision or the service of a summary decision on Form I–38 or I–39.

§ 242.22 *Proceedings under section 242 (f) of the act*—(a) *Applicable regulations.* Except as hereafter provided in this section, all the provisions of §§ 242.8 to 242.21, inclusive, and § 242.23 shall apply to the case of a respondent within the purview of § 242.6.

(b) *Deportability.* In determining the deportability of an alien alleged to be within the purview of § 242.6, the issues shall be limited solely to a determination of the identity of the respondent, i. e., whether the respondent is in fact an alien who was previously deported, or who departed while an order of deportation was outstanding; whether the respondent was previously deported as a member of any of the classes described in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the act; and whether respondent unlawfully reentered the United States.

(c) *Order.* If deportability as charged pursuant to § 242.6 is established, the special inquiry officer shall order that the respondent be deported under the previous order of deportation in accordance with section 242 (f) of the act, or shall enter such other order as may be required for the appropriate disposition of the case.

(d) *Examining officer; additional charges.* When an examining officer is assigned to a proceeding under this section and additional charges are lodged against the respondent, the provisions of paragraph (b) of this section shall cease to apply.

§ 242.23 *Savings clause.* Deportation proceedings in which warrants of arrest were served prior to the date that orders to show cause were authorized to be issued pursuant to this part shall be completed in accordance with the regulations which were in effect immediately preceding that date, unless the respondents consent to proceed under the current regulations.

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Sec.

243.1 Issuance of warrants of deportation; country to which alien shall be deported; cost of detention; care and attention of alien.
243.2 Finality of decision.
243.3 Execution of warrants of deportation.
243.11 Special care and attention for aliens.
243.12 Deportation of lepers.
243.13 Alien addict discharged from United States Public Health Service Hospital.
243.14 Notice to transportation line.
243.15 Deportation to foreign contiguous territory.
243.31 Fees.

AUTHORITY: §§ 243.1 to 243.31 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 242, 243, 66 Stat. 208, as amended, 212; 8 U. S. C. 1252, 1253.

§ 243.1 *Issuance of warrants of deportation; country to which alien shall be deported; cost of detention; care and attention of alien*—(a) *Issuance.* A warrant of deportation shall be based upon the final order of deportation and shall be issued by a district director or an immigration officer acting for him.

(b) *Determination of place and cost of deportation, and necessity for attendants.* District directors shall exercise the authority contained in section 243 of the Immigration and Nationality Act to designate the country to which, and at whose expense an alien in the United States shall be deported, and to determine when an alien's mental or physical condition requires the employment of a person to accompany the alien.

§ 243.2 *Finality of decision.* No appeal shall lie from the decision of the district director in the exercise of the authority described in § 243.1.

§ 243.3 *Execution of warrants of deportation*—(a) *Taking alien into custody.* Upon the issuance of a warrant of deportation or as soon thereafter as the circumstances of the case require, the alien, if not in the physical custody of the Service, shall be taken into such custody under the authority of such warrant of deportation and deported.

(b) *Stay of deportation.* (1) Except as otherwise provided in this part, the district director having administrative jurisdiction over the place where the alien is located may, in the exercise of his discretion, and for good cause shown, stay the execution of a warrant and order of deportation for such time and under such conditions as he may deem appropriate. He may grant such stay upon his own instance, or upon request of the alien. A request for a stay by the alien shall be in writing, shall be filed with the district director, and shall be supported by an affidavit setting forth the reasons for the request and by such other evidentiary matter as may support the request.

(2) If the request for a stay of deportation is predicated upon a claim by the alien that he would be subject to physical persecution if deported to the country designated by the Service, he shall be requested, upon notice, to appear before a special inquiry officer for interrogation under oath. The alien may have present with him, at his own expense, during the interrogation any attorney or representative authorized to practice before the Service. The alien may submit any evidence in support of his claim which he believes should be considered by the special inquiry officer. Upon completion of the interrogation, the special inquiry officer shall prepare a written memorandum of his findings and a recommendation which shall be forwarded to the regional commissioner together with all the evidence and information submitted by the alien or which may be applicable to the case. The alien shall be served with a copy of the special inquiry officer's memorandum and recommendation and shall be allowed five days from date of service within which to submit written representations to the regional commissioner. If the alien refuses to appear for interrogation before a special inquiry officer when requested to do so or waives his appearance, all the pertinent evidence and available information in the case shall immediately be submitted to the regional commissioner. The decision whether to withhold deportation and, if so, for what period of time shall be finally made by the regional commissioner upon consideration of all the evidence submitted by the alien and any other pertinent evidence or available information.

(3) Notice of disposition of the alien's request under subparagraph (1) or (2) of this paragraph shall be served upon him, but neither the making of the request nor the failure to receive a notice of decision thereon shall relieve or excuse the alien from presenting himself for deportation at the time and place designated for his deportation. No appeal shall lie from a denial of a request for a stay of deportation, but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in § 6.21 (a) of this chapter.

(c) *Permission to depart when ordered deported.* A district director may, in his discretion, permit an alien who has been ordered deported to deport himself from the United States at his own expense and to a destination of his own choice. Any alien who has so left the United States is considered to have been deported in pursuance of law.

§ 243.11 *Special care and attention for aliens*—(a) *Duty of transportation line.* Whenever it is determined by the district director that an alien about to be deported requires special care and attention, the transportation line responsible for the expense of the alien's deportation shall provide for such care and attention as may be required by the alien's condition, not only during the voyage from the United States to the foreign country to which the alien is to be deported, but also during the foreign inland journey. The alien shall be delivered to the master, commanding officer, or the officer in charge of the vessel or aircraft on which the alien is to be deported, who shall be given Forms I–287, I–287A, and I–287B. The reverse of Form I–287A shall be signed by the officer of the vessel or aircraft to whom the alien has been delivered and immediately returned to the immigration officer making delivery. Form I–287B shall be retained by the receiving officer and subsequently filled out by the agents or persons therein designated and returned by mail to the district director named on the form.

(b) *Procedure at foreign port of disembarkation.* The transportation line shall at its own expense forward the alien from the foreign port of disembarkation to his destination in charge of a proper attendant except only in cases where the foreign public officials decline to allow such attendant to proceed and themselves take charge of the alien, which fact shall be recorded by the transportation line executing the form provided in the lower half of the reverse of Form I–287B. If the foreign public officials do not take charge of the alien at the port of disembarkation, but at an interior frontier, both forms on the reverse of Form I–287B shall be filled out, the former in relation to the inland journey as far as such frontier.

(c) *Failure of transportation line to provide special care.* Whenever a transportation line responsible for the expenses of the alien's deportation fails, refuses, or neglects to provide personal care and attention for an alien requiring such care and attention, or whenever such line fails, refuses, or neglects to return Form I–287B properly executed within 90 days after the departure of such an alien, or otherwise fails, refuses, or neglects to comply with the provisions of this section, the district director shall thereafter and without notice employ suitable persons, at the expense of the transportation line, to accompany aliens requiring personal care and attention who are deported on any vessel or aircraft of such line.

§ 243.12 *Deportation of lepers.* Cases of aliens afflicted with leprosy shall be handled in accordance with the governing regulations and instructions issued by the Surgeon General, United States Public Health Service, Department of Health, Education, and Welfare.

§ 243.13 *Alien addict discharged from United States Public Health Service Hospital.* Any alien who has been sentenced to imprisonment and has been ordered deported and who has been transferred as an alien addict to a hospital of the United States Public Health Service provided for in the Public Health Service Act, as amended (58 Stat. 696; 42 U. S. C. 201 et seq.), shall be taken into custody upon his discharge from such narcotic farm and deported without requiring his return to the penal institution from which he came to such narcotic farm.

§ 243.14 *Notice to transportation line.* If an alien's deportation is to be effected by vessel or aircraft, notice of the proposed deportation shall be given to the transportation line concerned, together with a brief description of the alien and any other appropriate data, including the cause of deportation, the alien's physical and mental condition, and the place to which the alien is to be taken by such line. Any request from such line to defer the delivery of the alien for deportation shall be accompanied by a written agreement from the line that it will be responsible for all detention expenses resulting from such deferment.

§ 243.15 *Deportation to foreign contiguous territory.* Aliens ordered deported to foreign contiguous territory shall be returned across the border at the nearest port unless humanitarian or other reasons make it advisable to effect deportation through some other port. Deportation to a seaport in such foreign territory shall be authorized whenever that appears advisable or more economical than deportation across a land boundary.

§ 243.31 *Fees.* Except as otherwise provided in this section and § 2.5 of this chapter, a stay of deportation requested by an alien under this part shall be accompanied by a fee of $25 as prescribed by, and remitted in accordance with, the provisions of Part 2 of this chapter. In any case in which an alien or other party affected is unable to pay the fee for requesting a stay of deportation, he shall file with the request for a stay his affidavit stating the nature of the request for a stay, the affiant's belief that he is entitled to redress, his inability to pay the required fee, and request permission to prosecute the stay without prepayment of such fee. If such an affidavit is filed, the district director, if the request for a stay of deportation is made pursuant to the provisions of § 243.3 (b) (1), may, in his discretion, stay deportation without prepayment of fee. If such an affidavit is filed and the request for a stay of deportation is made pursuant to the provisions of § 243.3 (b) (2), the special inquiry officer shall, if he believes that the request for a stay is not made in good faith, certify in writing his reasons for such belief for consideration by the regional commissioner. The regional commissioner may, in his discretion, withhold deportation without prepayment of fee.

PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

Sec.

244.1 Voluntary departure subsequent to commencement of hearing.
244.2 Suspension of deportation.
244.12 Application for voluntary departure subsequent to commencement of hearing; disposition.
244.14 Verification of departure; cancellation of delivery bond.
244.15 Extension of time to depart.

AUTHORITY: §§ 244.1 to 244.15 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 241, 242, 244, 66 Stat. 204, 208, as amended, 214; 8 U. S. C. 1251, 1252, 1254.

§ 244.1 *Voluntary departure subsequent to commencement of hearing.* Subject to the provisions of section 244 (e) of the act and this part, a special inquiry officer may, subsequent to the com-

mencement of the hearing provided for in Part 242 of this chapter, grant voluntary departure in lieu of deportation in the case of any alien who is the subject of deportation proceedings before such officer.

§ 244.2 *Suspension of deportation.* An application for suspension of deportation shall be submitted in accordance with, and subject to, the provisions of Part 242 of this chapter and shall be determined and disposed of in accordance with the provisions of Part 242 of this chapter and this part.

§ 244.12 *Application for voluntary departure subsequent to commencement of hearing; disposition.* If the special inquiry officer is satisfied that:

(a) The alien is willing and able to depart promptly from the United States,

(b) The alien apparently will be admitted to the country of his destination,

(c) The alien, if deportable upon any ground set forth in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17) or (18) of section 241 (a) of the Immigration and Nationality Act, is within the classes of persons who are eligible for suspension of deportation under paragraphs (4) or (5) of section 244 (a) of the Immigration and Nationality Act.

(d) The alien is and has been a person of good moral character for at least 5 years immediately preceding his application for voluntary departure, and

(e) That the relief requested should be granted,

he shall enter an order as provided in Part 242 of this chapter.

§ 244.14 *Verification of departure; cancellation of delivery bond.* An alien's voluntary departure from the United States in accordance with the provisions of this part, shall, if verified to the satisfaction of the officer having administrative jurisdiction over the office in which the application for voluntary departure was made, serve to terminate further proceedings in the case and to cancel any outstanding delivery bond.

§ 244.15 *Extension of time to depart.* An application for extension of time within which to depart voluntarily from the United States in lieu of deportation shall be made to the officer having administrative jurisdiction of the office in which the case is pending. Such officer may, in his discretion, grant or deny the application. His decision shall be in writing and served upon the alien. No appeal shall lie from a decision denying an application for an extension of time within which to depart.

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Sec.
245.1 Application.
245.2 Documentary requirements.
245.3 Medical examination.

AUTHORITY: §§ 245.1 to 245.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 234, 245, 247, 66 Stat. 166, 198, 217, 218; 8 U. S. C. 1101, 1224, 1255, 1257.

§ 245.1 *Application.* Any alien (including one admitted as a student under section 4 (e) of the Immigration Act of 1924) who entered the United States in good faith as a nonimmigrant, and who believes that he meets the eligibility requirements set forth in section 245 of the act, shall apply on Form I–507 for adjustment of status: *Provided,* That an alien who has a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a) of the act, or has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101 (a) of the act, shall not be eligible to apply for adjustment of status without first executing and submitting with his application the written waiver required by section 247 (b) of the act and Part 247 of this chapter. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter: *Provided,* That an appeal shall not lie from the decision denying an application on the ground that a quota immigrant visa is unavailable at the time the decision is rendered even though such a visa was available when the application was filed.

§ 245.2 *Documentary requirements.* The provisions of Part 211 of this chapter relating to the documentary requirements for immigrants shall not apply to an applicant for adjustment of status under this part.

§ 245.3 *Medical examination.* Upon acceptance of an application, the applicant shall be requested to submit to an examination by a medical officer of the United States Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212 (a) of the act may appeal to a board of medical officers of the United States Public Health Service as provided in section 234 of the act and § 236.13 (c) of this chapter.

PART 245a—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE IN ACCORDANCE WITH THE REFUGEE RELIEF ACT OF 1953, AS AMENDED

Sec.
245a.1 Submission of application; termination of status.
245a.2 Who may apply.
245a.3 Admissibility into United States.
245a.4 Medical examination.
245a.11 Disposition of case.

AUTHORITY: §§ 245a.1 to 245a.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 234, 247, 66 Stat. 166, 198, 218, sec. 6, 67 Stat. 403, as amended; 8 U. S. C. 1101, 1224, 1257, 50 U. S. C. App. 1971d.

§ 245a.1 *Submission of application; termination of status.* An application for adjustment of status under section 6 of the Refugee Relief Act of 1953, as amended (67 Stat. 403, 68 Stat. 1044; 50 U. S. C. App. 1971d), shall be submitted in accordance with the provisions of this chapter and that act on Form I–233. Any alien who files such an application shall be deemed to have thereby abandoned his nonimmigrant status in the United States.

§ 245a.2 *Who may apply.* Any alien (including one admitted as a student under section 4 (e) of the Immigration Act of 1924) who entered the United States in good faith as a nonimmigrant and who believes that he meets the eligibility requirements set forth in section 6 of the Refugee Relief Act of 1953, as amended, may apply for adjustment of status: *Provided,* That an alien who (a) has a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a) of the Immigration and Nationality Act, or (b) has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101 (a) of the Immigration and Nationality Act, shall not be eligible to apply for adjustment of status without first executing and submitting with his application the written waiver required by section 247 (b) of the Immigration and Nationality Act and Part 247 of this chapter.

§ 245a.3 *Admissibility into United States.* The determination of whether an alien is qualified under the Immigration and Nationality Act (66 Stat. 163; 8 U. S. C. 1101) except with respect to quota shall be predicated upon his admissibility into the United States under the Immigration and Nationality Act and this chapter, but he shall not be required to submit a passport or visa.

§ 245a.4 *Medical examination.* The applicant shall be requested to submit to an examination by a medical officer of the United States Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212 (a) of the Immigration and Nationality Act may appeal to a board of medical officers of the United States Public Health Service as provided in section 234 of the Immigration and Nationality Act and § 236.13 (c) of this chapter.

§ 245a.11 *Disposition of case—(a) Record and recommendation.* Upon completion of the examination, the immigration officer shall prepare a memorandum of his findings as to each of the essential facts prescribed by section 6 of the refugee Relief Act of 1953, as amended, and § 245a.2, together with his recommendation. The application, record, supporting documents, and memorandum of the immigration officer shall be transmitted to the regional commissioner who shall approve or disapprove the recommendation of the immigration officer. Upon notification to the applicant or his attorney or representative that adjustment has been approved by concurrent resolution of Congress, the applicant shall be required to pay a visa fee of $25.

(b) *Application denied; further action.* If the immigration officer recommends denial of the application, a copy of his memorandum shall be furnished to the applicant or his attorney or representative pursuant to §§ 292.11 and 292.12 of this chapter. The district director shall allow the applicant or his attorney or representative a reasonable time (not to exceed 10 days, except on a showing of good cause that more time is necessary) in which to file exceptions thereto and to submit a brief, if desired. If the regional commissioner approves the recommendation of the immigration officer, a decision to that effect will be prepared and a copy of the regional commissioner's decision shall be served upon the applicant or his attorney or representative pursuant to § 292.12 of this chapter, and such further action shall be authorized to be taken as is necessary under existing law and regulations to effect the applicant's departure from the United States.

PART 246—RESCISSION OF ADJUSTMENT OF STATUS

Sec.
246.11 Notice.
246.12 Disposition of case.
246.13 Decision by the regional commissioner.
246.14 Surrender of Form I–151.

AUTHORITY: §§ 246.11 to 246.14 issued under sec. 103, 66 Stat 173; 8 U. S. C. 1103. Interpret or apply secs. 244, 246, 66 Stat. 214, 217; 8 U. S. C. 1254, 1256.

§ 246.11 *Notice.* If it appears to a district director that a person residing in his district was not in fact eligible for the adjustment of status made in his case, he shall cause a notice to be served on such person informing him of the grounds upon which it is intended to rescind the adjustment of status. The notice shall also inform the person that he may submit, within 30 days from the date of service of the notice, an answer in writing under oath setting forth reasons why such rescission should not be made. The notice shall also advise the person that he may, within such period and upon his request have an opportunity to appear in person, in support or in lieu of his written answer, before an immigration officer designated for that purpose. The person shall further be advised that he may have the assistance of counsel without expense to the government of the United States in the preparation of his answer or in connection with his personal appearance and may examine the evidence upon which it is proposed to base such rescission at a Service office.

§ 246.12 *Disposition of case—(a) Allegations admitted or no answer filed.* If the answer admits the allegations in the notice, or if no answer is filed within the 30-day period, and the status of permanent resident was acquired through suspension of deportation under section 19 (c) of the Immigration Act of February 5, 1917 or under section 244 of the Immigration and Nationality Act, the district director shall forward the file and all of the papers to the regional commissioner, for further action in accordance with section 246 of the Immigration and Nationality Act. If the answer admits the allegations in the notice, or if no answer is filed within the 30-day period, and the status of permanent resident was acquired through adjustment of status other than through suspension of deportation, the district director shall rescind the adjustment of status previously granted and no appeal shall lie from such decision.

(b) *Answer filed; personal appearance.* Upon receipt of an answer asserting a defense to the allegations made in the notice without requesting a personal appearance, or if a personal appearance is requested or directed, the case shall be assigned to an immigration officer. Pertinent evidence, including testimony of witnesses, shall be incorporated in the record. At the conclusion of the interview, the immigration officer shall prepare a report summarizing the evidence and containing his findings and recommendation. The record, including the report and recommendation of the immigration officer, shall be forwarded to the district director who caused the notice to be served. The district director shall note on the report of the immigration officer whether he approves or disapproves the recommendation of the immigration officer. If the decision of the district director is that the matter be terminated, the alien shall be notified thereof and no further action shall be taken unless the case is certified to the regional commissioner as provided in § 7.1 (b) of this chapter. If the decision of the district director is that the adjustment of status should be rescinded, and the status of permanent resident was acquired through suspension of deportation under section 19 (c) of the Immigration Act of 1917 or under section 244 of the Immigration and Nationality Act, the district director shall serve a copy of his decision, including the report and recommendation of the immigration officer, upon the alien who shall be allowed ten days to file exceptions; thereafter, the record, including any exceptions filed by the alien, shall be forwarded to the regional commissioner for further action in accordance with section 246 of the Immigration and Nationality Act. If the status of permanent resident was acquired through adjustment of status other than through suspension of deportation, the district director shall enter a decision rescinding the adjustment of status previously granted. The alien shall be informed of the decision and of the reasons therefor. From the decision of the district director an appeal may be taken within 10 days from the receipt of notification of the decision as provided in Part 7 of this chapter.

§ 246.13 *Decision by the regional commissioner.* When action has been completed by the regional commissioner, the record shall be returned to the district director who shall serve a copy of the decision upon the alien. If the decision of the regional commissioner is that adjustment of status, which was acquired through suspension of deportation, be rescinded, he shall report the case to Congress as provided in section 246 of the Immigration and Nationality Act.

§ 246.14 *Surrender of Form I–151.* An alien whose status as a permanent resident has been rescinded or withdrawn in accordance with section 246 of the act and this part, shall, upon demand, promptly surrender to the district director having administrative jurisdiction over the office in which the action under this part was taken the Form I–151 issued to him at the time of the grant of permanent resident status.

PART 247—ADJUSTMENT OF STATUS OF CERTAIN RESIDENT ALIENS

Sec.
247.1 Scope of part.
247.11 Notice.
247.12 Disposition of case.
247.13 Disposition of Form I–508.
247.14 Surrender of documents.

AUTHORITY: §§ 247.1 to 247.14 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 247, 66 Stat. 167, 218; 8 U. S. C. 1101, 1257.

§ 247.1 *Scope of part.* The provisions of this part apply to an alien who is lawfully admitted for permanent residence and has an occupational status which, if he were seeking admission to the United States, would entitle him to a nonimmigrant status under paragraph (15) (A) or (15) (G) of section 101 (a) of the act, and to his immediate family; also, an alien who was lawfully admitted for permanent residence and has an occupational status which, if he were seeking admission to the United States, would entitle him to a nonimmigrant status under paragraph (15) (E) of section 101 (a) of the act, and to his spouse and children.

§ 247.11 *Notice.* If it appears to a district director that an alien residing in his district, who was lawfully admitted for permanent residence, has an occupational status described in section 247 of the act, he shall cause a notice on Form I–509 to be served on such alien informing him that it is proposed to adjust his status, unless the alien requests that he be permitted to retain his status as a resident alien and executes and files with such district director a Form I–508 (Waiver of Rights, Privileges, Exemptions and Immunities) within 10 days from receipt of the notice, or the alien, within such 10-day period, files with the district director a written answer under oath setting forth reasons why his status should not be adjusted. The notice shall also advise the person that he may, within such period and upon his request have an opportunity to appear in person, in support or in lieu of his written answer, before an immigration officer designated for that purpose. The person shall further be advised that he may have the assistance of counsel without expense to the government of the United States in the preparation of his answer or in connection with such personal appearance, and may examine the evidence upon which it is proposed to base such adjustment.

§ 247.12 *Disposition of case—(a) Allegations admitted or no answer filed.* If the waiver Form I–508 is not filed by the alien within the time prescribed, and

the answer admits the allegations in the notice, or no answer is filed, the district director shall place a notation on the notice describing the alien's adjusted nonimmigrant status and shall cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted and no appeal shall lie from such decision. Form I–94A shall be delivered to the alien and shall constitute notice to him of such adjustment. The alien's nonimmigrant status shall be for such time, under such conditions, and subject to such regulations as are applicable to the particular nonimmigrant status granted and shall be subject to such other terms and conditions, including the exaction of bond as the district director may deem appropriate.

(b) *Answer filed; personal appearance.* Upon receipt of an answer asserting a defense to the allegations made in the notice without requesting a personal appearance, or if a personal appearance is requested or directed, the case shall be assigned to an immigration officer. Pertinent evidence, including testimony of witnesses, shall be incorporated in the record. The immigration officer shall prepare a report summarizing the evidence and containing his findings and recommendation. The record, including the report and recommendation of the immigration officer, shall be forwarded to the district director who caused the notice to be served. The district director shall note on the report of the immigration officer whether he approves or disapproves the recommendation of the immigration officer. If the decision of the district director is that the matter be terminated, the alien shall be informed of such decision. If the decision of the district director is that the status of the alien should be adjusted to that of a nonimmigrant, his decision shall provide that unless the alien, within 10 days of receipt of notification of such decision, requests permission to retain his status as an immigrant and files with the district director Form I–508, the alien's immigrant status be adjusted to that of a nonimmigrant. The alien shall be informed of such decision and of the reasons therefor, and that he has 10 days from the receipt of notification of such decision within which he may appeal in accordance with Part 7 of this chapter. If the alien does not request that he be permitted to retain status and file the Form I–508 within the period provided therefor, the district director, without further notice to the alien, shall cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted. Form I–94A shall be delivered to the alien. The alien's nonimmigrant status shall be for such time, under such conditions, and subject to such regulations as are applicable to the particular nonimmigrant status created and shall be subject to such other terms and conditions, including the exaction of bond, as the district director may deem appropriate.

§ 247.13 *Disposition of Form I–508.* If Form I–508 is executed and filed, the duplicate copy thereof shall be filed in the office of the Assistant Commissioner, Examinations Division, and may be made available for inspection by any interested officer or agency of the United States.

§ 247.14 *Surrender of documents.* An alien whose status as a permanent resident has been adjusted to that of a nonimmigrant in accordance with section 247 of the act and this part, shall, upon demand, promptly surrender to the district director having administrative jurisdiction over the office in which the action under this part was taken any documents (such as Form I–151 or any other form of alien-registration receipt card, immigrant identification card, resident alien's border-crossing identification card (Form I–187), certificate of registry, or certificate of lawful entry) in his possession evidencing his former permanent resident status.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

Sec.
248.1 Scope of part.
248.2 Application.
248.3 Change of nonimmigrant classification to that under section 101 (a) (15) (H) of the Immigration and Nationality Act.

AUTHORITY: §§ 248.1 to 248.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 247, 248, 66 Stat. 166, 218; 8 U. S. C. 1101, 1257, 1258.

§ 248.1 *Scope of part.* Any alien lawfully admitted to the United States as a nonimmigrant (including an alien who acquired such status pursuant to section 247 of the act) who is continuing to maintain his nonimmigrant status, may apply to have his nonimmigrant classification changed to any other nonimmigrant classification for which he may be qualified. This section shall not apply to an alien classified as a nonimmigrant under section 101 (a) (15) (D) of the act, or to an alien classified as a nonimmigrant under section 101 (a) (15) (C) who is within the purview of section 238 (d) of that act. Any eligible alien classified as a nonimmigrant under section 101 (a) (15) (C) may apply only for a change to a classification under paragraph (15) (A) or (15) (G) of section 101 (a) of the act.

§ 248.2 *Application.* Application for change of nonimmigrant classification shall be made on Form I–506. If the application is granted, the alien's nonimmigrant status under such reclassification shall be subject to the terms and conditions applicable generally to such classification and to such other additional terms and conditions, including exaction of bond, which the district director deems appropriate to the case, and the district director shall cause a new set of Forms I–94 to be prepared and Form I–94A delivered to the applicant. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

§ 248.3 *Change of nonimmigrant classification to that under section 101 (a) (15) (H) of the Immigration and Nationality Act.* Notwithstanding any other provisions of this part, an application on Form I–506 for a change of an alien's nonimmigrant classification to that described in section 101 (a) (15) (H) of the act shall be accompanied by an application on Form I–129B made by the alien's prospective employer or trainer.

PART 249—CREATION OF RECORD OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

Sec.
249.1 Scope of part.
249.2 Application.
249.3 Delivery of Form I–151.

AUTHORITY: §§ 249.1 to 249.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 249, 66 Stat. 219; 8 U. S. C. 1259.

§ 249.1 *Scope of part.* Any alien who believes that he meets the eligibility requirements enumerated in section 249 (a) of the act may apply for the creation of a record of lawful admission for permanent residence. Such a record shall not be created in behalf of any alien who entered the United States prior to July 1, 1924, and as to whom a record of admission for permanent residence as an alien prior to that date does not exist, except in accordance with the provisions of section 249 of the act, this part, or other statutory authority.

§ 249.2 *Application.* An application under this part shall be made on Form N–105. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

§ 249.3 *Delivery of Form I–151.* If the application is granted, a Form I–151, showing that the applicant has acquired the status of an alien lawfully admitted for permanent residence, shall be issued to the applicant. If the alien is in possession of any other document evidencing compliance with the Alien Registration Act, 1940, or Chapter 7 of Title II of the Immigration and Nationality Act, he shall be required to surrender it.

PART 250—REMOVAL OF ALIENS WHO HAVE FALLEN INTO DISTRESS

Sec.
250.1 Application.
250.2 Removal authorization.

AUTHORITY: §§ 250.1 and 250.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 250, 66 Stat. 219; 8 U. S. C. 1260.

§ 250.1 *Application.* Application for removal shall be made on Form I–243. No appeal shall lie from the decision of the district director.

§ 250.2 *Removal authorization.* If the district director grants the application he shall issue an authorization for the alien's removal on Form I–202. Upon issuance of the authorization, or as soon thereafter as practicable, the alien may be removed from the United States at government expense.

PART 251—ARRIVAL MANIFESTS AND LISTS: SUPPORTING DOCUMENTS

Sec.
251.1 Arrival manifests and lists.
251.2 Notification of illegal landings.
251.3 Notification of changes in crew.
251.4 Notification of changes in employment (aircraft).

AUTHORITY: §§ 251.1 to 251.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 212, 231, 251, 252, 66 Stat. 182, 195, 219, 220; 8 U. S. C. 1182, 1221, 1281, 1282.

§ 251.1 *Arrival manifests and lists*—(a) *Presentation.* The master or agent of every vessel arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or from the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest of all crewmen on board on Form I–418 in accordance with the instructions contained thereon. A manifest shall not be required for crewmen aboard a vessel of United States, Canadian, or British registry engaged solely in traffic on the Great Lakes, or the St. Lawrence River, and connecting waterways herewith designated as a Great Lakes vessel, except crewmen of other than United States, Canadian, or British citizenship and, after submission of a manifest on the first voyage of a calendar year, a manifest shall not be required on subsequent arrivals unless there is employed on the vessel at the time of such arrival an alien crewman of other than United States, British, or Canadian citizenship who was not aboard and listed on the occasion of the submission of the last prior manifest. The master or agent of every aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest on Customs Form 7507 of all crewmen on board, except that a manifest shall not be required of an aircraft arriving in the continental United States or Alaska directly from Canada on a flight originating in that country.

(b) *Additional documents.* The master or agent of every vessel or aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall prepare as a part of the manifest when one is required for presentation to the examining immigration officer, a completely executed set of Forms I–95 for each alien crewman on board, except (1) an alien immigrant crewman in possession of a valid immigrant visa, reentry permit, or alien registration receipt card on Form I–151; (2) a Canadian or British citizen crewman of a Great Lakes vessel; or (3) a crewman seeking conditional landing privileges under section 252 (a) (1) of the act who is in possession of an unmutilated conditional landing permit with space for additional endorsements previously issued to him as a member of the crew of the same vessel or an aircraft of the same line on his last prior arrival in the United States, following which he departed from the United States as a member of the crew of the same vessel or an aircraft of the same line.

§ 251.2 *Notification of illegal landings.* As soon as discovered, the master or agent of any vessel from which an alien crewman has illegally landed or deserted in the United States shall inform the immigration officer in charge of the port where the illegal landing or desertion occurred, in writing, of the name, nationality, passport number and, if known, the personal description, circumstances and time of such illegal landing or desertion of such alien crewman, and any other information and documents which might aid in his apprehension, including when available a photograph of the crewman. Failure to file notice of illegal landing or desertion within twenty-four hours of the time such landing or desertion becomes known shall be regarded as lack of compliance with section 251 (d) of the act.

§ 251.3 *Notification of changes in crew*—(a) *Added crewmen.* The master or agent of every vessel departing from the United States shall submit to the immigration officer at the port from which such vessel is to depart directly to a foreign port or place a list on Form I–418 of the alien crewmen on board, other than lawfully admitted permanent residents of the United States, who were not members of the crew and manifested as such on the occasion of the vessel's arrival in the United States. Such list of names shall be headed by the legend "Added Crewmen—Arrival Crewlist filed at _____," and there shall be attached to such list the nonimmigrant form given to the alien on the occasion of his last arrival in the United States, if such form is available; otherwise, a newly executed Form I–95 shall be prepared by the master or agent for attachment to the list.

(b) *Separated crewmen.* The master or agent of every vessel departing from the United States shall submit to the immigration officer at the port from which such vessel is to depart directly to a foreign port or place a list on Form I–418 of the alien crewmen, other than alien permanent residents of the United States, who were members of the crew and manifested as such on the occasion of the vessel's arrival in the United States who are not departing with the vessel. Such list of names shall be headed by the legend "Separated Crewmen—Arrival Crewlist filed at _____," and shall contain, in addition, the nationality, passport number, and port of separation of each such crewman as well as the reason for separation. The lists required by paragraph (a) of this section and this paragraph may be incorporated in a single Form I–418, if space permits; the required lists need not be submitted for Canadian or British citizen crewmen of Great Lakes vessels.

§ 251.4 *Notification of changes in employment (aircraft).* The agent of the air transportation line shall immediately notify in writing the nearest immigration office of the termination of employment in the United States of each alien crewman employee of the line, furnishing the name, birthdate, birthplace, nationality, passport number and other available information concerning such alien crewman.

PART 252—LANDING OF ALIEN CREWMEN

Sec.
252.1 Examination of crewmen.
252.2 Revocation of conditional landing permits; deportation.
252.3 Great Lakes vessels; special procedures.

AUTHORITY: §§ 252.1 to 252.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 214, 248, 251, 252, 66 Stat. 189, 218, 219, 220; 8 U. S. C. 1184, 1258, 1281, 1282.

§ 252.1 *Examination of crewmen*—(a) *Detention prior to examination.* All persons employed in any capacity on board any vessel or aircraft arriving in the United States shall be detained on board the vessel or at the airport of arrival by the master or agent of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service.

(b) *Classes of aliens subject to examination under this part.* The examination of every alien crewman arriving in the United States shall be in accordance with this part and not otherwise except that the following classes of persons employed on vessels or aircraft shall be examined in accordance with the provisions of Parts 235, 236, and 237 of this chapter: (1) Aliens in possession of an immigrant visa, reentry permit, or a Form I–151 alien registration receipt card, applying for admission as immigrants; (2) Canadian or British citizen crewmen of Great Lakes vessels; or (3) Canadian or British citizen crewmen of aircraft arriving directly in Alaska or the continental United States on flights originating in Canada.

(c) *Requirements for admission.* Every alien crewman applying for landing privileges in the United States must make his application in person before an immigration officer, present whatever documents are required, and establish to the satisfaction of the immigration officer that he is not subject to exclusion under any provision of law and is entitled clearly and beyond doubt to landing privileges in the United States.

(d) *Authorization to land.* The examining immigration officer in his discretion may grant an alien crewman authorization to land temporarily in the United States for (1) shore leave purposes during the period of time the vessel or aircraft is in the port of arrival or other ports in the United States to which it proceeds directly without touching at a foreign port or place, not exceeding twenty-nine days in the aggregate, if the immigration officer is satisfied that the crewman intends to depart on the vessel on which he arrived or on another aircraft of the same transportation line, or (2) the purpose of obtaining employment and departing from the United States on another vessel than the one on which he arrived, within a period of twenty-nine days, if the immigration of-

ficer is satisfied that the crewman intends to depart in that manner and that he is apparently able to obtain such other employment and the immigration officer has consented to the pay off or discharge of the crewman from the vessel on which he arrived.

(e) *Conditional permits to land.* The examining immigration officer shall give to each alien nonimmigrant crewman permitted to land temporarily a copy of the Form I–95 presented by the crewman, endorsed to show the date and place of admission and the type of conditional landing permitted.

(f) *Change of status.* An alien nonimmigrant crewman landed pursuant to the provisions of this part shall be ineligible for any extension of stay beyond twenty-nine days or for a change of nonimmigrant classification under Part 248 except that a crewman who has been given a conditional landing permit under paragraph (d) (1) of this section may, within the period of its validity and while he is still maintaining his status, apply for a conditional landing permit under paragraph (d) (2) of this section and, upon approval of such application, he shall surrender his original landing permit and shall be given a copy of a new Form I–95, endorsed to show the landing authorized under paragraph (d) (2) of this section for the balance of the twenty-nine days remaining to him.

§ 252.2 *Revocation of conditional landing permits; deportation.* An alien permitted to land conditionally under § 252.1 (d) (1) may, within the period of time for which he was permitted to land, be taken into custody by any immigration officer without a warrant of arrest and be transferred to the vessel upon which he arrived in the United States, if such vessel is in any port of the United States and has not been in a foreign port or place since the crewman was issued his conditional landing permit, upon a determination by the immigration officer that the alien crewman is not a bona fide crewman or that he does not intend to depart on the vessel on which he arrived in the United States. The conditional landing permit of such an alien crewman shall be taken up and revoked by the immigration officer and a notice to detain and deport such alien crewman shall be served on the master of the vessel on Form I–259. On the written request of the master of the vessel, the crewman may be detained and deported, both at the expense of the transportation line on whose vessel he arrived in the United States, other than on the vessel on which he arrived in the United States, if detention or deportation on such latter vessel is impractical.

§ 252.3 *Great Lakes vessels; special procedures.* An immigration examination shall not be required of any crewman aboard a Great Lakes vessel arriving at a port of the United States for a period of less than twenty-four hours, who (a) has previously been examined by an immigration officer as a member of the crew of the same vessel and (b) is either a British or Canadian citizen or is in possession of a Form I–95 previously issued to him as a member of the crew of the same vessel during the same calendar year, and (c) does not request or require landing privileges in the United States during the time the vessel will be in ports of the United States before returning to Canada.

PART 253—PAROLE OF ALIEN CREWMEN

Sec.
253.1 Parole.
253.2 Termination of parole.

AUTHORITY: §§ 253.1 and 253.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 212, 252, 253, 255, 66 Stat. 182, 220, 221, 222; 8 U. S. C. 1182, 1282, 1283, 1285.

§ 253.1 *Parole*—(a) *Afflicted crewmen.* Any alien crewman afflicted with feeblemindedness, insanity, epilepsy, tuberculosis in any form, leprosy, or any dangerous contagious disease, or an alien crewman suspected of being so afflicted shall, upon arrival at the first port of call in the United States, be paroled to the medical institution designated by the district director in whose district the port is located, in the custody (other than during the period of time he is in such medical institution) of the agent of the vessel or aircraft on which such alien arrived in the United States and at the expense of the transportation line for a period initially not to exceed thirty days, for treatment and observation, under the provisions of section 212 (d) (5) of the act. Unless the Public Health Surgeon at the first port certifies that such parole be effected immediately for emergent reasons, the district director may defer execution of parole to a subsequent port of the United States to which the vessel or aircraft will proceed, if facilities not readily available at the first port are readily available at such subsequent port of call. Notice to remove an afflicted alien crewman shall be served by the examining immigration officer upon the master or agent of the vessel or aircraft on Form I–259 and shall specify the date when and the place to which such alien crewman shall be removed and the reasons therefor.

(b) *Disabled crewman.* Any alien crewman who becomes disabled in any port of the United States, whom the master or agent of the vessel or aircraft is obliged under foreign law to return to another country, may be paroled into the United States under the provisions of section 212 (d) (5) of the act for the period of time and under the conditions set by the district director in whose district the port is located, in the custody of the appropriate foreign consul or the agent of the aircraft or vessel which was wrecked or from which such seaman or airman was removed, for the purpose of treatment or observation in a hospital, if such is required, and for departure to the appropriate foreign country by the most direct and expeditious route.

(d) *Crewman denied conditional landing permit.* Any alien crewman denied a conditional landing permit or whose conditional landing permit issued under § 252.1 (d) (1) is revoked may, upon the request of the master or agent, be paroled into the United States under section 212 (d) (5) of the act in the custody of the agent of the vessel or aircraft and at the expense of the transportation line for medical treatment or observation or for other reasons deemed strictly in the public interest.

§ 253.2 *Termination of parole.* At the termination of the period of the parole specified in § 253.1, or when the purpose of the parole specified therein has been served, the alien crewman, if in the United States, shall be returned to the custody from which he was paroled and his case dealt with in the same manner as any other applicant for a conditional landing permit.

PART 262—REGISTRATION OF ALIENS IN THE UNITED STATES

§ 262.1 *Scope.* Persons otherwise subject to the provisions of Chapter 7 of Title II of the Immigration and Nationality Act and Parts 262 to 265, inclusive, of this chapter shall not be exempt from any of those provisions solely for the reason that they were admitted to the United States as:

(a) Alien members of the armed forces of the United States as provided in section 284 of the Immigration and Nationality Act; or

(b) American Indians born in Canada as provided in section 289 of the Immigration and Nationality Act; or

(c) Aliens lawfully admitted for permanent residence who reside in foreign contiguous territory and who, while continuing such residence, enter the United States to engage in any existing employment or to seek employment in this country.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies secs. 261–265, 284, 289, 66 Stat. 223–225, 232, 234; 8 U. S. C. 1301–1305, 1354, 1359)

PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

Sec.
263.1 Foreign government officials, representatives to international organizations and similar classes.
263.2 Certain Canadian citizens and British subjects; agricultural workers.
263.3 Aliens under deportation proceedings or confined in institutions within the United States.
263.4 Certain alien crewmen.

AUTHORITY: §§ 263.1 to 263.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 211, 221, 262, 263, 66 Stat. 181, 191, 224; 8 U. S. C. 1181, 1201, 1302, 1303.

§ 263.1 *Foreign government officials, representatives to international organizations and similar classes*—(a) *Registration not required.* Any alien in the United States on the effective date of the Immigration and Nationality Act shall not be required to register under section 262 of the Immigration and Nationality Act if (1) on that date he was exempt from the requirements of the Alien Registration Act, 1940 under the regulations promulgated under that act (12 F. R. 5130), and (2) he were now outside the United States applying for a visa in the status and classification he presently is maintaining in the United States, he would be exempt from the registration requirements of section 262 of the Immigration and Nationality Act under the regulations promulgated by the Department of State in accordance with the authority contained in section 221 (b) of the Immigration and Nationality Act.

(b) *Registration required.* Any person exempt from the registration requirements of section 262 of the Immigration and Nationality Act who remains in the United States for 30 days or longer after having ceased to be within the classification which entitled him to the exemption, shall apply for registration in accordance with the provisions of the Immigration and Nationality Act before the expiration of 30 days following the date when he ceased to be entitled to such classification.

§ 263.2 *Certain Canadian citizens and British subjects; agricultural workers.* (a) The duty imposed on aliens in the United States by section 262 of the Immigration and Nationality Act to apply for registration shall not be applicable to Canadian citizens or British subjects admitted to the United States under the provisions of § 212.3 (a) (1), (2), or (7) of this chapter who depart from the United States within six months of admission. If such an alien's stay in the United States is to exceed six months, an application for registration in accordance with the provisions of section 262 of the Immigration and Nationality Act shall be made prior to the expiration of the six-month period.

(b) The duty imposed on aliens in the United States by section 262 of the act to apply for registration shall not be applicable to nonimmigrant agricultural workers admitted to the United States during the time such workers maintain their status. If such a worker fails to maintain the nonimmigrant status under which he has been or may be admitted, an application for registration in accordance with the provisions of section 262 of the Immigration and Nationality Act shall be made immediately.

§ 263.3 *Aliens under deportation proceedings or confined in institutions within the United States*—(a) *Under deportation proceedings.* The fingerprinting of an alien under deportation proceedings commenced pursuant to Part 242 of this chapter shall be regarded as registration under section 262 of the Immigration and Nationality Act during the pendency of such proceedings. Pending completion of the deportation proceedings, the copy of the order to show cause served on the alien, endorsed to show that he has been fingerprinted, shall constitute the evidence of registration required to be carried with him and in his personal possession by section 264 of the Immigration and Nationality Act.

(b) *Aliens confined in penal or other institutions or who are incapacitated.* The district director in his discretion shall make such special arrangements as he deems necessary for the registration of aliens confined in institutions within his district.

§ 263.4 *Certain alien crewmen.* An alien crewman who has not previously been registered under the Immigration and Nationality Act who has remained in the United States for more than 29 days and who has not been made the subject of deportation proceedings shall be fingerprinted on Form AR–4. The alien crewman's Form I–95A shall be endorsed to show that he has been fingerprinted, and such form shall constitute the evidence of registration required to be carried with him and in his personal possession by section 264 of the Immigration and Nationality Act.

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

Sec.
264.1 Alien registration receipt card.
264.2 Registration officers.
264.3 Place of registration.
264.4 Registration records confidential.
264.5 Replacement of alien-registration receipt cards; aliens lawfully admitted for permanent residence.
264.11 Form of registration.
264.12 Manner of registration.

AUTHORITY: §§ 264.1 to 264.12 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 221, 261–265, 66 Stat. 191, 223–225; 8 U. S. C. 1201, 1301, 1302, 1303, 1304, 1305.

§ 264.1 *Alien registration receipt card*—(a) *Receipt cards or other evidence of alien registration issued prior to the effective date of the Immigration and Nationality Act.* Every receipt card, certificate, or other document or paper which was issued to any registered alien prior to the effective date of the Immigration and Nationality Act and which, under any regulation in effect immediately prior to the effective date of the Immigration and Nationality Act was or constituted evidence of alien registration under any of the provisions of Title III of the Alien Registration Act, 1940, is hereby declared to be issued and is hereby issued as an alien registration receipt card pursuant to section 264 (d) of the Immigration and Nationality Act with the same force and effect as though issued on or after the effective date of the Immigration and Nationality Act. Such evidence of alien registration includes:

Form AR 103: "Alien Registration Receipt Card."

Form AR–3: "Alien Registration Receipt Card."

Form I–151: "Alien Registration Receipt Card."

Form AR–103 S: "Alien Registration Receipt Card" (Seamen Form).

Form I–151 (Rev. 1–3–50): (Certifying to Alien Registration.)

Foreign Service Form 257a: Showing Alien Registration.

Form I–200: (Noted to show alien registration, but only during the pendency of the deportation proceedings.)

Form I–94C: (Noted to show alien registration.)

Form I–100a: Alien Laborer's Permit and Identification Card.

(b) *Aliens registered prior to effective date of the Immigration and Nationality Act who have not received evidence of registration.* Except as otherwise provided in this part, any alien in the United States who was registered under Title III of the Alien Registration Act, 1940, who for any reason has not been issued an alien registration receipt card or in whose case such card remains undelivered, shall be furnished with an alien registration receipt card on the appropriate form prescribed in this part as soon as practicable. If the identity of any such alien or the mailing address is unknown, such action shall be initiated upon the receipt of that information from any source.

(c) *Forms constituting alien registration receipt cards under the Immigration and Nationality Act.* In addition to any form specifically stated elsewhere in this chapter to be an alien registration receipt card issued pursuant to section 264 (d) of the Immigration and Nationality Act, the forms listed in this paragraph shall, under the conditions specified, also constitute alien registration receipt cards.

(1) *Form I–151.* Form I–151 shall be issued as an alien-registration receipt card and as evidence of lawful admission for permanent residence to an alien who is lawfully admitted to the United States as an immigrant with an unexpired immigrant visa; who in any manner becomes a lawful permanent resident of the United States and is registered in the United States; or who was lawfully admitted for permanent residence and reregisters in the United States within 30 days after attaining his fourteenth birthday anniversary, if the Form I–151 originally issued to him does not contain his photograph.

(2) [Reserved.]

(3) *Form I–94A.* Except as otherwise provided in this part, an alien registered on Form AR–2 and, when applicable, AR–4 as provided in § 264.11 shall be given Form I–94A endorsed to show such registration and that form shall be the alien's registration receipt card.

(4) *Order to show cause.* Pending completion of the deportation proceedings, the alien's copy of the order to show cause served on him shall be regarded as an alien-registration receipt card.

(5) *Form I–95A.* An alien crewman registered on Form AR–4 as provided in § 263.4 of this chapter shall be given Form I–95A endorsed to show such registration and that form shall then be the alien crewman's registration receipt card.

(d) *Prohibition against issuance of more than one alien registration receipt card; requirement of surrender of receipt card.* An alien registration receipt card shall not be issued to any person who previously has obtained one unless he surrenders such previously issued card

which is in his possession. No person shall use an alien registration receipt card relating to any other person except in behalf of his minor child or ward. If an alien is naturalized, dies, permanently departs, or is deported from the United States, or an alien registration receipt card is found by a person other than the one to whom it was issued, the person in possession of the card shall surrender it to an immigration officer or it shall be lifted by an immigration officer, and such officer shall forward the card to the office of the Service maintaining the file of the alien to whom the card was issued. If doubt arises as to the location of the alien's file, the alien registration receipt card shall be forwarded to the Central Office for appropriate disposition.

(e) *Carrying and possession of proof of alien registration.* The provisions of section 264 (e) of the Immigration and Nationality Act shall be applicable to every receipt card, certificate, or other document or paper referred to in this section as constituting evidence of alien registration.

(f) *Limited effect of issuance of alien registration receipt card.* The issuance of an alien registration receipt card or its equivalent shall not relieve the alien, or his parent or guardian, from full compliance with any and all laws and regulations of the United States now existing or hereafter made concerning aliens; nor shall it be construed to confer upon the alien or his parent or guardian immunity from any liability, penalty or punishment incurred by the alien or his parent or guardian for violation of any law of the United States occurring either before or after the issuance of such card.

§ 264.2 *Registration officers.* Immigration officers and any officer or employee of the United States selected by the Commissioner are designated registration officers and authorized to register aliens under Chapter 7 of Title II of the Immigration and Nationality Act. Any registration officer may prepare any registration form required to be executed by an alien upon the basis of information furnished by such alien.

§ 264.3 *Place of registration.* Any alien in the United States who is required to apply for registration under the provisions of section 262 of the Immigration and Nationality Act shall do so at any office in which any person designated in § 264.2 as a registration officer is serving as such, except as otherwise indicated in § 263.3 of this chapter, and except that the district director may make such special arrangements as he deems necessary for the registration of aliens in his district who are aged, infirm, or incapacitated.

§ 264.4 *Registration records confidential.* All registration and fingerprint records made under the provisions of Title III of the Alien Registration Act, 1940, or under Chapter 7 of Title II of the Immigration and Nationality Act shall be confidential. Information from such records shall be made available only to such persons or agencies as may be designated by the Commissioner. Persons or agencies designated to receive such information prior to the effective date of the Act whose designation was outstanding and unrevoked upon that date are hereby designated to continue to receive such information under the authority contained in section 264 (b) of the Immigration and Nationality Act.

§ 264.5 *Replacement of alien registration receipt cards.* Any alien in the United States whose alien registration receipt card has been lost, mutilated, or destroyed, shall immediately apply for a new alien registration receipt card on Form I–90. Any alien lawfully in the United States for permanent residence whose name has been legally changed after registration or who is not in possession of Form I–151 may also apply on Form I–90 for a new alien registration receipt card. No appeal shall lie from the decision of the officer denying the application.

§ 264.11 *Form of registration.* Any alien required to be registered in the United States shall, except as otherwise provided in this chapter, be registered on Form AR–2 and, where necessary, Form AR–2a. Except as provided in § 263.3 (a) of this chapter, the alien shall be fingerprinted on Form AR–4 and when the alien is registered on Form AR–2, the registration officer shall take an imprint of the alien's right index finger in the space provided therefor on Form AR–2.

§ 264.12 *Manner of registration—*(a) *Duties of registration officers.* The registration officer shall complete the registration forms prescribed by this part in the English language from the information furnished by the alien and all fingerprints shall be taken by such officer. When an alien other than a lawful permanent resident is registered on Form AR–2, the registration officer shall issue Form I–94A or I–95A to the alien and shall endorse such form to show that he has registered under the act.

(b) *Information required for registration.* The information which the alien or his parent or legal guardian must furnish under oath shall be such as is required by the forms prescribed in this part or as may be required hereafter under the authority of the Immigration and Nationality Act. Name or names shall be given in the English alphabet and the date of birth shall be stated by giving the month, day and year in that sequence.

(c) *Persons who believe themselves not subject to registration.* If any person indicates to the registration officer that he does not believe himself subject to registration under the Immigration and Nationality Act but is registering for his own protection, the registration officer shall make the following notation on the margin of the registration form at the conclusion of the registration: "Applicant doubts need for registration."

(d) *Registration in behalf of insane or incompetent aliens.* Any alien who is insane or otherwise incompetent or of unsound mind may be registered by his legal guardian, trustee, or committee or by such other person as may be charged by law with his care and custody. Any person registering in behalf of an alien herein described, shall answer to the best of his knowledge and ability the questions required to be put to the registering alien and shall swear or affirm to the best of his knowledge and belief that such alien is incompetent. Such alien, if 14 years of age or older, shall be fingerprinted if possible.

(e) *Signing of registration forms.* Except as otherwise provided in this part the registration forms provided for herein must be signd and sworn to before a registration officer by the alien in person or by his parent or legal guardian. The alien being registered or his parent or guardian or the person furnishing the information in behalf of an incompetent alien, if unable to write, shall make his mark in the signature space on the registration forms and his mark shall be witnessed by a witness other than the registration officer. The witness shall sign his name and address on the registration forms near the mark made and the words "witnessed by" shall precede the witness' signature.

PART 265—REGISTRATION OF ALIENS IN THE UNITED STATES: NOTICES OF ADDRESS

Sec.
265.1 Notices of address.
265.11 Form of notification.
265.12 Notification in behalf of insane or incompetent aliens.

AUTHORITY: §§ 265.1 to 265.12 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 265, 66 Stat. 225; 8 U.S.C. 1305.

§ 265.1 *Notices of address.* The notices of address, change of address, and new address required by the act shall be furnished on, and in accordance with, the forms prescribed in this part, which shall be made available without cost at post offices and at offices of the Service in the United States.

§ 265.11 *Form of notification.* The notification of current address required by section 265 of the Immigration and Nationality Act shall be furnished on Form I–53 and shall include the alien's name, residence in the United States, alien registration number, name under which registered, immigration status in the United States, country and date of birth, sex, place and date of entry to the United States, and country of which a subject or citizen. The entry on the form shall be typewritten or printed in ink or with an indelible pencil except that the signature shall be in writing in ink or with an indelible pencil. The card shall not be bent, folded, creased, torn, or mutilated in any manner. The card shall be signed by the alien or his parent or guardian and, upon completion, handed to a postal clerk at any United States post office who will forward it to a designated immigration and Naturalization Service office. The notification of change of address and new address which is required to be made by section 265 of the Immigration and Nationality Act shall be made by filling out and mailing post card Form AR–11. Form AR–11 shall also be used by an alien residing in the United States pursuant to a lawful temporary admission

when reporting his address at the expiration of each three-month period as required by section 265 of the Immigration and Nationality Act.

§ 265.12 *Notification in behalf of insane or incompetent aliens.* The notification of address of an alien who is insane or otherwise incompetent or of unsound mind may be furnished by his legal guardian, trustee, or committee, or by any person who is charged by law with his care and custody.

PART 274—ALIENS; BRINGING IN AND HARBORING

§ 274.1 *Power to arrest persons who bring in, transport, or harbor certain aliens, or induce them to enter.* See § 287.1 (e) of this chapter.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 280—IMPOSITION AND COLLECTION OF FINES

Sec.
280.1 Notice of intention to fine; administrative proceedings not exclusive.
280.2 Special provisions relating to aircraft.
280.3 Departure of vessel or aircraft prior to denial of clearance.
280.4 Data concerning cost of transportation.
280.5 Mitigation or remission of fines.
280.6 Bond to obtain clearance; form.
280.7 Approval of bonds or acceptance of cash deposit to obtain clearance.
280.11 Notice of intention to fine; procedure.
280.12 Answer and request or order for interview.
280.13 Disposition of case.
280.14 Record.
280.15 Notice of final decision to collector of customs.
280.21 Seizure of aircraft.
280.51 Application for mitigation or remission.

AUTHORITY: §§ 280.1 to 280.51 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 231, 233, 237, 239, 243, 251, 253–256, 272, 273, 280, 66 Stat. 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; 8 U. S. C. 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, 1330.

§ 280.1 *Notice of intention to fine; administrative proceedings not exclusive.* Whenever a district director has reason to believe that any person has violated any of the provisions of the Immigration and Nationality Act and has thereby become liable to the imposition of an administrative fine under the Immigration and Nationality Act, he shall cause a Notice of Intention to Fine, Form I–79, to be served as provided in this part. Nothing in this subchapter shall affect, restrict, or prevent the institution of a civil suit, in the discretion of the Attorney General, under the authority contained in section 280 of the Immigration and Nationality Act.

§ 280.2 *Special provisions relating to aircraft.* In any case in which the imposition of a fine is predicated upon an alleged violation of a regulation promulgated under authority of section 239 of the Immigration and Nationality Act, the procedure prescribed in this part shall be followed, and the aircraft involved shall not be granted clearance pending determination of the question of liability to the payment of any fine, or while the fine remains unpaid; but clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs. If the alleged violation was by the owner or person in command of the aircraft, the penalty provided for shall be a lien against the aircraft, which, except as provided in § 280.21, shall be seized by the district director or by an immigration officer designated by the district director, and placed in the custody of the customs officer who is in charge of the port of entry or customs station nearest the place of seizure. If the owner or owners of the airport at which such aircraft is located are the owners of the seized aircraft, the aircraft shall be removed to another suitable place for storage if practicable.

§ 280.3 *Departure of vessel or aircraft prior to denial of clearance.* If any vessel or aircraft which is subject to the imposition of a fine shall have departed from the United States prior to the denial of clearance by the collector of customs and such vessel or aircraft is subsequently found in the United States, a Notice of Intention to Fine, Form I–79, shall be served as provided in this part, if such form has not been previously served for the same violation. Clearance of such vessel or aircraft shall be withheld by the collector of customs, and the procedure prescribed in this part shall be followed to the same extent and in the same manner as though the vessel or aircraft had not departed from the United States. Aircraft subject to the provisions of § 280.2, which shall have departed from the United States prior to the time seizure could be effected, shall be subject to all of the provisions of this part, if subsequently found in the United States, to the same extent as though it had not departed from the United States.

§ 280.4 *Data concerning cost of transportation.* Within five days after request therefor, transportation companies shall furnish to the district director pertinent information contained in the original transportation contract of all rejected aliens whose cases are within the purview of any of the provisions of the Immigration and Nationality Act relating to refund of passage monies, and shall specify the exact amounts paid for transportation from the initial point of departure (which point shall be indicated) to the foreign port of embarkation, from the latter to the port of arrival in the United States and from the port of arrival to the inland point of destination, respectively, and also the amount paid for headtax, if any.

§ 280.5 *Mitigation or remission of fines.* In any case in which mitigation or remission of a fine is authorized by the Immigration and Nationality Act, the party served with Notice of Intention to Fine may apply in writing to the district director for such mitigation or remission.

§ 280.6 *Bond to obtain clearance; form.* A bond to obtain clearance of a vessel or aircraft under section 231, 233, 237, 239, 243, 251, 253, 254, 255, 256, 272, or 273 of the Immigration and Nationality Act shall be filed on Form I–310.

§ 280.7 *Approval of bonds or acceptance of cash deposit to obtain clearance.* The collector of customs is authorized to approve the bond, or accept the sum of money which is being offered for deposit under any provision of the Immigration and Nationality Act or by this chapter for the purpose of obtaining clearance of a vessel or aircraft.

§ 280.11 *Notice of intention to fine; procedure.* Notice of Intention to Fine, Form I–79, shall be prepared in triplicate, with one additional copy for each additional person on whom the service of such Notice is contemplated. The Notice shall be addressed to any or all of the available persons subject to fine. A copy of the Notice shall be served on each such person by (a) delivering it to him in person, or (b) leaving it at his office, or (c) mailing it to him at his office whenever the district director ascertains that the other two methods of service are inconvenient or impossible. If the Notice is served personally, the person upon whom it is served shall be requested to acknowledge such service by signing his name to the duplicate and triplicate copies. The officer effecting such service shall attest to the service by signing his name thereon and shall indicate thereon the date and place of service. If the person so served refuses to acknowledge service, or if service is made by leaving it at an office or mailing it, the person making such service shall indicate the method and date on the duplicate and triplicate copies of Form I–79, and shall sign his name upon such copies. The duplicate copy shall be retained by the district director and the triplicate copy shall be delivered directly to the collector of customs for the district in which the vessel or aircraft is located, and the collector shall withhold clearance until deposit is made or bond furnished as provided in the Immigration and Nationality Act. If the vessel or aircraft is located in a customs district which is outside the jurisdiction of the office of the Service having jurisdiction over the matter, the triplicate copy shall be forwarded to the office of the Service nearest such customs district for delivery to the collector of customs.

§ 280.12 *Answer and request or order for interview.* Within 30 days following the service of the Notice of Intention to Fine (which period the district director may extend for an additional period of 30 days upon good cause being shown), any person upon whom a notice under this part has been served may file with the district director a written defense, in duplicate, under oath setting forth the reasons why a fine should not be imposed, or if imposed, why it should be mitigated or remitted if permitted by the Immigration and Nationality Act, and stating whether a personal appearance is desired. Documentary evidence shall be submitted in support of such defense and a brief may be submitted in support of any argument made. If a personal interview is requested, the evidence in

opposition to the imposition of the fine and in support of the request for mitigation or remission may be presented at such interview. An interview shall be conducted if requested by the party as provided hereinabove or, if directed at any time by the Board, the Commissioner, or the district director.

§ 280.13 *Disposition of case*—(a) *Allegations admitted or no answer filed.* If a request for personal appearance is not filed and (1) the answer admits the allegations in the notice, or (2) no answer is filed, the district director shall enter such order in the case as he deems appropriate and no appeal from his decision may be taken.

(b) *Answer filed; personal appearance.* Upon receipt of an answer asserting a defense to the allegations in the notice without requesting a personal appearance, or if a personal appearance is requested or directed, the case shall be assigned to an immigration officer. The immigration officer shall prepare a report summarizing the evidence and containing his findings and recommendation. The record, including the report and recommendation of the immigration officer, shall be forwarded to the district director. The district director shall note on the report of the immigration officer whether he approves or disapproves the recommendation of the immigration officer. The person shall be informed in writing of the decision of the district director and, if his decision is that a fine shall be imposed or that the requested mitigation or remission shall not be granted, of the reasons for such decision. From the decision of the district director an appeal may be taken to the Board within 10 days of the receipt of notification of the decision, as provided in Part 6 of this chapter.

§ 280.14 *Record.* The record made under § 280.13 shall include the request for the interview or a reference to the order directing the interview; the medical certificate, if any; a copy of any record of hearing before a Board of Special Inquiry, Hearing Examiner, Hearing Officer, or Special Inquiry Officer which is relevant to the fine proceedings; the duplicate copy of the Notice of Intention to Fine; the evidence upon which such Notice was based; the duplicate of any notices to detain, deport, deliver, or remove aliens; notice to pay expenses; evidence as to whether any deposit was made or bond furnished in accordance with the Immigration and Nationality Act; reports of investigations conducted; documentary evidence and testimony adduced at the interview; the original of any affidavit or brief filed in opposition to the imposition of fine; the application for mitigation or remission; and any other relevant matter.

§ 280.15 *Notice of final decision to collector of customs.* At such time as the decision under this part is final, the regional administrative officer shall be furnished a copy of the decision by the district director. The regional administrative officer shall notify the collector of customs who was furnished a copy of the Notice of Intention to Fine of the final decision made in the case. Such notification need not be made if the regional administrative officer has been previously furnished with a notice of collection of the amount of the penalty by the collector of customs.

§ 280.21 *Seizure of aircraft.* Seizure of an aircraft under the authority of section 239 of the Immigration and Nationality Act, and § 280.2 will not be made if such aircraft is damaged to an extent that its value is less than the amount of the fine which may be imposed. Immediately upon the seizure of an aircraft, or prior thereto, if circumstances permit, a full report of the facts in the case shall be submitted by the district director to the United States Attorney for the district in which the seizure was made. The report shall include the cost incurred in seizing and guarding the aircraft and an estimate of the further additional cost likely to be incurred.

§ 280.51 *Application for mitigation or remission*—(a) *When application may be made.* An application for mitigation or remission shall be filed (1) within 30 days after the service of the Notice of Intention to Fine and, if an answer is filed as provided in § 280.12, with such answer, for consideration in the event a fine is found to have been incurred, or (2) within 30 days after receipt of the final decision with respect to the fine.

(b) *Form and contents of application.* An application for mitigation or remission shall be filed in duplicate under oath and shall include information, supported by documentary evidence, as to the basis of the claim to mitigation or remission, and as to the action, if any, which may have been taken by the applicant, or as to the circumstances present in the case which, in the opinion of the applicant, justified the granting of his application.

(c) *Disposition of application.* The application, if filed with the answer, shall be disposed of as provided in § 280.13. In any other case, the application shall be considered and decided by the district director from whose decision an appeal may be taken to the Board within 10 days from receipt of notification of such decision, as provided in Part 6 of this chapter.

PART 282—PRINTING OF REENTRY PERMITS: FORMS FOR SALE TO PUBLIC

Sec.
282.1 Reentry permits: quality of paper.
282.2 Forms printed by the Public Printer.

AUTHORITY: §§ 282.1 and 282.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 223, 282, 66 Stat. 194, 231; 8 U. S. C. 1203, 1352.

§ 282.1 *Reentry permits; quality of paper.* Form I–132, Permit to Reenter the United States, shall be printed on distinctive safety paper. Such permits to enter the United States shall be prepared and issued in accordance with section 223 of the Immigration and Nationality Act and Part 223 of this chapter.

§ 282.2 *Forms printed by the Public Printer.* The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by Subchapter B of this chapter: I–20, I–21, I–94, I–95, I–129, I–129A, I–129B, I–131, I–131A, I–133, I–133A, I–418, and I–539.

PART 287—FIELD OFFICERS; POWERS AND DUTIES

Sec.
287.1 Definitions.
287.2 Criminal violations; investigation and action.
287.3 Disposition of cases of aliens arrested without warrant.
287.4 Subpena.
287.5 Power and authority to administer oaths.

AUTHORITY: §§ 287.1 to 287.5 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 235, 236, 242, 287, 66 Stat. 198, 200, 208, as amended, 233; 8 U. S. C. 1225, 1226, 1252, 1357.

§ 287.1 *Definitions*—(a) *Reasonable distance from external boundary.* The phrase "within a reasonable distance from any external boundary of the United States", as used in section 287 of the Immigration and Nationality Act, means within a distance of not exceeding 100 air miles from any external boundary of the United States or any shorter distance which may be fixed by the district director, or, so far as the power to board and search aircraft is concerned, any distance fixed pursuant to paragraph (b) of this section.

(b) *Reasonable distance; fixing by district directors.* In fixing distances not exceeding 100 air miles pursuant to paragraph (a) of this section, district directors shall take into consideration topography, confluence of arteries of transportation leading from external boundaries, density of population, possible inconvenience to the traveling public, types of conveyances used, and reliable information as to movements of persons effecting illegal entry into the United States: *Provided*, That whenever in the opinion of a district director a distance in his district of more than 100 air miles from any external boundary of the United States would because of unusual circumstances be reasonable, such district director shall forward a complete report with respect to the matter to the Commissioner, who may, if he determines that such action is justified, declare such distance to be reasonable.

(c) *Certain powers of immigration officers.* Any immigration officer is hereby authorized to exercise anywhere in the United States all the powers conferred by section 287 of the Immigration and Nationality Act, including:

(1) The power to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;

(2) The power to execute warrants and other processes, to arrest without warrant, to board and search vessels and other conveyances without warrant, and to enter private lands within a distance of twenty-five miles of any external boundary of the United States without warrant to prevent the illegal entry of aliens into the United States;

(3) The power to administer oaths and to take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States, or concerning any matter which is material or relevant to the enforcement of the Immigration and Nationality Act and the administration of the Service; and

(4) The power to conduct a search, without warrant, of the person, and of the personal effects in the possession of any person seeking admission to the United States.

(d) *Disposition of felony cases.* The cases of persons arrested for felonies under paragraph (4) of section 287 (a) of the Immigration and Nationality Act shall be handled administratively in accordance with the applicable provisions of § 287.2, but in no case shall there be prejudiced the right of the person arrested to be taken without unnecessary delay before another near-by officer empowered to commit persons charged with offenses against the laws of the United States.

(e) *Power to arrest persons who bring in, transport, or harbor certain aliens, or induce them to enter.* Any immigration officer shall have authority to make arrests for violations of any provision of section 274 of the Immigration and Nationality Act.

(f) *Patrolling the border.* The phrase "patrolling the border to prevent the illegal entry of aliens into the United States" as used in section 287 of the Immigration and Nationality Act means conducting such activities as are customary, or reasonable and necessary, to prevent the illegal entry of aliens into the United States.

§ 287.2 *Criminal violations; investigation and action.* Whenever a district director has reason to believe that there has been a violation punishable under any criminal provision of the laws administered or enforced by the Service, he shall cause an investigation to be made immediately of all the pertinent facts and circumstances and shall take or cause to be taken such further action as the results of such investigation warrant.

§ 287.3 *Disposition of cases of aliens arrested without warrant.* An alien arrested without a warrant of arrest under the authority contained in section 287 (a) (2) of the Immigration and Nationality Act shall be examined as therein provided by an officer other than the arresting officer, unless no other qualified officer is readily available and the taking of the alien before another officer would entail unnecessary delay, in which event the arresting officer, if the conduct of such examination is a part of the duties assigned to him, may examine the alien. If such examining officer is satisfied that there is prima facie evidence establishing that the arrested alien was entering or attempting to enter the United States in violation of the immigration laws, he shall refer the case to a special inquiry officer for further inquiry in accordance with Parts 235 and 236 of this chapter or take whatever other action may be appropriate or required under the laws or other regulations applicable to the particular case. If the examining officer is satisfied that there is prima facie evidence establishing that the arrested alien is in the United States in violation of the immigration laws, further action in the case shall be taken as provided in Part 242 of this chapter.

§ 287.4 *Subpena*—(a) *Who may issue.* Except as provided in § 335.11 of this chapter, subpenas requiring the attendance of witnesses or the production of documentary evidence, or both, may be issued upon his own volition by a district director or special inquiry officer in any proceeding pending before him, or upon application of an officer of the Service, or upon written application of the alien or other party affected. If an alien or other party affected by a proceeding before the Service requests that a witness be subpenaed to testify or to produce books, papers or documents in such proceeding before the Service, he shall be required as a condition precedent to the issuance of the subpena to state in writing what he expects to prove by such witness or the books, papers, or documents and to show affirmatively that the proposed evidence is relevant and material and that he has made diligent efforts without success to produce the same. Upon determining that a witness whose evidence is desired either by the Service officer or the alien or other party affected will not appear and testify or produce documentary evidence unless commanded to do so and that the testimony and evidence of such witness is essential, the district director or a special inquiry officer in any proceeding pending before him, shall issue a subpena. If the witness is at a distance of more than 100 miles from the place of hearing, the subpena shall provide for the witness' appearance at the field office nearest to him to respond to oral or written interrogatories, unless the Service indicates that there is no objection to bringing the witness the distance required to enable him to testify in person at the hearing.

(b) *Form.* Every subpena issued under the provisions of this section shall state the title of the proceeding and shall command the person to whom it is directed to attend and give testimony at a time and place therein specified. A subpena may also command the person to whom it is directed to produce the books, papers or documents designated therein. A subpena may also direct the making of a deposition before an officer of the Service. Subpenas shall be issued on Form I–138.

(c) *Service.* A subpena issued under this section may be served by any person over 18 years of age not a party to the case designated to make such service by the district director having administrative jurisdiction over the office in which the subpena is issued. Service of the subpena shall be made by delivering a copy thereof to the person named therein and by tendering to him the fee for one day's attendance and the mileage allowed by law by the United States District Court for the district in which the testimony is to be taken. When the subpena is issued on behalf of the Service, fee and mileage need not be tendered at the time of service. A record of such service shall be made and attached to the original copy of the subpena.

(d) *Invoking aid of court.* If a witness neglects or refuses to appear and testify as directed by the subpena served upon him in accordance with the provisions of this section, the district director issuing the subpena shall request the United States Attorney for the proper district to report such neglect or refusal to the appropriate United States District Court and to request such court to issue an order requiring the witness to appear and testify and to produce the books, papers or documents designated in the subpena. If the subpena was issued by a special inquiry officer, he shall request the district director having administrative jurisdiction over him to take the action referred to in the previous sentence in the event the witness neglects or refuses to appear and testify as directed by the subpena served upon him.

§ 287.5 *Power and authority to administer oaths.* Any immigration officer, or any other employee individually designated by a district director, shall have the power and authority to administer oaths.

PART 292—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

Sec.
292.1 Admission to practice required.
292.2 Qualifications for admission to practice.
292.3 Applications for admission to practice; decision.
292.4 Roster of attorneys.
292.5 Appearances; availability of records.
292.6 Suspension and disbarment.
292.7 Admission to practice prior to December 24, 1952.
292.11 Service upon and action by attorney, representative, or other person.
292.12 Service of decision and other papers.
292.61 Procedure for suspension or disbarment; effect.

AUTHORITY: §§ 292.1 to 292.61 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 292, 66 Stat. 235; 8 U. S. C. 1362.

§ 292.1 *Admission to practice required.* (a) No person shall be permitted to practice before the Service or the Board until he has been admitted to practice by the Board in accordance with § 292.3.

(b) Notwithstanding paragraph (a) of this section:

(1) A regional commissioner, district director, officer in charge of a suboffice, the Commissioner, any other officer of the Central Office authorized by the Commissioner to do so, or the Board may permit an attorney or representative to file an appearance in behalf of a party in any case prior to the approval of his application for admission if such attorney or representative files the application concurrently with filing his appearance in the case. If the application is subsequently denied, such attorney or representative shall not thereafter be permitted to practice, in that or any other case, unless and until his admission to practice has been authorized by the Board and subject to such conditions as the Board shall direct.

(2) In any case in which, under the Immigration and Nationality Act, a party is entitled to be represented by counsel, he may be represented by any reputable individual of good moral char-

acter, whether or not admitted to practice in accordance with § 292.3, if such individual is appearing without monetary or other material remuneration and files a written declaration to that effect, and if such representation is permitted by the special inquiry officer having the case under consideration, the regional commissioner, district director, or officer in charge of the suboffice having administrative jurisdiction over the office in which the case is pending, the Commissioner, or the Board.

(3) Any alien may be represented by an accredited official, in the United States, of the government to which the alien owes allegiance, if such official appears solely in his official capacity, and with the consent of the alien.

(4) An attorney, other than one described in § 1.1 (a) (3) of this chapter, residing outside the United States and licensed to practice law and in good standing in a court or courts of the country in which he resides and who is engaged in such practice may be permitted by any regional commissioner, district director, or officer in charge of a suboffice, the Commissioner, or any officer of the Central Office designated by him, or the Board, to file his appearance and be heard in any individual case. The regional commissioner and district director shall have authority to withhold granting permission to such attorney to appear before an officer under his jurisdiction, and may refer the application for permission to appear to the Board for its decision.

(5) No person who is a party to a case shall be denied the privilege of presenting oral argument in his own behalf before the Board if it has his case under consideration.

(6) Any person desiring to be heard as amicus curiae shall apply therefor to the Board; and the Board may grant such application if it deems it to be in the public interest.

(c) No person previously in the employ of the Department of Justice may be permitted to practice in a case in which he participated during the period of such employment.

§ 292.2 *Qualifications for admission to practice.* (a) Admission to practice shall be limited to persons who are citizens of the United States, who are of good moral character, and who are attorneys in good standing in the court or courts in which they are licensed to practice, or who are representatives of organizations of the character described in § 1.1 (a) (14) of this chapter.

(b) No person within any category set forth in § 292.6 may be admitted to practice.

§ 292.3 *Applications for admission to practice; decision.* (a) Applications for admission to practice may be filed with a regional commissioner, district director, the Commissioner, or the Chairman of the Board, at the option of the applicant. Such application shall be made in triplicate upon Form G–27. An application by an attorney shall be supported by a current certificate from a judge or clerk of the court in which the applicant is licensed to practice, or by a written statement of the district director or officer in charge of a suboffice of the Service certifying that upon inquiry he has ascertained and has personal knowledge that the applicant is so licensed. An application by the representative of an organization shall be supported by a statement of the appropriate officer or officers thereof, certifying that the applicant is its accredited representative and authorized to appear in its behalf in any case.

(b) The application, in triplicate, shall be transmitted to the Board by either the regional commissioner, district director, or Commissioner.

(c) As soon as practicable after receipt of the application the Board shall give consideration thereto. If the application is approved, written notation to that effect shall be made on the application and a certificate of admission to practice shall be issued to the licensee. If the conclusion is that the application shall be denied, the Board shall prepare a proposed order of denial, in which shall be stated the reasons for denying the application. The Board shall serve the proposed order on the applicant, either personally or by registered mail and obtain a return receipt therefor. The applicant shall be allowed a reasonable time, not less than ten days, in which to file exceptions to the proposed order and to submit a brief if desired. After receipt of the exceptions, or if none are received within three days after expiration of the period specified for filing of exceptions, the Board shall make such order as it may then determine appproriate, including authorizing a hearing for presentation of evidence or oral argument. If no exceptions are filed, the order of the Board shall be final, subject to review by the Attorney General under any of the circumstances described in § 6.1 (h) of this chapter. If exceptions have been filed and the order of the Board is that the application shall be denied, the Board shall refer the record to the Attorney General for review of its order. The order of the Attorney General shall be the final determination of the application.

(d) Admission of a representative shall terminate upon discontinuance of his authority to represent the organization named in his application.

§ 292.4 *Roster of attorneys.* The Board shall maintain an alphabetical roster of attorneys and of representatives of organizations. A copy of the roster shall be supplied to the Commissioner, and he shall be advised from time to time of changes therein.

§ 292.5 *Appearances; availability of records.* (a) An appearance shall be filed in writing on Form G–28 by attorneys or representatives appearing in each individual case. When an appropriate appearance has been filed in a case, substitution of attorneys or representatives may be permitted upon the written withdrawal of the attorneys or representatives of record or upon notice by the party to the case of his designation of new attorneys or representatives. If any attorney or representative of record authorizes another attorney or representative to act for him as an associate in a case, the latter will be heard if satisfactory evidence of his authorization is presented and if he has been admitted to practice under this part.

(b) During the time a case is pending, the attorney or representative of record, or his associate, shall be permitted to review the record and, upon request, be lent a copy of the testimony adduced. The attorney or representative shall give his receipt for such copy and pledge that no copy thereof will be made, that he will retain it in his possession and under his control, and that it will be surrendered upon final disposition of the case, or upon demand by the Service or the Board.

§ 292.6 *Suspension and disbarment.* With the approval of the Attorney General, the Board may suspend or bar from further practice an attorney or representative, if it shall find that suspension or disbarment is in the public interest. The suspension or disbarment of an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of this part, but the enumeration of such categories herein shall not be construed as establishing the exclusive grounds for suspension or disbarment in the public interest:

(a) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed by him in the case;

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Department of Justice concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(f) Who represents, as an associate, an attorney who, known to him, solicits practic in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(j) Who wilfully made false and material statements in his application for admission to practice, or in his appearance in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity, which in the opinion of the Board, would constitute cause for suspension or disbarment were the case pending before a court, or which, in such a judicial proceeding, would constitute a contempt of court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case or upon demand, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime is sentenced to imprisonment for a term of more than one year;

(n) Who no longer possesses the qualifications required by § 292.2 for admission to practice;

(o) Who is the representative of an organization which is no longer recognized by the Board as being of the character described in § 1.1 (a) (14) of this chapter.

§ 292.7 *Admission to practice prior to December 24, 1952.* Any person who immediately prior to the effective date of the regulations in this chapter and of the Immigration and Nationality Act was authorized to practice before the Service and the Board may continue to practice before the Service and the Board without making a new application for admission in accordance with the provisions of this part. Any such person shall be subject to the provisions of this part regulating the practice of attorneys and representatives.

§ 292.11 *Service upon and action by attorney, representative, or other person.* (a) Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of, the attorney or representative who has filed an appearance in the case as provided in § 292.5, or the person himself if there is no attorney or representative in the case.

(b) Whenever an examination is provided for by any of the provisions of this chapter in any case pending before the Service, the person involved shall have the right to be represented at the examination by an attorney or representative authorized to practice before the Service. The attorney or representative shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs.

§ 292.12 *Service of decision and other papers.* Except where specific provision is otherwise made in this chapter, whenever a decision, notice or other paper is required to be given or served, it shall be done by personal service, or certified or registered mail upon the person designated in § 292.11.

§ 292.61 *Procedure for suspension or disbarment; effect.* (a) The regional commissioner may cause to be investigated any complaint or circumstance which establishes a prima facie case for the suspension or disbarment of any enrolled attorney or representative. If such investigation establishes to the satisfaction of the regional commissioner that suspension or disbarment proceedings should be instituted, he shall cause written charges to be preferred. A copy of such charges shall be served upon the respondent, either personally or by registered mail, with notice to show cause within a specified time, not less than 30 days, why he should not be suspended or disbarred from further practice. Such notice shall also advise the respondent that after answer has been made and the matter is at issue, if he so requests he will be given opportunity for a hearing before a representative of the regional commissioner. If hearing is requested, the regional commissioner will specify the time and place therefor and specially designate the officer who shall preside and the officer who shall present the evidence in support of the charges. The nonreceipt of answer within three days after expiration of the period prescribed to show cause shall be held a waiver of defense to the charges. If no hearing is requested in the answer, the regional commissioner may conduct any further required investigation to complete the record, and without the necessity of any additional notice to the respondent, forward the completed record to the Board with his recommendation.

(b) The respondent, either with or without counsel, and the regional commissioner, by the Service officer within the purview of § 6.1 (e) of this chapter, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board.

(c) The Board shall consider the record as presented by the regional commissioner as soon as practicable after its receipt and render its decision thereon. The order of the Board shall constitute the final disposition of the proceeding: *Provided, however,* That if the order would suspend or disbar the respondent, or if any one of the circumstances described in § 6.1 (h) of this chapter be present, the Board shall refer the record to the Attorney General for review of its decision and in such case the order of the Attorney General shall be the final determination of the proceeding.

(d) In case the final order against the respondent is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice unless and until authorized so to do by the Board; and if disbarred, he shall surrender the certificate of his admission to the Board for cancellation.

PART 299—IMMIGRATION FORMS

Sec.
299.1 Prescribed forms.
299.2 Forms available from the Superintendent of Documents.
299.3 Reproduction of forms by private parties.

AUTHORITY: §§ 299.1 to 299.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103.

§ 299.1 *Prescribed forms.* The following forms are hereby prescribed by the Attorney General for use in compliance with the provisions of Subchapters A and B of this chapter:

Form No.	*Title and description*
AR–2	Alien Registration form.
AR–2a	Supplemental Sheet, Alien Registration Form.
AR–4	Fingerprint Card.
AR–11	Alien's Change of Address Card.
Customs 7507	General Declaration.
FS 256a	Immigrant Visa and Alien Registration.
G–27	Application for Admission to Practice Before the Board of Immigration Appeals and the Immigration and Naturalization Service.
G–28	Notice of Entry of Appearance as Attorney or Representative.
I–17	Petition for Approval of School for Students.
I–20	Certificate of Eligibility.
I–21	Report of Initial Registration and Termination of Attendance of Nonimmigrant "F" Student.
I–24	Application by Alien Student for Permission to Accept Employment.
I–38	Special Inquiry Officer's Decision (Deportation).
I–39	Special Inquiry Officer's Decision (Voluntary departure, alternate deportation).
I–53	Address Report Card.
I–63	Application for Precxamination.
I–79	Notice of Intention to Fine Under Immigration and Nationality Act.
I–90	Application for New Alien Registration Receipt Card in a Changed Name or in Lieu of One Lost, Mutilated, Destroyed or in Lieu of Form AR–3 or AR–103.
I–94	Arrival-Departure Card.
I–95	Crewman's Landing Permit.
I–100a	Alien Laborer's Permit and Identification Card.
I–100C	Alien Laborer's Permit.
I–102	Application for copy of Alien Laborer's Permit in lieu of one lost, mutilated, or destroyed.
I–122	Notice to Alien Detained for Hearing by Special Inquiry Officer.
I–126	Annual Report of Status by Treaty Trader.

Form No.	Title and description
I-129	Petition for Classification of Quota Immigrant for Alien Whose Services are Needed Urgently in the United States.
I-129A	Petition for Classification as Nonquota Immigrant for Minister of a Religious Denomination.
I-129B	Petition for Permission to Import Nonimmigrant Aliens.
I-129C	Application for Waiver of Excludability and Ineligibility to Obtain an Immigrant Visa under section 212 (a) (14) of the Immigration and Nationality Act.
I-131	Application for Permit to Reenter the United States.
I-131A	Instructions for Executing Application for Permit to Reenter the United States.
I-132	Permit to Reenter the United States.
I-133	Petition by United States Citizen for Issuance of Immigrant Visa.
I-133A	Petition by Permanent Resident Alien for Issuance of Immigrant Visa.
I-138	Subpena.
I-151	Alien Registration Receipt and Border Crossing Card.
I-186	Nonresident Alien Mexican Border Crossing Card.
I-190	Application for Nonresident Alien Mexican Border Crossing Card.
I-191	Application for Advance Permission to Return to Unrelinquished Domicile.
I-192	Application for Advance Permission to Enter as Nonimmigrant.
I-193	Application for Waiver of Passport and/or Visa.
I-200	Warrant for Arrest of Alien.
I-202	Authorization for Removal.
I-212	Application for Permission to Reapply for Admission Into the United States After Deportation or Removal.
I-233	Application to Adjust Immigration Status under Section 6 of the Refugee Relief Act of 1953.
I-243	Application for Removal.
I-256A	Application for Suspension of Deportation.
I-259	Notice to Detain, Deport or Remove Aliens.
I-259A	Agreement by Transportation Line to Assume Responsibility for Removal of Aliens.
I-287	Alien Requiring Special Care and Attention.
I-290A	Notice of Appeal to the Board of Immigration Appeals.
I-290B	Notice of Appeal (to Regional Commissioner).
I-290C	Notice of Certification.
I-304	Power of Attorney for Immigration Bond Where Cash Deposited as Security.
I-305	Receipt of Officer of Immigration and Naturalization Service for Cash Accepted as Security on Immigration Bond.
I-310	Bond for Payment of Sums and Fines Imposed Under Immigration and Nationality Act.
I-312	Designation of Attorney in Fact.
I-313	Designation, Coupled With Interest, of Attorney in Fact.
I-317	Blanket Bond for Departure of Aliens in Transit or Temporarily Admitted as Visitors for Business or Pleasure.
I-323	Notice of Violation of Conditions of Bond.
I-324	Bond for the Release of an Alien Under Exclusion Proceedings.
I-353	Bond Conditioned for the Delivery of an Alien.
I-354	Bond That Alien Shall Not Become a Public Charge.
I-377	Bond for Maintenance of Status and Departure of Nonimmigrant Alien or Aliens.
I-391	Notice of Cancellation of Bond.
I-414	Receipt for Crew List.
I-418	Passenger List—Crew List.
I-426	Immediate and Continuous Transit Agreement Between a Transportation Line and the United States of America (special direct transit procedure).
I-506	Application for Change of Nonimmigrant Status.
I-507	Application for Status as Permanent Resident.
I-508	Waiver of Rights, Privileges, Exemptions, and Immunities.
I-509	Notice of Proposal to Change Status from Alien Admitted for Permanent Residence, to Nonimmigrant.
I-539	Application to Extend Time of Temporary Stay.
N-105	Application to Create Record of Admission for Permanent Residence.

§ 299.2 *Forms available from the Superintendent of Documents.* The following forms required for compliance with the provisions of subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D. C.: I-20, I-21, I-94, I-95, I-129, I-129A, I-129B, I-131, I-131A, I-133, I-133A, I-418, and I-539. A small supply of those forms shall be set aside by immigration officers for free distribution and official use.

§ 299.3 *Reproduction of forms by private parties.* The following forms required for compliance with the provisions of subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense; I-20, I-21, I-94, I-95, and I-418. Forms printed or reproduced by private parties shall conform to the officially printed forms currently in use with respect to size, wording, arrangement, style and size of type, and paper specifications. Such forms and all entries required to be made thereon shall be printed or otherwise duplicated in the English language with black ink or dye that will not fade or "feather" within 20 years.

Subchapter C—Nationality Regulations

PART 306—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VIRGIN ISLANDERS

Sec.
306.1 Persons eligible.
306.2 United States citizenship; when acquired.
306.11 Preliminary application form; filing; examination.
306.12 Renunciation forms; disposition.

AUTHORITY: §§ 306.1 to 306.12 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 306, 332, 66 Stat. 237, 252; 8 U. S. C. 1406, 1443.

§ 306.1 *Persons eligible.* Any Danish citizen who resided in the Virgin Islands of the United States on January 17, 1917, and in those Islands, Puerto Rico, or the United States on February 25, 1927, and who had preserved his Danish citizenship by making the declaration prescribed by Article VI of the treaty entered into between the United States and Denmark on August 4, 1916, and proclaimed January 25, 1917, may renounce his Danish citizenship before any court of record in the United States irrespective of his place of residence, in accordance with the provisions of this part.

§ 306.2 *United States citizenship; when acquired.* Immediately upon making the declaration of renunciation as described in § 306.12 the declarant shall be deemed to be a citizen of the United States. No certificate of naturalization or of citizenship shall be issued by the clerk of court to any person obtaining, or who has obtained citizenship solely under section 306 (a) (1) of the Immigration and Nationality Act or under section 1 of the act of February 25, 1927.

§ 306.11 *Preliminary application form; filing; examination.* A person of the class described in § 306.1 shall submit to the Service on Form N-350 preliminary application to renounce Danish citizenship, in accordance with the instructions contained therein. The applicant shall be notified in writing when and where to appear before a representative of the Service for examination as to his eligibility to renounce Danish citizenship and for assistance in filing the renunciation.

§ 306.12 *Renunciation forms; disposition.* The renunciation shall be made and executed by the applicant under oath, in duplicate, on Form N-351 and filed in the office of the clerk of court. The usual procedural requirements of the Immigration and Nationality Act shall not apply to proceedings under this part. The fee shall be fixed by the court or the clerk thereof in accordance with the law and rules of the court, and no accounting therefor shall be required to be made to the Service. The clerk shall retain the original of Form N-351 as the court record and forward the duplicate to the district director exercising administrative naturalization jurisdiction over the area in which the court is located.

PART 310—REQUISITION OF FORMS BY CLERKS OF COURT

§ 310.11 *Application for official forms.* See §§ 332a.11 and 332a.12 of this chapter.

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

Sec.
312.1 Educational examination of petitioners for naturalization.
312.2 Ability to read, write, and speak English; exemption.

AUTHORITY: §§ 312.1 and 312.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 312, 332, 66 Stat. 239, 252; 8 U. S. C. 1423, 1443.

§ 312.1 *Educational examination of petitioners for naturalization.* A person applying for naturalization upon his own petition shall, before being naturalized, demonstrate a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States. To this end the petitioner shall be questioned as to (a) the principal historical facts concerning the development of the United States as a republic, (b) the organization and principal functions of the Government of the United States, and of the States and local units of government, (c) his understanding of and attachment to the fundamental principles of the Constitution of the United States, and (d) the relation of the individual to the government—national, state, and local—the rights and privileges arising from that relationship, and the duties and responsibilities which result from it. The examination shall be conducted in simple language and shall avoid technical and extremely difficult questions.

§ 312.2 *Ability to read, write, and speak English; exemption.* A person who on December 24, 1952 was over fifty years of age and had been living in the United States for periods totaling at least twenty years, is exempt from demonstrating an understanding of the English language, as provided in section 312 (1) of the Immigration and Nationality Act, even though the periods totaling twenty years did not follow lawful admissions for permanent residence.

PART 316—GOOD MORAL CHARACTER

§ 316.1 *Good moral character; exceptions.* The requirement of section 316 of the Immigration and Nationality Act that no person shall be naturalized unless he is and has been during the periods referred to in that section a person of good moral character shall not apply to:

(a) Persons who acquire United States citizenship through the naturalization of a parent or parents under section 320 or 321 of the Immigration and Nationality Act.

(b) Danish citizens who make application to renounce their citizenship under section 306 (a) (1) of the Immigration and Nationality Act.

(c) Former United States citizens who make application to regain citizenship under section 324 (c) of the act.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies secs. 316, 320, 321, 324, 329, 332, 335, 402, 66 Stat. 242, 245, 246, 250, 252, 255, 275; 8 U. S. C. 1427, 1431, 1432, 1435 and note, 1440 note, 1443, 1446)

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

Sec.
316a.1 Absence for which benefits of section 307 (b) or 308 of the Nationality Act of 1940 have been granted; effect on continuous residence requirement.
316a.21 Application for benefits with respect to absences; appeal.

AUTHORITY: §§ 316a.1 and 316a.21 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 316, 317, 332, 405, 66 Stat. 242, 243, 252, 280; 8 U. S. C. 1427, 1428, 1443, 1101 note.

§ 316a.1 *Absence for which benefits of section 307 (b) or 308 of the Nationality Act of 1940 have been granted; effect on continuous residence requirement.* No absence from the United States which commenced prior to the effective date of the Immigration and Nationality Act, whether or not it continued beyond that date, in connection with which an application for exemption from the usual residence requirements under the naturalization laws was made under section 307 (b) or 308 of the Nationality Act of 1940 and acted upon favorably by the Attorney General, shall be regarded as having broken the continuity of residence required by section 316 (a) of the Immigration and Nationality Act, provided that satisfactory proof that the absence was for a purpose described in section 307 (b) or 308 of the Nationality Act of 1940, is presented to the court, and provided that the provisions of section 316 (a) of the Immigration and Nationality Act are otherwise complied with.

§ 316a.21 *Application for benefits with respect to absences; appeal.* (a) An application for the residence benefits of section 316 (b) of the Immigration and Nationality Act to cover an absence from the United States for a continuous period of one year or more shall be submitted to the Service on Form N-470 in accordance with the instructions contained therein. The application shall be filed either before or after the applicant's employment commences but before the applicant has been absent from the United States for a continuous period of one year. There shall be submitted with the application a fee of $10.00.

(b) An application for the residence and physical presence benefits of section 317 of the Immigration and Nationality Act to cover any absences from the United States, whether before or after December 24, 1952, shall be submitted to the Service on Form N-470 in accordance with the instructions contained therein, either before or after the absence from the United States, or the performance of the functions or the services described in that section. There shall be submitted with the application a fee of $10.00.

(c) The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

PART 317—TEMPORARY ABSENCE OF PERSONS PERFORMING RELIGIOUS DUTIES

Sec.
317.1 Absence for which benefits of section 308 of the Nationality Act of 1940 have been granted.
317.21 Application for benefits of section 317 of the Immigration and Nationality Act.

§ 317.1 *Absence for which benefits of section 308 of the Nationality Act of 1940 have been granted.* See § 316a.1 of this chapter.

§ 317.21 *Application for benefits of section 317 of the Immigration and Nationality Act.* See § 316a.21 of this chapter.

PART 318—PENDING DEPORTATION PROCEEDINGS

§ 318.1 *Warrant of arrest.* For the purposes of section 318 of the act, an order to show cause issued under Part 242 of this chapter shall be regarded as a warrant of arrest.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 242, 318, 332; 66 Stat. 208, as amended, 244, 252; 8 U. S. C. 1252, 1429, 1443)

PART 319—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS

Sec.
319.1 Person living in marital union with United States citizen spouse.
319.2 Person whose United States citizen spouse is employed abroad.
319.11 Procedural requirements.

AUTHORITY: §§ 319.1 to 319.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 319, 332, 66 Stat. 244, 252; 8 U. S. C. 1430, 1443.

§ 319.1 *Person living in marital union with United States citizen spouse.* A person of the class described in section 319 (a) of the Immigration and Nationality Act shall establish his good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition to the good order and happiness of the United States for the period of three years immediately preceding the date of filing the petition and from that date to the time of admission to citizenship.

§ 319.2 *Person whose United States citizen spouse is employed abroad.* A person of the class described in section 319 (b) of the Immigration and Nationality Act shall establish an intention in good faith, upon naturalization, to reside abroad with the United States citizen spouse and to take up residence in the United States immediately upon the termination of the employment abroad of such spouse. It shall be established that at the time of filing of the petition for naturalization such person was in the United States pursuant to a lawful admission for permanent residence, and that he is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

§ 319.11 *Procedural requirements.* A person described in §§ 319.1 and 319.2 shall submit to the Service an application to file a petition for naturalization on Form N–400 in accordance with the instructions contained therein. The petition for naturalization of such person shall be filed on Form N–405, in duplicate.

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN OF CITIZEN PARENT

§ 322.11 *Procedural requirements.* An application to file a petition for naturalization in behalf of a child under section 322 or 323 of the Immigration and Nationality Act shall be submitted to the Service on Form N–402, in accordance with the instructions contained therein, by the United States citizen parent or parents or adoptive parent or parents. Such application shall be submitted in time to permit the naturalization of the child prior to its eighteenth birthday anniversary. The petition for naturalization shall be filed on Form N–407 in duplicate, in a naturalization court within whose jurisdiction the petitioning parent or parents and the child reside. There shall be included in the petition the affidavits of two credible witnesses, citizens of the United States, stating (a) the length of time the witnesses have known the petitioning parent or parents and the child, (b) that to the best of the witnesses' knowledge and belief the child is, and during the applicable period has been, a person of good moral character, attached to the principles of the Constitution, and well disposed to the good order and happiness of the United States, (c) that the child is qualified in all respects to become a citizen of the United States, (d) that the child is permanently residing with the petitioning parent or parents in the United States and the period of such residence and (e) in the case of an adopted child, the period of time they have known the child to be in the legal custody of the petitioning parent or parents and to be physically present in the United States. At the hearing on the petition the qualifications described in sections 322 and 323 of the Immigration and Nationality Act shall be proven by the oral testimony of witnesses in the manner provided in Part 335b of this chapter. A child, under this part, is not required to establish any particular period of residence in a State.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies secs. 322, 323, 332, 335, 66 Stat. 246, 252, 255; 8 U. S. C. 1433, 1434, 1443, 1446)

PART 323—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN ADOPTED BY UNITED STATES CITIZENS

§ 323.11 *Procedural requirements.* See Part 322 of this chapter.

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST UNITED STATES CITIZENSHIP BY MARRIAGE

Sec.

324.11 Former citizen at birth or by naturalization; procedural requirements.
324.12 A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated; procedural requirements.
324.13 Women restored to United States citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940.

AUTHORITY: §§ 324.11 to 324.13 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 324, 332, 337, 405, 66 Stat. 246, 252, 258, 280; 8 U. S. C. 1435, 1443, 1448, 1101 note.

§ 324.11 *Former citizen at birth or by naturalization; procedural requirements.* A former citizen of the United States of the class described in section 324 (a) of the Immigration and Nationality Act shall submit to the Service an application to file a petition for naturalization, on Form N–400 and Supplemental Form N–400A, in accordance with instructions contained therein. The petition for naturalization of such person shall be filed on Form N–405, in duplicate, in any naturalization court, regardless of the petitioner's residence, and need not aver that it is the intention of the petitioner to reside permanently in the United States. The petition shall be verified by at least two United States citizen witnesses as provided in § 334.21 of this chapter. At the hearing on the petition the qualifications described in sections 324 (a) and (b) of the Immigration and Nationality Act shall be proven in the manner provided in Part 335b of this chapter. The petition may be heard immediately, provided a certificate of examination on Form N–440, in duplicate, is attached thereto, as provided in § 332.12 of this chapter. If the final hearing on the petition is held within sixty days preceding the holding of a general election within the territorial jurisdiction of the naturalization court, the petitioner shall not be permitted to take the oath prescribed in Part 337 of this chapter prior to the tenth day next following such general election. There shall be inserted after averment 10 of Form N–405 at the time of the filing thereof an averment of the petitioner's loss of citizenship, as follows:

I was formerly a citizen of the United States by ----------

(Indicate whether by birth or naturalization)
on ---------- and lost my citizen-
(Month day year)
ship by marriage on ----------
(Month day year)
to ---------- a citizen or
(Name of husband)
subject of ---------- I have
(Name of foreign country)
not acquired any other nationality by an affirmative act other than by marriage.

§ 324.12 *A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated; procedural requirements.* A woman, formerly a citizen of the United States at birth, who applies in the United States to regain her citizenship under section 324 (c) of the Immigration and Nationality Act, shall submit to the Service a preliminary application to take the oath of allegiance, on Form N–401, in accordance with the instructions contained therein. The oath may be taken before the judge or clerk of any naturalization court, regardless of the applicant's place of residence. The applicant shall establish that it is her intention, in good faith, to assume and discharge the obligations of the oath of allegiance and that her attitude toward the Constitution and laws of the United States renders her capable of fulfilling the obligations of such oath. The applicant shall not be naturalized if, within the period of ten years immediately preceding the filing of the application to take the oath of allegiance or after such filing and before taking such oath she is, or has been found to be within any of the classes of persons described in section 313 of the Immigration and Nationality Act. The eligibility of the applicant to take the oath shall be investigated by a member of the Service who shall make an appropriate recommendation to the naturalization court. The application to the court shall be made on Form N–408, in triplicate. The original shall be retained as a part of the court record and numbered consecutively in a separate series, and the duplicate forwarded to the appropriate district director with duplicates of other naturalization papers. After the applicant has taken the oath of allegiance, the clerk of court shall furnish the applicant, upon demand, the triplicate copy of Form N–408, properly certified, for which a fee not exceeding $5.00 may be charged. No charge shall be made by the clerk of court for the filing of Form N–408. In case the applicant does not demand the triplicate Form N–408, it shall be transmitted to the appropriate district director with the duplicate of said form. The oath of allegiance may be taken before any diplomatic or consular officer of the United States abroad, in accordance with such regulations as may be prescribed by the Secretary of State.

§ 324.13 *Women restored to United States citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940.* A woman who was restored to citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940, but who failed to take the oath of allegiance prescribed by the naturalization laws prior to December 24, 1952, may take the oath of allegiance prescribed by Part 337 before any naturalization court on or after December 24, 1952. Such woman shall comply with the procedural requirements of § 324.12 except that a fee not exceeding $1.00 may be charged if the woman demands the triplicate copy of Form N–408, properly certified.

PART 325—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

§ 325.1 *Residence and physical presence in the United States.* A national of the United States who is not a citizen thereof and who is otherwise qualified for naturalization may, if he becomes a resident of any State, be naturalized upon compliance with the applicable provisions of the Immigration and Nationality Act. In the case of such a person, residence and physical presence within the United States or residence and physical presence within any of the outlying possessions of the United States for the period during which continuous residence and physical presence are required to be established under Chapter 2 of Title III of the Immigration and Nationality Act shall be regarded as residence and physical presence within the United States pursuant to lawful admission for permanent residence, within the meaning of section 316 (a) of the Immigration and Nationality Act. Such person shall, unless otherwise exempted therefrom, establish six months' residence within the State in which the petition for naturalization is filed, as required by section 316 (a) of the Immigration and Nationality Act.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies secs. 316, 325, 332, 66 Stat. 242, 248, 252; 8 U. S. C. 1427, 1436, 1443)

PART 327—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST UNITED STATES CITIZENSHIP THROUGH SERVICE IN ARMED FORCES OF FOREIGN COUNTRY DURING WORLD WAR II

Sec.

327.1 Period of service in armed forces.
327.11 Procedural requirements.

AUTHORITY: §§ 327.1 and 327.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 327, 332, 338, 344, 66 Stat. 248, 252, 259, 264; 8 U. S. C. 1438, 1443, 1449, 1455.

§ 327.1 *Period of service in armed forces.* A former citizen of the United States of the class described in section 327 of the Immigration and Nationality Act, who during World War II served in the armed forces of any country at war with a country with which the United States was at war after December 7, 1941, and before September 2, 1945, may be naturalized under this part if such service was on or after September 1, 1939, and before September 2, 1945, even though the United States was not at war during the period of his service, provided that such country was not at war with the United States during any period of his service. Such person is not subject to the provisions of section 318 of the Immigration and Nationality Act barring from naturalization a person against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest.

§ 327.11 *Procedural requirements.* A former citizen of the United States of the class described in section 327 of the Immigration and Nationality Act shall submit to the Service an application to file a petition for naturalization on Form N–400 and Supplemental Form N–400A, in accordance with the instructions contained therein. The petition for naturalization of such person shall be filed on Form N–405, in duplicate, with supplemental Form N–405A in triplicate, in any naturalization court. The original of Form N–405A shall be retained as part of the court record. After the oath of allegiance has been taken by the petitioner, the duplicate and triplicate copies of Form N–405A, bearing a copy of the oath duly attested and certified by the clerk, shall be forwarded by the clerk of court to the appropriate district director. The district director shall file the duplicate copy with the Service record and transmit the triplicate copy to the Department of State. The petitioner shall pay to the clerk of the court of the naturalization court at the time of filing the petition a fee of $10, unless exempted therefrom under section 344 (h) of the Immigration and Nationality Act.

PART 328—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WITH THREE YEARS SERVICE IN ARMED FORCES OF THE UNITED STATES

Sec.

328.1 Whenever service is continuous.
328.2 Whenever service is not continuous; petition filed while still in service or within six months after termination of service.
328.3 Whenever service terminates more than six months before petition is filed.
328.4 Proof of qualifications.
328.11 Procedural requirements.

AUTHORITY: §§ 328.1 to 328.11 issued under sec. 103, 66 Stat. 173; 8 U. S .C. 1103. Interpret or apply secs. 318, 328, 332, 334, 335, 66 Stat. 244, 249, 252, 254, 255; 8 U. S. C. 1429, 1439, 1443, 1445, 1446.

§ 328.1 *Whenever service is continuous*—(a) *Petition filed while still in service.* A person of the class described in section 328 (a) of the Immigration and Nationality Act, whose service in the armed forces of the United States aggregating three years has been continuous may, if his petition for naturalization is filed while still in the service, be naturalized, subject to the provisions of this part, upon compliance with the provisions of Chapter 2 of Title III of the Immigration and Nationality Act, except that no particular period of residence or physical presence in the United States or any State or within the jurisdiction of the naturalization court shall be required, and except that such person shall not be subject to the provisions of section 318 of the Immigration and Nationality Act barring from naturalization a person against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest. Such person shall establish that he is in the United States pursuant to a lawful admission for permanent residence occurring prior to the filing of the petition for naturalization, whether or not it occurred before or after the service in the armed forces.

(b) *Petition filed within six months after termination of service.* A person of the class described in paragraph (a) of this section, who has been separated from the service described therein prior to filing his petition for naturalization but who files his petition within six months after the termination of such service may be naturalized under the conditions and with the exemptions set forth in paragraph (a) of this section, except that he shall establish his residence in the United States, good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States, for the period from the date of his separation from such service to the date of the filing of his petition for naturalization and from the latter date to the date of his admission to citizenship, by affidavits and testimony of at least two United States citizen witnesses, in the manner provided in § 334.21 and Part 335b of this chapter.

§ 328.2 *Whenever service is not continuous; petition filed while still in service or within six months after termination of service.* A person of the class described in § 328.1 whose service aggregating three years was not continuous and who files a petition for naturalization while still in such service or within six months after the termination of such service may be naturalized under the conditions and with the exemptions set forth in § 328.1 (a) except that he shall establish his residence in the United States and State, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition to the good order and happiness of the United States, during the period or periods within five years immediately preceding the date of filing the petition and to the date of admission to citizenship, when not serving in the armed forces, by the affidavits and testimony of at least two United States citizen witnesses, for each such period, in the manner provided in § 334.21 and Part 335b of this chapter.

§ 328.3 *Whenever service terminates more than six months before petition is filed.* A person of the class described in § 328.1 or § 328.2, whose service aggregating three years terminated more than six months preceding the date of filing his petition for naturalization shall comply with the applicable provisions of Chapter 2 of Title III of the Immigration and Nationality Act except that service during the five years immediately preceding the date of filing the petition shall be considered as residence and physical presence within the United States.

§ 328.4 *Proof of qualifications.* A petitioner under this part shall establish his residence and physical presence in the United States and in the State in which his petition is filed, his good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States during the periods of service referred to in §§ 328.1, 328.2, and 328.3 by the production of duly authenticated copies of the records of the executive departments having custody of the records of such service, which copies shall show the period or periods of such service, and that it was performed honorably or under honorable conditions. The petitioner shall also produce a certified statement from the appropriate executive department showing that he has never been discharged from the armed forces of the United States under other than honorable conditions. Such copies shall be accepted in lieu of the affidavits and testimony or depositions of witnesses for the period or periods of such service.

§ 328.11 *Procedural requirements.* A person of the class described in §§ 328.1, 328.2, or 328.3 shall submit to the Service

an application to file a petition for naturalization on Form N–400, in accordance with the instructions contained therein. The duly authenticated copies of the records and the certified statements of the executive departments described in § 328.4 shall be requested by the applicant on Form N–426, in triplicate, and submitted to the Service with Form N–400. A person of the class described in § 328.1 or § 328.2 may file his petition for naturalization in any naturalization court, regardless of his place of residence; a person described in § 328.3 shall file his petition in a court having jurisdiction over his place of residence. The petition for naturalization shall be filed on Form N–405 in duplicate. There shall be inserted after averment 10 of Form N–405, at the time of the filing thereof, a description of the petitioner's service, as follows:

I entered the ----------
(Branch of service)
on ---------- under Serial No. ------
(Month, day, year)
and am now serving honorably (was honorably discharged on ----------).
(Month, day, year)

The petitioner may be naturalized immediately, if he is still in the armed services, and a certificate of such examination on Form N–440, in duplicate, is attached to his petition, in accordance with § 332.12 of this chapter. The petition shall be verified by at least two United States citizen witnesses, as provided in § 334.21 of this chapter.

PART 329—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED DURING WORLD WAR I OR WORLD WAR II

Sec.
329.1 World War I; definition.
329.2 Proof of character, attachment, and disposition.
329.21 Procedural requirements.

AUTHORITY: §§ 329.1 to 329.21 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 329, 332, 334, 335, 402, 66 Stat. 250, 252, 254, 255, 275; 8 U. S. C. 1440 and note, 1443, 1445, 1435 note.

§ 329.1 *World War I; definition.* For the purposes of section 329 of the Immigration and Nationality Act, World War I shall be deemed to have commenced on April 6, 1917, and to have ended on November 11, 1918.

§ 329.2 *Proof of character, attachment, and disposition.* A person of the class described in section 329 (a) or 402 (e) of the Immigration and Nationality Act, shall establish that he is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, in the manner provided by § 334.21 and Part 335b of this chapter.

§ 329.21 *Procedural requirements.* A person of the class described in section 329 or 402 (e) of the act shall submit to the Service an application to file a petition for naturalization on Form N–400. The certification required by section 329 (b) (4) of the act to prove service shall be requested by the applicant on Form N–426, in triplicate, and submitted with Form N–400. The petition for naturalization shall be filed on Form N–405, in duplicate, in any naturalization court, regardless of the residence of the petitioner. There shall be inserted after averment 10 of Form N–405, at the time of filing thereof, an averment as follows:

I served honorably in an active duty status in ----------, under Service No. ------
(Branch of service)
from ----------, 19--, to ----------, 19--, and was separated under honorable conditions on ----------, 19--. I entered such service at ----------, ----------.
(City) (State)

The petition shall be verified by at least two United States citizen witnesses as provided in § 334.21 of this chapter. The petitioner may be naturalized immediately, provided a certificate of examination on Form N–440, in duplicate, is attached to the petition as provided in § 332.12 of this chapter.

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SEAMEN

Sec.
330.1 Service on vessels after lawful admission for permanent residence; when deemed residence and physical presence in the United States.
330.3 Proof of qualifications.
330.11 Procedural requirements.

AUTHORITY: §§ 330.1 to 330.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 316, 330, 332, 334, 335, 66 Stat. 242, 251, 252, 254, 255; 8 U. S. C. 1427, 1441, 1443, 1445, 1446.

§ 330.1 *Service on vessels after lawful admission for permanent residence; when deemed residence and physical presence in the United States.* Service at any time after lawful admission for permanent residence, whether before or after the effective date of the Immigration and Nationality Act, on board vessels of the classes described in section 330 (a) (1) of the Immigration and Nationality Act, shall under the conditions specified in that section be deemed residence and physical presence within the United States within the meaning of section 316 (a) of the Immigration and Nationality Act.

§ 330.3 *Proof of qualifications*—(a) *Residence and physical presence in the United States.* Except as otherwise provided in this part, a person having the service described in this part shall prove that he has complied with all the applicable provisions of Chapter 2, Title III of the Immigration and Nationality Act, except that proof of residence and physical presence within the United States for the periods of such service shall be made by duly authenticated copies of the records of the executive departments or agencies having custody of the records covering the person's service on vessels of the United States Government, or by certificates from the masters of the vessels if service was on other than vessels of the United States Government, which records or certificates shall describe the vessels and the periods of service, and shall attest that during those periods the person served honorably or with good conduct.

(b) *Character, attachment, and disposition; State residence.* The records or certificates described in paragraph (a) of this section shall be accepted also as proof of good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for that portion of the service performed within the period of five years immediately preceding the date of the petition, as proof of residence within the State in which the petition is filed.

§ 330.11 *Procedural requirements.* A person claiming the benefits of § 330.1 shall submit to the Service an application to file a petition for naturalization, together with Supplemental Form N–400–B, in accordance with the instructions contained therein. The petition for naturalization shall be filed on Form N–405 in duplicate in a naturalization court having jurisdiction over the petitioner's place of residence. There shall be attached to, and made a part of the original and duplicate of, the petition for naturalization at the time of filing an affidavit of the petitioner sworn to before the clerk of court or an officer of the Service, on Form N–421, in duplicate, fully describing the vessel or vessels on which the petitioner has served and the periods of service. The petition shall be verified by at least two United States citizen witnesses, as provided in § 334.21 of this chapter.

PART 332—PRELIMINARY INVESTIGATION OF APPLICANTS FOR NATURALIZATION AND WITNESSES

Sec.
332.11 Investigation preliminary to filing petition for naturalization.
332.12 Certificate by examiner whenever petitioner is entitled to immediate hearing.
332.13 Use of record preliminary investigation.
332.14 Notice of proposed recommendation of denial; findings, conclusion, and recommendation.

AUTHORITY: §§ 332.11 to 332.14 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 335, 66 Stat. 252, 255; 8 U. S. C. 1443, 1446.

§ 332.11 *Investigation preliminary to filing petition for naturalization*—(a) *Scope of investigation.* Whenever practicable, each applicant for naturalization and his witnesses shall appear in person before an officer of the Service authorized to administer oaths, prior to the filing of a petition for naturalization, and give testimony under oath concerning the applicant's mental and moral qualifications for citizenship, attachment to the principles of the Constitution, and disposition to the good order and happiness of the United States, the qualifications of the witnesses, and the other qualifications to become a naturalized citizen as required by law. The investigation shall be uniform throughout the United States. During the interrogation of the applicant and at his request, his attorney or representative who has, when required, been admitted to practice in accordance with Part 292 of this chapter, may be permitted to be present and observe the interrogation and makes note but shall not otherwise participate therein.

(b) *Conduct of investigation.* The Service officer, prior to the beginning of the investigation, shall make known to the applicant and the witnesses the official capacity in which he is conducting the investigation. The applicant and such witness shall be questioned under oath separately and apart from one another and apart from the public. The applicant shall be questioned as to each assertion made by him in his application to file a petition and in any supplemental form. Whenever necessary, the written answers in the forms shall be corrected by the officer to conform to the oral statements made under oath. The Service officer, in his discretion, may have a stenographic transcript made, or prepare affidavits covering testimony of the applicant or witnesses. The questions to the applicant and the witnesses shall be repeated in different form and elaborated, if necessary, until the officer conducting the investigation is satisfied that the person being questioned fully understands them. At the conclusion of the investigation all corrections made on the application form and supplements thereto shall be consecutively numbered and recorded in the space provided therefor in the applicant's affidavit contained in the form. The affidavit shall then be subscribed and sworn to by the applicant and signed by the Service officer. The witnesses shall be questioned to develop their own credibility and competency as well as the extent of their personal knowledge of the applicant's qualifications to become a naturalized citizen. If the applicant is excepted from the requirement of reading and writing, and speaking English, the questioning, including the examination of the applicant's knowledge and understanding of the Constitution, history, and form of Government of the United States, may be conducted through an interpreter.

§ 332.12 *Certificate by examiner whenever petitioner is entitled to immediate hearing.* The officer or employee conducting the preliminary investigation shall execute a certificate of examination on Form N–440 in duplicate, for attachment to the original and duplicate petitions for naturalization, in any case in which the petitioner, under the provisions of the Immigration and Nationality Act applicable to his case, is entitled to an immediate hearing following examination by a representative of the Service.

§ 332.13 *Use of record of preliminary investigation.* The record of the preliminary investigation, including the executed and corrected application form and supplements thereto, affidavits, transcripts of testimony, documents, and other evidence, shall, in those cases in which a preliminary examination is to be held under Part 335 of this chapter, be submitted to the examiner designated to conduct such examination, for his use in examining the petitioner and witnesses. In those cases in which no preliminary examination is held the recommendation to the naturalization court shall be based upon the record of the preliminary investigation and such other evidence as may be available.

§ 332.14 *Notice of proposed recommendation of denial; findings, conclusion, and recommendation.* In those cases in which the recommendation to the court is for denial of the petition, and no preliminary examination under Part 335 of this chapter is held, an officer of the Service shall, as soon as practicable after the preliminary investigation has been concluded, prepare a memorandum in behalf of the Service in the manner described in § 335.12 of this chapter, and subject to review by the regional commissioner for presentation to the court at the final hearing. The petitioner shall be given written notice on Form N–425 advising him of the recommendation which will be made to the court and the specific reasons therefor. The notice and a copy of the memorandum shall be sent the petitioner by certified mail, return receipt requested, after review of the recommendation by the regional commissioner, if made, and at least thirty days prior to final hearing. The hearing before the court may be held less than thirty days after such notification if the petitioner agrees thereto.

PART 332a—OFFICIAL FORMS

Sec.
332a.1 Official forms essential to exercise of jurisdiction.
332a.2 Official forms prescribed for use of clerks of naturalization courts.
332a.11 Initial application for official forms.
332a.12 Subsequent application for official forms.
332a.13 Alteration of forms of petitions or applications for naturalization.

AUTHORITY: §§ 332a.1 to 332a.13 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 310, 332, 66 Stat. 239, 252; 8 U. S. C. 1421, 1443.

§ 332a.1 *Official forms essential to exercise of jurisdiction.* Before exercising jurisdiction in naturalization proceedings, the naturalization court shall direct the clerk of such court upon written application to obtain from the Service, in accordance with section 310 (c) of the Immigration and Nationality Act, proper forms, records, books, and supplies required in naturalization proceedings. Such jurisdiction may not be exercised until such official forms, records, and books have been supplied to such court. Only such forms as are supplied shall be used in naturalization proceedings. Where sessions of the court are held at different places, the judge of such court may require the clerk to obtain a separate supply of official forms, records and books for each such place.

§ 332a.2 *Official forms prescribed for use of clerks of naturalization courts.* The following described forms only shall be used by clerks of courts having naturalization jurisdiction, in the exercise of such jurisdiction:

Form No.	Title and description
N–3	Requisition for Forms and Binders.
N–4	Monthly Report—Naturalization Papers forwarded.
N–5	Continuation Sheet of Monthly Report—Naturalization Papers forwarded.
N–6	Jacket for Naturalization Papers.
N–7	Quarterly Abstract of Collections of Naturalization Fees.
N–11	Penalty Envelope (addressed to the Central Office of Service).
N–12	Penalty Envelope (to be addressed to any office of Service).
N–13	Penalty Envelope (large—to be addressed to any office of Service).
N–50	Receipt for Duplicate Petitions.
N–300	Application to File Declaration of Intention.
N–315	Declaration of Intention.
N–350	Application to Renounce Danish Citizenship.
N–351	Renunciation of Danish Citizenship.
N–400	Application to File Petition for Naturalization.
N–400A	Supplement to Application to File Petition for Naturalization (under section 324 (a) or 327, Immigration and Nationality Act).
N–400B	Supplement to Application to File Petition for Naturalization (by a seaman, under section 330 of the Immigration and Nationality Act).
N–401	Preliminary Form to take Oath of Allegiance (by a woman formerly a citizen, under section 324 (c) of the Immigration and Nationality Act, or the act of June 25, 1936, as amended).
N–402	Application to File Petition for Naturalization in Behalf of a Child (under sections 322 or 323, Immigration and Nationality Act).
N–403	Request to have Petition for Naturalization marked "Void".
N–404	Request for Withdrawal of Petition for Naturalization.
N–405	Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N–405A	Affidavit in Support of Petition for Naturalization (by a former citizen, under section 327 of the Immigration and Nationality Act).
N–407	Petition for Naturalization (in behalf of a child, under section 322 or 323, Immigration and Nationality Act).
N–408	Application to take Oath of Allegiance and Form of such Oath (by a woman formerly a citizen, under section 324 (c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N–410	Motion for Amendment of Petition (application).
N–414	Acknowledgment of Filing Petition for Naturalization.
N–421	Affidavit in Support of Petition for Naturalization (by a seaman, under section 330, Immigration and Nationality Act).
N–451	Affidavits of Witnesses (to Petition for Naturalization).
N–455	Application for Transfer of Petition for Naturalization.
N–458	Application to Correct Certificate of Naturalization.
N–480	Naturalization Petitions Recommended to be Granted.
N–480 A	Order of Court granting Petitions for Naturalization.

Form No.	Title and description
N-481	Naturalization Petitions Recommended to be Granted (continuation sheet).
N-483	Naturalization Petitions Recommended to be Continued (and Order of Court).
N-484	Naturalization Petitions Recommended to be Denied.
N-484 A.	Order of Court denying Petitions for Naturalization.
N-485	Naturalization Petitions Recommended to be Granted (on behalf of children).
N-486	Naturalization Petitions Recommended to be Denied (on behalf of children).
N-489	Certification by Clerk of Court of the taking of Oath of Allegiance.
N-490	Order of Court Granting Petitions for Naturalization.
N-491	Order of Court Denying Petitions for Naturalization.
N-492	Regional Commissioner's Recommendation that Petitions be Granted (and Order of Court).
N-493	Regional Commissioner's Recommendation that Petitions be Denied (and Order of Court).
N-550	Certificate of Naturalization.
N-580	Application for a Certificate of Naturalization or Repatriation (under section 343 (a) of the Immigration and Nationality Act or 12th subdivision, section 4, of Act of June 29, 1906).

§ 332a.11 *Initial application for official forms.* Whenever the initial application for forms, records, books, and supplies is made by a State court of record, it shall be accompanied by a certificate of the Attorney General of the State, certifying that the said court is a court of record, having a seal, a clerk, and jurisdiction in actions at law or in equity, or at law and in equity, in which the amount in controversy is unlimited.

§ 332a.12 *Subsequent application for official forms.* Included with the initial supply of official forms, records, and books furnished to the various courts by the Service shall be Form N-3 entitled "Requisition for Forms and Binders," and thereafter such forms shall be used by clerks of courts in making requisition for forms, records, books, and supplies for use in naturalization proceedings in their respective courts.

§ 332a.13 *Alteration of forms of petitions or applications for naturalization.* The official forms for petitions or applications for naturalization to the court shall be altered by the clerk of the court as follows:

(a) *Insertion of applicable acts or sections of acts.* Whenever the petition form is designed for use under more than one act or more than one section of an act, by inserting under the title of the form the applicable act or section.

(b) *Exemption from residence or physical presence in the United States or State.* Whenever residence or physical presence in the United States or State for any specified period is not required, by striking out the allegations relating thereto and the statements in the affidavits of witnesses as to the period of United States or State residence or physical presence.

(c) *Exemption from lawful admission for permanent residence.* Whenever lawful admission for permanent residence is not required, by striking out the allegations relating thereto.

(d) *Exemption from intention to reside permanently in the United States.* Whenever intention to reside permanently in the United States is not required, by striking out the allegations relating thereto.

(e) *Supplemental affidavits filed with petition for naturalization.* Whenever a supplemental affidavit is filed with the petition, by adding to allegation 18 on Form N-405 "and supplemental affidavit on Form N-------".

(f) *Oath of allegiance.* Whenever the petitioner or applicant for naturalization is exempt from taking the oath of allegiance prescribed in Part 337 of this chapter in its entirety, by striking from the oath of allegiance the inapplicable clauses.

PART 332b—INSTRUCTION AND TRAINING IN CITIZENSHIP RESPONSIBILITIES: TEXTBOOKS, SCHOOLS, ORGANIZATIONS

Sec.
- 332b.1 Public school instruction and training in citizenship responsibilities of applicants for naturalization.
- 332b.2 Sending names of candidates for naturalization to the public schools.
- 332b.3 Federal citizenship textbooks.
- 332b.4 Public school certificates as evidence of petitioner's educational progress.
- 332b.5 Cooperation with official National and State organizations.

AUTHORITY: §§ 332b.1 to 332b.5 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 346, 66 Stat. 252, 266; 8 U. S. C. 1443, 1457.

§ 332b.1 *Public school instruction and training in citizenship responsibilities of applicants for naturalization.* The Central Office and the field offices of the Service shall cooperate with appropriate authorities or organizations in the establishment and maintenance of classes within or under the supervision of the public schools for the preparation of naturalization applicants for their citizenship duties and responsibilities. Field officers shall visit such classes when practicable. Should applicants for naturalization who desire such preparation live in remote localities where the establishment of a class is impracticable, field officers shall communicate with the appropriate representative of the public schools for the purpose of making other suitable arrangements, if possible, for their instruction.

§ 332b.2 *Sending names of candidates for naturalization to the public schools.* Arrangements shall be made with the public schools by which the names and addresses of applicants for naturalization will be made available to such schools for the purpose of interesting applicants in attending public school classes in preparation for citizenship duties and responsibilities.

§ 332b.3 *Federal citizenship textbooks.* Citizenship textbooks, for the free use of applicants for naturalization receiving instruction in or under the supervision of the public schools in preparation for citizenship, shall be prepared and distributed by the Service to the appropriate representatives of the public schools upon their signed requisitions therefor.

§ 332b.4 *Public school certificates as evidence of petitioner's educational progress.* Public school certificates attesting the attendance and progress records of petitioners for naturalization in citizenship classes shall be given weight by naturalization officers in determining the petitioner's knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States, and his ability to read, write, and speak English, provided that approval of the courses of instruction, teaching, and examinations of the public schools issuing such certificates is given by the district director and the naturalization courts.

§ 332b.5 *Cooperation with official National and State organizations.* The Central Office and the field offices shall take steps to obtain the aid of and to cooperate with official National and State organizations in the Service's program of promoting instruction and training of applicants for naturalization for their citizenship duties and responsibilities. Similar action shall be taken in relation to duly accredited unofficial educational, social service, welfare, and other organizations having as one of their objects the preparation of applicants for naturalization for their citizenship duties and responsibilities.

PART 332c—PHOTOGRAPHIC STUDIOS

§ 332c.1 *Establishment of welfare photographic studios.* District directors shall, after investigation, make reports and recommendations to the Commissioner concerning the desirability of the establishment and operation by welfare organizations, without profit, of photographic studios, solely for the benefit of persons seeking to comply with the requirements of the immigration and naturalization laws. Quarters for such purpose must be in a building occupied by the Service, and be conducted under the supervision of the Commissioner. Such welfare organizations shall submit an annual accounting to the Commissioner of the conduct of such studio.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies sec. 332, 66 Stat. 252; 8 U. S. C. 1443).

PART 332d—DESIGNATION OF EMPLOYEES TO ADMINISTER OATHS AND TAKE DEPOSITIONS

§ 332d.1 *Designation of employees to administer oaths and take depositions.* All immigration officers and other officers or employees of the Service of an equal or higher grade are hereby designated to administer oaths and take depositions in matters relating to the administration of the naturalization and citizenship laws. In addition, such other employees as may be designated by a district director are hereby authorized to administer oaths.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies sec. 332, 66 Stat. 252; 8 U. S. C. 1443).

PART 333—PHOTOGRAPHS

Sec.
- 333.1 Description of required photographs.
- 333.2 Attachment of photographs to documents.

AUTHORITY: §§ 333.1 and 333.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 333, 334, 66 Stat. 252, 253, 254; 8 U. S. C. 1443, 1444, 1445.

§ 333.1 *Description of required photographs.* Every applicant required to furnish photographs of himself under this subchapter shall submit three identical photographs which shall be 2 by 2 inches in size, unmounted, printed on a thin paper, have a light background, clearly show a full front view of the features of the applicant with head bare (unless the applicant is wearing a headdress as required by a religious order of which he is a member), with the distance from the top of the head to point of chin approximately 1¼ inches, and which shall have been taken within 30 days of the date they are furnished. The applicant, except in the case of a child or other person physically incapable of signing his name, shall sign each copy of the photograph with his full true name, in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to sign his name. If the applicant is a prospective petitioner for naturalization, the photographs shall be signed by him in the English language, unless the applicant is of the class exempted from signing a petition for naturalization in the English language, as provided by § 334.13 of this chapter, in which case the photographs may be signed in any language. In the case of a child unable to sign its name, the photographs shall be signed by the parent, parents, or guardian as may be appropriate, and the signature shall read "(insert name of parent, parents, or guardian) in behalf of (insert name of child)." The photographs shall be signed when submitted with an application if the instructions accompanying the application so require. If the instructions do not so require the photographs shall be submitted without being signed and shall be signed at such later time during the processing of the application as may be appropriate.

§ 333.2 *Attachment of photographs to documents.* There shall be securely and permanently attached to each original and duplicate certificate of naturalization and to each duplicate and triplicate declaration of intention issued by any clerk of court, and to each copy of a declaration of intention, certificate of naturalization or certificate of citizenship issued by the Service, a signed photograph of the applicant. In each case in which a seal is affixed, the imprint of a part of the seal shall be affixed so as to extend over the lower portion of the photograph in such manner as not to obscure the features of the applicant.

PART 334—PETITION FOR NATURALIZATION

Sec.
- 334.1 Right to file petition or application for naturalization.
- 334.2 Oath or affirmation of petitioner and witnesses.
- 334.3 Petitions for naturalization; numbering, indexing, binding.
- 334.11 Petition for naturalization and preliminary application.
- 334.12 Notification to appear for preliminary investigation and to file petition for naturalization.
- 334.13 Filing of petition for naturalization.
- 334.14 Investigation and report if applicant is sick or disabled.
- 334.15 Void petitions for naturalization.
- 334.16 Amendment of petition or application for naturalization.
- 334.17 Transfer of petition for naturalization.
- 334.18 Withdrawal of petition and failure to prosecute.
- 334.21 Verification of petition for naturalization; administration of oath.

AUTHORITY: §§ 334.1 to 334.21 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 334, 335, 66 Stat. 252, 254, 255; 8 U. S. C. 1443, 1445, 1446.

§ 334.1 *Right to file petition or application for naturalization.* No person shall be denied the right to apply for naturalization in accordance with the procedure prescribed in this subchapter to any court authorized to exercise naturalization jurisdiction.

§ 334.2 *Oath or affirmation of petitioner and witnesses.* The petition for naturalization shall be executed under the following oath (or affirmation): "You do swear (affirm) that you know the contents of this petition for naturalization subscribed by you, and that the same are true to the best of your knowledge and belief."

The following oath (or affirmation) shall be administered to each of the witnesses who verify the petition: "You do swear (affirm) that the statements of fact you have made in the affidavits to this petition for naturalization subscribed by you are true to the best of your knowledge and belief."

§ 334.3 *Petitions for naturalization; numbering, indexing, binding.* Petitions for naturalization shall be numbered consecutively in the order in which they are filed, shall be filed chronologically in separate volumes, indexed, and made a part of the records of the naturalization court. Each such volume shall, upon completion, be permanently bound by the clerk of court. Whenever a petitioner's name has been changed by order of court the original and the changed name shall be entered by the clerk of court in the index of petitions for naturalization.

§ 334.11 *Petition for naturalization and preliminary application.* Except as otherwise provided in this subchapter, a person who has attained the age of eighteen years and who desires to apply for naturalization, shall make and file, in accordance with the provisions of this part, a sworn petition for naturalization, in duplicate. Such person shall, before filing the petition for naturalization, execute and submit to the Service preliminary application to file a petition for naturalization, Form N-400, in accordance with the instructions contained therein.

§ 334.12 *Notification to appear for preliminary investigation and to file petition for naturalization.* Following the submission of the preliminary application, the applicant shall be notified when and where to appear with his witnesses for preliminary investigation, as described in Part 332 of this chapter, and to file the petition for naturalization.

§ 334.13 *Filing of petition for naturalization.* The petition for naturalization and the duplicate copy thereof shall be filed by the petitioner, in person, with the clerk of the court or his authorized deputy and only in the office of the clerk, except that an applicant for naturalization who satisfactorily establishes that he is prevented by sickness or other disability from appearing in the office of the clerk, may file the petition for naturalization at such other place as may be designated by the clerk of court or his authorized deputy. Except as otherwise provided in this subchapter, the petition shall be on Form N-405 and shall contain an averment that it is the intention of the petitioner to reside permanently in the United States. The petition shall be signed by the petitioner in the English language, if physically able to write, unless the petitioner on December 24, 1952 was over fifty years of age and had been living in the United States for at least twenty years, in which case the petitioner may sign his name in any language. When the petition has been so filed, the clerk shall furnish to the petitioner an acknowledgment of the filing of the petition on Form N-414. The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $10, unless the petitioner is exempt therefrom by section 344 (h) of the Immigration and Nationality Act.

§ 334.14 *Investigation and report if applicant is sick or disabled.* Whenever it appears that an applicant for naturalization may be unable, because of sickness or other disability, to present himself in the office of the clerk of a naturalization court to file a petition for naturalization, the district director shall cause an investigation to be conducted to determine the circumstances, and shall report the condition of the applicant to the clerk of court for the purpose of aiding the court to determine whether the clerk of court shall designate another place to file a petition for naturalization. The report shall show whether the sickness or disability is of a nature which so incapacitates the applicant as to prevent him from appearing personally in the office of the clerk of court.

§ 334.15 *Void petitions for naturalization.* If a petition for naturalization filed with the clerk of court is materially defective on its face, it shall nevertheless remain a part of the records of the court and the duplicate thereof disposed of, and the fee accounted for, in accordance with the provisions of Part 339 of this chapter. The Service shall inform the petitioner of the defect and the desirability of having the petition marked "Void" in order that the fee may be refunded or credited to the filing of another petition. If the petitioner desires to have the defective petition submitted to the court for a judicial ruling in lieu of having it marked "Void", no refund of

the fee shall be made. A request by the petitioner that his petition be marked "Void" shall be made on Form N–403, in duplicate, and submitted to the district director. If the request is approved by the district director the original shall be furnished the clerk of court for attachment to the petition and the clerk of court shall mark the petition "Void". The duplicate shall be retained in the field office file.

§ 334.16 *Amendment of petition or application for naturalization*—(a) *During pendency of petition or application.* An application to amend a petition or application for naturalization, while such application or petition is pending, shall be made by the petitioner or applicant on Form N–410, with copies thereof equal to the number of copies of the petition or application for naturalization, and presented to the court at the hearing on the petition or application for naturalization. When the court orders the petition or application amended, the original order shall be filed with the original petition or application and the copies attached to the respective copies of the petition or application.

(b) *After final action on petition or application.* Whenever an application is made to the court to amend a petition or application for naturalization after final action thereon has been taken by the court, a copy of the application shall be served upon the district director having administrative jurisdiction over the territory in which the court is located, in the manner and within the time provided by the rules of court in which application is made. A representative of the Service may appear at the hearing upon such application and be heard in favor of or in opposition thereto. When the court orders the petition amended, the clerk of court shall transmit a copy of the order to the district director for inclusion in the Service file.

§ 334.17 *Transfer of petition for naturalization*—(a) *Application for transfer.* A petitioner for naturalization who removes from the jurisdiction of the court in which his petition for naturalization is pending, may make application to the court on Form N–455, in quadruplicate, for transfer of the petition to a naturalization court having jurisdiction over his place of residence, or, if the petition was not required to be filed in a naturalization court having jurisdiction over his place of residence, to any other naturalization court exercising naturalization jurisdiction. The application shall be submitted, in accordance with the instructions contained therein, to the district director exercising administrative jurisdiction over the place where the court in which the petition is filed is located.

(b) *Action by district director.* If the district director consents to the transfer, he shall so indicate on each copy of Form N–455, which shall be filed with the clerk of court in which the petition is pending. If the district director does not consent to the transfer he shall so indicate on each copy of Form N–455 which shall be filed with the clerk of court, with a memorandum of the district director setting forth the reasons for the denial. The applicant shall be notified by the district director of the filing of Form N–455 with the clerk of court, and whether consent has been given by the district director.

(c) *Action by court in which petition is filed.* The court in which the petition is filed shall enter an order on Form N–455, in quadruplicate, approving or disapproving the application. If the application is approved, the original Form N–455 shall be filed with the naturalization record in the office of the clerk of court, the duplicate and triplicate copies, duly attested and certified, transmitted to the court to which the petition is to be transferred, and the quadruplicate copy transmitted to the district director. If the application is disapproved, the original Form N–455 shall be filed with the naturalization record in the office of the clerk of court and the remaining copies transmitted to the district director who shall notify the applicant of the disapproval.

(d) *Action by court to which petition is transferred.* The court to which the petition is to be transferred shall enter an order on the duplicate and triplicate copies of Form N–455, approving or disapproving the transfer. The duplicate copy shall be filed with the clerk of the court to which the petition is to be transferred, and the triplicate copy, duly attested and certified, transmitted to the clerk of the court in which the petition is filed. If the application is disapproved, the clerk of court receiving the triplicate copy shall notify the district director who shall notify the applicant of the disapproval.

(e) *Transfer of petition and record.* If the court to which the petition is to be transferred approves the transfer, the clerk of court in which the petition is filed shall file the triplicate copy of Form N–455 with the naturalization record and forward a certified copy of the petition, and the originals of all documents filed relating thereto, to the court to which the petition is being transferred, and notify the district director having administrative jurisdiction over the place in which the petition is filed, of the action taken. Upon receipt of the certified copy and record, the clerk of court to which the petition is transferred shall index it, number it consecutively in the order in which it is received, prefixed by the letters TR, and in a series separate from petitions originally filed in the court. The petition shall be made a part of the record of the naturalization court. No fee shall be charged by the clerk of the court to which the petition is transferred for the filing of the transferred petition or the issuance of a certificate of naturalization.

§ 334.18 *Withdrawal of petition and failure to prosecute.* (a) A petitioner who desires to withdraw his petition for naturalization after the filing thereof shall make request for withdrawal on Form N–404, in duplicate. The original shall be filed with the clerk of court and the duplicate with the office of the Service exercising administrative jurisdiction over the district in which the court is located. At the final hearing upon the petition, the officer in attendance shall inform the court whether the district director consents to the withdrawal of the petition. In cases in which the district director does not consent to the withdrawal, the court shall determine the petition on its merits.

(b) At the final hearing upon a petition for naturalization which the petitioner has failed to prosecute, the officer in attendance shall inform the court whether the district director consents to dismissal of the petition for lack of prosecution. In cases in which the district director does not move that the petition be dismissed for lack of prosecution, the court shall determine the petition on its merits.

§ 334.21 *Verification of petition for naturalization; administration of oath.* Every petition for naturalization shall, before it is filed, be verified by the petitioner, and by the affidavits of two credible witnesses, citizens of the United States, who shall appear in person either before a designated examiner or before the clerk of the court or his authorized deputy. Any such officer shall administer the required oaths to the petitioner and the witnesses. The witnesses shall sign the affidavits. The witnesses shall have and aver knowledge of the petitioner as to each place of his residence in the State where he is residing during the period of at least six months immediately prior to the filing of the petition unless the petitioner is exempted from the usual State residence requirement. If the petitioner has resided at two or more places in the State during the required six-month period and for this reason two witnesses cannot be procured to verify the petition as to all such residence, additional witnesses may be used and their affidavits shall be executed, in duplicate, on Form N–451, one copy of which shall be attached to the original petition and the other to the duplicate petition at the time of filing the petition. The witnesses shall state in their affidavits that they personally know that the petitioner is and has been a resident at such place for such period, the length of the petitioner's physical presence in the United States during such period, and that the petitioner is and has been during all such period of residence a person of good moral character, attached to the principles of the Constitution of the United States, well disposed to the good order and happiness of the United States, and in all respects qualified to become a citizen of the United States. If the petitioner is exempted from the usual State residence requirement, the witnesses shall state in their affidavits the period of time that they have personally known the petitioner to have been resident and physically present in the United States, and that such petitioner is, and, for the period required by the naturalization provisions applicable to the case, has been, a person of good moral character, attached to the principles of the Constitution of the United States, well disposed to the good order and happiness of the United States, and in all respects qualified to become a citizen of the United States.

PART 334a—DECLARATION OF INTENTION

Sec.
334a.11 Preliminary form for declaration of intention.
334a.12 Notification to applicant.
334a.13 Filing of declaration of intention.
334a.14 Execution and fee.
334a.15 Disposition.
334a.16 Declaration of intention; numbering, indexing, binding.

AUTHORITY: §§ 334a.11 to 334a.16 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 334, 339, 344, 66 Stat. 252, 254, 259, 264; 8 U. S. C. 1443, 1445, 1450, 1455.

§ 334a.11 *Preliminary form for declaration of intention.* Each prospective declarant shall, before making and filing a declaration of intention, submit to the Service an application therefor on Form N–300 in accordance with the instructions contained therein. The application may be submitted at any time after the applicant has been lawfully admitted for permanent residence and has attained the age of eighteen years.

§ 334a.12 *Notification to applicant.* Following approval of the application by the Service, the applicant shall be notified when and where to appear to make and file the declaration of intention.

§ 334a.13 *Filing of declaration of intention.* A clerk of court or his authorized deputy shall not accept a declaration of intention for filing, unless and until there shall have been received from the Service the applicant's approved Form N–300 authorizing the issuance of the declaration and showing that the applicant is residing in the United States pursuant to a lawful admission for permanent residence.

§ 334a.14 *Execution and fee.* The declaration of intention shall be executed by the alien under oath on Form N–315, in triplicate, before the clerk of any court exercising naturalization jurisdiction or his authorized deputy, regardless of the place of residence of the applicant, and only in the office of said clerk. The applicant may sign the declaration and the photographs affixed thereto in any language, or by mark if unable to write. The declarant shall pay the clerk of court, at the time the declaration of intention is filed, the statutory fee of $5.

§ 334a.15 *Disposition.* The original declaration of intention shall be retained and filed of record by the clerk of court, and the triplicate delivered forthwith to the alien. The duplicate, with Form N–300, shall be forwarded to the appropriate district director on the first day of the month following the month in which the declaration is filed, in accordance with § 339.2 of this chapter for inclusion in the declarant's file.

§ 334a.16 *Declaration of intention; numbering, indexing, binding.* Declarations of intention shall be numbered consecutively in the order in which they are filed in a series separate from petitions. They shall be filed chronologically in separate volumes, indexed, and made a part of the records of the naturalization court.

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

Sec.
335.11 Preliminary examination pursuant to section 335 (b) of the Immigration and Nationality Act.
335.12 Recommendations of the designated examiner and the regional commissioner; notice.
335.13 Notice of recommendation of designated examiner.

AUTHORITY: §§ 335.11 to 335.13 issued under sec. 103. 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 335, 66 Stat. 252, 255; 8 U. S. C. 1443, 1446.

§ 335.11 *Preliminary examination pursuant to section 335 (b) of the Immigration and Nationality Act*—(a) *When held.* Preliminary examinations shall be open to the public, and shall, where practicable, be held immediately after the petition for naturalization is filed with the clerk of the court unless, in the opinion of the district director, the interests of good administration would be better served by holding such examinations prior to the filing of the petition in the office of the clerk of court, but in no event shall such examinations be held before the petition has been properly executed by the petitioner and his verifying witnesses.

(b) *Conduct of examination.* Preliminary examinations shall be held before an employee of the Service, designated by the district director to conduct such proceedings and to make findings and recommendations thereon to the naturalization court, who shall be known as the "designated examiner." The petitioner and his witnesses and the witnesses produced on behalf of the Government shall be present. The designated examiner shall, prior to the commencement of the examination, make known to the petitioner his official capacity and that of any other officer of the Service who may participate in the proceeding. The designated examiner shall have before him the entire record of the preliminary interrogation, including the petitioner's application to file a petition for naturalization (Form N–400) and any other evidence or data that may be revelant or material to the inquiry. All testimony taken at the examination shall be under oath or affirmation administered by the designated examiner. The designated examiner may interrogate the petitioner and witnesses produced in behalf of the petitioner or the Government, and present evidence touching upon the petitioner's admissibility to citizenship. He shall regulate the course of the examination, rule upon applications for the issuance of subpenas and issue such subpenas in proper cases, grant or deny continuances, and rule on all objections to the introduction of evidence, which rulings shall be entered on the record. Evidence held by the designated examiner to be inadmissible shall nevertheless be received into the record subject to the ruling of the court. The petitioner and the Government shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. If the petitioner is not represented by an attorney or representative, the designated examiner shall assist the petitioner in the introduction of all evidence available in his behalf. All documentary or written evidence shall be properly identified and introduced into the record as exhibits by number, unless read into the record.

(c) *Assignment of examining officer at preliminary examination.* The district director may in his discretion assign an employee of the Service to act as examining officer at the preliminary examination. Such employee shall examine and cross-examine witnesses produced in behalf of the Government or the petitioner and present evidence pertinent to the petitioner's admissibility to citizenship. The designated examiner may take such part in the interrogation of the petitioner and witnesses and the introduction of evidence as he may deem necessary.

(d) *Stenographic reporting of proceedings; mechanical recording equipment.* A stenographer shall be in attendance whenever, in the opinion of the designated examiner, such attendance is desirable, and in every case to which an examining officer is assigned. The stenographer shall record verbatim the entire proceedings, including the oaths administered and rulings on objections, but shall not record arguments in support of objections, or statements made off the record with the consent of the petitioner. The stenographer shall certify that the transcribed minutes constitute a complete and accurate record of the examination. Whenever, in the opinion of the designated examiner the use of mechanical recording equipment in lieu of a stenographer is deemed desirable, the proceedings may be recorded by such equipment.

(e) *Issuance of subpenas; attendance and mileage fees.* Subpenas requiring the attendance of witnesses or the production of documentary evidence, or both, may be issued by the designated examiner, upon his own volition or upon written application of the petitioner or his attorney or representative, the examining officer, or the Service. Such written application shall specify, as nearly as may be, the relevance, materiality, and scope of the testimony or documentary evidence sought and show affirmatively that the testimony or documentary evidence cannot otherwise be produced. Subpenas shall be issued on Form I–138 and due record shall be made of their service. The subpena may be served by any person over 18 years of age, not a party to the case, designated to make such service by the district director. Mileage and fees for witnesses subpenaed under this section shall be paid by the party at whose instance the subpena is issued at rates allowed and under conditions prescribed by the naturalization court in which the petition is pending. Before issuing a subpena the designated examiner may require a deposit of an amount adequate to cover the fees and mileage involved. If the witness subpenaed neglects or refuses to testify or pro-

duce documentary evidence as directed by the subpena, the district director shall request the United States Attorney for the proper district to report such neglect or refusal to any court exercising naturalization jurisdiction and to file a motion in such court for an order directing the witness to appear and testify and to produce the documentary evidence described in the subpena.

(f) *Briefs.* At the conclusion of the preliminary examination the petitioner or his attorney or representative, and the examining officer if one was assigned, may submit briefs in support of arguments made or issues raised at the examination.

(g) *Representation by attorney or representative; absence of representative; advice to petitioner.* The petitioner may be represented by an attorney or a representative who has, where required, been admitted to practice before the Service in accordance with Part 292 of this chapter. If at any stage of the preliminary examination it appears to the designated examiner that he may recommend denial of the petition, or granting thereof with the facts to be presented to the court, he shall advise the petitioner of his right to be represented by an attorney or representative. A continuance of the examination shall be granted upon the petitioner's motion for the purpose of obtaining an attorney or representative. The petitioner's attorney or a representative shall be permitted to be present at all times during the preliminary examination or at any subsequent examinations and the petitioner shall not in any such examination or subsequent examinations be interrogated in the absence of his attorney or representative, unless the petitioner waives such appearance. The attorney or a representative shall be permitted to offer evidence to meet any evidence presented or adduced by the Government or the designated examiner. A petitioner who is not represented by an attorney or a representative shall be entitled to all the benefits and the privileges provided for in this section.

(h) *Designation of Service employees to conduct preliminary examinations.* All employees of the Service who have been designated to conduct preliminary examinations upon petitions for naturalization to any naturalization court and to make findings and recommendations thereon to such courts under the provisions of section 333 of the Nationality Act of 1940, as amended, and whose designations are still in force on December 24, 1952, are hereby designated under the provisions of section 335 of the Immigration and Nationality Act to conduct preliminary examinations upon petitions for naturalization to any naturalization court and to make findings and recommendations thereon to such courts. Designations under this paragraph and under paragraph (b) of this section shall remain in force until revoked.

§ 335.12 *Recommendations of the designated examiner and the regional commissioner; notice.* The designated examiner shall, as soon as practicable after conclusion of the preliminary examination, prepare an appropriate recommendation thereon for the court. If the designated examiner is of the opinion that the petition should be denied, or that the petition should be granted but the facts should be presented to the court. he shall prepare a memorandum containing a summary of the evidence adduced at the examination, findings of fact and conclusions of law, and his recommendation as to the final disposition of the petition by the court, and shall before final hearing, in those cases designated by the regional commissioner, submit the memorandum to him for his views and recommendation. No evidence dehors the record or evidence that would not be admissible in judicial proceedings under recognized rules of evidence shall be considered in the preparation of the memorandum. The regional commissioner shall return the designated examiner's memorandum, the record, and any memorandum prepared by the regional commissioner containing his own views and recommendation for presentation to the court.

§ 335.13 *Notice of recommendation of designated examiner*—(a) *Recommendation that petition be denied.* When the designated examiner proposes to recommend denial of the petition, the petitioner or his attorney or representative shall be notified thereof on Form N-425 and furnish a copy of the designated examiner's memorandum. The notice shall be sent by certified mail, with return receipt requested, after any review made by the regional commissioner and at least thirty days prior to final hearing. The petitioner shall inform the Service in writing within thirty days from the date of the notice whether he desires a hearing before the court.

(b) *Recommendation that petition be granted.* When the designated examiner proposes to recommend granting of the petition and to present the facts and issues to the court, the petitioner or his attorney or representative shall be notified of the recommendation and furnished a copy of the designated examiner's memorandum prior to the date of the hearing, and after any review made by the regional commissioner.

(c) *Disagreement between recommendations of designated examiner and the regional commissioner.* In those cases reviewed by the regional commissioner in which his views and recommendations do not agree with those of the designated examiner, the notice required by paragraphs (a) and (b) of this section shall also advise the petitioner of the recommendation of the regional commissioner and that both recommendations will be presented to the court. There shall also be enclosed with such notice a copy of the regional commissioner's memorandum.

PART 335a—TRANSFER, WITHDRAWAL OR FAILURE TO PROSECUTE PETITION FOR NATURALIZATION

Sec.
335a.11 Transfer of petition; procedure.
335a.12 Withdrawal of or failure to prosecute petition; procedure.

§ 335a.11 *Transfer of petition; procedure.* See § 334.17 of this chapter.

§ 335a.12 *Withdrawal of or failure to prosecute petition; procedure.* See § 334.18 of this chapter.

PART 335b—PROOF OF QUALIFICATIONS FOR NATURALIZATION: WATNESSES; DEPOSITIONS

Sec.
335b.1 Proof of residence and other qualifications.
335b.11 Substitution of witnesses; procedure.
335b.12 Depositions; procedure.

AUTHORITY: §§ 335b.1 to 335b.12 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 287, 316, 332, 335, 336, 405, 66 Stat. 233, 242, 252, 255, 257, 280; 8 U. S. C. 1357, 1427, 1443, 1446, 1447, 1101 note.

§ 335b.1 *Proof of residence and other qualifications*—(a) *Whenever State residence is required.* At the preliminary examination upon the petition for naturalization before a designated examiner, or if no preliminary examination is held, at the final hearing before the court, residence in the State in which the petitioner resides at the time of filing the petition, for at least six months immediately preceding the date of filing the petition and the other qualifications required by section 316 (a) of the Immigration and Nationality Act during such residence, shall be proved only by the oral testimony of two credible witnesses, citizens of the United States. Residence and other qualifications required by section 316 (a) of the Immigration and Nationality Act, for the period prior to such six-month period shall be proved either by depositions taken in accordance with § 335b.12 or by the oral testimony of at least two credible witnesses, citizens of the United States. If oral testimony is taken from witnesses who did not verify the petition, affidavits on Form N-451 shall be executed by such other witnesses, in duplicate, before the clerk of the court or the designated examiner, one copy of which shall be attached to the original petition and the other to the duplicate petition.

(b) *Whenever State residence is not required.* In any case in which State residence is not required to be established, the petitioner shall, at the preliminary examination before the designated examiner, or if no preliminary examination is held, at the final hearing before the court, prove his residence within the United States and the other qualifications required by section 316 (a) of the Immigration and Nationality Act, for such period as they have known the petitioner, by the oral testimony of two credible witnesses, citizens of the United States. That portion of the time during which the petitioner is required to establish residence within the United States and the other qualifications required by section 316 (a) of the Immigration and Nationality Act, which is not covered by the oral testimony of such witnesses, shall be proved either by depositions taken in accordance with § 335b.12, or by the oral testimony of at least two credible witnesses, citizens of the United States. If oral testimony is taken from witnesses who did not verify the petition, affidavits on Form N-451 shall be executed by them and filed in the manner described in paragraph (a) of this section.

(c) *Whenever petitioner is absent from the United States.* A petitioner who has been granted the benefits of section 316 (b) of the Immigration and Nationality Act or section 307 (b) of the Nationality Act of 1940 to cover his absence from the United States for the purposes specified in that section shall not be required to establish his qualifications under section 316 (a) of the Immigration and Nationality Act for the period of his absences by the testimony of witnesses, as required by this part. The qualifications during such period may be established by any evidence satisfactory to the naturalization court.

(d) *Witnesses excused from final hearing.* If the testimony of the witnesses is heard at a preliminary examination under Part 335 of this chapter the witnesses may be excused by the designated examiner from appearance before the court at the final hearing, unless the petitioner otherwise demands or the court otherwise requires.

§ 335b.11 *Substitution of witnesses; procedure.* If the witnesses who verified the petition have not been excused from appearance at the final hearing and the petitioner is unable to produce such witnesses, other witnesses may be presented in their stead, upon notice given by the petitioner to the district director, within a reasonable time in advance of the date set for final hearing. If any of the verifying witnesses appear to be incompetent and the petitioner has acted in good faith in producing such witnesses, other witnesses may be substituted upon notice given in the manner described in this section. In no case shall a final hearing be held until after the substitute witnesses have been examined by the representative of the Service and an affidavit on Form N-451 has been executed in duplicate by the witnesses before such representative or the clerk of the court in the manner described in § 335b.1 (a).

§ 335b.12 *Depositions; procedure*—(a) *In the United States.* Depositions may be used to prove compliance with the requirements for naturalization during any period except the minimum period of State residence. Such depositions shall be taken only upon written interrogatories on Form N-462A. Except as otherwise provided in this section, they shall be made in the United States before an employee of the Service authorized to administer oaths and take depositions under Part 332d of this chapter, unless there is a likelihood of unusual delay or hardship, in which case the district director may authorize such depositions to be taken before a postmaster, without charge, or before a notary public or other person authorized to administer oaths for general purposes. In cases in which the depositions are taken other than before an employee of the Service or a postmaster, the petitioner, independently of the Service shall arrange with the officer who will take the depositions to defray all costs and expenses incident thereto. The petitioner or his attorney or representative may be present when the depositions are taken. Depositions taken under this section shall be sent to the district director having administrative supervision over the territory in which the petition is pending and by him forwarded to the clerk of the naturalization court prior to the final hearing, for filing with the petition.

(b) *Outside the United States.* Petitioners for naturalization who, under sections of the Immigration and Nationality Act applicable to their cases, are exempt from the usual requirement of residence and physical presence in the United States, but who are required to establish good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for the period applicable to their cases, and who were absent from or were not residents of the United States during such period, may establish their qualifications during the periods of absence by depositions taken outside the United States in the manner described in paragraph (a) of this section. Such depositions shall be taken before any employee of the United States designated for that purpose by the Commissioner. The petitioner shall be informed that he will be required to defray all costs and expenses of the person taking the depositions, as may be authorized by law and that the petitioner shall arrange with the deponents for the payment of such costs and expenses independently of the Service.

PART 335c—INVESTIGATIONS OF PETITIONERS FOR NATURALIZATION

§ 335c.1 *Investigations; authority to waive.* The authority to waive personal investigations of petitioners for naturalization under the provisions of section 335 (a) of the Immigration and Nationality Act may be exercised by district directors.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies secs. 316, 319, 322, 323, 328, 332, 335, 66 Stat. 242, 244, 246, 249, 252, 255; 8 U. S. C. 1427, 1430, 1433, 1434, 1439, 1443, 1446)

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

Sec.
336.11 Notice to Service; personal representation of Government at naturalization proceedings.
336.12 Written report in lieu of personal representation.
336.13 Preparation of lists and orders of court for presentation at final hearing.
336.14 Presentation of recommendations of designated examiner and the regional commissioner at final hearing.
336.15 Final hearing: sickness or disability of petitioner: investigation.
336.16 Final hearing: waiver of 30-day period.
336.17 Substitution of witnesses: procedure.

AUTHORITY: §§ 336.11 to 336.17 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 335–337, 66 Stat. 252, 255, 257, 258; 8 U. S. C. 1443, 1446–1448.

§ 336.11 *Notice to Service; personal representation of Government at naturalization proceedings.* At least thirty days prior to the holding of any naturalization proceedings referred to in section 336 (d) of the Immigration and Nationality Act, the clerk of the naturalization court shall give written notice to the appropriate district director of the time, date, and place of such proceedings. Such notice may be waived by the district director. Final naturalization hearings or other naturalization proceedings shall, whenever practicable, be attended personally by naturalization examiners or other members of the Service, who shall present to the court the views and recommendations of the designated examiner and the regional commissioner, as appropriate. In those cases in which the recommendation of the regional commissioner does not agree with that of the designated examiner, a member of the Service other than the person who conducted the preliminary examination shall, whenever practicable, represent the Service before the court. Such representative may cross-examine the petitioner and his witnesses and may call other witnesses and produce evidence concerning any matter affecting the petitioner's eligibility for naturalization. In cases in which it appears to be necessary, the representative in attendance at the proceedings, shall have a stenographic report made of the testimony given in the proceedings.

§ 336.12 *Written report in lieu of personal representation.* In any case in which a preliminary investigation or preliminary examination has been conducted pursuant to Part 332 or Part 335 of this chapter, and it is impracticable thereafter for a representative of the Service to be present at the final naturalization hearing, written notice of that fact shall be given by the Service to the court. The petitions set down for hearing shall be listed on the appropriate form prescribed by § 336.13. The grounds for objection, if any, shall be supported by the memoranda required by §§ 335.12 and 332.14 of this chapter. If continuance of the petition is desired, the basis therefor shall be set forth. The forms and memoranda shall be transmitted to the clerk of court, who shall submit the appropriate lists and orders to the court, in accordance with the procedure described in § 336.13.

§ 336.13 *Preparation of lists and orders of court for presentation at final hearing.* (a) At or prior to the final naturalization hearing the representative attending the hearing shall submit to the court lists and orders of court, in duplicate, on Forms N-480, N-480A, N-481, N-485, N-490, or N-492, as appropriate, for petitions recommended to be granted; on Form N-483 for petitions recommended to be continued; and on Forms N-484, N-484A, N-486, N-491, or N-493, as appropriate, for petitions recommended to be denied. The regional commissioner's list on Form N-492 or Form N-493, as appropriate, shall be signed by the district director. After the final hearing, and after any required amendments therein have been made, the presiding judge shall sign the orders of court.

(b) In any case in which a petitioner is not permitted to take the oath of allegiance until a fixed date following a general election, the order of court granting the petition shall be amended

by striking therefrom the words "and each having taken the oath of allegiance required by the naturalization laws and regulations" and inserting immediately following the word "America" the words "as of the date of and upon the taking of the oath of allegiance required by the naturalization laws and regulations at a date subsequent to ____ 19____." Following the taking of the oath of allegiance after a general election, pursuant to such amended order, the clerk of court shall prepare a list, in duplicate, on Form N–489, certifying that such oath was taken.

(c) When the court waives the taking of the oath of allegiance in the case of a child, the order of court granting the petition shall be amended by striking therefrom the words "each having taken" and inserting immediately following the word "regulations", a comma and the words "having been waived."

(d) The originals of all court orders and lists specified in this section shall be filed permanently in the court, and the duplicates forwarded by the clerk of court to the appropriate field office of the Service for retention by such office. The same disposition shall be made of any list presented to, but not approved by, the court.

§ 336.14 *Presentation of recommendations of designated examiner and the regional commissioner at final hearing.* At the final hearing or prior thereto, in addition to the lists prepared under § 336.13, there shall be presented to the court and made a part of the record in the case, the memoranda of the designated examiner and the regional commissioner prepared pursuant to the provisions of Part 332 or Part 335 of this chapter.

§ 336.15 *Final hearing: sickness or disability of petitioner; investigation.* Whenever it appears that a petitioner for naturalization may be unable, because of sickness or other disability, to appear in open court for final hearing upon his petition for naturalization, the district director shall cause an investigation to be conducted to determine the circumstances and shall report the condition of the petitioner to the clerk of court for the purpose of aiding the court to determine whether another place for the final hearing shall be designated. The report shall show whether the sickness or other disability is of a nature which so incapacitates the person as to prevent him from appearing in open court.

§ 336.16 *Final hearing: waiver of 30-day period.* A petitioner for naturalization may request the district director, in writing, to waive the thirty-day period following the filing of the petition referred to in section 336 (c) of the Immigration and Nationality Act. Such request may be made at any time after an application to file a petition for naturalization has been filed with the Service. The district director shall cause a full and complete investigation to be conducted and if such investigation satisfactorily establishes that such waiver will be in the public interest and will promote the security of the United States, he may, in his discretion, grant the waiver. Notice of granting of the waiver shall be given to the clerk of court in writing.

§ 336.17 *Substitution of witnesses; procedure.* See § 335b.11 of this chapter.

PART 337—OATH OF ALLEGIANCE

Sec.
337.1 Oath of allegiance.
337.2 Persons naturalized by judicial action; effective date.
337.3 Renunciation of title or order of nobility.
337.11 Oath of renunciation and allegiance; sickness or disability of petitioner.

AUTHORITY: §§ 337.1 to 337.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 322, 323, 332, 337, 66 Stat. 246, 252, 258; 8 U. S. C. 1433, 1434, 1443, 1448.

§ 337.1 *Oath of allegiance*—(a) *Form of oath.* Except as otherwise provided in the Immigration and Nationality Act, a petitioner or applicant for naturalization shall, before being admitted to citizenship, take in open court the following oath of allegiance, to which he shall thereafter affix his signature on his petition or application for naturalization:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have herctofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the armed forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

(b) *Alteration of form of oath.* In those cases in which a petitioner or applicant for naturalization is exempt from taking the oath prescribed in paragraph (a) of this section in its entirety, the inapplicable clauses shall be deleted and the oath shall be taken in such altered form.

(c) *Obligations of oath.* A petitioner or applicant for naturalization shall, before being naturalized, establish that it is his intention, in good faith, to assume and discharge the obligations of the oath of allegiance, and that his attitude toward the Constitution and laws of the United States renders him capable of fulfilling the obligations of such oath.

§ 337.2 *Persons naturalized by judicial action; effective date.* Any person who was or shall hereafter be admitted to citizenship by the written order of a naturalization court, shall be deemed to be a citizen of the United States as of the date of taking the prescribed oath of allegiance. Whenever a waiver of such oath is granted by the court in the case of a child naturalized under section 322 or 323 of the Immigration and Nationality Act, the child shall become a citizen of the United States as of the date of such waiver.

§ 337.3 *Renunciation of title or order of nobility.* A petitioner for naturalization who has borne any hereditary title or has been of any of the orders of nobility in any foreign state, shall, in addition to taking the oath of allegiance prescribed by § 337.1, make under oath in open court an express renunciation of such title or order of nobility, in the following form:

I further renounce the title of ____ (give title or ____ which I have heretofore held; or titles)
I further renounce the order of nobility ____ to which I (Give the order of nobility) have heretofore belonged.

§ 337.11 *Oath of renunciation and allegiance; sickness or disability of petitioner.* Whenever it appears that a petitioner for naturalization may be unable because of sickness or other disability to take the oath of allegiance in open court, the district director shall cause an investigation to be conducted to determine the circumstances, and shall report the condition of the petitioner to the naturalization court for the purpose of aiding the court to determine whether the oath may be taken at another place. The report shall show whether the sickness or other disability is of a nature which so incapacitates the person as to prevent him from appearing in open court.

PART 338—CERTIFICATE OF NATURALIZATION

Sec.
338.11 Execution and issuance.
338.12 Endorsement in case name is changed.
338.13 Spoiled certificate.
338.14 Delivery of certificates.
338.15 Signing of certificate.
338.16 Correction of certificates.

AUTHORITY: §§ 338.11 to 338.16 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 322, 323, 332, 333, 336, 338, 339, 66 Stat. 246, 252, 253, 257, 259; 8 U. S. C. 1433, 1434, 1443, 1444, 1449, 1450.

§ 338.11 *Execution and issuance.* When a petitioner for naturalization has duly taken and subscribed to the oath of allegiance and a final order admitting petitioner to citizenship has been duly signed by the court, a certificate of naturalization shall be issued by the clerk of the court on Form N–550, in duplicate. The certificates and the stub of the original thereof shall be signed by the petitioner. The certificate shall show under "former nationality" the name of the country of which the petitioner was last a citizen, as shown in the petition, even though petitioner may have been stateless at the time of admission to citizenship. The clerk or his deputy shall endorse the alien registration number on the stubs of the certificates, shall sign the certificates in his own handwriting, and enter on the stubs all the essential facts set forth in the certificates. Both copies of the certificate, including the stubs, shall be prepared in one operation on a typewriter with the use of carbon paper. Photographs shall be affixed to the original and duplicate certificates in the manner provided by Part 333 of this chapter. The stub of the original shall be removed and retained by the clerk of court and filed in an upright card file, or in a three by five inch card drawer. The original certificate shall be delivered to the petitioner. The duplicate copies of the certificates shall not be separated from their stubs and shall be forwarded to the appropriate office of the Immigration and Naturalization Service with all other duplicate papers in accordance with Part 339 of this chapter.

§ 338.12 *Endorsement in case name is changed.* Whenever the name of a petitioner has been changed by order of court as a part of a naturalization, the clerk of court shall make, date, and sign the following endorsement on the reverse side of the original and duplicate of the certificate of naturalization: "Name changed by decree of court from ____, as a part of the naturalization," inserting in full the original name of the petitioner. A similar notation shall be made on the stubs of the original and duplicate certificate. The certificate of naturalization shall be issued and the stub of the original thereof signed by the petitioner in the name as changed.

§ 338.13 *Spoiled certificate.* Whenever a certificate of naturalization is damaged, mutilated, defaced or otherwise spoiled before delivery by the clerk, the original and duplicate, with stubs intact, shall be marked "Spoiled" and transmitted to the appropriate immigration and naturalization office, in the manner described in § 339.2 of this chapter, with the monthly report of the clerk on Form N–4.

§ 338.14 *Delivery of certificates.* No certificate of naturalization shall be delivered by the clerk of court in any case in which the representative of the Service in attendance at the final naturalization hearing notifies the clerk of court that the naturalized person has not surrendered his alien registration receipt card. Upon subsequent receipt of notice from the district director that he has waived the surrender of the card or that the card has been surrendered, the certificate shall be delivered by the clerk of court.

§ 338.15 *Signing of certificate.* If a child, who has been admitted to citizenship under section 322 or section 323 of the Immigration and Nationality Act is unable to sign his name, the certificate of naturalization shall be signed by the petitioning parent or parents, whether natural or adoptive, as may be appropriate, and the signature shall read "(insert name of petitioning parent or parents) in behalf of (insert name of naturalized child)." A naturalized person whose petition was signed by him in a foreign language may sign his certificate of naturalization in the same manner.

§ 338.16 *Correction of certificates.* Whenever a certificate of naturalization has been delivered which does not conform to the facts shown on the petition for naturalization, or a clerical error was made in preparing the certificate, an application on Form N–458 may be made by the naturalized person to the district director exercising jurisdiction over the place in which the court is located to authorize the correction of the certificate. If the district director finds that a correction is justified and can be made without mutilating the certificate, he shall authorize the clerk of the issuing court on Form N–459, in duplicate, to make the necessary correction and to place a dated endorsement on the reverse of the certificate, over his signature and the seal of the court, explaining the correction. The authorization shall be filed with naturalization record, the corrected certificate returned to the naturalized person and the duplicate Form N–459 shall be endorsed to show the date and nature of the correction and endorsement made, and returned to the district director. No fee shall be charged the naturalized person for the correction. The district director shall forward such duplicate to the official Service file. When a correction would or does result in mutilation of the certificate, the district director may authorize the clerk of court on Form N–459, in duplicate, with the consent of the naturalized person, to issue without fee a new certificate from his supply, upon surrender of the incorrect certificate and submission of photographs. The surrendered certificate shall be marked "Spoiled" and transmitted to the district director with the duplicate copy of the new certificate and the duplicate Form N–459 appropriately endorsed, with the monthly report of the clerk on Form N–4. The original of the new certificate shall be delivered to the naturalized person. Objection shall be made by the Service to any application to the court for the alteration of a certificate of naturalization which would cause it to vary from the record on which the naturalization was granted.

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF NATURALIZATION COURTS

Sec.
339.1 Administration of oath to declarations of intention and petitions for naturalization.
339.2 Monthly reports.
339.3 Relinquishment of naturalization jurisdiction.
339.4 Binding of naturalization records.
339.5 Numbering and indexing and filing of petitions for naturalization and declarations of intention.

AUTHORITY: §§ 339.1 to 339.5 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 339, 344, 66 Stat. 252, 259, 265; 8 U. S. C. 1443, 1450, 1455.

§ 339.1 *Administration of oath to declarations of intention and petitions for naturalization.* It shall be the duty of every clerk of a naturalization court to administer the required oath to each applicant for a declaration of intention. The clerk shall receive and file petitions and administer the required oaths to each petitioner and the witnesses to each petition, unless such petitioner and witnesses have executed the petition before a designated examiner.

§ 339.2 *Monthly reports.* Clerks of court shall on the first day of each month submit to the district director having administrative jurisdiction over the place in which the court is located, a report on Form N–4, in duplicate, listing all declarations of intention and petitions for naturalization filed and all certificates of naturalization issued or spoiled during the preceding month, in accordance with the instructions contained in Form N–4. When at any time during the month the aggregate number of petitions and declarations filed reaches 100 the clerk shall on request of the district director forthwith forward such reports in accordance with the provisions of this section. The report shall be accompanied by all duplicate copies of declarations of intention and applications therefor on Forms N–300; by all duplicates of petitions for naturalization not previously delivered to a representative of the Service, and all duplicates of certificates of naturalization with stubs intact. The clerk of court shall show opposite the number of each petition in which the petitioner is exempt from payment of a naturalization fee under section 344 (h) of the Immigration and Nationality Act the letter "M". Opposite the name of each such case and at the bottom of the petition, the notation "No fee" shall be inserted. Void petitions shall be listed separately on Form N–4 and on Form N–7 and so indicated on such forms.

§ 339.3 *Relinquishment of naturalization jurisdiction.* Whenever a court relinquishes naturalization jurisdiction, the clerk of court shall, within ten days following the date of relinquishment, furnish the district director having administrative jurisdiction over the place in which the court is located, a certified copy of the order of court relinquishing jurisdiction. A representative of the Service shall thereafter examine the naturalization records in the office of the clerk of court and shall bind and lock them. The clerk of court shall return all unused forms and blank certificates of naturalization to the district director with his monthly report on Form N–4.

§ 339.4 *Binding of naturalization records.* Whenever a volume of petitions for naturalization, applications to take the oath of allegiance, declarations of intention, orders of court, or other documents affecting or relating to the naturalization of persons is completed, it shall be bound and locked by the clerk of court.

§ 339.5 *Numbering and indexing and filing of petitions for naturalization and declarations of intention.* See §§ 334.3 and 334a.16 of this chapter.

PART 340—REVOCATION OF NATURALIZATION

§ 340.11 *Investigation and report.* Whenever it appears that any grant of naturalization may have been procured by concealment of a material fact or by wilful misrepresentation, the facts shall be reported to the district director having jurisdiction over the naturalized person's last known place of residence. If the district director is satisfied that a prima facie showing has been made that grounds for revocation exist, he shall cause an investigation to be made and

report the facts in writing to the regional commissioner with a recommendation as to whether revocation proceedings should be instituted. If it appears that naturalization was procured in violation of section 1425 of Title 18 of the United States Code, the facts in regard thereto may be presented by the district director to the appropriate United States Attorney for possible criminal prosecution.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies secs. 332, 340, 66 Stat. 252, 260, as amended; 8 U. S. C. 1443, 1451)

PART 341—CERTIFICATES OF CITIZENSHIP

§ 341.1 *Application.* A person who claims to have derived United States citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, or who claims to be a citizen at birth outside the United States under the provisions of any of the statutes or acts specified in section 341 of the act, or who claims to be a citizen at birth outside the United States under the provisions of section 309 (c) of the act, shall apply for a certificate of citizenship on Form N–600. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter. If the application is granted, the certificate shall be issued on Form N–560 or N–562, as appropriate. The applicant shall, unless he is too young to understand the meaning thereof, take and subscribe to, before an officer or employee of the Service authorized to administer oaths, the oath of renunciation and allegiance prescribed by Part 337 of this chapter. Thereafter, delivery of the original of the certificate shall be made to the applicant, or to his parent or guardian, either personally or by certified mail, and the recipient's signed receipt therefor shall be obtained.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 287, 309, 332, 333, 337, 341, 344; 66 Stat. 233, 238, 252, 254, 258, 263, 264; 8 U. S. C. 1357, 1409, 1443, 1444, 1448, 1452, 1455)

PART 343—CERTIFICATE OF NATURALIZATION OR REPATRIATION; PERSONS WHO RESUMED CITIZENSHIP UNDER SECTION 323 OF THE NATIONALITY ACT OF 1940, AS AMENDED, OR SECTION 4 OF THE ACT OF JUNE 29, 1906

Sec.
343.1 Application.
343.11 Disposition of application.

AUTHORITY: §§ 343.1 and 343.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 343, 344, 405, 66 Stat. 252, 263, 264, 280; 8 U. S. C. 1443, 1454, 1455, 1101 note.

§ 343.1 *Application.* A person who lost citizenship of the United States incidental to service in one of the allied armies during World War I or II, or by voting in a political election in a country not at war with the United States during World War II, and who was naturalized under the provisions of section 323 of the Nationality Act of 1940, as amended, or a person who, before January 13, 1941, resumed United States citizenship under the twelfth subdivision of section 4 of the act of June 29, 1906, may obtain a certificate evidencing such citizenship by making application therefor on Form N–580.

§ 343.11 *Disposition of application—*(a) *Issuance of certificate; delivery.* If it shall appear to the satisfaction of the district director that the applicant is a citizen, and that he has been naturalized or repatriated as claimed, a certificate of naturalization on Form N–582 or a certificate of repatriation on Form N–581 shall be issued by the district director and the original delivered in person, in the United States only, upon his signed receipt therefor.

(b) *Application denied.* If the district director denies the application, the applicant shall be notified of the reasons therefor and of his right to appeal within 10 days from the date of receipt of such notification in accordance with the provisions of Part 7 of this chapter.

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

Sec.
343a.1 Applications for replacement of or for new naturalization or citizenship paper.
343a.11 Disposition of application.

AUTHORITY: §§ 343a.1 and 343a.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 324, 332, 343, 344, 405, 66 Stat. 246, 252, 263, 264, 280; 8 U. S. C. 1435, 1443, 1454, 1455, 1101 note.

§ 343a.1 *Applications for replacement of or for new naturalization or citizenship paper—*(a) *Lost, mutilated, or destroyed naturalization papers.* A person whose declaration of intention, certificate of naturalization, citizenship, or repatriation, or whose certified copy of proceedings under the act of June 25, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act, has been lost, mutilated, or destroyed, may apply on Form N–565 for a new paper in lieu thereof.

(b) *New certificate in changed name.* A naturalized citizen whose name has been changed after naturalization by order of court or by marriage, may apply on Form N–565 for a new certificate of naturalization, or of citizenship, in the changed name.

§ 343a.11 *Disposition of application—*(a) *New certificate issued.* If an application for a new certificate of naturalization, citizenship, or repatriation is approved, the new certificate shall be issued by the district director and delivered in person upon the applicant's signed receipt therefor. The new certificate shall be numbered to correspond to the number of the paper which it replaces. Certificates issued to evidence naturalization which occurred prior to September 27, 1906, shall be consecutively numbered, the number in each instance being preceded by the letters "OL". New certificates issued under this part shall be on the following forms: Form N–570 to replace a certificate of naturalization or repatriation, and Form N–561 to replace a certificate of citizenship issued by the Service. When a new certificate of naturalization is issued in a changed name, the district director shall notify the clerk of the naturalization court on Form N–240 of the action taken.

(b) *New declarations issued.* If an application for a new declaration of intention is approved, the new declaration of intention shall be issued by the district director on Form N–321 or Form N–325 and the original delivered to the applicant upon his signed receipt therefor.

(c) *New certified copy of repatriation proceedings issued.* If an application for a new certified copy of the proceedings under the act of June 25, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act is approved, there shall be issued by the district director a certified, positive photocopy of the record of the proceedings filed with the Service, whether such record be a duplicate of the court proceedings or a copy of the proceedings conducted at an embassy, legation, or consulate. If subsequent to the naturalization or repatriation the applicant's name has been changed by marriage, and if appropriate documentary evidence of such change is submitted with the application, the certification of the positive photocopy shall show both the name in which the proceedings were had and the changed name. The new certified copy shall be personally delivered to the applicant, who shall sign a receipt therefor.

(d) *Application denied.* If the district director denies the application, the applicant shall be notified of the reasons therefor and of his right to appeal within 10 days from the date of receipt of such notification in accordance with the provisions of Part 7 of this chapter.

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

Sec.
343b.1 Application.
343b.11 Disposition of application.

AUTHORITY: §§ 343b.1 and 343b.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 343, 344, 66 Stat. 252, 263, 264; 8 U. S. C. 1443, 1454, 1455.

§ 343b.1 *Application.* A naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign state shall submit an application on Form N–577.

§ 343b.11 *Disposition of application—*(a) *Issuance of certificate.* If the application is granted, a special certificate of naturalization on Form N–573 shall be issued by the district director and forwarded to the Secretary of State for transmission to the proper authority of the foreign state.

(b) *Application denied.* If the district director denies the application, the applicant shall be notified of the reasons therefor and of his right to appeal within 10 days from the date of receipt of such notification in accordance with the provisions of Part 7 of this chapter.

PART 343c—CERTIFICATIONS FROM RECORDS

§ 343c.1 *Application for certification of naturalization record of court or certificate of naturalization or citizenship.* An application for certification of a naturalization record of any court, or of any part thereof, or of any certificate of naturalization, repatriation, or citizenship, under section 343 (e) of the act for use in complying with any statute, Federal or State, or in any judicial proceeding, shall be made on Form N–585.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies secs. 332, 333, 343, 344, 66 Stat. 252, 253, 263, 264; 8 U. S. C. 1443, 1444, 1451, 1455)

PART 344—FEES COLLECTED BY CLERKS OF COURT

Sec.
344.1 Division of the year for accounting for naturalization fees.
344.2 Fees in United States courts; remittance.
344.3 Fees in other than United States courts; United States District Courts in Alaska; remittance.
344.4 Fees in the District Courts at the Virgin Islands and Guam; remittance.
344.5 Time for report of and accounting for fees collected.

AUTHORITY: §§ 344.1 to 344.5 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 344, 66 Stat. 252, 264; 8 U. S. C. 1443, 1455.

§ 344.1 *Division of the year for accounting for naturalization fees.* For the purpose of accounting for and reporting naturalization fees quarterly by clerks of courts, the fiscal year shall end on June 30 of any given calendar year and shall be divided as follows: the first quarter shall end September 30; the second quarter ends December 31; the third quarter ends March 31; and the fourth quarter ends June 30.

§ 344.2 *Fees in United States courts; remittance.* All fees collected for declarations of intention and petitions for naturalization by clerks of United States district courts (except in Alaska, and the District Courts of Guam and the Virgin Islands of the United States) shall be forwarded quarterly by a remittance payable to the order of the "Immigration and Naturalization Service, Department of Justice," to the regional commissioner having administrative jurisdiction over the place in which the court is located.

§ 344.3 *Fees in other than United States courts; United States District Courts in Alaska; remittance.* One-half of all fees collected for declarations of intention and petitions for naturalization by clerks of courts other than United States courts, and one-half of all such fees collected by the clerks of the United States district courts in Alaska, up to $6,000 in any one fiscal year shall be similarly remitted to the regional commissioner in the manner provided in § 344.2. Where the collections during the first quarter of any fiscal year equal or exceed $1,500, the clerk shall remit all in excess of $750; and whenever such collections for the first and second quarters equal or exceed $3,000, the clerk shall remit all in excess of $1,500; and whenever the collections for the first three quarters of the fiscal year equal or exceed $4,500, the clerk shall remit all in excess of $2,250; and whenever the total collections for any fiscal year equal or exceed $6,000, the clerk shall remit all fees or moneys so collected in excess of $3,000.

§ 344.4 *Fees in the District Courts at the Virgin Islands and Guam; remittance.* All fees collected for declarations of intention and petitions for naturalization by the clerk of the District Court of the Virgin Islands of the United States shall be paid into the Treasury of Virgin Islands. All such fees collected by the clerk of the District Court of Guam shall be paid into the Treasury of Guam. However, such clerks shall report the fees collected to the regional commissioner having administrative jurisdiction over the place in which the court is located, in accordance with § 344.5.

§ 344.5 *Time for report of and accounting for fees collected.* The accounting for naturalization fees collected and the payment of fees turned over to the regional commissioner as provided in §§ 344.2, 344.3 and 844.4 shall be made on Form N–7 within thirty days from the close of each quarter of each and every fiscal year.

PART 344a—COPIES OF AND INFORMATION FROM RECORDS

§ 344a.1 *Copies of and information from records.* See Part 2 of this chapter.

PART 402a—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIENS ENLISTED IN THE UNITED STATES ARMED FORCES UNDER ACT OF JUNE 30, 1950, AS AMENDED BY SECTION 402 (e) OF THE IMMIGRATION AND NATIONALITY ACT

Sec.
402a.1 Proof of character, attachment and disposition.
402a.11 Procedural requirements.

§ 402a.1 *Proof of character, attachment and disposition.* See § 329.2 of this chapter.

§ 402a.11 *Procedural requirements.* See § 329.21 of this chapter.

PART 499—NATIONALITY FORMS

§ 499.1 *Prescribed forms.* The following forms are hereby prescribed by the Attorney General for use in compliance with the provisions of Subchapter C of this chapter:

Form No.	*Title and description*
I–138	Subpena.
N–3	Requisition for Forms and Binders.
N–4	Monthly Report—Naturalization Papers Forwarded.
N–5	Continuation Sheet of Monthly Report—Naturalization Papers Forwarded.
N–6	Jacket for Naturalization Papers.
N–7	Quarterly Abstract of Collections of Naturalization Fees.
N–11	Penalty Envelope (addressed to the Central Office of Service).
N–12	Penalty Envelope (to be addressed to any office of Service).
N–13	Penalty Envelope (large—to be addressed to any office of Service).
N–50	Receipt for Duplicate Petitions.
N–240	Form letter concerning issuance of new certificate of naturalization.
N–300	Application to File Declaration of Intention.
N–305	Form letter notifying alien that Form N–300 has been forwarded to the clerk of the court.
N–315	Declaration of Intention.
N–321	Declaration of Intention (in lieu of old edition lost, mutilated or destroyed).
N–325	Declaration of Intention (in lieu of one lost, mutilated or destroyed).
N–350	Application to Renounce Danish Citizenship.
N–351	Renunciation of Danish Citizenship.
N–400	Application to File Petition for Naturalization.
N–400A	Supplement to Application to File Petition for Naturalization (under sec. 324 (a) or 327, Immigration and Nationality Act).
N–400B	Supplement to Application to File Petition for Naturalization (by a seaman, under sec. 330 of the Immigration and Nationality Act).
N–401	Preliminary Form to take Oath of Allegiance (by woman formerly a citizen, under sec. 324 (c) of the Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N–402	Application to File Petition for Naturalization in Behalf of a Child (under sec. 322 or 323, Immigration and Nationality Act).
N–403	Request to have Petition for Naturalization marked "Void".
N–404	Request for Withdrawal of Petition for Naturalization.
N–405	Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N–405A	Affidavit in Support of Petition for Naturalization (by a former citizen, under sec. 327 of the Immigration and Nationality Act).
N–407	Petition for Naturalization (in behalf of a child, under sec. 322 or 323, Immigration and Nationality Act).
N–408	Application to take Oath of Allegiance and Form of Such Oath (by a woman formerly a citizen, under sec. 324 (c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N–410	Motion for Amendment of Petition (application).
N–414	Acknowledgment of Filing Petition for Naturalization.
N–421	Affidavit in Support of Petition for Naturalization (by a seaman, under sec. 330, Immigration and Nationality Act).
N–425	Notice to Petitioner of Proposed Recommendation of Denial of Petition for Naturalization.
N–426	Certification of Military or Naval Service.

Form No.	Title and description
N-440	Certificate of Examination.
N-451	Affidavits of Witnesses (to Petition for Naturalization).
N-452	Statement of Witness.
N-455	Application for Transfer of Petition for Naturalization.
N-458	Application to Correct Certificate of Naturalization.
N-459	Authorization to Clerk of Court to Correct Certificate of Naturalization.
N-460	Notice to Take Depositions.
N-462A	Interrogatories in Depositions of Witnesses.
N-470	Application to Preserve Residence for Naturalization Purposes (under section 316 (b) or 317, Immigration and Nationality Act).
N-480	Naturalization Petitions Recommended To Be Granted.
N-480A	Order of Court granting Petitions for Naturalization.
N-481	Naturalization Petitions Recommended To Be Granted (Continuation sheet).
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N-484A	Order of Court Denying Petitions for Naturalization.
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N-486	Naturalization Petitions Recommended To Be Denied (on behalf of children).
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N-550	Certificate of Naturalization.
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N-561	Certificate of Citizenship.
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N-581	Certificate of Repatriation.
N-582	Certificate of Naturalization.
N-585	Application for Information From or Copies of Immigration and Naturalization Records.
N-600	Application for Certificate of Citizenship.

Dated: December 3, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57-10125; Filed, Dec. 5, 1957; 8:51 a. m.]

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TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MACHIAS RIVER, MAINE

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.2 governing the operation of the Maine State Highway Commission bridge across Narraguagus River, Milbridge, Maine is hereby redesignated as § 203.2a and a new § 203.2 is hereby prescribed to govern the operation of the Maine State Highway Commission bridge across Machias River between Machiasport and East Machias, Maine, as follows:

§ 203.2 *Machias River, Maine; East Machias Highway Bridge between Machiasport and East Machias, Maine.* (a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 7:00 a. m. and 5:00 (local time) throughout the year.

(b) At times other than those specified in paragraph (a) of this section, the draw need not be opened for the passage of vessels, except on advance notice to the drawtender to be given between the hours of 7:00 a. m. and 5:00 p. m. when the drawtender is on duty.

(c) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be easily read at any time, a copy of the regulations in this section.

§ 203.2a *Narraguagus River, Maine; Maine State Highway Commission bridge across Narraguagus River, Milbridge, Maine.* * * * [Redesignated.]

[Regs., Nov. 21, 1957, 823.01 (Machias River, Maine)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-10126; Filed, Dec. 6, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 9]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

1957 MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 and to establish, pursuant to sections 202, 204 and 411 of the act, sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1957 and prescribe the time in which quotas may be filled. This regulation also establishes pursuant to section 207 of the act the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that a decrease in the estimate of requirements for the calendar year 1957 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act, as amended, and give effect to the revised determination.

The purpose of this action, also, is to further amend § 811.93 pursuant to section 204 of the act to determine and prorate deficits in the 1957 quotas for Hawaii, Puerto Rico, the Virgin Islands, the Republic of the Philippines, Costa Rica and Nicaragua, as established in §§ 811.91 and 811.92, as amended herein.

The quotas and prorations established herein differ from those in effect under

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Sugar Regulation 811, Amendment 8 (22 F. R. 8105). The limited time remaining in 1957 dictates that this amendment be made effective immediately to permit all areas to accomplish the marketing of their revised quotas or prorations in an orderly manner. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments herein made shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.90, 811.91 (a), 811.92 and 811.93 of Sugar Regulation 811, as amended (21 F. R. 10332; 22 F. R. 369, 423, 3751, 4360, 4466, 4847, 5785, 6481, 8105), are further amended to read as hereinafter set forth.

1. Section 811.90 is amended to read:

§ 811.90 *Sugar requirements, 1957.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 is hereby determined to be 8,975,000 short tons, raw value.

2. Section 811.91 (a) is amended to read:

§ 811.91 *Quotas for domestic areas.* (a) For the calendar year 1957 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established, pursuant to section 202 of the act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the act, in column (2), as follows:

[Short tons, raw value]

Area	Quota	Direct-consumption limit
Domestic beet sugar	1,948,357	(1)
Mainland cane sugar	599,528	(1)
Hawaii	1,087,373	30,612
Puerto Rico	1,136,987	132,683
Virgin Islands	15,505	0

[1] No limit.

3. Section 811.92 is amended to read:

§ 811.92 *Quotas for foreign countries.* For the calendar year 1957, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established, pursuant to section 202 of the act, in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established, pursuant to section 207 of the act, in column (2) as follows:

[Short tons, raw value]

Country	(1) Quotas	(2) Direct-consumption limit
Republic of the Philippines	980,000	59,920
Cuba	2,993,897	375,000
Peru	77,124	9,526
Dominican Republic	60,420	8,493
Mexico	43,134	15,427
Nicaragua	11,588	10,173
Haiti	6,127	6,127
Netherlands	3,435	3,435
China	3,371	3,371
Panama	3,371	3,371
Costa Rica	3,367	3,367
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other	0	0

4. Section 811.93 is amended to read:

§ 811.93 *Determination and proration of area deficits and adjusted quotas—*(a) *Deficit in quotas established in § 811.91.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1957 Hawaii, Puerto Rico and the Virgin Islands will be unable by 27,373, 216,987 and 752 short tons of sugar, raw value, respectively, to market the quotas established for such areas in § 811.91, as amended. The total of such deficits, amounting to 245,112 short tons, raw value, is hereby prorated, and adjusted quotas are established as follows:

(1) The part of the deficit applicable to that portion of the quotas in § 811.91 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 85,112 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.91 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this subparagraph in the FEDERAL REGISTER shall be those established in § 811.91 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	65,085	2,013,442
Mainland cane sugar	20,027	619,555
Hawaii	0	1,087,373
Puerto Rico	0	1,136,987
Virgin Islands	0	15,505

(2) Immediately after the quotas established in subparagraph (1) of this paragraph become effective, the quantity by which the total deficit determined in this paragraph exceeds the quantity prorated in subparagraph (1) of this paragraph, which amounts to 160,000 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to subparagraph (1) of this paragraph for domestic areas and pursuant to § 811.92 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas consisting of those established in subparagraph (1) of this paragraph for domestic areas and in § 811.92 for Cuba plus the quantities prorated in this subparagraph shall be in effect:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in subpar. (1)
Domestic beet sugar	57,252	2,070,694
Mainland cane sugar	17,617	637,172
Hawaii	0	1,087,373
Puerto Rico	0	1,136,987
Virgin Islands	0	15,505
Cuba	85,131	3,079,028

(b) *Deficits in quotas established in § 811.92.* It is hereby determined pursuant to section 204 of the act that for the calendar year 1957 the Republic of the Philippines, Costa Rica and Nicaragua will be unable by 50,000, 3,367 and 1,313 short tons of sugar, raw value, respectively, to fill their quotas as established in § 811.92. The deficit for the Republic of the Philippines is hereby prorated 96 percent, or 48,000 short tons, raw value, to Cuba and 4 percent, or 2,000 short tons, raw value, to other foreign countries. The 2,000 short tons, raw value, of the Philippine deficit and the deficits for Costa Rica and Nicaragua totaling 6,680 short tons, raw value, are hereby prorated among the countries other than Cuba for which no deficits have been determined in proportion to their established quotas in § 811.92. Thereupon the following quotas shall be in effect, such quotas consisting of the quantities prorated in this paragraph, in addition to the quotas established in § 811.92, and for Cuba, the quantity prorated in paragraph (a) (2) of this section:

[Short tons, raw value]

	Prorated herein	Quotas including prorations herein	Direct consumption limits
Republic of the Philippines	0	980,000	59,920
Cuba	48,000	3,127,028	375,000
Peru	2,597	79,721	9,526
Dominican Republic	2,034	62,454	8,493
Mexico	1,452	44,586	15,427
Nicaragua	0	11,588	10,173
Haiti	206	6,333	6,333
Netherlands	116	3,551	3,551
China	114	3,485	3,485
Panama	114	3,485	3,485
Costa Rica	0	3,367	3,367
Canada	21	652	652
United Kingdom	17	533	533
Belgium	6	188	188
British Guiana	3	87	87
Hong Kong	0	3	3
All other	0	0	0

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. In the initial determination of sugar requirements for 1957, it was recognized that the actual use of sugar in 1957 was not likely to exceed 8,800,000 short tons, raw value, and that inventories of consumers, wholesalers and retailers were at high levels at the beginning of the year. Subsequent actions bringing requirements to 9,300,000 tons were necessary primarily because of public responses to a scarcity of sugar in the world market, and reductions to 9,050,000 tons were made later as that situation abated. World and quota price relationships now have stabilized in a pattern indicating that doubts about immediate overall availability of supplies are resolved.

Although the total sugar supply for 1957 would be excessive if all quotas totaling 9,050,000 tons were fully effective, a moderate shortage of sugar for refining has been developing in the Northeast within the quotas established in S. R. 811, Amendment 8, issued on October 8, 1957. This has occurred despite the prospect for a large increase in year-end refiners, inventories of quota sugar in the south and west and in constructive deliveries of beet sugar. The occurrence of offshore deficits and the unusual demand patterns since the fall of 1956 contributed to this situation.

Taking into consideration the declaration and proration of deficits provided for herein, total requirements of 8,975,000 short tons, raw value, will increase the supply of sugar available to the Northeastern states from their normal offshore supply areas by about 20,000 tons without appreciably affecting the marketings by domestic producing areas. Accordingly, the quotas established in

this order totalling 8,975,000 short tons, raw value, will provide the supply needed at prices that are not excessive to consumers and that will maintain the welfare of the domestic sugar industry.

Quotas. The quotas established in §§ 811.91 and 811.92 were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedures for determining the others.

The deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands are determined in § 811.93 (a) on the basis of their respective abilities to market sugar in 1957 and the quotas for those areas as amended in § 811.91.

Accordingly, deficits of 27,373, 216,987 and 752 short tons, raw value, respectively, in the mainland quotas for Hawaii, Puerto Rico and the Virgin Islands were determined. All of the deficit for Hawaii, the Virgin Islands and 56,987 short tons, raw value, of the deficit for Puerto Rico are within that portion of the respective quotas established in § 811.91 pursuant to section 202 (a) (2) of the act and the remaining 160,000 short tons, raw value, of the deficit for Puerto Rico is applicable to that portion of the quota established pursuant to section 202 (a) (1) of the act. Thus, pursuant to section 204 (a) of the act 85,112 tons representing the section 202 (a) (2) portions of the deficit are prorated to domestic areas, to the extent each such area is able to market additional sugar, on the basis of quotas for such areas as established in § 811.91, as amended, and 160,000 tons are prorated to domestic areas, able to market the additional sugar, and to Cuba on the basis of the quotas in effect after proration of the 85,112 tons.

The deficits in the quotas for the Republic of the Philippines, Costa Rica and Nicaragua, amounting to 50,000, 3,367 and 1,313 short tons, raw value, respectively, are determined in § 811.93 (b) on the basis of their respective abilities to market sugar in 1957 and the quotas for these countries, as amended, in § 811.92. Pursuant to section 204 (a) of the act, the Philippine deficit is herein prorated 96 percent, amounting to 48,000 tons, to Cuba and 4 percent, amounting to 2,000 tons, to other foreign countries named in § 811.92. The 2,000 ton deficit prorated to such foreign countries, as a group, the 3,367 ton deficit for Costa Rica and the 1,313 ton deficit for Nicaragua, totaling 6,680 short tons, raw value, is herein prorated to individual foreign countries, other than those having deficits and Cuba, on the basis of the quotas established for such countries in § 811.92, as amended, and as provided for in section 204 (b) of the act.

Despite the prorations of deficits herein made, the quotas for Hawaii, Puerto Rico, the Virgin Islands, the Republic of the Philippines, Costa Rica and Nicaragua remain in effect at the levels provided for in §§ 811.91 and 811.92, as amended, as provided for in section 204 (c) of the act.

Any quantity of sugar imported or certified for entry into the United States within an applicable quota prior to the effective date of this amendment shall be deemed to be within the quota even though in excess of the quota established herein.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 202, 204; 61 Stat. 924; 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 3d day of December 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-10138; Filed, Dec. 6, 1957; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 125]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.425 *Navel Orange Regulation 125*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 5, 1957.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 8, 1957, and ending at 12:01 a. m., P. s. t., December 15, 1957, are hereby fixed as follows:

(i) District 1: 739,200 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 138,600 cartons;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: December 6, 1957.

[SEAL] FLOYD F. HEDLUND, *Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-10212; Filed, Dec. 6, 1957; 11:20 a. m.]

[Tangerine Reg. 196]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.876 *Tangerine Regulation 196*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 3, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) Tangerine Regulation 195 (§ 933.873; 22 F. R. 9571) is hereby terminated at 12:01 a. m., e. s. t., December 6, 1957.

(3) During the period beginning at 12:01 a. m., e. s. t., December 6, 1957, and ending at 12:01 a. m., e. s. t., January 6, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 4, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-10136; Filed, Dec. 6, 1957; 8:47 a. m.]

[Grapefruit Reg. 276]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.877 *Grapefruit Regulation 276*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 3, 1957. Such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., December 9, 1957, and ending at 12:01 a. m., e. s. t., January 6, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 4, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-10157; Filed, Dec. 6, 1957; 8:51 a. m.]

[Orange Reg. 329]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.878 *Orange Regulation 329*—(a) *Findings.* (1) Pursuant to the mar-

keting agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 3, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12.01 a. m., e. s. t., December 9, 1957, and ending at 12:01 a. m., e. s. t., January 6, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{14}/_{16}$ inches in diameter and smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 4, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10158; Filed, Dec. 6, 1957; 8:51 a. m.]

[Tangelo Reg. 1]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.879 *Tangelo Regulation 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting on December 3, 1957, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the section recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this regulation, including the effective time thereof is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangelos, grown in the production area, during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relative to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., December 9, 1957, and ending at 12:01 a. m., e. s. t., January 6, 1958, no handler shall ship between the production area and any point outside

thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$^{1}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 4, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10159; Filed, Dec. 6, 1957; 8:52 a. m.]

[Lemon Reg. 716]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.823 *Lemon Regulation 716*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 4, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t.,, December 8, 1957, and ending at 12:01 a. m., P. s. t., December 15, 1957, are hereby fixed as follows:

(i) District 1: 23,250 cartons;

(ii) District 2: 125,550 cartons;

(iii) District 3: 37,200 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 5, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10190; Filed, Dec. 6, 1957; 9:24 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER ESTABLISHING MERCHANTABLE FREE, RESTRICTED AND ALLOCATION PERCENTAGES FOR 1957-58 MARKETING YEAR; CORRECTION

The merchantable allocation percentage that was computed for District 1 and set forth in the FEDERAL REGISTER of November 21, 1957, in § 984.209 (22 F. R. 9282, 9651) should have read "39" instead of "38", and such percentage is corrected to read "39." As so corrected, said § 984.209 reads as follows:

§ 984.209 *Merchantable free, restricted, and allocation percentages for walnuts during the marketing year beginning August 1, 1957.* During the marketing year beginning August 1, 1957, the following percentages shall be in effect:

	District 1	District 2
	Percent	*Percent*
Merchantable free	72	86
Merchantable restricted	28	14
Merchantable allocation	39	16

Dated: December 4, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-10160; Filed, Dec. 6, 1957; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6815]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BEN HUNDLEY

Subpart—*Advertising falsely or misleadingly:* § 13.130 *Manufacture or preparation;* § 13.247 *Statutes and regulations.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Hiram B. Hundley doing business as Ben Hundley, Washington, D. C., Docket 6815, November 13, 1957]

In the Matter of Hiram B. Hundley, an Individual, Trading and Doing Business as Ben Hundley

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in Washington, D. C., with representing falsely in advertising in newspapers that the automobile and truck tires into which he had cut additional grooves to give the appearance of snow tires, were brand new, factory built, 100 level, first line snow and slush tires, and that the District of Columbia law required chains or snow tires on vehicles driving on certain streets when the weather warranted them.

Following acceptance of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Ben Hundley Tires, Inc., a corporation, and its officers, and Hiram B. Hundley, individually and as an officer of said corporation, and respondents' representative, agents and employees, directly or through any corporate or other device, in connection with the offering for sale,

[1] New.

sale or distribution of new and used automobile and truck tires or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That a specified tire is a factory-built snow and slush tire, unless such is the fact.

2. That a snow and slush tire or any other type of tire, is of a certain kind, line, quality, or level, unless such is the fact.

3. That the law in the District of Columbia requires snow and slush tires to be used at certain times.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10131; Filed, Dec. 6, 1957; 8:46 a. m.]

[Docket 6873]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WALSIDE, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.60 *Earnings and profits;* § 13.75 *Free goods or services;* § 13.155 *Prices:* Exaggerated as regular and customary; usual as reduced, special, etc. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1615 *Earnings and profits;* § 13.1625 *Free goods or services;* [*Misrepresenting oneself and goods*]—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal;* § 13.1935 *Earnings and profits;* § 13.1955 *Free goods.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Walside, Inc., et al., Des Moines, Iowa, Docket 6873, November 13, 1957]

In the Matter of Walside, Inc., a Corporation, and Hilary di Paglia (Erroneously Referred to in the Complaint as Hillary Di Paglia), Raymond di Paglia, and Floren di Paglia, Individually and as Officers of Said Corporation and Doing Business as Builders Supply Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Des Moines, Iowa, of aluminum house or building siding with making, in advertising and through sales talks given by employees, false representations as to a free gift of a dining table service set purportedly given to interested prospects and the value thereof, and commissions paid for the use of houses of purchasers as models to demonstrate their product; and with quoting initial inflated and fictitious prices and subsequently quoting the lower usual price as special introductory conditioned on use of the customer's home for demonstration, etc.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Walside, Inc., a corporation, and its officers, and Hilary Di Paglia (erroneously referred to in the complaint as Hillary Di Paglia), Raymond Di Paglia, and Floren Di Paglia, as individuals or as copartners trading and doing business as Builders Supply Co., or under any other trade name, and as officers of said corporate respondent, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing for sale, offering for sale, sale and distribution of aluminum house or building siding material or of any other kind of goods or merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That a free gift of a dining table service set or any other kind of merchandise will be made to persons complying with specified conditions unless in truth and in fact such merchandise is sent to all persons complying with such conditions.

2. That dining table service sets or any other articles of merchandise either sold or offered as gifts by respondents have a value in excess of the retail selling price of similar articles of merchandise of like grade, quality, design and workmanship advertised for sale, offered for sale and regularly selling or having been sold, contemporaneously in the same general trade area as that supplied by respondents, by other persons, firms, or corporations regularly and usually engaged in the sale and distribution at retail of such articles of merchandise.

3. That a special introductory price or reduced price is offered to selected purchasers of the aforesaid products where such price constitutes respondents' usual and regular selling price and is generally available to all purchasers.

4. That the houses or buildings of selected purchasers of the aforesaid products will be used as model or demonstration houses or buildings to advertise or sell the aforesaid products where such is not the fact.

5. That commissions or fees on the sale of respondents' aforesaid products will be paid by respondents to purchasers of said products whose houses or buildings are used for model or demonstration purposes unless, in truth and in fact, such commissions or fees are actually paid and such houses or buildings are used for model or demonstration purposes.

6. That any price for the aforesaid products in excess of respondents' usual and regular price constitutes the usual and regular selling price of said products.

7. That any price which is not of an amount less than respondents' regular and usual price for the aforesaid products is a special introductory price or a reduced price or any kind of price other than respondents' regular and usual price for the aforesaid products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 15, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10132; Filed, Dec. 6, 1957; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 46]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Barbers Point FM	HNL-LFR (Final)	Direct	*800	T-dn	400-1	400-1	400-1
HNL-VOR	HNL-LFR	Direct	3500	C-dn	500-1	500-1	500-1½
				S-dn-8	500-1	500-1	500-1
				A-dn	800-2	800-2	*800-2

Radar vectoring to Barbers Point FM for final approach authorized in accordance with established Terminal Area Radar Sector Altitudes.
*Maintain 2000' on final until abeam HN "HW" or VOR inbnd; if not received, maintain 2000' to LFR.
Procedure turn S side of crs, 250 Outbnd, 070 Inbnd, 3500' within 12 mi.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 075—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles execute right climbing turn to intercept S crs and proceed to Southgate Int at 2000'.

City, Honolulu; State, Hawaii; Airport Name, Honolulu Int'l; Elev., 10'; Fac. Class, SBRAZ; Ident., HNL; Procedure No. 1, Amdt. 11; Eff. Date, 19 Dec. 57; Sup. Amdt. No. 10; Dated, 20 Apr. 57

OGG-VOR	MAU-LFR	N crs MAU-LFR	6000	T-d	500-1	500-1	500-1
				T-n	600-2	600-2	600-2
				C-d	1000-2	1000-2	1000-2
				C-n	1000-3	1000-3	1000-3
				A-dn	1500-3	1500-3	1500-3

Procedure turn E side of crs, 164 Outbnd, 344 Inbnd, 4000' within 10 mi.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 351—15.3*.
If visual contact not established upon descent to authorized landing minimums within 5 mi*, or if landing not accomplished climb to 4000' on N crs within 30 mi; continue climb to 6000' returning to station.
*Contact must be established on N crs within 5 mi of range station at 1100'. Flight to airport under visual conditions.
CAUTION: Rapidly rising terrain NE of Range Station. 1000' at 2 mi, 3000' at 3 mi, 10,025' at 10 mi.

City, Kahului; State, Maui, T. H.; Airport Name, Kahului; Elev., 59'; Fac. Class, SBRAZ; Ident., MAU; Procedure No. 1, Amdt. 2; Eff Date, 19 Dec. 57; Sup. Amdt. No. 1; Dated, 10 Mar. 56

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Baton Rouge LFR	BTR-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-d	800-1	800-1	800-1½
				C-n	800-1	800-1	800-2
				S-d-4	800-1	800-1	800-1
				S-n-4	800-1	800-1	800-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 244 Outbnd, 064 Inbnd, 1300' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 064—7.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 mi, climb to 1500' on R-064 within 20 mi, or when directed by ATC, turn right, climb to 2000' on R-085.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70'; Fac. Class, BVOR; Ident., BTR; Procedure No. 1, Amdt. 4; Eff. Date, 28 Dec. 57; Sup. Amdt. No. 3; Dated, 28 Sept. 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dallas RBn	DAL-VOR	Direct	2000	T-d	300-1	300-1	
				C-d	500-1	500-1	
				A-d			

Radar Terminal Area Transition altitude: 2000′ within 5 to 20 mi. Radar control must provide 3 mi or 1000′ vert separation or 3 to 5 mi and 500′ vert separation from radio towers 1108′ MSL—20 mi N—2349′ MSL 16 mi. SSW—1230′ MSL 10 mi WNW of airport.
Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 1900′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 152—1.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 mi, turn left, climb to 2000′ and return to DAL VOR. No weather service available.
NOTE: Air Carrier use NA. Night operations NA.

City, Dallas; State, Tex.; Airport Name, Garland; Elev., 614′; Fac. Class, BVOR; Ident., DAL; Procedure No. 1, Amdt. 1; Eff. Date, 28 Dec. 57; Sup. Amdt. No. Orig.; Dated, 8 Oct. 55

Dallas RBn	DAL-VOR	Direct	2000	T-dn	300-1	300-1	
				C-dn	500-1	500-1	
				A-dn			

Radar terminal area transition altitude: 2000′ within 5 to 20 mi. Radar control must provide 3 mi or 1000′ vert separation or 3 to 5 mi and 500′ vert separation from radio towers 1108′ MSL—20 mi N—2349′ MSL 16 mi SSW—1230′ MSL 10 mi WNW of airport.
Procedure turn E side of crs, 106 Outbnd, 286 Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 286—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi, turn right return to DAL VOR climbing to 2000′. No weather service available.
NOTE: Air Carrier use NA.

City, Dallas; State, Tex.; Airport Name, Highland Park; Elev., 524′; Fac. Class, BVOR; Ident., DAL; Procedure No. 1, Amdt. 1; Eff. Date, 28 Dec. 57; Sup. Amdt. No. Orig.; Dated, 8 Oct. 55

Barbers Point FM	HNL-VOR (Final)	Direct	*1000	T-dn	400-1	400-1	400-1
Honolulu LFR	HNL-VOR	Direct	3500	C-dn	500-1	500-1	500-1½
				S-dn-8	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring to Barbers Point FM for final approach authorized in accordance with established Terminal Area Radar Sector Altitudes.
*Maintain 2000′ on final until abeam HN "HW" inbnd; if not received, maintain 2000′ to VOR.
Procedure turn S side of crs, 250 Outbnd, 070 Inbnd, 3500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 078—4.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles execute right climbing turn to intercept R-168 and proceed to Southgate Int at 3000′.

City, Honolulu; State, Hawaii; Airport Name, Honolulu Int'l.; Elev., 10′; Fac. Class, BVOR; Ident., HNL; Procedure No. 1, Amdt. 8; Eff. Date, 19 Dec. 57; Sup. Amdt. No. 7; Dated, 20 Apr. 57

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FNO LFR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
FNO VOR	LOM	Direct	1700	C-dn	500-1	500-1	500-1½
Bowles Int (LFR)	LOM	Direct	1700	S-dn-29:			
				ILS#	200-½	200-½	200-½
				ADF	400-1	400-1	400-1
Fowler Int (VHF)	LOM	Direct	1700	A-dn:			
				ILS##	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

#400-¾ required with glide slope inoperative. 400-1 required when only localizer and either the outer marker or outer compass locator operative.
##800-2 alternate landing minimums with any regular component of ILS inoperative.
Procedure turn S side of crs, 109 Outbnd, 289 Inbnd, 1700′ within 10 miles of LOM. Beyond 10 mi NA. (Nonstandard for more favorable terrain.)
Minimum altitude at G. S. int inbnd, 1700′ ILS, minimum altitude over LOM inbnd final 1000′ ADF.
Altitude of G. S. and distance to approach end of rny at OM 1440—3.8, at MM 566—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM (ADF), climb to 1500′ on course of 289, turn left and climb to 2000′ on W crs of FNO LFR within 20 miles, or climb to 2000′ on R-270 FNO within 20 miles.

City, Fresno; State, Calif.; Airport Name, Air Terminal; Elev., 331′; Fac. Class, ILS-FNO; Ident., LOM-FN; Procedure No. ILS-29, Amdt. 8, Comb. ILS-ADF; Eff. Date, 28 Dec. 57; Sup. Amdt. No. 7; Dated, 19 Dec. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lubbock VOR	LOM	Direct	4500	T-dn	300-1	300-1	200-½
Lubbock LFR	LOM	Direct	4500	C-dn	400-1	500-1	500-1½
Roundup FM	LOM	Direct	4500	S-dn-17:			
Int R 018 LBB and N crs ILS	LOM	Direct	4500	ILS	300-¾	300-¾	300-¾
Int E crs LBB LFR and N crs ILS	LOM	Direct	4500	ADF	400-1	400-1	400-1
Int R 114 LBB and N crs ILS	LOM	Direct	4500	A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn E side N crs, 348 Outbnd, 168 Inbnd, 4500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd 4500′ ILS, minimum altitude over LOM inbnd final 4000′ ADF.
Altitude of G. S. and distance to approach end of rny at OM 4500—4.1, at MM 3490—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM (ADF), climb to 5100′ on S crs ILS (168) within 20 miles, or when directed by ATC, turn left, climb to 4500′ on E crs of LBB LFR within 20 miles, or climb to 4500′ on R-110 LBB within 20 mi.
CAUTION: 4067′ MSL Tower 7.5 miles S of airport on ILS missed approach.
NOTE: No approach lights.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256′; Fac. Class, ILS-ILBB; Ident., LOM-LB; Procedure No. ILS-17, Amdt. 4, Comb. ILS and ADF; Eff. Date, 28 Dec. 57; Sup. Amdt. No. 3; Dated, 9 July 55

Lubbock VOR	Broadway Int	Direct	5100	T-dn	300-1	300-1	200-½
Lubbock LFR	Broadway Int	Direct	5100	C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 168 Outbnd, 348 Inbnd, 5100′ within 10 mi. Beyond 10 mi NA.
No Glide Slope, minimum altitude Broadway Int 4600′, distance to appr end of rny at Broadway Int 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, climb to 4500′ on N crs ILS or when directed by ATC, climb to 4500′ on E crs LFR or R-110 LBB within 25 miles.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256′; Fac. Class, ILS; Ident., ILRB; Procedure No. ILS-35, Amdt. 2; Eff. Date, 28 Dec. 57; Sup. Amdt. No. 1; Dated, 9 July 55

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

NOVEMBER 21, 1957.

[F. R. Doc. 57-9798; Filed, Dec. 6, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO-231-A10]

MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Junior Ballroom, Hotel Dallas, Dallas, Texas, beginning at 9:00 a. m., c. s. t., on December 13, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the North Texas Producers Association:

1. In § 943.51 (a) change the figure $2.00 to $1.87 and the figure $2.20 to $2.27.

2. In § 943.51 (a) change the figure $.50 to $.23.

3. In § 943.51 (a) (2) reconstruct the standard utilization percentages as follows:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October-November	112	115
February	November-December	116	119
March	December-January	118	121
April	January-February	118	121
May	February-March	120	123
June	March-April	127	130
July	April-May	131	134
August	May-June	128	131
September	June-July	124	127
October	July-August	115	118
November	August-September	110	113
December	September-October	110	113

4. A provision which would prevent the Class I price from dropping as a result of the supply-demand adjustment provision during the months of August through February and which would prevent the Class I price from increasing as a result of the supply-demand adjustment during the period of April through June should be considered.

5. In no event should the Class I price be less than that stated in the present order until July 1, 1958.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3: Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2621 West Mockingbird Lane, Dallas, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 4th day of December 1957.

[SEAL]

FRANK E. BLOOD,
Acting Deputy Administrator.

[F. R. Doc. 57-10162; Filed, Dec. 6, 1957; 8:53 a. m.]

Commodity Stabilization Service

[7 CFR Part 728]

WHEAT

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS AND COUNTY NORMAL YIELDS FOR 1959 CROP

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1332, 1333, 1334, 1335), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1959 crop of wheat, to determine and proclaim the national acreage allotment for the 1959 crop of wheat, to apportion among States and counties the national acreage allotment for the 1959 crop of wheat, and to formulate regulations for establishing farm acreage allotments and county normal yields for the 1959 crop of wheat.

Section 335 of the act provides that whenever in the calendar year 1958 the Secretary determines (1) that the total supply of wheat for the 1958–59 marketing year will exceed the normal supply for such marketing year by more than 20 per centum, or (2) that the total supply of wheat for the 1957–58 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year does not exceed 66 per centum of parity, the Secretary shall, not later than May 15, 1958, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1959–60 marketing year.

Section 336 of the act provides that between the date of issuance of any proclamation of any national marketing quota for wheat and July 25, the Secretary shall conduct a referendum by secret ballot, of farmers subject to the quota specified therein to determine whether such farmers favor or oppose such quota.

Section 333 of the act provides that the national acreage allotment shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof; but such allotment for any year shall not be less than 55 million acres. Section 332 of the act requires that the Secretary, not later than May 15, 1958, shall ascertain and proclaim the national acreage allotment for the 1959 crop of wheat.

As defined in section 301 of the act, for the purpose of these determinations, "total supply" for any marketing year is the carry-over of wheat for such marketing year, plus the estimated production of wheat in the United States during the calendar year in which such marketing year begins and the estimated imports of wheat into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of wheat for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of wheat for the marketing year for which normal supply is being determined, plus 20 per centum of such consumption and exports, with such adjustments for current trends in consumption and for unusual conditions as deemed necessary; "normal year's domestic consumption" of wheat is the yearly average quantity of wheat that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption; "normal year's exports" of wheat is the yearly average quantity of wheat produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports; "marketing year" for wheat is the period July 1–June 30; and "national average yield" of wheat is the national average yield of wheat for the ten calendar years preceding the year in which such national average yield is used, adjusted for abnormal weather conditions and for trends in yields.

Section 334 (a) of the act requires that the national acreage allotment of wheat for the 1959 crop, less a reserve of not to exceed one per centum thereof, be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1948–1957 (plus, in applicable years, the acreage diverted under agricultural adjustment, conservation, and soil bank programs), with adjustments for abnormal weather conditions and trends in acreage during such period. Section 334 (b) of the act requires that the State acreage allotment of wheat for the 1959 crop, less a reserve of not to exceed 3 per centum thereof, be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1948–1957 (plus, in applicable years, the acreage diverted under agricultural adjustment, conservation, and soil bank programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices.

Section 335 (e) of the act provides that if for any marketing year the acreage allotment for wheat for any State is twenty-five thousand acres or less, the Secretary in order to promote efficient administration of the act and the Agricultural Act of 1949 may designate such State as outside the commercial wheat-producing area for such marketing year. The acreage allotment for any other State shall not be increased by reason of such designation.

Section 106 (a) of Public Law 540, 84th Congress, provides that in the future establishment of State, county, and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended, reserve acreages applicable to any commodity shall be credited to the State, county, and farm as though such acreage had actually been devoted to the production of the commodity. Section 106 (b) of Public Law 540 provides that in applying the provisions of paragraph (6) of Public Law 74, 77th Congress, relating to reduction of the storage amounts of wheat, the reserve acreage of the commodity on any farm shall be regarded as wheat acreage.

Section 334 (c) of the act requires that the allotment to the county shall be apportioned among the farms within the county on the basis of past acreage of wheat, tillable acres, crop-rotation practices, type of soil and topography, and provides that not more than 3 per centum of the State allotment be apportioned to farms on which wheat has not been planted for harvest during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

Section 125 of Public–Law 540, 84th Congress, provides that the President shall, with respect to farmlands now or hereafter owned by the Federal Government, restrict insofar as practicable the leasing of such lands for the production of price supported crops in surplus supply, but that nothing contained in this section shall prevent the production of such crops on a national wildlife refuge under cooperative permits where such production is necessary to maintain satisfactory wildlife populations, especially of waterfowl for beneficial use.

Section 377 of the act provides that in any case in which, during any year within the period 1956 to 1959, inclusive, for which acreage planted to such commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county and farm acreage allotments to have been planted to such commodity in such year, except that for 1956, the entire allotment shall be considered as planted to the commodity for such purposes only if the owner or operator of such farm notifies the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment. This section is not applicable in any case in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted.

Section 334 (g) of the act, as added by section 2 of Public Law 1021, 84th Congress, provides that if the county committee determines that any farmer is prevented from seeding wheat for harvest as grain in his usual planting season because of unfavorable weather conditions and the operator of the farm notifies the county ASC committee not later than December 1, in any area where only winter wheat is grown or June 1, in the spring wheat area that he does not intend to seed his full wheat allotment because of the unfavorable weather conditions, the entire wheat allotment for such year shall be regarded as wheat acreage for the purpose of establishing future State, county, and farm acreage allotments, but that the provision shall not be applicable in any case in which the amount of wheat of a prior crop required to be stored to avoid or postpone payment of penalty has been reduced because the allotment was not fully planted or because of producing less than the normal production of the farm wheat acreage allotment.

Section 334 (h) of the act, as added by section 2 of Public Law 85–203, 85th Congress, provides that "notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State, county, and farm acreage allotments. The planting on a farm in the commercial wheat-producing area of wheat of the 1958 or any subsequent crop for which no farm wheat acreage allotment was established shall not make the farm eligible for an allotment as an old farm pursuant to the first sentence of subsection (c) of this section nor shall such farm by reason of such planting be considered ineligible for an allotment as a new farm under the second sentence of such subsection." The enactment of this provision will have no effect on the establishment of 1959 wheat allotments, except in determining eligibility of a farm for an old farm allotment, because the 1958 acreage is not used in establishing 1959 allotments.

Section 301 (b) (13) of the act provides for the determination of county normal yields of wheat on the basis of the average yields per acre of wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Provision is also made that if for any year during such 10-year period the data are not available, or there is no actual yield, an appraised yield for such year shall be determined in accordance with regulations issued by the Secretary of Agriculture; and that such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the 10 years upon which the existing normal yield per acre for the county was based.

It is proposed that in connection with apportionment of the national wheat acreage allotment among States a reserve of not to exceed one per centum of the national acreage allotment shall be withheld for apportionment to counties on the basis of their relative needs for additional allotment because of reclamation or other new areas coming into the production of wheat during the preceding ten calendar years as authorized by section 334 (a) of the act.

It is proposed that in connection with the apportionment of the State acreage allotments among counties the State Agricultural Stabilization and Conservation Committee for each State with the approval of the Secretary of Agriculture shall determine the percentage of the State acreage allotment, not in excess of three per centum, which shall be reserved for apportionment to farms in the State on which wheat will be produced for 1959 for the first time since 1955.

It is proposed that the regulations for establishing farm acreage allotments for the 1959 crop of wheat shall be substantially the same as those for the 1958 crop of wheat (22 F. R. 2337) with the following exceptions:

1. The historical acreage for any farm shall be determined on the basis of the average wheat acreage on the farm for the four years 1954 through 1957, including acreage diverted under the 1954, 1955, 1956, and 1957 wheat allotment programs, and the wheat acreage diverted from production under the acreage reserve and conservation reserve soil bank programs.

2. Where the base acreage for the farm determined under the regulations for the 1958 crop of wheat would be substantially the same as that under the proposed regulations, the 1958 base acreage may be used for 1959; and in cases where the base acreage for the farm determined under the regulations for 1957 (21 F. R. 1895) rather than the 1958 base acreage is representative for 1959 because of the established crop rotation system for the farm and such 1957 base acreage would be substantially the same as that under the proposed regulations, the 1957 base acreage may be used for 1959.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, including the determination and allocation of reserves for the 1959 crop of wheat, the date of the referendum, and the formulation of regulations for the establishment of farm acreage allotments and county normal yields for the 1959 crop of wheat, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 3d day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10139; Filed, Dec. 6, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 153; Delegation of Authority 63-A]

DELEGATION OF AUTHORITY TO SIGN AND ISSUE U. S. GOVERNMENT BILLS OF LADING

By virtue of the authority vested in the Secretary of State by Public Law 73, 81st Congress (63 Stat. 111, 5 U. S. C. 151c),

And by virtue of the authority vested in me by section 720 of the Organization Manual of the Department of State, there is hereby delegated to the personnel listed below (and to any person designated to act for one of these enumerated during the absence or incapacity of the latter) authority to sign and issue U. S. Government bills of lading and certificates in lieu of lost U. S. Government bills of lading. The authority hereby delegated is subject to the specific limitations indicated below and to all instructions, regulations, and directives which are now in effect, or which may be issued hereafter by the Department of State or by any other Government agency of competent jurisdiction, governing the signing and issuing of U. S. Government bills of lading.

a. *Division of Supply Management, Office of General Services.*

Division of Supply Management: Chief.
Procurement Branch: Chief, Procurement Officer and Purchase Agents.
Supply Branch: Chief and Warehouse Superintendent.

Limitation: Chargeable to any funds available to the Department of State.

b. *Division of Operating Facilities, Office of General Services.*

Travel and Transportation Branch: Chief and Assistant Chief.
Household and Personal Effects Section: Chief and Assistant Chief.

Limitation: Chargeable to funds available for movement of household goods and personal effects in connection with authorized travel.

c. *Despatch Agency, Office of General Services.*

Despatch Agency, New York; Despatch Agent, Assistant Despatch Agent and Supervisory Freight Traffic Officers.
New Orleans Branch: Despatch Agent and Freight Traffic Clerk.
San Francisco Branch: Despatch Agent and Freight Traffic Officer.

Limitation: Chargeable to funds available for forwarding properly authorized official shipments and for movement of household goods and personal effects in connection with authorized travel.

d. *Division of Communication Services, Office of Special Services.*

Diplomatic Mail Branch: Chief and Assistant Chief.
Pouch Section: Chief.

Limitation: Chargeable to funds available for diplomatic pouch and courier operations.

e. Office of Foreign Buildings.

Office of Foreign Buildings: Director and Executive Officer.

Furniture and Furnishings Branch: Chief.

Administration Branch—Procurement and Contracts Section: Chief.

Limitation: Chargeable to funds available to the Office of Foreign Buildings.

f. Foreign Service Posts.

Foreign Service posts located on the borders of the United States with Canada and Mexico: Principal Officer and Ranking Subordinate.

Limitation: Chargeable to funds available for forwarding properly authorized official shipments and for movement of household goods and personal effects in connection with authorized travel.

Delegation of Authority No. 63, October 13, 1952 (Public Notice 118, October 13, 1952; 17 FR 9756) is hereby superseded and canceled. This delegation of authority supersedes any other delegations which may be in conflict herewith.

Dated: November 22, 1957.

For the Secretary of State.

I. W. CARPENTER, Jr.
Assistant Secretary for Administration.

[F. R. Doc. 57–10128; Filed, Dec. 6, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DECEMBER 1957 MONTHLY SALES LIST

SALES OF CERTAIN COMMODITIES

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in December under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4½ percent per annum.

For periods over 6 months up to and including 18 months, 5 percent per annum.

For periods over 18 months up to and including 36 months, 5½ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

DECEMBER 1957 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its Territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	All sales are under LD-26. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot.
Butter (as available)	Domestic price: For unrestricted use price is "in store" [1] at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26. Export prices are on the basis of delivery f. a. s. vessel or at buyer's option f. o. b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-26. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: 63.5 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.75 cents per pound, Washington, Oregon, and California. All other States 62.5 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of chocolate or in the manufacture of other products made from chocolate, 39 cents per pound. Export—unrestricted use: 39 cents per pound.
Nonfat dry milk (spray, roller) as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 17.0 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 15.0 cents per pound; in bags, 14.15 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese, cheddars, flats, twins, and rindless blocks (Standard moisture basis) 192,000,000 pounds.	Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 37 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements CN-EX-4 and NO-C-9, as amended.
Cotton, Extra Long Staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended and NO-C-10, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wool, shorn; approximately 6,000,000 pounds.	Domestic or export: Remaining stocks will be available for sale (1) on competitive bids each Tuesday under terms and conditions as announced or (2) at prices basis ex-warehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 27 cents per bushel if received by truck, or (2) 22 cents per bushel if received by rail or barge. Examples of the foregoing minimum price per bushel (ex rail or barge): Chicago, No. 1 RW, $2.54; Minneapolis, No. 1 DNS, $2.58; Kansas City, No. 1 HW, $2.54; Portland, No. 1 SW, $2.44. Noncommercial wheat-producing area: Market price, basis in store,[2] but not less than 133 percent of applicable 1957 county loan rate plus (1) 27 cents per bushel if received by truck or (2) 22 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended, for application to certain barter contracts and specially approved credit sales only, at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR-345.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland, CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Chicago, and Portland when announced.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1957 applicable loan rate for corn produced in compliance with 1957 acreage allotments plus: (1) a markup of 15 cents per bushel for corn in storage at point of production, (2) a markup of 17 cents per bushel and the rail freight (including transportation tax) from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, $1.75¾; Minneapolis, $1.65¼. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 110 percent of the applicable 1957 loan rate plus markups as above. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Sample grade and weevilly corn (as available) through the above offices. Export: Competitive bid basis as announced by the Portland, Dallas, Chicago, Minneapolis and Kansas City CSS Commodity Offices.[3]

See footnotes at end of table.

DECEMBER 1957 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Oats, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus: (1) a markup of 16 cents per bushel for oats in storage at point of production, (2) a markup of 18 cents per bushel and the rail freight (including transportation tax) from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, No. 3 oats or better, $0.86¾; Minneapolis, No. 3 oats or better, $0.81. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price in store,[2] but not less than the 1957 applicable loan rate plus (1) 20 cents per bushel if received by truck, or (2) 17 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 barley, $1.35. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, Minneapolis, and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 23 cents per bushel if received by truck, or (2) 18 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 or better, $1.58. Available Chicago, Kansas City, Minneapolis, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price, basis in store,[2] but not ess than the 1957 applicable loan rate plus (1) 41 cents per hundredweight if received by truck, or (2) 32 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (ex rail or barge): Kansas City, No. 2 or better, $2.63. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.[3]
Soybeans, bulk (as available)	Domestic (for crushing) or export: Market price basis in store but not less than the 1957 basic loan rate for No. 2 grade, basis point of production plus 5 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at sub-terminal or terminal storage point will be added to the above price. Available Chicago, Dallas, Kansas City, and Minneapolis CSS Commodity Offices.
Flaxseed, bulk (carlots as available).	Domestic (for crushing) or export: Competitive bids basis in store Duluth or Minneapolis, except that L. C. L. lots available at best prices obtainable. Available Minneapolis CSS Commodity Office.
Rice, milled 1956 crop (as available).	Domestic, unrestricted use (1956 crop): Market price but not less than equivalent 1957 loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling, plus 40 cents per hundredweight basis in store. Prices and quantities available by varieties and grade may be obtained from Dallas CSS Commodity Office. Example of minimum prices of milled rice per hundredweight at mills:

	U. S. No. 3	U. S. No. 4	U. S. No. 5
Blue Bonnet	$10.83	$9.97	$9.05
Century Patna	10.00	9.14	8.32

Rice, rough	Export: Competitive bid under DL-MR-400/57 as announced by Dallas CSS Commodity Office. Special export: Competitive bid on "as is" basis, under DL-MR/53 as announced by Dallas CSS Commodity Office. Domestic, unrestricted: Market price but not less than the 1957 applicable loan rate plus 5 percent, plus 31 cents per hundredweight basis in store. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office or from Portland CSS Commodity Office for Pearl and Calrose. Export: For export as milled rice. Competitive bid as announced by Portland CSS Commodity Office.
Gum rosin	Domestic or export: Offer and acceptance basis "as is", in galvanized metal drums (averaging 517# net) in the stated quantities and on the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Assn. Cooperative, Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Assn. Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[3] Sales of grains other than wheat made under Title I, P. L. 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15, U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: December 4, 1957.

[SEAL] LIONEL C. HOLM,
Acting Executive Vice-President, Commodity Credit Corporation.

[F. R. Doc. 57–10161; Filed, Dec. 6, 1957; 8:52 a. m.]

Commodity Stabilization Service

ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES EX-QUOTA

NOTICE NO. 3 FOR ENTRY FOR REFINING AND RETURN TO CUSTOMS' CUSTODY

Pursuant to the provisions of paragraph (b) of § 818.2 (7 CFR 818.2 (b)), and on the basis of information before me, I do hereby determine and give public notice that the limited quantities of sugar or liquid sugar hereinafter specified may be brought or imported into the continental United States during the remainder of 1957 for the sole purpose of refining and return to Customs' custody without interfering with the effective administration of the Sugar Act of 1948, as amended. Accordingly, notice is hereby given that during the period from the date of publication of this notice in the FEDERAL REGISTER through the close of business on December 31, 1957, sugar or liquid sugar may be brought or imported into the continental United States for the sole purpose of refining and return to Customs' custody without being charged against the applicable quota or allotment after acceptance by the Director of the Sugar Division or the Chief, Quota and Allotment Branch, Sugar Division, of the Commodity Stabilization Service of the Department, of a bond pursuant to paragraph (c) of § 818.2 and the fulfillment of other applicable conditions specified in 7 CFR Part 818, except that the sugar not returned to Customs' custody may be held in inventory by the processor (principal under the bond) at its refinery or any other location at the close of business on December 31, 1957.

The raw sugar imported from any one area or country pursuant to this notice shall be limited to the remaining portion of the single shipment of which a portion is certified as the final quantity to fill the quota and the quantity so entered shall not exceed five percent of the applicable quota nor 5,000 short tons, raw value, whichever is smaller.

Issued at Washington, D. C., this 3d day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–10137; Filed, Dec. 6, 1957; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATION

SEPTEMBER 30, 1957.

Report of purchases under Domestic Purchase Regulation (operating on delegation of authority by Department of Interior under Public Law 733).

Commodity	Termination date of program	Unit of measure	Total limitation	Interim limitation	Purchases			
					Fiscal year to date		Inception to date	
					Quantity	Cost [1]	Quantity	Cost [1]
Asbestos	12-31-58	Short tons, crude No. 1 and No. 2.	2,000	1,919	0	0	704	$806,685.00
Columbium-tantalum	12-31-58	Short tons, crude No. 3 Pounds, contained combined pentoxide.	2,000 250,000	1,919 57,559	0 3,114	0 $12,746.65	486 3,528	194,160.00 13,449.81
Fluorspar	12-31-58	Short tons, acid grade	250,000	126,647	9,247	433,727.57	37,363	1,967,765.09
Tungsten	12-31-58	Short tons units, tungsten trioxide.	1,250,000	293,584	0	0	283,463	15,537,920.91

[1] Material cost.

Dated: December 3, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-10151; Filed, Dec. 6, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4005 etc.]

C. P. BURTON AND R. C. JONES & CO., INC.

NOTICE OF RESUMPTION OF HEARING

DECEMBER 3, 1957.

In the matters of C. P. Burton, Docket Nos. G-4005 and G-4006; Burton-Price Industries, Inc., Operator (now R. C. Jones & Company, Inc.), Docket No. G-9709.

Notice is hereby given that the hearing in the above-designated matters which was recessed by the Presiding Examiner on April 30, 1957, is now scheduled to resume at 9:30 a. m., e. s. t., on December 30, 1957, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10129; Filed, Dec. 6, 1957; 8:45 a. m.]

[Project No. 2082]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

DECEMBER 3, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by The California Oregon Power Company, licensee for Project No. 2082, for amendment of its license for the project to include in the project a proposed 230-kilovolt transmission line linking the Big Bend Development with the Lone Pine Substation at Medford, Oregon, on its western terminus and with the Klamath Falls Substation at Klamath Falls, Oregon, on its eastern terminus.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 9, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc 57-10130; Filed, Dec. 6, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DIRECTOR, BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY FOR EXECUTION OF REAL ESTATE LEASES IN ANCHORAGE, ALASKA

1. The Director, Bureau of Land Management, is authorized to exercise the authority delegated by the Administrator of General Services (22 F. R. 7620) to the Secretary of the Interior to acquire space by lease on such terms and for such periods not in excess of three years as is in the public interest for the housing of any component of the Bureau of Land Management in Anchorage, Alaska, and to execute any leases, documents or instruments which may be necessary in connection therewith.

2. Any lease executed pursuant to the authority hereby delegated, may be amended or renewed from time to time, provided that no renewal for a term in excess of one year shall be entered into without the prior written approval of the Administrator of General Services.

3. Authority conferred by or pursuant to this delegation shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, section 3 of the act of August 27, 1935 (40 U. S. C. 304c), as amended, all other applicable laws, and regulations issued pursuant thereto.

4. The Director, Bureau of Land Management, may, in writing, redelegate or authorize written redelegation of the authority conferred herein. Any such redelegation shall be published in the FEDERAL REGISTER.

5. This delegation of authority shall continue until June 30, 1958: *Provided*, That any lease executed prior to said date may be amended or renewed, as authorized by 2 above, at any time during the term or any extension thereof.

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 3, 1957.

[F. R. Doc. 57-10127; Filed, Dec. 6, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733), 46 U. S. C. 814):

Agreement No. 14-14, between the member lines of the Trans-Pacific Freight Conference (Hong Kong), modifies the basic agreement of that conference (No. 14-1, as amended) to eliminate Ceylon from the trading area thereof. Agreement No. 14-1, as amended, presently covers the trade from or via certain specified ports in the Orient to the Pacific Coast ports of North America and Hawaii, or via such Pacific Coast ports to Overland points in the United States and Canada.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 3, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-10143; Filed, Dec. 6, 1957; 8:48 a. m.]

[Docket No. M-82]

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF HEARING ON ANNUAL REVIEW OF BAREBOAT CHARTER OF DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held on December 9, 1957, at 9:00 a. m., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., to afford an opportunity to interested persons to present evidence as to whether the services in which the vessels named below are being used under charter from the United States pursuant to section 5 (e), Merchant Ship Sales Act of 1946, as amended by Public Law 591, 81st Congress (50 U. S. C. 1738) are required in the public interest and are not adequately served and whether privately-owned American Flag vessels are available for charter on reasonable conditions and at reasonable rates for use in such services. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect to such charters as may be continued and to protect privately-owned vessels against competition from vessels the charter of which may be continued as a result of this proceeding. The vessels and charterers are:

Vessels and Charterers

"Council Bluffs Victory"—American President Lines, Ltd.

"Hope Victory"—American President Lines, Ltd.

"Baylor Victory"—Central Gulf Steamship Corp.

"Lahaina Victory"—American Mail Line, Ltd.

"Pine Bluff Victory"—Pacific Atlantic Steamship Co.

"Casimir Pulaski"—American Coal Shipping, Inc.

"Joseph G. Cannon"—Blidberg-Rothchild Co., Inc.

"Greece Victory"—Isbrandtsen Company, Inc.

"Navajo Victory"—Isbrandtsen Company, Inc.

All persons having an interest in the annual review of these charters will be given an opportunity to be heard if present, and oral argument may be had at the conclusion of the receipt of evidence, in lieu of briefs.

Interested parties should note the tentative findings (22 F. R. 9628, November 30, 1957) of the Board that conditions do not exist justifying the continuance of the charters for additional 12-month periods.

Dated: December 6, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-10197; Filed, Dec. 6, 1957; 11:03 a. m.]

Office of the Secretary

POSITION SCHEDULE SURETY BOND

INVITATION TO BID

Notice is hereby given to all companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, that the Office of the Secretary, Department of Commerce, will receive sealed bids for a position schedule bond covering approximately 63 positions, most of which are to be bonded in the penalty amount of $5,000.00. The effective date of the bond will be January 1, 1958 and the term will be two years.

Copies of the invitation to bid and the schedule of positions to be bonded may be obtained by phoning or writing to the Office of Administrative Operations, Procurement Branch, Room 6867 Commerce Building, Washington 25, D. C. Phone ST 3-9200, extension 523, at which address bids will be opened at 2 p. m., e. s. t., on December 20, 1957.

[SEAL] WILLIAM M. MARTIN,
Director,
Office of Administrative Operations.

[F. R. Doc. 57-10135; Filed, Dec. 6, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9063]

TRANS-WORLD AIRLINES; SIESTA SLEEPER SEAT SERVICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the investigation of fares to be charged by Trans-World Airlines, Inc., for Siesta Sleeper Seat Service between east and west coast points.

Notice is given herewith, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding heretofore assigned to be held on December 9, 1957, is hereby reassigned to be held on December 16, 1957, at 10:00 a. m., e. s. t., in Room 4827, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., December 4, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10164; Filed, Dec. 6, 1957; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1901]

POLAROID CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 3, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Polaroid Corporation common stock; File No. 7-1901.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 18, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Wasington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-10140; Filed, Dec. 6, 1957; 8:48 a. m.]

[File No. 70-3645]

NEW ENGLAND POWER CO.

NOTICE OF FILING REGARDING PROPOSED ISSUE AND SALE OF NOTES TO BANKS

DECEMBER 2, 1957.

Notice is hereby given that New England Power Company ("NEPCO"), a public-utility subsidiary of New England Electric System, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. NEPCO has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

NEPCO presently has outstanding notes payable to The First National Bank of Boston aggregating $6,000,000 which were issued pursuant to an order of the Commission dated July 25, 1957 (Holding Company Act Release No. 13520). Said order provides for a maximum of $9,500,000 of NEPCO's notes to be outstanding at any one time to evidence borrowings from banks during a period ending December 31, 1957.

NEPCO now proposes, not later than December 31, 1957, to issue additional notes payable to The First National Bank of Boston to evidence borrowings in amounts which, when added to amounts issued or to be issued pursuant to the present Commission authorization, will not exceed an aggregate of $12,500,000 of notes to be outstanding at any one time. The notes to be issued will mature not later than March 31, 1958, and will provide for prior payment in whole or in part without premium. The notes will bear interest at not in excess of the prime rate, presently 4½ percent per annum, charged by banks for similar loans at the time such loans are made. Proceeds from the proposed borrowings will be used to pay for capitalizable expenditures or to reimburse the treasury therefor.

No fees or commissions are to be paid in connection with the proposed transactions. Incidental services in connection therewith will be performed at actual cost thereof by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $900.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 17, 1957 at 5:30 p. m., request the

Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10141; Filed, Dec. 6, 1957; 8:48 a. m.]

[File No. 24D-2263]

PYRAMID MINING AND METAL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 3, 1957.

I. Pyramid Mining and Metal Corporation (Pyramid), a Texas corporation, 508 Great Plains Life Building, Lubbock, Texas, filed with the Commission on October 28, 1957, a notification on Form 1-A and an offering circular relating to a proposed offering of 236,000 shares of Common Stock, $1.00 par value, at $1.25 per share, or $295,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The exemption is not available in that the $300,000 limitation prescribed by Regulation A would be exceeded by reason of an offering within the past year.

2. Written consents of accountants, engineers and geologists named as having prepared statements, reports and valuations referred to in the notification and offering circular have not been filed as exhibits to the notification as required by Item 11;

3. The response to Item 2 of the notification fails to disclose the required information with respect to affiliates of Pyramid;

4. The offering circular fails to set forth:

(i) The legend required by paragraph 1 of Schedule I to be set forth on the outside front cover page;

(ii) The percentage of outstanding securities of Pyramid which will be held by directors, officers and promoters as a group, and the percentage of such securities which will be held by the public, if all the securities to be offered by Pyramid are sold, and the respective amounts of cash (including cash expended for properties transferred to Pyramid) paid therefor by such group and by the public as required by paragraph 9 (d) of Schedule I.

(iii) A reasonably itemized statement of the purposes for which the net cash proceeds to Pyramid from the sale of the said securities are to be used and the amount to be used for each such purpose, and the order of priority of the respective purposes, as required by paragraph 6 (a) of Schedule I;

(iv) The individual interests, by securities holdings or otherwise, of officers, directors, and controlling persons and their interests in material transactions within the past two years, as required by paragraph 9 (c) of Schedule I;

(v) Information concerning the metallic or other constituents of the deposits to be explored on the Hidalgo properties, as required by paragraph 8A (b) of Schedule I; and

(vi) Appropriate financial statements of Pyramid as required by paragraph 11 of Schedule I.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. Pyramid's ore reserves;
2. Pyramid's estimated profits;
3. The value of Pyramid's properties;
4. The education, experience and competence of mining engineers and geologists who have made reports and appraisals referred to in the said notification and offering circular;
5. The financial condition of Pyramid;
6. The liabilities of Pyramid, including contingent liabilities incurred by Pyramid as a result of stock sales;
7. The cash receipts and disbursements of Pyramid;
8. The status of the titles to properties in which Pyramid has an interest, including, among other things, the dates, terms and material provisions of the company's leases and options which are Pyramid's only properties;
9. The interests in Pyramid and its properties of Pyramid's officers, directors, promoters, affiliates, engineers and geologists;
10. The use to be made of the proceeds of the offering;
11. The plans of Pyramid to distribute the said securities; and

C. The offering is being made and would be made in violation of section 17 of the Securities Act of 1933, as amended, in that use is being made and would be made of an offering circular which contains false and misleading statements as specified hereinabove.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Pyramid and to any person having any interest in the matter that this order has been entered; that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10142; Filed, Dec. 6, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 10 (Revision 2)]

DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority vested in the Administrator by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631 (Supp. II, 1952), as amended, 69 Stat. 547, 15 U. S. C. 631 (Supp. III, 1952), Reorganization Plan No. 2 of 1954, dated April 29, 1954, effective June 30, 1954 (83d Cong., 2d Sess.) and Reorganization Plan No. 1 of 1957, dated April 29, 1957, effective at the close of June 30, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Deputy Administrator for Financial Assistance the following authority:

A. *General.* To carry out all functions listed for the Deputy Administrator for Financial Assistance in section 101 of SBA-100, Administrative Manual.

B. *Specific.* 1. To approve or decline business and disaster loan applications, and to execute authorizations and modifications pertaining to such loans.

2. To approve amendments of loan authorizations in loans that: (a) have, or (b) have not been fully disbursed.

3. To determine eligibility of loan applicants within the framework of prior determinations.

4. To accept for processing disaster loan applications received after expiration of the six months disaster period.

5. To approve or decline deferment until final maturity of a loan any installment of principal due on such loan within one month of final disbursement of such loan.

6. To declare disaster areas in order to carry out the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, if such action is necessary during any period when the Administrator is on leave or travel status.

7. To take the following actions in the administration, collection and liquidation of partially or fully disbursed Business loans, Disaster loans, Receivables and Collateral Purchased:

a. Approve or reject substitutions of collateral.

b. Release or consent to the release of excess collateral consisting of inventories, accounts receivable or cash collateral, held as collateral to indebtedness owed to SBA.

c. Approve the release of all collateral securing an indebtedness when said indebtedness is paid in full.

d. Approve the sale and release of real or personal property securing an indebtedness.

e. Release dividends on life insurance policies held as collateral to an indebtedness owed to SBA and approve the application of such dividends on premiums due on the life insurance policies.

f. Release insurance funds representing loss or damage to property securing an indebtedness owed to SBA.

g. Approve release of expired hazard insurance policies.

h. Approve release of life insurance policies for cash surrender value thereof, proceeds to be applied on indebtedness.

i. Designate proxies to vote at stockholders' meeting with respect to stock held as collateral and to determine the manner in which such stock shall be voted.

j. Approve reinstatement of the terms of payment as provided for in the note evidencing a debt owed to SBA, upon cancellation of authority to foreclose, termination of liquidation or correction of any other situation which caused the indebtedness to be classified as a Problem Loan or "In Liquidation".

k. Approve the purchase of SBA's agreed portion of a participation loan.

l. Approve repurchase of an RFC loan sold under repurchase agreement.

m. Approve a sale to a financial institution of SBA's portion of a participation loan.

n. Approve cancellation of any deferred participation agreement, upon request of the holder of such agreement.

o. Approve chargeoff of sums owed to SBA.

p. Approve exchange of property securing an indebtedness owed to SBA, for other property of at least equal value to that being exchanged.

q. Approve advances for care and preservation of collateral and collateral purchased.

r. Approve employment of watchmen and caretakers and payment of their wages in connection with property securing an indebtedness to SBA or property owned as collateral purchased.

s. Approve employment of outside appraisers when and if the services of qualified SBA appraisers are not available and payment of such appraisers' charges.

t. Approve carrying past due indebtedness owed to SBA.

u. Approve arrangements for utilities in connection with property securing loans or property acquired as collateral purchased and for payment of utility bills.

v. Approve employment of auctioneers to conduct auctions of properties securing loans and properties acquired as collateral purchased, payment of auctioneers' fees for conducting such auctions and expenses incident thereto.

w. Approve expenses incident to offerings of properties securing loans and property acquired as collateral purchased, for sealed bids and payment of such expenses.

x. Approve extensions of maturity of loans within the limitations of the SBA and the RFC Acts.

y. Approve revision of repayment provisions of loans.

z. Approve payment or purchase of prior liens on property securing loans or property acquired as collateral purchased.

aa. Approve sales of property acquired as collateral purchased by sealed bid or auction sale, and property sold at a sale made in accordance with the terms of the note or mortgage.

bb. Approve the sale of acquired property on a negotiated basis.

cc. Approve bids on behalf of SBA, for property securing loans, to be sold at judicial sale or a sale made in accordance with the terms of a note or mortgage.

dd. Approve acceleration of maturity of a note evidencing an indebtedness owed to SBA.

ee. Approve foreclosure of collateral securing an indebtedness owned to SBA.

ff. Approve suit against debtors and guarantors.

gg. Approve issuance of checks for the purpose of depositing SBA's bid for property, sold at judicial sale, in instances where the court having jurisdiction of the sale requires deposit of such bid.

hh. Approve or decline plans of reorganization or debt adjustment proposed by debtors pursuant to the Bankruptcy Act, as amended.

ii. Approve sale of any primary obligation or other evidence of an indebtedness owed to SBA, for cash, in an amount not less than the total of such indebtedness.

jj. Approve changes in borrower's management when such change is requested by borrowers.

kk. Approve deferment of installments, including payments due pursuant to net earnings clause, on an indebtedness owed to SBA.

ll. Approve transfer of loans or receivables between Regional Offices, for administration.

mm. Approve borrowers' request to increase salaries, bonus payments and employment of additional personnel.

nn. Approve methods of disposing of property acquired as collateral purchased.

oo. Approve waiver of provisions of loan agreements limiting amount of indebtedness and amount of investment in fixed assets which borrower may incur after disbursement of SBA loan.

pp. Approve or consent to actions by participants servicing loans within the limits set forth herein.

qq. Exercise the SBA's option to terminate Collection and Servicing and Loan Servicing Agreements covering former RFC loans and to cancel such agreements upon the request of Servicing Banks.

8. To authorize or approve his (a) personal travel and (b) the travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

9. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

C. *Correspondence.* To sign all correspondence, except correspondence addressed to Members of Congress, relating to the financial assistance program.

II. The specific authority delegated in I-B-6 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Financial Assistance.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Financial Assistance (Delegation of Authority No. 10 (Revision 1) as amended, dated July 17, 1957, 21 F. R. 5853, 22 F. R. 3432, 4245) is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Dated: July 1, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-10152; Filed, Dec. 6, 1957; 8:50 a. m.]

[Delegation of Authority 10-1 (Revision 1)]

DIRECTOR, OFFICE OF FINANCIAL ASSISTANCE

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority vested in the Deputy Administrator for Financial Assistance by the Administrator by Delegation of Authority No. 10 (Revision 2), dated July 1, 1957, there is hereby redelegated to the Director, Office of Financial Assistance the following authority:

A. *General.* To carry out all functions listed for the Office of Financial Assistance in section 101 of SBA-100, Administrative Manual.

B. *Specific.* 1. To approve or decline business and disaster loan applications, and to execute authorizations and modifications pertaining to such loans.

2. To approve amendments of loan authorizations for loans that: (a) have, or (b) have not been fully disbursed.

3. To determine eligibility of loan applicants, within the framework of prior determinations.

4. To accept for processing disaster loan applications received after expiration of the six months disaster period.

5. To approve or decline deferment until final maturity of a loan, any installment of principal due on such loan within one month of final disbursement of such loan.

6. To take the following actions in the administration, collection and liquida-

tion of partially or fully disbursed Business loans, Disaster loans, Receivables and Collateral Purchased.

a. Approve or reject substitutions of collateral.

b. Release or consent to the release of excess collateral consisting of inventories, accounts receivable or cash collateral, held as collateral to indebtedness owed to SBA.

c. Approve the release of all collateral securing an indebtedness when said indebtedness is paid in full.

d. Approve the sale and release of real or personal property securing an indebtedness.

e. Release dividends on life insurance policies held as collateral to an indebtedness owed to SBA and approve the application of such dividends on premiums due on the life insurance policies.

f. Release insurance funds representing loss or damage to property securing an indebtedness owed to SBA.

g. Approve release of expired hazard insurance policies.

h. Approve release of life insurance policies for cash surrender value thereof, proceeds to be applied on indebtedness.

i. Designate proxies to vote at stockholders' meeting with respect to stock held as collateral and to determine the manner in which such stock shall be voted.

j. Approve reinstatement of the terms of payment as provided for in the note evidencing a debt owed to SBA, upon cancellation of authority to foreclose, termination of liquidation or correction of any other situation which caused the indebtedness to be classified as a Problem Loan or "In Liquidation".

k. Approve the purchase of SBA's agreed portion of a participation loan.

l. Approve repurchase of an RFC loan sold under repurchase agreement.

m. Approve a sale to a financial institution of SBA's portion of a participation loan.

n. Approve cancellation of any deferred participation agreement, upon request of the holder of such agreement.

o. Approve chargeoff of sums owed to SBA.

p. Approve exchange of property securing an indebtedness owed to SBA, for other property of at least equal value to that being exchanged.

q. Approve advances for care and preservation of collateral and collateral purchased.

r. Approve employment of watchmen and caretakers and payment of their wages in connection with property securing an indebtedness to SBA or property owned as collateral purchased.

s. Approve employment of outside appraisers when and if the services of qualified SBA appraisers are not available and payment of such appraisers' charges.

t. Approve carrying past due indebtedness owed to SBA.

u. Approve arrangements for utilities in connection with property securing loans or property acquired as collateral purchased and for payment of utility bills.

v. Approve employment of auctioneers to conduct auctions of properties securing loans and properties acquired as collateral purchased, payment of auctioneers' fees for conducting such auctions and expenses incident thereto.

w. Approve expenses incident to offerings of properties, securing loans and property acquired as collateral purchased, for sealed bids and payment of such expenses.

x. Approve extensions of maturity of loans within the limitations of the SBA and the RFC Acts.

y. Approve revision of repayment provisions of loans.

z. Approve payment or purchase of prior liens on property securing loans or property acquired as collateral purchased.

aa. Approve sales of property acquired as collateral purchased by sealed bid or auction sale, and property sold at a sale made in accordance with the terms of the note or mortgage.

bb. Approve the sale of acquired property on a negotiated basis.

cc. Approve bids on behalf of SBA, for property securing loans, to be sold at judicial sale or a sale made in accordance with the terms of a note or mortgage.

dd. Approve acceleration of maturity of a note evidencing an indebtedness owed to SBA.

ee. Approve foreclosure of collateral securing an indebtedness owed to SBA.

ff. Approve suit against debtors and guarantors.

gg. Approve issuance of checks for the purpose of depositing SBA's bid for property, sold at judicial sale, in instances where the court having jurisdiction of the sale requires deposit of such bid.

hh. Approve or decline plans of reorganization or debt adjustment proposed by debtors pursuant to the Bankruptcy Act, as amended.

ii. Approve sale of any primary obligation or other evidence of an indebtedness owed to SBA, for cash, in an amount not less than the total of such indebtedness.

jj. Approve changes in borrower's management when such change is requested by borrowers.

kk. Approve deferment of installments, including payments due pursuant to net earnings clause, on an indebtedness owed to SBA.

ll. Approve transfer of loans or receivables between Regional Offices, for administration.

mm. Approve borrowers' request to increase salaries, bonus payments and employment of additional personnel.

nn. Approve methods of disposing of property acquired as collateral purchased.

oo. Approve waiver of provisions of loan agreements limiting amount of indebtedness and amount of investment in fixed assets which borrower may incur after disbursement of SBA loan.

pp. Approve or consent to actions by participants servicing loans within the limits set forth herein.

qq. Exercise the SBA's option to terminate Collection and Servicing and Loan Servicing Agreements covering former RFC loans and to cancel such agreements upon the request of Servicing Banks.

7. To authorize or approve his (a) personal travel and (b) the travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

8. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy-making correspondence, except Congressional correspondence, relating to the functions of the Office of Financial Assistance.

II. The specific authority delegated in I. B. 7 and 8 (b) and (c) may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Financial Assistance.

IV. All previous authority delegated by the Deputy Administrator for Financial Assistance to the Director, Office of Financial Assistance (Delegation of Authority No. 10–1, as amended, dated July 31, 1956, 21 F. R. 5853, 22 F. R. 4245) is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Dated: August 15, 1957.

ALBERT C. KELLY,
Deputy Administrator for Financial Assistance.

[F. R. Doc. 57–10153; Filed, Dec. 6, 1957; 8:50 a. m.]

[Delegation of Authority 10–3]

CHIEF, ADMINISTRATION AND LIQUIDATION DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE

Notice is hereby given that this delegation (21 F. R. 6324) is rescinded in its entirety.

Dated: September 1, 1957.

J. R. KEENER,
Director,
Office of Financial Assistance.

[F. R. Doc. 57–10154; Filed, Dec. 6, 1957; 8:51 a. m.]

[Delegation of Authority 10–4 (Revision 1)]

LOAN REVIEW BOARD

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority delegated to the Director, Office of Financial Assistance, by Delegation of Authority No. 10–1 (Revision 1), dated August 15, 1957, there is hereby redelegated to the Loan Review Board, the following authority:

A. *General.* To carry out all the functions listed for the Loan Review Board in section 101 of SBA–100, Administrative Manual.

B. *Specific.* When a majority of the Board concurs:

1. To approve or decline business and disaster loan applications.

2. To approve or decline amendments of loan authorizations for loans that have not been fully disbursed.

3. To approve or decline deferment until final maturity of a loan, any installment of principal due on such loan within one month of final disbursement of such loan.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by a majority vote of the Board, when at least three members, regular or acting, participate in such actions.

IV. All previous authority delegated by the Director, Office of Financial Assistance to the Loan Review Board (Delegation of Authority No. 10–4, dated June 5, 1957, 22 F. R. 4246) is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Dated: September 1, 1957.

J. R. KEENER,
Director,
Office of Financial Assistance.

[F. R. Doc. 57–10155; Filed, Dec. 6, 1957; 8:51 a. m.]

[Delegation of Authority 10–6]

CHIEF, LOAN SERVICING DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority delegated to the Director, Office of Financial Assistance, by Delegation of Authority No. 10–1, Revision 1, dated August 15, 1957, there is hereby redelegated to the Chief, Loan Servicing Division, the following authority:

A. *General.* To carry out all functions listed for the Loan Servicing Division in section 101 of SBA–100, Administrative Manual.

B. *Specific.* 1. To approve amendments of loan authorizations for loans that have been fully disbursed.

2. To take the following actions in the administration, collection and liquidation of partially or fully disbursed Business loans, Disaster loans, Receivables and Collateral Purchased:

a. Approve or reject substitutions of collateral.

b. Release or consent to the release of excess collateral consisting of inventories, accounts receivable or cash collateral, held as collateral to indebtedness owed to SBA.

c. Approve the release of all collateral securing an indebtedness when said indebtedness is paid in full.

d. Approve the sale and resale of real or personal property securing an indebtedness.

e. Release dividends on life insurance policies held as collateral to an indebtedness owed to SBA and approve the application of such dividends on premiums due on the life insurance policies.

f. Release insurance funds representing loss or damage to property securing an indebtedness owed to SBA, provided the proceeds are used to repair or replace the property or are applied on the indebtedness.

g. Approve release of expired hazard insurance policies.

h. Approve release of life insurance policies for cash surrender value thereof, provided the proceeds are applied on the loan.

i. Approve reinstatement of the terms of payment as provided for in the note evidencing a debt owed to SBA, upon cancellation of authority to foreclose, termination of liquidation or correction of any other situation which caused the indebtedness to be classified as a Problem Loan or "In Liquidation".

j. Approve cancellation of any deferred participation agreement, upon request of the holder of such agreement.

k. Approve chargeoff of sums owed to SBA up to $10,000.

l. Approve exchange of property securing an indebtedness owed to SBA, for other property of at least equal value to that being exchanged.

m. Approve advances for care and preservation of collateral and collateral purchased.

n. Approve employment of watchmen and caretakers and payment of their wages in connection with property securing an indebtedness to SBA or property owned as collateral purchased.

o. Approve employment of outside appraisers when and if the services of qualified SBA appraisers are not available and payment of such appraisers' charges.

p. Approve carrying past due indebtedness owed to SBA.

q. Approve arrangements for utilities in connection with property securing loans or property acquired as collateral purchased and for payment of utility bills.

r. Approve employment of auctioneers to conduct auctions of properties securing loans and properties acquired as collateral purchased, payment of auctioneers' fees for conducting such auctions and expenses incident thereto.

s. Approve expenses incident to offerings of properties, securing loans and property acquired as collateral purchased, for sealed bids and payment of such expenses.

t. Approve extensions of maturity of loans within the limitations of the SBA and the RFC Acts.

u. Approve revision of repayment provisions of loans.

v. Approve payment or purchase of prior liens on property securing loans or property acquired as collateral purchased.

w. Approve sales of property acquired as collateral purchased by sealed bid or auction sale, and property sold at a sale made in accordance with the terms of the note or mortgage.

x. Approve the sale of acquired property on a negotiated basis.

y. Approve bids on behalf of SBA, for property securing loans, to be sold at judicial sale or a sale made in accordance with the terms of a note or mortgage.

z. Approve acceleration of maturity of a note evidencing an indebtedness owed SBA, and the foreclosure of collateral securing the indebtedness, provided the amount of such indebtedness does not exceed $25,000.

aa. Approve suit against debtors and guarantors.

bb. Approve issuance of checks for the purpose of depositing SBA's bid for property, sold at judicial sale, in instances where the court having jurisdiction of the sale requires deposit of such bid.

cc. Approve sale of any primary obligation or other evidence of an indebtedness owed to SBA, for cash, in an amount not less than the total of such indebtedness.

dd. Approve changes in borrowers' management when such change is requested by borrowers.

ee. Approve deferment of installments, including payments due pursuant to net earnings clause, on an indebtedness owed to SBA.

ff. Approve transfer of loans or receivables between Regional Offices, for administration.

gg. Approve borrowers' request to increase salaries, bonus payments and employment of additional personnel.

hh. Approve waiver of provisions of loan agreements limiting amount of indebtedness and amount of investment in fixed assets which borrower may incur after disbursement of SBA loan.

ii. Approve or consent to actions by participants servicing loans within the limits set forth herein.

jj. Exercise the SBA's option to terminate Collection and Servicing and Loan Servicing Agreements covering former RFC loans and to cancel such agreements upon the request of Servicing Banks.

3. To approve sick and annual leave for employees under his supervision.

C. *Correspondence.* To sign nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Loan Servicing Division.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Servicing Division.

IV. All previous authority delegated to the Chief, Loan Servicing Division is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Dated: September 1, 1957.

JOHN R. KEENER,
Director,
Office of Financial Assistance.

[F. R. Doc. 57–10156; Filed, Dec. 6, 1957; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this

notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa.; effective 12-1-57 to 11-30-58. Workers engaged in the production of men's and boys' shirts (men's dress and sport shirts).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa.; effective 12-1-57 to 11-30-58. Workers engaged in the production of women's blouses (tailored shirt blouses).

Blue Bell, Inc., Columbia City, Ind.; effective 12-8-57 to 4-30-58 (dungarees).

Cortland Corset Co., Inc., East Court Street, Cortland, N. Y.; effective 12-1-57 to 11-30-58 (corsets, corselettes, girdles).

Elizabethtown Manufacturing Co., Elizabethtown, N. C.; effective 12-1-57 to 11-30-58 (cotton dresses).

The H. W. Gossard Co., Sullivan, Ind.; effective 11-25-57 to 11-24-58 (girdles and brassieres).

The Hercules Trouser Co., Hillsboro, Ohio; effective 12-1-57 to 11-30-58 (men's and boys' pants).

The Hercules Trouser Co., Jackson, Ohio; effective 12-1-57 to 11-30-58 (men's and boys' pants).

The Hercules Trouser Co., Manchester, Ohio; effective 12-1-57 to 11-30-58 (men's and boys' pants).

International Latex Corp., Manchester, Ga.; effective 12-1-57 to 11-30-58 (children's wear).

Jean Lang Dress Co., 600 First Avenue North, Minneapolis, Minn.; effective 12-1-57 to 11-30-58 (dresses).

T. S. Lankford & Sons, 151½ Walnut Street, Abilene, Tex.; effective 12-1-57 to 11-30-58. Learners may not be employed at special minimum wage rates in the production of separate skirts (men's work clothes, government uniforms, girls' sportswear).

The H. D. Lee Co., Inc., 409 East Madison, South Bend, Ind.; effective 11-28-57 to 4-27-58 (men's work clothing).

Linden Apparel Corp., Linden, Tenn.; effective 11-23-57 to 11-22-58 (men's and boys' work pants).

Manhattan Shirt Co., 29 Hoffman Street, Kingston, N. Y.; effective 12-1-57 to 11-30-58 (men's pajamas).

Manhattan Shirt Co., Market and Spruce Streets, Paterson, N. J.; effective 12-1-57 to 11-30-58 (men's shirts).

Manhattan Shirt Co., 717 Capouse Avenue, Scranton, Pa.; effective 12-1-57 to 11-30-58 (men's sport shirts).

Manhattan Shirt Co., Leeds Avenue, Charleston Heights, S. C.; effective 12-1-57 to 11-30-58 (men's dress shirts).

Mountain Top Co., Spartanburg Highway, Hendersonville, N. C.; effective 12-1-57 to 11-30-58 (men's and children's playwear).

Myrna Mills of Adamsville, Inc., Adamsville, Tenn.; effective 12-1-57 to 11-30-58 (men's and boys' sport shirts).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; effective 11-22-57 to 4-21-58 (work pants).

Savada Brothers, Inc., Northeast Boulevard, Landisville, N. J.; effective 11-25-57 to 11-24-58 (boys' sport shirts).

Savada Brothers, Inc., 115-121 Mulberry Street, Millville, N. J.; effective 11-25-57 to 11-24-58 (boys' sport shirts).

Savada Brothers, Inc., Wheat Road, Vineland, N. J.; effective 11-25-57 to 11-24-58 (boys' sport shirts).

Spartans Manufacturing Co., Inc., Dunlap, Tenn.; effective 12-1-57 to 11-30-58 (men's and boys' sport shirts).

Wargosa Manufacturing Co., Inc., Depot Street, Columbia, Tenn.; effective 12-1-57 to 11-30-58 (men's sport shirts).

Wentworth Manufacturing Co., 148 East Darlington Street, Florence, S. C.; effective 11-26-57 to 11-25-58 (women's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Gloucester Pants Co., 377-379 Main Street, Gloucester, Mass.; effective 12-1-57 to 11-30-58; 10 learners (men's and boys' trousers).

Jo-Ann Dress Co., 222 East St. Joseph Street, Easton, Pa.; effective 11-19-57 to 4-30-58; 10 learners (women's dresses).

Myco Manufacturing Co., Inc., Montgomery, Pa.; effective 12-1-57 to 11-30-58; 10 learners (ladies' dusters, housecoats, robes).

Shreveport Garment Manufacturers, 1023 Polk Street, Mansfield, La.; effective 12-13-57 to 12-12-58; 10 learners (work shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 3012 South Adams Street, Peoria, Ill.; effective 11-26-57 to 4-30-58; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

C. W. Anderson Hosiery Co., Clinton, S. C.; effective 11-18-57 to 4-17-58; five learners for normal labor turnover purposes (full-fashioned).

Dillon Hosiery Co., Dillon, S. C.; effective 12-2-57 to 6-1-58; 50 learners for plant expansion purposes (seamless).

Nebel Knitting Co., 101 West Worthington Avenue, Charlotte, N. C.; effective 11-22-57 to 11-21-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Adelphi Undergarment Co., Blain, Pa.; effective 11-21-57 to 4-30-58; five learners for normal labor turnover purposes (women's and children's pajamas).

Beeren Knitwear, Inc.; Clover, S. C.; effective 11-19-57 to 4-30-58; five learners for normal labor turnover purposes (men's and boys' tee shirts).

Cluett, Peabody & Co., Inc., Eveleth, Minn.; effective 11-28-57 to 11-27-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Bedford Shoe Co., Carlisle, Pa.; effective 12-1-57 to 11-30-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Billig Shoe Co., Inc., 1500 Main Street, Peckville, Pa.; effective 12-1-57 to 11-30-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Felt Slipper Co., Inc., 614 West 131st Street, New York, N. Y.; effective 12-1-57 to 5-31-58; five learners for normal labor turnover purposes.

Gem Footwear, Inc., 16 Glenwood Avenue, Gloversville, N. Y.; effective 11-22-57 to 5-21-58; 25 learners for plant expansion purposes.

Gem Footwear, Inc., 16 Glenwood Avenue, Gloversville, N. Y.; effective 11-22-57 to 11-21-58; 10 learners for normal labor turnover purposes.

J. Landis Shoe Co., Palmyra, Pa.; effective 12-1-57 to 11-30-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Lazar's of Santa Fe, 228 Don Gaspar, Santa Fe, N. Mex., effective 12-1-57 to 11-30-58; 10 learners for normal labor turnover purposes.

Loree Footwear Corp., Rossiter, Indiana Co., Pa.; effective 12-1-57 to 11-30-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

El Dorado Import & Export, Inc., Caguas, P. R.; effective 11-15-57 to 5-14-58; authorizing the employment of 45 learners for plant expansion purposes, in the occupations of millinery sewing and millinery assembling, each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (women's millinery).

Nassau Mills, Inc., Caguas, P. R.; effective 11-8-57 to 5-7-58; authorizing the employment of 30 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (men's sleeping wear).

Paradise Manufacturing, Inc., Gurabo-Caguas Road, Gurabo, P. R.; effective 11-4-57 to 5-3-58; authorizing the employment of 50 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (brassieres).

Puerto Rico Industrial Manufacturing Co., Bo. Coto Sur, Manati, P. R.; effective 11-15-57 to 5-14-58; authorizing the employment of 90 learners for plant expansion purposes, in the occupations of: (1) sewing machine operators and final pressing, each for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours; and (2) machine operations other than sewing (cleaning) and final inspection of fully assembled garments, each for a learning period of 160 hours at the rate of 53 cents an hour (men's work shirts and pants).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C. this 26th day of November 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-10150; Filed, Dec. 6, 1957; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MRS. W. M. OSENDARP-DE MAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. W. M. Osendarp-de Man, 21 Prins Mauritslaan, The Hague, The Netherlands; $2,704.43 in the Treasury of the United States.

Vesting Orders Nos. 17837, 17840, and 17912; Claim No. 62796.

Executed at Washington, D. C., on November 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10144; Filed, Dec. 6, 1957; 8:49 a. m.]

KAROLINE PROKSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Karoline Proksch, Vienna XVI, Austria; an undivided one-half (½) interest in and to property described in Vesting Order No. 2429 (8 F. R. 16536, December 8, 1943), relating to United States Letters Patent No. 2,066,549.

Vesting Order No. 2429, Claim No. 42795.

Executed at Washington, D. C., on November 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10145; Filed, Dec. 6, 1957; 8:49 a. m.]

MISS M. P. G. STAUBESAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Miss M. P. G. Staubesand, Amsterdam, Holland; $262.82 in the Treasury of the United States.

Vesting Order No. 17840, Claim No. 61748.

Executed at Washington, D. C., on November 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10146; Filed, Dec. 6, 1957; 8:49 a. m.]

LUISE SUESSKIND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Luise Suesskind, 29 Potsdamerstrasse 29, Berlin W 35, Germany; $750.17 in the Treasury of the United States.

Vesting Order No. 956, Claim No. 62598.

Executed at Washington, D. C., on November 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10147; Filed, Dec. 6, 1957; 8:49 a. m.]

IDA RONESKA ELZA ADELAIDE WOUDSTRA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ida Roneska Elza Adelaide Woudstra, 22 Hollanderstraat, The Hague, The Netherlands; $134.95 in the Treasury of the United States.

Vesting Order No. 17950, Claim No. 60645.

Executed at Washington, D. C., on November 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10148; Filed, Dec. 6, 1957; 8:49 a. m.]

LUCIE BERCANTAL AND CLAUDE AIME BERCANTAL

AMENDMENT TO NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas, a Notice of Intention to Return Vested Property was published in the FEDERAL REGISTER on April 11, 1957 (22 F. R. 2445) with respect to the return of property vested under Vesting Order No. 18311 to Lucie Bercantal (Claim No. 59962);

Whereas, information was subsequently received to the effect that Lucie Bercantal died intestate in Switzerland on April 25, 1954, and that Claude Aime Bercantal is her sole heir;

Whereas, Claude Aime Bercantal has been substituted as claimant in this matter;

Now, therefore, pursuant to section 32 of the Trading With the Enemy Act, as amended, the said Notice of Intention to Return Vested Property is hereby amended by deleting under the heading "Claimant" the name and address of Lucie Bercantal and substituting therefor the following:

Claimant

Claude Aime Bercantal, 1 Place Bel Air, Lausanne, Switzerland.

All other provisions of said notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on November 29, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10149; Filed, Dec. 6, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 4, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34337: *Woodpulp—Brewton, Ala., to western trunk line points.* Filed by O. W. South, Jr., Agent (SFA No. A3569), for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads from Brewton, Ala., to specified points in Iowa, Kansas, Michigan (Upper Peninsula), Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 36 to Agent Spaninger's tariff I. C. C. 1555.

FSA No. 34338: *Petroleum and products between San Francisco, Calif., bay points and points in Oregon.* Filed by J. P. Haynes, Agent (No. 237), for interested rail carriers. Rates on petroleum and petroleum products, carloads as described in the application between San Francisco, Port Chicago, Calif., and other points in California taking group 15 and 16 rates, on the one hand, and on the other, Ashland, Central Point, Gas Works, Gold Hill, Grants Pass, and Medford, Oreg.

Grounds for relief: Barge-truck competition.

Tariff: Twenty-sixth revised page 392 and seventeenth revised page 392A of Agent Haynes' tariff I. C. C. No. 1352.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-10133; Filed, Dec. 6, 1957; 8:46 a. m.]

COMMISSIONER THROUGH WHOM BUREAU OF INQUIRY AND COMPLIANCE REPORTS

AMENDMENT TO ORGANIZATION MINUTES

DECEMBER 2, 1957.

The Organization Minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended, revised to March 25, 1957 (22 F. R. 3987), as amended (22 F. R. 4702 and 5973), have been further amended, effective December 1, 1957, by adding after Item 6.10, the following item designated 6.10½:

6.10½ Authority to act upon recommendations of the Commission's staff with respect to matters looking to court enforcement proceedings under the provisions of Part II of the Interstate Commerce Act relating to those subject matters which, or the principal parts of which, are assigned to Division 1, except that in those matters relating solely to safety violations and violations of hours-of-service regulations (Parts 190 to 196, inclusive, and Part 198 of the Motor Carrier Safety Regulations) in which criminal action is indicated the District Director of the Bureau of Motor Carriers and the Regional Attorney of the Bureau of Inquiry and Compliance in the several districts, where they agree on the action to be taken, jointly may make recommendations directly to the United States Attorneys or Department of Justice. Commissioner through whom the Bureau of Inquiry and Compliance reports (Commissioner Minor).

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-10134; Filed, Dec. 6, 1957; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 238

Washington, Tuesday, December 10, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

UNIVERSITY OF MICHIGAN

MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 621, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.52-2 of the regulations supplemental to the pink bollworn quarantine (7 CFR 301.52-2, 22 F. R. 7014), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85-36), administrative instructions designating as 7 CFR 301.52-2a (22 F. R. 7016) are hereby revised to read as follows:

§ 301.52-2a *Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworn quarantine.* (a) Infestations of the pink bollworn have been determined to exist, in the quarantined States, in the civil divisions and premises or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworn regulated area within the meaning of the provisions in this subpart:

Arizona. Counties of Cochise, Graham, Greenlee, and Santa Cruz, and all of Pima County except that portion lying west of the west line of Range 9 East.

Arkansas. Counties of Calhoun, Clark, Columbia, Conway, Crawford, Dallas, Franklin, Garland, Hempstead, Hot Springs, Howard, Johnson, Lafayette, Little River, Logan, Miller, Montgomery, Nevada, Ouachita, Perry, Pike, Polk, Pope, Scott, Sebastian, Sevier, Union, Washington, and Yell.

Louisiana. Parishes of Allen, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, Claiborne, De Soto, Iberia, Jefferson Davis, Lafayette, Natchitoches, Red River, Sabine, Saint Martin, Vermilion, Vernon, and Webster.

New Mexico. All counties in the State.

Oklahoma. All counties in the State.

Texas. All counties in the State.

(b) *Eradication area.* All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) *Generally infested area.* All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

These administrative instructions shall become effective December 10, 1957, when they shall supersede P. P. C. 621, 22 F. R. 7016 which became effective August 31, 1957.

The purposes of this revision are to add to the regulated area the Louisiana Parishes of Iberia, Lafayette, and St. Martin, where pink bollworms were found during the recent 1957 survey, and to remove from a regulated status the Louisiana Parishes of Lincoln and Union, inasmuch as no pink bollworms have been found in Lincoln or Union Parishes in the past three years and the Director of the Plant Quarantine Division has determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the pink bollworm in Lincoln and Union Parishes and that regulation of such parishes is not otherwise necessary under the regulations.

This revision, in part, imposes restrictions supplementing pink bollworm quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of certain regulated area. It must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the parishes being removed from designation as regulated area. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less

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FEDERAL REGISTER

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than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 4th day of December 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57-10191; Filed, Dec. 9, 1957; 8:50 a. m.]

[P. P. C. 624, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.79-2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79-2, 22 F. R. 5913), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36; 71 Stat. 32, 33), administrative instructions appearing as 7 CFR 301.79-2a are hereby revised to read as follows:

§ 301.79-2a *Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.* Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

ARKANSAS

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

The property known as the Clarence Williams Farm, located in sec. 21, T. 5 N., R. 8 E.

Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

The property known as the Bert Hardesty Farm, shown on some ownership maps as the E. C. Adkisson Farm, located 1½ miles north and 3¼ miles east of the Town of Armorel on State Highway 137, this tract of land being the S½ of SE¼ of sec. 6, T. 15 N., R. 13 E.

That area bounded on the north by the Arkansas-Missouri State line; on the east by the Mississippi River levee; on the south by the south section lines of sec. 30, T. 16 N., R. 13 E., of secs. 25, 26, 27, 28, 29, and 30, T. 16 N., R. 12 E., and of secs. 25, 26, and 27, T. 16 N., R. 11 E.; and on the west by U. S. Highway 61.

That area bounded by a line beginning at the intersection of State Highway 18 and the Mississippi River levee and extending southwest along the levee to the west section line of sec. 4, T. 14 N., R. 12 E., thence due north along the west section lines of sec. 4, T. 14 N., R. 12 E., and of secs. 33, 28, 21, and 16, T. 15 N., R. 12 E. to State Highway 18, and thence east, south, and southeast along said highway to the point of beginning.

The property known as the Milton Bunch Farm, in E½ sec. 21, T. 16 N., R. 11 E.

The property known as the Hughes and Humphries Trustees Farm, in E½ sec. 35, T. 15 N., R. 11 E.

KENTUCKY

Fulton County. All the land owned by Terry Jamerson on the south half of Island No. 8, Mississippi River, in sec. 5, in NW¼ sec. 4, and in E½ sec. 6, T. 1 N., R. 6 W.

All the land owned by Ruby Peyton, in sec. 13, T. 1 N., R. 7 W., in the detached portion of Fulton County.

That portion of the Norman Sutton farm lying between the levee and the Mississippi River, in sec. 12, T. 1 N., R. 7 W.

That portion of the Whitson Bros. farm lying between the levee and the Mississippi River, in secs. 24 and 25, T. 1 N., R. 7 W., in the detached portion of Fulton County.

The Whitson Bros. farm, known as the old L. Everett place, in S½SW¼NE¼ and W½SE¼ sec. 23, T. 1 N., R. 7 W., in the detached portion of Fulton County.

MISSISSIPPI

De Soto County. That portion of secs. 28, 29, 31, and 32, T. 2 S., R. 10 W., lying between the Mississippi River levee and the Mississippi-Arkansas State line.

MISSOURI

New Madrid County. The property owned by J. V. Conran and operated by Delisle-Pikey Farms, located on the north and south sides of U. S. Highway 61 and 0.8 mile northeast of junction of Mo. Highway M and U. S. Highway 61 at Conran.

The property owned and operated by Charles Pickey and Son, located on the north and south sides of Mo. Highway F and 0.6 mile east of Jaywye intersection.

The property owned and operated by George L. Neumann, located approximately 2.9 miles east of Conran, at the southeast corner where a gravel road turns north after proceeding east ½ mile from its intersection with State Highway M.

Pemiscot County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending southward along State Highway B to the point where it joins State Highway 84; thence west along State Highway 84 to a point where the highway joins State Highway C; thence southward along State Highway C to the point where it meets State Highway F; thence due south to the point where it intersects the Missouri-Arkansas State line.

Stoddard County. The property owned by Earnest Kellett and operated by Bern Abernathy, being the W½NE¼ sec. 16, T. 27 N., R. 12 E.

NORTH CAROLINA

Camden County. The property owned and operated by Mack L. Sawyer, located on north side of a black top road and 0.3 mile west of Pierceville.

New Hanover County. That area bounded by a line beginning at the North East Cape Fear River Bridge on A. C. L. Railroad and extending southward along said railroad to Prince George Creek, thence along said creek westward to Highway U. S. 117, thence southward along U. S. 117 to a drain ditch approximately one-tenth mile south of the entrance to the North Carolina Vegetable Research Station, thence in a northwesterly direction to the point where Prince George Creek empties into the North East Cape Fear River, thence upstream following said river to said A. C. L. Railroad bridge.

The property owned and operated by W. A. Buck, located on west side of Highway U. S. 117, across from Wrightsboro school and approximately 1,400 feet north of intersection of Highway U. S. 117 and Winter Park-Wrightsboro Road.

The property owned and operated by P. Buis, located on south side of Black Swamp Road approximately 1.6 miles east of Blue Clay Road.

The property owned and operated by J. D. Murray, located at end of Murrayville Road 2.2 miles from the intersection with Black Swamp Road.

The property known as Top Notch Farm, located at the west end of Chair Road and owned by the Peschau Estate.

The property owned and operated by A. G. Seitter, Sr., located on the west side of U. S. Highway 117 and approximately 50 feet north of junction of U. S. Highway 117 and Winter Park-Wrightsboro Road.

The property, consisting of two fields, owned and operated by D. Swart and Sons, located 1.3 miles south of intersection of Skippers Corner Road and Atlantic Coastline Railroad and approximately 1 mile east of U. S. Highway 117.

The property owned and operated by Alex Trask, located west of Blue Clay Road beginning at a point approximately 1,000 feet north of intersection of Blue Clay Road and Black Swamp Road and extending northward along Blue Clay Road for approximately 1,400 feet to a ditch separating the Trask and Cox properties.

The property owned and operated by Alex Trask, located on north side of Black Swamp Road and approximately 1.3 miles east of Blue Clay Road.

The property owned and operated by Raiford Trask, located on east side of the Blue Clay Road and bounded on the west by the Blue Clay Road beginning at the intersection of the Blue Clay Road and Black Swamp Road and extending north for 2,400 feet, on the south by the Black Swamp Road beginning at junction of Blue Clay and Black Swamp Roads and extending eastward seven-tenths mile, on the north by a line beginning at northern terminus of west boundary and extending eastward parallel to the south boundary for seven-tenths mile, and on the east by a line connecting the east termini of the north and south boundaries.

The property owned and operated by Raiford Trask, located on east side of Blue Clay Road 1.4 miles north of point where Blue Clay Road crosses A. C. L. Railroad.

The property owned and operated by Raiford Trask as a packing and storage area, located just south of Wrightsboro Station on west side of A. C. L. Railroad; and that property owned and operated by Alex Trask as a packing and storage area, located just south of Wrightsboro Station on east side of A. C. L. Railroad.

Pender County. That area bounded on the north by N. C. Highway 210, on the east by the Moore-Town Road, on the south by the Moore-Town Road and on the west by a line beginning on N. C. Highway 210 four-tenths mile west from the junction of N. C. Highway 210 and the Moore-Town Road and extending due south to Moore-Town Road.

The property owned and operated by P. Brask, known as Marlboro Farm, located on west side of U. S. Highway 117, approximately seven-tenths mile north of Paul's Place. Also that property owned and operated by P. Brask adjoining Marlboro Farm on the south.

The property owned and operated by P. Katalinic, located on east and west side of U. S. Highway 117 at junction of Stag Park Road and U. S. Highway 117.

The property owned and operated by Paul Paskas, located approximately 1.9 miles west of Paul's Place and three-tenths mile north of N. C. Highway 40 (formerly Highway 210).

The property owned and operated by C. Heide Trask, located on south side of N. C. Highway 210 and 1.5 miles west of junction of U. S. Highway 117 and N. C. Highway 210.

The property owned and operated by C. Heide Trask, located on Moore-Town Road four-tenths mile from its intersection with N. C. Highway 210.

The property owned and operated by W. E. Motley, located on east side of Kelly Road and 1.1 miles northeast of junction of Kelly Road and N. C. Highway 40.

The property owned and operated by Henry Clark, located at the intersection of Kelly Road and N. C. Highway 210, being on the north side of N. C. Highway 210 and the east side of Kelly Road, approximately 500 feet north of the intersection of Kelly Road and N. C. Highway 40.

The property owned and operated by Henry Clark, located on the south side of N. C. Highway 40 and 0.2 mile southeast of Bell's Crossroads.

The property owned and operated by W. B. Keith, located on the west side of Clarks Landing Loop Road and one mile southwest of Bell's Crossroads.

TENNESSEE

Dyer County. All of the county except Civil Districts 1, 6, 7, 8, 9, and 15.

Lake County. The entire county.

Lauderdale County. Civil Districts 4, 5, 9, and 13.

Obion County. Civil Districts 5, 9, and 12; and that part of Civil District 13 consisting of the farm of approximately 365 acres owned by R. C. Reynolds, 730 East High Street, Union City, Tennessee, operated by O. T. Baker and located south of the City of Union City, approximately one mile south of the intersection of U. S. Highway 45-W and U. S. Highway 51, lying on the east side of U. S. Highway 45-W and extending southward from this point, between U. S. Highway 45-W and the Gulf, Mobile & Ohio Railroad to the south boundary of the property.

This revision has the effect of adding to the areas now regulated in Crittenden and Mississippi Counties, Arkansas; Fulton County, Kentucky; New Madrid County, Missouri; Camden, New Hanover, and Pender Counties, North Carolina; and Obion County, Tennessee; and revoking the designation as a regulated area of certain portions of Dyer County, Tennessee, where repeated surveys have shown such portions to be free of soybean cyst nematode infestation.

The foregoing administrative instructions shall be effective December 10, 1957, and shall supersede those contained in P. P. C. 624, effective July 26, 1957 (7 CFR 301.79-2a; 22 F. R. 5915), as amended by Amdt. 1, 22 F. R. 8058, effective October 10, 1957.

These instructions should be made effective as soon as possible with respect to the newly regulated areas in order to be of maximum benefit in preventing the interstate spread of the soybean cyst

nematode and with respect to the area removed from regulation in order to be of maximum benefit to affected shippers. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 4th day of December 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57-10192; Filed, Dec. 9, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 124, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) of § 914.424 (Navel Orange Regulation 124, 22 F. R. 9571) are hereby amended to read as follows:

(i) District 1: 1,062,600 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 5, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10168; Filed, Dec. 9, 1957; 8:45 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF RAISIN ADMINISTRATIVE COMMITTEE FOR THE 1957-58 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

On November 13, 1957, notice was published in the FEDERAL REGISTER (22 F. R. 9017) that the Secretary of Agriculture had under consideration a proposed rule to approve a budget of expenses for the Raisin Administrative Committee for the crop year that began on September 1, 1957, and to fix the rate of assessment for that year, as set forth in the said notice. The budget and rate of assessment were unanimously recommended by the committee, pursuant to the provisions of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). An opportunity was afforded interested persons to file written data, views, or arguments with respect thereto. None was filed.

After consideration of all available information, including that contained in the said notice, it is hereby found and determined, and, therefore: *It is hereby ordered,* That the budget of expenses of the committee and the rate of assessment for the crop year, which began on September 1, 1957, and will end on August 31, 1958, shall be as follows:

§ 989.308 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1957-58 crop year*—(a) *Budget of expenses.* Expenses in the amount of $98,530 are reasonable and are likely to be incurred by the Raisin Administrative Committee for its maintenance and functioning and for the maintenance and functioning of the Raisin Advisory Board for the crop year which began on September 1, 1957 and will end on August 31, 1958.

(b) *Rate of assessment.* Each handler shall pay to the Raisin Administrative Committee, in accordance with the provisions of §§ 989.79 and 989.80, an assessment at the rate of 59 cents ($0.59) per ton of free tonnage (standard) raisins acquired by him during the crop year which began on September 1, 1957 and will end on August 31, 1958. Such assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that good cause exists for not postponing the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Deliveries of 1957 crop raisins from producers to handlers have already commenced; (2) the committee must be enabled to obtain assessment funds promptly to defray expenses of administering the program; and (3) handlers should need no additional advance notice for compliance with this regulation. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated December 4, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-10169; Filed, Dec. 9, 1957; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6277]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

AMOUNTS REPRESENTING TAXES AND INTEREST PAID TO COOPERATIVE HOUSING CORPORATION

On October 22, 1957, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under section 216 of the Internal Revenue Code of 1954, relating to amounts representing taxes and interest paid to cooperative housing corporations, was published in the FEDERAL REGISTER (22 F. R. 8290). No objection to the rules proposed was received within the 30-day period prescribed in the notice, nor were there any requests for a public hearing. Accordingly, the regulations as so published are hereby adopted.

[SEAL] RUSSELL O. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 4, 1957.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under section 216 of the Internal Revenue Code of 1954, relating to amounts representing taxes and interest paid to cooperative housing corporation:

Sec.
1.216 Statutory provisions; amounts representing taxes and interest paid to cooperative housing corporation.
1.216-1 Amounts representing taxes and interest paid to cooperative housing corporation.

AUTHORITY: §§ 1.216 and 1.216-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.216 *Statutory provisions; amounts representing taxes and interest paid to cooperative housing corporation.*

SEC. 216. *Amounts representing taxes and interest paid to cooperative housing corporation*—(a) *Allowance of deduction.* In the case of a tenant-stockholder (as defined in subsection (b) (2)), there shall be allowed as a deduction amounts (not otherwise deductible) paid or accrued to a cooperative housing corporation within the taxable year, but only to the extent that such amounts represent the tenant-stockholder's proportionate share of—

(1) The real estate taxes allowable as a deduction to the corporation under section 164 which are paid or incurred by the corporation on the houses or apartment building and on the land on which such houses (or building) are situated, or

(2) The interest allowable as a deduction to the corporation under section 163 which is paid or incurred by the corporation on its indebtedness contracted—

(A) In the acquisition, construction, alteration, rehabilitation, or maintenance of the houses or apartment building, or

(B) In the acquisition of the land on which the houses (or apartment building) are situated.

(b) *Definitions.* For purposes of this section—

(1) *Cooperative housing corporation.* The term "cooperative housing corporation" means a corporation—

(A) Having one and only one class of stock outstanding,

(B) Each of the stockholders of which is entitled, solely by reason of his ownership of stock in the corporation, to occupy for dwelling purposes a house, or an apartment in a building, owned or leased by such corporation,

(C) No stockholder of which is entitled (either conditionally or unconditionally) to receive any distribution not out of earnings and profits of the corporation except on a complete or partial liquidation of the corporation, and

(D) 80 percent or more of the gross income of which for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred is derived from tenant-stockholders.

(2) *Tenant-stockholder.* The term "tenant-stockholder" means an individual who is a stockholder in a cooperative housing corporation, and whose stock is fully paid-up in an amount not less than an amount shown to the satisfaction of the Secretary or his delegate as bearing a reasonable relationship to the portion of the value of the corporation's equity in the houses or apartment building and the land on which situated which is attributable to the house or apartment which such individual is entitled to occupy.

(3) The term "tenant-stockholder's proportionate share" means that proportion which the stock of the cooperative housing corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation (including any stock held by the corporation).

§ 1.216-1 *Amounts representing taxes and interest paid to cooperative housing corporation*—(a) *General rule.* A tenant-stockholder may deduct from his gross income amounts paid or accrued within his taxable year to a cooperative housing corporation representing certain taxes or interest paid or incurred by the corporation. Such amounts are not allowable as a deduction unless they represent the tenant-stockholder's proportionate share of—

(1) The real estate taxes allowable as a deduction to the corporation under section 164 which are paid or incurred by the corporation before the close of the taxable year of the tenant-stockholder on the houses (or apartment building) and the land on which the houses (or apartment building) are situated, or

(2) The interest allowable as a deduction to the corporation under section 163 which is paid or incurred by the corporation before the close of the taxable year of the tenant-stockholder on its indebtedness contracted in the acquisition, construction, alteration, rehabilitation, or maintenance of the houses (or apartment building), or in the acquisition of the land on which the houses (or apartment building) are situated.

(b) *Limitation.* The deduction allowable under section 216 shall not exceed the amount of the tenant-stockholder's proportionate share of the taxes and interest described therein. In case a tenant-stockholder pays or incurs all or a part of his proportionate share of such taxes and interest to the corporation, the amount so paid or incurred which represents taxes and interest is allowable as a deduction if the requirements of section 216 are otherwise satisfied. As used in this section, the tenant-stockholder's proportionate share is that proportion which the stock of the cooperative housing corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation, including any stock held by the corporation. If a tenant-stockholder pays or incurs to the corporation an amount on account of such taxes and interest and other items, such as maintenance, overhead expenses, and curtailment of mortgage indebtedness, the amount representing such taxes and interest is an amount which bears the same ratio to the total amount of the tenant-stockholder's payment or liability, as the case may be, as the total amount of the tenant-stockholder's proportionate share of such taxes and interest bears to the total amount of the tenant-stockholder's proportionate share of the taxes, interest, and other items on account of which such payment is made or liability incurred. No deduction is allowable under section 216 for such part of amounts representing the taxes or interest described in that section as is deductible by a tenant-stockholder under any other provision of the Internal Revenue Code of 1954.

(c) *Cooperative housing corporation*—(1) *One class of stock.* In order to qualify as a "cooperative housing corporation" under section 216, the corporation shall have one and only one class of stock outstanding. However, a special classification of preferred stock, in a nominal amount not exceeding $100, issued to a Federal housing agency or other governmental agency solely for the purpose of creating a security device on the mortgage indebtedness of the corporation, will not be considered as a "class of stock" within the meaning of section 216.

(2) *Right of occupancy.* Each stockholder of the corporation must be entitled to occupy for dwelling purposes an apartment in a building or a unit in a housing development owned or leased by such corporation. The stockholder is not required to occupy the premises. The right as against the corporation to occupy the premises is sufficient. Such right must be conferred on each stockholder solely by reason of his ownership of stock in the corporation, that is, the stock must entitle the owner thereof either to occupy the premises or to a lease of the premises. The fact that the right to continue to occupy the premises is dependent upon the payment of charges to the corporation in the nature of rentals or assessments is immaterial.

(3) *Distributions.* None of the stockholders of the corporation may be entitled, either conditionally or unconditionally, except upon a complete or partial liquidation of the corporation, to receive any distribution other than out of earnings or profits of the corporation.

(4) *Gross income.* It is a prerequisite to the allowance of a deduction under section 216 that at least 80 percent of the gross income of the corporation for the taxable year of the corporation in which the taxes and interest are paid or incurred is derived from tenant-stockholders.

(d) *Tenant-stockholder.* The term "tenant-stockholder" means an individual who is a stockholder in a cooperative housing corporation, as defined in section 216, and whose stock is fully paid up in an amount at least equal to an amount shown to the satisfaction of the district director as bearing a reasonable relationship to the portion of the fair market value, as of the date of the original issuance of the stock, of the corporation's equity in the building and the land on which it is situated which is attributable to the apartment or housing unit which such individual is entitled to occupy.

(e) *Examples.* The application of section 216 may be illustrated by the following examples, which refer to apartments but which are equally applicable to housing units:

Example (1). The X Corporation is, and at all times since 1957 has been, a cooperative housing corporation within the meaning of section 216. In 1957 it purchased a site and constructed thereon a building with 10 apartments at a total cost of $200,000. The fair market value of the land and building was likewise $200,000 at the time of completion of the building. Each apartment is of equal value. Upon completion of the building, the X Corporation mortgaged the land and building for $100,000, and sold its total authorized capital stock, consisting of 1,000 shares of common stock, for $100,000. The stock was purchased by 10 individuals, each of whom paid $10,000 for 100 shares. Each certificate for 100 shares provides that the holder thereof is entitled to a lease of a particular apartment in the building for a specified term of years. Each lease provides that the lessee shall pay his proportionate part of the corporation's expenses. In 1957 the original owner of 100 shares of the common stock of the X Corporation and of the lease to apartment No. 1 made a gift of the stock and lease to A, an individual.

The taxable year of A and of the X Corporation is the calendar year. The corporation computes its taxable income on an accrual method, while A computes his taxable income on the cash receipts and disbusements method. In 1958 the X Corporation incurred expenses aggregating $13,800, namely, $4,000 for the real estate taxes on the land and building, $5,000 for the interest on the mortgage, $3,000 for the maintenance of the building, and $1,800 for other expenses. In 1959, A pays the X Corporation $1,380, representing his proportionate part of the expenses incurred by the corporation. The entire gross income of the X Corporation for 1958 was derived from tenant-stockholders. A is entitled under section 216 to a deduction of $900 in computing his taxable income for 1959. The deduction is computed as follows:

Shares of stock of X Corporation owned by A	100
Shares of stock of X Corporation owned by 9 other tenant-stockholders	900
Total shares of stock of X Corporation outstanding	1,000
Proportion of outstanding stock of X Corporation owned by A	1/10
Expenses incurred by X Corporation:	
Real estate taxes	$4,000
Interest	5,000
Maintenance	3,000
Other expenses	1,800
	$13,800
Amount paid by A representing his proportionate part of such expenses (1/10 of $13,800)	1,380
A's proportionate part of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900
A's proportionate part of total corporate expenses based on his stock ownership (1/10 of $13,800)	1,380
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,380)	900
A's allowable deduction	900

Since the stock which A acquired by gift was fully paid up by his donor in an amount equal to the portion of the fair market value, as of the date of the original issuance of the stock, of the corporation's equity in the land and building which is attributable to apartment No. 1, the requirement of section 216 in this regard is satisfied. The fair market value at the time of the gift of the corporation's equity attributable to the apartment is immaterial.

Example (2). The facts are the same as in example (1) except that the building constructed by the X Corporation contained, in addition to the 10 apartments, business space on the ground floor, which the corporation rented at $2,400 for the calendar year 1958. The corporation deducted the $2,400 from its expenses in determining the amount of the expenses to be prorated among its tenant-stockholders. The amount paid by A to the corporation in 1959 is $1,140 instead of $1,380. More than 80 percent of the gross income of the corporation for 1958 was derived from tenant-stockholders. A is entitled under section 216 to a deduction of $743.48 in computing his taxable income for 1959. The deduction is computed as follows:

Expenses incurred by X Corporation	$13,800.00
Less: Rent from business space	2,400.00
Expenses to be prorated among tenant-stockholders	11,400.00
Amount paid by A representing his proportionate part of such expenses (1/10 of $11,400)	$1,140.00
A's proportionate part of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900.00
A's proportionate part of total corporate expenses based on his stock ownership (1/10 of $13,800)	1,380.00
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,140)	743.48
A's allowable deduction	743.48

Since the portion of A's payment allocable to real estate taxes and interest is only $743.48, that amount instead of $900 is allowable as a deduction in computing A's taxable income for 1959.

Example (3). The facts are the same as in example (2) except that the amount paid by A to the X Corporation in 1959 is $1,000 instead of $1,140. A is entitled under section 216 to a deduction of $652.17 in computing his taxable income for 1959. The deduction is computed as follows:

Total amount paid by A	$1,000.00
A's proportionate part of real estate taxes and interest based on his stock ownership (1/10 of $9,000)	900.00
A's proportionate part of total corporate expenses based on his stock ownership (1/10 of $13,800)	1,380.00
Amount of A's payment representing real estate taxes and interest (900/1380 of $1,000)	652.17
A's allowable deduction	652.17

Since the portion of A's payment allocable to real estate taxes and interest is only $652.17, that amount instead of $900 is allowable as a deduction in computing A's taxable income for 1959.

[F. R. Doc. 57-10179; Filed, Dec. 9, 1957; 8:48 a. m.]

[T. D. 6276]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

EMPLOYEE STOCK OPTIONS

On November 18, 1955, notice of proposed rule making regarding the regulations under section 421 of the Internal Revenue Code of 1954, relating to restricted employee stock options, was published in the FEDERAL REGISTER (20 F. R. 8538). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below. Except as otherwise specifically provided therein, such regulations shall be applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954. Final action will be taken subsequently on the proposed regulations set forth in the notice of proposed rule making published in the FEDERAL REGISTER on November 10, 1956 (21 F. R. 8774), relating to employee stock options not meeting the requirements of section 421.

PARAGRAPH 1. Section 1.421-1 (d) (2) is changed in the following respects:

(A) By striking subdivision (i) and inserting a new subdivision (i) in lieu thereof.

(B) By inserting immediately after the fifth sentence of subdivision (ii) the following: "Another example of a formula which meets the requirements of this subdivision is a provision that the option price shall be 95 percent of the fair market value of the stock on the day the option is exercised but not more than $95."

(C) By striking the words "However, this requirement is" at the beginning of the sixth sentence of subdivision (ii) and inserting in lieu thereof "However, the requirements of this subdivision are".

(D) By inserting immediately after the sixth sentence of subdivision (ii) the following: "For an example of how to determine whether an option which contains a formula meeting the requirements of this subdivision also meets the requirement that the option price must be at least 85 percent of the fair market value of the stock at the time the option is granted, see paragraph (a) (1) of § 1.421-2."

PAR. 2. Section 1.421-2 (a) is changed in the following respects:

(A) By striking the second sentence of subparagraph (3) and inserting the following in lieu thereof: "For rules applicable to the determination whether the employer-employee relationship exists, see section 3401 (c) and the regulations thereunder."

(B) By adding new subparagraph (5) immediately after subparagraph (4) thereof.

PAR. 3. Section 1.421-4 is changed in the following respects:

(A) By revising the last sentence of paragraph (b) (3) (i) to read as follows: "The method used for determining the average fair market value of the stock for any month must be used for all twelve months, except where it is shown that such method cannot be used for any month or does not clearly reflect the average fair market value of the stock for any such month."

(B) By revising the fifth and sixth sentences of paragraph (c) (1) to read as follows: "A mere change in the terms of the option, with respect to the number or price of the shares of stock subject to the option, to reflect a stock dividend or stock split-up is not a modification of the option. In case there is an assumption or substitution of the option by reason of certain corporate transactions, see paragraph (d) of this section."

(C) By revising the first sentence of paragraph (c) (2) to read as follows: "Any change in the terms of an option for the purpose of qualifying the option as a restricted stock option grants additional benefits and, therefore, is a modification."

(D) By substituting the word "an" for the word "the" in the phrase "the employer corporation" in the first sentence of paragraph (d) (1).

(E) By striking paragraph (d) (2) and inserting new subparagraphs (2) to (8) in lieu thereof.

(F) By striking the word "states" in the first sentence of paragraph (f) and substituting the word "stated."

PAR. 4. Section 1.421-5 is changed in the following respects:

(A) By inserting the phrase "or an exchange" immediately after the word "distribution" in the first sentence of paragraph (c) (1).

(B) By inserting the following new material immediately after the fourth sentence of paragraph (d) (1): "The executor, administrator, or such person need not exercise the option within three months after the death of the individual to whom the option was granted for section 421 to be applicable. However, the exercise of the option must be pursuant to the terms of the option, and any change in the terms of the option is subject to the rules of § 1.421-4, relating to the modification, extension, or renewal of the option."

(C) By striking the last two sentences of paragraph (e) and substituting the following: "In such cases, no amount shall be treated as income, and no amount shall be allowed as a deduction, for any taxable year other than the taxable year in which occurs the disposition. However, if the stock was transferred pursuant to the exercise of the option in a taxable year other than the taxable year of the disposition, the extent to which such deduction is allowable shall be determined as if such deduction was claimed for the taxable year of the transfer."

PAR. 5. Section 1.421-6, relating to the effective date of §§ 1.421-1 to 1.421-5, inclusive, is deleted.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 4, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under section 421 of the Internal Revenue Code of 1954, relating to employee stock options:

Sec.
1.421 Statutory provisions; employee stock options.
1.421-1 Meaning and use of certain terms.
1.421-2 Restricted stock option.
1.421-3 Exercise of restricted stock option.
1.421-4 Modification, extension, or renewal.
1.421-5 Operation of section 421.

AUTHORITY: §§ 1.421 to 1.421-5 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.421 *Statutory provisions; employee stock options.*

SEC. 421. *Employee stock options*—(a) *Treatment of restricted stock options.* If a share of stock is transferred to an individual pursuant to his exercise after 1949 of a restricted stock option, and no disposition of such share is made by him within 2 years from the date of the granting of the option nor within 6 months after the transfer of such share to him—

(1) No income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(2) No deduction under section 162 (relating to trade or business expenses) shall be allowable at any time to the employer corporation, a parent or subsidiary corporation of such corporation, or a corporation issuing or assuming a stock option in a transaction to which subsection (g) is applicable, with respect to the share so transferred; and

(3) No amount other than the price paid under the option shall be considered as received by any of such corporations for the share so transferred.

This subsection and subsection (b) shall not apply unless (A) the individual, at the time he exercises the restricted stock option, is an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary of such corporation issuing or assuming a stock option in a transaction to which subsection (g) is applicable, or (B) the option is exercised by him within 3 months after the date he ceases to be an employee of such corporations.

(b) *Special rule where option price is between 85 percent and 95 percent of value of stock.* If no disposition of a share of stock acquired by an individual on his exercise after 1949 of a restricted stock option is made by him within 2 years from the date of the granting of the option nor within 6 months after the transfer of such share to him, but, at the time the restricted stock option was granted, the option price (computed under subparagraph (d) (1) (A)) was less than 95 percent of the fair market value at such time of such share, then, in the event of any disposition of such share by him, or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever applies—

(1) In the case of a share of stock acquired under an option qualifying under clause (i) of subparagrah (d) (1) (A), an amount equal to the amount (if any) by which the option price is exceeded by the lesser of—

(A) The fair market value of the share at the time of such disposition or death, or

(B) The fair market value of the share at the time the option was granted; or

(2) In the case of stock acquired under an option qualifying under clause (ii) of subparagraph (d) (1) (A), an amount equal to the lesser of—

(A) The excess of the fair market value of the share at the time of such disposition or death over the price paid under the option, or

(B) The excess of the fair market value of the share at the time the option was granted over the option price (computed as if the option had been exercised at such time).

In the case of the disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

(c) *Acquisition of new stock.* If stock is received by an individual in a distribution to which section 305, 354, 355, 356, or 1036, or so much of section 1031 as relates to section 1036, applies and such distribution was made with respect to stock transferred to him upon his exercise of the option, such stock shall be considered as having been transferred to him on his exercise of such option. A similar rule shall be applied in the case of a series of such distributions.

(d) *Definitions.* For purposes of this section—

(1) *Restricted stock option.* The term "restricted stock option" means an option granted after February 26, 1945, to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

(A) At the time such option is granted—

(i) The option price is at least 85 percent of the fair market value at such time of the stock subject to the option, or

(ii) In case the purchase price of the stock under the option is fixed or determinable under a formula in which the only variable is the value of the stock at any time during a period of 6 months which includes the time the option is exercised, the option price (computed as if the option had been exercised when granted) is at least 85 percent of the value of the stock at the time such option is granted; and

(B) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(C) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of the employer corporation or of its parent or subsidiary corporation. This subparagraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option either by its terms is not exercisable after the expiration of 5 years from the date such option is granted or is exercised within one year after the date of enactment of this title. For purposes of this subparagraph—

(i) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(ii) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(D) Such option by its terms is not exercisable after the expiration of 10 years from the date such option is granted, if such option has been granted on or after June 22, 1954.

(2) *Parent corporation.* The term "parent corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations ending with the employer corporation if, at the time of the granting of the option, each of the corporations other than the employer corporation owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(3) *Subsidiary corporation.* The term "subsidiary corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations beginning with the employer corporation if, at the time of the granting of the option, each of the corporations other than the last corporation in the unbroken chain owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(4) *Disposition*—(A) *General rule.* Except as provided in subparagraph (B), the term "disposition" includes a sale, exchange, gift, or a transfer of legal title, but does not include—

(i) A transfer from a decedent to an estate or a transfer by bequest or inheritance;

(ii) An exchange to which section 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) applies; or

(iii) A mere pledge or hypothecation.

(B) *Joint tenancy.* The acquisition of a share of stock in the name of the employee and another jointly with the right of survivorship or a subsequent transfer of a share of stock into such joint ownership shall not be deemed a disposition, but a termination of such joint tenancy (except to the extent such employee acquires ownership of such stock) shall be treated as a disposition by him occurring at the time such joint tenancy is terminated.

(5) *Stockholder approval.* If the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval.

(6) *Exercise by estate*—(A) *In general.* If a restricted stock option is exercised subsequent to the death of the employee by the estate of the decedent, or by a person who acquired the right to exercise such option by bequest or inheritance or by reason of the death of the decedent, the provisions of this section shall apply to the same extent as if the option had been exercised by the decedent, except that—

(1) The holding period and employment requirements of subsection (a) shall not apply, and

(ii) Any transfer by the estate of stock acquired shall be considered a disposition of such stock for purposes of subsection (b).

(B) *Deduction for estate tax.* If an amount is required to be included under subsection (b) in gross income of the estate of the deceased employee or of a person described in subparagraph (A), there shall be allowed to the estate or such person a deduction with respect to the estate tax attributable to the inclusion in the taxable estate of the deceased employee of the net value for estate tax purposes of the restricted stock option. For this purpose, the deduction shall be determined under section 691 (c) as if the option acquired from the deceased employee were an item of gross income in respect of the decedent under section 691 and as if the amount includible in gross income under subsection (b) of this section were an amount included in gross income under section 691 in respect of such item of gross income.

(e) *Modification, extension, or renewal of option*—(1) *Rules of application.* For purposes of subsection (d), if the terms of any option to purchase stock are modified, extended, or renewed, the following rules shall be applied with respect to transfers of stock made on the exercise of the option after the making of such modification, extension, or renewal—

(A) Such modification, extension, or renewal shall be considered as the granting of a new option,

(B) The fair market value of such stock at the time of the granting of such option shall be considered as—

(i) The fair market value of such stock on the date of the original granting of the option,

(ii) The fair market value of such stock on the date of the making of such modification, extension, or renewal, or

(iii) The fair market value of such stock at the time of the making of any intervening modification, extension, or renewal,

whichever is the highest.

Subparagraph (B) shall not apply if the aggregate of the monthly average fair market values of the stock subject to the option for the 12 consecutive calendar months before the date of the modification, extension, or renewal, divided by 12, is an amount less than 80 percent of the fair market value of such stock on the date of the original granting of the option or the date of the making of any intervening modification, extension, or renewal, whichever is the highest.

(2) *Definition of modification.* The term "modification" means any change in the terms of the option which gives the employee additional benefits under the option, but such term shall not include a change in the terms of the option—

(A) Attributable to the issuance or assumption of an option under subsection (g); or

(B) To permit the option to qualify under subsection (d) (1) (B).

If an option is exercisable after the expiration of 10 years from the date such option is granted, subparagraph (B) shall not apply unless the terms of the option are also changed to make it not exercisable after the expiration of such period.

(f) *Effect of disqualifying disposition.* If a share of stock, acquired by an individual pursuant to his exercise of a restricted stock option, is disposed of by him within 2 years from the date of the granting of the option or within 6 months after the transfer of such share to him, then any increase in the income of such individual or deduction from the income of his employer corporation for the taxable year in which such exercise occurred attributable to such disposition, shall be treated as an increase in income or a deduction from income in the taxable year of such individual or of such employer corporation in which such disposition occurred.

(g) *Corporate reorganization, liquidations, etc.* For purposes of this section, the term "issuing or assuming a stock option in a transaction to which subsection (g) is applicable" means a substitution of a new option for the old option, or an assumption of the old option, by an employer corporation, or a parent or subsidiary of such corporation, by reason of a corporate merger, consolidation, acquisition of property or stock, separation, reorganization, or liquidation, if—

(1) The excess of the aggregate fair market value of the shares subject to the option immediately after the substitution or assumption over the aggregate option price of such shares is not more than the excess of the aggregate fair market value of all shares subject to the option immediately before such substitution or assumption over the aggregate option price of such shares, and

(2) The new option or the assumption of the old option does not give the employee additional benefits which he did not have under the old option.

For purposes of this subsection, the parent-subsidiary relationship shall be determined at the time of any such transaction under this subsection.

§ 1.421–1 *Meaning and use of certain terms*—(a) *Option.* (1) For the purpose of section 421, the term "option" includes the right or privilege of an individual to purchase stock from a corporation by virtue of an offer of the corporation continuing for a stated period of time, whether or not irrevocable, to sell such stock at a price determined under paragraph (d) of this section, such individual being under no obligation to purchase. Such right or privilege, when granted, must be evidenced in writing. The individual who has such right or privilege is referred to as the optionee and the corporation offering to sell stock under such an arrangement is referred to as the optionor. While no particular form of words is necessary, the written option should express, among other things, an offer to sell at the option price and the period of time during which the offer shall remain open.

(2) An option may be granted as part of or in conjunction with an employee stock purchase plan or subscription contract.

(3) An arrangement between a corporation and an employee may involve more than one option. For example, if a corporation on June 1, 1954, grants to an employee the right to purchase 1,000 shares of its stock on or after June 1, 1955, another 1,000 shares on or after June 1, 1956, and a further 1,000 shares on or after June 1, 1957, all shares to be purchased before June 1, 1958, provided the employee at the time of exercise of any of the purchase rights is employed by the corporation, such an arrangement will be construed as the grant to the employee on June 1, 1954, of three options, each for the purchase of 1,000 shares. Similarly, if a corporation grants to an employee on January 1, 1955, the right to purchase 1,000 shares of its stock at $85 per share during 1955, or at $75 per share during 1956, or at $65 per share during 1957, such an arrangement will be construed as the grant to the employee on January 1, 1955, of three alternative options, one option for the purchase of 1,000 shares at $85 per share during 1955, an alternative option for the purchase of 1,000 shares at $75 per share during 1956, and a third alternative option for the purchase of 1,000 shares at $65 per share during 1957.

(b) *Time and date of granting of option.* (1) For the purpose of section 421, the words "the date of the granting of the option" and "the time such option is granted", and similar phrases refer to the date or time when the corporation completes the corporate action constituting an offer of stock for sale to an individual under the terms and conditions of a restricted stock option. Ordinarily, if the corporate action contemplates an immediate offer of stock for sale to an individual or to a class including such individual, or contemplates a particular date on which such offer is to be made, the time or date of the granting of the option is the time or date of such corporate action if the offer is to be made immediately, or the date contemplated as the date of the offer, as the case may be. However, an unreasonable delay in the giving of notice of such offer to the individual or to the class will be taken into account as indicating that the corporation contemplated that the offer was to be made at the subsequent date on which such notice is given.

(2) If the corporation imposes conditions on the granting of an option (as distinguished from conditions governing the exercise of the option), such conditions shall be given effect in accordance with the intent of the corporation. A special rule is provided by section 421 (d) (5) for options subject to stockholder approval. If the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval. A condition which does not require corporate action, such as the approval of some regulatory or governmental agency, for example, a stock exchange or the Securities and Exchange Commission, is ordinarily considered a condition upon the exercise of the option unless the corporate action clearly indicates that the option is not to be granted until such condition is satisfied. If an option is granted to an individual upon the condition that such individual will become an employee of the corporation granting the option or of its parent or subsidiary corporation, such option is not granted prior to the date the individual becomes such an employee.

(3) In general, conditions imposed upon the exercise of an option will not operate to make ineffective the granting of the option. For example, on June 1, 1954, the A Corporation grants to X, an employee, an option to purchase 5,000 shares of the corporation stock, exercisable by X on or after June 1, 1955, provided he is employed by the corporation on June 1, 1955. Such an option is granted to X on June 1, 1954.

(c) *Stock.* For the purpose of section 421, the term "stock" means capital stock of any class, including voting or nonvoting common or preferred stock. The term includes both treasury stock and stock of original issue. Special classes of stock authorized to be issued to and held by employees are within the scope of the term "stock" as used in section 421, provided such stock otherwise possesses the rights and characteristics of capital stock.

(d) *Option price.* (1) For the purpose of section 421, the term "option price" or "price paid under the option" means the consideration in money or property which, pursuant to the terms of the option, is the price at which the stock subject to the option is purchased.

(2) With respect to its option price, a restricted stock option must, when granted, meet either of the following requirements:

(i) The option price must be fixed or determinable at the time the option is granted; or

(ii) In the case of an option exercised during any taxable year of the optionee which begins after December 31, 1953, and ends after August 16, 1954, the option must provide that such price shall be determined by a formula in which the only variable is the value of the stock at any time during a period of six consecutive months which includes the day on which such option is exercised. Such formula may provide for determining such price by reference to such value on any particular day in such six-month period, or by reference to an average value of the stock over either the whole of such six-month period or over any shorter period included in such six-month period. Such six-month period may begin with, end with, or in any other manner span the day on which such option is exercised. Such formula may also depend upon factors other than such value of the stock, but such other factors must not be variable and must be fixed in the option when granted. For example, such formula may provide that the option price shall be 85 percent of the value of the stock on the day the option is exercised, but such price shall not be less than $85, nor more than $110. Another example of a formula which meets the requirements of this subdivision is a provision that the option price shall be 95 percent of the fair market value of the stock on the day the option is exercised but not more than $95. However, the requirements of this subdivision are not met by a formula which provides that if the profits of the employer for the year do not exceed $100,000, the option price shall be $15 under the fair market value of the stock at the time the option is exercised, but if such profits exceed $100,000, the option price shall be $20 under such value of the stock. For an example of how to determine whether an option which contains a formula meeting the requirements of this subdivision also meets the requirement that the option price must be at least 85 percent of the fair market value of the stock at the time the option is granted, see paragraph (a) (1) of § 1.421–2.

An option which does not meet the requirements of either subdivision (i) or (ii) of this subparagraph when granted, will not be treated as a restricted stock option unless it is subsequently changed to meet such requirements. In case of such a change, see § 1.421–4 (c) (2).

(e) *Exercise.* For the purpose of section 421, the term "exercise", when used in reference to an option, means the act of acceptance by the optionee of the offer to sell contained in the option. In general, the time of exercise is the time when there is a sale or a contract to sell between the corporation and the individual. An agreement or undertaking by the employee to make payments under a stock purchase plan does not constitute the exercise of an option so long as the payments made remain subject to withdrawal by the employee.

(f) *Transfer.* For the purpose of section 421, the term "transfer", when used in reference to the transfer to an individual of a share of stock pursuant to his exercise of a restricted stock option, means the transfer of ownership of such share, or the transfer of substantially all the rights of ownership. Such transfer must, within a reasonable time, be evidenced on the books of the corporation.

§ 1.421–2 *Restricted stock option*—(a) *In general.* (1) A "restricted stock option" is an option granted after February 26, 1945, to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but, except in the case of options described in subparagraph (2) of this paragraph, only if—

(i) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option; and

(ii) Such option by its terms is not transferable by such individual otherwise than by will or by the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(iii) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock either of the employer corporation or of its parent or subsidiary corporation; and

(iv) In the case of options granted after June 21, 1954, such option by its terms is not exercisable after the expiration of ten years from the date on which such option was granted.

For the purpose of applying the rule of subdivision (i) of this subparagraph if the option price is determined by a formula described in § 1.421–1 (d) (2) (ii), the option price shall, notwithstanding any provision of the option, be computed as if such option is exercised on the day when it is granted. For example, if on June 15, 1954, an option is granted providing that the option price shall be $10 under the average value of the stock during the month preceding the month in which the option is exercised, and if on June 15, 1954, the value of the stock subject to the option is $100 a share, to determine if the option meets the requirement of subdivision (i) of this subparagraph, it is necessary to determine the average value of the stock during the month of May 1954. If such average value is $95 or more, the option meets the requirement of subdivision (i) of this subparagraph.

(2) Regardless of the extent to which the individual to whom the option is granted owns stock of either the employer corporation, or of its parent or subsidiary corporation, an option is a restricted stock option if—

(i) Such option is granted after February 26, 1945, to such individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations; and

(ii) At the time such option is granted the option price is at least 110 percent of the fair market value at such time of the stock subject to the option; and

(iii) Such option by its terms is not transferable by such individual otherwise than by will or by the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(iv) Such option by its terms is not exercisable after the expiration of five years from the date on which such option was granted, or such option is exercised before August 17, 1955.

(3) At the time the option is granted, the relationship between the individual to whom an option is granted and the corporation granting the option (or a corporation which is a parent or subsidiary thereof) must be the legal and bona fide relationship of employer and employee. For rules applicable to the determination whether the employer-employee relationship exists, see section 3401 (c) and the regulations thereunder. An option granted before employment or after termination of employment is not a restricted stock option. As to the granting of an option conditioned upon employment, see § 1.421–1 (b) (2). The option must be granted for a reason connected with the individual's employment by the corporation or by its parent or subsidiary corporation.

(4) An option may qualify as a restricted stock option only if, under the terms of the option, it is not transferable (other than by will or by the laws of descent and distribution) by the individual to whom it is granted, and is exercisable, during the lifetime of such individual, only by him. Accordingly, an option which is transferable by the individual to whom it is granted during his lifetime, or is exercisable during such individual's lifetime by another person, is not a restricted stock option. However, in case the option contains a provision permitting the individual to whom the option was granted to designate the person who may exercise the option after his death, neither such provision, nor a designation pursuant to such pro-

vision, disqualifies the option as a restricted stock option.

(5) Any reasonable valuation methods may be used for the purpose of determining whether at the time the option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option. Such methods include the valuation methods described in § 20.2031–2 of this chapter (the Estate Tax Regulations).

(b) *Ownership of 10 percent of stock.* In determining the amount of stock owned by an individual, for the purpose of applying the 10 percent test of section 421 (d) (1) (C), stock of the employer corporation or of its parent or subsidiary owned (directly or indirectly) by or for such individual's brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants, shall be considered as owned by such individual. Also, for such purpose, if a domestic or foreign corporation, partnership, estate, or trust owns (directly or indirectly) stock of the employer corporation or of its parent or subsidiary, such stock shall be considered as being owned proportionately by or for the shareholders, partners, or beneficiaries of the corporation, partnership, estate, or trust.

§ 1.421–3 *Exercise of restricted stock option.* (a) The special rules of income tax treatment provided in section 421 (a) and (b) are applicable only if the following conditions exist with respect to the transfer of a share of stock to an individual:

(1) The share of stock is transferred to the individual pursuant to his exercise after 1949 of a restricted stock option; and

(2) At the time the option is exercised by him, the individual is an employee of the corporation granting such option (or parent or subsidiary thereof), or of a corporation (or parent or subsidiary thereof) which issued or assumed the option under section 421 (g) (see § 1.421–4 (d)), or was an employee of any such corporations within three months before the date the option is exercised.

(b) (1) Section 421 is applicable to the exercise of a restricted stock option only if at the time the individual exercises the option he is a bona fide employee of the corporation granting the option, or of a corporation which is at the time the option is exercised a parent or subsidiary of such corporation, unless the old option has been assumed or a new option has been issued in its place under section 421 (g). See § 1.421–4 (d). In case of such an assumption of the old option or such issuance of a new option, the individual exercising the option must, at the time he exercises the option, be a bona fide employee of the corporation so assuming or issuing the option, or a parent or subsidiary of such corporation. Section 421 is also applicable if the individual exercising the option was a bona fide employee of any of such corporations within three months before the exercise of the option.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). On June 1, 1954, X Corporation granted a restricted stock option to A, an employee of X Corporation, to purchase a share of X stock. On February 1, 1955, X sold the plant where A was employed to M Corporation, an unrelated corporation, and A was employed by M. If A exercises this restricted stock option on June 1, 1955, section 421 is not applicable to such exercise, because on June 1, 1955, A is not employed by the corporation which granted the option or by a parent or subsidiary of such corporation. Nor was he employed by any of such corporations within three months before June 1, 1955.

Example (2). Assume the facts to be the same as in example (1), except that when A was employed by M Corporation, the option to purchase X stock was terminated, and was replaced by an option to buy M stock in such circumstances that M Corporation is treated as a corporation issuing an option under section 421 (g). If A exercises the option to purchase the share of M stock on June 1, 1955, section 421 is applicable for A is then employed by a corporation which issued an option under section 421 (g).

(c) (1) The determination whether an option ultimately exercised is a restricted stock option is made as of the date such option is granted. An option which is a restricted stock option when granted does not lose its character as such an option by reason of subsequent events, and an option which is not a restricted stock option when granted does not become such an option by reason of subsequent events. See, however, § 1.421–4, relating to modification, extension, or renewal of an option.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). S–1 Corporation is a subsidiary of S Corporation which, in turn, is a subsidiary of P Corporation. On June 1, 1954, P grants to an employee of P a restricted stock option to purchase a share of stock of S–1. On January 1, 1955, S sells a portion of the S–1 stock which it owns to an unrelated corporation and, as of that date, S–1 ceases to be a subsidiary of S. On May 1, 1955, while still employed by P, the employee exercises his option to purchase a share of S–1 stock. The employee has exercised a restricted stock option.

Example (2). Assume P grants an option to an employee under the same facts as in example (1) above, except that on June 1, 1954, S–1 is not a subsidiary of either S or P. Such option is not a restricted stock option on June 1, 1954. On January 1, 1955, S purchases from an unrelated corporation a sufficient number of shares of S–1 stock to make S–1, as of that date, a subsidiary of S. On May 1, 1955, while still employed by P, the employee exercises his option to purchase a share of S–1 stock. The employee has not exercised a restricted stock option.

(d) For the rules applicable to an exercise of a restricted stock option by the estate of the individual to whom the option was granted, or by a person who acquired the option by bequest or inheritance or by reason of the death of such individual, see § 1.421–5 (d).

§ 1.421–4 *Modification, extension, or renewal*—(a) *In general.* Section 421 (e) provides the rules for determining whether a share of stock transferred to an individual upon his exercise of an option, after the terms thereof have been modified, extended, or renewed, is transferred pursuant to the exercise of a restricted stock option. Such rules and the rules of this section are applicable to modifications, extensions, or renewals (or to changes which are not treated as modifications) in the case of an exercise of an option in any taxable year of the optionee which begins after December 31, 1953, and ends after August 16, 1954.

(b) *Effect of a modification, extension, or renewal.* (1) Any modification, extension, or renewal of the terms of an option to purchase stock shall be considered as the granting of a new option.

(2) Except as otherwise provided in subparagraph (3) of this paragraph, in case of a modification, extension, or renewal of an option, the highest of the following values shall be considered to be the fair market value of the stock at the time of the granting of such option for the purpose of applying the rule of section 421 (d) (1) (A)—

(i) The fair market value on the date of the original granting of the option,

(ii) The fair market value on the date of the making of such modification, extension, or renewal, or

(iii) The fair market value at the time of the making of any intervening modification, extension, or renewal.

(3) (i) The rules of subparagraph (2) of this paragraph do not apply if the aggregate of the monthly average fair market values of the stock subject to the option for the 12 consecutive calendar months preceding the month in which the modification, extension, or renewal occurs, divided by 12, is an amount less than 80 percent of the fair market value of such stock on the date of the original granting of the option or the date of the making of any intervening modification, extension, or renewal, whichever is the highest. In such case, any modification, extension, or renewal of the option is treated as the granting of a new option but only the fair market value of the stock subject to the option at the time of the modification, extension, or renewal is considered in determining whether the option is a restricted stock option. In the case of stocks listed on a stock exchange, the average fair market value of the stock for any month may be determined by adding the highest and lowest quoted selling prices during such month and dividing the sum by two. The method used for determining the average fair market value of the stock for any month must be used for all twelve months, except where it is shown that such method cannot be used for any month or does not clearly reflect the average fair market value of the stock for any such month.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. On June 1, 1954, a restricted stock option was granted to purchase before July 1, 1955, a share of stock for $85. The fair market value of such stock on June 1, 1954, was $100. On June 15, 1955, when the fair market value of the stock is $60, such option is extended so that it is exercisable at any time before July 1, 1956, at $55 a share. The average fair market value of the stock subject to the option for each of the 12 calendar months preceding June 1955, is as follows:

1954		1955	
June	$100	January	$90
July	90	February	80
August	80	March	70
September	70	April	60
October	80	May	60
November	80		
December	90		

The aggregate of such values is $950. When this sum is divided by 12, the result is $79.17, which is an amount less than 80 percent of the fair market value of the stock ($100) when the option was granted. Accordingly, when the option is extended on June 15, 1955, the option price could have been reduced as low as $51 (85 percent of the fair market value of the stock on such day) without disqualifying the option as a restricted stock option. If the aggregate fair market values of the stock so ascertained had amounted to $960 or more, the rules of subparagraph (2) of this paragraph would have been applicable with the result that any reduction in the option price would have disqualified the option as a restricted stock option.

(c) *Definition of modification, extension, or renewal.* (1) The time or date when an option is modified, extended, or renewed shall be determined, insofar as applicable, in accordance with the rules governing determination of the time or date of granting an option provided in § 1.421–1 (b). For the purpose of section 421, the term "modification" means any change in the terms of the option which gives the optionee additional benefits under the option. For example, a change in the terms of the option, which shortens the period during which the option is exercisable, is not a modification. However, a change, which accelerates the time when the option is first exercisable, or which provides more favorable terms for the payment for the stock purchased under the option, is a modification. A mere change in the terms of the option, with respect to the number or price of the shares of stock subject to the option, to reflect a stock dividend or stock split-up is not a modification of the option. In case there is an assumption or substitution of the option by reason of certain corporate transactions, see paragraph (d) of this section. Where an option is amended solely to increase the number of shares subject to the option, such increase shall not be considered as a modification of the option, but shall be treated as the grant of a new option for the additional shares.

(2) Any change in the terms of an option for the purpose of qualifying the option as a restricted stock option grants additional benefits and, therefore, is a modification. For example, if an option was granted to purchase for $80 a share of stock, the fair market value of which was $100 at such time, and if later the option price is increased to $85 in order to meet the requirement of section 421 (d) (1) (A), such change is a modification of the option, although the price is increased. Accordingly, the option, despite the change, is not a restricted stock option if the fair market value of the share is more than $100 when the price is increased. However, if the terms of an option are changed to provide that the optionee cannot transfer the option except by will or by the laws of descent and distribution, such change is not a modification, provided the option is at the same time changed so that it is not exercisable after the expiration of ten years from the date the option was granted.

(3) An extension of an option refers to the granting by the corporation to the optionee of an additional period of time within which to exercise the option beyond the time originally prescribed. A renewal of an option is the granting by the corporation of the same rights or privileges contained in the original option on the same terms and conditions. The rules of this paragraph apply as well to successive modifications, extensions, and renewals.

(d) *Assumption or substitution of restricted stock options in connection with certain corporate transactions.* (1) Where, by reason of a corporate transaction, as defined in this paragraph, an employer corporation, or its parent or subsidiary corporation, assumes an existing option, or issues a new option in place of the old option, such assumption or issuance is not a modification, if—

(i) The excess of the aggregate fair market value of the stock subject to the option immediately after such assumption or issuance over the aggregate option price is not more than the excess of the aggregate fair market value of the stock subject to the option immediately before such assumption or issuance over the aggregate option price, and

(ii) Such assumption of the old option, or issuance of the new option, does not give the optionee additional benefits under the option.

For the purpose of this paragraph, the term "corporate transaction" means a corporate merger, consolidation, purchase or acquisition of property or stock, separation, reorganization, or liquidation. Thus, for this purpose, a "corporate transaction" includes a taxable transaction (such as, a purchase of stock or property for cash) and any corporate reorganization (whether or not it comes within the definition of such term in section 368) and any corporate liquidation (whether or not section 332 is applicable).

(2) (i) Section 421 (g) provides rules under which a new employer, or parent or subsidiary of a new employer, may by reason of a corporate transaction assume a restricted stock option granted by the former employer or parent or subsidiary thereof, or issue a new restricted stock option in place of the option granted by the former employer or parent or subsidiary thereof, without having such assumption or substitution considered a modification of the option. For example, section 421 (g) may apply where there is a merger of X Corporation into Y Corporation and Y Corporation wishes to employ the employees of X Corporation and to assume restricted stock options which had been granted to them by their former employer, X Corporation. Another example is where X Corporation forms a new subsidiary, Y Corporation, and transfers to it certain assets and employees, and where Y Corporation wishes to grant to such employees a restricted stock option to purchase its stock in place of the restricted stock option which they had to purchase stock of X Corporation.

(ii) Section 421 (g) also provides rules under which a new parent or subsidiary corporation of the employer corporation may by reason of a corporate transaction assume a restricted stock option granted by the employer or parent or subsidiary thereof, or issue a new restricted stock option in place of the option granted by the employer or parent or subsidiary thereof, without having such assumption or substitution considered a modification of the option. Section 421 (g) may apply, for example, where X Corporation acquires a new subsidiary, Y Corporation, by purchase of stock and desires to grant to the employees of Y Corporation a restricted stock option to buy stock of X Corporation in place of the restricted stock option which they have to purchase the stock of Y Corporation.

(iii) Section 421 (g) applies only when the assumption or substitution occurs by reason of a corporate transaction as defined in this paragraph. Thus, section 421 (g) may apply where a result of a corporate transaction a restricted stock option can no longer be exercised, or if exercised, section 421 would not apply (see the first example in subdivision (i) of this subparagraph). Moreover, section 421 (g) may apply in any case where the reason for the assumption or substitution grows out of a corporate transaction even though there could have been a valid exercise under section 421 of the original option (see the second example in subdivision (i) of this subparagraph and the example in subdivision (ii) of this subparagraph). However, a corporation which has issued an option may not substitute a new option for such option under section 421 (g).

(3) For section 421 (g) to apply, it is not necessary to show that the corporation assuming or substituting the option is under any obligation to do so. In fact, section 421 (g) may apply where the option which is being assumed or replaced expressly provides that it will terminate upon the occurrence of certain corporate transactions. However, section 421 (g) cannot be applied to revive a restricted stock option which, for reasons not related to the corporate transaction, expires before it can properly be assumed or replaced under section 421 (g). For section 421 (g) to apply, the assumed or substituted option must qualify as a restricted stock option.

(4) Section 421 (g) does not apply if the terms of the assumed or substituted option confer on the employee more favorable benefits than he had under the old option. Thus, section 421 (g) would not apply if the old option had just two years to run but the new option has more than two years to run.

(5) For the purpose of applying section 421 (g), the assumption or substitution shall be considered to occur at the time that the optionee would, except for section 421 (g), be considered to have been granted the option which the employer corporation, or parent or subsidiary thereof, is issuing or assuming. An assumption or substitution which occurs by reason of a corporate transaction may occur before or after the corporate transaction.

(6) In order to have a substitution of an option under section 421 (g) the optionee must, in connection with the corporate transaction, lose his rights under the old option. There cannot be a substitution of a new option for an old option within the meaning of section 421 (g) if it is contemplated that the optionee may exercise both the old option and the new option. It is not necessary, however, to have a complete substitution of a new option for the old option. For example, assume that X Corporation forms a new corporation, Y Corporation, by a transfer of certain assets and distributes the stock of Y Corporation to the shareholders of X Corporation. Assume further that E, an employee of X Corporation, is thereafter an employee of both X Corporation and Y Corporation. Y Corporation wishes to substitute an option to purchase some of its stock for the restricted stock option which employee E has, entitling him to purchase 100 shares of the stock of X Corporation. The option to purchase the stock of X Corporation, at $42.50 a share, was granted when the stock had a fair market value of $50 a share, and the stock was worth $100 a share just before the distribution of the new corporation's stock to the shareholders of X Corporation. The stock of X Corporation and of Y Corporation is worth $50 a share just after such distribution, which also is the time of the substitution. On these facts an option to purchase 200 shares of stock of Y Corporation at $21.25 a share could be given to the employee in complete substitution for the old option. It would also be permissible to give the employee an option to purchase 100 shares of stock of Y Corporation at $21.25 a share in substitution for his right to purchase 50 of the shares covered by the old option.

(7) Any reasonable methods may be used to determine the fair market value of the stock subject to the option immediately before the assumption or substitution and the fair market value of the stock subject to the option immediately after the assumption or substitution. Such methods include the valuation methods described in § 20.2031–2 of this chapter (the Estate Tax Regulations). In the case of stock listed on a stock exchange, the fair market value may be based on the last sale before and the first sale after the assumption or substitution if such sales clearly reflect the fair market value of the stock, or may be based upon an average selling price during a longer period, such as the day or week before, and the day or week after, the assumption or substitution. If the stocks are not listed, or if they are newly issued, it will be reasonable to base the determination on experience over even longer periods. In the case of a merger, consolidation, or other reorganization which is arrived at by arm's length negotiations, the fair market value of the stocks subject to the option before and after the assumption or substitution may be based upon the values assigned to the stock for purposes of the reorganization. For example, if in the case of a merger the parties treat each share of the merged company as being equal in value to a share of the surviving company, it will be reasonable to assume that the stocks are of equal value so that the substituted option may permit the employee to purchase at the same price one share of the surviving company for each share he could have purchase of the merged company.

(8) For the purpose of applying section 421 (g), the determination of whether the parent-subsidiary relationship exists shall be based upon circumstances existing immediately after the corporate transaction.

(e) *Effect on qualification.* A restricted stock option may, as a result of a modification, extension, or renewal, thereafter cease to be a restricted stock option, or any option may, by modification, extension, or renewal, thereafter become a restricted stock option.

(f) *Examples.* The rule stated in section 421 (e) may be illustrated by the following examples:

Example (1). On June 1, 1954, the X Corporation grants to an employee an option to purchase 100 shares of the stock of X Corporation at $90 per share, such option to be exercised on or before June 1, 1956. At the time the option is granted, the fair market value of the X Corporation stock is $100 per share. On February 1, 1955, before the employee exercises the option, X Corporation modifies the option to provide that the price at which the employee may purchase the stock shall be $80 per share. On February 1, 1955, the fair market value of the X Corporation stock is $90 per share. Under section 421 (e), the X Corporation is deemed to have granted an option to the employee on February 1, 1955. Unless the value of the stock has substantially declined making paragraph (b) (3) of this section applicable, such option shall be treated as an option to purchase at $80 per share 100 shares of stock having a fair market value of $100 per share, that is, the higher of the fair market value of the stock on June 1, 1954, and on February 1, 1955. The exercise of such option by the employee after February 1, 1955, is not the exercise of a restricted stock option.

Example (2). On June 1, 1954, the X Corporation grants to an employee a restricted stock option to purchase 100 shares of X Corporation stock at $90 per share, exercisable after December 31, 1955, and on or before June 1, 1956. On June 1, 1954, the fair market value of X Corporation's stock is $100 per share. On February 1, 1955, X Corporation modifies the option to provide that the option shall be exercisable on or after February 1, 1955, and on or before June 1, 1956. On February 1, 1955, the fair market value of X Corporation stock is $110 per share. Under section 421 (e), X Corporation is deemed to have granted an option to the employee on February 1, 1955, to purchase at $90 per share 100 shares of stock having a fair market value of $110 per share, that is, the higher of the fair market value of the stock on June 1, 1954, and on February 1, 1955. The exercise of such option by the employee is not the exercise of a restricted stock option.

Example (3). The facts are the same as in example (1), except that the employee exercised the option to the extent of 50 shares on January 15, 1955, before the date of the modification of the option. Any exercise of the option after February 1, 1955, the date of the modification, is not the exercise of a restricted stock option. See example (1) in this paragraph. The exercise of the option on January 15, 1955, pursuant to which 50 shares were acquired, is the exercise of a restricted stock option.

Example (4). On June 1, 1954, the X Corporation grants to an employee an option to purchase 100 shares of the stock of X Corporation at $80 per share, such option to be exercised on or before June 1, 1956. At the time the option is granted, the fair market value of the X Corporation stock is $100 per share. On February 1, 1955, before the employee exercises the option, the X Corporation modifies the option to provide that the number of shares of stock which the employee may purchase at $80 per share will be 250. On February 1, 1955, the fair market value of the X Corporation stock is $90 per share. Under these facts, the X Corporation has granted two options, one option (not a restricted stock option) with respect to 100 shares having been granted on June 1, 1954, and the other option (a restricted stock option) with respect to the additional 150 shares having been granted on February 1, 1955. In the absence of facts identifying which option is exercised first, the employee will be deemed to have exercised the options in the order in which they were granted.

§ 1.421–5 *Operation of section 421—*(a) *Rules applicable to all restricted stock options—*(1) *In general.* If a share of stock is transferred to an individual pursuant to his timely exercise of a restricted stock option and is not disposed of by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him, then, under section 421 (a)—

(i) No income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(ii) No deduction under section 162 shall be allowable at any time to the employer corporation of such individual or its parent or subsidiary corporation, or to a corporation which assumed or issued the option under section 421 (g), with respect to the share so transferred; and

(iii) No amount other than the option price shall be considered as received by any of such corporations for the share so transferred.

For the purpose of subdivisions (i), (ii), and (iii) of this subparagraph, each share of stock transferred pursuant to a restricted stock option is treated separately. For example, if an individual, while employed by a corporation granting him a restricted stock option, exercises the option with respect to part of the stock covered by the option, and if such individual exercises the balance of the option more than three months after leaving such employment, the application of section 421 to the stock obtained upon the earlier exercise of the option is not affected by the fact that the income taxes of the employer and the individual with respect to the stock obtained upon the later exercise of the option are not determined under section 421.

(2) *Holding period.* The special rules provided in section 421 (a) are not applicable if the individual disposes of the share of stock within two years from the date the option is granted or within six months after the transfer of such share to him. Section 421 is not made inapplicable by a transfer within the 2-year or 6-month period if such transfer is not a disposition of the stock as defined in subparagraph (3) of this paragraph, for example, a transfer from the decedent to his estate or a transfer by bequest or inheritance. Similarly, a disposition by the executor, administrator, heir, or legatee is not a disposition by the decedent. In case a restricted stock option is exercised by the estate of the individual to whom the option was granted, or by a person who acquired the option by bequest or inheritance or by reason of the death of such individual, see paragraph (d) of this section.

(3) *Disposition of stock.* (i) For the purpose of section 421, the term "disposition" includes a sale, exchange, gift, or any transfer of legal title, but does not include—

(a) A transfer from a decedent to his estate or a transfer by bequest or inheritance; or

(b) An exchange which occurs in a taxable year of the optionee beginning after December 31, 1953, and ending after August 16, 1954, and to which is applicable section 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) or a corresponding provision of the Internal Revenue Code of 1939; or

(c) A mere pledge or hypothecation.

However, a disposition of the stock pursuant to a pledge or hypothecation is a disposition by the individual, even though the making of the pledge or hypothecation is not such a disposition.

(ii) If an individual exercises a restricted stock option, a share of stock acquired pursuant to such exercise is not considered disposed of by the individual if such share is taken in the name of the individual and another person jointly with right of survivorship, or is subsequently transferred into such joint ownership, or is retransferred from such joint ownership to the sole ownership of the individual. However, any termination of such joint ownership is a disposition of such share, except to the extent that the individual reacquires ownership of the share. For example, if such individual and his joint owner transfer such share to another person, the individual has made a disposition of such share. Likewise, if a share of stock held in the joint names of such individual and another person is transferred to the name of such other person, there is a disposition of such share by the individual. If an individual exercises a restricted stock option and a share of stock is transferred to another or is transferred to such individual in his name as trustee for another, the individual has made a disposition of such share.

(4) *Examples.* The rules of section 421 (a) may be illustrated by the following examples:

Example (1). On June 1, 1954, the X Corporation grants to E, an employee, a restricted stock option to purchase 100 shares of X Corporation stock at $95 per share. On that date, the fair market value of X Corporation stock is $100 per share. On June 1, 1955, while employed by X Corporation, E exercises the option in full and pays X Corporation $9,500, and on that day X Corporation transfers to E 100 shares of its stock having a fair market value of $12,000. Before June 1, 1956, E makes no disposition of the 100 shares so purchased. E realizes no income on June 1, 1955, with respect to the transfer to him of the 100 shares of X Corporation stock. X Corporation is not entitled to any deduction at any time with respect to its transfer to E of the stock. E's basis for such 100 shares is $9,500.

Example (2). Assume, in example (1), that on August 1, 1956, two years and one month after the granting of the option and one year and one month after the transfer of the shares to him, E sells the 100 shares of X Corporation stock for $13,000, which is the fair market value of the stock on that date. For the taxable year in which the sale occurs, E realizes a gain of $3,500 ($13,000 minus E's basis of $9,500), which is treated as long-term capital gain.

Example (3). Assume, in example (2), that on August 1, 1956, E makes a gift of the 100 shares of X Corporation stock to his son. Such disposition results in no realization of gain to E either for the taxable year in which the option is exercised or the taxable year in which the gift is made. E's basis of $9,500 becomes the donee's basis for determining gain or loss.

Example (4). Assume, in example (1), that on May 1, 1956, one year and 11 months after the granting of the option and 11 months after the transfer of the shares to him, E sells the 100 shares of X Corporation stock for $13,000. The special rules of section 421 (a) are not applicable to the transfer of the stock by X Corporation to E, because disposition of the stock was made by E within two years from the date the option was granted. See paragraph (e) of this section for the effect of a disqualifying disposition.

Example (5). Assume, in example (1), that E dies on September 1, 1955, owning the 100 shares of X Corporation stock acquired by him pursuant to his exercise on June 1, 1955, of the restricted stock option. On the date of death, the fair market value of the stock is $12,500. No income is realized by E by reason of the transfer of the 100 shares to his estate. If the stock is valued as of the date of E's death for estate tax purposes, the basis of the 100 shares in the hands of the executor is $12,500.

(b) *Additional rules applicable where the option price is between 85 percent and 95 percent of the value of the stock—*(1) *In general.* (i) If all the conditions necessary for the application of section 421 (a) exist, section 421 (b) provides additional rules which are applicable in cases where, at the time the restricted stock option is granted, the option price per share is less than 95 percent (but not less than 85 percent) of the fair market value of such share. In such case, upon the disposition of such share by the individual after the expiration of the 2-year and the 6-month periods, or upon his death while owning such share (whether occurring before or after the expiration of such periods), there shall be included in the individual's gross income as compensation (and not as gain upon the sale or exchange of a capital asset) an amount determined in the following manner. If the option qualified under section 421 (d) (1) (A) (i) (see § 1.421–1 (d) (2) (i)) such amount shall be the amount, if any, by which the option price is exceeded by the lesser of the fair market value of the share at the time the option was granted or the fair market value of the share at the time of such disposition or death. However, if the option qualified under section 421 (d) (1) (A) (ii) (see § 1.421–1 (d) (2) (ii)), such amount shall be whichever of the following amounts is lesser:

(*a*) The excess of the fair market value of the share at the time of such disposition or death over the price paid under the option, or

(*b*) The excess of the fair market value of the share at the time the option was granted over the option price, computed as if the option had been exercised at such time.

The amount of such compensation shall be included in the individual's gross income for the taxable year in which the disposition occurs or for the taxable year closing with his death, whichever event results in the application of section 421 (b).

(ii) The application of the special rules provided in section 421 (b) shall not affect the rules provided in section 421 (a) with respect to the individual exercising the option, the employer corporation, or its parent or subsidiary corporation. Thus, notwithstanding the inclusion of an amount as compensation in the gross income of an individual, as provided in section 421 (b), no income results to the individual at the time the stock is transferred to him, and no deduction under section 162 is allowable at any time to the employer corporation or its parent or subsidiary with respect to such amount.

(iii) If the individual exercises a restricted stock option during his lifetime and dies before the stock is transferred to him pursuant to his exercise of the option, the transfer of such stock to the individual's executor, administrator, heir, or legatee is deemed, for the purpose of section 421, to be a transfer of the stock to the individual exercising the option and a further transfer by reason of death from such individual to his executor, administrator, heir, or legatee.

(2) *Basis.* If the special rules provided in section 421 (b) are applicable to the disposition of a share of stock by an individual, the basis of such share in the individual's hands at the time of such disposition, determined under section 1011, shall be increased by an amount equal to the amount includible as compensation in his gross income under section 421 (b). If the special rules provided in section 421 (b) are applicable to a share of stock upon the death of an individual, the basis of such share in the hands of the estate or the person receiving the stock by bequest or inheritance shall be determined under section 1014, and shall not be increased by reason of the inclusion upon the decedent's death of any amount in his gross income under section 421 (b). See example (9) of this paragraph with respect to the determination of basis of the share in the hands of a surviving joint owner.

(3) *Examples.* The operation of section 421 (b) may be illustrated by the following examples:

Example (1). On June 1, 1954, the X Corporation grants to E, an employee, a restricted stock option to purchase a share of X Corporation's stock for $85. The fair market value of the X Corporation stock on such date is $100 per share. On June 1, 1955, E exercises the restricted stock option and on that date the X Corporation transfers the share of stock to E. On January 1, 1957, E sells the share for $150, its fair market value on that date. E makes his income tax return on the basis of the calendar year. The income tax consequences to E and X Corpora-

tion are as follows: (i) Compensation in the amount of $15 is includible in E's gross income for 1957, the year of the disposition of the share. The $15 represents the difference between the option price ($85) and the fair market value of the share on the date the option was granted ($100), since such value is less than the fair market value of the share on the date of disposition ($150). For the purpose of computing E's gain or loss on the sale of the share, E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100. Since the share was sold for $150, E realizes a gain of $50, which is treated as long-term capital gain; (ii) The X Corporation is entitled to no deduction under section 162 at any time with respect to the share transferred to E.

Example (2). Assume, in example (1), that E sells the share of X Corporation stock on January 1, 1958, for $75, its fair market value on that date. Since $75 is less than the option price ($85), no amount in respect of the sale is includible as compensation in E's gross income for 1958. E's basis for determining gain or loss on the sale is $85. Since E sold the share for $75, E realized a loss of $10 on the sale, which loss is treated as a long-term capital loss.

Example (3). Assume, in example (1), that the option provides that the option price shall be 90 percent of the fair market value of a share of the stock on the day the option is exercised. On June 1, 1955, when the option is exercised, the fair market value of the stock is $120 per share so that E pays $108 for the share of stock. Compensation in the amount of $10 is includible in E's gross income for 1957, the year of the disposition of the share. This is determined in the following manner. The excess of the fair market value of the stock at the time of the disposition ($150) over the price paid for the share ($108) is $42; and the excess of the fair market value of the stock at the time the option was granted ($100) over the option price, computed as if the option had been exercised at such time ($90), is $10. Accordingly, $10, the lesser, is includible in gross income. In this situation, E's cost basis of $108 is increased by $10, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $118. Since the share was sold for $150, E realizes a gain of $32, which is treated as long-term capital gain.

Example (4). Assume, in example (1), that instead of selling the share on January 1, 1957, E makes a gift of the share on that day. In such case, $15 is includible as compensation in E's gross income for 1957. E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100, which becomes the donee's basis, as of the time of the gift, for determining gain or loss.

Example (5). Assume, in example (2), that instead of selling the share on January 1, 1958, E makes a gift of the share on that date. Since the fair market value of the share on that day ($75) is less than the option price ($85), no amount in respect of the disposition by way of gift is includible as compensation in E's gross income for 1958. E's basis for the share is $85, which becomes the donee's basis, as of the time of the gift, for the purpose of determining gain. The donee's basis for the purpose of determining loss, determined under section 1015 (a), is $75 (fair market value of the share at the date of gift).

Example (6). Assume, in example (1), that after acquiring the share of stock on June 1, 1955, E dies on August 1, 1956, at which time the share has a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death, such $15 being the difference between the option price ($85) and the fair market value of the share when the option was granted ($100), since such value is less than the fair market value at date of death ($150). The basis of the share in the hands of E's estate is determined under section 1014 without regard to the $15 includible in the decedent's gross income.

Example (7). Assume, in example (6), that E dies on August 1, 1955, at which time the share has a fair market value of $150. Although E's death occurred within two years from the date of the granting of the option and within six months after the transfer of the share to him, the income tax consequences are the same as in example (6).

Example (8). Assume the same facts as in example (1) except that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and except that E and his wife sold the share on June 15, 1956, for $150, its fair market value on that date. Compensation in the amount of $15 is includible in E's gross income for 1956, the year of the disposition of the share. The basis of the share in the hands of E and his wife for the purpose of determining gain or loss on the sale is $100, that is, the cost of $85 increased by the amount of $15 includible as compensation in E's gross income. The gain of $50 on the sale is treated as long-term capital gain, and is divided equally between E and his wife.

Example (9). Assume the same facts as in example (1), except that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and except that E predeceased his wife on August 1, 1956, at which time the share had a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death. See example (6). The basis of the share in the hands of E's wife as survivor is determined under section 1014 without regard to the $15 includible in the decedent's gross income.

Example (10). Assume, in example (9), that E's wife predeceased him on July 1, 1956. Section 421 (b) does not apply in respect of her death. Upon the subsequent death of E on August 1, 1956, the income tax consequences in respect of E's taxable year closing with the date of his death, and in respect of the basis of the share in the hands of his estate, are the same as in example (6). If E had sold the share on July 15, 1956 (after the death of his wife), for $150, its fair market value at that time, the income tax consequences would be the same as in example (1).

(c) *Acquisition of other stock.* (1) Section 421 (c) provides that the special rules stated in section 421 (a) and (b), if applicable with respect to stock transferred to an individual upon his exercise of an option, shall likewise be applicable with respect to stock acquired by a distribution or an exchange to which is applicable section 305, 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) or a corresponding provision of the Internal Revenue Code of 1939. Stock so acquired shall, for the purpose of section 421, be considered as having been transferred to the individual upon his exercise of the option. A similar rule shall be applied in the case of a series of such acquisitions. With respect to such acquisitions, section 421 (c) does not make inapplicable any of the provisions of section 305, 354, 355, 356, or 1036 (or so much of section 1031 as related to section 1036). Section 421 (c) is applicable only with respect to such acquisitions which occur in any taxable year of the shareholder which begins after December 31, 1953, and ends after August 16, 1954. As to acquisitions occurring in earlier taxable years, see section 130A (c) of the Internal Revenue Code of 1939.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. If, with respect to stock transferred pursuant to the timely exercise of a restricted stock option, there is a distribution of new stock to which section 305 (a) is applicable, and if there is a disposition of such new stock within two years after the option was granted, such disposition makes section 421 inapplicable to the transfer of the original stock pursuant to the exercise of the option to the extent that the disposition effects a reduction of the individual's total interest in the old and new stock. However, if the new stock, as well as the old stock, is not disposed of within two years after the option was granted, nor within six months after the transfer of the old stock pursuant to the exercise of the option, section 421 is applicable.

(d) *Exercise after death.* (1) If a restricted stock option is exercised by the estate of the individual to whom the option was granted, or by any person who acquired such option by bequest or inheritance or by reason of the death of such individual, and if such exercise occurs in a taxable year of the estate or of such person beginning after December 31, 1953, and ending after August 16, 1954, section 421 applies to such exercise in the same manner as if such option had been exercised by such deceased individual. Consequently, neither the estate nor such person is required to include any amount in gross income as a result of a transfer of stock pursuant to such exercise of the option. Nor does section 421 become inapplicable if such executor, administrator, or person disposes of the stock so acquired within two years after the granting of such option or within six months after the transfer of the stock pursuant to the exercise of such option. This exception as to the applicability of section 421 does not affect the applicability of section 1222, relating to what constitutes a short-term and long-term capital gain or loss. The executor, administrator, or such person need not exercise the option within three months after the death of the individual to whom the option was granted for section 421 to be applicable. However, the exercise of the option must be pursuant to the terms of the option, and any change in the terms of the option is subject to the rules of § 1.421–4, relating to the modification, extension, or renewal of the option. Section 421 is applicable even though such executor, administrator, or person is not employed by the corporation granting the option, or a parent or subsidiary thereof, either when the option is exercised or at any time. However, section 421 is not applicable to an exercise of the option by the estate or by such person, unless the individual to whom the option was granted met the requirements of § 1.421–3 (b), relating to the employment of such individual, either at the time of his death or within three months before such time. If the option is exercised by a person other than the executor or administrator, or other than a person who acquired the option by bequest or inheritance or by reason of the death of such deceased individual, section 421 is not applicable to the exercise. For example, if the option is sold by the estate, section 421 does not apply to an exercise of the option by such buyer; but if the option is distributed by the administrator to an heir as part of the estate, section 421 is applicable to an exercise of the option by such heir.

(2) Any transfer by the estate, whether a sale, a distribution of assets, or otherwise, of the stock acquired by its exercise of the option under this paragraph is a disposition of the stock. Therefore, if section 421 (b) is applicable, the estate must include an amount as compensation in its gross income. Similarly, if section 421 (b) is applicable in case of an exercise of the option under this paragraph by a person who acquired the option by bequest or inheritance or by reason of the death of the individual to whom the option was granted, there must be included in the gross income of such person an amount as compensation, either when such person disposes of the stock, or when he dies owning the stock.

(3) (i) If under section 421 (b) an amount is required to be included in the gross income of the estate or of such person, the estate or such person shall be allowed a deduction as a result of the inclusion of the value of the restricted stock option in the estate of the individual to whom the option was granted. Such deduction shall be computed under section 691 (c) by treating the restricted stock option as an item of gross income in respect of a decedent under section 691 and by treating the amount required to be included in gross income under section 421 (b) as an amount included in gross income under section 691 in respect of such item of gross income. No such deduction shall be allowable with respect to any amount other than an amount includible under section 421 (b). For the rules relating to the computation of a deduction under section 691 (c), see § 1.691 (c)–1.

(ii) The application of subdivision (i) may be illustrated by the following example:

Example. On June 1, 1953, E was granted a restricted stock option to purchase for $85 one share of the stock of his employer. On such day, the fair market value of such stock was $100 a share. E died on February 1, 1954, without having exercised such option. The option was, however, exercisable by his estate, and for purposes of the estate tax was valued at $30. On March 1, 1955, the estate exercised the option, and on March 15, 1955, sold for $150 the share of stock so acquired. For its taxable year including March 15, 1955, the estate is required by section 421 (b) to include in its gross income as compensation the amount of $15. During such taxable year, no amounts of income were properly paid, credited, or distributable to the beneficiaries of the estate. However, under section 421 (d) (6) (B) the estate is entitled to a deduction determined in the following manner. E's estate includes no other items of income in respect of a decedent referred to in section 691 (a), and no deductions referred to in section 691 (b), so that the value for estate tax purposes of the restricted stock option, $30, is also the net value of all items of income in respect of the decedent. The estate tax attributable to the inclusion of the restricted stock option in the estate of E is $10. Since $15, the amount includible in gross income by reason of section 421 (b), is less than the value for estate tax purposes of the option, only 15/30 of the estate tax attributable to the inclusion of the option in the estate is deductible; that is, 15/30 of $10, or $5. The estate realizes a capital gain of $50 since the $15 which is included in the gross income of the estate is added to the $85 paid for the stock in determining the basis of the stock, but the basis of the stock is not increased by reason of the inclusion of the restricted stock option in the estate (see section 1014 (d)). No deduction under section 421 (d) (6) (B) is allowable with respect to the $50 capital gain.

(e) *Disqualifying disposition.* The disposition of a share of stock, acquired by the exercise of a restricted stock option, within two years after the granting of the option or within six months after the transfer of the share pursuant to such exercise makes section 421 inapplicable to such transfer of the share. If such disqualifying disposition occurs in a taxable year of the individual which begins after December 31, 1953, and ends after August 16, 1954, the income attributable to such transfer shall be treated by the individual as income received in the taxable year in which such disposition occurs. Similarly, if such disposition occurs in a taxable year of the employer which begins after December 31, 1953, and ends after August 16, 1954, the deduction attributable to the transfer of the share of stock pursuant to the exercise of the option shall be allowable for the taxable year in which such disposition occurs. In such cases, no amount shall be treated as income, and no amount shall be allowed as a deduction, for any taxable year other than the taxable year in which occurs the disposition. However, if the stock was transferred pursuant to the exercise of the option in a taxable year other than the taxable year of the disposition, the extent to which such deduction is allowable shall be determined as if such deduction was claimed for the taxable year of the transfer.

[F. R. Doc. 57–10178; Filed, Dec. 9, 1957; 8:47 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter E—Mechanical Equipment for Mines; Tests for Permissibility and Suitability; Fees

[Bureau of Mines Schedule 28]

PART 34—FIRE-RESISTANT CONVEYOR BELTS

REQUIREMENTS GOVERNING INVESTIGATIONS LEADING TO SUITABILITY

There was published in the FEDERAL REGISTER of September 4, 1957 (22 F. R. 7076), a notice and text of proposed amendments to the regulations of Subchapter E of Title 30 Code of Federal Regulations, prescribing requirements governing investigations leading to suitability of Fire-Resistant Conveyor Belts.

Interested persons were allowed 30 days after publication of the notice to submit written data, views, or arguments concerning the proposed amendments. Inasmuch as no adverse comment or criticism was received, the proposed amendments to the regulations, as set forth below, are hereby adopted without change.

(Sec. 5, 36 Stat. 370, as amended, sec. 212, 66 Stat. 709; 30 U. S. C. 7, 482)

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 2, 1957.

1. Section 34.6 is amended to read as follows:

§ 34.6 *Termination of investigation; disposal of fee and material.* (a) Upon request by an applicant that the Bureau terminate its investigation of the conveyor belt, the Bureau will terminate the investigation, and will return to the applicant the fees paid by him, less such portion thereof as the Bureau determines is applicable to the testing already done.

(b) The Bureau of Mines may retain as its own, for record, all or any part of the material submitted. Any material not retained by the Bureau for record will be returned to the applicant at his expense upon receipt of written request and shipping instructions within one year from the termination or completion of the tests; and thereafter may be disposed of by the Bureau as it sees fit.

2. Paragraph (d) (2) of § 34.10 *Flame test* is amended to read as follows:

(d) *Procedure for flame test.* • • •

(2) The Bunsen burner shall be adjusted to give a blue flame 3 inches in height when using Pittsburgh natural gas or equivalent as a fuel.

[F. R. Doc. 57–10180; Filed, Dec. 9, 1957; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 109—COOK INLET AREA

CLOSED SEASON ON KING CRABS

DECEMBER 6, 1957.

Basis and purpose. On the basis of an active research program on king crab in Cook Inlet, it has been determined that the time of moulting can be accurately determined and closure then recommended as has been done successfully at Kodiak.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 109.24a is deleted.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57–10238; Filed, Dec. 9, 1957; 11:02 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11757; FCC 57M–1212]

TELEVISION BROADCAST STATIONS (EVANSVILLE, IND., AND LOUISVILLE, KY.)

ORDER CONTINUING HEARING

In the matters of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Evansville, Indiana, and Louisville, Kentucky) and order directing Evansville Television, Inc., to show cause why its authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7.

Pursuant to a pre-hearing conference held on December 2, 1957, and with the concurrence of counsel for all parties in this proceeding: *It is ordered,* This 3d day of December 1957, that the hearing herein now scheduled for December 9, 1957, be, and the same is hereby, continued to January 27, 1958, at 2 o'clock p. m., in the offices of the Commission in Washington, D. C.

Released: December 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10181; Filed, Dec. 9, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R–162]

STATEMENTS AND REPORTS (SCHEDULES)

SUBMISSION OF DATA BY INDEPENDENT PRODUCERS, REVISION OF FORM; EXTENSION OF TIME

DECEMBER 4, 1957.

Upon consideration of various inquiries and requests for extensions of time for filing report on FPC Form No. 301–1956 required by the Commission's Order No. 198 issued November 19, 1957;

An extension is hereby granted to and including January 31, 1958, within which to file report on FPC Form No. 301–1956.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–10176; Filed, Dec. 9, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

AIR TRAFFIC RULES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 60 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by February 28, 1958. Copies of such communications will be available after March 4, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The proposed amendments to the air traffic rules contained herein stem from the written comments received in response to Civil Air Regulations Draft Release No. 57–11, dated May 23, 1957, and from the discussions which took place at the Air Traffic Rules Conference held in Washington June 13 and 14, 1957. Three items, a proposal to amend § 60.18, "Operation on and in the vicinity of an airport," a proposal to establish certain altimeter setting procedures, and a proposal relating to aircraft lights have not yet been fully developed and are not included in this draft release. As soon as these items have been completed, they will be published in a separate draft release.

Minimum weather conditions for VFR flight. Draft release No. 57–11 contained several recommendations, previously submitted to the Bureau, which advocated certain increases in the minimum VFR weather criteria.

The written comments received by the Bureau and the discussions at the Air Traffic Rules Conference reflect a wide divergence of views on the part of various users of the airspace on this matter.

It is contended on one hand that the currently prescribed minimums do not account for the considerable increase in the speeds of aircraft. Increasing the VFR minimums, it is maintained, will insure greater visibility during VFR operations which will enhance the pilots' ability to avoid a collision, and a greater number of operations will be conducted under the instrument flight rules which will result in separation being provided by air traffic control and will accordingly reduce the collision potential.

On the other hand, the view was expressed, particularly by the general aviation segment, that an over-all increase of the minimum VFR weather criteria would unnecessarily and unduly restrict a vast amount of flight activity. It was contended that the absence of an IFR capability on the part of a large number of pilots and/or airplanes coupled with the number of times that the weather conditions would be below the proposed minimums for VFR flight would seriously limit the utility of the airplane. Several comments pointed out that some of the proposed increases in VFR weather criteria would "simply make unscheduled business flying impractical."

While the views expressed by interested persons of the general aviation segment were in opposition to any overall increase in the VFR weather criteria, there was recognition of the need for special consideration of the adequacy of the current minimums in certain areas of airspace. For example, there was agreement that there is a valid relationship between speed and visibility and that the current minimums may have to be increased for those flight activities conducted at the higher altitudes where high-speed aircraft typically operate.

The Air Traffic Rules Conference and the written comment received in response to Draft Release No. 57–11 have provided the Bureau with a substantial amount of data and a widespread representation of views and opinions on this subject. In considering all these views, the Bureau has taken into account the wide divergence of opinions and the reasons which formed the basis of such opinions and recognizes the merit in each. In deciding this issue, we are acutely aware of the obligation to continue to develop rules which maintain a sound balance between the public right of freedom of transit in air commerce through the navigable airspace of the United States and the duty to regulate air commerce in such manner as to best promote its safety.

It is the Bureau's view that there are two principal factors which militate against the proposition that the current rules provide adequately for present-day flight operations. These factors are the increase in traffic volume, particularly in terminal areas, and the marked increase of speed of aircraft in recent years.

In applying the principle of "see and be seen" in the air traffic rules of Part 60, the Board, up to the present time, has dealt principally with the meteorological conditions which affect a pilot's ability to observe and avoid other aircraft. These conditions are expressed as visibility and distance from clouds minimums. For some time, however, it has become increasingly apparent that conditions other than weather conditions are being encountered which directly affect a pilot's ability to observe and avoid other aircraft, and they accordingly must be considered in the continued development of the air traffic rules.

In connection with the increase in traffic, the problem of observing and avoiding other air traffic is accentuated where large numbers of aircraft are maneuvering in the vicinity of high density airports. Obviously, the greater the number of aircraft movements in a given area the more difficult it is for a pilot to separate himself from other aircraft. The currently prescribed meteorological conditions that serve as the basic minimums (1,000 feet ceiling and 3 miles visibility) below which an air traffic control clearance must be obtained prior to flight in a control zone is applicable at each airport control zone. The extreme difference in the volume of aircraft movements at these various airports is a factor which, heretofore, has not been related to the minimum meteorological conditions. The Bureau believes that the minimum weather conditions required for VFR flight at certain major air terminals should reflect consideration of the tremendous volume of aircraft movements typically handled at these airports.

Accordingly, it is proposed that the ceiling and visibility minimums for uncontrolled flight in the control zone of a designated high density airport be increased to 1,500 feet ceiling and 5 miles visibility. This will insure improved visibility and ceiling values which will afford a pilot greater opportunity to avoid air traffic in areas of congestion.

This increase in minimums will require that an air traffic control clearance be obtained prior to flight in the control zone of a high density airport whenever the weather conditions are less than 1,500 feet ceiling and 5 miles visibility. It is not intended that all flights in these high density control zones under these conditions need be equipped with the instruments, extensive communications equipment, or pilot capability ordinarily required for complete IFR operation. A clearance from air traffic control will be required in a control zone in the same manner as the current procedure employed in special VFR operations; i. e., in a control zone with an air traffic clearance. Such requirement will, in these weather conditions, result in more aircraft being controlled by air traffic control, thereby insuring a more positive degree of separation from other aircraft.

While high density airports are best equipped to handle a large volume of air traffic, it is recognized that the proposed increase in ceiling and visibility minimums will place an additional burden on the air traffic control system and on occasion some inconvenience and delay may be encountered. However, these measures are required in order to maintain a safe and orderly flow of air traffic at these major air terminals.

With respect to the problems encountered in the operation of high-speed aircraft, the Board has already adopted amendments to the air traffic rules which increase the minimum VFR weather criteria for all flights in the continental control area. This increase was proposed originally in Draft Release No. 57–11 and again in Draft Release No. 57–15. The Board adopted the amendment, effective December 1, 1957, on which date the minimum VFR criteria for flight in the continental control area became 5 miles flight visibility and the required distance from clouds became 1,000 feet vertically and one mile horizontally.

The Bureau also intends to propose amendment of §§ 60.30 and 60.31 to provide for certain "basic VFR" weather minimums in the former and "special VFR" weather minimums in the latter section. It is expected that this arrangement, coupled with the chart set forth below, will make clear which rules apply in a given operational circumstance. The term "basic VFR" weather conditions refers to those minimum weather conditions required for VFR flight below which all airplanes must be operated in accordance with the instrument flight rules. There is one exception to these basic minimums and it concerns VFR flight operations in control zones. While control zones ordinarily have basic minimums of 1,000 feet ceiling and 3 miles visibility (1,500–5 miles for high density airports), these minimums can be reduced provided a (special) clearance is obtained from air traffic control. This special exception is designed to permit VFR aircraft to transit to or from uncontrolled airspace where the minimum visibility is one mile. This one exception to the basic VFR minimums is referred to as "special VFR." The minimum weather conditions for "special VFR" flight currently require that the flight remain clear of clouds and that the visibility must be at least one mile, except that the visibility may be one-half mile if the restriction to visibility is due to a local surface restriction such as smoke, dust, or blowing snow or sand, and if all turns after take-off and prior to landing and all flights beyond one mile from the airport boundary can be accomplished above or outside the area so restricted.

With respect to the minimum weather conditions specified for special VFR flight in a control zone, the Bureau has carefully reconsidered the provision which allows VFR flight to be conducted in restricted visibility conditions as low as one-half mile and proposes to delete the provision. The comment received by the Bureau indicates that it is believed that any flight operation conducted in visibility conditions of less than one mile is unsafe unless the pilot is able to maintain the altitude and direction of the aircraft by reference to instruments.

In reconsidering the provision which allows VFR flight in one-half-mile visibility, the Bureau has carefully evaluated the original purpose of the provision. It was intended that the one-half-mile exception would provide flexibility to VFR flight operations so that when the weather conditions were generally good, but the visibility was restricted because of some local conditions, aircraft could depart and arrive at an airport, VFR. It was generally contemplated, however, that in local weather conditions of such reduced visibility only pilots having ability to fly on basic instruments would attempt such operations.

The Bureau proposes to delete this one-half-mile exception because this provision is an air traffic rule of Part 60, which is applicable to all pilots and the flexibility inherent in the rule can be exercised by each and every pilot. While there are many pilots who could utilize this flexibility safely because they have the ability to conduct flight without reference to the ground, there is a much greater number of pilots who might be induced to attemp such flight who do not have the ability to fly on instruments. Therefore, the flexibility provided by the rule might unwittingly induce operations by pilots not capable of safe flight in such reduced visibility. In addition, the Civil Aeronautics Board has already established by regulation the principle that in uncontrolled airspace, a minimum of one-mile visibility is necessary in order that a VFR pilot may properly control the attitude and flight path of his aircraft by visual reference to the ground, and that he may be able to avoid collision with terrain or other surface obstacles. The fact that a VFR pilot may be operating in a control zone, rather than in uncontrolled airspace, does not justify a departure from the basic principle that one-mile visibility is needed to safely operate an aircraft without reference to instruments.

While this action will limit the flexibility of VFR flight operations in restricted visibility conditions, the Bureau believes that such limitation is necessary in the interest of safety. This action will not, however, curtail the flexibility of special VFR flight operations in control zones when the visibility in the control zone is one mile. If an air traffic control clearance is obtained, an aircraft may proceed from, or to, uncontrolled airspace, when the visibility in the zone is less than 3 miles but (with this proposed revision) in no case less than 1 mile.

For the reasons outlined above, the Bureau has concluded that the provision which allows VFR flight to be conducted in visibility conditions of one-half mile is under certain circumstances not conducive to safe flight operations and that such provision should be deleted. It is our view that the irreducible minimum for all VFR flight should be consistent with the minimum of long standing for flight in uncontrolled airspace, and it is, therefore, proposed that one mile be established as the minimum visibility for flights conducted under the Visual Flight Rules.

The Bureau also finds that the minimum flight visibility value of 3 miles currently required for the performance of acrobatic flight in § 60.16 (c) does not adequately reflect consideration of the increased aircraft speeds and traffic density. Taking these factors into account along with consideration of the essential need for these maneuvers to be conducted in visibility conditions which will allow adequate opportunity for pilots to observe and avoid other aircraft, it is proposed to amend § 60.16 (c) so as to require 5 miles flight visibility for the performance of acrobatics.

Cruising altitudes. The principal objective of the proposal to amend the cruising altitude rules is to simplify the current requirements.

Currently effective § 60.32 of Part 60 of the Civil Air Regulations requires the pilot to observe two different sets of rules to determine the appropriate cruising altitude. These rules differ depending on whether the flight is in controlled or uncontrolled airspace. Outside controlled airspace above 3,000 feet and with less than 3 miles visibility, pilots are required to comply with the quadrantal rule. Aircraft in controlled airspace are required to be flown at odd or even thousand-foot altitudes as specified by the Administrator. These rules specify a rather complex system of determining altitudes by direction of flight on colored airways and VOR airways, which is modified by a priority system for colored airways, and

further modified where colored and VOR airways coincide or cross. For irregular portions of airspace designated as control areas there is no altitude specification.

A recommended procedure has been developed which would substitute a single system to apply in all airspace (i. e., in and outside of controlled airspace) below 29,000 feet. The proposed semi-circular rules would require that VFR aircraft (or aircraft on no flight plan) cruise at odd thousands plus 500 feet when on magnetic courses of 0° to 179° inclusive; and at even thousands plus 500 feet when on courses of 180° to 359° inclusive. Aircraft operating on an IFR flight plan with a specific altitude assignment would normally be conducted at odd thousands on magnetic courses of 0° to 179° and even thousands on courses of 180° to 359°. More simply, aircraft operating under VFR rules would cruise at plus 500-foot altitudes and IFR traffic would cruise at cardinal altitudes. It is anticipated that by modifying the odd-even altitude rule on airways and eliminating the quadrantal altitude rule elsewhere the selection of cruising altitudes will be simplified considerably as the pilot need become familiar with but one system for determining cruising altitudes. This would resolve the difficulties of determining proper cruising altitudes along airways, crossing airways, and in the large control areas that have previously been without any designated altitudes. Further, it simplifies the rules to be followed when operating outside of airways and other control areas.

In addition, it is considered advisable to vary the IFR cruising rules from the VFR cruising rules by 500 feet so as to establish a degree of separation between such flights. This is especially important in light of the growing utilization of the one-way airway procedure. This is a practice which has been developed to facilitate and expedite the traffic handling of IFR flights operating between adjacent terminals that are served with multiple airway routes. This procedure involves the utilization of all cardinal altitude levels in a given direction on a particular airway instead of the usual practice of assigning only the odd altitudes or only the even altitudes. This proposal would provide some additional separation between an IFR flight that may be assigned an altitude that is not compatible with those prescribed for VFR flight.

In developing this semi-circular system, consideration was given to flight visibility conditions. The present quadrantal altitude rule in § 60.32 (b) applies only when visibility is less than 3 miles. It is the Bureau's view that the separation provided by the semi-circular rule is of value at all times irrespective of visibility conditions. Therefore, no visibility limits are prescribed.

In order to provide for aircraft operating under the instrument flight rules and cleared by air traffic control to maintain "VFR conditions on top," it is proposed to amend §60.44 (a) to require specifically that such flights comply with the altitude rules prescribed for VFR flight.

Although this proposal was not discussed at the Air Traffic Rules Conference, because of the limitations of time, the Bureau has received a number of written comments that, with one exception, indicate a general endorsement of the plan.

The Aircraft Owners and Pilots Association has expressed the view that there is no substantial need to revise the current cruising altitude rules. They also point out that the desired 500-foot difference between IFR and VFR flights could be more readily achieved if IFR flights (through normal individual assignments by ATC) utilized only the +500 foot altitudes. This would require no change in the present rules. Furthermore, it is contended that it would obviate the need for any widespread "education program" that would be required if the proposed change were adopted.

The Bureau's objective in this proposal, of course, is not only to provide a separation in altitude between IFR and VFR flights but to revise the cruising altitude rules to achieve a single simplified system which would be applicable to all the airspace; i. e., both in and out of controlled airspace.

The Bureau is convinced that the present cruising altitude rules have grown so complex as to become increasingly ineffective. Furthermore, the proposal has the additional merit of specifying precisely which altitude rules apply to "on-top" flight operations. It also eliminates the requirement for specific values of visibility as is currently required in the quadrantal rule which requires that this rule must be observed only when the visibility is less than 3 miles. These reasons have led to the conclusion that a completely revised cruising altitude rule is definitely in the public interest and would contribute significantly to enhancing the safety of en route flight operations.

In completely revising the cruising altitude rules and in an effort to develop a single simplified system, the Bureau carefully considered the question as to which type of flight operation, the IFR or VFR, should utilize the cardinal altitudes. It is the Bureau's view that, in order to avoid compounding the already complex procedures involved in instrument weather conditions, the cardinal altitudes should be utilized by flights operating in accordance with an IFR flight plan.

Another comment received suggested that the proposed cruising altitude rules be made a recommended practice rather than a mandatory requirement so as to allow a pilot to deviate in certain circumstances such as to avoid the tops of clouds without having to climb 2,000 feet to another appropriate altitude. In this respect, the Bureau believes that unless the observance of specific altitudes are required by rule, the safety values which would stem from such control of the traffic flow would be compromised.

Instrument take-off and landing minimums. The objective of the proposal to amend § 60.46, "Instrument Approach Procedure" is to establish a criteria of ceiling and visibility conditions below which an instrument approach procedure would be required. The current provisions of this rule are silent as to the specific conditions under which an instrument approach is necessary. In order to dispel the ambiguity regarding this question, the Bureau proposed at the Air Traffic Rules Conference, to require aircraft operating on IFR flight plans to execute an instrument approach whenever the ceiling was below the initial approach altitude and/or when the visibility was less than 3 miles. The comments and discussion on this proposal all pointed out that if exceptions were not provided the flexibility of contact approaches would be lost.

A contact approach is one in which an IFR flight, in IFR weather conditions (after being so cleared by air traffic control) may abandon the prescribed instrument approach procedure and proceed to the airport being guided by the pilot's visual reference to the ground rather than by reference to his instruments.

The Bureau appreciates that this type of approach can contribute significantly to expediting the flow of air traffic without jeopardizing safety; however, it is also recognized that the abandonment of a prescribed approach procedure, under adverse conditions is considered hazardous. Therefore, in promulgating a rule which will retain the desired flexibility, it is essential that certain limitations be established so as to avoid the creation of any undue hazard.

Some of the suggested exceptions have included the "field in sight" proposition which would allow a pilot to abandon the prescribed approach procedure only if he had the airport in sight. Another proposal would limit such approach to those conditions when the pilot had the landing runway in sight.

The Bureau is of the view that the flexibility provided IFR flights should be consistent with the flexibility proposed for VFR flights wherein a VFR flight is permitted, after receiving an appropriate air traffic control clearance, to operate in a control zone when the visibility is one mile and by maintaining flight clear of clouds. To provide for this flexibility, therefore, it is proposed that a pilot must continue his instrument approach until these VFR minimums are reached.

Such a rule would provide, for example, that where an airport is reporting a visibility value of less than 3 miles, but not less than one mile, due to a fog or smoke condition, an IFR flight may, after being cleared by air traffic control, abandon the instrument approach procedure and proceed direct to the airport. Accordingly, whenever a pilot can make an approach to an airport remaining clear of clouds and maintaining one-mile visibility, he is not required by rule to complete an instrument approach procedure.

Section 60.46 presently authorizes the Administrator to prescribe standard instrument approach procedures where an instrument letdown to an airport is necessary. The criteria used in the preparation, approval, and promulgation of these approach procedures have been officially adopted by the military and the Civil Aeronautics Administration and are contained in the "United States Manual of Criteria for Standard Instrument Approach Procedures."

Since the military does, as a matter of practice, establish and approve instrument approach procedures to airports under their jurisdiction they have requested the Board to recognize this in § 60.46.

So long as these procedures are formulated with identical standards of criteria, the Bureau believes that the provisions of § 60.46 can be amended so as to reflect the procedure employed by the military in establishing and approving instrument approach procedures at military airports.

The Bureau also proposes to include in revised § 60.46 a prohibition against the use of private navigational aids without prior specific authorization by the Administrator. Such a prohibition is deemed necessary in order to minimize the hazards that can arise when an approach procedure is used by pilots other than those for whom the approach procedure was intended. While the owner-operator of a private navigation facility may wish to allow other individuals to utilize a prescribed approach procedure, the Administrator's approval is required so that the necessary requirements of safety are observed.

The proposal to introduce IFR take-off minimums for all aircraft in Part 60 was not supported at the conference by the various users of airspace. Additionally, the written comment received strongly urged that no such restriction be imposed. The majority of airspace users appear to believe that such a prohibition would impose an unnecessary burden on IFR flight operations which heretofore have been conducted safely. Additionally, the IFR take-off minimum procedures utilized by the military are such that they would be adversely affected by the restriction that the proposed rule would impose.

In consideration of the above, and in view of the record, the Bureau believes that the application of minimums for IFR take-offs in the Air Traffic Rules (Part 60) is not required at this time. The Bureau will, however, keep this matter under active consideration and a re-evaluation of the subject will be conducted in the near future.

Definition of control areas. Part 60 of the Civil Air Regulations comprises the air traffic rules and contains definitions pertaining thereto. In an effort to provide a more flexible and effective method of establishing the "floor" of control areas, it is proposed to redefine the term "control area." Currently, the definition of control area specifies that such area extends "• • • upwards from an altitude of 700 feet above the surface • • •". It has been proposed that this definition be amended so as to read "• • • 700 feet or higher above the surface • • •". This amendment would then permit the Administrator to fix the "floor" of the control area at that altitude which best suited a particular local area or situation. In designating a control area, the Administrator would not then be required to set the "floor" at 700 feet but could adjust this so as to provide additional freedom for VFR or other uncontrolled flight operations.

The most significant advantage to be obtained from this amendment would be the additional airspace free from the requirements and restrictions of "controlled airspace."

Comments received by the Bureau indicate a unanimous endorsement of this proposal in principle; however, there has been a wide variance of opinions as to the best method by which this proposal may be carried out. Numerous proposals have been received in this respect, one view being that the "floor" should be related to the particular IFR minimum en route altitude (MEA). Another is that the "floor" should be a fixed altitude so as to maintain uniformity and prevent confusion or problems involving notification.

The Bureau has carefully studied and evaluated all the various alternative proposals and has found that each of them contribute to, but do not completely satisfy, the objective in an over-all application. For example, the proposal that the "floor" be related to the minimum en route altitude (MEA) has merit, but only when it is considered with respect to certain civil airways. On the transcontinental airways, the proposal does not achieve the most effective utilization of airspace. On these transcontinental airways, flight is usually conducted at the higher altitudes; however, the MEA is generally set at a relatively low altitude, and as a result the airspace between these two points is virtually lost from use. Establishing the "floor" in relation to the MEA on airways such as these obviously does not take advantage of that airspace lying between the MEA and the higher altitudes normally used by en route traffic on these airways.

Another problem encountered in establishing the "floor" in relation to the MEA is the fact that control areas are not always confined to the limits of civil airways. While control areas are normally designated along civil airways, they are also designated in large irregular and circular configurations so as to encompass all flight paths required for the safe and efficient control of air traffic in terminal areas. These control areas do not have minimum en route altitudes compared to those prescribed for airways. Therefore, the association of "floor" to an MEA could not be applied in these control areas without the added complication of an additional formula.

A control area "floor" related to the MEA would also require a comprehensive re-evaluation and revision of currently prescribed initial approach and transition altitudes which, in many cases, are lower than the MEA. At those airports where the MEA is relatively high, aircraft climbing from or descending to the airport would be forced to operate outside controlled airspace or resort to an inordinately steep flight path. In order to provide controlled airspace for ascents and descents, the control zone could be extended; however, this would defeat the purpose sought by the rule and would actually diminish the airspace available for VFR or flights without clearance in terminal areas. The contribution toward better utilization of airspace, which this procedure would make, would not justify the operational problems which it would create.

The establishment of a higher fixed figure, such as the suggested 3,000 feet, would have the advantage of uniformity but would generate a multiplicity of other problems. For example, minimum en route altitudes, as well as transition and initial approach altitudes, would have to be raised. While this might be possible in certain areas without difficulty, it could not be applied to certain other areas such as mountainous regions without creating critical altitude problems. It would also preclude the establishment of the "floor" at altitudes above 3,000 feet. On many VOR airways, for example, the MEA is often established at higher altitudes because of the quality of radio reception which is required for accurate navigation and the inability to achieve such at the lower altitudes. The control area "floor" in cases such as this might well be designated at altitudes considerably above 3,000 feet.

The Bureau is of the opinion that any precise or arbitrary definition of a control area would be too inflexible and could not completely accommodate the variety of complex considerations involved, without creating a multitude of other significant problems. It is the Bureau's view in this respect that the most effective and equitable method by which the over-all objective may be accomplished would be to provide the Administrator with the flexible authority to fix the "floor" at 700 feet or at that altitude above that which is found to be best suited to the particular area. The Administrator could then fix the "floor" in a particular area after an analysis of the local air traffic requirements, surrounding terrain, and other controlling factors. The Administrator may well find, and in fact it is expected, that in many areas "floors" could be fixed considerably higher than they could be under a criterion related to the MEA or to a fixed height above the ground. It is recognized, of course, that this method is not without a certain disadvantage. It will result in a nonuniform "floor." While a nonuniform control area "floor" may not of itself be undesirable, it does pose a publication problem.

A pilot who desires to take advantage of the added airspace which may be available under a particular control area must acquaint himself with the area and determine the altitude of the control area "floor." The dissemination of information concerning higher control area "floors" becomes a major factor in the successful application of the proposed rule. The Administrator has advised that this problem is recognized and that steps will be taken to disseminate this information adequately.

Recent creation of the continental control area imposes another factor which must be considered. In order to prevent conflict with this control area, it is necessary that an upper limit be placed on control areas.

The Bureau, after an exhaustive study of the over-all situation, is of the opinion that in order to establish the control area "floor" in the most advantageous and equitable manner, it is advisable that

the definition of control area be amended so as to provide the Administrator with sufficient flexibility to fix the "floor" at 700 feet or higher as the circumstances may dictate, up to the base of the continental control area.

In the light of the number of comments already received which advocate the establishment of a fixed "floor" at 3,000 feet, the Bureau is particularly interested in receiving specific and detailed comment on the probable effect such rule would have on all users of the airspace.

In consideration of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 60 of the Civil Air Regulations be amended:

1. By amending § 60.16 (c) to read as follows:

§ 60.16 *Acrobatic flight.* • • •

(c) When the flight visibility is less than 5 miles, or

2. By amending § 60.30 to read as follows:

§ 60.30 *Basic VFR minimum weather conditions.* Except as provided in § 60.31 or unless a pilot holds a valid instrument rating, aircraft shall not be flown in weather conditions below those specified herein.

(a) *Ceilings in control zones.* (1) In those control zones which include a designated high density airport, aircraft shall not be flown within such zone when the ceiling is less than 1,500 feet.

(2) In those control zones which do not include a designated high density airport, aircraft shall not be flown within such zone when the ceiling is less than 1,000 feet.

(b) *Clearance from clouds*—(1) *In controlled airspace.* Aircraft shall not be flown less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation, except that, in the continental control area, aircraft shall not be flown less than 1,000 feet vertically and one mile horizontally from any cloud formation.

(2) *Outside controlled airspace.* When at an altitude of more than 700 feet above the surface, aircraft shall not be flown less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation. When at an altitude of 700 feet or less above the surface, aircraft shall be flown clear of clouds.

(c) *Visibility within controlled airspace*—(1) *Control zones which include a designated high density airport.* When the flight visibility is less than 5 miles, no person shall operate an aircraft in flight within such control zone. When the ground visibility is less than 5 miles, no person shall take off or land an aircraft or enter the traffic pattern of an airport within such zone.

(2) *Control zones which do not include a designated high density airport.* When the flight visibility is less than 3 miles, no person shall operate an aircraft in flight within such control zone. When the ground visibility is less than 3 miles, no persons shall take off or land an aircraft or enter the traffic pattern of an airport within such zone.

(3) *Flight visibility within control area.* When the flight visibility is less than 3 miles, no person shall operate an aircraft within a control area.

(4) *Flight visibility within the continental control area.* When the flight visibility is less than 5 miles, no person shall operate an aircraft within the continental control area.

(d) *Flight visibility outside controlled airspace.* No person shall operate an aircraft in flight when the flight visibility is less than one mile. However, helicopters may be flown at or below 700 feet above the surface when the flight visibility is less than one mile, if operated at such reduced speed as to give the pilot of such helicopter adequate opportunity to see other air traffic or any other obstruction in time to avoid collision.

NOTE: The minimum weather conditions prescribed in this section for flight in controlled airspace are those within which a pilot is expected to be able to observe and avoid other air traffic. When operating in weather conditions equal to or above those specified herein, irrespective of the type of flight plan an aircraft may be operated under, i. e., IFR or VFR, the primary responsibility for the avoidance of collision rests with the pilot. It should be recognized that the criteria contained herein prescribe the minimums required for VFR flight. Good operating practice requires that regular or continued flight in near minimum weather conditions be avoided.

3. By amending § 60.31 to read as follows:

§ 60.31 *Special VFR minimum weather conditions in control zones.* When a clearance is obtained from air traffic control, a pilot may operate an aircraft within a control zone when the weather conditions are below the basic minimums specified in § 60.30 subject, however, to the special weather minimums as follows:

(a) *Visibility.* Pilots shall not operate aircraft, other than a helicopter, within a control zone when the ground or flight visibility is less than one mile.

(b) *Clearance from clouds.* Pilots shall not operate an aircraft within a control zone unless clear of clouds.

NOTE: With respect to this section, an air traffic clearance obtained under these provisions does not constitute authority for the pilot to deviate from § 60.17 or any other applicable provision of the Civil Air Regulations.

4. By amending § 60.32 to read as follows:

§ 60.32 *VFR cruising altitudes.* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, the following cruising altitudes (Mean Sea Level) shall be observed:

(a) *Below 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 179° inclusive, at odd thousands plus 500 (3,500; 5,500; etc.).

(2) 180° to 359° inclusive, at even thousands plus 500 (4,500; 6,500; etc.).

(b) *At or above 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at 4,000-foot intervals beginning at 29,000 (29,000; 33,000; etc.).

(2) 90° to 179° inclusive at 4,000-foot intervals beginning at 30,000 (30,000; 34,000; etc.).

(3) 180° to 269° inclusive, at 4,000-foot intervals beginning at 31,000 (31,000; 35,000; etc.).

(4) 270° to 359° inclusive, at 4,000-foot intervals beginning at 32,000 (32,000; 36,000; etc.).

5. By amending § 60.44 to read as follows:

§ 60.44 *IFR cruising altitudes.* When an aircraft is operated in level cruising flight, it shall be operated in accordance with the following cruising altitudes:

(a) *Within controlled airspace.* At altitudes authorized by air traffic control. In the absence of a specific altitude authorized by air traffic control, aircraft operating "on top" shall be flown at altitudes as specified in § 60.32.

(b) *Outside controlled airspace.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 179° inclusive, at odd thousands.

(2) 180° to 359° inclusive, at even thousands.

6. By amending § 60.46 to read as follows:

§ 60.46 *Instrument approach procedures.* Whenever an approach to an airport cannot be initiated or continued in weather conditions equal to or above those prescribed for VFR flight, an instrument approach procedure prescribed and published for that airport by the Administrator or appropriate military authority shall be used. Unpublished instrument approach procedures may be used only when specifically authorized in writing by the Administrator.

NOTE: The VFR weather conditions referred to above include those special minimums of one-mile visibility and clear of clouds as specified for flight within a control zone. Published instrument approach procedures prescribed by the Administrator may be found in the FEDERAL REGISTER and in Part 609 of this title. They also appear in the approach and landing charts of the Coast and Geodetic Survey and in the Airman's Guide. Unpublished instrument approach procedures are written authorizations by the Administrator for specific instances.

7. By amending § 60.60 by revising the definition of "control area" to read as follows:

§ 60.60 *Definitions.* • • •

Control area. An airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet or higher, above the surface, to the base of the continental control area, within which air traffic control is exercised.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205a, 52 Stat, 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., December 2, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

BASIC VFR MINIMUMS

	Ceiling	Visibility	Distance from clouds	
Control zone which includes a designated high density airport.	1,500 feet [1]	5 miles [1]	500 feet under. 1,000 feet over. 2,000 feet horizontally.[1]	
Control zone	1,000 feet [1]	3 miles [1]	500 feet under. 1,000 feet over. 2,000 feet horizontally.[1]	
Control area		3 miles	500 feet under. 1,000 feet over. 2,000 feet horizontally.	
Continental control area		5 miles	1,000 feet under. 1,000 feet over. 1 mile horizontally.	
			700 feet or below	Above 700 feet
Outside controlled airspace		1 mile [2]	Clear of clouds	500 feet under. 1,000 feet over. 2,000 feet horizontally.

[1] If traffic conditions permit, air traffic control will issue an air traffic clearance for flight within a control zone when the weather conditions are less than the above. However, no person shall operate an aircraft VFR, irrespective of any clearance, unless the visibility is one mile and the flight can remain clear of clouds.
[2] Helicopters are excepted from the one-mile requirement when operated at or below 700 feet and at reduced air speed. (See § 60.30.)

[F. R. Doc. 57–10163; Filed, Dec. 6, 1957; 12:30 p. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Civil Aeronautics Administration has filed an application, Serial No. Anch 032066, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the mining laws but excepting the leasing of minerals, the disposal of materials, and the issuance of grazing leases. The applicant desires the land for Air Navigation facilities, emergency and intermediate landing fields.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

UMNAK ISLAND

FORT GLENN AND VICINITY

Beginning at the USC&GS Monument "Antler", located at latitude 53°21'21.829" North and longitude 167°54'47.921" West; thence West 13,488.2 feet to Corner No. 1; thence North 9°24'28" East 15,583 feet to Corner No. 2; thence East approximately 30,208 feet to USC&GS Monument "Pustol", Corner No. 3; thence South 47°33'05" West 6,164.47 feet to USC&GS Monument "Sheep", Corner No. 4; thence South 44°51'48" West 9,380.26 feet to USC&GS Monument "Deer", Corner No. 5; thence South 60°52'54" West 9,368.80 feet to USC&GS Monument "Antler", the point of beginning; containing 7,550 acres, more or less, excluding tidelands. Bearings are true.

BERRY FIELD AND VICINITY

Beginning at USC&GS Monument "Green", located at latitude 53°31'33.746" North and longitude 167°55'33.770" West; thence East 7,275.88 feet to Corner No. 1; thence South 5,000 feet to Corner No. 2; thence South 42°55'30" West 12,035 feet to Corner No 3; thence West 1,369 feet to Corner No. 4; thence North 9°24'28" East 14,000 feet to USC&GS Monument "Green", the point of beginning; containing in all 1,843 acres, more or less, excluding tidelands. Bearings are true.

Aggregating approximately 9,393 acres.

EDWARD J. HOFFMANN,
Acting Operations Supervisor,
Anchorage.

[F. R. Doc. 57–10165; Filed, Dec. 9, 1957; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Civil Aeronautics Administration has filed an application, Serial No. Anchorage 019206, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for an enlargment to Air Navigation Site Withdrawal No. 169 at Naknek (King Salmon), Alaska.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NAKNEK (KING SALMON) AREA

Beginning at Corner 13 ANS No. 169, which is the point of beginning, go North 5,500' to a point; thence East 9,000' to a point; thence South 7,650' to a point; thence West 5,200' more or less to a point on the north shore of Naknek River; thence Northwesterly along the bank of said river 4,800' more or less to the point of beginning.

Containing 1,460 acres, more or less.

EDWARD J. HOFFMANN,
Acting Operations Supervisor,
Anchorage.

[F. R. Doc. 57–10166; Filed, Dec. 9, 1957; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Civil Aeronautics Administration has filed an application, Serial No. Fairbanks 013356, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the mining laws but excepting the leasing of minerals, the disposal of materials, and the issuance of grazing leases. The applicant desires the land for an addition to Air Navigation Site Withdrawal No. 267 of April 25, 1951, as enlarged by Air Navigation Site Withdrawal No. 10 of July 13, 1954.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NENANA, ALASKA, AREA—FAIRBANKS MERIDIAN

T. 4 S., R. 8 W., F. M.,
Sec. 1: S½
Sec. 12: NE¼, E½NW¼, NW¼NW¼.

Containing 600 acres.

EDWARD J. HOFFMANN,
Acting Operations Supervisor,
Anchorage.

[F. R. Doc. 57–10167; Filed, Dec. 9, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12111, 12112; FCC 57M-1217]

K. C. LAURANCE AND PHILIP D. JACKSON

ORDER AFTER SECOND PREHEARING CONFERENCE (SCHEDULING HEARING)

In re applications of K. C. Laurance, Medford, Oregon; Docket No. 12111, File No. BP-10622; Philip D. Jackson, Weed, California; Docket No. 12112, File No. BP-11268; for construction permits.

Appearances: Mr. Charles V. Wayland and Mr. Richard Hildreth of Washington, D. C., on behalf of K. C. Laurance; Mr. Samuel Miller of Washington, D. C., on behalf of Philip D. Jackson; and Mr. Ray Paul of Washington, D. C., on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. Pursuant to § 1.841 of the Commission's rules and the order after prehearing conference herein released September 20, 1957, as amended by order dated October 22, 1957, a further prehearing conference was held on November 21, 1957, at which the parties were represented by counsel as shown in the statement of appearances above. The matters discussed and determined upon are shown in Transcript Volume 2, pages 45–97; which is made a part of the record herein; the significant rulings, agreements, and determinations there made are set out in this order.[1]

2. Consideration was given to requests on behalf of Laurance for additional information from Jackson concerning:

a. Areas and populations within the predicted pertinent service contours of Station KLAD as that station is proposed to be operated in a pending application for increase of power from 1 kilowatt to 5 kilowatts;

b. Similar information concerning the operation of Station KBOY as proposed in a pending application for increase of power; and

c. Similar coverage information pertaining to Station KAJO.

3. The above requests were opposed by counsel for Jackson and it was held, without making or forecasting rulings upon the admissibility of evidence to be offered by any party, that:

a. The requested information as to KLAD should be supplied on or before Monday, December 2, 1957, because that station is licensed to the applicant Jackson and its operation, existing and proposed, involves overlap with the operation proposed by Jackson in the application here involved;

b. The requested information about KBOY should not be required of Jackson because KBOY is now licensed to an individual other than Jackson, and the coverage and overlap information sought by Laurance is publicly available in the Commission's records and files; and

c. The requested information about KAJO should not be required of Jackson because that station is licensed to a partnership consisting of Jackson's brother and a brother of the KBOY licensee, and coverage by that station can be ascertained from an examination of the public records and files of the Commission, and although this applicant Jackson proposes in a pending application to acquire a 50 percent interest in Station KAJO, the burden of providing the requested information should not now be apportioned to him.

It was and is emphasized that the rulings made on these matters do not portend the determinations ultimately to be made relating to the burden of proof or the relevance or materiality of evidence pertaining to the matters herein discussed.

4. Counsel for Laurance requested that Jackson be required to provide engineering information concerning the feasibility of an operation at Medford, Oregon on 1310 kilocycles with 1 kilowatt power, which availability was alleged in certain pleadings heretofore filed in this proceeding by Jackson. The request was opposed by counsel for Jackson and was denied for the reason that the alleged availability of another frequency at Medford is not a matter at issue in this proceeding and is not materially related to any question to be determined under the hearing issues as they now exist. On the other hand, counsel for Laurance agreed to furnish certain requested information concerning the availability of a 920 kilocycles operation at Weed, California, in view of the relevance of that matter under Issue 3 which involves the good faith of Jackson in filing his application herein.

5. The direct affirmative case exhibits and evidence for the applicants have been exchanged in accordance with the Order After Prehearing Conference as amended. At the hearing those exhibits will be offered in evidence first on behalf of Laurance and then on behalf of Jackson. Objections to the offered exhibits will be stated and ruled upon on the hearing record. Laurance will be present and available for oral examination if such is desired; such additional direct case evidence for Laurance as may be required and permitted under § 1.841 (b) of the Commission's rules will be thereafter adduced in such a manner as may be then determined, but the direct evidence presentation on behalf of Jackson will then proceed. After presentation of the written case evidence for Jackson, oral examinations of Jackson and of his witness Bitzer will be conducted. The time schedule and methods to be followed in developing such supplementary or rebuttal evidence as the parties desire to offer will be determined upon at the conclusion of the hearing of direct case evidence as herein provided for.

6. It was ascertained that a convenient date for the commencement of the hearing is Monday, December 9, 1957. At that time the parties and the witnesses above named will be present and the hearing will proceed as stated in the foregoing paragraph.

It is ordered, This 3d day of December 1957, that, unless modified for cause or pursuant to the Commission's rules, the foregoing statements and provisions to the extent of their applicability shall govern the conduct of the hearing in this proceeding; and

It is further ordered, That the hearing in this proceeding shall be commenced at 10:00 a. m. on Monday, December 9, 1957, at the offices of the Commission in Washington, D. C.

Released: December 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10182; Filed, Dec. 9, 1957; 8:49 a. m.]

[1] The Hearing Examiner did not receive a copy of the transcript until the late afternoon of November 29, eight days after the conference, and the preparation of this order has therefore been delayed. Moreover, the attention of counsel for the parties is invited to the evident need for transcript corrections which will be timely ordered pursuant to § 1.848 of the Commission's rules.

[Docket No. 12165; FCC 57M-1218]

DANIEL BOTELHO, JR.

ORDER CONTINUING HEARING

In the Matter of Daniel Botelho, Jr., c/o Seafood Producers Association 60 North Water Street, New Bedford, Massachusetts; Docket No. 12165; suspension of restricted radiotelephone operator permit.

At the request of counsel for the Field Engineering and Monitoring Bureau, and without opposition: *It is ordered*, This 4th day of December 1957, that the hearing in the above-entitled matter presently scheduled to commence on December 5, 1957, is hereby postponed without date.

Released: December 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10183; Filed, Dec. 9, 1957; 8:49 a. m.]

[Docket Nos. 12229, 12230; FCC 57M-1211]

WALTER G. ALLEN AND MARSHALL COUNTY BROADCASTING CO., INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Walter G. Allen, Huntsville, Ala; Docket No. 12229, File No. BP-10871; Marshall County Broadcasting Company, Inc., Arab, Alabama; Docket No. 12230, File No. BP-11088; for construction permits.

It is ordered, This 3d day of December 1957, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 2 o'clock p. m., December 17, 1957.

Released: December 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10184; Filed, Dec. 9, 1957; 8:49 a. m.]

[Docket Nos. 12239, 12240; FCC 57M-1209]

MARVIN KRATTER AND NORTH DAKOTA BROADCASTING CO., INC.

ORDER SETTING PREHEARING CONFERENCE

In re applications of Marvin Kratter, d/b as Fargo Telecasting Company, Fargo, North Dakota; Docket No. 12239, File No. BPCT-2261; North Dakota Broadcasting Company, Inc., Fargo, North Dakota; Docket No. 12240, File No. BPCT-2357; for construction permits for new television broadcast stations.

It is ordered, This 3d day of December 1957, that, pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, all parties to the above-entitled proceeding or their counsel are directed to appear for a prehearing conference at the offices of the Commission in Washington, D. C., at 10:00 a. m., December 12, 1957, for the purpose of considering, among other things, the matters specified in said sections of the rules.

Released: December 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10185; Filed, Dec. 9, 1957; 8:49 a. m.]

[Docket Nos. 12241, 12242; FCC 57M-1216]

RADIO FRANKLIN, INC., AND S. L. GOODMAN

ORDER SCHEDULING ORAL ARGUMENT

In re Application of Radio Franklin, Incorporated, Rocky Mount, Virginia; Docket No. 12241, File No. BP-10915; S. L. Goodman, Bassett, Virginia; Docket No. 12242, File No. BP-11249; for construction permit.

The Hearing Examiner having under consideration a request for oral argument on a petition for leave to amend application filed by S. L. Goodman on November 26, 1957;

It is ordered, This 3d day of December 1957, that an oral argument will be held at 10:00 a. m. on Friday, December 6, 1957.

Released: December 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10186; Filed, Dec. 9, 1957; 8:49 a. m.]

[Docket Nos. 12248, 12249; FCC 57M-1214]

ST. ANTHONY TELEVISION CORP. AND WTVJ, INC.

ORDER FOR PRE-HEARING CONFERENCE

In re applications of St. Anthony Television Corporation, Houma, Louisiana; Docket No. 12248, File No. BPCT-2328; WTVJ, Inc., Houma, Louisiana; Docket No. 12249, File No. BPCT-2354; for construction permit for a new television broadcast station (Channel 11).

A pre-hearing conference in the above-entitled proceeding will be held on Friday, December 13, 1957, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 3d day of December 1957.

Released: December 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10187; Filed, Dec. 9, 1957; 8:49 a. m.]

[Docket No. 12253; FCC 57M-1210]

GEORGE A. HORMEL, II (KQAQ)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of George A. Hormel, II (KQAQ), Austin, Minnesota; Docket No. 12252, File No. BP-10673; for construction permit.

It is ordered, This 3d day of December 1957, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10 o'clock a. m., December 19, 1957.

Released: December 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10188; Filed, Dec. 9, 1957; 8:50 a. m.]

[Change List 116]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 30, 1957.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214–3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of commencement of operation
		560 kilocycles				
New	Corner Brook, Newfoundland	1 kw	DA-N	U	III	Delete assignment.
CFOS	Owen Sound, Ontario	1 kw	DA-2	U	III	EIO 9-15-58.[1] (PO: 1470 kc 1 kw DA-N).
		910 kilocycles				
New	Drumheller, Alberta	1 kw	DA-1	U	III	EIO 10-15-58.
		1050 kilocycles				
CHUM	Toronto, Ontario	5 kw D/2.5 kw N	DA-1	U	II	EIO 10-15-58 (PO: 1050 kc 2.5 kw DA-1 II).
		1250 kilocycles				
New	Schefferville, P. Q. (54°47'15" N., 66°49'20" W.).	0.25 kw	ND	U	IV	EIO 10-15-58.
		1390 kilocycles				
CKLN	Nelson, B. C	1 kw	DA-1	U	III	EIO 10-15-58 (PO: 1240 kc 0.25 kw ND IV).
		1430 kilocycles				
CJOY	Guelph, Ontario	5 kw	DA-1	U	III	EIO 10-15-58 (PO: 1450 kc 0.25 kw ND IV).
		1440 kilocycles				
New	Kitimat, B. C. (54°02'04" N., 128°38'19" W.).	1 kw	ND	U	III	EIO: 10-15-58.

[1] Correction of item on list No. 115 showing EIO 15-9-57.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10189; Filed, Dec. 9, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 5, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34339: *Liquefied chlorine gas—W. Va., to Tennessee points.* Filed

by O. W. South, Jr., Agent (SFA No. A3567), for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads from Charleston, Elk, Owens, South Charleston, South Ruffner, and Dock, W. Va., to Boyce, Chattanooga, North Chattanooga, and Calhoun, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 72 to Agent H. R. Hinsch's tariff I. C. C. 4664.

FSA No. 34340: *Woodpulp—Southern points to Fall River, Mass.* Filed by O. W. South, Jr., Agent (SFA No. A3568), for interested rail lines. Rates on woodpulp, not powdered, noibn, carloads from specified points in Alabama, Florida, Georgia, Louisiana (east of the Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee, and Virginia to Fall River, Mass.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 36 to Agent Spaninger's tariff I. C. C. 1555.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10170; Filed, Dec. 9, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2071]

PIXIE BEVERAGE CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 4, 1957.

I. Pixie Beverage Corporation, a Nevada corporation, 139 N. Virginia Street, Reno, Nevada, filed with the Commission on April 26, 1955, a Notification and Offering Circular relative to a proposed offering of 300,000 shares at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A, despite requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10177; Filed, Dec. 9, 1957; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 239

Washington, Wednesday, December 11, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

UNIVERSITY OF MICHIGAN DEC MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter G—Miscellaneous Regulations

PART 388—EMERGENCY FEED PROGRAM

REVOCATION OF PART

Part 388 of Title 6, Code of Federal Regulations (19 F. R. 5199), is hereby revoked. Responsibility for administration of the Emergency Feed Program has been assigned to the Commodity Stabilization Service (22 F. R. 2438).

Dated: December 5, 1957.

[SEAL] K. H. HANSEN, *Administrator, Farmers Home Administration.*

[F. R. Doc. 57-10213; Filed, Dec. 10, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76, Amdt. 1]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

1958 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.76 Determination of Proportionate Shares, Domestic Beet Sugar Producing Area, 1958 Crop, issued October 8, 1957 (22 F. R. 8107 and 8175) is hereby amended as follows:

1. In § 850.76, paragraph (a) is amended by adding at the end thereof, as a new subparagraph, the following:

(13) "Planted acreage" means the acreage of sugar beets planted within the farm proportionate share which is either harvested for the extraction of sugar or liquid sugar or is abandoned (bona fide) because of drought, flood, storm, freeze, disease, or insects.

2. In § 850.76, paragraph (j) (2) is amended to read as follows:

(2) *Farm bases.* To give effect to the factors of past production and ability to produce, 1958-crop farm bases shall be established in the allotment area by one of two methods, as follows:

(i) *By using the most recently established farm share as the 1958 farm base.* In an area where personal production records of tenants are not utilized, the farm base shall equal the most recently established farm share for the farm, except that no base shall be established for any farm without an accredited acreage record for at least one of the crop years 1955 through 1957. In an area where personal production records of tenants are utilized, the farm base for any farm operated for the 1958-crop year by a tenant having a personal accredited acreage record for any of the crop years 1955, 1956 or 1957, shall equal the most recently established farm share for the farm which such tenant last operated. Also in such an area, for any farm having an accredited acreage record for at least one of the 1955, 1956 or 1957 crop years which is operated by the owner thereof or by a tenant without a personal production record for at least one of such crop years, the farm base shall be established as determined by the State Committee upon the basis of the most recently established farm share for such farm, or a portion thereof, but not less than the landowner's share of the crop covered by such share: *Provided,* That the same basis shall be used for establishing farm shares for all such farms in the allotment area.

(ii) *By using a formula.* In an area where personal production records are not utilized, the farm base for any farm shall be determined by applying a formula to the accredited acreage record of the farm within the base period (as used in this subdivision, "base period" means not less than three crop years of the period 1950 through 1957); except that no base shall be established for any farm without an accredited acreage record for at least one of the crop years 1955 through 1957: *Provided,* That for any farm having accredited acreage for either of the 1955, 1956 or 1957 crop years under a new producer share the base shall equal the most recent accredited acreage for the farm, but not

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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in excess of the most recently established farm share for the farm. In an area where personal production records of tenants are utilized, the farm base for any farm operated in 1958 by a tenant who has a personal accredited acreage record for at least one of the crop years 1955 through 1957 shall be computed by applying a formula to the personal accredited acreage record of such tenant within the base period, or to a combination of such record and the record of the farm during the base period: *Provided*, That for any farm operated in 1958 by a tenant having personal accredited acreage record for any of the crop years 1955, 1956 or 1957 under a new producer share, the base shall be the most recent accredited acreage for the farm most recently operated by him during such years, but not in excess of the most recently established farm share for such farm: *And provided further*, That for any farm in such an area which has an accredited acreage record for any of the crop years 1955, 1956 or 1957 and which is operated in 1958 by the owner, or by a tenant who has no personal accredited acreage record during the years 1955 through 1957, the farm base shall be computed as determined by the State Committee by applying a formula to the accredited acreage record of the farm during the base period, or to a portion of the accredited acreage record of the farm for each year during the base period, but to not less than the landowner's shares

of the crops covered by such accredited acreage record. The same base period shall be used in applying the formula to accredited acreage records with respect to all farms in an allotment area and where a portion of a farm's accredited acreage record during a base period is used for determining the base for a farm, as provided in this subdivision, the State Committee shall use the same portion of the accredited acreage records with respect to all such farms in the allotment area.

STATEMENT OF BASES AND CONSIDERATIONS

The definitions in the original determination, as issued October 8, 1957, did not include "planted acreage", although references thereto were made in the definition of "accredited acreage" and in the general text. Under these circumstances, the computation of a proportionate share for a farm, or for a tenant in a personal history area, might possibly improperly include credit for an acreage of sugar beets in excess of the effective proportionate share which is marketed for the production of livestock sugar. By defining "planted acreage" in this amendment, such a possible improper credit is eliminated.

Subparagraph (J) (2) of the original determination provides that in allotment areas wherein formulas are used, 1958 bases for certain farms will be established in reference to new-producer shares of the 1955, 1956, or 1957 crops at levels of not less than the most recent accredited acreages. Because of relatively large unused acreage within proportionate shares in certain areas, the 1957-crop shares for a considerable number of farms, including new-producer farms, were especially large due to the reallotment of the unused acreage. Under the original determination, former new-producer farms would receive greater protection than that accorded to old-producer farms where a formula is used, since the bases for old-producer farms are affected by the inclusion in the base period of at least three years. This amendment provides for the protection of former new-producers in an area using the formula basis to the level of the most recent accredited acreage, but not in excess of the "most recently established farm share". In addition to the aforementioned change, the wording of subparagraph (J) (2) has been clarified significantly.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. Sup. 1131, 1132)

Issued this 6th day of December 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-10236; Filed, Dec. 10, 1957; 8:53 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 868.10]

PART 868—WAGE RATES; SUGARCANE; VIRGIN ISLANDS

CALENDAR YEAR 1958

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 15, 1957, the following determination is hereby issued.

§ 868.10 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1958*—(a) *Requirements.* A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1958 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the date of publication of this section in the FEDERAL REGISTER or January 1, 1958, whichever is later, not less than the following:

(i) *Basic time rates.* The basic rate per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class of worker	*Basic rates per hour*
A—Operators of mechanical loaders	$0.65
B—Operators of tractors and trucks	.50
C—Chemical sprayers	.43
D—All others	.40

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour, and the hourly rate for Class B work in subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided*, That the training period for such workers shall not exceed six work-weeks: *And provided further*, That the producer shall file with the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico (herein referred to as Area Office), a certified statement containing the names of all such workers, the hourly wage rate paid to each, and the period each was employed as a learner or as an apprentice.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided*, That the employer shall file with the Area Office, a certified statement, containing the names of all such workers, the hourly wage rate paid to each, and the nature of the handicap of each such worker.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 44 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in applicable Municipal or Territorial laws or regulations.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided*, That the hourly rate of earnings for each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Area Office against the producer on whose farm the work was performed. Detailed instructions and wage claims forms are available at that office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area Office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the Area Office is not

acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1958, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among the various producing areas.

(c) *1958 wage determination.* The 1958 wage determination continues unchanged the provisions of the 1957 wage determination, except that in the event apprentice operators or handicapped workers are employed at reduced rates, a certification by the producer is required in lieu of a certification of the status of such worker issued pursuant to Municipal or Territorial laws or regulations.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 15, 1957, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for the calendar year 1958.

A representative of the federally-owned Virgin Islands Corporation, the largest sugarcane producer in the Virgin Islands, recommended that there be no change in the 1958 determination from that effective for 1957. He stated that the 1957 crop was the largest in their history and for the first time the sugar operation of the corporation had shown a profit, despite a loss in the factory. He pointed out that it might appear from the financial statement that an increase in wage rates could be justified, although he did not consider the experience of one year as a sound basis for an increase, particularly in view of the substantial losses in prior years, and the probability that the next crop would be the poorest in the past ten years. He further stated that there continues to be a scarcity of local labor and the corporation is compelled to import a large number of workers from the British West Indies for both cultivation and harvest work. The witness indicated the requirement in the 1957 determination that a certification be obtained from local authorities prior to the employment of apprentice and handicapped workers was impracticable and suggested that the producer be permitted to submit a statement to the Area Office giving the names, the amounts paid, and the period employed, and certifying that such workers had been so employed.

A representative of a local labor union stated that the cost of living had increased since 1952 and requested that wage rates be increased. He also stated that the independent farmers pay higher wages than does the corporation.

A representative of the St. Croix Sugarcane Industries, Inc. recommended that the wage provisions of the 1957 determination be continued for 1958. The witness stated that the past crop had been one of the best on record, but that in view of the severe drought conditions, crop prospects are not good for 1958. He also stated that the majority of the agricultural labor which he employed had to be imported.

Consideration has been given to the recommendations made at the hearing, to the economic position of producers and workers and to other pertinent factors. The wage rates specified in this determination conform to those provided by local legislation even though they are higher than the wage rates indicated by the standards customarily considered in wage determinations under the act. Producers must pay to the worker in full the wages required by existing legal obligations, regardless of whether such obligations resulted from an agreement (such as a labor union agreement) or were created by statute.

Prior determinations required producers who hired apprentice or handicapped workers to obtain a certification of learner or apprentice status or a certification of individual worker impair ment as required by applicable Municipal or Territorial laws or regulations. In view of testimony that this method of certification had not been satisfactory, this determination requires that with respect to the employment of apprentice and handicapped workers, the producer must furnish to the Area Office a certification containing the names of such workers, the rates paid to each, and the period of employment or nature of the handicap.

On the basis of an analysis and consideration of all pertinent factors, the wage rates and other provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U. S. C. 1131)

Issued this 6th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10237; Filed, Dec. 10, 1957; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6278]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS; AMORTIZABLE BOND PREMIUM

On June 14, 1956, a notice of proposed rule making with respect to regulations under section 171 of the Internal Revenue Code of 1954 for taxable years beginning after December 31, 1953, and ending after August 16, 1954, was published in the FEDERAL REGISTER (21 F. R. 4081). After consideration of all such relevant matter as was presented by interested parties regarding the rules proposed, the following regulations are hereby adopted:

Sec.
1.171 Statutory provisions; itemized deductions for individuals and corporations; amortizable bond premium.
1.171–1 Amortizable bond premium.
1.171–2 Determination of bond premium.
1.171–3 Election with respect to taxable and partially taxable bonds.
1.171–4 Definition.

AUTHORITY: §§ 1.171 to 1.171–4 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.171 *Statutory provisions; itemized deductions for individuals and corporations; amortizable bond premium.*

SEC. 171. *Amortizable bond premium*—(a) *General rule.* In the case of any bond, as defined in subsection (d), the following rules shall apply to the amortizable bond premium (determined under subsection (b)) on the bond:

(1) *Interest wholly or partially taxable.* In the case of a bond (other than a bond the interest on which is excludable from gross income), the amount of the amortizable bond premium for the taxable year shall be allowed as a deduction.

(2) *Interest wholly tax-exempt.* In the case of any bond the interest on which is excludable from gross income, no deduction shall be allowed for the amortizable bond premium for the taxable year.

(3) *Adjustment of credit or deduction for interest partially tax-exempt*—(A) *Individuals.* In the case of any bond the interest on which is allowable as a credit under section 35, the amount which would otherwise be taken into account in computing such credit shall be reduced by the amount of the amortizable bond premium for the taxable year.

(B) *Corporations.* In the case of any bond the interest on which is allowable as a deduction under section 242, such deduction shall be reduced by the amount of the amortizable bond premium for the taxable year.

(4) *Cross reference.* For adjustment to basis on account of amortizable bond premium, see section 1016 (a) (5).

(b) *Amortizable bond premium*—(1) *Amount of bond premium.* For purposes of paragraph (2), the amount of bond premium, in the case of the holder of any bond, shall be determined—

(A) With reference to the amount of the basis (for determining loss on sale or exchange) of such bond,

(B) With reference to the amount payable on maturity or on earlier call date (but in the case of bonds described in subsection (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, only if such earlier call date is a date more than 3 years after the date of such issue), and

(C) With adjustments proper to reflect unamortized bond premium, with respect to the bond, for the period before the date as of which subsection (a) becomes applicable with respect to the taxpayer with respect to such bond.

In no case shall the amount of bond premium on a convertible bond include any amount attributable to the conversion features of the bond.

(2) *Amount amortizable.* The amortizable bond premium of the taxable year shall be the amount of the bond premium attributable to such year. In the case of a bond described in subsection (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, which has a call date not more than 3 years after the date of such issue, the amount of bond premium attributable to the taxable year in which the bond is called shall include an amount equal to the excess of the amount of the adjusted basis (for determining loss on sale or exchange) of such bond as of the beginning of the taxable year over the amount received on redemption of the bond or (if greater) the amount payable on maturity.

(3) *Method of determination.* The determinations required under paragraphs (1) and (2) shall be made—

(A) In accordance with the method of amortizing bond premium regularly employed by the holder of the bond, if such method is reasonable;

(B) In all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premium prescribed by the Secretary or his delegate.

(c) *Election as to taxable and partially taxable bonds*—(1) *Eligibility to elect; bonds with respect to which election permitted.* This section shall apply with respect to the following classes of taxpayers with respect to the following classes of bonds only if the taxpayer has elected to have this section apply:

(A) *Partially tax-exempt.* In the case of a taxpayer other than a corporation, bonds with respect to the interest on which the credit provided in section 35 is allowable; and

(B) *Wholly taxable.* In the case of any taxpayer, bonds the interest on which is not excludable from gross income but with respect to which the credit provided in section 35, or the deduction provided in section 242, is not allowable.

(2) *Manner and effect of election.* The election authorized under this subsection shall be made in accordance with such regulations as the Secretary or his delegate shall prescribe. If such election is made with respect to any bond (described in paragraph (1)) of the taxpayer, it shall also apply to all such bonds held by the taxpayer at the beginning of the first taxable year to which the election applies and to all such bonds thereafter acquired by him and shall be binding for all subsequent taxable years with respect to all such bonds of the taxpayer, unless, on application by the taxpayer, the Secretary or his delegate permits him, subject to such conditions as the Secretary or his delegate deems necessary, to revoke such election. In the case of bonds held by a common trust fund, as defined in section 584 (a), or by a foreign personal holding company, as defined in section 552, the election authorized under this subsection shall be exercisable with respect to such bonds only by the common trust fund or foreign personal holding company. In case of bonds held by an estate or trust, the election authorized under this subsection shall be exercisable with respect to such bonds only by the fiduciary.

(d) *Bond defined.* For purposes of this section, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation and bearing interest (including any like obligation issued by a government or political subdivision thereof), but does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

(e) *Dealers in tax-exempt securities.* For special rules applicable, in the case of dealers in securities, with respect to premium attributable to certain wholly tax-exempt securities, see section 75.

§ 1.171–1 *Amortizable bond premium*—(a) *In general.* Under section 171, bond premium is amortizable by the owner of the bond (as defined in § 1.171–4) in accordance with subparagraph (1) or (2) of this paragraph as follows:

(1) Amortization of bond premium is mandatory with respect to—

(i) Fully tax-exempt bonds (the interest on which is excludable from gross income), whether the owner is a corporation, individual, or other taxpayer; and

(ii) Partially tax-exempt bonds owned by a corporation.

(2) Amortization of bond premium is optional, at the election of the taxpayer, with respect to—

(i) Fully taxable bonds, whether the owner is a corporation, individual, or other taxpayer; and

(ii) Partially tax-exempt bonds owned by taxpayers other than corporations.

(b) *Operation.* (1) In the case of a fully tax-exempt bond, the amortizable bond premium for the taxable year is simply an adjustment to the basis or adjusted basis of the bond. Thus, if such premium is $1, the basis or adjusted basis of the bond is reduced by $1. No deduction is allowable on account of such amortizable bond premium. See paragraph (b) (2) of § 1.171–2 for treatment of bonds with alternative call dates.

(2) In the case of a fully taxable bond to which section 171 is applicable, the amortizable bond premium is applied both as an adjustment to the basis or adjusted basis of the bond and as a deduction in computing taxable income. For the disallowance of a deduction in certain cases, see paragraph (a) (3) of § 1.171–2.

(3) In the case of a partially tax-exempt bond, the amortizable bond premium for the taxable year is used for the following purposes:

(i) As an adjustment to the basis or adjusted basis of the bond;

(ii) As a deduction in computing taxable income;

(iii) In the case of individuals, estates, or trusts, as a reduction of the amount which would otherwise be taken into account in computing the credit against the tax provided under section 35; or

(iv) In the case of corporations, as a reduction of the amount allowed under section 242 as a deduction in computing taxable income.

(4) The application of the provisions of subparagraph (3) of this paragraph relating to a partially tax-exempt bond may be illustrated by the following example:

Example. In the case of an individual who has elected to amortize the premium on a partially tax-exempt bond, if the interest on such bond with an adjusted basis of $1,024 is $30 for the taxable year, and the amortizable bond premium thereon is $4 for the taxable year, then the $30 is included in gross income, the $4 is allowable as a deduction, the adjusted basis of $1,024 is reduced by $4 to $1,020, and a credit amounting to $0.78 (3 percent of $30 minus $4) is allowed against the tax for such taxable year. In the case of a corporation, which is required to amortize the premium on such bond, no credit is allowed against the tax, but the deduction under section 242 on account of the interest is $26 ($30 minus $4).

(5) In the case where no specific deduction is permitted under section 171 (a) for amortization of bond premium as such, because the tax is computed for the taxpayer under section 3 by use of the optional tax tables, or because the taxpayer elects under section 144 to take the standard deduction, it shall be deemed, if the taxpayer has elected to amortize bond premium in accordance with the provisions of section 171, that the deduction for amortization of bond premium has been allowed for the purpose of determining the adjusted basis of the bond.

(c) *Bonds owned by decedents*—(1) *Decedents using cash receipts and disbursements method of accounting.* (i) Where a decedent who used the cash receipts and disbursements method of accounting owned fully taxable bonds to which section 171 applies—

(*a*) The interest accruing thereon during the period ending with his death is, by reason of section 691, included upon its receipt in the gross income of the estate or legatee, whichever acquires the right to receive such interest, and

(*b*) The amount of amortizable bond premium properly allowable for such period is a deduction for such period to the decedent and is not allowable as a deduction to the estate or legatee.

(ii) Where a decedent who used the cash receipts and disbursements method of accounting owned partially tax-exempt bonds to which section 171 applies—

(*a*) The interest accruing thereon during the period ending with his death is, by reason of section 691, included upon its receipt in the gross income of the estate or legatee, whichever acquires the right to receive such interest, and

(*b*) The amount of the amortizable bond premium properly allowable for such period is a deduction for such period to the decedent, as in the case of a fully taxable bond, and

(*c*) The amount of the amortizable bond premium shall not be applied to

reduce the estate's or legatee's credit or deduction for such interest for such period.

(2) *Illustration.* The provisions of subparagraph (1) (ii) of this paragraph relating to a partially tax-exempt bond may be illustrated by the following example:

Example. At the time of his death in 1956, D owned a partially tax-exempt bond to which section 171 applies. For the period beginning January 1, 1956, and ending with D's death on September 30, 1956, the accrued interest on such bond is $25 and the amortizable bond premium is $2. D's estate has the right to receive such interest. D's executor, in making the income tax return for D's last taxable year (January 1 to September 30, 1956), may take into account a deduction of $2 on account of the amortizable bond premium for such year. D's estate includes the $25 interest in its gross income upon receipt and, for purposes of the income tax, receives a credit under section 35 of $0.75 (3 percent of $25). In computing such credit, the $25 interest is not reduced on account of the amortizable bond premium which was a deduction allowable for the last taxable year of the decedent.

(3) *Decedents using the accrual method of accounting.* Where a decedent using an accrual method of accounting owned fully taxable bonds and partially tax-exempt bonds to which section 171 applies—

(i) In the case of fully taxable bonds, both the interest accruing thereon during the period ending with his death and the deduction on account of the amortizable bond premium for such period are taken into account in computing the taxable income of the decedent; and

(ii) In the case of partially tax-exempt bonds, the rule as to the accrued interest and the amortization deduction is the same as in subdivision (i) of this subparagraph, and the amount which would otherwise be taken into account in computing the decedent's credit against tax for such interest is required to be reduced by the amount of the amortizable bond premium for the period ending with the decedent's death:

§ 1.171–2 *Determination of bond premium*—(a) *In general.* (1) Except as otherwise provided in this section, bond premium on any bond to which section 171 applies is the excess of the amount of the basis (for determining loss on sale or exchange under section 1011) of the bond over the amount payable at maturity or, in the case of a callable bond, the earlier call date. For determination of applicable call date, see paragraph (b) of this section.

(2) (i) In the case of wholly taxable bonds described in section 171 (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, the earlier call date may be used in computing the bond premium only if such earlier call date is a date more than 3 years after the date of original issue. The preceding sentence does not apply to: (*a*) Bonds issued after January 22, 1951, and acquired before January 23, 1954 (for this purpose the date of acquisition shall be considered the date such bonds were ordered under a firm commitment to buy and not the date the bonds were delivered to the taxpayer); or (*b*) bonds issued before January 23, 1951, and acquired at any time. For determining whether an earlier call date is a date more than 3 years after the date of original issue, consideration will be given to the terms under which the bond is issued. Where a bond described in the first sentence of this subdivision is subject to a call date which falls within 3 years of the date of original issue, the amount of amortizable bond premium may be computed only with repsect to the amount payable at maturity, regardless of when such bond was acquired by the taxpayer.

(ii) The application of the provisions of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. Assume that the taxpayer acquired at the date of issue a $100 bond for $112, callable at any time thereafter upon 30 days' notice. The bond was issued on January 1, 1956. The premium of $12 attributable to such bond may be amortized only with reference to the maturity date of the bond. Similarly, assume that in 1957 the taxpayer acquired a $100, 20-year bond for $115. The bond was issued on January 1, 1954, and was callable 2 years after the date of issuance or, if not then called, 10 years after the date of issuance. The premium of $15 attributable to such bond may be amortized only with reference to the maturity date of the bond.

(iii) In the case of a wholly taxable bond described in section 171 (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, which has a call date not more than 3 years after the date of such issue, the amount of the bond premium attributable to the taxable year in which the bond is called shall include an amount equal to the excess of the amount of the adjusted basis (for determining loss on sale or exchange) of such bond as of the beginning of the taxable year over the amount received on redemption of the bond or (if greater) the amount payable on maturity. For adjustments proper to reflect unamortized bond premium for the period before the date as of which section 171 becomes applicable to the bond in the hands of the taxpayer, see subparagraph (4) of this paragraph. For example, if a fully taxable bond, issued on January 1, 1954, and acquired by the taxpayer on January 1, 1955, at a price of $109, matures in 10 years from the date of issue (9 years from the date of acquisition) but is callable at $105 on 30 days' notice, section 171 (b) (1) (B) requires that the bond be amortized to maturity, that is, at the rate of $1 per year. If the bond is called on December 31, 1956, for $105, then $3, the excess of the adjusted basis of $108 ($109 less $1 deducted in 1955) over the amount received on redemption, $105, may be deducted for the year 1956.

(3) Whether the purchase and immediate transfer of callable bonds occurs in such a manner as to make the entire transaction not bona fide, and hence the deductions for amortization for bond premium not allowable, will depend on all the facts and circumstances.

(4) If the date as of which the basis of the bond was established precedes the first taxable year with respect to which section 171 applies to the bond, proper adjustments shall be made to reflect unamortized bond premium on such bond for the period including the holding period (as determined under section 1223) before the date as of which section 171 first becomes applicable to the bond in the hands of the taxpayer. Such adjustment is required whether an election was made under section 125 of the Internal Revenue Code of 1939 or under section 171 and applies to all bonds to which section 171 is applicable.

(5) The rule relating to adjustments set forth in subparagraph (4) of this paragraph may be illustrated by the following examples:

Example (1). On January 1, 1956, T, who makes his income tax returns on the calendar year basis, owns a fully taxable $100 bond, maturing on January 1, 1966. T purchased this bond on January 1, 1946, for $120. T elects to have section 171 apply to such bond for 1957 and subsequent taxable years. In determining the amount of bond premium to be amortized over the remaining 9 years of the life of the bond, T is required, but solely for such purpose, to treat the bond as if he had amortized the bond premium thereon during the prior 11 years, and to make the proper adjustment in the original bond premium. Accordingly, T would treat $11 as having been amortized during the first 11 years and would be required to amortize the remaining $9 over the following 9 years. When the bond is redeemed on January 1, 1966, for $100, only the $9 attributable to the last 9 years will actually have been amortized and the basis of the bond will have been reduced only by that amount. The $11 attributable to the first 11 years will have been treated as an adjustment to the original bond premium but will not have been amortized nor will the basis of the bond have been reduced by that amount. Consequently, T will have a capital loss in the year of redemption on account of the $11 attributable to the period January 1, 1946, to January 1, 1957.

Example (2). On January 1, 1956, X's father gave him a fully taxable $100 bond maturing on January 1, 1966. X's father had purchased the bond on January 1, 1946, for $120. The fair market value of the bond at the time of the gift was $127. X makes his income tax returns on the calendar year basis and elects to amortize the bond premium on the bond during the period 1956–1966. Under section 1015, the cost of the bond to X's father constitutes the basis of the bond in X's hands for determining loss, since such cost is lower than the fair market value of the bond at the time of the gift, and, under section 1223, X's holding period is deemed to include the 10 years during which his father held the bond. X is required to treat the bond as if the bond premium thereon had been amortized during his father's holding period. Thus, X is required to amortize $10 over the period January 1, 1956, to January 1, 1966, and in the year of redemption will have a capital loss on account of the $10 attributable to his father's holding period.

Example (3). Y, who makes his income tax returns on the calendar year basis, owns a fully tax-exempt $100 bond maturing on January 1, 1961. He purchased this bond on January 1, 1941, for $120. On December 31, 1954, Y sells the bond for $108 and realizes a gain of $1, computed as follows:

(i) Total bond premium ($120—$100)	$20
(ii) Amount of bond premium amortizable if held to maturity (total bond premium minus unamortized bond premium attributable to 1941 (a year to which section 125 of the Internal Revenue Code of 1939 was not applicable), $20—$1)	19
(iii) Amount of bond premium amortized from Jan. 1, 1942, through Dec. 31, 1954 ($1 for each such year)	$13
(iv) Adjusted basis of bond at close of 1954 ($120—$13)	107
(v) Gains ($108–$107)	1

(6) Amortizable bond premium on any bond to which section 171 applies is that part of the bond premium on the bond which is attributable to the taxable year.

(b) *Callable bonds.* (1) For purposes of section 171, in the case of a callable bond, the earlier call date will be considered as the maturity date, except as provided in paragraph (a) (2) and (3) of this section. The amount due on the earlier call date will be considered as the amount payable on maturity unless it is determined under a different method of amortization regularly employed by the taxpayer that another amount shall be the amount payable on maturity. Hence, in the case where a bond premium is to be amortized to the earlier call date, the bond premium on such bond is required to be spread over the period from the date as of which the basis for loss of the bond is established down to the earlier call date, rather than to the maturity date. The earlier call date may be the earliest call date specified in the bond as a day certain, the earliest interest payment date if the bond is callable at such date, the earliest date at which the bond is callable at par, or such other call date, prior to maturity, specified in the bond as may be selected by the taxpayer.

(2) Where a deduction for amortizable bond premium may be determined with respect to alternative call dates, the amount of amortizable bond premium calculated with reference to a particular call date must be calculated thereafter with reference to the same call date. However, if, upon such call date originally selected, the bond has not in fact been called, the bond premium then unamortized must be amortized to a succeeding call date or to maturity. Thus, assume a $100 bond is acquired at time of issue for $125. The bond is callable in five years at $115 and in 10 years at $110. The taxpayer may amortize $10 of premium during the first five years and, if the bond is not then called, an additional $5 of premium during the next five years. If the bond is not called at the end of ten years, the remaining $10 of premium must be amortized to maturity.

(c) *Convertible bonds.* (1) The fact that a bond is convertible into stock does not, in itself, prevent the application of section 171. A convertible bond is within the scope of such section if the option to convert on a date certain specified in the bond rests with the holder thereof. However, for the purpose of determining the amount of amortizable bond premium on a convertible bond for the taxable year, the amount of bond premium shall not include any amount attributable to the conversion features of the bond. For the purpose of the rule stated in the preceding sentence, the term "convertible bond" includes a bond issued with detachable stock-purchase warrants.

(2) The value of the conversion features of a particular bond shall be ascertained as of the time of acquisition by reference to the assumed price at which such bond would be purchased on the open market if without conversion features, and by subtracting such assumed price from the cost of the bond. The assumed price of the bond without conversion features shall be ascertained by comparison to the yields on which bonds of similar character, not having conversion features, are sold on the open market and adjusting the price of the bond in question to this yield. This adjustment may be made by the use of standard bond tables. In selecting quotations for comparative purposes, bonds of the same classification and grade shall be used.

(3) The application of the principles set forth in this paragraph may be illustrated as follows:

Example. T purchased for $115 a $100 bond, maturing in 10 years, on which interest is payable semiannually at the rate of 3 percent a year. This bond is convertible into common stock at the option of the holder. It is found that bonds of the same character, not having conversion features, were sold on the open market on or about the time of T's purchase on a basis to yield 2.6 percent. By recourse to a standard bond table, it is found that the cost of a 3 percent, 10-year, $100 bond to yield 2.6 percent would have been $103.50. Since the taxpayer paid $115 for the convertible bond, the difference between $115 and $103.50, or $11.50, represents the value of the conversion features of the bond at the time of purchase. The balance of $3.50 represents the bond premium subject to amortization under section 171.

(4) If a convertible bond acquired on or before June 15, 1950, is held during the taxable year, the amortizable bond premium shall be computed as if the provisions for the determination of the bond premium without the inclusion of any amount attributable to the conversion features of the bond were applicable for each year for which the bond was held prior to such taxable year. Thus, if T, in the example in subparagraph (3) of this paragraph, had acquired the bond on January 1, 1949, and if T makes his income tax returns on the basis of the calendar year, the amortizable bond premium for 1957 would be $0.35, determined as follows:

Bond premium not attributable to conversion feature	$3.50
Amortizable bond premium for 1949 and 1950, determined by reference to bond premium not attributable to conversion feature	.70
Portion of bond premium amortizable over remaining life of bond	2.80
Amortizable bond premium for each of the remaining 8 years, including the taxable year 1957 (one-eighth of $2.80)	.35

(d) *Capitalized expenses.* (1) In the case of a bond to which section 171 otherwise applies, on which the bond premium is attributable only to capitalized expenses (such as buying commissions), if a taxpayer—

(i) Regularly employs a reasonable method of amortization under which capitalized expenses are amortized, or

(ii) Is required by the regulations to use the method of amortization prescribed by paragraph (f) of this section, or

(iii) Regularly employs a reasonable method of amortization but does not amortize capitalized expenses,

such taxpayer is permitted, but is not required, to amortize capitalized expenses in accordance with such method.

(2) In the case of a bond to which section 171 applies and on which there is bond premium exclusive of capitalized expenses—

(i) If a taxpayer regularly employs a reasonable method of amortization under which capitalized expenses are treated as being part of the bond premium for purposes of amortization, such capitalized expenses must be treated as being a part of the bond premium for the purposes of section 171.

(ii) If a taxpayer is required by regulations to use the method of amortization prescribed by paragraph (f) of this section, he must treat capitalized expenses as being part of the bond premium for purposes of section 171.

(iii) If a taxpayer regularly employs a method of amortization under which capitalized expenses are not treated as being part of the bond premium for the purposes of amortization, he is permitted, but is not required, to treat such capitalized expenses as being part of the bond premium for the purposes of section 171.

(e) *Taxable years in which interest not received or accruable.* In the case of a taxpayer who makes his income tax returns on the cash receipts and disbursements method or one who makes his returns on an accrual method and who owns a bond to which section 171 applies and in respect of which no interest is received or accrued by the taxpayer during the taxable year, if the taxpayer—

(1) Regularly employs a reasonable method of amortization under which the bond premium on such bond for such taxable year is amortized, or

(2) Is required by the regulations to use the method of amortization prescribed by paragraph (f) of this section, or

(3) Regularly employs a reasonable method of amortization under which the bond premium on such bond for such taxable year is not amortized,

such taxpayer is permitted, but not required, to amortize bond premium on the bond for such taxable year in accordance with such method.

(f) *Methods of amortization.* (1) Determination of the bond premium and amortizable bond premium on any bond to which section 171 applies shall be made in accordance with:

(i) The method of amortization regularly employed by the taxpayer, if such method is reasonable; or

(ii) In all other cases, the method of amortization prescribed by this section.

A method of amortization, for example, the composite method described in § 1.1016–9, will be deemed "regularly employed" by a taxpayer if the method was consistently followed in taxable years beginning before January 1, 1954, or if for taxable years beginning on or after such date a taxpayer who has never previously taken a deduction for amortization initiates in the first taxable year for which such deduction is taken a

reasonable method of amortization and consistently follows such method thereafter. A taxpayer who regularly employs a method of amortization may be one, for example, who is subject to the jurisdiction of a State or Federal regulatory agency and who, for the purposes of such agency, amortizes the bond premium on his bonds in accordance with a method prescribed or approved by such agency. However, it is not necessary that the taxpayer be subject to the jurisdiction of such an agency or that the method be prescribed or approved by such agency. It is sufficient if the taxpayer regularly employs a method of amortization and if such method is reasonable.

(2) The bond premium to be amortized shall be determined under the following method:

(i) The amortizable bond premium on such bond attributable to the taxable year under paragraph (a) (6) of this section shall be an amount which bears the same ratio to the bond premium on the bond as the number of months in the taxable year during which the bond was held by the taxpayer bears to the number of months from the beginning of the taxable year (or, if the bond was acquired in the taxable year, from the date of acquisition) to the date of maturity or earlier call date. For the purposes of this subdivision, a fractional part of a month shall be disregarded unless it amounts to more than half of a month, in which case it shall be considered as a month.

(ii) For purposes of subdivision (i) of this subparagraph, the bond premium as of any date on any bond to which section 171 applies shall be determined in accordance with paragraph (a) of this section by ascertaining the excess of the amount of the basis of the bond, as determined under section 1011 (adjusted to date for amortizable bond premium under section 1016) over the amount payable at maturity or, in the case of a callable bond, the earlier call date (except as otherwise provided in subparagraphs (2) and (3) of paragraph (a) of this section).

(3) The application of the provisions of this paragraph relating to method of amortization may be illustrated by the following example:

Example. (i) A taxpayer, who makes calendar year returns, on June 20, 1955, acquires at a cost of $119 a $100 bond issued January 1, 1955, maturing January 1, 1965. The amortizable bond premium as of the last day of 1955 is computed as follows:

Bond premium at date of acquisition	$19
Number of months in 1955 during which bond is held by the taxpayer	6
Number of months from date of acquisition to date of maturity	114
Amortizable bond premium (6/114 × $19) equals	1

(ii) The bond premium as of the close of 1955 would be computed as follows:

Bond premium at date of acquisition (or first day of taxable year)	$19
Amortizable bond premium for period during which bond was owned in 1955	1
Bond premium as of the close of the taxable year 1955	18

(iii) If the bond in this example were issued with a call date not more than 3 years after issue date, the premium would also be amortized to maturity as indicated above, because of the application of paragraph (a) (2) of this section.

(4) For the method of amortization in the case of individual mortgages purchased, acquired, or originated at a premium by mutual savings banks, building and loan associations, and cooperative banks, see section 1016 and § 1.1016–9.

§ 1.171–3 *Election with respect to taxable and partially taxable bonds*—(a) *In general.* In the case of a corporation, the election provided in section 171 may be made only with respect to fully taxable bonds. In the case of a taxpayer other than a corporation, the election provided in such section may be made with respect to the following classes: (1) fully taxable bonds only, or (2) partially tax-exempt bonds only, or (3) both fully taxable bonds and partially tax-exempt bonds. Such election shall be made by the taxpayer by claiming a deduction for the bond premium in his return for the first taxable year to which he desires the election to be applicable. No other method of making such election will be recognized. If the election is so made, the taxpayer should attach to his return a statement showing the computation of the deduction. The election shall apply to all the bonds in respect of which it was made owned by the taxpayer at the beginning of the first taxable year to which the election applies and also to all the bonds of such class (or classes) thereafter acquired by him, and shall be binding for all subsequent taxable years. Upon application by the taxpayer, the Commissioner may permit him to revoke the election, subject to such conditions as the Commissioner deems necessary. In the case of bonds owned by a partnership, common trust fund, or foreign personal holding company, the election shall be exercisable by such partnership (as provided in section 703 (b)), common trust fund, or foreign personal holding company.

(b) *Special rule for transition period.* For taxable years beginning after December 31, 1953, and ending after August 16, 1954, the election to deduct amortizable bond premium applies to premiums on both of the following types of bonds:

(1) Those with interest coupons or in registered form, and

(2) Those without interest coupons and not in registered form, including those commonly referred to as "corporate mortgages."

If a taxpayer claimed a deduction for amortizable bond premium in a return filed for the first taxable year beginning after December 31, 1953, and ending after August 16, 1954, to which the election under section 171 is applicable to the taxpayer, and such deduction did not include amortizable bond premiums for both types of bonds, described in subparagraph (1) and (2) of this paragraph, held by the taxpayer during such taxable year, such election with respect to the deduction of amortizable bond premiums shall not constitute a valid election unless such election is perfected in accordance with this paragraph in an amended return for such taxable year filed not later than the 90th day after publication in the FEDERAL REGISTER of the regulations under section 171. Such amended return shall have attached thereto a statement showing a recomputation of the deduction, in accordance with the provisions of section 171 and this section, for amortizable bond premium on both such types of bonds. If such election is not perfected as provided in this paragraph, no deduction shall be allowed for amortization of premium on any bond to which the election is applicable, whether or not with interest coupons or in registered form. If a return has been filed for a subsequent taxable year, such return shall be conformed to the election made with respect to such first taxable year by filing an amended return for such subsequent taxable year, if necessary.

(c) *Partially tax-exempt bonds owned by estates, trusts, partnerships, etc.* If a trust owning partially tax-exempt bonds elects to amortize the bond premium thereon under section 171, the credits of the trust and the credits and deductions of the beneficiaries on account of such interest are required to be reduced by the portion of the amortization deduction attributable to their shares of such interest. See section 642 (a) (1). A similar rule is applicable in the case of partially tax-exempt bonds owned by estates, common trust funds, partnerships, and foreign personal holding companies.

§ 1.171–4 *Definition.* (a) The term "bond", as used in section 171, means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation and bearing interest (including any like obligation issued by a government or political subdivision thereof), but the term does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business. This definition of a bond is applicable to bonds, whether or not with coupons or in registered form, held or acquired in taxable years beginning after December 31, 1953, and ending after August 16, 1954.

(b) For taxable years beginning before January 1, 1954, or taxable years beginning after December 31, 1953, but ending on or before August 16, 1954, the term "bond", as defined in paragraph (a) of this section, applies only to a bond, debenture, note, or certificate of other evidence of indebtedness with interest coupons or in registered form.

(c) Section 171 has no application to bonds held by dealers in securities other than bonds held by such dealers for investment pursuant to section 1236 and the regulations thereunder. See, however, § 1.75–1, relating to the treatment of bond premiums in case of dealers in tax-exempt securities.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 5, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

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TITLE 32—NATIONAL DEFENSE

Chapter XVII—Federal Civil Defense Administration

PART 1705—FCDA SURVIVAL PLAN PROJECTS

Sections 1705.1 to 1705.14 are amended to read as follows:

Sec.
1705.1 Purpose.
1705.2 Definitions.
1705.3 Eligibility.
1705.4 Project proposals.
1705.5 Submission of proposals.
1705.6 Review of proposals.
1705.7 Conditions of approval.
1705.8 Approval of proposals.
1705.9 Project agreements.
1705.10 Supervision of projects.
1705.11 Costs and reimbursement.
1705.12 Advances.
1705.13 Return of unexpended funds.
1705.14 Interim reports.

AUTHORITY: §§ 1705.1 to 1705.14 issued under sec. 401, 66 Stat. 1254, as amended; 50 U. S. C. App. 2253.

§ 1705.1 *Purpose.* The purpose of the regulations in this part is to prescribe the conditions of eligibility of States and their political subdivisions and the procedures for, and conditions of, participating with FCDA in projects for survey, study, and development of measures and plans designed to (a) minimize the effects upon the civilian population, (b) deal with the emergency conditions, and (c) effectuate emergency repairs to, or the emergency restoration of, damaged or destroyed vital facilities, caused, or which would be caused, by enemy attack upon the United States.

§ 1705.2 *Definitions.* Except as otherwise stated, or as otherwise clearly required by the context, the following words and terms shall have the following meanings when used in the regulations in this part:

(a) *State.* Any State, Territory, or possession (including but not limited to the Canal Zone) of the United States, and the District of Columbia.

(b) *Political subdivision.* Any county, city, district, or other local government of any State.

(c) *Eligible participants.* A State, or States, and the appropriate political subdivisions that are specified in § 1705.3 as being eligible to participate in projects under the regulations in this part (including the authorities, boards, and commissions mentioned in § 1705.3), or any combination thereof.

(d) *Target area.* A target area identified as a target area in FCDA Advisory Bulletin No. 204, dated September 4, 1956, as revised, or an area adjacent to a base of military retaliation and/or a critical Atomic Energy Commission installation, or such other area as the FCDA Administrator may from time to time determine.

(e) *Urban fringe.* The urban fringe extends to and includes those portions of the urbanized area, contiguous to the thickly settled urban core of a metropolitan complex, which contain a population density of not less than 2,000 persons per square mile.

(f) *Reception area.* That area which surrounds the outer edge of the urban fringe of a target area which can be assumed to be relatively safer.

(g) *Evacuation area.* A target area and the reception area necessary to adequately support its evacuees.

(h) *Operational survival plan.* A detailed plan, completed to a state of operational readiness, designed to afford adequate protection for the population of target areas, including measures for the evacuation, reception, and shelter of the population within a geographical area described in a project agreement.

(i) *Project.* The conduct of surveys and studies necessary to develop an operational survival plan and the formulation of such a plan, including the testing thereof.

(j) *Project proposal.* A narrative statement submitted to FCDA by the eligible participants (see paragraph (c) of this section), covering in detail the manner and method suggested by such eligible participants for undertaking the required surveys, studies, and the formulation of the operational survival plan.

(k) *Project agreement.* A contract, in writing, between FCDA and eligible participants, describing the manner and method by which surveys, studies, and the formulation of the operational survival plan will be undertaken, and containing an agreement relative to costs of the project.

(l) *Evacuation.* The organized, timed, and supervised dispersal of civilians from target areas.

(m) *Reception.* The receiving and care, including quartering and supply of essential needs and services, of evacuees in a reception area.

(n) *Return.* The eventual movement and resettlement of evacuees.

(o) *Shelter.* Shelter providing protection against blast and thermal effect where necessary and cover providing protection against radioactive fallout for evacuees at assembly points, along evacuation routes, and in reception areas.

(p) *Support.* Transportation and supply of essential materials, manpower, supplies, and equipment, and other essential resources.

§ 1705.3 *Eligibility.* FCDA will select the target areas wherein projects will be instituted. States and political subdivisions meeting the following requirements are eligible for selection by FCDA to participate in projects under the regulations in this part:

(a) Any State, having within its borders one or more target areas, which agrees to complete surveys and studies and to formulate an operational survival plan for one or more of its evacuation areas, or a Statewide operational survival plan in accordance with the regulations in this part and FCDA Survival Plan Manual, M27–1, Revised; or

(b) Any State which agrees to complete surveys and studies and to formulate reception plans, or support plans, incident to an operational survival plan involving a target area or areas without its borders in accordance with the regulations in this part and FCDA Survival Plan Manual, M27–1, Revised.

(c) Any political subdivision (or subdivisions) which constitutes the principal political subdivision (or subdivisions) of the evacuation area, which agrees to complete surveys and studies and to formulate an operational survival plan for the evacuation area in accordance with the regulations in this part and FCDA Survival Plan Manual, M27–1, Revised: *Provided,* That the State wherein such political subdivision (or subdivisions) lies shall become a party to the project agreement.

(d) Any political subdivision (or political subdivisions) which constitutes a part of an evacuation area which agrees to complete surveys and studies and to formulate an operational survival plan for a part of the evacuation area in accordance with the regulations in this part and FCDA Survival Plan Manual, M27–1, Revised: *Provided,* The State wherein it lies shall become a party to the project agreement.

(e) Any Commission, board or authority, having a geographical jurisdiction encompassing an entire evacuation area, which has been duly constituted by a State or States (and the appropriate political subdivision thereof) and which is authorized to act for or on behalf of a State or States (and the appropriate political subdivisions thereof) in connection with the completion of surveys and studies and the formulation of an operational survival plan for its geographical jurisdiction, and which agrees to complete surveys and studies and to formulate an operational survival plan for its geographical jurisdiction in accordance with the regulations in this part and FCDA Survival Plan Manual, M27–1, Revised.

§ 1705.4 *Project proposals.* (a) If desired, an eligible participant may submit a project proposal. Such should be in narrative form and include the plan suggested by the eligible participant for undertaking the project. The proposal will cover the manner and method proposed by the eligible participant for conducting the survey and study phase of the project, as well as the proposed procedure and method of formulating the operational survival plan.

(b) If desired, conferences will be held between FCDA and the eligible participant. FCDA will, where necessary, furnish personnel to provide technical assistance and guidance to the eligible participant in developing the proposal. Project proposals will be developed in accordance with the regulations in this part and will conform to the standards and criteria established in FCDA Survival Plan Manual, M27–1, Revised.

§ 1705.5 *Submission of proposals.* If submitted, a project proposal shall be signed by the Governor (or Governors)

of the State (or States) involved or by his duly authorized representative; and in addition, when applicable, it shall be signed by the Chief Executive of the principal political subdivision, or subdivisions, of the evacuation area, or by his duly authorized representative; or in the case of a political subdivision (or subdivisions) comprising a part of an evacuation area, by its Chief Executive or his duly authorized representative.

§ 1705.6 *Review of proposals.* FCDA will review these project proposals to determine that the proposals conform to the regulations in this part, and to procedures, standards, and criteria established by FCDA Survival Plan Manual, M27–1, Revised, and to the general objectives of this program; and FCDA will (a) approve, or (b) make such adjustments, revisions, and deletions as appear reasonable and necessary. In the event that changes are required, representatives of FCDA will, upon request, confer with the eligible participant to facilitate working out adjustments and revisions satisfactory to qualify the proposal for approval.

§ 1705.7 *Conditions of approval.* (a) FCDA shall require that the following conditions be met precedent to approval of a project agreement.

(1) *FCDA selection of area.* Prior to final approval of a project agreement, FCDA must have selected and designated the geographical area covered by the agreement as one where a survival plan project will be undertaken. Although such selection and designation will normally be made prior to the submission to FCDA of any project proposal, such selection and designation by FCDA are a condition to approval of a project agreement and not a condition to the submission to FCDA of a project proposal.

(2) *States with target areas.* If the proposing State (eligible participant) has within its borders one or more target areas, it shall agree to conduct and coordinate, with the assistance and guidance of FCDA, evacuation, shelter, and reception planning and operations between the target and reception areas of the State, and, to the extent of its authority, with other States, and with the Federal Government, and to develop an operational survival plan for the geographical area covered by the project; all in accordance with the regulations in this part and in conformance with the provisions of FCDA Survival Plan Manual, M27–1, Revised.

(3) *States without target areas.* If the proposing State (eligible participant) has no target area or areas within its borders, it shall agree to conduct and coordinate, with the assistance and guidance of FCDA, surveys of resources and capabilities, and to develop operational plans for (i) reception of evacuees from another State or States, and/or (ii) support of areas in another State or States; all in accordance with the regulations in this part and in conformance with the provisions of FCDA Survival Plan Manual, M27–1, Revised.

(4) *Area covered.* The geographical area to be covered by the project shall include the entire evacuation area, except that where prior approval is received from FCDA, a project may cover a portion of an evacuation area where such project is undertaken to complete surveys and studies and to formulate reception plans, or support plans, incident to an operational survival plan covered by a project proposal which has been approved by FCDA.

(5) *Operations across political boundaries.* An agreement shall have been reached, or the State (or States) and political subdivisions comprising the eligible participants shall certify that efforts will be made to effect such an agreement, which will permit unified, coordinated evacuation, reception, and shelter planning and operations across territorial borders of political subdivisions comprising the evacuation area.

(6) *Federal-State-local cooperation.* The State (or States) and the political subdivisions comprising the eligible participants shall agree to cooperate with each other, with FCDA, and, to the extent feasible, with other States and political subdivisions undertaking similar projects pursuant to the regulations in this part and FCDA Survival Plan Manual, M27–1, Revised.

(7) *Use of existent studies and information.* The eligible participants shall agree to collect and utilize pertinent data developed in past surveys and studies and conclusions arrived at through the results of these studies; that care will be taken to utilize to the maximum extent existing information on any area covered by the project; that a diligent effort will be made on the part of the eligible participants to avoid duplication of effort; and that they will utilize information made available by FCDA or other Federal departments and agencies or other organizations or groups.

(8) *Use of contractors furnished by FCDA.* The eligible participants shall agree to utilize the services of and to assist, to the maximum extent possible, such contractor or contractors as may be provided by FCDA pursuant to the terms of the project agreement.

(9) *Use of contractors engaged by eligible participants.* The eligible participants, for the accomplishment of various portions of the project, may engage such contractors as approved by FCDA and as are authorized in the project agreement. The State will not enter into such contracts without the prior approval of FCDA relative to both the provisions of the contract and the specific contractor involved.

(10) *Use of State and local personnel and resources.* The eligible participants shall agree to make maximum use of State and local civil defense staffs and, to the extent feasible, the technical staffs of all agencies of State and local governments; and of available data, materials, facilities, and equipment, in the conduct of the surveys and studies and in the formulation of the operational survival plan; all in accordance with the regulations in this part and in conformance with the provisions of FCDA Survival Plan Manual, M27–1, Revised.

(11) *Specialized and expert personnel.* Surveys and studies shall be conducted by qualified specialists in each field of study. All personnel employed by or contracted for by the eligible participants under projects subject to the regulations in this part shall meet the basic standards established by the State or local Civil Service Commission or other local agency authorized to set such standards, or, in the absence of such State and local standards, by such standards as FCDA may establish for the specialist category area in which they will function.

(12) *Voluntary and uncompensated personnel.* The eligible participants shall agree to utilize such qualified and available voluntary and uncompensated personnel as may be obtained from any source.

(13) *Operational survival plan.* The plan developed under projects subject to the regulations in this part shall be in writing and shall present a complete and balanced program, in accordance with the regulations in this part and in conformance with the scope, methods, and standards prescribed in FCDA Survival Plan Manual, M27–1, Revised, with no overemphasis of one phase or area of the program to the neglect or exclusion of any other, and shall include the development and formulation of plans for the evacuation of the population of the target area described in an approved project proposal or agreement, and reception of the population in reception areas, the shelter of the evacuated population along evacuation routes and in reception areas, and the return or resettlement of the evacuees, as well as plans and procedures demonstrating a state of readiness for activating, coordinating, controlling, and directing the actual operations under the survival plan.

(14) *Methods of conducting project.* The eligible participants shall make an estimate of (i) the extent of anticipated utilization of State and local facilities, materials, and personnel, including the use of services of educational institutions and other local organizations, and the portions of the project to be accomplished by this method; and (ii) the extent of anticipated utilization of the services of contractors engaged by the eligible participants, and the portions of the project to be accomplished by such contracting method; and (iii) the extent of anticipated utilization of the services of contractors that may be furnished the eligible participants by FCDA, and the portions of the project to be accomplished by such contractors, as well as any services to be furnished by FCDA itself or other departments or agencies of the Federal Government.

(15) *Estimated cost.* The eligible participants will estimate the cost of conducting the entire project. This will include costs attributable to the utilization of State and local materials, facilities, and personnel (including educational institutions and local organizations), the costs of contracts entered into by the eligible participants for the accomplishment of certain portions of the project, as well as an estimate of the cost (to be provided by FCDA) of the services of contractors furnished by FCDA, if any, or services furnished by other departments or agencies of the Federal Government. Certain direct costs of preparation of the project agreement are reimbursable, and an itemization of such costs must be submitted to FCDA prior to approval of the project agreement so that it can be reviewed and approved or disapproved. (See Chapter 6 of FCDA Survival Plan Manual, M27–1, Revised.) The estimate of costs shall be based upon the prevailing rate of wages and fees in the evacuation area and the current fair market value of materials, equipment and facilities required.

(b) *Certification.* The State (or States) and the political subdivisions comprising the eligible participants shall certify that they will comply with the regulations in this part, the terms and conditions contained in the project proposal, and the standards, methods, and criteria established by FCDA Survival Plan Manual, M27–1, Revised.

§ 1705.8 *Approval of proposals.* (a) If a project proposal is found acceptable and approved without change by FCDA, a signed copy thereof evidencing such approval shall be returned to the eligible participants.

(b) If FCDA's approval of a project proposal is made subject to revisions or additional conditions, the project proposal shall be returned to secure the consent of the State (or States) and the political subdivisions comprising the eligible participants. If the eligible participants agree to such revisions and/or additional conditions, they shall so signify and return the project proposal. In the event that the eligible participants cannot agree to such revisions and/or additional conditions, then the State (or States) involved shall request a conference with representatives of FCDA to work out a mutually agreeable solution.

(c) If the project proposal is disapproved, it shall be returned to the eligible participants with a statement of the reasons for such disapproval.

(d) There is no requirement that a proposal be submitted in order for an eligible participant to engage in a survival plan project. Execution of a survival plan project agreement is a condition precedent to the conduct of such a project.

§ 1705.9 *Project agreements.* (a) Prior to initiation of the conduct of a survival plan project, the eligible participants and FCDA shall negotiate a project agreement, which will become effective when executed by the parties thereto, and will constitute the contract between FCDA and the eligible participants. The project agreement shall cover the scope of the project, or a particular phase of the project, as well as the manner and method by which the various portions of the project will be undertaken. The agreement shall contain provisions establishing the maximum cost of the project and will specify the schedule of performance for completion of the various portions of the project. The agreement of the parties relative to engaging contractors to accomplish certain portions of the project will be included in the agreement. This will involve not only such contractors as may be engaged by the eligible participants, but also services of contractors to be engaged and furnished by FCDA, if any, in connection with the particular project. The agreement of the parties relative to those portions, if any, of the project to be accomplished by services furnished by FCDA or by other departments or agencies of the Federal Government will be included in the agreement. The agreement will include, in addition to the foregoing, other provisions applicable to the conduct of the particular project. FCDA shall, in its discretion, determine what constitutes substantial performance by the Contractor of the requirements set forth in the project agreement. The project agreement will require that the project be conducted in accordance with the regulations in this part and in conformance with the procedures, standards, and criteria established in FCDA Survival Plan Manual, M27–1, Revised.

(b) Due to unforeseen developments or requirements, or a change in circumstances, it may become desirable to amend the project agreement. Such amendment may be accomplished only by the mutual agreement of FCDA and the eligible participants, and then only so long as the standards, criteria, and procedures established by FCDA Survival Plan Manual, M27–1, Revised, are observed.

§ 1705.10 *Supervision of projects.* Projects provided for under the regulations in this part shall be conducted under the supervision and guidance of FCDA. FCDA shall furnish technical assistance in the initiation of the project and necessary guidance, supervision, and auditing during progress.

§ 1705.11 *Costs and reimbursement—*(a) *Amount.* The reimbursable costs of any project shall not exceed the actual costs nor the amount stipulated in the project agreement.

(b) *Retroactive.* No costs will be approved, of whatsoever nature, which were contracted for, obligated, or incurred prior to the consummation of the project agreement, except certain direct costs incurred in the preparation of the project agreement subsequent to August 5, 1955, said cost having been approved by FCDA as a part of the project agreement.

(c) *Personnel and other expenses.* Approved costs under a project shall include salaries, fees, or other compensation paid to staff or technical personnel engaged in work under the project agreement, travel of such personnel, consultant services, amounts paid under contracts previously approved and agreed to by FCDA, office materials and supplies, printing and such other expenses necessary or incident to the work as set out in FCDA Survival Plan Manual, M27–1, Revised, or such as are of a character acceptable to the FCDA Administrator.

(1) Per diem or consultant employment of specialized and/or expert personnel shall be subject to the prior approval of the FCDA, shall be upon such terms and conditions as prescribed in FCDA Survival Plan Manual, M27–1, Revised, and shall not exceed the amounts authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

(2) For the purpose of reimbursing eligible participants for travel and related expenses, the limitations of the Standardized Government Travel Regulations will apply.

(d) *Regular employees.* Salaries of regularly employed full-time civil defense personnel of a State and/or political subdivision will not be reimbursed. Salaries of other regularly employed personnel of a State and/or political subdivision will not be reimbursed except when such personnel may be detailed to work on an approved project on a full-time basis of thirty continuous days' duration, or longer, unless the approval of FCDA is secured.

(e) *Reimbursement procedures.* Reimbursement shall be made to eligible participants for approved costs under a project upon the presentation by the eligible participants of vouchers duly executed in accordance with the applicable provisions of FCDA Survival Plan Manual M27–1, Revised.

§ 1705.12 *Advances.* (a) Upon execution by FCDA of a project agreement and upon application by the State (or States) involved, 25 percent of the estimated cost of the project may be advanced to establish working fund to be utilized solely in accordance with the regulations in this part, the provisions of the project agreement against which the advance was made, and in conformance with FCDA Survival Plan Manual, M27–1, Revised. Any advances so made will be accounted for in accordance with the applicable provisions of FCDA Survival Plan Manual, M27–1, Revised.

(b) In accepting an advance of Federal funds, the State (or States) must agree to:

(1) Deposit the advanced funds in a separate fund or account, under the sole custody of the Treasurer or comparable fiscal officer of the State (or States) involved.

(2) Withdraw such funds only upon the certification of the Governor or other authorized State official, and then only for the payment of approved costs under the project agreement against which the advance was made, or for the purpose of making a portion of such advanced funds available, to the other eligible participants under the project, to establish working funds, the State being accountable for the expenditure of all advanced funds in accordance with the regulations in this part, the project agreement involved, and the applicable provisions of FCDA Survival Plan Manual, M27–1, Revised.

(3) Keep such central records and accounts as are in accordance with accepted or prescribed methods of accounting, and in accordance with the receipt and expenditure of Federal funds advanced to it. Representatives of FCDA and the General Accounting Office

shall be granted ready access to all records and accounts covering projects subject to the regulations in this part.

§ 1705.13 *Return of unexpended funds.* The State must, upon completion of a project, return to the Federal Government within thirty days, any funds not obligated under the project.

§ 1705.14 *Interim reports.* Upon request by FCDA, the eligible participants shall furnish FCDA with such interim reports of work accomplished as FCDA may require.

These amendments shall be effective December 10, 1957.

[SEAL] LEO A. HOEGH,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 57-10257; Filed, Dec. 10, 1957; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INVENTORIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Regulations are hereby prescribed under sections 471 and 472 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954. Detailed rules with respect to the use of the so-called "dollar-value" method of pricing inventories under section 472 are being considered for the subject of a separate Treasury decision.

INVENTORIES

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1.472 Statutory provisions; last-in, first-out inventories.
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1.472-2 Requirements incident to adoption and use of LIFO inventory method.
1.472-3 Time and manner of making election.
1.472-4 Adjustments to be made by taxpayer.
1.472-5 Revocation of election.
1.472-6 Change from LIFO inventory method.
1.472-7 Inventories of acquiring corporations.

INVENTORIES

§ 1.471 *Statutory provisions; general rule for inventories.*

SEC. 471. *General rule for inventories.* Whenever in the opinion of the Secretary or his delegate the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer on such basis as the Secretary or his delegate may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income.

§ 1.471-1 *Need for inventories.* In order to reflect taxable income correctly, inventories at the beginning and end of each taxable year are necessary in every case in which the production, purchase, or sale of merchandise is an income-producing factor. The inventory should include all finished or partly finished goods and, in the case of raw materials and supplies, only those which have been acquired for sale or which will physically become a part of merchandise intended for sale, in which class fall containers, such as kegs, bottles, and cases, whether returnable or not, if title thereto will pass to the purchaser of the product to be sold therein. Merchandise should be included in the inventory only if title thereto is vested in the taxpayer. Accordingly, the seller should include in his inventory goods under contract for sale but not yet segregated and applied to the contract and goods out upon consignment, but should exclude from inventory goods sold (including containers), title to which has passed to the purchaser. A purchaser should include in inventory merchandise purchased (including containers), title to which has passed to him, although such merchandise is in transit or for other reasons has not been reduced to physical possession, but should not include goods ordered for future delivery, transfer of title to which has not yet been effected. (But see § 1.472-1.)

§ 1.471-2 *Valuation of inventories.* (a) Section 471 provides two tests to which each inventory must conform:

(1) It must conform as nearly as may be to the best accounting practice in the trade or business, and

(2) It must clearly reflect the income.

(b) It follows, therefore, that inventory rules cannot be uniform but must give effect to trade customs which come within the scope of the best accounting practice in the particular trade or business. In order clearly to reflect income, the inventory practice of a taxpayer should be consistent from year to year, and greater weight is to be given to consistency than to any particular method of inventorying or basis of valuation so long as the method or basis used is substantially in accord with §§ 1.471-1 through 1.471-9. An inventory that can be used under the best accounting practice in a balance sheet showing the financial position of the taxpayer can, as a general rule, be regarded as clearly reflecting his income.

(c) The bases of valuation most commonly used by business concerns and which meet the requirements of section 471 are (1) cost and (2) cost or market, whichever is lower. (For inventories by dealers in securities, see § 1.471-5.) Any goods in an inventory which are unsalable at normal prices or unusable in the normal way because of damage, imperfections, shop wear, changes of style, odd or broken lots, or other similar causes, including second-hand goods taken in exchange, should be valued at bona fide selling prices less direct cost of disposition, whether subparagraph (1) or (2) of this paragraph is used, or if such goods consist of raw materials or partly finished goods held for use or consumption, they shall be valued upon a reasonable basis, taking into consideration the usability and the condition of the goods, but in no case shall such value be less than the scrap value. Bona fide selling price means actual offering of goods during a period ending not later than 30 days after inventory date. The burden of proof will rest upon the taxpayer to show that such exceptional goods as are valued upon such selling basis come within the classifications indicated above, and he shall maintain such records of the disposition of the goods as will enable a verification of the inventory to be made.

(d) In respect of normal goods, whichever method is adopted must be applied with reasonable consistency to the entire inventory of the taxpayer's trade or business except as to those goods inventoried under the last-in, first-out method authorized by section 472 or to animals inventoried under the elective unit-livestock-price-method authorized by § 1.471-6. See § 1.446-1 (d) for rules permitting the use of different methods of accounting if the taxpayer has more than

one trade or business. Where the taxpayer is engaged in more than one trade or business the Commissioner may require that the method of valuing inventories with respect to goods in one trade or business also be used with respect to similar goods in other trades or businesses if, in the opinion of the Commissioner, the use of such method with respect to such other goods is essential to a clear reflection of income. Taxpayers were given an option to adopt the basis of either subparagraph (1) of this paragraph, cost, or subparagraph (2) of this paragraph, cost or market, whichever is lower, for their 1920 inventories. The basis properly adopted for that year or any subsequent year is controlling, and a change can now be made only after permission is secured from the Commissioner. Application for permission to change the basis of valuing inventories shall be made in writing and filed with the Commissioner as provided in § 1.446-1 (e). Goods taken in the inventory which have been so intermingled that they cannot be identified with specific invoices will be deemed to be the goods most recently purchased or produced, and the cost thereof will be the actual cost of the goods purchased or produced during the period in which the quantity of goods in the inventory has been acquired. But see section 472 as to last-in, first-out inventories. Where the taxpayer maintains book inventories in accordance with a sound accounting system in which the respective inventory accounts are charged with the actual cost of the goods purchased or produced and credited with the value of goods used, transferred, or sold, calculated upon the basis of the actual cost of the goods acquired during the taxable year (including the inventory at the beginning of the year), the net value as shown by such inventory accounts will be deemed to be the cost of the goods on hand. The balances shown by such book inventories should be verified by physical inventories at reasonable intervals and adjusted to conform therewith.

(e) Inventories should be recorded in a legible manner, properly computed and summarized, and should be preserved as a part of the accounting records of the taxpayer. The inventories of taxpayers on whatever basis taken will be subject to investigation by the district director, and the taxpayer must satisfy the district director of the correctness of the prices adopted.

(f) The following methods, among others, are sometimes used in taking or valuing inventories, but are not in accord with the regulations in this part:

(1) Deducting from the inventory a reserve for price changes, or an estimated depreciation in the value thereof.

(2) Taking work in process, or other parts of the inventory, at a nominal price or at less than its proper value.

(3) Omitting portions of the stock on hand.

(4) Using a constant price or nominal value for so-called normal quantity of materials or goods in stock.

(5) Including stock in transit, shipped either to or from the taxpayer, the title to which is not vested in the taxpayer.

§ 1.471-3 *Inventories at cost.* Cost means:

(a) In the case of merchandise on hand at the beginning of the taxable year, the inventory price of such goods.

(b) In the case of merchandise purchased since the beginning of the taxable year, the invoice price less trade or other discounts, except strictly cash discounts approximating a fair interest rate, which may be deducted or not at the option of the taxpayer, provided a consistent course is followed. To this net invoice price should be added transportation or other necessary charges incurred in acquiring possession of the goods.

(c) In the case of merchandise produced by the taxpayer since the beginning of the taxable year, (1) the cost of raw materials and supplies entering into or consumed in connection with the product, (2) expenditures for direct labor, (3) indirect expenses incident to and necessary for the production of the particular article, including in such indirect expenses a reasonable proportion of management expenses, but not including any cost of selling or return on capital, whether by way of interest or profit.

(d) In any industry in which the usual rules for computation of cost of production are inapplicable, costs may be approximated upon such basis as may be reasonable and in conformity with established trade practice in the particular industry. Among such cases are: (1) Farmers and raisers of livestock (see § 1.471-6); (2) miners and manufacturers who by a single process or uniform series of processes derive a product of two or more kinds, sizes, or grades, the unit cost of which is substantially alike (see § 1.471-7); and (3) retail merchants who use what is known as the "retail method" in ascertaining approximate cost (see § 1.471-8).

§ 1.471-4 *Inventories at cost or market, whichever is lower.* (a) Under ordinary circumstances and for normal goods in an inventory, "market" means the current bid price prevailing at the date of the inventory for the particular merchandise in the volume in which usually purchased by the taxpayer, and is applicable in the cases—

(1) Of goods purchased and on hand, and

(2) Of basic elements of cost (materials, labor, and burden) in goods in process of manufacture and in finished goods on hand; exclusive, however, of goods on hand or in process of manufacture for delivery upon firm sales contracts (i. e., those not legally subject to cancellation by either party) at fixed prices entered into before the date of the inventory, under which the taxpayer is protected against actual loss, which goods must be inventoried at cost.

(b) Where no open market exists or where quotations are nominal, due to inactive market conditions, the taxpayer must use such evidence of a fair market price at the date or dates nearest the inventory as may be available, such as specific purchases or sales by the taxpayer or others in reasonable volume and made in good faith, or compensation paid for cancellation of contracts for purchase commitments. Where the taxpayer in the regular course of business has offered for sale such merchandise at prices lower than the current price as above defined, the inventory may be valued at such prices less direct cost of disposition, and the correctness of such prices will be determined by reference to the actual sales of the taxpayer for a reasonable period before and after the date of the inventory. Prices which vary materially from the actual prices so ascertained will not be accepted as reflecting the market.

(c) Where the inventory is valued upon the basis of cost or market, whichever is lower, the market value of each article on hand at the inventory date shall be compared with the cost of the article, and the lower of such values shall be taken as the inventory value of the article.

§ 1.471-5 *Inventories by dealers in securities.* A dealer in securities who in his books of account regularly inventories unsold securities on hand either—

(a) At cost,

(b) At cost or market, whichever is lower, or

(c) At market value,

may make his return upon the basis upon which his accounts are kept, provided that a description of the method employed is included in or attached to the return, that all the securities are inventoried by the same method, and that such method is adhered to in subsequent years, unless another method is authorized by the Commissioner pursuant to a written application therefor filed as provided in § 1.446-1 (e). A dealer in securities in whose books of account separate computations of the gain or loss from the sale of the various lots of securities sold are made on the basis of the cost of each lot shall be regarded, for the purposes of this section, as regularly inventorying his securities at cost. For the purposes of this section, a dealer in securities is a merchant of securities, whether an individual, partnership, or corporation, with an established place of business, regularly engaged in the purchase of securities and their resale to customers; that is, one who as a merchant buys securities and sells them to customers with a view to the gains and profits that may be derived therefrom. If such business is simply a branch of the activities carried on by such person, the securities inventoried as provided in this section may include only those held for purposes of resale and not for investment. Taxpayers who buy and sell or hold securities for investment or speculation, irrespective of whether such buying or selling constitutes the carrying on of a trade or business, and officers of corporations and members of partnerships who in their individual capacities buy and sell securities, are not dealers in securities within the meaning of this section.

§ 1.471-6 *Inventories of livestock raisers and other farmers.* (a) A farmer may make his return upon an inventory method instead of the cash receipts and disbursements method. It is optional with the taxpayer which of these meth-

ods of accounting is used but, having elected one method, the option so exercised will be binding upon the taxpayer for the year for which the option is exercised and for subsequent years unless another method is authorized by the Commissioner as provided in § 1.446–1 (e).

(b) In any change of accounting method from the cash receipts and disbursements method to an inventory method, adjustments shall be made as provided in section 481 (relating to adjustments required by change in method of accounting) and the regulations thereunder.

(c) Because of the difficulty of ascertaining actual cost of livestock and other farm products, farmers who render their returns upon an inventory method may value their inventories according to the "farm-price method", and farmers raising livestock may value their inventories of animals according to either the "farm-price method" or the "unit-livestock-price method".

(d) The "farm-price method" provides for the valuation of inventories at market price less direct cost of disposition. If this method of valuing inventories is used, it must be applied to the entire inventory except as to livestock inventoried, at the taxpayer's election, under the "unit-livestock-price method". If the use of the "farm-price method" of valuing inventories for any taxable year involves a change in method of valuing inventories from that employed in prior years, permission for such change shall first be secured from the Commissioner as provided in § 1.446–1 (e).

(e) The "unit-livestock-price method" provides for the valuation of the different classes of animals in the inventory at a standard unit price for each animal within a class. A livestock raiser electing this method of valuing his animals must adopt a reasonable classification of the animals in his inventory with respect to the age and kind included so that the unit prices assigned to the several classes will reasonably account for the normal costs incurred in producing the animals within such classes. Thus, if a cattle raiser determines that it costs approximately $15 to produce a calf, and $7.50 each year to raise the calf to maturity, his classifications and unit prices would be as follows: Calves, $15; yearlings, $22.50; 2-year olds, $30; mature animals, $37.50. The classification selected by the livestock raiser, and the unit prices assigned to the several classes, are subject to approval by the district director upon examination of the taxpayer's return.

(f) A taxpayer who elects to use the "unit-livestock-price method" must apply it to all livestock raised, whether for sale or for draft, breeding, or dairy purposes. Once established, the unit prices and classifications selected by the taxpayer must be consistently applied in all subsequent taxable years in the valuation of livestock inventories. No changes in the classification of animals or unit prices will be made without the approval of the Commissioner.

(g) A livestock raiser who uses the "unit-livestock-price method" must include in his inventory at cost any livestock purchased, except that animals purchased for draft, breeding, or dairy purposes can, at the election of the livestock raiser, be included in inventory or be treated as capital assets subject to depreciation after maturity. If the animals purchased are not mature at the time of purchase, the cost should be increased at the end of each taxable year in accordance with the established unit prices, except that no increase is to be made in the taxable year of purchase if the animal is acquired during the last six months of that year. If the records maintained permit identification of a purchased animal, the cost of such animal will be eliminated from the closing inventory in the event of its sale or loss. Otherwise, the first-in, first-out method of valuing inventories must be applied.

(h) If a taxpayer using the "farm-price method" desires to adopt the "unit-livestock-price method" in valuing his inventories of livestock, permission for the change shall first be secured from the Commissioner as provided in § 1.446–1 (e). However, a taxpayer who has filed returns on the basis of inventories at cost, or cost or market whichever is lower, may adopt the "unit-livestock-price method" for valuing his inventories of livestock without formal application for permission, but the classifications and unit prices selected are subject to approval by the district director upon examination of the taxpayer's return. A livestock raiser who has adopted a constant unit-price method of valuing livestock inventories and filed returns on that basis will be considered as having elected the "unit-livestock-price method".

(i) If returns have been made in which the taxable income has been computed upon incomplete inventories, the abnormality should be corrected by submitting with the return for the current taxable year a statement for the preceding taxable year. In this statement such adjustments shall be made as are necessary to bring the closing inventory for the preceding taxable year into agreement with the opening complete inventory for the current taxable year. If necessary clearly to reflect income, similar adjustments may be made as at the beginning of the preceding year or years, and the tax, if any be due, shall be assessed and paid at the rate of tax in effect for such year or years.

§ 1.471–7 *Inventories of miners and manufacturers.* A taxpayer engaged in mining or manufacturing who by a single process or uniform series of processes derives a product of two or more kinds, sizes, or grades, the unit cost of which is substantially alike, and who in conformity to a recognized trade practice allocates an amount of cost to each kind, size, or grade of product, which in the aggregate will absorb the total cost of production, may, with the consent of the Commissioner, use such allocated cost as a basis for pricing inventories, provided such allocation bears a reasonable relation to the respective selling values of the different kinds, sizes, or grades of product. See section 472 as to last-in, first-out inventories.

§ 1.471–8 *Inventories of retail merchants.* (a) Retail merchants who employ what is known as the "retail method" of pricing inventories may make their returns upon that method, provided that the use of such method is designated upon the return, that accurate accounts are kept, and that such method is consistently adhered to unless a change is authorized by the Commissioner as provided in § 1.446–1 (e). Under the retail method the total of the retail selling prices of the goods on hand at the end of the year in each department or of each class of goods is reduced to approximate cost by deducting therefrom an amount which bears the same ratio to such total as—

(1) The total of the retail selling prices of the goods included in the opening inventory plus the retail selling prices of the goods purchased during the year, with proper adjustment to such selling prices for all mark-ups and mark-downs, less

(2) The cost of the goods included in the opening inventory plus the cost of the goods purchased during the year, bears to (1).

The result should represent as accurately as may be the amounts added to the cost price of the goods to cover selling and other expenses of doing business and for the margin of profit.

(b) For further adjustments to be made in the case of a retail merchant using the last-in, first-out inventory method authorized by section 472, see § 1.472–1 (k).

(c) A taxpayer maintaining more than one department in his store or dealing in classes of goods carrying different percentages of gross profit should not use a percentage of profit based upon an average of his entire business, but should compute and use in valuing his inventory the proper percentages for the respective departments or classes of goods.

(d) A taxpayer (other than one using the last-in, first-out inventory method) who previously has determined inventories in accordance with the retail method, except that, to obtain a basis of approximate cost or market, whichever is lower, has consistently and uniformly followed the practice of adjusting the retail selling prices of the goods included in the opening inventory and purchased during the taxable year for mark-ups but not for mark-downs, may continue such practice subject to the conditions prescribed in this section. The adjustments must be bona fide and consistent and uniform. Where mark-downs are not included in the adjustments, mark-ups made to cancel or correct mark-downs shall not be included; and the mark-ups included must be reduced by the mark-downs made to cancel or correct such mark-ups.

(e) In no event shall mark-downs not based on actual reduction of retail sale prices, such as mark-downs based on depreciation and obsolescence, be recognized in, determining the retail selling prices of the goods on hand at the end of the taxable year.

(f) A taxpayer (other than one using the last-in, first-out inventory method) who previously has determined inventories without following the practice of eliminating mark-downs in making adjustments to retail selling prices, may adopt such practice, provided permission to do so is obtained in accordance with, and subject to the terms provided by, § 1.446–1 (e). A taxpayer filing a first return of income may adopt such practice subject to approval by the district director upon examination of the return.

(g) A taxpayer using the last-in, first-out inventory method in conjunction with retail computations must adjust retail selling prices for mark-downs as well as mark-ups, in order that there may be reflected the approximate cost of the goods on hand at the end of the taxable year regardless of market values.

§ 1.471–9 *Inventories of acquiring corporations.* For additional rules in the case of certain corporate acquisitions specified in section 381 (a), see section 381 (c) (5) and the regulations thereunder.

§ 1.472 *Statutory provisions; last-in, first-out inventories.*

SEC. 472. *Last-in, first-out inventories*—(a) *Authorization.* A taxpayer may use the method provided in subsection (b) (whether or not such method has been prescribed under section 471) in inventorying goods specified in an application to use such method filed at such time and in such manner as the Secretary or his delegate may prescribe. The change to, and the use of, such method shall be in accordance with such regulations as the Secretary or his delegate may prescribe as necessary in order that the use of such method may clearly reflect income.

(b) *Method applicable.* In inventorying goods specified in the application described in subsection (a), the taxpayer shall:

(1) Treat those remaining on hand at the close of the taxable year as being: First, those included in the opening inventory of the taxable year (in the order of acquisition) to the extent thereof; and second, those acquired in the taxable year;

(2) Inventory them at cost; and

(3) Treat those included in the opening inventory of the taxable year in which such method is first used as having been acquired at the same time and determine their cost by the average cost method.

(c) *Condition.* Subsection (a) shall apply only if the taxpayer establishes to the satisfaction of the Secretary or his delegate that the taxpayer has used no procedure other than that specified in paragraphs (1) and (3) of subsection (b) in inventorying such goods to ascertain the income, profit, or loss of the first taxable year for which the method described in subsection (b) is to be used, for the purpose of a report or statement covering such taxable year—

(1) To shareholders, partners, or other proprietors, or to beneficiaries, or

(2) For credit purposes.

(d) *Preceding closing inventory.* In determining income for the taxable year preceding the taxable year for which the method described in subsection (b) is first used, the closing inventory of such preceding year of the goods specified in the application referred to in subsection (a) shall be at cost.

(e) *Subsequent inventories.* If a taxpayer, having complied with subsection (a), uses the method described in subsection (b) for any taxable year, then such method shall be used in all subsequent taxable years unless—

(1) With the approval of the Secretary or his delegate a change to a different method is authorized; or,

(2) The Secretary or his delegate determines that the taxpayer has used for any such subsequent taxable year some procedure other than that specified in paragraph (1) of subsection (b) in inventorying the goods specified in the application to ascertain the income, profit, or loss of such subsequent taxable year for the purpose of a report or statement covering such taxable year (A) to shareholders, partners, or other proprietors, or beneficiaries, or (B) for credit purposes; and requires a change to a method different from that prescribed in subsection (b) beginning with such subsequent taxable year or any taxable year thereafter.

If paragraph (1) or (2) of this subsection applies, the change to, and the use of, the different method shall be in accordance with such regulations as the Secretary or his delegate may prescribe as necessary in order that the use of such method may clearly reflect income.

(f) *Cross reference.* For provisions relating to involuntary liquidation and replacement of LIFO inventories, see section 1321.

§ 1.472–1 *Last-in, first-out inventories.* (a) Any taxpayer permitted or required to take inventories pursuant to the provisions of section 471, and pursuant to the provisions of §§ 1.471–1 to 1.471–9, inclusive, may elect with respect to those goods specified in his application and properly subject to inventory to compute his opening and closing inventories in accordance with the method provided by section 472, this section, and § 1.472–2. Under this last-in, first-out (LIFO) inventory method, the taxpayer is permitted to treat those goods remaining on hand at the close of the taxable year as being:

(1) Those included in the opening inventory of the taxable year, in the order of acquisition and to the extent thereof, and

(2) Those acquired during the taxable year.

The LIFO inventory method is not dependent upon the character of the business in which the taxpayer is engaged, or upon the identity or want of identity through commingling of any of the goods on hand, and may be adopted by the taxpayer as of the close of any taxable year.

(b) If the LIFO inventory method is used by a taxpayer who regularly and consistently, in a manner similar to hedging on a futures market, matches purchases with sales, then firm purchases and sales contracts (i. e., those not legally subject to cancellation by either party) entered into at fixed prices on or before the date of the inventory may be included in purchases or sales, as the case may be, for the purpose of determining the cost of goods sold and the resulting profit or loss, provided that this practice is regularly and consistently adhered to by the taxpayer and provided that, in the opinion of the Commissioner, income is clearly reflected thereby.

(c) A manufacturer or processor who has adopted the LIFO inventory method as to a class of goods may elect to have such method apply to the raw materials only (including those included in goods in process and in finished goods) expressed in terms of appropriate units. If such method is adopted, the adjustments are confined to costs of the raw material in the inventory and the cost of the raw material in goods in process and in finished goods produced by such manufacturer or processor and reflected in the inventory. The provisions of this paragraph may be illustrated by the following examples:

Example (1). Assume that the opening inventory had 10 units of raw material, 10 units of goods in process, and 10 units of finished goods, and that the raw material cost was 6 cents a unit, the processing cost 2 cents a unit, and overhead cost 1 cent a unit. For the purposes of this example, it is assumed that the entire amount of goods in process was 50 percent processed.

OPENING INVENTORY

	Raw material	Goods in process	Finished goods
Raw material	$0.60	$0.60	$0.60
Processing cost		.10	.20
Overhead		.05	.10

In the closing inventory there are 20 units of raw material, 6 units of goods in process, and 8 units of finished goods and the costs were: Raw material 10 cents, processing cost 4 cents, and overhead 1 cent.

CLOSING INVENTORY

[Based on cost and prior to adjustment]

	Raw material	Goods in process	Finished goods
Raw material	$2.00	$0.60	$0.80
Processing costs		.12	.32
Overhead		.03	.08
Total	2.00	.75	1.20

There were 30 units of raw material in the opening inventory and 34 units in the closing inventory. The adjustment to the closing inventory would be as follows:

CLOSING INVENTORY AS ADJUSTED

	Raw material	Goods in process	Finished goods
Raw material:			
20 at 6 cents	$1.20		
6 at 6 cents		$0.36	
4 at 6 cents			$0.24
4 at 10 cents			.40
Processing costs		.12	.32
Overhead		.03	.08
Total	1.20	.51	1.04

[1] This excess is subject to determination of price under section 472 (b) (1) and § 1.472–2. If the excess falls in goods in process, the same adjustment is applicable.

The only adjustment to the closing inventory is the cost of the raw material; the processing costs and overhead cost are not changed.

Example (2). Assume that the opening inventory had 5 units of raw material, 10 units of goods in process, and 20 units of finished goods, with the same prices as in example (1), and that the closing inventory had 20 units of raw material, 20 units of goods in process, and 10 units of finished goods, with raw material costs as in the closing inventory in example (1). The adjusted closing inventory would be as follows in so far as the raw material is concerned:

Raw material, 20 at 6 cents	$1.20
Goods in process:	
15 at 6 cents	.90
5 at 10 cents [1]	.50
Finished goods:	
None at 6 cents	.00
10 at 10 cents [1]	1.00

[1] This excess is subject to determination of price under section 472 (b) (1) and § 1.472–2.

[F. R. Doc. 57-10102; Filed, Dec. 10, 1957; 8:48 a. m.]

The 20 units of raw material in the raw state plus 15 units of raw material in goods in process make up the 35 units of raw material that were contained in the opening inventory.

(d) For the purposes of this section, raw material in the opening inventory must be compared with similar raw material in the closing inventory. There may be several types of raw materials, depending upon the character, quality, or price, and each type of raw material in the opening inventory must be compared with a similar type in the closing inventory.

(e) In the cotton textile industry there may be different raw materials depending upon marked differences in length of staple, in color or grade of the cotton. But where different staple lengths or grades of cotton are being used at different times in the same mill to produce the same class of goods, such differences would not necessarily require the classification into different raw materials.

(f) As to the pork packing industry a live hog is considered as being composed of various raw materials, different cuts of a hog varying markedly in price and use. Generally a hog is processed into approximately 10 primal cuts and several miscellaneous articles. However, due to similarity in price and use, these may be grouped into fewer classifications, each group being classed as one raw material.

(g) When the finished product contains two or more different raw materials as in the case of cotton and rayon mixtures, each raw material is treated separately and adjustments made accordingly.

(h) Upon written notice addressed to the Commissioner of Internal Revenue, Attention T:R, Washington 25, D. C., by the taxpayer, a taxpayer who has heretofore adopted the LIFO inventory method in respect of any goods may adopt the method authorized in this section and limit the election to the raw material including raw materials entering into goods in process and in finished goods. If this method is adopted as to any specific goods, it must be used exclusively for such goods for any prior taxable year (not closed by agreement) to which the prior election applies and for all subsequent taxable years, unless permission to change is granted by the Commissioner.

(i) The election may also be limited to that phase in the manufacturing process where a product is produced that is recognized generally as a salable product as, for example, in the textile industry where one phase of the process is the production of yarn. Since yarn is generally recognized as a salable product, the election may be limited to that portion of the process when yarn is produced. In the case of copper and brass processors, the election may be limited to the production of bars, plates, sheets, etc., although these may be further processed into other products.

(j) The election may also apply to any one raw material, when two or more raw materials enter into the composition of the finished product; for example, in the case of cotton and rayon yarn, the taxpayer may elect to inventory the cotton only. However, a taxpayer who has previously made an election to use the LIFO inventory method may not later elect to exclude any raw materials that were covered by such previous election.

(k) If a taxpayer using the retail method of pricing inventories, authorized by § 1.471–8, elects to use in connection therewith the LIFO inventory method authorized by section 472 and this section, the apparent cost of the goods on hand at the end of the year, determined pursuant to § 1.471–8, shall be adjusted to the extent of price changes therein taking place after the close of the preceding taxable year. The amount of any apparent inventory increase or decrease to be eliminated in this adjustment shall be determined by reference to acceptable price indexes established to the satisfaction of the Commission. Price indexes prepared by the United States Bureau of Labor Statistics which are applicable to the goods in question will be considered acceptable to the Commissioner. Price indexes which are based upon inadequate records, or which are not subject to complete and detailed audit within the Internal Revenue Service, will not be approved.

(l) If a taxpayer uses consistently the so-called "dollar-value" method of pricing inventories, or any other method of computation established to the satisfaction of the Commissioner as reasonably adaptable to the purpose and intent of section 472 and this section, and if such taxpayer elects under section 472 to use the LIFO inventory method authorized by such section, the taxpayer's opening and closing inventories shall be determined under section 472 by the use of the appropriate adaptation.

§ 1.472–2 *Requirements incident to adoption and use of LIFO inventory method.* Except as otherwise provided in § 1.472–1 with respect to raw material computations, with respect to retail inventory computations, and with respect to "dollar-value" and other methods of computation established to the satisfaction of the Commissioner as reasonably adapted to the purpose and intent of section 472, the adoption and use of the LIFO inventory method is subject to the following requirements:

(a) The taxpayer shall file an application to use such method specifying with particularity the goods to which it is to be applied.

(b) The inventory shall be taken at cost regardless of market value.

(c) Goods of the specified type included in the opening inventory of the taxable year for which the method is first used shall be considered as having been acquired at the same time and at a unit cost equal to the actual cost of the aggregate divided by the number of units on hand. The actual cost of the aggregate shall be determined pursuant to the inventory method employed by the taxpayer under the regulations applicable to the prior taxable year with the exception that restoration shall be made with respect to any writedown to market values resulting from the pricing of former inventories.

(d) Goods of the specified type on hand as of the close of the taxable year in excess of what were on hand as of the beginning of the taxable year shall be included in the closing inventory, regardless of identification with specific invoices and regardless of specific cost accounting records, at costs determined pursuant to the provisions of subparagraph (1) or (2) of this paragraph, dependent upon the character of the transactions in which the taxpayer is engaged:

(1) (i) In the case of a taxpayer engaged in the purchase and sale of merchandise, such as a retail grocer or druggist, or engaged in the initial production of merchandise and its sale without processing, such as a miner selling his ore output without smelting or refining, such costs shall be determined—

(*a*) By reference to the actual cost of the goods most recently purchased or produced;

(*b*) By reference to the actual cost of the goods purchased or produced during the taxable year in the order of acquisition;

(*c*) By application of an average unit cost equal to the aggregate cost of all of the goods purchased or produced throughout the taxable year divided by the total number of units so purchased or produced, the goods reflected in such inventory increase being considered for the purposes of section 472 as having been acquired all at the same time; or

(*d*) Pursuant to any other proper method which, in the opinion of the Commissioner, clearly reflects income.

(ii) Whichever of the several methods of valuing the inventory increase is adopted by the taxpayer and approved by the Commissioner shall be consistently adhered to in all subsequent taxable years so long as the LIFO inventory method is used by the taxpayer.

(iii) The application of subdivisions (i) and (ii) of this subparagraph may be illustrated by the following examples:

Example (1). Suppose that the taxpayer adopts the LIFO inventory method for the taxable year 1957 with an opening inventory of 10 units at 10 cents per unit, that it makes 1957 purchases of 10 units as follows:

January	1 at	$0.11 =	$0.11
April	2 at	.12 =	.24
July	3 at	.13 =	.39
October	4 at	.14 =	.56
Totals	10		1.30

and that it has a 1957 closing inventory of 15 units. This closing inventory, depending upon the taxpayer's method of valuing inventory increases, will be computed as follows:

(*a*) Most recent purchases—

10 at $0.10		$1.00
4 at	.14 (October)	.56
1 at	.13 (July)	.13
Totals 15		1.69

or

(*b*) In order of acquisition—

10 at $0.10		$1.00
1 at	.11 (January)	.11
2 at	.12 (April)	.24
2 at	.13 (July)	.26
Totals 15		1.61

or

(*c*) At an annual average—

10 at $0.10		$1.00
5 at	.13 (130/10)	.65
Totals 15		1.65

Example (2). Suppose that the taxpayer's closing inventory for 1958, the year following that involved in example (1) of this subdivision, reflects an inventory decrease for the year, and not an increase; suppose that there is, accordingly, a 1958 closing inventory of 13 units. Inasmuch as the decreased closing inventory will be determined wholly by reference to the 15 units reflected in the opening inventory for the year, and will be taken "in the order of acquistion" pursuant to section 472 (b) (1), and inasmuch as the character of the taxpayer's opening inventory for 1958 will be dependent upon its method of valuing its 5-unit inventory increase for 1957, the closing inventory for 1958 will be computed as follows:

(*a*) In case the increase for 1957 was taken by reference to the most recent purchases—

10 at $0.10 (from 1956)		$1.00
1 at	.13 (July 1957)	.13
2 at	.14 (October 1957)	.28
Totals 13		1.41

or

(*b*) In case the increase for 1957 was taken in the order of acquisition—

10 at $0.10 (from 1956)		$1.00
1 at	.11 (January 1957)	.11
2 at	.12 (April 1957)	.24
Totals 13		1.35

or

(*c*) In case the increase for 1957 was taken on the basis of an average—

10 at $0.10 (from 1956)		$1.00
3 at	.13 (from 1957)	.39
Totals 13		1.39

(2) In the case of a taxpayer engaged in manufacturing, fabricating, processing, or otherwise producing merchandise, such costs shall be determined:

(i) In the case of raw materials purchased or initially produced by the taxpayer, in the manner elected by the taxpayer under subparagraph (1) of this paragraph to the same extent as if the taxpayer were engaged in purchase and sale transactions; and

(ii) In the case of goods in process, regardless of the stage to which the manufacture, fabricating, or processing may have advanced, and in the case of finished goods, pursuant to any proper method which, in the opinion of the Commissioner, clearly reflects income.

(e) The taxpayer shall establish to the satisfaction of the Commissioner that the taxpayer, in ascertaining income, profit, or loss for the taxable year for which the LIFO inventory method is first used or for any subsequent taxable year, for credit purposes or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries, has not used any inventory method other than that referred to in § 1.472–1 or at variance with the requirement referred to in paragraph (c) of this section. The taxpayer's use of market value in lieu of cost or his issuance of reports or credit statements covering a period of operations less than the whole of the taxable year is not considered at variance with this requirement.

(f) Goods of the specified type on hand as of the close of the taxable year preceding the taxable year for which this inventory method is first used shall be included in the taxpayer's closing inventory for such preceding taxable year at cost determined in the manner prescribed in paragraph (c) of this section.

(g) The LIFO inventory method, once adopted by the taxpayer with the approval of the Commissioner, shall be adhered to in all subsequent taxable years unless—

(1) A change to a different method is approved by the Commissioner; or

(2) The Commissioner determines that the taxpayer, in ascertaining income, profit, or loss for the whole of any taxable year subsequent to his adoption of the LIFO inventory method, for credit purposes or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries, has used any inventory method at variance with that referred to in § 1.472–1 and requires of the taxpayer a change to a different method for such subsequent taxable year or any taxable year thereafter.

(h) The records and accounts employed by the taxpayer in keeping his books shall be maintained in conformity with the inventory method referred to in § 1.472–1; and such supplemental and detailed inventory records shall be maintained as will enable the district director readily to verify the taxpayer's inventory computations as well as his compliance with the requirements of section 472 and §§ 1.472–1 through 1.472–7.

(i) Where the taxpayer is engaged in more than one trade or business, the Commissioner may require that if the LIFO method of valuing inventories is used with respect to goods in one trade or business the same method shall also be used with respect to similar goods in the other trades or businesses if, in the opinion of the Commissioner, the use of such method with respect to such other goods is essential to a clear reflection of income.

§ 1.472–3 *Time and manner of making election.* (a) The LIFO inventory method may be adopted and used only if the taxpayer files with his income tax return for the taxable year as of the close of which the method is first to be used, in triplicate on Form 970, and pursuant to the instructions printed thereon and to the requirements of this section, a statement of his election to use such inventory method. Such statement shall be accompanied by an analysis of all inventories of the taxpayer as of the beginning and as of the end of the taxable year for which the LIFO inventory method is proposed first to be used, and also as of the beginning of the prior taxable year. In the case of a manufacturer, this analysis shall show in detail the manner in which costs are computed with respect to raw materials, goods in process, and finished goods, segregating the products (whether in process or finished goods) into natural groups on the basis of either (1) similarity in factory processes through which they pass, or (2) similarity of raw materials used, or (3) similarity in style, shape, or use of finished products. Each group of products shall be clearly described.

(b) The taxpayer shall submit for the consideration of the Commissioner in connection with the taxpayer's adoption or use of the LIFO inventory method such other detailed information with respect to his business or accounting system as may be at any time requested by the Commissioner.

(c) As a condition to the taxpayer's use of the LIFO inventory method, the Commissioner may require that the method be used with respect to goods other than those specified in the taxpayer's statement of election if, in the opinion of the Commissioner, the use of such method with respect to such other goods is essential to a clear reflection of income.

(d) Whether or not the taxpayer's application for the adoption and use of the LIFO inventory method should be approved, and whether or not such method, once adopted, may be continued, and the propriety of all computations incidental to the use of such method, will be determined by the Commissioner in connection with the examination of the taxpayer's income tax returns.

§ 1.742–4 *Adjustments to be made by taxpayer.* A taxpayer may not change to the LIFO method of taking inventories unless, at the time he files his application for the adoption of such method, he agrees to such adjustments incident to the change to or from such method, or incident to the use of such method, in the inventories of prior taxable years or otherwise, as the district director upon the examination of the taxpayer's returns may deem necessary in order that the true income of the taxpayer will be clearly reflected for the years involved.

§ 1.472–5 *Revocation of election.* An election made to adopt and use the LIFO inventory method is irrevocable, and the method once adopted shall be used in all subsequent taxable years, unless the use of another method is required by the Commissioner, or authorized by him pursuant to a written application therefor filed as provided in § 1.446–1 (e).

§ 1.472–6 *Change from LIFO inventory method.* If the taxpayer is granted permission by the Commissioner to discontinue the use of LIFO method of taking inventories, and thereafter to use some other method, or if the taxpayer is required by the Commissioner to discontinue the use of the LIFO method by reason of the taxpayer's failure to conform to the requirements detailed in § 1.472–2, the inventory of the specified goods for the first taxable year affected by the change and for each taxable year thereafter shall be taken—

(a) In conformity with the method used by the taxpayer under section 471 in inventorying goods not included in his LIFO inventory computations; or

(b) If the LIFO inventory method was used by the taxpayer with respect to all

of his goods subject to inventory, then in conformity with the inventory method used by the taxpayer prior to his adoption of the LIFO inventory method; or

(c) If the taxpayer had not used inventories prior to his adoption of the LIFO inventory method and had no good currently subject to inventory by a method other than the LIFO inventory method, then in conformity with such inventory method as may be selected by the taxpayer and approved by the Commissioner as resulting in a clear reflection of income; or

(d) In any event, in conformity with any inventory method to which the taxpayer may change pursuant to application approved by the Commissioner.

§ 1.472–7 *Inventories of acquiring corporations.* For additional rules in the case of certain corporate acquisitions specified in section 381 (a), see section 381 (c) (5) and the regulations thereunder.

[F. R. Doc. 57–10223; Filed, Dec. 10, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 222]

STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

Notice is hereby given that requests for extension of time in which to file written comments have been considered and pursuant thereto the time for filing written comments with respect to the proposed rule published in the FEDERAL REGISTER issue of October 12, 1957 (22 F. R. 8122) is hereby extended to and including February 1, 1958.

Dated: December 6, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57–10198; Filed, Dec. 10, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T. D. 54498; Treasury Dept. Order 165–8]

CUSTOMS FIELD ORGANIZATION

ORDER REARRANGING CUSTOMS COLLECTION DISTRICTS RESCINDED

DECEMBER 7, 1957.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623, as amended (19 U. S. C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp. Ch. II), Treasury Department Order No. 165–7 (22 F. R. 9300) is hereby rescinded.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57–10282; Filed, Dec. 9, 1957; 4:11 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS AIR NAVIGATION SITE NO. 263, ENLARGED

NOVEMBER 26, 1957.

The Corps of Army Engineers has filed an application, Serial No. Nevada 043185, for the withdrawal of the lands described below, from all forms of appropriation including mining and mineral leasing. The applicant desires the land for use of the Department of the Air Force for Air Navigation Site Purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 N., R. 18 E.,
Sec. 22, E½NE¼NW¼, W½NW¼NE¼;
Sec. 26, SW¼SW¼ (excluding 10.37 acres contained in Mineral Patent No. 893200 issued July 17, 1923).
T. 20 N., R., 19 E.,
Sec. 18, NW¼NE¼.

The area described contains 109.63 acres more or less.

JAMES E. KEOGH, JR.,
Manager,
Land Office.

[F. R. Doc. 57–10194; Filed, Dec. 10, 1957; 8:45 a. m.]

Bureau of Reclamation

COLORADO-BIG THOMPSON PROJECT, COLORADO

ORDER OF REVOCATION

JULY 9, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of March 7, 1935, and July 24, 1937, insofar as said Order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said Order or affect any other Orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 6 N., R. 69 W.,
Sec. 5 and 6.
T. 7 N., R. 69 W.,
Sec. 6, 7, 18, 19, 20, 29, 30, 31, 32.
T. 1 S., R. 76 W.,
Sec. 24, SW¼SE¼ and E½SE¼NE¼.

The above area aggregates 7311.71 acres.

E. G. NIELSEN,
Acting Commissioner.

[1593455]

[Colorado 018339]

DECEMBER 6, 1957.

I concur.

1. The lands in Tps. 6 and 7 N., R. 69 W., have been patented without a reservation of minerals to the United States.

2. Beginning on January 11, 1958, the remaining lands will become subject to application, location, offer or selection under the public land laws, including the mining and mineral leasing laws. This revocation is made in furtherance of a proposed exchange under the act of March 20, 1922 (42 Stat. 465; 16 U. S. C. 485). Since this revocation is made in order to assist in a Federal land program, this opening is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean conflict, and others.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits and the lands will not be subject to occupancy or disposition until they have been classified and the application allowed.

4. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

C. R. DREXILIUS,
Acting Director,
Bureau of Land Management.

[F R. Doc. 57–10226; Filed, Dec. 10, 1957; 8:51 a. m.]

Geological Survey

[Power Site Cancellation 126]

MISSOURI RIVER, MONTANA

POWER SITE CLASSIFICATION

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 301, approved August 31, 1937, is hereby cancelled in so far as and to the extent that it affects the following described lands:

PRINCIPAL MERIDIAN, MONTANA

T. 23 N., R. 16 E.,
Sec. 21, NW¼ and W½SW¼;
Sec. 28, W½NW¼;
Sec. 29, SE¼NE¼ and E½SE¼;
Sec. 32, NE¼NE¼.

The area described aggregates 480 acres.

Dated: December 3, 1957.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 57–10225; Filed, Dec. 10, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 26

NOTICE OF ADOPTION OF CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has adopted as final his tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 26 as published in the FEDERAL REGISTER issue of November 1, 1957 (22 F. R. 8831).

Dated: December 6, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57–10219; Filed, Dec. 10, 1957; 8:49 a. m.]

TRADE ROUTE NO. 4

NOTICE OF ADOPTION OF CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has adopted as final his tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 4 as published in the FEDERAL REGISTER issue of November 1, 1957 (22 F. R. 8830).

Dated: December 6, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57–10218; Filed, Dec. 10, 1957; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–70]

GENERAL ELECTRIC CO.

NOTICE OF HEARING

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR, "Rules of Practice," notice is hereby given that a hearing will be held to consider the issuance of a construction permit to the above-named applicant under sections 104c and 185 of the Atomic Energy Act of 1954, as amended. The hearing will be held in Washington, D. C., at a time and place to be specified by the Presiding Officer, but in no event shall the hearing be held sooner than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The application is available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D. C.

The issues to be considered at the hearing will be the following:

1. Whether there is information sufficient to provide reasonable assurance that a utilization facility of the type proposed in the application can be constructed and operated at the location proposed therein without undue risk to the health and safety of the public;

2. Whether there is reasonable assurance that technical information omitted from and required to complete the application will be supplied;

3. Whether the applicant is technically qualified to design and construct the proposed facility;

4. Whether, (a) pursuant to § 50.40 (b) of the AEC's regulations, the applicant is financially qualified to design and construct the facility, and (b) pursuant to § 50.60 (c) (2) of the AEC's regulations, the applicant is financially qualified to receive an allocation of special nuclear material;

5. Whether the issuance of a construction permit will be inimical to the common defense and security or to the health and safety of the public.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, 1901 Constitution Avenue NW., Washington, D. C., not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER or such subsequent date as the Presiding Officer may specify.

Answers may be filed pursuant to § 2.736 of the rules of practice on or before December 18, 1957. In the absence of good cause shown to the contrary, the AEC staff proposes to recommend at the hearing that the AEC issue a construction permit to the applicant substantially in the form annexed as Annex "A".

Papers required to be filed with the AEC in this proceeding shall be filed with the Secretary, Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Pursuant to section 182b of the Atomic Energy Act of 1954, as amended, notice is hereby given that the report of the Advisory Committee on Reactor Safeguards in this matter is available for public inspection at the Commission's Public Document Room. A hazards analysis by the AEC Staff on this matter is also available at the Public Document Room.

The Commission hereby designates Jay A. Kyle, Esq., as the presiding officer to conduct the hearing and directs the presiding officer to render an initial decision in this matter in accordance with the Administrative Procedure Act and the Commission's "Rules of Practice" contained in Part 2 of Title 10 of the Code of Federal Regulations.

Dated at Washington, D. C., this 5th day of December 1957.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

ANNEX "A"

CONSTRUCTION PERMIT

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to General Electric Company to construct a utilization facility in accordance with the application and amendments thereto. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954, as amended, and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is June 1, 1958. The latest date for the completion of the reactor is January 31, 1959. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location at General Electric Company's Vallecitos Atomic Laboratory near Pleasanton, California, described in the application.

C. The facility authorized for construction is a pressurized light water-cooled and -moderated reactor to operate at 30 megawatts of thermal energy and necessary supporting auxiliaries, as described in the application.

D. The applicant may proceed to design and construct the proposed reactor without further authorization in accordance with the application and amendments thereto. However, this does not constitute final approval of any technical specification of the reactor. Before the license is issued to operate the facility, the Commission must finally approve all technical specifications. If the applicant desires final approval of any particular technical specification prior to the issuance of the license to operate, he may request that the Commission grant specific approval of any technical specification by appropriate amendment to this permit.

This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless General Electric Company has submitted to the Commission (by proposed amendment to the application) the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph A above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, upon

filing of proof of financial protection and execution of an indemnification agreement as required by section 170 of the act and the Commission's regulations, and upon a finding that the reactor authorized has been constructed in conformity with the application as amended, and in conformity with the provisions of the act and the rules and regulations of the Commission and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the act, the Commission will issue a Class 104 license to General Electric Company pursuant to section 104 (c) of the act, which license shall expire ten (10) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR Part 50, the Commission has allocated to General Electric Company for use in connection with the reactor, 154 kilograms of uranium 235 contained in uranium enriched to approximately 93 percent in the isotope uranium 235. Estimated schedules of special nuclear material transfers to General Electric Company and returns to the Commission are contained in Appendix "A" attached hereto. Shipments by the Commission to General Electric Company in accordance with column 2 in Appendix "A" will be conditioned on General Electric Company's return to the Commission of material substantially in accordance with column 3 of Appendix "A".

For the Atomic Energy Commission.

———,
Director,
Division of Civilian Application.

APPENDIX "A"—GENERAL ELECTRIC COMPANY CONSTRUCTION PERMIT

Estimated Schedule of Transfers of Special Nuclear Material from the Commission to General Electric Company and to the Commission from General Electric Company

(1)	(2)	(3)		(4)	(5)
		Returns by General Electric Co. to AEC (kgs. U-235)			
Date of transfer (calendar year)	Transfers from AEC to General Electric Co. (kgs. U-235)	Recoverable scrap	Spent fuel	Net yearly distribution (kgs. U-235)	Cumulative distribution (kgs. U-235)
1958	60.66	14.56	.....	46.10	46.10
1959	128.33	50.06	55.38	22.89	68.99
1960	128.33	50.06	66.22	12.05	81.04
1961	128.33	50.06	66.22	12.05	93.09
1962	128.33	50.06	66.22	12.05	105.14
1963	128.33	50.06	66.22	12.05	117.19
1964	128.33	50.06	66.22	12.05	129.24
1965	128.33	50.06	66.22	12.05	141.29
1966	128.33	50.06	66.22	12.05	153.34
Inventory	.....	.....	54.33	(54.33)	99.01
	1,087.30	415.04	573.25		

[F. R. Doc. 57-10224; Filed, Dec. 10, 1957; 8:50 a. m.]

[Docket No. 50-30]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

ORDER DIRECTING HEARING EXAMINER TO RENDER INITIAL DECISION

By notice published in the FEDERAL REGISTER on September 10, 1957, the Commission designated J. A. Kyle, Esq., as the Presiding Officer to conduct the hearing in this matter and directed the Presiding Officer to certify the record of the hearing to the Commission without rendering an intermediate decision.

The Commission hereby modifies that order by directing the Hearing Examiner to render an initial decision in this matter in accordance with the Administrative Procedure Act and the Commission's "Rules of Practice" contained in Part 2 of Title 10 of the Code of Federal Regulations.

Dated at Washington, D. C., this 5th day of December 1957.

ATOMIC ENERGY COMMISSION,
WOODFORD B. MCCOOL,
Secretary.

[F. R. Doc. 57-10193; Filed, Dec. 10, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12243; FCC 57M-1225]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

STATEMENT AND ORDER FOLLOWING FIRST PRE-HEARING CONFERENCE (CONTINUED HEARING)

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

The first pre-hearing conference was held herein on December 5, 1957. All parties were represented by counsel. Agreements were reached among the parties and were stated on the record, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the hearing Examiner. They included the following:

(1) Applicant will file petition for reconsideration of Commission action designating its application for hearing.

(2) Hearing presently scheduled for January 9, 1958 will be continued without date pending action by Commission on the above petition for reconsideration.

It is ordered, This 5th day of December 1957, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling.

It is further ordered, That the hearing herein, presently scheduled for January 9, 1958, is continued without date pending action by the Commission upon the petition for reconsideration to be filed by applicant.

Released: December 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10227; Filed, Dec. 10, 1957; 8:51 a. m.]

[Docket No. 11943; FCC 57M-1222]

BOROUGH OF LEMOYNE, PA.

ORDER CONTINUING HEARING

In re application of Borough of Lemoyne, Pennsylvania, Lemoyne, Pennsylvania, Docket No. 11945, File No. 9350-PF-P/L-L; for authorization in the fire radio service.

The Hearing Examiner having under consideration a motion for continuance filed on December 2, 1957, by the Commissioners of Cumberland County, protestant in the above-entitled proceeding; and

It appearing, that all parties to this proceeding agree to the requested continuance; and

It further appearing, that the hearing is presently scheduled for December 9, 1957, and that the interest of the parties, as well as the public interest, convenience and necessity requires immediate consideration of said motion for continuance;

It is ordered, This 5th day of December 1957, that the hearing scheduled to be held on December 9, 1957, is hereby continued to February 17, 1958, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: December 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10228; Filed, Dec. 10, 1957; 8:51 a. m.]

[Docket Nos. 11982-11984; FCC 57M-1219]

ENTERPRISE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Enterprise Broadcasting Company, Fresno, California, Docket No. 11982, File No. BP-10319; Air Waves, Incorporated (KONG), Visalia, California, Docket No. 11983, File No. BP-10432; Radio Dinuba Company (KRDU), Dinuba, California, Docket No. 11984, File No. BP-10735; for construction permits.

It is ordered, This 4th day of December 1957, that in lieu of the hearing in the above-entitled matter commencing on December 12, 1957, as presently scheduled, a prehearing conference will be held on that date, and the hearing proper is postponed to a date to be determined at the forthcoming prehearing conference.

Released: December 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10229; Filed, Dec. 10, 1957; 8:51 a. m.]

[Docket No. 12189; FCC 57M-1221]

HARRY WILLIAM OVERHOLTZER

ORDER CONTINUING HEARING

In re application of Harry William Overholtzer, Pottstown, Pennsylvania, Docket No. 12189, File No. 953-C2-R-57; for the renewal of the license for the station KGB876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration the motion of the applicant, filed December 3, 1957, that hearing

in the above-entitled proceeding, which is presently scheduled to commence on December 9, 1957, be continued until December 31, 1957;

It appearing, that the applicant has pending before the Commission a petition for reconsideration of his application and the granting thereof without hearing, which is supported by the Commission's Common Carrier Bureau, the only other party to the proceeding, in a document filed in its behalf;

It appearing further, in view of the foregoing, that good cause exists to warrant the continuance herein sought;

Accordingly, it is ordered, this 4th day of December 1957, that the motion is granted, and that hearing in the above-entitled proceeding is continued from December 9, 1957, to December 31, 1957.

Released: December 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 10230; Filed, Dec. 10, 1957; 8:51 a.m.]

[Docket Nos. 11940, 11941; FCC 57M-1223]

SARKES TARZIAN, INC., AND GEORGE A. BROWN, JR.

ORDER CONTINUING HEARING

In re applications of Sarkes Tarzian, Inc., Bowling Green, Kentucky, Docket No. 11940, File No. BPCT-2114; George A. Brown, Jr., Bowling Green, Kentucky, Docket No. 11941, File No. BPCT-2131; for construction permits for new television stations (Channel 13).

By agreement of the parties; *It is ordered,* This 5th day of December 1957, that the prehearing conference in the above-entitled matter presently scheduled to be held at 10:00 a. m., December 6, 1957, be, and the same is, hereby continued to December 12, 1957, at 9:00 a. m. in the offices of the Commission, Washington, D. C.

Released: December 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10231; Filed, Dec. 10, 1957; 8:51 a. m.]

[Docket No. 12110; FCC 57M-1224]

GRAND HAVEN BROADCASTING CO. (WGHN)

ORDER CONTINUING HEARING

In re application of Grand Haven Broadcasting Company (WGHN), Grand Haven, Michigan, Docket No. 12110, File No. BP-11160; for construction permit.

The Hearing Examiner having under consideration the desirability of continuing the date of hearing;

It appearing that the present factual situation is the same as recited in the Hearing Examiner's order of October 7, 1957, in that other applications are pending which appear to involve conflicts with that of Grand Haven Broadcasting Company;

It is ordered, This 5th day of December 1957, on the Hearing Examiner's own motion, that the hearing now scheduled for December 9, 1957, is continued to February 3, 1958.

Released: December 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10232; Filed, Dec. 10, 1957; 8:52 a. m.]

[Docket Nos. 12223, 12224; FCC 57M-1220]

ARMIN H. WITTENBERG, JR., AND PASADENA PRESBYTERIAN CHURCH

ORDER FOR PRE-HEARING CONFERENCE

In re applications of Armin Wittenberg, Jr., Los Angeles, California, Docket No. 12223, File No. BPH-2170; Pasadena Presbyterian Church, Pasadena, California, Docket No. 12224, File No. BPH-2179; for construction permits (FM Facilities).

A pre-hearing conference in the above-entitled proceeding will be held on Wednesday, December 18, 1957, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 4th day of December 1957.

Released: December 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10233; Filed, Dec. 10, 1957; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9036]

CERTIFICATED AIR CARRIER MILITARY TENDER INVESTIGATION

NOTICE OF HEARING

In the matter of a proceeding known as the Certificated Air Carrier Military Tender Investigation.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 404 and 1002 thereof, that a public hearing in the above-entitled proceeding is assigned to be held on January 20, 1958, at 10 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues of this proceeding, particular attention will be directed to a determination whether the provisions of Joint Military Air Transportation Agreement No. 5, as now amended or hereafter revised, are adverse to the public interest or in violation of the act, and to a determination whether the provisions of Agent J. B. Walker's Local and Joint Passenger Tariff No. M-8, C. A. B. No. 42, and subsequent revisions thereto and reissues thereof, are, or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful under the Civil Aeronautics Act. For further details regarding the issues involved in this proceeding, interested persons are referred to Order No. E-11840, dated September 30, 1957, and the Report of Prehearing Conference served on November 14, 1957, each of which documents is on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board on or before January 20, 1958, a statement setting forth the issues of fact or law desired to be controverted.

Dated at Washington, D. C., December 5, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10235; Filed, Dec. 10, 1957; 8:52 a. m.]

[Docket No. 8235]

HUGHES TWA-ATLAS-NORTHEAST AIRLINES POSSIBLE COMMON CONTROL CASE

NOTICE OF POSTPONEMENT OF REOPENED HEARING

In the matter of the investigation of the possible common control of Trans World Airlines, Inc., and Northeast Airlines, Inc., by Howard R. Hughes.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the reopened hearing in the above-entitled proceeding is postponed from December 9 to December 13, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Paul N. Pfeiffer, Hearing Examiner.

Dated at Washington, D. C., December 6, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10234; Filed, Dec. 10, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13840]

LYDA BUNKER HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 5, 1957.

On November 6, 1957, the Estate of Lyda Bunker Hunt (Hunt) tendered for filing a proposed change in the presently effective rate schedule for sales of natural

gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 29, 1957.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 2.
Effective date: January 1, 1958 (effective date is the effective date proposed by Hunt).

In support of the proposed periodic rate increase, Hunt states that the basis for the change is to fulfill the contractual obligations of the seller and buyer contracted for by arm's-length bargaining in good faith to sell the gas for a long term; the sale is an installment sale based on reasonable price adjustments sufficient to insure a continuing supply of gas to the ultimate consumer, and disallowance of the increase would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10220; Filed, Dec. 10, 1957; 8:49 a. m.]

[Docket No. G-13841]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 5, 1957.

Gulf Oil Corporation (Gulf Oil), on November 7, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 1, 1957.
Purchaser: Kansas-Nebraska Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Gulf Oil's FPC Gas Rate Schedule No. 95.
Effective Date: December 8, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Gulf Oil states that the contract was negotiated at arm's-length under competitive conditions by non-affiliated parties and the proposed price represents, but does not exceed, the fair and reasonable market value of the gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Gulf Oil's FPC Gas Rate Schedule No. 95 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Gulf Oil's FPC Gas Rate Schedule No. 95.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 8, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10221; Filed, Dec. 10, 1957; 8:49 a. m.]

[Docket Nos. G-13136, G-13182]

TIDEWATER OIL CO. AND UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 4, 1957.

Take notice that United Gas Pipe Line Company (United), a Delaware corporation with its principal place of business in Shreveport, Louisiana, and Tidewater Oil Company (Tidewater), an independent producer, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

United, by its application filed on August 29, 1957, in Docket No. G-13182, seeks authorization for the construction and operation of approximately 2.1 miles of lateral supply pipeline with appurtenances. The proposed line will extend in a southwesterly direction from a point of connection with United's existing 16-inch Houma Field lateral to a proposed purchase meter station and separator, together with other facilities required to take additional deliveries from the Southeast Houma Field, Terrebonne Parish, Louisiana. The facilities are proposed to enable United to receive gas produced in the above-named field by Tidewater. The estimated cost of such facilities is $96,522, which will be financed from current working funds.

On August 26, 1957, Tidewater filed an application, in Docket No. G-13136, for authority to sell natural gas in interstate commerce to United for resale, from production in the Southeast Houma Field, Terrebonne Parish, Louisiana, to be made purusant to a 20-year gas sales contract dated August 15, 1957, executed by and between United and Tidewater.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 15, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10200; Filed, Dec. 10, 1957; 8:46 a. m.]

[Docket No. G-13773]

SINCLAIR OIL & GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 5, 1957.

Sinclair Oil & Gas Company (Operator), et al. (Sinclair), on November 4, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 30, 1957.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 2 to Sinclair's FPC Gas Rate Schedule No. 22.
Effective date: February 1, 1958 (effective date is the date Republic's suspended rate becomes effective in Docket No. G-13062).

In support of the proposed rate increase, Sinclair cited the contract provision relating to price increases and attached a copy of a letter from Cities Service Gas Company to the effect that it has negotiated a contract with Republic Natural Gas Company for the purchase of gas at 13¢ per Mcf in the same field, which is higher than being paid Sinclair and that consequently, they are entitled to the same rate. Sinclair also states that its proposed rate will not result in it receiving an excessive rate of return on its regulated business and will have the effect of assisting it in obtaining a just and reasonable rate and a return commensurate with the risks inherent in the exploration for and development of production of natural gas and will represent a reasonable and fair consideration to Sinclair for its long term commitment of its gas.

Sinclair's proposed rate increase was "triggered" by a proposed redetermined rate increase by Republic Natural Gas Company, which by order issued in Docket No. G-13062 was suspended by the Commission for five months until February 1, 1958, and until such time as it might be made effective pursuant to the Natural Gas Act. Accordingly, under its rate schedule (contract) Sinclair's proposed increased rate and charge cannot properly be made effective prior to February 1, 1958.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 1, 1958 and until such date which is five months after the date the rate of Republic Natural Gas Company in Docket No. G-13062 is made effective subject to refund, if later, or until such further time as the increased rate and charge proposed in said Supplement No. 2 to Sinclair's FPC Gas Rate Schedule No. 22 is made effective in the manner prescribed in the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10201; Filed, Dec. 10, 1957; 8:46 a. m.]

[Docket No. G-13774]

MIDWEST OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 4, 1957.

Midwest Oil Corporation (Operator), et al. (Midwest), on November 4, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 30, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 5 to Midwest's FPC Gas Rate Schedule No. 11.
Effective Date: December 5, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Midwest states that periodic rate increases are designed to compensate the producer for the low rates received during the early years of the contract term, that the contract was negotiated at arm's-length, that the proposed increase is necessary to provide funds for additional exploration and development, that it has a large investment upon which it will not receive the return provided in the contract, and that it will suffer economic hardship unless the increase is allowed.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10202; Filed, Dec. 10, 1957; 8:46 a. m.]

[Docket No. G-13775]

FRANK PARKES

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 5, 1957.

Frank Parkes (Parkes), on November 4, 1957, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 30, 1957.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 3 to Parkes' FPC Gas Rate Schedule No. 1.
Effective Date: February 1, 1958 (effective date is the date Republic's suspended rate becomes effective in Docket No. G-13062).

In support of the proposed rate increase, Parkes cites the contract provision relating to price increases and attached a copy of a letter from Cities Service Gas Company to the effect that it has negotiated a contract with Republic Natural Gas Company for the purchase of gas at 13 cents per Mcf in the same field, which is higher than being paid Parkes and that, consequently, he is entitled to the same rate.

Parkes' proposed rate increase was "triggered" by a proposed redetermined rate increase by Republic Natural Gas Company which, by order issued in Docket No. G-13062, was suspended by the Commission for five months until February 1, 1958, and until such further time as it might be made effective pursuant to the Natural Gas Act. Accordingly, under his rate schedule (contract), Parkes' proposed increased rate and charge cannot be properly made effective prior to February 1, 1958.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said Supplement No. 3 to Parkes' FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until July 1, 1958, and until such date which is five months after the date the rate of Republic Natural Gas Company in Docket No. G-13062 is made effective subject to refund, if later, or until such further time as the increased rate and charge proposed in said Supplement No. 3 to Parkes' FPC Gas Rate Schedule No. 1 is made effective in the manner prescribed in the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10203; Filed, Dec. 10, 1957; 8:46 a. m.]

[Docket No. G-13837]

H. L. HUNT ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 5, 1957.

H. L. Hunt (Operator), et al., (Hunt), on November 5, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 29, 1957.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 13.
Effective date: January 1, 1958 (effective date is the effective date proposed by Hunt).

In support of the proposed periodic rate increase, Hunt states that the basis for the change is to fulfill the contractual obligations of the seller and buyer contracted for by arm's-length bargaining in good faith to sell the gas for a long term; the sale is an installment sale based on reasonable price adjustments sufficient to insure a continuing supply of gas to the ultimate consumer, and disallowance of the increase would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10204; Filed, Dec. 10, 1957; 8:46 a. m.]

[Docket No. G-13844]

TEXAS HYDROCARBON CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 5, 1957.

Texas Hydrocarbon Company (Texas Hydrocarbon), on November 7, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 4, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Texas Hydrocarbon's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1958 (effective date is the effective date proposed by Texas Hydrocarbon).

Texas Hydrocarbon relies upon the contract provision in support of its proposed periodic rate increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Texas Hydrocarbon's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Texas Hydrocarbon's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10205; Filed, Dec. 10, 1957; 8:47 a. m.]

[Docket No. G-2503 etc.]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS EASTERN PENN-JERSEY TRANSMISSION CORP.

ORDER REMANDING THE RECORD TO THE PRESIDING EXAMINER FOR AN INTERMEDIATE DECISION

DECEMBER 5, 1957.

In the matters of Texas Eastern Transmission Corporation, Docket Nos. G-2503, G-9784, G-9785, G-9786; and Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G-9787.

The United States Court of Appeals for the District of Columbia Circuit, by its opinion of November 1, 1957, in Case No. 14081, Chotin Towing Corporation, et al. v. Federal Power Commission, reviewed the Commission's order issued June 21, 1957, in the above-entitled matters which authorized, inter alia, abandonment of the Little Inch line which was part of the subject matter of these proceedings. The order of June 21, 1957, dealt with the abandonment of the Little Inch line and with the construction of maximum facilities as a substitute therefor, referred to in our order of April 5, 1956, as constituting the facilities to be certificated in relation to Part B of the consolidated proceedings herein.

The issue primarily posed to the court on appeal was whether the order of the Commission under court review was invalid by reason of the fact that the authority granted by it was not first passed upon in an intermediate decision by the Presiding Examiner insofar as the abandonment of the Little Inch line was concerned.

The court held that the abandonment application was not an application for an initial license and did not become an application for an initial license by being consolidated for hearing with an application for new facilities in the consolidated proceeding herein, which was clearly an application for an initial license. Accordingly, the court returned our order of June 21, 1957, for further proceedings not inconsistent with its opinion.

Under these circumstances, we will remand this proceeding to the Presiding Examiner for further proceedings as hereinafter ordered. In view of the importance of these proceedings and the time already consumed, he should prepare his decision as expeditiously as possible.

The Commission orders:

(A) The entire record previously certified to the Commission in the above dockets is hereby remanded to the Presiding Examiner who presided throughout Part B, for further hearings thereon as hereinafter provided, and for the submission of an intermediate decision by said Examiner in relation to the authorization and certification which was the subject matter of Part B and our Opinion No. 303 and accompanying order issued June 21, 1957, and in conformity with the decisions of the United States Court of Appeals for the District of Columbia Circuit.

(B) The hearing in the above proceeding is hereby reopened to resume at 10:00 a. m., e. s. t., on December 23, 1957 in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., and all interested parties shall thereupon appear and state their present objection or support of the application and the remaining issues thereon.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10206; Filed, Dec. 10, 1957; 8:47 a. m.]

[Docket No. G-13838]

TOKLAN PRODUCTION CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 5, 1957.

Toklan Production Company, et al., (Toklan), on November 5, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Toklan's FPC Gas Rate Schedule No. 4.
Effective Date: January 1, 1958 (effective date is the effective date proposed by Toklan).

Toklan relies upon the contract provision in support of its proposed periodic rate increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Toklan's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Toklan's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10207; Filed, Dec. 10, 1957; 8:47 a. m.]

[Docket No. G-13839]

SECURE TRUSTS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 5, 1957.

Secure Trusts, on November 6, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 29, 1957.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 2 to Secure Trusts' FPC Gas Rate Schedule No. 2.
Effective date: January 1, 1958 (effective date is the effective date proposed by Secure Trusts).

In support of the proposed periodic rate increase, Secure Trusts states that the basis for the change is to fulfill the contractural obligations of the seller and buyer contracted for by arm's-length bargaining in good faith to sell the gas for a long term; the sale is an installment sale based on reasonable price adjustments sufficient to insure a continuing supply of gas to the ultimate consumer, and disallowance of the increase would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Secure Trusts' FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Secure Trusts' FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10208; Filed, Dec. 10, 1957; 8:47 a. m.]

[Docket No. G-13842]

AUSTRAL OIL EXPLORATION CO., INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 5, 1957.

Austral Oil Exploration Company, Inc., (Operator), et al. (Austral), on November 8, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 1 to Austral's FPC Gas Rate Schedule No. 2.
Effective date: December 9, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Austral states that the proposed rate is part of the general rate schedule provided in the contract and is an integral part of the full consideration to be paid for the gas; the contract was arrived at by arm's-length bargaining; the proposed rate is fair, reasonable and just, and other similar gas is sold in the area at rates equal to or considerably in excess of the rate here proposed.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Austral's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Austral's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10209; Filed, Dec. 10, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1119]

PENNSYLVANIA BANKSHARES & SECURITIES CORP.

NOTICE OF FILING OF APPLICATION FOR AN ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

DECEMBER 4, 1957.

Notice is hereby given that Pennsylvania Bankshares & Securities Corporation ("Bankshares"), a registered closed-end, nondiversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act certain transactions described below incident to the dissolution and liquidation of Bankshares.

Bankshares is a Pennsylvania corporation having outstanding 104,022 shares of Common Stock, par value $5 per share, of which 99,217 shares (95.4 percent) are owned by J. H. Hillman & Sons Company; the remaining 4,805 shares are owned by 39 stockholders, the largest individual holding being 500 shares and the smallest being 1 share. The Board of Directors of Bankshares has approved and recommended to the stockholders a Plan of Liquidation and Dissolution and called a meeting of the stockholders for November 26, 1957 to take action with respect to the proposal that Bankshares be liquidated and voluntarily dissolved. It is contemplated that liquidation will be consummated as of December 12, 1957 and the value of the portfolio securities of Bankshares will be determined for liquidation purposes as of that date. Pursuant to the Plan of Liquidation and Dissolution each minority stockholder may, in the liquidation, elect to receive his distributive share either in cash or in cash and portfolio securities to the extent that portfolio securities can be delivered without the necessity of delivering fractional shares thereof. J. H. Hillman & Sons Company proposes to receive its distributive share in portfolio securities to the extent that portfolio securities are available after elections have been made by minority stockholders.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) exempts such transactions from the provisions of section 17 (a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

Since J. H. Hillman & Sons Company is an affiliated person of Bankshares, the proposed transactions whereby J. H. Hillman & Sons Company will take portfolio securities are subject to the provisions of section 17 (a) of the act. The application requests an order under section 17 (b) exempting the transactions from the provisions of section 17 (a).

Notice is further given that any interested person may, not later than December 18, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10210; Filed, Dec. 10, 1957; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 171, Amdt. 1]

KENTUCKY

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 171, dated November 19, 1957, for the State of Kentucky, is hereby amended as follows:

a. By including in paragraph 1 thereof the County of Butler (heavy rains beginning on or about November 12, 1957); and

b. By substituting for the present paragraph 2 thereof the following:

2. A special field office to receive and process loan applications has been established at the City Hall, Hopkinsville, Kentucky.

Dated: November 27, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-10211; Filed, Dec. 10, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER APPLICATIONS

[Notice 194]

DECEMBER 6, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2002 (Sub No. 5), filed August 29, 1957, PHILIPP TRANSIT LINES, INC., Highway 100 East, P. O. Box 441, Washington, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, 1.A. serving the intermediate point of Hopewell, Warren County, Mo., on Missouri Highway 47, and the off-route points of Truesdale, Pickney, Bridgeport, Gore, Case, Peers, Bernheimer, Concord Hill, Holstein, Trealor, and Emmaus Sanitarium, in Warren County, Mo., in connection with applicant's authorized regular route operations between Washington, Mo., and Kansas City, Mo., over Missouri Highway 47 and U. S. Highway 40. 1.B. Between junction U. S. Highway 40 and Missouri Highway 19 and Hermann, Mo., from junction U. S. Highway 40 and Missouri Highway 19 over Missouri Highway 19 to Hermann, and return over the same route, serving the intermediate point of Big Spring, Montgomery County, Mo., on Missouri Highway 19, and the off-route points of Americus, Rhineland, McKittrick and Starkenburg, Montgomery County, Mo., and Berger, Franklin County, Mo. 1.C. Between junction U. S. Highway 20 and Missouri Highway 19 and junction Missouri Highway 19 and U. S. Highway 61, near New London, Mo., from junction U. S. Highway 40 and Missouri Highway 19 over Missouri Highway 19 to junction U. S. Highway 61, near New London, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Washington, Mo., and Kansas City, Mo., and between Warrenton, Mo., and Hannibal, Mo. 2. Between Kansas City, Mo., and Union, Mo., from Kansas City over U. S. Highway 50 to Union, and return over the same route, serving the intermediate points of Drake and Beaufort, Mo. Applicant is authorized to conduct operations in Illinois and Missouri.

NOTE: In Certificate No. MC 2002 applicant is authorized an alternate route for operating convenience only, betwen Hermann, Mo., and junction U. S. Highway 40 and Missouri Highway 19 (near New Florence, Mo.) over Missouri Highway 19, which is requested as a service route in 1.B. above. Among other things, applicant states it seeks to clarify its present authority and does not seek duplicating authorities or to remove the existing restriction in its certificate No. MC 2002.

HEARING: January 29, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 2855 (Sub No. 3), filed October 31, 1957, RAYMOND LEE HOGGS, doing business as R. L. HOGGS, West Point, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D. C. For authority to operate as a *common or contract carrier*, over irregular routes, transporting: *Lumber, crossties* and *wooden pallets*, from West Point, Va., and points within 25 miles of West Point, to points in the District of Columbia, Maryland, Delaware, Pennsylvania, and New Jersey. *Lumber* and *fertilizer*, from Baltimore, Md., to West Point, Va., and points within 25 miles of West Point. Applicant is authorized to conduct operations in Maryland, Virginia, and the District of Columbia.

NOTE: Applicant conducts *contract carrier* operations by virtue of Permit No. MC 2855.

HEARING: January 13, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 31438 (Sub No. 9), filed November 12, 1957, ROY O. WETZ, doing business as R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, Ohio. Applicant's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Precast concrete products* and *materials, parts* and *accessories* moving with those products and used in erecting or assembling those products, from Marietta, Ohio and points in Ohio within five miles of Marietta, to points in New Jersey, and *damaged, defective, rejected or returned shipments* of the above commodities on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

HEARING: January 17, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 41635 (Sub No. 33), filed November 20, 1957, DEALERS TRANSPORT COMPANY, a Corporation, 1368 Riverside Boulevard, Memphis, Tenn. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, as defined in *Descriptions in Motor Carrier Certificates, Ex Parte MC-45*, in initial movements, in driveaway and truckaway services, and *parts and accessories* thereof moving at the same time and with the vehicles of which they are a part and on which they are to be installed, from points in Lorain County, Ohio, to points in the United States; and *damaged, rejected or returned shipments* of the above-described commodities on returns. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: January 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 76663 (Sub No. 6), filed November 12, 1957, PETER HIMMER AND EDWARD HIMMER, doing business as JOHN HIMMER TRANSFER, 5500 Grand Avenue, Pittsburgh 25, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pile driving shells, pile driving hammers, pile driving rigs, leaders, cores, adapters,* and *other pile driving equipment*, which because of size, weight and shape, require specialized handling and the use of special equipment such as pole trailers, carryalls, and winches, between points in Pennsylvania, Maryland, Ohio, West Virginia, New Jersey, and New York, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and West Virginia.

HEARING: January 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

No. MC 87928 (Sub No. 38), filed November 20, 1957, AUTOMOBILE TRANSPORT, INC., OF DELAWARE, 36555 Michigan Avenue, Wayne, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, and buses*, as defined in *Descriptions in Motor Carrier Certificates, Ex Parte MC-45*, in initial movements, in truckaway and driveway services, *and parts and accessories thereof* moving at the same time and with the vehicle of which they are a part and on which they are to be installed, from points in Lorain County, Ohio, to all points in the United States; and *damaged, rejected or returned shipments* of the above-described commodities on return. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: January 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 95627 (Sub No. 17), filed November 12, 1957, EUGENE NELMS, doing business as NELMS MOTOR LINE, P. O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Meats*, between Smithfield, Va., and points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Ohio; from points in the Washington, D. C., Commercial Zone to Smithfield, Va.; and from Baltimore, Md., to Suffolk, Va.; (b) *metal, paper, glass, cloth and plastic containers*, from Philadelphia, Pa., and Baltimore, Md., to Smithfield, Va.; (c) *glass containers*, from Bridgeton, N. J., to Smithfield, Va.; and (d) *salt*, flaked, rough and block, from Akron and Crestline, Ohio, to Smithfield, Va. Applicant is authorized to transport similar commodities in Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

HEARING: January 13, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 96837, N. C. PURDIE CORPORATION, Stanley, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Assigned for hearing to determine whether the motor vehicle operations of the said carrier will provide duplicate service with the interstate rights sold by said carrier to Penn Yann Express, Inc., authorized in proceedings in No. MC-F-6063, subject to the provision that neither N. C. Purdie Corporation nor its officers or stockholders should, in future, conduct operations in interstate or foreign commerce under the partial exemption of the second proviso of section 206 (a) (1) of the Interstate Commerce Act by virtue of possession of New York Certificate No. 2741, so as to provide a duplicate service.

HEARING: January 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 100470 (Sub No. 15), filed November 8, 1957, CLARENCE H. ZERN, doing business as C. H. ZERN TRANSPORTATION, Gilbertsville, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, 512 Hamilton Street, Allentown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prestressed concrete bridge* and *building members* and *materials* used in the loading, unloading and erection thereof, and *such incidental facilities* (not specified) used in transporting the commodities specified in this application, between the Borough of Pottstown and the Township of Hatfield, both in Montgomery County, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, and New York. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant holds contract carrier authority in Permit No. MC 107781. Section 210, dual operations, may be involved. Applicant also holds Certificate No. MC 106447 to transport passengers and their baggage in charter operations.

HEARING: January 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

No. MC 103993 (Sub No. 102), filed October 31, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Elkton, Md., and points within five (5) miles thereof, to points in the United States. Applicant is authorized to conduct similar operations throughout the United States.

HEARING: January 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 106965 (Sub No. 115), (Amended) filed October 2, 1957, published page 8205, issue of October 16, 1957, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphur dioxide gas*, in tank vehicles, from West Norfolk, Va., to points in New York, New Jersey, Rhode Island, Pennsylvania, Ohio, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, and Louisiana, and *empty tank-trailer equipment*, used in connection with the operation described above, from points in New York, New Jersey, Rhode Island, Pennsylvania, Ohio, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, and Louisiana, to West Norfolk, Va.

HEARING: January 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 107515 (Sub No. 263), filed November 18, 1957, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products* as defined by the Commission, from Augusta, Ga., to points in Kansas and Missouri. Applicant is authorized to transport the commodities specified in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin.

HEARING: January 17, 1958, at the Peachtree-Seventh Bldg., 50 Seventh Street NE., Atlanta, Ga., before Examiner Michael B. Driscoll.

No. MC 109478 (Sub No. 26), filed November 7, 1957, WORSTER MOTOR LINES, INC., East Main Road, R. D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 1101–5 Palace Hardware Building, Erie, Pa. For authority to operate as a *common carrier*, over irregular routes; transporting: *Dry sugar*, in bulk, in hopper trailers, (1) from New York and Yonkers, N. Y., to points in New York except Columbia, Delaware, Dutchess, Greene, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties; and (2) from Philadelphia, Pa., and Boston, Mass., to points in New York, points in Pennsylvania on and west of U. S. Highway 219, and those in Ohio on and north of U. S. Highway 30 and on and east of U. S. Highway 42. Applicant is authorized to transport sugar in New Jersey, New York, and Pennsylvania.

HEARING: January 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 109772 (Sub No. 13), filed October 16, 1957, (CORRECTION), published page 9271, issue of November 20, 1957, the name of applicant was inadvertently omitted from the previous publication of the notice of filing of this application. The name of applicant is ROBERTSON TRUCK-A-WAY, INC., 7101 East Slauson, Los Angeles, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif.

HEARING: Remains as assigned January 16, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 111940 (Sub No. 16), filed November 8, 1957, SMITH'S TRUCK LINES, a Corporation, P. O. Box 88, Muncy, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, from points in Livingston, Schuyler, Tompkins, and Wyoming Counties, N. Y., to points in Maryland, Pennsylvania, Delaware, New Jersey, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia; and *empty containers or other such incidental facilities* (not specified) used in transporting salt, on return. Applicant is authorized to transport salt in New York and Pennsylvania.

NOTE: Duplicating authority should be eliminated.

HEARING: January 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 112858 (Sub No. 4), filed November 1, 1957, W. D. MOODY, South Hill, Va. Applicant's attorney: Henry E. Ketner, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boxes, box shooks*, and *skids* and/or *pallets*, from La Crosse, Va., to Buffalo and New York, N. Y. Applicant is authorized to transport boxes and box shooks from La Crosse, Va., to points in Delaware, Maryland, New Jersey, and Pennsylvania.

HEARING: January 13, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 113255 (Sub No. 2) (CORRECTION), published issue November 28, 1957, at page 9556, filed October 14, 1957, MILK TRANSPORT, INC., P. O. Box 398, New Brighton, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid paraffin wax*, from West Lake Charles, La., Beaumont, Tex., and Ponca City, Okla., and points within ten miles of each, to points in Minnesota, North Dakota, South Dakota, and those in Iowa on and north of U. S. Highway 30 and those in Wisconsin *on and west of U. S. Highway 51*. Applicant is authorized to transport other commodities in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, and Texas.

HEARING: Remains as assigned January 24, 1958, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner David Waters.

No. MC 115491 (Sub No. 9), filed November 5, 1957, COMMERCIAL CARRIERS CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 120 East Davidson Street, Bartow, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Flour*, from St. Joseph, Mo., to points in Florida. *Damaged and rejected shipments* of flour, on return. Applicant is authorized to conduct operations from and to specified points in Florida, Iowa, Nebraska, Missouri, Kansas, Minnesota, and Ohio.

HEARING: January 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 116045 (Sub No. 3), filed November 18, 1957, NEUMAN TRANSIT CO., INC., P. O. Box 31, Rawlins, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Processed uranium ore*, commonly known as yellow cake, and *products thereof*, from points in Fremont County, Wyo., to Grand Junction, Colo., and *empty containers or other such incidental facilities* (not specified) used in transporting processed uranium ore on return. Applicant is authorized to conduct operations in Colorado and Wyoming.

HEARING: January 7, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 117015 (CORRECTION), published issue November 20, 1957, at page 9274, filed October 29, 1957, JOE F. COSTA, doing business as JOE F. COSTA TRUCKING COMPANY, South G Street, Arcata, Calif. Applicant's representative: Pete H. Dawson, *Suite 306, 717 Market Street*, San Francisco, Calif. Previous publication gave applicant applicant's representative's address as Suite 306 Market Street, which was in error.

No. MC 117029, filed November 8, 1957, GEORGE C. WIEGER, 10 Hawthorne Avenue, Trenton, N. J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton 10, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated commercial refrigerator display cases*, and *walk-in boxes*, including installation and emergency l. t. l. shipments of these commodities, with or without installation, and *refrigerating units and coils* for installation in said cases and boxes, from Trenton, N. J., to points in Connecticut, Delaware, Maryland, New York (including Long Island and Staten Island), and points in Pennsylvania on and east of U. S. Highway 19, and *second-hand display cases and boxes*, on return.

HEARING: January 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 117042, filed November 19, 1957, ANNA H. POELKER, doing business as POELKER'S GARAGE, 2201 South Belt, West, Belleville, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles*, in truckaway service by wrecker vehicles, between all points in Illinois, on the one hand, and, on the other, all points in Missouri, Indiana, Kentucky, Tennessee, Arkansas, and Ohio.

HEARING: January 23, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner William E. Messer.

No. MC 117058, filed November 26, 1957, B. S. REYNOLDS COMPANY, INCORPORATED, 471 H Street NW., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Photographic film* and *materials*, between Baltimore, Md., and Washington, D. C.

HEARING: January 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 117063, filed November 27, 1957, CHARLES E. DARROW, Route No. 2, Fairbury, Nebr. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is usually dealt in and sold by chain stores, retail stores, and mail order department stores, from Fairbury, Nebr., to all points in Republic, Washington, and Marshall Counties, Kans., and *used and repossessed shipments* of the commodities specified on return.

HEARING: January 14, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 19, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

MOTOR CARRIERS OF PASSENGERS

No. MC 46047 (Sub No. 3), filed November 4, 1957, READING TRANSPORTATION COMPANY, a corporation, Reading Terminal, 12th and Market Streets, Philadelphia 7, Pa. Applicant's attorney: Robert P. Falat, same address. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and their *baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, between Philadelphia, Pa., and Pottsville, Pa., from Philadelphia over Schuylkill Expressway to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 via Valley Forge to Phoenixville, Pa., thence over Pennsylvania Highway 83 via Spring City, Pa., to Royersford, Pa., thence over Pennsylvania Legislative Route 46015 to junction with U. S. Highway 422 at or near Limerick, Pa., thence over U. S. Highway 422 to Reading, Pa., and thence over U. S. Highway 122 to

Pottsville, and return over the same route, serving all intermediate points.

HEARING: January 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 46047 (Sub No. 4), filed November 4, 1957, READING TRANSPORTATION COMPANY, a Corporation, Reading Terminal, 12th and Market Streets, Philadelphia 7, Pa. Applicant's attorney: Robert P. Falat, (same address). For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and their *baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, between Philadelphia, Pa., and Allentown, Pa., over the following routes: (a) From Philadelphia over Schuylkill Expressway to Pennsylvania Turnpike Delaware River Extension, thence on Pennsylvania Turnpike Delaware River Extension to junction Pennsylvania Turnpike Northeast Extension, thence over Pennsylvania Turnpike Northeast Extension to Lehigh Valley Interchange, thence on alternate U. S. Highway 22 to Allentown, and return over the same route; (b) from Philadelphia over the route indicated in (a) above to the Pennsylvania Turnpike Northeast Extension, thence over said extension to Quakertown Interchange, thence over Pennsylvania Highway 663 to junction U. S. Highway 309, thence over U. S. Highway 309 via Center Valley, Pa., to Allentown (also from Center Valley over Pennsylvania Highway 12 to Bethlehem, Pa., thence over unnumbered highway to Allentown), and return over the same route; (c) from Philadelphia over the highways indicated in (a) above to junction Pennsylvania Turnpike Northeast Extension, thence over said Extension to Lansdale Interchange, thence over Pennsylvania Highway 63 via Lansdale, Pa., to junction U. S. Highway 309, thence over U. S. Highway 309 via Center Valley, to Allentown (also from Center Valley over Pennsylvania Highway 12 to Bethlehem, and thence over unnumbered highway to Allentown), and return over the same route; (d) from Philadelphia over Schuylkill Expressway to Pennsylvania Turnpike Delaware River Extension, thence over Pennsylvania Turnpike Delaware River Extension to Fort Washington Interchange, thence over Pennsylvania Highway 731 to Fort Washington, Pa., thence over U. S. Highway 309 via Center Valley, to Allentown (also from Center Valley over Pennsylvania Highway 12 to Bethlehem, thence over unnumbered highway to Allentown), and return over the same route; (e) from Philadelphia over Pennsylvania Highway 152 to North Glenside, Pa., thence over Pennsylvania Highway 731 to junction with Pennsylvania Turnpike Delaware River Extension at Fort Washington Interchange, thence over said Extension to junction Pennsylvania Turnpike Northeast Extension, thence over said Extension to Lehigh Valley Interchange, thence over alternate U. S. Highway 22 to Allentown, and return over the same route; (f) from Philadelphia over Pennsylvania Highway 152 to North Glenside, thence over Pennsylvania Highway 731 to junction U. S. Highway 309, thence over U. S. Highway 309 to junction Pennsylvania Highway 63, thence over Pennsylvania Highway 63 via Lansdale, to junction Pennsylvania Turnpike Northeast Extension at Lansdale Interchange, thence over said Extension to Lehigh Valley Interchange, thence over alternate U. S. Highway 22 to Allentown, and return over the same route; and (g) from Philadelphia over Pennsylvania Highway 152 to North Glenside, thence over Pennsylvania Highway 731 to junction U. S. Highway 309, thence over U. S. Highway 309 to junction Pennsylvania Highway 663, thence over Pennsylvania Highway 663 to junction Pennsylvania Turnpike Northeast Extension at Quakertown Interchange, thence over alternate U. S. Highway 22 to Allentown, and return over the same route, serving all intermediate points on each of the highways specified in the above indicated routes.

HEARING: January 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 105704 (Sub No. 3), filed November 25, 1957, N. DALE LIGHTNER, doing business as LINCOLN BUS LINES, 10 Elm Avenue, Hanover, Pa. Applicant's representative: Norman T. Petow, 43 North Duke Street, York, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, consisting of round-trip, sightseeing or pleasure tours, beginning and ending at points in York County, Pa., and extending to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, all points in Louisiana (except New Orleans), points in Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming, with no pick-up or discharge of passengers en route. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lacy W. Hinely.

No MC 114340 (Sub No. 12), filed November 20, 1957, THOMAS PARRAN, JR., doing business as SUBURBAN TRANSIT COMPANY, 10715 Colesville Road, Silver Spring, Md. Applicant's attorney: S. Harrison Kahn, 726 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers*, their *baggage, express, mail* and *newspapers*, in the same vehicle, between Damascus, Md., and Gaithersburg, Md., from Damascus over Maryland Highway 27 to its junction with U. S. Highway 240 (Maryland Highway 355), thence over U. S. Highway 240 to Gaithersburg, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland and the District of Columbia.

NOTE: Applicant states he proposes to tack authority requested herein to his existing authority.

HEARING: January 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 117026, filed November 6, 1957, KEITH G. HOUGHTALEN, P. O. Box 24, Starrucca (Wayne County), Pa. Applicant's attorney: David M. Boyd, 114 Ninth Street, Honesdale, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *groups of passengers*, in special or charter operations, during the season from approximately July 1 to September 1 of each year, beginning and ending at Preston Township (Wayne County), Pa., and points within 10 miles thereof, and extending to Hancock, Deposit and Binghamton, N. Y.

NOTE: Applicant's attorney states (1) that applicant's proposed operations will be restricted to the transportation of children, and counselors or chaperons, from camps located in the above origin territory to the named destination points for the purpose of attending theatres, shopping, etc.; (2) that it will have no written contracts with camp owners but will be available for various trips from time to time; and (3) that it will charge a fee for transporting a bus-load of children from origin to destination without regard to the precise number so transported.

HEARING: January 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

PETITION

No. MC 72273, PETITION FOR MODIFICATION OF PERMIT, dated November 20, 1957, J. B. MONTGOMERY, INC., 2430 East 40th Avenue, Denver, Colo. Applicant's attorneys: Clarence D. Todd and Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Applicant holds a Permit in No. MC 72273 issued August 31, 1943. Applicant requests that the "grandfather" clause application, originally filed by J. B. Montgomery, Sr. (corporate applicant named above substituted by order of the Commission dated February 5, 1938), be reopened and the authority modified to specificially authorize the transportation which applicant and its predecessor have performed for the Gates Rubber Company of Denver, Colo., since prior to July 1, 1935; that the principal transportation performed for this company has been the movement of *rubber* and *rubber products* from Denver to Chicago and other points included within the territorial scope of Montgomery's authority, namely, points in Kansas, Nebraska, and Iowa, those in Colorado on and east of U. S. Highway 87 and on and north of U. S. Highway 50, and those in Illinois north of a line extending from a point on the Missouri-Illinois State line directly west of Springfield, Ill., through Springfield to the Illinois-Indiana State line, and the transportation of *equipment, materials and supplies* used by Gates Rubber Company from Chicago and other points in the described territory to Denver; that if oral hearing is held, and because of Mr. Montgomery's extreme poor health, applicant requests permission to take his deposition in Phoenix, Ariz., at an appropriate time prior to such hearing. To summarize, applicant requests the Commission to waive Rule 101 (e) of the general rules of practice and receive and consider the instant petition, and either (a) reopen the "grandfather" clause application for the purpose of modifying the authority questioned therein to conform to the actual operations being conducted on or before July 1, 1935 continuously thereafter, or (b) assign the instant petition for oral hearing, the Commission to order the taking of a deposition as heretofore described.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 603 (Sub. No. 10), filed October 7, 1957, T. R. SHUMPERT, doing business as SHUMPERT TRUCK LINE, Amory, Miss. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving New Albany, Miss., as an intermediate point in connection with applicant's authorized regular route operations between Memphis, Tenn., and Amory, Miss., over U. S. Highway 78.

No. MC 2470 (Sub No. 2), filed November 15, 1957, THOMAS C. DONAHUE, doing business as DONAHUE'S SERVICE, 312 East Weber Avenue, DuBois, Pa. Applicant's attorney: Robert O. Smith, Jr., Assistant General Solicitor, Law Department, The Baltimore and Ohio Railroad Company, 1315 Union Central Life Building, Cincinnati 2, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, (1) between Sykesville, Pa., and DuBois, Pa., over U. S. Highway 119, serving no intermediate points; (2) between junction U. S. Highways 119 and 322 and Clearfield, Pa., over U. S. Highway 322, serving the intermediate points of Luthersburg and Curwensville, Pa.; (3) between DuBois, Pa., and Clearfield, Pa., over Pennsylvania Highway 410, serving the intermediate point of Rockton, Pa.; (4) between DuBois, Pa., and junction U. S. Highways 219 and 322, over U. S. Highway 219, serving the intermediate point of Luthersburg, Pa.; (5) between junction U. S. Highway 119 and Pennsylvania Highway 410 (located between Big Run and Cramer, Pa.), and junction Pennsylvania Highway 410 and Rockton, Pa., over Pennsylvania Highway 410, serving the intermediate point of Luthersburg, Pa.; (6) between Cramer, Pa., and junction Pennsylvania Highways 952 and 410, over Pennsylvania Highway 952, serving no intermediate points; (7) between Sykesville, Pa., and junction unnumbered highway and Pennsylvania Highway 410, over unnumbered highway through Stanley and Helvetia Mines, Pa., serving the intermediate points of Stanley and Helvetia Mines, Pa. RESTRICTION: The service proposed herein is subject to the following conditions: The service to be performed by the above-named carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of The Baltimore and Ohio Railroad Company, hereinafter called the railroad. Carrier shall not serve or interchange traffic at any point not a station on said railroad. Shipments transported by carrier shall be limited to those which move under a through bill of lading covering, in addition to movement by carrier by motor vehicle, a prior or subsequent movement by rail. Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, rail service. Applicant is authorized to conduct similar operations in Pennsylvania.

No. MC 46240 (Sub No. 8), filed November 20, 1957, CLIFTON M. DENMAN, doing business as C. M. DENMAN, 2026 Lepeer Avenue, Port Huron, Mich. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plastic articles* and *materials* used in the manufacture of plastic articles, between Port Huron, Mich., on the one hand, and, on the other, Chicago, Ill., St. Louis, Mo., and all points in Indiana and Ohio. Applicant is authorized to transport commodities other than those applied for herein in Illinois, Indiana, Michigan, Missouri, and Ohio.

NOTE: Applicant states the sole purpose of this application is to clarify the commodity description in his permit.

No. MC 52947 (Sub No. 26), filed November 20, 1957, PINSON TRANFER COMPANY, INC., 119 20th Street, Huntington, W. Va. Applicant's attorney: Robert H. Kinker, Seventh Floor, McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, agricultural commodities, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cincinnati, Ohio, and Harlan, Ky., from Cincinnati over U. S. Highway 25 to Corbin, Ky., thence over U. S. Highway 25–E to Pineville, Ky., thence over U. S. Highway 119 to junction U. S. Highway 421, thence over U. S. Highway 421 to Harlan, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between junction U. S. Highway 119 and Kentucky Highway 15, near Whitesburg, Ky., and Harlan, Ky., and between Cincinnati, Ohio, and Morehead, Ky. Applicant is authorized to conduct similar operations in Kentucky, Virginia, and West Virginia.

No. MC 79135 (Sub No. 20), filed October 31, 1957, COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Baltimore, Md., to points in Delaware, Otsego, and Herkimer Counties, N. Y.

No. MC 87514 (Sub No. 13) filed November 25, 1957, NICHOLAS TUSO, JR., doing business as INTER-STATE TRANSPORTATION COMPANY, P. O. Box 55, Third and Chestnut Avenue, Vineland, N. J. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum coke*, in bulk, in hopper vehicles, from Delaware City, Del., to points in New Jersey. Applicant is authorized to conduct operations in Delaware, New Jersey, and Pennsylvania.

NOTE: Applicant is authorized to transport Petroleum Products, as defined by the Commission, in bulk, in tank vehicles, from the site of the Tidewater Oil Company Refinery, at or near Delaware City, Del., to points in New Jersey on and south of New Jersey Highway 33.

No. MC 107409 (Sub No. 12), filed November 27, 1957, RATLIFF & RATLIFF, INC., P. O. Box 399, Highway 724, Wadesboro, N. C. Applicant's attorney: Vaughn S. Winborne, Security Bank Building, Raleigh, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Empty oil drums*, from points in North Carolina and South Carolina east of U. S. Highway 29, to Newark, N. J. Applicant is authorized to transport the commodity specified in New Jersey, North Carolina, and South Carolina.

No. MC 110525 (Sub No. 349), filed November 26, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps and Leonard A. Jaskiewicz, both at Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ethylene gas*, in bulk, in manifold cylinder, semi-trailers, from Orange, Tex., to McCook, Ill. Applicant is authorized to transport the commodity specified in Delaware, Ohio, and Texas.

No. MC 112196 (Sub No. 13), filed November 29, 1957, GEORGE R. MALLORY, doing business as MALLORY TRUCKING, Highway 99 and Hunts Lane, P. O. Box 412, Colton, Calif. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, from the site of the Cushenbury plant of Permanente Cement Company located on California Highway 18, eight and one-half miles south of Lucerne Valley, San Bernardino County, Calif., to points in Mohave, Yuma, Pima, Pinal, Maricopa, Yavapai, and Coconino Counties, Ariz.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified herein, on return. Applicant is authorized to transport cement in Arizona and California.

No. MC 112411 (Sub No. 2), filed November 22, 1957, KETCHELL STRAUSS, 132 College Avenue, Nicholasville, Ky.

Applicant's attorney: William E. Sloan, Security Trust Building, Lexington, Ky. For authority to operate as a *contract carrier* over irregular routes, transporting: *Bricks*, (1) from Lexington, Ky., and points within fifty (50) miles thereof, to points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission, to Hamilton, Ohio, and points in Ohio within five (5) miles thereof, to Dayton, Ohio, and points in Ohio within five (5) miles thereof, to Springfield, Ohio, and points in Ohio within five (5) miles thereof, to Columbus, Ohio, and points in Ohio within ten (10) miles thereof, to Canton, Ohio, and points in Ohio within 25 miles thereof, and to Nelsonville, Ohio, and points in Ohio within five (5) miles thereof; and (2) from Columbus, Ohio, and points in Ohio within ten (10) miles thereof, from Canton, Ohio, and points in Ohio within 25 miles thereof, and from Nelsonville, Ohio, and points in Ohio within five (5) miles thereof, to Lexington, Ky., and points within 50 miles thereof.

NOTE: Applicant is authorized to transport Brick, from Lexington, Ky., and points within three miles thereof, to points in Ohio in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission.

No. MC 116802 (Sub No. 2), filed September 23, 1957, ARMORED CAR SERVICES, INC., 2304 Wilson Boulevard, Arlington, Va. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Currency, securities, precious metals, jewelry, precious stones, monies, legal tender, stocks, bonds, negotiable* and *nonnegotiable instruments, postage* and *revenue stamps, company records* and *other valuable documents* and *rare objects*, between Washington, D. C., Montgomery, Charles, and Prince Georges Counties, Md., City of Alexandria, Va., and Arlington, Fairfax, and Prince William Counties, Va.

No. MC 116814 (Sub No. 2), filed October 28, 1957, ROBERT LEE AND WILLARD NELSON, doing business as L AND N TRUCK LINE, Garden City, Iowa. Applicant's attorney: Russell H. Wilson, 1800 Thirteenth Street, Des Moines 14, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cheddar cheese*, and *empty cheddar cheese containers*, between Garden City (Hardin County), Iowa, and Monroe, Wis.

No. MC 117011 (Sub No. 1), filed December 2, 1957, BILLY CLAY, 105 Chestnut, Fulton, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bulk soybean meal*, from Decatur and Quincy, Ill., to Loose Creek, Westphalia, and Meta, Osage County, Mo.

No. MC 117049, filed November 21, 1957, ROBERT A. ALTO and CECIL E. ALTO, a Partnership, doing business as ALTO BROS. TRUCKING, Route 1, Box 220, Eureka, Calif. Applicant's representative: Pete H. Dawson, Suite 306–717 Market Street, San Francisco, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Humboldt County, to Eureka, Fields Landing, and Fairhaven, Calif.

NOTE: Applicant states the lumber consists of rough, dressed, dimension, and boards of all types.

No. MC 117055, filed November 25, 1957, CLARK COFFELT, doing business as COFFELT TRUCKING, RFD–1, Box 275, Eureka, Calif. Applicant's representative: Pete H. Dawson, Suite 306, 717 Market Street, San Francisco, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Humboldt County, Calif., to Eureka, Fields Landing, and Fairhaven, Calif.

No. MC 117068, filed November 29, 1957, HERBERT H. SCHULTZ, doing business as MIDWEST HARVESTORE TRANSPORT, P. O. Box 1036, Rochester, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Silos*, steel, glass enameled, knocked down and/or *parts* thereof, *including machinery and accessories used in the loading and unloading of materials stored in silos* and further *including machinery, hardware and accessories used in the assembly and structural erection of such silo or silos*, from Kankakee, Ill., to points in Iowa, Minnesota, North Dakota, and South Dakota, and *rejected shipments* of the commodities specified in this application and *silo sections, parts, machinery and accessories returned to the factory for repair, reconditioning, or rebuilding*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 139), (CORRECTION) published issue November 20, 1957, at page 9276, filed November 4, 1957, THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago 4, Ill. Applicant's attorney: Earl L. Bagby, Western Greyhound Lines, Market and Fremont Streets, San Francisco 5, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers. In connection with paragraph (a) which appeared on line 18 of the publication, the word *southeast* should have read *southwest*. Correctly stated the line should read: "highway southwest of Folsom and Nimbus" • • •

No. MC 52293 (Sub No. 13), filed November 27, 1957, CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, a corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: William L. Hunter, Law Department, C. M. St. P. & P. R. R. Co., 888 Union Station, Chicago 6, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Wausau, Wis., and Minocqua, Wis., from Wausau over U. S. Highway 51 to Irma, Wis., at junction Lincoln County Trunk Highway J and U. S. Highway 51, thence over unnumbered highway to Heafford Junction, Wis., at junction unnumbered highway and U. S. Highway 51, thence over unnumbered highway to Hazelhurst, Wis., at junction unnumbered highway and U. S. Highway 51, thence over unnumbered highway to Minocqua, and return over the same route, serving the intermediate points of Merrill, Irma, Tomahawk, Heafford Junction, and Hazelhurst, Wis., which are located on applicant's rail line. RESTRICTIONS: (a) The Railroad shall not serve any point not a station on its rail line or any point which at the time of discontinuance of service was not a station on its rail line; (b) The Railroad shall make pickup or discharge of passengers at its depots as described in (a) and at no other point on the route, and transportation shall be at railroad passenger fares; (c) The Railroad shall not operate any express type of passenger service between termini on the above routes without service at intermediate points except where a through bus is operated as an additional section of a regularly scheduled run; (d) The Railroad shall operate only schedules which make direct connections with its rail service on the above routes; and (e) Should rail be reinstated in regularly scheduled train service and not special service, the certificate for this authority will be void. Applicant is authorized to conduct operations in Illinois, Michigan, Montana, and Wisconsin.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 111045 (Sub No. 4), filed October 22, 1957, REDWING CARRIERS, INC., P. O. Box 426, Palm River Road, Tampa 1, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Petroleum, petroleum products*, and *petroleum byproducts*, in bulk, in tank vehicles, between all points lying within the Counties of Pinellas, Citrus, Sumter, Lake, Orange, Brevard, Lee, Charlotte, Highlands, Osceola, Polk, Desota, Hardee, Sarasota, Manatee, Hillsborough, Pasco, and Hernando, and from points of origin in said counties to points in Florida; (B) *lower grades of petroleum oils Nos. 3 to 6 inclusive, including a mixture of higher grades of oils Nos. 1 and 2 with the lower grade oils Nos. 3 to 6, inclusive, including specifically Bunker "C" or residual fuel, and also crude oil, all asphalts and tars, spray oil, insecticide oil, syrups and molasses, nonedible tallow and its byproducts, and liquified petroleum gases*, in bulk, in tank trucks, between all points in Florida except the above-described petroleum oils Nos. 3 to 6 inclusive from the Port of West Palm Beach, Port St. Joe, and St. Marks as points of origin, and except liquified petroleum gases from Panama City as point of origin; (C) *creosote*, in bulk, in tank vehicles, between points in Florida, except points lying on or west of the east boundary line of Jefferson County, and except from the Counties of Indian River, Okeechobee, Glades, Hendry, Collier, St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe as points of origin; (D) *all other liquids and liquified gases*, except those named in paragraphs A, B, and C above, in bulk, in tank vehicles, between points in Florida, except liquid chemicals, liquid fertilizer, liquid oxygen, liquified gases (other than petroleum gases), insecticide sprays (other than petroleum), sodium sulphate and caustic soda, from points of origin in Indian River, Okeechobee, Glades, Hendry, Collier, St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties; (E) *heavy oil field equipment*, requiring the use of special transportation equipment, between points in Florida.

NOTE: This application is filed to obtain a certificate of public convenience and necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, in lieu of intrastate certificate on file with this Commission. Application is directly related to No. MC-F-6738.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6738. Authority sought for purchase by REDWING CARRIERS, INC., P. O. Box 426, Tampa, Fla., of the operating rights of WOODALLS', INC., P. O. Box 541, Lakeland, Fla., and for acquisition by C. E. MENDEZ, also of Tampa, of control of such rights through the purchase. Applicants' attorneys: James E. Wilson, 1111 E Street NW., Washington, D. C., and Lewis H. Hill, First National Bank Building, Tampa 2, Fla. Operating rights sought to be transferred: *Molasses*, in bulk, in tank vehicles, as a *common carrier* over irregular routes from Lakeland, Fla., and points within 100 miles thereof, to points in Alabama, Georgia, South Carolina, and North Carolina, from Jacksonville, Fla., to points in Georgia, North Carolina, and South Carolina, and from Port Wentworth, Ga., to points in North Carolina and South Carolina; *fish oil*, in bulk, in tank vehicles, from Fernandina, Fla., and points within five miles of Fernandina, Fla., to Pascagoula, Miss., Mobile, Ala., Beaufort, and Wilmington, N. C.; *fish oil* and *fish solubles*, in bulk, in tank vehicles, from Fernandina, Fla., and points within five miles of Fernandina, Fla., to points in Georgia and South Carolina; *fish solubles*, in bulk, in tank vehicles, from Fernandina, Fla., and points within eight miles of Fernandina, Fla., to Knoxville, Tenn. Vendee is authorized to operate as a *common carrier* under the second proviso of section 206 (a) (1) in Georgia. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 111045 Sub 4 is a matter directly related.

No. MC–F 6641, published in the July 24, 1957, issue of the FEDERAL REGISTER on page 5886. Amendment to the application filed November 28, 1957, shows PAUL W. GREENE and ANNIE H. GREENE, Forest Hills, Wilkesboro, N. C., as the persons in control of PIEDMONT MOUNTAIN FREIGHT LINES, INC.

No. MC–F–6649, published in the July 31, 1957 issue of the FEDERAL REGISTER on page 6031. Amendment to the application filed November 25, 1957, to show C. G. SOIKE, ARTHUR W. LEE and GEORGE V. EASTES to jointly control vendee.

No. MC–F 6772. Authority sought for merger into RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex., of the operating rights and property of DENVER-AMARILLO RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex., and for acquisition by H. E. ENGLISH and O. B. ENGLISH, both of Dallas, of control of such rights and property through the transaction. Applicants' attorney: Reagan Sayers, 303 Century Life Building, Fort Worth, Tex. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Denver, Colo., and Manzanola, Colo., between Pueblo, Colo., and Amarillo, Tex., between Raton, N. Mex., and Taos, N. Mex., between Taos, N. Mex., and Santa Fe, N. Mex., between Bois City, Okla., and Keyes, Okla., between Denver, Colo., and Dumas, Tex., between Amarillo, Tex., and Channing, Tex., and between Perryton, Tex., and Wheeler, Tex., serving certain intermediate and off-route points; alternate route for operating convenience only between Sayre, Okla., and Amarillo, Tex.; *general commodities*, except Class A and B explosives, articles requiring other than van-type equipment, and household goods as defined by the Commission, between Enid, Okla., and Oklahoma City, Okla., serving no intermediate points; *government-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas) or empty, between the points and over the regular routes in the States of Colorado, New Mexico, Oklahoma, and Texas, as authorized in Certificate No. MC 105265, dated December 20, 1951, and between the points and over the routes authorized to be served in Oklahoma and Texas in the performance of the regular route operations in Oklahoma and Texas as described in Certificate No. MC 105265 Sub 32, dated August 20, 1956, except points in the Amarillo, Tex., Commercial Zone as defined by the Commission, and those in the Oklahoma City, Okla., Commercial Zone as defined by the Commission; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between Denver, Colo., and the U. S. Ordnance plant at Remaco, Colo.; *class A and B explosives*, between Denver, Colo., and the site of the U. S. Ordnance Plant at Remaco, Colo. RED BALL MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Texas, Louisiana, Arkansas, Oklahoma and New Mexico. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–10217; Filed, Dec. 10, 1957; 8:48 a. m.]

[Notice 19]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 6, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–29859 (Deviation No. 2), BRINKER TRUCK LINE, INC., 210 Poplar Street, St. Louis, Mo., filed November 25, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Quincy, Ill., and junction Illinois Highways 57 and 96, as follows: from Quincy, over Illinois Highway 57 to junction Illinois Highway 96 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Quincy, Ill., and junction Illinois Highways 57 and 96 over Illinois Highway 96.

No. MC–40235 (Deviation No. 1), I. R. C. & D. MOTOR FREIGHT, INC., P. O. Box 305, Richmond, Ind., filed November 29, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over 3 deviation routes; (A) between Eaton, Ohio and Decatur, Ind., as follows: from Eaton over U. S. Highway 127 to junction U. S. Highway 127 and 33, thence over U. S. Highway 33 to Decatur; (B) between Dayton, Ohio and Decatur, Ind., as follows: from Dayton over Ohio Highway 49 to junc-

tion U. S. Highway 127, thence over U. S. Highway 127 to junction U. S. Highway 33, thence over U. S. Highway 33 to Decatur; (C) between Hamilton, Ohio and Richmond, Ind., as follows: from Hamilton over Ohio Highway 177 to Indiana-Ohio State line, thence over Indiana Highway 227 to Richmond; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: (A) between Eaton, Ohio and Decatur, Ind., over U. S. Highways 35 and 27; (B) between Dayton, Ohio and Decatur, Ind., over U. S. Highways 35 and 27; and (C) between Hamilton, Ohio and Richmond, Ind., over U. S. Highways 127 and 35; and return over the same routes.

No. MC–71478 (Deviation No. 2), THE CHIEF FREIGHT LINES CO., P. O. Box 4049 Station A, Kansas City, Mo., filed November 25, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Lawton, Okla., as follows: from Tulsa over the Turner Turnpike to Chandler, Okla., thence over Oklahoma Highway 18 to Stratford, Okla., thence over Oklahoma Highway 19 to Pauls Valley, Okla., thence over U. S. Highway 77 to Wynnewood, Okla., thence over Oklahoma Highway 29 to Marlow, Okla., thence over U. S. Highway 81 to junction Oklahoma Highway 7, and thence over Oklahoma Highway 7 to Lawton and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier presently authorized to transport the same commodities between Tulsa, Okla., and Lawton, Okla., over the following pertinent routes: from Tulsa over U. S. Highway 66 via Sapulpa and Edmund, Okla., to Oklahoma City, Okla., thence over U. S. Highway 277 to Lawton.

No. MC–71478 (Deviation No. 3), THE CHIEF FREIGHT LINES CO., P. O. Box 4049 Station A, Kansas City, Mo., filed November 27, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Dallas, Tex., as follows: from Tulsa over U. S. Highway 64 to Janesville, Okla., thence over U. S. Highway 62 to the junction Oklahoma Highway 72, thence over Oklahoma Highway 72 to junction Oklahoma Highway 1, thence over Oklahoma Highway 1 to Checotah, Okla., thence over U. S. Highway 69 to Denison, Tex., and thence over U. S. Highway 75 to Dallas and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tulsa, Okla., and Dallas, Tex., over U. S. Highway 75.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57–10215; Filed, Dec. 10, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–205]

UNKNOWN HUNGARIAN AND RUMANIAN NATIONALS

In re: Debts owing to unknown Hungarian and Rumanian Nationals. F–34–8993), and pursuant to law, after investigation.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

(a) That certain debt or other obligation of Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $7,331.20, constituting a portion of an ordinary blocked account entitled, "Credit Suisse (Swiss Credit Bank), Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

(b) That certain debt or other obligation of Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $16,246.55, constituting a portion of an ordinary blocked account entitled, "Credit Suisse (Swiss Credit Bank), Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by unknown nationals of Hungary and Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on December 4, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57–10195; Filed, Dec. 10, 1957; 8:45 a. m.]

[Vesting Order SA–206]

UNKNOWN NATIONAL OF RUMANIA

In re: Debt owing to unknown national of Rumania. R–63–139 (Lausanne), F–57–1257.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, General Ruling Account No. 6, Lausanne, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Exeeutive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by a national of Rumania, name unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on December 4, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57–10196; Filed, Dec. 10, 1957; 8:45 a. m.]

MICHIGAN LIBRARIES

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 22 — 1934 — NUMBER 240

Washington, Thursday, December 12, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3213

UNITED NATIONS HUMAN RIGHTS DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS December 10, 1957, marks the ninth anniversary of the proclamation by the General Assembly of the United Nations of the Universal Declaration of Human Rights as a common standard of achievement for all nations and all peoples, and will be observed throughout the world as a time to increase understanding of that great document; and

WHEREAS December 15, 1957, marks the one hundred and sixty-sixth anniversary of the adoption of our Bill of Rights as the first ten amendments to the Constitution of the United States; and

WHEREAS the fundamental rights and freedoms which are our heritage as Americans—freedom of speech and of the press, freedom of assembly and association, freedom of conscience and religious worship, the right to fair trial and equal treatment under law—are recognized by peoples throughout the world as foundations of liberty and justice; and

WHEREAS the new resources which have come into being as the result of the scientific and technical advances of our time give new hope for the fulfillment of human needs and greater enjoyment of human rights:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim December 10, 1957, as United Nations Human Rights Day; and I call upon the citizens of the United States to honor this day by reading and studying the Universal Declaration of Human Rights and the Bill of Rights in the Constitution of the United States, that we may be reminded of our privileges and responsibilities as a people dedicated to the principles of freedom. Let us draw strength from our own experience of liberty to use our new resources for the benefit of all mankind. Let us reaffirm our faith in the individual, and let us as members of the brotherhood of all free men strengthen and defend the blessings of liberty for this generation and for generations to come.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of December in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-10323; Filed, Dec. 10, 1957; 12:50 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[Amdt. 1]

PART 446—PEANUTS

SUBPART—1957 CROP PEANUT PRICE SUPPORT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by CCC with respect to the 1957 crop Peanut Price Support Program (22 F. R. 6551) are amended as provided herein. The area in which the program will be available is extended to include the State of Washington. A location differential discount of $0.0215 per pound shall be made for all types of peanuts in the State of Washington. Purchase agreements as well as loans will be available to eligible producers. A reference to the revised standards for U. S. No. 2 shelled Virginia type peanuts is included in § 446.921 (a).

The regulations in §§ 446.901 to 446.932, inclusive, are hereby amended and a new § 446.933 is added as specified below:

1. Section 446.902 (a) (2) is amended to read as follows:

(Continued on p. 9915)

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(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, Texas, and Washington.

2. Section 446.902 (b) is amended by adding at the end thereof the following: "Purchase agreements will be available at the county office through January 31, 1958. A producer who desires to sell peanuts to CCC is required to file Commodity Purchase Form 1 with the county office on or before such date."

3. Section 446.903 is amended to read as follows:

§ 446.903 *Methods of price support.* CCC will support the price of eligible 1957 crop quota peanuts through nonrecourse farm storage loans to eligible producers, non-recourse warehouse storage loans to associations operating under agreements with CCC, and through purchase agreements with eligible producers.

4. Section 446.906 is amended by changing the first sentence thereof to read as follows: "The following price support schedule applies to farmers stock peanuts in bulk or in bags, net weight basis, eligible for loan or for purchase agreements under the terms of the peanut price support program."

5. Section 446.907 (b) is amended to read as follows:

(b) Contain moisture not in excess of (1) ten (10) percent when placed under a farm storage loan, (2) the maximum moisture limitation specified by the association for peanuts received into a warehouse as collateral for a loan to the association, or (3) nine (9) percent in the Southeast and Southwest areas or 10 percent in the Virginia-Carolina Area when delivered under a purchase agreement; except that peanuts which have been mechanically dried shall contain at least 5 percent moisture when placed under a farm storage loan or when received in the warehouse and shall not show evidence of damage from the drying process, as indicated by hardness, off flavor or excessive slippage of the skin;

6. Section 446.909 is amended by adding the following paragraph (e) immediately after paragraph (d) and preceding the last sentence in the section:

(e) When delivered to CCC under a purchase agreement.

7. Section 446.911 (a) is amended to read as follows:

(a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30 cents per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30 cents per ton shall be paid on any additional quantity delivered to and accepted by CCC. On the quantity of peanuts covered by a purchase agreement the producer shall pay, at the time the agreement is filed, a service charge of 15 cents per ton or fraction thereof, except that the minimum charge shall be $1.50. No refund of service charges will be made. State committees may, at their option, require a deposit on farm storage loans, such deposit to be applied against the service charge when the loan is granted.

8. Section 446.911 (b) is amended to read as follows:

(b) The producer will pay the fee for inspecting peanuts placed under a farm storage loan or a loan to the association and for peanuts delivered to CCC under a purchase agreement. CCC will pay the fee for inspecting loan collateral peanuts acquired by CCC.

9. Section 446.911 is further amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) as follows:

(d) In the State of Washington producers shall defray the cost of freight to locations designated by CCC at the rate of $0.0215 per pound.

10. Section 446.915 (a) is amended to read as follows:

(a) If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, such producer must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan or purchase to the extent of such indebtedness or installments, plus interest if any, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lien-holders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders.

11. Section 446.921 (a) is amended to read as follows:

(a) Meet the standards for U. S. No. 2 shelled peanuts of such type (as specified in the U. S. Standards issued by the U. S. Department of Agriculture, Agricultural Marketing Service, effective July

31, 1956 for Runner and Spanish types and effective September 15, 1957 for Virginia type): *Provided, however,* That such peanuts shall contain 7 percent or less damaged kernels and kernels with minor defects, 9 percent or less moisture, 2 percent or less foreign material, and 10 percent or less sound peanuts and portions of peanuts which will pass through the screen prescribed for such type.

12. The regulations are amended by the addition of the following § 446.933:

§ 446.933 *Purchase agreements.* (a) Purchase agreements will be available to eligible producers on eligible peanuts stored on the farm or stored off the farm on an identity preserved basis. Any peanuts stored off the farm on other than an identity preserved basis shall not be eligible for sale to CCC. The producer who signs a purchase agreement will not be obligated to sell any quantity of the peanuts to CCC. However, he may sell to CCC any quantity of eligible peanuts not in excess of the quantity stated in the purchase agreement. The producer may not assign his interest in a purchase agreement.

(b) *Delivery.* If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1958, during which he must notify the county committee in writing of his intention to sell. The producer shall deliver the peanuts in accordance with delivery instructions issued by the county office, and shall complete delivery within a 15-day period immediately following the date of such instructions unless the county office determines that more time is needed for delivery. The producer may be required to retain the peanuts represented by a purchase agreement for a period of 60 days after May 31, 1958 without any cost to CCC.

(c) *Method of determining quality and quantity.* Peanuts delivered to CCC pursuant to a purchase agreement shall be of the type specified on the purchase agreement, and shall meet the grade requirements of § 446.907 as determined by a Federal or Federal-State inspector on the basis of a sample taken at the time of delivery. The quantity of peanuts shall be determined by actual weight at the time of delivery. CCC will not assume any loss in quantity or quality of the peanuts covered by a purchase agreement occurring prior to delivery to CCC.

(d) *Settlement.* Settlement for eligible peanuts delivered to CCC under a purchase agreement shall be made at the applicable support price for the type, grade and quantity, net weight (calculated from actual gross weight), delivered and accepted by the county committee. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of proceeds shall be made.

(e) *Applicable forms and requirements.* Applicable forms shall consist of the Purchase Agreement and Purchase Agreement Settlement signed by the producer and approved by the county office manager, the delivery instructions issued by the county office, the Inspection Certificate and Sales Memorandum Form MQ-94 Peanuts (4-15-57), and such other forms and documents as may be required by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 201, 68 Stat. 899; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 6th day of December, 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-10313; Filed, Dec. 11, 1957; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

PART 1015—CUCUMBERS GROWN IN FLORIDA

PACK SPECIFICATIONS

Pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015; 22 F. R. 6083), regulating the handling of cucumbers grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7. U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of recommendations and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the revision of pack specifications, as hereinafter provided, will tend to effectuate the declared policy of the act. Pack specifications issued pursuant to said marketing agreement and order became effective November 10, 1957 (22 F. R. 8975).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this revision for 30 days or any other period beyond the date hereinafter specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this revision is based became available and the time when this revision must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers in the manner set forth below on and after the effective date of this revision, (iii) compliance with this revision will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

The provisions of § 1015.101 *Pack specifications* (22 F. R. 8975) are hereby revised by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) reading as follows:

(b) On and after December 16, 1957, and until modified, suspended or terminated, the following shall constitute an additional pack of cucumbers pursuant to § 1015.11:

(1) "U. S. No. 1—Minimum 60% Fancy" consists of cucumbers of which at least 60 percent of the cucumbers in a lot are U. S. Fancy and the remaining 40 percent or less of such cucumbers are of U. S. No. 1 quality. None of the cucumbers in such pack shall be larger than 2⅜ inches in diameter or less than 6 inches in length. Not more than 10 percent, by count, of the cucumbers in any lot may fail to meet the requirements of U. S. No. 1 grade, including therein not more than 1 percent for decay, and, in addition, not more than 10 percent, by count, of the cucumbers in any lot may fail to meet the length and diameter requirements of the U. S. No. 1 grade including therein not more than 5 percent for cucumbers which fail to meet the requirement for maximum diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 6, 1957, to become effective December 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director
Fruit and Vegetable Division.

[F. R. Doc. 57-10273; Filed, Dec. 11, 1957; 8:49 a. m.]

[1015.301, Amdt. 5]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

a. *Findings.* (1) Pursuant to Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date hereinafter specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (v) this amendment relieves restrictions on the handling of cucumbers grown in the production area.

b. *Order as amended.* The provisions of § 1015.301 (b) (1) (22 F. R. 9589, 9251, 8976, 8810, 8219, 8148) are hereby amended as follows:

(b) *Order.* During the period from December 7, 1957, through December 15, 1957, the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area:

(1) No person shall handle any cucumbers, except for conversion into pickles or relishes, unless such cucumbers meet the requirements of U. S. No. 2, or better, grade.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 6, 1957, to become effective December 8, 1957.

FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-10275; Filed, Dec. 11, 1957; 8:49 a. m.]

[1015.301, Amdt. 6]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

a. *Findings.* (1) Pursuant to Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date hereinafter specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (v) this amendment relieves restrictions on the handling of cucumbers grown in the production area.

b. *Order, as amended.* The provisions of § 1015.301 (b) (22 F. R. 9589, 9251, 8976, 8810, 8219, 8148) are hereby amended as follows:

(b) *Order.* During the period from December 16, 1957, through July 31, 1958, the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area:

(1) No person shall handle any cucumbers, except for conversion into pickles or relishes, unless such cucumbers meet the requirements of the U. S. No. 2, or better, grade;

(2) Each handler subject to these regulations may handle up to, but not to exceed one bushel (54 pounds net), or equivalent, of cucumbers per day without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment over one bushel of cucumbers;

(3) No person shall handle cucumbers unless such cucumbers are so packed that they meet the grade and size requirements of this section, and one of the applicable pack specifications, established in § 1015.101.[1] Each container in each lot, or portion of a lot, of such cucumbers shall be marked or stamped to show, pursuant to the pack specifications established in § 1015.101,[1] and as certified by the Federal-State Inspection Service, the United States grade or modifications thereof applicable to such lot. Such marking or stamping shall be in letters at least one-half inch high and shall be so placed on each container as to be conspicuous and legible;

(4) No person shall handle any cucumbers unless such cucumbers are inspected and certified pursuant to the provisions of § 1015.60; and

(5) The grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title), including the tolerances set forth therein. The term "Fancy" is synonymous with, and shall have the same meaning as the term "U. S. Fancy"; the terms "Minimum 60% Fancy", "U. S. No. 1—Minimum 60% Fancy", and "Minimum 60% Fancy—U. S. No. 1", are synonymous with and shall have the same meaning as U. S. No. 1, Minimum 60% Fancy as specified in § 1015.101;[1] and "cucumbers" and all other terms shall have the same meaning as when used in Order No. 115 (22 F. R. 6083).

[1] See F. R. Doc. 57-10273, *supra.*

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated: December 6, 1957, to become effective December 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-10274; Filed, Dec. 11, 1957; 8:49 a. m.]

Subchapter B—Prohibitions of Imported Commodities

[Cucumber Reg., Amdt. 2]

PART 1070—CUCUMBERS

IMPORT RESTRICTIONS

Pursuant to regulations issued under Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083), regulating the handling of cucumbers grown in Florida, and in accordance with the requirements of § 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), amended paragraph (b) *Import restrictions* of § 1070.1 (*Cucumber Regulation No. 1;* 22 F. R. 9045) as hereinafter set forth supersedes Cucumber Regulation No. 1—Amendment 1 (22 F. R. 9690) and reads as follows:

(b) *Import restrictions.* During the period from December 8, 1957, to July 31, 1958, both dates inclusive, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any cucumbers of any variety unless such cucumbers meet the requirements of U. S. No. 2, or better, grade.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendatory regulation beyond that therein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which make such amended regulation mandatory; (ii) the regulations hereby established for cucumbers that may be imported into the United States comply with grade, size, quality and maturity restrictions imposed upon domestic cucumbers under Marketing Agreement No. 118 and Order No. 115 (7 CFR 1015.301; 22 F. R. 8148, 8219, 8810, 8976, 9251, 9589; (iii) compliance with this cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date hereof; and (iv) this amendment imposes less severe

restrictions on the importation of cucumbers than would be imposed by § 1070.1 Cucumber Regulation No. 1—Amendment 1 (22 F. R. 9690) if it were not amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 906; 7 U. S. C. 608e.)

Dated: December 6, 1957, to become effective December 8, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10272; Filed, Dec. 11, 1957; 8:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of	Rate	Effective
Boston	3	Nov. 19, 1957
New York	3	Nov. 15, 1957
Philadelphia	3	Nov. 22, 1957
Cleveland	3	Nov. 20, 1957
Richmond	3	Nov. 15, 1957
Atlanta	3	Do.
Chicago	3	Nov. 29, 1957
St. Louis	3	Nov. 15, 1957
Minneapolis	3	Nov. 22, 1957
Kansas City	3	Do.
Dallas	3	Dec. 2, 1957
San Francisco	3	Nov. 29, 1957

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston	3½	Nov. 19, 1957
New York	3½	Nov. 15, 1957
Philadelphia	3½	Nov. 22, 1957
Cleveland	3½	Nov. 20, 1957
Richmond	3½	Nov. 15, 1957
Atlanta	3½	Do.
Chicago	3½	Nov. 29, 1957
St. Louis	3½	Nov. 15, 1957
Minneapolis	3½	Nov. 22, 1957
Kansas City	3½	Do.
Dallas	3½	Dec. 2, 1957
San Francisco	3½	Nov. 29, 1957

3. Section 224.4 is amended to read as follows:

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston	4	Nov. 19, 1957
New York	3¾	Nov. 15, 1957
Philadelphia	4	Aug. 9, 1957
Cleveland	4	Nov. 29, 1957
Richmond	4½	Aug. 19, 1957
Atlanta	4½	Aug. 13, 1957
Chicago	4½	Aug. 9, 1957
St. Louis	4	Nov. 15, 1957
Minneapolis	4½	Aug. 9, 1957
Kansas City	4	Nov. 22, 1957
Dallas	4½	Aug. 13, 1957
San Francisco	4½	Aug. 15, 1957

4. Section 224.5, relating to rates on advances to industrial and commercial businesses (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate on loans (1) for the Federal Reserve Bank of New York from 4¼–6 to 3¾–5½, and on commitments from ½–1½ to ½–1⅜, effective November 15, 1957; and (2) for the Federal Reserve Bank of St. Louis from 4–6 to 3½–5½, and on commitments from ½–1½ to ½–1⅜, effective November 15, 1957.

5. Section 224.6, relating to loans to financing institutions under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate (1) for the Federal Reserve Bank of New York on commitments from ½–1½ to ½–1⅜, effective November 15, 1957; and (2) for the Federal Reserve Bank of St. Louis on discounts or purchases on the portion for which the institution is obligated from 3½–4 to 3–3½, and on commitments from ½–1½ to ½–1⅜, effective November 15, 1957.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interpret or apply sec. 14 (d), 38 Stat. 264, as amended; 12 U. S. C. 357)

Board of Governors of the Federal Reserve System.

[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 57-10268; Filed, Dec. 11, 1957; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

FEDERAL RECOGNITION

In § 1101.3 (h) (2), subdivision (iii) (c) is revised to read as follows:

§ 1101.3 *Federal recognition.* • • •
(h) *Requirements.* • • •
(2) *Persons eligible.* • • •
(iii) *Special.* • • •

(c) ROTC graduates may be extended Federal recognition and transferred to an Army National Guard of the United States status during the interim period between their appointment in the Army Reserve and the date of reporting for active duty or active duty for training, subject to the following:

(*1*) The ROTC graduate, who is obligated for two years active duty, must be assigned in the same branch as that in which he holds his appointment in the United States Army Reserve.

(2) The ROTC graduate, who is obligated for six months active duty for training, may be assigned in any branch. If the branch is different from that in which he holds his appointment in the United States Army Reserve, he should clearly understand that:

(*i*) It will mean a transfer of branch in his Reserve of the Army Status.

(*ii*) His active duty for training orders will be amended to reflect attendance at a service school appropriate to his new branch.

(*iii*) In all probability the date of his entry on active duty for training will be changed to coincide with the schedule of the new service school.

(*3*) The application for Federal recognition together with the statements required by paragraph (i) (5) (xiii) of this section must arrive in the National Guard Bureau no later than 30 days prior to the date that the individual is scheduled to report for active duty or active duty for training.

[C2, NGR 20-2, Sept. 16, 1957] (Sec. 110, 70A Stat. 600; 32 U. S. C. 110)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 57-10241; Filed, Dec. 11, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 48]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
La Habra FM	LGB-LFR	Direct	1800	T-dn	300-1	300-1	*200-½
Int SE crs LGB LFR, and SW crs EL TORO LFR.	LGB-LFR	Direct		C-dn	500-1	600-1	600-2
Huntington Beach FM	LGB-LFR (Final)	Direct	1400	S-dn-30	500-1	500-1	500-1
Long Beach VOR	LGB-LFR	Direct	1000 1500	A-dn	800-2	800-2	800-2

*300-1 required for take-off runways 16, 16R, 25L, 34R.
Radar vectoring to final approach course authorized.
Procedure turn S side SE crs, 118° Outbnd, 298° Inbnd, 1500' within 10 miles, beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 298—3.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles, climb to 800' on NW crs, then turn left to 200° continuing climb to Int. of 160° crs from LAX RBn and proceed to San Pedro Int at 2500', or when directed by ATC, climb to 800' on NW crs LGB, reverse course to left and return to LGB LFR at 1500'.
CAUTION: 500' hill with oil derricks one mile S of airport; standard clearance not provided over obstructions for circling minimums.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev, 56'; Fac. Class, SBMRLZ; Ident., LGB; Procedure No. 1, Amdt. 15; Eff. Date, 4 Jan. 58; Sup. Amdt. No. 14. Dated, 2 Nov. 57

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 060 Outbnd, 240 Inbnd, 3000' within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 210—3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi, make a climbing right turn, return to LFR climbing to 3000'.
NOTE: ADF approach not authorized.

City, Utica; State, N. Y.; Airport Name, Oneida County; Elev., 742'; Fac. Class, BMRLZ; Ident., UCA; Procedure No. 1, Amdt. 6; Eff. Date, 4 Jan. 58; Sup. Amdt. No. 5; Dated, 24 Mar. 56

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED EFFECTIVE 7 NOVEMBER 1957, DUE TO DECOMMISSIONING OF FACILITY.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666'; Fac. Class, LOM; Ident, OR; Procedure No. 2, Amdt. 2; Eff Date, 28 Apr. 57; Sup. Amdt. No. 1; Dated 27 Apr. 57

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED EFFECTIVE 7 NOVEMBER 1957, DUE TO DECOMMISSIONING OF FACILITY.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 657'; Fac. Class, ILS-IORD; Ident., LOM-OR; Procedure No. 1, Amdt. 4, Comb ILS-ADF; Eff. Date 27 Apr. 57; Sup. Amdt. No. 3; Dated, 7 Apr. 56

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Radar transition to ILS NE crs to be conducted in accordance with established surveillance patterns for Runway 23R.				T-dn	300–1	300–1	200–½
Stadium RBn	4 mile Radar fix (Final)	Direct	**1600	C-dn:			
				ILS	400–1	500–1	500–1½
				ADF*	700–1	700–1	700–1½
				S-dn-23R-ILS	400–1	400–1	400–1
				A-dn ILS and ADF.	800–2	800–2	800–2

Procedure turn N side NE crs, 054 Outbnd, 234 Inbnd, 2500′ within 10 miles of Stadium RBn.
No glide slope or markers.
*Minimum altitude over Stadium RBn inbnd final, 2000′ ADF. Descend to ADF minimums after passing Stadium RBn. Minimum altitude to 4 mile fix 2000′ without Stadium RBn.
**Descend to landing minimums after passing 4 mile fix, as determined by surveillance radar. Without radar fix, ADF minimums apply.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi after passing radar fix or 6.9 mi after RBn, climb to 2200′ (or at higher altitude when requested by ATC) on SW crs ILS or 234° from Stadium RBn to LOM. No glide slope and no altitude information given on final approach between ASR 4 mi fix and airport unless requested.
NOTE: The following radar transition altitudes are applicable to all procedures; S, NW, and N quadrants of Cleveland LFR within 10 mi 2000′, within 30 mi 3000′ in SE quadrant within 30 mi 3000′ in all quadrants in accordance with established radar patterns.
CAUTION: 1970′ TV towers approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class, ILS; Ident., CLE; Procedure No. ILS-23R, Amdt. 5, Comb ILS-ADF; Eff. Date, 4 Jan. 58; Sup. Amdt. No. 4; Dated, 21 Sept. 57

LGB LFR	LOM	Direct	1,500	T-dn*	300–1	300–1	200–½
Huntington Beach FM	LOM (Final)	Direct	1,400	C-dn	500–1	600–1	600–2
San Pedro Int	LOM	Direct	1,500	S-dn 30:			
LGB VOR	LOM	Direct	1,500	ILS#	300–¾	300–¾	300–¾
Int SW crs El Toro LFR and SE crs LGB LFR.	LOM (Final)	Direct	1,400	ADF	500–1	500–1	500–1
Int SW crs EL Toro LFR and LGB R-120.	LOM (Final)	Direct	1,400	A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*300–1 required for take-off runways 16, 16R, 25L, 34R.
#Straight-in landing minimums are 400–1 with glide slope inoperative.
Radar vectoring to final approach course authorized.
Procedure turn S side SE crs, 120 Outbnd, 300 Inbnd, 1500′ within 10 mi of LOM. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd—1400′ ILS. Minimum altitude inbnd final—1100′ ADF.
Altitude of glide slope and distance to approach end of runway at OM 1329—4.7; at MM 245—0.7. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi, after passing LOM (ADF) climb to 800′ on NW crs LGB LFR; turn left to 200 continuing climb to intersect 160° crs from LAX Rbn and proceed to San Pedro Int at 2500′, or when directed by ATC, climb to 800′ on NW crs LGB–LFR, reverse crs to left and return to Long Beach LFR at 1500′.
NOTE: Glide slope unit now at beginning of usable portion runway 30. 800′ SE end closed permanently.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks one mi S of airport.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56′; Fac. Class, ILS-LGB; Ident., LOM–LG; Procedure No. ILS-30, Amdt. 14, Comb ILS-ADF; Eff. Date, 4 Jan. 58; Sup. Amdt. No. 13; Dated, 16 Nov. 57

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
0	360	Within 25 mi	3000	S-dn 9	200–½	200–½	200–½
070	290	Within 15 mi	2200	A-dn 9	600–2	600–2	600–2
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				C-dn-15	500–1	500–1	500–1½
				S-dn*	400–1	400–1	400–1
				S-dn-15	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
*Runways 27, 33, 3, 9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 9 and 3, climb to 3000′ and proceed to Conyers Int via E crs ILS or climb to 3000′ on NE crs ATL LFR within 20 mi, 15, climb to 2200′, turn right and proceed to ATL VOR or proceed on SE crs of ATL LFR within 20 mi, 27 and 33, climb to 3000′ and proceed to Chattahoochee Int via W crs ILS, or turn left and proceed on SW crs of ATL LFR within 20 miles.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class, Atlanta; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. Date, 4 Jan. 58; Sup. Amdt. No. 3; Dated, 7 Dec. 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

DECEMBER 3, 1957.

[F. R. Doc. 57–10113; Filed, Dec. 11, 1957; 8:45 a. m.]

PART 617—AIR TRAFFIC CONTROL RULES

REVISION OF PART

The following revision of Part 617 is adopted in order to renumber the provisions and to combine the numerous amendments to the part in a single document. This revision incorporates all the amendments thereto to date.

Since this revision does not involve any substantive change, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Therefore, this revision shall become effective upon publication in the FEDERAL REGISTER.

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617.2 Basis and purpose.
617.3 Scope.
617.4 Air traffic control service.
617.5 Airport traffic control.
617.6 Allocation of responsibility.
617.7 Coordination between centers and towers.
617.8 Standard phraseologies.
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Subpart B—Airport Traffic Control

617.21 General responsibility.

CONTROL OF TRAFFIC ON AND IN VICINITY OF LANDING AREA

617.22 General.
617.23 Critical positions of aircraft in the traffic and taxi patterns.
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617.28 Authorizing use of landing area by pilots of arriving aircraft.

VISUAL SIGNALS

617.30 Portable traffic light.
617.31 Advantages and disadvantages of the portable traffic signal light.
617.32 Operation of portable traffic light.
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STANDARD TRAFFIC CLEARANCES AND PHRASEOLOGIES

617.45 Traffic clearances.
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OPERATING INSTRUCTIONS FOR AIRPORT TRAFFIC CONTROL TOWERS

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617.66 Positions of operation.
617.67 Radio procedures.
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617.70 Altimeter settings.
617.71 Visual reporting zone.
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AUTHORITY: §§ 617.1 to 617.72 issued under sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

SUBPART A—GENERAL

§ 617.1 *Definitions of terms.* The terms used in this part shall have the following meaning:

Administrator. Administrator of Civil Aeronautics.

Airport. A defined area on land or water, including any buildings and installations, normally used for the takeoff and landing of aircraft.

Airport traffic. Aircraft operating on and in the vicinity of an airport and other traffic operating on the movement area.

Airport traffic control tower. A facility to provide for supervision of airport air traffic.

Air route traffic control area. (See control area.)

Air route traffic control center. A facility established by competent authority to provide adequate supervision of air traffic within a specified control area.

Air traffic. Aircraft in operation anywhere in the air space and on that area of an airport normally used for the movement of aircraft.

Air traffic clearance. Authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within a control zone or control area.

Air traffic control. A service established by competent authority to promote the safe, orderly, and expeditious flow of air traffic.

Air traffic controller. A person responsible for providing air traffic control service.

Airway. A path through the navigable air space designated by the Administrator, suitable for interstate, overseas, or foreign air commerce.

Alternate airport. An airport specified in the flight plan to which a flight may proceed when a landing at the point of first intended landing becomes inadvisable.

Approach control. A service established to control IFR flights arriving at, departing from, and operating in the vicinity of airports, by means of direct and instantaneous communication between Approach Control personnel and all aircraft operating under their control.

Approach sequence. Two or more aircraft awaiting an approach clearance.

Arrival. An arriving aircraft.

ATC. Air Traffic Control.

CAA. Civil Aeronautics Administration.

Center. An air route traffic control center.

Clearance. An air traffic clearance.

Clearance limit. The point to which an aircraft is cleared.

Competent authority. A representative authorized to act for an agency.

Control area. An airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised.

Control zone. An airspace of defined dimensions, designated by the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

Cruising altitude. A constant altimeter indication, in relation to sea level, maintained during a flight or portion thereof.

Departure. A departing aircraft.

Expected approach clearance time. The time at which it is expected that an arrival will be cleared to commence its approach procedure preparatory to landing.

Flight plan. Specified information filed either verbally or in writing with air traffic control, relative to the intended flight of an aircraft.

Holding point. A specified location, identified by visual or other means, in the vicinity of which the position of an aircraft in flight is maintained in accordance with air traffic control instructions.

ICAO. International Civil Aviation Organization.

IFR. The symbol used to designate instrument flight rules.

IFR conditions. Weather conditions below the minimum prescribed for flights under VFR.

Movement area. The part of an airport reserved for the taking off, landing and maneuvering of aircraft.

Reporting point. A geographical location in relation to which the position of aircraft is reported.

Rescue coordination center. A center which initiates, coordinates, and terminates search and rescue within an assigned area.

Rescue control center. A unit subordinate to a safety center established to direct search and rescue activities.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Radar transition to ILS NE crs to be conducted in accordance with established surveillance patterns for Runway 23R.				T-dn	300-1	300-1	200-½
				C-dn:			
Stadium RBn	4 mile Radar fix (Final)	Direct	**1600	ILS	400-1	500-1	500-1½
				ADF*	700-1	700-1	700-1½
				S-dn-23R-ILS	400-1	400-1	400-1
				A-dn ILS and ADF.	800-2	800-2	800-2

Procedure turn N side NE crs, 054 Outbnd, 234 Inbnd, 2500′ within 10 miles of Stadium RBn.
No glide slope or markers.
*Minimum altitude over Stadium RBn inbnd final, 2000′ ADF. Descend to ADF minimums after passing Stadium RBn. Minimum altitude to 4 mile fix 2000′ without Stadium RBn.
**Descend to landing minimums after passing 4 mile fix, as determined by surveillance radar. Without radar fix, ADF minimums apply.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi after passing radar fix or 6.9 mi after RBn, climb to 2200′ (or at higher altitude when requested by ATC) on SW crs ILS or 234° from Stadium RBn to LOM. No glide slope and no altitude information given on final approach between ASR 4 mi fix and airport unless requested.
NOTE: The following radar transition altitudes are applicable to all procedures; S, NW, and N quadrants of Cleveland LFR within 10 mi 2000′, within 30 mi 3000′ in SE quadrant within 30 mi 3000′ in all quadrants in accordance with established radar patterns.
CAUTION: 1970′ TV towers approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class, ILS; Ident., CLE; Procedure No. ILS-23R, Amdt. 5, Comb ILS-ADF; Eff. Date, 4 Jan. 58; Sup. Amdt. No. 4; Dated, 21 Sept. 57

LGB LFR	LOM	Direct	1,500	T-dn*	300-1	300-1	200-½
Huntington Beach FM	LOM (Final)	Direct	1,400	C-dn	500-1	600-1	600-2
San Pedro Int	LOM	Direct	1,500	S-dn 30:			
LGB VOR	LOM	Direct	1,500	ILS#	300-¾	300-¾	300-¾
Int SW crs El Toro LFR and SE crs LGB LFR.	LOM (Final)	Direct	1,400	ADF	500-1	500-1	500-1
				A-dn:			
Int SW crs EL Toro LFR and LGB R-120.	LOM (Final)	Direct	1,400	ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*300-1 required for take-off runways 16, 16R, 25L, 34R.
#Straight-in landing minimums are 400-1 with glide slope inoperative.
Radar vectoring to final approach course authorized.
Procedure turn S side SE crs, 120 Outbnd, 300 Inbnd, 1500′ within 10 mi of LOM. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd—1400′ ILS. Minimum altitude inbnd final—1100′ ADF.
Altitude of glide slope and distance to approach end of runway at OM 1320—4.7; at MM 245—0.7. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi, after passing LOM (ADF) climb to 800′ on NW crs LGB LFR; turn left to 200 continuing climb to intersect 160° crs from LAX Rbn and proceed to San Pedro Int at 2500′, or when directed by ATC, climb to 800′ on NW crs LGB–LFR, reverse crs to left and return to Long Beach LFR at 1500′.
NOTE: Glide slope unit now at beginning of usable portion runway 30. 800′ SE end closed permanently.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks one mi S of airport.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56′; Fac. Class, ILS–LGB; Ident., LOM–LG; Procedure No. ILS-30, Amdt. 14, Comb ILS-ADF; Eff. Date, 4 Jan. 58; Sup. Amdt. No. 13; Dated, 16 Nov. 57

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
0	360	Within 25 mi	3000	Precision approach			
070	290	Within 15 mi	2200	S-dn 9	200-½	200-½	200-½
				A-dn 9	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
				C-dn-15	500-1	500-1	500-1½
				S-dn*	400-1	400-1	400-1
				S-dn-15	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
*Runways 27, 33, 3, 9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 9 and 3, climb to 3000′ and proceed to Conyers Int via E crs ILS or climb to 3000′ on NE crs ATL LFR within 20 mi, 15, climb to 2200′, turn right and proceed to ATL VOR or proceed on SE crs of ATL LFR within 20 mi, 27 and 33, climb to 3000′ and proceed to Chattahoochee Int via W crs ILS, or turn left and proceed on SW crs of ATL LFR within 20 miles.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class, Atlanta; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. Date, 4 Jan. 58; Sup. Amdt. No. 3; Dated, 7 Dec. 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

DECEMBER 3, 1957.

[F. R. Doc. 57-10113; Filed, Dec. 11, 1957; 8:45 a. m.]

PART 617—AIR TRAFFIC CONTROL RULES

REVISION OF PART

The following revision of Part 617 is adopted in order to renumber the provisions and to combine the numerous amendments to the part in a single document. This revision incorporates all the amendments thereto to date.

Since this revision does not involve any substantive change, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Therefore, this revision shall become effective upon publication in the FEDERAL REGISTER.

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617.3 Scope.
617.4 Air traffic control service.
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617.71 Visual reporting zone.
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AUTHORITY: §§ 617.1 to 617.72 issued under sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

SUBPART A—GENERAL

§ 617.1 *Definitions of terms.* The terms used in this part shall have the following meaning:

Administrator. Administrator of Civil Aeronautics.

Airport. A defined area on land or water, including any buildings and installations, normally used for the takeoff and landing of aircraft.

Airport traffic. Aircraft operating on and in the vicinity of an airport and other traffic operating on the movement area.

Airport traffic control tower. A facility to provide for supervision of airport air traffic.

Air route traffic control area. (See control area.)

Air route traffic control center. A facility established by competent authority to provide adequate supervision of air traffic within a specified control area.

Air traffic. Aircraft in operation anywhere in the air space and on that area of an airport normally used for the movement of aircraft.

Air traffic clearance. Authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within a control zone or control area.

Air traffic control. A service established by competent authority to promote the safe, orderly, and expeditious flow of air traffic.

Air traffic controller. A person responsible for providing air traffic control service.

Airway. A path through the navigable air space designated by the Administrator, suitable for interstate, overseas, or foreign air commerce.

Alternate airport. An airport specified in the flight plan to which a flight may proceed when a landing at the point of first intended landing becomes inadvisable.

Approach control. A service established to control IFR flights arriving at, departing from, and operating in the vicinity of airports, by means of direct and instantaneous communication between Approach Control personnel and all aircraft operating under their control.

Approach sequence. Two or more aircraft awaiting an approach clearance.

Arrival. An arriving aircraft.

ATC. Air Traffic Control.

CAA. Civil Aeronautics Administration.

Center. An air route traffic control center.

Clearance. An air traffic clearance.

Clearance limit. The point to which an aircraft is cleared.

Competent authority. A representative authorized to act for an agency.

Control area. An airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised.

Control zone. An airspace of defined dimensions, designated by the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

Cruising altitude. A constant altimeter indication, in relation to sea level, maintained during a flight or portion thereof.

Departure. A departing aircraft.

Expected approach clearance time. The time at which it is expected that an arrival will be cleared to commence its approach procedure preparatory to landing.

Flight plan. Specified information filed either verbally or in writing with air traffic control, relative to the intended flight of an aircraft.

Holding point. A specified location, identified by visual or other means, in the vicinity of which the position of an aircraft in flight is maintained in accordance with air traffic control instructions.

ICAO. International Civil Aviation Organization.

IFR. The symbol used to designate instrument flight rules.

IFR conditions. Weather conditions below the minimum prescribed for flights under VFR.

Movement area. The part of an airport reserved for the taking off, landing and maneuvering of aircraft.

Reporting point. A geographical location in relation to which the position of aircraft is reported.

Rescue coordination center. A center which initiates, coordinates, and terminates search and rescue within an assigned area.

Rescue control center. A unit subordinate to a safety center established to direct search and rescue activities.

Safety center. A coordinated activity consisting of an air route traffic control center and a rescue coordination center.

Separation. A specified longitudinal, vertical, or lateral separation between two or more aircraft in flight.

Separation standards. The minimum longitudinal, vertical, or lateral separation provided IFR traffic.

State. Any nation of the world. (International usage).

Take-off clearance. Authorization by an airport traffic control tower for an aircraft to take off.

Tower. An airport traffic control tower.

VFR. The symbol used to designate visual flight rules.

VFR conditions. Weather conditions equal to or above the minimum prescribed for flights under VFR.

VFR traffic. Aircraft operating solely in accordance with VFR.

§ 617.2 *Basis and purpose.* Section 26.26 of this title provides that a certificated air-traffic control-tower operator shall control traffic in accordance with rules prescribed by the Administrator to provide for the safe, orderly, and expeditious flow of air traffic. The purpose of this part is to prescribe such rules.

§ 617.3 *Scope.* The rules contained in this part shall be uniformly applied by all persons controlling air traffic under authority of an air-traffic control-tower operator's certificate issued by the Civil Aeronautics Administration.

§ 617.4 *Air traffic control service.* The primary objective of the air traffic control service shall be to promote the safe, orderly, and expeditious movement of air traffic. This shall include:

(a) Preventing collisions between aircraft and between aircraft and obstructions on the movement area.

(b) Expediting and maintaining an orderly flow of air traffic.

(c) Assisting the person in command of an aircraft by providing such advice and information as may be useful for the safe and efficient conduct of a flight.

(d) Notifying appropriate organizations regarding aircraft known to be or believed to be in need of search and rescue aid, and assisting such organizations as required.

§ 617.5 *Airport traffic control.* Airport traffic control is established to provide adequate supervision of all traffic on the movement area and aircraft flying in visual reference to the ground in the immediate vicinity of an airport. Airport traffic control may operate either within the boundaries of a control area or at locations not supervised by a center.

§ 617.6 *Allocation of responsibility.* (a) The only separation of air traffic not operating on an IFR flight plan in weather conditions equal to or better than the VFR minimums shall be that effected by a tower.

(b) The airport operator is responsible for the establishment of adequate traffic patterns.

§ 617.7 *Coordination between centers and towers.* Coordination between centers and towers shall be effected as follows:

(a) *Authority.* Towers shall observe such instructions as are issued by the appropriate center.

(b) *Towers.* The tower may authorize VFR flight in a control zone in weather conditions lower than the VFR minimums after coordination with the center.

(c) *Division of control.* (1) The center shall retain control of arriving aircraft until such aircraft have been cleared for approach and are in communciation with the tower. Not more than one arrival shall be cleared for approach during IFR conditions.

(2) After coordination with the tower, a center may clear arrivals to visual holding points to hold until further advised.

(3) Towers shall keep centers promptly advised of pertinent data on IFR traffic such as:

(i) Arrival and departure times.

(ii) Available information relating to overdue or unreported aircraft.

§ 617.8 *Standard . phraseologies.* Clearances shall be issued in accordance with the phraseologies of this section. It is expected that personnel receiving a clearance for transmission to an aircraft will transmit such clearance in the exact phraseology in which it is received. It is essential that each clearance contain positive and concise data, phrased in a standard manner.

(a) Each traffic clearance shall be prefixed with the phrase "ATC clears (Ident.)" whenever a clearance limit is contained in the clearance.

Example: "ATC clears eastern four to the Richmond Airport. Cruise six thousand. • • •"

(b) The phrase "ATC advises (Ident.)" shall be used whenever information such as expected approach time, undetermined delay, and essential traffic is issued.

§ 617.9 *Emergency rules.* Since the circumstances surrounding emergencies vary considerably, exact detailed rules cannot be adopted to apply uniformly in emergencies. Established emergency procedures should be followed whenever possible. Centers and towers shall maintain full and complete coordination, and personnel shall use their best judgment in handling emergency situations.

SUBPART B—AIRPORT TRAFFIC CONTROL

§ 617.21 *General responsibility* — (a) *Responsibility of airport traffic control towers.* (1) An airport traffic control tower is responsible for the issuance of clearances and information to pilots of aircraft for the purpose of preventing collision between:

(i) Aircraft operating on the ground at the landing area.

(ii) Aircraft and vehicles operating on the landing area.

(iii) Aircraft in the traffic pattern, and landing and taking off at the landing area.

(iv) Aircraft operating under instrument flight rules after control of such aircraft has been delegated to the tower by the appropriate air route traffic control center.

(2) An airport traffic control tower is also responsible for the issuance and relay of information and clearances which will prevent unnecessary delays to aircraft using a landing area, and which will permit the proper use of the landing area by aircraft.

(b) *Responsibility of pilots.* (1) When flying in visual flight rule weather conditions it is considered the direct responsibility of the pilot to avoid collision with other aircraft. Under such conditions, the information and clearances issued by the control tower are intended to aid pilots to the fullest extent in avoiding collisions.

(2) When flying in instrument flight rules weather conditions it is obviously impossible for the pilot to assume the responsibility of avoiding collision with other aircraft except as directed by the ground control agency. Therefore, it is of the utmost importance that all clearances issued by a control tower to pilots of aircraft under its jurisdiction be adequate, concise, and definite inasmuch as the pilot has no other means of ascertaining the proximity of other aircraft.

CONTROL OF TRAFFIC ON AND IN VICINITY OF LANDING AREA

§ 617.22 *General.* Airport traffic controllers shall maintain a continuous watch on all visible flight operations in the control zone, including aircraft, vehicles, and personnel on the landing area, and shall control such traffic in accordance with the procedures set forth in this section and all applicable air traffic rules. If there are other landing areas within the zone, traffic at all landing areas within the zone shall be coordinated so as to eliminate any hazardous conflictions of traffic patterns.

§ 617.23 *Critical positions of aircraft in the traffic and taxi patterns.* The following positions of aircraft in the traffic and taxi patterns (illustrated in fig. 1) are the positions where the aircraft normally receives airport traffic control clearances. The aircraft should be watched closely as they approach these positions so that proper clearances may be issued without delay. Where practicable all such clearances should be issued without waiting for the pilot to initiate the call:

1. Pilot initiates call to taxi for departing flight. Runway-in-use information and taxi information given.
2. If there is conflicting traffic the departing aircraft will be held at this point. The pilot will normally run up motors here.
3. Take-off clearance is issued here, if not practicable at position 2.
4. Clearance to land or landing sequence number is issued here.
5. Clearance to taxi to hangar line or parking area is issued here.
6. Parking directions issued here if necessary.

§ 617.24 *Determination of proper runways to use for landings and take-offs.* (a) When surface wind velocity is six miles per hour or more, aircraft shall ordinarily be authorized to use the runway most nearly aligned into the wind, and the tetrahedron shall, if controllable, be set so as to indicate such runway. (See fig. 2 (b).)

(b) The tetrahedron, if controllable, will release automatically and swing into the wind when the velocity reaches a predetermined value. Ordinarily this will be between 10 and 15 miles per hour.

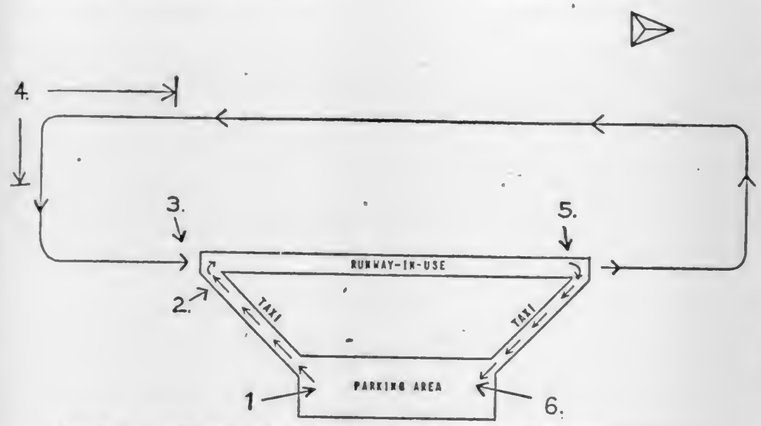

FIGURE 1. Critical positions of aircraft from an airport traffic control viewpoint.

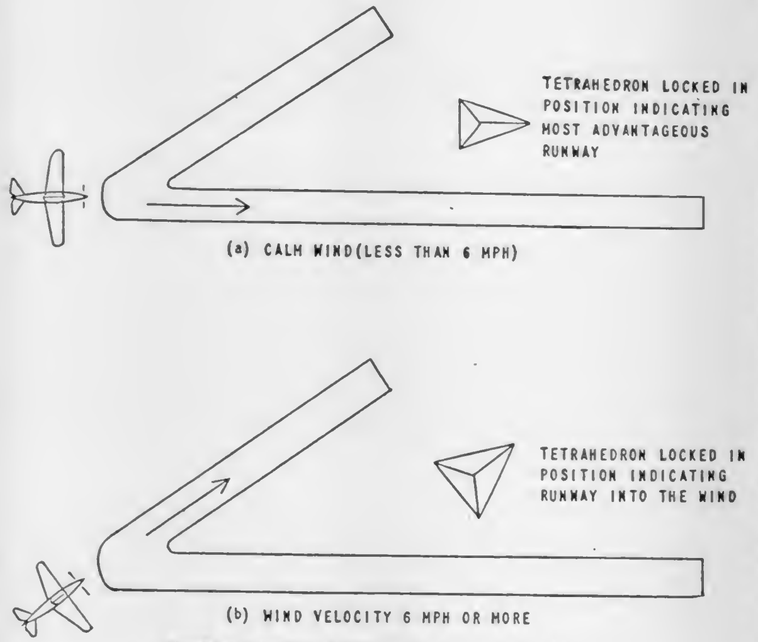

FIGURE 2. Method of determining runway to use.

(c) When the surface wind velocity is less than 6 miles per hour, aircraft shall be authorized to use the runway which has been designated as the "calm wind" runway. The actual wind direction and velocity shall be stated since, under certain conditions, some types of aircraft are not approved for take-off or landing with a tail wind component. The "calm wind" runway shall normally be the runway having the most advantages such as greater length, shorter taxiing distance, better approach, etc. The tetrahedron shall be set so as to indicate such runway under these conditions. (See fig. 2 (a).)

(d) If the runway in use is not considered suitable for the operation involved, the controller may offer a choice of runway or the pilot may request clearance to use another runway.

§ 617.25 *Control of taxiing aircraft.* (a) The importance of issuing definite, concise directions to pilots of taxiing aircraft cannot be overemphasized. The visibility problem in an airplane is most acute when taxiing. Very few aircraft afford any forward vision for several yards directly in front of the airplane and the pilot must depend to a large degree upon the control tower to issue necessary information which will assist him in determining the proper taxi route and preventing collision with other aircraft or objects.

(b) It is particularly difficult for the pilot to determine the best taxi route on a strange airport. Clearances and information to pilots concerning taxi routes should be simple and direct such as "Turn left at first intersection, taxi straight ahead to the end of the runway. Then turn right." etc. The pilot should also be warned of parked aircraft or other objects along or near his taxiing route.

(c) Aircraft should not be permitted to taxi on the runway if at all possible to provide other taxiing routes. The guiding principle in handling taxiing traffic is "keep the runway-in-use ready for use as much as possible."

(d) Aircraft shall not be permitted to hold on the end of the runway-in-use whenever another aircraft is effecting a landing. At those airports where there are no intersecting taxiways at the approach end of the runway, aircraft shall be held clear of the edge of the runway and at an angle of 90 degrees from the landing direction until cleared to take-off position. (See fig. 3.)

(e) The direction of taxiing aircraft and avoidance of collision within loading and parking areas is considered the primary responsibility of the aircraft operator and/or airport management, as well as the pilot.

(f) It shall not be the responsibility of towers to control areas not visible from the tower. Due to local obstructions, there are many airports where portions of usable runways, taxi strips and loading areas are not visible from the tower. At such locations it is expected that control tower personnel will take appropriate action to advise all concerned of those areas which are not visible from the tower. The airport management should be encouraged to place appropriate signs at such locations and publicize their existence by displaying suitable charts or diagrams in shops, hangars and operations offices.

(g) The use of radio frequencies for communication between the tower and aircraft shall be as follows:

(1) *Arriving aircraft.* After landing, the pilot shall be advised when to change to the appropriate ground control channel for receipt of taxi instructions from the tower. Normally, this change-over shall be accomplished after the aircraft has cleared the active runway or area.

(2) *Departing aircraft.* Prior to taxiing, aircraft shall communicate with the tower on the appropriate ground control frequency (121.9 or 121.7 mc), for taxi and clearance information and remain tuned to this frequency until ready for take-off. Take-off clearance, and further communication with the tower if necessary, shall be handled on the appropriate airborne frequency.

(3) When aircraft and tower are not both equipped with the VHF ground control frequency, the appropriate tower low frequency (or military VHF channel), shall be used for communications between the tower and aircraft on the ground.

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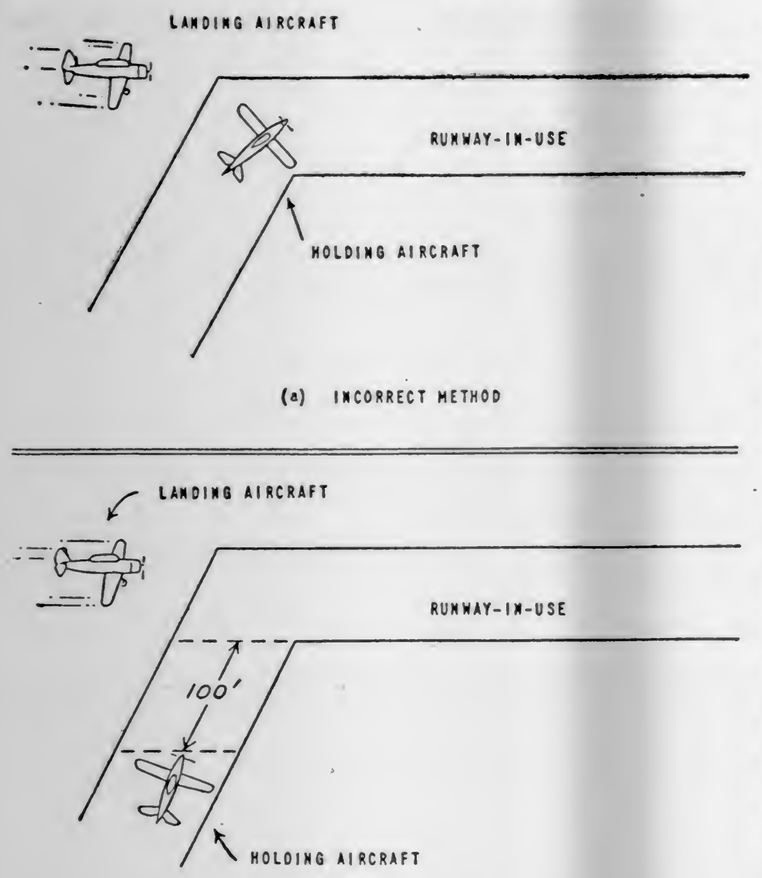

FIGURE 3. Method of holding aircraft.

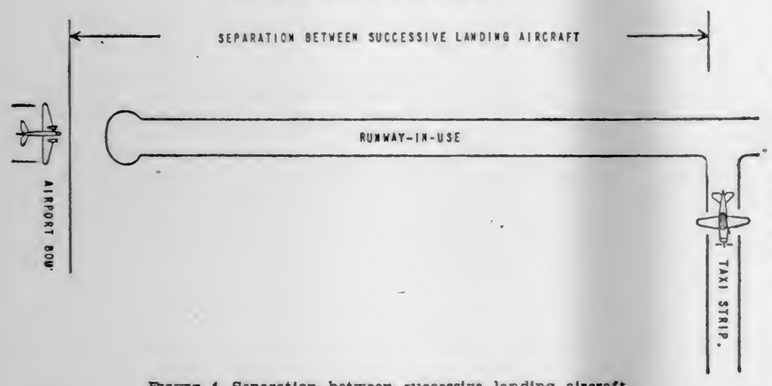

FIGURE 4. Separation between successive landing aircraft.

§ 617.26 *Control of traffic in the traffic pattern.* (a) Aircraft in the traffic pattern shall be controlled to provide the separation minimums outlined below except that:

(1) Formation commanders are responsible for separation between aircraft in the formation while operating within the traffic pattern and on the landing area.

(2) Aircraft operating in different areas or lanes on airports equipped with runway or mat facilities suitable for simultaneous landings or take-offs are exempted from the separation minimums.

(3) Separation minimums shall not apply to aircraft operating under military necessity as determined by competent authority.

(b) Sufficient separation shall be effected between arriving aircraft to insure that the succeeding landing aircraft on the same runway will not cross the airport boundary in its final glide until the preceding aircraft has cleared the runway-in-use. (See fig. 4.)

(c) Sufficient separation shall be effected between departing aircraft to insure that an aircraft will not commence take-off until the preceding departing aircraft has crossed the end of the runway-in-use or has started a turn.

(d) Sufficient separation shall be effected between arriving and departing aircraft to insure:

(1) That a landing aircraft will not cross the airport boundary in its final glide until the preceding departing aircraft has crossed the far end of the runway-in-use.

(2) That an aircraft taking off will not commence take-off until the preceding landing aircraft has cleared the runway-in-use.

(e) During periods of congestion whenever traffic can be safely and efficiently controlled thereby, control may be exercised to effect the following minimum separation between arriving and/or departing light-weight single-engine aircraft of similar operating characteristics.

(1) Landing: Sufficient separation shall be effected between arriving aircraft to insure that succeeding landing aircraft on the same runway will not cross the airport boundary until the preceding landing aircraft has landed and is clear of the runway, or if the preceding landing aircraft is making a touch and go landing, is airborne on taking off (as defined in subparagraph (3) (i) of this pargaraph).

(2) Take-off: Sufficient separation shall be effected between departing aircraft to insure that an aircraft will not commence take-off until the preceding departing aircraft is airborne (as defined in subparagraph (3) (i) of this paragraph).

(3) Landings and take-offs:

(i) That a landing aircraft will not cross the airport boundary until the preceding aircraft taking off is definitely airborne, i. e., has traversed at least the first 3,000 feet of the runway. The determining factor in each case should be whether the following aircraft has sufficient area available to land or take off safely in the event the preceding aircraft, through unforeseen circumstances, blocks a portion of the useable runway.

(ii) An aircraft taking off will not commence take-off until the preceding landing aircraft has cleared the runway-in-use.

(f) Sufficient separation should be effected between aircraft in flight in the traffic pattern to allow the spacing of arriving and departing aircraft as outlined in the foregoing.

NOTE: At many airports the location of the control tower will not permit accurate determination of separation between the paths of successive aircraft in the pattern, landing or taxiing on the same runway or taxiway, particularly when the movement of these aircraft is at an angle to the controller's line of vision. Extreme caution, therefore, should be exercised in the issuance of specific control instructions which are used to prevent collision. For example, when a succeeding aircraft is overtaking the aircraft ahead a specific control instruction might turn the preceding aircraft into the path of the other.

(g) Nothing contained in this section is to be construed as relieving a pilot of the responsibilities imposed upon him by Chapter I, Subchapter A of this title or any other regulations, nor is it to be construed that the airport traffic controller on duty is obligated to effect control in accordance with paragraph (e) of this section when, in his opinion, these procedures might constitute a hazard.

(h) Normally, traffic shall be controlled in accordance with established patterns unless unusual circumstances dictate otherwise. However, when deviations from the normal pattern are required, due consideration shall be given to local regulations, prohibited areas and local noise abatement programs when authorizing such deviations.

§ 617.27 *Control of other than aircraft traffic on the landing area.* (a) The movement of personnel or vehicles on the landing area proper shall not be permitted unless permission has been granted for such movement by the airport traffic controller on duty in the control tower. Such authorized personnel, including drivers of all vehicles, shall be required to stop and wait for radio clearance or light signal from the control tower before crossing any runway or taxi strip unless on a portion of the landing area marked off by lights, flags, or other conventional warning signals. In radio conversation to pilots, the airport traffic controller shall identify personnel or vehicles on the landing area as distinctly as possible.

(b) The maintenance of any landing area requires considerable use of vehicular traffic, such as snow plows, tractors, mowers, maintenance trucks, official cars for inspections, and miscellaneous other equipment in addition to the working parties and other personnel required for maintenance. Considerable care and judgment must be exercised in the dispatch of personnel or vehicles on any portion of the landing area since a collision with a fast-moving aircraft would be disastrous. At certain points during the take-off and landing of aircraft, a change of direction to avoid an obstacle will almost certainly result in ground-looping or overturning the aircraft with probable serious results. Another difficulty connected with the dispatch of personnel and vehicular traffic on the landing area is that the operators of the equipment and the personnel on foot are not always aware of the difficulties and limitations of handling heavily loaded aircraft and may fail to surrender sufficient right of way for safe operation.

(c) In a few cases airport managers require all vehicular traffic to be equipped with radio receivers so that they may receive control tower signals, but in the majority of instances all pedestrian and vehicular traffic are controlled by light signals.

(d) Where continuous vehicular movement is involved over limited portions of the landing area, such as mowing the grass, the mowing is usually accomplished in a portion of the field not being used for landing operations with the particular wind condition at that time. The mowing equipment is marked with appropriate flags or lights, and the mower may not cross the taxi strips or runways without receiving the proper light signal.

(e) When construction work is in progress, the normal procedure is to close the entire construction area to aircraft operations and permit pedestrian and vehicular traffic to move at will within the marked-off area. Construction areas are usually marked off with appropriate flags in the daytime and appropriate lights at night.

§ 617.28 *Authorizing use of landing area by pilots of arriving aircraft.* (a) If a pilot enters a control zone without proper authorization, he shall be permitted to land if his actions indicate he so desires. If circumstances warrant, an airport traffic controller may ask pilots of aircraft with whom he is in contact to give way so as to remove as soon as possible the hazard introduced by such unauthorized operation. In no case shall permission to land be withheld indefinitely.

(b) In cases of emergency, such as loss of radio communication, a pilot may be required, in the interests of safety, to enter a control zone and effect a landing without proper authorization. Airport traffic controllers should recognize the possibilities of emergency action and render all assistance possible. The entire concept of air traffic control is service to the flying public. While it is true that in some isolated instances a pilot might deliberately disregard regulations and enter a control zone in an unauthorized manner while not under stress of an emergency, the airport traffic controller should assist the pilot and take steps toward possible disciplinary action after the pilot has landed. Under no circumstances should discussions which have no relation to traffic control be carried on over the radio.

VISUAL SIGNALS

§ 617.30 *Portable traffic light.* The portable traffic control light is a directive light which emits an intense, narrow beam of light. The color of the light (white, green or red) is controlled by the operator through a system of levers and triggers in the two handles. Signals are readily discernible to the pilot of any aircraft visible to the operator.

§ 617.31 *Advantages and disadvantages of the portable traffic signal light.* (a) The controller should be thoroughly familiar with the limitations of the traffic control light, and evaluate its capabilities in connection with its use.

(b) The portable traffic light has the following advantages:

(1) No radio equipment is required in the aircraft and therefore all aircraft can be controlled whether or not they possess radio.

(2) The traffic light provides an emergency method of control in the event of radio failure—either in the tower or the aircraft.

(c) The disadvantages are:

(1) The pilot may not be looking at the control tower at the time a signal is directed toward him.

(2) The information transmitted by a light signal is limited. One may only transmit an approval or disapproval of the pilot's anticipated actions to him. No explanatory or supplementary information can be transmitted.

§ 617.32 *Operation of portable traffic light.* (a) The portable traffic light shall be used to control the movement of personnel and vehicles on the landing area and the landings and take-offs of any aircraft not equipped with radio unless such movements or landings and take-offs have been prearranged with the traffic controller.

(b) Signals from a portable traffic light shall mean the following:

Color and type of signal	On the ground	In flight
Steady green	Cleared for take-off	Cleared to land.
Flashing green	Cleared to taxi	Return for landing.
Steady red	Stop	Give way to other aircraft and continue circling.
Flashing red	Taxi clear of landing area in use	Airport unsafe—do not land.
Flashing white	Return to starting point on airport.	
Alternating red and green	General warning signal—exercise extreme caution (see figs. 5 and 6).	

NOTE: A pilot wishing to attract the attention of the airport traffic controller during the hours of darkness may turn on a landing light and taxi the aircraft in a position so that the light is visible to the airport traffic controller. The landing light should remain on until appropriate signals are received from the tower, after which acknowledgment may be expected from the pilot as provided for in non-radio equipped aircraft. Pilots of aircraft not equipped with landing lights may blink their navigation lights to attract the attention of the tower.

(1) *General warning signal.* A series of alternating red and green flashes from a directed traffic control light shall be used as a general warning signal to advise a pilot or driver of a vehicle on the landing area to be on the alert for hazardous or unusual conditions. As an example, the warning signal may be directed to a pilot in flight to indicate a change of runway since this can prove hazardous if the pilot attempts to land cross traffic or cross wind.

(i) In controlling airport traffic by means of visual signals, the general warning signal shall be directed to pilots of the aircraft concerned as follows:

(*a*) When aircraft are converging and there is a possibility of collision.

(*b*) When hazardous conditions are present and the pilot must be unusually alert in order to complete the operation safely. Such conditions include obstructions, soft field, ice on runway, and many others.

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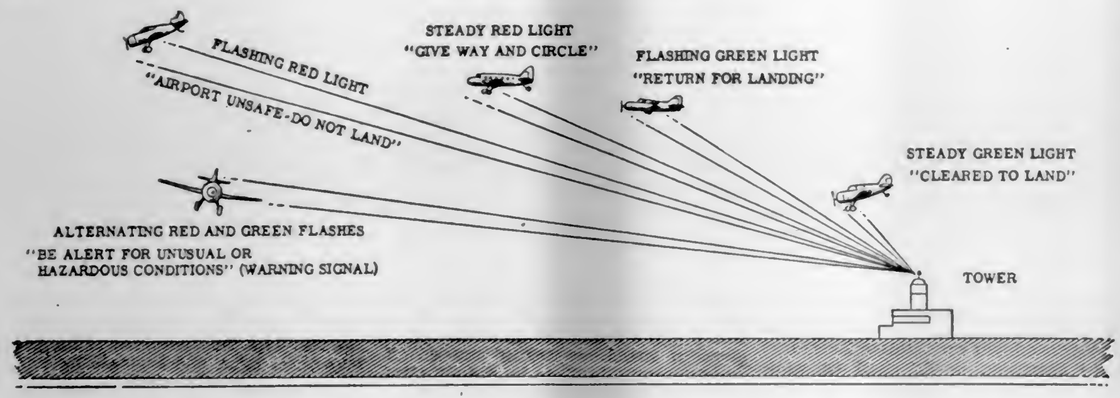

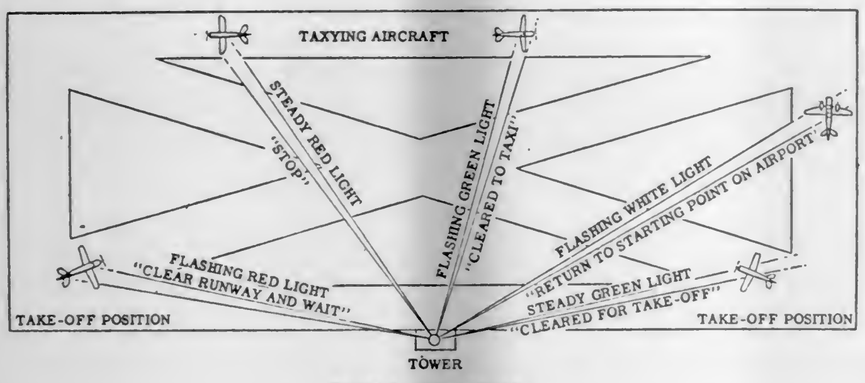

FIGURE 5. Visual signals.

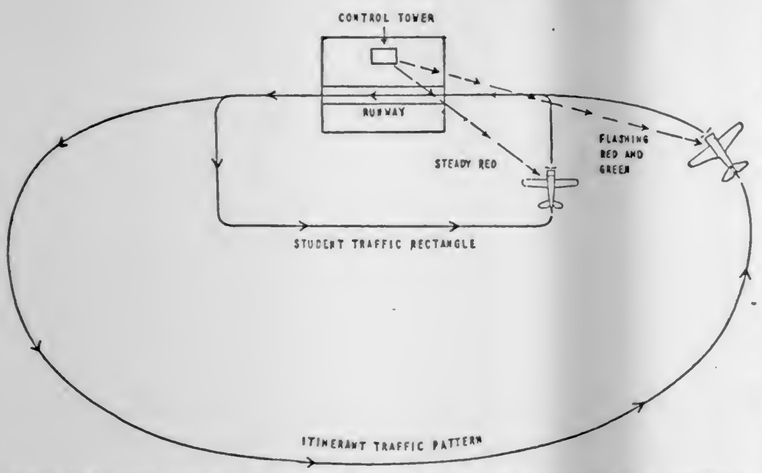

FIGURE 6. Example of the use of general warning light when two airplanes are on converging courses.

(c) When mechanical trouble is apparent to the controller and he has reason to believe that the pilot may not be aware of it.

(d) At any other time when believed necessary in the opinion of the controller. (See fig. 6.)

(ii) Attention is directed to the fact that the warning signal is not a prohibitive signal and may be followed by either a red or green light as circumstances warrant.

§ 617.33 *Light signals to indicate restriction of visual flight rule operations in the control zone.* (a) During the hours of daylight, the rotating airport beacon shall be operated to mean that the ground visibility in the control zone is less than 3 miles and/or the ceiling is less than 1,000 feet and that a traffic clearance is required for landings, takeoffs, and flight in the traffic pattern. (See fig. 7.)

(b) Between sunset and sunrise, flashing lights outlining the traffic direction indicator, if provided, shall be operated to mean that ground visibility in the control zone is less than 3 miles and/or the ceiling is less than 1,000 feet and that a traffic clearance is required for landings, takeoffs, and flight in the traffic pattern.

§ 617.34 *Light signals to indicate clockwise (to the right) flow of traffic.* (a) A flashing amber light shall be operated to mean that a clockwise flow of traffic around the airport is required unless otherwise authorized by the control tower. (See fig. 7.)

§ 617.35 *Use of flag signals.* (a) Flag signals are used by the military and naval services for special signals which usually apply only to the local activities at a particular landing area. Since these signals are not standard and usually have a special meaning at a particular location, it is not expected that an itinerant pilot will know their meaning or be guided by them. Accordingly, flag signals may be used for special local activities (such as primary or secondary training flights) as directed by the local commanding officer, but should not be used to govern flight of other than local aircraft unless it is known that the itinerant pilot is familiar with the flag signals and their meaning.

§ 617.36 *Special light signals.* (a) Some military and naval establishments have special light signals, such as "course lights," which indicate landing direction, runway-in-use, traffic pattern to use, and other similar information for local activities. These lights are to be used as directed by competent authority, but as in the case of flag signals are to be confined to direction of pilots known to be familiar with the meaning of the special light signals.

RADIOTELEPHONE TECHNIQUE

§ 617.40 *Operation of radiotelephone facilities.* The operation of the radiotelephone facilities of an airport traffic control tower shall be accomplished in accordance with the rules outlined herein.

§ 617.41 *Calls and replies.* (a) Airport traffic control towers shall be identified during radiotelephone communication as follows:

(1) Air Force and civil towers—by the name of the airport followed by the word "Tower." Examples:

"Boiling Tower."
"Washington Tower."
"Norfolk Tower."

(2) Navy towers—by the name of the service followed by the name of the airport and the word "Tower." Examples:

"Navy Norfolk Tower."
"Navy Patuxent Tower."

(b) Airway communications stations shall be identified during radiotelephone communication in the following manner:

(1) CAA air traffic communications stations—by the name of the location followed by the word "Radio." Examples:

"Washington Radio."
"Norfolk Radio."

(2) Air Force communications stations associated with radio range facilities—by the name of the airport followed by the word "Airways." Examples:

"Andrews Airways."
"Mitchel Airways."

(3) Navy communications stations associated with radio range facilities—by the name of the facility followed by the word "Radio." Examples:

"Navy Norfolk Radio."
"Navy Jacksonville Radio."

(c) Aircraft call signs—Aircraft shall be identified during radiotelephone communication as follows:

(1) Military aircraft—by the name of the service or unit name followed by the complete service serial number or trip number. Examples:

"Air Force seven eight two nine four."
"Air Evac One fifty nine."
"Navy four three six one."
"National Guard two one six one."
"Army two four six eight."

(2) Civil itinerant aircraft—by the aircraft make or type name, if known, followed by the complete certificate number, or the numbers known. Examples:

"Waco two one six eight five."
"Stinson three seven two Y."

(3) Aircraft of foreign registry—by the aircraft radio call letters, by the registration number, by a combination of company name and radio call or by a combination of company name and trip number, as specified in flight plan. Examples:

"PHALT ----------	Radio Call."
"CFACB ----------	Registration."
"SPEEDBIRD GABCD.	Company Name and Radio Call."
"SPEEDBIRD 14.	Company Name and Trip Number."

(4) After radio contact has been established, the aircraft radio identification may be reduced to not less than two digits or letters provided there is no possibility of error. Examples:

"Air Force two nine four."
"Waco six eight."

NOTE: Until the aircraft make is determined, the whole certificate number of registry should be used.

(5) Scheduled air carrier—by the abbreviated name of the operating company followed by the trip number spoken as a group. Examples:

"United fifteen."
"American six."
"Eastern twenty-two."
"TWA four thirty-six."

(d) Personnel shall be on the alert for potential confliction or partial duplication of call signs and shall take action to avoid confusion. For example, if TWA 55 and UAL 55 are both in contact with the same facility, the air carrier name should be emphasized. Both pilots shall be advised of the possible confliction so that they will be alerted against questioning or accepting clearances issued to the other.

(e) The name of the pilot should not ordinarily be utilized in routine two-way radio communications.

(f) The call-up procedure to be utilized in airport traffic control radiotelephone communications shall consist of the following:

Item	Example
(1) Designation of the station called.	Waco one eight one four.
(2) This is----------	This is.
(3) Designation of the calling station.	Cleveland Tower.
(4) Invitation to reply--	Over.

(g) The reply to an initial call-up shall consist of:

Item	Example
(1) Designation to the station called.	Cleveland Tower.
(2) This is----------	This is.
(3) Designation of the answering station.	Waco one eight one four.
(4) Invitation to reply--	Over.

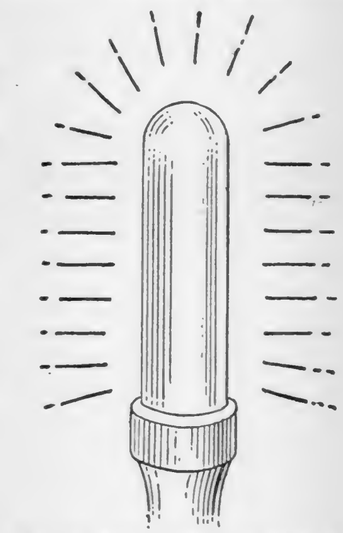

Flashing amber light. Clockwise flow of traffic.

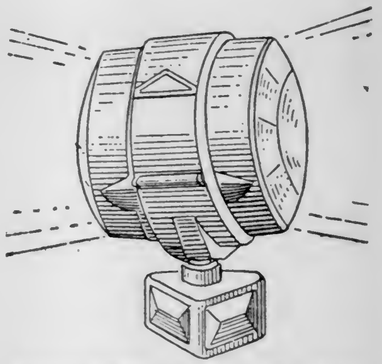

Rotating beacon (day only). Ground visibility in control zone less than 3 miles and/or ceiling less than 1,000 feet. Traffic clearance required for landings, take-offs, or flight in the traffic pattern in a control zone.

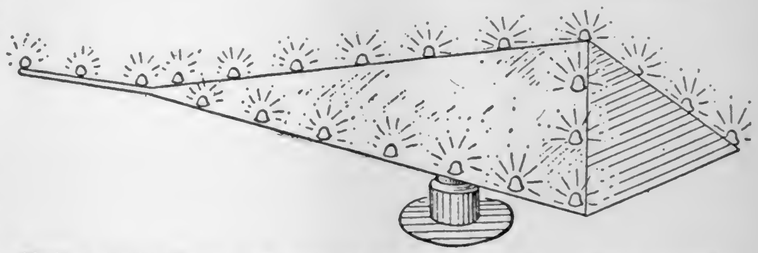

Flashing lights outlining traffic direction indicator (night only). Ground visibility in control zone less than 3 miles and/or ceiling less than 1,000 feet. Traffic clearance required for landings, take-offs, or flight in the traffic pattern in a control zone.

FIGURE 7. Light signals used in airport traffic control.

(h) Radiotelephone contacts—Each radiotelephone contact generally comprises four parts as follows:

(1) Call up;
(2) Reply or invitation to go ahead;
(3) Message or information to be conveyed;
(4) Acknowledgment.

NOTE: The word "out" will not normally be used by tower controllers.

(i) Communication shall be initiated by call up and reply when:

(1) Communication has not been established;

(2) Previous contact has been terminated.

(j) The call up—The normal call up comprises the call sign of the aircraft or facility to be called, the words "This Is," the call sign of the caller, and the word "Over." Examples:

"Anchorage tower this is Northwest four thirty-six, over."
"Willow Run tower this is Lake Central fifty-five, over."

(k) The reply—The normal reply comprises the call sign of the aircraft or facility making the call, the words "This Is," the call sign of the answering aircraft or facility, and the word "Over."

Examples:

"Air Force five five six six seven, this is Baltimore tower, over."
"Navy one one two two three, this is Midway approach control, over."

(l) Abbreviated contact procedure—When no confusion or misidentification will occur, abbreviated contact procedures may be used in accordance with the following:

(1) The words "This Is" may be omitted from call up and replies.

(2) The word "Over" may be omitted when the message is a question or a request for information, or otherwise implies that a reply is desired.

(3) When a message is short, or when it is believed that the call up will be received without difficulty, the message may be transmitted following the call up without waiting for a reply.

NOTE: The call up includes the call sign of the aircraft being called and the call sign of the caller.

(4) After contact has been definitely established, it may be continued without further call up or identification except that the instructions intended for a specific aircraft shall be preceded by the call sign of that aircraft.

STANDARD TRAFFIC CLEARANCES AND PHRASEOLOGIES

§ 617.45 *Traffic clearances.* (a) General: An airport traffic controller shall issue such traffic clearances and other information as are necessary for the prevention of collisions between aircraft under his jurisdiction.

(b) A clearance issued by an airport traffic control tower is authority for a pilot to proceed only insofar as known air traffic conditions and field conditions are concerned and does not constitute authority for a pilot to violate any Military or Civil Air Regulations. The relay of information or advice to pilots from the airport management or a commanding officer is permitted. When such relay of advice is undertaken by controllers, the pilot shall be informed of the source of the message. However, denial of clearance for take-off shall be based only on considerations of traffic. No violations of § 60.19 of the Civil Air Regulations shall be reported unless a take-off is made contrary to a controller's clearance based solely on traffic conditions.

(1) Clearances issued by airport traffic controllers are predicated upon known traffic and field conditions which affect safety in aircraft operations. Such traffic conditions will include not only aircraft in the air within the control zone and on the landing area over which control is being exercised, but also any vehicular traffic or other obstructions not permanently installed on the landing area in use.

(2) Should a clearance issued by the airport traffic controller not be acceptable to the pilot, he may request and, if practicable, receive an alternate clearance.

§ 617.46 *Standard phraseologies for traffic clearances.* (a) In order to reduce the transmission time for each tower message, and to decrease misunderstandings, phraseologies have been standardized for use in airport traffic control. However, unusual situations will occur and the controller will have to exercise his best judgment in the use of additional phraseologies. In such cases he should use supplementary rather than substitute phrases.

(1) The standard phraseologies and clearances are listed in accordance with the purpose phrased by them, such as "clearance to enter traffic pattern," "clearance to land," "clearance to taxi," and other similar authorizations.

NOTE: Words capitalized shall be read as written, accompanied by values required by words in parentheses.

(b) Clearance to enter traffic pattern: (1) Clearance governing flight from a visual reporting point, holding point or fix, or other outlying point to the traffic pattern at the landing area shall be in the following form:

(i) (Flight identification.)
(ii) "This is (name of tower) tower."
(iii) (Reporting point.)
(iv) (Time—minutes only.)
(v) At (altitude in thousands and hundreds of feet).
(vi) "Cleared to enter traffic pattern."
(vii) "At (specified altitude) (if necessary)."
(viii) "Runway (number of runway in use)."
(ix) "Wind (direction and velocity)."
(x) (Any special information.)

Example: "Air Force seven eight three four this is Nashville Tower, Lebanon four six at two thousand, cleared to enter traffic pattern, runway two seven, wind west eight."

NOTE: When parallel runways are available, the runway in use shall be designated in the following manner.

Examples:
"Runway two three, left."
"Runway one eight, center."

(2) A normal clearance to enter the traffic pattern shall be issued to a pilot whenever the controller desires that the aircraft approach the landing area in accordance with current traffic patterns. If a normal clearance to enter traffic pattern is not appropriate for the existing traffic conditions, it may be omitted, and an alternate clearance such as "cleared to land," or "continue approach," or "report over (specified point or distance from the airport)," or "(right) or (left) turn to runway (number)" may be used at the discretion of the controller.

(3) The clearance to enter traffic pattern should not be confused with the clearance to land since the former is issued when the aircraft is some distance from the field and traffic conditions will not permit the issuance of a landing clearance.

(4) When it is desired to clear an aircraft to enter a traffic pattern which is not a conventional left-turn pattern, or where more than one pattern exists, the phraseology may be modified to include the designation of the pattern desired. An example for clearance into a right-turn pattern:

"Cleared to enter right traffic pattern."

(c) Clearance to land: (1) A clearance to land shall be in the following form:

(i) "(Flight identification.)"
(ii) "This is (name of tower) tower."
(iii) "(Position.)"
(iv) "At (altitude)."
(v) "Cleared to land."
(vi) "Runway (number of runway in use.)"
(vii) "Wind (direction and velocity)."
(viii) (Any special information.)

NOTE: Item (i) may usually be omitted whenever the aircraft is under direct observation of the airport traffic controller. Items (iii) and (iv) may be omitted if the aircraft is in a well-defined traffic pattern. Items (vi) and (vii) may be omitted if previously given and no revision is necessary.

Example: "Navy seven eight four three cleared to land."

(2) Another example would be when a pilot reports in the control zone as follows:

"Tulsa Tower this is Stinson one two three four, two miles south at eight hundred."

The tower would respond:

"Stinson one two three four this is Tulsa Tower, two miles south at eight hundred. Cleared to land, runway three, wind south, four."

since no previous information concerning traffic direction and runway had been transmitted to this pilot.

(d) Clearance to Taxi:

(1) Taxi Clearance Limit: A taxi clearance limit is a runway, a runway intersection, a taxi strip, a ramp, or other point to which a taxiing aircraft may be cleared. Normally, the taxi clearance limit specified will permit an aircraft to proceed to a specific point without delay or without causing confliction to other traffic under tower jurisdiction. If a potential conflict exists, aircraft shall be held at, or cleared to, a taxi clearance limit short of the area in which the potential conflict exists to await further taxi clearance.

(2) Clearance to taxi shall be in the following form:

(i) Inbound Aircraft:
(*a*) Identification.
(*b*) "Cleared to" (Clearance Limit).

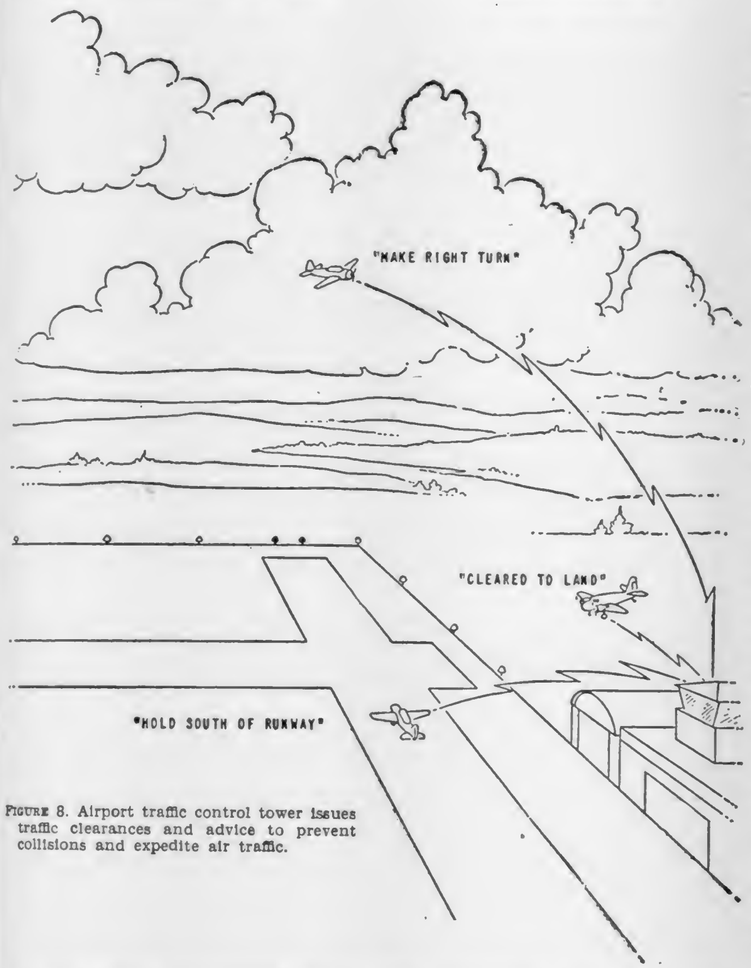

FIGURE 8. Airport traffic control tower issues traffic clearances and advice to prevent collisions and expedite air traffic.

(c) Any special information relative to the use of taxi strips, intersecting runways, obstructions, maintenance operations, or other field activity or condition.

(*d*) Essential ground traffic as specified in § 617.55 (c).

Example:
"United seven cleared to the ramp, taxi west on center strip, mowing equipment to the right of the center strip."

(ii) Outbound Aircraft:
(*a*) Identification.
(*b*) "Cleared to" (Clearance Limit).

NOTE: If a clearance limit is to a point short of the take-off runway, the runway to be used shall be specified preceding the phrase "Cleared to" as shown in the example below.

(c) Wind (direction and velocity).
(*d*) Altimeter and Time. These items may be omitted if an aircraft operator has stated in writing to the chief controller that this service is not desired.
(*e*) Any special information relative to use of taxi strips, intersecting runways, obstructions, maintenance operations, or other field activity or condition.
(*f*) Essential ground traffic information as specified in § 617.55 (c).

Example: Initial Taxi Clearance.
"Air Force four one five two seven runway two two left, cleared to intersection runway nine left and runway one eight. Wind southwest one five, altimeter two nine nine five, time one six five six. Taxi north on east ramp, east on runway nine left, hold short of the intersection."

Example: Subsequent Taxi Clearance.
"Air Force five two seven cleared to runway two two left, taxi east on runway nine left."

Example:
"Navy nine five one two cleared to runway four left, wind northeast one five, altimeter two nine nine five, time zero eight three zero. Taxi south on the ramp. Aircraft parked along the left edge of the ramp."

(iii) Clearance to taxi from one point to another on the landing area:
(*a*) Identification.
(*b*) "Cleared to" (Clearance Limit).
(*c*) Any special information.
(*d*) Essential ground traffic information as specified in § 617.55 (c).

Example: Initial Taxi Clearance.
"Beechcraft three five two K Cleared to intersection of runway four left and runway three six. Taxi east on center strip. Hold short of the intersection."

Example: Subsequent Taxi Clearance.
"Beechcraft three five two K Cleared to hangar. Taxi east on center strip."

Example:
"TWA thirty four cleared to hangar four."

(*e*) Clearance for take-off. Clearance for take-off shall be in the following form:

(1) Identification.
(2) Any special information..
(3) "Cleared for take-off."

Example:
"Air Force six seven three four, cleared for take-off."

(i) When a flight plan has been filed specifying IFR flight from the point of departure, the take-off clearance described above shall not be issued until IFR clearance has been transmitted to and acknowledged by the pilot concerned.

(ii) The take-off clearance, as the name implies, is issued after the pilot has taxied to the end of the runway in use, tested his engines, and is ready for take-off. The pilot has previously received information on the runway in use, wind direction and velocity, the altimeter setting, time check, and the appropriate air route traffic control clearance. He is now interested in obtaining authorization to commence his take-off, and he needs information on such local traffic as may affect his flight or which he may approach while in flight within the control zone.

(iii) Immediately after take-off, many pilots want their time off the ground. When this is requested, it may be given separately in the following form, or combined with a clearance to leave tower frequency:

(*a*) "(Flight identification.)"
(*b*) "Off at (time—minutes only)."

Example:
"American six off at three one."

(f) Clearance to change frequency: Normally the pilot of a departing aircraft will guard the control tower frequency until outside the control zone, at which time he may leave the tower frequency without further contact. If, however, a pilot requests approval to leave the tower frequency before he is out of the zone, or if an airport traffic controller desires to authorize a pilot to leave the tower frequency before he is out of the zone, a clearance to leave the tower frequency shall be transmitted in the following form:

(1) "(Flight identification.)"
(2) "This is (name of tower) tower." (May usually be omitted whenever the aircraft is under direct observation of the airport traffic controller.)
(3) (Any supplemental information).
(4) "Cleared to leave tower frequency."

Example: "Eastern five this is Washington Tower, American Convair reported over Mt.

Vernon four six at two thousand, cleared to leave tower frequency."

(g) Special clearances:

(1) Clearance to engage in other than routine operations in the control zone shall be in the following form:

(i) "(Flight identification)."
(ii) "This is (name of tower) tower." (May usually be omitted whenever the aircraft is under direct observation of the airport traffic controller).
(iii) "Cleared to make right turn; practice low approach to airport; contact Columbus Navy GCA; etc."

NOTE: Special clearances are provided so that unusual situations, as well as routine range practice, etc., may be properly handled.

(2) Phraseologies for certain frequently used special clearances are as follows:

(i) Clearance for right turn after take-off shall be at the discretion of the controller. In the event it is not possible to approve the right turn when issuing clearance for take-off and the pilot has requested such right turn, the following phraseology will be used:

"Will advise later, cleared for take-off."

(ii) In the event right turn can be approved at the time of issuance of clearance for take-off, the following phraseology will be used:

"Right turn approved. Cleared for take-off."

(iii) Whenever it is desired that a pilot make a straight-in approach, although he cannot yet be cleared to land, the following phraseology will be used:

"Cleared to make straight-in approach."

(iv) In the event aircraft are landing and taking off at an airport without coming to a stop during their landing roll, such operations shall be described as "touch and go" landings. Pilots shall be required to request approval of same by at least the time they are turning on their final approach leg. Approval for such operation shall be issued by use of the following phraseology:

"Cleared to make touch and go landing."

(v) In the event it is not possible to approve such an operation due to other air traffic, the following phraseology shall be used:

"Make full stop landing."

(vi) If an aircraft cannot be cleared onto the runway in use or whenever otherwise desired that the aircraft not move, the following phraseology shall be used:

"Hold your position."

(vii) If an aircraft can be cleared onto the runway in use but not cleared for take-off, the following phraseology will be used:

"Taxi into position and hold".

(viii) When it is desired that a taxiing aircraft hold at a specific position, the following phraseology will be used:

"Hold short of (position)" or "Hold on taxi strip".

(ix) Whenever pilots have indicated that they are not ready for take-off, although they have taxied onto the landing area, possibly due to their engine temperature being too low, etc., the following phraseology will be used:

"Advise when ready for take-off."

(x) Whenever it is desired that a pilot shorten the downwind leg, the following phraseology will be used:

"Make short approach."

(xi) Whenever it is desired that a pilot lengthen the downwind leg, the following phraseology will be used:

"Extend downwind leg."

(xii) In the event it is desired to indicate to pilots in the traffic pattern which aircraft they are to follow in the landing sequence, the following phraseology will be used:

"Number (number) to land, follow (type of aircraft) (location of aircraft to follow.)"

NOTE: When describing location, descriptions such as "to your right," "above you," "one mile ahead of you," etc., are much more satisfactory than "north of you," "one mile east of you," etc.

(xiii) In the event an aircraft is on final approach and there is still sufficient time to clear a departing aircraft for take-off, the following phraseology will be used:

"Cleared for immediate take-off."

(xiv) In the event an aircraft is on final approach and there is still sufficient time to clear a departing aircraft which is in take-off position, but some doubt exists as to whether or not the departing aircraft will take off immediately, the following phraseology will be used.

"Take off immediately or clear the runway."

(xv) In the event it is believed desirable to advise landing pilots of other aircraft in close proximity to the runway in use the following phraseology will be used:

"Aircraft to (right or left); or aircraft on both sides of runway (number)."

(xvi) In the event an aircraft has encountered landing gear difficulty and has proceeded to close proximity to the control tower for control tower personnel to observe the landing gear, the following phraseology will be used.

(*a*) If the gear appears to be in a normal position to the control tower personnel:

"Landing gear appears to be down and in place."

(*b*) If it does not appear to be normal a description of the appearance should be given, such as:

"Right wheel is retracted."
"Left wheel does not appear to be in place."

(xvii) If an aircraft cannot be cleared to land and it is desired that it continue to circle the field, the following phraseology will be used:

"Circle the field."

(xviii) When it is desired to delay an aircraft to effect separation and a circle of the field would take more than the required time, the following phraseology will be used if circumstances permit:

"Make a short circle to your (right or left) from present position."

(xix) When an aircraft is on final approach and it becomes necessary to cancel the landing clearance, the following phraseology will be issued:

"Go around."

§ 617.47 *Description of essential local traffic.* Essential local traffic shall be described so as to facilitate recognition by pilots, as follows:

(a) *Military Traffic.* Military traffic shall be described by the service classification, such as: "Bomber," "Navy Transport," "Basic Trainer," "Fighter," "Attack," "Patrol Landplane," "Patrol Seaplane," etc. Jet propelled aircraft shall be so described.

(1) Military traffic may be described by military type designation to military and other pilots known to be familiar with such designations. The military type designation of military aircraft shall be spoken as a group figure (instead of a serial figure) in radio-telephone communications in accordance with the following examples:

"F Eighty"	"PBY"
"B Seventeen"	"SNJ"
"C Fifty-four"	"TBF"

(b) *Air carrier traffic.* Air carrier traffic shall be described by use of the air carrier company name painted on the aircraft followed by the type of aircraft. Examples:

"American DC–6."
"TWA Martin."

NOTE: Pilots operating interchange aircraft will advise towers of the name painted on, and the type of aircraft, in the initial contact. Example: "National nine ten a Capital Constellation."

(c) *Civil nonscheduled traffic.* Civil nonscheduled traffic shall be described by at least the name of the manufacturer. The model, type, or color of the aircraft also may be used to facilitate identification. Examples:

"Waco-cabin" "Beechcraft"
"Green Stinson"

§ 617.48 *Statement of figures in radiotelephone transmissions.* (a) Figures indicating hundreds and thousands in round numbers up to and including 9,000 shall be spoken in hundreds and thousands as appropriate. Examples:

Number	*Statement*
500	"Five hundred."
1,300	"One thousand three hundred."
4,500	"Four thousand five hundred."
9,000	"Nine thousand."

(b) Numbers above 9,000 shall be spoken by separating the word "thousand." Examples:

Number	*Statement*
10,000	"One zero thousand."
13,000	"One three thousand."
18,500	"One eight thousand five hundred."
27,000	"Two seven thousand."

(c) Statement of serial figures. All figures, other than the types listed in paragraphs (a) and (b) of this section shall be spoken individually. Examples:

Number	*Statement*
18,143	"One eight one four three."
26,075	"Two six zero seven five."

NOTE: The above includes aircraft identification numbers. A Waco, N1746, would be identified as "Waco one seven four six."

(1) The figure "0" shall be spoken "zero" when it occurs alone or in a group of figures other than those described in paragraph (a) of this section.

(d) Time shall be stated in exactly four figures (except as noted in subparagraph (1) of this paragraph utilizing the 24-hour clock basis). The hour shall be stated by the first two figures and the minutes by the last two figures.

Examples:

Time	*Statement*
0000 (midnight)	"Zero zero zero zero."
0920 (9:20 a. m.)	"Zero nine two zero."
1200 (noon)	"One two zero zero."
1643 (4:43 p. m.)	"One six four three."

(1) Time may be stated in minutes only (two figures) in airport traffic control radiotelephone communications when no misunderstanding is likely to occur.

(2) Time shall be stated to the nearest minute unless a time check is required in which case the time should be stated to the nearest quarter minute.

Example:

11:05.17—"One one zero five and one quarter."

(3) The 24-hour clock day begins and ends at 0000 (midnight). The last minute of the last hour begins at 2359 and ends at 0000 which is the beginning of the first minute ending at 0001 of the first hour of the next day.

(e) Field elevations shall be stated in feet in accordance with the following examples:

10 ft	"Field elevation one zero."
75 ft	"Field elevation seven five."
583 ft	"Field elevation five eight three."
600 ft	"Field elevation six zero zero."
1850 ft	"Field elevation one eight five zero."
2500 ft	"Field elevation two five zero zero."

§ 617.49 *Procedures, words, and phrases.* (a) The following words and phrases shall be used in airport traffic control radiotelephone communication when applicable:

Word or phrase	*Meaning*
"Acknowledge"	"Let me know that you have received and understood this message."
"Affirmative"	"Yes."
"Break"	"I hereby indicate the separation between portions of the message." (To be used only where there is no clear distinction between the text and other portions of the message.)
"Correction"	"An error has been made in this transmission (or message indicated). The correct version is – – –."
"Go ahead"	"Proceed with your message."
"How do you hear me?"	Self-explanatory.
"I say again"	Self-explanatory.
"Negative"	"That is not correct."
"Out"	"This conversation is ended, and no response is expected."
"Over"	"My transmission is ended, and I expect a response from you."
"Read back"	"Repeat all of this message back to me exactly as received after I have given 'Over'."
"Roger"	"I have received all of your last transmission." (To acknowledge receipt; shall not be used for any other purpose.)
"Say again"	Self-explanatory.
"Speak slower"	Self-explanatory.
"Stand by"	If used by itself means "I must pause for a few seconds." If the pause is longer than a few seconds, or if "Stand by" is used to prevent another station from transmitting, it must be followed by the ending "Out".
"That is correct"	Self-explanatory.
"Verify"	"Check coding, check text with the originator and send correct version."
"Words twice"	(a) As a request—"Communication is difficult. Please say every phrase twice." (b) As information—"Since communication is difficult, every phrase in this message will be spoken twice."

§ 617.50 *Abbreviation for CAA air traffic control.* The abbreviation "ATC" will be used to indicate CAA Air Traffic Control, for example, "ATC clears Eastern four" etc.

§ 617.51 *Identification of aircraft at night.* In addition to the prescribed provisions for identification of aircraft in the radiotelephone procedure, further identification and location of aircraft may be established during the hours of darkness, by requesting the pilot to show a landing light, as "TWA nine show a landing light."

§ 617.52 *Radio control of aircraft not transmitter equipped.* In addition to the prescribed radio operating procedure, the following procedure is established for use in connection with control of aircraft in which radio equipment is limited to receivers.

(a) Broadcasts of airport traffic control clearances or information to VFR traffic, requiring acknowledgment from the pilot, shall provide for such acknowledgment in the following manner:

(1) When the aircraft is on the ground within the range of vision of the controller, the pilot shall be requested to acknowledge receipt of the broadcast by movement of ailerons or rudder, whichever action may be observed more readily, as:

"Acknowledge by moving ailerons."
"Acknowledge by moving rudder."

(2) When the aircraft is in the air the same purpose will be achieved by including a request to acknowledge receipt of the broadcast by rocking the wings, as:

"Acknowledge by rocking your wings."

(3) When the aircraft is either in the air or on the ground, during the hours of darkness, the same purpose will be achieved by requesting the pilot to blink his landing lights, as:

"Acknowledge by blinking your landing or navigation lights."

LOCAL TRAFFIC INFORMATION

§ 617.55 *Essential local traffic.* (a) When operating under visual flight rules it is the responsibility of the pilot to avoid collision with other aircraft. However, due to the restricted space on and around landing areas, it is often essential that traffic information be issued to aid the pilots to avoid collision between aircraft. Essential local traffic shall be considered to consist of the following:

(1) Traffic within the control zone.

(2) Ground traffic.

(b) Essential traffic within the zone shall include all known traffic in the control zone which might constitute a hazard to the operation of the aircraft concerned.

(c) Essential ground traffic shall include any aircraft, vehicle or personnel on the landing area or in a designated loading or parking area which might constitute a hazard to the operation of the aircraft concerned.

§ 617.56 *Issuance.* (a) Detailed essential local traffic information shall be issued when, in the judgment of the controller, such information is necessary in the interests of safety, or when requested by a pilot.

INFORMATION ON FIELD CONDITIONS

§ 617.57 *Information on field conditions*—(a) *General.* (1) Essential information on field conditions is information necessary to safety in the operation of aircraft, which pertains to the landing area or any facilities usually associated therewith. For example, construction work on a taxi strip not connected to the runway-in-use would not be essential information to any pilot except one who might wish to taxi in the vicinity of the construction work. As another example, if all traffic must be confined to runways, that fact should be considered as essential field information to any pilot not familiar with the airport. (See fig. 9.)

(2) The following field conditions shall be included as essential field information to all pilots:

(i) Construction work along or near the runway-in-use.

(ii) Rough portions of the landing area proper whether marked or not.

(iii) Any maintenance apparatus or workmen on or near any portion of the landing area a pilot might elect to use.

(iv) Slippery condition of runways or taxiways.

(v) Snow piled or drifted on the landing area proper, and width and length of cleared runway, if known.

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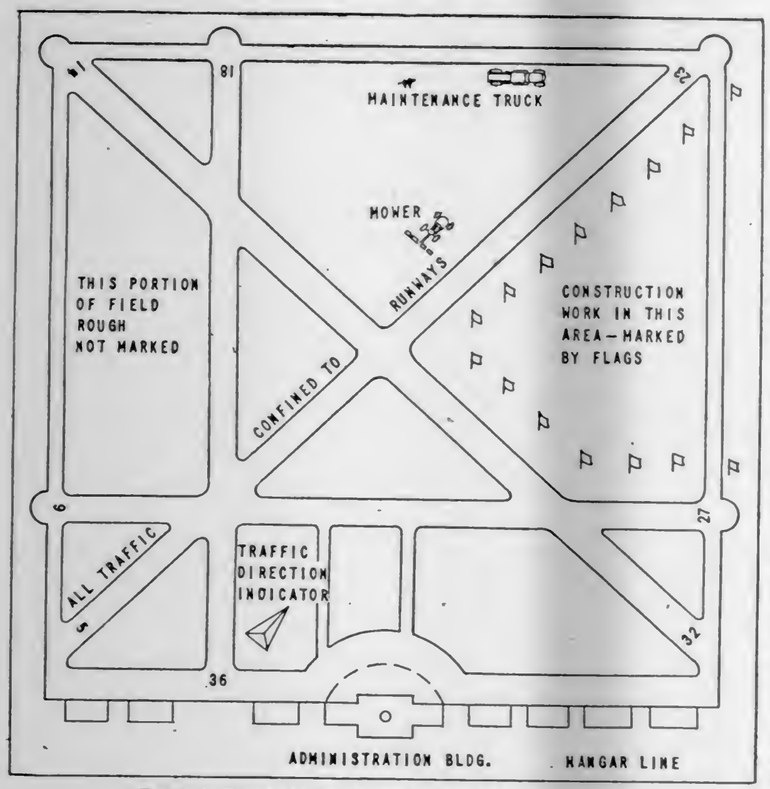

FIGURE 9. Typical airport showing various field conditions.

(vi) Failure or irregular functioning of any portion of the field lighting system.

(vii) Aircraft parked close to runways or taxiways.

(b) *Responsibility for notification of field conditions.* (1) The agency which operates the airport shall be responsible for notifying the chief airport traffic controller of current field conditions.

(c) *Description.* (1) Information on field conditions shall be stated concisely and clearly. Examples:

(i) "Mower on west side of field."
(ii) "Construction work on north end of field."
(iii) "Repair trucks near center of field."

(d) *Issuance.* (1) Essential information on field conditions shall be given to every pilot concerned, either directly or indirectly, in sufficient time for the pilot to make proper use of such information.

PREVENTIVE CONTROL

§ 617.59 *Preventive control*—(a) *Description.* (1) "Preventive control" may be defined as a system of control whereby useful preventive advice is given to pilots of aircraft in the air and a routine approval of the pilot's anticipated actions is eliminated. In other words, the pilot is expected to continue flight including landing in a normal manner unless otherwise advised by the airport traffic controller.

(b) *Conditions under which preventive control may be applied.* Preventive control has an immediate application at locations which have one or more of the following types of activities:

(1) Military primary flying schools.
(2) Military transitional schools.
(3) Locally based squadrons or groups of military aircraft.
(4) Local civilian operators or schools.

(c) *Mutual agreements and arrangements.* In such cases mutual agreements and arrangements must be made with the responsible heads of these groups prior to the inauguration of preventive control. Such control is not to be employed for transient aircraft.

(d) *Control of ground traffic.* (1) The airport traffic controller is concerned with the movements of taxiing aircraft, personnel, and vehicular traffic in exercising ground control. Taxiing aircraft offer the greatest problems due to the fact that the visibility is so limited in most aircraft while in a taxiing position that obstructions such as personnel, vehicles or other aircraft may not be readily seen even by the most careful pilots. Therefore, the controller must issue explicit warnings as to the proximity of other obstructions for all taxiing traffic. This requires that the control of ground traffic be identical with the control of ground traffic previously outlined in §§ 617.22–617.28.

(e) *Control-zone procedures.* (1) Procedures for controlling traffic within and entering the control zone may be subdivided as follows:

(i) *Traffic joining the traffic pattern.* Traffic joining the traffic pattern is primarily interested in obtaining information as to field conditions, runway-in-use, and the wind direction and velocity. This information should be given when the aircraft makes its initial radio contact at the contact reporting point, or approximately 15 miles from the airport. It is expected that the pilot of the aircraft joining the traffic pattern will properly space himself so that the proper separation will be maintained on the final glide for landing.

(ii) *Traffic in the traffic pattern.* The traffic in the traffic pattern must be properly spaced at all times. This may be accomplished by advising one pilot to make a wider turn, and another pilot to make a shorter turn, or any other pertinent information. The aircraft which are actually in the traffic pattern should be aware of the runway-in-use by the time the traffic pattern is entered and, therefore, the only clearances which should be issued to such traffic are those necessary to obtain proper spacing.

(iii) *Landing traffic.* If the aircraft in the traffic pattern are properly spaced it will be unnecessary to issue detailed clearances to the landing traffic, such as "cleared to land." Rather, only prohibitive signals which will prevent collision will be issued. For example, one of two aircraft on final approach should be advised to "go around" if their separation is less than the prescribed minimum

(iv) *Taking-off traffic.* All taking-off traffic shall be positively controlled inasmuch as such aircraft are taxiing traffic until the actual take-off is commenced.

SPECIAL VFR OPERATIONS WITHIN A CONTROL ZONE

§ 617.60 *Special VFR operations within a control zone.* (a) Under § 60.30 and § 60.31 of Chapter I, of this title, pilots conducting flight in accordance with visual flight rules must obtain an air traffic clearance:

(1) Before flying in a control zone when the ceiling within the control zone is reported to be less than 1,000 feet.

(2) Before flying in a control zone closer than 500 feet vertically under, 1,000 feet vertically over, or 2,000 feet horizontally from any cloud formation.

NOTE: When operating in accordance with a clearance issued by air traffic control, aircraft shall remain clear of clouds.

(3) Before flying in a control zone when the flight visibility within the control zone is less than three miles.

(4) Before landing, taking off, or entering the traffic pattern of an airport within the control zone when the official ground visibility is reported to be less than three miles at the airport about which the control zone is centered.

NOTE: The official weather observation for the airport about which the control zone is centered shall be used where observations are made at more than one airport in the zone.

(b) The issuance of a clearance for flight under the conditions specified in paragraph (a) of this section shall be predicated on known traffic conditions.

Such clearance shall provide standard IFR separation between any aircraft so cleared, and between such aircraft and any IFR traffic operating in the control zone, except that standard IFR separation need not be applied if:

(1) In the opinion of the airport traffic controller, adequate separation can be provided by the tower and each aircraft is continuously visible to the tower controller; or

(2) Each aircraft is continuously visible to pilots of other aircraft concerned and the pilots thereof can maintain their own separation and so advise.

(c) When the ground visibility is less than three miles but not less than one mile, local VFR flights may be authorized in the zone (shooting landings, etc.) only if provision is made for the recall of these aircraft when traffic conditions become too congested to permit their continuance. The most practical method of doing this is only to clear aircraft which can maintain a continuous guard on the control tower frequency.

(d) When the ground visibility is less than 1 mile, VFR operations may be authorized in the zone only in respect to those aircraft with which the tower has two-way radio communications, except that aircraft not meeting this requirement may be cleared to enter the control zone and land, or to take-off and depart directly from the control zone, traffic permitting.

(e) Operations of signal to indicate ground visibility of less than three miles and/or a ceiling of less than 1,000 feet.

(1) The following procedures shall be observed when the ground visibility is officially reported to be less than three miles and/or the ceiling less than 1,000 feet.

(i) Operate the appropriate light signal.

(a) Rotating beacon during daylight hours.

(b) Flashing wind direction indicator lights between sunset and sunrise.

(ii) Recall all aircraft operating in the traffic pattern without a clearance.

(f) Authority for issuance of traffic clearance to VFR operations:

(1) The airport controller shall coordinate with the appropriate center prior to issuing traffic clearance for VFR flight in a control zone at less than the basic VFR weather minimums (500 feet vertically and 2,000 feet horizontally from clouds and three miles visibility and a ceiling of 1,000 feet.)

OPERATING INSTRUCTIONS FOR AIRPORT TRAFFIC CONTROL TOWERS

§ 617.65 *General information*—(a) *Purpose.* The purpose of these instructions is to provide standard operating instructions for all airport traffic control towers. Only the broad phases of operation are included in this section and it is expected that each operating agency will provide such additional detailed instructions as are necessary for efficient operation.

(b) *Supervision of towers.* Each operating agency shall establish and designate a person responsible for the supervision and operation of each airport traffic control tower. All other airport traffic control personnel, when on official duty in an airport traffic control tower, will be responsible to and governed by the person in charge. When more than one person is on watch in the tower, one controller shall be designated as the "supervising controller" in charge of the watch.

§ 617.66 *Positions of operation*—(a) *General.* Each person on duty in an airport traffic control tower shall, while controlling or aiding in the control of air traffic, occupy one or more positions of operation. These positions of operation shall be established for the purpose of defining specific duties and fixing responsibility for the performance of prescribed functions, and shall be defined as follows:

(1) *Local control position.* The following are specific duties of this position of operation in addition to such supplementary duties as may be assigned by the chief controller:

(i) To issue airport traffic control clearances and information, in accordance with applicable Civil Air Regulations, governing all air traffic and vehicular traffic on the landing area, air traffic departing from the landing area and air traffic operating in accordance with VFR in the control zone.

(ii) To guard radio frequencies of all aircraft regularly using the landing area and such special frequencies as may be required from time to time.

(iii) To issue essential local traffic information, as required, to pilots of aircraft taxiing on or in the vicinity of the landing area.

(iv) To furnish to pilots of aircraft taxiing on, and in the vicinity of the landing area, information concerning field conditions, altimeter settings, and time checks as required.

(v) To forward to the local Weather Bureau Office and the appropriate center pilot weather reports as received and reports based upon personal observation of weather conditions from the control tower.

(vi) To notify operations offices, fire departments, police and ambulance services, as necessary, in the event of an accident or fire on or in the vicinity of the airport.

(vii) To study and initial all weather reports, notices to airmen and reports pertaining to the condition of the landing area or tower operating equipment.

(viii) To operate the appropriate airport lighting facilities as required by aircraft using the airport.

(2) *Flight data position.* The following are specific duties of this position of operation in addition to such supplementary duties as may be assigned by the chief controller:

(i) To assist, as directed by the supervising controller, in the issuance of airport traffic control clearances and information and in the operation of control tower equipment.

(ii) To copy and relay as necessary, all communications received over the interphone or telephone facilities.

(iii) To relay air route traffic control clearances and other control messages as instructed by an air route traffic control center.

(iv) To copy and relay, as directed, reports and information received by radio.

(v) To properly post all required flight plans, flight progress reports, arrival reports, and departure reports.

(vi) To study and initial all weather information and notices to airmen and post such material on the designated board.

(vii) To provide for the continuous recording of radio transmissions by changing voice records promptly, as they are completed, at locations where voice recorders are installed.

(viii) To record air route traffic control messages and clearances on appropriate forms.

(ix) To record flight plans received from pilots (either by radio, interphone, or telephone) on appropriate forms.

(x) To maintain airport traffic control operating forms.

§ 617.67 *Radio procedures*—(a) *Guarding radio frequencies.* The supervising controller shall be responsible for maintaining a continuous guard of standard military, naval, and civil aircraft radio frequencies. He shall also maintain a guard, when necessary, on any special frequencies that may be required. The supervising controller shall also provide for the maintenance of a continuous guard of control tower transmissions from any other landing area in the control zone in which he is controlling traffic.

(1) Normally, the volume control on receivers guarding aircraft frequencies shall be adjusted so as to permit the easy reception of normal calls from aircraft over or in the vicinity of all contact reporting points. The volume shall not be reduced on any receiver on which a continuous guard is being maintained, except as follows:

(i) The volume on any receiver or speaker may be momentarily reduced to permit the separate reception of transmissions which might be otherwise unintelligible.

(ii) The volume may be reduced momentarily when transmission from an aircraft might be annoyingly loud because of the nearness of the aircraft.

(iii) The volume may be reduced when either local or general electrical disturbances make it advisable in order to hear any transmissions at all but should be increased to normal volume as soon as possible.

(2) Tower personnel should check the receivers at least once during each watch to ascertain whether they are operating since failure of this equipment may occur without the knowledge of the personnel on duty. The receiver check may be accomplished by turning the noise suppressor off and increasing the volume until background noise is heard.

(b) *Transmission of radiotelephone messages.* An airport traffic controller on duty shall be responsible for all radiotelephone transmissions emanating from the position, or positions, of operation under his jurisdiction.

(1) The following types of radiotelephone messages shall ordinarily be transmitted by the local control position:

(i) Airport traffic control clearances and instructions.

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(ii) Essential traffic information.
(iii) Field conditions, altimeter settings, and time checks.
(iv) Any message pertaining to safety of aircraft.
(v) Instructions to radio equipped vehicular traffic on the landing area.

(2) The following types of radiotelephone messages may be transmitted by the flight data position at the discretion of the supervising controller:

(i) Relay of air route traffic control clearances and control messages.
(ii) Acceptance and confirmation of flight plans filed by radio.
(iii) Any other message authorized by the supervising controller.

(c) *Relaying information or advice not directly associated with traffic control.* In addition to traffic control communications which are associated with prevention of collision between aircraft within the control zone, the following communications are authorized for handling by an airport traffic controller:

(1) Messages pertaining to the operation of the aircraft authorized for transmission by the commanding officer or the representative of the airport management.

(2) Messages pertaining to the operation of the aircraft authorized for transmission by a representative of an aircraft operator to the aircraft of such operator.

(3) Any message pertaining to safety of aircraft.

§ 617.68 *Operation of interphone facilities*—(a) *General.* Interphone facilities are maintained to provide rapid voice communications service between agencies, for the exchange of information pertinent to the control of air traffic.

(1) The interphone system is divided into two categories: "local" circuits, which may consist of individual circuits between airport traffic control towers and various agencies in the vicinity, or may consist of a single circuit connecting all the agencies in the immediate vicinity of an airport, and "long lines" circuits which may connect two or more widely separated communications stations, towers, operations offices, and air route traffic control centers.

(2) An airport traffic control tower shall be the coordinating office of any local interphone system originating in the control tower. If such system also serves an airway communications station, coordination shall be effected jointly by both the station and tower.

(b) *Communications authorized for transmission on interphone systems.* Interphone systems are maintained to permit the rapid handling of communications required to effect the control of air traffic. Authorized communications are those required for the control and safety of air traffic. A partial list of authorized material follows in the general order of importance. Priority shall be determined by the relative importance of a message to the control of air traffic, rather than by strict adherence to the order as listed in this section.

(1) Emergency communications are communications concerning accidents, suspected accidents, and situations directly endangering life and property. Communications relative to accidents may be continued until essential information has been transmitted to all concerned, but shall not receive emergency classification after the emergency period has passed.

(2) Movement and control messages and plain English equivalents of "Q" signals pertaining to aircraft movements shall receive priority over other than emergency communications.

(i) When two or more movement or control messages are on hand for transmission their priority shall be in the following order, except that the order may be modified by consideration of the time element involved and their relative importance to the control of air traffic:

(*a*) Clearances and control instructions.
(*b*) IFR movement messages.
(*1*) Flight plans.
(*2*) Progress reports.
(*3*) Arrival reports.
(*c*) VFR movement messages.

(3) Notice to airmen: Each control tower shall compile a list of local aids to air navigation which may affect its operations. Malfunctioning of such aids shall be reported to the appropriate communications station for issuance of a notice to airmen and to the appropriate center for information.

(c) *Interphone operating procedures.* Conversations shall be as brief and concise as possible without undue hesitation and in a uniform flow of language. Every effort shall be made to enunciate clearly and distinctly, paying special attention to numerals. Use of such words as "guess" and "think" is undesirable.

(1) When any doubt exists concerning the accuracy of a received message, the complete message or the essential parts should be repeated back to the sender for verification. Transmitting personnel may also request that a message be repeated back by the receiving personnel.

(2) "Q" signals shall be transmitted by means of their plain English equivalents. Station identifications shall not be spelled, but the name of the location spoken.

(3) Low priority traffic may be interrupted for the transmission of high priority traffic, not subject to delay. For example, the continuous transmission of a series of flight plans may be interrupted for the transmission of a traffic control clearance.

(4) The domestic phonetic alphabet should be used to indicate single letters, initials, or for spelling words whenever similar sounds or difficulties in transmission make such use necessary.

(5) When the origin and destination of a message are on the same circuit, the message shall be filed with the air route traffic control center, which will then make delivery to all concerned. However, local arrangements may be made with the appropriate air route traffic control center to depart from this principle when desired.

(6) Operating initials: All personnel using interphone circuits shall use two-letter operating initials. The first and last initials of the operator's name should be used when appropriate. Any two letters, however, may be used to avoid confusion due to similarity of sounds. Letters having similar sounds, such as "B" and "P" and letter combinations which are difficult to pronounce should be avoided.

(d) *Methods of originating and completing interphone contacts.* The following outlined procedures and phraseologies shall be used when initiating and completing contacts on standard interphone facilities.

(1) Voice calls and answers: Drops on the long-line interphone system shall be known by the name of the location followed by the name or standard abbreviation of the organization or facility. (On local interphone circuits, the "location" may be omitted). Examples:

"Memphis control."
"Westover tower."
"Patterson operations."
"Norfolk Navy tower."
"Fort Wayne TWA."
"Casper radio."

(i) Initiate the call by use of prescribed procedures. If voice signaling is used, state the voice call of the organization desired, followed by the word "from" and the voice call of the organization calling.

(*a*) All calls shall be answered by stating the voice call of the organization answering the call.

(*b*) Each communication shall be preceded by a term indicating the type of message to follow, such as "flight plan," "clearance," "arrival," "progress report," etc. Messages of an emergency nature shall be preceded by the word "emergency." In voice signaling the descriptive term shall be incorporated in the call, as the last item of the call.

(*c*) Each message shall be terminated by the operating initials of the transmitting personnel.

(*d*) Personnel shall acknowledge receipt of messages by stating their operating initials.

(*e*) All contacts are completed by air route traffic control center personnel, by stating the time in two figures to the nearest minute.

Example: Mechanical signaling (inbound to center).
(Center) "Cleveland control" (answering mechanical signaling).
(Tower) "Buffalo tower, arrival report."
(Center) "Go ahead."
(Tower) (Proceeds with message), "JL".
(Center) "HN, four six."

(ii) Except in the transmission of "emergency" messages, continuous calling should be tempered by good judgment. Stations should realize that air route traffic control centers often have only one person assigned to answer calls on two or more circuits. Air route traffic control centers should understand that communications stations, towers and operations office personnel are often engaged in duties such as weather observations, radio contacts, or outside telephone calls, which may delay the answering of interphone calls.

(e) *Connection of circuits.* Circuits will be connected only upon request or approval being received from an air route traffic control center, except that circuits may be connected at the request of a communications station or control tower adjacent to a control boundary, so located that a connection is necessary in order to communicate with the adjacent air route traffic control center.

(1) Request for connection of circuit shall be made in accordance with the following:

"Fresno radio this is Burbank control, connect Oakland control." (Fresno signals Oakland Control and connects circuits. Message is completed in accordance with standard procedures.)
"Fresno radio this is Burbank control, release Oakland control." (Fresno disconnects circuits.)

(f) *Reporting arrivals and departures.* The times of arrival and departure of all aircraft for which flight plans or clearances have been received, shall be reported promptly to the appropriate air route traffic control center or communications station.

(1) The times of arrival and departure as required above shall be exact as established upon the following basis:

(i) Arriving aircraft shall be reported as "arrived" at the time the wheels touch the ground and it is apparent that the landing will be completed.

(ii) Departing aircraft shall be reported as "departed" at the time the wheels leave the ground.

(g) *Relaying position reports from pilots of aircraft en route.* Normally, pilots of aircraft en route will make position reports to U. S. Interstate Airway Communications Stations, Air Force or Navy Communications Stations, or private facilities. While pilots should be encouraged to continue this practice, airport traffic controllers shall not hesitate to relay such reports when they are addressed to the control towers. Pilots shall be referred to other communications agencies only if the service they request or need can be obtained in no other manner.

(h) *Relaying reports on condition of field or associated facilities.* When abnormal conditions concerning facilities which are pertinent to safety in the operation or traffic control of aircraft are observed by an airport traffic controller or are brought to the attention of the controller, such information shall, if warranted, be forwarded to the appropriate operations office, Civil Aeronautics Administration Communications Station and, if advisable, to the air route traffic control center within whose control area the tower is located.

§ 617.69 *Operation of field lighting system.* (a) Boundary and obstruction lights and the rotating airport beacon shall be lighted continuously between sunset and sunrise, and in addition, the rotating beacon shall be lighted as necessary during the hours of daylight to indicate restriction of VFR operations within the control zone. At airports where no boundary lights are installed (or when boundary lights are inoperative), runway lights on the runway most nearly aligned with the wind, or the "calm wind" runway when appropriate, shall be lighted between sunset and sunrise.

(1) With the exception of rotating airport beacons, the airport manager at locations where a CAA control tower is in operation, may establish hours of operation of the field lighting system not in accordance with the above, provided, however, that field lighting is available on a request basis. In such cases, the airport manager shall assume the responsibility for such operations.

(b) Floodlights and Runway Lights: Floodlights and runway lights, except as outlined above, shall be used in accordance with the following:

(1) As soon as the pilot of an aircraft is cleared to taxi out, the taxiways which he is to use shall be illuminated and as the pilot approaches the take-off position, the runway lights for the runway-in-use shall be switched on. The floodlights shall not be turned on until the pilot has taxied onto the runway and is facing the direction for take-off. The floodlights and the runway lights shall not be turned off until the pilot has cleared the edge of the field or requests that they be turned off.

(2) When a pilot is approaching to land, the runway lights shall be turned on as soon as the pilot reports in the control zone. The floodlights for the runway-in-use shall be lighted as soon as the aircraft is identified near the field unless the pilot requests that they be left off. In the latter event, they shall be lighted briefly, before the aircraft enters the landing glide, to ascertain that the landing area to be used is clear of obstacles. If the floodlights are used for landing, they shall not be turned off before the pilot has turned onto a taxi strip, or intersecting runway, unless it is necessary for the pilot to taxi toward an unshadowed floodlight unit.

(3) As far as practicable, the airport traffic controller shall light only those portions of intersecting runways and taxi strips which the pilot must use in taxing to the administration building, hangar line, or parking area.

(4) Brightness settings for variable and/or high intensity runway lights shall be in accordance with general guides established by the operating agency. Brightness settings shall be varied as requested by the pilot.

(i) High Intensity Approach Lights. High intensity approach lights shall be lighted:

(*a*) At any time of day or night when instrument approaches are being conducted.

(*b*) At any time if requested by the pilot; or

(*c*) When deemed advisable by the controller.

(ii) Brightness settings shall be in accordance with general guides established by the operating agency. Settings shall be varied as requested by the pilot.

§ 617.70 *Altimeter settings.* (a) Recording and using altimeter settings: The "altimeter setting" issued by the weather reporting station at 0100, 0700, 1300, and 1900 Eastern Standard Time shall be recorded on a suitable altimeter setting record form. The Altimeter Setting Indicator shall be the primary instrument for obtaining altimeter settings in the tower and all personnel shall refer to the Indicator for this data. No altimeter settings are to be obtained from the aircraft type altimeter (except where altimeter settings indicators are not installed). The aircraft type altimeter is to be used only as a secondary means of checking the Altimeter Setting Indicator or as a primary instrument in case of malfunctioning of the latter.

(b) The altimeter setting indicators are a special form of aneroid barometer so designed that after installation and proper adjustment, the altimeter setting may be read directly from the scale of the instrument. The instrument is designed to indicate the altimeter setting when the elevation scale is set to the actual elevation of the instrument above sea level. The mechanism is enclosed in a sealed case with provision for the connection of a venting tube to outside free air.

(c) Comparisons between the readings of the indicator and the official altimeter setting issued by the U. S. Weather Bureau are necessary each six hours as in the case of the aircraft type altimeter. This shall be accomplished by completion of a separate altimeter record for the indicator. The "Correction Factor" should be entered on this form. For example, an altimeter setting of 30.01 is received from the Weather Bureau. The Altimeter Setting Indicator reads 30.00. The correction factor, "+0.01" is entered on the form. Thus, the actual altimeter setting is the value indicated by the instrument, plus or minus the correction factor. In the event the average wind velocity at the stated hours (0100, 0700, 1300, and 1900) exceeds 45 miles per hour, the instructions relative to obtaining the correction factor will not be effective and the previously determined correction factor will remain in use until a correction factor can be obtained when the average wind velocity is less than 45 miles per hour.

(1) Should the correction factor consistently exceed two one-hundredths of an inch (0.02), either plus or minus, the maintenance technician should be advised and requested to reset the instrument. Should the correction factor exceed four one-hundredths of an inch (0.04), plus or minus, the instrument should be removed from service and the maintenance technician advised.

(2) The procedures for recording and using the altimeter settings obtained from the aircraft type altimeter will continue in accordance with the following: Immediately following receipt of the "altimeter setting" issued by the weather reporting station, provided the average wind velocity does not exceed 45 miles per hour, the knob on the tower altimeter shall be turned until the reading on the barometric scale is exactly the same as the official altimeter setting. The "height setting" shall also be recorded and this will be used for reference data until the next official altimeter setting is received from the weather reporting station. In the event the average wind velocity at the stated hours exceeds 45 miles per hour, the instructions relative to turning the knob on the altimeter and the determination of the height setting will not be effective, and the previously determined height setting will remain in use until a height setting

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can be obtained when the average wind velocity is less than 45 miles per hour.

(3) When the existing altimeter setting is requested by a pilot, the airport traffic controller shall obtain the setting in accordance with the procedure outlined in the introductory text of this paragraph. In the event it is necessary to utilize the aircraft type altimeter to obtain the altimeter setting, the airport traffic controller shall turn the knob of the altimeter until the hands of the instrument indicate the same altitude as the last determined height setting. The existing altimeter setting will then be indicated on the barometric scale of the altimeter.

(4) Whenever adjusting the aircraft type altimeter to obtain a reading, the vibrator shall be operated so as to eliminate any lag in movement of the altimeter needle.

(d) Pressure-altitude, when required, shall be obtained from a table of altimeter settings and pressure altitudes complied for the local landing area. If no such table is available, the pressure-altitude may be obtained in the following manner:

(1) Determine the existing "altimeter setting."

(2) From N. A. C. A. Report No. 538, "Altitude-Pressure Tables based on United States Standard Atmosphere," or similar tables, obtain the altitude corresponding to the existing altimeter setting.

(3) Add the altitude obtained from the altitude-pressure table to the field elevation. The algebraic sum will be the "pressure-altitude."

§ 617.71 *Visual reporting zone.* (a) It shall be the responsibility of all airport traffic controllers to be fully apprised concerning exact locations of prominent landmarks which may be used by pilots as visual reporting points upon entering a reporting zone of 15 miles radius surrounding the airport. (See fig. 10.)

§ 617.72 *Reporting information concerning aircraft in difficulty, aircraft accidents and known hazardous conditions of flight.* (a) Whenever information becomes available to an airport traffic controller concerning aircraft in difficulty, an aircraft accident or known conditions which are or may be hazardous to aircraft operations, such information shall be reported immediately to the air route traffic control center within whose control area the tower is located, to the airway communications station at the same location as the tower and to the local military offices if appropriate. The control tower shall render every possible assistance to the aircraft involved.

(1) In the event military aircraft are reported to be in difficulty, the airport traffic controller will also notify the local operations office and such other local military offices as the commanding officer may specify.

(b) Local airport emergency procedures: Appropriate written operations instructions covering in detail local airport emergency procedures shall be prepared by competent authority. These instructions shall clearly define the duties of airport traffic control personnel during emergency conditions, such as the invoking of emergency procedures for an aircraft accident on the landing area, and shall be prepared in collaboration with a representative of the agency which operates the airport (airport manager or commanding officer, or both).

(c) Weather information procedures:

(1) Reporting impending weather conditions: An airport traffic controller shall assist the local weather observer by calling to his attention:

(i) Any difference between the actual weather condition as observed from the tower to those indicated by the current report; and

(ii) Impending changes in weather conditions whenever, because of their unexpectedness, there is a possibility that they may not be observed immediately by the local weather observer.

(d) Dissemination of weather information observed by airport traffic control tower personnel. Airport traffic control personnel may transmit to pilots and air traffic control facilities concerned, without prior reference to the weather reporting station, elements of weather information which can be directly observed by means of instruments or radar, such as wind direction, wind velocity, altimeter settings, storms and precipitation areas.

(1) An airport traffic controller may not transmit any observed elements of weather information requiring judgment of an observer as to value, such as ceiling, amount of cloudiness and visibility unless such weather report has either been composed or verified by the weather reporting station, or unless the controller is acting as an official weather observer and is properly certificated for the elements being reported.

(2) The airport traffic controller may advise the appropriate center or pilots of observed weather in general, such as "thunderstorm east of the field," "large breaks in the overcast," "visibility is lowering to the south," or any other such general statements which do not give actual values of the elements. In such cases, the weather station shall also be advised of such information.

(3) Weather information, for use in responding to requests from pilots, shall be obtained from the nearest official weather reporting station or from official weather reports.

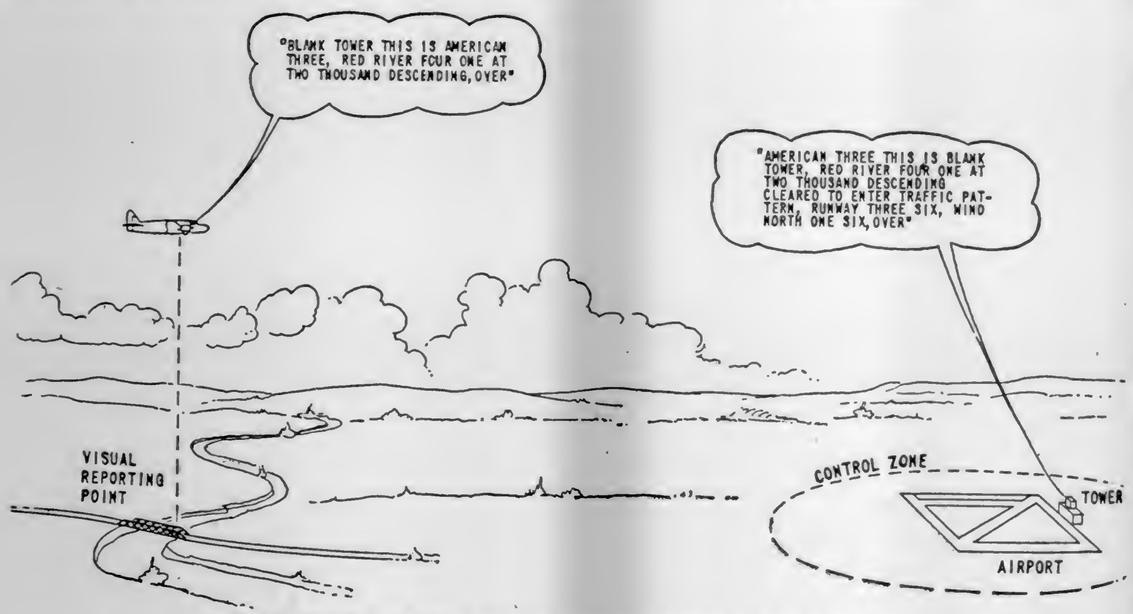

FIGURE 10. Report over a visual reporting point, and clearance to enter traffic pattern.

(e) Reporting failure or irregularity of operation of equipment: The airport traffic controller on duty shall immediately report any failure or irregularity of operation of any apparatus, light or other device, used in controlling airport traffic as directed by competent authority.

(1) Competent authority shall be responsible for the issuance, through the adjacent communications station, of a suitable notice to airmen relative to any failure or irregularity of equipment which affects the operation of the airport traffic control tower.

(f) Maintaining file of permanent records of tower transmissions: A file of permanent records of control tower radio transmissions shall be maintained where permanent-type recorders are furnished for this purpose. Completed records shall be filed chronologically and indexed for easy reference. Records may be disposed of only as prescribed by the operating agency.

(g) Maintaining traffic tabulation with mechanical traffic counters: Mechanical counters are normally used to record the number of local aircraft operations. However, where sufficient counters are provided, a tabulation of other types of operation may be so maintained.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 5, 1957.

[F. R. Doc. 57-10242; Filed, Dec. 11, 1957; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

RELOCATION PAYMENTS; MISCELLANEOUS AMENDMENTS

The rules and regulations governing the making of relocation payments under section 106 (f) of the Housing Act of 1949, as amended, 42 U. S. C. 1456, to individuals, families, and business concerns displaced by an urban renewal project, prescribed on behalf of the Housing and Home Finance Administrator by the Acting Urban Renewal Commissioner, as of October 8, 1956, published at 21 F. R. 9991, December 15, 1956, and amended at 22 F. R. 1980, March 26, 1957, are hereby further amended in the following respects:

1. In the second sentence of § 3.102 (b), by deleting all that follows the words "Housing and Home Finance Agency of its desire in the matter" and substituting in lieu thereof "prior to November 15, 1957.";

2. In § 3.103, by deleting before the period at the end thereof ", including the effective date of the applicability of such payments";

3. In § 3.106 (a), by deleting "$2,000" and substituting "$2,500" and by inserting before the period at the end thereof the following: ": *Provided*, That in the case of a business concern said aggregate amount shall be limited to $2,000 with respect to any moving expense incurred and actual direct loss of property suffered prior to December 12th, 1957".

Issued as of the 12th day of December 1957.

(Sec. 502, 62 Stat. 1283, as amended, sec, 106, 63 Stat. 417, as amended, sec. 305, 70 Stat. 1100; 12 U. S. C. 1701c, 42 U. S. C. 1456)

R. L. STEINER,
Urban Renewal Commissioner.

[F. R. Doc. 57-10291; Filed, Dec. 11, 1957; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-27]

DMO I-27—MAKING THE ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, A MEMBER OF THE DEFENSE MOBILIZATION BOARD

Pursuant to the authority vested in me by section 102 of Executive Order 10480, dated August 14, 1953, as amended, I hereby designate the Administrator, Small Business Administration, a member of the Defense Mobilization Board.

This order is effective December 6, 1957.

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 57-10239; Filed, Dec. 11, 1957; 8:45 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders

[Canal Zone Order 48]

FORT WILLIAM D. DAVIS MILITARY RESERVATION, CANAL ZONE

REMOVAL OF PARCEL NO. 1

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of the act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10595 of February 7, 1955, Canal Zone Order No. 18 of September 14, 1949, 14 F. R. 6151, establishing Fort William D. Davis Military Reservation, is hereby amended as follows:

1. All that portion of section 1 which refers to and describes Parcel No. 1 is deleted; thereby removing said parcel from the aforesaid reservation.

2. The penultimate paragraph of section 1 is hereby amended by deleting the numeral and punctuation "I," after the word "Parcels."

3. The last paragraph of section 1 is amended to read as follows:

The entire reservation, consisting of Parcels II, III, and IV, contains a land area of 1285 acres, more or less, and is as shown on Panama Canal Drawing No. 6115-59, R1—Revised September 16, 1957, entitled "Boundary of Fort William D. Davis Military Reservation," scale 1:6,000, on file in the office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

WILBER M. BRUCKER,
Secretary of the Army.

DECEMBER 4, 1957.

[F. R. Doc. 57-10269; Filed, Dec. 11, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1559]

[Anchorage 025185]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL FACILITIES PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185-1187), and reserved for construction and maintenance of public recreational facilities pending their conveyance in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130) as amended by the act of August 30, 1957 (71 Stat. 510):

SEWARD MERIDIAN

LITTLE SUSITNA RIVER AREA

T. 18 N., R. 3 W.,
Sec. 22, SE¼SW¼ and SW¼SE¼.

The areas described aggregate 80 acres.

ANCHOR RIVER AREA

T. 4 S., R. 15 W.,
Sec. 22, lot 3.

The area described contains 33.50 acres.

STARISKY CREEK AREA

T. 4 S., R. 15 W.,
Sec. 11, lot 3.

The area described contains 30.05 acres.

The total acreage consists of 143.55 acres.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

DECEMBER 6, 1957.

[F. R. Doc. 57-10245; Filed, Dec. 11, 1957; 8:45 a. m.]

[Public Land Order 1560]

WYOMING AND ARKANSAS

RESERVING PUBLIC LANDS IN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITE, AND RECREATION AREA

By virtue of the authority vested in the President by the act of June 4, 1897 (30

Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereafter designated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604), and reserved for use of the Forest Service as an administrative site, and recreational area, as indicated:

[Wyoming 040577]

SIXTH PRINCIPAL MERIDIAN

BIG HORN NATIONAL FOREST—BIG GOOSE ADMINISTRATIVE SITE

T. 53 N., R. 86 W.,
Sec. 3, lot 8;
Sec. 4, lot 5.
T. 54 N., R. 86 W.,
Sec. 33, S½SE¼SE¼;
Sec. 34, lot 4.

The areas described aggregate 92.54 acres.

[BLM 044496]

FIFTH PRINCIPAL MERIDIAN

OUCHITA NATIONAL FOREST—MINE CREEK RECREATION AREA

T. 3 S., R. 28 W.,
Sec. 31, S½;
Sec. 32, SW¼.

The areas described aggregate 504.22 acres.

The total area described aggregates 596.76 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

DECEMBER 6, 1957.

[F. R. Doc. 57–10246; Filed, Dec. 11, 1957; 8:46 a. m.]

[Public Land Order 1561]

[116245]

FLORIDA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES; REVOKING EXECUTIVE ORDER NO. 3671 OF MAY 8, 1922, WHICH WITHDREW LANDS FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Florida are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, but excepting disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Department of the Air Force as part of Tyndall Air Force Base:

TALLAHASSEE MERIDIAN

T. 5 S., R. 14 W.,
Sec. 11, fractional.

The tract described contains 14.35 acres.

2. It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

3. Executive Order No. 3671 of May 8, 1922, which withdrew the land for lighthouse purposes, is hereby revoked.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

DECEMBER 6, 1957.

[F. R. Doc. 57–10247; Filed, Dec. 11, 1957; 8:46 a. m.]

[Public Land Order 1562]

[1065857]

SOUTH DAKOTA

REVOKING EXECUTIVE ORDER NO. 3297 OF JULY 21, 1920

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 3297 of July 21, 1920, which withdrew the following-described public lands in South Dakota for examination as to their availability for a permanent reservation for preservation of fossil cycad deposits, is hereby revoked:

BLACK HILLS MERIDIAN

T. 7 S., R. 3 E.,
Sec. 35, SW¼NE¼, SE¼, E½SW¼, and SW¼SW¼.

The areas described aggregate 320 acres.

2. The lands are located approximately 14 miles west of Hot Springs, South Dakota, and about one-half mile west of U. S. Highway 18 (alternate 85A). The area is accessible by means of an unimproved dirt road, and has an elevation of about 4,500 feet. The terrain is undulating to rough, and three small canyons dissect the tract in a southeasterly direction. Soils are clay to silty clay in texture, varying from shallow depth on the upper slopes to medium depth in the bottom of the draws. A small area of approximately five acres in the north central portion is more level.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on January 11, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on April 12, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on April 12, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m., on April 12, 1958. Applications and offers under the mineral-leasing laws filed on or before 10:00 a. m., on that date will be considered as simultaneously filed at that time. Applications filed thereafter will be considered in the order of filing. Mining locations made prior to that date and subsequent to October 21, 1922, are invalid. If any excavations on such lands for the recovery of fissionable materials or any other minerals uncover fossil remains, such remains shall become the property of the United States as provided by the act of August 1, 1956 (70 Stat. 898).

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

DECEMBER 6, 1957.

[F. R. Doc. 57–10248; Filed, Dec. 11, 1957; 8:46 a. m.]

[Public Land Order 1563]

[Anchorage 031529]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR, AS CAMPSITE AND EQUIPMENT STORAGE AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) and reserved for use of the Bureau of Reclamation, Department of the Interior, as a campsite and equipment storage area:

GOLD CREEK AREA

Tract of land near the Gold Creek Station of the Alaska Railroad, described as follows:

Beginning at a point on the southeasterly boundary line of the 200 foot right-of-way of the Alaska Railroad which point lies S. 63° 52'30" E., 100 feet from the centerline of the main tract at survey station 11,902 plus 70.0;

Thence N. 26°07'30" E. 400.0 feet parallel to, and 100.0 feet from the centerline of the main tract to the true point of beginning;

Thence southwesterly identical with the southeasterly boundary line of said right-of-way 500 feet;

Thence southeasterly at right angles to the right-of-way boundary 435 feet;

Thence northeasterly parallel with the right-of-way boundary 500 feet;

Thence northwesterly at right angles to the right-of-way boundary 435 feet to the point of beginning.

The tract described contains approximately 5.0 acres.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

DECEMBER 6, 1957.

[F. R. Doc. 57–10249; Filed, Dec. 11, 1957; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter F—Marine Engineering

[CGFR 57–48]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 7, 1957 (22 F. R. 1433–1439), March 28, 1957 (22 F. R. 2047), and May 4, 1957 (22 F. R. 3185, 3186), as Items I through XVII of the Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on May 7, 1957 by the Merchant Marine Council at Washington, D. C. This document is the tenth and the last of a series covering the regulations considered at this public hearing. The first document (CGFR 57–26) deals with the inspection of shipboard cargo gear on passenger, cargo, and miscellaneous vessels and was published June 5, 1957, 22 F. R. 3924. The second Federal Register document (CGFR 57–27) deals with lifesaving, fire protection, and grain loading requirements for passenger, cargo, and miscellaneous vessels and was published June 7, 1957 (22 F. R. 4018–4021). The third document (CGFR 57–29) deals with cargo tanks for liquefied inflammable gases and anhydrous ammonia, stowage of baled cotton, and use of equivalents or alternative procedures respecting dangerous cargoes and was published June 25, 1957 (22 F. R. 4446, 4447). The fourth Federal Register document (CGFR 57–30) deals with crew accommodations on tank ships and was published June 25, 1957 (22 F. R. 4447, 4448). The fifth document (CGFR 57–31) deals with drydocking of passenger, tank, cargo, and miscellaneous vessels and was published July 20, 1957 (22 F. R. 5793, 5794). The sixth Federal Register document (CGFR 57–32) deals with the first assistant engineer of vessels not over 2,000 horsepower and examination of lifeboatmen and able seamen and was published July 25, 1957 (22 F. R. 5894, 5895). The seventh Federal Register document (CGFR 57–33) deals with miscellaneous amendments respecting dangerous cargoes and was published October 29, 1957 (22 F. R. 8559–8723). The eighth Federal Register document (CGFR 57–36) deals with structural fire protection for passenger vessels and was published August 2, 1957 (22 F. R. 6095, 6096). The ninth Federal Register document (CGFR 57–39) deals with deck officers for vessels in the mineral and oil industries and was published August 24, 1957 (22 F. R. 6872, 6873). The Merchant Marine Council withdraw Items VII, IX, and XIV for further consideration.

The Coast Guard acknowledges the assistance given to the Merchant Marine Council by those interested parties who submitted comments, views, and data in connection with the items considered at the Merchant Marine Council public hearing. On the basis of the information received, certain proposed regulations were revised. With respect to Item VI—Marine Engineering Regulations and Material Specifications, Miscellaneous Amendments, changes were made in some of the proposals.

With respect to material specifications in 46 CFR Part 51, the ASTM standard A234–57T entitled "Factory Made Wrought Steel and Ferritic Alloy Steel Welding Fittings", and ASTM standard A403–57T entitled "Factory Made Austenitic Welding Fittings" were added to Table 51.46–1, respecting material specifications for steel forgings.

The proposals with respect to piping systems were revised. The change in 46 CFR 55.01–10, regarding plan approvals of piping systems should provide a better schedule of plan submittal so that the Coast Guard will obtain sufficient piping information for vessel inspection. The changes in 46 CFR 55.07–1 authorize the Commandant to permit the use of plastic pipe and flexible hose in piping systems based upon data submitted by the shipyard or operators. The changes in 46 CFR 55.07–15 and Figure 55.07–15 (f) (3) clarify the requirements under which slip-on flanges are permitted. The change to 46 CFR 55.10–50 permits openings in the bottom of diesel fuel tanks for cleaning purposes in order that these requirements will be similar to changes made with respect to gasoline fuel tanks. The changes in 46 CFR 56.01–85 provide requirements for special fittings fabricated by welding which do not conform to the industrial standard ASTM A234. With respect to 46 CFR 57.25–35 regarding rudder stops and follow ups, the regulations have been reworded to require a rudder indicating device in order to show the position of the rudder with respect to the helm position when non-follow-up controls are employed. The proposal respecting the after steering station was not changed. The requirements in 46 CFR 61.30–5 (c), respecting shop tests, was revised so that only special welded pipe fittings, not manufactured in accordance with ASTM standards specified in 46 CFR 51.46–1, are required to be shop tested in accordance with 46 CFR 56.01–85.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER:

PART 51—MATERIALS

SUBPART 51.04—MARINE BOILER STEEL PLATE

Section 51.04–1 *Scope* is amended by revising in "Table 51.04–1—Material Specifications" the reference to ASTM specification designation (column 1) from "A204–54T" to "A204–56."

SUBPART 51.07—STAYBOLT AND RIVET STEEL

Section 51.07–1 *Scope* is amended by revising in "Table 51.07–1—Material

Specifications" the reference to ASTM specification designation (column 1) from "A202–54T" to "A202–56."

SUBPART 51.25—CARBON AND ALLOY-STEEL AND WROUGHT IRON TUBES

Section 51.25–1 *Scope* is amended by revising in "Table 51.25–1—Material Specifications" the references to ASTM specification designations (column 1) from "A83–55T" to "A83–56T"; from "A178–55T" to "A178–56T"; from "A179–55T" to "A179–56T"; from "A226–55T" to "A226–57T"; and from "A213–55T" to "A213–57T."

SUBPART 51.34—CARBON AND ALLOY-STEEL, AND WROUGHT IRON PIPE

Section 51.34–1 is amended by revising the Table 51.34–1 to read as follows:

§ 51.34–1 *Scope.* • • •

TABLE 51.34–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel and iron:		
A53–55T	Lap-welded steel	P53–LW.
A53–55T	Butt-welded steel	P53–BW.
A53–55T	A (seamless steel)	P53–A.
A53–55T	B (seamless steel)	P53–B.
A53–55T	A (electric-resistance-welded steel).	P53–RW–A.
A53–55T	B (electric-resistance-welded steel).	P53–RW–B
A106–55T	A (seamless steel)	P106–A.
A106–55T	B (seamless steel)	P106–B.
A106–55T	C (seamless steel)	P106–C.
A135–55T	A (electric-resistance-welded steel).	P135–A.
A135–55T	B (electric-resistance-welded steel).	P135–B.
A72–56T	Lap-welded wrought iron	P72–LW.
A72–56T	Butt-welded wrought iron	P72–BW.
Alloy-steel:		
A335–55T	P1 (C–Mo)	P1.
A335–55T	P2 (0.50 to 0.70 Cr–0.50 Mo).	P2.
A335–55T	P3 (1.75 Cr–0.70 Mo)	P3.
A335–55T	P3b (2 Cr–0.50 Mo)	P3b.
A335–55T	P11 (1.25 Cr–0.50 Mo)	P11.
A335–55T	P12 (1 Cr–0.50 Mo)	P12.
A335–55T	P21 (3 Cr–0.90 Mo)	P21.
A335–55T	P22 (2.25 Cr–1 Mo)	P22.
A312–57T	TP321 (18 Cr–8 Ni +Ti)	TP321.
A312–57T	TP347 (18 Cr–8 Ni + Co)	TP347.

SUBPART 51.46—STEEL FORGINGS

Section 51.46–1 is amended by revising Table 51.46–1 to read as follows:

§ 51.46–1 *Scope.* • • •

TABLE 51.46–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel:		
A105–55T	I	F105–I.
A105–55T	II	F105–II.
A181–55T	I	F181–I.
A181–55T	II	F181–II.
Alloy-steel:		
A182–56T	F1 (C-Mo)	F1.
A182–56T	F5 (5 Cr-0.50 Mo)	F5.
A182–56T	F11 (1.25 Cr-0.50 Mo)	F11.
A182–56T	F12 (1 Cr-0.50 Mo)	F12.
A182–56T	F22 (2.25 Cr-1 Mo)	F22.
A182–56T	F316 (18 Cr–8 Ni + Mo)	F316.
A182–56T	F321 (18 Cr–8 Ni + Ti)	F321.
A182–56T	F347 (18 Cr–8 Ni + Co)	F347.
A234–57T		
A403–57T		

SUBPART 51.49—CARBON AND ALLOY-STEEL BOLTING AND NUT MATERIAL

Section 51.49–1 *Scope* is amended by revising in "Table 51.49–1—Material Specifications" the references to ASTM specification designations (column 1) from "A261–54T" to "A261–56"; from "A193–55T" to "A193–56T"; and from "A194–55T" to "A194–56T".

SUBPART 51.58—STEEL CASTINGS

Section 51.58–1 *Scope* is amended by revising in "Table 51.58–1—Material Specifications" the reference to ASTM specification designation (column 1) from "A216–53T" to "A216–56T"; and by deleting from this table reference to specification "A95–44" in column 1 and any information opposite it in columns 2 and 3 (this specification has been discontinued).

SUBPART 51.61—IRON CASTINGS

Section 51.61–1 *Scope* is amended by revising in "Table 51.61–1—Material Specifications" the reference to ASTM specification designation (column 1) from "A395–55T" to "A395–56T".

SUBPART 51.73—SEAMLESS COPPER AND COPPER ALLOY TUBES

Section 51.73–1 *Scope* is amended by revising in "Table 51.73–1—Material Specifications" the reference to ASTM specification designation (column 1) from "B111–55" to "B111–56".

SUBPART 51.79—ALUMINUM ALLOY PLATE

Section 51.79–1 *Scope* is amended by revising in "Table 51.79–1—Material Specifications" the reference to ASTM specification designation (column 1) from "B178–54T" to "B178–56T".

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 52—CONSTRUCTION

SUBPART 52.05—CYLINDRICAL SHELLS

Section 52.05–10 (a) is amended by revising Table 52.05–10 (a) in the following respects:

a. Under the heading "For metal temperatures not exceeding ° F." change the heading for the first column thereunder from "—20 to 650" to "650."

b. Insert the following new requirements respecting seamless carbon steel for pipe material under specification Subpart 51.34, A. S. T. M. designation A106, Grade C (There is no change in text of footnotes 1 and 2 referred to in the headings and therefore only footnote 14 is added):

TABLE 52.05–10 (a)—MAXIMUM ALLOWABLE STRESSES [1] FOR FERROUS MATERIALS

[Boilers, unfired pressure vessels, boiler tubes and bolting]

Specification subpart	A. S. T. M. designation	Grade		Minimum tensile strength p. s. i.	Notes	For metal temperatures not exceeding °F.[3]											
		A. S. T. M.	C. G.			650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Seamless carbon steel:																	
•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
51.34	A106	C	P106–C	70,000	(14)	17,500	16,600	14,750	12,000								
•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

[14] This material limited to the construction of superheater, water wall and economizer headers when used in boilers. Where welding fabrication is employed, a minimum preheat temperature of 300° F. shall be used.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 54—UNFIRED PRESSURE VESSELS

SUBPART 54.01—GENERAL REQUIREMENTS

Section 54.01–1 (b) is amended by adding a new subparagraph (3), reading as follows:

§ 54.01–1 *Scope.* • • •

(b) • • •

(3) Condensers, jacket water coolers and lubricating oil coolers containing mediums at or below the pressures and temperatures specified in Table 54.01–1 (c).

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 55—PIPING SYSTEMS AND APPURTENANCES

SUBPART 55.01—GENERAL

1. Section 55.01–10 (c) is amended to read as follows:

§ 55.01–10 *Plan approval.* • • •

(c) (1) Prior to installation aboard ship, arrangement drawings and diagrams of the following systems shall be submitted for approval.

(i) Steam piping (arrangement drawings of systems exceeding 125 p. s. i. only are required to be submitted for approval).

(ii) Boiler feed and blow-off piping.

(iii) Fuel oil service, transfer and fill piping.

(iv) Fire extinguishing systems including fire main and sprinkler piping, steam smothering and inert gas and foam.

(v) Bilge and ballast piping.

(vi) Salt water tank cleaning piping.

(vii) Vent, sounding and overflow piping.

(viii) Cargo piping.

(2) Diagrams only of the following systems shall be submitted for approval:

(i) Steam and exhaust piping (systems not exceeding 125 p. s. i.),

(ii) Compressed air piping.

(iii) Steam drain piping.

(iv) Refrigeration piping.

(v) Lubricating oil piping.

(vi) Condenser circulating water piping.

(vii) Hydraulic oil piping.

(viii) Internal combustion engine fuel piping.

(ix) Safety valve escape piping.

(x) Plumbing, deck drains and overboard discharge piping.

SUBPART 55.07—DETAIL REQUIREMENTS

2. Section 55.07–1 (b) is amended by revising in "Table 55.07–1 (b)—Piping Materials," in column 3 entitled "Grade," the grade designations "P106–A, B" to "P106–A, B, C."

3. Section 55.07–1 is further amended by revising paragraph (h) and by adding new paragraphs (i) and (j), reading as follows:

§ 55.07–1 *Material.* • • •

(h) (1) Except as otherwise provided for in this paragraph, plastic pipe may be used for fresh and salt water supply to quarters, sanitary drains, cooling water supply to non-vital machinery and to all machinery fitted with a duplicate standby unit, and for other piping systems as may be authorized by the Commandant. Plastic pipe shall not be used in systems which lead through watertight decks or bulkheads, nor in any overboard discharge line outboard of the required overboard discharge valves.

(2) Plastic piping shall be limited to a maximum pressure of 150 p. s. i. and a maximum temperature of 140° F., or as may be authorized by the Commandant.

(3) Material used in the fabrication of plastic pipe shall be unplasticized rigid polyvinychloride (PVC) or reinforced resins, or such other plastic material as may be authorized by the Commandant. The flammability of the plastic pipe shall not exceed the burning rate of the self-extinguishing type as determined by the standard ASTM test method (D–635).

(4) The wall thickness of plastic pipe shall not be less than Schedule 40 I. P. S. The pipe shall be designed to withstand a hydrostatic bursting pressure of not less than 5 times the maximum allowable pressure and shall have a minimum tensile strength of at least 5,000 p. s. i.

(5) Pipe joints shall be of the slip-sleeve, socket or screwed type. Screwed joints shall be used on pipe having at least Schedule 80 wall thickness.

(i) (1) Except as otherwise provided for in this paragraph, flexible hose and hose assemblies may be used for fresh and salt water supply to quarters, sanitary drains, cooling water supply to non-vital machinery and to all machinery fitted with a duplicate standby unit, and for other piping systems as may be authorized by the Commandant. Flexible hose shall not be used in systems which lead through watertight decks or bulkheads, nor in any overboard discharge line outboard of the required overboard discharge valves.

(2) Non-metallic flexible hose shall be fabricated with an inner tube and cover of synthetic rubber or other suitable material reinforced with wire braid. The material for the cover shall be fire-resistant. The inner tube shall consist of a compound of seamless construction and uniform gage.

(3) Piping systems using flexible hose shall be limited to a maximum pressure of 150 p. s. i., except that short lengths of flexible hose may be installed in the fuel supply lines and lubricating lines at or near the engine, and in hydraulic or pneumatic systems where flexibility is required. Unreinforced flexible hose may be used in water and pneumatic piping systems for pressures not exceeding 50 p. s. i.

(4) Flexible hose assemblies shall be designed for a bursting pressure of not less than 4 times the maximum allowable pressure.

(j) If it is desired to use materials other than those specified in this section, a request furnishing chemical and physical properties of the material which it is desired to employ shall be submitted to the Commandant for special consideration.

4. Section 55.07–5 is amended in the following respects:

a. In subparagraph 55.07–5 (a) (1) the definitions for "*M*" and "*A*" and the "Note" for formulas (1) and (2) are revised to read as follows:

§ 55.07–5 *Design pressures and thickness of pipes.* (a) (1) • • •

M = multiplier as given in Table 55.07–5 (a1).

A = allowance for threading, grooving, and/or corrosion.
= 0.05 inch for threaded pipe ⅜ inch and below.
= depth of thread *h* for threaded pipe ½ inch and above.
= depth of groove for grooved pipe.
= 0.05 inch for plain-end steel, wrought iron pipe or tubes, 1 inch size and smaller.
= 0.065 inch for plain-end steel, wrought iron pipe or tubes, for sizes above 1 inch.
= 0.00 inch for plain-end nonferrous pipe or tubes.

NOTE: The depth of thread *h* may be determined by the formula $h = 0.8n$; where n = the number of threads per inch, or from the following values: $h = 0.100$ inch, 0.0696 inch, and 0.0571 inch, for 8, 11½, and 14 threads per inch, respectively. "Plain-end" includes pipe joined by flared compression couplings, lap joints, welding, etc., i. e., by any method that does not reduce the wall thickness of the pipe at the joint.

b. In "Table 55.07–5 (a)—Maximum Allowable Stresses for Piping" the "Multiplier 'M' " and the values for multiplier "M" in the headings for "Ferrous Materials" and "Nonferrous Materials" are deleted; and footnote 1 is amended to read: " [1] Intermediate values of 'S' may be obtained by interpolation."

c. The following Table 55.07–5 (a1) is added to subparagraph 55.07–5 (a) (1):

TABLE 55.07–5 (a1)—MULTIPLIER "*M*" VALUES [1]

Temperature ° F.	900 and below	950	1,000	1,050
Ferrous materials:				
Ferritic steels	0.8	1.0	1.4	1.4
Austenitic steels	0.8	0.8	0.8	0.8
Nonferrous materials	0.8	------	------	------

[1] Intermediate values of "*M*" may be obtained by interpolation.

5. Section 55.07–6 is amended to read as follows:

§ 55.07–6 *Expansion and flexibility.* (a) Piping systems shall be designed to have sufficient flexibility to prevent thermal expansion or contraction from causing excessive stresses in the piping material, excessive bending moments at the joints, or excessive forces or moments at points of connection to equipment or at anchorage and guide points.

(b) Provision shall be made for expansion and contraction by changes in direction of pipe runs or by the use of expansion bends, loops, offsets, or slip joints.

(c) Piping shall be installed to avoid excessive strains and shall be adequately supported by hangers or guides, so that the weight of the piping is not transmitted to valves and fittings, and the effects of vibrations, pitching and rolling of the vessel are minimized. Pipe supports shall be designed and arranged so as not to interfere with expansion and contraction of the piping and to insure that excessive forces and moments are not imposed on connected equipment. Anchors, pivots, and restraints shall be fabricated and installed to secure the desired points of piping in relatively fixed positions and freely permit expansion and contraction in opposite directions. Main junction points of piping subject to temperatures exceeding 450° F., which are not balance points, shall be fitted with fixed anchors. If considered as a balance point the junction point may be free to move in all directions, or may be guided to limit the movement in one or more directions if computations indicate excessive strain may occur in any of the branch pipes.

(d) A summary of the results of pipe stress calculations for the main and auxiliary steam piping where the design temperature exceeds 800° F., together with the arrangement piping drawings, shall be submitted for approval. Calcu-

lations shall be made in accordance with one of the recognized methods of stress analysis acceptable to the Commandant.

(e) Stress calculations shall be made to determine the magnitude and direction of the forces and moments at all terminal connections, anchor and junction points, as well as the resultant bending stress, longitudinal pressure stress, torsional stress, and combined expansion stress at all such points. The location of the maximum combined stress shall be indicated in each run of pipe between anchor points. Dimensional properties of pipe and fittings shall be based on nominal dimensions.

(f) (1) The combined expansion stresses shall be calculated by the following formula:

$$S_e = \sqrt{S_b^2 + 4S_t^2} \qquad (1)$$

where:

S_e = combined expansion stress, in pounds per square inch.

$S_b = \frac{iM_b}{Z}$ = resultant bending stress, in pounds per square inch.

$S_t = \frac{M_t}{2Z}$ = torsional stress, in pounds per square inch.

M_b = resultant bending moment, in inch-pounds.

M_t = torsional moment, in inch-pounds.

Z = section modulus of the pipe, cubic inches.

i = stress intensification factor (see § 55.07–6 (g)).

(2) The calculations for the combined expansion stress, S_e, shall be based on 100 percent of the thermal expansion, using the modulus of elasticity at room temperature (cold condition). No credit will be allowed for cold pull in computing the combined expansion stress.

(3) The combined expansion stress shall not exceed the allowable stress range as determined by the following formula:

$$S_A = 1.25S_c + 0.25S_h \qquad (2)$$

where:

S_A = allowable stress range, in p. s. i.

S_c = allowable stress in cold condition (S value given in Table 55.07–5 (a) for piping material at 650° F.) in p. s. i.

S_h = allowable stress in hot condition (S value given in Table 55.07–5 (a) for piping material at design temperature), in p. s. i.

(4) The sum of the longitudinal stresses due to pressure, weight and other sustained external loadings shall not exceed S_h. Where the sum of these stresses is less than S_h, the difference between S_h and the sum may be added to the term 0.25 S_h in formula (2).

(g) Stress intensification factors for pipe bends and elbows, moduli of elasticity, and coefficients of thermal expansion shall conform to the values as specified in the American Standard Code for Pressure Piping (ASA B31.1).

(h) (1) The reactions in the hot condition, R_h, and cold condition, R_c, shall be calculated by the following formulas:

$$R_h = (1 - \tfrac{2}{3}C)\frac{E_h}{E_c}R \qquad (3)$$

$$R_c = CR \text{ or } \left(1 - \frac{S_h}{S_e} \times \frac{E_c}{E_h}\right)R, \text{ whichever is greater.} \qquad (4)$$

The value $\frac{S_h}{S_e} \times \frac{E_c}{E_h}$ shall be less than unity.

where:

R_c and R_h = maximum reactions estimated to occur in the cold and hot conditions, respectively, pounds.

R = range of reactions obtained from the flexibility calculations corresponding to the full expansion range based on the modulus of elasticity at room temperature, pounds.

C = cold spring factor varying from zero for no cold spring to one for 100 percent cold spring.

S_e = maximum computed expansion stress.

E_c = modulus of elasticity in cold condition. (See § 55.07–6 (g).)

E_h = modulus of elasticity in hot condition. (See § 55.07–6 (g).)

(2) The reactions so computed shall not exceed the limits which the attached equipment can safely sustain.

(3) Cold spring may be taken into account in the calculations of the reactions in the hot and cold conditions: *Provided*, That, in the opinion of the Commandant, satisfactory provision is made to obtain the designed cold spring.

(i) Where it is desired to employ alloy steel pipe materials of better heat resistant properties than those specified in Part 51 of this subchapter, special consideration may be given by the Commandant for an increase in the maximum allowable stress range, if satisfactory evidence is furnished to establish the suitability of the material for the design temperature.

6. Section 55.07–10 (e) is amended to read as follows:

§ 55.07–10 *Valves and fittings.* • • •

(e) Valves, flanges and fittings shall be marked in conformance with the requirements of MSS Standard SP–25–1954.[1]

7. Section 55.07–15 is amended by revising paragraph (b) and subparagraph (f) (3) to read as follows:

§ 55.07–15 *Joints and flange connections.* • • •

(b) Slip-on flanges in sizes not exceeding 2'' may be used without pressure limitations and for temperatures not exceeding 650 degrees F. Slip-on flanges in sizes exceeding 2'' may be used for pressures not exceeding the service pressure temperature ratings for the 300-pound ASA Standard and for temperatures not exceeding 650 degrees F. Screwed joints for Class I piping are not permitted for pipe diameters exceeding 2''.

• • • • •

(f) • • •

(3) *Figure 55.07–15 (f) (3).* Slip-on flanges in sizes exceeding 2'' may be used for pressures not exceeding the service pressure temperature ratings for the 300-pound ASA standards and for temperatures not exceeding 650 degrees F. Slip-on flanges in sizes not exceeding 2'' may be used without pressure limitations and for temperatures not exceeding 650 degrees F.

[1] The "Standard Marking System for Valves, Fittings, Flanges and Union," SP–25–1954, is published by Manufacturers Standardization Society of the Valves and Fittings Industry, 420 Lexington Avenue, New York 17, New York.

8. Section 55.07–25 is amended by revising paragraph (c) and by adding a new paragraph (t), reading as follows:

§ 55.07–25 *Installation.* • • •

(c) Where bilge or ballast piping are led through deep tanks means shall be provided to prevent the flooding of the compartments being served in the event of pipe leakage within the tanks. Such means may consist of an oiltight or watertight pipe tunnel, or the lines may be of Schedule 80 pipe thickness, fitted with expansion bends, and all joints within the tanks welded. Where a pipe tunnel is installed, the watertight integrity of the bulkheads shall be maintained and if the tunnel is not of sufficient size to afford easy access, no valve or fitting shall be located therein. Bilge lines led through deep tanks without a pipe tunnel shall be fitted with non-return valves at the bilge suctions.

• • • • •

(t) Piping conveying oil shall be run well away from hot surfaces wherever possible. Where such leads are unavoidable, welded joints only shall be used, or alternatively suitable shields shall be fitted in the way of flanged or mechanical pipe joints when welded joints are not practicable.

SUBPART 55.10—PUMPING ARRANGEMENTS AND PIPING SYSTEMS

9. Section 55.10–1 is amended by adding a new paragraph (i), reading as follows:

§ 55.10–1 *Steam and exhaust piping.* • • •

(i) Steam shore connections shall be fitted with a relief valve set at a pressure not exceeding the design pressure of the piping.

10. Section 55.10–30 (a) is amended in the following respects:

a. In "Table 55.10–30 (a)—Power Bilge Pumps required for Self-Propelled Vessels" footnote 2 is revised to read as follows:

[2] When the criterion numeral exceeds 30, an additional independent power driven bilge pump is required. (See Subpart 73.10 of Part 73 of Subchapter H (Passenger Vessels) of this chapter for determination of criterion numeral.)

b. The first sentence of § 55.10–30 (a) (2) is revised to read as follows:

§ 55.10–30 *Bilge pumps*—(a) *Self-propelled vessels.* • • •

(2) On passenger vessels 300 feet or more in length engaged in international voyages, or on all passenger vessels on international voyages having a criterion numeral of 30 or more, one of the power bilge pumps shall be available at all times for use under emergency conditions in which a vessel may be flooded at sea. • • •

11. Section 55.10–40 (b) (2) is amended to read as follows:

§ 55.10–40 *Fuel-oil service systems.* • • •

(b) • • •

(2) All auxiliary boilers, except those furnishing steam for vital equipment and

fire extinguishing purposes other than duplicate installations, may be equipped with a single fuel-oil service pump and single fuel-oil heater, and in addition such pumps need not be fitted with discharge strainers.

12. Section 55.10–45 (e) is amended to read as follows:

§ 55.10–45 *Gasoline fuel systems.* • • •

(e) *Outlets and drains.* Outlets in fuel lines for drawing gasoline for any purpose are prohibited. Valved openings in the bottom of fuel tanks are prohibited, however, openings fitted with threaded plug or cap may be used for cleaning purposes.

13. Section 55.10–50 (e) is amended to read as follows:

§ 55.10–50 *Diesel fuel systems.* • • •

(e) *Outlets and drains.* Outlets in fuel lines for drawing fuel or draining water from the fuel-oil system are not permitted in machinery spaces. Valved openings in the bottom of fuel tanks are prohibited, however, openings fitted with threaded plug or cap may be used for cleaning purposes.

14. Section 55.10–65 (c) is amended to read as follows:

§ 55.10–65 *Sounding pipes.* • • •

(c) The upper ends of sounding pipes terminating at the weather deck shall be closed by a screw cap or plug except that dry cargo carriers operating on the Great Lakes may have the sounding pipes which serve ballast water tanks terminate at least 4 inches above the deck and be closed by a tight fitting hinged cover making metal to metal contact with the hinge on the forward side. Positive means to secure these caps in the closed position shall be provided. No perforations or openings will be permitted throughout the length of a sounding pipe where fitted to oil tanks. Provision shall be made to prevent damage to the vessel's plating by the striking of the sounding rod.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

SUBPART 56.01—ARC WELDING AND GAS WELDING

1. Subpart 56.01 is amended by adding at the end thereof a new section, reading as follows:

§ 56.01–85 *Welded pipe fittings.* (a) Welded pipe fittings fabricated in conformance with the ASTM Standards shall be tested as required by the applicable specifications listed in Subpart 51.46 of this subchapter.

(b) Special fittings fabricated by welding which do not conform to ASTM Standards shall comply with the following requirements:

(1) *Sizes 2½ inches and below.* (i) The longitudinal joints of welded fittings may be fabricated by either gas or arc welding.

(ii) The first fitting of each size from the production line and at least one fitting from each lot of 100 or fraction thereof shall be flattened cold until the opposite walls meet without the weld(s) developing any cracks.

(iii) One fitting of each size from each lot of 100 or fraction thereof shall be subjected to a bursting pressure which shall be not less than that for a seamless drawn pipe of the same size and thickness produced from equivalent strength material, as determined by the Barlow formula. If this fitting fails to meet the prescribed test, the entire lot of fittings shall be rejected.

(2) *Sizes above 2½ inches.* (i) The longitudinal joints of welded pipe fittings shall be fabricated by arc welding.

(ii) For pressures exceeding 150 p. s. i., each fitting shall be radiographically examined as specified in § 56.05–5.

(iii) For pressures not exceeding 150 p. s. i., the first fitting of each size from the production line and at least one fitting of each size in each lot of 20 or fraction thereof shall be examined by radiography to insure that the welds are of acceptable quality.

(iv) One fitting of each size in each lot of 100 or fraction thereof shall be subjected to a bursting pressure which shall be not less than that for a seamless drawn pipe of the same size and thickness produced from equivalent strength material as determined by the Barlow formula. If this fitting fails to meet the prescribed test, the entire lot of fittings shall be rejected.

(3) *Welded joint.* Single welded butt joints without the use of backing strip may be employed in the fabrication of welded pipe fittings provided the radiographs indicate that complete penetration is obtained.

SUBPART 56.05—TESTS AND INSPECTION

2. Section 56.05–1 is amended by revising the text of paragraphs (b) and (c) to read as follows (Figure 56.05–1 (b) is not changed and remains in effect):

§ 56.05–1 *Test plates.* • • •

(b) Except as otherwise specified in this section, a test plate of the same grade and thickness as the shell plate being welded shall be attached to the shell plate on one end of the longitudinal joint of each drum as shown in Figure 56.05–1 (b), so that the edges of the test plate to be welded are a continuation of and duplication of the corresponding edges of the longitudinal joint. For attached test plates, the weld metal shall be deposited in the test plate welding groove continuously with the weld metal deposited in the groove of the longitudinal joint. The test plate material may be taken from any part of one or more plates of the same heat from which the plates were rolled that was used in the fabrication of the welded pressure vessel. As an alternate method, the Inspector may permit the use of separate test plates, provided the same welding process, procedure, and technique employed in the fabrication of the longitudinal joint are used in welding the test plates.

(c) When a test plate is welded for the longitudinal joints, none is required for the circumferential joints or nozzles of the same drum, providing the welding process, procedure and technique are the same. When a drum has only circumferential joints, a separate test plate of the same material as that from which the shell was fabricated shall be welded as specified in paragraph (b) of this section.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 57—MAIN AND AUXILIARY MACHINERY

SUBPART 57.25—STEERING APPARATUS

1. Section 57.25–35 is amended to read as follows:

§ 57.25–35 *Rudder stops and follow-up.* (a) Main power steering gear shall be provided with positive arrangements for stopping the gear before the rudder stops are reached. These arrangements shall be synchronized with the rudder stock or the position of the gear itself, rather than with the steering gear control system.

(b) Strong and effective rudder stops are to be fitted. Where adequate positive stops are provided within the gear, structural stops will not be required.

(c) Except as otherwise provided for in this paragraph, vessels having power steering shall have full follow-up device to control rudder movements when operated from the forward or after steering stations. Supplementary steering control not employing follow-up may also be provided from the bridge steering station. Follow-up controls at the after steering station will not be required when a completely separate and independent rudder angle indicator system is provided at that station.

2. Section 57.25–45 is amended to read as follows:

§ 57.25–45 *After steering station.* An after steering station shall be provided from which control of the steering gear can be effected by mechanical, hydraulic, electrical or other approved means. The after steering station shall be located on the after weather deck or other suitable location approved by the Commandant.

3. Subpart 57.25 is amended by inserting a new section to follow § 57.25–45, which is designated § 57.25–47, and reads as follows:

§ 57.25–47 *Controls and cables.* (a) Remote steering controls from the pilot-

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house and after steering station shall be completely separate and independent systems so that failure of either system would not result in inability to steer the vessel by the other system.

(b) When more than one steering control is furnished in the pilothouse, each may be connected to a common control receiver in the steering gear compartment. The steering control from the after steering station shall be an additional independent system.

(c) The shafting, piping or electrical cable from the steering station controls located in the pilothouse to the steering gear shall be run as widely separated as practicable from the shafting, piping or electrical cable from the after steering station.

4. Section 57.25–55 (a) is amended to read as follows:

§ 57.25–55 *Special steering apparatus.* (a) Where no regular rudder is fitted and steering action is obtained by a change of setting of the propelling unit, auxiliary steering is not required, nor will the requirements of this subpart be generally applicable. Special consideration will be given by the Commandant for such installations.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

SUBPART 61.05—INSTALLATIONS

1. Section 61.05–15 is amended to read as follows:

§ 61.05–15 *Boiler uptakes.* (a) Where dampers are installed in the uptakes or funnels, the arrangement shall be such that it will not be possible to shut off the gas passages from the operating boilers.

(b) All main and auxiliary boilers shall be fitted with separate gas passages from each boiler.

SUBPART 61.30—TESTS AND INSPECTION OF PIPING, VALVES AND FITTINGS

2. Section 61.30–5 is amended to read as follows:

§ 61.30–5 *Shop test.* (a) The manufacturer shall test all valves and pipe fittings, except pipe flanges, wrought steel welding fittings and welding necks, to a hydrostatic shell pressure as follows:

(1) For steam ratings:

(i) Bronze, malleable iron and cast iron—2 times the primary pressure rating marked on the valve or fitting.

(ii) Steel—The respective test pressure as prescribed in the American Standard for Steel Pipe Flanges and Flanged Fittings (ASA B16.5).

(2) For liquid or gas service not exceeding 150 degrees F.:

(i) Bronze or malleable iron—1½ times the secondary pressure rating marked on the valve or fitting.

(b) Special valves, such as manifolds, scuppers, seacocks and appurtenances, shall be tested to twice the design pressure stamped thereon.

(c) Special welded pipe fittings fabricated with a longitudinal joint which are not manufactured in conformance with the A. S. T. M. Standard specified in Subpart 51.46 of this subchapter shall be tested as required by § 56.01–85 of this subchapter.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: December 3, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57–10199; Filed, Dec. 11, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12211; FCC 57–1327]

[Rules Amdts. 2–7 and 9–16]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1957:

The Commission having under consideration the amendment of § 9.912, Part 9—Aviation Services, to make additional frequencies available to the Civil Air Patrol; amendment of § 9.913 (a) to provide for operation of Civil Air Patrol land stations at temporary locations; and amendment of § 2.104 (a) (5), Part 2—Frequency Allocations and Radio Treaty Matters, General Rules and Regulations, to make the additional frequencies available for use by the Civil Air Patrol on a non-interference basis to government operations; and

It appearing that the effectiveness of Civil Air Patrol missions and training programs would be enhanced by permitting the operation of Civil Air Patrol land stations at temporary locations; and

It further appearing that notice of proposed rule making in the above-entitled matter was released on October 10, 1957; and

It further appearing that the notice, which made provision for filing of comments by November 15, 1957, was duly published in the FEDERAL REGISTER on October 15, 1957 (22 F. R. 8155); and

It further appearing that no comments were received in this proceeding; and

It further appearing that the authority for the issuance of this order is contained in sections 303 (c), (d), (f), (h), and (r) of the Communications Act of 1934, as amended:

It is ordered, That Parts 2 and 9 of the Commission's rules be amended, effective January 10, 1958, as set forth below.

It is further ordered, That the proceedings in Docket No. 12211 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 9 as indicated below:

1. Amend § 9.912 to read as follows:

§ 9.912 *Frequencies available.* The following frequencies are available for assignment to Civil Air Patrol land and mobile stations within the United States, its territories and possessions, except as otherwise provided in this section.

(a) 2374 kc, A–1, A–2, A–3 emission, 400 watts maximum power.

(b) 4467.5 kc, A–1, A–2, A–3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the District of Columbia and the following States:

Alabama.	New Jersey.
Connecticut.	New York.
Delaware.	North Carolina.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Maine.	South Carolina.
Maryland.	Tennessee.
Massachusetts.	Vermont.
Mississippi.	Virginia.
New Hampshire.	West Virginia.

(c) 4507.5 kc, A–1, A–2, A–3 emission, 400 watts maximum power. This frequency is available for assignment to stations in all areas of the continental United States, except those listed in paragraph (b) of this section.

(d) 4585 kc, A–1, A–2, A–3 emission, 400 watts maximum power.

(e) 26620 kc, A–1, A–2, A–3 emission, 250 watts maximum power. Assignment of this frequency is limited to stations in the Territory of Hawaii.

(f) 143.91 Mc, A–1, A–2, A–3 emission, 10 watts maximum power. Assignment of this frequency is limited to stations in the continental United States.

(g) 148.14 Mc, A–2, A–3 emission, 50 watts maximum power.

2. Amend § 9.913 (a) to read as follows:

(a) Civil Air Patrol land stations may communicate with other land stations and mobile stations of the Civil Air Patrol. Such stations may be moved from the authorized location for temporary operation in the same general area for short periods of time not to exceed 48 hours.

Amend Part 2 as indicated below:

1. Amend footnote US21 to the Table of Frequency Allocations, § 2.104 (a) (5), to read as follows:

US21 The use of the frequencies 26.62 Mc (in the Territory of Hawaii), 143.91 Mc (in the continental United States), and 148.14 Mc (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

2. Amend the appropriate portions of columns 5, 10, and 11 of the Table of Frequency Allocations to read as follows:

(5) Band (Mc)	(6)	(7)	(8)	(9)	(10) Frequency (Mc)	(11) Nature of (services, stations)
26.48–26.95 (US17, US21).	---	---	---	---	26.62	Civil Air Patrol land, Civil Air Patrol mobile.
132–144 (US17, US21).	---	---	---	---	143.91	Civil Air Patrol land, Civil Air Patrol mobile.

[F. R. Doc. 57–10294; Filed, Dec. 11, 1957; 8:51 a. m.]

[Rules Amdt. 3–102; FCC 57–1331]

PART 3—RADIO BROADCAST SERVICES

CONELRAD ATTENTION SIGNAL FOR EMERGENCY WEATHER WARNINGS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December, 1957.

The Commission has under consideration requests by the United States Weather Bureau and Radio Stations KMOX, St. Louis, Missouri, and WOAI, San Antonio, Texas, that the Commission authorize the utilization of the CONELRAD Radio Alerting System for the dissemination of Emergency Weather Warnings by broadcast stations.

The rapid dissemination of information concerning hurricanes, tornadoes, and similar emergency weather conditions is essential to the protection of life and property. The utilization of CONELRAD Attention Signals in conjunction with Emergency Weather Warnings would be significantly helpful in this regard, and at the same time would serve the public interest in enhancing the further development of the CONELRAD program. Accordingly, the Commission has concluded that its rules should be amended to authorize standard, FM, and television broadcast stations to employ the CONELRAD Attention Signals in connection with Emergency Weather Warnings as outlined below.

In light of the importance of the rules adopted herein to the safety of life and property and the fact that the rules afford broadcast stations the option of employing the CONELRAD Alerting System in conjunction with the dissemination of Emergency Weather Warnings, the Commission finds that notice and public procedure is unnecessary and would be contrary to the public interest. The Commission finds further that the public interest would be served by making the rules effective less than 30 days after publication in the FEDERAL REGISTER because of the importance in the safety of life and property.

Authority for the adoption of the rules is vested in the Commission under sections 303 (f), (g), (r), and 606 (c) of the Communications Act of 1934, as amended, and Executive Order No. 10312.

In view of the foregoing: *It is ordered*, That effective January 6, 1958, Part 3 of the Commission's rules and regulations is amended, as set out below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 606, 65 Stat. 4087; 47 U. S. C. 303, 306; E. O. 10312, 16 F. R. 12452; 3 CFR, 1951 Supp.)

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

I. Part 3 of the Commission's rules and regulations is amended by the addition of the following sections:

§ 3.90 *Emergency weather warnings.* Upon receipt of notification of an Emergency Weather Warning of a condition of immediate danger to life and property from the United States Weather Bureau, all standard broadcast stations may, at their option, during authorization hours of operation only, broadcast CONELRAD Attention Signals (two five second carrier breaks and fifteen seconds of 1,000 CPS tone) followed by the Emergency Weather Warning as outlined in CONELRAD Manual BC–3 (Revised), Appendix A.[1] Nothing herein shall be construed as authorizing a daytime only or limited time station to operate during unauthorized hours.

§ 3.296 *Emergency weather warnings.* Upon receipt of notification of an Emergency Weather Warning of a condition of immediate danger to life and property from the United States Weather Bureau, all FM broadcast stations may, at their option, broadcast CONELRAD Attention Signals (two five second carrier breaks and fifteen seconds of 1,000 CPS tone) followed by the Emergency Weather Warning as outlined in CONELRAD Manual BC–3 (Revised), Appendix A.[1]

§ 3.632 *Emergency weather warnings.* Upon receipt of notification of an Emergency Weather Warning of a condition of immediate danger to life and property from the United States Weather Bureau, all television broadcast stations may, at their option, broadcast CONELRAD Attention Signals two five-second carrier breaks and fifteen seconds of 1,000 CPS tone sound carrier only) followed by the Emergency Weather Warning as outlined in CONELRAD Manual BC–3 (Revised), Appendix A.[1]

§ 3.933 *Emergency weather warnings.* Upon receipt of notification of an Emergency Weather Warning of a condition of immediate danger to life and property from the United States Weather Bureau, all standard, FM, and television broadcast stations may, at their option, during authorized hours of operation only, broadcast the CONELRAD Attention Signals in connection therewith, as provided in §§ 3.90, 3.296, and 3.632, respectively, and as outlined in CONELRAD Manual BC–3 (Revised), Appendix A.[1] Nothing herein shall be construed as permitting a standard broadcast station licensed to operate daytime only or limited time, to operate during unauthorized hours.

[F. D. Doc. 57–10295; Filed, Dec. 11, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

NOTICE OF PUBLIC HEARING ON WHETHER TO AMEND DETERMINATION OF PREVAILING MINIMUM WAGES FOR BITUMINOUS COAL INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936 (40 Stat. 2036, as amended; 41 U. S. C. 35–40) known as the Walsh-Healey Public Contracts Act. In accordance with that act I made and published in the FEDERAL REGISTER on October 26, 1955, a determination of the prevailing minimum wages for the bituminous coal industry (20 F. R. 8044; 41 CFR 202.51). That determination contains, inter alia, a definition of the Bituminous Coal Industry, a description of the areas of production, and a listing of the prevailing minimum wages required by the act to be paid to persons employed in the production of bituminous coal pursuant to contracts subject to the act.

I have received a petition dated October 24, 1956, from representatives of management and labor within the bituminous coal industry, requesting that I redetermine the prevailing minimum wages for this industry. As grounds for the request, the petitioners state that contracts negotiated through collective bargaining, to which they are parties, have resulted in increases in the wages

[1] Filed as part of the original document.

of persons employed in the industry; and therefore, petitioners aver there has been an increase in the prevailing minimum wages which should be reflected in an upward revision of the wages determined to be prevailing in October 1955.

Now, therefore, notice is hereby given that a public hearing on amendment of the determination of the prevailing minimum wages in the bituminous coal industry will be held before the Secretary of Labor or a designated hearing examiner on February 3, 1958, beginning at 10:00 a. m. in Conference Room B, Departmental Auditorium, Fourteenth Street and Constitution Avenue NW., Washington, in the District of Columbia.

For the purposes of this hearing the bituminous coal industry is defined as that industry is defined in the present determination contained in the Department of Labor Regulations, Title 41, Code of Federal Regulations, § 202.51 (20 F. R. 8047) which became effective November 25, 1955. That definition is: The bituminous coal industry is defined as that industry which produces or furnishes all coal (including lignite) except Pennsylvania anthracite. "Produces or furnishes" includes mining or other extraction, and the loading, screening, sizing, washing, oiling and other preparation of bituminous coal, and activities incidental to these operations. The term "preparation of bituminous coal" does not include any activities performed at Great Lakes or tidewater docks.

At the hearing official notice will be taken of the present existence of the facts found in the proceeding culminating in the October 1955 determination, particularly those facts contained in the proposed determination published on August 6, 1955 (20 F. R. 5690) and in the final determination published on October 26, 1955 (20 F. R. 8044), which pertain to: The definition of the industry, the geographical areas of production, the pattern of government procurement of the commodity, and the job classifications of covered workers and those not covered. Interested persons will have opportunity to demonstrate the contrary at the hearing.

As no prevailing minimum wage survey has been conducted by the Department of Labor in this industry and no official notice will be taken of what the prevailing minimum wages are, petitioners and other interested persons are particularly invited to submit at the hearing evidence showing the minimum wages paid in this industry.

All interested persons may appear at the time and place specified herein and submit data, views, and arguments as to (1) the propriety of the current definition of the industry; (2) what are the prevailing minimum wages for the industry; (3) the propriety of the current areas of production found in the present determination for this industry; and (4) the propriety of the present determination with respect to any of its provisions.

Persons intending to appear are requested to notify the Administrator of the Wage and Hour and Public Contracts Divisions of their intention in advance of the hearing.

Written statements of position or argument may be filed in quadruplicate with the Chief Hearing Examiner, United States Department of Labor, Washington, D. C., at any time prior to the date of the hearing by interested persons who cannot appear personally. Any such statement shall include the reason or reasons for non-appearance. Such statements as contain factual matter should be sworn to and may be received in evidence by the Hearing Examiner presiding at the hearing.

The following information is particularly invited with respect to the subject matter of the testimony of each witness or the sworn statements of persons who cannot appear personally: (1) The number of workers covered in the presentation; (2) the number and location of establishments and the annual tonnage of coal produced; (3) the minimum wages paid, the number of workers receiving such wages and the occupations in which these workers are found; and (4) the extent to which there is competition in this industry between different establishments in different geographical areas. To the extent possible data should be submitted in such manner as to permit evaluation thereof on an establishment by establishment or a company by company basis.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C, of Title 41 of the Code of Federal Regulations.

Signed at Washington, D. C., this 6th day of December 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-10307; Filed, Dec. 11, 1957; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12262; FCC 57-1324]

TELEVISION BROADCAST STATIONS (GALVESTON-HOUSTON, TEXAS)

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on October 24, 1957, by Gulf Television Corporation, licensee of Station KGUL-TV on Channel 11, at Galveston, Texas, requesting rule making to amend § 3.606 *Table of assignments*, Television Broadcast Stations, to shift Channel 11 from Galveston to Houston, Texas, as follows:

City	Channel No.	
	Present	Proposed
Galveston, Tex.	11+, 35-, 41-, *47	35-, 41-, *47,
Houston, Tex.	2-, *8, 13-, 23+, 29-, 39.	2-, *8, 11+, 13-, 23+, 29-, 39-.

3. Gulf Television also requests the Commission to modify its license for Station KGUL-TV to specify operation on Channel 11+ at Houston in lieu of Galveston.

4. Gulf Television urges that the Muskogee-Tulsa case in Docket 11966 presented facts virtually identical to those respecting the Houston-Galveston television situation, and that adoption of its instant proposal is required for the same reasons that the Commission found in the Tulsa-Muskogee case that reassignment of the VHF channel in the smaller community of Muskogee to the larger, neighboring community of Tulsa would improve opportunities for effective competition among a greater number of stations. Petitioner submits that the relative size, location and television services of Galveston and Houston are similar to those of Muskogee and Tulsa; that Galveston, with a population of 66,568, is one-tenth the size of Houston, with a population of 596,163, and the two communities are 21.5 miles apart; whereas, Muskogee, with a population of 37,289, is one-sixth the size of Tulsa, with a population of 182,740, and these communities are 37.5 miles apart; and that, as was the case in Muskogee and Tulsa, the VHF station in the smaller community of Galveston must compete with the two VHF stations operating in the larger community of Houston for audience, revenues and programming. Gulf Television alleges that its Galveston station and the two Houston stations serve substantially the same market; that the Houston city population constitutes more than 50 percent of the total population within the Grade B contours of all three stations, while the Galveston city population is only 5.9 percent of the total population within the Grade B contours of any of them; that its Galveston station depends upon Houston for audience and revenues to a greater extent than the Muskogee station depended upon Tulsa for audience and revenues; and that a Galveston station cannot exist on revenues from Galveston alone and must look to network, national, Houston and regional advertisers as its principal sources of revenue.

5. Gulf Television contends that KGUL-TV at Galveston is under much the same arbitrary disadvantage in competing with the Houston stations as the Commission found the Muskogee station to be in competing with the Tulsa stations; that KGUL-TV is handicapped in overcoming the resistance of advertisers to placing orders on a station not identified with the principal Houston audience it serves and in competing with the Houston stations in regard to local originations; that this disadvantage would be eliminated if Channel 11 is reassigned to Houston and KGUL-TV could maintain its principal studio in the larger Houston community; that the reassignment of Channel 11 to Houston would comply with all Commission rules; and that making Station KGUL-TV a Houston station would not require any changes in existing transmitter facilities and would not deprive Galveston of television service. Petitioner urges that adoption of its proposal would enhance opportunities for fully effective and comparable competition among the stations in the Houston-Galveston area and would conform to the allocations policy enunciated by the Commission in the Muskogee-Tulsa and other cases; that it would result in a far more effective use of Channel 11; and that it would permit KGUL-TV to improve its programming and to make fuller use of the greater programming resources of Houston while at the same time meeting the needs of Galveston. Petitioner states that if its proposal is adopted, it will maintain such programming and technical personnel and local offices and auxiliary studios in Galveston as are necessary to serve the city's programming and advertising needs; that it will continue to solicit local advertising and to maintain a favorable local rate for Galveston; and that it intends to identify Station KGUL-TV on the air as a "Houston-Galveston" station.

6. The Commission is of the view that a rule making proceeding should be instituted in this matter in order that interested parties may submit their views and relevant data.

7. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 3, 1958, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for reply to original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. Authority for the adoption of the amendment proposed herein is contained in sections 4 (j), 301, 303 (c), (d), (f), (r), 307 (b) and 316 (a) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

9. Gulf Television Corporation is presently authorized to operate on Channel 11 at Galveston and the rule making proposed herein would shift this frequency to Houston. In the event the Commission decides to amend the rules as proposed, the Commission will determine what further steps should be taken in light of this outstanding authorization.

10. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: December 5, 1957.

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10296; Filed, Dec. 11, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CANNED CONCENTRATED ORANGE JUICE

PURCHASE PROGRAM YMP 135a

In order to encourage the domestic consumption of oranges by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the Agricultural Marketing Service offers to purchase canned concentrated orange juice, packed from 1957-58 crop oranges, for use in school lunch programs. Details and specifications of the offer to purchase are contained in Concentrated Orange Juice Announcement FV-254 issued by the Department. Purchases will depend upon the quantities and prices offered and the supplies which can be used in school lunch programs during the current school year. Information concerning this purchase program may be obtained from Mr. M. F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Florida Citrus Mutual Building, Lakeland, Florida, or the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. 612c)

Dated: December 6, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10312; Filed, Dec. 11, 1957; 8:54 a. m.]

[P. & S. Docket No. 425]

SIOUX CITY STOCK YARDS CO.

PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on May 29, 1957 (16 A. D. 418), authorizing the respondent, The Sioux City Stock Yards Company, Sioux City, Iowa, to assess the current schedule of rates and charges to and including June 1, 1959, unless modified or extended by further order before the latter date.

By a petition filed on November 22, 1957, the respondent requested authority to make certain changes in its current schedule of rates and charges and requested that the current schedule, as so modified, be continued in effect to and including December 31, 1959, unless changed by further order before that date. The proposed modifications are set forth below.

YARDAGE CHARGES

	Present rate per head		Proposed rate per head	
	Salable receipts	Direct receipts	Salable receipts	Direct receipts
Cattle	$0.80	$0.40	$0.83	$0.42
Calves	.47	.24	.49	.25
Hogs	.30	.15	.31	.16

CLEANING, WASHING AND DISINFECTING TRUCKS AND TRAILERS

	Present charges, trucks or trailers	Proposed charges	
		Straight trucks	Trailers
Cleaning	$1.00	$0.75	$1.50
Cleaning and washing	1.50	1.00	2.00
Disinfecting	.50	.50	.75

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 9th day of December 1957.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-10310; Filed, Dec. 11, 1957; 8:53 a. m.]

[P. & S. Docket No. 1211]

SAINT PAUL UNION STOCKYARDS CO.

PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on January 18, 1957 (16 A. D. 17), authorizing the respondent, Saint Paul Union Stockyards Company, South St. Paul, Minnesota, to assess the current schedule of rates and charges to and including March 31, 1958, unless changed by further order before the latter date.

By a petition filed on November 22, 1957, the respondent requested authority to make certain changes in its current

[1] Commissioner Lee dissenting.

schedule of rates and charges and requested that such current schedule, as so modified, be continued in effect to and including December 31, 1959, unless changed by further order before that date. The proposed modifications are set forth below.

YARDAGE CHARGES

	Present rate per head		Proposed rate per head	
	Salable receipts	Direct receipts	Salable receipts	Direct receipts
Bulls	$1.50	$0.75	$1.60	$0.80
Other cattle	.96	.48	1.05	.53
Calves	.58	.29	.61	.31
Hogs	.34	.17	.35	.18
Sheep	.19	.10	.20	.10

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 9th day of December 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-10311; Filed, Dec. 11, 1957; 8:54 a. m.]

Office of the Secretary

ALABAMA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Alabama a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ALABAMA

Cherokee.	Fayette.
Colbert.	Houston.
Covington.	Lamar.
De Kalb.	St. Clair.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 6th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10240; Filed, Dec. 11, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8680]

WORLD WIDE AIRLINES, INC.; ENFORCEMENT CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 8, 1958, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 9, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10308; Filed, Dec. 11, 1957; 8:53 a. m.]

[Docket No. 8726]

EASTERN AIR LINES, INC.; ENFORCEMENT CASE

NOTICE OF REASSIGNMENT OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled application is assigned for January 8, 1958, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Dated at Washington, D. C., December 9, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10309; Filed, Dec. 11, 1957; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

MESCALERO INDIAN IRRIGATION PROJECT

OPERATION AND MAINTENANCE CHARGES

A notice of intention to impose an annual assessment for the delivery of water on irrigable lands of the Mescalero Indian Reservation, New Mexico, was published in the FEDERAL REGISTER of March 19, 1957, 22 F. R. 53. Interested persons were invited to participate in establishing the assessment rate by presenting their views and arguments in writing to the Area Director, Bureau of Indian Affairs, Gallup, New Mexico. The views and arguments received have been considered. The annual assessment rate as published is adopted as set forth below:

An annual assessment of $5.90 against each acre of land on the Mescalero Indian Reservation, New Mexico, to which water can be delivered from the irrigation project works, shall be effective for the year 1958 and each year thereafter until further notice. The assessment shall be due and payable on or before March 1 of each year except that in cases of Indians farming their own lands who are unable to pay the assessment when due, water may be delivered to their land following certification by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay or that payment of assessment will be made from proceeds of crops by a given date, or will be paid from other designated sources as funds become available.

GLENN L. EMMONS,
Commissioner.

DECEMBER 6, 1957.

[F. R. Doc. 57-10244; Filed, Dec. 11, 1957; 8:45 a. m.]

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Territorial Police has filed an application, Serial No. Anchorage 039847, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, but excepting provisions of the mineral leasing laws and the Materials Act. The applicant desires the land for use as an addition to the Glenn Allen Station.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GLENN ALLEN AREA

COPPER RIVER MERIDIAN

T. 4 N., R. 2 W. Sec. 24: Lot 14.
Containing 5 acres.

EDWARD J. HOFFMANN,
Acting Operations Supervisor,
Anchorage.

[F. R. Doc. 57-10250; Filed, Dec. 11, 1957; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 12, 1957.

The Department of Agriculture has filed an application, Serial No. Idaho 07547, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for an administrative site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PAYETTE NATIONAL FOREST

BOISE MERIDIAN, IDAHO

Warren Ranger Station House Lot Addition

T. 22 N., R. 6 E;

That portion of Section 12 described as follows: Commencing at corner number 3 of Warren Ranger Station House Lot, thence South 35°00' West along the Southeast boundary line of Warren Ranger House Lot 124.08 feet to corner number 4, thence South 35°00' West, 50.00 feet to corner number 5, thence South 48°45' East, 45.00 feet to corner number 6, thence North 41°36' East, 173.56 feet to corner number 7, thence North 49°15' West, 65.00 feet to corner number 3, the point of beginning, containing a total area of 0.22 acres, more or less.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-10251; Filed, Dec. 11, 1957; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 13, 1957.

The Department of Agriculture has filed an application, Serial No. Idaho 07702, for the withdrawal of the lands described below from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE NATIONAL FOREST

BOISE MERIDIAN, IDAHO

Warm Springs Creek Campground

T. 11 N., R. 7 E.,
Sec. 16, SE¼SE¼SW¼.
Total area: 10 acres.

Deer Flat Campground

T. 13 N., R. 8 E.,
Sec. 31, W½SE¼SW¼, SE¼, SW¼, SW¼.
T. 12 N., R. 8 E.,
Sec. 6, N½NW¼NW¼, SW¼NW¼NW¼.
Total area: 60 acres.

Dagger Falls Campground

T. 14 N., R. 10 E.,
Sec. 30, N½NE¼NE¼;
Sec. 19, S½SE¼SE¼.
Total area: 40 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-10252; Filed, Dec. 11, 1957; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 14, 1957.

The Department of Agriculture has filed an application, Serial No. Idaho 07884, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws. The applicant desires the land for a recreation site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

TARGHEE NATIONAL FOREST

BOISE MERIDIAN, IDAHO

Burns Creek Dam Recreation Area

T. 3 N., R. 41 E.,
Sec. 12: Unpatented portions of Lots 4, 5, N½SW¼, SW¼SW¼.
T. 3 N., R. 42 E.,
Sec. 1: Lots 1, 2, N½SE¼, SE¼SW¼, SW¼SE¼;
Sec. 2: W½SW¼;
Sec. 3: E½SE¼;
Sec. 4: Lots 7, 8, N½SW¼, unpatented portion of SE¼;
Sec. 5: Lots 6, 7, unpatented portion of Lots 5, 11;
Sec. 6: Unpatented portion of SE¼;
Sec. 7: Lots 1, 2, 3, NE¼NW¼, unpatented portion of Lot 4;
Sec. 9: Lots 4, 5, 8, 9, 10;
Sec. 10: Lots 1, 2, 3, 4, 8, NE¼SE¼, NE¼NW¼, N½NE¼, SE¼NE¼.
Sec. 11: Lots 1, 3, E½NE¼, SW¼NE¼, S½NW¼, NW¼SW¼, NW¼NE¼, N½NW¼;
Sec. 12: Lots 1, 2, W½NW¼, NE¼SW¼, NW¼NE¼, E½NW¼, SW¼NE¼, SW¼SE¼;
Sec. 13: Lots 1, 3, 4, 7, 8, 9, W½NE¼, SE¼NE¼, N½SE¼.
T. 3 N., R. 43 E.,
Sec. 18: Lots 2, 4;
Sec. 19: Lots 1, 2, 4, 5, 8, W½NE¼.
Sec. 29: SW¼SW¼, SW¼NW¼, NW¼SW¼, SE¼SW¼;
Sec. 30: Lots 1, 2, 6, 7, 12, E½NE¼, NW¼NE¼;
Sec. 31: Lots 1, 9;
Sec. 32: Lots 1, 3, 4, 6, 7, NE¼NW¼, S½SE¼, NW¼SE¼, W½NE¼;
Sec. 33: S½SW¼..

The approximate acreage covered by the withdrawal is 4323.00 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-10253; Filed, Dec. 11, 1957; 8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 15, 1957.

The Department of Agriculture has filed an application, Serial No. Idaho 08357, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for research purposes.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE NATIONAL FOREST

BOISE MERIDIAN, IDAHO

Boise Basin Experimental Forest, Bear Run Unit

T. 6 N., R. 5 E.,
Sec. 13, E½E½;
Sec. 24, E½E½, SW¼SE¼, SE¼SW¼.
T. 6 N., R. 6 E.,
Sec. 7, E½SW¼, Lots 3 and 4;
Sec. 18, W½E½, E½W½, Lots 1, 2, 3 and 4;
Sec. 19, W½E½, E½W½, Lots 1, 2, 3 and 4.

Total area 1270 acres, more or less.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-10254; Filed, Dec. 11, 1957; 8:47 a. m.]

NEVADA

CLASSIFICATION ORDER

1. Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totaling 30 acres in White Pine County, Nevada as suitable for lease and

sale for residence and business purposes under the Small Tract Act of June 1, 1938 (52 Stat 609, 43 U. S. C. 682a), as amended:

NEVADA SMALL TRACT CLASSIFICATION NO. 136

MOUNT DIABLO MERIDIAN

T. 13 N., R. 69 E.,
Sec. 11, E½NW¼SW¼, S½NW¼NW¼SW¼, N½SW¼NW¼SW¼.

2. Classification of the above described lands by this order segregates them from all appropriation including location under the mining laws except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands adjoin the Nevada National Forest approximately 5 miles west of Baker, Nevada along an improved paved road leading to Lehman Cave National Monument. The topography of this land is relatively flat with a gravelly sand type soil imbedded with numerous boulders. Vegetation consists of pinon and juniper trees and sage. Culinary water can be developed from wells at a reasonable depth. Schools, stores and other public facilities are available in the town of Baker. There is no evidence of metalliferous or nonmetalliferous minerals.

4. The individual tracts vary in size from 2.5 acres to 5 acres and are all rectangular in shape. The appraisal value of the tracts varies from $75.00 to $100.00, as shown below. Right-of-way 33 feet in width for road purposes and for public utilities will be reserved as shown below. Rentals for those tracts classified for homesite purposes will be payable 3 years in advance, as shown below. Rental for business sites will conform to the requirements of the lease Form 4–776 with a minimum rental of $20.00 per tract per year, payable in advance. All minerals in the land will be reserved to the United States.

Tract No.	Acreage	Advance rentals (3 years)	Rights-of-way (width location)	Appraised value	Tract description
[1] 1	3.75	$30.00	25' S-E-W boundary	$75.00	SW¼NW¼NW¼SW¼, N½NW¼SW¼NW¼SW¼.
[1] 2	3.75	30.00	25' S-E-W boundary	75.00	SE¼NW¼NW¼SW¼, N½NE¼SW¼NW¼SW¼.
[1] 3	2.5	30.00	25' N-E-W boundary	75.00	S½N½SW¼NW¼SW¼.
[1] 4	5	30.00	25' S-E-W boundary	75.00	W½NE¼NW¼SW¼.
[1] 5	5	30.00	25' S-W boundary	75.00	E½NE¼NW¼SW¼.
[1] 6	5	30.00	25' N-E-W boundary	100.00	W½SE¼NW¼SW¼.
[1] 7	5	30.00	25' N-W boundary	100.00	E½SE¼NW¼SW¼.

[1] Under application from an individual having statutory preference. To obtain this preference these applicants must conform to the size and dimensions of the tracts as set forth in the above schedule. All preference applications are for 5 acres but are not oriented the same as the tracts in this classification order. Conformance by these applicants will make available for drawing two additional tracts.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in Paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. The improvements placed on the land must meet the following minimum requirements before purchase will be approved.

a. Building must be suitable for year-round habitation, must be neat and attractive and must be placed on a permanent foundation.

b. All buildings must be built in a workmanlike manner of attractive properly finished materials and may consist of wood or masonry construction.

c. All habitable rooms used for eating, sleeping, or living shall be provided with not less than one window with an area of not less than 12 feet square.

d. Every dwelling shall have not less than 2 rooms and one bathroom. Any room designed for sleeping shall have a space of not less than 100 square feet. The bathroom shall be of sufficient size to accommodate the fixtures associated with this type of room.

e. The dwelling shall have a floor space of not less than 400 square feet.

f. There shall be at least two doors as a means of access to each dwelling unit.

g. All dwellings must be connected to a sewage disposal system in accordance with the requirements of the Nevada State Department of Health as to type, size and construction. No other type of sewage disposal will be permitted. For information relative to sanitary requirements the lessee may contact the Nevada State Department of Health at 325 West Street, Reno, Nevada. An applicant will be required to submit a certificate of approval signed by the proper authority of the Health Department.

h. Structures built to qualify for business sites must meet all of the above minimum requirements except as to the number of rooms, and in addition, must be applicable to the business that is to be conducted and have a presentable appearance.

7. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

8. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veteran's preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 50 Ryland Street, P. O. Box 1551, Reno, Nevada.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the above-named official. A drawing will be held at a time to be announced for those tracts remaining after statutory preference-right claimants have made their selections of tracts in conformance with this order. At the time of announcement of the drawing, plats showing the location of each tract can be secured from the Manager of the Land Office, 50 Ryland Street, P. O. Box 1551, Reno, Nevada. Any person who submits more than one card will be declared ineligible to participate in the drawing.

9. All valid applications filed prior to 10:00 a. m. October 24, 1957 will be granted the preference-right provided for by 43 CFR 257.5 (a).

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, P. O. Box 1551, Reno, Nevada, or Range Manager, Nevada Grazing District No. 4, P. O. Box 1289, Ely, Nevada.

E. R. GREENSLET,
State Supervisor for Nevada.

DECEMBER 6, 1957.

[F. R. Doc. 57–10255; Filed, Dec. 11, 1957; 8:47 a. m.]

[Classification No. 137]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDMENT

Effective December 3, 1957, paragraph 1 of Federal Register Document 57–9229 appearing on page 8962 of the issue for November 7, 1957 is hereby amended to read as follows:

1. Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 720 acres in Clark County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T. 22 S., R. 58 E.,
Sec. 11, all;
Sec. 2, NW¼SW¼, NW¼SE¼.

E. R. GREENSLET,
State Supervisor for Nevada.

DECEMBER 3, 1957.

[F. R. Doc. 57–10256; Filed, Dec. 11, 1957; 8:47 a. m.]

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
46	48	Awonohopay, Frances (Pyawasit)	11-18-1924	F	1/2	Single.
47	49	Awonohopay, James A	3- 7-1944	M	5/8	Daughter.
48	47	Awonohopay, Johnson	8-31-1913	M	3/4	Married.
49	53	Awonohopay, LeRoy F	1-22-1939	M	7/16	Married.
50	50	Awonohopay, Richard A	8- 9-1946	M	5/8	Son.
51	54	Awonohopay, Rose M	4- 2-1936	F	15/16	Married.
52	52	Awonohopay, Verna J	9- 7-1953	F	5/8	Son.
53	55	Bailey, Emerson	4-25-1949	M	1/2	Daughter.
54	51	Barker, Elizabeth Ann	8- 6-1950	F	31/64	Mother.
55	62	Barnes, Beverly J	5-28-1951	F	5/16	Father.
56	58	Barnes, Eleanore (Webster)	6-27-1928	F	5/16	Mother.
57	57	Barnes, John	4-22-1924	M	1/4	Father.
58	59	Barnes, John J	4-22-1949	M	3/8	Son.
59	60	Barnes, Russell E	8-12-1947	M	5/16	Son.
60	61	Barnes, Virgil N	9-10-1952	M	5/16	Son.
61	62	Basina, Eliza (Peters)	2-20-1913	F	5/16	Mother.
62	63	Basina, Frances	3- 1-1941	M	5/16	Son.
63	64	Basina, Verlin	12-17-1934	M	5/16	Son.
64	65	Basina, Victoria A	9-21-1946	F	5/16	Daughter.
65	66	Basquez, Wilhelmina (Pyawasay)	10- 5-1922	F	7/8	Mother.
66	67	Battleboyum, Sophia (Waubanaseum)	5- 7-1907	F	1/2	Mother.
67	68	Bear, Dennis H	3-27-1943	M	39/64	Married.
68	70	Bear, Francis M	8-27-1907	M	15/32	Married.
69	69	Bear, Harold M. (deceased)	10-14-1947	M	39/64	Son.
70	71	Bear, Helen	4- 4-1942	F	11/16	Married.
71	72	Bear, Marie (Caldwell)	4-25-1906	F	39/64	Mother.
72	73	Bear, Mona L	10- 3-1936	F	39/64	Single.
73	74	Bear, Mose	1-20-1914	M	39/64	Single.
74	75	Bear, Robert J	5- 4-1941	M	7/8	Married.
75	76	Bear, Ronald	2- 5-1938	M	39/64	Single.
76	80	Bear, Rose (Feather)	7-17-1912	F	5/8	Widow.
77	77	Bear, Theresa F	2-10-1939	F	35/64	Daughter.
78	78	Beaupre, Alex	7-30-1885	M	5/8	Father.
79	81	Beaupre, Anna S	6- 5-1951	F	9/16	Son.
80	82	Beaupre, Charles	3- 9-1917	M	23/32	Mother.
81	85	Beaupre, Charles F	2-25-1953	M	13/16	Daughter.
82	86	Beaupre, Cordelia (Beaupre)	3-24-1924	F	13/32	Widow.
83	87	Beaupre, Jerome (deceased)	2- 2-1951	M	3/4	Son.
84	88	Beaupre, Joe (deceased)	7-26-1881	M	5/8	Father.
85	84	Beaupre, Lucy	12- 4-1935	F	3/4	Mother.
86	83	Beaupre, LeRoy J	10-18-1942	M	15/32	Married.
87	89	Beaupre, Linda S	10- 7-1949	F	13/16	Daughter.
88	90	Beaupre, Lake, Sr	8- 5-1918	M	7/16	Father.
89	91	Beaupre, Lake, Jr	9-12-1939	M	3/4	Married.
90	92	Beaupre, Lake B	8- 5-1948	F	13/16	Daughter.
91	94	Beaupre, Marlene (Wayka)	9-18-1933	F	7/8	Mother.
92	93	Beaupre, Maggie (Saekatook)	8-20-1903	F	31/32	Mother.
93	97	Beaupre, Marcine	8-20-1938	F	13/16	Single.
94	96	Beaupre, Melvin	12- 7-1940	M	21/32	Stepson.
95	95	Beaupre, Pamela Sue	5-19-1954	F	59/128	Daughter.
96	98	Beaupre, Peter	5-27-1895	M	3/4	Widow.
97	99	Beaupre, Peter W	1-10-1906	M	9/16	Father.
98	100	Beaupre, Quentin	3-15-1950	M	13/16	Son.
99	101	Beaupre, Richard D	6-21-1950	M	13/32	Single.
100	102	Beaupre, Rodney	2-15-1936	M	13/16	Single.
101	105	Beaupre, Simon (deceased)	1-26-1914	M	3/4	Single.
102	106	Beaupre, Stanley	12- 5-1951	M	17/32	Daughter.
103	109	Beaupre, Trilby L	5-26-1953	F	13/16	Mother.
104	103	Beaupre, Virginia	11-24-1953	F	11/16	Son.
105	104	Beaupre, William M	3- 2-1923	M	3/4	Mother.
106	2491	Beikie, Harriett (Teller)	10- 3-1932	F	5/8	Mother.
107	110	Bergeon, Freida (Dickenson)	4- 2-1925	F	13/16	Married.
108	114	Besaw, Edna (Beaupre)	3-30-1932	F	9/32	Married.
109	112	Besaw, Erwin	12-11-1932	M	9/32	Married.
110	113	Besaw, Glenn J (Grisco)	5- 3-1951	M	1/2	Mother.
111	115	Bigfire, Elmer J (Grisco)	7-26-1908	M	1/2	Father.
112	117	BigFire, Myron J	7-24-1944	M	7/16	Son.
113	118	BigFire, Regina A	12-23-1945	F	7/16	Daughter.
114	119	BigFire, Stella (Nahwahgahow)	1-30-1915	F	7/16	Mother.
115	116	Bigjohn, Louise (Askenett)	5-24-1927	F	7/8	Married.
116	120	Bigjohn, Louise (Kilson)	9-11-1925	F	29/32	Married.
117	1178	Black, Ruth (Kilson)	5-20-1937	F	11/32	Married.
118	121	Blankshain, Rochelle (Newton)	4-11-1937	F	1/4	Married.
119	307	Block, Josette (Conger)	5- 3-1955	F	9/32	Married.
120	122	Blumerich, Herman	9-21-1920	M	1/2	Single.
121	122	Blumerich, John	7- 1-1935	F	1/4	Mother.
122	123	Blumerich, Karen	5-25-1952	F	1/4	Daughter.
123	124	Blumerich, Mary (Hanks)	7- 1-1900	F	Full	Widow.
124	1013	Blumerich, Roderick L	6- 3-1949	M	27/64	Son.

Office of the Secretary

MENOMINEE INDIAN TRIBE OF WISCONSIN

PROCLAMATION OF FINAL CLOSURE OF ROLLS

Whereas, the Menominee Indian Tribe of Wisconsin has acted on all applications for enrollment with the Tribe and the Secretary of the Interior has made decisions on all appeals filed by individuals whose applications were disapproved by the Tribe, and

Whereas, a Final Roll of the Menominee Indian Tribe of Wisconsin has been prepared, and

Whereas, Congress, by the Act of June 17, 1954 (68 Stat. 250), has directed the Secretary of the Interior to issue this Proclamation,

Now, therefore, I, Fred A. Seaton, Secretary of the Interior, do hereby proclaim that the Final Roll of the Menominee Indian Tribe of Wisconsin is closed and no names may be added thereto.

In witness whereof, I have hereunto set my hand and caused the seal of the Department of the Interior to be affixed this 26th day of November 1957.

FRED A. SEATON,
Secretary of the Interior.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN

Prepared pursuant to the provisions of the Act of June 17, 1954 (68 Stat. 250)

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1	2	Aaron, Louise (Caldwell)	10-29-1904	F	7/8	Widow.
2	3	Aaron, Theodore J	2-11-1929	M	7/16	Single.
3	4	Abert, Kenneth	10-10-1901	M	1/16	Married.
4	5	Abert, Mattie E	5-14-1932	F	1/32	Single.
5	6	Adams, Angeline (Lookaround)	11-25-1882	F	5/8	Widow.
6	7	Adams, Jane (Martin)	1-15-1922	F	7/8	Married.
7	8	Adams, Walter	7-14-1913	M	5/16	Single.
8	9	Alejos, Helen (Newman)	2- 4-1932	F	3/8	Married.
9	10	Allen, Glenda (Dodge)	10-28-1934	F	5/8	Married.
10	11	Alloway, Jane (Pammenett)	3-26-1918	F	19/32	Mother.
11	13	Amos, Ethelyn (Dickie)	8-17-1910	F	3/16	Married.
12	14	Ambler, Lucille (Kenote)	12- 9-1952	M	7/16	Son.
13	17	Ambler, Thomas G	12-12-1923	F	7/8	Mother—Also see Stovall.
14	15	Arnob, Anthony	3- 7-1954	M	7/16	Son.
15	22	Arnob, Elizabeth A	10-26-1948	F	3/8	Son.
16	21	Arnob, Elizabeth (Waupochick)	1892	F	1/2	Daughter.
17	18	Arnob, Kaylin M	9-20-1917	F	3/8	Daughter.
18	20	Arnob, Wausejeun	7-18-1929	F	3/4	Mother.
19	19	Arnour, Ronald F	9-12-1906	M	3/4	Single.
20	23	Arnour, Mary Jane (Tucker)	9-21-1933	F	43/64	Mother.
21	24	Arnour, Videl	4-11-1907	M	19/32	Married.
22	25	Anderson, Bernice (Shekatook)	1-14-1922	F	11/16	Married.
23	27	Anderson, Bruce Paul	1-26-1951	M	23/32	Ad/Son.
24	28	Anderson, Colette (Lawe)	2-12-1936	F	1/4	Married.
25	26	Anderson, Gregory J	3- 4-1950	M	23/32	Ad/Son.
26	29	Annamitta, Kasiek	1895	M	1/2	Father a/k/a Fred Seymour.
27	30	Annamitta, Roger J	5-28-1935	M	9/16	Single a/k/a Seymour.
28	31	Annamitta, Roland F	6-27-1936	M	9/16	Single a/k/a Seymour.
29	2427	Annamitta, Sadie (Spoon)	7- 8-1931	F	1/2	Married.
30	32	Askenette, Alexander	3-19-1922	M	29/32	Father.
31	35	Askenette, Alexander, Jr	3-21-1945	M	29/64	Son.
32	33	Askenette, Barbara L	8-31-1941	F	29/64	Daughter.
33	39	Askenette, David	8- 2-1952	M	29/64	Son.
34	36	Askenette, Donald E	4-17-1947	M	29/64	Son.
35	43	Askenette, Gregory P	4-10-1944	M	3/8	Son.
36	45	Askenette, Joyce (Waska)	6- 5-1952	F	7/8	Daughter.
37	42	Askenette, Linda K	6-26-1951	F	29/64	Daughter.
38	44	Askenette, Louis (Wauwpoose)	5-23-1909	M	13/16	Married.
39	34	Askenette, Marvin	6-28-1948	M	29/32	Son.
40	40	Askenette, Patricia M	3-17-1954	F	29/64	Daughter.
41	31	Askenette, Peter (deceased)	4-10-1873	M	Full	Widow.
42	37	Askenette, Wendell N	9-23-1949	M	29/64	Son.
43	41	Awonohopay, Annette M	3-29-1914	F	5/8	Mother.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
125	125	Blundell, Rose (Turney)	2-14-1938	F	23/64	Married.
126	126	Bodah, Rita (Wilber)	4-15-1927	F	13/32	Married.
127	127	Bogda, Beverly D	4-12-1940	F	19/64	Daughter.
128	11	Bogda, Roger L	5-21-1944	M	19/64	Son.
129	128	Boivin, Annie (Frechette)	11-17-1905	F	3/8	Mother.
130	154	Boivin, Audrey F	8-30-1952	F	3/8	Daughter.
131	150	Boivin, Carole (Lawe)	7- 9-1933	F	1/4	Mother.
132	135	Boivin, Colette M. (deceased)	5- 5-1954	F	11/32	Daughter.
133	138	Boivin, Deanna	4- 7-1939	F	1/4	Single.
134	136	Boivin, Donald L	1-30-1933	M	1/4	Married.
135	139	Boivin, Doris A	9- 7-1941	F	1/4	Daughter.
136	142	Boivin, Dorothy L	4- 6-1945	F	35/64	Daughter.
137	130	Boivin, Edith C	1- 9-1943	F	1/4	Daughter.
138	153	Boivin, Elizabeth A	12-15-1950	F	7/8	Daughter.
139	137	Boivin, Geraldine (Cota)	8-18-1912	F	3/8	Mother.
140	141	Boivin, Hilda (Moschart)	11- 2-1926	F	31/32	Mother.
141	143	Boivin, Ida M. (deceased)	12-19-1952	F	11/32	Daughter.
142	144	Boivin, Isaac J. (deceased)	12-23-1951	M	11/32	Son.
143	145	Boivin, James A	10- 8-1935	M	1/4	Married.
144	146	Boivin, Jane F	12-23-1936	F	1/4	Single.
145	147	Boivin, Jennie M	3-20-1933	F	7/16	Single.
146	140	Boivin, John L	11- 1 1938	M	1/4	Single.
147	148	Boivin, Joseph E	2-16-1929	M	1/4	Single.
148	149	Boivin, Joseph T	5-29-1932	M	7/16	Father.
149	151	Boivin, Julius G	12- 6-1934	M	1/4	Married.
150	152	Boivin, Lorrain (Martin)	5-22-1928	F	5/8	Mother.
151	155	Boivin, Margaret	1-12-1935	F	1/4	Single.
152	132	Boivin, Phillip W	6-30-1946	M	1/4	Son.
153	131	Boivin, Phyllis E	2-26-1945	F	1/4	Daughter.
154	134	Boivin, Robert J	1-19-1949	M	1/4	Son.
155	129	Boivin, Rose	2-27-1941	F	1/4	Daughter.
156	133	Boivin, William L	8-29-1947	M	1/4	Son.
157	156	Boortz, Annie (Vigue)	7- 8-1913	F	1/8	Mother.
158	157	Boortz, Beverly J	6- 7-1933	F	1/16	Single.
159	158	Boortz, Sarah (Christianson)	3-28-1917	F	3/16	Married.
160	159	Bowan, Marie (Frechette)	1-30-1924	F	31/64	Married.
161	160	Bowman, Barbara (Tebeau)	12-17-1932	F	27/64	Mother.
162	162	Bowman, Joan C	12- 8-1943	F	3/8	Adopted daughter.
163	163	Bowman, Rose (Crapeau)	3- 4-1926	F	3/8	Married.
164	164	Boyd, Alfred	7-22-1904	M	3/8	Father.
165	199	Boyd, Alfred J	4-17-1939	M	5/8	Single
166	169	Boyd, Annie (Moschart)	2- 2-1929	F	31/32	Mother.
167	182	Boyd, Barbara L	12- 5-1943	F	19/32	Daughter.
168	167	Boyd, Bertard	4-14-1933	M	9/16	Married a/k/a William or Barney.
169	168	Boyd, Clifford D	9-10-1929	M	9/16	Father.
170	174	Boyd, Edward J	2-12-1936	M	9/16	Son.
171	179	Boyd, Ellen (Caldwell)	5-22-1919	F	3/4	Mother.
172	165	Boyd, Ethel (Mahkimetass)	8-25-1904	F	13/16	Mother.
173	173	Boyd, Garrett W	4-10-1954	M	49/64	Son.
174	203	Boyd, Gary R	4- 2-1950	M	5/8	Son.
175	175	Boyd, George M	4-30-1937	M	19/32	Son.
176	176	Boyd, Henrietta L	2-23-1935	F	23/64	Single.
177	186	Boyd, Irene (Martin) (deceased)	11- 5-1905	F	1/2	Mother.
178	177	Boyd, James L	6-13-1937	M	25/64	Son.
179	189	Boyd, Jeanette L	6-28-1939	F	25/64	Single.
180	201	Boyd, Jeffrey L	7- 2-1947	M	5/8	Son.
181	204	Boyd, Joan M	3-23-1952	F	5/8	Daughter.
182	178	Boyd, John, Sr	1909	M	7/16	Father.
183	183	Boyd, John A	9-13-1945	M	19/32	Son.
184	172	Boyd, John C	12-10-1952	M	49/64	Son.
185	185	Boyd, John M	12-16-1909	M	5/8	Widower.
186	180	Boyd, Josephine	5-20-1940	F	19/32	Daughter.
187	191	Boyd, Judith A	11-29-1942	F	25/64	Daughter.
188	207	Boyd, Karen L	5-29-1954	F	27/64	Daughter.
189	187	Boyd, Leslie E	9-22-1935	M	25/64	Single.
190	202	Boyd, Llewellyn F	7- 2-1948	M	5/8	Son.
191	198	Boyd, Louise (Waubano)	8-20-1919	F	7/8	Mother.
192	184	Boyd, Lucy A	1-26-1954	F	19/32	Daughter.
193	194	Boyd, Mabel (Wilber)	1876	F	1/8	Widow.
194	188	Boyd, Madeline (O'Connor)	5- 1-1918	F	13/32	Mother.
195	1682	Boyd, Melvin A	4-25-1946	M	19/64	Son.
196	192	Boyd, Patricia	5- 2-1945	F	25/64	Daughter.
197	190	Boyd, Robert L	12-12-1940	M	25/64	Son.
198	181	Boyd, Rose M	6-24-1941	F	19/32	Daughter.
199	193	Boyd, Ruth M	10-31-1946	F	25/64	Daughter.
200	195	Boyd, Sam	12-18-1920	M	7/16	Single.
201	166	Boyd, Sharon C	7- 9-1941	F	19/32	Daughter.
202	196	Boyd, Sophia	12-11-1921	F	7/16	Single.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
203	197	Boyd, Sylvester T	8- 2-1915	M	3/8	Father.
204	200	Boyd, Theodore S	8-13-1940	M	5/8	Son.
205	205	Boyd, Wesley	4- 1-1931	M	9/16	Married.
206	206	Boyd, Wilene	1-11-1931	F	19/32	Mother.
207	208	Boyles, Ida (Caldwell)	8- 1-1934	F	13/16	Married.
208	209	Breyer, Maggie (Sackatook)	12-25-1905	F	11/16	Married.
209	898	Brisk, Della	10-11-1940	F	11/32	Daughter of Elma House.
210	.....	Brisk, Evelyn (Fish)	5-14-1924	F	3/8	Mother.
211	210	Brisk, James	2-25-1906	M	3/16	Father.
212	899	Brisk, James	11-10-1941	M	11/32	Son of Elma House.
213	212	Brisk, Jean M	3-21-1954	F	9/32	Daughter.
214	211	Brisk, Kenneth	12- 6-1949	M	9/32	Son.
215	217	Brooks, Elizabeth	2-21-1946	F	21/32	Daughter.
216	214	Brooks, Hazel (Kittecon)	4-26-1922	F	15/16	Mother.
217	213	Brooks, Jesse	9- 7-1906	M	1/2	Father.
218	216	Brooks, Lawrence	4-12-1945	M	9/16	Son.
219	215	Brooks, Mary M	7-24-1942	F	57/64	Daughter.
220	218	Brooks, Percy	2-26-1925	M	17/32	Single.
221	219	Brooks, Warren J	7-21-1930	M	17/32	Married.
222	.....	Brown, Anthony A	8 -6-1951	M	21/32	Son of Linus Brown Waukau.
223	221	Brown, Arnold	7- 5-1946	M	31/64	Son.
224	220	Brown, Cecelia (Kaquatosh)	12-30-1925	F	31/32	Mother.
225	222	Brown, Margaret A	6-12-1950	F	31/64	Daughter.
226	223	Brown, Ronald A	5-16-1950	M	11/32	Adopted son.
227	2067	Brunette, Elizabeth (Pierce)	9-26-1937	F	39/64	Married.
228	227	Brunette, Beatrice	7 14-1951	F	43/64	Daughter.
229	224	Brunette, Gilbert C	7-29-1923	M	9/16	Married.
230	228	Brunette, Joseph	4-15-1891	M	1/2	Single.
231	225	Brunette, Katherine (Sackatook)	10-17-1925	F	25/32	Mother.
232	229	Brunette, Mary (Corn)	1-16-1900	F	7/8	Married.
233	226	Brunette, Rebecca M	1 12-1950	F	43/64	Daughter.
234	2201	Bruno, Edith (Brunette)	7-18-1915	F	1/4	Married.
235	230	Brzezinski, Laura (Hawpetoss)	12-26-1933	F	3/8	Married.
236	245	Caldwell, Allen J	5-27-1948	M	3/8	Son.
237	253	Caldwell, Beatrice (Lyons)	7- 5-1937	F	27/64	Mother.
238	251	Caldwell, Candy C	2-22-1946	F	25/64	Daughter.
239	238	Caldwell, Charlotte A	6-15-1954	F	3/8	Daughter.
240	242	Caldwell, Colin F	2-16-1947	M	9/16	Son.
241	236	Caldwell, Crystal L	5-15-1950	F	3/8	Daughter.
242	248	Caldwell, Delores	6-12-1943	F	7/16	Daughter.
243	252	Caldwell, Diana M	2-24-1947	F	25/64	Daughter.
244	241	Caldwell, Elizabeth (Tomow)	10-20-1896	F	7/8	Mother.
245	237	Caldwell, Eugene J	9- 7-1951	M	3/8	Son.
246	232	Caldwell, Frank J	6-29-1928	M	13/16	Married, a/k/a Frank Tomow.
247	234	Caldwell, James	5- 3-1892	M	3/4	Father.
248	240	Caldwell, James A	10-24-1939	M	9/16	Single.
249	239	Caldwell, Leslie J	10-12-1914	M	3/4	Father.
250	243	Caldwell, Lillian	1-30-1928	F	3/4	Mother.
251	245	Caldwell, Madeline	6-26-1933	F	13/16	Single.
252	250	Caldwell, Marie (Frechette)	12-23-1927	F	11/32	Mother.
253	246	Caldwell, Marlene	4-15-1936	F	9/16	Single.
254	241	Caldwell, Melvin T	3-23-1941	M	9/16	Son.
255	247	Caldwell, Mitchell	9-16-1902	M	7/8	Father.
256	254	Caldwell, Oral A	2- 2-1952	F	25/64	Daughter.
257	249	Caldwell, Orless	9- 1-1927	M	7/16	Father.
258	253	Caldwell, Phyllis M	2- 6-1949	F	25/64	Daughter.
259	244	Caldwell, Roncil Marie	7-17-1952	F	3/8	Daughter.
260	255	Caldwell, Stella M	11-25-1938	F	9/16	Single.
261	256	Caldwell, Vera E	10-23-1937	F	9/16	Single.
262	257	Campbell, Lillian (Komanekin)	6-28-1916	F	15/32	Mother.
263	261	Cardish, Barbara (Vann)	2-23-1937	F	1/4	Married.
264	263	Cardish, Clifford	9-28-1939	M	7/8	Single.
265	258	Cardish, Edwin A	8-18-1932	M	7/8	Single.
266	264	Cardish, Ellen M	10-17-1941	F	7/8	Daughter.
267	267	Cardish, Georgia	11- 6 1945	F	7/8	Daughter.
268	268	Cardish, Gerald	4- 2-1948	M	7/8	Son.
269	259	Cardish, John	1884	M	3/4	Widower.
270	260	Cardish, Leo	2- 7-1934	M	7/8	Married.
271	265	Cardish, Leon	11-23 1942	M	7/8	Son.
272	262	Cardish, Peter	11-24-1903	M	Full	Father.
273	270	Cardish, Peter, Jr	12- 5-1937	M	7/8	Single.
274	270	Cardish, Regina	12-21-1935	F	7/8	Single.
275	269	Cardish, Sandra L	2-26-1952	F	7/8	Daughter.
276	272	Cardish, Theresa (Corn)	9-20-1912	F	3/4	Mother.
277	266	Cardish, Wilson J	5-27-1944	M	7/8	Son.
278	274	Cardonna, Bernarlette L	2- 1-2047	F	5/16	Adopted daughter.
279	276	Cardwell, Caroline	10-31-1949	F	11/32	Daughter.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
280	274	Cardwell, Christine (Sackatook) (deceased)	2-11-1926	F	11/16	Mother.
281	278	Cardwell, Robert	8-26-1953	M	11/32	Son.
282	275	Cardwell, Rosemary C	12-21-1945	F	11/32	Daughter.
283	277	Cardwell, Thomas J	6- 2-1951	M	11/32	Son.
284	279	Caron, Laquita (Boortz)	3-26-1932	F	1/16	Married.
285	280	Carpentier, Nettie (Wishecoby)	3-12-1932	F	9/32	Mother.
286	283	Chapman, Jerry	8- 8-1953	M	35/64	Son.
287	284	Chapman, Larry	8- 8-1953	M	35/64	Son.
288	281	Chapman, Lucille (Beauprey)	2-20-1929	F	59/64	Mother.
289	282	Chapman, Patricia A	1- 5-1952	F	35/64	Daughter.
290	287	Chevalier, Arlene (Snake)	12- 9-1935	F	7/32	Married.
291	285	Chevalier, Gordon	4-13-1909	M	3/16	Married.
292	286	Chevalier, Harvey N	5- 5-1924	M	3/16	Married.
293	290	Chevalier, Jeanette (Tourtillott)	8-23-1928	F	5/16	Mother.
294	288	Chevalier, Joyce	12-16-1916	F	3/16	Single.
295	289	Chevalier, Melvin C	11-22-1925	M	3/16	Father.
296	292	Chevalier, Melvin C., Jr	1-19-1949	M	1/4	Son.
297	293	Chevalier, Robert C	7-18-1950	M	1/4	Son.
298	294	Chevalier, Virgil	5-15-1952	M	1/4	Son.
299	291	Chevalier, Wanda L	9-17-1947	F	1/4	Daughter.
300	295	Chevalier, Warren	7-14-1953	M	1/4	Son.
301	296	Chisholm, Fred, Jr	12-15-1926	M	3/32	Married.
302	669	Chomyn, Clara (Fowler)	8-26-1934	F	3/8	Married.
303	302	Christ, Aloysius	8- 5-1944	M	15/32	Son.
304	297	Christ, Donald	9-13-1935	M	15/32	Single.
305	298	Christ, Dorothy	1- 9-1932	F	15/32	Single.
306	301	Christ, Lenwood J	6- 6-1943	M	15/32	Son.
307	300	Christ, Marilyn	5-23-1941	F	15/32	Daughter
308	299	Christ, Mary (Moses)	12-28-1909	F	15/16	Mother.
309	303	Church, Angeline (Tomow) (deceased)	10- 4-1904	F	7/8	Married.
310	304	Church, Colleen (Hoff)	4-11-1926	F	3/8	Married.
311	305	Clay, Gertrude (Schultz)	2-28-1919	F	11/32	Married.
312	306	Coleman, Mary (Dinsmore)	1909	F	5/16	Married. Born as Lookaround.
313	311	Conger, Bernard J	3-23-1942	M	9/32	Son.
314	316	Conger, Colby C	11- 6-1949	M	9/32	Son.
315	313	Conger, Elizabeth	3-22-1945	F	9/32	Daughter.
316	314	Conger, George J	3- 1-1947	M	9/32	Son.
317	308	Conger, Julia (Wishecoby)	2- 7-1911	F	9/16	Mother.
318	315	Conger, Lawrence	2-21-1948	M	9/32	Son.
319	319	Conger, Luella (Corn)	11- 8-1933	F	51/64	Married.
320	310	Conger, Marcia J	4-13-1940	F	9/32	Daughter.
321	312	Conger, Opal A	10-29-1943	F	9/32	Daughter.
322	317	Conger, Rose M	8- 1-1934	F	9/32	Daughter.
323	318	Conger, Theodore, Jr	5-14-1933	M	9/32	Married.
324	309	Conger, Yvonne	1-18-1939	F	9/32	Single.
325	320	Conigliaro, Phyllis (O'Connor)	6-23-1926	F	1/2	Married.
326	322	Cook, Albert J	11-14-1937	M	5/16	Son.
327	324	Cook, Beatrice	3-14-1941	F	5/16	Daughter.
328	321	Cook, Marie (Ahkenakosay)	4- 3-1919	F	5/8	Mother.
329	325	Cook, Michael	5- 7-1942	M	5/16	Son.
330	327	Cook, Pamachewon (Waupochick)	1878	F	Full	Widow.
331	326	Cook, Veronica	7-23-1944	F	5/16	Daughter.
332	323	Cook, William C	11- 1-1939	M	5/16	Single.
333	328	Coon, Mildred (Komanekin)	2-26-1927	F	15/32	Married.
334	329	Cordes, Margaret (Tebeau)	2-16-1892	F	1/2	Married.
335	330	Corn, Abraham	11- 5-1908	M	3/4	Father.
336	334	Corn, Abram C	1- 4-1945	M	23/32	Son.
337	342	Corn, Arnold R., Jr	5-26-1947	M	1/2	Son.
338	339	Corn, Arnold W	9-16-1919	M	9/16	Father.
339	360	Corn, August L	9-23-1938	M	3/4	Single.
340	343	Corn, Carla L	3-11-1952	F	1/2	Daughter.
341	345	Corn, Cecelia (Kinney)	1- 6-1881	F	Full	Widow.
342	346	Corn, Christine	7-19-1942	F	7/16	Daughter.
343	384	Corn, Dale	10-30-1953	M	65/128	Son.
344	1547	Corn, Darrell Lester	3- 8-1940	M	7/16	Son.
345	347	Corn, Dewey L	1-27-1917	M	7/8	Father.
346	1546	Corn, Dewey LaVerne	2- 3-1942	M	7/16	Son.
347	361	Corn, Donald	7- 9-1942	M	3/4	Son.
348	348	Corn, Edith	3-15-1933	F	41/64	Single.
349	377	Corn, Elaine	3-16-1944	F	41/64	Daughter.
350	349	Corn, Eliza	9-19-1903	F	7/8	Single.
351	359	Corn, Elizabeth (Pucklew)	6-11-1912	F	5/8	Mother.
352	338	Corn, Ellen F	12-31-1951	F	23/32	Daughter.
353	355	Corn, Ellen Marie	7-21-1946	F	19/32	Daughter.
354	350	Corn, Ellen (Potice)	2-27-1896	F	3/4	Widow.
355	333	Corn, Eloise	11-29-1943	F	23/32	Daughter.
356	351	Corn, Frank	10-30-1904	M	3/4	Father.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
357	353	Corn, Gail	5- 7-1925	M	7/16	Father.
358	356	Corn, Gail A	7- 2-1947	M	19/32	Son.
359	357	Corn, Gloria M	9- 1-1936	F	3/4	Single.
360	358	Corn, Gust P	9-16-1908	M	7/8	Father.
361	376	Corn, Janice	1-22-1942	F	41/64	Daughter of Mary O. Corn.
362	335	Corn, Janice M	5- 7-1946	F	23/32	Daughter of Margaret Corn.
363	380	Corn, Jeanne	11- 4-1949	F	41/64	Daughter.
364	362	Corn, Jerome (deceased	9-23-1898	M	7/8	Widower.
365	363	Corn, John (deceased)	9- 8-1896	M	7/8	Married.
366	364	Corn, Joseph, Jr	8-20-1913	M	7/8	Single.
367	365	Corn, Joseph D	6-14-1931	M	7/16	Father.
368	340	Corn, Joyce (Grignon)	4-11-1924	F	7/16	Mother.
369	337	Corn, Lavina R	5- 2-1949	F	23/32	Daughter.
370	366	Corn, Leo	12-21-1936	M	7/16	Single a/k/a Leo Emroy Corn.
371	336	Corn, Leola M	1-17-1948	F	23/32	Daughter.
372	352	Corn, Madeline (Waupoose)	9- 6-1907	F	27/32	Mother.
373	331	Corn, Margaret (Baxter)	8-24-1913	F	11/16	Mother.
374	354	Corn, Margaret (Caldwell)	9-13-1923	F	3/4	Mother.
375	372	Corn, Marie (Lattock)	1-25-1934	F	39/64	Mother.
376	367	Corn, Mary (Kitson)	1889	F	3/8	Widow.
377	375	Corn, Mary (Oshkeshequoam)	4-29-1909	F	25/32	Mother.
378	369	Corn, Mitchell	1-10-1911	M	7/8	Single.
379	368	Corn, Mitchell, Jr	1875	M	Full	Single.
380	370	Corn, Norman	1- 1-1933	M	3/4	Single.
381	371	Corn, Raymond W	9-29-1928	M	51/64	Married.
382	374	Corn, Richard	3-26-1892	M	1/2	Father.
383	381	Corn, Richard, Jr	12-14-1935	M	41/64	Single.
384	378	Corn, Robert L	10- 8-1946	M	41/64	Son.
385	344	Corn, Roger A	5-23-1954	M	1/2	Son.
386	382	Corn, Rose L	2- 3-1932	F	41/64	Single
387	379	Corn, Susan	3- 3-1948	F	41/64	Daughter.
388	383	Corn, Velma T	6-15-1930	F	41/64	Mother.
389	373	Corn, Wanda Lee	9-11-1953	F	45/64	Daughter.
390	332	Corn, Wendell J	5-11-1941	M	23/32	Son.
391	385	Corn, Wesley J	2-25-1930	M	51/64	Single.
392	386	Cota, Theresa (Kaquatosh)	2- 2-1893	F	1/2	Married.
393	387	Couillard, Louise (LaMotte)	1887	F	3/8	Married.
394	393	Cox, Faye M	4-14-1919	F	11/32	Daughter.
395	391	Cox, Karen	5-10-1942	F	11/32	Daughter.
396	389	Cox, Mary Jane (White)	10- 1-1919	F	11/16	Mother.
397	390	Cox, Sharon	3-28-1941	F	11/32	Daughter.
398	394	Cox, Walter J	8-11-1953	M	11/32	Son.
399	392	Cox, William W	1-26-1945	M	11/32	Son.
400	400	Crapeau, Anthony J	7-25-1949	M	7/16	Son.
401	402	Crapeau, Christine M	5-16-1952	F	7/16	Daughter.
402	403	Crapeau, Clara J	1-13 1954	F	7/16	Daughter.
403	408	Crapeau, Darryl A	1 16-1953	M	11/32	Son.
404	395	Crapeau, Delores	9-22-1938	F	3/8	Single.
405	396	Crapeau, Everett	1-23-1930	M	3/8	Married, a/k/a Raymond.
406	397	Crapeau, George A	4-11-1920	M	3/8	Father.
407	407	Crapeau, George M	11-13-1951	M	11/32	Son.
408	398	Crapeau, Irene (Miller)	8-27-1922	F	1/2	Mother.
409	404	Crapeau, Lawrence	3-19-1932	M	3/8	Father.
410	406	Crapeau, Lawrence, Jr	3-26-1950	M	11/32	Son.
411	409	Crapeau, Marvin J	8-28-1924	M	3/8	Married.
412	401	Crapeau, Norman L	12-19-1950	M	7/16	Son.
413	405	Crapeau, Patricia (Tourtillott)	3-20-1932	F	5/16	Mother.
414	399	Crapeau, Valeria A	7- 4-1948	F	7/16	Daughter.
415	2414	Crapeau, Vera M	12-17-1946	F	3/8	Daughter.
416	1067	Crow, Albert P., Jr	11-27-1944	M	9/16	Son.
417	416	Crow, Alice (Mahkimetass)	1898	F	3/4	Mother.
418	410	Crow, Carol T	1- 8-1937	F	7/8	Single.
419	423	Crow, Cheryl E	5-14-1951	F	5/8	Daughter.
420	435	Crow, Constance R	1-28-1948	F	45/64	Daughter.
421	411	Crow, Curtis J	6-26-1931	M	7/8	Father.
422	413	Crow, Curtis J., Jr	11-13-1950	M	5/8	Son.
423	421	Crow, Darrell	10- 1-1947	M	5/8	Son.
424	415	Crow, David	1892	M	Full	Father.
425	418	Crow, David E	7- 1-1925	M	7/8	Father.
426	426	Crow, Edgar B	3-21-1924	M	3/8	Single.
427	427	Crow, Edison	1-27-1920	M	7/8	Father.
428	430	Crow, Edison, Jr	6-21-1941	M	45/64	Son.
429	433	Crow, Ellsworth	8-22-1945	M	45/64	Son.
430	428	Crow, Elmeda (Dupuain)	2-27-1922	F	17/32	Mother.
431	412	Crow, Georgia (Warrington)	9- 1-1932	F	3/8	Mother.
432	1069	Crow, Guy D	1-28-1950	M	9/16	Son.
433	436	Crow, Harold T	9-13-1923	M	7/8	Single.
434	424	Crow, Jerilyn J	8-28-1952	F	6/8	Daughter.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
435	437	Crow, Joseph A	4- 3-1913	M	3/8	Married.
436	422	Crow, Kathleen M	1-12-1950	F	5/8	Daughter.
437	420	Crow, Kendall Margaret	1- 2-1947	F	5/8	Daughter.
438	1066	Crow, LaFern	1-25-1940	F	9/16	Daughter
439	441	Crow, Larry S	1- 7-1952	M	47/64	Son.
440	1068	Crow, LaVonne E	9- 9-1947	F	9/16	Daughter
441	444	Crow, Marilyn J	4-30-1953	F	7/16	Daughter.
442	438	Crow, Mose	11-27-1907	M	3/8	Married.
443	417	Crow, Opal M	1- 3-1943	F	7/8	Daughter.
444	439	Crow, Osborne	5-25-1933	M	7/8	Father.
445	442	Crow, Richard A	3-23-1953	M	47/64	Son.
446	431	Crow, Rochelle	12-11-1942	F	45/64	Daughter.
447	434	Crow, Saunders	8-17-1946	M	45/64	Son.
448	432	Crow, Shelby	8-11-1944	F	45/64	Daughter
449	425	Crow, Sheldon L	5-22-1954	M	5/8	Son.
450	443	Crow, Shirley	4- 6-1935	F	7/8	Mother.
451	414	Crow, Stephan J	8-26-1952	M	5/8	Son.
452	1070	Crow, Stephan L	7-30-1952	M	9/16	Son.
453	440	Crow, Venita (Boyd)	7-29-1934	F	19/32	Mother.
454	419	Crow, Wanda (Warrington)	12-14-1925	F	3/8	Mother.
455	445	Cull, Barbara (Gauthier)	6-19-1921	F	5/32	Married.
456	446	Daniels, Josephine (Johuson)	10-25-1928	F	1/4	Married.
457	447	Darr, Marna (Kenote)	9- 3-1932	F	37/64	Married
458	448	Davis, Albert	1-13-1903	M	3/8	Father a/k/a Bill.
459	455	Davis, Albert W	4-22-1932	M	3/8	Married.
460	456	Davis, Anthony	7-31-1950	M	7/16	Son.
461	451	Davis, Arlene	4-13-1942	F	21/32	Daughter.
462	452	Davis, Augustine	6-13-1945	F	21/32	Daughter.
463	449	Davis, Catherine (Shawanomitta)	3- 3-1914	F	15/16	Mother.
464	453	Davis, Elmer W	5-13-1946	M	21/32	Son.
465	458	Davis, Jerome	8- 4-1904	M	7/8	Father.
466	459	Davis, John E	4- 1-1930	M	27/64	Single.
467	460	Davis, Loretta	3-30-1936	F	7/8	Single.
468	461	Davis, Mary (Pensas)	4- 4-1906	F	7/8	Mother.
469	462	Davis, Mary (Tepiew)	5-25-1930	F	7/8	Mother.
470	454	Davis, Michael J	10- 6-1950	M	21/32	Son.
471	450	Davis, Pauline	1-29-1938	F	21/32	Single.
472	463	Deer, Ada	8- 7-1935	F	13/32	Single.
473	467	Deer, Constance E	6-10-1948	F	13/32	Daughter.
474	465	Deer, Ferial	5- 8-1940	F	13/32	Daughter.
475	464	Deer, Joseph	4-22-1908	M	13/16	Father.
476	468	Deer, Joseph, Jr	4- 8-1937	M	13/32	Son.
477	2062	Deer, Merceline (Dodge)	9- 8-1904	F	5/8	Married.
478	469	Deer, Robert	1-29-1902	M	Full	Single.
479	466	Deer, Robert Earl	7- 8-1944	M	13/32	Son.
480	470	Degodt, Edwina (LaBell)	5-25-1929	F	3/4	Married.
481	474	Delabrue, Allen R	5- 2-1950	M	7/16	Son.
482	478	Delabrue, Clyde	2-12-1947	M	27/64	Son.
483	482	Delabrue, David H	8-13-1950	M	3/8	Son.
484	471	Delabrue, Frances (Warrington)	1912	F	7/8	Mother.
485	472	Delabrue, Francis J	5-14-1946	M	7/16	Son.
486	475	Delabrue, Jennie (Kakwitch)	2-20-1909	F	27/32	Mother.
487	483	Delabrue, John	2- 2-1952	M	3/8	Son.
488	479	Delabrue, Laurine (Wolf)	8- 7-1924	F	3/4	Mother.
489	473	Delabrue, Leo C	5-18-1947	M	7/16	Son.
490	476	Delabrue, Meltin C	11-28-1940	M	27/64	Son.
491	477	Delabrue, Orland L	12-29-1943	M	27/64	Son.
492	484	Delabrue, Ronald F	10- 1-1938	M	27/64	Single.
493	485	Denny, Mary (Soman)	1912	F	3/4	Married.
494	498	Dick, Agnes (Grignou)	1- 7-1906	F	7/8	Mother.
495	486	Dick, Allen F	9- 4-1930	M	27/32	Single.
496	487	Dick, Bernard	5-30-1930	M	13/32	Father.
497	492	Dick, Debra D	1-18-1950	F	35/64	Daughter.
498	509	Dick, Donald	9- 8-1933	M	13/32	Single.
499	500	Dick, Donna J	7- 8-1942	F	27/32	Daughter.
500	489	Dick, Elmer G	11-18-1918	M	13/16	Single.
501	1862	Dick, Emeral (Pamonleutt)	8- 8-1937	F	39/64	Single.
502	506	Dick, Francis	7- 1-1940	M	13/32	Son.
503	507	Dick, Gerald	11- 2-1942	M	13/32	Son.
504	490	Dick, Grant, M	10-18-1926	M	27/32	Father.
505	494	Dick, Harold J. (deceased)	8-20-1928	M	27/32	Single.
506	495	Dick, Herman J	2-28-1934	M	27/32	Married.
507	497	Dick, James	5- 5-1901	M	13/16	Father.
508	501	Dick, John J	10-31-1928	M	13/32	Married
509	496	Dick, Joyce (Kitson)	8-30-1938	F	27/64	Married.
510	502	Dick, Kenneth	12-19-1932	M	27/32	Single
511	491	Dick, Lila (Butler)	7-16-1930	F	1/4	Mother.
512	503	Dick, Mitchell, Sr	2- 1-1870	M	5/8	Widower.
513	504	Dick, Mitchell, Jr	7-15-1903	M	13/16	Single.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
514	505	Dick, Richard	9-15-1898	M	13/16	Father.
515	508	Dick, Richard, Jr	1-16-1941	M	9/16	Son.
516	727	Dick, Rose M	12- 6-1944	F	25/64	Daughter.
517	493	Dick, Shelley	3-19-1952	F	35/64	Daughter.
518	488	Dick, Vlola (Lyons)	8-15-1935	F	27/64	Married.
519	499	Dick, Warner W	3-15-1940	M	27/32	Son.
520	511	Dickenson, Clarence	6-30-1924	M	5/8	Father.
521	514	Dickenson, Darwin J	5- 9-1940	M	9/16	Son.
522	515	Dickenson, Dennison	5-30-1942	M	9/16	Son.
523	512	Dickenson, Floyd J	1-15-1923	M	5/8	Single.
524	1196	Dickenson, Joan R	2- 9-1953	F	15/32	Daughter.
525	513	Dickenson, Josephine (Peters)	9- 3-1903	F	7/8	Mother.
526	516	Dickenson, Kenneth	1- 4-1930	M	5/8	Single.
527	1194	Dickenson, Llewellyn P	5-31-1948	M	15/32	Son.
528	1195	Dickenson, Luana L	3-23-1950	F	15/32	Daughter.
529	519	Dickenson, Marny	6-25-1951	F	1/2	Daughter.
530	517	Dickenson, Marvin	8-17-1914	M	1/4	Single.
531	518	Dickenson, Mary (LaMotte)	11-30-1922	F	3/8	Mother.
532	520	Dickenson, Meredith	2- 8-1954	M	1/2	Son.
533	521	Dickenson, Wilson R	12-16-1933	M	9/16	Single.
534	522	Dickie, Crystal (Miller)	5- 1-1914	F	3/16	Married.
535	523	Dickie, Donald	4-27-1904	M	3/16	Married.
536	524	Dickie, Dorothy	5-28-1926	F	11/32	Mother.
537	528	Dickie, Elda (Nunway)	5-31-1922	F	1/2	Mother.
538	526	Dickie, Evelyn	10-25-1931	F	11/32	Single.
539	535	Dickie, Evelyn (Tebeau)	9-15-1902	F	1/2	Married.
540	531	Dickie, Frances	2- 5-1951	F	11/32	Daughter.
541	527	Dickie, Gordon	3-20-1912	M	3/16	Father.
542	529	Dickie, Gordon, Jr	8- 3-1946	M	11/32	Son.
543	533	Dickie, Gwendolyn (Waukau)	10- 5-1932	F	11/16	Married.
544	525	Dickie, Jeanette M	10-30-1945	F	29/64	Daughter.
545	530	Dickie, Karen	11- 6-1947	F	11/32	Daughter.
546	532	Dickie, Lester J	7-27-1928	M	11/32	Married.
547	534	Dickie, Lester L	3-12-1902	M	3/16	Married.
548	536	Dickie, Louis M	12-22-1916	M	3/16	Married.
549	537	Dickie, Ruth (Chevalier) (deceased)	6-16-1912	F	3/16	Married.
550	538	Dicks, Frances (Dodge)	4-26-1931	F	51/64	Married.
551	539	Dieckriede, Evelyn (Boivin)	8-18-1927	F	1/4	Married.
552	1367	Dinsmore, Lester	3-13-1912	M	5/16	Married, a/k/a Look-around.
553	540	Dinsmore, Theresa (Connors)	1888	F	0	Widow.
554	541	Dixon, Alex (deceased)	8- 2-1885	M	5/8	Widower.
555	543	Dixon, Deborah A	9-18-1950	F	83/132	Daughter.
556		Dixon, Dolores Marie	5-18-1928	F	5/32	Daughter.
557	542	Dixon, Kenneth (deceased)	11- 8-1910	M	5/16	Married.
558	547	Dixon, Lois (Soman)	7- 5-1932	F	31/32	Mother.
559	543	Dixon, Louis J	7-16-1929	M	21/64	Single.
560	544	Dixon, Margaret	7- 8-1913	F	21/32	Married.
561	545	Dixon, Mary Ann (Gabe)	11-14-1888	F	5/8	Widow.
562	546	Dixon, Vyron	12-26-1930	M	21/64	Father.
563	546	Dixon, Vyron L., Jr	3- 1-1953	M	83/132	Son.
564	564	Dodge, Allen M	4- 2-1949	M	17/32	Son.
565	550	Dodge, Angeline (Wayka)	8-15-1906	F	Full	Mother.
566	555	Dodge, Athee A	4-10-1931	M	3/8	Single.
567	552	Dodge, Celestine	11-13-1944	F	7/8	Daughter.
568	556	Dodge, Clara	11- 3-1907	F	5/8	Single.
569	557	Dodge, Clarence F	3-20-1920	M	9/16	Single.
570	558	Dodge, Constance M	5-27-1925	F	5/8	Single.
571	565	Dodge, Donna M. (deceased)	3- 7-1951	F	17/32	Daughter.
572	562	Dodge, Donovan J	12- 7-1945	M	17/32	Son.
573	560	Dodge, Evangeline (Nunway)	3- 2-1925	F	1/2	Mother.
574	575	Dodge, Fay A	5-23-1946	F	31/64	Daughter.
575	559	Dodge, Frank	1-19-1922	M	9/16	Father.
576	561	Dodge, Franklin R	1- 3-1945	M	17/32	Son.
577	568	Dodge, Henry, Sr	9- 4-1887	M	1/2	Married.
578	570	Dodge, Henry M	9-29-1897	M	5/8	Father.
579	577	Dodge, Irving F	8-12-1921	M	11/16	Single.
580	587	Dodge, Joan (Frechette)	7-15-1934	F	11/32	Married.
581	578	Dodge, Joseph J	10- 1-1906	M	3/4	Married.
582	571	Dodge, Josephine (Duquain)	1-26-1904	F	11/32	Mother.
583	579	Dodge, Josephine (Fish)	1- -1886	F	3/4	Widow.
584	576	Dodge, Kathleen	11- 2-1947	F	31/64	Daughter
585	563	Dodge, Keith	4-22-1947	M	17/32	Son.
586	567	Dodge, Linda L	3-11-1951	F	17/32	Daughter.
587	580	Dodge, Louis	8-18-1908	M	3/4	Single.
588	581	Dodge, Madeline (Gauthier)	5- 1-1887	F	5/8	Widow.
589	569	Dodge, Mary (Moon)	7- 6-1896	F	5/8	Married.
590	582	Dodge, Melvin	1- 9-1928	M	5/8	Single.
591	583	Dodge, Mitchell A	9-19-1904	M	3/4	Married, a/k/a Al Dodge.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
592	554	Dodge, Peter M	3-21-1950	M	7/8	Son.
593	584	Dodge, Reuben	1902	M	Full	Married, a/k/a Reuben Crow.
594	572	Dodge, Richard Allen	4-28-1939	M	31/64	Single.
595		Dodge, Richard Robert	3- 6-1927	M	5/16	Married.
596	573	Dodge, Roger Roderick	11- 5-1941	M	31/64	Son.
597	566	Dodge, Ronald L	12-27-1952	M	17/32	Son.
598	574	Dodge, Sandra	11-30-1942	F	31/64	Daughter.
599	586	Dodge, Sidney	11-18-1932	M	5/8	Married.
600	553	Dodge, Victoria	5-13-1947	F	7/8	Daughter.
601	551	Dodge, William F	1-24-1941	M	7/8	Son.
602	588	Dowd, Jane (Weshonoquit)	9- -1907	F	7/8	Married.
603	589	Dowd, Mary (Pyawasit)	8- 6-1912	F	1/2	Mother.
604	590	Doxtator, Elsie (O'Connor)	10-11-1924	F	1/2	Mother.
605	591	Doxtator, Vernon F	5- 2-1945	M	1/4	Son.
606	592	Dunn, Ethel (Tourtillott)	4-20-1893	F	1/8	Married.
607	593	Duquain, Anthony	12-15-1916	M	11/32	Father, a/k/a Bill.
608	601	Duquain, Dianna J	7-30-1947	F	37/64	Daughter.
609	599	Duquain, Douglas J	1-15-1954	M	5/16	Son.
610	600	Duquain, Edmund	9-27-1919	M	17/32	Father.
611	603	Duquain, Jane (Oshkeshquoam)	7- 2-1912	F	25/32	Married.
612	598	Duquain, Jean M	9- 4-1952	F	5/16	Daughter.
613	597	Duquain, Judith L	3-13-1951	F	5/16	Daughter.
614	596	Duquain, Karen A	1- 6-1948	F	5/16	Daughter.
615	602	Duquain, Louis	2-11-1902	M	11/32	Married.
616	429	Duquain, Richard	3- 9-1940	M	17/64	Son.
617	594	Duquain, Sarah (King)	9- 8-1922	F	9/32	Mother.
618	595	Duquain, Sharon I	1- 6-1948	F	5/16	Daughter.
619	605	Duntly, Margaret Ann	2-14-1937	F	1/4	Single.
620	606	Eastman, Nettie (Tourtillott)	8-11-1888	F	1/8	Married.
621	607	Edick, Edward	3-15-1898	M	1/8	Married.
622	608	Edick, George L	10-27-1890	M	1/8	Married.
623	609	Edick, John	3-29-1903	M	1/8	Married.
624	610	Elm, Sarah (Jeffery)	6- 7-1933	F	7/16	Married.
625	611	Ermatinger, Jane (Irving)	1-19-1900	F	9/16	Mother.
626	612	Ermatinger, Marvin	11-23-1941	M	9/32	Son.
627	613	Ermatinger, Yvonne	12-28-1937	F	9/32	Daughter.
628	614	Evans, Clem D	1-30-1921	M	9/32	Single.
629	615	Evans, Mildred (Richmond) (deceased)	9-25-1897	F	9/16	Married.
630	813	Everson, Kathryn	10- 7-1944	F	21/64	Granddaughter.
631	814	Everson, Michael	1-17-1947	M	21/64	Grandson.
632	616	Factor, Winona (Heath)	10-21-1933	F	13/16	Married.
633	617	Feather, Francis J	9- 6-1935	M	23/32	Single.
634	626	Feather, Catherine A	9-21-1941	F	25/32	Daughter.
635	625	Feather, Cecelia (Moon)	7-17-1908	F	11/16	Mother.
636	618	Feather, George L	5-12-1927	M	15/16	Married.
637	622	Feather, Jerome	1881	M	Full	Widower.
638	623	Feather John	10- -1884	M	Full	Widower.
639	624	Feather, Joseph	10-24-1908	M	7/8	Father.
640	627	Feather, Margaret A	5- 9-1946	F	25/32	Daughter.
641	619	Feather, Merle (Fish) (deceased)	12- 4-1920	F	7/16	Mother.
642	628	Feather, Michael	1-19-1954	M	25/32	Son.
643	629	Fehlman, Deloris (Teller)	12- 5-1924	F	3/4	Married.
644	637	Fernando, Carolyn F	6- 2-1953	F	7/16	Daughter.
645	632	Fernandez, Delores	8-21-1941	F	7/16	Daughter.
646	635	Fernandez, Elizabeth	12- 2-1946	F	7/16	Daughter.
647	633	Fernandez, Francis	0-14-1943	M	7/16	Son.
648	630	Fernandez, Josephine (Corn)	7- 8-1916	F	7/8	Mother.
649	636	Fernandez, Mario R	2- 9-1949	M	7/16	Son.
650	634	Fernandez, Roderick A	6- 9-1944	M	7/16	Son.
651	631	Fernandez, Roger	4-21-1940	M	7/16	Son.
652	638	Fernandez, Rose M	8-17-1938	F	7/16	Single.
653	639	Field, Deloris (Besaw)	2-26-1929	F	9/32	Married.
654	641	Firgens, Candice	6- 8-1951	F	3/8	Daughter.
655	640	Firgens, Julia (Corn)	2-20-1932	F	3/4	Mother.
656	642	Firgens, Kenneth	8-20-1953	M	3/8	Son
657	643	Fischer, Martha (Krueger)	8-17-1933	F	1/16	Married.
658	652	Fish, Alecia A	7-18-1951	F	11/32	Daughter.
659	651	Fish, Aleta A	7-18-1951	F	11/32	Daughter.
660	644	Fish, Antoine	10- 1-1905	M	3/4	Married.
661	646	Fish, Clarence	7-20-1923	M	7/16	Father.
662	648	Fish, Clarence, Jr	12-15-1947	M	11/32	Son.
663	654	Fish, Elizabeth	6- -1888	F	3/4	Single.
664	653	Fish, Elvora J	7-14-1952	F	21/64	Daughter.
665	650	Fish, Geraldine R	11- 8-1949	F	11/32	Daughter.
666	661	Fish, Gwendolyn	11-25-1949	F	21/64	Daughter.
667	666	Fish, Joan (Fowler)	9-16-1933	F	3/8	Married.
668	662	Fish, Joan M	11-27-1950	F	21/64	Daughter.
669	655	Fish, John	10-12-1895	M	7/8	Father.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
670	656	Fish, Kenneth	9- 8-1940	M	7/16	Son.
671	649	Fish, Kenneth A	12- 9-1948	M	11/32	Son.
672	647	Fish, Mary (Boivin)	9- 8-1930	F	1/4	Mother.
673	645	Fish, Mary (Kakkak)	1907	F	15/16	Married.
674	657	Fish, Peter	9-29-1895	M	Full	Widower.
675	658	Fish, Raymond	9-21-1924	M	7/16	Father.
676	659	Fish, Raymond, Jr	8- 4-1947	M	21/64	Son.
677	660	Fish, Robert A	10-15-1948	M	21/64	Son.
678	653	Fish, Shelby J	11-29-1952	F	11/32	Daughter.
679	665	Fish, Vincent	1-31-1931	M	7/16	Married.
680	664	Fish, Walter D	9-30-1953	M	21/64	Son.
681		Floring, Marie (Warrington)	10-19-1926	F	3/8	Mother.
682	667	Fossum, John	3- 3-1913	M	1/2	Father.
683	668	Fossum, John G	8- 4-1937	M	1/4	Single a/k/a Gaynell.
684	676	Fowler, Albert J	3-13-1940	M	3/8	Son.
685	674	Fowler, Bernard	6- 4-1944	M	3/8	Son.
686	677	Fowler, Calvin G	2-27-1953	M	3/8	Son.
687	670	Fowler, Eugene	2-29-1936	M	3/8	Single.
688	675	Fowler, Leon C	8- 1-1946	M	3/8	Son.
689	671	Fowler, Louise (Pecore)	4- 9-1908	F	3/4	Mother.
690	678	Fowler, Sanford E	7- 4-1937	M	3/8	Son.
691	672	Fowler, Shirley A	9- 2-1939	F	3/8	Single.
692	673	Fowler, Verna	7- 1-1942	F	3/8	Daughter.
693	679	Frechette, Aloysius	8-30-1911	M	1/2	Father.
694	683	Frechette, Anthony	7- 2-1913	M	1/2	Single.
695	684	Frechette, Barbara	11- 5-1935	F	17/32	Single.
696	685	Frechette, Bernard	2-15-1915	M	1/2	Father.
697	698	Frechette, Bernard A	9- 9-1944	M	31/64	Son.
698	693	Frechette, Charles	2-17-1943	M	17/32	Son.
699	689	Frechette, Claudia (Miller)	1-13-1914	F	1/2	Wife.
700	688	Frechette, Elmer C	2- 6-1911	M	7/16	Husband.
701	690	Frechette, Eugene J	7-24-1930	M	11/32	Married.
702	691	Frechette, Francis	9- 6-1907	M	1/2	Father.
703	694	Frechette, Francis, Jr	8-14-1933	M	17/32	Single.
704	699	Frechette, James F., Jr	9-12-1930	M	31/64	Married.
705	695	Frechette, James G., Sr	8-22-1900	M	1/2	Father.
706	700	Frechette, Jean R	5- 6-1938	F	31/64	Single.
707	1078	Frechette, Jeanette (House)	1-22-1925	F	9/32	Married.
708	701	Frechette, Joseph	1-30-1903	M	1/2	Father.
709	697	Frechette, Karen L	4-29-1942	F	31/64	Daughter.
710	682	Frechette, Kathleen R	4- 1-1953	F	1/4	Daughter.
711	702	Frechette, Lawrence	10-27-1935	M	31/64	Single.
712	686	Frechette, Lyle B	3- 7-1939	M	1/4	Single.
713	696	Frechette, Marie (Wankeehon)	12-11-1901	F	15/32	Mother.
714	681	Frechette, Mary Lynn	9-17-1946	F	1/4	Daughter.
715	703	Frechette, Pershing	11-30-1935	M	1/4	Single.
716	687	Frechette, Rumilda	1-29-1940	F	1/4	Daughter.
717	680	Frechette, Richard	1- 7-1941	M	1/4	Son.
718	704	Frechette, Ronald	7-25-1934	M	31/64	Single.
719	705	Frechette, Ruth L	3-25-1932	F	17/32	Single.
720	692	Frechette, Sarah (Irving)	12-24-1908	F	9/16	Mother.
721	706	Frechette, Sylvester	10- 4-1944	M	7/16	Father.
722	707	Frechette, Vivian L	5- 1-1932	F	31/64	Single.
723	709	Fredenberg, Alice	1-31-1938	F	11/32	Single.
724	708	Fredenberg, Alice (Oshkosh)	10-25-1909	F	9/16	Mother.
725	714	Fredenberg, Cheryl Jean	7-31-1946	F	13/32	Daughter.
726	725	Fredenberg, David D	3-25-1954	M	11/32	Son.
727	716	Fredenberg, Deborah C	11- 4-1948	F	13/32	Daughter.
728	713	Fredenberg, Dell (Hoells)	3-20-1926	F	3/8	Mother.
729	724	Fredenberg, Dennis R	12- 7-1952	M	11/32	Son.
730	710	Fredenberg, Dorothy (Heath)	8- 6-1930	F	13/16	Married.
731	719	Fredenberg, Gorwin K	11-20-1953	M	13/32	Son.
732	712	Fredenberg, Henry	7- 9-1921	M	7/16	Father.
733	720	Fredenberg, Herman	8-30-1927	M	7/16	Father.
734	722	Fredenberg, Herman C	11-16-1949	M	11/32	Son.
735	730	Fredenberg, Kathleen	9-23-1950	F	15/32	Daughter.
736	723	Fredenberg, Lawrence J	9-15-1951	M	11/32	Son.
737	726	Fredenberg, Loretta (Dick)	2-22-1924	F	13/32	Mother.
738	729	Fredenberg, Mary (Matchopatow)	5-17-1924	F	13/16	Mother.
739	732	Fredenberg, Marylin Rose	9-19-1952	F	15/32	Daughter.
740	721	Fredenberg, Pauline (Wychesit)	7-30-1930	F	1/4	Mother.
741	715	Fredenberg, Ralph	10-13-1947	M	13/32	Son.
742	718	Fredenberg, Rebecca A	5-21-1951	F	13/32	Daughter.
743	717	Fredenberg, Renee L	4-20-1950	F	13/32	Daughter.
744	728	Fredenberg, Wayne H	5- 5-1917	M	1/8	Father.
745	731	Fredenberg, William H	8-26-1951	M	15/32	Son.
746	733	Fredenberg, William R	9-29-1922	M	1/8	Married.
747	711	Frederick, Henrietta J	7-19-1938	F	7/16	Single.
748	734	Fuller, Bridget (O'Connor)	11-12-1930	F	1/8	Married.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
749	735	Funk, Arline (House)	6-24-1918	F	9/32	Mother.
750	736	Gass, Ruth (Vigue)	9-12-1926	F	1/8	Married.
751	737	Gapinski, Mary (Wishecoby)	8-25-1889	F	5/8	Married.
752	738	Gates, Lorraine (Dodge)	3- 2-1935	F	51/64	Married.
753	739	Gauthier, Aloysius J	3- 6-1892	M	5/16	Widower.
754	751	Gauthier, Anthony	11-13-1942	M	47/128	Son.
755	1780	Gauthier, Carol (Oshkenaniew)	8-12-1935	F	3/8	Married.
756	740	Gauthier, Cornelius F	6-29-1894	M	5/16	Married, a/k/a Neil Gauthier.
757	3175	Gauthier, Cynthia (Winneshiek)	10-22-1934	F	3/8	Mother.
758	750	Gauthier, Donna J	4- 9-1941	F	47/128	Daughter.
759	741	Gauthier, Dorothy (Christianson)	9-20-1914	F	3/16	Married.
760	3177	Gauthier, Frank P	10- 1-1953	M	11/32	Son.
761	742	Gauthier, Gregory T	4- 2-1948	M	47/64	Son.
762	743	Gauthier, Herman J	2-13-1922	M	11/32	Father.
763	752	Gauthier, Joan M	2-15-1944	F	47/128	Daughter.
764	753	Gauthier, John P	7-14-1946	M	47/128	Son.
765	744	Gauthier, Joseph P	9- 6-1913	M	5/16	Married.
766	745	Gauthier, Joseph R	5-27-1923	M	5/32	Married, a/k/a Rollo Gauthier.
767	746	Gauthier, Lawrence J	1-17-1907	M	5/16	Single.
768	747	Gauthier, Lyond M	12-20-1923	M	47/64	Married.
769	748	Gauthier, Mary (Richards)	1-23-1922	F	7/32	Married.
770	2717	Gauthier, Patricia	4-21-1941	F	39/64	Daughter, Mother No. 2734.
771	749	Gauthier, Peter A	5- 1-1916	M	47/64	Father.
772	754	Gauthier, Raymond	8-14-1915	M	11/32	Married.
773	755	Gauthier, Roger D	7- 6-1933	M	5/8	Single.
774	975	Gauthier, Sandra	4-18-1950	F	49/64	Granddaughter, Mother No. 1946.
775	3176	Gauthier, Spencer	3- 9-1952	M	11/32	Son.
776	756	Gauthier, Sylvester	1- 4-1919	M	47/64	Father.
777	2718	Gauthier, Terrance	1-27-1947	M	39/64	Son.
778	757	Gauthier, Theodore J	7- 8-1934	M	5/16	Married.
779	758	Gauthier, Victor	7-21-1918	M	5/16	Married.
780	759	Gemeyosh, Harvey	3-18-1935	M	13/16	Single, a/k/a Harvey Beaver.
781	763	Gomeyosh, Mitchell	7-17-1911	M	Full	Married.
782	760	Gomeyosh, James	1878	M	Full	Married, a/k/a Jim Beaver.
783	762	Gomeyosh, Joe M	7-27-1933	M	13/16	Single, a/k/a Joe Beaver.
784	761	Gomeyosh, Julia (Corn)	1893	F	Full	Married.
785	765	Gonzales, Loretta (Soman)	1-25-1934	F	25/32	Married.
786	766	Goodwill, Carmen O	1-30-1933	F	3/32	Single.
787	767	Goodwill, Ernie (Brisk)	5-16-1902	F	3/16	Mother
788	768	Goodyear, Tom	6- 6-1896	M	5/8	Single.
789	769	Grant, Lillian (House)	9-22-1922	F	9/32	Married.
790	770	Green, Roxie (White)	5-12-1920	F	29/32	Married.
791	778	Grignon, Adell (Penass)	1-10-1912	F	11/16	Married.
792	795	Grignon, Alice M	6-13-1943	F	7/16	Daughter.
793	771	Grignon, Alvin B	11-13-1914	M	7/16	Married, a/k/a Chubby Grignon.
794	805	Grignon, Allen G	3-23-1953	M	5/16	Son.
795	803	Grignon, Annette M	7-28-1950	F	5/16	Daughter.
796	820	Grignon, Blanche (McPherson)	7-28-1913	F	7/16	Mother.
797	772	Grignon, Carol J	2-15-1935	F	9/32	Mother.
798	774	Grignon, Cecil J	4- 4-1933	M	13/16	Single.
799	773	Grignon, Charles M	4- 8-1954	M	5/16	Son.
800	785	Grignon, Dana J	12-20-1946	M	9/32	Son.
801	811	Grignon, David J	6-19-1951	M	13/16	Son.
802	341	Grignon, David L	2- 2-1945	M	15/32	Son.
803	810	Grignon, Dennis R	11-24-1945	M	13/16	Son.
804	775	Grignon, Edwin	1-29-1888	M	3/4	Single.
805	776	Grignon, Elaine	4- 9-1924	F	5/16	Single.
806	800	Grignon, Emmerine (Chevalier)	6- 5-1919	F	3/16	Mother.
807	777	Grignon, Francis J	1-26-1910	M	5/8	Married.
808	779	Grignon, Guy G	11-13-1937	M	9/32	Single.
809	794	Grignon, Inez C	12-23-1941	F	7/16	Daughter.
810	783	Grignon, Jerilyn R	11-13-1941	F	9/32	Daughter.
811	780	Grignon, Jerome A	1- 9-1911	M	7/16	Father.
812	787	Grignon, John	11-16-1884	M	3/4	Widower.
813	788	Grignon, Joseph	10-26-1913	M	31/64	Father, a/k/a Joseph Dupuain.
814	797	Grignon, Joseph L	7- 5-1916	M	7/16	Son.
815	809	Grignon, Josephine (Nahqahquaw)	7-17-1912	F	Full	Mother.
816	789	Grignon, Joseph (Petetah)	2- 9-1885	F	Full	Widow.
817	823	Grignon, Judith A	8-24-1948	F	21/32	Daughter.
818	791	Grignon, Mary L	4-25-1938	F	13/16	Single.
819	792	Grignon, Michael	4-18-1904	M	7/8	Father.
820	786	Grignon, Michele Christi	4- 5-1948	F	9/32	Daughter.
821	798	Grignon, Myrna R	7-17-1935	F	13/16	Single.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
822	799	Grignon, Myron	1-10-1918	M	7/16	Father.
823	802	Grignon, Myron, Jr	11-27-1947	M	5/16	Son.
824	817	Grignon, Nichola M	11- 2-1943	F	21/64	Daughter.
825	793	Grignon, Patrick L	3-17-1940	M	7/16	Son.
826	825	Grignon, Paula M	6-12-1953	F	21/32	Daughter.
827	807	Grignon, Raymond A	7-30-1907	M	5/8	Father.
828	806	Grignon, Raymond, Jr	3-15-1937	M	13/16	Single.
829	801	Grignon, Renee	11-27-1946	F	5/16	Daughter.
830	796	Grignon, Richard W	7-22-1945	M	7/16	Son.
831	809	Grignon, Robert Joseph	5-10-1940	M	13/16	Son.
832	821	Grignon, Robert Donald	1-18-1939	M	21/32	Single.
833	784	Grignon, Robert J	1- 1-1946	M	9/32	Son.
834	812	Grignon, Robert S	3-26-1881	M	1/2	Married.
835	824	Grignon, Roxy L	9-23-1950	F	21/32	Daughter.
836	782	Grignon, Sharon E	2- 6-1939	F	9/32	Single.
837	816	Grignon, Stephen A	2-21-1942	M	21/64	Son.
838	781	Grignon, Sunday (Tourtillott)	5-26-1912	F	1/8	Mother.
839	815	Grignon, Thomas A	12-17-1917	M	21/32	Father.
840	2536	Grignon, Thomas R	10- 4-1946	M	61/128	Son.
841	804	Grignon, Warren J	2-24-1952	M	5/16	Son.
842	818	Grignon, Wilfred A	5-15-1931	M	13/16	Single.
843	819	Grignon, William	2-25-1908	M	7/8	Father.
844	822	Grignon, William	8-23-1940	M	21/32	Son.
845	826	Grignon, William F	2- 9-1938	M	7/16	Single.
846	828	Gristoe, Duane J	9-11-1939	M	9/32	Single.
847	827	Gristoe, Joseph	7-10-1894	M	1/2	Married.
848	830	Haack, Anita M	4-20-1949	F	11/32	Daughter.
849	832	Haack, Carol J	7-22-1951	F	11/32	Daughter.
850	829	Haack, Evelyn (Gauthier)	10- 4-1928	F	11/16	Married.
851	831	Haack, Frederick J	4-19-1950	M	11/32	Son.
852	834	Hageman, Jean Pauline	4-21-1954	F	3/8	Daughter.
853	833	Hageman, June Celeste	6-26-1951	F	43/64	Adopted daughter.
854	835	Hagen, Mary (Kaquatosh)	10- 1-1902	F	1/2	Married.
855	836	Hahn, Helen (Kitson)	6-26-1927	F	13/16	Married.
856	----	Hansen, Dorothy (Long)	10- 3-1921	F	7/16	Married.
857	837	Hart, James C	4-12-1916	M	1/16	Single.
858	838	Harte, Joan (Kesnema)	3-28-1924	F	3/8	Married.
859	1422	Hartman, Lois (McPherson)	4-20-1936	F	3/8	Married.
860	855	Hawpetoss, Bernard	12-19-1946	M	1/4	Son.
861	847	Hawpetoss, Catherine (Wyehesit)	7- 7-1911	F	1/4	Mother.
862	839	Hawpetoss, Eugene C	7-13-1935	M	3/8	Single.
863	840	Hawpetoss, Frances (Matchopatow)	1-12-1929	F	13/16	Married.
864	841	Hawpetoss, Gerald F	10-31-1952	M	13/32	Son.
865	850	Hawpetoss, Henry A	5-11-1944	M	3/8	Son.
866	842	Hawpetoss, John	4- 9-1938	M	1/4	Single.
867	843	Hawpetoss, John T	10-22-1931	M	3/8	Single.
868	844	Hawpetoss, Joseph	12-28-1936	M	1/4	Single.
869	845	Hawpetoss, Louise J	7- 5-1937	F	3/8	Single.
870	849	Hawpetoss, Mary B	3-18-1942	F	3/8	Daughter.
871	846	Hawpetoss, Mayahwaksie	11-21-1899	M	1/2	Father, a/k/a Duffy Hawpetoss.
872	848	Hawpetoss, Mose J	2- 5-1940	M	3/8	Son.
873	852	Hawpetoss, Neil	12-19-1946	M	3/8	Son.
874	851	Hawpetoss, Nell	12-19-1946	F	3/8	Daughter.
875	853	Hawpetoss, Paul	6- -1893	M	1/2	Father.
876	856	Hawpetoss, Peter J	7-27-1934	M	1/4	Single.
877	854	Hawpetoss, Robert	4- 4-1940	M	1/4	Son.
878	857	Hayes, Michael R	1-19-1950	M	39/64	Adopted son.
879	859	Heath, Agnes (Warrington)	5-11-1921	F	7/8	Mother.
880	858	Heath, Allen M	11- 8-1911	M	11/16	Father.
881	863	Heath, Janice M	2- 8-1944	F	25/32	Daughter.
882	861	Heath, Janet	2-23-1941	F	25/32	Daughter.
883	864	Heath, Joyce C	4-22-1945	F	25/32	Daughter.
884	867	Heath, Margaret	2-12-1952	F	25/32	Daughter.
885	862	Heath, Marvin J	5-24-1942	M	25/32	Son.
886	868	Heath, Mary (Moshoquit)	5- 8-1916	F	5/8	Married.
887	865	Heath, Marylin	4- 8-1947	F	25/32	Daughter.
888	870	Heath, Peter	7-10-1895	M	3/4	Married.
889	869	Heath, Robert A	3-27-1940	M	25/32	Son.
890	871	Heath, Russell	11-12-1908	M	11/16	Married.
891	866	Heath, Russell F	7-13-1948	M	25/32	Son.
892	872	Heise, Joyce (Wescott)	3-13-1939	F	3/8	Married.
893	873	Heise, Rosella (Wescott)	12-20-1933	F	3/8	Married.
894	874	Henderliter, Catherine (Tomow)	4- 2-1933	F	47/64	Married.
895	875	Hendrick, Lorraine (O'Connor)	9-12-1930	F	1/2	Married.
896	876	Henry, Jane (Redcloud)	1895	F	7/8	Married.
897	877	Higginbotham, Josephine (Tourtillott)	4- 6-1904	F	1/16	Married.
898	878	High, Alice (Peters)	3-31-1903	F	5/8	Mother.
899	879	High, Vernel L	6- 4-1945	M	5/16	Son.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
900	880	Hill, Kathleen Doxtator	11- 5-1946	F	1/4	Adopted daughter.
901	881	Hill, Margaret (Wesho)	7-17-1921	F	3/4	Married.
902	882	Hillyer, Madeline (Wescott)	7-30-1922	F	1/4	Mother.
903	880	Hochstetter, Minnie (Tucker)	1888	F	3/8	Married.
904	887	Hoefs, Jane (Tucker)	12-28 1895	F	3/4	Widow.
905	888	Hoffman, Maxine (Warrington)	8-12-1929	F	3/8	Married.
906	889	Hog, Margaret	1895	F	1/2	Single.
907	895	Hook, Clara (Fredenberg)	8- 4-1923	F	7/16	Married.
908	896	Horton, Isabelle (Sackatook)	5- 9-1924	F	25/32	Married.
909	897	House, Elma (Nunway)	11-30-1919	F	1/2	Mother.
910	901	House, Geraldine	4- 3-1927	F	9/32	Single.
911	907	House, Gloria (Kitson)	12- 2-1934	F	27/64	Mother.
912	900	House, Lydia	2-11-1952	F	1/4	Daughter
913	1145	House, Mildred (Kinney)	3-19-1924	F	4/4	Mother.
914	904	House, Natalie	5-14-1939	F	9/32	Single.
915	1147	House, Preston	10-18-1948	M	41/64	Son.
916	902	House, Reginald	7- 1-1935	M	9/32	Single.
917	903	House, Rhoda (Oshkosh)	8-14-1895	F	9/16	Mother.
918	905	House, Ridhenda G	4-25-1929	F	9/32	Single.
919	906	House, Roger L	8-30-1931	M	9/32	Single.
920	1149	House, Warren J	6-28-1953	M	41/64	Son.
921	909	House, Weston R., Sr	9-16-1921	M	9/32	Married.
922	1148	House, Weston R., Jr	8- 6-1951	M	41/64	Son.
923	910	Housey, Virginia (Tebeau)	4- 4-1909	F	1/2	Married.
924	911	Housey, Wayne A	8-26-1946	M	35/64	Adopted son.
925	----	Hurt, Madeline (Marcelles)	11- 9-1936	F	1/2	Married.
926	912	Hull, Jeanette (Hull)	11-21-1924	F	1/8	Married.
927	913	Irving, Donna	12- 3-1935	F	3/8	Single.
928	914	Irving, George	10-27-1913	M	9/16	Single.
929	917	Irving, Juanita (Waukau)	5-18-1917	F	7/16	Mother.
930	915	Irving, Wendell F	3-10-1936	M	15/32	Single.
931	916	Irving, William L	12-25-1909	M	9/16	Father.
932	928	Jacobs, Ardelle M	1-22-1950	F	19/64	Daughter.
933	918	Jacobs, Augustine (Duquain)	6- 7-1915	F	11/32	Married.
934	919	Jacobs, Carol I	4- 9-1938	F	21/64	Single.
935	920	Jacobs, Clifton	2-25-1932	M	19/32	Married.
936	924	Jacobs, Darlene R	3-30-1952	F	19/64	Daughter.
937	922	Jacobs, Henry E	5-15-1930	M	19/32	Father.
938	927	Jacobs, Irving (deceased)	11-13-1936	M	21/64	Deceased.
939	928	Jacobs, Isaac N	8-22-1912	M	5/16	Father.
940	926	Jacobs, Henry	10-31-1907	M	5/16	Married.
941	925	Jacobs, Jeanette	6-14-1953	F	19/64	Daughter.
942	930	Jacobs, Patricia	5- 9-1940	F	21/64	Daughter.
943	921	Jacobs, Ramona (Lyons)	11-14-1933	F	75/128	Married.
944	929	Jacobs, Theresa Wilber)	6-13-1928	F	13/32	Mother.
945	931	Jacobson, Jesse	9-21-1924	M	1/4	Single.
946	947	James, Anthony W	5-20-1952	M	29/64	Son.
947	935	James, Bessie (Komanekin)	8-22-1924	F	15/32	Mother.
948	938	James, Dalton S	1-15-1951	M	25/64	Son.
949	948	James, Deanna M	5-12-1953	F	29/64	Daughter.
950	932	James, Dennison, Jr	3-24-1937	M	29/64	Single.
951	933	James, Elizabeth (Martin)	3-22-1885	F	5/8	Married.
952	944	James, Gordon A	7-28-1946	M	29/64	Son.
953	942	James, Karen J	7-11-1942	F	29/64	Daughter.
954	934	James, Martin	5- 2-1921	M	5/16	Father.
955	941	James, Marvin L	10-20-1940	M	29/64	Son.
956	939	James, Mary (Askenette)	10- 8-1918	F	29/32	Mother.
957	943	James, Melvin	8-15-1944	M	29/64	Son.
958	946	James, Richard A	5-25-1951	M	29/64	Son.
959	945	James, Robert S	1- 5-1940	M	29/64	Son.
960	936	James, Vaughn F	10- 1-1947	M	25/64	Son.
961	940	James, Violet	2-21-1939	F	29/64	Single.
962	937	James, Wilhelmina R	8-24-1949	F	25/64	Daughter.
963	951	Jeffery, Carlodia	9-15-1940	F	7/16	Daughter.
964	949	Jeffery, Carol	4-15-1937	F	7/16	Single.
965	2721	Jeffery, Emaline (Lyons)	1- 3-1914	F	1/2	Mother.
966	950	Jeffery, Theresa (Whitney)	3- 5-1904	F	7/8	Mother.
967	952	Jeffery, Theresa M	9-26-1942	F	7/16	Daughter.
968	953	Jeykel, Mary Jane (Warrington)	1-12-1897	F	3/8	Married.
969	955	Johnson, Alice (Miller)	9- 6-1912	F	3/16	Mother.
970	954	Johnson, Augustus	9-22-1909	M	3/8	
971	960	Johnson, Donald J	10-24-1935	M	1/2	
972	961	Johnson, Eliza M	5-25-1934	F	1/2	
973	956	Johnson, Esther E	2- 6-1944	F	9/32	
974	962	Johnson, Eugenia (Kaquatosh)	4-25-1932	F	1/4	
975	963	Johnson, Eva (Peters)	2-27-1905	F	5/8	
976	957	Johnson, Frederick	4-27-1945	M	9/32	
977	958	Johnson, Jack James	7-27-1948	M	9/32	
978	964	Johnson, James	12-19-1903	M	3/8	

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
979	967	Johnson, Jennie (Kaquatosh)	3- 2-1907	F	1/2	
980	959	Johnson, Jill Joan	7-27-1948	F	9/32	
981	969	Johnson, Kenneth, Jr	9- 2-1946	M	1/4	
982	968	Johnson, Kenneth J	7-25-1924	M	1/2	
983	970	Johnson, Maureen J	5-12-1937	F	1/2	
984	971	Johnson, Nelson J	2-21-1931	M	1/2	
985	972	Johnson, Pauline (Lyons)	8-21-1910	F	1/2	
986	973	Johnson, Robert J	2- 6-1935	M	9/32	
987	966	Johnson, Rosalind M	5-21-1940	F	1/2	
988	974	Jonapaw, Ramona	3-15-1940	F	27/64	
989	976	Jones, Monica (Waukau)	7-13-1934	F	7/16	
990	977	Jordan, Betty (Corn)	8-22-1938	F	7/16	
991	978	Julius, Magdalene (Soman)	4-16-1904	F	15/16	
992	979	Julius, William	7-22-1940	M	15/32	
993	988	Kakkak, Burnell R	4- 7-1954	F	51/64	Daughter.
994	982	Kakkak, Cecelia (Loudbear)	1- 3-1914	F	1/2	Mother.
995	986	Kakkak, Edith (Teller)	9-21-1928	F	3/4	Mother, a/k/a Edith Fish.
996	980	Kakkak, Frank M	10-25-1913	M	3/8	Single.
997	981	Kakkak, Harry	5- 5-1906	M	0	Father.
998	984	Kakkak, Harry, Jr	2- 5-1945	M	1/4	Son.
999	985	Kakkak, James C	5- 2-1928	M	27/32	Father, a/k/a James Fish.
1000	987	Kakkak, Joylen M	10-23-1951	F	51/64	Daughter,a/k/a Joylen Fish.
1001	993	Kakkak, Mary Jane (Kinepoway)	7- 1-1918	F	29/32	Mother, a/k/a Myrtle.
1002	989	Kakkak, Melvin J	2- 6-1935	M	1/4	Single.
1003	990	Kakkak, Roger L	7-30-1938	M	41/64	Single.
1004	991	Kakkak, Sarah	4- 2-1938	F	1/4	Single.
1005	983	Kakkak, Sharon	11-28-1939	F	1/4	Single.
1006	992	Kakkak, Sylvester	10-16-1911	M	3/8	Father.
1007	2322	Kakkak, Vernon F	7- 1-1943	M	1/4	Son.
1008	996	Kakwitch, Edith (Oshkenaniew)	7- 8-1929	F	3/8	Mother, a/k/a Edith Worden.
1009	994	Kakwitch, Elizabeth (Lawe)	8- 8-1892	F	5/16	Widow, a/k/a E. Worden.
1010	995	Kakwitch, Elmer	2- 1-1925	M	27/32	Father, a/k/a E. Worden.
1011	997	Kakwitch, Evanell M	3-17-1947	F	39/64	Daughter, a/k/a E. Worden.
1012	1002	Kakwitch, LaVerne M	6-11-1954	F	39/64	Daughter, a/k/a L. Worden.
1013	1003	Kakwitch, Louis	6- 4-1890	M	11/16	Husband, a/k/a L. Worden.
1014	1004	Kakwitch, Margaret (Sackatook)	6-18-1889	F	7/8	Wife, a/k/a M. Worden
1015	1000	Kakwitch, Ricki Jo	4- 3-1950	F	39/64	Daughter; a/k/a R. Worden.
1016	1001	Kakwitch, Robert D	7- 7-1951	M	39/64	Son, a/k/a R. Worden.
1017	999	Kakwitch, Sandra L	4-29-1949	F	39/64	Daughter; a/k/a S. Worden.
1018	1005	Kakwitch, Seymour (deceased)	6-15-1892	M	11/16	Deceased, a/k/a Simon Worden.
1019	998	Kakwitch, Tonia A	5-26-1948	F	39/64	Daughter, a/k/a T. Worden.
1020	1006	Kakwitch, Warren E	10- 6-1934	M	25/64	Single, a/k/a W. Worden.
1021	1008	Kapishkowit, Bernice	3- 3-1942	F	1/2	Daughter.
1022	1007	Kapishkowit, Kechemow	7- 4-1901	M	4/4	Father, a/k/a George K.
1023	1009	Kapishkowit, Nelda Mary	12-26-1943	F	1/2	Daughter.
1024	1010	Kapishkowit, Raymond J	8-18-1945	M	1/2	Son.
1025	1029	Kaquatosh, Adeline (Starr)	10-26-1909	F	3/4	Mother.
1026	1011	Kaquatosh, Alfred	5-28-1932	M	43/64	Husband.
1027	1059	Kaquatosh, Allen R	3- 2-1951	M	31/32	Son.
1028	1045	Kaquatosh, Barbara Jane	12- 4-1946	F	43/64	Daughter.
1029	1050	Kaquatosh, Barbara Jean	1-28-1946	F	55/64	Daughter.
1030	1043	Kaquatosh, Bernard J	8- 9-1942	M	43/64	Son.
1031	1014	Kaquatosh, Carl J	9-10-1934	M	5/8	Father.
1032	1017	Kaquatosh, Carl J., Jr	4-11-1954	M	29/64	Son.
1033	1021	Kaquatosh, Carmen	5-30-1954	F	3/8	Daughter, a/k/a C. Wesho.
1034	1016	Kaquatosh, Carol A	5-26-1953	F	29/64	Daughter.
1035	1018	Kaquatosh, Charles F	4-10-1919	M	15/32	Father.
1036	1019	Kaquatosh, Charles F., Jr	12-19-1942	M	39/64	Son.
1037	1044	Kaquatosh, Clara L	10-22-1944	F	43/64	Daughter.
1038	1022	Kaquatosh, Clifford J	7- 8-1935	M	43/64	Single.
1039	1015	Kaquatosh, Crystal (Johnson)	2- 2-1934	F	9/32	Mother.
1040	1034	Kaquatosh, Donald A	1-24-1943	M	51/64	Son.
1041	1038	Kaquatosh, Donna M	3- 3-1950	F	51/64	Daughter.
1042	1058	Kaquatosh, Edward J	7-14-1949	M	61/64	Son.
1043	1032	Kaquatosh, Elmira (Moon)	9-15-1920	F	3/4	Mother.
1044	1060	Kaquatosh, Elizabeth Rose	6-15-1952	F	51/64	Daughter.
1045	1036	Kaquatosh, Elizabeth Barbara	12-17-1946	F	51/64	Daughter.
1046	1023	Kaquatosh, Elizabeth (Pecore)	10-30-1903	F	3/4	Mother.
1047	1057	Kaquatosh, Emmett	7- 6-1946	M	15/32	Son.
1048	1065	Kaquatosh, Evelyn (Teller)	2-23-1920	F	3/4	Mother.
1049	1026	Kaquatosh, Eugene	12- 6-1937	M	43/64	Single.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1050	1052	Kaquatosh, Francis James	7- 3-1951	M	55/64	Son.
1051	1027	Kaquatosh, Francis Moses	8-28-1920	M	31/32	Single.
1052	1028	Kaquatosh, George M	10-30-1897	M	1/2	Father.
1053	1030	Kaquatosh, George O	9-21-1939	M	5/8	Single.
1054	1037	Kaquatosh, Gerald T	1- 9-1948	M	51/64	Son.
1055	1012	Kaquatosh, Helen (Blumerich)	8-22-1931	F	1/2	Wife.
1056	1035	Kaquatosh, James R	5-29-1944	M	51/64	Son.
1057	1072	Kaquatosh, John	10- 5-1952	M	3/8	Son.
1058	1031	Kaquatosh, John Mose	11-19-1918	M	27/32	Father.
1059	1040	Kaquatosh, John T	10-12-1914	M	15/32	Husband.
1060	1046	Kaquatosh, Joseph P	6- 1-1918	M	31/32	Father.
1061	1053	Kaquatosh, Joseph S	5-17-1909	M	1/2	Widower.
1062	1033	Kaquatosh, Leslie A	3-23-1941	M	51/64	Son.
1063	1051	Kaquatosh, Louis M	7- 4-1948	M	55/64	Son.
1064	1049	Kaquatosh, Margaret Ann	7-29-1943	F	55/64	Daughter.
1065	1078	Kaquatosh, Marsha	3- 2-1942	F	5/8	Daughter.
1066	2021	Kaquatosh, Marvin A	7-22-1938	M	3/4	Single.
1067	1025	Kaquatosh, Mary (Waupekenay)	6-11-1920	F	15/16	Mother.
1068	1039	Kaquatosh, Melvin M	2- 3-1952	M	51/64	Son.
1069	1055	Kaquatosh, Mitchell, Jr	4-14-1923	M	31/32	Father.
1070	1054	Kaquatosh, Mitchell	4- -1891	M	4/4	Husband.
1071	1041	Kaquatosh, Mildred (Fossum)	9-28-1910	F	1/2	Mother.
1072	1047	Kaquatosh, Pearl (Pamanet)	8-16-1924	F	3/4	Mother.
1073	1063	Kaquatosh, Raymond C	7-25-1924	M	15/32	Husband.
1074	1064	Kaquatosh, Raymond J	3- 2-1930	M	5/8	Husband.
1075	1074	Kaquatosh, Rachel (Gristoe)	11- 4-1911	F	1/2	Mother.
1076	1061	Kaquatosh, Richard N	12-25-1953	M	61/64	Son.
1077	1071	Kaquatosh, Rose M	2- 4-1935	F	3/4	Mother.
1078	1048	Kaquatosh, Rose M	10-16-1941	F	55/64	Daughter.
1079	1024	Kaquatosh, Rose Marie	5- 9-1944	F	9/32	Daughter.
1080	1020	Kaquatosh, Shirley A	1- 4-1950	F	3/8	Daughter.
1081	1073	Kaquatosh, Sylvester R. (deceased)	10-31-1910	M	3/4	Deceased a/k/a Dick K.
1082	1076	Kaquatosh, Warren	2- 6-1948	M	37/64	Son.
1083	1077	Kelleher, Marilyn (Waukechon)	7-29-1931	F	3/16	Wife, a/k/a M. (Johnson) Kelleher.
1084	1079	Kelley, Delores E. (Waupoose)	7- 7-1929	F	27/32	Mother, a/k/a Edith W. Kelley.
1085	1080	Kenote, David E	4-27-1918	M	1/2	Father.
1086	1088	Kenote, Emmarine (Richmond)	9- 3-1930	F	5/8	Wife.
1087	1083	Kenote, Frances (Grignon)	9-28-1913	F	21/32	Mother.
1088	1082	Kenote, George W	2-22-1911	M	1/2	Father.
1089	1085	Kenote, Glenwood	1- 3-1916	M	1/2	Husband.
1090	1087	Kenote, James	3-17-1921	M	7/8	Husband.
1091	1086	Kenote, Julia Lynn	3-25-1944	F	1/4	
1092	1089	Kenote, Leah	7- 4-1934	F	37/64	
1093	1084	Kenote, Mark A	3-24-1942	M	37/64	
1094	1090	Kenote, Marshall G	10-31-1937	M	37/64	
1095	1081	Kenote, Ronald D	6-28-1943	M	1/4	
1096	1095	Keshena, Anthony W	3-27-1949	M	25/64	
1097	1098	Keshena, Deloris J. (O'Connor)	12-31-1928	F	23/64	
1098	1091	Keshena, Francis X	12-30-1922	M	3/8	
1099	1094	Keshena, Frank J	2-28-1948	M	25/64	
1100	1096	Keshena, Gary A	11- 3-1953	M	25/64	
1101	1101	Keshena, Gay	10- 9-1952	F	47/128	
1102	1097	Keshena, Gordon F	9-10-1926	M	3/8	
1103	1093	Keshena, Guy F	7- 4-1942	M	25/64	
1104	1102	Keshena, Lee David	11- 1-1953	M	47/128	
1105	1099	Keshena, Margaret	4-20-1948	F	47/128	
1106	1092	Keshena, Marlene (Skenandore)	3-11-1933	F	7/32	
1107	1103	Keshena, Mitchell	1- 6-1895	M	3/4	
1108	1100	Keshena, Scott G	6- 2-1951	M	47/128	
1109	1104	Keshena, Virginia (Kakwitch)	8- 8-1917	F	1/2	
1110	1105	Keshena, Yvonne (Irving) (deceased)	4- 2-1924	F	13/32	
1111	1107	Kessen, Claudette (Lawe)	4-29-1930	F	1/4	
1112	1110	Kessen, Duane R	11-14-1951	M	1/4	
1113	1109	Kessen, Jerry Lee	5- 5-1950	M	11/32	
1114	1108	Kessen, Joseph G	5-14-1948	M	11/32	
1115	1106	Kessen, Lee R	9-28-1930	M	1/4	
1116	1111	Kessen, Norbert J	7-19-1934	M	1/4	
1117	1112	Kessen, Rosemary	6-29-1936	F	1/4	
1118	1119	Kessen, Virginia (Wauhanascum)	7-15-1911	F	1/2	
1119	1114	Kessen, William J	2-15-1939	M	1/4	
1120	1150	Klar, Victoria (Jacobs)	8-29-1935	F	21/64	
1121	1115	Kimball, Evelyn (Beauprey)	5- 4-1924	F	7/16	
1122	457	Kimmel, Elizabeth (Davis)	9-22-1938	F	7/8	
1123	1116	Kinepoway, Andrew	9-22-1877	M	7/8	
1124	1119	Kinepoway, Charlotte (Martin)	4- 4-1934	F	17/64	
1125	1117	Kinepoway, Elizabeth V	1-28-1911	F	29/32	

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1126	1118	Kinepoway, Jerome D	4-30-1933	M	19/32	
1127	1120	Kinepoway, Theresa (Komanekin)	7- 4-1897	F	15/16	
1128	1121	King, Austin A	4-28-1920	M	9/32	
1129	1132	King, Bennett, Jr	8-22-1926	M	9/32	
1130	2920	King, Christine (Waupoose)	8-12-1929	F	25/32	
1131	1124	King, Gerald J	12-19-1948	M	11/16	
1132	1122	King, Hazel (Kitson)	12-19-1912	F	13/32	
1133	1133	King, James	7- 1-1903	M	4/4	
1134	1134	King, James R	5-30-1924	M	9/32	
1135	2924	King, Kathleen S	12- 6-1953	F	51/64	
1136	1135	King, Margaret (Tomow)	2-17-1931	F	47/64	
1137	1136	King, Marie	1- 3-1923	F	13/16	
1138	2922	King, Michael T	12-21-1950	M	51/64	
1139	1126	King, Olivia (Nacotee)	4- 2-1906	F	15/16	
1140	1123	King, Pamela R	12- 3-1947	F	11/16	
1141	2921	King, Raymond R., Jr	2-21-1940	M	51/64	
1142	1131	King, Reginald	2-17-1942	M	9/32	
1143	1125	King, Robert W	9- 9-1952	M	11/16	
1144	1130	King, Roland	2-17-1942	M	9/32	
1145	2923	King, Rose Mary	8-20-1952	F	51/64	
1146	1137	King, Reuben	7- 7-1936	M	9/32	
1147	1138	Kinney, Gust L	12-28-1918	M	4/4	
1148	1141	Kinney, Lee Ann	1- 5-1949	F	53/64	
1149	1142	Kinney, Louis A	5-22-1877	M	4/4	
1150	1143	Kinney, Mary (Assiscult) (deceased)	1874	F	4/4	
1151	1144	Kinney, May Cecelia	6-16-1929	F	4/4	
1152	1140	Kinney, Melva L	5-28-1941	F	3/4	
1153	1145	Kinney, Patricia A	3-16-1949	F	1/2	
1154	1139	Kinney, Victoria (Grignon)	3-24-1918	F	21/32	
1155	1151	Kitchenakaw, Aliene	5-31-1926	F	15/16	
1156	1154	Kitchenakaw, Barbara A	12-11-1945	F	11/32	
1157	1156	Kitchenakaw, Beverly A	5-23-1949	F	11/32	Daughter.
1158	1167	Kitchenakaw, Carol E	12-26-1950	F	55/64	Daughter.
1159	1128	Kitchenakaw, Darlene T	10- 3-1945	F	29/32	Daughter.
1160	1159	Kitchenakaw, Denise D	8-11-1952	F	11/32	Daughter.
1161	1129	Kitchenakaw, Donna	10- 3-1945	F	29/32	Daughter.
1162	1162	Kitchenakaw, Elizabeth (Moon)	4-20-1927	F	23/32	Mother, a/k/a Nancy K.
1163	1152	Kitchenakaw, Elmer P	2-22-1921	M	7/16	Father.
1164	1153	Kitchenakaw, Jeanne E	1- 2-1945	F	11/32	Daughter.
1165	1168	Kitchenakaw, Jennie L	12-19-1952	F	55/64	Daughter.
1166	1163	Kitchenakaw, Julia M	4-30-1944	F	55/64	Daughter.
1167	1161	Kitchenakaw, Louis A	4-23-1912	M	4/4	Father.
1168	1164	Kitchenakaw, Louis A., Jr	4-17-1945	M	55/64	Son.
1169	1160	Kitchenakaw, Louise	1-17-1921	F	15/16	Single.
1170	1166	Kitchenakaw, Norman A	1- 3-1950	M	55/64	Son.
1171	1155	Kitchenakaw, Patricia	5-25-1947	F	11/32	Daughter.
1172	1127	Kitchenakaw, Reynold	3-11-1940	M	15/32	Son (mother No. 1138).
1173	1160	Kitchenakaw, Rhonda S	7-10-1953	F	11/32	Daughter.
1174	1157	Kitchenakaw, Roxanne M	10-10-1950	F	11/32	Daughter.
1175	1165	Kitchenakaw, Theresa	6- 4-1948	F	55/64	Daughter.
1176	1158	Kitchenakaw, Yvonne D	9-10-1951	F	11/32	Daughter.
1177	1170	Kitchekume, Louise (Tomow)	2-12-1914	F	7/8	Wife.
1178	1184	Kitson, Arline (Waupoose)	5-24-1928	F	53/64	Mother.
1179	908	Kitson, Carmen R	9-25-1951	F	27/64	Daughter (mother, No. 911).
1180	1171	Kitson, Francis A	8-29-1937	M	27/64	Husband.
1181	1172	Kitson, John F	4- 9-1938	M	11/32	Single.
1182	1173	Kitson, Lillie (Lyons)	2-21-1916	F	1/2	Widow.
1183	1180	Kitson, Mary (Menore)	3-28-1915	F	7/16	Mother.
1184	1185	Kitson, Neil V	12- 5-1950	M	79/128	Son.
1185	1174	Kitson, Reynold	4-26-1923	M	13/32	Single.
1186	1175	Kitson, Robert H	1-20-1915	M	13/32	Father.
1187	1181	Kitson, Roger J	7- 1-1941	M	27/64	Son.
1188	1176	Kitson, Ronald R	6-11 1939	M	15/32	Single.
1189	1177	Kitson, Russell A	12-15-1919	M	13/32	Married.
1190	1179	Kitson, Thomas R	8-16-1911	M	13/32	
1191	1182	Kitson, Thomas Jr	4-19-1936	M	27/64	
1192	1183	Kitson, Verlin	1-15-1928	M	11/32	
1193	1186	Kitson, Verlin R., Jr	12- 9-1952	M	79/128	
1194	1187	Kittecon, Ernestine (Moon)	5- 8-1925	F	3/4	
1195	1189	Kittecon, Helen M	8-19-1942	F	3/8	
1196	1188	Kittecon, Mitchell P	4-13-1941	M	3/8	
1197	1191	Kittecon, Mose	8-10-1882	M	1/2	
1198	1190	Kittecon, Robert M	12-20-1944	M	3/8	
1199	1192	Klemens, Elizabeth (Wychesit)	9-20-1928	F	1/4	
1200	1193	Klitz, Marlene (Fowler)	6-25-1931	F	3/8	
1201	1197	Knapp, Viola (Gauthier)	3-11-1905	F	5/16	
1202	1198	Knoop, Cecelia (Brunette)	9-22-1897	F	1/2	
1203	1201	Kobel, Anthony	3-17-1940	M	5/16	

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1204	1205	Kobel, Antoinette	6-12-1950	F	5/16	
1205	1203	Kobel, Elizabeth	5-19-1943	F	5/16	
1206	H99	Kobel, Helen M	8-25-1938	F	5/16	
1207	1200	Kobel, Madeline (Neconish)	6- 8-1920	F	5/8	
1208	1204	Kobel, Marylin	10-26-1946	F	5/16	
1209	1202	Kobel, Vernon J	8- 7-1941	M	5/16	
1210	1206	Kobel, Wayne J	7- 4-1952	M	5/16	
1211	1207	Komanekin, Francis	9-29-1893	M	15/16	
1212	1208	Komanekin, James	1- 5-1929	M	15/32	
1213	1214	Komanekin, James W., Jr	10-29-1952	M	17/64	
1214	1213	Komanekin, Joseph G	4- 2-1951	M	17/64	
1215	1211	Komanekin, Karen Lee	6-28-1948	F	17/64	
1216	1215	Komanekin, Lyle	6-22-1929	M	15/32	
1217	1210	Komanekin, Margel A	1- 7-1947	F	17/64	
1218	1209	Komanekin, Marjorie (Tourtillott)	5-16-1932	F	1/16	
1219	1212	Komanekin, Nancy I	2-20-1950	F	17/64	
1220	1216	Komanekin, Thomas	1891	M	15/16	
1221	1219	Komanekin, William	11-25-1922	M	15/32	
1222	1220	Konaha, Edward	7-30-1889	M	7/8	
1223	1221	Konaha, George	8-22-1915	M	4/4	Single.
1224	1222	Konaha, Louis	2-15-1933	M	7/8	Husband.
1225	1224	Konaha, Michael, Jr	8- 9-1952	M	9/16	Son.
1226	1225	Konaha, Peter	7- 5-1930	M	7/8	Single.
1227	1223	Konaha, Sophia (Nesaukee)	6-15-1933	F	1/4	Wife.
1228	1226	Kosekokaw, Joe	1877	M	4/4	Single.
1229	1771	Kotnik, Carol (Frechette)	1-28-1934	F	7/32	Married.
1230	1227	Kozel, Lorraine (Vigne)	12-18-1929	F	1/8	Married.
1231	1228	Krueger, Allen F	1- 4-1932	M	15/64	Single.
1232	1229	Krueger, Caroline (Vigue)	3-26-1912	F	1/8	Married.
1233	1234	Krueger, Edward	8-24-1888	M	1/4	Married.
1234	1235	Krueger, Ida (LaRock)	1907	F	15/32	Mother.
1235	1236	Krueger, Margaret	3-15-1933	F	15/64	Single.
1236	1232	Kuester, Anna M	4- 2-1941	F	11/32	Daughter.
1237	1230	Kuester, Catherine (Penass)	8-12-1914	F	11/16	Mother.
1238	1231	Kuester, Mary Carole	8- 1-1938	F	11/32	Single.
1239	1233	Kuester, Phyllis D	1-11-1943	F	11/32	Daughter.
1240	1238	Labuecki, Audrey R	11- 9-1950	F	9/32	Daughter.
1241	1237	Labucki, Geraldine	7-26-1919	F	9/16	Married.
1242	1830	Ladd, Genevieve	8-14-1947	F	29/64	Daughter.
1243	1831	Ladd, Jeannine	10-14-1948	F	29/64	Daughter.
1244	1833	Ladd, Melvin J	8-26-1921	M	29/32	Single, a/k/a M. Otter.
1245	1828	Ladd, Robert	5- 5-1916	M	29/32	Father, a/k/a R. Otter.
1246	1820	Ladd, Roberta	6-13-1946	F	29/64	Daughter.
1247	1832	Ladd, Sylvia R	6- 8-1951	F	29/64	Daughter.
1248	1245	LaFromboise, Agnes (Gristoe)	11- 5-1921	F	1/4	Mother.
1249	1239	LaFromboise, Irene	12-31-1904	F	1/2	Single.
1250	1240	LaFromboise, Jacob	2-25-1897	M	1/2	Single.
1251	1241	LaFromboise, Lawrence	8-29-1901	M	1/2	Father.
1252	1246	LaFromboise, Lawrence J	8- 4-1941	M	3/8	Son.
1253	1242	LaFromboise, Mary G	8-21-1907	F	1/2	Single.
1254	1241	LaFromboise, Pauline (Tucker)	1- 3-1902	F	3/4	Married.
1255	1244	LaFromboise, Theodore	1- 7-1911	M	1/2	Father.
1256	1253	LaMotte, Barbara C	8- 2-1947	F	43/64	Daughter.
1257	1247	LaMotte, Catherine (Saekatook) (deceased).	3-20-1918	F	19/32	Deceased.
1258	1248	LaMotte, Joseph	3-15-1904	M	3/4	Father.
1259	1251	LaMotte, Joseph James	12-28-1943	M	43/64	Son.
1260	1252	LaMotte, Leighton J	7- 1-1946	M	43/64	Son.
1261	1249	LaMotte, Loretta A	5-29-1939	F	43/64	Single.
1262	1254	LaMotte, Louis Michael	9-18-1952	M	43/64	Son.
1263	1255	LaMotte, Louis Wallace	2- 8-1885	M	3/8	Widower.
1264	1256	LaMotte, Mitchell	9-30-1913	M	3/8	Married.
1265	1257	LaMotte, Mose, Jr	1892	M	3/8	Single.
1266	1250	LaMotte, Shirley	9- 2-1941	F	43/64	Daughter.
1267	1258	LaRock, Aloysius	11-19-1926	M	47/64	Father.
1268	1262	LaRock, Anthony C	6-25-1936	M	43/64	Single.
1269	1275	LaRock, Bernadine N	7-20-1947	F	43/64	Daughter.
1270	1265	LaRock, Clare T	9-12-1940	F	43/64	Daughter.
1271	1274	LaRock, Eleanore	8-21-1945	F	43/64	Daughter.
1272	1263	LaRock, Frank	7- 1-1903	M	15/32	Father.
1273	1268	LaRock, Frank, Jr	3- 4-1943	M	43/64	Son.
1274	1276	LaRock, Glenda C	10-22-1948	F	43/64	Daughter.
1275	1272	LaRock, Gwendolyn M	7- 9-1943	F	43/64	Daughter.
1276	1261	LaRock, James P	9- 9-1950	M	39/64	Son.
1277	1284	LaRock, Jeanine R	7-10-1940	F	39/64	Daughter.
1278	1277	LaRock, Joan	1- 5-1950	F	43/64	Daughter.
1279	1269	LaRock, Joseph	1- 3-1906	M	15/32	Father.
1280	1264	LaRock, Josephine (Pyatskowit)	9-20-1915	F	7/8	Mother.
1281	1268	LaRock, John L	12-27-1947	M	43/64	Son.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1282	1267	LaRock, Joyce F	6-24-1945	F	43/64	Daughter.
1283	1273	LaRock, Judith A	9-21-1944	F	43/64	Daughter.
1284	1259	LaRock, Marguerite (Frechette)	12-16-1928	F	31/64	Mother.
1285	1280	LaRock, Mary Ann (Cardish)	5-16-1891	F	4/4	Wife.
1286	1283	LaRock, Mary (Matchiopatow)	8-27-1911	F	3/4	Wife, a/k/a Mamie Sullivan L.
1287	1279	LaRock, Peter	7- 5-1901	M	15/32	Husband.
1288	1281	LaRock, Raymond J	3-16-1938	M	43/64	Single.
1289	1271	LaRock, Rosetta A	1-14-1942	F	43/64	Daughter.
1290	1260	LaRock, Roxanne K	5-22-1948	F	39/64	Daughter.
1291	1270	LaRock, Sophia (Warrington)	1-22-1917	F	7/8	Mother.
1292	1282	LaRock, William	3-22-1910	M	15/32	Father.
1293	1286	LaRock, William J., Jr	2-14-1935	M	39/64	Single.
1294	1278	LaRock, Wendell J	5- 1-1953	M	43/64	Son.
1295	1288	Latender, Arline R	10- 2-1938	F	3/8	Single.
1296	1293	Latender, Donald L	6- 8-1940	M	9/16	Son.
1297	1287	Latender, Elizabeth	4-25-1913	F	3/4	Mother.
1298	1298	Latender, Faith	10- 1-1947	F	9/16	Daughter.
1299	1301	Latender, Francesca S	11-29-1953	F	9/16	Daughter.
1300	1290	Latender, James	8- 7-1922	M	3/4	Single.
1301	1297	Latender, John Mark	8-24-1946	M	9/16	Son.
1302	1289	Latendgr, Leonard	9- 8-1940	M	19/32	Son.
1303	1299	Latender, Lowell S	10- 1-1948	M	9/16	Son.
1304	1292	Latender, Marcella (Lawe)	10-13-1914	F	3/8	Mother.
1305	1294	Latender, Marie	10-23-1941	F	9/16	Daughter.
1306	1295	Latender, Myrna L	11-14-1943	F	9/16	Daughter.
1307	1300	Latender, Paul C	11-24-1949	M	9/16	Son.
1308	1302	Latender, Simon, Sr	1887	M	3/4	Widower.
1309	1291	Latender, Simon, Jr	8- 6-1911	M	3/4	Father.
1310	1296	Latender, Simon K	12- 8-1944	M	9/16	Son.
1311	1303	Latender, Sylvester	12-20-1919	M	3/4	Married.
1312	3248	LaVarla, Garnet M	7-27-1941	F	5/16	Daughter (mother, No. 3269).
1313	3249	LaVarla, Leonard J	5-31-1946	M	5/16	Son (mother, No. 3269).
1314	3250	LaVarla, Lynn M	5-31-1946	F	5/16	Daughter (mother, No. 3269).
1315	1304	Lawe, Catherine	8- 3-1912	F	3/8	Single.
1316	1305	Lawe, Claude	12-21-1928	M	1/4	Married.
1317	1317	Lawe, Colin	9-22-1942	M	1/4	Son.
1318	1311	Lawe, Daniel	6- 1-1941	M	11/16	Son.
1319	1307	Lawe, Donald A	7-12-1924	M	3/8	Single.
1320	1308	Lawe, Edward	4-17-1897	M	5/8	Father.
1321	1309	Lawe, Frances L	5- 5-1939	F	11/16	Single.
1322	1312	Lawe, Frances (Tourtillott)	3- 9-1927	F	5/16	Mother.
1323	1313	Lawe, Freeman F	7- 4-1922	M	3/8	Single, a/k/a Francis Lawe.
1324	1314	Lawe, Henry	1- 4-1883	M	3/4	Married.
1325	1315	Lawe, Jerome R	3- 3-1894	M	5/16	Married.
1326	1316	Lawe, John	1900	M	1/2	Father.
1327	1318	Lawe, John R	3- 6-1927	M	3/8	Father.
1328	1320	Lawe, Joseph	3- 8-1937	M	11/16	Single.
1329	1321	Lawe, Laurin F	3-11-1923	M	5/32	Single.
1330	1322	Lawe, Norbert	3-14-1917	M	3/8	Married.
1331	1323	Lawe, Raymond	1-16-1896	M	5/16	Married.
1332	1324	Lawe, Raymond Z	3-14-1927	M	5/32	Single.
1333	1325	Lawe, Reynold J	10-27-1916	M	7/16	Married.
1334	1319	Lawe, Rogerine	6-24-1949	F	11/32	Daughter.
1335	1310	Lawe, Ronald	5-11-1940	M	11/16	Son.
1336	1306	Lawe, Rose (Sanapaw)	2-17-1935	F	7/16	Wife, a/k/a Rose Caldwell Lawe.
1337	1326	Lawe, Theodore	11- 6-1909	M	5/8	Single.
1338	1342	Leaman, Bruce S	12-29-1943	M	9/16	Son.
1339	1328	Leaman, Carl J	3-19-1915	M	3/8	Father.
1340	1334	Leaman, Carl S	11-26-1938	M	9/16	Single.
1341	1333	Leaman, Celestine	5-27-1948	F	3/8	Daughter.
1342	1335	Leaman, Earl J	12-17-1917	M	1/4	Single.
1343	1330	Leaman, Elizabeth	9-22-1937	F	9/16	Daughter.
1344	1329	Leaman, Irene (Latender)	4-15-1917	F	3/4	Mother.
1345	1331	Leaman, Leonard	6-11-1941	M	9/16	Son.
1346	1336	LeMay, Fanny (Dickie)	1-23-1909	F	3/16	Married.
1347	1337	Lentz, Eleanore (Dickenson)	4-26-1918	F	1/4	Married.
1348	1338	Leon, Francis Anthony	4- 2-1904	M	1/2	Married.
1349	1339	Leon, Dorothy (Matchopatow)	3-18-1917	F	3/4	Married.
1350	1340	Lepscier, Myrtle (Grignon)	5- 9-1908	F	7/16	Married.
1351	1341	Lepscier, Myrtle (Lyons)	12-24-1925	F	7/16	Married.
1352	1351	LeRoy, Allen R	5-20-1951	M	11/32	Son.
1353	1342	LeRoy, Arvilla	3-31-1923	F	11/32	Single.
1354	1350	LeRoy, Arvilla May	7-12-1950	F	11/32	Daughter.
1355	1343	LeRoy, Elaine	3-18-1918	F	11/32	Single.
1356	1346	LeRoy, Evelyn	9-14-1945	F	11/32	Daughter.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1357	1344	LeRoy, Kennedy	3-27-1927	M	11/32	Father.
1358	1345	LeRoy, Mary (Dickie)	5-30-1927	F	11/32	Mother.
1359	1347	LeRoy, Lena	11-20-1947	F	11/32	Daughter.
1360	1352	LeRoy, Marcella M	9- 1-1952	F	11/32	Son.
1361	1349	LeRoy, Marilyn	6-12-1949	F	11/32	Daughter
1362	1348	LeRoy, Merlin J	6-12-1949	M	11/32	Son.
1363	1353	LeRoy, Pauline (Waupoose)	9- 8-1897	F	7/16	Mother.
1364	1354	Livermore, Wayne R	2- 1-1938	M	1/4	Single, a/k/a Wayne Keshena.
1365	2981	Lloyd, Augustine (Martin)	4- 2-1927	F	5/8	Married.
1366	1359	Long, Ariene (Peters)	1-30-1923	F	3/4	Mother.
1367	1356	Long, Deborah	1-26-1948	F	11/32	Daughter.
1368	1361	Long, Duane L	1-15-1950	M	41/64	Son.
1369	1355	Long, Florence (Kinepoway)	7- 7-1911	F	11/16	Mother.
1370	1358	Long, Gordon J	10-28-1925	M	17/32	Father.
1371	1357	Long, Kenneth W	5-14-1949	M	11/32	Son.
1372	1360	Lonz, Leo L	4-11-1946	M	3/8	Son.
1373	1362	Long, Thelma Anita	12-27-1931	F	17/32	Single, a/k/a Anita Long.
1374	1363	Long, Yvonne (Vigue)	3-27-1934	F	5/16	Married.
1375	1364	Longley, George	2-26-1890	M	4/4	Widower.
1376	1365	Longley, Lawrence	9- 8-1918	M	3/4	Single.
1377	1366	Longley, Ronald	9- 9-1917	M	3/4	Single.
1378	1368	Lookaround, Peter (deceased)	3- -1872	M	5/8	Deceased.
1379	1374	Loudbear, Iris M	3-13-1949	F	1/2	Daughter.
1380	1370	Loudbear, Joseph	12-16-1915	M	1/2	Father.
1381	1371	Loudbear, Lucille (Corn)	5-25-1913	F	1/2	Mother.
1382	1373	Loudbear, Michael	10-11-1947	M	1/2	Son.
1383	1375	Loudbear, Patricia A	2-27-1952	F	1/2	Daughter.
1384	1376	Lyons, Alfred Henry	4-24-1910	M	7/16	Father.
1385	1382	Lyons, Alfred P	11-11-1935	M	37/64	Single.
1386	1406	Lyons, Bert L	3-12-1946	M	75/128	Son.
1387	1383	Lyons, Bertha (Dodge)	8-30-1893	F	5/8	Married.
1388	1409	Lyons, Bertha Sophie	12-17-1951	F	75/128	Daughter.
1389	1377	Lyons, Cecelia (Cardish)	6-10-1915	F	23/32	Mother.
1390	2706	Lyons, Charlene Marie	4-26-1943	F	27/64	Alone.
1391	1384	Lyons, Delores M	3- 4-1933	F	7/32	Single.
1392	1394	Lyons, Edward R	10-25-1945	M	5/8	Son.
1393	1385	Lyons, Elmer	5-27-1912	M	7/16	Father, a/k/a Omie Lyons.
1394	1393	Lyons, Frances (Dick)	11- 7-1937	F	13/32	Wife.
1395	1387	Lyons, Floyd G	7- 8-1918	M	1/2	Single.
1396	1389	Lyons, Freida (Kakwitch) (deceased)	11-23-1916	F	25/32	Deceased.
1397	1403	Lyons, Gilbert Henry	6-28-1939	M	75/128	Single.
1398	1388	Lyons, Gilbert Paul	4-20-1916	M	7/16	Father.
1399	2962	Lyons, Gerhardt	7-27-1938	M	27/64	Single.
1400	1378	Lyons, Harley A	3- 1-1940	M	37/64	Son.
1401	1392	Lyons, Henry J	3-18-1918	M	7/16	Father.
1402	1395	Lyons, Isabel M	8- 6-1935	F	75/128	Single.
1403	1396	Lyons, James E	9-12-1934	M	27/64	Single.
1404	1397	Lyons, James Raymond	5- 5-1938	M	17/32	Single.
1405	2083	Lyons, Janet (Pocan)	11- 6-1935	F	13/32	Married.
1406	1379	Lyons, Jean M	2-11-1941	F	37/64	Daughter.
1407	1404	Lyons, Jerome	4-18-1942	M	75/128	Son.
1408	1398	Lyons, Joseph J	11-23-1936	M	37/64	Single.
1409	1391	Lyons, Karen Louise	11-17-1941	F	39/64	Daughter.
1410	1386	Lyons, Karen Marie	4-11-1948	F	7/16	Daughter.
1411	1405	Lyons, Lila May	5-23-1944	F	75/128	Daughter.
1412	1399	Lyons, Maggie (LaFromboise) (deceased)	1886	F	3/4	Deceased.
1413	1402	Lyons, Matilda (Gauthier)	7-24-1914	F	47/64	Mother.
1414	1407	Lyons, Melvin	2-17-1948	M	75/128	Son.
1415	1400	Lyons, Merrill, Jr	4- 1-1940	M	27/64	Son.
1416	1380	Lyons, Myrtle J	3-28-1944	F	37/64	Daughter.
1417	2964	Lyons, Napoleon	12-12-1941	M	27/64	Son.
1418	2089	Lyons, Patricia (Pocan)	9-10-1937	F	13/32	Daughter.
1419	1401	Lyons, Ralph J	3-11-1914	M	7/16	Father.
1420	1408	Lyons, Ralph O	2-19-1950	M	75/128	Son.
1421	1410	Lyons, Reynold J	5- 5-1933	M	27/64	Single.
1422	1411	Lyons, Rose J	9-24-1938	F	27/64	Single.
1423	1412	Lyons, Virginia M	5-15-1938	F	37/64	Single.
1424	1413	Lyons, Wayne	10-17-1935	M	25/64	Married.
1425	1381	Lyons, Wilfred	12-13-1948	M	37/64	Son.
1426	1390	Lyons, Yvonne L	11-21-1939	F	39/64	Single.
1427	510	Lyons, Zenith (Dick)	12- 2-1935	F	13/32	Wife.
1428	1414	McAllister, Mary (Penass)	7-17-1909	F	11/16	Married.
1429	2066	McCauley, Patricia (Pierce)	4- 7-1930	F	11/16	Single.
1430	1416	McDaniel, Marjorie (Stick)	5- 4-1928	F	1/4	Married.
1431	1417	McDonald, Mary (Newman)	5-19-1924	F	3/8	Married.
1432	1415	McEvoy, Winnifred (James)	9-11-1920	F	5/16	Married.
1433	1418	McGowan, Ona (Wescott)	7-31-1927	F	1/4	Married.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1431	1419	McLean, Martina (Waukechon)	3-12-1906	F	3/8	Married.
1435	1420	McLindsay, Genevieve (Kenote)	11-11-1925	F	7/8	Married.
1436	1421	McPherson, Syril R	9- 9-1915	M	7/16	Single.
1437	1433	McPherson, Donald	10-15-1942	M	3/8	Son.
1438	1426	McPherson, Donna	11-22-1947	F	21/64	Daughter.
1439	1429	McPherson, Herbert R	2- 1-1954	M	21/64	Son.
1440	1425	McPherson, Karen J	9-19-1946	F	21/64	Daughter.
1441	1432	McPherson, Martha (Charles)	1912	F	3/8	Mother.
1442	1423	McPherson, Mildred (Dickie)	6-16-1925	F	11/32	Mother.
1443	1427	McPherson, Milton A	3-23-1951	M	21/64	Son.
1444	1430	McPherson, Regis	7-30-1938	M	3/8	Single.
1445	1424	McPherson, Reynold J	11- 9-1943	M	21/64	Son.
1446	1431	McPherson, Richard T., Sr	5-13-1907	M	3/8	Father.
1447	1434	McPherson, Richard T., Jr	1- 5-1933	M	7/32	Single.
1448	1435	McPherson, Rolland J	12-20-1936	M	3/8	Single.
1449	1436	McPherson, Woodrow J	12- 8-1917	M	7/16	Single.
1450	1428	McPherson, Yvonne	10- 4-1952	F	21/64	Daughter.
1451	1445	Madosh, Calvin G	12- 8-1949	M	3/8	Son.
1452	1440	Madosh, Clifford	4- 1-1943	M	3/8	Son.
1453	1447	Madosh, Darrall J	4-14-1953	M	3/8	Son.
1454	1437	Madosh, Ella (Sanapaw)	5-31-1922	F	3/4	Mother.
1455	1446	Madosh, Jerrilyn M	3- 3-1952	F	3/8	Daughter.
1456	1439	Madosh, Laura	12-28-1941	F	3/8	Daughter.
1457	1443	Madosh, Marylin	3-20-1947	F	3/8	Daughter.
1458	1442	Madosh, Melton James	6- 3-1945	M	3/8	Son.
1459	1444	Madosh, Randal L	10-13-1948	M	3/8	Son.
1460	1441	Madosh, Sharon	4- 5-1944	F	3/8	Daughter.
1461	1458	Mahkimetass, Antoinette	10- 8-1943	F	23/32	Daughter.
1462	1448	Mahkimetass, Calvin J	3-22-1928	M	7/8	Father.
1463	1457	Mahkimetass, Crystal (Teller)	9-28-1925	F	9/16	Mother.
1464	1452	Mahkimetass, Earl	7-13-1912	M	3/4	Single, a/k/a Earl Corn.
1465	1453	Mahkimetass, Edmund	8-23-1912	M	7/8	Single.
1466	1454	Mahkimetass, Edward	7-22-1898	M	7/8	Father.
1467	1455	Mahkimetass, Elizabeth (Tebeau)	3- -1902	F	3/4	Mother.
1468	1456	Mahkimetass, Henry	5- 1-1926	M	7/8	Father.
1469	1460	Mahkimetass, Howard	10- 6-1934	M	13/16	Married.
1470	1449	Mahkimetass, Gloria (Neconish)	9- 9-1921	F	1/2	Mother.
1471	1451	Mahkimetass, Jane M	6-28-1953	F	11/16	Daughter.
1472	1461	Mahkimetass, Leo	12-13-1900	M	13/16	Single.
1473	1463	Mahkimetass, Leon P	7-10-1948	M	55/64	Son.
1474	1465	Mahkimetass, Leonard D	4- 5-1954	M	27/64	Son.
1475	1467	Mahkimetass, Margaret (Vilander)	9-24-1909	F	3/4	Wife.
1476	1462	Mahkimetass, Matilda	9-14-1933	F	27/32	Mother.
1477	1450	Mahkimetass, Nolen M	7- 4-1949	F	11/16	Son.
1478	1464	Mahkimetass, Patricia M	1-16-1952	F	27/64	Daughter.
1479	1466	Mahkimetass, Peter	1904	M	15/16	Husband.
1480	1459	Mahkimetass, Rose	1-10-1945	F	23/32	Daughter.
1481	1468	Mahkimetass, Rose	12-31-1910	F	13/16	Single.
1482	1469	Mahkimetass, William	4- 5-1909	M	13/16	Single.
1483	1470	Maland, Lillian (Gauthier)	3- 6-1905	F	5/16	Married.
1484	1504	Martens, Theresa (Kakwitch)	11- 2-1879	F	11/16	Married.
1485	1477	Martin, Alexander	3-18-1950	M	33/64	Son.
1486	1471	Martin, Amber (Warrington)	2-25-1933	F	3/16	Married.
1487	1502	Martin, Amanda L	1-25-1911	F	1/4	Mother.
1488	1496	Martin, Anna L	2-19-1940	F	27/32	Daughter.
1489	1499	Martin, Anthony J	8-28-1949	M	27/32	Son.
1490	1472	Martin, Clara	12-20-1932	F	5/8	Single.
1491	1473	Martin, David	10- 2-1893	M	7/8	Widower.
1492	1478	Martin, Douglas M	1-26-1952	M	33/64	Son.
1493	1490	Martin, Edward D	2-26-1951	M	27/32	Son.
1494	1485	Martin, Ella (Prickett)	3-18-1891	F	1/8	Wife.
1495	1474	Martin, Elmer	9-13-1920	M	9/32	Father, a/k/a Alex Martin.
1496	1479	Martin, Esther (Chevalier)	3-28-1908	F	3/16	Married.
1497	1480	Martin, Franklin	8- 1-1935	M	5/8	Single.
1498	1481	Martin, Grace	7-22-1937	F	5/8	Single, a/k/a Jiggs.
1499	1487	Martin, Helen (Reiter)	6-28-1925	F	3/8	Mother.
1500	1493	Martin, Helene	3-13-1954	F	21/64	Daughter.
1501	1482	Martin, Henry	1901	M	5/8	Father.
1502	1498	Martin, Henry J	2-28-1948	M	27/32	Son.
1503	1484	Martin, James	3-18-1886	M	5/8	Husband.
1504	1476	Martin, John L	12-29-1948	M	33/64	Son.
1505	1497	Martin, John T	11-17-1946	M	27/32	Son.
1506	1490	Martin, Joseph J	6-23-1949	M	21/64	Son.
1507	1486	Martin, Lawrence O., Sr	5- 3-1923	M	9/32	Father.
1508	1480	Martin, Lawrence O., Jr	9- 8-1947	M	21/64	Son.
1509	1495	Martin, Mary Ann (Matchopatow)	10- 7-1918	F	13/16	Mother, a/k/a M. Sullivan Martin.
1510	1475	Martin, Mary (Waukechon)	2- 6-1930	F	3/4	Mother.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1511	1507	Martin, Melanie A	7-29-1951	F	1/2	Daughter.
1512	1494	Martin, Mose	7- 1-1924	M	7/8	Father, a/k/a Calvin Martin.
1513	1501	Martin, Peter A	2-15-1913	M	9/32	Father.
1514	1503	Martin, Peter Frederick	1- 5-1940	M	17/64	Son.
1515	1506	Martin, Petronell (Keshena)	2- 3-1931	F	3/8	Mother.
1516	1492	Martin, Rose A	11- 1-1952	F	21/64	Daughter
1517	1508	Martin, Sally A	6- 2-1953	F	1/2	Daughter.
1518	1488	Martin, Susan M	1-10-1946	F	21/64	Daughter.
1519	1483	Martin, Theresa	7-20-1939	F	5/8	Single.
1520	1505	Martin, Wayne	11- 2-1925	M	5/8	Father.
1521	1509	Martin, Wesley J	7-20-1911	M	3/8	Father.
1522	1491	Martin, William G	3-20-1951	M	21/64	Son.
1523	1517	Maskewit, Arlene	2-18-1945	F	1/2	Daughter.
1524	1510	Maskewit, Carl	1-19-1931	M	15/16	Single.
1525	1511	Maskewit, Delores A	12-26-1934	F	15/16	Single.
1526	1512	Maskewit, Donald	2-24-1933	M	15/16	Married.
1527	1524	Maskewit, Dorothy	1-18-1941	F	15/16	Daughter.
1528	1515	Maskewit, Edmund	12-24-1906	M	4/4	Father.
1529	1514	Maskewit, Elizabeth	12- 6-1936	F	15/16	Single.
1530	1513	Maskewit, Florence (Sanapaw)	11-21-1936	F	23/32	Wife, a/k/a Irene.
1531	1518	Maskewit, Francis R	8- 4-1951	M	1/2	Son.
1532	1519	Maskewit, Frank	1- 1-1902	M	4/4	Married.
1533	1521	Maskewit, Jennie A	3- 4-1930	F	3/4	Single.
1534	1522	Maskewit, John Jr	12-20-1908	M	4/4	Married.
1535	1525	Maskewit, Kathleen	5-22-1944	F	15/16	Daughter.
1536	1526	Maskewit, Laura M	12-20-1938	F	15/16	Single.
1537	1520	Maskewit, Mahwon (Hawpetoss)	7-16-1897	F	1/2	Wife, a/k/a Emma.
1538	1523	Maskewit, Mitchell	9-10-1903	M	4/4	Father.
1539	1527	Maskewit, Mitchell J., Jr	9-21-1929	M	15/16	Single.
1540	3160	Maskewit, Ronald J	2- 8-1940	M	3/4	Son (mother No. 3188).
1541	1516	Maskewit, Rose	5-24-1953	F	1/2	Daughter.
1542	1539	Matchokamow, Petewakesit (deceased)	1896	M	1/2	Deceased, a/k/a John.
1543	1218	Matchoma, Marguerite (Munson)	9-10-1927	F	5/16	Wife.
1544	1217	Matchoma, Thomas Joseph	9-28-1926	M	15/32	Husband.
1545	1528	Matchopatow, August	5-30-1900	M	3/4	Single, a/k/a Gus Sullivan.
1546	1534	Matchopatow, Catherine	6- 3-1939	F	13/16	Single, a/k/a C. Sullivan.
1547	1529	Matchopatow, Cecilia	1-26-1932	F	13/16	Single, a/k/a C. Sullivan.
1548	1536	Matchopatow, Clara (Corn)	7-20-1906	F	3/4	Mother.
1549	1530	Matchopatow, David J	6-29-1916	M	13/16	Single, a/k/a Dave Sullivan.
1550	1531	Matchopatow, Edward	10- 7-1891	M	3/4	Father, a/k/a Ed Sullivan.
1551	1532	Matchopatow, Elizabeth (Kaokuk)	11-30-1902	F	4/4	Wife, a/k/a E. Sullivan.
1552	1285	Matchopatow, Frederick A	12-14-1947	M	39/64	Son (mother, No. 1286).
1553	1545	Matchopatow, Frieda M	12- 5-1951	F	3/4	Daughter.
1554	1544	Matchopatow, Genevieve C	6- 4-1908	F	3/4	Daughter.
1555	1542	Matchopatow, Genevieve (Heath)	5- 4-1927	F	11/16	Mother.
1556	1537	Matchopatow, Gregory	4-21-1941	M	7/8	Son.
1557	1535	Matchopatow, Joseph	1-10-1901	M	4/4	Father.
1558	1533	Matchopatow, Lawrence	5-24-1938	M	13/16	Single, a/k/a L. Sullivan.
1559	1538	Matchopatow, Margaret	2-15-1935	F	13/16	Single, a/k/a M. Sullivan.
1560	1543	Matchopatow, Russell J	5- 8-1947	M	3/4	Son.
1561	1540	Matchopatow, Thomas	1- 7-1928	M	13/16	Single, a/k/a Tom Sullivan.
1562	1541	Matchopatow, William	9-27-1921	M	13/16	Father, a/k/a W. Sullivan.
1563	1549	Meld, Donna (Frechette)	6-24-1934	F	1/4	Married.
1564	1550	Melotte, Gabriel (deceased)	1889	M	1/2	Deceased.
1565	1552	Melotte, Helen (Corn)	11-25-1937	F	41/64	Married.
1566	1551	Melotte, Joseph	3- 6-1934	M	15/32	Married.
1567	1553	Melotte, Leah R	3- 1-1931	F	23/32	Single.
1568	1554	Melotte, William (deceased)	8-12-1871	M	1/2	Deceased.
1569	1556	Mendez, Joyce A	1-17-1942	F	7/16	Daughter.
1570	1555	Mendez, Vernie (Kenote)	12-10-1910	F	27/32	Married.
1571	1559	Mennare, Rosella (Oshkenaniew)	11-15-1915	F	23/32	Married.
1572	1557	Menomin, Mary (Boyd)	1912	F	7/16	Married.
1573	1558	Menomin, Mary (Wolf)	6- 7-1919	F	5/8	Married.
1574	1560	Menominee, Barbara T	10- 1-1922	F	51/64	Single.
1575	1561	Menominee, Byron	3- 9-1942	M	51/128	Son.
1576	1562	Menominee, Earl J	12-14-1912	M	51/64	Married.
1577	1563	Menominee, Edward	7- 7-1911	M	51/64	Single.
1578	1564	Menominee, Joseph (deceased)	8- 3-1914	M	51/64	Deceased.
1579	1565	Menominee, Joseph W	1- 6-1937	M	51/128	Single.
1580	1566	Menominee, Patricia A	5- 3-1938	F	51/128	Single.
1581	1567	Menominee, Ronald L	11- 5-1933	M	51/128	Single.
1582	1568	Menominee, Rudolph	11- 5-1933	M	51/128	Single.
1583	1571	Menore, Andrew	4-12-1899	M	17/32	Father.
1584	1572	Menore, Andrew Everett	2-28-1941	M	15/32	Son, a/k/a Everett Andrew M.
1585	1569	Menore, Alexander	5-21-1935	M	35/64	Married.
1586	1573	Menore, Bernard	2-17-1943	M	15/32	Son.
1587	1570	Menore, Corine (Gauthier)	5-28-1939	F	47/128	Married.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1588	1574	Menore, Dorothy N. (Dick)	2-22-1924	F	13/32	Mother, a/k/a Nora.
1589	1576	Menore, Janice M	9- 2-1953	F	15/32	Daughter.
1590	1577	Menore, Joseph	3-29-1897	M	17/32	Married.
1591	1575	Menore, Karen M	8- 5-1948	F	15/32	Daughter.
1592	2999	Menore, Lorraine	1-31-1945	F	35/128	Daughter (mother, No. 2305).
1593	1548	Meyowanon, Mitchell	5-30-1906	M	3/4	Married.
1594	1578	Mick, Philomine (Schanandore)	3- 4-1919	F	5/16	Married.
1595	1588	Miller, Adrian	4-27-1949	M	27/64	Son.
1596	1580	Miller, Agatha (Grignon)	6-10-1921	F	7/16	Mother.
1597	1586	Miller, Anna (Tebeau)	7-26-1924	F	11/32	Mother, a/k/a June.
1598	1602	Miller, Barbara J	12-12-1940	F	1/4	Daughter.
1599	1585	Miller, Benjamin	3- 9-1918	M	1/2	Father.
1600	1607	Miller, Bernard J	8- 8-1939	M	1/4	Single.
1601	1598	Miller, David A	10-31-1952	M	1/2	Son.
1602	1587	Miller, Diana	4-22-1948	F	27/64	Daughter.
1603	1592	Miller, Elmer J	10- 9-1912	M	1/2	Married.
1604	1681	Miller, Farold A	10- 6-1940	F	5/16	Daughter.
1605	1593	Miller, Fred	5- 9-1882	M	3/8	Widower.
1606	1594	Miller, Fred F	4-17-1922	M	3/16	Father.
1607	1597	Miller, Frederick S	12-13-1948	M	1/2	Son.
1608	1583	Miller, Gerald J	2- 3-1943	M	5/16	Son.
1609	1613	Miller, Glenn T	11- 7-1950	M	1/2	Son.
1610	93	Miller, Glenore (Bolvin)	9-16-1931	F	1/4	Mother, a/k/a Betty.
1611	1599	Miller, Henry (deceased)	2-19-1881	M	3/8	Deceased.
1612	1600	Miller, James G	9- 9-1909	M	1/2	Father.
1613	1608	Miller, James V	9-12-1936	M	1/4	Married.
1614	1609	Miller, Jean M	4-26-1938	F	1/4	Nun.
1615	1610	Miller, John	8-13-1872	M	3/8	Single.
1616	1603	Miller, John J	2-26-1942	M	1/4	Son.
1617	1590	Miller, Keith S	4-16-1951	M	27/64	Son.
1618	1615	Miller, Kenneth M	2- 1-1954	M	1/2	Son.
1619	1601	Miller, Lawrence	7- 7-1939	M	1/4	Single.
1620	1612	Miller, Lorraine (Turney)	3-18-1931	F	1/2	Mother.
1621	1606	Miller, Mark A	4- 9-1954	M	1/4	Son.
1622	1604	Miller, Marvin	1-15-1944	M	1/4	Son.
1623	1591	Miller, Norbert	7-25-1952	M	27/64	Son.
1624	2022	Miller, Pauline (Peters)	9-28-1932	F	3/4	Married, a/k/a Violet.
1625	1589	Miller, Rendell S	5- 5-1950	M	27/64	Son.
1626	1597	Miller, Susan M	2-27-1950	F	1/2	Daughter.
1627	1584	Miller, Terrence	8-11-1947	M	5/16	Son.
1628	1611	Miller, Theodore J., Sr	10- 7-1915	M	1/2	Father.
1629	1614	Miller, Theodore J., Jr	6-24-1952	M	1/2	Son.
1630	1595	Miller, Verna (Beauprey)	4-10-1926	F	13/16	Mother.
1631	1605	Miller, Warren A	3- 6-1952	M	1/4	Son.
1632	1579	Miller, William F	12- 2-1915	M	3/16	Father, a/k/a Bing.
1633	1582	Miller, William T	11-24-1941	M	5/16	Son.
1634	1616	Mishekey, Margaret (Grignon)	7-29-1895	F	5/8	Married.
1635	1617	Moeser, Annabel (Beauprey)	11-24-1927	F	13/16	Married.
1636	1618	Moon, Wilford I	5- 6-1924	M	27/32	Single.
1637	1619	Morrin, Barbara L	1- 7-1934	F	3/8	Single.
1638	1620	Morrin, Clara (Tucker)	6-13-1899	F	3/4	Mother, a/k/a Gina.
1639	1622	Morrin, Dorothy J	8-11-1929	F	3/8	Mother, a/k/a Dorothy Newrider.
1640	1621	Morrin, Douglas M	7-26-1942	M	3/8	Son.
1641	1623	Morrin, Michael B	11- 7-1933	M	3/8	Single.
1642	1624	Morrin, Robert G	2-22-1937	M	3/8	Single.
1643	1625	Morrin, Ruth (Tucker)	12-17-1903	F	3/4	Married.
1644	1626	Morwitz, Ludmilla (Breyer)	9-30-1927	F	11/32	Married.
1645	1630	Mosehart, Elizabeth (Wynos)	1907	F	3/4	Wife.
1646	1627	Mosehart, Peteponokey	1877	F	7/8	Widower.
1647	1629	Mosehart, Waupequonat	1901	M	15/16	Husband, a/k/a Robert.
1648	1631	Moses, John	10-21-1884	M	3/4	Widower.
1649	1632	Moses, Louis A	7-14-1924	M	27/64	Married.
1650	1633	Moses, Mitchell (deceased)	1-23-1911	M	15/16	Deceased.
1651	1634	Moses, Moses	4-24-1919	M	27/32	Single.
1652	1636	Moshoquit, Agnes (Bear)	1891	F	15/16	Married.
1653	1637	Moshoquit, Fred	5- 9-1940	M	9/16	Son.
1654	1635	Moshoquit, John	1883	M	1/2	Married.
1655	1638	Mott, Margaret (LaRock)	2-20-1931	F	47/64	Mother.
1656	1640	Mott, Patricia A	8- 9-1951	F	47/128	Daughter.
1657	1639	Mott, Robert L	11- 6-1949	M	47/128	Son.
1658	1641	Mott, Roberta M	2-20-1953	F	47/128	Daughter.
1659	1645	Munson, Beverly A	9-26-1940	F	3/8	Daughter.
1660	1648	Munson, Carl J	1- 9-1947	M	3/8	Son.
1661	1646	Munson, Dolores M	3-24-1943	F	3/8	Daughter.
1662	1642	Munson, Elizabeth B	9- 7-1938	F	3/8	Single.
1663	1643	Munson, John	10- 3-1923	M	3/4	Married.
1664	1647	Munson, Kenneth R	7- 7-1944	M	3/8	Son.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1665	1644	Munson, Lorraine (Sheshequoan)	10- 9-1919	F	3/4	Mother, a/k/a Lorena.
1666	1649	Munson, Marguerite L	11- 5-1948	F	3/8	Daughter.
1667	1651	Munson, Mary (Goodyear)	11- 2-1894	F	5/8	Married.
1668	1652	Munson, Mary Cecelia (Reiter)	11- 7-1919	F	3/8	Married.
1669	1650	Munson, Susan A	2-27-1953	F	3/8	Daughter.
1670	1654	Nachewiska, Ester (Hoyd)	8- 8-1906	F	3/8	Married.
1671	1653	Nachewiska, Frank	1-10-1911	M	13/16	Married.
1672	1655	Nacotee, Agnes	7- 8-1920	F	13/16	Mother.
1673	1662	Nacotee, Beulah (Kitchenakow)	7-30-1927	F	15/16	Mother.
1674	1660	Nacotee, Charlotte (Beauprey)	10- 3-1896	F	5/8	Wife.
1675	1664	Nacotee, Darrel R	7-15-1950	M	7/8	Son.
1676	1656	Nacotee, Evelyn L	10-30-1949	F	13/32	Daughter.
1677	1666	Nacotee, Janet R	8- 7-1953	F	7/8	Daughter.
1678	1658	Nacotee, Levi	4-18-1918	M	13/16	Single.
1679	1659	Nacotee, Mitchell, Sr	5-15-1881	M	4/4	Husband.
1680	1661	Nacotee, Mitchell P., Jr	4- 4-1924	M	13/16	Father.
1681	1665	Nacotee, Patricia A	5-21-1951	F	7/8	Daughter.
1682	1663	Nacotee, Sherwynn J	5-15-1946	M	7/8	Son.
1683	1657	Nacotee, Thomas M	5-25-1954	M	13/32	Son.
1684	1667	Nahwahquaw, Agnes (O'Kimosh) (deceased).	1904	F	3/4	Deceased, a/k/a Ashkeqokonakokiew.
1685	1668	Nahwahquaw, Agnes Rose	8-11-1943	F	7/8	Alone.
1686	1672	Nahwahquaw, Dennis	12-28-1946	M	11/16	Son.
1687	1671	Nahwahquaw, John B	4-30-1944	M	11/16	Son.
1688	1669	Nahwahquaw, Joseph, Sr	12- 1-1925	M	7/8	Father.
1689	1673	Nahwahquaw, Joseph, Jr	4-24-1949	M	11/16	Son.
1690	1676	Nahwahquaw, Leon (deceased)	4-13-1934	M	7/8	Deceased.
1691	1670	Nahwahquaw, Mary (Waubanaseum)	9-13-1924	F	1/2	Mother.
1692	1674	Nahwahquaw, Winifred	1-31-1951	F	11/16	Daughter.
1693	1678	Neconish, Bernadine	11-17-1941	F	5/8	Daughter.
1694	1676	Neconish, Blackhawk	1890	M	3/4	Father, a/k/a Ernest.
1695	1694	Neconish, Catherine (Mahkimetass)	1904	F	1/2	Wife.
1696	1946	Neconish, Clayton Edward	8-29-1946	M	9/32	Son (mother, No. 1960).
1697	1680	Neconish, Clayton John	9- 8-1924	M	9/16	Father.
1698	1686	Neconish, Deborah	4-20-1946	F	1/4	Daughter.
1699	1684	Neconish, Dewey	1885	M	3/4	Widower.
1700	1685	Neconish, Dewey Anthony	9- 9-1943	M	1/4	Son.
1701	1695	Neconish, Francis D	8- 8-1945	M	9/32	Son (mother. No. 1960).
1702	1687	Neconish, James	9-30-1932	M	5/8	Son.
1703	1677	Neconish, Jane (Hawpetoss)	1-16-1902	F	1/2	Mother.
1704	1688	Neconish, Joseph	1906	M	5/8	Father.
1705	1692	Neconish, Joseph E	4-18-1938	M	41/64	Single.
1706	1693	Neconish, Kowopany	1903	M	5/8	Husband, a/k/a Isadore.
1707	1696	Neconish, LeRoy J	2-18-1934	M	7/8	Single.
1708	1681	Neconish, Margaret Luella (Hoyd)	7-10-1927	F	19/32	Mother.
1709	1689	Neconish, Marie (Grignon)	5- 1-1916	F	21/32	Mother.
1710	1679	Neconish, Mavis D	1-24-1948	F	5/8	Daughter.
1711	1697	Neconish, Deshackque	1887	M	3/4	Single, a/k/a Freeman.
1712	1698	Neconish, Robert J	10- 3-1936	M	41/64	Single.
1713	1691	Neconish, Romaine	6- 3-1943	F	41/64	Daughter.
1714	1699	Neconish, Ronald	7-27-1936	M	7/8	Single.
1715	1683	Neconish, Roxanne M	5-15-1951	F	37/64	Daughter.
1716	1690	Neconish, Ruth A	2-17-1940	F	41/64	Daughter.
1717	1700	Neconish, Virginia R	4-21-1938	F	7/8	Single.
1718	1701	Neosh, Delores E	4-24-1933	F	7/8	Single.
1719	1710	Neosh, Donna J	11-23-1943	F	27/32	Daughter.
1720	1708	Neosh, Edna (Shawanomitta)	9- 1-1922	F	13/16	Mother.
1721	1702	Neosh, Marie	3- 1-1926	F	7/8	Mother.
1722	1704	Neosh, Melvina	4-30-1948	F	3/4	Daughter.
1723	1705	Neosh, Milton L	4-21-1933	M	7/8	Single.
1724	1706	Neosh, Mose L	12- 1-1919	M	7/8	Married.
1725	1709	Neosh, Nell W	4- 7-1941	M	27/32	Son.
1726	1702	Neosh, Rose M	4-23-1946	F	3/4	Daughter.
1727	1707	Neosh, Thelma (Waubanaseum)	12-14-1932	F	5/8	Married.
1728	1711	Neosh, Virginia	5-28-1928	F	7/8	Single.
1729	1712	Nesaukee, Esther	2-21-1936	F	1/1	Single.
1730	1714	Nesaukee, Martha (Whitefish)	4-20-1904	F	1/2	Mother.
1731	1713	Nesaukee, John F	6-13-1929	M	1/4	Single.
1732	1723	Newton, Allen E	1-12-1950	M	5/16	Alone.
1733	1715	Newton, Edward A	10-17-1943	M	5/16	Adopted son.
1734	1719	Newton, Elizabeth	6- 7-1939	F	5/16	Single.
1735	1724	Newton, Frederick R	5-30-1953	M	5/16	Alone.
1736	1716	Newton, John R	4-20 1940	M	5/16	Adopted son.
1737	1720	Newton, Mildred L	11- 8-1944	F	5/16	Alone.
1738	1721	Newton, Margaret E	11-17-1946	F	5/16	Alone.
1739	1718	Newton, Rose M	5-25-1938	F	5/16	Single.
1740	1717	Newton, Shirlee	10-10-1945	F	5/16	Adopted daughter.
1741	1722	Newton, William L	5-14-1948	M	5/16	Alone.
1742	1725	Newton, Violet (Butler)	5-19-1932	F	1/4	Married.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1743	1726	Nichols, Marjorie (Corn)	12-10-1920	F	9/16	Married.
1744	1727	Nixon, Geanne (O'Connor)	2-24-1928	F	1/2	Married.
1745	1728	Norton, Elizabeth (Kimepoway)	3-16 1930	F	27/32	Married.
1746	1729	Notinokey, Eli	11-12-1926	M	1/2	Single.
1747	1733	Notinokey, Fred	3-22-1947	M	1/4	Son.
1748	1736	Notinokey, Jane (Wanpoose)	6- 3-1921	F	29/32	Mother.
1749	1730	Notinokey, Namnekes	11- 5-1920	M	1/2	Father, a/k/a Benjamin.
1750	1734	Notinokey, Rose M	2- 1-1949	F	1/4	Daughter.
1751	1735	Notinokey, Shawanomokasay	11- 4-1918	M	1/2	Husband, a/k/a Joseph.
1752	----	Nunway, Carol L	9- 8-1952	F	1/2	Daughter.
1753	----	Nunway, Jerome	10- 9-1946	M	7/16	Son.
1754	1740	Nunway, John (deceased)	10- -1897	M	4/4	Deceased.
1755	1741	Nunway, Veronica V	4-11-1927	F	1/2	Mother.
1756	1742	Nuske, Virginia (Fredenberg)	9-29-1936	F	11/32	Married.
1757	1743	O'Connor, Audrey	1-18-1933	F	1/2	Single.
1758	1744	O'Connor, Christian J	11- 4-1931	M	1/2	Single.
1759	1745	O'Connor, Elizabeth (Tucker)	6-29-1897	F	3/4	Married, a/k/a Florence.
1760	1746	O'Connor, Francis J	2-26-1933	M	1/2	Single.
1761	1747	O'Connor, Gordon J	1- 4-1929	M	1/2	Single.
1762	1748	O'Connor, Lawrence	9- 1-1930	M	23/64	Single.
1763	1749	O'Connor, Margaret (Waukechon)	4-28-1905	F	15/32	Married.
1764	1750	O'Connor, Patricia	11-14-1939	F	23/64	Single.
1765	2304	O'Connor, Spencer F	9-15-1940	M	9/16	Son (mother, No. 2307).
1766	1751	O'Hopasa, Frank	6-13-1913	M	7/8	Single.
1767	1752	O'Hopasa, Henry	1907	M	7/8	Single, a/k/a Henry Wayka
1768	1753	O'Hopasa, James	9- 3-1921	M	7/8	Single.
1769	1754	O'Hopasa, Waupwano	1899	M	3/4	Married, a/k/a Charlie Coon.
1770	1758	O'Kichekum, Darrell T	7- 2-1950	M	7/8	Son.
1771	1755	O'Kichekum, James	9 28-1908	M	7/8	Single.
1772	1756	O'Kichekum, John C	12-25-1917	M	15/16	Father.
1773	1759	O'Kichekum, Joseph	6-28-1911	M	7/8	Single.
1774	1757	O'Kichekum, Susie (Beauprey)	12- 5-1921	F	13/16	Mother.
1775	1760	O'Kimosh, Ahpahtak	10- -1915	M	1/4	Single, a/k/a Charles.
1776	1768	O'Kimosh, Anna B	7-21-1948	F	3/8	Daughter.
1777	1761	O'Kimosh, Audrey E	11- 7-1940	F	3/8	Daughter.
1778	1763	O'Kimosh, Davey J	5- 9-1939	F	3/8	Single.
1779	1765	O'Kimosh, Elthea L	4-30-1943	F	3/8	Daughter.
1780	1769	O'Kimosh, Forrest J	5-27-1951	M	3/8	Son.
1781	1770	O'Kimosh, Gerada M	3-28-1953	F	3/8	Daughter.
1782	1767	O'Kimosh, John L	5-12-1947	M	3/8	Son.
1783	1761	O'Kimosh, Neyatamo (Peponmaneiwsay)	1885	F	4/4	Widow.
1784	1762	O'Kimosh, Peter	6- 8-1915	M	3/4	Father.
1785	1766	O'Kimosh, Peter R	6- 7-1945	M	3/8	Son.
1786	1778	Olson, Charlene R	3-16-1953	F	49/128	Daughter.
1787	1775	Olson, Clarence	11-22-1949	M	49/128	Son.
1788	1777	Olson, Clifford J	8- 7-1951	M	49/128	Son.
1789	1772	Olson, Lucille (Mahkimetass)	5- 1-1929	F	49/64	Mother.
1790	1774	Olson, Martin J	11-25-1946	M	49/128	Son.
1791	1779	Olson, Mary D. (Heath)	3-30-1923	F	13/16	Married, a/k/a Delores.
1792	1773	Olson, Rosella M	2-11-1945	F	49/128	Daughter.
1793	1775	Olson, Richard J	10- 6-1948	M	49/128	Son.
1794	1042	Orhelm, Jeanette (Kaquatosh)	6- 7-1940	F	43/64	Married.
1795	1781	Oshkenaniew, Elmer J., Sr	6- 6-1916	M	3/4	Father.
1796	1783	Oshkenaniew, Elmer James, Jr	3- 7-1944	M	3/4	Son.
1797	1782	Oshkenaniew, Frances (Amol)	11-18-1915	F	3/4	Mother.
1798	1784	Oshkenaniew, Mitchell	4-17-1921	M	3/4	Single.
1799	1786	Oshkeshequoam, Elizabeth (Tucker)	1-31-1933	F	3/8	Mother, a/k/a Betty.
1800	1785	Oshkeshequoam, Floyd J	12- 3-1927	M	25/32	Father.
1801	1787	Oshkeshequoam, Carey Ann	8-13-1950	F	37/64	Daughter.
1802	1702	Oshkeshequoam, Janice	5-11-1944	F	25/64	Daughter.
1803	1700	Oshkeshequoam, Leonard	5-22-1922	M	25/32	Father.
1804	1789	Oshkeshequoam, Mark F	2-17-1953	M	37/64	Son.
1805	1793	Oshkeshequoam, Morris J	9-20-1917	M	25/32	Married.
1806	1794	Oshkeshequoam, Mose (deceased)	5-13-1885	M	11/16	Deceased.
1807	1791	Oshkeshequoam, Robert L	5- 6-1943	M	25/64	Son.
1808	1788	Oshkeshequoam, Theresa M	12- 6-1951	F	37/64	Daughter.
1809	1795	Oshkeshequoam, Victoria (deceased)	6-24-1924	F	25/32	Deceased.
1810	1796	Oshkosh, Catherine (Waukow)	5-13-1905	F	4/4	Mother.
1811	1798	Oshkosh, David	5-13-1947	M	1/2	Son.
1812	1799	Oshkosh, Ellis	5-26-1906	M	9/32	Single.
1813	1800	Oshkosh, Lavonne M	5-14-1924	F	9/32	Single.
1814	1801	Oshkosh, Margaret (Soman)	7-15-1895	F	7/16	Wife.
1815	1801	Oshkosh, Ronald	1-13-1930	M	25/32	Single.
1816	1797	Oshkosh, Rowena J	12-26-1944	F	25/32	Daughter
1817	1802	Oshkosh, Roy	7-13-1898	M	9/16	Widower.
1818	1803	Oshkosh, Thomas A	4-27-1902	M	3/4	Husband.
1819	1805	Otradovic, Adelbert	3-30-1933	M	3/8	Single.
1820	1810	Otradovic, Angela L	5- 3-1942	F	3/8	Daughter.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1821	1813	Otradovic, Christine L	3-10-1946	F	3/8	Daughter.
1822	1818	Otradovic, Evelyn (Vigue)	1- 4-1928	F	1/8	Mother.
1823	1811	Otradovic, Francis P	8- 2-1943	M	3/8	Son.
1824	1807	Otradovic, Genevieve A	10- 6-1930	F	3/8	Single.
1825	1808	Otradovic, Genevieve (Pecore)	5- 9-1906	F	3/4	Mother.
1826	1820	Otradovic, Gerald T	5-29-1952	M	1/4	Son.
1827	1821	Otradovic, Gregory A	9- 4-1953	M	1/4	Son.
1828	1817	Otradovic, Irvin A. Sr	11-23-1925	M	3/8	Father.
1829	1819	Otradovic, Irvin A. Jr	3- 9-1951	M	1/4	Son.
1830	1816	Otradovic, Joseph L	2-24-1952	M	3/8	Son.
1831	1822	Otradovic, Laurel M	12- 8-1937	M	3/8	Single.
1832	1823	Otradovic, Leila M	8-22-1936	F	3/8	Single.
1833	1815	Otradovic, Margaret C	11-14-1948	F	3/8	Daughter.
1834	1814	Otradovic, Mathias A	5-31-1947	M	3/8	Son.
1835	1824	Otradovic, Melvin J	12-16-1938	M	3/8	Single.
1836	1825	Otradovic, Orval	4-29-1933	M	3/8	Single.
1837	1809	Otradovic, Roberta U	9- 2-1940	F	3/8	Daughter.
1838	1826	Otradovic, Roger J	4-17-1928	M	3/8	Single.
1839	1812	Otradovic, Romelda T	10- 2-1944	F	3/8	Daughter.
1840	1827	Otradovic, Sylvia	11- 5-1934	F	3/8	Single.
1841	1835	Pamanet, Alice (Pyawasit)	4- 1-1918	F	1/2	Mother.
1842	1848	Pamanet, Allen J	3-20-1947	M	55/64	Son.
1843	1856	Pamanet, Angela T	10- 2-1950	F	27/32	Daughter.
1844	1855	Pamanet, Arlin J	1-29-1949	M	27/32	Son.
1845	1849	Pamanet, Alvin J	5-21-1954	M	55/64	Son.
1846	1839	Pamanet, Ann A	2-15-1944	F	5/8	Daughter.
1847	1843	Pamanet, Bernadine L	5-19-1954	F	5/8	Daughter.
1848	1845	Pamanet, Bertha (Kaquatosh)	9-17-1915	F	31/32	Mother.
1849	1861	Pamanet, Carolyn	12-31-1942	F	3/8	Daughter.
1850	1846	Pamanet, Cecelia	3-24-1941	F	55/64	Daughter.
1851	1847	Pamanet, Edith	11-28-1944	F	55/64	Daughter.
1852	1853	Pamanet, Elsie (Waupkenay)	11-11-1926	F	15/16	Mother.
1853	1834	Pamanet, Frank W	1912	M	3/4	Father.
1854	1837	Pamanet, Geraldine	10-27-1939	F	5/8	Single.
1855	1844	Pamanet, John L	1909	M	3/4	Father.
1856	1842	Pamanet, Josephine R	8-26-1951	F	5/8	Daughter.
1857	1838	Pamanet, Lawrence	11-19-1941	M	5/8	Son.
1858	1836	Pamanet, Lois	11-26-1937	F	5/8	Daughter.
1859	1850	Pamanet, Louis, Sr	1879	M	1/2	Married.
1860	1851	Pamanet, Louis E	1- 5-1935	M	55/64	Single.
1861	1841	Pamanet, Norman	4-13-1948	M	5/8	Son.
1862	1952	Pamanet, Paul	12-19-1922	M	3/4	Married.
1863	1854	Pamanet, Paul J	10-16-1947	M	27/32	Son.
1864	1858	Pamanet, Raymond M. (deceased)	1-16-1936	M	55/64	Deceased.
1865	1857	Pamanet, Richard W	10-21-1953	M	27/32	Son.
1866	1840	Pamanet, Sheryl M	3-30-1946	F	5/8	Daughter.
1867	1859	Pamanet, William	7-22-1915	M	3/4	Father.
1868	1866	Pamonicutt, Bernadine (Matchopatow)	8-20-1934	F	7/8	Married.
1869	2131	Pamonicutt, Beverly J	2-16-1949	F	31/64	Daughter (mother, No. 2132).
1870	2383	Pamonicutt, Diana L	11- 2-1948	F	39/64	Alone.
1871	1878	Pamonicutt, Donna J	7- 9-1950	F	31/64	Daughter.
1872	1876	Pamonicutt, Frances M	10- 7-1947	F	31/64	Daughter.
1873	1865	Pamonicutt, Gerald	9- 8-1926	M	19/32	
1874	1863	Pamonicutt, George	2-13-1920	M	19/32	
1875	2382	Pamonicutt, George Robert	6- 7-1944	M	39/64	
1876	2132	Pamonicutt, Gerry L	5-15-1950	M	31/64	
1877	1867	Pamonicutt, Kathleen (Tebeau)	1-24-1920	F	1/2	
1878	2381	Pamonicutt, LeRoy	1-21-1940	M	39/64	
1879	1864	Pamonicutt, Luella (Tucker)	5- 2-1935	F	3/8	
1880	12	Pamonicutt, Marilyn	10-31 1952	F	39/64	
1881	1868	Pamonicutt, Martin	3-24-1919	M	27/32	
1882	1871	Pamonicutt, Martin James	1- 3-1949	M	41/64	
1883	1877	Pamonicutt, Martin Keith	4- 1-1949	M	31/64	
1884	1874	Pamonicutt, Merle	8- 1-1921	M	19/32	
1885	1880	Pamonicutt, Mitchell, Sr. (deceased)	10-11-1885	M	11/16	
1886	1873	Pamonicutt, Michael L	10- 8-1952	M	41/64	
1887	1872	Pamonicutt, Nanette	5-25-1950	F	41/64	
1888	2133	Pamonicutt, Patricia	7-11-1951	F	31/64	
1889	1877	Pamonicutt, Roberta R	2-17-1952	F	31/64	
1890	1881	Pamonicutt, Ruth A	12-18-1941	F	39/64	
1891	1870	Pamonicutt, Susette	12-21-1945	F	41/64	
1892	1875	Pamonicutt, Virginia (Tucker)	8-22-1927	F	3/8	
1893	1869	Pamonicutt, Yvonne (Waukau)	6- 8-1925	F	7/16	
1894	1882	Pamoska, Chaplekeshekoke	1879	F	1/2	
1895	1883	Pamoska, Lucy (Perote)	1916	F	1/8	
1896	1884	Pamosekow, Robert	1901	M	4/4	
1897	1885	Pecore, Benjamin L	3- 7-1914	M	3/16	
1898	1886	Pecore, Cora (Peters)	11-28-1897	F	5/8	

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1899	1909	Pecore, Deborah E	1-27-1953	F	11/32	
1900	1890	Pecore, Elmer F	11- 5-1915	M	3/16	
1901	1891	Pecore, Esther (Johnson)	11-25-1906	F	3/8	
1902	1892	Pecore, George A	6-21-1908	M	3/16	
1903	1888	Pecore, Georgietta	3-19-1941	F	11/16	
1904	1904	Pecore, Gerald	6-10-1938	M	7/16	
1905	1893	Pecore, Gilbert J	1-19-1924	M	9/16	
1906	1912	Pecore, Glenda (Corn)	1- 6-1939	F	51/64	Married.
1907	1894	Pecore, Jacqualine	6-27-1933	F	3/32	Daughter.
1908	1895	Pecore, Jerome	6-28-1920	M	11/16	Single.
1909	1896	Pecore, John R	12- 6-1909	M	3/16	Father.
1910	1897	Pecore, Joseph F	6- 7-1885	M	3/8	Married.
1911	1898	Pecore, Joseph R., Sr	1- 8-1898	M	3/4	Married.
1912	1899	Pecore, Leonard	11-14-1894	M	3/4	Married.
1913	1901	Pecore, Lloyd Jr	11-29-1936	M	7/16	Single.
1914	1902	Pecore, Lloyd J. Sr	4- 6-1913	M	3/16	Father.
1915	1906	Pecore, Mabelle W	5- 8-1909	F	3/16	Single.
1916	1025	Pecore, Mary Felicitas	11-23-1942	F	11/16	Daughter (mother, No. 1898).
1917	1903	Pecore, Mary (White)	6-24-1917	F	11/16	Mother, a/k/a Margaret.
1918	1887	Pecore, Orlin	8- 5-1939	M	11/16	Single.
1919	1907	Pecore, Rachel (Lawe)	6- 7-1868	F	1/2	Widow.
1920	1908	Pecore, Roderick J	1-18-1933	M	11/16	Married.
1921	1889	Pecore, Rodney J	4-21-1945	M	11/16	Son.
1922	1900	Pecore, Rose (Corn)	9- 2-1905	F	7/8	Wife.
1923	1905	Pecore, Sue C	5-10-1940	F	7/16	Daughter.
1924	1910	Pecore, Thomas	12-21-1935	M	11/16	Single.
1925	1911	Peboré, Wayne	6-17-1935	M	19/64	Married, a/k/a Bunker.
1926	1913	Pederson, Ellen M	10- 3-1930	F	3/16	Single, a/k/a Mercides.
1927	1914	Pederson, James L	11-24-1926	M	3/16	Single.
1928	1915	Pederson, Margaret (Hoyd)	2- 5-1900	F	5/8	Mother.
1929	1916	Pederson, Walter M., Jr	1- 5-1928	M	3/16	Married.
1930	1917	Penass, Arlette K	2-14-1927	F	15/16	Single, a/k/a Albertine.
1931	1918	Penass, Arnold	3-28-1925	M	11/16	Single.
1932	1919	Penass, Arnold A	9-11-1947	M	11/32	Son, a/k/a, Arnold Jonapaw.
1933	1920	Penass, Barney Jr	1- 4-1925	M	15/16	Single, a/k/a Audeen.
1934	1921	Penass, Cecelia	11-22-1935	F	15/16	Single.
1935	1922	Penass, Clarence A. (deceased)	1- 9-1918	M	11/16	Deceased.
1936	1942	Penass, Emmerine (Corn)	9- 1-1931	F	51/64	Wife.
1937	1923	Penass, Frances	9-26-1926	F	15/16	Mother.
1938	1925	Penass, Frank Hill	12- 6-1930	M	15/16	Single, a/k/a Bill.
1939	1926	Penass, George A (deceased)	8-27-1953	M	55/64	Deceased.
1940	1927	Penass, Harry	9-21-1909	M	7/8	Single, a/k/a Henry.
1941	1928	Penass, Howard	3-17-1927	M	7/8	Single, a/k/a Pat.
1942	1935	Penars, Leon L	1- 2-1950	M	55/64	Son.
1943	1936	Penass, Leslie A	1- 1-1952	F	55/64	Daughter.
1944	1929	Penass, Louise (Striker)	1897	F	4/4	Widow.
1945	1940	Penass, Margaret (Kitchenago)	1- 1-1887	F	7/8	Wife.
1946	1930	Penass, Mary (Jonapaw)	5- 9-1924	F	27/32	Mother.
1947	2240	Penass, Michael Gerhardt	7-19-1940	M	39/64	Son (mother, No. 2252).
1948	1931	Penass, Myrna	3-28-1937	F	15/16	Single.
1949	1924	Penass, Paul J	1-25-1949	M	15/32	Son (mother, No. 1937).
1950	1932	Penass, Peter	7-17-1923	M	15/16	Father, a/k/a Joe Pete.
1951	1934	Penass, Peter P	2-19-1948	M	55/64	Son.
1952	1943	Penass, Richard M	6- 2-1953	M	107/128	Son.
1953	1937	Penass, Robert	1-13-1933	M	15/16	Single.
1954	1933	Penass, Theresa E. (Oshkeshequoam)	2-24-1930	F	25/32	Mother, a/k/a Elvera.
1955	1938	Penass, Walte	4-18-1922	M	15/16	Single.
1956	1939	Penass, William, Sr	1883	M	3/4	Husband.
1957	1941	Penass, William, Jr	2-10-1928	M	7/8	Husband.
1958	3192	Pensa, Shirley (Wishecoby)	12-24-1934	F	9/32	Married.
1959	1945	Pepin, Eugene F	5- 8-1951	M	9/32	Son.
1960	1944	Pepin, Jennie (Neconish)	11-25-1927	F	9/16	Mother, a/k/a Jeannette.
1961	1947	Perez, Benjamin	11-15-1936	M	11/32	Single.
1962	1954	Perez, Clarence A	11-20-1943	M	11/32	Son.
1963	1953	Perez, Gaynelle	8-22-1942	F	11/32	Daughter.
1964	1948	Perez, Louis	3-28-1935	M	11/32	Single.
1965	1949	Perez, Mary (Kinepoway)	5-14-1905	F	11/16	Mother.
1966	1951	Perez, Ramona	6- 6-1940	F	11/32	Daughter.
1967	1952	Perez, Renford	5-27-1941	M	11/32	Son.
1968	1937	Perez, Robert	3-22-1939	M	11/32	Single.
1969	1955	Perote, Amob	9-11-1910	M	1/8	Single, a/k/a Donald.
1970	1956	Perote, Cheechequonoway	1884	M	1/4	Widower, a/k/a Star Amos.
1971	1957	Perote, John D	1909	M	4/4	Married.
1972	1327	Perote, Lizzie (Pamonicutt)	5-15-1910	F	23/32	Married.
1973	1858	Perote, Nahpone	1876	M	4/4	Widower.
1974	1957	Perote, Pamanet	1914	F	1/8	Single.
1975	1960	Peters, Albert J	2- 3-1938	M	1/4	Single.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
1976	1982	Peters, Alvin J	4-10-1954	M	7/16	Son.
1977	1961	Peters, Alex	3-11-1907	M	5/8	Father.
1978	1969	Peters, Alex, Jr	3- 7-1933	M	43/64	Single.
1979	---	Peters, Alvin J	4- 3-1927	M	3/8	Single.
1980	1970	Peters, Andrew	1896	M	7/8	Father.
1981	2050	Peters, Ann Marie	5-31-1950	F	31/64	Daughter.
1982	1986	Peters, Ann Mary	5-11-1940	F	1/2	Daughter.
1983	1984	Peters, Arielia R	12-21-1951	F	43/128	Daughter
1984	1966	Peters, Arnold J	6- 4-1945	M	43/64	Son.
1985	2038	Peters, Barbara R	5- 5-1954	F	9/16	Daughter.
1986	2046	Peters, Carmela M	1- 9-1951	F	9/16	Daughter.
1987	1971	Peters, Catherine Delores	2-22-1941	F	33/64	Granddaughter.
1988	1972	Peters, Catherine (Dick)	11-20-1912	F	13/16	Mother.
1989	1976	Peters, Catherine Frances	1-10-1936	F	1/4	Single.
1990	1977	Peters, Clifford	1-29-1934	M	3/4	Single.
1991	1978	Peters, Darlene (Dodge)	9-22-1930	F	9/16	Mother.
1992	2026	Peters, Darrell J	3-10-1951	M	69/128	Son.
1993	1988	Peters, Dawn M	12- 8-1943	F	1/2	Daughter.
1994	1983	Peters, Deloris J	4-16-1936	F	43/64	Mother.
1995	1985	Peters, Dorothy (LaMotte)	6-15-1915	F	3/8	Mother.
1996	1989	Peters, Edith M	11-25-1937	F	43/64	Single.
1997	1990	Peters, Elaine (Fish)	9-30-1927	F	7/16	Mother.
1998	1994	Peters, Emelda M	8-26-1930	F	57/64	Mother.
1999	2034	Peters, Eunice W	4-23-1922	F	1/2	Wife.
2000	2030	Peters, Frances (Wychesit)	1-21-1913	F	3/16	Mother, a/k/a F. Marte Peters.
2001	2046	Peters, Franklin J	4-25-1951	M	15/32	Son.
2002	1997	Peters, George (deceased)	10-21-1885	M	5/8	Deceased.
2003	1996	Peters, Gerhart	9-15-1913	M	3/4	Married.
2004	2048	Peters, Gladys (Dickie)	7-18-1930	F	11/32	Mother.
2005	1980	Peters, Glenda J	10-18-1949	F	7/16	Daughter.
2006	1968	Peters, Henrietta J	6-30-1950	F	43/64	Daughter.
2007	1998	Peters, James A	12-26-1931	M	7/16	Single.
2008	1995	Peters, Janet M	5- 6-1952	F	57/128	Daughter.
2009	2051	Peters, Joan A	1-24-1953	F	31/64	Daughter.
2010	1999	Peters, John A	2-19-1923	M	5/8	Single
2011	2000	Peters, John W	5-11-1920	M	3/4	Married.
2012	2003	Peters, Joseph	1- 6-1925	M	5/16	Single.
2013	2002	Peters, Joseph	3-24-1891	M	5/8	Single.
2014	2006	Peters, Josephine (Moshoquit)	2-13-1920	F	5/8	Mother.
2015	2025	Peters, Joyce (Martin)	11- 5-1931	F	3/16	Mother.
2016	1965	Peters, Karen Beverly	11-15-1943	F	43/64	Daughter
2017	1987	Peters, Karen Margaret	10-17-1941	F	1/2	Daughter.
2018	2005	Peters, Lawrence James	8-26-1926	M	3/4	Husband, a/k/a Jimmy.
2019	2009	Peters, Lawrence P	6-21-1953	M	11/16	Son.
2020	2001	Peters, Lillian (Waupoose)	6-15-1919	F	53/64	Wife.
2021	2004	Peters, Lorraine	9- 4-1938	F	7/16	Single.
2022	2010	Peters, Lyle L	2-23-1952	M	57/64	Single.
2023	2011	Peters, Mabel	5-30-1921	F	13/32	Single.
2024	1962	Peters, Maggie (Teplew)	2- 1-1911	F	23/32	Mother.
2025	1963	Peters, Margaret I	10-27-1939	F	43/64	Single.
2026	2012	Peters, Marvin	1-24-1937	M	3/4	Single.
2027	2013	Peters, Mary	1900	F	7/8	Single.
2028	1981	Peters, Mary Alice	9- 8-1951	F	7/16	Daughter.
2029	2014	Peters, Mary (Warrington)	1910	F	7/8	Mother, a/k/a Pauline.
2030	2015	Peters, Melda	11- 3-1921	F	5/8	Single.
2031	2016	Peters, Melva Elsie	4-11-1929	F	5/8	Single, a/k/a Elsie.
2032	1991	Peters, Myrna	10-19-1948	F	17/32	Daughter.
2033	2017	Peters, Myrtle	12-15-1930	F	5/8	Single.
2034	2043	Peters, Patricia (Stevens)	5- 4-1930	F	5/16	Mother.
2035	2019	Peters, Patrick L. (deceased)	3- 7-1914	M	31/32	Deceased.
2036	2020	Peters, Pauline (Maskewit)	8-12-1897	F	4/4	Mother.
2037	1979	Peters, Odette M	2-14-1948	F	7/16	Daughter
2038	2018	Peters, Orvis	10-10-1934	M	43/64	Single.
2039	2031	Peters, Robert	10-30-1939	M	1/4	Single.
2040	1967	Peters, Robert J	1-23-1947	M	43/64	Son.
2041	1975	Peters, Roberta M	2-12-1951	F	13/32	Daughter.
2042	2021	Peters, Roger	9- 5-1933	M	57/64	Husband.
2043	2023	Peters, Roger E	5-15-1921	M	5/16	Single.
2044	2028	Peters, Rose M	10-15-1930	F	1/4	Single.
2045	1964	Peters, Shirley A	5-27-1944	F	43/64	Daughter, a/k/a LaRonna.
2046	1992	Peters, Stephan	10-29-1950	M	17/32	Son.
2047	---	Peters, Thomas J	3-21-1929	M	3/8	Married.
2048	1993	Peters, Twila M	2-19-1953	F	17/32	Daughter.
2049	2045	Peters, Victoria N	7- 2-1949	F	15/32	Daughter.
2050	1974	Peters, Veronica	12-29-1947	F	57/64	Daughter.
2051	2029	Peters, Wallace, Sr	1908	M	5/16	Father.
2052	2032	Peters, Wallace, Jr	4-17-1932	M	1/4	Single.
2053	2033	Peters, Walter	2- 2-1930	M	5/8	Husband.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2054	2035	Peters, Walter, Jr	12-22-1949	M	9/16	Son.
2055	2044	Peters, Waylen Thomas	6-10-1948	M	15/32	Son, a/k/a Thomas.
2056	2039	Peters, Wayne Anthony	9-29-1935	M	3/4	Single, a/k/a Tony.
2057	2037	Peters, Wayne James	5-18-1952	M	9/16	Son.
2058	2027	Peters, Winifred (deceased)	5- 1-1953	F	69/128	Deceased.
2059	1973	Peters, Willard G	1-27-1946	M	57/64	Son.
2060	2040	Peters, Wilbert W	12- 8-1926	M	5/8	Father, a/k/a Wesley.
2061	2041	Peters, Wilbert J	2- 3-1938	M	1/4	Single.
2062	2042	Peters, Wilford	2- 1-1925	M	5/8	Father, a/k/a Waylen.
2063	2047	Peters, Wilmer	8-24-1924	M	5/8	Father.
2064	2049	Peters, Wilmer J	9-29-1948	M	31/64	Son.
2065	2052	Peterson, Alice	5-16-1938	F	9/16	Single.
2066	2059	Peterson, Amber C	2-17-1948	F	9/16	Daughter.
2067	2057	Peterson, Annette P	11-19-1944	F	9/16	Daughter.
2068	2055	Peterson, Louise (Mahkimetass)	12- 9-1919	F	7/8	Mother.
2069	2056	Peterson, Lucille	2-28-1942	F	9/16	Daughter.
2070	869	Peterson, Myrtle (Heath)	5- 5-1922	F	11/16	Married.
2071	2053	Peterson, Norman	4-24-1936	M	9/16	Single.
2072	2060	Peterson, Rita M	2-20-1940	F	9/16	Daughter.
2073	2054	Peterson, Roy E., Sr	4-18-1912	M	1/4	Father.
2074	2058	Peterson, Roy E., Jr	8-11-1946	M	9/16	Son.
2075	2061	Petewayaskum, Henry	1-23-1912	M	4/4	Husband, a/k/a Henry Deer.
2076	2063	Picard, Theresa (Tucker)	7-13-1911	F	7/8	Married.
2077	2064	Pierce, Donald	4-25-1924	M	1/4	Single.
2078	2065	Pierce, Josephine (Smith)	7- -1908	F	7/8	Widow.
2079	2068	Piersante, Agnes (Waukechon)	3-20-1919	F	11/16	Mother.
2080	2069	Piersante, Leo F	7-15-1946	M	11/32	Son.
2081	2070	Pillion, Isabelle (Irving)	6-24-1901	F	9/16	Married.
2082	2071	Plass, Lillian (White)	4-26-1928	F	11/16	Married.
2083	2072	Plass, Richard A	9- 5-1951	M	11/32	Son.
2084	2073	Pleshek, Kay (Kuester)	12- 4-1935	F	11/32	Married.
2085	2087	Pocan, Davey Jean	7-22-1939	F	13/32	Single.
2086	2074	Pocan, Eileen M	4- 6-1934	F	13/32	Single.
2087	2088	Pocan, Fairal T	12-23-1942	F	13/32	Daughter.
2088	2075	Pocan, Grace (Smith)	5-11-1928	F	3/4	Mother.
2089	2081	Pocan, James J	2-25-1942	M	13/32	Husband.
2090	2078	Pocan, Jerry J	3- 7-1950	M	3/8	Son.
2091	2080	Pocan, Joan Ann	9- 7-1953	F	3/8	Daughter.
2092	2076	Pocan, Joseph	12- 2-1945	M	3/8	Son.
2093	2079	Pocan, Joyce A	7-20-1952	F	3/8	Daughter.
2094	2077	Pocan, Judith	2-12-1948	F	3/8	Daughter.
2095	2084	Pocan, Lorene (Waupoose)	9-30-1932	F	25/32	Married.
2096	2085	Pocan, Lynnette A	11-17-1952	F	25/64	Daughter.
2097	2086	Pocan, Rose (Deer)	1-14-1909	F	13/16	Mother.
2098	2082	Pocan, Zane (Tourtillott)	7-28-1933	F	1/16	Wife.
2099	2090	Ponfil, Florence (Miller)	1-25-1911	F	3/16	Married.
2100	2091	Powell, Eunice (Boyd)	8-11-1924	F	19/32	Married.
2101	2092	Powless, Lloyd	3-31-1924	M	1/2	Single.
2102	2095	Powless, Myrtle R	4-22-1949	F	5/8	Daughter.
2103	2097	Powless, Janelle L	7- 6-1952	F	5/8	Daughter.
2104	2093	Powless, Ray	5-20-1922	M	1/2	Father, a/k/a Roy.
2105	2096	Powless, Roberta L	3- 6-1950	F	5/8	Daughter.
2106	2098	Powless, Roy A	1-20-1954	M	5/8	Son.
2107	2094	Powless, Viola (Maskewit)	1-18-1931	F	3/4	Mother.
2108	2099	Preston, Julia (Wynos)	8-20-1929	F	1/4	Married.
2109	2100	Prock, Theresa (O'Connor)	5-12-1936	F	1/2	Married.
2110	2101	Pucklew, Eliza	11-25-1917	F	5/8	Single.
2111	2102	Pucklew, George	3- 5-1915	M	5/8	Single.
2112	2103	Pucklew, Joseph	6-26-1925	M	5/8	Single.
2113	2104	Pulda, Geneva (O'Connor)	12- 3-1910	F	1/4	Married.
2114	2105	Pulda, Mary (O'Connor)	5-20-1908	F	1/4	Married.
2115	2109	Pyatskowit, Alfred F	9- 4-1949	M	57/64	Son.
2116	2113	Pyatskowit, Amanda (Teller)	4-15-1919	F	9/16	Mother, a/k/a Lula.
2117	2106	Pyatskowit, Andrew	7- 6-1924	M	7/8	Father.
2118	2108	Pyatskowit, Andrew J	3-31-1948	M	57/64	Son.
2119	2117	Pyatskowit, Cassandra	7-24-1944	F	23/32	Daughter.
2120	2111	Pyatskowit, James	7-29-1922	M	7/8	Single.
2121	2116	Pyatskowit, Lauren Mary	6- 3-1942	F	23/32	Daughter.
2122	2118	Pyatskowit, Loranne E	11- 4-1946	F	23/32	Daughter.
2123	2107	Pyatskowit, Philomena (Waupoose)	10-22-1931	F	29/32	Mother.
2124	2110	Pyatskowit, Robert J	8-24-1951	M	57/64	Son.
2125	2114	Pyatskowit, Valarie	8-22-1940	F	23/32	Daughter.
2126	2115	Pyatskowit, Verene Agnes	8-22-1940	F	23/32	Daughter.
2127	2112	Pyatskowit, Walter J	8-17-1917	M	7/8	Father.
2128	2139	Pyawaysay, Arvin A	11-26-1949	M	91/128	Son.
2129	2127	Pyawaysay, Bernard	12-13-1941	M	7/8	Son.
2130	2121	Pyawaysay, Chyrl Lee	1-21-1952	F	41/64	Daughter.
2131	2141	Pyawaysay, Donna Rae	10- 8-1952	F	91/128	Daughter.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2132	2125	Pyawaysay, Ethel (Oshkenaniew)	2-28-1908	F	3/4	Mother.
2133	2137	Pyawaysay, Elaine	11- 9-1946	F	91/128	Daughter.
2134	2128	Pyawaysay, Francis J	2-28-1943	M	7/8	Son.
2135	2130	Pyawaysay, Frances (Martin)	2-21-1931	F	5/8	Mother.
2136	2119	Pyawaysay, Glenn George	8-24-1920	M	21/32	Father, a/k/a George.
2137	2123	Pyawaysay, Glenn G., Jr	2-17-1949	M	33/64	Son.
2138	2136	Pyawaysay, Macqualine (Menore)	7- 4-1929	F	35/64	Mother.
2139	2130	Pyawaysay, June M	4-27-1945	F	7/8	Daughter.
2140	2129	Pyawaysay, Karen A	3-23-1944	F	7/8	Daughter.
2141	2122	Pyawaysay, Martin	6-23-1953	M	41/64	Son.
2142	2142	Pyawaysay, Nash James	12- 3-1953	M	91/128	Son.
2143	2126	Pyawaysay, Norman	7-14-1940	M	7/8	Son.
2144	2140	Pyawaysay, Preston S	2- 1-1951	M	91/128	Son.
2145	2124	Pyawaysay, Robert	12- -1895	M	4/4	Father.
2146	2134	Pyawaysay, Robert L., Jr	1-23-1934	M	7/8	Single.
2147	2135	Pyawaysay, William	11-27-1924	M	7/8	Father, a/k/a Billy Mitchell.
2148	2138	Pyawaysay, William L	8-16-1948	M	91/128	Son.
2149	2152	Pyawasit, Barbara L	4-28-1954	F	11/16	Daughter.
2150	2143	Pyawasit, Barbara J	11-28-1935	F	39/64	Single.
2151	2144	Pyawasit, Edgar A., Sr	4- 2-1923	M	1/2	Father.
2152	2145	Pyawasit, Edgar A., Jr	2-21-1953	M	1/4	Son.
2153	2148	Pyawasit, Eleanore (Nahwahquaw)	7-16-1924	F	7/8	Mother.
2154	2146	Pyawasit, Joseph	1874	M	4/4	Married.
2155	2149	Pyawasit, Lawrence A	1-23-1944	M	11/16	Son.
2156	2150	Pyawasit, Myrtle	4- 6-1946	F	11/16	Daughter.
2157	2151	Pyawasit, Renita	8-21-1949	F	11/16	Daughter.
2158	2147	Pyawasit, Sam	8- 3-1944	M	1/2	Father.
2159	2153	Pyawasit, Wallace	4- 3-1949	M	1/2	Single.
2160	2154	Pyawasit, William	1907	M	1/2	Married, a/k/a Nahmahhabquet.
2161	2162	Quast, Alexandria	10-27-1949	F	35/128	Daughter.
2162	2160	Quast, Charlene	8-30-1946	F	35/128	Daughter.
2163	2157	Quast, Donald E	6- 2-1942	M	35/128	Son.
2164	2153	Quast, Eleanor (Wychesit)	2-16-1919	F	1/4	Married.
2165	2158	Quast, Freida F	9-20-1913	F	35/128	Daughter.
2166	2163	Quast, Geraldine J	5-11-1951	F	35/128	Daughter.
2167	2164	Quast, Glenn J	1-16-1953	M	35/128	Son.
2168	2159	Quast, James W	10- 5-1944	M	35/128	Son.
2169	2156	Quast, Margaret (Menore)	5-23-1924	F	35/64	Mother.
2170	2161	Quast, Roberta L	9-25-1948	F	35/128	Daughter.
2171	2165	Rabideaux, Elaine (LaRock)	1-29-1940	F	43/64	Married.
2172	2166	Rabideaux, Marie (Gauthier)	4- 7-1927	F	11/32	Married, a/k/a Louise.
2173	2167	Rabideaux, Stephanie	7- 8-1951	F	23/64	Daughter.
2174	2168	Rahn, Dorothy (Wescott)	2-12-1926	F	3/8	Married.
2175	2169	Ramsdell, Elizabeth (Grignon)	3-14-1897	F	5/8	Married.
2176	2170	Randall, Sadie (LaBelle)	8-15-1910	F	7/16	Married.
2177	2171	Reeves, Osca (Tourtillott)	6-26-1895	F	1/8	Married.
2178	2172	Reid, Vernie (Amour)	11-27-1915	F	19/32	Married.
2179	1806	Riesterer, Eleanor (Tradovec)	6-21-1929	F	3/8	Married.
2180	2174	Reiter, Alegra (Dick)	8-11-1925	F	27/32	Mother, a/k/a Margaret "Babe".
2181	2175	Reiter, Anthony J	9- 4-1941	M	39/64	Son.
2182	2173	Reiter, Antone	6- 6-1921	M	3/8	Father.
2183	2176	Reiter, Donna	7-20-1943	F	39/64	Daughter.
2184	2192	Reiter, Elvira (Oshkenaniew)	5-19-1918	F	3/4	Mother.
2185	2182	Reiter, Francis P	7-12-1930	M	3/8	Married.
2186	2181	Reiter, Guy M	4-11-1954	M	39/64	Son.
2187	2185	Reiter, James Clement	11-23-1923	M	3/8	Father.
2188	2187	Reiter, James L	1- 8-1951	M	83/128	Son.
2189	2189	Reiter, John R	3-25-1916	M	3/8	Single.
2190	2190	Reiter, Kenneth	1-13-1938	M	9/16	Single.
2191	2195	Reiter, Lois J	5-11-1947	F	9/16	Daughter.
2192	2186	Reiter, Lorraine (Beauprey)	8- 4-1927	F	59/64	Mother.
2193	2193	Reiter, Lorraine D	4-13-1941	F	9/16	Daughter.
2194	2194	Reiter, Lyle R	10-22-1944	M	9/16	Son.
2195	2188	Reiter, Majorie J	4-18-1953	F	83/128	Daughter.
2196	2191	Reiter, Mitchell L	6-20-1911	M	3/8	Father.
2197	2179	Reiter, Patricia	3-12-1951	F	39/64	Daughter.
2198	2177	Reiter, Randolph	2-26-1947	M	39/64	Son.
2199	2184	Reiter, Rosemond G	2-12-1954	F	21/64	Daughter.
2200	2183	Reiter, Ruby (Conger)	5-23-1931	F	9/32	Mother.
2201	2180	Reiter, Rudolph B	9-20-1952	M	39/64	Son.
2202	2178	Reiter, Selene V	11-12-1949	F	39/64	Daughter.
2203	2196	Reiter, Susan (Cardish)	6-29-1888	F	3/4	Married.
2204	2197	Reiter, Warren J	10-20-1935	M	9/16	Single.
2205	2198	Reyes, Elaine (Menore)	2-24-1926	F	35/64	Mother.
2206	2200	Richards, Marie (Oshkenaniew)	6- 3-1926	F	3/4	Married.
2207	2202	Richmond, Alvin	6-29-1917	M	5/8	Married.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2208	2203	Richmond, Ambrose L	10-15-1905	M	9/16	Father, a/k/a Lawrence "Jocko."
2209	2229	Richmond, Annette S	12-29-1952	F	25/32	Daughter.
2210	2204	Richmond, Calvin J	4- 5-1916	M	5/8	Father.
2211	2207	Richmond, Clarence	2-12-1915	M	5/8	Single.
2212	2206	Richmond, Donald	10-21-1941	M	27/32	Son.
2213	2208	Richmond, Gertie (Peters)	10-27-1893	F	5/8	Mother.
2214	2209	Richmond, Gordon	1-19-1928	M	5/8	Single.
2215	2210	Richmond, Harvey	3-27-1933	M	5/8	Single.
2216	2211	Richmond, Henry, Jr	2-27-1923	M	5/8	Married.
2217	2205	Richmond, Janet R	5-29-1939	F	5/16	Single.
2218	2214	Richmond, Lawrence	2-25-1931	M	9/32	Married.
2219	2217	Richmond, Margaret (Penass)	2- 8-1921	F	15/16	Mother.
2220	2212	Richmond, Marilyn (Peters)	5-16-1935	F	57/64	Married.
2221	2218	Richmond, Mary C	10-15-1947	F	25/32	Daughter.
2222	2215	Richmond, Mary (Moses)	12-28-1908	F	15/16	Married.
2223	2219	Richmond, Rainelle	12- 2-1949	F	25/32	Daughter.
2224	2216	Richmond, Ralph	5-19-1920	M	5/8	Father.
2225	2221	Richmond, Robert T	12- 2-1891	M	9/16	Married.
2226	2222	Richmond, Roy	12-28-1931	M	5/8	Single.
2227	1062	Ritchie, Patricia (Kaquatosh)	12- 1-1938	F	5/8	Married.
2228	2223	Roberts, Sarah (Dixon) (deceased)	9- 8-1904	F	1/2	Deceased.
2229	2225	Robinson, Catherine	7-19-1944	F	25/64	Daughter.
2230	2224	Robinson, Roberta (Oshkosh)	2-13-1925	F	25/32	Mother.
2231	2226	Robinson, Roland	5-27-1947	M	25/64	Son.
2232	2227	Roche, Susan (Tepiew)	12-10-1922	F	23/32	Mother.
2233	2229	Rochon, Elaine (Chellar)	4-19-1925	F	9/32	Married.
2234	2230	Rockman, Carol (Starr)	12- 9-1933	F	15/64	Married.
2235	2231	Rockman, Margaret (Kaquatosh)	8-18-1921	F	15/32	Married.
2236	2232	Rudesill, Murma (LeRoy)	2- 2-1937	F	11/32	Married.
2237	2244	Sackatook, Amos	2-16-1947	M	7/8	Son.
2238	2242	Sackatook, Deloris M	10-23-1944	F	7/8	Daughter.
2239	2241	Sackatook, Elizabeth C	6-16-1913	F	7/8	Daughter.
2240	2233	Sackatook, Emaline (Striker)	9-25-1894	F	4/4	Widow.
2241	2234	Sackatook, Emil	12-23-1921	M	19/32	Father.
2242	-----	Sackatook, Frank J., Jr	11-26-1951	M	39/64	Son.
2243	2238	Sackatook, Gust P	12-22-1898	M	7/8	Father.
2244	2246	Sackatook, Gust W	1-26-1953	M	7/8	Son.
2245	2235	Sackatook, Helen (Grignon)	2-18-1926	F	21/32	Mother.
2246	2247	Sackatook, Herman	12-28-1919	M	19/32	Married a/k/a Frank Sackatook.
2247	2248	Sackatook, Jacob	1895	M	7/8	Widower.
2248	2236	Sackatook, Leslie C	10-21-1950	M	5/6	Son.
2249	2237	Sackatook, Maria Rae	11-13-1953	F	5/6	Daughter.
2250	2245	Sackatook, Mary L	6- 5-1948	F	7/8	Daughter.
2251	2243	Sackatook, Theresa A	2- 4-1946	F	7/8	Daughter.
2252	2239	Sackatook, Theresa (Penass)	5-11-1918	F	7/8	Mother.
2253	604	Sackatook, Vivian (Dickenson)	11- 8-1921	F	5/8	Mother.
2254	2249	Sackatook, William	1904	M	7/8	Widower.
2255	2251	Salzman, Thomas L	5-22-1932	M	7/32	Single.
2256	2252	Samueison, Barbara (Grignon)	9-14-1935	F	21/32	Married.
2257	2265	Sanapaw, Barbara A	12- 6-1952	F	23/32	Daughter.
2258	2260	Sanapaw, Bernard A	2-14-1941	M	23/32	Son.
2259	2253	Sanapaw, Charles	10-16 1913	M	4/4	Single.
2260	2264	Sanapaw, Elizabeth (Morgan)	11-16-1879	F	4/4	Widow.
2261	2267	Sanapaw, Elmira J	6-13-1941	F	7/16	Daughter, a/k/a E. Caldwell.
2262	2263	Sanapaw, Gerald	10- 4-1946	M	23/32	Son.
2263	2261	Sanapaw, Isabel M	7-30-1942	F	23/32	Daughter.
2264	2270	Sanapaw, Janet	12-11-1948	F	7/16	Daughter, a/k/a J. Caldwell.
2265	2271	Sanapaw, Janice	12-11-1948	F	7/16	Daughter, a/k/a J. Caldwell.
2266	2256	Sanapaw, Jerome	8- 7-1914	M	3/4	Father.
2267	2258	Sanapaw, Joseph L	3-19-1939	M	23/32	Single.
2268	2266	Sanapaw, John J	9-15-1913	M	3/4	Father, a/k/a Joe John Caldwell.
2269	2273	Sanapaw, Joseph	7-17-1899	M	3/4	Widow.
2270	2272	Sanapaw, Joseph J	11- 2-1953	M	7/16	Son, a/k/a J. Caldwell.
2271	2264	Sanapaw, Leona R	4- 9-1951	F	23/32	Daughter.
2272	2259	Sanapaw, Leroy F	2- 9-1940	M	23/32	Son.
2273	2274	Sanapaw, Louis J	4-26-1903	M	4/4	Widow.
2274	2275	Sanapaw, Marlene	10-16-1933	F	23/32	Mother.
2275	2268	Sanapaw, Mary Ann	8- 8-1943	F	7/16	Daughter, a/k/a M. Caldwell.
2276	2257	Sanapaw, Merceline (Kinepoway)	4-23-1914	F	11/16	Mother.
2277	2262	Sanapaw, Patricia M	4-25-1945	F	23/32	Daughter.
2278	2277	Sanapaw, Raymond	1-21-1935	M	23/32	Single.
2279	2276	Sanapaw, Richard L	1-26-1954	M	23/64	Son.

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Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2280	2278	Sanapaw, Rollan J	9-16-1936	M	7/16	Single, a/k/a Rollan Caldwell.
2281	2279	Sanapaw, Ronald J	11-10-1937	M	7/16	Single, a/k/a Ronald Caldwell.
2282	2269	Sanapaw, Ronda C	12- 9-1946	F	7/16	Daughter, a/k/a Ronda Caldwell.
2283	2255	Santerno, Louise M	12- 2-1943	F	1/2	Gr/Daughter.
2284	2281	Satterlee, Catherine A	7-24-1941	F	21/32	Daughter, mother No. 23.
2285	2282	Satterlee, Frank	9-24-1888	M	3/4	Single.
2286	2283	Satterlee, Jacob L	12-15-1935	M	5/16	Single.
2287	2284	Satterlee, Marie	10-31-1934	F	5/16	Single.
2288	2206	Schanandore, Carol Ann	7- 3-1948	F	17/32	Daughter.
2289	2289	Schanandore, Dewey L	2-12-1946	M	1/4	Son.
2290	2288	Schanandore, Doris	11-23-1944	F	1/4	Daughter.
2291	2286	Schanandore, Doris (Chevalier)	9-15-1920	F	3/16	Mother.
2292	2294	Schanandore, Ellen J	6-25-1941	F	17/32	Daughter.
2293	2285	Schanandore, Elmer J	2-19-1916	M	5/16	Father.
2294	2292	Schanandore, Howard	6-29-1917	M	5/16	Father.
2295	2296	Schanandore, Howard L	1-11-1945	M	17/32	Son.
2296	2293	Schanandore, lola (Corn)	10-15-1921	F	3/4	Mother.
2297	2290	Schanandore, LaVonne M	6 -6-1951	F	1/4	Daughter.
2298	2297	Schanandore, Mary Jane	8-26-1946	F	17/32	Daughter.
2299	2287	Schanandore, Richard E	1-16-1942	M	1/4	Son.
2300	2291	Schanandore, Russell J	2-27-1953	M	1/4	Son.
2301	2295	Schanandore, Willis James	12-25-1942	M	17/32	Son.
2302	------	Scherer, Joyce (Richards)	12- 7-1923	F	7/32	Married.
2303	2299	Scherre, Gertrude (Richmond)	8-13-1936	F	5/8	Married.
2304	2300	Schreiber, Elfa (LeRoy)	2-15-1920	F	11/32	Married.
2305	2301	Schuettpelz, Esther (Wescott)	10- 5-1927	F	3/8	Married.
2306	2302	Schultz, Catherine (Warrington)	4-23-1896	F	11/16	Widow.
2307	2303	Schultz, Eleanore (O'Connor)	5-24-1923	F	1/2	Mother.
2308	2305	Schultz, Gerhardt	4-24-1923	M	11/32	Married.
2309	2306	Schultz, Wincintia (Shopwesekow)	4- 4-1903	F	11/16	Married.
2310	2307	Schweckler, Sarah (Duquain)	1-16-1942	M	11/32	Married.
2311	2308	Scofiddo, Lucille (Peterson)	1- 4-1914	F	1/4	Married.
2312	2309	Scott, Nettie (Tourtillott)	2-11-1914	F	1/16	Married.
2313	2310	Seestedt, Rita (Keshena)	4-20-1921	F	3/8	Married.
2314	2311	Seignemartin, Clara (Hoeffs)	7-15-1918	F	3/8	Married.
2315	2250	Selee, Mary (Hoeffs)	5-20-1920	F	3/8	Married.
2316	2313	Shanawat, Angela (Loudbear)	2- 2-1922	F	3/4	Mother.
2317	2317	Shanawat, Beverly S	12- 3-1945	F	47/64	Daughter.
2318	2312	Shanawat, Clarence	12-14-1913	M	23/32	Father.
2319	2314	Shanawat, Clarence, Jr	3-29-1938	M	47/64	Single.
2320	2316	Shanawat, Dominic	1-14-1942	M	47/64	Son.
2321	2320	Shanawat, Elizabeth (deceased)	12-30-1943	F	47/64	Deceased.
2322	2315	Shanawat, Lawrence	5-21-1940	M	47/64	Son.
2323	2318	Shanawat, Michael	1-16-1948	M	47/64	Son.
2324	2319	Shanawat, Robert T	3- 4-1950	M	47/64	Son.
2325	1731	Shawano, Agnes	3-26-1942	F	7/16	Daughter—mother, Helen Notinokey.
2326	2325	Shawano, Alberta	7-10-1946	F	7/16	Daughter.
2327	2321	Shawano, Florence (Loudbear)	6-16-1912	F	1/2	Married.
2328	2326	Shawano, Jerry B	7-14-1951	M	7/16	Son.
2329	2323	Shawano, Joseph J	1907	M	3/4	Married.
2330	2324	Shawano, LaVina (Nahwahquaw)	1- 8-1929	F	7/8	Mother.
2331	1732	Shawano, Priscilla	8-23-1944	F	7/16	Daughter—mother, Helen Notinokey.
2332	2327	Shawano, Quentin L	9- 3-1953	M	7/16	Son.
2333	2332	Shawanokasic, Alvin J	9- 4-1947	M	103/123	Son.
2334	2340	Shawanokasic, Anthony	10-23-1952	M	23/32	Son.
2335	2328	Shawanokasic, Donald	2-29-1933	M	3/4	Single.
2336	2330	Shawanokasic, Ella (Mahkimetass)	4-12-1926	F	49/64	Mother.
2337	2333	Shawanokasic, Garnet A	7-10-1949	M	103/128	Son.
2338	2334	Shawanokasic, Hazel M	8-20-1952	F	103/128	Daughter.
2339	2329	Shawanokasic, Herman	7- 9-1916	M	27/32	Father.
2340	2355	Shawanokasic, Joseph Junior	10- 7-1939	M	3/4	Single.
2341	2335	Shawanokasic, Joseph	6-18-1907	M	7/8	Father, a/k/a Joseph Kitson.
2342	2339	Shawanokasic, LeRoy A	11-12-1951	M	23/32	Son.
2343	2331	Shawanokasic, Margaret	7-28-1943	F	103/128	Daughter.
2344	2338	Shawanokasic, Robert J	5-29-1950	M	23/32	Son.
2345	2341	Shawanokasic, Theresa	3- 7-1937	F	3/4	Single.
2346	2336	Shawanokasic, Virginia (Waupoose)	6-25-1923	F	25/32	Mother.
2347	2342	Shawanomitta, Earney	12-12-1919	F	13/16	Mother.
2348	2342	Shawanomitta, Ferlette	7-23-1945	F	13/32	Daughter.
2349	2344	Shawanomitta, Francis K	9-11-1935	M	15/32	Single.
2350	2345	Shawanomitta, Louise (Irving)	6-15-1881	F	5/8	Widow.
2351	2346	Shawanomitta, Louise	3-14-1941	F	13/32	Granddaughter.
2352	2347	Shawanomitta, Rella (Watasa)	2- 2-1888	F	4/4	Widow.

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Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2353	2348	Shawanomitte, Sylvester	11-13-1917	M	27/32	Married.
2354	2352	Shawanopenass, Antoinette	7- 7-1949	F	9/32	Daughter.
2355	2350	Shawanopenass, Flora (Barnes)	1-11-1926	F	3/8	Mother.
2356	2356	Shawanopenass, Gladys M	1-24-1944	F	49/64	Daughter.
2357	2354	Shawanopenass, Hattie (Waupoose)	12- 5-1888	F	11/16	Married.
2358	2349	Shawanopenass, John	8- 9-1924	M	7/8	Married.
2359	2351	Shawanopenass, Laurie	1-21-1947	F	5/8	Daughter.
2360	2353	Shawanopenass, Peter	2- 8-1890	M	4/4	Married.
2361	2357	Shegonee, Christine (Waupekenay)	12-25-1928	F	15/16	Mother.
2362	2358	Shegonee, Donna	12-12-1947	F	15/32	Daughter.
2363	2366	Shegonee, Edgar L	2- 3-1953	M	15/32	Son.
2364	2362	Shegonee, Florence (Waupekenay)	11-11-1924	F	15/16	Mother.
2365	2363	Shegonee, Henry D	4-20-1944	M	15/32	Son.
2366	2359	Shegonee, Margaret A	9-25-1949	F	15/32	Daughter.
2367	2361	Shegonee, Marsha R	10- 1-1953	F	15/32	Daughter.
2368	2364	Shegonee, Mildred	2-15-1948	F	15/32	Daughter.
2369	2360	Shegonee, Myron	8-17-1951	M	15/32	Son.
2370	2367	Shegonee, Neoma	1-28-1941	F	1/4	Daughter—father, Charles Shegonee.
2371	2368	Shegonee, Rhonda	8-27-1942	F	1/4	Daughter—father, Charles Shegonee.
2372	2365	Shegonee, Rose M	3-31-1950	F	15/32	Daughter.
2373	2369	Shepard, Mary (Tomow)	3- 5-1937	F	7/8	Married.
2374	2951	Sheshequoan, Catherine A	5-29-1945	F	3/8	Daughter.
2375	2370	Sheshequoan, Emma (Blackcloud)	6- 1-1911	F	7/8	Married.
2376	2371	Sheshequoan, Jerome	1892	M	3/4	Widower.
2377	2372	Shirley, Mildred (Shawanokasic)	12-26-1929	F	3/4	Married.
2378	2373	Shopaclock, Henry	1914	M	3/8	Single.
2379	2374	Showshey, Wauponen	1909	M	1/2	Single, a/k/a Star Showshey.
2380	2376	Siekler, Odelia J	9-27-1945	F	9/32	Daughter.
2381	2375	Siekler, Vivian (Tourtillott)	7-20-1906	F	1/8	Mother.
2382	------	Silas, Marilyn (Grignon)	7-11-1934	F	21/32	Mother.
2383	2379	Skenadore, Carol (Dodge)	10- 4-1930	F	5/8	Married.
2384	2377	Skenandore, Charlotte (Waupoose)	3-12-1917	F	13/32	Married.
2385	2378	Skenandore, Clayton J	3-19-1931	M	7/32	Married.
2386	2380	Skenandore, Virginia (Lawe)	1- 4-1912	F	5/8	Married.
2387	2386	Skubitz, Bernadette	3-28-1944	F	3/8	Daughter.
2388	2388	Skubitz, Dona	1-12-1954	F	3/8	Daughter.
2389	2385	Skubitz, Mary L	11- 8-1940	F	3/8	Daughter.
2390	2387	Skubitz, Sara	12-26-1948	F	3/8	Daughter.
2391	2384	Skubitz, Sarah (Longley)	9-22-1915	F	3/4	Mother.
2392	2391	Smith, Anna (Davis) (deceased)	8- 2-1894	F	7/8	Deceased.
2393	2393	Smith, Anna L	4-23-1945	F	3/8	Daughter.
2394	2389	Smith, Agnes (Teplew)	10-11-1914	F	7/8	Married.
2395	2400	Smith, Bernard	11-20-1946	M	5/8	Son.
2396	2395	Smith, Caroline L	12-23-1941	F	1/4	Daughter.
2397	2390	Smith, Checquaskum	1884	M	3/4	Married.
2398	2401	Smith, Gerald	12-29-1947	M	5/8	Son.
2399	2392	Smith, Harriet (Longley)	10- 2-1910	F	3/4	Mother.
2400	2405	Smith, Harriet (Teplew)	5- -1888	F	3/4	Married.
2401	2394	Smith, Janies	12- 1-1914	M	1/2	Married.
2402	2402	Smith, James F	4-29-1949	M	5/8	Son.
2403	2397	Smith, Joseph	5-18-1917	M	1/2	Father.
2404	2399	Smith, Joseph L	10- 9-1945	M	5/8	Son.
2405	2213	Smith, Josephine (Richmond)	10-14-1921	F	5/8	Married.
2406	2404	Smith, Kewashkomo	1894	M	3/4	Married.
2407	2396	Smith, Leah J	1- 7-1943	F	1/4	Daughter.
2408	2408	Smith, Leonard G	12-12-1946	M	13/32	Son.
2409	790	Smith, Lillian (Grignon)	3- 9-1937	F	21/32	Married.
2410	2406	Smith, Louise (O'Kachekum)	8- -1888	F	4/4	Widow.
2411	2407	Smith, Matilda (Dick)	2-18-1907	F	13/16	Married.
2412	2409	Smith, Poquoshekey	12-15-1920	M	3/4	Married, a/k/a Mose Smith.
2413	2398	Smith, Stella (Caldwell)	8- 6-1921	F	3/4	Mother.
2414	2410	Smith, Viola (Amour)	5-21-1912	F	19/32	Married.
2115	2403	Smith, Warren R	1-26-1953	M	5/8	Son.
2416	2411	Smith, Weso	1886	M	3/4	Widower.
2417	2412	Snake, Agnes (Waupoose)	8- 9-1905	F	7/16	Married.
2418	2413	Snow, Evelyn (Crapeau)	3- 6-1928	F	3/8	Mother.
2419	2415	Soldier, Alma	7-14-1928	F	7/16	Single.
2420	2416	Soldier, Dorothy	8- 5-1926	F	7/16	Single.
2421	2417	Soldier, Joseph	12- 9-1920	M	7/16	Single.
2422	2421	Soman, Dorothea (Wanbanascum)	1-31-1934	F	5/8	Mother.
2423	2418	Soman, Dwayne	11-24-1935	M	25/32	Single.
2424	2422	Soman, Lydia M	7-20-1953	F	51/64	Daughter.
2425	2426	Soman, Marlyn	4- 9-1951	F	25/32	Daughter.
2426	2424	Soman, Mary (Neconish)	8- 6-1911	F	5/8	Mother.
2427	2419	Soman, Michael	2-12-1902	M	15/16	Father.
2428	2420	Soman, Myron L	9-29-1934	M	31/32	Father.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2429	2423	Soman, Robert	9-25-1911	M	15/16	Father, a/k/a Robert Kaquatosh.
2430	2425	Soman, Sandra	10- 5-1939	F	25/32	Single.
2431	2428	Springer, Margaret (Chevalier)	2-27 1922	F	3/16	Married
2432	2429	Spurrier, Clara (deceased)	9-30-1932	F	13/32	Single.
2433	2428	Spurrier, Margaret C	11-22-1938	F	13/32	Single.
2434	2433	Spurrier, Rose (Brooks)	5-14-1908	F	1/2	Mother.
2435	2431	Spurrier, Roselyn	3-20-1935	F	13/32	Single.
2436	2434	Spurrier, Sandra	3-24-1942	F	13/32	Daughter.
2437	2432	Spurrier, Theodore	5- 7-1913	M	5/16	Father.
2438	2435	Spurrier, Theodore C., Jr	8-28-1945	M	13/32	Son.
2439	2436	Starr, Rose (Keshena)	2-17-1895	F	5/8	Married.
2440	2437	Steele, Betty (Wesho)	1-20-1932	F	1/2	Mother.
2441	2438	Steele, Jenny K	4-15-1952	F	1/4	Daughter.
2442	2439	Stein, Dennis J	3- 1-1946	M	7/16	Son.
2443	2440	Stein, Dorothy (Gauthier)	2-25-1919	F	5/32	Married.
2444	2441	Stevens, Elizabeth (Keshena)	5-15-1892	F	5/8	Married.
2445	2442	Stevens, Ellen R	3-12-1921	F	5/16	Single.
2446	2443	Stevens, Elsie (Tucker)	5-29-1909	F	7/8	Mother.
2447	2445	Stevens, Gregory J	1-17-1924	M	5/16	Single.
2448	2447	Stevens, Joseph	9-23-1938	M	7/16	Single.
2449	2446	Stevens, Lillian (Whitney)	5- 4-1916	F	7/8	Mother.
2450	2444	Stevens, Meredith A	1-30-1940	F	19/32	Daughter.
2451	2448	Stevens, Robert	1-27-1940	M	7/16	Son.
2452	2449	Stick, Cyril A	6-20-1936	M	1/4	Single.
2453	2450	Stick, Elda	4-29-1932	F	1/4	Single.
2454	2451	Stick, Gordon	5-28-1929	M	1/4	Single.
2455	2452	Stick, Howard R	3-31-1920	M	1/4	Single.
2456	2453	Stick, Owen A	10-15-1921	M	1/4	Single.
2457	2454	Stone, Josephine	4- 1-1913	F	15/16	Married.
2458	2455	Stone, Louis M	5- 2-1935	M	15/32	Single.
2459	2456	Stone, Peawasit	4- 5-1896	M	4/4	Married, a/k/a Howard Rain.
2460	15	Stovall, James M	4- 3-1951	M	7/16	Son, mother No. 13.
2461	2457	Striker, Elizabeth (Corn)	9-23-1907	F	7/8	Widow.
2462	963	Stuewer, Hazel (Johnson)	5- 9-1937	F	9/32	Married.
2463	2458	Sturdevant, Adam M	1- 4-1934	M	3/8	Married.
2464	2459	Sturdevant, Edith (Soman)	4- 4-1937	F	31/32	Married.
2465	2463	Sturdevant, Elizabeth	5-20-1939	F	3/8	Single.
2466	2460	Sturdevant, Esther	3-17-1926	F	3/8	Single.
2467	2464	Sturdevant, Michael	5-16-1944	M	3/8	Son.
2468	2461	Sturdevant, Mitchell	6-23-1924	M	3/8	Married.
2469	2462	Sturdevant, Nellie (Parnanet)	1901	F	3/4	Mother.
2470	2465	Sturdevant, Norbert	5- 9-1947	M	13/32	Grandson.
2471	2466	Suarez, Dorothy (Wishecoby)	2- 6-1903	F	5/8	Married.
2472	2467	Sullivan, Mary (Lookaround)	8-19-1898	F	5/16	Married.
2473	2473	Summers, Carmelita	7-16-1947	F	11/32	Daughter.
2474	2474	Summers, Josephine	2-28-1949	F	11/32	Daughter.
2475	2476	Summers, Lorraine E	8-27-1952	F	11/32	Daughter.
2476	2475	Summers, Louetta	12-17-1950	F	11/32	Daughter.
2477	2469	Summers, Robert	10-18-1940	M	11/32	Son.
2478	2472	Summers, Roger L	2- 3-1946	M	11/32	Son.
2479	2477	Summers, Roland M	4-25-1954	M	11/32	Son.
2480	2470	Summers, Sharon M	8- 2-1943	F	11/32	Daughter.
2481	2471	Summers, Shirley A	8-25-1944	F	11/32	Daughter.
2482	2468	Summers, Susan (Dodge)	5-31-1921	F	11/16	Mother.
2483	2228	Sunn, Eleanore	10-22-1946	F	23/64	Daughter—mother, No. 2232.
2484	2478	Tate, Susan (Wayka)	1907	F	7/8	Mother.
2485	2479	Tate, Virginia	2-20-1941	F	7/16	Daughter.
2486	2480	Tatro, Vera (Boyd)	2-13-1920	F	3/8	Married.
2487	2488	Tebeau, Beverly	12-10-1939	F	1/4	Single.
2488	2481	Tebeau, Clara (Duquain)	7-24-1911	F	11/32	Married.
2489	2482	Tebeau, Frederick (deceased)	12-21-1894	M	1/2	Deceased.
2490	2483	Tebeau, Frederick F	5-24-1919	M	11/32	Single.
2491	2484	Tebeau, James (deceased)	9-25-1885	M	1/2	Deceased.
2492	161	Tebeau, Karen	7-13-1951	F	51/128	Daughter—mother, No. 161.
2493	2486	Tebeau, Leonard I	6-11-1932	M	11/32	Single.
2494	2487	Tebeau, LeRoy	4- 2-1910	M	1/2	Father.
2495	2485	Tebeau, Martha (Gabe)	3-14-1886	F	5/8	Widow.
2496	2489	Tebo, Louis	5- 9-1891	M	3/4	Single.
2497	2497	Teller, Brenda	3-29-1951	F	9/32	Daughter.
2498	2510	Teller, Daryll	8-27-1949	M	85/128	Son.
2499	2490	Teller, Donald (deceased)	6-10-1932	M	25/64	Deceased.
2500	2504	Teller, Donna M	3-26-1941	F	1/2	Daughter.
2501	2511	Teller, Duane	5-13-1952	M	85/128	Son.
2502	2493	Teller, Douglas M	1- 4-1951	M	3/8	Son.
2503	2492	Teller, Gerada	8-31-1946	F	3/8	Daughter.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2504	2509	Teller, Gerald	8-27-1949	M	85/128	Son.
2505	2494	Teller, Henry	2-14-1907	M	1/2	Father.
2506	2495	Teller, Henry, Jr	8-24-1937	M	1/4	Single.
2507	2496	Teller, Hugh	4-11-1928	M	9/16	Father.
2508	2509	Teller, Jerome	7-29-1894	M	1/4	Married.
2509	2499	Teller, John H	2-22-1954	M	9/32	Son.
2510	2502	Teller, Joseph	10- 2-1892	M	1/2	Father.
2511	2503	Teller, Julia P	1- 8-1917	F	1/2	Mother.
2512	2498	Teller, Kerry	4-17-1952	F	9/32	Daughter.
2513	2505	Teller, Loretta A	4-15-1931	F	25/64	Single.
2514	2507	Teller, Mabel (Mahkimetass)	5-29-1927	F	49/64	Mother.
2515	2516	Teller, Margaret (Mahkimetass)	10-17-1921	F	7/8	Mother.
2516	2517	Teller, Nick	6- 7 1951	M	23/32	Son.
2517	2519	Teller, Pamela	1- 2-1951	F	23/32	Daughter.
2518	2506	Teller, Raymond	8- 3-1922	M	9/16	Father.
2519	2512	Teller, Roarah Ann	7-26-1953	F	85/128	Daughter.
2520	2514	Teller, Rose (Kaquatosh)	2- 6-1933	F	5/8	Married.
2521	2501	Teller, Rose (Warrington)	4- 8-1894	F	5/8	Married.
2522	2513	Teller, Russell	1-30-1930	M	9/16	Married.
2523	2508	Teller, Stephen	12-18-1947	M	85/128	Son.
2524	2515	Teller, Vernon	3- 4-1921	M	9/16	Father.
2525	2518	Teller, Verna L	11- 7-1952	F	23/32	Daughter.
2526	2520	Teplew, Ann Susan	5-15-1944	F	7/16	Alone.
2527	2529	Teplew, Arnold W	9- 1-1945	M	7/8	Son.
2528	2530	Teplew, Brian D	1- 8-1950	M	7/8	Son.
2529	2527	Teplew, Eugene L	3- 5-1941	M	7/8	Son.
2530	2535	Teplew, Frances (Komanekin)	11- 7 1920	F	15/32	Mother.
2531	2521	Teplew, Francis	6- 9-1922	M	7/8	Married.
2532	2524	Teplew, Frank	2- 9-1891	M	3/4	Widower.
2533	2525	Teplew, John	1-21-1914	M	23/32	Father.
2534	2528	Teplew, John W	10-16-1942	M	3/4	Son.
2535	2531	Teplew, Joseph	12-16-1912	M	7/8	Married.
2536	2532	Teplew, Mamie (Ahkenokosay)	7- 9-1921	F	5/8	Married.
2537	2533	Teplew, Margaret	1-24-1942	F	3/8	Daughter.
2538	2526	Teplew, Mary (Kakwitch)	3- 6-1915	F	25/32	Mother.
2539	2534	Teplew, Mitchell	1-32-1925	M	23/32	Married.
2540	2537	Teplew, Moses	9-22-1918	M	23/32	Married.
2541	2538	Teplew, Robert	9- 9-1920	M	23/32	Married.
2542	2522	Teplew, Ruth (Lawe)	11-19-1919	F	3/8	Mother.
2543	2540	Teplew, Thomas F	7-16-1953	M	7/16	Son.
2544	2539	Teplew, William	6- 6-1916	M	7/8	Married.
2545	2523	Teplew, Velma	5-26-1943	F	71/128	Daughter, a/k/a V. Gauthier.
2546	2541	Thayer, Clara (Fossum)	8-23-1915	F	1/2	Married.
2547	894	Thomas, Charlta E	5 12-1945	F	11/16	Daughter, a/k/a Charlta Hog.
2548	891	Thomas, Elizabeth (Amob)	10-14-1916	F	7/8	Mother, a/k/a E. Hog.
2549	890	Thomas, Joseph (Deceased)	8-15-1920	M	1/2	Deceased, a/k/a Thomas Hog.
2550	892	Thomas, Karen I	8-31-1942	F	11/16	Daughter, a/k/a Karen Hog.
2551	893	Thomas, Roxanne M	2-10-1944	F	11/16	Daughter, a/k/a Roxanne Hog.
2552	2542	Thompson, Edith (Leaman)	12-17-1917	F	1/4	Married.
2553	2543	Thompson, Pearl (Tebeau)	9- 5-1917	F	11/32	Married.
2554	2544	Thunder, Philomene (Sheshequoan)	7- 8-1918	F	3/4	Mother.
2555	2546	Thunder, Sherry L	9-14-1949	F	3/8	Daughter.
2556	2548	Thunder, Vaughn R	9-15-1952	M	3/8	Son.
2557	2549	Thunder, Wallis Ann	4-29-1954	F	3/8	Daughter.
2558	2547	Thunder, Warren J	11-11-1950	M	3/8	Son.
2559	2550	Tobkin, Florence (Wynos)	10-21-1931	F	1/4	Married.
2560	2550	Tomow, Anthony	7-28 1950	M	7/8	Son.
2561	2557	Tomow, Barbara J	7-17-1946	F	7/8	Daughter.
2562	2567	Tomow, Colin	3-30-1948	M	47/64	Son.
2563	2551	Tomow, Delores	9-23-1928	F	59/64	Single.
2564	2563	Tomow, Frances (Waupoose)	3-18-1908	F	19/32	Mother.
2565	2553	Tomow, Frank B	10- 2-1907	M	7/8	Single.
2566	2554	Tomow, Franklin T	2- 1-1941	M	7/8	Son.
2567	2555	Tomow, Genevieve	4-24-1943	F	7/8	Daughter.
2568	2560	Tomow, George	3-31-1906	M	7/8	Married.
2569	2565	Tomow, Gertrude A	11- 5-1942	F	47/64	Daughter.
2570	2571	Tomow, Gertrude (Warrington)	10-30-1936	F	7/16	Married.
2571	2562	Tomow, Henry, Sr	12-14-1899	M	7/8	Father.
2572	2566	Tomow, Henry J., Jr	6- 7-1944	M	47/64	Son.
2573	2568	Tomow, Joseph	4-19-1937	M	47/64	Single.
2574	2564	Tomow, Josephine	8- 5-1939	F	47/64	Single.
2575	2569	Tomow, Lawrence	2- 6-1935	M	47/64	Single.
2576	2570	Tomow, Louis A	5-26-1929	M	47/64	Married.
2577	2572	Tomow, Madeline	6-18-1911	F	4/4	Single.

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FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2578	2553	Tomow, Mary (Caldwell)	9-19-1910	F	7/8	Mother.
2579	2573	Tomow, Mary (Waupoose)	11- 1-1873	F	11/16	Widow.
2580	2556	Tomow, Raymond	3- 3-1945	M	7/8	Son.
2581	2561	Tomow, Sophena (Kenote)	7- 5-1895	F	27/32	Married.
2582	2574	Tomow, Thomas (deceased)	1870	M	4/4	Deceased.
2583	2558	Tomow, Wilfred J	6-19-1948	M	7/8	Son.
2584	2575	Tourtillott, Albert G., Sr	8-25-1879	M	1/8	Widower.
2585	2576	Tourtillott, Albert G., Jr	8- 6-1913	M	1/16	Married.
2586	2599	Tourtillott, Alice (Frechette)	10-31-1926	F	31/64	Mother.
2587	2597	Tourtillott, Barbara P	2-24-1954	F	13/32	Daughter.
2588	2577	Tourtillott, Bernard L	9-25-1935	M	11/32	Single.
2589	2578	Tourtillott, Charles A	1-26-1881	M	1/8	Married.
2590	2579	Tourtillott, Charles W	8-30-1865	M	1/4	Married.
2591	2614	Tourtillott, Clarice	7- 2-1940	F	11/32	Daughter.
2592	2609	Tourtillott, Delores (Lawe)	10-15-1929	F	3/8	Mother.
2593	2580	Tourtillott, Delores V	1-10-1924	F	5/16	Mother.
2594	2582	Tourtillott, Donald	1-11-1935	M	5/16	Single.
2595	2583	Tourtillott, Elizabeth (Lookaround)	7- 6-1875	F	5/8	Widow.
2596	2600	Tourtillott, Ellen M	7- 8-1948	F	39/128	Daughter.
2597	2610	Tourtillott, George M	3-28-1949	M	11/32	Son.
2598	2584	Tourtillott, Howard E	10-25-1913	M	1/8	Married.
2599	2586	Tourtillott, Irving W	12-29-1933	M	11/32	Single, a/k/a Wayne Tourtillott.
2600	2587	Tourtillott, James C	11-26-1922	M	5/16	Father.
2601	2588	Tourtillott, James C., Jr	5-19-1948	M	17/64	Son.
2602	2590	Tourtillott, Joy	1- 1-1937	F	5/16	Single.
2603	2616	Tourtillott, Kay (Richmond)	9- 4-1934	F	9/32	Married.
2604	2591	Tourtillott, Laura J	12-12-1931	F	1/16	Single.
2605	2592	Tourtillott, LeVerne C., Sr	2- 9-1905	M	1/8	Father.
2606	2594	Tourtillott, LaVerne C., Jr	4- 7-1939	M	13/32	Single.
2607	2585	Tourtillott, Lillian (Gristoe)	6-11-1917	F	1/4	Married.
2608	2598	Tourtillott, Lloyd A	3-11-1924	M	1/8	Father.
2609	2596	Tourtillott, Lyle Robert	4- 2-1950	M	13/32	Son.
2610	2589	Tourtillott, Mark A	7-31-1952	M	17/64	Son.
2611	2602	Tourtillott, Miles A	6- 1-1951	M	39/128	Son.
2612	2603	Tourtillott, Miles J	7-27-1903	M	1/8	Father.
2613	2606	Tourtillott, Olga B	12- 4-1944	F	5/16	Daughter.
2614	2607	Tourtillott, Ralph G	2- 3-1900	M	1/8	Married.
2615	2608	Tourtillott, Raymond A	12- 4-1925	M	5/16	Father.
2616	2612	Tourtillott, Raymond B	1- 6-1912	M	1/8	Father.
2617	2595	Tourtillott, Renee M	3-30-1943	F	13/32	Daughter.
2618	2611	Tourtillott, Richard A	10-27-1950	M	11/32	Son.
2619	2615	Tourtillott, Roger A	4-22-1933	M	5/16	Married.
2620	2617	Tourtillott, Rolland	7-28-1937	M	13/32	Single.
2621	2604	Tourtillott, Rose (Frechette)	11- 9-1902	F	1/2	Mother.
2622	2593	Tourtillott, Rose (Heath)	11- 6-1913	F	11/16	Mother.
2623	2581	Tourtillott, Rosemary	3-21-1943	F	15/32	Daughter.
2624	2618	Tourtillott, Russell A	2-11-1919	M	1/8	Married.
2625	2605	Tourtillott, Sylvia	8-23-1940	F	5/16	Daughter.
2626	2613	Tourtillott, Theresa (Irving)	8-26-1912	F	9/16	Mother.
2627	2601	Tourtillott, Thomas N	11- 7-1949	M	39/128	Son.
2628	2619	Tourtillott, Vivian	3- 6-1938	F	11/32	Single.
2629	2620	Tourtillott, William C	5-26-1910	M	1/16	Married.
2630	2621	Towasopon, Aloysius	8-13-1915	M	11/16	Single, a/k/a Al Diek.
2631	2622	Towasopon, Joseph	1883	M	1/2	Widower, a/k/a Joe Diek.
2632	2623	Towasopon, Peter	5-29-1913	M	11/16	Single, a/k/a Peter Diek.
2633	2638	Tucker, Adelaide (Wilber)	2-25-1919	F	5/16	Mother.
2634	2695	Tucker, Agnes (Lawe)	5- 2-1935	F	11/16	Married.
2635	2624	Tucker, Alfred	3-12-1920	M	7/8	Father.
2636	2630	Tucker, Algier	3-30-1914	M	3/4	Father.
2637	2655	Tucker, Annalee	5-29-1947	F	19/32	Daughter.
2638	2625	Tucker, Augustine (Dodge)	3- 2-1923	F	11/16	Mother.
2639	2633	Tucker, Aurelia (Waubanascum)	10- 2-1913	F	5/16	Widow.
2640	2628	Tucker, Barbara S	10-26-1946	F	25/32	Daughter.
2641	2662	Tucker, Bernard	11- 2-1939	M	5/8	Single.
2642	2642	Tucker, Bryant	4-22-1947	M	17/32	Son.
2643	2627	Tucker, Carol J	10-26-1916	F	25/32	Daughter.
2644	2634	Tucker, Cecelia	7-24-1906	F	3/4	Single.
2645	2674	Tucker, Charlene (Warrington)	2- 3-1931	F	47/64	Married.
2646	2635	Tucker, Clara A	2- 8-1935	F	5/8	Single.
2647	2636	Tucker, Clara Louise	4-30-1938	F	19/32	Single.
2648	2637	Tucker, Clarence	1- 7-1910	M	3/4	Father.
2649	2640	Tucker, Clarence, Jr	4- 2-1944	M	17/32	Son.
2650	2629	Tucker, Deanna E	10-14-1951	F	25/32	Daughter.
2651	2666	Tucker, Denice	3-30-1951	F	5/8	Daughter.
2652	2647	Tucker, Donna J	8-10-1935	F	3/8	Single.
2653	2648	Tucker, Edgar A	11- 1-1932	M	15/32	Single.
2654	2677	Tucker, Edna (Boyd)	5-28-1909	F	3/8	Married.
2655	2639	Tucker, Edryll L	8-20-1943	F	17/32	Daughter.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2656	2626	Tucker, Edward	11-22-1943	M	25/32	Son.
2657	2640	Tucker, Edward C	2-15-1912	M	3/4	Single.
2658	2651	Tucker, Esther (Menore)	6- 8-1918	F	7/16	Mother.
2659	2650	Tucker, Gabriel	2-17-1908	M	3/4	Father.
2660	2654	Tucker, Gabriel E., Jr	6-18-1945	M	19/32	Son.
2661	2667	Tucker, Gary N	10-11-1952	M	5/8	Son.
2662	2632	Tucker, Gaynell M	1-23-1952	F	45/64	Daughter.
2663	2656	Tucker, Henry	2- 1-1901	M	3/4	Single.
2664	2652	Tucker, James R	6-14-1940	M	19/32	Son.
2665	2657	Tucker, Janice M	4-14-1937	F	5/8	Single.
2666	2644	Tucker, John O	10- 8-1919	M	17/32	Son.
2667	2658	Tucker, Joseph	9-28-1899	M	3/4	Married.
2668	2678	Tucker, Joseph D	11-15-1916	M	3/4	Single.
2669	2681	Tucker, Joyce M	12-12-1943	F	3/8	Daughter.
2670	2653	Tucker, Lawrence	3-15-1943	M	19/32	Son.
2671	2660	Tucker, Leonard	10-12-1915	M	7/8	Father.
2672	2665	Tucker, Linda L	3-28-1948	F	5/8	Daughter.
2673	2668	Tucker, Louis	4-27-1879	M	3/4	Married.
2674	2645	Tucker, Louis A	6- 9-1952	M	17/32	Son.
2675	2670	Tucker, Louise (Grignon)	1-20-1877	F	3/4	Widow.
2676	2671	Tucker, Lyle R	3- 7-1933	M	1/2	Married.
2677	2663	Tucker, Marcia	8-15-1942	F	5/8	Daughter.
2678	2659	Tucker, Margaret (Heath)	11-12-1916	F	11/16	Married.
2679	2680	Tucker, Margaret M	7- 2-1941	F	3/8	Daughter.
2680	2661	Tucker, Mary (Lawe)	8-14-1911	F	3/8	Mother.
2681	2669	Tucker, Matilda (Maskowit)	7- 9-1882	F	4/4	Married.
2682	2672	Tucker, Mose (deceased)	4-15-1865	M	3/4	Deceased.
2683	2673	Tucker, Mose, Jr	1-20-1914	M	3/4	Married.
2684	2641	Tucker, Myron G	7-12-1945	M	17/32	Son.
2685	2643	Tucker, Nathalyn A	4-24-1948	F	17/32	Daughter.
2686	2664	Tucker, Norbert	12-16-1946	M	5/8	Son.
2687	2675	Tucker, Norma	2-18-1936	F	5/8	Single.
2688	2676	Tucker, Peter A	11-16-1912	M	3/4	Married.
2689	2679	Tucker, Raphael	10-23-1900	M	3/4	Father.
2690	2682	Tucker, Raymond	2-15-1936	M	19/32	Single.
2691	2683	Tucker, Richard	7- 1-1921	M	7/8	Single.
2692	2684	Tucker, Robert John	11-26-1934	M	17/32	Single.
2693	2685	Tucker, Robert J	12-21-1928	M	3/8	Married.
2694	2687	Tucker, Rose	12-29-1921	F	3/4	Single, a/k/a Elva Rose Tucker.
2695	2646	Tucker, Ruth A	10-18-1953	F	17/32	Daughter.
2696	2631	Tucker, Violet (Warrington)	7-15-1935	F	21/32	Mother.
2697	2688	Tucker, William	1-16-1883	M	3/8	Married.
2698	2689	Tucker, Yvonne M	12-14-1937	F	3/8	Single.
2699	2908	Turney, David M	4-21-1954	M	27/64	Son.
2700	2694	Turney, Dennis W	2- 1-1943	M	1/2	Son.
2701	2692	Turney, Elmer J	5- 3-1939	M	1/2	Single.
2702	2937	Turney, Gloria (Waupoose)	8-24-1930	F	27/32	Mother.
2703	2695	Turney, Gregory J	8-22-1947	M	1/2	Son.
2704	2696	Turney, Karen E	9-17-1918	F	1/2	Daughter.
2705	2690	Turney, Loretta	3-26-1937	F	1/2	Single.
2706	2008	Turney, Louise	9-22-1942	F	7/16	Stepdaughter.
2707	2693	Turney, Lynn F	3-27-1941	F	1/2	Daughter.
2708	2691	Turney, Maggie (Smith)	3-11-1913	F	3/4	Mother.
2709	2007	Turney, Marvin	11-19-1940	M	7/16	Stepson.
2710	2697	Uminski, Jane (Waubano)	3-15-1891	F	5/8	Widow.
2711	764	Vacchiano, Jane (Peters)	8-31-1915	F	5/8	Married.
2712	2698	Vallier, Sharon (Crapeau)	7-24-1936	F	3/8	Married.
2713	2699	Vann, Bernard	6-26-1938	M	1/4	Single.
2714	1372	Vann, Brenda J	3-18-1940	F	1/4	Daughter.
2715	2700	Vasquez, Violette (Wescott)	3-20-1925	F	1/4	Married.
2716	2701	Vigue, Audrey	8-14-1933	F	1/8	Single.
2717	2712	Vigue, Cecelia (Tebeau)	7- 9-1922	F	11/32	Married.
2718	2702	Vigue, Clarence	4-20-1925	M	1/8	Single.
2719	2703	Vigue, Edward G	12- 5-1930	M	1/8	Married.
2720	2927	Vigue, Emma (Hawpetoss)	7-15-1932	F	1/4	Married.
2721	2722	Vigue, Floyd	7- 6-1940	M	5/16	Son.
2722	2705	Vigue, George	5-19-1910	M	1/8	Father.
2723	2707	Vigue, Irene	12-18-1929	F	1/8	Single.
2724	2723	Vigue, Lillian	7- 3-1942	F	5/16	Daughter.
2725	2704	Vigue, Lois (Frechette)	10-22-1934	F	17/32	Married.
2726	2708	Vigue, Louis	7-11-1907	M	1/8	Widower.
2727	2709	Vigue, Mitchell	9-24-1914	M	1/8	Married.
2728	2710	Vigue, Paul	9-15-1883	M	1/4	Widower.
2729	2711	Vigue, Richard	3-15-1916	M	1/8	Married.
2730	2713	Vigue, Sylvia	4-15-1936	F	5/16	Single.
2731	2714	Voelz, Audrey (Long)	4-14-1930	F	17/32	Married.
2732	2715	Volpe, Catherine (Waukechon)	4- 6-1903	F	15/32	Married.
2733	3053	Walker, Frances (Wesho)	2-15-1931	F	1/2	Mother.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2734	2716	Wallace, Doris (Mahkimetass)	6-23-1924	F	7/8	Mother.
2735	2719	Wallace, James M	9- 5-1951	M	7/16	Son.
2736	2720	Wallace, William G	10- 4-1952	M	7/16	Son.
2737	2724	Walters, Frances (Neconish)	5-31-1931	F	9/16	Mother.
2738	2726	Walters, George A	11-27-1952	M	9/32	Son.
2739	585	Walters, Georgianna M	7- 5-1949	F	9/32	Daughter.
2740	2725	Walters, Patricia A	4-13-1951	F	9/32	Daughter.
2741	2727	Warrington, Agnes (Corn)	8-14-1888	F	3/4	Widow.
2742	2728	Warrington, Althea	5- 2-1938	F	3/8	Single.
2743	2729	Warrington, Benedict	4- 1-1916	M	7/8	Single.
2744	2730	Warrington, Benjamin, Sr	1-29-1903	M	3/8	Father.
2745	2732	Warrington, Benjamin J	3-29-1937	M	1/4	Single.
2746	2733	Warrington, Bernard M., Sr	4-23-1919	M	5/8	Married.
2747	2735	Warrington, Bernard M., Jr	1- 8-1952	M	5/8	Son.
2748	2736	Warrington, Burton	7- 7-1927	M	3/8	Father.
2749	2737	Warrington, Burton K., Jr	9-17-1949	M	5/16	Son.
2750	2741	Warrington, Casimer C	1-25-1932	M	47/64	Single.
2751	2742	Warrington, Charles	7-12-1912	M	5/16	Father.
2752	2743	Warrington, Charlotte (MeLotte)	6- 9-1911	F	9/16	Mother.
2753	2744	Warrington, Clyde S	11-21-1932	M	3/16	Single.
2754	2766	Warrington, Cornelius	9- 7-1944	M	47/64	Son.
2755	2740	Warrington, Dawn E	11-24-1953	F	5/16	Daughter.
2756	2764	Warrington, Donald	2-22-1941	M	47/64	Son.
2757	2745	Warrington, Dorothy (deceased)	7- 3-1928	F	5/8	Deceased.
2758	2746	Warrington, Edwin	9-28-1902	M	3/8	Alone.
2759	2747	Warrington, Glen L. (deceased)	11- 7-1922	M	3/8	Deceased.
2760	2748	Warrington, Gloria A	9- 5-1923	F	3/8	Single.
2761	2752	Warrington, Graham	10-27-1947	M	5/16	Son.
2762	2781	Warrington, Henry P	5- 7-1947	M	23/32	Son.
2763	2749	Warrington, Hilary	4-19-1934	M	47/64	Single.
2764	2765	Warrington, Jacqualine	8-23-1943	F	47/64	Daughter.
2765	2754	Warrington, James, Sr	5- 1-1889	M	5/8	Married.
2766	2750	Warrington, James, Jr	1-12-1923	M	5/8	Father.
2767	2753	Warrington, James G	7-27-1949	M	5/16	Son.
2768	2751	Warrington, Janet M	3- 9-1916	F	5/16	Daughter.
2769	2780	Warrington, Jennie (Vigue)	9- 1-1923	F	1/8	Mother.
2770	2757	Warrington, Joseph	11-12-1904	M	3/8	Married.
2771	2756	Warrington, Joseph A	8-23-1934	M	1/4	Married.
2772	2758	Warrington, Joseph L	1907	M	7/8	Married, a/k/a Leo Warrington.
2773	2759	Warrington, Kenneth	7- 8-1920	M	3/8	Married.
2774	2760	Warrington, Kidd W	11-22-1925	M	3/16	Married.
2775	2739	Warrington, Lea Rae	9-22-1952	F	5/16	Daughter.
2776	2762	Warrington, Levi	12-15-1897	M	5/8	Father.
2777	2771	Warrington, Lorraine	3- 7-1950	F	7/8	Daughter.
2778	2731	Warrington, Marcia	12-11-1940	F	1/4	Daughter.
2779	2763	Warrington, Mary (Waupoose)	1-23-1904	F	27/32	Mother.
2780	2755	Warrington, Matilda (Kaquatosh)	4- 7-1890	F	1/2	Married.
2781	2769	Warrington, Merceline (Neconish)	5- 2-1932	F	7/8	Mother.
2782	2768	Warrington, Merle	8- 4-1926	M	7/8	Father.
2783	2772	Warrington, Norman J	11-29-1929	M	47/64	Single.
2784	2773	Warrington, Roberta	2- 7-1931	F	3/16	Single.
2785	2770	Warrington, Roberta R	8- 8-1953	F	7/8	Daughter.
2786	2774	Warrington, Rose M	10-31-1938	F	47/64	Single.
2787	2775	Warrington, Rosemund	6-23-1936	F	3/8	Single.
2788	2776	Warrington, Royal A	3-19-1935	M	3/8	Single.
2789	2738	Warrington, Royal E	3- 8-1951	M	5/16	Son.
2790	2777	Warrington, Sarah (Boyd)	1- 1-1898	F	3/8	Mother.
2791	2778	Warrington, Theodore A	6- 8-1938	M	3/8	Single, a/k/a Tony Bush.
2792	2734	Warrington, Theresa (Wolf)	6-28-1921	F	5/8	Married.
2793	2767	Warrington, Valeria P	7-10-1947	F	47/64	Daughter.
2794	2779	Warrington, Wiber G	10-15-1917	M	5/8	Married.
2795	2761	Warrington, Wilda (Boyd)	5-27-1929	F	19/32	Married.
2796	2782	Washinawatok, Francis	10-22-1908	M	1/2	Single.
2797	2783	Washinawatok, Katherine	3- 2-1916	F	1/2	Single.
2798	2784	Washinawatok, Leo	2-15-1910	M	1/2	Single.
2799	3095	Waskovich, Agnes (LaRock)	5- 1-1885	F	1/2	Married.
2800	2785	Wasmund, Louise (Grignon)	12- 9-1914	F	7/8	Married.
2801	------	Wasmund, William H	3-25-1954	M	7/16	Son.
2802	2796	Waubanascum, Alfred	2-15-1941	M	45/64	Son.
2803	2787	Waubanascum, Audrey (Waukau)	2-19-1931	F	11/16	Mother.
2804	2789	Waubanascum, Edmore (Longley)	8-23-1915	F	3/4	Mother.
2805	2786	Waubanascum, Edmund J	1-27-1936	M	5/8	Married.
2806	2797	Waubanascum, Frances A	4-17-1943	M	45/64	Son.
2807	2800	Waubanascum, Gerald A	1-30-1953	M	45/64	Son.
2808	2795	Waubanascum, Janet	3- 4-1939	F	45/64	Single.
2809	2788	Waubanascum, John J	12- 1-1913	M	1/2	Father.
2810	2792	Waubanascum, John J., Jr	8-24-1948	M	5/8	Son.
2811	2790	Waubanascum, June	6- 2-1939	F	5/8	Single.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2812	2791	Waubanascum, Mary C	7-16-1942	F	5/8	Daughter.
2813	2794	Waubanascum, Mary Ann (Waupoose)	6- 9-1918	F	29/32	Mother.
2814	2801	Waubanascum, Nawaquop	1894	M	4/4	Married.
2815	2802	Waubanascum, Norma J	1-28-1938	F	45/64	Single.
2816	2803	Waubanascum, Percy	5-19-1923	M	5/16	Married, a/k/a Robert Dodge.
2817	2804	Waubanascum, Phyllis	9-20-1921	F	1/2	Single.
2818	2799	Waubanascum, Renita M	10-18-1949	F	45/64	Daughter.
2819	2793	Waubanascum, William	9-11-1917	M	1/2	Father.
2820	2798	Waubanascum, William R	10-10-1944	M	45/64	Son.
2821	2806	Waubano, Dorothy	8-31-1939	F	13/32	Single, a/k/a D. Soman.
2822	2809	Waubano, Glen E	5- 2-1948	M	13/32	Son, a/k/a Glen Soman.
2823	2805	Waubano, Paul J	7-26-1918	M	13/16	Father, a/k/a Joe Soman.
2824	2807	Waubano, LeRoy J	8-18-1943	M	13/32	Son, a/k/a LeRoy Soman.
2825	2808	Waubano, Lorraine M	2- 7-1946	F	13/32	Daughter, a/k/a Lorraine Soman.
2826	2810	Waubano, Sharon	7- 8-1949	F	13/32	Daughter, a/k/a Sharon Soman.
2827	2825	Waukau, Berard C	7-26-1953	M	21/64	Son.
2828	2852	Waukau, Daryl	11- 3-1952	M	1/2	Son.
2829	2813	Waukau, Delores (Keshena)	5-15-1919	F	3/8	Married.
2530	388	Waukau, Dianna (Cox)	9-14-1937	F	11/32	Married.
2831	2811	Waukau, Doria	8- 5-1937	F	11/16	Single.
2832	2843	Waukau, Duane	1- 1-1954	M	23/64	Son.
2833	2820	Waukau, Edith (Skenandore)	12-27-1927	F	7/32	Mother.
2834	2834	Waukau, Garry M	6- 2-1954	M	3/8	Son.
2835	1438	Waukau, Harriett (Madosh)	12-24-1940	F	3/8	Married.
2836	2821	Waukau, Hilary A., Jr	9-25-1947	M	21/64	Son.
2837	2819	Waukau, Hilary J	10-13-1922	M	7/16	Married.
2838	2823	Waukau, Jeffery J	3-11-1951	M	21/64	Son.
2839	2841	Waukau, Joan (Grignon)	1-19-1934	F	9/32	Mother.
2840	2826	Waukau, Joe A	7-24-1903	M	4/4	Father.
2841	2829	Waukau, John	4-18-1898	M	3/4	Married.
2842	2839	Waukau, Jolovette	8- 4-1943	F	7/16	Daughter.
2843	2830	Waukau, Joseph L	2- 1-1926	M	11/16	Married.
2844	2851	Waukau, Lalita	7-22-1950	F	1/2	Daughter.
2845	2817	Waukau, Lauren Marie	8-26-1948	F	13/32	Daughter.
2846	2828	Waukau, LaVonne B	7- 9-1952	F	11/16	Daughter.
2847	2850	Waukau, Lawrence	1-28-1947	M	1/2	Son.
2848	2816	Waukau, Lee Susanne	12-26-1944	F	13/32	Daughter.
2849	2824	Waukau, Lenore Ann	5-30-1952	F	21/64	Daughter.
2850	2885	Waukau, LeRoy	8-12-1937	M	3/4	Single.
2851	2818	Waukau, Leslie	7-13-1951	F	13/32	Daughter.
2852	2812	Waukau, Lloyd, Sr	11-14-1920	M	7/16	Father.
2853	2815	Waukau, Lloyd D., Jr	2-27-1943	M	13/32	Son.
2854	2814	Waukau, Lynn	8- 2-1941	F	13/32	Daughter.
2855	2831	Waukau, Mabel (Richmond)	7-29-1925	F	5/8	Married.
2856	2832	Waukau, Marvin	8-23-1938	M	7/16	Single.
2857	2833	Waukau, Mary J	4-12-1934	F	3/4	Mother.
2858	2835	Waukau, Mervin	8-23-1938	M	7/16	Single.
2859	2837	Waukau, Mitchell	8-14-1894	M	3/4	Father.
2860	2836	Waukau, Mitchell P	3-19-1932	M	3/4	Single.
2861	2840	Waukau, Orman	9- 8-1920	M	7/16	Father.
2862	2842	Waukau, Orman D	9-28-1951	M	23/64	Son.
2863	2849	Waukau, Robert J	11- 6-1945	M	1/2	Son.
2864	2827	Waukau, Robert L	12-14-1939	M	11/16	Single.
2865	2844	Waukau, Roger L	9-14-1936	M	7/16	Married.
2866	2847	Waukau, Rosella	9- 5-1942	F	1/2	Daughter.
2867	2845	Waukau, Ruby A	1- 4-1936	F	11/16	Single.
2868	2822	Waukau, Stephanie	12- 2-1948	F	21/64	Daughter.
2869	2838	Waukau, Wayne	6-18-1940	M	7/16	Son.
2870	2846	Waukau, William	9- 4-1908	M	4/4	Father.
2871	2848	Waukau, William, Jr	6-30-1944	M	1/2	Son.
2872	2853	Waukechon, Alfred A	1- 8-1931	M	11/16	Single.
2873	2881	Waukechon, Alice A	6- 8-1952	F	21/64	Daughter.
2874	2854	Waukechon, Annie (Gauthier)	1- 5-1889	F	5/8	Widow.
2875	2855	Waukechon, Catherine	5-10-1924	F	11/16	Single.
2876	2864	Waukechon, Catherine (Gauthier)	3- 3-1916	F	5/16	Mother.
2877	2884	Waukechon, Darlene (LeRoy)	3-20-1935	F	11/32	Married.
2878	2878	Waukechon, Donald L	6-24-1946	M	21/64	Son.
2879	2874	Waukechon, Dora (Chevalier)	9-15-1920	F	3/16	Mother.
2880	2856	Waukechon, Edith (Irving)	10- 5-1905	F	9/16	Married.
2881	2857	Waukechon, Frances A	5-13-1916	F	11/16	Single.
2882	2858	Waukechon, James L	3-28-1909	M	3/8	Married.
2883	2861	Waukechon, Jean M	12-18-1937	F	11/32	Single.
2884	2876	Waukechon, Jeanette	7- 5-1944	F	21/64	Daughter.
2885	2880	Waukechon, Joan J	4-11-1949	F	21/64	Daughter.
2886	2860	Waukechon, John W	10-10-1921	M	11/16	Single.
2887	2861	Waukechon, Joseph	5-17-1908	M	15/32	Married.

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FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2888	2863	Waukechon, Joseph G., Sr.	8- 6-1912	M	3/8	Father.
2889	2867	Waukechon, Joseph G., Jr.	10- 4-1941	M	11/32	Son.
2890	2868	Waukechon, Kathleen E.	3-30-1947	F	11/32	Daughter.
2891	2870	Waukechon, Louis	6-18-1893	M	3/4	Widower.
2892	2862	Waukechon, Lucille (Chevalier)	9-24-1914	F	3/16	Married.
2893	2877	Waukechon, Marguerite R.	7- 2-1945	F	21/64	Daughter.
2894	2865	Waukechon, Martina G.	10- 2-1939	F	11/32	Single.
2895	2871	Waukechon, Marvin	1-17-1913	M	11/16	Single, a/k/a Butch Waukechon.
2896	2872	Waukechon, Mary (Washoquonatt)	1885	F	3/4	Widow.
2897	2866	Waukechon, Mavis C.	2- 6-1942	F	11/32	Daughter.
2898	2869	Waukechon, Patricia A.	8-17-1949	F	11/32	Daughter.
2899	2873	Waukechon, Peter J.	8- 5-1914	M	15/32	Father.
2900	2875	Waukechon, Peter J., Jr.	4- 9-1943	M	21/64	Son.
2901	2879	Waukechon, Rita C.	9-28-1947	F	21/64	Daughter.
2902	2882	Waukechon, Shirley J.	6-30-1933	F	3/16	Single, a/k/a Shirley Johnson.
2903	2883	Waukechon, Worden A.	3-30-1932	M	5/8	Married.
2904	2886	Waupahko, Matchoshawano	1898	M	1/2	Married, a/k/a John Shawano.
2905	2891	Waupekenay, Catherina A.	6-23-1950	F	29/32	Daughter.
2906	2888	Waupekenay, Cecelia	10-31-1926	F	7/8	Mother.
2907	2893	Waupekenay, Gordon J.	1-27-1954	M	29/32	Son.
2908	2890	Waupekenay, Joseph A.	5-30-1948	M	29/32	Son.
2909	2887	Waupekenay, Joseph M.	8- 6-1922	M	15/16	Father.
2910	2892	Waupekenay, Mary B.	3-17-1952	F	29/32	Daughter.
2911	2889	Waupekenay, Shelby J.	2- 2-1946	F	13/16	Daughter.
2912	2896	Waupochick, Anthony J.	7- 8-1942	M	1/2	Son.
2913	2894	Waupochick, Antoine	1-21-1910	M	7/8	Father.
2914	2898	Waupochick, Barbara V.	6- 4-1936	F	1/2	Single.
2915	2897	Waupochick, Paula	11-12-1946	F	1/2	Daughter.
2916	2895	Waupochick, Virginia (Fredenberg)	4-16-1916	F	1/8	Mother.
2917	2899	Waupochick, William	6- 4-1937	M	1/2	Single.
2918	2900	Waupoose, Albert	10- 2-1938	M	43/64	Single.
2919	2901	Waupoose, Alexander, Sr.	3-23-1903	M	13/16	Father.
2920	2911	Waupoose, Alexander, Jr.	12- 7-1932	M	27/32	Single.
2921	2912	Waupoose, Aloysius	8-26-1926	M	25/32	Father.
2922	2916	Waupoose, Amos	1- 8-1901	M	7/16	Married.
2923	2907	Waupoose, Antoinette	2-22-1947	F	27/32	Daughter.
2924	2918	Waupoose, Bernadine J.	8- 2-1935	F	29/32	Single.
2925	2919	Waupoose, Carl	1- 3-1927	M	29/32	Married.
2926	170	Waupoose, Carl R., Jr.	3-16-1948	M	15/16	Son, mother No. 166.
2927	2961	Waupoose, Charlotte (Teplew)	7- 5-1916	F	23/32	Mother.
2928	2917	Waupoose, Constance	9-12-1910	F	9/16	Daughter.
2929	2940	Waupoose, Constance (Gvignou)	7-21-1932	F	9/32	Mother.
2930	2925	Waupoose, Daniel	3-11-1907	M	29/32	Single.
2931	2955	Waupoose, Deborah M.	2-23-1954	F	53/64	Daughter.
2932	2950	Waupoose, Delores (Sheshequoun)	3- 7-1926	F	3/4	Married.
2933	2913	Waupoose, Edith (Long)	3- 6-1928	F	17/32	Mother, a/k/a LaVerne Waupoose.
2934	2933	Waupoose, Edith M.	10-24-1941	F	27/32	Daughter.
2935	2926	Waupoose, Elmer	5- 3-1914	M	27/32	Single.
2936	2928	Waupoose, Evelyn	2-24-1931	F	25/32	Single.
2937	2935	Waupoose, Evelyn K.	9- 4-1944	F	27/32	Daughter.
2938	2929	Waupoose, Everett L.	2-18-1938	M	27/32	Single.
2939	2930	Waupoose, Francis	3-13-1913	M	27/32	Father.
2940	2932	Waupoose, Francis E.	8-18-1939	M	27/32	Single.
2941	2936	Waupoose, Gilbert	11-11-1921	M	27/32	Single.
2942	2939	Waupoose, Gordon L.	7-22-1928	M	27/32	Married.
2943	621	Waupoose, Howard A.	10-15-1948	M	43/64	Son.
2944	2942	Waupoose, Irene	6-24-1936	F	25/32	Single.
2945	2943	Waupoose, Irvin	2-24-1935	M	27/32	Single.
2946	2905	Waupoose, Ivan F.	2-19-1944	M	27/32	Son.
2947	2963	Waupoose, James Mitchell	6-14-1953	M	23/64	Son.
2948	2954	Waupoose, Jean (Heath)	8-12-1935	F	13/16	Mother.
2949	2909	Waupoose, Jerome M.	3-16-1950	M	27/32	Son.
2950	2947	Waupoose, Joseph Albert	6-25-1916	M	29/32	Father.
2951	2944	Waupoose, Joseph	9- 1-1905	M	29/32	Married.
2952	2976	Waupoose, Josephine (Hanks)	5- 2-1903	F	4/4	Mother.
2953	2948	Waupoose, Julia (O'Kachekum)	7- 2-1907	F	15/16	Single.
2954	2949	Waupoose, Lawrence	7-23-1909	M	27/32	Married.
2955	2908	Waupoose, Leatha A.	2-10-1949	F	27/32	Daughter.
2956	2952	Waupoose, Lelia M.	1-19-1937	F	27/32	Single.
2957	2978	Waupoose, Loretta R.	3-13-1943	F	29/32	Daughter.
2958	2953	Waupoose, LeRoy	11-13-1933	M	27/32	Father.
2959	2956	Waupoose, LeRoy J.	4-26-1934	M	25/32	Single.
2960	2957	Waupoose, Louise (Ahyahaha)	11-17-1884	F	4/4	Widow.
2961	2945	Waupoose, Louise (Komanekiff)	1-19-1907	F	4/4	Married.
2962	2906	Waupoose, Lowell A.	3- 9-1945	M	27/32	Son.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
2963	2958	Waupoose, Lula	1- 3-1929	F	27/32	Single.
2964	171	Waupoose, Martin J.	3-25-1949	M	15/16	Son, mother No. 160.
2965	2941	Waupoose, Mary Beth	5-13-1952	F	9/16	Daughter.
2966	2931	Waupoose, Mary (Kaquatosh)	9-23-1916	F	27/32	Mother.
2967	2968	Waupoose, Mary (Tomow)	2- 8-1898	F	7/8	Married.
2968	2959	Waupoose, Melvin M.	7-18-1937	M	27/32	Single.
2969	2934	Waupoose, Mildred	8- 8-1943	F	27/32	Daughter.
2970	2960	Waupoose, Mitchell	9- 1-1923	M	29/32	Married.
2971	2946	Waupoose, Mitchell J.	7-31-1945	M	107/128	Son.
2972	620	Waupoose, Norman	6-17-1940	M	43/64	Son.
2973	2903	Waupoose, Patricia L.	3-17-1940	F	27/32	Daughter.
2974	2965	Waupoose, Raymond L.	9- 2-1937	M	29/32	Single.
2975	2915	Waupoose, Renetta M.	4-11-1953	F	21/32	Daughter.
2976	2966	Waupoose, Richard	1- 9-1947	M	27/32	Single.
2977	2967	Waupoose, Robert	6-10-1881	M	11/16	Married.
2978	2969	Waupoose, Robert E.	12-28-1927	M	25/32	Married.
2979	2337	Waupoose, Rodney	1-28-1947	M	9/16	Son.
2980	2904	Waupoose, Rosemary D.	8-20-1942	F	27/32	Daughter.
2981	2902	Waupoose, Sarah (Warrington)	12- -1908	F	7/8	Mother.
2982	2971	Waupoose, Shirley A.	7-12-1936	F	53/64	Single.
2983	2914	Waupoose, Terrylann M.	2-25-1951	F	21/32	Daughter.
2984	2972	Waupoose, Theresa	8-10-1928	F	29/32	Single.
2985	2973	Waupoose, Veronica	9-15-1933	F	29/32	Mother.
2986	2975	Waupoose, William James	9-12-1896	M	13/16	Father.
2987	2979	Waupoose, William Joseph (deceased)	12- 9-1890	M	13/16	Deceased.
2988	2977	Waupoose, Wilmer M.	11-23-1940	M	29/32	Son.
2989	2974	Waupoose, Whitfred J.	5- 4-1954	F	29/64	Daughter.
2990	2910	Waupoose, Xavier A.	10-24-1953	M	27/32	Son.
2991	2982	Wausakokamick, Marie F.	9- 6-1947	F	9/16	Daughter, a/k/a M. Wausau.
2992	2980	Wausakokamick, Mose	10- 8-1912	M	1/2	Father, a/k/a Mose Wausau.
2993	2983	Wayka, Andrew	1-21-1924	M	3/4	Married.
2994	3007	Wayka, Anna (Shopodock)	1918	F	3/8	Mother.
2995	3002	Wayka, Anthony V.	2-28-1951	M	7/8	Son.
2996	1738	Wayka, Barbara J.	1- 1-1946	F	53/64	Daughter.
2997	3001	Wayka, Carla	6-29-1947	F	7/8	Daughter.
2998	2989	Wayka, Caroline D.	4-28-1948	F	53/64	Daughter.
2999	2990	Wayka, Curtis A.	7- 5-1950	M	53/64	Son.
3000	2997	Wayka, Darlene A.	6- 5-1938	F	7/8	Single.
3001	2992	Wayka, Deneane M.	12-31-1952	F	53/64	Daughter.
3002	2987	Wayka, Doris J.	12-19-1939	F	53/64	Single.
3003	2984	Wayka, Earl W.	9-16-1936	M	7/8	Single.
3004	2996	Wayka, Elizabeth (Davis)	1908	F	3/4	Mother.
3005	2985	Wayka, Ernest	6-28-1919	M	3/4	Father.
3006	2993	Wayka, Francis J.	6- 5-1935	M	7/8	Married.
3007	2995	Wayka, Frank	5-17-1911	M	4/4	Father.
3008	3004	Wayka, George A.	3-16-1914	M	3/4	Father.
3009	46	Wayka, Gerald L.	2-15-1953	M	9/16	Son, mother No. 37.
3010	3000	Wayka, James C.	12-25-1945	M	7/8	Son.
3011	2991	Wayka, John Louis	10- 8-1951	M	53/64	Son.
3012	2999	Wayka, Josephine	12-23-1941	F	7/8	Daughter.
3013	2986	Wayka, Louise (Waupoose)	2-21-1923	F	29/32	Mother.
3014	2994	Wayka, Mabel (Hoyd)	2- 7-1939	F	19/32	Married.
3015	1737	Wayka, Margaret	6-13-1944	F	53/64	Daughter.
3016	2988	Wayka, Marvin	4-12-1941	M	53/64	Son.
3017	3005	Wayka, Mary Jane	8-19-1937	F	53/64	Single.
3018	2998	Wayka, Maureen E.	3-12-1940	F	7/8	Daughter.
3019	1739	Wayka, Robert L.	11- 6-1952	M	53/64	Son.
3020	3008	Wayka, Rose M.	6-13-1953	F	9/16	Daughter.
3021	3006	Wayka, Thomas	1-22-1916	M	3/4	Married.
3022	3003	Wayka, Zillah M.	10- 7-1952	F	7/8	Daughter.
3023	3015	Webster, Chauncey J.	7-19-1950	M	1/4	Son.
3024	3009	Webster, Christine (Pierce)	8-14-1914	F	1/2	Mother.
3025	3018	Webster, Clarence J.	8-29-1935	M	1/4	Single.
3026	3010	Webster, Darrel	10-22-1939	M	1/4	Single.
3027	3013	Webster, Diana	6-23-1945	F	1/4	Daughter.
3028	3019	Webster, Eli P.	5-19-1933	M	1/4	Single.
3029	3021	Webster, Eugene	3-16-1940	M	1/4	Son.
3030	3011	Webster, Georgiana	8- 5-1942	F	1/4	Daughter.
3031	3020	Webster, Irene (Pierce)	8-26-1908	F	1/2	Mother.
3032	3024	Webster, James A.	10-29-1934	M	1/4	Single.
3033	3025	Webster, Louis	6-26-1930	M	1/4	Father.
3034	3026	Webster, Lucille (Hear)	8-29-1935	F	39/64	Mother.
3035	3029	Webster, Nancy L.	6-11-1936	F	1/4	Single.
3036	3023	Webster, Regina L.	8- 1-1945	F	1/4	Daughter.
3037	3022	Webster, Roberta	12-28-1942	F	1/4	Daughter.
3038	3016	Webster, Schuyler T.	11-19-1951	M	1/4	Son.
3039	3014	Webster, Sheldon J.	6- 9-1948	M	1/4	Son.
3040	3017	Webster, Sherman P.	6-25-1953	M	1/4	Son.

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
3041	3012	Webster, Stanley Emil	7- 2-1944	M	1/4	Son.
3042	4028	Webster, Stanley S.	12-24-1953	M	55/128	Son.
3043	3027	Webster, Stephan	9- 6-1952	M	55/128	Son.
3044	3030	Wescott, Allen J.	12-24-1930	M	3/8	Married.
3045	3031	Wescott, Barbara (LaRock)	7-27-1938	F	43/64	Married.
3046	3043	Wescott, Bernadine M.	4-27-1941	F	11/16	Daughter.
3047	2032	Wescott, Charles	5- 9-1900	M	5/8	
3048	3033	Wescott, Daniel	8-20-1902	M	5/8	
3049	3038	Wescott, Diana M.	2-16-1948	F	25/64	
3050	3036	Wescott, Earl R.	9-30-1926	M	29/32	
3051	3040	Wescott, Earline R.	12- 6-1952	F	27/32	
3052	3041	Wescott, Hymie	11- 4-1904	M	5/8	
3053	3039	Wescott, Karen	6- 7-1949	F	27/32	
3054	3034	Wescott, Louise (Vigue)	4- 2-1909	F	1/8	
3055	3035	Wescott, Mary	2-13-1942	F	3/8	
3056		Wescott, Robert William	4-27-1945	M	11/32	
3057	3037	Wescott, Rosene (Waupoose)	1-10-1925	F	25/32	
3058	3042	Wescott, Theresa (Deer)	7- 1-1906	F	13/16	
3059	3044	Wesho, Ausmoss	1897	M	1/2	
3060	3045	Wesho, Charlotte	7-22-1932	F	1/4	
3061	3088	Wesho, Clifford L.	6- 1-1952	M	5/8	
3062	3084	Wesho, Delores J.	2-15-1942	F	5/8	
3063	3046	Wesho, Edmund	4- 5-1926	M	3/4	
3064	3050	Wesho, Edna	4-19-1933	F	5/8	
3065	3049	Wesho, Elaine P.	4- 7-1954	F	103/128	
3066	2051	Wesho, Elvin	3-27-1932	M	1/4	
3067	3072	Wesho, Estellene Judith	9- 7-1945	F	1/4	
3068	3052	Wesho, Evelyn	10-18-1923	F	3/4	
3069	3056	Wesho, Franklin	1-23-1938	M	1/4	
3070	3057	Wesho, Geraldine	1-23-1931	F	1/4	
3071	1860	Wesho, Harriet	12-16-1939	F	1/4	
3072	3048	Wesho, Janelle M.	7-17-1952	F	103/128	
3073	3058	Wesho, Jeanette	4-19-1938	F	5/8	
3074	3065	Wesho, Kenneth	10-21-1941	M	1/4	
3075	3081	Wesho, Kesawatosay	11-10-1902	M	1/2	
3076	3067	Wesho, Leno B.	9-14-1935	M	1/4	
3077	3085	Wesho, Lorena L.	2-18-1944	F	5/8	
3078	3071	Wesho, Louella J.	4-25-1943	F	1/4	
3079	3082	Wesho, Louise (Wayka)	1-14-1912	F	3/4	
3080	3066	Wesho, Marlene J.	12-18-1948	F	1/4	
3081	3068	Wesho, Mary Ann	5- 7-1936	F	1/4	
3082	3070	Wesho, Mildred	6-23-1940	F	1/4	
3083	3069	Wesho, Mitchell	4-15-1907	M	1/2	
3084	3073	Wesho, Mitchell, Jr.	9-28-1928	M	1/4	
3085	3086	Wesho, Norma J.	5- 1-1946	F	5/8	
3086	3047	Wesho, Patricia (Pamanet)	2- 9-1937	F	55/64	
3087	3078	Wesho, Raymond	12-21-1931	M	5/8	
3088	3079	Wesho, Rose (Nahwahquaw) (deceased)	1901	F	4/4	
3089	3083	Wesho, Violette	2-23-1940	F	5/8	
3090	3080	Wesho, Walter	2- 6-1923	M	3/4	
3091	3087	Wesho, Wanda Lee	3-13-1948	F	5/8	
3092	3081	Wesho, Waupenass	7- 4-1900	M	1/2	
3093	1628	Weshonoquit, Doris	3-16-1941	F	7/8	
3094	3094	Weshonoquit, Drucilla	3-13-1950	F	59/64	
3095	3091	Weshonoquit, Kate (Sahcotah) (deceased)	1884	F	4/4	
3096	3090	Weshonoquit, Penasha (deceased)	1876	M	4/4	
3097	3092	Weshonoquit, Pusquatick	5-20-1920	M	7/8	
3098	3093	Weshonoquit, Viola (Soman)	11-11-1927	F	31/32	
3099	3063	Weso, Anito L.	10- 7-1941	F	1/2	
3100	3077	Weso, Barbara E.	6- 1-1954	F	7/16	
3101	3062	Weso, Donald R.	9- 1-1940	M	1/2	
3102	3054	Weso, Gerald T.	2-17-1950	M	1/4	
3103	3060	Weso, Jane (Heath)	3-26-1911	F	1/2	
3104	3059	Weso, Kaso	1- 5-1904	M	1/2	
3105	3075	Weso, Lois (Warrington)	3-11-1934	F	3/8	
3106	3061	Weso, Lorraine M.	2- 7-1939	F	1/2	
3107	3074	Weso, Monroe T.	8- 6-1933	F	1/2	
3108	2076	Weso, Rebecca K.	4-23-1952	F	7/16	
3109	3055	Weso, Thomas F.	7-16-1953	M	1/4	
3110	3089	Weso, William J.	2-12-1938	M	1/2	
3111	3096	Wheeldon, Louise (Soman)	11-19-1905	F	7/16	
3112	3097	Wheelock, Mary (Frechette) (deceased)	6- 3-1909	F	1/2	
3113	3099	Wheelock, Ramona (Oshkosh)	9-17-1931	F	25/32	
3114	3098	Wheelock, Robert A.	1-20-1930	M	1/4	
3115	3100	Wheelock, Theodore L.	9-18-1932	M	3/32	
3116	3115	White, Andrea	12- 6-1947	F	11/32	
3117	3114	White, Annette M.	8-14-1945	F	11/32	
3118	3107	White, Cally A.	2-26-1951	F	21/32	
3119	3110	White, Clara Jean (Beauprey)	11- 3-1932	F	59/64	

FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
3120	3101	White, Erwin R.	8-22-1934	M	11/32	
3121	3108	White, Georgia R.	6-16-1952	F	21/32	
3122	3103	White, Gwendolyn (Dodge)	8-13-1923	F	5/8	
3123	3102	White, James A.	3- 4-1924	M	11/16	
3124	3105	White, Joseph	5-12-1915	M	11/16	
3125	3109	White, Lee A.	4-26-1934	M	11/32	
3126	3111	White, Elizabeth (Warrington)	9- 6-1892	F	3/8	
3127	3113	White, Lorin A.	3-23-1942	M	11/32	
3128	3112	White, Louis, Sr.	7-21-1913	M	11/16	
3129	3116	White, Louis A., Jr.	10- 8-1932	M	11/32	
3130	3117	White, Mary E.	3-11-1926	F	11/16	
3131	3106	White, Mildred (Warrington)	2-27-1921	F	5/8	
3132	3118	White, Peter	2-11-1930	M	11/16	
3133	3104	White, Regina M.	2- 9-1954	F	21/32	
3134	3119	White, William	8-10-1932	M	11/16	
3135	3120	Whitebird, Francine J.	5-23-1931	F	1/4	
3136	3121	White Eagle, Angeline (Wolf)	12-14-1909	F	5/8	
3137	3123	White Eagle, Fred	3-16-1929	M	5/16	
3138	3124	White Eagle, Phillip	2-21-1934	M	5/16	
3139	3122	White Eagle, Priscilla	9- 3-1939	M	5/16	
3140	3125	White Eagle, Timothy	5- 6-1936	M	5/16	
3141	3126	White Eagle, Yvonne	5-14-1930	F	5/16	
3142	883	Whitney, Deloris C.	4- 7-1939	F	9/16	
3143	3127	Whitney, Elmer	9- 1-1914	M	7/8	Married.
3144	3129	Whitney, Elmer J.	8-29-1950	M	7/8	Son.
3145	3133	Whitney, Inez Louise	8-19-1942	F	7/16	Daughter.
3146	885	Whitney, Irene V.	11-13-1942	F	9/16	Daughter.
3147	3130	Whitney, Jean A.	1- 1-1928	F	7/16	Single, a/k/a Genevieve Whitney.
3148	3134	Whitney, John F.	3-27-1941	M	7/16	Son.
3149	3132	Whitney, Joseph	9-26-1917	M	7/8	Father.
3150	3131	Whitney, Joseph S.	7-30-1916	M	13/16	Married.
3151	3128	Whitney, Katherine (Feather)	10-25-1910	F	7/8	Mother.
3152	3135	Whitney, Thomas, Sr.	12-31-1912	M	7/8	Single, a/k/a Buster Whitney.
3153	884	Whitney, Thomas E., Jr.	1- 6-1941	M	9/16	Son.
3154	105	Wilber, Agnes (Martin)	10-21-1932	F	9/32	Mother.
3155	3150	Wilber, Allen R.	3-10-1945	M	19/32	Son.
3156	3145	Wilber, Antoinette (deceased)	1-27-1944	F	13/32	Deceased.
3157	3136	Wilber, Bruce A.	7- 4-1934	M	13/32	Married.
3158	3154	Wilber, Cherylene A.	12-10-1950	F	19/32	Daughter.
3159	3138	Wilber, Clifford J.	12-19-1938	M	13/32	Single.
3160	3139	Wilber, Edwin Joseph	2-20-1931	M	13/32	Single.
3161	3140	Wilber, Eileen	6-22-1932	F	13/32	Single.
3162	3153	Wilber, Elmer D.	12-10-1948	M	19/32	Son.
3163	3141	Wilber, Elmer J.	2- 3-1930	M	5/32	Married.
3164	3137	Wilber, Grace (Frechette)	10- 8-1936	F	31/64	Married.
3165	3142	Wilber, Josephine (Martin)	12-12-1885	F	1/2	Married.
3166	3149	Wilber, Joylen	6- 7-1941	F	19/32	Daughter.
3167	3143	Wilber, Leona F.	12-27-1941	F	17/32	Daughter.
3168	3148	Wilber, Loretta M.	4- 5-1940	F	19/32	Daughter.
3169	3143	Wilber, Marcella (Otradovic)	12-10-1926	F	3/8	Married.
3170	3144	Wilber, Margaret (LaFromboise)	5-21-1903	F	1/2	Mother.
3171	3146	Wilber, Martin	2- 3-1911	M	5/16	Married.
3172	3152	Wilber, Martina D.	1-13-1948	F	19/32	Daughter.
3173	3156	Wilber, Marvin	12-26-1913	M	11/32	Married.
3174	3157	Wilber, Mary (Duquain)	1-17-1913	F	11/32	Married.
3175	3147	Wilber, Mary (Tucker)	9- 1-1918	F	7/8	Mother.
3176	3155	Wilber, Renita L.	5- 7-1953	F	19/32	Daughter.
3177		Wilber, Robert A., Jr.	11-28-1935	M	17/64	Single.
3178	3161	Wilber, Rose (Tucker)	1- 2-1911	F	3/4	Mother.
3179	3158	Wilber, Walter	7-10-1916	M	5/16	Single.
3180	3151	Wilber, Warren K.	8-14-1916	M	19/32	Son.
3181	3159	Wilber, Wilbur G.	8- 4-1937	M	13/32	Single, a/k/a Greg Wilber.
3182	3160	Wilber, William C., Sr.	4-23-1914	M	5/16	Father.
3183	3162	Wilber, William C., Jr.	8-10-1940	M	17/32	Son.
3184	3164	Wilkie, Delores (Martin)	11-24-1933	F	3/16	Married.
3185	3169	Williams, Alvin J.	5- 6-1947	M	1/4	Son.
3186	3168	Williams, David A.	3-18-1944	M	1/4	Son.
3187	3167	Williams, Joyce M.	4-27-1942	F	3/4	Daughter.
3188	3165	Williams, Mary (Matchokamow)	6-12-1912	F	1/2	Mother.
3189	3170	Williams, Myrtle (Brooks)	5-12-1920	F	17/32	Married.
3190	3171	Wilson, Bridget (Jacobs)	4- 7-1914	F	5/16	Married.
3191	3172	Wilson, Mary Evelyn (Frechette)	9- -1907	F	7/16	Married.
3192	2970	Wilson, Romilda (Waupoose)	11- 1-1931	F	27/32	Married.
3193	3173	Wilson, Theresa (Crapeau)	8-23-1934	F	3/8	Married.
3194	3174	Windell, Patricia (Morrin)	11-10-1925	F	3/8	Married.
3195	3183	Winneshiek, Dorothy	1-28-1947	F	3/8	Daughter.
3196	3178	Winneshiek, Edwardine	11- 9-1938	F	3/8	Single.

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FINAL ROLL—MENOMINEE TRIBE OF INDIANS OF WISCONSIN—Continued

Final roll No.	1956 roll No.	Name—Surname; given; maiden	Date of birth	Sex	Degree of Menominee blood	Family relationship and remarks
3197	3179	Winneshiek, Jane (O'Kimosh)	1906	F	3/4	Mother.
3198	3181	Winneshiek, Judith N	2-11-1937	F	3/8	Single.
3199	3182	Winneshiek, Mary A	1-16-1945	F	3/8	Daughter.
3200	3181	Winneshiek, Reynold F	7- 8-1943	M	3/8	Son.
3201	3180	Winneshiek, Sharon J	6- 6-1942	F	3/8	Daughter.
3202	1399	Wirtz, Alma (Loudbear)	2-15-1918	F	1/2	Married.
3203	3185	Wishecoby, Alexander	2-11-1908	M	9/16	Father.
3204	3186	Wishecoby, Aloysius	6-19-1939	M	9/32	Single.
3205	3187	Wishecoby, Dominic A	7- 8-1940	M	9/32	Son.
3206	3189	Wishecoby, Kenneth J	12- 6-1936	M	9/32	Married.
3207	3190	Wishecoby, Louis	10-14-1884	M	5/8	Widower.
3208		Wishecoby, Louis Joseph	6-23-1928	M	9/32	Single.
3209	3188	Wishecoby, Marianna L	9-25-1941	F	9/32	Daughter.
3210	3191	Wishecoby, Peter (deceased)	12-25-1892	M	5/8	Deceased.
3211	3193	Wishkeno, Jim	1888	M	4/4	Single.
3212	3195	Wishkeno, Nessie (Fish)	1889	F	4/4	Married.
3213	3194	Wishkeno, Tom	1891	M	4/4	Married.
3214	3196	Wolf, Annie	6-21-1921	F	3/8	Single.
3215	480	Wolf, Bernard L	1- 8-1944	M	3/8	Son.
3216	3197	Wolf, James	1883	M	3/4	Married.
3217	3199	Wolf, James, Jr	7-21-1946	M	5/16	Grandson.
3218	3200	Wolf, Peter	2- 2-1914	M	5/8	Married.
3219	3201	Wolf, Petewakesit	11-18-1911	M	5/8	Married, a/k/a Louis Wolf.
3220	3198	Wolf, Posonoke	1892	F	1/2	Married.
3221	481	Wolf, Theresa	1-12-1947	F	3/8	Daughter.
3222	3202	Woodward, Barbara (Vigue)	4- 3-1920	F	1/8	Married.
3223	3204	Worden, Ellis J	1-11-1942	M	1/4	Son.
3224	3203	Worden, Jerome	1-15-1920	M	1/2	Father.
3225	3205	Worden, Renee	8- 8-1946	F	1/4	Daughter.
3226	3206	Wozniak, Hazel (Johnson)	12-27-1928	F	1/2	Married.
3227	111	Wright, Douglas	6-30-1945	M	5/16	Son, mother No. 107.
3228	3207	Wychesit, Charles, Jr	1-16-1915	M	1/4	Married, a/k/a Charles Martel.
3229	3209	Wychesit, Felix J	4-23-1925	M	1/4	Married, a/k/a Felix Martel.
3230	2545	Wychesit, Gerhardt C	2-18-1948	M	3/8	Son, a/k/a Gerhardt Martel.
3231	3210	Wychesit, Henry J., Jr	3-30-1937	M	1/2	Single, a/k/a Henry Martel.
3232	3211	Wychesit, Henry M	8-16-1917	M	1/4	Father, a/k/a Henry Martel.
3233	3212	Wychesit, Ida (Peters)	12-30-1910	F	5/8	Mother.
3234	3213	Wychesit, Leon F	4-10-1938	M	1/2	Single.
3235	3214	Wychesit, Louise (Warrington)	5- 8-1890	F	3/8	Married, a/k/a Eliza W. Martel.
3236	3208	Wychesit, Nellie (Wishkeno)	12- 7-1925	F	5/8	Married.
3237	3230	Wynos, Bernice (Soman)	5-17-1930	F	31/32	Mother.
3238	3225	Wynos, Christina	1-19-1953	F	1/4	Daughter.
3239	3231	Wynos, Clifford W	5-22-1950	M	31/64	Son.
3240	3218	Wynos, Dennis J	6-15-1949	M	3/8	Son.
3241	3216	Wynos, Dewey, Jr	1-29-1941	M	3/8	Son.
3242	3217	Wynos, Diana M	10-28-1943	F	3/8	Daughter.
3243	3223	Wynos, Donald	11- 7-1939	M	1/4	Single.
3244	3232	Wynos, Jacqueline L	9-24-1953	F	43/64	Daughter.
3245	3228	Wynos, Joan M	7-13-1951	F	1/4	Daughter.
3246	3215	Wynos, Helen (Awonohapay)	6-26-1912	F	3/4	Mother.
3247	3222	Wynos, Louis	1- 3-1938	M	1/4	Single.
3248	3220	Wynos, Martin D	6-26-1952	M	3/8	Son.
3249	3219	Wynos, Marwin J	3-16-1951	M	3/8	Son.
3250	3221	Wynos, Mary (Wesho)	1909	F	1/2	Mother.
3251	3229	Wynos, Nahwahquaw	10-27-1926	M	3/8	Father, a/k/a Wesley.
3252	3233	Wynos, Paesha	1904	M	3/4	Married, a/k/a Paul.
3253	3235	Wynos, Robert	1-16-1936	M	1/4	Married.
3254	3226	Wynos, Rosanna	5-26-1947	F	1/4	Daughter.
3255	3224	Wynos, Virginia	12- 3-1950	F	1/4	Daughter.
3256	3227	Wynos, Wayne A	12-28-1919	M	1/4	Son.
3257	3236	Young, Bertha (Vigue)	9-14-1921	F	1/8	Married.
3258	3237	Zaja, Elizabeth (McCall)	6-15-1894	F	3/4	Married.
3259	3246	Zhuckkahosee, Aloysius	3- 1-1954	M	25/64	Son.
3260	3241	Zhuckkahosee, Cheryl	6- 2-1945	F	25/64	Daughter.
3261	3240	Zhuckkahosee, James	1- 7-1943	M	25/64	Son.
3262	3244	Zhuckkahosee, Marcia M	7- 4-1950	F	25/64	Daughter.
3263	3238	Zhuckkahosee, Matilda (Waupoose)	4-27-1922	F	25/32	Mother.
3264	3239	Zhuckkahosee, Myrna J	5-20-1942	F	25/64	Daughter.
3265	3243	Zhuckkahosee, Reginald	2-23-1948	M	25/64	Son.
3266	3242	Zhuckkahosee, Sandra J	9-26-1946	F	25/64	Daughter.
3267	3245	Zhuckkahosee, Thomas	10- 8-1952	M	25/64	Son.
3268	3251	Zimmerman, John C	10-27-1952	M	5/16	Son.
3269	3247	Zimmerman, Olive (Neconish)	8-11-1917	F	5/8	Mother.
3270	3234	Zimmerman, Ramona (Wynos)	8-26-1933	F	1/4	Single.

Certificate. I hereby certify that the foregoing roll, comprising 3,270 names, numbered from 1 to 3,270 inclusive, contains the names of all persons whose names appear on the final membership roll of the Menominee Tribe of Indians, pursuant to provisions of the Act of June 17, 1954 (68 Stat. 250).

Signed this 12th day of August 1957.

MELVIN L. ROBERTSON,
Superintendent,
Menominee Indian Agency,
Keshena, Wisconsin.

[F. R. 57-10335; Filed, Dec. 11, 1957; 8:55 a. m.]

ATOMIC ENERGY COMMISSION

ORGANIZATION AND GENERAL INFORMATION

INFORMATION ON ORGANIZATION

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1.127 Division of Organization and Personnel.
1.128 Division of Classification.
1.129 Division of Security.
1.130 Division of Intelligence.
1.131 Division of Information Services.
1.132 Division of Nuclear Materials Management.
1.133 Office of Special Projects.
1.134 Office for International Conference.

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1.136 Hanford Operations Office.
1.137 Idaho Operations Office.
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INFORMATION ON ORGANIZATION

SECTION 1.100 *Creation and authority.* The Atomic Energy Commission was established by the Atomic Energy Act of 1954 (68 Stat. 919; 42 U. S. C. 2011 et seq.) approved August 30, 1954 amending and replacing the Atomic Energy Act of 1946

(60 Stat. 755; 42 U. S. C. 1801 et seq.), approved August 1, 1946. Pursuant to section 9 (a) of the 1946 act, certain interests, property and facilities of the Government, including interests, property and facilities of the Manhattan Engineer District, were transferred to the Commission December 31, 1946, by Executive Order 9816 of the same date.

SEC. 1.101 *Purpose.* It is the purpose of the Atomic Energy Commission under the act to effectuate the declared policy of the people of the United States that

a. The development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and

b. The development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.

SEC. 1.102 *Programs.* The act provided for the following major programs relating to atomic energy:

a. A program of conducting, assisting, and fostering research and development in order to encourage maximum scientific and industrial progress;

b. A program for the dissemination of unclassified scientific and technical information and for the control, dissemination, and declassification of Restricted Data, subject to appropriate safeguards, so as to encourage scientific and industrial progress;

c. A program for Government control of the possession, use, and production of atomic energy and special nuclear material so directed as to make the maximum contribution to the common defense and security and the national welfare;

d. A program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public;

e. A program of international cooperation to promote the common defense and security and to make available to cooperating nations the benefits of peaceful applications of atomic energy as widely as expanding technology and considerations of the common defense and security will permit; and

f. A program of administration which will be consistent with the foregoing policies and programs, with international arrangements and with agreements for cooperation, which will enable the Congress to be currently informed so as to take further legislative action as may be appropriate.

SEC. 1.103 *Operations.* The operations of the Commission are carried out largely by industrial concerns and by private and public institutions under contract with the Commission, in accordance with the requirements and policies established by the Commission pursuant to the Atomic Energy Act. Some of the principal production and research and development activities are conducted by contractors in facilities owned by the Commission. Major production facilities owned by the Commission are located at Oak Ridge, Tennessee; Hanford, Washington, and at sites located near Paducah, Kentucky; Aiken, South Carolina, and Portsmouth, Ohio. Major research and development facilities owned by the Commission are the Atomic Energy Laboratory at Ames, Iowa; the Argonne Cancer Research Hospital at Chicago, Ill.; the Argonne National Laboratory at Chicago, Ill.; the Bettis Plant at Pittsburgh, Pa.; the Brookhaven National Laboratory at Upton, Long Island, New York; the Knolls Atomic Power Laboratory at Schenectady, New York; the Los Alamos Scientific Laboratory at Los Alamos, New Mexico; the Mound Laboratory at Miamisburg, Ohio; the Oak Ridge Institute of Nuclear Studies at Oak Ridge, Tennessee; the Oak Ridge National Laboratory at Oak Ridge, Tennessee; the Radiation Laboratory at Berkeley, California; and its extension at Livermore, California; the Raw Materials Development Laboratory at Winchester, Mass.; the Rochester Atomic Energy Project at Rochester, New York; the Sandia Laboratory at Albuquerque, New Mexico; the University of California at Los Angeles Atomic Energy Project, Los Angeles, California; the National Reactor Testing Station at Idaho Falls, Idaho; the Nevada Test Site at Las Vegas, Nevada; and the Pacific Proving Ground, Marshall Islands.

SEC. 1.104 *General outline of organization.* This section outlines the principal elements of the Commission's organization.

a. The Commission is composed of five members, one designated as Chairman, all appointed by the President by and with the advice and consent of the Senate. The Commissioners confer and act as a body on important matters of policy, programs, and administration.

b. The General Manager, appointed by the Commission, is the principal executive and administrative officer of the Commission.

(1) The General Manager is responsible to the Commission for the formulation of policies and programs by the Commission's Divisions. Two of the Commission's Divisions and one Office were established by the Atomic Energy Act of 1954. These are the Division of Military Application, and the Division of Inspection, and the Office of the General Counsel. In addition the Commission has established the Divisions of Reactor Development, Biology and Medicine, Raw Materials, Research, Production, Civilian Application and International Affairs, as program Divisions primarily responsible for carrying out the various Commission programs.

(2) The General Manager is assisted in his executive and administrative duties by the Deputy General Manager, Assistant General Managers for Administration, Manufacturing, Research and Industrial Development, and International Activities, the Assistant General Manager, the Director of the Office of Operations Analysis and Planning, the Director of the Division of Inspection, and the Controller. In addition, a number of staff Divisions have been established reporting to the Assistant General Managers and are responsible for providing staff assistance to the General Manager and Program Divisions in carrying out the work of the Commission. These include the Divisions of Construction and Supply, Intelligence, Security, Classification, Information Services, Nuclear Materials Management, and Organization and Personnel.

c. Certain executive and administrative functions have been delegated by the General Manager to the Division Directors, particularly to the Directors of the Divisions of Production, Military Application, Raw Materials, and Reactor Development.

(1) The Director, Division of Production, is responsible for the Operations Offices at Oak Ridge, Tennessee; Hanford, Washington, and Aiken, South Carolina; and the Paducah Area Office located near Paducah, Kentucky; the Portsmouth Area Office located near Portsmouth, Ohio; the Fernald Area Office located near Cincinnati, Ohio; the St. Louis Area Office located at St. Louis, Missouri; the New Brunswick Area Office located at New Brunswick, New Jersey, and the Puerto Rico Area Office located at Puerto Rico.

(2) The Director, Division of Military Application, is responsible for the Operations Offices at Albuquerque, New Mexico, and at San Francisco, California; and the Dayton Area Office at Dayton, Ohio; the Kansas City Area Office at Kansas City, Mo.; the Los Alamos Area Office at Los Alamos, New Mexico; the Rocky Flats Area Office near Denver, Colorado; the South Albuquerque Area Office at Albuquerque, New Mexico; the Burlington Area Office at Burlington, Iowa; and the Clearwater Area Office at Clearwater, Florida.

(3) The Director, Division of Reactor Development, is responsible for Operations Offices at Chicago (Lemont), Illinois; New York City, New York; Schenectady, New York, and Idaho Falls, Idaho; and the Pittsburgh Area Office located near Pittsburgh, Pennsylvania; the Lockland Area Office located at Cincinnati, Ohio; the Hartford Area Office located at East Hartford, Connecticut; the Brookhaven Area Office at Upton, New York, and the Canoga Park Area Office at Canoga Park, California.

(4) The Director, Division of Raw Materials, is responsible for the Operations Office at Grand Junction, Colorado.

SEC. 1.105 *Committees.* The Atomic Energy Act provides for four permanent committees:

a. The Joint Committee on Atomic Energy, composed of nine members of the Senate and nine members of the House of Representatives, makes continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use and control of atomic energy. The Commission keeps the Joint Committee fully and currently informed on the activities of the Commission.

b. The General Advisory Committee, composed of nine members appointed

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from civilian life by the President, advises the Commission on scientific and technical matters relating to materials, production, and research and development.

c. The Military Liaison Committee consists of representatives of the Army, Navy, and Air Force in equal numbers as determined by the Secretary of Defense and of a Chairman appointed by the President with the advice and consent of the Senate. At the present time the Military Liaison Committee has seven members. The Commission advises and consults with the Department of Defense through the Committee on all atomic energy matters which the Department of Defense deems to relate to the military application of atomic weapons or other matters relating to atomic energy. The Department of Defense through the Committee keeps the Commission fully and currently informed on all matters within the Department of Defense which the Commission deems to relate to the development or application of atomic energy.

d. The Advisory Committee on Reactor Safeguards, composed of fifteen members appointed by the Commission for terms of four years each, reviews safety studies and facility license applications referred to it and makes reports thereon. The Committee advises the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards and performs such other duties as the Commission requests.

SEC. 1.106 *The Commission.* The five Commissioners are appointed each for a term of five years (except where the appointment is to fill an unexpired term, by the President) by and with the advice and consent of the Senate. One member is designated by the President as Chairman. The Commissioners establish policies and programs pursuant to the provisions of the Atomic Energy Act, appoint the principal officers of the Commission's organization, and take such other action as may be required to effectuate the purposes and policies of the Atomic Energy Act.

SEC. 1.107 *Office of the General Manager.* The Office of the General Manager is established by the Atomic Energy Act and the General Manager is appointed by the Commission. The Commission has authorized and directed the General Manager to discharge those executive and administrative functions of the Commission which may be necessary to carry out the provisions of the Atomic Energy Act of 1954. The General Manager is authorized to redelegate such authority in writing, with or without authority to make successive redelegations, and under such terms, conditions, and limitations as he may deem appropriate. He is assisted in discharging his responsibilities by the Deputy General Manager, who is authorized to take action for the General Manager on all matters falling within the authority of the General Manager.

SEC. 1.108 *Office of the Assistant General Manager for Administration.* The Assistant General Manager for Administration assists the General Manager in over-all management of the Atomic Energy Commission, with primary responsibility for furnishing day-to-day administrative direction and coordination to all programs and supporting activities of the Commission.

SEC. 1.109 *Office of the Assistant General Manager for Manufacturing.* The Assistant General Manager for Manufacturing develops, directs, and coordinates all manufacturing programs of the Commission, specifically those of the Division of Production, Raw Materials, and Construction & Supply.

SEC. 1.110 *Office of the Assistant General Manager for Research and Industrial Development.* The Assistant General Manager for Research and Industrial Development develops, directs, and coordinates research and development programs of the Commission, specifically those of the Divisions of Research, Biology and Medicine and Reactor Development.

SEC. 1.111 *Office of the Assistant General Manager.* The Assistant General Manager assists the General Manager by coordinating and directing the activities of the Divisions of Classification, Information Services, Intelligence, Organization and Personnel, Security, and Nuclear Materials Management.

SEC. 1.112 *Office of the Assistant General Manager for International Activities.* The Assistant General Manager for International Activities assists the General Manager by coordinating and directing the activities of the Division of International Affairs and the Office of Special Projects.

SEC. 1.113 *Division of Civilian Application.* The Division of Civilian Application is responsible for administering the Commission's civilian application program, including the preparation and issuance of licensing regulations; review of applications for and granting of licenses for source, special nuclear, and byproduct material, production and utilization facilities, and operators of such facilities; administration of the program for granting access to restricted data relating to the civilian uses of atomic energy; developing policy for determination of prices to be paid for special nuclear materials produced by licensees, and the charges to be assessed for materials and services furnished to licensees and others; the handling of applications for authorizations to engage in activities abroad in the atomic energy field; coordinating the Commission's reactor safety program; cooperating with the States in the foregoing regulatory matters except inspection of licensed facilities, licensees, and holders of permits or authorizations; and the promoting of public understanding of the foregoing. The Director, Division of Civilian Application, is the Commission liaison representative with the Advisory Committee on Reactor Safeguards.

(a) The Director, Division of Civilian Application, has been delegated by the General Manager to take agency action in accordance with this Chapter except when such agency action is the subject of formal hearing under 10 CFR Part 2, to issue, renew, and amend; to deny application for, or for amendment or renewal of; to impose requirements by order upon the licensee or holder of; to modify, suspend, or revoke; and to issue notices of violation upon the licensee or holder of the following licenses, permits, and authorizations:

(1) Permits to have access to Restricted Data relating to civilian uses of atomic energy, under 10 CFR Part 25;

(2) Licenses to manufacture, produce, transfer, receive, acquire, own, possess, use, import or export byproduct material under 10 CFR Part 30;

(3) Licenses to transfer or deliver, receive possession of or title to, or export source material under 10 CFR Part 40;

(4) Class 104 licenses and construction permits to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import or export production or utilization facilities under 10 CFR Part 50;

(5) Licenses to manipulate the controls of any facility licensed pursuant to 10 CFR Part 50, under 10 CFR Part 55;

(6) Licenses to receive, possess, use or transfer special nuclear material under 10 CFR Part 70; and

(7) Authorizations to communicate Restricted Data under the provisions of Agreements for Cooperation with foreign nations arranged pursuant to section 144 of the act.

(b) The Director, Division of Civilian Application has redelegated:

(1) The authority specified in paragraph (a) of this section to the Deputy Director, Division of Civilian Application in absence of the Director, Division of Civilian Application from the official Headquarters of the U. S. Atomic Energy Commission;

(2) The authority specified in subparagraphs (a) (2) of this section to the Assistant Director for Isotopes and Radiation, Division of Civilian Application. This authority has been redelegated to the Chief, Isotopes Extension, Division of Civilian Application, located at Oak Ridge, Tennessee; and

(3) The authority specified in subparagraphs (a) (3) and (6) of this section to the Chief, Licensing Branch, Division of Civilian Application.

SEC. 1.114 *Division of Military Application.* The Division of Military Application directs the research, development, production, testing and storage of atomic weapons; manages related AEC installations and communities; and assists in maintaining liaison between the Atomic Energy Commission and the Department of Defense. The Director, Division of Military Application is authorized to make and administer contracts, and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the General Manager.

SEC. 1.115 *Office of the General Counsel.* The General Counsel provides legal advice and assistance to the Commission, General Manager, Divisions and Offices, and Managers of Operations. The Office of the General Counsel directs and is responsible for all matters of law and legal policy concerning the Atomic Energy Commission, including all such matters which arise in connection with functions administered by the Operations Offices. An Assistant General Counsel, attached for administrative purposes to each Operations Office, acts for the General Counsel as advisor to the respective Manager of Operations. The Patent Branch, which is part of the Office of the General Counsel, administers matters relating to patents and inventions.

SEC. 1.116 *Division of Inspection.* The Division of Inspection is responsible for the development and maintenance of policies, procedures, and standards governing the investigation and inspection of contractors, licensees, and officers and employees of the Commission to show whether or not they are complying with the provisions of the act and the appropriate rules and regulations of the Commission. Direct inspections and investigations are made as considered necessary by the Director of the Division.

SEC. 1.117 *Division of International Affairs.* The Division of International Affairs develops, directs, and coordinates the Commission's program for international cooperation including the development of policies, standards, and procedures relating to the President's "Atoms for Peace" program; agreements for cooperation; and maintenance of continuous liaison with the Department of State and other Government agencies concerning these international atomic energy affairs.

SEC. 1.118 *Division of Finance.* The Division of Finance, headed by the Controller, advises all offices and divisions on the financial implications of proposed courses of action; develops and maintains the policies and standards of accounting, auditing, budgeting, insurance, contract finance, and related reporting used throughout the agency's direct and contract operations; reports the results of AEC operations and provides cost, pricing and other financial reports needed for sound financial management; reviews and coordinates the preparation and presentation of budgets and provides central administration of approved budgets; prepares the Commission's classified status and progress reports; performs financial operations for the Headquarters office and those financial functions that are centralized for the AEC as a whole.

SEC. 1.119 *Office of Operations Analysis and Planning.* The Office of Operations Analysis and Planning is responsible for analyzing and providing engineering and economic advice to the General Manager on major technical considerations on policy formulation for the production, use, and distribution of nuclear materials; and for coordinating and analyzing long-range plans, especially in those matters involving more than one organizational unit of the Commission.

SEC. 1.120 *Division of Production.* The Division of Production develops and directs programs for the production of special nuclear materials including the preparation of feed materials and the conduct of related process development. It supervises the Hanford, Oak Ridge, and Savannah River Operations Offices. The Director of Production is authorized to make and administer contracts in execution of the production program and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration by the Assistant General Manager for Manufacturing.

SEC. 1.121 *Division of Construction and Supply.* The Division of Construction and Supply develops and maintains policies, procedures, and standards for: construction and related engineering including communications, maintenance of facilities, and purchase or generation of electric power; priorities, allocations, and expediting; transportation; procurement and contracts; property and supply management including acquisition, storage, utilization, and disposal of materials (other than source and special nuclear materials and weapon components), equipment, supplies, and real estate; and records management. Develops and administers the AEC emergency, disaster, and industrial mobilization readiness programs. Responsible for design, construction, and operation of new Headquarters building. Provides administrative office services for Headquarters office and liaison with other Federal agencies on matters within the responsibility of the Division. Assists in establishing program objectives; maintains systems for reporting progress; and evaluates performance of AEC and contractor organizations as required, to insure adherence to AEC policy and procedures as related to the assigned functions.

SEC. 1.122 *Division of Raw Materials.* The Division of Raw Materials develops and executes the AEC's programs, both domestic and foreign, involving the exploration for, and production and acquisition of source materials, including related process development, and the procurement of certain special materials, and advises the Assistant General Manager for Manufacturing on uranium ore and concentrate procurement. The Director, Division of Raw Materials, is authorized to make and administer contracts, and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the Assistant General Manager for Manufacturing. The Director, Division of Raw Materials, also serves as a member of the Combined Development Agency.

SEC. 1.123 *Office of the Secretary to the Commission.* The Secretary to the Commission maintains official minutes and records of the Commission; reviews and processes documents to be presented to the Commission; advises the staff, on behalf of the General Manager, of Commission decisions and requests; and provides related services.

SEC. 1.124 *Division of Research.* The Division of Research develops and supervises programs of research in the physical sciences in AEC installations and outside organizations. Supervises and coordinates the AEC program for producing byproduct material and stable isotopes, and for providing irradiation services.

SEC. 1.125 *Division of Biology and Medicine.* The Division of Biology and Medicine develops and supervises programs of research in biology, medicine, agriculture, and biophysics at AEC facilities and through direct contracts with private institutions; supervises measures to guard the health of atomic energy employees and the public; maintains liaison with the Federal Civil Defense Administration and other Federal agencies on civil defense matters; coordinates the procurement of radiation detection instruments; and supervises the Special Training Fellowship Program in the life sciences.

SEC. 1.126 *Division of Reactor Development.* The Division of Reactor Development develops and directs programs for the development of nuclear reactor systems and associated chemical processing and waste disposal operations including various types of military reactors for ship and aircraft propulsion and for other military purposes. The Division also directs the development of economically feasible reactors for civilian uses. The Division integrates into this program the special needs of other divisions. The Director, Division of Reactor Development is authorized to make and administer contracts, and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the Assistant General Manager for Research and Industrial Development.

SEC. 1.127 *Division of Organization and Personnel.* The Division of Organization and Personnel develops and maintains the independent AEC merit system through the administration of the personnel policy and related procedures; provides staff assistance in all matters of organization, management methods, contractor personnel administration, and safety and fire protection; and provides personnel services for the Headquarters Office.

SEC. 1.128 *Division of Classification.* The Division of Classification administers and effectuates the Commission's programs for the classification and declassification of information.

SEC. 1.129 *Division of Security.* The Division of Security plans and develops over-all policies, standards and procedures for safeguarding Restricted Data and other classified information and protecting facilities, equipment and materials of security interest or strategic importance to the AEC program. It provides staff assistance, including inspection service, on all aspects of the AEC security program. It maintains liaison with other Governmental agencies on security matters and administers the operational security program for AEC Headquarters, Washington.

SEC. 1.130 *Division of Intelligence.* The Division of Intelligence provides the

General Manager and the Commission with the evaluated intelligence on foreign nations necessary to the operations of the AEC and directs the intelligence activities of the AEC.

SEC. 1.131 *Division of Information Services.* The Division of Information Services advises and assists the Commission, General Manager, and the principal staff of the Headquarters Office in disseminating scientific, technical and general information arising from policy determinations and program developments in accordance with provisions of the Atomic Energy Act of 1954 and other statutes. The Division assists Managers of Operations in complying with the requirements of the Commission, General Manager, and Directors of Program Divisions for coordination of public and technical information programs through advice to their public and technical information staffs.

SEC. 1.132 *Division of Nuclear Materials Management.* The Division of Nuclear Materials Management has staff responsibility for ensuring that appropriate proprietorship is maintained over the AEC's source, special nuclear, and certain other materials. This responsibility entails development and maintenance of procedures to provide quantitative control and ensure its scientific validity; review of AEC offices and contractors in effecting that control; development and implementation of policies and procedures for an AEC standard materials and standard measurements program; compilation and review of requirements for source and special nuclear materials; and guidance on the quantitative control aspects of domestic and foreign use of the AEC's source and special nuclear material.

SEC. 1.133 *Office of Special Projects.* The Office of Special Projects directs AEC activities relative to proposals for international disarmament, including liaison with the Department of State, staff support for AEC representation on the President's Special Committee for Disarmament and the preparation and coordination of major staff studies; is responsible for operational aspects of major international conferences and provides support on all other international nuclear programs and studies, as may be assigned, in which the United States and AEC specifically have a participating interest.

SEC. 1.134 *Office for International Conference.* The Office for International Conference is a temporary organizational unit established within the Atomic Energy Commission for the purpose of planning, coordinating and directing the United States technical participation in the Second International Conference on the Peaceful Uses of Atomic Energy to be held in Geneva, Switzerland, September 1–13, 1958. The United States program in the Conference in a joint undertaking by the Department of State and the Atomic Energy Commission. The Commission has been specifically assigned responsibility for the scientific and technical aspects of the program which will include technical papers, technical films, and exhibits of devices, equipment and machines depicting the peaceful uses of atomic energy. The OIC will seek commercial assistance in the preparation of the technical exhibit and technical films.

MAJOR FIELD OFFICES

SEC. 1.135 *Chicago Operations Office.* The Chicago Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Reactor Development, is responsible for adminstering contracts in the fields of biological, medical, and physical science research and for the development of nuclear reactors and reactor systems at the Argonne National Laboratory and at other sites; for the supervision of related engineering and construction programs; and for the supervision of the Pittsburgh, Hartford, Canoga Park, and Lockland Area Office. The Manager of Operations makes or approves contracts and subcontracts in the execution of his assigned responsibilities, except that new or unusual transactions or any contract action in excess of $5,000,000 is subject to the approval of the Director, Division of Reactor Development.

SEC. 1.136 *Hanford Operations Office.* The Hanford Operations Office, under the direction of a Manager of Operations responsible to the Director of Production, is responsible for the production of special nuclear materials; the supervision of related process development, engineering and construction programs; and the management of Richland Village. The Manager of Operations makes or approves contracts and subcontracts in the execution of his assigned responsibilities, except that new or unusual transactions or any contract action in excess of $5,000,000 is subject to the prior approval of the Director, Division of Production.

SEC. 1.137 *Idaho Operations Office.* The Idaho Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Reactor Development, provides for the design, construction and operation of nuclear reactors as assigned, together with necessary facilities and services; manages the National Reactor Testing Station, and performs other special assigned functions; administers related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $3,000,000 is subject to the approval of the Director, Division of Reactor Development.

SEC. 1.138 *New York Operations Office.* The New York Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Reactor Development, is responsible for administering contracts in the fields of biological, medical, and physical science research and for the development of nuclear reactors and reactor systems; for the supervision of related engineering and construction programs; and for the supervision of the Brookhaven Area Office which administers the contract for operation of the Brookhaven National Laboratory. In addition, directly administers the AEC Health and Safety Laboratory. The Manager of Operations makes or approves contracts and subcontracts in the execution of his assigned responsibilities, except that new or unusual transactions or any contract action in excess of $3,000,000 is subject to the approval of the Director, Division of Reactor Development.

SEC. 1.139 *Oak Ridge Operations Office.* The Oak Ridge Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Production, is responsible for the production of special nuclear materials including the preparation of feed materials; the supervision of related process development, engineering and construction programs; the management of the community of Oak Ridge; the administration of contracts for research programs at the Oak Ridge National Laboratory and other sites; and the supervision of Paducah, Portsmouth, St. Louis, Fernald, and New Brunswick Area Offices. The Manager of Operations makes or approves purchases, contracts, and subcontracts in execution of his assigned responsibilities, except that new or unusual transactions or any contract action in excess of $5,000,000 is subject to the approval of the Director, Division of Production.

SEC. 1.140 *Albuquerque Operations Office.* The Albuquerque Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Military Application, is responsible for research, development, production, storage and readiness assurance, and testing in the field of atomic weapons; supervises facilities for these purposes; manages the community of Los Alamos, New Mexico; supervises engineering and construction programs; and supervises the Burlington, Kansas City, and Clearwater Area Offices and the Los Alamos Area Office which administers the contract for operation of the Los Alamos Scientific Laboratory and the Sandia Area Office which administers the contract for operation of the Sandia Laboratory. The Manager of Operations makes or approves purchases, contracts and subcontracts in the execution of his assigned responsibilities, except that new or unusual transactions or any contract action in excess of $5,000,000 is subject to the approval of the Director, Division of Military Application.

SEC. 1.141 *Savannah River Operations Office.* The Savannah River Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Production, is responsible for the production of special nuclear materials; the supervision of related process development, engineering and construction programs; and the supervision of the Dana Area Office. The Manager of Operations makes or approves purchases, contracts, and subcontracts in execution of his assigned responsibilities, except that new or unusual transactions or any contract action in excess of $5,000,000 is subject to the approval of the Director, Division of Production.

SEC. 1.142 *Schenectady Operations Office.* The Schenectady Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Reactor Development, administers contracts for assigned portions of the AEC's Reactor Development Program; administers related engineering and construction programs; enters into or approves contracts and subcontracts, except that each purchase, contract, subcontract, extension or modification in excess of $3,000,000 is subject to the approval of the Director of the Division of Reactor Development.

SEC. 1.143 *San Francisco Operations Office.* The San Francisco Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Military Application is responsible for research and development of atomic weapons; supervises facilities for these and other programs at Livermore, California, and such other installations as may be designated; administers related engineering, construction and maintenance programs; and makes or approves purchases, contracts, and subcontracts except that each purchase, contract, subcontract, extension or modification in excess of $2,000,000 is subject to the approval of the Director, Division of Military Application.

SEC. 1.144 *Grand Junction Operations Office.* The Grand Junction Operations Office, under the direction of a Manager of Operations responsible to the Director, Division of Raw Materials, is responsible for acquisition of source materials (uranium and thorium) throughout the western United States, including the production of uranium concentrates in Government-owned facilities, and resources appraisal, and the supervision of construction and engineering programs. The Manager of Operations makes or approves purchases, contracts, and subcontracts in execution of his assigned responsibilities, except that new or unusual transactions or any contract action in excess of $2,000,000 other than for the production or purchase of uranium concentrates required to meet approved programs, are subject to the approval of the Director, Division of Raw Materials.

GENERAL INFORMATION

SEC. 1.200 *Research and development contracts.* The Commission has entered into many contracts with public and private institutions for the prosecution of research and development work in various branches of physical, biological and medical science and technology. These contracts are negotiated and supervised on behalf of the Commission by the General Manager, the Managers of Operations and their authorized representatives, and the scientific staff of the divisions concerned. The Division of Research is responsible for the development and supervision of the research program involving the physical sciences in AEC installations and outside organizations and inquiries regarding participation in this program may be addressed to the Director, Division of Research, Washington.

The Division of Biology and Medicine is responsible for administration of the program for the support of research relating to atomic energy in the fields of biology and medicine, and inquiries regarding participation in this program may be addressed to the Director, Division of Biology and Medcine, Washington.

SEC. 1.201 *Special training fellowship program.* The Division of Biology and Medicine is responsible for the administration of special training fellowship programs in Radiological Physics, Industrial Medicine, and Industrial Hygiene for the purpose of providing specialized training to fill the need for personnel in these fields. Applications for special fellowships in Radiological Physics and Industrial Hygiene may be submitted to the Oak Ridge Institute of Nuclear Studies, Inc., University Relations Division, P. O. Box 117, Oak Ridge, Tennessee. Applications for special fellowships in Industrial Medicine may be submitted to the School of Medicine and Dentistry, Atomic Energy Project, University of Rochester, Rochester 20, New York.

SEC. 1.202 *Information services.* Writers or speakers may submit material to the Atomic Energy Commission for security review. Assistance in determining if the material is free of classified information will be given insofar as national security permits. Such submission of material, as well as any requests for publicly releasable information concerning the Commission's organization and activities should be directed to the Division of Information Services, U. S. Atomic Energy Commission, Washington 25, D. C.

SEC. 1.203 *Domestic uranium program.* The Domestic Uranium Program of the Commission, under the direction of the Division of Raw Materials, was put into effect in April 1948. The details of the domestic ore purchase schedules have been explained in Domestic Uranium Program Circulars Nos. 1, 5 Rev., and 6 which were published as Code of Federal Regulations, Title 10, Part 60 (13 F. R. 2089; 13 F. R. 2090; 18 F. R. 6587; and 22 F. R. 6300). Details of the bonus for initial production from domestic mining properties appear in Domestic Uranium Program Circular 6 and details of the guaranteed minimum price schedule for domestic ores appear in Domestic Uranium Program Circular 5 Rev. The Division of Raw Materials has developed two booklets entitled "Prospecting for Uranium" and "Prospecting With a Counter" which provide valuable information and assistance to those interested in prospecting for radioactive materials. Both booklets may be obtained at 75 cents and 30 cents a copy respectively, from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

Sec. 1.204 *Commission licensing and patent programs.* The Commission licensing program (see also 1.113 supra) embraces the licensing of source, special nuclear, and byproduct material; and, production and utilization facilities and operators of such facilities. The programs are the subject of regulations which follow in other parts of Title 10.

The Patent Program of the Atomic Energy Commission is designed to protect the government and industry with respect to inventions resulting from government sponsored work in the field of atomic energy. The Commission accords non-exclusive licenses to industry on Commission-owned inventions. The Commission has a patent compensation board established pursuant to the Atomic Energy Act to administer a program of awards provided for in the act. The Patent Program is the subject of regulations which follow in other parts of Title 10.

Dated at Washington, D. C., this 6th day of December 1957.

For the United States Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 57-10283; Filed, Dec. 11, 1957; 8:50 a. m.]

[Docket No. 50-30]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

ORDER SCHEDULING HEARING

The following order has been issued by the Hearing Examiner.

It is ordered, This 6th day of December, 1957, with the concurrence of counsel for all parties, that the hearing herein will commence on January 16, 1958, at 10 o'clock a. m., in Hearing Room C, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D. C.; and

It is further ordered, That all parties seeking intervention in this proceeding pursuant to § 2.705 of the Commission's rules shall file their petitions to intervene with the Secretary of the Commission on or before January 10, 1958.

Dated at Washington, D. C., this 9th day of December, 1957.

U. S. ATOMIC ENERGY COMMISSION,
WOODFORD B. MCCOOL,
Secretary.

[F. R. Doc. 57-10284; Filed, Dec. 11, 1957; 8:50 a. m.]

[Docket 50-38]

MARTIN CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on November 20, 1957, the Atomic Energy Commission on December 6, 1957 issued License CX-7 authorizing The Martin Company to possess and operate a critical facility at the location near Middle River, Maryland, described in the application in Docket 50-38.

Notice of the proposed action was published in the FEDERAL REGISTER on November 21, 1957, 22 F. R. 9324.

Dated at Washington, D. C., this 6th day of December 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilan Application.

[F. R. Doc. 57-10285; Filed, Dec. 11, 1957; 8:50 a. m.]

[Docket No. 50-74]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on December 6, 1957, issued License No. XR-16 to American Machine & Foundry Company authorizing the export of a one megawatt pool-type research reactor to Societa Richerche Impianti Nucleari (SORIN), Via Filippo Turati 8, Milano, Italy. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on November 21, 1957, 22 F. R. 9324.

Dated at Washington, D. C., this 6th day of December, 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-10286; Filed, Dec. 11, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 828]

GENERAL INCREASES IN ALASKAN RATES AND CHARGES

NOTICE OF INVESTIGATION AND OF HEARING

On November 29, 1957, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board tariff schedules setting forth new increased rates and charges, and new rules, regulations and practices affecting such rates and charges, between Pacific Coast points on the one hand and points in Alaska on the other, also between points within Alaska, published to become effective December 2, 1957 and later, as designated in Appendix A.

It further appearing that upon consideration of the said schedules and protests thereto, there is reason to believe that they would, if permitted to become effective, result in rates and charges, rules and regulations or practices which would be unjust and unreasonable and in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, as amended; and good cause appearing therefor;

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, rules and regulations contained in said schedules, with a view to making such findings and order in the premises as the facts and circumstances shall warrant;

It is further ordered, That the operation of said tariff, pages, and/or supplements specified in Appendix A, be suspended and that the use thereof be deferred to and including April 2, 1958, unless otherwise authorized by the Board;

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby may be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless otherwise authorized by the Board;

It is further ordered, That there shall be filed immediately with the Board by Alaska Steamship Company, Alaska Freight Lines, Inc., Coastwise Line, C. R. Nickerson, Agent and Garrison Fast Freight, Division of Consolidated Freightways, Inc., consecutively renumbered supplements to tariffs designated in Appendix A, which shall reproduce the portion of this Order and Appendix wherein the suspended pages and/or designated supplements or tariffs are described, and shall state that such pages, tariffs and supplements are suspended and that the rates, charges, rules, regulations and practices therein stated may not be used until the third day of April 1958, unless otherwise authorized by the Board; and that neither the rates, charges, rules, regulations and practices hereby deferred nor those which are sought to be altered thereby, may be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Board;

It is further ordered, That copies of this order shall be filed with said tariffs in the Regulation Office of the Federal Maritime Board; that a copy hereof shall be forthwith served upon Alaska Steamship Company, Alaska Freight Lines, Inc., Coastwise Line, C. R. Nickerson, Agent, and Garrison Fast Freight, Division of Consolidated Freightways, Inc.; and said carriers and agent be, and they are hereby, made respondents in this proceeding; that protestants, carriers and agent be duly notified of the time and place of the hearing herein ordered and that notice of such hearing be published in the FEDERAL REGISTER.

APPENDIX A

ALASKA STEAMSHIP COMPANY

Notice of Surcharge Application appearing in—Supplement No. 2 to FMB F No. 70; Supplement No. 2 to FMB F No. 71; Supplement No. 9 to FMB F No. 74; Supplement No. 8 to FMB F No. 75; Supplement No. 7 to FMB F No. 76; Supplement No. 4 to FMB F No. 77; Supplement No. 8 to FMB F No. 78; Supplement No. 5 to FMB F No. 79; Supplement No. 6 to FMB F No. 80; Supplement No. 1 to FMB F No. 84; Tariff No. FMB F No. 85; effective December 2, 1957.

ALASKA FREIGHT LINES, INC.

Supplement No. 3 to FMB F No. 4, effective December 18, 1957.

COASTWISE LINE, AGENT C. R. NICKERSON

3d revised page 13 to FMB F No. 5; 3d revised page 15 to FMB F No. 6; 1st revised page 13 to FMB F No. 19; 1st revised page 5 to FMB F No. 21; Tariff No. FMB F No. 26; Tariff No. FMB F No. 27; effective December 2, 1957.

GARRISON FAST FREIGHT, DIVISION OF CONSOLIDATED FREIGHTWAYS, INC.

4th revised page 12 to FMB F No. 1; 4th revised page 13 to FMB F No. 1; 4th revised page 14 to FMB F No. 1; effective December 18, 1957.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's Rules of Practice and Procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board on or before December 31, 1957, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules.

Dated: December 9, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-10292; Filed, Dec. 11, 1957; 8:51 a. m.]

MOORE-MCCORMACK LINES, INC. AND MISSISSIPPI SHIPPING CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8266, between Moore-McCormack Lines, Inc., and Mississippi Shipping Company, Inc., covers an arrangement for the interchange of passengers making circle and one-way trips in the U. S. Atlantic/East Coast South America service of Moore-McCormack, and the U. S. Gulf/East Coast South America service of Mississippi.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: December 9, 1957.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-10293; Filed, Dec. 11, 1957; 8:51 a. m.]

Office of the Secretary

L. KEVILLE LARSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 13, 1956, 21 F. R. 5240; December 8, 1956, 21 F. R. 9749; June 20, 1957, 22 F. R. 4369.

A. Deletions: Missouri Pacific, National Container.

B. Additions: Owens-Illinois Glass Company, New York Port of Authority, McRae Oil & Gas Co.

This statement is made as of November 30, 1957.

L. KEVILLE LARSON.

NOVEMBER 30, 1957.

[F. R. Doc. 57-10277; Filed, Dec. 11, 1957; 8:49 a. m.]

WILLIAM J. LINDNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 7, 1957, 22 F. R. 4036.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 22, 1957.

WILLIAM J. LINDNER.

NOVEMBER 25, 1957.

[F. R. Doc. 57-10278; Filed, Dec. 11, 1957; 8:50 a. m.]

JOHN N. LUDWIG, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John N. Ludwig, Jr.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: November 12, 1957.

4. Title of position: Consultant.

5. Name of private employer: Electro Metallurgical Company, Division Union Carbide Corp., Oliver Building, Pittsburgh 22, Pa.

CARLTON HAYWARD,
Director of Personnel.

DECEMBER 2, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment was owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Electro Metallurgical Company (Division of Union Carbide Corp.).
Union Carbide Corporation.
Climax Molybdenum.
Bank deposits.

JOHN N. LUDWIG, JR.

NOVEMBER 25, 1957.

[F. R. Doc. 57-10279; Filed, Dec. 11, 1957; 8:50 a. m.]

LAWRENCE H. ZAHN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 3, 1957, 22 F. R. 88; June 20, 1957, 22 F. R. 4369.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of December 3, 1957.

LAWRENCE H. ZAHN.

DECEMBER 3, 1957.

[F. R. Doc. 57-10280; Filed, Dec. 11, 1957; 8:50 a. m.]

ROBERT P. BURRIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 20, 1957, 22 F. R. 4369-70.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of December 3, 1957.

ROBERT P. BURRIS.

DECEMBER 3, 1957.

[F. R. Doc. 57-10281; Filed, Dec. 11, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11934; FCC 57M-1234]

TEXAS TECHNOLOGICAL COLLEGE

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Texas Technological College, Lubbock, Texas, Docket No. 11934, File No. BPCT-2183; for construction permit for a new television broadcast station.

By agreement of the parties; *It is ordered,* This 6th day of December 1957, that a prehearing conference in the above-entitled proceeding will be held on December 9, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10297; Filed, Dec. 11, 1957; 8:51 a. m.]

[Docket No. 12163; FCC 57-1322]

CLASS B FM BROADCAST STATIONS

AMENDMENT OF REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that a Notice of Proposed Rule Making and Order To Show Cause (FCC 57-992) setting forth the above proposal to delete Channel 284 and add Channel 281 at San Diego, California and ordering Music Unlimited, licensee of FM Station KDFR (formerly KPAY), to show cause why its authorization for said station should not be modified to specify operation on Channel 281, was issued by the Commission on September 16, 1957 and was duly published in the FEDERAL REGISTER (22 F. R. 7496), which notice provided that interested parties might file statements or briefs with respect to said proposal on or before October 10, 1957; and

It further appearing that Station KPLA, Los Angeles, California, licensed to operate on Channel 282, submitted the only comment opposing the proposed amendment and stated that it had under preparation an application for a change in site and increase in power, which operation will result in serious mutual interference with KDFR should KDFR operate on Channel 281, and suggested that Channel 287 be allocated to San Diego in place of Channel 281; and

It further appearing that Station KDFR has stated that it will accept assignment of Channel 287 in place of Channel 281; and

It further appearing that should Station KDFR operate on Channel 287, the present interference with Station KFSD–FM, San Diego, licensed to operate on Channel 231, would be eliminated, and the KDFR operations would not involve objectionable interference with other assignments, pending applications, or vacant allocations in the area; and

It further appearing that authority for adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective December 5, 1957, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to San Diego, California:

General area	Channels	
	Delete	Add
San Diego, Calif.	284	287

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10298; Filed, Dec. 11, 1957; 8:52 a. m.]

[Docket No. 12184; FCC 57M–1230]

HARRIS CO.

ORDER CONTINUING HEARING

In re application of The Harris Company, Portland, Maine, Docket No. 12184, File No. 2223–C2–R–57; for the renewal of the license for the station KCB892, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

Upon the oral request of counsel for the applicant in the above-entitled matter, and without opposition; *it is ordered*, This 5th day of December 1957, that the hearing presently scheduled for December 10, 1957, is hereby rescheduled to commence at 10:00 a. m., January 3, 1958, in the Commission's offices at Washington, D. C.

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10299; Filed, Dec. 11, 1957; 8:52 a. m.]

[Docket No. 12188; FCC 57M–1232]

MORGAN CLEANERS-FURRIERS, INC.

ORDER CONTINUING HEARING

In re application of Morgan Cleaners-Furriers, Inc., Mansfield, Ohio, Docket No. 12188, File No. 1355–C2–R–57; for the renewal of the license for the station KQC876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration the motion of the applicant, filed December 5, 1957, that hearing in the above-entitled proceeding be continued from December 10, 1957, to January 3, 1958;

It appearing that there is pending before the Commission a petition filed in behalf of the applicant for reconsideration of his application and the granting thereof without hearing, and that the Commission's Common Carrier Bureau, the only other party to the proceeding, does not oppose such petition;

It appearing further in view of the foregoing, that good cause exists to warrant the continuance herein sought;

Accordingly, it is ordered, This 5th day of December 1957, that the motion is granted and that hearing in the above-entitled proceeding is continued from December 10, 1957, to January 3, 1958.

Released: December 9, 1957.

FEDERAL COMMUNICATIO·S COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10300; Filed, Dec. 11, 1957; 8:52 a. m.]

[Docket Nos. 12201, 12202; FCC 57M–1231]

SOUTH NORFOLK BROADCASTING CO., INC., AND DENBIGH BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of South Norfolk Broadcasting Company, Incorporated, South Norfolk, Virginia, Docket No. 12201, File No. BP–10981; Cy Blumenthal tr/as Denbigh Broadcasting Co., Denbigh, Virginia, Docket No. 12202, File No. BP–11250; for construction permits.

It is ordered, This 6th day of December 1957, that a pre-hearing conference will be held in the above-entitled proceeding at 10:00 a. m., Monday, December 16, 1957, in the offices of the Commission.

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10301; Filed, Dec. 11, 1957; 8:52 a. m.]

[Docket Nos. 12203–12205; FCC 57M–1233]

HALL BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Hall Broadcasting Company, Inc., Los Angeles, California, Docket No. 12203, File No. BPH–2175; Hogan Broadcasting Corporation, Long Beach, California, Docket No. 12204, File No. BPH–2180; Richard C. Simonton, Los Angeles, California, Docket No. 12205, File No. BPH–2239; for construction permits FM Channel 274 (102.7 Mc).

The Hearing Examiner has under consideration a request filed December 4, 1957, on behalf of Richard C. Simonton requesting that the date for the exchange of exhibits in the above-entitled proceeding be continued from December 9, 1957, to December 23, 1957, and that the further pre-hearing conference be continued from December 17, 1957, to a later date.

The reason for the request is the fact that Mr. Simonton's attorney has been ill and he will be unable to meet the schedule presently adopted.

The Hearing Examiner has been advised informally by the other parties to the proceeding that there are no objections to considering the pleading at this time or to granting the requested continuance. Good cause for the requested continuance has been shown.

It is ordered, This the 6th day of December 1957, that the request for extension of time within which to exchange exhibits is granted and the date for the exchange of exhibits is continued from December 9, 1957, to and including December 23, 1957, and the date for the further pre-hearing conference is continued from December 17, 1957, to January 15, 1958.

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10302; Filed, Dec. 11, 1957; 8:52 a. m.]

[Docket No. 12250; FCC 57M–1235]

SACRAMENTO TELECASTERS, INC. (KBET–TV)

NOTICE CONTINUING HEARING CONFERENCE

In re application of Sacramento Telecasters, Inc. (KBET–TV), Sacramento, California, Docket No. 12250, File No. BMPCT–2633; for modification of construction permit.

On the oral request of counsel for Sacramento Telecasters, Inc., and without objection by other counsel the prehearing conference scheduled for December 9 is further continued to Wednesday, December 11, 1957, at 2 p. m., in the offices of the Commission, Washington, D. C.

Dated: December 6, 1957.

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10303; Filed, Dec. 11, 1957; 8:52 a. m.]

[Docket No. 12258–12260; FCC 57–1319]

WABASH VALLEY BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wabash Valley Broadcasting Corporation, Terre Haute, Indiana, Docket No. 12258, File No. BPCT–2293; Cy Blumenthal, Terre Haute, Indiana, Docket No. 12259, File No. BPCT–2316; Illiana Telecasting Corp., Terre Haute, Indiana, Docket No. 12260, File No. BPCT–2392; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Terre Haute, Indiana; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing, and of all objections to their applications, and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications, the amendments thereto and the replies to the above letters, the Commission finds that each of the applicants is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "1" below.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Mr. Cy Blumenthal, Wabash Valley Broadcasting Corporation and Illiana Telecasting Corporation are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the antenna system and site proposed by each of the above-captioned applicants would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Cy Blumenthal, Wabash Valley Broadcasting Corporation and Illiana Telecasting Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10304; Filed, Dec. 11, 1957; 8:52 a. m.]

[Docket No. 12261; FCC 57–1321]

BAW BEESE BROADCASTERS, INC. (WBSE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Baw Beese Broadcasters, Incorporated (WBSE), Hillsdale, Michigan, Docket No. 12261, File No. BP–10917; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1957;

The Commission having under consideration the above-captioned application of Baw Beese Broadcasters, Incorporated, for a construction permit to increase the power of Station WBSE, Hillsdale, Michigan (1340 kc, 100 w, U), to 250 watts;

It appearing, that, except as may be indicated from the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate Station WBSE as proposed, but that the proposed operation would cause interference to Stations WEXL, Royal Oak, Michigan (1340 kc, 250 w, U) and WTRC, Elkhart, Indiana (1340 kc, 250 w, U); that interference from Stations WEXL, WTRC and WLBC, Muncie, Indiana (1340 kc, 250 w, U) would affect more than 10 percent of the population within the normally protected primary service area of the instant proposal in contravention of § 3.28 (c) of the Commission rules; and that a smokestack located near the proposed antenna site might cause distortion of the proposed nondirectional radiation pattern; and

It further appearing that the licensee of Station WTRC, by letter dated January 10, 1957, requested that the instant proposal be designated for hearing on the ground that it would cause objectionable interference to WTRC; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 11, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that, in an amendment filed on October 14, 1957, the applicant purports to show that the interference which would be caused to Stations WEXL and WTRC would not be extensive and that the interference received from Stations WEXL, WTRC, and WLBC would affect 9.9 percent of the population in its normally protected contour so that the proposed operation would be in compliance with § 3.28 (c) of the Commission rules; describes corrective action which it contemplates in the event adverse effects on the proposed nondirectional antenna pattern occur due to the proximity of the above-mentioned smokestack; and requests a grant of the application without hearing; and

It further appearing that the applicant did not include in its amendment data all of the population within the area affected by the interference received from Stations WEXL, WTRC, and WLBC and that, therefore, the population affected by said interference would be more than 10 percent, in contravention of § 3.28 (c) of the rules; and

It further appearing that the applicant proposes to limit its proposed inverse field strength at one mile to 75 millivolts per meter and that, in the event of a grant of the applicaiton in the hearing proceeding provided for below, the construction permit should include a condition that, before program tests are authorized, field intensity measurements shall be submitted to establish that (1) the inverse distance field strength at one mile has been reduced to essentially 75 millivolts per meter as proposed and that (2) the proposed nondirectional radiation pattern has not been seriously distorted due to the presence of a nearby smokestack; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing on this application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WBSE as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Stations WEXL, Royal Oak, Michigan, and WTRC, Elkhart, Indiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposed operation of Station WBSE would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That the Sparks Broadcasting Co. and the Truth Radio Corporation, licensees of Stations WEXL and WTRC, respectively, are made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, written appearances stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, in the event of a grant of the above-captioned application in the hearing provided for above, the construction permit shall include the following condition: Before program tests are authorized, sufficient field intensity measurement data shall be submitted to establish that the inverse distance field strength at one mile has been reduced to essentially 75 millivolts per meter as proposed and that the proposed nondirectional radiation pattern has not been seriously distorted due to the presence of a nearby smokestack.

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10305; Filed, Dec. 11, 1957; 8:53 a. m.]

[Docket No. 12263; FCC 57-1333]

INTERNATIONAL TELECOMMUNICATION UNION; RADIO REGULATIONS

FIRST NOTICE OF INQUIRY

In the matter of revision of radio regulations of International Telecommunication Union, Docket No. 12263.

The next Radio Conference of the International Telecommunication Union presently is scheduled to convene in Geneva, Switzerland on July 1, 1959. This will be the first international radio conference since that of Atlantic City in 1947. The 1959 Radio Conference is expected to review all of the Atlantic City Radio Regulations together with the provisions of the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), and to take action on various proposals for the revision of those agreements as well as to consider various new proposals from the member countries of the ITU.

Preparatory work in connection with United States proposals for the 1959 Radio Conference has been under way for some time and Government-Industry Committees under the auspices of the Department of State have been reviewing the existing Radio Regulations and various other subjects expected to arise at the 1959 Radio Conference. Although much preliminary drafting work has been done, the Commission has not yet taken a final position with respect to any of the proposals being considered. Before taking any action on the proposals to be submitted, the Commission wishes to have the benefit of the views of its licensees and other interested parties. In this connection we wish to emphasize the importance of the matters which will be considered at the forthcoming conference, and the significant effect which changes in the Radio Regulations may have upon Commission licensees and the entire communications industry. In addition to assisting the Commission in establishing a position it will eventually take on these matters, the materal received by the Commission in this proceeding will also be made available to the aforementioned preparatory committees which now are functioning under the auspices of the Department of State.

It is anticipated that further notices will be issued by the Commission setting forth the nature of those proposals which the Commission will consider recommending as the position of the United States.

Any interested person is invited to file comments with the Commission concerning this matter on or before January 23, 1958. In accordance with the provisions of § 1.764 of the Commission's rules, and original and fourteen (14) copies of all comments shall be furnished to the Commission.

Adopted: December 5, 1957.

Released: December 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10306; Filed, Dec. 11, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6295]

LUZ Y FUERZA DE REYNOSA, S. A. AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION

DECEMBER 6, 1957.

Take notice that Luz y Fuerza de Reynosa, S. A. (Luz y Fuerza), incorporated under the laws of the Republic of Mexico, with its principal place of business in Reynosa, Tamaulipas, Mexico, joined by Central Power and Light Company (Central), a Texas corporation, with its principal place of business in Corpus Christi, Texas, on November 29, 1957, filed an application for authorization, pursuant to section 202 (e) of the Federal Power Act, for an increase in the amount and rate of electric energy which they are presently authorized to export from the United States to Mexico.

By order issued in the above docket September 1, 1955, Luz y Fuerza and Central were authorized to transmit from the United States to Mexico a maximum of 25,000,000 kilowatt-hours of electric energy per year at a rate not to exceed 5,000 kilowatts. The two parties now seek authorization to increase to 50,000,000 kwh the maximum amount and to 10,000 kw the maximum rate of electric energy to be exported annually to Tamaulipas, Mexico. Applicants propose to transmit the aforementioned electric energy over the present transmission facilities of Luz y Fuerza which are authorized by its present Presidential Permit, signed by the President of the United States on October 9, 1950, and over additional facilities for which Luz y Fuerza has applied concurrently for an Amendment of its present Permit.

Applicants state than an increase in the number and requirements of users of electric energy has rendered their present authorization to export electric energy inadequate to supply such needs. Applicants further state that Central can transmit the additional electric energy at the increased rate of transmission without diminishing its capacity to meet the demands of its present and prospective customers in the Rio Grande Valley of Texas, and that all of the energy to be exported in excess of a demand of 5,000 kw will be on an interruptible basis.

Any person desiring to be heard or to make any protest with reference to the aforesaid application, should on or before December 27, 1957, file a petition or protest with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.7, 1.8, or 1.10). The application is on file with the Commission and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10258; Filed, Dec. 11, 1957; 8:47 a. m.]

[Docket No. G-11673]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 6, 1957.

Take notice that Atlantic Seaboard Corporation, a Delaware corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 1700 MacCorkle Avenue SE, Charleston, West Virginia, filed on December 27, 1956, an application, and on July 2, 1957, an amendment thereto (and supplemented by letter of July 10, 1957) for a certificate of public convenience and necessity authorizing it to construct and operate certain transmission facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully set forth in the application, which is on file with the Commission and open for public inspection.

The facilities which Applicant proposes consist of the following:

A. The construction and operation of approximately five and seven-tenths (5.7) miles of 26'' gas transmission pipe line, looping approximately 6.3 miles of Applicant's existing 26'' gas transmission pipe line, extending in a northeasterly direction from a point approximately 13.9 miles northeast of Applicant's Seneca compressor station.

B. The installation and operation of an additional 2,000 h.p. gas engine driven compressor unit at Applicant's Cleveland compressor station located in Upshur County, West Virginia.

C. The installation and operation of an additional 2,000 h.p. gas engine driven compressor unit at Applicant's Files Creek compressor station located in Randolph County, West Virginia.

D. The installation and operation of an additional 880 h.p. gas engine driven compressor unit at Applicant's Huff Creek compressor station located in Wyoming County, West Virginia.

E. The construction and operation of an additional measuring and regulating station in Albemarle County, Virginia, for the wholesale sale and delivery of natural gas to Virginia Gas Distribution Corporation for resale.

Applicant estimates its total system peak-day requirements for 1957–1958, will be 765,800 Mcf and it estimates that it will have a deficiency in its transmission capacity of 30,800 Mcf per day. The authority requested herein is proposed to enable Applicant to overcome this deficiency.

Applicant estimates the cost of the proposed construction will be $2,459,800. Of this amount $704,800 is for pipeline facilities and $1,755,000 is for compressor facilities. This construction will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 6, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 24, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10259; Filed, Dec. 11, 1957; 8:47 a. m.]

[Docket No. G-13664]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 6, 1957.

In the Order for Hearing and Suspending Proposed Changes in Rates, issued November 8, 1957, and published in the FEDERAL REGISTER on November 19, 1957 (22 F. R. 9241), on the first page, second paragraph, last sentence, the words "Supplements Nos. 3 and 4 to Sun's FPC Gas Rate Schedule No. 55" should be corrected to read "Sun's FPC Gas Rate Schedule No. 87 and Supplement No. 1 thereto;" and on the second page under the paragraph entitled "The Commission finds" and in ordering paragraphs "(B)" and "(C)", the word "Supplements" should be corrected to read "rate schedule and supplement."

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10260; Filed, Dec. 11, 1957; 8:47 a. m.]

[Docket No. G-2975 etc.]

SUNRAY MID-CONTINENT OIL CO.

ORDER CONTINUING HEARING

DECEMBER 6, 1957.

Upon consideration of the motion filed November 22, 1957, by Sunray Mid-Continent Oil Company (Applicant), for continuance of the hearing now scheduled for December 16, 1957, in the above designated matters, and the objection thereto by staff counsel;

The Commission finds: Good cause has been shown for postponing the hearing to March 3, 1958, at 10:00 a. m., as requested by Applicant.

The Commission orders: The hearing in these matters be and the same is hereby postponed to March 3, 1958, at 10:00 a. m.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10261; Filed, Dec. 11, 1957; 8:47 a. m.]

[Docket No. E-6788]

RIO GRANDE ELECTRIC COOPERATIVE, INC.

NOTICE OF APPLICATION

DECEMBER 6, 1957.

Take notice that on November 25, 1957, Rio Grande Electric Cooperative, Inc. (Cooperative), incorporated under the laws of the State of Texas, with its principal place of business at Brackettville, Texas, filed an application for authorization, pursuant to section 202 (e) of the Federal Power Act, to transmit electric energy from the United States to Mexico. The application states that the purchaser of the energy is Bishop Lyle Bailey (Bailey) and that the proposed use of the energy is for crushing and grading of fluorspar and residential use of employees of Bailey in Mexico.

On November 25, 1957, Bailey, an individual doing business as Bailey Fluorspar Company, of Marfa, Texas, filed an application for a permit, pursuant to Executive Order 10485, dated September 3, 1953, for construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and Mexico, Docket No. E-6789. The application for permit indicates that Bailey will utilize the facilities to transmit from the United States to Mexico the energy purchased from the Cooperative.

The energy will be exported to Boquillas, Mexico, across the Rio Grande from Big Bend National Park in Texas (the point of crossing being located at latitude 29°11'27'' and longitude 120°55'50''), by means of a three-wire secondary line (120/240 volts) run across the Rio Grande. The maximum amount of energy to be exported is 200,000 kilowatt-hours per year.

Any person desiring to be heard or to make any protest with reference to the aforementioned application filed pursuant to section 202 (e) of the act should, on or before December 23, 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10263; Filed, Dec. 11, 1957; 8:47 a. m.]

[Docket No. G-13848]

TEXAS GULF PRODUCING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 6, 1957.

Texas Gulf Producing Company, (Operator), et al. (Texas Gulf), on November 8, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 4 to Texas Gulf's FPC Gas Rate Schedule No. 10.
Effective date: December 9, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Texas Gulf states that the sale is an installment sale over a period of years but could have been bought and paid for on any other basis mutually agreeable to the parties at the time the contract was made, that the contract was determined by arm's-length negotiations and bargaining, that an installment sale was more desirable to both parties because the costs of operating and main-

taining a depleting reserve increase progressively each year and that the purchaser is benefited because of allowable depreciation. Texas Gulf also states that the proposed rate is fair and equitable for the area and believes that similar gas is being sold in the area at rates equal to or in excess of the proposed rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and is hereby suspended and the use thereof deferred until May 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10262; Filed, Dec. 11, 1957; 8:47 a. m.]

[Docket No. G-9277 etc.]

CHAMPLIN OIL & REFINING CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS FOR LIMITED PURPOSES, FIXING DATE OF HEARING, AND PRESCRIBING ORDER OF PROCEDURE

DECEMBER 6, 1957.

In the matters of Champlin Oil & Refining Company, Docket No. G-9277 and G-9280; Pan American Petroleum Corporation, Continental Oil Company, Docket No. G-9279; Western Natural Gas Company, Docket No. G-9281; The Atlantic Refining Company, Docket Nos. G-9283 and G-9284; Humble Oil & Refining Company, Docket Nos. G-9287 and G-9288; C. V. Lyman, Docket No. G-9289; Sinclair Oil & Gas Company, Docket Nos. G-9291 and G-9292, et al.; Tidewater Oil Company, Docket No. G-13310, et al.

On August 31, 1955, the Public Service Commission of Tennessee, and others,[1] pursuant to the provisions of sections 5 (a) and 13 of the Natural Gas Act, filed with this Commission complaints with respect to the rates and charges demanded, charged, and collected by, among others,[2] the Respondents in the above-captioned proceedings, for sales of natural gas to Tennessee Gas Transmission Company, subject to the jurisdiction of this Commission.

By orders issued in each of the above-captioned proceedings on January 27, 1956, the Commission, upon its own motion, instituted investigation, pursuant to the provisions of the Natural Gas Act, for the purpose of determining whether with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, respectively made or proposed to be made by each of the Respondents in the proceedings, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.[3]

Pursuant to orders of the Commission, partial hearings have been held in each of the following individual proceedings: Docket Nos. G-9277 and G-9280, Champlin Oil & Refining Company (Champlin); Docket No. G-9281, Western Natural Gas Company (Western Natural); Docket Nos. G-9291 and G-9292, et al., Sinclair Oil & Gas Company (Sinclair); and Docket No. G-13310, et al., Tidewater Oil Company (Tidewater). At hearing sessions already held in the Champlin, Western Natural, and Sinclair proceedings, the Commission's staff has presented its direct case respecting cost of service and form and level of rates, and the staff witnesses have been cross-examined on such evidence. In the Tidewater proceedings, the Respondent has presented its direct case, excepting for the evidence proposed to be adduced in this consolidated proceeding, and its witnesses have been cross-examined; the staff has also presented evidence as to cost of service and form and level of rates. Hearings are scheduled to resume in the Tidewater case on March 18, 1958. Subsequent phases of hearings with respect to the other last-mentioned proceedings will be set by further order or by notice from the Secretary of the Commission.

To aid in expediting and supplementing the investigations hereby consolidated, the Respondents herein entered into a cooperative effort, at the suggestion of the staff, to brief and analyze all independent producer gas rate schedules on file with the Commission, covering all areas in the United States, except the Appalachian area, where coverage would be representative but not complete. The objective of this cooperative effort is to make available, for the purposes of the records in each of the separate proceedings hereby consolidated, evidence as to the rates, charges, terms, and conditions under which sales of natural gas are made in the several producing areas, as reflected in said filed schedules.

We are advised that such rate-schedule data, which obviously have been collected through the expenditure of large amounts of time and effort on the part of the staff and the Respondents, including the expenditure of considerable sums of money by the Respondents, and which should substantially aid in expediting the respective proceedings herein consolidated, are now available for presentation in those proceedings.

Although the staff's presentation respecting cost of service and form and level of rates has not been adduced with respect to the Respondents here involved, other than Champlin, Western Natural, Sinclair, and Tidewater, it is appropriate in the public interest that the filed rate-schedule data now be presented in the proceedings involving those Respondents which sponsored the cooperative study.

To that end, consolidation of the above-captioned proceedings for the purpose of enabling the presentation of the rate-schedule data and such analyses thereof as may be proposed by the staff, the Respondents, or other parties, respectively, together with relevant and material evidence of a general economic and accounting nature, should materially facilitate each of these consolidated proceedings and aid in administration of the Natural Gas Act. The scope of these limited-purpose hearings shall not include evidence relevant only to the cost of service or form and level of rates of any particular Respondent, since such evidence may be properly offered only in the separate proceedings concerning the individual Respondents. When received in evidence in these consolidated proceedings, the rate-schedule data as to rates, charges, terms, and conditions of sales by independent producers, but not including any analyses thereof offered by the staff, the Respondents, or other parties, shall become a part of the separate record in each of the proceedings hereby consolidated, respectively. Other evidence received in these consolidated proceedings, within the limitations herein imposed, shall be deemed sponsored by each Respondent or other party and become a part of the record of the case in any of the several proceedings hereby consolidated only to the extent that such Respondent or other party shall expressly announce its sponsorship or adoption of such evidence.

The Commission finds: It is necessary and appropriate in the public interest and in aid of administration of the Natural Gas Act that the proceedings in the caption of this order be consolidated for the limited purposes heretofore stated, and that a hearing be held for such purposes, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly sections 4, 5, 14, 15, and 16 thereof, the several proceedings identified in the caption of this order are hereby consolidated for the limited purposes of adducing evidence of the nature and kind hereinbefore described and limited.

(B) A public hearing be held, commencing on January 7, 1958, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in the consolidated phase of these proceedings, as more particularly set forth hereinabove.

(C) At the hearing provided in paragraph (B) above, the sequence and order of procedure shall be as follows:

(i) Basic evidence—but not including analyses or interpretations thereof—as to the rates, charges, terms, and conditions under which sales of natural gas are made in the several producing areas of the United States, as reflected in rate schedules filed with the Commission, shall first be proffered.

(ii) Opportunity shall be afforded to the staff, then to the Respondents, then to other parties, to present analyses or interpretations of such basic rate-schedule data.

(iii) Opportunity shall be afforded to the staff, then to Respondents, then to other parties, to present generally applicable evidence relating to a theory or theories of rate fixing for sales of natural gas by independent producers, subject to the jurisdiction of the Commission, including evidence of a general economic or accounting nature, but excluding evidence applicable only to the cost of service or form and level of rates of any particular and individual Respondent, as hereinbefore described and limited.

(iv) The consolidated phase of the hearing shall then be recessed, to be resumed for (a) cross-examination and (b) rebuttal, pursuant to order of the Examiner designated to preside over the consolidated phase of the hearings in these proceedings: *Provided, however,* That nothing in this order shall be construed as fixing or limiting the date upon which hearings shall be commenced or resumed in any of the separate proceedings concerning the rates and charges of the individual Respondents hereinbefore mentioned or as fixing the order of procedure in any such proceeding.

(D) Parties which have been heretofore or which may hereafter be permitted to intervene in any of the proceedings designated in the caption of this order may participate in the consolidated phase of the hearings herein ordered to the same extent as they have been or may be authorized to participate in the respective separate and individual proceedings.

(E) The record made in the consolidated phase of these proceedings shall be certified by the Presiding Examiner therein to the Secretary of the Commission and shall be made a part of the record in each of the respective and several proceedings to the extent provided in paragraphs (F) and (G) below.

(F) The portion of the so-certified record reflecting and showing basic rate-schedule data as to rates, charges, terms, and conditions of sales by independent producers shall be made a part of the record in each of the respective and several proceedings identified in the caption of this order: *Provided, however,* That the evidence to be so made a part of the record in individual proceedings pursuant to this paragraph shall not include any analyses or interpretations of such basic rate-schedule data.

(G) Portions of the so-certified record other than that first referred to in paragraph (F) above shall be made a part of the record in the respective and several proceedings to the extent—and only to such extent—that the Respondent or other party to the individual proceeding, or the staff, shall expressly and specifically announce its sponsorship or adoption of such evidence: *Provided, however,* That nothing in this paragraph or in paragraph (F) above shall preclude the receipt in evidence in the record of the respective and several proceedings hereby consolidated, pursuant to § 1.26 of the Commission's rules of practice and procedure, of other additional portions of the record made in this consolidated phase of the proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10264; Filed, Dec. 11, 1957; 8:48 a. m.]

[Docket No. G-13843]

TEXAS GAS PRODUCTS CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 6, 1957.

Texas Gas Products Corporation (Operator), et al. Texas Gas), on November 7, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 4, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 9 to Texas Gas' FPC Gas Rate Schedule No. 1.

Effective date: January 1, 1958 (effective date is the effective date proposed by Texas Gas).

Texas Gas relies upon the contract provision in support of its proposed periodic rate increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Texas Gas' FPC Gas Rate Schedule No. 1 be suspended only insofar as it proposes a periodic increase due January 1, 1958, and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Texas Gas' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be suspended (only insofar as it proposes a periodic increase due January 1, 1958) and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10265; Filed, Dec. 11, 1957; 8:48 a. m.]

[Docket No. G-13850]

HANLEY CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 6, 1957.

Hanley Company, et al., (Hanley) on November 8, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: El Paso Natural Gas Company.

[1] The other complainants are: Knoxville Utilities Board; Cities of Athens, Clarksville, Fayetteville, Gallatin, and Springfield, Tennessee; Chattanooga Gas Company; Cleveland Natural Gas Company; Tennessee Gas Company; and Tullahoma Natural Gas Company, Inc. All of these named complainants, except Tennessee Public Service Commission and Knoxville Utilities Board, purchase gas directly or indirectly from Tennessee Gas Transmission Company for resale for ultimate public consumption.

[2] Other proceedings in which Tennessee Public Service Commission et al. filed complaints are Docket No. G-9278, Alfred C. Glassell, Jr.; Docket No. G-9282, The Altex Corporation; Docket No. G-9285, Ralph E. Fair and Ralph E. Fair, Inc.; Docket No. G-9286, Gilliring Oil Company; and Docket No. G-9290, The Nueces Company.

[3] Also by orders issued on January 27, 1956, the Commission instituted investigations into the rates and charges of the other Respondents against which Tennessee Public Service Commission, et al., filed complaints. These Respondents did not participate in the preparation of the market-price data to be presented in these consolidated proceedings.

Rate schedule designation: Supplement No. 5 to Hanley's FPC Gas Rate Schedule No. 19.

Effective date: December 8, 1957 (effective date is the first day after expiration of the required thirty days' notice, or from the date the increase becomes operative under the terms of the contract, whichever date is later).

In support of the proposed rate increase, Hanley states that the contract was entered into in good faith as a result of arm's-length negotiations; that the pricing provisions were necessary as a protection against increasing costs and market fluctuation over the term of the contract, and the proposed prices do not exceed the current market price in the field where produced and are necessary to allow an adequate return on the investment.

Hanley has not furnished sufficient information to establish the date upon which the terms of the basic contract providing for such increase become operative, hence the alternate suspension date.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Hanley make an early submission of a statement as to the date service commenced under its contract.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Hanley's FPC Gas Rate Schedule No. 19 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Hanley to submit, within 15 days from the date of issuance hereof, a statement as to the date service commenced under its contract.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Hanley's FPC Gas Rate Schedule No. 19.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 8, 1958, or, if later, until such date that is five months after the date that the escalation provision of the schedule becomes operative to permit the proposed increased rate, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10266; Filed Dec. 11, 1957; 8:48 a. m.]

[Docket No. G-13851]

HANLEY CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 6, 1957.

Hanley Company (Hanley), on November 7, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Hanley's FPC Gas Rate Schedule No. 18.

Effective date: December 7, 1957 (effective date is the first day after expiration of the required thirty days' notice, or from the date the increase becomes operative under the terms of the contract, whichever date is later).

In support of the proposed rate increase, Hanley states that the contract was entered into in good faith as a result of arm's-length negotiations; that the pricing provisions were necessary as a protection against increasing costs and market fluctuation over the term of the contract, and the proposed prices do not exceed the current market price in the field where produced and are necessary to allow an adequate return on the investment.

Hanley has not furnished sufficient information to establish the date upon which the terms of the basic contract providing for such increase become operative, hence the alternate suspension date.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Hanley make an early submission of a statement as to the date service commenced under its contract.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Hanley's FPC Gas Rate Schedule No. 18 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Hanley to submit, within 15 days from the date of issuance hereof, a statement as to the date service commenced under its contract.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Hanley's FPC Gas Rate Schedule No. 18.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 7, 1958, or, if later, until such date that is five months after the date that the escalation provision of the schedule becomes operative to permit the proposed increased rate, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10267; Filed, Dec. 11, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1115]

UNIVERSAL OIL RECOVERY CORP.

NOTICE OF AND ORDER FOR HEARING

DECEMBER 6, 1957.

Universal Oil Recovery Corporation (Universal), a Delaware corporation, 30 North La Salle Street, Chicago 2, Illinois, filed with the Commission on October 3, 1957, a notification on Form 1-A and an offering circular relating to an offering of 12,500 shares of its no par value common stock at $10 per share for an aggregate of $125,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder;

The Commission on November 13, 1957 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for a hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing, under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission, be held on December 16, 1957, at 10 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with, in that:

1. Item 9 of the notification fails adequately to describe transactions involving the original issuance of shares to the promoters, an apparent subsequent reclassification of shares by charter amendment, exchange of reclassified shares for the previously outstanding shares, and the transfer of 15,000 shares of the promoters' personally owned stock in satisfaction of loans to them aggregating $15,000, and exemptions from registration relied upon in connection with such transactions; and

2. The exhibit filed pursuant to Item 11 (a) fails to cover rights attaching to the securities being offered with respect to the nonassessable character of the shares, rights to dividends and upon liquidation and voting rights.

B. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose expenses of the offering to be borne by Universal;

2. The failure to disclose Universal's transactions with its predecessor by which Universal's properties will be acquired and the considerations to be paid by Universal therefor;

3. The failure to disclose the sale by the promoters of 15,000 shares of their personally owned stock to a group of friends and relatives at the price of $1 per share in satisfaction of a loan of $15,000 previously made to the promoters by such persons, whereas public investors are required to pay $10 per share for any shares purchased by them;

4. The failure to disclose whether or not any arrangements have been or will be made to return the funds of purchasers in the event all shares being offered are not sold;

5. The failure to disclose that the offering price of $10 per share, which public investors are required to pay for such shares as they may purchase, is arbitrarily fixed and bears no relationship to the company's present operations and properties, or interests in properties;

6. The cash balance as shown on the Statement of Assets in that it does not reconcile with the difference between cash receipts and cash disbursements;

7. The failure to include the names and addresses of the underwriters of the proposed offering and letters of consent from such underwriters, consenting to being named in the offering circular;

8. The failure to state that $750,000 worth of oil over and above royalty, development costs and operating and overhead charges must be produced in order for a purchaser of the stock being offered to effect the return of his investment;

9. The failure to disclose that a very small portion of the 360 acres involved has apparently ever yielded any oil through primary methods;

10. The failure to include an adequate detailed map which would show the location of all productive wells and all dry holes on the acreage which Universal has under option as well as on the entire area contiguous thereto within a distance of half a mile in every direction from the outer limits of Universal's acreage;

11. The failure to disclose that the fact that such a small portion of the acreage yielded oil through primary production methods renders even more remote the possibility that the leases involved would ever be susceptible to successful waterflooding; and

12. The failure to disclose that not all leases which have produced under primary methods are, by any means, susceptible to successful waterflooding.

C. Whether the order dated November 13, 1957, temporarily suspending the exemption under Regulation A should be vacated or made permanent.

It is further ordered, That Arthur Leff, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Universal Oil Recovery Corporation, 30 North La Salle Street, Chicago 2, Illinois; that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before December 12, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10270; Filed, Dec. 11, 1957; 8:48 a. m.]

[File No. 70-3640]

AMERICAN NATURAL GAS PRODUCTION CO. ET AL.

NOTICE REGARDING PROPOSED ISSUE AND SALE OF COMMON STOCK BY NEWLY CREATED SUBSIDIARY COMPANY AND ACQUISITION THEREOF BY PARENT COMPANY

DECEMBER 6, 1957.

In the matter of American Natural Gas Production Company, American Louisiana Pipe Line Company, American Natural Gas Company, File No. 70-3640.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its subsidiary companies, American Louisiana Pipe Line Company ("American Louisiana") and American Natural Gas Production Company ("Production Company"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b), 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Production Company was recently organized for the purpose of exploring for sources of gas and acquiring and operating gas production properties designed to augment the American Natural system's gas supply. It proposes to issue and sell and American Natural proposes to acquire, for cash, 50,000 shares of Production Company's authorized but unissued $100 par value common stock. The common stock to be sold constitutes all of Production Company's capital stock and the price per share will be $100, making a proposed total investment by American Natural of $5,000,000. The initial acquisition by American Natural will be 20,000 shares and the remaining 30,000 shares will be acquired from time to time over a three-year period.

American Louisiana has an exploration and production staff and has acquired a small amount of office and transportation equipment, maps and map supplies, and non productive mineral leases with an aggregate book value of $50,000 which represents the cost of such assets to American Louisiana. It is proposing to transfer such assets to Production Company for cash at cost.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $9,000, including $1,800 for counsel fee and $1,000 for services of American Natural Gas Service Company, an affiliated service company rendering services at cost.

The joint application-declaration states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 23, 1957, at 5:30 p. m., request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant and permit to become effective the joint ap-

plication-declaration, as filed or as it may be hereafter amended, pursuant to Rule U-23 promulgated under the act, or the Commission may exempt the proposed transactions pursuant to Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10271; Filed, Dec. 11, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 3]

APPLICATIONS FOR CONVERSION BY MOTOR CONTRACT CARRIERS

DECEMBER 6, 1957.

The following proceedings are governed by the Interstate Commerce Commission's special rules of practice, published in the FEDERAL REGISTER on November 13, 1957, Volume 22, FEDERAL REGISTER, page 9015, concerning notice of proceedings upon application of a holder of motor contract carrier authority, under section 212 (c) of the Interstate Commerce Act, for the revocation of motor contract carrier authority issued on or before August 22, 1957, and the issuance in lieu thereof of a certificate of public convenience and necessity (49 CFR 1.242). A proceeding to determine the status of the carriers' operations has been instituted under section 212 (c).

Protests may be filed with the Commission within 30 days after the date notice of the proceedings is published in the FEDERAL REGISTER. If oral hearing is desired the protest must so indicate.

The authority set out in the pertinent permits upon which a determination is sought, has, in most instances, been summarized.

MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub No. 19), filed October 21, 1957, H. MESSICK, INC., Duquesne and Newman Roads, P. O. Box 214, Joplin, Mo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 623, dated August 2, 1954.

Class A and B explosives, over irregular routes, from points in Jasper County, Mo., to points in Montana, restricted against the transportation of such traffic for or under contract with the U. S. Government, between the plant site of the Hercules Powder Company, located about five miles southwest of Carthage, Mo., and the plant site of the Hercules Powder Company, located about two miles west of Webb City, Mo., on the one hand, and, on the other, Collinsville, Ill., and Hobbs, N. Mex., and points in Arkansas, Kansas, Missouri, Oklahoma, Texas, Iowa, Nebraska, and Louisiana, between points in Jasper County, Mo., and Turck, Kans., on the one hand, and, on the other, points in Illinois, Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota, from the plant site of the Hercules Powder Company about five miles southwest of Carthage, Mo., and from the site of a Hercules Powder Company explosives magazine about two miles west of Webb City, Mo., to the site of an explosives magazine about five miles east of Tatum, N. Mex.

No. MC 623 (Sub No. 12), dated November 5, 1956.

Blasting agents, and *blasting supplies and materials*, from points in Jasper County, Mo., to points in Montana, from the plant site of the Hercules Powder Company, located about five miles southwest of Carthage, Mo., and the plant site of the Hercules Powder Company, located about two miles west of Webb City, Mo., to Collinsville, Ill., and Hobbs, N. Mex., and points in Arkansas, Kansas, Missouri, Oklahoma, Texas, Iowa, Nebraska, and Louisiana, from points in Jasper County, Mo., and Turck, Kans., to points in Illinois, Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota; from the plant site of the Hercules Powder Company about five miles southwest of Carthage, Mo., and the site of the Hercules Powder Company explosive magazine about two miles west of Webb City, Mo., to the site of an explosive magazine about five miles east of Tatum, N. Mex., subject to a restriction.

No. MC 623 (Sub No. 16), dated April 23, 1957.

Class A explosives, from the site of the Hercules Powder Company plant near Ishpeming, Mich., to points in Lea and Eddy Counties, N. Mex.; and *returned shipments of Class A explosives*, on return.

No. MC 1194 (Sub No. 1) filed October 21, 1957, ANDREW G. NELSON, INC., 3659 South Normal Avenue, Chicago 9, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 1194, dated June 18, 1951.

New and used store fixtures, new and used household goods, and stock in trade of drug stores, over irregular routes, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

No. MC 2592 (Sub No. 2), filed October 23, 1957, D. A. BROWN, doing business as BROWN MOTOR LINES AND STORAGE COMPANY, 309 Hampton Avenue, Greenville, S. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 2592 dated February 18, 1941.

Lard, lard compounds or substitutes, cooking and salad oils, salad dressing, and *sandwich spreads*, over regular routes, from Atlanta, Ga., to Greenville, S. C., serving the intermediate and off-route points of Anderson, Greenwood and Seneca, S. C., for delivery only.

No. MC 4021 (Sub No. 1) filed October 23, 1957, GEORGE J. HOLT, GEORGE J. HOLT, JR., EXECUTOR, doing business as HOLT DRAYAGE, 429 South Seventh Street, St. Louis 2, Mo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 4021, dated May 20, 1941.

Groceries, canned goods, paper and *paper products*, over irregular routes, between points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Belleville and Alton, Ill.

No. MC 5363 (Sub No. 1) filed October 21, 1957, JAMES H. ALSTON, doing business as ALSTON TRUCK SERVICE, 301 Glaser Avenue, Pittsburgh 2, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 5363, dated June 15, 1951.

Iron and steel, not including manufactured products thereof, over irregular routes, between McKees Rocks, Pa., on the one hand, and, on the other, points in that part of West Virginia north of U. S. Highway 50, that part of Ohio south and east of a line beginning at the Ohio-Pennsylvania State line near Sharon, Pa., and extending in a westerly direction along Ohio Highway 82 to Warren, Ohio, thence in a southerly direction along Ohio Highway 45 to Salem, Ohio, thence along Ohio Highway 9 to junction Ohio Highway 148, and thence in an easterly direction along Ohio Highway 148 to the Ohio River, including points on the indicated portions of the highways specified.

No. MC 5648 (Sub No. 18) filed October 22, 1957, P. E. KRAMME, INC., Monroeville, N. J. Applicant's attorney: Robert H. Shertz, 811 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 5648, dated February 24, 1941.

Tetra-ethel lead, anti-knock compounds, dyes, chemicals, and *articles and material* used in connection with tetra-ethel lead, anti-knock compounds, dyes, and chemicals, from Carneys Point and Deepwater Point, N. J., to Providence, R. I., Baltimore, Md., Norfolk, Va., points in New York, New Jersey, and Pennsylvania, those in New Castle County, Del., those in Ohio east of U. S. Highway 21, those in West Virginia west and north of a line beginning at the West Virginia-Pennsylvania State line and extending along U. S. Highway 19 to Gauley Bridge, W. Va., thence along U. S. Highway 60 to the Ohio River, and those in Massachusetts east and south of a line beginning at the Massachusetts-Connecticut State line and extending along Massachusetts Highway 110 to the Massachusetts-New Hampshire State line, including points on the indicated portions of the highways specified, and *empty containers* for tetra-ethel lead, anti-knock compounds, dyes, and chemicals, on return. *Ethylene di-bromide*, from Baltimore, Md., Marcus Hook, and Philadelphia, Pa., and points and places in the New York, N. Y., Commercial Zone, to Carneys Point and Deepwater Point, N. J.

No. MC 5648 (Sub No. 1) dated July 6, 1953.

Liquid chocolate, liquid chocolate coatings, liquid chocolate liquor, liquid cocoa butter, and *liquid vegetable oil coatings*, in bulk, in tank vehicles, from Lititz, Pa., to Chicago, Ill., *Condensed milk*, in bulk, in tank vehicles, from Mechanicsburg, Pa., to Sharptown, N. J.

No. MC 5648 (Sub No. 2) dated September 22, 1953.

Liquid chocolate and chocolate coating, liquid chocolate liquor, liquid cocoa butter, and *liquid vegetable oil coating*, in bulk, in tank vehicles, from New York, N. Y., and Newark, N. J., to Philadelphia, Pittsburgh, Altoona, Reading, Lancaster, and Hershey, Pa.; from Elizabethtown, Hershey, and Lititz, Pa., New York, N. Y., and Mansfield and Boston, Mass., to Naugatuck, Conn.; from Mansfield, Mass., to Altoona, Pa.; from Boston and Mansfield, Mass., Newark, N. J., and Lititz and Mount Joy, Pa., to New York, N. Y.; from Philadelphia, Pa., to Naugatuck, Conn., Bryan, Ohio, and New York, N. Y.; from Boston, Mass., to Pittsburgh, Pa.; from Lititz, Pa., to Newark, N. J., and New York, N. Y.

No. MC 11294 (Sub No. 7) filed October 21, 1957, INDUSTRIAL CITY LINES, INC., 814 North Third Street, St. Joseph, Mo. Applicant's attorney: Louis Kranitz, Krug Bldg., 714 Francis Street, St. Joseph 7, Mo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 11294, dated December 15, 1953.

Fresh fruits and vegetables, over regular routes, from Troy, Kans., to St. Joseph, Mo., serving the intermediate points of Blair and Wathena, Kans., restricted to pick-up only.

Lumber, sand, coal, building materials and *empty fruit baskets*, from St. Joseph, Mo., to Troy, Kans., serving the intermediate points of Blair and Wathena, Kans., restricted to delivery only.

Fresh fruits and vegetables, from Wathena, Kans., to Kansas City, Mo., serving the intermediate points of Blair and Troy, Kans., restricted to pick-up only.

Chemicals used in spraying, and *spraying materials*, from Kansas City, Mo., to Wathena, Kans., serving the intermediate points of Blair and Troy, Kans., restricted to delivery only.

Beer and cereal beverages, over regular and irregular routes, between St. Joseph, Mo., and Fall City, Nebr., and thence over irregular routes to Beatrice, Grand Island, Hastings, Kearney, Lincoln, McCook, Milligan, North Platte, Omaha, Pawnee City, Tecumseh, and Wymore, Nebr., and *empty beer and cereal beverage containers*, from the above-specified Nebraska points over irregular routes to Fall City, thence over the above-specified regular route to St. Joseph.

Fresh fruits and vegetables over irregular routes, from Kansas City and St. Joseph, Mo., and Troy, Blair, and Wathena, Kans., to Wymore, Beatrice, Tecumseh, Milligan, Pawnee City, Kearney, Grand Island, Hastings, and Omaha, Nebr.

Malt beverages, from Omaha, Nebr., to St. Joseph, Mo.

From St. Joseph, Mo., to points in Iowa, Nebraska, and Kansas.

From St. Joseph and Kansas City, Mo., to points in South Dakota, Colorado, Wyoming, Arkansas, and Minnesota.

Beer, from St. Joseph, Mo., to points in Oklahoma, Iowa, and Illinois, and *empty beer containers* on return.

Hardware, wagons, saddlery, and *glassware*, between St. Joseph, Mo., on the one hand, and, on the other, points in Kansas, Illinois, and Oklahoma.

No. MC 13095 (Sub No. 5), filed November 4, 1957, WUNNICKE TRANSFER LINES, INC., Boscobel, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 13095, dated May 19, 1953.

Malt beverages, from St. Paul, Minn., to points in Crawford, Grant, Richland, and Iowa Counties, Wis., empty malt beverage containers, on return.

Canned goods, from points in Brown, Calumet, Manitowoc, Sheboygan, Fond du Lac, Dodge, Columbia, and Green Lake Counties, Wis., to Dubuque, Iowa, and East Dubuque, Ill.

Apples, from Gays Mills, Wis., and points within six miles thereof, to points in North Dakota, South Dakota, Minnesota, Iowa, and Illinois.

Grain, feed, salt, seed, and *agricultural commodities*, between points in Wisconsin south and west of a line beginning at La Crosse, Wis., and extending along U. S. Highway 16 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Beloit, Wis., those points in Illinois north of U. S. Highway 6, and those points in Iowa north and east of a line beginning at Davenport, Iowa, and extending along U. S. Highway 6 to Des Moines, Iowa, thence along U. S. Highway 69 to the Iowa-Minnesota State line, including points on the indicated portions of the highways specified.

Such merchandise as is dealt in by retail grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, subject to a keystone restriction, from Clinton, Davenport, and Dubuque, Iowa, and Freeport and Chicago, Ill., to Boscobel, Soldiers Grove, Dodgeville, Fennimore, and Spring Green, Wis.

Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, subject to a keystone restriction, from Dubuque, Iowa, and Milwaukee, Wis., to points in Wisconsin south and west of a line beginning at La Crosse, Wis., and extending along U. S. Highway 16 to Wisconsin Dells, Wis., thence along Wisconsin Highway 13 to Beloit, Wis., including points on the indicated portions of the highways specified, between points in the Wisconsin territory described immediately above.

Creamery and cheese factory supplies and *cheeses*, subject to a keystone restriction, between Boscobel, Wis., and points in Wisconsin within 35 miles of Boscobel, on the one hand, and, on the other, Sterling, Freeport, Dixon, and Chicago, Ill., and Beaver Dam, Green Bay, Merrill, Sheboygan, Wisconsin Rapids, De Pere, Loyal, Milwaukee, Superior, Fond du Lac, Marshfield, Plymouth, and Monroe, Wis., between Sterling, Freeport, Dixon, and Chicago, Ill., and points on that portion of U. S. Highway 18 between Clear Lake, Iowa, and the Iowa-Wisconsin State line, including Clear Lake, on the one hand, and, on the other, Beaver Dam, Green Bay, Merrill, Sheboygan, Wisconsin Rapids, De Pere, Loyal, Milwaukee, Superior, Fond du Lac, Marshfield, Plymouth, and Monroe, Wis., from points on that portion of U. S. Highway 18 between Clear Lake, Iowa, and the Iowa-Wisconsin State line, including Clear Lake, to Sterling, Freeport, Dixon, and Chicago, Ill., and Boscobel, Wis., and points in Wisconsin within 35 miles of Boscobel.

No. MC 13706 (Sub No. 13), filed October 28, 1957, C. E. DANIELSON, doing business as SERVICE OIL COMPANY, 2126 Cuming Street, Omaha, Nebr. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 13706, dated December 20, 1943.

Petroleum products, in bulk, from refining and distributing points in Kansas to Fairfax, Mound City, Rockport, Tarkio, Westboro, and Maryville, Mo., Missouri Valley, Afton, and Red Oak, Iowa, and points in Iowa within 50 miles of Red Oak, Iowa.

No. MC 13706 (Sub No. 12), dated December 11, 1947.

Petroleum products, in bulk, in tank trucks, from Carter Lake, Iowa, and Omaha, Nebr., and points within 10 miles of each, to points in Iowa on and west of a line extending from the Missouri-Iowa State line along U. S. Highway 65 to Des Moines, Iowa, and thence along U. S. Highway 69 to the Iowa-Minnesota State line.

No. MC 15348 (Sub No. 8) filed November 4, 1957, NEBRASKA MOTOR TRANSPORT, INC., 1121 Mason Street, Omaha, Nebr. Applicant's attorney: R. E. Pwell, 1005-06 Trust Building, Lincoln, Nebr For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 15348, dated April 22, 1952.

Butter, eggs (including frozen and dried eggs), and *dressed poultry*, from Omaha, Nebr., to Chicago, Ill.

Dairy products, dairy by-products, and *manufactured or prepared food products* and *advertising material* used in, or incidental to, the sale thereof, from Chicago, Freeport, Libertyville, and Joliet, Ill., to Scottsbluff, Grand Island, Kearney, Hastings, North Platte, Fremont, Norfolk, Columbus, Crawford, Mc-

Cook, Beatrice, Nebraska City, Omaha, and Lincoln, Nebr., and Sioux City, Iowa.

Returned or rejected shipments of the above-specified commodities, from the above-specified destination points to Chicago, Freeport, and Joliet, Ill., and Omaha, Nebr.

Empty containers and *rejected or returned shipments of the above-specified commodities*, from above-specified destination points to Libertyville, Ill.

No. MC 15348 (Sub No. 7), dated April 22, 1952.

Dressed poultry, eggs (including fresh, frozen, and desiccated eggs), and *ice cream manufacturer's equipment* and *supplies, dairy products, equipment and supplies, agricultural implements and parts*, and *twine*, over specified regular routes between Omaha, Nebr., and Dodge City, and Council Grove, Kans., serving the intermediate and off-route points of Waverly, Lincoln, Seward, and Grand Island, Nebr., and Concordia, Kans.; between Omaha, Nebr., and Alliance and Crete, Nebr., serving the intermediate point of Lincoln, Nebr.; between Omaha, Nebr., and Sioux City, Iowa, serving the intermediate points of Council Bluffs and Mapleton, Iowa; between Omaha, Nebr., and Chicago, Ill., serving the intermediate points of Council Bluffs, Iowa, and Rock Island, Moline, East Moline, and Canton, Ill.; between Omaha, Nebr., and Green Bay, Wis., serving the intermediate and off-route points of Council Bluffs, Iowa, Rock Island, Moline, East Moline, and Rock Falls, Ill., and Milwaukee, and Plymouth, Wis.; between Sioux City, Iowa, and Chilton, Wis., serving the intermediate point of Fond du Lac, Wis., for dairy products, equipment and supplies, only; between Beloit, Wis., and Waupun, Wis., serving no intermediate points; between Chicago, Ill., and Milwaukee, Wis., serving no intermediate points.

No. MC 19287 (Sub No. 1) filed October 22, 1957, CLOVER EXPRESS INCORPORATED OF NEW YORK, 550 Duncan Avenue, Jersey City, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 19287, dated October 31, 1951.

Such merchandise as is dealt in by wholesale and retail grocery houses, subject to a "Keystone" restriction, between points in Bergen, Hudson, Essex, Passaic, Union, Middlesex, Morris, and Somerset Counties, N. J., on the one hand, and, on the other, New York, N. Y., and points in Westchester, Nassau, and Suffolk Counties, N. Y.

No. MC 43657 (Sub No. 22) filed October 21, 1957, DETAR DISTRIBUTING COMPANY, INC., 6900 South Shields, Box 60, Route 7, Oklahoma City, Okla. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 43657, dated October 14, 1947.

Dangerous explosives, except nitroglycerine, between Joplin, Mo., and points within fifteen miles of Joplin and Columbus, and Turck, Kans., on the one hand, and, on the other, Oklahoma City, Okla., and points within ten miles of Oklahoma City; from Okalhoma City, Okla., and points within ten miles of Oklahoma City, to points in Arkansas, Kansas, Oklahoma, and Texas.

Blasting powders and supplies and *dangerous explosives*, between points in Oklahoma, except from Oklahoma City, Okla., and points within 10 miles of Oklahoma City to points in Oklahoma.

No. MC 43657 (Sub No. 2), dated May 6, 1944.

Dangerous explosives, except nitroglycerin, from Atlas, Mo., to Alexandria, La., Dallas and Houston, Tex., and points in Oklahoma; and from Alexandria, La., to points in Bowie, Marion, Panola, Shelby, Nacogdoches, Angelina, Sabine, Newton, Tyler, and Jasper Counties, Tex.

No. MC 43657 (Sub No. 19), dated May 26, 1949.

Explosives, except nitroglycerine, between Joplin, Mo., and points in Missouri within 15 miles of Joplin, on the one hand, and, on the other, points and places in New Mexico; between points in Kansas, Louisiana, Mississippi, and New Mexico.

No. MC 44070 (Sub No. 2) filed October 22, 1957, NICK BURSICK, doing business as BURSICK BROS., 1739 Main Street, Pittsburgh 15, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 44070, dated August 11, 1944.

Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith *equipment, materials* and *supplies* used in the conduct of such business, subject to a "Keystone" restriction, over irregular routes, between points in Ohio, Pennsylvania, and West Virginia, within the territory bounded by a line beginning at St. Marys, W. Va., and extending southwesterly through Pennsboro, Glenville, and Gassaway to Richwood, W. Va., east to Marlington, W. Va., thence northeasterly to Petersburg, W. Va., thence northwesterly to Thomas, W. Va., thence north through Confluence, Ligonier, Yatesboro and New Bethlehem to Clarion, Pa., excluding points in Maryland, thence northwesterly to Shippenville, Pa., thence southwesterly through Emlenton and Beaver Falls to Midland, Pa., thence west to East Liverpool, Ohio, thence southwesterly through Wellsville and Cadiz to Barnesville, Ohio, and thence south to St. Marys, W. Va.

No. MC 50348 (Sub No. 4), filed October 21, 1957, ROY HOLWICK, 645 Vesper Street, Topeka, Kans. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 50348, dated July 26, 1955.

Building stone and *heavy construction machinery and equipment*, between points in Kansas and Nebraska, and between Kansas City and St. Joseph, Mo., on the one hand, and, on the other, points in Kansas and Nebraska.

No. MC 58985 (Sub No. 3), filed October 21, 1957, HENRY G. NELSEN, Avoca, Iowa. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 58985, dated July 25, 1951.

Twine, farm machinery, farm implements and *parts*, from Chicago, Canton, Rock Island, Rock Falls, and Moline, Ill., to points in that part of Iowa on and west of Iowa Highway 25 from Scranton, Iowa, to the Iowa-Missouri State line, on and south of a line extending in a westerly direction along U. S. Highway 30 from Scranton to Denison, Iowa, thence along Iowa Highway 141 to Ute, Iowa, thence along Iowa Highway 183 to Soldier, Iowa, thence along Iowa Highway 37 to Onawa, Iowa, and thence along Iowa Highway 165 to the eastern shore of the Missouri River.

Packing-house products and *materials, supplies*, and *equipment* used in the conduct of such business, subject to a keystone restriction, between Omaha, Nebr., on the one hand, and, on the other, Davenport, Iowa, Joliet, Elgin, Rockford, and Chicago, Ill., and East Chicago, Ind.

Packing-house products and *materials* and *supplies* used in the conduct of such business, and *lard* and *shortening, lard compound* and *substitutes, cheese, butter, eggs, dressed poultry, soap, soap powder, washing compound soda* and *alkali products*, and *oleomargarine*, between Sioux City, Iowa, Chicago, Ill., and East Chicago, Ind.

No. MC 59590 (Sub No. 8), filed October 24, 1957, CLIPPER TRANSPORTATION COMPANY, a corporation, 56 McAdoo Avenue, Jersey City, N. J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 59590, dated October 31, 1949.

Building materials, over irregular routes, from Kearny, N. J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island, within 200 miles of Kearny.

Building materials, paint, and *such materials* as are used in the manufacture of paint, over irregular routes, from Newark and Delawanna, N. J., to Boston, Mass., and points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island, within 200 miles of Newark; from New York, N. Y., to points in New Jersey and Pennsylvania.

No. MC 59590 (Sub No. 6), dated October 20, 1949.

Reinforced concrete planks, over irregular routes, from Jersey City, N. J., to points in Pennsylvania, New York, and Connecticut within 200 miles of Jersey City.

No. MC 67123 (Sub No. 1), filed October 21, 1957, JACK H. HALL, 9 Buckhannon Street, Westover, W. Va. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 67123, dated January 31, 1942.

Coal, over irregular routes, from points in Monongalia County, W. Va., to Nona, W. Va. Between points in Monongalia County, W. Va., on the one hand, and, on the other points in Fayette and Greene Counties, Pa.

Mining machinery, supplies and *equipment*, between points in Monongalia County, W. Va., on the one hand, and, on the other, points in that part of Ohio east of U. S. Highway 23, and that part of Pennsylvania, west of U. S. Highway 219, including points on the indicated portions of the highways specified.

No. MC 77055 (Sub No. 4), filed October 22, 1957, DART TRANSIT COMPANY, a corporation, 2245 Charles Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 77055, dated February 7, 1942.

Packing-house and dairy products, equipment, material and *supplies*, over irregular routes, from St. Paul, South St. Paul, and Minneapolis, Minn., to Mason City, Iowa, La Crosse, and Ashland, Wis., Fargo and Grand Forks, N. Dak., and Aberdeen, S. Dak.; from Fargo and West Fargo, N. Dak., to St. Paul, South St. Paul, and Minneapolis, Minn.; from points in the Chicago, Ill., Comm. Zone, to Aberdeen, S. Dak., Bemidji, Duluth, Mankato, Austin, and Winona, Minn., Ashland, and La Crosse, Wis., Ironwood, Mich., Mason City, Iowa, and Grand Forks, N. Dak.; from Albert Lea, Minn., to Wausau, Superior, Green Bay, Manitowoc, Plymouth, Sheboygan, Racine, Kenosha, and Milwaukee, Wis., Grand Rapids, Minn., Chicago, Ill., Grand Forks, N. Dak., and Sioux City, Iowa; between Mankato, Minn., and Dubuque, Iowa; between St. Paul, South St. Paul, and Minneapolis, Minn., on the one hand, and, on the other, Sioux City, Iowa, Kansas City, St. Joseph and South St. Joseph, Mo., and Kansas City, Kans.; between Fargo, N. Dak., on the one hand, and, on the other, Duluth, Minn.; between points in the Chicago Comm. Zone, on the one hand, and, on the other, Minneapolis, Minnesota Transfer, St. Paul, South St. Paul, and Newport, Minn., Fond du Lac, Abbottsford, Green Bay, Kenosha, Madison, Milwaukee, Oshkosh, Racine, Waukesha, and Wausau, Wis., Sioux City, Iowa, and Fargo and West Fargo, N. Dak.; between points in the Chicago Comm. Zone, Rockford, Ill., Sioux City, Iowa, and Milwaukee, Wis., on the one hand, and, on the other Detroit Lakes, Marshall, Waseca, Montevidio, Sauk Center, and Breckenridge, Minn.

Dairy products, equipment, supplies and material, from Albert Lea, Mankato, Fairmont, Owatonna, Faribault, and Pipestone, Minn., to points in the Chicago Comm. Zone, Waukegan, Ill., and Racine, Milwaukee, Madison, Stoughton, and Kenosha, Wis.

Canned goods and *canning factory supplies*, between points in Minnesota, on the one hand, and, on the other, Omaha, Nebr., Ironwood, Marquette, and Iron Mountain, Mich., and points in Wisconsin, Illinois, Iowa, Kansas, Missouri, North Dakota, South Dakota, and Montana.

No. MC 77055 (Sub No. 1), dated March 26, 1952.

Glass containers, and *caps, covers*, and *tops therefor*, over irregular routes, from Alton and Streator, Ill., to points in Minnesota.

No. MC 78028 (Sub No. 7) filed October 21, 1957, BEAVER TRANSPORT CO., a Corporation, First and West South Streets, Beaver Dam, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 78028, dated January 22, 1957.

Prepared food products, dairy products and by-products, materials, supplies, and equipment used or useful in the preparation, packing, and sale of these commodities, and *household goods*, between points in Wisconsin, on the one hand, and, on the other, points in Minnesota, Illinois, and Indiana.

Canned food and *material, supplies, and equipment* used in the manufacture of canned food, between Beaver Dam, Wis., and points within 75 miles of Beaver Dam, on the one hand, and, on the other, points in Minnesota, Illinois, and Indiana.

Fresh meats and *packing-house products and by-products*, from South St. Paul, Minn., to points in Dodge, Jefferson, Waukesha, and Washington Counties, Wis.

Malt beverages, from Chicago, Ill., to Janesville and Fond du Lac, Wis., and points in that part of Wisconsin north and west of a line beginning at Marinette, Wis., and extending along the west shore of Green Bay to Green Bay, Wis., thence along U. S. Highway 41 to Oshkosh, Wis., thence along Wisconsin Highway 26 to junction U. S. Highway 151, thence along U. S. Highway 151 to Madison, Wis., and thence along Wisconsin Highway 13 to the Wisconsin Illinois State line, including points on the indicated portions of the highways specified; and from Manitowoc, Wis., to Chicago, Ill., and *empty malt beverage containers* on return.

No. MC 78028 (Sub No. 6) dated September 27, 1956.

Malt beverages, from Chicago, Ill., to Sheboygan and Juneau, Wis., and *empty malt beverage containers* on return.

No. MC 96098 (Sub No. 20) filed October 22, 1957, H. H. FOLLMER CONTRACT HAULING, INC., P. O. Box 389, Milton, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 96098, dated January 16, 1952.

Chemicals, chemical products, and *constituents*, used in the manufacture or processing of paper products, over irregular routes, from Marcus Hook, Pa., and Claymont, Del., to Lock Haven, Castanea, and Johnsonburg, Pa.

No. MC 96098 (Sub No. 1), dated January 16, 1952.

Tapioca flour, in truckload lots, from Philadelphia, Pa., to Lock Haven, Castanea, and Johnsonburg, Pa.

No. MC 96098 (Sub No. 4), dated January 16, 1952.

Petroleum and *petroleum products* and *asphalt*, all in containers, from Claymont, Del., to Bellefonte, Bloomsburg, Lock Haven, Lewistown, Milton, Sunbury, and Williamsport, Pa.

Composition and prepared roofing, asphalt shingles, and *roofing materials*, from Edge Moor, Del., to the above-specified destination points.

No. MC 96098 (Sub No. 8), dated November 13, 1950.

Prepared food products, from Ilton, Pa., to points in New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia, within 350 miles of Milton.

Such merchandise as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, subject to a "Keystone" restriction, from points and places in the above-specified states within 350 miles of Milton, to Milton, Pa.

No. MC 96098 (Sub No. 10), dated January 16, 1952.

Petroleum and *petroleum products, anti-freeze*, and *asphalt*, all in containers, from Bayonne, N. J., to Bellefonte, Bloomsburg, Lewistown, Lock Haven, Milton, Sunbury, and Williamsport, Pa., and *empty containers*, for the above specified commodities, from the above-specified destination points to Bayonne, N. J.

No. MC 96098 (Sub No. 11), dated November 7, 1950.

Composition and prepared roofing, asphalt shingles and roofing materials, from Edge Moor, Del., to Huntingdon, Tyrone, State College, and Clearfield, Pa.

No. MC 100662 (Sub No. 8) filed October 22, 1957, KENNETH K. ZECHMAN AND HARRY E. ZECHMAN, a Partnership, doing business as BLUE DIAMOND COMPANY, 4401 East Fairmont Avenue, Baltimore 24, Md. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 100662, dated June 13, 1951.

Fertilizer and *fertilizer materials*, from Baltimore, Md., to Wilmington, Del., and the District of Columbia, and points in Pennsylvania and Virginia within 200 miles of Baltimore, subject to the following conditions: service shall be conducted separately from the said carrier's other activities; a separate accounting system therefor shall be maintained; and said carrier shall not transport property as both a contract carrier and a private carrier at the same time in the same vehicle.

No. MC 100662 (Sub No. 2), dated January 12, 1953.

Sulphur, in bulk, from Baltimore, Md., to Alexandria, Va.

Sodium silica fluoride, in bulk, from Alexandria, Va., to Baltimore, Md., subject to the same restrictions set forth above.

No. MC 100662 (Sub No. 3), dated January 2, 1953.

Wire cloth, from York, Pa., to points in New York, New Jersey, Ohio, Maryland, Virginia, West Virginia, and the District of Columbia.

Bronze and copper wire, from Perth Amboy, N. J., to York, Pa.

Steel wire, from Buffalo, N. Y., to York, Pa.

Fertilizer, from Baltimore, Md., to points in that part of New York on and west of New York Highway 14.

No. MC 100662 (Sub No. 7), dated July 30, 1954.

Silica fluorides (except sodium silica fluoride), in bulk, from Alexandria, Va., to Baltimore, Md.

NOTE: Applicant is authorized to conduct operations as a *common* carrier in Certificate No. MC 113106 (Sub No. 2) dated April 12, 1957.

No. MC 101126 (Sub No. 86) filed October 31, 1957, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 101126, dated June 10, 1949.

Petroleum products, in bulk, in tank trucks, over irregular routes, from Cincinnati, Ohio, and Louisville, Ky., to points in Indiana and Ohio within 150 miles of Cincinnati; from Cincinnati, Ohio, to Covington and Newport, Ky.

No. MC 101126 (Sub No. 3), dated July 6, 1948.

Soya bean oil, in bulk, in tank trucks, between Decatur and Gibson City, Ill., Louisville, Ky., and Lafayette, Decatur, Windfall, and Wabash, Ind., on the one hand, and, on the other, points in Hamilton County, Ohio.

No. MC 101126 (Sub No. 6), dated February 20, 1940.

Soya bean oil, in bulk, in tank vehicles, from Bloomington, Cairo, Champaign, Chicago, Galesburg, Kankakee, Mascoutah, Monmouth, Nashville, Pana, Peoria, Quincy, Roanoke, Rock Falls, Springfield, and Virden, Ill., and Bunker Hill, Danville, Frankfort, Marion, and Portland, Ind., to points in Hamilton County, Ohio.

No. MC 101126 (Sub No. 11), dated January 5, 1954.

Sulphuric acid, in bulk, in tank vehicles, from points in Greenup County, Ky., to points in the Cincinnati, Ohio, Commercial Zone and to the site of the Procter & Gamble Company's plant located at or near Venice, Ohio.

No. MC 101126 (Sub No. 12), dated December 30, 1953.

Soybean oil, in bulk, in tank vehicles, from Ipava, Norris City, and Taylorville, Ill., to Cincinnati, Ohio.

No. MC 101126 (Sub No. 19), dated October 22, 1952.

Tallow and *grease*, in bulk, in tank vehicles, from points in Illinois to points in Hamilton County, Ohio; from points in Hamilton County, Ohio, to Chicago, Ill.

No. MC 101126 (Sub No. 20), dated August 29, 1956.

Animal and vegetable oils and fats, in bulk, in tank vehicles, from Cincinnati, Ohio to Detroit, Mich., Louisville, Ky., Dunkirk and Buffalo, N. Y., Knoxville, Tenn., Orangeburg and Greenville, S. C., Charlotte, N. C., Portsmouth and Richmond, Va., Baltimore, Md., and New York, N. Y.

Sulphuric acid, in bulk, in tank vehicles, from Wurtland, Ky., Indianapolis, Ind., Joliet, Streator, and La Salle, Ill., to Cincinnati, Ohio.

Paints, varnishes, lacquers, and *solvents*, used in conjunction with said commodities, in bulk, in tank vehicles, from Cincinnati, Ohio to Chicago, Ill., Fairfield, Ala., Milwaukee, Wis., Newark and Elizabeth, N. J.

Petroleum coolant and *lubricity additives*, in bulk, in tank vehicles, from Cincinnati, Ohio to New York, N. Y., Philadelphia, Pa., Newark and Camden, N. J., Chicago, Ill., Detroit, Mich., and St. Louis, Mo.

Partially refined petroleum, in bulk, in tank vehicles, from Freedom, Pa., to Cincinnati, Ohio.

No. MC 101126 (Sub No. 24), dated November 27, 1953.

Vegetable oils and *cotton seed oil*, in bulk, in tank vehicles, between the site of the manufacturing plant of Mrs. Tucker's Foods, Division of Anderson Clayton Company, near Jacksonville, Ill., on the one hand, and, on the other, points in Arkansas, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

No. MC 101126 (Sub No. 27), dated March 22, 1956.

Sulphuric acid, in bulk, in tank vehicles, from Hamilton, Ohio, to Louisville, Ky., Jeffersonville, and New Albany, Ind.

No. MC 101126 (Sub No. 28), dated November 2, 1955.

Shortening, in bulk, in tank vehicles, from St. Bernard, Ohio, to Chicago, Ill.

No. MC 101126 (Sub No. 30), dated May 18, 1956.

Silica gel catalyst, in bulk, in hopper vehicles, from Cincinnati, Ohio, to points in Illinois, Indiana, Michigan, and Kentucky; from Michigan City, Ind., to points in Illinois, Michigan, Kentucky, and Ohio.

No. MC 101126 (Sub No. 41), dated October 2, 1956.

Liquid sulphate of alumina, in bulk, in tank vehicles, from Hamilton, Ohio, to Fort Thomas, Ky.

No. MC 101126 (Sub No. 43), dated October 2, 1956.

Liquid ethanolamides, in bulk, in tank vehicles, from St. Bernard, Ohio, to Chicago, Ill.

No. MC 101126 (Sub No. 50), dated January 4, 1957.

Tallow and grease, in bulk, in tank vehicles, from Butler, Ky., to Cincinnati, Ohio.

No. MC 101126 (Sub No. 51), dated December 5, 1956.

Vegetable oils and *vegetable oil products*, in bulk, in tank vehicles, from St. Bernard, Ohio, to Pittsburgh, Pa.; and *empty containers*, on return.

No. MC 101126 (Sub No. 52), dated February 19, 1957.

Asphalt additive, in bulk, in tank vehicles, from Reading, Ohio, to Morehead City, N. C., and Jacksonville, Fla.

No. MC 101126 (Sub No. 53), dated May 22, 1957.

Acid esters of animal oils, in bulk, in tank vehicles, from St. Bernard, Ohio, to East St. Louis, Ill.

Animal fatty acid, in bulk, in tank vehicles, from St. Bernard, Ohio, to Decatur, Ind.

Fatty acids of vegetable oil, animal greases and *plasticizers*, in bulk, in tank vehicles, from St. Bernard, Ohio, to Chicago, Ill.

Fatty acids from fish or sea animal oil, in bulk, in tank vehicles, from Wyandotte, Mich., to St. Bernard, Ohio.

Silicate of soda, in bulk, in tank vehicles, from Cincinnati, Ohio, to Pine Ridge and Olive Hill, Ky.

Red oil from animal fats, in bulk, in tank vehicles, from St. Bernard, Ohio, to Midland, Mich.

Soybean oil, in bulk, in tank vehicles, from Danville, Ill., to St. Bernard, Ohio.

Vegetable fatty acid and *resin plasticizers*, in bulk, in tank vehicles, from St. Bernard, Ohio, to Mishawaka, Ind.

Glycerine, in bulk, in tank vehicles, from Ivorydale, Ohio, to Indianapolis, Ind.

Liquid paints and varnishes, in bulk, in tank vehicles, from Cincinnati, Ohio, to Zellenople, Pa.

No. MC 101126 (Sub No. 55), dated December 31, 1956.

Sulphuric acid, in bulk, in tank vehicles, from Columbia Park, Ohio, to Newport and Wilders, Ky.

No. MC 102138 (Sub No. 28) filed October 21, 1957, REFINERS TRANSPORT, INC., 412 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 102138, dated July 21, 1941.

Petroleum products, from Robinson, Ill., to points in that part of Indiana on and south of U. S. Highway 24.

No. MC 102138 (Sub No. 9), dated February 5, 1947.

Petroleum products, in bulk, in tank trucks, from Mt. Vernon, Ind., to points in Gallatin, Hardin, Saline, Wabash, and White Counties, Ill; and *rejected shipments*, on return.

No. MC 102138 (Sub No. 10), dated January 12, 1949.

Petroleum products, in bulk, in tank trucks, from the pipe line terminal site in Vigo County, Ind., located approximately two miles north of Terre Haute, Ind., to points in Vermilion, Champaign, Douglas, Edgar, Clark, Cumberland, Effingham, Jasper, Crawford, Richland, Lawrence, Wayne, Edwards, Wabash, Coles, and Clay Counties, Ill.

No. MC 102138 (Sub No. 16), dated February 28, 1951.

Petroleum products, in bulk, in tank vehicles, from Pana, Ill., to points in that part of Indiana bounded by a line beginning at the Indiana-Illinois State line, and extending along U. S. Highway 24 to Peru, Ind., thence along U. S. Highway 31 to its junction with U. S. Highway 50, (east of Seymour, Ind.), thence along U. S. Highway 50 to the Indiana-Illinois State line, and thence along the Indiana-Illinois State line to the point of beginning, including points on the indicated portions of the highways specified.

No. MC 102138 (Sub No. 18), dated March 23, 1953.

Liquid asphalt, in bulk, in tank vehicles, from Lawrenceville, Ill., to points in Indiana.

No. MC 102744 (Sub. No. 8), filed October 21, 1957, GLENN D. TOWERS, doing business as GLENN TOWERS TRUCKING SERVICE, 1 Second Street, Des Moines, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 102744 (Sub No. 2), dated December 27, 1945.

Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, from Chicago and Alton, Ill., Anderson, Curtisville, Elwood, Greenfield, Greenwood, Indianapolis, Kokomo, Peru, Saint Paul, Tipton, and Whiteland, Ind., Blue Earth, Lakeland, and Le Sueur, Minn., Astico, Beaver Dam, Bloomer, Brandon, Cassville, Clear Lake, Cobb, Cumberland, Duck Creek, Frederic, Gillett, Green Bay, Hustisford, Ladysmith, Marshfield, Milltown, Mineral Point, Oconto, Onalaska, Prairie du Chien, and Plymouth, Wis., to Des Moines, Iowa.

No. MC 102744 (Sub No. 3), dated June 5, 1950.

Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, materials, equipment, and supplies, used in the conduct of such business, subject to a keystone restriction, between Columbus, Fremont, and Omaha, Nebr., points in Iowa, and those in that part of Illinois bounded by a line beginning at the Mississippi River, and extending along Illinois Highway 10 to Macomb, Ill., thence along U. S. Highway 67 to the Mississippi River, and thence along the Mississippi River to the point of beginning.

No. MC 103392 (Sub No. 13) filed October 23, 1957, ONLEY REFRIGERATED TRANSPORTATION, INC., 345 West 14th Street, New York 14, N. Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 103392, dated March 24, 1952.

Sea foods, fruits and vegetables, and *poultry*, dressed or cold packed, from Boston and Gloucester, Mass., Baltimore, Crisfield, and Fruitland, Md., and Exmore and Winchester, Va., to Altoona and Pittsburgh, Pa.

No. MC 103392 (Sub No. 2), dated March 24, 1952.

Frozen sea foods, frozen poultry, frozen fruit, frozen vegetables and *frozen meat*, between Altoona, Pa., on the one hand, and, on the other, points in New York and New Jersey in the New York, N. Y., Commercial Zone and those in that part of New Jersey on, south, and east of U. S. Highway 1, except those in Middlesex County, N. J.; from Altoona, Pa., to Boston, Mass.

Frozen foods, between Altoona, Pa., on the one hand, and, on the other, points in Rhode Island, Connecticut, Massachusetts, Delaware, Virginia, Maryland, West Virginia, Ohio, Indiana, Missouri, Kentucky, Tennessee, Illinois, Michigan, North Carolina, Iowa, New Jersey, except points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N. J., and New York, except points in Dutchess, Nassau, Putnam, Suffolk, Westchester, Kings, Queens, Richmond, New York, and Bronx Counties, N. Y.

No. MC 103392 (Sub No. 3), dated March 24, 1952.

Glass tubing and *flare cups*, between Altoona, Pa., and Corning, N. Y.

No. MC 103392 (Sub No. 6), dated March 24, 1952.

Plaster board, lime, and *cement*, from Genoa, Ohio and Oakfield, N. Y., to Altoona, Pa.

No. MC 103392 (Sub No. 7), dated March 24, 1952.

Frozen sea foods, from points in Maryland, Massachusetts, and Virginia, to points in Pennsylvania.

Fresh oyster, clams, and *scallops*, from points in Maryland, Massachusetts, and New York, (except points in Dutchess, Nassau, Putnam, Suffolk, Westchester, Kings, Queens, Richmond, New York, and Bronx Counties, N. Y.) to points in Pennsylvania.

Poultry, dressed, fresh or frozen, from points in Delaware, Virginia and West Virginia to points in Pennsylvania.

Meat, fresh or frozen, from points in Iowa and Illinois to points in Pennsylvania.

Butter, cheese, and *oleomargarine*, from points in Illinois, Indiana, New York, (except points in Dutchess, Nassau, Putnam, Suffolk, Westchester, Kings, Queens, Richmond, New York, and Bronx Counties, N. Y.) and Ohio, to points in Pennsylvania.

No. MC 103392 (Sub No. 9), dated March 24, 1952.

Stationery and *paper or pulpboard school supplies*, from Huntingdon, Pa., to Bridgeport, Hartford, Meriden, New Haven, Norwalk, Stamford, and Waterbury, Conn.; Chicago and Peoria, Ill.; Fort Wayne and Indianapolis, Ind.; Boston, Springfield, and Worcester, Mass.; Ann Arbor, Detroit, Flint, and Pontiac, Mich.; Buffalo, Rochester, and Syracuse, N. Y.; Akron, Cambridge, Canton, Cincinnati, Cleveland, Columbus, Springfield, Steubenville, Toledo, Youngstown, and Zanesville, Ohio; and Providence, R. I.

No. MC 103392 (Sub No. 10), dated March 24, 1952.

Chocolate, in bulk, from Boston, Mass., to Altoona, Pa.

Paper cups and *paper wrappers*, from Milwaukee, Wis., to Altoona, Pa.

Candy and *confections*, excluding molded chocolate, from Altoona, Pa., to St. Louis, Mo., Chicago, Ill., Detroit, Mich., Columbus, Ohio, Mason City, Iowa, Roanoke, Va.; between Altoona, Pa., on the one hand, and, on the other, Boston, Mass.

No. MC 103392 (Sub No. 11), dated March 24, 1952.

Meats, meat products, and *meat byproducts* (except meat, fresh or frozen), *dairy products* (except butter, cheese, and oleomargarine), and *articles* distributed by meat packing houses, as defined by the Commission, from Chicago, and other Illinois points in the Chicago Commercial Zone, to points in Pennsylvania.

No. MC 103392 (Sub No. 12), dated March 24, 1952.

Paper, paper products, and *loose leaf binders or covers*, from Roaring Spring, Pa., to Bridgeport, Hartford, Meriden, New Haven, Norwalk, and Stamford, Conn., Chicago, Ill., Indianapolis, Greensburg, Vincennes and Kokomo, Ind., Ann Arbor, Detroit, and Pontiac, Mich., and Cambridge, Columbus, Cincinnati, Springfield, Steubenville, Toledo, and Zanesville, Ohio.

No. MC 106595 (Sub No. 5) filed October 28, 1957, MAC BOYD, doing business as BOYD TRUCKING COMPANY, 1029 East Valley Boulevard, San Gabriel, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 106595, dated October 24, 1952.

Plows, from Amarillo, Tex., to points in Oklahoma, Missouri, Illinois, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, and New Mexico; and *Materials* used in the manufacture of plows, on return.

Water-well pumps and *water-well pump parts*, from Los Angeles, Calif., to points in Roosevelt County, N. Mex., and those in Texas located on and north of U. S. Highway 380 and on and west of Texas Highway 283.

No. MC 107640 (Sub No. 36) filed November 5, 1957, MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 107460, dated November 14, 1951.

Roofing and building materials, subject to a "Keystone" restriction, from Joliet, Ill., to Detroit, Mich.; from Joliet over Alternate U. S. Highway 66 to junction Illinois Highway 7, thence over Illinois Highway 7 to junction U. S. Highway 6, thence over U. S. Highway 6 to Hammond, Ind., thence over U. S. Highway 20 to South Bend, Ind., thence over U. S. Highway 33 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind., thence over Indiana Highway 15 to junction U. S. Highway 131, thence over U. S. Highway 131 to Mottville, Mich., and thence over U. S. Highway 112 to Detroit. Service is authorized to all intermediate points, restricted to delivery only.

Paper mill products, subject to a "Keystone" restriction, from Hamilton, Ohio

over U. S. Highway 127 to Eaton, Ohio, thence over U. S. Highway 35 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction U. S. Highway 52, thence over U. S. Highway 52 to junction U. S. Highway 41, thence over U. S. Highway 41 to Chicago, Ill., and thence over irregular routes to points in that part of Illinois on and east of U. S. Highway 150 between Moline and Peoria, Ill., and on and north of U. S. Highway 24 between Peoria and the Illinois-Indiana State line. Service is authorized to all intermediate points on the above-specified regular route restricted to delivery only. From Hamilton, Ohio, over irregular routes to points in Ohio.

Materials and *supplies* used in the manufacture and shipment of paper mill products, from points in the above-specified Illinois territory over irregular routes to Chicago, thence over the above-specified regular route to Hamilton. Service is authorized from all intermediate points on the above-specified regular route restricted to pick-up only. From points in Ohio over irregular routes to Hamilton.

Oil, in containers, subject to a "Keystone" restriction, between Franklin, Pa., on the one hand, and, on the other, Peoria, Champaign, Carbondale, Chicago, and Springfield, Ill., Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio, Detroit and Grand Rapids, Mich., Evansville, Indianapolis, and Fort Wayne, Ind., Louisville, Bellevue and Covington, Ky., Madison, Wis., Pittsburgh, Pa., and St. Louis, Mo.

Paper and *paper products*, subject to a "Keystone" restriction, from Hamilton, Ohio, to points in that part of Illinois bounded on the north by a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 24 to junction U. S. Highway 150, and thence along U. S. Highway 150 to the Illinois-Iowa State line, and on the south by U. S. Highway 40, including points on U. S. Highway 40, to those in that part of Indiana north of U. S. Highway 40, including points on the indicated portion of the highway specified, to those in that part of Michigan south of Michigan Highway 21, including points on the indicated portion of the highway specified, and to Milwaukee, Racine and Beloit, Wis., St. Louis, Mo., Erie, Pa., and Rochester and Buffalo, N. Y.

Steel strapping, paper and paper products, and *materials*, and *supplies* used in the manufacture and shipping of paper and paper products, from the destination points specified immediately above and Toledo, Ohio, to Hamilton, Ohio.

Paper and *paper products*, from Monroe, Mich., to points in Illinois, Indiana, Iowa, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

Materials, machinery, and *supplies* used in the manufacture of paper products, from points in the next above-specified destination territory to Monroe, Mich.

Paper, paper products, and *cartons*, between Fairfield and Middletown, Ohio, and Hartford City, Ind., on the one hand, and, on the other, Peoria, Champaign, Carbondale, Chicago, and Springfield, Ill., Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio, Detroit and Grand Rapids, Mich., Evansville, Indianapolis, and Fort Wayne, Ind., Louisville, Bellevue and Covington, Ky., Madison, Wis., Pittsburgh, Pa., and St. Louis, Mo.; Between Monroe, Mich., on the one hand, and, on the other, Detroit and Grand Rapids, Mich., Louisville, Bellevue, and Covington, Ky., and St. Louis, Mo.

Corrugated paper products, from Baltimore, Ohio, to Louisville, Ky.

Materials used or useful in the manufacture of corrugated paper products, from Louisville, Ky., to Baltimore, Ohio.

Paperboard and *paperboard products*, from Wabash, Ind., to Chicago, Ill.; from Chicago, Ill., to Detroit, Mich.; From Aurora, Ill., to Anderson, Crawfordsville, Fort Wayne, Gary, Hammond, Indianapolis, and Michigan City, Ind., Benton Harbor, Detroit, Monroe, and River Rouge, Mich., St. Louis, Mo., Cleveland, Columbus, Shelby, and Toledo, Ohio, and Milwaukee, Wis.; from Monroe, Mich., to St. Louis, Mo.

Waste paper, from Milwaukee, Wis., and Fort Wayne, Ind., to Aurora, Ill.

Roofing, roofing cement, building, roofing and sheathing paper, building and roofing felt, nails, fasteners, asphalt, pitch, tar, shingles, and *sidings*, subject to a "Keystone" restriction, from East Chicago and South Bend, Ind., to points in Illinois, Michigan, Ohio, and Wisconsin.

Waste paper and *rags*, from Detroit, Mich., and Milwaukee, Wis., to Joliet, Ill.; from Detroit, Mich., and Toledo, Ohio, to Wilmington, Ill.

Building, roofing and insulating materials (in straight or mixed shipments), from Chicago, Joliet, and Wilmington, Ill., and St. Louis, Mo., to St. Louis, Mo., Covington, Louisville and Newport, Ky., points in Illinois, Indiana, and Ohio, those in Iowa on and east of U. S. Highway 63, those in Wisconsin on and south of U. S. Highway 151, and those in Michigan on and south of a line beginning at Port Huron, Mich., and extending along Michigan Highway 21 to Flint, Mich., and thence along U. S. Highway 10 to Ludington, Mich.; from Chicago Heights, Ill., to Omaha, Nebr., Newport, Covington, Louisville, Owensboro, Henderson, Carrollton, and Paducah, Ky., St. Louis, Mo., points in St. Louis County, Mo., and those in Michigan, Indiana, Ohio, Wisconsin, and Iowa; from Wilmington, Ill., to Hannibal, Mo., points in St. Louis County, Mo., those in Wisconsin except those on and south of U. S. Highway 151, and those in Kentucky, except Covington, Louisville, and Newport; from Erie, Pa., to points in Ohio and Indiana, and those in New York on and west of New York Highway 14; from St. Louis, Mo., to points in Kentucky, except Louisville, Covington, and Newport, Ky.; from Joliet and Chicago, Ill., to points in Pennsylvania on and west of U. S. Highway 219, those in Wisconsin north of U. S. Highway 151, and those in Missouri, except St. Louis, Mo.; from Lockland, Ohio, to points in Wisconsin, Iowa, Indiana, Illinois, Michigan, Missouri and Kentucky, those in Pennsylvania on and west of U. S. Highway 219, and those in New York on and west of New York Highway 14; from Waukegan, Ill., to points in Michigan, Indiana, Ohio, Iowa, Kentucky, Missouri, and those in Wisconsin except Milwaukee, Racine, and Kenosha, Wis.; from Vandalia, Ill., to points in Michigan, Indiana, Ohio, Wisconsin, Missouri, and Iowa, and those in Kentucky on the Ohio River; from East Chicago, Ind., to St. Louis, Mo., and to points in Illinois, Iowa, Michigan, Ohio, Wisconsin, and those in Kentucky on the Ohio River.

Iron and steel wire products, and *fencing materials*, and *supplies*, subject to a "Keystone" restriction, from Sterling and Rock Falls, Ill., to points in Indiana, Ohio, and those in that part of Michigan on and south of U. S. Highway 16.

Steel, from Monroe, Mich., to points in Ohio.

Heavy industrial chemicals, not including drugs, medicine, and toilet preparations, subject to a "Keystone" restriction, from Chicago, Chicago Heights, and Joliet, Ill., East Chicago, Grasselli, and Gary, Ind., and Cincinnati, Alkali, Painesville, and Fairport Harbor, Ohio, to Cleveland, Ohio, and points in Wayne County, Mich.; from Cleveland, Ohio, to points in Wayne County, Mich.

No. MC 107640 (Sub No. 4), dated October 3, 1951.

Iron and steel wire products, and *fencing materials*, and *supplies* from Sterling and Rock Falls, Ill., to points in Kentucky, those in Michigan north of U. S. Highway 16, and those in Missouri south of a line beginning at St. Louis, Mo., and extending along U. S. Highway 66 to Lebanon, Mo., thence along Missouri Highway 5 to Camdenton, Mo., and thence along U. S. Highway 54 to the Missouri-Kansas State line, and those in Minnesota north of U. S. Highway 14; from Rock Falls, Ill., to points in Iowa.

No. MC 107640 (Sub No. 6), dated May 11, 1951.

Clay building tile, and *the commodities* specified below: from Chicago, Ill., to points in Iowa west of U. S. Highway 63, points in Michigan north of a line beginning at Port Huron and extending along Michigan Highway 21 to Flint, and thence along U. S. Highway 10 to Ludington, including all points in the Upper Peninsula of Michigan, and points in Nebraska on and east of U. S. Highway 77 extending from South Sioux City to the Kansas-Nebraska State line.

Building, roofing, and *insulating materials* (in straight or mixed shipments), from Joliet and Wilmington, Ill., and St. Louis, Mo., to points in the destination territory specified above; from St. Louis, Mo., to points in Pennsylvania on and west of U. S. Highway 219, points in New York on and west of New York Highway 14, points in West Virginia, and points in Wisconsin north of U. S. Highway 151.

No. MC 107640 (Sub No. 11), dated March 26, 1952.

Petroleum asphaltum, road oil, and *residual fuel oil*, in bulk, in tank vehicles, from Whiting, Ind., to points in Kenosha, Racine, Milwaukee, Waukesha, Walworth, Jefferson, Rock, and Dane Counties, Wis., and those in Cook, Lake, Du Page, McHenry, Kane, Boone, De Kalb, Kendall, Will, Grundy, La Salle, Kankakee, and Livingston Counties, Ill., subject to a restriction.

No. MC 107640 (Sub No. 22), dated May 11, 1951.

Building, roofing and *insulating materials*, from Venice, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, West Virginia, Wisconsin, points in Pennsylvania on and west of U. S. Highway 219, points in New York on and west of New York Highway 14, and points in Nebraska on and east of U. S. Highway 77 extending from South Sioux City, Nebr., to the Nebraska-Kansas State line; from Cicero and Summit, Ill., and Whiting, Ind., to Covington, Louisville and Newport, Ky., points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Wisconsin, points in Pennsylvania on and west of U. S. Highway 219, those in Nebraska on and east of U. S. Highway 77 extending from South Sioux City, Nebr., to the Nebraska-Kansas State line; from East Chicago, Ind., to points in Indiana, Missouri (except St. Louis) and points in Pennsylvania on and west of U. S. Highway 219, those in Nebraska on and east of U. S. Highway 77 extending from South Sioux City, Nebr., to the Nebraska-Kansas State line.

No. MC 107640 (Sub No. 27), dated August 27, 1952.

Building, roofing, and *insulating materials*, from Prospect Hill, Mo., to points in Minnesota.

No. MC 107640 (Sub No. 31), dated August 6, 1951.

Insulating materials, from Alexandria and Richmond, Ind., to points in Wisconsin, Iowa, Illinois, Missouri, Kentucky, Ohio, and the lower peninsula of Michigan, and those in Pennsylvania on and west of U. S. Highway 219; from Aurora, Ill., to points in Missouri, Iowa, Wisconsin, Indiana, Ohio, Kentucky, and the lower peninsula of Michigan.

Heavy industrial chemicals (not including drugs, medicines and toilet preparations), in containers, subject to a "Keystone" restriction, from Joliet, Ill., to points in Ohio, Indiana, Wisconsin, Iowa, and the lower peninsula of Michigan, and Paducah, Henderson, Owensboro, Louisville, Carlton, Covington, Newport and Maysville, Ky., and Cape Girardeau, Fortescue, St. Charles, Louisiana, Hannibal and St. Louis, Mo.

Such materials, supplies, chemicals, and *machinery* as are used in the manufacture and distribution of heavy industrial chemicals (not including drugs, medicines and toilet preparations) from points in the destination territory specified immediately above to Joliet, Ill.

No. MC 107640 (Sub No. 32), dated September 17, 1952.

Roofing materials and supplies, and *supplies and materials* used in the manufacture thereof, between Philadelphia, Pa., on the one hand, and, on the other, points in New York north of a line formed by the northern boundaries of Sullivan, Ulster, and Dutchess Counties.

No. MC 108075 (Sub No. 4) filed October 21, 1957, E. VERL MAXWELL AND GORDON D. GIFFORD, doing business as G & M CONTRACT CARRIERS, 1222 14th Street South, Fargo, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 108075, dated December 7, 1949.

Malt beverages, over irregular routes, from Duluth, Minneapolis and Saint Paul, Minn., to Grand Forks, N. Dak., and from Duluth, Minn., to Fargo, N. Dak., and *empty containers* on return.

No. MC 108075 (Sub No. 1), dated December 8, 1949.

Malt beverages and *empty containers*, over specified routes between Milwaukee and La Crosse, Wis., and Fargo, N. Dak., serving the intermediate and off-route points of St. Paul, Mankato, Minneapolis and Moorhead, Minn., and Mayville, N. Dak.

Floor sweeping compounds, from St. Paul, Minn., to Fargo, N. Dak., serving no intermediate points but serving the off-route point of Minneapolis, Minn.

Lubricating oil, from La Crosse, Wis., and Duluth, Minn., to Fargo, N. Dak., over specified regular routes, serving the intermediate and off-route points of St. Paul and Minneapolis, Minn., restricted to pick-up only, and to Moorhead, Minn., restricted to delivery only.

Sugar, from Duluth, Minn., to Grand Forks, N. Dak., over a specified regular route, serving no intermediate points.

No. MC 108678 (Sub No. 21) filed October 21, 1957, LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 108678, dated August 29, 1950.

Liquid sugar and *blends thereof*, in liquid form, in tank trucks, over irregular routes, from Indianapolis, Ind., to points in Ohio, Michigan, Illinois, and Kentucky.

Refused or rejected shipments of liquid sugar blends thereof, in liquid form, in tank trucks, from points in Ohio, Michigan, Illinois, and Kentucky, to Indianapolis, Ind.

Corn syrup, in tank trucks, from points In Ohio, Michigan, Illinois, and Kentucky, to Indianapolis, Ind.

No. MC 108678 (Sub No. 3), dated August 29, 1950.

Lard, fats, tallow, oils and *greases*, except petroleum oils and greases, in tank vehicles, between points in Indiana, on the one hand, and, on the other, points in Ohio, Illinois, Kentucky, and Michigan.

No. MC 108678 (Sub No. 6), dated November 24, 1950.

Liquid chemicals, in bulk, in tank vehicles, between the sites of the Commercial Solvents Corporation's plants at or near Terre Haute, Ind., and Peoria, Ill., on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

No. MC 108678 (Sub No. 8), dated February 25, 1955.

Coal tar products, in bulk, in tank vehicles, from Indianapolis, Ind., to Akron, Ohio, and Baton Rouge, La.

No. MC 108678 (Sub No. 9), dated January 25, 1956.

Soybean oil, from points in Illinois, except Decatur and Bloomington, Ill., and except those within the Chicago, Ill., Commercial Zone, to Louisville, Ky.

No. MC 109203 (Sub No. 4) filed October 28, 1957, EDWARD F. MADEIRA, INC., 113 North Fifth Street, Hamburg, Pa. For authority to operate as a *common carrier*, of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 109203 dated October 8, 1954.

Plow parts, from Hamburg, Pa., to points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

Plow parts, and *articles used or useful in the manufacture of plow parts*, from points in above-specified destination territory to Hamburg, Pa.

No. MC 109385 (Sub No. 16) filed October 31, 1957, SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 109385, dated March 10, 1954.

Empty egg cases, in truckloads, from New York, N. Y., and Pittsburgh and Philadelphia, Pa., to Dunkirk and Winchester, Ind., and St. Paris and Versailles, Ohio.

Farm machinery, from Chicago, Ill., to Greenville, Ohio.

Heating stoves, from Greenville, Ohio, to Chicago, Ill.

Washing machines and *laundry equipment*, from Chicago, Ill., to Greenville, Dayton, and Columbus, Ohio.

Canned goods, from points in Ohio and Indiana within 50 miles of Greenville, Ohio, to Chicago, Ill., Detroit, Mich., Pittsburgh, Pa., St. Louis, Mo., and Cleveland, Ohio, except that condensed milk, in containers, shall not be transported from Greenville, Ohio, to Pittsburgh, Pa.

Eggs, in truckloads, from Versailles and St. Paris, Ohio, and Winchester and Dunkirk, Ind., to Detroit, Mich., Cleveland, Ohio, Pittsburgh and Philadelphia, Pa., and New York, N. Y.

Petroleum products, from Butler and Franklin, Pa., to Detroit, Saginaw, and Grand Rapids, Mich., Chicago, Ill. and points in Ohio.

Feed, from Chicago, Ill., to points in Ohio.

Agricultural implements, in truckloads, between Coldwater, Ohio, and Sandwich, Ill.

Agricultural implements and parts, power corn shellers, and *farm wagons*, in truckloads, between Coldwater, Ohio, and Sandwich, Ill., on the one hand, and, on the other, Adrian, Bad Axe, Grand Rapids, Jackson, Kalamazoo, Kalkaska, Lansing, Richville, Saginaw, and Scotts-

ville, Mich., and Fort Wayne and Indianapolis, Ind.

Agricultural implement parts, power corn shellers, farm wagons, and *factory material and equipment* used in their manufacture, in truckloads, between Coldwater, Ohio, and Sandwich, Ill.

Fair exhibits (agricultural implements and parts) and necessary *display equipment,* between Coldwater, Ohio, and Sandwich, Ill., on the one hand, and, on the other, Louisville, Ky., and Indianapolis, Ind.

Farm machinery, implements, and equipment, between Columbus, Cincinnati, and Bellevue, Ohio, on the one hand, and, on the other, points in Indiana and Illinois; between Knightstown, Ind., and Sterling and Chicago Heights, Ill., on the one hand, and, on the other, points in Ohio.

Building, roofing and specified insulating materials and supplies used in the installation thereof, from Wilmington, Ill., to points in Ohio, and those in that part of Indiana bounded by a line beginning at the Indiana-Ohio State line, thence extending west on U. S. Highway 6 to Waterloo, Ind., thence south on U. S. Highway 27 to Lynn, Ind., and thence east on U. S. Highway 36 to the Indiana-Ohio State line, including points on the indicated portions of the highways specified.

Shell eggs, from Cambridge, Milford, Millersburg, Napoleon, Nelsonville, New Washington, Wooster, and Columbiana, Ohio to Pittsburgh, Harrisburg, and Philadelphia, Pa., Baltimore, Md., New York, Olean, Rochester, and Ithaca, N. Y., and New Haven, Conn.; from Bluffton, Ohio, to Pittsburgh, Pa., New York, N. Y., and points on Long Island, N. Y.; from Versailles, Ohio, to New Haven, Conn.

Dressed poultry, from Eaton, Ohio, to New York, N. Y.; from Millersburg and Columbiana, Ohio, to Pittsburgh, Harrisburg, and Philadelphia, Pa., Baltimore, Md., New York, Olean, Rochester, and Ithaca, N. Y., and New Haven, Conn.

Meats, meat products, meat byproducts, and *articles distributed by meat packing houses* as defined by the Commission, from Piqua, Ohio, to Boston, Mass., New York, N. Y., Jersey City, N. J., Pittsburgh, Pa., and Huntington, Charleston and Wheeling, W. Va.; from Troy, Ohio, to Boston, Mass., Newark, N. J., and Louisville, Ky.

Flat glass, from Clarksburg, W. Va., to Detroit, Mich.; from Clarksburg, W. Va., to points in Indiana (except Goshen, Jeffersonville, and New Albany), and points in Illinois (except Quincy).

No. MC 109385 (Sub No. 3), dated April 27, 1948.

Hard surfaced floor covering material and *materials, equipment* and *supplies* used in, or in connection with, its installation, from Lancaster, Pa., to Indianapolis and Richmond, Ind., and Cincinnati, Ohio.

No. MC 109385 (Sub No. 4), dated August 6, 1948.

Eggs, and *dressed poultry* and *empty egg containers,* between points and places in Decatur County, Ind., and Darke, Mercer, Auglaize, and Miami Counties, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Pennsylvania, West Virginia, New York, New Jersey, Massachusetts, Connecticut, Maryland, and the District of Columbia. Restriction: No service shall be provided between points and places in Darke, Mercer, and Auglaize Counties, Ohio, on the one hand, and, on the other, points and places in Massachusetts and Connecticut.

The commodities classified as dairy products in Section B of the appendix to the report in *Modification of Permits–Packing House Products,* 46 M. C. C. 23, and empty containers used in the transportation of such dairy products, between points in Shelby County, Ind., and Montgomery, Allen, and Logan Counties, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Pennsylvania, West Virginia, New York, New Jersey, Massachusetts, Connecticut, Maryland, and the District of Columbia. Restriction: No service shall be provided (a) between points in Montgomery County, Ohio, on the one hand, and, on the other, points in Indiana; and (b) between points in Shelby County, Ind., on the one hand, and, on the other, points in Maryland, and the District of Columbia.

Between points in Darke, Mercer, and Auglaize Counties, Ohio, on the one hand, and, on the other, Philadelphia, Pa., points in Pennsylvania on and west of U. S. Highway 219, Baltimore, Md., New York, N. Y., Trenton and Newark, N. J., points in New York and New Jersey within 20 miles of New York, N. Y., and points in West Virginia on and north of U. S. Highway 50.

No. MC 109385 (Sub No. 5), dated January 11, 1951.

Paper carpet lining and *felt paper carpet lining,* between Fulton, N. Y., and points within five miles of Fulton on the one hand, and, on the other, Cincinnati, Ohio, and Indianapolis and Richmond, Ind.

No. MC 109385 (Sub No. 6), dated October 3, 1950.

Such commodities as are dealt in by retail grocery stores, from points in Illinois, Indiana, Wisconsin and Michigan to Clarksburg, W. Va., and points in West Virginia within 50 miles thereof.

No. MC 109385 (Sub No. 8), dated February 7, 1951.

Packing house products, as defined by the Commission, in refrigerated equipment, from points in Montgomery County, Ohio, to points in Michigan and Rhode Island; from points in Montgomery County, Ohio, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and West Virginia.

Dressed poultry and *eggs,* from Piqua, Ohio, to points in Michigan.

Dairy products, as defined by the Commission, in refrigerated equipment, between Covington, Ohio, and points in Connecticut, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia.

Feed, between Forest Park, Ill., on the one hand, and, on the other, points in Ohio and those in Indiana on and east of U. S. Highway 31 (except Indianapolis).

No. MC 109385 (Sub No. 11), dated March 16, 1956.

Dressed poultry, from Eaton, Ohio, to Philadelphia and Pittsburgh, Pa.

Meats, meat products, and meat byproducts, subject to a "Keystone" restriction, from Troy, Ohio, to Alton, Bloomington, Bushnell, Cairo, Champaign, Clinton, Centralia, Decatur, Dixon, Effingham, Freeport, Galesburg, Jacksonville, Kankakee, La Salle, Marion, Mattoon, Moline, Mt. Vernon, Quincy, Pekin, Rockford, and Urbana, Ill., Bedford, Bloomington, Fort Branch, Frankfort, Greensburg, and Princeton, Ind., and Parkersburg, Charleston, and Hutingonton, W. Va.

Frozen meats, from Troy, Ohio, to Beckley, Bluefield, Clarksburg, Elkins, Fairmont, Hinton, Logan, Martinsburg, Morgantown, Richwood, Weston, and Williamson, W. Va.; Allentown, Bethlehem, Bradford, Chester, Coatesville, DuBois, Franklin, Gettysburg, Hazleton, Indiana, Kane, Kingston, Lewisburg, Lock Haven, Meadville, Pottsville, Reading, Royalton, Scranton, St. Clair, Stroudsburg, Uniontown, Warren Wilkes-Barre, Williamsport, and York, Pa.; Glens Falls, Hornell, Ithaca, Kingston, Massena, Malone, Medina, Newburgh, Ogdensburg, Oneonta, Peekskill, Plattsburg, Port Jervis, Poughkeepsie, and Watertown, N. Y.; Barnstable, Fall River, Gloucester, Greenfield, Lowell, Lynn, New Bedford, Northampton, Pittsfield, and Southbridge, Mass.; Bridgeport, Bristol, Danbury, East Hartford, Hartford, Middletown, Naugatuck, New Haven, New London, Norwich, Putnam, Stamford, Torrington, Waterbury, West Hartford, Windsor, and Willimantic, Conn.; Bristol, Natick, Newport, Providence, Warwick Neck, and Westerly, R. I.; Atlantic City, Bridgeton, Millville, Pennsgrove, Vineland, and Wildwood, N. J.; Annapolis, Cambridge, Cumberland, Frederick, Hagerstown, Hyattsville, Salisbury, and Snow Hill, Md.; Delmar, Dover, Seaford, and Wilmington, Del.; and Bristol, Cape Charles, Charlottesville, Danville, Fredericksburg, Lexington, Lynchburg, Martinsville, Newport News, Petersburg, Norfolk, Portsmouth, Pulaski, Richmond, Roanoke, Salem, Staunton, Suffolk, and Winchester, Va., with no transportation for compensation on return except as otherwise authorized.

No. MC 109385 (Sub No. 14), dated March 16, 1956.

Meats (except frozen meats), *meat products and meat byproducts* and *articles distributed by meat packinghouses* as defined by the Commission, from Troy, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey (except Newark, N. J.), New York, Pennsylvania, Rhode Island, Virginia, West Virginia (except Parkersburg, W. Va., and points in Cabell and Kanawah Counties, W. Va.), and the District of Columbia.

No. MC 109385 (Sub No. 15), dated November 16, 1956.

Frozen eggs and egg yolks, and egg whites and mixtures and blends thereof, in refrigerated equipment, from Zanesville, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

No. MC 109451 (Sub No. 82) filed October 23, 1957, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 109451, dated July 27, 1954.

Silicate of soda, in bulk, in tank vehicles, from East Chicago, Ind., to St. Louis, Mo., points in the lower peninsula of Michigan, and those in Illinois; from Fortville, Ind., to Troy, Dayton, Lockland, and Middletown, Ohio.

Silicate of soda and *acids,* in bulk, in tank vehicles, from East Chicago, Ind., to points in Wisconsin.

Acids, in bulk, in tank vehicles, from East Chicago, Ind., to St. Louis, Mo., points in the lower peninsula of Michigan, and those in Illinois; from Seneca, Ill., to points in Indiana in the Chicago, Ill., Commercial Zone as defined by the Commission.

Silicate of soda, in bulk, in tank vehicles, in shipments of not less than 21,000 pounds, from Fortville, Ind., to Van Wert, Ohio.

Sulphuric acid, in bulk, in tank vehicles, from Danville, Ill., to Louisville, Ky., and points in Indiana and Ohio.

Refused or rejected shipments of sulphuric acid, from points in Indiana and Ohio, to Danville, Ill.

Chlorosulphonic acid, in bulk, in tank vehicles, from Evendale, Ohio, to Albany, Ga., and Kingsport, Tenn.

No. MC 109451 (Sub No. 18), dated July 5, 1955.

Nitrogen fertilizer solution, in bulk, in tank vehicles, from Belle, W. Va., to Briggs, Hartsdale, Indianapolis, Jeffersonville, and New Albany, Ind., and Alliance, Columbus and Lackland, Ohio.

Nitrogen fertilizer solution and *fertilizer ammoniating solution,* in bulk, in tank vehicles, from South Point, Ohio, to points in Indiana, Kentucky, and Tennessee.

Phosphoric acid, phosphatic fertilizer solution and *sodium phospate,* in bulk, in tank vehicles, from Fernald, Ohio, to points in Illinois and Indiana, points in Michigan on and east of U. S. Highway 127 from the Ohio-Michigan State line to Jackson, Mich., and on and south of U. S. Highway 12 from Jackson to Detroit, Mich., and points in Wisconsin in Milwaukee, Racine, and Kenosha Counties.

No. MC 109451 (Sub No. 23), dated February 27, 1956.

Nitrogen solution and *anhydrous ammonia,* in bulk, in tank vehicles, from West Henderson, Ky., and the plant site of the U. S. Industrial Chemical Division of National Distillers Products Corporation, located on U. S. Highway 36 approximately three and one-half miles west of Tuscola, Ill. (Ficklin, Ill.), to Jeffersonville, Indianapolis, and Hartsdale, Ind., and Toledo, Ohio.

No. MC 109451 (Sub No. 24), dated September 13, 1956.

Sulphuric acid, in bulk, in tank vehicles, from Cincinnati, Ohio, to Fort Wayne, Jeffersonville, Indianapolis, and Hartsdale, Ind.

No. MC 109451 (Sub No. 30), dated December 2, 1955.

Phosphoric acid; in bulk, in tank vehicles, from Jeffersonville, Ind., to points in West Virginia (except Charleston, South Charleston, Institute, Fairmont, Morgantown, and Follansbee).

Sodium phosphates, in bulk, in hopper-type vehicles, from Jeffersonville, Ind., to points in Kentucky, Ohio, Illinois, Wisconsin, Pennsylvania, West Virginia, Missouri, and the lower peninsula of Michigan.

No. MC 109451 (Sub No. 34), dated April 8, 1955.

Silicate of soda, in bulk, in tank vehicles, from Fortville, Ind., to points in Ohio, except Troy, Dayton, Lockland, Middletown, and Van Wert, Ohio.

No. MC 109451 (Sub No. 35), dated April 27, 1956.

Sulphate soap skimmings, in bulk, in tank vehicles, from Krannert and Macon, Ga., Monroe, La., Port St. Joe and Palatka, Fla., and Calhoun, Tenn., to Tuscaloosa, Ala., and points within five miles thereof.

No. MC 109451 (Sub No. 37), dated July 5, 1955.

Acids and chemicals as defined by the Commission and *nitrogen solutions,* in bulk, in tank vehicles, from the site of the plant of National Distillers Products Corporation near Ficklin, Ill., to points in Michigan, Ohio, Missouri, Kentucky, Wisconsin, and Iowa and to points in Indiana except Hartsdale, Indianapolis, New Albany, and Jeffersonville.

No. MC 109451 (Sub No. 45), dated October 27, 1955.

Phosphoric acid, phosphatic fertilizer solution and sodium phosphate, in bulk, in tank vehicles, from Fernald, Ohio, to points in Wisconsin and the lower peninsula of Michigan.

Acids, in bulk, in tank vehicles, from Columbus, Ohio, to points in Indiana; from Hamilton, Ohio, to Jeffersonville, Indianapolis, Hartsdale, and Briggs, Ind.

Acids and chemicals as defined by the Commission, and *nitrogen solution,* in bulk, in tank vehicles, from the site of the National Distillers Products Corporation near Ficklin, Ill., to Hartsdale, Indianapolis, New Albany, and Jeffersonville, Ind.

No. MC 109451 (Sub No. 48), dated October 25, 1955.

Silicate of soda, in bulk, in tank vehicles, from Anderson, Ind., to points in Illinois, Kentucky, Ohio, and points in the lower peninsula of Michigan.

Chemicals, in bulk, in tank vehicles, (except petroleum derivative chemicals, as defined by the Commission, from Jeffersonville, Ind., to points in Illinois, Ohio and those in Kentucky except Brandenburg and points within two miles thereof.

No. MC 109451 (Sub No. 49), dated March 28, 1956.

Anhydrous ammonia and *nitrogen solution,* in bulk, in tank vehicles, from Ketona, Ala., to points in Georgia, points in that part of Florida on and north of Florida Highway 60, points in that part of Tennessee on and east of U. S. Highways 31 and 31W, and points in that part of Mississippi on and east of U. S. Highway 51.

No. MC 109451 (Sub No. 51), dated August 24, 1956.

Glycerine and *phosphoric acid,* in bulk, in tank vehicles, from Jeffersonville, Ind., to Bradensburg, Ky., and to points in Wisconsin and Missouri, and those in the lower peninsula of Michigan.

No. MC 109451 (Sub No. 52), dated November 15, 1956.

Nitrogen fertilizer solution and *fertilizer ammoniating solution,* in bulk, in tank vehicles, from South Point, Ohio, to points in Illinois, Michigan, and Pennsylvania. *Alcohol,* in bulk, in tank vehicles, from Ficklin, Ill., to Fairmont, Minn.

No. MC 109451 (Sub No. 56), dated December 17, 1956.

Sulfuric acid, in bulk, in tank vehicles, from Coosa Pines, Ala., to points in Georgia.

Chlorosulfonic acid, in bulk, in tank vehicles, from Cincinnati, Ohio, to Joliet and Chicago, Ill., and Midland, Mich.

Tall oil, in bulk, in tank vehicles, from Valdosta, Ga., to Fox, Ala.

No. MC 109451 (Sub No. 58), dated March 26, 1957.

Chemicals, as defined by the Commission, in bulk, in tank vehicles, from Anderson, Ind., to points in Iowa and Wisconsin.

No. MC 109451 (Sub No. 64), dated July 24, 1957.

Nitric acid, in bulk, in tank vehicles, from Sterlington, La., to Terre Haute, Ind.

Hydrofluosilicic acid, in bulk, in tank vehicles, from the plant site of the International Minerals & Chemical Corporation at Lockland, Ohio to points in Indiana, Michigan, Illinois, Missouri, Wisconsin, and Iowa; from the plant site of the International Minerals & Chemical Corporation at Chicago Heights, Ill., to points in Indiana, Michigan, Missouri, Wisconsin, Iowa, and Ohio.

Sulphoric acid, in bulk, in tank vehicles, from the plant site of the International Minerals & Chemical Corporation at Lockland, Ohio to points in Illinois and Indiana except Fort Wayne, Jefferson, Indianapolis, and Hartsdale, Ind.

No. MC 109723 (Sub No. 7) filed October 23, 1957, GLENDYL W. STONE, doing business as STONE TRUCKING CO., Box 206, Dale, Indiana. For authority to operate as a *common carrier,* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 109723 dated November 15, 1948.

Sandstone, over irregular routes, from points in Dubois County, Ind., to points in Illinois.

Such merchandise as is dealt in by wholesale food business houses and, in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, subject to "Keystone" restriction, between Dale, Ind., on the one hand, and, on the other, St. Louis, Mo., and points in Illinois.

No. MC 109723 (Sub No. 1) dated February 16, 1950.

Fertilizer, from Cincinnati, Ohio, to points in Spencer County, Ind.

Sandstone, from points in Dubois County, to points in Alabama, Arkansas,

Georgia, Kentucky, Louisiana, Tennessee, Ohio, and the lower peninsula of Michigan.

Canned tomatoes, canned tomato juice, canned corn and canned pumpkin, from Flat Rock and Fairland, Ind., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Ohio (except from Flat Rock to Cincinnati), Tennessee, Illinois, Mississippi, and Missouri.

Granite, from points in Georgia to Dale, Ind.

Such merchandise as is dealt in by the above-described business houses, and in connection therewith *equipment, materials* and *supplies* used in the conduct of such business, subject to a "Keystone" restriction, between Dale and Evansville, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Georgia, Illinois, Louisiana, Mississippi, and Tennessee: between Evansville, Ind., and points in Ohio; between Dale, Ind., on the one hand, and, on the other, points in the lower peninsula of Michigan and points in Ohio, except Cincinnati.

No. MC 109723 (Sub No. 4) dated April 10, 1953.

Brick, over irregular routes, from Huntinburg, Ind., to St. Louis, Mo., and points in Illinois, Kentucky, Ohio, and the Lower Peninsula of Michigan.

No. MC 110021 (Sub No. 6) filed October 22, 1957, GEORGE CLEGG AND SONS, INC., 125 Ellison Street, Paterson 1, N. J. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 110021 (Sub No. 3), dated March 15, 1955.

Clay products, from Brockway, Worthington, Patton, St. Mary's, Mill Hall, and Clearfield, Pa., Uhrichsville and Stratton, Ohio, to points in Massachusetts.

From Logan, Malverne and Negley, Ohio, to points in New York, New Jersey, Connecticut, Virginia, Maryland, Delaware, Massachusetts, and the District of Columbia.

From Paterson, N. J., to points in Pennsylvania, New York, and Connecticut.

From Brockway, Worthington, Patton, St. Mary's, Mill Hall, and Clearfield, Pa., and Uhrichsville and Stratton, Ohio, to points in New York, New Jersey, Connecticut, Virginia, Maryland, Delaware, and the District of Columbia.

From Mifflinville and Hazleton, Pa., to points in Connecticut, New York, and New Jersey.

No. MC 110270 (Sub No. 6) filed October 24, 1957, BEVERAGE TRANSPORT, INC., Route 5 and 20, P. O. Box 88, East Bloomfield, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Pk., P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 110270, dated August 29, 1956.

Malt beverages, from Newark, N. J., to Auburn, Buffalo, Geneva, Hornell, Olean, Rochester, and Waterloo, N. Y., and *empty malt-beverage containers* on return.

No. MC 110416 (Sub No. 8) filed October 21, 1957, K. W. CASADY, doing business as CASADY TRUCK LINE, Grimes, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 110416 (Sub No. 2), dated December 1, 1952.

Corn pickers and *grain drills*, over irregular routes, from Des Moines, Iowa, and points within one mile thereof, to points in that part of Missouri on and west of U. S. Highway 63.

Agricultural machinery, between Des Moines, Iowa, on the one hand, and, on the other, points in Nebraska.

No. MC 110416 (Sub No. 7), dated July 1, 1957.

Agriculture machinery, implements and parts, as defined by the Commission, and *farm tractors*, between Des Moines, Iowa, and points in Missouri on and west of U. S. Highway 63.

No. MC 110760 (Sub No. 3), filed October 25, 1957, DAVIS LAMBERT doing business as LAMBERT AND HOOD, 519 West Third Street, Mt. Carmel, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

MC 110760 dated November 9, 1953.

Crude petroleum, in bulk, in tank vehicles, over irregular routes, between points in Lawrence, Wabash, Edwards, White, and Gallatin Counties, Ill., on the one hand, and, on the other, points in Knox, Gibson, Posey, and Vanderburgh Counties, Ind.

MC 110760 (Sub No. 1), dated November 4, 1949.

Coal spray oil, in bulk, in tank vehicles, from Princeton, Ind., and points within 3 miles of Princeton, to points in Illinois and Kentucky.

Crude petroleum, in bulk, in tank vehicles, between points in Illinois, Indiana, and Kentucky, except between points in Lawrence, Wabash, Edwards, White, and Gallatin Counties, Ill., on the one hand, and, on the other, points in Knox, Gibson, Posey, and Vanderburgh Counties, Ind.

No. MC 115668 (Sub No. 1) filed November 5, 1957, WARREN G. HARDING, R. R. No. 2, Kendallville, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 115668, dated July 3, 1956.

Cookies and *cakes*, over irregular routes, from the site of the plant of the Continental Baking Company at or near River Forest, Ill., to Lakeside, Mich., and South Bend, Elkhart, Warsaw, and Wolcottville, Ind., and *empty containers* on return.

No. MC 115782 (Sub No. 2), filed October 23, 1957, CLYDE H. VAN METER AND NAOMI VAN METER, doing business as VAN METER TRUCKING CO., 927 East Minnesota Street, Indianapolis, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 115782, dated May 20, 1957.

Meats, meat products, and meat byproducts, over irregular routes, as defined by the Commission, from Indianapolis, Ind., to points in that part of Indiana on, south, and west of a line beginning at the Illinois-Indiana State line and extending along U. S. Highway 36 to Indianapolis, Ind., and thence along Indiana Highway 37 to the Indiana-Kentucky State line.

No. MC 115824 (Sub No. 3), filed October 21, 1957, LESTER PETERSEN, 410 Malin Street, Wankato, Minn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 115824, dated January 16, 1957.

Soy bean meal, in sacks or in bulk, over irregular route, from Mankato, Minn., to points in South Dakota, and points in Lyon, Osceola, Dickinson, Emmet, Kossuth, Sioux, O'Brien, Sac, Clay, Palo Alto, Plymouth, Cherokee, Buena Vista, Woodbury, and Ida Counties, Iowa.

No. MC 116127 (Sub No. 2), filed October 21, 1957, GEORGE D. CYRUS, INC., Box 327, Iola, Kans. Applicant's attorney: Howard M. Immel, Allen County State Bank Building, Iola, Kans. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 116127, dated November 9, 1956.

Petroleum products in packages or containers, over irregular routes, from refining and producing points in Kansas, to points in that part of Missouri south of U. S. Highway 36, west of U. S. Highway 63, and north of U. S. Highway 60, including points on the indicated portions of the highways specified, and *empty containers* on return.

Petroleum and petroleum products in packages or containers, from refining and producing points in Kansas, and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in that part of Missouri south of U. S. Highway 60 and on and west of U. S. Highway 65; From refining and producing points in Kansas, and points in the Kansas City, Mo.-Kansas City, Kansas., Commercial Zone, as defined by the Commission, to points in that part of Missouri north of U. S. Highway 36 and on and west of U. S. Highway 63; from refining and producing points in Kansas, and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone as defined by the Commission to Ava, Mo., and *empty containers* from the destination points to the respective origin points, specified above for the movement of petroleum and petroleum products in packages or containers.

No. MC 116317 (Sub No. 1), filed October 21, 1957, L. T. SHAFER, 2525 Quivira Drive, P. O. Box 67, Great Bend, Kans. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 116317, dated August 5, 1957.

Brick and *tile*, including ceramic and masonry products, over irregular routes, from Great Bend and Kanopolis, Kans., to points in Cimarron, Texas, and Beaver Counties, Okla., and points in that part of Oklahoma on and north of a line beginning at the Oklahoma-Texas State line and extending along U. S. Highway 66, through Oklahoma City, Okla., to Tulsa, Okla., and thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line; points in that part of Nebraska on and south of a line beginning at the Nebraska-Iowa State line, near Union, Nebr., and extending along U. S. Highway 34 to junction U. S. Highway 281, at or near Grand Island, Nebr., thence along U. S. Highway 281 to junction U. S. Highway 30, and thence along U. S. Highway 30 to the Nebraska-Wyoming State line; points in that part of Missouri on and west of a line beginning at the Missouri-Arkansas State line, near Seligman, Mo., and extending along Missouri Highway 37 to junction U. S. Highway 60, at or near Monett, Mo., thence along U. S. Highway 60 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U. S. Highway 69, at or near Bethany, Mo., and thence along U. S. Highway 69 to the Missouri-Iowa State line; points in that part of Colorado on and east of U. S. Highway 85; and points in that part of Texas on and north of U. S. Highway 66.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10216; Filed, Dec. 11, 1957; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 9, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34341: *Fine coal—Southern and Illinois mines to Georgia points.* Filed by O. W. South, Jr., Agent (SFA No. A3571), for interested rail carriers. Rates on fine coal, carloads, from mines in southern territory, and from Belleville, Ill., and other southern Illinois points to Arkwright, Krannert, McManus, Mitchell and Yates, Ga.

Grounds for relief: Market competition with other coals.

Tariffs: Supplement 39 to Central of Georgia Railway Company tariff I. C. C. 3297 and other schedules listed in the application.

FSA No. 34342: *Fertilizer Solutions—Ontario points to official territory.* Filed by O. E. Schultz, Agent (ER No. 2414), for interested rail carriers. Rates on nitrogen fertilizer or fertilizer ammoniating solution, and phosphatic fertilizer solution, tank-car loads, from Niagara Falls and Port Robinson, Ont., Canada to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 20 to Agent H. R. Hinsch's tariff I. C. C. 4772.

FSA No. 34343: *Lumber and related articles—Southern points to Kentucky points.* Filed by O. W. Smith, Jr., Agent (SFA No. A3572), for interested rail carriers. Rates on lumber and related commodities, carloads from specified points in southern territory to specified points on the Kentucky & Tennessee Railway in Kentucky.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 126 to Agent Spaninger's tariff I. C. C. 1282 and four other schedules.

FSA No. 34344: *Fresh meats and packing house products—Ft. Smith, Ark., to Kansas City, Mo.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7166), for interested rail carriers. Rates on fresh meats and packing house products, straight or mixed carloads from Ft. Smith, Ark., to Kansas City, Mo.

Grounds for relief: Truck competition.

Tariff: Supplement 77 to Agent Kratzmeir's tariff I. C. C. 4036.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10276; Filed, Dec. 11, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ENTERPRISES LEON BALLOT AND POUCH TERMINAL, INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Entreprises Leon Ballot, Paris, France, Claim No. 4597; $1,886.53 in the Treasury of the United States.

Pouch Terminal, Inc., New York, N. Y., Claim No. 1206; $1,337.35 in the Treasury of the United States.

Vesting Order No. 271.

Executed at Washington, D. C., on December 6, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-10287; Filed, Dec. 11, 1957; 8:51 a. m.]

MARTHA JOHANNA BAUMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Martha Johanna Baumann, 13 Effingerstrasse, Berne, Switzerland; $41.25 in the Treasury of the United States; and 5 shares of $100 par value common capital stock of Baltimore and Ohio Railroad Company, evidenced by Certificate No. A-684842, presently in the custody of the Federal Reserve Bank of New York.

Vesting Order No. 17829; Claim No. 61489.

Executed at Washington, D. C., on December 6, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-10288; Filed, Dec. 11, 1957; 8:51 a. m.]

HANS FRITZ STETTLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hans Fritz Stettler, 1 Amthausgasse, Berne, Switzerland; $581.41 in the Treasury of the United States.

Vesting Order No. 17906; Claim No. 63191.

Executed at Washington, D. C., on December 6, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-10289; Filed, Dec. 11, 1957; 8:51 a. m.]

[Vesting Order 8727, Amdt.]

AMBI VERWALTUNG K. G. AUF AKTIEN ET AL.

In re: Interest of Ambi Verwaltung K. G. auf Aktien in agreements of Edward G. Budd Manufacturing Company of Philadelphia, Pa., and others.

Vesting Order 8727, executed April 16, 1947, is hereby amended as follows and not otherwise: By deleting the words "Ambi-Budd Verwaltung K. G. auf Aktien" wherever they appear in said Vesting Order, and substituting therefor the words "Ambi Verwaltung K. G. auf Aktien."

Executed at Washington, D. C., on December 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-10290; Filed, Dec. 11, 1957; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 241

Washington, Friday, December 13, 1957

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10743

SALE OF VESSELS OF THE NAVY

By virtue of the authority vested in me by section 7305 of title 10 of the United States Code, it is hereby ordered as follows:

1. Vessels of the Navy stricken from the Naval Vessel Register pursuant to section 7304 of title 10 of the United States Code, and not subject to disposition under any other law, may be sold at public sale to the highest acceptable bidder, pursuant to section 7305 of title 10 of the United States Code, regardless of their appraised value, after being advertised for sale for a period of not less than thirty days and without requiring that each bid be accompanied by a payment bond.

2. This order supersedes Executive Order No. 9986 of August 16, 1948, entitled "Sale of Vessels of the Navy".

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 10, 1957.

[F. R. Doc. 57-10371; Filed, Dec. 11, 1957; 4:38 p. m.]

EXECUTIVE ORDER 10744

EXCUSING FEDERAL EMPLOYEES FROM DUTY FOR ONE-HALF DAY ON DECEMBER 24, AND ONE-HALF DAY ON DECEMBER 31, 1957

By virtue of the authority vested in me as President of the United States, it is hereby ordered that employees of the several executive departments, independent establishments, and other governmental agencies, including the General Accounting Office, the Government Printing Office, and the field services of the respective departments, establishments, and agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty for one-half day on Tuesday, December 24, 1957, the day preceding Christmas Day, and for one-half day on Tuesday, December 31, 1957, the day preceding New Year's Day; and each such one-half day shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

This order shall not be construed as excusing from duty those employees of the Department of State, the Department of Defense, or other departments, establishments, or agencies who for national security or other public reasons should, in the judgment of the respective heads thereof, be at their posts of duty.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 10, 1957.

[F. R. Doc. 57-10370; Filed, Dec. 11, 1957; 4:38 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

SPECIAL INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order specifically to recognize that the maximum interest rate payable on Federal land bank loans made through national farm loan associations is 6 percent per annum, § 10.42 of Title 6 of the Code of Federal Regulations is amended by substituting for the word "Approval" therein the following words: "Subject to the maximum interest rate of 6 percent per annum prescribed by law, approval".

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 57-10322; Filed, Dec. 12, 1957; 8:46 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 206—FISHING AND HUNTING REGULATIONS

SAN FRANCISCO BAY AND TRIBUTARIES, CALIFORNIA

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403), § 206.85 (a) governing the use of fishing nets in San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River, Sacramento River, and their navigable tributaries and connecting waterways, California, is amended by revoking certain subparagraphs and making minor changes in other subparagraphs, as follows:

§ 206.85 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River, Sacramento River, and their navigable tributaries and connecting waterways, Calif.; floating or drifting fish nets.* (a) Fishing with nets is prohibited:

(1) [Revoked.]

* * * * * *

(3) * * * (described in § 202.224 of this chapter).

* * * * * *

(5) In San Francisco Bay north of a line from the water tank at the Pacific Gas and Electric Company plant north of Hunter Point to the south jetty light, Oakland Inner Harbor.

* * * * * *

(7) * * * between Point San Pedro and Bell Echo Board No. 2 marking the dredged channel to the mouth of Petaluma Creek, * * *.

(8) * * * from the Sears Point Highway Bridge.

(9) In any of the tidal waters lying upstream from Carquinez Bridge.

(10) [Revoked.]

(11) [Revoked.]

(12) [Revoked.]

(13) [Revoked.]

[Regs., Nov. 29, 1957, 800.217 (San Francisco Bay, Calif.)—ENGWO] (Sec. 10, 30 Stat. 1151; 33 U. S. C. 403)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-10243; Filed, Dec. 12, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1958 CROP OF EXTRA LONG STAPLE COTTON

COUNTY ALLOTMENT, ALLOCATIONS FROM STATE RESERVE, AND RELATED DATA

Basis and purpose. The purpose of this amendment is to establish county allotments showing components thereof (computed county allotment, adjustments from State reserve for trends, and abnormal conditions); allocations to counties from State reserve for small farms, and to correct inequities and prevent hardships; to establish the remainder of State reserve which is available for allocation to counties for new farms, late and reconstituted farms, and correction of errors; to designate whether counties use the historical or cropland basis for establishing farm allotments; and to designate counties which use the 50 percent of cropland limitation. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.). Notice of the proposed establishment of such allotments, reserves and related data was published in the FEDERAL REGISTER of July 27, 1957 (22 F. R. 5966) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views, and recommendations which were submitted have been duly considered.

Farmers engaged in the production of ELS cotton in 1957 will determine in a referendum to be held on December 10, 1957, whether marketing quotas will be in effect for the 1958 crop of ELS cotton. In order that farm allotments may be established as early as possible and notices of individual farm allotments may be mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1516 (h) of the Regulations Pertaining to Acreage Allotments for the 1958 Crop of Extra Long Staple Cotton (22 F. R. 8279) is amended to read as follows:

(h) *County allotments, allocations from State reserve, and related data.* There are set forth below the county allotments showing components thereof (computed county allotments, adjustments from State reserve for trends, and abnormal conditions); allocations to counties from State reserve for small farms, and to correct inequities and prevent hardships; and the remainder of State reserve which is available for allocation to counties for new farms, late and reconstituted farms, and correction of errors. All counties are designated as using the historical basis for establishing farm allotments as provided in § 722.1517 (d). Counties using the 50 percent of cropland limitation are so designated by footnote 1 following the name of the county.

ARIZONA

[Acres]

County	Computed county allotment	Adjustment from State reserve for—		County allotment, sum of columns (1), (2), (3), and (4)	Allocations from State reserve for—	
		Trends	Abnormal conditions		Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)	(6)
Cochise	165	1	0	166	0	0
Graham [1]	9,957	63	0	10,020	0	0
Maricopa [1]	14,261	355	0	14,616	0	0
Pima	2,553	184	0	2,737	0	0
Pinal	7,097	44	0	7,141	0	0
Santa Cruz	18	0	0	18	0	0
Yuma	298	54	0	352	0	0
a. State total	34,349	701	0	35,050	0	0
b. State reserve for new farms, late and reconstituted farms, and correction of errors						
c. Total allotment available for distribution in State (sum of columns (4), (5), (6), and item b)						35,050

CALIFORNIA

Imperial	98	0	0	98	5	0
Riverside	475	0	0	475	25	0
a. State total	575	0	0	573	30	0
b. State reserve for new farms, late and reconstituted farms, and correction of errors						0
c. Total allotment available for distribution in State (sum of columns (4), (5), (6), and item b)						603

FLORIDA

Alachua	88	15	0	103	9.0	0
Bradford	8	13	0	21	0	0
Columbia	6	0	0	6	0	0
Hamilton	4	0	0	4	0	0
Jefferson	1	0	0	1	0	0
Lake	189	0	0	189	2.0	0
Madison	66	4	0	70	0.8	0
Marion	300	0	0	300	3.2	0
Orange	27	0	0	27	0	0
Putnam	12	0	0	12	0	0
Seminole	51	0	0	51	0	0
Sumter	79	4	0	83	3.2	0
Suwannee	4	0	0	4	0	0
Union	56	11	0	67	7.8	0
Volusia	27	4	0	31	0	0
a. State total	918	51	0	969	26.0	0
b. State reserve for new farms, late and reconstituted farms, and correction of errors						25
c. Total allotment available for distribution in State (sum of columns (4), (5), (6), and item b)						1,020

[1] Counties which use the 50 percent of cropland limitation.

GEORGIA

[Acres]

County	Computed county allotment (1)	Adjustment from State reserve for—Trends (2)	Adjustment from State reserve for—Abnormal conditions (3)	County allotment, sum of columns (1), (2), (3), and (4)	Allocations from State reserve for—Small farms (5)	Allocations from State reserve for—Inequity and hardship cases (6)
Berrien	88.3	0	0	88.3	0	0
Cook	28.3	0	0	28.3	0	0
Lanier	1.2	0	0	1.2	0	3.1
a. State total	117.8	0	0	117.8	0	3.1
b. State reserve for new farms, late and reconstituted farms, and correction of errors						3.1
c. Total allotment available for distribution in State (sum of columns (4), (5), (6), and item b)						124.0

NEW MEXICO

Dona Ana [1]	15,615	0	0	15,615	90	147
Eddy [1]	74	0	0	74	0	23
Luna [1]	29	0	0	29	0	8
Otero [1]	12	0	0	12	0	10
Sierra	140	0	0	140	0	26
a. State total	15,870	0	0	15,870	90	214
b. State reserve for new farms, late and reconstituted farms, and correction of errors						20
c. Total allotment available for distribution in State (sum of columns (4), (5), (6), and item b)						16,194

TEXAS

Brewster	24	0	0	24	0	23
Culberson	111	0	0	111	0	55
El Paso [1]	19,573	0	0	19,573	0	740
Hudspeth	2,451	0	0	2,451	0	0
Jeff Davis	7	0	0	7	0	6
Loving	6	0	0	6	0	5
Pecos	377	0	0	377	0	25
Presidio	75	0	0	75	0	0
Reeves	3,293	0	0	3,293	0	505
Ward	383	0	129	512	0	35
a. State total	26,300	0	129	26,429	0	1,394
b. State reserve for new farms, late and reconstituted farms, and correction of errors						6
c. Total allotment available for distribution in State (sum of columns (4), (5), (6), and item b)						27,829

PUERTO RICO

North	1,864	0	0	1,864	193.1	0.4
South	355	0	0	355	38.3	.1
a. State total	2,219	0	0	2,219	231.4	.5
b. State reserve for new farms, late and reconstituted farms, and correction of errors						15.1
c. Total allotment available for distribution in State (sum of columns (4), (5), (6), and item b)						2,466.0

[1] Counties which use the 50 percent of cropland limitation.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 344, 347, 377, 52 Stat. 38, as amended; 7 U. S. C. 1344, 1347, 1377; secs. 106 (a), 112 (2), 70 Stat. 191, 195; 7 U. S. C. 1824 (a), 1836)

Done at Washington, D. C., this 27th day of November 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10004; Filed, Nov. 29, 1957; 12:30 p. m.]

[Amdt. 2]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1958 CROP OF UPLAND COTTON

COUNTY ALLOTMENT, ALLOCATIONS FROM NATIONAL AND STATE RESERVES, AND RELATED DATA

Basis and purpose. The purpose of this amendment is to establish county allotments showing components thereof (computed county allotment, allocation from national reserve, adjustments from State reserve for trends, abnormal conditions, and minimum farm allotments); allocations to counties from State reserve for small farms, late and reconstituted farms, and correction of errors; to designate whether counties use the historical or cropland basis for establishing from allotments; and to designate counties which use the 50 percent of cropland limitation. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.). Notice of the proposed establishment of such allotments, reserves and related data was published in the FEDERAL REGISTER of August 10, 1957 (22 F. R. 6431) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views, and recommendations which were submitted have been duly considered.

Farmers engaged in the production of upland cotton in 1957 will determine in a referendum to be held on December 10, 1957, whether marketing quotas will be in effect for the 1958 crop of upland cotton. In order that farm allotments may be established as early as possible and notices of individual farm allotments may be mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.916 (i) of the Regulations Pertaining to Acreage Allotments for the 1958 Crop of Upland Cotton (22 F. R. 8137, 8278) is amended to read as follows:

(i) *County allotments, allocations from the national and State reserves, and related data.* There are set forth below the county allotments showing components thereof (computed county allotments, allocations from national reserve, adjustments from State reserve for trends, abnormal conditions, and minimum farm allotments); allocations to counties from State reserve for small farms, and to correct inequities and prevent hardships; and the remainder of State reserve which is available for allocation to counties for new farms, late and reconstituted farms, and correction of errors. Counties using the 50 percent of cropland limitation are so designated by footnote 1 following the name of the county. Counties using the cropland basis for establishing farm allotments as provided in § 722.917 (c) are so designated by footnote 2 following the name of the county. All counties not so designated by footnote 2 are designated as using the historical basis for establishing farm allotments as provided in § 722.917 (d). The allocation of the national reserve as apportioned among the States in § 722.915 (b) is made to counties on the basis of each county's estimated need for additional acreage for establishing minimum farm allotments as provided in section 344 (f) (1) of the act.

ALABAMA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for—Trends (3)	Adjustment from State reserve for—Abnormal conditions (4)	Adjustment from State reserve for—Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for—Small farms (7)	Allocations from State reserve for—Inequity and hardship cases (8)
Russell	10,445	48.1	0	0	48.0	10,541.1	89	76
St. Clair	4,998	284.2	0	0	284.6	5,566.8	147	471
Shelby	6,026	73.0	0	0	74.1	6,174.0	79	42
Sumter	14,201	65.8	0	0	65.9	14,332.7	146	0
Talladega	12,408	196.2	0	0	196.5	12,740.7	220	208
Tallapoosa	6,708	134.7	0	0	134.9	6,977.6	125	454
Tuscaloosa	15,925	271.5	0	0	272.0	16,468.5	235	640
Walker	5,978	654.2	0	0	655.2	7,287.4	262	984
Washington	2,387	193.3	0	0	193.7	2,774.0	96	153
Wilcox	11,537	691.1	0	0	99.3	11,675.4	161	64
Winston	6,520	296.3	0	0	296.7	7,113.0	214	636
a. State total	976,313	13,146.0	0	0	13,166.3	1,002,625.3	16,000	16,738
b. State reserve for new farms, late and reconstituted farms and correction of errors								99.7
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								1,035,463.0

ARIZONA

Cochise	15,446	34.8	35.4	0	34.8	15,551	0	0
Gila	4	0	0	0	0	4	0	0
Graham [1]	8,932	15.0	0	101.0	15.0	9,063	0	0
Greenlee	1,822	2.6	5.8	0	2.6	1,833	0	0
Maricopa [1]	134,635	113.0	466.1	0	112.9	135,327	0	0
Mohave	341	0	1.0	0	0	305	0	0
Pima	24,940	1.8	102.3	0	1.9	25,046	0	0
Pinal	143,182	6.4	506.9	0	6.5	143,756	0	0
Santa Cruz	1,995	0	0	138.2	.4	2,100	0	0
Yavapai	12	0	0	0	0	12	0	0
Yuma	34,296	31.8	115.3	0	31.9	34,475	0	0
a. State total	365,529	296.0	1,316.8	214.2	206.0	367,472	0	0
b. State reserve for new farms, late and reconstituted farms and correction of errors								100
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								367,572

ARKANSAS

Arkansas	10,270	63.3	0	0	63.3	10,405.6	0	0
Ashley	25,480	62.2	0	0	62.3	25,613.5	0	0
Baxter	366	12.1	0	0	12.1	80.2	0	2.5
Benton	1	1.0	0	0	1.1	3.1	0	0
Boone	15	2.5	0	0	2.6	20.1	0	1.9
Bradley	6,023	137.7	0	0	137.8	6,298.5	0	0
Calhoun	4,137	60.3	0	0	60.4	4,258.7	0	16.5
Chicot	30,474	52.1	0	0	52.2	30,578.3	0	0
Clark	3,978	104.3	0	0	104.5	4,186.8	0	533.7
Clay	30,926	118.7	0	0	118.9	40,163.6	0	0
Cleburne	3,331	212.6	0	0	212.8	3,756.4	0	144.9
Cleveland	4,800	163.1	0	0	163.4	5,126.5	0	29.3
Columbia	13,579	256.0	0	0	256.4	14,091.4	0	178.7
Conway	6,718	160.2	0	0	160.3	7,069.8	0	7.3
Craighead	82,502	106.7	0	0	106.9	88,075.6	0	0
Crawford	2,960	18.2	0	0	17.6	3,015.1	0	81.0
Crittenden	1,747	1.7	0	0	1.7	1,751.4	0	0
Cross	38,073	49.9	0	0	50.0	38,172.9	0	0
Dallas	2,173	86.7	0	0	86.9	2,346.6	0	160.1
Desha	43,640	31.1	0	0	31.1	43,711.2	0	0
Drew	14,444	135.7	0	0	135.9	14,715.6	0	0
Faulkner	12,612	302.4	0	0	302.8	13,217.2	0	587.7
Franklin	497	16.6	0	0	16.7	580.3	0	21.9
Fulton	1	1.0	0	0	121.5	981.9	0	38.2
Garland	12	2.2	0	0	2.3	16.5	0	0
Grant	846	96.3	0	0	96.5	1,086.8	0	40.2
Greene	38,780	115.8	0	0	116.0	39,000.8	0	0
Hempstead	10,185	153.2	0	0	153.1	10,363.6	0	268.1

Antanga	9,111	114.6	0	0	114.7	9,340.3	126	0
Baldwin	2,677	169.3	0	0	169.5	3,015.8	101	0
Barbour	14,280	122.8	0	0	123.0	14,525.8	109	0
Bibb	3,731	54.5	0	0	54.6	3,840.1	75	0
Blount	16,511	464.0	0	0	464.7	17,439.7	447	32
Bullock	9,117	50.7	0	0	50.5	9,218.2	89	0
Butler	9,156	290.5	0	0	290.9	9,557.4	217	168
Calhoun	6,795	250.5	0	0	251.0	6,576.5	125	525
Chambers	21,517	101.8	0	0	102.1	9,535.0	214	0
Cherokee	9,185	462.3	0	0	463.0	21,198.7	221	70
Chilton	6,192	296.9	0	0	297.3	10,726.3	225	370
Choctaw	5,322	449.7	0	0	450.5	6,222.2	219	0
Clay	3,853	389.9	0	0	390.5	4,553.4	157	0
Cleburne	2,652	296.1	0	0	296.4	3,054.5	88	0
Colbert	22,059	76.7	0	0	76.8	22,212.5	245	0
Coneruh	12,070	161.4	0	0	161.6	12,393.0	294	0
Coosa	1,546	173.1	0	0	173.4	1,892.5	70	0
Covington	11,963	373.0	0	0	373.5	12,709.8	318	0
Crenshaw	11,295	115.0	0	0	115.2	11,559.2	149	0
Cullman	8,485	114.3	0	0	114.5	8,713.8	176	0
Dale	27,062	101.1	0	0	101.4	7,293.3	295	0
Dallas	30,732	540.6	0	0	541.4	31,814.0	753	0
Elmore	14,590	165.0	0	0	165.2	14,920.2	189	0
Escambia	10,406	221.7	0	0	222.0	10,849.7	189	0
Etowah	10,885	461.3	0	0	462.0	11,808.3	308	0
Fayette	8,213	423.9	0	0	424.5	9,061.4	252	0
Franklin	12,841	196.2	0	0	196.5	13,253.7	208	0
Geneva	20,011	70.8	0	0	70.9	20,770.7	208	0
Hale	13,143	51.2	0	0	51.2	13,245.4	116	0
Henry	15,891	126.3	0	0	126.5	15,843.8	170	0
Houston	27,118	64.4	0	0	64.5	15,904.7	143	0
Jackson	24,014	246.7	0	0	247.1	27,225.8	329	0
Jefferson	3,245	226.9	0	0	227.3	3,699.2	547	0
Lamar	10,170	333.4	0	0	334.0	10,840.4	107	60
Lauderdale	27,376	153.0	0	0	153.3	27,682.3	455	0
Lawrence	37,694	259.9	0	0	260.4	38,514.3	359	0
Lee	9,499	96.1	0	0	96.1	9,691.2	111	0
Limestone	51,805	87.2	0	0	87.3	51,979.5	361	0
Lowndes	10,702	72.2	0	0	72.3	10,716.5	192	0
Macon	15,660	96.6	0	0	96.8	15,792.4	178	0
Madison	60,288	49.1	0	0	49.1	60,384.2	370	0
Marengo	16,186	203.9	0	0	204.3	16,594.4	339	0
Marion	12,243	310.5	0	0	310.9	12,964.2	249	0
Marshall	28,845	180.7	0	0	180.9	29,206.6	667	0
Mobile	3,252	188.9	0	0	189.1	3,580.0	101	0
Monroe	18,110	202.2	0	0	202.6	18,514.8	245	0
Montgomery	10,533	83.6	0	0	83.8	10,700.4	132	0
Morgan [1]	27,829	203.7	0	0	204.1	28,236.8	497	0
Perry	10,015	170.0	0	0	170.3	11,255.3	147	0
Pickens	14,196	220.7	0	0	221.1	14,517.8	231	0
Pike	9,626	393.5	0	0	394.1	10,413.6	167	0
Randolph							308	

[1] Counties which use the 50 percent of cropland limitation.

ARKANSAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Hot Spring	444	64.3	0	0	64.4	572.7	0	69.3
Howard	2,170	84.8	0	0	85.0	2,339.8	0	438.5
Independence	5,920	110.4	0	0	110.6	6,141.0	0	356.8
Izard	1,970	203.8	0	0	204.0	2,377.8	0	303.8
Jackson	43,372	37.9	0	0	38.0	43,447.9	0	0
Jefferson	67,827	53.8	0	0	53.9	67,934.7	0	0
Johnson	901	23.3	0	0	23.3	947.6	0	0
Lafayette	14,864	39.4	0	0	39.5	14,942.9	0	0
Lawrence	20,312	55.0	0	0	55.0	20,422.0	0	0
Lee	60,066	24.7	0	0	24.7	60,115.4	0	0
Lincoln	34,038	47.1	0	0	47.2	34,132.3	0	0
Little River	5,502	26.4	0	0	26.4	5,554.8	0	138.5
Logan	1,505	74.4	0	0	74.4	1,653.8	0	36.3
Lonoke	52,017	113.4	0	0	113.6	52,244.0	0	0
Marion	49	7.4	0	0	7.5	63.9	0	.1
Miller	10,763	70.5	0	0	70.5	10,904.0	0	647.0
Mississippi	185,288	21.5	0	0	21.6	185,331.1	0	0
Monroe	39,595	55.4	0	0	55.4	39,705.8	0	0
Montgomery	58	21.7	0	0	21.7	101.4	0	2.6
Nevada	4,453	137.9	0	0	138.1	4,729.0	0	758.5
Newton	41	6.9	0	0	6.9	54.8	0	0
Ouachita	2,518	127.9	0	0	128.1	2,774.0	0	271.5
Perry	929	65.5	0	0	65.5	1,060.0	0	115.1
Phillips	81,820	47.6	0	0	47.6	81,915.2	0	0
Pike	379	20.3	0	0	20.3	419.6	0	69.5
Poinsett	84,897	27.7	0	0	27.7	84,952.4	0	0
Polk	30	7.9	0	0	7.9	45.8	0	10.4
Pope	2,652	95.1	0	0	95.3	2,842.4	0	168.1
Prairie	10,502	78.1	0	0	78.3	10,718.4	0	0
Pulaski [1]	16,729	88.4	0	0	88.5	16,905.9	0	0
Randolph	9,445	137.6	0	0	137.7	9,420.3	0	0
St. Francis	66,384	50.0	0	0	50.0	66,484.0	0	0
Saline	104	23.8	0	0	23.9	151.7	0	0
Scott	194	23.7	0	0	23.8	241.5	0	19.5
Searcy	148	21.4	0	0	21.5	190.9	0	12.1
Sebastian	287	21.5	0	0	21.5	330.0	0	82.1
Sevier	623	63.7	0	0	63.7	750.4	0	126.3
Sharp	2,358	129.1	0	0	129.2	2,616.3	0	324.8
Stone	164	23.4	0	0	23.5	210.9	0	8.1
Union	2,643	164.5	0	0	164.7	2,972.2	0	277.8
Van Buren	942	160.3	0	0	160.5	1,262.8	0	49.7
Washington	0	2.0	0	0	2.0	4.0	0	0
White	23,276	329.5	0	0	329.9	23,925.4	0	0
Woodruff	37,671	46.6	0	0	46.7	37,764.3	0	0
Yell	6,505	51.1	0	0	51.1	6,607.2	0	0
a. State total	1,393,789	5,786.0	0	0	5,794.0	1,405,369.0	0	6,410.4
b. State reserve for new farms, late and reconstituted farms and correction of errors								204.6
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								1,411,984.0

CALIFORNIA

Fresno	185,178	124.9	0	0	125.1	185,428.0	3,018	18,364
Imperial	52,115	23.4	0	0	23.5	52,161.9	221	0
Kern	170,653	55.0	0	0	55.1	170,763.1	650	16,614
Kings	90,409	53.2	0	0	53.3	90,515.5	767	10,418
Los Angeles	190	0	0	0	0	190.0	0	22
Madera [1]	43,269	25.2	0	0	25.2	43,319.4	967	6,417
Merced	27,182	8.5	0	0	8.6	27,199.1	242	4,323
Riverside	20,429	32.7	0	0	32.7	20,494.4	161	750
San Benito	189	0	0	0	0	189.0	0	39
San Bernardino	590	.6	0	0	.6	591.2	0	13
San Diego	325	.5	0	0	.6	326.1	0	0
San Luis Obispo	28	0	0	0	0	28.0	0	18
Stanislaus	71	.9	0	0	.9	72.8	0	61

[1] Counties which use the 50 percent of cropland limitation.

CALIFORNIA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Tehama	42	0	0	0	0	42.0	0	13
Tulare [1]	140,147	143.1	0	0	143.0	140,433.1	2,094	15,511
a. State total	730,817	468.0	0	0	468.6	731,753.6	8,120	72,563
b. State reserve for new farms, late and reconstituted farms and correction of errors								50.4
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								812,487.0

FLORIDA

Alachua	151	8.0	0	0	7.2	166.2	6.6	3
Baker	4	1.0	1	0	.9	6.9	.5	0
Bay	56	2.2	0	0	1.9	60.1	3.8	3
Calhoun	740	20.8	0	0	18.6	779.4	43.5	10
Clay	3	2.7	3	0	2.4	11.1	.5	0
Columbia	250	42.9	2	0	38.3	333.2	5.2	5
Dixie	5	0	0	0	0	5.0	.5	0
Duval	1	1.3	1	0	1.1	4.4	0	0
Escambia	1,446	83.6	18	0	74.6	1,622.2	104.0	20
Gadsden	246	15.6	0	0	13.9	275.5	10.4	5
Gilchrist	2	1.7	1	0	1.5	6.2	0	0
Hamilton	1,178	60.6	10	0	54.1	1,302.7	57.2	18
Holmes	4,878	131.7	28	0	117.6	5,155.3	293.2	29
Jackson	7,766	212.1	0	0	189.3	8,167.4	393.0	40
Jefferson	1,398	49.4	15	0	44.1	1,506.5	77.6	20
Lafayette	216	44.6	1	0	39.8	301.4	10.9	7
Leon	904	44.5	24	0	39.7	1,102.2	39.3	25
Levy	6	.5	0	0	.5	7.0	.5	0
Liberty	13	.2	0	0	.2	13.4	.5	0
Madison	2,808	149.4	16	0	133.4	3,106.8	140.5	40
Nassau	4	1.7	1	0	1.5	8.2	0	0
Okaloosa	1,470	63.9	43	0	57.0	1,633.9	105.9	25
Orange	6	0	0	0	0	6.0	0	0
Santa Rosa	6,226	66.1	0	0	59.0	6,351.1	344.3	22
Suwannee	578	100.9	5	0	90.1	774.0	23.2	15
Taylor	26	5.1	0	0	4.6	35.7	.9	0
Union	13	5.4	1	0	4.8	24.2	0	0
Walton	2,285	92.5	16	0	82.5	2,476.0	166.9	25
Washington	896	48.6	1	0	43.4	989.0	41.1	12
a. State total	33,665	1,257.0	187	0	1,122.0	36,231.0	1,870.0	324
b. State reserve for new farms, late and reconstituted farms and correction of errors								237
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								38,662

GEORGIA

Appling	4,227	181.0	0	0	181.3	4,589.3	229	32
Atkinson	869	80.7	0	0	80.8	1,030.5	66	7
Bacon	2,119	178.9	0	0	179.1	2,477.0	136	15
Baker	3,373	21.7	0	0	21.7	3,416.4	77	38
Baldwin	2,474	32.3	0	0	32.4	2,538.7	74	27
Banks	3,136	91.0	0	0	91.2	3,318.2	158	27
Barrow	5,529	93.0	0	0	93.2	5,715.2	156	65
Bartow	16,866	39.5	0	0	39.5	16,945.0	178	239
Ben Hill	5,056	32.2	0	0	32.3	5,120.5	102	71
Berrien	3,269	183.0	0	0	183.4	3,635.4	180	33
Bibb	1,191	32.1	0	0	32.1	1,255.2	28	18
Bleckley	6,627	24.8	0	0	24.9	6,676.7	103	98
Brantley	38	7.3	0	0	7.4	52.7	7	0
Brooks	9,028	115.6	0	0	115.7	9,259.3	295	93
Bryan	195	18.7	0	0	18.8	232.5	17	1
Bulloch	14,498	95.1	0	0	95.2	11,688.3	321	194
Burke	35,137	27.4	0	0	27.4	35,191.8	166	488
Butts	4,360	37.6	0	0	37.7	4,435.3	73	59

GEORGIA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Calhoun	5,523	15.6	0	0	15.6	5,554.2	59	85
Camden	2	0	0	0	0	2.0	0	0
Candler	6,555	19.6	0	0	19.6	6,594.2	101	95
Carroll	9,893	220.8	0	0	221.2	10,335.0	398	74
Catoosa	1,232	87.9	0	0	88.0	1,407.9	83	9
Charlton	7	6.7	0	0	6.7	20.4	1	2
Chatham	45	3.4	0	0	3.4	51.8	3	0
Chattahoochee	145	6.0	0	0	6.1	157.1	0	1
Chattooga	4,524	56.7	0	0	56.8	4,637.5	150	45
Cherokee	738	79.4	0	0	79.5	896.9	54	6
Clarke	1,831	45.9	0	0	46.0	1,922.9	75	19
Clay	3,636	12.1	0	0	12.1	3,660.2	57	45
Clayton	1,064	24.7	0	0	24.7	1,113.4	43	12
Clinch	110	31.3	0	0	31.3	172.6	18	1
Cobb	960	96.7	0	0	96.9	1,153.6	59	8
Coffee	6,976	162.0	0	0	162.3	7,300.3	257	84
Colquitt	20,849	47.5	0	0	47.6	20,944.1	333	276
Columbia	1,850	54.1	0	0	54.1	1,958.2	75	19
Cook	3,869	122.4	0	0	122.6	4,054.0	160	40
Coweta	7,437	95.6	0	0	95.7	7,628.3	159	106
Crawford	1,748	38.8	0	0	38.9	1,825.7	55	20
Crisp	9,288	27.5	0	0	27.5	9,343.0	108	127
Dade	306	70.5	0	0	70.6	447.1	37	6
Dawson	141	27.1	0	0	27.1	195.2	14	1
Decatur	4,226	90.8	0	0	90.9	4,407.7	158	56
De Kalb	514	47.3	0	0	47.3	608.6	31	4
Dodge	13,083	60.2	0	0	60.3	13,203.5	299	177
Dooly	18,833	28.7	0	0	28.7	18,890.4	145	292
Dougherty	1,962	18.9	0	0	18.9	1,999.8	34	30
Douglas	1,072	48.9	0	0	49.0	1,169.9	56	10
Early	13,815	14.5	0	0	14.5	13,844.0	213	179
Echols	34	13.0	0	0	13.0	60.0	6	0
Effingham	1,427	90.2	0	0	90.3	1,625.5	78	15
Elbert	8,629	128.6	0	0	128.9	8,886.5	258	113
Emanuel	16,582	63.6	0	0	63.8	16,709.4	235	243
Evans	2,510	49.6	0	0	49.7	2,609.3	86	29
Fayette	4,527	51.5	0	0	51.5	4,630.0	107	53
Floyd	6,974	119.8	0	0	120.0	7,213.8	158	80
Forsyth	1,889	176.1	0	0	176.3	2,241.4	128	19
Franklin	7,343	177.6	0	0	177.8	7,698.4	307	71
Fulton	2,026	120.5	0	0	120.6	2,267.1	97	18
Gilmer	5	2	0	0	.3	5.5	0	0
Glascock	4,783	11.9	0	0	12.0	4,806.9	64	59
Gordon	10,048	150.3	0	0	150.6	10,348.9	272	107
Grady	3,552	213.9	0	0	214.3	3,980.2	187	35
Greene	2,935	72.6	0	0	72.8	3,080.4	105	38
Gwinnett	3,912	168.1	0	0	168.3	4,248.4	177	40
Habersham	365	66.1	0	0	66.3	497.4	37	2
Hall	2,088	150.3	0	0	150.5	2,388.8	108	22
Hancock	8,746	44.3	0	0	44.3	8,834.6	164	109
Haralson	2,566	130.3	0	0	130.5	2,826.8	150	22
Harris	1,627	57.8	0	0	57.8	1,742.6	70	20
Hart	11,038	157.9	0	0	158.1	11,354.0	328	129
Heard	2,675	98.3	0	0	98.5	2,871.8	113	17
Henry	11,253	61.6	0	0	61.8	11,376.4	184	151
Houston	5,152	36.7	0	0	36.7	5,225.4	84	81
Irwin	9,805	18.8	0	0	18.9	9,842.7	170	122
Jackson	9,243	133.6	0	0	133.8	9,510.4	262	107
Jasper	4,208	23.3	0	0	23.3	4,254.6	55	54
Jeff Davis	2,157	149.5	0	0	149.8	2,456.3	127	26
Jefferson	19,441	63.4	0	0	63.5	19,567.9	170	267
Jenkins	11,543	9.4	0	0	9.4	11,561.8	108	164
Johnson	15,673	23.1	0	0	23.2	15,719.3	124	223
Jones	508	25.9	0	0	25.9	559.8	28	4
Lamar	2,404	45.7	0	0	45.7	2,495.4	80	25
Lanier	559	79.4	0	0	79.5	717.9	51	4
Laurens	28,463	63.8	0	0	64.0	28,590.8	338	416

GEORGIA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Lee	3,601	23.6	0	0	23.7	3,648.3	69	46
Liberty	116	21.9	0	0	22.0	159.9	17	1
Lincoln	2,220	47.3	0	0	47.4	2,314.7	77	17
Long	508	34.4	0	0	34.4	576.8	39	3
Lowndes	3,120	185.9	0	0	186.1	3,492.0	187	28
Lumpkin	55	15.6	0	0	15.6	86.2	7	0
McDuffie	6,260	28.5	0	0	28.6	6,317.1	86	88
McIntosh	3	1.9	0	0	2.0	6.9	1	0
Macon	11,562	12.6	0	0	12.7	11,587.3	89	173
Madison	9,903	122.1	0	0	122.3	10,147.4	326	107
Marion	3,794	49.0	0	0	49.0	3,892.0	72	46
Meriwether	11,595	45.8	0	0	45.9	11,686.7	170	159
Miller	6,045	38.8	0	0	38.9	6,122.7	139	70
Mitchell	12,260	45.4	0	0	45.5	12,350.9	214	159
Monroe	1,445	41.7	0	0	41.7	1,528.4	50	14
Montgomery	3,903	34.4	0	0	34.5	3,971.9	109	44
Morgan	13,937	32.8	0	0	32.9	14,002.7	105	211
Murray	3,660	83.8	0	0	83.9	3,827.7	136	44
Muscogee	171	15.2	0	0	15.2	201.4	10	1
Newton	7,560	72.1	0	0	72.3	7,704.4	126	100
Oconee	7,908	39.9	0	0	40.0	7,987.9	124	105
Oglethorpe	7,242	46.8	0	0	46.9	7,335.7	212	76
Paulding	2,625	86.5	0	0	86.7	2,798.2	121	26
Peach	2,279	15.3	0	0	15.3	2,309.6	37	30
Pickens	408	58.8	0	0	58.8	525.6	30	4
Pierce	2,111	147.2	0	0	147.4	2,405.6	138	20
Pike	6,138	34.9	0	0	35.0	6,207.9	93	76
Polk	5,907	93.2	0	0	93.4	6,093.6	194	69
Pulaski	8,629	17.8	0	0	17.8	8,664.6	89	121
Putnam	1,600	33.1	0	0	33.1	1,666.2	48	20
Quitman	1,621	5.4	0	0	5.4	1,631.8	26	23
Randolph	5,696	30.3	0	0	30.4	5,756.7	91	74
Richmond	2,307	25.3	0	0	25.4	2,357.7	41	38
Rockdale	3,134	49.6	0	0	49.7	3,233.3	81	35
Schley	3,804	8.4	0	0	8.4	3,820.8	41	60
Screven	16,236	38.3	0	0	38.3	16,312.6	196	239
Seminole	4,679	20.6	0	0	20.7	4,720.3	115	49
Spalding	2,419	27.5	0	0	27.6	2,474.1	56	32
Stephens	851	87.6	0	0	87.8	1,026.4	65	6
Stewart	2,982	23.0	0	0	23.0	3,028.0	71	29
Sumter	10,418	32.4	0	0	32.4	10,482.8	129	152
Talbot	1,331	80.1	0	0	80.2	1,491.3	75	13
Taliaferro	1,640	25.7	0	0	25.7	1,691.4	16	16
Tattnall	5,084	137.3	0	0	137.6	5,358.9	213	49
Taylor	6,997	33.4	0	0	33.4	7,063.8	84	102
Telfair	4,634	96.3	0	0	96.5	4,826.8	166	55
Terrell	12,151	13.1	0	0	13.1	12,177.2	92	162
Thomas	5,723	145.0	0	0	145.3	6,013.3	189	65
Tift	6,894	55.5	0	0	55.5	7,005.0	172	85
Toombs	7,491	94.5	0	0	94.6	7,680.1	186	95
Treutlen	3,284	19.5	0	0	19.5	3,323.0	78	43
Troup	1,745	93.8	0	0	93.9	1,932.7	80	17
Turner	8,098	16.1	0	0	16.2	8,130.3	118	106
Twiggs	3,358	60.0	0	0	60.2	3,478.2	94	47
Upson	1,201	71.6	0	0	71.7	1,344.3	57	13
Walker	2,509	199.7	0	0	200.1	2,908.8	174	18
Walton	18,897	42.4	0	0	42.4	18,981.8	211	286
Ware	696	112.9	0	0	113.0	921.9	88	4
Warren	11,005	17.7	0	0	17.8	11,040.5	80	154
Washington	16,998	39.5	0	0	39.5	17,077.0	168	267
Wayne	2,339	85.4	0	0	85.5	2,509.9	100	23
Webster	1,898	24.9	0	0	25.0	1,747.9	49	18
Wheeler	3,317	64.8	0	0	64.9	3,446.7	101	47
White	466	88.2	0	0	88.3	642.5	49	3
Whitfield	1,834	184.8	0	0	185.1	2,203.9	137	15
Wilcox	11,192	25.7	0	0	25.7	11,243.4	143	174
Wilkes	4,075	94.7	0	0	94.9	4,264.6	141	46

GEORGIA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Wilkinson	2,465	70.3	0	0	70.4	2,605.7	81	34
Worth	18,673	27.2	0	0	27.2	18,727.4	251	229
a. State total	853,363	9,904.0	0	0	9,920.0	873,187.0	18,000	11,000
b. State reserve for new farms, late and reconstituted farms and correction of errors								3,200
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								905,387

ILLINOIS

Alexander	1,641	18	0	0	19	1,678	99	39
Jefferson	2	0	0	0	0	2	0	0
Madison	0	0	0	0	0	0	0	2
Massac	3	1	0	0	1	5	2	0
Pulaski	1,184	41	0	0	42	1,267	54	21
Williamson	1	1	0	0	0	2	0	0
a. State total	2,831	61	0	0	62	2,954	155	62
b. State reserve for new farms, late and reconstituted farms and correction of errors								0
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								3,171

KANSAS

Cowley	1	1	0	0	0	2	0	0
Montgomery	20	0	0	0	0	20	0	0
a. State total	21	1	0	0	0	22	0	0
b. State reserve for new farms, late and reconstituted farms and correction of errors								2
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								24

KENTUCKY

Ballard	11	3.0	0	0	2.1	16.1	1	0
Calloway	89	63.6	0	0	45.1	197.7	13	0
Carlisle	40	16.7	0	0	11.8	68.5	7	0
Fulton	5,677	41.6	0	50	29.5	5,798.1	109	9
Graves	127	52.5	0	0	37.2	216.7	18	0
Hickman	880	113.4	0	25	80.4	1,098.8	68	6
McCracken	4	0.1	0	0	0.1	4.2	0	0
Marshall	32	25.1	0	0	17.8	74.9	9	0
a. State total	6,860	316.0	0	75	224.0	7,475.0	225	15
b. State reserve for new farms, late and reconstituted farms and correction of errors								60
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								7,775

LOUISIANA

Acadia	13,038	69.0	0	0	69.1	13,176.1	0	0
Allen	764	78.8	0	0	79.0	921.8	0	0
Ascension	593	52.2	0	0	52.2	697.4	0	0
Assumption	30	3.1	0	0	3.1	36.2	0	0
Avoyelles	26,410	191.1	0	0	191.5	26,792.6	0	0
Beauregard	360	32.9	0	0	32.9	425.8	0	0
Bienville	6,175	237.1	0	0	237.6	6,649.7	0	0
Bossier	20,397	71.4	0	0	71.6	20,540.0	0	0
Caddo	36,215	101.7	0	0	101.9	36,418.6	0	0
Calcasieu	207	6.2	0	0	6.2	219.4	0	0

LOUISIANA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Caldwell	7,439	31.5	0	0	31.6	7,502.1	0	0
Cameron	229	22.2	0	0	22.3	273.5	0	0
Catahoula	12,547	8.3	0	0	8.4	12,563.7	0	0
Claiborne	9,389	183.3	0	0	183.6	9,755.9	0	0
Concordia	9,722	21.1	0	0	21.1	9,764.2	0	0
De Soto	10,220	200.7	0	0	201.1	10,621.8	0	0
East Baton Rouge	856	73.3	0	0	73.4	1,002.7	0	0
East Carroll	25,318	15.4	0	0	15.5	25,348.9	0	0
East Feliciana	3,864	109.2	0	0	109.3	4,082.5	0	0
Evangeline	17,846	94.1	0	0	94.3	18,034.4	0	0
Franklin	58,081	21.0	0	0	21.1	58,123.1	0	0
Grant	3,919	28.2	0	0	29.2	3,977.4	0	0
Iberia	1,995	66.3	0	0	66.4	2,127.7	0	0
Iberville	688	21.3	0	0	21.3	730.6	0	0
Jackson	1,174	110.3	0	0	110.5	1,394.8	0	0
Jefferson	5	1.3	0	0	1.5	7.8	0	0
Jefferson Davis	483	34.3	0	0	34.3	551.6	0	0
Lafayette	15,782	155.7	0	0	155.9	16,093.6	0	0
Lafourche	93	0	0	0	0	93.0	0	0
La Salle	382	33.3	0	0	33.3	448.6	0	0
Lincoln	3,878	181.2	0	0	181.5	4,240.7	0	0
Livingston	415	62.5	0	0	62.7	540.2	0	0
Madison	19,101	7.3	0	0	7.3	19,115.6	0	0
Morehouse	31,119	23.8	0	0	23.8	31,166.6	0	0
Natchitoches	25,585	132.2	0	0	132.4	25,849.6	0	0
Orleans	2	.6	0	0	.6	3.2	0	0
Ouachita	14,522	53.1	0	0	53.1	14,628.2	0	0
Plaquemines [1]	1	0	0	0	0	1.0	0	0
Pointe Coupee	11,010	43.2	0	0	43.2	11,096.4	0	0
Rapides	17,728	123.3	0	0	123.5	17,974.8	0	0
Red River	12,030	65.4	0	0	65.6	12,161.0	0	0
Richland	49,660	11.0	0	0	11.1	49,682.1	0	0
Sabine	1,969	171.9	0	0	172.1	2,313.0	0	0
St. Helena	2,480	117.0	0	0	117.2	2,714.2	0	0
St. James	19	.9	0	0	.9	20.8	0	0
St. John the Baptist	16	0	0	0	0	16.0	0	0
St. Landry	37,662	73.2	0	0	73.3	37,808.5	0	0
St. Martin	9,425	134.6	0	0	134.8	9,694.4	0	0
St. Mary	3	0	0	0	0	3.0	0	0
St. Tammany	343	33.7	0	0	33.7	410.4	0	0
Tangipahoa	1,571	223.1	0	0	223.5	2,017.6	0	0
Tensas	20,120	17.4	0	0	17.5	20,154.9	0	0
Union	5,931	223.0	0	0	223.4	6,377.4	0	0
Vermillion	5,675	89.5	0	0	89.7	5,854.2	0	0
Vernon	976	202.4	0	0	202.7	1,381.1	0	0
Washington	6,053	222.9	0	0	224.2	6,499.1	0	0
Webster	6,972	165.9	0	0	166.1	7,304.0	0	0
West Baton Rouge	1,222	15.7	0	0	15.8	1,253.5	0	0
West Carroll [1]	27,181	39.2	0	0	39.2	27,259.4	0	0
West Feliciana	2,960	33.7	0	0	33.8	2,757.5	0	0
Winn	1,061	76.0	0	0	76.1	1,213.1	0	0
a. State total	600,641	4,619.0	0	0	4,627.0	609,887.0	0	0
b. State reserve for new farms, late and reconstituted farms and correction of errors								35
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								609,922

MARYLAND

Caroline	13.5	0	0	0	0	13.5	0	0
a. State total	13.5	0	0	0	0	13.5	0	0
b. State reserve for new farms, late and reconstituted farms and correction of errors								1.5
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								15.0

[1] Counties which use the cropland basis for establishing farm allotments.

MISSISSIPPI

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Adams	2,896	60.6	0	0	60.7	3,017.3	0	0
Alcorn	14,375	143.9	0	0	144.1	14,663.0	0	0
Amite	9,734	241.4	0	0	241.8	10,217.2	0	0
Attala	13,644	283.6	0	0	284.1	14,211.7	0	0
Benton	12,016	20.7	0	0	20.8	12,057.5	0	0
Bolivar	119,423	21.6	0	0	21.6	119,466.2	0	0
Calhoun	17,446	77.8	0	0	77.9	17,601.7	0	0
Carroll	15,765	69.3	0	0	69.4	15,903.7	0	0
Chickasaw	14,494	97.7	0	0	97.8	14,689.5	0	0
Choctaw	4,168	322.2	0	0	322.8	4,813.0	0	0
Claiborne	5,197	97.1	0	0	97.2	5,391.3	0	0
Clarke	4,941	385.3	0	0	386.0	5,712.3	0	0
Clay	7,988	132.1	0	0	132.3	8,252.4	0	0
Coahoma	89,174	3.7	0	0	3.7	89,181.4	0	0
Copiah	8,998	356.3	0	0	356.9	9,711.2	0	0
Covington	10,128	257.0	0	0	257.4	10,642.4	0	0
De Soto	32,682	35.0	0	0	35.0	32,752.0	0	0
Forrest	1,269	126.7	0	0	126.9	1,522.6	0	0
Franklin	1,807	153.2	0	0	153.5	2,113.7	0	0
George	1,192	137.5	0	0	137.7	1,467.2	0	0
Greene	1,149	172.4	0	0	172.6	1,494.0	0	0
Grenada	12,131	30.9	0	0	31.0	12,192.9	0	0
Hancock	35	4.0	0	0	4.1	43.1	0	0
Harrison	12	5.8	0	0	5.8	23.6	0	0
Hinds	28,085	267.0	0	0	267.4	28,619.4	0	0
Holmes	34,282	57.8	0	0	57.8	34,397.6	0	0
Humphreys	47,016	8.2	0	818	8.2	47,850.4	0	0
Issaquena	10,027	15.5	0	0	15.5	10,058.0	0	0
Itawamba	11,449	273.3	0	0	273.8	11,996.1	0	0
Jackson	61	4.8	0	0	4.8	70.6	0	0
Jasper	7,570	386.3	0	0	386.9	8,343.2	0	0
Jefferson	5,508	123.2	0	0	123.4	5,754.6	0	0
Jefferson Davis	16,352	135.9	0	0	136.1	16,624.0	0	0
Jones	8,627	630.3	0	0	631.4	9,888.7	0	0
Kemper	11,032	159.4	0	0	159.7	11,351.1	0	0
Lafayette	17,931	81.0	0	0	81.2	18,093.2	0	0
Lamar	3,032	207.0	0	0	207.5	4,346.5	0	0
Lauderdale	6,285	330.3	0	0	330.8	6,946.1	0	0
Lawrence	8,295	208.9	0	0	209.2	8,713.1	0	0
Leake	17,834	326.8	0	0	327.3	18,488.1	0	0
Lee	28,144	183.8	0	0	184.2	28,512.0	0	0
Leflore	72,258	12.3	0	955	12.3	73,237.6	0	0
Lincoln	5,736	463.9	0	0	464.6	6,664.5	0	0
Lowndes	16,680	163.2	0	0	163.4	17,006.6	0	0
Madison	34,026	156.1	0	0	156.3	34,338.4	0	0
Marion	10,654	266.5	0	0	266.9	11,187.4	0	0
Marshall	35,126	56.2	0	0	56.3	35,238.5	0	0
Monroe	30,480	202.7	0	0	203.0	30,885.7	0	0
Montgomery	8,416	89.0	0	0	89.1	8,594.1	0	0
Neshoba	15,573	434.8	0	0	435.4	16,543.2	0	0
Newton	9,328	456.6	0	0	457.4	10,242.0	0	0
Noxubee	16,462	116.1	0	0	116.3	16,694.4	0	0
Oktibbeha	4,580	225.1	0	0	225.5	5,030.6	0	0
Panola	40,248	38.8	0	0	38.9	40,325.7	0	0
Pearl River	344	54.9	0	0	55.0	453.9	0	0
Perry	1,941	169.2	0	0	169.4	2,279.6	0	0
Pike	6,142	356.4	0	0	356.9	6,855.3	0	0
Pontotoc	20,672	158.2	0	0	158.4	20,988.6	0	0
Prentiss	17,965	83.5	0	0	83.6	18,132.1	0	0
Quitman	60,108	3.1	0	0	3.2	60,114.3	0	0
Rankin	9,883	340.8	0	0	341.4	10,565.2	0	0
Scott	11,466	285.8	0	0	286.3	12,038.1	0	0
Sharkey	27,351	3.9	0	0	4.0	27,361.9	0	0
Simpson	13,581	259.9	0	0	260.3	14,101.2	0	0
Smith	10,688	306.8	0	0	307.3	11,302.1	0	0
Stone	154	34.4	0	0	34.4	222.8	0	0
Sunflower	120,889	9.6	0	687	9.7	121,595.3	0	0
Tallahatchie	59,071	10.1	0	0	10.2	59,091.3	0	0
Tate	24,053	26.0	0	0	26.0	24,105.0	0	0
Tippah	16,962	71.1	0	0	71.3	17,104.4	0	0
Tishomingo	9,771	328.5	0	0	329.0	10,428.5	0	0

MISSISSIPPI—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Tunica	47,363	2.8	0	670	2.8	48,038.6	0	0
Union	18,621	124.3	0	0	124.5	18,869.8	0	0
Walthall	13,538	170.6	0	0	170.9	13,879.5	0	0
Warren	6,543	50.8	0	0	50.9	6,644.7	0	0
Washington	82,438	26.8	0	539	26.9	83,030.7	0	0
Wayne	6,790	229.7	0	0	230.0	7,249.7	0	0
Webster	8,653	109.2	0	0	109.4	8,871.6	0	0
Wilkinson	4,487	76.1	0	0	76.2	4,639.3	0	0
Winston	13,499	197.2	0	0	197.5	13,893.7	0	0
Yalobusha	12,028	53.6	0	0	53.7	12,135.3	0	0
Yazoo	42,717	54.1	0	0	54.1	42,825.2	0	0
a. State total	1,630,482	12,914.0	0	3,669	12,935.0	1,660,000.0	0	0
b. State reserve for new farms, late and reconstituted farms and correction of errors								110
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								1,660,110

MISSOURI

Bollinger	132	17.3	0	0	17.4	166.7	17.2	0
Butler	18,420	437.2	0	0	437.7	19,294.9	373.3	0
Cape Girardeau	104	4.9	0	0	4.9	113.8	1.0	0
Carter	17	1.0	0	0	1.0	19.0	4.2	0
Dunklin	83,987	80.6	0	0	80.7	84,148.3	0	0
Howell	27	13.5	0	0	13.6	54.1	6.8	0
Jefferson	5	1.0	0	0	1.1	7.1	.4	0
Mississippi	24,714	60.2	0	1,430	60.2	26,264.4	0	295.2
New Madrid	89,777	28.2	0	0	28.3	89,833.5	0	290.5
Oregon	81	23.3	0	0	23.3	127.6	12.6	0
Ozark	19	5.8	0	0	5.9	30.7	7.8	0
Pemiscot	95,610	18.6	0	0	18.6	95,647.2	0	0
Ripley	1,950	86.0	0	0	86.0	2,122.0	349.0	0
Scott	16,845	61.4	0	0	61.5	16,967.9	0	0
Stoddard	41,064	260.3	0	0	260.5	41,584.8	0	0
Vernon	3	.2	0	0	.3	3.5	1.4	0
Wayne	5	4.5	0	0	4.5	14.0	.4	0
a. State total	372,760	1,104.0	0	1,430	1,105.5	376,399.5	774.1	585.7
b. State reserve for new farms, late and reconstituted farms and correction of errors								59.7
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8) and item b)								377,819.0

NEVADA

Clark	34	15	0	0	0	49	0	32
Nye	2,199	985	0	0	0	3,184	0	58
a. State total	2,233	1,000	0	0	0	3,233	0	90
b. State reserve for new farms, late and reconstituted farms and correction of errors								20
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								3,343

NEW MEXICO

Bernalillo	2	1.0	0	0	1.0	4.0	0	1.0
Chaves [1]	31,990	5.8	0	0	5.7	32,001.5	324	489.0
Curry	1,575	21.7	0	0	21.7	1,618.4	0	0
De Baca	452	8.8	0	0	8.8	469.6	30	41.2
Dona Ana [1]	36,002	83.2	0	1,360.8	83.1	37,529.1	2,484	891.0
Eddy [1]	27,485	9.5	0	0	9.5	27,504.0	210	877.3
Grant	70	3.0	0	0	3.1	76.1	0	12.2

[1] Counties which use the 50 percent of cropland limitation.

NEW MEXICO—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Guadalupe	15	0	0	0	0	15.0	3	2.3
Hidalgo [1]	6,743	.1	0	0	.1	6,743.2	27	0
Lea	28,340	15.8	0	0	15.7	28,371.5	27	418.3
Luna [1]	14,183	4.0	0	0	3.9	14,190.9	24	0
Otero [1]	1,605	5.8	0	0	5.7	1,616.5	30	32.3
Quay	2,367	12.7	0	240.0	12.6	2,632.3	15	295.1
Roosevelt	19,270	13.9	0	0	13.9	19,297.8	102	775.2
Sierra	2,311	6.0	0	40.0	6.1	2,463.1	138	104.5
Socorro	1,984	10.0	0	0	9.9	2,003.9	114	0
Valencia	30	.7	0	0	.8	31.5	6	0
a. State total	174,524	202.0	0	1,640.8	201.6	176,568.4	3,534	3,939.4
b. State reserve for new farms, late and reconstituted farms and correction of errors								205.2
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								184,247.0

NORTH CAROLINA

Alamance	82	11.5	0	0	11.5	105.0	0	0
Alexander	814	109.3	0	0	109.4	1,032.7	0	0
Anson	14,677	302.0	0	0	302.4	15,281.4	0	0
Beaufort	1,269	196.6	0	0	196.8	1,692.4	0	0
Bertie	6,559	299.3	0	0	299.8	7,158.1	0	0
Bladen	4,130	224.9	0	0	225.2	4,580.1	0	0
Brunswick	337	36.3	0	0	36.4	409.7	0	0
Burke	77	19.9	0	0	19.9	116.8	0	0
Cabarrus	4,558	144.0	0	0	141.3	5,146.3	0	0
Caldwell	30	7.6	0	0	7.7	45.3	0	0
Camden	338	44.4	0	0	44.4	426.8	0	0
Carteret	60	11.9	0	0	11.9	83.8	0	0
Catawba	2,850	201.8	0	0	202.2	3,254.0	0	0
Chatham	614	61.2	0	0	61.3	736.5	0	0
Chowan	2,400	101.3	0	0	101.4	2,602.7	0	0
Cleveland	33,918	303.3	0	1,019	303.8	35,544.1	0	0
Columbus	2,868	176.3	0	0	176.6	3,220.9	0	0
Craven	468	55.4	0	0	55.5	578.9	0	0
Cumberland	13,893	319.3	0	0	319.7	14,532.0	0	0
Currituck	346	22.8	0	0	22.9	391.7	0	0
Davidson	1,060	65.4	0	0	65.5	1,190.9	0	0
Davie	2,112	134.9	0	0	135.2	2,382.1	0	0
Duplin	3,847	476.1	0	0	476.9	4,800.0	0	0
Durham	136	31.1	0	0	31.1	198.2	0	0
Edgecombe	12,300	166.2	0	0	166.4	12,632.6	0	0
Forsyth	158	15.7	0	0	15.8	189.5	0	0
Franklin	9,727	441.0	0	0	441.7	10,609.7	0	0
Gaston	3,382	194.0	0	0	194.4	3,770.4	0	0
Gates	2,201	119.6	0	0	119.7	2,440.3	0	0
Granville	352	35.6	0	0	35.4	423.0	0	0
Greene	4,230	182.6	0	0	182.9	4,595.5	0	0
Guilford	88	10.0	0	0	10.0	108.0	0	0
Halifax	22,300	379.7	0	0	380.3	23,060.0	0	0
Harnett	15,215	549.3	0	0	550.2	16,314.5	0	0
Hertford	4,588	130.0	0	0	130.3	4,848.3	0	0
Hoke	15,715	66.2	0	0	66.3	15,847.5	0	0
Hyde	210	34.9	0	0	34.9	279.8	0	0
Iredell	9,862	524.4	0	0	525.3	10,911.7	0	0
Johnston	21,064	919.5	0	0	921.0	22,904.5	0	0
Jones	346	24.2	0	0	24.3	394.5	0	0
Lee	1,208	109.6	0	0	109.8	1,427.4	0	0
Lenoir	2,287	163.8	0	0	164.0	2,614.8	0	0
Lincoln	8,224	220.1	0	0	220.5	8,664.6	0	0
Martin	2,739	131.3	0	0	131.5	3,001.8	0	0
Mecklenburg	7,739	176.9	0	0	177.1	8,113.0	0	0
Montgomery	2,009	48.4	0	0	48.4	2,105.8	0	0
Moore	2,240	115.7	0	0	115.8	2,471.5	0	0
Nash	13,402	414.2	0	0	414.8	14,231.0	0	0

[1] Counties which use the 50 percent of cropland limitation.

NORTH CAROLINA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
New Hanover	13	4.6	0	0	4.5	22.1	0	0
Northampton	20,055	201.4	0	0	201.7	20,458.1	0	0
Onslow	416	17.7	0	0	17.8	451.5	0	0
Orange	98	16.3	0	0	16.4	130.7	0	0
Pamlico	213	30.2	0	0	30.3	273.5	0	0
Pasquotank	275	43.5	0	0	43.5	362.0	0	0
Pender	411	30.6	0	0	30.7	472.3	0	0
Perquimans	1,365	148.9	0	0	149.1	1,663.0	0	0
Person	2	.8	0	0	.9	3.7	0	0
Pitt	7,868	329.8	0	0	330.3	8,528.1	0	0
Polk	1,515	94.2	0	0	94.4	1,703.6	0	0
Randolph	68	9.8	0	0	9.9	87.7	0	0
Richmond	7,247	226.3	0	0	226.7	7,700.0	0	0
Robeson	47,003	465.3	0	0	466.0	47,934.3	0	0
Rockingham	1	0	0	0	0	1.0	0	0
Rowan	6,574	338.0	0	0	338.6	7,250.6	0	0
Rutherford	9,210	410.7	0	810	411.3	10,842.0	0	0
Sampson	24,767	684.1	0	0	685.2	26,136.3	0	0
Scotland	19,673	50.0	0	0	50.0	19,773.0	0	0
Stanly	2,136	167.6	0	0	167.9	2,471.5	0	0
Tyrrell	275	30.8	0	0	30.8	336.6	0	0
Union	16,658	620.8	0	0	621.8	17,900.6	0	0
Vance	3,084	148.6	0	0	148.9	3,381.5	0	0
Wake	5,713	427.7	0	0	428.1	6,568.8	0	0
Warren	7,608	384.9	0	0	385.5	8,378.4	0	0
Washington	690	49.0	0	0	49.0	788.0	0	0
Wayne	11,767	486.8	0	0	487.5	12,741.3	0	0
Wilkes	93	7.4	0	0	7.4	107.8	0	0
Wilson	9,135	358.3	0	0	358.8	9,852.1	0	0
Yadkin	48	2.4	0	0	2.4	52.8	0	0
a. State Total	463,360	14,316.0	0	1,829	14,338.0	493,843.0	0	0
b. State reserve for new farms, late and reconstituted farms and correction of errors								240
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								494,083

OKLAHOMA

Adair	52	12.3	0	0	12.4	76.7	23	0
Alfalfa	35	0	0	0	0	35.0	0	0
Atoka	1,587	123.7	0	0	123.9	1,834.6	175	261
Beaver [1]	47	0	0	0	0	47.0	0	0
Beckham	61,103	16.9	0	0	16.9	61,136.8	347	2,156
Blaine	12,485	76.8	0	0	76.9	12,638.7	739	419
Bryan	16,249	105.9	0	0	106.1	16,461.0	1,349	558
Caddo	47,357	149.9	0	0	150.2	47,657.1	1,185	133
Canadian	13,523	95.4	0	0	95.5	13,713.9	495	559
Carter	1,178	62.9	0	0	63.0	1,303.9	201	208
Cherokee	60	19.5	0	0	19.6	99.1	31	0
Choctaw	3,176	175.9	0	0	176.2	3,528.1	548	585
Cleveland	1,489	40.7	0	0	40.7	1,570.4	163	219
Coal	2,893	62.3	0	0	62.3	3,017.6	417	98
Comanche	13,202	87.6	0	0	87.8	13,377.4	686	221
Cotton	18,064	96.6	0	0	96.7	18,257.3	731	1,144
Craig	82	12.5	0	0	12.5	107.0	14	2
Creek	1,787	124.4	0	0	124.5	2,035.9	309	378
Custer	24,170	99.9	0	0	100.1	24,370.0	640	477
Dewey	7,885	67.5	0	0	67.5	8,020.0	923	260
Ellis	629	17.8	0	0	17.9	664.7	139	64
Garfield	88	2.9	0	0	3.0	93.9	0	6
Garvin	4,531	118.9	0	0	119.1	4,769.0	543	589
Grady	16,723	198.9	0	0	199.3	17,121.2	612	549
Grant	24	5.6	0	0	5.7	35.3	0	1
Greer	39,974	14.6	0	0	14.6	40,003.2	454	1,101
Harmon	47,715	13.3	0	0	13.3	47,741.6	182	1,076
Harper	13	0	0	0	0	13.0	0	0

[2] Counties which use the cropland basis for establishing farm allotments.

OKLAHOMA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Haskell	2,372	84.5	0	0	84.6	2,541.1	747	501
Hughes	4,360	126.4	0	0	126.6	4,613.0	868	197
Jackson	56,698	34.3	0	0	31.4	56,796.7	504	418
Jefferson	16,721	57.3	0	0	57.4	16,835.7	911	836
Johnston	2,978	37.5	0	0	37.6	3,053.1	468	345
Kay	313	21.4	0	0	21.5	355.9	54	11
Kingfisher	1,655	33.8	0	0	33.9	1,722.7	300	158
Kiowa	53,456	32.7	0	0	32.7	53,521.4	1,408	2,206
Latimer	186	46.8	0	0	46.9	279.7	30	32
Le Flore	1,650	195.3	0	0	195.7	2,041.0	969	822
Lincoln	991	191.0	0	0	191.2	1,373.2	334	92
Logan	2,663	77.7	0	0	77.9	2,818.6	335	118
Love	7,721	29.3	0	0	29.4	7,779.7	723	276
McClain	7,446	98.1	0	0	98.3	7,642.4	1,062	420
McCurtain	5,700	109.2	0	0	109.4	6,008.6	612	989
McIntosh	10,709	153.4	0	0	153.6	11,016.0	1,879	694
Major	2,221	39.8	0	0	39.9	2,300.7	332	30
Marshall	3,823	15.2	0	0	15.2	3,853.4	538	436
Mayes	573	51.6	0	0	51.7	676.3	73	66
Murray	328	6.7	0	0	6.7	341.4	50	25
Muskogee	16,401	147.7	0	0	147.9	16,696.6	1,872	866
Noble	971	47.5	0	0	47.5	1,066.0	120	26
Nowata	864	13.6	0	0	13.6	891.2	42	72
Okfuskee	4,852	167.5	0	0	167.7	5,187.2	889	506
Oklahoma	380	11.5	0	0	11.6	403.1	119	11
Okmulgee	9,371	107.4	0	0	107.5	9,585.9	904	890
Osage	2,853	37.7	0	0	37.8	2,928.5	205	372
Pawnee	2,887	81.0	0	0	81.0	3,049.0	530	126
Payne	2,328	128.2	0	0	128.3	2,584.5	323	70
Pittsburg	4,881	131.9	0	0	132.1	5,145.0	783	543
Pontotoc	1,007	55.6	0	0	55.7	1,118.3	102	75
Pottawatomie	561	113.5	0	0	113.6	788.1	208	60
Pushmataha	354	124.7	0	0	124.8	603.5	139	90
Roger Mills	20,569	20.2	0	0	20.3	20,609.5	1,162	102
Rogers	759	39.6	0	0	39.6	838.2	184	56
Seminole	1,252	137.2	0	0	137.4	1,526.6	413	92
Sequoyah	883	75.7	0	0	75.9	1,034.6	334	548
Stephens	5,035	82.1	0	0	82.1	5,199.2	500	738
Texas	15	1.3	0	0	1.4	17.7	12	0
Tillman	69,789	40.0	0	0	40.0	69,869.0	437	812
Tulsa	1,392	30.4	0	0	30.4	1,452.8	227	250
Wagoner	8,059	195.2	0	0	195.4	8,449.6	998	794
Washington	19	8.9	0	0	8.9	36.8	4	0
Washita	74,266	112.0	0	0	112.2	74,490.2	809	1,768
Woodward	577	6.9	0	0	7.0	590.9	255	76
a. State total	749,100	5,162.0	0	0	5,170.0	759,432.0	34,720	28,718
b. State reserve for new farms, late and reconstituted farms and correction of errors								4,292
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								827,162

SOUTH CAROLINA

Abbeville	7,795	165.4	0	0	165.7	8,126.1	120.0	0
Aiken	19,958	184.6	0	0	184.9	20,327.5	150.0	0
Allendale	9,527	27.8	0	0	27.9	9,582.7	105.1	0
Anderson	26,602	365.0	0	0	365.5	27,332.5	75.0	0
Bamberg	12,413	81.1	0	0	81.3	12,605.4	80.5	0
Barnwell	13,886	52.8	0	0	52.8	13,991.6	97.5	0
Beaufort	954	235.8	0	0	236.2	1,426.0	100.2	0
Berkeley	8,414	367.2	0	0	367.8	9,149.0	355.0	0
Calhoun	15,207	40.3	0	0	40.4	15,287.7	78.2	0
Charleston	1,168	187.2	0	0	187.5	1,542.7	187.9	0
Cherokee	12,299	227.4	0	0	227.8	12,754.2	110.3	0
Chester	10,299	97.7	0	0	97.9	10,494.6	140.0	0
Chesterfield	32,017	95.2	0	0	95.3	32,207.5	280.6	0
Clarendon	33,108	42.5	0	0	42.5	33,193.0	265.5	0

SOUTH CAROLINA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of (1), (2), (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Colleton	8,412	538.8	0	0	539.8	9,490.6	644.0	0
Darlington	30,493	67.3	0	0	67.5	30,627.8	190.1	0
Dillon	21,840	55.3	0	0	55.3	21,950.6	101.3	0
Dorchester	9,119	283.0	0	0	283.4	9,685.4	190.0	0
Edgefield	9,464	89.3	0	0	89.5	9,642.8	185.4	0
Fairfield	4,576	112.9	0	0	113.0	4,801.9	240.0	0
Florence	30,691	309.1	0	0	309.6	31,309.7	375.6	0
Georgetown	2,390	305.8	0	0	306.3	3,002.1	210.0	0
Greenville	14,423	374.9	0	0	375.6	15,173.5	432.2	0
Greenwood	3,961	98.8	0	0	99.0	4,098.8	202.0	0
Hampton	7,923	111.8	0	0	111.9	8,146.7	200.2	0
Horry	8,470	1,004.9	0	0	1,006.6	10,481.5	790.4	0
Jasper	2,503	197.4	0	0	197.8	2,898.2	137.5	0
Kershaw	19,688	151.3	0	0	151.6	19,990.9	150.8	0
Lancaster	8,138	155.5	0	0	155.8	8,449.3	120.4	0
Laurens	17,216	185.5	0	0	185.8	17,587.3	160.0	0
Lee	34,647	67.0	0	0	67.2	34,781.2	87.0	0
Lexington	11,198	189.7	0	0	190.0	11,577.7	136.5	0
McCormick	3,423	71.2	0	0	71.4	3,565.6	103.0	0
Marion	11,382	113.8	0	0	113.9	11,609.7	125.3	0
Marlboro	39,429	40.6	0	0	40.6	39,510.2	70.6	0
Newberry	7,443	166.3	0	0	166.4	7,655.7	404.3	0
Oconee	7,421	205.7	0	0	206.0	7,832.7	310.5	0
Orangeburg	56,974	228.0	0	0	228.3	57,430.3	400.0	0
Pickens	6,101	193.7	0	0	194.0	6,488.7	296.0	0
Richland	6,214	223.2	0	0	223.5	6,660.7	335.5	0
Saluda	7,768	95.6	0	0	95.8	7,959.4	246.0	0
Spartanburg	22,273	317.1	0	0	317.6	22,907.7	214.6	0
Sumter	39,316	63.7	0	0	63.9	39,443.6	230.5	0
Union	5,174	72.3	0	0	72.5	5,618.8	104.0	0
Williamsburg	32,302	181.2	0	0	181.5	32,664.7	350.9	0
York	15,648	122.3	0	0	122.4	15,892.7	99.6	0
a. State total	709,937	8,503.0	0	0	8,517.0	726,957.0	10,000.0	0
b. State reserve for new farms, late and reconstituted farms and correction of errors								3,000
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								739,957

TENNESSEE

Bedford	1,446	151.9	0	0	152.1	1,750.0	32	0
Benton	2,301	299.0	0	0	299.4	2,899.4	59	0
Bradley	918	131.1	0	0	131.4	1,180.5	13	0
Cannon	24	10.7	0	0	10.8	45.5	0	0
Carroll	18,923	271.3	0	0	271.8	19,466.1	519	0
Chester	10,950	74.1	0	0	74.2	11,098.3	261	0
Coffee	1,489	122.0	0	0	122.1	1,733.1	40	0
Crockett	32,082	40.9	0	0	40.9	32,163.8	353	0
Cumberland	1	1.5	0	0	1.5	4.0	0	0
Davidson	11	2.7	0	0	2.7	16.4	0	0
Decatur	3,382	174.9	0	0	175.1	3,732.0	97	0
De Kalb	35	5.5	0	0	5.6	46.1	0	0
Dyer	31,708	67.5	0	0	67.6	31,843.1	396	0
Fayette	42,914	25.3	0	0	25.3	42,964.6	330	0
Franklin	5,415	155.8	0	0	156.1	5,726.9	165	0
Gibson	44,251	118.5	0	0	118.6	44,488.1	970	0
Giles	8,671	371.7	0	0	372.2	9,414.9	240	0
Grundy	149	22.6	0	0	22.7	194.3	2	0
Hamilton	622	55.9	0	0	56.0	733.9	10	0
Hardeman	21,420	69.5	0	0	69.6	21,568.1	313	0
Hardin	8,921	179.7	0	0	179.9	9,280.6	233	0
Haywood	42,581	33.3	0	0	33.4	42,650.7	334	0
Henderson	17,244	183.3	0	0	183.5	17,600.8	401	0
Henry	4,598	423.1	0	0	423.7	5,444.8	110	0
Hickman	22	3.5	0	0	3.5	29.0	0	0
Humphreys	13	3.4	0	0	3.5	19.9	0	0
Knox	3	0	0	0	0	3.0	0	0

TENNESSEE—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Lake	20,808	3.5	0	0	3.6	20,815.1	20	0
Lauderdale	35,306	18.6	0	0	18.8	35,343.4	340	0
Lawrence	19,513	424.1	0	0	424.7	20,361.8	533	0
Lewis	327	31.2	0	0	31.2	389.4	6	0
Lincoln	12,841	169.1	0	0	169.4	13,179.5	319	0
Loudon	5	1.7	0	0	1.8	.5	0	0
McMinn	584	143.5	0	0	143.8	871.3	4	0
McNairy	19,146	220.7	0	0	221.0	19,587.7	471	0
Madison	32,464	178.9	0	0	179.2	32,822.1	496	0
Marion	293	22.8	0	0	22.9	338.7	5	0
Marshall	353	50.3	0	0	50.3	453.6	4	0
Maury	189	42.8	0	0	42.9	274.7	2	0
Meigs	548	93.3	0	0	93.4	734.7	6	0
Monroe	173	77.1	0	0	77.3	327.4	0	0
Montgomery	1	0	0	0	0	1.0	0	0
Moore	72	14.6	0	0	14.6	101.2	1	0
Obion	9,658	272.8	0	0	273.2	10,204.0	226	0
Perry	166	22.0	0	0	22.0	210.0	2	0
Polk	690	86.4	0	0	86.5	862.9	11	0
Rhea	17	4.3	0	0	4.4	25.7	0	0
Roane	3	0	0	0	0	3.0	0	0
Robertson	1	.1	0	0	.1	1.2	0	0
Rutherford	4,442	348.8	0	0	349.3	5,140.1	104	0
Shelby	42,816	308.4	0	0	309.0	43,433.4	462	0
Tipton	46,215	52.0	0	0	52.2	46,319.2	411	0
Van Buren	32	7.5	0	0	7.5	47.0	0	0
Warren	512	91.5	0	0	91.6	695.1	4	0
Wayne	2,720	294.8	0	0	295.3	3,310.1	70	0
Weakley	9,610	731.5	0	0	732.7	11,074.2	267	0
White	54	15.6	0	0	15.6	85.2	0	0
Williamson	111	24.5	0	0	24.5	160.0	2	0
Wilson	78	9.9	0	0	10.0	97.9	2	0
a. State total	559,844	6,761.0	0	0	6,772.0	573,377.0	8,646	0
b. State reserve for new farms, late and reconstituted farms and correction of errors								500
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								582,523

TEXAS

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Anderson	11,050	392.4	0	0	393.0	11,835.4	2,873	470.6
Andrews	3,588	0	0	0	0	3,588.0	9	226.0
Angelina	3,169	104.7	0	0	104.8	3,378.5	684	265.5
Aransas	1,127	0	0	0	0	1,127.0	4	10.0
Archer [1]	1,678	2.1	0	0	2.1	1,682.2	84	561.8
Armstrong	1,695	26.7	0	0	26.8	1,748.5	206	293.5
Atascosa	10,435	51.4	0	0	51.4	10,537.8	921	733.2
Austin	17,572	52.7	0	0	52.7	17,677.4	1,822	1,361.6
Bailey	100,228	28.0	0	0	28.1	100,284.1	131	377.9
Bandera	0	0	0	0	0	0	0	10.0
Bastrop	11,040	73.4	0	0	73.6	11,187.0	1,004	1,250.0
Baylor	17,491	15.2	0	0	15.2	17,521.4	362	1,312.6
Bee	13,985	6.4	0	0	6.5	13,997.9	380	833.1
Bell	67,571	66.4	0	0	66.4	67,703.8	1,363	3,845.2
Bexar	3,884	56.5	0	0	56.5	3,997.0	469	369.0
Blanco	81	.8	0	0	.9	82.7	67	18.3
Borden [1]	18,709	1.3	0	0	1.4	18,711.7	4	294.3
Bosque	10,465	70.1	0	0	70.2	10,605.3	1,235	1,262.7
Bowie	7,997	264.9	0	0	265.3	8,527.2	1,444	2,969.8
Brazoria	11,375	37.8	0	0	37.8	11,450.6	246	159.4
Brazos	18,478	24.2	0	0	24.3	18,526.5	201	397.5
Brewster	214	0	0	0	0	214.0	0	0
Briscoe	27,268	6.9	0	0	6.9	27,281.8	130	0
Brooks	2,938	5.6	0	0	5.6	2,949.2	257	579.8
Brown	6,966	40.5	0	0	40.6	7,047.1	984	896.9
Burleson	26,175	62.5	0	0	62.5	26,300.0	834	1,745.0

[1] Counties which use the 50 percent of cropland limitation.

TEXAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Burnet	4,370	17.7	0	0	17.7	4,405.4	333	675.6
Caldwell	19,792	39.3	0	0	39.3	19,870.6	445	1,868.4
Calhoun	17,889	11.1	0	0	11.2	17,911.3	51	0
Callahan	7,979	64.5	0	0	64.6	8,108.1	661	630.9
Cameron	161,870	94.6	0	0	94.7	162,059.3	2,261	2,991.7
Camp	1,402	222.2	0	0	222.4	1,846.6	964	129.4
Carson	407	62.2	0	0	62.2	531.4	260	369.6
Cass	6,567	487.4	0	0	487.9	7,542.3	2,718	968.7
Castro	57,258	1.3	0	0	1.4	57,260.7	175	0
Chambers	83	1.2	0	0	1.2	85.4	4	21.6
Cherokee	11,140	413.2	0	0	413.6	11,966.8	3,540	717.2
Childress	55,076	7.3	0	0	7.3	55,090.6	31	1,468.4
Clay	9,455	32.7	0	0	32.7	9,520.4	573	1,489.6
Cochran	72,095	.6	0	0	.7	72,096.3	21	2,385.7
Coke	6,909	2.0	0	19	2.1	6,932.1	230	766.9
Coleman	31,207	14.3	0	0	14.3	31,235.6	833	3,307.4
Collin	74,241	132.1	0	0	132.1	74,505.2	2,526	11,792.8
Collingsworth	66,979	5.6	0	0	5.7	66,990.3	110	258.7
Colorado	9,190	63.5	0	0	63.5	9,317.0	1,130	851.0
Comal	221	11.5	0	0	11.6	244.1	94	135.9
Comanche	9,077	139.4	0	0	139.6	9,356.0	2,456	361.0
Concho	25,346	.3	0	0	.3	25,346.6	90	1,154.4
Cooke	5,846	69.4	0	0	69.5	5,984.9	1,094	1,279.1
Coryell	18,123	65.2	0	0	65.3	18,253.5	931	2,347.5
Cottle	56,485	2.0	0	0	2.0	56,489.0	41	401.0
Crockett	33	0	0	0	0	33.0	0	34.0
Crosby	123,832	2.6	0	0	2.6	123,837.2	32	0
Culberson	4,698	4.4	0	0	4.5	4,706.9	4	0
Dallam	26	.8	0	0	.8	27.6	7	25.4
Dallas	32,682	62.5	0	0	62.5	32,807.0	1,261	5,315.0
Dawson [1]	206,166	10.4	0	0	10.5	206,186.9	43	0
Deaf Smith	10,889	47.7	0	0	47.8	10,984.5	574	0
Delta	34,530	19.4	0	0	19.5	34,568.9	459	4,454.1
Denton	18,952	80.9	0	0	80.9	19,113.8	1,337	3,356.2
De Witt	16,623	57.2	0	0	57.2	16,737.4	1,639	1,501.6
Dickens [1]	55,038	3.6	0	0	3.6	55,045.2	38	245.8
Dimmit	1,530	3.5	0	0	3.6	1,537.1	86	806.9
Donley	30,094	7.6	0	0	7.6	30,109.2	83	16.8
Duval	12,895	30.8	0	0	30.9	12,956.7	1,283	1,910.3
Eastland	5,169	99.6	0	0	99.7	5,368.3	1,115	523.7
Ector	164	0	0	32	0	196.0	0	27.0
Ellis	130,546	22.8	0	0	22.8	130,591.6	352	5,276.4
El Paso	20,740	175.6	0	0	175.9	21,091.5	1,325	4,014.5
Erath	8,520	110.6	0	0	110.6	8,741.2	1,628	737.8
Falls	77,411	82.0	0	0	82.0	77,575.0	915	4,035.0
Fannin	61,777	138.4	0	0	138.5	62,053.9	3,087	9,014.1
Fayette	26,272	182.8	0	0	183.0	26,637.8	3,975	2,063.2
Fisher	84,737	2.3	0	0	2.4	84,741.7	99	365.3
Floyd	99,868	7.2	0	0	7.3	99,882.5	101	0
Foard	12,367	3.4	0	0	3.5	12,373.9	75	504.1
Fort Bend	58,984	34.8	0	0	34.8	59,053.6	495	1,763.4
Franklin	3,036	84.4	0	0	84.5	3,204.9	615	571.1
Freestone	19,160	166.8	0	0	167.0	19,493.8	2,122	1,908.2
Frio	4,774	7.1	0	0	7.1	4,788.2	122	409.8
Gaines	81,705	3.9	0	0	4.0	81,712.9	10	0
Galveston	27	5.0	0	0	4.9	36.9	19	8.1
Garza [1]	41,507	2.3	0	0	2.3	41,511.6	37	0
Gillespie	1,279	11.8	0	55	11.9	1,357.7	169	41.3
Glasscock	10,056	.5	0	0	.6	10,057.1	11	422.9
Goliad	4,455	32.7	0	0	32.7	4,520.4	304	500.6
Gonzales	13,744	60.5	0	0	60.5	13,865.0	1,550	1,578.0
Gray	3,491	12.1	0	0	12.1	3,515.2	225	398.8
Grayson	29,477	118.1	0	0	118.2	29,713.3	2,482	5,298.7
Gregg	1,229	75.5	0	0	75.6	1,380.1	442	27.9
Grimes	15,046	66.8	0	0	66.9	15,179.7	923	1,000.3
Guadalupe	18,671	60.9	0	0	60.9	18,792.8	1,612	2,091.2
Hale	168,683	12.3	0	0	12.4	168,707.7	126	0
Hall [1]	97,830	5.0	0	0	4.9	97,839.9	80	0
Hamilton	9,125	47.4	0	0	47.5	9,219.9	1,887	942.1

[2] Counties which use the cropland basis for establishing farm allotments.

TEXAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Hansford	269	86.8	0	0	86.9	442.7	280	262.3
Hardeman	33,447	18.5	0	0	18.5	33,484.0	209	261.0
Hardin	50	5.2	0	0	5.3	60.5	17	13.5
Harris	4,478	12.4	0	0	12.5	4,502.9	144	9.1
Harrison	10,194	405.1	0	0	405.7	11,004.8	2,357	862.2
Hartley	1	17.0	0	0	17.1	35.1	0	95.9
Haskell	121,685	10.2	0	0	10.2	121,705.4	114	2,875.6
Hays	7,305	11.0	0	0	11.1	7,327.1	147	860.9
Hemphill	1,599	12.4	0	0	12.4	1,623.8	18	102.2
Henderson	8,426	291.1	0	0	291.4	9,008.5	1,716	1,146.5
Hidalgo [1]	191,887	275.4	0	0	275.6	192,438.0	3,051	4,273.0
Hill	115,068	61.9	0	0	62.0	115,191.9	1,065	6,893.1
Hockley [1]	190,520	5.2	0	0	5.2	190,530.4	31	0
Hood	3,377	30.5	0	0	30.6	3,438.1	716	101.9
Hopkins	23,235	184.4	0	0	184.7	23,604.1	2,260	4,472.9
Houston	25,229	98.0	0	0	98.1	25,425.1	1,261	1,045.9
Howard	73,447	1.2	0	0	1.3	73,449.5	23	2,098.5
Hudspeth	17,246	3.2	0	0	3.2	17,252.4	12	0
Hunt	83,231	69.3	0	0	69.3	83,369.6	1,732	11,747.4
Irion	575	.7	0	81	.7	657.4	10	56.6
Jack	1,823	10.4	0	0	10.4	1,843.8	243	142.2
Jackson	18,515	24.8	0	0	24.8	18,564.6	70	0
Jasper	391	123.7	0	0	123.8	638.5	309	44.5
Jeff Davis	517	.5	0	0	.5	518.0	3	0
Jefferson	20	2.2	0	0	2.3	24.5	0	7.5
Jim Hogg [1]	1,349	1.2	0	0	1.3	1,351.5	78	445.5
Jim Wells	22,332	13.0	0	0	13.1	22,358.1	334	1,781.9
Johnson	35,408	59.6	0	0	59.7	35,527.3	520	1,173.7
Jones	111,198	12.5	0	0	12.6	111,223.1	291	1,901.9
Karnes	30,806	13.4	0	0	13.5	30,832.9	877	2,840.1
Kaufman	52,084	83.3	0	0	83.4	52,250.7	1,496	9,498.3
Kendall	33	0	0	0	0	33.0	16	11.0
Kenedy [1]	1	0	0	0	0	1.0	0	0
Kent	20,747	1.0	0	0	1.1	20,749.1	10	127.9
Kerr	68	0	0	0	0	68.0	12	42.0
Kimble	123	8.5	0	0	8.6	140.1	88	0
King [1]	9,452	0	0	0	0	9,452.0	0	199.0
Kinney	417	0	0	0	0	417.0	1	115.0
Kleberg	8,329	7.5	0	0	7.5	8,344.0	324	673.0
Knox	58,106	10.1	0	0	10.1	58,126.2	41	787.8
Lamar	51,677	62.3	0	0	62.3	51,801.6	1,551	8,369.4
Lamb [1]	197,821	3.8	0	0	3.8	197,828.6	130	2,527.4
Lampasas	1,997	16.4	0	0	16.5	2,029.9	498	342.1
La Salle	3,180	4.2	0	0	4.2	3,188.4	51	178.6
Lavaca	31,995	112.0	0	0	112.1	32,219.1	4,507	2,952.9
Lee	8,988	90.8	0	0	90.9	9,169.7	1,624	769.3
Leon	11,608	97.7	0	0	97.8	11,803.5	998	297.5
Liberty	2,998	47.9	0	0	47.9	3,093.8	202	133.2
Limestone	67,612	40.9	0	0	40.9	67,693.8	1,211	6,367.2
Live Oak	18,422	24.9	0	0	24.9	18,471.8	425	1,316.2
Llano	372	5.7	0	0	5.8	383.5	118	53.5
Loving	316	0	0	22	0	338.0	11	131.0
Lubbock	229,418	27.6	0	0	27.7	229,473.3	181	0
Lynn [1]	188,412	.8	0	0	.8	188,413.6	31	0
McCulloch	16,453	7.0	0	0	7.0	16,467.0	290	1,854.0
McLennan	83,423	63.7	0	0	63.8	83,550.5	1,958	5,958.5
McMullen	1,214	3.7	0	0	3.7	1,221.4	58	200.6
Madison	6,456	62.1	0	0	62.2	6,580.3	675	888.7
Marion	1,447	229.4	0	0	229.7	1,906.1	1,008	0
Martin	90,396	1.5	0	0	1.5	90,399.0	20	2,204.0
Mason	1,660	16.6	0	38	16.6	1,731.2	268	330.8
Matagorda	18,044	17.0	0	0	17.0	18,078.0	154	17.0
Maverick	6,280	12.8	0	0	12.8	6,305.6	270	637.4
Medina	1,384	34.5	0	0	34.5	1,453.0	320	434.0
Menard	749	13.9	0	0	13.9	776.8	134	203.2
Midland	27,186	4.7	0	0	4.7	27,195.4	43	0
Milam	50,258	25.6	0	0	25.7	50,309.3	373	3,351.7
Mills	2,385	31.7	0	0	31.8	2,448.5	448	413.

[1] Counties which use the 50 percent of cropland limitation.
[2] Counties which use the cropland basis for establishing farm allotments.

TEXAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Mitchell	70,353	6.0	0	0	6.1	70,365.1	27	947.9
Montague	3,632	74.7	0	0	74.9	3,781.6	386	397.4
Montgomery	1,214	43.5	0	0	43.6	1,301.1	290	102.9
Moore	188	17.4	0	0	17.4	222.8	50	136.2
Morris	1,343	120.4	0	0	120.6	1,584.0	762	38.0
Motley	35,002	6.5	0	0	6.5	35,015.0	34	464.0
Nacogdoches	5,254	201.6	0	0	201.8	5,657.4	1,422	610.6
Navarro	106,529	47.5	0	0	47.5	106,624.0	763	6,249.0
Newton	426	156.8	0	0	156.9	739.7	304	0
Nolan	44,224	6.4	0	0	6.5	44,236.9	143	250.1
Nueces	97,344	20.4	0	0	20.5	97,384.9	299	5,042.1
Ochiltree	50	16.4	0	0	16.5	82.9	0	411.1
Oldham	33	21.2	0	0	21.2	75.4	24	1.6
Orange	1	0	0	0	0	1.0	0	0
Palo Pinto	3,087	19.0	0	0	19.0	3,125.0	286	319.0
Panola	6,775	318.4	0	0	318.9	7,412.3	2,759	592.7
Parker	3,539	62.3	0	0	62.4	3,663.7	633	306.3
Parmer	46,935	4.4	0	0	4.4	46,943.8	303	0
Pecos	16,690	5.0	0	0	5.0	16,700.0	51	7,197.0
Polk	4,732	61.2	0	0	61.3	4,854.5	282	350.5
Potter	140	3.3	0	0	3.3	146.6	4	0
Presidio	2,759	12.9	0	0	12.9	2,784.8	86	262.2
Rains	7,357	54.7	0	0	54.8	7,466.5	684	1,308.5
Randall	990	87.9	0	0	87.9	1,165.8	228	844.2
Reagan	879	1.1	0	0	1.2	881.3	10	259.7
Real	4	0	0	0	0	4.0	10	10.0
Red River	24,581	73.4	0	0	73.5	24,727.9	743	4,455.1
Reeves	53,095	.7	0	170	.7	53,266.4	27	0
Refugio	12,702	11.3	0	0	11.3	12,724.6	86	535.4
Roberts	83	8.1	0	0	8.1	99.2	7	155.8
Robertson	25,113	29.9	0	0	29.9	25,172.8	438	1,892.2
Rockwall	18,066	10.8	0	0	10.9	18,087.7	200	2,718.3
Runnels	84,438	9.8	0	0	9.9	84,457.7	115	4,401.3
Rusk	10,869	520.4	0	0	521.1	11,910.5	2,638	1,175.5
Sabine	2,393	98.3	0	0	98.5	2,589.8	510	107.2
San Augustine	6,369	85.2	0	0	85.4	6,539.6	703	306.4
San Jacinto	4,095	82.3	0	0	82.4	4,259.7	476	198.3
San Patricio	80,744	9.4	0	0	9.4	80,762.8	165	1,853.2
San Saba	6,629	15.4	0	0	15.4	6,659.8	1,119	639.2
Schleicher	9,468	1.5	0	0	1.6	9,471.1	21	57.9
Scurry	67,401	6.2	0	0	6.2	67,413.4	100	1,196.6
Shackelford	3,698	6.9	0	0	7.0	3,711.9	162	435.1
Shelby	6,969	339.2	0	0	339.7	7,647.9	2,062	988.1
Smith	6,966	472.7	0	0	473.3	7,912.0	2,516	659.0
Somervell	1,381	16.7	0	0	16.8	1,414.5	197	59.5
Starr	24,615	58.5	0	1,497	58.5	26,229.0	823	1,667.0
Stephens	1,200	9.9	0	0	9.9	1,219.8	206	193.2
Sterling	328	2.7	0	60	2.7	393.4	19	95.6
Stonewall	27,305	2.6	0	0	2.7	27,310.3	15	407.7
Sutton	14	0	0	0	0	14.0	0	5.0
Swisher	54,961	16.9	0	0	17.0	54,994.0	189	0
Tarrant	9,181	8.0	0	0	8.1	9,197.1	411	957.9
Taylor	34,520	22.0	0	0	22.0	34,564.0	677	1,800.0
Terrell	7	0	0	0	0	7.0	8	10.0
Terry [1]	152,052	6.2	0	0	6.3	152,064.5	72	0
Throckmorton	11,175	3.6	0	0	3.6	11,182.2	170	1,244.8
Titus	2,116	214.1	0	0	214.5	2,544.6	1,414	262.4
Tom Green	55,555	5.7	0	0	5.7	55,566.4	121	1,224.6
Travis	35,282	13.0	0	0	13.1	35,308.1	391	2,349.9
Trinity	4,686	81.7	0	0	81.8	4,849.5	672	400.5
Tyler	411	28.9	0	0	29.0	468.9	182	0
Upshur	1,931	288.4	0	0	288.6	2,508.0	1,643	0
Upton [1]	0	0	0	0	0	0	0	6.0
Uvalde	1,003	5.0	0	0	4.9	1,012.9	44	298.1
Val Verde	95	0	0	0	0	95.0	6	52.0
Van Zandt	19,258	229.4	0	0	229.7	19,717.1	2,911	2,740.9
Victoria	24,805	22.4	0	0	22.5	24,849.9	155	457.1
Walker	6,111	92.4	0	0	92.5	6,295.9	639	487.1
Waller	4,763	34.1	0	0	34.2	4,831.3	441	230.7
Ward	7,024	11.1	0	683	11.2	7,729.3	31	3,157.7

TEXAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national reserve (2)	Adjustment from State reserve for: Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4), and (5) (6)	Allocations from State reserve for: Small farms (7)	Inequity and hardship cases (8)
Washington	20,559	125.8	0	0	125.9	20,810.7	3,184	1,912.3
Webb	1,469	1.0	0	0	1.0	1,471.0	108	527.0
Wharton	71,699	37.5	0	0	37.5	71,774.0	552	0
Wheeler	28,905	8.6	0	0	8.7	28,922.3	235	0
Wichita	5,227	27.1	0	0	27.2	5,281.3	381	1,008.7
Wilbarger	49,664	24.5	0	0	24.6	49,713.1	120	1,936.9
Willacy	91,394	15.2	0	0	15.3	91,424.5	331	528.5
Williamson	105,211	46.4	0	0	46.5	105,303.9	473	7,829.1
Wilson	5,645	49.0	0	0	49.0	5,743.0	1,064	311.0
Winkler	0	0	0	0	0	0	1	22.0
Wise	2,107	65.0	0	0	65.1	2,237.1	705	555.9
Wood	2,501	406.6	0	0	407.3	3,314.9	2,106	72.1
Yoakum	36,390	1.6	0	0	1.7	36,393.3	26	0
Young	11,332	11.8	0	0	11.8	11,355.6	622	1,289.4
Zapata	1,925	6.4	0	0	6.4	1,937.8	233	317.2
Zavala	7,634	1.2	0	0	1.3	7,636.5	86	1,469.5
a. State total	6,991,763	13,497.0	0	2,657	13,517.0	7,021,434.0	151,216	298,625.2
b. State reserve for new farms, late and reconstituted farms and correction of errors								3,385.8
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								7,474,661.0

VIRGINIA

Accomack	14	0	0	0	0	14.0	0.8	0.3
Appomattox	0	1.0	0	0	.7	1.7	0	0
Brunswick	1,844	108.8	0	0	73.1	2,025.9	99.4	41.0
Caroline	4	0	0	0	0	4.0	.3	.1
Charlotte	7	5.7	0	0	3.8	16.5	.3	.2
Chesterfield	2	.4	0	0	.3	2.7	.1	0
Cumberland	4	1.7	0	0	1.2	6.9	.3	.1
Dinwiddie	211	17.2	0	0	11.5	239.7	11.4	4.7
Franklin	23	0	0	0	0	23.0	1.3	.5
Greensville	4,101	157.8	0	0	106.0	4,364.8	220.9	91.2
Halifax	1	1.0	0	0	.7	2.7	0	0
Hanover	0	.5	0	0	.3	.8	0	0
Isle of Wight	253	24.7	0	0	16.6	294.3	13.7	5.6
Lunenburg	207	14.1	0	0	9.5	230.6	11.1	4.6
Mecklenburg	1,697	89.9	0	0	60.4	1,847.3	91.5	37.8
Nansemond	1,423	103.0	0	0	69.2	1,595.2	76.6	31.6
Norfolk	30	.3	0	0	.2	30.5	1.6	.7
Patrick	0	.1	0	0	.1	.2	0	0
Prince Edward	6	1.0	0	0	.7	7.7	.3	.2
Prince George	55	7.4	0	0	5.0	67.4	2.9	1.2
Princess Anne	6	2.0	0	0	1.3	9.3	.3	.2
Southampton	4,223	176.9	0	0	118.8	4,518.7	227.5	93.9
Surry	9	2.0	0	0	1.3	12.3	.5	.2
Sussex	1,526	61.5	0	0	41.3	1,628.8	82.2	33.9
a. State total	15,646	777.0	0	0	522.0	16,945.0	843.0	348.0
b. State reserve for new farms, late and reconstituted farms and correction of errors								25
c. Total allotment available for distribution in State (sum of columns (6), (7), and (8), and item b)								18,161

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 344, 377, 52 Stat. 38, as amended; 7 U. S. C. 1344, 1377; secs. 106 (a), 112 (2), 70 Stat. 191, 195; 7 U. S. C. 1824 (a), 1836)

Done at Washington, D. C., this 27th day of November 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10005; Filed, Nov. 29, 1957; 12:30 p. m.]

PART 729—PEANUTS

DETERMINATION WITH RESPECT TO SUPPLY OF VALENCIA TYPE PEANUTS FOR 1957-58 MARKETING YEAR

The section numbers used in the proclamation establishing that the supply of Valencia type peanuts for the marketing year beginning August 1, 1957 will be insufficient to meet the estimated demand, to establish the extent of increase necessary in State allotments and to apportion such increase (22 F. R. 1977) are hereby revised to read as follows:

1. Section 729.804 is changed to § 729.804 (a).
2. Section 729.805 is changed to § 729.804 (b).
3. Section 729.806 is changed to § 729.804 (c).
4. Section 729.807 is changed to § 729.804 (d).
5. Section 729.808 is changed to § 729.804 (e).

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 57-10339; Filed, Dec. 12, 1957; 8:50 a. m.]

PART 729—PEANUTS

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1957 CROP

Basis and purpose. The purpose of this document is to establish county normal yields for the 1957 peanut crop, which yields have been determined by State committees pursuant to and under the standards specified in § 729.821 (a) of the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760; 22 F. R. 6741, 6987). County normal yields are used in some cases under the said regulations (§§ 729.821 (b), 729.823, 729.853) to determine the amount of penalty on peanuts marketed from a farm and as the 1957 peanut crop is now being marketed it is essential that county normal yields for the 1957 crop be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001-1011) is impractical and contrary to the public interest and the county normal yields specified below shall become effective upon filing of this document with the Director, Division of the Federal Register.

The following text is added to § 729.821 (a):

§ 729.821 *Normal yields*—(a) *County.* * * * County normal yields for the 1957 peanut crop are as follows:

ALABAMA

County	Normal yield (pounds)	County	Normal yield (pounds)
Autauga	791	Houston	1,068
Baldwin	887	Jackson	768
Barbour	889	Jefferson	675
Bibb	616	Lamar	575
Blount	719	Lauderdale	676
Bullock	740	Lawrence	637
Butler	806	Lee	673
Calhoun	695	Limestone	612
Chambers	676	Lowndes	568
Cherokee	677	Macon	666
Chilton	662	Madison	572
Choctaw	601	Marengo	499
Clarke	609	Marion	580
Clay	732	Marshall	681
Cleburne	634	Mobile	925
Coffee	1,014	Monroe	924
Colbert	677	Montgomery	696
Conecuh	848	Morgan	662
Coosa	622	Perry	566
Covington	996	Pickens	510
Crenshaw	949	Pike	899
Cullman	695	Randolph	652
Dale	990	Russell	689
Dallas	591	St. Clair	662
De Kalb	731	Shelby	650
Elmore	637	Sumter	477
Escambia	979	Talladega	666
Etowah	686	Tallapoosa	634
Fayette	665	Tuscaloosa	535
Franklin	600	Walker	644
Geneva	1,143	Washington	775
Greene	495	Wilcox	621
Hale	540	Winston	675
Henry	992		

ARIZONA

Pima	2,010	Yuma	800

ARKANSAS

Cleburne	367	Lafayette	333
Cleveland	361	Little River	300
Craighead	361	Logan	618
Crawford	463	Nevada	595
Dallas	407	Pike	361
Faulkner	442	Randolph	361
Franklin	565	St. Francis	361
Hempstead	577	Sevier	361
Hot Spring	514	Stone	361
Howard	283	White	348
Johnson	651	Yell	606

FLORIDA

County	Normal yield (pounds)	County	Normal yield (pounds)
Alachua	932	Leon	537
Baker	699	Levy	896
Bay	882	Madison	648
Bradford	995	Marion	997
Calhoun	1,171	Okaloosa	1,226
Columbia	786	Palm Beach	1,895
Dixie	673	Putnam	618
Escambia	669	Santa Rosa	1,181
Gadsden	947	Suwannee	1,059
Gilchrist	795	Taylor	519
Hamilton	538	Union	801
Hillsborough	691	Wakulla	778
Holmes	951	Walton	1,115
Jackson	905	Washington	997
Jefferson	709	Hendry	1,115
Lafayette	819		

GEORGIA

Appling	940	Laurens	747
Atkinson	1,193	Lee	982
Bacon	1,222	Lowndes	822
Baker	1,026	McDuffie	551
Baldwin	455	Macon	705
Ben Hill	1,004	Marion	694
Berrien	1,047	Miller	1,102
Bibb	646	Mitchell	994
Bleckley	774	Montgomery	829
Brooks	891	Muscogee	516
Bryan	939	Newton	798
Bulloch	996	Peach	809
Burke	638	Pierce	686
Calhoun	1,046	Pulaski	782
Candler	826	Quitman	830
Chattahoochee	611	Randolph	930
Clay	1,002	Richmond	492
Coffee	907	Schley	855
Colquitt	1,061	Screven	857
Columbia	486	Seminole	1,188
Cook	1,164	Stewart	800
Crawford	541	Sumter	878
Crisp	1,154	Talbot	631
Dade	548	Tattnall	1,090
Decatur	977	Taylor	886
Dodge	803	Telfair	1,012
Dooly	894	Terrell	949
Dougherty	840	Thomas	822
Early	1,054	Tift	1,090
Effingham	933	Toombs	1,017
Emanuel	963	Treutlen	592
Evans	958	Turner	1,139
Glascock	469	Twiggs	594
Grady	962	Upson	676
Hancock	329	Warren	459
Harris	503	Washington	479
Houston	774	Wayne	877
Irwin	1,193	Webster	923
Jeff Davis	1,066	Wheeler	973
Jefferson	524	Wilcox	939
Jenkins	894	Wilkinson	694
Johnson	525	Worth	1,012
Lanier	1,076		

MISSISSIPPI

Alcorn	366	Lauderdale	402
Calhoun	314	Lincoln	458
Chickasaw	330	Lowndes	330
Copiah	458	Madison	402
Covington	402	Montgomery	316
George	402	Neshoba	330
Greene	402	Noxubee	330
Hinds	458	Pontotoc	366
Holmes	316	Smith	402
Kemper	330	Tippah	366
Lafayette	314	Tishomingo	366
Lamar	402	Winston	330

MISSOURI

New Madrid	1,060	Ozark	740

NEW MEXICO

Curry	1,163	Quay	793
Lea	902	Roosevelt	1,182

NORTH CAROLINA

County	Normal yield (pounds)	County	Normal yield (pounds)
Beaufort	1,177	Lincoln	750
Bertie	1,684	Martin	1,569
Bladen	1,188	Montgomery	637
Brunswick	1,005	Moore	1,283
Cabarrus	725	Nash	1,184
Camden	1,539	New Hanover	837
Catawba	721	Northampton	1,720
Chowan	1,904	Onslow	1,361
Columbus	1,322	Pamlico	1,195
Craven	980	Pasquotank	1,680
Cumberland	1,177	Pender	1,177
Currituck	1,398	Perquimans	1,811
Davidson	775	Pitt	1,352
Duplin	1,464	Richmond	1,075
Edgecombe	1,350	Robeson	1,325
Franklin	951	Rowan	787
Gaston	744	Rutherford	650
Gates	1,724	Sampson	1,158
Greene	1,057	Scotland	1,063
Halifax	1,362	Tyrrell	1,474
Hertford	1,821	Wake	1,893
Iredell	700	Warren	825
Johnston	1,290	Washington	1,634
Jones	1,192	Wayne	1,227
Lenoir	1,017	Wilson	1,441

OKLAHOMA

Atoka	684	Lincoln	647
Beckham	1,250	Logan	545
Blaine	1,562	Love	451
Bryan	655	McClain	734
Caddo	1,215	McCurtain	773
Canadian	712	McIntosh	871
Carter	493	Marshall	542
Choctaw	657	Murray	584
Cleveland	710	Muskogee	658
Coal	620	Okfuskee	625
Comanche	654	Oklahoma	669
Cotton	544	Okmulgee	656
Creek	646	Osage	674
Custer	1,538	Pawnee	708
Dewey	610	Payne	700
Garvin	727	Pittsburg	827
Grady	718	Pontotoc	711
Greer	901	Pottawatomie	802
Harmon	569	Pushmataha	707
Haskell	642	Seminole	723
Hughes	883	Sequoyah	617
Jackson	592	Stephens	631
Jefferson	530	Tulsa	672
Johnston	632	Wagoner	641
Latimer	627	Washita	1,258
LeFlore	654		

SOUTH CAROLINA

Aiken	518	Horry	866
Allendale	755	Kershaw	705
Bamberg	654	Lee	1,053
Barnwell	720	Lexington	600
Clarendon	957	Marion	792
Colleton	605	Marlboro	790
Darlington	850	Orangeburg	505
Dillon	997	Richland	535
Dorchester	624	Spartanburg	531
Florence	995	Sumter	1,102
Greenville	559	Williamsburg	725
Hampton	791		

TENNESSEE

Benton	898	Hickman	655
Bradley	1,055	Humphreys	598
Carroll	912	Lawrence	600
Chester	800	Lewis	845
Decatur	757	Madison	400
Dickson	622	Meigs	170
Fayette	817	Obion	435
Gibson	840	Perry	713
Hamilton	800	Polk	800
Hardeman	725	Wayne	981
Hardin	747	Weakley	840
Henderson	1,415		

TEXAS

County	Normal yield (pounds)	County	Normal yield (pounds)
Anderson	723	Johnson	785
Atascosa	360	Jones	317
Austin	1,188	Karnes	389
Bailey	1,165	Kent	370
Bastrop	647	Lamar	930
Baylor	712	Lampasas	470
Bee	295	La Salle	290
Bexar	389	Lavaca	748
Bosque	630	Lee	698
Bowie	785	Leon	877
Brazos	589	Limestone	752
Briscoe	490	Live Oak	357
Brown	510	Llano	346
Burleson	465	McCulloch	410
Burnet	795	McLennan	850
Caldwell	737	Madison	732
Callahan	408	Marion	975
Camp	983	Mason	500
Cass	845	Medina	380
Cherokee	641	Menard	382
Clay	343	Milam	835
Coleman	387	Mills	595
Collingsworth	462	Montague	485
Colorado	884	Montgomery	737
Comanche	630	Morris	783
Cooke	397	Motley	418
Coryell	697	Nacogdoches	787
Dallas	450	Palo Pinto	537
Denton	506	Panola	410
De Witt	650	Parker	595
Dimmit	477	Parmer	2,320
Duval	417	Polk	660
Eastland	448	Rains	885
Erath	463	Red River	798
Falls	985	Robertson	774
Fannin	785	Runnels	267
Fayette	555	Rusk	927
Fort Bend	940	San Saba	385
Franklin	945	Smith	557
Freestone	727	Somervell	715
Frio	915	Stephens	525
Gaines	553	Stonewall	422
Garza	449	Tarrant	493
Gillespie	357	Terry	830
Goliad	418	Titus	737
Gonzales	627	Travis	436
Grayson	563	Trinity	615
Grimes	863	Tyler	430
Guadalupe	420	Upshur	832
Hale	1,678	Van Zandt	818
Hall	390	Victoria	513
Hamilton	525	Walker	975
Harris	1,102	Waller	1,022
Harrison	885	Washington	555
Henderson	910	Williamson	965
Hill	702	Wilson	461
Hood	553	Wise	677
Hopkins	1,010	Wood	1,052
Houston	634	Yoakum	662
Jack	565	Young	500
Jim Hogg	370	Zavala	383
Jim Wells	412		

VIRGINIA

Accomack	1,639	James City	1,649
Brunswick	818	Mecklenburg	646
Charles City	1,911	Nansemond	2,150
Chesterfield	880	New Kent	1,726
Dinwiddie	1,416	Norfolk	1,807
Essex	582	Northampton	1,645
Gloucester	600	Prince George	1,671
Greensville	1,396	Southampton	1,845
Hampton	624	Surry	2,089
Hanover	862	Sussex	1,713
Isle of Wight	2,240		

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 9th day of December 1957. Witness my

hand and the Seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 57-10338; Filed, Dec. 12, 1957; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 125, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.425 (Navel Orange Regulation 125, 22 F. R. 9832) are hereby amended to read as follows:

(i) District 1: 1,016,400 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10337; Filed, Dec. 12, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 30]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY AND ACROBATIC CATEGORIES

DESIGN LOADS AND LOAD DISTRIBUTIONS

This policy permits the use of simplified procedures, published by the Administrator in Appendix D of Civil Aeronautics Manual 3, for determining the loads and load distributions on low speed, low altitude airplanes incorporating wing tip stores.

A new § 3.171-2 is added to read as follows:

§ 3.171-2 *Design loads and load distributions (CAA policies which apply to § 3.171 (b)).* The simplified method in Appendix D[1] to Civil Aeronautics Manual 3 may be used to determine the air loads and air load distributions resulting from the use of tip stores for low speed, low altitude (design Mach number less than 0.4; design altitude less than 15,000 ft.) airplanes with small amounts of sweep (i. e., mid-chord angles of sweep less than 15 degrees).

This supplement shall become effective January 15, 1958.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 6, 1957.

[F. R. Doc. 57-10314; Filed, Dec. 12, 1957; 8:45 a. m.]

[Supp. 14]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

ANTICOLLISION LIGHT STANDARDS

This supplement explains the standards for anticollision lights when installed on rotorcraft.

A new § 6.637-1 is added to read as follows:

§ 6.637-1 *Anticollision light standards (CAA policies which apply to § 6.637).* The anticollision light standards in § 6.637 apply to rotorcraft for which an application for a type certificate is made on or after April 1, 1957. When anticollision lights are installed on rotorcraft for which an application for a type certificate was made before April 1, 1957, the applicant may conform either to § 6.637 or to the standards listed below:

(a) Anticollision lights (when installed) should be of the rotating beacon type installed on top of the fuselage in such a location that the light will not be detrimental to the crew's vision and will not detract from the conspicuity of the position lights. If there is no acceptable location on top of the fuselage, a bottom fuselage installation may be used.

(b) The color of the anticollision light should be aviation red in accordance with the specifications of § 6.635.

(c) The arrangement of the anticollision light, i. e., number of light sources, beam width, speed of rotation, etc., should be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute with an on-off ratio of not less than 1:75.

This supplement shall become effective January 15, 1958.

(Sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007 as amended, 1009 as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 6, 1957.

[F. R. Doc. 57-10315; Filed, Dec. 12, 1957; 8:45 a. m.]

[1] Not filed for publication in the FEDERAL REGISTER.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

ZINEB TOLERANCES; CORRECTION

Effective upon publication in the FEDERAL REGISTER, the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 120.101; 21 CFR, 1956 Supp., 120.115; 22 F. R. 2147) are amended as indicated below:

1. In § 120.101 *Specific tolerances for pesticide residues in or on raw agricultural commodities,* subparagraphs (34), (46), (47), (49), (53), (66), (69) are amended by deleting therefrom the line reading:

Zineb---------- 7 p. p. m.

2. Section 120.115 (c) is amended to read as follows:

§ 120.115 *Tolerances for residues of zineb.* * * *

(c) 7 parts per million in or on beets (garden), roots only; mushrooms.

There was published in the FEDERAL REGISTER of April 2, 1957 (22 F. R. 2147), an order establishing tolerances of 25 parts per million in or on beet tops, collards, endive, kale, lettuce, mustard greens, spinach, and Swiss chard, in accordance with the procedures prescribed in section 408 (d) (2) of the Federal Food, Drug, and Cosmetic Act (secs. 408, 701; 68 Stat. 511, 52 Stat. 1055; 21 U. S. C. 346a, 371). Therefore, notice and public procedure are not necessary prerequisites to the promulgation of this order, since no new tolerances are being established, and this order merely effects a correction in existing regulations.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: December 9, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-10330; Filed, Dec. 12, 1957; 8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF MONURON

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of monuron (3-(*p*-chlorophenyl)-1,1-dimethylurea) in or on avocados.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1956 Supp., 120.108; 22 F. R. 786) are amended by changing § 120.108 (b) to read as follows:

§ 120.108 *Tolerances for residues of monuron (3-(p-chlorophenyl)-1,1-dimethylurea).* * * *

(b) 1 part per million in or on avocados, citrus citron, cottonseed, grapefruit, grapes, kumquats, lemons, limes, onions (dry bulbs only), oranges, pineapple, spinach, sugarcane, tangelos, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: December 6, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-10331; Filed, Dec. 12, 1957; 8:48 a. m.]

Subchapter C—Drugs

PART 165—CERTAIN CHEMICAL DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502 (d) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT DESIGNATED AS HABIT-FORMING

EFFECTIVE DATE OF ORDER ESTABLISHING DESIGNATIONS OF CERTAIN HABIT-FORMING DRUGS

In the matter of amending the regulations with respect to habit-forming drugs for the purpose of designating more informatively the habit-forming drugs presently listed in § 165.1:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (d), 701, 52 Stat. 1050, 1055, as amended; 53 Stat. 854, 70 Stat. 919; 21 U. S. C. 352 (d), 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of October 26, 1957 (22 F. R. 8487), establishing designations of certain habit-forming drugs, and the amendments became effective November 26, 1957.

(Sec. 701, 52 Stat. 1055, as amended; 70 Stat. 919; 21 U. S. C. 371. Interpret or apply sec. 502, 52 Stat. 1050; 21 U. S. C. 352)

Dated: December 9, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-10328; Filed, Dec. 12, 1957; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[General Order 83]

PART 235—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

Part 235 was originally published as Order 128, July 12, 1935. For purpose of clarification and consistency the text of Part 235 is republished below (as General Order 83).

In this republication the following language has been deleted from § 235.2 because it is inapplicable: "Schedules containing the rates, charges, rules and regulations in effect on the effective date of this section shall be filed, as aforesaid, on or before October 1, 1935, and thereafter".

Sec.
235.1 Filing of schedules; contents.
235.2 Time for filing.

AUTHORITY: §§ 235.1 and 235.2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 19, 41 Stat. 995; 46 U. S. C. 876.

§ 235.1 *Filing of schedules; contents.* Every common carrier by water in foreign commerce shall file with the Federal Maritime Board schedules showing all the rates and charges for or in connection with the transportation of property, except cargo loaded and carried in bulk without mark or count, from points in continental United States, not including Alaska or the Canal Zone, to foreign points on its own route; and, if a through route has been established with another carrier by water, all the rates and charges for or in connection with the transportation of property, except cargo loaded and carried in bulk without mark or count, from points in continental United States, not including Alaska or the Canal Zone, on its own route to foreign points on the route of such other carrier by water. The schedules filed as aforesaid by any such common carrier by water in foreign commerce shall show the point from and to which each such rate or charge applies; and shall contain all the rules and regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates or charges.

§ 235.2 *Time for filing.* Any schedule required to be filed as aforesaid, and any change, modification or cancellation of any rate, charge, rule or regulation contained in any such schedule shall be filed as aforesaid within 30 days from the date such schedule, change, modification or cancellation becomes effective.

Dated: December 5, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-10336; Filed, Dec. 12, 1957; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

PART 301—REPORTS

INLAND AND COASTAL WATERWAYS ANNUAL REPORT FORM K-A (CLASS A AND CLASS B CARRIERS)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 27th day of November A. D. 1957.

The matter of annual reports of Class A and B water carriers operating on inland and coastal waterways being under further consideration and the changes to be effectuated by this order being only minor changes in the data to be furnished, rule-making procedures under section 4 (a) of the Administra-

tive Procedure Act, 5 U. S. C. 1003 (a), being deemed unnecessary:

It is ordered, That § 301.10 of the order of February 4, 1955, in the matter of Carriers by Water—Annual Report Form A, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1957, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 301.10 be, and it is hereby, modified and amended to read as follows:

§ 301.10 *Annual reports of Class A and B water carriers on inland and coastal waterways.* Commencing with the year ended December 31, 1957, and for subsequent years thereafter, until further order, all water carriers on inland and coastal waterways, subject to the provisions of section 313, Part III of the Interstate Commerce Act, and of Classes A and B, as described in § 126.2 of this chapter, viz., carriers with annual operating revenues exceeding $100,000, are required to file annual reports in accordance with Inland and Coastal Waterways Annual Report Form K–A (Class A and Class B Water Carriers), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That a copy of this order and of Annual Report Form K–A shall be served on all Class A and Class B water carriers by inland and intercoastal waterways subject to its provisions, and upon every trustee, receiver, executor, administrator or assignee of any such water carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(54 Stat. 933; 49 U. S. C. 904. Interprets or applies 54 Stat. 944; 49 U. S. C. 913)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–10319; Filed, Dec. 12, 1957; 10:50 a. m.]

PART 301—REPORTS

ANNUAL REPORT FORM K–C (CLASS C CARRIERS BY WATER)

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 29th day of November A. D. 1957.

The matter of annual reports from Class C water carriers being under further consideration, and the changes to be effectuated by this order being only minor changes in the data to be furnished, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), being deemed unnecessary:

[1] Filed as part of the original document.

It is ordered, That the order of November 16, 1951, in the matter of Carriers by Water—Annual Report Form K–C, be, and it is hereby modified and amended, with respect to annual reports for the year ended December 31, 1957, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 301.30 be, and it is hereby, modified and amended to read as follows:

§ 301.30 *Annual reports of Class C water carriers.* Commencing with the year ended December 31, 1957, and for subsequent years thereafter, until further order, all Class C water carriers, as described in § 126.2 of this chapter, viz., carriers with annual operating revenues of $100,000 or less, subject to the provisions of section 313, Part III of the Interstate Commerce Act, are required to file reports in accordance with Annual Report Form K–C (Class C Water Carriers), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That a copy of this order and of Annual Report Form K–C be served on all Class C water carriers subject to its provisions and upon every trustee, receiver, executor, administrator or assignee of any such water carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(54 Stat. 933; 49 U. S. C. 904. Interprets or applies 54 Stat. 944; 49 U. S. C. 913)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–10320; Filed, Dec. 12, 1957; 10:51 a. m.]

Subchapter D—Freight Forwarders

PART 445—ANNUAL REPORTS

ANNUAL REPORT FORM F–a (CLASS A FREIGHT FORWARDERS)

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 27th day of November A. D. 1957.

The matter of annual reports from Class A freight forwarders being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003, being deemed unnecessary:

It is ordered, That § 445.1 of the order of December 14, 1954, in the matter of Freight Forwarder—Annual Report Form F–a, be, and it is hereby, modified and amended with respect to reports for the year ended December 31, 1957, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 445.1 be, and it is hereby, modified and amended, to read as follows:

§ 445.1 *Annual reports of Class A Freight Forwarders.* Commencing with the year ended December 31, 1957, and for subsequent years, thereafter, until further order, all Class A freight forwarders, as described in § 445.3, viz., with gross operating revenues of $100,000 or more, subject to the provisions of section 412, Part IV of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form F–a (Class A Freight Forwarders), which is attached hereto and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That a copy of this order and of Annual Report Form F–a be served upon every Class A freight forwarder and upon every trustee, receiver, executor, administrator or assignee of any such forwarder, and that notice of this order be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(56 Stat. 285; 49 U. S. C. 1003. Interprets or applies 56 Stat. 294; 49 U. S. C. 1012)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–10318; Filed, Dec. 12, 1957; 10:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

CONDITIONALLY FREE WITHDRAWALS OF DISTILLED SPIRITS FOR SUPPLIES ON FISHING VESSELS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to authority contained in sections 161 and 251 of the Revised Statutes, and sections 309 (a), as amended, and 624 of the Tariff Act of 1930 (5 U. S. C. 22, 19 U. S. C. 66, 1309 (a), 1624), it is proposed to amend § 10.59 (e) of the Customs Regulations (19 CFR 10.59 (e)), concerning conditionally free withdrawals of distilled spirits (including alcohol), wines, and beer for supplies on fishing vessels, to state more clearly and definitely the time, after each subsequent arrival, within which an accounting of the disposition of such alcoholic beverages must be made.

The proposed amendment, in tentative form, is as follows:

Section 10.59 (e) of the Customs Regulations is amended by substituting "(excluding Saturday, Sunday, and holidays)" for "(excluding any period during which the customhouse is not open for general customs business)" in the fifth sentence.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: December 6, 1957.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 57–10332; Filed, Dec. 12, 1957; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

FURTHER EXTENSION OF TIME FOR FILING VIEWS AND COMMENTS ON PROPOSAL TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN TYPES OF FROZEN CONCENTRATES FOR LEMONADE

By a notice published in the FEDERAL REGISTER of November 13, 1957 (22 F. R. 9037), the time for filing views and comments upon the proposal to establish definitions and standards of identity for certain types of frozen concentrates for lemonade, which proposal was published in the FEDERAL REGISTER on June 29, 1957 (22 F. R. 4620), was extended to December 2, 1957.

The Commissioner of Food and Drugs has received a request for a further extension of time in this matter to permit the completion of taste-panel tests; and these grounds appearing reasonable: *It is ordered*, That the time for filing views and comments be further extended to January 3, 1958. This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1005, as amended, 70 Stat. 919; 21 U. S. C. 371), which authority was delegated to the Commissioner by the Secretary of Health, Education, and Welfare (22 F. R. 1045).

Dated: December 9, 1957.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 57–10329; Filed, Dec. 12, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO; BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO; MARYLAND TOBACCO

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1958–59 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313, 1377), the Secretary is preparing to amend the regulations governing establishment of farm tobacco acreage allotments for the 1958–59 marketing year for (1) cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, respectively (22 F. R. 4351, 4847, 8101), (2) burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco, respectively (22 F. R. 5675, 8103), and (3) Maryland tobacco (22 F. R. 4355, 4912, 8104), in the following respects:

1. Section 723.927, paragraph (b), of the cigar marketing quota regulations for the marketing year 1958–59 (22 F. R. 4351, 4847, 8101) would be amended by inserting the following sentence as a second sentence therein: "Such written notice shall be signed by a member of the county committee who may utilize a facsimile signature."

2. Section 725.927, paragraph (b), of the burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco marketing quota regulations for the marketing year 1958–59 (22 F. R. 5675, 8103) would be amended by inserting the following sentence as a second sentence therein: "Such written notice shall be signed by a member of the county committee who may utilize a facsimile signature."

3. Section 727.927, paragraph (b), of the Maryland tobacco marketing quota regulations for the marketing year 1958–59 (22 F. R. 4355, 4912, 8104) would be amended by inserting the following sentence as a second sentence therein: "Such written notice shall be signed by a member of the county committee who may utilize a facsimile signature."

Prior to final adoption and issuance of amendments, substantially as outlined above, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 9th day of December 1957.

[SEAL] WALTER C. BERGER, *Administrator.*

[F. R. Doc. 57–10340; Filed, Dec. 12, 1957; 8:50 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–90, 50–91]

AEROJET-GENERAL NUCLEONICS

NOTICE OF APPLICATIONS FOR UTILIZATION FACILITY LICENSES

Please take notice that Aerojet-General Nucleonics has filed applications under section 104c of the Atomic Energy Act of 1954 for utilization facility licenses as follows:

Docket No. 50–90, Aerojet-General Nucleonics, San Ramon, California, on December 2, 1957 filed an application for a license to construct, possess and operate at San Ramon fifteen nuclear reactors designed to operate at a power level of 100 milliwatts and designated by the applicant as Model AGN–201, Serial Nos. 126 through 140.

Docket No. 50–91, Aerojet-General Nucleonics, San Ramon, California, on December 3, 1957 filed an application for a license to construct, possess and operate at San Ramon five nuclear reactors designed to operate at a power level of 5 watts and designated by the applicant as Model AGN–201M, Serial Nos. 121 through 126.

Both applications are available for public inspection at the AEC's Public Document Room located at 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 9th day of December 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN, *Deputy Director, Division of Civilian Application.*

[F. R. Doc. 57–10333; Filed, Dec. 12, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Georgia a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Dooly. Houston. Schley.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 9th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10317; Filed, Dec. 12, 1957; 8:46 a. m.]

MISSISSIPPI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Mississippi a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Alcorn.	Newton.
Benton.	Pontotoc.
Bolivar.	Prentiss.
Claiborne.	Quitman.
Coahoma.	Scott.
Franklin.	Sharkey.
Issaquena.	Tippah.
Lawrence.	Tunica.
Leflore.	Warren.
Madison.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 10th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10341; Filed, Dec. 12, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9039, G-9077]

GEORGE H. COATES ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 9, 1957.

In the matters of George H. Coates, Docket No. G-9039; Sinclair Oil & Gas Company, H. D. S. Eastern Corporation, Alban Oil & Gas Corporation, and Fifty-First Street Associates, Inc., Docket No. G-9077.

Take notice that George H. Coates (Coates) and Sinclair Oil & Gas Company, H. D. S. Eastern Corporation, Alban Oil & Gas Corporation and Fifty-First Street Associates, Inc. (Sinclair et al.), independent producers, filed applications, on June 15, 1955, and June 27, 1955, in Docket Nos. G-9039 and G-9077 respectively for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commision, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Coates and Sinclair et al. seek separate authorizations to sell natural gas in interstate commerce to Tennessee Gas Transmission Company for resale and ultimate public consumption from their respective production in the Tabasco Field, Hidalgo County, Texas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 15, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 31, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10324; Filed, Dec. 12, 1957; 8:46 a. m.]

[Docket Nos. G-13317, G-13325]

COASTAL STATES GAS PRODUCING CO. AND TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 9, 1957.

In the matters of Coastal States Gas Producing Company, Docket No. G-13317; Texas Illinois Natural Gas Pipeline Company, Docket No. G-13325.

Take notice that (1) Coastal States Gas Producing Company (Coastal), a Delaware corporation with a principal place of business in Corpus Christi, Texas, an independent producer, filed an application on September 25, 1957, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the rendering of service described herein, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open for public inspection; and (2) Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation with a principal place of business in Chicago, Illinois, filed an application on September 27, 1957, for a certificate of public convenience and necessity authorizing the construction and operation of (a) a tap on its existing 26-inch main transmission pipeline in Refugio County, Texas, and (b) a 6-inch lateral supply pipeline approximately one mile in length, together with metering and regulating facilities.

Coastal proposes to sell to Texas Illinois for resale natural gas produced from the Greta Field, Refugio County, Texas. Texas Illinois proposes to construct and operate the facilities referred to above, to enable it to take natural gas from Coastal in volumes ranging from 3,000 Mcf daily initially to 5,000 Mcf daily per 10 billion cubic feet of recoverable reserves.

Texas Illinois estimates the cost of its proposed facilities will be $41,000, and will be defrayed from current funds.

These related matters should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 15, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Coastal or Texas Illinois to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10325; Filed, Dec. 12, 1957; 8:47 a. m.]

[Docket Nos. G-13391, G-13392]

WILCOX TREND GATHERING SYSTEM, INC., AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 9, 1957.

In the matters of Wilcox Trend Gathering System, Inc., Docket No. G-13391; Texas Eastern Transmission Corporation, Docket No. G-13392.

Take notice that Wilcox Trend Gathering System, Inc.[1] (Wilcox) in Docket No. G-13391, and Texas Eastern Transmission Corporation (Texas Eastern) in Docket No. G-13392, hereinafter referred to collectively as "Applicants", filed budget-type applications on October 9, 1957, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas field transmission facilities, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicants seek authority to construct and operate field facilities to enable them to take into their respective certificated main pipeline systems natural gas which they will purchase from producers in the general area of their respective existing transmission systems from time to time during the calendar year 1958, at a total cost not in excess of $1,000,000 for Wilcox and $3,000,000 for Texas Eastern. The foregoing costs are Applicants' estimates, for budget purposes, of their respective investments to be made in field facilities during the calendar year 1958, exclusive of such facilities to be constructed by the Applicants pursuant to certificate authorizations heretofore issued by the Commission and issued hereafter in pending certificate applications.

The Applicants state that the proposals herein will eliminate numerous filings during 1958 for the sole purpose of installing facilities to attach new supplies of gas to their systems where expansions of their overall transmission facilities are not involved.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 15, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 31, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10326; Filed, Dec. 12, 1957; 8:47 a. m.]

[Docket No. G-13562]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 9, 1957.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, having its principal place of business in Oklahoma City, Oklahoma, filed on October 22, 1957 an application, and a supplement thereto on November 4, 1957, pursuant to section 7 of the Natural Gas Act for authorization to (1) construct and operate the facilities hereinafter described and (2) abandon and remove certain facilities for the purpose of reclaiming said facilities as hereinafter described, all subject to the jurisdiction of the Commission and as more fully described in the application and supplement filed with the Commission and open for public inspection. The facilities are described as follows:

FACILITIES TO BE CONSTRUCTED AND OPERATED

(a) Construct a 7000 horsepower station at Applicant's Grabham Compressor Station site located in the NE¼ Section 27, T. 33 S., R. 15 E., Montgomery County, Kansas.

(b) Construct 6.37 miles of 30" gas pipe line beginning at Applicant's Grabham Compressor Station located in the NE¼ Section 27, T. 33 S., R. 15 E., Montgomery County, Kansas and extending northeasterly to the Verdigris River in the NW¼ Section 3, T. 33 S., R. 16 E., Montgomery County Kansas.

(c) Construct 18.0 miles of 26" gas pipe line paralleling present 20" gas pipe line beginning at Applicant's Welda Compressor Station located in the SE¼ Section 34, T. 21 S., R. 19 E., Anderson County, Kansas and extending northerly and northeasterly to the SE¼ Section 2, T. 19 S., R. 19 E., Franklin County, Kansas.

FACILITIES TO BE ABANDONED, REMOVED AND RECLAIMED

(a) Reclaim two 1000 horsepower twin tandem, double acting, four cycle Cooper gas engines from Applicant's Higgins Compressor Station located in the SW¼ Section 26, H. & T. C. R. R. Survey, Blk. 42, Hemphill County, Texas.

(b) Reclaim two 1000 horsepower twin tandem, double acting four cycle Cooper gas engines from Applicant's Mooreland Compressor Station located in the SE¼ Section 35, T. 24 N., R. 19 W., Woodward County, Oklahoma.

(c) Reclaim Applicant's Petrolia Compressor Station consisting of 6300 horsepower located in the NW¼ Section 32, T. 26 S., R. 18 E., Allen County, Kansas. The units to be removed from the Higgins and Mooreland Stations, (a) and (b) above, together with three similar units from the Petrolia Station (c) above, will be reinstalled in the proposed new Grabham Station.

(d) Reclaim Applicant's Grabham Compressor Station consisting of 8450 horsepower located in the NE¼ Section 27, T. 33 S., R. 15 E., Montgomery County, Kansas.

(e) Reclaim two 16" gas pipe lines totaling 12.74 miles beginning at Applicant's Grabham Compressor Station in the NE¼ Section 27, T. 33 S., R. 15 E., Montgomery County, Kansas and extending northeasterly to the Verdigris River in the NW¼ Section 3, T. 33 S., R. 16 E., Montgomery County, Kansas.

The application recites that the basic purpose of the facilities proposed to be constructed is to make gas from Applicant's Elk City Storage Fields available to its markets on peak days. Deliveries from storage on peak days will increase from 421,698 Mcf in 1957-58 to 471,427 Mcf in 1958-59 and to 521,155 Mcf in 1959-60 and 1960-61. Applicant further states that the facilities to be removed from service and reclaimed, in part to be reinstalled, are no longer required in their present locations.

The estimated cost of Applicant's proposals is $3,641,000 inclusive of $280,000 reclamation costs. The cost of the proposals will be defrayed in part from cash on hand, and in part from the placement of bank notes.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 29, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10327; Filed, Dec. 12, 1957; 8:47 a. m.]

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[1] Wilcox is a subsidiary of Texas Eastern.

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Berry Garment Manufacturers, Inc., Columbus, Kans.; effective 12–1–57 to 11–30–58 (jeans and boys' pants).

Blue Bell, Inc., Elkton, Va.; effective 12–1–57 to 11–30–58 (dungarees).

Blue Bell, Inc., Luray, Va.; effective 12–1–57 to 11–30–58 (dungarees).

Blue Bell, Inc., Mt. Jackson, Va.; effective 12–1–57 to 11–30–58 (dungarees).

The Chaffee Manufacturing Co., Inc., Chaffee, Mo.; effective 12–1–57 to 11–30–58 (men's trousers).

Columbo Garment Co., Inc., 158 West Harrison Street, Columbus, Wis.; effective 12–1–57 to 11–30–58 (ladies' slacks).

Dublin Garment Co., Dublin, Ga.; effective 12–1–57 to 11–30–58 (men's and boys' sport shirts).

Dury Clothing Co., Inc., 330 Philadelphia Avenue, West Pittston, Pa.; effective 11–29–57 to 11–28–58 (men's trousers).

Florence Manufacturing Co., Inc., Florence, S. C.; effective 11–29–57 to 11–28–58 (ladies' cotton house dresses).

Hickerson & Co., Brainerd, Minn.; effective 12–10–57 to 12–9–58 (jackets and coats).

The Kramer Co., 16 South Eutaw Street, Baltimore, Md.; effective 12–1–57 to 11–30–58 (ladies' blouses).

Lucky Star Industries, Inc., Baldwyn, Miss.; effective 11–29–57 to 11–28–58. Workers engaged in the manufacture of boys' pants (boys' pants).

Lucky Star Industries, Inc., Baldwyn, Miss.; effective 11–29–57 to 11–29–58. Workers engaged in the manufacture of children's play clothes (children's play clothes).

Mammoth Cave Garment Co., Cave City, Ky.; effective 12–11–57 to 12–10–58 (dungarees).

Manhattan Shirt Co., Tripp Street, Americus, Ga.; effective 11–27–57 to 11–26–58 (dress shirts).

Manhattan Shirt Co., Poplar Hill Avenue and Calvert Street, 416 East Main Street, Salisbury, Md.; effective 12–1–57 to 11–30–58 (men's dress shirts).

Manhattan Shirt Co., 21 Academy Street, Middletown, N. Y.; effective 12–1–57 to 11–30–58 (men's and ladies' dress and sport shirts).

Manhattan Shirt Co., U. S. Highway, By Pass No. 29 and No. 70, Lexington, N. C.; effective 12–1–57 to 11–30–58 (men's sport shirts, ladies' dress shirts).

Prime Pants Co., Versailles, Mo.; effective 12–1–57 to 11–30–58 (men's and boys' pants).

Publix Shirt Corp., Huntington, Tenn.; effective 12–1–57 to 11–30–58 (sport shirts).

Putnam Manufacturing Co., Sparta Highway, Cookeville, Tenn.; effective 11–26–57 to 4–30–58 (men's cotton work pants).

Riviera Sportswear Co., 117 North 2d Street, La Crosse, Wis.; effective 12–1–57 to 11–30–58 (women's dresses).

Samsons Manufacturing Corp., 525 East Fifth Street, Washington, N. C.; effective 12–10–57 to 12–9–58 (sport shirts).

Boris Smoler & Sons, Inc., 600–620 Crawford Avenue, Elkhart, Ind.; effective 11–29–57 to 4–30–58 (dresses).

Springfield Garment Manufacturing Co., 627 North Campbell Street, Springfield, Mo.; effective 12–10–57 to 4–30–58 (dress and semi-dress trousers).

Sun Garment Co., Inc., Twelfth and Penn, St. Joseph, Mo.; effective 12–1–57 to 11–30–58 (shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bellmill Manufacturing Co., Route No. 1 Commercial Street, Marseilles, Ill.; effective 12–1–57 to 11–30–58; 10 learners (jackets).

Dick's Dress Co., 25 Forrest Street, Rutland, Vt.; effective 12–3–57 to 12–2–58; 10 learners (women's dresses).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va., effective 12–2–57 to 12–1–58; 10 learners (women's cotton, nylon and dacron uniforms).

Frances Gee Garment Co., Higginsville, Mo.; effective 12–1–57 to 11–30–58; 10 learners (women's cotton and nylon uniforms).

Goodman Manufacturing Co., 131 South Poplar Street, Shamokin, Pa.; effective 12–1–57 to 11–30–58; five learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's sportswear).

The Kramer Co., 1437 Fuselage Avenue, Baltimore, Md.; effective 12–1–57 to 11–30–58; five learners (ladies' blouses).

Le Nore Garments, Inc., 230 West Fifth Street, Tempe, Ariz.; effective 12–2–57 to 4–30–58; 10 learners (ladies' and children's aprons).

Lorch Manufacturing Co., West, Tex.; effective 12–1–57 to 11–30–58; five learners (ladies' and misses' dresses and sportswear).

Sherman Manufacturing Co., Darlington, S. C.; effective 11–21–57 to 8–22–58; 10 learners (replacement certificate) (women's cotton wash dresses).

Boris Smoler & Sons, Inc., 507 Jefferson Street, La Porte, Ind.; effective 11–29–57 to 4–30–58; 10 learners (dresses).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa; effective 12–1–57 to 11–30–58; 10 learners (infants' layette garments).

K. W. Pollock dba Tompkinsville Garment Co., Tompkinsville, Ky.; effective 12–1–57 to 11–30–58; 10 learners (dungarees).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Benjamin & Johnes, Inc., Bien Jolie Foundation Garments, 410 Ashe Avenue, Dunn, N. C.; effective 11–27–57 to 5–26–58; 25 learners (women's foundation garments).

International Latex Corp., Lafayette, Ala.; effective 12–2–57 to 4–11–58; 35 learners (supplemental certificate) (brassieres).

Normandy Dress Co., 700 South Madison, Bay City, Mich.; effective 12–2–57 to 6–1–58; 20 learners (ladies' cotton house dresses).

Roseboro Manufacturing Co., Roseboro, N. C.; effective 12–2–57 to 6–1–58; 50 learners (cotton dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 319 West Main Cross Street, Findlay, Ohio; effective 12–6–57 to 12–5–58; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Bland Hosiery Mills, Inc., Bland, Va.; effective 11–29–57 to 11–28–58; five learners for normal labor turnover purposes (full-fashioned).

Dillon Hosiery Co., Dillon, S. C.; effective 12–2–57 to 6–1–58; 50 learners for plant expansion purposes (supplemental certificate) (seamless).

Magnet Mills, Inc., 308 Cullom Street, Clinton, Tenn.; effective 11–29–57 to 11–28–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Merrimac Knitting Mills, Inc., 235 Central Street, Franklin, N. H.; effective 11–27–57 to 5–26–58; 15 learners for plant expansion purposes (seamless).

Wigwam Mills, Inc., 1321 North 14th Street, Sheboygan, Wis.; effective 11–27–57 to 11–26–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery, knitted outerwear).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Northern Ohio Telephone Co., Pemberville, Ohio; effective 12–18–57 to 12–17–58.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills, Inc., 206 Elm Ave., Sanford, Fla.; effective 11–29–57 to 5–28–58; 10 learners for plant expansion purposes (women's cotton swim suits).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Faith Shoe Co., 23–43 Beekman Street, Wilkes-Barre, Pa.; effective 12–1–57 to 11–30–58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Gettysburg Shoe Co., Dillsburg Division, Dillsburg, Pa.; effective 12–1–57 to 11–30–58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Golo of Dunmore, Golo Park, Dunmore, Pa.; effective 12–1–57 to 11–30–58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Northern Shoe Co., Pulaski, Wis.; effective 12–1–57 to 11–30–58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Collins of Texas, Inc., Medina, Tex.; effective 12–2–57 to 6–1–58; authorizing the employment of two learners for normal labor turnover purposes, in the occupations of machine stitching, die and clicker machine operating, hand cutting, pocketbook makers' helper, and assembly and finishing for a learning period of 160 hours at the rate of 85 cents an hour. (Total training time at special minimum wage rates not to exceed 160 hours) (handbags, belts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 3d day of December 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–10316; Filed, Dec. 12, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 10, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34345: *Carbon tetrachloride—Wichita, Kans., to Illinois and Iowa points.* Filed by W. J. Prueter, Agent (WTL No. A–1950), for interested rail carriers. Rates on carbon tetrachloride, tank-car loads from Wichita, Kans., to Danville, Ill., Bettendorf and Davenport, Iowa.

Grounds for relief: Market competition.

Tariff: Supplement 156 to Agent Prueter's tariff I. C. C. A–3991.

FSA No. 34346: *Coal—Southwestern and Missouri mines to Minnesota Transfer, Minn.* Filed by W. J. Prueter, Agent (WTL No. A–1947), for interested rail carriers. Rates on fine screened coal, as described, carloads from Mines in Arkansas, Kansas, Missouri, and Oklahoma to Minnesota Transfer, Minn.

Grounds for relief: Market competition.

Tariffs: Supplement 9 to F. C. Kratzmeir's tariff I. C. C. 4270. Supplement 55 to W. J. Prueter's tariff I. C. C. A–3969.

FSA No. 34347: *Grain, related products—Between St. Louis group and southern and adjacent Illinois and Indiana.* Filed by O. W. South, Jr., Agent (SFA No. A3574), for interested rail carriers. Rates on coarse grain, grain products, animal and poultry feed, straight or mixed carloads between St. Louis, Mo., and East St. Louis, Ill., and points in Illinois on the Missouri Pacific Railroad and Missouri-Illinois Railroad, on the one hand, and points in southern territory and in Illinois and Indiana, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 116 to Agent Spaninger's tariff I. C. C. 1353 and three other schedules.

FSA No. 34348: *Sulphuric acid—LeMoyne, Ala., to Foley, Fla.* Filed by Southern Railway Company, Agent (No. 129–A), for interested rail carriers. Rates on sulphuric acid, tank-car loads from LeMoyne, Ala., to Foley, Fla.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 162 to Agent Spaninger's tariff I. C. C. 1357.

FSA No. 34349: *Glycols—Geismar, La., to Illinois points.* Filed by O. W. South, Jr., Agent (SFA No. A3573), for interested rail carriers. Rates on diethylene glycol and ethylene glycol, tank-car loads from Geismar, La., to Chicago and Seneca, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 180 to Agent J. H. Marque's tariff I. C. C. 400.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–10321; Filed, Dec. 12, 1957; 8:46 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 242

Washington, Saturday, December 14, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3214

DETERMINING 1-(2 MORPHOLINOETHYL)-4-CARBETHOXY-4-PHENYLPIPERIDINE, AND *d*-2, 2-DIPHENYL-3-METHYL-4-MORPHOLINO-BUTYRYL-PYRROLIDINE, TO BE OPIATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 4731 (g) of the Internal Revenue Code of 1954 provides in part as follows:

OPIATE.—The word "opiate", as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201 (g); 21 U. S. C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate. • • •;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

1-(2 Morpholinoethyl)-4-carbethoxy-4-phenylpiperidine.

d-2, 2-Diphenyl-3-methyl-4-morpholino-butyryl-pyrrolidine.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the aforementioned drugs has an addiction-forming or addiction-sustaining liability similar to morphine and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this tenth day of December in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-10403; Filed, Dec. 13, 1957; 10:25 a. m.]

EXECUTIVE ORDER 10745

AMENDMENT OF SECTION 203 OF EXECUTIVE ORDER NO. 10577[1] OF NOVEMBER 22, 1954, AS AMENDED, PROVIDING FOR THE CONVERSION OF CERTAIN CAREER-CONDITIONAL APPOINTMENTS TO CAREER APPOINTMENTS

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631) and by the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Section 203 of Executive Order No. 10577 of November 22, 1954, as amended by Executive Order No. 10675 of August 21, 1956, is hereby further amended to read as follows:

"SEC. 203. The career-conditional appointment of any employee entitled to veteran preference who has a compensable service-connected disability of ten per centum or more may be converted to a career appointment: *Provided*, that he receives his career-conditional appointment prior to January 1, 1958, and that, not later than December 31, 1958, the agency in which he is employed recommends such conversion and certifies to the Commission that he has

[1] 3 CFR, 1954 Supp., p. 84; 19 F. R. 7521.

(Continued on p. 10027)

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FEDERAL REGISTER

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satisfactorily completed a one-year probationary period: *Provided further*, that any such employee who is not certified for career appointment under this section shall have his career-conditional appointment converted to a career appointment when he has completed the service requirement for such appointment prescribed under section 2.2 (a) of Civil Service Rule II."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 12, 1957.

[F. R. Doc. 57–10405; Filed, Dec. 13, 1957; 10:25 a. m.]

EXECUTIVE ORDER 10746

FURTHER PROVIDING FOR THE ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, and in order to provide further for the administration of the Agricultural Trade Development and Assistance Act of 1954, as amended, Executive Order No. 10560 of September 9, 1954, as amended, is hereby further amended as follows:

SECTION 1. Section 4 (a) is amended by deleting therefrom "paragraphs (a) to (f), inclusive, and (h) to (j), inclusive, of section 104 of the Act" and by inserting in lieu thereof the following: "paragraphs (a) to (j), inclusive, of section 104 of the Act, except paragraph (g) and except also paragraph (e) to the extent that the said paragraph (e) pertains to loans governed by the portion of paragraph (e) added by the act of August 13, 1957 (Public Law 85–128; 71 Stat. 345)".

SEC. 2. Section 4 (d) is amended as follows:

(a) The introductory portion is amended by deleting therefrom "pursuant to section 4 (a) of this order" and by inserting in lieu thereof the following: "in consonance with law and the provisions of this order".

(b) Paragraph (4) is amended by deleting therefrom "sections 104 (d), (e), and (g) of the Act" and inserting in lieu thereof the following "sections 104 (d) and (g) of the Act and section 104 (e) of the Act except to the extent that the said section 104 (e) pertains to the loans referred to in section 4 (d) (5) of this order".

(c) Paragraphs (5), (6), (7), and (8) are renumbered as paragraphs (6), (7), (8), and (9), respectively, and the following new paragraph (5) is inserted immediately after paragraph (4):

"(5) Those under section 104 (e) of the Act by the Export-Import Bank of Washington to the extent that the said section 104 (e) pertains to loans governed by the portion of section 104 (e) added by the said act of August 13, 1957. The amounts of foreign currencies which accrue under Title I of the Act to be used for the said loans by the Export-Import Bank of Washington shall be the amounts thereof specified, or shall be the amounts thereof corresponding to the dollar amounts specified, for such loans in sales agreements entered into pursuant to section 3 (a) of this order."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 12, 1957.

[F. R. Doc. 57–10404; Filed, Dec. 13, 1957; 10:25 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 126]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.426 *Navel Orange Regulation 126*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 12, 1957.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 15, 1957, and ending at 12:01 a. m., P. s. t.,

December 22, 1957, are hereby fixed as follows:

(i) District 1: 323,400 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 69,300 cartons;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: December 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10406; Filed, Dec. 13, 1957; 11:13 a. m.]

[Lemon Reg. 717]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.824 *Lemon Regulation 717*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 11, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 15, 1957, and ending at 12:01 a. m., P. s. t., December 22, 1957, are hereby fixed as follows:

(i) District 1: 23,250 cartons;
(ii) District 2: 125,550 cartons;
(iii) District 3: 37,200 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 12, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10398; Filed, Dec. 13, 1957; 9:00 a. m.]

[Grapefruit Reg. 117]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.378 *Grapefruit Regulation 117*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 15, 1957. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 13, 1957, and will so continue until December 15, 1957; the recommendation and supporting information for continued regulation subsequent to December 14, 1957, were promptly submitted to the Department after an open meeting of the Administrative Committee on December 5, 1957; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof; are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., December 15, 1957, and ending at 12:01 a. m., P. s. t., January 26, 1958, no handler shall ship:

(i) Any grapefruit of any Variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{1}{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{6}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{6}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10351; Filed, Dec. 13, 1957; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

MISCELLANEOUS AMENDMENTS

Effective as to actions taken after February 16, 1958, §§ 9.103 and 9.106 (b) (1) are amended as set out below.

§ 9.103 *Procedure in separating employee serving a probationary or trial period.* (a) Any employee serving a probationary or trial period shall be given a full and fair trial in the performance of the duties of the position to which appointed. If the performance of his duties or his conduct during the probationary or trial period is not satisfactory to the agency, his services shall be terminated by notifying him in writing of the reasons for his separation and of its effective date; also of his right to appeal to the Commission and the time limit within which his appeal must be submitted to the Commission as provided in § 9.106 (c).

(b) If an employee's services are to be terminated during the probationary or trial period for reasons based in whole or in part on conditions arising prior to his appointment, the agency shall notify the employee in writing, setting forth specifically and in detail the reasons for the proposed action. The employee shall be allowed a reasonable time for filing a written answer to such charges and for furnishing affidavits in support of his answer. Following consideration of the answer, the employee shall be furnished at the earliest practicable date with a written decision. In any decision that termination action will be taken, the agency shall notify the employee of the reasons for the action and the effective date; also of the right of the employee to appeal to the Commission and the time limit within which his appeal must be submitted to the Commission as provided in § 9.106 (c).

(c) The retention preference regulations (Part 20 of this chapter) shall be followed whenever a probationer's separation is caused by reduction in force.

§ 9.106 *Authority of Commission to investigate separations, suspensions, reassignments, or demotions.* * * *

(b) The Commission may investigate the removal, suspension, reassignment, or demotion of an employee who establishes a prima facie case that:

(1) The procedure prescribed by the Commission under § 9.102 (a) (1) or § 9.103 (a) or (b) has not been followed (regardless of other allegations); or

* * * * *

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10355; Filed, Dec. 13, 1957; 8:49 a. m.]

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

GENERAL PROVISIONS

Effective August 3, 1957, subparagraphs (4), (5), and (6) of paragraph (d) of § 25.103 are revoked and a new subparagraph (4) is added as set out below.

§ 25.103 *General provisions.* * * *

(d) Where an employee occupies a position not subject to the Classification Act, and the employee together with his position is initially brought under the Classification Act of 1949, as amended, pursuant to a Reorganization Act or other legislation, an Executive order of the President, or a decision of the Civil Service Commission under section 203 of the Classification Act of 1949, as amended, the employee's rate of basic compensation shall be determined as follows:

* * * * *

(4) If the employee is receiving a rate of basic compensation in excess of the maximum scheduled rate of the grade in which his position is placed, and such rate is not saved by any provision of law, he shall be paid the maximum scheduled rate for his grade.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10354; Filed, Dec. 13, 1957; 8:49 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.350]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following November 30, 1957, paragraph (b) is amended by the deletion of the following:

India, all posts except Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Jodhpur, Kotah, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Rajkot, Simla, Trivandrum, Udaipur and Vellore.

2. Effective as of the beginning of the first pay period following November 30, 1957, paragraph (c) is amended by the deletion of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.

3. Effective as of the beginning of the first pay period following November 30, 1957, paragraph (a) is amended by the addition of the following:

Anand, India

4. Effective as of the beginning of the first pay period following November 30, 1957, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyperabad, Izatnagar, Jodhpur, Kotah, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Rajkot, Simla, Trivandrum, Udaipur and Vellore.

5. Effective as of the beginning of the first pay period following November 30, 1957, paragraph (c) is amended by the addition of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Taubate.

6. Effective as of the beginning of the first pay period following April 6, 1957, paragraph (d) is amended by the addition of the following:

Antigua Island, B. W. I.

7. Effective as of the beginning of the first pay period following November 30, 1957, paragraph (d) is amended by the addition of the following:

Taubate, Brazil

(Sec. 102, Part I, E. D. 10000, 13 F. R. 5453, 3 CFR 1948 Supp.)

Dated: December 2, 1957.

For the Secretary of State.

[SEAL] I. W. CARPENTER, Jr.,
Assistant Secretary for Administration.

[F. R. Doc. 57-10356; Filed, Dec. 13, 1957; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

PART 304—ADJUDICATION AND LICENSING PROCEDURE

CROSS REFERENCE: For order proclaiming and making effective the findings of the Secretary of the Treasury with regard to certain drugs having addiction-forming and addiction-sustaining liability similar to morphine, see Proclamation 3214, Title 3, *supra*.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

ADMISSION FEES, MISCELLANEOUS

1. Paragraph (d) of § 13.13 *Admission fees, miscellaneous*, is amended to read as follows:

(d) A fee of 25 cents shall be charged each person entering the Government area on Jamestown Island and Glasshouse Point in Colonial National Historical Park, except members of the Association for the Preservation of Virginia Antiquities. The fee shall be combined with a fee of 25 cents per person charged for admission to the area owned by the Association for the Preservation of Virginia Antiquities and included within the Jamestown National Historic Site, and during the period from April 1, 1957 through December 31, 1958, with a fee of 50 cents per person for admission to the Festival Center to be operated in the State Park by the Commonwealth of Virginia. Officials of the National Park Service, the Commonwealth of Virginia, and the Association for the Preservation of Virginia Antiquities may admit the general public to the areas under their jurisdiction without charge upon special occasions, and official complimentary passes issued by any of the three parties shall be honored by the other parties.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

HATFIELD CHILSON,
Under Secretary of the Interior.

DECEMBER 9, 1957.

[F. R. Doc. 57-10342; Filed, Dec. 13, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-1325]

[Rules Amdt. 3-103]

PART 3—RADIO BROADCAST SERVICES

SUBSIDIARY COMMUNICATIONS AUTHORIZATIONS OF FM BROADCAST STATIONS

1. The Commission has before it for consideration petitions filed by a number of FM broadcast stations requesting amendment or waiver of the rules to permit continued functional music operations on a simplex basis after January 1, 1958.

2. Wm. Penn Broadcasting Company (WPEN–FM), Philadelphia, Pennsylvania; FM Broadcasters, Inc., tr/as Market-Casters, Seattle, Washington; and WBFM, Inc. (WBFM), New York, New York, filed petitions requesting that the rules be amended to delete the mandatory requirement for multiplexing and to permit SCA holders to simplex or multiplex on a voluntary basis. King Broadcasting Company (KING–FM), Seattle, Washington; Capital Broadcasting Company (WNAV–TV), Annapolis, Maryland; North Shore Broadcasting Company (WEAW–FM), Evanston, Illinois; Robert P. Adams (KUTE), Glendale, California; The Silver City Crystal Company, Inc. (WMMW–FM), Meriden, Connecticut; The Albertson Broadcasting Corporation (WBNY–FM), Buffalo, New York; Concert Network, Inc. (WHCN), Hartford, Connecticut; and Klef Broadcasters (KQXR), Bakersfield, California, request either amendment or waiver of the rules to permit simplexing for an additional 6 months' period beyond January 1, 1958, until July 1, 1958. Functional Broadcasting, Inc. (WDDS–FM), Syracuse, New York; Radio KITE, Incorporated (KITE–FM) San Antonio, Texas; WWDC, Inc. (WWDC–FM), Washington, D. C.; Music Services, Inc. (WFMF), Chicago, Illinois; WCAU, Incorporated (WCAU–FM), Philadelphia, Pennsylvania; Brazy Broadcasting Corporation (KFMU), Los Angeles, California; Musicast, Incorporated (KMLA), Los Angeles, California; Continental Telecasting Corporation (KRKD–FM), Los Angeles, California; and Sundial Broadcasting Corporation (KDFC), San Francisco, request either amendment or waiver of the rules to permit simplexing for an additional year until January 1, 1959. Lincoln Broadcasting Company (WLDN–FM), Oak Park, Michigan, requests either amendment or waiver to permit simplexing until satisfactory multiplex equipment becomes available.

3. Oppositions to any extension have been filed by FM Unlimited, Inc., Chicago, Illinois, and Sharon-Herald Broadcasting Company (WPIC), Sharon, Pennsylvania.

4. The Commission amended its rules effective July 1, 1955, to permit FM broadcast stations to provide functional music services such as background music and storecasting. The Commission concluded that functional music was "predominantly non-broadcast in nature" but should be allowed as an adjunct to FM broadcasting operation. The Commission emphasized that functional music was a subsidiary service, authorized for the purpose of enabling FM broadcast stations to improve their financial position in order that they might provide better broadcast service to the public.

5. The Commission's Report authorizing functional music provided that, as soon as feasible, such operations should be conducted on a multiplex basis, with the functional music programs transmitted on a sub-carrier simultaneously with the regular broadcast programs on the main channel. Parties argued in the proceeding that multiplex equipment was not sufficiently developed. The Commission stated, nevertheless, that since functional music is not broadcasting and conversion or reallocation of the FM band was not intended, the only alternative to multiplexing would be a complete bar of functional music in the FM broadcasting band.

6. In light of the unavailability of multiplex equipment, the Commission provided that functional music could be conducted on a simplex basis for one year following the effective date of the new rules—until July 1, 1956. Subsequently, the date for conversion to multiplexing was extended one year—to July 1, 1957—and again for six months—to January 1, 1958. The FM stations listed above now request that we further extend the time for simplex operations beyond January 1 or delete altogether the requirement for multiplexing.

7. Ninety-six Subsidiary Communications Authorizations for functional music by FM broadcast stations are outstanding. Fifty-nine of these are for multiplexing, thirty for simplexing and seven cover both modes of operation. Twenty-seven of the FM stations holding SCA's for multiplexing have submitted measurements which appear to indicate satisfactory performance.

8. We affirm our view that functional music operations engaged in by FM stations in the broadcast band should be conducted on a multiplex basis as soon as possible. Last June when we extended the time during which functional music on a simplex basis could continue to be provided to January 1, 1958, we stated that we expected further extensions for simplexing would not be necessary. Functional music operators have been on notice for over two and a half years that the Commission expected all functional music operations to be multiplexed. We do not believe that an additional general extension for simplexing is justified. We recognize, however, that some stations are presented with difficulties in completing their conversion to multiplexing within the specified time. Accordingly, the Commission will consider individual requests for waiver of the rules to permit short-term extensions for simplexing upon a showing that the FM station has taken steps to convert to multiplexing and that such extension is necessary to enable the station to complete its conversion. In order to afford time for the Commission to process such requests for waiver, we are amending the rules to extend the time when simplex operations may be conducted from January 1, 1958, to March 1, 1958.

9. Any station holding an SCA for simplexing and desiring to continue such operations beyond March 1, 1958, in order to complete conversion to multiplexing should file with the Commission on or before January 15, 1958, a request for waiver of the rules setting forth complete information concerning the steps that have been taken to convert to multiplexing, the reasons why it will be unable to complete conversion by March 1, 1958, and the date when it is expected conversion will be completed. Stations which have already submitted requests for waiver of the rules to extend simplex operations may incorporate the material set out in their requests by reference, provided the Commission is so advised by January 15, 1958.

10. In light of the foregoing, we are amending Section 3.293 of the rules to extend from January 1, 1958, to March 1, 1958, the time when all functional music by FM broadcast stations must be multiplexed. At the same time, we are extending all outstanding SCA's for simplexing to March 1, 1958, or to the expiration date of the license of the FM broadcast station holding the SCA, whichever is sooner.

11. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (b), (g) and (r) of the Communications Act of 1934, as amended. The amendment constitutes a relaxation of the rules and prior notice of rule making is unnecessary. We find, further, that the public interest, convenience and necessity would be served by making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

12. *Accordingly, it is ordered*, That the above-described petitions, insofar as they request that the rules be amended to delete the requirement that all functional music operations in the FM broadcast band be multiplexed, or request blanket extensions for simplexing beyond March 1, 1958, are denied.

13. *It is further ordered*, That, effective January 1, 1958, § 3.293 of the Commission's rules and regulations is amended by substituting March 1, 1958, for January 1, 1958, in the next to the last sentence. The rule as amended will read as follows:

§ 3.293 *Subsidiary Communications Authorizations.* An FM broadcast licensee or permittee may apply for a Subsidiary Communications Authorization (SCA) to engage in a limited type of non-broadcast service. These services are restricted to those involving programming consisting of news, music, time, weather, and other similar program categories. (The functional music services whereby FM stations undertake to supply programs of a predominantly musical nature to commercial establishments is an example of such an SCA service.) FCC Form 318—Application for Subsidiary Communications Authorization, shall be submitted; the applicant for the SCA shall there specify the particular nature or purposes of the SCA operation or operations sought. New SCA operations will be authorized only for multiplexing. Outstanding Subsidiary Communications Authorizations for simplex operations will not be extended beyond March 1, 1958. SCA operations on a multiplex basis may be carried on without restriction as to time. Simplex operations pursuant to outstanding authorizations shall be conducted during those times not devoted to the 36 hours required under § 3.261 for FM broadcast operation.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: December 5, 1957.

Released: December 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10363; Filed, Dec. 13, 1957; 8:51 a. m.]

PART 10—PUBLIC SAFETY RADIO SERVICES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 10 since it was last published in the FEDERAL REGISTER (December 18, 1953, 18 F. R. 8491), Part 10 is recapitulated as of December 2, 1957, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Subpart A—General Information

Sec.
10.1 Basis and purpose.
10.2 Definitions.
10.3 Organization and applicability of rules.
10.4 General limitation on use.
10.5 General citizenship restrictions.
10.6 General restrictions on transfer and assignment of station authorization.
10.7 Cooperative arangements.
10.8 Frequency coordination procedures.

Subpart B—Applications, Authorizations and Notifications

10.51 Station authorization required.
10.52 Procedure for obtaining a radio station authorization and for commencement of operation.
10.53 Filing of applications.
10.54 Who may sign applications.
10.55 Standard forms to be used.
10.56 Request for special temporary authority.
10.57 [Reserved]
10.58 Supplementary information to be submitted with application.
10.59 [Reserved]
10.60 Partial grant.
10.61 Defective applications.
10.62 Amendment or dismissal of applications.
10.63 Construction period.
10.64 License term.
10.65 Changes in authorized stations.
10.66 Discontinuance of station operation.
10.67 [Reserved]
10.68 International police radio communication.

Subpart C—Technical Standards

10.101 Frequencies.
10.102 Frequency stability.
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10.104 Emission limitations.
10.105 Modulation requirements.
10.106 Power and antenna height.
10.107 Transmitter control requirements.
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10.109 Acceptability of transmitters for licensing.
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Subpart D—Operating Requirements

10.151 Operating procedure.
10.152 Station identification.
10.153 Suspension of transmission required.
10.154 Mobile installations in vehicles not under the continuous control of the licensee.
10.155 Operator requirements.
10.156 Posting of operator license.
10.157 Transmitter identification card and posting of station license.
10.158 Inspection of stations.
10.159 Inspection and maintenance of tower marking and associated control equipment.
10.160 Answers to notices of violations.
10.161 Content of station records.
10.162 Form of station records.
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10.165 Communication with other stations.
10.166 CONELRAD rules for the Public Safety Radio Services.

Subpart E—Developmental Operation

10.201 Eligibility.
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10.205 Interference.
10.206 Special provisions.
10.207 Change or cancellation of authorization without hearing.
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Subpart F—Police Radio Service

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10.253 Points of communication.
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Subpart H—Forestry-Conservation Radio Service

10.351 Eligibility.
10.352 Permissible communications.
10.353 Points of communication.
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10.355 Frequencies available to the Forestry-Conservation Radio Service.

Subpart I—Highway Maintenance Radio Service

10.401 Eligibility.
10.402 Permissible communications.
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Subpart J—Special Emergency Radio Service

10.451 Availability of service.
10.452 Disaster relief organizations.
10.453 Physicians and veterinarians.
10.454 Ambulance operators and rescue organizations.
10.455 Beach patrols.
10.456 School buses.
10.457 Communication standby facilities.
10.458 Establishments in isolated areas.
10.459 Emergency repair of public communications facilities.
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10.461 Station limitations.
10.462 Frequencies available to the Special Emergency Radio Service.

Subpart K—State Guard Radio Service

10.501 Eligibility.
10.502 Permissible communications.
10.503 Points of communication.
10.504 Station limitations.

Sec.
10.505 Frequencies available to the State Guard Radio Service.

AUTHORITY: §§ 10.1 to 10.505 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155.

SUBPART A—GENERAL INFORMATION

§ 10.1 *Basis and purpose.* (a) The basis for this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. This part is issued pursuant to authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) This part is designed to provide a service of radiocommunication essential either to the discharge of non-federal governmental functions relating to the public safety or the alleviation of an emergency endangering life or property.

§ 10.2 *Definitions.* For the purpose of this part the following definitions shall be applicable. (For other definitions, refer to Part 2 of this chapter.)

(a) *Public Safety Radio Services.* Any service of radiocommunication, essential either to the discharge of non-federal governmental functions relating to public safety responsibilities or to the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

(b) *Police Radio Service.* A Public Safety service of radiocommunication essential to official police activities.

(c) *Fire Radio Service.* A Public Safety service of radiocommunication essential to official fire activities.

(d) *Forestry-Conservation Radio Service.* A Public Safety service of radiocommunication essential to official forestry-conservation activities.

(e) *Highway Maintenance Radio Service.* A Public Safety service of radiocommunication essential to official highway maintenance activities.

(f) *Special Emergency Radio Service.* A Public Safety service of radiocommunication essential to the alleviation of an emergency endangering life or property

(g) *Radio service.* An administrative subdivision of the field of radiocommunication. In an engineering sense the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups and subgroups of persons licensed under this part.

(h) *Fixed service.* A service of radiocommunication between specified fixed points.

(i) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(j) *Fixed stations.* A station in the fixed service.

(k) *Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation. Marine, or Aviation Service.

(l) *Control station.* An operational fixed station the transmissions of which are used to control, automatically, the emissions or operation of another radio station at a specified location.

(m) *Repeater station.* An operational fixed station established for the automatic retransmission of radiocommunications received from one or more mobile stations and directed to a specified location.

(n) *Fixed relay station.* An operational fixed station established for the automatic retransmission of radiocommunications received from either one or more fixed stations or from a combination of fixed and mobile stations and directed to a specified location.

(o) *Zone station.* A fixed station in the police radio service using radiotelegraphy (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

(p) *Interzone station.* A fixed station in the police radio service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

(q) *Land station.* A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part and will be used interchangeably with land station.)

(r) *Base station. See* "Land station," paragraph (q) of this section.

(s) *Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points.

(t) *Mobile relay station.* A base station established for the automatic retransmission of mobile service communications which originate on the transmitting frequency of the mobile stations and which are retransmitted on the receiving frequency of the mobile stations.

(u) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part. (For purposes of this definition only, a safety service is any radio service whose operation is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property.)

(v) *Landing area.* Any locality either land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft whether or not facilities are provided for shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(w) *Station authorization.* Any construction permit, license, or special temporary authorization issued by the Commission.

(x) *Carrier frequency.* The frequency of the carrier.

(y) *Assigned frequency.* The frequency appearing on a station authorization, from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

(z) *Authorized bandwidth.* The frequency band, specified in kilocycles and centered on the carrier frequency, containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

(aa) *Antenna structure defined.* The term "antenna structure" includes the radiating system, its supporting structures, and any surmounting appurtenances.

(bb) *Land radiopositioning station.* A station in the radiolocation service, other than a radionavigation station, not intended for operation while in motion.

(cc) *Mobile radiopositioning station.* A station in the radiolocation service, other than a radionavigation station, intended to be used while in motion or during halts at unspecified points.

§ 10.3 *Organization and applicability of rules.* The rules in this part are divided into eleven subparts, of which Subparts A through E, inclusive, contain general rules which apply to every station authorized under this part, while Subparts F through K, inclusive, are specific and apply only to the stations authorized under the particular subject.

§ 10.4 *General limitation on use.* The radio facilities authorized under this part shall not be used to carry program material of any kind for use in connection with radio broadcasting and shall not be used to render a communications common carrier service except for stations in the Special Emergency Radio Service while being used to bridge gaps in common carrier wire facilities.

§ 10.5 *General citizenship restrictions.* A station license shall not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by refusal or revocation of such license.

§ 10.6 *General restrictions on transfer and assignment of station authorization.* A station authorization; the frequencies authorized to be used by the grantee of such authorization; and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority to assign or transfer control of a station authorization may be submitted in accordance with § 10.55 (b) or (d), whichever is applicable.

§ 10.7 *Cooperative arrangements.* Arrangements may be made between two or more persons for the cooperative use of radio station facilities provided all persons sharing in the use of a station are eligible to hold licenses to operate the particular type of station shared. Such cooperative arrangements shall be governed by the following:

(a) *Agreements relating to control.* (1) A group of persons eligible for a license in the same public safety radio service may share the use of a base station or a base and mobile station licensed to one member of the group provided there is on file with the Commission, and maintained with the records of the station, a copy of the agreement under which such shared operation shall take place. Such agreement should provide that the licensee of the station shall be in control of the operation of the station and that all use of its facilities shall take place only under the direction and supervision of an employee of the licensee.

(2) Subscribers to such service may either obtain a separate license to cover the mobile transmitters which they use or the mobile transmitters may be included in the license of the base station from which service is rendered. In the latter case the coordinated service agreement should specifically cover use of such mobile units and indicate that the licensee would be in control of such units.

(b) *Contributions to operating costs.* Coordinated service may be rendered without cost to subscribers or contributions to capital and operating expenses may be accepted by the licensee. Such contributions must be on a cost-sharing basis and pro-rated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the base station licensee and held available for inspection by a Commission representative.

(c) *Letter to accompany application.* Each application for a mobile station proposing to receive coordinated service shall be accompanied by a letter from the licensee of the base station concerned indicating that the proposed coordinated service will be rendered.

§ 10.8 *Frequency coordination procedures.* (a) Except for application in the Special Emergency Radio Service, each application requesting assignment of a frequency not previously authorized for use by the applicant shall be accompanied by information in the form required by either paragraph (b) or (c) of this section.

(b) (1) A statement under oath that all existing licensees in the same service located within a radius of 75 miles of the proposed station and operating on frequencies within the band proposed to be used by the applicant have been notified of the applicant's intention to request the particular frequency; and

(2) A report based on a field study covering an area within a radius of 75 miles of the proposed station, indicating the probable interference to existing stations operating in the same service in the band requested.

(c) In lieu of the statement and report described in paragraph (b) of this section, the applicant may submit a statement from a frequency advisory committee commenting upon the frequency requested and giving the opinion of the committee regarding the probable interference to existing stations. The frequency advisory committee must be so organized that it is representative of all persons involved who are eligible for radio facilities in the service concerned in the area the committee purports to represent and for which recommendations are made. The functions of such committees are purely advisory in character and their comments and recommendations are not binding upon the Commission.

SUBPART B—APPLICATIONS, AUTHORIZATIONS AND NOTIFICATIONS

§ 10.51 *Station authorization required.* No radio transmitter shall be operated in the Public Safety Radio Services except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

§ 10.52 *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with § 10.55 (a).

(b) When construction permit only has been issued for a base, fixed or mobile station and installation has been completed in accordance with the terms of the construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date. FCC Form 456 may be used for this purpose. No reply from the radio district office is necessary before the tests are begun.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington, D. C., an application on FCC Form 400 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When a construction permit and license for a new base, fixed or mobile station are issued simultaneously the licensee shall notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will be placed in operation, giving name of licensee, station location, call sign, and operating frequencies. This notification shall be made in writing on or before the day on which operation is commenced. FCC Form 456 may be used for this purpose.

(d) When a construction permit and modification of license for a base, fixed or mobile station are issued simultaneously, operation may be commenced without notification to the Engineer-in-Charge of the local radio district, except where operation on a new or different frequency results by reason of such modification, in which event the notification procedure set forth in paragraph (c) of this section must be observed.

§ 10.53 *Filing of applications.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Public Safety Radio Services are discussed in § 10.55, and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the procedure outlined in § 10.56 should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., directed to the attention of the Secretary. An application for commercial radio operator permit or license may be submitted to any of the Commission's engineering field offices, or to the Commission's office at Washington 25, D. C.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed. In particular, applications involving the installation of new equipment shall be filed at least sixty days prior to the contemplated installation.

(d) Failure on the part of the applicant to provide all the information required by the application form or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applications involving operation at temporary locations:

(1) When one or more individual transmitters are intended to be operated

as a base station or as a fixed station at unspecified or temporary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary locations. An application for authority to operate a base station or a fixed station at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, or a state or states.

(2) When a base station or fixed station authorized to operate at temporary locations remains at a single location for more than one year, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the one year period.

§ 10.54 *Who may sign applications.* (a) One copy of each application for an authorization shall be signed under oath or affirmation in accordance with the following:

(1) Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction.

(2) Applications filed on behalf of applicants other than governmental entities shall be signed by the individual, or any one of the partners if the applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association.

§ 10.55 *Standard forms to be used.* (a) A separate application shall be submitted on FCC Form 400 for the following:

(1) New station authorization for a base or fixed station.

(2) New station authorizations for any required number of mobile units (including hand-carried or pack-carried units) or any required number of units of a base station or fixed station to be operated at temporary locations in the same service.

NOTE: An application for mobile units may be combined with an application for a single base station in those cases where the mobile units will operate with that base station in a single radio communication system.

(3) License for any class of station upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(4) Modification of combined construction permit and station license for changes outlined in § 10.65 (a).

(5) Modification of construction permit.

(6) Modification of station license.

Any of the foregoing applications will, upon approval and authentication by the Commission, be returned to the applicant as a specifically designated type of authorization.

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 400 prepared by and in the name of the person to whom the station is being assigned.

(c) A separate application may be submitted on FCC Form 400–A for certain changes to authorized stations as specified in § 10.65 (b).

(d) A separate application shall be submitted on FCC Form 703 whenever it is proposed to change, as by transfer of stock-ownership, the control of a corporate permittee or licensee.

(e) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(f) FCC Form 456 "Notification of Completion of Radio Station Construction" may be used to advise the Engineer-in-Charge of the local district office that construction of the station is complete and that operational tests will begin.

(g) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of station license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 10.56 *Request for special temporary authority.* (a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different from that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed under oath: *Provided,* That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph, and in the event that the Commission finds that such an emergency exists temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the facts presented and the action desired.

(b) Special temporary authority may also be requested for the purpose of conducting a field survey to determine necessary data in connection with the filing of formal applications for installation of a radio system under this part. In this case, the authority, if issued, will be for developmental operation only and the applicable sections of Subpart E shall also apply to the grant.

(c) Request for special temporary authority shall contain the following information:

(1) Name, address, and citizenship status of applicant.

(2) Need for special action, including a description of any emergency or damage to equipment.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of operation desired.

(6) Class of station and nature of service.

(7) Location of station.

(8) Equipment to be used, specifying manufacturer, model number and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

(12) Description of antenna to be used, including height.

(d) Except in emergencies involving safety of life or property or due to damage to equipment, request for special temporary authority shall be submitted to the Commission at least ten days prior to the date of proposed operation, or it must be accompanied by a statement of reasons for the delay in submitting such request.

§ 10.57 [Reserved]

§ 10.58 *Supplementary information to be submitted with application.* Each application for station authorization shall be accompanied by such supplemental information listed below as may be required:

(a) Statement with respect to frequency selection and coordination:

(1) Any statements or showings, required by the applicable subpart of these rules, in connection with the use of the frequency requested.

(2) Evidence of frequency coordination as required by § 10.8.

(b) Statements justifying the need when more frequencies are desired than are normally assigned to a single applicant under the applicable subpart of this part.

(c) Statement describing the type of emission to be used if it cannot be described as "8A3" or "40F3" pursuant to Subpart C of this part.

(d) Description of the antenna system, on FCC Form 401–A in triplicate in all cases when:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet, no Form 401–A need be filed; or

(2) The antenna structures proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

(e) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations, in accordance with the instructions accompanying Form 400.

(f) Copies of all agreements and statements which may be required under § 10.7 if operation is desired in connection with any cooperative use of the proposed radio communication facilities.

(g) Statements required by the rules in this part in connection with developmental operations. See §§ 10.202, 10.203, 10.207.

(h) Description of any equipment, proposed to be used, which does not appear on the Commission's List of Equipment Acceptable for Licensing and designated for use in the Public Safety, Industrial and Land Transportation Radio Services.

(i) Any statements or other data required under special circumstances as set forth in the applicable subpart of this part, or required upon request by the Commission.

§ 10.59 [Reserved]

§ 10.60 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from date on which grant is made, or from its effective date if a later date is specified, file with the Commission a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 10.61 *Defective applications.* (a) An application which is not prepared in accordance with the Commission's Rules or other requirements will be considered defective.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant, unless the Commission may otherwise direct.

§ 10.62 *Amendment or dismissal of applications.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 10.63 *Construction period.* (a) Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission in any particular case.

(b) In cases where the station is not ready for operational use on or before the expiration date of the construction permit, application for extension of time to construct shall be filed on FCC Form 400–A.

§ 10.64 *License term.* (a) For all stations in the Public Safety Radio Services, except those engaged in developmental operation, the license period shall be as follows:

(1) Each station license will be issued for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(2) Each station license normally will be renewed, upon proper application, for a term of five years from the effective date of renewal.

(b) Authorization for stations engaged in developmental operation will be made upon a temporary basis for a specific period of time, but in no event to extend beyond one year from date of grant.

§ 10.65 *Changes in authorized stations.* Authority for certain changes in authorized stations must be obtained from the Commission before these changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary.

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of construction permit and/or license be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be on Form 400 and shall be accompanied by exhibits and supplementary statements as required by § 10.58.

(b) Any of the following changes to authorized stations may be made upon approval by the Commission of a "Request for Amendment of Radio Station Authorization" submitted on FCC Form 400–A.

(1) Change in presently authorized location of transmitter control point.

(2) Addition or deletion of control point(s) for presently authorized transmitter.

(3) Reduction in antenna height. If painting and/or lighting of the antenna supporting structure is required, FCC Form 401–A must also be submitted.

(4) A reduction in the overall number of transmitters authorized for mobile use, or for use at base or fixed stations authorized to be operated at temporary locations.

(5) An increase in the overall number of transmitters authorized for mobile use, or for use at base stations or fixed stations to be operated at temporary locations within the authorized area of operation. This form may be used only when adding transmitters which are included in the Commission's "List of Equipment Acceptable for Licensing" and designated for use in the Public Safety Radio Services.

(6) An extension of the time limit specified in a construction permit.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided the particular equipment to be installed is included in the Commission's "List of Equipment Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

§ 10.66 *Discontinuance of station operation.* In case of discontinuance of operation for a period of one year or more of a base or fixed station in these services, or in case of discontinuance for a period of one year or more of operation of all transmitter units listed in the license for a mobile station in these services, the licensee shall forward the station license to the Washington, D. C., office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the district in which the station is located.

§ 10.67 [Reserved]

§ 10.68 *International police radio communication.* Police radio licensees which are located in close proximity to the borders of the United States may be authorized to communicate internationally. Request for such authority shall be submitted in duplicate and be signed under oath. The request shall include information as to the station with which communication will be conducted, frequency, power, emission, etc., that will be used. If authorized, such international communication must be conducted in accordance with Article 5 of the Inter-American Radio Agreement, Washington, D. C., 1949 which reads as follows:

ARTICLE 5. *Police radio stations.* When the American countries authorize their police radio stations to exchange emergency information by radio with similar stations of

another country, the following rules shall be applied:

(a) Only police radio stations located close to the boundaries of contiguous countries shall be allowed to exchange this information.

(b) In general, only important police messages shall be handled, such as those which would lose their value because of slowness and time limitations if sent on other communication systems.

(c) Frequencies used for radiotelephone communications with mobile police units shall not be used for radiotelegraph communications.

(d) Radiotelephone communications shall be conducted only on frequencies assigned for radiotelephony.

(e) Radiotelegraph communications shall be conducted on the following frequencies:

2804 kc calling	5195 kc day calling
2808 kc working	5135 kc day working
2812 kc working	5140 kc day working

(f) The characteristics of police radio stations authorized to exchange information shall be notified to the International Telecommunication Union, Geneva, Switzerland.

(g) The abbreviations contained in Appendix 9 of the Atlantic City Radio Regulations shall be used to the greatest possible extent. Service indications are as follows: "P", priority, for messages that are to be sent immediately, regardless of the number of other messages on file. If no service indication is given, the messages are to be transmitted in the order of receipt.

(h) The message shall contain the preamble, address, text, and signature, as follows:

Preamble. The preamble of the message shall consist of the following: the serial number preceded by the letters "NR"; service indications, as appropriate; the group count according to standard cable count system; the letters "CK", followed by numerals indicating the number of words contained in the text of the message; office and country of origin (not abbreviations); day, month, and hour of filing;

Address. The address must be as complete as possible and shall include the name of the addressee with any supplementary particulars necessary for immediate delivery of the message;

Text. The text may be either in plain language or code;

Signature. The signature shall include the name and title of the person originating the message.

SUBPART C—TECHNICAL STANDARDS

§ 10.101 *Frequencies.* (a) The frequencies available for assignment are listed in the applicable subpart of this part. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the designated frequencies to minimize interference and to make effective use of the frequencies assigned. Frequencies listed in this part will not be assigned exclusively to any one applicant. The use of any frequency may be restricted to one or more specified geographical areas.

(b) Frequencies assigned to government radio stations under Executive Order of the President may be authorized for use of stations in these services upon appropriate showing by the applicant that such assignment is necessary for inter-communication with government stations or required for coordination with activities of Federal Government, and where the Commission finds, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

(c) Frequencies in the band 72–76 Mc may be authorized and used only in accordance with the criteria set forth below:

(1) All authorizations are subject to the condition that no harmful interference will be caused to television reception on Channels 4 and 5.

(2) The applicant agrees to eliminate any harmful interference caused by his operation to TV reception on either Channel 4 or 5 that might develop by whatever means are found necessary within 90 days of the time knowledge of said interference is first brought to his attention by the Commission. If said interference is not cleared up within the 90-day period, operation of the fixed station will be discontinued.

(3) Vertical polarization is used.

(4) Whenever it is proposed to locate a 72–76 Mc fixed station less than 80, but more than 10 miles from the site of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, the fixed station shall be authorized only if there are fewer than 100 family dwelling units[1] located within a circle centered at the location of the proposed fixed station[2] the radius of which shall be determined by use of the chart entitled, "Chart for Determining Radius From Fixed Station in 72–76 Mc Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed." Two charts are provided, one for Channel 4, and one for Channel 5: *Provided, however,* That the Commission may, in a particular case, authorize the location of a fixed station within a circle, as determined under the above conditions, containing 100 or more family dwelling units upon a showing that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(5) All applications seeking authority to operate with a separation of less than 10 miles will be returned without action.

(d) The frequency 27.255 Mc may be authorized to any eligible applicant in the Public Safety Radio Services subject to the following conditions and limitations:

(1) Notwithstanding the rule provisions relating to permissible communications and points of communication in the applicable subpart of this part, the frequency 27.255 Mc may be used to accomplish any radiocommunication requirement which is necessary to the licensee's activity: *Provided,* That otherwise all operations are in accordance with the Commission's Rules.

(2) The frequency 27.255 Mc is available for assignment in the Public Safety Radio Services for use on a shared basis with stations in other services. All fixed and mobile operations on this frequency are subject to interference from the operation of industrial, scientific and medical devices in the frequency band 26.96 to 27.28 Mc.

(e) Frequencies below 25 megacycles listed in the various services of this part are the frequencies normally assigned to stations in those services under the indicated conditions and limitations. In individual cases it may be impracticable to authorize the normally assignable frequencies because of potential interference to existing frequency use in the area involved. In such cases substitute frequencies, which are in accordance with the Commission's table of frequency allocations and compatible with existing United States and foreign assignments made pursuant to outstanding international agreements, may be authorized even though such frequencies are not listed in this part.

(f) [Reserved]

(g) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 25–50 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

§ 10.102 *Frequency stability.* (a) Except as provided in paragraph (b) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
Below 25 Mc	0.01	0.01	0.02
25 to 50 Mc	.002	.002	.005
50 to 1000 Mc	.0005	.0005	.005
Above 1000 Mc	(1)	(1)	(1)

[1] To be specified in the station authorization.

(b) In lieu of meeting the requirements of paragraph (a) of this section for the frequency ranges shown below, transmitters authorized prior to November 1, 1958, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, may conform to the following frequency tolerances until not later than October 31, 1963:

[1] As defined by the U. S. Bureau of the Census.

[2] Family dwelling units 70 or more miles distant from the TV antenna site are not to be counted.

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
25 to 50 Mc	0.01	0.02
50 to 220 Mc	.005	.01
220 to 1000 Mc	(1)	(1)

[1] To be specified in the authorization.

(c) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the manufacturer.

§ 10.103 *Types of emission.* (a) Except as provided in paragraphs (c) and (d) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signaling devices the function of which is limited to establishing or maintaining voice communications or to actuating emergency warning devices used solely for the purpose of advising the general public or emergency personnel of an impending emergency situation.

(b) The use of F3 emission in these services will be authorized only on frequencies above 30 Mc.

(c) Zone and interzone stations will be authorized to use only A1 emission.

(d) Other types of emission not described in paragraphs (a) or (c) of this section may be authorized upon a satisfactory showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

§ 10.104 *Emission limitations.* (a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kilocycles to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (c) of this section is considered to be an unauthorized emission.

(b) The maximum authorized bandwidth of emission corresponding to the types of emission specified in § 10.103 (a) and (c), and the maximum authorized frequency deviation in the case of frequency or phase modulated emission, shall be as follows:

(1) For all type A3 emissions, the maximum authorized bandwidth shall be 8 kc.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, for all F3 emission, the maximum authorized bandwidth and maximum authorized frequency deviation shall be as follows:

Frequency band (Mc)	Authorized bandwidth (kc)	Frequency deviation (kc)
25 to 50 Mc	20	5
50 to 150 Mc	40	15
150 to 450 Mc	20	5
450 to 1,000 Mc	40	15

(3) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1958 to utilize type F3 emission and to be operated on frequencies in the range 25 to 50 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958 for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

(4) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1958 to utilize type F3 emission and to be operated on frequencies in the range 150 to 450 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

(5) For all type A1 emissions, the maximum authorized band width shall be 0.25 kc.

(c) For purpose of demonstrating compliance with paragraph (a) of this section, the following limits apply:

(1) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Maximum authorized plate power input to the final radio frequency stage:	*Attenuation* (db)
3 watts or less	40
Over 3 watts and including 25 watts	50
Over 25 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(d) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 10.105 *Modulation requirements.* (a) The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second; in any transmitter not subject to the provisions of paragraphs (d) or (f) of this section the over-all frequency response of the audio and modulating circuits nevertheless shall correspond approximately with that required thereby.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and normally shall be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

(d) For the frequency range 25 to 50 Mc: Each transmitter first authorized or installed after November 1, 1958, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section.

(e) [Reserved.]

(f) For the frequency range 150 to 162 Mc: Each transmitter first authorized or installed after November 1, 1958, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulatd stage and shall meet the specifications contained in paragraph (g) of this section.

(g) At audio frequencies between 3 kc and 15 kc, the low-pass filter required by the provisions of paragraph (d) or (f) of this section shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

§ 10.106 *Power and antenna height.* (a) The power which may be used by a station in these services shall be no more than the minimum required for satisfactory technical operation commensurate with the size of the area to be served

and local conditions which affect radio transmission and reception. In cases of harmful interference, the Commission may order a change in power or antenna height, or both.

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, plate power input to the final radio frequency stage in excess of the following tabulation will not be authorized:

Frequency range:	Maximum plate power input to the final radio frequency stage (watts)
1.6 to 3 Mc	2,000
3 to 25 Mc	1,000
25 to 100 Mc	500
100 to 450 Mc	600
Above 450 Mc	(1)

[1] In accordance with developmental authorization.

(c) The plate power input to the final r. f. stage under actual operation shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for transmitters included in this list, or the manufacturer's rated plate power input for the particular transmitter specifically listed on the authorization.

§ 10.107 *Transmitter control requirements.* (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which must meet all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which an operator responsible for the operation of the transmitter is stationed.

(c) Each station which is not authorized for unattended operation shall be provided with a control point, the location of which will be specified in the license. Unattended stations may be provided with a control point if authorized by the Commission. In urban areas the location will be specified "same as transmitter" unless the control point is at a street address different from that of the transmitter. In rural areas the location will be specified "same as transmitter" unless the control point is more than 500 feet from the transmitter, in which case the approximate location will be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively. It will be assumed that the location of the control point is the same as the location of the transmitter unless the application includes a request for a different location described in appropriate terms as indicated in this paragraph. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is a position from which messages may be transmitted under the supervision of a control point operator. Dispatch points may be installed without authorization.

(e) At each control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters or to transmitters installed on motorcycles.

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision;

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

§ 10.108 *Transmitter measurements.* (a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of 3 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the carrier frequency or the stability thereof;

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators;

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The licensee of each station shall employ a suitable procedure to determine that the plate power input to the final radio frequency stage of each base station or fixed station transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of 3 watts, does not exceed the maximum figure specified on the current station authorization. Where the transmitter is so constructed that a direct measurement of plate current in the final radio frequency stage is not practicable, the plate input power may be determined from a measurement of the cathode current in the final radio frequency stage. When the plate input to the final radio frequency stage is determined from a measurement of the cathode current, the required entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power input;

(3) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of 3 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation characteristics;

(3) At intervals not to exceed six months.

(d) The determinations required by paragraphs (a), (b) and (c) of this section may, at the option of the licensee, be made by any qualified engineering measurement service, in which case, the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of mobile transmitters, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench; provided, the measurements are made under load conditions equivalent to actual operating conditions, and provided further, that after installation the transmitter is given a routine check to determine that it is capable of being satisfactorily received by an appropriate receiver.

§ 10.109 *Acceptability of transmitters for licensing.* (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing." Copies of this list are available for inspection at the Commission's Offices in Washington, D. C., and at each of its field offices. This list will include type approved and type accepted equipment and equipment which was included in this list on May 16, 1955. Such equipment will continue to be included on the list unless it is removed therefrom by Commission action.

(b) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under this part must be of a type which is included on the Commission's current "List of Equipment Acceptable for Licensing" and designated for use in this service or be of a type which has been type accepted by the Commission for use in this service. Until January 1, 1965, however, equipment presently in use may continue to be used by the licensee, his successors, or assigns in business provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules.

§ 10.110 *Type acceptance of equipment.* (a) Any manufacturer of a transmitter to be built for use in this service may request "type acceptance" for such transmitter following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedures set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing" but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type aceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based.

SUBPART D—OPERATING REQUIREMENTS

§ 10.151 *Operating procedure.* (a) All communications, regardless of their nature, shall be restricted to the minimum practical transmission time.

(b) Continuous radiation of an unmodulated carrier is prohibited except when required for test purposes.

(c) Zone and interzone stations shall employ the standard operating procedure prescribed by the Commission. Copies of such procedure are available for distribution to persons having a legitimate need therefor. Requests for copies should be addressed to the Secretary, Federal Communications Commission, Washington, 25, D. C.

(d) The Commission expects each licensee to take reasonable precautions to prevent unnecessary interference. If harmful interference develops, the Commission may require any or all stations to monitor the transmitting frequency prior to transmission.

(e) Tests may be conducted by any licensed station as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken to avoid interference to other stations.

§ 10.152 *Station identification.* (a) The required identification for stations in these services shall be the assigned call signal.

(b) Nothing in this section shall be construed as prohibiting the transmission of additional station or unit identifiers which may be necessary for systems operation: *Provided, however,* Such additional identifiers shall not be composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal.

(c) Except as indicated in paragraphs (d), (e), and (f) of this section, each station in these services shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer.

(d) A mobile station authorized to the licensee of the associated base station and which transmits only on the transmitting frequency of the associated base station is not required to transmit any identification.

(e) A mobile station which is either separately licensed to a different licensee, transmits on any frequency other than the transmitting frequency of the associated base station, or which has no associated base station shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer. Where election is made to transmit the required identification at thirty-minute intervals, a single mobile unit in each general geographic area may be assigned the responsibility for such transmission and thereby eliminate any necessity for every unit of the mobile station to transmit the required identification. For the purpose of this paragraph, the term "each general geographic area" means an area not smaller than a single city or county and not larger than a single district of a State where the district is administratively established for the service in which the radio system operates.

(f) Stations which are entirely automatic in their operation will be considered for exemption from the requirements of paragraph (c) of this section.

§ 10.153 *Suspension of transmission required.* The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 10.154 *Mobile installations in vehicles not under the continuous control of the licensee.* A mobile radio station licensed in these services may not be installed or maintained in a vehicle, aircraft, or vessel, which is not at all times controlled exclusively by the licensee, unless precautions have been taken to eliminate effectively the possibility of the licensed transmitter being operated during the period that the vehicle, aircraft, or vessel is not under the control of the licensee.

§ 10.155 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code.

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, an unlicensed person may operate a mobile station during the course of normal rendition of service when transmitting on frequencies above 25 Mc. after being authorized to do so by the station licensee.

(d) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc.: *Provided, however,* That an unlicensed person, after being authorized to do so by the station licensee, may operate such a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc. while it is associated with and under the operational control of a base station of the same station licensee.

(e) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, base stations and fixed stations shall be operated in accordance with the following when transmitting during the course of normal rendition of service:

(1) From a control point, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base station or fixed station.

(2) From a dispatch point, an unlicensed person may operate a base station or fixed station after being authorized to do so by the station licensee: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person who holds a commercial radio operator license or permit of any class issued by the Commission, and who is on duty at a control point meeting the requirements of Subpart C of this part.

(f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) through (j) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either:

(1) Transmitting for telemetering purposes or

(2) Retransmitting by self-actuating means a radio signal received from another radio station or stations.

(g) The provisions of this section authorizing certain unlicensed persons to operate certain stations when transmitting during the course of normal rendition of service, shall be applicable only to stations in the domestic service except that the provisions of paragraph (e) (2) of this section shall be applicable to stations in either the domestic or interna-

tional service. For the purposes of this section, a station in the domestic service is one which is located within the United States, its territories or possessions and which, when communicating with other stations, is in communication exclusively with one or more other United States stations which are also located in the United States, its territories or possessions; a station in the international service is one which is not in the domestic service as just defined.

(h) The provisions of this section authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(i) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used), issued by the Commission.

(j) Any reference in this section to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 10.156 *Posting of operator license.* (a) The original license of each base or fixed station operator, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the place where he is on duty as an operator: *Provided, however,* That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC Form 758–F) attesting to the existence of any other valid commercial radio operator license, he may have such permit or verification card, as the case may be, in his personal possession.

(b) Whenever a licensed operator is required for a mobile station, the original license of each such operator, other than an operator exclusively performing service and maintenance duties, shall be kept in his personal possession whenever he performs the duties of an operator at such station: *Provided,* That in lieu of an original license of the diploma form (as distinguished from such document of the card form) he may have in his personal possession a valid verification card attesting to its existence.

(c) The original license of every station operator who exclusively performs service and maintenance duties at that station shall be posted at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed by him or under his immediate supervision and responsibility: *Provided,* That in lieu of posting his license, he may have on his person either his license or a valid verification card.

§ 10.157 *Transmitter identification card and posting of station license.* (a) The current authorization for each mobile station and each base or fixed station authorized to be operated at temporary locations shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form 452–C) shall be affixed to each mobile transmitter or associated control equipment and each transmitter of a base station or a fixed station authorized to be used at temporary locations or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the Identification Card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee;

(2) Station call signal assigned by the Commission;

(3) Exact location or locations of the transmitter records;

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current authorization for each base or fixed station at a fixed location shall be posted at the principal control point of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

(c) [Reserved]

(d) In lieu of the Transmitter Identification Card, FCC Form 452–C, Revised, as required by paragraphs (a) and (b) of this section, a permittee or licensee may at his option employ a plate of metal or other substantial material which shall bear the title "Radio Transmitter Identification," and shall clearly display all the information required to be shown on the FCC Form 452–C, Revised, with the exception of the signature.

§ 10.158 *Inspection of stations.* All stations and records of stations in these services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 10.159 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter shall comply with the provisions of this section in the operation and maintenance of such tower marking as follows:

(a) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(b) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(c) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(d) Shall inspect at intervals not to exceed three months all automatic or mechanical control devices, indicators and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

(e) Shall exhibit all lighting from sunset to sunrise unless otherwise specified.

(f) Shall maintain a supply of spare bulbs sufficient for immediate replacement purposes at all times.

(g) Shall clean and repaint all towers as often as necessary to maintain good visibility.

§ 10.160 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 10.161 *Content of station records.* Each licensee of a station in these services shall maintain records in accordance with the following:

(a) For all stations, the results and dates of the transmitter measurements required by these rules and the name of the person or persons making the measurements.

(b) For all stations, when service or maintenance duties are performed, the responsible operator shall sign and date an entry in the station record giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address, and

(3) The class, serial number and expiration date of his license: *Provided,* That the information called for by subparagraphs (2) and (3) of this paragraph, so long as it remains the same, need be entered only once in the station record at any station where the responsible operator is regularly employed on a full time basis and at which his license is properly posted.

(c) For all base and fixed stations except such stations which are authorized to be operated at temporary locations or for unattended operation, the name or names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty. Each such person shall sign, not initial, the record both when coming on and when going off duty.

(d) For stations in the special emergency service a record showing the nature and time of each communication: *Provided, however,* That such stations, when operated by communications common carriers for line break bridging purposes, need merely record the hours of operation and the purpose for which used.

(e) For stations whose antenna or antenna supporting structure is required to be illuminated, a record in accordance with the following:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed, or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements that were made.

(iv) Identification of Airways Communication Station (CAA) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon the completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 10.162 *Form of station records.* (a) The records shall be kept in an orderly manner and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records shall be signed by a person qualified to do so having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the persons originating the entry who shall strike out the erroneous portion, initial the correction made and indicate the date of the correction.

§ 10.163 *Retention of station records.* Records required to be kept by this part shall be retained by the licensee for a period of at least one year.

§ 10.164 *Emergency operation of mobile stations at fixed locations.* During an emergency requiring a local communication center, any authorized mobile transmitter may be operated temporarily as a base station at a fixed location for a period not to exceed ten days. If operation for a longer period is required, such operation must be specifically authorized.

§ 10.165 *Communication with other stations.* In those cases which require cooperation or coordination of activities, stations in the Public Safety Radio Services may communicate with stations in other services and with U. S. Government stations.

§ 10.166 *CONELRAD rules for the Public Safety Radio Services*—(a) *Scope and objective.* (1) This section applies to all radio stations in the Public Safety Radio Services located within the Continental U. S. and is for the purpose of providing for the alerting and operation of radio stations in these services during periods of air attack or imminent threat thereof. The objective is to minimize the navigational aid that may be obtained by an enemy from the electromagnetic radiations emanating from radio stations in the Public Safety Radio Services while simultaneously providing for continued radio service under controlled conditions when such operation is essential to the public welfare.

(2) The Commission will release and maintain a CONELRAD Manual which may be used by licensees in the Public Safety Radio Services as a guide in selecting methods of alerting and operating radio stations in these services in order to effect compliance with the requirements of this section.

(b) *General.* All radio stations in the Public Safety Radio Services are required to provide for receiving the Radio Alert and to operate in accordance with this section.

(c) *Definitions.* (1) The term "CONELRAD" is a contraction of the words "Control of Electromagnetic Radiation" and is the general term applied to the controlled operation of radio facilities under the authority of Executive Order 10312 dated December 10, 1951.

(2) CONELRAD Radio Alert is the term applied to the Military Warning that an air attack is probable or imminent which automatically orders the immediate implementation of CONELRAD procedures for all radio stations. The CONELRAD Radio Alert is distinct from the military or Civil Air Defense Warning Yellow or Red, but may be coincidental with such warnings.

(3) An Air Defense Control Center (ADCC) is an air operations center from which an Air Division (Defense) Commander supervises and coordinates air defense activities within an air defense sector, including dissemination of warnings, identification and security of air traffic, and the utilization of available combat forces in support of the National Air Defense effort.

(4) The CONELRAD Radio All Clear is the Department of Defense order to discontinue CONELRAD requirements as imposed by an outstanding CONELRAD Radio Alert. It is initiated only by the Air Division (Defense) Commander or higher military authority.

(5) As used in this section the term "licensee" means the holder of any form of authority issued by the Federal Communications Commission pursuant to which a radio station may be operated including construction permits, station licenses, temporary authorizations, etc.

(d) *Alerting.* The licensee of a radio station in the Public Safety Radio Services will be responsible for making provisions to receive the CONELRAD Radio Alert and for receiving the CONELRAD Radio Alert. Public Safety Radio systems comprised of one or more base and/or fixed stations with associated mobile units may, if desired, be alerted at only one point, normally the control point of the primary base station. The control point receiving the Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the single radio system and insuring that all such associated stations execute CONELRAD requirements immediately. Base fixed or mobile stations not directly receiving the CONELRAD Radio Alert must use caution after an "out of service" period to insure that a CONELRAD Radio Alert is not in progress before making any transmissions. Radio stations in the Public Safety Radio Services will immediately comply with CONELRAD rules and regulations upon receipt of one or more of the following alerts:

(1) Initiation of CONELRAD plans by Standard, FM and TV broadcast stations.

(2) Receipt of a CONELRAD Radio Alert or Civil Defense Warning Yellow if no CONELRAD Radio Alert is issued, or Civil Defense Warning Red if neither a CONELRAD Radio Alert nor a Warning Yellow is issued, from a Civil Air Defense Warning Network or extension thereof.

(3) By other means, if so authorized by the Federal Communications Commission.

(e) *Operation during a CONELRAD Radio Alert.* Immediately upon receipt of a CONELRAD Radio Alert all radio stations in the Public Safety Radio Services will operate in accordance with the following limitations unless specifically directed otherwise by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of extreme emergency affecting the national safety or the safety of people and property.

(2) Transmissions shall be as short as possible. The station carrier shall be

removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of FCC Assigned Call Signals or announcement of station location. If identification is necessary to carry on the service, special station or unit identifiers may be used in accordance with § 10.152 (b).

(f) *Special limitations.* In addition to limitations specified in this section, it may be necessary for the Commission to require that some radio stations in the Public Safety Radio Services remain silent or operate under special limitations during the CONELRAD Radio Alert. Such decision shall be made after a special investigation and the specific station shall be notified if special limitations are required. Special limitation requirements generally will be necessary for radio stations in the Public Safety Radio Services operating below 3200 kc.

(g) *All clear.* At the conclusion of the CONELRAD Radio Alert and when the CONELRAD All Clear is issued, each Standard, FM and TV broadcast station will broadcast an All Clear message. Radio stations in the Public Safety Radio Services may resume normal operation when the CONELRAD Radio All Clear message is transmitted by Standard, FM or TV broadcast stations unless otherwise restricted by the Federal Communications Commission.

(h) *Alerting system test.* Tests of the Public Safety Radio Services alerting system may be conducted from time to time to insure proper compliance with alerting requirements.

(i) *CONELRAD operating plan tests.* Tests of the Public Safety Radio Services CONELRAD operating plan may be conducted whenever such tests are determined to be necessary or desirable.

(j) *Log entries.* Appropriate records of all CONELRAD tests and operation shall be maintained as a part of the log of radio stations in the Public Safety Radio Services.

(k) *Special operation.* In certain cases the Commission may authorize specific stations to operate during a CONELRAD Radio Alert in a manner not covered by this section; provided, such operation is determined to be necessary in the interest of National Defense or the public welfare.

SUBPART E—DEVELOPMENTAL OPERATION

§ 10.201 *Eligibility.* An authorization for developmental operation in any of the services under this part will be issued only to those persons who are eligible to operate stations in such service on a regular basis.

§ 10.202 *Showing required.* (a) Except as provided in paragraph (b) of this section, each application for developmental operation shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the radio art, or is along lines not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed; and

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) The provisions of paragraph (a) of this section do not apply when an application is made for developmental operation solely for the reason that the frequency requested is restricted to such developmental use.

§ 10.203 *Limitations on use.* Stations used for developmental operation shall be constructed and used in such a manner as to conform with all of the technical and operating requirements of Subparts C and D of this part, unless deviation therefrom is specifically provided for in the station authorization.

§ 10.204 *Frequencies available for assignment.* Stations engaged in developmental operation may be authorized to use a frequency, or frequencies, available for the service in which they propose to operate. The number of channels assigned will depend upon the specific requirements of the developmental program itself, and the number of frequencies available in the particular area where the station will be operated.

§ 10.205 *Interference.* All developmental operation shall be subject to the condition that no harmful interference is caused to the operation of stations licensed on a regular basis under any part of the Commission's rules.

§ 10.206 *Special provisions.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case, as deemed necessary in the public interest, convenience, or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 10.207 *Change or cancellation of authorization without hearing.* Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

§ 10.208 *Report of operation.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(a) The final objective.

(b) Results of operation to date.

(c) Analysis of the results obtained.

(d) Copies of any published reports.

(e) Need for continuation of the program.

(f) Number of hours of operation on each frequency.

SUBPART F—POLICE RADIO SERVICE

§ 10.251 *Eligibility.* (a) Authorizations for stations in the Police Radio Service will be issued only to states, territories, possessions and other governmental subdivisions including counties, cities, towns and similar governmental entities.

(b) The eligibility set forth in paragraph (a) of this section includes governmental institutions in those cases where such institution is authorized by law to provide its own police protection.

§ 10.252 *Permissible communications.* (a) Stations in the Police Radio Service are primarily authorized to transmit:

(1) Communications directly relating to public safety and the protection of life or property.

(2) Communications essential to official police activities.

(b) Stations in the Police Radio Service are secondarily authorized to transmit communications essential to other official activities of the licensee pertaining to the public safety.

§ 10.253 *Points of communication.* (a) Police base stations are primarily authorized to intercommunicate with police mobile stations. Police mobile stations are primarily authorized to intercommunicate with base and other police mobile stations.

(b) Police base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations provided that no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Police fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

(d) Police zone and interzone stations are authorized to intercommunicate in accordance with the operating procedure prescribed by the Commission. Copies of such procedure are available for distribution to persons having a legitimate need therefor. Requests for copies should be addressed to the Secretary, Federal Communications Commission, Washington, D. C.

§ 10.254 *Station limitations.* (a) Mobile relay stations in the Police Radio Service will be authorized only on frequencies above 152 Mc. and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a police radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radiocommunication is desirable between two or more police licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154, communication units of a licensed police mobile station may be installed in any vehicle which in an emergency would require cooperation or coordination with police activities. This provision includes fire department vehicles, ambulances, emergency units of public utilities, lifeguard emergency units and rural school buses.

(c) Authorizations for interzone stations in the Police Radio Service will not be issued for more than one station within a zone. A zone is normally considered to be a single state. Any request for the rezoning of any state for the purpose of providing more than one interzone station shall be accompanied by a showing of need based either upon the volume of traffic or upon the necessity for more expeditious handling of traffic. In either event such a request shall be accompanied by comments thereon from all zone stations affected.

§ 10.255 *Frequencies available to the Police Radio Service.* (a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Police Radio Service subject to the conditions and limitations of this section.

(b) The frequencies listed in this section for mobile stations may be authorized for use at base stations only after coordination with other licensees in the area is effected and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(c) Normally only one base and one mobile station frequency will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.

(d) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(e) In addition to the frequencies assigned for mobile service operation, one base station frequency above 152 Mc. may be assigned as a common frequency to all licensees in a particular area to permit intersystem communication between base stations or mobile stations or both. This frequency use will not be authorized in any area where all available frequencies are required for independent systems.

(f) Control and repeater stations in the Police Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operations cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service, or if the particular frequency is required for mobile service operations in the area concerned.

(g) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available and the specific assignment limitations, which are developed in paragraph (h) of this section.

Frequency or band	Class of station(s)	Limitations
Kc.		
1610	Base and mobile	6, 7, 12, 13
1618	do	6, 7, 12, 13
1626	do	6, 7, 12, 13
1634	do	6, 7, 12, 13
1642	do	6, 7, 12, 13
1650	do	7, 12, 13
1658	do	7, 12, 13
1666	do	7, 12, 13
1674	do	7, 12, 13
1682	do	7, 12, 13
1690	do	6, 7, 12, 13
1698	do	6, 7, 12, 13
1706	do	6, 7, 12, 13
1714	do	7, 12, 13
1722	do	7, 12, 13
1730	do	7, 12, 13
2326	do	6, 7, 12
2366	do	6, 7, 12
2382	do	7, 12
2390	do	6, 7, 12
2406	do	7, 12
2414	do	7, 12
2422	do	7, 12
2430	do	7, 12
2442	do	7, 12
2450	do	7, 12
2458	do	7, 12
2466	do	7, 12
2474	do	7, 12
2482	do	7, 12
2490	do	7, 12, 13
2804	Zone and interzone	9, 12
2808	do	9, 12
2812	do	9, 12
5135	do	9, 12, 15
5140	do	9, 12
5195	do	9, 10, 12
7480	do	9, 11, 12, 14
7805	do	9, 11, 12
7935	do	9, 11, 12
Mc.		
37.02	Mobile	
37.06	Base and mobile	
37.10	do	
37.14	do	
37.18	do	
37.22	do	
37.26	do	
37.30	do	
37.34	Mobile	
37.38	do	
37.42	do	
39.02	Base and mobile	
39.06	do	17
39.10	do	
39.14	do	
39.18	Base and mobile	
39.22	do	
39.26	Mobile	
39.30	do	
39.34	do	
39.38	do	
39.42	Base and mobile	
39.46	do	
39.50	do	16
39.54	do	
39.58	do	
39.62	do	
39.66	Mobile	
39.70	do	
39.74	do	
39.78	do	
39.82	Base and mobile	
39.86	do	
39.90	do	
39.94	do	
39.98	do	
42.02	do	7, 8, 13
42.06	do	7, 8, 13
42.10	do	7, 8, 13
42.14	do	7, 8, 13
42.18	Mobile	7, 8
42.22	do	7, 8
42.26	do	7, 8
42.30	do	7, 8
42.34	Base and mobile	7, 8, 13
42.38	do	7, 8, 13
42.42	do	7, 8, 13
42.46	do	7, 8, 13
42.50	do	7, 8, 13
42.54	do	7, 8, 13
42.58	do	7, 8, 13
42.62	do	7, 8, 13
42.66	Mobile	7, 8
42.70	do	7, 8
42.74	do	7, 8
42.78	do	7, 8
42.82	Base and mobile	7, 8, 13
42.86	do	7, 8, 13
42.90	do	7, 8, 13
42.94	do	7, 8, 13
44.62	do	7, 8, 13
44.66	do	7, 8, 13
44.70	do	7, 8, 13
44.74	do	7, 8, 13
44.78	Mobile	7, 8
44.82	do	7, 8
44.86	do	7, 8
44.90	do	7, 8
44.94	Base and mobile	7, 8, 13
44.98	do	7, 8, 13
45.02	do	7, 8, 13
45.06	do	7, 8, 13
45.10	do	
45.14	do	
45.18	do	
45.22	do	
45.26	Mobile	
45.30	do	
45.34	do	
45.38	do	
45.42	Base and mobile	
45.46	do	
45.50	do	
45.54	do	
45.58	do	
45.62	do	
45.66	do	
45.70	do	
45.74	Mobile	
45.78	do	
45.82	do	
45.86	Base and mobile	16
45.90	do	
45.94	do	
45.98	do	
46.02	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
154.65	Mobile	
154.71	do	
154.77	do	
154.83	do	
154.89	do	
154.95	do	
155.01	Base and mobile	
155.07	do	
155.13	do	
155.19	do	
155.25	do	
155.31	do	
155.37	do	
155.43	do	
155.49	do	
155.55	do	
155.61	do	
155.67	do	
155.73	do	
155.79	do	
155.85	Mobile	
155.91	do	
155.97	do	
156.03	do	
156.09	do	
156.15	do	

Frequency or band	Class of station(s)	Limitations
Mc.		
156.21	Base and mobile	
156.27	do	5
156.33	do	5
156.39	do	5
156.45	do	5
156.51	do	5
156.57	do	5
156.63	do	5
156.69	do	5
156.75	do	5
158.73	do	
158.79	do	
158.85	do	
158.91	Mobile	
158.97	do	
159.03	do	
159.09	Base and mobile	
159.15	do	
159.21	do	
159.51 to 161.79	do	4
453.05	do	1
453.15	do	1
453.25	do	1
453.35	do	1
453.45	do	1
453.55	do	1
453.65	do	1
453.75	do	1
453.85	do	1
453.95	do	1
458.05	Mobile	1
458.15	do	1
458.25	do	1
458.35	do	1
458.45	do	1
458.55	do	1
458.65	do	1
458.75	do	1
458.85	do	1
458.95	do	1
890–940	Operational fixed	1, 2
952 to 960	do	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 19
2500 to 2700	Operational fixed	1
3500 to 3700	Base and mobile	1
6425 to 6575	do	1
6575 to 6875	Operational fixed	1
10500 to 10550	Radiolocation	1, 18
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
26000 to 30000	do	1

(h) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (g) of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc, and ending with the frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis with other services only in accordance with the provisions of § 10.101 (c).

(4) Assignable frequencies spaced by 60 kc beginning with the frequency 159.51 Mc and ending with the frequency 161.79 Mc are available on a secondary basis, and upon a showing of need to stations in the Public Safety Radio Services, except that in Puerto Rico and the Virgin Islands the available frequencies are restricted to those within the band 160.05 Mc to 161.37 Mc. Any operation in the Public Safety Radio Services in the band 159.51 Mc through 161.79 Mc is subject to the condition that no harmful interference is caused to the service of any existing or future station in the Railroad Radio Service.

(5) The use of this frequency may be authorized to base and mobile stations in the Police Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Police operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

(6) The use of this frequency is subject to the condition that no harmful interference will be caused to the service of any Canadian station.

(7) This frequency is available for assignment only in accordance with a geographical assignment plan.

(8) This frequency is reserved primarily for assignment to state police licensees. Assignment to other police licensees will be made only where the frequency is required for coordinated operation with the state police system to which the frequency is assigned. Any request for such assignment must be supported by a statement from the state police system concerned indicating that the assignment is necessary for coordination of police activities.

(9) This frequency is available for assignment to zone and interzone stations in the Police Radio Service for use with type A1 emission only and a maximum plate input power of 1000 watts to the final radio frequency stage of the transmitter.

(10) This frequency is authorized for use as a calling frequency; however, the transmission of operating signals or a single short radio telegram is permissible provided no harmful interference will be caused to any calling signals.

(11) This frequency may be used only during that period of time between 2 hours after local sunrise and 2 hours before local sunset.

(12) This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc. comes into force.

(13) Subject to the restrictions contained in § 10.106 (a), base stations operating on this frequency and rendering service to state police mobile units may be authorized to use a maximum plate input power to the final radio frequency stage in excess of the maximum indicated in § 10.106 (b), but not in excess of 10,000 watts: *Provided*, That such operation will cause no harmful interference to the service of other stations.

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point to point radiotelephone communication, using type A3 emission and a maximum plate input power of 1000 watts to the final radio frequency stage of the transmitter.

(15) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission with a maximum plate input power of 1,000 watts to the final radio frequency stage of the transmitter, subject to the condition that no harmful interference is caused to the service of any police station employing type A1 emission on this frequency including any operations conducted in accordance with outstanding regional agreements and further subject to the condition that no harmful interference is caused to the service of any station, which in the discretion of the Commission may have priority on the frequency with which interference results.

(16) This frequency is reserved for assignment to stations in the Police Radio Service for intersystem operations only: *Provided, however*, That licensees holding a valid authorization to use this frequency for local base or mobile operations as of June 1, 1956, may continue to be authorized for such use.

(17) The maximum plate input power to the final radio frequency stage of any transmitter authorized to operate on this frequency, after June 1, 1956, shall not exceed three watts. Licensees holding a valid authorization as of June 1, 1956, for base or mobile station operation on this frequency, with a power in excess of three watts, may continue to be authorized for such operation without regard to this power limitation.

(18) Continuous wave (cw) emission only may be employed.

(19) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

SUBPART G—FIRE RADIO SERVICE

§ 10.301 *Eligibility.* (a) Authorizations for stations in the Fire Radio Service will be issued only to states, territories, possessions and other governmental subdivisions including counties, cities, towns and similar governmental entities, and persons or organizations charged with specific fire protection activities.

(b) Applications from persons or organizations other than governmental subdivisions must be accompanied by a statement from the governmental subdivision having legal jurisdiction over the area to be served, supporting the request.

§ 10.302 *Permissible communications.* Stations in the Fire Radio Service are authorized to transmit:

(a) Communications directly relating to public safety and the protection of life or property.

(b) Communications essential to official Fire Department activities.

§ 10.303 *Points of communication.* (a) Fire base stations are primarily authorized to intercommunicate with fire mobile stations. Fire mobile stations are primarily authorized to intercommunicate with base and other fire mobile stations.

(b) Fire base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations provided that no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Fire fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.304 *Station limitations.* (a) Mobile relay stations in the Fire Radio Service will be authorized only on frequencies above 152 Mc. and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a fire radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radiocommunication is desirable between two or more fire licensees and where, by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154 communication units of a licensed fire mobile station may be installed in emergency vehicles, other than fire department vehicles, which may be alerted during a fire emergency. This provision includes emergency units of public utilities and water departments.

§ 10.305 *Frequencies available to the Fire Radio Service.* (a) The frequencies or bands of frequencies listed in this section are available for assignment to stations in the Fire Radio Service subject to the conditions and limitations of this section.

(b) The frequencies listed in this section for mobile stations may be authorized for use at base stations only after coordination with other licensees in the area is effected and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(c) Normally, only one base and one mobile station frequency will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.

(d) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(e) Control and repeater stations in the Fire Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

(f) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (g) of this section:

Frequency or band	Class of station(s)	Limitations
Kc		
1630	Base and mobile	7
Mc		
33.42	Mobile and fixed	6
33.46	Mobile	
33.50	do	
33.54	do	
33.58	do	
33.62	do	
33.66	do	
33.70	Base and mobile	
33.74	do	
33.78	do	
33.82	do	
33.86	do	
33.90	do	
33.94	do	
33.98	do	
46.06	do	
46.10	do	
46.14	do	
46.18	do	
46.22	Mobile	
46.26	do	
46.30	Mobile and fixed	6
46.34	Mobile	
46.38	Base and mobile	
46.42	do	
46.46	do	
46.50	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
153.77	Mobile	
153.83	Mobile and fixed	6
153.89	Mobile	
153.95	do	
154.01	do	
154.07	do	
154.13	Base and mobile	8
154.19	do	8
154.25	do	8
154.31	do	8
154.37	do	8
154.43	do	8
159.51 to 161.79	do	4
166.25	do	5
170.15	do	5
453.05	do	1
453.15	do	1
453.25	do	1
453.35	do	1
453.45	do	1
453.55	do	1
453.65	do	1
453.75	do	1
453.85	do	1
453.95	do	1
458.05	Mobile	1
458.15	do	1
458.25	do	1
458.35	do	1
458.45	do	1
458.55	do	1
458.65	do	1
458.75	do	1
458.85	do	1
458.95	do	1
890–940	Operational fixed	1, 2
952 to 960	do	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 10
2500 to 2700	Operational fixed	1
3500 to 3700	Base and mobile	1
6425 to 6575	do	1
6575 to 6875	Operational fixed	1
10500 to 10550	Radiolocation	1, 9
11760 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
26000 to 30000	do	1

(g) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (f) of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc, and ending with the frequencies 74.58 and 75.98 Mc respectively, are available on a shared basis with other services only in accordance with the provisions of § 10.101 (c).

(4) Assignable frequencies spaced by 60 kc beginning with the frequency 159.51 Mc and ending with the frequency 161.79 Mc are available on a secondary basis, and upon a showing of need to stations in the Public Safety Radio Services, except that in Puerto Rico and the Virgin Islands the available frequencies are restricted to those within the band 160.05 Mc to 161.37 Mc. Any operation in the Public Safety Radio Services in the band 159.51 Mc through 161.79 Mc is subject to the condition that no harmful interference is caused to the service of any existing or future station in the Railroad Radio Service.

(5) This frequency may be assigned to stations in the Fire Radio Service, only at points within 150 miles of New York, N. Y.

(6) The maximum plate power input to the final radio frequency stage of any transmitter authorized to operate on this frequency shall not exceed 3 watts.

(7) This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc. comes into force.

(8) This frequency is not available for assignment to stations in the Fire Radio Service at any location in Puerto Rico or the Virgin Islands.

(9) Continuous wave (cw) emission only may be employed.

(10) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

SUBPART H—FORESTRY-CONSERVATION RADIO SERVICE

§ 10.351 *Eligibility.* (a) Authorizations for stations in the Forestry-Conservation Radio Service will be issued only to states, territories, possessions and other governmental subdivisions including counties, cities, towns and similar governmental entities and persons or organizations charged with specific forestry-conservation activities.

(b) Applications from persons or organizations other than governmental subdivisions must be accompanied by a statement from the governmental subdivision having legal jurisdiction over the area to be served, supporting the request.

§ 10.352 *Permissible communications.* Stations in the Forestry-Conservation Radio Service are authorized to transmit:

(a) Communications directly relating to public safety and the protection of life or property including communications essential to the prevention, detection and suppression of forest fires.

(b) Communications essential to official forestry-conservation activities.

§ 10.353 *Points of communication.* (a) Forestry-Conservation base stations are primarily authorized to intercommunicate with forestry-conservation mobile stations. Forestry-conservation mobile stations are primarily authorized to intercommunicate with base and other forestry-conservation mobile stations.

(b) Forestry-Conservation base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations provided that no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Forestry-Conservation fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.354 *Station limitations.* (a) Mobile relay stations in the Forestry-Conservation Radio Service will be authorized only on frequencies above 152 megacycles and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a forestry-conservation radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radiocommunication is desirable between two or more forestry-conservation licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154 communications units of a licensed forestry-conservation mobile station may be installed in vehicles of forestry cooperators, or other persons having a direct responsibility in the prevention, detection and suppression of forest fires.

§ 10.355 *Frequencies available to the Forestry-Conservation Radio Service.* (a) The frequencies or bands of frequencies listed in this section are available for assignment to stations in the Forestry-Conservation Radio Service subject to the conditions and limitations of this section.

(b) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(c) Control and repeater stations in the Forestry-Conservation Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

(d) The following tabulation indicates the frequency or bands of frequencies, the class of stations to which they are normally available, and the specific assignment limitations, which are developed in paragraph (e) of this section:

Frequency or band	Class of station(s)	Limitations
Kc.		
2212	Base and mobile	6, 12
2226	do	6, 12
2236	do	6, 12
2244	do	6, 12
Mc.		
30.86	do	11
30.90	do	11
30.94	do	11
30.98	do	11
31.02	do	11
31.06	do	7, 9, 10, 11
31.10	do	7, 9, 10, 11
31.14	do	7, 9, 10, 11
31.18	do	7, 9, 10
31.22	do	7, 9, 10
31.26	do	7, 9, 10
31.30	do	7, 9, 10
31.34	do	7, 9, 10
31.38	do	7, 9, 10
31.42	do	7, 9, 10
31.46	do	7, 9, 10
31.50	do	7, 9, 10
31.54	do	7, 9, 10
31.58	do	7, 9, 10
31.62	do	7, 9, 10
31.66	do	7, 9, 10
31.70	do	7, 9, 10
31.74	do	7, 9, 10
31.78	do	7, 9, 10
31.82	do	7, 9, 10
31.86	do	7, 9, 10
31.90	do	7, 9, 10
31.94	do	7, 9, 10
31.98	do	7, 9, 10
46.54	do	
46.58	do	
46.62	do	
46.66	do	
46.70	do	
46.74	do	
46.78	do	
46.82	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
156.87	Base and mobile	5
156.93	do	5
159.27	do	
159.33	do	
159.39	do	
159.45	do	
159.51 to 161.79	do	4
170.425	do	8, 10, 14
170.475	do	8, 10, 13
170.575	do	8, 10, 14
171.425	do	8, 10, 13
171.475	do	10, 14, 15
171.575	do	8, 10, 13
172.225	do	8, 10, 14
172.275	do	10, 13, 15
172.375	do	8, 10, 14
453.05	do	1
453.15	do	1
453.25	do	1
453.35	do	1
453.45	do	1
453.55	do	1
453.65	Base and mobile	1
453.75	do	1
453.85	do	1
453.95	do	1
458.05	Mobile	1
458.15	do	1
458.25	do	1
458.35	do	1
458.45	do	1
458.55	do	1
458.65	do	1
458.75	do	1
458.85	do	1
458.95	do	1
890 to 940	Operational fixed	1, 2
952 to 960	do	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 17

(e) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (d) of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc, and ending with the frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis with other services only in accordance with the provisions of § 10.101 (c).

(4) Assignable frequencies spaced by 60 kc beginning with the frequency 159.51 Mc and ending with the frequency 161.79 Mc are available on a secondary basis, and upon a showing of need to stations in the Public Safety Radio Services, except that in Puerto Rico and the Virgin Islands the available frequencies are restricted to those within the band 160.05 Mc to 161.37 Mc. Any operation in the Public Safety Radio Services in the band 159.51 Mc through 161.79 Mc is subject to the condition that no harmful interference is caused to the service of any existing or future station in the Railroad Radio Service.

(5) The use of this frequency may be authorized to base and mobile stations in the Forestry Conservation Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Forestry-Conservation operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

(6) The use of this frequency is subject to the condition that no harmful interference will be caused to the service of any Canadian station.

(7) This frequency is available for assignment only in accordance with a geographical assignment plan.

(8) This frequency will be assigned only to licensees directly responsible for the prevention, detection, and suppression of forest fires, subject to the condition that no harmful interference will be caused to the service of any U. S. Government station.

(9) This frequency may be used for conservation activities upon the condition that no harmful interference will be caused to the service of any station using the frequency for forest fire prevention, detection and suppression.

(10) This frequency is reserved primarily for assignment to state licensees. Assignments to other licensees will be made only where the frequency is required for coordinated operation with the state system to which the frequency is assigned. Any request for such assignment must be supported by a statement from the state system concerned, indicating that the assignment is necessary for coordination of activities.

(11) This frequency is shared with the Motor Carrier Radio Service.

(12) This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc. comes into force.

(13) This frequency will be assigned for use only in areas east of the Mississippi River.

(14) This frequency will be assigned for use only in areas west of the Mississippi River.

(15) In addition to agencies responsible for forest fire prevention, detection and suppression, this frequency may be assigned to conservation agencies which do not have forest fire responsibilities: *Provided*, That such assignment is necessary to permit mobile relay operation by such agencies: *And provided*, That such operation will cause no harmful interference to any U. S. Government station.

(16) Continuous wave (cw) emission only may be employed.

(17) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

SUBPART I—HIGHWAY MAINTENANCE RADIO SERVICE

§ 10.401 *Eligibility.* Authorizations for stations in the Highway Maintenance Radio Service will be issued only to states, territories, possessions, and other governmental subdivisions including counties, cities, towns and similar governmental entities.

§ 10.402 *Permissible communications.* Stations in the Highway Maintenance Radio Service are authorized to transmit:

(a) Communications directly relating to public safety and the protection of life or property.

(b) Communications essential to official activities directly relating to the maintenance, supervision and operation of public highways.

§ 10.403 *Points of communication.* (a) Highway Maintenance base stations are primarily authorized to intercommunicate with Highway Maintenance mobile stations. Highway Maintenance mobile stations are primarily authorized to intercommunicate with base and other Highway Maintenance mobile stations.

(b) Highway Maintenance base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations provided that no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Highway Maintenance fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.404 *Station limitations.* (a) Mobile relay stations in the Highway Maintenance Radio Service will be authorized only on frequencies above 152 megacycles and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a Highway Maintenance radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radio-communication is desirable between two or more Highway Maintenance licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154, communication units of a licensed Highway Maintenance mobile station may be installed in vehicles of contractors or other persons having a direct responsibility for maintenance, supervision or operation of public highways.

(c) Each operator of a station in the Highway Maintenance Radio Service when employing a frequency shared with the Special Emergency Radio Service and designated by limitation note 6 in § 10.405 (e) shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

§ 10.405 *Frequencies available to the Highway Maintenance Radio Service.* (a) The frequencies or bands of frequencies listed in this section are available for assignment to stations in the Highway Maintenance Radio Service subject to the conditions and limitations of this section.

(b) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(c) Normally, not more than two frequencies will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.

(d) Control and repeater stations in the Highway Maintenance Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially, nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the mobile service or if the particular frequency is required for mobile service operations in the area concerned.

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

Frequency or band	Class of station(s)	Limitations
Mc.		
33.02	Base and mobile	6
33.06	do	6
33.10	do	6
37.90	do	6
37.94	do	6
37.98	do	6
46.86	do	6
46.90	do	7, 8
46.94	do	7, 8
46.98	do	7, 8
47.02	do	7, 8
47.06	do	7, 8
47.10	do	7, 8
47.14	do	7, 8
47.18	do	7, 8
47.22	do	7, 8
47.26	do	7, 8
47.30	do	7, 8
47.34	do	7, 8
47.38	do	7, 8
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
156.99	Base and mobile	5
157.05	do	9
157.11	do	9
157.29	do	5
157.35	do	5
157.41	do	5
159.51 to 161.79	do	4
453.05	do	1
453.15	do	1
453.25	do	1
453.35	do	1
453.45	do	1
453.55	do	1
453.65	do	1
453.75	do	1
453.85	do	1
453.95	do	1
458.05	Mobile	1
458.15	do	1
458.25	do	1
458.35	do	1
458.45	do	1
458.55	do	1
458.65	do	1
458.75	do	1
458.85	do	1
458.95	do	1
890–940	Operational fixed	1, 2
952 to 960	do	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 11
2500 to 2700	Operational fixed	1
3500 to 3700	Base and mobile	1
6425 to 6575	do	1
6575 to 6875	Operational fixed	1
10500 to 10550	Radiolocation	1, 10
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
26000 to 30000	do	1

(f) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (e) of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc, and ending with the

frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis with other services only in accordance with the provisions of § 10.101 (c).

(4) Assignable frequencies spaced by 60 kc beginning with the frequency 159.51 Mc and ending with the frequency 161.79 Mc are available on a secondary basis, and upon a showing of need to stations in the Public Safety Radio Services, except that in Puerto Rico and the Virgin Islands the available frequencies are restricted to those within the band 160.05 Mc to 161.37 Mc. Any operation in the Public Safety Radio Services in the band 159.51 Mc through 161.79 Mc is subject to the condition that no harmful interference is caused to the service of any existing or future station in the Railroad Radio Service.

(5) The use of this frequency may be authorized to base and mobile stations in the Highway Maintenance Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Highway Maintenance operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

(6) This frequency is shared with the Special Emergency Radio Service.

(7) This frequency will be assigned only in accordance with a geographical assignment plan.

(8) This frequency is reserved primarily for assignment to Highway Maintenance systems operated by states. The use of this frequency by other Highway Maintenance licensees will be authorized only where such use is necessary to coordinate activities with the particular state to which the frequency is assigned. Any request for such use must be supported by a statement from the state concerned.

(9) This frequency will not be assigned to stations in the Highway Maintenance Radio Service after April 28, 1952. Highway Maintenance stations licensed to use this frequency prior to April 28, 1952, may continue such use provided that no harmful interference is caused to any government or non-government radio operation.

(10) Continuous wave (cw) emission only may be employed.

(11) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

SUBPART J—SPECIAL EMERGENCY RADIO SERVICE

§ 10.451 *Availability of service.* Special Emergency Radio Service is available only to the extent and for the purposes described in succeeding sections of this subpart. The eligibility requirements, classes of stations available to each eligible group, permissible communications in accordance with eligibility, and other applicable conditions of use are set forth as separate sections of this subpart.

§ 10.452 *Disaster relief organizations*—(a) *Eligibility.* Organizations established for disaster relief purposes and which have an emergency communications plan involving the use of radio are eligible in this service.

(b) *Eligibility showing.* The initial application from a disaster relief organization shall be accompanied by a copy of the charter or other authority under which the organization was established and a copy of the communications plan with a full explanation as to how the requested radio facilities would be used under such plan and integrated into any other communication facilities which normally would be available to assist in the alleviation of the emergency condition.

(c) *Class and number of stations available.* Disaster relief organizations may be authorized to operate an unlimited number of base, mobile and fixed stations.

(d) *Permissible communications.* Except for transmissions which are necessary for drills and tests as permitted by § 10.151 (e), stations licensed to disaster relief organizations may be used only for the transmission of communications relating to the safety of life or property, the establishment and maintenance of temporary relief facilities, and the alleviation of the emergency situation during periods of actual or impending emergency, or disaster, and until substantially normal conditions are restored.

§ 10.453 *Physicians and veterinarians*—(a) *Eligibility.* Physicians and veterinarians are eligible in this service: *Provided,* That the applicant can qualify under the following conditions:

(1) The applicant is a physician or veterinarian having a regular practice in a rural area.

(2) For the purpose of this part a rural area is considered to be any area outside of the established or accepted boundaries of towns or communities having a population in excess of 2,500 inhabitants.

(3) As used in this part, the term "physician or veterinarian" shall be construed to mean individual physicians or veterinarians and schools of medicine, including schools of veterinary medicine.

(b) *Eligibility showing.* The initial application from a physician or veterinarian shall be accompanied by a statement in sufficient detail to permit a ready determination of the applicant's eligibility. Any subsequent application may refer to information previously filed if there has been no change in the status of the applicant's eligibility. In the event changes have occurred which affect the original eligibility statements, a new showing must accompany the application. The initial eligibility showing must contain as a minimum the information indicated below:

(1) A physician or veterinarian desiring to establish eligibility based on a rural area practice shall describe the radio communication facilities desired and the rural area to be served.

(c) *Class and number of stations available.* Each physician or veterinarian normally may be authorized to operate not more than one base station and two mobile units. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed to physicians or veterinarians may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages relating to the medical duties of the licensee.

§ 10.454 *Ambulance operators and rescue organizations*—(a) *Eligibility.* Persons or organizations operating an emergency ambulance service or rescue squad are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating an ambulance service or rescue squad shall be accompanied by a statement describing the radio communication facilities desired and indicating how they would be used to enhance the safety of human life in the service being rendered. The statements also shall indicate the number of vehicles actually engaged in the emergency operation.

(c) *Class and number of stations available.* Each ambulance operator or rescue squad normally may be authorized to operate not more than one base station and a number of mobile units, excluding mobile units of the hand or pack carried type, not in excess of the number of vehicles actually engaged in the emergency operation. Mobile units of the hand carried or pack carried type may be authorized to an extent not to exceed two such units for each radio equipped ambulance or rescue squad vehicle. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed to ambulance operators or rescue squads may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages necessary for the rendition of an efficient ambulance or emergency rescue service.

§ 10.455 *Beach patrols*—(a) *Eligibility.* Persons or organizations operating beach patrols having responsibility for life-saving activities are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a beach patrol shall be accompanied by a statement describing the radio communication facilities desired and the area served by the beach patrol. The statement shall also clearly indicate the proposed method of operation and the number and classes of stations required.

(c) *Class and number of stations available.* Eligibles in this category will be authorized to operate base, mobile, and fixed stations in the stated area served by the beach patrol. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations licensed to persons or organizations operating beach patrols may be used only for the transmission of messages pertaining to the safety of life or property.

§ 10.456 *School buses*—(a) *Eligibility.* Persons or organizations operating school buses having regular routes into rural areas are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a school bus service shall be accompanied by a statement describing the radio communication facilities desired. The statement shall also indicate the school or schools being served and describe the area in which the service is operated. If the applicant is not a government sub-division the statement shall indicate the authority under which the school buses are being operated and the tenure of any contractual agreement in effect.

(c) *Class and number of stations available.* Each school bus operator normally may be authorized to operate not more than one base station and a number of mobile units not in excess of the total of the number of buses and maintenance vehicles regularly engaged in the school bus operation. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed to school bus operators may be used only for the transmission of messages pertaining to the safety of life or property or urgent messages relating to buses which have become inoperative on regular runs.

§ 10.457 *Communication standby facilities*—(a) *Eligibility.* Persons or organizations operating communication circuits are eligible for standby radio facilities in this service: *Provided,* That the applicant can qualify under either of the following conditions:

(1) The applicant is a communications common carrier.

(2) The applicant is a person or organization operating communications circuits which normally carry essential communications of such a nature that any disruption thereof will endanger life or public property.

(b) *Eligibility showing.* The initial application from an eligible in this category proposing to operate a radio standby facility for other normal communication circuits shall be accompanied by a statement describing the radio communication facilities desired and the proposed method of operation. When appropriate, the statement shall include a description of the messages normally being carried and explain how a disruption thereof will endanger life or public property.

(c) *Class and number of stations available.* Eligibles in this category may be authorized to operate an unlimited number of fixed stations as standby radio facilities. Any such fixed station may be licensed for operation either at a specified location or at any temporary location within a specified area. In the latter case the area of desired operation must be specified by the applicant.

(d) *Permissible communications.* Except for test transmission as permitted by § 10.151 (e), stations licensed for communication circuit standby facilities may be used only during periods when the normal circuits are inoperative due to circumstances beyond the control of the user. During such periods the radio facilities may be used to transmit any communication which would normally be carried by the regular circuits.

§ 10.458 *Establishments in isolated areas*—(a) *Eligibility.* Persons or organizations maintaining establishments in isolated areas where public communication facilities are not available and where the use of radio is the only feasible means of establishing communication with a center of population, or other point from which emergency assistance might be obtained if needed, are eligible in this service.

(b) *Eligibility showing.* The initial application requesting a station authorization for an establishment in an isolated area shall be accompanied by a statement describing the radio communication facilities desired, the applicant's need therefor, and the proposed method of operation, including the location, class of station and name of licensee of the station with which communication is requested. The statement shall also describe the status of public communication facilities in the area of the applicant's establishment and indicate the results of any attempts the applicant may have made to obtain public communication service. In the event radio communications service is to be furnished the proposed station by another station which is not licensed to the applicant, a statement shall be submitted from the licensee of the station involved indicating that the proposed service will be rendered.

(c) *Class and number of stations available.* Persons or organizations in this category may be authorized to operate not more than one fixed station at any isolated establishment and in addition not more than one fixed station in a center of population.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed for use at establishments in isolated areas may be used only during an actual or impending emergency endangering life, health or property for the transmission of essential communications arising from the emergency. The transmission of routine or non-emergency communications is strictly prohibited.

(e) *Communication service rendered and received.* (1) The licensee of a fixed station at an establishment in an isolated area shall make the communication facilities of such station available at no charge to any person desiring the transmission of any communication permitted by paragraph (d) of this section.

(2) For the purpose of providing the communications link desired the licensee of a fixed station at an establishment in an isolated area either may be the licensee of a similar station at another location or may obtain communication service under a mutual agreement from the licensee of any station in the Public Safety Radio Services or any other station which is authorized to communicate with the special emergency fixed station.

§ 10.459 *Emergency repair of public communications facilities*—(a) *Eligibility.* Communications common carriers are eligible in this service for radio facilities to be used in effecting expeditious repairs to interruptions of public communications facilities where such interruptions have resulted in disabling intercity circuits or service to a multiplicity of subscribers in a general area.

(b) *Eligibility showing.* The initial application from a communications common carrier under the provisions of this section shall be accompanied by a statement describing the radio communication facilities desired and the proposed method of use under such emergency conditions as the applicant expects to arise. The statement shall also clearly indicate the number and classes of stations required in the proposed operation.

(c) *Class and number of stations available.* Eligibles in this category may be authorized to operate base, mobile and fixed stations. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations authorized under the eligibility provisions of this section may be used only, when no other means of communication is readily available, for the transmission of messages relating to the safety of life and property and messages which are necessary for the efficient restoration of the public communication facilities which have been disrupted.

§ 10.460 *Points of communication.* (a) Special emergency base stations are primarily authorized to intercommunicate with special emergency mobile stations. Special emergency mobile stations are primarily authorized to intercommunicate with base and other special emergency mobile stations.

(b) Special emergency base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided,* That no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Special emergency fixed stations are authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations. Such stations are also authorized to intercommunicate with any other station which is authorized to communicate with the special emergency fixed station.

§ 10.461 *Station limitations.* (a) Mobile relay stations will not be authorized in the Special Emergency Radio Service.

(b) Except for fixed stations operating on frequencies assigned under the provisions of limitation note 9 of § 10.462 (f), each operator of a station in the Special Emergency Radio Service shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

(c) Where a radio station authorization in the Special Emergency Radio Service is held by a person or organization engaging in activities beyond the scope of those indicated in the eligibility provisions of this service the operation of such station shall be strictly confined to those activities on which the eligibility was established except for messages relating to the safety of life.

§ 10.462 *Frequencies available to the Special Emergency Radio Service.* (a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Special Emergency Radio Service subject to the conditions and limitations of this section.

(b) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(c) The operation of mobile systems in the Special Emergency Radio Service will be restricted to the use of only one frequency per system.

(d) Frequencies indicated normally for base and mobile stations in the Special Emergency Radio Service will be authorized to fixed stations also subject to the condition that harmful interference will not be caused to the mobile service.

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

Frequency or band	Class of station(s)	Limitations
Kc.		
2000 to 3000	Fixed	9
2726	Base and mobile	10
3201	do	
Mc.		
33.02	Base and mobile	6
33.06	do	6
33.10	do	6
37.90	do	6
37.94	do	6
37.98	do	6
47.42	do	7
47.46	do	
47.50	do	
47.54	do	
47.58	do	
47.62	do	
47.66	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
157.47	Base and mobile	5, 8
159.51 to 161.79	do	4, 12
161.85	do	5, 8, 11
161.91	do	5, 8
161.97	do	5, 8
453.05	do	1
453.15	do	1
453.25	do	1
453.35	do	1
453.45	do	1
453.55	do	1
453.65	Base and mobile	1
453.75	do	1
453.85	do	1
453.95	do	1
458.05	Mobile	1
458.15	do	1
458.25	do	1
458.35	do	1
458.45	do	1
458.55	do	1
458.65	do	1
458.75	do	1
458.85	do	1
458.95	do	1
890 to 940	Operational fixed	1, 2
952 to 960	do	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 14
2500 to 2700	Operational fixed	1
3500 to 3700	Base and mobile	1
6425 to 6575	do	1
6575 to 6875	Operational fixed	1
10500 to 10550	Radiolocation	1, 13
11,700 to 12,200	Base and mobile	1
12,200 to 12,700	Operational fixed	1
16,000 to 18,000	do	1, 2
26,000 to 30,000	do	1

(f) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (e) of this section:

(1) Limited to developmental operation only with assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc, and ending with the frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis with other services only in accordance with the provisions of § 10.101 (c).

(4) Assignable frequencies spaced by 60 kc beginning with the frequency 159.51 Mc and ending with the frequency 161.79 Mc are available on a secondary basis, and upon a showing of need to stations in the Public Safety Radio Services, except that in Puerto Rico and the Virgin Islands the available frequencies are restricted to those within the band 160.05 Mc to 161.37 Mc. Any operation in the Public Safety Radio Services in the band 159.51 Mc through 161.79 Mc is subject to the condition that no harmful interference is caused to the service of any existing or future station in the Railroad Radio Service.

(5) The use of this frequency may be authorized to base and mobile stations in the Special Emergency Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Special emergency operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers, and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

(6) This frequency is shared with the Highway Maintenance Radio Service.

(7) This frequency is reserved for assignment only to National organizations established for disaster relief purposes.

(8) This frequency will not be assigned to stations in the Special Emergency Radio Service at any point within 150 miles of Chicago, Illinois.

(9) Appropriate frequencies in the band 2000–3000 kilocycles which are designated in Part 8 of this chapter as available to Public Ship Stations for telephone communication with Public Coast Stations may be assigned on a secondary basis to special emergency fixed stations for communication with Public Coast Stations only, provided such stations are located in the United States and the following conditions are met:

(i) That such fixed station is established pursuant to the eligibility provisions of § 10.458 and that the isolated area involved is an island or other location not more than 300 statute miles removed from the desired point of communication and isolated from that point by water.

(ii) That evidence is submitted showing that an arrangement has been made with the coast station licensee for the handling of emergency communications permitted by § 7.302 (b) of this chapter and § 10.458 (d).

(iii) That operation of the special emergency fixed station shall at no time conflict with any provision of Part 8 of this chapter and further, that such operation in general shall conform to the practices employed by Public Ship Stations for radiotelephone communication with the same Public Coast Station.

(10) This frequency is shared with the State Guard Radio Service.

(11) This frequency will not be assigned to stations in the Special Emergency Radio Service at any location in Puerto Rico or the Virgin Islands.

(12) The provisions of limitation note 4 of this paragraph notwithstanding, stations in the Special Emergency Radio Service located in Puerto Rico or the Virgin Islands and first authorized to use frequencies 159.57, 161.67 and 161.79 Mc prior to September 12, 1955, may continue to be authorized for such use provided no harmful interference is caused to the service of any station operating in accordance with the Commission's Table of Frequency Allocations.

(13) Continuous wave (cw) emission only may be employed.

(14) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

SUBPART K—STATE GUARD RADIO SERVICE

§ 10.501 *Eligibility.* (a) Authorizations for stations in the State Guard Radio Service will be issued only to the official state guard or comparable organization of a state, territory, possession, or the District of Columbia and only where such organization has been duly created by law and is completely subject to the control of the Governor, or highest official of the creating governmental entity.

(b) To facilitate a determination of eligibility, the first application from each organization for a new station in the State Guard Radio Service shall be accompanied by a statement citing the statute, executive order, or other legal authority under which the guard was created and definitely indicating whether or not the guard is under the absolute authority of the Governor or highest official of the governmental entity.

§ 10.502 *Permissible communications.* (a) Stations in the State Guard Radio Service are primarily authorized to transmit emergency communications directly relating to public safety and the protection of life and property.

(b) Stations in the State Guard Radio Service are secondarily authorized to transmit essential nonemergency communications necessary for training and maintaining an efficient organization: *Provided,* That all communications authorized by this paragraph shall be kept to an absolute minimum and shall cause no harmful interference to stations in other services or to other stations in the State Guard Radio Service when such stations are transmitting communications authorized by paragraph (a) of this section.

(c) The transmission of nonessential communications is strictly prohibited.

§ 10.503 *Points of communication.* (a) State guard base, mobile and fixed stations are primarily authorized to intercommunicate with all other state guard stations authorized to the same licensee.

(b) State guard base, mobile and fixed stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided,* That no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

§ 10.504 *Station limitations.* (a) Mobile relay stations will not be authorized in the State Guard Radio Service.

(b) Each operator of a station in the State Guard Radio Service shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

§ 10.505 *Frequencies available to the State Guard Radio Service.* (a) The frequency 2726 kilocycles is available for assignment to base and mobile stations in the State Guard Radio Service for use on a shared basis with stations in the Special Emergency Radio Service.

(b) In instances where circumstances in a particular state appear to warrant the use of a second frequency in the band 2505–3500 kilocycles and where a frequency can be made available through appropriate arrangements, with Government agencies if necessary, for restricted area use on a shared basis with other assignments such additional frequency may be assigned. The maximum power input, emission and hours of operation authorized for use on any frequency assigned under the provisions of this paragraph will be determined on the basis of the technical conditions involved in using the selected frequency in the particular area.

(c) The frequencies indicated in paragraphs (a) and (b) of this section will also be assigned to fixed stations in the State Guard Radio Service subject to the condition that harmful interference will not be caused to the mobile service.

[F. R. Doc. 57-10364; Filed, Dec. 13, 1957; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6305]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LOESCH HAIR EXPERTS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Personnel or staff; qualifications and abilities; § 13.170 *Qualities or properties of product or service.* Subpart—*Using misleading name—* Vendor: § 13.2435 *Personnel or staff;* § 13.2455 *Qualifications.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Loesch Hair Experts et al., Houston, Tex., Docket 6305, Nov. 14, 1957]

In the Matter of William T. Loesch, an Individual Doing Business as Loesch Hair Experts, and William B. Zimmerman, an Individual Doing Business as Zimmerman Advertising

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual with place of business in Houston, Tex., from where he or his representatives traveled to various cities to meet customers and prospects, along with his advertising agency, with representing falsely in advertisements inserted in local newspapers announcing his arrival that by use of his scalp preparations bacteria swarming beneath the scalp would be killed; dandruff, itching, irritation, and all local scalp disorders would be cured and the scalp kept healthy; excessive hair fall would be stopped and all types of baldness prevented; and that new hair would be induced to grow and the hair become thicker; with representing falsely, by use of the term "Trichologist" and pictorial representations, that respondent and his representatives had had competent training in dermatology having to do with treatment of scalp disorders; and with failing to reveal that the vast majority of the cases of excessive hair fall and baldness are of the type known as "male-pattern" baldness and that in such cases his preparations would have no favorable effect on underlying cause.

After trial in due course, the hearing examiner made his initial decision, including findings of fact, conclusions, and order to cease and desist, from which respondent appealed. Having considered the record, the Commission on November 14 denied the appeal and adopted the initial decision as modified as the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondent William T. Loesch, an individual doing business as Loesch Hair Experts, or under any other name, and respondent William B. Zimmerman, an individual doing business as Zimmerman Advertising, or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the various cosmetic or other preparations being sold, as set out in the findings herein, for use in the treatment of conditions of the hair and scalp, or any preparation of substantially similar composition, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mail, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the use of said preparations alone or in conjunction with any method or treatment will:

(a) Kill bacteria beneath the scalp;

(b) Cause elimination of dandruff, itching or irritation of the scalp;

(c) Cure all local scalp disorders or keep the scalp healthy;

(d) Prevent or overcome excessive hair fall or baldness, unless such representations be expressly limited to cases other than those known to dermatologists as male pattern baldness, and unless the advertisement clearly and conspicuously reveals the fact that the great majority of cases of excessive hair fall and baldness are the beginning and more fully developed stages of said male pattern baldness, and that respondent Loesch's said preparations will not in such cases stop excessive hair fall, prevent or overcome baldness or have any favorable influence on its underlying cause;

(e) Induce new hair to grow or cause the hair to become thicker or otherwise grow hair in cases of impaired hair growth, unless such representations be expressly limited to cases other than those arising by reason of male pattern baldness and unless the advertisement clearly and conspicuously reveals the fact that the great majority of all cases of excessive hair fall and baldness are the beginning and more fully developed stages of said male pattern baldness and that said preparation will not in such cases induce the growth of hair or thicker hair.

(f) Have any benefical effect on itching scalp or other skin irritations or ailments in excess of affording temporary relief of scaling and itching.

2. Disseminating or causing to be disseminated by any means any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 above, or which fails to comply with the affirmative requirements

of subparagraphs (d) and (e) of paragraph 1 hereof, or which advertisement uses the word "trichologist" or any other terms or words of similar import and meaning to designate, describe or refer to the respondent William T. Loesch or any of his representatives who have not had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair.

By "Final Order", the Commission required report of compliance as follows:

It is further ordered, That the respondents, William T. Loesch and William B. Zimmerman, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

It is further ordered, That the initial decision of the hearing examiner, as modified herein, be, and it hereby is, adopted as the decision of the Commission.

Issued: November 14, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10345; Filed, Dec. 13, 1957; 8:47 a. m.]

[Docket 6707]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COLLINS HAIR AND SCALP EXPERTS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Personnel or staff; qualifications and abilities; § 13.170 *Qualities or properties of product or service.* Subpart—*Using misleading name*—Vendor: § 13.2435 *Personnel or staff;* § 13.2455 *Qualifications.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Collins Hair and Scalp Experts, Inc. (Oklahoma City, Okla.), et al., Docket 6707, Nov. 14, 1957]

In the Matter of Collins Hair and Scalp Experts, Inc., a Corporation, Carey Hair & Scalp Experts, Inc., a Corporation, Winston, Ltd., a Corporation, David R. Collins, M. W. Collins, Rex W. Ochs, John A Green, Jr., Individually and as Officers of the Above-Named Corporations; and Philip J. Keough, Jr., Individually and Doing Business as Phil Keough and Associates Advertising Agency

This proceeding was heard by a hearing examiner on the complaint of the Commission charging three associated corporations and their common officers in Oklahoma City, Okla., along with their advertising agency, with representing falsely in advertising in newspapers, periodicals, leaflets, etc., that by use of their hair and scalp preparations, thinning hair would be checked, all types of baldness would be prevented and overcome, new hair would be induced to grow, and the hair would become thicker; and, by use of the term "Trichologist", that the individual respondents and their employees had had competent medical training in the diagnosis and treatment of scalp disorders.

Respondents filed their answer but later withdrew it, and when an agreed-upon hearing was convened, failed to make appearance, whereupon the hearing examiner declared the matter to be in default. He then proceeded to make his initial decision including findings, conclusions, and order to cease and desist, from which complaint counsel appealed. The Commission, having heard the matter and having determined that the order should be modified, on November 14 substituted its own order for that contained in the initial decision.

The substituted order to cease and desist is as follows:

It is ordered, That respondents Collins Hair and Scalp Experts, Inc., a corporation, and its officers; Carey Hair & Scalp Experts, Inc., a corporation, and its officers; Winston, Ltd., a corporation, and its officers; David R. Collins and Rex W. Ochs, individually and as officers of said corporations; and Philip J. Keough, Jr., an individual doing business as Phil Keough and Associates Advertising Agency, or under any other name or names, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the various cosmetic and drug preparations set out in the findings herein, or any preparation of substantially similar composition, or possessing substantially similar properties, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the use of said preparations:

(a) Will check thinning hair, prevent or overcome baldness, or have any favorable influence on the underlying cause of baldness, unless such representations be expressly limited to cases other than those known as male-pattern baldness, and unless the advertisement clearly and conspicuously reveals the fact that the great majority of cases of thinning hair and baldness are the beginning and more fully developed stages of said male-pattern baldness, and that said preparations will not in such cases check thinning hair, prevent or overcome baldness or have any favorable influence on its underlying cause.

(b) Will induce new hair to grow or cause the hair to become thicker or otherwise grow hair in cases of impaired hair growth, unless such representations be expressly limited to cases other than those arising by reason of male-pattern baldness and unless the advertisement clearly and conspicuously reveals the fact that the great majority of all cases of thinning hair and baldness are the beginning and more fully developed stages of said male-pattern baldness and that said preparations will not in such cases induce the growth of hair or thicker hair.

2. Disseminating or causing to be disseminated by any means any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to comply with the requirements set forth in paragraph 1 hereof, or which advertisement uses the word "trichologist" or any other terms or words of similar import and meaning to designate, describe or refer to the respondents David R. Collins or Rex W. Ochs, or said respondents' representatives, or representatives of the respondents Collins Hair and Scalp Experts, Inc., Carey Hair & Scalp Experts, Inc., or Winston, Ltd., who have not had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp conditions affecting the hair.

It is further ordered, That the complaint be, and it hereby is, dismissed as to the respondents M. W. Collins and John A. Green, Jr.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents, save those dismissed hereinabove, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

It is further ordered, That the initial decision of the hearing examiner, as modified hereby, be, and the same hereby is, adopted as the decision of the Commission.

Issued: November 14, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10344; Filed, Dec. 13, 1957; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6279]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ADDITIONAL ITEMIZED DEDUCTIONS FOR INDIVIDUALS

On August 18, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 211, 212, 213, 215, and 217 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 6228). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

Sec.
1.211 Statutory provisions; allowance of deductions.
1.211-1 Allowance of deductions.
1.212 Statutory provisions; expenses for production of income.
1.212-1 Nontrade or nonbusiness expenses.
1.213 Statutory provisions; medical, dental, etc., expenses.
1.213-1 Medical, dental, etc., expenses.
1.215 Statutory provisions; alimony, etc., payments.
1.215-1 Periodic alimony, etc., payments.
1.217 Statutory provisions; cross references.

AUTHORITY: §§ 1.211 to 1.217 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.211 *Statutory provisions; allowance of deductions.*

SEC. 211. *Allowance of deductions.* In computing taxable income under section 63 (a), there shall be allowed as deductions the items specified in this part, subject to the exceptions provided in part IX (section 261 and following, relating to items not deductible).

§ 1.211-1 *Allowance of deductions.* In computing taxable income under section 63 (a), the deductions provided by sections 212, 213, 214, 215, and 216 shall be allowed subject to the exceptions provided in part IX (section 261 and following, relating to items not deductible).

§ 1.212 *Statutory provisions; expenses for production of income.*

SEC. 212. *Expenses for production of income.* In the case of an individual, there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year—

(1) For the production or collection of income;

(2) For the management, conservation, or maintenance of property held for the production of income; or

(3) In connection with the determination, collection, or refund of any tax.

§ 1.212-1 *Nontrade or nonbusiness expenses.* (a) An expense may be deducted under section 212 only if—

(1) It has been paid or incurred by the taxpayer during the taxable year (i) for the production or collection of income which, if and when realized, will be required to be included in income for Federal income tax purposes, or (ii) for the management, conservation, or maintenance of property held for the production of such income, or (iii) in connection with the determination, collection, or refund of any tax; and

(2) It is an ordinary and necessary expense for any of the purposes stated in subparagraph (1) of this paragraph.

(b) The term "income" for the purpose of section 212 includes not merely income of the taxable year but also income which the taxpayer has realized in a prior taxable year or may realize in subsequent taxable years; and is not confined to recurring income but applies as well to gains from the disposition of property. For example, if defaulted bonds, the interest from which if received would be includible in income, are purchased with the expectation of realizing capital gain on their resale, even though no current yield thereon is anticipated, ordinary and necessary expenses thereafter paid or incurred in connection with such bonds are deductible. Similarly, ordinary and necessary expenses paid or incurred in the management, conservation, or maintenance of a building devoted to rental purposes are deductible notwithstanding that there is actually no income therefrom in the taxable year, and regardless of the manner in which or the purpose for which the property in question was acquired. Expenses paid or incurred in managing, conserving, or maintaining property held for investment may be deductible under section 212 even though the property is not currently productive and there is no likelihood that the property will be sold at a profit or will otherwise be productive of income and even though the property is held merely to minimize a loss with respect thereto.

(c) Expenses of carrying on transactions which do not constitute a trade or business of the taxpayer and are not carried on for the production or collection of income or for the management, conservation, or maintenance of property held for the production of income, but which are carried on primarily as a sport, hobby, or recreation are not allowable as nontrade or nonbusiness expenses. The question whether or not a transaction is carried on primarily for the production of income or for the management, conservation, or maintenance of property held for the production or collection of income, rather than primarily as a sport, hobby, or recreation, is not to be determined solely from the intention of the taxpayer but rather from all the circumstances of the case. For example, consideration will be given to the record of prior gain or loss of the taxpayer in the activity, the relation between the type of activity and the principal occupation of the taxpayer, and the uses to which the property or what it produces is put by the taxpayer.

(d) Expenses, to be deductible under section 212, must be "ordinary and necessary". Thus, such expenses must be reasonable in amount and must bear a reasonable and proximate relation to the production or collection of taxable income or to the management, conservation, or maintenance of property held for the production of income.

(e) A deduction under section 212 is subject to the restrictions and limitations in sections 261 through 273, relating to items not deductible. Thus, no deduction is allowable under section 212 for any amount allocable to the production or collection of one or more classes of income which are not includible in gross income, or for any amount allocable to the management, conservation or maintenance of property held for the production of income which is not included in gross income. See section 265. Nor does section 212 allow the deduction of any expenses which are disallowed by any of the provisions of subtitle A of the Internal Revenue Code of 1954, even though such expenses may be paid or incurred for one of the purposes specified in section 212.

(f) Among expenditures not allowable as deductions under section 212 are the following: Commuter's expenses; expenses of taking special courses or training; expenses for improving personal appearance; the cost of rental of a safe-deposit box for storing jewelry and other personal effects; expenses such as those paid or incurred in seeking employment or in placing oneself in a position to begin rendering personal services for compensation, campaign expenses of a candidate for public office, bar examination fees and other expenses paid or incurred in securing admission to the bar, and corresponding fees and expenses paid or incurred by physicians, dentists, accountants, and other taxpayers for securing the right to practice their respective professions. See, however, section 162 and the regulations thereunder.

(g) Fees for services of investment counsel, custodial fees, clerical help, office rent, and similar expenses paid or incurred by a taxpayer in connection with investments held by him are deductible under section 212 only if (1) they are paid or incurred by the taxpayer for the production or collection of income or for the management, conservation, or maintenance of investments held by him for the production of income; and (2) they are ordinary and necessary under all the circumstances, having regard to the type of investment and to the relation of the taxpayer to such investment.

(h) Ordinary and necessary expenses paid or incurred in connection with the management, conservation, or maintenance of property held for use as a residence by the taxpayer are not deductible. However, ordinary and necessary expenses paid or incurred in connection with the management, conservation, or maintenance of property held by the taxpayer as rental property are deductible even though such property was formerly held by the taxpayer for use as a home.

(i) Reasonable amounts paid or incurred by the fiduciary of an estate or trust on account of administration expenses, including fiduciaries' fees and expenses of litigation, which are ordinary and necessary in connection with the performance of the duties of administration are deductible under section 212, notwithstanding that the estate or trust is not engaged in a trade or business, except to the extent that such expenses are allocable to the production or collection of tax-exempt income. But see section 642 (g) and the regulations thereunder for disallowance of such deductions to an estate where such items are allowed as a deduction under section 2053 or 2054 in computing the net estate subject to the estate tax.

(j) Reasonable amounts paid or incurred for the services of a guardian or committee for a ward or minor, and other expenses of guardians and committees which are ordinary and necessary, in connection with the production or collection of income inuring to the ward or minor, or in connection with the management, conservation, or maintenance of property, held for the production of income, belonging to the ward or minor, are deductible.

(k) Expenses paid or incurred in defending or perfecting title to property, in recovering property (other than investment property and amounts of income which, if and when recovered, must be included in gross income), or in develop-

ing or improving property, constitute a part of the cost of the property and are not deductible expenses. Attorneys' fees paid in a suit to quiet title to lands are not deductible; but if the suit is also to collect accrued rents thereon, that portion of such fees is deductible which is properly allocable to the services rendered in collecting such rents. Expenses paid or incurred in protecting or asserting one's rights to property of a decedent as heir or legatee, or as beneficiary under a testamentary trust, are not deductible.

(l) Expenses paid or incurred by an individual in connection with the determination, collection, or refund of any tax, whether the taxing authority be Federal, State, or municipal, and whether the tax be income, estate, gift, property, or any other tax, are deductible. Thus, expenses paid or incurred by a taxpayer for tax counsel or expenses paid or incurred in connection with the preparation of his tax returns or in connection with any proceedings involved in determing the extent of his tax liability or in contesting his tax liability are deductible.

(m) An expense (not otherwise deductible) paid or incurred by an individual in determining or contesting a liability asserted against him does not become deductible by reason of the fact that property held by him for the production of income may be required to be used or sold for the purpose of satisfying such liability.

(n) Capital expenditures are not allowable as nontrade or nonbusiness expenses. The deduction of an item otherwise allowable under section 212 will not be disallowed simply because the taxpayer was entitled under subtitle A of the Internal Revenue Code of 1954 to treat such item as a capital expenditure, rather than to deduct it as an expense. For example, see section 266. Where, however, the item may properly be treated only as a capital expenditure or where it was properly so treated under an option granted in subtitle A, no deduction is allowable under section 212; and this is true regardless of whether any basis adjustment is allowed under any other provision of the Internal Revenue Code of 1954.

(o) The provisions of section 212 are not intended in any way to disallow expenses which would otherwise be allowable under section 162 and the regulations thereunder. Double deductions are not permitted. Amounts deducted under one provision of the Internal Revenue Code of 1954 cannot again be deducted under any other provision thereof.

§ 1.213 *Statutory provisions; medical, dental, etc., expenses.*

SEC. 213. *Medical, dental, etc., expenses*—(a) *Allowance of deduction.* There shall be allowed as a deduction the expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent (as defined in section 152)—

(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year, to the extent that such expenses exceed 3 percent of the adjusted gross income; or

(2) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

(A) The amount of such expenses for the care of the taxpayer and his spouse, and

(B) The amount by which such expenses for the care of such dependents exceed 3 percent of the adjusted gross income.

(b) *Limitation with respect to medicine and drugs.* Amounts paid during the taxable year for medicine and drugs which (but for this subsection) would be taken into account in computing the deduction under subsection (a) shall be taken into account only to the extent that the aggregate of such amounts exceeds 1 percent of the adjusted gross income.

(c) *Maximum limitations.* The deduction under this section shall not exceed $2,500, multiplied by the number of exemptions allowed for the taxable year as a deduction under section 151 (other than exemptions allowed by reason of subsection (c) or (d), relating to additional exemptions for age or blindness); except that the maximum deduction under this section shall be—

(1) $5,000, if the taxpayer is single and not the head of a household (as defined in section 1 (b) (2)) and not a surviving spouse (as defined in section 2 (b)) or is married but files a separate return; or

(2) $10,000, if the taxpayer files a joint return with his spouse under section 6013, or is the head of a household (as defined in section 1 (b) (2)) or a surviving spouse (as defined in section 2 (b)).

(d) *Special rule for decedents*—(1) *Treatment of expenses paid after death.* For purposes of subsection (a), expenses for the medical care of the taxpayer which are paid out of his estate during the 1-year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time incurred.

(2) *Limitation.* Paragraph (1) shall not apply if the amount paid is allowable under section 2053 as a deduction in computing the taxable estate of the decedent, but this paragraph shall not apply if (within the time and in the manner and form prescribed by the Secretary or his delegate) there is filed—

(A) A statement that such amount has not been claimed or allowed as a deduction under section 2053, and

(B) A waiver of the right to have such amount allowed at any time as a deduction under section 2053.

(e) *Definitions.* For purposes of this section—

(1) The term "medical care" means amounts paid—

(A) For the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance), or

(B) For transportation primarily for and essential to medical care referred to in subparagraph (A).

(2) The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 6013 (d) (relating to determination of status as husband and wife).

(f) *Exclusion of amounts allowed for care of certain dependents.* Any expense allowed as a deduction under section 214 shall not be treated as an expense paid for medical care.

§ 1.213-1 *Medical, dental, etc., expenses*—(a) *Allowance of deduction.* (1) Section 213 permits a deduction of payments for certain medical expenses (including expenses for medicine and drugs). Except as provided in paragraph (d) of this section (relating to special rule for decedents) a deduction is allowable only to individuals and only with respect to medical expenses actually paid during the taxable year, regardless of when the incident or event which occasioned the expenses occured and regardless of the method of accounting employed by the taxpayer in making his income tax return. Thus, if the medical expenses are incurred but not paid during the taxable year, no deduction for such expenses shall be allowed for such year.

(2) Except as provided in subparagraph (4) (i) of this paragraph, only such medical expenses (including the allowable expenses for medicine and drugs) are deductible as exceed 3 percent of the adjusted gross income for the taxable year. For the amount paid during the taxable year for medicine and drugs which may be taken into account in computing total medical expenses, see paragraph (b) of this section. For the maximum deduction allowable under section 213, see paragraph (c) of this section. As to what constitutes "adjusted gross income", see section 62 and the regulations thereunder.

(3) (i) For medical expenses paid (including expenses paid for medicine and drugs) to be deductible, they must be for medical care of the taxpayer, his spouse, or a dependent of the taxpayer and not be compensated for by insurance or otherwise. See section 152 and the regulations thereunder for definition of a dependent.

(ii) An amount excluded from gross income under section 105 (c) or (d) (relating to amounts received under accident and health plans) and the regulations thereunder shall not constitute compensation for expenses paid for medical care. Exclusion of such amounts from gross income will not affect the treatment of expenses paid for medical care.

(iii) The application of the rule allowing a deduction for medical expenses to the extent not compensated for by insurance or otherwise may be illustrated by the following example in which it is assumed that neither the taxpayer nor his wife has attained the age of 65:

Example. Taxpayer H, married to W and having one dependent child, had adjusted gross income for 1956 of $3,000. During 1956 he paid $300 for medical care, of which $100 was for treatment of his dependent child and $200 for an operation on W which was performed in September 1955. In 1956 he received a payment of $50 for health insurance to cover a portion of the cost of W's operation performed during 1955. The deduction allowable under section 213 for the calendar year 1956, provided the taxpayer itemizes his deductions and does not compute his tax under section 3 by use of the tax table, is $160, computed as follows:

Payments in 1956 for medical care	$300
Less: Amount of insurance received in 1956	50
Payments in 1956 for medical care not compensated for during 1956	250
Less: 3 percent of $3,000 (adjusted gross income)	90
Excess, allowable as a deduction for 1956	160

(4) (i) Where either the taxpayer or his spouse has attained the age of 65 before the end of the taxable year, the 3 percent limitation on the deduction for medical expenses does not apply with respect to expenses for the medical care of the taxpayer or his spouse. In such a case the taxpayer may deduct, subject to the 1 percent limitation with respect to medicine and drugs set forth in paragraph (b) of this section and subject to the maximum amount allowable as described in paragraph (c) of this section—

(*a*) The amount of all payments for the medical care of the taxpayer and his spouse, and

(*b*) The amount by which his payments for the medical care of his dependents exceed 3 percent of his adjusted gross income.

In determining the amount described in subdivision (i) (*b*) of this subparagraph, the amount described in subdivision (i) (*a*) of this subparagraph shall not be taken into account.

(ii) For the purposes of this subparagraph, the age of a taxpayer shall be determined as of the last day of his taxable year. In the event of the taxpayer's death, the date of his death shall be the last day of his taxable year. The age of a taxpayer's spouse shall be determined as of the last day of the taxpayer's taxable year, except that, if the spouse dies within such taxable year, her age shall be determined as of the date of her death.

(iii) The application of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). Taxpayer A, who attained the age of 65 on February 22, 1956, makes his return on the basis of the calendar year. During the year 1956, A had adjusted gross income of $8,000, and paid the following medical bills: (*a*) $560 (7 percent of adjusted gross income) for the medical care of himself and his spouse, and (*b*) $160 (2 percent of adjusted gross income) for the medical care of his dependent son. No part of these payments was for medicine and drugs nor compensated for by insurance or otherwise. The allowable deduction under section 213 for 1956 is $560, the full amount of the medical expenses for the taxpayer and his spouse. No deduction is allowable for the amount of $160 paid for medical care of the dependent son since the amount of such payment (determined without regard to the payments for the care of the taxpayer and his spouse) does not exceed 3 percent of adjusted gross income.

Example (2). H and W, who have a dependent child, made a joint return for the calendar year 1956. H became 65 years of age on August 15, 1956. The adjusted gross income of H and W in 1956 was $40,000 and they paid in such year the following amounts for medical care: (*a*) $3,000 for the medical care of H; (*b*) $2,000 for the medical care of W; and (*c*) $3,000 for the medical care of the dependent child. No part of these payments was for medicine and drugs nor compensated for by insurance or otherwise. The allowable deduction under section 213 for medical exenses paid in 1956 is $6,800 computed as follows:

Payments for medical care of H and W in 1956		$5,000
Payments for medical care of the dependent in 1956	$3,000	
Less: 3 percent of $40,000 (adjusted gross income)	1,200	
		1,800
Allowable deduction for 1956		6,800

(b) *Limitation with respect to medicine and drugs.* (1) Amounts paid for medicine and drugs are to be taken into account in computing the allowable deduction for medical expenses paid during the taxable year only to the extent that the aggregate of such amounts exceeds 1 percent of the adjusted gross income for the taxable year. Thus, if the aggregate of the amounts paid for medicine and drugs exceeds 1 percent of adjusted gross income, the excess is added to other medical expenses for the purpose of computing the medical expense deduction. For definition of medicine and drugs, see paragraph (e) (2) of this section. The application of this subparagraph may be illustrated by the following example:

Example. The taxpayer, a single individual with no dependents, had an adjusted gross income of $6,000 for the calendar year 1956. During 1956, he paid a doctor $300 for medical services, a hospital $100 for hospital care, and also spent $100 for medicine and drugs. These payments were not compensated for by insurance or otherwise. The deduction allowable under section 213 for the calendar year 1956 is $260, computed as follows:

Payments for medical care in 1956:

Doctor		$300
Hospital		100
Medicine and drugs	$100	
Less: 1 percent of $6,000 (adjusted gross income)	60	
		40
Total medical expenses to be taken into account		440
Less: 3 percent of $6,000 (adjusted gross income)		180
Allowable deduction for 1956		260

(2) The 1 percent limitation rule is applicable to all taxpayers, including a taxpayer (or his spouse) who has attained the age of 65. In a case where either a taxpayer or his spouse has attained the age of 65 and the taxpayer pays an amount in excess of 1 percent of adjusted gross income for medicine and drugs for himself, his spouse, and his dependents, it is necessary to apportion the 1 percent of adjusted gross income (the portion which is not taken into account as expenses paid for medical care) between the taxpayer and his spouse on the one hand and his dependents on the other. The part of the 1 percent allocable to the taxpayer and his spouse is an amount which bears the same ratio to 1 percent of his adjusted gross income which the amount paid for medicine and drugs for the taxpayer and his spouse bears to the total amount paid for medicine and drugs for the taxpayer, his spouse, and his dependents. The balance of the 1 percent shall be allocated to his dependents. The amount paid for medicine and drugs in excess of the allocated part of the 1 percent shall be taken into account as payments for medical care for the taxpayer and his spouse on the one hand and his dependents on the other, respectively. The application of this subparagraph may be illustrated by the following example:

Example. H and W, who have a dependent child, made a joint return for the calendar year 1956. H became 65 years of age on September 15, 1956. The adjusted gross income of H and W for 1956 is $10,000. During the year, H and W paid the following amounts for medical care: (1) $1,000 for doctors and hospital expenses and $180 for medicine and drugs for themselves; and (ii) $500 for doctors and hospital expenses and $140 for medicine and drugs for the dependent child. These payments were not compensated for by insurance or otherwise. The deduction allowable under section 213 (a) (2) for medical expenses paid in 1956 is $1,420, computed as follows:

H and W:		
Payments for doctors and hospital		$1,000.00
Payments for medicine and drugs	$180.00	
Less: Limitation for medicine and drugs (see computation below)	56.25	
		123.75
Medical expenses for H and W to be taken into account		1,123.75
Dependent:		
Payments for doctors and hospital	$500.00	
Payments for medicine and drugs	$140.00	
Less: Limitation for medicine and drugs (see computation below)	43.75	
	96.25	
Total medical expenses	596.25	
Less: 3 percent of $10,000 (adjusted gross income)	300.00	
Medical expenses for the dependent to be taken into account		296.25
Allowable deduction for 1956		1,420.00
Payments for medicine and drugs:		
H and W		180.00
Dependent		140.00
Total payments		320.00
Less: 1 percent of $10,000 (adjusted gross income)		100.00
Payments to be taken into account		220.00
Allocation of 1 percent exclusion:		
H and W $\frac{180}{320} \times \$100 =$		56.25
Dependent $\frac{140}{320} \times \$100 =$		43.75
Total		100.00

(c) *Maximum limitations.* (1) The maximum deduction allowable for medical expenses paid in any one taxable year is the lesser of:

(i) $2,500 multiplied by the number of exemptions allowed under section 151 (exclusive of exemptions allowed under section 151 (c) for a taxpayer or spouse attaining the age of 65, or section 151 (d) for a taxpayer who is blind or a spouse who is blind);

(ii) $5,000, if the taxpayer is single, not the head of a household (as defined in section 1 (b) (2)) and not a surviving spouse (as defined in section 2 (b)), or is married and files a separate return; or

(iii) $10,000, if the taxpayer is married and files a joint return with his spouse under section 6013, or is the head of a household (as defined in section 1 (b) (2)), or a surviving spouse (as defined in section 2 (b)).

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. H and W made a joint return for the calendar year 1956 and were allowed five exemptions (exclusive of exemptions under section 151 (c) or (d)), one for each taxpayer and three for their dependents. The adjusted gross income of H and W in 1956 was $40,000. They paid during such year $12,500 for medical care, no part of which is compensated for by insurance or otherwise. The deduction allowable under section 213 for the calendar year 1956 is $10,000, computed as follows:

Payments for medical care in 1956	$12,500
Less: 3 percent of $40,000 (adjusted gross income)	1,200
Excess of medical expenses in 1956 over 3 percent of adjusted gross income	11,300
Allowable deduction for 1956 ($2,500 multiplied by 5 exemptions allowed under section 151 (b) and (e) but not in excess of $10,000)	10,000

(d) *Special rule for decedents.* (1) For the purpose of section 213 (a), expenses for medical care of the taxpayer which are paid out of his estate during the 1-year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time the medical services were rendered. However, no credit or refund of tax shall be allowed for any taxable year for which the statutory period for filing a claim has expired. See section 6511 and the regulations thereunder.

(2) The rule prescribed in subparagraph (1) of this paragraph shall not apply where the amount so paid is allowable under section 2053 as a deduction in computing the taxable estate of the decedent unless there is filed in duplicate (i) a statement that such amount has not been allowed as a deduction under section 2053 in computing the taxable estate of the decedent and (ii) a waiver of the right to have such amount allowed at any time as a deduction under section 2053. The statement and waiver shall be filed with or for association with the return, amended return, or claim for credit or refund for the decedent for any taxable year for which such an amount is claimed as a deduction.

(e) *Definitions*—(1) *General.* (i) The term "medical care" includes the diagnosis, cure, mitigation, treatment, or prevention of disease. Expenses paid for "medical care" shall include those paid for the purpose of affecting any structure or function of the body, for accident or health insurance, or for transportation primarily for and essential to medical care. Amounts paid for hospitalization insurance, for membership in an association furnishing cooperative or so-called free-choice medical service, or for group hospitalization and clinical care are expenses paid for medical care. However, premiums paid by a taxpayer under an insurance contract which provides reimbursement for loss of earnings due to accident or illness do not constitute amounts expended for medical care. In the case of a policy providing reimbursement for both loss of earnings and medical expenses, only the pro rata portion of such premium payments which is properly attributable to the coverage for medical expenses will constitute an expense paid for medical care.

(ii) Amounts paid for operations or treatments affecting any portion of the body, including obstetrical expenses and expenses of therapy or X-ray treatments, are deemed to be for the purpose of affecting any structure or function of the body and are therefore paid for medical care. Amounts expended for illegal operations or treatments are not deductible. Deductions for expenditures for medical care allowable under section 213 will be confined strictly to expenses incurred primarily for the prevention or alleviation of a physical or mental defect or illness. Thus, payments for the following are payments for medical care: hospital services, nursing services (including nurses' board where paid by the taxpayer), medical, laboratory, surgical, dental and other diagnostic and healing services, X-rays, medicine and drugs (as defined in subparagraph (2) of this paragraph, subject to the 1 percent limitation in paragraph (b) of this section), artificial teeth or limbs, and ambulance hire. However, an expenditure which is merely beneficial to the general health of an individual, such as an expenditure for a vacation, is not an expenditure for medical care.

(iii) A capital expenditure for a permanent improvement or betterment of property shall not be deductible as an expenditure for medical care, even though it may have some relation to medical care. Thus, the cost of a swimming pool, the addition of an elevator or a first floor bedroom and bath to a house for the benefit of a person unable to climb stairs, the installation of an oil burner to alleviate an allergy to coal, etc., would not be a deductible expense. A capital expenditure which is related only to the sick person and is not related to permanent improvement or betterment of property, if it otherwise qualifies as an expenditure for medical care, shall, however, be deductible; for example, an expenditure for eye glasses, a seeing eye dog, artificial teeth and limbs, a wheel chair, crutches, an inclinator or an air conditioner which is detachable from the property and purchased only for the use of a sick person, etc.

(iv) Expenses paid for transportation primarily for and essential to the rendition of the medical care are expenses paid for medical care. However, an amount allowable as a deduction for "transportation primarily for and essential to medical care" shall not include the cost of any meals and lodging while away from home receiving medical treatment. For example, if a doctor prescribes that a taxpayer go to a warm climate in order to alleviate a specific chronic ailment, the cost of meals and lodging while there would not be deductible. On the other hand, if the travel is undertaken merely for the general improvement of a taxpayer's health, neither the cost of transportation nor the cost of meals and lodging would be deductible. If a doctor prescribes an operation or other medical care, and the taxpayer chooses for purely personal considerations to travel to another locality (such as a resort area) for the operation or the other medical care, neither the cost of transportation nor the cost of meals and lodging (except where paid as part of a hospital bill) is deductible.

(v) The cost of in-patient hospital care (including the cost of meals and lodging therein) is an expenditure for medical care. The extent to which expenses for care in an institution other than a hospital shall constitute medical care is primarily a question of fact which depends upon the condition of the individual and the nature of the services he receives (rather than the nature of the institution). A private establishment which is regularly engaged in providing the types of care or services outlined in this subdivision shall be considered an institution for purposes of the rules provided herein. In general, the following rules will be applied:

(*a*) Where an individual is in an institution because his condition is such that the availability of medical care (as defined in subdivisions (i) and (ii) of this subparagraph) in such institution is a principal reason for his presence there, and meals and lodging are furnished as a necessary incident to such care, the entire cost of medical care and meals and lodging at the institution, which are furnished while the individual requires continual medical care, shall constitute an expense for medical care. For example, medical care includes the entire cost of institutional care for a person who is mentally ill and unsafe when left alone. While ordinary education is not medical care, the cost of medical care includes the cost of attending a special school for a mentally or physically handicapped individual, if his condition is such that the resources of the institution for alleviating such mental or physical handicap are a principal reason for his presence there. In such a case, the cost of attending such a special school will include the cost of meals and lodging, if supplied, and the cost of ordinary education furnished which is incidental to the special services furnished by the school. Thus, the cost of medical care includes the cost of attending a special school designed to compensate for or overcome a physical handicap, in order to qualify the individual for future normal education or for normal living, such as a school for the teaching of braille or lip reading. Similarly, the cost of care and supervision, or of treatment and training, of a mentally retarded or physically handicapped individual at an institution is within the meaning of the term "medical care".

(*b*) Where an individual is in an institution, and his condition is such that the availability of medical care in such institution is not a principal reason for his presence there, only that part of the cost of care in the institution as is attributable to medical care (as defined in subdivisions (i) and (ii) of this subparagraph) shall be considered as a cost of medical care; meals and lodging at the institution in such a case are not considered a cost of medical care for purposes of this section. For example, an individual is in a home for the aged for personal or family considerations and not because he requires medical or nursing attention. In such case, medical care consists only of that part of the cost for care in the home which is attributable to medical care or nursing attention furnished to him; his meals and lodging at the home are not considered a cost of medical care.

(*c*) It is immaterial for purposes of this subdivision whether the medical care is furnished in a Federal or State institution or in a private institution.

(vi) See section 262 and the regulations thereunder for disallowance of deduction for personal, living, and family expenses not falling within the definition of medical care.

(2) *Medicine and drugs.* The term "medicine and drugs" shall include only items which are legally procured and which are generally accepted as falling within the category of medicine and drugs (whether or not requiring a prescription). Such term shall not include toiletries or similar preparations (such as toothpaste, shaving lotion, shaving cream, etc.) nor shall it include cosmetics (such as face creams, deodorants, hand lotions, etc., or any similar preparation used for ordinary cosmetic purposes) or sundry items. Amounts expended for items which, under this subparagraph, are excluded from the term "medicine and drugs" shall not constitute amounts expended for "medical care".

(3) *Status as spouse or dependent.* In the case of medical expenses for the care of a person who is the taxpayer's spouse or dependent, the deduction under section 213 is allowable if the status of such person as "spouse" or "dependent" of the taxpayer exists either at the time the medical services were rendered or at the time the expenses were paid. In determining whether such status as "spouse" exists, a taxpayer who is legally separated from his spouse under a decree of separate maintenance is not considered as married. Thus, payments made in June 1956 by A, for medical services rendered in 1955 to B, his wife, may be deducted by A for 1956 even though, before the payments were made, B may have died or in 1956 secured a divorce. Payments made in July 1956 by C, for medical services rendered to D in 1955 may be deducted by C for 1956 even though C and D were not married until June 1956.

(f) *Exclusion of amounts allowed for care of certain dependents.* Amounts allowable under section 214 as a deduction for the care of certain dependents shall not be treated as expenses paid for medical care.

(g) *Reimbursement for expenses paid in prior years.* (1) Where reimbursement, from insurance or otherwise, for medical expenses is received in a taxable year subsequent to a year in which a deduction was claimed on account of such expenses, the reimbursement must be included in gross income in such subsequent year to the extent attributable to (and not in excess of) deductions allowed under section 213 for any prior taxable year. See section 104, relating to compensation for injuries or sickness, and section 105 (b), relating to amounts expended for medical care, and the regulations thereunder, with regard to amounts in excess of or not attributable to deductions allowed.

(2) If no medical expense deduction was taken in an earlier year, for example, if the standard deduction under section 141 was taken for the earlier year, the reimbursement received in the taxable year for the medical expense of the earlier year is not includible in gross income.

(3) In order to allow the same aggregate medical expense deductions as if the reimbursement received in a subsequent year or years had been received in the year in which the payments for medical care were made, the following rules shall be followed:

(i) If the amount of the reimbursement is equal to or less than the amount which was deducted in a prior year, the entire amount of the reimbursement shall be considered attributable to the deduction taken in such prior year (and hence includible in gross income); or

(ii) If the amount of the reimbursement received in such subsequent year or years is greater than the amount which was deducted for the prior year, that portion of the reimbursement received which is equal in amount to the deduction taken in the prior year shall be considered as attributable to such deduction (and hence includible in gross income); but

(iii) If the deduction for the prior year would have been greater but for the limitations on the maximum amount of such deduction provided by section 213 (c), then the amount of the reimbursement attributable to such deduction (and hence includible in gross income) shall be the amount of the reimbursement received in a subsequent year or years reduced by the amount disallowed as a deduction because of the maximum limitation, but not in excess of the deduction allowed for the previous year.

(4) The application of subparagraphs (1), (2), and (3) of this paragraph may be illustrated by the following examples:

Example (1). Taxpayer A, a single individual (not the head of a household and not a surviving spouse) with one dependent, is entitled to two exemptions under the provisions of section 151. He had an adjusted gross income of $35,000 for the calendar year 1956. During 1956 he paid $9,000 for medical care. A received no reimbursement for such medical expenses in 1956, but in 1957 he received $6,000 upon an insurance policy covering the medical expenses which he paid in 1956. A was allowed a deduction of $5,000 (the maximum) from his adjusted gross income for 1956. The amount which A must include in his gross income for 1957 is $3,050 and the amount to be excluded from gross income for 1957 is $2,950, computed as follows:

Payments for medical care in 1956 (not reimbursed in 1956)	$9,000
Less: 3 percent of $35,000 (adjusted gross income)	1,050
Excess of medical expenses not reimbursed in 1956 over 3 percent of adjusted gross income	7,950
Allowable deduction for 1956	5,000
Amount by which the medical deductions for 1956 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	2,950
Reimbursement received in 1957	6,000
Less: Amount by which the medical deduction for 1956 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	2,950
Reimbursement received in 1957 reduced by the amount by which the medical deduction for 1956 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	3,050
Amount attributed to medical deduction taken for 1956	3,050
Amount to be included in gross income for 1957	3,050
Amount to be excluded from gross income for 1957 ($6,000 less $3,050)	2,950

Example (2). Assuming that A, in example (1), received $8,000 in 1957 as reimbursement for the medical expenses which he paid in 1956, the amount which A must include in his gross income for 1957 is $5,000 and the amount to be excluded from gross income for 1957 is $3,000, computed as follows:

Reimbursement received in 1957	$8,000
Less: Amount by which the medical deduction for 1956 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	2,950
Reimbursement received in 1957 reduced by the amount by which the medical deduction for 1956 would have been greater than $5,000 but for the limitations on the maximum amount provided by section 213	5,050
Deduction allowable for 1956	5,000
Amount of reimbursement received in 1957 to be included in gross income for 1957 as attributable to deduction allowable for 1956	5,000
Amount to be excluded from gross income for 1957 ($8,000 less $5,000)	3,000

(h) *Substantiation of deductions.* In connection with claims for deductions under section 213, the taxpayer shall furnish the name and address of each person to whom payment for medical expenses was made and the amount and date of the payment thereof in each case. If payment was made in kind, such fact shall be so reflected. Claims for deductions must be substantiated, when requested by the district director, by a statement or itemized invoice from the individual or entity to which payment

for medical expenses was made showing the nature of the service rendered, and to or for whom rendered; the nature of any other item of expense and for whom incurred and for what specific purpose, the amount paid therefor and the date of the payment thereof; and by such other information as the district director may deem necessary.

§ 1.215 *Statutory provisions; alimony, etc., payments.*

SEC. 215. *Alimony, etc., payments*—(a) *General rule.* In the case of a husband described in section 71, there shall be allowed as a deduction amounts includible under section 71 in the gross income of his wife, payment of which is made within the husband's taxable year. No deduction shall be allowed under the preceding sentence with respect to any payment if, by reason of section 71 (d) or 682, the amount thereof is not includible in the husband's gross income.

(b) *Cross reference.* For definitions of "husband" and "wife", see section 7701 (a) (17).

§ 1.215–1 *Periodic alimony, etc., payments.* (a) A deduction is allowable under section 215 with respect to periodic payments in the nature of, or in lieu of, alimony or an allowance for support actually paid by the taxpayer during his taxable year and required to be included in the income of the payee wife or former wife, as the case may be, under section 71. As to the amounts required to be included in the income of such wife or former wife, see section 71 and the regulations thereunder. For definition of "husband" and "wife" see section 7701 (a) (17).

(b) The deduction under section 215 is allowed only to the obligor spouse. It is not allowed to an estate, trust, corporation, or any other person who may pay the alimony obligation of such obligor spouse. The obligor spouse, however, is not allowed a deduction for any periodic payment includible under section 71 in the income of the wife or former wife, which payment is attributable to property transferred in discharge of his obligation and which, under section 71 (d) or section 682, is not includible in his gross income.

(c) The following examples, in which both H and W file their income tax returns on the basis of a calendar year, illustrate cases in which a deduction is or is not allowed under section 215:

Example (1). Pursuant to the terms of a decree of divorce, H, in 1956, transferred securities valued at $100,000 in trust for the benefit of W, which fully discharged all his obligations to W. The periodic payments made by the trust to W are required to be included in W's income under section 71. Such payments are stated in section 71 (d) not to be includible in H's income and, therefore, under section 215 are not deductible from his income.

Example (2). A decree of divorce obtained by W from H incorporated a previous agreement of H to establish a trust, the trustees of which were instructed to pay W $5,000 a year for the remainder of her life. The court retained jurisdiction to order H to provide further payments if necessary for the support of W. In 1956 the trustee paid to W $4,000 from the income of the trust and $1,000 from the corpus of the trust. Under the provisions of sections 71 and 682 (b), W would include $5,000 in her income for 1956. He would not include any part of the $5,000 in his income nor take a deduction therefor. If H had paid the $1,000 to W pursuant to court order rather than allowing the trustees to pay it out of corpus, he would have been entitled to a deduction of $1,000 under the provisions of section 215.

(d) For other examples, see sections 71 and 682 and the regulations thereunder.

§ 1.217 *Statutory provisions; cross references.*

SEC. 217. *Cross references.* (1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

(2) For deductions in respect of a decedent, see section 691.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 5, 1957.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 57–10362; Filed, Dec. 13, 1957; 8:51 a. m.]

TITLE 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS SERIES 6

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 57–9972, published at page 9651 of the issue for Tuesday, December 3, 1957, the following change should be made: In the fifth line of amendatory paragraph 4c, the word "unchallenged" should read "challenged".

Chapter V—Wage and Hour Division, Department of Labor

PART 675—LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

PART 702—HANDICRAFT PRODUCTS INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 492 (22 F. R. 8265), appointed, convened, and gave notice of the hearing of Industry Committee No. 35–A to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the lumber and wood products industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce. The definition of this industry has been broadened to include certain activities involved in the production of goods from excelsior, cork, bamboo, rattan, and willowware, which were formerly included in the handicraft products industry in Puerto Rico. Otherwise the definition remains the same.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The recommendations of Industry Committee No. 35–A retained the same classifications within the industry but changed the rates of pay for such classifications.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85–A of the Secretary of Labor (22 F. R. 7614), the recommendations of this committee are to be published in this order amending Title 29 of the Code of Federal Regulations, effective December 30, 1957, as follows:

1. Part 702 is hereby revoked.

2. Part 675 is amended to read as follows:

Sec.
675.1 Definition.
675.2 Wage rates.
675.3 Notices.

AUTHORITY: §§ 675.1 to 675.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 675.1 *Definition.* The lumber and wood products industry in Puerto Rico is defined as logging and the manufacture of all products made from lumber, wood and related materials, including, but without limitation, sawmill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving; trays, bowls, and other woodenware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the definition shall not include any product or activity in the button, jewelry, and lapidary work industry (22 F. R. 3852), the construction, business service, motion picture, and miscellaneous industry, as defined in the Administrative Order appointing Industry Committee No. 35–B for Puerto Rico, the metal, machinery, transportation equipment, and allied products industry (22 F. R. 6633), the straw, hair, and related products industry (22 F. R. 3931), or in the paper, paper products, printing and publishing industry (22 F. R. 7559).

§ 675.2 *Wage rates.* (a) Wages at a rate of not less than $1 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the carpet grippers classification of the lumber and wood products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of carpet grippers or tackless carpet strips.

(b) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the lumber and millwork classification of the lumber and wood products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as logging; the manufacture of sawmill, planing mill, and plywood mill products (except carpet grippers); and the manufacture of millwork, including sashes, doors, moldings, window frames, window and door screens and blinds, and similar building materials.

(c) Wages at a rate of not less than 57½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the furniture, woodenware, and miscellaneous wood products classification of the lumber and wood products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of all products, and all activities, included in the lumber and wood products industry in Puerto Rico, except those products and activities included in the carpet grippers classification and the lumber and millwork classification.

§ 675.3 *Notices.* Every employer subject to the provisions of § 675.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 675.2 are working, such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 11th day of December, 1957.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57–10373; Filed, Dec. 13, 1957; 8:53 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 57–49]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

The provisions of R. S. 4472, as amended, 46 U. S. C. 170, require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practicable. The provisions in 46 CFR 146.02–18 and 146.02–19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in orders Nos. 30 through 33 has made changes in the ICC regulations with respect to the definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certifications, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which governed the land transportation of the same commodities.

Since the amendments in this document are revised requirements to agree with existing ICC regulations or are editorial in nature, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof, is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate the regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed, as well as corrections to a prior document, and shall become effective on December 31, 1957.

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

Various items in § 146.04–5 *List of explosives and other dangerous articles and combustible liquids* are amended, added, and canceled, as follows:

1. *Amended*

Present wording—	*To read*—
Alcohol, allyl, liquid • • •----------	Alcohol allyl • • •.
Alcohol, wood (methanol) • • •----------	Alcohol, wood (methanol, methyl alcohol) • • •.
Allyl alcohol (see: "Alcohol, allyl, liquid") • • •.	Allyl alcohol (see: "Alcohol, allyl") • • •.
Ammonium bichromate • • •----------	Ammonium bichromate (ammonium dichromate) • • •.
Amyl nitrate • • •----------	Amyl nitrite • • •.
Benzyl bromide (see: "a-Bromotoluene")----	Benzyl bromide (bromotoluene, alpha) Cor. L. White.
a-Bromotoluene • • •----------	Bromotoluene, alpha • • •.
Dicumyl peroxide (see: "Cumene hydroperoxide") • • •.	Dicumyl peroxide, solid (see: "Cumene hydroperoxide") • • •.
Dinitrochlorbenzol, solid (dinitrochlorbenzene) • • •.	Dinitrochlorbenzol, solid (dinitrochlorobenzene, chlorodinitrobenzol) • • •.
Mercuric sulfocyanate, solid (see: *"Mercury compounds, solid"*) • • •.	Mercuric sulfo cynate, solid (mercuric thiocyanate) (see: "Mercury compounds, solid") • • •.
Mercury bichloride, solid (see: *"Mercury compounds, solid"*) • • •.	Mercury bichloride, solid (mercuric chloride) (see: *"Mercury compounds, solid"*).
Methanol (methyl hydrate) (methyl alcohol) (see: "Alcohol or alcohol, N. O. S.") • • •.	Methanol (methyl alcohol) (see: "Alcohol or alcohol, N. O. S.")
Mixture of hydrofluoric and sulfuric acids • • •.	*Mixtures of hydrofluoric and sulfuric acids* (see: "Hydrofluoric and sulfuric acids, mixtures").
Propellant explosives, Class A explosives • • •.	Propellant explosives, Class A • • •.
Propellant explosives, Class B explosives • • •.	Propellant explosives, Class B • • •.
Smokeless powder for cannon or small arms (see: "Propellant explosives" or "High explosives").	*Smokeless powder for cannon or small arms* (see: "Propellant explosives, Class A" or "High explosives").

2. *Added.*

Cigarette lighters charged with fuel (see: "§ 146.05–3 (d)").

Chlorodinitrobenzol (see: "Dinitrochlorbenzol, solid").		
Hydrofluoric and sulfuric acids, mixtures	Cor. L	White.
Lighter fluid (see: "Cigar and cigarette lighter fluid)	Inf. L	Red.
•Mercaptan mixtures, aliphatic	Comb. L.	
•Mercaptan mixtures, aliphatic (see: "*Mercaptans*")	Inf. L	Red.
Mercaptans (see: "§ 146.21–100").		
Mercuric chloride, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Methyl alcohol (methanol) (see: "Alcohol or alcohol, N. O. S.")	Inf. L	Red.
Nitric ether (see: "Ethyl nitrate").		
Self-lighting cigarettes (see: "§ 146.05-3 (d)").		
•Weed killing compounds, liquid (see: "•Compounds, tree or weed killing, liquid").		

3. *Canceled.*

•Aliphatic mercaptan mixtures	Comb. L.	
•Aliphatic mercaptan mixtures (see: "*Mercaptans*")	Inf. L	Red.
•Charcoal, activated (•carbon activated)	Inf. S	Yellow.
Mercuricyanamid, solid (see: "*Mercury compounds, solid*")	Pois. B	Poison.
Hydrofluoric and sulfuric acids, mixtures (see: "Mixtures of hydrofluoric and sulfuric acids").	Cor. L	White.

SUBPART—SHIPPER'S REQUIREMENTS RE: PACKING, MARKING, LABELLING AND SHIPPING PAPERS

1. Section 146.05–3 is amended by changing the title, and adding a new paragraph (d) as follows:

§ 146.05–3 *Prohibited packing.* • • •

(d) The offering for transportation of any package containing a cigarette lighter charged with fuel and equipped with an ignition element, or any similar heating, lighting, or ignition device, or any self-lighting cigarette, is prohibited unless the design and method of packaging are such that functioning of the device is not possible incident to transportation.

SUBPART—DETAILED REGULATIONS GOVERNING EXPLOSIVES

1. Section 146.20–7 is amended by changing paragraph (v) to read as follows:

§ 146.20–7 *Class A explosives.* • • •

(v) *Type 9.* Propellant explosives, Class A, are solid chemicals or solid mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class A, include some types of smokeless powder and some types of solid propellant explosives for jet thrust units, rockets or other devices. Any propellant explosive in Class A which detonates in any one out of five trials when tested in the packages in which it is offered for transportation. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and the absence of flame shall be considered as evidence of detonation.

2. Section 146.20–9 is amended by changing paragraph (e) to read as follows:

§ 146.20–9 *Class B explosives.* • • •

(e) Propellant explosives, Class B, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Any propellant explosive is Class B which fails to detonate in five trials when tested in the packages in which it is offered for shipment. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidence of detonation. Propellant explosives, Class B, include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification and is defined in § 146.20–7 (a). Fire extinguisher charges containing not to exceed 50 grains of propellant explosives per unit are exempt from the regulations in this part.

3. Section 146.20–11 is amended by changing paragraph (a) to read as follows:

§ 146.20–11 *Class C explosives.* • • •

(a) Small arms ammunition is fixed ammunition consisting of a metallic composition or paper cartridge case, a primer, and a propelling charge, with or without bullet, shot, tear gas material, tracer components, or incendiary compositions or mixtures, but not including bullets loaded with high explosives, and is further limited to the following:

(1) Ammunition designed to be fired from a pistol, revolver, rifle or shotgun held by the hand or to the shoulder.

(2) Ammunition of caliber less than .75 designed to be fired from machine guns.

(3) Blank cartridges including canopy remover cartridges, starter cartridges, and seat ejector cartridges, containing not more than 250 grains of propellant powder.

4. Section 146.20–100 *Table A—Classification: Class A; dangerous explosives* is amended as follows: Amend "Propellant explosives, Class A explosives" as follows:

a. In column 1, *Descriptive name of article,* change the item to read:

Propellant explosives, Class A.

b. In column 2, *Characteristic properties, etc.,* change the text to read as follows:

Propellant explosives, Class A, are solid chemicals or chemical mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class A, include some types of smokeless powder and some types of solid propellant explosives for jet thrust units, rockets or other devices.

Each outside container must be plainly marked: "Propellant explosives, Class A".

5. Section 146.20–200 *Table B—Classification: Class B; less dangerous explosives* is amended as follows: Amend "Propellant explosives, Class B explosives" as follows:

a. In column 1, *Descriptive name of article,* change the item to read:

Propellant explosives, Class B.

b. In column 2, *Characteristic properties, etc.,* change the text to read as follows:

Propellant explosives, Class B, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class B, include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant for rockets, jet thrust units, or other devices.

Black powder is not classified as a propellant explosive. (See: Black powder, § 146.20–100.)

Propellant explosives as prepared for shipment that are sensitive to detonation are Class A explosives. (See: Propellant explosives, Class A, § 146.20–100.)

Each outside container must be plainly marked: "Propellant Explosives, Class B".

6. Section 146.20–300 *Table C—Classification: Class C; relatively safe explosives* is amended as follows: Amend "Small-arms ammunition" as follows: In columns 4, 5, 6 and 7, under "Outside containers" insert the following:

Strong wooden boxes, fiberboard boxes or metal containers with ammunition contained in metal clips.

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE LIQUIDS

1. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended by changing various items as follows:

a. Amend the following items as indicated:

(1) Acetaldehyde.
(2) Acetone, etc.
(3) Alcohol or alcohol, N. O. S.
(4) Allyl bromide.
(5) Amyl nitrite.
(6) Anti-freeze compounds, liquid.
(7) Benzene (benzol), etc.
(8) Box toe gum.
(9) Butyl acetate.
(10) Butyraldehyde.
(11) Cement, leather, etc.
(12) Cigar and cigarette lighter fluid.
(13) Coal tar distillate.
(14) Collodion.
(15) Compounds, cleaning, liquid, etc.
(16) Compounds, tree or weed killing, liquid.
(17) Crotonoldehyde.
(18) Crude oil, petroleum.
(19) Cyclohexane.
(20) Diethylamine.
(21) Dimethylamine aqueous solution.
(22) Drugs, chemicals, medicines or cosmetics, N. O. S., etc.
(23) Ether.
(24) Ethyl acetate.
(25) Ethylene dichloride, etc.
(26) Ethyl formate.
(27) Ethyl methyl ketone, etc.
(28) Ethyl nitrite (*nitrous ether*).
(29) Gas drips, hydrocarbon.
(30) Heptane.
(31) Hexane.
(32) Inflammable liquids, N. O. S.
(33) Insecticide liquid (vermin exterminator).
(34) Isooctane.
(35) Isopentane.
(36) Isopropyl acetate.
(37) Methyl acetate.
(38) Methyl formate.
(39) Methyl iso-propenyl ketone, inhibited.
(40) Methyl methacrylate monomer.
(41) Motor fuel, N. O. S.
(42) Neohexane.
(43) Oil, etc.
(44) Pentane.
(45) Peroxides, organic, liquid N. O. S.
(46) Propylene oxide.
(47) Pyridine.
(48) Resin solution.
(49) Sodium methylate, alcohol mixture.
(50) Solvents, N. O. S. etc.
(51) Toluol (*toluene*).
(52) Turpentine substitutes.
(53) Vinylidene chloride, inhibited.
(54) Xylol (xylene).

In columns 4, 5, 6 and 7, under "Outside containers, Steel barrels or drums", if permitted, insert:

(ICC–17H, 37A) WIC of glass, not over 9 pints capacity each.

b. Amend the item "Dimethylhydrazine, etc." as follows:

i. In column 4, *Required conditions for transportation—Cargo vessel,* under "Authorized only for dimethylhydrazine, unsymmetrical, Metal barrels or drums", delete:

17H.

ii. In column 4, under "Authorized only for dimethylhydrazine, unsymmetrical", add:

Tank cars complying with ICC regulations.

c. Amend the item "Mercaptans, etc." as follows:

i. In column 1, *Descriptive name of article,* change "Aliphatic mercaptan mixtures" to read:

Mercaptan mixtures, aliphatic.

ii. In column 1, insert:

Warning or odorizing devices containing not more than one ounce of a mercaptan or mixture in a hermetically sealed container or sealed portion of the device are not subject to the regulations in this part.

iii. In column 4, under "Outside containers" insert:

Specification cylinders as prescribed for any compressed gas except acetylene.

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

1. Section 146.22–25 *Exemptions for inflammable solids and oxidizing materials* is amended by inserting in the list in paragraph (d) the material "Hafnium metal powder or sponge, dry", "Hafnium metal powder, wet or sludge", "Dimethylhexane dihydroperoxide".

2. Section 146.22–100 *Table E—Classification—Inflammable solids and oxidizing materials* is amended by changing various items as follows:

a. Amend "Ammonium bichromate" as follows: In column 1, *Descriptive name of article,* change the item to read as follows:

Ammonium bichromate (ammonium dichromate).

b. Amend the following items as indicated:

(1) Beyzoyl peroxide, dry.
(2) Chlorobenzoyl peroxide (para), dry.
(3) Lauroyl peroxide, dry.
(4) Succinic acid peroxide, dry.

In columns 4, 5, 6 and 7, change "Fiberboard boxes (ICC–12B), etc." to read:

Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

c. Amend the following items as indicated:

(1) Benzoyl peroxide, wet.
(2) Chlorobenzoyl peroxide, wet.
(3) Lauroyl peroxide, wet.
(4) Succinic acid peroxide, wet.

In columns 4, 5, 6 and 7, under "Outside containers" insert:

Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

d. Delete the item "Charcoal activated, carbon activated" and all wording pertaining thereto in columns 2, 3, 4, 5, 6 and 7.

e. Amend "Cumene hydroperoxide, etc." to read:

Cumene hydroperoxide (*strength not exceeding 90% in a nonvolatile solvent*).

In column 4, *Required conditions for transportation—Cargo vessel,* under "Outside containers" change "Authorized for 75 percent or less Cumene hydroperoxide, etc." to read:

Authorized for 75 percent or less Cumene hydroperoxide in a nonvolatile solvent:
Tank cars complying with ICC regulations.

f. Amend "Phosphorus, white or yellow, in water" as follows: In column 4, *Required conditions for transportation—Cargo vessel,* under "Outside containers" change "Tank cars, etc." to read:

Tank cars complying with ICC regulations.

SUBPART—DETAILED REGULATIONS GOVERNING CORROSIVE LIQUIDS

1. Section 146.23–30 is amended by changing the entries "a-Bromotoluene" and "Mixtures of hydrofluoric and sulfuric acid" in paragraph (c) to read as follows:

§ 146.23–30 *Exemptions for corrosive liquids.* • • •

Bromotoluene, alpha.
Hydrofluoric and sulfuric acids, mixtures.

2. Section 146.23–100 *Table F—Classification: Corrosive Liquids* is amended as follows:

a. Amend "Acids, liquids, N. O. S." as follows: In column 4, *Required conditions for transportation—Cargo vessel,* under "Outside containers" delete the present wording and insert:

Outside containers:
Carboys, glass, in boxes, kegs or plywood drums:
(ICC–1A, 1B, 1C, 1E) not over 13 gal. cap.
(ICC–1D) not over 6½ gal. cap.
For export only (ICC–1X) not over 6 gal. cap.
Carboys, lead, metal jacketed (ICC–28) not over 15 gal. cap.
Carboys, polyethylene, in plywood boxes, drums or wooden boxes (ICC–1F, 1G) not over 15 gal. cap.
Metal barrels or drums:
(ICC–5A, 5C, 5M) not over 110 gal. cap.
(ICC–5D) rubber lined, not over 110 gal. cap.
(ICC–5H) lead lined, not over 110 gal. cap.
(ICC–17C, 17E, 17F) STC, not over 55 gal. cap.
(ICC–17H, 37A, 37B) STC, lined, not over 5 gal. cap.
(ICC–6J) WIC ICC–2S, polyethylene, not over 55 gal. cap.
Rubber drums (ICC–43A) not over 30 gal. cap.
Wooden barrels or kegs:
(ICC–10A) asphalt lined, not over 50 gal. cap.
(ICC–11A, 11B) WIC, not over 200 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

b. Amend the following items as indicated:

(1) Antimony pentachloride, solution.
(2) Compounds, cleaning, liquid, etc.
(3) Corrosive liquids, N. O. S.
(4) Drugs, chemicals, medicines, or cosmetics, N. O. S.
(5) Hydriodic acid.

In columns 4, 5, 6 and 7, where applicable under "Outside containers" change "Fiberboard boxes (ICC–12B) etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

c. Amend the item "a-Bromotoluene, etc." as follows: In column 1, *Descriptive name of article,* delete the present wording and insert:

Bromotoluene, alpha.
Benzyl bromide.

d. Amend the item "Electrolyte (acid) or corrosive battery fluid" as follows: In columns 4 and 7, under "Outside containers" change "Fiberboard boxes (ICC–12B, 12C), etc." to read:

Fiberboard boxes (ICC–12A, 12B, 12C) WIC, not over 65 lb. gr. wt.

e. Amend "Formic acid, Formic acid solution" as follows: In columns 4, 5, 6 and 7, under "Outside containers" change "Fiberboard boxes (ICC–12B), etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

f. Amend "Hydrobromic acid" as follows: In columns 4, 5, 6 and 7, under "For hydrobromic acid not over 49% strength" insert:

Fiberboard boxes (ICC–12A) WIC, not over 65 lb. gr. wt.

g. Amend "Hydrofluoric acid" as follows:

i. In column 4, *Required conditions for transportation—Cargo vessel,* delete "Hydrofluoric acid not over 60% strength" and the container requirements therefor.

ii. In column 4, under "Hydrofluoric acid not over 70% strength" insert:

Steel barrels or drums (ICC–6J) WIC (ICC–2S polyethylene drum) not over 55 gal. cap.
Carboys, polyethylene, in plywood boxes, drums or wooden boxes (ICC–1F, 1G) not over 13 gal. cap.

h. After "Hydrofluoric acid, anhydrous" insert the following:

i. In column 1, *Descriptive name of article,* insert:

Hydrofluoric and sulfuric acids, mixtures.

ii. In column 2, *Characteristic properties, cautions, marking required,* insert:

Mixtures of hydrofluoric acid and sufuric acid, containing not more than 80% by weight and not less than 70% by weight of hydrofluoric acid and sulfuric acid combined, with the hydrofluoric acid content not less than 25% by weight in any case.
A clear, colorless, syrupy liquid with a pungent odor. Extremely corrosive to textiles, metals and tissue.
Reacts violently with water to develop heat.
Wash quickly with large quantities of water if accidentally spilled on skin or clothing.
Keep dry.

iii. In column 3, *Label required,* insert:

White.

iv. In column 4, *Required conditions for transportation—Cargo vessel,* insert:

Stowage:
"On deck protected."
Outside containers:
Steel barrels or drums:
(ICC–5A) not over 55 gal. cap.

NOTE: Drums must have been properly passified or neutralized as required by ICC regulations.

In columns 5, 6 and 7, insert:

Not permitted.

i. Delete the item "Mixtures of hydrofluoric and sulfuric acids, etc." and all wording pertaining thereto in columns 2, 3, 4, 5, 6 and 7.

j. Amend "Phosphorus tribromide" as follows: In column 4, *Required conditions for transportation—Cargo vessel,* under "Outside containers" insert:

Nickel drums (ICC–5K) not over 10 gal. cap.
Monel drums (ICC–5M) not over 10 gal. cap.

k. Amend "Sodium chlorite solution, etc." as follows: In columns 4, 5, 6 and 7, under "Outside containers" change "Fiberboard boxes (ICC–12B) etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

l. Amend "Sulfuric acid (oil of vitriol)" as follows:

i. In columns 4, 6 and 7, under "For sulfuric acid of concentrations not to exceed 95%, etc." change "Carboys, polyethylene, etc." to read:

Carboys, polyethylene, in wooden boxes, plywood drums or boxes, or metal crates (ICC–1F, 1G, 1H) not over 13 gal. cap.

ii. In columns 4, 6 and 7, under "For sulfuric acid concentrations not to exceed 51%, etc." delete "Carboys, polyethylene, etc."

iii. In columns 4, 5, 6 and 7, under "For sulfuric acid of any concentration" insert:

Fiberboard boxes (ICC–12A) WIC, not over 65 lb. gr. wt.

iv. In columns 4 and 7, under "For sulfuric acid of concentrations 62.25% etc." change "Tank cars (ICC–103A, 103A–W) to read:

Tank cars complying with ICC regulations.

SUBPART—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

1. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows:

a. Amend "Alcohol, allyl, liquid, etc." as follows:

i. In column 1, *Descriptive name of article,* change the item to read:

Alcohol, allyl.

ii. In column 4, *Required conditions for transportation—Cargo vessel,* under "Outside containers" insert:

Aluminum drums:
(ICC–42B, 42C, 42D, 42E) not over 55 gal. cap.

b. Amend the following items as indicated:

(1) Arsenic chloride (arsenous), liquid, etc.
(2) Arsenical compounds or mixtures, N. O. S. liquid, etc.
(3) Compounds, tree or weed killing, liquid.
(4) Dinitrobenzol, liquid.
(5) Drugs, chemicals, medicines or cosmetics, N. O. S. (liquid)
(6) Insecticide, liquid.
(7) Nicotine hydrochloride, etc.
(8) Nitrobenzol, liquid (*oil of mirbane*).
(9) Nitroxylol.
(10) Poisonous liquids, N. O. S.
(11) Sodium arsenite (solution), liquid.

In columns 4, 5, 6 and 7, under "Outside containers" if permitted, insert:

Aluminum drums:
(ICC–42B, 42C, 42D, 42E) not over 55 gal. cap.

c. Amend "Dinitrochlorbenzol, solid, etc." as follows: In column 1, *Descriptive name of article,* insert the following: (*Chlorodinitrobenzol*).

d. Amend "Mercuric sulfocyanate, solid" as follows: In column 1, *Descriptive name of article,* change the item to read:

Mercuric sulfo cyanate, solid (mercuric thiocyanate).

e. Delete the item "Mercuricyanamid, solid" and all marking appearing in columns 2 and 3.

f. Amend "Mercury bichloride, solid" as follows: In column 1, *Descriptive name of article,* change the item to read:

Mercury bichloride, solid (mercuric chloride).

g. Amend the following items as indicated:

(1) Parathion mixtures, liquid, etc.
(2) Tetraethyl pyrophosphate mixtures, liquid, etc.

In columns 4, 5, 6 and 7, under "Outside containers, Steel barrels or drums", insert:

(ICC–17E) STC, not over 5 gal. cap.

SUBPART—DETAILED REGULATIONS GOVERNING COMBUSTIBLE LIQUIDS

1. Section 146.26–100 *Table J—Classification: Combustible liquids* is amended as follows: Amend the item "Aliphatic mercaptan mixtures" as follows: In column 1, *Descriptive name of article,* delete the present wording and insert:

Mercaptan mixtures, aliphatic.

CORRECTIONS TO PRIOR DOCUMENT

The Coast Guard Document CGFR 57-34 and Federal Register Document 57-8889, published in the FEDERAL REGISTER of October 29, 1957 is corrected in the following respects:

a. Under "Subpart—Cargo Handling and Stowage Devices, U. S. Coast Guard Container Specifications" (22 F. R. 8571), the instruction for revising § 146.09-2 is corrected by inserting "first sentence of" immediately before "paragraph (b) (1)".

b. Under "Subpart—Detailed Regulations Governing Inflammable Liquids (22 F. R. 8581), the amendment to § 146.21–65 is corrected in the following respects:

1. The text of paragraph (b), which was indicated as being omitted, shall be deleted.

2. The paragraph "(d)" shall be redesignated as paragraph "(b)".

c. Under "Subpart—Detailed Regulations Governing Inflammable Liquids" (22 F. R. 8606), the amendment to § 146.21–100 is corrected by changing "Isopropyl (acetate)" to read "Isopropyl acetate".

d. Under "Subpart—Detailed Regulations Governing Poisonous Articles" (22 F. R. 8706), the amendment to § 146.25–30 (a) (3) is corrected by correctly spelling "which" in the first line.

e. Under "Subpart—Detailed Regulations Governing Poisonous Articles" (22 F. R. 8715), the amendment to § 146.25–200 is corrected by changing "Nitroxylel" to read "Nitroxylol".

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: December 6, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57-10352; Filed, Dec. 13, 1957; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 0—THE COMMISSION

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 22d day of November A. D. 1957.

The provision in section 17 (3) of the Interstate Commerce Act (49 U. S. C. 17 (3)), that the seal of the Interstate Commerce Commission shall be judicially noticed, being under consideration, and heretofore no official description of such seal having been published:

It is ordered, That the seal of the Interstate Commerce Commission is described as follows and as illustrated by imprint below:

§ 0.1 *Description of official seal*—(a) *Description.* A constellation of 13 stars above an American bald eagle with wings displayed and inverted holding in his dexter talon an olive branch and in his sinister a bundle of seven arrows, in his beak a scroll inscribed "E Pluribus Unum," bearing a shield paleways of 13 pieces argent and gules, a chief azure; all within an encircling inscription "Interstate Commerce Commission, 1887," and a decorative outer border.

(b) *Colors.* When illustrated in color, the background is National Flag blue, the eagle and olive branch proper, and the arrows, stars, scroll and encircling inscription white. The motto is of the same blue as the background, and the blue of the shield is a medium shade. The outer border of the seal and the edge of the shield are gold color.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 17, 40 Stat. 270, as amended; 49 U. S. C. 17)

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10214; Filed, Dec. 13, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 686, 704, 715]

[Administrative Order 497]

PUERTO RICO: SHOE AND RELATED PRODUCTS INDUSTRY; LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY; AND FABRIC AND LEATHER GLOVE INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 36–A for the Shoe and Related Products Industry in Puerto Rico, Industry Committee No. 36–B for the Leather, Leather Goods, and Related Products Industry in Puerto Rico, and Industry Committee No. 36–C for the Fabric and Leather Glove Industry in Puerto Rico.

Industry Committee No. 36–A is composed of the following representatives:

For the public: David W. Louisell, Chairman, Berkeley, Calif.; W. Ellison Chalmers, Champaign, Ill.; Hiram R. Cancio, Rio Piedras, Puerto Rico.

For the employees: George O. Fecteau, Washington, D. C.; Alberto E. Sanchez, Santurce, Puerto Rico.; Edward Friss, New York, N. Y.

For the employers: Benjamin Benjamin, St. Petersburg, Fla.; Luis Benitez-Carle, Manati, Puerto Rico; Robert Bristol, Ponce, Puerto Rico.

For the purpose of this order, the shoe and related products industry in Puerto Rico is defined as follows:

The manufacture or partial manufacture of footwear from any material and by any process except knitting, crocheting, vulcanizing of the entire article, vulcanizing of the sole to the upper, or molding plastic, including, but without limitation, shoes, slippers, sandals, moccasins, boots, boot tops, puttees (except spiral puttees), athletic shoes, burial shoes, and shoes completely rebuilt in a shoe factory; the manufacture from any material (except rubber, composition of rubber, or plastic, molded to shape) of cut stock and findings for footwear, including, but without limitation, heels, linings, vamps, quarters, outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, boxtoes, counters, stays, stripping, sock linings, heel pads, pasted shoe stock, and bows, ornaments, and trimmings designed exclusively for use on shoes; and the manufacture of boot and shoe patterns: *Provided, however,* That this industry shall not include the manufacture of bows, ornaments and trimmings by a manufacturer not otherwise covered by this industry (except bows, ornaments, and trimmings designed exclusively for use on shoes); and the manufacture of wood-heel blocks.

Industry Committee No. 36–B is composed of the following representatives:

For the public: David W. Louisell, Chairman, Berkeley, Calif.; W. Ellison Chalmers, Champaign, Ill.; Hiram R. Cancio, Rio Piedras, Puerto Rico.

For the employees: George O. Fecteau, Washington, D. C.; Alberto E. Sanchez, Santurce, Puerto Rico; Edward Friss, New York, N. Y.

For the employers: Benjamin Benjamin, St. Petersburg, Fla.; Abraham Lerner, Ponce, Puerto Rico; Alfred Bayouth, Mayaguez, Puerto Rico.

For the purpose of this order the leather, leather goods, and related products industry in Puerto Rico is defined as follows:

The curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs and softballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the button, jewelry, and lapidary work industry; the fabric and leather glove industry; and the needlework and fabricated textile products industry, as defined in the wage orders for those industries in Puerto Rico.

Industry Committee No. 36–C is composed of the following representatives:

For the public: David W. Louisell, Chairman, Berkeley, Calif.; W. Ellison Chalmers, Champaign, Ill.; Hiram R. Cancio, Rio Piedras, Puerto Rico.

For the employees: George O. Fecteau, Washington, D. C.; Alberto E. Sanchez, Santurce, Puerto Rico; Charles J. Garrahan, New York, N. Y.

For the employers: Benjamin Benjamin, St. Petersburg, Fla.; William K. Lawson, Albonito, Puerto Rico; A. C. Bob Reuter, Mayaguez, Puerto Rico.

For the purpose of this order the fabric and leather glove industry in Puerto Rico is defined as follows:

The manufacture of dress, semidress, and work gloves and mittens from woven or knit fabric, leather, or fabric or leather in combination with any other material: *Provided, however,* That the industry shall not include the manufacture of knit or crocheted gloves and mittens, sport and athletic gloves and mittens, or rubber gloves and mittens.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the act for the industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 36–A shall commence its hearing on January 13, 1958, at 2 p. m., in the Office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortalesa and San Jose Streets, San Juan, Puerto Rico. Immediately upon the conclusion of the hearing of Industry Committee No. 36–A, Industry Committee No. 36–B shall commence its hearing at the same place. Immediately upon the conclusion of the hearing of Industry Committee No. 36–B, Industry Committee No. 36–C shall hold its hearing at the same place.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its forthcoming hearing. Industry Committee No. 36–A will meet at 10 a. m., on January 13, 1958, and Industry Committees Nos. 36–B and 36–C will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and the Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than January 3, 1958.

Signed at Washington, D. C., this 10th day of December 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57–10375; Filed, Dec. 13, 1957; 8:53 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Part 41]

SERVICE IN POST OFFICES

ESTABLISHING NEW SYSTEM FOR SETTING BOX RENTAL FEES

With a view of establishing more fair and equitable charges for box service the Postmaster General proposes to initiate a new system of levying box rental fees. For this purpose it is proposed to establish nine groups of post offices based on certain appropriate criteria, including the availability or nonavailability of city carrier service, and to apply a revised fee schedule to the offices within each designated group. This proposal is not designed to increase the overall revenue of the Department but patrons at certain post offices, stations, and branches will be subjected to either moderate increases or decreases in box rental fees to equitably reflect the value and costs of box service. It is, therefore, proposed that the following amendments to § 41.3 of Title 39, CFR, Chapter I, shall be made effective July 1, 1958.

Although these proposed changes relate to a proprietary function of the Government, the Postmaster General desires to observe voluntarily the rule-making requirements of the Administrative Procedure Act (5 U. S. C. 1003) in this case so that patrons of the postal service may have an opportunity to present written views concerning the proposed regulation. Such written views may be submitted to I. I. Raines, Director, Division of Postal Rates, Bureau of Finance, Post Office Department, Washington 25, D. C., at any time prior to January 15, 1958.

In § 41.3 *Post office boxes,* amend paragraph (c) to read as follows:

(c) *Rental rates*—(1) *Boxes at main offices*—(i) *Classification of offices.* The following nine groups of post offices have been established for purposes of setting rental fees for call and lockboxes:

POST OFFICES WITH CITY CARRIER SERVICE

Group A: This group consists of the largest first-class post offices in the postal system. These offices usually have annual postal receipts in excess of five million dollars, usually employ a thousand or more regular employees, and have postmasters in salary level 16 or above.

Group B: Post offices of this group usually have annual receipts ranging from one and one-half to five million dollars, have approximately 300 to 1,000 employees, and have postmasters in salary levels 14 or 15.

Group C: Post offices of this group usually have annual receipts ranging from $500,000 to one and one-half million dollars, have approximately 60 to 300 employees, and have postmasters in salary levels 12 or 13.

Group D: This group of post offices usually have annual receipts ranging from $100,000 to $500,000, have approximately 25 to 60 employees, and have postmasters in salary levels 10 or 11.

Group E: This group mainly consists of larger second-class and smaller first-class offices offering city delivery service, with annual receipts usually ranging from $20,000 to $100,000, and with approximately 5 to 25 employees. Postmasters of these offices are in salary levels 7, 8, or 9.

POST OFFICES WITHOUT CITY CARRIER SERVICE

Group F: Post offices of this group mainly consist of smaller first-class and larger second-class offices that do not offer city or village letter carrier service, with annual receipts usually ranging from $16,000 to $60,000, and with approximately 5 to 20 employees. However, some larger first-class post offices which do not provide city-carrier service are also included in this group. Postmasters of these offices are in salary level 8 or above.

Group G: This group is composed of larger third-class offices and smaller second-class offices none of which offer city letter carrier service. Annual receipts of these offices usually range from $6,000 to $16,000 and fewer than six employees are usually employed. This group includes all non-city carrier offices with postmasters in salary level 7.

Group H: This group consists of smaller third-class offices none of which offer city letter carrier service. Annual receipts of these offices generally range between $1,500 and $6,000. Postmasters of these offices are in salary levels 5 or 6.

Group I: This group is composed of all fourth-class offices.

(ii) *Rate schedule.* The quarterly box rent schedules for main post offices are as follows:

Post Office groups	Rate per quarter						
	Call boxes		Lock boxes and drawers				
	Size No.		Size No.				
	1	2	1	2	3	4	5
	Cubic-inch capacity		Cubic-inch capacity				
	To 225	225 to 500	To 225	225 to	500 to	900 to	3,000 and over
Offices with city carrier service:							
Group A	$2.25	$3.00	$4.50	$6.00	$8.00	$10.00	$12.00
Group B	1.50	2.25	3.00	4.50	6.00	7.50	9.00
Group C	1.10	1.50	2.25	3.00	4.50	6.00	7.50
Group D	.80	1.10	1.70	2.25	3.00	4.50	6.00
Group E	.65	.80	1.20	1.50	2.25	3.00	4.50
Offices without city carrier service:							
Group F	.50	.65	.90	1.10	1.50	2.25	3.00
Group G	.35	.50	.70	.90	1.10	1.50	2.25
Group H	.20	.30	.50	.65	.90	1.10	1.50
Group I	.15	.20	.35	.50	.65	.90	1.10

(2) *Boxes at stations and branches*—(i) *First class offices.* (a) With the exception of rural stations and stations and branches primarily servicing academic institutions, box fees at stations and branches of first class offices will be related to the fees established at the main office. The fees at such stations and branches will be those prescribed for the first or second Group below those charged at the main office depending upon the level of postal activity and the value of service rendered at such stations or branches.

(b) All rural stations will charge the fees as prescribed for Group I post offices.

(ii) *Second- and third-class offices.* (a) With the exception of rural stations and stations and branches primarily servicing academic institutions, stations and branches of second- and third-class post offices will charge the same box rental fees as those at the main office.

(b) All rural stations will charge the fees as prescribed for Group I post offices.

(iii) *Academic institutions.* The following regulations will apply only to stations and branches primarily servicing academic institutions when the box equipment is not owned by the Post Office Department:

(a) When the box equipment is set up in a room removed from post office quarters and the mail delivered in bulk and placed in the boxes by personnel employed by and paid by the school, no box rents will be charged by the station or branch.

(b) In other cases call and lockboxes will be charged on the basis of the following schedule. Fees may be charged on either a semester or quarterly basis to coincide with the academic system used by the school. Box rental fees applicable during the summer session of schools operating on a semester basis will be one-half the regular semester rates.

	Call boxes		Lockboxes				
	No. 1	No. 2	No. 1	No. 2	No. 3	No. 4	No. 5
Per semester	$0.30	$0.40	$0.50	$0.60	$0.90	$1.50	$2.40
Per quarter	.20	.30	.35	.40	.60	1.00	1.60

(3) *General regulations.* (i) In new box rentals the postmaster will make every effort to rent a box with sufficient capacity to handle estimated average daily mail volume of the patron.

(ii) In cases where the average daily volume of mail received by a patron now renting a box exceeds the capacity of the box now rented and if larger size boxes are available, postmasters will encourage the patron to advance to a box of sufficient capacity at the start of the next fiscal year. Advance cooperative arrangements will be made with such patrons to mimimize any problem which a change in box number might occasion.

(iii) Certain instances arise when boxes of sufficient capacity are not available or cannot be provided because of practical considerations to handle the average daily mail volume of a patron. In such cases special arrangements may be entered into by postmasters to provide a box number and utilize bags or other containers in lieu of lockboxes. The fee for such a service shall be equivalent to the rental that would be collected if the patron had been provided with the largest size box contained in the installation.

NOTE: The corresponding section in the Postal Manual is section 151.33.

(R. S. 161, 396, as amended, 3901, 4051; 5 U. S. C. 22, 369, 39 U. S. C. 279, 783)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57–10384; Filed, Dec. 13, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12064]

POWER LIMITATION OF CLASS IV AM BROADCAST STATIONS

EXTENSION OF TIME FOR FILING REPLY COMMENTS

In the matter of amendment of Part 3 of the Commission's rules and regulations and technical standards concerning the power limitation of Class IV AM broadcast stations, Docket No. 12064.

1. The Commission has before it for consideration a petition filed December 9, 1957, by Community Broadcasters Association, Inc., requesting that the time for filing reply comments in the above-entitled proceeding be extended from December 12, 1957, to January 13, 1957.

2. Petitioner states that approximately 150 separate comments were filed in this proceeding on December 2, 1957, the date upon which the time for filing comments in this proceeding expired, and it urges that it is virtually impossible for it to assemble, read and correlate this material in order to file reply comments by December 12, 1957. Community also urges that a grant of its request will neither prejudice any person nor unduly prolong the proceeding.

3. In view of the numerous comments filed and the representations of petitioner, the Commission believes that the public interest would be served by affording the extension of time requested for filing replies.

4. *Accordingly, it is ordered,* This 10th day of December 1957, that the aforesaid request of Community Broadcasters Association, Inc., is granted and that the time for filing reply comments in the above-entitled proceeding is extended from December 12, 1957, to January 13, 1958.

Released: December 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10365; Filed, Dec. 13, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

POCAHONTAS SALES CO. ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Pocahontas Sales Company, Pocahontas, Ark.
Kankakee County Livestock Marketing Association, Bourbonnais, Ill.
Avoca Auction Company, Avoca, Iowa.
Hobart Stockyards, Hobart, Okla.
Maxson Sales Company, Inc., Welch, Okla.
Hereford Livestock Auction, Inc., Hereford, Tex.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C. this 11th day of December 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-10372; Filed, Dec. 13, 1957; 8:53 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN POSITIONS IN THE SPECIALIZATION OF FOREST PRODUCTS TECHNOLOGIST

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the rate of pay for positions in the specialization of Forest Products Technologist, Series GS-1390-0, at grades GS-5, GS-7, and GS-9 as follows:

GS-5 to $4,480 (the top step of the grade).
GS-7 to $5,335 (the top step of the grade).
GS-9 to $5,845 (the fourth step of the grade).

These increases are effective on the first day of the first pay period which begins after December 5, 1957. The increased rates apply throughout the continental United States.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10353; Filed, Dec. 13, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CITY OF OAKLAND, CALIF., AND HOWARD TERMINAL

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8085-A-1, between the City of Oakland, California, and Howard Terminal, modifies Agreement No. 8085-A, between said parties covering lease of the City of Oakland's Grove Street Pier, Market Street Pier and Quay Wall Area adjacent to the Market Street Pier to Howard Terminal. The modification provides (1) for the extension of the terms of the agreement for a period of one year, from February 1, 1958 through January 31, 1959, and (2) that either party shall have the right to cancel and terminate said agreement upon giving the other party six months prior written notice of its intention.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 11, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-10358; Filed, Dec. 13, 1957; 8:50 a. m.]

CITY OF OAKLAND, CALIF., AND ENCINAL TERMINALS

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8095-2, between the City of Oakland, California, and Encinal Terminals, modifies Agreement No. 8095-1, between said parties, covering the lease of the City of Oakland's Ninth Avenue Terminal to Encinal Terminals. The modification provides (1) for the extension of the terms of the agreement for a period of one year, from February 1, 1958 through January 31, 1959, and (2) that either party shall have the right to cancel and terminate said agreement upon giving the other party six months prior notice of its intention.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 11, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-10359; Filed, Dec. 13, 1957; 8:50 a. m.]

CITY OF OAKLAND, CALIF., AND ENCINAL TERMINALS

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8155-2, between the City of Oakland, California, and Encinal Terminals, modifies Agreement No. 8155, as modified, between said parties covering the lease of certain terminal property in the Outer Harbor Terminal Area by the City of Oakland to Encinal Terminals. The modification extends the terms of the agreement for a period of one year from February 1, 1958 through January 31, 1959; changes the method for compensating the City of Oakland, and extends the date for finalizing the physical inventory of cargo on terminal at time of lease to January 15, 1958.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 11, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-10360; Filed, Dec. 13, 1957; 8:50 a. m.]

ORIENT STEAM NAVIGATION CO., LTD., AND PENINSULAR & ORIENTAL STEAM NAVIGATION CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8264, between The Orient Steam Navigation Company, Ltd., and Peninsular & Oriental Steam Navigation Company, covers an arrangement whereby a passenger vessel of P. & O. will be placed in the regularly scheduled service of Orient, between Australia and the Pacific Coast of North America, for a round voyage beginning in March 1958 and a like arrangement beginning in August 1958, such voyages being operated by Orient as agents for P. & O.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 11, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-10361; Filed, Dec. 13, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12235, 12236; FCC 57M-1239]

LOUISIANA PURCHASE CO. AND SIGNAL HILL TELECASTING CORP.

MEMORANDUM OF RULINGS AT PREHEARING CONFERENCE

In re applications of Louisiana Purchase Company, St. Louis, Missouri, Docket No. 12235, File No. BPCT-2295; for construction permit for a new television broadcast station; Signal Hill Telecasting Corporation, St. Louis, Missouri, Docket No. 12236, File No. BMPCT-4615; for modification of construction permit.

I. Louisiana Purchase filed (1) Motion to Terminate Temporary Authority or Continue Hearing, on November 14, 1957; and (2) a Supplement to the motion for continuance, on November 29, 1957. An opposition to the November 14 pleading was filed by Signal Hill on November 25, and the question of continuance was considered at a prehearing conference, attended by counsel for the applicants and the Broadcast Bureau,[1] on December 4. Hearing had been scheduled for January 6, 1958.

2. Louisiana Purchase asked that the hearing be continued until the United States Court of Appeals for the District of Columbia Circuit acts on Louisiana Purchase's appeals. In its supplement it also maintained that the Hearing Examiner cannot properly proceed until the Commission has acted on a Petition for Reconsideration and for Modification of Issues which it filed on Novemebr 29. During the prehearing conference all counsel agreed that the hearing might be continued to accommodate the schedule of Louisiana Purchase's counsel; counsel for Signal Hill did not object to a continuance until the Commission has acted on the pending pleadings,[2] while counsel for the Broadcast Bureau opposed a continuance.

3. The Hearing Examiner ruled, for the reasons set forth in the transcript of prehearing conference of December 4, that the hearing now scheduled for January 6, 1958, should be continued to February 28, 1958. A further prehearing conference was set for January 10, 1958, where, among other things, a timetable will be considered.

4. The present document is a memorandum of the rulings of the Hearing Examiner (1) granting, to the extent that the hearing has been continued from January 6 to February 28, 1958, the request of Louisiana Purchase for continuance, and otherwise denying its motion and supplement to motion, filed on November 14 and November 29; and (2) scheduling a further prehearing conference for January 10, 1958. It is understood that Louisiana Purchase does not recede from its contention that the hearing should be continued as requested in its motion and supplement. Counsel agreed that the time for appeal from the present ruling should run from the date of release of this memorandum, and it is so ordered.

Dated: December 9, 1957.

Released: December 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10366; Filed, Dec. 13, 1957; 8:52 a. m.]

[1] By order released on December 2, 1957 (Docket No. 11747) the Commission denied the request to terminate temporary authority, but left the continuance request to the Hearing Examiner.

[2] On November 29 Signal Hill filed a motion for dismissal, or in the alternative, for enlargement of issues.

[Docket No. 12250; FCC 57M-1243]

SACRAMENTO TELECASTERS, INC. (KBET-TV)

NOTICE CONTINUING HEARING CONFERENCE

In re application of Sacramento Telecasters, Inc. (KBET-TV), Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

On the oral request of counsel for Sacramento Telecasters, Inc., and without objection by other counsel, the prehearing conference scheduled for December 11 is further continued to Friday, December 13, 1957, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: December 10, 1957.

Released: December 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10367; Filed, Dec. 13, 1957; 8:52 a. m.]

[Docket Nos. 12258-12260; FCC 57M-1240]

WABASH VALLEY BROADCASTING CORP. ET AL.

ORDER SCHEDULING HEARING

In re applications of Wabash Valley Broadcasting Corporation, Terre Haute, Indiana, Docket No. 12258, File No. BPCT-2293; Cy Blumenthal, Terre Haute, Indiana, Docket No. 12259, File No. BPCT-2316; Illiana Telecasting Corporation, Terre Haute, Indiana, Docket No. 12260, File No. BPCT-2392; for construction permits for new television broadcast stations.

It is ordered, This 6th day of December 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1958, in Washington, D. C.

Released: December 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10368; Filed, Dec. 13, 1957; 8:53 a. m.]

[Docket No. 12261; FCC 57M-1241]

BAW BEESE BROADCASTERS, INC. (WBSE)

ORDER SCHEDULING HEARING

In re application of Baw Beese Broadcasters, Inc. (WBSE), Hillsdale, Michigan, Docket No. 12261, File No. BP-10917; for construction permit.

It is ordered, This 6th day of December 1957, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 10, 1958, in Washington, D. C.

Released: December 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10369; Filed, Dec. 13, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-13023, G-13578]

PERMIAN BASIN PIPELINE CO. AND PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 10, 1957.

In the matters of Permian Basin Pipeline Company, Docket No. G-13023;

Phillips Petroleum Company, Docket No. G–13578.

Take notice that Permian Basin Pipeline Company (Permian), a Delaware corporation with its principal place of business at Omaha, Nebraska, and Phillips Petroleum Company (Phillips), an independent producer, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition, construction and operation of certain natural gas facilities and authorizing the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

Permian, by its application filed on August 7, 1957, and supplemented on October 3, 1957, in Docket No. G–13023, seeks authority to acquire an existing 1,350-horsepower compressor unit located at its Andrews County, Texas, compressor station from Phillips and to operate said unit as an integral part of its system and in connection with its existing Andrews compressor facilities.

Permian also proposed to turbocharge six of the twelve units presently in operation at the Andrews station which will provide, with the new unit, an increase of 4,050-horsepower at said station, and a total installed horsepower of 20,250. The estimated cost of the proposed acquisition and turbocharging is $897,400, comprised of $565,000 for turbocharging and $332,400 for the new unit.

Permian states that the acquisition and construction of the proposed facilities are required to enable it to take additional volumes of residue gas from Phillips in the Andrews County area.

On October 24, 1957, Phillips filed an application in Docket No. G–13578 seeking authority to increase its sale of gas to Permian, which was previously authorized in Docket No. G–9724, from 55,000 Mcf per day at its Andrews plant to 75,000 Mcf per day.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 16, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 414 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 2, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10343; Filed, Dec. 13, 1957; 8:45 a. m.]

[Docket No. E–6790]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

DECEMBER 11, 1957.

Take notice that on December 6, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Otter Tail Power Company (Applicant), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota, and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of not to exceed $7,000,000 of short-term bank notes. Applicant proposes to issue unsecured promissory notes not to exceed $7,000,000 from time to time prior to December 31, 1960, for bank loans. As need arises therefor, Applicant expects to request such loans from First National Bank of Minneapolis and from banks in the territory of Applicant's business operations. The unsecured promissory notes will bear interest at a rate not to exceed 5 percent per annum and will have a maturity of one year or less subject to the conditions that not more than $7,000,000 principal amount of unsecured notes shall be outstanding at any one time. Applicant proposes to use the proceeds from the sale of the aforesaid notes to provide funds to finance temporarily the balance of its 1956–1959 construction program prior to arranging for long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 3d day of January 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10357; Filed, Dec. 13, 1957; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 171, Amdt. 2]

KENTUCKY

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 171, dated November 19, 1957, for the State of Kentucky, is hereby amended as follows:

By including in paragraph 1 thereof the County of Hardin.

Dated: December 3, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-10349; Filed, Dec. 13, 1957; 8:48 a. m.]

[Declaration of Disaster Area 173]

TENNESSEE

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of November, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Tennessee;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Rhea (Flash flood occurring on or about November 18).

Offices: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga. Small Business Administration Sub-Office, 315 Empire Building, 624 Market Street SW., Knoxville, Tenn.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1958.

Dated: November 27, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-10350; Filed, Dec. 13, 1957; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ace Garment Co., Inc., 147 East 125th Street, New York, N. Y.; effective 12–9–57 to 6–8–58 (ladies' dresses, blouses).

Bestform Foundations of Windber, Inc., 19th Street and Veil Avenue, Windber, Pa.; effective 12–9–57 to 12–8–58 (brassieres).

Blue Bell, Inc., Nappanee, Ind.; effective 12–19–57 to 12–18–58 (girls' and ladies' dungarees).

Calhoun Garment Co., Calhoun City, Miss.; effective 12–18–57 to 12–17–58 (semi-dress trousers).

Centralia Garment Co., Centralia, Ill.; effective 12–21–57 to 12–20–58 (women's and misses' dresses).

Cluett, Peabody & Co., Inc., Gilbert, Minn.; effective 12–17–57 to 12–16–58 (men's shirts).

Covington Industries, Inc., Opp, Ala.; effective 12–4–57 to 12–3–58 (utility jackets).

Flushing Shirt Manufacturing Co., Grantsville, Md.; effective 12–5–57 to 12–4–58 (men's uniform shirts).

Forest City Manufacturing Co., Collinsville, Ill.; effective 12–20–57 to 12–19–58 (junior and misses' dresses).

Forest City Manufacturing Co., Du Quoin, Ill.; effective 12–18–57 to 12–17–58 (misses' and women's dresses).

William F. Fretz & Son, Inc., Bedminster, Pa.; effective 12–2–57 to 12–1–58 (men's single pants).

William F. Fretz & Son, Inc., 52 East Oakland Avenue, Doylestown, Pa.; effective 12–2–57 to 12–1–58 (men's single pants).

William F. Fretz & Son, Inc., Pipersville, Pa.; effective 12–2–57 to 12–1–58 (men's single pants).

Glen of Michigan, Division Rhea Manufacturing Co., 77 Hancock Street, Manistee, Mich.; effective 12–6–57 to 12–5–58. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's and misses' dresses, blouses).

Grafton Manufacturing Co., Route No. 4, Riverside Drive, Grafton, W. Va.; effective 12–5–57 to 12–4–58 (ladies' blouses).

Iva Manufacturing Co., Iva, S. C.; effective 12–4–57 to 12–3–58 (ladies' blouses).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa.; effective 12–6–57 to 12–5–58 (children's and men's polo shirts).

Madill Manufacturing Co., Inc., Madill, Okla.; effective 12–5–57 to 12–4–58 (men's dress slacks).

Mayflower Manufacturing Co., Inc., 460–506 North Main Avenue, Scranton, Pa.; effective 12–12–57 to 12–11–58 (trousers).

M. Nirenberg Sons, Inc., 750 Second Avenue, Troy, N. Y.; effective 12–9–57 to 12–8–58 (men's shirts).

Wm. H. Noggle & Sons, Inc., Grant and High Streets, Manheim, Pa.; effective 12–6–57 to 12–5–58 (boys' and girls' shirts).

Wm. H. Noggle & Sons, Inc., 27–37 East Ferdinand Street, Manheim, Pa.; effective 12–6–57 to 12–5–58 (children's cotton wash garments).

Princess Peggy, Inc., Items Division, Belleville, Ill.; effective 12–7–57 to 12–6–58 (women's dresses).

Salant & Salant, Inc., Henderson, Tenn.; effective 12–13–57 to 12–12–58 (men's work shirts).

Seamprufe, Inc., McAlester, Okla.; effective 12–5–57 to 12–4–58. Workers engaged in the production of ladies' woven underwear (slips and lingerie).

Stahl-Urban Co., North Second Street, Brookhaven, Miss.; effective 12–19–57 to 12–18–58 (men's and boys' work trousers).

Levi Strauss & Co., 115 Terraine Street, San Jose, Calif.; effective 12–10–57 to 12–9–58 (men's and boys' denim work pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Warsaw, Ind.; effective 12–9–57 to 12–8–58; 10 learners for normal labor turnover purposes (men's and boys' dungarees).

Centralia Garment Co., Mascoutah, Ill.; effective 12–21–57 to 12–20–58; 10 learners (women's and misses' dresses).

Centralia Garment Co., Wayne City, Ill.; effective 12–21–57 to 12–20–58; 10 learners (women's and misses' dresses).

Iron King Overall Co., 113 South Hanover Street, Baltimore, Md.; effective 12–5–57 to 12–4–58; five learners (men's overalls and dungarees).

Klos Manufacturing Co., Muskogee, Okla.; effective 12–6–57 to 12–5–58; 10 learners (children's clothing).

Major Shirt Corp., 1106 Cumnius Street, Freeland, Pa.; effective 12–6–57 to 12–5–58; 10 learners (sport jackets).

Wm. H. Noggle & Sons, Inc., Lititz, Pa.; effective 12–6–57 to 12–5–58; five learners (kiddies' sleepers).

Wm. H. Noggle & Sons, Inc., Rexmont, Pa.; effective 12–6–57 to 12–5–58; five learners (boys' pajamas).

Rosemark Underwear Co., 236 Catherine Street, Bloomsburg, Pa.; effective 12–4–57 to 12–3–58; five learners (ladies' pajamas, night gowns).

Srader Sportswear, Inc., 1411 North Washington, Mt. Pleasant, Tex.; effective 12–9–57 to 12–8–58; five learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (blouses and jackets).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; effective 12–19–57 to 12–18–58; 10 learners (ladies' shorts, pedal pushers; men's cotton shirts and jackets).

Tamaqua Garment Co., 137 West Broad Street, Tamaqua, Pa.; effective 12–4–57 to 12–3–58; 10 learners (women's stout dresses).

Thorntown Textile Co., Inc., Thorntown, Ind.; effective 12–9–57 to 12–8–58; 10 learners (women's and children's cotton blouses).

Washco Manufacturing Co., Millry, Ala.; effective 12–6–57 to 12–5–58; 10 learners (sport shirts).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; effective 12–5–57 to 12–4–58; 10 learners (men's and boys' trousers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bestform Foundations of Windber, Inc., 19th Street and Veil Avenue, Windber, Pa.; effective 12–9–57 to 6–8–58; 90 learners (brassieres).

Fairfield Manufacturing Co., Inc., Winnsboro, S. C.; effective 12–9–57 to 6–8–58; 16 learners (cotton wash dresses).

International Latex Corp., LaGrange, Ga.; effective 12–6–57 to 4–3–58; 50 learners (supplemental certificate) (brassieres).

Iva Manufacturing Co., Iva, S. C.; effective 12–4–57 to 6–3–58; 15 learners (ladies' blouses).

McAdoo Manufacturing Co., Inc., S. Hancock Street, McAdoo, Pa.; effective 12–6–57 to 6–5–58; 27 learners (children's and men's polo shirts).

Pennsylvania Brassiere Corp., Meyersdale, Pa.; effective 12–9–57 to 6–8–58; 20 learners (brassieres).

Reliance Manufacturing Co. Factory No. 47, Farmington, Mo.; effective 12–9–57 to 6–8–58; 25 learners (ladies' sportswear).

Srader Sportswear, Inc., 1411 North Washington, Mt. Pleasant, Tex.; effective 12–9–57 to 6–8–58; 20 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (blouses and jackets).

Tennessee Overall Co., 401 North Atlantic Street, Tullahoma, Tenn.; effective 12–9–57 to 6–8–58; 20 learners (men's pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., Oneida, Tenn.; effective 12–9–57 to 6–8–58; 35 learners for plant expansion purposes (work gloves).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo.; effective 12–15–57 to 12–14–58; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 400–406 Seneca Street, Leavenworth, Kans.; effective 12–6–57 to 12–5–58; 10 learners for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., Inc., Plant No. 1, 501 Jackson Street, Chillicothe, Mo.; effective 12–20–57 to 12–19–58; 10 learners for normal labor turnover purposes (cotton work gloves).

Lambert Manufacturing Co., Inc., Plant No. 3, 1006 Washington Street, Chillicothe, Mo.; effective 12–20–57 to 12–19–58; 10 learners for normal labor turnover purposes (work gloves).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 12–5–57 to 6–4–58; 15 learners for plant expansion purposes (ladies' knit fabric).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Se-Ling Mills Corp., 505 North Third Street, Quincy, Ill.; effective 12–9–57 to 6–8–58; 10 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Beeren Knitwear, Inc., Clover, S. C.; effective 12–5–57 to 6–4–58; 25 learners for plant expansion purposes (men's and boys' tee shirts).

Cluett, Peabody & Co., Inc., Gilbert, Minn.; effective 12–17–57 to 12–16–58; five learners for normal labor turnover purposes (cut and sewn underwear).

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa.; effective 12–11–57 to 12–10–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted outerwear).

Seamprufe, Inc., McAlester, Okla.; effective 12–5–57 to 12–4–58; 5 percent of the total number of factory production workers in the production of ladies' knitted underwear for

normal labor turnover purposes (slips and lingerie).

Womelsdorf Manufacturing Co., Inc., Third and Mulberry Streets, Womelsdorf, Pa.; effective 12-4-57 to 12-3-58; five learners for normal labor turnover purposes (sweaters).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Oxford-Hopkins Co., Inc., 210 Broad Street, Lynn, Mass.; effective 12-6-57 to 6-5-58; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of scarfing, sticking, studding, stapling, measuring and spooling, and stitching, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and 93 cents an hour for the remaining 240 hours (manufacturing from leather or any shoe upper materials for footwear, including bows, ornates, and trimmings).

See-Gal Manufacturing Co., 220 Franklin Street, Johnstown, Pa.; effective 12-6-57 to 12-5-58; authorizing the employment of 3 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rates of 87 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (ladies' belts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annuled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 10th day of December 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-10374; Filed, Dec. 13, 1957; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

DECEMBER 10, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value capital stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value capital stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On November 29, 1957 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending December 10, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, December 11 to 20, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-10346; Filed, Dec. 13, 1957; 8:47 a. m.]

[File No. 24NY-3415 etc.]

FRONTIER CO. ET AL.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 10, 1957.

In the matter of Russell Janney as "Frontier Company", File No. 24NY-3415; International Telo-Service Corporation, File No. 24NY-3473; Turbo Corporation of America, File No. 24NY-3490; Lake Champlain Associates, Inc., File No. 24NY-3676; Austrulus Corporation of America, File No. 24NY-3731; H. F. Rieser's Sons, Inc., File No. 24NY-3801; George L. Headley Associates, Inc., File No. 24NY-3823; Real Estate Clearing House, Inc., File No. 24NY-4090; John Paul Enterprises, Inc., File No. 24NY-4193.

Russell Janney as "Frontier Company", 56 West 45th Street, New York, N. Y.; International Telo-Service Corporation, 135 East 50th Street, New York, N. Y.; Turbo Corporation of America, 121 South Broad Street, Philadelphia, Pennsylvania; Lake Champlain Associates, Inc., Wellsboro, New York; Austrulus Corporation of America, 15 Exchange Place, Jersey City, New Jersey; H. F. Rieser's Sons, Inc., West Leesport, Pennsylvania; George L. Headley Associates, Inc., 40 East 51st Street, New York, N. Y.; Real Estate Clearing House, Inc., 161 West 54th Street, New York, N. Y.; and John Paul Enterprises, Inc., 150 Broadway, New York, N. Y., each filed with the Commission a notification on Form 1-A relating to a proposed public offer of securities for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission having been advised that the terms and conditions of said Regulation A have not been complied with in that each issuer has failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A and has ignored requests by the Commission's staff for such reports.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 that the exemption under regulation be, and it hereby is, temporarily suspended in each instance.

Notice is hereby given that any person having any interest in the matter with respect to any aforesaid company or companies may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent for any such company, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-10347; Filed, Dec. 13, 1957; 8:47 a. m.]

[File No. 7-1902]

UNITED STATES BORAX & CHEMICAL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 10, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in United States Borax & Chemical Corporation, common stock; File No. 7-1902.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 27, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-10348; Filed, Dec. 13, 1957; 8:48 a. m.]

UNIVERSITY OF MICHIGAN
DEC 19 1957
MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 22 — 1934 — NUMBER 243

Washington, Tuesday, December 17, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3215

EXTENDING THE PERIOD FOR THE ESTABLISHMENT OF ADEQUATE SHIPPING SERVICE FOR, AND DEFERRING EXTENSION OF THE COASTWISE LAWS TO, CANTON ISLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 21 of the Merchant Marine Act, 1920 (41 Stat. 997; 46 U. S. C. 877), provides:

That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board [United States Shipping Board] is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor * * *;

and

WHEREAS the authority of the United States Shipping Board was vested in the Department of Commerce pursuant to section 12 of Executive Order No. 6166 of June 10, 1933; and

WHEREAS section 204 of the act of June 29, 1936, 49 Stat. 1987, transferred such authority to the United States Maritime Commission; and

WHEREAS this authority was transferred to the Secretary of Commerce by section 204 of Reorganization Plan No. 21 of 1950; and

WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of Canton Island has not been established as provided in the aforesaid section 21 of the Merchant Marine Act, 1920; and

WHEREAS the extension of the coastwise laws of the United States to Canton Island, as provided in the aforesaid section, is dependent upon the establishment of such adequate shipping service; and

WHEREAS by various proclamations the period for the establishment of an adequate shipping service for Canton Island was extended to January 1, 1958, and the extension of the coastwise laws of the United States to the Island was deferred to that date:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid section 21 of the Merchant Marine Act, 1920, do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is extended until further notice by proclamation of the President, and that the extension of the coastwise laws of the United States to Canton Island is deferred until it is declared by proclamation of the President that such adequate shipping service has been established.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of December in the year of our Lord nineteen hundred and
[SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc 57-10465; Filed, Dec. 16, 1957; 11:38 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT III; AMENDMENT

Supplement III of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, as amended and supplemented, is amended by adding the following paragraphs:

5. The regulations are hereby amended to eliminate the maximum acreage requirements with respect to producers who have filed 1956 acreage reserve agreements under which they agreed to place in the acreage reserve an acreage equal to or less than the maximum acreage specified in § 485.108 of the regulations but who, in good faith, through a misunderstanding of the program, plowed up or otherwise destroyed acreage in excess of the maximum on the assumption that that they would be paid for the entire acreage destroyed: *Provided*, That the requirement that the acreage which may be placed in the acreage reserve may not exceed the farm allotment for the commodity or, in the case of corn, the Soil Bank corn base shall in no case be eliminated. In order to permit such producers to file revised agreements covering the increased acreage, the final date for filing 1956 acreage reserve agreements is hereby extended with respect to such producers until June 30, 1958.

6. The regulations are hereby amended to eliminate the minimum acreage requirements specified in § 485.108 with respect to producers who were not eligible to enter into agreements because of the failure to meet such minimum acreage requirements, but who, in good faith, acting in reliance on information furnished by the county committee, plowed up or otherwise destroyed crops: *Provided*, That compensation shall be paid only for the number of acres plowed up or otherwise destroyed, or, if smaller, the number of acres by which the commodity is reduced below the allotment or in the case of corn, the Soil Bank corn base. In order to permit such producers to file agreements, the final date for filing 1956 acreage reserve agreements is hereby extended with respect to such producers until June 30, 1958.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 11th day of December 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57–10382; Filed, Dec. 16, 1957; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.33, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1957

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.33 (22 F. R. 24, 4597, 8216) which established allotments of the 1957 sugar quota for the Domestic Beet Sugar Area totaling 2,071,247 short tons, raw value.

This amendment is necessary to allot the smaller quota for the area established by Sugar Regulation 811, Amendment 9 (22 F. R. 9829) which established the 1957 quota for the Domestic Beet Sugar Area of 2,070,694 short tons, raw value, a quantity 553 short tons, raw value, less than previously allotted.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from any change in sugar requirements for the continental United States and the proration of any deficit in the quota for another supply area.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (22 F. R. 4597, 8216).

Effective date. Because this amendment establishes smaller allotments which might be exceeded if their effective date is delayed, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered*, That paragraph (a) of § 814.33 as amended, be further amended to read as follows:

§ 814.33 *Allotment of the 1957 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* The 1957 sugar quota for the Domestic Beet Sugar Area of 2,070,694 short tons, raw value is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Allotments: Short tons, raw value	Allotments: Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	280,745	5,247,570
American Crystal Sugar Co	299,681	5,601,514
Buckeye Sugars, Inc	10,179	190,262
Franklin County Sugar Co	11,024	206,056
Great Western Sugar Co., The	494,747	9,247,607
Holly Sugar Corp	333,935	6,241,776
Layton Sugar Co	11,453	214,075
Menominee Sugar Co	13,596	254,131
Michigan Sugar Co	71,360	1,333,832
Monitor Sugar Div., Robert Gage Coal Co	31,891	596,094
National Sugar Manufacturing Co., The	4,558	85,196
Northern Ohio Sugar Co	21,728	406,131
Spreckels Sugar Co	208,059	3,888,953
Union Sugar Div. of Consolidated Foods Corp	76,131	1,423,009
Utah-Idaho Sugar Co	201,607	3,768,355
Any other person	0	0
Total	2,070,694	38,704,561

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 11th day of December 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57–10383; Filed, Dec. 16, 1957; 8:46 a. m.]

TITLE 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 2—NATIONAL BANKS ACTING AS INSURANCE AGENTS AND AS BROKERS OR AGENTS IN MAKING OR PROCURING LOANS ON REAL ESTATE

MISCELLANEOUS AMENDMENTS

Part 2 is issued by the Comptroller of the Currency under authority of the Act of September 7, 1916, ch. 461, 39 Stat. 753.

The purpose of the part is to prescribe conditions under which national banks may act as insurance agents and as broker or agent for others in making or procuring loans on real estate.

Under the present part national banks are required to keep on file, available for inspection by national bank examiners, copies of all reports made by the agent bank to each insurance company which it represents and records showing details of each real estate loan made or procured by the bank while acting as broker or agent for others. Since there is no time limit specified in the present part in which such records must be retained it is necessary to provide a reasonable retention period. The amendments provide a retention period of five years for such records.

§ 2.2 *Regulations for national banks which may undertake to acts as agents for insurance companies.*

(c) • • •

(4) Copies of all reports for the previous five years made by the agent bank to each insurance company which it represents.

§ 2.4 *Regulations for national bank acting as broker or agent in making or procuring loans on real estate.* • • •

(d) Each bank acting under this provision of law will be required to keep for a period of five years a record showing as to each loan negotiated by the bank:

• • • • •

Effective Date. This amendment shall become effective 30 days from date of publication in the FEDERAL REGISTER.

(39 Stat. 753; 12 U. S. C. 92)

[SEAL] RAY M. GIDNEY,
Comptroller of the Currency.

[F. R. Doc. 57-10386; Filed, Dec. 16, 1957; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. No. ER-226]

PART 245—REPORTS OF OWNERSHIP OF STOCK AND OTHER INTERESTS

SCHEDULE OF DATA

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of December 1957.

Part 245 sets forth the reporting requirements applicable to officers and directors of air carriers regarding the interests held by them in air carriers and certain other enterprises. Section 245.3 provides a schedule to be used in making the reports. Item II, B, of said schedule requires each reporting individual to report what classes of interest (stocks, bonds, etc.) he holds, and whether any of these interests are held jointly with third persons, for third persons, or by third persons for the reporting individual. Item E requires the reporting individual to state whether he controls all the voting rights of the interests reported as held by or for him under Item B of the Schedule, and, if not, to report who controls any voting rights therein not controlled by him.

The Board has been advised that Item E as presently worded might be misread to require the reporting individual to state who controls the voting rights of interests not held by or for him, and therefore finds that the text of said Item should be amended to clarify its meaning. Since this amendment merely clarifies the regulation, the Board finds that notice and public procedure thereon are unnecessary and not required by the public interest.

In consideration of the foregoing, the Board hereby amends Part 245 of the Economic Regulations (14 CFR Part 245), effective December 11, 1957, by changing the first sentence of Item E in Part II of the Schedule in § 245.3 to read as follows: "Indicate by (yes) or (no) whether reporting individual controlled and/or exercised all the voting rights of the items reported under (B) that were held by him, for him, or held jointly with other persons during the period covered by the report."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000, as amended; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-10399; Filed, Dec. 16, 1957; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 14 since it was last published in the FEDERAL REGISTER (August 16, 1956, 21 F. R. 6114), Part 14 is recapitulated as of December 16, 1957 to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Sec.
14.1 Basis and purpose.

Subpart A—Definition of Terms
14.2 General definitions.
14.3 Geographic definitions.
14.4 Definitions in other parts applicable.

Subpart B—Applications
14.21 Authorization required for operation of a radio station.
14.22 Application precedent to authorization.
14.23 One application for fixed and coast station.
14.24 Affirmative showing of need for service.
14.25 Rules in other parts applicable.

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14.61 License period of fixed coast and ship stations.
14.62 One authorization for fixed and coast stations.
14.63 Dispatch points.
14.64 Discontinuance of operation of a station on land.
14.65 Rules in other parts applicable.

Subpart D—Station and Operating Requirements
14.101 Priority of distress and other signals.
14.102 Practices concerning transmission of public correspondence.
14.103 Hours of service of fixed stations.
14.104 Coast station facilities for 2182 kc.
14.105 Fixed and coast station operating arrangements.
14.106 Documents required for fixed stations.
14.107 Documents required for coast stations.
14.108 Documents required for ship stations.
14.109 Fixed and coast station records.
14.110 Ship station records.
14.111 Coast station communication.
14.112 Coast station working frequency required.
14.113 Suspension of coast station watch.
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Subpart E—Standard Technical Requirements
14.151 Authorized frequency tolerance.
14.152 Authorized classes of emission.
14.153 Authorized transmitter power.
14.154 Modulation limiter for fixed and coast stations.
14.155 Rules in other parts applicable.

Subpart F—Assignment and Use of Fixed Service Frequencies
14.201 Cooperative use of frequency assignments.
14.202 Protection of government services.
14.203 Alternate transmission on same radio-channel.
14.204 Frequencies assigned for use in all zones.
14.205 Frequencies assigned for use in particular zones.
14.206 Frequencies for communication with ACS.
14.207 Use of United States Government frequencies.
14.208 [Reserved]
14.209 Temporary frequencies for treaty implementation.

Subpart G—Assignment and Use of Maritime Service Frequencies
14.251 Cooperative use of frequency assignments.
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14.253 Alternate transmission on same radio-channel.
14.254 Frequencies to be used for distress signals.
14.255 Ship station frequencies for use in all zones for telegraphy only.
14.256 Coast station frequencies for use in all zones for telegraphy only.
14.257 Safety frequencies for ship and coast stations in all zones using telephony.
14.258 Frequencies for ship-to-ship communication in all zones by telephony.
14.259 Frequencies for ship-shore and ship-to-ship communication by telegraphy or telephony in all zones.
14.260 Frequencies for ship-shore public telephone service in all zones.
14.261 Frequencies above 156 Mc for business and operational purposes.
14.262 Use of marine utility stations.
14.263 [Reserved]
14.264 Frequencies assigned for use in particular zones.
14.265 Rules in other parts applicable.
14.266 [Reserved]
14.267 Temporary frequencies for treaty implementation.

AUTHORITY: §§ 14.1 to 14.267 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 14.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions, to issue licenses for radio stations, and to regulate common carriers of interstate and foreign communication.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which frequencies may be made available for radio-communication, including public correspondence, in the maritime mobile service for the Territory of Alaska and between fixed points on land within that Territory.

SUBPART A—DEFINITION OF TERMS

§ 14.2 *General definitions*—(a) *Alaska Communication System or ACS.* The telecommunication system within Alaska and between Alaska and other areas which is operated by the United States Army Signal Corps.

(b) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(c) *Fixed service.* A service of radio-communication between specified fixed points.

(d) *Fixed station.* A station in the fixed service.

(e) *Alaska-public fixed station.* A fixed station in the Territory of Alaska, which is open to public correspondence and is licensed by the Commission for radio-communication between specified fixed points in Alaska exclusively.

(f) *Developmental fixed station.* A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency (or frequencies) of the developmental fixed station.

(g) *Point of communication.* This term, when applied to an Alaska-public fixed station, means a specified fixed station or specified geographic location with which such station is authorized to communicate.

(h) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

NOTE: Any radio service, the operation of which is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property, shall be considered as a safety service.

(i) *"Common carrier" or "carrier".* "Common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to the Communications Act of 1934, as amended; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

§ 14.3 *Geographic definitions*—(a) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska Area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131 degrees west longitude, thence due south to 54 degrees and 30 minutes north latitude, thence due west to 142 degrees west longitude, thence due south to 50 degrees north latitude, thence due west to 165 degrees west longitude, thence due south to 47 degrees north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is established by the Atlantic City Radio Regulations, 1947), thence generally northward along this boundary line to 80 degrees north latitude, thence due east to 135 degrees west longitude, thence due south to 70 degrees north latitude, thence due west to 140 degrees west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(b) *Alaska zones.* For the same purpose expressed in paragraph (a) of this section, the Alaska area is subdivided into six zones, defined as follows:

Zone 1. That portion of the Alaska area east of 142 degrees west longitude and south of 61 degrees north latitude.

Zone 2. That portion of the Alaska area bounded on the east by a line south of 61 degrees north latitude which coincides with 142 degrees west longitude, and by a line north of 61 degrees north latitude which coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61 degrees north latitude which joins those two lines; and bounded on the west by a line south of 62 degrees north latitude which coincides with 149 degrees west longitude, thence running due south to 60 degrees and 30 minutes north latitude, thence due west to 150 degrees west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62 degrees north latitude.

Zone 3. That portion of the Alaska area bounded on the north by a line which coincides with 62 degrees north latitude and extends eastward from 155 degrees west longitude to 149 degrees west longitude, thence due south to 60 degrees and 30 minutes north latitude, thence due west to 150 degrees west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155 degrees west longitude, thence due north to 62 degrees north latitude.

Zone 4. That portion of the Alaska area west of 155 degrees west longitude which is bounded on the north by a line coinciding with 62 degrees north latitude extending due west to 164 degrees west longitude, thence bounded on the west by a line coinciding with 164 degrees west longitude extending due south to 58 degrees north latitude, thence bounded on the north by a line coinciding with 58 degrees north latitude extending due west to the western boundary of the Alaska area.

Zone 5. That portion of the Alaska area west of 155 degrees west longitude which is not included in Zone 4.

Zone 6. That portion of the Alaska area east of 155 degrees west longitude and north of 62 degrees north latitude.

NOTE: See Figure 1 following Subpart G of this part.

§ 14.4 *Definitions in other parts applicable.* (a) The definitions set forth in the rules and regulations governing stations in the maritime services (Subpart A of Parts 7 and 8 of this chapter) shall apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) The definitions set forth in the following sections of Subpart A of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.2 (a) to and including 7.2 (o), 7.2 (q), 7.7 (a) to and including 7.7 (h), 7.7 (j), 7.7 (m), 7.7 (n) and 7.8.

SUBPART B—APPLICATIONS

§ 14.21 *Authorization required for operation of a radio station.* (a) Radio stations in the Alaska area required by the Communications Act to be licensed shall not be operated in the fixed service, in the maritime mobile service, or in the maritime radio-location service (including the maritime navigation service) except under and in accordance with a valid station authorization therefor granted by the Commission. Further, the operation of such apparatus shall be in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15 of this chapter, Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radio-communication are set forth in Part 18 of this chapter, Industrial, Scientific and Medical Service.

(b) No license shall be issued by the Commission for the operation of any station on land subject to this part for which a permit for construction is required unless such permit has first been granted by the Commission upon written application therefor: *Provided,* That when applications for related construction permit and station license are filed under and in accordance with the provisions of § 7.39 (a) (2) of this chapter, a construction permit and station license for a fixed or coast station subject to this part may be granted at the same time.

§ 14.22 *Application precedent to authorization.* (a) Except as otherwise provided in §§ 7.26 and 7.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 8.26, 8.41, and 8.42 of this chapter in respect to radio stations on board ship, no authorization will be granted for use or operation of any radio station subject to this part, nor for any change in station control, services, or transmitting apparatus, unless formal written application therefor in proper form first is filed with the Commission. Except as otherwise permitted by § 14.23 or by applicable rules in Parts 7 and 8 of this chapter (including such rule sections applicable to Alaska-public fixed stations as are designated in § 14.24), a separate application shall be filed in respect to each station and service subject to this part. Except as otherwise provided in §§ 7.32, 7.36 and 7.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 8.35, 8.41, and 8.42 of this chapter in respect to radio stations on board ship, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization (or change in authorization) be granted by the Commission in order that action thereon may be taken by that date. Each application shall be specific and complete with regard to the information

requested in the application form or otherwise specifically requested by the Commission.

(b) All applications, except those for renewal of station license, for authority to establish or operate stations (other than ship stations) in the Alaska area subject to this part, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Washington. The provisions of this paragraph shall apply to each application for construction permit, license, or modification of construction permit or license.

(c) All applications for renewal of station license (when continued operation without change is desired) shall be filed direct with the Commission at its offices at Washington 25, D. C.

(d) All applications for authority to operate ship stations, including correspondence relating thereto, shall be filed direct with the Commission at its offices in Washington 25, D. C., or with respect to applications for interim ship station licenses made pursuant to § 8.35 of this chapter, at a Field Engineering Office of the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only. The provisions of this paragraph shall apply to each application for license, modification of license, or renewal of license.

(e) An application by a corporation for a construction permit for an Alaska-public fixed station or a public coast station proposing to establish common carrier radio facilities must (unless previously filed with the Commission) be accompanied by a copy of the applicant's charter, acts of incorporation, or articles of incorporation certified by the Secretary of the State or Territory of the place of incorporation, or certified otherwise by an appropriate public official.

(f) With reference to the provisions of § 7.25 of this chapter, applications for station authorizations submitted from any location in Alaska may be signed by the attorney for the applicant in case of (1) physical disability of the applicant or (2) absence of the applicant from Alaska.

NOTE: Standard forms are prescribed in applicable rule sections of Parts 7 and 8 of this chapter for use in connection with the majority of applications submitted for Commission consideration under the provisions of this part. These forms may be obtained without cost from the Commission at Washington 25, D. C., or from any of its engineering field offices. With reference to the required signature of applications under oath or affirmation, postmasters in Alaska are authorized by Act of Congress (Public Law 294, 76th Congress, approved August 5, 1939) to administer oaths and affirmations.

§ 14.23 *One application for fixed and coast station.* (a) In addition to the provisions of § 7.40 (a) (3), (4) and (b) of this chapter, one application may be submitted by the same applicant to cover an Alaska-public fixed station and a public coast station at the same location in the Alaska area in the following categories:

(1) Application for construction permit;

(2) Application for license;

(3) Application for modification of construction permit or license when the desired modification will apply similarly to both classes of station;

(4) Application for renewal of license.

(b) The provisions of paragraph (a) of this section shall apply on condition that the respective fixed and coast stations covered by each application are clearly identified therein and all of the required information in respect to each class of station is included therein.

§ 14.24 *Affirmative showing of need for service.* Only one Alaska-public fixed or public coast station will be authorized to serve any area whose point-to-point or ship-shore communication needs can be adequately served by a single radio-communication facility, either government (ACS) or non-government.

§ 14.25 *Rules in other parts applicable.* (a) The rules relating to applications set forth in the rules and regulations governing stations in the maritime services (Subparts B of Parts 7 and 8 of this chapter) shall apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, the following rule sections contained in Subpart B of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.23, 7.25 to and including 7.37, 7.39 (a), 7.40 (a) (3), (4) and (b), 7.41 to and including 7.45, 7.47, and 7.48.

SUBPART C—STATION AUTHORIZATION

§ 14.61 *License period of fixed, coast and ship stations.* Unless otherwise specified in the license, the normal license period (including renewed licenses) for each Alaska-public fixed station, each coast station in Alaska, and each ship station operated primarily in the Alaska area, shall be four years from the effective date of grant.

NOTE: The license period of the other classes of stations in the maritime services is designated in Subpart C of Parts 7 and 8 of this chapter.

§ 14.62 *One authorization for fixed and coast stations.* (a) Unless otherwise determined by the Commission, one construction permit or one station license may be issued to authorize the construction, or use and operation, respectively, of an Alaska-public fixed station and a public coast station in the Alaska area when—

(1) The licensee or permittee of each class of station is the same;

(2) The location of each class of station is identical;

(3) The conditions which establish and maintain control of each class of station by the permittee or the station licensee are the same.

(b) Whenever a single station authorization is issued in accordance with paragraph (a) of this section, distinction will be shown in each such document as may be necessary in respect to the details of authorization for each service and each class of station except as these may be otherwise established by applicable rules and regulations of the Commission. Unless the station authorization provides otherwise, the same radio transmitting apparatus may be used for both fixed service and maritime mobile service whenever it is capable, by reason of frequency tuning range, technical adjustment, power, frequency stability, emission, etc. of being so used.

§ 14.63 *Dispatch points.* Any dispatch point in connection with an Alaska-public fixed station or a coast station in the Alaska area may be installed and used without obtaining any authorization from the Commission: *Provided,* That information relative to the location of each regularly used dispatch point, which is not located at an authorized control point and is located more than 500 feet from the authorized radio transmitting apparatus, shall be submitted by the station licensee to the Commission for record purposes at the earliest practicable date after such dispatch point is established.

NOTE: The term "dispatch point" is defined in § 7.7 (n) of this chapter.

§ 14.64 *Discontinuance of operation of a station on land.* (a) When the operation of a station on land in the Alaska area subject to this part, or Part 7 of this chapter, is permanently discontinued, the licensee shall, as soon as practicable, notify the Commission's engineer in charge at Anchorage, Alaska.

(b) If the station license covers authorization only for the particular station whose operation has been permanently discontinued, the licensee shall, without undue delay, forward the station license to the Commission's engineer in charge at Seattle, Washington, for cancellation by the Commission at its Washington, D. C., office.

(c) If the station license also covers authorization for a different class of station at the same location whose operation is not being permanently discontinued, the licensee shall, without undue delay, file with the Commission's engineer in charge at Seattle, Washington, a formal application for appropriate modification of license.

(d) With respect to stations on land in the Alaska area, including Alaska-public fixed stations, the provisions of this section shall apply in lieu of § 7.76 of this chapter.

§ 14.65 *Rules in other parts applicable.* (a) The rules relating to station authorizations set forth in the rules and regulations governing stations in the maritime services (Subparts C of Parts 7 and 8 of this chapter) shall, except paragraphs (b) and (c) of § 7.72 and subparagraphs (1) and (2) of § 7.63 (b), apply to stations of these services in the Alaska area so far as they are consistent with this part. Further, with respect to the use of telegraphy on frequencies exclusively within the band 156.25–157.05 Mc, by limited coast stations in the Alaska area, the provisions of §§ 7.351, 7.352, 7.354, and 7.355 of this chapter shall apply to such operation, and the provisions of §§ 7.203, 7.204, and 7.205 shall not apply thereto.

(b) So far as they are consistent with this part, the following rule sections contained in Subpart C of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.61, 7.62, 7.64, 7.66, 7.67, 7.69, 7.70, 7.71 (a), and (b) and 7.73. Section 7.63, except subparagraphs (1) and (2) of paragraph (b), shall apply to stations of the fixed service subject to this part.

SUBPART D—STATION AND OPERATING REQUIREMENTS

§ 14.101 *Priority of distress and other signals.* (a) Stations operating in the fixed service or the maritime mobile service in the Alaska area shall, at all times, give absolute priority to radio communications or signals relating to any ship or aircraft in distress. When any distress signal or communication is anticipated or intercepted by any station, it shall cease all transmission on any frequency or frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

(b) Stations of the maritime mobile service shall observe priority of communications in accordance with the requirements of §§ 7.180, 7.181, 8.176 and 8.177 of this chapter. Alaska public fixed stations, when operating on an assigned frequency which is used also by the maritime mobile service, shall, at all times, give priority on such frequency to distress signals or communications as set forth in paragraph (a) of this section, and to urgent or safety signals, or any communication preceded by one of these signals.

NOTE: The type of signals to which reference is made in § 14.101 are defined in §§ 7.7 (d), (e), (f) and (g) and 8.6 (d), (e), (f) and (g) of this chapter.

§ 14.102 *Practices concerning transmission of public correspondence.* (a) Pending Commission implementation of the tariff filing requirements of section 203 of the Communications Act and Part 61 of this chapter with respect to common carriers in Alaska, any charges made by an Alaskan public fixed station, or any public coast station or public ship station in the Alaska area, for interstate or foreign communication service, should conform to the applicable regulations and tariffs issued by the Alaska Communication System. Information regarding charges of any such station or any changes therein should be furnished promptly to the Tariff Manager of the Alaska Communication System, Seattle, Washington.

(b) Except in event of an emergency concerning the immediate safety of life or property, no Alaska-public fixed station, public ship station, or public coast station in the Alaska area shall transmit any communication in behalf of any person other than the licensee to any other station licensed by the Commission under circumstances wherein such telecommunication can be transmitted effectively by, or to, readily available facilities of the Alaska Communication System which are open to public correspondence and are capable of effectively forwarding (via connecting facilities if and when required) such telecommunication to the designated recipient.

§ 14.103 *Hours of service of fixed stations.* (a) The hours of service of each Alaska-public fixed station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station and, unless otherwise specified by the Commission for individual stations, shall be determined by the station licensee subject to such applicable conditions and limitations as are imposed by the rules of the Commission.

(b) Each Alaska-public fixed station whose hours of service are not continuous shall not suspend operation before having concluded, when possible within the scope of its normal operations, all communications of an emergency nature.

(c) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of an Alaska-public fixed station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided,* That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

NOTE: The hours of service of public coast stations and ship stations are regulated by §§ 7.186 and 8.183 of this chapter.

§ 14.104 *Coast station facilities for 2182 kc.* Each public coast station in the Alaska area licensed to transmit by telephony on any radio-channel within the band 1600 kc to 3500 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency with antenna power not less than the maximum antenna power which it is capable of using for transmission by telephony on any other authorized radio frequency in this band; except that in any event the required antenna power on 2182 kc need not be more than 100 watts when no modulation is present.

§ 14.105 *Fixed and coast station operating arrangements.*

(a) The requirements of § 7.106 (a), (b), (c), (d), and (e) (2) of this chapter, applicable to coast stations and providing for certain operating controls to expedite communication and conserve the use of frequencies, shall apply to Alaska-public fixed stations and coast stations subject to this part.

(b) The requirements of § 7.106 (e) (1), (f), (g) and (h) of this chapter concerning certain operating controls shall apply to coast stations subject to this part.

(c) The radio equipment of each station subject to this part must be capable of permitting reception of the class or classes of emission on the frequency or frequencies used in accordance with the provisions of this part for the service carried on by the particular station. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the station.

§ 14.106 *Documents required for fixed stations.* (a) Each Alaska-public fixed station shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102 (a) and (b) of this chapter;

(2) The necessary operator license or licenses, available in accordance with § 7.155 of this chapter;

(3) The station log as designated in § 14.109;

(4) This part and Part 7 of this chapter.

(b) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 14.107 *Documents required for coast stations.* (a) Each public coast station in the Alaska area using telegraphy shall be provided with this part and the documents prescribed in § 7.213 (a) of this chapter: *Provided,* That in public coast stations authorized to use telegraphy on frequencies solely within the band 1605–5000 kc, the following documents may be substituted in lieu of the documents specified by paragraph (a) (4), (5) and (6) of § 7.213 of this chapter:

(1) A complete list of coast stations (including call signs) located in the Alaska area (including coast stations of the ACS), open to public correspondence, and authorized to transmit on frequencies within the band 1605–5000 kc;

(2) A list, as complete as is practicable, of ship stations (including call signs) known to operate regularly in the Alaska area and authorized to transmit on frequencies within the band 1605–5000 kc;

(b) Each limited coast station in the Alaska area authorized to use telegraphy on a frequency or frequencies below 30 Mc shall be provided with this part and the documents prescribed in § 7.213 (b) of this chapter.

(c) Each public coast station in the Alaska area using telephony shall be provided with this part and the documents prescribed in § 7.313 of this chapter: *Provided,* That in Class II public coast stations that do not provide communication with ocean-going vessels, the documents specified in paragraph (a) (1) and (2) of this section may be substituted in lieu of the international "Alphabetical List of Call Signs" and the international "List of Coast Stations and Ship Stations."

(d) Each limited coast station in the Alaska area using telephony on any authorized frequency, and/or authorized to use telegraphy on frequencies solely above 30 Mc, shall be provided with this part and with the documents prescribed in § 7.369 of this chapter.

(e) The documents prescribed in this section shall be continuously and readily available to the licensed operator on duty

during the hours of service of the station.

§ 14.108 *Documents required for ship stations.* (a) Each ship station in the Alaska area using telegraphy shall be provided with this part and the documents listed in § 8.329 of this chapter; except that in any ship station using telegraphy and located on board a vessel not compulsorily fitted with a radiotelegraph installation while in the Alaska area or while engaged on voyages solely between Alaska and other places on the Pacific seaboard of the continental United States or Canada:

(1) The following documents may be substituted in lieu of those specified in paragraph (a) (4) and (5) of § 8.329 of this chapter if the ship station uses telegraphy on frequencies solely within the band 1605–5000 kc, or solely within the latter band and the band 156.35–156.95 Mc;

(i) A complete list of coast stations (including call signs) which are authorized to transmit on frequencies within the band 1605–5000 kc, which are open to public correspondence, or which maintain watch on 2182 kc or 2091 kc and are located in the Alaska area (including coast stations of ACS) and on the Pacific seaboard of the continental United States and Canada;

(ii) A list, as complete as is practicable, of ship stations (including call signs) known to operate regularly in the Alaska area and/or on voyages between Alaska and other places on the Pacific seaboard of the continental United States or Canada, and authorized to transmit on frequencies within the band 1605–5000 kc;

(2) The documents specified in paragraph (a) (4) and (5) of § 8.329 of this chapter or the substitutes therefor specified in subparagraph (1) of this paragraph need not be provided if the ship station uses telegraphy on frequencies solely within the band 156.35–156.95 Mc.

(b) Each ship station in the Alaska area using telephony only (except telegraphy for calling and operating signals incidental to the use of telephony) shall be provided with this part and the documents set forth in § 8.367 of this chapter: *Provided,* That ship stations on vessels engaged on international voyages solely between Alaska and other places on the Pacific seaboard of the continental United States and Canada (either within or outside inland waters of the United States or Canada) must, if they operate on frequencies within the band 1605–5000 kc, be provided with the documents specified in paragraph (a) (1) (iv) and (v) of § 8.367 of this chapter or in lieu thereof the documents prescribed in subparagraph (1) of paragraph (a) of this section.

(c) The documents prescribed in this section shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 14.109 *Fixed and coast station records.* (a) Each Alaska-public fixed station and each public coast station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required for public coast stations by §§ 7.214 (a) and 7.314, respectively, of this chapter: *Provided,* That coast stations, with respect to operation on frequencies within the bands 1605–5000 kc and 156.35–162.05 Mc, and all Alaska-public fixed stations, may express the time of making each log entry in local standard time in the same manner as is permitted by those sections for coast stations which communicate exclusively with vessels on inland waters of the United States.

(b) Each limited coast station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required by §§ 7.214 (b) and 7.370, respectively, of this chapter.

§ 14.110 *Ship station records.* Each ship station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required by § 8.330 for telegraphy, and § 8.368 for telephony, of this chapter: *Provided,* That with respect to operation on frequencies within the bands 1605–5000 kc and 156.25–157.45 Mc, ship stations in the Alaska area and on board vessels engaged on voyages solely between Alaska and other places on the Pacific seaboard of the continental United States or Canada may express the time of making each log entry in local standard time in the same manner as is permitted by §§ 8.330 (d) and 8.368 of this chapter for ship stations navigated on inland waters of the United States.

§ 14.111 *Coast station communication.* (a) Except as otherwise stated in paragraphs (b) and (c) of this section, the provisions of § 7.302 of this chapter shall apply to public coast stations subject to this part.

(b) In lieu of the provisions set forth in § 7.302 (a) (3) and (4) of this chapter, public coast stations in the Alaska area using telephony are authorized to communicate with public ship stations, government ship stations, aeronautical public service stations on board aircraft, and government aircraft stations for the transmission or reception of public correspondence when the mobile station uses telephony on a radio channel below 5000 kc designated in this part for ship-shore public correspondence by means of telephony and used by the coast station with which it communicates. Under this condition, the mobile station and the coast station transmit alternately on the same radio channel.

(c) In lieu of the requirement of § 7.302 (b) (2) (i) of this chapter, the station with which communication is carried on shall transmit to the coast station on a radio channel below 5000 kc designated in this part for ship-shore public correspondence by means of telephony and used by the coast station with which it communicates. Under this condition, the fixed station and the coast station transmit alternately on the same radio channel.

§ 14.112 *Coast station working frequency required.* Coast stations in the Alaska area using telephony shall be regarded as complying with § 7.104 (c) (1) of this chapter when the particular coast station is capable also of transmitting and receiving (and is licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio channel authorized for working with ship stations in the band 1605 to 3500 kc in lieu of the band 2000 to 35000 kc.

§ 14.113 *Suspension of coast station watch.* If, for any reason, a watch on 500 kc or 2182 kc maintained by a coast station, licensed for continuous or definite hours of service, is suspended, impaired, or discontinued during the regular season of operation of that station, notification thereof shall be given at the earliest practicable time by the station licensee to the nearest station or office of the U. S. Coast Guard or the Alaska Communication System that can be contacted via available channels of communication (preferably by wire or radio) and to the Commission's engineer in charge at Anchorage, Alaska. This notification shall include a statement of any estimated time of resumption of such watch if it has been suspended only, and shall state the reason for suspension, impairment, or discontinuance of the watch. When such watch is resumed after being suspended, or when impairment thereof no longer exists, notification of this fact likewise shall be given at the earliest practicable time. The provisions of this section shall apply to coast stations in the Alaska area in lieu of the provisions of §§ 7.74 and 7.75 of this chapter.

§ 14.114 *Use of developmental fixed stations.* (a) Developmental fixed stations subject to this part shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, assignment of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

NOTE: The rules applicable to developmental coast stations and developmental stations on board ship are contained in Subpart M of Part 7 and Subpart Q of Part 8, respectively, of this chapter.

§ 14.115 *Rules in other parts applicable.* (a) The rules relating to station and operating requirements and other rules set forth in the rules and regulations governing stations in the maritime services (Subpart D and Subparts F through P of Part 7 of this chapter, and Subpart D and Subparts F through V of Part 8 of this chapter) shall, except as otherwise specifically provided in this part, apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) *So far as they are consistent with this part,* the following rule sections contained in Subparts D, F, G, H, I, M, O and P of Part 7 of this chapter shall apply to stations of the fixed service subject to this part:

7.101 7.155 7.310
7.102 (a) (b) 7.171 7.311
7.107 (a) 7.173 7.501
7.108 7.174 7.502
7.109 7.175 7.503 (a)
7.110 7.179 (e) 7.505
7.111 7.190 7.506
7.115 7.191 7.507
7.116 7.192 7.551
7.151 7.209 7.552
7.152 7.210 7.601
7.154 7.211 7.602

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 14.151 *Authorized frequency tolerance.* (a) Unless the particular station authorization specifically provides otherwise, the frequency tolerance authorized for coast stations and fixed stations subject to this part shall be as prescribed in paragraphs (b) and (c) of this section.

(b) As used in paragraphs (b) and (c) of this section, the letter "a" following class "A2" or "A3" emission means the emission of a single side band, with reduced carrier. The letter "b" following class "A2" or "A3" emission means the emission of two independent side bands, with reduced carrier. For radiotelegraph communication, the use of class A2, A2a, or A2b emission is permissible only when the modulated emission is keyed. In telegraph communication, keying only the modulating audio frequency is not authorized except when used in connection with radiotelephone communication solely for transmitting brief operating signals. On assigned frequencies from 1605 kc to 9000 kc, any form of A2 emission for radiotelegraph communication shall not be permissible after May 1, 1957.

(c) Classes of emission not authorized in paragraphs (b) and (c) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.

NOTE: For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2, and to Subparts E of Parts 7 and 8 of this chapter.

§ 14.153 *Authorized transmitter power.* (a) Each fixed station and each coast station subject to this part, and each ship station when in the Alaska area, may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the respective maximum authorized transmitter power as set forth herein shall not be exceeded (subject to the provisions of §§ 7.110 (a) and 8.110 (a) of this chapter and the provisions of

(c) For stations authorized by this part to use telephony on a frequency or frequencies within the respective frequency ranges designated in this paragraph, the authorized classes of emission for telephony on such frequencies shall be as follows:

Class of station	Frequency range	Class of emission
Fixed	From 50 to 200 kc and on 1606 kc	A–1, and for brief testing A–0.
	From 1605 to 1800 kc (except 1606 kc)	
	From 2000 to 2035 kc	A–1, and for brief testing A–0.
	From 2107 to 3400 kc	
	From 5000 to 9000 kc	
Coast	From 415 to 490 kc	A–1, and for brief testing A–0, A–2, A–2a, A–2b for brief testing and distress, urgency and safety signals, or any communication preceded by one of these signals.
Coast, Ship	From 490 to 515 kc	A–1, A–2, A–2a, A–2b, and for brief testing A–0.
	From 1605 to 1800 kc	A–1, A–2, A–2a, A–2b, and for brief testing A–0.
Coast and ship	From 2000 to 2035 kc	A–1, and for brief testing A–0.
	From 2107 to 3400 kc	
	From 5000 to 9000 kc	
Coast and ship	From 2035 to 2107 kc	A–1, and for brief testing A–0.
Coast and ship	On 156.4, 156.5, 156.7 and 156.9 Mc	F–1, F–2, and for brief testing F–0.

This section shall apply to coast stations subject to this part, in lieu of § 7.131 of this chapter except as to coast station operation within any frequency band not designated in this section.

(b) Authorized frequency tolerances:

Assigned frequencies	Class of station	Percent tolerance
From 50 to 515 kc	Fixed or coast	0.02
From 1605 to 3400 kc	do	.01
On frequencies within the band from 5000 to 9000 kc	Fixed	.01
On frequencies within the band from 4000 to 9000 kc	Coast	.005
From 156.35 to 162.05 Mc	do	.005

NOTE: The authorized frequency tolerances applicable to ship stations are set forth in § 8.131 of this chapter.

(c) Fixed stations which, in exceptional cases are authorized to use plate (anode) input power in excess of the respective value specified below shall, when using such higher power, maintain the respective frequency tolerance designated below:

Class of emission in use	Class of radio frequency amplifier used in last stage of transmitter	Plate (anode) input power in use	Frequency band	Percent tolerance
A0, A1, A2, A2a, A2b	Any class for telegraphy	More than 200 watts	1605–3400 kc	0.005
		More than 750 watts	3400–9000 kc	.003
A2, A2a, A2b, A3, A3a, A3b; also A0 or A1 as produced by the unmodulated carrier or by the keyed unmodulated carrier, respectively.	Class C; plate, or plate and screen-grid modulated.	More than 800 watts	1605–3400 kc	.005
		More than 750 watts	3400–9000 kc	.003
	Class C; control, screen, or suppressor-grid modulated.	More than 800 watts	1605–3400 kc	.005
		More than 1,500 watts	3400–9000 kc	.003
	Class C; cathode modulated.	More than 400 watts	1605–3400 kc	.005
		More than 1200 watts	3400–9000 kc	.003
	Class B; linear	More than 400 watts	1605–3400 kc	.005
		More than 1,500 watts	3400–9000 kc	.003
	Class BC; high efficiency	More than 300 watts	1605–3400 kc	.005
		More than 900 watts	3400–9000 kc	.003
	Other classes; primarily for telephony.	As specified in the station authorization.	1605–3400 kc	.005
			3400–9000 kc	.003

NOTE: See § 7.8 (hh) of this chapter for definition of plate (anode) input power.

§ 14.152 *Authorized classes of emission.* (a) Unless the particular station authorization specifically provides otherwise, the classes of emission authorized for coast stations and fixed stations subject to this part and ship stations when in the Alaska area shall, with respect solely to frequencies within the following limits assigned in this part for use by such stations, be as set forth in the following paragraphs of this section. This section shall, solely in reference to such frequencies as are duly assigned in this part, apply to coast stations subject to this part in lieu of § 7.132 of this chapter and to ship stations in the Alaska area in lieu of § 8.132 of this chapter.

(b) For stations authorized by this part to use telegraphy on a frequency or frequencies within the respective frequency ranges designated in this paragraph, the authorized classes of emission for telegraphy on such frequencies shall be as follows:

Class of station	Frequency range	Class of emission
Fixed	From 1605 to 1800 kc	A–3, A–3a, A–3b, and for brief testing A–0; also for brief operating signals A–1, A–2, A–2a, A–2b.
	From 2000 to 2035 kc	
	From 2107 to 3400 kc	
	From 5000 to 9000 kc	
Coast and ship	From 1605 to 1800 kc	A–3, A–3a, A–3b, and for brief testing A–0; also for brief operating signals A–1, A–2, A–2a, A–2b.
	From 2000 to 2035 kc	
	From 2107 to 3400 kc	
	From 4000 to 9000 kc	
Do	From 156.25 to 162.05 Mc	F–3, and for brief operating signals F–1 and F–2; also for brief testing F–0.

paragraph (b) of this section) when transmitting on any frequency, assigned by this part for use by such station, which is within any frequency band set forth herein. The maximum authorized transmitter power for this purpose is designated in column 5 of the following table in relation to the respective controlling elements designated in columns 1, 2, 3 and 4:

1 Class of emission in use	2 Class of radio frequency amplifier used in the last radio stage of transmitter	3 Frequency band	4 Class of station	5 Maximum authorized transmitter power
A0, A1	Any class for telegraphy	From 50 to 200 kc From 400 to 515 kc	Fixed Coast or ship	650 watts. 265 watts; with or without modulation.
A0, A1, A2, A2a, A2b	Any class for telegraphy	From 1605 kc to 9000 kc.	Fixed, coast or ship.	150 watts; with or without modulation.
A2, A2a, A2b, A3, A3a, A3b: also A0 and A1 provided the amplitude of the carrier shall not exceed its effective amplitude as used for telephony with the class of amplifier specified.	Class C—plate, or plate and screen-grid modulated. Class C—control, screen or suppressor-grid modulated. Class C—cathode modulated. Class B—linear	From 1605 kc to 9000 kc.	Fixed, coast or ship.	150 watts when no modulation is present. 300 watts when no modulation is present. 240 watts when no modulation is present. 300 watts when no modulation is present.
	Class BC—high efficiency.			180 watts when no modulation is present.
	Other classes: primarily for telephony.			As specified in the station authorization.
F0, F1, F2, F3	Any class for frequency-modulated transmission.	From 156.25 to 157.45 Mc. From 161.85 to 162.05 Mc.	Ship Coast Public coast	100 watts. Limited—100 watts. Public—250 watts. 1,000 watts.

NOTE: As used in this part the terms "last radio stage", "plate (anode) input power", "antenna power", and "authorized transmitter power" are defined in Subparts A of Parts 7 and 8 of this chapter. See §§ 7.8 (gg), (hh), (ii), (kk), and 8.7 (ee), (ff), (gg), and (ii).

(b) The limitations governing the maximum authorized transmitter power set forth in paragraph (a) of this section may be exceeded when necessary:

(1) By a ship or coast station to expedite communication concerning a ship or aircraft in distress;

(2) To enable a ship station using a radio installation required for safety purposes by treaty or statute to satisfy the applicable transmitter power or communication range (distance) stipulated by such treaty or statute; or

(3) To provide effective communication, under exceptional conditions, on an assigned frequency or frequencies within the band 1605 kc to 6000 kc between an Alaska-public fixed station and one or more fixed stations of the Alaska Communication System. Such exceptional power, however, must be specifically requested in each case by the applicant or licensee and, before being used must be specifically authorized by the Commission. Except as may be otherwise determined by the Commission, such authorization will not be granted unless concurred in by the ACS. Each request for such authority must show at least that the local representative of the ACS has been fully informed thereof, and that technical means are available and can be used to reduce the power to not more than that permitted by paragraph (a) of this section when operating on assigned frequencies which would not be covered by such exceptional authorization.

(c) Unless the station license specifically provides otherwise, ship stations in the Alaska area shall, in addition to the provisions of this section, be subject to § 8.134 (c) (2) of this chapter in respect to minimum authorized transmitter power on frequencies between 2000 kc and 25000 kc authorized for telephony, only when transmitted by telephony to a public coast station which is providing a direct electrical connection between the ship-shore radio channel in use and a public land-telephone system.

§ 14.154 *Modulation limiter for fixed and coast stations.* Except for transmitters used solely for developmental stations, each radiotelephone transmitter licensed for use and operation on a frequency or frequencies below 30 Mc in a fixed or coast station subject to this part shall always be used with a device that will automatically prevent modulation in excess of 100 percent. With respect to operation on frequencies below 30 Mc only, this section shall apply to coast stations located in the Alaska area in lieu of § 7.137 (a) of this chapter.

NOTE: For a similar requirement applicable to ship stations, reference is made to § 8.137 (a) of this chapter.

§ 14.155 *Rules in other parts applicable.* (a) The rules relating to standard technical requirements set forth in the rules and regulations governing stations in the maritime services (Subparts E of Parts 7 and 8 of this chapter) shall, except § 7.137 (a), apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, §§ 7.133 and 7.136 of this chapter shall apply to stations of the fixed service subject to this part.

SUBPART F—ASSIGNMENT AND USE OF FIXED SERVICE FREQUENCIES

§ 14.201 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radio-channel authorized for use by a fixed station subject to this part is available for use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 14.202 *Protection of government services.* Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual assigned frequency may not be authorized for transmission by a fixed station at any specific location in the Alaska area where its use could cause harmful interference to a United States Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 14.203 *Alternate transmission on same radio-channel.* Except for communication between licensed fixed stations and fixed stations of the Alaska Communication System as hereinafter specifically designated in this subpart all transmission, on each radio-channel assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio-channel. For this purpose, the stations communicating with each other shall transmit and receive on the same radio-channel: *Provided,* That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 14.204 *Frequencies assigned for use in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations in accordance with Subpart E of this part. These frequencies are authorized for use by stations located in any zone of the Alaska area, for communication with other licensed Alaska-public fixed stations located in any zone of the Alaska area:

(1) 149.6 for telegraphy only; the use of this frequency by non-government stations shall be shared with government stations of the ACS in accordance with §§ 14.201 and 14.206.

(2) [Reserved]

(3) 2118 for telegraphy and/or telephony; available on a shared basis with maritime mobile service. The use of this frequency by fixed stations shall be coordinated with ship-to-shore communication on 2134 kc in the Alaska area so as to avoid harmful interference.

(4) [Reserved]

(5) 3201 for telegraphy and/or telephony; in so far as is practicable, fixed stations shall limit their use of this frequency to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 70 Mc.

(6) [Reserved]

(7) 5167.5 for telegraphy and/or telephony; to be used exclusively for communication over distances of not less than 50 miles and only during the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(8) 8070 for telegraphy and/or telephony; to be used exclusively for communication over distances of not less than 200 miles and only during the hours from 6:00 a. m. to 6:00 p. m. local standard time, except in zone 4 west of 165 degrees west longitude where the hours of its use shall not be limited.

§ 14.205 *Frequencies assigned for use in particular zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations employing telegraphy and/or telephony in accordance with Subpart E, of this part. These frequencies are authorized for use (on a shared basis—except 1660 kc—with stations of the maritime mobile service) exclusively by stations located in the zone or zones designated herein opposite the respective frequency; for use, subject to the specific conditions and limitations designated herein by identifying reference placed opposite the respective frequency in each column, for communication with other Alaska-public fixed stations. In so far as is practicable, each station, when transmitting on any of these frequencies, shall communicate only with a station or stations located in its own zone or in a contiguous zone.

Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646			1646		1646.
	1652		1660 (b)	1652	1660 (b).
1712		1708	1708	1712 (c)	
2006 (d) (e)					
2422		2422			
	2430 (k) (c)	2450 (e) (f)	2430 (e)	2430 (e)	2450 (f).
		2482 (e) (k) (g)	2450 (f) 2482 (e) (g)	2506 (h)	2452 (e) (g). 2506 (h).
2512	2512	2512	2512		
	2538	2538			
2566 (e)			2566	2566	
2616 (d) (e) (i)					
3261 (j)			3261 (j)	3261 (j)	

(b) Use of the frequency 1660 kc shall be coordinated as necessary with use of the frequency 1666 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

(c) To minimize interference to the service of stations in zone 4 operating on 1708 kc, use of the frequency 1712 kc in zone 5 is authorized only for stations located north of 62 degrees north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or United States Government stations within Alaska, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (d) is applied, is authorized for use annually in the respective zone only during the hours from 7:00 a. m. to 11:00 p. m. local standard time from May 15 to September 15 inclusive; and from 8:00 a. m. to 9:00 p. m. local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To provide for the most effective use of assigned frequencies available under this part and to minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (e) is applied is authorized for use in the respective zone for fixed service, exclusively by coast station licensees who operate a public coast station at the same location and on the same frequency for maritime mobile service; and, in order to serve adequately an industry in Alaska, have an established requirement for a radio-communication system of fixed service and maritime mobile service on a radio-channel common to both of these services.

(f) Use of the frequency 2450 kc shall be coordinated as necessary with use of the frequency 2466 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(g) Use of the frequency 2482 kc shall be coordinated as necessary with use of the frequencies 2466 kc and 2474 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(h) Use of the frequency 2506 kc for fixed service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, California, to which this frequency is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc shall be coordinated as necessary with use of the frequency 2632 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(j) In so far as is practicable, fixed stations shall limit their use of the frequency 3261 kc to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 70 Mc.

(k) To minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (k) is applied, is authorized for use annually in the respective zone only during the hours from 6:00 a. m. to 11:00 p. m. local standard time, from April 1 to September 30 inclusive.

NOTE: The frequencies designated in paragraph (a) of § 14.205 are additionally available (except 1660 kc) for maritime mobile service as provided in Subpart G of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licensees in the Alaska area whose industrial operations require an integrated system of point-to-point and ship-shore communication.

§ 14.206 *Frequencies for communication with ACS.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations in accordance with Subpart E of this part, for communication with fixed stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence: *Provided,* That to assure necessary coordination each Alaska-public fixed station when communicating with a fixed station of the ACS shall transmit only on a frequency listed in this section which is specifically designated for such use by that station in a written notification to the respective station licensee from the ACS in response to a written request therefor received by the ACS from that licensee. Likewise, the periods of time during which the licensed station may transmit on such frequency shall be those which are designated in such notification from the ACS. The particular ACS station(s) with which the licensed station may communicate and the specific ACS frequency or frequencies to be used for transmitting to the licensed station are designated by the ACS in its written notice to the station licensee:

(1) 149.6 for telegraphy only; normally for use at any appropriate location in the Alaska area.

NOTE: The frequency 149.6 kc may be used also for transmission by ACS fixed stations to public fixed stations.

(2) 1666 for telegraphy only; normally for communication with ACS stations located at Ketchikan and King Salmon. The use of this frequency shall be coordinated as necessary with use of the frequency 1660 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The frequency 1666 kc may be used also for transmission by ACS fixed stations to public fixed stations.

(3) 2256 for telegraphy and/or telephony; for communication with ACS stations located at Anchorage and Ketchikan.

(4) 2466 for telegraphy and/or telephony; normally for communication with ACS stations located at Wrangell, King Salmon, and Kotzebue. The use of this frequency shall be coordinated as necessary with use of the frequencies 2450 kc, 2474 kc, and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

(5) 2474 kc for telegraphy and/or telephony; normally for communication with ACS stations located at Sitka, Kodiak, Nome and Barrow. The use of this frequency shall be coordinated as necessary with use of the frequencies 2466 kc and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

(6) 2632 for telegraphy and/or telephony; normally for communication with ACS stations located at Cordova, Fairbanks, Bethel and Unalaska. The use of this frequency shall be coordinated as

necessary with use of the frequency 2616 kc by other stations in the Alaska area so as to avoid harmful interference.

(7) 2694 for telegraphy and/or telephony; for communication with ACS stations located at Juneau and Cold Bay.

(8) 2776 for telegraphy and/or telephony; for communication with ACS station located at Ketchikan.

(9) 3357 for telegraphy and/or telephony; for communication with ACS stations located at Fairbanks, Anchorage, and Juneau. The use of this frequency for communication with Anchorage shall be coordinated as necessary with use of the frequency 3353 kc by United States Government stations so as to avoid harmful interference to the latter. The use of 3357 kc for communication with Juneau, Fairbanks and Anchorage shall be coordinated as necessary with the use of the frequency 3365 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The ACS station at Anchorage will act as coordinator between the non-Government stations transmitting to Anchorage on 3357 kc and the Government stations operating on 3353 kc.

(10) 3365 for telegraphy and/or telephony; for communication with ACS station located at Unalaska. The use of this frequency shall be coordinated as necessary with use of the frequency 3357 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

(11) 5137.5 for telegraphy and/or telephony; normally for communication with ACS stations located at Anchorage and Ketchikan. The use of this frequency shall be limited to the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(12) 5207.5 for telegraphy and/or telephony; normally for communication with ACS stations located at Juneau, Fairbanks and Kodiak. The use of this frequency (except in zone 4 west of 165 degrees west longitude) shall be limited to the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(13) Frequencies shown herein which are designated for transmission to particular ACS stations shall be utilized only for transmission to those stations except with respect to the frequencies 2466, 2474, 2632, 5137.5 and 5207.5 kc. In the case of these five frequencies, the ACS may designate other station locations depending upon operational requirements.

(b) When transmitting to any ACS fixed station on any frequency above 2000 kc authorized in paragraph (a) of this section, each Alaska-public fixed station shall use any class of emission permissible under applicable provisions of § 14.152 which is designated by the ACS; when such designation is not made by the ACS, the station licensee shall select the class of emission to be used in accordance with the provisions of § 14.152. Insofar as is practicable when transmitting by means of telegraphy on any of these frequencies above 2000 kc, and subject to designation by the ACS as herein provided, class A1 emission only shall be used.

§ 14.207 *Use of United States Government frequencies.* Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by Alaska-public fixed stations when such assignment is necessary for inter-communication with Federal Government stations or required for coordination with activities of the Federal Government provided the Commission determines, after consultation with the appropriate Government agency or agencies, that such assignment is in the public interest.

§ 14.208 [Reserved]

§ 14.209 *Temporary frequencies for treaty implementation.* In addition to the frequencies specifically assigned in this subpart, other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

SUBPART G—ASSIGNMENT AND USE OF MARITIME SERVICE FREQUENCIES

§ 14.251 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radio-channel authorized for use by a ship or coast station subject to this part is available for use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 14.252 *Protection of government services.* Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual assigned frequency may not be authorized for transmission by a ship or coast station at any specific location in the Alaska area where its use could cause harmful interference to a United States Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 14.253 *Alternate transmission on same radio-channel.* Except for communication between coast stations of the Alaska Communication System and licensed ship stations as hereinafter specifically designated in this subpart, all transmission, on each radio channel within the frequency-band 1605 kc–2035 kc, 2107 kc–9000 kc, or 156.25 Mc–157.25 Mc assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio-channel. For this purpose the stations communicating with each other shall transmit and receive on the same radio-channel: *Provided,* That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 14.254 *Frequencies to be used for distress signals.* (a) In case of distress in the maritime service, the frequency to be used shall be the international radiotelegraph distress frequency 500 kc with maximum power obtainable; the class of emission to be used if possible shall be A2. Stations which cannot transmit on 500 kc or use A2 emission shall, if possible, use their normal calling frequency and normal class of emission with maximum power obtainable.

(b) The frequency 2182 kc is the international radiotelephone distress frequency for the maritime mobile service. It may be used for this purpose by ship or aircraft stations employing telephony in the band 1605 to 2850 kc when requesting assistance from the maritime services.

(c) No provision of the International Radio Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signaling its position, and obtaining help. No provision of this part shall prevent a mobile station in distress from using any frequency assigned by this part for the transmission of distress signals or distress communications in the event it is impossible, impracticable, or ineffective for such station to use the frequency 500 kc or 2182 kc to draw attention, signal its position and obtain help.

NOTE: To determine the detailed procedure to follow in case of distress in the maritime mobile service, refer to Subpart J of Part 8 and § 7.187 of this chapter.

§ 14.255 *Ship station frequencies for use in all zones for telegraphy only.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by ship stations in any zone of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with other stations of the maritime mobile service using telegraphy:

500—for calling and distress as provided in §14.254 of this subpart and in Subparts J and N of Part 8 of this chapter.

425, 448, 454, 468, 480—for working as provided in Subpart N of Part 8 of this chapter.

410—for maritime radionavigation service (radio direction-finding) as provided in Subpart P of Part 8 of this chapter. In addition to the transmission of specific signals for direction-finding, this frequency may be used for communication by telegraphy with direction-finding stations in connection with established international operating procedure relative to radiolocation by means of direction-finding.

444—exclusively for communication with United States Government stations; the use of this frequency for any other communication (except distress) is not authorized. The use of this frequency shall not cause harmful interference to the service of any coast station.

(b) (1) The frequency 2091 kc is the Region 2 (including the Alaska area) international calling frequency for ship stations using telegraphy within the band 2065–2107 kc. This frequency shall be used for call, reply and signals preparatory to traffic by all ship stations using telegraphy to establish communication with other ship stations operating in the band 2065–2107 kc or with coast stations using telegraphy and operating within the band 2035–2065 kc. Additionally in the Alaska area, this frequency may be used as a calling frequency to establish communication with ship or coast stations using telegraphy and operating within the band 1605–2035 kc or 2107–3400 kc. Transmission by ship stations for the purposes herein set forth on any calling frequency within the band 2088.5–2093.5 kc is permissible as a practical operating procedure to minimize interference, in lieu of transmission on the frequency 2091 kc. (These alternative calling frequencies are 2089, 2089.5, 2090, 2090.5, 2091.5, 2092, 2092.5 and 2093 kc.) The use of the frequency 2091 kc or any other calling frequency within the band 2088.5–2093.5 kc by ship stations for purposes other than those set forth herein (except for distress traffic) is not authorized. A ship station, after establishing communication on a calling frequency within this band, shall change to an authorized telegraph working frequency for the transmission of message traffic by means of telegraphy.

(2) Working frequencies within the band 2065–2107 kc designated in Subpart N of Part 8 of this chapter for use by ship stations employing telegraphy are authorized for use as assigned frequencies by ship stations using telegraphy in the Alaska area in accordance with the applicable provisions of Part 8 of this chapter: *Provided,* That the authorized class of emission and the authorized transmitter power shall, with respect to ship stations in the Alaska area, be in conformity with Subpart E of this part.

(c) Assigned calling and working frequencies below 405 kc and within the band 4000–25000 kc designated in Subpart N of Part 8 of this chapter for use by ship stations employing telegraphy are available for use by ship stations in the Alaska area using telegraphy and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitter power.

§ 14.256 *Coast station frequencies for use in all zones for telegraphy only.* Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations in all zones of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with ship and aircraft stations, and with other public coast stations using telegraphy in the Alaska area, in accordance with § 7.202 of this chapter:

500—for calling and distress as provided in §§ 7.187, 7.207 (a), 7.208 (b), and 7.212 of this chapter.

416 and 436—for working as provided in Subpart H of Part 7 of this chapter.

2052.5—calling and working frequency for communication with ship stations when such stations are using telegraphy within the band 2065–2107 kc.

§ 14.257 *Safety frequencies for ship and coast stations in all zones using telephony.* Each of the following frequencies is authorized as an assigned frequency for telephony for use by ship and coast stations in all zones of the Alaska area in accordance with the provisions of Subparts I and J of Part 7 and Subpart O of Part 8 of this chapter: *Provided,* That the authorized class of emission and the authorized transmitter power shall be in conformity with the provisions of Subpart E of this part:

2182—for distress, calling and safety purposes; ship-shore and ship-to-ship;

156.8 Mc—primarily for calling and safety purposes; ship-shore and ship-to-ship;

156.7 Mc—primarily for communication between ship stations and limited coast stations for the exchange of information essential to maritime radiolocation service.

§ 14.258 *Frequencies for ship-to-ship communication in all zones by telephony.* (a) The assigned frequencies 2638 kc and 2738 kc designated in Subpart O of Part 8 of this chapter for ship-to-ship communication by means of telephony are available for use by ship stations on board any class of vessel in all zones of the Alaska area using telephony and operating in accordance with applicable provisions of Part 8 of this chapter: *Provided,* That the authorized class of emission and the authorized transmitter power shall be governed by Subpart E of this part in lieu of the particular provisions of Part 8 of this chapter relative to emission and power authorized for these two frequencies.

NOTE: Except for test purposes, the frequency 2738 kc may not be used or assigned unless certification regarding attenuation of emission on the related second harmonic frequency (5476 kc) has been submitted to the Commission's office at Washington, D. C., as required by applicable provisions of Part 8 of this chapter.

(b) The assigned frequency 156.3 Mc designated in Subpart O of Part 8 of this chapter for ship-to-ship communication by means of telephony is available for use by ship stations on board any class of vessel in all zones of the Alaska area using telephony and operating in accordance with the applicable provisions of Part 8 of this chapter: *Provided,* That the authorized class of emission and the authorized transmitter power shall, with respect to ship stations in the Alaska area, be in conformity with Subpart E of this part.

§ 14.259 *Frequencies for ship-shore and ship-to-ship communication by telegraphy or telephony in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use, in accordance with Subpart E of this part, by coast and ship stations in all zones of the Alaska area, as designated herewith:

(1) For communication by telegraphy and/or telephony between public coast stations and public ship stations on board any type of vessel—1622, 2382.

(2) For ship-to-ship communication (for business, operational and safety purposes) by telegraphy and/or telephony:

(i) Between ship stations on board vessels of less than 500 gross tons—1622 only; and

(ii) Between ship stations on board vessels of 500 gross tons or more—2382 only.

(3) (i) Primarily for communication by telephony between public coast stations and public ship stations on board any type of vessel, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only—4386.2;

(ii) Additionally the frequency 4386.2 kc may be used on a secondary basis for communication by telephony, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only—

(*a*) Between public coast stations, separated not less than 50 miles, for the exchange of public correspondence under conditions which make it necessary to use this frequency for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; on condition that ship-shore communication shall be given priority at all times;

(*b*) Between ship stations on board any type of vessel for business, operational and safety purposes, on condition that harmful interference shall not be caused to the service of any coast station using telephony. In so far as is practicable, the use of this frequency of this purpose shall be limited to the relatively longer distances over which the use of frequencies below 3400 kc or above 156 Mc would not be effective.

§ 14.260 *Frequencies for ship-shore public telephone service in all zones.* (a) The frequency 2134 kc is authorized as an assigned frequency for use in all zones of the Alaska area by public ship stations, in accordance with Subpart E of this part, for communication exclusively with coast stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence. When transmitting on this frequency to any ACS coast station, ship stations normally shall employ class A3 emission for telephony; they may employ telegraphy if desired, with class of emission designated by the ACS, when the particular ACS coast station is capable of using telegraphy. The associated frequency to be used for transmission from the coast station to the ship station shall be within the frequency-band 1605–3400 kc and shall be designated for each location by the ACS.

NOTE: The ACS coast station transmitting frequency and the hours of service of each ACS coast station at the respective locations in the Alaska area at which this service is available may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Washington. These frequencies are listed for the information of ship station licensees.

ACS coast station location:	*Respective transmitting frequency* [kc]
Anchorage	2312
Barrow	2312
Cold Bay	2312
Cordova	2300
Craig	2312
Juneau	2784
Ketchikan	2300
Kodiak	2784
King Salmon	2312
Nome	2784
Seward	2312
Sitka	2312
Skagway	2312
Unalaska	2312
Valdez	2300
Whittier	2312
Wrangell	2312

(b) (1) The provisions of this paragraph shall apply to public coast stations in the Alaska area in lieu of the provi-

sions of §§ 7.307 and 7.308 of this chapter, and to ship stations when communicating with public coast stations in the Alaska area in lieu of § 8.356 of this chapter.

(2) Each of the following frequencies in megacycles is authorized for use as an assigned frequency, in accordance with Subpart E of this part, for the exchange of public correspondence by means of telephony between public coast stations and ship stations, in all zones of the Alaska area, as designated herewith:

For coast station transmission: 161.9; for ship station transmission: 157.3. These two frequencies comprise one radiotelephone circuit.

For coast station transmission: 162.0; for ship station transmission: 157.4. These two frequencies comprise one radiotelephone circuit.

When alternate transmission by the coast station and the ship station on the same assigned frequency is required, either 157.3 Mc or 157.4 Mc shall be used by each class of station.

(3) At locations where one public ship-shore radiotelephone circuit in this frequency band is sufficient to provide satisfactory public telephone service, the frequencies 161.9 Mc and 157.3 Mc for a two-frequency circuit or the frequency 157.3 Mc for a single-frequency circuit shall be used.

(4) The assigned frequency 162.0 Mc or 157.4 Mc normally may be authorized for use by a public coast station only when a satisfactory showing is made by the applicant for such authorization that such station under its outstanding license is utilizing the frequency 161.9 Mc or 157.3 Mc at maximum capacity to provide public ship-shore telephone service and there is a need by that station for an additional circuit to adequately serve users or prospective users of the station's service.

(c) Frequencies within the band 4000 kc–30 Mc designated in §§ 8.354 and 8.355 of this chapter for use by ship stations employing telephony for communication with public coast stations located in the vicinity of specified geographic locations (outside the Alaska area) are available for use by ship stations, at sea in the Alaska area, using telephony and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitter power.

§ 14.261 *Frequencies above 156 Mc for business and operational purposes.* (a) The provisions of this section shall, in respect to use of the assigned frequencies 156.4, 156.5, 156.6, 156.7, 156.9 and 157.0 Mc for business and operational purposes, apply to limited coast stations in the Alaska area in lieu of related provisions of §§ 7.356 and 7.361 of this chapter and to ship stations in the Alaska area in lieu of related provisions of § 8.360 of this chapter.

(b) Each of the following frequencies in megacycles is authorized as an assigned frequency for communication, in accordance with Subpart E of this part, between ship stations and limited coast stations and between ship stations in all zones of the Alaska area to serve the business and operational needs of ships, subject to the conditions herein set forth. These frequencies are not authorized for the handling of public correspondence, nor for communication of a personal nature not relative to safety or the business or operational needs of ships.

(1) (i) 156.4, 156.5 and 156.9—for telegraphy and/or telephony. The use of these frequencies by ship stations shall be limited to such stations on board commercial transport vessels, vessels of municipal governments in Alaska, and vessels of the territorial government of Alaska.

(ii) Additionally, limited coast stations authorized to transmit on one or more of these frequencies may communicate thereon with other limited coast stations in any zone of the Alaska area as may be necessary to facilitate the business or operation of ships in the Alaska area, or for transmission of any emergency messages relating to the safety of life or property.

(2) 156.7—for the same use and purposes and under the same conditions as are prescribed for 156.4, 156.5 and 156.9 Mc in subparagraph (1) of this paragraph; upon the express condition that its use, at the particular location and at the particular time, is not required for any maritime radio-location service as provided in §§ 7.356 (a) (1) and 8.359 (f) (1) of this chapter.

(3) 156.6—for telephony only; for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, and for communication concerning the passage of vessels through locks under governmental control. This frequency may be used for such purposes by limited coast stations and by ship stations on board any class of vessel.

(c) The frequency 157.0 Mc is authorized as an assigned frequency exclusively for use by ship stations in all zones of the Alaska area for ship-to-ship communication by means of telephony in accordance with Subpart E of this part; on condition that such ship stations are capable of transmitting and receiving (and are authorized to transmit) on the ship-to-ship frequency 156.3 Mc also. This frequency shall be used only by ship stations on board commercial transport vessels, vessels of municipal governments in Alaska, and vessels of the territorial government of Alaska, to serve the business and operational needs of such vessels. This frequency is not authorized for the handling of public correspondence, nor for communication of a personal nature not relative to safety or the business or operational needs of ships.

NOTE: The term "commercial transport vessel" is defined in § 8.2 (o) (3) of this chapter.

§ 14.262 *Use of marine utility stations.* Licensed marine-utility stations are authorized to be used on land and on board ship in all zones of the Alaska area on each of the frequencies 156.3, 156.4, 156.5, 156.6, 156.7, 156.8, 156.9 and 157.0 Mc, in conformity with the provisions of this part which are applicable to the use of these frequencies in the Alaska area, and subject further to such provisions of Parts 7 and 8 of this chapter that apply to this class of station which are not inconsistent with the applicable provisions of this part.

§ 14.263 [Reserved]

§ 14.264 *Frequencies assigned for use in particular zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations and ship stations employing telegraphy and/or telephony in accordance with Subpart E of this part: *Provided,* That telephony only shall be employed on the frequencies 4406.9 and 4434.5 kc. With respect to the operation of coast stations, these frequencies are authorized for use (below 3400 kc on a shared basis with Alaska-public fixed stations) by coast stations located only in the zone or zones designated herein opposite the respective frequency; and for use in accordance with paragraph (1) of this section, subject to the specific conditions and limitations designated herein by identifying reference placed opposite the respective frequency in each column.

Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section, including paragraph (l) in reference to each frequency:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646			1646		1646.
	1652			1652	
		1708	1708		
1712 (b)				1712 (b)	
2006 (d)					
	2118 (m)		2118 (m)		
2422		2422			
	2430 (c) (n)		2430	2430	
		2450 (f)	2450 (f)		2450 (f).
		2482 (n) (g)	2482 (g)		2482 (g).
				2506 (h)	2506 (h).
2512	2512	2512	2512		
	2538 (e)	2538 (e)			
2566			2566	2566	
2616 (d) (l)					
3261 (j)			3261 (j)	3261 (j)	
4406.9 (k)	4406.9 (k)	4406.9 (k)			
			4434.5 (k)	4434.5 (k)	4434.5 (k).

(b) To minimize interference to the service of stations in zone 3 or 4 operating on 1708 kc, ship stations in zone 1 shall not transmit on 1712 kc when west of 138 degrees west longitude, nor in zone 5 when south of 62 degrees north latitude; also coast stations in zone 5 south of that latitude shall not transmit on 1712 kc.

(c) To minimize interference to the service of ship stations transmitting on 2430 kc to any public coast station in the vicinity of Seattle, Washington, ship stations in zone 2 shall not transmit on 2430 kc when south of 59 degrees north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or United States Government stations within Alaska, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (d) is applied, is authorized for use annually in the respective zone only during the hours from 7:00 a. m. to 11:00 p. m. local standard time from May 15 to September 15 inclusive, and from 8:00 a. m. to 9:00 p. m. local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To minimize interference to or from the service of any coast station transmitting on 2538 kc and located in the vicinity of Vancouver, British Columbia, ship stations in zones 2 and 3 shall not transmit on 2538 kc when south of 56 degrees north latitude.

(f) Use of the frequency 2450 kc shall be coordinated as necessary with use of the frequency 2466 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(g) Use of the frequency 2482 kc shall be coordinated as necessary with use of the frequencies 2466 kc and 2474 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(h) Use of the frequency 2506 kc for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, California, to which this frequency is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc shall be coordinated as necessary with use of the frequency 2632 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(j) In so far as is practicable, ship and coast stations shall limit their use of the frequency 3261 kc to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 156 Mc.

(k) (1) The frequencies 4406.9 and 4434.5 kc are authorized for telephony exclusively; for use during the hours from 6:00 a. m. to 9:00 p. m. local standard time only. Such use of the frequency 4434.5 kc is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area to which this frequency is assigned as a carrier frequency for transmission.

(2) Additionally, public coast stations may communicate, on a secondary basis, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only, on 4406.9 kc or 4434.5 kc for the exchange of public correspondence with other public coast stations within not less than 50 miles; under conditions which make it necessary to use either of these frequencies for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; and on condition that priority shall be given at all times to ship-shore communication.

(l) (1) When operating on any frequency designated in paragraph (a) of this section, a ship station shall transmit only on an assigned frequency which is specifically authorized by that paragraph for transmission in the zone in which the ship station then is located: *Provided,* That for communication with a ship or coast station located in a contiguous zone which uses a frequency in accordance with paragraph (a) but not designated by that paragraph for use in the zone in which the ship station then is located, such ship station may transmit on the contiguous zone frequency when, by reason of conditions not under its control, such operation becomes necessary.

(2) Ship stations are authorized generally to communicate on each frequency designated in this section with public coast stations using the same frequency, in accordance with § 14.253. A ship station may communicate on any of these frequencies with another ship station only when requested to do so by a public coast station which operates on the same frequency in accordance with paragraph (a) of this section and is within communication range of the ship station.

(m) Use of the frequency 2118 kc for maritime mobile service is subject to interference from transmission by ship stations on frequencies within the band 2065 to 2107 kc. Use of 2118 kc shall be coordinated as necessary with use of the frequency 2134 kc as authorized in § 14.260 (a) so as to avoid harmful interference.

(n) To minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (n) is applied, is authorized for use annually in the respective zone only during the hours from 6:00 a. m. to 11:00 p. m. local standard time, from April 1 to September 30 inclusive.

NOTE: The frequencies designated in paragraph (a) of § 14.264 are additionally available (except 4406.9 and 4434.5 kc) for Alaska-public fixed stations as provided in Subpart F of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licensees in the Alaska area whose industrial operations require an integrated system of ship-shore and point-to-point communication.

§ 14.265 *Rules in other parts applicable.* The rules relating to the assignment and use of frequencies for ship, aircraft, marine-utility, and coast station operating in the maritime mobile service and for stations operating in the maritime radiolocation service which are set forth in Parts 7 and 8 of this chapter (except §§ 7.307, 7.308 and 8.356) shall, except as otherwise specifically provided in this part, apply to stations of these services (including developmental stations) in the Alaska area so far as they are consistent with this part.

§ 14.266 [Reserved]

§ 14.267 *Temporary frequencies for treaty implementation.* In addition to the frequencies specifically assigned in this subpart, other assigned frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

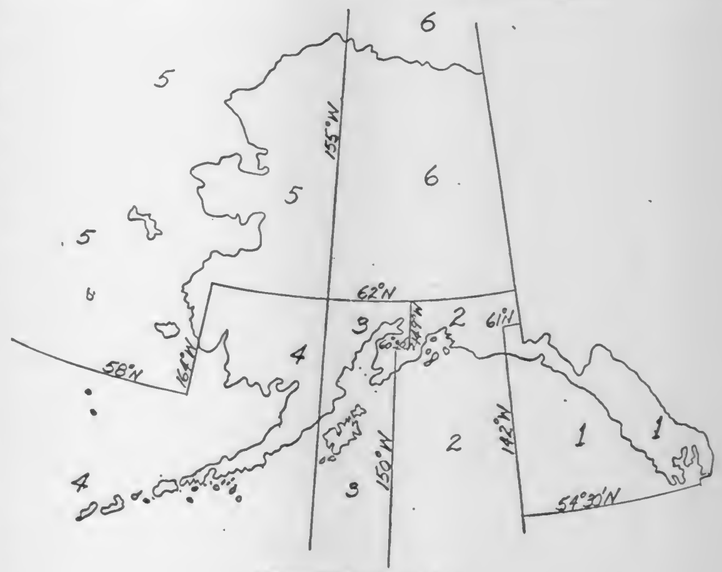

TERRITORY OF ALASKA
Frequency Assignment Zones
FIGURE 1—(See § 14.3)

[F. R. Doc. 57-10172; Filed, Dec. 16, 1957; 9:57 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

REVISION OF PART

Part 6 is revised to read as set forth below:

Sec.
6.1 Method of filling excepted positions and status of incumbents.

SCHEDULE A

6.100 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
6.101 Entire executive civil service.
6.102 Department of State.
6.103 Treasury Department.
6.104 Department of Defense.
6.105 Department of the Army.
6.106 Department of the Navy.
6.107 Department of the Air Force.
6.108 Department of Justice.
6.109 Post Office Department.
6.110 Department of the Interior.
6.111 Department of Agriculture.
6.112 Department of Commerce.
6.113 Department of Labor.
6.114 Department of Health, Education, and Welfare.
6.116 National Security Council.
6.119 Board of Governors, Federal Reserve System.
6.121 Office of Defense Mobilization.
6.122 Veterans' Administration.
6.123 Federal Civil Defense Administration.
6.124 United States Information Agency.
6.125 Federal Power Commission.
6.126 Securities and Exchange Commission.
6.128 Small Business Administration.
6.129 Federal Deposit Insurance Corporation.
6.131 National Capital Housing Authority.
6.132 United States Soldiers' Home.
6.133 General Services Administration.
6.134 Federal Communications Commission.
6.135 United States Tariff Commission.
6.138 National Labor Relations Board.
6.140 Export-Import Bank of Washington.
6.141 Farm Credit Administration.
6.142 Housing and Home Finance Agency.
6.144 Selective Service System.
6.145 Civil Service Commission.
6.147 National Advisory Committee for Aeronautics.
6.148 Panama Canal Company, New York.
6.149 Foreign Operations Administration.
6.155 President's Committee on Government Employment Policy.
6.157 Federal Home Loan Bank Board.

SCHEDULE B

6.200 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.
6.202 Department of State.
6.203 Treasury Department.
6.206 Department of the Navy.
6.207 Department of the Air Force.
6.208 Department of Justice.
6.210 Department of the Interior.
6.224 United States Information Agency.
6.225 Federal Power Commission.
6.242 Housing and Home Finance Agency.
6.244 Selective Service System.
6.245 Civil Service Commission.
6.256 District of Columbia Government.

SCHEDULE C

6.300 Positions of a confidential or policy-determining character.
6.302 Department of State.
6.303 Treasury Department.
6.304 Department of Defense.
6.305 Department of the Army.
6.306 Department of the Navy.
6.307 Department of the Air Force.
6.308 Department of Justice.
6.309 Post Office Department.
6.310 Department of the Interior.
6.311 Department of Agriculture.
6.312 Department of Commerce.
6.313 Department of Labor.
6.314 Department of Health, Education, and Welfare.
6.315 Executive Office of the President.
6.317 Interstate Commerce Commission.
6.318 General Accounting Office.
6.320 The Tax Court of the United States.
6.321 Office of Defense Mobilization
6.322 Veterans' Administration.
6.323 Federal Civil Defense Administration.
6.324 United States Information Agency.
6.325 Federal Power Commission.
6.326 Securities and Exchange Commission.
6.327 National Mediation Board.
6.328 Small Business Administration.
6.329 Federal Deposit Insurance Corporation.
6.330 Federal Trade Commission.
6.333 General Services Administration.
6.334 Federal Communications Commission.
6.335 United States Tariff Commission.
6.337 Civil Aeronautics Board.
6.338 National Labor Relations Board.
6.340 Export-Import Bank of Washington.
6.341 Farm Credit Administration.
6.342 Housing and Home Finance Agency.
6.343 Indian Claims Commission.
6.346 Federal Mediation and Conciliation Service.
6.349 Foreign Operations Administration.
6.350 Foreign Claims Settlement Commission of the United States.
6.351 Air Coordinating Committee.
6.352 Government Patents Board.
6.353 Subversive Activities Control Board.
6.354 Saint Lawrence Seaway Development Corporation.
6.357 Federal Home Loan Bank Board.
6.359 The Renegotiation Board.

AUTHORITY: §§ 6.1 to 6.359 issued under R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633.

§ 6.1 *Method of filling excepted positions and status of incumbents.* (a) The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

(b) To the extent permitted by law and the regulations in this chapter, appointments, position changes, and removals in the excepted service shall be made in accordance with any regulations or practices that the head of the agency concerned finds necessary.

(c) Persons appointed to excepted positions shall not acquire a competitive status by reason of such appointments.

NOTE: See also Part 21 of this chapter, issued pursuant to the Veterans' Preference Act of 1944, as amended, which is applicable to appointments to excepted positions; Part 22 of this chapter which is applicable in cases of discharges, suspensions for more than thirty days, furloughs without pay for thirty days or less, or reduction in rank or compensation of employees entitled to veteran preference; Part 9 of this chapter which is applicable to removals from positions listed in Schedule B of persons who have competitive status; § 2.502 (j) of this chapter under which the Commission may authorize promotions in excepted positions in order to avoid undue hardship or inequity in individual cases of meritorious nature without regard to the restrictions of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law No. 253, 82d Congress), as amended; Part 10 of this chapter which is applicable to employment with reemployment rights; and Part 20 of this chapter which is applicable to reduction in force.

SCHEDULE A

§ 6.100 *Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.* The positions enumerated in §§ 6.101 to 6.199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

§ 6.101 *Entire executive civil service.* (a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk-trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar. No person shall be given more than one appointment under this paragraph.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position in which the appointee will receive compensation aggregating not more than $1,100 a year, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission.

(h) [Reserved.]

(i) Positions on the Isthmus of Panama, except: Accountant, architect, architectural designer, bookkeeper, calculating machine operator, chemist, clerk (paying more than $175 in United States currency per month), dietitian, draftsman, employee counselor, medical technician, personnel aide, personnel assistant, pharmacist, physician, playground director, statistician, stenographer, storekeeper, surgeon, trained nurse, typist, harbor personnel of the Quartermaster Corps, Department of the Army, air traffic controller and air traffic communicator, Civil Aeronautics Administration, and Veterans' Administration Representative for the Panama Canal Zone with duty station at Balboa, Canal Zone.

(j) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged, and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(k) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment on construction or repair work of employees in recognized trades and crafts or other skilled mechanical crafts and in unskilled, semi-skilled, or skilled manual-labor occupations and supervisory employees in these trades, crafts, and occupations, where the activity is carried on in places where there is no local Board of U. S. Civil Service Examiners to service the employing establishment and because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond one year, and the employment thereunder shall not exceed 180 working days a year Seasonal employments of a recurring nature are not authorized under this paragraph.

(l) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(m) Positions without compensation provided such appointments meet the requirements of applicable laws relating to compensation.

(n) Professional, scientific, and technical experts for temporary, part-time or intermittent employment for consultation purposes.

(o) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional and branch office cities of the Commission where there is no local Board of U. S. Civil Service Examiners to service the employing establishment, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (k) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, and in the International Boundary and Water Commission.

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(p) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(q) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(r) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(s) Temporary or intermittent positions when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed, or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a total compensation exceeding $1,270 during such period of one year.

§ 6.102 *Department of State*—(a) *Office of the Secretary.* (1) Two Physical Science Administration Officers (Science Adviser and Deputy Science Adviser), GS–1301–16, and three Physical Science Administration Officers (Assistant Science Advisers), GS–1301–15.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Policy Reports Staff, Executive Secretariat.

(4) Four Assistants to the Director of the Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(b) *Office of the Special Assistant, Intelligence.* (1) Not to exceed 50 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part-time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States, Alaska and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or six months within any one calendar year.

(e) [Reserved.]

(f) *Bureau of Security and Consular Affairs.* (1) Positions of investigator, evaluator, and other security officers, whose incumbents are directly engaged in the performance of security functions or in the supervision of such activities.

(2) Until June 30, 1957, all positions whose incumbents are exclusively and directly engaged in the administration of the Refugee Relief Act of 1953.

(g) *Bureau of Inter-American Affairs.* (1) Executive Director.

(h) *Office of Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Information Specialist, Public Services Division.

(5) One Special Assistant to the Chief, News Division.

(i) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

§ 6.103 *Treasury Department*—(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

(3) Part-time, intermittent or temporary Deputy Collectors and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS–8, for not to exceed 130 working days a year.

(4) Positions of day ("pick-up") laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pick-up" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(c) *Coast Guard.* (1) Lamplighters.

(d)–(e) [Reserved.]

(f) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

§ 6.104 *Department of Defense*—(a) *Office of the Secretary.* (1) Five Special Advisors in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Until December 31, 1960, professional positions in Military Dependent School Systems overseas.

(2) Until December 31, 1960, positions in Attache Systems overseas, including positions in the Naval Research Branch Office in London.

(3) Until December 31, 1960, positions of clerk-translator, translator, and interpreter overseas.

§ 6.105 *Department of the Army*—(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through

competitive examination is impracticable.

(2) During the emergency declared by the President to exist on May 27, 1941, all positions in the Department of the Army on the Isthmus of Panama.

(3) Unskilled laborers and munitions handlers engaged in handling Ordnance matériel, including ammunition, where temporary or intermittent employment is necessary.

(4) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of three months training and a maximum of twelve months training, depending upon the individual's previous clinical training.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(6) Positions assigned exclusively to Army Communications Intelligence Activities.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed one year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U. S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U. S. Military Academy Preparatory School, Fort Belvoir, Va.

(d) *U. S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, registrar, teachers (except teachers at the Children's School), hostesses, chapel organist and the choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *Special Services Division.* (1) Until December 31, 1957, positions paid from the appropriation "Welfare of Enlisted Men" which entail responsibility for the direction or supervision of voluntary educational or recreational programs and which, as an integral part of the job, require close working associations with the military personnel for whom such programs are conducted. Positions of librarian, library assistant, recreation leader, and recreation supervisor are included herein.

(f) *National War College, Washington, D. C.* (1) Civilian directors of studies for employment of not to exceed one year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(g) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(h) *Army Language School, Presidio of Monterey, California.* (1) Language instructor positions, and professional positions in the language divisions whose duties require developing and evaluating instructional material or supervising the language instructors.

(2) Typists of foreign language material whose duties require them to make corrections in grammar and spelling of the material typed.

(i) *Army War College, Carlisle Barracks, Pennsylvania.* (1) One position of Educational Specialist for Employment of not to exceed one year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(j) *Army Signal Corps.* (1) All positions on ocean-going cable barges operated by the Army Signal Corps.

§ 6.106 *Department of the Navy*—(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities.

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(3) Student trainees in naval shipyards, whose salaries shall not aggregate more than $1,100 a year. Only bona fide students engaged in the study of naval architecture shall be eligible for appointment under this subparagraph. Employment under this subparagraph shall not exceed 90 working days a year.

(4) Until December 31, 1960, positions in the Saipan District.

(5) Until December 31, 1960, two positions of Teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(b) *United States Naval Academy*—(1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Post-graduate School, and the Naval War College.

(c) *United States Naval Home.* (1) Positions of orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) *Naval Research Laboratory, Washington, D. C.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 10 positions at any one time. Employment under this provision shall not exceed one year in any individual case; provided, that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.107 *Department of the Air Force*—(a) *Office of the Secretary.* (1) Five Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(b) *General.* (1) During the emergency declared by the President to exist on May 27, 1941, all positions in the Department of the Air Force on the Isthmus of Panama.

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(3) Until December 31, 1957, positions of librarian, recreation leader and recreation supervisor which entail responsibility for the direction or supervision of voluntary educational and recreational programs and which, as an integral part of the job, require close working associations with military personnel for whom such programs are conducted.

(c) *Lookout Mountain Laboratory, Los Angeles, California.* (1) All positions.

(d) *United States Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and one Instructor in Music (Choirmaster).

(e) *Air Research and Development Command.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Command. Total employment under this provision may not exceed 20 positions at any one time. Employment under this provision shall not exceed one year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.108 *Department of Justice*—(a) *General.* (1) Field deputy United States marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the United States courts when employed on an intermittent basis.

(3) United States Marshal in the Virgin Islands.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

§ 6.109 *Post Office Department*—(a) *General.* (1) Clerks in fourth class post offices.

(2) Substitute rural carriers.

(3) Special delivery messengers in second, third, and fourth class post offices.

(4) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than $2,870 per annum.

(5) One Administrative Assistant to each Regional Office Manager (15 positions).

(6) One Administrative Assistant to the Assistant to the Regional Operations Manager (Dallas Office).

(7) One Administrative Assistant to the Assistant to the Regional Operations Manager (Cincinnati Office).

(8) Clerks employed on a part-time basis in third-class post offices in Alaska.

(9) Fourth-class postmaster positions in Alaska.

(10) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

§ 6.110 *Department of the Interior*—(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year.

(6) Persons employed in field positions the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators, and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U. S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U. S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) [Reserved.]

(12) Two Staff Assistants, President's Council on Youth Fitness.

(b) *Bureau of Indian Affairs.* (1) All positions in the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin, until December 31, 1958.

(2) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(3) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Four Area Managers.

(e) *Office of Territories.* (1) Until December 31, 1957, all positions in Alaska in the Alaska Railroad and four technical positions in the Alaska Railroad Office in Seattle, Washington.

(2) The Clerk of the High Court of American Samoa.

(3) One position of part-time Secretary and one position of Administrative Educational Aid to the U. S. Resident Administrator for Canton Island.

(f) *National Park Service.* (1) Temporary, intermittent or seasonal park rangers at salaries equivalent to GS–4 or below, in positions such as Naturalist, Historian, and Archeologist, for not to exceed 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case; provided that such employment may, with prior approval of the Commission, be extended for not to exceed an additional fifty days in any single year.

(h) *Federal Petroleum Board.* (1) Chairman of the Board.

(2) Two Members of the Board.

§ 6.111 *Department of Agriculture*—(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State Governments, colleges, or universities, for a limited period not to exceed one year.

(4) Local Agents, except veterinarians, employed temporarily outside of Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS–5 or below; except that for the forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage board positions. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups exclusive of those covered by § 6.101 (k) and (o) at places other than at central office and regional and branch office cities of the

Commission when (*a*) there is no local board of U. S. Civil Service Examiners to service the employing establishment, and (*b*) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) Allotment checkers of the Commodity Stabilization Service.

(vii) Collectors of the Farmers Home Administration.

(6) Positions in foreign countries.

(7) Not to exceed eight temporary positions whose incumbents serve as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 875, Eighty-first Congress, is under consideration. Employment under this authority shall be limited to one year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(c) *Rural Electrification Administration.* (1) Until June 30, 1960, not to exceed 12 positions, at grades GS–11 or higher, for employment of persons with extensive experience in the commercial or engineering phases of the telephone industry to provide specialized techniques and training in telephony. Appointments under this authority will be made only to positions of a staff, training, or advisory nature as distinguished from regular operating positions. Employment under this provision shall not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(d) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(e) *Commodity Stabilization Service.* (1) Six Area Directors at a salary equivalent to GS–15.

(2) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(f) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency and special livestock loans pursuant to Public Law 38, 81st Congress, as amended, and Public Law 727, 83d Congress, as amended. Appointment under this provision shall not exceed one year unless extended with the prior approval of the Commission for additional periods of not to exceed one year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(g) *Agricultural Stabilization and Conservation Committees.* (1) State Administrative Officer.

(2) Members of State Committees.

(h) *Agricultural Marketing Service.* (1) Milk Market Administrators.

(2) All positions on the staffs of Milk Market Administrators.

(3) Positions of Cotton Classers, GS–9 and below, and Clerks, GS–2, employed on a seasonal basis in cotton-classing offices outside the Washington, D. C., Metropolitan Area. Employment under this authority shall not exceed 160 working days a year in the case of Cotton Classers or 130 working days a year in the case of Clerks.

(4) Until June 30, 1958, Fresh Fruit and Vegetable Inspectors GS–9 and below; one Administrative Assistant GS–7; one Clerk-Stenographer GS–5; and not to exceed six Clerk-Typists GS–4 and below, for employment in the State of Texas to carry out a shipping point inspection program of fresh fruits and vegetables.

(i) *Agricultural Research Service.* (1) [Reserved.]

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than one year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

§ 6.112 *Department of Commerce*—(a) *General.* (1) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.

(2) Agents to take and transmit meteorological observations in connection with airways whose duties require only part of their time, and whose compensation does not exceed $190 a month; for such employment in isolated locations in Alaska the compensation may not exceed $210 a month.

(3) Employment of individuals, firms or corporations for not to exceed one year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292); *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(4) Positions established in connection with activities of the International Geophysical Year, 1957–58, whose duties are performed primarily in field stations beyond the continental limits of the United States. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing. Appointments under this authority shall not exceed two years, provided that with the prior approval of the Commission they may be extended for not to exceed an additional one-year period.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any one calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors and supervisor's clerks and enumerators in the field service for temporary, part-time or intermittent employment for not to exceed one year: *Provided*, That such appointment of supervisor's clerks and enumerators may be extended for additional periods of not to exceed one year each. This subparagraph shall not be authority for employment in full time positions for longer than one year.

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 10 positions at any one time. Employment under this provision shall not exceed one year in any individual case; provided, that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS–13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed two years, and may, with prior approval of the Commission, be extended for an additional period of two years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2) One Private Secretary to the Public Information Officer.

(3) Chief, Program Planning Office.

(4) One Private Secretary to the Chief, Program Planning Office.

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) The position of Commandant, U. S. Maritime Service and Superintendent, U. S. Merchant Marine Academy.

(7) Dean of the U. S. Merchant Marine Academy.

(8) All positions on Government owned vessels or those bareboat chartered to the Government and operated by or for the Maritime Administration.

(9) Chief, Office of Ship Construction and Repair.

(10) One Special Assistant to the Administrator (Tanker Adviser).

(11) Two Special Assistants to the Deputy Administrator.

(i) *Federal Maritime Board.* (1) Secretary to the Federal Maritime Board.

(j) *Office of the Assistant Secretary for International Affairs.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of Foreign Commerce or in other units under the jurisdiction of the Assistant Secretary for International Affairs. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed two years for any individual appointee.

(2) Until June 30, 1958, Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries where the duties require a considerable portion of the employee's time to be spent in travel status in foreign countries. Employment under this authority will not exceed two years for any individual appointee.

(k) *Weather Bureau.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethel, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Until December 31, 1960, Meteorologist Aid and Electronic Technician positions on Guam, Canton Island, Samoa, Wake Island, and in the Trust Territory.

(3) Cook positions on Swan Island.

(l) *Civil Aeronautics Administration.* (1) Medical Officer positions on Canton and Wake Islands.

(2) Laborer positions on Swan Island.

§ 6.113 *Department of Labor*—(a) *Office of the Secretary.* (1) Chairman and two members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* (1) One Minority Groups Consultant.

(c) *Government Contract Committee.* (1) All positions on the staff of the Government Contract Committee established by Executive Order 10479 of August 13, 1953.

(d) *Bureau of Labor Statistics.* (1) Not to exceed 40 positions of Statistical Investigators, GS–3 and GS–4, employed on a temporary or intermittent basis for field-survey work. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Labor Statistics for more than 180 working days in any single year under this authority or under a combination of this and any other authorities for excepted appointment that may be appropriate.

§ 6.114 *Department of Health, Education, and Welfare*—(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

(2) Student medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving twelve weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(4) Three positions of Medical Officers (Radiology Resident), provided that employment under this authority shall not exceed one year in any individual case.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagragh shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating state, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental internes, externes, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions provided that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field; and provided further that appropriate exclusions of the positions under the authority of Public Law 330, 80th Congress, have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.*

(1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(2) Fifteen positions required in connection with the work of the President's Committee on Education Beyond the High School Level, as follows: Ten professional positions in the field of education and five administrative positions requiring knowledge of, or experience with, citizen and other lay groups participating in matters relating to higher education. Employment under this provision shall not extend beyond June 30, 1958.

§ 6.116 *National Security Council.* (a) All positions on the staff of the Council.

§ 6.119 *Board of Governors, Federal Reserve System.* (a) All positions.

§ 6.121 *Office of Defense Mobilization.* (a) Not to exceed 18 non-operating specialist positions at the GS–13 level and above, the incumbents of which are responsible for advisory, staff planning, and coordination duties in the areas of military, industrial, or civilian mobilization.

§ 6.122 *Veterans' Administration*—(a) *General.* (1) Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if in the opinion of the Veterans' Administration the duties can be satisfactorily performed by such members.

(2) Positions at Veterans' Administration hospitals when filled by paraplegic

patients during treatment or convalescence.

(b) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(c) *Department of Veterans' Benefits.* (1) Executive Director for Supervision.

(2) Five Area Management Supervisors.

§ 6.123 *Federal Civil Defense Administration.* (a) Seven Regional Administrators.

(b) Seven Deputy Regional Administrators.

(c) Seven Assistant Regional Administrators for Women's Activities.

(d) Two Labor Specialists GS–13, Industry Office, Technical Advisory Service.

(e) Not to exceed 5 positions requiring Q clearance to be used exclusively for work on top secret projects in cooperation with other agencies and to be filled by persons who have a specialized subject matter background required for the performance of the duties of the position.

(f) Not to exceed 5 positions to be filled by specialists who have had the valuable civil defense experience in other countries required for the performance of the duties of the position.

§ 6.124 *United States Information Agency.* (a) Chief, Office of Security.

(b) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(c) One Chief of Religious Information.

§ 6.125 *Federal Power Commission.* (a) Three special assistants to the Commission.

§ 6.126 *Securities and Exchange Commission.* (a) Director, Division of Corporation Finance; Director, Division of Corporate Regulations; Director, Division of Trading and Exchanges.

(b) Ten positions of Regional Administrator.

§ 6.128 *Small Business Administration.* (a) Not to exceed December 31, 1957, fifteen Regional Directors.

(b) [Reserved.]

(c) Not to exceed December 31, 1957, one Confidential Assistant to the Special Assistant to the Administrator; and one Special Assistant to the Director, Office of Information.

(d) Not to exceed December 31, 1957, Chiefs of the following Divisions: Managerial Assistance, Financial Service, Procurement Assistance, Production Assistance, and Products Assistance.

(e) Not to exceed December 31, 1957, one Assistant Chief, Managerial Assistance Division.

(f) Not to exceed December 31, 1957, Chairman and three Members, Loan Review Committee.

(g) Not to exceed December 31, 1957, two Investigators, Office of the General Counsel.

(h) Not to exceed December 31, 1957, a maximum of thirty-three Branch Office Managers.

(i) Not to exceed December 31, 1957, the position of the top-ranking Financial Specialist in each Regional Office.

(j) Not to exceed December 31, 1957, one Deputy Director, Office of Information.

(k) Not to exceed December 31, 1957, the position of the top-ranking Production Specialist or Industrial Specialist in each Regional Office.

(l) Not to exceed December 31, 1957, two Special Assistants, Office of the Administrator.

(m) Not to exceed December 31, 1957, the Deputy Chairman, Loan Review Committee.

§ 6.129 *Federal Deposit Insurance Corporation.* (a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

§ 6.131 *National Capital Housing Authority.* (a) Executive Director.

§ 6.132 *United States Soldiers' Home.* (a) All positions.

§ 6.133 *General Services Administration*—(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

§ 6.134 *Federal Communications Commission.* (a) [Reserved.]

(b) One Assistant Chief Engineer.

(c) One Assistant Chief Accountant.

(d) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

§ 6.135 *United States Tariff Commission.* (a) The Secretary of the Commission.

§ 6.138 *National Labor Relations Board.* (a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 6.140 *Export-Import Bank of Washington.* (a) The Secretary.

(b) Chiefs of the following divisions: Economics, Engineering, Examining, and Private Capital Participation.

(c) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 6.141 *Farm Credit Administration.* (a) Until December 31, 1958, positions in the Federal Intermediate Credit Banks, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

(b) National Farm Loan Association receivers and conservators.

(c) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided,* That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

(d) Until December 31, 1958, positions in the Central Bank for Cooperatives.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* (1) Until July 31, 1959, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(2) Director, Compliance Division.

(3) Until December 31, 1957, six Regional Administrators.

(4) Director, Community Disposition Program.

(b) [Reserved.]

(c) *Federal Housing Administration.* (1) Until December 31, 1957, 80 Field Directors (State, District, and Territorial).

(2) Until December 31, 1957, six Zone Operations Commissioners.

§ 6.144 *Selective Service System.* (a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until June 30, 1959, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

§ 6.145 *Civil Service Commission.* (a) Positions of Members of the International Organizations Employees Loyalty Board.

§ 6.147 *National Advisory Committee for Aeronautics.* (a) Six alien scientists having special qualifications in the field of aeronautical research where such employment is deemed by the Chairman of the National Advisory Committee for Aeronautics to be necessary in the public interest.

§ 6.148 *Panama Canal Company, New York.* (a) All positions on vessels operated by the Panama Canal Company.

(b) Checkers employed on w. a. e. basis.

(c) One Receiving Clerk, one Delivery Clerk, and one Baggage Master-Storekeeper employed on dock (N. Y.).

(d) One General Agent, Panama Canal Line, at Port-au-Prince, Haiti.

§ 6.149 *Foreign Operations Administration.* (a) Not to exceed 25 positions of a policy determining character at salaries in excess of $10,000 but not in excess of $15,000 per annum.

(b) Two private secretaries or confidential assistants to the Director, one to the Deputy Director, and one to each policy determining official receiving a salary of $15,000 per annum.

(c) Not to exceed 30 positions at GS–12 or above when filled by persons who have served overseas with the agency or its predecessor for not less than one year.

(d) The positions of Director for Personnel Security and Integrity, Deputy Director for Personnel Security and Integrity, and Director of the Inspections Division.

(e) One Special and Confidential Assistant to the Director, Office of Labor Affairs.

(f) Deputy Director, Office of Public Reports.

(g) Two Information Specialists, Office of Public Reports.

(h) Staff Assistant, Office of the Military Adviser.

(i) One Private Secretary to the Chairman, International Development Advisory Board.

§ 6.155 *President's Committee on Government Employment Policy.* (a) Executive Director.

§ 6.157 *Federal Home Loan Bank Board.* (a) One Secretary, Federal Home Loan Bank Board.

(b) One Director, Division of Examinations.

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

SCHEDULE B

§ 6.200 *Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.* The positions enumerated in §§ 6.201 to 6.299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by the Commission.

§ 6.202 *Department of State.* (a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Positions assigned exclusively to Department of State Cryptographic Security Activities.

(c) Director and Deputy Director, Foreign Buildings Operation.

§ 6.203 *Treasury Department.* (a) Positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Cryptographer, United States Coast Guard.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

§ 6.206 *Department of the Navy.* (a) Positions assigned exclusively to Navy Communications Intelligence Activities.

§ 6.207 *Department of the Air Force.* (a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 6.208 *Department of Justice.* (a) Assistants to cottage officers, National Training School for Boys, when filled by the appointment of bona fide students at colleges or universities at salaries not in excess of $720 per annum, subject to the approval of the Commission.

(b) Field Deputy U. S. Marshals, GS–5, 6, 7, and 8.

§ 6.210 *Department of the Interior.* (a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 6.224 *United States Information Agency.* (a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least four years for service in executive and administrative positions, or for at least two years for professional positions, in grades GS–9 and above.

§ 6.225 *Federal Power Commission.* (a) A Chief Engineer.

§ 6.242 *Housing and Home Finance Agency*—(a) *Federal Housing Administration.* (1) Ten Minority-Group Housing Advisors.

§ 6.244 *Selective Service System.* (a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the armed forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 6.245 *Civil Service Commission.* (a) Assistant to the Chairman.

§ 6.256 *District of Columbia Government.* (a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

SCHEDULE C

§ 6.300 *Positions of a confidential or policy-determining character.* The positions enumerated in §§ 6.301 to 6.399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* (1) Five Special Assistants.

(2) Special Assistant for Atomic Energy.

(3) Foreign Affairs Officer (Atomic Energy).

(4) One Special Assistant for International Cooperation Affairs to the Under Secretary.

(5) Two Confidential Assistants and five Private Secretaries to the Secretary.

(6) [Reserved.]

(7) Four Special Assistants to the Under Secretary.

(8) Special Assistant (Fisheries) to the Under Secretary.

(9) Two Confidential Assistants and one Private Secretary to the Under Secretary.

(10) One Private Secretary to the Special Assistant for International Cooperation Affairs to the Under Secretary.

(11) One Staff Assistant.

(12) Secretary of the International Joint Commission—United States and Canada.

(13) One assistant to the staff assistant.

(14) One Private Secretary to the Chairman, International Joint Commission—United States and Canada.

(15) The Chief of Protocol, Office of the Under Secretary.

(16) [Reserved.]

(17) One special assistant (Multilateral Affairs).

(18) One Private Secretary to the Special Assistant to the President.

(b) *Bureau of Security and Consular Affairs.* (1) Deputy Administrator.

(2) One Staff Assistant.

(3) Administrator.

(4) [Reserved.]

(5) Director, Office of Security.

(6) Deputy Administrator for Refugee Relief.

(7) One Private Secretary to the Administrator.

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Congressional Liaison Officer (House).

(2) Deputy Assistant Secretary.

(3) Congressional Liaison Officer (Senate).

(4) One confidential assistant to the Assistant Secretary.

(5) One Private Secretary to the Deputy Assistant Secretary.

(6) One Executive Assistant.

(7) Three Legislative Management Officers.

(8) One Administrative Assistant.

(d) *Office of the Assistant Secretary for Public Affairs.*

(1) [Reserved.]

(2) Two Deputy Assistant Secretaries.

(3) One private secretary to the Assistant Secretary.

(4) Director, UNESCO Relations Staff.

(5) One special assistant to the Assistant Secretary.

(6) One Private Secretary to the Deputy Assistant Secretary.

(7) One Chief, News Division.

(8) One Review Officer.
(9) Director, Official Position Program.
(10) One Private Secretary to the Deputy Assistant Secretary (Domestic Affairs).
(e) *Office of the Deputy Under Secretary for Economic Affairs.* (1) One Deputy Assistant Secretary for Economic Affairs.
(2) One private secretary to the Assistant Secretary.
(3) One Private Secretary to the Deputy Assistant Secretary.
(4) [Reserved.]
(5) One Confidential Assistant to the Deputy Under Secretary.
(6) One Special Assistant to the Deputy Under Secretary.
(f) *Office of the Special Assistant—Intelligence.* (1) One Private Secretary.
(2) Special Assistant.
(3) Deputy Special Assistant.
(4) Private Secretary to the Deputy Special Assistant.
(5) One Assistant to the Special Assistant.
(g) *Office of the Counselor.* (1) One private secretary to the Counselor.
(2) One Special Assistant to the Counselor.
(h) *Bureau of Near Eastern, South Asian, and African Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) One private secretary to the Deputy Assistant Secretary.
(4) One Politico-Economic Adviser.
(5) One Politico-Military Adviser.
(6) One Deputy Assistant Secretary (Africa).
(i) *Bureau of International Organization Affairs.* (1) Two Deputy Assistant Secretaries.
(2) One private secretary to the Assistant Secretary.
(3) One private secretary to the Deputy Assistant Secretary.
(4) One Special Assistant to the Assistant Secretary.
(5) One Special Assistant to the Assistant Secretary (Public Affairs).
(j) *Bureau of European Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) One private secretary to the Deputy Assistant Secretary.
(4) Deputy Assistant Secretary (German and NATO Affairs).
(5) Private Secretary to the Deputy Assistant Secretary (German and NATO Affairs).
(k) *Bureau of Far Eastern Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) One private secretary to the Deputy Assistant Secretary.
(4) One Deputy Assistant Secretary for Far Eastern Economic Affairs.
(5) One Regional Planning Advisor.
(l) *Bureau of Inter-American Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) One Private Secretary to the Deputy Assistant Secretary.
(4) Special Assistant to the Assistant Secretary.
(5) One Special Assistant to the Assistant Secretary (Public Affairs).
(m) *Office of the Legal Adviser.* (1) Deputy Legal Adviser.
(2) One private secretary to the Legal Adviser.
(3) One private secretary to the Deputy Legal Adviser.
(n) *Executive Secretariat.* (1) Director.
(2) Deputy Director.
(o) *Office of the Assistant Secretary for Policy Planning.*
(1) [Reserved.]
(2) Deputy Assistant Secretary for Policy Planning.
(3) Special Assistant to the Assistant Secretary for Policy Planning.
(4) Executive Secretary.
(5) [Reserved.]
(6) Ten Members.
(7) One Private Secretary to the Assistant Secretary for Policy Planning.
(8) One Private Secretary to the Deputy Assistant Secretary for Policy Planning.
(9) One Alternate Department Representative on the National Security Council Planning Board.
(p) *Office of the Assistant Secretary—Controller.* (1) One Private Secretary to the Assistant Secretary—Controller.
(2) Deputy Assistant Secretary for Personnel.
(3) One Private Secretary to the Deputy Assistant Secretary for Personnel.
(4) One Confidential Assistant to the Assistant Secretary—Controller.
(q) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.
(2) Chief, Special Liaison Staff.
(3) Two Assistants to the Chief, Special Liaison Staff.
(4) One Private Secretary to the Chief, Special Liaison Staff.
(5) One Special Liaison Assistant, Special Liaison Staff.
(r) *Office of the Deputy Under Secretary for Policy.* (1) Two Special Assistants and one Confidential Assistant to the Deputy Under Secretary.

§ 6.303 *Treasury Department*—(a) *Office of the Secretary.* (1) Six Assistants to the Secretary.
(2) Two confidential assistants to the Secretary.
(3) One confidential assistant to the Under Secretary and each Assistant Secretary.
(4) One assistant to the Under-Secretary.
(5) One Deputy to the Secretary.
(6) One assistant to the Secretary (Legislative).
(7) [Reserved.]
(8) One Confidential Assistant to the General Counsel.
(b) *Office of the Treasurer of the United States.* (1) One confidential administrative assistant to the Treasurer of the United States.
(2) One confidential assistant to the Treasurer of the United States.
(c) *Bureau of Customs.* (1) Commissioner of Customs.
(d) *United States Savings Bonds Division.* (1) National Director.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* (1) Two confidential or special assistants and two confidential assistants (private secretaries) to the Secretary of Defense.
(2) Two confidential assistants (private secretaries) to the Deputy Secretary of Defense and one confidential assistant (private secretary) to each of the following: The Assistant Secretary of Defense, Manpower and Personnel; the Assistant Secretary of Defense, International Security Affairs; the Chairman of the Joint Chiefs of Staff; the Chairman of the Research and Development Board; the Defense Liaison Officer to the White House; the Assistant Secretary of Defense, Legislative Affairs; the Assistant Secretary of Defense, Applications Engineering; the Assistant Secretary of Defense, Properties and Installations; the Assistant Secretary of Defense, Health and Medical; the Assistant Secretary of Defense, Supply and Logistics; the General Counsel; the U. S. Military Representative, NATO Standing Group; and the Assistant to the Secretary of Defense, Atomic Energy.
(3) One confidential assistant to the Assistant Secretary of Defense, Supply and Logistics.
(4) [Reserved.]
(5) One Administrative Secretary to the Secretary.
(6) One Special and Confidential Assistant to the Assistant Secretary of Defense, Legislative and Public Affairs.
(7) Three Chauffeurs for the Secretary of Defense.
(8) Two Special Assistants to the Deputy Secretary.
(9) Two Deputy Assistant Secretaries to the Assistant Secretary of Defense for Legislative and Public Affairs.
(10) [Reserved.]
(11) One Confidential Assistant to each of the following: The Assistant Secretary of Defense for Properties and Installation and the Assistant Secretary of Defense for International Security Affairs.
(12) One Executive Assistant to the Assistant Secretary of Defense for Legislative and Public Affairs.
(13) The Defense Advisor and Deputy Defense Advisor to USRO in Paris, France.
(14) Two private secretaries to the Defense Advisor to USRO in Paris, France.
(15) One Director, Office of Personnel Security Policy.
(16) One Deputy Assistant Secretary (National Security Council Affairs and Planning), Office of the Assistant Secretary of Defense for International Security Affairs.
(17) One Confidential Secretary to the Special Advisor to the Assistant Secretary of Defense, Research and Development.
(18) One Deputy Assistant Secretary (Politico-Military), Office of the Assistant Secretary of Defense for International Security Affairs.
(19) Director for Small Business, Office of the Assistant Secretary of Defense (Supply and Logistics).
(20) One Deputy Assistant Secretary (Mutual Defense Assistance Programs), Office of the Assistant Secretary of Defense for International Security Affairs.
(21) One Special Assistant to the Assistant Secretary of Defense for International Security Affairs.
(b) *Office of Special Operations.* (1) The Director.
(2) Two Private Secretaries to the Director.
(c) *Court of Military Appeals.* (1) One Private Secretary and two Technical Assistants to each Judge of the Court.

§ 6.305 *Department of the Army*—(a) *Office of the Secretary.* (1) One private secretary or confidential assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.
(2) One Deputy or Special Assistant to each Assistant Secretary of the Army.
(3) The General Counsel.
(4) One Special Assistant to the Secretary.
(5) [Reserved.]
(6) One Publications Writer.
(7) One Special Assistant to the Under Secretary of the Army.
(8) One Special Assistant to the Deputy Assistant Secretary of the Army (Manpower and Reserve Forces).
(9) One Special Assistant to the Assistant Secretary of the Army (Logistics) for Procurement.
(10) One Confidential Assistant to the Special Assistant to the Deputy Assistant Secretary of the Army (Manpower and Reserve Forces).
(b) *General.* (1) One Administrative Assistant to the Personal Physician to the President.
(2) One administrative assistant and one private secretary to the Military Aide to the President.

§ 6.306 *Department of the Navy*—(a) *Office of the Secretary.* (1) Three civilian aides or executive assistants to the Secretary and two civilian aides or executive assistants to the Under Secretary and to each Assistant Secretary of the Navy.
(2) One private or confidential secretary to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Navy.
(3) One chauffeur for the Secretary of the Navy.
(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.
(5) One Private Secretary to the Naval Aide to the President.

§ 6.307 *Department of the Air Force*—(a) *Office of the Secretary.* (1) Three special assistants to the Secretary, and one special assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.
(2) Two Private Secretaries to the Secretary, and one Private Secretary to the Under Secretary, to each Assistant Secretary of the Air Force, and one to each Special Assistant whose appointment is authorized under subparagraph (1) of this paragraph.
(3) The General Counsel.

§ 6.308 *Department of Justice*—(a) *Office of the Attorney General.* (1) The Executive Assistant to the Attorney General.
(2) The Pardon Attorney.
(3) Two private secretaries to the Attorney General.
(4) One chauffeur for the Attorney General.
(5) Two Special Assistants for Public Relations.
(6) One confidential assistant to the Attorney General.
(7) Two Secretaries for the Attorney General.
(8) Two Receptionists for the Attorney General.
(b) *Office of the Deputy Attorney General.* (1) [Reserved.]
(2) One confidential assistant (private secretary) to the Deputy Attorney General.
(3) Head of Executive Office for United States Attorneys.
(4) Assistant Deputy Attorney General for Legal Administration.
(5) Assistant Deputy Attorney General for Litigation.
(c) *Office of the Solicitor General.* (1) The First Assistant to the Solicitor General.
(2) One position of Trial Attorney (General)—Second Assistant.
(3) One confidential assistant (private secretary) to the Solicitor General.
(d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) Chief, General Litigation Section.
(4) Chief, Trial Section.
(5) Chief, Special Litigation Section.
(6) Chief, Transportation and Litigation Section.
(7) Chief, Judgments and Judgment Enforcement Section.
(8) Chief, Legislation and Clearance Section.
(9) Chief, Appellate Section.
(10) Chief, Field Office (7 positions).
(11) One confidential assistant (private secretary) to the Assistant Attorney General.
(12) Chief, Economic Section.
(13) Chief, Congressional Reports Section.
(e) *Civil Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to Assistant Attorney General.
(3) Third Assistant to Assistant Attorney General.
(4) Chief, Admiralty and Shipping Section.
(5) Chief, Court of Claims Section.
(6) Chief, Fraud Section.
(7) Chief, General Litigation Section.
(8) Chief, Government Claims Section.
(9) Chief, Japanese Claims Section.
(10) Chief, Patent Section.
(11) Chief, Supreme Court Section.
(12) Chief, Torts Section.
(13) Chief, Veterans Affairs Section.
(14) Chief, Admiralty and Shipping Section, New York.
(15) One confidential assistant (private secretary) to the Assistant Attorney General.
(f) *Criminal Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to Assistant Attorney General.
(3) Chief, Administrative Regulations Section.
(4) Chief, Civil Rights Section.
(5) Chief, General Crimes Section.
(6) Chief, Trial Section.
(7) Chief, Appeals and Research Section.
(8) One confidential assistant (private secretary) to the Assistant Attorney General.
(9) Chief, Organized Crime and Racketeering Section.
(10) Chief, Fraud Section.
(g) *Tax Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, Trial Section.
(3) Chief, Appellate Section.
(4) Chief, Criminal Section.
(5) Chief, Compromise Section.
(6) One confidential assistant (private secretary) to the Assistant Attorney General.
(7) Second Assistant to Assistant Attorney General.
(h) *Lands Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, Lands Acquisition Section.
(3) Chief, Trial Section.
(4) Chief, Appellate Section.
(5) Chief, Legislation and General Section.
(6) One confidential assistant (private secretary) to the Assistant Attorney General.
(7) Second Assistant to Assistant Attorney General.
(8) Chief, Indian Claims Section.
(i) *Office of Alien Property.* (1) One Deputy Director.
(2) Chief, Legal and Legislative Section.
(3) [Reserved.]
(4) Chief, Claims Branch.
(5) Chief, Litigation Branch.
(6) Manager, Field Office (5 positions).
(7) One confidential assistant (private secretary) to the Assistant Attorney General.
(8) Chief, Liquidation Section.
(9) Chief, Inter-custodial and Foreign Funds Office.
(10) Second Assistant to Assistant Attorney General.
(j) *Immigration and Naturalization Service.* (1) General Counsel.
(2) One confidential assistant (private secretary) to the Commissioner.
(3) One Deputy Commissioner.
(4) Assistant Commissioner, Examinations Division.
(5) Assistant Commissioner, Investigations Division.
(6) Assistant Commissioner, Enforcement Division.
(7) Assistant Commissioner, Field Inspection and Security Division.
(8) Executive Assistant to the Commissioner.
(k) *Board of Immigration Appeals.* (1) Executive Assistant.
(2) The Chairman.
(3) Four Members of the Board.
(l) *Office of Legal Counsel.* (1) One confidential assistant (private secretary) to the Assistant Attorney General.

(2) The First Assistant to the Assistant Attorney General.

(m) *Bureau of Prisons.* (1) The Director.

(2) Three Assistant Directors.

(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.

(2) Associate Commissioner.

(o) *Office of United States Attorney.* (1) Secretary and confidential assistant to the United States Attorney (ten positions).

(p) *Internal Security Division.* (1) The First Assistant to the Assistant Attorney General.

(2) One Executive Assistant to the Assistant Attorney General.

(3) One Confidential Assistant to the Assistant Attorney General.

(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(5) Chief, Appeals and Research Section.

(6) Chief, Civil Section.

(7) Chief, Foreign Agents Registration Section.

(8) Chief, Criminal Section.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* (1) One special and confidential assistant to the Assistant Postmaster General (Bureau of Transportation).

(2) Two Executive Assistants to the Postmaster General.

(3) Four Special Assistants to the Postmaster General.

(4) One Receptionist.

(5) One Special Assistant to the Deputy Postmaster General.

(6) One Assistant to the Executive Assistant to the Postmaster General.

(7) Two Confidential Assistants to the Postmaster General.

(8) One Private Secretary to the Executive Assistant to the Postmaster General.

(9) One Secretarial Assistant to the Postmaster General.

(b) *Bureau of Facilities.* (1) [Reserved.]

(2) One confidential assistant to the Assistant Postmaster General.

(3) One private secretary to the Assistant Postmaster General.

(4) One Deputy Assistant Postmaster General.

(5) One Private Secretary to the Deputy Assistant Postmaster General.

(6) One Special Assistant to the Assistant Postmaster General.

(c) *Bureau of Transportation.* (1) Information specialist.

(2) One Special Assistant to the Assistant Postmaster General.

(3) One Technical Assistant to the Assistant Postmaster General.

(4) One Confidential Assistant (Field Operations).

(5) One Deputy Assistant Postmaster General.

(6) One Confidential Assistant to the Assistant Postmaster General.

(7) One Private Secretary to the Assistant Postmaster General.

(d) *Bureau of Personnel.* (1) Confidential assistant to the Assistant Postmaster General.

(2) One Private Secretary to the Assistant Postmaster General.

(e) *Bureau of the General Counsel.* (1) [Reserved]

(2) Two Private Secretaries to the General Counsel.

(3) One Deputy General Counsel.

(4) One Private Secretary to the Deputy General Counsel.

(f) *Bureau of Post Office Operations.* (1) Two Confidential Assistants to the Assistant Postmaster General.

(2) Two Special Assistants to the Assistant Postmaster General.

(3) [Reserved.]

(4) One Private Secretary to the Assistant Postmaster General.

(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General and Controller.

(2) One Special Representative to the Assistant Postmaster General and Controller.

(3) One Private Secretary to the Assistant Postmaster General and Controller.

§ 6.310 *Department of the Interior*—(a) *Office of the Secretary.* (1) Assistant to the Secretary.

(2) One confidential assistaht and one private secretary to the Secretary.

(3) Four special assistants to the Secretary.

(4) Six Confidential Assistants (Field Representatives).

(5) Chauffeur for the Secretary.

(6) Special assistant to the Under Secretary.

(7) Confidential assistant (administrative assistant) to the Under Secretary.

(8) One Special Assistant and one Confidential Assistant (Administrative Assistant) to each of the Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.

(9) Director, Technical Review Staff.

(10) Assistant Director, Technical Review Staff.

(11) Advisor on International Affairs, Technical Review Staff.

(12) Planning Reports Review Coordinator, Technical Review Staff.

(13) One Confidential Assistant (Administrative Assistant) to the Director, Technical Review Staff.

(14) One Private Secretary to the Under Secretary.

(15) One Assistant to the Secretary (Public Relations).

(16) One Deputy Executive Director, President's Council on Youth Fitness.

(b) *Office of the Solicitor.* (1) One confidential assistant to the Solicitor.

(2) Two Special Assistants to the Solicitor.

(3) One Deputy Solicitor.

(4) Five Associate Solicitors.

(5) One Legislative Counsel.

(c) *United States Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.

(d) *Bureau of Mines.* (1) One private secretary to the Director.

(2) One Assistant Director (Programming).

(3) One Assistant Director (Health and Safety).

(4) One Deputy Director.

(5) One Assistant Director (Helium Activities).

(e) *Geological Survey.* (1) One Private Secretary to the Director.

(f) *Bureau of Reclamation.* (1) One private secretary to the Commissioner.

(2) Four Assistant Commissioners.

(g) *Southeastern Power Administration.* (1) Administrator.

(2) One private secretary to the Administrator.

(h) *National Park Service.* (1) Director.

(2) One private secretary to the Director.

(3) Two Assistant Directors.

(4) One Associate Director.

(i) *Bonneville Power Administration.* (1) Administrator.

(2) One private secretary to the Administrator.

(3) One Special Assistant to the Administrator.

(4) Two Assistants to the Administrator.

(j) *Bureau of Indian Affairs.* (1) [Reserved.]

(2) Three Assistants to the Commissioner.

(3) One Private Secretary to the Commissioner.

(k) *Southwestern Power Administration.* (1) Administrator.

(2) Assistant Administrator.

(3) One private secretary to the Administrator.

(l) *Office of Territories.* (1) One Director.

(2) One Confidential Assistant to the Director.

(3) Chief, Division of Alaskan Affairs and Chief, Division of Insular Affairs.

(4) One Governor, American Samoa.

(5) One Secretary of American Samoa.

(6) One Chief Justice of American Samoa.

(7) One Deputy High Commissioner, Trust Territories of the Pacific Islands.

(8) One Private Secretary to the Governor of Virgin Islands.

(9) One Administrative Assistant to the Governor of Virgin Islands.

(10) One Assistant Director.

(11) One Private Secretary to the Governor of Alaska.

(12) One Private Secretary to the Governor of Hawaii.

(13) [Reserved.]

(14) One Special Assistant to the Governor of Alaska.

(15) [Reserved.]

(16) One Clerical Assistant to the Governor of Alaska.

(17) Two Household Assistants to the Governor of Alaska.

(18) Director, Alaska Public Works.

(19) Chief Engineer, Alaska Public Works.

(20) [Reserved.]

(21) One Confidential Assistant to the Governor of American Samoa.

(22) One Secretary to the Government Secretary of American Samoa.

(23) One Secretary to the Governor of Guam.

(24) One Secretary to the Government Secretary of Guam.

(25) Chief Justice of the Trust Territory.

(26) One Secretary to the High Commissioner of The Trust Territory.

(27) One Secretary to the Deputy High Commissioner of The Trust Territory.

(28) One Staff Assistant to the Governor of Alaska.

§ 6.311 *Department of Agriculture*—(a) *Office of the Secretary.* (1) One administrative assistant to the Secretary.

(2) One assistant to the Secretary (States Relations).

(3) One assistant to the Secretary (Agricultural Programs).

(4) One executive assistant to the Secretary.

(5) Five Confidential Assistants to the Secretary.

(6) One private secretary to the Secretary.

(7) Two chauffeurs for the Secretary.

(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.

(9) One Confidential Assistant to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(11) One Staff Assistant-Program Appraisal.

(12) One Special Assistant to the Secretary.

(13) One Private Secretary and Administrative Assistant to the Special Assistant to the Secretary.

(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.

(2) One Deputy Administrator.

(3) Two Assistant Administrators.

(4) One Assistant to the Administrator.

(c) *Office of the Under Secretary.* (1) One confidential assistant to the Under Secretary.

(2) One private secretary to the Under Secretary.

(d) *Office of the General Counsel.* (1) One Deputy General Counsel.

(2) Three Assistant General Counsels.

(3) One Private Secretary to the General Counsel.

(e) *Foreign Agricultural Service.* (1) Three Assistant Administrators.

(2) One Assistant to the Administrator.

(3) The Administrator.

(4) The Deputy Administrator.

(5) One Private Secretary to the Administrator.

(f) *Farmers Home Administration.* (1) One Deputy Administrator.

(2) Two Assistant Administrators.

(3) One Assistant to the Administrator.

(4) One Confidential Assistant to the Administrator.

(5) One Private Secretary to the Administrator.

(6) One Assistant Administrator (Insured Loan Funds).

(g) *Agricultural Conservation Program.* (1) Chief, Agricultural Conservation Program.

(2) One Assistant Chief.

(3) One Private Secretary to the Chief.

(h) *Federal Crop Insurance Corporation.* (1) The Manager.

(2) One Assistant Manager.

(3) Members of the Board of Directors.

(4) One Private Secretary to the Manager.

(i) *Commodity Stabilization Service.* (1) Administrator.

(2) One Associate Administrator.

(3) Three Deputy Administrators.

(4) Two Assistant Deputy Administrators.

(5) Four Confidential Assistants to the Administrator.

(6) One private secretary to the Administrator.

(7) Director, Livestock and Dairy Division.

(8) Director, Grain Divison.

(9) Director, Transportation and Storage Service Division.

(10) Director, Cotton Division.

(11) Director, Oils and Peanut Division.

(12) Director, Sugar Division.

(13) Director, Tobacco Division.

(14) Director, Price Division.

(15) Director, Foods and Materials Requirements Division.

(16) Director, Soil Bank Division.

(17) General Sales Manager.

(18) Deputy General Sales Manager.

(j) *Commodity Credit Corporation.* (1) The President.

(2) The Executive Vice President.

(3) The Secretary.

(4) One Confidential Assistant to the President.

(k) [Reserved.]

(l) *Soil Conservation Service.* (1) Administrator.

(2) One Deputy Administrator.

(3) One Confidential Assistant to the Administrator.

(4) One Private Secretary to the Administrator.

(m) *Office of the Director, Agricultural Credit Services.* (1) The Director, Agricultural Credit Services.

(2) One Confidential Assistant to the Director.

(3) One Private Secretary to the Director.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* (1) Deputy Under Secretary for Transportation.

(2) Six Confidential Assistants to the Secretary.

(3) Two Private Secretaries to the Secretary.

(4) One Confidential Assistant and two Private Secretaries to the Under Secretary.

(5) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.

(6) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Domestic Affairs.

(7) One Confidential Assistant and one Private Secretary to the Assistant Secretary for International Affairs.

(8) One Confidential Assistant and one Private Secretary to the General Counsel.

(9) One Private Secretary to the Deputy Under Secretary for Transportation.

(10) Administrator, Defense Air Transport Administration.

(11) One Private Secretary to the Administrator, Defense Air Transport Administration.

(12) Deputy General Counsel.

(13) One Private Secretary to the Deputy General Counsel.

(14) One Special Assistant to the Secretary.

(15) One Chauffeur for the Secretary.

(16) One Deputy Assistant Secretary of Commerce for International Affairs.

(17) One Deputy Assistant Secretary of Commerce for Domestic Affairs.

(18) One private secretary to the Deputy Assistant Secretary for Domestic Affairs.

(19) One private secretary to the Deputy Assistant Secretary for International Affairs.

(20) One Executive Director, Foreign-Trade Zones Operations.

(21) One Associate General Counsel (Defense Production Activities).

(22) One Private Secretary to the Associate General Counsel (Defense Production Activities).

(23) One Confidential Assistant to the Administrator, Defense Air Transport Administration.

(24) One Confidential Assistant to the Assistant Secretary for Administration.

(25) Director, Advisory Committee on Export Policy Staff, Office of the Assistant Secretary of Commerce for International Affairs.

(26) Director, Office of International Trade Fairs.

(27) Associate Director, Office of International Trade Fairs.

(28) Two Legislative Liaison Officers, Office of the General Counsel.

(b) *Inland Waterways Corporation.* (1) Chairman of the Advisory Board.

(c) *Civil Aeronautics Administration.* (1) One confidential assistant to the Administrator.

(2) Deputy Administrator.

(3) General Counsel.

(4) One private secretary to the Administrator, the Deputy Administrator, and the General Counsel.

(d) *Business and Defense Services Administration.* (1) Director, Office of Field Service.

(2) [Reserved.]

(3) One Private Secretary to the Director, Field Service.

(4) Administrator.

(5) Two Confidential Assistants to the Administrator.

(6) One Private Secretary to the Administrator.

(7) Deputy Administrator.

(8) One Private Secretary to the Deputy Administrator.

(9) One Confidential Assistant to the Deputy Administrator.

(10) Three Assistant Administrators.

(11) One Private Secretary to each of the three Assistant Administrators.

(12) One Assistant Deputy Administrator.

(13) One Private Secretary to the Assistant Deputy Administrator.

(14) Chairman, Industry Evaluation Board.

(e) *Bureau of Census.* (1) One private secretary to the Director.

(f) *Weather Bureau.* (1) One private secretary to the Chief.

(g) *National Bureau of Standards.* (1) One private secretary to the Director.

(h) *Bureau of Public Roads.* (1) Commissioner of Public Roads.

(2) Solicitor.

(3) Four Special Assistants to the Federal Highway Administrator.

(4) One private secretary to the Federal Highway Administrator.

(5) One private secretary to the Solicitor.

(i) *Patent Office.* (1) Private secretary to the Commissioner, and to each of the Assistant Commissioners.

(j) *Coast and Geodetic Survey.* (1) One private secretary to the Director.

(k) *Federal Maritime Board.* (1) Two Confidential Assistants to the Chairman.

(2) One Confidential Assistant to each Member of the Board (other than the Chairman).

(l) *Maritime Administration.* (1) General Counsel.

(2) One Director, Office of National Shipping Authority and Government Aid.

(3) One Private Secretary to the Administrator.

(4) One Private Secretary to the General Counsel.

(5) One Private Secretary to the Director, Office of National Shipping Authority and Government Aid.

(m) *Bureau of Foreign Commerce.* (1) The Director.

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* (1) Four special assistants, three confidential assistants, and one confidential assistant (private secretary) to the Secretary of Labor.

(2) One chauffeur for the Secretary of Labor.

(3) One special assistant and one private secretary to the Under Secretary of Labor.

(4) One private secretary to each Assistant Secretary of Labor who is appointed by the President.

(5) One Special Assistant to the Assistant Secretary for International Labor Affairs.

(6) Private Secretary to the Secretary.

(7) One Confidential Assistant to the Under Secretary of Labor.

(b) *Office of the Solicitor.* (1) One Associate Solicitor.

(2) One private secretary to the Solicitor.

(c) *Office of Information.* (1) Director.

(2) One Private Secretary to the Director.

(d) *Bureau of Employment Security.* (1) Director.

(2) Deputy Director.

(3) One private secretary to the Director.

(e) *Bureau of Labor Statistics.* (1) One private secretary to the Commissioner.

(f) *Bureau of Training and Apprenticeship.* (1) Director.

(2) Two Deputy Directors.

(3) One private secretary to the Director.

(g) *Women's Bureau.* (1) Assistant Director.

(2) One private secretary to the Director.

(3) One Special Assistant to the Director.

(h) *Bureau of Labor Standards.* (1) Director.

(2) One Associate Director.

(3) One private secretary to the Director.

(i) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.

(2) One Confidential Assistant to the Administrator.

(j) *Office of International Labor Affairs.* (1) Executive Director.

(k) *Veterans Employment Service.* (1) Chief.

(l) *Bureau of Veterans Reemployment Rights.* (1) Director.

(m) *Bureau of Employees' Compensation.* (1) Director.

§ 6.314 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* (1) Director of Security.

(2) One Confidential Assistant to the Secretary.

(3) [Reserved.]

(4) Publications Writer.

(5) One Deputy Director of Security.

(6) Two Assistants to the Secretary.

(7) One Executive Secretary.

(8) Two confidential secretaries to the Under Secretary.

(9) [Reserved.]

(10) One Assistant to the Secretary.

(11) One Congressional Liaison Officer.

(12) One Assistant to the Congressional Liaison Officer.

(13) One Assistant to the Under Secretary.

(14) One Assistant to the Secretary (for Program Analysis).

(b) *Office of Vocational Rehabilitation.* (1) Director, Vocational Rehabilitation.

(c) *Social Security Administration.* (1) Director, Bureau of Old Age and Survivors Insurance.

(2) Director, Bureau of Public Assistance.

(3) Director, Bureau of Federal Credit Unions.

(4) One Deputy Commissioner of Social Security.

(5) One Technical Adviser to the Commissioner of Social Security.

(d) *Office of Education.* (1) One Deputy Commissioner of Education.

(2) One Confidential Assistant to the Commissioner of Education.

(3) One Special Assistant to the Commissioner of Education.

(e) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.

(2) One Special Assistant on Federal-State Problems.

(3) One Special Assistant.

(f) *Office of the General Counsel.* (1) [Reserved.]

(2) One Associate General Counsel.

(g) *Office of the Assistant Secretary for Legislation.* (1) One Special Assistant to the Assistant Secretary.

§ 6.315 *Executive Office of the President*—(a) *Bureau of the Budget.* (1) [Reserved.]

(2) Three assistant directors.

(3) Two Private Secretaries to the Director.

(4) One Private Secretary to the Deputy Director.

(5) One private secretary to each of the three assistant directors.

(b) *Council of Economic Advisers.* (1) One secretary to the Chairman and one to each Member.

§ 6.317 *Interstate Commerce Commission.* (a) One private secretary to each Commissioner.

(b) Managing Director.

§ 6.318 *General Accounting Office.* (a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.

(b) One Private Secretary to the Comptroller General.

§ 6.320 *The Tax Court of the United States.* (a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

§ 6.321 *Office of Defense Mobilization.* (a) Six Assistant Directors.

(b) One Assistant to the Director for Staff Coordination.

§ 6.322 *Veterans' Administration*—(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.

(2)* One confidential assistant (private secretary) to the Administrator.

(3) One Confidential Administrative Assistant to the Administrator.

(4) Six Confidential Assistants to the Special Assistant to the Administrator.

(5) The Deputy Administrator.

(6) The General Counsel.

(7) One Assistant Administrator for Appraisal and Security.

(b) *Department of Medicine and Surgery.* (1) One confidential assistant (private secretary) to the Chief Medical Director.

(c) *Department of Insurance.* (1) The Deputy Administrator.

(d) *Department of Veterans Benefits.* (1) The Deputy Administrator.

§ 6.323 *Federal Civil Defense Administration.* (a) One Executive Assistant Administrator.

(b) One Assistant to the Administrator.

(c) One Assistant Administrator, Field and Congressional Relations; one Assistant Administrator, Civil Defense Planning Staff; one Assistant Administrator, Civil Defense Education Services; one Assistant Administrator, Civil Defense Operations Control Service; and one Assistant Administrator, Civil Defense Technical Advisory Service.

(d) Two Administrative Assistants to the Administrator.

(e) One Administrative Assistant to the Deputy Administrator.

(f) [Reserved.]

(g) One Secretary to the Assistant Administrator, Field and Congressional Relations.

(h) One General Counsel.

(i) One Assistant Administrator, General Administration.

(j) One Courier, Office of the Administrator.

(k) One Assistant Administrator, Inspection.

(l) One Deputy Assistant Administrator, Civil Defense Planning Staff.

(m) One Deputy Executive Assistant Administrator.

(n) One Assistant Administrator, Economic Requirements Service.

(o) One Receptionist.

§ 6.324 *United States Information Agency*—(a) One Secretarial Assistant to the Deputy Director.

(b) One Special Assistant to the Director.

(c) One Secretarial Assistant to the Director.

(d) One Secretary to the Director.

(e) [Reserved.]

(f) One Chief, Office of Research and Intelligence.

(g) One Special Assistant to the Deputy Director.

(h) One Staff Assistant to the Chief, Office of Research and Intelligence.

§ 6.325 *Federal Power Commission.* (a) One private secretary and one confidential assistant to each Commissioner.

(b) One assistant to the Chairman.

(c) General Counsel.

(d) Executive Director.

(e) One Private Secretary to the Executive Director.

(f) One Technical Assistant to each Commissioner.

§ 6.326 *Securities and Exchange Commission.* (a) One General Counsel.

(b) One Chief Accountant.

(c) [Reserved.]

(d) One Associate General Counsel.

(e) One Confidential Assistant to each Member of the Commission (5 positions).

(f) The Executive Director.

(g) One private secretary to the Executive Director.

(h) One Associate Executive Director.

§ 6.327 *National Mediation Board.* (a) One private secretary to each member of the National Railroad Adjustment Board.

§ 6.328 *Small Business Administration.* (a) Three Deputy Administrators.

(b) One Special Assistant to each Deputy Administrator.

(c) Two Special and Confidential Assistants to the Administrator.

(d) One General Counsel.

(e) Director, Office of Financial Assistance.

(f) Director, Office of Procurement and Technical Assistance.

(g) Director, Office of Economic Adviser.

(h) Director, Office of Information.

(i) One Special Assistant to the Administrator.

(j) One Private Secretary to the Administrator.

(k) One Confidential Assistant (Private Secretary) to each Deputy Administrator.

(l) Deputy Director, Office of Economic Adviser.

(m) Deputy Director, Office of Procurement and Technical Assistance.

(n) Executive Secretary to the Loan Review Committee and Special Assistant to the Director, Office of Financial Assistance.

(o) One Program Coordinator (Department of Defense).

(p) One Confidential Assistant to the Director, Office of Financial Assistance.

§ 6.329 *Federal Deposit Insurance Corporation.* (a) One Assistant to each member of the Board of Directors.

§ 6.330 *Federal Trade Commission.* (a) One private secretary or confidential assistant to the Chairman.

(b) General Counsel.

(c) Director, Bureau of Litigation.

(d) Director, Bureau of Investigation.

(e) Director, Bureau of Consultation.

(f) Director, Bureau of Economics.

(g) One Secretary of the Federal Trade Commission.

(h) Executive Director.

§ 6.333 *General Services Administration*—(a) *Office of the Administrator.* (1) Four Members of the Board of Review.

(2) The Deputy Administrator.

(3) The Assistant Administrator.

(4) Two Special Assistants to the Administrator.

(5) One Confidential Assistant to the Administrator.

(6) [Reserved.]

(7) One Special Assistant to the Administrator (Congressional Liaison).

(8) Director of Public Information and Reports.

(9) The Assistant Administrator for Program Planning and Coordination.

(10) [Reserved.]

(11) One Confidential Assistant to the Special Assistant to the Administrator (Congressional Liaison).

(b) *Public Buildings Service.* (1) The Commissioner.

(c) *Federal Supply Service.* (1) The Commissioner.

(d) *National Archives and Records Service.* (1) The Archivist of the United States.

(e) *Emergency Procurement Service.* (1) The Commissioner.

(f) *Transportation and Public Utilities Service.* (1) The Commissioner.

§ 6.334 *Federal Communications Commission.* (a) One General Counsel.

(b) One Chief Engineer.

(c) One Chief Accountant.

(d) Two assistant general counsels.

(e) One Secretary to the Commission.

§ 6.335 *United States Tariff Commission*—(a) One Private Secretary to each Commissioner.

§ 6.337 *Civil Aeronautics Board.* (a) [Reserved.]

(b) One confidential assistant to each Member of the Board.

(c) One special assistant to the Chairman of the Board.

(d) General Counsel of the Board.

(e) Director, Bureau of Air Operations.

(f) [Reserved.]

(g) [Reserved.]

(h) Chief, Office of Compliance.

(i) One Congressional Liaison Officer.

(j) One Private Secretary to the Congressional Liaison Officer.

(k) One Deputy Congressional Liaison Officer.

(l) One Executive Assistant and Legal Adviser to the Chairman.

(m) Director, Bureau of Safety.

§ 6.338 *National Labor Relations Board.* (a) One Private Secretary to the Chairman of the Board.

(b) One Solicitor.

(c) One Chief Legal Assistant to each Board Member.

(d) One Confidential Assistant to each Board Member.

(e) One Associate General Counsel, Division of Operations.

(f) One Associate General Counsel, Division of Law.

(g) Two Special Assistants to the General Counsel.

(h) One Confidential Assistant to the General Counsel.

(i) One Special Assistant to the Associate General Counsel, Division of Operations.

§ 6.340 *Export-Import Bank of Washington.* (a) One Executive Vice President.

(b) One Senior Vice President.

(c) One Confidential Assistant to the President.

(d) One Private Secretary to the President.

(e) One Private Secretary to the First Vice President.

(f) The General Counsel.

(g) One Private Secretary to each of the three members of the Board of Directors.

(h) One Special Assistant to the Board of Directors.

§ 6.341 *Farm Credit Administration.* (a) Three Directors of Credit Services.

(b) One General Counsel.

(c) One Special Assistant to the Governor.

(d) One Deputy Governor.

(e) Four Deputy Directors of Credit Services.

§ 6.342 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* (1) One liaison officer.

(2) One Deputy Administrator.

(3) One Assistant Administrator for Plans and Programs.

(4) General Counsel.

(5) Assistant to the Administrator (International Housing Adviser).

(6) Assistant to the Administrator (Racial Relations).

(7) Community Facilities Commissioner.

(8) Deputy Urban Renewal Commissioner.

(9) President, Federal National Mortgage Association.

(10) [Reserved.]

(11) Assistant Administrator for Congressional Liaison and Public Affairs.

(12) One Special Assistant to the Administrator.

(13) One Assistant Commissioner for Operations, Urban Renewal Administration.

(14) One Special Assistant (Administrator's Office).

(15) One Assistant Administrator (Administrator's Office).

(16) One Assistant Commissioner for Program Planning and Development, Urban Renewal Administration.

(b) *Federal Housing Administration.* (1) One Deputy Commissioner.

(2) One General Counsel.

(3) One Assistant Commissioner for Operations.
(4) One Assistant Commissioner, Technical Standards.
(5) One Assistant to the Commissioner.
(6) One Minority Group Housing Adviser.
(7) One Special Assistant to the Commissioner.
(8) One Assistant Commissioner for Programs.
(9) Director of Examination and Audit.
(10) Director, Program Division.
(11) One Confidential Assistant to the Assistant Commissioner for Programs.
(12) One Administrative Assistant to the Assistant to the Commissioner.
(13) Assistant Commissioner for Title I.

(c) *Public Housing Administration.* (1) One Special Assistant to the Commissioner (Liaison).
(2) One Special Assistant to the Commissioner (Racial Relations).
(3) General Counsel.
(4) [Reserved]
(5) [Reserved]
(6) One Deputy Commissioner.
(7) One Assistant Commissioner.
(8) One Confidential Assistant to the Commissioner.
(9) Assistant Commissioner for Development.
(10) Assistant Commissioner for Management.

§ 6.343 *Indian Claims Commission.* (a) One private secretary to each Commissioner.

§ 6.346 *Federal Mediation and Conciliation Service.* (a) One General Counsel.
(b) Two Private Secretaries to the Director.
(c) One Private Secretary to each of the following: The Associate Director, the Assistant Director, and the General Counsel.
(d) One Private Secretary to the National Office Representative.
(e) One Special Representative.
(f) One Private Secretary to the Special Assistant to the Director.

§ 6.349 *Foreign Operations Administration*—(a) *Office of the Director.* (1) Two Assistants to the Director.
(2) One Confidential Assistant (Private Secretary) to the Director.
(3) One Private Secretary to the Director.
(4) One Confidential Assistant to the Deputy Director of Foreign Operations.
(5) Two Chauffeur-Guards for the Director.
(b) *Office of the Deputy Director for Management.* (1) Deputy Director for Management.
(2) Director for Research, Statistics and Reports.
(3) One Confidential Assistant to the Director for Research, Statistics and Reports.
(4) Deputy General Counsel.
(5) Director for Public Reports.
(6) Two Special Assistants for Congressional Liaison.
(7) One Confidential Assistant (Legal) to the General Counsel.
(8) One Assistant to the Deputy Director for Management.
(c) *Office of the Deputy Director for Operations.* (1) Deputy Director for Operations.
(d) *Office of the Deputy Director for Program and Planning.* (1) Deputy Director for Program and Planning.
(e) *Office of the Assistant Director for Refugees and Migration.* (1) Assistant Director for Refugees and Migration; (2) Deputy Assistant Director for Refugees and Migration.
(f) *Office of the Deputy Director for Congressional Cooperation.* (1) Assistant to the Deputy Director for Congressional Cooperation.
(g) *Office of the Deputy Director for Mutual Defense Assistance Controls.* (1) Assistant Deputy Director for Mutual Defense Assistance Controls.
(h) *Office of the Deputy Director for Technical Services.* (1) Deputy Director for Technical Services; (2) Assistant Deputy Director for Technical Services.
(i) *Executive Secretariat.* (1) Executive Secretary; (2) Executive Secretary to the Public Advisory Board; (3) Executive Secretary to the International Development Advisory Board.

§ 6.350 *Foreign Claims Settlement Commission of the United States.* (a) Special Assistant to the Commissioners.
(b) One Confidential Assistant to the Chairman.
(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 6.351 *Air Coordinating Committee.* (a) Executive Secretary.

§ 6.352 *Government Patents Board.* (a) One Confidential Assistant to the Chairman.

§ 6.353 *Subversive Activities Control Board.* (a) One Executive Secretary and Chief Clerk.
(b) One Private Secretary to each Member of the Board.
(c) One Confidential Administrative Assistant to each Member of the Board.

§ 6.354 *Saint Lawrence Seaway Development Corporation.* (a) One Private Secretary to the Administrator.
(b) One Special Assistant to the Administrator.

§ 6.357 *Federal Home Loan Bank Board.* (a) One Assistant to the Board.
(b) One Director, Federal Home Loan Bank Operations.
(c) One General Counsel.
(d) One Director, Division of Supervision.
(e) One Secretary to the Chairman of the Board.
(f) Two Secretaries to Board Members.
(g) One General Manager, Federal Savings and Loan Insurance Corporation.
(h) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.

§ 6.359 *The Renegotiation Board.* (a) Two Special Assistants to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10397; Filed, Dec. 16, 1957; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54501]

PART 14—APPRAISEMENT

COAL-TAR PRODUCTS

Paragraph (n) of § 14.5, Customs Regulations (19 CFR 14.5), relating to appraisement of coal-tar products dutiable under paragraph 27 or 28, Tariff Act of 1930, based on the American selling price of any similar competitive article produced in the United States, authorizes the Chief Chemist, Customs Laboratory, New York, New York, to receive and file samples and specifications of domestic coal-tar products for comparison with samples of foreign coal-tar products.

Notice was given on March 29, 1957, in the FEDERAL REGISTER (22 F. R. 2079) of a proposal to amend the Customs Regulations to make public the names of domestic products removed from or added to the file. Consideration having been given all relevant views and suggestions received § 14.5 (n) of the Customs Regulations is amended as follows:

1. To add new material after the fifth sentence, reading: "The chief chemist shall advise the appraiser at New York of those products removed from or added to the file. The appraiser shall from time to time prepare a list, identifying each such product by the invoice name and, if different, the trade name as described in items Nos. 1 and 2 of Schedule A. The color index number, item No. 8 of Schedule A, shall appear in the list opposite the name of the product. These lists, which are advisory only, shall be furnished to the Customs Information Exchange for circularization among other appraising officers and the public upon request."

2. The sixth sentence is amended by substituting "Other information" for "Information".

(R. S. 161, 251, secs. 1 (pars. 27, 28), 624, 46 Stat. 592, 594, as amended, 759; 5 U. S. C. 22, 19 U. S. C. 66, 1001 (pars. 27, 28), 1624)

This amendment shall affect only domestic products added to or removed from the file. It shall become effective 30 days after the date of publication, except that it shall not apply to such products on file on the date of publication which are removed from the file within 60 days of that date.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 6, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10388; Filed, Dec. 16, 1957; 8:47 a. m.]

[T. D. 54499]

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

FREE ENTRY OF BONA FIDE GIFTS FROM MEMBERS OF ARMED FORCES OF THE UNITED STATES

Public Law 85-30, 85th Congress, approved May 14, 1957, amended the Act of December 5, 1942, as amended (50 U. S. C. 846 and 847) to extend the effective period of the act through June 30, 1959, and to authorize the Secretary of the Treasury to prescribe by regulation, limitations on the importation of alcoholic beverages and tobacco products under the free entry privileges of the act. It is deemed in the public interest to exclude alcoholic beverages and nontaxpaid American cigarettes exported under the provisions of section 5704 of the Internal Revenue Code from such privileges.

A. To prescribe these limitations and to indicate the extension of the period of the free entry privileges, § 54.3 of the Customs Regulations is amended as follows:

1. The term "armed forces" is capitalized wherever it appears.

2. Paragraph (a) is amended to read:

(a) Under the act of December 5, 1942, as amended (50 U. S. C. App. 846[1], 847), collectors of customs shall afford entry free of duty, internal-revenue taxes, and customs charges and exactions, except as provided below, to bona fide gifts from members of the Armed Forces of the United States on duty outside the continental limits of the United States to the extent of $50 in value in any shipment if the gifts were purchased in or through authorized agencies of the Armed Forces of the United States or in accordance with regulations prescribed by the major geographical commands of the United States Armed Forces. The privileges of free importation shall not apply to alcoholic beverages or to nontaxpaid American cigarettes exported under the provisions of section 5704 of the Internal Revenue Code.

3. Paragraphs (b) and (e) are amended by substituting "the act of December 5, 1942, as amended (50 U. S. C. App. 846, 847)," for "Public Law 790, as amended,".

4. Paragraph (d) is amended by substituting "the act of December 5, 1942, as amended (50 U. S. C. App. 846, 847)" for "Public Law 790, approved December 5, 1942, as amended (50 U. S. C. App. 846)" and by substituting "50 U. S. C. App. 846, 847" for "Public Law 790" in the notation within the quotation marks at the end of the last sentence.

5. Paragraph (f) is amended by substituting "the said act" for "the act" and by substituting "July 1, 1959" for "July 1, 1957".

B. Part 54 is amended by redesignating footnote 1 as footnote 2 and by adding a new footnote 1 as follows:

[1] Under such regulations as the Secretary of the Treasury shall prescribe so much of any shipment as does not exceed $50 in value, with such further limitation on the importation of alcoholic beverages and tobacco products as the Secretary may prescribe, shall be admitted into the United States or its Territories or possessions or the Commonwealth of Puerto Rico free of all customs duties, charges, or exactions, or internal-revenue taxes imposed upon or by reason of importation, if there is filed in connection with the entry satisfactory evidence that the articles for which free of entry is claimed were purchased in or through authorized agencies of the Armed Forces of the United States or in accordance with regulations prescribed by the major geographical commands of the United States Armed Forces, and are bona fide gifts from a member of the Armed Forces of the United States on duty outside the continental limits of the United States. (50 U. S. C. App. 846.)

C. Section 54.4 is amended by changing the footnote reference following "Congress" from 1 to 2.

Notice of the proposal to amend the regulations as set forth above was published in the FEDERAL REGISTER on September 24, 1957 (22 F. R. 7562) pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or arguments relating thereto have been received and the amendments are hereby adopted effective 30 days after the date of publication in the FEDERAL REGISTER.

(Sec. 624, 46 Stat. 759, secs. 1, 2, 56 Stat. 1041, as amended; 19 U. S. C. 1624, 50 U. S. C. App. 846, 847)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: December 6, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10387; Filed, Dec. 16, 1957; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6280]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMS SPECIFICALLY EXCLUDED FROM GROSS INCOME

On October 7, 1955, notice of proposed rule making with respect to regulations under section 101 (relating to certain death benefits) of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 7484). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the following regulations are hereby adopted:

Sec.
1:101 Statutory provisions; certain death benefits.
1.101-1 Exclusion from gross income of proceeds of life insurance contracts payable by reason of death.
1.101-2 Employees' death benefits.
1.101-3 Interest payments.
1.101-4 Payment of life insurance proceeds at a date later than death.
1.101-5 Alimony, etc., payments.
1.101-6 Effective date.

AUTHORITY: §§ 1.101 to 1.101-6 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

ITEMS SPECIFICALLY EXCLUDED FROM GROSS INCOME

§ 1.101 *Statutory provisions; certain death benefits.*

SEC. 101. *Certain death benefits.*—(a) *Proceeds of life insurance contracts payable by reason of death*—(1) *General rule.* Except as otherwise provided in paragraph (2) and in subsection (d), gross income does not include amounts received (whether in a single sum or otherwise) under a life insurance contract, if such amounts are paid by reason of the death of the insured.

(2) *Transfer for valuable consideration.* In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance contract or any interest therein, the amount excluded from gross income by paragraph (1) shall not exceed an amount equal to the sum of the actual value of such consideration and the premiums and other amounts subsequently paid by the transferee. The preceding sentence shall not apply in the case of such a transfer—

(A) If such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor, or

(B) If such transfer is to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer.

(b) *Employees' death benefits*—(1) *General rule.* Gross income does not include amounts received (whether in a single sum or otherwise) by the beneficiaries or the estate of an employee, if such amounts are paid by or on behalf of an employer and are paid by reason of the death of the employee.

(2) *Special rules for paragraph (1)*—(A) *$5,000 limitation.* The aggregate amounts excludable under paragraph (1) with respect to the death of any employee shall not exceed $5,000.

(B) *Nonforfeitable rights.* Paragraph (1) shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living (other than total distributions payable, as defined in section 402 (a) (3), which are paid to a distributee, by a stock bonus, pension, or profit-sharing trust described in section 401 (a) which is exempt from tax under section 501 (a), or under an annuity contract under a plan which meets the requirements of paragraphs (3), (4), (5), and (6) of section 401 (a), within one taxable year of the distributee by reason of the employee's death).

(C) *Joint and survivor annuities.* Paragraph (1) shall not apply to amounts received by a surviving annuitant under a joint and survivor's annuity contract after the first day of the first period for which an amount was received as an annuity by the employee (or would have been received if the employee had lived).

(D) *Other annuities.* In the case of any amount to which section 72 (relating to annuities, etc.) applies, the amount which is excludable under paragraph (1) (as modified by the preceding subparagraphs of this paragraph) shall be determined by reference to the value of such amount as of the day on which the employee died. Any amount so excludable under paragraph (1) shall, for purposes of section 72, be treated as additional consideration paid by the employee.

(c) *Interest.* If any amount excluded from gross income by subsection (a) or (b) is held under an agreement to pay interest thereon, the interest payments shall be included in gross income.

(d) *Payment of life insurance proceeds at a date later than death*—(1) *General rule.*

The amounts held by an insurer with respect to any beneficiary shall be prorated (in accordance with such regulations as may be prescribed by the Secretary or his delegate) over the period or periods with respect to which such payments are to be made. There shall be excluded from the gross income of such beneficiary in the taxable year received—

(A) Any amount determined by such proration, and

(B) In the case of the surviving spouse of the insured, that portion of the excess of the amounts received under one or more agreements specified in paragraph (2) (A) (whether or not payment of any part of such amounts is guaranteed by the insurer) over the amount determined in subparagraph (A) of this paragraph which is not greater than $1,000 with respect to any insured.

Gross income includes, to the extent not excluded by the preceding sentence, amounts received under agreements to which this subsection applies.

(2) *Amount held by an insurer.* An amount held by an insurer with respect to any beneficiary shall mean an amount to which subsection (a) applies which is—

(A) Held by any insurer under an agreement provided for in the life insurance contract, whether as an option or otherwise, to pay such amount on a date or dates later than the death of the insured, and

(B) Is equal to the value of such agreement to such beneficiary

(i) As of the date of death of the insured (as if any option exercised under the life insurance contract were exercised at such time), and

(ii) As discounted on the basis of the interest rate and mortality tables used by the insurer in calculating payments under the agreement.

(3) *Surviving spouse.* For purposes of this subsection, the term "surviving spouse" means the spouse of the insured as of the date of death, including a spouse legally separated but not under a decree of absolute divorce.

(4) *Application of subsection.* This subsection shall not apply to any amount to which subsection (c) is applicable.

(e) *Alimony, etc., payments*—(1) *In general.* This section shall not apply to so much of any payment as is includible in the gross income of the wife under section 71 (relating to alimony) or section 682 (relating to income of an estate or trust in case of divorce, etc.).

(2) *Cross reference.* For definition of "wife", see section 7701 (a) (17).

(f) *Effective date of section.* This section shall apply only to amounts received by reason of the death of an insured or an employee occurring after the date of enactment of this title. Section 22 (b) (1) of the Internal Revenue Code of 1939 shall apply to amounts received by reason of the death of an insured or an employee occurring on or before such date.

§ 1.101–1 *Exclusion from gross income of proceeds of life insurance contracts payable by reason of death*—(a) *In general.* Section 101 (a) (1) states the general rule that the proceeds of life insurance policies, if paid by reason of the death of the insured, are excluded from the gross income of the recipient. Death benefit payments having the characteristics of life insurance proceeds payable by reason of death under contracts, such as workmen's compensation insurance contracts, endowment contracts, or accident in health insurance contracts, are covered by this provision. For provisions relating to death benefits paid by or on behalf of employers, see section 101 (b) and § 1.101–2. The exclusion from gross income allowed by section 101 (a) applies whether payment is made to the estate of the insured or to any beneficiary (individual, corporation or partnership) and whether it is made directly or in trust. The extent to which this exclusion applies in cases where life insurance policies have been transferred for a valuable consideration is stated in section 101 (a) (2) and in paragraph (b) of this section. In cases where the proceeds of a life insurance policy, payable by reason of the death of the insured, are paid other than in a single sum at the time of such death, the amounts to be excluded from gross income may be affected by the provisions of section 101 (c) (relating to amounts held under agreements to pay interest) or section 101 (d) (relating to amounts payable at a date later than death). See §§ 1.101–3 and 1.101–4. However, neither section 101 (c) nor section 101 (d) applies to a single sum payment which does not exceed the amount payable at the time of death even though such amount is actually paid at a date later than death. For rules governing the taxability of insurance proceeds constituting benefits payable on the death of an employee under pension, profit-sharing, or stock bonus plans described in section 401 (a) and exempt under section 501 (a), or under annuity plans meeting the requirements of section 401 (a) (3), (4), (5), and (6), see also section 402 (a) and 403 (a) and the regulations thereunder. For the definition of a life insurance company, see section 801.

(b) *Transfers of life insurance policies.* (1) In the case of a transfer, by assignment or otherwise, of a life insurance policy or any interest therein for a valuable consideration, the amount of the proceeds attributable to such policy or interest which is excludable from the transferee's gross income is generally limited to the sum of (i) the actual value of the consideration for such transfer, and (ii) the premiums and other amounts subsequently paid by the transferee (see section 101 (a) (2) and example (1) of subparagraph (5) of this paragraph). However, this limitation on the amount excludable from the transferee's gross income does not apply (except in certain special cases involving a series of transfers), where the basis of the policy or interest transferred, for the purpose of determining gain or loss with respect to the transferee, is determinable, in whole or in part, by reference to the basis of such policy or interest in the hands of the transferor (see section 101 (a) (2) (A) and examples (2) and (4) of subparagraph (5) of this paragraph). Neither does the limitation apply where the policy or interest therein is transferred to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer (see section 101 (a) (2) (B)). For rules relating to gratuitous transfers, see subparagraph (2) of this paragraph. For special rules with respect to certain cases where a series of transfers is involved, see subparagraph (3) of this paragraph.

(2) In the case of a gratuitous transfer, by assignment or otherwise, of a life insurance policy or any interest therein, as a general rule the amount of the proceeds attributable to such policy or interest which is excludable from the transferee's gross income under section 101 (a) is limited to the sum of (i) the amount which would have been excludable by the transferor (in accordance with this section) if no such transfer had taken place, and (ii) any premiums and other amounts subsequently paid by the transferee. See example (6) of subparagraph (5) of this paragraph. However, where the gratuitous transfer in question is made by or to the insured, a partner of the insured, a partnership in which the insured is a partner, or a corporation in which the insured is a shareholder or officer, the entire amount of the proceeds attributable to the policy or interest transferred shall be excludable from the transferee's gross income (see section 101 (a) (2) (B) and example (7) of subparagraph (5) of this paragraph).

(3) In the case of a series of transfers, if the last transfer of a life insurance policy or an interest therein is for a valuable consideration—

(i) The general rule is that the final transferee shall exclude from gross income, with respect to the proceeds of such policy or interest therein, only the sum of—

(*a*) The actual value of the consideration paid by him, and

(*b*) The premiums and other amounts subsequently paid by him;

(ii) If the final transfer is to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer, the final transferee shall exclude the entire amount of the proceeds from gross income;

(iii) Except where subdivision (ii) of this subparagraph applies, if the basis of the policy or interest transferred, for the purpose of determining gain or loss with respect to the final transferee, is determinable, in whole or in part, by reference to the basis of such policy or interest therein in the hands of the transferor, the amount of the proceeds which is excludable by the final transferee is limited to the sum of—

(*a*) The amount which would have been excludable by his transferor if no such transfer had taken place, and

(*b*) Any premiums and other amounts subsequently paid by the final transferee himself.

(4) For the purposes of section 101 (a) (2) and subparagraphs (1) and (3) of this paragraph, a "transfer for a valuable consideration" is any absolute transfer for value of a right to receive all or a part of the proceeds of a life insurance policy. Thus, the creation, for value, of an enforceable contractual right to receive all or a part of the proceeds of a policy may constitute a transfer for a valuable consideration of the policy or an interest therein. On the other hand, the pledging or assignment of a policy as collateral security is not a transfer for a valuable consideration of such policy or an interest therein, and section 101 is inapplicable to any amounts received by the pledgee or assignee.

(5) The application of this paragraph may be illustrated by the following examples:

Example (1). A pays premiums of $500 for an insurance policy in the face amount of $1,000 upon the life of B, and subsequently transfers the policy to C for $600. C receives the proceeds of $1,000 upon the death of B. The amount which C can exclude from his gross income is limited to $600 plus any premiums paid by C subsequent to the transfer.

Example (2). The X Corporation purchases for a single premium of $500 an insurance policy in the face amount of $1,000 upon the life of A, one of its employees, naming the X Corporation as beneficiary. The X Corporation transfers the policy to the Y Corporation in a tax-free reorganization (the policy having a basis for determining gain or loss in the hands of the Y Corporation determined by reference to its basis in the hands of the X Corporation). The Y Corporation receives the proceeds of $1,000 upon the death of A. The entire $1,000 is to be excluded from the gross income of the Y Corporation.

Example (3). The facts are the same as in example (2) except that, prior to the death of A, the Y Corporation transfers the policy to the Z Corporation for $600. The Z Corporation receives the proceeds of $1,000 upon the death of A. The amount which the Z Corporation can exclude from its gross income is limited to $600 plus any premiums paid by the Z Corporation subsequent to the transfer of the policy to it.

Example (4). The facts are the same as in example (3) except that, prior to the death of A, the Z Corporation transfers the policy to the M Corporation in a tax-free reorganization (the policy having a basis for determining gain or loss in the hands of the M Corporation determined by reference to its basis in the hands of the Z Corporation). The M Corporation receives the proceeds of $1,000 upon the death of A. The amount which the M Corporation can exclude from its gross income is limited to $600 plus any premiums paid by the Z Corporation and the M Corporation subsequent to the transfer of the policy to the Z Corporation.

Example (5). The facts are the same as in example (3) except that, prior to the death of A, the Z Corporation transfers the policy to the N Corporation, in which A is a shareholder. The N Corporation receives the proceeds of $1,000 upon the death of A. The entire $1,000 is to be excluded from the gross income of the N Corporation.

Example (6). A pays premiums of $500 for an insurance policy in the face amount of $1,000 upon his own life, and subsequently transfers the policy to his wife B for $600. B later transfers the policy without consideration to C, who is the son of A and B. C receives the proceeds of $1,000 upon the death of A. The amount which C can exclude from his gross income is limited to $600 plus any premiums paid by B and C subsequent to the transfer of the policy to B.

Example (7). The facts are the same as in example (6) except that, prior to the death of A, C transfers the policy without consideration to A, the insured. A's estate receives the proceeds of $1,000 upon the death of A. The entire $1,000 is to be excluded from the gross income of A's estate.

§ 1.101–2 *Employees' death benefits*—(a) *In general.* (1) Section 101 (b) states the general rule that amounts up to $5,000 which are paid to the beneficiaries or the estate of an employee, or former employee, by or on behalf of an employer and by reason of the death of the employee shall be excluded from the gross income of the recipient. This exclusion from gross income applies whether payment is made to the estate of the employee or to any beneficiary (individual, corporation, or partnership), whether it is made directly or in trust, and whether or not it is made pursuant to a contractual obligation of the employer. The exclusion applies whether payment is made in a single sum or otherwise, subject to the provisions of section 101 (c), relating to amounts held under an agreement to pay interest thereon (see § 1.101–3). The exclusion from gross income also applies to any amount not actually paid which is otherwise taxable to a beneficiary of an employee because it was made available as a distribution from an employee's trust.

(2) The exclusion does not apply to amounts constituting income payable to the employee during his life as compensation for his services, such as bonuses or payments for unused leave or uncollected salary, nor to certain other amounts with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living (see section 101 (b) (2) (B) and paragraph (d) of this section). Further, the exclusion does not apply to amounts received as an annuity under a joint and survivor annuity obligation where the employee was the primary annuitant and the annuity starting date occurred before the death of the employee (see section 101 (b) (2) (C) and paragraph (e) (1) (ii) of this section). In the case of amounts received by a beneficiary as an annuity (but not as a survivor under a joint and survivor annuity with respect to which the employee was the primary annuitant), the exclusion is applied indirectly by means of the provisions of section 72 and the regulations thereunder (see section 101 (b) (2) (D) and paragraph (e) (1) (iii) and (iv) of this section).

(3) The total amount excludable with respect to any employee may not exceed $5,000, regardless of the number of employers or the number of beneficiaries. For allocation of the exclusion among beneficiaries, see paragraph (c) of this section. For rules governing the taxability of benefits payable on the death of an employee under pension, profit-sharing, or stock bonus plans described in section 401 (a) and exempt under section 501 (a), or under annuity plans meeting the requirements of section 401 (a) (3), (4), (5), and (6), see also sections 402 (a) and 403 (a) and the regulations thereunder.

(b) *Payments under certain employee benefit plans.* Where a payment is made by reason of the death of an employee by an employer-provided welfare fund or a trust, including a stock bonus, pension, or profit-sharing trust described in section 401 (a), or by an insurance company (if such payment does not constitute "life insurance" within the purview of section 101 (a)), the payment shall be considered to have been made by or on behalf of the employer to the extent that it exceeds amounts contributed by, or deemed contributed by, the deceased employee. For provisions governing the taxability of distributions payable on the death of an employee participant under a trust described in section 401 (a) and exempt under section 501 (a), which has purchased annuity contracts, life insurance contracts, or retirement income contracts with life insurance protection, see paragraph (a) (4) of § 1.402 (a)–1. For provisions governing the taxability of distributions payable on the death of an employee under nontrusteed plans, see paragraphs (c) and (d) of § 1.403 (a)–1.

(c) *Allocation of the exclusion.* (1) Where the aggregate payments by or on behalf of an employer or employers as death benefits to the beneficiaries or the estate of a deceased employee exceed $5,000, the $5,000 exclusion shall be apportioned among them in the same proportion as the amount received by or the present value of the amount payable to each bears to the total death benefits paid or payable by or on behalf of the employer or employers.

(2) The application of the rule in subparagraph (1) of this paragraph may be illustrated by the following example:

Example. The M Corporation, the employer of A, a deceased employee who died November 30, 1954, makes payments in 1955 to the beneficiaries of A as follows: $5,000 to W, A's widow, $2,000 to B, the son of A, and $3,000 to C, the daughter of A. No other amounts are paid by any other employer of A to his estate or beneficiaries. By application of the apportionment rule stated above, W, the widow, will exclude $2,500 ($5,000/$10,000, or one-half, of $5,000); B, the son, will exclude $1,000 ($2,000/$10,000, or one-fifth, of $5,000); and C, the daughter, will exclude $1,500 ($3,000/$10,000, or three-tenths, of $5,000).

(d) *Nonforfeitable rights.* (1) Except as provided in subparagraph (3) of this paragraph, the exclusion provided by section 101 (b) does not apply to amounts with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living. Section 101 (b) (2) (B). For the purpose of section 101 (b) and this paragraph, an employee shall be considered to have had a nonforfeitable right with respect to—

(i) Any amount to which he would have been entitled—

(*a*) If he had made an appropriate election or demand, or

(*b*) Upon termination of his employment (see examples (5) and (6) of subparagraph (2) of this paragraph); or

(ii) The present value (immediately before his death) of—

(*a*) Amounts payable as an annuity (as defined in paragraph (b) of § 1.72–2, whether immediate or deferred) by or on behalf of the employer (see example (1) of subparagraph (2) of this paragraph), or

(*b*) Amounts which would have been so payable if the employee had termi-

nated his employment and continued to live;

or

(iii) Any amount to the extent it is paid in lieu of amounts described in either subdivision (i) or (ii) of this subparagraph. See examples (2), (3), and (4) of subparagraph (2) of this paragraph.

For purposes of subdivision (iii) of this subparagraph, any amount paid in discharge of an obligation which arose solely because of the existence of a particular fact or circumstance subsequent to the employee's death shall not be considered an amount paid in lieu of amounts described in subdivision (i) or (ii) of this subparagraph. Subdivision (iii) of this subparagraph shall apply, however, to the extent indicated therein, to amounts payable without regard to any such contingency (to the extent that such amounts are equal to or less than those described in subdivision (i) and (ii) of this subparagraph which are not paid). See paragraph (e) (1) (iii) (b) of this section for rules with respect to finding the present value of an annuity immediately before the employee's death.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples, in which it is assumed that the plans are not "qualified" plans:

Example (1). A, who was a participant under the X Company pension plan, retired on December 31, 1953. He had made no contributions to the plan. Upon his retirement, he became entitled to monthly payments of $100 payable for life, or 120 months certain. A died on October 31, 1954, having received 10 monthly payments of $100 each. After his death, the monthly payments became payable to his estate for the remaining 110 months certain. No exclusion from gross income is allowed to A's estate (or any beneficiary who receives the right to such payments from the estate), since the employee's right to the monthly payments was nonforfeitable at the date of his death. It will be noted that in this example it is unnecessary to consider the present value of the annuity to A just before his death since the payments to be made include only those certain to be made in any event under the plan whether or not A continued to live.

Example (2). C, a participant under the Y Company pension plan, died on December 15, 1954, while actively in the employment of the company, survived by a widow and minor children. Because of his years of service, he would have been entitled to an annuity for life, his own contributions to the plan and interest thereon being guaranteed, if he had retired or terminated his employment at a time immediately before his death. The plan further provides that—(a) if, but only if, an employee is survived by a widow and minor children, his widow is to receive an annuity for her life without regard to whether or not the employee had begun his annuity; (b) any payments made with respect to his widow's annuity are to reduce the guaranteed amount to an equal extent; and (c) if the employee is not so survived, the guaranteed amount is payable to his beneficiary or estate, but no amount is payable to anyone with respect to what would have been the widow's annuity. In view of these provisions, that portion of the present value of the annuity payable to C's widow which exceeds the guaranteed amount shall be considered paid neither as an amount, nor in lieu of an amount, which C had a nonforfeitable right to receive while living. The reason for this result is that the payment of such excess is contingent upon C's being survived by a widow and minor children, a circumstance existing subsequent to his death. Conversely, to the extent that the present value of the annuity payable to C's widow does not exceed the guaranteed amount, annuity payments attributable to such present value shall be considered paid in lieu of an amount which C had a nonforfeitable right to receive while living.

Example (3). D, a participant under the Y Company pension plan, died on January 1, 1955, while actively in the employment of the company. The Y Company plan provides that where an employee dies in service, the present value of the accumulated credits which he could have obtained at that time if he had instead separated from the service shall be paid in a single sum to his surviving spouse or to his estate if no widow survives him. The present value of D's accumulated credits, at the time of his death, was $10,000. However, the plan also provides that a surviving spouse may elect to take, in lieu of a single sum, an annuity the present value of which exceeds such sum by $2,500. D's widow elects to receive an annuity (the present value of which is $12,500). Therefore, $2,500 is an amount to which the exclusion of section 101 (b) and this section shall apply.

Example (4). A, an employee of the X Company, continues to work after reaching the normal retirement age of 60 years, although he could have retired at that age and obtained an annuity of $3,000 per year for his life. A is not entitled to any part of the annuity while he is employed and receiving compensation. A dies at the age of 67 while still in active employment. Since he had passed normal retirement age, his additional years of service did not entitle him to a larger annuity at age 67 than that which he could have obtained at age 60. However, the plan of the X Company provides that in the event of an employee's death prior to separation from the service, his widow is to be paid an annuity for her life in the same amount per year as that which the employee could have obtained if he had instead retired; but if no widow survives him, the present value of the annuity which the employee could have obtained at a time just before his death is to be paid to a named beneficiary or the estate of the employee. Assuming that the present value of the annuity to A's widow, whose age is 61, is $36,000 and the present value of the annuity which would have been payable to A at age 67 if he had then retired is $23,500, the present value of the widow's annuity, to the extent of $23,500, is an amount which is payable in lieu of amounts which the employee had a nonforfeitable right to receive while living because it does not exceed the value of his nonforfeitable rights and is not otherwise paid. On the other hand, the $12,500 excess of the value of the widow's annuity ($36,000) over the value of the employee's annuity ($23,500) is an amount to which section 101 (b) applies since the employee had no right to any part of it. If no other death benefits are payable, a $5,000 exclusion is available (see section 101 (b) (2) (D) and paragraph (e) of this section).

Example (5). The trustee of the X Corporation noncontributory profit-sharing plan is required under the provisions of the plan to pay to the beneficiary of B, an employee of the X Corporation who died on July 1, 1955, the benefit due on account of the death of B. The provisions of the profit-sharing plan give each participating employee in case of termination of employment a 10-percent vested interest in the amount accumulated in his account for each year of participation in the plan. In case of death, the entire credit in the participant's account is to be paid to his beneficiary. At the time of B's death, he had been a participant for three years and the accumulation in his account was $8,000. After his death this amount is paid to his beneficiary. At the time of B's death, the amount distributable to him on account of termination of employment would have been $2,400 (30 percent of $8,000). The difference of $5,600 ($8,000 minus $2,400), payable to the beneficiary of B, is an amount payable solely by reason of B's death. Accordingly, $5,000 of the $5,600 may be excluded from the gross income of the beneficiary receiving such payment (assuming no other death benefits are involved). However, if it is assumed that the facts are the same as above, except that at the time of his death B has been a participant for 6 years, the amount distributable to him on account of termination of employment would have been $4,800 (60 percent of $8,000). The difference of $3,200 ($8,000 minus $4,800), payable to B's beneficiary, is an amount payable solely by reason of B's death. Accordingly, only $3,200 may be excluded from the gross income of the beneficiary receiving such payment (assuming no other death benefits are involved).

Example (6). The X Corporation instituted a trust, forming part of a pension plan, for its employees, the cost thereof being borne entirely by the corporation. The plan provides, in part, that after 10 or more years of service and attaining the age of 55, an employee can elect to retire and receive benefits before the normal retirement date contingent upon the employer's approval. If he retires without the employer's consent, or voluntarily leaves the company, no benefits are or will be payable. The plan further provides that if the employee is involuntarily separated or dies before retirement, he or his beneficiary, respectively, will receive a percentage of the reserve provided for the employee in the trust fund on the following basis: 10 to 15 years of service, 25 percent; 15 to 20 years of service, 50 percent; 20 to 25 years of service, 75 percent; 25 or more years of service, 100 percent. A, an employee of the X Corporation for 17 years, died at the age of 56 while in the employ of the corporation. At the time of his death, $15,000 was the reserve provided for him in the trust. His beneficiary receives $7,500, an amount equal to 50 percent of the reserve provided for A's retirement; accordingly, $5,000 of the $7,500 may be excluded from the gross income of the beneficiary receiving such payment (assuming no other death benefits are involved) since A, prior to his death, had only a forfeitable right to receive $7,500.

(3) (i) Notwithstanding the rule stated in subparagraph (1) of this paragraph and illustrated in subparagraph (2) of this paragraph, the exclusion from gross income provided by section 101 (b) applies to the receipt of certain amounts, paid under "qualified" plans, with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living (see section 101 (b) (2) (B)). The payments to which this exclusion applies are—

(*a*) "Total distributions payable" by a stock bonus, pension, or profit-sharing trust described in section 401 (a) which is exempt from tax under section 501 (a), and

(*b*) "Total amounts" paid under an annuity contract under a plan meeting the requirements of section 401 (a) (3), (4), (5), and (6),

provided such distributions or amounts are paid in full within one taxable year of the distributee (see example (3) of subdivision (ii) of this subparagraph). For the purpose of applying section 101 (b), "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death, either before or after separation from the service (see section 402 (a) (3) (C), the regulations thereunder, and examples (2) and (4) of subdivision (ii) of this subparagraph); and "total amounts" means the balance to the credit of an employee which becomes payable to the payee by reason of the employee's death, either before or after separation from the service (see section 403 (a) (2) (B), the regulations thereunder, and example (1) of subdivision (ii) of this subparagraph).

(ii) The application of the provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). The widow of an employee elects, under a noncontributory "qualified" plan, to receive in a lump sum the present value of the annuity which C, the deceased employee, could have obtained at a time just before his death if he had retired at that time. Such present value is $6,000. Of this amount, $5,000 is excludable from the widow's gross income despite the fact that C had a nonforfeitable right to the amount in lieu of which the payment is made, since such payment is an amount to which subdivision (i) of this subparagraph applies (assuming no other death benefits are involved).

Example (2). The trustee of the X Corporation noncontributory, "qualified", profit-sharing plan is required under the provisions of the plan to pay to the beneficiary of B, an employee of the X Corporation who died on July 1, 1955, the benefit due on account of the death of B. The provisions of the profit-sharing plan give each participating employee, in case of termination of employment, a 10 percent vested interest in the amount accumulated in his account for each year of participation in the plan, but, in case of death, the entire credit to the participant's account is to be paid to his beneficiary. At the time of B's death, he had been a participant for five years. The accumulation in his account was $8,000, and the amount which would have been distributable to him in the event of termination of employment was $4,000 (50 percent of $8,000). After his death, $8,000 is paid to his beneficiary in a lump sum. (It may be noted that these are the same facts as in example (5) of subparagraph (2) of this paragraph except that the employee has been a participant for five years instead of three and the plan is a "qualified" plan.) It is immaterial that the employee had a nonforfeitable right to $4,000, because the payment of the $8,000 to the beneficiary is the payment of the "total distributions payable" within one taxable year of the distributee to which subdivision (i) of this subparagraph applies. Assuming no other death benefits are involved, the beneficiary may exclude $5,000 of the $8,000 payment from gross income.

Example (3). The facts are the same as in example (2) except that the beneficiary is entitled to receive only the $4,000 to which the employee had a nonforfeitable right and elects, 30 days after B's death, to receive it over a period of ten years. Since the "total distributions payable" are not paid within one taxable year of the distributee, no exclusion from gross income is allowable with respect to the $4,000.

Example (4). The X Corporation instituted a trust, forming part of a "qualified" profit-sharing plan for its employees, the cost thereof being borne entirely by the corporation. The plan provides, in part, that if, after 10 or more years of service, an employee leaves the employ of the corporation, either voluntarily or involuntarily, before retirement, a percentage of the reserve provided for the employee in the trust fund will be paid to the employee as follows: 10 to 15 years of service, 25 percent; 15 to 20 years of service, 50 percent; 20 to 25 years of service, 75 percent; 25 or more years of service, 100 percent. The plan further provides that if an employee dies before reaching retirement age, his beneficiary will receive a percentage of the reserve provided for the employee in the trust fund, on the same basis as shown in the preceding sentence. A, an employee of the X Corporation for 17 years, died before attaining retirement age while in the employ of the corporation. At the time of his death, $15,000 was the reserve provided for him in the trust fund. His beneficiary receives $7,500 in a lump sum, an amount equal to 50 percent of the reserve provided for A's retirement. The beneficiary may exclude from gross income (assuming no other death benefits are involved) $5,000 of the $7,500, since the latter amount constitutes "total distributions payable" paid within one taxable year of the distributee, to which subdivision (i) of this subparagraph applies.

(e) *Annuity payments.* (1) Where death benefits are paid in the form of annuity payments, the following rules shall govern for purposes of the exclusion provided in section 101 (b):

(i) The exclusion from gross income provided by section 101 (b) does not apply to amounts, paid as an annuity, with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living, or to amounts paid as an annuity in lieu thereof. See paragraph (d) of this section.

(ii) Under section 101 (b) (2) (C), no exclusion is allowable for amounts received by a surviving annuitant under a joint and survivor's annuity contract if the annuity starting date (as defined in section 72 (c) (4) and paragraph (b) of § 1.72–4) occurs before the death of the employee. If the annuity starting date occurs after the death of the employee, the joint and survivor's annuity contract shall be treated as an annuity to which section 101 (b) (2) (D) applies. See subdivision (iii) of this subparagraph.

(iii) (*a*) Subject to the other limitations stated in section 101 (b) and in this section (see section 101 (b) (2) (D)), the amount to which the exclusion of section 101 (b) shall apply, with respect to "amounts received as an annuity" (as defined in paragraph (b) of § 1.72–2) shall be the amount by which the present value of the annuity to be paid to the beneficiary, computed as of the date of the employee's death, exceeds the value (if any) of whichever of the following is the larger:

(*1*) Amounts contributed by the employee (determined in accordance with the provisions of section 72 and the regulations thereunder), or

(*2*) Amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living, or amounts paid in lieu thereof (see paragraph (d) of this section).

(*b*) The present value of an annuity (immediately before the death of the employee), to the employee, or (immediately after the death of the employee), to his estate or beneficiary, shall be determined as follows:

(*1*) In the case of an annuity paid by an insurance company or by an organization (other than an insurance company) regularly engaged in issuing annuity contracts with an insurance company as the coinsurer or reinsurer of the obligations under the contract, by use of the discount interest rates and mortality tables used by the insurance company involved to determine the installment benefits;

(*2*) In the case of an annuity paid by an organization (other than an insurance company and other than an organization described in (*1*) of this subdivision) regularly engaged in issuing annuity contracts, by reference to the cost of a comparable contract purchased from an insurance company; and

(*3*) In the case of an annuity to which neither (*1*) nor (*2*) of this subdivision is applicable, by use of the appropriate tables of § 81.10 (i) of Regulations 105 (26 CFR (1939) 81.10 (i)) (pertaining to the estate tax), as supplemented by "Actuarial Values for Estate and Gift Tax" (Internal Revenue Service Publication No. 11, 1955).

(iv) Any amount subject to section 101 (b) (2) (D) which is excludable under section 101 (b) (see subdivision (iii) of this subparagraph) shall, for purposes of section 72, be treated as additional consideration paid by the employee. See paragraph (b) of § 1.72–8.

(v) Where more than one beneficiary, or more than one death benefit, is involved, the exclusion provided by section 101 (b) shall be apportioned to the various beneficiaries and benefits in accordance with the proportion that the present value of each benefit bears to the total present value of all the benefits.

(2) The application of the principles of this paragraph may be illustrated by the following examples:

Example (1). (i) Under the plan of the X Corporation, W, who is the widow of employee A, and who is 55 years old at the time of A's death, is entitled to an immediate annuity of $2,000 per year during her life and C, the minor child of A, is entitled to receive $1,000 per year for 15 years. A made no contributions under the plan and died while still employed by the X Corporation. At the time of A's death, the amount in his account is $18,000. Under the terms of the plan, this amount would have been distributable to him on account of voluntary termination of employment, but would not have been payable after his death except in the form of the annuities just described. This amount, accordingly, constitutes a nonforfeitable interest in lieu of which the annuities are paid. The exclusion does not apply, except to the extent that the present value of the annuities exceeds $18,000, whether or not the plan is "qualified", since the total of the amount in A's account will not be paid within one taxable year of the distributees. See subparagraph (1) (i) of this paragraph.

(ii) The computation of the exclusion applicable to the interests of W and C (assuming that the payments will not be made by an insurance company or some other organization regularly engaged in issuing annuity contracts) is, by application of the tables in § 81.10 (i) of Regulations 105 (26 CFR (1939) 81.10 (i)) (pertaining to the estate tax), as follows: The present value of

W's interest is $26,243.60, determined by multiplying the annual payment of $2,000 by 13.1218 (the factor in Table I for a person aged 55); the present value of C's interest is $11,517.40, determined by multiplying the yearly payment of $1,000 by 11.5174 (the factor in Table II for payments for a term certain of 15 years). The present value of both annuities is $37,761 and (assuming no other death benefits are involved), the total amount excludable is $5,000, because the total present value of the annuities exceeds the employee's nonforfeitable interest by more than $5,000 ($37,761 minus $16,000 equal $19,761). The exclusion allocable to W's interest is $26,243.60/$37,761 times $5,000, or $3,474.96; the exclusion allocable to C's interest is $11,517.40/$37,761 times $5,000, or $1,525.04. That portion of the death benefit exclusion as so determined for each beneficiary is to be treated as consideration paid by the employee for purposes of section 72.

Example (2). The facts are the same as in example (1), except that the nonforfeitable interest of A, at the time of his death, amounted to $33,761. Since the present value of both annuities ($37,761) exceeds the value of such nonforfeitable interest by only $4,000, the latter amount is the total amount excludable from the gross income of the beneficiaries. This $4,000 exclusion is to be divided in the same proportions as those indicated in example (1). Thus, the exclusion allocable to W's interest is $26,243.60/$37,761 times $4,000, or $2,779.97; and the exclusion allocable to the interest of C is $11,517.40/$37,761 times $4,000, or $1,220.03. That portion of the death benefit exclusion as so determined for each beneficiary is to be treated as consideration paid by the employee for purposes of section 72.

§ 1.101-3 *Interest payments*—(a) *Applicability of section 101* (c). Section 101 (c) provides that if any amount excluded from gross income by section 101 (a) (relating to life insurance proceeds) or section 101 (b) (relating to employees' death benefits) is held under an agreement to pay interest thereon, the interest payments shall be included in gross income. This provision applies to payments made (either by an insurer or by or on behalf of an employer) of interest earned on any amount so excluded from gross income which is held without substantial diminution of the principal amount during the period when such interest payments are being made or credited to the beneficiaries or estate of the insured or the employee. For example, if a monthly payment is $100, of which $99 represents interest and $1 represents diminution of the principal amount, the principal amount shall be considered held under an agreement to pay interest thereon and the interest payment shall be included in the gross income of the recipient. Section 101 (c) applies whether the election to have an amount held under an agreement to pay interest thereon is made by the insured or employee or by his beneficiaries or estate, and whether or not an interest rate is explicitly stated in the agreement. Section 101 (d), relating to the payment of life insurance proceeds at a date later than death, shall not apply to any amount to which section 101 (c) applies. See section 101 (d) (4).

(b) *Determinations of "present value"*. For the purpose of determining whether section 101 (c) or section 101 (d) applies, the present value (at the time of the insured's death) of any amount which is to be paid at a date later than death shall be determined by the use of the interest rate and mortality tables used by the insurer in determining the size of the payments to be made.

§ 1.101-4 *Payment of life insurance proceeds at a date later than death*—(a) *In general.* (1) (i) Section 101 (d) states the provisions governing the exclusion from gross income of amounts (other than those to which section 101 (c) applies) received under a life insurance contract and paid by reason of the death of the insured which are paid to a beneficiary on a date or dates later than the death of the insured. However, if the amounts payable as proceeds of life insurance to which section 101 (a) (1) applies cannot in any event exceed the amount payable at the time of the insured's death, such amounts are fully excludable from the gross income of the recipient (or recipients) without regard to the actual time of payment and no further determination need be made under this section. Section 101 (d) (1) (A) provides an exclusion from gross income of any amount determined by a proration, under applicable regulations, of "an amount held by an insurer with respect to any beneficiary". The quoted phrase is defined in section 101 (d) (2). For the regulations governing the method of computation of this proration, see paragraphs (c) through (f) of this section. The prorated amounts are to be excluded from the gross income of the beneficiary regardless of the taxable year in which they are actually received (see example (2) of subparagraph (2) of this paragraph).

(ii) Section 101 (d) (1) (B) provides an additional exclusion where life insurance proceeds are paid to the surviving spouse of an insured. For purposes of this exclusion, the term "surviving spouse" means the spouse of the insured as of the date of death, including a spouse legally separated, but not under a decree of absolute divorce (section 101 (d) (3)). To the extent that the total payments, under one or more agreements, made in excess of the amounts determined by proration under section 101 (d) (1) (A) do not exceed $1,000 in the taxable year of receipt, they shall be excluded from the gross income of the surviving spouse (whether or not payment of any part of such amounts is guaranteed by the insurer). Amounts excludable under section 101 (d) (1) (B) are not "prorated" amounts.

(2) The principles of this paragraph may be illustrated by the following examples:

Example (1). A surviving spouse elects to receive all of the life insurance proceeds with respect to one insured, amounting to $150,000, in ten annual installments of $16,500 each, based on a certain guaranteed interest rate. The prorated amount is $15,000 ($150,000÷10). As the second payment, the insurer pays $17,850, which exceeds the guaranteed payment by $1,350 as the result of earnings of the insurer in excess of those required to pay the guaranteed installments. The surviving spouse shall include $1,850 in gross income and exclude $16,000—determined in the following manner:

Fixed payment (including guaranteed interest)	$16,500
Excess interest	1,350
Total payment	17,850
Prorated amount	15,000
Excess over prorated amount	2,850
Annual excess over prorated amount excludable under section 101 (d) (1) (B)	1,000
Amount includible in gross income	1,850

Example (2). Assume the same facts as in example (1), except that the third and fourth annual installments, totalling $33,000 (2×$16,500), are received in a single subsequent taxable year of the surviving spouse. The prorated amount of $15,000 of each annual installment, totalling $30,000, shall be excluded even though the spouse receives more than one annual installment in the single subsequent taxable year. However, the surviving spouse is entitled to only one exclusion of $1,000 under section 101 (d) (1) (B) for each taxable year of receipt. The surviving spouse shall include $2,000 in her gross income for the taxable year with respect to the above installment payments ($33,000 less the sum of $30,000 plus $1,000).

Example (3). Assume the same facts as in example (1), except that the surviving spouse dies before receiving all ten annual installments and the remaining installments are paid to her estate or beneficiary. In such a case, $15,000 of each installment would continue to be excludable from the gross income of the recipient, but any amounts received in excess thereof would be fully includible.

(b) *Amount held by an insurer.* (1) For the purpose of the proration referred to in section 101 (d) (1), an "amount held by an insurer with respect to any beneficiary" means an amount equal to the present value to such beneficiary (as of the date of death of the insured) of an agreement by the insurer under a life insurance policy (whether as an option or otherwise) to pay such beneficiary an amount or amounts at a date or dates later than the death of the insured (section 101 (d) (2)). The present value of such agreement is to be computed as if the agreement under the life insurance policy had been entered into on the date of death of the insured, except that such value shall be determined by the use of the mortality table and interest rate used by the insurer in calculating payments to be made to the beneficiary under such agreement. Where an insurance policy provides an option for the payment of a specific amount upon the death of the insured in full discharge of the contract, such lump sum is the amount held by the insurer with respect to all beneficiaries (or their beneficiaries) under the contract. See, however, paragraph (e) of this section.

(2) In the case of two or more beneficiaries, the "amount held by the insurer" with respect to each beneficiary depends on the relationship of the different benefits payable to such beneficiaries. Where the amounts payable to two or more beneficiaries are independent of each other, the "amount held by the insurer with respect to each beneficiary" shall be determined and prorated over the periods involved independently. Thus, if a certain amount per month is to be paid to A for his life, and, concurrently, another amount per month is to be paid to B for his life, the "amount held by the insurer" shall be determined and prorated for both A and B independently, but the aggregate shall not exceed the total present value of such payments to both. On the other hand, if the obligation to pay B was contingent on his surviving A, the "amount held by the insurer" shall be considered an amount held with respect to both beneficiaries simultaneously. Furthermore, it is immaterial whether B is a named beneficiary or merely the ultimate recipient of payments for a term of years. For the special rules governing the computation of the proration of the "amount held by an insurer" in determining amounts excludable under the provisions of section 101 (d), see paragraphs (c) to (f), inclusive, of this section.

(3) Notwithstanding any other provision of this section, if the policy was transferred for a valuable consideration, the total "amount held by an insurer" cannot exceed the sum of the consideration paid plus any premiums or other consideration paid subsequent to the transfer if the provisions of section 101 (a) (2) and paragraph (b) of § 1.101-1 limit the excludability of the proceeds to such total.

(c) *Treatment of payments for life to a sole beneficiary.* If the contract provides for the payment of a specified lump sum, but, pursuant to an agreement between the beneficiary and the insurer, payments are to be made during the life of the beneficiary in lieu of such lump sum, the lump sum shall be divided by the life expectancy of the beneficiary determined in accordance with the mortality table used by the insurer in determining the benefits to be paid. However, if payments are to be made to the estate or beneficiary of the primary beneficiary in the event that the primary beneficiary dies before receiving a certain number of payments or a specified total amount, such lump sum shall be reduced by the present value (at the time of the insured's death) of amounts which may be paid by reason of the guarantee, in accordance with the provisions of paragraph (e) of this section, before making this calculation. To the extent that payments received in each taxable year do not exceed the amount found from the above calculation, they are "prorated amounts" of the "amount held by an insurer" and are excludable from the gross income of the beneficiary without regard to whether he lives beyond the life expectancy used in making the calculation. If the contract in question does not provide for the payment of a specific lump sum upon the death of the insured as one of the alternative methods of payment, the present value (at the time of the death of the insured) of the payments to be made the beneficiary, determined in accordance with the interest rate and mortality table used by the insurer in determining the benefits to be paid, shall be used in the above calculation in lieu of a lump sum.

(d) *Treatment of payments to two or more beneficiaries*—(1) *Unrelated payments.* If payments are to be made to two or more beneficiaries, but the payments to be made to each are to be made without regard to whether or not payments are made or continue to be made to the other beneficiaries, the present value (at the time of the insured's death) of such payments to each beneficiary shall be determined independently for each such beneficiary. The present value so determined shall then be divided by the term for which the payments are to be made. If the payments are to be made for the life of the beneficiary, the divisor shall be the life expectancy of the beneficiary. To the extent that payments received by a beneficiary do not exceed the amount found from the above calculation, they are "prorated amounts" of the "amount held by an insurer" with respect to such beneficiary and are excludable from the gross income of the beneficiary without regard to whether he lives beyond any life expectancy used in making the calculation. For the purpose of the calculation described above, both the "present value" of the payments to be made periodically and the "life expectancy" of the beneficiary shall be determined in accordance with the interest rate and mortality table used by the insurer in determining the benefits to be paid. If payments are to be made to the estate or beneficiary of a primary beneficiary in the event that such beneficiary dies before receiving a certain number of payments or a specified total amount, the "present value" of payments to such beneficiary shall not include the present value (at the time of the insured's death) of amounts which may be paid by reason of such a guarantee. See paragraph (e) of this section.

(2) *Related payments.* If payments to be made to two or more beneficiaries are in the nature of a joint and survivor annuity (as described in paragraph (b) of § 1.72-5), the present value (at the time of the insured's death) of the payments to be made to all such beneficiaries shall be divided by the life expectancy of such beneficiaries as a group. To the extent that the payments received by a beneficiary do not exceed the amount found from the above calculation, they are "prorated amounts" of the "amount held by an insurer" with respect to such beneficiary and are excludable from the gross income of the beneficiary without regard to whether all the beneficiaries involved live beyond the life expectancy used in making the calculation. For the purpose of the calculation described above, both the "present value" of the payments to be made periodically and the "life expectancy" of all the beneficiaries as a group shall be determined in accordance with the interest rate and mortality table used by the insurer in determining the benefits to be paid. If the contract provides that certain payments are to be made in the event that all the beneficiaries of the group die before a specified number of payments or a specified total amount is received by them, the present value of payments to be made to the group shall not include the present value (at the time of the insured's death) of amounts which may be paid by reason of such a guarantee. See paragraph (e) of this section.

(3) *Payments to secondary beneficiaries.* Payments made by reason of the death of a beneficiary (or beneficiaries) under a contract providing that such payments shall be made in the event that the beneficiary (or beneficiaries) die before receiving a specified number of payments or a specified total amount shall be excluded from the gross income of the recipient to the extent that such payments are made solely by reason of such guarantee.

(e) *Treatment of present value of guaranteed payments.* In the case of payments which are to be made for a life or lives under a contract providing that further amounts shall be paid upon the death of the primary beneficiary (or beneficiaries) in the event that such beneficiary (or beneficiaries) die before receiving a specified number of payments or a specified total amount, the present value (at the time of the insured's death) of all payments to be made under the contract shall not include, for purposes of prorating the amount held by the insurer, the present value of the payments which may be made to the estate or beneficiary of the primary beneficiary. In such a case, any lump sum amount used to measure the value of the amount held by an insurer with respect to the primary beneficiary must be reduced by the value at the time of the insured's death of any amounts which may be paid by reason of the guarantee provided for a secondary beneficiary or the estate of the primary beneficiary before prorating such lump sum over the life or lives of the primary beneficiaries. Such present value (of the guaranteed payment) shall be determined by the use of the interest rate and mortality tables used by the insurer in determining the benefits to be paid.

(f) *Treatment of payments not paid periodically.* Payments made to beneficiaries other than periodically shall be included in the gross income of the recipients, but only to the extent that they exceed amounts payable at the time of the death of the insured to each such beneficiary or, where no such amounts are specified, the present value of such payments at that time.

(g) *Examples.* The principles of this section may be illustrated by the following examples:

Example (1). A life insurance policy provides for the payment of $20,000 in a lump sum to the beneficiary at the death of the insured. Upon the death of the insured, the beneficiary elects an option to leave the proceeds with the company for five years and then receive payment of $24,000, having no claim of right to any part of such sum before the entire five years have passed. Upon the payment of the larger sum, $24,000, the beneficiary shall include $4,000 in gross income and exclude $20,000 therefrom. If it is assumed that the same insurer has determined the benefits to be paid, the same result would obtain if no lump sum amount were provided for at the death of the insured and the beneficiary were to be paid $24,000 five years later. In neither of these cases would the surviving spouse be able to exclude any additional amount from gross income since both cases involve an amount held by an insurer under an agreement to pay interest thereon

to which section 101 (c) applies, rather than an amount to be paid periodically after the death of the insured to which section 101 (d) applies.

Example (2). A life insurance policy provides that $1,200 per year shall be paid the sole beneficiary (other than a surviving spouse) until a fund of $20,000 and interest which accrues on the remaining balance is exhausted. A guaranteed rate of interest is specified, but excess interest may be credited according to the earnings of the insurer. Assuming that the fund will be exhausted in 20 years if only the guaranteed interest is actually credited, the beneficiary shall exclude $1,000 of each installment received ($20,000 divided by 20) and any installments received, whether by the beneficiary or his estate or beneficiary, in excess of 20 shall be fully included in the gross income of the recipient. If, instead, the excess interest were to be paid each year, any portion of each installment representing an excess over $1,000 would be fully includible in the recipient's gross income. Thus, if an installment of $1,350 were received, $350 of it would be included in gross income.

Example (3). Assume that the sole life insurance policy of a decedent provides only for the payment of $5,000 per year for the life of his surviving spouse, beginning with the insured's death. If the present value of the proceeds, determined by reference to the interest rate and the mortality table used by the insurance company, is $60,000, and such beneficiary's life expectancy is 20 years, $3,000 of each $5,000 payment ($60,000 divided by 20) is excludable as the prorated portion of the "amount held by an insurer". For each taxable year in which a payment is made, an additional $1,000 is excludable from the gross income of the surviving spouse. Hence, if she receives only one $5,000 payment in her taxable year, only $1,000 is includible in her gross income in that year with respect to such payment ($5,000 less the total amount excludable, $4,000). Assuming that the policy also provides for payments of $2,000 per year for 10 years to the daughter of the insured, the present value of the payments to the daughter is to be computed separately for the purpose of determining the excludable portion of each payment to her. Assuming that such present value is $15,000, $1,500 of each payment of $2,000 received by the daughter is excludable from her gross income ($15,000 divided by 10). The remaining $500 shall be included in the gross income of the daughter.

Example (4). Beneficiaries A and B, neither of whom is the surviving spouse of the insured, are each to receive annual payments of $1,800 for each of their respective lives upon the death of the insured. The contract does not provide for payments to be made in any other manner. Assuming that the present value of the payments to be made to A, whose life expectancy according to the insurer's mortality table is 30 years, is $36,000, A shall exclude $1,200 of each payment received ($36,000 divided by 30). Assuming that the present value of the payments to be made to B, whose life expectancy according to the insurer's mortality table is 20 years, is $27,000, B shall exclude $1,350 of each payment received ($27,000 divided by 20).

Example (5). A life insurance policy provides for the payment of $76,500 in a lump sum to the beneficiary, A, at the death of the insured. Upon the insured's death, however, A selects an option for the payment of $2,000 per year for her life and for the same amount to be paid after her death to B, her daughter, for her life. Assuming that since A is 51 years of age and her daughter is 28 years of age, the insurer determined the amount of the payments by reference to a mortality table under which the life expectancy for the lives of both A and B, joint and survivor, is 51 years, $1,500 of each $2,000 payment to either A or B ($76,500 divided by 51, or $1,500) shall be excluded from the gross income of the recipient. However, if A is the surviving spouse of the insured and no other contracts of insurance whose proceeds are to be paid to her at a date later than death are involved, A shall exclude the entire payment of $2,000 in any taxable year in which she receives but one such payment because of the additional exclusion under section 101 (d) (1) (B).

Example (6). Beneficiaries A and B, neither of whom is the surviving spouse of the insured, are each to receive annual payments of $1,800 for each of their respective lives upon the death of the insured, but after the death of either, the survivor is to receive the payments formerly made to the deceased beneficiary until the survivor dies. Assuming that the life expectancy, joint and survivor, of A and B in accordance with the mortality table used by the insurer is 32 years and assuming that the total present value of the benefits to both (determined in accordance with the interest rate used by the insurer), is $80,000, A and B shall each exclude $1,250 of each installment of $1,800 ($80,000 divided by the life expectancy, 32, multiplied by the fraction of the annual payment payable to each, one-half) until the death of either. Thereafter, the survivor shall exclude $2,500 of each installment of $3,600 ($80,000 divided by 32).

Example (7). A life insurance policy provides for the payment of $75,000 in a lump sum to the beneficiary, A, at the death of the insured. A, upon the insured's death, however, selects an option for the payment of $4,000 per year for life, with a guarantee that any part of the $75,000 lump sum not paid to A before his death shall be paid to B (or his estate), A's beneficiary. Assuming that, under the criteria used by the insurer in determining the benefits to be paid, the present value of the guaranteed amount to B is $13,500 and that A's life expectancy is 25 years, the lump sum shall be reduced by the present value of the guarantee to B ($75,000 less $13,500, or $61,500) and divided by A's life expectancy ($61,500 divided by 25, or $2,460). Hence, $2,460 of each $4,000 payment is excludable from A's gross income. If A is the surviving spouse of the insured and no other contracts of insurance whose proceeds are to be paid to her at a date later than death are involved, A shall exclude $3,460 of each $4,000 payment from gross income in any taxable year in which but one such payment is received. Under these facts, if any amount is paid to B by reason of the fact that A dies before receiving a total of $75,000, the residue of the lump sum paid to B shall be excluded from B's gross income since it is wholly in lieu of the present value of such guarantee plus the present value of the payments to be made to the first beneficiary, and is therefore entirely an "amount held by an insurer" paid at a date later than death (see paragraph (d) (3) of this section).

Example (8). Assume that an insurance policy does not provide for the payment of a lump sum, but provides for the payment of $1,200 per year for a beneficiary's life upon the death of the insured, and also provides that if ten payments are not made to the beneficiary before death a secondary beneficiary (whether named by the insured or by the first beneficiary) shall receive the remainder of the ten payments in similar installments. If, according to the criteria used by the insurance company in determining the benefits, the present value of the payments to the first beneficiary is $12,000 and the life expectancy of such beneficiary is 15 years, $800 of each payment received by the first beneficiary is excludable from gross income. Assuming that the same figures obtain even though the payments are to be made at the rate of $100 per month, the yearly exclusion remains the same unless more or less than twelve months' installments are received by the beneficiary in a particular taxable year. In such a case two-thirds of the total received in the particular taxable year with respect to such beneficiary shall be excluded from gross income. Under either of the above alternatives, any amount received by the second beneficiary by reason of the guarantee of ten payments is fully excludable from the beneficiary's gross income since it is wholly in lieu of the present value of such guarantee plus the present value of the payments to be made to the first beneficiary and is therefore entirely an "amount held by an insurer" paid at a date later than death (see paragraph (d) (3) of this section).

(h) *Limitations on application of section 101 (d).* Section 101 (d) shall not apply to interest payments on any amount held by an insurer under an agreement to pay interest thereon. See sections 101 (c) and 101 (d) (4), and § 1.101-3. See also paragraph (b) (3) of this section for a limitation on the amount which shall be considered an "amount held by an insurer" in the case of proceeds of life insurance which are paid subsequent to the transfer of the policy for a valuable consideration.

§ 1.101-5 *Alimony, etc., payments.* Proceeds of life insurance policies paid by reason of the death of the insured to his separated wife, or payments excludable as death benefits under section 101 (b) paid to a deceased employee's separated wife, if paid to discharge legal obligations imposed by a decree of divorce or separate maintenance, by a written separation agreement executed after August 16, 1954, or by a decree of support entered after March 1, 1954, shall be included in the gross income of the separated wife if section 71 or 682 is applicable to the payments made. For definition of "wife", see section 7701 (a) (17) and the regulations thereunder.

§ 1.101-6 *Effective date.* (a) The provisions of section 101 and §§ 1.101-1, 1.101-2, 1.101-3, 1.101-4, and 1.101-5 are applicable only with respect to amounts received by reason of the death of an insured or an employee occurring after August 16, 1954. In the case of such amounts, these sections are applicable even though the receipt of such amounts occurred in a taxable year beginning before January 1, 1954, to which the Internal Revenue Code of 1939 applies.

(b) Section 22 (b) (1) of the Internal Revenue Code of 1939 and the regulations pertaining thereto shall apply to amounts received by reason of the death of an insured or an employee occurring before August 17, 1954, regardless of the date of receipt.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 12, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10389; Filed, Dec. 16, 1957; 8:47 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

ZION AND BRYCE CANYON NATIONAL PARKS

Paragraph (b) of § 20.10 *Zion and Bryce Canyon National Parks,* is amended as follows:

(b) *Limitation on hours for trucking.* Any vehicle, whether loaded or unloaded, for which the manufacturer's rated capacity is over three tons, may be driven over the highways in Zion National Park only during the hours 10 p. m. to 6 a. m. daily during the period from April 1 to October 31, inclusive.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 15th day of November 1957.

PAUL R. FRANKE,
Superintendent,
Zion National Park.

[F. R. Doc. 57-10377; Filed, Dec. 16, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of this title is hereby amended as follows:

PART 13—ADDRESSES

In § 13.6 *Delivery zones* amend paragraph (d) to read as follows:

(d) *Zone directories.* Postal delivery zone directories are furnished free. They may be obtained from the postmasters of the zoned cities or from the Office of Headquarters Services, Post Office Department, Washington 25, D. C. Postmasters of zoned cities can furnish copies of local zone directories only.

NOTE: Corresponds to section 123.64 in Postal Manual.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 16—BULK MAILINGS

In § 16.1 *Second-class publications* (22 F. R. 32) add new subdivision (viii) to paragraph (c) (4) to read as follows:

(viii) *Unauthorized labels.* Labels, tags, or markings not required or authorized may not be used on mail sacks.

NOTE: Corresponds to section 126.134 in Postal Manual.

In § 16.2 *Third-class mailings* make the following additions:

1. In paragraph (b) add new subparagraph (4) to read as follows:

(4) *Simplified addressed mail.* Follow the instructions in § 13.4 (c) of this chapter.

NOTE: Corresponds to section 126.25d in Postal Manual.

2. In paragraph (c) add new subparagraph (5) to read as follows:

(5) *Unauthorized labels.* Labels, tags, or markings not required or authorized may not be used on mail sacks.

NOTE: Corresponds to section 126.235 in Postal Manual.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369. Interprets or applies R. S. 3965; 39 U. S. C. 483)

PART 22—SECOND CLASS

In § 22.1 *Second-class rates* amend paragraph (d) (1) by deleting the phrase "six times a week" wherever it appears therein and inserting in lieu thereof "five times a week."

NOTE: Corresponds to section 132.14 of the Postal Manual.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 24—THIRD CLASS

a. In § 24.1 *Rates* make the following changes:

1. Opposite Books and catalogs and under Bulk mailings delete the present rate data and insert in lieu thereof the following:

10 cents each pound or fraction; 1½ cents minimum charge per piece.

If 10 pieces weigh—

1½ pounds or less, pay 1¼ cents each piece.	More than 1½ pounds, pay 10 cents each pound.

FOR AUTHORIZED NONPROFIT ORGANIZATIONS

10 cents each pound or fraction; 1 cent minimum charge per piece.

If 10 pieces weigh—

1 pound or less, pay 1 cent each piece.	More than 1 pound, pay 10 cents each pound.

2. Opposite Circulars, etc. and under Bulk mailings amend the rate data to read as follows:

14 cents each pound or fraction; 1½ cents minimum charge per piece.

If 14 pieces weigh—

1½ pounds or less, pay 1½ cents each piece.	More than 1½ pounds, pay 14 cents each pound.

FOR AUTHORIZED NONPROFIT ORGANIZATIONS

14 cents each pound or fraction; 1 cent minimum charge per piece.

If 14 pieces weigh—

1 pound or less, pay 1 cent each piece.	More than 1 pound, pay 14 cents each pound.

3. Under the general caption "Rate" amend the subcaption "Bulk mailings" to read as follows:

BULK

(See § 24.4 (b).)

b. In § 24.3 *Weight and size limitations* (22 F. R. 4053), amend paragraph (b) to read as follows:

(b) *Size.* The minimum size is 2¾ by 4 inches for articles other than parcels. An article measuring less in either dimension will be unmailable. There is no maximum limit.

NOTE: The foregoing amendment to § 24.3 is effective July 1, 1959.

c. In § 24.4 *Payment of postage and markings required* add new subparagraph (5) to paragraph (b) to read as follows:

(5) Third class matter mailed at bulk rates may not be sent registered, insured, c. o. d., or as certified mail.

NOTE: Corresponds to section 134.45 in Postal Manual.

d. In § 24.5 *Non-profit organizations* (22 F. R. 4499) make the following changes:

1. Amend paragraph (c) to read as follows:

(c) *Appeal.* The postmaster's action may be appealed in writing through the postmaster to the Bureau of Operations, Postal Services Division. The appeal must be accompanied by the original application and all supporting papers.

NOTE: Corresponds to section 134.53 of the Postal Manual.

2. In paragraph (e) amend the 5th sentence to read as follows: "If no answer is filed, decision will be made by the Bureau of Operations, Postal Services Division, whether the authorization shall be continued in effect."

NOTE: Corresponds to section 134.55 of the Postal Manual.

e. In § 24.8 *Sealing* (22 F. R. 4499) make the following changes in paragraph (a): Amend subparagraphs (2) and (3) to read as follows:

(2) Self-mailers more than 5 inches wide or more than 11½ inches long.

(3) Envelopes more than 5 inches wide or more than 11-½ inches long.

NOTE: Corresponds to section 134.81 in Postal Manual.

(R. S. 161, 396, as amended, 3926, as amended, sec. 7, 20 Stat. 358, as amended, sec. 8, 37, Stat. 558, as amended, sec. 1, 25 Stat. 1, as amended, sec. 5, 41 Stat. 583, as amended, sec. 206, 43 Stat. 1067, as amended, 46 Stat. 526, secs. 2, 3, 65 Stat. 672, 673; 5 U. S. C. 22, 369; 39 U. S. C. 221, 221a, 235, 244, 249, 289a, 290a-1, 291a, 381)

PART 26—AIR MAIL

a. In § 26.1 *Rates* make the following changes:

1. Change the rate opposite "Business reply air cards" from 5 cents to 6 cents.

2. Opposite "Air mail in business reply envelopes" strike out "1 cent" and insert in lieu thereof "2 cents."

NOTE: Corresponds to section 136.1 in Postal Manual.

(R. S. 161, 396, as amended; sec. 2, 45 Stat. 940; sec. 2, 60 Stat. 1062; secs. 1, 201, 62 Stat. 1097, 1261; 5 U. S. C. 22, 369; 39 U. S. C. 303, 462a, 463a, 475)

PART 32—PRECANCELED POSTAGE

In § 32.3 *Precancel permit* amend paragraph (a) to read as follows:

(a) *Application for permit.* Submit a completed POD Form 3620 to the post office where you mail. A fee is not required. Permits for use of mailers postmark will not be issued for mailings at United Nations, New York.

NOTE: Corresponds to section 142.3 in Postal Manual.

(R. S. 161, 396, as amended, 3921, as amended; 5 U. S. C. 22, 369; 39 U. S. C. 365)

PART 34—PERMIT IMPRINTS

a. In § 34.1 *Permit* add the following to paragraph (a): "However, you must also pay an annual bulk mailing fee if you prepare third class matter at bulk rates under your permit. See § 24.4 (b) (2) of this chapter."

NOTE: Corresponds to section 144.11 in Postal Manual.

b. In § 34.2 *Form of permit imprints* delete the present permit imprint illustrations and insert in lieu thereof the following:

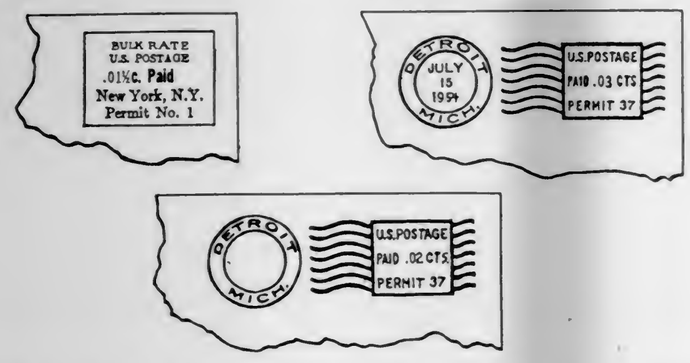

NOTE: Corresponds to section 144.2 in Postal Manual.

(R. S. 161, 396, as amended, sec. 5, 41 Stat. 683, as amended, 47 Stat. 647; 5 U. S. C. 22, 369; 39 U. S. C. 273, 273a)

PART 37—PREPAYMENTS AND REFUNDS

In § 37.2 *Refunds* (22 F. R. 3071) make the following changes in paragraph (a):

1. Delete present subparagraph (3).

2. Redesignate subparagraphs (4) and (5) as subparagraphs (3) and (4), respectively.

NOTE: Corresponds to sections 147.213 and 147.214 in Postal Manual.

(R. S. 161, 396, as amended; sec. 2, 33 Stat. 1091; 5 U. S. C. 22, 369; 39 U. S. C. 300)

PART 41—SERVICE IN POST OFFICES

In § 41.3 *Post office boxes* amend paragraph (b) to read as follows:

(b) *How to rent a box.* Submit an application for post office box, Form 1093, to the postmaster. When the application is aproved by the postmaster, a box will be assigned.

NOTE: Corresponds to section 151.32 in Postal Manual.

(R. S. 161, 396, as amended, 3901; 5 U. S. C. 22, 369; 39 U. S. C. 279)

PART 47—FORWARDING MAIL

a. In § 47.3 *Postage for forwarding* amend paragraph (b) (3) to read as follows:

(3) Third-class mail is subject to collection of additional postage for forwarding at the single-piece rate. (See § 24.1 of this chapter.) Such matter is forwarded only if it is of obvious value or if the sender or addressee has guaranteed forwarding postage. Mail of no obvious value or bearing no forwarding postage guarantee will be disposed of as undeliverable mail (see § 48.2 (c)).

NOTE: Corresponds to section 157.32d in Postal Manual.

b. In § 47.4 *Address changes of persons in U. S. service* add the following to paragraph (b): "See § 47.2 regarding time limit of orders filed with the post office."

NOTE: Corresponds to section 157.4b in Postal Manual.

c. In § 47.5 *Forwarding due to change in post office service* add new paragraph (c) to read as follows:

(c) *Time limit.* Time limit for forwarding is same as for order to change address. See § 47.2.

NOTE: Corresponds to section 157.53 in Postal Manual.

(R. S. 161, 396, as amended; sec. 1, 64 Stat. 210; 5 U. S. C. 22, 369; 39 U. S. C. 278a)

PART 48—UNDELIVERABLE MAIL

a. In § 48.2 *Treatment of classes* amend paragraph (e) to read as follows:

(e) *Fourth-class mail.* Undeliverable fourth-class mail will be returned to the sender or sender's representative unless parcel is marked by sender "Treat as Abandoned" and postage at the fourth-class rate will be collected on delivery. (See § 25.1 of this chapter.)

NOTE: Corresponds to section 158.25 in Postal Manual.

b. In § 48.4 *Notice to sender on third- and fourth-class mail* make the following changes:

1. Amend the introductory sentence of paragraph (a) to read as follows: "Notices on Form 3547 are furnished under the following conditions only for third- and fourth-class mail and official mail of U. S. Government departments and agencies when undeliverable as addressed. The sender must:"

NOTE: Corresponds to section 158.41 in Postal Manual.

2. In paragraph (b) add subparagraph (5) to read as follows:

(5) If mail is not marked as required by § 48.4 (a), no notice will be furnished.

NOTE: Corresponds to section 158.42e in the Postal Manual.

c. In § 48.5 *Retention periods* amend paragraph (b) to read as follows:

(b) *Registered, insured, c. o. d., and certified mail.* (1) Registered mail is held up to 60 days if the sender so requests by endorsement on the mail. If the sender names no specific period, the mail will be held for 10 days before return. Exception: If the postmaster believes he will be able to make delivery if the mail is held longer than 10 days, it may be held up to 60 days if written permission is obtained from the sender. (See also § 48.2 (g) (1).) If there is no specific request by the sender, the postmaster may hold the article not longer than 60 days if he believes he will be able to make delivery and has obtained written permission from the sender. (See also § 48.2 (g) (1).)

(2) Insured and certified mail is held a maximum of 15 days. It is held a lesser number of days if the sender so specifies. If no retention period is specified on refused insured mail, it will be returned immediately. (See also § 48.2 (g) (1).)

(3) COD mail is held a maximum of 30 days. It is held a lesser number of days if the sender so specifies. COD mail not bearing specific instructions will be returned immediately when:

(i) Addressee is not found.

(ii) Address does not exist.

(iii) Addressee is deceased and delivery cannot be made to an authorized person.

NOTE: Corresponding Postal Manual section is 158.52c.

d. In § 48.6 *Disposal of undeliverable mail* make the following changes:

1. In paragraph (a) delete the words "second-class mail."

NOTE: Corresponds to section 158.6a in Postal Manual.

2. In paragraph (b), first sentence, insert the words "and second-class mail," immediately following the word "cards."

NOTE: Corresponds to section 158.6b in Postal Manual.

3. Amend paragraph (c) to read as follows:

(c) Domestic ordinary, insured or c. o. d. articles bearing sender's instructions to abandon, and those unqualifiedly refused by sender and addressee, are disposed of immediately.

NOTE: Corresponds to section 158.6c in Postal Manual.

4. In paragraph (i) strike out the word "penalty" in the first sentence and insert in lieu thereof "official."

NOTE: Corresponds to section 158.6i in Postal Manual.

(R. S. 161, 396, as amended, 392b, as amended; sec. 8, 37 Stat. 558, as amended, sec. 1, 46 Stat. 264, sec. 2, 64 Stat. 210; 5 U. S. C. 22, 369; 39 U. S. C. 244, 261, 278b, 381)

PART 53—C. O. D.

a. In § 53.1 *Description*, amend paragraph (d) to read as follows:

(d) *Service with U. S. possessions and territories.* There is no COD service with the Canal Zone, Canton Island, Caroline Islands, Mariana Islands, Marshall Islands or to Samoa. However, COD articles may be mailed from Pago Pago, Samoa.

NOTE: Corresponds with section 163.14 in Postal Manual.

b. In § 53.3 *Mailing* add new subparagraph (6) to paragraph (d) to read as follows:

(6) When parcels are intended for transportation between continental United States and overseas possessions and territories, including Alaska, the mailer may, if he desires to expedite remittance, attach an addressed, prepaid, air mail reply envelope to the back of the COD tag at time of mailing.

NOTE: Corresponds with § 163.34f in Postal Manual.

(R. S. 161, 396, as amended; sec. 8, 37 Stat. 558, sec. 1, 41 Stat. 581; 5 U. S. C. 22, 369; 39 U. S. C. 244, 382)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-10334; Filed, Dec. 16, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial W-047928]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 10, 1957.

In accordance with order of the Director, Geological Survey, of March 18, 1957, entitled "Power Site Cancellation No. 119" (22 F. R. 1993), which canceled in part Power Site Classification No. 201 approved May 24, 1928, and pursuant to authority delegated to me by the Wyoming State Supervisor, Bureau of Land Management, under Part II of Order of Delegation filed November 21, 1956 (21 F. R. 9147) the following described public lands are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 57 N., R. 101 W.,
Sec. 18, Lots 6 to 12 inclusive, E½W½, SW¼SE¼;
Sec. 30, E½E½

The areas described total approximately 617 acres of public lands.

1. This land is located ½ to 1½ miles east of the Clarks Fork of the Yellowstone River, in producing Badger Basin oil field, in northwestern Park County, Wyoming. The climate of this area is characterized by mild summers and long cold winters and the economy of the Clarks Fork Valley is based on diversified irrigated farming. The surface of the land is slightly rolling and slopes toward the Clarks Fork River. The soil is a silty, sandy loam and the vegetative cover is a sagebrush type with an understory of perennial grasses.

2. No applications for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. The lands described shall be subject to application by the State of Wyoming for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for construction and maintenance of such highways.

4. Subject to any valid existing rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections, will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under that act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended) presented prior to 10 a. m., local time, on February 7, 1958, will be considered simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m., local time, on May 9, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m., local time, on May 9, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans' preference rights under paragraph a.(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications setting forth all facts relevant to their claims. Detailed rules and regulations governing application which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The lands described in this order have been subject to mining location under the act of August 11, 1955 (69 Stat. 681; 30 U. S. C. 621-625) and to applications and offers under the mineral leasing laws.

7. Inquiries concerning the lands described in this order shall be addressed to: Manager, Land Office, Bureau of Land Management, Post Office Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 57-10390; Filed, Dec. 16, 1957; 8:47 a. m.]

ALASKA

PARTIAL REVOCATION OF AIR NAVIGATION SITE WITHDRAWAL NO. 138

DECEMBER 10, 1957.

1. By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and pursuant to section 2.5 of Bureau of Land Management Delegation of Authority, Order No. 541 of April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Air Navigation Site Withdrawal No. 138 created by Departmental Order of March 28, 1940, covering certain public lands in the vicinity of Ninilchik, Alaska, is hereby revoked as to the following described lands:

SEWARD MERIDIAN

T. 1 S., R. 14 W.,
Section 34: That portion of Lot 2 (as identified on the original plat of survey dated April 20, 1920) exclusive of Lots 8-12, inclusive, 17, 18.
Containing approximately 32.85 acres.

2. The land included in this order is entirely subject to the following prior valid existing rights, reservations and equitable claims as follows:

a. U. S. Survey 3036 A: That portion within original Lot 2; U. S. Survey 3036 B: All.
These lands are embraced in the Ninilchik Townsite Trustee Deed.

b. Lots 13-16, inclusive, containing 8.82 acres.
These lands are reserved by Public Land Order No. 1549 for public recreational purposes.

c. U. S. Survey No. 3407: That portion within original Lot 2.
Containing approximately 16.80 acres.

Jurisdiction over these lands is in the process of being transferred under provisions of the Federal Airport Act to the Alaska Aeronautics and Communications Commission.

3. There being no remaining lands being returned to the public domain this restoration is, therefore, not subject to preferred right of selection by the Territory of Alaska in accordance with the provisions of section 202 (b) of the act of July 28, 1956 (79 Stat. 709, 711); nor to the preference rights granted to veterans of World War II and others by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

GEORGE E. M. GUSTAFSON,
Acting Operations Supervisor, Anchorage.

[F. R. Doc. 57-10396; Filed, Dec. 16, 1957; 8:48 a. m.]

Bureau of Mines

CHIEF, BRANCH OF FACILITATING SERVICES; ANTHRACITE EXPERIMENT STATION, SCHUYLKILL HAVEN, PA.

REDELEGATION OF AUTHORITY TO APPROVE AND RELEASE PURCHASE ORDERS AND CONTRACTS

Effective immediately, the following authority is redelegated to the Chief, Branch of Facilitating Services:

Approve and release purchase orders and contracts in amounts up to $500 through established obligation procedures, except for:

(1) Construction.
(2) Drilling.
(3) Purchase of land.
(4) Printing and binding.
(5) Working fund agreements involving mutual participation.
(6) Cooperative agreements with persons or institutions in research programs.

Dated: December 4, 1957.

R. E. MORGAN,
Assistant Chief, Division of Anthracite.

Approved: December 9, 1957.

MARLING J. ANKENY,
Director, Bureau of Mines.

[F. R. Doc. 57-10376; Filed, Dec. 16, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order 45]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS

APPLICATION TO EXPAND BOUNDARIES OF FOREIGN-TRADE ZONE NO. 2

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Board of Commissioners of the Port of New Orleans, as grantee of Foreign-Trade Zone No. 2, filed an application dated September 12, 1957 for permission to expand the Zone to include the second floor of Wharfhouse Section 4, which is west of and adjoins Wharfhouse Section 5, Public Commodity Warehouse Wharf, within the limits of Foreign-Trade Zone No. 2, New Orleans, Louisiana.

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the proposal is in the public interest, hereby orders:

That the boundaries of Foreign-Trade Zone No. 2 be, and they are hereby, re-established to include the second floor of Wharfhouse Section 4, which is west of and adjoins Wharfhouse Section 5, Public Commodity Warehouse Wharf, within the limits of Foreign-Trade Zone No. 2, New Orleans, Louisiana, in conformity with revised exhibits Nos. 1 and 6–1 iii, dated September 12, 1957, and exhibit No. 10, dated October 18, 1957 made a part of the application.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the administrative Procedure Act (5 U. S. C. 1003) is unnecessary in connection with the issuance of this order, because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 4th day of December 1957.

FOREIGN-TRADE ZONES BOARD,
[SEAL] SINCLAIR WEEKS,
Secretary of Commerce. Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest: JOSEPH M. MARRONE,
Executive Secretary, Foreign-Trade Zones Board.

[F. R. Doc. 57-10392; Filed, Dec. 16, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-7029 etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF SEVERANCE AND SETTING DATE FOR CONSOLIDATED HEARING

DECEMBER 11, 1957.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G-7029; Sunray Mid-Continent Oil Company,[1] Docket No. G-8286; Buffalo Oil Company, Docket No. G-8289.

By notices dated March 15, 1955 and April 27, 1955, the above-entitled matters were severed for hearing from the consolidated proceedings in Docket Nos. G-3045 et al., and the matter of Transcontinental Gas Pipe Line Corporation, Docket No. G-7029, was consolidated with the matters of Sunray Mid-Continent Oil Company, Docket No. G-8286 and Buffalo Oil Company, Docket No. G-8289, and the hearings in Docket Nos. G-8286 and G-8289 which had been set for hearing to commence on May 9, 1955, including the matter of Transcontinental Gas Pipe Line Corporation were postponed to commence at a time and place to be thereinafter fixed.

By notice dated November 18, 1957, the application of Sunray Mid-Continent Oil Company, in Docket No. G-8286 was made the subject matter of the consolidated proceedings In the Matters of Sunray Mid-Continent Oil Company, Docket No. G-2975, et al. The application, therefore, in the matter of Sunray Mid-Continent Oil Company is severed from the proceedings to be set for hearing in the above-entitled matters.

Temporary authorization was granted to Transcontinental Gas Pipe Line Corporation in Docket No. G-7029 on May 19, 1955 to construct and operate certain facilities, and the Buffalo Oil Company and Sunray Oil Corporation, authorizing said companies to sell gas to Transcontinental Gas Pipe Line Corporation as requested in their applications.

Due notice of the applications filed herein was published in the FEDERAL REGISTER on February 22, 1955 (20 F. R. 1112–1113).

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules and regulations thereunder, a hearing will be held on January 6, 1958, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G-7029 and G-8289.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10385; Filed, Dec. 16, 1957; 8:46 a. m.]

[1] Effective May 16, 1955, Mid-Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed its name to Sunray Mid-Continent Oil Company and adopted the applications of Mid-Continent Petroleum Corporation and Sunray Oil Corporation.

CIVIL AERONAUTICS BOARD

[Docket No. SA-326]

INVESTIGATION OF ACCIDENT OCCURRING IN PACIFIC OCEAN BETWEEN SAN FRANCISCO, CALIF., AND HONOLULU, HAWAII

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 90944, which occurred in the Pacific Ocean between San Francisco, California, and Honolulu, Territory of Hawaii, November 8, 1957.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, January 15, 1958, at 9:30 a. m. (local time) in the Empire Room, Sir Francis Drake Hotel, San Francisco, California.

Dated at Washington, D. C., December 10, 1957.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 57-10400; Filed, Dec. 16, 1957; 8:49 a. m.]

[Docket No. 8761]

NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF REASSIGNMENT OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter, now assigned for December 18, 1957, is reassigned to be held on January 16, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., December 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10401; Filed, Dec. 16, 1957; 8:49 a. m.]

[Docket No. 9088]

RESORT AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of an application by Resort Airlines, Inc., for approval of the purchase of one DC-4 aircraft or the alternative for the Disclaimer of Jurisdiction over such aircraft.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on December 12, 1957, at 10:00 a. m., in Room 5855, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., is hereby reassigned to be held on December 18, 1957, at 1:30 p. m. in the same room before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., December 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 57-10402; Filed, Dec. 16, 1957; 8:49 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN POSITIONS OF PROFESSIONAL ENGINEERS AND SCIENTISTS IN CONTINENTAL UNITED STATES; ITS TERRITORIES AND POSSESSIONS (EXCEPT PUERTO RICO); AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the rate of pay to the top step of grades GS-6, GS-8, GS-9, GS-10, GS-11, GS-12, GS-13, GS-14, GS-15, GS-16, and GS-17 in the following series and specializations:

1. All professional engineering positions in any professional engineering series in the GS-800-0 group.

(Engineering technician positions still coded to a professional engineering series under Departmental Circular 705 and not yet reviewed and acted upon under Departmental Circular 904 are not included.)

2. All positions in the following series and specializations:

Architecture, GS-1040-0.
Physical Science Administration, GS-1301-0.
Physics, GS-1310-0.
Electronic Research, Development, and Test, GS-1312-0.
Chemistry, GS-1320-0.
Metallurgy, GS-1321-0.
Geophysical Exploration, Survey, and Investigation, GS-1313-0 in the following options:
Seismology.
Geomagnetics.
Earth Physics.
Technology, GS-1390-0, in the following options:
Aviation Survival Equipment.
Industrial Radiography.
Packaging and Preservation.
Photographic Equipment.
Plastics.
Rubber.
Rubber and Plastics.
Mathematics, GS-1520-0.

The new rates of compensation are as follows:

GS-6 $4,890.	GS-13 $10,065.
GS-8 $5,780.	GS-14 $11,395.
GS-9 $6,250.	GS-15 $12,690.
GS-10 $6,725.	GS-16 $13,760.
GS-11 $7,465.	GS-17 $14,835.
GS-12 $8,645.	

The increases are effective on the first day of the second pay period which begins after December 9, 1957, and apply throughout the continental United States; its territories and possessions (except Puerto Rico); and in foreign countries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10381; Filed, Dec. 16, 1957; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 315]

SECRETARY OF THE INTERIOR

NEGOTIATION OF CONTRACTS FOR PROFESSIONAL SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for the period ending December 1, 1958 to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (4) of the act, contracts for surveyors, appraisers and architect-engineering services in connection with the administration of construction programs of the Fish and Wildlife Service.

2. This delegation of authority shall be subject to all provisions of Title III of the act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or official of the Department of the Interior.

4. This delegation shall be effective as of the date hereof, and shall not extend beyond December 1, 1958.

FRANKLIN G. FLOETE,
Administrator.

DECEMBER 11, 1957.

[F. R. Doc. 57-10391; Filed, Dec. 16, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3646]

BLAIR FUEL CO. ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING MERGER OF TWO SUBSIDIARY COMPANIES INTO A THIRD SUDSIDIARY COMPANY AND DISSOLUTION OF A NON-UTILITY SUBSIDIARY

DECEMBER 9, 1957.

In the matter of Blair Fuel Company, Brockway Light, Heat and Power Company, Colver Electric Company, Pennsylvania Electric Company, General Public Utilities Corporation; File No. 70-3646.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and Pennsylvania Electric Company ("Penelec"), Brockway Light, Heat and Power Company ("Brockway"), Colver Electric Company ("Colver"), public-utility subsidiaries of GPU, and Blair Fuel Company ("Blair"), a non-utility subsidiary of Penelec, have filed an application-declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder and have designated sections 6 (a), 7, 9 (a), 10, 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43, and U-46 as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

1. Brockway and Colver, all the common stock of which are held by GPU, will be merged into Penelec, all the common stock of which is also held by GPU. This will be effectuated in the following manner:

a. GPU will deliver to Penelec all the outstanding common stock of Brockway and Colver in exchange for 34,389 additional shares of Penelec's $20 par value per share common stock plus the sum of $15.00. The aggregate par value of the additional shares of Penelec common stock, plus the $15.00, is equal to GPU's carrying values for the Brockway and Colver common stocks, $498,712 and $189,083, respectively, or an aggregate of $687,795. Prior to such exchange Brockway and Colver will each declare dividends in amounts equivalent to their re-

spective earned surplus accumulated since the respective dates of acquisition by GPU.

b. After giving effect to such dividends, GPU's carrying values for the Brockway and Colver common stocks will be $221,363 and $110,126, respectively (or an aggregate of $331,489), in excess of the net related assets applicable to the Brockway and Colver common stock. GPU will make a cash capital contribution to Penelec of $331,489 and Penelec will utilize the capital surplus created by such capital contribution to write off the plant acquisition adjustment created in that amount by the merger.

2. Penelec owns all the outstanding common stock of Blair. Blair was formerly engaged in coal mining but it has ceased such operations and is now inactive. Blair's indebtedness to Penelec is in excess of its assets. Blair will be dissolved and its assets transferred to Penelec for application against Blair's indebtedness to Penelec.

The application declaration states: That the Pennsylvania Public Utility Commission has jurisdiction with respect to (i) the proposed issuance by Penelec of additional shares of common stock in exchange for the common stock of Brockway and Colver, (ii) the proposed disposition by Brockway and Colver to Penelec, and the proposed acquisition by Penelec from Brockway and Colver, of their respective utility assets and other property and franchises, and (iii) the proposed mergers of Brockway and Colver into Penelec. If this Commission approves the proposed acquisition by Penelec of the utility assets and other property and franchises of Brockway and Colver no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that the fees and expenses in connection with the proposed transactions will not exceed in the aggregate $6,900 including $5,500 for counsel fees.

Notice is further given that any interested person may, not later than December 26, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted, or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–10380; Filed, Dec. 16, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

DIRK JACOBUS DUIKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dirk Jacobus Duiker, Zeist, The Netherlands, Claim No. 61278, $153.10 in the Treasury of the United States.
Vesting Order No. 17910.

Executed at Washington, D. C., on December 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–10393; Filed, Dec. 16, 1957; 8:48 a. m.]

BERNARD EUGEN FRIEDRICH WILHELM GOODMAN AND LILI VERA GUTMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bernard Eugen Friedrich Wilhelm Goodman, London, England, $1,621.84 in the Treasury of the United States.
Lili Vera Gutmann, Milan, Italy, $1,621.84 in the Treasury of the United States.
Claim No. 61887, Vesting Order Nos. 17835, 17837 and 17912.

Executed at Washington, D. C., on December 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–10394; Filed, Dec. 16, 1957; 8:48 a. m.]

ERIC T. HESSLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Eric T. Hessle, Vienna 1, Austria, Claim No. 44620, $299.19 in the Treasury of the United States.
Vesting Order No. 1925.

Executed at Washington, D. C., on December 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–10395; Filed, Dec. 16, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 12, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34350: *Grain and products—Kans. and Mo. to Nebr. and N. Dak. points.* Filed by W. J. Prueter, Agent (No. A–1948), for interested rail carriers. Rates on grain, grain products, seeds, and related products, carloads, from specified points in Kansas and Missouri to specified points in Nebraska and South Dakota.

Grounds for relief: Modified short-line distance formula from and to base point groups.

Tariff: Supplement 9 to Agent Prueter's tariff I. C. C. A–4183.

FSA No. 34351: *Substituted service—Rail for motor, N. Y., N. H. & H. R. R.* Filed by The New York, New Haven and Hartford Railroad Company (No. 202), for itself, the Davis Transportation Company and other interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Boston, Mass., and Harlem River, N. Y., on traffic originating at or destined to points on motor carriers beyond the named substitution points.

Grounds for relief: Motor carrier competition.

FSA No. 34352: *Potatoes—Florida points to points in eastern Canada.* Filed by O. W. South, Jr., Agent (SFA No. A3575), for interested rail carriers. Rates on sweet potatoes, sweet and other than sweet, carloads from specified points in Florida to specified points in New Brunswick, Nova Scotia, Ontario, Prince Edward Island, and Quebec, Canada.

Grounds for relief: Maintenance of through rates reflecting lowest available combinations over the international border gateways.

Tariff: Supplement 99 to Agent C. A. Spaninger's tariff I. C. C. 1402.

FSA No. 34353: *Sulphuric acid—Coosa Pines, Ala., to Green Tree, Ala.* Filed by O. W. South, Jr., Agent (SFA No. A3576), for interested rail carriers. Rates on sulphuric acid, tankcar loads from Coosa Pines, Ala., to Green Tree, Ala.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 162 to Agent C. A. Spaninger's tariff I. C. C. 1357.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–10378; Filed, Dec. 16, 1957; 8:45 a. m.]

[No. 32290]

AKRON, CANTON & YOUNGSTOWN RAILROAD CO. ET AL.

INCREASED LESS-THAN-CARLOAD RATES IN OFFICIAL TERRITORY

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of December A. D. 1957.

The Commission, upon consideration of a petition filed by The Akron, Canton & Youngstown Railroad Company and other railroads operating in eastern territory, entered its order dated October 11, 1957, instituting an investigation in the above-entitled proceeding as to the reasonableness and lawfulness otherwise of petitioners' proposed increases in their less-than-carload rates in official territory. The proceeding is assigned for hearing December 17, 1957, at the offices of the Interstate Commerce Commission in Washington, D. C., before a hearing examiner.

Upon consideration of a petition dated December 3, 1957, filed by the Arcade and Attica Railroad Corporation and certain other railroads operating within Official Territory requesting that they also be made respondents in this proceeding, be permitted to participate therein, and publish or join in such tariffs as may be found reasonable and lawful as a result of the Commission's investigation; and for good cause appearing:

It is ordered, That the Arcade and Attica Railroad Corporation and the other railroads designated in the appendix set forth below be, and they are hereby, made additional respondents to this proceeding; that copies of this order be served upon each of the parties to this proceeding; and that the general public be given notice hereof by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director of the Division of Federal Register.

By the Comission.

[SEAL] HAROLD D. MCCOY,
Secretary.

APPENDIX

Arcade and Attica Railroad Corporation.
Atlantic and Danville Railway Company (The).
Bath and Hammondsport Railroad Company.
Belfast and Moosehead Lake Railroad Company.
Bellefonte Central Railroad Company.
Brooklyn Eastern District Terminal.
Bush Terminal Railroad Company.
Chestnut Ridge Railway Company.
Coudersport and Port Allegany Railroad Company.
Dansville and Mount Morris Railroad Company (The).
Fonda, Johnstown and Gloversville Railroad Company.
Genesee and Wyoming Railroad Company.
Grafton and Upton Railroad Company.
Lake Erie, Franklin & Clarion Railroad Company.
Lakeside and Marblehead Railroad Company (The).
Lehigh & Hudson River Railway Company.
Marcellus & Otisco Company, nIc. (The).
Nelson & Albermarle Railway Company.
New York Dock Railway.
New York, Susquehanna and Western Railroad Company.
Norwood & St. Lawrence Railroad Company.
Pittsburgh & Lake Erie Railroad Company (The).
Port Huron and Detroit Railroad Company.
Rahway Valley Company (Rahway Valley Company, Lessee).
Richmond, Fredericksburg & Potomac Railroad Company.
Rutland Railway Corporation.
St. Johnsbury & Lamoille County Railroad.
Springfield Terminal Railway Company (Vermont).
Upper Merion and Plymouth Railroad Company.
Virginia Blue Ridge Railway.
Washington and Old Dominion Railroad.

[F. R. Doc. 57–10379; Filed, Dec. 16, 1957; 8:45 a. m.]

Part II begins on page 10143

UNIVERSITY OF MICHIGAN
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PART I

FEDERAL REGISTER

VOLUME 22 NUMBER 244

Washington, Wednesday, December 18, 1957

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 7th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Hayden Flour Mills, 600 West 22d Street, Tucson.

Vincent Humeumttewa Farm, Route 1, P. O. Box 59, Parker.

Richard Kinlichee Farm, Poston.

Nihighan Farm Incorporated (dairy), 3663 North Dodge Boulevard, Tucson.

Howard Sakiestewa Farm, south of Parker, Route 1, P. O. Box 49, Parker.

Morris Sevada Farm, Route 1, P. O. Box 55, Parker.

Tiemann Feed and Supply property, 2001 North Stone Avenue, Tucson.

CALIFORNIA

P. Callo property, located 2 miles west of the intersection of Roads 90 and West C on the south side of Road 90, P. O. Box 44, Niland.

Floyd B. Carrion property, located eight-tenths mile west of Lincoln Street on the south side of Avenue 70, P. O. Box 564, Mecca.

This issue includes two parts bound together. Part II contains a recapitulation of 47 CFR Part 8, Federal Communications Commission.

Erinio Jacobs property, located at the intersection of Road 88 and West C, P. O. Box 1304, Niland.

Kido Farms, located at the intersection of Roads 86 and West A, P. O. Box 587, Niland.

Kimiko Ishimino property, located at the intersection of Roads 86 and East D, P. O. Box 417, Niland.

J. M. Lask property, 331 First Street, P. O. Box 631, Niland.

Tom Mejia property, located at the south west corner of the intersection of Roads 90 and West C, P. O. Box 662, Niland.

J. O. Pairsh Farm property, P. O. Box 138, Holtville.

Penner & Firoved Farm Storage, Sec. 1, T. 11 N., R. 19 E., Arvin.

Penner & Firoved Feed Lot, Sec. 12, T. 11 N., R. 19 E., Arvin.

Eugene P. Santos property, located 1 mile south of Wister Station on Highway 111, P. O. Box 551, Niland.

Andy (Fay) Soriano property, located at the intersection of Roads 81 and East D, P. O. Box 1317, Niland.

United Food Center (Mr. Mah, owner), Niland.

United Food Store, Highway 111, Niland.

Martin Valdez property, located at the intersection of Roads 90 and West E, P. O. Box 403, Niland.

Delbert H. Valla property (formerly Gunterman Ranches), located at the intersection of Road 14 and East L Street, Calexico.

C. R. Natividad Vista property, 517 Fifth Street, P. O. Box 570, Niland.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

La Salvia Dairy, Box 116, Laveen Stage, Phoenix.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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1957-58 Edition

(Revised through June 1)

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Title 47
Chapter I:
Part 8 (*see* Part II of this issue) — 10143

CALIFORNIA

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.

Cal-Fed Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley.

C. C. Huff Farm, Route 2, Box 46, Imperial.

C. E. Kline Ranch, Route 2, Box 282, El Centro.

Raleigh Roberts Farm, Route 5, Box 2405, Oroville.

Union Development Co. Warehouse, located approximately 100 yards south of the intersection of County Roads No. 85 and West A, Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

Subsequent to the sixth revision, effective November 7, 1957, an infestation of the khapra beetle was discovered on the premises of the Phoenix Indian School property, 4100 Rhoads Circle, Phoenix, Arizona; Bud E. Baldwin property, located one-fourth mile west of Lovekin on the south side of Avenue 14, Blythe, California; and John C. Freeman property, located at 501 North Lovekin, Blythe, California. Movement of regulated articles from these properties was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, these properties are not being included in this revision.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective December 18, 1957, when they shall supersede P. P. C. 612, Sixth Revision, effective November 7, 1957 (22 F. R. 8927).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 13th day of December 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57-10435; Filed, Dec. 17, 1957; 8:50 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

MISCELLANEOUS AMENDMENTS

The Foreign Assets Control regulations, 31 CFR 500.101-500.808, are hereby amended by the amendment of §§ 500.204 and 500.533. The effect of the amendment of § 500.204 (a) (3) is (1) to include all cotton manufactures (other than Western style shirts) in the list of commodities dealings in which are prohibited without a license if they are located in or move from or through Hong Kong, Macao or the Soviet bloc and (2) to exclude certain silk manufactures from that list of commodities. The change in § 500.204 (a) (4) is a clarifying amendment with respect to edible marine products. The amendment to § 500.533 makes certain technical changes in that section.

1. Section 500.204 (a) (3) is hereby amended as follows:

(a) The following item,

Cotton manufactures:
Embroideries and laces.
Embroidered and lace articles.
Handkerchiefs.
Wearing apparel.

is changed to read:

Cotton manufactures, all, other than Western style shirts.

(b) The following item,

Silk:
Raw and manufactures.
Waste.

is changed to read;

Silk:
Raw and manufactures other than Western style suits and Indian saris.
Waste.

2. Section 500.204 (a) (4) is hereby amended by the addition of the item:

Edible marine products.

3. Section 500.533 is hereby amended by the deletion of paragraph (b) (3) and by changing the semicolon after the words "effective date" in paragraph (b) (2) thereof to a period and deleting the following word "and".

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp., E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR, 1948 Supp.)

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10429; Filed, Dec. 17, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1564]

[Idaho 05284]

IDAHO

RESERVING LANDS WITHIN SALMON NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Salmon National Forest in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture as administrative sites and recreation areas:

BOISE MERIDIAN

FRITZER FLAT RECREATION AREA

T. 22 N., R. 18 E. (uns.),
Sec. 35, S½NE¼NW¼ and N½N½SE¼NW¼.
The areas described aggregate 30 acres.

OPAL LAKE RECREATION AREA

T. 18 N., R. 19 E. (uns.),
Sec. 7, S½NW¼SW¼, N½SW¼SW¼, and W½W½SE¼SW¼.
The areas described aggregate 50 acres.

FORNEY RECREATION AREA

T. 20 N., R. 18 E. (uns.),
Sec. 25, SE¼NE¼NW¼, NW¼SE¼NW¼, and SE¼NE¼SW¼NW¼.
The areas described aggregate 22.50 acres.

TRAPPER FLAT RECREATION AREA

T. 21 N., R. 18 E. (uns.),
Sec. 12, W½SE¼NE¼, and SW¼NE¼NE¼.
The areas described aggregate 30 acres.

DEEP CREEK RECREATION AREA

T. 21 N., R. 19 E.,
Sec. 27, W½NW¼NW¼NW¼;
Sec. 28, SE¼NE¼NE¼NE¼.
The areas described aggregate 7.50 acres.

LEACOCK RECREATION AREA

T. 21 N., R. 19 E.,
Sec. 22, W½W½NW¼NE¼ and E½E½NE¼NW¼.
The areas described aggregate 20 acres.

WAGONHAMMER RECREATION AREA

T. 24 N., R. 21 E.,
Sec. 22, the unpatented portion of Lot 4.
The area described contains approximately 26 acres.

TWIN CREEK RECREATION AREA

T. 26 N., R. 21 E. (uns.),
Sec. 3, NW¼SE¼, the unpatented portion.
The area described contains approximately 30 acres.

ALLAN LAKE RECREATION AREA

T. 26 N., R. 22 E. (uns.),
Sec. 33, NW¼NW¼ and SW¼NW¼.
The areas described aggregate 80 acres.

EIGHT MILE CREEK RECREATION AREA

T. 15 N., R. 24 E. (uns.),
Sec. 22, SE¼SE¼SE¼;
Sec. 23, W½SW¼SW¼, unpatented portion.
The areas described aggregate approximately 30 acres.

COUGAR RECREATION AREA

T. 20 N., R. 20 E. (uns.),
Sec. 1, SW¼SE¼SW¼ and SW¼SW¼;
Sec. 2, S½SE¼SE¼ and SE¼SW¼SE¼;
Sec. 11, NE¼NW¼NE¼ and N½NE¼NE¼;
Sec. 12, NW¼NW¼ and W½NE¼NW¼.
The areas described aggregate 180 acres.

CUNNINGHAM BAR RECREATION AREA

T. 23 N., R. 14 E. (uns.),
Sec. 1, NW¼SW¼NE¼.
The area described contains 10 acres.

LONG TOM RECREATION AREA

T. 23 N., R. 16 E. (uns.),
Sec. 27, NW¼NE¼SW¼.
The area described contains 10 acres.

EBENEZER RECREATION AREA

T. 23 N., R. 17 E. (uns.),
Sec. 19, SE¼NW¼SE¼.
The area described contains 10 acres.

HORSE CREEK RECREATION AREA

T. 24 N., R. 14 E. (uns.),
Sec. 21, SE¼SE¼SE¼;
Sec. 22, SW¼SW¼SW¼;
Sec. 27, NW¼NW¼NW¼;
Sec. 28, NE¼NE¼NE¼.
The areas described aggregate 40 acres.

HORSE CREEK HOT SPRINGS RECREATION AREA

T. 25 N., R. 17 E. (uns.),
Sec. 15, W½NE¼, E½NW¼SE¼, W½NE¼SE¼, E½SW¼SE¼, and W½SE¼SE¼;
Sec. 22, NE¼NE¼.
The areas described aggregate 200 acres.

MIDDLE FORK RECREATION AREA

T. 23 N., R. 16 E. (uns.),
Sec. 28, NE¼SW¼SE¼.
The area described contains 10 acres.

COLSON CREEK RECREATION AREA

T. 23 N., R. 16 E. (uns.),
Sec. 1, E½SE¼NW¼.
The area described contains 20 acres.

BEAR CAMP RECREATION AREA

T. 24 N., R. 16 E. (uns.),
Sec. 34, S½NE¼NE¼.
The area described contains 20 acres.

SPRING CREEK RECREATION AREA

T. 24 N., R. 18 E. (uns.),
Sec. 12, SE¼NW¼.
The area described contains 40 acres.

BANKERS ISLAND RECREATION AREA

T. 23 N., R. 17 E. (uns.),
Sec. 20, S½SW¼NE¼.
The area described contains 20 acres.

STODDARD CREEK RECREATION AREA

T. 22 N., R. 15 E. (uns.),
Sec. 13, S½SW¼NW¼.
The area described contains 20 acres.

SWAMP CAMP RECREATION AREA

T. 24 N., R. 16 E. (uns.),
Sec. 25, SW¼NW¼NW¼;
Sec. 26, SE¼NE¼NE¼.
The areas described aggregate 20 acres.

CACHE BAR RECREATION AREA

T. 23 N., R. 16 E. (uns.),
Sec. 18, SW¼SW¼SW¼.
The area described contains 10 acres.

YELLOWJACKET RECREATION AREA

T. 19 N., R. 17 E. (uns.),
Sec. 8, SW¼SW¼SW¼.
The area described contains 10 acres.

WARM SPRING CREEK RESERVATION AREA

T. 18 N., R. 17 E. (uns.),
Sec. 33, E½SE¼NE¼;
Sec. 34, SW¼SW¼NW¼.
The areas described aggregate 30 acres.

SURVEY CREEK RECREATION AREA

T. 20 N., R. 14 E.,
Sec. 22, lots 1 and 4.
The areas described aggregate 46.70 acres.

CATHEDRAL ROCK RECREATION AREA

T. 21 N., R. 16 E.,
Sec. 36, SW¼NE¼ (unsurveyed).
The area described contains 40 acres.

CRAGS RECREATIONAL AREA

T. 21 N., R. 16 E.,
Sec. 36, NW¼SE¼SE¼ (unsurveyed).
The area described contains 10 acres.

HAYDEN CREEK RECREATION AREA

T. 17 N., R. 23 E.,
Sec. 27, S½NW¼SE¼ and SW¼SE¼;
Sec. 34, W½NE¼ and W½SE¼.
The areas described aggregate 220 acres.

CATHEDRAL LAKE RECREATION AREA

T. 21 N., R. 16 E. (uns.),
Sec. 24, NW¼SW¼.
The area described contains 40 acres.

GOLDEN TROUT LAKE RECREATION AREA

T. 21 N., R. 17 E. (uns.),
Sec. 31, NW¼NW¼.
The area described contains 40 acres.

YELLOWJACKET LAKE RECREATION AREA

T. 20 N., R. 16 E. (uns.),
Sec. 14, SW¼NW¼NE¼, NW¼SW¼NE¼, and NE¼SE¼NW¼.
The areas described aggregate 30 acres.

SHIP ISLAND LAKES RECREATION AREA

T. 21 N., R. 16 E. (uns.),
Sec. 6, SE¼SE¼;
Sec. 8, NW¼ and E½SW¼;
Sec. 9, NE¼;
Sec. 16, NW¼ and NW¼SW¼;
Sec. 17, NW¼NE¼ and SE¼NW¼.
The areas described aggregate 720 acres.

WELCOME LAKE RECREATION AREA

T. 21 N., R. 16 E. (uns.),
Sec. 21, W½SE¼.
The area described contains 80 acres.

HEART LAKE RECREATION AREA

T. 21 N., R. 16 E. (uns.),
Sec. 21, NE¼NW¼.
The area described contains 40 acres.

TERRACE LAKES RECREATION AREA

T. 21 N., R. 16 E. (uns.),
Sec. 20, S½NE¼;
Sec. 21, SW¼NW¼.
The areas described aggregate 120 acres.

WILSON BASIN LAKES RECREATION AREA

T. 21 N., R. 16 E. (uns.),
Sec. 28, SW¼;
Sec. 29, S½;
Sec. 32;
Sec. 33, W½.
The areas described aggregate 1,440 acres.

SHEWAY LAKE RECREATION AREA

T. 25 N., R. 22 E. (uns.),
Sec. 3, NW¼SE¼.
The area described contains 40 acres.

WILLIAMS LAKE RECREATION AREA

T. 20 N., R. 21 E.,
Sec. 33, Lots 1, 2, 3, 4, 5 and 6.
The areas described aggregate 186.25 acres.

IRON LAKE RECREATION AREA

T. 18 N., R. 19 E. (uns.),
Sec. 2, SW¼SW¼;
Sec. 11, NW¼NW¼.
The areas described aggregate 80 acres.

COOPER CREEK ADMINISTRATIVE SITE

T. 20 N., R. 19 E. (uns.),
Sec. 18, W½SE¼NW¼ and E½E½SW¼NW¼.
The areas described aggregate 30 acres.

JUREANO LOOKOUT ADMINISTRATIVE SITE

T. 22 N., R. 19 E. (uns.),
Sec. 29, SE¼NW¼SE¼.
The area described contains 10 acres.

BLACKBIRD LOOKOUT ADMINISTRATIVE SITE

T. 21 N., R. 17 E. (uns.),
Sec. 25, NE¼SW¼SW¼.
The area described contains 10 acres.

GANT MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

T. 22 N., R. 18 E. (uns.),
Sec. 17, NW¼SE¼SE¼.
The area described contains 10 acres.

HOT SPRINGS LOOKOUT ADMINISTRATIVE SITE

T. 23 N., R. 18 E. (uns.),
Sec. 16, NE¼SW¼NE¼SW¼.
The area described contains 2.50 acres.

SAGEBRUSH LOOKOUT ADMINISTRATIVE SITE

T. 22 N., R. 17 E. (uns.),
Sec. 3, NE¼NE¼, SE¼NW¼NE¼, and NE¼SW¼NE¼.
The areas described aggregate 60 acres.

LICK CREEK ADMINISTRATIVE SITE

T. 25 N., R. 21 E. (uns.),
Sec. 1, N½SE¼NW¼, N½SW¼NE¼, and NW¼SE¼NE¼.
The areas described aggregate 50 acres.

HUGHES CREEK ADMINISTRATIVE SITE, ADDITION #1

T. 25 N., R. 21 E. (uns.),
Sec. 15, SW¼SW¼SW¼, unpatented portion;
Sec. 21, NE¼NE¼NE¼, unpatented portion;
Sec. 22, NW¼NW¼NW¼, unpatented portion.
The areas described aggregate approximately 30 acres.

HUGHES CREEK ADMINISTRATIVE SITE, ADDITION NO. 2

T. 25 N., R. 21 E. (uns.),
Sec. 15, S½SW¼NW¼, NW¼SW¼, and SW¼SE¼NW¼, unpatented portion;
Sec. 16, S½SE¼NE¼ and NE¼SE¼.
The areas described aggregate approximately 120 acres.

ANDERSON MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

T. 26 N., R. 22 E. (uns.),
Sec. 6, NW¼SW¼NW¼.
The area described contains 10 acres.

GRANITE MOUNTAIN TRAINING CAMP ADMINISTRATIVE SITE

T. 26 N., R. 21 E. (uns.),
Sec. 28, SW¼SE¼SE¼.
The area described contains 10 acres.

GRANITE MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

T. 26 N., R. 21 E. (uns.),
Sec. 28, SW¼SW¼SE¼.
The area described contains 10 acres.

STEIN MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

T. 25 N., R. 22 E. (uns.),
Sec. 32, NW¼NE¼.
The area described contains 40 acres.

WILLIAMS CREEK ADMINISTRATIVE SITE

T. 20 N., R. 20 E. (uns.),
Sec. 12, E½NE¼NW¼, NW¼NE¼, S½NE¼NE¼, N½SE¼NE¼, and N½NE¼SW¼NE¼;
T. 20 N., R. 21 E. (uns.),
Sec. 7, S½SW¼NW¼NW¼ and NW¼SW¼NW¼.
The areas described aggregate 120 acres.

NAPOLEON HILL LOOKOUT ADMINISTRATIVE SITE

T. 23 N., R. 21 E.,
Sec. 5, SW¼SW¼SE¼, (uns.).
The area described contains 10 acres.

LAKE MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

T. 20 N., R. 20 E.,
Sec. 34, NE¼NE¼NW¼, (uns.).
The area described contains 10 acres.

CHINA SPRINGS ADMINISTRATIVE SITE

T. 20 N., R. 20 E.,
Sec. 34, N½NE¼SW¼, (uns.).
The area described contains 20 acres.

SHEEPHORN LOOKOUT ADMINISTRATIVE SITE

T. 18 N., R. 20 E.,
Sec. 15, NE¼NW¼SW¼.
The area described contains 10 acres.

COVE CREEK ADMINISTRATIVE SITE

T. 23 N., R. 17 E. (uns.),
Sec. 11, NE¼SW¼SE¼ and N½SE¼SE¼;
Sec. 12, SW¼SW¼SW¼.
The areas described aggregate 40 acres.

SQUAW CREEK ADMINISTRATIVE SITE

T. 24 N., R. 19 E. (uns.),
Sec. 10, E½NE¼SE¼;
Sec. 11, N½SW¼SW¼, SW¼NW¼SW¼, and S½SE¼SW¼;
Sec. 14, N½NE¼NW¼.
The areas described aggregate 90 acres.

INDIANOLA ADMINISTRATIVE SITE

T. 24 N., R. 19 E. (uns.),
Sec. 24, SW¼NW¼NE¼, SW¼NE¼, N½SE¼NE¼, and SE¼SE¼NE¼, unpatented portions.
The areas described aggregate approximately 70 acres.

COLSON CREEK ADMINISTRATIVE SITE

T. 23 N., R. 16 E. (uns.),
Sec. 24, NW¼NE¼.
The area described contains 40 acres.

LONG TOM LOOKOUT ADMINISTRATIVE SITE

T. 23 N., R. 16 E. (uns.),
Sec. 10, NE¼.
The area described contains 160 acres.

BEAR TRAP LOOKOUT ADMINISTRATIVE SITE

T. 24 N., R. 17 E. (uns.),
Sec. 23, SW¼SW¼SW¼.
The area described contains 10 acres.

OREANO LOOKOUT ADMINISTRATIVE SITE

T. 25 N., R. 17 E. (uns.),
Sec. 21, SW¼SE¼SW¼.
The area described contains 10 acres.

ULYSSES LOOKOUT ADMINISTRATIVE SITE

T. 24 N., R. 20 E. (uns.),
Sec. 9, NW¼NE¼NW¼.
The area described contains 10 acres.

HORSE HEAVEN LOOKOUT ADMINISTRATIVE SITE

T. 22 N., R. 16 E. (uns.),
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼;
Sec. 11, NE¼NE¼;
Sec. 12, NW¼NW¼.
The areas described aggregate 160 acres.

BUTTS CREEK POINT LOOKOUT ADMINISTRATIVE SITE

T. 23 N., R. 14 E. (uns.),
Sec. 4, SE¼NW¼SE¼.
The area described contains 10 acres.

WEST HORSE LOOKOUT ADMINISTRATIVE SITE

T. 24 N., R. 14 E., (uns.),
Sec. 17, N½NE¼NW¼.
The area described contains 20 acres.

BLUE NOSE LOOKOUT ADMINISTRATIVE SITE

T. 25 N., R. 18 E. (uns.),
Sec. 28, NE¼NW¼ and E½NW¼NW¼, that portion in Idaho.
The areas described aggregate approximately 60 acres.

STORMY PEAK LOOKOUT ADMINISTRATIVE SITE

T. 23 N., R. 19 E. (uns.),
Sec. 3, E½NE¼SW¼, W½NW¼SE¼, W½SW¼SE¼, and E½SE¼SW¼.
The areas described aggregate 80 acres.

STODDARD LOOKOUT ADMINISTRATIVE SITE

T. 22 N., R. 14 E. (uns.),
Sec. 28, SW¼SW¼, SE¼SW¼;
Sec. 33, NW¼NW¼, NE¼NW¼, and N½SW¼NW¼.
The areas described aggregate 180 acres.

NOLAN POINT LOOKOUT ADMINISTRATIVE SITE

T. 23 N., R. 14 E. (uns.),
Sec. 36, SE¼SE¼.
The area described contains 40 acres.

SKUNK CAMP LOOKOUT ADMINISTRATIVE SITE

T. 24 N., R. 15 E. (uns.),
Sec. 13, NE¼NE¼SW¼.
The area described contains 10 acres.

YELLOWJACKET ADMINISTRATIVE SITE

T. 19 N., R. 17 E. (uns.),
Sec. 9, NW¼NW¼.
The area described contains 40 acres.

WATERFALL ADMINISTRATIVE SITE

T. 21 N., R. 14 E. (uns.),
Sec. 34, S½NE¼SE¼ and SE¼SE¼;
Sec. 35, S½NW¼SW¼ and W½SW¼SW¼;
T. 20 N., R. 14 E.,
Sec. 2, NW¼NW¼NW¼, (uns.);
Sec. 3, E½NE¼ (uns.).
The areas described aggregate 190 acres.

BERNARD CREEK ADMINISTRATIVE SITE

T. 19 N., R. 14 E.,
Sec. 15, lot 7;
Sec. 22, lots 2 and 3.
The areas described aggregate 91.76 acres.

HOODOO MEADOWS ADMINISTRATIVE SITE

T. 20 N., R. 16 E. (uns.),
Sec. 14, SE¼SW¼ and SE¼SW¼SW¼;
Sec. 23, NW¼NE¼NW¼ and E½NW¼NW¼.
The areas described aggregate 80 acres.

RED ROCK LOOKOUT ADMINISTRATIVE SITE

T. 19 N., R. 17 E. (uns.),
Sec. 2, S½SW¼SE¼;
Sec. 11, N½NW¼NE¼.
The areas described aggregate 40 acres.

MIDDLE FORK PEAK LOOKOUT ADMINISTRATIVE SITE

T. 19 N., R. 15 E. (uns.),
Sec. 13, E½SW¼ and W½SE¼;
Sec. 24, E½NE¼ and W½NE¼.
The areas described aggregate 320 acres.

DUCK CREEK POINT LOOKOUT ADMINISTRATIVE SITE

T. 18 N., R. 17 E. (uns.),
Sec. 5, SW¼SW¼.
The area described contains 40 acres.

BEAR CREEK POINT LOOKOUT ADMINISTRATIVE SITE

T. 18 N., R. 13 E. (uns.),
Sec. 13, SE¼SE¼.
The area described contains 40 acres.

SHORT CREEK LOOKOUT ADMINISTRATIVE SITE

T. 19 N., R. 14 E.,
Sec. 5, SW¼SW¼.
The area described contains 40 acres.

CAMAS CREEK ADMINISTRATIVE SITE

T. 18 N., R. 14 E. (uns.),
Sec. 14, NW¼SW¼.
The area described contains 40 acres.

DRY GULCH ADMINISTRATIVE SITE

T. 18 N., R. 16 E. (uns.),
Sec. 16, W½SW¼NW¼ and NW¼NW¼SW¼;
Sec. 17, E½SE¼NE¼ and E½NE¼SE¼.
The areas described aggregate 70 acres.

BALDY MOUNTAIN ADMINISTRATIVE SITE

T. 21 N., R. 21 E.,
Sec. 17, SW¼SW¼.
The area described contains 40 acres.

The total areas aggregate approximately 6,683.21 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 12, 1957.

[F. R. Doc. 57-10412; Filed, Dec. 17, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Oil and Gas

[30 CFR Part 302]

REPORTS AND INSPECTIONS OF FACILITIES AND AGENCIES FOR PRODUCTION, PROCESSING, STORAGE AND TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

RETENTION OF RECORDS

The statute of limitations for criminal offenses was amended by the act of September 1, 1954 (18 U. S. C., 1952 ed., Supp. II, sec. 3282), by changing from three years to five years the period within which prosecutions may be brought. It is therefore considered desirable to amend the regulations requiring persons and companies subject to the Connally "Hot Oil" Act (15 U. S. C., secs. 715-715k) to retain their records for five rather than three years. The act in question relates to the interstate transportation of petroleum produced, transported, or withdrawn from storage in excess of the amounts permitted to be produced, transported, or withdrawn from storage under State law or authorized State regulation. The records referred to are covered by § 302.6 of Title 30 of the Code of Federal Regulations and include such items as allowable production, inventories, actual production, consumption, deliveries, receipts, gauge tickets, shipping documents, and other matters relevant under the act.

Therefore it is proposed to amend 30 CFR 302.6 by changing the proviso in the introductory paragraph to read as follows: "*Provided*, That when such records have been retained for a period of not less than 5 years the board may, upon written request of the operator, grant permission to destroy or dispose of such records."

(Sec. 5 (a), 49 Stat. 30, 15 U. S. C., sec. 715d; E. O. 7756, 2 F. R. 2664; E. O. 10250, 16 F. R. 5385)

Prior to the adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Secretary of the Interior, Washington 25, D. C., and received within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

HATFIELD CHILSON,
Under Secretary of the Interior.

DECEMBER 11, 1957.

[F. R. Doc. 57-10414; Filed, Dec. 17, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN SPINACH

EXTENSION OF TIME TO SUBMIT DATA, VIEWS, AND ARGUMENTS

A second proposal for revision of United States Standards for Grades of Frozen Spinach was set forth in the notice which was published in the FEDERAL REGISTER on August 22, 1957 (22 F. R. 6767).

In consideration of data, comments, and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until December 15, 1958, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revision of United States Standards for Grades of Frozen Spinach.

Dated: December 13, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-10434; Filed, Dec. 17, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 154]

[Delegation of Authority 85-3]

ADMINISTRATION OF MUTUAL SECURITY ACT OF 1954 AND DELEGATION OF CERTAIN RELATED FUNCTIONS

By virtue of the authority vested in me by Executive Order No. 10610, as amended, the Mutual Security Act of 1954 (68 Stat. 832), as amended, section 4 of the act of May 26, 1949 (63 Stat. 111, 5 U. S. C. 151c), as amended, and as Secretary of State, Delegation of Authority No. 85 of June 30, 1955 (20 F. R. 4825), as heretofore amended, is hereby amended as follows:

1. The title is amended to read as follows: "Administration of Mutual Security Act of 1954 and Delegation of Certain Related Functions".

2. Section 2 is amended by inserting before the period at the end thereof "and authorize any of his subordinates to whom functions are so delegated or assigned successively to redelegate or reassign any of such functions."

3. Sections 3 and 4 are repealed.

4. A new section 3 is inserted to read as follows:

3. *Functions of the Deputy Under Secretary of State for Economic Affairs.* (a) The Deputy Under Secretary of State for Economic Affairs shall, on behalf of the Secretary of State, carry out the following functions:

(1) The function of having primary responsibility for preparation and presentation to the Congress of such programs of foreign military, economic, technical and other assistance as may be required in the interest of the security of the United States;

(2) The function of coordinating the various forms of assistance authorized by the Mutual Security Act of 1954;

(3) The function of ensuring that the assistance authorized by the Mutual Security Act of 1954 serves the foreign policies of the United States;

(4) The function of determining the value of the program under chapter 1, title I of the Mutual Security Act of 1954 for any country;

(5) The function of coordinating the functions of the International Cooperation Administration with the other affairs of the Department of State;

(b) The Deputy Under Secretary of State for Economic Affairs may, to the extent consistent with law, delegate or assign any of his functions to his subordinates.

5. A new section 4 is inserted to read as follows:

4. *Functions of the International Cooperation Administration or the Director thereof.* (a) Except as otherwise provided in this delegation of authority with respect to the functions of the Deputy Under Secretary of State for Economic Affairs, the Director of the International Cooperation Administration shall, under the direction and control of the Secretary of State, carry out the following functions:

(1) The functions transferred by section 101 of Executive Order 10610;

(2) The functions under sections 202 and 204 of the Mutual Security Act of 1954 delegated to the Secretary of State by section 103 (a) (2) of Executive Order 10575, subject to policy guidance received from the Development Loan Committee established by section 1 (c) of Executive Order No. 10742 of November 29, 1957;

(3) Subject to the concurrence of the Deputy Under Secretary of State for Economic Affairs, the function of agreeing with the Department of Defense on a division of the sum provided for in section 402 of the Mutual Security Act of 1954;

(4) The functions which the Department of State is directed to carry out by section 4 (d) (3) of Executive Order 10560 relating to foreign currencies generated by sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, to carry out the purposes of section 104 (c) of the act.

(b) The Director of the International Cooperation Administration or his designees may from time to time, to the extent consistent with law, promulgate such rules and regulations as may be necessary and proper to carry out any functions of the International Cooperation Administration or the Director or agencies, officers or employees thereof.

6. Section 6 is amended by deleting therefrom the words "required to be carried out by or under the International Cooperation Administration or the Director pursuant to section 103 (a) of Executive Order No. 10610, or".

7. Section 7 is redesignated section 8, and section 8 (c) is amended to read as follows:

(c) Any reference in this order to the Mutual Security Act of 1954 or to any other act shall be deemed to be a reference to such act as amended from time to time. Any reference in this order to any Executive order or order delegating functions thereunder shall be deemed to be a reference to such order as amended from time to time.

8. A new section 7 is inserted to read as follows:

7. *Authority and responsibilities of the Secretary of State.* Nothing in this order shall be construed to derogate from any authority, responsibilities, or functions previously held or exercised by the Secretary of State or the various bureaus and other offices of the Department of State.

Dated: December 5, 1957.

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-10415; Filed, Dec. 17, 1957; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

NATURAL (UNDYED) HOG BRISTLE OF JAPANESE ORIGIN

AVAILABILITY OF LICENSES FOR IMPORTATION

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control regulations (31 CFR 500.101-500.808), for the purchase and importation from Japan of Japanese natural (undyed) hog bristle. Licenses issued pursuant to such applications will authorize the importation of Japanese natural bristle for entry into warehouse. The release from warehouse of bristle imported pursuant to such licenses will be authorized only after the Foreign Assets Control is satisfied by physical inspection of the merchandise, and such other measures as may be appropriate, that the merchandise consists solely of Japanese natural hog bristle.

Applicants are advised that the fact that a licensee has paid for bristle under a license will not be considered a factor warranting release of the bristle from warehouse unless the bristle is found by Foreign Assets Control to consist entirely of natural (undyed) Japanese bristle.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 57-10430; Filed, Dec. 17, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 07868]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 10, 1957.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) the following-described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 5 E.,
Sec. 26, W½W½, E½SW¼, SW¼SE¼;
Sec. 27, SE¼NE¼, SE¼;
Sec. 34, N½NE¼;
Sec. 35, NW¼NW¼.
T. 4 S., R. 6 E.,
Sec. 28, SW¼NE¼, NW¼, NW¼SE¼, S½SE¼;
Sec. 29, NE¼, S½;
Sec. 30, Lots 1 and 2, SE¼;
Sec. 32, NE¼;
Sec. 33, NW¼.
T. 5 S., R. 11 E.,
Sec. 24, SW¼SE¼, E½SE¼;
Sec. 25, N½NE¼.
T. 9 S., R. 12 E.
Sec. 26, N½SW¼.
T. 16 S., R. 12 E.,
Sec. 6, Lots 2 and 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, W½SE¼.

T. 6 S., R. 13 E.,
Sec. 2, N½SW¼, NW¼SE¼;
Sec. 6, Lot 3, SE¼NW¼;
Sec. 11, E½NW¼.
T. 16 S., R. 16 E.,
Sec. 15, SE¼.
T. 15 S., R. 17 E.,
Sec. 35, S½SW¼.
T. 16 S., R. 17 E.,
Sec. 2, N½, NW¼SW¼, SE¼;
Sec. 3, NE¼SE¼.
T. 6 S., R. 22 E.,
Sec. 25, E½SW¼, S½SE¼.
T. 7 S., R. 22 E.,
Sec. 24, NW¼NW¼.
T. 14 S., R. 22 E.,
Sec. 29, NE¼, E½W½.
T. 6 S., R. 23 E.,
Sec. 34, W½NE¼.
T. 6 S., R. 24 E.,
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 31, Lots 2, 5 and 6.
T. 15 S., R. 26 E.,
Sec. 33, SW¼NE¼, NW¼SE¼.
T. 15 S., R. 27 E.,
Sec. 11, N½.
T. 10 S., R. 29 E.,
Sec. 9, W½SE¼;
Sec. 10, NW¼NE¼.
T. 3 S., R. 30 E.,
Sec. 21, NW¼, E½SW¼.
T. 5 S, R. 30 E.,
Sec. 7, Lots 1 and 2, NE¼, E½NW¼.
T. 4 S., R. 31 E.,
Sec. 21, E½SW¼, SW¼SE¼.
T. 1 N., R. 32 E.,
Sec. 7, E½SW¼.
T. 1 S., R. 32 E.,
Sec. 4, SW¼SW¼;
Sec. 5, SW¼, W½SE¼, SE¼SE¼;
Sec. 6, SE¼;
Sec. 7, E½NE¼;
Sec. 8, N½, N½S½, S½SE¼;
Sec. 9, NW¼.
T. 2 S., R. 32 E.,
Sec. 14, W½SW¼, NE¼SW¼.
T. 13 S., R. 32 E.,
Sec. 27, SE¼NE¼, NE¼SE¼.
T. 7 N., R. 33 E.,
Sec. 19, SE¼;
Sec. 35, SE¼NW¼, NW¼SW¼.
T. 1 S., R. 33 E.,
Sec. 29, E½NE¼, NW¼NE¼, NE¼NW¼.
T. 8 S., R. 38 E.,
Sec. 24, NW¼SE¼.
T. 6 N., R. 1 W.,
Sec. 29, SW¼.

The areas described total 7,855.84 acres of public lands.

The lands are widely scattered throughout Idaho and are typical of dry-grazing lands in the area. The soils vary from iava ash and silt loam to sandy and gravelly deposits. In some areas rock outcropping or float rock occur. Vegetation is generally perennial grassland or sagebrush grassland type, with some annual weeds. The land is mainly suited to the grazing of livestock. The SW¼SE¼, E½SE¼, Sec. 15, T. 16 S., R. 16 E. and NE¼SE¼, Sec. 3, T. 16 S., R. 17 E. are subject to Range improvement No. 2015180, the Lost Creek Driveway. The SE¼NE¼, and NE¼SE¼, Sec. 27, T. 13 S., R. 32 E., B. M. were reconveyed to the United States under Title III of the Bankhead Jones Act and are subject to exchange only.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land and small tract laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m. on January 15, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 16, 1958 will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on April 16, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be opened to location under the United States mining laws, beginning 10:00 a. m. on April 16, 1958.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

MICHAEL T. SOLAN,
Acting State Supervisor.

[F. R. Doc. 57-10413; Filed, Dec. 17, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HANNIBAL SALES CO., INC., ET AL.

DEPOSTING OF STOCKYARDS

It has been ascertained that the Hannibal Sales Co., Inc., Hannibal, Missouri, originally posted on July 18, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), and the Kelly & Holmes Auction Sale, Heber Springs, Arkansas, originally posted on July 13, 1957, as being subject to said act, no longer come within the definition of a stockyard under said act for the reason that they no longer meet the area requirements. Accordingly, notice is given to the owners thereof and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 12th day of December 1957.

[SEAL] JOHN C. PIERCE, JR.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-10407; Filed, Dec. 17, 1957; 8:45 a. m.]

CASA GRANDE CATTLE & FEED CO., INC., ET AL.

POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202)

and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyard as required by said section 302.

Name of Stockyard and Date of Posting

ARIZONA

Casa Grande Cattle & Feed Company, Inc., Casa Grande; October 15, 1957.
Cornelius Livestock Co., Phoenix; October 16, 1957.
Wentz Brothers Livestock Auction, Tucson; October 15, 1957.
Paynes Livestock Auction, Tucson; October 15, 1957.
Willcox Livestock Commission Company, formerly Willcox Livestock Auction, Willcox; October 15, 1957.
Yuma Valley Livestock Auction Corp., Yuma; October 14, 1957.

ARKANSAS

Scott County Livestock Auction, Waldron; November 6, 1957.

IOWA

Westra Sales Co., Orange City; November 5, 1957.

KANSAS

Koenig Sale Barn, Manhattan; October 25, 1957.
Chandler Sales Company, Smith Center; October 23, 1957.
Stockton Livestock Commission Co., Stockton; October 22, 1957.

Done at Washington, D. C., this 12th day of December 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-10408; Filed, Dec. 17, 1957; 8:45 a. m.]

Office of the Secretary

KENTUCKY

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Kentucky a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KENTUCKY

Christian.	Trigg.
Lyon.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1953, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 13th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10436; Filed, Dec. 17, 1957; 8:50 a. m.]

MISSISSIPPI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS; CORRECTION

In the order of the Acting Secretary covering the above subject and dated December 3, 1957 (22 F. R. 9756), the word "Mississippi" is hereby substituted for the word "Pennsylvania" in the body of the order.

Done at Washington, D. C., this 12th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10409; Filed, Dec. 17, 1957; 8:45 a. m.]

Administrator, Agricultural Research Service

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS IN THE ADMINISTRATION OF THE SCREW-WORM ERADICATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture by the Administrator, General Services Administration, under date of November 15, 1957 (22 F. R. 9301), authority is delegated to the Administrator, Agricultural Research Service, with authority to redelegate to the Director, Administrative Services Division, to negotiate, without advertising, under sections 302 (c) (4) and 302 (c) (9) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), contracts required by the Department of Agriculture in the administration of the programs for screw-worm eradication for the period ending December 31, 1958.

The authority hereby delegated shall be exercised in accordance with the requirements of the above-titled act, particularly sections 304, 305 and 307 and the policies, procedures and controls prescribed by the General Services Administration.

Done at Washington, D. C., this 12th day of December 1957.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 57-10410; Filed, Dec. 17, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-70]

GENERAL ELECTRIC CO.

ORDER FOR HEARING

The following order has been issued by the Hearing Examiner in the matter of General Electric Company, Docket No. 50-70.

The Hearing Examiner having under consideration the portion of notice of hearing issued by the Commission on December 5, 1957, in this proceeding respecting the time and place of the hearing herein;

It is ordered, This 16th day of December 1957, that the hearing shall commence on January 17, 1958, at 10 o'clock a. m. in Hearing Room C, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., this 16th day of December 1957.

ATOMIC ENERGY COMMISSION,
WOODFORD B. MCCOOL,
Secretary.

[F. R. Doc. 57-10473; Filed, Dec. 17, 1957; 9:40 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12170, 12171; FCC 57M-1246]

WESTBROOK BROADCASTING CO., INC., AND SHERWOOD J. TARLOW

ORDER CONTINUING HEARING

In re applications of Westbrook Broadcasting Co., Inc., Westbrook, Maine, Docket No. 12170, File No. BP-10911; Sherwood J. Tarlow, Saco, Maine, Docket No. 12171, File No. BP-11080; for construction permits.

The Hearing Examiner having under consideration the necessity of continuing the hearing;

It appearing that the hearing is now scheduled to commence on December 19, 1957, but that a conflict occurs in the Examiner's own schedule;

It is ordered, This 11th day of December 1957, on the Hearing Examiner's own motion, that the hearing now scheduled for December 19, 1957, is continued to January 6, 1958.

Released: December 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10431; Filed, Dec. 17, 1957; 8:49 a. m.]

[Docket No. 12231; FCC 57M-1245]

GREYLOCK BROADCASTING CO. (WBRK)

ORDER FOLLOWING FIRST PRE-HEARING CONFERENCE (CONTINUING HEARING)

In re application of Greylock Broadcasting Company (WBRK), Pittsfield, Massachusetts, Docket No. 12231, File No. BP-11385; for construction permit.

1. Pursuant to an appropriate order of the Commission, the pre-hearing conference in the above-entitled proceeding was held December 9, 1957, at which the applicant, Greylock Broadcasting Company (WBRK), WENT Broadcasting Corporation and the Chief, Broadcast Bureau, Federal Communications Commission, were represented by counsel and Rensselaer Polytechnic Institute (WHAZ) was represented by its chief engineer. Rensselaer Polytechnic Institute, at the time of the pre-hearing conference, had not filed an appearance as required by § 1.387 of the Commission's rules.

2. In this proceeding, Greylock Broadcasting Company requests a construction permit to change the transmitter location and to make changes in the antenna system of Station WBRK, Pittsfield, Massachusetts, 1340 kc, 250 watts, unlimited

time. In the Commission order of October 30, 1957, designating the above application for hearing, the Commission found the applicant to be legally, technically, financially and otherwise qualified to operate the proposed station, except as may appear from the issues, and designated the application for hearing on the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WBRK as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Stations WENT, Gloversville, New York and WHAZ, Troy, New York, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the antenna system proposed by Greylock Broadcasting Company would constitute a hazard to air navigation.

4. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

3. At the pre-hearing conference, counsel for the Chief, Broadcast Bureau stated that the Commission had received formal notification from the appropriate authorities to the effect that the antenna system proposed by the applicant would not constitute a hazard to air navigation. Such finding by the appropriate authority will resolve Issue 3 in a manner favorable to the applicant.

4. At the hearing conference, it was stated that measurements have been taken which, upon preliminary study, indicate that the proposed operation will not cause objectionable interference to Station WENT, Gloversville, New York, or Station WHAZ, Troy, New York, or to any other existing or proposed station. It was agreed at the pre-hearing conference that the applicant would prepare engineering exhibits to meet Issues 1 and 2, which exhibits would be served upon all the parties to this proceeding on or before Wednesday, December 18, 1957.

5. All parties, their counsel, and consulting engineers may, if they so desire, hold informal conferences to discuss and clarify any matter in issue in order that the position of each party is made known to the others and correct factual data will be reflected in the exhibits and evidence to be offered at the hearing.

6. It was also agreed that if any party to the proceeding questioned either the accuracy, adequacy or completeness of the measurements, the interpretation thereof, or the conclusions as to the presence or absence of objectionable interference to any existing or proposed stations, or desires to present evidence on any matter in issue, such party will make known that fact by a formal pleading filed with the Commission on or before the close of business on January 8, 1958, and upon the receipt of such pleading, the Hearing Examiner will call a further pre-hearing conference for the purpose of determining (a) the desirability of calling witnesses in support of the applicant's affirmative case, (b) the preparation of rebuttal exhibits, or (c) the calling of rebuttal engineering witnesses. It was also agreed that in the absence of such request for a further pre-hearing conference, the written affirmative case of the applicant may be offered in evidence without the necessity of the applicant calling a witness to offer in evidence the exhibits exchanged on December 18, 1957. It was also agreed that the evidentiary hearing presently scheduled to begin on January 8, 1958 will be held on January 20, 1958.

It is ordered, This the 10th day of December 1957, that pursuant to the agreements reached at the pre-hearing conference summarized in the preceding paragraphs, the applicant need not prepare an exhibit in response to Issue 3 and that the applicant will prepare and exchange engineering exhibits necessary to respond to Issues 1 and 2 on or before Wednesday, December 18, 1957;

It is further ordered, That in the event any party to the proceeding desires a further pre-hearing conference in order to discuss any matter in issue, including but not limited to those mentioned in paragraph 6 hereof, such party will make known such fact by a pleading served upon all parties to the proceeding on or before January 8, 1958, and in the absence of a request for further pre-hearing conference, it shall be assumed that the parties do not question the adequacy or the accuracy of the engineering exhibits exchanged by the applicant on December 18, 1957;

It is further ordered, That the evidentiary hearing presently scheduled to begin on January 8, 1958, is continued to Monday, January 20, 1958, beginning at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: December 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10432; Filed, Dec. 17, 1957; 8:49 a. m.]

[Docket No. 11934; FCC 57M-1244]

TEXAS TECHNOLOGICAL COLLEGE

ORDER GOVERNING COURSE OF HEARING

In re application of Texas Technological College, Lubbock, Texas, Docket No. 11934, File No. BPCT-2183; for construction permit for a new television broadcast station.

1. Pursuant to the provisions of § 1.813 of the rules of the Commission and in accordance with notice duly given, a pre-hearing conference in the above-entitled matter was held on December 9, 1957, looking toward reopening the record for trial of the issues designated by the Commission in its order released December 2, 1957 (FCC 57-1296).

2. Agreements were reached among the parties and were stated on the record as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and are approved by the Hearing Examiner and the course of the hearing shall be governed by the procedure agreed upon.

Accordingly, it is ordered, This 10th day of December 1957, that the foregoing agreements shall govern the course of the proceeding, unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling; and that the evidentiary hearing herein be and is hereby scheduled for December 19, 1957, at 9:00 a. m., in Washington, D. C.

Released: December 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10433; Filed, Dec. 17, 1957; 8:49 a. m.]

FEDERAL RESERVE SYSTEM

BRENTON COMPANIES

ORDER GRANTING APPLICATION FOR ACQUISITION OF VOTING SHARES OF PALO ALTO COUNTY STATE BANK

In the matter of the application of Brenton Companies for approval of acquisition of voting shares of Palo Alto County State Bank, Emmetsburg, Iowa.

The above matter having come before the Board on the application of Brenton Companies, Des Moines, Iowa, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of acquisition by Brenton Companies of direct ownership of 13 of the 1,500 outstanding shares of the Palo Alto County State Bank, and it appearing after due consideration thereof in the light of the factors enumerated in section 3 (c) of the Bank Holding Company Act of 1956 that such application should be granted,

It is hereby ordered, That the said application be and hereby is granted and the acquisition by Brenton Companies of direct ownership of 13 of the 1,500 outstanding shares of capital stock of Palo Alto County State Bank, Emmetsburg, Iowa, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated: December 10, 1957.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57-10416; Filed, Dec. 17, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13573]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 12, 1957.

Take notice that on October 24, 1957, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business in Clarksburg, West Virginia, filed in Docket No. G-13573 an application, pursuant to section 7 (b) of the Natural Gas Act, for

permission to abandon natural gas service to Pond Fork Oil and Gas Company (Pond Fork) from Applicant's well No. 9814 located in the Crook District, Boone County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the supply of gas from the aforementioned well has declined to a point where continued production therefrom is no longer economically feasible, and that Applicant and Pond Fork have entered into an agreement cancelling the contract covering the subject sale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 21, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 10, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10424; Filed, Dec. 17, 1957; 8:48 a. m.]

[Docket No. 6-3664 etc.]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND HOUSTON NATURAL GAS PRODUCTION CO.

NOTICE SETTING DATE FOR CONSOLIDATED HEARING

DECEMBER 12, 1957.

In the matters of The Equitable Life Assurance Society of the United States, Docket Nos. G-3664, G-9045; and Houston Natural Gas Production Company,[1] Docket No. G-9046.

By notice dated January 18, 1956, the above-entitled matters were set for hearing to commence on February 14, 1956. Thereafter, on the request of the then Applicant, such hearing was postponed to commence at a time and place to be thereinafter fixed.

Due notice of the applications filed herein was published in the FEDERAL REGISTER on January 24, 1956 (21 F. R. 550).

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules and regulations thereunder, a hearing will be held on January 20, 1958, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by the applications in Docket Nos. G-3664, G-9045 and G-9046.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10423; Filed, Dec. 17, 1957; 8:47 a. m.]

[Docket No. G-13551]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 12, 1957.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application on October 18, 1957, for authorization pursuant to section 7 (b) of the Natural Gas Act to (1) abandon and remove two branch pipelines and a measuring and regulating station, the pipelines consisting of 4.8 miles of 2-inch and 4.8 miles of 3-inch, and (2) service being rendered to Kansas Power and Light Company by the sale of gas thereto for resale in Greensburg, Kansas, subject to the jurisdiction of the Commission, as more fully stated in the application filed with the Commission, and open for public inspection.

The application recites that the service proposed to be abandoned is being discontinued pursuant to the request of Kansas Power and Light Company, which company represents that the service of natural gas will continue from its own intrastate pipeline system.

This matter is one that should be disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 27, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10425; Filed, Dec. 17, 1957; 8:48 a. m.]

[Docket No. G-13845]

MIDWEST OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 12, 1957.

Midwest Oil Corporation (Operator) et al. (Midwest), on November 12, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 7, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designated: Supplement No. 1 to Midwest's Rate Schedule No. 12.
Effective date: January 1, 1957 (effective date is the effective date proposed by Midwest).

In support of the proposed rate increase, Midwest states, that the pertinent pricing provisions of the contract were arrived at by arm's-length bargaining, that the increase is necessary to provide funds needed for additional exploration and development, and that the proposed rate is to compensate Midwest for the lower initial rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and, that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act; particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10426; Filed, Dec. 17, 1957; 8:48 a. m.]

[Docket No. G-13891]

PENNSYLVANIA GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED TARIFF SHEET

DECEMBER 12, 1957.

Pennsylvania Gas Company (Pennsylvania Gas), on November 12, 1957, tendered for filing First Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1. Said tariff filing is intended to be made effective January 1, 1958, and proposes an annual increase in rates to its single resale customer, North East Heat and Light Company (North East) of $9,276 or 10 percent based on sales for the year ended September 1957, as adjusted.

The proposed change by Pennsylvania will (1) increase the Rate Schedule CA-1 rate to a straight volumetric charge of 55¢ per Mcf in lieu of the present block-type rate; (2) eliminate the prompt payment discounts, and (3) modify the provision regarding curtailment of service to permit reductions in deliveries to North East for resale to industrial or commercial customers when Pennsylvania Gas reduces deliveries to similar customers in its distribution area.

In support of its proposed increase in rates, Pennsylvania has submitted cost data consisting of actual costs for the 12-month period ended September 30, 1957, adjusted to reflect: (1) a rate of return of 6.6 percent together with associated Federal income taxes; (2) increased cost of purchased gas; and (3) increased storage and labor costs. The total system claimed cost of service applicable to production, storage, and transmission is $10,402,962, which is allocated on a volumetric basis (0.99 percent or $102,479) to jurisdictional business (sales to North East). Estimated revenue under the proposed rate totals $102,238, or $241 less than allocated costs.

It appears that Pennsylvania Gas proposed rate increase is based substantially on a rate of return of 6.6 percent and increased operating expenses due to wage increases and purchased gas costs. Since the contingently effective rate of suppliers[1] under which Pennsylvania Gas obtains 82 percent of its purchased gas may not be allowed in their entirety, Pennsylvania Gas claimed cost of operations is conjectural. Pennsylvania Gas also claims that it is earning a rate of return of only 3.6 percent on jurisdictional business (0.99 percent of total) under the presently effective rates, however, data submitted by Pennsylvania Gas show it is earning an overall rate of return of about 6.9 percent.

The increased rates and charges provided in said tariff sheet, as tendered on November 12, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Pennsylvania Gas' FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheet No. 4, tendered for filing on November 12, 1957; and that said revised tariff sheet be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Pennsylvania Gas' FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Sheet No. 4 tendered for filing on November 12, 1957.

(B) Pending such hearing and decision thereon, Pennsylvania Gas' First Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10427; Filed, Dec. 17, 1957; 8:48 a. m.]

[Docket No. E-6791]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

DECEMBER 12, 1957.

Take notice that on December 10, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana and Idaho with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of $15,000,000 in principal amount of First Mortgage Bonds and the issuance of 100,000 shares of Serial Preferred Stock of the par value of $100 per share. The aforesaid Bonds -- percent Series will mature on January 1, 1988, and will be issued as a new series of Applicant's First Mortgage Bonds under and pursuant to Applicant's presently existing Mortgage and Deed of Trust, dated as of July 1, 1947, to Guaranty Trust Company of New York and Oliver R. Brooks, as Trustees, as heretofore supplemented by eight indentures supplemental thereto, and as it is to be further supplemented by a Ninth Supplemental Indenture thereto, to be dated as of January 1, 1958, a copy of the proposed form of which is attached to this application as Exhibit D-10. The aforesaid -- percent Serial Preferred Cumulative Stock proposed to be issued is a new series of Applicant's presently authorized serial preferred stock under and pursuant to the provisions of Applicant's By-Laws attached to this application as Exhibit B-1. Applicant proposes to sell the aforesaid Bonds and Preferred Stock under competitive bidding and the interest rate of said Bonds and the dividend rate of the Preferred Stock are also to be fixed by competitive bidding. The holders of the new issue of Preferred Stock will be entitled to one vote for each share held by them, together with additional voting privileges during any periods when preferred stock dividends may be in arrears. Applicant proposes to use the proceeds from the sale of the aforesaid bonds and preferred stock for the purpose of carrying forward its 1958 construction program and of repaying all notes outstanding at the time of the sale of the bonds and preferred stock under a Credit Agreement, dated as of April 18, 1956, between Applicant and certain banks.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 2d day of January 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10428; Filed, Dec. 17, 1957; 8:48 a. m.]

[1] Successors in interest and substitute applicants in lieu of McCarthy Oil & Gas Corporation.

[1] Tennessee Gas Transmission Company, United Natural Gas Company (affiliated with Pennsylvania Gas), Iroquois Gas Corporation and an independent producer.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3647]

MONTAUP ELECTRIC CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE OF SHORT-TERM NOTES TO BANK

DECEMBER 11, 1957.

Notice is hereby given that Montaup Electric Company ("Montaup"), a public-utility company and an indirect subsidiary of Eastern Utilities Associates, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act and Rules U-50 (a) (2) and U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the proposed transactions which are summarized as follows:

Montaup proposes to borrow periodically from The First National Bank of Boston, prior to December 31, 1958, amounts not to exceed an aggregate of $12,000,000 outstanding at any one time. The borrowings will be evidenced by unsecured promissory notes of 90 days duration or less, maturing not later than December 31, 1958. The notes will be prepayable in whole or in part at any time without penalty, and will bear interest from the date of issue at an annual rate of ¼ of 1 percent above the prime rate prevailing at the time of each borrowing.

Montaup is engaged in a construction program estimated to cost in excess of $20,000,000. The proceeds from the proposed bank borrowings will be used to pay outstanding short-term bank indebtedness, expected to total $1,600,000 on December 30, 1957, and to provide funds to finance said construction program in 1958. Montaup proposes during 1958 to issue and sell additional debenture bonds and common stock to its owner companies aggregating $6,500,000. The proceeds from such financing will be used to pay off a portion of the then outstanding bank borrowings, and thereafter, the maximum amount of short-term indebtedness which may be outstanding hereunder will be reduced by the amount of the proceeds from the permanent financing. Montaup estimates that a total of $8,800,000 of notes payable to banks will be outstanding when they become due at December 31, 1958. It will be necessary to raise additional funds in some form to meet this maturity.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The only fees and expenses to be incurred by Montaup in connection with the above transactions are those of counsel for the company. A statement of the estimated fees and expenses of counsel is to be supplied by amendment.

Notice is further given that any interested person may, not later than December 26, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10420; Filed, Dec. 17, 1957; 8:47 a. m.]

[File No. 24NY-3535]

AMERICAN DEVELOPMENT CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 11, 1957.

I. American Development Corporation, a Delaware corporation, 317-325 South State Street, Dover, Delaware, filed with the Commission on November 16, 1953, a notification on Form 1-A and an offering circular and amendments thereto, relating to a proposed public offering of 200,000 shares of 10¢ par value common stock at $1.50 a share, or $300,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder.

II. The Commission has reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file Form 2-A Reports of Sales, as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

B. That the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The interest in and assignment of oil leases in North Carolina.

2. The arrangements in connection with the exchange of issuer's interest in a plastic "Salad Globe" for interest in a plastic "Key Kase" and manufacture thereof.

3. The option for use of a sulfur solvent extraction process and option on surface sulfur ore property in Southern California.

4. The designation of Anthony Easton as general manager of the Plastics Division of the issuer without his consent.

5. The designation of Jack B. Davis as sulfur mining advisor of issuer without his consent.

6. The designation of E. T. Burton as a director of the issuer without his consent.

7. The failure to indicate that the underwriter, I. J. Schenin & Co., had withdrawn its consent to being named as underwriter on or about November 19, 1954.

C. The offering would and did operate as a fraud and deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10421; Filed, Dec. 17, 1957; 8:47 a. m.]

[File No. 24NY-4214]

HOWARD HOYT

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 12, 1957.

In the matter of Howard Hoyt as "The Strip for Action Company", (File No. 24 NY-4214).

I. Howard Hoyt as "The Strip for Action Company", a company formed to produce a theatrical venture, with principal offices located at 531 East 72 Street, New York, N. Y., filed with the Commission on February 1, 1956, a notification on Form 1-A and an offering circular, a proposed pre-formation limited partnership agreement and supplemental material, relating to a proposed offering of pre-formation limited partnership interests not to exceed $300,000, including a possible 20 percent overcall, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to file on Form 2-A reports of sales as required by Regulation A and has ignored requests by the Commission's staff for such reports; and

2. The issuer has failed to disclose in Item 1 of the notification all the jurisdictions in which the issuer's securities were to be offered and sold;

B. The offering circular filed with the Commission contains untrue statements of material facts and omits to state material facts in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly in that the company was formed on the basis of contributions aggregating about $120,000 contrary to the statements in the offering circular and provisions of the proposed limited partnership agreement that the partnership would not be formed until aggregate limited contributions equal to the estimated production requirements have been made and contrary to the memorandum of agreement that the contributions would be returned and the partnership would not be formed if $250,000 were not raised within four months of the date thereof.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or, at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10422; Filed, Dec. 17, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 4]

APPLICATIONS FOR CONVERSION BY MOTOR CONTRACT CARRIERS

DECEMBER 13, 1957.

The following proceedings are governed by the Interstate Commerce Commission's special rules of practice, published in the FEDERAL REGISTER on November 13, 1957, Volume 22, FEDERAL REGISTER, page 9015, concerning notice of proceedings upon application of a holder of motor contract carrier authority, under section 212 (c) of the Interstate Commerce Act, for the revocation of motor contract carrier authority issued on or before August 22, 1957, and the issuance in lieu thereof of a certificate of public convenience and necessity (49 CFR 1.242). A proceeding to determine the status of the carriers' operations has been instituted under section 212 (c).

Protests may be filed with the Commission within 30 days after the date notice of the proceedings is published in the FEDERAL REGISTER. If oral hearing is desired the protest must so indicate.

The authority set out in the pertinent permits upon which a determination is sought, has, in most instances, been summarized.

MOTOR CARRIERS OF PROPERTY

No. MC 1499 (Sub No. 2) filed November 5, 1957, BLUE VALLEY TRANSFER CO., 501 Cambridge Avenue, Kansas City, Mo. Applicant's attorney: Henry M. Shughart, 914 Commerce Building, Kansas City, Mo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 1499, dated August 2, 1951.

Fencing, construction steel, angles, bars, joints, nails, and *similar iron and steel articles*, between Kansas City, Mo., and North Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, points in Missouri and Kansas.

Such iron and steel articles as are used on construction projects, from Kansas City, Mo., and Kansas City, Kans., to points in Nebraska.

No. MC 4923 (Sub No. 8) filed November 1, 1957, REEFER TRANSIT LINE, INC., 1415 West Pershing Road, Chicago 9, Ill. For authority to operate as a *common carrier*, of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 4923, dated January 27, 1944.

Petroleum products in containers, over irregular routes, from Bradford and Rouseville, Pa., to Chicago, Ill.

Iron and steel products, over irregular routes, from Martins Ferry, Ohio, and Wheeling, Benwood, Warwood, and Beach Bottom, W. Va., to Chicago, Ill., and St. Louis, Mo.

Tinplate, over irregular routes, from Canton and Toronto, Ohio, and Follansbee, W. Va., to Chicago, Ill.

Packing-house products, packing-house supplies, dressed poultry, and *dairy products*, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, Kansas City, Kans., St. Louis and Kansas City, Mo., East St. Louis, Ill., Omaha, Nebr., and points in Iowa; from Chicago, Ill., to Jamestown, Buffalo, and New York, N. Y., Newark, N. J., Wheeling, W. Va., and points in West Virginia, within 25 miles of Wheeling, points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 4 to Bucyrus, Ohio, thence along Ohio Highway 98 to Waldo, Ohio, and thence along U. S. Highway 25 to the Ohio-Kentucky State line, and those in Pennsylvania on and west of U. S. Highway 219.

Dressed poultry and *dairy products*, over irregular routes, from points in Iowa and Nebraska to Buffalo and New York, N. Y., Newark, N. J., and points in the above-described portions of Ohio and Pennsylvania.

No. MC 4923 (Sub No. 3), dated July 7, 1948.

Dairy products, as defined by the Commission, over irregular routes, from Rochester, Ind., to Baltimore, Md., Washington, D. C., and points in Pennsylvania, New Jersey and New York.

Equipment and *supplies* useful in meat packing houses on return.

No. MC 4923 (Sub No. 6), dated March 5, 1952.

Fresh meat, from Milwaukee, Wis., to Pittsburgh, Pa.

Cheese, from Rochester, Ind., to Wilmington, Del., and points in that part of Ohio on and east of U. S. Highway 21, from Cleveland, Ohio, to the Ohio-West Virginia State line, through Massillon, New Philadelphia, Newcomerstown, Cambridge, and Marietta, Ohio.

No. MC 4923 (Sub No. 7), dated December 12, 1952.

Lubricating oils and greases, in containers, from Bradford, Pa., to Benton Harbor, Mich., and *empty containers*, on return.

No. MC 6017 (Sub No. 1) filed October 24, 1957, BALSER TRUCK CO., 8332 Wilcox Avenue, Bell, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 6017, dated October 14, 1949.

Raw and manufactured chemicals, in containers, over a regular route, between Los Angeles, Calif., and Los Angeles Harbor, Calif.:

Service is authorized to and from the off-route points of Southgate and Long Beach, Calif. Service is not authorized to or from intermediate points.

No. MC 6999 (Sub No. 2) filed November 1, 1957, G. & G. LUMBER HAULAGE CO., INC., March Street, Port Newark 5, N. J. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 6999, dated April 12, 1949.

Wooden boxes, crates, shooks, building materials, and *lumber*, from Newark, N. J., to points and places in New Jersey, New York, Pennsylvania, and Connecticut.

Lumber, wooden boxes, and *box making equipment* and *materials*, between points and places in Essex and Union Counties, N. J., on the one hand, and, on the other, points and places in New York and Pennsylvania within 100 miles of Newark, N. J.

No. MC 9685 (Sub No. 58) filed November 5, 1957, THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 9685, dated November 14, 1951.

Such merchandise as is dealt in by wholesale and retail grocery business

houses, subject to a "Keystone" restriction, over specified regular routes, between Nashville, Tenn., and Cincinnati, Ohio, serving the intermediate points of Bowling Green and Louisville, Ky.; between Nashville, Tenn., and Evansville, Ind., serving no intermediate points.

Glassware, subject to a "Keystone" restriction, over irregular routes, from Champaign and Springfield, Ill., to Cincinnati, Ohio; between Washington, Pa., and Cincinnati, Ohio; between Alton and Streator, Ill., and Louisville and Newport, Ky., on the one hand, and, on the other, points within the territory bounded by a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 24 to Huntington, Ind., thence along U. S. Highway 224 to Van Wert, Ohio, thence along U. S. Highway 30 to Delphos, Ohio, thence along U. S. Highway 30N to Mansfield, Ohio, thence along U. S. Highway 30 to Massillon, Ohio, thence along U. S. Highway 21 to the Ohio-West Virginia State line, thence along the Ohio-West Virginia State line to the Ohio-Kentucky State line, thence along the Ohio-Kentucky State line to the Ohio-Indiana-Kentucky State lines, thence along the Indiana-Kentucky State line to the Kentucky-Indiana-Illinois State line and thence along the Indiana-Illinois State line to the point of beginning, including points on the indicated portions of the highways specified.

Glass containers, from Muncie, Lapel, and Winchester, Ind., to Chicago, Ill.; from Alton and Streator, Ill., and Dunkirk, Ind., to points in Wisconsin.

Glass containers and accessories therefor, from Winchester, Ind., to points in Iowa; from Muncie, Ind., to points in Iowa and Ohio, those in New York on and west of New York Highway 14, and those in Pennsylvania on and west of U. S. Highway 219.

Glassware and glass containers, from Winchester, Ind., and points within five miles of Winchester, to Lancaster, Ohio.

Glassware, and *such materials, supplies*, and *equipment*, as are used in the manufacture of glassware, between Zanesville, Ohio, Clarksburg and Wheeling, W. Va., and Washington, Pa.; between Zanesville, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, the Southern peninsula of Michigan, New York, Ohio, and Pennsylvania.

Glassware, not otherwise indexed by name, other than cut; *glass containers*, common or parts thereof, viz., bottles (except siphon bottles and bottles fitted with siphons); *jars and packing glasses*, not exceeding 5 gallons in capacity, with or without their equipment of caps, covers or stoppers; *caps, covers* or *tops* (other than display), for bottles, glassware, or jars, not otherwise indexed by name; and *paper shipping cartons*, from Winchester, Ind., and Lancaster, Ohio to St. Louis, Mo.; from South Connellsville, Pa., to St. Louis, Mo., Bay City, Mich., points in Illinois, Indiana, Ohio, those in Kentucky on the Ohio River and that part of Michigan south and west of a line beginning at Ludington, Mich., and extending along U. S. Highway 10 to Flint, Mich., thence along Michigan Highway 21 to Port Huron, Mich., including points on the indicated portions of the highways specified.

Glassware, glass containers, and *paper cartons* used in the packing and shipping of glassware and glass containers, from Lancaster, Ohio, and Winchester, Ind., and points within five miles of Winchester to points in that part of Kentucky on and north of U. S. Highway 60, and that part of Pennsylvania on and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U. S. Highway 119 to junction U. S. Highway 219, and thence along U. S. Highway 219 to the Pennsylvania-New York State line; from Winchester, Ind., and points within five miles of Winchester to Alliance, Cincinnati, Columbus, Plain City, Baltimore, Bucyrus, Akron, Cleveland, and Dayton, Ohio, and Lawrenceburg, Ind.; from Lancaster, Ohio to points in Indiana.

Machinery, materials and *supplies* used in the manufacture, packing and shipping of glassware and glass containers, subject to a "Keystone" restriction, between Lancaster, Ohio, on the one hand, and, on the other Winchester, Ind., and points within five miles of Winchester.

Grease and *tallows*, in bulk, in tank vehicles equipped with heating coils, subject to a "Keystone" restriction, over irregular routes, from points in Indiana, Wisconsin, those in Iowa on and east of U. S. Highway 69, those in Michigan on and south of U. S. Highway 16, and those in the Cincinnati, Ohio, Commercial Zone: from points in Illinois, Indiana, and Kentucky, except Louisville, to St. Bernard, Ohio. Restriction: Said carrier shall not light nor keep lighted open-flame burners attached to any vehicle used in the aforesaid transportation, except and only when such vehicle is at rest and off the highway.

Cleansing compound, from Detroit, Mich., to Barrington, Ill.

Soap, soap powders, and *toilet articles*, from Jeffersonville, Ind., to Bloomington, Champaign, Chanute Field, Danville, Freeport, Peoria, Galesburg, Petersburg, Rockford, and Chicago, Ill., and Detroit, Flint, Grand Rapids, Lansing, Muskegon, Owosso, Port Huron, Saginaw, and Sturgis, Mich.

Soap, soap powders, lard substitutes, washing powders, and *vegetable compounds*, from Chicago, Ill., to points in La Porte, Starke, Pulaski, Fulton, Marshall, Saint Joseph, Elkhart, Kosciusko, Steuben, De Kalb, Lagrange, Carroll, White, Miami, Wabash, Huntington, Wells, Adams, Allen, Cass, Whitley, and Noble Counties, Ind. Service is not authorized on return trips to Chicago except for the transportation of rejected shipments of the above-specified commodities.

Soap, soap powders, cleaning and washing compounds, vegetable oil shortening, cooking oil, toilet preparations, glycerine, and *advertising material* and *premiums* when shipped in connection with such commodities, from Chicago, Ill., and Cincinnati, St. Bernard, and Sharonville, Ohio, to points in the Lower Peninsula of Michigan.

Oleomargarine, between Norwalk, Ohio, on the one hand, and, on the other, Detroit and Grand Rapids, Mich., Louisville, Bellevue, and Covington, Ky., Madison, Wis., and St. Louis, Mo.

Non-alcoholic beverages and *advertising matter* relative thereto, subject to a "Keystone" restriction, over irregular routes, from Maywood, Ill., to Louisville, Henderson, and Covington, Ky., and points in Indiana, Illinois, Ohio, and Michigan, and *empty beverage containers*, on return.

Carbonated beverages, from Maywood, Ill., to points in Iowa and Wisconsin, and *empty carbonated beverage containers*, on return.

Syrup for carbonated beverages, from Maywood, Ill., to points in Indiana, Iowa, Michigan, Ohio, Wisconsin, and to Louisville, Henderson, and Covington, Ky.

Returned, rejected or damaged shipments of carbonated beverages, advertising matter relative thereto, and *syrup* for carbonated beverages, from points in Indiana, Iowa, Michigan, Ohio, Wisconsin, and from Louisville, Henderson, and Covington, Ky., to Maywood, Ill.

Malt beverages and *empty malt beverage containers*, subject to a "Keystone" restriction, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin.

Carbonated and malt beverages, from St. Louis, Mo., to Maywood, Ill.; from Maywood, Ill., to Cape Girardeau, Hannibal, and St. Louis, Mo., and *empty beverage containers*, on return.

Malt beverages, from Maywood, Ill., to Elkhart, Fort Wayne and Indianapolis, Ind., Burlington, Cedar Rapids, Davenport, Des Moines, Dubuque, and Waterloo, Iowa, Detroit Mich., and Cincinnati and Toledo, Ohio, and *empty malt beverage containers*, on return.

Such merchandise, other than malt beverages, as is dealt in by wholesale food business houses, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, subject to a "Keystone" restriction, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin.

Such merchandise as is dealt in by wholesale or retail food business houses, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, between Muscatine, Iowa, on the one hand, and, on the other, Louisville, Ky., and points in Illinois, Indiana, Michigan, Minnesota, Missouri, and Wisconsin; Between Barrington, Ill., on the one hand, and, on the other, Cincinnati, Ohio, Green Bay, Madison, Milwaukee, Onalaska, and Oshkosh, Wis., St. Louis, Mo., and Clinton, Iowa; between Chicago, Ill., on the one hand, and, on the other, points in Iowa.

Foodstuffs, raw and manufactured, between points in Ohio, Indiana, Illinois, Pennsylvania, New York, and those in New Jersey in the New York, N. Y., and Philadelphia, Pa., Commercial Zones. Restriction: The service authorized immediately above is restricted against service between New York, N. Y., and points in New Jersey in the Philadelphia, Pa., Commercial Zone, and between Philadelphia, Pa., and points in New Jersey in the New York, N. Y., Commercial Zone.

Canned goods, from Whiteland, Greenwood, Indianapolis, Martinsville, Anderson, Elwood, Tipton, Peru, and Wabash, Ind., to Williamson and Charleston, W. Va., and points in Pennsylvania.

Canned goods and *agricultural commodities*, between Louisville, Bellevue, and Covington, Ky., Pittsburgh, Pa., St. Louis, Mo., points in Ohio, Indiana, Illinois, those in the Lower Peninsula of Michigan, and those in Wisconsin on and south of Wisconsin Highway 64, except that canned goods and agricultural commodities which are also food-stuffs shall not be transported between Pittsburgh, Pa., and points in Ohio, Indiana, and Illinois.

Empty containers for fresh tomatoes and fresh vegetables, from Chicago, Ill., to points in Jackson, Lenawee, and Monroe Counties, Mich.

Empty tomatoe baskets, empty tomatoe hampers, and *empty tomatoe loading racks*, from Chicago, Ill., to Edgeton, Kokomo, Hemlock, Forest, and Marion, Ind., and Curtice, Bryan, and Swanton, Ohio.

Staple groceries, except foodstuffs, in truckload lots, from Chicago, Ill., to Fort Wayne, Pendleton, Putnamville, Richmond, Plainfield, Knightstown, New Castle, Indianapolis, Logansport, and St. Meinrad, Ind.

Staple groceries, except foodstuffs, in less than truckload lots, from Chicago, Ill., to points in Indiana bounded by a line beginning at Michigan City and extending along U. S. Highway 35 to Logansport, thence along U. S. Highway 24 to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to Lake Michigan, and thence along the Lake Michigan shore to point of beginning, including points on the indicated portions of the highways specified.

Salt, from Akron and Cleveland, Ohio, and Manistee, St. Clair, and Marysville, Mich., and points within five miles of each, to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, those in that part of Pennsylvania on and west of U. S. Highway 219, those in that part of New York on and west of New York Highway 14, Covington, Newport, and Louisville, Ky., and St. Louis, Mo.

Subject to a "Keystone" restriction, over irregular routes:

Such general merchandise as is dealt in by chain grocery stores, and *supplies, machinery, fixtures*, and *equipment*, incidental to the production, warehousing, and sale thereof, between Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Chicago, Carbondale, and Peoria, Ill.; Detroit and Grand Rapids, Mich.; Evansville, Indianapolis, and Fort Wayne, Ind.; Louisville, Bellevue, and Covington, Ky.; Madison, Wis., Pittsburgh, Pa.; and St. Louis, Mo.

Such general merchandise as is dealt in by chain grocery stores, from Cincinnati, Ohio, to Springfield and Champaign, Ill.

Machinery, fixtures, and *equipment* incidental to the production, warehousing and sale of chain grocery store merchandise between Bellevue, Covington, Dayton, Louisville, and Newport, Ky., St. Louis, Mo., Pittsburgh, Pa., and points in Illinois, Indiana, Ohio, that part of Wisconsin on and south of Wisconsin Highway 64 and those in the lower peninsula of Michigan.

Such merchandise as is dealt in by wholesale, retail and food business houses, from Barrington, Ill., to Akron, Cleveland, Columbus, Dayton, Toledo, and Youngstown, Ohio, and Louisville, Ky.; from Louisville, Ky., Akron, Cleveland, Columbus, Dayton, Toledo, and Youngstown, Ohio, points in Ohio within 25 miles of each of such Ohio cities, Fort Wayne, Indianapolis, Muncie, South Bend, and Terre Haute, Ind., and points in Indiana within 25 miles of each of such Indiana cities, Detroit, Flint, and Grand Rapids, Mich., and points in Michigan within 25 miles of each of such Michigan cities, to Barrington, Ill.

Subject to a "Keystone" restriction, over irregular routes:

Foodstuffs, in tin and glass containers, between points in Wisconsin, on the one hand, and, on the other, points in Illinois and Indiana; between points in Indiana, on the one hand, and, on the other, points in the *Chicago, Ill., Commercial Zone*.

Macaroni, spaghetti, vermicelli, noodles and *similar products*, and *sauce* in glass containers, from Libertyville, Ill., to Bluffton, Elkhart, Fort Wayne, Indianapolis, Muncie, Richmond, South Bend, and Terre Haute, Ind., Cedar Rapids, Charles City, Clinton, Davenport, Des Moines, Dubuque, Fort Dodge, Marshalltown, Mason City, and Waterloo, Iowa, Covington, Ky., Bay City, Detroit, and Grand Rapids, Mich., St. Louis, Mo., and Cincinnati, Columbus, Dayton, Portsmouth, Toledo, Zanesville, and Xenia, Ohio.

Pickles, preserves, jams, jellies, fruit butters, prepared mustard, and *table sauces*, from Chicago, Ill., to the destination points specified immediately above.

Dried beans, from points in Michigan, to Carbondale, Cairo, West Frankfort, and Peoria, Ill., and Indianapolis, Terre Haute, Fort Wayne, Richmond, and Evansville, Ind.

Canned goods, from Alexandria, Summitville, Greenwood, Whiteland, Windfall, and Morristown, Ind., to Chicago, Ill.; from points in Indiana and Illinois to Detroit, Grand Rapids, and Lansing, Mich.; from points in Michigan and Indiana to Carbondale, Cairo, West Frankfort, Barrington and Peoria, Ill.; from points in Michigan and Illinois to Indianapolis, Terre Haute, Fort Wayne, Richmond, and Evansville, Ind.

Such merchandise as is dealt in by wholesale, retail, and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, from Chicago, Ill., to St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich.: from Barrington, Ill., to Flint, Grand Rapids, and Detroit, Mich., and Fort Wayne, Indianapolis, Muncie, South Bend, Evansville, and Terre Haute, Ind.; from points in Michigan to Chicago, Ill.

No. MC 9685 (Sub No. 6), dated March 3, 1952.

Subject to a "Keystone" restriction, over irregular routes:

The commodities classified as (a) meat, meat products, and meat by-products, (b) dairy products, and (c) articles distributed by meat-packing houses, from Madison, Wis., to points in Illinois (except Barrington and Chicago) Indiana, Iowa (except Muscatine), Michigan, Ohio, those in that part of Pennsylvania on and west of U. S. Highway 219, those in that part of New York on and west of New York Highway 14, those in that part of Kentucky within one mile of the Ohio River, and those in that part of Missouri within one mile of the Mississippi River.

Fresh meats, from Prairie du Chien, Wis., to points in Illinois (except Chicago), Indiana, Iowa (except Muscatine), Michigan, Ohio, and points in that part of Pennsylvania, New York, Kentucky, and Missouri as specified above.

No. MC 9685 (Sub No. 8), dated August 31, 1951.

Subject to a "Keystone" restriction, over irregular routes:

Tinplate, from Gary, Ind., to Oconomowoc, Wis.

Skids, shipping pallets, and *angle iron*, from Oconomowoc, Wis., to Gary, Ind.

Glass containers, and *covers, caps*, and *accessories for glass containers*, and *paper cartons*, from Streator, Ill., and Alton, Ill., to points in Kentucky, Michigan, Missouri, Iowa (except from Streator to points in Iowa), points in that part of Indiana north of a line extending from the Illinois-Indiana State line along U. S. Highway 24 through Effner, Monticello, and Peru, Ind., to Huntington, Ind., and thence along U. S. Highway 224 through Decatur, Ind., to the Indiana-Ohio State line; and points in that part of Ohio north and east of a line extending from the Indiana-Ohio State line along U. S. Highway 224 to Van Wert, Ohio, thence along U. S. Highway 30 to Delphos, Ohio, thence along U. S. Highway 30N through Williamstown and Bucyrus, Ohio, to Mansfield, Ohio, thence along U. S. Highway 30 to Wooster, Ohio, to Massillon, Ohio, and thence along U. S. Highway 21 through New Philadelphia, Cambridge, and Marietta, Ohio, to the Ohio-West Virginia State line.

Paper cartons, covers and caps for glass containers and *accessories for glass containers*, from Streator, Ill., and Alton, Ill., to points in that part of Indiana on and south of a line extending from the Illinois-Indiana State line along U. S. Highway 24 through Effner, Monticello, and Peru to Huntington, and thence along U. S. Highway 224 through Decatur to the Indiana-Ohio State line; and those points in that part of Ohio on and south of a line extending from the Indiana-Ohio State line along U. S. Highway 224 to Van Wert, thence along U. S. Highway 30 to Delphos, thence along U. S. Highway 30N through Williamstown and Bucyrus to Mansfield, and thence along U. S. Highway 30 through Wooster to Massillon and on and west of a line extending from Massillon along U. S. Highway 21 through New Philadelphia, Cambridge, and Marietta to the Ohio-West Virginia State line.

No. MC 9685 (Sub No. 9), dated May 29, 1951.

Subject to a "Keystone" restriction, over irregular routes:

Soap, soap powder, washing powder, washing compound, toilet preparations, glycerine, and *related advertising matter* and *premiums*, from Jeffersonville, Ind., and points in Indiana within five miles of Jeffersonville, to points in Wisconsin, Illinois, and the Lower Peninsula of Michigan, those in Allegheny, Beaver, Butler, Erie, Fayette, Lawrence, Mercer, Venango, Washington, and Westmoreland Counties, Pa., and those in Ohio except Cincinnati, except, as already authorized, soap, soap powders, and toilet articles from Jeffersonville, to Bloomington, Champaign, Chanute Field, Danville, Freeport, Peoria, Galesburg, Petersburg, Rockford, and Chicago, Ill., and Detroit, Flint, Grand Rapids, Lansing, Muskegon, Owosso, Port Huron, Saginaw, and Sturgis, Mich.

Petroleum jelly, from McKees Rocks, Pa., to Jeffersonville, Ind., and points in Indiana within five miles of Jeffersonville.

No. MC 9685 (Sub No. 15), dated May 25, 1953.

Subject to a "Keystone" restriction, over irregular routes:

Such merchandise as is dealt in by retail food and household supply and furnishing business houses, and *equipment, materials,* and *supplies* used in the conduct of such businesses, from Clinton, Iowa, to points in Bureau, Carroll, Henry, Joe Daviess, Lee, Mercer, Ogle, Putnam, Rock Island, Stephenson, Whiteside, and Winnebago Counties, Ill., Cedar, Clinton, Des Moines, Dubuque, Henry, Jackson, Jefferson, Johnson, Jones, Louisa, Muscatine, Scott, and Washington Counties, Iowa, and Grant County, Wis., within 140 miles of Clinton: from Duluth, Minn., to points in Gogebic County, Mich., Aitkin, Anoka, Benton, Carlton, Carver, Chicago, Cook, Crow Wing, Hennepin, Isanti, Itasca, Kanabec, Kandiyoki, Lake, McLeod, Meeker, Mille Lacs, Morrison, Pine, Ramsey, Saint Louis, Sherburne, Stearns, Washington, and Wright Counties, Minn., and Ashland, Barren, Bayfield, Burnet, Douglas, Iron, Polk, Price, Rusk, Sawyer, and Washburn Counties, Wis., within 214 miles of Duluth: from Fort Wayne, Ind., to points in Adams, Allen, Cass, DeKalb, Fulton, Huntington, Kosciusko, Lagrange, Miami, Noble, Steuben, Wells, White, Whitley, and Wabash Counties, Ind., Branch and Hillsdale Counties, Mich., and Defiance, Paulding, Van Wert, and Williams Counties, Ohio, within 96 miles of Fort Wayne: from Kansas City, Mo., to points in Douglas, Franklin, Johnson, Leavenworth, Miami, and Wyandotte Counties, Kans., and Cass, Clay, Henry, Jackson, Johnson, Lafayette, Pettis, Ray, and Saline Counties, Mo., within 88 miles of Kansas City: from Onalaska, Wis., to points in Blue Earth, Brown, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, LeSueur, Martin, Mower, Nicollet, Olmsted, Redwood, Rice, Steele, Wabasha, Waseca, Watonwan, and Winona Counties, Minn., Buffalo, Chippewa, Crawford, Dunn, Eau Claire, Jackson, La Crosse, Monroe, Pepin, Pierce, St. Croix, Trempealeau, and Vernon Counties, Wis., and Allamakee, Bremer, Chickasaw, Clayton, Fayette, Howard, and Winneshick Counties, Iowa, within 212 miles of Onalaska: from Louisville, Ky., to points in Clark, Crawford, Floyd, Harrison, Jefferson, Ohio, Orange, Perry, Scott, Switzerland, and Washington Counties, Ind., and Anderson, Boyle, Bourbon, Bullitt, Carroll, Casey, Clark, Estill, Fayette, Franklin, Gallatin, Garrard, Grant, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lincoln, Madison, Marion, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Powell, Pulaski, Scott, Shelby, Spencer, Taylor, Trimble, Washington, and Woodford Counties, Ky., within 134 miles of Louisville: from Peoria, Ill., to points in Des Moines and Lee Counties, Iowa, within 117 miles of Peoria: from St. Joseph, Mo., to points in Atchinson, Brown, Clay, Cloud, Doniphan, Douglas, Jackson, Jefferson, Leavenworth, Marshall, Nemaha, Pottawatomie, Republic, Riley, Shawnee, and Washington Counties, Kans., Adair, Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Holt, Linn, Livingston, Macon, Nodaway, Sullivan, Grundy, Harrison, Mercer, Platte, Putnam, and Worth Counties, Mo., and Gage, Jefferson, Johnson, Nemaha, Pawnee, Richardson, and Thayer Counties, Nebr., within 174 miles of St. Joseph: from St. Louis, Mo., to points in Bond, Clinton, Calhoun, Fayette, Jefferson, Jersey, Madison, Marion, Monroe, Perry, Randolph, Saint Clair, and Washington Counties, Ill., and Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Cole, Crawford, Franklin, Gasconade, Jefferson, Lincoln, Madison, Maries, Montgomery, Osage, Perry, Phelps, Randolph, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scott, Warren, and Washington Counties, Mo., within 150 miles of St. Louis: from Springfield, Ill., to points in Marion County, Mo., within 110 miles of Springfield: from South Bend, Ind., to points in Elkhart, Lake, La Porte, Marshall, Porter, and Saint Joseph Counties, Ind., and Berrien, Cass, and Saint Joseph Counties, Mich., within 60 miles of South Bend: from Terre Haute, Ind., to points in Clark, Coles, Crawford, Cumberland, Douglas, Edgar, Iroquois, Jasper, Lawrence, Moultrie, Richland, and Vermillion Counties, Ill., and Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, and Warren Counties, Ind., within 83 miles of Terre Haute: from Toledo, Ohio to points in Hillsdale, Lenawee, and Monroe Counties, Mich., and Allen, Ashland, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lorain, Lucas, Ottawa, Putnam, Richland, Sandusky, Seneca, Williams, Wood and Wyandot Counties, Ohio, within 93 miles of Toledo: from Evansville, Ind. to points in Alexander, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Wabash, Washington, Wayne, White and Williamson Counties, Ill., Dubois, Gibson, Pike, Posey, Spencer, Vanderburgh, and Warrick Counties, Ind., and Ballard, Caldwell, Crittenden, Daviess, Henderson, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Muhlenberg, Union, and Webster Counties, Ky., within 139 miles of Evansville: from Escanaba, Mich., to points in Alger, Baraga, Chippewa, Delat, Dickinson, Houghton, Iron, Keweenaw, Luce, Machinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties, Mich., and Florence, Forest, Marinette, Oconto, Oneida, and Vilas Counties, Wis., within 200 miles of Escanaba: from Youngstown, Ohio to points in Columbiana, Mahoning, Portage, Stark, Summit, and Trumbull Counties, Ohio, and Lawrence and Mercer Counties, Pa., within 40 miles of Youngstown:

No. MC 9685 (Sub No. 16), dated May 25, 1953.

Subject to a "Keystone" restriction, over irregular routes:

Such merchandise as is dealt in by retail food and household supply and furnishing business houses, and *equipment, materials,* and *supplies*, used in the conduct of such businesses, from Atlanta, Ga., to points in Baldwin, Banks, Barrow, Bartow, Bibb, Butte, Carroll, Chattahoochee, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, Crawford, Dawson, DeKalb, Douglas, Elbert, Fayette, Floyd, Forsyth, Franklin, Fulton, Glascock, Gordon, Greene, Gwinnett, Hall, Hancock, Haris, Haralson, Hart, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lincoln, Madison, Marion, McDuffie, Meriwether, Monroe, Morgan, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pike, Polk, Putnam, Richmond, Rockdale, Schley, Spaulding, Talbot, Taliaferro, Taylor, Troup, Upson, Walton, Warren, and Wilkes Counties, Ga.: from Charlotte, N. C., to points in Alexander, Anson, Avery, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, McDowell, Mecklenburg, Polk, Richmond, Rowan, Rutherford, Stanly, and Union Counties, N. C., and Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Harry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties, S. C.: from Greensboro, N. C., to points in Alamance, Alleghany, Ashe, Bladen, Brunswick, Caswell, Chatham, Columbus, Craven, Cumberland, Davidson, Davie, Dublin, Durham, Edgecomb, Forsyth, Franklin, Granville, Greene, Guilford, Halifax, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pender, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Sampson, Scotland, Stokes, Surry, Vance, Ware, Warren, Watauga, Wayne, Wilkes, Wilson, and Yadkin Counties, N. C.; and Carroll, Grayson, Halifax, Henry, Mecklenburg, Patrick and Pittsylvania Counties, Va.: from Jacksonville, Fla., to points in Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte,

Citrus, Clay, Collier, Columbia, Dade, DeSota, Dixie, Duval, Escanaba, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Okaloosa, Palm Beach, Pasco, Pinellas, Polk, Putnam, Saint Johns, Saint Lucie, Santa Rosa, Sarasota, Seminole, Suwanee, Sumter, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties, Fla.; and Appling, Atkinson, Bacon, Baker, Ben Hill, Berrien, Bleckley, Brantley, Brooks, Bryan, Bullock, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Clay, Clinch, Echols, Coffee, Colquitt, Cook, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Effingham, Emanuel, Evans, Glynn, Grady, Houston, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Lanier, Laurens, Lee, Liberty, Long, Lowndes, McIntosh, Macon, Miller, Mitchell, Montgomery, Peach, Pierce, Pulaski, Quitman, Randolph, Screven, Seminole, Stewart, Sumter, Telfair, Terrell, Thomas, Tift, Toombe, Tattnall, Treutlen, Turner, Twiggs, Ware, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkinson, and Worth Counties, Ga.: from points in Washington, D. C., to points in Washington, D. C., and points in Anne Arundel, Calvert, Charles, Frederick, Howard, Montgomery, Prince Georges, and Saint Marys Counties, Md.; and Arlington, Fairfax, Loudoun, and Prince William Counties, Va.: from Nashville, Tenn., to points in Catoosa, Chattooga, Dade, Walker and Whitfield Counties, Ga.; Allen, Barren, Christian, Clinton, Cumberland, Logan, Metcalfe, Monroe, Simpson, Todd, Trigg, Warren, and Wayne Counties, Ky.; and Bedford, Benton, Bledsoe, Cannon, Cheatham, Clay, Coffee, Davidson, Decatur, DeKalb, Dickson, Franklin, Giles, Grundy, Hardin, Hamilton, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Marion, Maury, Montgomery, Moore, Overton, Perry, Putnam, Pickett, Robertson, Rutherford, Sequatchie, Smith, Stewart, Sumner, Trousdale, Van Buren, Warren, Wayne, White, Williamson, and Wilson Counties, Tenn.: from Huntington, W. Va., to points in Bath, Breathitt, Boyd, Carter, Elliott, Flemming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Perry, Pike, Rowan, and Wolfe Counties, Ky.; Gallin, Lawrence, and Scioto Counties, Ohio; and Boone, Braxton, Calhoun, Cabell, Clay, Fayette, Gilmer, Jackson, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Pleasants, Putnam, Ritchie, Roane, Wayne, Wirt, and Wood Counties, W. Va.: from Harrisburg, Pa., to those points in Washington County, Md., on and north of U. S. Highway 40 and on and east of U. S. Highway 522; and Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, and York Counties, Pa.: from Erie, Pa., to points in Allegany, Cattaraugus and Chautauqua Counties, N. Y.; Ashtabula, Geauga, Lake, and Trumbull Counties, Ohio; and Cameron, Crawford, Elk, Erie, Forest, McKean, Mercer, Potter, Venango, and Warren Counties, Pa.: from Binghamton, N. Y., to points in Broome, Chumung, Chenango, Cortland, Delaware, Otsego, Schuyler, Tioga, and Tompkins Counties, N. Y., and those points in Steuben County, N. Y., on and east of U. S. Highway 15 and New York Highway 54; and Bradford, Lackawanna, Pike, Sullivan, Susquehanna, Wayne, and Wyoming Counties, Pa.: from Knoxville, Tenn., to points in Catoosa, Dade, Fannin, Gilmer, Habersham, Lumpkin, Murray, Rabun, Stephens, Towns, Union, Walker, White and Whitfield Counties, Ga.; Bell, Harlan, McCreary, and Whitley Counties, Ky.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Mitchell, Swain, Transylvania, and Yancey Counties, N. C.; Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cooke, Cumberland, Fentress, Grainger, Greene, Hamilton, Hancock, Hamblen, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicol, Union, and Washington Counties, Tenn.; and Buchanan, Dickenson, Lee, Russell, Scott, Washington, and Wise Counties, Va.: from Memphis, Tenn., to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Faulkner, Fulton, Garland, Grant, Greene, Hot Springs, Independence, Izard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Mississippi, Monroe, Nevada, Ouschita, Perry, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, Saline, Sharp, Stone, Union, Van Buren, White, and Woodruff Counties, Ark., Claiborne, East Carroll, Madison, Morehouse, Ouschita, Richland, Union, and West Carroll Parishes, La.; Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSota, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Kemper, LaFayette, Lauderdale, Leake, Lee, Leflore, Lowndes, Madison, Marshall, Monroe, Montgomery, Nesheba, Newton, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharley, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Warren, Washington, Webster, Winson, Yalobusha, and Yazoo Counties, Miss.; Dunklin, and Pemiscot Counties, Mo.; and Carroll, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Maywood, Obion, Shelby, Tipton, and Weakley Counties, Tenn.: from Schenectady, N. Y., to points in Berkshire, Franklin, Hampden, and Hampshire Counties, Mass.; Cheshire County, N. H.; Albany, Columbia, Dutchess, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, and Washington Counties, N. Y.; and those points in Orange County, N. Y., on and north of U. S. Highway 6; and Bennington, Rutland, and Windham Counties, Vt.: from Camden, N. J., to points in Delaware County, Pa.; those points in Newcastle County, Del., located on and north of Delaware Highway 41; and points in Burlington, Camden, Gloucester, and Salem Counties, N. J., and those points in Cumberland County, N. J., located on and north of New Jersey Highways 49 and 47.

No. MC 9685 (Sub No. 18), dated November 6, 1952.

Subject to a "Keystone" restriction, over irregular routes: *Packing house products*, from Austin, Minn., to St. Louis, Mo., Louisville, Ky., points in Indiana, Iowa (except Muscatine), Michigan, New York, Ohio, Pennsylvania, West Virginia, and those in that part of Illinois south and west of a line extending westerly from the Indiana-Illinois State line along U. S. Highway 30 through Joliet and Aurora to junction U. S. Highway 51, and thence north along U. S. Highway 51 through Rockford to the Illinois-Wisconsin State line, including points on the specified highways.

No. MC 9685 (Sub No. 22), dated August 11, 1952.

Subject to a "Keystone" restriction, over irregular routes:

Syrup, for carbonated beverages, from Chicago, Ill., to points in Wisconsin, Iowa, and Illinois, and *empty syrup containers*, on return.

No. MC 9685 (Sub No. 26), dated May 19, 1952.

Subject to a "Keystone" restriction, over irregular routes:

Glass containers and accessories therefor, and *paper cartons*, used in the packing or shipping of glass containers, from Winchester, Ind., to points in Illinois (except Chicago, and except glass containers to Alton and Streator), Michigan, Missouri, (except St. Louis), Ohio (except Akron, Alliance, Baltimore, Bucyrus, Cincinnati, Cleveland, Columbus, Dayton, and Plain City, and except glass containers to Lancaster) New York, West Virginia and Wisconsin: from South Connellsville, Pa., to points in New York (except points in the New York, N. Y., Commercial Zone as defined by the Commission, and Long Island) and West Virginia (except Fairmont, Morgantown, and Clarksburg).

Glassware, glass containers, and accessories therefor, and *paper cartons* used in the packing or shipping of glass articles, from Lancaster, Ohio, to points in Illinois (except glassware and glass containers to Alton and Streator), Michigan, New York (except points in the New York, N. Y., Commercial Zone, as defined by the Commission, and Long Island), and West Virginia.

Processed silica sand and *soda ash*, from points in the Lower Peninsula of Michigan to Lancaster, Ohio, and Winchester, Ind.

Paper cartons, used in the packing or shipping of glass articles, from points in Ohio and Michigan to Winchester, Ind.

Iron and steel moulds, used in forming glass containers, and *machinery* used in the manufacture of glass containers, between Winchester, Ind., and Lancaster, Ohio, on the one hand, and, on the other, South Connellsville, Pa.

No. MC 9685 (Sub No. 31), dated March 14, 1951. Subject to a "Keystone" restriction, over irregular routes:

Glass containers and *fibreboard boxes*, from Charleston and Huntington, W. Va.,

to points in Pennsylvania except those on and east of U. S. Highway 11, and to points in New York except those in the New York, N. Y., commercial zone: from Fairmont, W. Va., to points in Pennsylvania except those on and east of U. S. Highway 11, to points in New York, and to points in Kentucky except those in the Cincinnati, Ohio, commercial zone.

Empty pallets used in the transportation of glass containers, on return.

No. MC 9685 (Sub No. 32), dated May 31, 1951.

Subject to a "Keystone" restriction, over irregular routes:

Fresh pimentos, from Swedesboro, N. J., to Le Sueur, Minn., and *used empty containers*, on return.

No. MC 9685 (Sub No. 33), dated November 14, 1952.

Subject to a "Keystone" restriction, over irregular routes:

Canned goods, from Le Sueur, Cokato, Montgomery, Watertown, Winsted, Blue Earth, Winthrop, and Glencoe, Minn., to points in Indiana, Ohio, Pennsylvania, New York, Illinois (except Chicago), the Lower Peninsula of Michigan, and Louisville, Covington, and Bellevue, Ky.

No. MC 9685 (Sub No. 37), dated December 10, 1952.

Canned goods, from points in Illinois, except Chicago, New York, Pennsylvania, points in the lower peninsula of Michigan, and those in Wisconsin on and south of Wisconsin Highway 64 to Charleston, Huntington, and Williamson, W. Va.

No. MC 9685 (Sub No. 46), dated May 19, 1952.

Salt, in containers, from Rittman, Ohio, to points in Illinois, Indiana, Michigan, New York, Pennsylvania, West Virginia, and points in New Jersey within the New York, N. Y., Commercial Zone, and those in New Jersey within the Philadelphia, Pa., Commercial Zone, St. Louis, Mo., Covington, Newport, and Louisville, Ky.: from Akron, Ohio to points in West Virginia, and those in Pennsylvania on and east of U. S. Highway 219, those in New York on and east of New York Highway 14, and points in New Jersey within the New York, N. Y., Commercial Zone, and points in New Jersey within the Philadelphia, Pa. Commercial Zone: from Silver Springs, N. Y., to points in Pennsylvania, West Virginia, and those in New York on and south of U. S. Highway 6, and points in New Jersey within the New York, N. Y., Commercial Zone, and points in New Jersey within the Philadelphia, Pa., Commercial Zone.

No. MC 9685 (Sub No. 47), dated April 26, 1951.

Subject to a "Keystone" restriction, over irregular routes:

Glass containers, glassware, and *bottle caps*, from Winchester, Inc., to points in Michigan, Missouri, Ohio, Wisconsin, and Illinois; from Lancaster, Ohio, to points in Illinois and Michigan.

No. MC 9685 (Sub No. 50), dated September 22, 1953.

Dressed poultry and *eggs*, from Monroe City, Laclede, Chillicothe, and St. Louis, Mo., to Indianapolis, Ind., Cleveland, Navarre, and Akron, Ohio, Lancaster, Erie, Scranton, York, Harrisburg, Philadelphia, and Lebanon, Pa., Chester and Baltimore, Md., Jersey City and Newark, N. J., Binghamton, Buffalo, Utica, Syracuse, Auburn, Rochester, and New York, N. Y., Springfield and Boston, Mass., Norfolk and Richmond, Va., and Washington, D. C.; from Chillicothe, Mo., to Pottstown, Pa., and Gloucester, Mass.

No. MC 13145 (Sub No. 9), (CORRECTION), published issue November 27, 1957, at page 9494, filed October 16, 1957, S. W. HIXSON, doing business as HIXSON TRUCK LINE, 941 Canton Road (P. O. Box 2771), Akron 12, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in a portion of No. MC 13145, dated April 14, 1949.

Such commodities as are manufactured, processed and dealt in by rubber manufacturers and steel products manufacturers and *equipment, materials*, and *supplies* used in the conduct of such business, over irregular routes, from Akron, Ohio to points and places in Rhode Island, Massachusetts, Connecticut, those in that part of New York east and north of a line beginning at Port Jervis, N. Y., and extending along U. S. Highway 209 to Kingston, N. Y., thence along U. S. Highway 9W to Albany, N. Y., thence along U. S. Highway 20 to junction U. S. Highway 11, thence along U. S. Highway 11 to Watertown, N. Y., and thence along New York Highway 12 to Clayton, N. Y., including the points named and including New York, N. Y., points and places on Long Island, N. Y., those on the indicated portions of the highways specified, and those in New Jersey on and north of New Jersey Highway 33.

NOTE: Applicant's attorney correctly advises by letter dated December 3, 1957, that the above-described operations are not subject to a "Keystone" restriction. The purpose of this republication is to strick from the previous notice of filing reference erroneously made to such restriction as pertains to the above operations. The notice as published November 27, 1957, in all other respects, remains unchanged.

No. MC 15583 (Sub No. 14) filed October 24, 1957, WILBUR H. JOHNS, 327 North Reservoir Street, Lancaster, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 15583, dated April 22, 1957.

Tomatoes, over irregular routes, from Girard and North Girard, Pa., to Mediana, N. Y., and Bowling Green and Fremont, Ohio, and *rejected shipments and empty containers* on return.

Prepared food products, and *materials, equipment*, and *supplies* used in, or incidental to, the preparation, packing, and sale thereof, over regular routes, subject to a "Keystone" restriction, between Salem, N. J., and Pittsburgh, Pa., serving the intermediate points of Harrisburg and Chambersburg, Pa.; between Washington, D. C., and Pittsburgh, Pa., serving no intermediate points; between Camden, N. J., and Salem, N. J., serving no intermediate points; between Philadelphia, Pa., and Lancaster, Pa., serving no intermediate points.

No. MC 15583 (Sub No. 12), dated June 19, 1950.

Fresh fruits and vegetables and *empty containers* therefor, over irregular routes, from Brookville, Pa., and points within 25 miles thereof, to Medina, N. Y., and points within 15 miles thereof, and *empty fruit and vegetable containers*, on return.

NOTE: Applicant is authorized to conduct operations as a *common* carrier in Certificates Nos. 78118 Subs 1, 2, and 4 dated July 6, 1956, July 6, 1956 and November 4, 1957, respectively.

No. MC 17094 (Sub No. 1) filed October 22, 1957, NATE'S TRUCK LINE, INC., 3434 Walnut Street, Denver, Colo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 17094, dated August 1, 1956.

Canned goods, over a regular route, from Chicago, Ill., to Denver, Colo., serving the intermediate and off-route points in the Chicago, Ill., Commercial Zone, as defined by the Commission, restricted to pick-up only.

Fresh meats, and *packing-house products, equipment and supplies*, subject to a "Keystone" restriction, over a regular route, between Denver, Colo., and Chicago, Ill., serving the intermediate points of Omaha, Nebr., and Des Moines, Iowa; and the off-route point of Ottumwa, Iowa.

No. MC 18383 (Sub No. 2) filed November 6, 1957, ALVAH T. LONGLEY, 29 Pembroke Road, Concord, N. H. Applicant's attorney: Joseph Kovner, 88 North Main Street, Concord, N. H. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 18383, dated December 16, 1953.

Granite, over irregular routes, from Barre, Vt., to Concord, N. H.: between Concord, N. H., on the one hand, and, on the other, points in that part of Massachusetts on and east of U. S. Highway 3.

NOTE: Applicant conducts *common* carrier operations by virtue of Certificates No. 52855 and Sub 1, issued January 23, 1943 and January 7, 1943 respectively.

No. MC 29573 (Sub No. 5) filed October 28, 1957, JOSEPH L. SCHNEIDER, 226 West Prairie Street, Marengo, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 29573, dated March 26, 1942.

Malt beverages, still and carbonated beverages, advertising matter and ice when accompanying such beverages, and *empty beverage containers*, over irregular routes, between Milwaukee, Wis., on the one hand, and, on the other, Rockford and Freeport, Ill.

No. MC 32170 (Sub No. 1) filed October 22, 1957, MAX RUDOLPH, doing business as MAX RUDOLPH TRUCKING, P. O. Box 828, Santa Paula, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 32170, dated May 3, 1949.

Citrus fruits, over irregular routes, from Santa Paula, Limco, Sespe, and Fillmore, Calif., to Los Angeles Harbor, Calif.

Fertilizer, from Los Angeles Harbor, Calif., to the above-specified California points.

No. MC 39106 (Sub No. 2) filed October 28, 1957, HARVEY TRANSFER COMPANY, Box 285, Middletown, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 39106, dated February 2, 1956.

Paper, paper products, fiber boxes, and *materials* and *equipment* used or useful in the manufacture thereof, over a regular route, between Dayton, Ohio, and Newport, Ky., serving all intermediate points and the off-route point of Excello, Ohio.

Commodities as indicated above, over irregular routes, between Middletown, Lockland, Franklin, and Excello, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, and Kentucky.

Composition or prepared roofing, in rolls or shingles, and *materials* used in the installation thereof, when shipped therewith, over irregular routes, from Franklin, Ohio, to points in Indiana and Kentucky.

No. MC 41041 (Sub No. 32), filed November 5, 1957, CAPITAL EXPRESS, INC., U. S. 40, P. O. Box 71, Elkton, Md. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 41041, dated February 15, 1957.

Wine, soft drinks, and *malt beverages*, over irregular routes, from Newark, N. J., New York, N. Y., Reading, Lebanon, and Philadelphia, Pa., Hagerstown, and Baltimore, Md., to Washington, D. C.

Empty containers for the above-specified commodities, on return.

No. MC 45868 (Sub No. 11), filed October 22, 1957, FULLERTON MOTOR TRUCK SERVICE, INC., 1817 West 32d Place, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 45868, dated January 25, 1954.

Such commodities, as are dealt in by chain retail and mail-order department stores, over irregular routes, subject to a "Keystone" restriction, from Chicago, Ill., to points in Indiana, Iowa, Michigan, and Wisconsin; and *rejected or returned shipments* of the above-specified commodities, on return.

Panelboard, lumber, and *mill work and supplies, paper boxes, fibre boxes, wooden boxes, electric refrigerators, oil burners, water coolers, stokers*, and *air-conditioners*, from Chicago, Ill., to points in Indiana, Iowa, Michigan, and Wisconsin; and rejected or returned shipments of the above-specified commodities, on return.

Roofing and *roofing materials*, from Chicago and Wilmington, Ill., to points in Iowa, Indiana, Michigan, and Wisconsin; and *rejected or returned shipments* of roofing and roofing materials, on return.

Compressed gases (not including petroleum gases), in multiple-cylinder banks, and in multi-cylinder or tube trailers, from Chicago and Sterling, Ill., to points in Indiana, Iowa, and Wisconsin, *empty or partially empty multiple-cylinder banks*, and *multiple-cylinder or tube trailers*, on return.

Liquid asphalt, in bulk, in tank vehicles, between points in the Chicago, Ill., Commercial Zone as defined by the Commission on the one hand, and, on the other, points in Indiana, Wisconsin, Iowa, Michigan, Illinois, Missouri, Ohio, and Kentucky; from Lemont, Ill., to points in Indiana, Wisconsin, Iowa, Michigan and Ohio.

No. MC 50132 (Sub No. 38), filed October 22, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 50132, dated May 18, 1950.

Packing-house products, canned goods, dairy products, containers and *packages* for such commodities, *stationery, wrapping paper, advertising matter*, and *eggs*, from National City (National Stockyards), Ill., to Haynesville and Lake Charles, La., over various specified regular routes, service is authorized from the intermediate points of East St. Louis and St. Louis, restricted to pick-up only, and to the intermediate points of Little Rock, Pine Bluff, Camden, Louann, Smackover, Norphlet, El Dorado, and Junction City, Ark., and those in Louisiana restricted to delivery only; and to the off-route points of Urbana, Strong, and Huttig, Ark., restricted to delivery only, served from El Dorado over U. S. Highway 82 via Urbana and Strong to junction Arkansas Highway 129, thence over Arkansas Highway 129 to Huttig.

Packing-house products, canned goods, dairy products, and eggs, from National City (National Stockyards), Ill., to Camp Claiborne, La.; service is authorized to the intermediate and off-route points of Camp Livingston, Camp Beauregard, and Camp Stafford, La., restricted to delivery only.

Salad dressings and relishes, and *containers and packages* for these commodities, from St. Louis, Mo., and East St. Louis., Ill., to Haynesville and Monroe, La., over various specified regular routes, from St. Louis and East St. Louis to Haynesville, as specified above; from St. Louis and East St. Louis to Monroe, as specified above; service is authorized to the intermediate points of Little Rock, Pine Bluff, Camden, Louann, Smackover, Norphlet, El Dorado, and Junction City, Ark., and Ruston, Arcadia, Gibsland, Minden, and Homer, La., restricted to delivery only; and to the off-route points of Urbana, Strong, and Huttig, Ark., restricted to delivery only, served from El Dorado over U. S. Highway 82 via Urbana and Strong to junction Arkansas Highway 129, thence over Arkansas Highway 129 to Huttig.

Packing-house products, canned goods, salad dressings and relishes, dairy products, containers and packages for these commodities, stationery, wrapping paper, advertising matter and *eggs*, from Memphis, Tenn., to Monroe, La.; serving no intermediate points.

Packing-house products, canned goods, salad dressings and relishes, dairy products, containers and packages for these commodities, stationery, wrapping paper, advertising matter, from Monroe and Ruston, La., to Lake Charles, La., over various specified regular routes, serving no intermediate points.

Fresh and cured meats, from Lake Charles, La., to Little Rock, Ark., serving the intermediate point of El Dorado, Ark., restricted to delivery only.

Packing-house products and *dairy products*, over irregular routes, from East St. Louis and National City, Ill., to points in Kentucky, North Carolina and South Carolina: from Omaha, Nebr., Kansas City, and Wichita, Kans., and Chicago, Ill., to points in Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, and Georgia: from St. Louis, Mo., to points in Kentucky, Tennessee, Alabama, and Mississippi.

Canning company products such as *catsup, fruit salads, pork and beans* and others not specified, from Jefferson, Underwood, Franklin, Elwood, Whiteland, Indianapolis, Austin, Tipton, Anderson, Martinsville, Greenwood, Peru, and Wabash, Ind., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia: from Newport, Jefferson City, Sevierville, and Tellico Plains, Tenn., to Jeffersonville, Tipton, Anderson, Indianapolis, Martinsville, Greenwood, Peru, and Wabash, Ind.

Canned fruits and vegetables, pimentos and pimento hulls, canned or in brine, and *peanut butter*, from Haddock, Ga., to St. Louis, Mo., and points in Kentucky, Tennessee, Indiana, Illinois and Ohio.

Fresh meats, packing-house products, canned food products, cheese, butter, and *butter substitutes*, from National City and East St. Louis, Ill., to points in Tennessee, Mississippi, Alabama, and Georgia: *rejected shipments* of the above-specified commodities, from the above-specified destination points to Haddock, Ga., and National City and East St. Louis, Ill.

No. MC 51102 (Sub No. 7) filed November 7, 1957, EMMA BERGER, doing business as L. BERGER AND SON, 148 Moore Street, Philadelphia, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 51102, dated May 17, 1941.

Flaxseed, linseed oil, salad oil, and *products of flaxseed and linseed*, over ir-

regular routes, from Philadelphia, Pa., to Yonkers and New York, N. Y., points in Bergen, Hudson, Essex, Union, Middlesex, Camden, Gloucester, Salem, and Mercer Counties, N. J., that part of Passaic County, N. J., on and south of U. S. Highway 202, and that part of Burlington County, N. J., on the north of New Jersey Highway 40.

No. MC 51102 (Sub No. 1), dated December 23, 1940.

Linseed oil and salad oils, in tank trucks, over regular and irregular routes, from Philadelphia, Pa., to Baltimore, Md., and New Haven, Conn., and points within 25 miles of each, as follows: From Philadelphia over U. S. Highway 1 to Baltimore, thence over irregular routes to points within 25 miles of Baltimore; from Philadelphia over U. S. Highway 13 to State Road, Del., thence over U. S. Highway 40 to Baltimore, and thence over irregular routes to points within 25 miles of Baltimore; from Philadelphia over U. S. Highway 1 to New Haven, Conn., thence over irregular routes to points within 25 miles of New Haven.

No. MC 51102 (Sub No. 5), dated March 3, 1947.

Animal and vegetables tallows, animal greases, soap stock, fatty acids, oleic acid, and *whitcalene,* in bulk, in tank trucks, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Oella and Bel Air, Md., and points within two miles of Bel Air, Camden and Newark, N. J., points within 15 miles of Newark, and points in New York in the New York, N. Y., Commercial Zone as defined by the Commission.

No. MC 52403 (Sub No. 5) filed November 7, 1957, HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, 1300 40th Street, Kenosha, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 52403, dated September 14, 1945.

Fertilizer, over irregular routes, from Kenosha, Wis., to points in Illinois north of Illinois Highway 10 from the Indiana-Illinois State line to Danville, Ill., and U. S. Highway 150 from Danville to Galesburg, Ill., and east of U. S. Highway 150 from Galesburg to Moline, Ill., including points on the indicated portions of the highways specified.

Fertilizer materials, over irregular routes, from Chicago, Ill., to Kenosha, Wis.

No. MC 52403 (Sub No. 3), dated August 28, 1951.

Lime and lime products, over irregular routes, from High Cliff, Knowles, and Marblehead, Wis., and points within five miles of each, to points in that part of Illinois on and north of Illinois Highway 10.

No. MC 52403 (Sub No. 4), dated August 28, 1953.

Canned goods and *canning factory supplies and equipment,* over irregular routes, between points in Jefferson, Dane, Dodge, Fond du Lac, Sheboygan, and Waukesha Counties, Wis., on the one hand, and, on the other, points in McHenry, Lake, Cook, Kane, Winnebago, Boone, Du Page, and Will Counties, Ill.

NOTE: Application is authorized to conduct operations as a *common* carrier in Certificate No. MC 36556 dated April 26, 1941.

No. MC 53262 (Sub No. 3) filed October 23, 1957, McINTOSH MOVERS, INC., 4054 Lyndale Avenue North, Minneapolis, Minn. Applicant's attorney: Donald A. Morken, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a common carrier of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 53262, dated October 4, 1956.

New furniture, over irregular routes, from Dubuque, Iowa, and Minneapolis, St. Paul, and Anoka, Minn., to points in Illinois, Iowa, Wisconsin, North Dakota, South Dakota, Montana, and the Upper Peninsula of Michigan.

Washing machines, over irregular routes, from Rock Island, Ill., and West Bend, Wis., to Minneapolis and St. Paul, Minn.

Agricultural implements, over irregular routes, from Milwaukee, Wis., to Minneapolis and St. Paul, Minn.

Furniture and *institutional equipment,* over irregular routes, from Chicago, Ill., to points in Wisconsin, Minnesota, Missouri, Indiana, Michigan, Ohio, and Kentucky.

Beauty shop equipment and *barbers' chairs and fixtures,* over irregular routes, from Chicago, Ill., to points in Indiana, Wisconsin, and Minnesota.

NOTE: Applicant conducts *common* carrier operations by virtue of Certificate No. MC 68933, dated October 4, 1956.

No. MC 62309 (Sub No. 1) filed October 22, 1957, HOWARD T. WHERLEY, 127 North Queen Street, Littlestown, (Adams County), Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 62309, dated June 28, 1941.

Leather, over a regular route from Westminster, Md., to Littlestown, Pa., serving no intermediate or off-route points.

No. MC 65123 (Sub No. 2) filed November 7, 1957, FOURTEENTH AVENUE CARTAGE CO., A Corporation, 1038 21st Street, Detroit, Mich. Applicant's attorney: William R. Hefferan, 1419–25 Majestic Building, Detroit 26, Mich. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 65123, dated August 23, 1943.

Packing-house products, and *packing-house by-products* including *fresh meats, butter, butter substitutes, canned goods,* and *drugs,* and *supplies* and *materials,* incidental to the operation of a packing-house plant, over irregular routes, subject to a "Keystone" restriction, from Detroit, Mich., to points in Michigan within 100 miles of Detroit.

No. MC 65493 (Sub No. 2) filed October 22, 1957, SCOTT-NORBY COMPANY, A CORPORATION, 150 East 58th Street, Los Angeles 11, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 65493, dated August 18, 1949.

Flour, over irregular routes, from Los Angeles Harbor and Long Beach, Calif., to Los Angeles, Calif.

No. MC 67468 (Sub No. 4), filed October 23, 1957, HOWARD TRUCK LINE, INC., 2329 South Broad Street, Chattanooga, Tenn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 67468, dated February 14, 1951.

Corrugated boxes, pulp board sheets, solid fibre boxes, waste paper, toys, wood boxes, and *materials and supplies* used in the manufacture of wood and paper products over regular routes, between Chattanooga, Tenn., and Atlanta, Ga., serving all intermediate points and the off-route point of Rossville, Ga.

No. MC 67468 (Sub No. 3), dated February 14, 1951.

Acetylene and oxygen gases in steel cylinders, calcium carbide in drums, and *empty steel cylinders,* over regular routes, between Chattanooga, Tenn., and Atlanta, Ga., and Birmingham, Ala., serving no intermediate points.

No. MC 68833 (Sub No. 3) filed November 6, 1957, KRAFT & SON CARTING CORPORATION, 144 Archie Street, Buffalo, Franklin Street at Mohawk, Buffalo 2, N. Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 68833 (Sub No. 1), dated July 31, 1953.

Uncrated store and restaurant fixtures and equipment, from Buffalo, N. Y., to points in Pennsylvania on and west of U. S. Highway 219, and points in Trumbull, Mahoning, and Portage Counties, Ohio.

Empty containers, and *other such facilities* used in transporting the above-described commodities, and *used store and restaurant fixtures and equipment,* on return.

Uncrated store fixtures and equipment, from Buffalo, N. Y., to all points in Ohio except those in Trumbull, Mahoning, and Portage Counties.

Uncrated used store fixtures and equipment, from all points in Ohio except those in Trumbull, Mahoning, and Portage Counties, to Buffalo, N. Y.

No. MC 69360 (Sub No. 1) filed November 8, 1957, W. O. CROW AND E. J. HUNTER, doing business as CROW TRANSPORTATION COMPANY, 4690 Worth Street, Los Angeles 63, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 69360, dated May 12, 1949.

Materials, supplies, and equipment used in acetylene welding, paint and varnish reducing compounds, chemicals, compressed gas in cylinders, *ferro-alloys,* and *empty cylinders and containers,* used for such commodities, over irregular routes, between Los Angeles and Vernon, Calif., and points in Los Angeles County within three miles of Ninth and Indiana Streets, Los Angeles, on the one hand, and, on the other, Los Angeles Harbor and Long Beach, Calif.

No. MC 70136 (Sub No. 6) filed October 25, 1957, JOSEPH HOLLISTER, doing business as TORONTO SERVICE TERMINAL, 106 South Fourth Street, Toronto, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 70136 (Sub No. 2), dated July 9, 1957.

Building stone, over irregular routes, from Freeport, Ohio, and points within two miles thereof, to Pittsburgh, Pa., and points within ten miles of Pittsburgh.

Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses; and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, subject to a "Keystone" restriction, over irregular routes, between Pittsburgh, Pa., on the one hand, and, on the other, Mingo Junction, Wellsville, Steubenville, and Toronto, Ohio; and Wellsburg, New Cumberland, Hollidays Cove, Weirton, and Follansbee, W. Va.; between Steubenville, Ohio, on the one hand, and, on the other, Mingo Junction; Wellsville, East Liverpool, and Toronto, Ohio, Wellsburg, New Cumberland, Hollidays Cove, Weirton, Chester, and Follansbee, W. Va., and Midland, Pa.

Paper and paper articles as defined by the Commission, subject to a "Keystone" restriction, over irregular routes, from Steubenville, Ohio, to points in Michigan, except points in the Counties of Allegan, Barry, Berrien, Branch; Calhoun, Cass, Eaton, Ionia, Kalamazoo, Kent, Ottawa, St. Joseph, and Van Buren; and *empty containers,* on return.

No. MC 70221 (Sub No. 4) filed November 6, 1957, SUPERIOR TRANSPORTATION COMPANY, INC., 21 Cardiff Street, Johnstown, Pa. Applicant's attorney: S Harrison Kahn, 726 Investment Building, Washington, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 70221, dated November 29, 1949.

Peanuts, over a regular route, from Suffolk, Va., to Johnstown, Pa., serving no intermediate points.

Sugar, canned goods, beans, and *rice,* over irregular routes, from Swedesboro, N. J., to Johnstown, Blairsville, and Indiana, Pa.; from Baltimore, Md., to points in Armstrong, Cambria, Clearfield, Indiana, Jefferson and Westmoreland Counties, Pa.

No. MC 72230 (Sub No. 6) filed November 4, 1957, GROWERS COLD STORAGE CO., INC., Waterport, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 72230, dated June 24, 1952.

Frozen agricultural commodities, fish and *meats,* over irregular routes, between Waterport, N. Y., on the one hand, and, on the other, Elmira, Ithaca, Rochester and Syracuse, N. Y., and Jersey City, N. J.; between Elmira, N. Y., on the one hand, and, on the other Ithaca, Rochester and Syracuse, N. Y., and Jersey City, N. J.; between Ithaca, N. Y., on the one hand, and, on the other, Rochester and Syracuse, N. Y., and Jersey City, N. J.; between Rochester, N. Y., on the one hand, and, on the other, Syracuse, N. Y., and Jersey City, N. J.; between Syracuse, N. Y., and Jersey City, N. J.; between Boston, Mass., and Jersey City, N. J.; from Pittsburgh, Pa., to Rochester, N. Y.; from Waterport, N. Y., to Boston, Mass., Buffalo, N. Y., and Pittsburgh, Pa.

Food products, fresh or frozen, over irregular routes, between Waterport, N. Y., on the one hand, and, on the other, Albany, Elmira and Jamestown, N. Y., Vineland, N. J., and Erie, Pa.; between Boston, Mass., on the one hand, and, on the other, Bridgeton and Vineland, N. J., and Philadelphia, Pa.; between Waterport, N. Y., on the one hand, and, on the other, Bridgeton and Newark, N. J., and Philadelphia, Pa.

No. MC 78725 (Sub No. 3) filed October 28, 1957, RUTH V. BADER, 2540 Jackson Road, Hamilton, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 78725, dated August 20, 1942.

Steel strappings, paper products, and *materials* and *supplies* used in the manufacture of paper products, over regular routes, between Chicago, Ill., and Hamilton, Ohio.

Paper and *paper products,* over a regular route, from Hamilton, Ohio, to Chicago, Ill., serving to and from the intermediate points of Hammond, Muncie, and Richmond, Ind., and the off-route points of De Kalb, La Salle, and Peoria, Ill., and those in Illinois, within 30 miles of Chicago.

Paper and *paper products,* over irregular routes, from Hamilton, Ohio, to points in Ohio, those in Illinois on and north of U. S. Highway 40, except Chicago and points in Illinois within 30 miles of Chicago, and De Kalb, La Salle, and Peoria, Ill., those in Indiana on and north of U. S. Highway 40, except Hammond, Muncie, and Richmond, Ind., those in Michigan on and south of Michigan Highway 21, and Milwaukee, Racine, and Beloit, Wis., St. Louis, Mo., Erie, Pa., and Buffalo, Rochester, N. Y.

Paper, over irregular routes, from the above-specified destination points and Toledo, Ohio, to Hamilton, Ohio.

Steel strappings, paper products, and *materials and supplies used in the manufacture of paper products,* over irregular routes, from points in the above-described Ohio and Michigan territory, including Toledo, Ohio, and the above-specified destination points to Hamilton, Ohio.

No. MC 78725 (Sub No. 2), dated March 26, 1943.

Alcoholic malt beverages, over a regular route, between Peoria, Ill., and Dayton, Ohio.

Empty alcoholic malt beverage containers, over a regular route, from Dayton, Ohio, to Peoria, Ill., serving the off-route points of Overpeck, Ohio.

NOTE: The above-described permits, issued in name of predecessor Ralph H. Bader, were acquired pursuant to proceedings in MC–FC 59845; no permits issued transferee to date.

No. MC 79082 (Sub No. 1) filed November 4, 1957, MORRIS COHEN, doing business as M. C. AUTO TRUCKING COMPANY, 210 East 51st Street, Brooklyn, N. Y. Applicant's representative: Charles H. Trayford, 155 East 49th Street, New York, N. Y. For authority to operate as a *common carrier,* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 79082, dated March 17, 1954.

Bakery products, over irregular routes, from New York, N. Y., to points in New Jersey within 25 miles of Columbus Circle, New York, N. Y.

No. MC 83772 (Sub No. 1) filed November 6, 1957, ISAAC LEWIS, JOSEPH LEWIS, ABRAHAM MESTMAN AND HYMAN HOROWITZ, doing business as LEWIS MOTOR SERVICE, 80 Valley Avenue, Newburgh, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 83772, dated March 17, 1942.

Cut goods and materials for ladies' and children's garments, over irregular routes, from New York, N. Y. to Newburgh, N. Y.

Ladies' and children's garments, over irregular routes, from Newburgh, N. Y., to New York, N. Y.

Food products and advertising material, used or useful in the sale and distribution of food products, over irregular routes, from New York, N. Y., and Bayonne, N. J., to Newburgh and Poughkeepsie, N. Y.

Deteriorated food products and *empty food product containers,* over irregular routes, from Newburgh and Poughkeepsie, N. Y., to New York, N. Y., and Bayonne, N. J.

No. MC 83930 (Sub No. 2) filed October 30, 1957, THOMAS P. GLAZE, Palace Hotel, Fourth and Central Avenue, Connersville, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 83930, dated April 1, 1949.

Garden products, cream, ice cream, radios, newspapers, and refrigerators, between Connersville, Ind., and Cincinnati, Ohio, over regular routes.

Newspapers, candy, groceries, florist supplies, dry ice, ice cream containers, cream containers, nails, roofing materials, millwork and supplies used in the manufacture of millwork, radios and refrigerators, from Cincinnati, Ohio, to Connersville, Ind.

Newspapers, to and from Cincinnati, Ohio, and to and from the intermediate and off-route points of New Trenton,

Cedar Grove, Brookville, Blooming Grove, Metamora, and Fairfield, Ind.

No. MC 89066 (Sub No. 7) filed October 23, 1957, MAIRS TRANSPORT LTD., 905 Edmonds Street, New Westminster, British Columbia, Canada. Applicant's attorney: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, B. C., Canada. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 89066, dated August 14, 1956.

Fertilizer materials, over irregular routes, from Ports of entry on the United States-Canadian International Boundary line at or near Sumas, Lynden, and Blaine, Wash., to points in Whatcom and Skagit Counties, Wash., with no transportation for compensation on return except as otherwise authorized.

Chicken grits (crushed granite), over irregular routes, from Ports of entry on the United States - Canadian International Boundary line at or near Sumas, Lynden, and Blaine, Wash., to points in Whatcom, and Skagit Counties, Wash., with no transportation for compensation on return except as otherwise authorized.

No. MC 89066 (Sub No. 4), dated December 17, 1953.

Chicken grits (crushed granite), over irregular routes, from Ports of entry on the United States-Canadian boundary at or near Sumas, Lynden, and Blaine, Wash., to points in Whatcom and Skagit Counties, Wash.

NOTE: Applicant is authorized to conduct *common* carrier operations in Certificate No. MC 94109 dated August 13, 1956.

No. MC 89235 (Sub No. 1) filed October 28, 1957, IRVIN L. SCHAFFER AND AMBROSE W. SCHAFFER, a Partnership, doing business as SCHAFFER BROS. TRUCKING CO., 263 Whittlesey Avenue, Norwalk, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 89235, dated October 5, 1951.

Fertilizer and *poultry feed*, over irregular routes, from Cleveland, Ohio, to Fort Wayne, Ind.

Feed and *grain*, from Bellevue, Ohio, to Detroit, Mich. and New Castle, Sharon, and East Springfield, Pa.

No. MC 89238 (Sub No. 12) filed October 30, 1957, ELDON D. AYRES, 640 Canyon, Spearfish, S. Dak. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 89238, dated May 31, 1950.

Petroleum products, in bulk, in tank vehicles, over irregular routes, from Laurel and Billings, Mont., and Osage and Newcastle, Wyo., to Marmath, Rhame, Bowman, Buffalo Springs, Scranton, Gascoyne, Reeder, Bucyrus, Hettinger, Haynes, New England, Regent, Mott, New Leipzig, Elgin, Carson, Lark, Flasher, and Fort Yates, N. Dak., and White Butte, Lemmon, Thunder, Hawk, Keldron, Morristown, Watauga, McIntosh, Walker, McLaughlin, Wakpala, Mobridge, Glenham, Selby, Java, Bowdle, Roscoe, Ipswich, Aberdeen, Cheyenne Agency, Ridgeview, Buffalo, Reva, Sorum, Strool, Bison, Meadow, Shadehill, Coal Springs, Glad Valley, Isabel, Timber Lake, Trail City, Belle Fourche, Newell, Sulphur, Cedar Canyon, Fox Ridge, Edson, Faith, Dupree, Eagle Butte, Mossman, La Plant, Gettysburg, Lebanon, Seneca, Faulkton, Rockham, Redfield, Eureka, Leola, Camp Crook, Pollock, Herreid, and Mound City, S. Dak.

No. MC 89238 (Sub No. 7), dated November 15, 1954, *Petroleum products*, in bulk, in tank vehicles, over irregular routes, from Newcastle, Wyo., to points in that part of North Dakota bounded by a line extending from the Montana-North Dakota State line along U. S. Highway 10 through Beach, Dickinson, Hebron, and Mandan, N. Dak., to the Missouri River (not including points on said highway), thence along the Missouri River to the Montana-North Dakota State line, and thence along the Montana-North Dakota State line to the point of beginning.

No. MC 93476 (Sub No. 3), filed October 23, 1957, LEWIS CARTAGE, LIMITED, 1531 Keel Street, Toronto, Ontario, Canada. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 93476, dated May 26, 1950.

Commodities classified as (a) meat, meat products, meat by-products; (b) dairy products; and (c) articles distributed by meat-packing houses, over irregular routes, from the boundary of the United States and Canada at Buffalo and Niagara Falls, N. Y., to points in New York on and west of a line beginning at Port Ontario, N. Y., thence over New York Highway 13 to Vienna, N. Y., thence over New York Highway 49 to Utica, N. Y., thence over New York Highway 8 to Deposit, N. Y., thence over New York Highway 17 to junction U. S. Highway 11 and thence over U. S. Highway 11 to the New York-Pennsylvania State line; those in Pennsylvania on, west and north of a line beginning at Tuna, Pa., thence over U. S. Highway 219 through Bradford, Pa. to Edenburg, Pa., thence over U. S. Highway 22 through Pittsburgh, Pa., to the Ohio-Pennsylvania State Line; and those in Ohio on, north and east of a line beginning at Steubenville, Ohio, thence over U. S. Highway 22 to Cadiz, Ohio, thence over U. S. Highway 250 to Ashland, Ohio, and thence over Ohio Highway 58 to Lorain, Ohio.

No. MC 94963 (Sub No. 2), filed October 31, 1957, GEORGE R. T. ROBERTS, Sabetha, Kans. For authority to operate as a *common carrier* of the same commodities between the same territory as authorized in the following permits:

No. MC 94963, dated June 7, 1941.

Butter and *eggs*, over irregular routes, from Sabetha, Kans., to St. Joseph, Mo., Chicago, Ill., and New York, N. Y.

No. MC 94963 (Sub No. 1), dated September 12, 1946.

Butter, from Sabetha, Kans., to Philadelphia, Pa.

No. MC 95699 (Sub No. 1), filed October 24, 1957, JAMES ALDI, JR., AND NICHOLAS IRVOLINO, doing business as SINGER TRUCKING, 775 River Street, Paterson 4, N. J. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 95699, dated May 7, 1951.

Cut piece goods and *finished products thereof*, made of silk, rayon, acetate, celanese, and mixtures thereof, over irregular routes, between Haledon, N. J., and New York, N. Y.

No. MC 96531 (Sub No. 2) filed November 4, 1957, FUSCO TRUCKING CO., INC., 3138 Webster Avenue, New York 67, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 96531, dated June 10, 1957.

Baby carriage parts, over a regular route, from Philadelphia, Pa., to New York, N. Y., serving no intermediate points.

Baby carriages, baby furniture, and *juvenile furniture*, uncrated, over a regular route, from New York, N. Y., to Philadelphia, Pa., serving all intermediate points, and the off-route points of Rahway, New Brunswick, Perth Amboy, Plainfield, Passaic, Paterson, Hackensack, and Teaneck, N. J., and points in Essex and Hudson counties, N. J.; from New York, N. Y., to New Haven, Conn., serving all intermediate points.

No. MC 102915 (Sub No. 2), filed October 24, 1957, AXEL LARSON, 119 Coleman Street, Marinette, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 102915, dated May 28, 1952.

Such merchandise as is dealt in by retail department stores, over irregular routes, subject to "Keystone" restriction, from Marinette, Wis., to points in Wisconsin within 50 miles of Marinette, except Green Bay, Wis.; and *rejected shipments* of the above-specified commodities, on return.

Such merchandise as is dealt in by retail department stores, from such stores or their warehouses in Marinette, Wis. to their customers in Delta, Dickinson, Iron, Marquette, Menominee, and Schoolcraft Counties, Mich.

No. MC 103085 (Sub No. 2), filed November 1, 1957, THOMAS H. COLLINGS, doing business as WESTERLY AUTO TRUCKING SERVICE, 13 Spruce Street, Westerly, R. I. Applicant's attorney: T. H. Collings, Jr. (same address as applicant). For authority to operate as a *common carrier* of the same commodities between the same points of within the same territory as authorized in the following permit:

No. MC 103085 (Sub No. 1), dated July 17, 1942.

Such merchandise as is dealt in by wholesale and retail department stores, over irregular routes, subject to a "Keystone" restriction, from Westerly, R. I., to points in Connecticut within 25 miles of Westerly, R. I.; and *Damaged, rejected, or returned shipments of the above-specified commodities*, on return.

No. MC 103832 (Sub No. 7) filed October 22, 1957, W. A. McELROY, 3513 East Belknap, Fort Worth, Tex. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 103832 (Sub No. 1), dated February 6, 1947.

Asphalt, in bulk, in tank trucks, and in containers, over irregular routes, from Beckett and Wynnewood, Okla., and Princeton, La. to points in Texas within 250 miles of Beckett, Wynnewood, or Princeton; and *rejected shipments* and *empty asphalt containers*, on return.

No. MC 107737 (Sub No. 2), filed November 1, 1957, MELVIN J. ROBINSON, doing business as M. J. ROBINSON TRUCKING CO., Colden, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Pk., P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier* of the commodities between the same points or within the same territory as authorized in the following permits:

No. MC 107737, dated June 24, 1947.

Refractories, crucibles, grinding wheels, refractory cements, and *alloys*, over irregular routes, from the Town of Hamburg, N. Y., to points in Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Belmont, Lake, Geauga, Portage, Stark, Carroll, Harrison, Guernsey, Cuyahoga, Lorain, Medina, Summit, Wayne, Ashland, Holmes, Coshocton, Muskingum, and Tuscarawas Counties, Ohio, and in Erie, Crawford, Merder, Lawrence, Beaver, Washington, Greene, Venango, Butler, Warren, Forest, Clarion, Armstrong, Allegheny, Westmoreland, Fayette, McKean, Elk, Jefferson, Clearfield, Indiana, Cambria, Somerset, and Cameron Counties, Pa.

Scrap refractory materials, and *scrap grinding-wheel materials*, on return.

No. MC 107737 (Sub No. 1), dated January 4, 1952.

Refractories, crucibles, grinding wheels, refractory cements and *alloys*, and *abrasive grains*, from the Town of Hamburg, N. Y., to points in the Lower Peninsula of Michigan; *Returned shipments* of the above-specified commodities, *scrap rafractory materials, scrap grinding wheel materials*, and *dunnage*, on return.

No. MC 107781 (Sub No. 2), filed November 8, 1957, CLARENCE H. ZERN, doing business as C. H. ZERN TRANSPORTATION, Gilbertsville, Pa. Applicant's attorney: William J. Wilcox, Commonwealth Building, 512 Hamilton Street, Allentown, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 107781, dated May 17, 1950.

Iron and steel, and *equipment* used or useful in the erection thereof, over irregular routes, between Pottstown, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE: Applicant conducts common carrier operations by virtue of Certificate No. MC 100470 and sub numbers thereunder.

No. MC 108446 (Sub No. 17) (CORRECTION) filed September 30, 1957, published issue November 27, 1957, at page 9502, FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington, D. C. Previous publication on November 27, 1957, line 41, page 9502, with respect to the present territorial boundary of the authority for *such merchandise* as is manufactured or dealt in by rubber products plants, and, in connection therewith, *equipment, materials*, and *supplies*, used in the conduct of such business, between points in Akron, Ohio, Commercial Zone, on the one hand, and, on the other, points in certain States including a portion of the State of Pennsylvania. The authority in Pennsylvania is from and to those points on and south of *U. S. Highway 22*, and on and east of U. S. Highway 111. Correctly stated, the authority should read: and those *in Pennsylvania on and south of U. S. Highway 22* and on and east of U. S. Highway 111.

No. MC 109447 (Sub No. 1), filed October 24, 1957, REFRIGERATED TRANSIT, INC., 1320 Cass Avenue, St. Louis, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a common carrier of the same commodities between the following permit:

No. MC 109447, dated April 11, 1951.

Eggs, dried or frozen, over irregular routes, from Terre Haute, Ind., to Portland, Maine, Manchester, N. H., Boston and New Bedford, Mass., Providence, R. I., Albany and New York, N. Y., Asbury Park, Atlantic City, Belleville, and Newark, N. J., Scranton and Philadelphia, Pa., Baltimore, Md., and Washington, D. C., from National Stockyards, Ill., to Boston, Mass., New York, N. Y., Newark, N. J., Scranton and Philadelphia, Pa., Baltimore, Md., and Washington, D. C.

The commodities classified as (A) meats, meat products, and meat by-products, (B) dairy products, and (C) articles distributed by meat-packing houses, in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M. C. C. 628, over irregular routes, subject to "Keystone" restriction, from St. Louis, Mo., to Portland, Maine, Boston and Lawrence, Mass., Providence, R. I., New York, N. Y., Newark, Jersey City, and Camden, N. J., Philadelphia, Pa., Baltimore, Md., and Washington, D. C.

No. MC 109470 (Sub No. 2), filed October 24, 1957, JOSEPH A. CONRAD, doing business as CONRAD TRANSFER COMPANY, 547 North 13th Street, Terre Haute, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 109470, dated August 24, 1948.

Such merchandise, as is dealt in by mail-order houses and their stores, over irregular routes, subject to a "Keystone" restriction, between Terre Haute, Ind., on the one hand, and, on the other, points in Illinois and Indiana within 50 miles of Terre Haute, Ind.

No. MC 110530 (Sub No. 7), filed November 4, 1957, HUME'S TRANSPORT, LIMITED, 2492 St. Clair Avenue, West, Toronto, Ontario, Canada. Applicant's attorney: Floyd B. Piper, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 110530 (Sub No. 1), dated November 1, 1950, *Canned or packaged meats, canned or packaged meat products, fresh, salted, cooked, cured or preserved meats, sausage casings, cheese, and dressed poultry*, over irregular routes, from the boundary of the United States and Canada, through ports of entry on the Detroit and St. Clair Rivers, to points in Michigan and to those points in Ohio on and north of U. S. Highway 40 which are also south or west of a line beginning at Steubenville, Ohio, and extending along U. S. Highway 22 to Cadiz, Ohio, thence along U. S. Highway 250 to Ashland, Ohio, and thence along Ohio Highway 58 to Lorain, Ohio, *empty containers* for the above-specified commodities, on return. RESTRICTION: The service authorized herein is restricted to traffic originating in Canada.

No. MC 110530 (Sub No. 3), filed October 23, 1953.

Packing-house products as defined by the Commission, from the boundary of the United States and Canada through the ports of entry on the Detroit and St. Clair Rivers, to points in Ohio south of U. S. Highway 40.

Empty containers for the above-specified commodities, on return.

No. MC 110530 (Sub No. 4), dated September 20, 1955.

Meats, packinghouse products, and *commodities used by meat packinghouses*, as described under A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 272, and 61 M. C. C. 766, *frozen foods*, and *fresh fruits and vegetables*, in vehicles equipped with mechanical refrigeration, from Detroit and Port Huron, Mich., to the international boundary between the United States and Canada, at Detroit and Port Huron, respectively, restricted to the transportation of shipments moving to destination points in Canada.

No. MC 111205 (Sub No. 1), filed November 4, 1957, FRED KIRKLAND, R. F. D. No. 1, Murray, Ky. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 111205, dated June 27, 1951.

Sweet cream and *powdered milk*, over irregular routes, from Murray, Ky., to Clarksville, Nashville, Murfreesboro, Knoxville, Jackson, and Memphis, Tenn., Cape Girardeau, Mo., Searcy, Ark., and Metropolis, Du Quoin, Centralia, and

Decatur, Ill., *empty containers*, on return.

No. MC 112441 (Sub No. 1) filed October 23, 1957, MERCHANTS CARTAGE CO., LTD., 649 Industrial Avenue, Vancouver, British Columbia, Canada. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 112441, dated November 8, 1951.

Contractor's and logger's machinery which because of their size or weight require the use of special equipment and *equipment, materials,* and *supplies* moving in connection therewith, over irregular routes, from points in Washington (except Seattle) to ports of entry on that portion of the United States-Canadian Boundary line situated between British Columbia and Washington.

No. MC 113191 (Sub No. 3) filed December 2, 1957, MEYER M. WHITE, doing business as HARTFORD PACKAGE DELIVERY, 23 Branford Street, Hartford, Conn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 113191 (Sub No. 2) dated January 12, 1953.

Armored steel castings, over irregular routes between Hartford, Conn., and Springfield, Mass.

No. MC 113269 (Sub No. 2) filed November 1, 1957, DANIEL L. PORTANOVA, doing business as THE PORTANOVA TRUCKING COMPANY, 32 Westwood Road, Trumbull, Conn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 113269 (Sub No. 1), dated March 4, 1953.

Lumber, lumber mill products, and *building woodwork and insulating board* (except as authorized in lumber mill products), over irregular routes, between points in Connecticut, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and those in Westchester, Putnam, and Dutchess Counties, N. Y., and Albany, N. Y.

No. MC 113638 (Sub No. 1), filed October 24, 1957, MARION N. KING AND CHAS. L. KING, JR., doing business as KING BROTHERS, Route No. 5, Hamilton, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 113638 dated December 21, 1953.

Malt beverages, over irregular routes, from Milwaukee, Wis., to Hamilton and Cincinnati, Ohio, and *empty malt beverage containers,* on return.

No. MC 114296 (Sub No. 1), filed October 23, 1957, MARY K. HOY, doing business as HOY TRANSFER COMPANY, Route 322 North, State College, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 114296, dated August 5, 1955.

Paper milk containers, in bundles, over regular routes, from Halethorpe, Md., to State College, Pa., serving no intermediate points.

No. MC 115172 (Sub No. 1), filed November 5, 1957, STRAUB FURNITURE DELIVERY CO., INC., 136 West 55th St., New York, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 115172, dated January 17, 1956.

New furniture, uncrated, as defined by the Commission, over irregular routes, *lamps* and *lamp shades,* in retail delivery service only, from New York, N. Y., to points in New Jersey within 50 miles of New York, N. Y.

No. MC 116388 (Sub No. 1) filed October 31, 1957, CLAUDE L. FRANK, Route 2, Westmoreland, Kans. Applicant's attorney: Arthur L. Claussen, 303 New England Building, Topeka, Kans. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 116388, dated July 12, 1957.

Livestock feeds and *poultry feeds*, over irregular routes, from Kansas City, Mo., to the following points in Kansas: those in Morris County (except Council Grove, Delavan, Dwight, Dunlap, Sylvan Park, White City, and Wilsey), those in Wabaunsee County (except Alma, Alta Vista, Eskridge, Harveyville, Maplehill, McFarland, and Paxico), those in Riley County, except Leonardville, Manhattan, Randolph, and Riley), those in Pottawatomie County (except Belvue, Emmett, Olsburg, Onaga, Saint George, Saint Mary's, Wamego, and Wheaton), those in Marshall County (except Axtell, Blue Rapids, Beattie, Frankfort, Marysville, Summerfield, Summit, and Waterville), those in Washington County (except Barnes, Greenleaf, Haddam, Hanover, Linn, Morrowville, Palmer, and Washington), and those in Geary County (except Alida, Brant, Fort Riley, Junction City, Milford, and Ogden).

MOTOR CARRIERS OF PASSENGERS

No. MC 115189 (Sub No. 1), filed October 23, 1957, SAFEWAY TRANSPORT, INC., Box 11, Elm Grove, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 115189, dated February 18, 1957.

Passengers and their baggage in round-trip operations, over irregular routes, restricted to the transportation of boy scouts, girl scouts, school children, their proctors, supervisors, and teachers, beginning and ending at points in Milwaukee, Waukasha, and Ozaukee Counties, Wis., and extending to points in Illinois on and north of U. S. Highway 30.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10418; Filed, Dec. 17, 1957; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 13, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34354: *Iron and steel articles to Gulf ports.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, carloads, for export from points in official territory to Texas Gulf Ports and Lake Charles, La.

Grounds for relief: Port relationship.

Tariff: Supplement 158 to Agent Kratzmeir's tariff I. C. C. 4170.

FSA No. 34355: *Trailership service—Pan-Atlantic S. S. Corp.* Filed by Pan-Atlantic Steamship Corporation (Passco No. 17), for itself and other interested carriers. Rates on freight loaded in highway trailers and transported aboard ship in sea-land service, between eastern, southern, and southwestern points and ports.

Grounds for relief: Rail-ocean, ocean-rail, rail-ocean-rail, and all-rail carrier competition.

Tariffs: Supplement 11 to Pan-Atlantic S. S. Corp. tariff I. C. C. No. 257 and three other tariffs.

FSA No. 34356: *Soda ash from Louisiana and Texas to Jacksonville, Fla.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7170), for interested rail carriers. Rates on soda ash, carloads from Lake Charles and West Lake Charles, La., Corpus Christi, Freeport, and Velasco, Tex.

Grounds for relief: Motor truck competition.

Tariff: Supplement 275 to Agent Kratzmeir's tariff I. C. C. 4087, and one other tariff.

FSA No. 34358: *Tin or terne plate to Florida.* Filed by O. E. Schultz, Agent (ER No. 2413), for interested rail carriers. Rates on tin or terne plate, in packages or on platforms, carloads from points in Maryland, Ohio, Pennsylvania, and West Virginia to points in Florida.

Grounds for relief: Market competition.

Tariff: Supplement 24 to Agent C. W. Boin's tariff I. C. C. A-1081.

AGGREGATE OF INTERMEDIATES

FSA No. 34357: *Passenger fare—Chicago, Milwaukee, St. Paul and Pacific R. R. Co.* Filed by The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (No. 4). Involving passenger fares, one-way coach and first-class between Chicago, Ill., and points east thereof and basing thereon, on the one hand, and Madison, Wis., and points north and west thereof, on the other.

Grounds for relief: Rail carrier competition.

By the Commission.

HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10417; Filed, Dec. 17, 1957; 8:46 a. m.]

PART II

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

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TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

RECAPITULATION OF PART

Because of the number of outstanding amendments to Part 8 since it was last published in the FEDERAL REGISTER (September 16, 1956, 20 F. R. 6862), Part 8 is recapitulated as of December 17, 1957, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

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AUTHORITY: §§ 8.1 to 8.804 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 8.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which parts of the radio spectrum may be made available for radiocommunication and radiolocation for maritime operations and for public correspondence which require radio transmitting facilities on board ship and, for certain maritime communications, including public correspondence, on board aircraft; and to prescribe, in so far as is necessary to carry out the provisions of statute and applicable treaties and agreements relative to radio operators and radio installation on board ships for safety purposes, the details as to location, manner of installation, use and availability, of the required equipment, apparatus, spare parts, and such supplementary equipment as may be necessary for the proper functioning of the required shipboard radio installations for the proper conduct of radio communication in time of emergency or distress. For the purposes of this part, the definitions set forth in Subpart A shall be applicable. (For other definitions, refer to Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations; Part 7, Stations On Land In The Maritime Services; and Part 14, Public Fixed Stations and Stations of the Maritime Services in Alaska.

SUBPART A—DEFINITION OF TERMS

§ 8.2 *General*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.

(b) *Statutes and international agreements*—(1) *Communications Act.* The Communications Act of 1934, as amended.

(2) [Reserved]

(3) *Safety Convention.* The International Convention for the Safety of Life at Sea, 1948, including the Regulations annexed thereto.

(4) *International Radio Regulations.* The Radio Regulations in force annexed to the International Telecommunications Convention, Atlantic City, 1947, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(5) *Region 1, Region 2, and Region 3.* Those geographic areas defined as "Region 1", "Region 2", and "Region 3" in Article 5, paragraph 3, of the Radio Regulations of Atlantic City, 1947.

(6) *Great Lakes Agreement.* "Great Lakes Agreement" means the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio and the regulations referred to therein.

NOTE: This Agreement, made by and between the Governments of the United States and Canada, is effective beginning November 13, 1954.

(c) *Telecommunications.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(f) *Station.* A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a definite radiocommunication service.

(g) *Station authorization.* Any valid station license or special temporary authority for use of a station, issued by the Commission.

(h) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(i) *Station licensee.* The holder of a valid station license.

(j) *Operator licensee.* The holder of a valid license or valid permit for the actual operation of a licensed station.

(k) *Hours of service.* The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(l) *Day.* (1) Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter-power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter-power during that period of time included between one hour after local sunrise and one hour before local sunset.

(2) Where the word "day" occurs in reference to the provisions of section 353, subsection (c), of the Communications Act or the radio provisions of the Safety Convention, such use of the word "day" shall be construed to mean the calendar day, from midnight to midnight, local ship's time.

(m) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer in charge whose official address and the specific area of inspection associated therewith are designated by Appendix I of this part.

(n) *Ship or vessel.* "Ship" or "vessel" includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

(o) *Categories of ships.* (1) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the provisions of Part II of Title III of the Communications Act, such use of the term shall be construed as follows: A ship is a passenger ship if it carries or is licensed or certificated to carry more than twelve passengers. A cargo ship is any ship not a passenger ship.

(2) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the radio provisions of the Safety Convention or in reference to frequency assignment, such use of the term shall be construed as follows: A ship is a passenger ship if it carries more than twelve passengers. A cargo ship is any ship not a passenger ship.

(3) A "commercial transport vessel" is any ship or vessel which is used primarily in commerce (i) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (ii) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(4) The term "passenger carrying vessel", as used in this part solely in reference to requirements of the Great Lakes Agreement, means any vessel transporting persons for hire.

(p) *Safety Convention Certificates*—(1) *Exemption Certificate.* A certificate issued to a ship which is granted exemption from applicable provisions of the Safety Convention.

(2) *Safety Certificate.* A certificate issued upon application, after inspection and survey by proper authorities, to a passenger ship which complies in an efficient manner with the requirements of the Safety Convention.

(3) *Safety Radiotelegraphy Certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelegraph installations for the purpose of meeting such requirements.

(4) *Safety radiotelephony certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelephone installations for the purpose of meeting such requirements.

(q) *Installed.* As used in this part with respect to the requirements of radio apparatus authorized under the provisions of this part for use on board ship or in stations subject to this part, the term "installed" means installed on board the particular ship or in the particular station to which the pertinent rule or regulation, involving the use of this term, is applied.

(r) *Great Lakes.* This term, as used in this part solely in reference to the Great Lakes Agreement, means all of the Great Lakes, their connecting and tributary waters, and the St. Lawrence River as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, but shall not include tributary rivers which are not also connecting rivers, and shall not include the Niagara River (including the Black Rock Canal).

(s) *Destination.* In reference to the Great Lakes Agreement this term means a port which a vessel enters for the purpose of initiating or completing the specific activity which characterizes the vessel. For example, with respect to vessels carrying passengers or goods, a port at which a vessel, either partially or completely, loads or unloads passengers or goods, would constitute its destination.

§ 8.3 *Maritime mobile service*—(a) *Mobile service.* A service of radio-communication between mobile and land stations, or between mobile stations.

(b) *Maritime mobile service.* A mobile service between ship stations and coast stations, or between ship stations. (Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.)

(c) *Mobile station.* A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Ship station.* A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.

(e) *Public ship station.* (1) A ship station open to public correspondence.

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8.1 Basis and purpose.
8.2 General—(a) Commission.
(b) Statutes and international agreements—(1) Communications Act.
(2) [Reserved]
(3) Safety Convention.
(4) International Radio Regulations.
(5) Region 1, Region 2, and Region 3.
(6) Great Lakes Agreement.
(c) Telecommunications.
(d) Radiocommunication.
(e) Public correspondence.
(f) Station.
(g) Station authorization.
(h) Person.
(i) Station licensee.
(j) Operator licensee.
(k) Hours of service.
(l) Day.
(m) Radio district.
(n) Ship or vessel.
(o) Categories of ships.
(p) Safety Convention Certificates—(1) Exemption Certificate.
(2) Safety Certificate.
(3) Safety Radiotelegraphy Certificate.
(4) Safety radiotelephony certificate.
(q) Installed.
(r) Great Lakes.
(s) Destination.
8.3 Maritime mobile service—(a) Mobile service.
(b) Maritime mobile service.
(c) Mobile station.
(d) Ship station.
(e) Public ship station.

(2) Public ship stations authorized to employ telegraphy for public correspondence are further classified according to their hours of service for telegraphy as designated herewith:

First Class. These stations carry on a continuous service of public correspondence.

Second Class. These stations carry on a designated service of public correspondence of prescribed but limited duration; at least during the period designated for ship stations of the second category by the International Radio Regulations or, in the case of voyages of short duration, as otherwise designated by the Commission in accordance with those Regulations.

Third Class. These stations carry on a service of public correspondence, the duration of which is prescribed but is less than that of stations of the Second Class, or is not prescribed but is determined by the master of vessel pursuant to his authority under section 358 of the Communications Act.

(f) *Limited ship station.* A ship station not open to public correspondence.

(g) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels within a designated local area.

(h) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore within a designated local area.

(i) *Marine-utility station.* A coast or ship station in the maritime mobile service having a frequency assignment which is available for both marine-utility coast stations and marine-utility ship stations, and licensed under one station authorization to operate as either a marine-utility coast station or a marine-utility ship station according to its location, pursuant to the provisions of paragraphs (g) and (h) of this section, at the time it is being operated.

§ 8.4 *Maritime radiolocation service*—(a) *Radiolocation.* Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service.* A service involving the use of radio location.

(c) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station.* A station in the radiolocation service.

(e) *Radiolocation mobile station.* A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

(f) *Ship-radiolocation station.* A radiolocation mobile station located on board a ship and used solely for maritime radiolocation service.

(g) *Radionavigation.* Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

(h) *Radionavigation service.* A radiolocation service involving the use of radionavigation.

(i) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(j) *Radionavigation station.* A station in the radionavigation service.

(k) *Radionavigation mobile station.* A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

(l) *Ship-radionavigation station.* A radionavigation mobile station located on board a ship and used solely for maritime radionavigation service.

(m) *Radar.* A radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or re-transmitting properties of objects in order to determine their positions.

(n) *Primary radar.* Radar using reflection only.

(o) *Secondary radar.* Radar using automatic retransmission on the same or on a different radio frequency.

(p) *Ship-radar station.* A ship-radionavigation station utilizing radar for the purpose of detecting above-water objects, with a determination of their direction and distance from the ship.

NOTE: Where reference is made, in official documents issued by the Commission prior to July 23, 1951, to ship-radar stations in the "ship service", the term "ship service" shall be construed, with respect to such stations, to mean "maritime radionavigation service."

(q) *Radio direction-finding.* Radiolocation in which only the direction of a station is determined by means of its emissions.

(r) *Radio direction-finding station.* A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

(s) *Direction-finder (radio compass).* Apparatus capable of receiving clearly perceptible radio signals and capable of taking bearings on these signals from which the true bearing and direction of the point of origin of such signals with respect to the point of reception may be determined.

(t) *Direction-finder receiver.* A radio receiver which is a component of a radio direction finder.

(u) *Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radio beacon station.

(v) *Ship radiolocation-test station.* A ship-radiolocation station used solely for testing maritime radionavigation apparatus incident to its manufacture, installation, repair, servicing, and/or maintenance.

§ 8.5 *Developmental Maritime stations on board ship*—(a) *Developmental mobile station.* A mobile station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency (or frequencies) of the developmental mobile station.

(b) *Developmental radiolocation station.* A radiolocation station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government radiolocation service (including the non-government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

(c) *Specific classification.* The specific classes of developmental stations on board ships in the maritime mobile service and in the maritime radiolocation service (including maritime radionavigation service) are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example, "limited ship station (developmental)".

§ 8.6 *Operational*—(a) *Safety communication.* The transmission or reception of distress, alarm, urgent, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property; and occasional test transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with law.

(d) *Distress signal.* (1) The distress signal is the international radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the oral enunciation of the word "MAYDAY", pronounced as the French expression "m'aider".

NOTE: In case of distress, transmission of this particular signal is intended to insure recognition of a radiotelephone distress call by stations of any nationality.

(e) *Alarm signal.* The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal.* (1) The urgency signal is the international radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three repetitions of the word "PAN" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signal is the international radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three repetitions of the French word "securite", sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulations) must cease on all frequencies within a designated frequency band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver:

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

(m) *Operational communication.* Radiocommunication concerning the navigation, movement or management of a ship or ships.

(1) *Navigation.* This includes the piloting of a vessel.

(2) *Movement.* This includes information and necessary communications relative to when and where the boat or ship will move or be moved as, for example, rendezvous at a port, basin, or marina, or for maneuvers during a cruise.

(3) *Management.* This includes the obtaining of necessary supplies for the ship, limited to immediate needs, and the scheduling of repairs or modifications to the ship, limited to communications with those directly involved in the repairs or modifications or concerned with changes in the movement of the ship because of those repairs or modifications.

(n) *Business communication.* Radio communication pertaining to economic, commercial or governmental matters related directly to the purpose for which the ship is being used.

§ 8.7 *Technical*—(a) *Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside a frequency band of emission authorized for that station.

(f) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Carrier frequency.* The frequency of the carrier. (For the definition of "carrier", see § 2.1 of this subchapter.)

(j) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(k) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-bandwidth) is permitted by applicable regulations, or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency).

(l) *Frequency-band.* A continuous range of frequencies extending between two designated limiting frequencies.

(m) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency-band.

(n) *Radio-channel.* A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-bandwidth, the interference guard bands, and the frequency tolerance.

(o) *Emission-bandwidth.* The band of frequencies comprising 99 per cent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 per cent of the total radiated power. (This definition coincides with the definition of "Bandwidth Occupied by an Emission", which appears as paragraph 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signalling.)

(p) *Interference guard bands.* The two frequency-bands additional to, and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(q) *Authorized emission-bandwidth.* A specific emission-bandwidth authorized for use by a station.

(r) *Authorized frequency-band.* A frequency-band authorized for use by a station.

(s) *Assigned frequency.* The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission. (This definition coincides with the definition of "Frequency Assigned to a Station" which appears as paragraph 57 of the International Radio Regulations of Atlantic City, 1947.)

(t) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio-channel by:

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth in relation to the authorized carrier frequency,

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or,

(3) The authorized frequency-band (when a carrier does not exist).

(u) *Modulation.* The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

(v) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(w) *Percentage modulation.* The modulation factor expressed in percent.

(x) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

(y) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(z) *Frequency deviation.* In frequency modulation the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(aa) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(bb) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum fre-

quency deviation to the maximum frequency of the modulating wave.

(cc) *Antenna (aerial).* A means of radiating or intercepting Hertzian waves.

(dd) *Artificial antenna (dummy antenna).* A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(ee) *Last radio stage.* In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(ff) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(gg) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(hh) *Radiated power.* Energy, in the form of Hertzian waves, radiated from an antenna.

(ii) *Authorized transmitter - power.* The power of a particular transmitter as designated in the respective station license or, in lieu thereof, the power designated in the applicable rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes in the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna, without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(jj) *Frequency band of emission.* A frequency band of emission is a frequency band of which the two designated limiting frequencies are established by an emission-bandwidth referred to a particular carrier frequency. For the purpose of this definition, when a carrier is not present, a frequency normally coinciding with the center of the frequency band occupied by the emission is substituted therefor.

(kk) *Telephone receivers.* Whenever use of the following terms occurs in reference to "watch" as defined in § 8.6 (j), such use of these terms shall be construed as follows:

(1) *Telephone receiver.* Any instrument used to convert energy consisting of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver.* A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver.* A telephone receiver capable of being held to the ear by an attached headband or other device and normally used in that manner.

(4) *Loudspeaker.* A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

(ll) *Energize.* The term "energize", as applied in this part to transmitters, receivers, and other component equipment of ship radio installations required for safety purposes, means to supply with power as necessary to provide normal and effective operation of such equipment.

§ 8.8 *Installation for safety communication*—(a) *Main antenna.* An antenna installed in a fixed position on board a ship, and regularly available for use in connection with a main installation on the same ship.

(b) *Main radio transmitter.* A radio transmitter regularly available in a ship station for safety communication which is energized ordinarily by a main power supply.

(c) *Main radio receiver.* A radio receiver regularly available in a ship station for safety communication which is energized ordinarily by a main power supply.

(d) *Main power supply.* A normally available source of power on board a ship capable of simultaneously energizing all other components of the main installation.

(e) *Main installation.* A radio installation on board a ship including a main antenna, a main transmitter, a main receiver, and a main power supply; capable of being used for safety communication with other stations in the maritime mobile service.

(f) *Emergency antenna.* An antenna installed in a fixed position on board a ship, and immediately available for use in connection with (1) an emergency or reserve installation on the same ship, or (2) a main installation on the same ship (if a cargo ship) which complies also with all the requirements of an emergency or reserve installation.

(g) *Emergency radio transmitter.* A radio transmitter immediately available in a ship station for safety communication and capable of being energized by the emergency power supply.

(h) *Emergency radio receiver.* A radio receiver immediately available in a ship station for safety communication and capable of being energized by the emergency power supply.

(i) *Emergency power supply.* An immediately available source or sources of power on board a ship, capable of simultaneously energizing, independently of the propelling power of the ship and any other electrical system, all other components of the emergency or reserve installation.

(j) *Emergency or reserve installation.* A radio installation on board a ship; including an emergency antenna, an emergency radio transmitter, an emergency radio receiver, emergency electric lights, and an emergency power supply; capable of being used when energized solely by its emergency power supply, for safety communication with other stations in the maritime mobile service.

(k) *Automatic alarm receiver.* A complete receiving, selecting, and warning device capable of being actuated automatically by intercepted radio-frequency waves forming the international automatic alarm signal, as this signal is specified by the International Radio Regulations.

(l) *Auto-alarm.* An automatic alarm receiver approved as specified by the provisions of section 3 (x) of the Communications Act.

(m) *Automatic alarm-signal keying device.* A device capable of automatically keying a radiotelegraph transmitter so as to transmit the international automatic-alarm signal, as this signal is specified by the International Radio Regulations.

(n) *"Radiotelephone installation."* The term "radiotelephone installation", as used in this part solely in reference to requirements of the Great Lakes Agreement, means a ship station (including the source of power necessary to energize the apparatus) capable of being used for the effective transmission and reception of speech for the purpose of quickly establishing and effectively carrying on, primarily in time of emergency or distress, radiotelephone communication on the radio-channel of which the authorized carrier frequency is either 2182 kc or 2003 kc; each of these carrier frequencies being readily available for use at all times. Nothing contained in this paragraph shall be construed either to require or to prohibit the availability of other radio-channels by use of this same "radiotelephone installation" for any class of emission or communication authorized by this part on such other radio-channels.

(o) *Existing installation.* The term "existing installation", as used in this part solely in reference to requirements of Part II of Title III of the Communications Act or of the Safety Convention, means an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to August 13, 1955, in the case of other ships subject to Part II of Title III of said act.

(p) *New installation.* The term "new installation", as used in this part solely in reference to requirements of Part II of Title III of the Communications Act or of the Safety Convention, means an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and in the case of other ships subject to Part II of Title III of said act, one which is installed subsequent to August 13, 1955.

SUBPART B—APPLICATIONS

§ 8.21 *Authorization required for operation of a radio station.* Radio stations required by the Communications Act to be licensed shall not be operated in the maritime mobile service or in the maritime radio-location service (including the maritime navigation service) except under and in accordance with a valid station authorization therefor granted by the Commission. Further, the operation of such apparatus shall be in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements as set forth in Part 15 of this chapter, Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18 of this chapter, Industrial, Scientific and Medical Service.

§ 8.22 *Administrative classification of stations.* (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station normally as designated below:

(1) Public ship stations authorized to employ telegraphy for public correspondence:

(i) First class;

(ii) Second class;

(iii) Third class;

(2) Public ship stations not authorized to employ telegraphy for public correspondence;

(3) Limited ship stations;

(4) Marine-utility stations.

(b) Public ship stations not authorized to employ telegraphy for public correspondence are licensed as public ship stations (one class) without distinction relative to hours of service for public correspondence.

(c) Limited ship stations are licensed (one class) without distinction relative to hours of service.

(d) One ship station license is issued in behalf of one station licensee to authorize the operation of a ship station which is within more than one class as enumerated in paragraph (a) of this section. In all such cases, if the station by reason of any portion of its use or operation, comes within the definition of a public ship station (as defined by § 8.3 (e)), it is licensed as a public ship station, if the station is authorized to employ telegraphy for public correspondence, it is further classified in accordance with paragraph (a) (1) of this section.

(e) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station, normally as designated below:

(1) Ship radiolocation stations.

(f) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station normally as designated below:

(1) Ship radionavigation stations.

(2) Ship radar stations.

§ 8.23 *Statutory eligibility for station license.* Section 310 of the Communications Act places the following express limitations on the granting and holding of station licenses:

(a) A station license shall not be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(8) Nothing in subparagraphs (1) through (7) of this paragraph shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by Act of Congress or any treaty to which the United States is a party.

§ 8.24 *Application precedent to authorization.* (a) Except as otherwise provided by §§ 8.26, 8.41, and 8.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this part unless formal written application therefor in proper form first is filed with the Commission at its offices in Washington 25, D. C., or pursuant to § 8.35 at a Field Engineering Office of the Commission.

(b) Except as otherwise provided by §§ 8.35, 8.41, and 8.42, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission, in order that action therein may be taken by that date.

(c) Each application shall be specific and complete with regard to the information requested in the application form, or otherwise specifically requested by the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only.

NOTE: Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D. C., or from any of its field offices.

§ 8.25 *Signature on applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction. Where more than one copy of an application is required to be filed with the Commission, only the original need to be signed and verified; copies may be conformed.

§ 8.26 *Informal applications.* An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 8.27 *Defective applications.* (a) An application which is not made in accordance with the Commission's rules or other requirements will be considered defective unless accompanied by a request to waive or petition to amend the rule or other requirement with which the application is in conflict. The reasons which are believed to support such a request or petition shall be set forth in detail.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application in written form is considered to be incomplete or defective, the Secretary of the Commission or, in the case of an application for regular ship station license or modification of license filed at a Field Engineering Office of the Commission accompanied by a request for interim ship station license, either the Secretary of the Commission or the Engineer-in-Charge of the particular Engineering Field Office, will return it to the applicant unless the Commission should otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections may be suggested.

§ 8.28 *Amendment or dismissal of application.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment of, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 8.29 *Partial grant of application.* Whenever the Commission, without a hearing grants an application (other than a grant of an interim ship station license) in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application, if necessary, and set the application for hearing in the same manner as other applications are set for hearing.

§ 8.30 *Request for amendment or waiver of rules.* (a) Any provisions of this part (except these provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended or supplemented, subject to the provisions of the Administrative Procedures Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile or maritime radio-location service. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rule(s), and shall set forth the reason(s) in support of the petition.

(b) Any provision of this part (except these provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be waived by the Commission, if the Commission finds that important or exceptional circumstances require such waiver and that the public interest will be served thereby. A request for such waiver may be filed in relation to specific applications for station authorization, or independently thereof, and shall set forth in detail the reason(s) said waiver is considered to be necessary, and how the public interest would be served thereby.

§ 8.31 *Applications concerning marine-utility stations.* Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels), such station is subject to the applicable provisions of Part 7 of this subchapter and an application for construction permit to establish such station shall be filed with the Commission, pursuant to the requirements therefor contained in that part.

§ 8.32 *Application for station license.* (a) In accordance with § 8.24 application for station license to authorize the use and operation of radio transmitting apparatus on board ship shall be submitted on the appropriate Federal Communications Commission form as prescribed in § 8.36.

(b) Each application for a public ship station license which requests authority to employ telegraphy for public correspondence shall designate the class of station desired to be authorized, in accordance with the terms of § 8.3 (e).

§ 8.33 *Changes during license term.* When, during the term of a station license (other than an interim ship station license) any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license and/or any supplemental instrument of authorization, application for modification of license on the appropriate FCC form as prescribed in § 8.36 shall, except as otherwise provided by §§ 8.35, 8.41 and 8.42, be submitted in accordance with § 8.24 not less than 60 days prior to the date contemplated for such modification of license in order that action therein may be taken by that date.

§ 8.34 *Renewal of license.* Except as otherwise provided by § 8.42, application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 8.35 *Request for interim ship station license.* (a) A formal application for ship station license, or for modification of existing license including modification to cover replacement of radiotelephone transmitting apparatus (but not including renewal of station license), to authorize the use of telephony on board a vessel when accompanied by a request for an interim ship station license, shall be filed in accordance with § 8.36 and presented in person by the applicant or his agent at the nearest Field Engineering Office of the Commission.

(b) Such application as prescribed in paragraph (a) of this section may be filed, without regard to the filing time specified in §§ 8.24 (b) and 8.33 whenever need arises for necessary authority to use a ship station for telephony under the limitations of an interim ship station license on board any vessel pending action by the Commission at Washington, D. C. on the related formal application for regular license or modification of license.

(c) In the event the use of a ship station under the limitations of an interim license would not meet the requirements of an applicant or when an application for renewal of station license is involved, the applicant may, subject to and in accordance with the conditions set forth in § 8.41 or 8.42, whichever is applicable, apply to the Commission at Washington, D. C., for special temporary station authorization or for license or modification or renewal of license in an emergency.

§ 8.36 *Application forms for station authorizations.* (a) The forms hereinafter designated in this section shall be used for filing formal applications for station authorizations:

(1) For new or modified license for all radio transmitting apparatus on board ship:

FCC Form 501.

except that an optional form may be used as follows where no separate FCC Form 501 is filed for other apparatus by the same applicant:

For radiotelephone license to use frequencies solely in the bands 1600–3500 kc, 30–40 Mc and 152–162 Mc: FCC Form 501 or FCC Form 501–A (short form).

(2) For renewal (without modification) of any license for radio station aboard ship:

FCC Form 405–A.

§ 8.37 *Application for consent to voluntary assignment or transfer of control of station license.* (a) Application for consent to voluntary assignment of a license (other than an interim ship station license) covering any class of station governed by this part, or for consent to voluntary transfer of control of a corporation holding such license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License", or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License", as the case may be, at least 60 days prior to the contemplated effective date of assignment or transfer of control in order that action thereon may be taken by that date.

(b) In the case of stations on board ship licensed to operate in any service governed by this part, involuntary assignment of licenses will not be made. Upon the death or legal disability of the licensee, such licenses shall be surrendered for cancellation.

§ 8.38 *Applications filed concurrently.* Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(a) Applications for modification of station license and for renewal of station license;

(b) Applications for modification of station license and for consent to voluntary assignment or transfer of control of station license;

(c) Applications for renewal of station license and for consent to voluntary assignment or transfer of control of station license.

§ 8.39 *One application for plurality of stations.* (a) One application may be filed for several station authorizations to cover similar stations on board different ships: *Provided,* The following elements are the same for all stations covered by such application:

(1) Nature of application (license, modification of license, or special temporary authority);

(2) Applicant;

(3) Licensee (when request is for modification or renewal);

(4) Nature of service and class of station as set forth in § 8.22;

(b) Paragraph (a) of this section shall apply only when the individual stations covered by such application are clearly identified therein and properly related to the information supplied which is applicable to the respective authorization requested for each station.

§ 8.40 *Application for station of portable nature (other than marine-utility station).* (a) Upon application as appropriate under §§ 8.26, 8.36, 8.41 or 8.42 including a supplemental statement as prescribed in subparagraphs (1) and (2) of this paragraph, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting operation of a station of an established class in the maritime mobile or maritime radiolocation service which is readily portable for use as the occasion requires on board a ship or ships of the United States: *Provided,* The applicant makes a satisfactory showing that:

(1) The station will be operated as an established class of station on board ship in conformity with all applicable rules of the Commission, and

(2) Unusual circumstances exist whereby a station license to cover such operation is necessary to eliminate the necessity of frequently filing applications for special temporary authority, licenses, or modifications of license in order to permit on short notice the temporary operation of specified apparatus on board a designated ship or ships of the United States.

§ 8.41 *Application for special temporary station authorization.* (a) Application for special temporary authority in lieu of or supplemental to normal form of station license for use and operation of radio transmitting apparatus on board ship in the maritime mobile service or the maritime radiolocation service, not involving an emergency found by the Commission, shall be limited to circumstances in which need exists for temporary use, for a limited period of time, of:

(1) Radio transmitting apparatus not currently authorized for the desired operation, or

(2) An authorized station in a manner or at times not permitted by the current station authorization.

(b) In accordance with paragraph (a) of this section written application for special temporary authority for the use and operation of radio transmitting apparatus on board ship may be filed informally as prescribed by § 8.26, except that such application shall be filed not less than 10 days prior to the earliest date of proposed operation unless an acceptable reason for failure to meet this time limitation is included in the application or is otherwise evident to the Commission.

(c) (1) Each application for special temporary authority submitted under the provisions of this section shall contain, as a minimum requirement, the following information:

(i) Name of applicant;

(ii) Name of agent, if application is made by an agent, in cases under § 1.303 of this chapter;

(iii) Official call letters of any valid station authorization or construction permit already held by applicant, and the related station location;

(iv) Name and type of ship;

(v) Official registry number of ship, if available;

(vi) Official call letters or radio call sign, if any, assigned to ship;

(vii) Explanation of need for special temporary authority in lieu of normal form of station license;

(viii) Class of station and nature of service desired;

(ix) Complete particulars concerning purpose and nature of proposed operation;

(x) Specific station(s) or class of station(s), whichever is appropriate, with which communication is intended;

(xi) Frequency assignment, authorized transmitter power, and authorized class or classes of emission desired;

(xii) Equipment to be used, specifying the manufacturer, model number, rated power, and frequency stability to be maintained;

(xiii) The date(s) and time(s) of the proposed operation.

(2) Each application for special temporary authority submitted under the provisions of this section shall, in addition to the information specified in subparagraph (1) of this paragraph, contain such of the following information as is not already on file with the Commission:

(i) Address of applicant;

(ii) Address of agent, if application is made by an agent, in cases under § 1.303 of this chapter.

(iii) Relation of applicant to owner of vessel;

(iv) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship requirements of section 310 of the Communications Act.

§ 8.42 *Application for license or modification or renewal of license in an emergency.* (a) In cases of emergency involving danger to life or property or due to damage to equipment wherein the grant of an interim ship station license as provided by § 8.35 is not possible under the provisions thereof or wherein such grant would not satisfy the requirements of the emergency, applications for a station license, or for modification or for renewal of a station license, to authorize certain use and operation of radio transmitting apparatus on board ship in the maritime mobile or maritime radiolocation service in accordance with applicable provisions of treaty, statute, and rules of the Commission, may be filed at any time by unverified telegram or letter, and in the event that the Commission finds that such an emergency exists, temporary authorization may be granted to operate a station in accordance with the unverified request for the duration of such emergency: *Provided,* That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such application by filing, as soon as practicable thereafter, a verified written application for the same authorization as normally prescribed by applicable provisions of this part.

NOTE: For example, an emergency is found by the Commission when the desired authorization is urgently needed for the use of shipboard radio apparatus for purposes of safety at sea, and circumstances beyond control of the applicant have prevented the filing of a written application, as normally prescribed by applicable provisions of this part, on a date which would assure its receipt by the Commission in time sufficient for the Commission to take appropriate action thereon.

(b) (1) Each application submitted under the provisions of paragraph (a) of this section shall contain, as a minimum requirement, the following information:

(i) Name of applicant;

(ii) Name of agent, if application is made by an agent, in cases under § 1.303 of this chapter;

(iii) Name and type of ship;

(iv) Official registry number of ship, if available;

(v) Official call letters or radio call sign, if any, assigned to ship;

(vi) Class of station desired (not required for renewal, nor for modification unless class of station is to be modified);

(vii) Frequency assignment, authorized transmitter power(s), and authorized class or classes of emission desired (not required for renewal; required for modification only to the extent such information may be involved);

(viii) Equipment to be used, specifying the manufacturer and model number (not required for renewal; required for modification only to the extent such information may be involved)

(ix) Specific station(s) with which communication is desired (not required for renewal; otherwise required only when applicable under the Commission's rules);

(x) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission for the purpose of this section, including estimated duration of emergency.

(2) Each application for a station license submitted under the provisions of paragraph (a) of this section shall, in addition to the information specified in subparagraph (1) of this paragraph, contain such of the following information as is not already on file with the Commission:

(i) Address of applicant;

(ii) Address of agent, if application is made by an agent, in cases under § 1.303 of this chapter.

(iii) Relation of applicant to owner of vessel;

(iv) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

(c) As provided by and in accordance with the provisions of paragraphs (a) and (b) of this section in respect to applications for a station license or modification or renewal of a station license, applications also may be filed, in cases of emergency involving danger to life or property or due to damage to equipment, for a permit to be issued by cable, telegraph, or radio for the operation of a station on board a ship at sea, and in the event the Commission finds such an

emergency exists such permit may be granted to be effective in lieu of a station license until such ship shall return to a port of the continental United States.

§ 8.43 *Application precedent to hearing.* Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation and specifically directs that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 8.44 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. Where an applicant fails to respond within a reasonable time to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 8.45 *Inconsistent or conflicting applications.* When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

NOTE: §§ 8.46 to 8.49, inclusive, relate only to ship radio installations required by law for safety purposes.

§ 8.46 *Application for inspection.* (a) Pursuant to section 360 (b) of the Communications Act, a ship of the United States which, by reason of the provisions of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is required to be fitted with a radio installation for safety purposes, shall, at least once in each 12-month period, be made available by the owner or operating agency of the ship for a detailed inspection of the ship's radio installation. A formal application, FCC Form 801, "Application for Ship Radio Inspection", for such inspection shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise the antenna(s) and to launch any required radio-equipped lifeboat(s), shall be available at the ship at the time inspection is to be conducted. The application for such inspection shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster. In the case of passenger ships, such application shall be filed preferably at a time to provide for such inspection coincident with the annual inspection of the vessel by the United States Coast Guard.

(b) Pursuant to section 385 of the Communications Act (and in accordance with § 8.501 (b)), a ship of the United States which, by reason of the provisions of Part III of Title III of the Communications Act is required to be fitted with a radiotelephone installation for safety purposes shall, at least once in each 24-month period, be made available by the owner or operating agency of the ship for a detailed inspection of the ship's radiotelephone installation. A formal application, FCC Form 812, "Application for Periodical Inspection (Title III, Part III of the Communications Act)", for such inspection and issuance of a Communications Act Safety Radiotelephony certificate shall be filed with the Commission's Engineer in Charge of the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. The application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster.

§ 8.47 *Application for certificate of compliance with Safety Convention.* Whenever a Safety Certificate, Safety Radiotelegraphy Certificate or Safety Radiotelephony Certificate or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection", for a required inspection of the radio installation on board and issuance of a Safety Radiotelegraphy or Safety Radiotelephony Certificate, or, in the case of a Safety Certificate, certification of the results of such inspection to the United States Coast Guard for issuance of such certificate, shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise antennas and to launch any required radio-equipped lifeboats shall be available at the ship at the time inspection is to be conducted. In the case of radiotelegraph installations, the service representative shall hold at least a radiotelegraph 2d class operator license. In the case of radiotelephone installations, the service representative shall hold a 2d or higher class of operator license, either radiotelephone or radiotelegraph. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster; and, when appropriate, may be combined with the application for annual inspection prescribed by § 8.46.

§ 8.48 *Extra compensation for overtime services by engineers in charge and radio engineers.* (a) Pursuant to section 4 (f) (3) of the Communications Act, engineers in charge and radio engineers of the Field Engineering and Monitoring Bureau of the Federal Communications Commission, who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the act or the Great Lakes Agreement at night or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, under the following regulations:

(1) The rates of extra compensation are payable in cases where the services of such engineers have been duly requested and they have reported for duty, even though no actual service may be performed.

(2) The extra compensation for overtime services is in addition to the regular compensation paid by the government in the case of engineers whose compensation is fixed on the ordinary per diem basis and those receiving compensation per month or per annum.

(3) Extra compensation for "waiting time" will not be allowed unless and until the engineer actually reports for duty.

(4) For the purpose of computing extra compensation, the word "night" shall mean the time between the established closing hour of one day at the office involved and the established opening hour of the following business day at such office, but shall not include any such time within the 24 hours of a Sunday or holiday. Each Sunday and each holiday shall comprise the 24 hours between midnight and midnight. For the purposes of this section the time between the established closing hour of an office and midnight of the day immediately preceding a Sunday or holiday and the time from midnight until the established opening hour of the day immediately following the said Sunday or holiday will be considered as a single night. The term "holiday" shall include only national holidays, viz. January 1, February 22, May 30, July 4, the first Monday in September, November 11, Thanksgiving Day (when designated by the President), December 25, and such other days as may be designated national holidays by the President or by Congress.

(5) For authorized service in excess of 8 hours on any day excluding Sunday and holidays, extra compensation equivalent to one-half day's pay is payable for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the said 8 hours provided that the overtime is not less than 1 hour. The maximum amount which may be paid for such authorized overtime services on any one day other than on a Sunday or holiday shall not exceed 2½ days' pay.

(6) In computing the amount earned for overtime at the rate of "one-half day's pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the established closing hour", one-half day's pay shall be one-half of the gross daily rate of pay; each 2 hours is the time period for the purpose of computation; at least 1 hour means the minimum service in any such 2-hour overtime period for which extra pay may be granted, and each additional period in the amount of 2 hours or fraction thereof of at least 1 hour will entitle the engineer to an additional one-half day's pay. Payment of extra compensation for services consisting of at least 1 hour is authorized from the established closing hour, even though such services may not actually begin until later, provided that the engineer rendering the service remained on duty after the established closing hour, in which case the time between the established closing hour, and the time of beginning the actual services shall be computed as waiting time. Where the performance of actual service is preceded by such a waiting time there should be an affirmative statement that the engineer was required to remain on duty between the established closing hour and the time of beginning the actual services.

(7) In computing extra compensation where the services rendered are in broken periods, the time served should be combined with the waiting time and computed as continuous service.

(8) The same considerations shall apply when charging for waiting time as govern the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least 1 hour.

(9) For any authorized services performed on Sundays and holidays, totalling not more than 8 hours, extra compensation is payable equivalent to two days' pay in addition to any regular compensation for such days. For any authorized service in excess of 8 hours (starting either before or after 5 p. m. local time) extra compensation at the rate of one-half day's pay, based on the normal daily rate of pay, for each two hours of service or fraction thereof of not less than 1 hour, is payable in addition to the extra compensation payable for service up to and including 8 hours of service. The maximum extra compensation payable for work on Sundays and holidays is 4½ days' pay.

(10) When engineers are in travel status overtime shall apply the same as at official station. However, compensation for such overtime shall not include travel time.

(11) Assessments and collection of fees against steamship companies for overtime services shall be made even though the payment to employees for such services may not be made until funds are appropriated for that purpose.

(12) An application on a form prescribed by the Commission shall be filed with the office being requested to furnish overtime services before such assignment can be made.

(13) Overtime services shall be billed to the steamship companies as soon as possible after the services have been performed and on collection voucher provided for that purpose. Remittance shall be by postal money order or certified check payable to the "Collector of Customs, Treasury Department" and forwarded to that officer at the port indicated on the voucher, who shall in turn deposit such remittance on a properly designated receipt account.

(14) Protests against the exaction of extra compensation shall be forwarded to the Commission at Washington, D. C., and a copy thereof sent to the office which furnished the overtime services.

§ 8.49 *Application for exemption.* (a) In accordance with the provisions of section 352, subsections (b) and (c), or section 383 of the Communications Act and/or the appropriate provisions of the Safety Convention (Regulations 5 and 6 of Chapter IV of the Regulations annexed to the Safety Convention of 1948) application for exemption from the radio equipment and operator requirements of Part II or Part III of Title III of the said Communications Act and/or the said Safety Convention, or application for modification or renewal of exemption previously granted thereunder, may be made by submitting FCC Form 820, "Application for Exemption", to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form 820.

(b) Whenever exemption from the radio equipment and operator requirements of the Safety Convention is granted in behalf of a cargo ship, the Commission issues an Exemption Certificate. Whenever exemption from such requirements is granted in behalf of a passenger ship, the Commission certifies the necessary particulars to the United States Coast Guard in order that an Exemption Certificate in behalf of that ship may be duly issued.

NOTE: A list of general exemptions is contained in § 8.803.

§ 8.50 *Application for exceptional authority to communicate with amateur stations.* Upon proper application, including a supplemental statement as herein prescribed, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting a ship telegraph station on board a vessel not engaged in commerce or a vessel used, or intended to be used, for scientific research or expedition, to transmit by means of class A1 or A2 emission on authorized ship telegraph frequencies within the band 2000 kc to 25,000 kc, for the purpose of exchanging radiotelegraph communications directly with licensed amateur stations on land in accordance with the provisions of § 8.70: *Provided*, The applicant includes a supplemental statement satisfactorily showing that:

(a) Unusual circumstances during the contemplated voyage(s) are anticipated which will make direct communication with amateur stations extremely beneficial to persons on board the vessel or to the person(s) responsible for the scientific research or expedition for which the vessel is used or is intended to be used;

(b) The messages to be exchanged with amateur stations will contain no material relating directly or indirectly to a commercial transaction; and

(c) Transmission for this purpose will be conducted on a secondary basis so as to avoid interference to commercial message traffic and other authorized emissions of stations operating in the maritime radiolocation service.

§ 8.51 *Application for periodical survey (Great Lakes Agreement).* For the purpose of obtaining the periodical survey (not less than once every twelve months) as required by Article 11 of the Great Lakes Agreement and certification prescribed by Article 12 thereof, a formal application, FCC Form 809 "Application for Periodical Survey (Great Lakes Agreement)" shall be filed with the Commission's Engineer in Charge at the radio district office nearest the desired place of survey at least 3 days prior to the date such survey is desired. The application for such survey shall be filed by the shipowner, the ship operating agency, the ship station licensee or the shipmaster.

§ 8.52 *Application for exemption (Great Lakes Agreement).* In accordance with the provisions of Article 6 of the Great Lakes Agreement, application for exemption of individual vessels from the provisions of Articles 7, 8, and 9 may be made by submitting FCC Form 820-A "Application for Exemption (Great Lakes Agreement)" to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may consider an informal application which should include the full information normally furnished on FCC Form 820-A.

SUBPART C—STATION AUTHORIZATIONS

§ 8.61 *Authority for distress communication.* No provision of the International Radio Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signalling its position, and obtaining help.

§ 8.62 *Changes in equipment of licensed stations.* A licensed transmitter on board ship may be modified without making application to the Commission and without specific authorization from the Commission: *Provided*, (a) the change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved; (b) the change does not result in any impairment of the ability of the station licensee or the owner, operating agency, or shipmaster, to comply with any duty or obligation imposed by statute or international treaty or agreement for purposes of safety; (c) a description of the change is incorporated in the next application for renewal or modification of license; and (d) changes in type accepted and type approved equipment are made in accordance with the applicable provisions in Part 2 of this chapter.

§ 8.63 *Effective license periods.* (a) Except as hereinafter provided in other paragraphs of this section, the period of time during which a license is valid for a station on board ship in the maritime mobile or maritime radiolocation service normally shall begin at 3:00 a. m. e. s. t., and normally shall be—

(1) For an initial license, from one to five years from the date on which it becomes effective, the term varying as may be necessary to permit the orderly scheduling of renewal applications;

(2) For a renewal license, four years from the date on which the renewal license becomes effective.

(b) Unless otherwise directed by the Commission, each license, modification of license or renewal of license issued solely on the basis of an application filed in accordance with § 8.42 shall become effective at the time when granted by the Commission and shall expire at a time not beyond the period of the emer-

gency found by the Commission as provided by that section; Provided, that each renewal license granted under the provisions of that section prior to expiration of the license which it will renew, shall become effective only upon expiration of the latter license.

(c) A permit for the operation of a station on board a ship at sea, issued by cable, telegraph, or radio, as the result of an application therefor filed under the provisions of § 8.42 shall become effective at the time when granted by the Commission and shall be effective, in lieu of a station license until such ship first arrives at a port of the continental United States subsequent to the time of issuance of such permit.

(d) A license for a developmental station on board ship shall be issued specifically upon a temporary basis for a period beginning at 3:00 a. m. e. s. t. and not exceeding one year from the date on which it becomes effective.

(e) Each special temporary authorization granted on the basis of an application filed under the provisions of § 8.41 shall be issued specifically upon a temporary basis for a specified period of time designated in such authorization and not extending beyond expiration of the outstanding license of the particular station to which it applies or otherwise not exceeding the normal license term of stations of the particular class and in the particular service designated in such special temporary authorization.

(f) An interim ship station license granted under the provisions of § 8.64 shall become effective when issued at the respective Field Engineering Office of the Commission and shall expire at 3:00 a. m. e. s. t. on a date three months from the date of grant, unless terminated earlier by the Commission pursuant to the provisions of § 8.64.

§ 8.64 *Interim ship station license.* Upon request made in accordance with § 8.35, an interim ship station license may be granted by the Commission at any of its Engineering Field Offices to authorize solely the use of a ship station for telephony in conformity with the conditions and limitations of § 8.369 for an interim period of three months pending action by the Commission at Washington, D. C., on the related formal application for regular ship station license or modification of license filed at such Engineering Field Office as prescribed by §§ 8.35 and 8.36. Unless otherwise directed by the Commission in exceptional circumstances, an interim ship station license shall not be renewed and the authority conferred by such license may be terminated, without hearing, at any time prior to its normal expiration date if, in the discretion of the Commission, the need for such action arises.

§ 8.65 *Issuance of modified and renewed license simultaneously.* When an application is granted by the Commission which necessitates the issuance of a modified station license to become effective less than 60 days prior to the expiration date of the license sought to be modified, and when an application for renewal of said license is granted subsequent or prior thereto, but within 30 days of the date of expiration of the outstanding license, the modified license as well as the renewed license shall be issued as one document in accordance with the combined action of the Commission.

§ 8.66 *One license for plurality of stations.* (a) Unless otherwise determined by the Commission in exceptional circumstances, one station license may be granted to authorize the use and operation of a designated maximum number of stations in the maritime mobile service—normally in multiples of ten stations—on board two or more ships of the United States which do not engage on voyages to any foreign country whenever telephony is the sole type of transmission authorized and the following license elements are the same for each station and the requirements specified in paragraph (b) of this section are fulfilled:

(1) The station licensee;

(2) The conditions which establish and maintain control of the station by the station licensee;

(3) The class of station and nature of service;

(4) The type(s) of transmitting equipment to be authorized (different types of transmitting equipment, which are recognized by the Commission as being equivalent on an engineering basis, shall, for the purpose of this section, be considered as the same type);

(5) The authorized transmitter-power of identical types of transmitting equipment to be authorized;

(6) The frequency assignment and the authorized transmitter-power and class or classes of emission authorized on each radio-channel.

(b) The issuance of one station license as provided in paragraph (a) of this section shall be contingent upon compliance by the applicant and station licensee with the following requirements:

(1) The licensee shall, at the time the application(s) for license is(are) filed and during the entire period in which the station license is valid, keep the Commission at Washington, D. C. and the Commission's engineer in charge of each radio district in which the stations are operated currently informed in writing of the names, registration number and respective classes of ships which are provided with stations authorized in accordance with the terms of the station license;

(2) The transmitting equipment is not installed on board ship for the purpose of complying with the provisions of any statute or international agreement requiring the installation or use of such equipment for safety purposes;

(3) The transmitting equipment shall not be authorized in any other instrument of authorization issued by the Commission.

§ 8.67 *Transfer or assignment of station authorization (see also § 8.37).* Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

§ 8.68 *Authority for lifeboat radio station.* Whenever, in an application for ship station license, additional radio transmitting equipment described therein is designated as intended for use solely in a lifeboat or other survival craft associated with the principal vessel to which the application applies, operation of such lifeboat radio equipment, for maintenance tests and safety communication only, will be specifically authorized by the ship station license issued in response to that application.

§ 8.69 *Authority for transmission from cable buoy.* Provided the transmitting equipment to be used on a cable marker buoy is adequately described and the necessary technical data is supplied in an application for station license for a ship station on board a cable-repair ship with which the buoy is associated, the use of such transmitting equipment for radiolocation in accordance with § 8.403 will be specifically authorized by the related ship station license.

§ 8.70 *Authority to communicate with amateur stations.* (a) A ship station shall not communicate with or transmit to any amateur station unless it is specifically authorized by the Commission to do so. When authorized to communicate with duly licensed amateur stations, a ship station shall conduct all operation for this purpose in conformity with the relevant terms of its station license and, except as otherwise permitted by the station license, shall, for this purpose,

(1) Transmit by means of A1 or A2 emission only on a frequency between 2000 kc and 25,000 kc authorized for such emission;

(2) Not cause harmful interference to stations in the maritime mobile service nor to stations in the radiolocation service;

(3) Not engage in any communications relating directly or indirectly to a commercial transaction.

(b) Communication with amateur stations of foreign countries shall be limited to communications with such amateur stations as are authorized to communicate with the ship station concerned; in addition, the nature of the communications exchanged with foreign amateur stations shall, in addition to the requirements of paragraph (a) of this section, be in accordance with the International Radio Regulations and in conformity with the regulations of the foreign administration(s) having jurisdiction over the amateur stations(s) involved.

§ 8.71 *Limitations concerning stations of portable nature (other than marine-utility stations).* Advance notice in writing or by telegram shall be given to the Commission and to the engineer in charge of the radio district where the operation is to take place by the licensee of a station of a portable nature (other than a marine-utility station) authorized for use on board ship prior to any operation contemplated on board a particular ship. Such notice shall state the call sign of such station, name of licensee, approximate date(s) of intended operation on board the designated ship, and the geographic area in which the ship is to be navigated. A station of a portable nature, (other than a marine-utility station) authorized to be operated on board a ship or ships, shall not be retained on board any one ship during any continuous period exceeding three months without giving further notice to the Commission and to the engineer in charge of the radio district where the operation is to take place: *Provided,* That the foregoing requirements shall not apply to operation of a station of a portable nature on board small boats (tenders, dories, lifeboats, etc.), which are regularly associated with a parent ship, when such station is specifically identified in the license of such parent ship.

§ 8.72 *Authority for ship-radar station.* Any license issued for a ship-radar station shall be subject to the condition that the station licensee in relation to the proper operation of the station in accordance with the radio law and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

§ 8.73 *Permanent discontinuance of station operation.* In case of permanent discontinuance of operation of a station on board ship in the maritime mobile service or the maritime radiolocation service, the licensee of that station shall, as soon as possible, return the station license to the Secretary, Federal Communications Commission, Washington 25, D. C., and shall as soon as possible, request by telegram or letter addressed to the Secretary that such license be cancelled. In the event, however, that such license is not available for this purpose, the licensee shall, by telegram or letter, inform the Secretary of that fact stating the reason why the license is not available, and shall request that the license be cancelled. If the station is within the United States, a copy of each telegram or letter sent to the Secretary pursuant to this section shall be forwarded at the same time to the Commission's Engineer in Charge of the radio district in which the station then is located.

§ 8.74 *Assignment of call signs.* (a) Ship stations in the maritime mobile service other than those designated in paragraphs (b), (c), (d) and (e) of this section shall be assigned call signs consisting of four-letter combinations commencing with the letter "K" or the letter "W". (Examples: KBCD or WBDC.)

(b) Ship stations authorized to use telephony (except those specified in paragraph (c) of this section), but not authorized to use telegraphy except secondarily for purposes incidental to the use of telephony, located on board ships whose survival craft being carried, if any, are not authorized to operate radio transmitting equipment, shall be assigned call signs consisting of two-letter, four digit combinations (the digits 0 and 1 may not immediately follow a letter) beginning with WA2000 and progressing numerically through WA9999 and beginning again with WB2000 and progressing thus through the "W" series of prefixes. In cases of vessels having or eligible for signal letters assignable by the United States Treasury Department, the Commission may, if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign call signs of such character as is legally permissible and as it may deem appropriate in each particular case.

(c) Normally, an individual call sign shall be assigned to each ship (other than survival craft attached to a parent ship) carrying a station licensed in the maritime mobile service, provided that a single call sign shall be assigned to a plurality of stations authorized by one station license in accordance with § 8.66 whenever such stations are easily identified by means other than call signs and their signal of identification or characteristics of emission are published, when required by international agreement, in appropriate international documents.

(d) Stations of lifeboats, liferafts and other survival craft carried aboard ships shall be assigned call signs consisting of the call sign that has been assigned, or that would be assigned, to the ship station located on board that particular parent ship, followed by two digits (the digits 0 and 1 may not immediately follow a letter). (Example: If the call sign that has been assigned, or would be assigned, to a ship station on board a parent ship is KBCD, the survival craft station shall be KBCD followed by two digits, such as KBCD 45.)

(e) Ship-radar stations shall be assigned call signs for administrative purposes only. Such stations located on board ships having a ship station licensed in the maritime mobile service shall be assigned the same call sign as that ship station. If in a particular case the ship has no ship station licensed in the maritime mobile service, the ship-radar station shall be assigned a call sign consisting of a two-letter, four-digit combination (the digits 0 and 1 may not immediately follow a letter) beginning with the letter "W". (Examples: If a ship station licensed in the maritime mobile service with call sign WA2000, or KBCD, or WBCD, the ship-radar station call sign shall be respectively, WA2000, or KBCD, or WBCD. If the ship has no station licensed in the maritime mobile service, the ship-radar station call sign shall be of the type WA2000.) In case of a ship having, or eligible for, signal letters assignable by the United States Treasury Department, the Commission may if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign a call sign of such character as is legally permissible and as it may deem appropriate in each particular case.

(f) Each station license issued to authorize the use and operation of one or more marine-utility stations shall designate a single call sign consisting of two letters (taken from the group KA through KZ) followed by four digits (the digits 0 and 1 may not immediately follow a letter).

§ 8.75 *Operation during emergency.* (a) The licensee of any ship station or developmental station in the maritime mobile service on board ship, may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the maritime mobile service: *Provided,* (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the Commission's engineer in charge of the district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the engineer in charge be notified immediately when such special use of the station is terminated: *And provided further,* That in no event shall any ship station or developmental station on board ship engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided for by the Commission, or by law: *And provided further,* That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station governed by this part during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

SUBPART D—GENERAL STATION REQUIREMENTS

§ 8.101 *Inspection of station.* (a) Pursuant to section 303 (n) of the Communications Act, the radio installation on board any ship of United States registry shall be available for inspection by duly authorized representatives of the Commission at any reasonable time and at such frequent intervals as within the discretion of the Commission will insure compliance with applicable regulations, laws, and treaties.

(b) The governments or appropriate administrations of countries, where a ship equipped with a radio station calls, may require the production of the station license for examination. The operator of the station, or the person responsible for the station, must facilitate this examination. The station license must be available so that it can be produced without delay. When the license cannot be produced or when manifest irregularities are observed, governments or administrations may inspect the radio installation in order to satisfy themselves that the installation conforms to the conditions imposed by the International Radio Regulations.

§ 8.102 *Posting of station license.* (a) Except for certain stations to which paragraphs (b) or (c) of this section are applicable, the original license for each station on board ship subject to this part shall be conspicuously posted at the principal location on board at which each such station is operated: *Provided*, That when a ship is fitted with two or more stations authorized by a single license document:

(1) The original license shall be conspicuously posted at the principal operating location of the compulsorily-provided station;

(2) If no station is compulsorily-provided, the original license shall be conspicuously posted at the principal operating location of any station authorized for telephony.

(b) With respect to stations of a portable nature, including marine-utility stations but excluding stations authorized in accordance with § 8.66, where posting of the station license is impracticable, the requirement of paragraph (a) of this section shall not apply: *Provided*, That in lieu thereof the original station license or a photocopy thereof is retained on board the vessel (other than survival craft carried on board a parent ship) during the entire time the station is located thereon.

(c) With respect to a plurality of stations authorized by one station license in accordance with the provisions of § 8.66, the station license shall be retained by the licensee at any location where it is accessible to governmental inspection. In lieu of posting the license on board ship, a Transmitter Identification Card (FCC Form No. 452–C Revised) properly executed shall be affixed to the authorized transmitting equipment on board each ship: *Provided*, That where the transmitting equipment is not visible from the operating position on the ship or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the principal station operating position on board. The following information shall be entered on the Transmitter Identification Card by the station licensee:

(1) Name of station licensee;

(2) Station call sign assigned by the Commission;

(3) Exact location or locations of the actual station license and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the licensee, or his duly authorized agent.

(d) Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, notification by telegram or by letter, in each case by the Secretary of the Commission, stating that the Commission has granted an appropriate station authorization, may be posted in lieu of such authorization if the latter has not yet been received by the station licensee or permittee: *Provided*, That as the result of an official inspection of the station by an authorized representative of the Commission the posting of such notification may not be accepted in lieu of the formal station authorization until additional information pertaining thereto, as may be deemed necessary by that representative for purposes of official inspection, has been obtained from the Commission at Washington, D. C.

§ 8.103 *Location of station.* All components of a station on board ship subject to this part, including the antenna(s), antenna supporting structures, and source(s) of power used to energize the station equipment, shall be located on board the vessel identified in the station license, even though the vessel be temporarily moored. For purposes of communication, no component of a ship station shall be connected by wire line directly or indirectly to any equipment, apparatus, or facilities which are not located entirely on board the vessel identified in the station license: *Provided*, That the limitations of this section shall not apply (a) when the station is being operated in an emergency under the provisions of § 8.75, or (b) when it is necessary, while the ship is temporarily moored, to energize one or more components of a main installation or an emergency installation by means of a source of power not located on board the ship, for the purpose of assuring compliance with any applicable safety radio requirement of law.

§ 8.104 *Operating controls.* (a) In each ship station, operating controls capable of being used to:

(1) Commence and discontinue normal operation of the station;

(2) Change normally from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum; and

(3) Change normally from transmission to reception and vice-versa,

shall be readily available at the principal operating location of the station for instant use by the authorized operator in accordance with the provisions of § 8.154, whenever the station is being used for transmission.

(b) Every ship station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(c) Effective on and after January 1, 1956, every ship station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time: *Provided*, That ship stations and marine-utility stations using telephony on any frequency assignment above 30 Mc shall, with respect to operation on such frequencies, comply with this requirement, effective on and after January 1, 1952.

(d) Every ship station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of:

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(e) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using a multi-channel installation for telegraphy (except equipment intended for use only in emergencies on frequencies below 515 kc, or intended for use on any frequency on board lifeboat, liferaft or survival craft exclusively) shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel to any other operating radio-channel for transmission or reception by means of telegraphy within:

(i) A period of five seconds if the particular radio-channels are within the same characteristic portion of the spectrum or

(ii) A period of fifteen seconds if the particular radio-channels are not within the same characteristic portion of the spectrum.

(2) The requirements of subparagraph (1) of this paragraph shall be effective:

(i) With respect to radio-channels below 515 kc, on and after January 1, 1956; and

(ii) With respect to the specific frequencies in the bands between 4000 kc and 23000 kc authorized by the International Radio Regulations (Atlantic City, 1947) exclusively for the maritime mobile service and radio channels within the frequency band 2065 kc to 2107 kc, on and after January 1, 1955.

(f) Every ship station and marine-utility station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel to another operating radio-channel for transmission or reception by means of telephony within:

(1) A period of five seconds, when changing from the calling channel to a working channel and vice-versa within the frequency-band 1600 kc to 4000 kc; effective on and after January 1, 1962; or

(2) A period of three seconds, when changing from the calling channel to a working channel and vice-versa within the frequency band 156 Mc to 162 Mc.

(g) Whenever the same radio-channel is used for radiotelephone transmission and reception, means shall be provided so that transmission of the carrier wave may be either automatically "voice-controlled" or controlled manually by the person whose speech is being transmitted.

(h) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using telegraphy on frequencies within the band 405 kc to 535 kc must, with respect to the use of any transmitter capable of a plate input power in excess of 450 watts and completed in construction subsequent to January 1, 1952, be provided with an arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 200 watts. Each such transmitter shall be furnished with a durable nameplate with the month and year of its completion permanently inscribed thereon.

(2) The requirement of subparagraph (1) of this paragraph shall not apply when there is available in the same station a duly authorized radiotelegraph transmitter capable of operation on the international calling frequency 500 kc and at least one working frequency within the band 405 kc to 485 kc, capable of being energized by a source of power other than an emergency power supply installed for compliance with applicable provisions of treaty or statute, and not capable of a plate input power in excess of 450 watts when operated on such frequencies.

§ 8.105 *Required radio-channels for telegraphy.* (a) Each ship station using telegraphy on frequencies within the band 405 kc to 535 kc (except stations on lifeboats or survival craft) shall be capable of transmitting and receiving classes A1 and A2 emission on the radio-channel of which 500 kc is the assigned frequency, and on at least one additional radio-channel within this band which is authorized for working. When a radiotelegraph installation is compulsorily fitted for safety purposes, a third radio-channel which is authorized specifically for direction-finding within this band must be provided also.

(b) Each ship station using telegraphy or frequencies within the band 90 kc to 160 kc shall be capable of transmitting and receiving class A1 emission on the radio-channel of which 143 kc is the assigned frequency, and on at least two additional radio-channels within this band (except within the band 140 kc to 146 kc) which are authorized for working.

(c) Each ship station (except on lifeboats, liferafts and survival craft) using telegraphy on the specific frequencies in the bands between 4000 kc and 23000 kc authorized by the International Radio Regulations (Atlantic City, 1947) exclusively for the maritime mobile service shall, in each of the bands for which facilities are provided to carry on its service, be capable of transmitting and receiving Class A1 emission on at least one radio channel authorized for calling and at least two radio channels authorized for working.

(d) Each ship station using, when in Region 2, telegraphy on frequencies within the band 2065 kc to 2107 kc shall be capable of transmitting and receiving class A1 emission on at least one radio-channel in this band authorized for working in addition to a radio channel in this band authorized for calling.

§ 8.106 *Required radio-channels for telephony.* (a) Each of the following ship stations shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency:

(1) Ship stations first licensed after January 1, 1954, for telephony on any radio-channel within the band 1600 kc to 3500 kc; ship stations authorized by license modification granted after January 1, 1954, to use additional or substitute radio apparatus for telephony on any radio-channel within the band 1600 kc to 3500 kc; ship stations authorized by license renewal granted after January 1, 1955, for telephony on any radio-channel within the band 1600 to 3500 kc.

(2) Ship stations licensed for telephony on any radio-channel within the band 1600 kc to 3500 kc, and located on board a ship navigated on the Great Lakes.

(b) Each ship station using telephony on frequencies within the band 1600 kc to 4000 kc which is licensed to transmit on the radio-channel of which 2182 kc is the authorized carrier frequency, shall be capable also of receiving telephony on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working in this band.

(c) Each ship station, and each marine-utility station when used on board ship (except an experimental or developmental station) which is licensed to transmit by telephony on any radio-channel within the frequency band 156.25 Mc to 157.45 Mc, shall be capable of transmitting and receiving (and shall be licensed to transmit) class F3 emission on the radio-channels of which the authorized carrier frequencies are 156.3 Mc and 156.8 Mc and additionally on at least one radio-channel in this frequency band which is authorized for communication with a coast station or stations: *Provided*, That this requirement shall not apply to marine-utility stations or other stations of a portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio-channel. The requirement of this paragraph, in respect to basic type of equipment, may be satisfied by the provision of (1) multi-channel equipment or (2) a plurality of single channel equipments, or (3) a combination thereof, at the option of the station licensee or the applicant for station license.

§ 8.107 *Antenna requirements.* (a) The antenna(s) of each public ship station and of each ship station compulsorily provided on board a vessel for safety purposes pursuant to statute or international agreement shall, insofar as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

(b) All emission of a ship station, or a marine-utility station on board ship, using telephony on any frequency assignment within the frequency-band 30 Mc to 200 Mc normally shall be polarized vertically at the source when the vessel carrying the station is in a normal vertical plane: *Provided*, The Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by other stations in the maritime mobile service.

(c) When a ship station is operating on any carrier frequency below 25 Mc authorized for radiotelephony and the effective operation of the antenna employed is not independent of a ground connection on the frequency in use, the radio station ground system of each such ship station for operation on such frequency shall consist of:

(1) An effective radio ground to the hull for a vessel having a metallic hull, or

(2) In the case of a vessel not having a metallic hull, the most effective radio ground practicable under the circumstances. Preferably the ground shall be to a bare plate or strips, or a combination thereof, of corrosion-resistant metal of at least 12 square feet in aggregate area affixed to the hull below the waterline.

§ 8.108 *Adjustment of equipment.* The transmitting equipment of each station subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency-band that causes harmful interference or is capable of causing harmful interference to the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 8.109 *Measurement of emission frequencies.* (a) The licensee of each station on board ship subject to this part shall be responsible for measurement of each carrier frequency in use by the station as stipulated in paragraphs (b) through (f) of this section: *Provided*, That when a carrier does not exist (except for ship-radar stations) [1] measurement shall be made of the frequency coinciding with the center frequency of the emission-bandwidth, in lieu of measurement of the carrier frequency.

NOTE: Paragraph 7, Article 28, of the International Radio Regulations (Atlantic City, 1947), which becomes effective when the new International Frequency List becomes effective (as provided by Article 47 of those Regulations), provides that when the ship station transmitter itself cannot be controlled in such a way that its frequency satisfies the tolerance specified in Appendix 3 of those Regulations, the ship station must be provided with a device, having a precision at least equal to one-half of this tolerance, for measuring the frequency of emission. For this purpose, the Commission will accept a master-oscillator of a ship station electron tube transmitter in lieu of the frequency meter prescribed by this international regulation, provided the calibration of the said transmitter and of the circuit as a whole is such as to permit the convenient adjustment

[1] The licensee of a ship-radar station shall take the necessary measures to insure that the transmitter operates within the emission limits specified in § 8.133.

of the transmitter to its licensed frequencies within the tolerance for ship stations prescribed by § 8.131.

(b) Measurement of the carrier frequency shall occur during normal operating conditions, including with and without the application of amplitude modulation if such modulation is employed In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency determining elements of the transmitting apparatus, and the measuring equipment, shall be capable of revealing deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) from the authorized carrier frequency or the assigned frequency of the station with an accuracy of at least one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature).

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission-bandwidth has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a ship-radar station) and the signature of the person(s) who made the measurement, together with the name of any measurement service with which such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained in the official records of the station for a period of at least twelve months from the date of measurement, and shall be made available to the Commission upon request or during inspection of the station by an official representative of the Commission. When such retention of these records at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service: *Provided,* That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

§ 8.110 *Measurement of transmitter-power.* (a) The actual power of each radio transmitter in a ship station, subject to this part, shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission:

(1) When the maximum authorized transmitter-power only is indicated, the actual power shall, insofar as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 20 per cent above the maximum power authorized;

(2) When the exact authorized transmitter-power is indicated the actual power shall, whenever the transmitter is being operated, be within the limits of 120 per cent and 80 per cent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter in a ship station which is rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and completed in construction after July 1, 1952, in a ship station, subject to this part, shall be fitted with the instrument(s) necessary to determine the actual plate power to the transmitter whenever the latter is in use: *Provided,* That on and after July 1, 1956, this requirement shall apply to all such transmitters (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this paragraph.

(c) When the power of a transmitter in a ship station, subject to this part, as rated by the manufacturer, is capable of being more than 120 per cent of the authorized power, the station licensee shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (other than marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature);

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

(d) With respect to a transmitter used for telephony by means of class A3 emission, the term "power," as used in paragraphs (a), (b) and (c) of this section, means power without modulation present.

§ 8.111 *Modulation adjustments for telephony.* (a) Ship stations and marine-utility stations using class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 per cent. Insofar as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Ship stations and marine-utility stations using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 per cent modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 per cent.

(c) The adjustments required by paragraphs (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature).

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraph (a) or (b) of this section.

§ 8.112 *General requirements for receiving apparatus.* The radio equipment of each ship station, or marine-utility station, using telegraphy or telephony, must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies, normally received for the service carried on. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions, including in particular that necessary for compliance with the provisions of §§ 8.181 and 8.240, can be readily effected prior to the transmission of any signals or communications by the ship station on the associated transmitting frequency.

§ 8.113 *Installation of power source.* The exact location and physical arrangement on board a vessel of any storage battery, or engine-driven generator and fuel tank, used as a source of power for any component of a licensed radio station subject to this part and located on board such vessel, and the method of ventilating the battery or engine compartment, shall be in accordance with applicable rules or regulations promulgated by the United States Coast Guard. If the Commission finds that such rules or regulations are not complied with by a particular station of this category, an application for license or modification or renewal of license thereafter filed in behalf of that station may be designated by the Commission for hearing to determine whether or not the granting of such application would meet the public interest, convenience or necessity.

NOTE: Inquiries concerning applicable regulations of the Coast Guard may be addressed to The Commandant, United States Coast Guard, Washington, D. C., or to the nearest District Headquarters Office of the Coast Guard.

§ 8.114 *Clock required.* (a) Each ship station licensed to operate on frequencies below 515 kc shall be provided with a reliable clock with a second hand, preferably a sweep second hand. This clock shall be securely mounted in such a position that the second dial can be easily and accurately read by the operator from his normal operating position, from the operating position at which he would ordinarily transmit the international auto-alarm signal by hand, and from the operating position in the radio room used in testing the auto-alarm (if installed) for response to signals from the testing device. Stations which are compulsorily installed on board ship for safety purposes shall, in addition, meet such supplementary requirements for clocks as are prescribed in Subpart R of this part.

(b) Each ship station licensed for operation on frequencies above 1500 kilocycles only, shall, as may be necessary during operation, have available to the operator a suitable timepiece (preferably equipped with a second hand) of sufficient accuracy and reliability to allow for operation of the station in conformity with the terms of its license, regulations of the Commission, and the International Radio Regulations.

§ 8.115 *Retention of radio station logs.* (a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such additional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

NOTE: See Parts 45 and 46 of this chapter concerning preservation of records of common carriers.

(b) Station logs shall be made available to an authorized representative of the Commission upon request.

(c) Ship station logs shall be fully completed at the end of each voyage and before the operator(s) (or other person(s) responsible under the applicable provisions of this part) leave the ship. The radio log currently in use shall be kept by the licensed operator(s) of the station or as otherwise authorized by the applicable provisions of this part, and during use shall be located in the principal radio operating room of the vessel. At the conclusion of each ocean voyage terminating at a port of the United States (includes Hawaii, Alaska, Puerto Rico, and Virgin Islands), the original radio log (or a duplicate thereof) dating from the last departure of the vessel from a United States port shall be retained under proper custody on board the vessel for a sufficient period of time (not more than 24 hours) to be available for inspection by duly authorized representatives of the Commission. After retention on board the vessel as herein stipulated, the original log (and the duplicate log if provided) may be filed at an established shore office of the station licensee, and shall be retained as stipulated by paragraph (a) of this section.

NOTE: Duplicate logs are not required by the provisions of this paragraph, unless the original log is removed prior to opportunity for official inspection.

(d) Logs of ships of the United States containing entries required to be made by reason of the Great Lakes Agreement or § 8.368 (c) of this part shall be kept at the principal radiotelephone operating location while the vessel is being navigated. All entries in their original form required by said agreement or § 8.368 (c) shall be retained on board the vessel for a period of not less than one month from the date of entry. After retention on board the vessel as herein stipulated, the entries shall be filed at a place where they will be readily available to an authorized representative of the Commission upon request, and shall be retained as stipulated by paragraph (a) of this section.

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 8.131 *Authorized frequency tolerance.* (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances authorized for stations on board ships subject to this part shall be as prescribed in paragraphs (b) through (e) of this section.

(b) Authorized frequency tolerances for ship stations operating on frequencies below 515 kc or within the frequency-band 1600 kc to 25000 kc.

Frequency ranges	Authorized frequency tolerances Percent
(1) From 100 to 515 kc (except for emergency transmitters of the class specified in (2) and (3) below)	0.1
(2) From 100 to 515 kc; emergency transmitters only, whose use is confined solely to safety communication as defined in section 8.6 (a)	.3
(3) 500 kc transmitters intended for use solely in lifeboats or other survival craft	.5
(4) From 1600 to 3500 kc, inclusive (except for lifeboat transmitters under the condition specified below in (5))	.02
(5) For emergency transmitters intended for use solely in lifeboats or other survival craft to be used on the telephone distress frequency 2182 kc or on the telegraph calling frequency 2091 kc	.05
(6) Stations when using frequencies within the band 4000 to 25000 kc:	
For telephony	.005
For other than telephony	.02

(c) Authorized frequency tolerances for ship stations operating on frequencies above 30 Mc and for marine-utility stations:

	Percent
(1) From 30 to 50 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	0.02
For all other stations	.01
(2) From 100 to 200 Mc:	
For stations on survival craft intended for use in emergencies only	.01
For stations licensed to operate with a plate input power not in excess of 3 watts	.01
For all other stations	.005

(d) For stations in the maritime radiolocation service (other than ship-radar stations) the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

(e) The frequency tolerance authorized for ship-radar stations is prescribed as follows: The frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

§ 8.132 *Authorized classes of emission.* (a) When the class of emission is specifically designated in the instrument of authorization, stations on board ship subject to this part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

Frequency-band and classes of emission authorized [1]

(1) Ship stations using telegraphy:
- 100 to 160 kc..... A1, and for brief testing A0.
- 160 to 515 kc..... A1, A2,[2] A2a,[2] A2b,[2] and for brief testing A0.
- 2065 to 25,000 kc.. A1 and for brief testing A0, except for stations on board survival craft which may use, in addition, class A2 emission.

(2) Ship stations using telephony:
- 1600 kc to 30 Mc[3].... A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
- 30 Mc to 50 Mc..... A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0.
- 152 Mc to 162 Mc.. In Regions 1, 2, and 3, F3; and for brief operating signals F1 and F2; also for brief testing F0; additionally in Regions 1 and 3 only, A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
- For other frequencies or frequency-bands. As designated in the station authorization.

(3) Ship-radar stations:
- Above 3000 Mc..... PO.

(4) Stations of any category not designated in subparagraphs (1), (2), and (3) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

[1] The letter "a" following class A2 or A3 emission means the emission of a single sideband, with reduced carrier. The letter "b" following class A2 or A3 emission means the emission of two independent sidebands, with reduced carrier.

[2] Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited except for stations of survival craft.

[3] See § 8.366 (a) (3).

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.

NOTE: For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

§ 8.133 *Authorized emission-bandwidths.* (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, a station on board ship subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 8.132.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational factors set forth in the following subparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters. (The authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis);

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The authorized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis);

(5) Class F0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous wave (without the use of modulating audio frequency), the frequency of which is alternately shifted between the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse Code. The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission;

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such deviation ratio as to not exceed the authorized emission-bandwith, the modulating frequency being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(8) Class F3 emission means a continuous wave frequency-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed, with a deviation ratio of any value necessary for effective communication, provided the resulting emission shall not exceed the authorized emission-bandwidth;

(9) The keying of a carrier wave or the amplitude modulation of a carrier wave by means of audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective-signalling code intended to acuate a selective-calling device, shall be construed as class A1 emission or class A2, A2a, or A2b emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth: *Provided*, That for class A2, A2a, or A2b emission, the frequency of modulation does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony;

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class F1 emission or class F2 emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth: *Provided*, The frequency deviation used, and in the case of class F2 emission the modulating frequency or frequencies used, is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth;

(11) Class P0 emission means pulse transmission with the absence of any modulation intended to carry information, as used by ship-radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for the classes of emission authorized in § 8.132 shall be as follows:

Class of emission	Emission designator	Emission-bandwidth authorized for transmission of intelligence
A0	None	None.
A1	0.16 A1	224 cycles per second.
A2	2.66 A2	2,724 cycles per second.
A2a	1.33 A2a	1,362 cycles per second.
A2b	2.66 A2b	2,724 cycles per second.
A3	6 A3	8,000 cycles per second.
A3a	3 A3a	4,000 cycles per second.
A3b	6 A3b	8,000 cycles per second
F0	None	None.
F1:		
For 30 to 50 Mc	Variable [1]	40,000 cycles per second.
For 156.25 to 157.45 Mc	Variable [1]	40,000 cycles per second.
F2:		
For 30 to 50 Mc	36 F2	40,000 cycles per second.
For 156.25 to 157.45 Mc	36 F2	40,000 cycles per second.
F3:		
For 30 to 50 Mc	36 F3	40,000 cycles per second.
For 156.25 to 157.45 Mc	36 F3	40,000 cycles per second.
P0	Variable [2]	Variable.[2]

[1] In the case of class F1 emission, the emission designator will vary according to the frequency deviation, the number of words per minute, and other factors involved.

[2] In the case of class P0 emission, the emission designator and the authorized emission-bandwidth will vary according to the specific values of the controlling technical factors. Reference may be made to individual station authorizations which specify therein the respective emission designator and the respective authorized emission-bandwidth. Note also the provisions of § 8.131 (e) concerning authorized frequency tolerance for radar transmitters.

(2) When a specific "emission designator", as expressed in subparagraph (1) of this paragraph appears in a station authorization applicable to any station subject to this part, such designator specifies, for that station and for the particular radio-channel(s) involved, the corresponding authorized emission-bandwidth as set forth in subparagraph (1) of this paragraph.

(3) In the actual operation of a ship station, unless otherwise provided by the station authorization:

(i) When a carrier is present, the frequency coinciding with the center of the frequency-band occupied by the emission-bandwidth shall, when class A2, A2b, A3, F2, or F3 emission is being used, be the same as the carrier frequency;

(ii) When a carrier is not present, the frequency-band occupied by the emission-bandwidth shall be within the authorized frequency-band.

(d) Bandwidths in excess of those set forth in paragraph (c) of this section or emission-bandwidths for other classes of emission may be authorized and set forth in the instrument of authorization if approved by the Commission subsequent to a satisfactory showing by the applicant of need therefor. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission-bandwidth is required.

§ 8.134 *Authorized transmitter-power.* (a) Stations on board ship subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter-power shall, subject to the provisions of § 8.110 (a), not be exceeded; and on condition that the minimum authorized transmitter-power shall not be less than that designated in paragraph (c) of this section. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter-power (as defined in § 8.7 (ii)) shall not exceed the particular power set forth in paragraphs (b) through (h) of this section which is applicable under the controlling factors designated therein in direct relation to that power. Unless the station license specifically provides otherwise, the minimum authorized transmitter-power shall not be less than the particular power set forth in paragraph (c) of this section.

(b) For ship stations on board passenger vessels of 5000 gross tons and over, the maximum authorized transmitter-power is set forth as follows:

For telegraphy below 25000 kc: 8000 watts (with or without modulation);

For telephony below 25000 kc:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power in watts (when no modulation is present)			Minimum authorized transmitter power in watts (when no modulation is present)
	2000-4000 kc band, except on U. S. inland waters [1]		4000 to 25000 kc band, on U. S. inland waters [1]	2000 to 25000 kc band, except on U. S. inland waters [1]
	Ship to shore	Ship to ship		
Class C—plate, or plate and screen-grid modulated	1,000	150	3,000	150
Class C—control, screen, or suppressor-grid modulated	2,000	300	6,000	300
Class C—cathode modulated	1,600	240	4,800	240
Class B—linear	2,000	300	6,000	300
Other classes	1,200	180	3,600	180
	As specified in the station authorization			

[1] Means for this purpose the Great Lakes area and the Mississippi River (north of Baton Rouge, La.) and connecting inland waters.

(c) (1) For ship stations on board any category of vessel, other than the class of passenger ship prescribed in paragraph (b) of this section, the maximum authorized transmitter-power is set forth as follows:

For telegraphy below 25000 kc: 2000 watts (with or without modulation).

For telephony below 25000 kc:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power in watts (when no modulation is present)			Minimum authorized transmitter power in watts (when no modulation is present)
	2000-4000 kc band, except on U. S. inland waters [1]		4000 to 25000 kc band, on U. S. inland waters [1]	2000 to 25000 kc band, except on U. S. inland waters [1]
	Ship to shore	Ship to ship		
Class C—plate, or plate and screen-grid modulated	400	150	1,000	150
Class C—control, screen, or suppressor-grid modulated	800	300	2,000	300
Class C—cathode modulated	640	240	1,600	240
Class B—linear	800	300	2,000	300
Class BC—high efficiency	480	180	1,200	180
Other classes	As specified in the station authorization			

[1] Means for this purpose the Great Lakes area and the Mississippi River (north of Baton Rouge, La.) and connecting inland waters.

(2) For ship stations on board any category of vessel, the authorized transmitter power on and after July 1, 1959, on frequencies between 2000 and 25,000 kc assigned for communication by telephony shall not be less than the power designated in the following table:

Class of radio-frequency amplifier used in last radio stage of transmitter	Minimum authorized transmitter power in watts (when no modulation is present)
Class C—Plate, or plate and screen-grid modulated	15.
Class C—Control, screen, or suppressor-grid modulated	30.
Class C—Cathode modulated	24.
Other classes	Equivalent values as specified in the station authorization.

Provided, however, That the Commission may specifically license the use of authorized transmitter-power less than that specified in the foregoing table, for telephone communication on frequencies within the band 2000 to 4000 kc on condition that the applicant or station licensee shall make a satisfactory showing to the Commission that, with the plate (anode) input power to be used, (see § 8.7 (ii)) a minimum radio frequency field intensity of 7.4 millivolts per meter will be obtained on each such frequency at a distance over sea-water of one statute mile (over fresh water, the minimum radio frequency field intensity is reduced to 4.8 millivolts per meter at one statute mile) from the ship station independent of the direction in which the ship is headed.

(d) For ship stations and marine-utility stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc and employing amplitude modulation (AM):

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present)	
	Ship stations	Marine-utility stations
Class C—plate, or plate and screen-grid modulated	100 watts	10 watts.
Class C—control, screen, or suppressor-grid modulated	200 watts	20 watts.
Class C—cathode modulated	160 watts	16 watts.
Class B—linear	200 watts	20 watts.
Class BC—high efficiency	120 watts	12 watts.
Other classes	As specified in the station authorization	

(e) For ship stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc or 156.25 Mc to 157.45 Mc and employing frequency modulation (FM), the maximum authorized transmitter-power (with or without modulation) is 100 watts. For marine-utility stations under the condition prescribed in this paragraph for ship stations, the maximum authorized transmitter-power is 10 watts.

(f) For ship stations and marine-utility stations using telephony in Region 1 or 3, by means of amplitude modulation (AM) on any frequency assignment within the frequency-band 156.25 Mc to 157.45 Mc, the maximum authorized transmitter-power is the same as that designated in paragraph (d) of this section for operation within the band 35 Mc to 44 Mc.

(g) For stations on board ship which are authorized to transmit on frequencies above 157.45 Mc, the power authorized to be used shall be specified in the respective station authorization.

(h) (1) For the purpose of assuring adherence to the requirements of this section or the applicable terms of the station authorization, the authorized transmitter-power, with reference to paragraphs (ff) and (ii) of § 8.7, may be computed for electron-tube transmitters by the method set forth in the following paragraphs: *Provided*, That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission and secondarily class A2 or special emission for operating signals) the authorized transmitter-power may be measured when modulation is not present.

(2) The authorized transmitter-power shall be the sum of the product(s) obtained by multiplying the indicated anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the indicated anode (plate) current flowing through each such tube, or shall be the sum of the indicated powers supplied to each such tube.

(3) Indication of the anode (plate) voltage may be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating current type voltmeter of proper frequency range (as applicable), each such instrument having an accuracy and reliability acceptable to the Commission. Where the same voltage is applied to more than one electron tube, indication of this voltage shall be regarded as indication of the voltage applied to each individual electron tube of that particular group.

(4) Indication of the anode (plate) current may be accomplished by means of a direct-current (d'Arsonval galvanometer movement) type ammeter having an accuracy and reliability acceptable to the Commission. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, indication of the current at this point shall be regarded as indication of the total anode (plate) current flowing through all electron tubes of that particular group.

(5) Indication of the power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable: *Provided*, A wattmeter properly activated by the form of voltage and current supplied is employed, and has an accuracy and reliability acceptable to the Commission.

(6) When any current, in addition to the anode (plate) current, flows through an ammeter or wattmeter being used for indications in accordance with this paragraph (such as screen-grid current), such current, unless separately indicated or specified by the manufacturer, shall not be deducted from the current measured for the purpose of this paragraph.

§ 8.135 *Suppression of interference from receiving apparatus.* (a) The use or operation of any radio receiving system or apparatus on board a ship of the United States (excluding lifeboats and other survival craft) shall not, by reason of emission therefrom cause harmful interference to any authorized maritime mobile or maritime radiolocation service or impair the efficiency of any auto-alarm or watch on any radio frequency used for either of these services: *Provided*, That this regulation shall not prevent the use or operation of any radio receiving apparatus or system on board ship when the installation or use thereof is required by act of Congress or any treaty to which the United States is a party unless the Commission finds that the interfering emission from such apparatus or system is capable of:

(1) Creating an electromagnetic field, at a distance over sea water of one nautical mile from the receiver, in excess of the following value(s):

Frequency of interfering emission:	*Field intensity in microvolts per meter*
Below 30 Mc	0.1
30 to 100 Mc	.3
100 to 300 Mc	1.0
Over 300 Mc	3.0

or

(2) Delivering more than the following amounts of power, to an artificial antenna having electrical characteristics designated by the Commission as equivalent to those of the average receiving antenna(s) used on shipboard:

Frequency of interfering emission:	*Power into artificial antenna in micromicrowatts*
Below 30 Mc	400
30 to 100 Mc	4,000
100 to 300 Mc	40,000
Above 300 Mc	400,000

(b) Any specifically identified type of radio receiving apparatus or system required to be installed or used on board a ship by act of Congress or any treaty to which the United States is a party shall be exempt from any subsequent finding by the Commission pursuant to paragraph (a) (1) and (2) of this section if the Commission, as a result of engineering measurements made relative to emission produced by such type of apparatus or system, finds that such emission, as developed on frequencies to which the provisions of paragraph (a) of this section apply under conditions equivalent to normal use or operation on board ship, is not in excess of the value(s) specified in paragraph (a) (1) and/or (2) of this section.

§ 8.136 *Spurious emission limitations.* (a) Spurious emissions originating in transmitters authorized under this part are subject to the limitations set forth in paragraph (b) of this section, which limitations shall be applicable in accordance with paragraphs (c), (d) and (e) of this section.

(b) The power of any spurious emission shall be reduced below the power of the carrier in accordance with the following schedule:

(1) On any frequency removed from the center of the authorized frequency band of emission by between 50 per cent and 100 per cent of the authorized emission bandwidth: at least 25 decibels;

(2) On any frequency removed from the center of the authorized frequency band of emission by between 100 per cent and 250 per cent of the authorized emission bandwidth: at least 35 decibels;

(3) On any frequency removed from the center of the authorized frequency band of emission by more than 250 per cent of the authorized emission bandwidth: by at least the number of decibels equal to $40+10 \log_{10} P$, where P is the maximum "authorized transmitter power" in watts as such power is specifically defined in § 8.7 (ii) without applying the power tolerance prescribed in § 8.110 (a).

(c) Except as outlined in paragraph (d) of this section, the requirements of paragraph (b) of this section shall be applicable as follows:

(1) To any radio transmitter for which type acceptance is requested.

(2) To radio transmitters when operating on any frequency assignment between 30 Mc and 500 Mc.

(3) After June 1, 1958, to any radio transmitter when operating on any frequency below 30 Mc.

(d) The requirements of paragraph (b) of this section shall not apply to:

(1) Lifeboat transmitters;

(2) Transmitters authorized in developmental station licenses;

(3) Radiotelegraph transmitters licensed for operation on any frequency assignment below 30 Mc prior to June 1, 1958, which are authorized in a station license issued to the same licensee or for a station on board the same vessel;

(4) Other radio transmitters licensed for operation on any frequency assignment below 30 Mc prior to June 1, 1958, which are authorized in a station license issued to the same licensee or for a station on board the same vessel until they are authorized in a new or renewed station license issued in response to an application filed after June 1, 1963.

(e) When an emission outside of the authorized emission bandwidth causes harmful interference to an authorized service the Commission may require more attenuation of such emission than specified in paragraph (b) of this section.

§ 8.137 *Special requirements for radiotelephone transmitters.* (a) In order to be type accepted each radiotelephone transmitter shall automatically prevent modulation in excess of 100 percent. This requirement, however, shall not apply to transmitters licensed for an authorized transmitter power not exceeding three watts. In the event the operation of any licensed radiotelephone transmitter causes harmful interference to any authorized radio service by reason of excessive modulation, the Commission may, in its discretion, require that the use of such transmitter be discontinued until it will automatically prevent modulation in excess of 100 per cent.

(b) Each radiotelephone transmitter of a ship station or a marine-utility station shall be type accepted by the Commission prior to its operation by any unlicensed person pursuant to the provisions of § 8.155 (a). In addition to complying with all other applicable rules and regulations such a transmitter shall meet the following requirements:

(1) Operation of the transmitter shall require only the use of simple external switching devices excluding all manual adjustment of radio frequency determining elements;

(2) The required radio frequency stability of the transmitter must be maintained (at all times during such operation by an unlicensed person) by the transmitter itself;

(3) None of the operations necessary to be performed during the course of normal rendition of service to the station shall be capable of causing any radiation of emission on an unauthorized frequency; and

(4) The transmitter shall automatically prevent modulation in excess of 100 per cent.

(c) The frequency deviation of each radiotelephone transmitter authorized in a ship station or marine utility station license (other than transmitters authorized solely for developmental stations) shall, with 100 per cent modulation applied, not exceed 15 kc when the transmitter is radiating class F1, F2 or F3 emission on any marine radiochannel within the frequency band 35 to 44 Mc, or within the frequency band 156.25 to 157.45 Mc.

§ 8.138 *Special requirements for ship-radar transmitters.* (a) Each radar transmitter authorized in a ship-radar station (other than in a developmental station) must be type-approved by the Commission, pursuant to the type approval procedure set forth in Part 2 of this chapter. In addition to meeting all other applicable requirements such transmitters shall comply with the limitations and conditions set forth in the following paragraphs.

(b) (1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radiolocation service or any maritime mobile service;

(2) The radar transmitter shall not have means available for any external adjustment which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for ship-radar stations stipulated in this part.

§ 8.139 *Acceptability of radiotelephone transmitters for licensing.* (a) Each radiotelephone transmitter authorized in a ship station or marine-utility station license (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission. This requirement shall be applicable as follows:

(1) To transmitters when operating on any frequency assignment above 30 Mc;

(2) After June 1, 1958 to transmitters when operating on any frequency assignment, including any assignment below 30 Mc. However, until requested to be authorized in a new or renewal license issued in response to an application filed after June 1, 1963, transmitters licensed under this part prior to June 1, 1958 may (insofar as this requirement is concerned) continue to be authorized for operation on any frequency assignment below 30 Mc if authorized in a station license issued to the same licensee or for a station on board the same vessel.

§ 8.140 *Type acceptance of equipment.* (a) Any manufacturer of a radio transmitter intended for use or used in ship stations or marine-utility stations may request type acceptance for such transmitters by following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance of a radio transmitter may be requested also by an applicant for a station authorization by following the type acceptance procedure set forth in Part 2 of this chapter. Such transmitters, if type accepted, are not normally included on the Commission's "Radio Equipment List, Part C", but are individually enumerated on the respective authorization.

NOTE: Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. Those rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the finding upon which type acceptance is based.

From time to time, the Commission will make public a list of equipment entitled "Radio Equipment List, Part C". Copies of this list are available for inspection at the Commission's offices in Washington, D. C. and at each of its field offices. This list will, with the exception set forth in paragraph (b) of this section, include equipment type approved and type accepted under this part.

SUBPART F—OPERATOR REQUIREMENTS

§ 8.151 *Authorized operator required.* (a) Except as otherwise provided in § 8.155, the actual operation of all transmitting apparatus in any radio station in the maritime mobile or maritime radiolocation service on board a ship of the United States shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter.

(b) When the station is a public ship station used for telephony, the person actually operating the station shall, if authorized by the station licensee or the master (acting in this respect as the station licensee's agent), and subject to the priority of communication set forth in § 8.177, permit any person to speak over the station microphone: *Provided*, That such person actually operating the station shall continue to exercise his control so as to insure the continued proper operation of the station.

(c) When the station is a limited ship station used for telephony, the person actually operating the station may, if authorized by the station licensee or the master (acting in this respect as the station licensee's agent), and subject to the priority of communication's set forth in § 8.177, permit any person to speak over the station microphone: *Provided*, That such person actually operating the station shall continue to exercise his control so as to insure the continued proper operation of the station.

(d) For the purpose of paragraphs (b) and (c) of this section, any microphone, without regard to its location on board ship, may be construed to be the station microphone when it is electrically connected to the modulating system of the radiotelephone transmitting apparatus.

§ 8.152 *Operator required by statute for safety.* (a) The radio installation required by Part II of Title III of the Communications Act or by the Safety Convention, for purposes of safety on board a ship of the United States, shall be in charge of and shall be operated only by one or more qualified operators who shall be subject to the lawful authority of the master.

NOTE: A qualified operator for the purpose of this section on a ship of the United States is a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission. See Part 13 of this chapter and/or any applicable orders promulgated by the Commission.

(b) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is not fitted with an auto-alarm, and each passenger ship required by that statutory provision to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least two qualified operators.

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is fitted with an auto-alarm in accordance with that statutory provision, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

(d) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

(e) Each vessel of the United States transporting more than six passengers for hire, which is required by Part III of Title III of the Communications Act to be equipped with a radiotelephone installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license

issued by the Commission which is appropriate for the purpose under Part 13 of this chapter.

§ 8.153 *Operator required by Safety Convention.* (a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelegraph installation, which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least the number of qualified operators specified in subparagraphs (1) and (2) of this paragraph. A qualified operator for this purpose is a person holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

(1) If fitted with an auto-alarm in proper operating condition at least one qualified operator shall be carried, except that at least two qualified operators shall be carried in the case of a passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports.

(2) If not fitted with an auto-alarm at least two qualified operators shall be carried.

(b) Each cargo ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelephone installation which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

§ 8.154 *Location of authorized operator.* (a) Whenever the transmitting apparatus of a station in the maritime mobile service subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (insofar as such provisions require the actual operation of such apparatus only by a person holding an operator's license of the proper class issued by the Commission) are not waived by the Commission, at least one person holding an operator license of the proper class as prescribed in Part 13 of this chapter shall be on duty at the place where such transmitting apparatus is located, and, subject to the lawful authority of the master, shall be in charge of the station: *Provided*, That in lieu of the transmitter location, such operator may be on duty at a different location on the ship when:

(1) Such apparatus is installed and protected so that it is not accessible to and may not be placed in an operating condition by other than duly authorized persons; and

(2) The transmitting and associated receiving apparatus can be operated from such other location in a manner which will fully comply with all applicable rules of the Commission (in particular § 8.104) and the terms of the station license; and without any delay in normal operation being introduced by such arrangement.

§ 8.155 *Waivers of operator license.* (a) *For VHF telephony.* Subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act are waived, insofar as such provisions require any person to hold an operator's license in order to operate, during the course of normal rendition of service, any ship station (including developmental ship stations) or marine-utility station on board ship, in the maritime mobile service, when such station is authorized to use telephony only and further is authorized to be operated exclusively on one or more radio-channels above 30 Mc: *Provided:*

(1) The person who operates the transmitting equipment is the station licensee or is authorized by the station licensee to do so, and the use of the station during such operation is subject to the lawful direction and authority of the person who, at the time, occupies the position of the master of the ship on which the station is located;

(2) The station uses one or more of the following classes of emission only: A3 or F3 for telephony; and on the same radio-channels as are authorized for telephony A0, A2, F0, F2 solely for transmitting by automatic means attention-signals, signals for actuating selective-calling devices, for brief testing of the authorized apparatus, or station identification, or signals in an emergency involving safety;

(3) The station is authorized to use transmitting equipment only of a type which is acceptable to the Commission for operation in this service by unlicensed persons in accordance with this paragraph;

(4) The transmitting equipment operated by an unlicensed person in accordance with this paragraph is not required on board the ship for safety purposes by any statutory provisions or by any international agreement or treaty in force;

(5) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of the station that may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding an operator license of the proper class for this purpose as prescribed in Part 13 of this chapter who shall be responsible for the proper functioning of the station equipment;

(6) Subsequent to any transmitter adjustments made in accordance with subparagraph (5) of this paragraph, and at all other times, the station licensee shall be responsible for determining that the transmitting equipment continues to meet the conditions established by the Commission relative to acceptance of the particular type of equipment for the purpose of operation by unlicensed persons;

(7) The station licensee or the person(s) authorized by the licensee to operate the station shall, in lieu of a licensed operator, comply with the provisions of § 8.154 as though he were a licensed operator;

(8) Nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the station or for proper functioning and operation of the station in accordance with law;

(9) No unlicensed person, authorized as provided by this paragraph to operate a station, may lawfully perform any act in relation to such station that he could not lawfully perform if he were acting under the authority of a radio operator license issued in his behalf by the Commission.

(b) *For ship-radar.* (1) No radio operator license is required for the operation on board ship, during the course of normal rendition of service, of ship-radar stations licensed in the radiolocation service (Ship-radar stations heretofore licensed in the ship service are construed to be licensed in the maritime radiolocation service (including the maritime radionavigation service).) *Provided*, That the following conditions are met or provided for by the licensee of the station:

(i) The radar equipment shall employ as its frequency determining element a non-tunable, pulse-type magnetron;

(ii) The radar equipment shall be capable of being operated during the course of normal rendition of service in accordance with the radio law and the rules and regulations of the Commission by means of exclusively external controls, and

(iii) Operation during the course of normal rendition of service pursuant to this subparagraph (1), must be performed exclusively by the master of the radar-equipped ship or by one or more other persons responsible to him and authorized by him to do so.

(2) All adjustments or tests during or coincident with the installation, servicing, or maintenance of the equipment while it is radiating energy must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, radiotelephone or radiotelegraph, containing a ship-radar endorsement, who shall be responsible for the proper functioning of the equipment in accordance with the radio law and the Commission's rules and regulations and for the avoidance and prevention of harmful interference from improper transmitter external effects: *Provided, however*, That nothing in this subparagraph shall be construed to prevent persons not holding such licenses or not holding such licenses so endorsed from making replacements of fuses or of receiving-type tubes.

(3) Nothing in this subparagraph shall be construed to change or diminish in any respect the responsibility of any ship radar station licensee for having and maintaining control over the station licensed to him, or for the proper functioning and operation of such station in accordance with the terms of the station license.

§ 8.156 *Posting of operator license.* When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the principal location on board ship at which the station is operated: *Provided*, That in the case of stations of a portable nature, including marine-utility stations, or in the case where the operator holds a restricted radiotelephone operator permit, the operator may in lieu of posting have on his person either his required operator license or a duly issued verification card (FCC Form 758–F) attesting to the existence of that license.

§ 8.157 *Adjustment or test of equipment.* Notwithstanding any other provisions of this subpart (except § 8.155 (b) (2) which specifically covers ship radar stations), all adjustments or tests of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

§ 8.158 *Certified persons required by Great Lakes Agreement.* (a) For the purpose of complying with Article 7, paragraph 1 (a) of the Great Lakes Agreement, there shall be on board a United States vessel, as an officer or member of the crew, one or more persons holding an operator's license issued by the Commission which is appropriate for that purpose under the provisions of Part 13 of the Commission's rules.

(b) If the vessel is deprived of the services of all certified persons referred to in paragraph (a) of this section without fault or collusion of the master, the vessel may, as a matter of temporary expediency, proceed on her voyage, provided:

(1) The master shall exercise due diligence in an effort to obtain at least one qualified replacement before sailing and failing that shall exercise due diligence to obtain at least one qualified replacement as soon as practicable;

(2) The qualified replacement is made at the destination on the Great Lakes of the vessel;

(3) In addition to the foregoing, the master shall, within 12 hours after the time of arrival of the vessel at the destination, mail to the Secretary, Federal Communications Commission, Washington 25, D. C., an explanation in writing of the full particulars in the matter, including the date the master became aware of the unavailability of the certified person or persons, the scheduled and the actual sailing time of the vessel without a certified person on board, a specific description of his efforts to secure at least one qualified replacement before sailing; and in the case of a vessel whose destination is on the Great Lakes, a statement that a qualified replacement has been or will be secured before the ship again leaves such port.

SUBPART G—GENERAL OPERATING REQUIREMENTS

§ 8.171 *International regulations applicable.* In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 8.172 *Authority in event of distress.* No provision of the International Radio Regulations shall prevent a ship in distress from using any means of telecommunication available to it for drawing attention, signalling its position, and obtaining help. A distress call and message, however, shall be transmitted only on the authority of the master of, or the person responsible for, the ship from which this call and message are transmitted. No person shall, by means of any station subject to this part, knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or communications relating thereto.

§ 8.173 *Authority of the master.* Except as may be regulated by law or international agreement or by the rules of the Commission, the radio service of each station on board ship shall at all times be under the supreme control of the master. However, during any period in which the Department of Defense lawfully may exercise and is in fact lawfully exercising emergency controls over United States merchant shipping, no provisions of the Commission's rules and regulations shall prevent the master of any ship of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to carry out instructions of the Department of Defense.

§ 8.174 *Secrecy of communication.* The master or the person responsible, as well as all persons who may have knowledge of the text or even of the existence of the radio communications transmitted or received by a station on board ship or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and insuring the secrecy of communications to the extent required by the Communications Act and the International Radio Regulations.

NOTE: See secs. 501, 502, and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

§ 8.175 *Intercommunication in mobile service.* Each ship station in the maritime mobile service at sea shall, within the scope of its normal operations, be bound to exchange radio communication or signals with any other ship station or aircraft station in the maritime mobile service at sea or with any public coast station in the maritime mobile service: *Provided*, That such exchange of radio communication shall be without distinction as to radio systems or instruments adopted by each station.

§ 8.176 *Priority of communications to be observed.* Ship stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 8.177; in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted; cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 8.177 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal for radiotelegraphy), international automatic-alarm signals for distress purposes, distress messages, and distress traffic.

NOTE: The international auto-alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.

(2) Communications preceded by the international radiotelegraph urgency signal.

(3) Communications preceded by the international radiotelegraph safety signal.

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

(6) Communications relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radio-communication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signals for radiotelephony and radiotelegraphy), distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal, or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal, or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known by the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 8.178 *Unauthorized transmissions.* Stations operating in the maritime mobile service shall not engage in radiocommunication which is superfluous or unnecessary in this service. Except in an emergency which requires otherwise, the transmission by ship stations of signals or communications not addressed to an authorized station or stations in the maritime mobile service is prohibited unless radiotelegraphy is used and the transmission, preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 8.179 *Control by coast or government station.* When communicating with a coast station or any government station in the maritime mobile service, ship stations shall, except when transmitting distress signals or controlling distress traffic, comply with instructions given by the coast station or government station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station or government station. This provision, however, does not apply in the event of distress, either actual or impending.

§ 8.180 *Cooperative use of frequency assignments.* Unless provided otherwise in this part, or in the particular station authorization, each radio-channel authorized for use by a station on board ship subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 8.181 *Prevention of interference.* (a) From the standpoint of interference the operation of a ship radio station (including receiving equipment, auto-alarm, and direction-finder) required by law to be installed on board a vessel for safety purposes, shall have priority over the operation of any other radio apparatus on board the same vessel.

(b) Before commencing transmission (other than signals of distress) a ship station shall, insofar as is practicable, make sure that it will not cause interference to communications in the maritime mobile service being carried on within its range. For this purpose, the operator attending the station shall, before commencing transmission, use the necessary receiving installation to listen on the appropriate frequency or frequencies. If interference is likely, the station shall wait until the existing communications, which it may disturb, have been concluded; with due regard, nevertheless, for the priority of communications designated in § 8.177.

(c) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 8.177. The station requesting this cessation must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(d) Except in cases of distress, communications between ship stations or between ship and aircraft stations must not interfere with the work of public coast stations. When this work is thus interfered with, the ship or aircraft station which causes it must stop transmitting or change frequency upon the first request of the coast station concerned.

(e) Ship stations when operating on a frequency below 3500 kilocycles or above 30 Mc shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the ship station: *Provided*, That this provision shall not apply in event of distress, either actual or impending.

§ 8.182 *Suspension of transmission.* Transmission shall be suspended immediately upon detection by the station or operator licensee, or upon notification by the Commission, of a deviation from the technical requirements of the station authorization, and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended as soon as the emergency is terminated.

§ 8.183 *Hours of service of ship stations.* (a) Ship stations whose service is not continuous may not close before:

(1) Finishing all operations resulting from a distress call, or urgency or safety signal;

(2) Exchanging, so far as practicable and within the scope of their normal operation, all traffic originating in or destined for public coast stations situated within their range and mobile stations which, being within their range, have indicated their presence before the actual cessation of communication.

§ 8.184 *Maintenance of station log.* (a) Each station on board ship subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall in addition, comply with the applicable provisions of paragraphs (b) and (c) of this section; the station licensee and the licensed radio operator (when a licensed radio operator is required) in charge of the station shall be responsible for compliance with this section.

(b) The log shall be kept in an orderly manner, in useable form, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 8.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

SUBPART H—WATCHES AND AUTO-ALARMS FOR SAFETY PURPOSES

§ 8.201 *Watch required by International Radio Regulations.* All ship stations employing telegraphy (either compulsorily or voluntarily provided with a radiotelegraph installation) and normally keeping watch on frequencies in the authorized bands between 405 and 535 kc shall, during their hours of service, take the necessary measures to insure an efficient watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (GMT). For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is no less effective than use of the head receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required for maritime mobile service.

§ 8.202 *Watch required by Communications Act.* (a) Each ship of the United States required by Part II of Title III of the Communications Act and the rules of the Commission to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, while being navigated outside a harbor or port, keep a continuous and efficient watch on the international distress frequency 500 kc by means of qualified radiotelegraph operators: *Provided, however*, That in lieu thereof on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained as herein prescribed by means of a qualified radiotelegraph operator: *Provided further*, That in either instance such operator(s) shall be subject to the conditions and limitations prescribed by § 8.204.

(b) In accordance with the requirement set forth in paragraph (a) of this section for a cargo ship fitted with an auto-alarm in proper operating condition, when such vessel is navigated outside a harbor or port, the watch as prescribed in paragraph (a) shall be maintained by means of a qualified radiotelegraph operator for at least one-third of each day, or portion thereof, during the period of time the vessel is so navigated.

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, while being navigated outside a harbor or port, keep a continuous and efficient listening watch on the radiotelephone calling and distress frequency 2182 kc whenever the radiotelephone installation is not being used to transmit on that channel or to transmit or receive on any other channel below 30 Mc authorized for maritime mobile services. Such listening watch shall be performed by at least one officer or member of the crew of the vessel who has been designated by the master to perform the listening watch. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the listening watch.

(d) Each vessel of the United States transporting more than six passengers for hire which is required by Part III of Title III of the Communications Act to be equipped with a radiotelephone installation and not exempted therefrom by the Commission shall, while being navigated in waters specified by section 381 of Part III of Title III, keep a continuous and efficient listening watch on the frequency 2182 kc for the reception of class A3 emission if fitted with equipment for operation in the 2000–3500 kc band for the purpose of meeting radiotelephone requirements of law, or on the frequency 156.8 Mc for the reception of class F3 emission if fitted with equipment for operation in the 152–162 Mc band for this purpose, whenever the radiotelephone installation is not being used to transmit on the listening channel as herein designated or to transmit or receive on any other channel authorized for maritime mobile services. Such listening watch shall be performed by at least one officer or member of the crew of the vessel who, if not the master, has been designated by the master to perform this listening watch. The master or the person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of this listening watch.

§ 8.203 *Watch required by Safety Convention.* This section is applicable to ships of the United States subject to the radio provisions of the Safety Convention but not at the same time subject to the provisions of Part II of Title III of the Communications Act (for example, certain ships engaged on an international voyage, no part of which is in the open sea).

(a) Each passenger ship of the United States required by the Safety Convention to be fitted with a radiotelegraph installation shall, while at sea, keep continuously an efficient watch on the international distress frequency 500 kc by means of qualified operators, if not fitted with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept while at sea as follows:

(1) If carrying or certificated to carry 250 passengers or less, at least 8 hours watch a day in the aggregate.

(2) If carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours watch a day in the aggregate.

(3) If carrying or certificated to carry more than 250 passengers and engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours watch a day in the aggregate.

(b) Each cargo ship of the United States of 500 gross tons or more fitted with a radiotelegraph installation for the purpose of complying with the Safety Convention and not exempt therefrom by the Commission shall, while at sea, keep continuously an efficient watch on the international calling and distress frequency 500 kc by means of a qualified radiotelegraph operator, if not fitted with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept by such ships for at least eight hours per day, in the aggregate.

(c) In keeping the watch prescribed in paragraphs (a) and (b) of this section, operators shall be subject to the conditions and limitations prescribed in § 8.204.

(d) Each cargo ship of the United States required by the Safety Convention to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, while at sea, keep a continuous watch on the radiotelephone calling and distress frequency in the manner prescribed by § 8.202 (c).

§ 8.204 *Provisions governing safety watch.* (a) For the purpose of maintaining the radiotelegraph watches prescribed in §§ 8.202 and 8.203, the operator shall use an effectively operating main or emergency radio receiver complying with the applicable requirements of § 8.503 or § 8.504, respectively, and either a head receiver or a loudspeaker complying with the applicable requirements of § 8.503 or § 8.504, respectively, on condition that use of the loudspeaker is not less effective than use of the head receiver.

(b) While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers or amateur transmitters or receivers) not actually required for maritime mobile service.

(c) During the period of this watch and subject to the provisions of § 8.205, the operator may temporarily interrupt the required listening on the frequency 500 kc while he is transmitting or receiving signals or messages to or from a station operating in the maritime mobile service if it is not possible for the operator to maintain at the same time, by any practicable means, the watch on 500 kc. The provisions of this paragraph shall not relieve the ship station from the obligation of complying with the provisions of § 8.201.

(d) With respect to the provisions of paragraph (c) of this section, the term "by any practicable means" as used in that paragraph shall be construed to include the use of a loudspeaker or a head receiver energized by an additional radio receiver (other than the receiver actually in use for nonwatch purposes) which is adjusted or tuned for effective reception on the radio-channel of which 500 kc is the assigned frequency.

§ 8.205 *Compulsory use of auto-alarm.* (a) The auto-alarm, when provided on a ship compulsorily fitted with a radiotelegraph installation for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, shall be in operation, connected to the main antenna, and adjusted for normal efficiency according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a harbor or port when a qualified operator is not on watch duty.

(b) Unless the use of an auto-alarm, compulsorily provided as specified in paragraph (a) of this section, is impracticable under the condition hereinafter designated, such auto-alarm shall be in operation, connected to a suitable antenna (for example, a main antenna, an emergency antenna, or an auxiliary antenna) and adjusted for normal efficiency according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a harbor or port, when a qualified operator is on watch duty but the watch is temporarily interrupted (as contemplated under the provisions of § 8.204 (c)) for an extended period, and it is not possible for such operator to maintain, at the same time by any practicable means, the watch on 500 kc. Nothing contained in this paragraph shall relieve the ship station from the obligation of complying with the provisions of § 8.201.

§ 8.206 *Procedure in use of auto-alarm.* (a) Paragraphs (b) and (c) of this section shall apply to the use of an auto-alarm which is provided for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention on a ship compulsorily fitted with a radiotelegraph installation under that act or under the radio provisions of that convention.

(b) While the ship is being navigated outside a harbor or port, the auto-alarm shall be tested at least once every 24 hours by means of the testing device supplied as part of the alarm, the timing of the dashes to be made by reference to the second hand of the ship station clock. A test also shall be made to determine that the auto-alarm mechanism is operated in a normal manner by signals from other stations which are received on the frequency 500 kc. A statement that the foregoing requirement has been fulfilled must be inserted in the radio station log daily.

(c) The qualified operator, when going off watch, shall report to the officer on watch on the bridge whether or not the auto-alarm has been placed in use and adjusted for effective operation as prescribed in § 8.205 (a).

§ 8.207 *Listening required by the Great Lakes Agreement.* While a United States vessel is subject to the Great Lakes Agreement, there shall be continuous effective listening by aural means for reception of class A3 emission on the radio channel of which 2182 kc is the assigned frequency whenever the radiotelephone installation is not being used to transmit on that channel or to transmit or receive on any other channel below 30 Mc authorized for the maritime mobile service. Such listening shall be performed by at least one officer or member of the crew of the vessel who has been designated by the master to perform that listening. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of such listening.

SUBPART I—GENERAL PURPOSE WATCHES

§ 8.221 *Watch on 500 kc.* Ship stations using frequencies in the authorized bands between 405 and 535 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc except when the operator is transmitting on 500 kc, operating the ship station equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc as provided by § 8.222) if it is not possible for the operator to maintain at the same time, by any practicable means, the watch for calls on 500 kc. The term "by any practicable means" as used herein shall be construed to include the use of a loudspeaker or a head receiver energized by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is adjusted or tuned for effective reception on the radio-channel of which 500 kc is the assigned frequency. The provisions of this section, however, shall not relieve the ship from complying with the requirements for a safety watch as prescribed in §§ 8.201, 8.202 and 8.203.

§ 8.222 *Watch on 143 kc.* On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in §§ 8.201, 8.202 and 8.203, each ship station equipped for working by means of class A1 emission on frequencies within the band 90 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, normally keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.).

§ 8.223 *Watch on 2182 kc.* (a) Each ship station on board a ship navigating the Great Lakes and licensed to transmit by telephony on one or more frequencies within the band 1600 to 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever the station is not being used for transmission on that channel or for communication on other radio-channels.

(b) Except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station (in addition to those ship stations specified in paragraph (a) of this section) licensed to transmit by telephony on one or more frequencies within the band 1600 to 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or for communication on other radio-channels. When the ship station is in Region 1 or 3, such watch shall, insofar as is possible, be maintained at least twice each hour for three minutes commencing at x h 00 and x h 30, Greenwich mean time (G. M. T.).

SUBPART J—PROCEDURE IN EVENT OF DISTRESS

§ 8.231 *Applicable regulations.* In addition to the governing provisions of the International Radio Regulations applicable to the transmission and interception of distress signals and the handling of distress traffic and the special provisions of §§ 8.61 and 8.172, mobile stations which are subject to this part shall, in cases of distress, be governed by this subpart.

NOTE: See Article 37 of the International Radio Regulations, Atlantic City, 1947.

§ 8.232 *Radio-channels for distress.* (a) In case of distress in the maritime service, the frequency to be used shall be the international distress frequency 500 kc with maximum power obtainable; the class of emission to be used if possible shall be A2. Stations which cannot transmit on 500 kc or use A2 emission shall, if possible use their normal calling frequency and normal class of emission with maximum power obtainable.

(b) Until such time as the frequency 2182 kc is effectively guarded for the reception of distress calls mobile stations in regions of the United States (other than the Great Lakes region) not capable of using 500 kc but equipped to use telephony on medium frequencies may, in case of distress only, communicate with stations of the United States Coast Guard on the frequency 2670 kc. In the Great Lakes region, the frequency 2182 kc should be used at any time for radiotelephone distress calls in lieu of the frequency 2670 kc.

§ 8.233 *Form of distress call.* (a) The distress call transmitted by radiotelegraphy comprises:

(1) The international distress signal which consists of the group "three dots, three dashes, three dots," transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots (this signal in each instance is transmitted 3 times);

(2) The signal "de"; and

(3) The call sign of the mobile station in distress (transmitted 3 times in each instance).

(b) (1) The distress call, when transmitted by radiotelephony, is generally preceded by the distress signal for radiotelegraphy as designated in paragraph (a) (1) of this section. Such signal may be produced by a whistle or any other suitable means.

(2) The distress call, when transmitted by radiotelephony, comprises the international distress signal "Mayday" (pronounced as the French expression "m'aider") spoken three times; the words "This is," followed by the identification of the mobile station in distress, the whole repeated three times in each instance.

§ 8.234 *Radiotelegraph alarm signal.* The distress call, when transmitted by radiotelegraphy on the frequency 500 kc, should, if possible, be preceded by the international alarm signal transmitted by means of class A2 emission on 500 kc. This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The distress signal for radiotelegraphy as designated in § 8.233 (a) (1) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the normal distress signal on 500 kc. When circumstances permit, an interval of 2 minutes shall be observed after transmission of the alarm signal and distress signal, before transmitting the distress message on 500 kc, to allow time for operators warned by these signals to go on watch.

§ 8.235 *Distress message.* (a) The distress call, must be followed, as soon as possible, by the distress message which comprises:

(1) The distress call;

(2) The name of the mobile station in distress;

(3) The particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired; and

(6) Any other information which might facilitate rescue.

(b) When telegraphy is used, the distress message shall be transmitted by means of the International Morse Code at a speed not exceeding 16 words per minute nor less than 8 words per minute.

(c) Where no reply to the distress signals or distress message has been received, these signals or this message shall be repeated at intervals (in radiotelegraphy especially during the 500 kc international silent periods), until a reply is received.

(d) When the mobile station in distress receives no answer to a distress message transmitted on a distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 8.236 *Transmission for radiolocation.* After the transmission of its distress message, a mobile station at sea when equipped for telegraphy shall when possible transmit a signal in the form of 2 telegraphic dashes of approximately 10 seconds duration each, followed by its call sign, to permit radio direction-finding stations (or other stations equipped for radiolocation) to determine its position. This transmission may be repeated by the mobile station, subject to the provisions of § 8.240, whenever it is requested to do so by other stations endeavoring to determine its position.

§ 8.237 *Acknowledgment of distress message.* Any station in the maritime mobile service which receives a distress message relative to a vessel, aircraft, or other unit which is, beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit in distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the maritime mobile service which hear a distress signal or message must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

§ 8.238 *Form of acknowledgment by telegraphy.* (a) The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

(1) Call sign of the mobile station in distress (transmitted 3 times);

(2) The signal "de";

(3) Call sign of the station acknowledging receipt (transmitted 3 times);

(4) The signal "RRR"; and

(5) The distress signal.

§ 8.239 *Information from acknowledging stations.* (a) Every mobile station which acknowledges receipt of a distress signal or message must, on the order of the master or person responsible for the ship, aircraft or other vehicle carrying the mobile station, transmit in message form, as soon as possible, the following information in the order shown:

(1) Its name;

(2) Its position;

(3) The course and speed at which it is proceeding towards the vessel, aircraft, or other unit in distress; and

(4) Estimated time of arrival at the scene of distress.

(b) Before transmitting this message, the station must insure that it will not interfere with the transmissions of other stations which are better situated to render immediate assistance to the vessel, aircraft, or other unit in distress.

§ 8.240 *Control of distress traffic.* (a) The control of distress traffic is the responsibility of the mobile station in distress, or of another mobile station which, in accordance with the governing provisions of the International Radio Regulations, has transmitted the distress call. These stations may, however, delegate the control of the distress traffic to another station.

NOTE: See Article 37, paragraph 18, of the International Radio Regulations, Atlantic City, 1947.

(b) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic, for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(c) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the international distress signal is used to impose silence for this purpose.

(d) Any station engaging in radiocommunication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is indicated by using the signal "AS" (wait) followed by the word "distress" and the call sign of the station imposing silence.

(e) In cases of distress, the use of the radiotelegraph service abbreviation "QRT" must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(f) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

§ 8.241 *Supplementary transmissions.* (a) A mobile station located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate, upon authorization of the master or person responsible for the station, transmit the radiotelegraph alarm signal on the frequency 500 kc using the maximum available power and class A2 emission, when:

(1) A distress call has been transmitted and was not preceded by the alarm signal; or

(2) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(b) When a mobile station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall, subject to the authority of the master, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(c) A mobile station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

SUBPART K—FOREIGN SHIP STATIONS IN UNITED STATES WATERS

§ 8.261 *Inspection of station.* Pursuant to section 303 (n) of the Communications Act, and subject to the provisions of Article 23 of the International Radio Regulations, Atlantic City, 1947; Regulations 16, 18 and 19 of Chapter I of the Safety Convention, London, 1948; and Articles 11, 12 and 14 of the Great Lakes Agreement, the radio installation on board any foreign ship within the territorial jurisdiction of the United States, which installation is subject to the provisions of any act, treaty, or convention binding on the United States, shall be available, at any reasonable time, in any harbor, port, or place in the United States, for inspection by duly authorized representatives of the Commission at such frequent intervals as, within the discretion of the Commission, will insure compliance with applicable rules, regulations, laws, and treaties.

§ 8.262 *Installation for safety purposes.* (a) The provisions of Part II of Title III of the Communications Act, insofar as such provisions require certain radio apparatus in operating condition and one or more qualified operators (for this purpose, a qualified operator is defined by the Communications Act to be "a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunications Convention in force, or complying with an agreement or treaty between the United States and the country to which the ship belongs") on board a ship which leaves or attempts to leave any harbor or port of the United States for a voyage in the open sea, apply to a ship of any foreign country except:

(1) A cargo ship of less than 500 gross tons;

(2) A ship of war;

(3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such Convention.

(4) A yacht of less than 600 gross tons not subject to the radio provisions of the Safety Convention:

(5) A vessel in tow; and

(6) A vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States or navigating solely on any of these waters.

§ 8.263 *Limitations on transmission.* (a) Sections 301 and 318 of the Communications Act, relative to station licenses and operator licenses, respectively, are not applicable to any person sending radiocommunications or signals on a foreign ship while the same is within the jurisdiction of the United States; however, such communications or signals shall be transmitted only in accordance with applicable rules of the Commission intended to prevent interference including, among others, the following subparagraphs:

(1) The frequency or frequencies and the class or classes of emission used shall be available for the operation being conducted pursuant to the allocation of frequencies to radio services and the use of classes of emission established by the International Radio Regulations and pursuant to the terms of all other applicable international treaties and agreements to which the United States is a party;

(2) The operation of the radio apparatus shall not cause interference with the normal communications of other radio services, and only the minimum power necessary for effective communication shall be used;

(3) The station shall comply with the applicable provisions of the International Radio Regulations and other applicable international treaties and agreements to which the United States is a party;

(4) The operation of transmitting apparatus employing class B emission is prohibited in any harbor or port of the United States except for emergency communication or for necessary tests of brief duration.

(b) Any transmission by a station on board a foreign man-of-war shall, in addition to the provisions of paragraph (a) of this section, be governed also by the following provisions:

(1) Transmission by radio from any foreign man-of-war while the same is within the territorial waters of the United States is prohibited unless authorized by appropriate United States authorities and carried on in conformity with the provisions of paragraph (a) of this section. Normally, a request from a foreign man-of-war to use its radio transmitting apparatus while in United States ports and territorial waters shall be made to one of the United States naval district commandants or, after arrival in port, to the senior United States Navy Officer present. When a Navy Officer is not present, request shall be made to the port authorities, or to the United States Navy at Washington, D. C.

NOTE: The headquarters of District Commandants concerned are located at Boston, New York, Philadelphia, Norfolk; Charleston, South Carolina; San Diego, San Francisco, Seattle; Pearl Harbor, Territory of Hawaii; and Balboa, Canal Zone. In addition to having senior naval officers stationed at these places, the Navy has officers performing various duties at practically all other important United States ports.

SUBPART L—MESSAGE CHARGES

§ 8.271 *Distress messages.* No charge shall be made by any ship or station in the mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

§ 8.272 *Danger messages.* No charge shall be made by any ship station or other station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in § 8.303 (b), originating on a ship of the United States or of a foreign country.

§ 8.273 *Tariff filing required.* No charge shall be made for the service of any station on board ship subject to this part unless effective tariffs applicable to such service are on file with the Commission, pursuant to the requirements of section 203 of the Communications Act and Part 61 of this chapter.

§ 8.274 *Responsibility for payment.* (a) Each ship station shall be responsible for the payment of all charges accruing to any other station(s) or facilities for the handling or forwarding of messages or communications transmitted by that station.

(b) The transmission by any ship station of information concerning dangers to navigation, made in compliance with the provisions of § 8.303 (b), to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

§ 8.275 *Ship position reports.* Any common carrier subject to the Communications Act may furnish reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

§ 8.276 *Free safety service.* Notwithstanding any other provision of law, any ship station may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea: *Provided*, That the Commission, from time to time under particular circumstances, may impose specific limitations on such free service to the extent that it finds desirable in the public interest.

§ 8.277 *Free service for national defense.* Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

SUBPART M—NATURE OF SERVICE PROVIDED BY SHIP STATIONS AND SHIPBOARD MARINE-UTILITY STATIONS

§ 8.301 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 8.23, authorizations for limited ship stations, marine-utility stations, or public ship stations may be granted to any person, or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, That when the availability of the frequency assignment requested, or any part thereof, is specifically dependent upon the activity and/or the routes of voyage of the vessel, the application shall clearly show eligibility of the vessel for such station authorization under the provisions of this part which govern the assignment of frequencies: *And provided further*, That:

(1) An applicant for an authorization to operate a public ship station must request a frequency assignment on which the transmission of public correspondence is not excluded by any of the provisions of this part (although additionally he may request any other frequency assignment).

(2) An applicant for an authorization to operate a limited ship station or a marine-utility station must request a frequency assignment on which the transmission of public correspondence is excluded.

§ 8.302 *Points of communication.* Subject to the conditions and limitations imposed by the terms of the particular station license or by applicable provisions of this part with respect to the use of particular radio-channels, limited ship stations, marine-utility stations on board ships, and public ship stations are authorized to communicate with any station in the maritime mobile service including such other classes of stations as may be appropriately authorized in accordance with the provisions of this part for such communication: *Provided, however*, That for purposes of public correspondence between ship and shore, public ship stations are authorized to communicate only with public coast stations and United States Government coast stations open to public correspondence.

§ 8.303 *Service requirements for all ship stations.* (a) Unless prohibited by the terms of the station license or by other sections of this part relative to the limited use of a specifically designated frequency, each ship station shall, within the scope of its normal operations and without discrimination, acknowledge all calls directed to it and receive from stations operating in the maritime mobile service, all messages and communications which are addressed to the ship or to any person or persons on board and which are for termination on such ship.

(b) The master of every ship, equipped with licensed radio transmitting apparatus capable of providing communication with other ships or with a coast station, on meeting with a direct danger to the navigation of other ships such as dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall cause to be transmitted, in so far as is possible, all pertinent information relating thereto, to ships in the vicinity and to the appropriate authorities provided that such procedure, in the discretion of the master, will not be a repetition of action already taken for this purpose by another station.

(c) At the request of any station operating in the maritime mobile service, a ship station may, within the scope of its normal operation accept messages or communications as requested for retransmission to any other station in the maritime mobile service. Whenever such messages or communications have been received and acknowledged by a ship station for this purpose, it shall be incumbent upon that station to retransmit the message as directed, with the least delay possible.

§ 8.304 *Service requirements for public ship stations.* In addition to such messages as are necessary for compliance with § 8.303, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a public ship station within the scope of its normal service, without discrimination and upon reasonable demand, shall provide, subject to the order of priority prescribed in § 8.177, a service of public correspondence for any person who, while on board in any status or capacity, requests the service covering any subject matter that legally may be transmitted by radio: *Provided, however*, That, unless specifically authorized by the Commission in individual cases in advance, this service shall not be authorized to be provided when the ship carrying the station is out of service as a ship.

§ 8.305 *Service of limited ship stations and marine-utility stations.* In addition to such messages as are necessary for compliance with § 8.303 and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a limited ship station or a marine-utility station is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

SUBPART N—USE OF RADIOTELEGRAPHY

§ 8.321 *Assignable frequencies.* (a) (1) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be authorized as an assigned frequency for use by ship stations (public or limited) employing telegraphy in accordance with the provisions of paragraph (b) of this section and Subpart E of this part.

143 calling	444 [1]
152	448 (region 2 only).
153	
154	454
155	468
156	480
157	500 calling and distress.
158	
410 [1]	512 kc (regions 1 and 3 only) [1]
425	

[1] Subject to the special conditions and limitations set forth in paragraph (b) of this section.

(2) Except as may be otherwise specified herein or in the particular station license, the radio channels of which the above frequencies are the assigned frequencies may be employed for communication with ship stations or coast stations (public or limited).

(b) (1) The frequency 444 kc is assignable exclusively for communication with United States Government stations; its use for any other communication (except distress) is not authorized: *Provided*, That harmful interference shall not be caused to the service of any coast station.

(2) In addition to the transmission of specific signals for purposes of radiolocation, the radio channel of which 410 kc is the assigned frequency may be used for communication by radiotelegraphy with direction finding stations in connection with established international operating procedure, relative to radiolocation by means of direction finding.

(3) In regions 1 and 3 the frequency 512 kc may be used as a working frequency and it may also be used by ship stations as a supplementary calling frequency when 500 kc is being used for distress purposes.

(c) In addition to the frequencies shown in paragraph (a) of this section other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

§ 8.322 *Frequencies for use in distress.* (a) The international distress frequency is 500 kc; it is used as an assigned frequency for this purpose by ship or aircraft stations, using frequencies in the band 405 to 535 kc, when requesting assistance from the maritime services. It is used, preferably with class A2 emission, for the distress call and distress traffic.

(b) The frequency 8364 kc is designated as the assigned frequency for the use of survival craft equipped to transmit on frequencies within the band 4000 kc to 23000 kc and desiring to establish with stations of the maritime mobile service, communications relating to search and rescue.

§ 8.323 *Frequencies for calling.* (a) The general international calling frequency is 500 kc; the radio-channel of which this frequency is the assigned frequency shall be used by any ship station engaged in radiotelegraphy in the authorized bands between 405 and 535 kc, and by aircraft desiring to enter into communication with a station of the maritime mobile service using frequencies in this band. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations shall request coast stations to answer by means of their normal working channel. In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 90 to 160 kc (class A1 emission only). The frequency for replying to a call sent on the frequency 143 kc is, for ship stations, 143 kc, the same as that of the call. (Coast stations reply on their normal working frequency in this band.) When a ship station which uses frequencies within the band 90 to 160 kc desires to establish communication with another station of the maritime mobile service, it shall call that station on the frequency 143 kc, unless the International List of Coast and Ship Stations provides otherwise. This frequency shall be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

(c) In Region 2, the frequency 2091 kc is the international calling frequency for ship stations using telegraphy within the band 2065–2107 kc. It shall be used for call, reply and signals preparatory to traffic by all ship stations using telegraphy to establish communication with other ship stations operating in the band 2065–2107 kc or with coast stations using telegraphy and operating in the band 2000–2850 kc: *Provided*, That transmission by ship stations for this purpose on any calling frequency within the band 2088.5–2093.5 kc is permissible as a practical operating procedure to minimize interference, in lieu of transmission on the frequency 2091 kc. The use of the frequency 2091 kc or any other calling frequency within the band 2088.5–2093.5 kc by ship stations for purposes other than those stipulated in this paragraph (except for transmitting distress traffic) is not authorized. A ship station, after establishing communications on a calling frequency within this band, shall change to an authorized working frequency for the transmission of traffic.

(d) Each of the specific frequencies between 2 Mc and 23 Mc designated in table 1–b of Appendix II to this part may be authorized in accordance with Appendix II as an assigned calling frequency for use by public or limited ship stations or, where specifically so indi-

cated by Appendix II, by aircraft stations for establishing communication with stations of the maritime mobile service.

§ 8.324 *Frequencies for working.* (a) Each assigned frequency listed in §§ 8.321 (a), and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working".

(b) Ship and aircraft stations using telegraph and working on frequencies within the band 415 to 490 kc shall use whenever practicable, an authorized working frequency of which 425, 448, 454, 468 or 480 kc is the assigned frequency. The frequency 448 kc may be used in Region 2 only.

(c) The calling channel of which 500 kc is the assigned frequency may be used for the transmission of distress, urgency, and safety messages; except for the applicable provisions of §§ 8.402 and 8.403 relative to radiolocation, any other use of this channel for working is prohibited.

(d) In so far as is practicable, ship station shall use frequency assignments within the high frequency-band (3000 to 23000 kc) only when other frequency assignments will not provide effective communication.

(e) In addition to the frequencies designated by paragraph (a) of this section for working, working frequencies are available for assignment, in accordance with Appendix II to this part, as follows:

(1) For use by ship stations (public or limited) on board passenger ships, and by aircraft stations for communication with stations of the maritime mobile service, each of the specific frequencies designated in table 1–a of Appendix II to this part in the following bands:

2065–2107 kc [1]	12400–12531 kc
4133–4177 kc	16530–16708 kc
6200–6265.5 kc	22070–22220 kc
8265–8354 kc	

[1] Frequencies in this band are not assignable to aircraft stations.

(2) For use by ship stations (public or limited) on board cargo ships, each of the specific frequencies designated in table 1–c of Appendix II to this part in the following bands:

2065–2107 kc	12561–12714 kc
4187–4238 kc	16748–16952 kc
6280.5–6357 kc	22270–22400 kc
8874–8476 kc	

(f) In addition to the frequency assignment designated for telegraphy in the license of a ship station, such station, when working by telegraphy with a coast station, may, on condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the coast station, transmit:

(1) On a telegraph working channel of a coast station within the band 110 to 150 kilocycles (except within the band 140 kc to 146 kc) when directed to do so by the coast station for which the channel is authorized: *Provided,* Interference is not caused to the service of any land, fixed, broadcast, or radiolocation station: *And provided,* That the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the band 415 to 490 kc when directed to do so by the coast station for which the channel is authorized.

(g) (1) In addition to use of the frequency assignment designated for telegraphy in the license of a ship station, such station when communicating by telegraphy with a mobile or land station of the United States Government may transmit on a government frequency assignment when authorized or directed to do so by the government station responsible or by the government department or agency for which use of such frequency assignment is authorized; on condition that the emission-bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the government station. Under these circumstances, the ship station assigned frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible government station, department, or agency: *Provided,* That on frequencies below 160 kc and within the bands 2000 to 2850 kc and 17000 to 25000 kc the emission shall be class A1 only.

(2) Frequencies assigned to government radio stations are assignable to non-Government ship radio stations for communication with other non-Government stations by telegraphy when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 8.325 *Use of Morse Code required.* The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

§ 8.326 *Identification of stations.* All radiotelegraph emissions of a ship station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 8.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: *Provided,* They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

§ 8.327 *Procedure in testing.* (a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the service of a coast station or acronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur.

(2) The operator shall transmit the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency or frequencies of the test emissions is/are within the frequency-band 405–535 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE", any station indicates, by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph.

(4) Test signals composed of a series of "VVV" having a duration of not more than ten seconds, followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 500 kc in a region of heavy traffic, a period of at least five minutes shall elapse before the test transmission is repeated.

(b) When testing is conducted on the frequency 500 kc, no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

§ 8.328 *Radiotelegraph operating procedure.* (a) Except for the transmission of distress or urgency signals, all transmissions from stations on board ship must cease within the band 485 to 515 kc during each 500 kilocycles silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT).

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City, 1947).

(c) In addition to compliance with all applicable sections of this part, the operation of ship stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular,

comply with all applicable provisions of Articles 29 (except subparagraph (2) of paragraph 8 thereof), 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947).

§ 8.329 *Station documents.* (a) All ship stations on board ships compulsorily fitted with a radiotelegraph installation shall be provided with the following documents:

(1) A valid station license;

(2) The necessary operator license or licenses;

(3) The station log required by this part for stations of this category;

(4) The Alphabetical List of Call Signs;

(5) The List of Coast Stations and Ship Stations;

(6) The List of Radio Location Stations;

(7) The List of Stations performing Special Services;

(8) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 23, 24, 25, 26, 29, 30, 31, 32, 35, 37, 38, 39, 40, 41, 44, and 45, as are necessary for the operation of the radiocommunication and radiolocation service on board ship;

(9) Telegraph tariffs of the countries for which the station most frequently accepts radiotelegrams;

(10) Part 8 of this chapter.

(b) All ship stations on board ships not compulsorily fitted with a radiotelegraph installation, but using telegraphy, shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (4), (5), and (10) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 8.330 *Station records.* (a) (1) Each ship station authorized to use telegraphy on frequencies within the band 90 to 535 kc shall maintain an accurate radiotelegraph log. The first page of each portion of the log covering each voyage shall consist of a "title page" which, upon completion of all entries for the particular voyage, shall contain the following information:

(i) Name of ship and call letters of ship station;

(ii) Period of time covered by such portion of the log;

(iii) Number of pages constituting such portion of the log;

(iv) A statement as to whether or not such portion of the log contains distress entries; if so, the pages containing such entries shall be designated;

(v) Operator's signature, mailing address, and radio operator license data (number, class, and date of issuance).

In addition the log shall be maintained as follows:

(2) (i) Each sheet of the log shall be numbered in sequence, for each voyage, and shall include the name of the vessel, official call letters of the ship station and the name of the operator on watch.

(ii) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(3) During the period a watch is maintained by an operator, all calls transmitted to or from the ship station and all replies transmitted or received shall be entered, stating the time and frequencies, and the call letters of the station communicated with or heard. (If desired, the names of the stations or ships also may be entered.) In addition, a notation of any messages exchanged shall be entered stating the time, the frequency in kilocycles, and the call letters of the station(s) heard, or communicated with. (If desired, the names of the stations or ships also may be entered.) In so far as possible, a positive entry with respect to reception on 500 kc shall be made at least once in each 15 minutes. The entries required by subparagraph (5) of this paragraph shall be acceptable as positive entries: *Provided,* Operating conditions are such as to prevent additional entries being made.

(4) The date and time of each occurrence or incident required to be entered in the log shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT),[1] except that in the Great Lakes region the time shall be expressed in eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" (e. s. t. in the Great Lakes region) shall be marked at the head of the column in which the time is entered.

(5) During the period a watch is maintained by an operator, an entry shall be made twice per hour stating whether or not the international silent period was observed. In addition, entries shall be made indicating any signals or communications heard on 500 kilocycles during this period. If no signals are heard on 500 kc, an entry to that effect shall be made. The use of rubber stamps for making entries to show observation of the silent period is not authorized.

(6) All distress calls, automatic-alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(7) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(8) The approximate geographical location of the ship, preferably the noon position, shall be entered each day of each voyage, either in terms of latitude and longitude, or as the distance in nautical miles and the direction from a known fixed point. For this purpose, the master of the ship shall furnish this information to the radio operator. The position report so furnished shall correspond to any entry of the same position made in other official records of the ship.

(9) An entry shall be made of the date and time of departure and arrival of the vessel at each port, including in each entry the name of the port.

(10) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

(11) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(12) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain sufficient power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communications shall be entered.

(b) In addition to the radio log requirements stipulated in paragraph (a) of this section, the radio log of each ship station authorized to use telegraphy on frequencies within the band 90 to 535 kc, shall, when the ship is required by law and regulations to keep a radiotelegraph watch on 500 kc for safety purposes by means of a qualified operator, comply also with the following provisions:

(1) Entries shall be made of the results of tests of the emergency installation including transmitter antenna current, hydrometer readings of lead-acid storage batteries, voltage readings of other types of batteries, and quantity of fuel available for engine generators.

(2) An entry shall be made each time the emergency power supply is used (when the vessel is in the open sea) to carry on communication (other than a watch for safety purposes), stating the approximate period of time of such use.

(3) Results of inspections and tests of lifeboat radio equipment, when installed in compliance with requirements of law, prior to departure of the vessel from a harbor or port and the results of weekly inspections of such lifeboat equipment shall be entered.

(4) On a cargo vessel equipped with an auto-alarm, the entry "auto-alarm on", "sensitivity set at (The actual setting of the sensitivity control at the time the auto-alarm is placed in operation should be designated)", and the entry "auto-alarm off", respectively, shall be made whenever the operator places the auto-alarm in and out of operation. Results of the required auto-alarm tests shall be entered daily, including the sensitivity-control setting and the min-

[1] For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

imum number of 4-second dashes from the testing device which were necessary to properly operate the alarm.

(5) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the visual indicator installed on the bridge (to indicate when the alarm becomes inoperative due to prolonged atmospherics or other interference), remains actuated for a continuous period of 5 minutes. A statement shall be included giving particulars as to the time the operator was called to make the necessary repairs or adjustments; any reason for the failure; the names of any parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating conditions.

(6) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the auto-alarm becomes inoperative due to causes not indicated by the audible warning or the visual indicator, or whenever the audible warning is actuated. The entry shall include a statement showing the time the operator was called to make any necessary repairs or adjustments; the reason for the audible alarm being actuated or failing to be actuated, any parts removed, added, or substituted; repairs effected; and the time the auto-alarm was restored to proper operating condition.

(7) A daily entry shall be made while the ship is at sea showing whether the storage batteries forming part of the main installation or the emergency installation were brought up to the normal full charged condition that day.

(8) Entries shall be made stating when each storage battery used as the power supply for the main and emergency installations is placed on charge or off charge.

(9) Entries shall be made stating details of maintenance of lifeboat radio equipment, including a record of charging of any storage batteries supplying power to such equipment. The record of charging shall show when such storage battery is placed on charge and when it is taken off charge.

(c) Each ship station authorized to use telegraphy, on frequencies above 550 kc exclusively (except ship stations on the Great Lakes and on board vessels navigated solely on inland waters of the United States), shall maintain an accurate radiotelegraph log as prescribed in paragraph (a) of this section: *Provided*, That paragraph (a) (3) and (5) of this section shall, in this case, not be applicable.

(d) Each ship station on the Great Lakes and on board a vessel navigated solely on inland waters of the United States which is authorized to use telegraphy, on frequencies above 550 kc exclusively, shall maintain an accurate radiotelegraph log as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the name of the vessel, official call letters of the ship station and the signature of the licensed operator in attendance at the time communication is effected.

(2) An entry shall be made for each complete exchange of communications with any station, stating the approximate geographical location of the vessel, the call letters or the name of the station communicated with, the time of the communication, the nature of the messages or signals exchanged, and designation of the transmitting frequencies.

(3) All test transmissions shall be entered, including designation of the transmitting frequency, together with the time of commencement and completion of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(4) All distress calls, urgent and safety signals made or intercepted; the complete text, if possible, of distress messages and distress communication; and any incidents or occurrences which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation of concurrence, designation of the frequency on which such transmissions were received, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(6) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed as follows:

(i) For vessels navigated on the Great Lakes:

Eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock beginning at midnight.[2] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "e. s. t." shall be marked at the head of the column in which the time is entered.

(ii) For vessels navigated on inland waters of the United States, other than the Great Lakes:

Local standard time (e. s. t., c. s. t., etc.) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[2] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "e. s. t." or "c. s. t.", etc., shall be marked at the head of the column in which the time is entered. However, this provision shall not prohibit the use of time entries expressed in GMT (and so indicated) in lieu of local standard time.

(e) In all ship stations authorized to transmit on frequencies within the band 405 to 535 kc, a written record shall be maintained of the adjustments of the transmitting and receiving equipment for operation on the assigned frequencies 410 kc or 500 kc and at least one authorized working frequency within this band. This record shall be posted at all times in a conspicuous place on or near the particular equipment involved.

(f) The ship radiotelegraph log currently in use shall be kept by the licensed operator(s) of the station and while in use it shall be located in the main radiotelegraph operating room of the ship. At the conclusion of each voyage terminating at a port of the United States, the original station log or a duplicate thereof dating from the last departure of the ship from a United States port shall be retained under proper custody on board the ship for a sufficient period of time but not necessarily in excess of 24 hours, to be available for inspection by a duly authorized representative(s) of the Commission. Thereafter the original log, and the duplicate log, if provided, may be filed at an established shore office of the ship station licensee, and shall be retained as stipulated by § 8.115.

[2] For example, 7:01 p. m. eastern standard time would be entered as 1901 e. s. t.; 7:30 a. m. eastern standard time would be entered as 0730 e. s. t.; 6:45 p. m. eastern standard time would be entered as 1845 e. s. t.

SUBPART O—USE OF RADIOTELEPHONY

§ 8.351 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations employing telephony by means of amplitude modulation subject to and in accordance with the provisions of paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2003	2366	4101.5	12357.3
2009	2382	4115.3	12372.7
2031.5	2390	4122.2	12380.4
2118	2406	4129.1	12395.8
2126	2430	4372.4	16471.9
2134	2572	[1] 6240	16487.3
2142	2638	[1] 6455	16525.8
2158	2738	8198.4	16510.4
2166	2782	[1] 8205.5	22027.3
2182	2784	8212.6	22042.7
2198	2830	8219.7	22065.8
2206	4067	8248.1	
2214	4087.7	8262.3	

[1] Mississippi River System only.

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations or marine-utility stations on board ship employing telephony by means of either amplitude modulation or frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart, and Subpart E of this part:

35.06 35.10 35.14 35.18 43.02

(1) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 35–45 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

(c) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations and/or marine-utility stations as respectively designated herein which employ telephony by means of frequency modulation in Region 2 or by means of either frequency modulation or amplitude modulation in Regions 1 and 3, subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

(1) Available for ship stations and marine-utility stations:

156.3 156.5 156.7 156.9
156.4 156.6 156.8 157.0

(2) Available for ship stations only:

157.3 157.35 157.4

(d) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph:

(1) Except for test purposes, the frequencies 2738 kc and 2830 kc may not be used or assigned unless the licensee or applicant therefor submits to the Commission a certification in accordance with the requirements of subparagraph (2) of this paragraph. Transmissions on these frequencies for such test purposes are limited to those necessary for making field intensity measurements to determine whether a particular transmitter complies, either before or after modification, with the requirements set forth in subparagraph (2) of this paragraph. In making such test transmissions, the operating procedures set forth in § 8.365 shall be followed explicitly.

(2) The certification required by subparagraph (1) of this paragraph shall be that made by the manufacturer of the equipment or shall be signed by a person holding at least a second class radiotelephone operator license and shall show the number and class of such license. It shall state that by reason of tests or measurements of the transmitter therein described and performed by the certifier or under his supervision, it has been determined:

(i) That the level of any emission appearing on the second harmonic frequency of the particular carrier frequency desired to be used or assigned is attenuated below the level of the unmodulated carrier on that frequency by not less than the amount shown in the following table:

Maximum authorized transmitter power as specifically defined in § 8.7 (ii):	*Attenuation (decibels)*
Up to and including 150 watts	40
Over 150 watts up to and including 600 watts	50
Over 600 watts	60

and

(ii) That the transmitter meets the foregoing requirements without modification or in the event that modification of the transmitter was found to be necessary, a specific description of such modification, including a description of any wave trap or device which was utilized.

(3) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any transmitter which is type accepted by the Commission for licensing under this part on the frequency or frequencies concerned.

(4) Except in event of distress, use of the frequency 2206 kc in the Great Lakes area by ship stations of the United States is prohibited.

(5) The frequency 2182 kc is authorized for use on a shared basis primarily by ship stations and secondarily by coast stations.

(6) The frequency 2214 kc is authorized for use exclusively at locations at which interference is not caused to the service of any United States Government station.

(7) The frequencies 2638 kc and 2738 kc are authorized for use on a shared basis with ship stations of other countries, for the purposes hereinafter prescribed in this subpart. Use of these frequencies for ship-shore communication in certain geographic areas in accordance with this subpart is authorized upon the express condition that harmful interference shall not be caused to intership communication on these frequencies, nor to the service of any station which, in the discretion of the Commission, has priority on the frequency or frequencies to which interference results: *Provided*, That in respect to stations of the maritime mobile service, this condition shall not be construed as prohibiting the operation of ship stations for authorized ship-shore communication on this frequency pursuant to the provisions of §§ 8.176, 8.177 (b), 8.179 and 8.180.

(8) Use of the frequencies 4067 and 4372.4 kc in the Mississippi River system is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(9) Use of the frequencies 6240 kc and 6455 kc is authorized in the Mississippi River system upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

(10) [Reserved]

(11) The frequency 8205.5 kc is authorized for use on the Mississippi River and connecting inland waters (except the Great Lakes) upon the express condition that transmission on this frequency during the period from 8:00 p. m. until 5:00 a. m., c. s. t. is prohibited.

(12) Each carrier frequency which is not to be used prior to a specified beginning date, may be used under appropriate station authorization for test transmission during a period commencing not more than two months in advance of such specified beginning date; solely to determine whether an existing ship station is capable of proper technical operation on that particular radiochannel preparatory to the conduct of a normal service thereon: *Provided*, That harmful interference is not caused by such test transmission to the service of any other station.

(e) In addition to the frequencies shown in paragraph (a) of this section other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

§ 8.352 *Frequencies for use in distress.* (a) The frequency 2182 kc is the international radiotelephone distress frequency for the maritime mobile service. Subject to the provisions of paragraph (b) of this section, it may be used for this purpose by ship or aircraft stations employing telephony in the band 1605 to 2850 kc when requesting assistance from the maritime services. It may be used, preferably with class A3 emission, for the distress call and distress traffic.

(b) Until such time as the frequency 2182 kc becomes guarded effectively for distress calls in United States areas other than the Great Lakes region, ship stations using telephony in event of distress only may call stations of the United States Coast Guard on the Government frequency 2670 kc. Transmission on the Government frequency 2670 kc for any purpose other than distress is strictly forbidden. In the Great Lakes region, the distress frequency 2182 kc is to be used at all times for radiotelephone distress calls and traffic.

NOTE: In the Great Lakes region, the frequency 2182 kc has been in use as the general radiotelephone calling frequency for several years, and its use in time of distress in that area has proven effective.

§ 8.353 *Frequencies for calling.* (a) The international general radio-telephone calling frequency for the maritime mobile service is 2182 kc. It may be used as a carrier frequency for this purpose by ship stations and aircraft stations operating in the maritime mobile service:

(1) In addition this frequency may be used for transmission of:

(i) The international urgency signal, and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft, or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(ii) The international safety signal, and messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings.

(iii) Brief radio operating signals.

(iv) Brief test signals in accordance with the provisions of § 8.365, as may be necessary to determine whether the radio transmitting equipment of the station is in good working condition on this frequency.

(2) When using this frequency for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the mean antenna power of the unmodulated carrier wave shall not exceed 100 watts.

NOTE: As prescribed in paragraph 2, Article 3, of the Inter-American Radio Agreement, Washington, 1949, Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947, states as follows: "Mean power of a radio transmitter: The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation." (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.)

(b) The frequency 156.8 Mc is the international radiotelephone frequency for calling, safety, intership, and harbor control purposes, for the maritime mobile service using frequencies within the band 156.25 Mc to 162.05 Mc. Use of this frequency by ship stations of the United States, however, is subject to the provisions of § 8.359 (c).

§ 8.354 *Frequencies below 5000 kc for public correspondence.* (a) Carrier frequencies which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith; ship stations shall use the radiochannels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations located at, or in the vicinity of, the specific harbors, ports or places designated hereinafter opposite the respective ship transmitting frequency, and shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

(1) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio channels:

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306 (b) of this chapter [3]
Boston, Mass.	2406	None	2506	None.
	2158	Day only; available until Nov. 1, 1955, on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency.	2350	Day only; available until Nov. 1, 1955, on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency.
	2366	Temporarily day only beginning Nov. 1, 1955, as replacement for 2158 kc. Beginning May 1, 1956, no limitation with respect to hours of use.	2450	Temporarily day only beginning Nov. 1, 1955, as replacement for 2350 kc. Beginning May 1, 1956, no limitation with respect to hours of use.
New York, N. Y.	2126	None	2522	None.
	2198	None	2590	None.
	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2482	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.
	2166	None	2558	None.
	4087.7	None	4393.1	None.
	4129.1	Available for use annually during period Dec. 15 to Mar. 15.	4434.5	Available for use annually during period Dec. 15 to Mar. 15.
	4101.5	None	4406.9	None.
Wilmington, Del.	2166	None	2558	None.
Baltimore, Md.	2166	None	2558	None.
Norfolk-Quantico, Va.	2142	None	2538	None.
Charleston, S. C.-Jacksonville, Fla.	2390	None	2566	None.
Miami, Fla.	2031.5	Available beginning Dec. 15, 1956, on a 24-hour basis.	2490	Available beginning Dec. 15, 1956, on a 24-hour basis on condition that harmful interference shall not be caused to the police radio service in southern California.
	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually; and, also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.
	4122.2	None	4427.6	None.
Tampa, Fla.	2009	Available beginning Dec. 15, 1957, on a 24-hour basis.	2466	Available beginning Dec. 15, 1957, on a 24-hour basis.
	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1958, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area, which in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1958, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area, which in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.
Mobile, Ala.	2572	Not available after Dec. 31, 1955	2572	None.
	2430	None		
New Orleans, La.	2306	None	2598	None.
	2166	Day only	2558	Day only; also on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kc is assigned for transmission.
	2382	None	2482	None.
Galveston, Tex.	2134	None	2530	None.
	2366	Day only; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port.[4]	2450	Day only; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco, or Eureka, Calif., to which this carrier frequency is assigned for transmission.[4]

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306 (b) of this chapter [3]
San Juan, P. R.	2134	None	2530	None.
Great Lakes.	2158	None	2550	Subject to applicable provisions of § 7.304 (d).
	2118	None	2514	Subject to applicable provisions of § 7.304 (d).
	4115.3	None	4420.7	None.
	4129.1	None	4434.5	None.
Los Angeles-San Diego, Calif.	2009	None	2566	None.
	2382	Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.[5]	2466	Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.[5]
	2206	7 a. m. to 7 p. m., P. s. t., only	2598	7 a. m. to 7 p. m., P. s. t., only.
	2126	7 a. m. to 7 p. m., P. s. t., only	2522	7 a. m. to 7 p. m., P. s. t., only.
San Francisco-Eureka, Calif.	2406	None	2506	None.
	2003	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2,009 kc to a coast station located in the vicinity of those ports.	2450	Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.
	2142	7 a. m. to 7 p. m. P. s. t. only	2538	7 a. m. to 7 p. m. P. s. t. only.
	4067	None	4372.4	None.
Astoria-Portland, Oreg.	2206	None	2598	None.
	2009	7 a. m. to 7 p. m. P. s. t. only	2566	7 a. m. to 7 p. m. P. s. t. only.
Seattle, Wash.	2126	None	2522	None.
	2430	Authorized for use south of 51° north latitude and east of 142° west longitude exclusively [6] during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's Rules to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t., only; [6] thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m., P. s. t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m., P. s. t., only.	2482	Authorized for use during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's Rules to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t., only; thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m., P. s. t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m., P. s. t., only.
Kahuku, T. H.	2134	None	2530	None.
	4115.3	None	4420.7	None.
Hilo, T. H.	2198	None	2582	None.
Palmyra Island, T. H.	2134	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, T. H., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2530	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, T. H., to which the carrier frequency 2530 kc is assigned for transmission.

[1] These frequencies are those which may be designated in applications for ship station authorizations.
[2] With respect to each specific date set forth herein, the associated limitation or condition imposed shall terminate or begin as applicable, at 3 a. m. eastern standard time.
[3] This carrier frequency is to be made available by the Commission, for use (on a 24-hour basis except where specific hours of use are designated) by the maritime mobile service for ship-shore communication in respect to the particular coast station areas designated herein, on a specific beginning date to be designated in future rule-making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.
[4] During certain hours within this time period ship stations (when north of Vancouver, B. C. and transmitting on 2430 kc to Seattle) may cause some interference to stations in southeastern Alaska.

(2) Frequencies available for use when the mobile station and the coast station transmit alternately on the same radio channel:

For communication with coast stations located in the vicinity of—	Carrier frequency (kc) [1]	Specific limitations imposed upon availability for use
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2782	None.
	4067	Subject to applicable provisions of paragraph (d) of § 8.351.
	4372.4	Do.
Mobile, Ala.	2572	Not available for ship stations after Dec. 31, 1955.
Lake Dallas, Tex.; Lake Texhoma, Tex.	2738	None.
Lake Mead, Nev., and other locations as required to serve vessels on inland waters of the southwestern continental United States.	2782	The use of this frequency in areas other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg., Umatilla, Oreg.; and other locations as required to serve vessels on inland waters of the northwestern continental United States.	2784	The use of this frequency other than in the vicinity of The Dalles, Oreg., and Umatilla, Oreg., is subject to the condition that harmful interference is not caused to the service of any other station.

[1] These frequencies are those which may be designated in applications for ship station authorizations.

(b) Subject to the specific limitations and conditions imposed in this paragraph and as applicable in § 8.351, the carrier frequency 2638 kc is authorized as a working frequency for public ship stations for communication with public coast stations by means of telephony when the ship station and the coast station transmit alternately on this frequency: *Provided*, That:

(1) (i) For each ship station licensed to transmit on 2638 kc for ship-to-ship communication, this additional authorization is valid only if written request therefor is included in the respective application on file with the Commission for regular ship station license or for modification of license;

(ii) The applicant has stated specifically in such application for the purpose expressed in § 8.301 (a) (1) that operation on 2638 kc is intended, in addition to other authorized use, for communication with one or more public coast stations authorized by the Commission for such operation and identified by the applicant;

(iii) Such application contains a description of the procedure or method to be used by the ship station licensee to assure compliance with the provisions of subparagraph (2) of this paragraph;

NOTE: The information required by this subparagraph may be submitted on a separate sheet attached to the completed official application form. Coast stations with which communication on 2638 kc is authorized in accordance with the provisions of this paragraph are designated in notices issued periodically by the Commission, copies of which may be obtained by each ship station licensee involved. Additionally, a listing of such notices, current to the latest practicable date, is appended to this part (§ 8.804).

(2) Use of the frequency 2638 kc for communication with public coast stations shall be confined exclusively to safety and operational communication (see § 8.6 (a), (d) (f), (g), (h) and (m)). Except for safety communication, operation on this frequency for ship-shore communication shall be limited to day only (see § 8.2 (l)): *Provided*, That daily operation with respect to operational communication may be continued beyond this time to the extent necessary for compliance with the provisions of § 8.183;

(3) Operation on the frequency 2638 kc for ship-shore communication as provided in this paragraph shall be limited to those situations in which the use of any other authorized working frequency would be impracticable or ineffective for this purpose;

(4) Except in event of distress, use of the frequency 2638 kc by stations on board aircraft for communication with coast stations is not authorized by any provisions of this paragraph.

(c) The use of the working frequencies authorized in paragraphs (a) and (b) of this section is subject to the applicable conditions and limitations set forth in § 8.351 (d). Further, and insofar as is practicable, ship stations shall use frequency assignments within the band 4000 kc to 5000 kc only when frequency assignments below 4000 kc or above 30 Mc will not provide effective communication.

§ 8.355 *Frequencies from 5000 kc to 30 Mc for public correspondence.* (a) Carrier frequencies within the band 5000 kc to 30 Mc which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations:

(1) Frequencies authorized for use by ship stations on board oceangoing vessels primarily for long-distance communication, when the ship station and the coast station transmit alternately on different radio-channels; except as expressly provided otherwise in this subpart, these frequencies shall not be used by ship stations on the Great Lakes or inland waters of the continental United States:

Ship station transmitting carrier frequency [1] (kc)	For communication with coast stations located in the vicinity of—	Ship station receiving carrier frequency (kc)
8198.4	San Francisco, Calif.	8747.6
8212.6	Hawaii	8761.8
8219.7	New York, N. Y.	8768.9
8292.3	New York, N. Y.	8811.5
12357.3	New York, N. Y.	13157.5
12372.7	Hawaii	13172.9
12380.4	San Francisco, Calif.	13180.6
12395.8	New York, N. Y.	13196.0
16471.9	Hawaii	17302.1
16487.3	New York, N. Y.	17317.5
16510.4	San Francisco, Calif.	17340.6
16525.8	New York, N. Y.	17356.0
22027.3	New York, N. Y.	22677.5
22042.7	San Francisco, Calif.	22692.9
22065.8	New York, N. Y.	22716.0

[1] These frequencies are those which may be designated in applications for ship station authorizations.

(2) Frequencies authorized for use by ship stations on board vessels while navigated on the Great Lakes; exclusively for communication with coast stations in the Great Lakes area, when the ship station and the coast station transmit alternately on different radio-channels. Ship stations shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

Ship station transmitting carrier frequency	*Ship station receiving carrier frequency*
8248.1 kc	8797.3 kc

(3) Frequencies authorized for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes); exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes), when the ship station and the coast stations transmit alternately on the same radio-channel:

6240 kc 6455 kc 8205.5 kc

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in § 8.351 (d). Further, insofar as is practicable, ship stations shall use frequency assignments within the band 5000 kc to 30 Mc only when frequency assignments below 5000 kc or above 30 Mc will not provide effective communication.

§ 8.356 *Frequencies above 30 Mc for public correspondence.* (a) Carrier frequencies above 156 Mc which are authorized for use by public ship stations employing telephony by means of frequency modulation (or in Regions 1 and 3, amplitude modulation when required) for the transmission of public correspondence exclusively, are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations:

(1) For ship station transmission to public coast station when the same radio-channel is used for transmission by the coast station (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) of this paragraph would not be practicable) in areas where interference is not caused to the use of any of these frequencies by ship stations working as contemplated under subparagraph (2) of this paragraph:

157.3 Mc 157.35 Mc 157.4 Mc

(2) For transmission to public coast stations when a different radio-channel is used for transmission by the coast station:

For ship station transmission (Mc):	*For ship station reception (Mc)*
157.30	161.90
157.35	161.95
157.40	162.00

(3) In respect to coast stations of the United States, the frequency 157.35 Mc may be used only for communication with any public coast station which has been authorized to operate on the associated coast station frequency 161.95 Mc under the provisions of § 7.308 (d).

(b) (1) Carrier frequencies within the band 30 Mc to 40 Mc which, subject to and in accordance with the conditions and limitations hereinafter set forth in this paragraph are authorized for use by public ship stations employing telephony by means of either frequency modulation or amplitude modulation for transmission and reception of public correspondence exclusively on the same radio-channel, only when communicating with public coast stations licensed to transmit on frequencies within this band prior to the effective date of this section and located within the vicinity of the respective harbor(s), port(s), or place(s) designated herein opposite the particular carrier frequency.

Carrier frequency:	*For communication only with coast stations within the vicinity of—*
35.14 Mc	Philadelphia, Pa.
35.18 Mc	Great Lakes region.

(2) Each of these carrier frequencies is available for use on a shared basis with limited coast stations, limited ship stations, marine-utility stations and aircraft stations operating in the maritime mobile service at any location on the same radio-channel; they are not available exclusively for public correspondence. Licensees having authority to transmit on these frequences shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public ship station licenses or renewal or modification of such licenses whose applications request authority to transmit on 35.14 Mc or 35.18 Mc for the purpose of communicating with public coast stations as specifically set forth in this section, may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this subpart for public correspondence exclusively.

(4) Ship stations (except stations operating under appropriate licenses granted prior to July 23, 1951) shall not use the carrier frequencies 35.14 Mc or 35.18 Mc for public correspondence unless such stations are specifically authorized to do so by the terms of the respective ship station license. Notwithstanding the provisions of Subpart M of this part, ship stations shall not be classified as public ship stations because of their authority to transmit on 35.14 Mc and/or 35.18 Mc, unless they are specifically authorized by the terms of their station licenses to use these carrier frequencies for public correspondence as prescribed in this section.

§ 8.357 *Additional frequencies for public correspondence.* In addition to the radio channels designated in this part or in the license of a public ship station for public correspondence by means of telephony, such station, when working by telephony with a foreign coast station for this purpose may, on condition that interference shall not be caused to the service of any station which in the discretion of the Commission may have priority on the involved radio-channel(s), transmit to such coast station when directed to do so by that station on a specific frequency assignment designated by the coast station for the service being carried on.

§ 8.358 *Frequencies below 3000 kc for safety purposes.* (a) Carrier frequencies below 3000 kc authorized for working between ship stations employing telephony for transmission and reception on the same radio-channel by means of amplitude modulation, primarily for safety communication, are designated herewith. The transmission of other than safety communication on these radio-channels is restricted to operational communication, except that commercial transport vessels and vessels of municipal or State governments may use these frequencies for ship business purposes as well as operational communication. The transmission of such operational and business communication is authorized upon condition that interference is not caused to safety communication. The use of these carrier frequencies is prohibited when the use of a licensed frequency above 30 Mc in lieu thereof would provide effective communication. Their use shall be in accordance with respective geographic areas as follows:

Frequency (kc):	*Geographic area in which use is authorized*
2003	Great Lakes only.
2738	All areas except the Great Lakes and the Gulf of Mexico.
2830	The Gulf of Mexico.
2638	All areas.

(b) [Reserved]

(c) The geographic limitations relating to the frequencies 2738 kc and 2830 kc shall not apply in event of distress or emergency nor shall they prohibit ship-to-ship communication over any distance less than 200 statute miles when only one of the ship stations is within a geographic area in which use of the respective frequency is permissible.

§ 8.359 *Frequencies above 156 Mc for safety purposes.* (a) Carrier frequencies which are authorized for use by ship stations and by marine-utility stations on board ship, employing telephony for transmission and reception on the same radio-channel by means of frequency modulation (or by means of amplitude modulation in Regions 1 and 3 when required) primarily for the transmission of safety communication, are designated herewith:

156.8 Mc: For calling and safety; available for any ship station or marine-utility station on board ship in any area.

156.3 Mc: For intership (ship-to-ship) communication exclusively; available for any ship station or marine-utility station on board ship in any area.

156.7 Mc: In areas other than the Great Lakes—primarily for communication with limited coast stations for the exchange of information essential to the maritime radiolocation service; in the Great Lakes area—for intership (ship-to-ship) communication exclusively. Available for any ship station or marine-utility station on board ship in any area.

157.0 Mc: For intership (ship-to-ship) communication exclusively; for this purpose available only for ship stations and marine-utility stations on board commercial transport vessels and vessels of municipal or state governments for use exclusively on the Great Lakes, the Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in paragraphs (b) through (f) of this section.

(b) The carrier frequency 156.7 Mc or 157.0 Mc is assignable to ship stations and marine-utility stations on board ship, for ship-to-ship communication on the Great Lakes (and 157.0 Mc on the Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway), only when such stations are capable also of transmitting and receiving on the intership radio-channel of which 156.3 Mc is the authorized carrier frequency, and are authorized to communicate on that radio-channel. (One application, however, may be submitted when this requirement is fulfilled, for ship station license for initial authority to transmit for this purpose on 156.3 Mc and either 156.7 Mc or 157.0 Mc or both the latter frequencies.) The requirement of this paragraph shall not apply to a marine-utility station when the ship station on board the same vessel complies therewith.

(c) (1) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes in ship-to-ship and ship-shore communication. It may be used when appropriate by ship stations and marine-utility stations on board ship employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.

(2) In accordance with the provisions of subparagraph (1) of this paragraph, this radio-channel may be used by ship stations and marine-utility stations on board ship for:

(i) Call, reply, and the exchange of brief operating signals;

(ii) Operating signals preparatory to message traffic on a different radio-channel;

(iii) The transmission from ship to ship of brief messages within the category of safety communication.

(3) The use of this radio-channel by ship stations, or marine-utility stations on board ship, for transmission not strictly in accordance with subparagraphs (1) and (2) of this paragraph is prohibited unless the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land. Under the latter circumstances, this radio-channel may be used for ship-to-ship communication of any nature necessary for the safe, expeditious or economical operation of ships.

(d) The radio-channel of which 156.3 Mc is the authorized carrier frequency is designated for intership (ship-to-ship) communication exclusively. When a ship station or a marine-utility station on board ship is authorized to transmit on one radio-channel only (within the frequency-band 156.25 Mc to 157.45 Mc) exclusively for intership communication, the authorized carrier frequency of such intership radio-channel shall, in all cases, be 156.3 Mc: *Provided*, This condition shall not apply to a marine-utility station on board ship when the ship station on board the same vessel is authorized to transmit on the assigned frequency 156.3 Mc. This radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondarily, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

(e) The radio-channel of which 157.0 Mc is the authorized carrier frequency is designated, with respect to its use by ship stations and marine-utility stations on board ship on the Great Lakes, Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway, exclusively for intership communications. Its use for intership communication is authorized for stations on board commercial transport vessels and vessels of municipal or state governments only. For intership communication, this radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondarily, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

(f) (1) Except in the Great Lakes area, the radio-channel of which 156.7 Mc is the authorized carrier frequency is designated primarily for communication with limited coast stations when such communication is essential to the effective operation of any maritime radiolocation service which is available to all ships within the radiolocation service area. In areas where this carrier frequency is assigned for this function, its use as a communication facility for purposes of radiolocation shall have absolute priority over any other use except for distress. In areas (other than the Great Lakes) where the use of this carrier frequency for communication essential to radiolocation is not required, or is not required continuously, it may be assigned and used for any communication of benefit to the operation of commercial transport vessels, subject to the express condition that interference shall not be caused to its primary use in connection with the maritime radiolocation service.

(2) In the Great Lakes area only, the radio-channel of which 156.7 Mc is the authorized carrier frequency is designated for intership (ship-to-ship) communication exclusively. It may be used for stations on board any class of vessel for safety communication and communication necessary for the operational and business needs of ships.

§ 8.360 *Frequencies above 156 Mc for business and operational purposes.* (a) Carrier frequencies which are authorized for use by ship stations and marine-utility stations employing telephony by means of frequency modulation (or amplitude modulation in Regions 1 and 3 when required) for transmission and reception on the same radio-channel, are designated herewith; these carrier frequencies (except where intership use only is specified) are authorized primarily for communication with limited coast stations and marine-utility stations on shore, and secondarily with ship

stations and marine-utility stations on board ship:

156.4 Mc: All areas.[1]
156.5 Mc: All areas.[1]
156.6 Mc: All areas; [1] except that on Great Lakes limited to intership and communication with government stations concerning passage of vessels through locks.
156.9 Mc: All areas.
157.0 Mc: All areas, except not available for ship-shore communication on the Great Lakes, the Mississippi River or any tributary thereof, the Gulf of Mexico Intracoastal Waterway, nor any location within 100 statute miles of any portion of these waters.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in paragraphs (b) through (i) of this section.

(b) Each of the radio-channels of which the frequencies designated in paragraph (a) of this section are the authorized carrier frequencies is available on a shared basis only to serve the business and operational needs of ships and they shall not be construed as available for the exclusive use of any one station licensee or any specific ship or ships. All licensees having authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(c) For all areas other than the Great Lakes area, the carrier frequency of each radio-channel which is assignable to a ship station or a marine-utility station on board a specified class or classes of ships or for a specified function is designated herewith:

(1) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily within harbor or port areas:

156.4 Mc 156.5 Mc

157.0 Mc subject to the limitation specified in paragraph (a) of this section.

(2) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily between separate harbors or ports or navigated primarily outside harbor or port areas:

156.5 Mc

When such vessels have need for an additional radio-channel for use within harbor or port areas, one or more of the carrier frequencies specified in other subparagraphs of this paragraph may be additionally assigned.

(3) For assignment to ship stations on board any class of vessel for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, and for communication concerning the passage of vessels through locks under governmental control:

156.6 Mc

(4) For assignment primarily to ship stations on board pilot vessels, normally stationed at the entrance to a harbor or port, and secondarily for assignment to other classes of commercial transport vessels for use in each case in accordance with the provisions of paragraph (f) of this section:

156.9 Mc

(d) For the Great Lakes area only, the carrier frequency of each radio-channel which is assignable to a ship station or a marine-utility station on board a specified class or classes of ships or for a specified function is designated herewith:

(1) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments, which are used regularly to transport passengers and/or land vehicles (including motor vehicles and railroad rolling stock) between established marine terminals:

156.4 Mc

(2) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily between separate harbors or ports or navigated primarily outside harbor or port areas and commercial transport vessels used in the fishing industry:

156.5 Mc

(3) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are used in marine construction activities:

156.5 Mc

(4) For assignment to ship stations on board any class of vessel for communication between tugboats and between tugboats and other vessels concerning the maneuvering of ships and docking operations primarily in harbor or port areas and for communication with government stations concerning the passage of vessels through locks under governmental control:

156.6 Mc

(5) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are classified as tugs or tugboats:

156.9 Mc

(e) The carrier frequency 156.6 Mc is authorized for use within, or within the vicinity of, all harbor or port areas primarily for communication concerning port operations; in such areas it may be used additionally, on a secondary basis, to serve other business and operational needs of ships upon the express condition that such secondary use shall not interfere with nor delay the exchange of port operational message traffic.

(f) The carrier frequency 156.9 Mc is authorized primarily for use by pilot vessels, normally stationed at the entrance to a harbor or port, that regularly supply information (via one or more limited coast stations using this carrier frequency for such communication) to marine interests on shore concerning the arrival and departure of ships moving to and from that harbor or port. This carrier frequency may be assigned, in areas where its use is not required for the foregoing purpose, for any communication of benefit to the operation of commercial transport vessels.

(g) In order to avoid interference in certain geographic areas to the use of an exclusive intership radio-channel of which 157.0 Mc is the authorized carrier frequency, the use of this carrier frequency for ship-shore communication is prohibited (except for distress purposes) on the Great Lakes, the Mississippi River and tributaries, the Gulf of Mexico Intracoastal Waterway, and at any location within 100 statute miles of any portion of those waters.

(h) All communication on any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, 156.9 Mc, or 157.0 Mc is the authorized carrier frequency shall be limited solely to safety communication and communication necessary for the operational and business needs of ships; in particular, communication of a personal nature not relative to safety or the operational or business needs of ships is strictly forbidden. Whenever these radio-channels are used on a secondary basis for ship-to-ship communication, such use shall not willfully interfere with nor delay any communication between ship and shore.

(i) Notwithstanding any of the provisions of this section, any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, 156.9 Mc, or 157.0 Mc is the authorized carrier frequency may be used for ship-to-ship communication of any nature necessary for the safe, expeditious or economical operation of ships when the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land.

§ 8.361 *Frequencies within the band 30 to 50 Mc for general communication.* (a) Carrier frequencies which are authorized for any communication necessary for the safe, expeditious or economical operation of ships (other than public correspondence) for use by ship stations and marine-utility stations on board ship employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel are designated herewith:

Carrier frequency:	*Normal geographic area of use*
35.06 Mc	Gulf-Caribbean area north of 15° north latitude (includes Puerto Rico and Virgin Islands, does not include Florida east coast area).
35.10 Mc	Pacific area within Region 2 and north of 15° north latitude.
35.14 Mc	Atlantic area within Region 2 and north of 15° north latitude (includes Florida east coast area).
35.18 Mc	Mid-continent area (includes Great Lakes).

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee. All licensees having authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(b) Each application which requests assignment of a carrier frequency designated in paragraph (a) of this section shall designate normally the carrier frequency specified in that paragraph for use in the geographic area in which the station is to be operated. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfactory showing that the carrier frequency designated in paragraph (a) of this section for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not, or will not be, clearly within one of the geographic areas designated in paragraph (a) of this section, the applicant shall obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

(c) Each of these carrier frequencies is assignable for communication (other than public correspondence) by means of telephony with limited coast stations, ship stations, and marine-utility stations on ship or shore, which for this purpose transmit on the same radio-channel. In addition, when required to serve a maritime purpose, each of these carrier frequencies is assignable in accordance with the geographic areas specified in paragraph (a) of this section for use by mobile stations on board aircraft at sea for communication by telephony with ship stations, limited coast stations, and marine-utility stations on board ship, when each of the involved stations transmits and receives on the same radio-channel; subject to this provision, ship stations and marine-utility stations are authorized to communicate additionally on such radio-channel(s) with mobile stations on board aircraft appropriately licensed for this purpose. Such stations on board aircraft shall be governed in the use of any of these frequency assignments by the same rules and regulations that apply to ship stations using the same frequency assignment.

(d) The carrier frequency 43.02 Mc may be authorized for use by ship stations employing telephony by means of either amplitude modulation or frequency modulation for ship-to-ship communication exclusively at locations or in areas (primarily outside the continental United States) where, as the result of transmission by ship stations on the radio-channel of which this frequency is the authorized carrier frequency, interference is not caused to any other service operating on the same or adjacent radio-channels.

§ 8.362 *Frequencies below 3000 kc for business, operational and safety purposes.* (a) The frequencies 2738 kc, 2830 kc and 2214 kc may be utilized on a shared basis with other ship stations for business and operational communication with limited coast stations if the limited coast station, in accordance with the applicable provisions of § 7.365 of this chapter, has been specifically authorized to engage in such communication: *Provided*, That:

(1) With respect to the frequency 2214 kc, specific authorization for such use must be obtained, in which event intership use of the frequency between such ship stations is also authorized.

(2) Use of any of these frequencies will be subject to the same conditions under which they are authorized to be used by limited coast stations under the provisions of § 7.365 of this chapter.

(b) [Reserved]

(c) [Reserved]

(d) (1) In addition to availability of the carrier frequencies 2738 kc, and 2830 kc, primarily for intership communication as prescribed in § 8.358, either of these carrier frequencies may, in response to proper application therefor, be specifically authorized in private aircraft station licenses for communication (in areas where their use is authorized for ship stations using telephony as prescribed in § 8.358) by means of telephony (amplitude modulation) with a ship station or stations: *Provided*,

(i) The applicant makes a showing satisfactory to the Commission that such communication is necessary to serve an important business or operational need of each particular ship while such ship is engaged in commercial fishing activities in the open sea or on any bay, sound, strait, or comparable waters adjacent to the open sea; and

(ii) Harmful interference is not caused to ship-to-ship communications; and

(iii) The maximum plate input power used for such communication shall not exceed 50 watts; and

(iv) The aircraft-to-ship and ship-to-aircraft communication which takes place on the radio-channel of which either 2738 kc or 2830 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel on which the ship station is located while such vessel is engaged in commercial fishing activities in the open sea or on any bay, sound, strait, or comparable waters adjacent to the open sea; and

(v) Except as otherwise provided in this paragraph, all of the provisions of this part in respect to authorization and use of the carrier frequencies 2738 kc and 2830 kc for ship-to-ship communication shall apply to all aircraft stations when operating under the provisions of this paragraph.

(2) As an alternative to one of the specific carrier frequencies designated in subparagraph (1) of this paragraph, the carrier frequency 2638 kc may be authorized in accordance with all other provisions of this paragraph only in behalf of those private aircraft stations which were licensed prior to July 23, 1951, to transmit on this carrier frequency for communication by telephony with ship stations for the purpose expressed in this paragraph.

§ 8.363 *Use of U. S. Government frequencies for telephony.* (a) In addition to use of the frequency assignment designated for telephony in the license of a ship station, such station when communicating by telephony with a mobile or land station of the United States Government, may transmit on a government frequency assignment when authorized or directed to do so by the government station responsible or by the government department or agency for which use of such frequency assignment is authorized; on condition that the emission-bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the government station. Under these circumstances, the ship station carrier frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible government station, department, or agency.

(b) Frequencies assigned to government radio stations are assignable to non-Government ship radio stations for communication with other non-Government stations by telephony when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 8.364 *Identification of station.* (a) All radiotelephone emission of a ship station or a marine-utility station on board a ship shall be clearly identified by transmission therefrom in the English language of the official call sign assigned to that station by the Commission; provided that, in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved for this purpose by the Commission. This identification shall be made:

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose; and

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

(b) When an official call sign is not assigned by the Commission to a ship station using telephony, the complete name of the ship on which the station is located and the name of the licensee shall be transmitted by voice in the English language for the purpose of station identification.

(c) The provisions of paragraphs (a) and (b) of this section shall apply also to ship stations of portable nature when using telephony and operated on board ship pursuant to §§ 8.40 and 8.71.

§ 8.365 *Procedure in testing.* (a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful inter-

[1] In accordance with arrangements between the United States and certain foreign countries.

ference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator or other person responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the working of a coast or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur;

(2) The official call sign of the testing station, followed by the word "test", shall be announced on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2) of this paragraph, any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4, • • • etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. The test signals in either case shall have a duration not exceeding ten seconds. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station, the name of the ship on which the station is located, and the general location of the ship at the time the test is being made. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 2182 kc or 156.8 Mc in a region of heavy traffic, a period of at least five minutes shall elapse before the test transmission is repeated.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc, within the band 156.75 Mc to 156.85 Mc, within the band 480 kc to 510 kc (lifeboat transmitters only), or within the band 8362 kc to 8366 kc (lifeboat transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Lifeboat stations using telephony shall not be tested on the assigned frequency 500 kc during the 500 kc silent periods.

§ 8.366 *General radiotelephone operating procedure*—(a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a ship station shall call the particular station(s) with which it intends to communicate.

(2) Calling a particular station, either by voice or by automatic means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of one minute. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(3) The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(b) *Use of calling frequency required.* (1) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, ship stations in the Great Lakes area, before transmitting on the intership radio-channel of which 2003 kc is the authorized carrier frequency, shall first establish communication with each other by initially calling and answering on the calling channel of which 2182 kc is the authorized carrier frequency.

(2) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, ship stations, before transmitting on the intership radio-channel of which 2638, 2738, or 2830 kc is the authorized carrier frequency, shall first establish communication with each other by initially calling and answering on the calling channel of which 2182 kc is the authorized carrier frequency.

(3) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, the radio-channel of which 156.8 Mc is the authorized carrier frequency shall be used for call and reply by ship stations and marine-utility stations on board ship before establishing ship-to-ship communication on the radio-channel of which the authorized carrier frequency is, in all areas, 156.3 Mc; in the Great Lakes area 156.7 Mc or 157.0 Mc; and on the Mississippi River and tributaries and the Gulf of Mexico Intracoastal Waterway 157.0 Mc: *Provided*, That this requirement shall not apply to marine-utility stations or other stations of portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio-channel.

(c) *Calling coast stations.* (1) Use of the carrier frequency 2182 kc by ship stations for calling coast stations, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be made on a ship-shore radio-channel authorized primarily for working.

(2) Use of the carrier frequency 156.8 Mc by ship stations and marine-utility stations on board ship for calling coast stations and marine-utility stations on shore, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be made on a ship-shore radio-channel authorized primarily for working.

(d) *Time limitation on calling frequencies and adjacent working frequencies.* (1) Transmission by ship stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed 3 minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(2) Transmission by ship stations, when in Region I, is prohibited on any frequency (including 2182 kc) in the band 2167–2197 kc during the two three-minute periods in each hour which commence at xh00 and xh30, Greenwich mean time (G. m. t.); *Provided*, That this requirement is not applicable to the transmission of distress signals, distress traffic, urgency and safety signals, and messages preceded by the urgency or safety signal.

(e) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, stations on board ship shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channels.

(f) *Shared use of 2003, 2638, 2738, and 2830 kc.* (1) In regions of heavy radio traffic, any one exchange of communications between any two mobile stations on the radio-channel of which 2003, 2638, 2738, or 2830 kc is the authorized carrier frequency, or between a ship station and a limited coast station on the 2738 or 2830 kc channel, shall not exceed 5 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the 2003, 2638, 2738, or 2830 kc channel shall not be used again for communication between the same two stations until 5 minutes have elapsed: *Provided*, That this requirement shall in no way limit or delay the transmission of distress or emergency communications.

(2) All transmission on the radio-channels of which 2003, 2638, 2738 and 2830 kc are the authorized carrier frequencies by two or more stations, engaged in any one exchange of signals or communications with each other, shall take place on only one of these channels. For this purpose, the stations involved shall transmit and receive on the same channel: *Provided*, That this requirement is waived in the event of emergency when by reason of interference or limitation of equipment this method of single-channel communication cannot be used.

(g) *Authorized use of 2003, 2638, 2738 and 2830 kc.* The radio channels of which 2003, 2638, 2738 and 2830 kc are the authorized carrier frequencies, shall be used for communication between mobile stations in accordance with the provisions of §§ 8.176, 8.177 (b) and 8.358.

(h) *Limitation on business and operational traffic.* All ship-to-ship communication and communication with limited coast stations and marine-utility stations on shore engaged in by ship stations and marine-utility stations on board ship shall be limited, on radio-channels above 30 Mc, to the minimum practicable transmission time. In the conduct of ship-shore communication (other than distress), stations on board ship shall comply with instructions given by the limited coast station or marine-utility station on shore, with which they are communicating, in all matters relative to operating practices and procedures and to the suspension of transmission in order to minimize interference.

§ 8.367 *Station documents.* (a) Ship stations using telephony, but not authorized to employ telegraphy except for calling purposes incidental to the use of telephony, shall be provided with the documents hereinafter specified:

(1) Ship stations on board vessels engaged on international voyages other than those voyages designated in subparagraph (2) of this paragraph:

(i) A valid station license;

(ii) The necessary operator license or licenses;

(iii) The station log required by this part for stations of this category;

(iv) The Alphabetical List of Call Signs;

(v) The List of Coast Stations and Ship Stations;

(vi) Part 8 of this chapter.

(2) Ship stations on board vessels not navigated on international voyages or engaged on international voyages solely on inland waters of the United States and Canada, including the Great Lakes; the documents listed in subparagraph (1) (i), (ii), (iii) and (vi) of this paragraph.

§ 8.368 *Station records.* (a) Ship stations using telephony shall maintain an accurate radio telephone log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and shall include the name of the vessel, official call sign of the ship station, and the signature of the licensed operator (or other person in accordance with § 8.155) who is responsible for operation of the radiotelephone transmitting apparatus. The use of initials or signs in lieu of the operator's signature is not authorized.

(2) Except as provided otherwise in subparagraph (3) of this paragraph, the date and time of making each entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (G. m. t.) as follows: The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "G. m. t." shall be marked at the head of the column in which the time is entered.

(3) As an alternative to the use of Greenwich mean time in making entries as specified in subparagraph (2) of this paragraph, ship stations on board vessels not engaged on international voyages or while navigated on the Great Lakes or inland waters of the United States, may express the time of each entry in local standard time (e. s. t., c. s. t., etc., counted from 0000 to 2400 o'clock, beginning at midnight), with the appropriate abbreviation "e. s. t," "c. s. t.," etc., entered at the head of the column in which time is entered: *Provided*, That in the Great Lakes area, eastern standard time (e. s. t.) exclusively may be used as the only alternative to Greenwich mean time. The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation.

NOTE: For example, 7:01 p. m. eastern standard time would be entered as 1901 e. s. t.: 7:30 a. m. eastern standard time would be entered as 0730 e. s. t.: 7:45 p. m. eastern standard time would be entered as 1945 e. s. t.

(4) Except when transmission occurs on a frequency above 30 Mc and the ship station is on inland waters of the United States other than in the Great Lakes area, all radiotelephone distress, urgency or safety signals and communications made or intercepted; a summary, if possible, of such communications; and any information which may appear to be of importance to maritime safety shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. In addition, the ship's own position and the distance from the distressed ship or other mobile unit, if obtainable, shall be entered. These entries shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the signature of the person(s) making the entries shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) With respect to ship stations which, by reason of the provisions of § 8.202, § 8.203 or § 8.223, are required to keep a watch on the radiotelephone calling and distress frequency, 2182 kc, entries shall be made showing each time this watch is begun, suspended, or concluded, without any requirement, however, of making entries solely to show interruption of this listening due to authorized communication with other stations. The required entries shall be made by a licensed operator or by any member of the crew who is designated and authorized by the master to do so; the signature of each person making these entries and each person who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(6) A summary of communications exchanged between the ship station and mobile stations or land stations (except public coast stations in the United States) shall be entered when:

(i) Communication with a foreign station occurs; or

(ii) Transmission occurs on a radio-channel below 30 Mc; or

(iii) Transmission occurs on a frequency above 30 Mc and the ship station is within the territorial waters of a foreign country (except in the Great Lakes area) or is at sea within less than 150 nautical miles of a foreign country; or

(iv) The entries prescribed in this subparagraph shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the signature of the person(s) making the entries shall appear in the log and shall be properly related to each particular entry for this purpose.

(7) An entry shall be made giving pertinent details of all installations, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless such operator is regularly employed on a full-time basis at the station and his operator license is properly posted, such entry shall include his mail address and the class, serial number, and expiration date of his operator license.

(8) In the case of ship stations required to be equipped for radiotelephony by reason of the provisions of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, the following additional entries shall be made by a qualified operator or by any member of the crew who is designated and authorized by the master to do so; the signature of each person making these entries shall appear in the log and be properly related to the particular entry:

(i) The time when storage batteries provided as a part of the required radiotelephone installation are placed on charge and taken off charge.

(ii) Results of any tests of the required radiotelephone installation including hydrometer readings of lead-acid storage batteries and voltage readings of other types of batteries provided as part of that installation.

(iii) A daily entry showing the operating condition of the required radiotelephone equipment as determined by either normal communication or the test communication required by § 8.534.

(iv) Results of inspections and tests made pursuant to § 8.520 (g) of any lifeboat radio equipment which is compulsorily provided in compliance with requirements of law.

(b) Marine-utility stations on board ship shall maintain an accurate radiotelephone log during their hours of service as follows:

(1) Each sheet of the log shall be numbered in sequence, shall include the general geographic area of navigation of the vessel upon which the station is operated, the name of the vessel, official call sign of the marine-utility station and the signature of the licensed operator (or other person in accordance with § 8.155) who is responsible for operation of the marine-utility station (the use of initials or signs in lieu of signatures is not authorized).

(2) Appropriate entries shall be made in the log giving pertinent details of all installations, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless such operator is regularly employed on a full time basis at the station

and his operator license is properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(c) With respect to ship stations of the United States subject to the Great Lakes Agreement, entries required by paragraph (a) of this section shall be made by an officer or crew member on board who has been certified as required by Article 7 of the Agreement, or by a person on duty listening as required by Article 7 of the Agreement, or by a licensed or certificated deck officer. The log shall include the name (and title if held) of the person making an entry properly related to each entry. Entries shall be made as soon as practicable after the observed occurrence, and the time thereof shall be specified in eastern standard time. The station log required by paragraph (a) shall include the following additional entries:

(1) The official number of the vessel;

(2) The name and radio certificate number of each officer and crew member assigned to the vessel who has been certified as required by Article 7 of the Great Lakes Agreement and designated by the Master to operate the radiotelephone installation;

(3) A record of charging of any storage batteries which are necessary for the proper operation of the required radiotelephone installation;

(4) A daily record of the results of the determination of the operating condition of the radiotelephone installation required by § 8.541.

§ 8.369 *Operation under interim ship station license.* (a) The use and operation of a station on board ship under the authority conferred by an interim ship station license shall be subject to and in accordance with all applicable rules of the Commission: *Provided*, That the class of station, the use of frequencies, the class of emission, and the transmitting equipment shall be limited at all times under such license to the authorization hereinafter designated:

(1) Class of ship station;

(i) Public, if equipped to operate on one or more of the frequencies designated by this section for transmission to public coast stations;

(ii) Limited, if not equipped to operate as prescribed in subdivision (i) of this subparagraph.

(2) Authorized carrier frequencies:

(i) 2182 kc for calling and distress; 156.8 Mc for calling and safety communication;

(ii) For ship-to-ship communication:

2638 kc and 156.3 Mc: For use in all areas;

2738 kc: For use in all areas except the Great Lakes and the Gulf of Mexico; provided that, unless the transmitter is type accepted under this part for licensing on this frequency or a certification in accordance with § 8.351 (d) has been submitted, use of the frequency is limited to test purposes as set forth in § 8.351 (d);

2830 kc: For use in the Gulf of Mexico; provided, that, unless the transmitter is type accepted under this part for licensing on this frequency or a certification in accordance with § 8.351 (d) has been submitted, use of the frequency is limited to test purposes as set forth in § 8.351 (d);

2003 kc: For use in the Great Lakes area, exclusively.

(iii) For communication between ships and public coast stations:

Frequencies below 30 Mc as set forth in §§ 8.354 and 8.355;

Frequencies above 156 Mc as set forth in § 8.356 (a) and § 14.260 (b) of this chapter.

(iv) In addition in the Alaska area:

1622 kc: For communication between ship stations aboard vessels of less than 500 gross tons and for communication between public ship stations on board vessels of any size and public coast stations;

2134 kc: For communication between ship stations and coast stations of the Alaska Communication System open to public correspondence;

2382 kc: For communication between ship stations aboard vessels of 500 gross tons or more and for communication between public ship stations on board vessels of any size and public coast stations.

(3) Authorized classes of emission. A3 on frequencies herein designated below 30 Mc; F3 on frequencies herein designated above 156 Mc; and for brief operating signals A2 and F2 respectively.

(4) Equipment: The equipment shall be the same as the particular equipment which is described in the related formal application simultaneously filed at the Field Office for regular ship station license or modification of license, and which is capable of being operated with class A3 or F3 emission (according to the frequency band to be used under the provisions of this section) in accordance with all applicable rules and regulations on one or more radio-channels of which the authorized carrier frequencies are designated by this section.

SUBPART P—USE OF RADIOLOCATION

§ 8.401 *Assignable frequencies for direction-finding.* (a) The frequency 410 kc is the assigned frequency for direction finding.

(b) As an exception, on condition that signals of distress, urgency and safety, and calls and answers, are not interfered with, the calling channel of which 500 kc is the assigned frequency may be used additionally and with discretion, by ship stations for direction-finding; exclusively in Regions 1 and 3 outside areas of heavy radio traffic.

(c) In the event of distress, the following frequencies may be used for radiolocation for purposes of search and rescue by any licensed station on board ship, without regard to whether or not these frequencies are designated in the station license:

410 kc	2182 kc
500 kc	8364 kc

§ 8.402 *Use of direction-finding frequency.* Except in event of distress, transmission on the direction-finding frequency (410 kc as designated in § 8.401) is permissible only when authorized by the terms of the station license. The operating procedure used shall comply with that set forth in the International Radio Regulations applicable to the use of this frequency; the exchange of signals and communications on this frequency by means of radiotelegraphy which is a necessary adjunct to direction-finding, together with the actual process of direction-finding, constitutes a maritime radionavigation service.

§ 8.403 *Radiolocation by cable-repair ship.* Provided radio transmitting equipment attached to a cable-marker buoy has been adequately described in an application for ship radio station license for a cable-repair ship with which the buoy is associated, and provided further that such equipment is authorized in the related ship station license, that equipment may be operated (outside the territorial waters of a foreign country) on such radio-channels within the band 285–325 kc (285–315 Mc only in Region 1) as may be expressly authorized in each case by the Commission under authority of the ship station license, with A1 or A2 emission and a maximum plate input power of 30 watts, *Provided*, That interference shall not be caused by such operation to any maritime radionavigation service. The call-signals that must be used for a transmitter operating under the provisions of this section shall be the regularly assigned call of the ship station with which the buoy is associated, to be followed by the letters "BT", and the identifying number of the buoy. The buoy transmitter shall be continuously monitored by a licensed radiotelegraph operator on board the associated cable-repair ship. Should a frequency deviation in excess of 0.5 percent or interference to the service of any other station be reported or observed, the radiation of the transmitter shall be suspended until the deviation is eliminated or until the transmitter can be operated without causing interference.

§ 8.404 *Assignable frequencies above 2400 Mc.* (a) The following frequency-bands are authorized for use by ship-radionavigation stations (including ship-radar stations) in the maritime radionavigation service (the associated transmitting freqencies of U. S. Government radar beacons (racons) are, respectively, as follows: 3256, 5450, and 9310 megacycles); the maximum power shall be designated in each instrument of authorization: *Provided*, That for stations other than ship-radar stations, the class of emission, the frequency tolerance, and the bandwidth occupied by the emission shall be designated in each instrument of authorization.

3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

(b) The following frequency-bands are authorized for use by ship-radiolocation stations in the maritime radiolocation service; the class of emission, the frequency tolerance, the bandwidth occupied by the emission, and the maximum power shall be designated in each instrument of authorization:

(1) 2450 to 2500 Mc for purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, on the condition that no protection shall be given from interference caused by emission from industrial, scientific, or medical equipment.

(2) 3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

§ 8.405 *Special provisions applicable to ship-radar stations.* (a) Every ship-radar station licensed, prior to the effective date of this section, in the former "ship service" shall, subsequent to the effective date of this section, be regarded as licensed in the maritime radionavigation service and the use and operation of such stations shall be governed accordingly.

(b) Each ship-radar station installation the manufacture of which was completed on or after 1947 shall be furnished with a durable name plate with the manufacturer's name, transmitter model number; and month and year of completion of manufacture permanently inscribed thereon. Such name plate shall be affixed to the indicator housing at the principal radar operating position or to some other component of the radar installation which is readily accessible for inspection.

(c) Each ship-radar station license issued shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law, and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

(d) The following provisions shall apply to ship-radar stations:

(1) The station licensee of each ship-radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, but the station licensee shall have joint responsibility with the responsible operator concerned for the faithful and accurate making of such entries as are required by this paragraph.

(2) Each entry in this record shall be personally signed by the responsible operator concerned.

(3) The following entries shall be made in this record:

(i) The date and place of initial installation.

(ii) Any necessary steps taken to remedy any interference found to exist at the time of such installation.

(iii) The nature of any complaint (including interference to radio communication) arising subsequent to initial installation, and the date thereof.

(iv) The reason for the trouble leading to the complaint, including the name of any component or component part which failed or was misadjusted.

(v) Remedial measures taken, and date thereof.

(vi) The name, license number, and date of the ship-radar operator endorsement on the first or second class radio operator license of the responsible operator performing or immediately supervising the installation, servicing, or maintenance.

(e) Until the Commission shall otherwise provide, the ship-radar station licensee, by such arrangement as may be necessary with the ship master, operating agency, or ship owner, shall, upon specific request made by the Commission, be responsible for the submission of such reports as are requested by the Commission to show the value and practical performance of the ship-radar station. For assistance in preparing these reports, daily records, when the radar installation is tested or used, should, when practicable, be kept showing at least the following:

(1) Approximate number of hours of use while the ship is in operation;

(2) Number of service failures, and duration, nature, and cause of each failure if known;

(3) Performance under local weather conditions which are unfavorable for marine navigation; and

(4) Unusual incidents, including, among others, cases in which radar may have aided or hindered safe operation of the ship.

(f) In addition to the installation and maintenance record required by paragraphs (d) and (e) of this section, the following documents shall be available for reference on board each radar-equipped vessel whose ship-radar station is licensed by the Commission:

(1) Part 8 of this chapter.

(2) At least one set of instructions from the respective manufacturer relative to the use and operation of the particular type of ship-radar installation.

(g) No provisions of this part shall require any ship-radar station to transmit any signal(s) intended solely for the purpose of identifying that station.

SUBPART Q—DEVELOPMENTAL STATIONS

§ 8.431 *Supplemental eligibility.* An authorization for developmental operation of a station on board ship in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 8.432 *Showing and statement required.* (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station on board ship shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program proposed;

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the frequency requested is restricted to such developmental use.

§ 8.433 *Assignable frequencies.* (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency-band designated in this part as available for a particular service and class of station, each of the following frequencies and frequency-bands available for the maritime mobile service may be licensed as an assigned frequency or as an authorized frequency-band, respectively, for use by developmental ship stations subject to the applicable provisions of this part:

8,500 Mc to 8,700 Mc
6,425 Mc to 6,575 Mc
11,700 Mc to 12,200 Mc
28,000 Mc to 30,000 Mc

and

16,000 Mc to 18,000 Mc
2,450 Mc to 2,500 Mc

on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment. The class of emission, the frequency tolerance, the emission-bandwidth and the maximum transmitter-power for use on frequencies within these bands above 2400 Mc shall be designated in each station authorization.

(c) In addition to specific frequency bands designated by § 8.404 for ship radionavigation stations, each of the following frequencies or frequency bands may be licensed as an assigned frequency or an authorized frequency band for use by developmental ship radionavigation stations:

Authorized frequency band	*Assigned frequency*
2900 to 3000 Mc.	
3246 to 3266 Mc	3256 Mc (Racons only).
3266 to 3300 Mc.	
5250 to 5440 Mc.	
5440 to 5460 Mc	5450 Mc (Racons only).
8500 to 9300 Mc.	
9300 to 9320 Mc	9310 Mc (Racons only).
9500 to 9800 Mc.	

§ 8.434 *Use of developmental stations.* (a) Developmental stations on board ship shall be constructed and used in such manner as to conform with all applicable technical and operating require-

ments contained in this part, unless deviation therefrom is specifically provided in the station authorization.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents and assignments of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

§ 8.435 *Developmental program.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 8.436 *Report of operation required.* (a) A report on the results of the developmental program shall be filed with and made a part of each application for renewal authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labelled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(1) The final objective of the developmental operation;

(2) Pertinent results of operation to date;

(3) Analysis of the results obtained;

(4) Copies of any published reports;

(5) Need for continuation of the program if such need exists;

(6) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 8.437 *Identification of station.* (a) The radiotelegraph and radiotelephone emissions of a developmental station on board ship shall be clearly identified in the manner provided in §§ 8.326 and 8.364, respectively.

(b) The facsimile emissions of a developmental station on board ship shall be identified either by telegraphy or by telephony as provided in §§ 8.326 and 8.364, respectively.

(c) All other classes of emission of a developmental station on board ship shall be identified as prescribed in the respective station authorization.

SUBPART R—COMPULSORY SHIPBOARD RADIO INSTALLATIONS

§ 8.501 *Inspection of installation.* (a) In accordance with § 8.101 (a) and pursuant to section 362 of the Communications Act, every ship of the United States, subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate (see section 361 of the Communications Act) in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that Convention or that, pursuant to the provisions of the Safety Convention, such vessel is exempt from those provisions of that Convention. The issuance date of Safety Radiotelegraphy and Safety Radio telephony certificates issued by the Commission shall be the date the installation is found to be in compliance or not later than one business day following such in-compliance date.

(b) In accordance with § 8.101 (a) and pursuant to section 385 of the Communications Act, every vessel of the United States subject to Part III of Title III of said Act shall have a periodical inspection by the Commission of the equipment and apparatus prescribed therein not less than once every 24 months. If after such inspection the Commission determines that all relevant provisions of Part III of Title III of the Communications Act, the rules of the Commission made pursuant thereto, and the station license, are complied with in an efficient manner, a Communications Act Safety Radiotelephony certificate will be issued. The issuance date of Communications Act Safety Radiotelephony certificates shall be the date the installation is found by the Commission to be in compliance, or not later than one business day following such in-compliance date. Such certificates shall be issued for a period of not more than 24 months.

(c) In accordance with the Safety Convention, every ship of the United States holding a Safety Certificate, Safety Radiotelegraphy Certificate, Safety Radiotelephony Certificate or Exemption Certificate is subject when in a port of a foreign country which is a party to the Safety Convention, to control by officers duly authorized by the government of that country, insofar as that control is directed towards verifying that there is on board a valid Convention certificate and, if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate.

(d) The privileges of the Convention may not be claimed in favor of any ship unless it holds appropriate valid certificates. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to notify the United States Consul in writing forthwith of all the circumstances in which intervention was deemed to be necessary.

(e) Safety Certificates, Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates are required, in accordance with the Safety Convention, to be posted in a permanent and accessible place in the ship.

RADIOTELEGRAPH INSTALLATIONS ON SHIPS SUBJECT TO PART II OF TITLE III OF THE COMMUNICATIONS ACT OR ON U. S. SHIPS SUBJECT TO THE SAFETY CONVENTION

§ 8.502 *Main and emergency installations.* (a) A radio installation on board a vessel subject to Title III, Part II of the Communications Act, to be construed as a main installation and a separate emergency or reserve installation, shall comply with the following conditions, in addition to all other requirements:

(1) A main radio transmitter and an associated main radio receiver shall be installed;

(2) A separate emergency radio transmitter and an associated separate emergency radio receiver shall be installed;

(3) Emergency electric lights shall be installed;

(4) An emergency power supply shall be installed.

(5) A main antenna and a separate emergency antenna shall be installed: *Provided, however,* That a cargo ship the keel of which was laid prior to June 1, 1954, may be equipped with either an emergency antenna meeting the requirements of § 8.504 (a) (2) or with a spare antenna, consisting of a single wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna, completely assembled for immediate replacement.

(b) Whenever a main installation only is provided on board a cargo vessel in accordance with the terms of paragraph (a) of section 355 of the Communications Act, this installation shall comply in full with all rules and regulations of the Commission that apply to an emergency or reserve installation on board a vessel subject to Title III, Part II of the Communications Act.

NOTE: Section 355 (a) of the Communications Act (Title III, Part II) provides that "The radio installation shall comprise a main and an emergency or reserve radiotelegraph installation: *Provided,* That, in the case of an existing installation on a cargo ship and a new installation on a cargo ship of five hundred gross tons and upwards but less than one thousand six hundred gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided".

§ 8.503 *Requirements of main installation.* (a) All main installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The main antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and the required radio installation. For the purpose of insuring adequate protection against failure of the main antenna installation when severe mechanical stress is suddenly applied, an approved "safety link" shall be provided as a component of this installation.

NOTE: A safety link may be described as a device which, under heavy stress, will operate to greatly reduce such stress without breakage of the antenna, the halyards, or any other antenna-supporting elements.

(2) The main transmitter shall be of the electron-tube type and shall be capable of meeting the requirements of § 8.552.

NOTE: Upon proper application and satisfactory demonstration being made, the Commission for the purpose of this regulation will consider approval of transmitters other than those of the electron-tube type, except transmitters employing class B emission.

(3) The main receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the bands 100 to 200 kilocycles, and 405 to 535 kilocycles, and in addition class B emission within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The main receiver shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

(4) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, a main power supply for the main radio installation capable of supplying electrical power sufficient to energize simultaneously and efficiently the main transmitter at its required antenna power (the antenna power specified in § 8.552) and the main receiver; and at the same time to charge, at any required rate, all storage batteries used as the emergency power supply, and any other storage batteries which are charged by connection to this radio room main power supply. Under this load condition and at all times herein specified, any potential of the main power supply at the radio room terminals shall not deviate from its rated electrical potential by more than 10 percent on vessels completed on or after July 1, 1941, nor by more than 15 percent on vessels completed before that date. While at sea, storage batteries forming part of the main installation shall be brought up to the normal fully charged condition daily.

(5) For the purpose of determining the potential(s) of the main power supply of the main transmitter at its radio room terminals, a suitable voltmeter or voltmeters of approved accuracy shall be permanently installed in the main radio operating room.

(6) The main installation shall be provided with a device permitting change-over from transmission to reception and vice versa without manual switching.

(7) The main installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

§ 8.504 *Requirements of emergency or reserve installation.* (a) All emergency or reserve installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The emergency installation shall be capable of being placed in operation (by a qualified operator who is on duty at the operating location) within a maximum time of 1 minute after the need arises for its use.

(2) The emergency antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation in time of an emergency, and so as not to endanger the ship and the required radio installation.

(3) The emergency transmitter shall be of the electron-tube type and shall be capable of meeting the requirements of § 8.553.

(4) The emergency receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the band 405 to 535 kilocycles, and class B emission on all frequencies within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The emergency receiver shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

(5) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, an emergency power supply for the emergency installation (independent of the propelling power of the ship, and any other electrical system; and independent of the main power supply where a separate main and emergency or reserve installation is provided for the purpose of compliance with paragraph (a) of section 355 of the Communications Act) capable of supplying electrical power sufficient to energize simultaneously and efficiently the emergency transmitter at its required antenna power (the antenna power specified in § 8.553) and the emergency receiver. Such emergency power supply shall be maintained in readiness to operate effectively and shall have a reserve capacity of at least 6 continuous hours at all times while the vessel is navigated outside a harbor or port and whenever the vessel leaves or attempts to leave a harbor or port of the United States for a voyage in the open sea. While at sea, storage batteries forming part of the emergency installation shall be brought up to normal full charged condition daily.

(6) There shall be provided emergency electric lights of not less than 10 watts per unit, capable of being energized solely by the radio installation emergency power supply and connected thereto through individual fuses. These electric lights shall be capable of operation independent of any other electrical system and shall be arranged so as to provide satisfactory illumination of the main and emergency radio operating controls and radio station clock. The emergency lighting electrical circuits shall be arranged so as to avoid the application of excessive voltage to the emergency lights during the charging of any emergency batteries. The provisions of this subparagraph or of § 8.8 (j) shall not preclude the use of any other power supply for energizing these lights solely as an additional provision.

(7) All emergency power supply circuits shall be appropriately fused to afford adequate protection from serious overloads or short-circuits.

(8) No electrical load circuits except those of the emergency installation (includes the required radio station emergency light(s)) shall be connected to the emergency power supply: *Provided,* That an approved automatic-alarm-signal keying device, or the audible warning apparatus associated with an approved auto-alarm receiver, or both, may be connected to that part of the emergency power supply furnishing power to the emergency transmitter: *Provided further,* That the reserve capacity of the emergency power supply shall include the additional capacity required to energize, in a normal manner and to a normal extent, any keying device or audible warning apparatus that may be connected as herein authorized, including sufficient capacity to energize any keying device continuously for a period of one hour.

(9) The emergency power supply shall be located as near to the emergency transmitter and receiver as is practicable: *Provided,* That the location of such power supply complies with all applicable rules and regulations of the United States Coast Guard.

(10) The cooling system of all internal-combustion engines used as part of the emergency power supply shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(11) The emergency installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

(b) (1) The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration prescribed in subparagraphs (2), (3), (4) and (5) of this paragraph or by such other means as may be deemed necessary, that the emergency installation satisfies the 6-hour operating requirement of law.

(2) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes a storage battery, proof of the ability of such battery power supply to operate continuously and effectively over a prescribed period of time is authorized to be established by a discharge test over such prescribed period of time, when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(3) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over a prescribed period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power, at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(4) The electrical load to be supplied by an emergency power supply for the purpose of establishing proof of required capacity shall be computed as the sum of all electrical loads presented by all other apparatus of the ship's radio installation which are connected to the emergency power supply under test. Allowances for intermittent use of such apparatus shall be made only in accordance with the following:

(i) The current supplied to the emergency transmitters may be computed as the current supplied when the transmitter is partially energized with the radiotelegraph key open plus one-fourth the difference between the current supplied when such key is open and the current supplied when such key is closed.

(ii) The current drawn by the automatic-alarm-signal keying device specified in paragraph (a) (8) of this section (if such device is connected to the emergency power supply) may be computed as one-sixth of the current supplied when this device is properly energized.

(iii) The current drawn by an audible warning apparatus associated with an approved auto-alarm receiver specified in paragraph (a) (8) of this section may be considered as negligible.

(5) At the conclusion of the tests specified in subparagraphs (2) and (3) of this paragraph, no part of the emergency source of power shall have an excessive temperature rise, nor shall the specific gravity or voltage of the storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer for the type of battery involved.

§ 8.505 *Tests of emergency installation.* (a) On vessels required by law to be equipped with an emergency or reserve installation, the condition of this installation shall be determined by test and actual operation prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. It is recognized that in some cases, tank vessels cannot meet this requirement when in port because of the hazardous nature of the cargo being handled. When storage batteries are used as an emergency power supply or are used for the purpose of starting an emergency engine-driven generator, tests shall be made of the charging circuits for polarity and correct charging rate. Hydrometer readings of the electrolyte of a pilot cell and such other cells as are necessary to determine the state of charge of an emergency lead-acid storage battery and voltage readings under normal load as are necessary to determine the state of charge of emergency storage batteries of other types shall be taken. When an engine-driven generator is used as an emergency power supply, a check shall be made of the quantity of fuel in the supply tank.

(b) When an automatic-alarm-signal keying device is installed in accordance with § 8.508, this device shall be operated to determine that it is in efficient operating condition prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. To avoid the actual transmission of auto-alarm signals during such test operation, the radiotelegraph transmitter(s) to which this device is connected shall not be energized.

§ 8.506 *Use of emergency installation.* (a) The emergency installation on board a vessel subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate. However, the emergency receiver and its emergency power supply (if such power supply is a storage battery) may be used at any time to maintain a watch for safety purposes, if such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least 6 consecutive hours.

(b) When more than one storage battery is installed on board a ship for the purpose of providing an emergency power supply in compliance with Title III of Part II of the Communications Act, any one of these batteries may be designated at any time as the required emergency power supply or a part thereof, upon the express condition that such battery, whenever so designated, is capable of energizing (independent of the propelling power of the ship and any other electrical system) the associated component or components of the emergency installation for a period of at least 6 consecutive hours.

(c) The emergency power supply on board a cargo vessel (on which a separate (see § 8.502 (b)) main and emergency installation is not provided), subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate.

(d) Any storage battery whether or not it is the emergency power supply or a part thereof may be used at any time to maintain a watch for safety purposes upon the express condition that such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least 6 consecutive hours as required by paragraph (f) of section 355 of the Communications Act.

§ 8.507 *Routing of electrical wiring.* The electrical conductors connecting the main (any source of power on board ship that constitutes a main power supply, as defined in § 8.8 (d), while it is being used as that type of power supply) power supply to the main radio installation and the electrical conductors connecting the emergency power supply to the emergency or reserve installation shall be routed so as to afford adequate protection from mechanical injury, shall be adequately protected from overload by fuses, and shall be kept clear of electrical grounds. If, because of the ship's structure, a long, indirect routing is necessary, an additional equivalent circuit shall be provided in each case over an alternate route.

§ 8.508 *Automatic-alarm-signal keying device.* Each ship of the United States, which is subject to Title III, Part II, of the Communications Act shall be fitted with one or more automatic-alarm-signal keying devices of a type approved by the Commission in accordance with § 8.555.

§ 8.509 *Installation of automatic-alarm-signal keying device.* (a) The automatic-alarm-signal keying devices required by § 8.508 shall be installed in an accessible location in the radio room so as to be capable of automatically keying alternatively either the main or the emergency transmitter. When only one automatic-alarm-signal keying device is installed for this purpose, means shall be provided in the radio operating room for instantly using this device to key alternatively either the main transmitter or the emergency transmitter: *Provided*, That whenever one transmitter is employed as both a main and emergency transmitter on board a cargo vessel, this requirement will be satisfied when the automatic-alarm-signal keying device is capable of automatically keying this transmitter only. Only one control shall be provided for starting and stopping each automatic-alarm-signal keying device; this control shall be located in the radio room.

(b) The required automatic-alarm-signal keying device shall be capable of operating automatically for a continuous period of at least 1 hour from a source of power independent of the propelling power of the ship and independent of any source of power other than the emergency power supply or the storage battery used to energize a required automatic-alarm receiver.

(c) Each automatic-alarm-signal keying device installed on board a vessel pursuant to § 8.508, shall be furnished with a durable nameplate bearing type and serial number and the month and year of completion by the manufacturer.

§ 8.510 *Auto-alarm.* (a) An auto-alarm which is installed and used on board a cargo vessel of the United States pursuant to the provisions of § 8.205, shall be a type of auto-alarm approved by the Commission in accordance with paragraph (x) of section 3 of the Communications Act.

(b) The Commission shall be informed in writing on the prescribed form (FCC Form No. 501, available upon request, should be used for this purpose) immediately upon completion of each auto-alarm installation on board any vessel of the United States. Each report shall specify the type of the alarm, the name of the vessel, the call letters and name of the licensee of the ship radio station and the name of the owner and operating company of the vessel.

§ 8.511 *Installation of auto-alarm.* (a) A vessel shall be considered as fitted with an auto-alarm in accordance with the requirements of Title III, Part II of the Communications Act and the radio provisions of the Safety Convention when the auto-alarm is a type approved by the Commission as prescribed by § 8.510 and the auto-alarm installation on board such vessel complies with the conditions prescribed in the following paragraphs of this section.

(b) Each auto-alarm of a type approved by the Commission when first installed on board a vessel of the United States, shall bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose the principal components of the following types of auto-alarms (approved prior to July 23, 1951) are designated as follows:

(1) Radiomarine Corporation of America Models AR–8600 and AR–8600–X auto-alarms. One combined receiver and selector unit, without regard to container; one control and terminal box.

(2) Radiomarine Corporation of America Model AR–8601 auto-alarm. One combined receiver and selector unit, without regard to container; one control and terminal unit.

(3) Mackay Radio and Telegraph Company auto-alarms, Types 101–A and 101–B manufactured by Federal Telegraph Company. One selector unit without regard to container; one receiver unit, without regard to container.

(4) Mackay Radio and Telegraph Company auto-alarm, Type 5001–A. One combined receiver and selector unit, without regard to container.

(c) The auto-alarm shall be located in the main radiotelegraph operating room and shall be adequately installed and protected so as to insure proper operation. Means shall be provided for placing the entire system in or out of operation from the main radiotelegraph operating room. A simple change-over switch shall be provided to (1) disconnect the main antenna from all other equipment and connect it to the auto-alarm receiver and place the auto-alarm system in effective operating condition and conversely (2) de-energize the auto-alarm system and reconnect the main antenna to other equipment. In addition, suitable means of determining the supply voltages are within the limits required for proper operation of the auto-alarm system shall be provided.

(d) Approved apparatus shall be provided for giving an audible warning in the main radiotelegraph operating room, in the radio operator's cabin, and on the navigating bridge. This apparatus shall operate continuously after the auto-alarm has been actuated by an alarm signal or by failure of the auto-alarm system, until manually stopped. Only one switch for stopping the audible warning apparatus from functioning is authorized and this shall be located in the main radiotelegraph operating room and shall be capable of manual operation only.

(e) Failure of the auto-alarm (if of a type approved prior to July 23, 1951) to function normally because of prolonged atmospherics (static) or other prolonged interference, or both, shall operate a visual indicator on the bridge. The type and method of installation of such visual indicator shall comply with requirements of the United States Coast Guard.

(f) When an auto-alarm is dependent for effective operation upon a power supply having a voltage within definite upper and lower limits, such auto-alarm shall be fitted with an auxiliary device which (1) will energize the audible alarms if and when this power supply fails or its voltage exceeds the limits specified by the Commission for the particular type of alarm involved; or (2) will automatically connect the auto-alarm to an auxiliary power supply, the voltage of which is within the specified limits.

(g) The testing device (see § 8.206 relative to required testing of the auto-alarm) of the auto-alarm shall be adjusted to produce a test signal of the correct value. This adjustment shall be considered satisfactory when it becomes necessary to turn the sensitivity control from its position of lowest sensitivity (zero dial position) to its position of approximately one-third maximum sensitivity before the alarm can be actuated.

§ 8.512 *Auto-alarm instructions.* (a) There shall be furnished at least two sets of written instructions for the guidance of the ship station radio operator and ship's officers relative to the auto-alarm, which shall include:

(1) A general technical description of the auto-alarm, including a circuit diagram of the auto-alarm receiver and a wiring diagram of its complete installation on shipboard.

(2) A general explanation of its principles of operation.

(3) A list of faults which may be indicated by the sounding of the audible alarm.

(4) Explanation of how to correct faults, remove and replace defective parts and perform limited repairs at sea.

(5) Explanation of how to test the alarm and adjust the sensitivity control to the "optimum" setting, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(6) Explanation of the effect of various sensitivity control settings upon the operation of the alarm, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(7) Description of procedure to be followed with respect to operator making adjustments when alarm bell sounds and also in making log entries.

§ 8.513 *Interior communication system.* (a) Pursuant to paragraph (g) of section 355 of the Communications Act, an efficient interior communication system shall be provided between the bridge of a ship and the radio room, in all cases where the radio room does not adjoin or open onto the navigating bridge structure; further, an efficient interior communication system shall be provided between the bridge and the location of the direction finding apparatus whenever the latter is not located on the bridge or within any compartment adjoining or opening onto the navigating bridge structure. When the operating position of the emergency radio installation is not located in the radio room normally used for operating the main radio installation, an efficient interior communication system shall be separately provided between the bridge and each of these radio operating positions.

(b) If a vessel is provided with more than one location from which it is normally controlled and steered, the interior communication system between the radio room and bridge shall include in the system a point of communication to each such location. The existence at a location of all of the following factors will be considered to be evidence that a point of communication should there be established: (1) Provision of a steering wheel; (2) provision of a compass; (3) provision of an engine order telegraph; (4) provision of apparatus to control the whistle; and (5) enclosure of the location to form a wheelhouse.

(c) The requirement of paragraph (b) of this section shall not apply to locations established solely for emergency use in event of failure of the normal steering facilities or locations used solely while docking or maneuvering a ship while in port or occasionally for brief periods while navigating the ship in close quarters on inland waters.

§ 8.514 *Requirements for interior communication systems.* The interior communication systems required by § 8.513 shall be capable of providing efficient signalling and communication, shall be independent of any other communication system on the ship, and shall be a type of system approved by the United States Coast Guard. Further, the

location and termination of individual systems shall be subject to approval by the Commission.

§ 8.515 *Radio station clock.* The radio station clock required by § 8.114, when installed on board a vessel subject to Title III, Part II of the Communications Act, shall, in addition to the requirements of § 8.114, have a sweep second hand and a dial not less than 5 inches in diameter. If a ship is provided with a separate emergency radio operating room, such a clock shall also be installed in the emergency operating room.

§ 8.516 *Direction-finder.* Each ship of 1600 gross tons or over which is subject to the requirement set forth in subparagraph (a) (2) of section 351 of the Communications Act or which is subject to Regulation 12 of Chapter V of the Safety Convention shall be equipped with an efficient direction-finder (radio compass) properly adjusted in operating condition and approved by the Commission.

§ 8.517 *Requirements for direction-finder.* (a) To be approved by the Commission, as provided by § 8.516, the radio direction-finder (radio compass) shall:

(1) Be capable of efficiently receiving signals (at least types A2 and B emission) with the minimum of receiver noise, on each radio-channel within the frequency band 285 to 515 kc which is designated by the International Radio Regulations for distress, direction-finding, or marine radio beacons;

(2) Be capable of receiving types A1, A2, and B emission, if installed on board ship after January 1, 1940;

(3) Be capable of taking bearings on received radio signals as set forth in subparagraphs (1) and (2), of this paragraph, from which the true bearing and direction may be determined;

(4) Be accurately calibrated for the purpose of taking bearings from which the true bearing and direction may be determined for actual use in maritime radiolocation service and maritime radionavigation service; and

(5) Have a sensitivity, in the absence of interference, sufficient to permit of accurate bearings being taken on a signal having a field strength as low as 50 microvolts per meter.

(b) The calibration of the direction-finder shall be verified whenever any changes are made in the physical or electrical characteristics or the location of any antenna(s) on board the vessel, or whenever any changes are made in any structure(s) on deck, which might appreciably affect the accuracy of the direction-finder. The calibration particulars shall be checked at yearly intervals or as near thereto as possible. A record of the calibration of any checks made of their accuracy shall be maintained on board the vessel for a period of not less than 1 year from the date of the related action.

(c) Under conditions inherent in the operation of commercial shipping whereby it is impracticable for the Commission's inspecting engineer to determine, prior to departure of a vessel from a harbor or port for a voyage in the open sea, whether or not the direction finder complies with the requirement of paragraph (a) (4) of this section, the direction finder may be approved with respect to meeting that particular requirement, contingent upon the availability of sufficient information at a subsequent inspection to justify the continuance of such approval, on condition that:

(1) Prior to departure of the vessel, the master certifies in writing to the Commission's inspecting engineer that calibration of the direction finder as required by paragraph (a) (4) of this section will be completed to the satisfaction of the master before such vessel is navigated thereafter on a voyage in the open sea; and

(2) During a subsequent official inspection of the direction finder, when such vessel has been navigated in the open sea outside a harbor or port after certification was given by the master as prescribed in subparagraph (1) of this paragraph, the master shall make available to the Commission's inspecting engineer the appropriate written records resulting from calibration of the direction finder pursuant to said certification. If the information contained in these written records is satisfactory to the Commission's inspecting engineer, approval of the direction finder, with respect to meeting the requirement of paragraph (a) (4) of this section, as given initially under the provisions of this paragraph, will be continued.

(3) In the absence of acceptable evidence of compliance with the requirement of paragraph (a) (4) of this section, at the time of the subsequent inspection mentioned in subparagraph (2) of this paragraph, or during any following inspection the Commission may withdraw approval of the direction finder until such time as the necessary evidence of compliance with this requirement is available.

§ 8.518 *Auxiliary receiving antenna.* On a vessel required by law to maintain a watch by a qualified operator or operators, an effective auxiliary receiving antenna or other approved arrangement shall be provided whenever necessary to avoid unauthorized interruption or reduced efficiency of this watch by reason of unavailability of the normal receiving antenna for use during the period of time when a radio direction-finder on board the same vessel is being operated.

§ 8.519 [Reserved]

§ 8.520 *Lifeboat radio equipment.* (a) Lifeboat radio equipment, portable or non-portable, required by law to be provided, shall comply with applicable requirements of paragraph (b) through (g) of this section.

(b) All lifeboat radio equipment shall include the following components as a minimum:

(1) An antenna for transmitting and receiving which can be quickly utilized by a person in the lifeboat while afloat together with such antenna accessories as are necessary;

(2) An artificial antenna for test purposes.

(3) A transmitter with keying arrangement(s) for the use of radiotelegraphy;

(4) A radio receiver with head receiver;

(5) A power supply of required capacity;

(6) The necessary material or device for a ground connection to the water when the lifeboat is afloat.

(c) Each of the components specified in paragraph (b) of this section shall be of a type of apparatus or shall comprise such items as are approved by the Commission as capable of meeting the provisions of §§ 8.556, 8.557, 8.558 or 8.559, as may be applicable.

(d) Provisions relative to capacity, use and maintenance of storage batteries used as the power supply for lifeboat non-portable radio equipment:

(1) A storage battery power supply of lifeboat radio equipment shall be capable at all times of operating the entire lifeboat radio installation for a period of at least six continuous hours as is stipulated for an emergency power supply in § 8.504 (b).

(2) Storage batteries may be used to operate equipment other than radio except the electric starter and ignition system of a lifeboat motor, provided such additional use will not adversely affect the required capabilities of the battery. All individual circuits connected to the battery shall be independently and properly fused.

(3) Storage batteries shall be kept adequately charged at all times while at sea. The charging of such batteries shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. The charging circuit for the lifeboat radio storage battery or batteries shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries, will give a continuous indication of the polarity and the rate of charge, shall be connected in this charging circuit and shall be located in the main radiotelegraph operating room for purposes of frequent observation.

(4) In any installation made on or after November 19, 1952, provisions shall be made to enable charging of the storage battery by means of a generator on the motor lifeboat engine.

(5) Subject to approval of the United States Coast Guard storage batteries shall be mounted in suitable containers that will provide protection from salt water spray and also allow proper ventilation.

(e) Lifeboat non-portable radio equipment shall be capable of developing by day, over the sea and under normal conditions and circumstances, a r. m. s. radio field intensity of 50 microvolts per meter on the frequency 500 kilocycles at a distance of 25 nautical miles. Ability to meet this requirement may be evidenced in the absence of such other means as will provide a reliable indication that this requirement is met, by a product of the maximum height of antenna above the mean surface of the water expressed in meters and a r. m. s. antenna current on the frequency 500 kilocycles expressed in amperes of not less than 10.

(f) Conditions of fitting of lifeboat and radio equipment:

(1) Non-portable radio equipment shall be installed in a cabin large enough to accommodate both the equipment and the person using it and arrangements shall be such that the efficient operation of the lifeboat radio installation shall not be interfered with by the motor boat engine while it is running, whether or not a battery is on charge.

(2) The use of metal masts and stays, unless broken by insulators, or of any structure at electrical ground potential at the masthead(s) is not permitted in lifeboat portable or non-portable radio equipment: *Provided, however,* That this limitation shall not prohibit the use of a metal mast or masts used as the antenna.

(g) Inspections and tests of lifeboat radio equipment:

(1) Inspections and tests of lifeboat radio equipment shall be conducted by a qualified representative of the licensee at weekly intervals while the ship is at sea and within 24 hours prior to the ship's departure from each port but not necessarily more than once each week. Such inspections and tests are subject to such limitations as may be imposed by the Administration having jurisdiction at foreign ports. It is necessary that each transmitter for use in lifeboats be licensed by the Commission to insure compliance with the rules and regulations of the Commission, during the required tests with an actual antenna. Operation of a transmitter installed in or for use in a lifeboat is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission. (See § 8.68.)

(i) Inspections and tests shall include operation of the transmitter connected to an artificial antenna and determination of the specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of other type of batteries, of any battery provided as a part of the lifeboat radio equipment.

(2) When the vessel is in a harbor or port of the United States an authorized representative of the Commission may require:

(i) Inspection and test of lifeboat radio equipment in a lifeboat afloat to include an actual test of the transmitter and receiver connected to the required antenna to determine that the equipment is in effective operating condition.

(ii) The shipowner, operating company, or station licensee to prove by demonstration, as may be deemed necessary, that a storage battery used as a part of the lifeboat radio equipment is capable of energizing the installation for the required period of time as is prescribed for an emergency transmitter in § 8.504 (b).

(3) The results of inspections and tests shall be made known to the master of the vessel and shall be entered in the ship's radio station log or in the ship's log if the ship is not provided with a radio station. These entries shall be made available to duly authorized representatives of the Commission upon request.

§ 8.521 *Auxiliary equipment and components.* (a) On board all vessels subject to Title III, Part II of the Communications Act, sufficient tools to make any minor adjustments of the main and emergency radio installation shall be provided, together with spare parts and auxiliary equipment sufficient to maintain the installations in efficient working condition. These spare parts and this auxiliary equipment are designated in §§ 8.522 to 8.524, inclusive. Pursuant to the provisions of § 8.525, they shall be located so as to be readily accessible to the radio operator in an emergency.

(b) In addition to the spare parts required by § 8.522, and the auxiliary equipment required by § 8.523, spare parts as are specifically designated in special lists promulgated by the Commission pursuant to the provisions of section 358 (a) (2) of the Communications Act shall be provided for transmitters, receivers, auto-alarms, direction-finders, lifeboat radio installations, and other required equipment which have been given type approval by the Commission.

NOTE: Lists of spare parts required for specific types of equipment approved by the Commission are furnished to its inspectors in charge at principal ports and are available to others upon request.

§ 8.522 *General spare parts.* (a) The following spare parts are considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act:

(1) Sufficient wire of good electrical conductivity and suitable insulators for the erection of a single-wire antenna of the same configuration and linear dimensions as the main transmitting antenna but not less than 300 feet of such wire and not less than two such insulators; or an assembled single-wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna.

(2) One sleeve bearing of each type used by all rotating machinery which is a component part of the radio installation required by law.

(3) One complete set of brushes for each unit of rotating machinery which utilizes brushes.

(4) Renewable fuse-cartridges of each type used in connection with units of the radio installation in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and of appropriate capacity.

(5) One spare electric light bulb for each emergency light required by § 8.504 (a) (6).

§ 8.523 *General auxiliary equipment.* (a) The following auxiliary equipment is considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act.

(1) One 1- to 2-inch screwdriver with approximately ⅛-inch blade.

(2) One 4- to 6-inch screwdriver.

(3) One set of assorted end wrenches or socket wrenches, or one adjustable end wrench.

(4) One pair 5- to 8-inch side-cutting pliers.

(5) One high-resistance direct-current voltmeter having a resistance of at least 1,000 ohms per volt and capable of measuring 2, 6, and 110 volts with an accuracy of at least 3 percent except that on ships where the normal radio room power supply voltage is higher than 110 to 120 volts direct current, the voltmeter shall be capable of measuring this line voltage and 2 and 6 volts with an accuracy of at least 3 percent.

(6) One electric flashlight, two-cell or larger, complete with bulb and battery, or one portable emergency electric lamp (protected from mechanical injury) with at least 10 feet of flexible cord and means for rapid connection to the emergency source of power. One spare bulb of the type used shall be provided.

(7) One hydrometer for use with lead-acid batteries when this type of battery is installed.

(8) Approximately one gallon or more of distilled water, or the same amount of any kind of water suitable for use in the type of storage batteries installed.

(9) Instruction book(s) and circuit diagrams, including modifications covering transmitter(s), receiver(s), and direction-finder, if a direction-finder is required.

(10) One electric soldering iron of at least 100 watts rated power, which is capable of operating from a source of power available in the room or cabin housing the required radio apparatus; and at least one-half pound of solder with appropriate non-corrosive soldering flux (for example, rosin-core solder).

§ 8.524 *Spare parts for specific apparatus.* (a) Prior to the Commission's approval of a particular type of marine transmitter, receiver or direction-finder, and prior to the issuance of associated specific lists of required spare parts and auxiliary equipment, the following spare parts and auxiliary equipment relative to specific apparatus shall be provided in addition to those stipulated in §§ 8.522 and 8.523.

(1) *For each electron tube transmitter (other than lifeboat transmitter).* One radio-frequency oscillator tube, one tube for each radio-frequency amplifier stage, and, if used to provide A2 emission, one audio-frequency oscillator tube. One tube for a main transmitter or two tubes for an emergency transmitter intended for use in the radio-frequency circuit of transmitters of the self-rectified, simple oscillator type. One anode power-supply rectifier tube for each such tube used. One resistor of each type used as a grid leak; one resistor of each type as used in voltage divider of grid-blocking keying circuit; one resistor of each type as used in series with keying relay winding. The value of each resistor shall be clearly indicated thereon.

(2) *Receivers (other than lifeboat receivers).* One complete spare set of

tubes for the receiver(s). One headset (telephone receiver) complete with connecting cord, and, if used, a cord-terminal plug.

(3) *Direction-finders.* One complete set of tubes for the radio receiver incorporated in the direction finder, when a direction-finder is required.

(4) *Lifeboat radio equipment.* One electron tube of each type used for normal operation of the radio installation, including neon or any other type of tube or lamp employed as resonance indicator(s), expect that if three or more electron tubes of a single type are employed, two electron tubes of that type shall be provided: Renewable fuse-cartridges of each type used in connection with the units of the lifeboat radio installation or which are used in circuits connected to the lifeboat radio installation power supply in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and appropriate capacity. If wire is used, sufficient wire shall be provided to permit six complete fuse replacements. Additionally, non-portable lifeboat radio equipment shall be provided with at least 35 feet of insulated wire suitable for use as antenna wire; 2 antenna insulators; one panel electric light bulb, if used, one screwdriver and one pair of sidecutting pliers.

(5) *Auto-alarms.* One complete set of spare parts specifically designated and promulgated by the Commission for the particular type of auto-alarm which is type-approved in accordance with § 8.554.

§ 8.525 *Location of spare parts.* (a) Spare parts for the direction-finder receiver shall be kept in the same compartment or room in which this receiver is located.

(b) Spare parts and auxiliary equipment for the non-portable radio equipment shall be kept in the lifeboat cabin housing the radio equipment. Spare parts and auxiliary equipment for the lifeboat portable radio apparatus shall be so kept as to be convenient for the routine maintenance of the equipment.

(c) The spare emergency light bulb(s) shall be mounted in close proximity to the corresponding emergency light socket(s).

(d) The antenna wire, antenna insulators, and distilled water, respectively, may be retained in the radio operating room or elsewhere: *Provided,* The antenna material is readily accessible to the radio operator in an emergency.

(e) All other spare parts and auxiliary equipment shall be securely retained preferably in a single space, readily accessible to the radio operator in an emergency, in the main radiotelegraph operating room, or, if desired, in any associated room adjacent to and connected with the main radiotelegraph operating room by an interconnecting doorway.

(f) The space(s) allocated for the location of spare parts and auxiliary equipment in accordance with paragraph (e) of this section shall be used *only* for this purpose, and such space(s) shall be appropriately and conspicuously marked.

(g) All required spare parts and auxiliary equipment shall be available for observation by authorized representatives of the Commission at the time of inspection of the ship radio installation.

RADIOTELEPHONE INSTALLATIONS ON SHIPS SUBJECT TO PART II OF TITLE III OF THE COMMUNICATIONS ACT OR ON U. S. SHIPS SUBJECT TO THE SAFETY CONVENTION

§ 8.528 *Radiotelephone installations.* (a) A radiotelephone installation required to be provided on any ship by reason of the provisions of Part II of Title III of the Communications Act or on a United States ship by reason of the Safety Convention, shall comply in an efficient manner with §§ 8.529, 8.530, 8.531, 8.532 and 8.533 in addition to all other applicable requirements of this part. The radiotelephone installation so provided shall include at least the following:

(1) A radiotelephone transmitter and associated radiotelephone receiving equipment;

(2) A main source of power;

(3) An emergency source of power when required by § 8.531;

(4) An antenna and ground system; and

(5) Such other apparatus as may be necessary for the proper operation and use of these components of this installation.

§ 8.529 *Radiotelephone transmitter.* (a) The radiotelephone transmitter shall be capable of transmitting on the radiotelephone calling and distress frequency, 2182 kc, the ship-to-ship working frequency, 2638 kc, and at least two other frequencies within the band 1605 to 2850 kc used for ship-to-shore or ship-to-ship communications.

(b) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits.

(c) The radiotelephone transmitting installation shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles. The transmitting apparatus of the radiotelephone transmitting installation shall be considered to comply with this range requirement whenever such apparatus is properly adjusted for use with an actual ship station transmitting antenna meeting the requirements of § 8.532 and has been demonstrated or is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltage applied, of delivering not less than 25 watts of unmodulated radio frequency carrier power on each of the frequencies 2182 kc and 2638 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance: *Provided,* That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(d) Transmitters installed after June 1, 1956 and all transmitters after June 1, 1960 regardless of installation date shall be equipped with a device which will provide continuous visual indication that the transmitter is supplying radio-frequency power to the antenna.

(e) The transmitter shall be adequately protected, by suitable devices such as fuses or circuit breakers, from excessive currents and voltages which could cause damage to components thereof.

(f) A durable nameplate shall be mounted on the transmitter or made an integral part thereof showing clearly at least the following:

(1) The name of the manufacturer;

(2) The type or model number.

§ 8.530 *Radiotelephone receiving equipment.* (a) The radiotelephone installation shall include the following receivers.

(1) A receiver capable of reception of A3 emission on 2182 kc, 2638 kc and the receiving frequencies associated with transmitting frequencies required to be provided by § 8.529. The receiver shall be capable of accurate and convenient selection of these frequencies without manual tuning, i. e., it shall be pre-set for reception on each of the required frequencies.

(2) After June 1, 1956, in addition to the receiver required by subparagraph (1) of this paragraph, a receiver capable of manually tuned reception over the entire frequency band 1600 to 3500 kc shall be provided.

(b) One or more loudspeakers capable of effective operation shall be provided so as to permit reception at the principal operating location and at any other location where listening required by § 8.202 (c) and § 8.203 (d) is performed.

(c) Any receiving equipment provided as part of the required radiotelephone installation shall be capable of a sensitivity over the required frequency band on any required reception frequency of at least 50 microvolts. Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 percent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus through a suitable artificial antenna in order to produce an audio output of 50 milliwatts of power to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed upon this basis shall be furnished upon request of a Commission engineer.

(d) Any receiving equipment provided as part of the required radiotelephone installation shall be provided with a durable nameplate mounted on the receiver or made an integral part thereof showing at least the following:

(1) The name of the manufacturer.

(2) The type or model number.

(e) Required receiving equipment shall be protected by means of suitable

devices such as fuses or circuit-breakers from excessive voltages which could cause damage to any component thereof.

§ 8.531 *Power supply.* (a) There shall be readily available for use at all times under normal load conditions, while the vessel is at sea, and when required during inspection of the ship radiotelephone station by an authorized representative of the Commission, a main source of energy, capable of supplying electrical power sufficient to energize simultaneously and efficiently the radiotelephone transmitter at its required power and the required receiver. At all times hercin specified the potential of the main source of energy at the power input connections of the radiotelephone installation shall not deviate from its rated electrical potential by more than 10 percent on vessels completed on or after July 1, 1941, nor more than 15 percent on vessels completed before that date. In the case of new installations, an emergency source of energy independent of the vessel's normal electrical system shall be provided, and shall be located in the upper part of the ship, unless the main source of energy is so located, in which case the emergency source of energy is not required. The emergency source of energy when required shall be located as near the radiotelephone transmitter and receiver as is practicable. A power supply shall be deemed to be located in the upper part of the ship when it is located on the same deck as the wheel house or at least one deck above the vessel's main deck.

NOTE: See § 8.113 regarding application of Coast Guard regulations regarding power supply.

(b) Each emergency source of energy and each main source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes batteries shall, with respect to such batteries, have sufficient reserve capacity available at all times while the ship is at sea and during official inspections to permit operation of the radiotelephone installation for at least 6 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove this capacity by means of a discharge test over the 6-hour period of time when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by paragraph (d) of this section, or by such other means as may be deemed necessary.

(c) Each emergency source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes an engine-driven generator shall, with respect to such engine-driven generator, have sufficient reserve fuel available at all times while the ship is at sea and during official inspections to permit operation of the radiotelephone installation for at least 6 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove the adequacy of the fuel supply by demonstration, or by such other means as may be deemed necessary. Proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over the 6-hour period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by paragraph (d) of this section.

(d) The electrical load to be supplied by a main or an emergency source of energy under the provisions of paragraph (b) or (c) of this section shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to one-half the six-hour period.

(e) At the conclusion of the test specified in paragraphs (b) and (c) of this section, no part of the main or emergency sources of energy shall have an excessive temperature rise, nor shall the specific gravity or voltage of any storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer of the type of battery involved.

(f) Means shall be provided for adequately charging any storage batteries used as a main or emergency source of energy or any part thereof, for the required radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continuous indication of the rate and polarity of such charging.

(g) The cooling system of each internal combustion engine used as a part of any required emergency source of energy for the radiotelephone installation shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(h) All required power-supply circuits shall be appropriately protected by means of suitable devices such as fuses or circuit-breakers from overloads or short-circuits, which could damage any component thereof.

§ 8.532 *Radiating system.* (a) In each radiotelephone installation an antenna shall be provided which is as non-directional and as efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of this antenna shall be such as to insure, insofar as is practicable, proper operation in time of an emergency.

(b) When an electrical ground connection is used as a necessary element of the radiating system, such connection shall be made in an efficient manner to the hull of a vessel having a metal hull or, in the case of a vessel not having a metal hull, to a bare plate and/or strips of corrosion resistant metal of good electrical conductivity having a total area of at least 12 square feet in the aggregate, permanently attached to the hull below the waterline and insofar as possible located directly under the antenna structure and radio apparatus.

§ 8.533 *General requirements applicable to radiotelephone installations.* (a) Each radiotelephone installation in respect to all components thereof required by reason of Title III, Part II of the Communications Act or the Safety Convention shall meet the following requirements:

(1) The radiotelephone transmitter, receiver and all controls necessary for their proper use and operation shall be located in the upper part of the ship. For this purpose, the upper part of the ship shall be considered to include locations at wheel house level or those which are at least one deck above the vessel's main deck. If the principal operating location is not in the room from which the vessel is normally steered while at sea or not in a room adjacent to and opening directly into such room, an interior two-way voice communication system including an attention signaling system shall be provided between such room and the principal operating location. In the case of installations made after June 1, 1956, the principal operating location shall be in the room from which the vessel is normally steered while at sea.

(2) If the radiotelephone installation is operated from any other position than the principal operating location, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, a method shall be provided for taking control at the principal operating location as herein prescribed which is direct, positive and independent of action by any person not at the principal operating location.

(ii) The use of an interior shipboard communication system between the principal operating location and all other locations at which there is a radiotelephone operating position shall be acceptable as a method for taking control at the principal operating location as herein prescribed on condition that the communication thereby provided is reliable, effective, immediately available at all times, and is usable independently of any other interior communication circuit: *Provided, however,* That in the case of radiotelephone installations first placed in service on or after June 1, 1956 the use of such a method for taking control at the principal operating location shall be acceptable only in the case of those radiotelephone operating positions located in the chart room or master's quarters.

(3) The radiotelephone installation when utilizing the fixed tuned receiver required by § 8.530 (a) (1) shall be so designed that when a qualified operator is present at the principal radiotelephone operating location:

(i) Switching between the calling and distress frequency 2182 kc and any required working frequency or vice versa may be performed within a period of five seconds;

(ii) Changeover from transmission to reception and vice versa may be accom-

plished within a total period of two seconds on each of the required frequencies under circumstances which do not require a change in operating radio channel at the same time.

(iii) Use of the emergency source of energy, when required by § 8.531, shall be available within 1 minute after any need arises for its use.

(4) The components and assembly of the radiotelephone installation shall be such as to insure safe and effective operation of the equipment and shall be arranged to facilitate proper repair and replacement of parts. Adequate protection shall be provided against the action of saline moisture and the effects of vibration, humidity and temperature encountered on shipboard.

(5) A reliable electric light shall be provided and permanently arranged so as to illuminate satisfactorily the operating controls at the principal operating location. When the principal operating location is in the room from which the vessel is steered, the light shall be so arranged that its illumination is confined substantially to the vicinity of the operating controls so that it may be used at night without interfering with navigation of the vessel. The light shall be energized from the main source of energy, and, if an emergency source of energy for the radiotelephone installation is required, means shall be provided for energizing the light from such source of energy also.

§ 8.534 *Test of radiotelephone installation.* Unless the normal use of a radiotelephone installation required by Title III, Part II of the Communications Act or the Safety Convention demonstrates that the equipment is in proper operating condition for an emergency, a test communication for this purpose shall be made by a qualified operator each day the vessel is navigated. When this test is performed by some person other than the master and the equipment is found not to be in proper operating condition for an emergency, the master shall be notified promptly thereof.

RADIO INSTALLATIONS ON SHIPS SUBJECT TO THE GREAT LAKES AGREEMENT

§ 8.535 *Periodical survey of radiotelephone installation.* Except as provided in § 8.537, each vessel of the United States required by the Great Lakes Agreement to carry a radiotelephone installation, shall have a periodical survey of the radiotelephone installation not less than once every twelve months for the purpose of obtaining an appropriate certificate as prescribed by Article 12 of said agreement and § 8.536 of this subpart. The survey shall be made while the vessel is in active service or within not more than one month before the date on which it is placed in service.

§ 8.536 *Certificates.* Except as provided in § 8.537, each vessel of the United States to which the Great Lakes Agreement applies shall, not later than November 13, 1955, have on board and posted at the principal operating location of the radiotelephone installation required by said Agreement an appropriate valid certificate as prescribed by Article 12 of said Agreement.

§ 8.537 *Occasional navigation on the Great Lakes.* Any vessel of the United States which enters the Great Lakes from Montreal or below and which engages in not more than two voyages on the Great Lakes in any one calendar year solely between (a) one or more ports outside the Great Lakes and (b) one or more ports on the Great Lakes, may in lieu of complying with the requirements of § 8.540, comply with the radiotelephone installation requirements of Regulation 15, Chapter IV of the Safety of Life at Sea Convention, 1948: *Provided*, That—

(a) The vessel has on board a valid Safety Radiotelephony certificate; and

(b) The radiotelephone installation is equipped to transmit and receive on the frequencies 2182 kc and 2003 kc.

§ 8.538 *Failure of radiotelephone installations while en route.* If, while a United States vessel is subject to the Great Lakes Agreement, the vessel's radiotelephone installation required by Article 8 of said Agreement ceases to be in effective operating condition, the master shall forthwith exercise due diligence to restore the radiotelephone installation to effective operating condition at the earliest practicable moment, and, in any event, the effective operating condition of the radiotelephone installation shall be restored at the destination on the Great Lakes of the vessel. In addition to the foregoing, the master shall within 12 hours after the time of arrival of the vessel at the destination, mail to the Secretary, Federal Communications Commission, Washington 25, D. C., an explanation of the full particulars of the matter in writing including the date the master became aware of the deficiency in the radiotelephone installation and the nature of such deficiency, a description of steps taken to correct such deficiency, and in the case of a vessel whose destination is on the Great Lakes, a statement that the radiotelephone installation has been, or will be, placed in effective operating condition before the ship leaves that port.

§ 8.539 [Reserved]

§ 8.540 *Requirements for radiotelephone installation.* (a) Each vessel of the United States while subject to the requirements of the Great Lakes Agreement shall, in accordance with that Agreement, be fitted with a radiotelephone installation (see § 8.8 (n)) in effective operating condition which is capable of meeting the requirements set forth in this section together with the provisions of such other rules in this part, governing ship stations using telephony, as are applicable.

(1) The radiotelephone installation, exclusive of the main source of power for energizing such installation, shall be located as high as practicable in the upper part (see § 8.113) of the vessel and shall be adequately protected to ensure proper operation and so as not to endanger the vessel and the radio apparatus comprising such installation.

(2) A main source of energy of sufficient capacity to energize the radiotelephone installation properly and immediately shall be available at all times when the vessel is subject to the requirements of the Great Lakes Agreement.

(3) The auxiliary source of energy, required by the Great Lakes Agreement to be provided on passenger carrying vessels (see § 8.2 (o)) of 1,000 gross tons or more, shall be independent of the vessel's normal electrical system and shall be capable of properly energizing the radiotelephone installation and the light provided pursuant to subparagraph (11) of this paragraph, in addition to any other loads to which it may supply energy in times of emergency or distress, for at least four continuous hours under normal operating conditions. When meeting the four-hour requirement, such auxiliary source of energy shall be located in a position of the greatest possible safety and as high as practicable in the upper part of the vessel.

(4) The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration prescribed in subdivisions (i), (ii), (iii), and (iv) of this subparagraph or by such other means as may be deemed necessary that the auxiliary source of energy, when required to be provided, is capable of energizing the radiotelephone installation under the conditions and for the minimum period of time required by law.

(i) When the auxiliary source of energy consists of or includes a storage battery, proof of the ability of such battery power supply to operate continuously and effectively over a prescribed period of time is authorized to be established by a discharge test over such prescribed period of time, when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iii) of this subparagraph.

(ii) When the auxiliary source of energy consists of or includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over a prescribed period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power, at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iii) of this subparagraph.

(iii) The electrical load to be supplied by an auxiliary source of energy for the purpose of establishing proof of required capacity shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to one-half of the four-hour period.

(iv) At the conclusion of the tests specified in subdivisions (i) and (ii) of this subparagraph, no part of the auxiliary source of power shall have an excessive temperature rise, nor shall the specific gravity or voltage of the storage battery be below 90 per cent discharge point as determined from the information (such as voltage curves or specific gravity tables) supplied by the manufacturer for the type of battery involved.

(5) Means shall be provided for adequately charging any storage batteries used as a source of energy for the radiotelephone installation. There shall be provided a device which, during the charge of the batteries, will give a continuous indication of the rate and polarity of such charge.

(6) The principal operating location of the radiotelephone installation shall be on the bridge. If the radio apparatus of this installation (as distinguished from the normal operating controls) is located other than on the bridge, the radiotelephone installation shall be capable of being operated from that location as well as from the bridge. In any event, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location on the bridge, as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, a method shall be provided for taking control on the bridge as herein prescribed which is direct, positive and independent of action by any person not on the bridge.

(ii) The use of an interior shipboard communication system between the bridge and all other locations at which there is a radiotelephone operating position shall be acceptable as a method for taking control on the bridge as herein prescribed on condition that the communication thereby provided is reliable, effective, immediately available at all times, and is usable independently of any other interior communication circuit: *Provided, however*, That in the case of radiotelephone installations first placed in service on or after April 1, 1955, the use of such a method for taking control on the bridge shall be acceptable only in the case of those radiotelephone operating positions located in the chartroom and in the master's quarters.

NOTE: The expression principal operating location is equivalent to the expression "location of the main operating position" contained in the Great Lakes Agreement.

(7) The radiotelephone installation shall be capable of being used for the effective transmission and reception of class A3 emission on the intership working frequency 2003 kc and on the calling and distress frequency 2182 kc.

(8) The transmitting apparatus of the radiotelephone installation shall be construed to comply with the power requirement of regulation 1, paragraph 5 of the Great Lakes Agreement whenever such apparatus is properly adjusted for use with the actual ship station transmitting antenna and is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts of unmodulated radio frequency carrier power on each of the frequencies 2182 kc and 2003 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance: *Provided*, That if deemed necessary by the Commission, a demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with the power requirement of Regulation 1, paragraph 5 of the Great Lakes Agreement.

(9) The radiotelephone installation shall be so designed that when a certified person, as prescribed in § 8.158, is present at the principal operating location:

(i) Switching between the intership working frequency 2003 kc and the distress frequency 2182 kc and vice versa may be performed within a period of five seconds;

(ii) Changeover from transmission to reception and vice versa may be accomplished within a total period of two seconds on each of the frequencies 2003 kc and 2182 kc; and

(iii) Use of the auxiliary source of power, as required on passenger vessels of 1,000 gross tons or more, shall be available within 1 minute after any need arises for its use.

(10) The radiotelephone installation shall be adjusted so that the transmission of speech normally produces peak modulation percentages of at least 70 percent.

(11) Light from an electric source of energy shall be available and permanently arranged to so illuminate the operating controls of the radiotelephone installation at the principal operating location that the installation may be used at any time for quickly establishing and effectively carrying on radiotelephone communication in time of emergency or distress. If an auxiliary source of energy is required to be provided on board the vessel, arrangements shall be provided to utilize or to permit the use of such source of energy for such illumination within 1 minute after the need arises for its use.

(12) The radiotelephone installation shall be capable of properly energizing a loudspeaker on each of the frequencies 2003 kc and 2182 kc when the radio field intensity of the received carrier wave (measured when no modulation is present) is as low as 10 microvolts per meter. The radiotelephone installation may be considered capable of meeting this requirement if on each of the frequencies concerned the numerical value of the sensitivity of the receiver expressed in microvolts is equal to or less than the numerical value of the maximum height of the associated receiving antenna expressed in feet as measured from the cabin lead-in insulator. The numerical value of the sensitivity of the receiver may be based on manufacturer's specifications.

NOTE: Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 percent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus through a suitable artificial antenna in order to produce an audio output of 50 milliwatts of power to the loud speaker with a signal-to-noise ratio of at least 6 decibels.

(13) The radiating system of the radiotelephone installation provided for use on each of the frequencies 2182 kc and 2003 kc shall comply with the following requirements:

(i) The antenna shall be adequately protected to ensure proper operation and so as not to endanger the vessel and the radio apparatus comprising the installation.

(ii) The conductor or system of conductors comprising the antenna shall, consistent with the prevailing physical limitations affecting the antenna installation, be of such a configuration and so located physically with regard to proximity to metallic objects and structures as to allow for the development of as uniform a vertically polarized ground wave in all directions as possible for a given antenna power.

(iii) Wherever practicable the radiating system shall as a minimum be capable of converting at least 11.5 watts (unmodulated carrier power) of the power supplied to the system by the transmitting apparatus, on 2182 kc and 2003 kc respectively, into radiated power. A radiating system shall be deemed capable of meeting this requirement and also the requirements of subdivision (ii) of this subparagraph if it is demonstrated to the satisfaction of the Commission that the radio-telephone installation is capable of developing an effective inverse distance radio field intensity of 19.9 millivolts per meter at one statute mile on each of the frequencies 2003 kc and 2182 kc, or if the product of the antenna current on 2182 kc in root mean square amperes measured at the base of the antenna and the maximum height of the antenna expressed in feet as measured from the cabin lead-out insulator is at least 41.4 for an antenna having a horizontal top-length of not less than one-half of its maximum height; or 70.5 in the case of any other antenna.

(iv) When an electrical ground connection is used as a necessary element of the radiating system such connection shall be made in an effective manner to the hull of a vessel having a metal hull or, in the case of a vessel not having a metal hull, to a bare plate and/or strips of a corrosion resistant metal of good electrical conductivity having a total area of at least 12 square feet in the aggregate, permanently attached to the hull below the waterline and insofar as possible located directly under the antenna structure and radio apparatus.

§ 8.541 *Trial of radiotelephone installation.* At least once during each calendar day in which a vessel of the United States is navigated while subject to the Great Lakes Agreement, a test communication to demonstrate that the radiotelephone installation is in proper operating condition for an emergency shall be made by a certified person who is required in accordance with § 8.158, unless the normal daily use of the equipment demonstrates that this installation is in proper operating condition for that purpose. Should the equipment be found at any time by some person other than the master not to be in proper operating condition for an emergency, the master shall be promptly notified thereof. A record shall be made in the radio station log provided for by § 8.368 (c) showing the operating condition of the equipment as determined by either the daily normal communication or the daily test communication referred to above, and showing that, if an improper operating condition was found, the master was properly notified thereof.

RADIOTELEPHONE INSTALLATIONS ON SHIPS SUBJECT TO PART III OF TITLE III OF THE COMMUNICATIONS ACT

§ 8.543 *Radiotelephone installations.* A radiotelephone installation required to be provided on a vessel of the United States by reason of the provisions of Part III of Title III of the Communications Act, shall comply in an efficient manner with §§ 8.544, 8.545, 8.546, 8.547 and 8.548 in addition to all other applicable requirements of this part.

§ 8.544 *Certificates.* Each vessel of the United States to which Part III of Title III of the Communications Act is applicable shall, not later than March 1, 1958, have on board and posted in a prominent and accessible place in the vessel a valid Communications Act Safety Radiotelephony certificate as prescribed by § 8.501 (b) of this part.

§ 8.545 *General technical requirements.* (a) The components and assembly of each radiotelephone installation required by Title III, Part III of the Communications Act, shall be such as to insure safe and effective operation of the equipment and shall be arranged to facilitate proper repair and replacement of parts. Adequate protection shall be provided against the action of saline moisture and the effects of vibration, humidity, and temperatures encountered on shipboard. In particular, the components named hereunder shall meet specific requirements as follows:

(1) *Medium frequency transmitter and receiver.* Except under special circumstances as set forth in subparagraph (2) of this paragraph, the radiotelephone installation shall meet the following requirements:

(i) It shall be capable of being used for the effective transmission and reception of class A3 emission on the international calling and distress frequency 2182 kc, the ship-to-ship working frequency 2638 kc, and at least one ship-shore working frequency within the band 1600–3500 kc enabling communication with a public coast station serving the region in which the ship is operated, during the entire time the vessel is navigated in waters specified by section 381 of Title III, Part III of the Communications Act.

(ii) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits.

(iii) The radiotelephone transmitter shall have a power output of not less than 10 watts if installed in the vessel prior to March 1, 1957, and a power output of not less than 25 watts if installed on or after that date. After June 1, 1963, the radiotelephone transmitter shall have a power output of not less than 25 watts regardless of installation date. The required power specified herein is measured when no modulation is present. The transmitting apparatus shall be considered to be capable of meeting this power requirement when it is properly adjusted for use with a ship station transmitting antenna meeting requirements of this section and has been demonstrated or is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than the required power on each of the frequencies 2182 kc and 2638 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance; *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(2) *Very high frequency transmitting and receiving equipment.* If a vessel is within communication range of a public coast station operating in part or entirely on frequencies within the band 152–162 Mc which is in service and maintains an efficient watch for the reception of class F3 emission on the frequency 156.8 Mc at all times while the vessel is navigated in waters specified by section 381 of Part III of Title III, and the vessel while so navigated is never more than 20 nautical miles from a 156.8 Mc receiving location of such station, such vessel may alternatively employ very high frequency transmitting and receiving equipment in lieu of the medium frequency equipment specified in subparagraph (1) of this paragraph. Such alternative equipment shall meet the following requirements:

(i) The equipment shall be capable of being used for the effective transmission and reception of class F3 emission on the frequencies 156.3 Mc, 156.8 Mc, and on the working frequency 157.3, 157.35 or 157.4 Mc as necessary for communication with one or more public coast stations serving the area in which the vessel is navigated.

(ii) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits. The frequency deviation with 100 percent modulation applied shall not exceed 15 kc.

(iii) The radiotelephone transmitter shall have a power output of at least 20 watts. The transmitter shall be considered to be capable of meeting this power requirement when it is properly adjusted for use with a ship station transmitting antenna meeting the requirements of these rules and has been demonstrated or is of a type that has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 20 watts unmodulated radio frequency carrier power into 50 ohms effective resistance on each of the frequencies 156.8 Mc, 156.3 Mc and any of the frequencies 157.3, 157.35 or 157.4 Mc: *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(3) *Power supply.* (i) There shall be readily available for use at all times under normal load conditions while the vessel is navigated in waters specified by section 381 of Part III of Title III and when required during inspection of the ship radiotelephone station by an authorized representative of the Commission, a main source of energy capable of supplying electrical power sufficient to energize simultaneously and efficiently the radiotelephone transmitter at its required power, and the required receiver. At all times specified in the preceding sentence the potential of the main source of energy at the power input connections of the radiotelephone installation shall not deviate from its rated electrical potential by more than 10 percent on vessels the construction of which is completed on or after March 1, 1958, nor more than 15 percent on vessels completed before that date: *Provided*, That radiotelephone output power in the medium frequency band under either of these conditions shall not be less than 10 watts when such output power is applicable to a transmitter installed before March 1, 1957. In the case of a vessel of more than 100 gross tons, the keel of which was laid after March 1, 1957, an emergency source of energy independent of the vessel's normal electrical system shall be provided and shall be located in the upper part of the ship, unless the main source of energy is so located, in which case an emergency source of energy is not required. The emergency source of energy, when required, shall be located as near to the radiotelephone transmitter and receiver as is practicable. A source of energy shall be deemed to be located in the upper part of the ship when it is located on the same deck as the wheel house or at least one deck above the vessel's main deck. When batteries are used as either a main or emergency source of energy for the radiotelephone installation they shall be placed in such a position that they will not be contaminated by bilge water of the vessel, and in no case shall they be installed below the center line of the crankshaft of any inboard propulsion engine.

(ii) Each emergency source of energy and each main source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes batteries shall, with respect to such batteries, have sufficient reserve capacity available at all times while the ship is navigated in waters specified by section 381 of Part III of Title III and during Commission inspections to permit operation of the radiotelephone installation for at least 3 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove this capacity by means of a discharge test over the 3-hour period of time when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iv) of this subparagraph, or by such other means as may be deemed necessary.

(iii) Each emergency source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes an engine-driven generator shall, with respect to such engine-driven generator, have sufficient reserve fuel available at all times while the ship is navigated in waters specified by section 381 of Part III of Title III and during Commission inspections to permit operation of the radiotelephone installation for at least 3 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove the adequacy of the fuel supply by demonstration or by such other means as may be deemed necessary. Proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over the 3-hour period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iv) of this subparagraph.

(iv) The electrical load to be supplied by a main or an emergency source of energy under the provisions of subdivision (ii) or (iii) of this subparagraph shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to 1½ hours.

(v) At the conclusion of the test specified in subdivisions (ii) and (iii) of this subparagraph, no part of the main or emergency sources of energy shall have an excessive temperature rise, nor shall the specific gravity or voltage of any storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacture of the type of battery involved.

(vi) Means shall be provided on board the vessel for adequately charging any storage batteries used as a main or emergency source of energy or any part thereof, for the required radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continuous indication of the rate and polarity of such charging.

(vii) The cooling system of each internal combustion engine used as a part of any required emergency source of energy for the radiotelephone installation shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(viii) All required power-supply circuits shall be appropriately protected by means of suitable devices such as fuses or circuit-breakers from overloads or short circuits which could damage any component thereof.

(ix) Use of the emergency source of energy, when such emergency source is required by subdivision (i) of this subparagraph, shall be available within one minute after any need arises for its use.

(4) *Radiating system.* In each radiotelephone installation an antenna shall be provided in accordance with the applicable requirements of § 8.107 which is as nondirectional and as efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of this antenna shall be such as to insure, insofar as is practicable, proper operation in time of an emergency.

(5) *Electric light.* Unless the vessel is navigated during daylight hours only, a reliable electric light shall be provided and permanently arranged so as to illuminate satisfactorily the operating controls at the principal operating location. When the principal operating location is in the room from which the vessel is steered, the light shall be so arranged that its illumination is confined substantially to the vicinity of the operating controls so that it may be used at night without interfering with navigation of the vessel. The light shall be energized from the main source of energy, and, if an emergency source of energy for the radiotelephone installation is required, means shall be provided for energizing the light from such source of energy also.

(6) *Loudspeaker.* One or more loudspeakers capable of effective operation at all speech frequencies from 300 to 2500 cycles per second shall be provided so as to permit telephone reception at the principal operating location and at any other location where listening required by § 8.202 (d) is performed.

(7) *Antenna radio frequency indicator.* Transmitters installed after June 1, 1958, and all transmitters after June 1, 1960, regardless of installation date, shall be equipped with a device which will provide continuous visual indication that the transmitter is supplying radio frequency power to the antenna, either directly or through the medium of a transmission line.

(8) *Protective devices.* The radiotelephone installation shall be adequately protected by suitable devices, such as fuses or circuit breakers, from excessive currents and voltages which could cause damage to the components thereof.

(9) *Nameplate.* A durable nameplate shall be mounted on the radiotelephone transmitting and receiving equipment or shall be made an integral part thereof. When the transmitter and receiver comprise a single unit, one nameplate shall be sufficient. The nameplate shall show at least the following:

(i) The name of the manufacturer;

(ii) The type or model number.

§ 8.546 *Sensitivity of receiving equipment.* Any receiving equipment provided as part of the required radiotelephone installation shall be capable of a sensitivity on any required reception frequency of at least 50 microvolts in the case of medium frequency equipment and 1 microvolt in the case of very-high-frequency equipment. Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 percent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus through a suitable artificial antenna in order to produce an audio output of 50 milliwatts of power to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed upon this basis shall be furnished upon request of a Commission representative.

§ 8.547 *Location of radiotelephone installation.* (a) The requirements set out in this section apply only to vessels of more than 100 gross tons.

(b) The radiotelephone transmitter, receiver, and all controls necessary for their proper use and operation, shall be located in the upper part of the ship. For this purpose, the upper part of the ship shall be considered to include locations at wheel house level or those which are at least one deck above the vessel's main deck. If the principal operating location is not in the room from which the vessel is normally steered or not in a room adjacent to and opening directly into such room, an interior two-way voice communication system including an attention signalling system shall be provided between such room and the principal operating location. In the case of radiotelephone installations fitted on board a vessel after March 1, 1957, the principal operating location shall be in the room from which the vessel is normally steered.

§ 8.548 *Control of radiotelephone installations.* (a) The provisions of paragraph (b) of this section apply only to vessels of more than 100 gross tons. The provisions of paragraph (c) of this section apply to all vessels subject to Title III, Part III of the Communications Act, regardless of tonnage.

(b) If the radiotelephone installation is operated from any other position than the principal operating location, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location as follows:

(1) Except as provided in subparagraph (2) of this paragraph, a method shall be provided for taking control at the principal operating location as herein prescribed which is direct, positive, and independent of action by any person who is not at the principal operating location.

(2) The use of an interior shipboard communication system between the principal operating location and all other locations at which there is a radiotelephone operating position shall be acceptable as a method for taking control at the principal operating location as herein prescribed on condition that the communication thereby is reliable, effective, immediately available at all times, and is usable independently of any other interior communication circuit: *Provided*, That in the case of radiotelephone installations first placed in service on or after March 1, 1957, the use of such a method for taking control at the principal operating location shall be acceptable only in the case of those radiotelephone operating positions located in the chart room or master's quarters.

(c) The radiotelephone installation shall be so designed that, when a qualified

operator is present at the principal operating location, switching between required frequencies from such location may be performed within a period of five seconds and changeover from transmission to reception and vice versa may be accomplished within a total period of two seconds under circumstances which do not require a change in operating radio channel at the same time. The receiver shall be capable of accurate and convenient selection of the required frequencies without manual tuning, i. e., it shall be pre-set for reception on each of the required frequencies. This shall not preclude the use of a separate manually tunable receiver if provided for maintaining the required watch as a part of the required radiotelephone installation.

§ 8.549 *Test of the radiotelephone installation.* Unless the normal use of the radiotelephone installation required by Title III, Part III of the Communications Act demonstrates that the equipment is in proper operating condition for an emergency, a test communication for the purpose shall be made by a qualified operator each day the vessel is navigated. When this test is performed by some person other than the master and the equipment is found not to be in proper operating condition for an emergency, the master shall be notified promptly thereof.

SUBPART S—TYPE APPROVAL OF COMPULSORY SHIPBOARD EQUIPMENT

§ 8.551 *Scope of type approval.* (a) Approval by the Commission of a particular type of equipment in accordance with the provisions of any section or sections of this subpart, for use on board ships for the purpose of compliance with Part II of Title III of the Communications Act, is extended to all equipment of the same identical type, design, and construction, which is manufactured by the same person.

(b) For the purpose of determining compliance with sections 351 (a), 355 (c), (d), (e), and 358 (a) of the Communications Act, the term "transmitter" means a transmitter proper, together with all auxiliary equipment which is deemed necessary to make this unit operate efficiently as a main and/or emergency transmitter in a ship station at sea. For this purpose, each separate motor-generator, rectifier or other unit required to convert the power available as a primary source or sources on the ship, to the phase, frequency, and/or voltage necessary to energize the transmitter proper is construed to be a component of the transmitter.

§ 8.552 *Requirements for main transmitter.* (a) A main electron-tube transmitter, regardless of the date of its completion, installation, or modification, will be type-approved by the Commission as capable of meeting the relevant requirements of section 355, paragraphs (c) and (d), of the Communications Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, is capable of meeting the specific requirements of paragraphs (b), (c), and (d) of this section: *Provided,* That if deemed necessary, a demonstration of the capabilities of an individual main transmitter installed on board a ship may be required to determine compliance with any or all of the following provisions of this section before initial or continued type approval of such transmitter will be given by the Commission.

(b) Tabulation of basic technical requirements:

Operating carrier frequency	Frequency tolerance (percent)	Class of emission	Percentage [1] modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc	0.1	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	do	A1			Not less than 160 watts into an average ship station antenna.
410 kc and one authorized working frequency in the band 415 to 490 kc.	do	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	do	A1			Not less than 160 watts into an average ship station antenna.

[1] In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulative factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.

For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having the same electrical characteristics.

(c) A main transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and when energized by the main power supply of the ship station in which it is installed or a power supply equivalent thereto: *Provided,* That the potential of the main power supply or equivalent power supply is maintained within the tolerance specified in § 8.503; shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies; and shall conform with all other applicable rules of this part.

(d) A main transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure (1) the current in the antenna circuit, (2) the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto, and (3) the anode current of the radio frequency oscillator or amplifier which supplies power to the antenna circuit, or in lieu thereof, the anode current of such oscillator or amplifier plus the anode current of any other radio or audio frequency oscillator(s) or amplifier(s) normally employed as part of the transmitter.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(1) The antenna power shall be determined by the product of the square of the antenna current and the antenna resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

(g) (1) A main transmitter, completed prior to January 1, 1952, shall be provided with an arrangement for conveniently reducing the plate input power of such transmitter to approximately one-half of its rated plate input power.

(2) A main transmitter, completed in construction subsequent to January 1, 1952, which is capable of a plate input power exceeding 450 watts, shall be provided with an arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 200 watts; unless there is available in the same station a duly authorized radiotelegraph transmitter capable of operation on the radio-channels required for a main transmitter, capable of being energized by a source of power other than the emergency power supply installed for compliance with applicable provisions of treaty or statute, and not capable of a plate input power in excess of 450 watts when operated on frequencies within the band 405 kc to 535 kc.

§ 8.553 *Requirements for emergency transmitter.* (a) An emergency electron-tube transmitter will be type-approved by the Commission as capable of meeting the relevant requirements of section 355 (c) and (f) of the Communications Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, is capable of meeting the requirements of paragraphs (b), (c) and (d) of this section when energized for a period of at least six continuous hours by a power supply equivalent to the radio station emergency power supply which is, or will be, available on board the vessel on which the transmitter is, or will be, installed and operated: *Provided,* That if deemed necessary a demonstration of the capabilities of an individual emergency transmitter installed on board a ship may be required to determine compliance with any or all of the following provisions of this section before initial or continued approval of such transmitter will be given by the Commission.

(b) Tabulation of basic technical requirements:

Operating carrier frequency	Frequency tolerance (percent)	Class of emission	Percentage modulation [1] (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc	0.1 percent except for emergency transmitters whose use is confined solely to safety communication as defined in § 8.6 (a). Such transmitters shall maintain a frequency tolerance of 0.3 percent.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 25 watts into an average ship station antenna.
410 kc and 1 authorized working frequency in the band 415 to 490 kc.	do	A2	do	do	Do.

[1] In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulative factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.

For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having these same electrical characteristics.

(c) In addition to the specific requirements in paragraphs (a) and (b) of this section, an emergency transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and, when energized by the emergency power supply of the ship station in which it is installed or by a power supply equivalent thereto, shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies, and shall conform with all other applicable rules of this part.

(d) An emergency transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure the current in the antenna circuit and, if completed by the manufacturer after January 1, 1944, the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(1) The antenna power shall be determined by the product of the square of the antenna current and the antenna resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

§ 8.554 *Requirements for auto-alarm.* (a) To be approved by the Commission pursuant to section 3 (x) of the Communications Act subsequent to January 1, 1951, each type of auto-alarm not approved prior to that date shall comply with the following requirements: *Provided, however,* That the Commission may, in its discretion, approve an automatic alarm receiver which complies with these requirements and can be actuated by the distress signal for radiotelegraphy: *Provided, further,* That prior to the effective date of the Safety Convention (London, 1948) the Commission may; in its discretion, approve subsequent to January 1, 1951, a type of auto-alarm which is not less efficient nor less reliable than any type approved prior to that date, and which complies with some, but not necessarily all, of the requirements set forth in this section.

(1) *Basic technical requirements.* (i) The auto-alarm shall be capable of being operated by either three or four consecutive dashes when the dashes vary in length from 3.5 to as near 6 seconds as possible and the spaces vary in length between 1.5 seconds and the lowest practicable value, preferably not greater than 10 milliseconds.

(ii) In the absence of interference of any kind, without manual adjustment during operation, the auto-alarm shall be capable of positive and reliable operation with a minimum available signal of 100 microvolts from the antenna circuit. It shall be capable under these conditions of operation on signals of the following classes of emission:

(*a*) A2 (carrier modulated 30 percent at each modulation frequency from 300 to 1350 cycles per second, inclusive).

(*b*) B (at each tone frequency from 300 to 1350 cycles per second, inclusive).

(iii) The overload capacity must be sufficient to enable the auto-alarm to operate with inputs from the antenna circuit up to 1 volt, under normal operating conditions.

(iv) The auto-alarm shall respond to the alarm signal through interference (provided it is not continuous) caused by atmospherics and powerful signals other than the alarm signal. In the presence of atmospherics or interfering signals, the auto-alarm shall automatically adjust itself so that within a reasonably short time it approaches, in so far as is practicable, the condition in which it can most readily distinguish the alarm signal.

(v) The auto-alarm receiver shall be capable of operating when the received auto-alarm signals have a radio frequency of 500 kilocycles with a sensitivity as set forth in subdivision (ii) of this subparagraph and shall, in addition, respond without adjustment and with the same sensitivity to signals having any radio frequency from 492 to 508 kc, inclusive. With respect to the reception of signals having a radio frequency outside the band 492 to 508 kc, the sensitivity of the auto-alarm shall decrease as rapidly as possible, in conformity with the best engineering practice.

(vi) The auto-alarm must not be operated, so as to actuate the warning device, by atmospherics or by any signal from the antenna circuit other than the alarm signal: *Provided,* That received signals other than the alarm signal itself do not in fact constitute a signal falling within the tolerance limits indicated in subdivision (i) of this subparagraph.

(vii) When operated by an alarm signal, or in the event of failure of the auto-alarm apparatus, the auto-alarm shall cause a continuous audible warning to be given in the principal radiotelegraph operating room, in the radio operator's cabin, and on the bridge. In so far as may be practicable, the audible alarm shall also be given in the event of any failure of the auto-alarm system, as a whole, which results in the auto-alarm becoming inoperative.

(viii) For the purpose of regularly testing the auto-alarm, without connection to the antenna, the apparatus shall include a generator pre-tuned to the 500 kc distress frequency and a keying device by means of which an alarm signal of minimum strength approximately as indicated in subdivision (ii) of this subparagraph is produced solely for actuating the particular auto-alarm and is not radiated beyond the immediate area of the vessel.

(2) *Requirements as to construction.* (i) The auto-alarm shall consist essentially of:

(*a*) A radio receiver capable of receiving emissions of classes A2 and B over

the entire frequency range 492 to 508 kc, inclusive.

(b) A selector device capable of selecting the alarm signal specified under subparagraph (1) (i) of this paragraph.

(c) A suitable form of audible alarm (minimum of 3 units required).

(d) A testing device to determine locally that the auto-alarm system is effectively operative.

(ii) The auto-alarm may be constructed in one or more units, but must be independent of the ship's regular radio receiving apparatus.

(iii) A telephone jack shall be provided to permit reception, if desired, by a telephone receiver.

(iv) Tuning and timing controls shall not be accessible to the exterior of the device and shall be so designed and housed as to permit adjustment with special tools only.

(v) Once set into operation the audible alarms must continue to function until switched off in the principal radiotelegraph operating room.

(vi) A nonlocking or momentary-throw switch shall be provided to permit temporary disconnection of the audible alarm on the bridge and in the operator's quarters when the auto-alarm system is being tested.

(vii) The receiver and selector shall be of rugged construction throughout, capable of withstanding continuous and severe vibration equivalent to conditions that may be experienced on board a ship under the worst possible conditions and capable of continuous operation over long periods of time.

(viii) All units of the auto-alarm system shall be designed and constructed in accordance with generally accepted principles and practices of modern electronic engineering.

(ix) The auto-alarm system shall not be affected by sudden changes in ambient temperature between zero degrees centigrade and 50 degrees centigrade, shall not be affected by salt atmosphere, and by humidity conditions as high as 90 percent at a temperature of 40 degrees centigrade.

(x) Condensers, transformers, or other units shall not contain compounds which will flow at temperatures below 85 degrees centigrade, which will crack at temperatures above 0° centigrade, which are hygroscopic or which contain any corrosive substance.

(3) *Requirements as to testing and approval.* (i) Before an auto-alarm receiver will be approved by the Commission pursuant to paragraph (x) of section 3 of the Communications Act, a sample type of such auto-alarm receiver must be submitted for the purpose of demonstrating by means of suitable laboratory and field tests, that it complies with these requirements. Such tests will be conducted by the Commission, and other cooperating United States Government departments or agencies as may be appropriate, under the test specifications set forth under subparagraph (5) of this paragraph.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the unit or component involved and the immediate rejection of the entire apparatus.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the provisions of subparagraph (4) of this paragraph.

(iv) Laboratory tests conducted by the Commission and/or by any other cooperating United States Government department or agency as may be appropriate, under test specifications prescribed by the Commission shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Commission, and/or other Government department, will be available to the Commission only: *Provided*, That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

(4) *Requirements as to manufacturers' tests.* (i) The following tests shall be conducted by the manufacturer of the auto-alarm device, who shall submit data in affidavit form showing that such tests have been made as hereinafter required prior to submission of a working model for type tests: *Provided, however*, That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device. The Commission may require that any or all of the prescribed tests be witnessed by its representative(s).

(a) The insulation resistance of the windings and terminals to case and core of transformers and electromagnet coils and the dielectric resistance of condensers shall be measured and data recorded for the information of the Commission.

(b) Transformers and/or electromagnet coils shall be energized continuously under normal conditions of operation for a period of one hour at an ambient temperature of 25 degrees centigrade. For purposes of making this test, maximum rated voltage at rated frequency with the secondary of transformers normally loaded and with the frame or enclosure grounded will be applied. Under these conditions the temperature of each transformer and/or electromagnet coil shall not be such as to affect injuriously any of the material used in construction and the temperature rise of the unit undergoing test shall not exceed 40 degrees centigrade at the end of one hour.

(c) Immediately after each transformer and/or electromagnet coil has been tested under (a) of this subdivision, a test for breakdown capability will be made by applying between windings and between each winding and the core or enclosure, for a period of five minutes, a potential ten times the maximum rated effective potential of the circuit in which the coil or winding is connected.

(d) All components containing wax or other sealing, insulating or electrolytic compounds shall be placed in an oven and the ambient temperature brought to 75 degrees centigrade and maintained for a period of 15 minutes. They shall then be placed in a refrigerator and the ambient temperature brought to zero degrees centigrade and maintained for a period of 15 minutes. If sealing, insulating or electrolytic compounds flow during this oven test or crack during this refrigerator test, these units will not be acceptable for use as components in the device. The electrical characteristics of each unit shall be measured at these temperatures and any deviations from their normal ratings that would adversely affect the operation of the auto-alarm device shall preclude the use of that component.

(5) *Requirements as to laboratory tests.* (i) The following tests shall be conducted at the Commission's Laboratory at Laurel, Maryland, and shall be at the expense of the manufacturer or person submitting the auto-alarm for approval. The report of these tests will be furnished to the Commission only. Tests will be conducted as described in the following paragraphs with the auto-alarm connected to an artificial antenna consisting of a 20 microhenry inductance, a 500 micromicrofarad capacitor and a 5 ohm resistor connected in series. The receiver will be tested with its internal sensitivity control (if provided) set at maximum sensitivity, except where otherwise specified.

(a) Test of sensitivity of the auto-alarm at the radio frequency 500 kc to determine operation of the aural warning device.

(1) Measurement of minimum alarm signal input, A2 emission, 30 per cent modulated with a 300 cycles per second tone, required to operate aural warning device.

(2) Test of operation using 100 microvolts alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(3) Test of operation using 1 volt alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(4) Using A2 emission, 30 percent modulated with a 1350 cycles per second tone, test as in (a) (1), (2), and (3).

(5) Test of aural warning device operation with 50 microvolts noise input and 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(b) Test to determine operation of aural warning device from a 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone transmitted on any radio frequency or frequencies selected by the Commission from 492 to 508 kc, inclusive.

(c) Test of auto-alarm operation with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the radio frequency 492 kc will operate aural warning device with simultaneous inputs of 100 microvolts auto-alarm signal, A2 emission, 30 percent modulation with an 800 cycles per second tone on 492 kc and 200,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 350 kc; similar tests with the same alarm signal and a 25,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 460 kc; similar test with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the frequency 508 kc will operate aural warning device with simultaneous input of A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 540 kc at 25,000 microvolts; and similar test with this latter signal on the frequency 650 kc at 200,000 microvolts.

(d) Test of selector response to dashes from 3.5 up to 6.0 seconds in duration when the spaces between the dashes have a duration from 10 milliseconds to 1.5 seconds. These tests shall be made on the radio frequency 500 kc with an input of 100 microvolts, A2 emission, 30 percent modulated with 300 cycles per second tone.

(e) Test of ability to avoid selector response to the radio telegraph radiolocation signal "MO," the "M" being sent in 3.5 seconds and the "O" in 4.5 seconds with 0.1 second space between dashes. These tests shall be made on the radio frequency 500 kc using 100 microvolts input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(f) Test of ability of the aural warning device to operate satisfactorily when the auto-alarm becomes inoperative under the following conditions:

(1) Filament burn-out of any electron tube in the apparatus;

(2) Failure of power supply.

(g) Tests to determine capability of proper operation of auto-alarm over long periods of time under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions.

(1) The auto-alarm device shall be placed in operation for a period of one hour while subjected to each of the following conditions of temperature and relative humidity:

(i) 50 degrees centigrade and 50 percent relative humidity;

(ii) 30 degrees centigrade and 95 percent relative humidity;

(iii) Zero centigrade and 50 percent relative humidity.

(2) The auto-alarm device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(i) While the device is being rocked in such manner as to simulate a roll and pitch of 45 degrees from the vertical.

(ii) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude (0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest) of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(h) Test of the testing device incorporated in the auto-alarm.

(i) Tests to determine satisfactory operation of the apparatus on a 500 kc alarm signal at temperatures of approximately 20 and 50 degrees centigrade. Tests to be made on the frequencies 500, 492 and 508 kc with an input of 100 microvolts, A2 emission, modulated 30 per cent with a 300 cycles per second tone.

(j) General inspection of electrical and mechanical features.

(6) *Requirements as to field test.* (i) This test shall be conducted 24 hours a day for a period of not less than 30 consecutive days and shall be for the purpose of ascertaining the reliability of the auto-alarm and its freedom from false operation under practical interference conditions. For this test the auto-alarm shall be connected to an antenna typical of the average main antenna on shipboard and its operation shall be observed continuously during this period.

(ii) During this test period a minimum of 500 test alarm signals shall be transmitted locally while the test antenna is connected to the auto-alarm. The power used for the production of this test alarm signal shall be produced by a suitable radio frequency generator coupled to the antenna system. The receiver internal sensitivity adjustment (if provided) shall be set at the value designated by the manufacturer. During the official test period, adjustment of the auto-alarm shall not be made more than once in each 12 consecutive hours.

(iii) Tests for response to the alarm signal shall be made on at least the radio frequencies 492, 500, and 508 kc in a proportion on each frequency as determined by the Commission.

(b) Each type of auto-alarm approved by the Commission prior to July 23, 1951, is approved as to its type, for use on board ship as provided by section 353 of the Communications Act or by the applicable provisions of the Safety Convention, until such time as the Commission, in consideration of developments with respect to improved types of auto-alarms, may terminate, in accordance with appropriate rule making proceedings, such type approval.

NOTE: The provisions of this paragraph supersede any provisions of any order promulgated by the Commission prior to July 23, 1951, which are in conflict herewith.

(c) No change shall be made in any auto-alarm under the type approval identification issued by the Commission, except upon specific authorization by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(d) Type approval of an auto-alarm when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

§ 8.555 *Requirements for automatic-alarm-signal keying device.* (a) To be approved by the Commission for use in compliance with § 8.508 and to be recognized as being capable of functioning in compliance with §§ 8.508 and 8.509, Each type of automatic-alarm-signal keying device shall comply with the requirements set forth in this section.

(b) No change shall be made in any automatic-alarm-signal keying device under the type approval identification issued by the Commission, except upon specific authorization by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(c) Type approval of an automatic-alarm-signal keying device when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

(1) *Basic technical requirements.* (i) The automatic-alarm-signal keying device may consist of one or more units, either separate and distinct from other units of the ship's radio installation or may be incorporated, if approved by the Commission, as part of any other unit.

(ii) The device shall be designed so as to properly operate, on board ships at sea, the normal keying circuits of any transmitter approved by the Commission for use as a main or as an emergency transmitter in compliance with section 355 of the Communications Act of 1934, as amended. A list of transmitters approved by the Commission for this purpose will be furnished upon request.

(iii) Timing-adjustment controls shall not be accessible from the exterior of the device and shall be designed and housed so as to prevent adjustment by unauthorized persons.

(iv) The keying mechanism shall operate so as to repeatedly transmit the alarm signal. For this purpose the dashes transmitted shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds. Spaces between each series of twelve dashes shall have a duration within the limits of 0.8 second to one minute.

(v) A single control, protected so as to avoid accidental manipulation, shall be provided for placing the device itself into full operation within a maximum period of 30 seconds. Once set into operation, the device shall be capable of continuously and properly operating without further attention for a period of not less than one hour.

(vi) The automatic-alarm-signal keying device shall be capable of being energized solely by a source of power in-

dependent of the propelling power of the ship and independent of any other system: *Provided, however*, That the device may be energized by the radio station emergency power supply and any storage battery power supply regularly used for operating a required automatic alarm receiver.

(vii) When the proper operation of the device is dependent upon the maintenance of any inherent conditions of operating within relatively narrow limits, the Commission, as a provision of its approval, may prescribe such limits and require that the device shall include means for indicating to the operator when deviations from the conditions occur.

(viii) Instructions concerning the proper adjustment of the device and the correct indication of any instrument incorporated for the purpose of revealing improper operation, shall be inscribed in a durable manner on a plate mounted on the device in a position to be easily read by the operator.

(ix) Means shall be provided to insure that when the "on-off" control of the device is placed in the "off" position, the keying circuit to the radio transmitter(s) is automatically opened.

(2) *Requirements as to construction.* (i) The design of the automatic-alarm-signal keying device shall be in accordance with the modern engineering practice and the device shall be capable of operating under conditions of constant and severe vibrations and extreme variations of temperature and humidity equivalent to those experienced on board ships at sea under the worst possible conditions. This requirement applies only to use of the device on board such types of vessels as are normally subject to Title III, Part II of the Communications Act.

(ii) A durable nameplate shall be mounted on each device showing the name of the manufacturer, the type and serial number and the month and year of completion by the manufacturer. However, this nameplate need not be provided on a working model submitted to the Commission for type testing and approval.

(3) *Requirements as to testing and approval.* (i) Before an automatic-alarm signal keying device is approved by the Commission, a working model of the particular type for which approval is desired shall be submitted for inspection, and it shall be demonstrated by means of suitable type tests that it complies with these requirements. The model equipment will be operated in these tests in the same way and under conditions similar to those encountered in actual service. In connection with such tests, the manufacturer shall supply all instructions and/or services which are intended to be supplied to the purchaser of the equipment, including a proposed instruction book and a tentative list of spare parts as would normally be supplied with shipboard installations.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the particular device involved and in the immediate rejection thereof: *Provided*, That the Commission, within its discretion, may relax to a reasonable extent the provisions of subparagraph (4) of this paragraph, Requirements as to manufacturers' tests, with respect to an automatic-alarm signal keying device which is included as an integral part of any automatic-alarm receiver approved by the Commission and completed by the manufacturer prior to the effective date of these requirements and type tests.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the following requirements under the heading "manufacturers' tests" and at the expense of the manufacturer or person submitting the device for approval.

(iv) Laboratory tests shall be conducted by the Commission, and/or by any other cooperating United States Government department as may be appropriate, under test specifications prescribed by the Commission and shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Commission, and/or other government department, will be available to the Commission only: *Provided*, That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

(v) Field tests, as deemed necessary or desirable.

(4) *Requirements as to manufacturers' tests.* (i) Tests shall be conducted by the manufacturer of the automatic-alarm-signal keying device, who shall submit proof in affidavit form that they have been made as required, together with supporting data: *Provided, however*, That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device.

(ii) Sufficient tests shall be applied to all components to determine the durability of materials, character of workmanship, and that the electrical and/or mechanical characteristics are those required for efficient operation of the device.

(5) *Requirements as to laboratory tests.* (i) The automatic-alarm-signal keying device shall be capable of operating the keying circuit of any transmitter approved by the Commission for use as a main transmitter or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934 (a list of the types of transmitters approved by the Commission for this purpose will be furnished upon request). For the purpose of demonstrating compliance with this requirement the transmitter keying circuit of the device shall be tested for a direct current carrying capacity of two amperes through a non-inductive resistance of 115 ohms. Terminals, electrical conductors and keying contacts shall be of sufficient size and properly spaced and insulated for these values of current and for the voltage which will necessarily be applied in this test. During this test, arcing shall not occur when the keying contacts are operated which would unduly affect the duration of the dashes and spaces between dashes, or which would otherwise adversely affect the operation of an approved radiotelegraph transmitter keyed by the device.

(ii) The automatic-alarm-signal keying device, if electrically driven, shall be capable of operation when the required electrical energy is furnished solely by an independent power supply. For the purpose of demonstrating compliance with this requirement, the following tests are prescribed:

(*a*) The device shall be operated continuously for a period of one hour from a power supply equivalent to the radio station emergency power supply or the required automatic alarm receiver storage battery power supply of vessels on which the device is to be used (Radio station emergency power supplies having potentials of 12, 24, and 110 volts are commonly used on board vessels of the United States. Twelve volt emergency power supplies are most common on these vessels. Some of the approved automatic alarm receivers used on board United States ships to date are energized by a storage battery power supply of either 6 or 24 volts), or from a separate and independent source of power furnished as an integral part of the device. For this operation test the potential of the electrical power supply, if used, shall be varied over a voltage range of plus or minus 15 per cent of the rated potential of such power supply, during which the transmitted dashes shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between dashes shall have a duration within the limits of 0.8 to 1.2 seconds.

(*b*) The electrical circuits of the device shall be inspected and tested as may be necessary to determine whether or not they are properly fused for adequate protection of the device and the power supply.

(iii) The automatic-alarm-signal keying device shall be capable of properly operating the keying circuit of an approved radiotelegraph transmitter so as to transmit the alarm signal for a continuous period of one hour, under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions. For this purpose the following tests are prescribed in addition to the test prescribed in subdivision (ii) of this subparagraph.

(*a*) The keying device shall be placed in operation for a period of one continuous hour while subjected to each of the following conditions of temperature and relative humidity:

(*1*) 50 degrees centigrade and 50 percent relative humidity.

(2) 30 degrees centigrade and 95 percent relative humidity.

(3) Zero centigrade and 50 percent relative humidity.

(*b*) The keying device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(*1*) While the keying device is being rocked in such a manner as to simulate

a roll and pitch of 45 degrees from the vertical, that is, over an arc of 45 degrees in two planes normal to the horizon and perpendicular to each other.

(2) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude (0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest) of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(3) The keying device shall be inspected to determine whether or not all delicate parts are properly enclosed and protected from moisture and from mechanical injury and whether or not components are accessible as may be necessary for inspection and repair, when in service.

(4) The keying device shall be inspected and tested as may be necessary to determine the effectiveness of adjustment controls and means for making these adjustments under service conditions, together with precautions taken to prevent tampering with adjustments.

(5) Indicating instruments (when provided) and operating controls shall be inspected to determine whether indication is given that the device is in satisfactory operation when the starting control is placed in the "on" position and to determine that a single control for starting and stopping is provided, capable of placing the device in full operation within 30 seconds from the time the control is placed in the "on" position.

§ 8.556 *General requirements for lifeboat radio equipment.* (a) To be approved by the Commission pursuant to § 8.520, lifeboat radio equipment shall comply with the following general requirements in addition to the applicable specific requirements set forth in §§ 8.557, 8.558 and 8.559, except that equipment to which the provisions of § 8.559 are applicable need not meet the requirements of subparagraphs (1) and (5) of this paragraph.

(1) The design and construction of the radio equipment shall be such that no tools are required to place it in operation for routine tests or for emergency communication.

(2) The components and assembly of the entire lifeboat radio equipment shall insure the utmost dependable operation and the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. Components shall be housed and treated to withstand saline dampness and to minimize the adverse effect of prolonged exposure to salt water or salt spray.

(3) A durable nameplate shall be mounted on the equipment or made an integral part thereof showing at least the following:

(i) The type or model number;

(ii) The name of the manufacturer;

(iii) The month and year of manufacture.

(4) Each lifeboat equipment shall be provided with a copy of an instruction manual covering the design, installation, operation and maintenance of the equipment.

(5) Simple instructions which are durable and waterproof and suitable for the use of an unskilled person shall be permanently and conspicuously attached to the control panel or surface of the transmitter, receiver or power supply. These instructions shall contain information together with sketches covering the erection of the antenna(s) and the operation of the equipment for automatic transmission; also information as to manual transmission of the international distress signal for radiotelegraphy and the international auto-alarm signal, and a statement that the latter signal is effective only if transmitted on the frequency 500 kc.

§ 8.557 *Requirements for lifeboat portable radio equipment.* (a) There shall be provided as a single unit a portable buoyant apparatus consisting of a transmitter, receiver, power supply, grounding conductor, a collapsible rod antenna or in lieu thereof a collapsible mast, a single wire antenna, and a line for lowering the apparatus.

(1) The apparatus, as a single unit, shall be of sufficient buoyancy to float in sea water and shall be sufficiently rugged in construction to withstand physical shocks and rough handling. The apparatus shall be deemed to comply with this requirement if, after being dropped into sea water in various positions from a height of at least 20 feet, it can be operated immediately without any repair or adjustment (other than normal antenna circuit tuning) and without departure from required performance. Suitable protection shall be provided for the operating controls, indicating devices and instruments, including the head receiver, against physical harm from accidental or inadvertent blows and from the adverse effects of prolonged exposure to the weather. Operational parts of the apparatus adversely affected by immersion in sea water shall be enclosed so as to provide the necessary protection. Any such enclosure shall be deemed to be water-tight if it can be submerged in sea water so that no part is less than two inches below the surface of the water for a continuous period of two hours without leaking.

(2) The apparatus, as a unit, shall be fitted with durable handles or grips. These shall be so arranged and the distribution of the weight of the apparatus shall be such as to provide for convenient carrying by either one or two persons.

(3) Provision shall be made for securely fastening components of the apparatus, by lashing or other acceptable means, to a lifeboat thwart as may be necessary to enable easy and convenient operation of the lifeboat portable radio equipment.

(4) The apparatus exclusive of the line for lowering shall not weigh more than sixty pounds.

(5) The line for lowering shall consist of not less than 40 feet of 9 thread manila or sisal rope, or the equivalent thereof, which shall be in good condition and securely attached to the apparatus at all times.

(6) Components of the apparatus subject to loss by detachment from the unit for operation or test of the equipment shall be so arranged as to insure their availability at all times.

(7) Each apparatus shall be equipped with a durable removable plate showing clearly the lifeboat radio call sign in letters and digits and in characters of the International Morse Code.

(b) (1) The radio transmitter shall comply with the following requirements:

Operating frequencies (kilocycles)	Frequency tolerance	Type of emission	Modulation percentage (average of modulation percentage of positive and negative peaks)	Modulation frequency	Power output (into specified artificial antenna)	Artificial antenna
	Percent					
500	0.5	A2	Not less than 70.	Not less than 450 nor greater than 1350 cycles per second.	Not less than 0.25 watt.	1 ohm resistance, 75 micromicrofarads capacitance.
500	.5	A2	do	do	Not less than 1.7 watts.	10 ohms resistance, 75 micromicrofarads capacitance, 40 ohms resistance.
8364	.02	A2	do	do	Not less than 4 watts.	

(2) The transmitter radio frequency and modulation frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying voltages, antenna circuit characteristics, and other normal conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating radio frequency to the required antenna. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating radio frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in use for: Manual operation on 500 kc, manual operation on 8364 kc, and automatic operation alternately on these two frequencies: *Provided*, That not more than one manual switch adjustment shall be necessary to place the transmitter in operation for automatic transmission. For manual radiotelegraphy the transmitter and receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and con-

veniently from the same operating position for communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than two seconds. For automatic operation provision shall be made as follows:

(i) On 500 kc for transmission of the international alarm signal followed by the international distress signal for radiotelegraphy, the latter to be transmitted in one or more separate groups, each group consisting of three separate distress signals.

(ii) On 8364 kc for transmission of the international distress signal for radiotelegraphy in one or more separate groups, each group consisting of three separate distress signals; this group or these groups to be followed by a continuous long dash of not less than 30 seconds in duration.

(iii) For transmission of the specified signals by automatically changing the operating frequency of the transmitter from 500 kc to 8364 kc and vice versa with a transfer time interval not to exceed one second.

(iv) For completely de-energizing the receiver during such operation of the transmitter.

(v) For testing the required automatic keying arrangement without the generation of radio frequency energy.

(vi) The speed of the automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute nor less than 8 words per minute. The alarm signal dashes shall have a duration within the limits of 3.8 to 4.2 seconds and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds.

(5) The transmitter shall be equipped with a reliable visual indicator or indicators as may be necessary (such as neon tubes) to indicate antenna circuit resonance at each operating frequency with any antenna provided. Failure of the indicator(s) shall have no adverse effect on the actual operation of the transmitter.

(c) The receiver shall comply with the following requirements:

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8266 to 8745 kc.

(2) The sensitivity of the receiver shall be such that at least 1 milliwatt of audio power is developed in a noninductive load resistor having an ohmic value substantially equal to the value of the impedance of the head receiver at 1,000 cycles per second at a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Frequency (kilocycles)	Signal strength (microvolts)	Modulation factor	Modulation frequency (cycles per second)	Artificial antenna
500	200	0.3	400	10 ohms resistance and 75 micromicrofarads capacitance.
8364	1000	.3	400	40 ohms resistance.

The noise power present in the output of the receiver when the receiver is adjusted for the reception of type A2 emission on the frequencies 500 kc and 8364 kc shall be determined with an unmodulated input signal of the indicated strength.

(3) The selectivity of the receiver preceding the final detector shall be such that response uniform to within 6 db is obtained over the frequency range 492 to 508 kc.

(4) The audio frequency response of the receiver shall be electrically uniform to within 6 decibels over the range of frequencies between 400 and 1400 cycles per second.

(5) The receiver shall be equipped with only one manually operated volume control.

(d) The power supply shall comply with the following requirements:

(1) The source of power shall be a manually operated electric generator capable of efficiently energizing the lifeboat radio installation. The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism shall not exceed a maximum of 0.15 horsepower for any required condition of operation of the lifeboat radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and plus 125 degrees Fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not be greater than 70 revolutions per minute nor shall the cycles of operation of the propelling lever(s) be greater than 70 cycles per minute. The voltages applied to the radio installation shall not vary from their normal values more than 20 per cent at any generator speed in excess of the normal operating speed which can be manually developed.

(e) The single wire antenna and the collapsible rod antenna or the collapsible mast provided in lieu thereof shall comply with the following requirements:

(1) The collapsible rod antenna shall be of the maximum practicable height as approved by the Commission for each particular type of lifeboat radio apparatus. The collapsible mast provided in lieu of the collapsible rod antenna shall be of the maximum practicable height as approved by the Commission for each particular type of lifeboat radio apparatus and capable of supporting the required single wire antenna.

(2) The single wire antenna shall consist of a length of at least 40 feet of extra-flexible stranded copper wire having a cross-sectional area of not less than 10,000 circular mills together with means for effective insulation of the antenna, means for fastening the wire to the antenna supports, and means for making electrical connection to the transmitter.

(f) The grounding conductor shall comply with the following requirements:

(1) The grounding conductor shall consist of a length of not less than 20 feet of No. 10 bare stranded copper wire or equivalent copper braid effectively weighted at one end for immersion in the sea. This conductor shall be securely fastened to an effective ground terminal on the apparatus.

(g) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter for test purposes, at the frequencies 500 kc and 8364 kc, of approximately the same electrical characteristics as the single wire antenna required by this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled.

§ 8.558 *Requirements for lifeboat non-portable radio equipment.* (a) (1) The radio transmitter shall comply with the following requirements:

Operating frequencies (kilocycles)	Frequency tolerance	Type of emission	Modulation percentage (average of modulation percentages of positive and negative peaks)	Modulation frequency	Power output (into specified artificial antenna)	Artificial antenna
	Percent					
500	0.5	A2	Not less than 70.	Not less than 450 nor greater than 1350 cycles per second.	Not less than 30 watts.	10 ohms resistance and 100 micromicrofarads capacitance.
8364	.02	A2	do	do	Not less than 40 watts.	40 ohms resistance.

(2) The transmitter radio frequency and modulation frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying voltages, antenna circuit characteristics, and other normal conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating radio frequency to the required antenna. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating radio frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in use for: Manual operation on 500 kc, manual operation on 8364 kc, and automatic operation alternately on these two frequencies; provided that not more than one manual switch adjustment shall be necessary to place the transmitter in operation for automatic transmission. For manual radiotelegraphy the transmitter and receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than two seconds. For automatic operation provision shall be made as follows:

(i) On 500 kc for transmission of the international alarm signal followed by the international distress signal for radiotelegraphy, the latter to be transmitted in one or more separate groups, each group consisting of three separate distress signals.

(ii) On 8364 kc for transmission of the international distress signal for radiotelegraphy in one or more separate groups, each group consisting of three separate distress signals; this group or these groups to be followed by a continuous long dash of not less than 30 seconds in duration.

(iii) For transmission of the specified signals by automatically changing the operating frequency of the transmitter from 500 kc to 8364 kc and vice versa with a transfer time interval not to exceed one second.

(iv) The speed of the automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute nor less than 8 words per minute. The alarm signal dashes shall have a duration within the limits of 3.8 to 4.2 seconds and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds.

(v) For testing the required automatic keying arrangement without the generation of radio frequency energy.

(5) The transmitter shall be equipped with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit for each operating frequency.

(b) The receiver shall comply with the following requirements:

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8266 to 8745 kc.

(2) The sensitivity of the receiver shall be such that at least 1 milliwatt of audio power is developed in a non-inductive load resistor having an ohmic value substantially equal to the value of the impedance of the head receiver at 1,000 cycles per second at a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Frequency (kilocycles)	Signal strength (microvolts)	Modulation factor	Modulation frequency (cycles per second)	Artificial antenna
500	25	0.3	400	10 ohms resistance and 100 micromicrofarads capacitance.
8364	100	.3	400	40 ohms resistance.

The noise power present in the output of the receiver when the receiver is adjusted for reception of type A2 emission on the frequencies 500 kc and 8364 kc shall be determined with an unmodulated input signal of the indicated strength.

(3) The selectivity of the receiver preceding the final detector shall be such that response uniform to within 6 db is obtained over the frequency range 492 to 508 kc.

(4) The audio frequency response of the receiver shall be electrically uniform to within 6 decibels over the range of frequencies between 400 and 1400 cycles per second.

(5) The receiver shall be equipped with only one manually operated volume control.

(6) The receiver shall be capable of developing a useful audio power for the purpose of the reception of type A2 emission of at least 6 milliwatts into the noninductive load resistor prescribed in subparagraph (2) of this paragraph.

(c) The power supply shall comply with the following requirements:

(1) The power supply for the transmitter and the receiver shall consist of a storage battery. The necessary power for the transmitter and receiver, at voltages other than the battery voltages may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(d) The antenna shall comply with the following requirements:

(1) A single wire inverted L-type for use not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(e) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter for test purposes at the frequencies 500 kilocycles and 8364 kilocycles, of approximately the same electrical characteristics as the antenna required by paragraph (d) (1) of this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled.

(f) The ground system shall comply with the following requirements:

(1) The radio installation when installed in a metal hull lifeboat shall be effectively grounded to the hull of the lifeboat. This ground connection shall be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat.

(2) The radio installation when installed in a lifeboat having a nonmetallic hull shall be effectively grounded to a bare plate and/or strips of a corrosion resistant metal having a total area of at least six square feet and located on the hull of the lifeboat below the waterline.

§ 8.559 *Transitional provisions for lifeboat non-portable radio equipment.* Any type of non-portable lifeboat radio equipment which complies with the former requirements of § 8.557 prior to revision (copies of former § 8.557 may be secured without charge upon request addressed to Secretary, Federal Communications Commission, Washington 25, D. C.) of that section effective December 3, 1952, shall be deemed to comply with the requirements of § 8.520 (c) provided the equipment was installed in a motor lifeboat prior to December 3, 1953, and if the equipment meets the following specific requirements from the respective dates set forth:

Requirement	*Date*
Section 8.558 (a) (1): Transmitter requirement that modulation frequency be not less than 450 cycles per second nor greater than 1350 cycles per second, if equipment installed on or after Nov. 19, 1952	Nov. 19, 1952
Section 8.558 (a) (1): Transmitter requirements applicable to transmission on 8364 kc, if equipment installed on or after Nov. 19, 1952	Nov. 19, 1953
Section 8.558 (a) (1): Transmitter requirement that modulation percentage be not less than 70	Nov. 19, 1952
Section 8.558 (a) (4): Transmitter requirements regarding an automatic keying device for operation on 500 kc and, if radio equipment installed on or after Nov. 19, 1952, also for operation on 8364 kc:	
For equipment required to be provided by reason of the provisions of the Safety Convention	Nov. 19, 1953
For equipment required by law to be provided but not so required under any provision of the Safety Convention	June 1, 1955
Section 8.558 (b): Receiver requirements regarding reception on frequencies between 8266 and 8745 kc, if equipment installed on or after Nov. 19, 1952	Nov. 19, 1953
Section 8.520 (d) (4): Provision of means for charging the radio battery after the lifeboat is launched, if equipment is installed on or after Nov. 19, 1952	Nov. 19, 1952

Radio district	Address of the engineer in charge	Territory within district— States	Territory within district— Counties
4	400 McCawley Building, 400 East Lombard Street, Baltimore 2, Maryland.	Delaware	Kent and Sussex
		Maryland	All except District 24.
		Virginia	Clarke, Fairfax (except District 21) Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Harbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.
5	Room 402, Federal Bldg., Norfolk 10, Va.	North Carolina	All except District 6.
		Virginia	All except District 4.
	718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. Sub-office: P. O. Box 77, 214 Post Office Building, Savannah, Georgia.	Alabama	All counties.
6		Georgia	All except District 8.
		North Carolina	Asbe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, Melowell, Mavon, Madison, Mitchell Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina	All counties.
		Tennessee	Do
		Florida	All except District 8.
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla. Sub-office: 409-410 P. O. Bldg., Tampa 13, Fla.	Alabama	Baldwin and Mobile.
		Arkansas	All counties.
		Florida	Escambia.
		Louisiana	All counties.
		Mississippi	Do.
		Texas	City of Texarkana only.
8	608 Federal Building, 600 South Street, New Orleans 12, Louisiana. Sub-office: 419 U. S. Courthouse and Customhouse, Mobile 10, Alabama.	Texas	Angelina, Aransas, Atacosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kendall, Kerr, Kimney, Kleberg, Lasalle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavalla, and Tyler.
9	324 U. S. Appraisers Bldg., 7300 Wingate St., Houston 11, Tex. Sub-office: P. O. Box 1527 (329 Post Office Building, 300 Willow Street), Beaumont, Texas.	Oklahoma	All counties.
		Texas	All except District 9 and the city of Texarkana.
10	P. O. Box 5238, 500 U. S. Terminal Annex Building (Houston and Jackson Streets), Dallas 22, Texas.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernadino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12 Calif. Suboffice: No. 15-C U. S. Customhouse, Union and F Sts., San Diego 1, Calif.	Nevada	Clark.
12	Ship Office: Room 328, U. S. Post Office and Courthouse Bldg., San Pedro, Calif.	California	All except District 11.
	328-A Customhouse (555 Battery Street), San Francisco 26, Calif.	Nevada	All except Clark
13	423 New U. S. Courthouse, (620 Southwest Main St., Portland 5, Oreg.	Idaho	All except District 14.
		Oregon	All counties.
		Washington	Walkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	802 Federal Office Building (First Avenue and Marion), Seattle 4, Washington.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.
		Montana	All counties.
		Washington	All except District 13.
		Colorado	All counties.
15	521 New Customhouse (19th between California and Stout Streets), Denver 2, Colorado.	Utah	Do.
		Wyoming	Do.
		Nebraska	Barrier, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, and Washington.
		New Mexico	All counties.

Requirement — *Date*

Section 8.520 (e): Radio field intensity requirement: For equipment required to be provided by reason of the provisions of the Safety Convention ..... Nov. 19, 1954
For equipment required by law to be provided but not so required under provision of the Safety Convention ..... June 1, 1955

SUBPART T—VIOLATIONS

§ 8.601 *Answers to notice of violation.*

(a) Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

(b) When an official notice of violation, impending violation, or discrepancy, pertaining to any provision of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is served upon the master or person responsible for a vessel and any instructions appearing on such document as issued by a representative of the Commission are at variance with the content of paragraph (a) of this section, then the instructions issued by the Commission's representative shall supersede those set forth in paragraph (a) of this section.

§ 8.602 *Reports of infringments of the International Radio Regulations.* In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in appendix 2 of the International Radio Regulations.

SUBPART U—[RESERVED]

SUBPART V—APPENDICES

§ 8.801 *Appendix I—Location of Engineering Field Offices and Monitoring Stations.*

(a) Radio districts and addresses of engineers in charge thereof.

Radio district	Address of the engineer in charge	Territory within district— States	Territory within district— Counties
1	1600 Customhouse, Boston 9, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queen, Rensselaer, Richard, Rockland, Schnectady, Suffolk, Sullivan, Ulster, and Westchester.
			New Castle.
3	1005 New U. S. Customhouse, Philadelphia 6, Pa.	Delaware	Atlantic, Burlington, Camden, Cape May,
		New Jersey	Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.

Radio district	Address of the engineer in charge	Territory within district— States	Territory within district— Counties
16	208 Uptown Post Office and Federal Court Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	Do.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All counties except District 15.
		North Dakota	All counties.
		Wisconsin	All counties except District 18.
17	3100 Federal Office Building, 911 Walnut Street, Kansas City 6E, Missouri.	Iowa	Do.
		Kansas	All counties.
		Missouri	Do.
18	826 U. S. Courthouse Building, 219 South Clark Street, Chicago 4, Illinois.	Nebraska	All counties except District 15.
		Illinois	All counties.
		Indiana	Do
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Lonisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland Rock, Sauk, Sheboygan, Walworth, Wasnington, Waukesha, and Winnebago.
		Kentucky	All counties except District 19.
19	1029 New Federal Bldg., Detroit 26, Mich.	Kentucky	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette. Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe and Woodford.
		Ohio	All connties.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
20	328 Post Office Bldg., Buffalo 3, N. Y.	New York	All except District 2.
21	502 Federal Bldg., Honolulu 1, T. H.	Pennsylvania	All except District 3.
		Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2987, 322-323 Federal Bldg., San Juan 13, P. R	Puerto Rico, Virgin Islands.	
23	P. O. Box 644, Room 53, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska. Sub-Office: P. O. Box 1421 6, Shattuck Bldg., Juneau, Alaska.	Alaska	
24	Briggs Building, 22d and E Streets NW., Washington 25, D. C.	District of Columbia.	All.
		Maryland	Within 10 miles of D. C. boundary.
		Virgima	Do.

(b) The offices of the Regional Managers of the Field Engineering and Monitoring Bureau are located at the following addresses:

Region No. 1—954 Federal Building, 641 Washington Street, New York 14, New York. To include: Districts Nos. 1, 2, 3, 4, 5, 20 and 24.

Region No. 2—718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. To include: Districts Nos. 6, 7, 8, 9, 10 and 22.

Region No. 3—323-A Customhouse (555 Battery Street), San Francisco 26, California. To include: Districts Nos. 11, 12 and 15.

Region No. 4—802 Federal Office Building (First Avenue and Marion), Seattle 4, Washington. To include: District Nos. 13, 14 and 23.

Region No. 5, P. O. Box 1142, Lanikal, Oahu, T. H.—To include: District No. 21.

Region No. 6, 832 U. S. Courthouse, Chicago 4, Ill.—To include: Districts Nos. 16, 17, 18, and 19.

(c) The primary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Michigan.

Federal Communications Commission, Grand Island Monitoring Station, P. O. Box 788, Grand Island, Nebraska.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Texas.

Federal Communications Commission, Millis Monitoring Station, P. O. Box 458, Millis, Massachusetts.

Federal Communications Commission, P. O. Box 1142, Lanikal Monitoring Station, Lanikal, Oahu, Hawaii.

Federal Communications Commission, Santa Ana Monitoring Station, P. O. Box 744, Santa Ana, California.

Federal Communications Commission, Laurel Monitoring Station, P. O. Box 31, Laurel, Maryland.

Federal Communications Commission, Livermore Monitoring Station, P. O. Box 989, Livermore, California.

Federal Communications Commission, Portland Monitoring Station, P. O. Box 5165, Portland 16, Oregon.

Federal Communications Commission, Powder Springs Monitoring Station, P. O. Box 98, Powder Springs, Georgia.

(d) Secondary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, P. O. Box 5098, Fort Lauderdale, Florida.

Federal Communications Commission, P. O. Box 251, Chillicothe, Ohio.

Federal Communications Commission, P. O. Box 1448, Muskogee, Oklahoma.

Federal Communications Commission, Searsport, Maine, P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Washington.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 810, Fairbanks, Alaska.

§ 8.802 *Appendix II—Tables of ship radiotelegraph frequencies from 2000 kc to 23000 kc and ship radiotelephone frequencies from 4000 kc to 23000 kc.*

Table 1-a—Passenger ship radiotelegraph working frequencies between 2 Mc and 23 Mc.

Table 1-b—Ship radiotelegraph calling frequencies between 2 Mc and 23 Mc.

Table 1-c—Cargo ship [telegraph] working frequencies between 2 Mc and 23 Mc.

Table 2—Ship radiotelegraph frequency assignment plan.

Table 3—Ship radiotelephone frequencies between 4 Mc and 23 Mc.

The following procedures and tables may be used in applying for license for the frequencies listed in Tables 1 and 3 only insofar as the frequencies listed therein are consistent with the implementation and the effective dates of the Geneva Agreement (1951) and the other provisions of the Commission's rules which make frequencies available for assignment to ship stations. Frequencies assigned in accordance with this Appendix to a station on a particular vessel may be retained at the option of the applicant despite subsequent relicensing of the station to a different licensee. Frequencies appearing in the attached tables may only be used in the manner and to the extent permitted elsewhere in this part.

Ship radiotelegraph frequency columns appearing in Tables 1-a, 1-b, and 1-c designated by the symbols P1, P14, P15, C1 and F49 contain frequencies in the 4, 6, 8, 12, 16 and 22 Mc bands which are not available for assignment by the Commission. These frequencies are required for assignment exclusively to U. S. Government ship stations. The remaining 2 Mc frequencies (2067.5, 2085, 2087.5, 2089, and 2106 kc), when assigned, will not be designated by frequency column symbols.

Radiotelegraph, 2000 kc to 23000 kc. The applicant must consult Table 2, below to find out which frequency column symbols have been allocated for ships licensed to him. The frequencies designated by the symbols shown in Table 2 may be determined from Table 1, which lists all of the frequencies in each series, designated by a frequency column symbol.

Calling frequencies. Application may be made for one calling frequency column symbol from the "C" series, which represents one frequency in each of the 2, 4, 6, 8, 12, 16, and 22 Mc bands, for each ship. If more than one symbol of the "C" series is allocated for a particular licensee, the general principle to follow is to apply for the first vessel under the first symbol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol. Application for frequency column symbol C5 may additionally be made for vessels having life boats or other survival craft equipped for high frequency radio transmission for use of those frequencies by equipment aboard such lifeboats or survival craft.

Cargo ship working frequencies. Application may be made for one cargo working frequency column symbol, from the "F" series, for each cargo ship, which will include one frequency from the 2 Mc and two frequencies each from the 4, 6, 8, 12, 16 and 22 Mc bands. If more than one symbol of the "F" series is allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies.

Passenger ship working frequencies. Application may be made for the number of

TABLE 1–a—PASSENGER SHIP RADIOTELEGRAPH WORKING FREQUENCIES

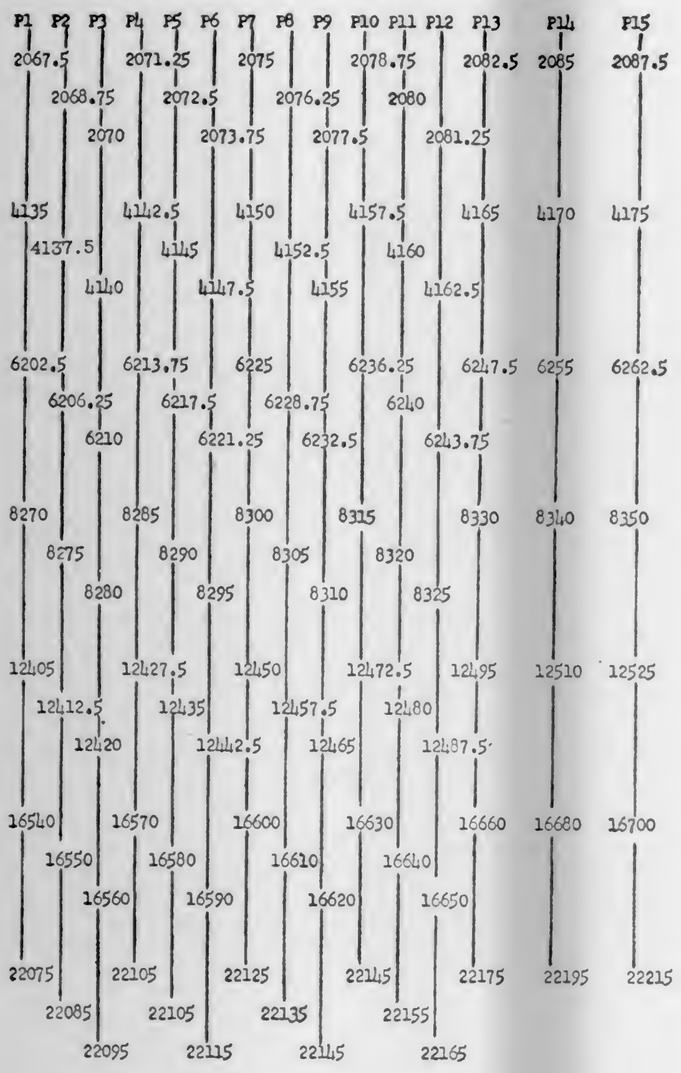

passenger ship working frequencies which, in the best judgment of the applicant, will be essential for the traffic volume of the particular vessel. The frequency column symbols shall be taken from the "P" series, with a minimum of two symbols. If more than two symbols of the "P" series are allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies, except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

High frequency (Long distance) radiotelephone. Application for all frequencies contained in Table 3 may be made for vessels capable of radiotelephone transmissions on any of these frequencies by designating the frequency column symbol "R1" in the application.

TABLE 1–b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES

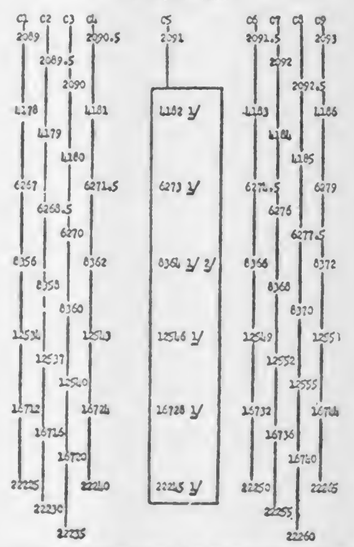

[1] These frequencies are available only to aircraft, and lifeboats and other survival craft, for communication with stations of the Maritime Mobile Service.

[2] Lifeboats and survival craft compulsorily equipped with radio apparatus under international agreement, must be capable of transmitting on this frequency if such apparatus provides for the use of frequencies between 4000 kc and 23,000 kc.

TABLE 1–c—CARGO SHIP WORKING FREQUENCIES

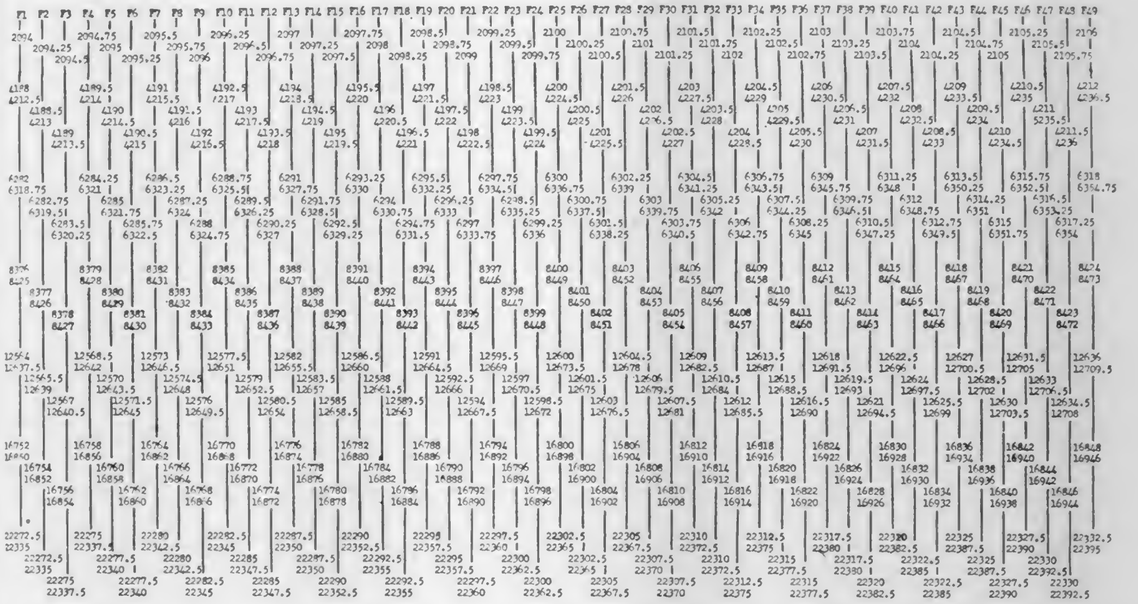

TABLE 2—SHIP RADIOTELEGRAPH FREQUENCY ASSIGNMENT PLAN

[For columns of frequencies designated by these symbols, see Table 1, above]

	Calling frequency column symbols	Passenger ship working frequency column symbols	Cargo ship working frequency column symbols
Radiomarine Corp. of America	C3, C5,[1] C7, C9	P3, P7, P10, P11, P13.	F1, F3, F5, F7, F9, F11, F13, F15, F17, F19, F21, F23, F25, F27, F29, F31, F33, F35, F37, F39, F41, F43, F45, F47.
Mackay Radio & Telegraph Co., Inc.	C2, C4, C5,[1] C6	P2, P4, P8	F2, F6, F8, F10, F14, F18, F20, F24, F28, F32, F34, F36, F40, F42, F48.
Tropical Radio Telegraph Co.	C5,[1] C8	P6, P12	F4.
Matson Navigation Co.	C5,[1] C8	P6, P12	F12.
Globe Wireless Co.	C5,[1] C8		F16.
Other applicants:[2]			
A–C	C5,[1] C8	P5, P9	F22.
D–L	C5,[1] C8	P5, P9	F26.
M	C5,[1] C8	P5, P9	F30.
N–R	C5,[1] C8	P5, P9	F38.
S	C5,[1] C8	P5, P9	F44.
T–Z	C5,[1] C8	P5, P9	F46.

[1] See footnotes [1] and [2] in Table 1-b, "Ship Radiotelegraph Calling Frequencies", above.

[2] Applicants other than the above listed companies must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C8, P5, and P9, for a passenger ship, or C8 and F22 for a cargo ship. (Frequency symbol C5 may also be requested if lifeboats or other survival craft are radio equipped.) For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the thir , or "M" group; C8; P5 and P9, or F30: Marine Communications, Inc.; A. B. Miller and Co.; C. D. Munsey; E. F. Murphy, Alfred Abrams, et al.

NOTE: The frequencies represented by Symbols C1, P1, P14, P15 and F49 are not available for assignment under this plan.

TABLE 3—SHIP RADIOTELEPHONE FREQUENCIES BETWEEN 4 MC AND 23 MC

Frequency column symbol: R1[1]

4 Mc		8 Mc		12 Mc		16 Mc		22 Mc	
Coast[1]	Ship	Coast[1]	Ship	Coast[1]	Ship	Coast[1]	Ship	Coast[1]	Ship
4067.0[2]	4067.0[2]	-------	-------	-------	-------	-------	-------	-------	-------
4372.4	4067.0	8747.6	8198.4	-------	-------	17302.1	16471.9	-------	-------
4372.4[2]	4372.4[2]	8205.5[2]	8205.5	-------	-------	-------	-------	-------	-------
-------	-------	8761.8	8212.6[2]	-------	-------	-------	-------	-------	-------
4393.1	4087.7	8768.9	8219.7	13157.5	12357.3	17317.5	16487.3	22677.5	22027.3
4406.9	4101.5	-------	-------	13172.9	12372.7	-------	-------	22692.9	22042.7
-------	-------	-------	-------	13180.6	12380.4	17340.6	16510.4	-------	-------
4420.7	4115.3	8797.3	8248.1	-------	-------	-------	-------	-------	-------
4427.6	4122.2	-------	-------	13196.0	12395.8	17356.0	16525.8	22716.0	22065.8
4434.5	4129.1	8811.5	8262.3	-------	-------	-------	-------	-------	-------

[1] This tabulation does not authorize ship stations to transmit on coast station frequencies.

[2] Miss ssippi River System simplex operation only.

§ 8.803 Appendix III—*General exemption orders issued exempting ships from compulsory radio provisions.*

(a) Order, May 8, 1957, granting exemption, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, to all United States passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, from the radiotelegraph provisions of Title III, Part II of the Communications Act of 1934, as amended: *Provided*, That the vessels are equipped with a radiotelephone installation fully complying with the provisions of Part III of Title III of the Communications Act of 1934, as amended, and the Commission's rules and regulations made pursuant thereto including the requirements with respect to certificates, operators, and listening watches: *And provided further*, That during the course of the voyages the vessels will not be navigated more than 50 nautical miles from the nearest land.

(b) These exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

§ 8.804 *Appendix IV—Notices listing coast stations authorized for public ship-shore telephony on 2638 kc.* (a) Notice issued October 11, 1957, listing Allatoona Yacht Club, (WHL) Cartersville, Georgia.

[F. R. Doc. 57–10174; Filed, Dec. 17, 1957; 8:45 a. m.]

Part II begins on page 10253

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

PART I

FEDERAL REGISTER

VOLUME 22 NUMBER 245

Washington, Thursday, December 19, 1957

This issue includes two parts bound together. Part II contains a recapitulation of 47 CFR Part 7, Federal Communications Commission.

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.1]

PART 361—ROUTINE

SUBPART A—ACCOUNT SERVICING POLICIES

ADDITIONAL ACCOUNTS

The title to § 361.5, Title 6, Code of Federal Regulations (21 F. R. 7425), is revised to include additional loan accounts to which this subpart is applicable and to read as follows:

§ 361.5 *Application of payments on Farm Ownership, Soil and Water Conservation (except Water Facilities coded J but including Water Facilities coded 13 F), Farm Housing, Rural Rehabilitation and Resettlement Project Association and other Real Estate loan accounts.* * * *

(R. S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, sec. 10, 68 Stat. 735, 5 U. S. C. 22, 7 U. S. C. 1015, 16 U. S. C. 590w, 42 U. S. C. 1480, 16 U. S. C. 590x-3)

Dated: December 13, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-10501; Filed, Dec. 18, 1957; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[945.304, Amdt. 1]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945) regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, then would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 945.304 (b) (4) (iv) and (v) (22 F. R.

(Continued on p. 10213)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

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All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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7984) are hereby amended to read as follows:

(iv) For purposes of this section: (*a*) Mature green shall apply to all tomatoes generally showing a slight break in the ground color to a whitish green color over the shoulders; the contents of the seed cavities will be slightly moist and of a jelly or glue-like consistency, seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; and the contents of two or more locules must have a jelly like consistency and well developed seeds; and (*b*) turning or higher degree of maturity shall apply to all tomatoes where there is at least a definite break in color to yellow or pink at the blossom end and all higher degrees of color as used and defined under Color Classification in United States Standards for Fresh Tomatoes (§ 51.1864 of this title).

(v) For purposes of this section and incident to proper maturity classification: (*a*) any lot of tomatoes containing more than ten (10) percent, by count, of mature green tomatoes shall be classified as mature green tomatoes; and (*b*) not more than a total of ten (10) percent, by count, of tomatoes in any lot may fail to meet the minimum color requirements in order for such lot to be classified as turning or higher degree of maturity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, December 16, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-10500; Filed, Dec. 18, 1957; 8:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6694]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BRESLAU ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Fictitious marking; sales below cost; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Harry Peltz et al. trading as Breslau, and M. H. Peltz, Inc., Docket 6694, November 22, 1957]

In the Matter of Harry Peltz, Samuel Peltz, and Irving Peltz, Individually and as Copartners Trading as Breslau, and M. H. Peltz, Inc., a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated furriers in Washington, D. C., and Baltimore, Md., with violating the Fur Products Labeling Act by advertising, labeling, and invoicing which, variously, carried fictitious prices and misrepresented values, named animals other than those producing the fur in certain products, failed to disclose that the fur in certain products was secondhand used, and failed in other respects to comply with the requirements of the act.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 22, 1957, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Harry Peltz, an individual trading as Breslau or under any other name, M. H. Peltz, Inc., a corporation, and its officers, and Samuel Peltz and Irving Peltz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by setting forth on labels attached thereto prices represented to be the regular or usual price of such fur products which are an amount in excess of the prices at which the respondents usually or customarily sell such fur products.

B. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

3. Setting forth on labels attached to fur products information required under section 4 (2) of the act and the rules and regulations thereunder in abbreviated form or in handwriting.

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth on invoices information required under section 5 (b) (1) of the act and the rules and regulations thereunder in abbreviated form.

3. Failing to set forth an item number or mark assigned to fur products on invoices pertaining to such products as required by Rule 40 of the rules and regulations (§ 301.40).

4. Using on invoices the name or names of any animal or animals other than the name or names provided for in Paragraph C (1) (a) above.

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

2. Represents, directly or by implication:

(a) That respondents' price of any fur product is below cost, when such is not the fact.

(b) That the regular or usual price of fur products is an amount in excess of the prices at which the respondents usually or customarily sell such fur products.

3. Makes pricing claims or representations of the type referred to in paragraph D (2) above unless there are maintained by the respondents full and adequate records disclosing the facts upon which such claims and representations are based as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: November 22, 1957.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10469; Filed, Dec. 18, 1957; 8:51 a. m.]

[Docket 6817]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DUMONT FURS

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1325 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Ben Stecker, also known as Ben Stecher, trading as Dumont Furs, New York, N. Y., Docket 6817, November 19, 1957]

In the Matter of Ben Stecker, Also Known as Ben Stecher, an Individual Trading as Dumont Furs

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Ben Stecker, also known as Ben Stecher, an individual trading as Dumont Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such fur product by affixing a label thereto that contains a Registered Identification Number other than respondent's.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name or other identification registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it in commerce, advertised or offered it for sale in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) The item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs used in a fur product;

(g) The item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Ben Stecker, also known as Ben Stecher, an individual trading as Dumont Furs, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: November 22, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10470; Filed, Dec. 18, 1957; 8:52 a. m.]

[Docket 6743]

PART 13—DIGEST OF CEASE AND DESIST ORDER

GROVE LABORATORIES, INC.

Subpart—*Discriminating between customers:* [1] § 13.683 *Discriminating between customers.* [1] Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.795 *Warehouse rental and service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 45, 13) [Cease and desist order, Grove Laboratories, Inc., St. Louis, Mo., Docket 6743, November 30, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the manufacturer of "Fitch" hair and scalp preparations with discriminating in price by paying to certain favored wholesale customers a 10 percent "warehouse allowance" which was not granted to their competitors, in addition to the customary 15 percent discount; and with requiring some retailers to purchase specific minimum quantities of its preparations while allowing their favored competitors to purchase in any quantity they desired.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 30 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Grove Laboratories, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the sale of hair and scalp preparations of like grade and quality in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Directly or indirectly discriminating in price between different purchasers by selling to any of its purchasers at higher net prices than it sells to other purchasers who compete in the resale and distribution of said hair and scalp preparations.

It is further ordered, That the respondent, Grove Laboratories, Inc., a corporation, its officers, representatives, agents and employees, directly or indirectly or through any corporate or other device in connection with the sale of hair and scalp preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Offering or granting more favorable treatment to any customer than to competing customers by requiring different minimum quantities to be purchased.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: December 2, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10455; Filed, Dec. 18, 1957; 8:49 a. m.]

[1] New.

[Docket 6547]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COMFORTE, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception.* § 13.1056 *Pricketing merchandise misleadingly.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Comforte, Inc., et al., Chicago, Ill., Docket 6547, November 30, 1957]

In the Matter of Comforte, Inc., a corporation, and Nathan E. Chapman, Jesse Parmacek, Individually and as Officers of Said Corporation; and Earl Chapman, Individually and as General Manager of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Chicago manufacturer of wool products with a variety of violations of the Wool Products Labeling Act and the Federal Trade Commission Act, all of which were settled by consent order dated November 24, 1956, 21 F. R. 10008, except a charge of enclosing inserts or streamers in individual containers of bed comforters carrying fictitious prices greatly in excess of the usual retail prices and thus placing in the hands of retailers means of deceiving the purchasing public.

An agreement for consent order with respect to the pricing issue was later approved, whereupon the hearing examiner made his initial decision and order to cease and desist which became the decision of the Commission on November 30, 1957.

The order to cease and desist is as follows:

It is ordered, That respondents, Comforte, Inc., a corporation, and its officers, and Nathan E. Chapman and Jesse Parmacek, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bed comforters or similar merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Representing, by pretickeling or in any other manner, that a certain amount is the customary or usual retail price of such merchandise when said amount is in excess of the price at which such merchandise is customarily and usually sold at retail.

2. Furnishing such merchandise to others which has been pretickeled with a price or amount which is in excess of the price at which such merchandise is customarily and usually sold at retail.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Comforte, Inc., a corporation, and Nathan E. Chapman and Jesse Parmacek, individually and as officers of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 2, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10456; Filed, Dec. 18, 1957; 8:49 a. m.]

[Docket 6863]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BERMAN BROTHERS

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Order to cease and desist, Julius Berman et al. trading as Berman Brothers, New York, N. Y., Docket 6863, November 22, 1957]

In the Matter of Julius Berman, Max Berman, and William Berman, Individually and as Copartners Trading as Berman Brothers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to label certain products as required and by invoicing which showed the United States as the country of origin of furs which were in fact imported.

Following approval of an agreement between the parties for consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Julius Berman, Max Berman, and William Berman, as individuals and as copartners trading as Berman Brothers, or under any other name, and respondents' representatives, agents, and employees, di-

rectly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or in the transportation and distribution in commerce, of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Julius Berman, Max Berman, and William Berman, individually and as copartners trading as Berman Brothers, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 27, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10457; Filed, Dec. 18, 1957; 8:49 a. m.]

[Docket 6839]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SOUTHERN PIANO CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.137 *New product being repossessed;*[1] § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Southern Piano Company, Inc., et al., Salisbury, N. C., Docket 6839, November 23, 1957]

In the Matter of Southern Piano Company, Inc., a Corporation, and Thomas W. Willis, Mildred Ellen Willis and Dan Miller Nicholas, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Salisbury, N. C., with advertising new pianos falsely as bargain repossessed instruments previously sold at prices substantially higher than those at which they were offered for sale.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Southern Piano Company, Inc., a corporation, and its officers, and Thomas W. Willis, Mildred Ellen Willis and Dan Miller Nicholas, individually and as officers and former officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pianos, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That pianos which are new and had not been previously sold to others and used by them are repossessed pianos.

2. That pianos have previously been sold at prices higher than those at which they are offered, unless such is the fact.

3. That savings are offered on the purchase of pianos unless based upon the price at which the pianos are customarily and usually sold.

4. That any amount is the price at which respondents sell their pianos when it is in excess of the price at which said pianos are customarily and usually sold by respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Southern Piano Company, Inc., a corporation, and its officers, and Thomas W. Willis, Mildred Ellen Willis and Dan Miller Nicholas, individually and as officers and former officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 27, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10458; Filed, Dec. 18, 1957; 8:49 a. m.]

[Docket 6844]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNIVERSAL SEWING SERVICE, INC., AND RAYMOND ANDERSON

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* Bait; § 13.260 *Terms and conditions.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1760 *Terms and conditions;* [*Misrepresenting oneself and goods*]—Prices: § 13.1779 *Bait.*[1] Subpart—*Securing orders falsely, misleadingly or improperly:* § 13.2170 *Securing orders falsely, misleadingly or improperly.* Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin:* Place: *Foreign product or parts as domestic.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Universal Sewing Service, Inc., et al., Cincinnati, Ohio, Docket 6844, November 26, 1957]

In the Matter of Universal Sewing Service, Inc., a Corporation, and Raymond Anderson, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Cincinnati, Ohio, with using bait advertising and other false claims to sell sewing machines and vacuum cleaners, including representations of unconditional guarantees, representations that installment notes would not be sold to a finance company, and representations that the instrument signed by prospective customers was a "receipt" for products left on approval, when it was actually a blank contract of sale; and with using the name "Westinghouse" for sewing machines which were manufactured in Japan.

Respondents having failed to answer the complaint or to appear at the scheduled hearing, they were deemed to be in default. On this basis, the hearing examiner made his initial decision, including findings of facts, conclusions, and order to cease and desist, which became on November 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Universal Sewing Service, Inc., a corporation, and its officers, and Raymond Anderson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines or vacuum cleaners or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered.

2. Representing, directly or by implication, that their sewing machines, vacuum cleaners, or other merchandise is guaranteed for five (5) or twenty (20) years, or for any period of time, or that they are otherwise guaranteed, without clearly and conspicuously disclosing the existence of any material limitations upon the nature and extent of such guarantee or the manner of performance thereof, and the identity of the guarantor.

3. Selling or negotiating any contract or other instrument evidencing an installment sale after having represented directly or by implication to the person or persons executing such contract or other instrument that it would not be sold or negotiated.

4. Obtaining signatures on sales contracts or notes upon the representation, directly or by implication, that they are receipts or any instrument other than a contract or note, or attempting to collect from persons who have signed instruments so misrepresented.

5. Using the word "Westinghouse", or any simulation thereof, to designate, describe or refer to their sewing machines, vacuum cleaners or other products; or representing, through the use of any other words, or in any other manner, that said products are made by anyone other than the actual manufacturer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 27, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10459; Filed, Dec. 18, 1957; 8:50 a. m.]

[Docket 6857]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BENAT WATCH CASE CO.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bernard D. Garfinkel doing business as Benat Watch Case Co., New York, N. Y., Docket 6857, November 22, 1957]

In the Matter of Bernard D. Garfinkel, an Individual, Trading and Doing Business as Benat Watch Case Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in New York City with misrepresenting the gold karat fineness of watch cases he sold to jobbers and retailers by imprinting "14 K" on the backs thereof.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Bernard D. Garfinkel, trading and doing business as Benat Watch Case Co., or under any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any articles composed in whole or in part of gold or an alloy of gold in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Stamping, branding, engraving or marking any article, or selling any article that is stamped, branded, engraved or marked, with any phrase or mark such as 14K, or otherwise representing directly or by implication that the whole or a part of any article is composed of gold or any alloy of gold of any designated fineness, unless the article or part thereof so marked or represented is composed of gold of the designated fineness within the permissible tolerance established by the National Stamping Act (15 U. S. C. 294 et seq.).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 26, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-10460; Filed, Dec. 18, 1957; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6265]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

GAIN OR LOSS ON DISPOSITION OF PROPERTY

Correction

In F. R. Doc. 57-9273, appearing at page 8935 of the issue for Thursday, November 7, 1957, the second sentence of § 1.1014-4 (a) (3) should read as follows: "In such a case, gain or loss must be recognized by the transferor to the extent required by the revenue laws, and the transferee acquires a basis equal to the fair market value of the property on the date of the transfer."

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 808—COMPETITION WITH CIVILIAN BANDS

USE OF AIR FORCE BANDS

In Part 808, § 808.1 is revised to read as follows:

§ 808.1 *Use of Air Force bands*—(a) *Statutory limitations.* The use, employment, or assignment of Air Force bands off military reservations are governed by the following statutes:

(1) U. S. Code, Title 10, section 8634. "No Air Force band or member thereof may receive remuneration for furnishing music outside the limits of an air base in competition with local civilian musicians."

(2) U. S. Code, Title 10, section 8635. "No enlisted member of the Air Force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of

[1] New.

[1] Prices: § 13.1779 *Bait.*

local civilians in their art, trade, or profession."

(b) *Applicability.* [Revoked.]

(Sec. 8012, 70A Stat. 488; 10 U. S. C. 8012) [AFR 190–21A, Nov. 26, 1957]

[SEAL] C. M. McDERMOTT,
Colonel, United States Air Force,
Deputy Director of Administrative Services.

[F. R. Doc. 57–10441; Filed, Dec. 18, 1957; 8:46 a. m.]

Subchapter C—Claims and Accounts

PART 833—DEATH GRATUITY

SETTLEMENT OF ACCOUNTS; PAYMENTS MADE BY FINANCE OFFICERS IN SPECIFIC CASES

In Part 833, paragraph (c) of § 833.6 is revised to read as follows:

§ 833.6 *Settlement of accounts.* * * *

(c) *Payments made by finance officers in specific cases.* (1) If a member is declared dead within a period of ten days after being reported in a missing status, settlement of the death gratuity payment will be effected, as prescribed in paragraphs (a) and (b) of this section, as applicable. If declaration of death is not made within a period of ten days from the date the member is reported missing, settlement will be effected by the office which maintained the member's pay account while in a missing status.

(2) Payment of death gratuity will be effected by the finance officer in any case where specifically directed to do so by Settlements Division, Air Force Accounting and Finance Center, due to financial hardship to eligible beneficiaries, or for any other sufficient reason.

(Sec. 8012, 70A Stat. 488; 10 U. S. C. 8012. Interpret or apply 70A Stat. 536; 10 U. S. C. 8688) [Change 44, AFM 173–20, November 1, 1957]

[SEAL] C. M. McDERMOTT,
Colonel, United States Air Force,
Deputy Director of Administrative Services.

[F. R. Doc. 57–10440; Filed, Dec. 18, 1957; 8:45 a. m.]

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

DURATION AND LIMITATIONS; FEDERAL EMPLOYEES

In Part 861, § 861.1154 (d) is revised to read as follows:

§ 861.1154 *Duration and limitations.* * * *

(d) *Federal employees.* The law grants 15 days of military leave eacn calendar year to permanent full-time employees, without charge to annual leave or loss of pay, to participate in reserve training. When this leave expires, the reservist's employing agency may grant him annual leave to perform further military duty. He is entitled to the compensation of his civilian position plus his military pay and allowances for both periods without regard to dual compensation laws.

(Sec. 8012, 70A Stat. 488; 10 U. S. C. 8012) [AFR 45–14A, Dec. 4, 1957]

[SEAL] C. M. McDERMOTT,
Colonel, United States Air Force,
Deputy Director of Administrative Services.

[F. R. Doc. 57–10439; Filed, Dec. 18, 1957; 8:45 a. m.]

Chapter XI—Division of Liquidation, Department of Commerce

[Supp. Order 189, Amdt. 11]

PART 1305—ADMINISTRATION

PRESERVATION OF RECORDS

DECEMBER 16, 1957.

Pursuant to the Emergency Price Control Act of 1942, as amended, Executive Orders, Nos. 9809, 9841, and 9842, and Department of Commerce Order 75, as amended, it is hereby ordered that section 1 of Supplementary Order 189 issued by the Administrator, Office of Price Administration, on October 23, 1946 (11 F. R. 12568), as amended on November 12, 1946 (11 F. R. 13442), November 6, 1947 (12 F. R. 7327), February 20, 1948 (13 F. R. 1262), June 30, 1949 (14 F. R. 3707), December 27, 1951 (17 F. R. 18), December 11, 1952 (18 F. R. 33), December 17, 1953 (18 F. R. 8698), December 14, 1954 (19 F. R. 8603), December 12, 1955 (20 F. R. 9460), and December 19, 1956 (21 F. R. 10275), be, and it is hereby, further amended by changing the date January 1, 1958, wherever it occurs in subsection (a) of the said section 1, to January 1, 1959.

(56 Stat. 23, as amended; 50 U. S. C. App. 901 et seq.; E. O. 9802, Dec. 12, 1946, 3 CFR, 1946 Supp.; E. O. 9841, April 23, 1947, 3 CFR, 1947 Supp.; E. O. 9842, April 23, 1947, 3 CFR, 1947 Supp.)

This amendment shall become effective January 1, 1958.

TRUE D. MORSE,
Acting Secretary of Agriculture.
FRANKLIN G. FLOETE,
Administrator of General Services.
SINCLAIR WEEKS,
Secretary of Commerce.

Approved:

WILLIAM P. ROGERS,
Attorney General,
Department of Justice.

[F. R. Doc. 57–10497; Filed, Dec. 18, 1957; 8:57 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

DELAWARE BAY AND RIVER; ILLINOIS WATERWAY, ILL.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.157 establishing and governing the use of anchorage areas in Delaware Bay and River is hereby amended by redesignating the boundaries of anchorages 8, 11, 12, 13 and 16, by deleting reference to cable area in anchorage 14, by making anchorages 15 and 16 available for general use and reserved for vessels under custody only when necessary, by allowing vessels to anchor outside the anchorage areas under certain conditions, and by reducing the maximum period of occupancy, revising paragraphs (a) (8), (11), (12), (13), (14), (15) and (16), and paragraphs (b) (1) and (2), as follows:

§ 202.157 *Delaware Bay and River—*

(a) *The anchorage grounds.* * * *

(8) *Anchorage 8 off Thompson Point.* On the south side of the channel along Tinicum Range, between Thompson Point and the east side of Crab Point, bounded as follows: Beginning at a point on the south edge of the channel along Tinicum Range at longitude 75°18′24″; thence easterly along the edge of the channel to longitude 75°17′54″; thence 179°, 267 yards; thence 260°30′, 793 yards; thence 358°, 425 yards, to the point of beginning.

* * * * *

(11) *Anchorage 11 at Gloucester.* On the east side of the channel south of the Walt Whitman Bridge at Gloucester, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54′16″; thence 174°30′, 500 yards, to latitude 39°54′02″, longitude 75°07′43″; thence 202°, 1,133 yards; thence 217°30′, 1,142 yards, to the east edge of channel; thence northeasterly along the edge of the channel to the point of beginning.

(12) *Anchorage 12 between Gloucester and Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 11, from Gloucester to Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54′16″; thence northerly along the edge of the channel to latitude 39°56′32.5″; thence 133°, 283 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°54′02″; thence 354°36′, 500 yards to the point of beginning. The area between New York Shipbuilding Corporation Pier No. 2 and the MacAndrews and Forbes Company pier, Camden, shall be restricted to facilitate the movement of carfloats to and from Bulson Street, Camden. The area in front of the Public Service Electric and Gas Company pier shall be restricted to facilitate the movement of vessels to and from the pier. Should the anchorage become so congested that vessels are compelled to anchor in these restricted areas, they must move immediately when another berth is available.

(13) *Anchorage 13 at Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 12, to Cooper Point, Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°56′32.5″; thence northerly along the edge of the channel to latitude 39°57′39.7″; thence 139°, 217 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°56′26.5″; thence 313°, 283 yards to the point of beginning.

(14) *Anchorage 14 opposite Port Richmond.* On the southeast side of the channel, north of Petty Island, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05′43″; thence 163°, 248 yards; thence 253°, 1,978 yards, to the southeast edge of the channel; and thence northeasterly along the edge of the channel to the point of beginning. Vessels having a draft of less than 20 feet must anchor southwest of Pier No. 11, Port Richmond. The area off the Cities Service Oil Company wharves, Petty Island, shall be restricted to facilitate the movement of vessels to and from the wharves.

(15) *Anchorage 15 off northeasterly end of Petty Island.* On the southeast side of the channel, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05′34.7″; thence northeasterly along the southeast edge of the channel to longitude 75°05′09.5″; thence 171°, 198 yards; thence 260°30′, 667 yards; and thence 351°, 198 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the District Commander to shift position.

(16) *Anchorage 16 between Port Richmond and Five Mile Point.* On the northwest side of the channel, bounded as follows: Beginning at a point on the northwest edge of the channel at longitude 75°05′35″; thence northeasterly along the edge of the channel to longitude 75°04′20″; thence 328°, 125 yards; thence 243°, 450 yards; thence 251°, 475 yards; thence 257°, 1,042 yards; thence 174°30′, 122 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the District Commander to shift position.

(b) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in Delaware Bay and River between Ship John Light and The Pennsylvania Railroad Company bridge at Delair, New Jersey, outside of the anchorage areas established in this section, or within a cable or pipe line area shown on a Government chart, or be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel. When an emergent condition exists due to congestion in the prescribed anchorage areas in the Delaware River, the District Commander may authorize the anchorage of vessels in locations other than the prescribed areas. Vessels so anchored must not be anchored within the channel limits. Any vessel anchored outside of the prescribed anchorage limits must move to a prescribed anchorage area when space becomes available.

(2) No vessel shall occupy any prescribed anchorage for a longer period

than 48 hours without a permit from the District Commander. Vessels expecting to be at anchor for more than 48 hours shall obtain a permit from the District Commander for that purpose in either Anchorage 15 or Anchorage 16. No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the District Commander.

[Regs., Dec. 3, 1957, 800.212 (Delaware Bay)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.605 is hereby amended by the addition of paragraph (d) prescribing supplemental regulations to govern the operation of certain bridges across the Illinois Waterway at Joliet, Illinois, as follows:

§ 203.605 *Illinois Waterway, Ill.; bridges (highway and railroad at Pekin, Peoria, and Joliet, Ill.* * * *

(d) *Supplemental regulations.* (1) Except on Sundays the owner of or agency controlling the highway bridges in Joliet, Ill., listed below will not be required to open the draws between the hours of 7:30 a. m. and 8:00 a. m. and between the hours of 4:30 p. m. and 5:30 p. m.:

McDonough Street, Mile 287.3.
Jefferson Street, Mile 287.9.
Cass Street, Mile 288.1.
Jackson Street, Mile 288.4.
Ruby Street, Mile 288.7.

(2) The regulations in this paragraph will be effective until a high level fixed bridge is constructed across the Des Plaines River at Joliet, Illinois, and opened to highway traffic at which time the question of maintaining closed bridge hours will be reviewed by the Department of the Army.

NOTE: The regulations in paragraph (d) of this section will also be subject to review by the Department of the Army after one year with a view of determining whether they should be modified in any respect from actual experience gained.

[Regs., Dec. 4, 1957, 823.01 (Illinois Waterway, Ill.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57–10442; Filed, Dec. 18, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12182; FCC 57–1358]

[Rules Amdt. 4–8]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

CONELRAD PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of December 1957;

The Commission has before it for consideration its notice of proposed rule making in the above matter released September 26, 1957 (FCC 57–1050) and published in the FEDERAL REGISTER October 2, 1957 (22 F. R. 7801).

No comments have been filed in this matter.

These amendments to Part 4 of the Commission's rules are promulgated under authority of sections 303 (r) and 606 (c) of the Communications Act as amended and Executive Order 10312 signed by the President December 10, 1951.

Accordingly, it is ordered, That Part 4 of the Commission's rules is amended to include the rules set forth below, effective January 13, 1958.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 606, 65 Stat. 4087; 47 U. S. C. 303, 606. E. O. 10312, 16 F. R. 12452; 3 CFR, 1951 Supp.)

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

CONELRAD

Sec.
4.51 Scope and objective.
4.52 Alerting.
4.53 Operation during CONELRAD Radio Alert.
4.54 Special conditions.
4.55 Radio All Clear.
4.56 Tests.
4.57 Station records.

AUTHORITY: 4.51 to 4.57 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 606, 65 Stat. 4087; 47 U. S. C. 303, 606. E. O. 10312, 16 F. R. 12452; 3 CFR, 1951 Supp.

CONELRAD

§ 4.51 *Scope and objective.* (a) Sections 4.51 to 4.57 apply to all radio stations in the Experimental, Auxiliary and Special Broadcast Services located within the Continental United States and are for the purpose of providing for the alerting and operation of radio stations in these services during periods of enemy air attack or imminent threat thereof.

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Experimental, Auxiliary and Special Broadcast Services, while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 4.52 *Alerting.* (a) Licensees of all radio stations in the Experimental, Auxiliary, and Special Broadcast Services are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear, which will be initiated only by the Commanding Officer of the Air Division (Defense) or higher military authority.

(b) The CONELRAD Radio Alert for the Experimental, Auxiliary, and Special Broadcast Services shall be received by one or more of the following methods:

(1) By monitoring any standard, FM or TV broadcast station to receive the CONELRAD Radio Alert message.

(2) By reception of the CONELRAD Radio Alert from a point that received the Radio Alert directly from a standard, FM or TV broadcast station.

(3) Radio stations in the services affected by this plan may be specifically authorized by the FCC to receive the CONELRAD Radio Alert by other means.

(c) When the radio station is not in operation it is not necessary to make provisions to receive the CONELRAD Radio Alert, however, before starting a radio transmission, caution must be used to insure that a CONELRAD Radio Alert is not in progress.

§ 4.53 *Operation during a CONELRAD Radio Alert.* Stations in the Experimental, Auxiliary and Special Broadcast Services on receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, may make a brief announcement, must then leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert.

§ 4.54 *Special conditions.* Certain stations in the Experimental, Auxiliary and Special Broadcast Services may be specifically authorized by the Federal Communications Commission to operate in a manner not provided in §§ 4.51 to 4.57, if such operation is essential to the public welfare.

§ 4.55 *Radio All Clear.* The Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Radio stations and systems licensed in the Experimental, Auxiliary and Special Broadcast Services may resume normal operation when the CONELRAD Radio All Clear message is received, unless otherwise restricted by order of the Federal Communications Commission.

§ 4.56 *Tests.* Tests of the CONELRAD alerting and operating systems for the Experimental, Auxiliary and Special Broadcast Services may be conducted at appropriate intervals. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 4.57 *Station records.* Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.

[F. R. Doc. 57-10480; Filed, Dec. 18, 1957; 8:53 a. m.]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

RECAPITULATION OF PART

CROSS REFERENCE: For recapitulation of this part, see Part II of this issue.

[Docket No. 12233; FCC 57-1363]

[Rules Amdt. 8-1]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

DELETION OF SPECIFIC AUTHORITY FOR SHIP STATIONS TO USE COAST GUARD FREQUENCY 2670 KC

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of December 1957;

The Commission having under consideration the above-captioned amendment to its rules so that ship stations in all areas equipped for telephony on medium-band frequencies would normally use 2182 kc in lieu of any further use of 2670 kc for radiotelephone distress calls;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter, which made provision for submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on November 5, 1957, (22 F. R. 8880) and that the period for filing comments has now expired; and

It further appearing that no comments were received either favoring or opposing adoption of the proposal; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective January 20, 1958, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 8 is amended to read as follows:

1. The present text of § 8.232 (b) is deleted, and the following is substituted therefor:

(b) In case of distress, the international radiotelephone distress frequency 2182 kc, preferably with class A3 emission, is to be used by mobile stations not capable of using 500 kc, but equipped to use telephony on medium frequencies. Ship stations using telephony which cannot transmit on 2182 kc shall use their normal calling frequency for this purpose.

2. The present text of § 8.352, including paragraphs (a), (b) and the Note following paragraph (b), is deleted and the following is substituted therefor:

§ 8.352 *Frequencies for use in distress.* (a) The frequency 2182 kc is the international radiotelephone distress frequency for the maritime mobile service. It may be used for this purpose by ship or aircraft stations employing telephony in the band 1605 to 2850 kc when requesting assistance from the maritime services. It may be used, preferably with class A3 emission, for the distress call and distress traffic.

(b) Ship stations using telephony which cannot transmit on 2182 kc shall use their normal calling frequency for the purpose set forth in paragraph (a) of this section.

[F. R. Doc. 57-10481; Filed, Dec. 18, 1957; 8:54 a. m.]

[Docket No. 11995; FCC 57-1356]

[Rules Amdt. 21-10]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

MISCELLANEOUS AMENDMENTS

1. On April 9, 1957, the Commission released a notice of proposed rule making in the above-entitled matter. The notice of proposed rule making was published in the FEDERAL REGISTER on April 16, 1957, and the time allowed for filing comments, which was extended to September 17, 1957 and further extended to October 21, 1957, upon notices in the FEDERAL REGISTER on June 4, 1957 and October 12, 1957, has expired. The purpose of the proposed rules was: (A) to make available in the Domestic Public Land Mobile Radio Service frequencies which were released by discontinuance of Western Union's "Telecar" operations heretofore authorized under § 21.501 (e) of the rules, i. e., two frequencies for establishment of an additional radio channel (35.46 Mc and 43.46 Mc) under the Zone Allocation Plan (§ 21.501 (a)) and two additional frequencies (35.22 Mc and 43.22 Mc) for one-way signaling service (§ 21.501 (d)); (B) to establish new radio channels in the Domestic Public Land Mobile Radio Service through channel-splitting in the 152–162 Mc and 450–460 Mc bands; (C) through frequency reallocation in this and other related docketed proceedings, to make frequencies in the 455–456 Mc and 460–461 Mc bands available for Domestic Public Land Mobile Radio Service; (D) to make all of the afore-mentioned radio frequencies, except those in the 30–50 Mc band, available to the Rural Radio Service on a secondary basis; and (E) to list, in a new § 21.601 (e), as available for assignment to stations in the Rural Radio Service in Puerto Rico and the Virgin Islands, frequencies in the bands 154.04–154.46 Mc and 161.40–161.85 Mc heretofore allocated for use by the Domestic Fixed Public radio service and other radio services.

2. Items (B), (C) and (D) in the preceding paragraph are so interrelated to the split-channel and frequency reallocation in other docketed rule making proceedings, which were concurrently promulgated with the proceeding in Docket 11995, that it is not immediately practicable to finalize action thereon. Such action will be the subject of a further Report and Order by the Commission. Items (A) and (E) of the preceding paragraph, which are not thus interrelated to other radio services, are disposed of as indicated below.

3. Sections 21.501 (e), 21.508 (b) and 21.508 (f): The proposal to delete these rule sections is adopted. No comments were filed on the proposal.

4. Section 21.501 (a): American Telephone and Telegraph Company, in behalf of the Bell System Telephone Companies, and the United States Independent Telephone Association filed comments in support of the proposal to establish a new Zone X on the frequency pair 35.46 Mc and 43.46 Mc. No comments were filed in opposition. Accordingly, the proposed rule is hereby adopted.

5. Section 21.501 (d): Aircall New York Corporation expressed opposition to the provision of additional frequencies for one-way signaling on the grounds that no data has been filed to indicate that the frequencies now available for such service are insufficient to accommodate public requirements. While the comments filed in this proceeding would not refute this allegation, we must note that there are, at least, many areas of the country where such service may be desired and desirable, but where such service cannot be made available because of existing assignments on both available frequencies in contiguous areas, and the destructive mutual co-channel interference which would arise from additional assignments. Additionally, technical developments in this service looking to such improvements as selective calling receivers make it desirable to afford additional communications channels for this service. Aircall's comments further indicate that it is opposed to competition in the one-way signaling business and expresses belief that additional one-way signaling facilities in any area should not be authorized unless existing facilities in the area are operating at full capacity. The Commission is required, by the Communications Act of 1934, as amended, to make a finding as to whether a grant of any application is in the public interest, convenience and necessity. Further, section 309 (c) of the act provides the mechanism whereby any party in interest may file a protest and obtain a hearing on any application which he believes should not have been granted by the Commission. These provisions, in our opinion, assure that the matter of the desirability or undesirability of competition will be adequately and properly considered on a case by case basis. Comments filed by National Mobile Radio System support the proposal to add two frequencies to those already available for one-way signaling. However, they suggest that, in order to escape the problem of co-channel interference from skip-propagation, the frequencies be assigned only in prescribed geographic zones. While the suggestion has some merit, it is, on balance, not favorably considered because the suggested plan would provide for only two frequencies to be available in each zone and, consequently, the problem of providing one-way signaling service to new communities, which are presently within interference range of stations occupying both of the presently available frequencies for this service, would not be solved. The rule change is adopted as proposed by the Commission.

6. Section 21.601 (e): No opposition has been filed on this proposed rule. Accordingly, the rule is adopted.

7. It appears that these rule changes will have no substantial adverse effect on anyone and that the public interest, convenience and necessity would be served by making them effective immediately.

8. In view of the foregoing: *It is ordered*, This 11th day of December, 1957, pursuant to the authority contained in sections 4 (i), 303 (c) and 303 (r) of the Communications Act of 1934, as amended, and sections 4 (a) and 4 (c) of the Administrative Procedure Act, that the revisions of Part 21, Domestic Public Radio Services, are adopted as set forth below, effective December 13, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 16, 1957

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 21, Domestic Public Radio Services (other than Maritime Mobile), is amended as follows:

1. In § 21.501 add the following at the end of paragraph (a):

Zone X—Base station frequency: 35.46 Mc, Mobile and Auxiliary Test station frequency 43.46 Mc.

California.	Washington.
Oregon.	

2. In § 21.501 revise paragraph (d) to read as follows:

(d) For assignment to base stations of communication common carriers for use exclusively in providing a one-way signaling service to mobile receivers:

35.22 Mc	43.22 Mc
35.58 Mc	43.58 Mc

(1) Wherever feasible, the frequencies 35.22 Mc and 35.58 Mc shall be assigned for use in any area prior to the assignment of the frequencies 43.22 Mc and 43.58 Mc.

(2) If an applicant for authorization to provide an exclusive one-way signaling service provides, or proposes also to provide, General or Dispatch service in accordance with paragraphs (a), (b) and (c) of this section, the application for a one-way facility should be supported with full information to show why the proposed signaling service could not be provided in connection with the base station facilities used for such General or Dispatch service.

3. Delete §§ 21.501 (e), 21.508 (b) and (f) in their entirety.

4. Revise § 21.601 (e) to read as follows:

(e) In Puerto Rico and the Virgin Islands only, the bands 154.04 Mc to 154.46 Mc and 161.40 Mc to 161.85 Mc are available for assignment to stations in the Rural Radio Service on a shared basis with stations in the International Fixed Public and Aeronautical Fixed Radio Services. Spacings between assignments in these services are unspecified.

[F. R. Doc. 57-10482; Filed, Dec. 18, 1957; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

ANNUAL REPORT FORM G

(ELECTRIC RAILWAYS)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 27th day of November A. D. 1957.

The matter of annual reports from electric railways being under further consideration, and the changes to be effectuated by this order being only minor changes in the data to be furnished, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), being deemed unnecessary:

It is ordered, That § 120.21 of the order of February 1, 1955, in the matter of Electric Railway—Annual Report Form G, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1957, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.21, be, and it is hereby, modified and amended to read as follows:

§ 120.21 *Annual reports of electric railways.* Commencing with the year ended December 31, 1957, and for subsequent years thereafter, until further order, all electric railway companies subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form G (Electric Railways), which is attached hereto[1] and made a part of this section. Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C. on or before March 31 of the year following the year to which it relates.

And it is further ordered, That a copy of this order and of Annual Report Form G shall be served on all electric railway companies subject to its provisions and upon every trustee, receiver, executor, administrator or assignee of any such company, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat, 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interpret

[1] Filed as part of original document.

or apply sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10468; Filed, Dec. 18, 1957; 8:51 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

ANNUAL REPORT FORM B-1 (PERSONS FURNISHING CARS OR PROTECTIVE SERVICES)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 27th day of November A. D. 1957.

The matter of annual reports from persons furnishing cars or protective service being under further consideration and the changes to be effectuated by this order being only minor changes with respect to the data to be furnished, rule-making procedures under section 4 (a) of the Administrative Procedure Act being deemed unnecessary:

It is ordered, That § 120.70 of the order of January 31, 1955, in the matter of Persons Furnishing Cars or Protective Service—Annual Report Form B-1, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1957, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.70, be, and it is hereby, modified and amended to read as follows:

§ 120.70 *Annual reports of persons furnishing cars or protective service and owning 1,000 cars or more.* Commencing with the year ended December 31, 1957, and for subsequent years thereafter until further order, all persons furnishing cars or protective service to or on behalf of carriers by railroad or express companies within the scope of section 20, Part I of the Interstate Commerce Act, and owning 1,000 cars or more, are required to file annual reports in accordance with Annual Report Form B-1 (Persons Furnishing Cars or Protective Service), which is attached hereto [1] and made a part of this section. Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

And it is further ordered, That a copy of this order and of Annual Report Form B-1 shall be served on every person subject to the terms of such order, and that notice thereof shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D. C. and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interpret or apply sec. 20, 24 Stat. 386, as amended, 54 Stat. 944, 49 U. S. C. 20, 913)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY *Secretary.*

[F. R. Doc. 57-10467; Filed, Dec. 18, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 (1954) CFR Part 212]

FORMULAS FOR DENATURED ALCOHOL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, *in duplicate*, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within a period of 30 days after the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

In order to provide for the use of ethyl acetate having an ester content of 100 percent by weight or equivalent, 26 CFR Part 212 is amended as follows:

PARAGRAPH 1. Section 212.44 (a) is amended by striking the words "Thirty-five gallons of ethyl acetate" and substituting in lieu thereof the words "29.75 gallons of ethyl acetate having an ester content of 100 percent by weight or the equivalent thereof not to exceed 35 gallons of ethyl acetate with an ester content of not less than 85 percent by weight."

PAR. 2. Section 212.45 (a) is amended by striking the number "4.26" and substituting in lieu thereof the number "4.25".

[F. R. Doc. 57-10479; Filed, Dec. 18, 1957; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

GRADE AND SIZE REGULATIONS FOR UNSHELLED WALNUTS

Notice is hereby given that the Secretary has under consideration the revision of the pack specifications for merchantable unshelled walnuts grown in California, Oregon, and Washington, which are effective pursuant to the applicable provisions of amended Marketing Agreement No. 105 and amended Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR Part 984; 22 F. R. 7885, 8775). Said marketing agreement and order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The proposed action would revise and supersede the present § 984.402, *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality, and maturity; (Part I) for walnuts produced in California* to include a limitation of the amount of black kernels permitted in third quality grade, and to combine said section with § 984.403, *Pack specifications for merchantable (unshelled) walnuts, including minimum standard of size, quality, and maturity; (Part II) for walnuts produced in Oregon and Washington*, into one section designated as § 984.403 Pack specifications. It would also set forth a reference to the minimum standard in a separate section designated § 984.402 *Minimum grade and size regulations for unshelled walnuts.*

Revision of the color requirements for the California third quality grade was recommended by the Walnut Control Board to make kernel color requirements for California inshell walnuts more nearly comparable to those established for shelled walnuts by the amended marketing agreement and order effective October 4, 1957 (22 F. R. 7885, 8775). Section 984.45 of the amended order adopted the U. S. Commercial Grade as the minimum standard of quality for shelled walnuts. Subject to permitted tolerances, such grade excludes dark colored or "black" kernels. Presently, black kernel content is restricted in all quality grades for unshelled walnuts except the third quality grade for California walnuts, and such grade is the minimum standard of quality applicable to unshelled walnuts grown in California, Oregon, and Washington. Prior to the recent amendments to the walnut marketing order, there was no regulation on the quality of shelled walnuts.

Although the grade and size regulations for walnuts grown in Oregon and Washington differ from those for walnuts grown in California, there is but one minimum standard of quality and size applicable to walnuts grown in the three States. Presently, grade and size regulations for California are set forth in one section (§ 984.402), and those for Oregon and Washington in another (§ 984.403). Both these sections include specifications for a "third quality" and a "baby size," although only those for California third quality and baby size are the effective minimum standards. This has been the source of some misunderstanding concerning the minimum standard. Consequently proposed § 984.402 specifically designates the specifications for third quality and baby size for California walnuts as the minimum standard for quality and size of unshelled walnuts applicable to all walnuts grown in California, Oregon, and Washington.

Consideration will be given to data, views, or arguments pertaining to the proposed rule which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than the 20th day after publication of this notice in the FEDERAL REGISTER.

The regulations as proposed to be revised are as follows:

§ 984.402 *Minimum grade and size regulations for unshelled walnuts.* The specifications for Baby size and Third Quality grade as prescribed for unshelled walnuts produced in District 1 (California), in paragraph (b) of § 984.403 shall be the minimum standard for all unshelled walnuts pursuant to § 984.43 (a).

§ 984.403 *Pack specifications*—(a) *General.* In accordance with § 984.43 (b), each lot of unshelled walnuts certified as merchantable must meet one of the size classifications and one of the quality grades applicable to the district of production except, that any lot of walnuts may be certified for shelling without regard to size classification if not over 3 percent, by count, pass through a round opening 60/64 inch in diameter and any lot not exceeding 25,000 pounds may be certified for shelling without regard to external appearance and condition if it is determined on the basis of a representative sample drawn by the inspector and bleached by the handler by the method ordinarily used by him that such lot would meet the external appearance and condition requirements. These regulations shall remain in effect continuously, except when it is found that estimated returns to producers are or will be in excess of parity.

(b) *Regulations for walnuts produced in District 1, (California)*—(1) *Size specifications*—(i) *Mammoth size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{9}\%_{64}$ inches in diameter.

(ii) *Jumbo size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{8}\%_{64}$ inches in diameter.

(iii) *Large size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter, except that, for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $^{7}\%_{64}$ inches.

(iv) *Medium size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter and of which not over 12 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter.

(v) *Standard size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter.

(vi) *Baby size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter and of which not over 10 percent, by count, pass through a round opening $^{6}\%_{64}$ inch in diameter.

(2) *External appearance and condition*—(i) *Specifications and tolerances.* Merchantable walnuts are walnuts which are not dirty or discolored and which are free from adhering hulls, and perforated, broken, or split shells, except that the following tolerances, by count, for these defects as prescribed for the quality grade specified shall be allowed:

First Quality Grade: 10 percent for split shells and an additional 5 percent for defects other than split shells.

Second and Third Quality Grades: 10 percent for split shells and an additional 10 percent for defects other than split shells.

The following definitions of defects shall be used in determining the qualification of walnuts with respect to external appearance and conditions:

(a) *Dirty.* Any walnut which is affected by dirt or other foreign matter to the extent that it is readily discernible because it is in sharp contrast with the remainder of the lot; or any lot of walnuts so generally affected by dirt or other foreign matter as to be objectionable in appearance.

(b) *Discolored.* Any walnut which is affected by spots or stains to the extent that it is readily discernible because it is in sharp contrast with the remainder of the lot; or any lot of walnuts so generally affected by stains as to be objectionable in appearance.

(c) *Adhering hull.* Any walnut affected by adhering hull or hull fibre which is readily discernible.

(d) *Perforated shells.* Any walnut with imperfectly developed areas of the shell resembling abrasions and usually including small holes penetrating the shell wall, if such an area of surface aggregating more than three-eighths of an inch in diameter is so affected.

(e) *Broken shells.* Any walnut with a material portion of the shell missing or with the halves completely broken apart. Two separated halves shall be counted as one non-passable nut.

(f) *Split shells or splits.* Any walnut with the shell halves completely separated, but held together by the kernel.

(3) *Internal kernel quality.* Any lot of walnuts to be eligible for a quality grade must contain not less than 95 percent, by count, of kernels which are well dried (firm and crisp). A kernel, as referred to in this section means all of the non-fibrous content of one individual walnut; that is, two halves, four quarters, etc. The quality grade of any lot of walnuts, within the limits of the tolerances specified for external appearance and conditions, shall be the highest grade to which such lot is eligible under the following internal or kernel quality grades.

(i) First Quality Grade walnuts shall contain not less than 90 percent, by count, of nuts which are free from insect damage, mold, shrivel, blanks, rancidity and black kernels, except that not less than 95 percent, by count, shall be free from insect damaged kernels. Not less than 50 percent of the kernels in any lot shall be light in color, in accordance with the Walnut Control Board color chart. Only otherwise passable kernels shall be scored "light." The following definitions of defects shall be used in determining the qualifications of walnuts for First Quality Grade:

(*a*) *Insect damage.* Any kernel affected in any way by insect larvae, ants, moths, beetles, or any other insects.

(*b*) *Mold.* Any kernel showing on its surface mold readily discernible to the eye, except that a kernel bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy.

(*c*) *Shrivel.* Any kernel which is noticeably shrunken, leathery or tough as distinguished from kernels which are fully developed. A kernel which is thin in cross-section but which otherwise is normally developed shall not be considered shriveled. A kernel with one-eighth or more of its surface affected by shriveling shall be considered as noticeably shrunken and scored as non-passable.

(*d*) *Blank.* Any kernel so shrunken or so imperfectly developed as to be inedible or worthless.

(*e*) *Rancidity.* Any kernel which has a decomposed appearance or a rancid taste.

(*f*) *Black kernel.* Any kernel with one-half or more of the surface as dark or darker in color than those illustrated in row "E" of the Walnut Control Board color chart.

(ii) Second Quality Grade walnuts shall contain not less than a total of 86 percent, by count, of nuts which are free from defects as defined below for Second Quality Grade: *Provided*, That not less than 90 percent, by count, shall be free from insect damage, blanks, rancidity, and black kernels. Not less than 30 percent of the kernels in any lot shall be light in color in accordance with the Walnut Control Board color chart. Only otherwise passable kernels shall be scored "light." The following definitions of defects shall be used in determining the qualifications of walnuts for the Second Quality Grade:

(*a*) *Insect damage.* Any kernel affected in any way by insect larvae, ants, moths, beetles, or any other insects.

(*b*) *Mold.* Any kernel showing on its surface mold readily discernible to the eye, except that a kernel bearing a few loose filaments of white or light gray mold which can be easily blown off, or a kernel affected by a slight covering of white or gray mold which does not affect more than one-fourth of the surface of the kernel, shall not be considered moldy.

[1] Filed as part of original document.

(c) *Shrivel.* Any kernel which is noticeably shrunken, leathery or tough as distinguished from a kernel which is fully developed. A kernel which is thin in cross-section but which otherwise is normally developed shall not be considered shriveled. A kernel shriveled one-eighth or more but less than one-half shall be considered as noticeably shrunken and scored as non-passable. In any 100 nuts, not more than 10 such nuts may be scored one-half percent each to a maximum of 5 percent non-passable. Each additional such nut above 10 shall be scored one percent non-passable.

(d) *Blank.* Any kernel so shrunken or so imperfectly developed as to be inedible or worthless.

(e) *Rancidity.* Any kernel which has a decomposed appearance or a rancid taste.

(f) *Black kernel.* Any kernel with one-half or more of the surface as dark or darker in color than those illustrated in row "E" of the Walnut Control Board color chart.

(iii) Third Quality Grade walnuts shall contain not less than 90 percent, by count, of nuts which are free from insect damage, mold, shrivel, blanks, rancidity, and black kernels. The following definitions of defects shall be used in determining the qualification of walnuts for Third Quality Grade.

(a) *Insect damage.* Any kernel affected in any way by insect larvae, ants, moths, beetles, or any other insects.

(b) *Mold.* Any kernel on which there is fruiting mold of any description or mold mycelia affecting more than one-fourth of the surface of the kernel.

(c) *Shrivel.* Any kernel which is edible and otherwise sound but with one-half or more shriveled. Each shriveled kernel shall be classed as half sound; that is, two such kernels shall be counted as one sound and one defective kernel.

(d) *Blank.* Any kernel so shrunken or so imperfectly developed as to be inedible or worthless.

(e) *Rancidity.* Any kernel which has a decomposed appearance or rancid taste.

(f) *Black kernel.* Any kernel with one-half or more of the surface as dark or darker in color than those illustrated in row "E" of the Walnut Control Board color chart.

(c) *Regulations for walnuts produced in District 2 (Oregon-Washington)*—(1) *Size specifications.* Size specifications applicable to District 2 shall be the same as those specified for District 1 in paragraph (b) (1) of this section.

(2) *External quality and appearance.* (i) First Quality Grade walnuts are walnuts of similar varietal characteristics, which are fully dried, the shells of which are clean, bright, fairly uniform in color, well formed, and free from splits, injury by discoloration, and free from damage caused by broken shells, perforated shells, adhering hulls and other means, except that the following tolerance, by count, shall be allowed:

5 percent for splits and an additional 5 percent for other defects, including not more than 3 percent serious damage.

(ii) Second Quality Grade walnuts are walnuts of similar varietal characteristics, which are fully dried, the shells of which are fairly clean, free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration, or other means, except that the following tolerances, by count, shall be allowed:

5 percent for splits and an additional 8 percent for other defects, including not more than 5 percent serious damage.

(iii) Third Quality Grade walnuts are walnuts which are fully dried, the shells of which are fairly clean, free from splits, and free from damage caused by broken shells, and free from serious damage, caused by discoloration, perforated shells, adhering hulls, and other means, except that the following tolerance, by count, shall be allowed:

10 percent for splits and an additional 10 percent for other defects, including not over 5 percent serious damage by adhering hulls.

(iv) Definition of terms: The following definitions of terms shall be used in determining the qualification of walnuts with respect to external appearance and condition:

(a) Fully dried means that the kernel is crisp and with a moisture content (both shell and kernel) of not to exceed 10 percent.

(b) Clean means that from the viewpoint of general appearance the walnuts are practically free from adhering dirt or other foreign matter and that the individual walnuts are not damaged by such means. A slight chalky deposit on the shell is characteristic of many bleached nuts and shall not be considered as dirt or foreign matter.

(c) Fairly clean means that from the viewpoint of general appearance the lot is not seriously damaged by adhering dirt or other foreign matter and that individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

(d) Bright means a light, uniform, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

(e) Fairly uniform color means that the shell color of individual nuts does not contrast materially with the general color of the lot.

(f) Well formed means that at least 88 percent of the pack have a normal shape characteristic of the variety.

(g) Splits means walnuts with shell halves separated at the suture for 50 percent or more of the circumference of the nut.

(h) Injury by discoloration means that the color of the affected portion of the shell contrasts materially with the color of the rest of the shell of the individual nut.

(i) Damage means any injury or defect which materially affects the appearance, edible, or shipping quality of the walnuts. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as damage:

(1) Broken shells, when any material portion of the shell is missing or the halves are completely broken apart and separated.

(2) Perforated shells, when the area affected aggregate more than one-fourth inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall.

(3) Adhering hulls, when affecting more than 5 percent of the shell surface.

(4) Discoloration (or stain), which covers in the aggregate one-fifth or more of the surface of the shell of an individual nut, and which is medium brown, light reddish brown or gray, contrasting with the color of the rest of the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable.

(j) Serious damage means any injury or defect which seriously affects the appearance, edible or shipping quality of the walnut. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as serious damage:

(1) Discoloration (or stain) which covers in the aggregate one-third or more of the surface of the shell of an individual nut, and which is brown, reddish brown, or gray, contrasting sharply with the color of the rest of the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable.

(2) Perforated shells, when the area affected aggregates more than $\frac{3}{8}$ of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall.

(3) Adhering hulls, when affecting more than one-eighth of the surface in the aggregate.

(3) *Internal or kernel quality.* A kernel as referred to in this section means all of the non-fibrous content of one individual walnut; that is, two halves, four quarters, etc. The quality grade of any lot of walnuts, within the limits of the tolerances specified for external appearance and condition, shall be the highest grade to which such lot is eligible under the following internal or kernel quality grades.

(i) First Quality Grade shall consist of walnuts which are fully dried and the kernels of which are free from decay, dark discoloration, rancidity, insects or insect injury, and free from damage caused by mold, shriveling and other means. At least 60 percent, by count, of the walnuts of this grade shall contain kernels which are not darker than "light" (as defined by the English Walnut grading chart of the U. S. Department of Agriculture), and which are free from defects of the First Quality Grade. The following tolerance, by count, shall be allowed: Not more than 10 percent shall be below the requirements of the grade, including not more than 5 percent serious damage from causes other than shrivel. An additional tolerance of 10 percent shall be allowed for kernels otherwise sound, but with one-eighth or less shriveled. In arriving at this tolerance the following rules with respect to shrivel shall apply:

(a) Kernels otherwise sound with one-half or more shriveled shall be counted as one percent.

(b) Kernels otherwise sound with more than one-eighth and less than one-half shriveled shall count as one-half of one percent: *Provided,* That if more than 10 such nuts are present per 100, each additional nut shall count as one percent.

(ii) Second Quality Grade walnuts shall consist of walnuts which are fully dried and the kernels of which are free from decay, dark discoloration, rancidity, insects or insect injury, and free from damage caused by mold, shriveling and other means. At least 50 percent, by count, of walnuts of this grade shall contain kernels which are not darker than "light" (as defined by English Walnut grading chart of the U. S. Department of Agriculture), and which are free from defects of the Second Quality Grade. The following tolerance, by count, shall be allowed: Not more than 10 percent shall be below the requirements of the grade, including not more than 5 percent serious damage from causes other than shrivel. In arriving at this tolerance the following rules with respect to shrivel shall apply:

(a) Kernels otherwise sound with one-half or more shriveled shall be counted as one percent.

(b) Kernels otherwise sound with one-fourth and less than one-half shriveled shall count as one-half of one percent sound.

(c) Kernels otherwise sound with more than one-eighth but less than one-fourth shriveled shall count as one-fourth of one percent: *Provided,* That not more than 20 such kernels shall be allowed per each 100.

(d) Kernels otherwise sound with one-eighth or less shriveled shall be considered sound in the Second Quality Grade: *Provided,* That not more than 50 percent, by count, of such kernels are present.

(iii) Third Quality Grade walnuts shall consist of walnuts which are fully dried and the kernels of which are free from decay, dark discoloration, rancidity, insects or insect injury, and free from damage caused by mold, shriveling and other means. The following tolerances, by count, shall be allowed: Not more than 10 percent shall be below the requirements of the grade. In arriving at this tolerance the following rules with respect to shrivel shall apply:

(a) Kernels otherwise sound but with more than one-half shriveled shall be counted as one percent.

(b) Kernels otherwise sound with more than one-fourth but not more than one-half shriveled shall be counted as one-half of one percent.

(iv) Definitions of terms. The following definitions of terms shall be used in determining the qualification of walnuts with respect to internal or kernel quality:

(a) Fully dried means that the kernel is crisp and with a moisture content (both shell and kernel) of not to exceed 10 percent.

(b) Damage means any injury or defect which materially affects the appearance, edible or shipping quality of the walnuts. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as damage:

(c) Mold which kernels show on their surface and which is readily discernible to the eye. Kernels bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy.

(d) Shrivel, severe shrivel, or various degrees of shrivel affecting a greater area producing an equally objectionable appearance. Special rules for scoring shrivel are provided for each of the quality grades, under tolerances for internal defects.

(e) Dark discoloration means that the color of the kernel is darker than "dark amber" (as defined by the English Walnut grading chart of the U. S. Department of Agriculture).

(f) Rancidity means the stage of deterioration in which the kernel has developed a rancid flavor. This condition is frequently indicated by a definite change in color of the nut tissue, a marked yellowing or blackening of the fleshy tissue of the meat. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

(g) Insect injury means any evidence that codling moth larvae or other insects have been present in the nut, such as frass or webbing, or a powdery condition of the kernel such as might be caused by ants.

(h) Serious damage means any injury or defect which seriously affects the appearance, edible or shipping quality of the walnut. Decay, rancidity, and insects or insect injury shall be considered serious damage.

Dated: December 13, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-10437; Filed, Dec. 18, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

KLAMATH INDIAN IRRIGATION PROJECT, OREGON

ASSESSMENTS AND PAYMENT

NOVEMBER 25, 1957.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U. S. C. 1001) and pursuant to the acts of August 11, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F. R. 3456-3457), a notice is hereby given of intention to modify §§ 130.47 (c), 130.48 (e), 130.48 (a)-(c) of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited by the irrigation systems on the Klamath Irrigation Project, Klamath Indian Reservation, Oregon, as follows:

Section 130.47 *Assessments.* (c): By establishing the final and total operation and maintenance assessments on the irrigable land under the Agency Unit at $0.08435 per acre.

Section 130.48 *Payment.* (e): The payment as established under § 130.47 (c) shall be due and payable on all lands under the Agency Unit on April 1, 1958 for all lands under this Unit.

Section 130.48 (a)-(c): The assessments against the lands of the Agency Unit shall be based upon the report entitled, "Designation of Irrigable Areas and Cost of Irrigation Developments, Spring Creek, Agency Unit, Klamath Indian Reservation, Oregon, December 1956 (Revised)", as prepared by the Area Director, Portland Area Office, Portland, Oregon.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DON C. FOSTER,
Area Director.

[F. R. Doc. 57-10443; Filed, Dec. 18, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12254]

TELEVISION BROADCAST STATIONS, MARINETTE-GREEN BAY, WIS.; TABLE OF ASSIGNMENTS

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Marinette-Green Bay, Wisconsin).

1. The Commission has before it for consideration a motion filed December 12, 1957, by M & M Broadcasting Company, Inc., licensee of Station WMBV-TV, Marinette, Wisconsin, requesting the Commission to extend the time for filing comments in the above-entitled proceeding from December 20, 1957, to January 20, 1958.

2. In support of its request movant alleges that certain matters have recently arisen which must be resolved and clarified before proper and helpful

comments can be filed, and that these matters are of such importance that they may vitally affect the issues in the instant proceeding. Movant asserts that one of the two parties who has indicated an interest in this proceeding, Norbertine Fathers, has consented to the grant of the instant Motion; and that the other party, Valley Telecasting Company, has agreed to waive the requirements of § 1.730 of the Commission's rules in order to permit an early disposition of the motion.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments in this proceeding.

4. In view of the foregoing: *It is ordered*, That the motion of M & M Broadcasting Company, Inc., is granted; that the time for filing comments in the above-entitled proceeding is extended from December 20, 1957, to January 20, 1958; and that the time for filing reply comments, is extended from December 30, 1957, to January 30, 1958.

Adopted: December 13, 1957.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10483; Filed, Dec. 18, 1957; 8:54 a. m.]

[47 CFR Part 3]

[Docket No. 12268; FCC 57-1349]

TELEVISION BROADCAST STATIONS; WALLA WALLA, WASH.; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Walla Walla, Washington).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed October 11, 1957 by Cascade Broadcasting Company, for rule making to amend the television Table of Assignments contained in § 3.606 of the Commission's rules and regulations, so as to delete Channels 5 and 8 from Walla Walla and substitute UHF channels therefor as follows:

City	Channel No.	
	Present	Proposed
Walla Walla, Wash.	5-, 8, *22	22, 44-, *50

3. Cascade submits that it is the licensee of Stations KIMA-TV on Channel 29 at Yakima, Washington, KEPR-TV, on Channel 19 at Pasco, Washington, KBAS-TV on Channel 43 at Ephrata, Washington, and KLEW-TV on Channel 3 at Lewiston, Idaho (the latter two stations through wholly-owned subsidiaries), and that there are no applications now on file for Channels 5 and 8 at Walla Walla. Cascade urges that there are no VHF signals available in central and southeastern Washington, while three UHF stations serve this area; that Walla Walla receives satisfactory UHF service from Channel 19 at Pasco and will receive service from the proposed station on Channel 31 at Kennewick; that no significant number of persons will lose service as a result of the deletion of Channels 5 and 8; and that the proposal would assure the continued growth of competitive television broadcasting in the UHF band in southeastern Washington.

4. Although the Commission previously rejected a proposal to delete Channels 5 and 8 from Walla Walla, the Commission is now of the view that rule making proceedings should be instituted in the matter. When the prior proposal for deintermixing Walla Walla was considered, an active interest had been indicated in VHF Channels 5 and 8. At the present time, however, there are no applications for these frequencies and UHF stations are operating in the general area. Further exploration of the proposal to delete Channels 5 and 8 from Walla Walla would therefore be desirable.

5. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 15, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Parties submitting comments in this proceeding are requested to direct their attention to the matters raised in paragraph 31 of the Commission's Report and Order in Docket 11532 (FCC 56-587, issued June 26, 1956), and paragraph 5 of the Notice and Order (FCC 56-1080) issued in the same proceeding on November 6, 1956.

8. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: December 11, 1957.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10484; Filed, Dec. 18, 1957; 8:54 a. m.]

[47 CFR Part 9]

[Docket No. 12270; FCC 57-1362]

AVIATION SERVICES

ELIGIBILITY; SCOPE OF SERVICE

In the matter of amendment of §§ 9.441 and 9.442, Part 9, Aviation Services, to clarify requirements applicable to aeronautical fixed stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Recent applications for authority to construct and operate aeronautical fixed stations without associated aeronautical enroute stations, and the Commission's action in dismissing such applications, indicate a need for amendment of the rules to reflect more clearly the Commission's long established policy with respect to such facilities.

3. The amendments herein proposed would permit the issuance of an aeronautical fixed station authorization only to the licensee of an aeronautical enroute station with which the proposed aeronautical fixed station will be associated. This proposal is based on the following considerations: (1) The absence of operational justification for the establishment of aeronautical fixed facilities at locations not served by aeronautical enroute stations; and (2) the desirability of having both classes of facilities at a given location operated by the same licensee.

4. The proposed amendments are issued under the authority of sections 303 (b), (d), and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before January 20, 1958, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 11, 1957.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 9, Aviation Services, as indicated below:

Delete §§ 9.441 and 9.442 and substitute new sections to read as follows:

§ 9.441 *Eligibility.* Authorization to operate an aeronautical fixed station will be issued only to the licensee of an aeronautical enroute station with which the aeronautical fixed station will be associated. Aeronautical fixed station authorizations will not be issued where land line facilities adequate for the service required are available.

§ 9.442 *Scope of service.* Aeronautical fixed stations shall provide all necessary non-public point-to-point communications service pertaining to safety, regularity and economy of flight. Such stations shall transit, without discrimination, messages originated by aircraft radio station licensees who have entered into equitable, cost sharing arrangements governing the operation and maintenance of such stations: *Provided, however*, That aeronautical fixed station licensees are required to transmit, without charge or discrimination, all necessary messages in time of public emergency which involve the safety of life and property.

[F. R. Doc. 57-10485; Filed, Dec. 18, 1957; 8:54 a. m.]

[47 CFR Parts 34, 35]

[Docket No. 12269; FCC 57-1355]

UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS AND WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

ACCOUNTING FOR COSTS OF INSTALLATION, EQUIPMENT CHANGES, AND SIMILAR SERVICES, AND CHARGES MADE TO CUSTOMERS THEREWITH

In the matter of amendments to Part 34 and 35 of the Commission's rules and regulations, Uniform System of Accounts for Radiotelegraph Carriers and Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers, respectively, relating to the accounting for costs of installation, equipment changes, and similar services, and the charges to customers made in connection therewith.

1. The Western Union Telegraph Company, by letter dated August 6, 1956, has requested the Commission to revise Part 35 of its Rules (Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers) (A) to delete paragraph (a) (14) of § 35.41-7, "Maintenance expenses," or clarify its intent so as to exclude private wire service installations, and (B) to include in § 35.31-2, "Basis of credits to operating-revenue accounts," a provision which would permit the amortization over appropriate periods, of revenue items considered to be both so large and so infrequent that their inclusion in the revenue accounts in total as they accrue would seriously distort annual operating revenues.

2. Section 35.41-7 (a) (14) of the Commission's rules presently requires that the costs of installation, equipment changes, and similar services, for which the carrier is reimbursed in whole or in part, or for which a charge is made by the carrier, shall be charged to maintenance expenses. Section 35.31-2 of the rules requires that the operating-revenue accounts shall be credited with the actual amounts chargeable for services rendered. Section 35.03-2 (c) provides that each carrier shall keep its books of account on a calendar-month basis so that for each month all transactions applicable thereto, as nearly as may be ascertained, will be entered in the books. Section 35.03-15 provides that when the amount of any item includible in an operating-revenue, operating-expense, or other income account for a single month is relatively so large that its inclusion in the accounts for that month would seriously distort that account, it may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. There is no provision in Part 35 permitting the spreading of revenue or expense items beyond the months of the current calendar year.

3. Western Union, in support of the portion of its proposal to the effect that the system of accounts be changed so as to provide for capitalizing in the operated plant accounts, rather than expensing, costs of installation, equipment changes, and similar services related to private wire service installations (which is already the rule where there is no reimbursement or charge), urges that adoption of the proposal would be consistent with the theory that all plant accounts should reflect the costs of plant in place. It alleges that the theory is an "age-old concept" to which it subscribes. Western Union argues that when § 35.41-7 (a) (14) was written there were probably only minor items of installation work, equipment changes and similar services, normally categorized as maintenance work, to which it would apply. It doubts that it was foreseen that § 35.41-7 (a) (14) would some day be applied to installation costs on major private wire service networks. Western Union further argues that where the installation charge to the customer is only a fraction of the costs of installation, such fact definitely precludes the immediate writing off to operating expenses at time of installation of at least the excess of cost of installation over the installation charge "on any theory of expenses following revenues." Even where the installation charge to the customer equals the nonrecoverable costs of installation, Western Union believes the cost should be capitalized rather than expensed with the installation charge to the customer being credited to revenues gradually over the period the customer is expected to keep the service. Western Union recognizes, however, that it may not be necessary to spread out the crediting to revenues of each installation charge to a customer because if there are many of them, not varying greatly as to amount, and being made at fairly regular time intervals, the matching of expenses and revenues in the accounts which it seeks will be the result anyway. Western Union argues that the present prescribed expense accounting as applied to any case where there is an installation charge which is less than the costs of installation, is thoroughly inconsistent with computation of tariffs, where only the installation charge to the customer is deducted from the base on which future revenues will accrue. It points out, also, that certain items of equipment are used both as components of private line installations and elsewhere in operating plant, so that under the presently effective accounting rules there exists the anomaly of the same units of plant, some capitalized along with the full costs of their installation and some with no costs of installation capitalized, depending upon whether or not installation charges to customers were involved.

4. As noted in paragraph 1 above, Western Union requests either deletion of § 35.41-7 (a) (14) or its clarification so as to exclude private wire service installations. Deletion of the section will accomplish a greater change in the prescribed accounting than clarification to create a single exclusion. In either event, the change might require the development, maintenance and use of retirement unit costs on both a "before" and an "after" basis. Also, changes in depreciation rates might possibly be in order. The Commission proposes to delete § 35.41-7 (a) (14).

5. The Commission is in sympathy with the objective stated by Western Union with respect to revenue accounting for installation charges. It agrees, also, with Western Union that it may not be necessary in order to achieve the objective to spread out the crediting to revenues of each installation charge to a customer because if there are many such charges, not varying greatly as to amount, and being made at fairly regular time intervals, the matching of expenses and revenues in the accounts which Western Union seeks will be the result anyway. While, as noted, the Commission believes there are cases when installation charges should be amortized to revenues, it does not believe, as Western Union suggests, that the decision to amortize should be left to the free discretion of the carrier beyond that already granted by § 35.03-15, "Unusual items," described in paragraph 2 herein. The Commission believes that amortization may be appropriate in particular cases but, even so, should be undertaken only after application to and approval by the Commission.

6. In order to accomplish the revenue accounting objective, and provide for amortization in certain cases subject to advance Commission approval, it is proposed that the text of paragraph (a) of § 35.31-2 "Basis of credits to the operating-revenue accounts," be amended to read as follows (proposed new language is enclosed in parentheses): "Credits to the operating-revenue accounts shall be based upon the actual amount chargeable for services rendered by the carrier. (Such credits shall normally be made in the month in which the services are rendered. The provisions of § 35.03-15, 'Unusual items,' are, however, applicable in appropriate instances and when charges for services rendered are made which are relatively so large and which experience indicates will recur in such large amounts so infrequently that their inclusion in a revenue account for a single month, or for the current and remaining months of the calendar year,

would seriously distort that account and material proposed in paragraph 6 to be

such additional comments is established.

would seriously distort that account and impair the usefulness of the accounts, the carrier shall notify the Commission and request authority to distribute the amount to a revenue account over such period extending beyond the end of the current calendar year as is considered appropriate in the light of all the circumstances.)" Notes A and B to § 35.31–2 would be retained without change.

7. Since Parts 34 and 35 of the Commission's rules, Uniform System of Accounts for Radiotelegraph Carriers and Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers, respectively, generally run parallel to each other and thought is being given to their eventual consolidation, it is proposed that § 34.41–5 (a) (11) be deleted. It is also proposed to add to the text of § 34.31–2 (a) the substance of the new material proposed in paragraph 6 to be added to § 35.31–2 (a).

8. This notice of proposed rule making is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

9. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before January 20, 1958, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 20 days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: December 11, 1957.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10486; Filed, Dec. 18, 1957; 8:55 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11880, 11881; FCC 57M–1257]

BIRNEY IMES, JR. (WMOX) AND MISSISSIPPI BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Birney Imes, Jr. (WMOX), Meridian, Mississippi, Docket No. 11880, File No. BP–10163; Mississippi Broadcasting Company, Carthage, Mississippi, Docket No. 11881, File No. BP–10637; for construction permits.

The Hearing Examiner having under consideration a joint petition filed December 11, 1957, on behalf of both of the above-entitled applicants requesting that a further pre-hearing conference be scheduled for January 8, 1958, and that the evidentiary hearing presently scheduled for January 6, 1958, be continued until January 14, 1958; and

It appearing that the reason for the requested continuance is the fact that commitments of counsel make it impracticable to meet the presently adopted schedule; and

It further appearing that counsel for the Chief, Broadcast Bureau has consented to the request made in the petition and to waive the four-day rule to permit immediate action thereon, and that good cause for the requested continuance has been shown;

It is ordered, This the 12th day of December 1957, that the joint petition is granted and a further pre-hearing conference will be held on Wednesday, January 8, 1958, and the evidentiary hearing now scheduled to begin on January 6, 1958, is continued to January 14, 1958.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10487; Filed, Dec. 18, 1957; 8:55 a. m.]

[Docket Nos. 12223, 12224; FCC 57M–1252]

ARMIN H. WITTENBERG, JR., AND PASADENA PRESBYTERIAN CHURCH

ORDER CONTINUING HEARING

In re applications of Armin H. Wittenberg, Jr., Los Angeles, California, Docket No. 12223, File No. BPH–2170; Pasadena Presbyterian Church, Pasadena, California, Docket No. 12224, File No. BPH–2179; for Construction Permits (FM Facilities, Channel 294).

The Hearing Examiner has under consideration a petition filed December 9, 1957, by Pasadena Presbyterian Church requesting that the pre-hearing conference scheduled for December 18, 1957, and the evidentiary hearing now scheduled to commence on January 2, 1958, be continued to dates to be determined.

The reasons for the requested continuance are (a) that Armin H. Wittenberg, Jr. has filed a petition for the enlargement of issues in response to which pleadings have been filed by both Pasadena Presbyterian Church and the Chief, Broadcast Bureau and the said matter is presently pending before the Commission; and (b) that two additional applications for Channel 294 in the Los Angeles, California, metropolitan area have been filed, namely, by John H. Poole, d/b as Musical Isle Broadcasting Company (BPH–2223), Newport Beach, California, and by Radio Beverly Hills (BPH–2295), Beverly Hills, California, both of which are mutually exclusive with the applications presently designated for hearing.

Under §§ 1.724 (b) and 1.387 (b), the two new applications for Channel 294 in the Los Angeles metropolitan area will be designated for hearing and will be heard in a consolidated proceeding with the applications presently designated for hearing. Until the Commission has specified the issues which are presented by the two new applications and has acted on the presently pending petition to enlarge the issues, a pre-hearing conference with the parties now in the presently pending proceeding would not be productive. It thus appears that the orderly conduct of Commission business does not warrant holding a pre-hearing conference at this time.

In view of the facts stated above, good cause for the requested continuance of the dates of the pre-hearing conference and of the start of the evidentiary hearing has been shown. The Hearing Examiner has been advised informally that there are no objections to the granting of the requested continuance or for immediate consideration of the petition.

It is ordered, This the 12th day of December 1957, that the petition of Pasadena Presbyterian Church for continuance of the dates of the pre-hearing conference and the evidentiary hearing is granted and the date for the pre-hearing conference now scheduled for December 18, 1957, and the date for the commencement of the evidentiary hearing now scheduled to begin on January 2, 1958, are continued to dates to be announced later.

Released: December 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10488; Filed, Dec. 18, 1957; 8:55 a. m.]

[Docket No. 12220; FCC 57–1344]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of December 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that notice of proposed rule making (FCC 57–1145) setting forth the above proposal was issued by the Commission on October 21, 1957 and was duly published in the FEDERAL REGISTER (22 F. R. 8403), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before November 29, 1957; and

It further appearing that no comments were received either favoring or opposing the proposed amendment; and

It further appearing that the adoption of the proposed amendment would facilitate action on an application (File No. BPH–2282) for a new FM broadcast station in Tacoma, Washington, to operate on Channel 280; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective December 11, 1957, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the following listed cities:

General area	Channels	
	Delete	Add
Tacoma, Wash.	227	
Olympia, Wash.	279	284
Centralia, Wash.	284	289

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10489; Filed, Dec. 18, 1957; 8:55 a. m.]

[Docket No. 12225; FCC 57–1345]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of December 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that notice of proposed rule making (FCC 57–1159) setting forth the above proposal was issued by the Commission on October 24, 1957 and was duly published in the FEDERAL REGISTER (22 F. R. 8547), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before November 25, 1957; and

It further appearing that only one comment was filed in this matter, this being filed by the Seaside Electronic Associates, permittee of Station KTEE (AM), Carmel, California, opposing deletion of Channel 233 due to the fact that an application for a new FM broadcast station specifying Channel 233 has already been prepared; and

It further appearing that five channels will still remain available for assignment in the Salinas area and selection of any one of these channels for the proposed new station by the Seaside Electronic Associates should present no problems and should not require changes in the engineering data already prepared, but merely require insertion of a different channel number in place of Channel 233; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective December 11, 1957, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to Salinas, California:

General area	Channels	
	Delete	Add
Salinas, Calif.	233	262

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10490; Filed, Dec. 18, 1957; 8:55 a. m.]

[Docket Nos. 12237, 12238; FCC 57M–1250]

OKLAHOMA TELECASTING CORP. AND SUPREME BROADCASTING CO., INC.

ORDER AFTER FIRST PREHEARING CONFERENCE (CONTINUING HEARING)

In re applications of Oklahoma Telecasting Corporation, New Orleans, Louisiana, Docket No. 12237, File No. BPCT–2330; for construction permit for a new television broadcast station (Channel 12); Supreme Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 12238, File No. BMPCT–4679; for modification of construction permit (from Channel 20 to Channel 12).

1. Pursuant to an order released on November 18, 1957, a prehearing conference was convened on this date at which the two named applicants and the Chief of the Broadcast Bureau were represented by counsel. The matters determined upon are herein stated.

2. This proceeding involves the use of VHF Channel 12 at New Orleans, Louisiana. After release of the prehearing conference order above referred to another application for use of the channel at New Orleans was filed. It was agreed by counsel for all named parties that the prehearing conference and the commencement of the hearing should be postponed to await action by the Commission on the recently filed application. In order to avoid unnecessary delay in the resumption of proceedings herein, the Hearing Examiner upon his own motion will issue a subsequent reconvening order promptly after the Commission acts dispositively on the third pending application.

Accordingly, it is ordered, This 12th day of December 1957, that the prehearing conference this day convened and the hearing now scheduled to be commenced on January 6, 1958, are continued to a date to be fixed by subsequent order.

Released: December 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10491; Filed, Dec. 18, 1957; 8:55 a. m.]

[Docket Nos. 12239, 12240; FCC 57M–1255]

FARGO TELECASTING CO. AND NORTH DAKOTA BROADCASTING CO., INC.

ORDER GOVERNING HEARING

In re application of Marvin Kratter, d/b as Fargo Telecasting Company, Fargo, North Dakota, Docket No. 12239, File No. BPCT–2261; North Dakota Broadcasting Company, Inc., Fargo, North Dakota, Docket No. 12240, File No. BPCT–2357; for construction permits for new television broadcast stations (Channel 11).

Appearances. D. F. Prince and Robert M. Booth, Jr., on behalf of North Dakota Broadcasting Company, Inc.; and Richard E. Ely, on behalf of the Broadcast Bureau.

Pursuant to the provisions of §§ 1.813 and 1.841 and in accordance with notice given, a prehearing conference in the above-entitled proceeding was held on December 12, 1957, at 11 a. m. At such conference it was announced that Marvin Kratter, d/b as Fargo Telecasting Company, will shortly file a petition to dismiss his application.

The agreements between the parties, as set forth in the transcript of the prehearing conference, are formally approved by the Hearing Examiner; and the course of the hearing shall be governed by the procedure agreed upon.

Accordingly, it is ordered, This 12th day of December 1957, that drafts of the exhibits of North Dakota Broadcasting Company, Inc. will be informally furnished to counsel for the Broadcast Bureau on or before January 15, 1958; that the exhibits to be offered in evidence in support of the affirmative case of the applicant will be furnished to counsel for the Broadcast Bureau on or before January 22, 1958; and that the Broadcast Bureau will, on or before January 23, 1958, advise the witnesses, if any, who are desired for cross-examination.

It is further ordered, That the hearing be and it is continued from January 6, 1958 to January 27, 1958, at 10 a. m., in Washington, D. C.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10492; Filed, Dec. 18, 1957; 8:56 a. m.]

[Docket Nos. 12248, 12249; FCC 57M-1251]

ST. ANTHONY TELEVISION CORP. AND WTVJ, INC.

ORDER CONTINUING HEARING CONFERENCE

In re applications of St. Anthony Television Corporation, Houma, Louisiana, Docket No. 12248, File No. BPCT-2328; WTVJ, Inc., Houma, Louisiana, Docket No. 12249, File No. BPCT-2354; for construction permit for a new television broadcast station (Channel 11).

The Hearing Examiner having under consideration a pleading filed December 11, 1957, by WTVJ, Inc. requesting that the date of the pre-hearing conference presently scheduled for December 13, 1957, be continued to December 18, 1957; and

It appearing that the reason for the requested continuance is occasioned by the fact that the presently scheduled date for the pre-hearing conference conflicts with other commitments of the parties; and

It further appearing that all parties to the proceeding have consented to the requested change of date and for immediate consideration of the request, and good cause for the postponement having been shown;

It is ordered, This the 12th day of December 1957, that the request for the change of the date of the pre-hearing conference is granted and the pre-hearing conference now scheduled to begin on December 13, 1957, is continued to Wednesday, December 18, 1957, beginning at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: December 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10493; Filed, Dec. 18, 1957; 8:56 a. m.]

[Docket No. 12250; FCC 57M-1258]

SACRAMENTO TELECASTERS, INC. (KBET-TV)

STATEMENT AND ORDER AFTER PREHEARING CONFERENCE (CONTINUING HEARING)

In re application of Sacramento Telecasters, Inc. (KBET-TV), Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

1. A prehearing conference was held on December 13, 1957. The transcript, when available, will be incorporated by reference.

2. Action on certain pleadings: (a) Motion to Strike appearance, filed by Sacramento Telecasters, Inc. on November 29, 1957; and (b) Motion to Correct Hearing Calendar Notice, etc., filed by McClatchy Newspapers, on December 4, 1957; and related pleadings, is held in abeyance pending filing of a pleading before the Commission by McClatchy.

3. Without objection, the commencement of the evidentiary hearing, which had been scheduled for January 13, 1958, is continued to January 16, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

So ordered, this 13th day of December 1957.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10494; Filed, Dec. 18, 1957; 8:56 a. m.]

[Docket Nos. 12264-12266; FCC 57-1341]

HIRSCH BROADCASTING CO. (KFVS) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri, Docket No. 12264, File No. BP-11001; Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper and T. Keith Coleman d/b as Wabash Valley Broadcasters, Vincennes, Indiana, Docket No. 12265, File No. BP-11193; W. H. Firmin, J. H. Firmin and Bernard Lurie d/b as The Firmin Company, Vincennes, Indiana, Docket No. 12266, File No. BP-11621; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of December 1957;

The Commission having under consideration the above-captioned application of the Hirsch Broadcasting Company for a construction permit to increase the daytime power of Station KFVS, Cape Girardeau, Missouri, from 1 kilowatt to 5 kilowatts and to continue operation on the presently assigned frequency of 960 kilocycles with a power of 500 watts and with directional antenna at night, unlimited time; and the applications of Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper and T. Keith Coleman d/b as Wabash Valley Broadcasters and of W. H. Firmin, J. H. Firmin and Bernard Lurie d/b as The Firmin Company, each for a construction permit for a new standard broadcast station to operate on 960 kilocycles with a power of 500 watts, directional antenna, daytime only, at Vincennes, Indiana;

It appearing that, except as may appear from the issues specified below, all the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations but that the operation of all three proposals would result in mutually destructive interference; that the proposed operations of Wabash Valley Broadcasters and The Firmin Company would cause objectionable interference to Station WXLW, Indianapolis, Indiana (950 kc, 5 kw, DA, Day); that the proposed operation of The Firmin Company would cause objectionable interference to Station WAVE, Louisville, Kentucky (970 kc, 5 kw, DA-1, U); that the proposed operations of Wabash Valley Broadcasters and The Firmin Company would not be in compliance with § 3.28 (c) of the Commission's rules due to the excessive population loss which would result from interference received from existing stations and Wabash Valley Broadcasters have requested a waiver of § 3.28 (c); that the proposed operation of Wabash Valley Broadcasters would not be in compliance with § 3.188 (b) (1) in that the operation from the site proposed would not provide a minimum field intensity of 25 mv/m over the business and factory areas of the city and Wabash Valley Broadcasters have requested a waiver of § 3.188 (b) (1); and that a grant of the applications of the Hirsch Broadcasting Company and Wabash Valley Broadcasters might be in contravention of § 3.35 of the Commission's rules on multiple ownership because the stockholders of the Hirsch Broadcasting Company and persons related to them and the partners of the Wabash Valley Broadcasters have interests in other standard broadcast stations in the general areas in which it is proposed to locate their respective operations; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply to the Commission's letter was filed by each of the applicants; and

It further appearing that by amendment filed October 7, 1957, the application of The Firmin Company was amended to add a third partner to the firm which formerly consisted of two partners and that a new file number was assigned to that application; and

It further appearing that by letters dated March 19, May 20, and July 10, 1957, the licensee of Station WXLW has requested to be made a party to a hearing on the applications of Wabash Valley Broadcasters and The Firmin Company; and

It further appearing that by letter dated September 17, 1957, the licensee of Station WAVE requested that the application of The Firmin Company be designated for hearing; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KFVS as proposed and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the proposed operations of Wabash Valley Broadcasters and The Firmin Company and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Wabash Valley Broadcasters would cause objectionable interference to Station WXLW, Indianapolis, Indiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of The Firmin Company would cause objectionable interference to Stations WXLW, Indianapolis, Indiana, and WAVE, Louisville, Kentucky, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

5. To determine whether, because of the interference received, the proposed operations of Wabash Valley Broadcasters or The Firmin Company would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

6. To determine whether the transmitter location proposed by Wabash Valley Broadcasters is satisfactory in accordance with § 3.188 (b) (1) of the Commission's rules; and if the site proposed is not satisfactory, whether circumstances exist which would warrant a waiver of § 3.188 (b) (1) of the rules.

7. To determine whether a grant of the application of the Hirsch Broadcasting Company would be in contravention of the provisions of § 3.35 of the Commission's rules.

8. To determine whether a grant of the application of Wabash Valley Broadcasters would be in contravention of the provisions of § 3.35 of the Commission's rules.

9. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, whether a grant of the application of the Hirsch Broadcasting Company to increase the daytime power of Station KFVS, Cape Girardeau, Missouri, or a grant of either the application of Wabash Valley Broadcasters or the application of The Firmin Company for new standard broadcast stations at Vincennes, Indiana, would better provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the event it is found that there exists a greater need for either the facility proposed by Wabash Valley Broadcasters or the facility proposed by The Firmin Company, which of these proposals would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

a. The background and experience of each of said two applicants to own and operate the proposed station.

b. The proposal of each of said two applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in the application of each of said two applicants.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That WAVE, Incorporated, and Radio Indianapolis, Inc., licensees of Station WAVE and WXLW, respectively, are made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10495; Filed, Dec. 18, 1957; 8:56 a. m.]

[Docket No. 12267; FCC 57-1342]

LIBERTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of J. A. Robinson, IV, and Elmer J. Griffin, Sr., d/b as Liberty Broadcasting Company, Liberty, Texas, Docket No. 12267, File No. BP-9745; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of December 1957;

The Commission having under consideration the above-captioned application of the Liberty Broadcasting Company for a construction permit for a new standard broadcast station at Liberty, Texas, to operate on 1050 kilocycles with a power of 250 watts, directional antenna, daytime only; and

It appearing that the applicant is legally, technically, financially, and otherwise qualified, except as may be indicated from the issues specified below, to construct and operate its proposed station, but that the station as proposed would cause objectionable interference to Station KATR, Corpus Christi, Texas, and would not provide adequate coverage of the business district of the city sought to be served, as required by § 3.188 (b) of the Commission rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated October 15, 1957 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of this application would be in the public interest; and

It further appearing that a timely reply to said letter was filed by the applicant; and

It further appearing that in a letter dated February 28, 1957, Broadcasters, Incorporated, licensee of Station KATR, requested that this application be designated for hearing because of the aforementioned interference to Station KATR; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing on this application is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would involve objectionable interference with Station KATR, Corpus Christi, Texas, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal would provide adequate coverage of the business district of Liberty, Texas, as required by § 3.188 (b) of the Commission rules.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant proposal would serve the public interest, convenience, and necessity.

It is further ordered, That Broadcasters, Incorporated, licensee of Station KATR, Corpus Christi, Texas, is made a party to the proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.387 of the Commission rules, in person or by an attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, written appearances stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10496; Filed, Dec. 18, 1957; 8:56 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54503]

PERFORMANCE OF CUSTOMS FUNCTIONS IN CERTAIN COLLECTION DISTRICTS

RECISION OF DELEGATION OF AUTHORITY

DECEMBER 13, 1957.

Treasury Decision 54484, dated November 19, 1957 (22 F. R. 9301), dealt with delegations of authority and the performance of customs functions in Customs Collection Districts which would have been rearranged, effective December 31, 1957, by Treasury Department Order No. 165–7 (T. D. 54483; 22 F. R. 9300).

As Treasury Department Order No. 165–7 has been rescinded by Treasury Department Order No. 165–8 (T. D. 54498; 22 F. R. 9894), Treasury Decision 54484 is hereby rescinded.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 57–10478; Filed, Dec. 18, 1957; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

PARTIAL REVOCATION OF AIR NAVIGATION SITE WITHDRAWAL NO. 145

DECEMBER 10, 1957.

1. By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and pursuant to section 2.5 of Bureau of Land Management Delegation of Authority, Order No. 541 of April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Air Navigation Site Withdrawal No. 145 created by Departmental Order of May 4, 1942 covering certain public lands in the vicinity of McGrath, Alaska, is hereby revoked as to the following described lands:

MCGRATH AREA

Beginning at Corner No. 13, U. S. Survey No. 2646: Thence—West, 232.98 feet to Corner No. 12 of said survey; N. 33°00′ W., 1,576.08 feet to Corner No. 11;

East, 495.16 feet along boundary of Air Navigation Site Withdrawal No. 145, as amended, to a point on the left bank of the Kuskokwim River;

Southeasterly approximately 1,440 feet upstream along the left bank of the Kuskokwim River to Corner No. 13, U. S. Survey No. 2646 and the Point of Beginning, being a parcel situated within U. S. Survey No. 3140, Tract A.

Containing approximately 17.47 acres.

2. This revocation is made in furtherance of a Federal land program in aid of which the lands will be disposed of as a townsite under section 11 of the act of March 3, 1891 (26 Stat. 1099; 48 U. S. C. 355) and the act of May 25, 1926 (44 Stat. 629; 48 U. S. C. 355a) as amended by the act of February 26, 1948 (62 Stat. 35; 48 U. S. C. 355e). Patent No. 1148427 dated December 9, 1954, was issued to this and other adjacent land. This restoration is, therefore, not subject to a preferred right of selection by the Territory of Alaska in accordance with the provisions of section 202 (b) of the act of July 28, 1956 (79 Stat. 709; 711); nor to the preference rights granted to veterans of World War II and others by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

GEORGE E. M. GUSTAFSON,
Acting Operations Supervisor, Anchorage.

[F. R. Doc. 57–10444; Filed, Dec. 18, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9073]

CONTINENTAL AIR LINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Continental Air Lines, Inc., for an amendment of its certificate to remove a restriction so as to permit the carrier to provide one-plane service between Colorado Springs, on the one hand, and Chicago and Los Angeles, on the other.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on December 20, 1957, at 10:00 a. m., e. s. t., in Room 4827, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 13, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–10498; Filed, Dec. 18, 1957; 8:57 a. m.]

[Docket No. 9053]

LINEA EXPRESA BOLIVAR COMPANIA ANONIMA

NOTICE OF HEARING

In the matter of the denial of further foreign civil aircraft flight permits to Linea Expresa Bolivar Compania Anonima pursuant to section 6 (b) of the Air Commerce Act of 1926, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 15, 1958, at 10:00 a. m., e. s. t., in Room 2051, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Dated at Washington, D. C., December 13, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–10499; Filed, Dec. 18, 1957; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–13846]

SEABOARD OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 13, 1957.

Seaboard Oil Company (Seaboard), on November 13, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 11 to Seaboard's FPC Gas Rate Schedule No. 26.
Effective date: December 14, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Seaboard states that the proposed rate was contemplated by the parties at the time the contract was negotiated and represents as much a part of the agreed rate as does the rate paid during preceding portions of the contract term.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Seaboard's FPC Gas Rate Schedule No. 26 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Seaboard's FPC Gas Rate Schedule No. 26.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 14, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–10474; Filed, Dec. 18, 1957; 8:52 a. m.]

[Docket No. G–13847]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 13, 1957.

Shell Oil Company (Shell), on November 13, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 8, 1957.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 99.
Effective date: January 1, 1957 (effective date is the effective date proposed by Shell).

In support of the proposed rate increase, Shell states that the increase results from the operation of a fixed escalation clause, which type of clause has not been found to be contrary to the public interest, and that the proposed increase is the first increase since initial deliveries started over four years ago, during which time Shell's costs generally have increased and market prices for sales of similar gas in the vicinity have increased.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 99 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 99.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–10475; Filed, Dec. 18, 1957; 8:53 a. m.]

[Docket No. G–13849]

NATIONAL BANK OF COMMERCE OF HOUSTON ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 13, 1957.

The National Bank of Commerce of Houston, Trustee, et al. (Bank), on November 14, 1957, tendered for filing, a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 8 to Bank's FPC Gas Rate. Schedule No. 1.
Effective date: December 15, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Bank submits a copy of a letter from the buyer in notification that the buyer had entered into a contract for the purchase of gas at 14.4 cents per Mcf within the favored-nation area as described in the contract and offering to pay the same rate for Producer's gas. Bank further states that the contract was the result of good faith arm's length bargaining under competitive conditions, that the producer would not have entered into a long term contract if the contract had not provided for it receiving prices comparable to others, that the proposed price is reasonable and in line with other area field prices and that denial of the increase would be discriminatory.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–10477; Filed, Dec. 18, 1957; 8:53 a. m.]

[Docket No. G–13897]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 13, 1957.

Amerada Petroleum Corporation (Amerada), on November 15, 1957, and November 18, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description:
(1) Notice of Change, dated October 30, 1957.
(2) Notice of Change, dated October 31, 1957.
(3) Notice of Change, dated October 2, 1957.
(4) Notice of Change, dated October 23, 1957.
(5) Notice of Change, dated October 18, 1957.
(6) Notice of Change, dated October 22, 1957.
(7) Notice of Change, dated October 24, 1957.
(8) Notice of Change, dated October 19, 1957.
(9) Notice of Change, dated October 21, 1957.
(10) Notice of Change, dated October 29, 1957.
(11) Notice of Change, dated October 14, 1957.
(12) Notice of Change, dated November 1,

Purchaser: El Paso Natural Gas Company.
Rate schedule designation:
(1) Supplement No. 2 to Amerada's FPC Gas Rate Schedule No. 55.
(2) Supplement No. 7 to Amerada's FPC Gas Rate Schedule No. 56.
(3) Supplement No. 11 to Amerada's FPC Gas Rate Schedule No. 1.
(4) Supplement No. 12 to Amerada's FPC Gas Rate Schedule No. 1.
(5) Supplement No. 13 to Amerada's FPC Gas Rate Schedule No. 1.
(6) Supplement No. 14 to Amerada's FPC Gas Rate Schedule No. 1.
(7) Supplement No. 15 to Amerada's FPC Gas Rate Schedule No. 1.
(8) Supplement No. 16 to Amerada's FPC Gas Rate Schedule No. 1.
(9) Supplement No. 17 to Amerada's FPC Gas Rate Schedule No. 1.
(10) Supplement No. 18 to Amerada's FPC Gas Rate Schedule No. 1.
(11) Supplement No. 8 to Amerada's FPC Gas Rate Schedule No. 4.
(12) Supplement No. 2 to Amerada's FPC Gas Rate Schedule No. 62.
Effective date: January 1, 1958 (effective date is the effective date proposed by Amerada).

In support of the proposed periodic rate increases, Amerada states that the buyer agreed to pay the increase as the result of arm's-length bargaining in good faith.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission, Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10445; Filed, Dec. 18, 1957; 8:47 a.m.]

[Docket No. G-13898]

W. L. TODD, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 13, 1957.

W. L. Todd, Jr., et al. (Todd), on November 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 15, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Todd's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1958 (effective date is the date proposed by Todd).

In support of the periodic rate increase, Todd states that such increase is provided for in the original contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR. Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10446; Filed, Dec. 18, 1957; 8:47 a. m.]

[Docket No. G-13899]

AMERADA PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 13, 1957.

Amerada Petroleum Corporation, et al. (Amerada), on November 18, 1957 tendered for filing proposed changes in its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of Change, dated November 2, 1957. (2) Notice of Change, dated November 4, 1957.
Purchaser: Lone Star Gas Company.
Rate schedule designation: (1) Supplement No. 1 to Amerada's FPC Gas Rate Schedule No. 28. (2) Supplement No. 1 to Amerada's FPC Gas Rate Schedule No. 29.
Effective date: January 1, 1958 (effective date is the effective date proposed by Amerada).

In support of the proposed periodic rate increases, Amerada states that the increased rates were agreed to by both parties after arm's-length bargaining in good faith.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958 and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought

to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10447; Filed, Dec. 18, 1957; 8:47 a.m.]

[Docket No. G-13900]

AMERADA PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 13, 1957.

Amerada Petroleum Corporation, et al., (Amerada) on November 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of change, dated October 25, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Amerada's FPC Gas Rate Schedule No. 27.
Effective date: January 1, 1958 (effective date is the effective date proposed by Amerada).

In support of the periodic rate increase, Amerada states that the buyer agreed to pay such increased rate as the result of arm's length bargaining in good faith.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10448; Filed, Dec. 18, 1957; 8:47 a. m.]

[Docket No. G-13901]

AMERADA PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 13, 1957.

Amerada Petroleum Corporation (Operator) et al., (Amerada) on November 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 26, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Amerada's FPC Gas Rate Schedule No. 57.
Effective date: January 1, 1958 (effective date is the date proposed by Amerada).

In support of the periodic rate increase, Amerada states that the buyer agreed to pay such increased rate as the result of arm's length bargaining in good faith.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinunder ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10449; Filed, Dec. 18, 1957; 8:47 a.m.]

[Docket No. G-13902]

DALPORT OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 13, 1957.

Dalport Oil Corporation, et al., (Dalport), on November 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 15, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Dalport's FPC Gas Rate Schedule No. 7.
Effective date: January 1, 1958 (effective date is the effective date proposed by Dalport).

In support of the periodic rate increase, Dalport states that such increase was provided for in the original contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, and until such further

time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission: Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10450; Filed, Dec. 18, 1957; 8:48 a. m.]

[Docket No. G-13903]

DALPORT OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 13, 1957.

Dalport Oil Corporation (Operator), et al., (Dalport), on November 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 15, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Dalport's FPC Gas Rate Schedule No. 2.

Effective date: January 1, 1958 (effective date is the effective date proposed by Dalport).

In support of the periodic rate increase, Dalport states that such increase was provided for in the original contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10451; Filed, Dec. 18, 1957; 8:48 a. m.]

[Docket No. G-13904]

DALPORT OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 13, 1957.

Dalport Oil Corporation (Dalport) on November 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 15, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Dalport's FPC Gas Rate Schedule No. 11.

Effective date: January 1, 1958 (effective date is the effective date proposed by Dalport).

In support of the periodic rate increase, Dalport states that such increase was provided for in the original contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10452; Filed, Dec. 18, 1957; 8:48 a. m.]

[Docket No. G-13909]

JAKE L. HAMON ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 13, 1957.

Jake L. Hamon (Operator), et al, (Hamon), on November 18, 1957, tendered for filing proposed changes in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of changes, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Hamon's FPC Gas Rate Schedule No. 13. Supplement No. 4 to Hamon's FPC Gas Rate Schedule No. 13.

Effective date: December 19, 1957 (effective date is the first day after expiration of the required thirty days' notice).

Hamon merely cites the pertinent pricing provision of the contract in support of his proposed periodic rate increases.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 3 and 4 to Hamon's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 3 and 4 to Hamon's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until May 19, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10453; Filed, Dec. 18, 1957; 8:48 a. m.]

[Docket No. G-13910]

ARKANSAS LOUISIANA GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED TARIFF SHEET

DECEMBER 13, 1957.

Arkansas Louisiana Gas Company (Ark-La), on November 15, 1957, tendered for filing Fourth Revised Sheet No. 60 to its FPC Gas Tariff, Original Volume No. 2 by which Ark-La proposes to increase its rate for sale of gas in the amount of $20,261 to Southwest Gas Producing Company, Incorporated (Southwest).

The proposed increase is based upon inter-related price escalation provisions in gas sale contracts between Ark-La and Southwest, and between Southwest and Texas Eastern Transmission Corporation (Texas Eastern). Since the latter contract escalation has been proposed to be made effective in Docket No. G-13533, Ark-La seeks to protect itself from any such increase placed upon it by tendering the proposed revision in its tariff sheet. While Ark-La has not submitted all of the supporting data required by the rules of the Commission respecting a proposed rate increase, Ark-La requests a waiver of the rules in this respect since the gas sales here involved pertain to field sales wherein similar rate increases by other natural gas companies have been permitted under waiver. It is noted that similar requests by Ark-La for previously proposed escalation changes have been granted.

The increased rate and charge provided in Ark-La's Fourth Revised Sheet No. 60, as tendered on November 15, 1957, has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission waive the requirements of its rules respecting the filing of data in support of a proposed rate increase as set forth in Ark-La's Fourth Revised Sheet No. 60, and that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Ark-La's FPC Gas Tariff, Original Volume No. 2, as proposed to be changed by Fourth Revised Sheet No. 60 tendered on November 15, 1957; and that the aforesaid Fourth Revised Sheet No. 60 to Ark-La's FPC Gas Tariff, Original Volume No. 2, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), Fourth Revised Sheet No. 60 to Ark-La's FPC Gas Tariff, Original Volume No. 2, is accepted for filing, and a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Ark-La's FPC Gas Tariff, Original Volume No. 2, as proposed to be changed by Fourth Revised Sheet No. 60 tendered for filing on November 15, 1957.

(B) Pending such hearing and decision thereon, Ark-La's proposed Fourth Revised Sheet No. 60 to its FPC Gas Tariff, Original Volume No. 2, is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10454; Filed, Dec. 18, 1957; 8:48 a. m.]

[Docket No. G-13913]

CITIES SERVICE OIL CO.

ORDER ACCEPTING SUBSTITUTION RATE FILING, PROVIDING FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 13, 1957.

Cities Service Oil Company (Cities Service), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 20, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 14 to Cities Service's FPC Gas Rate Schedule No. 18.

Effective date: January 1, 1958 (effective date is the effective date proposed by Cities Service).

By letter dated November 20, 1957, Cities Service requested (1) withdrawal of its previously submitted Supplement No. 13 to its FPC Gas Rate Schedule No. 18, filed on November 6, 1957, and (2) consideration by the Commission of two supplements proposed in substitution therefor. The earlier tender proposed an increase in rate of 1.0 cent per Mcf from 9.5 cents to 10.5 cents per Mcf for gas sold to El Paso Natural Gas Company in Lea County, New Mexico, to become effective on December 20, 1957.[1]

The acreage covered by the subject rate schedule was originally added through error, by letter agreement dated December 20, 1952, to a contract dated July 14, 1949. Through inadvertence the superseding contract provided for the price escalation on December 20, 1957, rather than on January 1, 1958, as under the July 14, 1949, contract.

The instant tenders consist of (1) a letter agreement whereby buyer and seller agree that the effective date for the 1.0 cent per Mcf increase in rate should be January 1, 1958, rather than December 20, 1957, as inadvertently stated in the basic contract, and (2) a revised notice of change specifying the January 1, 1958, effective date for the increased rate.

In support of the proposed periodic rate increase, Cities Service states that its proposed rate simply brings into being the price which was negotiated by the parties in arm's-length bargaining; that the parties chose the "escalation" method of pricing the gas instead of an "average price" throughout the contract term; and that to deny the seller the agreed price during the later years of the contract after the seller has delivered gas at a lower rate during the earlier years would be unfair.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the letter agreement and increased rate filed by Cities Service on November 25, 1957, and proposed to become effective on January 1, 1958, be accepted for filing.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 14 to Cities Service's FPC Gas Rate Schedule No. 18 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The letter agreement and rate increase tendered by Cities Service on November 25, 1957, be and they are each accepted for filing as Supplement Nos. 13 and 14 to Cities Service's FPC Gas Rate Schedule No. 18, respectively.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18

[1] The withdrawal of the previously tendered filing has been heretofore permitted.

CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 14 to Cities Service's FPC Gas Rate Schedule No. 18.

(C) Pending such hearing and decision thereon, said Supplement No. 14 be and it is hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting as to the suspension of Supplement No. 14 to Cities Service Oil Company FPC Gas Rate Schedule No. 18.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10476; Filed, Dec. 18, 1957; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4042]

FRANKLIN ATLAS CORP.

NOTICE OF AND ORDER FOR HEARING

DECEMBER 13, 1957.

Franklin Atlas Corporation, a New York corporation, 80 Wall Street, New York 5, New York, filed with the Commission on July 6, 1955, a notification on Form 1-A, and an offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of $150,000 principal amount of 10-year 6 percent Convertible Debentures due July 15, 1965 at par, 149,000 shares of 10 cents par value Class A Common Stock at $1.00 a share, and 53,800 shares of 1 cent par value Class B Common Stock at 1 cent a share, for an aggregate of $299,538, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder.

The Commission on October 28, 1957 issued an order pursuant to Rule 223 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 223. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on February 17, 1958, at 10:00 a. m., e. s. t., at the New York Regional Office of the Commission, 225 Broadway, New York, New York, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular dated August 1, 1955 contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, more particularly with respect to:

1. Statements made as to use of the proceeds from the sale of the securities being offered;

2. Failure to disclose application of a substantial part of the proceeds to the personal use of a controlling person;

3. Statements made that acquisitions of certain properties in exchange for securities of the issuer were the result of arms-length dealings;

4. Failure to disclose John L. de Lyra as a promoter of the issuer;

5. Failure to disclose John L. de Lyra as a person directly or indirectly controlling the issuer;

6. Failure to disclose the material interests of John L. de Lyra in connection with assets proposed to be and acquired by the issuer;

7. Failure to disclose underwriters and the terms of the agreements made with underwriters;

8. Statements made that the securities being offered would be offered through the issuer's officers, directors and employees without use of any underwriter or broker.

B. Whether the terms and conditions of Regulation A have not been complied with in that a report on Form 2-A filed by the issuer on April 6, 1956, is false and misleading with respect to statements made as to the amount of cash on hand on March 31, 1956 and the amount of securities sold.

C. Whether the offering of the securities would and did operate as a fraud and deceit on purchasers.

D. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered thereunder in that an injunction was issued September 4, 1957 by the United States District Court for the Southern District of New York enjoining the issuer and others from violating certain provisions of the Securities Act of 1933, as amended, in connection with the sale of issuer's securities.

E. Whether the order dated October 28, 1957 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

It is further ordered, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Franklin Atlas Corporation, 80 Wall Street, New York 5, New York, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before February 14, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10461; Filed, Dec. 18, 1957; 8:50 a. m.]

[File No. 70-3648]

CENTRAL PUBLIC UTILITY CORP.

NOTICE OF FILING OF APPLICATION-DECLARATION AND ORDER FOR HEARING

DECEMBER 13, 1957.

Notice is hereby given that Central Public Utility Corporation ("Cenpuc"), a registered holding company, has filed with this Commission an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 (a), 7, 9 (a) (1), 10 and 12 (d) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Cenpuc is solely a holding company. It has no public utility subsidiaries operating in the United States. Among the subsidiaries of Cenpuc is The Islands Gas and Electric Company ("Islands"), which is exempt as a holding company and as a subsidiary of Cenpuc, and which has subsidiaries in the West Indies, the Canary Islands, and the Philippines. One of Islands' subsidiaries is Manila Gas Company, of which Islands owns 9,995 shares (approximately 40 percent) of the outstanding 25,000 shares which have a par value of 100 Philippine pesos per share. The other 15,005 shares of Manila, with the exception of 5 shares which are publicly held, are held by an Agency of the Philippine Government.

It is proposed that Islands will purchase for cash, at the United States dollar equivalent of $1,550,000 (Canadian), 15,500 shares of $100 (Canadian) par value capital stock of a newly organized Canadian corporation, Ilanco Ltd. ("Ilanco"), and that Ilanco will purchase from Islands the 9,995 shares of Manila stock for a cash consideration of $155.50 (United States) per share.

The transactions are proposed to enable Islands to realize a capital gain of $1,460,841 which can be offset, not later than Dec. 31, 1957, against an available capital loss carry-forward resulting from the sale of another of its subsidiaries by Islands in 1952.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application-declaration as amended:

It is ordered, That a hearing be held in respect of the amended application-declaration, pursuant to the applicable provisions of the act and the rules promulgated thereunder, on December 26, 1957, at 10:00 a. m., at the office of the Commission, 425 Second Street NW., Washington 25, D. C.

Any person desiring to be heard or otherwise wishing to participate in the proceeding shall, prior to the commencement of the hearing, file with the Hearing Officer, hereinafter designated, a request therefor as provided by Rule XVII of the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission, upon the basis of its examination of the application-declaration as amended, that the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether as a result of the proposed transactions the Cenpuc holding-company system will be in violation of the second sentence of section 11 (b) (2) of the act.

2. Whether the proposed indirect acquisition by Cenpuc of the Ilanco stock will "unduly complicate the capital structure of the holding-company system of the applicant or will be detrimental to the public interest" contrary to the provisions of section 10 (b) (3) of the act.

3. Whether the proposed indirect acquisition by Cenpuc of the Ilanco capital stock meets the standards of section 10 (c) (1) of the act.

4. Whether the consideration to be paid for the Manila stock meets the standards of section 10 (b) (2) of the act.

5. Whether the proposed issue and sale of the Ilanco capital stock meet the standards of section 7 of the act.

6. Whether the accounting treatment proposed with respect to the various transactions is in accordance with sound accounting principles.

7. Whether the fees and expenses incurred in connection with the proposed transactions are reasonable.

8. Generally, whether the proposed transactions comply with the applicable provisions of the act, and what terms and conditions, if any, should be imposed as appropriate in the public interest or for the protection of investors.

It is further ordered, That particular attention be given at said hearing to the hereinbefore stated matters and questions.

It is further ordered, That Sidney L. Feller, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The Hearing Officer so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to the Commission under section 18 (c) of the act, and to a Hearing Officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall give notice of the herein ordered hearing by causing this notice and order to be published in the FEDERAL REGISTER, and by serving a copy thereof by registered mail upon applicant-declarant; and that a general release of the Commission in respect of the amended application-declaration be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10462; Filed, Dec. 18, 1957; 8:50 a. m.]

[File No. 70-3649]

CITIES SERVICE CO.

NOTICE OF FILING OF DECLARATION REGARDING STOCK DIVIDEND

DECEMBER 12, 1957.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cities proposes to issue 206,251 shares of its authorized but unissued $10 par value common stock, and to distribute such stock on or about January 23, 1958 to its stockholders of record as of November 29, 1957, as a 2 percent stock dividend, on the basis of one share of new stock for each 50 shares of its outstanding 10,312,553 shares of common stock. No fractional shares are to be issued, but in lieu thereof, it is proposed to issue order forms evidencing such fractional interests, and the fractional interests represented thereby may be combined with other fractional interests to enable the holders thereof to receive certificates for full shares, or may be sold as the owner may elect. The company has made arrangements with Guaranty Trust Company of New York, as distribution agent, to buy and sell such fractional interests for the account of the holders thereof, without cost to such holders. All shares held to cover such fractional interests with respect to which Guaranty Trust Company does not receive completed order forms before the close of business of February 24, 1958 will be sold in due course for the account of the holders thereof, and checks mailed to the holders of the fractional interests for their aliquot portion of the proceeds. On February 29, 1964, all unclaimed and all undeliverable proceeds of such sales will become the property of the company.

Cities proposes to assign a value of $48 per share to each of the 206,251 shares of its common stock to be issued as a stock dividend or an aggregate of $9,900,048. It also proposes to debit earned surplus in that amount, to credit its common stock capital account with the par value of such shares, $10 per share, or an aggregate of $2,062,510 and to credit its capital surplus with the excess of the assigned value over the par value, $38 per share, or an aggregate of $7,837,538.

It is estimated that the fees and expenses in connection with the proposed transactions will aggregate $194,000, including a fee of $135,000 to be paid to Guaranty Trust Company as distribution agent. There will be no counsel fees.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 27, 1957, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant an exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10463; Filed, Dec. 18, 1957; 8:51 a. m.]

[File No. 31-641]

TEXAS NATURAL GASOLINE CORP.

NOTICE OF FILING OF APPLICATION

DECEMBER 12, 1957.

Notice is hereby given that Texas Natural Gasoline Corporation ("Texas Natural"), a Delaware corporation, has filed an application and amendments thereto pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") requesting an order exempting it and all of its subsidiaries from all the provisions of the act, on the grounds that Texas Natural is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public utility company and not deriving any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public utility company.

The application which is on file in

riers of property or passengers and by the handling of this applic-

The application which is on file in the offices of the Commission, may be summarized as follows:

Texas Natural and its subsidiary companies are engaged principally in the business of the manufacture and sale of liquefied petroleum gas and natural gasoline, all of which is primarily sold at sales other than retail. Texas Natural owns all of the issued and outstanding common capital stock of Florida Keys Gas Company, Inc. ("Florida Keys"), a Florida corporation, which is a gas utility company operating in the City of Key West, Florida, and its environs. Florida Keys purchases its liquefied petroleum gas requirements from Texas Natural at prices which are equal to those charged by Texas Natural's competitors and then sells this gas in portable containers, from delivery trucks and through distribution mains to customers.

As at August 31, 1957, the consolidated assets of Texas Natural and subsidiaries totaled $40,066,986 and for the fiscal year ended August 31, 1957, consolidated sales and revenues totaled $30,065,088. As at August 31, 1957, the assets of Florida Keys totaled $632,542, and for the fiscal year ended August 31, 1957, the company's revenues were $329,442.

Florida Keys is the only subsidiary of Texas Natural which is a "public utility company" within the meaning of the act. Texas Natural makes no service charges to Florida Keys and has no management contracts with it. The rates which Florida Keys charges to its consumers are established and fixed in its franchises with the City of Key West, Florida.

Notice is further given that any interested person may, not later than January 2, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application as amended which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application as amended may be granted, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10464; Filed, Dec. 18, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 195]

MOTOR CARRIER APPLICATIONS

DECEMBER 13, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub No. 86), filed August 22, 1957, YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, and *acids* and *chemicals*, not limited to Appendix XV of Ex Parte No. MC-45 or the definition in the Maxwell case, in bulk, in tank, multiple cylinder, hopper, vacuum and other type vehicles, between points in Louisiana on and south of U. S. Highway 190 on the one hand, and, on the other, points in Arkansas, Oklahoma and New Mexico.

NOTE: Applicant states no duplicating authority is sought. Applicant is authorized to transport the commodities specified in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, and Texas, and other commodities in Louisiana and Texas.

HEARING: January 22, 1958, at the Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 1124 (Sub No. 140), filed September 3, 1957, HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between St. Louis, Mo., and Memphis, Tenn., over U. S. Highway 61. (2) Between Memphis, Tenn., and Jacksonville, Fla., from Memphis, over U. S. Highway 78 to Birmingham, Ala., thence over U. S. Highway 280 to Cordele, Ga., thence over U. S. Highway 41 to Tifton, Ga., thence over U. S. Highway 23 (U. S. Highway 1) to Jacksonville, and return over the same route. (3) Between Baton Rouge, La., and Memphis, Tenn., over U. S. Highway 61. No service is proposed at intermediate points on any of the three segments of the above-described routes. Applicant is authorized to conduct operations in Louisiana, Texas, Oklahoma, Arkansas, and Tennessee.

PRE-HEARING CONFERENCE: February 5, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner R. Edwin Brady presiding. At the prehearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony including: (a) Their present operating authority; (b) Their corporate organizations if any, ownership and control; (c) Their fiscal data; (d) Their equipment, terminals, and other facilities, and (e) Supporting shippers; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters which will serve to expedite or simplify the hearing or aid the Commission's handling of the application.

No. MC 2202 (Sub No. 160), filed October 30, 1957, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich., and Toledo, Ohio, from Detroit over Michigan Highway 85 to junction Alternate U. S. Highway 24, thence over Alternate U. S. Highway 24 to Toledo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Detroit, Mich., and Peoria, Ill. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 29, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57, or if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 4405 (Sub No. 294), filed November 29, 1957, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, (except trailers), in initial movements, in truckaway service, from the site of the Ford Motor Company plant at Chicago (Hegewisch), Ill., to all points in Kentucky, Pennsylvania, West Virginia, Virginia, points in Ohio on and south of U. S. Highway 40 and all points in Tennessee, except Memphis. Applicant is authorized to perform similar operations throughout the United States.

HEARING: January 29, 1958, in Room 852, U. S. Custom House, 610 South

Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 4483 (Sub No. 5), filed October 9, 1952, MONSON DRAY LINE, INC., 100 Warren Avenue, Zumbrota, Minn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Minneapolis and St. Paul, Minn., and Red Wing, Minn., from Minneapolis over city streets to St. Paul, Minn., thence over U. S. Highway 10 (also U. S. Highway 61) to junction presently authorized alternate route (combined U. S. Highways 10 and 61), thence over said presently authorized alternate route (combined U. S. Highways 10 and 61 as described on page two of Certificate No. MC 4483 (Sub No. 3), dated November 6, 1950) to a point just north of Hastings, Minn., thence over U. S. Highway 10 to junction U. S. Highway 63 near Ellsworth, Wis., thence over U. S. Highway 63 to junction U. S. Highway 61 in Red Wing, Minn., and return over the same route, serving the intermediate point of Hager City, Wis., the off-route points of Diamond Bluff and Bay City, Wis., and all intermediate and off-route points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission.

HEARING DE NOVO: January 15, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 5623 (Sub No. 5), filed July 22, 1957, ARROW TRUCKING CO., a Corporation, Second and Heavy Traffic Way, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (B) *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Kansas, and Oklahoma, on the one hand, and, on the other, points in Utah, Arizona, that part of Colorado bounded on the north by U. S. Highway 50 and on the east by U. S. Highway 285, and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; and (2) between points in Utah, Arizona and that part of Colorado bounded on the north by U. S. Highway 50 and on the east by U. S. Highway 285, and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; (C) *pipe, tubular goods, sucker rods* and *connections* therefor, from Pueblo, Colo., to points in Utah, Arizona, and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; and (D) *machinery, materials, equipment* and *supplies* used in, or in connection with mining, milling and logging operations, (1) between points in Utah, Arizona, Colorado, and New Mexico, and (2) between points in Oklahoma, Kansas, and Texas, on the one hand, and, on the other, points in Utah, Arizona, Colorado, and New Mexico. Applicant is authorized to conduct similar operations between points in Oklahoma, Kansas and Texas.

HEARING: January 20, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner C. Evans Brooks.

No. MC 8989 (Sub No. 170), filed November 19, 1957, HOWARD SOBER, INC., 2400 West St. Joseph Street, P. O. Box 1228, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, with or without motive power, *parts*, and *accessories*, moving with or in subsequent shipments to be used with prior shipped vehicles, in initial movements, in truckaway service, from Allentown, Pa., to points in the United States, and *damaged, rejected or returned shipments of the above-described commodities* from points in the United States to Allentown, Pa. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 22, 1958, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

No. MC 9895 (Sub No. 95), filed November 6, 1957, R. B. "DICK" WILSON, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, (a) between points in Colorado and Wyoming; and (b) between points in Colorado, on the one hand, and, on the other, points in South Dakota. Applicant is authorized to transport commodities other than those applied for herein in Colorado, Idaho, Kansas, Missouri, Nebraska, South Dakota, Utah, and Wyoming.

HEARING: January 7, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 16682 (Sub No. 53), filed November 15, 1957, MURAL TRANSPORT, INC., 2900 Review Avenue., Long Island City 1, N. Y. Applicant's representative: S. S. Elsen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Store fixtures* and *store equipment*, uncrated, between points in Illinois (except Chicago, Ill., and points within 20 miles of Chicago), Indiana (except points within 20 miles of Chicago, Ill.), Michigan, Ohio, Wisconsin, and St. Louis, Mo. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: January 21, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 21684 (Sub No. 15), filed September 23, 1957, CHARLES E. DANBURY, INC., P. O. Box 97, Williamsburg, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Trailers, other than those designed to be drawn by passenger automobiles, trailer chassis*, and *accessories and equipment therefor, in or attached to the transported trailers*, in initial movements, in truckaway service, from Baton Rouge, La. to points in the United States; *used and damaged shipments of the above*, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 29, 1958, at the Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 29130 (Sub No. 83), filed September 30, 1957. THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, OFFICE ADDRESS: 139 West Van Buren Street, Chicago, Ill.; PRINCIPAL OPERATING OFFICE ADDRESS: Plymouth Building, 10th and Walnut Streets, Des Moines, Iowa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including Class A and B explosives, but excluding nitroglycerin, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Chicago, Ill., and Silvis, Ill., from Chicago over U. S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction Illinois Highway 2, thence over Illinois Highway 2 to Silvis, and return over the same route, serving no intermediate points; (2) between Muscatine, Iowa, and Eldon, Iowa, from Muscatine over U. S. Highway 61 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 1, thence over Iowa Highway 1 to junction U. S. Highway 34, thence over U. S. Highway 34 to junction Iowa Highway 16, thence over Iowa Highway 16 to Eldon, and return over the same route, serving Columbus Junction, Cotter, Ainsworth, Washington, Brighton, and Fairfield as intermediate points, and the off-route points of Letts, Columbus City, Pleasant Plain, and Libertyville; (3) between Eldon, Iowa, and Des Moines, Iowa, from Eldon over Iowa Highway 16 to junction U. S. Highway 34, thence over U. S. Highway 34 to junction U. S. Highway 63, thence over U. S. Highway 63 to junction Iowa Highway 163, thence over Iowa Highway 163 to Des Moines, and return over the same route, serving Ottumwa, Oskaloosa, Pella, Otley, Monroe, and Prairie City as intermediate points, and the off-route points of Evans and Leighton; and (4) between Ottumwa, Iowa and Oskaloosa, Iowa, from Ottumwa over Iowa Highway 15 to junction Iowa Highway 137, thence over Iowa Highway 137 to Oskaloosa, and return

over the same route, serving Eddyville as an intermediate point, and the off-route points of Givin and Beacon.

NOTE: Dual operations or common control may be involved.

PRE-HEARING CONFERENCE: January 21, 1958, at the offices of the Interstate Commerce Commission, Washington, D. C., with Examiner R. Edwin Brady presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony including: (a) Their present operating authority; (b) Their corporate organization if any, ownership and control; (c) Their fiscal data; (d) Their equipment, terminals, and other facilities, and (e) Supporting shippers; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters which will serve to expedite or simplify the hearing or aid the Commission's handling of the application.

No. MC 29886 (Sub No. 109), filed November 18, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building, earth moving and construction equipment*, and *parts thereof* when moving at the same time and in connection therewith, between Batavia, N. Y., and all points in the United States and the Territory of Alaska. Applicant is authorized to transport the commodities specified throughout the United States.

HEARING: January 21, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 30042 (Sub No. 15), filed July 22, 1957, JOHN W. PRESLEY, doing business as SECURITY TRUCKING CO., P. O. Box 2497, 1211 North Peoria, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and (B) *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Kansas, and Oklahoma, on the one hand, and, on the other, points in Utah, Arizona, that part of Colorado bounded on the north by U. S. Highway 50 and on the east by U. S. Highway 285, and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; (2) between points in Utah, Arizona and that part of Colorado bounded on the north by U. S. Highway 50 and on the east by U. S. Highway 285, and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; (C) *pipe, tubular goods, sucker rods* and *connections* therefor, from Pueblo, Colo., to points in Utah, Arizona, and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; and (D) *machinery, materials, equipment* and *supplies* used in, or in connection with mining, milling and logging operations, (1) between points in Utah, Arizona, Colorado and New Mexico, and (2) between points in Oklahoma, Kansas, and Texas, on the one hand, and, on the other, points in Utah, Arizona, Colorado, and New Mexico. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Kansas, Louisiana, Missouri, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas.

HEARING: January 20, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner C. Evans Brooks.

No. MC 30900 (Sub No. 10), filed October 1, 1957, FILKINS TRANSPORTATION COMPANY, INC., 471 Dalton Avenue, Pittsfield, Mass. Applicant's representative: William L. Mobley, Rooms 317–319 1694 Main Street, Springfield 3, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Sodium phosphates*, in bulk, in covered hopper-type motor vehicles, from Adams, Mass., to Paterson, N. J., and (2) *Quicklime*, in bulk, in covered hopper-type or dump motor vehicles, from Adams, Mass., to Au Sable Forks, N. Y. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NOTE: Duplication with present authority to be eliminated.

HEARING: January 27, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Allan F. Borroughs.

No. MC 31024 (Sub No. 26), filed November 22, 1957, NEPTUNE STORAGE, INC., 55 Weyman Avenue, New Rochelle, N. Y. Applicant's representative: S. Sidney Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Photographic Machines and Equipment*, uncrated, between Atlanta, Ga., Birmingham, Ala., Boston, Mass., Charlotte, N. C., Chicago, Ill., Cincinnati and Cleveland, Ohio, Dallas, Houston, and San Antonio, Tex., Denver, Colo., Detroit, Mich., Hartford, Conn., Indianapolis, Ind., Jacksonville and Miami, Fla., Kansas City and St. Louis, Mo., Los Angeles and San Francisco, Calif., Minneapolis, Minn., Memphis, Tenn., New Orleans, La., New York and Rochester, N. Y., Oklahoma City, Okla., Omaha, Nebr., Philadelphia and Pittsburgh, Pa., Phoenix, Ariz., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., and Washington, D. C., on the one hand and, on the other, points in the United States; and (2) *X-Ray Machines and Equipment*, uncrated, between Cleveland, Ohio, on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 36060 (Sub No. 18), filed November 12, 1957, ROCHESTER CARTING COMPANY, a Corporation, 25 North Washington Street, Rochester, N. Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Stainless steel* and *glass lined tanks*, from Rochester, N. Y., to points in Connecticut and Rhode Island. Applicant is authorized to transport similar commodities in Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania and West Virginia.

HEARING: February 4, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 321, or, if the Joint Board waives its right to participate, before Examiner Allan F. Burroughs.

No. MC 44639 (Sub No. 7), filed November 13, 1957, SAM MAITA, IRVING LEVIN AND ABE LEVIN, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel* and *materials* and *supplies* used in the manufacture of wearing apparel, between Newark, N. J., and New York, N. Y., on the one hand, and, on the other, Orangeburg, Walterboro, and Summerville, S. C. Applicant is authorized to transport similar commodities in New Jersey, New York, and Virginia.

HEARING: January 21, 1958, at 346 Broadway, New York, N. Y., before Examiner Allan F. Borroughs.

No. MC 50069 (Sub No. 192), filed October 31, 1957, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, as defined in Maxwell Co. Extension-Addyston, 63 M. C. C. 677, including but not limited to *liquid dextrins, liquid starch, corn oil, corn syrup* and *steepwater*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Kentucky, Michigan, Missouri, Ohio, Wisconsin, and to Buffalo, N. Y. Applicant is authorized to transport liquid chemicals in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: February 4, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo A. Riegel.

No. MC 50307 (Sub No. 19), filed November 12, 1957, INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel* and *materials and supplies* used in the manufacture of wearing apparel, between New York, N. Y., and Hagerstown, Md. Applicant is authorized to transport similar commodities in Maryland, New Jersey, New York, Pennsylvania, and Tennessee.

HEARING: January 21, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Dallas B. Russell.

No. MC 50307 (Sub No. 20), filed November 12, 1957, INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel* and *materials and supplies* used in the manufacture of wearing apparel, between New York, N. Y., and points within twenty miles of New York, on the one hand, and, on the other, Walterboro, Winnsboro and Pinewood, S. C. Applicant is authorized to transport similar commodities in Maryland, New Jersey, New York, Pennsylvania, and Tennessee.

HEARING: January 21, 1958, at 346 Broadway, New York, N. Y., before Examiner Allan F. Borroughs.

No. MC 55811 (Sub No. 35), filed October 16, 1957, CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Starch* and *corn products*, from Edinburg, Ind., to points in Illinois, Ohio, those in the lower peninsula of Michigan, those in Iowa within ten (10) miles of the Illinois-Iowa State line, those in Missouri within ten (10) miles of the Missouri-Illinois State line, those in Kentucky within ten (10) miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line and the Kentucky-Ohio State line, those in West Virginia within ten (10) miles of the West Virginia-Ohio State line, those in Pennsylvania within ten (10) miles of the Pennsylvania-Ohio State line and Allegheny, Beaver, Butler, Lawrence, Mercer and Washington Counties, Pa., and Jeannette, Schenley and South Connellsville, Pa., and points within ten (10) miles of Jeannette, Schenley and South Connellsville, Pa., and *Damaged or rejected shipments of the above commodities*, on return.

NOTE: Applicant's attorney advises that the *corn products* proposed to be transported will be products of the Wet Corn Milling Industry.

HEARING: February 5, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo A. Riegel.

No. MC 55811 (Sub No. 36), filed November 14, 1957, CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foodstuffs* and *articles generally sold in grocery stores*, and *such materials and supplies as are used or useful in the manufacture, packing, sale and shipping thereof*, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, 1 M. C. C. 656, and points in Illinois, Indiana, and Ohio, those in the lower peninsula of Michigan, those in Iowa within ten miles of the Iowa-Illinois State line, those in Missouri within 10 miles of the Missouri-Illinois State line, those in Kentucky within 10 miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line and the Kentucky-Ohio State line, those in West Virginia within 10 miles of the West Virginia-Ohio State line, including points in Hancock, Brooke and Ohio Counties, W. Va., those in Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, and in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeanette, Schenley, and South Connellsville, Pa., and points within 10 miles of Jeannette, Schenley, and South Connellsville, Pa. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: Applicant states all outbound authority requested is for operating convenience only between St. Louis, Mo.–East St. Louis, Ill. Commercial Zone and points in Indiana, Ohio, the border area in Kentucky, the border area in West Virginia, the border area in Iowa, and the border area in Missouri. Inbound, the same commodity description is sought from all origins for clarification of applicant's authority. Any duplicate authority presently held by applicant outbound or inbound will be surrendered for cancellation, one of the purposes of this application being to get all of applicant's authority between the St. Louis–East St. Louis Commercial Zone and its territory consolidated in one portion of its certificate.

HEARING: January 20, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 74846 (Sub No. 44), filed November 18, 1957, LEWIS G. JOHNSON, West Union Ext., Newark, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods, dry cereal preparations*, and *empty pallets* used in transporting the commodities specified, between points in Wayne, Ontario, Yates, Monroe and Orleans Counties, N. Y., on the one hand, and, on the other, points in Westchester and Nassau Counties, N. Y. Applicant is authorized to transport similar commodities in Florida, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia.

HEARING: January 22, 1958, at 346 Broadway, New York, N. Y., before Examiner Allan F. Borroughs.

No. MC 87523 (Sub No. 62), filed October 7, 1957, FRANK COSGROVE TRANSPORTATION COMPANY, INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Synthetic latex*, in bulk, in tank vehicles, from Acton, Mass., to Luke, Md. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Virginia.

HEARING: January 27, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Allan F. Borroughs.

No. MC 87966 (Sub No. 7), filed November 25, 1957, ELEVELD CHICAGO FURNITURE SERVICE, INC., 65 East 28th Street, Chicago 16, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Uncrated new furniture, fixtures* and *equipment* between points in the Chicago, Ill., Commercial Zone as defined by the Commission in 1 M. C. C. 673, on the one hand, and, on the other, points in the United States; (2) *uncrated railway car seats and furnishings* from Chicago, Ill., to points in Kansas, Missouri, Nebraska and Pennsylvania; and (3) *uncrated new furniture* (a) from La Porte, Ind., to points in California, Kansas, Missouri, Oklahoma, and Texas; (b) from Peru, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin; (c) from Belvidere, Ill., to points in Indiana, Iowa, Michigan, Minnesota, and Wisconsin; (d) Menominee, Mich., to points in the United States; (e) from Louisville, Ky., to points in Alabama, Illinois, Indiana, Michigan, Ohio, Pennsylvania, and Tennessee. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin.

NOTE: Duplicating authority should be eliminated.

HEARING: January 23, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 92709 (Sub No. 4), filed October 29, 1957, THE BLUE RIBBON TRANSPORTATION CO., INC., 157 Barton Street, Pawtucket, R. I. Applicant's attorney: Donald Stahl, 1 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *Meat products, meat by-products* and *dairy products* as described by the Commission, and other than those in bulk or in tank vehicles, (1) between Providence, R. I., and Quonset Point, R. I.: from Providence over U. S. Highway 1 to Quonset Point and return over the same route, serving the intermediate point of East Greenwich, R. I., and the off-route point of Davisville, R. I., and (2) between Providence, R. I., and West Warwick, R. I.: from Providence over Rhode Island Highway 3 to West Warwick and return

over the same route, serving the off-

over the same route, serving the off-route point of Tiogue Lake, R. I. Applicant is authorized to conduct operations in Massachusetts and Rhode Island.

HEARING: February 3, 1958, in Room 308, Main Post Office Building, Providence, R. I., before Joint Board No. 232, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 92983 (Sub No. 255), filed September 12, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fish solubles*, in bulk, in tank vehicles, from points in Louisiana, Mississippi and Texas, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kansas, Indiana, Minnesota, Ohio, Arkansas, Kentucky, Louisiana, Tennessee, Michigan, New York, Texas, North and South Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, Alabama, North and South Carolina, and Florida.

HEARING: January 28, 1958, at the Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 102690 (Sub No. 1), filed November 5, 1957, FRANK SIPOS, 463 East Ninth Street, Northampton, Pa. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from points in Schuylkill County, Pa., and Hazleton, Pa., and points within 10 miles of Hazleton, to points in the New York, N. Y., Commercial Zone as defined by the Commission in 1 M. C. C. 665. Applicant is authorized to transport coal from points in Schuylkill County, Pa., to Brooklyn and Corona, N. Y., and North Bergen and Weehawken, N. J.

NOTE: Any duplication of authority should be elimnated.

HEARING: January 20, 1958, at 346 Broadway, New York, N. Y., before Examiner Allan F. Borroughs.

No. MC 103993 (Sub No. 98), filed October 7, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas, except from Coffeyville, Kans., and points within ten miles of Coffeyville, and except from Newton and Wichita, Kans., to points in the United States, except to Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: February 6, 1958, at the Hotel Lassen, Wichita, Kans., before Examiner Reece Harrison.

No. MC 103993 (Sub No. 100), filed October 16, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in section, and *equipment* and *materials*, incidental to the erection and completion of such buildings when shipped therewith, from Canaan, Conn., and points within 10 miles of Canaan, to points in Massachusetts, Vermont, New Hampshire., New Jersey, Maryland, Virginia, West Virginia, Maine, Connecticut, Rhode Island, Delaware, Pennsylvania, and New York; and *rejected shipments* of the commodities specified and *equipment* incidental to the handling of such commodities on return. Applicant is authorized to transport prefabricated buildings in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: February 4, 1958, in the U. S. Court Rooms, Hartford, Conn., before Examiner Allan F. Borroughs.

No. MC 103993 (Sub No. 101), filed October 23, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Massachusetts to points in the United States, except to Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to conduct similar operations throughout the United States.

HEARING: January 28, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Allan F. Borroughs.

No. MC 105920 (Sub No. 6), filed July 22, 1957, THE SQUAW TRANSIT COMPANY, a Corporation, P. O. Box 9415, 5121 South 49th West Avenue, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (B) *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Kansas, Nebraska, and Oklahoma, on the one hand, and, on the other, points in Utah, Arizona, that part of Colorado bounded on the north by U. S. Highway 50 and on the east by U. S. Highway 285, and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; (2) between points in Utah, Arizona and that part of Colorado bounded on the north by U. S. Highway 50 and on the east by U. S. Highway 285, and that part of New Mexico bounded on the east by U. S. Highway 285, and on the south by U. S. Highway 60; (C) *pipe, tubular goods, sucker rods* and *connections* therefor, from Pueblo, Colo., to points in Utah, Arizona and that part of New Mexico, bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; (D) *machinery, materials, equipment* and *supplies* used in, or in connection with mining, milling and logging operations, (1) between points in Utah, Arizona, Colorado, and New Mexico, and (2) between points in Oklahoma, Kansas, and Nebraska, on the one hand, and, on the other, points in Utah, Arizona, Colorado, and New Mexico. Applicant is authorized to conduct similar operations in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, and West Virginia.

NOTE: Any duplication with present authority should be elimnated.

HEARING: January 20, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner C. Evans Brooks.

No. MC 106398 (Sub No. 89), filed October 7, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road (P. O. Box 896, Dawson Station), Tulsa 15, Okla Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas, except from Coffeyville, Kans., and points within ten (10) miles thereof, and except from Newton and Wichita, Kans., to points in the United States, except to Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to transport Trailers throughout the United States.

HEARING: February 6, 1958, at the Hotel Lassen, Wichita, Kans., before Examiner Reece Harrison.

No. MC 106398 (Sub No. 91), filed October 23, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road (P. O. Box 896, Dawson Station), Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Massachusetts to points in the United States, except to Mt. Clemens, Detroit, and Flint Mich. Applicant is authorized to transport Trailers throughout the United States.

HEARING: January 28, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Allan F. Borroughs.

No. MC 106943 (Sub No. 61), filed November 4, 1957, EASTERN EXPRESS, INC., 128 Cherry Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, (a) between the Bedford Interchange of the Pennsylvania Turnpike, and Baltimore, Md., from the Bedford Interchange over the Pennsylvania Turnpike to the Breezewood Interchange, thence over Pennsylvania Highway 126 to its junction with U. S. Highway 522 at or near Warfordsburg, Pa., thence over U. S. Highway 522 to its junction with U. S. Highway 40 at or near Hancock, Md., thence over U. S. Highway 40 to Hagerstown, Md., thence over Alternate U. S. Highway 40 to its junction with U. S. Highway 40 west of Frederick, Md., thence over U. S. Highway 40 to Baltimore (also over U. S. Highway 40 between Hagerstown, Md., and junction of U. S. Highway 40 and Alternate U. S. Highway 40 west of Frederick, Md.), and return over the same routes, serving no intermediate points, and (b) between the Bedford Interchange of the Pennsylvania Turnpike and junction U. S. Highway 30 and Pennsylvania Highway 126 at or near Breezewood, Pa., from the Bedford Interchange over U. S. Highway 220 to Bedford, thence over U. S. Highway 30, and return over the same route, serving no intermediate points, and serving Bedford, Pa., for the purpose of joinder only, as alternate routes in connection with applicant's authorized service routes (1) between Beaver Dam, Ohio, and Harrisburg, Pa., (sixth grant in Certificate MC-106943), and (2) between Harrisburg, Pa., and Philadelphia, Pa., (tenth grant in Certificate No. MC 106943), and applicant's authorized alternate route between the Carlisle Interchange of the Pennsylvania Turnpike and Baltimore, Md., (second grant in Certificate No. MC 106943, Sub No. 47); (c) between Pittsburgh, Pa., and the Bedford Interchange of the Pennsylvania Turnpike, from Pittsburgh over U. S. Highway 30 to Bedford, thence over U. S. Highway 220, and return over the same route, serving no intermediate points and serving Bedford, Pa. for the purpose of joinder only, as an alternate route in connection with applicant's authorized service routes (1) between Beaver Dam, Ohio, and Harrisburg, Pa., and (2) between St. Louis, Mo., and Newark, N. J., (third grant in Certificate No. MC 106943), and applicant's authorized alternate route between the Bedford Interchange of the Pennsylvania Turnpike, and Lock Haven, Pa., (last grant in Certificate No. MC 106943 Sub No. 47); and (d) between Scranton, Pa., and Northumberland, Pa., from Scranton over U. S. Highway 11 and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's authorized service routes (1) between West Springfield, Pa., and New York, N. Y., (second grant in Certificate MC 106943), and (2) between Easton, Pa., and Lafayette, N. Y. (ninth grant in Certificate MC 106943).

HEARING: February 5, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo A. Riegel.

No. MC 107515 (Sub No. 260), filed September 27, 1957, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, and *meats, packinghouse products* and *dairy products* as defined by the Commission in Ex Parte No. MC-45 Appendix 1, A and B, from Quartermaster Market Center, New Orleans, La., to Greenville Air Force Base, Miss., Little Rock Air Force Base, Jacksonville, Ark., Blytheville Air Force Base, Blytheville, Ark., Army-Navy Hospital, Hot Springs, Ark., Pine Bluff Arsenal, Pine Bluff, Ark., and Memphis Naval Air Station, Millington, Tenn. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: January 31, 1958, at the Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 108678 (Sub No. 20), filed November 4, 1957, LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid lard*, in bulk, in tank vehicles, from Columbus, Ind., to points in Tennessee, North Carolina, and Georgia. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan and Ohio, and other commodities in Indiana, Illinois, Iowa, Kentucky, Louisiana, Ohio, Michigan, Missouri, and Wisconsin.

HEARING: February 4, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo A. Riegel.

No. MC 109435 (Sub No. 6), filed September 25, 1957, ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443 American National Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from Tulsa and Okmulgee, Okla., to points in Arkansas, Kansas, Missouri and Texas within 200 miles of Fort Smith, Ark. Applicant is authorized to transport the commodity specified in Arkansas, Kansas, Missouri, Oklahoma, and Texas.

HEARING: January 27, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner C. Evans Brooks.

No. MC 109637 (Sub No. 62), filed December 4, 1957, GASOLINE TRANSPORT CO., a corporation, 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between Siloam (Greenup County), Ky., and points within ten (10) miles of Siloam, on the one hand, and, on the other, points in Delaware, Georgia, Indiana, Kentucky, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: January 22, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 110193 (Sub No. 32), filed November 25, 1957, SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Illinois, Indiana, Iowa, Kentucky, Kansas, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, and Denver, Colo., and *empty containers or other such incidental facilities* used in transporting the above commodities on return. Applicant is authorized to conduct operations in Kansas, Ohio, Nebraska, Missouri, Illinois, New York, New Jersey, Massachusetts, Iowa, Indiana, Kentucky, Colorado, Minnesota, Maryland, Delaware, Pennsylvania, Connecticut, Rhode Island, Maine, Wisconsin, Arkansas, Michigan, and the District of Columbia.

HEARING: January 29, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Allan F. Borroughs.

No. MC 111876 (Sub No. 3), filed November 20, 1957, JERRY S. QUICK, Napanoch, N. Y. Applicant's attorney: William F. Leahey, 4 Liberty Street, Poughkeepsie, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer, poultry grits* and *poultry calicides*, from Baltimore and Curtiss Bay, Md., to Napanoch, Ulster County, N. Y., and points within 25 miles of Napanoch. Applicant is authorized to transport fertilizer in New Jersey and New York.

HEARING: January 21, 1958, at 346 Broadway, New York, N. Y., before Examiner Allan F. Borroughs.

No. MC 111962 (Sub No. 7), filed September 9, 1957, AMERICAN TRANSFER & STORAGE COMPANY, 1040 North Lewis, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (B) *Machinery, materials, equipment*, and *supplies* used

in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Utah, Arizona and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; (C) *Pipe, tubular goods, sucker rods* and *connections* therefor, from Pueblo, Colo., to points in Utah, Arizona and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60; (D) *Machinery, materials, equipment* and *supplies* used in, or in connection with mining, milling and logging operations, between points in Kansas and Oklahoma on the one hand, and, on the other, points in Utah, Arizona and that part of New Mexico bounded on the east by U. S. Highway 285 and on the south by U. S. Highway 60. Applicant is authorized to conduct operations in Oklahoma, Kansas, Arkansas, Colorado, Texas, and Missouri.

NOTE: Applicant states that it seeks only one operating right and agrees that any duplication with its present authority shall merge.

HEARING: January 24, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner C. Evans Brooks.

No. MC 112497 (Sub No. 98), filed September 9, 1957, HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in Ascension Parish, La., on the one hand, and, on the other, points in Alabama, Arkansas, Mississippi, Tennessee, and Texas. Applicant is authorized to transport the commodities specified in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, and other commodities in each of those states and the states of California, Illinois, Indiana, Kentucky, Missouri, New York, North Carolina, Ohio, and South Carolina.

HEARING: January 27, 1958, at the Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 112520 (Sub No. 18), filed October 29, 1957, SOUTH STATE OIL CO., a Corporation, New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 713–17 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid naval stores, naval stores products* and *products* and *by products* derived or manufactured therefrom, including but not limited to, *rosin, molten, printing ink* or otherwise; *resin, resinous compounds*, and *resinous oils, synthetic* or otherwise; *surface coating resin compounds; ester gum*, in solution or otherwise; *gum turpentine, pinene; tall oil* and *tall oil products;* in bulk, in tank vehicles, from Pensacola, Fla., and points within 25 miles thereof, to points in Alabama, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Mississippi, Missouri, and Ohio.

HEARING: January 30, 1958, at the Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 112595 (Sub No. 12), filed December 2, 1957, FORD BROTHERS, INC., P. O. Box 419, 2940 South Third Street, Ironton, Ohio. Applicant's attorney: Chas. T. Dodrill, 600 Fifth Avenue, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 294, in bulk, in tank vehicles, between Siloam, Greenup County, Ky., and points within 10 miles thereof, on the one hand, and, on the other, points in Delaware, Georgia, Indiana, Kentucky, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Kentucky, Michigan, Ohio, Virginia, and West Virginia.

HEARING: January 22, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Richard H. Roberts.

No. MC 113779 (Sub No. 61), filed November 25, 1957, YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, Houston 17, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals* and *washing compounds*, in bulk, in tank vehicles, from Chicago, Ill., to points in Texas; and *rejected or contaminated shipments* of the commodities specified, on return. Applicant is authorized to transport similar commodities in all states in the United States except Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia.

HEARING: January 23, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 113843 (Sub No. 17), filed November 18, 1957, REFRIGERATED FOOD EXPRESS, INC., 8 Commonwealth Pier, Boston 10, Mass. Applicant's attorney: James Michael Walsh (same address). For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to Cincinnati, Cleveland, and Dayton, Ohio. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 24, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 114502 (Sub No. 2), filed October 21, 1957, CHARLES D. EVANS, doing business as EVANS STEEL DRUM COMPANY, 325 North Cortez Street, New Orleans, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Steel containers* between Orleans and Jefferson Parishes, La., on the one hand, and, on the other, points in Mississippi, Alabama, Tennessee, Texas, and Florida. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

HEARING: January 31, 1958, at the Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 115606 (Sub No. 2), filed November 27, 1957, NORTH CREEK TRUCKING, INC., North Creek, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rough lumber*, (1) from points in Essex, Warren, Herkimer, Onondaga, Otsego, Lewis, Washington, Delaware, Franklin, Hamilton, Saratoga, and Madison Counties, N. Y., and from points in Vermont and Massachusetts, to points in Maryland, North Carolina, South Carolina, Virginia, Ohio, Rhode Island, Tennessee, Michigan, Indiana, and New York; (2) from points in Rensselaer, Washington and Saratoga Counties, N. Y., to points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, New Hampshire, Maine, Vermont, and Rhode Island; (3) from the international border between the United States and Canada at or near the ports of entry of Rouses Points, Champlain, and Cornwall, N. Y., to points in New York, New Jersey, Pennsylvania, and Rhode Island; (4) from points in Ohio to points in New York; and (5) from points in Virginia, North Carolina, South Carolina, and Maryland to points in New York, Massachusetts, and New Hampshire.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 114411. It has filed a Form BOR–96 application for motor carrier certificate in lieu of permit, assigned Docket No. MC 114411 (Sub No. 1), which is pending before the Commission.

HEARING: January 23, 1958, at 346 Broadway, New York, N. Y., before Examiner Allan F. Borroughs.

No. MC 116008 (Sub No. 9), filed November 25, 1957, ARCHIE'S MOTOR FREIGHT, INCORPORATED, 316 East Sixth Street, Richmond 24, Va. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paper* and *paper products*, from Roanoke Rapids, N. C., to Middletown, Ohio. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: January 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald Sutherland.

No. MC 116008 (Sub No. 10), filed November 26, 1957, ARCHIE'S MOTOR FREIGHT, INCORPORATED, 316 East Sixth Street, Richmond 24, Va. Applicant's attorney: Glenn F. Morgan, 1006–1008 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chlorine*, in containers, from Hopewell, Va., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting Chlorine on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virgina, and the District of Columbia.

HEARING: January 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald Sutherland.

No. MC 116062 (Sub No. 9), filed May 27, 1957, CALIFORNIA EXPRESS, INC., 1701 Vinewood, Fort Worth, Tex. Applicant's attorney: John W. Carlisle, 422 Perry Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in California to points in Kansas.

HEARING: February 10, 1958, at the Hotel Lassen, Wichita, Kans., before Examiner Reece Harrison.

No. MC 116647 (Sub No. 1), filed November 1, 1957, CARL B. LIEBENOW, Cummington, Mass. Applicant's attorney: Edmund R. St. John, Jr., Greylock National Bank Building, Adams, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lime* and *limestone*, from Lee and West Stockbridge, Mass., to points in Hillsboro and Cheshire Counties, N. H., and Windham and Bennington Counties, Vt.

HEARING: January 31, 1958, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 189, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 116756 (Sub No. 1), filed November 18, 1957, R. GLEN MEARS & COMPANY, (Del. Corp.), Stein Highway, Seaford, Del. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Limestone*, as may be considered a poultry feed ingredient, from Texas, Md., to the plant site of General Mills, Inc., Seaford, Del.; *phosphate*, as may be considered a poultry feed ingredient, from Philadelphia, Pa., to the plant site of General Mills, Inc., Seaford, Del.; *poultry by-products*, as may be considered poultry feed ingredients, from Bishop, Md., to the plant site of General Mills, Inc., Seaford, Del.; *poultry feed*, from the plant site of General Mills, Inc., Seaford, Del., to points in Accomac County, Va., and points in Gloucester County, N. J.

HEARING: January 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Dallas B. Russell.

No. MC 116797 (Sub No. 2), (CORRECTION), published on page 9560 issue

November 28, 1957, filed October 22, 1957, A. E. CARTER, doing business as SOUTHERN PINE EXPRESS, U. S. Highway 52, Gold Hill, N. C. The last-named commodity in the previous publication reading: *Animal and poultry feed ingredients*, should also include *animal and poultry feed*, which latter commodity was inadvertently omitted from the first notice of publication. Correctly stated the commodities sought to be transported from Marion, Ohio, to the site of Maegeo Farms, Inc., near Lexington, N. C., are: *Animal and poultry feed ingredients* and *animal and poultry feed*.

HEARING: Remains as assigned January 8, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Michael B. Driscoll.

No. MC 116865 (Sub No. 2), filed November 14, 1957, LAWRENCE J. FRATALONE, doing business as LARRY'S TRUCKING, 4 Harold Avenue, Greenwich, Conn. Applicant's attorney: Joseph A. Izzillo, First National Bank Building, Greenwich, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sand, gravel* and *fill*, from Armonk and Bedford, N. Y., to Greenwich, Conn.

NOTE: Applicant states the trips are to terminate at the Standard Asphalt, Inc., plant site in Byram in Greenwich.

HEARING: February 5, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner Allan F. Borroughs.

No. MC 116951, filed September 25, 1957, H. P. STEELE, Box 335, Elkhart (Morton County), Kans. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Drilling mud, drilling mud products* and *drilling mud fibres*, between points in Kansas on and west of U. S. Highway 83 and on and south of U. S. Highway 50 and points in Cimarron, Texas, and Beaver Counties, Okla., points in Dallam, Sherman, Hansford, Ochiltree, and Lipscomb Counties, Texas, points in Union County, New Mexico, and points in Prowers and Baca Counties, Colo.

HEARING: February 7, 1958, at the Hotel Lassen, Wichita, Kans., before Examiner Reece Harrison.

No. MC 117036, filed November 13, 1957, HAROLD M. KELLY, R. D. 6, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick, clay products*, and *concrete building units*, from points in Oxford Township, Adams County, Pa., to points in New York (except New York City), New Jersey (except those points on and north of New Jersey Highway 33), connecticut, Delaware, Maryland, Washington, D. C., Virginia, Ohio, and Massachusetts, and *empty container or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: January 21, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 117038, filed November 14, 1957, L. S. GILLIGAN CORP., 622 Washington Street, Weymouth 88, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in dry bulk, from Weymouth, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut. *Cement*, in dry bulk, (1) between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; and (2) from points in New York on and east of U. S. Highways 9 and 9W to points in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and Maine. *Grain*, in dry bulk, between points in Massachusetts, Connecticut, Vermont, New Hampshire, Rhode Island and Maine.

HEARING: January 31, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Allan F. Borroughs.

No. MC 117045, filed November 19, 1957, WALTER GAGNE, 32 Octave Street, Victoriaville, Quebec, Canada. Applicant's representative: L. R. Charron, Customs Broker, 4–B Boulevard, Carignan, Victoriaville, Quebec, Canada. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery*, from New Holland, Lancaster County, Pa., to ports of entry on the international boundary between the United States and Canada located in New York, Vermont, and New Hampshire.

NOTE: Shipments destined to Quebec, Canada.

HEARING: January 24, 1958, at the Washington County Court House, Montpelier, Vt., before Examiner Allan F. Borroughs.

No. MC 117056, filed November 25, 1957, C. FULTON McMASTER and LAVONA M. McMASTER, doing business as L & F TRUCK LINE, 2805 Quitman Street, Denver 12, Colo. Applicant's attorney: Russell H. Wilson, 1800 13th Street, Des Moines 14, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pre-cut unassembled homes and garages* (not pre-fab) from Des Moines, Iowa, to points in Wyoming, Colorado, except Denver, and those in that part of Nebraska west of U. S. Highway 81, and *rejected* and *broken shipments* of the above commodities on return.

HEARING: January 31, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 117057, filed November 21, 1957, PRINCEVILLE TRANSPORT ENRG., St. Louis Street, Princeville, Quebec, Canada. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Veneer* and *plywood*, on skids, from the port of entry, at the boundary between the United States and Canada, at or near North Troy, Vt., to Hancock, Vt., and *empty containers* or other such incidental facilities used in transporting the commodities specified, on return.

HEARING: January 24, 1958, at the Washington County Court House, Mont-

peller, Vt., before Joint Board No. 188, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 117064, filed November 27, 1957, FRANCIS W. MAHAFFAY, doing business as HI-WAY TOWING SERVICE, 11025 South Harlem Avenue, Worth, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *New and used tractors*, and *wrecked and disabled trucks, automobiles, trailers, semi-trailers, tractors, buses and other motor vehicle equipment*, in secondary movements, in truckaway and driveaway (towaway) service, between all points in Illinois, Iowa, Wisconsin, Indiana, and Michigan.

NOTE: Applicant states the new and used tractors will be transported between the above-specified points to replace the disabled and wrecked vehicles.

HEARING: January 21, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 117067, filed December 2, 1957, SIDNEY GILBERT, CHARLES PELLICANE AND JOHN LeBARBERA, doing business as INTER-METRO TRUCKING CO., 768 Jersey Avenue, Jersey City, N. J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New furniture*, uncrated, (1) from Danbury, Conn., to Paramus, N. J.; and (2) from Paramus, N. J., to points in Orange, Rockland, Westchester, Nassau and Suffolk Counties, N. J., and Philadelphia, Pa.

HEARING: January 22, 1958, at 346 Broadway, New York, N. Y., before Examiner Allan F. Borroughs.

MOTOR CARRIERS OF PASSENGERS

No MC 110616 (Sub No. 3), filed November 27, 1957, HAMPTON BUS CO., INC., 2900 Madison Street NE., Cedar Rapids, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Cedar Rapids, Iowa, and points within fifty (50) miles thereof, and extending to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. Applicant is authorized to transport Passengers and their baggage in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 30, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 116552 (Sub No. 1), (CORRECTION) filed July 30, 1957, GUY L. EMBREE, LULA M. EMBREE, GLENN L. EMBREE, CAROL EMBREE PENDELL, GUY WESTON EMBREE, AND ALVIN G. EMBREE, doing business as EMBREE BUSES, 303 North Allen Avenue, Pasadena, Calif. Applicant's attorney: Reuel L. Olson, Suite 22, 3848 East Colorado Street, Pasadena, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle and in separate vehicles, in charter operations, beginning and ending at points in Los Angeles, Orange, San Diego, Ventura, and Santa Barbara Counties, Calif., and extending to points in Arizona, New Mexico, Colorado, Utah, and Nevada.

NOTE: The previous notice of the subject application published in the FEDERAL REGISTER issue of September 11, 1957, at page 7261, indicated proposed operations would be those of a common carrier. Applicant's attorney advises in a letter dated December 6, 1957, that operations will be performed as a contract carrier.

HEARING: Remains as assigned January 16, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 116966, filed September 30, 1957, (CORRECTION) published issue November 28, 1957, at page 9562, E. F. CALLAWAY, doing business as R & G MOTOR LINES, 212 Brookhaven Drive, Covington, Ga. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers and their baggage*, and *light express*, in the same vehicle with passengers, (1) Between Rome, Ga., and Gadsden, Ala., over U. S. Highway 411, serving the intermediate points of Cave Spring, Ga., and Centre, Ala.; (2) Between Rome, Ga., and Centre, Ala., from Rome over Georgia Highway 20 to the Georgia-Alabama State line, thence over Alabama Highway 9 to Centre, and return over the same route, serving the intermediate points of Coosa, Ga., and Cedar Bluff, Ala.; and (3) Between Leesburg, Ala., and Lawrence, Ala., from Leesburg over Alabama Highway 68 to Gaylesville, Ala., thence over Alabama Highway 35 to Lawrence, Ala., and return over the same route, serving the intermediate points of Gaylesville and Cedar Bluff, Ala.

HEARING: January 16, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 116981, filed October 7, 1957, SARATOGA BUS SERVICE, INC., Excelsior Avenue, Saratoga Springs, N. Y. Applicant's attorney: George F. Perkins, 444 Broadway, Saratoga Springs, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in New York, and extending to points in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, Pennsylvania, and New Jersey.

HEARING: January 17, 1958, at 346 Broadway, New York, N. Y., before Examiner Allan F. Borroughs.

No. MC 116994 (CORRECTION), filed October 21, 1957, published at Page 9563, issue of November 28, 1957, KEEL H. BROWN AND ALFRED BROWN, a partnership, doing business as BROWN & BROWN, Atmore, Ala. Applicant requested authority to operate as a *contract carrier* transporting *passengers* who are employees of Chemstrand Corporation at Gonzalez, Fla., over a specified regular route between Frisco City, Ala., and Gonzalez, serving no intermediate points. Additional information discloses applicant will SERVE ALL INTERMEDIATE POINTS.

HEARING: Remains as assigned January 21, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12670, filed November 7, 1957, JOHN ANTHONY MANGO, doing business as CAPRI TRAVEL AGENCY, 33 Willow Street, Johnson City, N. Y. For a License (BMC 5) to engage in operations as a *broker* at Johnson City, N. Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *groups of passengers and their baggage* in the same vehicle, in charter operations, beginning and ending at Johnson City, N. Y., and extending to points in California and Florida.

NOTE: Applicant states the essential purpose of the operations is to organize charter parties for tours of places of public and historical interest.

HEARING: January 20, 1958, at 346 Broadway, New York, N. Y., before Examiner Allan F. Borroughs.

No. MC 12671, filed November 18, 1957, HAROLD E. McCLURE, doing business as HAROLD'S TOURS TRAVEL BUREAU, P. O. Box 1955, Cincinnati 1, Ohio. For a License (BMC 5) to engage in operations as a *broker* at Cincinnati, Ohio, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and groups of passengers, and their baggage*, in the same vehicle with passengers, in special or charter operations, beginning and ending at Cincinnati, Ohio, and points within 100 miles thereof, and extending to points in the United States.

HEARING: January 29, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

PETITIONS

No. MC 105146 (Sub No. 1), (PETITION) filed November 26, 1957, COORDINATED TRANSPORTATION COMPANY, 1640–44 Irving Boulevard, Dallas 7, Tex. Applicant's attorneys: Clarence D. Todd and Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. By Certificate dated January 16, 1947, applicant is authorized to conduct operations as a *common carrier*, in the transportation of *General commodities*, with certain exceptions, between Piqua and Junction City, Kans., and various points in Kansas, Missouri, Oklahoma, and Texas, named in said Certificate, limited (a) to service which is auxiliary to, or supplemental of, the rail service of Missouri-Kansas-Texas Railroad Company and its subsidiary Missouri-Kansas-Texas Railroad Company of Texas, (b) to service only to points which are stations on the rail lines to those companies, and (c) to less-than-carload shipments which move under railroad bills of lading. The purpose of this petition is to eliminate the above-conditions in connection with the above route, between Piqua and Junction City, Kans.

No. MC 114001. *Petition for Interpretation and Declaratory Order*, OHIO NORTHERN TRUCK LINE, INC., 750 Andrews Avenue, Youngstown, Ohio. Applicant's attorney: John P. McMahon (same address as applicant). Petitioner holds Certificate No. MC 114001, wherein it is authorized, in part, to transport: *Metal, metal products, asphalt, roofing cement*, and *prepared roofing materials*, from Toledo, Ohio, and points in that part of Ohio on and north of U. S. Highway 30, and, on and east of Ohio Highway 13 to points in that part of Michigan east of U. S. Highway 27 and, on and south of Michigan Highway 20 and south of Saginaw Bay; from Monroe, Mich., and points in Wayne County, Mich., to points in that part of Ohio on east of a line beginning at the Ohio-Michigan State line and extending along U. S. Highway 23 to Upper Sandusky, Ohio, thence on and north of a line beginning at Upper Sandusky, Ohio, and extending along U. S. Highway 30N to Mansfield, Ohio, and thence along U. S. Highway 30 to the Ohio-Pennsylvania State line. Petitioner requests that the matter be assigned for oral hearing, the authority interpreted, and an order be entered declaring that it may properly transport carburetors, spark coils, distributors, generators, electric switches and parts, pumps, spark plugs, electric motors, and powdered iron, within the territorial scope of the metal and metal products authority authorized in said Certificate.

No. MC 115621 (Sub No. 4), (PETITION TO AMEND APPLICATION) ROCKY MOUNTAIN MOBILE HOME TOWING SERVICE, INC., 621 South Perry Street, Denver 19, Colo. Applicant's attorneys: Truman A. Stockton, Jr., and John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Under date of July 19, 1957, a Form BMC 78 application was filed seeking authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* (trailer houses), in initial movements, from Limon, Colo., to points in Oklahoma, Kansas, Texas, Missouri, Nebraska, Iowa, South Dakota, Montana, Wyoming, Utah, New Mexico, Minnesota, and Colorado, and *damaged and rejected shipments* of the commodities on return. The petition seeks to add Stratton, Colo., as an additional origin point. Hearing on the application as originally filed is assigned January 15, 1958, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 9140 (Sub No. 7), filed September 4, 1957, W. DON MAURER, doing business as DON MAURER TRUCK LINE, 523 First Avenue East, Spencer, Iowa. Applicant's attorney: Wallace W. Huff, 310–314 Security Bank Building, Sioux City 1, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, and *farm machinery and parts*, from West Bend, Wis., to Sioux City, Iowa. Applicant is authorized to transport similar commodities in Illinois, Iowa, and Nebraska.

No. MC 98513 (Sub No. 2), filed November 14, 1957, NORMAN J. REZNY AND NORMAN B. SLEPICKA, doing business as CRETE-WILBER FREIGHT LINES, Box 698, Wilber, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 13th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the off-route points of Roca, Martell, Sprague, Hallam, Denton, and Kramer, Nebr., in connection with applicant's authorized regular route operations between Wilber and Omaha, Nebr., over Nebraska Highways 82 and 33 and U. S. Highway 77. Applicant is authorized to conduct operations in Iowa and Nebraska.

No. MC 107376 (Sub No. 7), filed December 4, 1957, TELISCHAK TRUCKING, INC., 12300 Farmington Road, Livonia, Mich. Applicant's attorney: William B. Elmer, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rubber gaskets, burlap diapers, soap* (25 lb. pails), *steel bolts, nuts and washers, steel blind flanges, cast iron or steel manhole covers, cast iron or steel manhole arches, cast iron or steel blow-off bends, asbestos gaskets, lead gaskets and cast iron lugs*, used in or in connection with the installation, construction, maintenance or repair of concrete high pressure water pipe lines, from Dearborn, Mich. (not including the commercial zone thereof), to points in New York and Pennsylvania and *damaged and refused shipments* of the commodities specified on return. Applicant is authorized to transport pipe and pipelaying equipment and machinery in Michigan, Ohio, Indiana, Illinois, and Kentucky.

NOTE: Applicant states it has a recommended grant of authority for high pressure concrete water pipe and desires to transport the commodities applied for herein in connection with such authority.

No. MC 113524 (Sub No. 12), filed December 3, 1957, JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum coke* (dry fluid coke) in bulk, in covered-hopper vehicles, from the site of the Tidewater Oil Company refinery near Delaware City, Del., to points in Maryland, New York, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 114004 (Sub No. 15), filed November 8, 1957, ARKANSAS TRUCKING CO., INC., 862 Baseline Road, (P. O. Box 1715), Little Rock, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, excluding utility rental trailers, from Kearney, Nebr., and points within 10 miles of Kearney, to all points in the United States and the District of Columbia, except to Mt. Clemens, Detroit, and Flint, Mich.; and *damaged or refused trailers* on return movements. Applicant is authorized to transport similar commodities throughout the United States.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6749, published in the November 14, 1957, issue of the FEDERAL REGISTER on page 9100. Supplemental application filed December 9, 1957, to show joinder of MATTHEW LEO McKEONE, SR., ALBERT JOSEPH McKEONE, and JOSEPH JAMES McKEONE, all of 1009 Capital Avenue, Omaha, Nebr., and MATTHEW LEO McKEONE, JR., 300 Charlotte Street, Kansas City, Mo., as the persons in control of vendee.

No. MC–F 6773. Authority sought for purchase by MILES & SONS TRUCKING SERVICE, Highway 99 North (P. O. Box 859), Merced, Calif., of the operating rights and property of W. W. MILES and PAT L. NOLET, doing business as MILES & SONS TRUCKING SERVICE, Highway 99 North, (P. O. Box 859), Merced, Calif., and for acquisition by W. W. MILES and PAT L. NOLET, both of Merced, of control of such rights and property through the purchase. Applicants' attorney: Berol and Silver, 100 Bush Street, Room 1410, San Francisco 4, Calif. Operating rights sought to be transferred: *General commodities*, moving on government bills of lading, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between the Sacramento Signal Corps Deport near Polk, Calif., on the one hand, and, on the other, Oakland, Calif., and from Sharpe General Depots at or near Lathrop and Lyoth, Calif., to

Oakland, Calif.; *fruits, grapes, barrels, dried fruit, dried vegetables, canned goods, wine grain, beans, lumber, machinery, hardware, plumbing supplies, farm implements, grain, wool, meat scraps, tallow, steel, cement, bulk gypsum,* in bulk, *barium sulphate* (barytes), *salt, magnesite* (calcined), *cement bags, steel grinding balls, ore concentrates, construction machinery, equipment and supplies,* and *empty grain bags,* from, to or between points and areas, varying with the commodity transported, in California. Vendee holds no authority from this Commission, but its controlling stockholders are presently in control of MILES MOTOR TRANSPORT SYSTEM, which is authorized to operate under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the State of California. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6775. Authority sought for purchase by FOX & GINN, INC., 12 Howard Lane, Bangor, Maine, of a portion of the operating rights of JAMES J. KEATING, JR., doing business as J. J. KEATING, 85 Park Street, Stoneham, Mass, and for acquisition by CORNELIUS L. FOX and MARK W. GINN, both of Bangor, of control of such rights through the purchase. Applicants' attorney: Mary E. Kelley, 84 State Street, Boston, Mass. Operating rights sought to be transferred: *Household goods,* as defined by the Commission, as a *common carrier* over irregular routes, between Medford, Mass., and points in Massachusetts within ten miles of Medford, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, and Connecticut, between Stoneham, Mass., and points in Massachusetts within 15 miles of Stoneham, on the one hand, and, on the other, points in New Hampshire and Rhode Island, between Stoneham, Mass., and points within ten miles thereof, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island, between Woburn, Mass., and points within five miles of Woburn, on the one hand, and, on the other, points in New Jersey, Pennsylvania, and the District of Columbia, between certain points in Massachusetts on the one hand, and, on the other, points in Vermont and between Waltham, Mass., and points in Massachusetts within ten miles of Waltham, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and New Jersey. Vendee is authorized to operate as a *common carrier* in Massachusetts, Maine, New Hampshire, Rhode Island, New York, Connecticut, Vermont, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6776. Authority sought for purchase by ROY STONE TRANSFER CORPORATION, P. O. Box 872, Martinsville, Va., of the operating rights and certain property of WALTER A. ECHOLS, doing business as FURNITURE CARRIER COMPANY, 370–372 Lee Street SW., Atlanta, Ga., and for acquisition by ROY C. STONE, Martinsville, Va., W. M. BASSETT, J. E. BASSETT, J. D. BASSETT, JR., L. C. CARTER, and FIRMAR & COMPANY, TRUSTEE OF THE ESTATE OF L. D. STONE, all of Bassett Va., of control of such rights and property through the purchase. Applicants' attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Operating rights sought to be transferred: *New furniture,* as a *common carrier* over irregular routes, between points in Georgia, on the one hand, and, on the other, points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; *ornamental stone* (except ornamental marble and granite), from Atlanta, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; *stone* (except crushed stone, marble and granite), from Rockwood, Ala., and points within 15 miles of Rockwood, to Atlanta, Ga.; *window and door frames, glazed windows and window frame units assembled* and *door frames,* uncrated, from Atlanta, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee; *new furniture* as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates,* 61 M. C. C. 209, from Roanoke, Martinsville and Bassett, Va., to points in Alabama and certain points in Florida, from Johnson City, Tenn., to certain points in Florida, and from Bassett, Va., to Phenix City, Ala. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, Pennsylvania, New York, West Virginia, Ohio, North Carolina, South Carolina, New Jersey, Delaware, Georgia, Indiana, Illinois, Kentucky, Alabama, Florida, Michigan, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6777. Authority sought for purchase by EDWARD H. DUDLEY, ROLLAND C. DUDLEY, AND MARVIN D. DUDLEY, doing business as DUDLEY TRANSFER, 2120 Adams Street, Lincoln, Nebr., of the operating rights and property of GARNET W. H. KOUGH, doing business as KOUGH'S TRANSFER, Austin, Minn. Applicants' attorney: R. E. Powell, 1005–06 Trust Building, Lincoln, Nebr. Operating rights sought to be transferred: *Household goods,* as defined by the Commission, as a *common carrier* over irregular routes, between Austin, Minn., and points within 150 miles thereof, on the one hand, and, on the other, points in Minnesota, Colorado, Illinois, Iowa, Indiana, Michigan, Missouri, Montana, Nebraska, North Dakota, South Dakota, Ohio, Pennsylvania, Wisconsin, and New York; *soap, soap products,* and *vegetable oil shortening* and *related advertising matter and premiums* when moving therewith, from Austin, Minn., to points in Minnesota within 35 miles of Austin. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Colorado, Indiana, Iowa, Michigan, Nebraska, Ohio, Wisconsin, and Kansas. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6778. Authority sought for control and merger by WESTERN EXPRESS, 2300 Ninth Avenue North, Great Falls, Mont., of the operating rights and property of RICE TRUCK LINES, 712 Central Avenue West, Great Falls, Mont., and for acquisition by JOHN S. RICE, also of Great Falls, of control of such rights and property through the transaction. Applicants' attorney: Randall Swanberg, 529 Ford Building, Great Falls, Mont. Operating rights sought to be controlled and merged: *Liquid petroleum products,* in bulk, in tank trucks, as a *common carrier* over irregular routes, between points in Glacier and Toole Counties, Mont., on the one hand, and, on the other, certain points in Idaho; *petroleum and petroleum products,* in bulk, in tank trucks, from points in Cascade County, Mont., to certain points in Idaho, from Great Falls, Mont., to points in Boundary, Kootenai, and Benewah Counties, Idaho, from East Billings, Mont., to points in Washington on and east of U. S. Highway 97, between points in Montana, and from Mukilteo, Wash., to United States Air Force installations in Idaho and Montana; *crude oil,* in bulk, in tank trucks, from points in Garfield and Petroleum Counties, Mont., to Suba, Mont., and the boundary of the United States and Canada through Regway and Sweetgrass, Mont.; *petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M. C. C. 209, in bulk, in tank vehicles, from Mandan, N. Dak., to certain points in Montana, from Great Falls, Mont., and points within ten miles of Great Falls, to points in Washington on and east of U. S. Highway 97, and certain points in Idaho, from Edmonds, Wash., to Billings, Havre, and Miles City, Mont., and points within five miles of each, from Pasco, Wash., and points within five miles of Pasco, to Belgrade, Billings, and Miles City, Mont., and points within five miles of each, from Cut Bank, Mont., to Logan, Ogden, and Salt Lake City, Utah, and from Seattle and Anacortes, Wash., to the United States-Canada Boundary line at or near the port of entry of Eastport, Idaho; *gasoline,* in bulk, in tank vehicles, from Seattle, Wash., to Billings, Helena, Miles City, Kalispell, Missoula, Great Falls, and Bozeman, Mont.; *petroleum asphalt* and *road oil,* in bulk, in tank vehicles, from Great Falls, Mont., and from points in Montana within five miles of Great Falls to certain points in North Dakota; *petroleum cleaning solvents,* in bulk, in tank vehicles, from Seattle, Wash., to Billings, Havre, and Miles City, Mont., and points within five miles of each. WESTERN EXPRESS is authorized to operate as a *common carrier* in Montana. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6774. Authority sought for purchase by WYCOFF COMPANY, INCORPORATED, 346 West 6th South, P. O. Box 366, Salt Lake City, Utah, of the operating rights of A. C. NICHOLS, doing business as VALLEY BUS LINE, Ashton, Idaho. Applicants' representative: Max Wilkins Young, Business Manager, Wycoff Company, Incorporated, 346 West 6th South Street, Salt Lake City, Utah. Operating rights sought to be transferred: *Passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, as a *common carrier,* over regular routes, between Ashton, Idaho, and West Yellowstone, Mont., and between junction unnumbered highway and U. S. Highway 191 near Island Park Lodge and junction unnumbered highway and U. S. Highway 191 near Mack's Inn, Idaho, serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Utah, Montana, Idaho, Nevada, Oregon, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–10419; Filed, Dec. 18, 1957; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 16, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 3459: *Substituted service, rail for motor, Chicago & Eastern Illinois R. R. Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 94), for the Chicago & Eastern Illinois Railroad Company, Voss Truck Lines, Inc., and other interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and East St. Louis or Mitchell, Ill., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 64 to M. M. F. B., Agent, Substituted Freight Service Tariff MF-I. C. C. 223.

FSA No. 34360: *Grain from Mississippi and Ohio River Gateways to Florida.* Filed by O. W. South, Jr., Agent (SFA No. A3578), for interested rail carriers. Rates on grain and grain products, carloads from Memphis, Tenn., St. Louis, Mo., Cairo, and East St. Louis, Ill., to Tampa, Fla., group points.

Grounds for relief: Market and truck competition.

Tariff: Supplement 15 to Agent Spaninger's tariff I. C. C. 1625.

FSA No. 34361: *Clay aggregate from Denie, Tenn., to the Southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7171), for interested rail carriers. Rates on clay aggregate, sintered, carloads from Denie, Tenn., to points in Arkansas, Missouri, Oklahoma, and Texas.

Grounds for relief: Rates constructed on a short-line distance formula.

FSA No. 34362: *Sand to Houston and Mt. Pleasant, Texas.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7172), for interested rail carriers. Rates on Silica sand, carloads, from points in Arkansas, Illinois, Missouri, and Oklahoma to Houston and Mt. Pleasant, Texas.

Grounds for relief: Market competition.

Tariff: Supplement 128 to Agent Kratzmeir's tariff I. C. C. 4135.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–10466; Filed, Dec. 18, 1957; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ESTHER DUIJNHOUWER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Esther Duijnhouwer, de Bilt, The Netherlands; Claim No. 62000; $539.81 in the Treasury of the United States.
Vesting Order No. 17836.

Executed at Washington, D. C., on on December 12, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–10471; Filed, Dec. 18, 1957; 8:52 a. m.]

ALBIN WERMEILLE-BOICHAT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Albin Wermeille-Boichat, Saignelegier, Switzerland; Claim No. 63268; $89.50 in the Treasury of the United States.
Vesting Order No. 17903.

Executed at Washington, D. C., on December 12, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–10472; Filed, Dec. 18, 1957; 8:52 a. m.]

FEDERAL RESERVE SYSTEM

NORTHWEST BANCORPORATION

ORDER DENYING PETITION FOR RECONSIDERATION OF APPLICATION FOR ACQUISITION OF VOTING SHARES OF NORTHWESTERN STATE BANK

In the matter of the application of Northwest Bancorporation for approval of acquisition of voting shares of proposed Northwestern State Bank, Rochester, Minnesota.

This matter comes before the Board of Governors on a petition by Northwest Bancorporation, Minneapolis, Minnesota, that the Board reconsider the application of Northwest Bancorporation filed pursuant to the provisions of section 3 (a) of the Bank Holding Company Act of 1956, for the Board's prior approval of acquisition of direct ownership by Northwest Bancorporation of 1450 voting shares of the Northwestern State Bank, Rochester, Minnesota, which application was denied by Order of the Board, dated November 5, 1957 (22 F. R. 9092).

Upon analysis of the facts and arguments set forth in the said petition, and upon review of the reasons underlying the Board's previous order, it appears that petitioner has failed to set forth any material facts or arguments not heretofore fully considered by the Board; and, therefore, the Board reaffirms its original decision herein and denies the Petition for Reconsideration of the Application and, it is so ordered.

Dated: December 9, 1957.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 57–10175; Filed, Dec. 18, 1957; 8:45 a. m.]

PART II

FEDERAL REGISTER

VOLUME 22 NUMBER 245

Washington, Thursday, December 19, 1957

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

RECAPITULATION OF PART

Because of the number of outstanding amendments to Part 7 since it was last published in the FEDERAL REGISTER (September 16, 1956, 20 F. R. 6818), Part 7 is recapitulated as of December 17, 1957, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

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AUTHORITY: §§ 7.1 to 7.601 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 7.1 *Basis and purpose.* (a) *The* basis for the rules in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate common carriers of interstate and foreign communications, to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for maritime operations which require radio transmitting facilities on land. For the purpose of this part, the definitions in Subpart A shall be applicable. (For other definitions, refer to Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations; Part 8, Stations on Shipboard in the Maritime Services; and Part 14, Rules Governing Public Fixed Stations and Stations of the Maritime Services in Alaska).

SUBPART A—DEFINITION OF TERMS

§ 7.2 *General*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.

(b) *Statutes and international agreements.* (1) Communications Act: The Communications Act of 1934, as amended.

(2) International Radio Regulations: The Radio Regulations in force annexed to the International Telecommunications Convention, Atlantic City, 1947, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(c) *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(f) *Station.* A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a radio communications service.

(g) *Station authorization.* Any valid construction permit, station license, or special temporary authority for use of a station, issued by the Commission.

(h) *Person.* Includes an individual, partnership, association, joint stock company, trust, or corporation.

(i) *Permittee.* A person who holds a valid station construction permit.

(j) *Station licensee.* A person who holds a valid station license or special temporary authorization.

(k) *Operator licensee.* A person who holds a valid license or valid permit for the actual operation of a licensed station.

(l) *Hours of service.* The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(m) *Day.* Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter-power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter-power during that period of time included between one hour after local sunrise and one hour before local sunset.

(n) *Landing area.* Any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use, for the landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(o) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer-in-charge whose official address and specific area of inspection associated therewith are designated by § 7.601.

(p) *Commercial transport vessel.* Any ship or vessel which is used primarily in commerce (1) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (2) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(q) *Mile.* As used in this part, the term "mile" means a statute mile or 5,280 feet.

(r) *Installed.* As used in this part with respect to the requirements of radio apparatus in stations on land subject to this part, the term "installed" means installed in the particular station or vehicle to which the pertinent rule or regulation involving the use of this term is applied.

(s) *Shipyard land mobile unit.* A land vehicle operated and controlled by a shipyard and used for the transportation of shipyard personnel, material, or supplies.

§ 7.3 *Maritime mobile service*—(a) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(b) *Maritime and land mobile service*—(1) *Maritime mobile service.* A mobile service between ship stations and coast stations, or between ship stations. (Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.)

(2) *Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations. (Only land mobile service carried on exclusively for maritime purposes is governed by this part.)

(c) *Mobile station.* A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Land station.* A station in the mobile service not intended for operation while in motion.

(e) *Coast station.* A land station in the maritime mobile service carrying on a service with ship stations.

(f) *Public coast station.* A coast station open to public correspondence.

(g) *Limited coast station.* A coast station, not open to public correspondence, which serves the operational and business needs of ships.

(h) *Class I coast station.* A coast station (public or limited) licensed to provide a maritime mobile service to ships at sea, including such service over distances up to several thousand miles, whose frequency assignment for this purpose includes appropriate frequencies below 150 kc or between 5,000 kc and 25,000 kc.

(i) *Class II coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a regional character, whose frequency assignment does not include any frequency below 150 kc, or between 5,000 kc and 25,000 kc except on a secondary basis under specified conditions intended to minimize the possibility of interference to other stations having priority on these frequencies.

(j) *Class III coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a local character, whose frequency assignment does not include any frequency below 25,000 kc.

(k) *Operational designator.* The letter "A", "B", or "F", appended to the term "class I", "class II", or "class III", as these terms are defined in paragraphs (h), (i), and (j) of this section, designates that the coast station is licensed to render its normal service by means of (A) telegraphy, (B) telephony, or (F) facsimile. The designator "L" means "local" and is used to indicate (in lieu of a separate class III coast station license for the same station) that a class I or a class II station provides maritime mobile service of a local character on a frequency or frequencies above 30 Mc in addition to its service on other frequencies. Operational designators are used individually or in combinations of two or more, as may be appropriate to a particular coast station. Examples of coast station classification for regulatory and administrative purposes in accordance with these rules: Public I–A, Public III–B, Limited II–A, Limited III–BF, Public II–AB, Public II–BL, Public I–AL, etc.

(l) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore within a designated local area.

(m) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels within a designated local area.

(n) *Marine-utility station.* A coast or ship station in the maritime mobile service having a frequency assignment which is available for both marine-utility coast stations and marine-utility ship stations and licensed under one station authorization to operate as either a marine-utility coast station or a marine-utility ship station according to its location, pursuant to the provisions of paragraphs (l) and (m) of this section, at the time it is being operated.

(o) *Base station.* A land station in the land mobile service.

(p) *Shipyard base station.* A land station, licensed and operated primarily as a limited coast station in the maritime mobile service, which is authorized additionally to be operated on a secondary basis as a base station for communication with shipyard mobile stations of the same licensee within a local geographic area designated by the Commission.

(q) *Land mobile station.* A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

(r) *Shipyard mobile station.* A land mobile station on a shipyard land mobile unit used for communication solely with one or more shipyard base stations of the same licensee within a local geographic area designated by the Commission.

§ 7.4 *Maritime radiolocation service*—(a) *Radiolocation.* Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service.* A service involving the use of radiolocation.

(c) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station.* A station in the radiolocation service.

(e) *Radiolocation land station.* A station in the radiolocation service not intended for operation while in motion.

(f) *Shore radiolocation station.* A radiolocation land station performing a maritime radiolocation service.

(g) *Shore radiolocation-training station.* A shore radiolocation station used solely to train and qualify persons in the effective use of maritime radiolocation.

(h) *Shore radiolocation-test station.* A shore radiolocation station used solely for testing maritime radiolocation apparatus incident to its manufacture, installation, repair, servicing and/or maintenance.

(i) *Radionavigation.* Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

(j) *Radionavigation service.* A radiolocation service involving the use of radionavigation.

(k) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(l) *Radionavigation station.* A station in the radionavigation service.

(m) *Radionavigation land station.* A station in the radionavigation service not intended for operation while in motion.

(n) *Shore radionavigation station.* A radionavigation land station performing a maritime radionavigation service.

(o) *Radar.* A radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their position.

(p) *Primary radar.* Radar using reflection only.

(q) *Secondary radar.* Radar using automatic retransmission on the same or on a different radio frequency.

(r) *Shore-radar station.* A shore radionavigation station utilizing radar for the purpose of detecting above-water objects (primarily ships) with a determination of their direction and distance from the station.

(s) *Radio-direction-finding.* Radiolocation in which only the direction of a station is determined by means of its emission.

(t) *Radio direction-finding station.* A radio location station intended to determine only the direction of other stations by means of transmissions from the latter.

(u) *Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

§ 7.5 *Maritime fixed services*—(a) *Fixed service.* A service of radiocommunication between specified fixed points.

(b) *Fixed station.* A station in the fixed service.

(c) *Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

(d) *Marine fixed station.* A fixed station, used primarily for safety communication which is established at a designated location in a water area of, or contiguous to, the United States, and isolated from the mainland by water or marsh.

(e) *Marine control station.* An operational fixed station used to control the emissions or operation of a coast station at a separate location.

(f) *Marine repeater station.* An operational fixed station used to retransmit, to a point of destination or to a message routing center, radiocommunications received at a coast station from ship or aircraft stations in the maritime mobile service.

(g) *Marine relay station.* An operational fixed station used for communication between coast stations or between a coast station and an associated remote control point, which is intended to expedite the movement of message traffic to or from mobile stations in the maritime mobile service.

(h) *Marine receiver-test station.* A fixed station used to simulate transmission from a ship station to a coast station for the purpose of periodically testing the normal receiving installation of a licensed coast station to determine that such receiving installation is in good working condition.

§ 7.6 *Developmental maritime stations on land*—(a) *Developmental land station.* A land station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency (or frequencies) of the developmental land station.

(b) *Developmental radiolocation station.* A radiolocation station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government radiolocation service (including the non-government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

(c) *Developmental fixed station.* A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency (or frequencies) of the developmental fixed station.

(d) *Specific classification.* The specific classes of developmental stations on land licensed in the maritime mobile service, the maritime radiolocation service (including maritime radionavigation service), and the maritime fixed services, are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example: "Public class III coast station (developmental)".

§ 7.7 *Operational*—(a) *Safety communication.* The transmission or reception of distress, alarm, urgent, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property; and occasional test transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary to the conduct of the service for which the station is licensed.

(c) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

(d) *Distress signal.* (1) The distress signal is the international radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the oral enunciation of the word "Mayday", pronounced as the French expression "m'aider". In case of distress, transmission of this particular signal is intended to insure recognition of a radiotelephone distress call by stations of any nationality.

(e) *Alarm signal.* The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal.* (1) The urgency signal is the international radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three oral repetitions of the word "Pan" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signal is the international radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three oral repetitions of the French word "Securite", sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulation) must cease on all frequencies within a designated frequency-band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver:

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

(m) *Control point.* An operating position associated with a particular station or stations which is:

(1) Under the control and supervision of the station licensee or his authorized agent; and

(2) A place at which the required monitoring and control facilities are available; and

(3) A place at which a duly licensed operator (or other person if the requirement for a licensed operator is waived by the Commission) responsible for the operation of the transmitter(s) is stationed.

(n) *Dispatch point.* A place from which radiocommunication may be transmitted under supervision of a responsible operator at a control point.

(o) *Operational communication.* Radiocommunication concerning the navigation, movement, or management of a ship or ships.

(1) *Navigation.* This includes the piloting of a vessel.

(2) *Movement.* This includes information and necessary communications relative to when and where the boat or ship will move or be moved as, for example, rendezvous at a port, basin, or marina, or for maneuvers during a cruise.

(3) *Management.* This includes the obtaining of necessary supplies for the ship, limited to immediate needs, and the scheduling of repairs or modifications to the ship, limited to communications with those directly involved in the repairs or modification or concerned with changes in the movement of the ship because of those repairs or modifications.

§ 7.8 *Technical*—(a) *Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside a frequency band of emission authorized for that station.

(f) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunciation set up for the transmission of speech or, in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Selective-calling.* A means of calling in which signals are transmitted in accordance with a prearranged code for the purpose of operating a particular automatic attention device in use at the selected station whose attention is sought.

(j) *Frequency band of emission.* A frequency band of emission is a frequency band of which the two designated limiting frequencies are established by an emission-bandwidth referred to a particular carrier frequency. For the purpose of this definition, when a carrier is not present, a frequency normally coinciding with the center of the frequency band occupied by the emission is substituted therefor.

(k) *Carrier frequency.* The frequency of the carrier. (For the definition of "carrier", see § 2.1 of this chapter.)

(l) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station, from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(m) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-bandwidth) is permitted, by applicable regulations or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency).

(n) *Frequency-band.* A continuous range of frequencies extending between two designated limiting frequencies.

(o) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency band.

(p) *Radio-channel.* A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-bandwidth, the interference guard bands, and the frequency tolerance.

(q) *Emission-bandwidth.* The band of frequencies comprising 99 per cent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 per cent of the total radiated power. (This definition coincides with the definition of "Bandwidth Occupied by an Emission", which appears as par. 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signaling.)

(r) *Interference guard bands.* The two frequency-bands additional to and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(s) *Authorized emission-bandwidth.* A specific emission-bandwidth authorized for use by a station.

(t) *Authorized frequency-band.* A frequency-band authorized for use by a station.

(u) *Assigned frequency.* The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission. (This definition coincides with the definition of "Frequency Assigned to a Station" which appears as par. 57 of the International Radio Regulations of Atlantic City, 1947.)

(v) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio-channel by:

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth,

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or

(3) The authorized frequency-band (when a carrier does not exist).

(w) *Modulation.* The process of producing a wave, some characteristic of which varies as a function of the instantaneous value of another wave called the modulating wave.

(x) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 per cent modulation.

(y) *Percentage modulation.* The modulation factor expressed in percent.

(z) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

(aa) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(bb) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(cc) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(dd) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(ee) *Antenna (aerial).* A means for radiating or intercepting Hertzian waves.

(ff) *Artificial antenna (dummy antenna).* A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(gg) *Last radio stage.* In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(hh) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(ii) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(jj) *Radiated power.* Energy, in the form of Hertzian waves, radiated from an antenna.

(kk) *Authorized transmitter power.* The power of a particular transmitter as designated in the respective station license or construction permit or in lieu thereof, the power designated in the applicable Commission rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate

input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna; without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(ll) *Telephone receivers.* Whenever use of the following terms occurs in reference to "watch" as defined in § 7.7 (j), such use of these terms shall be construed as follows:

(1) *Telephone receiver.* Any instrument used to convert energy consisting of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver.* A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver.* A telephone receiver capable of being held to the ear by an attached headband or other device and normally used in that manner.

(4) *Loudspeaker.* A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

SUBPART B—APPLICATIONS [1]

§ 7.21 *Authorization required for construction and operation of station.* (a) Any radio station required by the Communications Act to be licensed shall not be operated in any service regulated by this part except under and in accordance with a valid station authorization granted by the Commission. Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15, Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, Industrial, Scientific and Medical Service.

(b) No license shall be issued by the Commission for the operation of any station subject to this part, unless a permit for construction has first been granted by the Commission upon written application therefor.

§ 7.22 *Administrative classification of stations.* (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station as designated below:

(1) Public class I coast stations.
(2) Public class II coast stations.
(3) Public class III coast stations.
(4) Limited class I coast stations.
(5) Limited class II coast stations.
(6) Limited class III coast stations.
(7) Marine-utility stations.

[1] For additional information concerning applications and for information concerning procedure relative to hearings, oral arguments, petitions, etc., refer to Part 1 of this chapter.

(b) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station as designated below:

(1) Shore radiolocation stations.
(2) Shore radiolocation-training stations.
(3) Shore radiolocation-test stations.

(c) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station as designated below:

(1) Shore radionavigation stations.
(2) Shore-radar stations.

(d) Stations in the fixed service subject to this part are licensed according to the class of station as designated below:

(1) Marine fixed stations.
(2) Marine control stations.
(3) Marine repeater stations.
(4) Marine relay stations.
(5) Marine receiver-test stations.

(e) Stations in the land mobile service subject to this part are licensed according to the class of station designated below:

(1) Shipyard base stations.
(2) Shipyard mobile stations.

Station licenses shall not be issued solely to authorize the use and operation of shipyard base stations and shipyard mobile stations. License authority to use and operate such stations shall be included in the station license which provides for use and operation of the land station facilities primarily as a limited coast station in the maritime mobile service.

§ 7.23 *Statutory eligibility for station license.* A station license shall not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 7.24 *Application precedent to authorization.* Except as otherwise provided in §§ 7.26 and 7.41, no authorization will be granted for use or operation of any radio station on land in any service governed by this part, nor for any change in station control, facilities, services, equipment or antenna, unless formal written application therefor in proper form first is filed with the Commission. Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington 25, D. C., or from any of its engineering field offices. Except as otherwise permitted by this part, a separate application shall be filed in respect to each station and service subject to this part. Each application for radio station authorization, and all correspondence relating thereto, shall be submitted in duplicate (unless otherwise specified in a particular case or with respect to a particular form) to the Secretary of the Commission at Washington 25, D. C. Except as otherwise provided in §§ 7.32 and 7.41, an application should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date. The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

§ 7.25 *Signature on applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If application is made by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why the application is not made by the applicant. Applications filed on behalf of eligible governmental entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction. When more than one copy of an application is required to be filed with the Commission, only the original need be signed or verified; copies may be conformed.

§ 7.26 *Informal applications.* An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and, except as provided in § 7.41, the original copy shall be subscribed and verified as

provided in § 7.25. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 7.27 *Defective applications.* (a) An application which is defective with respect to completeness of answers to required questions, execution, or other matters of a purely formal character, will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the defect.

(b) An application which is not made in accordance with the Commission's rules, regulations, or other requirements, will be considered defective unless accompanied either (1) by a petition to amend the rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

§ 7.28 *Amendments of applications.* (a) Any application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of copies of the amendments duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. A petition which requests either a change in frequency or power must be accompanied by the affidavit of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. A petition to amend an application will not be accepted (other than an amendment which is merely pro forma in nature, such as the removal of a named person because of death) if it is filed after public notice has been given of the issuance of a proposed decision with respect to such application, or of a recommended or an initial decision, as the case may be, where no proposed decision is to be issued.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and, when necessary, will be redesignated for hearing at a subsequent time.

§ 7.29 *Dismissal of applications.* Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. Such petition to dismiss an application without prejudice will be granted only for good cause shown, but will, in no event, be granted after public notice has been given by the Commission of the issuance of a proposed decision proposing to deny the application.

§ 7.30 *Partial grant of application.* Whenever the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing in the same manner as other applications are set for hearing.

§ 7.31 *Establishment of station.* (a) Application for permit to construct a station subject to this part shall be submitted on FCC Form 401. When actual construction is not involved, the term "construct" as used herein is construed to mean "installation" or any action of an equivalent nature involved in preparing the station for actual operation prior to the issuance of a station license.

(b) FCC Form 401A (revised), "Description of Proposed Antenna Structure", shall be submitted in quadruplicate with duplicate set of FCC Form 401 in each instance when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level; or

(2) The antenna structures proposed to be erected will exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A need be filed.

NOTE. The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

(c) There shall be attached to each copy of FCC Form 401A (revised) a sketch showing the antenna structures and a map showing the location of the antenna structure, landing areas in the vicinity thereof, and all structures that may affect the marking of the antenna structures.

(d) The location of the control point shall be specified in the application for construction permit. The location of the control point may be the same as that of the transmitting equipment or it may be a separate location. More than one control point for the same transmitting equipment is permissible if specified in the application and authorized by the Commission.

(e) Each application for construction permit shall include such supplementary information as is prescribed in other applicable sections of this part, with respect to the particular class of station for which a station authorization is requested.

§ 7.32 *Changes prior to completion of station.* (a) When, during the term of a construction permit, any change is to be made in respect to the station which would result in a deviation from the terms of the permit, application for modification of such permit shall be filed on FCC Form 401.

(b) FCC Form 401A (revised), in quadruplicate, shall be submitted with FCC Form 401 in duplicate, whenever any change is to be made in the antenna structures if such structures, as the result of such change, will exceed an overall height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed; or whenever the over-all height of the antenna structures, as a result of such change, will exceed 170 feet above ground level; or whenever the antenna structure already is required to be painted or lighted in accordance with Part 17 of this chapter. In such cases, there shall be attached to Form 401A (revised) a sketch and a map as prescribed in § 7.31 (c).

(c) FCC Form 701 shall be used whenever it is necessary to request an extension of the time limit specified on a valid construction permit. Such application shall be filed at least 30 days prior to the expiration date of the permit if the facts supporting such application for extension are known to the applicant in time to allow such filing. In other cases, such application will be accepted upon a showing satisfactory to the Commission of the reason for filing within less than 30 days prior to the expiration date. Such application shall contain specific and detailed information showing that failure to complete construction within the authorized period is the result of causes beyond the control of the permittee, or that the applicant has been

diligent in his efforts to complete the construction of the proposed station.

§ 7.33 *Application concerning marine-utility stations.* (a) A permit for construction of a marine-utility station is not required when such station is to be used and operated solely on board mobile vessels. In such circumstances, the marine-utility station is subject to the provisions of Part 8 of this chapter and application for station license may be filed in accordance with the applicable sections of that part.

(b) Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels) such station is subject to the applicable provisions of this part and an application for construction permit to establish such station shall be filed with the Commission.

§ 7.34 *Temporary and permanent station locations.* (a) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary. An application for construction permit relative to such station shall specify the station location as temporary, and shall designate each temporary location at which the station is to be used and operated or shall specify the general geographic area within which the use and operation of the station will be confined.

NOTE: A general area may be designated in terms of a specific city, county, state, region, etc., or more than one of these designations may be specified. See also §§ 7.70 and 7.71.

(b) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and shall be designated accurately in the application for construction permit.

§ 7.35 *Application for station license.* Upon completion of construction in accordance with the terms of the construction permit (as modified if a modified permit has been issued), an application for station license shall be submitted on FCC Form 403.

§ 7.36 *Changes during license term.* (a) When, during the term of a station license, any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license, an application for construction permit or modification of license, as the case may require, shall be filed as prescribed in paragraphs (b), (c), and (d) of this section.

(b) Authority for any physical change in the construction of the transmitting equipment or installation, or for the addition of radio transmitting apparatus, or for any change in station location, or for any change in antenna structures of the nature designated in § 7.32 (b), shall be requested by filing an appropriate application for construction permit on FCC Form 401. If a physical change in the antenna structure(s) is proposed, a description of any marking currently required shall be supplied as part of of the necessary application. Upon completion of the construction, installation, or change in station location or antenna structure(s) in accordance with the terms of the construction permit, an appropriate application for modification of station license shall be submitted on FCC Form 403.

(c) Authority for any change in the use and operation of the station, other than physical changes of the nature prescribed in paragraph (b) of this section, shall be requested by filing an appropriate application on FCC form 403 for modification of station license.

NOTE: See § 7.42 if assignment of the license or a change in corporate control of the licensee is involved.

(d) In accordance with § 7.24, an application for modification of a station license shall be submitted not less than 60 days prior to the date contemplated for such modification of license in order that action thereon may be taken by that date.

§ 7.37 *Renewal of license.* Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 7.38 [Reserved]

§ 7.39 *Applications filed concurrently.* (a) Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(1) Application for modification of station license and for renewal of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

(2) Application for construction permit and for station license or related modification of license where the complete transmitter(s) is (are) available for immediate use and operation, including all accessory apparatus required for the service to be rendered, and where no construction is involved: *Provided,* The associated antenna structures are available for immediate use and do not exceed an over-all height of 170 feet above ground level or do not exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed.

(3) Application for modification of construction permit and for station license: *Provided,* Such application for modification of construction permit does not request authority for any additional construction, extension of time in which to complete construction, or change in construction of the station (including the height of the antenna or supporting structures): *And further provided,* That the complete transmitter(s) and all accessory apparatus required for the service to be rendered are available for immediate use and operation in accordance with the terms of the modified permit desired.

(4) Application for modification of station license and for consent to voluntary assignment or transfer of control of station license.

(5) Application for renewal of station license and for consent to voluntary assignment or transfer of control of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

(b) Applications of different category in respect to the same land station used, or to be used, primarily as a limited coast station in the maritime mobile service and secondarily as a shipyard base station (with associated shipyard mobile stations) in the land mobile service may be filed concurrently by the same applicant in the same manner as is prescribed in paragraph (a) of this section concerning applications in respect to the same station and radio service.

§ 7.40 *One application for plurality of stations.* (a) As indicated below, one application may be submitted to cover two or more stations subject to the conditions prescribed in paragraph (b) of this section: *And provided,* The individual stations covered by each application are clearly identified therein:

(1) Applications for construction permits and for station licenses for marine-utility stations to be used and operated in the same geographic area;

(2) Application for modification of construction permits for marine-utility stations to be used and operated in the same geographic area when the modification requested is the same for all stations covered by the application;

(3) Application for modification of station licenses for any class of station subject to this part when the modification requested is the same for all stations covered by the application;

(4) Application for consent to assignment or control of station authorizations.

(5) Application for construction permit(s) for shipyard mobile stations to be used and operated in association with the same shipyard base station(s);

(6) Application for modification of construction permit(s) for shipyard mobile stations to be used and operated in association with the same shipyard base station(s), when the modification requested is the same for all stations covered by the application.

(b) The provisions of paragraph (a) of this section shall apply only when the following elements are the same in respect to all of the existing or requested station authorizations involved at the time the application is filed:

(1) Applicant;

(2) Nature of service(s) and class(es) of station(s);

(3) Legal control of the station(s);

(4) Expiration date of the station authorization when application is made for modification or renewal thereof.

§ 7.41 *Application for special temporary authority for installation and operation of transmitting apparatus.* (a) Upon receipt of application therefor, the Commission may grant special temporary authorization for a period not to exceed three months for the installation and operation of transmitting apparatus in the maritime mobile service or the maritime radiolocation service (provided the proposed operation is not in conflict with the rules and regulations of the Commission) with a station classification in accordance with §§ 7.6 or 7.22, under the following conditions:

(1) In cases which require the immediate use of existing and available radio transmitting apparatus not already authorized for the desired operation: *Provided,* The associated antenna structures (if not covered by an existing station authorization) do not exceed an over-all height of 170 feet above ground level or do not exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed;

(2) In cases where an urgent need is shown for operation of an authorized station (without the addition of more radio transmitting apparatus or increase in height of antenna structures) for a limited time only, in a manner or for a period of time other than that specified in the existing station authorization;

(3) For the purpose of conducting a field survey to obtain necessary data in connection with the filing of one or more formal applications. In this case, authority shall be requested for the developmental operation only, and those sections of this part applicable to developmental stations shall govern the nature of the application.

(b) Whenever practicable, an application for special temporary authority shall be filed as a formal application on a form or forms prescribed in the applicable section(s) of this part. When necessary, however, such applications may be filed as an informal application as prescribed in § 7.26. The form(s) to be used and the procedure in filing shall be governed by the provisions of this part applicable to the type of document (construction permit, license, modification thereof, etc.) which would be requested normally in a particular case in lieu of special temporary authority.

(c) An application for special temporary authority shall be filed in written form not less than ten days prior to the earliest date of proposed operation thereunder unless acceptable explanation of reason for failure to meet the time limitation is included with the application form.

(d) Each application for special temporary authority shall contain the following information:

(1) Name and address of applicant;

(2) Official call letters of any valid station authorization already held by applicant, and the station location;

(3) Relation of applicant to the owner of any transmitting equipment for which initial authority is requested;

(4) Class of station and nature of service;

(5) Station(s) or class of station with which communication will be carried on;

(6) Carrier frequency or frequencies, class of emission, and emisson-bandwidth to be employed, if these elements are involved.

(7) Equipment to be used, specifying the manufacturer, model number, the normal plate input power to the last radio stage, and frequency tolerance that can be maintained if these elements are involved;

(8) The date(s) and time(s) of the proposed operation;

(9) Complete particulars concerning purpose, nature, and location of proposed operation;

(10) Explanation of the need for special temporary authority in lieu of normal type of authorization.

(e) Each application for special temporary authority submitted by an applicant who does not hold a valid station authorization issued by the Commission, or has not already filed formal application therefor, shall, in addition to the information required under paragraph (c) of this section, contain such factual statements as may be necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

§ 7.42 *Application for consent to assignment or transfer of control of construction permit or station license*—(a) *Voluntary.* Application for consent to voluntary assignment of a construction permit or license covering a station subject to this part, or for consent to voluntary transfer of control of a corporation holding such a construction permit or license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License", or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License", as the case may require, at least 60 days prior to the contemplated effective date of assignment of transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability; and

(2) Within 30 days after the occurrence of such death or legal disability, application on FCC Form 702 or FCC Form 703, as the case may require, shall be filed for consent to involuntary assignment of such station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

§ 7.43 *Application precedent to hearing.* Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation and specifically directs that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 7.44 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 7.45 *Inconsistent or conflicting applications.* When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

§ 7.46 *Applications for authority to discontinue, reduce or impair service provided by a public coast station.* (a) Procedures relating to applications under section 214 of the Communications Act for authority to discontinue, reduce or impair service provided by a public coast station are set out in Part 63 of this chapter.

(b) Licensees of public coast stations who propose to discontinue service at the end of any license period shall file an appropriate application for discontinuance of service, as provided in Part 63 of this chapter. Any licensee of a public coast station who has filed, or who proposes to file, an application for authority to discontinue service provided by such station shall, during the period that such application is pending before the Commission, continue to file appropriate applications as may be necessary for extension or renewal of station license in order to provide legal authorization for such station to continue in operation pending final action on the application for discontinuance of service.

§ 7.47 *Request for amendment or waiver of rules.* (a) Any provisions of

the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended or supplemented, subject to the provisions of the Administrative Procedures Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile service, maritime radiolocation service, or fixed service subject to this part. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rule(s), and shall set forth the reason(s) in support of the petition.

(b) Any provisions of the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be waived by the Commission, if the Commission finds that important or exceptional circumstances require such waiver and that the public interest will be served thereby. A request for such waiver may be filed in relation to specific applications for station authorization, or independently thereof, and shall set forth in detail the reason(s) said waiver is considered to be necessary, and how the public interest would be served thereby.

§ 7.48 *Applications in an emergency.* (a) In cases of emergency involving danger to life or property or due to damage to equipment, applications for a construction permit and a station license, or modification or renewal thereof, may be filed by unverified telegram or letter, and in the event that the Commission finds that such an emergency exists temporary authorization may be granted to construct or operate a station in accordance with the unverified request for the duration of such emergency: *Provided,* That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such application by filing, as soon as practicable thereafter, a verified written application for the same authorization as normally prescribed by applicable provisions of this part.

(b) Each application submitted under the provisions of paragraph (a) of this section shall contain, as a minimum requirement, the following information:

(1) Name of applicant;

(2) Name of agent, if application is made by an agent, in cases under § 1.303 of this chapter;

(3) Location of proposed installation or operation;

(4) Official call letters of any valid station authorization already held by applicant and the station location;

(5) Class of station desired (not required for renewal, nor for modification unless class of station is to be modified);

(6) Frequency assignment, authorized transmitter powers, and authorized class or classes of emission desired (not required for renewal; required for modification only to the extent such information may be involved);

(7) Equipment to be used, specifying the manufacturer and model number (not required for renewal; required for modification only to the extent such information may be involved);

(8) Specific stations with which communication is desired (not required for renewal; otherwise required only when applicable under the Commission's rules);

(9) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission for the purpose of this section including estimated duration of emergency.

NOTE: This statement should include a showing that circumstances beyond the control of the applicant prevented the filing of an application as normally prescribed by applicable provisions of this part on a date which would assure its receipt by the Commission in time sufficient for the Commission to take appropriate action thereon.

(c) Each application submitted under the provisions of paragraph (a) of this section shall, in addition to the information specified in paragraph (b) of this section, contain such of the following information as is not already on file with the Commission:

(1) Address of applicant;

(2) Address of agent, if application is made by an agent, in cases under § 1.303 of this chapter;

(3) Relation of applicant to owner of transmitting equipment involved;

(4) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

SUBPART C—STATION AUTHORIZATION

§ 7.61 *Construction period.* Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the installation ready for operation, unless otherwise determined by the Commission in any particular case.

§ 7.62 *Forfeiture of construction permit.* A radio station construction permit shall be automatically forfeited if the construction authorized by such permit is not completed within the time specified therein or within such further time as the Commission may have allowed for completion, unless prevented by causes not under the control of the holder of the construction permit.

NOTE: A notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

§ 7.63 *Changes in licensed station.* (a) A change may be made in licensed transmitting equipment without making application to the Commission and without specific authorization from the Commission: *Provided:*

(1) The change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved.

(2) A description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required before the following antenna changes may be made at any station other than a marine-utility station:

(1) Any change that will increase or decrease by more than five feet the over-all height of an antenna used for transmission on any frequency or frequencies above 100 Mc.

(2) Any change that will appreciably modify the power gain or radiation pattern of an antenna used for transmission on any frequency or frequencies.

(3) Any change in the antenna structures which will result in such structures exceeding an over-all height of 170 feet above ground level.

(4) Any change in the antenna structures or their location which will result in such structures exceeding an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed.

(5) Any change in antenna structures or their location when such structures already are required to be marked in accordance with Part 17 of this chapter.

NOTE: The term "antenna structures" includes the radiating system and its supporting structure. For detailed information on this subject, see Part 17 of this chapter.

(c) Changes, except as designated in paragraph (b) of this section, may be made in the antenna or antenna supporting structures of a licensed station without specific authorization from the Commission: *Provided,* That, for stations other than marine-utility stations:

(1) The Commission at Washington, D. C., and the Commission's engineer in charge of the inspection district in which the station is located are notified in advance of such changes; and

(2) A description of such changes is incorporated in the next application for renewal or modification of the station license.

§ 7.64 *Equipment and service tests.* (a) Equipment and service tests of any radio transmitting facilities authorized by a construction permit issued by the Commission in respect to a station subject to this part may be conducted as prescribed in paragraphs (b), (c), and (d) of this section: *Provided,* That necessary precautions are taken to avoid interference to the service of other authorized stations.

(b) Equipment test: Upon completion of construction or installation of radio transmitting facilities in a station in exact accordance with the terms of the related construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and prior to the filing of an application for license or modification of license, the permittee is authorized to test the equipment in accordance with applicable terms of the construction permit for a period not to exceed 10 days: *Provided,* That the Commission's engineer in charge of the radio district in which the station is located is notified two days in advance of the beginning of tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(c) Service test: When equipment tests have been completed, and after application for station license or modification thereof has been filed with the Commission showing the transmitting equipment and associated apparatus to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That the Commission's engineer in charge of the radio district in which the station is located is notified two days in advance of the beginning of such tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(d) Limitations: The authorization for tests embodied in paragraphs (b) and (c) of this section shall not be construed as constituting a license to operate but as a necessary part of the authorized construction. Equipment and service tests shall not commence after the expiration date of the construction permit.

(e) Common carrier service tests: When new stations in common carrier services are ready in all respects to be placed in service, equipment and service tests are authorized to be conducted as outlined in paragraphs (b) and (c) of this section: *Provided,* All necessary precautions are taken to avoid interference to any other authorized station. No service may be furnished to the public during the equipment test period. Charges for service furnished during the service test period may be made, pursuant to the provisions of legally applicable tariffs.

NOTE: See § 61.62 of this chapter.

§ 7.65 *Normal license period.* (a) A license for a coast station (including a limited coast station license authorizing such station to be operated on a secondary basis as a shipyard base station, and authorizing one or more associated shipyard mobile stations) shall be issued for a period of two years, unless otherwise specified in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new coast station license is granted to become effective three months or less before the normal expiration date of the term of this class of license, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration date of the current license term, the new license shall be issued for the unexpired period of the current license term only.

(b) A license for any class of station subject to this part, other than a coast station or a developmental station, shall be issued for a period of one year, unless otherwise stated in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new station license is granted to become effective three months or less before the normal expiration date of the term of this class of license, the new license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration of the current license term, the license shall be issued for the unexpired period of the current license term only.

(c) A license for a developmental station subject to this part shall be issued on a temporary basis and shall be valid for a specific period of time extending not more than one year from the date on which the license becomes effective.

§ 7.66 *Period of modified license.* When an application for modification of station license is granted, a superseding license shall, unless otherwise ordered, be issued for the unexpired period of the superseded license.

§ 7.67 *Simultaneous modification and renewal.* When an application is granted which necessitates the issuance of a modified station license less than 60 days prior to the expiration date of the license sought to be modified, and when an application for renewal of said license is granted subsequent or prior thereto, but within 30 days of expiration of the present license, the modified license as well as the renewal license will be issued to conform to the combined action of the Commission.

§ 7.68 *One authorization for plurality of stations.* (a) Unless otherwise determined by the Commission, one construction permit or one station license may be issued to authorize the construction, or use and operation, respectively, of a designated maximum number of marine utility stations, normally in multiples of ten stations, whenever the following elements are the same for each station and the requirement specified in paragraph (b) of this section is fulfilled.

(1) The permittee or station licensee, as applicable;

(2) The conditions which establish and maintain control of the station by the permittee or the station licensee, as applicable.

(3) The local geographic area to which use of the particular station will be confined;

(4) The type(s) of transmitting equipment to be authorized (different types of transmitting equipment, which are recognized by the Commission as being equivalent on an engineering basis, shall, for the purpose of this section, be considered as the same type);

(5) The authorized transmitter power of identical types of transmitting equipment to be authorized;

(6) The frequency assignment, and the authorized transmitter-power, and class or classes of emission authorized for each radio-channel.

(b) The transmitting equipment authorized for use by the station license shall not be authorized in any other instrument of authorization issued by the Commission.

(c) Unless otherwise directed by the Commission, one construction permit or one station license shall be issued to authorize the construction, or use and operation, respectively, of (1) a land station to be operated primarily as a limited coast station in the maritime mobile service and on a secondary basis as a shipyard base station in the land mobile service, and (2) one or more shipyard mobile stations in the land mobile service which are to communicate with such land station from within the local geographic area in which the land station is located.

§ 7.69 *Transfer or assignment of station authorization.* Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

§ 7.70 *Authorized station location.* (a) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary and shall be designated in the station authorization as temporary together with either a specific temporary location or locations or within a prescribed geographic area, in accordance with information included in the related application for station authorization.

(b) Whenever a station (other than a marine-utility station or a shipyard mobile station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and the particular location shall be specifically designated in the station authorization.

(c) When a station (other than a marine-utility station or a shipyard mobile station) which is authorized to be used and operated at a temporary location or locations remains at any single location for more than six consecutive months, an application for modification of the station license to specify such station location as permanent shall be filed not more than thirty days after the expiration of the six month period involved.

(d) When a station (other than a marine-utility station or a shipyard mobile

station) which is authorized to be used and operated at more than one temporary location, is moved from one radio inspection district to another for use and operation in the latter district, the station licensee shall so notify the Commission's engineers in charge of the respective districts. Such notification shall, if practicable, be given prior to such change in location but in any event not later than forty-eight hours thereafter.

(e) Prior authorization from the Commission is required before a station may be used and operated at any station location not authorized by either the station authorization or applicable rules and regulations of the Commission.

§ 7.71 *Authorized control point.* (a) Unless otherwise permitted in exceptional cases, each station shall be associated with one or more specific control points which shall, except as provided in subparagraph (1) of this paragraph, be designated in the station license as stated in subparagraph (2) of this paragraph:

(1) When no control point location is designated in a station license, the control point shall be:

(i) Not more than 500 feet from the location of the authorized radio transmitting apparatus, for stations other than shipyard mobile stations.

(ii) On the shipyard land mobile unit in which the station is installed, in the case of shipyard mobile stations.

(2) When the control point is at a location more than 500 feet from that of the authorized radio transmitting apparatus, the control point location shall be designated as follows:

(i) In urban areas, the street address shall be specified.

(ii) In rural areas, the approximate location shall be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively; or in distance and direction from the center of a nearby established community in terms of statute miles and geographical quadrant, respectively.

(b) Prior authorization from the Commission is required before a change may be made in the location of an authorized control point or before any control point not authorized by the station license, or by applicable rules and regulations, may be utilized in respect to the particular station.

(c) Except for use with a shipyard mobile station, a dispatch point or points may be installed and used without obtaining any instrument of authorization from the Commission: *Provided,* That with respect to public and limited coast stations using telegraphy, information relative to the location of each permanently established dispatch point is submitted by the station licensee to the Commission for record purposes at the earliest practicable date after such dispatch point is permanently established.

§ 7.72 *Assignment of call signs.* (a) Stations subject to this part shall be assigned call signs in accordance with applicable provisions of the International Radio Regulations and the Communications Act as set forth in the following paragraphs of this section.

(b) Class I and class II coast stations (public or limited) shall be assigned individual call signs each consisting of three letters, taken from either the group KAA through KZZ or the group WAA through WZZ.

(c) Class III coast stations (public or limited) shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(d) Each station license issued to authorize the use and operation of one or more marine-utility stations or shipyard mobile stations shall designate for those stations a single call sign consisting of two letters followed by four digits, taken from the group KA through KZ.

(e) Stations on land in the maritime radiolocation service (including the maritime radionavigation service) shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(f) Marine fixed stations and marine relay stations shall be assigned individual call signs each consisting of three letters followed by two digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(g) Marine control stations and marine repeater stations shall be assigned individual call signs each consisting of three letters followed by two digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(h) Marine receiver-test stations shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(i) Developmental stations shall be assigned call signs of the category assignable under the provisions of this section to the class of station associated with the respective developmental station.

(j) In accordance with the preceding paragraphs of this section, call signs shall be assigned on a strict sequence basis, without advance reservation of particular call signs for specific stations or specific purposes.

§ 7.73 *Operation during emergency.* (a) The licensee of any station subject to this part may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the operation of such stations: *Provided,* (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the engineer in charge of the radio district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the engineers in charge be notified immediately when such special use of the station is terminated: *And, provided further,* That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further,* That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station, during a period of national emergency, to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy or Air Force.

§ 7.74 *Notice of involuntary discontinuance, reduction or impairment of service.* (a) If, for any reason beyond the control of the station licensee, the service provided by a public coast station is discontinued, reduced or impaired for a period exceeding 24 hours, the station licensee shall immediately notify the Commission at Washington 25, D. C., and the Commission's engineer in charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service including a statement as to when normal service is expected to be resumed. In the event such changes in station operation include discontinuance, reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of such watch. When normal service is resumed, immediate notification thereof shall be given to the Commission at Washington 25, D. C., and to the Commission's engineer in charge of the radio district in which the station is located. When the watch to which reference is made herein is resumed, immediate notification thereof shall be given to the Coast Guard and to the Commission's engineer in charge.

(b) Notification need not be given with respect to involuntary suspension or substantial reduction of the normal service of a limited coast station (provided a watch normally kept by such station on 500 kc or 2182 kc is not reduced or suspended thereby) or any other station subject to this part, except public coast stations as provided in paragraph (a) of this section, during any period of involuntary reduction or suspension not exceeding 10 days. Whenever the period of such involuntary suspension or reduction exceeds 10 days, notification thereof shall be given, except for marine-utility stations and shipyard mobile stations, to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the known or estimated time of resumption of normal operation. In the event any reduction or suspension of the service of a limited coast station causes a reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of such watch.

NOTE: For rules covering the filing of applications for authority under sec. 214 of the Communications Act, see Part 63 of this chapter.

§ 7.75 *Notice of voluntary discontinuance, reduction or impairment of service.* When the service of any station subject to this part (other than a marine-utility station or a shipyard mobile station) is discontinued, reduced or impaired for any reason within the control of the station licensee, immediate notification thereof shall be given to the Commission's engineer in charge of the radio district in which the station is located, together with, in the case of suspension, a statement of the estimated or known time of resumption of normal service. In the case of a public coast station, such notification shall be given as soon as practicable. In respect to any other class of station (except a marine-utility station or a shipyard mobile station) subject to this part, such notification need be made only when the discontinuance, reduction, or impairment of service continues for a period of more than 10 days. In the event any voluntary suspension, reduction, or discontinuance of operation includes discontinuance, reduction, or suspension of a watch normally kept by any coast station on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of any such watch that has been suspended.

§ 7.76 *Cancellation of license.* In all cases of permanent discontinuance of operation of stations subject to this part, the licensee shall immediately forward the station license to the Washington, D. C., office of the Commission for cancellation: *Provided,* That this requirement shall apply to the permanent discontinuance of operation of marine-utility stations or shipyard mobile stations, only when the operation of all stations of either class authorized by one station license is permanently discontinued.

NOTE: See § 61.57 of this chapter for procedure in canceling applicable tariffs.

SUBPART D—GENERAL STATION REQUIREMENTS

§ 7.101 *Inspection of stations.* Pursuant to section 303 (n) of the Communications Act, all stations subject to this part and all station records required by this part shall be available for inspection by authorized representatives of the Commission at such times and intervals which, within the discretion of the Commission, are considered reasonable and necessary to assure compliance with applicable rules, regulations, laws, treaties and international agreements.

§ 7.102 *Posting of station license.* (a) The current station authorization for each station (other than a marine-utility station) subject to this part, which is authorized for use and operation at a permanent location, or at a single temporary location, shall be posted in a conspicuous place at the principal control point of that station. At all other control points designated in the station authorization, a photocopy of the authorization shall be posted. In addition, a Transmitter Identification Card (FCC Form 452–C), properly executed, shall be affixed to each transmitter of such station when such transmitter is not in view of, and readily accessible to, the responsible operator at the principal control position. The following information shall be entered on the Transmitter Identification Card by the permittee or station licensee:

(1) Name of permittee or licensee;

(2) Station call sign assigned by the Commission;

(3) Exact location or locations of the actual station authorization and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the permittee or licensee, or his duly authorized agent.

(b) The current station authorization for a single marine-utility station and for each single station of any other class subject to this part, which is of portable nature and is authorized for use and operation of two or more temporary locations shall be posted either at the control point of the station or retained in an envelope or other suitable container affixed to the transmitting apparatus, either inside or outside of any cabinet or other structure in which the transmitting apparatus is contained.

(c) With respect to a plurality of marine-utility stations authorized by one station license in accordance with the provisions of § 7.68, the station license shall be retained by the licensee at any location where it is accessible to Commission inspection. In lieu of posting the license, a Transmitter Identification Card (FCC Form 452–C Revised) properly executed shall be affixed to each authorized transmitter: *Provided,* That where the transmitting equipment (such as may be installed in a land vehicle) is not visible from the operating position or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the station operating position. The following information shall be entered on the Transmitter Identification Card by the station licensee:

(1) Name of station licensee;

(2) Station call sign assigned by the Commission;

(3) Exact location or locations of the actual station license and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the licensee, or his duly authorized agent.

(d) (1) With respect to one or more shipyard mobile stations authorized by one land station license in accordance with the provisions of § 7.22 (e) the current land station authorization shall be posted as designated in paragraph (a) of this section. On each shipyard land mobile unit in which an authorized shipyard mobile station is installed, either a photo-copy of the associated land station authorization or a Transmitter Identification Card (FCC Form 452–C Revised) shall be available as follows:

(i) The photo-copy of the land station authorization shall be posted in a conspicuous place in the mobile unit or shall be retained in an envelope or other suitable container affixed to the transmitting apparatus, either inside or outside any cabinet or other structure on the mobile unit in which the transmitting apparatus is contained; or

(ii) The Transmitter Identification Card shall be affixed to each authorized transmitter: *Provided,* That where the transmitting equipment is not visible from the operating position or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the radio operating position on the mobile unit.

(2) When a Transmitter Identification Card is provided in accordance with subparagraph (1) of this paragraph, the following information shall be entered thereon by the station licensee:

(i) Name of station licensee,

(ii) Shipyard mobile station call sign assigned by the Commission,

(iii) Exact location of the associated land station license and any station records required by the Commission,

(iv) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(v) Signature of the licensee or his duly authorized agent.

§ 7.103 *Requirements concerning station location.* (a) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class I public coast station, when a specific location for the station is initially authorized by the Commission subsequent to January 1, 1952, shall, when such apparatus is to be used and operated on any frequency assignment below 5000 kc, be located as close as practicable to the open sea.

(b) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class II public coast station, when a specific location for the station is initially authorized by the Commission subsequent to January 1, 1952, shall be installed at a location which, according to

generally established engineering principles and standards, should not result in abnormally high attenuation of emission, insofar as such attenuation is caused by land intervening between that location and the majority of ship stations with which communication is to be effected.

(c) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class III public coast station, the construction of which is authorized by the Commission subsequent to July 1, 1952, shall be centrally located, insofar as practicable, in relation to the center of the geographic water area to which shipshore communication is to be provided by the particular coast station, as specified in the related application for construction permit.

(d) Applicants for construction permits to establish coast stations for transmission on any frequency assignment(s) within the frequency-band 156.35 Mc to 162.05 Mc shall cooperate in the selection of sites for radio transmitting facilities so as to minimize interference (such, for example, as may be caused by intermodulation) to the service of other coast stations, base stations of any land mobile service, and United States Government stations.

§ 7.104 *Facilities required for coast stations.* (a) As a minimum, public coast stations using telegraphy shall be provided with the facilities designated herewith:

(1) Stations having a frequency assignment within the band 405 to 535 kc shall:

(i) Be equipped to transmit efficiently with classes A1 and A2 emission on the general maritime calling frequency (500 kc assigned frequency) and on at least one additional radio-channel authorized for working within the band 405 to 535 kc;

(ii) Be equipped to receive efficiently classes A1 and A2 emission on all radio-channels authorized for the maritime mobile service of telegraphy within the frequency-band 405 to 535 kc.

(2) Stations having a frequency assignment below 150 kc shall:

(i) Be equipped to transmit efficiently with class A1 emission on at least one radio-channel authorized for working within the band 100 to 150 kc;

(ii) Be equipped to receive efficiently class A1 emission on all radio-channels authorized for transmission by mobile stations operating in the maritime mobile service for telegraphy within the band 100 to 150 kc.

(3) Stations having a frequency assignment above 4000 kc shall:

(i) Be equipped to receive efficiently on each assigned frequency, and on each assigned frequency for ship stations using radiotelegraphy as designated in Part 8 of this chapter when such ship station frequency is in the same characteristic portion of the spectrum as is the coast station assigned frequency.

(b) As a minimum, public coast stations using telephony shall be provided with the facilities designated herewith:

(1) Each coast station licensed to transmit by telephony on any radio-channel within the band 1600 kc to 3500 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency, with antenna power not less than the maximum antenna power which it is capable of using for transmission by telephony on any other authorized radio frequency in this band; except that in any event the required antenna power on 2182 kc need not be more than 100 watts when no modulation is present.

(i) Apparatus to comply with the foregoing requirement of this subparagraph shall include transmitting and/or receiving equipment installed at each location where transmitting and/or receiving equipment, respectively, is installed and regularly used by the particular station to provide service on one or more working frequencies within the band 1600 kc to 3500 kc.

(ii) After July 1, 1956, compliance with the requirement of subdivision (i) of this subparagraph shall be a condition precedent to obtaining a new or renewed station license unless the applicant therefore makes a showing satisfactory to the Commission that, for purposes of maritime safety, all or any portion of such apparatus for operation on the 2182 kc channel is not necessary for effective transmission and reception to and from mobile stations within the associated working frequency service area of the coast station.

(2) Each coast station licensed to transmit by telephony on any radio-channel within the frequency band 156.35 Mc. to 162.05 Mc shall be capable of transmitting and receiving (and shall be licensed to transmit) class F3 emission (modulation by voice frequencies) on the radio-channel of which the authorized carrier frequency is 156.8 Mc.

(c) All coast stations shall comply with the following requirements:

(1) Each coast station which is licensed to transmit on the radio-channel of which 2182 kc is the authorized carrier frequency, shall be capable of efficiently receiving telephony (A3 emission) on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 2000 to 3500 kc.

(2) Each coast station which is licensed to transmit on the radio-channel of which 156.8 Mc is the authorized carrier frequency, shall be capable of efficiently receiving telephony (F3 emission) on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class F3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 156.35 Mc to 162.05 Mc.

(3) Marine utility stations used on shore shall comply with the requirement of subparagraph (2) of this paragraph.

§ 7.105 *Special provisions relative to VHF facilities.* (a) Coast stations at locations separated by less than 150 statute miles, which transmit on a radio-channel above 100 Mc, shall minimize any interference between the particular stations using the same radio-channel above 100 Mc by a mutually agreeable time-sharing arrangement, subject to direction by the Commission if agreement cannot be attained by the involved station licensees. In addition, where practicable, such licensees shall use directive antennas to minimize interference between the particular stations.

(b) Coast stations at locations separated 150 statute miles or more, which transmit on a radio-channel above 100 Mc, shall minimize interference between the particular stations using the same radio-channel above 100 Mc in so far as is practicable by adjustment of radiated power (provided the authorized transmitter power is not exceeded), by adjustment of antenna height (within the physical limitations approved by the Commission with respect to air navigation), or by employing appropriate antenna directivity. Appropriate remedial action in this respect may be specifically required of particular station licensees when, in the discretion of the Commission, such requirement must be imposed by a specific directive.

(c) Coast stations which transmit on a radio-channel above 100 Mc and are located within interference range on such channel of any station within a foreign country bordering on the United States, shall take such measures of the nature prescribed in paragraphs (a) and (b) of this section as may be practicable and appropriate to minimize interference to the involved foreign station(s), and shall keep the Commission fully informed of all pertinent developments.

(d) Each coast station subject to the provisions of any preceding paragraph of this section, which is authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with such provisions.

§ 7.106 *Operating controls.* (a) The transmitting apparatus of stations subject to this part shall be installed and protected so as to be not accessible to other than duly authorized persons.

(b) Such operating controls as necessarily are used for commencing and discontinuing normal operation of each coast station, such operating controls as necessarily are used for normally changing from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum, and such operating controls as necessarily are used for normally changing from transmission to reception and vice-versa, shall be available at the principal operating location of the station and shall be readily accessible to the authorized operator. This requirement, however, need not be met by equipment intended for use only in emergencies and not used for normal communications.

(c) Every coast station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(d) Every coast station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(e) Every coast station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of:

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(f) Every coast station using a multi-channel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel for telegraphy to any other operating radio-channel for telegraphy within the same characteristic portion of the spectrum below 515 kc within a period of five seconds: *Provided, however,* That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(g) Every coast station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel for telephony to another operating radio-channel for telephony within:

(1) A period of five seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 1600 kc to 4000 kc; or

(2) A period of three seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 156 Mc to 162 Mc.

(h) (1) Each coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations using telephony.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations using telephony.

§ 7.107 *Antenna requirements.* (a) The antenna(s) of each public coast station shall, in so far as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

(b) All emission of a coast station (public or limited) or a marine-utility station operated on shore, using telephony on any frequency assignment within the frequency band 30 Mc to 200 Mc, normally shall be polarized vertically at the source: *Provided,* The Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by mobile stations.

§ 7.108 *Adjustment of equipment.* The transmitting equipment of each station subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency-band that causes harmful interference or is capable of causing harmful interference to the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 7.109 *Measurement of emission frequencies.* (a) The licensee of each station subject to this part shall be responsible for measurement of each carrier frequency in use by the station as stipulated in the following paragraphs of this section: *Provided,* That when a carrier does not exist (except for radar transmitters) measurements shall be made of the frequency coinciding with the center frequency of the emission-bandwidth, in lieu of measurement of the carrier frequency.

NOTE: The licensee of a station on land using a radar transmitter shall take the necessary measures to insure that the transmitter operates within the emission limits specified in § 7.133.

(b) Measurement of the carrier frequency shall occur during normal operating conditions, including with and without the application of amplitude modulation if such modulation is employed. In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency determining elements of the transmitting apparatus, and the measuring equipment shall be capable of revealing deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) from the authorized carrier frequency or the assigned frequency of the station with an accuracy of at least one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature).

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission-bandwidth has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a radar transmitter) and the signature of the person(s) who made the measurement, together with the name of any measurement service with which such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained in the official records of the station for a period of at least twelve months from the date of measurement, and shall be made available to the Commission upon request or during inspection of the station by an official representative of the Commission. When such retention of these records at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service: *Provided,* That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

§ 7.110 *Measurement of transmitter-power.* (a) The actual power of each radio transmitter of a coast or fixed station, subject to this part, shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission:

(1) When the maximum authorized transmitter-power only is indicated, the actual power shall, in so far as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 20 percent above the maximum power authorized;

(2) When the exact authorized transmitter-power is indicated, the actual power shall, whenever the transmitter is being operated, be within the limits of 120 and 80 percent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph

(a) of this section, each radio transmitter rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and completed in construction after July 1, 1952, in a coast or fixed station, subject to this part, shall be fitted with the instrument(s) necessary to determine the actual plate power to the transmitter whenever the latter is in use: *Provided*, That on and after July 1, 1956, this requirement shall apply to all such transmitters (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this paragraph.

(c) When the power of a transmitter in a coast or fixed station, subject to this part, as rated by the manufacturer, is capable of being more than 120 percent of the authorized power, the station licensee, effective on and after January 1, 1952, shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (other than marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature);

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

(d) With respect to a transmitter used for telephony by means of amplitude modulation, the term "power", as used in paragraphs (a), (b) and (c) of this section, means power without modulation present.

(e) (1) A coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations.

§ 7.111 *Modulation adjustments for telephony.* (a) Coast stations, fixed stations, and marine-utility stations subject to this part and using class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent. In so far as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Coast stations, fixed stations and marine-utility stations subject to this part using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 percent modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 percent.

(c) The adjustments required by paragraphs (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature).

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraph (a) or (b) of this section.

(d) (1) A coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations.

§ 7.112 *General requirements for receiving apparatus.* The radio equipment of each coast station, shipyard mobile station, and marine-utility station must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies normally received for the service carried on, including any land mobile service for which the facilities of a coast station may be authorized. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the coast, shipyard mobile, or marine-utility station on the associated transmitting frequency.

§ 7.113 *Facilities for busy signal in telephony.* (a) A "busy" signal, when used by a coast station in accordance with the provisions of § 7.312 (d), may be transmitted by appropriately modulating the carrier wave of the station by means of a single audio frequency regularly interrupted, as follows:

(1) Modulating frequency: Not less than 100 nor more than 1100 cycles per second, provided the frequency used for this purpose shall not cause auto-alarms or selective-ringing devices to be operated.

(2) Rate of interruption: 60 times per minute.

(3) Duration of each interruption: 0.5 second.

(4) Tolerance for each of the factors 2 and 3: 10 percent.

(b) As an alternative to the technical factors set forth in paragraph (a) of this section, other appropriate technical factors may be authorized by the Commission for the purpose of a "busy" signal pursuant to § 7.312 (d).

§ 7.114 *Required coast station clock.* (a) A reliable clock with a second hand shall be installed at the radio operating control point of each coast station licensed for telegraphy on frequencies below 515 kilocycles. This clock shall be mounted in a position that will allow the divisions between minutes to be easily and accurately read by the operator from his normal operating position. In each coast station licensed to transmit on 500 kilocycles, the required clock shall be provided with a sweep second hand and shall be mounted in a position that will allow the second dial to be easily and accurately read by the operator from his normal operating position.

(b) On each day the coast station is operated, the time indicated by this clock shall be compared with standard time and, if a deviation is observed, the clock shall be adjusted to accurately coincide with standard time: *Provided*, That this requirement shall not preclude adjustment of this clock to Greenwich mean time pursuant to the International Radio Regulations.

§ 7.115 *Retention and availability of radio station logs.* (a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such additional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complainant has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) Station logs shall be made available to an authorized representative of the Commission upon request.

NOTE. See Parts 45 and 46 of this chapter concerning preservation of records of common carriers.

§ 7.116 *Requirements as to control points.* At each control point of each coast, fixed, or shipyard mobile station subject to this part, the following facilities shall be provided:

(a) A carrier-operated device which will provide continuous visual indication whenever the transmitting apparatus is supplying power at radio-frequency to the antenna; or, in lieu thereof, a pilot lamp or meter or equivalent device which will provide continuous visual indication whenever the transmitter control circuits have been placed in a condition to actuate the radio transmitting apparatus: *Provided, however*, That the provisions of this paragraph shall not apply to marine-utility stations;

(b) Equipment to permit the responsible operator to aurally monitor all transmissions originating at dispatch points under such operator's supervision, if dispatch points are utilized;

(c) Facilities which will readily permit the responsible operator either to disconnect the dispatch point circuits from the radio transmitting apparatus or to render such apparatus inoperative from any dispatch point under the supervision of such operator; and

(d) Facilities which will permit the responsible operator to energize and de-energize the radio transmitting equipment at will. For this purpose the term "de-energize" means to suppress completely all emission from the transmitting antenna. The use of a telegraphic key or keying device as a means of compliance with this provision is acceptable when it is readily possible for the responsible operator to de-energize the station by means of such key or keying device.

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 7.131 *Authorized frequency tolerance.* (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances authorized for stations on land in the maritime services subject to this part shall be as prescribed in the following paragraphs.

(b) Authorized frequency tolerances for coast stations operating on frequencies below 515 kc or within the frequency-band 1600 kc to 25000 kc:

Frequency ranges:	Percent
(1) From 14 to 515 kc	0.02
(2) From 1600 to 25000 kc	.005

(c) Authorized frequency tolerances for coast stations operating on frequencies above 30 Mc and for marine-utility stations:

	Percent
(1) From 30 to 50 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	0.02
For all other stations	.01
(2) From 100 to 200 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	.01
For all other stations	.005

(d) Authorized frequency tolerances for fixed stations operating in the maritime fixed services:

Frequency or frequency range:	Percent
(1) From 2000 to 2450 kc: Marine fixed stations and marine receiver-test stations	0.005
(2) For 27.255 Mc: The authorized frequency tolerance for marine control, marine repeater and marine relay stations shall be specified in the respective station authorization.	
(3) From 72 to 76 Mc: Marine control, marine repeater and marine relay stations	0.005
(4) From 100 to 200 Mc: Marine receiver-test stations	0.005

(e) The frequency tolerance authorized for stations on land operating in the maritime radiolocation service shall be:

(1) When using radar transmitter(s) only, within a frequency-band above 2400 Mc, the frequency tolerance is prescribed as follows: the frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

(2) For other stations on land operating in the maritime radiolocation service the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

§ 7.132 *Authorized classes of emission.* (a) When the class of emission is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

FREQUENCY-BAND AND CLASSES OF EMISSION AUTHORIZED[1]

(1) Coast stations using telegraphy:	
14 to 160 kc	A1, and for brief testing A0.
160 to 490 kc	A1, and for brief testing A0; A2,[2] A2a,[3] A2b,[3] for brief testing and distress, urgency and safety signals or any communication preceded by one of these signals.
490 to 515 kc	A1, A2,[2] A2a,[3] A2b,[3] and for brief testing A0.
2035 to 25000 kc	A1, and for brief testing A0.
(2) Coast stations and marine-utility stations using telephony:	
1600 kc to 30 Mc.[3]	A3, A3a, A3b, and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
30 Mc to 50 Mc	A3, A3a, A3b, F3, and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0.
156.35 Mc to 162.05 Mc.[3]	F3, and for brief operating signals F1 and F2; also F0 for brief testing and for minimizing interference to operation on adjacent radio channels used by any coast station in the same geographical area.
For other frequencies or frequency-bands.	As designated in the station authorizations.
(3) Marine fixed stations:	
2000 to 2450 kc	A3, A3a A3b, and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
Marine receiver-test stations:	
2000 to 2450 kc	Primarily A3, A3a, A3b; secondarily for test calling signals A0, A1, A2, A2a, A2b.
156.35 Mc to 157.45 Mc	Primarily F3; secondarily for test calling signals F0, F1, F2.
Marine control, marine repeater and marine relay stations:	
27.255 Mc	A1, A2, A2a, A2b, A3, and for brief testing A0.
72 Mc to 76 Mc	A1, A2, A2a, A2b, A3, F1, F2, F3, and for brief testing A0, F0.
(4) Stations using radar transmitters only:	
Above 2400 Mc	P0.

[1] The letter "a" following class "A2" or "A3" emission means the emission of a single side band, with reduced carrier. The letter "b" following class "A2" or "A3" emission means the emission of two independent side bands, with reduced carrier.

[2] Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited.

[3] See §§ 7.132 (a) (2) and 7.368 (a) (2).

Stations of any category not designated in subparagraphs (1), (2), (3) and (4) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.

NOTE: For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

§ 7.133 *Authorized emission-bandwidths.* (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 7.132.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational factors set forth in the following subparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters. (The authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis);

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The author-

ized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis);

(5) Class F0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous wave (without the use of modulating audio frequency), the frequency of which is alternatively shifted between the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse Code. (The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission);

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such deviation ratio as to not exceed the authorized emission-bandwidth, the modulating frequency being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(8) Class F3 emission means a continuous wave frequency-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed, with a deviation ratio of any value necessary for effective communication, provided the resulting emission shall not exceed the authorized emission-bandwidth;

(9) The keying of a carrier wave or the amplitude modulation of a carrier wave by means of audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class A1 emission or class A2, A2a, or A2b emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth: *Provided*, That for class A2, A2a, or A2b emission, the frequency of modulation does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony;

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class F1 emission or class F2 emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth; provided the frequency deviation used, and in the case of class F2 emission the modulating frequency or frequencies used, is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth.

(11) Class P0 emission means pulse transmission with the absence of any modulation intended to carry information, as used by ship radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for the classes of emission authorized in § 7.132 shall be as follows:

Class of emission	Emission designator	Emission-bandwidth authorized for transmission of intelligence
A0	None	None.
A1	0.16 A1	224 cycles per second.
A2	2.66 A2	2,724 cycles per second.
A2a	1.33 A2a	1,362 cycles per second.
A2b	2.66 A2b	2,724 cycles per second.
A3	6 A3	8,000 cycles per second.
A3a	3 A3a	4,000 cycles per second.
A3b	6 A3b	8,000 cycles per second.
F0	None	None.
F1:		
For 35 Mc to 76 Mc	Variable [1]	40,000 cycles per second.
For 156.35 to 162.05 Mc	Variable [1]	40,000 cycles per second.
F2:		
For 35 Mc to 76 Mc	36 F2	40,000 cycles per second.
For 156.35 to 162.05 Mc	36 F2	40,000 cycles per second.
F3:		
For 35 Mc to 76 Mc	36 F3	40,000 cycles per second.
For 156.35 to 162.05 Mc	36 F3	40,000 cycles per second.
P0	Variable [2]	Variable. [2]

[1] In the case of class F1 emission, the emission designator will vary according to the frequency deviation, the number of words per minute, and other factors involved.
[2] In the case of class P0 emission, the emission designator and the authorized emission-bandwidth will vary according to the specific values of the controlling technical factors. Reference may be made to individual station authorizations which specify therein the respective emission designator and the respective authorized emission-bandwidth. Note also the provisions of § 7.131 (e) (1) concerning authorized frequency tolerance for radar transmitters.

(2) When a specific "emission designator", as expressed in subparagraph (1) of this paragraph, appears in a station authorization applicable to any station subject to this part, such designator specifies, for that station and for the particular radio-channel(s) involved, the corresponding authorized emission-bandwidth as set forth in subparagraph (1) of this paragraph.

(3) In the actual operation of a station on land subject to this part, unless otherwise provided by the station authorization:

(i) When a carrier is present, the frequency coinciding with the center of the frequency-band occupied by the emission-bandwidth shall, when class A2, A2b, A3, F2, or F3 emission is being used, be the same as the carrier frequency;

(ii) When a carrier is not present, the frequency-band occupied by the emission-bandwidth shall be within the authorized frequency-band.

(d) Bandwidths in excess of those set forth in paragraph (c) of this section or emission-bandwidths for other classes of emission may be authorized and set forth in the instrument of authorization if approved by the Commission subsequent to a satisfactory showing by the applicant of need therefor. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission-bandwidth is required.

§ 7.134 *Authorized transmitter-power.* (a) Stations on land subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter-power shall, subject to the provisions of § 7.110 (a), not be exceeded. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter-power (as defined in § 7.8 (kk)) shall not exceed the particular power set forth in the following paragraphs which is applicable under the controlling factors designated therein in direct relation to that power.

(b) For coast stations using telegraphy on frequencies below 25,000 kc, the maximum authorized transmitter-power shall be:

Frequency-band in which transmission occurs:	*Maximum authorized transmitter-power (with or without modulation) (kilowatts)*
14 kc to 150 kc	80
150 kc to 515 kc	40
2035 kc to 2065 kc	6.6
4000 kc to 17000 kc	80
17000 to 25000 kc	20

(c) For coast stations using telephony on frequencies below 25,000 kc, the maximum authorized transmitter-power shall be:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present) [1] Frequency-band in which transmission occurs						
	2000–2632 kc and 2644–3500 kc		4,000–5,000 kc		5,000–25,000 kc.		
	Day	Night	Class I station	Class II station	Class I station (kilowatts) Above 18,000 kc.	Class I station (kilowatts) Below 18,000 kc.	Class II station (watts)
Class C—plate or plate and screen-grid modulated	*Watts* 1,500	*Watts* 700	*Kilowatts* 70	*Watts* 1,500	27	70	1,500
Class C—control, screen, or suppressor-grid modulated	3,000	1,400	140	3,000	54	140	3,000
Class C—cathode modulated	2,400	1,120	112	2,400	43	112	2,400
Class B—linear	3,000	1,400	140	3,000	54	140	3,000
Class BC—high efficiency	1,800	840	84	1,800	32	84	1,800
Other classes	As specified in the station authorization						

[1] See § 7.366 (a) (3).

(d) For coast stations and marine utility stations using telephony on the authorized carrier frequency 2638 kc or on any frequency assignment within the frequency band 35 Mc to 44 Mc and employing amplitude modulation (AM), the maximum authorized transmitter power shall be:

Class of radio frequency amplifiers used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present) Coast stations	Maximum authorized transmitter-power (when no modulation is present) Marine-utility stations
Class C—plate, or plate and screen-grid modulated	*Watts* 100	*Watts* 10
Class C—control, screen, or suppressor-grid modulated	200	20
Class C—cathode modulated	160	16
Class B—linear	200	20
Class BC—high efficiency	120	12
Other classes	As specified in the station authorization	

(e) For coast stations and marine-utility stations using telephony on any frequency assignment within one or more of the following frequency-bands, and employing frequency modulation (FM), the maximum authorized transmitter-power shall be:

Frequency-band in which operation occurs	Maximum authorized transmitter-power (without reference to modulation) Public coast stations	Limited coast stations	Marine-utility stations
	Watts	*Watts*	*Watts*
35 Mc to 44 Mc	100	100	10
156.35 to 157.45 Mc	250	100	10
161.85 to 162.05 Mc	1,000		

(f) For stations in the maritime fixed services, the maximum authorized power shall be as prescribed herewith:

Frequency-band in which operation occurs:	*Maximum authorized transmitter-power (when no modulation is present) (watts)*
Marine fixed stations and marine receiver-test stations using telephony (amplitude modulation):	
2000 kc to 2450 kc:	
Class C—plate, or plate and screen-grid modulated	150
Class C—control, screen, or suppressor-grid modulated	300
Class C—cathode modulated	240
Class B—linear	300
Class BC—high efficiency	180
Other classes as specified in authorization.	
Marine receiver-test stations (using telephony frequency modulation): 156.35 Mc to 157.45 Mc	20

(g) For marine control, marine repeater, and marine relay stations operating on the frequency 27.255 Mc or within the frequency band 72 to 76 Mc, and for other classes of stations subject to this part operating on frequencies above 162.05 Mc, the authorized transmitter-power shall be specified in the respective station authorization.

(h) For the purpose of assuring adherence to the requirements of this section, or the applicable terms of the station authorization, the authorized transmitter-power, with reference to § 7.8 (hh) and (kk), may be computed for electron-tube transmitters by the method set forth in the following subparagraphs: *Provided*, That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission or class A2 or special emission for operating signals), the authorized transmitter-power shall, in all instances, be measured when modulation is not present.

(1) The authorized transmitter-power shall be the sum of the product(s) obtained by multiplying the indicated anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the indicated anode (plate) current flowing through each such tube, or shall be the sum of the indicated powers supplied to each such tube.

(2) Indication of the anode (plate) voltage may be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating-current type voltmeter of proper frequency range (as applicable), each such instrument having an accuracy and reliability acceptable to the Commission. Where the same voltage is applied to more than one electron tube, indication of this voltage shall be regarded as indication of the voltage applied to each individual electron tube of that particular group.

(3) Indication of the anode (plate) current may be accomplished by means of a direct-current (D'Arsonval galvanometer movement) type ammeter having an accuracy and reliability acceptable to the Commission. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, indication of the current at this point shall be regarded as indication of the total anode (plate) current flowing through all electron tubes of that particular group.

(4) Indication of the power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable provided a wattmeter properly activated by the form of voltage and current supplied is employed, and has an accuracy and reliability acceptable to the Commission.

(5) When any current, in addition to the actual anode (plate) current, flows through an ammeter or wattmeter being used for indications in accordance with this subparagraph (such as screen-grid current), such current, unless separately indicated or specified by the manufacturer, shall not be deducted from the current indicated for the purpose of this subparagraph.

§ 7.135 [Reserved]

§ 7.136 *Acceptance of transmitters for licensing.* (a) Upon written request therefor made by the manufacturer or applicant for related station authorization, acceptance of a specific and readily identifiable type of radio transmitter as being capable of complying with all requirements of the Commission solely for the purpose of authorizing such transmitter in accordance with the provisions of § 7.21 will be given by the Commission subsequent to a satisfactory showing of compliance made by the applicant. The necessary showing of compliance shall, as a minimum, be in the form of a written statement (together with such supplemental charts, graphs, illustrations, test data, etc., as may be deemed appropriate by the applicant for type-acceptance or as may be required by the Commission), over the signature of a competent radio engineer attesting to actual technical performance of the transmitter in accordance with all pertinent rules, regulations, and international agreements which must be met by the class of station for which the transmitter is intended to be licensed.

(b) Request for type-acceptance and showing of compliance pursuant to the provisions of paragraph (a) shall be submitted in duplicate to the Commission at Washington 25, D. C. One copy of such showing of compliance shall be signed under oath or affirmation by the engineer who conducted or supervised the related technical performance of the particular type of transmitter for the purpose of securing type-acceptance by the Commission.

(c) In the event the written showing of compliance prescribed by paragraphs (a) and (b) of this section is deemed by the Commission to not furnish all information or data which it requires for the purpose of type-acceptance of a particular type of radio transmitter, the Commission may supplementally require the applicant for such type-acceptance to demonstrate by actual operation of the involved equipment in the presence of one or more engineers of the Commission that the same will, in fact, comply with all pertinent rules, regulations, and international agreements. In the event the showing of compliance is finally adjudged by the Commission to be unsatisfactory for the purpose of acceptance for licensing of the particular type of transmitter, type-acceptance will not be given and that type of transmitter will not be licensed for the involved class of station.

§ 7.137 *Special requirements for radiotelephone transmitters.* (a) Except for transmitters authorized solely for developmental stations, each radiotelephone transmitter first licensed by the Commission after January 1, 1952, for use and operation in a coast station, a marine-fixed station or a marine-utility station on shore, and all radiotelephone transmitters licensed by the Commission after July 1, 1953, for use and operation in such classes of stations shall be used with a device that will automatically prevent modulation in excess of 100 percent. This requirement, however, shall not apply to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature.

(b) (1) Each radiotelephone transmitter authorized in a coast station license or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc (other than transmitters authorized solely for developmental stations),

must be a type which is acceptable to the Commission pursuant to the provisions of § 7.136. This requirement, however, shall not apply to any transmitter capable of operation exclusively at a frequency or frequencies above 30 Mc which was first authorized in a particular station license for use in the Maritime Mobile Service granted in behalf of a particular licensee prior to November 1, 1952, when that transmitter is authorized in a coast station license or a marine utility station license granted in behalf of the same licensee and having a date of expiration not later than December 31, 1954. In the event the operation of any such transmitter causes harmful interference to the service of any station, by reason of unauthorized emission, the Commission may, in its discretion, require that the use of such transmitter be discontinued until it has been type accepted pursuant to the foregoing provisions of this subparagraph.

(2) Before being finally considered for type-acceptance, such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When radiating class F1, F2, or F3 emission on each marine radiochannel within the frequency-band 35 Mc to 44 Mc or within the frequency-band 156.35 Mc to 162.05 Mc, with 100 per cent modulation applied, the frequency deviation shall not exceed 15 kc.

(ii) When radiating class F1, F2, or F3 emission on each radiochannel within the frequency-band 35 Mc to 44 Mc or within the frequency-band 156.35 Mc to 162.05 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 20 kc nor more than 40 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier.

(iii) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by not less than 40 kc, shall be attenuated below the intensity of the unmodulated carrier by not less than the amount specified herewith:

Maximum authorized transmitter-power as specifically defined in § 7.8 (kk):	*Attenuation (decibels)*
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(c) (1) Each coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations using telephony.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations using telephony.

§ 7.138 *Special requirements for radar transmitters.* (a) Each radar transmitter authorized for use in the maritime radiolocation service by any station license granted, modified, or renewed by the Commission after July 1, 1950 (other than licenses for developmental stations), must be type-approved by the Commission.

(b) (1) In addition to meeting all other applicable requirements, such transmitters shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for stations on land subject to this part with respect to the operation of radar transmitters.

(2) The provisions of § 7.136 governing the procedure to be followed for the purpose of obtaining type-acceptance of radio transmitters shall be applicable to radar transmitters for the purpose of requesting and obtaining type-approval thereof as required by paragraph (a) of this section.

SUBPART F—OPERATOR REQUIREMENTS

§ 7.151 *Authorized operator required.* (a) Except as otherwise provided in § 7.156, the actual operation of all transmitting apparatus in any radio station subject to this part shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter, subject, however, to the following provisions:

(1) When the station is used for telephony, the person actually operating the transmitting apparatus (normally a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter), may if authorized by the station licensee to do so, permit any person to speak over the station microphone: *Provided,* That during such transmission the station licensee or the licensed operator (acting in this respect as the station licensee's agent) shall exercise his lawful control with respect to operation of the station so as to insure compliance with all applicable laws and regulations. In this respect, a microphone (located, for example at a dispatch point) used in connection with any land-wire telephone circuit which is electrically connected to the modulating system of the radiotelephone transmitting apparatus shall be construed for the purpose of this paragraph to be the station microphone.

(2) When the station is used for telegraphy, transmitted manually by means of the International Morse Code, the transmitting telegraph key shall, wherever its location, be manipulated only by a person who holds an operator license of the class valid for the operation of the particular class of station being operated.

§ 7.152 *Location of authorized operator.* (a) Whenever the transmitting apparatus of a station subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (in so far as such provisions require the actual operation of such apparatus only by a person holding an operator license of the proper class issued by the Commission) are not waived by the Commission, at least one person holding an operator license of the proper class as prescribed in Part 13 of this chapter shall be on duty at an authorized control point of that station and shall be responsible for proper operation of the station as controlled from that location.

(b) Subject to the conditions stipulated in § 7.151, an unlicensed person at a dispatch point may, after being authorized by the station licensee to do so, operate from that point a coast station or a fixed station: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person holding an operator license of the proper class issued by the Commission, who is on duty at an authorized control point associated for this purpose with the respective dispatch point.

§ 7.153 *Unattended operation of fixed stations.* (a) No person, whether or not a licensed operator, is required to be in attendance at any marine repeater station subject to this part which is licensed for operation solely on frequencies above 72 Mc with an authorized transmitter power not in excess of 100 watts when such station is being used and operated for re-transmission by self-actuating means of signals or communications being received simultaneously at that station from a marine control station, a marine relay station, or another marine repeater station: *Provided:*

(1) The emission of the station is controlled positively and solely by the received radio signals which, in accordance with the station authorization, are intended to effect such control.

(2) The activation and de-activation of the station is controlled positively by either radio or wire-line signals transmitted from an authorized control point at which a duly licensed operator exercises such control.

(b) Nothing contained in paragraph (a) of this section shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the marine-repeater station or for proper functioning and operation of the station in accordance with law.

§ 7.154 *Adjustment or test of equipment.* Notwithstanding any other provisions of this subpart, all adjustments or tests of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

§ 7.155 *Posting of operator license.* When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the authorized control point at which the operator is stationed in accordance with the provisions of § 7.152: *Provided,* That in the case of marine-utility stations on shore and shipyard mobile stations or in the case where the operator holds a restricted radiotelephone operator permit, the operator may in lieu of posting have on his person either his required operator license or a duly issued verification card (FCC Form 758–F) attesting to the existence of that license.

§ 7.156 *Waiver of operator license for VHF shipyard mobile stations.* (a) Subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act are waived, insofar as such provisions require any person to hold an operator's license in order to operate, during the course of normal rendition of service, any shipyard mobile station when such station is authorized to use telephony only and further is authorized to be operated exclusively on one or more radio-channels above 30 Mc: *Provided:*

(1) The person who operates the transmitting equipment is authorized by the station licensee to do so, and the use of the station during such operation is subject to the lawful direction and authority of a person who, at the time, is an operator licensee on duty in accordance with § 7.152 at the control point of an authorized land station of the same station licensee with which the shipyard mobile station is associated, and with which it is authorized to communicate.

(2) The station uses one or more of the following classes of emission only: A3 or F3 for telephony and on the same radio-channels as are authorized for telephony A0, A2, F0, F2 solely for transmitting by automatic means attention signals, signals for actuating selective-calling devices, for brief testing of the authorized apparatus, or station identification, or signals in an emergency involving safety:

(3) In addition to complying with all other applicable rules and regulations, the transmitting apparatus of the station shall meet the following requirements:

(i) Operation of the transmitting apparatus shall require only use of simple external switching devices excluding all manual adjustment of radio frequency determining elements;

(ii) The required radio frequency stability of the transmitting apparatus must be maintained (at all times during such operation by an unlicensed person) by the apparatus itself;

(iii) None of the operations necessary to be performed during the course of normal rendition of service of the station shall be capable of causing any radiation of emission on an unauthorized frequency; and

(iv) The transmitting apparatus shall be used with a device that will automatically prevent modulation in excess of 100 percent.

(4) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of the station that may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding an operator license of the proper class for this purpose as prescribed in Part 13 of this chapter.

(5) Subsequent to any transmitter adjustments made in accordance with subparagraph (4) of this paragraph, and at all other times, the station licensee shall be responsible for determining that the transmitting equipment continues to meet the conditions prescribed by subparagraph (3) of this paragraph;

(6) The person(s) authorized by the licensee to operate the station shall, in lieu of a licensed operator, comply with the provisions of § 7.152 (a) as though he were a licensed operator;

(7) Nothing contained in this paragraph shall be construed to change or diminish in any respect, the responsibility of the station licensee for having and maintaining control of the station or for proper functioning and operation of the station in accordance with law;

(8) No unlicensed person, authorized as provided by this paragraph to operate a station, may lawfully perform any act in relation to such station that he could not lawfully perform if he were acting under the authority of a radio operator license issued in his behalf by the Commission.

SUBPART G—GENERAL OPERATING REQUIREMENTS

§ 7.171 *International Regulations applicable.* In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 7.172 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radiochannel authorized for use by a station subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radiochannels.

§ 7.173 *Secrecy of communication.* The station licensee, and the responsible radio operators, as well as all persons who may have knowledge of the text or of the existence of the radio communications transmitted or received by a fixed, land, or mobile station subject to this part, or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and insuring the secrecy of communications to the extent required by the Communications Act and the International Radio Regulations.

NOTE: See sec. 501, 502 and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

§ 7.174 *Unauthorized transmissions.* Stations operating in the maritime mobile service or in any fixed or land mobile service subject to this part shall not engage in radiocommunication which is superfluous or unneccessary in that service. Except in an emergency which requires otherwise, the transmission by such stations of signals or communications not addressed to an authorized station or stations in an authorized maritime service is prohibited unless radiotelegraphy is used and the transmission, preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 7.175 *Suspension of transmission.* Transmission shall be suspended immediately upon detection by the station or operator licensee or upon notification by the Commission of a deviation from the technical requirements of the station authorization and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended immediately after the emergency is terminated.

§ 7.176 *Service of public coast stations.* (a) Each public coast station shall, within the scope of its normal operations, be bound to exchange radiocommunication with any ship or aircraft station at sea: *Provided,* That such exchange of radio-communication shall be without distinction as to radio systems or instruments adopted by each station.

(b) Each public coast station shall, within the scope of its normal operations and without discrimination, acknowledge all calls and receive all messages and communications from mobile stations (except land mobile stations) within range which are addressed or directed to it, transmit all messages and communications delivered to or via the coast station which are addressed or directed to mobile (except land mobile stations) stations within range, and in all respects, render a maritime mobile service of public correspondence without discrimination.

§ 7.177 *Service of limited coast stations and marine-utility stations.* In addition to such messages as are necessary for compliance with § 7.178, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a limited coast station or a marine-utility station operated on shore is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

§ 7.178 *General obligations of coast stations.* With respect to distress and the safety of navigation, life, or property, each coast station or marine-utility station shall, within the scope of its normal operation, acknowledge all such safety calls and receive all such safety communication addressed or directed to it by ship or aircraft stations. Notwithstanding the terms and conditions of the station license, such stations may transmit safety communication to any ship or aircraft station in the maritime mobile service.

§ 7.179 *Message charges.* (a) (1) No charge shall be made for the service of any public coast station unless effective tariffs applicable to such service are on file with the Commission, pursuant to the requirements of Section 203 of the Communications Act and Part 61 of this chapter.

(2) No charge shall be made for the service of any station subject to this part, other than a public coast station, except as provided by and in accordance with § 7.352.

(b) No charge shall be made by any station in the maritime mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

(c) No charge shall be made by any station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in § 8.303 (b) of this chapter, originating on a ship of the United States or of a foreign country.

(d) Any common carrier subject to the Communications Act may furnish reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

(e) Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 7.180 *Priority of communications to be observed.* Stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 7.181; in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 7.181 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal for radiotelegraphy)[1] international automatic-alarm signals[2] for distress purposes, distress messages, and distress traffic.

(2) Communications preceded by the international radiotelegraph urgency signal.[1]

(3) Communications preceded by the international radiotelegraph safety signal.[1]

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

(6) Communications relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radiocommunication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signals[1] for radiotelephony and radiotelegraphy), distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal,[1] or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal,[1] or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known by the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 7.182 *Control by coast station.* When communicating with a mobile station in the maritime mobile service, coast stations may, for the sole purpose of reducing or avoiding interference, expediting communication and rendering an efficient service give instructions to the mobile station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station. This provision, however, shall not apply in the event of distress, either actual or impending, except as provided, in respect to distress situations, by § 7.187 and applicable provisions of the International Radio Regulations.

NOTE: See Article 37 of the International Radio Regulations, Atlantic City, 1947.

§ 7.183 *Prevention of interference.* (a) Before any signals or communications are transmitted on any frequency, the licensed operator attending a land station or a land mobile station subject to this part (or the person responsible in lieu of a licensed operator in respect to land mobile stations for which the requirement of an operator license is waived by the Commission; or in a public coast station using telephony, the land-line telephone operator under the supervision of the licensed operator) shall first listen on the associated receiving frequency, and when necessary on the land or mobile station transmitting frequency, to determine insofar as is practicable whether transmission by the land or mobile station will interfere with communication already in progress, whenever the involved frequency or frequencies are assigned to other stations within the same interference area (for example, all stations in the Great Lakes region are considered, with respect to operation on frequencies below 30 Mc, to be in the same interference area): *Provided,* That the requirement may be waived by the Commission upon application therefor in behalf of individual land stations which employ other effective means to avoid interference.

(b) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 7.181. The station requesting this cessation must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(c) Communications between ship stations, between ships and aircraft stations, or between land stations and land mobile stations subject to this part, must not interfere with the work of coast stations. When this work is thus interfered with, the ship, aircraft, land mobile, or land station which causes such interference must stop transmitting or change to a different authorized frequency upon the first request of the coast station concerned: *Provided,* That this requirement shall not apply to ships or aircraft stations when they are transmitting signals or communications relating to a ship or aircraft in distress.

(d) Coast stations when operating on a frequency below 3500 kilocycles or above 30 Mc shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the coast station: *Provided,* That this provision shall not apply in event of distress, either actual or impending.

[1] See § 7.7 for definition of this signal.

[2] The international auto-alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.

§ 7.184 *Transmission of traffic lists by coast stations.* (a) Public coast stations are authorized to transmit lists of official call signs (or in the use of telephony, the names of the respective ships) of mobile stations for whom they have public correspondence awaiting transmission. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency (including the assigned frequency 500 kc) that they are ready to begin transmission of such call lists on a specified radio-channel authorized for working.

(b) In operating pursuant to paragraph (a) of this section, public coast stations using telegraphy shall be governed by the applicable provisions of the International Radio Regulations.

NOTE: See Number 685, contained in Article 30 of the International Radio Regulations, Atlantic City (1947).

§ 7.185 *Transmission to plurality of mobile stations.* Information for the general benefit of mariners (including storm warnings and ordinary weather and hydrographic information) and press material may be transmitted by a coast station simultaneously to a plurality of mobile stations in the maritime mobile service: *Provided,* That the times at which such transmissions (except storm warnings and urgency and safety messages) are scheduled to begin, the maximum duration of each such transmission, and the specific radio-channels and class of emission used therefor, shall, with respect to each coast station, be subject to approval by the Commission.

§ 7.186 *Hours of service of stations on land.* (a) Each coast station or marine-utility station on shore whose hours of service are not continuous shall not suspend operation before having concluded all communication required in connection with a distress call or distress traffic.

(b) Each public coast station whose hours of service are not continuous shall not suspend operation before having concluded all communication (in addition to that designated in paragraph (a) of this section), within the scope of its normal operations, involving messages or calls originating in or destined to mobile stations or marine fixed stations which are within normal range of the coast station and which, in the case of mobile stations, have signalled their presence before the effective suspension of operation of the coast station.

(c) Unless otherwise authorized by the Commission upon adequate showing of need therefor, each class I public coast station shall maintain continuous hours of service during the entire period of validity of the station license.

(d) Unless otherwise specified by the Commission for particular stations, the hours of service of each class II and class III public coast station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station.

(e) Unless otherwise specified by the Commission for particular stations, the hours of service of limited coast stations and marine-utility stations on shore shall be determined by the station licensee in accordance with the requirements of the respective ships served by each station.

(f) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of a public coast station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided,* That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

(g) Unless otherwise specified by the Commission for particular stations, the hours of service of stations subject to this part which are not operating in the maritime mobile service shall be determined by the station licensee in accordance with the requirements of the service carried on by the station(s) involved, subject to such applicable conditions and limitations as are imposed by the rules of the Commission or by the International Radio Regulations.

§ 7.187 *Procedure relative to distress communication.* In addition to the governing provisions of the International Radio Regulations applicable to the transmission and interception of distress signals and the handling of distress traffic, land stations which are subject to this part shall, in cases of distress, be governed by the following paragraphs of this section.

NOTE: See Article 37 of the International Radio Regulations, Atlantic City, 1947.

(a) *Acknowledgment of distress message.* Any station in the maritime mobile service which receives a distress message relative to a vessel, aircraft, or other unit which is beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the maritime mobile service which hear a distress signal or message must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

(b) *Form of acknowledgment by telegraphy.* The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

(1) Call sign of the mobile station in distress (transmitted 3 times);

(2) The signal "de";

(3) Call sign of the station acknowledging receipt (transmitted 3 times);

(4) The signal "RRR"; and

(5) The distress signal.

(c) *Control of distress traffic.* (1) The control of distress traffic is the responsibility of the mobile station in distress, or of another mobile station which, in accordance with the governing provisions of the International Radio Regulations, has transmitted the distress call. These stations may, however, delegate the control of the distress traffic to another station.

(2) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic, for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(3) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the international distress signal is used to impose silence for this purpose.

(4) Any station engaging in radiocommunication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is indicated by using the signal "AS" (wait) followed by the word "distress" and the call sign of the station imposing silence.

(5) In cases of distress, the use of the radiotelegraph service abbreviation "QRT" must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(6) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

(d) *Supplemental transmissions.* (1) A coast station equipped for telegraphy and located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate by the licensed radiotelegraph operator on duty at that station, transmit the radiotelegraph alarm signal[1] on the frequency 500 kc using

[1] This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The international distress signal for radiotelegraphy shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the international distress signal on 500 kc.

the maximum available power and class A2 emission, when:

(i) A distress call has been transmitted and was not preceded by the alarm signal; or

(ii) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(2) When a coast station has heard a distress call or distress message for which acknowledement of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall, subject to the discretion of the licensed operator on duty at that station, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful.[4] At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(3) A coast station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

§ 7.188 *Radiotelegraph watch by coast stations.* (a) All coast stations (public and limited) licensed to use telegraphy on frequencies within the frequency-band 405 to 535 kc shall, during their hours of service, take the necessary measures to insure an efficient safety watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.). For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is not less effective than use of the head receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required in connection with maritime mobile service.

(b) All public coast stations licensed to use frequencies in the authorized bands between 405 and 535 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc, except when the operator is transmitting on 500 kc, operating the station transmitting or receiving equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc if required as provided by paragraph (c) of this section) if it is not possible to maintain at the same time, by any practicable means[5] the watch for calls on 500 kc. The provisions of this section, however, shall not relieve the coast station from complying with the requirements for a safety watch as prescribed in paragraph (a) of this section.

(c) On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in paragraph (a) of this section, each coast station equipped and licensed for communication by means of class A1 emission on frequencies within the band 90 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.).

§ 7.189 *Radiotelephone watch by coast stations.* (a) Each public coast station licensed to use telephony shall, during its hours of service, keep watch on the radio-channel(s) authorized for working, which are used normally by mobile stations for transmission by telephony to the particular coast station; or in lieu of such watch, the coast station shall, during its hours of service, monitor such radio-channel(s) by any apparatus which will automatically intercept signals from mobile stations with no less efficiency than that attainable by a watch and which automatically indicates the interception of such signals by either aural or visual means.

(b) As an alternative to keeping watch on (or monitoring) the working radio-channel(s) as prescribed by paragraph (a) of this section, a public coast station may, in the discretion of the station licensee, keep watch on (or monitor) the comparable radio-channel(s) designated for calling by telephony (assigned frequency 2182 kc, comparable to working channels within the band 1600 kc to 3500 kc; assigned frequency 156.8 Mc, comparable to working channels within the band 100 to 200 kc).

(c) (1) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 1600 and 3500 kc shall, during its hours of service for telephony, maintain an efficient[6] watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or, alternatively, shall monitor such radio-channel by automatic apparatus approved by the Commission for safety purposes: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that such radio-channel is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(2) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 156.35 to 162.05 Mc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class F3 emission on the radio-channel of which 156.8 Mc is the assigned frequency, whenever such station is not being used for transmission on that channel or, alternatively, shall monitor such radio-channel by automatic apparatus approved by the Commission for safety purposes: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that such radio-channel is adequately guarded by other stations or that the circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(d) With respect to those provisions of paragraphs (a), (b) and (c) of this section pertaining to watch, the person who keeps such watch shall, in each instance, and at all times during the hours of service of the station, be a person who is authorized by the station licensee to operate, in accordance with applicable law and regulations, the appropriate radiotelephone transmitting apparatus of the particular station.

§ 7.190 *Maintenance tests.* Stations subject to this part are authorized to engage in a minimum amount of test transmissions when considered by the station licensee to be necessary for the proper maintenance of the station: *Provided*, That precautions shall be taken always to avoid, in so far as may be possible, interference to other stations: *Further provided*, That this test transmission shall conform to such test operating procedure as is prescribed elsewhere in this part for the particular class of station involved.

§ 7.191 *Inspection of antenna tower lighting.* (a) The licensee of a station subject to this part which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act shall:

(1) Make a daily check of the tower lights not later than one hour after local sunset either by visual observation of the tower lights or by observation of an automatic indicator to insure that all such lights are functioning properly as required;

(2) Report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of any code and/or rotating beacon light(s) if such failure(s) is (are) not corrected within 30 minutes after observation thereof, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given the above station or office immediately upon resumption of the required illumination; and

(3) Inspect at intervals of at least once each 3 months all code and rotating beacon light(s) and automatic lighting control devices to insure that such apparatus is functioning properly as required.

(b) The station licensee or his representative shall make entries in the radio station log appropriate to the requirements of paragraph (a) of this section, as follows:

(1) The date and time of each day that the tower lights are turned on and off, if manually controlled;

(2) The time that the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator;

(3) In the event of any observed failure of the tower lighting:

(i) Nature of such failure;

(ii) Date and time that the failure was observed;

(iii) Date, time, and nature of the adjustments, repairs, or replacements made;

(iv) Entry showing the identification of the Airways Communication Station (Civil Aeronautics Administration) which was notified of the failure of any code and/or rotating beacon light(s) not corrected within 30 minutes after observation and an entry of the date and time that such notice was given;

(v) Date and time that notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed;

(4) Upon completion of the periodic inspection required by paragraph (a) (3) of this section:

(i) The date of the inspection and the condition of all required lights and associated lighting control devices, together with the measured voltage under normal load at a reference point in the lighting circuit and the computed voltage at each lamp socket.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 7.192 *Maintenance of station log.* (a) Each station subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall, in addition, comply with the applicable provisions of the following paragraphs of this section; the station licensee and the licensed radio operator (when a licensed operator is required) in charge of the station shall be responsible for compliance with this section.

(b) The log shall be kept in an orderly manner, in useable form, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 7.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

SUBPART H—COAST STATIONS, USE OF TELEGRAPHY

§ 7.201 *Supplemental eligibility requirements for public coast station authorization.* Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or State or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act, provided the applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

§ 7.202 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, public coast stations using telegraphy are authorized to communicate:

(1) With any ship station or aircraft station operating in the maritime mobile service, for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication to or from a ship or aircraft station;

(3) With public ship stations, Government ship stations, aeronautical public service stations on board aircraft, and Government aircraft stations, for the transmission or reception of public correspondence:

(i) When the mobile station uses telegraphy on a frequency assignment available under the provisions of Part 8 of this chapter for use by ship stations for communication by means of telegraphy with public coast stations, or;

(ii) In respect to a United States Government or foreign ship or aircraft station, when such mobile station uses telegraphy on a frequency assignment available in accordance with the International Radio Regulations for use by ship stations for communication by means of telegraphy with public coast stations.

(b) Upon application, a public coast stations using telegraphy may be authorized to transmit press material, and meteorological and marine navigational information of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultaneously and primarily to ship stations: *Provided*, A sufficient need for such authorization is shown to exist.

(c) Each public coast station using telegraphy is authorized to communicate additionally with other public coast stations (includes Government stations open to public correspondence) using telegraphy when such communication is necessary to facilitate the disposal of message traffic (public correspondence or safety communication) destined to or originated at mobile stations (public) ship stations or aeronautical public service stations aboard aircraft) subject to and in accordance with the express conditions hereinafter set forth:

(1) For the interchange of operating signals, brief service messages or safety communication;

(2) For the transmission or receipt of message traffic destined to a mobile station which, by reason of its known or reported geographic location at the time, can be communicated with more effectively or more expeditiously by the coast station which receives such message traffic for relay to the mobile station: *Provided, however*, That this procedure shall not be used for normal routing of radio traffic, but only when the coast station initially concerned is unable to communicate in an effective manner directly with such mobile station;

(3) For the transmission or receipt of message traffic, which originated at a mobile station, by a public coast station in the Great Lakes region exclusively, when the use of available point-to-point communication facilities would unduly delay the delivery of such message traffic to the addressee(s).

(4) Such communication as is permissible under subparagraphs (2) and (3) of this paragraph shall be conducted only in exceptional circumstances and with discretion, without incurring additional charges: *Provided*, Such utilization of radiotelegraphy shall not in any way replace or be used in lieu of point-to-point communication facilities which are available for the forwarding of message traffic to and from the particular coast stations involved;

(5) Only radio-channnels authorized for working with ship stations (and used primarily for that purpose) shall be employed for this communication between coast stations and, in so far as may be practicable, only authorized frequencies within the band 415 kc to 5000 kc shall be used;

(6) All communications engaged in under the provisions of this paragraph shall be confined exclusively to that which is actually required to facilitate the transmission or reception of ship-shore public correspondence or to enhance safety at sea;

(7) Neither harmful interference nor intolerable delay shall be caused to communication between mobile stations and land stations or to communication between mobile stations.

§ 7.203 *Supplemental eligibility requirements for limited coast station authorization.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited

[4] In the Great Lakes region, the frequency 2182 kc may be used with class A3 emission, and additionally in other regions where its use may prove beneficial in securing assistance for the mobile unit in distress.

[5] Any practicable means of maintaining this watch would include a loudspeaker or head receiver energized, if necessary, by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is tuned to 500 kc.

[6] This watch will not be deemed "efficient" unless the coast station is capable of normally receiving class A3 emission on 2182 kc from mobile stations within the associated working frequency service area of the coast station, including periods of time when the coast station is transmitting on any other authorized frequency.

coast station using telegraphy may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, The applicant is:

(1) Regularly engaged in performing a service for one or more governmental agencies; or

(2) An organization of which all persons who are members or shareholders are regularly engaged in performing a service for one or more governmental agencies; or

(3) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are regularly engaged in performing a service for one or more governmental agencies.

(b) Each application for station authorization for a limited coast station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 7.204 *Points of communication of limited coast stations.* (a) Limited coast stations using telegraphy are authorized to communicate normally with the categories of ship stations designated herewith, subject to the conditions and limitations imposed by the terms of their particular station licenses or by the applicable provisions of this part with respect to the use of particular radiochannels:

(1) Any ship station using telegraphy on the assigned frequency 500 kc;

(2) Specified limited ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(3) Specified public ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(b) With respect to the terms of paragraphs (a) (2) and (3) of this section, the specific ship stations with which a limited coast station is authorized to communicate shall be designated appropriately in the license of such coast station.

§ 7.205 *Nature of service of limited coast stations.* (a) Limited coast stations using telegraphy shall:

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used for the transmission of press material or news items which are not required to serve a governmental purpose;

(4) Be used exclusively to serve governmental purposes including the transmission of safety communication.

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telegraphy through the medium of one or more public coast stations or United States government stations, limited coast stations shall not duplicate that service. In all other respects, limited coast stations may transmit by means of telegraphy such weather and hydrographic information as is required for the ships with which they normally communicate.

§ 7.206 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency for use by coast stations (public or limited) employing telegraphy subject to and in accordance with the provisions of paragraph (b) of this section and Subpart E of this part, and upon the express condition that interference shall not be caused to any service or station which, in the discretion of the Commission, may have priority on the frequency or frequencies involved: *Provided*, That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations: *Further provided*, That frequencies below 150 kc are assignable to class I coast stations only; frequencies above 5000 kc are assignable primarily to class I coast stations, and secondarily to class II coast stations serving inland waters of the United States (including the Great Lakes) subject to showing of need therefor and on condition that interference shall not be caused to any class I coast station:

(1)

143 calling	11200
500 calling and distress	11205
	11220
4462.5	11235
4705	11250
4780	11265
4785	11280
4790	[1] 11295
6250	[1] 11310
6260	[1] 11325
6270	[1] 11340
6280	[1] 11355
6290	12495
6300	12510
6310	12525
6320	12550
6340	12555
6350	12570
6360	12580
6370	12585
6390	12590
6400	12592.5
6410	12630
6440	12645
6450	12660
8350	12675
8360	12720
8370	12735
8375	12750
8380	13050
8390	13065
8420	13080
8430	13170
8435	16670
8440	16690
8445	16700
8450	16720
8452.5	16740
[1] 8480	16760
[1] 8490	16770
[1] 8495	16780
[1] 8500	16785
[1] 8580	16790
8640	16800
8670	16840
8680	16860
8687.5	16880
8690	16900
11115	16920
11130	16930
11145	16970
11160	16980
11175	16990
11190	

[1] Subject to the special conditions and limitations set forth in paragraph (b) of this section.

(2) Each of the following frequencies is available for assignment to coast stations located within the general portion of the seacoast area of the continental United States as indicated below:

North Atlantic: 112.85, 124.05, 130.35, 132.10, 134.55, 137.00, 146.80, 147.60, 418, 436, 442, 460,[1] 472, 476, 482, 22407, 22485, 22503, 22521, 22559, 22617.

South Atlantic: 137.70, 434, 464, 472, 488, 22431, 22503, 22569.

Central Atlantic: 482.

North Pacific: 482, 22539.

South Pacific: 418, 464, 22413, 22467.

Central Pacific: 126.15, 147.85, 436, 460,[1] 476, 488, 22425, 22479, 22515, 22557, 22635.

Great Lakes: 482.

Gulf of Mexico: 139.80, 416, 420, 434, 438, 478, 484, 22431, 22467, 22569.

(3) The following frequencies are available for assignment to coast stations located in Puerto Rico and within the Territory of Hawaii:

Territory of Hawaii: 472 kc—Kahuku, T. H.; 22,509 kc—any location within T. H.

Puerto Rico: 486 kc—Ensenada; 128.95 kc—Ensenada.

(4) Each of the following frequencies is available for assignment to coast stations at the respective locations indicated:

Frequency (kc)	For assignment to coast stations located primarily in [1] or in the vicinity of [1]
2036	Barnstable County, Mass.[1]
2037.5	San Francisco, Calif.[1]
2039	Florida (between latitudes 25° and 29°).[1]
2040.5	Boston, Mass.[1]
2042	Texas (east of longitude 96°; south of latitude 31°).[1]
2043.5	Savannah, Ga.[1]
2045	San Francisco, Calif.[1]
2046.5	New York, N. Y.[1]
2048	New Orleans, La.[1]
2049.5	Florida (between latitudes 25° and 29°).[1]
	Los Angeles, Calif.[1]
2051	Jacksonville, Fla.[1]
	New York, N. Y.[1]
	Hawaiian Islands.[1]
	Puerto Rico.[1]
2052.5	Texas and Louisiana (between longitudes 92° and 95°; south of latitude 31°).[1]
2054	New Jersey (south of latitude 40°; east of longitude 74°, 30 minutes).[1]
2055.5	Mobile, Ala.[1]
	Los Angeles, Calif.[1]
2057	Florida (between latitudes 25° and 29°).[1]
2058.5	Grays Harbor and Pacific Counties, State of Washington.[1]
2060	State of New York (east of longitude 73°).[1]
2061.5	San Francisco, Calif.[1]
	Baltimore, Md.[1]
2063	Seattle, Wash.[1]
	Galveston, Tex.[1]

(b) (1) [Reserved]

(2) In consideration of the fact that the frequency 455 kc is widely used as a standard intermediate frequency for the superheterodyne type of radio receiver, applications requesting assignment of the frequency 460 kc will be considered in relation to the possibility of general interference with the operation of receiving equipment of this type.

(3) The frequencies 8480, 8490, 8495, 8500, 8580, 11295, 11310, 11325, 11340, and 11355 kc are authorized for use by coast stations upon the express condition that interference shall not be caused to intercontinental aeronautical services.

(4) In addition to the specific frequencies listed in paragraph (a) of this section, other frequencies within bands between 10 kc and 25000 kc shown in the Commission's Table of Frequency Allocations contained in § 2.104 (a) of this chapter as being allocated for use by coast stations using telegraphy may be assigned to such coast stations: *Provided, however*, That initial authorizations for such frequencies shall be limited to six months duration.

[1] Subject to the special conditions and limitations set forth in § 7.206 (b).

(5) In addition to the frequency assignment designated for telegraphy in the license of a coast station (public or limited), such station when communicating by telegraphy with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned frequency, the class of emission, and the permissible class of traffic on such radio-channel shall be designated by the government station, or the responsible government department or agency.

(c) Frequencies assigned to government radio stations are assignable to non-Government coast stations (public or limited) for communication with other non-Government stations by telegraphy when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 7.207 *Frequencies for calling.* (a) The general international calling frequency is 500 kc; the radio-channel of which this frequency is the assigned frequency shall be appropriately used by any coast station engaged in radiotelegraphy in the authorized bands between 405 and 535 kc. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. A coast station, however, may reply to calls by transmitting on a working frequency, when a mobile station requests the use of this procedure. (In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations normally request coast stations to answer by means of their normal working channel.) In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 90 to 160 kc (class A1 emission only). (When a ship station which uses frequencies within the band 90 to 160 kc desires to establish communication with a coast station, it normally calls that station on the frequency 143 kc, unless the International List of Coast and Ship Stations provides otherwise.) This frequency is authorized to be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

NOTE: Coast stations reply on their normal working frequency in this band.

(c) All radio-channels within the band 4000 kc to 23000 kc similarly authorized for working may be used for calling also: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

(d) The normal calling frequency to be used by each coast station employing telegraphy when operating in the band 2035–2065 kc is its normal working frequency in this band. In addition to the transmission on the authorized working frequency in this band, coast stations may transmit on any frequency within the ship station calling band 2088.5 to 2093.5 kc for transmission of distress traffic exclusively.

§ 7.208. *Frequencies for working.* (a) Each assigned frequency listed in § 7.206 (a), and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working".

(b) The calling channel of which 500 kc is the assigned frequency may be used for the transmission of distress, urgency, and safety messages; any other use of this channel for working is prohibited.

(c) Coast stations having frequency assignments within the band 5000 kc to 25000 kc shall conduct their operations so as to reserve, in so far as is practicable, the use of frequencies within this band for communication over the relatively long distances for which these frequencies are particularly effective.

(d) In addition to the frequency assignment designated for telegraphy in the license of a ship station, such station, when working by means of telegraphy with a coast station, may, on condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the coast station, transmit:

(1) On a telegraph working channel of a coast station within the band 110 to 150 kc when directed to do so by the coast station for which the channel is authorized: *Provided*, Interference is not caused to the service of any land, fixed, broadcast, or radiolocation station: *And provided*, That the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the bands 415 to 490 kc when directed to do so by the coast station for which the channel is authorized.

(3) Coast stations are authorized to direct ship stations to operate in accordance with the provisions of this section, whenever such means of operation is possible and appropriate.

§ 7.209 *Use of Morse Code required.* The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

§ 7.210 *Identification of stations.* All radiotelegraph emissions of a coast station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 7.209 and the procedure set forth in the International Radio Regulations, and by means of the class of emission normally used by the station for telegraphy: *Provided*, They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 20 minutes whenever transmission is sustained for a period exceeding 20 minutes.

§ 7.211 *Procedure in testing.* (a) Coast stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress.

(2) The operator shall transmit the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency or frequencies of the test emissions is/are within the frequency-band 405 to 535 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE", any station indicates, by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph.

(4) Test signals composed of a series of "VVV" followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed.

(b) When testing is conducted on the frequency 500 kc, the test signals shall not continue for more than 10 seconds, and no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

§ 7.212 *Radiotelegraph operating procedure.* (a) Except for the transmission of distress or urgency signals, all transmissions by coast stations must cease within the band 485 to 515 kc during each 500 kc silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.).

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all coast stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City, 1947).

(c) In addition to compliance with all applicable sections of this part, the operation of coast stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29 (except subparagraph (2) of paragraph 8 thereof), 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947).

§ 7.213 *Station documents.* (a) All public coast stations using telegraphy shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102;

(2) The necessary operator license or licenses, available in accordance with the provisions of § 7.155;

(3) The station log required by this part;

(4) The Alphabetical List of Call Signs;

(5) The List of Coast Stations and Ship Stations;

(6) The List of Stations performing Special Services;

(7) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 29, 30, 31, 32, 35, 37, 38, 39, 40 and 41, as are necessary for the operation of the radiocommunication service rendered by the coast station;

(8) This part and Part 8 of this chapter.

(b) All limited coast stations using telegraphy shall be provided with the documents prescribed by paragraph (a) (1), (2), (3), (7), and (8) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 7.214 *Station records.* (a) Public coast stations using telegraphy shall maintain an accurate radiotelegraph log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT),[1] except that in the Great Lakes region, the time shall be expressed in eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock, beginning at midnight), and for coast stations which communicate exclusively with vessels on inland waters of the United States (other than the Great Lakes) the time shall be expressed in local standard time (e. s. t., c. s. t., etc., counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (e. s. t. in the Great Lakes area) (e. s. t., c. s. t., etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

(4) With respect to coast stations which, by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelegraph calling and distress (assigned frequency 500 kc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering, and exchanging operating signals and safety communications on this radio-channel. In respect to coast stations which, under applicable provisions of Subpart G of this part are required to maintain a watch on 500 kc during the 500 kc silent periods, a positive entry shall be made in respect to each such silent period, stating whether or not signals were received during that time and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception. The use of a rubber stamp or equivalent device for making entries to show observation of the silent period is prohibited. Further, in respect to coast stations which, under applicable provisions of Subpart G of this part, are required to maintain a watch on 500 kc during their hours of service (i. e. not limited solely to the 500 kc silent periods), a positive entry shall be made at least once in each 15 minutes stating whether or not signals were received on this radio-channel (assigned frequency 500 kc) and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception.

(5) All distress calls, alarm signals, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channels on which such signals or messages were transmitted or received, and the position of any ship or other mobile unit in need of assistance, if this can be determined.

(6) All calls transmitted from or received by the coast station, together with a brief notation of any messages transmitted or received, shall be entered, showing the respective times, official call signs of the mobile or land stations communicated with, and the assigned frequency(s) on which the operations occurred.

(7) Whenever harmful interference is experienced by or reported to the responsible operator an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indicated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) Entries shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

(b) Limited coast stations using telegraphy shall maintain an accurate radiotelegraph log, during their hours of service, in the same manner and to the same extent as is required by paragraph (a) of this section for public coast stations using telegraphy: *Provided, however,* That the entries specified by subparagraphs (6) and (10) thereof shall not be required for limited coast stations.

[1] For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMH; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

SUBPART I—PUBLIC COAST STATIONS, USE OF TELEPHONY

§ 7.301 *Supplemental eligibility requirements.* Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act of 1934: *Provided,* The applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

§ 7.302 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, public coast stations using telephony are authorized to communicate:

(1) With any ship station or aircraft station operating in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication to or from a ship or aircraft station;

(3) With public ship stations, government ship stations, aeronautical public service stations on board aircraft, and government aircraft stations, for the transmission or reception of public correspondence:

(i) When the mobile station uses telephony on a frequency assignment designated in Part 8 of this chapter for ship-shore public correspondence by means of telephony;

(ii) In respect to a United States Government or foreign ship or aircraft station, when such mobile station uses telephony on a frequency assignment available in accordance with the International Radio Regulations for use by ship stations for communication by means of telephony with public coast stations.

(4) With marine fixed stations when the coast station uses for this purpose a frequency assignment below 4000 kc upon the express condition that neither harmful interference nor intolerable delay is caused to communication with mobile stations.

(b) Upon application, a public coast station using telephony may be specifically authorized by the terms of its station authorization to communicate with a designated station (government or non-government) at a remote fixed location isolated from the mainland where other communication facilities are not available: *Provided,*

(1) The station with which communication is carried on is duly authorized to communicate with the particular coast station involved; and

(2) The station with which communication is carried on shall transmit by telephony to the coast station:

(i) On a frequency assignment available for ship-shore public correspondence in accordance with the provisions of Part 8 of this chapter for public ship stations using telephony; or

(ii) On any other frequency assignment designated for this purpose in any other section of the Commission's rules or, with respect to United States Government stations, on any government frequency assignment duly authorized by the Government for this purpose.

(3) Any communication carried on shall be confined exclusively to that absolutely necessary for public safety or the protection of life or property; and

(4) Neither harmful interference nor intolerable delay is caused to safety communication with ship stations.

(c) Upon application, a public coast station using telephony may be authorized to transmit meteorological and marine navigational information, of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultaneously and primarily to ship stations: *Provided,* A sufficient need for such authorization is shown to exist.

§ 7.303 *Duplication of facilities.* A public coast station shall not be authorized to provide a very high frequency maritime mobile service by the use of any frequency assignment above 100 Mc solely to any geographic area in which such service is already provided, or for which a valid construction permit or permits has or have been issued for the establishment of a station or stations to provide such service in that area, unless the applicant shall make an affirmative showing that the public interest, convenience or necessity would be served by such a grant, and, among other things, that there is a need for such additional facilities in the area involved, that the authorized facilities in that area are not, or will not be, adequate to meet the very high frequency communication needs in the area, and that the applicant's proposed facilities involving a frequency assignment above 100 Mc will serve the very high frequency communication needs in such area.

§ 7.304 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of amplitude modulation subject to and in accordance with paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2182—calling and distress
2450
2466
2482
2490
2506
2514
2522
2530
2538
2550
2558
2566
2572
2582
2590
2598
2638
2738
2782
2784
4067
4372.4
4393.1
4406.9
4420.7
4427.6
4434.5
6240—Mississippi River system only.
6455—Mississippi River system only.
8205.5—Mississippi River system only.
8747.6
8761.8
8768.9
8797.3
8811.5
13157.5
13172.9
13180.6
13196
17302.1
17317.5
17340.6
17356
22677.5
22692.9
22716

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

156.8 161.9 161.95 162.0

(c) (1) The following specific frequencies may be licensed as authorized carrier frequencies for use by those public coast stations using telephony which, prior to September 1, 1950, were authorized to use a carrier frequency within the band 30 Mc to 40 Mc:

Carrier frequency:	*For assignment to public coast station(s) in the vicinity of—*
35.14 Mc	Philadelphia, Pa.
35.18 Mc	Great Lakes region.

(2) The stations authorized to transmit on the radio-channel of which either 35.14 Mc or 35.18 Mc is the authorized carrier frequency, may employ either frequency modulation or amplitude modulation. Each of these carrier frequencies is available for use on a shared basis with limited coast stations, ship stations, marine-utility stations, and aircraft stations operating in the maritime mobile service at any location on the same radio-channel; they are not available exclusively for public correspondence. Licensees having authority to transmit on these frequencies shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public coast station authorization, or modification or renewal of station authorization, whose applications request authority to transmit on 35.14 or 35.18 Mc may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this subpart for public correspondence exclusively.

(4) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 35–36 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies

in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

(d) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph.

(1) The frequency 2182 kc is authorized for use on a shared basis primarily by ship stations and secondarily by coast stations.

(2) The frequencies 2514, 2550 and 2582 kc are authorized for use in the Great Lakes area on a shared basis with coast stations of Canada upon the express condition that, except in case of distress, the frequency 2550 kc shall not be used for transmission to ship stations of Canada and the frequency 2582 kc shall not be used for transmission to ship stations of the United States.

(3) The frequencies 4067 and 4372.4 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of these frequencies is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(4) Use of the frequencies 6240 kc and 6455 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

(5) The frequency 8205.5 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes) upon the express condition that transmission on this frequency during the period 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

(6) [Reserved.]

(7) Each carrier frequency which is not to be used prior to a specified beginning date, may be used under appropriate station authorization for test transmission during a period commencing not more than two months in advance of such specified beginning date; solely to determine whether an existing coast station is capable of proper technical operation on that particular radio-channel preparatory to rendering regular service thereon: *Provided*, That harmful interference is not caused by such test transmission to the service of any other station.

(8) Use of the frequency 2638 kc by coast stations in certain geographic areas as prescribed in this part is authorized upon the express condition that harmful interference shall not be caused to intership communication on this frequency, nor to the service of any station which, in the discretion of the Commission, has priority on the frequency or frequencies to which interference results: *Provided*, That with respect to the stations of the maritime mobile service, this condition shall not be construed as prohibiting the operation of a coast station on this frequency pursuant to the provisions of §§ 7.181 (b), 7.182 and 7.183 (b) and (c).

(e) In addition to the frequencies shown in paragraph (a) of this section, other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

(f) (1) In addition to the frequency assignment designated for telephony in the license of a public coast station, such station when communicating by telephony with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned frequency, the class of emission, and the permissible class of traffic on such radio-channel, shall be designated by the government station or the responsible government department or agency.

(2) Frequencies assigned to government radio stations are assignable to non-Government public coast stations for communication with other non-Government stations by telephony when such communication is necessary in connection with or in behalf of the Federal Government and where the Commission determines after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 7.305 *Frequencies for calling and distress.* (a) The frequency 2182 kc is the international radiotelephone distress and general calling frequency for the maritime mobile service. It may be used by public coast stations solely for transmission of:

(1) Distress signals and traffic as provided in Subpart G of this part.

(2) The international urgency signal, and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(3) The international safety signal, and occasional messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings which messages in the interest of safety must be transmitted on this radio-channel instead of on a different radio-channel in accordance with the procedure authorized in subparagraph (5) of this paragraph.

(4) Normal calls, replies, and brief radio operating signals but only when the use of a different carrier frequency for this function appears to be impracticable by reason of operating or equipment limitations of a mobile station.

(5) Brief announcements specifying the nature of a particular communication to be transmitted soon thereafter on other radio-channel(s) by the same coast station to a plurality of mobile stations, when such communication will be of general interest to mobile stations of the maritime mobile service, including ordinary weather and hydrographic information, or will consist of lists of mobile stations with which the coast station desires to communicate.

(6) Brief test signals in accordance with the provisions of § 7.311, as may be necessary to determine whether the radio transmitting equipment of the station is in good working condition on this frequency.

(b) The frequency 156.8 Mc is the international radiotelephone frequency for calling, safety, intership, and harbor control purposes for the maritime mobile service using frequencies within the band 156.25 Mc to 162.05 Mc. This carrier frequency may be used by public coast stations as prescribed in § 7.309.

(c) In addition to the radio-channels of which the carrier frequencies are specifically authorized herein for "calling," the radio-channels authorized in this subpart for "working" may be used for call and reply: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 7.306 *Availability of frequencies below 30 Mc.* (a) The carrier frequencies designated herewith are assignable to class I public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio-channels: *Provided*, That the designated carrier frequencies below 5000 kc and above 22650 kc are assignable only to coast stations located in the vicinity of the specific harbors, ports or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further*, That the coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated herewith:

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1] kc	Specific limitations imposed upon availability for use [2]	Associated coast station receiving carrier frequency: Frequency (kc)	Associated coast station receiving carrier frequency: Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354 (a) (1) of this chapter. [2]
Boston, Mass.	2506	None.	2406	None.
	2550	Day only; available until Nov. 1, 1955, on condition that harmful interference is not caused to the service of any Government station operating on this frequency or any adjacent frequency.	2158	Day only; available until Nov. 1, 1955, on condition that harmful interference is not caused to the service of any Government station operating on this frequency or any adjacent frequency.
	2450	Temporarily day only beginning Nov. 1, 1955, as replacement for 2550 kc. Beginning May 1, 1956, no limitation with respect to hours of use.	2366	Temporarily day only beginning Nov. 1, 1955, as replacement for 2158 kc. Beginning May 1, 1956, no limitation with respect to hours of use.
New York, N. Y.	2522	None.	2126	None.
	2590	None.	2198	None.
	2852	Available on condition that harmful interference is not caused to the service coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	2638	None.	2166	None.
	4393.1	None.	4087.7	None.
	4434.5	Available for use annually during period Dec. 15 to Mar. 15.	4129.1	Available for use annually during period Dec. 15 to Mar. 15.
	4106.9	None.	4101.5	None.
Wilmington, Del.	2638	None.	2166	None.
Baltimore, Md.	2638	None.	2166	None.
Norfolk-Quantico, Va.	2638	None.	2142	None.
Charleston, S. C.-Jacksonville, Fla.	2866	None.	2390	None.
Miami, Fla.	2190	Available beginning Dec. 15, 1956, on a 24-hour basis.	2031.5	Available beginning Dec. 15, 1956, on a 24-hour basis.
	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2190 kc is assigned for transmission, and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1957, day only from Apr. 1 to Dec. 15, annually, and also on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	4427.6	None.	4122.2	None.

See footnotes at end of table.

(1) Working frequencies below 5000 kc:

Coast station transmitting carrier frequency [1] kc	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc)
2590	San Francisco, Calif.	2406
2590	Hawaiian Islands	2134
2590	New York, N. Y.	2198
4393.1	New York, N. Y.	4087.7
4429.7	Hawaiian Islands	4115.3
4372.4	San Francisco, Calif.	4067
4406.9	New York, N. Y.	4101.5
4434.5 [2]	New York, N. Y.	[2] 4129.1

[1] These frequencies are those which may be specified in applications for coast station authorizations.
[2] Available for use annually during period Dec. 15 to Mar. 15.

(2) Working frequencies between 5000 kc and 30 Mc:

Coast station transmitting frequency [1] (kc)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc)
8761.8	Hawaii	8212.6
8717.6	San Francisco, Calif.	8198.4
8811.5	New York, N. Y.	8292.3
8768.9	New York, N. Y.	8219.7
13156.0	New York, N. Y.	12995.8
13155.6	New York, N. Y.	12357.3
13180.6	San Francisco, Calif.	12801.4
13172.9	Hawaii	12372.7
17302.1	Hawaii	16471.9
17317.5	New York, N. Y.	16478.3
17350.0	New York, N. Y.	16525.8
17340.6	San Francisco, Calif.	16510.4
22077.5	New York, N. Y.	22027.3
22062.9	San Francisco, Calif.	22012.7
22710	New York, N. Y.	22085.8

[1] These frequencies are those which may be specified in applications for coast station authorizations.

(b) Subject to the specific limitations imposed in this paragraph and in § 7.304 (d) with respect to particular frequencies, the carrier frequencies designated are assignable for working purposes to class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio-channels: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further*, That each coast station shall receive transmission from mobile stations on the associated receiving frequency also designated in this paragraph.

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354 (a) (1) of this chapter. [3]
San Francisco-Eureka, Calif.	2506 2450	None. Available on condition that harmful interference shall not be caused to radio service in Kansas or Wisconsin.	2406 2003	None. Available on condition that harmful interference shall not be caused to the service of any coast station which is within 300 nautical miles of Los Angeles or San Diego, Calif. and is transmitting on 2009 kc to a coast station located in the vicinity of either of these ports.
	2538 4372.4	7 a. m. to 7 p. m. P. s. t. only. None.	2142 4067	7 a. m. to 7 p. m. P. s. t. only. None.
Astoria-Portland, Oreg.	2598 2566	None. 7 a. m. to 7 p. m. P. s. t. only.	2206 2009	None. 7 a. m. to 7 p. m. P. s. t. only.
Seattle, Wash.	2522 2482	None. Authorized for use during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 14 of this Chapter to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m. P. s. t. only; thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m. P. s. t. only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m. P. s. t. only.	2126 2430	None. Available for use south of 51 degrees north latitude and east of 142 degrees west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 14 of this chapter to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m. P. s. t. only; thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m. P. s. t. only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m. P. s. t. only.
Kahuku, T. H.	2530 4320.7	None. None.	2134 4115.3	None. None.
Hilo, T. H.	2582	None.	2198	None.
Palmyra Island, T. H.	2590	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, T. H. to which the carrier frequency 2530 kc is assigned for transmission.	2134	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, T. H., and is transmitting on this frequency to a coast station located in the vicinity of that port.
Tampa, Fla.	2466 2550	A vailable beginning Dec. 15, 1957, on a 24-hour basis. Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1958, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area, which in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.	2009 2158	Available beginning Dec. 15, 1957, on a 24-hour basis. Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1958, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area, which in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.
Mobile, Ala.	2572	None.	[2572 2430	Not available after Dec. 31, 1955. None.
New Orleans, La.	2598 2658 2482	None. Day only; also on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kc is assigned for transmission. None.	2206 2106 2382	None. Day only. None.
Galveston, Tex.	2530 2450	None. Day only; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission. [4]	2134 2366	None. Day only; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port. [4]
San Juan, P. R.	2530	None.	2134	None.
Great Lakes.	2550 2514 2582 4430.7 4434.5 5797.3	Subject to applicable provisions of § 7.304 (d). Subject to applicable provisions of § 7.304 (d). Subject to applicable provisions of § 7.304 (d). None. None. None.	2158 2118 2206 4115.3 4129.1 8243.1	None. None. Not available to United States ship stations for transmission. None. None. None.
Los Angeles-San Diego, Calif.	2566 2466 2598 2522	None. A vailable beginning on a date to be designated; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla. to which this carrier frequency is assigned for transmission. [4] 7 a. m. to 7 p. m., P. s. t., only. 7 a. m. to 7 p. m., P. s. t., only.	2009 2382 2206 2130	None. A vailable beginning on a date to be designated; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port. [4] 7 a. m. to 7 p. m., P. s. t., only. 7 a. m. to 7 p. m., P. s. t., only.

See footnotes at end of table.

[1] These frequencies are those which may be designated in applications for coast station authorizations.

[2] With respect to each specific date set forth herein, the associated limitation or condition imposed shall terminate or begin as applicable, at 3 a. m. eastern standard time.

[3] This carrier frequency is available to the Commission, for use (on a 24-hour basis except where specific hours of use are designated) by the mobile service for ship-to-shore communication in respect to the particular coast station areas designated herein, on a specific beginning date to be designated by the Commission, as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

[4] During certain hours within this time period ship stations (when north of Vancouver, British Columbia, and transmitting on 2430 kc to Seattle) may cause some interference to stations in southeastern Alaska.

(c) Subject to the specific limitations imposed in this paragraph and in § 7.304 with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on the same radio channel: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective frequency:

Coast stations located in the vicinity of—	Carrier frequency (kc) [1]	Specific limitations imposed upon availability for use
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2782 4067 4372.4 6240 6455 8205.5	None. Subject to applicable provisions of § 7.304. Do. Do. Do. Do.
Mobile, Ala.	2572	Not available for ship stations after Dec. 31, 1955.
Lake Dallas, Tex.; Lake Texhoma, Tex.	2738	None.
Lake Mead, Nev., and other locations as required to serve vessels on inland waters of the southwestern continental United States.	2782	The use of this frequency at locations other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg.; Umatilla, Oreg.; and other locations as required, to serve vessels on inland waters of the northwestern continental United States.	2784	The use of this frequency at locations other than The Dalles, Oreg., and Umatilla, Oreg., is subject to the condition that harmful interference is not caused to the service of any other station.

[1] These frequencies are those which may be designated in applications for coast station authorizations.

(d) (1) Subject to the specific limitations and conditions imposed in this paragraph and as applicable in § 7.304 (d), the carrier frequency 2638 kc is assignable as a working frequency to class II public coast stations for telephony when the coast station and the mobile station transmit alternately on this frequency: *Provided*, That:

(i) Under the provisions of this part, no other working frequency for telephony within the band 1600–5000 kc is available for assignment to a public coast station at the proposed location; and

(ii) The proposed station would be located within the continental United States not less than 100 miles from the seacoast (including the shores of all navigable bays and sounds adjacent to the open sea), the shores of the Great Lakes, the St. Lawrence River, the Illinois and Ohio Rivers, and the Mississippi River south of Hastings, Minnesota.

(2) Use of the frequency 2638 kc for ship-shore communication shall be confined exclusively to safety and operational communication (see paragraphs (a), (d), (f), (g) and (o) of § 7.7). Except for safety communication, operation on the frequency 2638 kc by coast stations shall be limited to day only (see § 7.2 (m)): *Provided*, That daily operation with respect to operational communication may be continued beyond this time to the extent necessary for compliance with the provisions of § 7.186 (b).

(3) Each application for public coast station authorization which requests initial or renewal assignment of the frequency 2638 kc shall include:

(i) An affirmative showing that, for reasons other than the absence of necessary ship or coast station equipment, all of the needed ship-shore communication by means of telephony in the respective area cannot, as a practical matter, be provided by the operation of one or more coast stations exclusively on an assignable frequency or frequencies above 156 Mc; and

(ii) An affirmative showing that there is a need for such station for safety and operational communication by means of telephony in the area involved, that the service of any coast station or stations (public, limited or Government) already established, or authorized to be established within an appropriate time, is not, or will not be, adequate to meet all shipshore safety and operational communication needs of the maritime mobile service in such area, and that the applicant's proposed operation on 2638 kc for telephony in accordance with applicable provisions of this part would serve effectively the safety and operational communication needs of ships within such area; and

(iii) A description of the procedures or methods to be used by the station licensee to assure compliance with the provisions of subparagraph (2) of this paragraph.

(4) Each application for renewal of public coast station license which requests renewal assignment of the frequency 2638 kc, but not any frequencies above 156 Mc, shall, in respect to any area in which public coast station facilities for ship-shore telephone communication on frequencies above 156 Mc are not yet established or authorized to be established:

(i) Include an affirmative showing that use of appropriate ship and coast station equipment, if installed and operating on an assignable working frequency above 156 Mc in lieu of 2638 kc for relatively short distance communication, would not decrease a substantial use of 2638 kc by the respective coast station during any part or all of the period of time to be covered by the renewal license; or

(ii) Be accompanied by one or more applications of the same station licensee for station authorization(s) to install and operate supplemental equipment on land to provide public coast station facilities for ship-shore communication over appropriate distances in the respective area on assignable frequencies above 156 Mc, including the calling and safety frequency 156.8 Mc.

(e) Use of the working frequencies authorized in paragraphs (a), (b), (c) and (d) of this section is subject to the applicable conditions and limitations set forth in § 7.304 (d). Further, and insofar as is practicable, class II coast stations shall use frequencies within the band 4000 kc to 30 Mc only when the use of frequency assignments outside this band will not provide effective communication.

§ 7.307 *Availability of frequencies above 100 Mc.* (a) Carrier frequencies which are assignable for use by public coast stations employing frequency modulation for telephony are designated herewith (these frequency assignments are not authorized for use in communicating with stations on board aircraft) for the transmission or reception of public correspondence:

(1) For transmission and reception on the same radio channel:

156.8 Mc for calling and safety purposes; 157.3 Mc, 157.35 Mc and 157.4 Mc for working (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) of this paragraph would not be practicable) at locations where interference is not caused to the use of any of these frequencies for reception from ship stations as contemplated under subparagraph (2) of this paragraph.

(2) For transmission on one radio-channel and associated reception on a different radio channel:

For transmission (Mc)	For reception (Mc)
161.90	157.30
161.95	157.35
162.00	157.40

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

§ 7.308 *Conditions imposed upon assignments in 156–162 Mc band.* (a) The carrier frequency 161.9 Mc is assignable primarily to public coast stations employing frequency modulation for telephony which provide service to one or more of the harbors or ports designated herewith:

Portland, Maine.
Albany, N. Y.
Boston, Mass.
Providence, R. I.
New Haven, Conn.
New York, N. Y.
Philadelphia, Pa.
Baltimore, Md.
Norfolk, Va.
Newport News, Va.
Hampton Roads, Va.
Charleston, S. C.
Savannah, Ga.
Jacksonville, Fla.
Miami, Fla.
Tampa, Fla.
Mobile, Ala.
New Orleans, La
Baton Rouge, La.
Lake Charles, La.
Port Arthur, Tex.
Beaumont, Tex.
Texas City, Tex.
Galveston, Tex.
Houston, Tex.
Corpus Christi, Tex.

Port Aransas, Tex.
San Diego, Calif.
Long Beach, Calif.
Wilmington, Calif.
Port San Luis, Calif.
Estero Bay, Calif.
San Francisco, Calif
Coos Bay, Oreg.
Portland, Oreg.
Tacoma, Wash.
Seattle, Wash.
Everett, Wash.
Duluth, Minn.
Superior, Wis.
Two Harbors, Minn.
Ashland, Wis.
Marquette, Mich.
Presque Isle (Marquette County), Mich.
Port Inland, Mich.
Escanaba, Mich.
Green Bay, Wis.
Milwaukee, Wis.
Chicago, Ill.
Indiana Harbor, Ind.
Gary, Ind.
Ludington, Mich.
Calcite (Rogers City), Mich.
Detroit, Mich.
Toledo, Ohio
Sandusky, Ohio
Lorain, Ohio
Cleveland, Ohio
Ashtabula, Ohio
Conneaut, Ohio
Erie, Pa.
Buffalo, N. Y.
Pittsburgh, Pa.
Louisville, Ky.
St. Louis, Mo.
Memphis, Tenn.

(b) Public coast stations which provide service to any harbor or port not specifically designated in paragraph (a) may be assigned the carrier frequency 161.9 Mc upon the express condition that (1) such assignment shall be on a secondary basis with respect to the use of this assigned frequency by a station or stations providing service (existing or in the future) to one or more of the harbors or ports specifically designated in paragraph (a), and (2) subject to the provisions of §§ 7.180 and 7.181 interference shall not be caused to the service rendered any harbor or port specifically designated in paragraph (a).

(c) The carrier frequency 162 Mc is assignable to any public coast station employing frequency modulation for telephony: *Provided,* (1) The carrier frequency 162 Mc normally shall be assigned only to a station licensee who already is licensed to use the carrier frequency 161.9 Mc, to provide service to the particular harbor(s) or port(s) involved and who is utilizing the latter assigned frequency at maximum capacity to provide such service under the prevailing conditions of operation; OR the applicant for authority to use 162 Mc is not in a position to use the carrier frequency 161.9 Mc because the use thereof in the geographic area involved would create interference to stations already authorized to use this carrier frequency; and

(2) The licensee of any coast station to which the carrier frequency 161.9 Mc is already assigned who applies for additional authority to use the carrier frequency 162 Mc shall fully justify a need for such additional frequency assignment; and

(3) Any other applicant for authority to use the carrier frequency 162 Mc shall show a need for such frequency assignment in lieu of the carrier frequency 161.9 Mc.

(d) The carrier frequency 161.95 Mc is assignable to any public coast station employing frequency modulation for telephony: *Provided,* (1) the carrier frequency 161.95 Mc normally shall be assigned only to a station licensee who already is licensed to use the carrier frequencies 161.9 Mc and/or 162.0 Mc to provide service to the particular harbor(s) or port(s) involved and who is utilizing the assigned frequency or frequencies at maximum capacity to provide such service under the prevailing conditions of operation; OR the applicant for authority to use 161.95 Mc is not in a position to use the carrier frequency 161.9 Mc or 162.0 Mc because the use thereof in the geographic area involved would create interference to stations already authorized to use these carrier frequencies; and (2) the licensee of any coast station to which the carrier frequency(s) 161.9 and/or 162.0 Mc is already assigned who applies for additional authority to use the carrier frequency 161.95 Mc shall fully justify a need for such additional frequency assignment; and (3) any other applicant for authority to use the carrier frequency 161.95 Mc shall show a need for such frequency assignment in lieu of the carrier frequency 161.9 Mc and/or 162.0 Mc, (4) the frequency 161.95 Mc may be authorized only on the condition that the applicant for the involved coast station authorization shall have made a satisfactory showing that operation on this frequency and its associated ship station frequency 157.35 Mc in the respective geographic area(s) will not cause harmful interference to the service of any station of the maritime mobile service when operated on any of the following frequencies: 157.3, 157.4, 161.9 or 162.0 Mc. In the discretion of the Commission this showing shall include the results of initial operation on the coast station frequency 161.95 Mc and the ship station frequency 157.35 Mc under developmental station licenses over an adequate period of time and under conditions prescribed, if necessary, by the Commission.

§ 7.309 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used for safety communication as an alternative to the radiotelephone calling and distress frequency 2182 kc, when appropriate, by public coast stations employing telephony for short-distance communication.

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used when necessary by public coast stations for:

(1) Call, reply, and the exchange of brief operating signals;

(2) Brief operating signals preparatory to working on another radio-channel;

(3) Announcing transmission to be made soon thereafter, on another radio-channel, which transmission is of general interest to ship stations, including ordinary weather and hydrographic information.

(c) The use of this radio-channel by public coast stations for transmissions of any other category is not authorized.

(d) Although use of the assigned frequency 156.8 Mc by public coast stations for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

§ 7.310 *Identification of station.* (a) All radiotelephone emissions of a public coast station shall be clearly identified by voice transmission therefrom in the English language of either the official call sign assigned to that station by the Commission or the approximate geographic location of the station as approved[1] in each case by the Commission upon request made by the station licensee or permittee: *Provided,* That in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved[2] for this purpose by the Commission. Identification as herein prescribed shall be made:

(1) Upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose.

§ 7.311 *Procedure in testing.* (a) Public coast stations using telephony are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test", shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2), any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4 • • • etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station and its approximate geographic location.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc or within the band 156.75 Mc to 156.85 Mc, the test transmission shall not continue for more than 15 seconds in any 15-minute period.

[1] Such voice identification as "Washington marine operator" to indicate that the station is located at or near Washington, D. C., may be approved if there will be no conflict with identification of any other station.

[2] The conditions to be met by such a device in order to obtain the approval of the Commission will be determined and will be incorporated in proposed rule making.

GENERAL RADIOTELEPHONE OPERATING PROCEDURE

§ 7.312 *General radiotelephone operating procedure* — (a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a public coast station shall call the particular station(s) with which it intends to communicate.

(2) Public coast stations may use authorized classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

NOTE. See those provisions of Subpart E of this part relative to authorized classes of emission.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than one minute in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In the event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(4) Each public coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a public coast station, with respect to operation on any radio-channel which is used also by other coast stations within the same communication area, shall not answer, or attempt to answer, a ship station until the latter has transmitted the call sign or name of the particular coast station with which it desires to communicate.

(6) A public coast station shall not attempt to communicate with a ship station that has specifically called another coast station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission by coast stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed three minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, coast stations shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channel.

(d) *Use of busy signal.* A public coast station, when communicating with a ship station which transmits to the coast station on a radio-channel which is a different channel from that used by the coast station for transmission, may transmit a "busy" signal whenever transmission from the ship stations is being received and during such other periods of time, pending completion of any one exchange of communications with a particular ship station, as may be considered necessary by the coast station to avoid or minimize interference from other stations.

§ 7.313 *Station documents.* Public coast stations using telephony shall be provided with and have readily available during their hours of service to the responsible operator (except as otherwise permitted by § 7.102 or § 7.155) the documents hereinafter specified:

Document	Class of public coast station which must be provided with the document listed in the column at the left
Parts 7 and 8 of this chapter	Classes I, II, and III.
A valid station license available in accordance with the provisions of § 7.102.	Classes I, II, and III.
The necessary operator license or licenses available in accordance with the provisions of § 7.155.	Classes I, II, and III.
Station log required by this part	Classes I, II, and III.
Alphabetical List of Call Signs	Class I; and class II stations that provide communication with ocean-going vessels.
List of Coast Stations and Ship Stations	Class I; and class II stations that provide communication with ocean-going vessels.

§ 7.314 *Station records.* (a) Public coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (GMT), except that, in the Great Lakes region, the time shall be expressed in eastern standard time (e. s. t.) (counted from 00:00 to 24:00 o'clock, beginning at midnight) and for public coast stations which communicate exclusively with vessels on inland waters of the United States (other than the Great Lakes) the time shall be expressed in local standard time (e. s. t., c. s. t., etc., counted from 00:00 to 24:00 o'clock, beginning at midnight. The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (e. s. t. in the Great Lakes area) (e. s. t., c. s. t., etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

(4) With respect to public coast stations, which by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelephone calling and distress (assigned frequency 2182 kc), or on the radiotelephone calling channel above 100 Mc (assigned frequency 156.8 Mc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications;

and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) All calls transmitted from or received by a coast station shall be entered, showing the call signs or names of vessels; the time, and the assigned frequencies involved: *Provided, however,* That when the manual operations of switching and handling of telephone calls directly between a ship telephone station and landline telephone facilities are not normally performed by a licensed radio operator, the entries prescribed by this paragraph may be omitted from the station log upon the express condition that equivalent records shall be currently maintained by the station licensee. Such records shall be made available upon request of an authorized Commission representative. The equivalent records shall include the time and such other notations as are necessary to identify the frequency(s) employed and the station(s) communicated with or heard. In addition, for each communication handled, a notation shall be made of the points of origin and destination of the communication. Local standard time may be used to record the occurrence in the equivalent record in lieu of Greenwich mean time or eastern standard time prescribed by subparagraph (3) of this paragraph: *Provided,* That the licensee may be required, upon request of an authorized Commission representative, to convert the standard time recorded to that specified in subparagraph (3) of this paragraph.

(7) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indicated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed, and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

SUBPART J—LIMITED COAST STATIONS AND MARINE-UTILITY STATIONS, USE OF TELEPHONY

§ 7.351 *Supplemental eligibility requirements.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited coast station or a marine-utility station may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act provided the applicant is:

(1) Regularly engaged in the operation of one or more commercial transport vessels, or one or more vessels of a municipal or state government, or is:

(2) An organization of which all persons who are members or shareholders are regularly engaged in the operation of one or more commercial transport vessels, or is:

(3) Legally responsible for the operation, control, maintenance, or development of a harbor, port, or waterway used by commercial transport vessel, or is:

(4) Engaged in furnishing a ship arrival and departure service, and will employ the station only for the purpose of obtaining the information essential to that service.

(5) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are engaged in the operation of one or more commercial transport vessels.

(b) Each application for station authorization for a limited coast station or a marine-utility station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 7.352 *Cooperative use of facilities.* (a) A person, state or local government subdivision, or any agency of the Federal Government subject to the provisions of section 301 of the Communications Act, engaged in the operation of one or more commercial transport vessels or government vessels may receive maritime mobile service from a limited coast station or a marine-utility station used on shore even though not the licensee of the limited coast station or the marine-utility station. The rendition of such service, however, will not be required of the licensee of the limited coast station or the marine-utility station without his consent, except as may be necessary in the enforcement of paragraph (c) of this section. The necessary cooperative arrangements for this purpose will be governed by the following provisions:

(1) Such persons, state or local government subdivisions or Federal agencies may, and in the case of foreign persons shall themselves, be the licensees of the radio stations installed on board their respective vessels: *Provided,* That prior to receiving an authorization to render service to the involved ship station(s), the licensee of the coast station or the marine-utility station from whom the service is to be received files a request for authority to render such maritime mobile service to the person or government agency who is to receive the service. The request must be notarized but may be in letter form, submitted in duplicate. Upon approval of the request, the Commission will designate on the coast station or marine-utility station authorization the persons or government agencies to whom service may be rendered.

(2) The licensee of a limited coast station or marine-utility station used on shore may install licensed ship radio stations on board United States commercial transport vessels of other persons or on board vessels of appropriate government agencies: *Provided,* That in each case such persons or government agencies shall enter into a written agreement verifying that the ship station licensee has the sole right of control of the involved ship stations, that the vessel operators shall use the ship stations subject to the orders and instructions of the licensee of the coast station or marine-utility station on shore, and that the said licensee shall have, at all times, such access to and control of the ship station equipment as will enable him to carry out his responsibilities under the ship station license. A copy of the agreement with vessel owners required hereby shall be kept with the coast station or marine-utility station records and held available for inspection by Commission representatives.

(3) All provisions of this section applicable to ship stations are applicable also to marine-utility stations while the latter are used on board vessels, and to stations on board commercial transport vessels of any foreign country.

(b) All cooperative arrangements entered into under the provisions of this section shall be governed by the following requirements as to costs and charges:

(1) The arrangement must be established on a non-profit, cost-sharing basis by written contract between the parties and a copy of the contract must be kept with the records of the coast station or the marine-utility station and held available for inspection by Commission representatives.

(2) Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons or government agencies who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the licensee of the coast station or the marine-utility station and held available for inspection by Commission representatives. A financial statement reflecting the non-profit, cost-sharing nature of the arrangement shall be submitted by the licensee of the coast station or the marine-utility station annually to the Commission's Washington office no later than three months after the close of the licensee's fiscal year.

(c) If, in a particular geographic area, the use and operation of limited coast stations and (or) marine-utility stations by a plurality of station licensees using the same frequency assignment(s) causes intolerable interference, even though all provisions of this subpart relative to the reduction of interference have been fully complied with, the Commission may, in accordance with the provisions of the Communications Act, require the involved station licensees to join in a single cooperative organization for rendition of the necessary maritime mobile service within the affected area by a single station licensee.

§ 7.353 [Reserved]

§ 7.354 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, limited coast stations and marine-utility stations are authorized to communicate:

(1) With any mobile station in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication;

(3) With the following categories of ship stations for the transmission or reception of communication essential to the business or operational needs of ships:

(i) Limited ship stations and marine-utility stations on board ship, licensed by the Commission and using telephony on a frequency assignment designated by the Commission for communication with limited coast stations or with marine-utility stations on shore;

(ii) Public ship stations licensed by the Commission and using telephony on a frequency assignment designated by the Commission for communication with limited coast stations or marine-utility stations on shore;

(iii) Ship stations of any foreign country using telephony on the radio-channel of which 156.6 Mc is the authorized carrier frequency.

(b) Upon application and satisfactory showing of a need therefor, two or more limited coast stations of the same station licensee may be specifically authorized by the terms of their respective station licenses to communicate on a secondary basis between themselves: *Provided,*

(1) Any communication carried on shall be confined exclusively to that absolutely necessary for the business or operational needs of the ship(s) with which at least one of the involved coast stations is authorized to communicate; and

(2) Other point-to-point communication facilities between the particular coast station locations are inadequate, inoperative, economically impracticable, or unavailable; and

(3) Any two coast stations of this category which communicate with each other are separated by not more than 100 miles; and

(4) Neither harmful interference nor intolerable delay is caused to communication with or between mobile stations; and

(5) Such communication shall occur only on a frequency assignment above 30 Mc except on the radio-channel of which 156.6 Mc or 156.8 Mc is the authorized carrier frequency.

§ 7.355 *Nature of service.* (a) Limited coast stations and marine-utility stations using telephony shall:

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used to transmit program material of any kind for use in connection with radio broadcasting;

(4) Not be used for the transmission of press material or news items which are not required to serve the business or operational needs of ships;

(5) Be used exclusively to serve the operational and business needs of ships, including the transmission of safety communication.

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telephony through the medium of one or more public coast stations or United States Government stations, limited coast stations and marine-utility stations on shore shall not duplicate that service. In all other respects, limited coast stations and marine-utility stations on shore may transmit by means of telephony such weather and hydrographic information as is required for the business and operational needs of the ships with which they normally communicate.

(c) Each marine-utility station on shore shall be used and operated exclusively within the limits of the geographic area specified in the particular station license. Except as specifically provided otherwise in this part, each marine-utility station on shore shall be used and operated as a limited coast station and in accordance with all rules and regulations applicable to such coast stations.

§ 7.356 *Assignable frequencies above 30 Mc.* (a) Carrier frequencies above 100 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore, employing frequency modulation for telephony, and for transmission and reception on the same radio-channel, are designated herewith:

(1) (i) For calling and safety purposes:

156.8 Mc

(ii) For working: (for communication pertaining only to the business and operational needs of ships)

156.4 Mc
156.5 Mc
156.6 Mc
156.7 Mc
156.9 Mc
157.0 Mc (this carrier frequency is not assignable to any coast station or marine-utility station on shore which is located within 100 miles of the Great Lakes, or of the Mississippi River or any tributary thereof, or within 100 miles of any portion of the Gulf of Mexico intracoastal waterway)

(2) Each of these assignable frequencies is available on a shared basis only, and shall not be construed as available for the exclusive use of any one station licensee in any area.

(b) The carrier frequency of each radio-channel which is assignable to a limited coast station or a marine-utility station as the initial working channel for communication with a specified class or classes of vessels is designated herewith; an additional radio-channel or channels for each function herein designated may be assigned to a particular station in accordance with paragraph (a) of this section provided that a sufficient need therefor is shown to exist:

(1) For use in all areas except the Great Lakes area:

(i) For communication with commercial transport vessels and government vessels which are navigated primarily within harbor or port areas; one of the following carrier frequencies:

156.4 Mc
156.5 Mc
156.6 Mc
157.0 Mc subject to the limitations specified in paragraph (a) (1) (ii) of this section.

(ii) For communication with vessels of any class in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, etc.:

156.6 Mc

(iii) For communication with commercial transport vessels and government vessels which are navigated primarily between separate harbors or ports or on voyages which primarily are beyond the limits of a harbor or port:

156.5 Mc

(iv) For communication with vessels of any class when such communication is essential to the effective operation of any duly authorized maritime radiolocation service which is available to all ships within the radiolocation service area:

156.7 Mc

In areas where the use of this carrier frequency is licensed for communication essential to radiolocation, the use of the radio-channel for such communication shall have absolute priority over any other use except for distress signals and distress traffic.

In areas where the use of this carrier frequency for communication essential to radiolocation is not required, or is not required continuously, it may be assigned and used for communication with vessels of the class or classes specified by the Commission as required under the conditions and circumstances in each case, subject to the express condition that interference shall not be caused to its primary use in connection with the maritime radiolocation service.

(v) For communication with pilot vessels, normally stationed at the entrance to a harbor or port, primarily for obtaining regularly from such vessels information concerning the arrival and departure of ships moving to and from that harbor or port, when such information is required by and supplied to persons or government agencies on shore in connection with the business or operation of ships:

156.9 Mc

In areas where the use of this carrier frequency for such communication with pilot vessels is not required, for the foregoing purpose, it may be assigned and used for communication with vessels of the class or classes specified by the Commission as required under the conditions and circumstances in each case.

(2) For use in the Great Lakes area:

(i) For communication with commercial transport vessels, and government vessels which are used regularly to transport passengers and/or land vehicles (including motor vehicles and railroad rolling stock), between established marine terminals:

156.4 Mc

(ii) For communication with commercial transport vessels and government vessels which are navigated primarily between separate harbors or ports or on voyages which primarily are beyond the limits of a harbor or port and with commercial transport vessels used in the fishing industry:

156.5 Mc

(iii) For communication with commercial transport vessels and government vessels which are used in marine construction activities:

156.5 Mc

(iv) For communication with commercial transport vessels and government vessels which are classified as tugboats:

156.9 Mc

(c) Carrier frequencies within the band 30 Mc to 50 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel of communication pertaining only to the business and operational needs of ships, are designated herewith:

Carrier frequency:	*Normal geographic area of use*
35.06 Mc	Gulf coast area, Puerto Rico, and Virgin Islands.
35.10 Mc	Pacific coast area and islands of the Pacific Ocean.
35.14 Mc	Atlantic coast area.
35.18 Mc	Mid-continent area, including Great Lakes.

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

(d) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 35–36 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

§ 7.357 *Conditions imposed upon assignments in 35–36 Mc band.* Each application which requests assignment of a carrier frequency designated in § 7.356 (c) shall designate normally the carrier frequency specified in that paragraph for use in the geographic area in which the coast station or the marine-utility station on shore is located. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfactory showing that the carrier frequency designated in § 7.356 (c) for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not clearly within one of the geographical areas designated in § 7.356 (c), the applicant may obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

§ 7.358 *Conditions imposed upon assignments in 156–162 Mc band.* Normally, a limited coast station or a marine-utility station on shore shall be authorized to use, for working, one radio-channel only, within the frequency-band 156.35 Mc to 157.05 Mc in accordance with the terms of § 7.356 (b). Application for authority to use more than one radio-channel for working shall include a satisfactory showing of need for such additional facility.

§ 7.359 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used when appropriate by limited coast stations and marine-utility stations employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used by limited coast stations and marine-utility stations for:

(1) Call, reply, and the exchange of brief operating signals; and

(2) Operating signals preparatory to message traffic on another radio-channel within the frequency-band 156.35 Mc to 157.05 Mc.

(c) The use of this radio-channel by limited coast stations or marine-utility stations for transmission of any other category is not authorized.

§ 7.360 *Call and reply on working channels.* Although use of the assigned frequency 156.8 Mc by limited coast stations and marine-utility stations on shore for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

§ 7.361 *Use of assigned frequency 156.6 Mc.* The radio-channel of which 156.6 Mc is the authorized carrier frequency is designated primarily for communication concerning port operations. It may be used by limited coast stations and marine-utility stations, with discretion, to serve other business and operational needs of ships on condition that such use shall not interfere with nor delay the exchange of port operational message traffic.

§ 7.362 *Limitations on use of marine-utility stations.* (a) Marine-utility stations on shore shall be used and operated solely within the local geographic area specified in the particular station license.

(b) The antenna structures of a marine-utility station on shore shall meet all applicable requirements of Part 17 of this chapter.

(c) Marine-utility stations on shore shall not be used or operated in the immediate vicinity of any radio transmitting or receiving installation of a coast station, a base station in any land mobile service, or a U. S. Government station, which transmits or receives on any radio-channel(s) above 30 Mc unless the fact has been established, by actual tests in cooperation with the involved station(s), that interference is not caused by such operation to the service of the coast, base, or government station(s) concerned.

§ 7.363 *Use of working frequencies for calling.* In addition to any radio-channel of which the carrier frequency is specifically authorized herein for "calling", the radio-channels authorized in this subpart for "working" may be used for call and reply also, provided interference is not caused to any communication in progress on the particular working channel.

§ 7.364 *Time limitation on communication.* All communication engaged in by limited coast stations and marine-utility stations shall be limited to the minimum practicable transmission time, and each station licensee shall employ standardized operating practices and procedures to this effect.

§ 7.365 *Frequencies below 3000 kc for business, operational and safety purposes.* As an exceptional matter, the frequencies 2738 kc, 2830 kc and 2214 kc are available for assignment on a shared basis to limited coast stations for transmission and reception on the same radio channel by telephony (amplitude modulation) with ship stations solely when such communication is necessary to serve an important business or operational need of one or more commercial transport vessels or government vessels. For this purpose, these frequencies may not be assigned and may not be used in any instance in which:

(a) The desired radio communication is primarily over distances for which frequencies above 30 Mc would be suitable.

(b) The facilities of public coast stations may provide the desired radio communication.

(c) Harmful interference would be caused to the service of any United States Government station by the use of the frequency 2214 kc.

(d) Harmful interference would be caused to the intership use of the frequencies 2738 kc and 2830 kc as prescribed in § 8.358 of this chapter.

(e) The plate input power exceeds the plate input power used by ship stations for intership communication as prescribed by § 8.134 (c) of this chapter.

NOTE: For this purpose the frequencies 2738 kc and 2830 kc may be assigned only in those areas where they are available for intership use.

§ 7.366 *Availability of 2182 kc for limited coast stations.* (a) The frequency 2182 kc is the international radiotelephone distress and general calling frequency for the maritime mobile service. It may be used by limited coast stations solely for transmission of:

(1) Distress signals and traffic as provided in Subpart G of this part.

(2) The international urgency signal, and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(3) The international safety signal, and occasional messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings which messages in the interest of safety must be transmitted on this radio-channel instead of on a different radio-channel.

(4) Normal calls, replies, and brief radio operating signals but only when the use of a different carrier frequency for this function appears to be impracticable by reason of operating or equipment limitations of a mobile station.

(5) Brief test signals in accordance with the provisions of § 7.311, as may be necessary to determine whether the radio transmitting equipment of the station is in good working conditions on this frequency.

(b) When using this frequency for other than distress traffic and urgency and safety signals and messages, the mean[1] antenna power of the unmodulated carrier wave shall not exceed 100 watts.

§ 7.367 *Procedure in testing.* (a) Limited coast stations and marine-utility stations using telephony are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test", shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2) of this paragraph, any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4, • • • etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station and its approximate geographic location.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc or within the band 156.75 to 156.85 Mc, the test transmission shall not continue for more than 15 seconds in any 15 minute period.

§ 7.368 *General radiotelephone operating procedure*—(a) *Limitations on calling.* (1) Except when transmitting a general call to several stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a limited coast station or a marine-utility station shall call the particular station(s) with which it intends to communicate.

(2) Limited coast stations may use authorized classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(4) Each limited coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a limited coast station or a marine-utility station with respect to operation on any radio-channel which is used also by other stations within the same communication area, shall not answer, or attempt to answer, a station on board ship until the latter had transmitted the call sign or name of the particular shore station with which it desires to communicate.

(6) A limited coast station or a marine-utility station shall not attempt to communicate with a ship station that has specifically called another station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed three minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, land stations shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channel

§ 7.369 *Station documents.* (a) Limited coast stations using telephony shall be provided with and have readily available to the responsible operator (except as otherwise permitted by §§ 7.102 and 7.155) during their hours of service, the following documents:

(1) A valid station license available in accordance with § 7.102;

(2) The necessary operator license or licenses available in accordance with § 7.155;

(3) The station log required by this part for stations of this category.

(4) Parts 7 and 8 of this chapter.

§ 7.370 *Station records.* (a) Limited coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

[1] The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation. (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.) See Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in local standard time (EST, CST, etc.) counted from 00:00 to 24:00 o'clock, beginning at midnight. The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "e. s. t.", "c. s. t.", etc., shall be marked at the head of the column in which the time is entered.

(4) With respect to limited coast stations, which, by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel above 100 Mc designated for calling (assigned frequency 156.3 Mc [1]) entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radiochannel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(7) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(8) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(9) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(10) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

(b) Marine-utility stations on shore shall maintain an accurate radiotelephone log during their hours of service as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include notation of the geographic area(s) in which the station is operated; the date and local standard time of operation of the station; official call sign of the marine-utility station, the name and signature of the licensed operator (or other person in accordance with Subpart F of this part) who is responsible for operation of the marine-utility station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

§ 7.371 *Use of United States Government frequencies for telephony.* Frequencies assignable to government radio stations are assignable to non-Government limited coast stations for communication with other non-Government stations by telephony when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 7.372 *Station identification.* (a) All radiotelephone emissions of a limited coast station or a marine utility station shall be clearly identified by voice transmission therefrom in the English language of the official call sign assigned to that station by the Commission; provided that, in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved for this purpose by the Commission. Identification as herein prescribed shall be made:

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose;

(3) At intervals not exceeding fifteen minutes whenever transmissions or communications are sustained for a period exceeding fifteen minutes.

SUBPART K—STATIONS ON LAND IN THE MARITIME RADIOLOCATION SERVICE

§ 7.401 *Limitation on station authorizations.* Pending further development of the use and operation of stations on land in the maritime radiolocation service, and until the requirements of this service have been more completely determined, only developmental station authorizations will be granted, subject to the applicable provisions of Subpart M of this part (including supplemental eligibility requirements) and in accordance with the following sections of this subpart.

§ 7.402 *Assignable frequencies.* (a) The following frequency-bands are authorized for use by shore radionavigation stations (including shore-radar stations) in the maritime radionavigation service; the maximum power shall be designated in each instrument of authorization: *Provided,* That for stations other than shore radar stations, the classes of emission, the frequency tolerance, and the bandwidth occupied by the emission may be designated in each station authorization:

3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

(b) The following frequency-bands are authorized for use by shore radiolocation stations in the maritime radiolocation service; the class of emission; the frequency tolerance; the bandwidth occupied by the emission; and the maximum power may be designated in each station authorization:

(1) 2450 to 2500 Mc for purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, and on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment.

(2)

3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

§ 7.403 *Special conditions imposed.* (a) An authorization granted for the construction and/or operation of a shore radionavigation station shall be subject to the express condition that in so far as the station may be operated to provide information to be used for the purpose of aiding in the movement of any ship, the station shall be treated as a private aid to navigation for which permission must be obtained by the station permittee or licensee from the Commandant, United States Coast Guard, as provided in section 759, Title 33, U. S. Code.

(b) Upon the grant of an authorization for the construction and/or operation of a shore radionavigation station, the Commission will forward to the Commandant, U. S. Coast Guard, Washington, D. C., notification thereof together with a copy of the authorization.

SUBPART L—FIXED STATIONS ASSOCIATED WITH THE MARITIME MOBILE SERVICE

MARINE FIXED STATIONS

§ 7.451 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any person who is engaged in:

(1) Prospecting for, producing, collecting, refining, or transporting petroleum or petroleum products in the immediate vicinity of the marine fixed station requested; or

(2) An activity in the immediate vicinity of the marine fixed station requested which is necessary to a construction project of a public character.

(b) Additionally, and subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged, in the immediate vicinity of the marine fixed station, in one or more of the activities designated in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

§ 7.452 *Points of communication.* Marine fixed stations are authorized to communicate by means of telephony solely with class II public coast stations in the United States when these stations render a communication service of telephony in direct connection with the general public service land-line telephone system, provided the marine fixed station, in each instance, is located not more than 300 statute miles from each coast station of this class with which it communicates.

§ 7.453 *Showing of need.* Applicants for authority to establish and operate marine fixed stations must satisfy the Commission, through information contained in the application or as otherwise determined by the Commission, that a need for the desired communication exists primarily in respect to the safety of life or property, and that the use of any communication facility to satisfy such need, other than a marine fixed station, is impossible or impracticable for the purpose involved.

§ 7.454 *Assignable frequencies.* (a) Carrier frequencies within the band 2000 to 2450 kc, which are authorized by Part 8 of this chapter for use by public ship stations employing telephony for the transmission of public correspondence to public coast stations (normally providing direct connection with public service land-line telephone systems), are assignable to marine fixed stations for the same purpose; upon the condition that neither harmful interference nor intolerable delay is caused to communication between coast stations and mobile stations.

(b) In addition to the assignable frequencies designated in paragraph (a) of this section, the carrier frequency 2182 kc is assignable to marine fixed stations solely for use in transmitting, by means of telephony with an antenna power not exceeding 100 watts (when no modulation is present), distress calls and distress traffic, and urgency and safety signals and messages. The use of this radiochannel by marine fixed stations for ordinary calls and replies is prohibited.

§ 7.455 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine fixed stations are set forth in Subpart E of this part.

§ 7.456 *Scope of communication.* Marine fixed stations shall be used primarily for safety communication, as defined in § 7.7 (a): *Provided, however,* That other than safety communication may be carried on, by these stations, with discretion and to the extent required in behalf of the specific activities set forth in § 7.451: *Provided,* That, in this respect priority at all times shall be given to use of the assigned radio channel(s) for ship to shore transmission.

§ 7.457 *Station documents.* (a) Each marine fixed station shall be provided with the following documents:

(1) A valid station license.

(2) The necessary operator license or licenses.

(3) The station log required by § 7.458.

(4) Parts 7 and 8 of this chapter.

§ 7.458 *Station records.* (a) Marine fixed stations shall maintain an accurate radiotelephone log during their hours of service as follows: all entries shall be made by the licensed operator on duty at the station, except as otherwise provided in subparagraph (2) of this paragraph:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radiochannel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(5) All test transmissions shall be entered, including the date, time, and purpose thereof.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation, e. s. t., c. s. t., etc., shall be marked at the head of the column in which time is entered.

§ 7.459 *Station identification.* For the purpose of station identification, the provisions of § 8.364 (a) of this chapter shall apply to marine fixed stations.

§ 7.460 *Procedure in testing.* For the purpose of conducting operational or maintenance tests, the provisions of § 8.365 (a) of this chapter shall apply to marine fixed stations.

§ 7.461 *Operating procedure.* In the use and operation of marine fixed stations, these stations shall be governed by the provisions of § 8.366 (a) and (h) of this chapter.

MARINE RECEIVER-TEST STATIONS

§ 7.471 *Eligibility requirements.* An authorization for a marine receiver-test station may be granted to the licensee of a public coast station using telephony and having a frequency assignment for this purpose within the frequency-band 2000 kc to 3500 kc or 156.35 Mc to 162.05 Mc.

§ 7.472 *Scope of service.* A marine receiver-test station shall be used solely for brief transmissions intended for interception by the regularly used radiotelephone receiving apparatus of an associated public coast station of the same station licensee; the purpose of such transmissions shall be limited to necessary determinations of the technical performance of such receiving apparatus. No other signals or communications shall be transmitted by marine receiver-test stations.

[1] Pending further development of the use of very high frequencies, no watch is required to be maintained by limited coast stations or marine utility stations on shore under the existing provisions of Subpart G of this part.

§ 7.473 *Assignable frequencies.* The carrier frequency or frequencies assignable to a marine receiver-test station is (are) the specific carrier frequency or frequencies within the band 2000 kc to 3500 kc or 156.35 Mc to 162.05 Mc used by public ship stations in transmitting by means of telephony to the particular public coast station with which the marine receiver-test station is associated; these frequencies with respect to ship stations of the United States are designated in §§ 8.354 and 8.356 of this chapter.

§ 7.474 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine receiver-test stations are set forth in Subpart E of this part.

§ 7.475 *Station identification.* The official call sign and the general geographic location of the marine receiver-test station shall be announced at the conclusion of each completed test transmission.

§ 7.476 *Operating limitations.* The station licensee shall exercise such control over the transmissions of a marine receiver-test station as is necessary to avoid interference to calls from ship stations and to the exchange of public correspondence between ship and shore. The maximum amount of transmission time permitted on any one radio-channel authorized for use by a particular marine receiver-test station in a region of heavy radio traffic on the involved radio-channel shall not exceed 24 minutes in each 24-hour period.

§ 7.477 *Station records.* (a) An accurate log shall be maintained with respect to the operation of each marine receiver-test station. The station licensee shall be responsible for compliance with this requirement. This log may be maintained and located at an authorized control point associated with the station.

(b) All log entries shall be made by the licensed operator responsible for operation of the station or by a person authorized and directed by the station licensee to make such entries.

(c) The log shall be maintained and entries made therein as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever interference to other stations is reported to the station licensee or to the responsible operator, an entry shall be made by the latter to that effect, stating the source of the interference report and the station(s) to which interference has been caused, if known.

(5) All test transmissions shall be entered, including the date, time, duration of the transmission, the class of emission and particular radio-channel used.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures (from 00:00 to 24:00 beginning at midnight local standard time); additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation e. s. t., c. s. t., etc., shall be marked at the head of the column in which time is entered.

MARINE CONTROL STATIONS, MARINE REPEATER STATIONS AND MARINE RELAY STATIONS

§ 7.481 *Eligibility requirements.* Authorizations for marine control stations, marine repeater stations, and marine relay stations will be issued only to licensees of coast stations who have made a satisfactory showing of need therefor in relation to the particular coast station or stations of which they are the station licensee.

§ 7.482 *Showing of need.* Applicants for such authorization must show (a) that a need exists for a point-to-point radio circuit for control, repeater, or marine relay purposes, (b) that telecommunication facilities other than a marine control, marine repeater, or marine relay station are not available, or if available would not provide effective results, and (c) that the service to be rendered through use of the marine control station, marine repeater, or marine relay station is necessary for, or will prove beneficial to, the service rendered by the associated coast station(s).

§ 7.483 *Points of communication.* (a) Marine control stations are authorized to transmit exclusively to the particular coast station whose operation or emission is being controlled by such transmissions.

(b) Marine repeater stations are authorized to transmit exclusively to other authorized marine repeater stations, or to designated radio receiving locations to which the respective transmitted communication is addressed, or to an authorized message center at a designated fixed location.

(c) Marine relay stations are authorized to transmit to and receive from other authorized marine relay stations as specified in the station authorization.

§ 7.484 *Frequencies assignable.* (a) In any area in the continental United States, a maximum of four carrier frequencies assignable in accordance with Part 2 of this chapter within either or both of the bands 72.02 Mc to 74.58 Mc and 75.42 Mc to 75.98 Mc are available in the aggregate for use by marine control stations, marine repeater stations and marine relay stations on condition that harmful interference shall not be caused to:

(1) Reception by the general public of emissions from television stations on television channels 4 and 5;

(2) The service of existing and previously authorized marine control stations, marine repeater stations, or marine relay stations;

(3) The service of existing and previously authorized stations operating in any aviation service.

Pursuant to Part 2 of this chapter, assignable frequencies for this purpose are spaced 40 kc apart, beginning with the frequencies 72.02 Mc and 75.45 Mc and ending with the frequencies 74.58 Mc and 75.98 Mc, respectively. Should the Commission find that public interest, convenience, or necessity would be served thereby, licensees of marine control stations, marine repeater stations, and marine relay stations authorized to operate on one or more frequencies within these bands shall be required to share, on a coordinated non-interference basis, the use of their respective frequency assignments with other licensees using the same frequencies.

(b) Assignment of the frequencies set forth in paragraph (a) is subject to the following conditions and restrictions:

(1) The applicant must agree to eliminate any harmful interference caused by his operation to TV reception on either Channel 4 or 5 that might develop by whatever means are found necessary within 90 days of the time knowledge of said interference is first brought to his attention by the Commission and that if said interference is not cleared up within the 90-day period, operation of the fixed station will be discontinued.

(2) Vertical polarization must be used.

(3) Whenever it is proposed to locate a 72–76 Mc fixed station less than 80, but more than 10 miles from the site of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, the fixed station shall be authorized only if there are fewer than 100 family dwelling units (as defined by the U. S. Bureau of Census) located within a circle centered at the location of the proposed fixed station (family dwelling units 70 or more miles distant from the TV antenna site are not to be counted) the radius of which shall be determined by use of the chart entitled, "Chart for Determining Radius from Fixed Station in 72–76 Mc Band to Interference Contour Along Which 10% of Service From Adjacent Channel Television Station Would Be Destroyed." Two charts are provided, one for Channel 4 and one for Channel 5.

(4) Provided, however, that the Commission may, in a particular case, authorize the location of a fixed station within a circle as determined under subparagraph (3) above containing 100 or more family dwelling units upon a showing that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(5) All applications seeking authority to operate with a separation of less than 10 miles will be returned without action.

(c) The frequency 27.255 Mc is available for use by marine control stations, marine repeater stations and marine relay stations on a shared basis with stations in other services and must accept any harmful interference from the operation of industrial, scientific and medical equipment in the frequency band 26.96 to 27.28 Mc.

§ 7.485 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine fixed stations are set forth in Subpart E of this part.

§ 7.486 *Limitation on station authorizations.* Pending additional development of the use and operation of marine control, marine repeater, and marine relay stations, and until the necessary scope of service required to be rendered by these classes of stations has been more completely determined, such stations will be authorized exclusively on a developmental basis in accordance with the provisions of Subpart M of this part. In addition to the provisions of this subpart, the relevant conditions and limitations set forth in Subpart M shall apply to these classes of stations.

SUBPART M—DEVELOPMENTAL STATIONS

§ 7.501 *Supplemental eligibility.* An authorization for developmental operation of a station in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 7.502 *Showing and statement required.* (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed;

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the frequency requested is restricted to such developmental use.

§ 7.503 *Assignable frequencies.* (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency-bands designated in this part as available for a particular service and class of station, each of the following frequencies and frequency-bands may be licensed as an assigned frequency or as authorized frequency-band, respectively, for use by developmental stations subject to the applicable provisions of this part as follows:

Available for coast stations:
- 3,500–3,700 Mc
- 6,425–6,575 Mc
- 11,700–12,200 Mc

Available for coast stations and fixed stations:
- 26,000–30,000 Mc and
- 2,450–2,500 Mc
- 16,000–18,000 Mc

on condition that no protection shall be given from interference caused by emissions from industrial, scientific or medical equipment.

Available for operational fixed stations:
- 952–960 Mc
- 1,850–1,990 Mc
- 2,110–2,200 Mc
- 2,500–2,700 Mc
- 6,575–6,875 Mc
- 12,200–12,700 Mc

The class of emission, the frequency tolerance, the emission-bandwidth, and the maximum transmitter-power for use on the foregoing frequencies which are above 2,400 Mc shall be designated in each station authorization.

(c) In addition to the specific frequency bands designated by § 7.402 for shore radionavigation stations, each of the following frequencies or frequency bands may be licensed as an assigned frequency or an authorized frequency band for use by developmental shore radionavigation stations:

Authorized frequency band	*Assigned frequency*
2900 to 3000 Mc.	
3246 to 3266 Mc	3256 Mc (Racons only).
3266 to 3300 Mc.	
5250 to 5440 Mc.	
5440 to 5460 Mc	5450 Mc (Racons only).
8500 to 9300 Mc.	
9300 to 9320 Mc	9310 Mc (Racons only).
9500 to 9800 Mc.	

§ 7.504 *Use of developmental stations.* (a) Developmental stations shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization.

NOTE. Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, assignment of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

§ 7.505 *Developmental program.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 7.506 *Report of operation required.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(a) The final objective of the developmental operation.

(b) Pertinent results of operation to date.

(c) Analysis of the results obtained.
(d) Copies of any published reports.
(e) Need for continuation of the program if such need exists.
(f) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 7.507 *Identification of station.* (a) The radiotelegraph and radiotelephone emissions of a developmental station shall be clearly identified in the manner provided for the corresponding established class of station.

(b) The facsimile emissions of a developmental station shall be identified either by telegraphy or by telephony as provided in paragraph (a) of this section.

(c) All other classes of emission of a developmental station shall be identified as prescribed in the respective station authorization.

SUBPART N—STATIONS OPERATED IN THE LAND MOBILE SERVICE FOR MARITIME PURPOSES

§ 7.521 *Eligibility for shipyard base stations.* Under the provisions of this part, a station authorization will not be issued solely for a shipyard base station in the land mobile service. Subject to the provisions of § 7.523 only a land station authorized to operate as a limited coast station in the maritime mobile service may be authorized, upon proper application therefor, to be used additionally, and on a secondary basis, as a shipyard base station in the land mobile service.

§ 7.522 *Eligibility for shipyard mobile stations.* Under the provisions of this part, a station license will not be issued solely for one or more shipyard mobile stations in the land mobile service. Subject to the provisions of §§ 7.524 and 7.525, authority to construct, or to use and operate, one or more shipyard mobile stations in the land mobile service may be granted, upon proper application therefor, exclusively to the licensee or permittee of a limited coast station when that station is authorized to be used additionally and on a secondary basis as a shipyard base station in the land mobile service.

§ 7.523 *Showing precedent to shipyard base station authorization.* (a) Prior to a grant by the Commission of any shipyard base station authorization pursuant to the provisions of § 7.521, the applicant therefor must establish, in connection with each related application, that:

(1) Such applicant controls and operates a shipyard, in commerce, which is regularly engaged in the construction, change in construction, or repair of commercial transport vessels and/or Government vessels;

(2) Each limited coast station to be used additionally as a shipyard base station will be operated primarily as a coast station for communication with one or more commercial transport vessels operated and controlled by the applicant, which are used in connection with the construction, change in construction, or repair of commercial transport vessels and/or Government vessels by the shipyard to which reference is made in subparagraph (1) of this paragraph.

§ 7.524 *Showing precedent to shipyard mobile station authorization.* (a) Prior to a grant by the Commission of any shipyard mobile station authorization pursuant to the provisions of § 7.522, the applicant therefor must establish in connection with each related application, that each shipyard mobile unit on which a shipyard mobile station is to be installed and operated is:

(1) Controlled and operated by the applicant;

(2) To be used for the expeditious transportation of shipyard personnel, material, or supplies within the local geographic area to which reference is made in § 7.523 (a) (1) in connection with the construction, change in construction, or repair of commercial transport vessels or Government vessels by that shipyard.

§ 7.525 *Limitation on number of shipyard mobile stations.* (a) The number of shipyard mobile stations which may be authorized for each land station permittee or licensee pursuant to the provisions of §§ 7.522, and 7.524 shall be limited to a maximum of one shipyard mobile station for each three ship stations (for example, the licensee of up to and including 5 ship stations is entitled to one shipyard mobile station; the licensee of 6, 7, or 8 ship stations is entitled to two shipyard mobile stations, etc.) when each ship station included for this purpose is:

(1) Licensed in the name of the particular land station permittee or licensee;

(2) Located on board a commercial transport vessel operated and controlled by the particular land station permittee or licensee;

(3) Used for communication with one or more limited coast stations of the same station licensee, in connection with the construction, change in construction, or repair of commercial transport vessels and/or Government vessels.

§ 7.526 *Points of communication.* (a) Subject to the provisions of § 7.527, a land station, when operating as a shipyard base station, is authorized to communicate exclusively with shipyard mobile stations of the same licensee.

(b) Subject to the provisions of § 7.527, each shipyard mobile station is authorized to communicate exclusively with any land station of the same licensee which is licensed to operate as a shipyard base station.

§ 7.527 *Limitations on use.* (a) Communication between a land station, operating as a shipyard base station, and any shipyard mobile station may be transmitted only when:

(1) The involved facilities of the land station are not required at the same time for any maritime mobile service; and

(2) Both the land station and the shipyard mobile station are within a geographic area designated by the Commission in reference to those stations.

(b) Each shipyard mobile station shall be operated exclusively within the local geographic area specified in the applicable station authorization: *Provided,* That such stations shall not be operated in the immediate vicinity of any transmitting or receiving radio installation of any land station (other than a land station of the same licensee) or any U. S. Government station, which transmits or receives on any radio-channel(s) above 100 Mc unless the fact has been established, by actual tests in cooperation with the involved station(s), that interference is not caused by such operation to the service of the land station or Government station concerned.

(c) Under no circumstances shall the operation of a shipyard mobile station or a land station being used as a shipyard base station interfere with any maritime mobile service.

§ 7.528 *Scope of communication.* (a) Each land station, when operating as a shipyard base station, and each shipyard mobile station is authorized to transmit:

(1) Communication concerning the use of shipyard mobile units for expediting the construction, change in construction, repair, servicing, or maintenance of commercial transport vessels or government vessels by the shipyard which controls and operates such mobile units;

(2) In an emergency, communication concerning the immediate safety of life or property when the use of other communication facilities might be less effective.

(b) Transmission of any other class of communication by shipyard base stations or shipyard mobile stations is not authorized.

§ 7.529 *Assignable frequencies.* (a) Provided one of the following designated carrier frequencies is authorized for use by a particular limited coast station in the maritime mobile service in accordance with the applicable provisions of Subpart J of this part, such carrier frequency may be authorized for additional use by that land station for operation (on a secondary basis in reference to maritime mobile service) as a shipyard base station in a supplemental land mobile service:

(1) For use by stations in any area: 156.5 Mc.

(2) For use by stations in any area except the Great Lakes area: 156.4 Mc.

(3) For use by stations located more than 100 miles from the Great Lakes, the Mississippi River or any tributary thereof, and the Gulf of Mexico intra-coastal waterway: 157.0 Mc.

(b) The carrier frequency which may be authorized for use (on a secondary basis in reference to maritime mobile service) by one or more shipyard mobile stations is the same as that authorized, in accordance with the provisions of paragraph (a) of this section, for use by a land station of the same permittee or licensee with which such mobile stations are to communicate: *Provided,* That the same carrier frequency is licensed also for use by ship stations of that permittee or licensee which regularly communicate with that land station.

§ 7.530 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter power for shipyard base stations and shipyard mobile stations shall be the same as is designated for coast stations in Subpart E of this part.

§ 7.531 *Cooperative use of facilities.* If, in a particular geographic area, the use and operation of shipyard mobile stations and shipyard base stations by a plurality of station licensees using the same frequency assignment(s) causes intolerable interference, even though all provisions of this part relative to the reduction of interference have been fully complied with, the Commission may, in accordance with the provisions of the Communications Act, require the involved station licensees to join in a single cooperative organization for rendition of the necessary land mobile service within the affected area by a single station licensee.

§ 7.532 *General operating procedure.* (a) All communication engaged in by shipyard base and mobile stations shall be limited to the minimum practicable transmission time, and each station licensee shall employ standardized operating practices and procedures to this effect.

(b) Each licensee of shipyard mobile stations shall exercise such control over the transmissions of those stations as is necessary to avoid interference to calls from ship stations which may be transmitted on the radio-channel used by the shipyard mobile stations.

(c) Calling a particular station, either by voice or by other means, shall not continue for a period of more than 30 seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In event of an emergency involving safety, these time limitations shall not apply.

(d) Shipyard base stations may use authorized classes of emission for the selective calling of shipyard mobile stations on each radio-channel authorized for communication between such base and mobile stations.

§ 7.533 *Identification of stations.* (a) All emissions of a shipyard base station shall be clearly identified by voice transmission therefrom in the English language of either (1) the official call sign assigned to that station (the official call sign assigned to the same station as a coast station in accordance with § 7.72) by the Commission, or (2) the name of the station licensee (in abbreviated form if practicable) as formally reported to and approved by the Commission; if the licensee operates more than one shipyard base station within mutual interference range, the name of the licensee shall be followed by a digit indicating distinctly the respective land station, as formally reported to the Commission.

(b) All emissions of a shipyard mobile station shall be clearly identified by voice transmission in the English language of either (1) the single official call sign assigned by the Commission to the shipyard mobile station(s) of that licensee in the particular geographic area, followed by two digits indicating distinctly the respective shipyard land mobile unit as reported to the Commission, or (2) the name of the station licensee (in abbreviated form if practicable) as formally reported to and approved by the Commission followed by two digits indicating distinctly the respective shipyard land mobile unit as reported to the Commission.

(c) Identification of stations as prescribed in this section shall be made:

(1) Whenever another station is called;

(2) Upon completion of each communication with any other station;

(3) At the beginning and upon completion of each transmission made for any other purpose.

§ 7.534 *Procedure in testing.* With respect to test transmission, the provisions of § 7.367 which apply to limited coast stations and marine-utility stations shall apply also to shipyard base stations and shipyard mobile stations: *Provided,* That the term "licensed radio operation" as used in paragraph (a) (1) of that section shall, with respect to test operation of shipyard mobile stations pursuant to this section, be construed in each instance to mean the operator licensee on duty at the control point of the associated shipyard base station as provided in § 7.156 (a) (1).

§ 7.535 *Station documents.* (a) With respect to documents required to be available at a shipyard base station, the provisions of § 7.369 which apply to limited coast stations using telephony shall apply also to shipyard base stations.

(b) Each shipyard mobile station shall be provided with the following documents during its hours of service:

(1) A valid station authorization, available in accordance with § 7.102.

(2) The necessary operator license or licenses, available in accordance with § 7.155 (this requirement is not applicable when the station is operated under the provision of § 7.156).

§ 7.536 *Station records.* (a) (1) With respect to station records required to be maintained by a shipyard base station, the provisions of § 7.370 which apply to limited coast stations using telephony shall apply also to shipyard base stations.

(2) Each licensee of a land station operated as a shipyard base station shall, upon specific request made by the Commission, be responsible for the submission of such reports as are requested by the Commission to show the value and practical performance of that station and the associated shipyard mobile station(s) in the land mobile service in relation to the maritime mobile service for which the same land station is licensed.

(b) Unless otherwise determined by the Commission subsequent to pertinent developments in the use and operation of shipyard mobile stations, no station records need be maintained by those stations upon the express condition that (1) such station records as are required by other applicable sections of this part (including §§ 7.109, 7.110, and 7.111) are maintained as part of the required records of the associated shipyard base station, and (2) the records of the latter station with respect to the log entries required by § 7.370 (a) (7), (8) and (9) shall include the specified information concerning the involved shipyard mobile station(s).

SUBPART O—VIOLATIONS

§ 7.551 *Answers to notice of violation.* Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such three-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

§ 7.552 *Reports of infringements of the International Radio Regulations.* In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in the International Radio Regulations.

SUBPART P—APPENDICES

§ 7.601 *Appendix I—Location of Engineering Field Offices and Monitoring Stations.* (a) Radio districts and addresses of engineers in charge thereof:

Radio district	Address of the engineer in charge	Territory within district— States	Territory within district— Counties
1	1600 Customhouse, Boston 9, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richard, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.

Radio district	Address of the engineer in charge	Territory within district— States	Territory within district— Counties
3	1005 New U. S. Customhouse, Philadelphia 6, Pa.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	400 McCawley Bldg., 400 East Lombard St., Baltimore 2, Md.	Delaware	Kent and Sussex.
		Maryland	All except District 24.
		Virginia	Clarke, Fairfax all except District 24, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.
5	Room 402, Federal Bldg., Norfolk 10, Va.	North Carolina	All except District 6.
		Virginia	All except District 4.
6	718 Atlanta National Bldg., 50 Whitehall St. SW., Atlanta 3, Ga. Suboffice: P. O. Box 77, 214 Post Office Bldg., Savannah, Ga.	Alabama	All except District 8.
		Georgia	All counties.
		North Carolina	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina	All counties.
		Tennessee	Do.
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla. Suboffice: 409-410 P. O. Bldg., Tampa 2, Fla.	Florida	All except District 8.
8	608 Federal Bldg., 600 South St., New Orleans 12, La. Suboffice: 419 U. S. Courthouse and Customhouse, Mobile 10, Ala.	Alabama	Baldwin and Mobile.
		Arkansas	All counties.
		Florida	Escambia.
		Louisiana	All counties.
		Mississippi	Do.
		Texas	City of Texarkana only.
9	324 U. S. Appraisers Bldg., 7300 Wingate St., Houston 11, Tex. Suboffice: P. O. Box 1527 (329 Post Office Bldg., 300 Willow St.), Beaumont, Tex.	do	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kendall, Kerr, Kinney, Kleber, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tyler.
10	P. O. Box 5238, 500 U. S. Terminal Annex Bldg. (Houston and Jackson Sts.), Dallas 22, Tex.	Oklahoma	All counties.
		Texas	All except District 9 and the city of Texarkana.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif. Suboffice: No. 15-C U. S. Customhouse, Union and F Sts., San Diego 1, Calif. Ship office: Room 326 U. S. Post Office and Courthouse Bldg., San Pedro, Calif.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
		Nevada	Clark.
12	323-A Customhouse (555 Battery St.), San Francisco 26, Calif.	California	All except District 11.
		Nevada	All except Clark.
13	433 New U. S. Courthouse, 620 Southwest Main St., Portland 5, Oreg.	Idaho	All except District 14.
		Oregon	All counties.
		Washington	Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	802 Federal Office Bldg. (1st Avenue and Marion), Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.
		Montana	All counties.
		Washington	All except District 13.
15	521 New Customhouse (19th between California and Stout Sts.), Denver 2, Colo.	Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box, Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, and Washington.
		New Mexico	All counties.
16	208 Uptown Post Office and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All counties except District 15.
		North Dakota	All counties.
		Wisconsin	All counties except District 18.
17	3100 Federal Office Bldg, 911 Walnut St, Kansas City 6E, Mo.	Iowa	All except District 18.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All counties except District 15.
18	826 U. S. Courthouse, 219 South Clark St., Chicago 4, Ill.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
		Kentucky	All counties except District 19.
19	1029 New Federal Bldg., Detroit 26, Mich.	do	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe and Woodford.
		Ohio	All counties.
		Michigan	All counties except District 16.
20	328 Post Office Bldg., Buffalo 3, N. Y.	West Virginia	All counties except District 4.
		New York	All except District 2.
21	502 Federal Bldg., Honolulu 1, T. H.	Pennsylvania	All except District 3.
		Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2087, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico.	
		Virgin Islands.	
23	P. O. Box 644, Room 53, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska. Suboffice address to read as follows: Suboffice: P. O. Box 1421, 6 Shattuck Bldg, Juneau, Alaska.	Alaska.	
24	Briggs Bldg, 224 and E Sts. NW., Washington 25, D. C.	District of Columbia.	All.
		Maryland	Within 10 miles of D. C. boundary.
		Virginia	Do.

(b) The offices of the regional managers of the Field Engineering and Monitoring Bureau are located at the following addresses:

Region No. 1, 954 Federal Building, 641 Washington Street, New York 14, N. Y.—To include: Districts Nos. 1, 2, 3, 4, 5, 20, and 24.

Region No. 2—718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. To include: Districts Nos. 6, 7, 8, 9, 10 and 22.

Region No. 3—323-A Customhouse (555 Battery Street), San Francisco 26, California. To include: Districts Nos. 11, 12 and 13.

Region No. 4—802 Federal Office Building (First Avenue and Marion), Seattle 4, Washington. To include: Districts Nos. 13, 14 and 23.

Region No. 5, P. O. Box 1142, Lanikai, Oahu, T. H.—To include: District No. 21.

Region No. 6, 832 U. S. Courthouse, Chicago 4, Ill.—To include: Districts Nos. 16, 17, 18, and 19.

(c) The primary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Michigan.

Federal Communications Commission, Grand Island Monitoring Station, P. O. Box 788, Grand Island, Nebraska.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Texas.

Federal Communications Commission, Mills Monitoring Station, P. O. Box 458, Mills, Massachusetts.

Federal Communications Commission, P. O. Box 1142, Lanikai Monitoring Station, Lanikai, Oahu, Hawaii.

Federal Communications Commission, Santa Ana Monitoring Station, P. O. Box 744, Santa Ana, California.

Federal Communications Commission, Laurel Monitoring Station, P. O. Box 81, Laurel, Maryland.

Federal Communications Commission, Livermore Monitoring Station, P. O. Box 989, Livermore, California.

Federal Communications Commission, Portland Monitoring Station, P. O. Box 5165, Portland 16, Oregon.

Federal Communications Commission, Powder Springs Monitoring Station, P. O. Box 98, Powder Springs, Georgia.

(d) Secondary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, P. O. Box 5098, Fort Lauderdale, Florida.

Federal Communications Commission, P. O. Box 251, Chillicothe, Ohio.

Federal Communications Commission, P. O. Box 1448, Muskogee, Oklahoma.

Federal Communications Commission, Searsport, Maine; P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Washington.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 810, Fairbanks, Alaska.

[F. R. Doc. 57-10173; Filed, Dec. 18, 1957; 8:45 a. m.]

UNIVERSITY
OF MICHIGAN

MAIN
READING ROOM

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PART I

FEDERAL REGISTER

VOLUME 22 NUMBER 246

Washington, Friday, December 20, 1957

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter L—Security of Waterfront Facilities

[CGFR 57-52]

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

MISCELLANEOUS AMENDMENTS

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature of vessels, harbors, ports, and waterfront facilities in the United States, and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.14–1 in Executive Order 10173 (15 F. R. 7007, 3 CFR, 1950 Supp.) the Commandant may prescribe such conditions and restrictions relating to the safety of waterfront facilities and vessels in port or within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such waterfront facilities or vessels from damage or injury or to prevent such damage or injury or to secure the observance of rights and obligations of the United States. In this document the amendments are editorial in nature or to clarify the requirements in line with recent decisions and rulings.

Since the security interests of the United States call for the aforesaid application of the provisions of 33 CFR 6.14–1 in Executive Order 10173 and because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof is impracticable and contrary to the public interest.

This issue includes two parts bound together. Part II contains a revision of 14 CFR Parts 600, 601, Civil Aeronautics Administration.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended by Executive Orders 10277 and 10352, the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

A. Part 125 is amended as follows:

1. By adding a new section to be inserted immediately after § 125.05, reading as follows:

§ 125.06 *Western rivers.* The term "western rivers" as used in the regulations in this subchapter shall include only the Red River of the North, the Mississippi River and its tributaries above the Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

2. By adding a new section to be inserted immediately after § 125.07, reading as follows:

§ 125.08 *Great Lakes.* The term "Great Lakes" as used in the regulations in this subchapter shall include the Great Lakes and their connecting and tributary waters.

(40 Stat. 220, as amended; 50 U. S. C. 191; E. O. 10173, 15 F. R. 7005, 3 CFR, 1950 Supp., as amended by E. O. 10277, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F. R. 4607, 3 CFR, 1952 Supp. Interpret or apply sec. 2, 23 Stat. 118, as amended, 46 U. S. C. 2)

B. Part 126 is amended as follows:

1. Section 126.01 is amended to read as follows:

(Continued on next page)

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CODIFICATION GUIDE

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§ 126.01 *General definitions.* (a) The terms "Commandant", "District Commander", "Captain of the Port", and "Waterfront Facility" when used in this part shall have the meaning set forth in §§ 6.01–1, 6.01–2, 6.01–3, and 6.01–4, respectively, of Executive Order No. 10173 (15 F. R. 7005, 3 CFR, 1950 Supp.), except that the term "waterfront facility" shall not include such a facility directly operated by the Departments of the Army, Navy, or Air Force.

(b) The term "net tons" when used in § 126.27 (b), shall be "net weights" of the materials as prepared for shipment, i. e.: gross weight less tare (weight of packing and shipping containers).

2. Section 126.13 is amended to read as follows:

§ 126.13 *Designation of waterfront facilities.* (a) Waterfront facilities which fulfill the conditions required in § 126.15, unless waived under provisions of § 126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the penalties of fine and imprisonment provided in section 2, Title II of the act of June 15, 1917, as amended, 50 U. S. C. 192.

3. Section 126.15 is amended by revising paragraphs (c), (d), (e), (l), and (m) to read as follows:

§ 126.15 *Conditions for designation as designated waterfront facility.* • • •

(c) *Welding or hot work.* That oxyacetylene or similar welding or burning, or other hot work including electric welding or the operation of equipment therefor is prohibited on the waterfront facility during the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo thereon, except when approved by the Captain of the Port: *Provided*, That such work shall not be conducted at any time during the handling, storing, stowing, loading, discharging, or transporting of explosives.

(d) *Trucks and other motor vehicles.* That trucks and other motor vehicles are not permitted to remain or park upon the waterfront facility except under the following conditions:

(1) When actually awaiting opportunity to load or discharge cargo, ship supplies, or passengers and is attended by a driver.

(2) When loading or discharging tools, equipment or materials incident to maintenance, repair, or alterations and is attended by a driver.

(3) When the vehicle is headed toward an unimpeded exit and is attended by a driver.

(4) When a vehicle is handled and stored as an item of cargo and gasoline tanks are empty.

(5) When parking areas are designated and permitted in accordance with local ordinances and regulations and provided no fire lanes are blocked nor exits impeded by their presence, passenger vehicles may be parked in such portions of the waterfront facility as may be designated and marked off by the owner or operator.

(e) *Pier automotive equipment.* That tractors, stackers, life trucks, hoisters, and other equipment driven by internal combustion engines used on the waterfront facility are of such construction and condition and free from excess grease, oil, or lint as not to constitute a fire hazard; that each unit of such equipment is provided with an approved type fire extinguisher attached; that, when not in use, such equipment is stored in a safe manner and location; that gasoline or other fuel used for such equipment is stored and handled in accordance with accepted safe practices, and is not stored on the waterfront facility except in conformity with paragraph (g) of this section; and that refueling of such equipment or any vehicle is prohibited on any pier or wharf within the waterfront facility.

• • • • • •

(l) *Lighting.* That subject to applicable dimout and blackout regulations, such waterfront facility is adequately illuminated during the handling, storing, stowing, loading, discharging or transporting of dangerous cargo thereon; and that kerosene and gasoline lamps and lanterns are not used on such waterfront facility.

(m) *Arrangement of cargo, freight, merchandise or material.* That cargo, freight, merchandise or material is arranged on the waterfront facility according to the individual structure of such facility, in a manner to permit complete access for the purpose of fire extinguishment; that, except on facilities used primarily for the transfer of railroad or highway vehicles to or from cargo vessels and carfloats; cargo, freight, merchandise or other material is placed on the waterfront facility in accordance with the following:

(1) At least two feet of clear and open space will be maintained free of rubbish, dunnage or other obstructions between cargo, freight, merchandise or other material piles and walls of the waterfront facility, fire walls or fire stops in enclosed waterfront facilities. This distance shall be measured from the most prominent projection of the wall such as studding, bracings, or other obstructions that are a part of the structure. In an unenclosed facility, two feet of clear and open space will be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise or combustible freight merchandise, or other combustible or inflammable material, not including bulk cargo, bulk freight merchandise or other material in bulk shall not be tiered higher than 12 feet. All cargo, freight, merchandise or other materials including inflammable or combustible cargo, inflammable or combustible freight, merchandise, or other inflammable or combustible materials shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structural members of not less than 36", and between such upper level and sprinkler heads a clearance of at least 12" shall be maintained.

(2) Inflammable and combustible cargo, not including bulk cargo, shall not be tiered higher than 12 feet. All cargo including inflammable and combustible cargo shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structural members of not less than 36", and between such upper level and sprinkler heads a clearance of at least 12" shall be maintained.

(3) There shall be maintained at least four feet of clear and open operating space around any fire alarm box, standpipe, fire hose, sprinkler valve, fire door, deck, hatch, or first-aid fire appliance.

(4) When first-aid fire appliances, alarm boxes, other safety equipment or deck hatches are located in a space surrounded by cargo, freight, merchandise, or other materials, there shall be maintained a straight, free, and open space at least three feet in width running therefrom to the center aisle. This space shall be kept clear of all rubbish, dunnage, and other obstruction.

(5) A main aisle of at least twenty feet in width shall be maintained the entire length of the waterfront facility if control of fire requires trucks to come on the pier. The aisle may be reduced to eight feet in width if such access by fire trucks is not required.

(6) Cross aisles, at least five feet wide, straight and at right angles to the main aisle, shall be maintained at intervals not exceeding seventy-five feet, and extending to the side of the waterfront facility.

4. Section 126.17 is amended to read as follows:

§ 126.17 *Permits required for handling designated dangerous cargo.* Designated dangerous cargo may be handled, loaded, discharged, or transported at any designated waterfront facility only if a permit therefor has been issued by the Captain of the Port, except that no permit shall be required for the handling, loading, discharging, or transporting of such cargoes to or from, on or across, a waterfront facility used for the transfer of railroad vehicles to or from a railroad carfloat when such cargoes are not removed from, or placed in, the railroad vehicle while in or on such waterfront facility.

5. Section 126.27 (b) is amended to read as follows:

§ 126.27 *General permit for handling dangerous cargo.* • • •

(b) The following classes of dangerous cargo as classified in the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146), in the amounts specified, shall not be handled, stored, stowed, loaded, discharged, or transported except on waterfront facilities used primarily for the transfer of railway or highway vehicles to or from cargo vessels or carfloats, without notification to the Captain of the Port:

(1) Explosives, Class B, in excess of 1 net ton at any one time.

(2) Explosives, Class C, in excess of 10 net tons at any one time.

(3) Inflammable liquids, in containers, in excess of 10 net tons at any one time.

(4) Inflammable solids or oxidizing materials, in excess of 100 net tons at any one time.

(5) Inflammable compressed gases, in excess of 10 net tons at any one time.

(6) Poison, Class A, or Radioactive materials, Class D (Groups I and II), in any amount.

6. Section 126.29 is amended to read as follows:

§ 126.29 *Supervision and control of dangerous cargo.* The Captain of the Port is authorized to require that any transaction of handling, storing, stowing, loading, discharging, or transporting the dangerous cargo covered by this subchapter shall be undertaken and continued only under the immediate supervision and control of the Captain of the Port or his duly authorized representative. In case the Captain of the Port exercises such authority, all directions, instructions, and orders of the Captain of the Port or his representative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging and transporting; with re-

spect to the operation of the waterfront

§ 11.303 *Appeals.* Any employee who

[Amdt. 213]

spect to the operation of the waterfront facility; with respect to vessels handling, stowing, loading, or discharging of dangerous cargo at anchorages when the operations are under the immediate control and supervision of the Captain of the Port or his duly authorized representative; with respect to the ingress and egress of persons, articles and things and to their presence on the waterfront facility or vessel; and with respect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

(40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, 15 F. R. 7005, 3 CFR, 1950 Supp., E. O. 10277, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F. R. 4607, 3 CFR, 1952 Supp.)

Dated: December 13, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 57-10521; Filed, Dec. 19, 1957; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (2) of § 6.310 is amended as set out below.

§ 6.310 *Department of the Interior.* • • •

(f) *Bureau of Reclamation.* • • •

(2) Three Assistant Commissioners.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10518; Filed, Dec. 19, 1957; 8:47 a. m.]

PART 11—SPECIAL TRANSITIONAL AUTHORITIES

CONVERSION OF CAREER-CONDITIONAL TO CAREER APPOINTMENT; APPEALS

Sections 11.302 and 11.303 are amended as set out below.

§ 11.302 *Conversion of career-conditional to career appointment.* Any employee entitled to veteran preference who has a compensable service-connected disability of 10 percent or more and who has received a career-conditional appointment prior to January 1, 1958, may have his appointment converted to a career appointment if, not later than December 31, 1958, the agency in which he is employed recommends such conversion and certifies to the Commission that he has satisfactorily completed a one-year probationary period.

§ 11.303 *Appeals.* Any employee who is not recommended for competitive status under § 11.301 or certified for career appointment under § 11.302 may appeal to the Commission. Such appeal must be submitted not later than December 31, 1957, for competitive status under § 11.301 and not later than December 31, 1958, for career appointment under § 11.302. The Commission may then request the agency to determine whether it will recommend the employee for competitive status or certify him for career appointment, as the case may be. The Commission shall assume that a favorable recommendation or certification has been made unless the agency makes an adverse recommendation or certification within thirty (30) days after receipt of the Commission's request.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10512; Filed, Dec. 19, 1957; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 60—AIR TRAFFIC RULES

TWO-WAY RADIO FAILURE PROCEDURES

Footnote 10 to § 60.49-1 as it appears in 22 F. R. 9046 on November 14, 1957, is corrected to read as follows:

[10] Air Traffic Control may issue appropriate instructions by means of "blind" transmissions on radio frequencies directly available or may authorize "blind" transmissions of appropriate instructions over air carrier radio facilities (for air carrier aircraft), and/or over suitable radio range facilities. Instructions should not be broadcast unless authorized by Air Traffic Control.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This correction shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM P. DAVIS,
Acting Administrator
of Civil Aeronautics.

DECEMBER 13, 1957.

[F. R. Doc. 57-10506; Filed, Dec. 19, 1957; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 600—DESIGNATION OF CIVIL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REVISION OF PARTS

CROSS REFERENCE: For revision of Parts 600 and 601, see Part II of this issue.

[Amdt. 213]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.51, the Gray AFB, Texas, area (R-343), amended December 22, 1955 in 20 F. R. 9856 is redesignated to exclude that portion overlapped by following airway: From the Austin, Texas VOR direct to the Lometa, Texas VOR, direct to the San Angelo, Texas VOR.

2. Section 608.55, the Olympic Peninsula, Washington, area (R-241), amended October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "From 15,000 feet MSL to unlimited".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 16, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

DECEMBER 12, 1957.

[F. R. Doc. 57-10503; Filed, Dec. 19, 1957; 8:45 a. m.]

[Amdt. 49]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Joliet VOR	JOT-LFR	Direct	1800	T-dn	300-1	300-1	
				S-dn-13	400-1	400-1	
				C-dn	600-1	600-1	
				A-dn	NA	NA	

Procedure turn S side of W crs, 248 Outbnd, 068 Inbnd, 1800' within 10 mi.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 126—3.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 mi, make right turn, climb to 2000' on SW crs within 20 mi.
CAUTION: Airport without weather reporting services.

City, Joliet; State, Ill.; Airport Name, Joliet; Elev., 580'; Fac. Class, SBRAZ; Ident., JOT; Procedure No. 1, Amdt. 2; Eff. Date, 11 Jan. 58; Sup. Amdt. No. 1; Dated 6 Aug. 55

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

CANCELLED EFFECTIVE 11 JAN. 58, AS PROCEDURE BEING PUBLISHED AS A COMBINED ILS-ADF PROCEDURE EFFECTIVE 11 JAN. 58.

City, Duluth; State, Minn.; Airport Name, Williamson-Johnson; Elev., 1430'; Fac. Class, LOM; Ident., DL; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Nov. 57

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Joliet LFR	JOT-VOR	Direct	1800	T-dn	300-1	300-1	
				C-dn	600-1	600-1	
				S-dn-13	400-1	400-1	
				A-dn	NA	NA	

Procedure turn W side of crs, 329 Outbnd, 149 Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 149—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make right turn, climbing to 2000', proceed to Joliet VOR. Hold at VOR on R-149 until further clearance received.
NOTE: No approved weather reporting services.
AIR CARRIER NOTE: Not authorized for more than 2-eng aircraft.

City, Joliet; State, Ill.; Airport Name, Joliet; Elev. 580'; Fac. Class, BVOR; Ident. JOT; Procedure No. 1, Amdt. 2; Eff. Date, 11 Jan. 58; Sup. Amdt. No. 1; Dated, 17 Dec. 55

				T-dn	300-1	300-1	300-1
				C-d	700-1½	700-1½	700-1½
				C-d*	400-1	500-1	500-1½
				C-n	700-2	700-2	700-2
				C-n*	400-1½	500-1½	500-2
				A-dn	1000-2	1000-2	1000-2

*Descent authorized if Fan Marker is received.
Procedure turn E side of crs, 151 Outbnd, 331 Inbnd, 2000' within 10 miles.
Minimum altitude over VOR facility on final approach crs, 1500'. Min. alt. over FM, 1200'.
Crs and distance, facility to airport, 331—8.5.
Crs and distance, Fan Marker to Airport, 331—2.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.5 miles, or 2 miles from Fan Marker, climb to 2000' on outbnd crs of 331 within 15 miles of VOR.

City, Louisville; State, Ky.; Airport Name, Bowman; Elev. 549'; Fac. Class, BVOR; Ident., LOU; Procedure No. 1, Amdt. 2; Eff. Date, 12 Dec. 57 or date of com. of fac.; Sup. Amdt. No. 1; Dated, 14 Apr. 56

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	1000–3	1000–3	1000–3
				A-dn	1000–3	1000–3	1000–3

Procedure turn W side, 347 Outbnd, 167 Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 167—10.7.
NOTE: 300–1 required for takeoff, Rnwy 31.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.7 mi, climb to 2500′ on R-167 within 20 mi.
CAUTION: 400′ bluffs W, NW and E of airport.

City, St. Joseph; State, Mo.; Airport Name, Rosecrans Memorial; Elev., 822′; Fac. Class, BVOR; Ident., STJ; Procedure No. 1, Amdt. 3; Eff. Date, 11 Jan. 58; Sup. Amdt. No. 2; Dated, 5 May 54

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Evanston Int	ORD-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Dundee Int	ORD-VOR	Direct	2500	C-dn	500–1	500–1	500–1½
Midway LOM	ORD-VOR	Direct	2000	S-dn-18	500–1	500–1	500–1
Glenview LFR	ORD-VOR	Direct	2000	A-dn	800–2	800–2	800–2
Northbrook VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if information on sector altitudes is desired.
Procedure turn W side of crs, 004 Outbnd, 184 Inbnd, 2200′ within 5 mi of Int*.
Minimum altitude over Int* on final approach crs, 1700′.
Brng & distance, Int* or Radar Fix to airport, 184—7.0.
*Int R-004 ORD and 230° brng from NBC or radar fix.
Crs and distance, breakoff point to app end rny 18, 178—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left turn, climb to 2500′ or higher altitude specified by ATC, and proceed to Northbrook VOR via R-030 ORD and R-135 OBK, or if directed by ATC: (1) make immediate left turn, climb to 3500′, proceed to Evanston Int via R-075 ORD; (2) make immediate left turn, climb to 2500′, proceed to Glenview LFR via 030 crs and SE crs Glenview LFR.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev., 666′; Fac. Class, VOR; Ident., ORD; Procedure No. TerVOR-18, Amdt. 3; Eff. Date, 11 Jan. 58; Sup. Amdt. No. 2; Dated, 28 Apr. 57

Evanston Int	ORD-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Dundee Int	ORD-VOR	Direct	2500	C-dn	600–1	600–1	600–1½
Midway LOM	ORD-VOR	Direct	2000	S-dn-22	600–1	600–1	600–1
Glenview LFR	ORD-VOR	Direct	2000	A-dn	800–2	800–2	800–2
Northbrook VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
Procedure turn N side of crs, 032 Outbnd, 212 Inbnd, 2000′ within 5 mi of Int*.
Minimum altitude over Int* on final approach crs, 1500′; Brng and distance, Int* or Radar Fix to airport, 212—5.0.
*Int R-032 ORD and R-146 OBK or Radar Fix.
Crs and distance, breakoff point to app end of rny 22, 217—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make immediate left turn, climb to 2500′ or higher altitude if specified by ATC and proceed to Northbrook VOR via R-030 ORD and R-135 OBK, or if directed by ATC: (1) make immediate left turn, climb to 3500′ proceed to Evanston Int via R-075 ORD, (2) make immediate left turn, climb to 2500′, proceed to Glenview LFR via 030 crs and SE crs Glenview LFR.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666′; Fac. Class, VOR; Ident., ORD; Procedure No. TerVOR-22, Amdt. 5; Eff Date, 11 Jan. 58; Sup. Amdt. No. 4; Dated, 2 Nov. 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 11 JAN. 58, AS PROCEDURE APPLIES TO MILITARY ONLY. COMBINATION ILS-ADF PROCEDURE BEING PUBLISHED FOR ALL USERS, EFFECTIVE 11 JAN. 58.

City, Duluth; State, Minn.; Airport Name, Duluth Mun.; Elev., 1430′; Fac. Class, ILS; Ident., DLH; Procedure No. 1, Amdt. 1; Eff. Date, 24 Feb. 57; Sup. Amdt. No. Orig.; Dated, 23 Feb. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Duluth VOR	LOM	Direct	2700	T-dn	300–1	300–1	200–½
Duluth LFR	LOM	Direct	2700	C-dn	500–1	500–1	500–1
Int VOR R-320 and 180 brg to LOM	LOM	Direct	2700	C-n	500–1½	500–1½	500–1½
Int 142° brg to DLH-LFR and 180° brg to LOM.	LOM	Direct	2700	S-dn-9:			
				ILS*	300–¾	300–¾	300–¾
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*Approach lights not installed.
Procedure turn S side of final approach crs, 268° Outbnd, 088° Inbnd, 2700′ within 10 miles.
Minimum altitude over LOM 2700′ ILS, 2000′ ADF.
Altitude of glide slope and distance to approach end of runway at LOM, 2700′—4.3; at MM, 1630′—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of LOM, climb to 3000′ on 088° crs from LOM (ILS) within 20 miles.
CAUTION: 2049′ tower approximately 4.5 miles SE of Duluth Municipal Airport.

City, Duluth; State, Minn.; Airport Name, Duluth Municipal; Elev., 1430′; Fac. Class, ILS-IDL; Ident., LOM-DL; Procedure No. ILS-9, Comb. ILS-ADF; Amdt., Orig.; Eff. Date, 11 Jan. 58

La Guardia LFR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Glen Cove RBn	LOM	Direct	2500	C-dn	500–1	600–1	600–1½
Flatbush FM	LOM (Final) ILS	Direct	1500	S-dn-4:*			
Flatbush FM	LOM (Final) ADF	Direct	1200	ILS	400–¾	400–¾	400–¾
				ADF	500–1	500–1	500–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Radar vectors may be substituted for the above transitions.
*500–1 required with any component of the ILS inoperative.
Procedure turn S side SW crs, 224 Outbnd, 044 Inbnd, 1500′ S of Flatbush FM but within 10 mi of LOM.
Minimum altitude at G. S. int inbnd ILS 1500′, minimum altitude over LOM inbnd final 1200′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 1310—3.9, at MM 295—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi of LOM, (1) climb to 1500′ on NE crs LGA ILS or LFR or (when directed by ATC) (2) climb to a higher altitude or (3) make a climbing right turn to 1500′ and return to Flatbush FM. La Guardia LFR must be monitored during ADF approach.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. (2) Unlighted obstructions in approach zone (Rnwy 4) protruding 40′ above lights at beginning of approach lightlane decreasing to 10′ above lights at 1100′ from approach end of runway.

City, New York; State, N. Y.; Airport Name, La Guardia; Elev., 20′; Fac. Class, ILS-LGA; Ident., LOM-LG; Procedure No. ILS-4, Comb. ILS-ADF; Amdt. 13; Eff. Date, 11 Jan. 58; Sup. Amdt. No. 12; Dated, 15 June 57

Ontario VOR	LOM	Direct	*3200	T-dn	300–1	300–1	200–½
Fontana FM	LOM	Direct	*5000	C-dn	600–1	600–1	600–1½
Riverside LFR	LOM	Direct	*4000	S-dn Ry 25:			
Downey RBN	LOM	Direct	# 3200	ILS	300–¾	300–¾	300–¾
Riverside LFR	Colton RBn	Direct	%4000	ADF	600–1	600–1	600–1
Corona Int	ONT VOR	Direct	6700	A-dn	800–2	800–2	800–2
Colton RBn	LOM (Final)	Direct	**2700				

*Must be on top with tops not above 7000′ MSL for ADF approach.
Must be on top with tops not above 7000′ MSL for either ILS or ADF approach.
% Must be on top with tops not above 5000′ for ADF approach.
**After intercepting glide slope, descent to cross LOM at 2120′ is authorized.
Procedure turn S side of crs, 075 Outbnd, 255 Inbnd, 3200′ within 10 mi of LOM. Beyond 10 mi NA (nonstandard due to terrain).
Minimum altitude at glide slope int inbnd—2700′ ILS. Min. alt. over LOM inbnd final—2700′ ADF.
Altitude of glide slope and distance to approach end of runway at LOM, 2120—3.7; at MM, 1140—10.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi of LOM; ILS and ADF: Climb to 3000′ on W crs ILS (255°) not beyond Fairgrounds Int, then reverse crs to left and climb to on top on 075° crs to LOM.
CAUTION: High terrain North.
NOTE: Shuttle to 4000′ between LOM and Fairgrounds Int. All turns South.

City, Ontario; State, Calif.; Airport Name, International; Elev., 952′; Fac. Class, ILS-ONT; Ident., LOM-ON; Procedure No. ILS-25, Comb. ILS-ADF; Amdt. 7; Eff. Date, 11 Jan. 58; Sup. Amdt. No. 6; Dated, 30 Nov. 57

Utica LFR	Utica RBn	Direct	3000	T-dn	300–1	300–1	200–½
Int E crs Syracuse LFR and SE crs ILS	Utica RBn (Final)	Direct	3000	C-dn	400–1	500–1	500–1½
Int Syracuse R-113 and SE crs ILS	Utica RBn (Final)	Direct	3000	S-dn # ** 33	300–¾	300–¾	300–¾
Sherrill VOR Int	Utica RBn	Direct	3000	A-dn	600–2	600–2	600–2
Utica LFR	Utica LMM	Direct	3000				

#Approach lights not commissioned.
Procedure turn E side SE crs, 149 Outbnd, 329 Inbnd, 3000′ within 10 mi of Utica RBn.
Minimum altitude at G. S. int. inbnd 3000′.
Altitude of G. S. and distance to appr end of rny at Utica RBn 3000′—7.3; OM 1925′—3.8; MM 935′ **—0.6.
**400–¾ with glide slope inoperative. Minimum altitude over OM with glide slope inoperative 1340′ MSL.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn returning to Utica RBn at 3000′*. Approaches may be conducted with Utica RBn inoperative provided OM is identified prior to executing procedure turnand glide slope is utilized.
*Alternate missed approach procedure (when directed by ATC) proceed to Utica LFR climbing to 3000′.

City, Utica; State, N. Y.; Airport Name, Oneida County; Elev. 742′; Fac. Class, ILS-UCA, MHW-UTI; Ident., LMM-CA; Procedure No. ILS-33, Amdt. 1; Eff. Date, 11 Jan. 58; Sup. Amdt. No. Orig.; Dated, 7 June 56

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wilmington RBN	LOM	Direct	1300	T-dn	300–1	300–1	200–½
Wilmington VOR	LOM	Direct	1300	C-dn	500–1	600–1	500–1½
				S-dn-34:			
				ADF	400–1	400–1	400–1
				ILS*	300–¾	300–¾	300–¾
				A-dn:			
				ADF	800–2	800–2	800–2
				ILS	600–2	600–2	600–2

*400–¾ required when glide slope not utilized.
Procedure turn E side of S crs, 163 Outbnd, 343 Inbnd, 1400' within 10 mi.
Minimum altitude at glide slope int inbnd—1400' ILS; min. alt. over LOM inbnd final—800' ADF.
Altitude of glide slope and distance to approach end of runway at OM 1385—4.7; at MM—230—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi after passing LOM (ADF) climb to 1309' on N crs ILS (343) within 20 mi.
NOTE: No approach lights.

City, Wilmington; State, N. C.; Airport Name, New Hanover County; Elev., 31'; Fac. Class, ILS-HIMN; Ident., LOM-IM; Procedure No. ILS-34, Comb. ILS-ADF; Amdt. 2; Eff. Date, 12 Dec. 57; Sup. Amdt. No. 1; Dated, 16 July 55

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
				T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				S-dn-4*	400–¾	400–¾	400–¾
				A-dn	600–2	600–2	600–2

*500–1 required with approach lights inoperative.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on NE crs of La Guardia LFR or when directed by ATC: Climb to a higher altitude or make a climbing right turn to 1500' and return to Flatbush FM.
CAUTION: (1) Circling minimums do not provide standard clearance over obstructions. (2) Unlighted obstructions in approach zone (Rnwy 4) protruding 10' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway.

City, New York; State, N. Y.; Airport Name, La Guardia; Elev., 20'; Fac. Class, La Guardia, Ident.; Radar; Procedure No. 1, Amdt. 7; Eff. Date, 11 Jan. 58; Sup. Amdt. No. 6; Dated, 16 June 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 11, 1957.

[F. R. Doc. 57-10411; Filed, Dec. 19, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND RATE OF ASSESSMENT FOR THE 1957–58 FISCAL PERIOD

Notice was published in the November 21, 1957, daily issue of the FEDERAL REGISTER (22 F. R. 9295) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1957–58 season under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.210 *Expenses and rate of assessment for the 1957–58 fiscal period*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1957, and ending June 30, 1958, both dates inclusive, will amount to $29,747.50.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at 6 mills ($0.006) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all pears shipped during the 1957-58 fiscal period; (2) shipments of such pears are now being made; and (3) it is essential that the specification of the assesment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Control Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, terms shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, December 17, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-10529; Filed, Dec. 19, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 52]

REPAIR STATION CERTIFICATES

CHANGES IN HOUSING AND FACILITIES

The rule requiring a filing of a request for a modified or amended repair station certificate in § 52.5–1 (c) lists, among other things, a change of location but does not refer to a change in housing and facilities as provided in § 52.10 of the Civil Air Regulations. To correct this omission, it is proposed to amend § 52.5–1 (c) (1) to include a change in housing and facilities to the requirements for the filing of a request for a modified or amended certificate.

All interested persons who desire to submit comments and suggestions for consideration in connection with this amendment to the rule contained in § 52.5–1 should send them to the Director, Office of Flight Operations and Airworthiness, Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Section 52.5–1 (c) (1) is amended to read:

§ 52.5–1 *Procedure for applying for a repair station certificate (CAA rules which apply to § 52.5).* * * *

(c) *Modifications or amendments to certificate.* * * *

(1) Change of location, or in the housing and facilities.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 1, 601, 602, 605, 607, 610, 52 Stat. 977, 1007, 1008, 1010, 1011, 1012, as amended; 49 U. S. C. 401, 551, 552, 555, 557, 560)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 13, 1957.

[F. R. Doc. 57-10504; Filed, Dec. 19, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 195]

[Ex Parte No. MC-40]

HOURS OF SERVICE OF DRIVERS

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of December A. D. 1957.

It appearing, that effective administration of our regulations relating to hours of service of drivers requires the filing of certain reports by motor carriers to keep us informed as to the extent of compliance and noncompliance therewith; and

It further appearing, that modifications in our classification of motor carriers of property under the Uniform System of Accounts, which became effective January 1, 1957, require amendment of § 195.9 (c) of the Motor Carrier Safety Regulations:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of the Commission's proposal to amend § 195.9 (c) of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR 195.9 (c)), (Authority: 49 Stat. 546, as amended, 49 U. S. C. 304), as follows:

Delete the present paragraph and substitute therefor the following:

(c) Every Class I motor carrier of passengers and every Class I and Class II motor carrier of property, as defined by the Commission in prescribing the uniform system of accounts (§§ 181.02–1 and 182.01–1 of this subchapter), shall file on Form BMC–62 (§ 7.62 of this chapter) a report for every calendar month in which no driver employed or used by it has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by §§ 195.3 and 195.4.

It is further ordered, That interested persons may on or before January 31, 1958, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed amendment, or some revision thereof, in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

And it is further ordered, That notice of this proposed rule modification shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10511; Filed, Dec. 19, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 4]

[Docket No. 12116; FCC 57-1352]

EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

OPERATION OF LOW POWER TELEVISION BROADCAST REPEATER STATIONS; ORDER EXTENDING TIME FOR FILING COMMENTS

At a session of the Commission held at its offices in Washington, D. C., on the 11th day of December 1957.

The Commission has before it for consideration a letter dated December 4, 1957, from Governor McNichols of Colorado, filed on behalf of the Colorado Television Repeater Association, requesting the Commission to extend the time for filing comments in this proceeding from December 15, 1957, to January 15, 1958.

Governor McNichols states that the Association has acted with all possible speed in preparing its comments but has been unable to compile the engineering information, obtain data from manufacturers relating to equipment, make competent measurements, and complete the preparation of its comments based on

the data obtained within the presently

from December 15, 1957

the data obtained within the presently specified time period.

The Commission is of the view that Governor McNichols has set forth good cause for extending the time for filing comments in this proceeding and that such extension will serve the public interest, convenience and necessity.

Accordingly, it is ordered, That the request of Governor McNichols is granted; and that the time for filing comments in this proceeding is extended from December 15, 1957, to January 15, 1958, and that the time for filing reply comments is extended from January 14, 1958, to February 14, 1958.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10523; Filed, Dec. 19, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 57-51]

ADDRESS AND DESCRIPTION OF CAPTAIN OF THE PORT OFFICE AND PORT AREA FOR WILMINGTON, N. C.

For the information of those affected by the requirements in 33 CFR Part 124 (Control Over Movement of Vessels) to file advance notice of time of arrival with the local Captain of the Port or the Coast Guard District Commander, the addresses and descriptions of Coast Guard districts, as well as Captain of the Port offices and port areas, were published in the FEDERAL REGISTER dated March 12, 1955 (20 F. R. 1537-1539), as Coast Guard Document CGFR 55-7 and Federal Register Document 55-2100. A "Captain of the Port Office and Port Area" for Wilmington, N. C., has been established. The address of this office and the description of the area are as follows:

Fifth Coast Guard District. • • •

Captain of the Port Office, c/o Wilmington Group, Custom House Wharf, Wilmington, N. C.: All navigable waters of the United States and contiguous land areas within the following boundaries: On the east 77°55'00" W. meridian, on the south the 33°50'00" N. parallel, on the west the 78°02'00" W. meridian, and on the north the 34°17'00" N. parallel.

Dated: December 12, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57-10522; Filed, Dec. 19, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 155-57]

ESTABLISHMENT OF THE CIVIL RIGHTS DIVISION IN THE DEPARTMENT OF JUSTICE

DECEMBER 9, 1957.

By virtue of the authority vested in me by law, including particularly section 161 of the Revised Statutes of the United States (5 U. S. C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and as Attorney General of the United States: *It is hereby ordered,* As follows:

1. There is hereby established in the Department of Justice a division to be known and designated as the Civil Rights Division, at the head of which there shall be an Assistant Attorney General.

2. Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Civil Rights Division:

(a) Enforcement of all Federal statutes affecting civil rights, and authorization of such enforcement, including criminal prosecutions, and civil actions and proceedings on behalf of the Government; and appellate proceedings in all such cases.

(b) Requesting, directing and reviewing of investigations arising from reports or complaints of public officials or private citizens with respect to matters affecting civil rights.

(c) Conferring with individuals and groups who call upon the Department in connection with civil-rights matters, advising such individuals and groups thereon, and initiating action appropriate thereto.

(d) Coordination within the Department of Justice of all matters affecting civil rights.

(e) Consultation with and assistance to other Federal departments and agencies and State and local agencies on matters affecting civil rights.

(f) Research on civil-rights matters, and the making of recommendations to the Attorney General as to proposed policies and legislation therefor.

(g) Upon their request, assisting the Commission on Civil Rights and other similar Federal bodies in carrying out research and formulating recommendations.

3. All functions, records, property, positions, and funds of the Civil Rights Section of the Criminal Division are hereby transferred to the Civil Rights Division.

WILLIAM P. ROGERS,
Attorney General.

[F. R. Doc. 57-10514; Filed, Dec. 19, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 581]

CALIFORNIA

SMALL TRACT CLASSIFICATION

DECEMBER 13, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described lands, totaling 2,571.02 acres in Riverside County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended:

SAN BERNARDINO MERIDIAN

T. 4 S., R. 8 E.,
Sec. 30, All;
Sec. 32, All.
T. 5 S., R. 8 E.,
Sec. 4, All;
Sec. 10, All.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to December 13, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

ROLLA E. CHANDLER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57-10509; Filed, Dec. 19, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 7-60, 23-565]

INDUSTRIE-WARENVERKEHR AND GEORG EIGLER

ORDER TEMPORARILY REVOKING AND DENYING EXPORT PRIVILEGES

In the matter of Industrie-Warenverkehr, and Georg Eigler, Liliengasse 1, Vienna 1, Austria, respondents; File 7-60, 23-565.

The Investigation Staff of the Bureau of Foreign Commerce, United States Department of Commerce, applied to the Compliance Commissioner, pursuant to the provisions of § 382.11 of the Bureau of Foreign Commerce Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), for an order temporarily suspending Industrie-Warenverkehr and Georg Eigler, the respondents herein, from all United States export privileges pending completion of an investigation of violations of the Export Regulations involving said individuals.

The Compliance Commissioner, having considered the evidence submitted in support of said application, has reported the facts upon which the application is based from which it appears that the respondents, having obtained control of 100 tons of "Ethyl" anti-knock compound motor mix licensed for consumption in Austria, have permitted it to be sold to an unauthorized purchaser and consignee who has caused it to be diverted to a person and destination unknown, and that the respondents are large distributors of great quantities of goods exported from the United States, much of said goods being of a strategic nature; and

It appearing further that an investigation of the foregoing matter is presently being conducted by the Investigation Staff and that it is contrary to the public interest at this time to permit said respondents or persons and firms associated with them to participate in any further exportations from the United States; and that the temporary suspension hereinafter provided is reasonable and necessary to protect the public interest;

Now, therefore, it is ordered, As follows:

(1) All outstanding validated export licenses in which respondents, Industrie-Warenverkehr and Georg Eigler, appear or participate as purchaser, intermediate consignee, ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The said respondents, Industrie-Warenverkehr and Georg Eigler, their agents, servants, and employees, and all persons and firms associated with them, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering or disposing of any commodities in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) Such denial of export privileges shall apply not only to the said respondents, but also to any other person, firm, corporation, or business organization with which the respondents may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith;

(4) This order shall take effect forthwith and shall remain in effect for a period of sixty days from the date hereof unless it is hereafter extended, amended, modified or vacated in accordance with the provisions of the Export Regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereinabove receive any benefit or have any interest or participation of any kind or nature, direct or indirect;

(6) A certified copy of this order shall be served upon the said respondents;

(7) In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary suspension order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C., at the earliest possible date.

Dated: December 17, 1957.

JOHN C. BORTON,
Director, Office of Export Supply.

[F. R. Doc. 57-10508; Filed, Dec. 19, 1957; 8:46 a. m.]

[Case 238-A]

NANYANG BROTHERS TOBACCO CO., LTD., AND TSZE E. PUN & CO.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Nanyang Brothers Tobacco Co., Ltd., Hong Kong, and Tsze E. Pun & Co., Hong Kong, respondents; Case No. 238-A.

The respondents, Nanyang Brothers Tobacco Co., Ltd. and Tsze E. Pun & Co., having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, with having contrived a scheme or plan whereby, in violation of the Export Control Act of 1949, as amended, and regulations promulgated thereunder, large quantities of tobacco were exported from the United States to Nanyang Brothers Tobacco Co., Ltd., a designated national pursuant to the Trading With the Enemy Act; and

The said respondents having been duly served with the charging letter, which Tsze E. Pun & Co. alone answered, Nanyang Brothers Tobacco Co., Ltd. having failed to answer and being in default;

This case was referred to the Compliance Commissioner.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and the answer of Tsze E. Pun & Co. in opposition thereto, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, U. S. Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the respondents be denied export privileges as hereafter set forth, together with which report he has transmitted also the transcript of the hearing, all exhibits submitted, the charging letter and answer.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereafter mentioned, A. C. Monk & Co., Inc., of Farmville, North Carolina, was and now is engaged in the exportation of leaf tobacco from the United States. A. C. Monk & Co., Inc. (hereafter referred to as Monk) was duly served with the charging letter in this case, admitted, for the purpose of this case, the facts therein charged, and consented to the entry against it of an export control denial order placing it on probation for a period of six months, with the proviso that if, during said six months, it violated any export control regulation, it would be denied export privileges for a period of six months. (22 F. R. 8324, Oct. 23, 1957.) Monk was indicted also in the United States District Court for the Eastern District of North Carolina for violations of the Export Control Act, the regulations promulgated thereunder, and of the Trading With the Enemy Act, pleaded nolo contendere thereto, and was fined $30,000. It is not a party to this order.

2. At all times hereafter mentioned, Tsze E. Pun & Co. (hereafter referred to as Pun) was engaged in the business of arranging sales of tobacco by Monk to purchasers in Hong Kong. In connection with such sales, particularly the sales hereafter mentioned, it acted on behalf of Monk as its agent and, in connection with the tobacco transactions hereafter described, it acted also as agent of Nanyang Brothers Tobacco Co., Ltd., another respondent herein. At some time after the happening of the events hereafter described, Pun became a designated national under the Trading With the Enemy Act and is now such designated national.

3. At all times hereafter mentioned, Nanyang Brothers Tobacco Co., Ltd. (hereafter referred to as Nanyang), with principal office in Shanghai, China, was engaged in Hong Kong in the importa-

tion of leaf tobacco from the United

tion of leaf tobacco from the United States and in the manufacture in Hong Kong of cigarettes for sale and distribution in Hong Kong. At all times hereafter mentioned, Nanyang was and continues to be a designated national under the Trading With the Enemy Act.

4. In substance, if a person or firm is a designated national under the Trading With the Enemy Act (by action of the Treasury Department), no person subject to the jurisdiction of the United States is permitted, among other things, to transport or export or deal in or exercise any right "with respect to, or transactions involving, any property in which" such designated national "has any interest." (Title 5, U. S. C. A. App. sec. 5 (b) (1) (B))

5. During some time prior to the happening of the events hereafter described, Monk, with the aid of Pun, had made shipments to Nanyang, despite the fact that Nanyang was, at such times, a designated national, and the parties hereto, as well as Monk, were duly informed that, by reason of the fact that Nanyang had become a designated national, Monk would not be permitted to export tobaccos to Nanyang so long as it remained a designated national.

6. Having such knowledge, Pun and Nanyang, with the agreement and collaboration of Monk, did thereafter contrive a plan or scheme whereby Nanyang would be able to import tobaccos from Monk in the United States even though Nanyang was and remained a designated national.

7. The plan or scheme to which Pun, Nanyang, and Monk agreed was that Monk's sales of tobacco to Nanyang would be made by using Pun as the ostensible purchaser and consignee and that Pun, on arrival of the tobaccos in Hong Kong, would turn them over to Nanyang.

8. Some of the sales and deliveries of tobacco hereafter described were made during a time when tobaccos were not permitted to be exported from the United States to Hong Kong unless, prior to such exportation, the exporter had applied to the Department of Commerce for and had obtained from it a validated license. This requirement was modified on or about the 20th day of May, 1954, and exportations of tobacco from the United States following that day were permitted to be made pursuant to a general license authorizing the exportation of tobacco provided that other conditions, such as, for example, the fact that the consignee was a designated national, were not existent.

9. For the purpose of exporting tobaccos to Nanyang, in February, March, April, and May of 1954, Monk applied to the Department of Commerce for validated export licenses to export tobaccos to Hong Kong. The tobaccos described by Monk in its applications for export licenses had all been sold to Nanyang at the time of and prior to the time when Monk applied for said export licenses. In each of the said applications, Monk, in accordance with the plan to which Pun and Nanyang agreed and to which Pun and Nanyang were parties, falsely stated and represented in its applications that the ultimate consignee in Hong Kong was Pun. Upon this representation and other representations contained in the applications, four validated licenses were issued authorizing the exportation by Monk to Pun of the tobaccos therein described.

10. Thereafter, and in accordance with the said plan or scheme, Monk exported from the United States, pursuant to the authority of said export licenses, nine hogsheads of leaf tobacco on or about March 13, 1954, ten hogsheads on or about April 10, 1954, nine hogsheads on or about May 21, 1954, and ten hogsheads on or about June 11, 1954.

11. In order to effectuate said exportations, Monk did, at about the same times, in accordance with said plan or scheme, cause to be authenticated shipper's export declarations in which it falsely named Pun as the ultimate consignee and obtained bills of lading in which Pun was similarly named as consignee. At the same times, Monk issued commercial invoices for the tobaccos involved in the amounts of $8,479.76, $9,380.92, $8,438.80, and $9,542.12; and in each of said invoices Pun was falsely described as the purchaser.

12. Thereafter, and further in pursuance of said plan or scheme, Monk made additional exportations of tobacco from the United States to Nanyang, which exportations were made under and pursuant to general license. In this series of exportations, Monk exported to Nanyang ten hogsheads on or about August 12, 1954, eleven hogsheads on or about September 19, 1954, ten hogsheads on or about December 18, 1954, seven hogsheads on or about March 28, 1955, eight hogsheads on or about April 12, 1955, eight hogsheads on or about May 1, 1955, eight hogsheads on or about June 1, 1955, forty-two hogsheads on or about May 29, 1955, forty-nine hogsheads on or about June 18, 1955, eighteen hogsheads on or about August 19, 1955, twenty-one hogsheads on or about September 11, 1955, and twenty-one hogsheads on or about October 11, 1955.

13. For these shipments Monk had authenticated shipper's export declarations in which, in accordance with said plan or scheme, Pun was designated falsely as the ultimate consignee.

14. For these shipments, also in accordance with said plan or scheme, Monk executed and issued commercial invoices in which it falsely named Pun as the purchaser, these invoices being for $9,347.86, $10,311.04, $3,191.25, $3,807.72, $4,423.20, $4,419.86, $4,400.90, $12,753.27, $15,026.55, $5,249.33, $6,155.31, and $6,141.42.

15. All the said tobaccos were in fact purchased by Nanyang from Monk, and in connection with none of said exportations was Pun the true ultimate consignee.

And, from the foregoing, the following are my conclusions:

A. Tsze E. Pun & Co. and Nanyang Brothers Tobacco Co., Ltd. knowingly caused false representations, statements, and certifications to be made to and material facts to be concealed from the Department of Commerce in connection with the preparation, submission, issuance, and use of applications for validated licenses, validated licenses, and shipper's export declarations for the purpose of or in connection with effecting exportations from the United States, in violation of § 381.5 of the Export Regulations.

B. Tsze E. Pun & Co. and Nanyang Brothers Tobacco Co., Ltd. knowingly caused to be used validated export licenses and authenticated shipper's export declarations for the purpose of and in connection with facilitating and effecting exports from the United States, contrary to the terms, conditions, and provisions of said licenses and declarations, in violation of §§ 381.5 and 381.8 of the Export Regulations.

C. Tsze E. Pun & Co. and Nanyang Brothers Tobacco Co., Ltd. knowingly caused, abetted, induced, procured, and permitted the doing of acts prohibited by and the omission of acts required by the Export Control Act of 1949, as amended, and the regulations and licenses issued and established thereunder, in violation of § 381.2 of the Export Regulations.

D. Tsze E. Pun & Co. and Nanyang Brothers Tobacco Co., Ltd. knowingly acted in concert for the purpose of bringing about violations of the Export Control Act of 1949, as amended, and the regulations and licenses issued and established thereunder, as aforesaid, in violation of § 381.3 of the Export Regulations.

In connection with his recommendation that the remedial action hereafter provided be taken, the Compliance Commissioner said,

> These respondents deliberately planned to make false representations that Pun was the purchaser and to conceal that Nanyang was the purchaser for the purpose of getting leaf tobaccos from the United States to Nanyang Brothers Tobacco Co., Ltd. They knew that Nanyang could not legally receive tobaccos from the United States by reason of the fact that it was a designated national. It was not a hasty scheme and the parties resorted to it after having explored fully the possibility that Nanyang might be unblocked and after having concluded that that was futile. They are beyond the jurisdiction of the United States and so not available for criminal prosecution, as was Monk. While the parties deliberately caused the false representations and statements to be made and thus wrongfully obtained for Nanyang tobaccos from the United States, I do not overlook the fact that tobacco was a surplus commodity and the further fact that, so far as the investigating authorities have been able to ascertain, all the tobacco so exported was manufactured into cigarettes in Hong Kong and none of the tobacco or of the cigarettes manufactured therefrom was transshipped out of Hong Kong. I have taken into consideration, as well, the assertions by Pun, in its answer, of the past mutually profitable relations between Nanyang and American exporters of tobacco, as well as the friendly attitude of Pun and Nanyang's officials to the United States. Also, while this case is a false representation and wrongful exportation export control case, it is inextricably interwoven with the Trading With the Enemy Act and the fact that Nanyang was and is a designated national. Since the happening of the events of this case, Pun has been similarly designated. Taking into consideration all the facts of this case, it is my recommendation that each of the respondents, Tsze E. Pun & Co. and Nanyang Brothers Tobacco Co., Ltd. be denied export privileges for a period of eighteen months from the date of the order to be entered herein or for so long as they continue to be designated nationals, whichever may be the longer period of time.

Now, after careful consideration of the entire record and being of the opinion that the recommendation of the Compliance Commissioner is fair and just and that this order is necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. The respondents, Tsze E. Pun & Co. and Nanyang Brothers Tobacco Co., Ltd., hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by a respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges, to the extent that the respondents may be affected thereby, shall extend not only to them, but also to any persons, firms, corporations, or business organizations with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Such denial of export privileges shall be for a period of eighteen months or so long as the said respondents shall continue to be designated nationals under the Trading With the Enemy Act, whichever shall be the longer period. If, after the expiration of eighteen months from the date hereof, the Foreign Assets Control of the Treasury Department makes a finding that a respondent hereto is no longer a designated national, then, as to such respondent, all export privileges denied to such respondent hereby shall be restored to it without further order or action of the Bureau of Foreign Commerce.

IV. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when a respondent hereto or any related party is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, on behalf of or in any association with such respondent or related party, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill or lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any such person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in which such respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: December 17, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-10519; Filed, Dec. 19, 1957; 8:47 a. m.]

BUREAU OF THE BUDGET

MINNESOTA AND WISCONSIN

ORDER TRANSFERRING CERTAIN LANDS TO SECRETARY OF AGRICULTURE FOR USE, ADMINISTRATION, AND DISPOSITION

Whereas I find suitable for the purposes of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522; 7 U. S. C. 1010 et seq.), and the related provisions of Title IV thereof, certain lands of the United States under the supervision of the Secretary of Agriculture which are being used as parts of tree nurseries for the production of planting stock, which lands are described as follows:

1. That certain tract in Lake County, State of Minnesota, conveyed to the United States by the County of Lake, State of Minnesota, by deed dated April 27, 1936 and recorded May 11, 1936 in Deed Book 33, Page 16, Records of Lake County, State of Minnesota, being 2 acres, more or less.

2. That certain tract in Oneida County, State of Wisconsin, conveyed to the United States by the County of Oneida, State of Wisconsin, by deed dated May 6, 1937 and recorded May 6, 1937 in Volume 133 of Deeds, Page 111, Records of Oneida County, State of Wisconsin, being 12.70 acres, more or less.

3. That certain tract in Oneida County, State of Wisconsin, conveyed to the United States by the County of Oneida, State of Wisconsin, by deed dated February 12, 1937 and recorded February 12, 1937 in Volume 133 of Deeds, Page 16, Records of Oneida County, State of Wisconsin, being 22.34 acres, more or less.

Now, therefore, by virtue of and pursuant to the authority vested in the President by section 45 of the said Bankhead-Jones Farm Tenant Act, and delegated to the Director of the Bureau of the Budget by section 1 (g) of Executive Order No. 10530 of May 10, 1954; *It is ordered*, That all the right, title, and interest of the United States in and to the above-described lands be, and they are hereby, transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said act and the related provisions of Title IV thereof.

PERCIVAL F. BRUNDAGE,
Director of the
Bureau of the Budget.

DECEMBER 16, 1957.

[F. R. Doc. 57-10502; Filed, Dec. 19, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9150]

LINEA AEREA NACIONAL DE CHILE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Linea Aerea Nacional de Chile for a foreign air carrier permit to authorize service between Santiago, Chile and Miami, Florida, U. S. A., via intermediate points.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on December 30, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., December 16, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10530; Filed, Dec. 19, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11982, etc.; FCC 57M-1267]

ENTERPRISE BROADCASTING CO. ET AL.

ORDER FOLLOWING FOURTH PREHEARING CONFERENCE

In re applications of Enterprise Broadcasting Company, Fresno, California; Docket No. 11982, File No. BP-10319; Air Waves, Incorporated (KONG), Visalia, California, Docket No. 11983, File No. BP-10432; Radio Dinuba Company (KRDU), Dinuba, California; Docket No. 11984, File No. BP-10735; for construction permits.

The Hearing Examiner has under consideration certain agreements arrived at on the record of the prehearing conference in the above-entitled matter held on December 12, 1957; accordingly,

It is ordered, This 13th day of December 1957, that the hearing involving testimony of lay witnesses will commence at 2:00 p. m., December 20, 1957, in the Commission's offices in Washington, D. C.; and

It is further ordered, That the parties shall informally exchange their supplemental engineering exhibits on or before January 13, 1958; and

It is further ordered, That the parties shall informally notify each other on or before January 20, 1958, as to which, if any, engineering witnesses should be called for cross-examination; and

It is further ordered, That, that portion of the hearing to be held on the engineering phases of this proceeding

will commence at 10:00 a. m., January 27, 1958, in the Commission's offices in Washington, D. C.

Released: December 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10524; Filed, Dec. 19, 1957; 8:48 a. m.]

[Docket No. 12067; FCC 57M-1264]

WHAS, INC.

ORDER CONTINUING HEARING

In re application of WHAS, Inc., Louisville, Kentucky; Docket No. 12067, File No. BPCT-1950; for construction permit to change transmitter and antenna location.

The Hearing Examiner having under consideration a motion, filed on December 5, 1957, on behalf of WHAS, Inc., the applicant herein, requesting that the hearing in the above-entitled proceeding, now scheduled to be held on January 6, 1958, be continued for a period of approximately 60 days; and

It appearing that no opposition has been filed to a grant of the said motion by any of the parties to the proceeding and that sufficient "good cause" has been shown to justify a grant of the relief requested therein;

It is ordered, This 13th day of December 1957, that the above motion be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby continued until 10:00 a. m., on Wednesday, March 19, 1958, in the offices of this Commission, Washington, D. C.

Released: December 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10525; Filed, Dec. 19, 1957; 8:48 a. m.]

[Docket No. 12258 etc.; FCC 57M-1256]

WABASH VALLEY BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of Wabash Valley Broadcasting Corporation, Terre Haute, Indiana; Docket No. 12258, File No. BPCT-2293; Cy Blumenthal, Terre Haute, Indiana; Docket No. 12259, File No. BPCT-2316; Illiana Telecasting Corporation, Terre Haute, Indiana; Docket No. 12260, File No. BPCT-2392; for construction permits for new Television Broadcast Stations (Channel 2).

The Hearing Examiner having under consideration the above-entitled proceeding and the Chief Hearing Examiner's order, released December 10, 1957, scheduling the hearing herein to begin on January 8, 1958;

It appearing that the assigned hearing date does not allow sufficient time for the completion of pre-hearing procedures required by the Commission's rules prior to the beginning of the hearing herein, and the parties hereto have informally indicated the desire that the hearing session scheduled for January 8, 1958, be a pre-hearing conference rather than a hearing session;

It is ordered, This 12th day of December 1957, that the hearing session presently scheduled for January 8, 1958 shall be a pre-hearing conference rather than a hearing session, and all parties, or their attorneys, are directed to appear for such pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, on January 8, 1958;

It is further ordered, That the hearing herein is rescheduled for February 10, 1958.

Released: December 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10526; Filed, Dec. 19, 1957; 8:49 a. m.]

[Docket No. 12264, etc.; FCC 57M-1265]

HIRSCH BROADCASTING CO. (KFVS) ET AL.

ORDER SCHEDULING HEARING

In re applications of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri; Docket No. 12264, File No. BP-11001; Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper and T. Keith Coleman, d/b as Wabash Valley Broadcasters, Vincennes, Indiana; Docket No. 12265, File No. BP-11193; W. H. Firmin, J. H. Firmin and Bernard Lurie, d/b as The Firmin Company, Vincennes, Indiana; Docket No. 12266, File No. BP-11621; for construction permits.

It is ordered, This 13th day of December 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 17, 1958, in Washington, D. C.

Released: December 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10527; Filed, Dec. 19, 1957; 8:49 a. m.]

[Docket No. 12267; FCC 57M-1266]

LIBERTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of J. A. Robinson, IV, and Elmer J. Griffin, Sr., d/b as Liberty Broadcasting Company, Liberty, Texas; Docket No. 12267, File No. BP-9745; for construction permit.

It is ordered, This 13th day of December 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 17, 1958, in Washington, D. C.

Released: December 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10528; Filed, Dec. 19, 1957; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

OA FISCAL OFFICER

DELEGATION OF AUTHORITY WITH RESPECT TO ENDORSEMENT OF CHECKS OR DRAFTS

The OA Fiscal Officer is hereby authorized to endorse checks or drafts on which the United States of America, acting by and through the Housing and Home Finance Administrator, his successors, or assigns, is a payee (joint or otherwise).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 20th day of December, 1957.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 57-10513; Filed, Dec. 19, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. 12181, etc.]

SOUTHERN UNION GAS CO. ET AL.

NOTICE OF POSTPONEMENT OF HEARING, APPLICATION, CONSOLIDATION, AND DATE OF HEARING

DECEMBER 16, 1957.

In the matters of Southern Union Gas Company, Docket No. G-12181; Southern Union Gathering Company, Docket No. G-13101; Southern Union Gas Company, Docket No. G-13102; Aztec Oil & Gas Company, Operator, Docket No. G-13103; Pubco Petroleum Corporation, Operator, Docket No. G-13104; Gas Producers Corporation, Operator, Docket No. G-13105; Beaver Lodge Oil Corporation, Operator, Docket No. G-13106.

Take notice that the hearing now set for December 19, 1957, in Docket Nos. G-13101-G-13106, inclusive, as published in the FEDERAL REGISTER on November 26, 1957 (22 F. R. 9444), is hereby postponed to the date hereinafter stated.

Take further notice that on March 11, 1957, as supplemented on August 12 and September 25, 1957, Southern Union Gas Company filed in Docket No. G-12181 an application pursuant to section 7 (b) of the Natural Gas Act for authority to abandon and remove approximately 11.4 miles of its Durango 6-inch natural gas pipeline located in San Juan County, New Mexico, and La Plata County, Colorado; and to discontinue the service presently being rendered through said facility to three small rural customers in Colorado and New Mexico, all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 17, 1958, at 10:00 a. m. e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by these applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 6, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10515; Filed, Dec. 19, 1957; 8:46 a. m.]

[Docket No. G-13651]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 16, 1957.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation with a principal place of business in Salt Lake City, Utah, filed an application on November 5, 1957, pursuant to section 7 of the Natural Gas Act, for authority to construct and operate 1,500 feet of 2-inch lateral pipeline from a proposed tap to be located approximately 8 miles southeast of Moses Lake, Washington, on the existing 8⅝-inch Moses Lake lateral pipeline and terminating at a sales meter station at the plant of the Menan Starch Company, Inc., near Moses Lake, Washington.

Applicant proposes to render a direct industrial natural gas service on a firm basis for use in the plant of Menan Starch Company, Inc., near Moses Lake, Washington, and involving approximately 150 Mcf daily.

The estimated capital cost of the proposed facilities is $13,523, to be defrayed from current funds.

This matter is one that should be disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10516; Filed, Dec. 19, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-5, Amdt. 1]

BRANCH MANAGER, HOUSTON, TEXAS

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE

Delegation of Authority No. 30-X-5 (22 F. R. 7527) is hereby amended by:

SECTION 1. Adding to section I. B. the following paragraphs 4 and 5:

4. To execute loan authorizations for disaster loans of $25,000 or less approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.
By_____
Manager,
Houston Branch Office.

5. To execute modifications or amendments to loan authorizations for disaster loans approved under delegated authority by the Manager, Houston Branch Office, by issuance of Certificates of Modification.

SEC. 2. Renumbering paragraphs I. B. 4, 5, 6, and 7, to I. B. 6, 7, 8, and 9.

Dated: December 3, 1957.

C. W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F. R. Doc. 57-10517; Filed, Dec. 19, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 17, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34363: *Green coffee—Houston, Tex., to Milan, Ill.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7167), for interested rail carriers. Rates on green coffee, carloads from Houston, Tex., imported thereat, roasted, ground and/or packed in transit at Omaha, Nebr., and reshipped to Milan, Ill.

Grounds for relief: Destination rate relationships.

Tariff: Supplement 57 to Agent Kratzmeir's tariff I. C. C. 4018.

FSA No. 34364: *Wooden frames—Southwestern points to points in official territory.* Filed by F. C. Kratzmeir, Agent (SWFB No. 7169), for interested rail carriers. Rates on wooden window and door frames, carloads from specified points in Arkansas, Louisiana (west of the Mississippi River), Oklahoma, and Texas to Baltimore, Md., Bay City, Mich., Buffalo, N. Y., Cincinnati, Ohio, Evansville, Muncie, Terre Haute, Ind., Pittsburgh, Pa., and Washington, D. C.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 276 to Agent Kratzmeir's tariff I. C. C. 4087 and three other tariffs.

FSA No. 34365: *Substituted service-motor and Rail—C. & N. W. Ry. Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 95), for and on behalf of the Chicago and North Western Railway Company, the Witte Transportation Company and other interested motor carriers. Rates on freight loaded in highway trailers and transported in substituted rail service on railroad flat cars between Altoona-Eau Claire, Wis., on the one hand, and St. Paul, Minn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 65 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34366: *Substituted service—Motor and rail—Frisco Lines.* Filed by The Middlewest Motor Freight Bureau, Agent (No. 96), for and on behalf of the St. Louis-San Francisco Railway Company, St. Louis-San Francisco and Texas Railway Company, and interested motor carriers. Rates on freight loaded in highway trailers and transported in substituted rail service on railroad flat cars between Kansas City and St. Louis, Mo., on the one hand, and Joplin and Springfield, Mo., on the other, also between Joplin, Mo., on the one hand, and Dallas, Tex., Memphis, Tenn., Oklahoma City and Tulsa, Okla., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 65 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34367: *Phosphate rock—Florida mines to Louisiana points.* Filed by O. W. South, Jr., Agent (SFA No. A3580),

for interested rail carriers. Rates on

FSA No. 34368: *Iron and steel arti-*

Tariff: Supplement 24 to Agent

for interested rail carriers. Rates on phosphate rock, carloads from specified points in Florida to Bush, Florenville, Rio, and Sun, La.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 72 to Agent Spaninger's tariff I. C. C. No. 1514.

FSA No. 34368: *Iron and steel articles—Atlanta, Ga., to New Orleans, La.* Filed by O. W. South, Jr., Agent (SFA No. A3579), for interested rail carriers. Rates on iron and steel articles, carloads from Atlanta, Ga., to New Orleans, La.

Grounds for relief: Rate relationship with Birmingham, Ala.

Tariff: Supplement 24 to Agent Spaninger's tariff I. C. C. No. 1592.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10510; Filed, Dec. 19, 1957; 8:46 a. m.]

PART II

FEDERAL REGISTER

VOLUME 22 NUMBER 246

Washington, Friday, December 20, 1957

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter E—Air Navigation Regulations

PART 600—DESIGNATION OF CIVIL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REVISION OF PARTS

Parts 600 and 601 are revised to read as set forth below.

Subpart A—Introduction

Sec.
600.1 Basis and purpose.
600.2 Explanation of terms.
600.3 Extent of civil airways.
600.4 Directions of airways.
600.10 Designation of civil airways.

Subpart B—Colored Civil Airways

GREEN CIVIL AIRWAYS

600.11 Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).
600.12 Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
600.13 Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).
600.14 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).
600.15 Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).
600.16 Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).
600.17 Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).
600.18 Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).
600.19 Green civil airway No. 9 (Hawaiian Islands).
600.20 Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).

AMBER CIVIL AIRWAYS

600.101 Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).
600.102 Amber civil airway No. 2 (Daggett, Calif., to Point Barrow, Alaska).
600.103 Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).
600.104 Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).
600.105 Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).
600.106 Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).
600.107 Amber civil airway No. 7 (Key West Fla., to United States-Canadian Border).
600.108 Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).
600.109 Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).
600.110 Amber civil airway No. 10 (Hawaiian Islands).
600.111 Amber civil airway No. 11 (Hawaiian Islands).
600.112 Amber civil airway No. 12 (Hawaiian Islands).
600.113 Amber civil airway No. 13 (Hawaiian Islands).

RED CIVIL AIRWAYS

600.201 Red civil airway No. 1 (Big Spring, Tex., to San Antonio, Tex.).
600.202 Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).
600.203 Red civil airway No. 3 (Phillipsburg, Pa., to Hartford, Conn.).
600.204 Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex.).
600.205 Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).
600.206 Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).
600.207 Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).
600.208 Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).
600.209 Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).
600.210 Red civil airway No. 10 (Wichita Falls, Tex., to Augusta, Ga.).
600.211 Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).
600.212 Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).
600.213 Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).
600.214 Red civil airway No. 14 (Lone Rock, Wis., to Indianapolis, Ind.).
600.215 Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).
600.216 Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.).
600.217 Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).
600.218 Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).
600.219 Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).
600.220 Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).
600.221 Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).
600.222 Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).
600.223 Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).
600.224 Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).
600.225 Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).
600.226 Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).
600.227 Red civil airway No. 27 (Nenabank, Alaska, to Wolf Intersection, Alaska).
600.228 Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).
600.230 Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).
600.231 Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).
600.232 Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).
600.233 Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).
600.234 Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).
600.235 Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).
600.236 Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).
600.237 Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).
600.238 Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).
600.239 Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).
600.240 Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).
600.241 Red civil airway No. 41 (Cape Spencer, Alaska, to Sisters Island, Alaska).
600.242 Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).
600.244 Red civil airway No. 44 (Bellingham, Wash., to Princeton, B. C., Canada).
600.245 Red civil airway No. 45 (Blackstone, Va., to Lancaster, Pa.).
600.246 Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).
600.247 Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).
600.249 Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).
600.250 Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska)

Sec.
600.251 Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).
600.252 Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).
600.253 Red civil airway No. 53 (Portland Oreg., to Spokane, Wash.).
600.254 Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).
600.255 Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).
600.256 Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).
600.257 Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio).
600.258 Red civil airway No. 58 (Augusta, Maine, to United States-Canadian Border).
600.259 Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).
600.260 Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).
600.261 Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).
600.263 Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).
600.264 Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).
600.265 Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).
600.267 Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).
600.268 Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).
600.269 Red civil airway No. 69 (Midland, Tex., to Big Springs, Tex.).
600.270 Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).
600.271 Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).
600.272 Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).
600.273 Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).
600.274 Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).
600.275 Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to the United States-Canadian Border, Abbotsford, B. C.).
600.276 Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).
600.277 Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).
600.278 Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).
600.279 Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).
600.280 Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).
600.281 Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).
600.282 Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).
600.283 Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).
600.284 Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).
600.286 Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).
600.287 Red civil airway No. 87 (Hawaiian Islands).
600.288 Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).
600.289 Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).
600.290 Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).
600.291 Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).
600.292 Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).
600.294 Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).
600.295 Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).
600.296 Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).
600.297 Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
600.298 Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).
600.299 Red civil airway No. 99 (Illamna, Alaska, to Homer, Alaska).
600.300 Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.).
600.301 Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.).
600.302 Red civil airway No. 102 (Lexington, Ky., to Huntington, W. Va.).
600.303 Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).
600.304 Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).
600.305 Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).
600.306 Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).
600.307 Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).
600.308 Red civil airway No. 108 (Promontory Point, Utah, to Fort Bridger, Wyo.).
600.309 Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).
600.310 Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).
600.312 Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).
600.313 Red civil airway No. 113 (Hawaiian Islands).

BLUE CIVIL AIRWAYS

600.601 Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).
600.602 Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).
600.603 Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).
600.604 Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).
600.605 Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).
600.606 Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).
600.607 Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).
600.608 Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).
600.609 Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).
600.610 Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).
600.611 Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).
600.612 Blue civil airway No. 12 (McGrath, Alaska, to Galena, Alaska).
600.613 Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).
600.614 Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).
600.615 Blue civil airway No. 15 (Akron, Ohio, to Hubbard, Ohio).
600.616 Blue civil airway No. 16 (Waverly, Va. to Tappahannock, Va.).
600.617 Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).
600.618 Blue civil airway No. 18 (Paterson, N. J., to United States-Canadian Border).
600.619 Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).
600.620 Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).
600.621 Blue civil airway No. 21 (Coles Point, Va., to Elmira, N. Y.).
600.623 Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).
600.625 Blue civil airway No. 25 (Middleton Island, Alaska, to Big Delta, Alaska).
600.626 Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).
600.627 Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).
600.628 Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).
600.629 Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).
600.630 Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).
600.631 Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).
600.632 Blue civil airway No. 32 Anchorage, Alaska, to Talkeetna, Alaska).
600.633 Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).
600.634 Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).
600.636 Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).
600.637 Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).
600.638 Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).
600.639 Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).
600.640 Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).
600.641 Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).
600.642 Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).
600.643 Blue civil airway No. 43 (Healy, Alaska, to Fairbanks, Alaska).
600.644 Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).
600.645 Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).
600.646 Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).
600.647 Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).
600.648 Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).
600.649 Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).
600.651 Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).
600.653 Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).
600.654 Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).
600.655 Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).
600.656 Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).
600.657 Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).
600.658 Blue civil airway No. 58 (Hyannis, Mass., to Squantum, Mass.).
600.660 Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).
600.663 Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).
600.664 Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).
600.665 Blue civil airway No. 65 (Shuyak, Alaska, to Homer, Alaska).
600.666 Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).
600.667 Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).
600.668 Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).
600.669 Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).
600.670 Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).

Sec.
600.671 Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash).
600.672 Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).
600.675 Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).
600.676 Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).
600.678 Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).
600.679 Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).
600.680 Blue civil airway No. 80 (Unalakleet, Alaska, to, Moses Point Alaska).
600.681 Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).
600.684 Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).
600.685 Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.)
600.686 Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).
600.687 Blue civil airway No. 87 (Atlanta, Ga., to Detroit, Mich.).

Subpart C—VOR Civil Airways

DOMESTIC VOR CIVIL AIRWAYS

600.6001 VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.).
600.6002 VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
600.6003 VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine).
600.6004 VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.).
600.6005 VOR civil airway No. 5 (Jacksonville, Fla., to London, Ont.).
600.6006 VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.).
600.6007 VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.).
600.6008 VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.).
600.6009 VOR civil airway No. 9 (New Orleans, La., to Milwaukee, Wis.).
600.6010 VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.).
600.6011 VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.).
600.6012 VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.).
600.6013 VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.).
600.6014 VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.).
600.6015 VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.).
600.6016 VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.).
600.6017 VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.).
600.6018 VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.).
600.6019 VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.).
600.6020 VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.).
600.6021 VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border).
600.6022 VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.).
600.6023 VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.).
600.6024 VOR civil airway No. 24 (Aberdeen, S. Dak., to Redwood Falls, Minn.).
600.6025 VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.).
600.6026 VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio).
600.6027 VOR civil-airway No. 27 (Los Angeles, Calif., to Seattle, Wash.).
600.6028 VOR civil airway No. 28 (Oakland, Calif., to Reno, Nev.).
600.6029 VOR civil airway No. 29 (Salisbury, Md., to United States-Canadian Border).
600.6030 VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.).
600.6031 VOR civil airway No. 31 (Baltimore, Md., to Rochester, N. Y.).
600.6032 VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.).
600.6033 VOR civil airway No. 33 (Baltimore, Md., to Buffalo, N. Y.).
600.6034 VOR civil airway No. 34 (Rochester, N. Y., to Wilton, Conn.).
600.6035 VOR civil airway No. 35 (Miami, Fla., to Syracuse, N. Y.).
600.6036 VOR civil airway No. 36 (Toronto, Ontario, to New York, N. Y.).
600.6037 VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.).
600.6038 VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.).
600.6039 VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine).
600.6040 VOR civil airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.).
600.6041 VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio).
600.6042 VOR civil airway No. 42 (Flint, Mich., to Washington, D. C.).
600.6043 VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.).
600.6044 VOR civil airway No. 44 (Centralia, Ill., to Baltimore, Md.).
600.6045 VOR civil airway No. 45 (New Bern, N. C., to Saginaw, Mich.).
600.6046 VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.).
600.6047 VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.).
600.6048 VOR civil airway No. 48 (Burlington, Iowa, to Pontiac, Ill.).
600.6049 VOR civil airway No. 49 (Dillon, Mont., to Great Falls, Mont.).
600.6050 VOR civil airway No. 50 (Kirksville, Mo., to Indianapolis, Ind.).
600.6051 VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.).
600.6052 VOR civil airway No. 52 (Des Moines, Iowa, to St. Louis, Mo.).
600.6053 VOR civil airway No. 53 (Charleston, S. C. to Chicago, Ill.).
600.6054 VOR civil airway No. 54 (Quitman, Tex., to Charlotte, N. C.).
600.6055 VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.).
600.6056 VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.).
600.6057 VOR civil airway No. 57 (Evergreen, Ala., to Lexington, Ky.).
600.6058 VOR civil airway No. 58 (Bergholz, Ohio, to Hartford, Conn.).
600.6060 VOR civil airway No. 60 (Albuquerque, N. Mex., to Lubbock, Tex.).
600.6061 VOR civil airway No. 61 (Fort Worth, Tex., to Lawton, Okla.).
600.6062 VOR civil airway No. 62 (Santa Fe, N. Mex., to Abilene, Tex.).
600.6063 VOR civil airway No. 63 (Waco, Tex., to Milwaukee, Wis.).
600.6064 VOR civil airway No. 64 (Long Beach, Calif., to Blythe, Calif.).
600.6065 VOR civil airway No. 65 (Kansas City, Mo., to Lamoni, Iowa).
600.6066 VOR civil airway No. 66 (San Diego, Calif., to Charlotte, N. C.).
600.6067 VOR civil airway No. 67 (Waterloo, Iowa, to Rochester, Minn.).
600.6068 VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.).
600.6069 VOR civil airway No. 69 (Shreveport, La., to Chicago, Ill.).
600.6070 VOR civil airway No. 70 Corpus Christi, Tex., to Evergreen, Ala.).
600.6071 VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.).
600.6072 VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.).
600.6073 VOR civil airway No. 73 (Wichita, Kans., to Salina, Kans.).
600.6074 VOR civil airway No. 74 (Hugo, Colo., to Little Rock, Ark.).
600.6075 VOR civil airway No. 75 (Richmond, Va., to Cleveland, Ohio).
600.6076 VOR civil airway No. 76 (Lubbock, Tex., to Galveston, Tex.).
600.6077 VOR civil airway No. 77 (Cotulla, Tex., to Des Moines, Iowa).
600.6078 VOR civil airway No. 78 (Huron, S. Dak., to Minneapolis, Minn.).
600.6079 VOR civil airway No. 79 (Fort Stockton, Tex., to Lubbock, Tex.).
600.6080 VOR civil airway No. 80 (Sioux Falls, S. Dak., to Redwood Falls, Minn.).
600.6081 VOR civil airway No. 81 (Midland, Tex., to Salt Lake City, Utah).
600.6082 VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).
600.6083 VOR civil airway No. 83 (Carlsbad, N. Mex., to Pueblo, Colo.).
600.6084 VOR civil airway No. 84 (Shabbova, Ill., to Buffalo, N. Y.).
600.6085 VOR civil airway No. 85 (Rock River, Wyo., to Casper, Wyo.).
600.6086 VOR civil airway No. 86 (Butte, Mont., to Bozeman, Mont.).
600.6087 VOR civil airway No. 87 (Gila Bend, Ariz., to Hassayampa, Ariz.).
600.6088 VOR civil airway No. 88 (Tulsa, Okla., to Vichy, Mo.).
600.6089 VOR civil airway No. 89 (Denver, Colo., to Rapid City, S. Dak.).
600.6090 VOR civil airway No. 90 (Litchfield, Mich., to Windsor, Ontario).
600.6091 VOR civil airway No. 91 (New York, N. Y., to Montreal, Quebec).
600.6092 VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.).
600.6093 VOR civil airway No. 93 (Baltimore, Md., to Presque Isle, Maine).
600.6094 VOR civil airway No. 94 (Casa Grande, Ariz., to Longview, Tex.).
600.6095 VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).
600.6096 VOR civil airway No. 96 (Lafayette, Ind., to Toledo, Ohio).
600.6097 VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.).
600.6098 VOR civil airway No. 98 (Fort Wayne, Ind., to Montreal, Quebec).
600.6099 VOR civil airway No. 99 (Newport, Oreg., to Vancouver, British Columbia).
600.6100 VOR civil airway No. 100 (North Platte, Nebr., to Detroit, Mich.).
600.6101 VOR civil airway No. 101 (Ogden, Utah to Burley, Idaho).
600.6102 VOR civil airway No. 102 (Lubbock, Tex., to Wichita Falls, Tex.).
600.6103 VOR civil airway No. 103 (Greensboro, N. C., to Cleveland, Ohio).
600.6104 VOR civil airway No. 104 (Ottawa, Ont., to Plattsburg, N. Y.).
600.6105 VOR civil airway No. 105 (Phoenix, Ariz., to Las Vegas, Nev.).
600.6106 VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine).
600.6107 VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.).
600.6108 VOR civil airway No. 108 (Colorado Springs, Colo., to Salina, Kans.).
600.6109 VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.).

Sec.
600.6110 VOR civil airway No. 110 (San Francisco, Calif., to Altamont, Calif.).
600.6111 VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).
600.6112 VOR civil airway No. 112 (Portland, Oreg., to Pendleton, Oreg.
600.6113 VOR civil airway No. 113 (Paso Robles, Calif., to Reno, Nev.).
600.6114 VOR civil airway No. 114 (Amarillo, Tex., to New Orleans, La.).
600.6115 VOR civil airway No. 115 (Crestview, Fla., to Charleston, W. Va.).
600.6116 VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.).
600.6117 VOR civil airway No. 117 (El Centro, Calif., to Daggett, Calif.).
600.6118 VOR civil airway No. 118 (Rock River, Wyo., to Cheyenne, Wyo.).
600.6119 VOR civil airway No. 119 (Huntington, W. Va., to Bradford, Pa.).
600.6120 VOR civil airway No. 120 (Ephrata, Wash., to Miles City, Mont.).
600.6121 VOR civil airway No. 121 (North Bend, Oreg., to Eugene, Oreg.).
600.6122 VOR civil airway No. 122 (Crescent City, Calif., to Klamath Falls, Oreg.).
600.6123 VOR civil airway No. 123 (Washington, D. C., to Wilton, Conn.).
600.6125 VOR civil airway No. 125 (Anthony, Kans., to Hutchinson, Kans.).
600.6126 VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.).
600.6127 VOR civil airway No. 127 (Livingston, Mont., to Helena, Mont.).
600.6128 VOR civil airway No. 128 (Chicago, Ill., to Charleston, W. Va.).
600.6129 VOR civil airway No. 129 (Rockford, Ill., to Eau Claire, Wis.).
600.6130 VOR civil airway No. 130 (Albany, N. Y., to Providence, R. I.).
600.6131 VOR civil airway No. 131 (Tulsa, Okla., to Topeka, Kans.).
600.6132 VOR civil airway No. 132 (Cheyenne, Wyo., to Springfield, Mo.).
600.6133 VOR civil airway No. 133 (Parkersburg, W. Va., to Traverse City, Mich.).
600.6134 VOR civil airway No. 134 (Evergreen, Ala., to Columbus, Ga.).
600.6135 VOR civil airway No. 135 (Yuma, Ariz., to Las Vegas, Nev.).
600.6136 VOR civil airway No. 136 (Pulaski, Va., to Raleigh, N. C.).
600.6137 VOR civil airway No. 137 (Thermal, Calif., to Ukiah, Calif.).
600.6138 VOR civil airway No. 138 (Rock River, Wyo., to Sidney, Nebr.).
600.6139 VOR civil airway No. 139 (Norwich, Conn., to Boston, Mass.).
600.6140 VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.).
600.6141 VOR civil airway No. 141 (Nantucket, Mass., to Plattsburg, N. Y.).
600.6142 VOR civil airway No. 142 (Erie, Pa., to Rochester, N. Y.).
600.6143 VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.).
600.6144 VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.).
600.6145 VOR civil airway No. 145 (Utica, N. Y., to United States-Canadian Border).
600.6146 VOR civil airway No. 146 (Wilkes-Barre, Pa., to Woodstock, Conn.).
600.6147 VOR civil airway No. 147 (Philadelphia, Pa., to Rochester, N. Y.).
600.6148 VOR civil airway No. 148 (Denver, Colo., to North Platte, Nebr.).
600.6149 VOR civil airway No. 149 (Allentown, Pa., to Utica, N. Y.).
600.6150 VOR civil airway No. 150 (San Francisco, Calif., to Reno, Nev.).
600.6151 VOR civil airway No. 151 (Woonsocket, R. I., to Keene, N. H.).

Sec.
600.6152 VOR civil airway No. 152 (Tampa, Fla., to Daytona Beach, Fla.).
600.6153 VOR civil airway No. 153 (New York, N. Y., to Syracuse, N. Y.).
600.6154 VOR civil airway No. 154 (Meridian, Miss., to Savannah, Ga.).
600.6155 VOR civil airway No. 155 (Raleigh, N. C., to Washington, D. C.).
600.6156 VOR civil airway No. 156 (Elkins, W. Va., to Richmond, Va.).
600.6157 VOR civil airway No. 157 (Miami, Fla., to Richmond, Va.).
600.6158 VOR civil airway No. 158 (Waterloo, Iowa, to Polo, Ill.).
600.6159 VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.).
600.6160 VOR civil airway No. 160 (Denver, Colo., to Sidney, Nebr.).
600.6161 VOR civil airway No. 161 (Fort Worth, Tex., to Alexandria, Minn.).
600.6162 VOR civil airway No. 162 (Harrisburg, Pa., to Allentown, Pa.).
600.6163 VOR civil airway No. 163 (Brownsville, Tex., to Oklahoma City, Okla.).
600.6164 VOR civil airway No. 164 (Buffalo, N. Y., to New York, N. Y.).
600.6165 VOR civil airway No. 165 (Long Beach, Calif., to Coalinga, Calif.).
600.6166 VOR civil airway No. 166 (Martinsburg, W. Va., to New York, N. Y.).
600.6167 VOR civil airway No. 167 (New York, N. Y., to Hartford, Conn.).
600.6168 VOR civil airway No. 168 (Selinsgrove, Pa., to Colts Neck, N. J.).
600.6169 VOR civil airway No. 169 (Sidney, Nebr., to Rapid City, S. Dak.).
600.6170 VOR civil airway No. 170 (Milwaukee, Wis., to Philadelphia, Pa.).
600.6171 VOR civil airway No. 171 (Louisville, Ky., to Lone Rock, Wis.).
600.6172 VOR civil airway No. 172 (Denver, Colo., to Chicago, Ill.).
600.6173 VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.).
600.6174 VOR civil airway No. 174 (Vichy, Mo., to Washington, D. C.).
600.6175 VOR civil airway No. 175 (Vichy, Mo., to Columbia, Mo.).
600.6177 VOR civil airway No. 177 (Wheatfield, Ill., to Janesville, Wis.).
600.6178 VOR civil airway No. 178 (Farmington, Mo., to Paducah, Ky.).
600.6179 VOR civil airway No. 179 (Paducah, Ky., to Centralia, Ill.).
600.6180 VOR civil airway No. 180 (Austin, Tex., to Galveston, Tex.).
600.6181 VOR civil airway No. 181 (Sioux Falls, S. Dak., to Watertown, S. Dak.).
600.6182 VOR civil airway No. 182 (Portland, Oreg., to Chadron, Nebr.).
600.6183 VOR civil airway No. 183 (Santa Barbara, Calif., to Bakersfield, Calif.).
600.6184 VOR civil airway No. 184 (Erie, Pa., to Philipsburg, Pa.).
600.6185 VOR civil airway No. 185 (Savannah, Ga., to Knoxville, Tenn.).
600.6186 VOR civil airway No. 186 (St. Louis, Mo., to Vandalia, Ill.).
600.6187 VOR civil airway No. 187 (Grand Junction, Colo., to Rock Springs, Wyo.).
600.6188 VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.).
600.6190 VOR civil airway No. 190 (Grants, N. Mex., to Evansville, Ind.).
600.6191 VOR civil airway No. 191 (Walnut Ridge, Ark., to Milwaukee, Wis.).
600.6192 VOR civil airway No. 192 (Grants, N. Mex., to Tucumcari, N. Mex.).
600.6193 VOR civil airway No. 193 (Keeler, Mich., to Sault Ste. Marie, Mich.).
600.6194 VOR civil airway No. 194 (Lafayette, La., to Norfolk, Va.).

Sec.
600.6195 VOR civil airway No. 195 (Oakland, Calif., to Fortuna, Calif.).
600.6196 VOR civil airway No. 196 (Rock River, Wyo., to Chadron, Nebr.).
600.6198 VOR civil airway No. 198 (San Antonio, Tex., to Galveston, Tex.).
600.6199 VOR civil airway No. 199 (San Francisco, Calif., to Ukiah, Calif.).
600.6200 VOR civil airway No. 200 (Ukiah, Calif., to Kremmling, Colo.).
600.6201 VOR civil airway No. 201 (Los Angeles, Calif., to Pasadena, Calif.).
600.6202 VOR civil airway No. 202 (Tucson, Ariz., to Truth or Consequences, N. Mex.).
600.6203 VOR civil airway No. 203 (Norwich, Conn., to Massena, N. Y.).
600.6204 VOR civil airway No. 204 (Hoquiam, Wash., to Olympia, Wash.).
600.6205 VOR civil airway No. 205 (Springfield, Mo., to Kansas City, Mo.).
600.6206 VOR civil airway No. 206 (Blue Springs, Mo., to Kirksville, Mo.).
600.6207 VOR civil airway No. 207 (Denver, Colo., to Egbert, Wyo.).
600.6208 VOR civil airway No. 208 (Los Angeles, Calif., to Needles, Calif.).
600.6209 VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.).
600.6210 VOR civil airway No. 210 (Los Angeles, Calif., to Wheeling, W. Va.).
600.6211 VOR civil airway No. 211 (Fort Stockton, Tex., to Cotulla, Tex.).
600.6212 VOR civil airway No. 212 (Ukiah, Calif., to Reno, Nev.).
600.6213 VOR civil airway No. 213 (Rocky Mount, N. C., to Tappahannock, Va.).
600.6214 VOR civil airway No. 214 (Shelbyville, Ind., to Wheeling, W. Va.).
600.6215 VOR civil airway No. 215 (Muskegon, Mich., to White Cloud, Mich.).
600.6216 VOR civil airway No. 216 (Janesville, Wis., to Saginaw, Mich.).
600.6217 VOR civil airway No. 217 (Chicago, Ill., to Green Bay, Wis.).
600.6218 VOR civil airway No. 218 (Chicago, Ill., to Flint, Mich.).
600.6219 VOR civil airway No. 219 (Ogden, Utah, to Malad City, Idaho).
600.6220 VOR civil airway No. 220 (Kremmling, Colo., to Akron, Colo.).
600.6221 VOR civil airway No. 221 (Fort Wayne, Ind., to Erie, Pa.).
600.6222 VOR civil airway No. 222 (El Paso, Tex., to Houston, Tex.).
600.6223 VOR civil airway No. 223 (Herndon, Va., to Harrisburg, Pa.).
600.6224 VOR civil airway No. 224 (Detroit, Mich., to United States-Canadian Border).
600.6225 VOR civil airway No. 225 (Key West, Fla., to Vero Beach, Fla.).
600.6226 VOR civil airway No. 226 (Williamsport, Pa., to New York, N. Y.).
600.6227 VOR civil airway No. 227 (Louisville, Ky., to Peotone, Ill.).
600.6228 VOR civil airway No. 228 (Wheeling, Ill., to South Bend, Ind.).
600.6229 VOR civil airway No. 229 (Wilmington, N. C., to Cofield, N. C.).
600.6230 VOR civil airway No. 230 (Salinas, Calif., to Fresno, Calif.).
600.6231 VOR civil airway No. 231 (Missoula, Mont., to Ronan, Mont.).
600.6232 VOR civil airway No. 232 (Cleveland, Ohio, to Fitzgerald, Pa.).
600.6233 VOR civil airway No. 233 (Springfield, Ill., to Cedar Rapids, Iowa).
600.6234 VOR civil airway No. 234 (Anton Chico, N. Mex., to Dalhart, Tex.).
600.6235 VOR civil airway No. 235 (Utah Lake, Utah, to Fort Bridger, Wyo.).

Sec.
600.6236 VOR civil airway No. 236 (Bonneville, Utah, to Ogden, Utah).
600.6237 VOR civil airway No. 237 (Needles, Calif., to Mormon Mesa, Nev.).
600.6238 VOR civil airway No. 238 (Philipsburg, Pa., to Atlantic City, N. J.).
600.6239 VOR civil airway No. 239 (Wildwood, N. J., to Newark, N. J.).
600.6240 VOR civil airway No. 240 (New Orleans, La., to Mobile, Ala.).
600.6241 VOR civil airway No. 241 (Crestview, Fla., to Atlanta, Ga.).
600.6242 VOR civil airway No. 242 (Mobile Ala., to Magnolia Springs, Ala.).
600.6243 VOR civil airway No. 243 (Chattanooga, Tenn., to Scotland, Ind.).
600.6244 VOR civil airway No. 244 (Oakland, Calif., to Modesto, Calif.).
600.6245 VOR civil airway No. 245 [Unassigned].
600.6246 VOR civil airway No. 246 (Dayton, Ohio, to Mansfield, Ohio).
600.6247 VOR civil airway No. 247 (Douglas, Wyo., to Crazy Woman, Wyo.).
600.6248 VOR civil airway No. 248 (Paso Robles, Calif., to Bakersfield, Calif.).
600.6249 VOR civil airway No. 249 (Caldwell, N. J., to Utica, N. Y.).
600.6250 VOR civil airway No. 250 (Bergholz, Ohio, to Fitzgerald, Pa.).
600.6251 VOR civil airway No. 251 (Washington, D. C., to New York, N. Y.).
600.6252 VOR civil airway No. 252 (Binghamton, N. Y., to New York, N. Y.).
600.6253 VOR civil airway No. 253 (Utah Lake, Utah, to Boise, Idaho).
600.6254 VOR civil airway No. 254 (Reinholds, Pa., to Columbus, N. J.).
600.6255 VOR civil airway No. 255 (Burlington, Iowa to Janesville, Wis.).
600.6256 VOR civil airway No. 256 (Reinhold, Pa., to Yardley, Pa.).
600.6257 VOR civil airway No. 257 (Delta, Utah, to Ogden, Utah).
600.6258 VOR civil airway No. 258 (Charleston, W. Va., to Roanoke, Va.).
600.6259 VOR civil airway No. 259 (Charlotte, N. C., to Tri-City, Tenn.).
600.6260 VOR civil airway No. 260 (Charleston, W. Va., to Roanoke, Va.).
600.6261 VOR civil airway No. 261 (Pulaski, Va., to Hinton, W. Va.).
600.6262 VOR civil airway No. 262 (Bradford, Ill., to Chicago, Ill.).
600.6263 VOR civil airway No. 263 (Lamar, Colo., to Thurman, Colo.).
600.6264 VOR civil airway No. 264 (Ontario, Calif., to Giant Rock, Calif.).
600.6265 VOR civil airway No. 265 (Washington, D. C., to Harrisburg, Pa.).
600.6266 VOR civil airway No. 266 (South Boston, Va., to Elizabeth City, N. C.).
600.6267 VOR civil airway No. 267 (Miami, Fla., to Jacksonville, Fla.).
600.6268 VOR civil airway No. 268 (Keymar, Md., to Baltimore, Md.).
600.6269 VOR civil airway No. 269 (Wells, Nev., to Dubois, Idaho).
600.6270 VOR civil airway No. 270 (Binghamton, N. Y., to Chester, Mass.).
600.6271 VOR civil airway No. 271 (Bonneville, Utah, to Burley, Idaho).
600.6272 VOR civil airway No. 272 (Sayre, Okla., to Oklahoma City, Okla.).
600.6273 VOR civil airway No. 273 (Downsville, N. Y., to Syracuse, N. Y.).
600.6274 VOR civil airway No. 274 (Grand Rapids, Mich., to Saginaw, Mich.).
600.6275 VOR civil airway No. 275 (Cincinnati, Ohio, to Detroit, Mich.).
600.6276 VOR civil airway No. 276 (Ellwood City, Pa., to Monmouth, N. J.).
600.6277 VOR civil airway No. 277 (Plain City, Ohio, to Keeler, Mich.).
600.6278 VOR civil airway No. 278 (Guthrie, Tex., to Fort Worth, Tex.).

Sec.
600.6279 VOR civil airway No. 279 (Columbus, Ohio, to Findlay, Ohio).
600.6280 VOR civil airway No. 280 (El Paso, Tex., to Kansas City, Mo.).
600.6281 VOR civil airway No. 281 (Redmond, Oreg., to Spokane, Wash.).
600.6282 VOR civil airway No. 282 (Cofield, N. C., to Elizabeth City, N. C.).
600.6283 VOR civil airway No. 283 (Redmond, Oreg., to Portland, Oreg.).
600.6284 VOR civil airway No. 284 (Fort Stockton, Tex., to San Angelo, Tex.).
600.6285 VOR civil airway No. 285 (Myton, Utah, to Rawlins, Wash.).
600.6286 VOR civil airway No. 286 (Front Royal, Va., to Cape Charles, Va.).
600.6287 VOR civil airway No. 287 (North Bend, Oreg., to Newberg, Oreg.).
600.6288 VOR civil airway No. 288 (Lucin, Utah, to Fort Bridger, Wyo.).
600.6289 VOR civil airway No. 289 (Beaumont, Tex., to Lufkin, Tex.).
600.6290 VOR civil airway No. 290. (Unassigned.).
600.6291 VOR civil airway No. 291 (Prescott, Ariz., to Valle, Ariz.).

HAWAIIAN VOR CIVIL AIRWAYS

600.6401 Hawaiian VOR civil airway No. 1.
600.6402 Hawaiian VOR civil airway No. 2.
600.6403 Hawaiian VOR civil airway No. 3.
600.6404 Hawaiian VOR civil airway No. 4.
600.6405 Hawaiian VOR civil airway No. 5.
600.6406 Hawaiian VOR civil airway No. 6.
600.6407 Hawaiian VOR civil airway No. 7.
600.6408 Hawaiian VOR civil airway No. 8.
600.6409 Hawaiian VOR civil airway No. 9.
600.6410 Hawaiian VOR civil airway No. 10.
600.6411 Hawaiian VOR civil airway No. 11.

TRANSCONTINENTAL VOR CIVIL AIRWAYS

600.6600 VOR civil airway No. 1500 (San Francisco, Calif., to New York, N. Y.).
600.6602 VOR civil airway No. 1502 (San Francisco, Calif., to Washington, D. C.).
600.6604 VOR civil airway No. 1504 (San Francisco, Calif., to Washington, D. C.).
600.6606 VOR civil airway No. 1506 (San Francisco, Calif., to Washington, D. C.).
600.6608 VOR civil airway No. 1508 (Los Angeles, Calif., to New York, N. Y.).
600.6610 VOR civil airway No. 1510 (Los Angeles, Calif., to New York, N. Y.).
600.6612 VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.).
600.6614 VOR civil airway No. 1514 (San Francisco, Calif., to New York, N. Y.).
600.6616 VOR civil airway No. 1516 (San Francisco, Calif., to Washington, D. C.).
600.6618 VOR civil airway No. 1518 (Los Angeles, Calif., to Washington, D. C.).
600.6620 VOR civil airway No. 1520 (Los Angeles, Calif., to Washington, D. C.).
600.6622 VOR civil airway No. 1522 (Los Angeles, Calif., to Washington, D. C.).

AUTHORITY: §§ 600.1 to 600.6622 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452.

SUBPART A—INTRODUCTION

§ 600.1 *Basis and purpose.* The basis of this part is found in sections 205 and 302 of the Civil Aeronautics Act of 1938, as amended. The purpose of this part is to designate civil airways in order to provide suitable and, insofar as possible safe routes for aircraft operating in interstate, overseas, or foreign air commerce.

§ 600.2 *Explanation of terms.* As used in this part, "civil airway" shall mean a path through the navigable airspace of the United States suitable for interstate, overseas, or foreign air commerce. Civil airways are classified as follows:

(a) Colored civil airways: (1) Green civil airways, (2) Amber civil airways, (3) Red civil airways, (4) Blue civil airways.

(b) VOR civil airways: (1) Even numbered civil airways, (2) Odd numbered civil airways.

(c) As used in this part the term "mile" means "statute mile" unless otherwise specified in this part.

(d) As used in this part all bearings shall be true from the point of origin.

(e) As used in this part the continental United States shall mean all of the several States of the United States (including the District of Columbia) and the territorial waters and the overlying airspace thereof.

(f) As used in this part the United States shall mean the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof) and the overlying airspace, but shall not include the Canal Zone.

§ 600.3 *Extent of civil airways.* (a) Unless otherwise specified in Subparts B and C of this part, each civil airway shall include the navigable airspace of the United States above all that area on the surface of the earth lying within 5 miles of the centerline prescribed for each such airway: *Provided,* That a civil airway lying within the continental United States shall not include the airspace at and above 27,000 feet MSL: *Provided further,* That a civil airway shall not include any of the airspace of a prohibited area as defined in Part 60 of this title.

(b) The center line of each civil airway shall be a line extended in the manner prescribed in this subpart through the center of the points or intersections specified for such airway.

(c) Except where otherwise provided in Subpart C, one or more alternate VOR civil airways shall be established between specified points along, and shall be a part of, each VOR civil airway. The center line of an alternate VOR civil airway shall depart from and return to the main VOR civil airway via the intersection of radials having an angle of 15 degrees (unless otherwise specified) separation from the main VOR civil airway.

§ 600.4 *Directions of airways.* Green and red colored civil airways and even numbered VOR civil airways normally are designated in a westerly to easterly direction between their initial and final terminals, even though portions of such airways may deviate from the westerly to easterly direction between any two or more intermediate points. Amber and blue colored civil airways and odd numbered VOR civil airways normally are

designated in a southerly to northerly direction between their initial and final terminals, even though portions of such airways may deviate from the southerly to northerly direction between any two or more intermediate points.

§ 600.10 *Designation of civil airways.* The paths through the navigable airspace of the United States described in Subpart B and Subpart C are designated as civil airways.

SUBPART B—COLORED CIVIL AIRWAYS

GREEN CIVIL AIRWAYS

§ 600.11 *Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).* That airspace over United States territory lying within 2 miles either side of the southwest course of the Vancouver, British Columbia, radio range between the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southwest course of the Vancouver, British Columbia, radio range and the Vancouver, British Columbia, radio range station. That airspace over United States territory lying within 5 miles either side of direct lines from the Megantic, Quebec, Canada, radio range station via the Millinocket, Maine, radio range station to the Fredericton, New Brunswick, radio range station.

§ 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the King County Airport, Seattle, Wash., via the Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Mullan Pass, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range; Bozeman, Mont., radio range station; Livingston, Mont., nondirectional radio beacon; Billings, Mont., radio range station; Miles City, Mont., radio range station; the intersection of the northeast course of the Miles City, Mont., radio range and the west course of the Dickinson, N. Dak., radio range; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; the intersection of the east course of the Jamestown, N. Dak., radio range and the west course of the Fargo, N. Dak., radio range; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the east course of the Lansing, Mich., radio range and the north course of the Detroit, Mich., radio range; Detroit, Mich., radio range station to the intersection of the east course of the Detroit, Mich., radio range and the United States-Canadian Border. From the intersection of the east course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border via the intersection of the east course of the Clear Creek, Ontario, Canada, radio range and the southwest course of the Buffalo, N. Y., radio range; Buffalo, N. Y., radio range station; the intersection of the east course of the Buffalo, N. Y., radio range and the southwest course of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; the intersection of the southeast course of the Rochester, N. Y., radio range and the west course of the Syracuse, N. Y., radio range; Syracuse, N. Y., radio range station; Albany, N. Y., radio range station; Hartford Conn., radio range station; the intersection of the west course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station."

§ 600.13 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* From the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Fairfield, Calif., radio range via the San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; the intersection of the northeast course of the Sacramento, Calif., radio range and the southwest course of the Reno, Nev., radio range; Reno, Nev., radio range station; Lovelock, Nev., radio range station; Battle Mountain, Nev., radio range station; Elko, Nev., radio range station; the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; the intersection of the northwest course of the Laramie, Wyo., radio range and the northwest course of the Cheyenne, Wyo., radio range; Cheyenne, Wyo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; the intersection of the east course of the Youngstown, Ohio, radio range and the west course of the Philipsburg, Pa., radio range; Philipsburg, Pa., radio range station; Allentown, Pa., radio range station; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range to the New York, N. Y. (LaGuardia), radio range station.

§ 600.14 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* From the Camarillo, Calif., radio range station via the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; Zuni, N. Mex., radio range station to Albuquerque, N. Mex., radio range station excluding the portion which overlaps Albuquerque restricted area (R–313); Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; the intersection of the east course of the Amarillo, Tex., radio range and the southwest course of the Gage, Okla., radio range; Gage, Okla., radio range station; Wichita, Kans., radio range station; Kansas City, Mo., radio range station; the intersection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the east course of the Indianapolis, Ind., radio range and the west course of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; Zanesville, Ohio, nondirectional radio beacon; Wheeling, W. Va., nondirectional radio beacon; Pittsburgh, Pa., radio range station; New Alexandria, Pa., nondirectional radio beacon; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Philadelphia International Airport, Philadelphia, Pa.

§ 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* From the Los Angeles, Calif., nondirectional radio beacon via the Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the west course of the Blythe, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; Cochise, Ariz., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station, excluding the portion which lies outside the continental United States; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Sulphur Springs, Tex., nondirectional radio beacon; Texarkana, Ark., radio range station; Pine Bluff, Ark., nondirectional radio beacon; Memphis, Tenn., radio range station; Jack's Creek, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northeast course of the Nashville radio range and a line bearing 297° True from the Smithville, Tenn., nondirectional radio beacon; Smithville, Tenn., nondirectional radio beacon; the intersection of a line bearing 112° True from the Smithville, Tenn., nondirectional radio beacon and the west course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the northeast course of the Gordonsville, Va., radio range and the south course of the Washington, D. C., radio range; Andrews, Md., radio range station; Millville, N. J., radio range station; Beachwood, N. J., nondirectional radio beacon; the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Peconic, Long Island, N. Y., radio range; Peconic, Long Island, N. Y., radio range station; the intersection of the northeast course of the Peconic, Long Island, N. Y., radio range and the southeast course of the Hartford, Conn., radio range to the Boston, Mass., radio range station.

§ 600.16 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).* From the Laredo, Tex., radio range station via the Alice, Tex., radio range station; Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the southeast course of the Palacios, Tex., radio range and the southwest course of the Galveston, Tex., radio range; Galveston, Tex., radio range station; Lake Charles, La., radio range station; Lafayette, La., nondirectional radio beacon; New Orleans, La., radio range station via the Keesler AFB, Biloxi, Miss., radio range station; Bay Minette, Ala., nondirectional radio beacon; Maxwell, AFB, Ala., radio range station; the intersection of the east course of the Maxwell AFB, Ala., radio range and the southwest course of the Atlanta, Ga., radio range; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; Richmond, Va., radio range station; Norfolk, Va., radio range station to the Norfolk Municipal Airport, Norfolk, Va.

§ 600.17 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* From the Nome, Alaska, radio range station via the Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

§ 600.18 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).* From the Cold Bay, Alaska, radio range station via the King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai radio range and a line bearing 266° True from the Anchorage radio range station; Anchorage, Alaska, radio range station; the intersection of the southeast course of the Skwentna, Alaska, radio range and a line bearing 357° True from the Anchorage radio range station; the intersection of the southeast course of the Skwentna, Alaska, radio range and the northeast course of the Anchorage radio range; Gulkana, Alaska, radio range station; the intersection of the northeast course of the Gulkana, Alaska, radio range and the southwest course of the Northway, Alaska, radio range to the Northway, Alaska, radio range station.

§ 600.19 *Green civil airway No. 9 (Hawaiian Islands).* From the intersection of the west course of the Honolulu, Oahu, T. H., radio range and the south course of the Port Allen, Kauai, T. H., radio range via the Honolulu, Oahu, T. H., radio range station to the intersection of the northeast course of the Honolulu radio range and the north course of the Hilo, T. H., radio range, excluding the portion at and below 5,000 feet above mean sea level which overlaps the Kaneohe Naval Airspace Reservation (P–331).

§ 600.20 *Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).* That airspace over United States territory from the Vancouver, British Columbia, Canada, radio range station via the Bellingham, Wash., radio range station; Everett, Wash., radio range station; Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; the intersection of the south course of the Ellensburg, Wash., radio range and the northwest course of the Yakima, Wash., radio range; Yakima, Wash., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the southeast course of the Boise, Idaho, radio range and the northwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; Malad City, Idaho, radio range station; the intersection of the southeast course of the Malad City, Idaho, radio range and the north course of the Fort Bridger, Wyo., radio range; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; Laramie, Wyo., radio range station; the intersection of the southeast course of the Laramie, Wyo., radio range and the north course of the Denver, Colo., radio range to the Denver, Colo., radio range station.

AMBER CIVIL AIRWAYS

§ 600.101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* That airspace over United States territory from the intersection of the southeast course of the San Diego, Calif., radio range and the United States-Mexican Border via the San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., Radio range; Long Beach, Calif., radio range station; Los Angeles, Calif., nondirectional radio beacon; Newhall, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Sacramento, Calif., radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Seattle, Wash., radio range station excluding the portion below 1,500 feet mean sea level which lies over Fort Lewis, Wash., restricted area (R–503) and the portion below 5,000 feet mean sea level which lies over Fort Lewis, Wash., restricted area (R–504); the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, British Columbia, radio range; Patricia Bay, British Columbia, Canada, radio range station to the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southeast course of the Comox, British Columbia, Canada, radio range, excluding the air space lying more than 2 miles west of and parallel to the south course of the Patricia Bay, British Columbia, radio range between the intersection of the northwest course of the Seattle, Wash., radio range with the south course of the Patricia Bay, British Columbia, radio range and the United States-Canadian Border. That airspace over United States territory from the Sandspit, British Columbia, radio range station via the intersection of the northwest course of the Sandspit, British Columbia, radio range and the southwest course of the Annette Island, Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Hinchinbrook, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northwest course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, radio range station.

§ 600.102 *Amber civil airway No. 2 (Daggett, Calif., to Point Barrow, Alaska).* From the Daggett, Calif., radio range station via the Good Springs, Nev.,

nondirectional radio beacon; Las Vegas, Nev., radio range station; the intersection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; thence via Latitude 38°24'30", Longitude 113°01'40"; Delta, Utah, radio range station; the intersection of the northeast course of the Delta, Utah, radio range and the south course of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station to the intersection of the northwest course of the Cut Bank, Mont., radio range and the United States-Canadian Border. From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border via the Northway, Alaska, radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range; Fairbanks, Alaska, radio range station; Bettles, Alaska, radio range station; Umiat, Alaska, nondirectional radio beacon to the Point Barrow, Alaska, nondirectional radio beacon.

§ 600.103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* From the intersection of the west course of the El Paso, Tex., radio range and the south course of the Truth or Consequences, N. Mex., radio range via the Truth or Consequences, N. Mex., radio range station; to the Albuquerque, N. Mex., radio range station. From the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range, via the Las Vegas, N. Mex., radio range station; the intersection of the northeast course of the Las Vegas, N. Mex., radio range and the south course of the Trinidad, Colo., radio range; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; the intersection of the north course of the Pueblo, Colo., radio range and the south course of the Denver, Colo., radio range; Denver, Colo., radio range station; Cheyenne, Wyo., radio range station; the intersection of the north course of the Cheyenne, Wyo., radio range and the east course of the Casper, Wyo., radio range; Casper, Wyo., radio range station; the intersection of the north course of the Casper, Wyo., radio range and the southeast course of the Sheridan, Wyo., radio range; Sheridan, Wyo., radio range station; Billings, Mont., radio range station; the intersection of the northwest course of the Billings, Mont., radio range and the southeast course of the Lewistown, Mont., radio range and the Lewistown, Mont., radio range station; to the Great Falls, Mont., radio range station. The portion of this civil airway above 20,000 feet MSL which overlaps the White Sands restricted area, Area 2 (R–521), (published in § 608.39 of this chapter), shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* From the Municipal Airport, Brownsville, Tex., via the Brownsville, Tex., radio range station; the intersection of the northwest course of the Brownsville, Tex., radio range and the south course of the Alice, Tex., radio range; Alice, Tex., radio range station; the intersection of the north course of the Alice, Tex., radio range and the south course of the San Antonio, Tex., radio range; San Antonio, Tex., radio range station; the intersection of the north course of the San Antonio, Tex., radio range and a line bearing 226° True from the Austin, Tex., nondirectional beacon; Austin, Tex., nondirectional radio beacon; Waco, Tex., radio range station; the intersection of the northwest course of the Waco, Tex., radio range and the south course of the Fort Worth, Tex., radio range; Fort Worth, Tex., radio range station; Oklahoma City, Okla., radio range station; the intersection of the southeast course of the Oklahoma City, Okla., radio range and the southwest course of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station; the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range; Chanute, Kans., radio range station to the intersection of the northeast course of the Chanute, Kans., radio range and the southwest course of the Kansas City, Mo., radio range. From the Omaha, Nebr., radio range station via the Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; Bismarck, N. Dak., radio range station; the intersection of the north course of the Bismarck, N. Dak., radio range and the southeast course of the Minot, N. Dak., radio range to the Minot, N. Dak., radio range station.

§ 600.105 *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* From the Grand Isle, La., nondirectional radio marker beacon via Latitude 29°14'00", Longitude 90°09'00"; New Orleans, La., radio range station; Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Memphis, Tenn., radio range station; Advance, Mo., radio range station; St. Louis, Mo., radio range station; the intersection of the north course of the St. Louis, Mo., radio range and the southwest course of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station; the intersection of the northeast course of the Joliet, Ill., radio range and the south course of the Milwaukee, Wis., radio range to the Milwaukee, Wis., radio range station.

§ 600.106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* From the Jacksonville, Fla., radio range station via the Alma, Ga., radio range station; Macon, Ga., radio range station to the Atlanta, Ga., radio range station. From the Nashville, Tenn., radio range station via the intersection of the northwest course of the Nashville, Tenn., radio range and the southwest course of the Bowling Green, Ky., radio range; Bowling Green, Ky., radio range station; Lexington, Ky., nondirectional radio beacon; Cincinnati, Ohio, radio range station to the intersection of the northeast course of the Cincinnati, Ohio, radio range and the west course of the Columbus, Ohio, radio range. From the intersection of the east course of the Cleveland, Ohio, radio range and the northeast course of the Akron, Ohio, radio range via the Perry, Ohio, nondirectional radio beacon to the intersection of the southwest course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border.

§ 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).* From the Key West, Fla., radio range station via the Marathon, Fla., nondirectional radio beacon; Homestead, Fla., AFB nondirectional radio beacon; Miami, Fla., radio range station; the intersection of the east course of the Miami, Fla., radio range and the south course of the West Palm Beach, Fla., radio range; West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; the intersection of the northeast course of the Charleston, S. C., radio range and the south course of the Florence, S. C., radio range; Florence, S. C., radio range station; the intersection of the north course of the Florence, S. C., radio range and the southwest course of the Raleigh, radio range; Raleigh, N. C., radio range station; Richmond, Va., radio range station; the intersection of the north course of the Richmond, Va., radio range and the southwest course of the Washington, D. C., radio range; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; Newark, N. J., radio range station; the intersection of the northeast course of the Newark, N. J., radio range and the northeast course of the New York, N. Y. (LaGuardia), radio range; Hartford, Conn., radio range station; the intersection of a direct line between the Hartford, Conn., radio range and the Bedford, Mass., nondirectional radio beacon (located at lat. 42°28'47", long. 71°23'21") with the west course of the Boston, Mass., radio range; Boston, Mass., radio range station; the intersection of the northeast course of the Boston, Mass., radio range and the southwest course of the Portland, Maine, radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; Millinocket, Maine, radio range station; Presque Isle, Maine, radio range station thence via a direct line between the Presque Isle, Maine, radio range station and the Mont Joli, Quebec, Canada, radio range station to the U. S.-Canadian Border.

§ 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).* From the Los Angeles, Calif., nondirectional radio beacon via the intersection of a line bearing 260° True from the Los Angeles nondirectional radio beacon and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station to the Santa Barbara, Calif., radio range station. From the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range via the Travis AFB, Calif., radio range station to the intersection of the northeast course of the Travis AFB, Fairfield, Calif., radio range and the northwest course of the Sacramento, Calif., radio range. From the Red Bluff, Calif., radio range station via the Whitmore, Calif., radio range station; the intersection of the northeast course of the Whitmore, Calif., radio range and the south course of the Klamath Falls, Oreg., radio range; Klamath Falls, Oreg., radio range station; the intersection of the north course of the Klamth Falls, Oreg., radio range and the southwest course of the Redmond, Oreg., radio range; Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range to the Ellensburg, Wash., radio range station.

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* From the Charleston, S. C., radio range station via the Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; the intersection of a line bearing 11° True from the New Bern, N. C., nondirectional radio beacon and the southwest course of the Norfolk, Va., radio range to the Norfolk, Va., radio range station. The portion of this airway above 5500 feet above mean sea level within 60 miles of a point at latitude 34°54'30", longitude 76°53'00" is excluded daily from sunset to sunrise.

§ 600.110 *Amber civil airway No. 10 (Hawaiian Islands).* From the intersection of the west course of the Hilo, T. H., radio range and the south course of the Honolulu, T. H., radio range to the Honolulu, T. H., radio range station excluding the portion above 21,000 feet mean sea level which overlaps Warning Area (W-321).

§ 600.111 *Amber civil airway No. 11 (Hawaiian Islands).* From the intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range via the Maui, T. H., radio range station to the intersection of the north course of the Maui, T. H., radio range and a point 38 statute miles north of the Maui, T. H., radio range station.

§ 600.112 *Amber civil airway No. 12 (Hawaiian Islands).* From the intersection of the south course of the Hilo, T. H., radio range and point 37 miles south of the Hilo, T. H., radio range station via the Hilo, T. H., radio range station to the intersection of the north course of the Hilo, T. H., radio range and the southeast course of the Maui, T. H., radio range.

§ 600.113 *Amber civil airway No. 13 (Hawaiian Islands).* From the intersection of the south course of the Port Allen, Kauai, T. H., radio range and a line bearing 246° True from the Honolulu, Oahu, T. H., radio range to the Port Allen, Kauai, T. H., radio range station.

RED CIVIL AIRWAYS

§ 600.201 *Red civil airway No. 1 (Big Spring, Tex., to San Antonio, Tex.).* From the Big Spring, Tex., radio range station via the intersection of the southeast course of the Big Spring, Tex., radio range and the northwest course of the Kelly, Tex., radio range to the Kelly, Tex., radio range station.

§ 600.202 *Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).* From the intersection of the southeast course of the Sheridan, Wyo., radio range and the north course of the Casper, Wyo., radio range via the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range to the Rapid City, S. Dak., radio range station.

§ 600.203 *Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).* From the Philipsburg, Pa., radio range station to the Harrisburg, Pa., radio range station. From the Philadelphia, Pa., radio range station via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia) radio range to the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range. From the New York, N. Y. (LaGuardia), radio range station to the intersection of the northeast course of the New York, N. Y. (LaGuardia) radio range and the northeast course of the Newark, N. J., radio range.

§ 600.204 *Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex.).* From the Las Vegas, N. Mex., radio range station to the intersection of the southeast course of the Las Vegas, N. Mex., radio range and the west course of the Tucumcari, N. Mex., radio range.

§ 600.205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* From the Sioux Falls, S. Dak., radio range station, via the Minneapolis, Minn., radio range station to the St. Paul Airport, St. Paul, Minn.

§ 600.206 *Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).* From the Denver, Colo., radio range station via the Akron, Colo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Lincoln, Nebr., radio range station to Omaha, Nebr., radio range station.

§ 600.207 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).* From the intersection of the south course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range, via the Greenville, S. C., radio range station to the intersection of the east course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range. From the intersection of the northeast course of the Spartanburg, S. C., radio range and the west course of the Charlotte, N. C., radio range, via the Charlotte, N. C., radio range station to the intersection of the north course of the Charlotte, N. C., radio range and the southwest course of the Greensboro, N. C., radio range. From the intersection of the southwest course of the Greensboro, N. C., radio range and tne southeast course of the Winston-Salem, N. C., radio range via the Winston-Salem, N. C., radio range station and the Winston-Salem, N. C., Municipal Airport to the Greensboro, N. C., radio range station.

§ 600.208 *Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).* From the intersection of the west course of the Wright-Patterson AFB radio range and the northwest course of the Cincinnati, Ohio, radio range via the Wright-Patterson AFB, Dayton, Ohio, radio range station to the intersection of the east course of the Wright-Patterson AFB radio range and the south course of the Columbus, Ohio, radio range. From the Butler, Pa., nondirectional radio beacon via the Brookville, Pa., nondirectional radio beacon; the intersection of the southwest course of the Elmira, N. Y., radio range and the west course of the Williamsport, Pa., radio range; Williamsport, Pa., radio range station; Crystal Lake, Pa., nondirectional radio beacon to the Newark, N. J., radio range station.

§ 600.209 *Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).* From the San Diego, Calif., radio range station via the intersection of the east course of the San Diego, Calif., radio range and the west course of the El Centro, Calif., radio range; El Centro, Calif., radio range station; Yuma, Ariz., radio range station, excluding the portion which lies outside the continental United States; the intersection of the east course of the Yuma, Ariz., radio range and the west course of the Gila Bend, Ariz., radio range; Gila Bend, Ariz., radio range station to the intersection of the east course of the Gila Bend, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range.

§ 600.210 *Red civil airway No. 10 (Wichita Falls, Tex., to Augusta, Ga.).* From the Wichita Falls, Tex., radio range station via the Dallas, Tex., nondirectional radio beacon; Shreveport, La., radio range station; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; the intersection of the east course of the Birmingham, Ala., radio,

range and a line bearing 267° True from the Atlanta, Ga., radio range; Atlanta, Ga., radio range station, excluding the portion below 5,500 feet which overlaps the Camp Gordon, Ga., restricted area, to the Augusta, Ga., radio range station.

§ 600.211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).* From the intersection of the northeast course of the Gage, Okla., radio range and a line bearing 314° True from the Enid, Okla., Vance AFB nondirectional radio beacon via the Enid, Okla., Vance AFB nondirectional radio beacon to the intersection of a line bearing 130° True from the Vance AFB nondirectional radio beacon and the north course of the Oklahoma City, Okla., radio range. From the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range via the Springfield, Mo., radio range station; Vichy, Mo., nondirectional radio beacon to the intersection of a line bearing 52° True from the Vichy nondirectional radio beacon and the west course of the St. Louis, Mo., radio range. From the Albany, N. Y., radio range station to the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range. From the Boston, Mass., radio range station to the intersection of the east course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy), radio range.

§ 600.212 *Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).* From the Joliet, Ill., radio range station via the intersection of the east course of the Joliet, Ill., radio range and the west course of the South Bend, Ind., radio range; South Bend, Ind., radio range station to the Detroit, Mich., radio range station. That airspace over United States territory from the Windsor, Ont., Canada, radio range station to the Erie, Pa., radio range station.

§ 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).* From the Wheeling, W. Va., nondirectional radio beacon via the Clinton, Pa., nondirectional radio beacon; Butler, Pa., nondirectional radio beacon; Westover, Pa., nondirectional radio beacon to the Philipsburg, Pa., radio range station. From the Crystal Lake, Pa., nondirectional radio beacon via the Stewart AFB, N. Y., nondirectional radio beacon; Poughkeepsie, N. Y., radio range station; Hartford, Conn., radio range station; Providence, R. I., radio range station via the intersection of the north course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range to the intersection of a direct line between the intersection of the north course of the Providence radio range and the southwest course of the Boston radio range and the Bedford, Mass., nondirectional radio beacon (located at lat. 42°28'47", long. 71°23'21") with the west course of the Boston, Mass., radio range.

§ 600.214 *Red civil airway No. 14 (Lone Rock, Wis., to Indianapolis, Ind.).* From the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range via the Rockford, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Chicago, Ill., radio range station to the Indianapolis, Ind., radio range station.

§ 600.215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).* From the intersection of the northeast course of the Reno, Nev., radio range and the northwest course of the Fallon, Nev., radio range via the Fallon, Nev., radio range station; the intersection of the southeast course of the Fallon, Nev., radio range with a point at Lat. 38°39'50", Long. 117°51'00"; the Tonopah, Nev., radio range station; the intersection of the south course of the Tonopah, Nev., radio range with a point at Lat. 37°25'30", Long. 117°09'30"; thence via Lat. 36°17'45", Long. 116°25'30" to the Goodspring, Nev., non-directional radio beacon. From the Las Vegas, Nev., radio range station to the intersection of the southeast course of the Las Vegas, Nev., radio range and the west course of the Prescott, Ariz., radio range. From the Prescott, Ariz., radio range station via the intersection of the southeast course of the Prescott, Ariz., radio range and the northwest course of the Phoenix, Ariz., radio range to the Phoenix, Ariz., radio range station.

§ 600.216 *Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.).* From the Tallahassee, Fla., radio range station via the Albany, Ga., radio range station; the intersection of the north course of the Albany, Ga., radio range and the southwest course of the Macon, Ga., radio range to the Macon, Ga., radio range station excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise. From the Augusta, Ga., radio range station via the Columbia, S. C., radio range station; the intersection of the east course of the Columbia, S. C., radio range and the south course of the Florence, S. C., radio range; Florence, S. C., radio range station; Lumberton, N. C., nondirectional radio beacon; the intersection of a line bearing 21° True from the Lumberton, N. C., nondirectional radio beacon and a line bearing 191° True from the Raleigh, N. C., radio range station to the Raleigh, N. C., radio range Station.

§ 600.217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).* From the intersection of the southwest course of the Belleville, Ill., Scott AFB radio range with a point on the southwest course of the Scott AFB radio range 48 miles southwest of the Belleville, Ill., Scott AFB radio range station via the Belleville, Ill., Scott AFB radio range station to the intersection of the northeast course of the Scott AFB radio range and the west course of the Effingham, Ill., radio range. From the Chanute AFB, Rantoul, Ill., nondirectional radio beacon to the intersection of a line bearing 44° True from the nondirectional radio beacon with the southeast course of the Chicago, Ill., radio range. From the Fort Wayne, Ind., radio range station via the Findlay, Ohio, non-directional radio beacon; the Mansfield, Ohio, non-directional radio beacon to the Pittsburgh, Pa., radio range station. From the Martinsburg, W. Va., radio range station via the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range; Baltimore, Md., radio range station to the intersection of the east course of the Baltimore, Md., radio range and the southwest course of the Millville, N. J., radio range, except that the portion of the civil airway which overlaps the Aberdeen restricted area (R–24) (published in § 608.28 of this chapter) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* From the intersection of the east course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range via the Cincinnati, Ohio, radio range station; Huntington, W. Va., nondirectional radio beacon; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station to the intersection of the east course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range.

§ 600.219 *Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).* From the Traverse City, Mich., radio range station via the Gladwin, Mich., nondirectional radio beacon; Saginaw, Mich., nondirectional radio beacon; Flint, Mich., ILS outer Marker; Detroit, Mich., radio range station; the intersection of the southeast course of the Detroit, Mich, radio range and the west course of the Akron, Ohio, radio range to the Akron, Ohio, radio range station. From the intersection of the southwest course of the Arcola, Va., radio range and the west course of the Quantico, Va. (Navy), radio range to the Quantico, Va. (Navy), radio range station, excluding the portion more than 1 mile north of the west course of the Quantico, Va. (Navy), radio range. From the intersection of the north course of the Richmond, Va., radio range and the northwest course of the Tappahannock, Va., radio range via the Tappahannock, Va., radio range station to the intersection of the southeast course of the Tappahannock, Va., radio range and the north course of the Norfolk, Va. (Navy), radio range, excluding those portions more than 2 miles either side of the northwest course of the Tappahannock, Va., radio range and the portion which overlaps the Patuxent, Md., restricted area (R–43), thence to the Norfolk, Va., Navy radio range station excluding the portion which overlaps Plum Tree Island restricted area (R–49).

§ 600.220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* That airspace over United States territory from the Lansing, Mich., radio range station via the Flint, Mich., ILS outer marker; the intersection of the northwest course of the Selfridge, Mich., AFB radio range and the northwest course of the Windsor, Ont., Can., radio range; Windsor, Ont., Can., radio range station; Cleveland, Ohio, radio range station; Akron, Ohio, radio range station; the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range; Pittsburgh, Pa., radio range station; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northwest course of the Washington, D. C., radio range; Washington, D. C., radio range station to the intersection of the southeast course of the Washington, D. C., radio range with Red civil airway No. 77.

§ 600.221 *Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).* From the intersection of the east course of the New York (La Guardia), N. Y., radio range and the southwest course of the Bridgeport, Conn., radio range via the Bridgeport, Conn., radio range station to the intersection of the northeast course of the Bridgeport, Conn., radio range and the southeast course of the Hartford, Conn., radio range. From the intersection of the southeast course of the Hartford, Conn., radio range and the west course of the Quonset Point, R. I. (Navy), radio range via the intersection of the west course of the Quonset Point, R. I. (Navy), radio range and the southwest course of the Providence, R. I., radio range; Providence, R. I., radio range station, excluding that portion more than 2 miles east of the southwest course of the Providence, R. I., radio range; Squantum, Mass. (Navy), radio range station to the intersection of the northeast course of the Squantum, Mass. (Navy), radio range and the east course of the Boston, Mass., radio range.

§ 600.222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* From the Mount Clemens, Mich., Selfridge AFB radio range station to the intersection of the southeast course of the Selfridge AFB radio range and the west course of the Clear Creek, Ont., Canada, radio range, excluding the portion which lies outside the continental United States. From the intersection of the west course of the Buffalo, N. Y., radio range and the United States-Canadian Border via the Buffalo, N. Y., radio range station; the intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range to the Rochester, N. Y., radio range station. From the Syracuse, N. Y., radio range station via the Utica, N. Y., radio range station to the intersection of the southeast course of the Utica, N. Y., radio range and the west course of the Albany, N. Y., radio range.

§ 600.223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* That airspace over United States territory from the Lakehead, Ont., Canada, radio range station via the Houghton, Mich., radio range station; Grand Marias, Mich., radio range station; Sault Ste. Marie, Mich., radio range station to the Gore Bay, Ont., Canada, radio range station. That airspace over United States territory from the Toronto, Ont., Canada, radio range station via the Buffalo, N. Y., radio range station; Dansville, N. Y., nondirectional radio beacon; Elmira, N. Y., radio range station; New York (La Guardia), N. Y., radio range station to the intersection of the east course of the New York (La Gaurdia), N. Y., radio range and the northeast course of the Peconic, Long Island, N. Y., radio range.

§ 600.224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* From the Amarillo, Tex., radio range station via the intersection of the east course of the Amarillo, Tex., radio range and the southwest course of the Oklahoma City, Okla., radio range to the Oklahoma City, Okla., radio range station.

§ 600.225 *Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).* That airspace over United States territory from the Quebec, Canada, radio range station via the intersection of the northwest course of the Bangor, Maine, radio range and the west course of the Millinocket, Maine, radio range to the intersection of the northwest course of the Bangor, Maine, radio range and the southwest course of the Millinocket, Maine, radio range.

§ 600.226 *Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).* From the intersection of the southwest course of the Richmond, Va., radio range and the northwest course of the Waverly, Va., radio range via the Waverly, Va., radio range station to the intersection of the southeast course of the Waverly, Va., radio range and the southwest course of the Norfolk, Va., radio range.

§ 600.227 *Red civil airway No. 27 (Nenabank, Alaska, to Wolf Intersection, Alaska).* From the intersection of the northwest course of the Nenana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range via the Nenana, Alaska, radio range station to the intersection of the southeast course of the Nenana, Alaska, radio range and the southwest course of the Fairbanks, Alaska, radio range.

§ 600.228 *Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).* From the Rockford, Ill., radio range station via the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station. From the Lansing, Mich., radio range station to the intersection of a line bearing 127° True from the Lansing, Mich., radio range station to its intersection with the west course of the Detroit, Mich., radio range.

§ 600.230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* From the Shreveport, La., radio range station via the intersection of the south course of the Shreveport, La., radio range and the northwest course of the Alexandria, La., radio range; Alexandria, La., radio range station; intersection of the southeast course of the Alexandria, La., radio range and the northwest course of the Baton Rouge, La., radio range; Baton Rouge, La., radio range station to the intersection of the southeast course of the Baton Rouge, La., radio range and the west course of the New Orleans, La., radio range. From the New Orleans, La., radio range station via the intersection of the northeast course of the Saufley Field, Pensacola, Fla. (Navy), radio range and the west course of the Pensacola, Fla., radio range; Whiting Field, Milton, Fla. (Navy), radio range station; Crestview, Fla., radio range station, excluding the portion below 2,000 feet MSL lying within Pensacola caution area C–488; the intersection of the east course of the Crestview, Fla., radio range and the northwest course of the Tallahassee, Fla., radio range; Tallahassee, Fla., radio range station to the Jacksonville, Fla., radio range station, excluding the portion above 19,000 feet MSL lying within the Tyndall restricted area (R–336), between sunset and sunrise.

§ 600.231 *Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).* From the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range via the Scottsbluff, Nebr., radio range station; the intersection of the northeast course of the Scottsbluff, Nebr., radio range and the south course of the Rapid City, S. Dak., radio range; Rapid City, S. Dak., radio range station; the intersection of the east course of the Rapid City, S. Dak., radio range and the west course of the Pierre, S. Dak., radio range; Pierre, S. Dak., radio range station; the intersection of the east course of the Pierre, S. Dak., radio range and the southwest course of the Huron, S. Dak., radio range to the Huron, S. Dak., radio range station. From the Minneapolis, Minn., radio range station via the Stanton, Minn., nondirectional radio beacon to the La Crosse, Wis., radio range station.

§ 600.232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* From the Laredo, Tex., radio range station via the intersection of the northeast course of the Laredo, Tex., radio range and the southwest course of the Kelly, Tex., radio range; Kelly, Tex., radio range station to the intersection of the northeast course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range. From the Austin, Tex., nondirectional radio beacon via the Smithville, Tex., nondirectional radio beacon: the Richmond, Tex., radio range station to the intersection of the southeast course of the Richmond, Tex., radio range and the southwest course of the Houston, Tex., radio range.

§ 600.233 *Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).* From the intersection of the east course of the Langley, Va., AFB radio range and the north course of the Norfolk, Va., Navy radio range via the Langley, Va., AFB radio range station, excluding the portion which overlaps the Plum Tree Island Restricted Area (R–49), to the Richmond, Va., radio range station. From the Gordonsville, Va., radio range station via the Arcola, Va., radio range station to

the intersection of the northeast course of the Arcola, Va., radio range and the southeast course of the Harrisburg, Pa., radio range. From the intersection of the east course of the Poughkeepsie, N. Y., radio range and the southwest course of the Chicopee, Westover AFB, Mass., radio range via the Chicopee, Westover AFB, Mass., radio range station to the intersection of the northeast course of the Chicopee, Westover AFB, Mass., radio range and the west course of the Boston, Mass., radio range.

§ 600.234 *Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).* From the Charleston, W. Va., radio range station via the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range to the Raleigh, N. C., radio range station. From the intersection of the north course of the Williamston, N. C., VHF VAR radio range and the southwest course of the Norfolk, Va., radio range to the Weeksville, N. C. (Navy) radio range station.

§ 600.235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* From the Pueblo, Colo., radio range station via the La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; the intersection of the east course of the Hutchinson, Kans., radio range and the southwest course of the Forbes AFB, Kans., radio range; Forbes AFB, Kans., radio range station to the intersection of the northeast course of the Forbes, AFB radio range and the northwest course of the Kansas City, Mo., radio range.

§ 600.236 *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* From the Stanton, Minn., non-directional beacon via the Rochester, Minn., radio range station to the intersection of the east course of the Rochester, Minn., radio range and the northwest course of the La Crosse, Wis., radio range.

§ 600.237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).* From the Tyler, Tex., nondirectional radio beacon to the intersection of a line bearing 13° True from the Tyler nondirectional radio beacon with the west course of the Shreveport, La., radio range. From the intersection of the northeast course of the Texarkana, Ark., radio range and the southwest course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; Stuttgart, Ark., radio range station to the intersection of the east course of the Stuttgart, Ark., radio range and the west course of the Memphis, Tenn., radio range. From the Charleston, W. Va., radio range station via the Roanoke, Va., radio range station; Lynchburg, Va., radio range station; to the Gordonsville, Va., radio range station.

§ 600.238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* From the intersection of the southeast course of the Big Spring, Tex., radio range and the southwest course of the San Angelo, Tex., radio range via the San Angelo, Tex., radio range station to the intersection of the southeast course of the San Angelo, Tex., radio range and the southeast course of the Big Spring, Tex., radio range. From the intersection of the northwest course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range to the San Antonio, Tex., radio range station.

§ 600.239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* From the Bethel, Alaska, radio range station via the Aniak, Alaska, radio range station; the McGrath, Alaska, radio range station; the Minchumina, Alaska, radio range station and the Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

§ 600.240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* From the Kodiak, Alaska, radio range station via the Shuyak, Alaska, nondirectional radio beacon; Homer, Alaska, radio range station to the Anchorage, Alaska, radio range station.

§ 600.241 *Red civil airway No. 41 (Cape Spencer, Alaska, to Sisters Island, Alaska).* From the intersection of the northwest course of the Sitka (Biorka Island) Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range via the Gustavus, Alaska, radio range station to the Sisters Island, nondirectional radio beacon.

§ 600.242 *Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).* From the intersection of the west course of the Milwaukee, Wis., radio range and the northwest course of the Chicago, Ill., radio range to the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range. From the Glenview, Ill. (Navy), radio range station to the intersection of the southwest course of the Glenview, Ill. (Navy), radio range and the west course of the Chicago, Ill., radio range.

§ 600.244 *Red civil airway No. 44 (Bellingham, Wash., to Princeton, B. C., Canada).* That airspace over United States territory from the Bellingham, Wash., radio range station to the Princeton, British Columbia, Canada, radio range station.

§ 600.245 *Red civil airway No. 45 (Blackstone, Va., to Lancaster, Pa.).* From the Blackstone, Va., radio range station via the Manakin, Va., nondirectional radio beacon; the intersection of the south course of the Quantico, Va. (Navy), radio range and the southwest course of the Washington, D. C., radio range; Quantico, Va. (Navy), radio range station to the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range, excluding that portion which lies more than 2 miles west of the north course of the Quantico, Va. (Navy), radio range between the range station and the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range. From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station to the intersection of the north course of the Baltimore, Md., radio range and the southwest course of the Allentown, Pa., radio range.

§ 600.246 *Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).* That airspace over United States territory from the Regina, Saskatchewan, Canada, radio range station via the Minot, N. Dak., radio range station to the Jamestown, N. Dak., radio range station.

§ 600.247 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).* From the Tampa, Fla., radio range station via the Orlando, Fla., radio range station to the Daytona Beach, Fla., radio range station.

§ 600.249 *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* From the Elko, Nev., radio range station via the Wendover, Utah, radio range station; the intersection of the east course of the Wendover, Utah, radio range and the west course of the Salt Lake City, Utah, radio range; the Salt Lake City, Utah, radio range station; Fort Bridger, Wyo., radio range station to the intersection of the north course of the Fort Bridger, Wyo., radio range and the southeast course of the Malad City, Idaho, radio range.

§ 600.250 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* From the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range via the Tanana, Alaska, radio range station to the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range.

§ 600.251 *Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).* From the Blackstone, Va., radio range station via the intersection of the east course of the Blackstone, Va., radio range and the west course of the Langley, Va., AFB radio range to the Langley, Va., AFB radio range station, excluding the portions which overlap the Camp Pickett Restricted Area (R–44) and the Plum Tree Island Restricted Area (R–49).

§ 600.252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* From the Memphis, Tenn., radio range station via the Muscle Shoals, Ala., radio range station; the intersection of the southeast course of the Muscle Shoals, Ala., radio range and the north course of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station.

§ 600.253 *Red civil airway No. 53 (Portland, Oreg., to Spokane, Wash.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the west course of the The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; the intersection of the east course of the The Dalles, Oreg., radio range and the west course of the Pendleton, Oreg., radio range; Pendleton, Oreg., radio range station; the intersection of the east course of the Pendleton, Oreg., radio range and the southwest course of the Walla Walla, Wash., radio range; Walla Walla, Wash., radio range station to the Spokane, Wash., radio range station.

§ 600.254 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* From the Burley, Idaho, radio range station via the Promontory Point, Utah, non-directional radio beacon to a point located at Latitude 40°47'00", Longitude 112°23'00".

§ 600.255 *Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).* From the intersection of the northeast course of the Chicago, Ill., radio range and a line bearing 293° True from the South Bend, Ind., radio range station via the South Bend, Ind., radio range station; Goshen, Ind., radio range station; Findlay, Ohio, non-directional radio beacon to the Columbus, Ohio, radio range station.

§ 600.256 *Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).* From the intersection of the northwest course of the Red Bluff, Calif., radio range and the northwest course of the Whitmore, Calif., radio range to the Whitmore, Calif., radio range station.

§ 600.257 *Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio.).* From the Des Moines, Iowa, radio range station via the Cedar Rapids, Iowa, nondirectional radio beacon; Moline, Ill., radio range station; Rockford, Ill., radio range station; Milwaukee, Wis., radio range station; Battle Creek, Mich., radio range station to the Toledo, Ohio, radio range station. From the Akron, Ohio, radio range station to the Youngstown, Ohio, radio range station.

§ 600.258 *Red civil airway No. 58 (Augusta, Maine to United States-Canadian Border).* That airspace over United States territory from the Augusta, Maine, radio range station via the Bangor, Maine, radio range station; Pennfield Ridge, New Brunswick, Canada, radio range station to the St. John, New Brunswick, Canada, radio range station.

§ 600.259 *Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).* From the Garden City, Kans., radio range station via the intersection of the south course of the Garden City, Kans., radio range and the northwest course of the Gage, Okla., radio range; Gage, Okla., radio range station to the Oklahoma City, Okla., radio range station.

§ 600.260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* From the Oakland, Calif., radio range station via the Stockton, Calif., radio range station to the intersection of the east course of the Stockton, Calif., radio range and a point at Lat. 37°55'10", Long. 120°44'25".

§ 600.261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* From the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range via the Butler, Pa., nondirectional radio beacon to the Johnstown, Pa., nondirectional radio beacon. From the intersection of the northwest course of the Arcola, Va., radio range and the northwest course of the Front Royal, Va., radio range via the Arcola, Va., radio range station to the intersection of the southeast course of the Arcola, Va., radio range and the southwest course of the Washington, D. C., radio range.

§ 600.263 *Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).* From the intersection of the southwest course of the Grand Rapids, Mich., radio range and the west course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station to the Jackson, Mich., nondirectional radio beacon.

§ 600.264 *Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).* From the intersection of the southwest course of the Annette Island, Alaska, radio range and the United States-Canadian Border to the Annette Island, Alaska, radio range station.

§ 600.265 *Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).* From the Los Angeles, Calif., nondirectional radio beacon via the intersection of a line bearing 175° True from the Los Angeles nondirectional radio beacon and a line bearing 279° True from the Oceanside, Calif., nondirectional radio beacon; Oceanside, Calif., nondirectional radio beacon; Julian, Calif., nondirectional radio beacon to the Hayfield Lake, Calif., nondirectional radio beacon.

§ 600.267 *Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).* From the Crestview, Fla., radio range station via the Dothan, Ala., radio range station; the intersection of the northwest course of the Dothan, Ala., radio range and the southwest course of the Columbus, Ga., radio range; Columbus, Ga., radio range station; the intersection of the northeast course of the Columbus, Ga., radio range and a line bearing 182° True from the Marietta, Ga. (Lost Mountain), nondirectional radio beacon to the intersection of the line bearing 182° True from the Marietta, Ga. (Lost Mountain) nondirectional beacon and the southwest course of the Atlanta, Ga., radio range, excluding the portions above 19,000 feet MSL which lie within Tyndall restricted area (R–336) between sunset and sunrise, and excluding the portion which overlaps Fort Benning restricted area (R–129).

§ 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).* From the Midland, Tex., radio range station via the San Angelo, Tex., radio range station; the intersection of the northeast course of the San Angelo, Tex., radio range and the south course of the Abilene, Tex., radio range to the Abilene, Tex., radio range station. From the intersection of the west course of the Fort Worth, Tex., radio range and the northwest course of the Waco, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and a line bearing 255° True from the Dallas nondirectional radio beacon to the Dallas, Tex., nondirectional radio beacon. From the Duncanville, Tex., nondirectional radio beacon via the Tyler, Tex., nondirectional radio beacon to the Shreveport, La., radio range station.

§ 600.269 *Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).* From the Midland, Tex., radio range station to the intersection of the northeast course of the Midland, Tex., radio range and the southwest course of the Big Spring, Tex., radio range.

§ 600.270 *Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).* From the Midland, Tex., radio range station via the intersection of the south course of the Lubbock, Tex., radio range and the northwest course of the Big Spring, Tex., radio range to the Lubbock, Tex., radio range station.

§ 600.271 *Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).* From the intersection of the east course of the El Paso, Tex., radio range and the southwest course of the Roswell, N. Mex., radio range via the Roswell, N. Mex., radio range station; the intersection of the northeast course of the Roswell, N. Mex., radio range and the west course of the Lubbock, Tex., radio range to the Lubbock, Tex., radio range station.

§ 600.272 *Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).* From the intersection of the southwest course of the Millville, N. J., radio range and the south course of the New Castle, Del., radio range via the New Castle, Del., radio range station to the intersection of the north course of the New Castle, Del., radio range and the west course of the Philadelphia, Pa., radio range. From the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Willow Grove, Pa., radio range via the Willow Grove, Pa., radio range station; the intersection of the northeast course of the Willow Grove, Pa., radio range and the east course of the Allentown, Pa., radio range; the Chatham, N. J., non-directional radio beacon to the Paterson, N. J., non-directional radio beacon.

§ 600.273 *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).* From the intersection of the west course of the New Castle, Del., radio range and the west course of the Philadelphia, Pa., radio range via the New Castle, Del., radio range station to the intersection of the east course of the New Castle, Del., radio range and the northeast course of the Millville, N. J., radio range.

§ 600.274 *Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).* From the intersection of the east course of the New Orleans, La., radio range with a line bearing 225° True from the Bay Minette, Ala., nondirectional radio beacon to the Bay Minette, Ala., nondirectional radio beacon.

§ 600.275 *Red civil airway No. 75 (United States-Canadian Border, Vancouver, British Columbia, to United States-Canadian Border, Abbotsford, British Columbia).* That airspace over United States territory from the intersection of the northwest course of the Bellingham, Wash., radio range and the west course of the Abbotsford, British Columbia, radio range via the Abbotsford, British Columbia, radio range station to the intersection of the east course of the Abbotsford, British Columbia, radio range and the northeast course of the Bellingham, Wash., radio range.

§ 600.276 *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).* From the Williams, Calif., radio range station to the intersection of the east course of the Williams, Calif., radio range and the northeast course of the Sacramento, Calif., radio range.

§ 600.277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* From the Greensboro, N. C., radio range station via the Lynchburg, Va., radio range station; Richmond, Va., radio range station; Tappahannock, Va., radio range station; Dover, Del., AFB nondirectional radio beacon to the Atlantic City, N. J. (Navy) radio range station, excluding the portion below 6,000 feet which lies over Patuxent restricted area (R–71), and excluding the portion which lies over Patuxent restricted area (R–43).

§ 600.278 *Red civil airway No. 78 Medford, Oreg., to Klamath Falls, Oreg.).* From the intersection of the south course of the Medford, Oreg., radio range and the west course of the Klamath Falls, Oreg., radio range to the Klamath Falls, Oreg., radio range station.

§ 600.279 *Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).* That airspace over United States territory from the Neah Bay, Wash., radio range station via the Port Angeles, Wash., CGAS nondirectional radio beacon to the Dungeness, Wash., fan marker excluding the portion below 6,000 feet which overlaps Restricted Area (R–236) and excluding the portion which conflicts with the Albert Head Restricted Area (R–407). From the intersection of the west course of the Everett, Wash., radio range and the northwest course of the Seattle, Wash., radio range to the Everett, Wash., radio range station.

§ 600.280 *Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).* From the intersection of the west course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range via the intersection of the southwest course of the Great Falls, Mont., radio range and the north course of the Helena, Mont., radio range; Great Falls, Mont., radio range station; Lewistown, Mont., radio range station; the intersection of the southeast course of the Lewistown, Mont., radio range and the north course of the Billings, Mont., radio range to the Miles City, Mont., radio range station.

§ 600.281 *Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).* From the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range.

§ 600.282 *Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).* From the Skwentna, Alaska, radio range station to the intersection of the southeast course of the Skwentna, Alaska, radio range and the north course of the Anchorage (Merrill), Alaska, radio range.

§ 600.283 *Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).* From the intersection of the west course of the Phoenix, Ariz., radio range and the north course of the Gila Bend, Ariz., radio range via the Gila Bend, Ariz., radio range station to the Tucson, Ariz., radio range station.

§ 600.284 *Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).* From the Meridian, Miss., radio range station via the Maxwell AFB, Ala., radio range station; the intersection of the east course of the Maxwell AFB, Ala., radio range and the northwest course of the Columbus, Ga., radio range to the Columbus, Ga., radio range station, excluding the portion which overlaps Fort Benning (restricted area (R–129).

§ 600.286 *Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).* From the intersection of the northeast course of the Millinocket, Maine, radio range and the northwest course of the Houlton, Maine, radio range to the Houlton, Maine, radio range station, excluding that portion outside the continental limits of the United States.

§ 600.287 *Red civil airway No. 87 (Hawaiian Islands).* From the intersection of northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station via the Port Allen, Kauai, T. H., radio range station; the intersection of the southeast course of the Port Allen, T. H., radio range and the west course of the Honolulu, T. H., radio range; Honolulu, T. H., radio range station; Maui, T. H., radio range station; the intersection of the southeast course of the Maui, T. H., radio range and the north course of the Hilo, T. H., radio range; Hilo, Hawaii, T. H., radio range station to the intersection of the east course of the Hilo, T. H., radio range and the southeast course of the Maui radio range. The portions of this airway at 5,000 feet MSL and below which lie within the Bonham, T. H., restricted area (R–509) and the Bonham, T. H., warning area (W–510) are excluded.

§ 600.288 *Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).* From the Albuquerque, N. Mex., radio range station via the Roswell, N. Mex., radio range station; the intersection of the southeast course of the Roswell, N. Mex., radio range and the west course of the Hobbs, N. Mex., radio range; Hobbs, N. Mex., radio range station to the intersection of the east course of the Hobbs, N. Mex., radio range and the south course of the Lubbock, Tex., radio range.

§ 600.289 *Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).* From the Quincy, Ill., nondirectional radio beacon via the Peoria, Ill., radio range station to the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range.

§ 600.290 *Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).* From the Camarillo, Calif., radio range station to the Burbank, Calif., radio range station.

§ 600.291 *Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).* From the Dunkirk, N. Y., nondirectional radio beacon via the Dansville, N. Y., nondirectional radio beacon to the Syracuse, N. Y., radio range station.

§ 600.292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* That airspace over United States territory from the Sault Ste. Marie, Mich., radio range station to the Sudbury, Ontario, Canada, radio range station.

§ 600.294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* From the Providence, R. I., radio range station via the Otis AFB, Falmouth, Mass., nondirectional radio beacon located at Lat. 41°36′15″, Long. 70°32′31″, to the Hyannis, Mass., nondirectional radio beacon, excluding the portion which lies more than 4 miles north of the centerline between this Otis AFB nondirectional radio beacon and the Hyannis nondirectional radio beacon.

§ 600.295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* From the Elmira, N. Y., radio range station to the Utica, N. Y., radio range station.

§ 600.296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* From the Palacios, Tex., radio range station via the Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; Lafayette, La., nondirectional radio beacon to the Baton Rouge, La., radio range station.

§ 600.297 *Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* That airspace over United States territory from the Lakehead, Ontario, Canada, radio range station via the Sault Ste. Marie, Mich., radio range station to the Wiarton, Ontario, Canada, radio range station.

§ 600.298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).* From the Vichy, Mo., nondirectional radio beacon to the Belleville, Ill., Scott AFB radio range station.

§ 600.299 *Red civil airway No. 99 (Illiamna, Alaska, to Homer, Alaska).* From the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range via the Iliamna, Alaska, radio range station to the intersection of the southeast course of the Iliamna, Alaska, radio range the west course of the Homer, Alaska, radio range.

§ 600.300 *Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.).* From the South Bend, Ind., radio range station to the Battle Creek, Mich., radio range station.

§ 600.301 *Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.).* From the Keesler Air Force Base, Biloxi, Miss., radio range station to the intersection of the southeast course of the Keesler AFB radio range with west course of the Pensacola, Fla., radio range.

§ 600.302 *Red civil airway No. 102 (Lexington, Ky., to Huntington, W. Va.).* From the Lexington, Ky., nondirectional radio beacon to the Huntington, W. Va., nondirectional radio beacon.

§ 600.303 *Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).* From the Anchorage, Alaska, radio range station via the intersection of a line bearing 266° True from the Anchorage, Alaska, radio range station and the northeast course of the Kenai, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the southeast course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Middleton Island, Alaska, radio range station.

§ 600.304 *Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).* From the Greensboro, N. C., radio range station to the intersection of the southeast course of the Greensboro, N. C., radio range with a line bearing 191° True from the Raleigh, N. C., radio range.

§ 600.305 *Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).* From the intersection of the northeast course of the Wichita, Kans., radio range and the west course of the Chanute, Kans., radio range via the Chanute, Kans., radio range station to the intersection of the east course of the Chanute, Kans., radio range and a 344° True bearing from the Neosho, Mo., omnirange station.

§ 600.306 *Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).* From the Scottsbluff, Nebr., radio range station to the intersection of the southeast course of the Scottsbluff, Nebr., radio range and the west course of the North Platte, Nebr., radio range.

§ 600.307 *Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).* From the Stanton, Minn., nondirectional radio beacon to the intersection of the southeast course of the Minneapolis, Minn., radio range and the north course of the Rochester, Minn., radio range.

§ 600.308 *Red civil airway No. 108 (Promontory Point, Utah, to Fort Bridger, Wyo.).* From the Promontory Point, Utah, nondirectional radiobeacon via the Corinne, Utah, nondirectional radiobeacon to the Fort Bridger, Utah, radio range station.

§ 600.309 *Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the west course of the The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station to the Spokane, Wash., radio range station.

§ 600.310 *Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).* From the intersection of a line bearing 331° True from the Brookley Air Force Base, Mobile, Ala., nondirectional radio beacon with Green civil airway No. 6 via the Brookley AFB nondirectional radio beacon to the intersection of a line bearing 151° True from the Brookley AFB nondirectional radio beacon with the west course of the Pensacola, Fla., radio range.

§ 600.312 *Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).* From the intersection of the west course of the Westfield, Mass., radio range with a straight line between Albany, N. Y., radio range station and the Hartford, Conn., radio range station to the Westfield, Mass., radio range station.

§ 600.313 *Red civil airway No. 113 (Hawaiian Islands).* From the intersection of the south course of the Port Allen, Kauai, T. H., radio range and a line bearing 246° True from the Honolulu, Oahu, T. H., radio range station via the Honolulu, Oahu, T. H., radio range station; Makapuu Point, Oahu, T. H., nondirectional radio beacon; the intersection of a line bearing 62° True from the Makapuu Point nondirectional radio beacon and the north course of the Maui, T. H., radio range to the intersection of the north course of the Maui, T. H., radio range and the northeast course of the Honolulu radio range.

BLUE CIVIL AIRWAYS

§ 600.601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* From the Miami, Fla., radio range station to the Tampa, Fla., radio range station.

§ 600.602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).* From the intersection of the north course of the Crestview, Fla., radio range and the southeast course of the Craig, Ala., AFB radio range via the intersection of the southeast course of the Craig, Ala., AFB radio range and the south course of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station. From the Pittsburgh, Pa., radio range station via the Butler, Pa., nondirectional radio beacon; the intersection of the east course of the Youngstown, Pa., radio range and the south course of the Erie, Pa., radio range to the Erie, Pa., radio range station.

§ 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).* From the Miami, Fla., radio range station via the Tamiami, Fla., nondirectional radio beacon; Fort Myers, Fla., nondirectional radio beacon; Tampa, Fla., radio range station; the intersection of the north course of the Tampa, Fla., radio range and the southeast course of the Cross City, Fla., radio range; Cross City, Fla., radio range station to the Tallahassee, Fla., radio range station, excluding the portion above 19,000 feet mean sea level which lies within the Tyndall AFB restricted area (R–336) between sunset and sunrise. From the intersection of the northwest course of the Tallahassee, Fla., radio range and the southeast course of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; the intersection of the northwest course of the Dothan, Ala., radio range and the east course of the Maxwell AFB, Montgomery, Ala., radio range, excluding that portion which lies more than 2 miles west of the northwest course of the Dothan, Ala., radio range between Lat. 31°20′00″, Long. 85°34′00″ and Lat. 31°34′00″, Long. 85°42′00″, and excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise; the Maxwell AFB, Montgomery, Ala., radio range station to the intersection of the north course of the Maxwell AFB, Montgomery, Ala., radio range and the east course of the Birmingham, Ala., radio range. From the Muscle Shoals, Ala., radio range station to the intersection of the northeast course of the Muscle Shoals, Ala., radio range and the southwest course of the Nashville, Tenn., radio range. From the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range via the Goshen, Ind., radio range station; the intersection of the north course of the Goshen, Ind., radio range and the southwest course of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station; Traverse City, Mich., radio range station; Pellston, Mich., nondirectional radio beacon to the Sault Ste. Marie, Mich., radio range station.

§ 600.604 *Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).* From the intersection of the northeast course of the Boston, Mass., radio range and the southeast course of the Concord, N. H., radio range; Concord, N. H., radio range station; Burlington, Vt., radio range station to the Montreal, Que., Canada, radio range station, excluding the airspace which lies outside the continental United States.

§ 600.605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* From the Municipal Airport, Galveston, Tex., via the Galveston, Tex., radio range station; Houston, Tex., radio range station; the intersection of the northwest course of the Houston, Tex., radio range and the southeast course of the Bryan, Tex., radio range; Bryan, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northeast course of the Waco, Tex., radio range and a line bearing 185° True from the Dallas nondirectional radio beacon; Dallas, Tex., nondirectional radio beacon; Ardmore, Okla., nondirectional radio beacon to the intersection of the south course of the Tinker AFB, Okla., radio range and the southeast course of the Oklahoma City, Okla., radio range. From the Oklahoma City, Okla., radio range station via the intersection of the north course of the Oklahoma City, Okla., radio range and

the southeast course of the Wichita, Kans., radio range; Wichita, Kans., radio range station to the intersection of the north course of the Wichita, Kans., radio range and the east course of the Hutchinson, Kans., radio range.

§ 600.606 *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* From the Abilene, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the northeast course of the Wichita Falls, Tex., radio range and the south course of the Oklahoma City, Okla., radio range. From the intersection of the southeast course of the Scott AFB, Belleville, Ill., radio range and a point 25 miles southeast of the Scott AFB, Belleville, Ill., radio range station via the Scott AFB Belleville, Ill., radio range station to the intersection of the northwest course of the Scott AFB, Belleville, Ill., radio range and the southwest course of the Springfield, Ill., radio range. From the Springfield, Ill., radio range station to the Peoria, Ill., radio range station. From the intersection of the west course of the Goshen, Ind., radio range and the south course of the South Bend, Ind., radio range via the South Bend, Ind., radio range station to the intersection of the north course of the South Bend, Ind., radio range and the northeast course of the Chicago, Ill., radio range. From the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Muskegon, Mich., radio range station.

§ 600.607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* From the intersection of the West course of the Fresno, Calif., radio range and the south course of the Travis AFB, Calif., radio range via the Travis AFB, Calif., radio range station to the Williams, Calif., radio range station.

§ 600.608 *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* That airspace over United States territory from the Fargo, N. Dak., radio range station via the Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station to the Winnipeg, Ont., Canada, radio range station.

§ 600.609 *Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).* From the Springfield, Mo., radio range station to the Columbia, Mo., radio range station. From the Rochester, Minn., radio range station to the intersection of the north course of the Rochester, Minn., radio range and the southeast course of the Minneapolis, Minn., radio range. That airspace over United States territory from the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station to the Lakehead, Ont., Canada, radio range station.

§ 600.610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* From the Fresno, Calif., radio range station via the intersection of the west course of the Fresno, Calif., radio range and the southeast course of the Oakland, Calif., radio range; Oakland, Calif., radio range station; the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Williams, Calif., radio range to the Williams, Calif., radio range station.

§ 600.611 *Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).* From the Findlay, Ohio, nondirectional radio beacon via the Cleveland, Ohio, radio range station; Erie, Pa., radio range station to the intersection of the southwest course of the Buffalo, N. Y., radio range and the east course of the Clear Creek, Ont., Canada, radio range.

§ 600.612 *Blue civil airway No. 12 (McGrath, Alaska to Galena, Alaska).* From the McGrath, Alaska, radio range station to the Galena, Alaska, radio range station.

§ 600.613 *Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).* From the Houston, Tex., radio range station via the Lufkin, Tex., nondirectional radio beacon; Shreveport, La., radio range station; the intersection of the northwest course of the Shreveport, La., radio range and the south course of the Texarkana, Ark., radio range; Texarkana, Ark., radio range station to the Fort Smith, Ark., nondirectional radio beacon excluding the portion which overlaps the Camp Chaffee restricted area (R–215). From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the Des Moines, Iowa, radio range station.

§ 600.614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* From the intersection of the west course of the El Centro, Calif., radio range and a bearing 165° True from the Julian, Calif., non-directional radio beacon to the Julian, Calif., non-directional radio beacon. From the Riverside, Calif., radio range station via the intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range; the Palmdale, Calif., radio range station to the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range. From the intersection of the west course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range; Stockton, Calif., radio range to the intersection of the north course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

§ 600.615 *Blue civil airway No. 15 (Akron, Ohio, to Hubbard, Ohio).* From the Akron, Ohio, Akron-Canton County Airport ILS outer marker to the Hubbard, Ohio, nondirectional radio beacon.

§ 600.616 *Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).* From the Waverly, Va., radio range station to the Tappahannock, Va., radio range station.

§ 600.617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).* From the intersection of the northeast course of the Bangor, Maine, radio range and the south course of the Houlton, Maine, radio range via the Houlton, Maine, radio range station; the intersection of the north course of the Houlton, Maine, radio range and the southeast course of the Presque Isle, Maine, radio range via the Presque Isle, Maine, radio range station to the Municipal Airport, Caribou, Maine, excluding that portion which lies outside the continental United States.

§ 600.618 *Blue civil airway No. 18 (Paterson, N. J., to United States-Canadian Border).* From the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range via the Poughkeepsie, N. Y., radio range station, excluding that portion which lies more than two miles west of the southwest course of the Poughkeepsie, N. Y., radio range between a point 25 miles northeast from the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range and a point 10 miles south of the Poughkeepsie, N. Y., radio range; the Albany, N. Y., radio range station; Burlington, Vt., radio range station to the intersection of the northeast course of the Burlington, Vt., radio range and the United States-Canadian Border.

§ 600.619 *Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).* From the Key West, Fla., radio range station via the Perrine, Fla., radio range station; Melbourne, Fla., radio range station to the Orlando, Fla., radio range station.

§ 600.620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* From the intersection of the southwest course of the Atlantic City, N. J., (Navy) radio range and the southeast course of the Millville, N. J., radio range via the intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; the intersection of the north course of the Philadelphia, Pa., radio range and a line bearing 192° True from the Allentown, Pa., radio range to the Allentown, Pa., radio range station.

§ 600.621 *Blue civil airway No. 21 (Coles Point, Va., to Elmira, N. Y.).* From the intersection of the southeast course of the Andrews, Md., radio range and the south course of the Baltimore, Md., radio range to the Baltimore, Md., radio range station, excluding the portions which overlap restricted areas and excluding that portion which lies more than two miles east of the south course of the Baltimore radio range between the intersection of the south course of the Baltimore range with the southeast course of the Washington, D. C., radio range and the intersection of the south course of the Baltimore radio range with the southern boundary of Red civil airway No. 45. From the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range via the Harrisburg, Pa., radio range; Williamsport, Pa., radio range station to the intersection of the north course of the Williamsport, Pa., radio range and the southwest course of the Elmira, N. Y., radio range.

§ 600.623 *Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).* From the Norfolk, Va., Navy radio range station to the Chincoteague, Va., Navy radio range station excluding the portions which overlap Chincoteague Inlet restricted area (R–45) and Ship Shoal Island restricted area (R–47).

§ 600.625 *Blue civil airway No. 25 (Middleton Island, Alaska, to Big Delta, Alaska).* From the intersection of the southwest course of the Hinchinbrook, Alaska, radio range and a direct line between the Whittier, Alaska, Fan Marker and the Middleton Island, Alaska, nondirectional radio beacon via the Hinchinbrook, Alaska, radio range station; the intersection of the northeast course of the Hinchinbrook, Alaska, radio range and the south course of the Gulkana, Alaska, radio range; Gulkana, Alaska, radio range station; the intersection of the north course of the Gulkana, Alaska, radio range and the south course of the Big Delta, Alaska, radio range to the Big Delta, Alaska, radio range station.

§ 600.626 *Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).* From the Anchorage, Alaska, radio range station via the Talkeetna, Alaska, nondirectional radio beacon; Summit, Alaska, radio range station; intersection of the north course of the Summit, Alaska, radio range and the southwest course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

§ 600.627 *Blue civil airway No. 27 (Kodiak; Alaska, to Kotzebue, Alaska).* From the Kodiak, Alaska, radio range station via the intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon radio range; King Salmon, Alaska, radio range station; Bethel, Alaska, radio range station; Nome, Alaska, radio range station to the Kotzebue, Alaska, airport.

§ 600.628 *Blue civil airway No. 28 (Columbia, S. C., to Bulls Gap, Tenn.).* From the Columbia, S. C., radio range station via the intersection of the west course of the Columbia, S. C., radio range and the southeast course of the Spartanburg, S. C., radio range; Spartanburg, S. C., radio range station to the intersection of the northwest course of the Spartanburg, S. C. radio range and the northeast course of the Knoxville, Tenn., radio range.

§ 600.629 *Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).* From the intersection of the northeast course of the Raleigh, N. C., radio range and the southeast course of the Lynchburg, Va., radio range to the Lynchburg, Va., radio range station.

§ 600.630 *Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).* From the intersection of the southeast course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range via the Corpus Christi, Tex., radio range station, excluding the portion which lies more than 3 miles southeast of the southwest course of the Corpus Christi radio range, to the Kelly, Tex., radio range station. From the Big Spring, Tex., radio range station to the intersection of the northwest course of the Big Spring, Tex., radio range and the south course of the Lubbock, Tex., radio range. From the Lubbock, Tex., radio range station via the intersection of the north course of the Lubbock, Tex., radio range and the south course of the Amarillo, Tex., radio range; Amarillo, Tex., radio range station; Dalhart, Tex., nondirectional radio beacon to the Pueblo, Colo., radio range station.

§ 600.631 *Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).* From the intersection of the west course of the Peoria, Ill., radio range and the south course of the Moline, Ill., radio range to the Moline, Ill., radio range station. From the intersection of the south course of the Madison, Wis., radio range and the northwest course of the Rockford, Ill., radio range to the Madison, Wis., radio range station.

§ 600.632 *Blue civil airway No. 32 (Anchorage, Alaska, to Talkeetna, Alaska).* From the Anchorage, Alaska, radio range station via the intersection of the northwest course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Skwentna, Alaska, radio range station to the Talkeetna, Alaska, nondirectional radio beacon.

§ 600.633 *Blue civil airway No. 33 Lansing, Mich., to Saginaw, Mich.).* From the Lansing, Mich., radio range station to the Saginaw, Mich., nondirectional radio beacon.

§ 600.634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* From the Terre Haute, Ind., radio range station via the Chanute AFB, Rantoul, Ill., nondirectional radio beacon to the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range.

§ 600.636 *Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).* From the Akron, Colo., radio range station to the intersection of the north course of the Akron, Colo., radio range and the east course of the Cheyenne, Nebr., radio range.

§ 600.637 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* From the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range via the Casper, Wyo., radio range station to the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range.

§ 600.638 *Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).* That airspace over United States territory from the Five Finger, Alaska, USCG nondirectional radio beacon via the Gustavus, Alaska, radio range; Haines, Alaska, nondirectional radio beacon to the Whitehorse, Yukon Territory, radio range station.

§ 600.639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).* From the Savannah, Ga., radio range station via the intersection of the northwest course of the Savannah, Ga., radio range and the south course of the Augusta, Ga., radio range; Augusta, Ga., radio range station; the intersection of the north course of the Augusta, Ga., radio range and the south course of the Greenville, S. C., radio range to the Greenville, S. C., radio range station. From the Tri-City, Tenn., radio range station via the Paynesville, W. Va., non-directional radio beacon; the intersection of a line bearing 14° True from the Paynesville, W. Va., nondirectional radio beacon and the south course of the Charleston, W. Va., radio range to the Charleston, W. Va., radio range station. From the intersection of the southwest course of the Elmira, N. Y., radio range and the east course of the Phillipsburg, Pa., radio range to the Elmira, N. Y., radio range station.

§ 600.640 *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* From the Concord, N. H., radio range station via a point at 43°38′ north latitude and 72°20′ west longitude and a point at 44°12′ north latitude and 72°34′ west longitude to the Burlington, Vt., radio range station.

§ 600.641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).* From the Hartford, Conn., radio range station via the intersection of the northwest course of the Hartford, Conn., radio range and the south course of the Westfield, Mass., radio range; Westfield, Mass., radio range station; the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N. H., radio range; Concord, N. H., radio range to the Portland, Maine, radio range station. From the Rockland, Maine, nondirectional radio beacon via the Bangor, Maine, radio range station to the intersection of the northeast course of the Bangor, Maine, radio range and the United States-Canadian Border.

§ 600.642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).* From the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station; the intersection of the north course of the Battle Creek, Mich., radio range and the southeast course of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station to the Saginaw, Mich., non-directional radio beacon.

§ 600.643 *Blue civil airway No. 43 (Healy, Alaska, to Fairbanks, Alaska).* From the intersection of the north course of the Summit, Alaska, radio range and the southwest course of the Fairbanks, Alaska, radio range via the intersection of the north course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range; Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

§ 600.644 *Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).* From the Indian-

apolis, Ind., radio range station via the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range; Fort Wayne, Ind., radio range station to the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range. From the intersection of the north course of the Toledo, Ohio, radio range and the southwest course of the Windsor, Ont., Canada, radio range to the intersection of the southwest course of the Windsor, Ont., Canada, radio range and the United States-Canadian Border.

§ 600.645 *Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).* From the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N. H., radio range via the Keene, N. H., nondirectional radio beacon to the Lebanon, N. H., nondirectional radio beacon. From the Montpelier, Vt., radio range station via the intersection of the northeast course of the Montpelier, Vt., radio range and a line bearing 180° True from the Newport, Vt., nondirectional radio beacon to the Newport, Vt., nondirectional radio beacon excluding the portion which lies outside of the continental limits of the United States.

§ 600.646 *Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).* From the Memphis, Tenn., radio range station via the intersection of the north course of the Memphis, Tenn., radio range and a line bearing 230° True from the Dyersburg, Tenn., nondirectional radio beacon; Dyersburg, Tenn., nondirectional radio beacon to the Paducah, Ky., nondirectional radio beacon.

§ 600.647 *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).* From the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range via the Blackstone, Va., radio range station to the Gordonsville, Va., radio range station. From the intersection of the southeast course of the Front Royal, Va., radio range and the southwest course of the Arcola, Va., radio range via the Front Royal, Va., radio range station; the intersection of the north course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range; Altoona, Pa., radio range station; Philipsburg, Pa., radio range station; Bradford, Pa., nondirectional radio beacon to the Dunkirk, N. Y., nondirectional radio beacon.

§ 600.648 *Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).* From the Marathon, Fla., nondirectional radio beacon via the intersection of the northeast course of the Key West, Fla., radio range and the Southeast course of the Miami, Fla., radio range to the Miami, Fla., radio range station.

§ 600.649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).* From the intersection of the southeast course of the Philadelphia, Pa., radio range and a point at lat. 38°58′35″, long. 74°54′30″ via the intersection of the southeast course of the Philadelphia, Pa., radio range and the southeast course of the Millville, N. J., radio range; Millville, N. J., radio range station to the intersection of the northwest course of the Millville, N. J., radio range and the southwest course of the Philadelphia, Pa., radio range.

§ 600.651 *Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).* From the intersection of the east course of the Wendover, Utah, radio range and the south course of the Lucin, Utah, radio range via the Lucin, Utah, radio range station; the intersection of the north course of the Lucin, Utah, radio range and the southwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; the intersection of the northeast course of the Burley, Idaho, radio range and the southwest course of the Pocatello, Idaho, radio range; Pocatello, Idaho, radio range station to the Dubois, Idaho, radio range station.

§ 600.653 *Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).* From the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Hartford, Conn., radio range to the Hartford, Conn., radio range station.

§ 600.654 *Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).* From the Evergreen, Calif., nondirectional radio beacon to the San Francisco, Calif., radio range station. From the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range to a point at lat. 38°02′45″, long. 122°31′40″.

§ 600.655 *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* From the Crestview, Fla., radio range station via the intersection of the north course of the Crestview, Fla., radio range and the southwest course of the Maxwell AFB, Ala., radio range to the Maxwell AFB, Ala., radio range station.

§ 600.656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* From the Weeksville, N. C. (Coast Guard), radio range station via the intersection of the northwest course of the Weeksville, N. C. (Coast Guard), radio range and the southwest course of the Norfolk, Va., VHF radio range to the Norfolk, Va., VHF radio range station. From the intersection of the northwest course of the Norfolk, Va., radio range and the south course of the Langley, Va. (AFB), radio range via the Langley, Va. (AFB), radio range station; the intersection of the north course of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range to the Andrews, Md., radio range station, excluding that portion more than 3 miles east of the south and north courses of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range, and excluding that portion more than 3 miles west of the southeast course of the Andrews, Md., radio range and the north course of the Langley, Va. (AFB), radio range between the Andrews, Md., radio range station and a point 18 miles south of the intersection of the north course of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range.

§ 600.657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).* From the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range via the intersection of the northeast course of the Elko, Nev., radio range and the southwest course of the Burley, Idaho, radio range to the intersection of the southwest course of the Burley, Idaho, radio range and the north course of the Lucin, Utah, radio range.

§ 600.658 *Blue civil airway No. 58 (Hyannis, Mass., to Squantum, Mass.).* From the Hyannis, Mass., nondirectional radio beacon via the intersection of a line bearing 346° True from the Hyannis, Mass., nondirectional radio beacon and the southeast course of the Squantum, Mass., radio range to the Squantum, Mass., radio range station.

§ 600.660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* From the Moffett NAS, Sunnyvale, Calif., radio range station to the intersection of the northeast course of the Moffett NAS, Calif., radio range and the west course of the Stockton, Calif., radio range.

§ 600.663 *Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).* From the Concord, N. H., radio range station via the Laconia, N. H., nondirectional radio beacon; North Conway, N. H., nondirectional radio beacon to the Berlin, N. H., nondirectional radio beacon.

§ 600.664 *Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).* From the Wink, Tex., radio range station to the Hobbs, N. Mex., radio range station.

§ 600.665 *Blue civil airway No. 65 (Shuyak, Alaska to Homer, Alaska).* From the Shuyak, Alaska, nondirectional radio beacon via the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range to the Homer, Alaska, radio range station.

§ 600.666 *Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.)* From the Bridgeport, Conn., radio range station to the intersection of the northwest course of the Bridgeport, Conn., radio range and the east course of the Poughkeepsie, N. Y., radio range.

§ 600.667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* From the Yuma, Ariz., radio range station via the Blythe, Calif., radio range station; Needles, Calif., radio range station to the intersection of the north course of the Needles, Calif., radio range and the southeast course of the Las Vegas, Nev., radio range.

§ 600.668 *Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).* From Midland, Tex., radio range station to the intersection of the northwest course of the Midland, Tex., radio range and the east course of the Hobbs, N. Mex., radio range.

§ 600.669 *Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).* From the St. Louis, Mo., radio range station to the Quincy, Ill., nondirectional radio beacon.

§ 600.670 *Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).* From the intersection of the northwest course of the Waco, Tex., radio range and the south course of the Fort Worth, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and a line bearing 255° True from the Dallas, Tex., nondirectional radio beacon; Mineral Wells, Tex., nondirectional radio beacon; Ardmore, Okla., nondirectional radio beacon to the Tulsa, Okla., radio range station.

§ 600.671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* From the Toledo, Wash., radio range station via the Shelton, Wash., nondirectional radio beacon to the Seattle, Wash., radio range station.

§ 600.672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* From the Enid, Okla., Vance AFB nondirectional radio beacon to the intersection of a line bearing 31° True from the Vance AFB nondirectional radio beacon and the south course of the Wichita, Kans., radio range.

§ 600.675 *Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).* That airspace over United States territory from the Cleveland, Ohio, radio range station to the London, Ontario, Canada, radio range station.

§ 600.676 *Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).* From the Sinclair, Wyo., radio range station to the Casper, Wyo., radio range station.

§ 600.678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).* From a point located at Lat. 41°34′30″, Long. 112°46′00″ to the Malad City, Idaho, radio range station.

§ 600.679 *Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).* That airspace over United States territory from the intersection of the south course of the Annette Island, Alaska, radio range and the United States-Canadian Border via the Annette Island, Alaska, radio range station; Petersburg, Alaska, radio range station; Haines, Alaska, nondirectional radio beacon to the Pon Lake, Y. T., Canada, nondirectional radio beacon.

§ 600.680 *Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).* From the intersection of the northwest course of the Unalakleet, Alaska, radio range and the south course of the Moses Point, Alaska, radio range to the Moses Point, Alaska, radio range station.

§ 600.681 *Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).* From the Charleston, W. Va., radio range station via the Zanesville, Ohio, nondirectional radio beacon; Akron, Ohio, radio range station to the intersection of the north course of the Akron, Ohio, radio range and the east course of the Cleveland, Ohio, range.

§ 600.684 *Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).* From the Augusta, Maine, radio range station via the Rockland, Maine, nondirectional radio beacon; Bar Harbor, Maine, nondirectional radio beacon; Bangor, Maine, radio range station to the Millinocket, Maine, radio range station.

§ 600.685 *Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).* From the Hutchinson, Kans., radio range station to the intersection of the south course of the Hutchinson, Kans., radio range and the southwest course of the Wichita, Kans., radio range.

§ 600.686 *Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).* From the intersection of the east course of the Goshen, Ind., radio range and the northwest course of the Fort Wayne, Ind., radio range to the Fort Wayne, Ind., radio range station.

§ 600.687 *Blue civil airway No. 87 (Atlanta, Ga., to Detroit, Mich.).* From the intersection of the south course of the Atlanta, Ga., NAS radio range and the northeast course of the Atlanta, Ga., radio range via the Atlanta NAS radio range station; the intersection of the north course of the Atlanta NAS radio range and the south course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Corbin, Ky., VHF VAR radio range station; the intersection of the north course of the Corbin, Ky., VHF VAR radio range and a line bearing 150° True from the Lexington, Ky., nondirectional radio beacon; Lexington, Ky., nondirectional radio beacon; Cincinnati, Ohio, radio range station; the intersection of the northeast course of the Cincinnati, Ohio, radio range and the south course of the Wright-Patterson AFB radio range; Wright-Patterson AFB, Dayton, Ohio, radio range station to the intersection of the north course of the Wright-Patterson AFB radio range and the west course of the Columbus, Ohio, radio range. From the Findlay, Ohio, nondirectional radio beacon via the Toledo, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Detroit, Mich., radio range.

SUBPART C—VOR CIVIL AIRWAYS

DOMESTIC VOR CIVIL AIRWAYS

§ 600.6001 *VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.).* From the Charleston, S. C., omnirange station via the Myrtle Beach, S. C., omnirange station; Wilmington, N. C., omnirange station; point of intersection of the Wilmington omnirange 005° True and the New Bern, N. C., 297° True radials; Cofield, N. C., omnirange station; intersection of the Cofield omnirange 058° True radial and the Norfolk ILS localizer southwest course, Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course. From the point of intersection of the Norfolk, Va., VAR north course and the Norfolk, Va., Navy radio range east course via the intersection of the Norfolk VAR north course and the Salisbury omnirange 206° True radial; Salisbury, Md., omnirange station; point of intersection of Woodstown, N. J., omnirange 154° True and the Coyle omnirange 203° True radials; Coyle, N. J., omnirange station; Idlewild, N. Y., omnirange station; intersection of the Idlewild omnirange 359° True and the Wilton omnirange 214° True radials; to the Wilton, Conn., omnirange station. Those portions of this airway between the point of intersection of the Coyle, N. J., omnirange 203° True and the Woodstown, N. J., omnirange 106° True radials and the point of intersection of the Colts Neck, N. J., omnirange 073° True and the Coyle, N. J., omnirange 031° True radials lying more than 3 miles either side of the center line, and those portions in conflict with the Patuxent Restricted Area (R–43) and the Warren Grove Restricted Area (R–26), are excluded.

§ 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the Seattle, Wash., omnirange station via the Ellensburg, Wash., omnirange station, including a south alternate via the intersection of the Seattle omnirange 124° True and the Ellensburg omnirange 274° True radials; Ephrata, Wash., omnirange station; Spokane, Wash., omnirange station; Mullan Pass, Mont., omnirange station; Missoula, Mont., omnirange station; Drummond, Mont., omnirange station; Helena Mont., omnirange station; intersection of the Helena omnirange 119° True and the Bozeman omnirange 338° True radials; Bozeman, Mont., omnirange station; intersection of the Bozeman omnirange 157° True and the Livingston omnirange 262° True radials; Livingston, Mont., omnirange station; Billings, Mont., omnirange station; Miles City, Mont., omnirange station, including a north alternate; Dickinson, N. Dak., omnirange station; Bismarck, N. Dak., omnirange station, including a north alternate; Jamestown, N. Dak., omnirange station, including a north alternate; Fargo, N. Dak., omnirange station, including a north alternate; Alexandria, Minn., omnirange station, including a north alternate; Minneapolis, Minn., omnirange station; La Crosse, Wis., omnirange station, including a north alternate; Lone Rock, Wis., including a north alternate; intersection of the Lone Rock omnirange 103° True and the Milwaukee omnirange 273° True radials; Milwaukee, Wis., omnirange station, including a north alternate from the Lone Rock omnirange station to the Milwaukee omnirange station via the intersection of the Lone Rock omnirange 088° True and the Milwaukee omnirange 288° True radials; Muskegon, Mich., omnirange station, including a south alternate via the intersection of the Milwaukee omnirange 111° True and the Muskegon omnirange 255° True radials; Lansing, Mich., omnirange station, including a south alternate via the Grand Rapids, Mich., ILS outer marker; to the Salem, Mich., omnirange station.

From the Buffalo, N. Y., omnirange station via the Rochester, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Albany, N. Y., omnirange station, including a south alternate via the intersection of the Syracuse omnirange 117° True and the Albany omnirange 269° True radials; Gardner, Mass., omnirange station; intersection of the Gardner omnirange 098° True radial and the Boston-Bedford Airport ILS localizer front course; Boston-Bedford, Mass., Airport ILS localizer; intersection of the Boston-Bedford Airport ILS localizer back course and the Boston omnirange 014° True radial; to the Boston, Mass., omnirange station.

§ 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine).* That airspace over the United States territory from the Key West, Fla., omnirange station via the Miami, Fla., omnirange station, excluding the portion which overlaps Airspace Warning Area (W–173); intersection of the Miami omnirange 060° True and the West Palm Beach omnirange 176° True radials; West Palm Beach, Fla., omnirange station; Vero Beach, Fla., omnirange station, including an east alternate from the West Palm Beach omnirange station to the Vero Beach omnirange station; Daytona Beach, Fla., omnirange station; Jacksonville, Fla., omnirange station, including an east alternate; Brunswick, Ga., omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 304° True and the Brunswick omnirange 216° True radials; Savannah, Ga., omnirange station, including an east alternate from the Jacksonville omnirange station to the Savannah omnirange station via the intersection of the Jacksonville omnirange 026° True and the Savannah omnirange 180° True radials; Charleston, S. C., omnirange station, including a west alternate; Florence, S. C., omnirange station, including an east alternate; Lumberton, N. C., omnirange station; Raleigh, N. C., omnirange station, including a west alternate from the Florence omnirange station to the Raleigh omnirange station via the intersection of the Florence omnirange 008° True and the Raleigh omnirange 232° true radials; point of intersection of the Raleigh omnirange 008° True and the South Boston, Va., omnirange 081° True radials; Flat Rock, Va., omnirange station; Brooke, Va., omnirange station; to the Washington, D. C., terminal omnirange station. From the Riverdale, Md., nondirectional radio beacon via the Westminster, Md., omnirange station; point of intersection of the Westminister omnirange 056° True and the West Chester omnirange 253° True radials; West Chester, Pa., omnirange station; Caldwell, N. J., omnirange station; Wilton, Conn., omnirange station; Hartford, Conn., omnirange station; intersection of the Hartford omnirange 044° True and the Boston omnirange 257° True radials; Boston, Mass., omnirange station; Kennebunk, Maine, omnirange station; Augusta, Maine, omnirange station; Bangor, Maine, omnirange station; Houlton, Maine, omnirange station; to the Presque Isle, Maine, omnirange station.

§ 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.).* From Seattle, Wash., omnirange station via the Yakima, Wash., omnirange station, including a south alternate from the Seattle omnirange station to the Yakima omnirange station via the point of intersection of the Seattle omnirange 163° True and the Olympia, Wash., omnirange 084° True radials; thence via the point of intersection of the Olympia omnirange 084° True and the Seattle omnirange 124° True radials; Pendleton, Oreg., omnirange station; Baker, Oreg., omnirange station; Boise, Idaho, omnirange station; intersection of the Boise omnirange 129° True and the Burley omnirange 292° True radials; Burley, Idaho, omnirange station; Malad City, Idaho, omnirange station; Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station, including a north alternate; Laramie, Wyo., omnirange station; Denver, Colo., omnirange station, including a north alternate via the intersection of the Laramie omnirange 131° True and the Denver omnirange 016° True radials; Thurman, Colo., omnirange station; Goodland, Kans., including a north alternate via the intersection of the Thurman omnirange 085° True and the Goodland omnirange 304° True radials; Hill City, Kans., omnirange station, including a north alternate; Russell, Kans., omnirange station; Salina, Kans., omnirange station; Topeka, Kans., omnirange station, including a south alternate via the intersection of the Salina omnirange 095° True and the Topeka omnirange 236° True radials; Kansas City, Mo., omnirange station, including a north alternate; Columbia, Mo., omnirange station, including a north alternate from the Kansas City omnirange station to the Columbia omnirange station via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials and also a south alternate from the Topeka omnirange station to the Columbia omnirange station via the point of intersection of the Topeka omnirange 099° True and the Blue Springs omnirange 268° True, the Blue Springs, Mo., omnirange station and the intersection of the Blue Springs omnirange 094° True and the Columbia omnirange 261° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate; Troy, Ill., omnirange station; Centralia, Ill., omnirange station, including a south alternate from the St. Louis omnirange station to the Centralia omnirange station via the intersection of the St. Louis omnirange 128° True and the Centralia omnirange 279° True radials; Evansville, Ind., omnirange station, including a south alternate; the intersection of the Evansville omnirange 80° True and the Louisville omnirange 269° True radials; Louisville, Ky., omnirange station, including a north alternate from the Evansville omnirange station to the Louisville omnirange station; Lexington, Ky., omnirange station, including a south alternate and also a north alternate via the intersection of the Louisville omnirange 083° True and the Lexington omnirange 294° True radials; Charleston, W. Va., omnirange station; Elkins, W. Va. omnirange station, including a south alternate via the intersection of the Charleston omnirange 081° True and the Elkins omnirange 227° True radials; Front Royal, Va., omnirange station; to the Herndon, Va., omnirange station. The portions of this airway which overlap the Yakima restricted area (R–247) and the Lake City restricted area (R–307) are excluded.

§ 600.6005 *VOR civil airway No. 5 (Jacksonville, Fla., to London, Ont.).* That airspace over United States territory from the Jacksonville, Fla., omnirange station via the intersection of the Jacksonville omnirange 319° True and the Alma omnirange 148° True radials; Alma, Ga., omnirange station, including an east alternate and also a west alternate from the Jacksonville omnirange station to the Alma omnirange station; Macon, Ga., omnirange station; intersection of the Macon omnirange 330° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station, including a west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Nashville, Tenn., omnirange station; Bowling Green, Ky., omnirange station; intersection of the Bowling Green omnirange 048° True and the Louisville omnirange 189° True radials; Louisville, Ky., omnirange station, including an east alternate from the Bowling Green omnirange station to the Louisville omnirange station via the intersection of the Bowling Green omnirange 063° True and the Louisville omnirange 168° True radials; Cincinnati, Ohio, omnirange station, including an east alternate via the point of intersection of the Nabb, Ind., omnirange direct radial to the York, Ky., omnirange station with the Cincinnati omnirange 175° True radial; intersection of the Cincinnati omnirange 045° True and the Appleton omnirange 244° True radials; Appleton, Ohio, omnirange station; Mansfield, Ohio, omnirange station; Cleveland, Ohio, omnirange station; to the London, Ontario, omnirange station.

§ 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.).* From the intersection of the Oakland omnirange 217° True and the Salinas omnirange 319° True radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station, including a south alternate via the intersection of the Oakland omnirange 078° True and the Sacramento omnirange 192° True radials; intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; Reno, Nev., omnirange station, including a north alternate between the Sacramento, Calif., omnirange station and the Reno, Nev., omnirange station via the intersection of the Sacramento omnirange 040° True and the Reno omnirange 268° True radials; Lovelock, Nev., omnirange station; Battle Mountain, Nev., omnirange station; Elko, Nev., omnirange station; Wells, Nev., omnirange station; Lucin, Utah, omnirange station; Ogden Utah, omnirange station; Fort Bridger, Wyo., omnirange station, including a north alternate via the intersection of the Ogden omnirange 052° True and the Fort Bridger omnirange 278° True radials; Rock Springs, Wyo., omnirange station, including a north alternate via the intersection of the Fort Bridger omnirange 064° True and the Rock Springs omnirange 284° True radials; Cherokee, Wyo., omnirange station, including a north alternate; Rock River, Wyo., omnirange station, including a north alternate; intersection of the Rock River omnirange 108° True and the Sidney omnirange 292° True radials; Sidney, Nebr., omnirange station; North Platte, Nebr., omnirange station, including a north alternate; Grand Island, Nebr., omnirange station, including a north alternate; Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station, including a south alternate; Iowa City, Iowa, omnirange station including a north alternate via the intersection of the Des Moines omnirange 071° True and the Iowa City omnirange 283° True radials and also a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station including a south alternate via the intersection of the Iowa City omnirange 093° True and the Moline omnirange 230° True radials; Naperville, Ill., omnirange station; South Bend, Ind., omnirange station; intersection of the South Bend omnirange 092° True and the Waterville omnirange 288° True radials; Waterville, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 077° True and the Williamsport, Pa., omnirange 146° True radials; Allentown, Pa., omnirange station, to the point of intersection of the Allentown omnirange 103° True and the Newark, N. J. ILS localizer southwest course.

§ 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.).* From the Miami, Fla., omnirange station via the Fort Myers, Fla., omnirange station; Lakeland, Fla., omnirange station; Cross City, Fla., omnirange station, including a west alternate from the Fort Myers omnirange station to the Cross City omnirange station via the Tampa, Fla., omnirange station and the intersection of the Tampa omnirange 012° True and the Cross City omnirange 150° True radials and also an east alternate from the Lakeland omnirange station to the Cross City omnirange station via the Gainesville, Fla., omnirange station; Tallahassee, Fla., omnirange station; Marianna, Fla., omnirange station, including a west alternate from the Cross City omnirange station to the Marianna omnirange station via the intersection of the Cross City omnirange 287° True and the Marianna omnirange 141° True radials; Dothan, Ala., terminal omnirange station; intersection of the Dothan terminal omnirange 336° True and the Montgomery omnirange 123° True radials; Montgomery, Ala.; omnirange station; Birmingham, Ala., omnirange station, including a west alternate via the intersection of the Montgomery omnirange 326° True and the Birmingham omnirange 180° True radials; Muscle Shoals, Ala., omnirange station; Graham, Tenn., omnirange station, including an east alternate from the Birmingham omnirange station to the Graham omnirange station via the point of intersection of the Huntsville, Ala., omnirange 264° True and the Graham omnirange 158° True radials; Nashville, Tenn., omnirange station; intersection of the Nashville omnirange 343° True and the Evansville omnirange 145° True radials; Evansville, Ind., omnirange station; Terre Haute, Ind., omnirange station, including a west alternate; Lafayette, Ind., omnirange station, including a west alternate via the intersection of the Terre Haute omnirange 348° True and the Lafayette omnirange 213° True radials; Chicago Heights, Ill., omnirange station; intersection of the Chicago Heights omnirange 358° True and the Milwaukee omnirange 135° True radials; Milwaukee, Wis., omnirange station, including an east alternate via the intersection of the Chicago Heights omnirange 013° True and the Milwaukee omnirange 135° True radials; to the Green Bay, Wis., omnirange station. The portions of this airway above 19,000 feet above mean sea level, which lie within the Tyndall AFB Restricted Area (R–336) and the Tyndall AFB Warning Area (W–337), are excluded daily between sunset and sunrise.

§ 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.).* From the point of intersection of the Long Beach omnirange 266° True and the Los Angeles, Calif., omnirange 207° True radials via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Daggett, Calif., omnirange station, including a north alternate from the Long Beach omnirange station to the Daggett omnirange station via the point of intersection of the Long Beach omnirange 024° True and the Los Angeles omnirange 057° True radials and the point of intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; Las Vegas, Nev., omnirange station, including a south alternate via the intersection of the Daggett omnirange 062° True and the Las Vegas omnirange 212° True radials; Mormon Mesa, Nev., omnirange station; Bryce Canyon, Utah, omnirange station, including a south alternate; Hanksville, Utah, omnirange station, including a south alternate; Grand Junction, Colo., omnirange station, including a south alternate; Kremmling, Colo., omnirange station, including a south alternate; Denver, Colo., omnirange station, including a north alternate; Akron, Colo., omnirange station, including a south alternate via the intersection of the Denver omnirange 101° True and the Akron omnirange 238° True radials; Imperial, Nebr., omnirange station, including a north alternate from the Denver omnirange station to the Imperial omnirange station via the intersection of the Denver omnirange 061° True and the Imperial omnirange 271° True radials and also a south alternate via the intersection of the Akron omnirange 090° True and the Imperial omnirange 236° True radials; Grand Island, Nebr., omnirange station, including a south alternate; Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station, including a south alternate; Iowa City, Iowa, omnirange station, including a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station, including a south alternate via the intersection of the Iowa City omnirange 093° True and the Moline omnirange 230° True radials; Naperville, Ill., omnirange station; intersection of the Naperville omnirange 090° True and the Chicago Heights omnirange 342° True radials; Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station; Findlay, Ohio, omnirange station; Mansfield, Ohio, omnirange station; the intersection of the Mansfield omnirange 100° True and the Pittsburgh omnirange 291° True radials; Pittsburgh, Pa., omnirange station; Martinsburgh, W. Va., omnirange station; to the Washington, D. C., terminal omnirange station.

§ 600.6009 *VOR civil airway No. 9 (New Orleans, La., to Milwaukee, Wis.).* From the New Orleans, La., omnirange station via the McComb, Miss., omnirange station, including a west alternate and also an east alternate from the New Orleans omnirange station to the McComb omnirange station via the Picayune, Miss., omnirange station; Jackson, Miss., omnirange station including a west alternate; Greenwood, Miss., omnirange station, including a west alternate; Memphis, Tenn, omnirange station, including an east alternate via the intersection of the Greenwood omnirange 027° True and the Memphis omnirange 160° True radials; intersection of the Memphis omnirange 345° True and the Malden omnirange 195° True radials; Malden, Mo., omnirange station, including an east alternate from the Memphis omnirange station to the Malden omnirange station via the direct radials; Farmington, Mo., omnirange station, including a west alternate; St. Louis, Mo., omnirange station, including a west alternate; Springfield, Ill., omnirange station, including a west alternate; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; Naperville, Ill., omnirange station; point of intersection of the Janesville, Wis., omnirange 098° True and the Milwaukee omnirange 192° True radials; to the Milwaukee, Wis., omnirange station, including a west alternate via the intersection of the Naperville omnirange 317° True and the Milwaukee omnirange 207° True radials.

§ 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.).* That airspace over United States territory from the Pueblo, Colo., omnirange station via the Lamar, Colo., omnirange station, including a north alternate; Garden City, Kans., omnirange station, including a north alternate via the intersection of the Lamar omnirange 084° True radial with the Garden City omnirange direct radial to the Hugo, Colo., omnirange station; Dodge City, Kans., omnirange station; Hutchinson, Kans., omnirange station, including a south alternate and also a north alternate via the intersection of the Dodge City omnirange 060° True and the Hutchinson omnirange 296° True radials; Emporia, Kans., omnirange station; Kansas City, Mo., omnirange station; Kirksville, Mo., omnirange station; Burlington, Iowa, omnirange station, including a south alternate; Bradford, Ill., omnirange station, including a north alternate; intersection of the Bradford omnirange 048° True and the Naperville omnirange 254° True radials; Naperville, Ill., omnirange station; South Bend, Ind., omnirange station, including a north alternate from the Naperville omnirange station to the South Bend omnirange station via the intersection of the Naperville omnirange 075° True and the South Bend omnirange 290° True radials; Litchfield, Mich., omnirange station; intersection of the Litchfield omnirange 098° True and the Carleton omnirange 264° True radials; Carleton, Mich., omnirange station; point of intersection of the Jefferson, Ohio, omnirange 279° True and the Youngstown omnirange 320° True radials; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Wilkes-Barre-Scranton, Pa., omnirange 217° True and the Stroudsburg, Pa., omnirange 270° True radials; Stroudsburg, Pa., omnirange station; to the point of intersection of the Stroudsburg omnirange 114° True radial and the La Guardia (New York, N. Y.) Airport ILS localizer southwest course.

§ 600.6011 *VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.).* From the Memphis, Tenn., omnirange station via the intersection of the Memphis omnirange 345° True and the Dyersburg omnirange 230° True radials; Dyersburg, Tenn., omnirange station, including an east alternate from the Memphis omnirange station to the Dyersburg omnirange station via the intersection of the Memphis omnirange 360° True and the Dyersburg omnirange 215° True radials; Paducah, Ky., omnirange station; intersection of the Paducah omnirange 039° True and the Evansville omnirange 227° True radials; Evansville, Ind., omnirange station; Scotland, Ind., omnirange station, including an east alternate via the intersection of the Evansville omnirange 049° True and the Scotland omnirange 188° True radials; Indianapolis, Ind., omnirange station, including an east alternate via the intersection of the Scotland omnirange 041° True and the Indianapolis omnirange 185° True radials, and a west alternate via the intersection of the Scotland omnirange 011° True and the Indianapolis omnirange 230° True radials; intersection of the Indianapolis omnirange 021° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 037° True and the Salem omnirange 227° True radials; to the Salem, Mich., omnirange station.

§ 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.).* From the Santa Barbara, Calif., omnirange station via the intersection of the Santa Barbara omnirange 091° True and the Fillmore omnirange 284° True radials; Fillmore, Calif., omnirange station; Palmdale, Calif., omnirange station; intersection of the Palmdale omnirange 082° True and the Daggett omnirange 257° True radials; Daggett, Calif., omnirange station; Needles, Calif., omnirange station, including a north alternate via the intersection of the Daggett omnirange 078° True and the Needles omnirange 289° True radials; intersection of the Needles omnirange 077° True and the Drake omnirange 274° True radials; Drake, Ariz., omnirange station; Winslow, Ariz., omnirange station, including a south alternate from the Needles omnirange station to the Winslow omnirange station via the Prescott, Ariz., omnirange station and the intersection of the Prescott omnirange 095° True and the Winslow omnirange 248° True radials; Zuni, N. Mex., omnirange station, including a north alternate via the intersection of the Winslow omnirange 076° True and the Zuni omnirange 287° True radials; Grants, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station, including a south alternate from the Zuni omnirange station to the Albuquerque omnirange station via the intersection of the Zuni omnirange 111° True and the Albuquerque omnirange 254° True radials; Otto, N. Mex., omnirange station; Anton Chico, N. Mex., omnirange station, including a south alternate from the Albuquerque omnirange station to the Anton Chico omnirange station via the intersection of the Albuquerque omnirange 103° True and the Anton Chico omnirange 249° True radials; Tucumcari, N. Mex., omnirange station, including a north alternate via the intersection of the Anton Chico omnirange 067° True and the Tucumcari omnirange 289° True radials; Amarillo, Tex., omnirange station, including a north alternate and also a south alternate via the point of intersection of the Texico, N. Mex., omnirange 021° True and the Amarillo omnirange 252° True radials; Gage, Oklahoma, omnirange station including a north alternate; Anthony, Kans., omnirange station; Wichita, Kans., omnirange station, including a north alternate from the Gage omnirange station to the Wichita omnirange station via the point of intersection of the Wichita omnirange 245° True radial with the Gage omnirange direct radial to the Hutchinson, Kans., omnirange station and also a south alternate from the Anthony omnirange station to the Wichita omnirange station via the intersection of the Anthony omnirange 060° True and the Wichita omnirange 190° True radials; Emporia, Kans., omnirange station, including a north alternate via the point of intersection of the Wichita omnirange direct radial to the point of intersection of the Hutchinson, Kans., omnirange 062° True and the Topeka, Kans., omnirange 236° True radials with the Emporia omnirange direct radial to the Hutchinson, Kans., omnirange station; Kansas City, Mo., omnirange station; Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate; Vandalia, Ill., omnirange station; Terre Haute, Ind., omnirange station; Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 230° True radials; point of intersection of the Indianapolis omnirange 084° True and the Dayton omnirange 261° True radials; Dayton, Ohio, omnirange station, including a north alternate from the Indianapolis omnirange station to the Dayton omnirange station via the point of intersection of the Indianapolis omnirange 069° True and the Fort Wayne, Ind., omnirange 182° True radials; Appleton, Ohio, omnirange station, including a south alternate via the point of intersection of the Dayton omnirange 099° True and the Appleton omnirange 244° True radials; Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station, including a north alternate via the intersection of the Pittsburgh omnirange 067° True and the Johnstown omnirange 290° True radials; Harrisburg, Pa., omnirange station, including a south alternate; West Chester, Pa., omnirange station; to the point of intersection of the West Chester omnirange direct radial to the Coyle, N. J., omnirange station and the Woodstown, N. J., omnirange 045° True radial.

§ 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.).* From the Houston, Tex., omnirange station via the Lufkin, Tex., omnirange station, including an east alternate via the intersection of the Houston omnirange 044° True and the Lufkin omnirange 178° True radials and also a west alternate via the intersection of the Houston omnirange 353° True and the Lufkin omnirange 223° True radials; Shreveport, La., omnirange station, including an east alternate; to the Texarkana, Ark., omnirange station, including a west alternate via the intersection of the Shreveport omnirange 275° True and the Texarkana omnirange 184° True radials. From the Fort Smith, Ark., omnirange station via the Fayetteville, Ark., omnirange station; Neosho, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate; Kansas City, Mo., omnirange station; Lamoni, Iowa, omnirange station including an east alternate via the intersection of the Kansas City omnirange 035° True and the Lamoni omnirange 175° True radials; Des Moines, Iowa, omnirange station, including an east and a west alternate; Mason City, Iowa, omnirange station, including an east alternate and also a west alternate from the Des Moines omnirange station to the Mason City omnirange station via the Fort Dodge, Iowa, omnirange station; Minneapolis, Minn., omnirange station, including a west alternate; Grantsburg, Wis., omnirange station to the Duluth, Minn., omnirange station.

§ 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.).* That airspace over United States territory from the Roswell, N. Mex., omnirange station via the Lubbock, Tex., omnirange station, including a north alternate; via the intersection of the Roswell omnirange 063° True and the Lubbock omnirange 277° True radials; Childress, Tex., omnirange station; Hobart, Okla., omnirange station; Oklahoma City, Okla., omnirange station; Tulsa, Okla., omnirange station, including a north alternate via the intersection of the Oklahoma City omnirange 040° True and the Tulsa omnirange 260° True radials, and also a south alternate via the intersection of the Oklahoma City omnirange 107° True and the Tulsa omnirange 228° True radials; Neosho, Mo., omnirange station, including a north alternate and also a south alternate via the intersection of the Tulsa omnirange 088° True and the Neosho omnirange 223° True radials; Springfield, Mo., omnirange station, including a north alternate via the intersection of the Neosho omnirange 044° True and the Springfield omnirange 261° True radials and also a south alternate via the point of intersection of the Neosho omnirange 074° True radial with the Springfield omnirange direct radial to the Fayetteville, Ark., omnirange station; Vichy, Mo., omnirange station, including a north alternate; St. Louis, Mo., omnirange station, including a north alternate and also a south alternate via the intersection of the Vichy omnirange 069° True and the St. Louis omnirange 219° True radials; Vandalia, Ill., omnirange station; Terre Haute, Ind., omnirange station; Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 230° True radials; intersection of the Indianapolis omnirange 054° True and the Findlay omnirange 250° True radials; Findlay, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Jefferson, Ohio, omnirange station; Erie, Pa., omnirange station, including a north alternate from the Cleveland omnirange station to the Erie omnirange station via the point of intersection of the Cleveland omnirange 049° True and the Carleton, Mich., omnirange direct radial to the Jefferson, Ohio, omnirange station; Buffalo, N. Y., omnirange station; Rochester, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Albany, N. Y., omnirange station; Gardner, Mass., omnirange station; to the point of intersection of the Gardner omnirange 132° True and the Boston, Mass., omnirange 223° True radials.

§ 600.6015 *VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.).* From the Galveston, Tex., omnirange station via the Houston, Tex., omnirange station; intersection of the Houston omnirange 323° True and the College Station omnirange 124° True radials; College Station, Tex., omnirange station; Waco, Tex., omnirange station including an east alternate; Dallas, Tex., omnirange station, including an east alternate via the intersection of the Waco omnirange 036° True and the Dallas omnirange 178° True radials; intersection of the Dallas omnirange 357° True and the Ardmore omnirange 159° True radials; Ardmore, Okla., omnirange station, including a west alternate from the Dallas, Tex., omnirange station to the Ardmore omnirange station via the intersection of the Dallas omnirange 324° True and the Ardmore omnirange 176° True radials; Okmulgee, Okla., omnirange station, including an east alternate and also a west alternate via the point of intersection of the Oklahoma City, Okla., omnirange 107° True and the Tulsa, Okla., omnirange 228° True radials; point of intersection of the Tulsa, Okla., omnirange 088° True and the Neosho omnirange 223° True radials; to the Neosho, Mo., omnirange station. From the Kansas City, Mo., omnirange station via the St. Joseph, Mo., omnirange station, including an east alternate via the intersection of the Kansas City omnirange 020° True and the St. Joseph omnirange 132° True radials; Omaha, Nebr., omnirange station, including an east alternate; Sioux City, Iowa, omnirange station, including an east alternate and also a west alternate via the intersection of the Omaha omnirange 320° True and the Sioux City omnirange 175° True radials; intersection of the Sioux City omnirange 340° True and the Sioux Falls omnirange 169° True radials; Sioux Falls, S. Dak., omnirange station, including an east alternate; Huron, S. Dak., omnirange station, including a west alternate; Aberdeen, S. Dak., omnirange station, including a west alternate; Bismarck, N. Dak., omnirange station, including a west alternate; to the Minot, N. Dak., omnirange station.

§ 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.).* That airspace over United States territory from the Los Angeles, Calif., omnirange station via the Ontario, Calif., omnirange station; intersection of the Ontario omnirange 091° True and the Blythe omnirange 288° True radials; Blythe, Calif., omnirange station; Hassayampa, Ariz., omnirange station, including a north alternate via the intersection of the Blythe omnirange 079° True and the Hassayampa omnirange 291° True radials; Phoenix, Ariz., omnirange station; to point of intersection of the Phoenix omnirange 161° True radial with the Casa Grande, Ariz., omnirange direct radial to the San Simon, Ariz., omnirange station; Tucson, Ariz., omnirange station; Cochise, Ariz., omnirange station including a south alternate via the intersection of the Tucson omnirange 121° True and the Cochise omnirange 257° True radials; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station including a north alternate; Salt Flat, Tex., omnirange station; Wink, Tex., omnirange station, including a north alternate; Midland, Tex., omnirange station; Big Spring, Tex., omnirange station, including a north alternate from the Wink omnirange station to the Big Spring omnirange station via the point of intersection of the Midland, Tex., omnirange 007° True and the Big Spring omnirange 260° True radials; Abilene, Tex., omnirange station, including a south alternate; Mineral Wells, Tex., omnirange station, including a north alternate and also a south alternate via the intersection of the Abilene omnirange 096° True and the Mineral Wells omnirange 247° True radials; Dallas, Tex., omnirange station, including a south alternate via the intersection of the Mineral Wells omnirange 096° True and the Dallas omnirange 242° True radials; Sulphur Springs, Tex., omnirange station including a north alternate from the Mineral Wells omnirange station to the Sulphur Springs omnirange station via the intersection of the Mineral Wells omnirange 066° True and the Sulphur Springs omnirange 272° True radials; Texarkana, Ark., omnirange station, including a north alternate; Pine Bluff, Ark., omnirange station, including a south alternate; Memphis, Tenn., omnirange station, including a south alternate via the intersection of the Pine Bluff omnirange 079° True and the Memphis omnirange 224° True radials; Jack's Creek, Tenn., omnirange station; Graham, Tenn., omnirange station, including a south alternate from the Memphis omnirange station to the Graham omnirange station via the intersection of the Memphis omnirange 081° True and the Graham omnirange 238° True radials; Nashville, Tenn., omnirange station; Crossville, Tenn., omnirange station, including a south alternate from the Graham omnirange station to the Crossville omnirange station via the Graham omnirange 099° True and the Crossville omnirange 257° True radials; intersection of the Crossville omnirange 104° True and the Knoxville omnirange 249° True radials; Knoxville, Tenn., omnirange station; Tri-City, Tenn., omnirange station; Pulaski, Va., omnirange station, including a north alternate from the Knoxville omnirange station to the Pulaski omnirange station via the intersection of the Knoxville omnirange 054° True and the Pulaski omnirange 260° True radials; Montebello, Va., omnirange station; Gordonsville, Va., omnirange station; Andrews, Md., radio range station via the Gordonsville omnirange 056° True radial; a point at latitude 38°51'00" north longitude 76°30'00" west bearing 062° True from the Andrews, Md., radio range station; Kenton, Del., omnirange station via the Kenton omnirange 244° True radial; Coyle, N. J., omnirange station; point of intersection of the Colts Neck, N. J., omnirange 103° True and the Riverhead omnirange 222° True radials; Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 042° True and the Norwich omnirange 224° True radials; Norwich, Conn., omni-

range station; to the Boston, Mass., omnirange station.

§ 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.).* That airspace over United States territory from the Laredo, Tex., omnirange station via Cotulla, Tex., omnirange station; San Antonio, Tex., omnirange station; Austin, Tex., omnirange station, including a west alternate via the intersection of the San Antonio omnirange 002° True and the Austin omnirange 237° True radials; Waco, Tex., omnirange station, including an east alternate via the intersection of the Austin omnirange 044° True and the Waco omnirange 181° True radials; point of intersection of the Fort Worth, Tex. (Meacham Field), ILS localizer south course with the Britton, Tex., omnirange 264° True radial; Fort Worth, Tex., omnirange station, including a west alternate from the Waco omnirange station to the Fort Worth omnirange station via the point of intersection of the Waco omnirange 315° True with the Mineral Wells omnirange 198° True radials, and the Mineral Wells, Tex. omnirange station; Oklahoma City, Okla., omnirange station; Gage, Okla., omnirange station; Garden City, Kans., omnirange station; to the Goodland omnirange station, including a west alternate.

§ 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.).* From the Dallas, Tex., omnirange station via the Quitman, Tex., omnirange station; Shreveport, La., omnirange station; Monroe, La., omnirange station, including a north alternate; Jackson, Miss., omnirange station, including a south alternate; Meridian, Miss., omnirange station, including a south alternate; intersection of the Meridian omnirange 057° True radial and the Birmingham ILS localizer southwest course; intersection of the Birmingham ILS localizer southwest course and the Anniston omnirange 265° True radial; Anniston, Ala., omnirange station, including a north alternate from the Meridian omnirange station to the Anniston omnirange station via the point of intersection of the Meridian omnirange 040° True and the Tuscaloosa omnirange 239° True radials, the Tuscaloosa, Ala., omnirange station and the Birmingham, Ala., omnirange station; intersection of the Anniston omnirange 84° True radial and the Atlanta Airport ILS localizer west course; Atlanta, Ga., Airport ILS localizer; intersection of the Atlanta Airport ILS localizer east course and the Augusta omnirange 278° True radial; Augusta, Ga., omnirange station, including a south alternate from the Anniston omnirange station to the Augusta omnirange station via the intersection of the Anniston omnirange 104° True and the Atlanta omnirange 262° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 102° True and the Augusta omnirange 263° True radials; intersection of the Augusta omnirange 090° True and the Charleston cmnirange 301° True radials; to the Charleston, S. C., omnirange station. The portions of this airway which conflict with the Fort McClellan Restricted Area (R–130) are excluded.

§ 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.).* That airspace over United States territory from the El Paso, Tex., omnirange station via the intersection of the El Paso omnirange 271° True and the Truth or Consequences omnirange 162° True radials; Truth or Consequences, N. Mex., omnirange station; the intersection of the Truth or Consequences, N. Mex., omnirange 21° True and the Albuquerque, N. Mex., omnirange 169° True radials; Albuquerque, N. Mex., omnirange station; intersection of the Albuquerque omnirange 025° True and the Santa Fe omnirange 253° True radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station; Raton, N. Mex., omnirange station, including an east alternate; Pueblo, Colo., omnirange station; Kiowa, Colo., omnirange station, including an east alternate via the intersection of the Pueblo omnirange 018° True and the Kiowa omnirange 167° True radials; intersection of the Kiowa omnirange 005° True and the Cheyenne omnirange 110° True radials; Cheyenne, Wyo., omnirange station; Douglas, Wyo., omnirange station, including an east alternate; Caspar Wyo., omnirange station, including an east alternate; Crazy Woman, Wyo., omnirange station, including an east alternate via the intersection of the Caspar, Wyo., 007° True and the Crazy Woman omnirange 146° True radials; Sheridan, Wyo., omnirange station, including an east alternate; Billings, Mont., omnirange station, including an east alternate; intersection of the Billings omnirange 347° True and the Lewistown omnirange 104° True radials; Lewistown, Mont., omnirange station to the Great Falls, Mont., omnirange station. The portion of this civil airway above 20,000 feet above mean sea level which overlaps the White Sands restricted area, Area 2 (R–521), (published in Section 608.39 of this Chapter), shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.).* That airspace over United States territory from the Laredo, Tex., omnirange station via the Alice, Tex., omnirange station; Corpus Christi, Tex., omnirange station; Palacios, Tex., omnirange station; Houston, Tex., omnirange station, including a north alternate via the intersection of the Palacios omnirange 016° True and the Houston omnirange 255° True radials; Beaumont, Tex., omnirange station; including a north alternate via the intersection of the Houston omnirange 044° True and the Beaumont omnirange 273° True radials; Lake Charles, La., omnirange station, including a north alternate via the intersection of the Beaumont omnirange 060° True and the Lake Charles omnirange 271° True radials and also a south alternate from the Houston omnirange station to the Lake Charles omnirange station via the intersection of the Houston omnirange 090° True and the Lake Charles omnirange 241° True radials; Lafayette, La., omnirange station, including a north alternate via the intersection of the Lake Charles omnirange 058° True and the Lafayette omnirange 287° True radials and also a south alternate via the intersection of the Lake Charles omnirange 119° True and the Lafayette omnirange 255° True radials; New Orleans, La., omnirange station, including a south alternate; intersection of the New Orleans omnirange 066° True and the Mobile omnirange 242° True radials; Mobile, Ala., omnirange station, including a north alternate from the New Orleans omnirange station to the Mobile omnirange station via the Picayune, Miss., omnirange station; Evergreen, Ala., omnirange station, including a north alternate via the intersection of the Mobile omnirange 015° True and the Evergreen omnirange 246° True radials; Montgomery, Ala., omnirange station; La Grange, Ga., omnirange station; Atlanta, Ga., omnirange station; intersection of the Atlanta omnirange 048° True and the Royston omnirange 236° True radials; Royston, Ga., omnirange station; Spartanburg, S. C., omnirange station, including a north alternate from the Atlanta omnirange station to the Spartanburg, S. C., omnirange station via the Norcross, Ga., omnirange station, and the intersection of the Norcross omnirange 054° True and the Spartanburg omnirange 249° True radials; Greensboro, N. C., omnirange station; South Boston, Va., omnirange station; to the Flat Rock, Va., omnirange station.

§ 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border).* From the point of intersection of the Long Beach omnirange 266° True and the Los Angeles, Calif., omnirange 207° True radials via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station, including an east alternate from the Las Vegas omnirange station to the Mormon Mesa omnirange station via the intersection of the Las Vegas omnirange 086° True and the Needles, Calif., omnirange direct radial to the Mormon Mesa omnirange station; Milford, Utah, omnirange station, including a west alternate; Delta, Utah, omnirange station, including a west alternate; Utah Lake, Utah, omnirange station, including a west alternate via the intersection of the Delta omnirange 004° True and the Utah Lake omnirange 219° True radials; Salt Lake City, Utah, omnirange station; Ogden, Utah, omnirange station; Malad City, Idaho, omnirange station; Pocatello, Idaho, omnirange station; intersection of the Pocatello omnirange 033° True and the Dubois 170° True radials; Dubois, Idaho, omnirange station; Dillon, Mont, omnirange station; Whitehall, Mont., omnirange station; Helena, Mont., omnirange station; intersection of the Helena omnirange 004° True and the Great Falls omnirange 222° True radials; Great Falls, Mont., omnirange station; Cut Bank, Mont., omnirange station, including an east alternate; to the United States-Canadian Border via the Cut Bank omnirange 347° True radial.

§ 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.).* From the New Orleans, La., omnirange station via the Pensacola (Saufley Field), Fla., omnirange station; intersection of the Pensacola (Saufley Field) omnirange 039° True and the Crestview omnirange 260° True radials; Crestview, Fla., omnirange station; Marianna, Fla., omnirange station; Tallahassee, Fla., omnirange station; to the Jacksonville, Fla., omnirange station, including a north alternate from the Marianna omnirange station to the Jacksonville omnirange station via the point of intersection of the Marianna omnirange 094° True with the Albany, Ga., omnirange 152° True radials and the point of intersection of the Tallahassee omnirange 091° True with the Valdosta, Ga., omnirange 234° True radials. Those portions of this airway above 19,000 feet, above mean sea level, which lie within the Tyndall AFB restricted area (R–336), are excluded daily between sunset and sunrise. The portions of this airway, below 2000 feet above mean sea level, which lie within the Pensacola Caution Area (C–488) are excluded.

§ 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.).* From the San Diego, Calif., omnirange station via the Oceanside, Calif., omnirange station; Long Beach, Calif., omnirange station; intersection of the Long Beach omnirange 287° True and the Los Angeles omnirange 123° True radials; Los Angeles, Calif., omnirange station; intersection of the Los Angeles omnirange 355° True and the Bakersfield omnirange 149° True radials; Bakersfield, Calif., omnirange station; Fresno, Calif., omnirange station, including an east alternate; Modesto, Calif., omnirange station, including an east alternate via the intersection of the Fresno omnirange 328° True and the Modesto omnirange 117° True radials; intersection of the Modesto omnirange 341° True and the Sacramento omnirange 138° True radials; Sacramento, Calif., omnirange station, including a west alternate from the Modesto omnirange station to the Sacramento omnirange station via the intersection of the Modesto omnirange 312° True and the Sacramento omnirange 154° True radials; intersection of the Sacramento omnirange 346° True and the Red Bluff omnirange 158° True radials; Red Bluff, Calif., omnirange station; Fort Jones, Calif., omnirange station; Medford, Oreg., omnirange station, including an east alternate via the intersection of the Fort Jones omnirange 042° True and the Medford omnirange 157° True radials; Eugene, Oreg., omnirange station, including an east alternate; Portland, Oreg., omnirange station, including an east alternate and also a west alternate via the intersection of the Eugene omnirange 341° True and the Newburg omnirange 204° True radials, the Newburg, Oreg., omnirange station, and the intersection of the Newburg omnirange 020° True and the Portland omnirange 247° True radials; intersection of the Portland omnirange 353° True and the Seattle omnirange 197° True radials, excluding the portion which overlaps the Fort Lewis restricted area (R–244); Seattle, Wash., omnirange station, including a west alternate from the Portland omnirange station to the Seattle omnirange station via the intersection of the Portland omnirange 353° True and the Olympia omnirange 165° True radials, the Olympia, Wash., omnirange station and the point of intersection of the Olympia omnirange 337° True and the Seattle omnirange 247° True radials; intersection of the Seattle omnirange 359° True and the Bellingham omnirange 169° True radials; Bellingham, Wash., omnirange station; to the United States-Canadian Border via the Bellingham omnirange 304° True radials. The portion of this airway below 1,500 feet above mean sea level which overlaps the Fort Lewis restricted area (R–503) and the portion of this airway below 5,000 feet above mean sea level which overlaps the Fort Lewis restricted area (R–504) are excluded.

§ 600.6024 *VOR civil airway No. 24 (Aberdeen, S. Dak., to Redwood Falls, Minn.).* From the Aberdeen, S. Dak., omnirange station via the Watertown, S. Dak., omnirange station, including a north alternate; to the Redwood Falls, Minn., omnirange station, including a north alternate via the intersection of the Watertown omnirange 085° True and the Redwood Falls omnirange 305° True radials.

§ 600.6025 *VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.).* From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station; intersection of the Paso Robles omnirange 335° True and the Agnew omnirange 141° True radials; Agnew, Calif., omnirange station; intersection of the Agnew omnirange 304° True and the Point Reyes omnirange 155° True radials; Point Reyes, Calif., omnirange station; point of intersection of the Point Reyes omnirange 352° True and the Ukiah, Calif., omnirange 147° True radials; Red Bluff, Calif., omnirange station; intersection of the Red Bluff omnirange 018° True and the Klamath Falls omnirange 181° True radials; Klamath Falls, Oreg., omnirange station; Redmond, Oreg., omnirange station; The Dalles, Oreg., omnirange station; Yakima, Wash., omnirange station, including an east alternate via the intersection of The Dalles omnirange 032° True and the Yakima omnirange 183° True radials; intersection of the Yakima omnirange 304° True and the Ellensburg omnirange 191° True radials; to the Ellensburg, Wash., omnirange station, excluding the portions of this airway which overlap the Yakima restricted area (R–247).

§ 600.6026 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio).* That airspace over United States territory from the Cherokee, Wyo., omnirange station via the Casper, Wyo., omnirange station; Rapid City, S. Dak., omnirange station; Philip, S. Dak., omnirange station, including a north alternate via the intersection of the Rapid City omnirange 049° True and the Philip omnirange 282° True radials; Pierre, S. Dak., omnirange station, including a south alternate; Huron, S. Dak., omnirange station, including a south alternate; Redwood Falls, Minn., omnirange station, including a south alternate; Minneapolis, Minn., omnirange station; Eau Claire, Wis., omnirange station, including a south alternate from the Redwood Falls omnirange station to the Eau Claire omnirange station via the point of intersection of the Redwood Falls omnirange 076° True and the Minneapolis omnirange 194° True radials; Eau Claire, Wis., omnirange station, including a south alternate; Wausau, Wis., omnirange station, including a south alternate; Green Bay, Wis., omnirange station, including a south alternate; White Cloud, Mich., omnirange station; including a north alternate; Lansing, Mich., omnirange station; Salem, Mich., omnirange station; point of intersection of the Carleton, Mich., omnirange direct radial to the Jefferson, Ohio, omnirange station and the Cleveland omnirange direct radial to the Windsor, Ontario, omnirange station; to the Cleveland, Ohio, omnirange station.

§ 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.).* From the Camarillo, Calif., MF radio range via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station, including a west alternate via the intersection of the Santa Barbara omnirange 304° True and the Paso Robles omnirange 169° True radials; intersection of the Paso Robles omnirange 335° True and the Salinas omnirange 134° True radials; Salinas, Calif., omnirange station, including a west alternate from the Paso Robles omnirange station via the intersection of the Paso Robles omnirange 314° True and the Salinas omnirange 149° True radials, excluding the portion which conflicts with the Fort Ord restricted area (R–284) and also excluding the portion which conflicts with the Camp Roberts restricted area (R–415) during the hours of daylight; intersection of the Salinas omnirange 319° True and the Point Reyes omnirange 155° True radials; Point Reyes, Calif., omnirange station, including a west alternate from the Salinas omnirange station to the Point Reyes omnirange station via the intersection of the Salinas omnirange 300° True and the Point Reyes omnirange 155° True radials; intersection of the Point Reyes omnirange 352° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; Fortuna, Calif., omnirange station; Crescent City, Calif., omnirange station; North Bend, Oreg., omnirange station; Newport, Oreg., omnirange station; Hoquiam, Wash., omnirange station; to the Seattle, Wash., omnirange station, excluding the portion above 14,500 feet above mean sea level which lies beneath, and which conflicts with, the Olympic restricted area (R–241).

§ 600.6028 *VOR civil airway No. 28 (Oakland, Calif., to Reno, Nev.).* From the Oakland, Calif., omnirange station via the Modesto, Calif., omnirange station; to the Reno, Nev., omnirange station.

§ 600.6029 *VOR civil airway No. 29 (Salisbury, Md., to United States-Cana-*

dian Border). From the Chincoteague, Va., Navy LF radio range station via the Salisbury, Md., omnirange station; Kenton, Del., omnirange station; Woodstown, N. J., omnirange station; point of intersection of the Philadelphia, Pa., International Airport ILS localizer 256° True course and the West Chester omnirange 120° True radial; West Chester, Pa., omnirange station; Pottstown, Pa., omnirange station; Allentown, Pa., omnirange station; Scranton, Pa., omnirange station; Binghamton, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Watertown, N. Y., omnirange station; the intersection of the Watertown omnirange 33° True and the Massena omnirange 241° True radials; Massena, N. Y., omnirange station to the United States-Canadian Border via the Massena omnirange 38° True radial. The portions of this airway which overlap the Chincoteague restricted area (R–45) are excluded.

§ 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.)*. From the Milwaukee, Wis., omnirange station via the Pullman, Mich., omnirange station, including a south alternate via the point of intersection of the Milwaukee omnirange 135° True and the Chicago Heights omnirange 358° True radials; Litchfield, Mich., omnirange station; Waterville, Ohio, omnirange station; intersection of the Waterville omnirange 111° True and the Wellington VAR west course; Wellington, Ohio, VAR station; intersection of the Wellington VAR east course and the Youngstown omnirange 250° True radial; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa., omnirange 211° True radials; Colts Neck, N. J., omnirange station; to the point of intersection of the Colts Neck omnirange 078° True and the Idlewild, N. Y., omnirange 212° True radials. From the Idlewild, N. Y., omnirange station via the point of intersection of the Idlewild omnirange 083° True and the Nantucket omnirange 252° True radials to the Nantucket, Mass., omnirange station.

§ 600.6031 *VOR civil airway No. 31 (Baltimore, Md., to Rochester, N. Y.)*. From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Williamsport, Pa., omnirange station; Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 354° True and the Rochester omnirange 130° True radials; to the Rochester, N. Y., omnirange station.

§ 600.6032 *VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.)*. From the Battle Mountain, Nev., omnirange station via the Elko, Nev., omnirange station; Bonneville, Utah, omnirange station, including a north alternate from the Elko omnirange station to the Bonneville omnirange station via the Wells, Nev., omnirange station; Salt Lake City, Utah, omnirange station; to the Fort Bridger, Wyo., omnirange station.

§ 600.6033 *VOR civil airway No. 33 (Baltimore, Md., to Buffalo, N. Y.)*. From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Philipsburg, Pa., omnirange station; Bradford, Pa., omnirange station to the Buffalo, N. Y., omnirange station.

§ 600.6034 *VOR civil airway No. 34 (Rochester, N. Y., to Wilton, Conn.)*. From the Rochester, N. Y., omnirange station via the Binghamton, N. Y., omnirange station; Wilton, Conn., omnirange station; to the point of intersection of the Wilton omnirange 090° True and the Norwich, Conn., omnirange 224° True radials. The portion of this airway below 6000 feet above mean sea level, within the West Point restricted area (R–93), is excluded daily from sunrise to sunset during the period from March 1 to November 1 each year.

§ 600.6035 *VOR civil airway No. 35 (Miami, Fla., to Syracuse, N. Y.)*. From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 276° True and the Fort Myers omnirange 142° True radials; Fort Myers, Fla., omnirange station; Tampa, Fla., omnirange station; Tallahassee, Fla., omnirange station; Albany, Ga., omnirange station; Macon, Ga., omnirange station; Athens, Ga., omnirange station; Royston, Ga., omnirange station; Asheville, N. C., omnirange station; Tri-City, Tenn., omnirange station; intersection of the Tri-City omnirange 012° True and the Charleston omnirange 185° True radials; Charleston, W. Va., omnirange station; Parkersburg, W. Va., omnirange station; intersection of Parkersburg omnirange 060° True and the Pittsburgh omnirange 223° True radials; to the Pittsburgh, Pa., omnirange station. From the Johnstown, Pa., omnirange station via the Tyrone, Pa., omnirange station; Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station; to the Syracuse, N. Y., omnirange station, including an east alternate via the intersection of the Elmira omnirange 047° True and the Syracuse omnirange 177° True radials. The portion of this airway above 19,000 feet above mean sea level, which lies within the Tyndall AFB Restricted Area (R–336), is excluded daily between sunset and sunrise.

§ 600.6036 *VOR civil airway No. 36 (Toronto, Ontario, to New York, N. Y.)* That airspace over United States territory from the Toronto, Ont., omnirange station via the intersection of the Toronto omnirange 141° True and the Buffalo omnirange 312° True radials; Buffalo, N. Y., omnirange station, including a south alternate from the Toronto omnirange station to the Buffalo omnirange station via the intersection of the Toronto omnirange 172° True and the Buffalo omnirange 294° True radials; Elmira, N. Y., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6037 *VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.)*. From the Savannah, Ga., omnirange station via the Allendale, S. C., omnirange station; Columbia, S. C., omnirange station; Charlotte, N. C., omnirange station; Pulaski, Va., omnirange station; Elkins, W. Va., omnirange station; Morgantown, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; to the Erie, Pa., omnirange station.

§ 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.)*. From the Iowa City, Iowa, omnirange station via the intersection of the Iowa City omnirange 093° True and the Joliet, omnirange 265° True radials; Joliet, Ill., omnirange station; Peotone, Ill., omnirange station; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 099° True and the Findlay omnirange 276° True radials; Findlay, Ohio, omnirange station; Appleton, Ohio, omnirange station; Zanesville, Ohio, omnirange station; Parkersburg, W. Va., omnirange station; to the Elkins, W. Va., omnirange station.

§ 600.6039 *VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine)*. From the South Boston, Va., omnirange station via the Gordonsville, Va., omnirange station; Herndon, Va., omnirange station; Westminster, Md., omnirange station; point of intersection of the Allentown omnirange 228° True radial with the Harrisburg, Pa., omnirange direct radial to the West Chester, Pa., omnirange station; Allentown, Pa., omnirange station; Stroudsburg, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; point of intersection of the Chester, Mass., omnirange 131° True and the Poughkeepsie omnirange 058° True radials; Gardner, Mass., omnirange station; Concord, N. H., omnirange station; to the Kennebunk, Maine, omnirange station.

§ 600.6040 *VOR civil airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.)*. From the point of intersection of the Mansfield, Ohio, omnirange 345° True radial and the Wellington VAR west course via the Wellington, Ohio, VAR station; intersection of the Wellington VAR east course and the Cleveland omnirange 132° True radial; intersection of the Cleveland omnirange 132° True and the Pittsburgh omnirange 291° True radials; to the Pittsburgh, Pa., omnirange station.

§ 600.6041 *VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio)*. From the Pittsburgh, Pa., omnirange station via the intersection of the Pittsburgh omnirange 326° True and the Youngstown 180° True radials to the Youngstown, Ohio, omnirange station.

§ 600.6042 *VOR civil airway No. 42 (Flint, Mich., to Washington, D. C.)*. That airspace over United States territory from the point of intersection of the Lansing, Mich., omnirange 068° True and the Salem, Mich., omnirange 342° True radials via the Windsor, Ont., omnirange station; Cleveland, Ohio, omnirange station; intersection of the Cleveland omnirange 116° True and the Pittsburgh omnirange 311° True radials; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station; Martinsburg, W. Va., omnirange station; to the Washington, D. C., terminal omnirange station.

§ 600.6043 *VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.)*. From the Appleton, Ohio, omnirange station via the Tiverton, Ohio, omnirange station; Youngstown, Ohio, omnirange station; to the Erie, Pa., omnirange station.

§ 600.6044 *VOR civil airway No. 44 (Centralia, Ill., to Baltimore, Md.)*. From the Centralia, Ill., omnirange station via the Nabb, Ind., omnirange station; York, Ky., omnirange station; Parkersburg, W. Va., omnirange station; Morgantown, W. V., omnirange station; Martinsburg, W. Va., omnirange station; Baltimore, Md., omnirange station; to the point of intersection of the Baltimore omnirange 100° True and the Dover, Del., omnirange 244° True radials, except that that portion of this civil airway which overlaps the Aberdeen restricted area (R–54) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.6045 *VOR civil airway No. 45 (New Bern, N. C., to Saginaw, Mich.)*. From the New Bern, N. C., omnirange station via the point of intersection of the New Bern omnirange 297° True and the Wilmington, N. C., omnirange 005° True radials; Raleigh, N. C., omnirange station; Greensboro, N. C., omnirange station, including an east alternate via the intersection of the Raleigh omnirange 309° True and the Greensboro omnirange 051° True radials and a west alternate via the intersection of the Raleigh omnirange 249° True and the Greensboro omnirange 122° True radials; Pulaski, Va., omnirange station; to the Charleston, W. Va., omnirange station. From the Lexington, Ky., omnirange station via the York, Ky., omnirange station; Appleton, Ohio, omnirange station; to the Waterville, Ohio, omnirange station. From the point of intersection of the Litchfield, Mich., omnirange 081° True and the Lansing omnirange 159° True radials; Lansing, Mich., omnirange station; to the Saginaw, Mich., omnirange station. The airspace above 5,500 feet above mean sea level of that portion of this airway which lies beneath, and conflicts with, the Cherry Point Restricted Area (R–125) is excluded daily from sunset to sunrise. The portions of this airway which overlap the Wilmington Restricted Area (R–109) are excluded.

§ 600.6046 *VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.)*. From the point of intersection of the Riverhead, N. Y., omnirange 262° True and the Wilton, Conn., omnirange 198° True radials via the Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 085° True and the Nantucket omnirange 252° True radials to the Nantucket, Mass., omnirange station, including a south alternate from the Riverhead omnirange station to the Nantucket, Mass., omnirange station via the intersection of the Riverhead omnirange 109° True and the Nantucket omnirange 252° True radials. The portions of this airway and its associated south alternate below 7,950 feet above mean sea level which lie within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this Chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.)*. From the Louisville, Ky., omnirange station via the Nabb, Ind., omnirange station; Cincinnati, Ohio, omnirange station; Sidney, Ohio, omnirange station, including a west alternate from the Cincinnati omnirange station to the point of intersection of the Dayton, Ohio, Dayton Airport ILS localizer southwest course with the Sidney omnirange direct radial to the Cincinnati omnirange station via the point of intersection of the Cincinnati omnirange 004° True radial with the Dayton Airport ILS localizer southwest course; Findlay, Ohio, omnirange station; Waterville, Ohio omnirange station; point of intersection of the Carleton, Mich., omnirange 264° True radial and the Detroit Willow Run Airport ILS localizer front course; Detroit, Mich., Willow Run Airport ILS localizer; to the point of intersection of the Detroit Willow Run Airport ILS localizer back course and the Salem, Mich., omnirange direct radial to the Windsor, Ontario, omnirange station.

§ 600.6048 *VOR civil airway No. 48 (Burlington, Iowa, to Pontiac, Ill.)*. From the Burlington, Iowa, omnirange station via the Peoria, Ill., omnirange station; to the Pontiac, Ill., omnirange station.

§ 600.6049 *VOR civil airway No. 49 (Dillon, Mont., to Great Falls, Mont.)*. From the Dillon, Mont., omnirange station via the Butte, Mont., omnirange station; intersection of the Butte omnirange 002° True and the Helena, Mont., omnirange 272° True radials; intersection of the Helena, Mont., omnirange 272° True and the Great Falls omnirange 222° True radials; to the Great Falls, Mont., omnirange station.

§ 600.6050 *VOR civil airway No. 50 (Kirksville, Mo., to Indianapolis, Ind.)*. From the Kirksville, Mo., omnirange station via the Quincy, Ill., omnirange station, including a south alternate via the intersection of the Kirksville omnirange 121° True and the Quincy omnirange 258° True radials; Springfield, Ill., omnirange station; Terre Haute, Ind., omnirange station; to the point of intersection of the Terre Haute omnirange 082° True radial and the Indianapolis, Ind., Wier Cook Airport ILS localizer 225° True course.

§ 600.6051 *VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.)*. From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 338° True and the Vero Beach omnirange 192° True radials; Vero Beach, Fla., omnirange station; Daytona Beach, Fla., omnirange station; Jacksonville, Fla., omnirange station; intersection of the Jacksonville omnirange 319° True and the Alma omnirange 148° True radials; Alma, Ga., omnirange station, including an east and a west alternate from the Jacksonville omnirange station to the Alma omnirange station; Macon, Ga., omnirange station; intersection of the Macon omnirange 330° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station, including a west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Crossville, Tenn., omnirange station, including an east alternate via the intersection of the Chattanooga omnirange 063° True and the Crossville omnirange 171° True radials; Louisville, Ky., omnirange station; Nabb, Ind., omnirange station; Shelbyville, Ind., omnirange station; Lafayette, Ind., omnirange station; Chicago Heights, Ill., omnirange station; to the point of intersection of the Chicago Heights, Ill., omnirange 342° True and the Naperville, Ill., omnirange 090° True radials. The portions of this airway which overlap the Sterling restricted area (R–169 and R–170) are excluded.

§ 600.6052 *VOR civil airway No. 52 (Des Moines, Iowa, to St. Louis, Mo.)*. From the Des Moines, Iowa, omnirange station via Ottumwa, Iowa, omnirange station, including a south alternate; Quincy, Ill., omnirange station, including a north alternate, to the St. Louis, Mo., omnirange, including a north alternate.

§ 600.6053 *VOR Civil airway No. 53 (Charleston, S. C., to Chicago, Ill.)*. From the Charleston, S. C., omnirange station via the Columbia, S. C., omnirange station; Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station; Tri-City, Tenn., omnirange station; Lexington, Ky., omnirange station; Louisville, Ky., omnirange station; intersection of the Louisville omnirange 333° True and the Indianapolis omnirange 170° True radials; Indianapolis, Ind., omnirange station; intersection of the Indianapolis omnirange 311° True and the Peotone omnirange 153° True radials; Peotone, Ill., omnirange station; to the point of intersection of the Peotone omnirange 003° True and the Joliet, Ill., omnirange 056° True radials.

§ 600.6054 *VOR civil airway No. 54 (Quitman, Tex., to Charlotte, N. C.)*. From the Quitman, Tex., omnirange station via the Texarkana, Ark., omnirange station; intersection of the Texarkana omnirange 052° True and the Little Rock omnirange 235° True radials; Little Rock, Ark., omnirange station, including a north alternate via the intersection of the Texarkana omnirange 033° True and the Little Rock omnirange 255° True radials; intersection of the Little Rock omnirange 077° True and the Memphis omnirange 261° True radials; Memphis, Tenn., omnirange station, including a north alternate from the Little Rock omnirange station to the Memphis omnirange station via the intersection of the Little Rock omnirange 062° True and the Memphis omnirange 276° True radials;

Muscle Shoals, Ala., omnirange station including a south alternate; Huntsville, Ala., omnirange station; Chattanooga, Tenn., omnirange station; Spartanburg, S. C., omnirange station; to the Charlotte, N. C., omnirange station.

§ 600.6055 *VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.).* From the Dayton, Ohio, omnirange station via the Fort Wayne, Ind., omnirange station, including a west alternate via the point of intersection of the Fort Wayne omnirange 162° True with the Sidney, Ohio, omnirange 279° True radials; Goshen, Ind., omnirange station, including a west alternate via the point of intersection of the Goshen omnirange 168° True with the Fort Wayne omnirange direct radial to the Peotone, Ill., omnirange station; South Bend, Ind., omnirange station; Keeler, Mich., omnirange station; Pullman, Mich., omnirange station; Muskegon, Mich., omnirange station; intersection of the Muskegon omnirange 352° True and the Green Bay omnirange 118° True radials; to the Green Bay, Wis., omnirange station.

§ 600.6056 *VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.).* From the Montgomery, Ala., omnirange station via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 266° True radials; Columbus, Ga., omnirange station; Macon, Ga., omnirange station; Augusta, Ga., omnirange station; Columbia, S. C., omnirange station; intersection of the Columbia omnirange 079° True and the Florence omnirange 246° True radials; to the Florence, S. C., omnirange station.

§ 600.6057 *VOR civil airway No. 57 (Evergreen, Ala., to Lexington, Ky.)* From the Evergreen, Ala., omnirange station via the intersection of the Evergreen omnirange 049° True and the Birmingham omnirange 180° True radials; Birmingham, Ala., omnirange station; Muscle Shoals, Ala., omnirange station; Graham, Tenn., omnirange station; Bowling Green, Ky., omnirange station; point of intersection of the Bowling Green omnirange 063° True and the Louisville, Ky., omnirange 168° True radials; to the Lexington, Ky., omnirange station.

§ 600.6058 *VOR civil airway No. 58 (Bergholz, Ohio, to Hartford, Conn.).* From the point of intersection of the Youngstown, Ohio, omnirange 195° True and the Wheeling, W. Va., omnirange 313° True radials via the Ellwood City, Pa., omnirange station; intersection of the Ellwood City omnirange 087° True and the Philipsburg omnirange 267° True radials; Philipsburg, Pa., omnirange station; Williamsport, Pa., omnirange station; intersection of the Williamsport omnirange 088° True and the Wilkes-Barre-Scranton omnirange 238° True radials; Wilkes-Barre-Scranton, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Hartford, Conn., omnirange station; to the point of intersection of the Hartford omnirange 130° True and the River Head, N. Y., omnirange 042° True radials.

§ 600.6060 *VOR civil airway No. 60 (Albuquerque, N. Mex., to Lubbock, Tex.).* From the Albuquerque, N. Mex., omnirange station via the Otto, N. Mex., omnirange station, including a south alternate; Las Vegas, N. Mex., omnirange station; Tucumcari, N. Mex., omnirange station; Texico, N. Mex., omnirange station; to the Lubbock, Tex., omnirange station.

§ 600.6061 *VOR civil airway No. 61 (Fort Worth, Tex., to Lawton, Okla.).* From the Fort Worth, Tex., omnirange station via the intersection of the Fort Worth omnirange 315° True and the Wichita Falls omnirange 139° True radials; Wichita Falls, Tex., omnirange station, to the Lawton, Okla., omnirange station.

§ 600.6062 *VOR civil airway No. 62 (Santa Fe, N. Mex., to Abilene, Tex.).* From the Santa Fe, N. Mex., omnirange station via the Anton Chico, N. Mex., omnirange station; Texico, N. Mex., omnirange station; Lubbock, Tex., omnirange station; intersection of the Lubbock omnirange 101° True and the Abilene omnirange 327° True radials; to the Abilene, Tex., omnirange station.

§ 600.6063 *VOR civil airway No. 63 (Waco, Tex., to Milwaukee, Wis.).* From the Waco, Tex., omnirange station via the point of intersection of the Waco omnirange 036° True and the Dallas, Tex., omnirange 133° True radials; to the Sulphur Springs, Tex., omnirange station. From the McAlester, Okla., omnirange station via the Fayetteville, Ark., omnirange station; Springfield, Mo., omnirange station; Columbia, Mo., omnirange station; Quincy, Ill., omnirange station; Burlington, Iowa, omnirange station; intersection of the Burlington omnirange 015° True and the Janesville omnirange 239° True radials; Janesville, Wis., omnirange station; to the Milwaukee, Wis., omnirange station.

§ 600.6064 *VOR civil airway No. 64 (Long Beach, Calif., to Blythe, Calif.).* From the Long Beach, Calif., omnirange station via the Thermal, Calif., omnirange station; to the Blythe, Calif., omnirange station.

§ 600.6065 *VOR civil airway No. 65 (Kansas City, Mo., to Lamoni, Iowa).* From the point of intersection of the Kansas City, Mo., omnirange 231° True and the St. Joseph, Mo., omnirange 178° True radials via the St. Joseph, Mo., omnirange station; to the Lamoni, Iowa, omnirange station.

§ 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Charlotte, N. C.).* That airspace over United States territory from the San Diego, Calif., omnirange station via the intersection of the San Diego omnirange 098° True and the El Centro omnirange 265° True radials; El Centro, Calif., omnirange station; Yuma, Ariz, omnirange station; intersection of the Yuma omnirange 87° True and the Gila Bend omnirange 261° True radials; Gila Bend, Ariz., omnirange station; Tucson, Ariz., omnirange station, including a north alternate from the Gila Bend omnirange station to the Tucson omnirange station via the Casa Grande, Ariz., omnirange station and the point of intersection of the Phoenix, Ariz., omnirange 161° True radial with the Casa Grande omnirange direct radial to the San Simon, Ariz., omnirange station; Douglas, Ariz., omnirange station; the intersection of the Douglas 63° True and the Columbus, N. Mex., omnirange 277° True radials; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station, including a north alternate; intersection of the El Paso omnirange 132° True and the Hudspeth omnirange 272° True radials; Hudspeth, Tex., omnirange station; Culberson, Tex., omnirange station; intersection of the Culberson omnirange 090° True and the Midland omnirange 242° True radials; Midland, Tex., omnirange station; point of intersection of the Midland omnirange 084° True and the Big Spring, Tex., omnirange 139° True radials; Abilene, Tex., omnirange station; intersection of the Abilene omnirange 066° True and the Fort Worth omnirange 248° True radials; Fort Worth, Tex., omnirange station; to the Sulphur Springs, Tex., omnirange station. From the Atlanta, Ga., omnirange station via the Athens, Ga., omnirange station; point of intersection of the Spartanburg, S. C., omnirange 148° True and the Charlotte omnirange 242° True radials; to the Charlotte, N. C., omnirange station.

§ 600.6067 *VOR civil airway No. 67 (Cedar Rapids, Iowa, to Rochester, Minn.).* From the Cedar Rapids, Iowa, omnirange station via the Waterloo, Iowa, omnirange station; Mason City, Iowa, omnirange station; to the Rochester, Minn., omnirange station, including a west alternate.

§ 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.).* That airspace over United States territory from the Albuquerque, N. Mex., omnirange station via the intersection of the Albuquerque omnirange 120° True and the Corona omnirange 311° True radials; Corona, N. Mex., omnirange station, including a north alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque omnirange 103° True and the Corona omnirange 328° True radials and also a south alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque omnirange 169° True and the Corona omnirange 272° True radials; Roswell, N. Mex., omnirange station, including a north alternate via the intersection of the Corona omnirange 125° True and the Roswell omnirange 335° True radials; Hobbs, N. Mex., omnirange station; Midland, Tex., omnirange station, including a south alternate from the Hobbs omnirange station to the Midland omnirange station via the point of intersection of the Hobbs omnirange 147° True and the Wink, Tex., omnirange 066° True radials; San Angelo, Tex., omnirange station, including a south alternate via the intersection of the Midland omnirange 146° True and the San Angelo omnirange 278° True radials; Junction, Tex., omnirange station, including a south alternate via the intersection of the San Angelo omnirange 310° True radials and also a north alternate via the intersection of the San Angelo omnirange 112° True and the Junction omnirange 342° True radials; San Antonio, Tex., omnirange station; intersection of the San Antonio omnirange 167° True and the Corpus Christi omnirange 321° True radials; Corpus Christi, Tex., omnirange station; intersection of the Corpus Christi omnirange 236° True and the Alice, Tex., omnirange 171° True radials; intersection of the Alice omnirange 171° True and the Brownsville omnirange 339° True radials; to the Brownsville, Tex., omnirange station. The portions of this airway which conflict with the Corpus Christi Restricted Area (R–227) are excluded.

§ 600.6069 *VOR civil airway No. 69 (Shreveport, La., to Chicago, Ill.).* From the Shreveport, La., omnirange station via the intersection of the Shreveport omnirange 087° True and the El Dorado omnirange 217° True radials; El Dorado, Ark., omnirange station; intersection of the El Dorado omnirange 041° True and the Pine Bluff omnirange 210° True radials; Pine Bluff, Ark., omnirange station; point of intersection of the Little Rock, Ark., omnirange 062° True and the Memphis, Tenn., omnirange 276° True radials; Walnut Ridge, Ark., omnirange station; Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station; Springfield, Ill., omnirange station; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; to the point of intersection of the Joliet omnirange 056° True and the Peotone, Ill., omnirange 003° True radials.

§ 600.6070 *VOR civil airway No. 70 (Corpus Christi, Tex., to Evergreen, Ala.).* From the Corpus Christi, Tex., omnirange station via the Palacios, Tex., omnirange station; Galveston, Tex., omnirange station; intersection of the Galveston omnirange 067° True and the Lake Charles omnirange 241° True radials; Lake Charles, La., omnirange station; Lafayette, La., omnirange station; Baton Rouge, La., omnirange station; Picayune, Miss., omnirange station; to the Evergreen, Ala., omnirange station.

§ 600.6071 *VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.).* From the Pine Bluff, Ark., omnirange station via the intersection of the Pine Bluff omnirange 007° True and the Little Rock omnirange 141° True radials to the Little Rock, Ark., omnirange station. From the Flippin, Ark., omnirange station via the Springfield, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate via the intersection of the Springfield omnirange 301° True and the Butler omnirange 178° True radials; to the Kansas City, Mo., omnirange station.

§ 600.6072 *VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.).* From the Troy, Ill., omnirange station via the Vandalia, Ill., omnirange station; Lafayette, Ind., omnirange station; to the point of intersection of the Lafayette omnirange 089° True and the Fort Wayne, Ind., omnirange 226° True radials. From the Findlay, Ohio, omnirange station via the Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station; point of intersection of the Fitzgerald, Pa., omnirange 304° True and the Bradford omnirange 260° True radials; Bradford, Pa., omnirange station; Elmira, N. Y., omnirange station; Binghamton, N. Y., omnirange station; Rockdale, N. Y., omnirange station; to the Albany, N. Y., omnirange station.

§ 600.6073 *VOR civil airway No. 73 (Wichita, Kans., to Salina, Kans.).* From the Wichita, Kans., omnirange station via the Hutchinson, Kans., omnirange station; intersection of the Hutchinson omnirange 025° True and the Salina omnirange 184° True radials; to the Salina, Kans., omnirange station.

§ 600.6074 *VOR civil airway No. 74 (Hugo, Colo., to Little Rock, Ark.).* From the Hugo, Colo., omnirange station via the Garden City, Kans., omnirange station; Dodge City, Kans., omnirange station; Anthony, Kans., omnirange station; Ponca City, Okla., omnirange station; Tulsa, Okla., omnirange station, including a south alternate via the intersection of the Ponca City omnirange 132° True and the Tulsa omnirange 260° True radials; Fort Smith, Ark., omnirange station, including a north alternate from the Tulsa omnirange station to the Fort Smith omnirange station via the point of intersection of the Tulsa omnirange 088° True and the Neosho, Mo., omnirange 223° True radials and also a south alternate from the Tulsa omnirange station to the Fort Smith omnirange station via the Okmulgee, Okla., omnirange station; intersection of the Fort Smith omnirange 098° True and the Little Rock omnirange 302° True radials; to the Little Rock, Ark., omnirange station.

§ 600.6075 *VOR civil airway No. 75 (Petersburg, W. Va., to Cleveland, Ohio).* From the point of intersection of the Morgantown, W. Va., omnirange 134° True and the Elkins, W. Va., omnirange 083° True radials via the Morgantown, W. Va., omnirange station; Wheeling, W. Va., omnirange station; to the Cleveland, Ohio, omnirange station.

§ 600.6076 *VOR civil airway No. 76 (Lubbock, Tex., to Galveston, Tex.).* From the Lubbock, Tex., omnirange station via the Big Spring, Tex., omnirange station; San Angelo, Tex., omnirange station, including a north alternate via the point of intersection of the Big Spring omnirange 124° True and the San Angelo omnirange 024° True radials; Austin, Tex., omnirange station; Houston, Tex., omnirange station; to the Galveston, Tex., omnirange station.

§ 600.6077 *VOR civil airway No. 77 (Cotulla, Tex., to Des Moines, Iowa).* From the Cotulla, Tex. ,omnirange station via the Junction, Tex., omnirange station; San Angelo, Tex., omnirange station; Abilene, Tex., omnirange station, including an east alternate via the intersection of the San Angelo omnirange 072° True and the Abilene omnirange 181° True radials; Wichita Falls, Tex., omnirange station, including an east alternate; intersection of the Wichita Falls omnirange 028° True and the Oklahoma City omnirange 202° True radials; Oklahoma City, Okla., omnirange station including an east alternate from the Wichita Falls omnirange station to the Oklahoma City omnirange station via the intersection of the Wichita Falls omnirange 043° True and the Oklahoma City omnirange 180° True radials excluding those portions of this airway which overlap the Fort Sill restricted area (R–208); Ponca City, Okla., omnirange station; intersection of the Ponca City omnirange 327° True and the Wichita omnirange 226° True radials; Wichita, Kans., omnirange station; point of intersection of the Hutchinson, Kans., omnirange 062° True and the Topeka omnirange 236° True radials; Topeka, Kans., omnirange station; St. Joseph, Mo., omnirange station; Lamoni, Iowa, omnirange station; to the Des Moines, Iowa, omnirange station.

§ 600.6078 *VOR civil airway No. 78 (Huron, S. Dak., to Minneapolis, Minn.).* From the Huron, S. Dak., omnirange station via the Watertown, S., Dak., omnirange station, including a south alternate; to the Minneapolis, Minn., omnirange station.

§ 600.6079 *VOR civil airway No. 79 (Fort Stockton, Tex., to Lubbock, Tex.).* From the Fort Stockton, Tex., omnirange station via the Wink, Tex., omnirange station; Hobbs, N. Mex., omnirange station; to the Lubbock, Tex., omnirange station.

§ 600.6080 *VOR civil airway No. 80 (Sioux Falls, S. Dak., to Redwood Falls, Minn.).* From the Sioux Falls, S. Dak., omnirange station to the Redwood Falls, Minn., omnirange station, including a south alternate.

§ 600.6081 *VOR civil airway No. 81 (Midland, Tex., to Salt Lake City, Utah).* From the Midland, Tex., omnirange station via the Lubbock, Tex., omnirange station; Amarillo, Tex., omnirange station, including an east alternate; Dalhart, Tex., omnirange station, including an east alternate; to the Pueblo, Colo., omnirange station. From the Grand Junction, Colo., omnirange station via the Myton, Utah, omnirange station; to the Salt Lake City, Utah, omnirange station.

§ 600.6082 *VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).* From the Minneapolis, Minn., omnirange station via the Rochester, Minn., omnirange station, including a south alternate via the intersection of the Minneapolis omnirange 179° True and the Rochester omnirange 318° True radials; to the La Crosse, Wis., omnirange station, including a south alternate.

§ 600.6083 *VOR civil airway No. 83 (Carlsbad, N. Mex., to Pueblo, Colo.).* From the Carlsbad, N. Mex., omnirange station, via the Roswell, N, Mex., omnirange station; Corona, N. Mex., omnirange station, including an east alternate via the intersection of the Roswell omnirange 335° True and the Corona omnirange 125° True radials; Otto, N. Mex., omnirange station; Santa Fe, N. Mex., omnirange station; intersection of the Santa Fe omnirange 010° True and the Alamosa omnirange 183° True radials;

Alamosa, Colo., omnirange station; to the Pueblo, Colo., omnirange station.

§ 600.6084 *VOR civil airway No. 84 (Shabbona, Ill., to Buffalo, N. Y.).* That airspace over United States territory from the point of intersection of the Moline, Ill., omnirange 088° True and the Northbrook omnirange 238° True radials via the Northbrook, Ill., omnirange station; Pullman, Mich., omnirange station; Lansing, Mich., omnirange station; Selfridge, Mich., omnirange station; London, Ont., omnirange station; to the Buffalo, N. Y., omnirange station.

§ 600.6085 *VOR civil airway No. 85 (Rock River, Wyo., to Casper, Wyo.).* From the Rock River, Wyo., omnirange station to the Casper, Wyo., omnirange station, including a west alternate via the intersection of the Rock River omnirange 336° True and the Casper omnirange 216° True radials.

§ 600.6086 *VOR civil airway No. 86 (Butte, Mont., to Bozeman, Mont.).* From the Butte, Mont., omnirange station via the Whitehall, Mont., omnirange station to the Bozeman, Mont., omnirange station.

§ 600.6087 *VOR civil airway No. 87 (Gila Bend, Ariz., to Hassayampa, Ariz.).* From the Gila Bend, Ariz., omnirange station to the Hassayampa, Ariz., omnirange station.

§ 600.6088 *VOR civil airway No. 88 (Tulsa, Okla., to Vichy, Mo.).* From the Tulsa, Okla., omnirange station via the intersection of the Tulsa omnirange 044° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Vichy, Mo., omnirange station; to the point of intersection of the Vichy omnirange 084° True and the St. Louis, Mo., omnirange 170° True radials.

§ 600.6089 *VOR civil airway No. 89 (Denver, Colo., to Rapid City, S. Dak.).* From the Denver, Colo., omnirange station via the Cheyenne, Wyo., omnirange station, including an east alternate via the intersection of the Denver omnirange 016° True and the Cheyenne omnirange 131° True radials; Chadron, Nebr., omnirange station, including an east alternate via the intersection of the Cheyenne omnirange 054° True and the Chadron omnirange 197° True radials; to the Rapid City, S. Dak., omnirange station, including an east alternate. The portion of this which overlaps the Scenic restricted area (R–190) is excluded.

§ 600.6090 *VOR civil airway No. 90 (Litchfield, Mich., to Windsor, Ontario).* That airspace over United States territory from the Litchfield, Mich., omnirange station to the Windsor, Ontario, omnirange station.

§ 600.6091 *VOR civil airway No. 91 (New York, N. Y., to Montreal, Quebec).* That airspace over U. S. territory from the Idlewild, N. Y., omnirange station via the point of intersection of the Idlewild omnirange 042° True and the Wilton omnirange 185° True radials; Wilton, Conn., omnirange station; Poughkeepsie, N. Y., omnirange station; Albany, N. Y., omnirange station, including an east alternate via the intersection of the Poughkeepsie omnirange 007° True and the Albany omnirange 140° True radials and also a west alternate; Plattsburg, N. Y., omnirange station; to the Montreal, Quebec, omnirange station.

§ 600.6092 *VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.).* From the Joliet, Ill., omnirange station via the Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station; Waterville, Ohio, omnirange station; Mansfield, Ohio, omnirange station; point of intersection of the Pittsburgh, Pa., omnirange 291° True and the Youngstown, Ohio, omnirange 195° True radials; Wheeling, W. Va., omnirange station; Grantsville, Md., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6093 *VOR civil airway No. 93 (Baltimore, Md., to Presque Isle, Maine).* That airspace over United States territory from the Baltimore, Md., omnirange station via the intersection of the Baltimore omnirange 015° True and the Allentown omnirange 228° True radials; to the Allentown, Pa., omnirange station. From the Poughkeepsie, N. Y., omnirange station via the Chester, Mass., omnirange station; point of intersection of the Albany, N. Y., omnirange 099° True and the Concord omnirange 231° True radials; Concord, N. H., omnirange station; intersection of the Concord omnirange 041° True and the Augusta omnirange 239° True radials; Augusta, Maine, omnirange station; Bangor, Maine, omnirange station; Princeton, Maine, omnirange station; Houlton, Maine, omnirange station; to the Presque Isle, Maine, omnirange station. The portions of this airway which overlap the Washington, D. C., prohibited area (P–56) are excluded.

§ 600.6094 *VOR civil airway No. 94 (Casa Grande, Ariz., to Longview, Tex.).* From the Casa Grande, Ariz., omnirange station via the San Simon, Ariz., omnirange station; the point of intersection of the San Simon omnirange 089° True and the El Paso, Tex., omnirange 293° True radials; point of intersection of the El Paso omnirange 293° True and the Newman omnirange 272° True radials; Newman, Tex., omnirange station; intersection of the Newman omnirange 091° True and the Salt Flat omnirange 312° True radials; Salt Flat, Tex., omnirange station; Carlsbad, N. Mex., omnirange station; to the Hobbs, N. Mex., omnirange station. From the Abilene, Tex., omnirange station via the intersection of the Abilene omnirange 096° True and the Britton omnirange 264° True radials; Britton, Tex., omnirange station; to the Gregg County, Tex., omnirange station. The portions of this airway which overlap the White Sands Restricted Area (R–209) and the McGregor Restricted Area (R–211) are excluded.

§ 600.6095 *VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).* From the Phoenix, Ariz., omnirange station to the Winslow, Ariz., omnirange station.

§ 600.6096 *VOR civil airway No. 96 (Lafayette, Ind., to Toledo, Ohio).* From the Lafayette, Ind., omnirange station via the intersection of the Lafayette omnirange 089° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; to the Waterville, Ohio, omnirange station.

§ 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.).* From the Miami, Fla., omnirange station via the La Belle, Fla., omnirange station; Tampa, Fla., omnirange station; Tallahassee, Fla., omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the Cross City, Fla., omnirange station; Albany, Ga., omnirange station; Atlanta, Ga., omnirange station; Knoxville, Tenn., omnirange station, including an east alternate from the Atlanta omnirange station to the Knoxville omnirange station via the Norcross, Ga., omnirange station and the intersection of the Norcross omnirange 014° True and the Knoxville omnirange 175° True radials; Lexington, Ky., omnirange station; intersection of the Lexington omnirange 347° True and the Cincinnati omnirange 175° True radials; Cincinnati, Ohio, omnirange station; Shelbyville, Ind., omnirange station, including an east alternate via the intersection of the Cincinnati omnirange 321° True and the Shelbyville omnirange 110° True radials and also a west alternate via the intersection of the Cincinnati omnirange 290° True and the Shelbyville omnirange 172° True radials; Lafayette, Ind., omnirange station, including a west alternate from the Shelbyville omnirange station to the Lafayette omnirange station via the Indianapolis, Ind., omnirange station and the intersection of the Indianapolis omnirange 344° True and the Lafayette omnirange 133° True radials; to the Chicago Heights, Ill., omnirange station. From the point of intersection of the Janesville omnirange 098° True and the Milwaukee, Wis., omnirange 192° True radials via the Janesville, Wis., omnirange station; intersection of the Janesville omnirange 294° True and the Lone Rock omnirange 147° True radials; Lone Rock, Wis., omnirange station; La Crosse, Wis., omnirange station; intersection of the La Crosse omnirange 311° True radial and the Minneapolis-St. Paul International Airport ILS 121° True localizer course; to the Minneapolis-St. Paul, Minn., International Airport ILS localizer. The portions of this airway above 19,000 feet above mean sea level, which lie within the Tyndall AFB restricted area (R–336) and the Tyndall AFB warning area (W–337) are excluded daily between sunset and sunrise.

§ 600.6098 *VOR civil airway No. 98 (Fort Wayne, Ind., to Montreal, Quebec).* That airspace over United States territory from the Fort Wayne, Ind., omnirange station via the Carleton, Mich., omnirange station; Windsor, Ontario, omnirange station; London, Ontario, omnirange station; Toronto, Ontario, omnirange station; Stirling, Ontario, omnirange station; Massena, N. Y., omnirange station; to the Montreal, Quebec, omnirange station.

§ 600.6099 *VOR civil airway No. 99 (Newport, Oreg., to Vancouver, British Columbia).* That airspace over United States territory from the Newport, Oreg., omnirange station via the intersection of the Newport omnirange 023° True and the Newberg omnirange 251° True radials; Newberg, Oreg., omnirange station; intersection of the Newberg omnirange 355° True and the Olympia omnirange 195° True radials; Olympia, Wash., omnirange station; point of intersection of the Seattle, Wash., omnirange 359° True and the Bellingham omnirange 169° True radials; Bellingham, Wash., omnirange station; to the Vancouver, British Columbia, radio range station, excluding the portion of this airway, below 14,000 feet above mean sea level, which overlaps the Fort Lewis restricted area (R–505).

§ 600.6100 *VOR civil airway No. 100 (North Platte, Nebr., to Detroit, Mich.).* From the North Platte, Nebr., omnirange station via the Sioux City, Iowa, omnirange station; Fort Dodge, Iowa, omnirange station; Waterloo, Iowa, omnirange station; Dubuque, Iowa, omnirange station; Rockford, Ill., omnirange station; Northbrook, Ill., omnirange station; intersection of the Northbrook omnirange 093° True and the Keeler omnirange 271° True radials; Keeler, Mich., omnirange station; point of intersection of the Litchfield, Mich., omnirange 050° True and the Salem omnirange 257° True radials; to the Salem, Mich., omnirange station. The portion of this airway below 1900 feet above mean sea level which overlaps the Savanna restricted area (R–498) is excluded.

§ 600.6101 *VOR civil airway No. 101 (Ogden, Utah, to Burley, Idaho).* From the Ogden, Utah, omnirange station to the Burley, Idaho, omnirange station.

§ 600.6102 *VOR civil airway No. 102 (Lubbock, Tex., to Wichita Falls, Tex.).* From the Lubbock, Tex., omnirange station via the Guthrie, Tex., omnirange station; to the Wichita Falls, Tex., omnirange station, including a south alternate via the intersection of the Guthrie omnirange 103° True and the Wichita Falls omnirange 247° True radials.

§ 600.6103 *VOR civil airway No. 103 (Greensboro, N. C., to Cleveland, Ohio).* From the Greensboro, N. C., omnirange station via the Roanoke, Va., terminal omnirange station; Elkins, W. Va., omnirange station; Wheeling, W. Va., omnirange station; point of intersection of the Wheeling omnirange 313° True and the Mansfield, Ohio, omnirange 100° True radials; point of intersection of the Mansfield, Ohio, omnirange 100° True and the Cleveland omnirange 150° True radials; to the Cleveland, Ohio, omnirange station.

§ 600.6104 *VOR civil airway No. 104 (Ottawa, Ont., to Plattsburgh, N. Y.)* That airspace over United States territory from the Ottawa, Ont., omnirange station via the intersection of the Ottawa omnirange 082° True and the Massena omnirange 346° True radials; Massena, N. Y., omnirange station; to the Plattsburgh, N. Y., omnirange station.

§ 600.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Las Vegas, Nev.).* From the Phoenix, Ariz., omnirange station via the Prescott, Ariz., omnirange station, including an east alternate via the intersection of the Phoenix omnirange 004° True and the Prescott omnirange 135° True radials; to the Las Vegas, Nev., omnirange station.

§ 600.6106 *VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine).* From the Charleston, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Johnstown, Pa., omnirange station, including a north alternate via the intersection of the Morgantown omnirange 021° True and the Pittsburgh omnirange 117° True radials; point of intersection of the Tower City, Pa., omnirange 279° True radial with the Philipsburg, Pa., omnirange direct radial to the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; point of intersection of the Chester, Mass., omnirange 131° True and the Poughkeepsie omnirange 058° True radials; Gardner, Mass., omnirange station; point of intersection of the Gardner omnirange 051° True and the Concord, N. H., omnirange 146° True radials; to the Kennebunk, Maine, omnirange station.

§ 600.6107 *VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.).* From the point of intersection of the Long Beach, Calif., omnirange 287° True and the Los Angeles, Calif., omnirange 149° True radials via the point of intersection of the Long Beach omnirange 287° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station; Coalinga, Calif., omnirange station; Oakland, Calif., omnirange station; intersection of the Oakland omnirange 330° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; to the Red Bluff, Calif., omnirange station.

§ 600.6108 *VOR civil airway No. 108 (Colorado Springs, Colo., to Salina, Kans.).* From Colorado Springs, Colo., non directional radio beacon via the Hugo, Colo., omnirange station; Goodland, Kans., omnirange station; Hill City, Kans., omnirange station; intersection of the Hill City omnirange 093° True and the Salina omnirange 286° True radials; to the Salina, Kans., omnirange station. The portion of this airway which overlaps the Camp Carson Restricted Area (R–194) is excluded.

§ 600.6109 *VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.).* From the Paso Robles, Calif., omnirange station via the Coalinga, Calif., omnirange station to the Fresno, Calif., omnirange station.

§ 600.6110 *VOR civil airway No. 110 (San Francisco, Calif., to Altamont, Calif.).* From the point of intersection of the Agnew omnirange 218° True and the Salinas omnirange 319° True radials via the Agnew, Calif., omnirange station; to the point of intersection of the Agnew omnirange 038° True and the Modesto, Calif., omnirange 273° True radials.

§ 600.6111 *VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).* From the Salinas, Calif., omnirange station to the point of intersection of the San Francisco omnirange 111° True and the Salinas omnirange 049° True radials.

§ 600.6112 *VOR civil airway No. 112 (Portland, Oreg., to Pendleton, Oreg.).* From the Portland, Oreg., omnirange station via The Dalles, Oreg., omnirange station, including a north alternate; intersection of the The Dalles omnirange 096° True and the Pendleton omnirange 254° True radials; to the Pendleton, Oreg., omnirange station.

§ 600.6113 *VOR civil airway No. 113 (Paso Robles, Calif., to Reno, Nev.).* From the Paso Robles, Calif., omnirange station via the intersection of the Paso Robles omnirange 352° True and the Modesto omnirange 176° True radials; Modesto, Calif., omnirange station to the Reno, Nev., omnirange station.

§ 600.6114 *VOR civil airway No. 114 (Amarillo, Tex., to New Orleans, La.).* From the Amarillo, Tex., omnirange station via the Childress, Tex., omnirange station, including a south alternate; Wichita Falls, Tex., omnirange station; Dallas, Tex., omnirange station; intersection of the Dallas 136° True and the Gregg County omnirange 273° True radials; Gregg County, Tex., omnirange station, including a north alternate from the Dallas omnirange station to the Gregg County omnirange station via the Quitman, Tex., omnirange station; point of intersection of the Shreveport, La., omnirange 176° True and the Alexandria omnirange 300° True radials; Alexandria, La., omnirange station, including a north alternate from the Gregg County omnirange station to the Alexandria omnirange station via the Shreveport omnirange station and the point of intersection of the Shreveport omnirange 176° True with the Alexandria omnirange 300° True radials; Baton Rouge, La., omnirange station; to the New Orleans, La., omnirange station.

§ 600.6115 *VOR civil airway No. 115 (Crestview, Fla., to Charleston, W. Va.).* From the Crestview, Fla., omnirange station via the Montgomery, Ala., omnirange station; intersection of the Montgomery omnirange 358° True and the Birmingham omnirange 145° True radials; Birmingham, Ala., omnirange station; Chattanooga, Tenn., omnirange station; intersection of the Chattanooga omnirange 032° True and the Knoxville omnirange 249° True radials; Knoxville, Tenn., omnirange station; to the Charleston, W. Va., omnirange station.

§ 600.6116 *VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.).* From the Kansas City, Mo., omnirange station via the Macon, Mo., omnirange station; Quincy, Ill., omnirange station; Peoria, Ill., omnirange station; Joliet, Ill., omnirange station; Naperville, Ill., omnirange station; Keeler, Mich. omnirange station; point of intersection of the Litchfield, Mich., 050° True and the

Salem omnirange 257° True radials; Salem, Mich., omnirange station; Windsor, Ontario, omnirange station; Erie, Pa., omnirange station; Bradford, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6117 *VOR civil airway No. 117 (El Centro, Calif., to Daggett, Calif.).* From the El Centro, Calif., omnirange station via the intersection of the El Centro omnirange 350° True and the Thermal omnirange 122° True radials; Thermal, Calif., omnirange station; to the Daggett, Calif., omnirange station. The portion of this airway which overlaps the Salton Sea restricted area (R–303) is excluded.

§ 600.6118 *VOR civil airway No. 118 (Rock River, Wyo., to Cheyenne, Wyo.).* From the Rock River, Wyo., omnirange station via the Laramie, Wyo., omnirange station to the Cheyenne, Wyo., omnirange station.

§ 600.6119 *VOR civil airway No. 119 (Huntington, W. Va., to Bradford, Pa.).* From the Huntington, W. Va., nondirectional radio beacon via the Parkersburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station; Fitzgerald, Pa., omnirange station; to the Bradford, Pa., omnirange station.

§ 600.6120 *VOR civil airway No. 120 (Ephrata, Wash., to Miles City, Mont.).* From the Ephrata, Wash., omnirange station via the intersection of the Ephrata omnirange 096° True and the Mullan Pass omnirange 260° True radials: Mullan Pass, Mont., omnirange station; Great Falls, Mont., omnirange station; Lewistown, Mont., omnirange station; to the Miles City, Mont., omnirange station.

§ 600.6121 *VOR civil airway No. 121 (North Bend, Oreg., to Eugene, Oreg.).* From the North Bend, Oreg., omnirange station to the Eugene, Oreg., omnirange station.

§ 600.6122 *VOR civil airway No. 122 (Crescent City, Calif., to Klamath Falls, Oreg.).* From the Crescent City, Calif., omnirange station to the Medford, Oreg., omnirange station. From the point of intersection of the Medford, Oreg., omnirange 176° True and the Klamath Falls, Oreg., omnirange 273° True radials; to the Klamath Falls, Oreg., omnirange station.

§ 600.6123 *VOR civil airway No. 123 (Washington, D. C., to Wilton, Conn.).* From the Washington, D. C., terminal omnirange station via the Baltimore, Md., LF radio range station; point of intersection of the Baltimore LF radio range north course and the Baltimore, Md., omnirange 045° True radial; point of intersection of the Baltimore omnirange 045° True and the Woodstown omnirange 269° True radials; Woodstown, N. J., omnirange station; point of intersection of the Woodstown omnirange 045° True and the Coyle, N. J., omnirange 354° True radials; point of intersection of the Idlewild, N. Y., omnirange 236° True radial and the La Guardia Airport, N. Y., ILS localizer south course; La Guardia Airport, N. Y., ILS localizer; to the Wilton, Conn., omnirange station. The portions of this airway which overlap the Washington prohibited area (P–56) and the Edgewood Arsenal restricted area (R–82) are excluded.

§ 600.6125 *VOR civil airway No. 125 (Anthony, Kans., to Hutchinson, Kans.).* From the Anthony, Kans., omnirange station to the Hutchinson, Kans., omnirange station.

§ 600.6126 *VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.).* From the point of intersection of the Naperville, Ill., omnirange 090° True and the Chicago Heights omnirange 342° True radials via the Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station; Waterville, Ohio, omnirange station; Cleveland, Ohio omnirange station; Jefferson, Ohio, omnirange station; Erie, Pa., omnirange station; Bradford, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; Huguenot, N. Y., omnirange station; to the Wilton, Conn., Omnirange station, excluding daily from sunrise to sunset, annually during the period from March 1 to November 1, the portion of this airway below 6,000 ft. above mean sea level which overlaps the West Point restricted area (R–93).

§ 600.6127 *VOR civil airway No. 127 (Livingston, Mont., to Helena, Mont.).* From the Livingston, Mont., omnirange station via the intersection of the Livingston omnirange 321° True and the Helena omnirange 119° True radials to the Helena, Mont., omnirange station.

§ 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to Charleston, W. Va.).* From the point of intersection of the Joliet, Ill., omnirange 056° True and the Peotone omnirange 003° True radials via the Peotone, Ill., omnirange station; intersection of the Peotone omnirange 153° True and the Indianapolis omnirange 311° True radials; Indianapolis, Ind., omnirange station; intersection of the Indianapolis omnirange 137° True and the Cincinnati omnirange 290° True radials; Cincinnati, Ohio, omnirange station; York, Ky., omnirange station, including a south alternate via the intersection of the Cincinnati omnirange 120° True with the York omnirange direct radial to the Nobb, Ind., omnirange station; to the Charleston, W. Va., omnirange station.

§ 600.6129 *VOR civil airway No. 129 (Rockford, Ill., to Eau Claire, Wis.).* From the Rockford, Ill., omnirange station via the intersection of the Rockford omnirange 276° True and the Lone Rock omnirange 164° True radials; Lone Rock, Wis., omnirange station; La Crosse, Wis., omnirange station; to the Eau Claire, Wis., omnirange station.

§ 600.6130 *VOR civil airway No. 130 (Albany, N. Y., to Providence, R. I.).* From the Albany, N. Y., omnirange station via the Hartford, Conn., omnirange station; Norwich, Conn., omnirange station to the point of intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course.

§ 600.6131 *VOR civil airway No. 131 (Tulsa, Okla., to Topeka, Kans.).* From the Tulsa, Okla., omnirange station to the Chanute, Kans., omnirange station. From the Emporia, Kans., omnirange station via the intersection of the Emporia omnirange 050° True and the Topeka omnirange 174° True radials; to the Topeka, Kans., omnirange station.

§ 600.6132 *VOR civil airway No. 132 (Cheyenne, Wyo., to Springfield, Mo.).* From the Cheyenne, Wyo., omnirange station via the Akron, Colo., omnirange station; Goodland, Kans. omnirange station; Hutchinson, Kans., omnirange station; point of intersection of the Wichita, Kans., omnirange direct radial to the intersection of the Hutchinson, Kans., omnirange 062° True and the Topeka, Kans., omnirange 236° True radials with the Hutchinson, Kans., omnirange direct radial to the Emporia, Kans., omnirange station; Chanute, Kans., omnirange station; intersection of the Chanute omnirange 100° True and the Springfield omnirange 276° True radials; to the Springfield, Mo., omnirange station, including a south alternate from the Chanute omnirange station to the Springfield omnirange station via the intersection of the Chanute omnirange 117° True and the Springfield omnirange 261° True radials.

§ 600.6133 *VOR civil airway No. 133 (Parkersburg, W. Va., to Traverse City, Mich.).* That airspace over United States territory from the point of intersection of the Parkersburg omnirange 172° True with the Charleston, W. Va., omnirange direct radial to the Morgantown, W. Va., omnirange station via the Parkersburg, W. Va., omnirange station; Zanesville, Ohio, omnirange station; Tiverton, Ohio, omnirange station; Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 345° True and the Salem omnirange 140° True radials; Salem, Mich., omnirange station; Flint, Mich., Bishop Airport ILS outer marker; Saginaw, Mich., omnirange station; to the Traverse City, Mich., omnirange station. The portion of this airway which overlaps the Lacarne Restricted Area (R–149) is excluded.

§ 600.6134 *VOR civil airway No. 134 (Evergreen, Ala., to Columbus, Ga.).* From the Evergreen, Ala., omnirange station via the point of intersection of the Dothan, Ala., terminal omnirange 336° True and the Montgomery, Ala., omnirange 123° True radials; to the Columbus, Ga., omnirange station.

§ 600.6135 *VOR civil airway No. 135 (Yuma, Ariz., to Las Vegas, Nev.).* From the Yuma, Ariz., omnirange station via the Blythe, Calif., omnirange station; Needles, Calif., omnirange station to the Las Vegas, Nev., omnirange station.

§ 600.6136 *VOR civil airway No. 136 (Pulaski, Va., to Raleigh, N. C.).* From the Pulaski, Va., omnirange station via the intersection of the Pulaski omnirange 094° True and the South Boston omnirange 298° True radials; South Boston, Va., omnirange station; to the Raleigh, N. C., omnirange station.

§ 600.6137 *VOR civil airway No. 137 (Thermal, Calif., to Ukiah, Calif.).* From the Thermal, Calif., omnirange station via the Palmdale, Calif., omnirange station; to the point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga omnirange 152° True radials. From the Coalinga, Calif., omnirange station via the Salinas, Calif., omnirange station; Agnew, Calif., omnirange station; Oakland, Calif., omnirange station; Point Reyes, Calif., omnirange station; intersection of the Point Reyes omnirange 306° True and the Ukiah omnirange 172° True radials; to the Ukiah, Calif., omnirange station. The portion of this airway below 3,000 feet above mean sea level which lies within the Tomales Point restricted area (R–519) is excluded.

§ 600.6138 *VOR civil airway No. 138 (Rock River, Wyo., to Sidney, Nebr.).* From the Rock River, Wyo., omnirange station via the Cheyenne, Wyo., omnirange station, including a north alternate via the Rock River omnirange 108° True and the Cheyenne omnirange 320° True radials; to the Sidney, Nebr., omnirange station, including a south alternate.

§ 600.6139 *VOR civil airway No. 139 (Norwich, Conn., to Boston, Mass.).* From the Norwich, Conn., omnirange station via the intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course at the Wyoming, R. I., fan marker; Providence, R. I., ILS localizer, intersection of the Providence ILS localizer course and the Boston ILS localizer course; to the Boston, Mass., localizer.

§ 600.6140 *VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.).* From the Amarillo, Tex., omnirange station via the Sayre, Okla., omnirange station, including a north alternate; intersection of the Sayre omnirange 071° True and the Tulsa omnirange 260° True radials; Tulsa, Okla., omnirange station; Fayetteville, Ark., omnirange station, including a north alternate via the intersection of the Tulsa omnirange 059° True and the Fayetteville omnirange 284° True radials; Flippin, Ark., omnirange station; Walnut Ridge, Ark., omnirange station; Dyersburg, Tenn., omnirange station; Nashville, Tenn., omnirange station, including a south alternate from the Dyersburg omnirange station to the Nashville omnirange station via the intersection of the Dyersburg omnirange 104° True and the Graham omnirange 269° True radials, and the Graham, Tenn., omnirange station; intersection of the Nashville omnirange 059° True radial and the Corbin VAR west aural course; Corbin, Ky., VAR station; Paynesville, W. Va., nondirectional radio beacon; Montebello, Va., omnirange station; point of intersection of the Gordonsville, Va., omnirange direct radial to the Herndon, Va., omnirange station with the Brooke, Va., omnirange 306° True radials; to the Herndon, Va., omnirange station. From the Baltimore, Md., omnirange station via the point of intersection of the Baltimore omnirange 045° True and the Woodstown omnirange 269° True radials; Woodstown, N. J., omnirange station; point of intersection of the Woodstown omnirange 106° True and the Dover, Del., omnirange direct radial to the Coyle, N. J., omnirange station; Coyle, N. J., omnirange station; to the Idlewild, N. Y., omnirange station, excluding the portions of this airway between the Coyle, N. J., omnirange station and the point of intersection of the Coyle omnirange 031° True and the Colts Neck, N. J., omnirange 073° True radials more than 3 miles either side of the centerline and the portions which overlap the Aberdeen restricted area (R–54).

§ 600.6141 *VOR civil airway No. 141 (Nantucket, Mass., to Plattsburg, N. Y.).* From the Nantucket, Mass., omnirange station via the intersection of the Nantucket omnirange 339° True and the Boston omnirange 133° True radials; Boston, Mass., omnirange station; Concord, N. H., omnirange station; Lebanon, N. H., nondirectional radio beacon to the Plattsburg, N. Y., omnirange station.

§ 600.6142 *VOR civil airway No. 142 (Erie, Pa., to Rochester, N. Y.).* From the Erie, Pa., omnirange station via the point of intersection of the Erie omnirange 080° True and the Bradford, Pa., omnirange 308° True radials; Buffalo, N. Y., omnirange station; intersection of the Buffalo omnirange 034° True and the Rochester omnirange 289° True radials; to the Rochester, N. Y., omnirange station.

§ 600.6143 *VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.).* From the Charlotte, N. C., omnirange station via the Greensboro, N. C., omnirange station, including a west alternate via the intersection of the Charlotte omnirange 005° True and the Greensboro omnirange 238° True radials; to the Montebello, Va., omnirange station. From the Front Royal, Va., omnirange station to the point of intersection of the Martinsburg, W. Va., omnirange direct radial to the Washington, D. C., terminal omnirange station and the Herndon, Va., omnirange direct radial to the Harrisburg, Pa., omnirange station.

§ 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.).* From the point of intersection of the Joliet, Ill., omnirange 056° True and the Peotone omnirange 003° True radials via the Peotone, Ill., omnirange station; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 099° True and the Findlay omnirange 276° True radials; Findlay, Ohio, omnirange station; Appleton, Ohio, omnirange station; Zanesville, Ohio, omnirange station; Morgantown, W. Va., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C. terminal omnirange station.

§ 600.6145 *VOR civil airway No. 145 (Utica, N. Y., to the United States-Canadian Border).* From the Utica, N. Y., MF radio range station via the intersection of the Utica MF radio range northwest course and the Watertown omnirange 155° True radial; Watertown, N. Y., omnirange station; to the United States-Canadian Border via the Watertown omnirange 360° True radial.

§ 600.6146 *VOR civil airway No. 146 (Wilkes-Barre, Pa., to Woodstock, Conn.).* From the Wilkes-Barre-Scranton, Pa., omnirange station via the Huguenot, N. Y., omnirange station; point of intersection of the Wilton, Conn., omnirange 295° True and the Poughkeepsie omnirange 236° True radials; Poughkeepsie, N. Y., omnirange station; to the point of intersection of the Poughkeepsie omnirange 079° True and the Norwich, Conn., omnirange 347° True radials.

§ 600.6147 *VOR civil airway No. 147 (Philadelphia, Pa., to Rochester, N. Y.).* From the Philadelphia, Pa., International Airport ILS localizer via the Pottstown, Pa., omnirange station; Allentown, Pa., omnirange station, including an east alternate from the Philadelphia International Airport ILS localizer to the Allentown omnirange station via the point of intersection of the Pottstown omnirange 143° True and the Allentown omnirange 173° True radials; intersection of the Allentown omnirange 329° True and the Elmira omnirange 134° True radials; Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 305° True and the Rochester omnirange 183° True radials; to the Rochester, N. Y., omnirange station.

§ 600.6148 *VOR civil airway No. 148 (Denver, Colo., to North Platte, Nebr.).* From the Denver, Colo., omnirange station via the intersection of the Denver omnirange 186° True and the Kiowa omnirange 278° True radials; Kiowa, Colo., omnirange station; Thurman, Colo., omnirange station; Imperial, Nebr., omnirange station; to the North Platte, Nebr., omnirange station.

§ 600.6149 *VOR civil airway No. 149 (Allentown, Pa., to Utica, N. Y.).* From the Allentown, Pa., omnirange station via the intersection of the Allentown omnirange 329° True and the Binghamton omnirange 167° True radials; Binghamton, N. Y., omnirange station; to the point of intersection of the Binghamton omnirange 023° True and the southwest course of the Utica, N. Y., radio range.

§ 600.6150 *VOR civil airway No. 150 (San Francisco, Calif., to Reno, Nev.).* From the San Francisco, Calif., terminal omnirange station via the intersection of the San Francisco terminal omnirange 304° True and the Sacramento omnirange 233° True radials; Sacramento, Calif., omnirange station; intersection of the Sacramento 097° True and the Reno 208° True radials; to the Reno, Nev., omnirange station.

§ 600.6151 *VOR civil airway No. 151 (Woonsocket, R. I., to Keene, N. H.).* From the point of intersection of the Norwich, Conn., omnirange 043° True and the Gardner omnirange 152° True radials via the Gardner, Mass., omnirange station; to the Keene, N. H., nondirectional radio beacon.

§ 600.6152 *VOR civil airway No. 152 (Tampa, Fla., to Daytona Beach, Fla.).* From the Tampa, Fla., omnirange station via the Orlando, Fla., omnirange station, including a north alternate via the intersection of the Tampa omni-

range 039° True and the Orlando omnirange 258° True radials and also a south alternate via the Lakeland, Fla., omnirange station; to the Daytona Beach, Fla., omnirange station.

§ 600.6153 *VOR civil airway No. 153 (New York, N. Y., to Syracuse, N. Y.).* From the Caldwell, N. J., omnirange station via the Stillwater, N. J., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; point of intersection of the DeLancey, N. Y., omnirange 289° True radial with the Binghamton, N. Y., omnirange direct radial to the Rockdale, N. Y., omnirange station; to the Syracuse, N. Y. omnirange station.

§ 600.6154 *VOR civil airway No. 154 (Meridian, Miss., to Savannah, Ga.).* From the Meridian, Miss., omnirange station via the intersection of the Meridian omnirange 089° True and the Montgomery omnirange 282° True radials; Montgomery, Ala., omnirange station; Columbus, Ga., omnirange station, including a south alternate via the intersection of the Montgomery omnirange 088° True and the Columbus omnirange 195° True radials; Macon, Ga., omnirange station; to the Savannah, Ga., omnirange station. The portions of this airway which conflict with the Fort Benning restricted area (R–129) are excluded.

§ 600.6155 *VOR civil airway No. 155 (Raleigh, N. C., to Washington, D. C.).* From the Raleigh, N. C., omnirange station via the Lawrenceville, Va., omnirange station; intersection of the Lawrenceville omnirange 035° True and the Flat Rock omnirange 171° True radials; Flat Rock, Va., omnirange station; Gordonsville, Va., omnirange station; to the point of intersection of the Gordonsville omnirange direct radial to the Herndon, Va., omnirange station with the Brooke, Va., omnirange 306° True radial. The portion of this airway which overlaps the Camp Pickett restricted area (R–44) is excluded.

§ 600.6156 *VOR civil airway No. 156 (Elkins, W. Va., to Richmond, Va.).* From the Elkins, W. Va., omnirange station via the Gordonsville, Va., omnirange station; to the Richmond, Va., radio range station.

§ 600.6157 *VOR civil airway No. 157 (Miami, Fla., to Richmond, Va.).* From the Miami, Fla., omnirange station via the LaBelle, Fla., omnirange station; Lakeland, Fla., omnirange station; to the Gainesville, Fla., omnirange station. From the Allendale, S. C., omnirange station via the intersection of the Allendale omnirange 060° True and the Florence omnirange 216° True radials; to the Florence, S. C., omnirange station. From the Wilmington, N. C., omnirange station via the Rocky Mount, N. C., omnirange station; Lawrenceville, Va., omnirange station; Richmond, Va., radio range station; to the Brooke, Va., omnirange station. The portions of this airway which overlap the Camp Pickett restricted area (R–44) and the Camp A. P. Hill restricted area (R–40) are excluded.

§ 600.6158 *VOR civil airway No. 158 (Waterloo, Iowa, to Polo, Ill.).* From the Waterloo, Iowa, omnirange station via Dubuque, Iowa, omnirange station; to the Polo, Ill., omnirange station.

§ 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.).* From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 338° True and the West Palm Beach omnirange 219° True radials; West Palm Beach, Fla., omnirange station; Vero Beach, Fla., omnirange station; Orlando, Fla., omnirange station; point of intersection of the Orlando omnirange 306° True and the Lakeland, Fla., omnirange 012° True radials; Gainesville, Fla., omnirange station; point of intersection of the Tallahassee, Fla., omnirange 091° True and the Cross City, Fla., omnirange 333° True radials; to the Albany, Ga., omnirange station, including a west alternate from the Orlando omnirange station to the Albany omnirange station via the point of intersection of the Orlando omnirange 306° True with the Lakeland, Fla., omnirange 012° True radials, the Cross City, Fla., omnirange station and the point of intersection of the Tallahassee, Fla., omnirange 091° True with the Cross City, Fla., omnirange 333° True radials. The portions of this airway which overlap the Sterling restricted areas (R–169) and (R–170) are excluded.

§ 600.6160 *VOR civil airway No. 160 (Denver, Colo., to Sidney, Nebr.).* From the Denver, Colo., omnirange station to the Sidney, Nebr., omnirange station.

§ 600.6161 *VOR civil airway No. 161 (Fort Worth, Tex., to Alexandria, Minn.).* From the Fort Worth (Amon Carter Field), Tex., ILS localizer via the intersection of the Fort Worth (Amon Carter Field) ILS localizer northwest course and the Ardmore omnirange 192° True radial; Ardmore, Okla., omnirange station; Okmulgee, Okla., omnirange station; Tulsa, Okla., omnirange station; Butler, Mo., omnirange station; Blue Springs, Mo., omnirange station; intersection of the Blue Springs omnirange 016° True and the Lamoni omnirange 175° True radials; Lamoni, Iowa, omnirange station; Des Moines, Iowa, omnirange station; Waterloo, Iowa, omnirange station; Rochester, Minn., omnirange station; intersection of the Rochester omnirange 350° True and the Minneapolis-St. Paul International Airport ILS localizer 121° True course, Minneapolis-St. Paul, Minn., International Airport ILS localizer; intersection of the Minneapolis-St. Paul International Airport ILS localizer 301° True course and the Alexandria omnirange 136° True radial; to the Alexandria, Minn., omnirange station. The portions of this airway which overlap the Lake City restricted area (R–307) are excluded.

§ 600.6162 *VOR civil airway No. 162 (Harrisburg, Pa., to Allentown, Pa.).* From the Harrisburg, Pa., omnirange station via the point of intersection of the Harrisburg omnirange 073° True and the Selinsgrove, Pa., omnirange 133° True radials; direct to the Allentown, Pa., omnirange station, including a south alternate from the Harrisburg omnirange station to the Allentown omnirange station via the point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown omnirange 228° True radials.

§ 600.6163 *VOR civil airway No. 163 (Brownsville, Tex., to Oklahoma City, Okla.).* That airspace over U. S. territory from the Brownsville, Tex., omnirange station via the intersection of the Brownsville omnirange 339° True and the Alice omnirange 171° True radials; Alice, Tex., omnirange station; intersection of the Alice omnirange 350° True and the San Antonio omnirange 167° True radials; San Antonio, Tex., omnirange station; intersection of the San Antonio omnirange 002° True and the Lometa omnirange 173° True radials; Lometa, Tex., omnirange station, including a west alternate via the intersection of the San Antonio omnirange 334° True and the Lometa omnirange 192° True radials; Mineral Wells, Tex., omnirange station; Fort Worth, Tex., omnirange station; Ardmore, Okla., omnirange station; intersection of the Ardmore omnirange 350° True and the Oklahoma City omnirange 137° True radials; to the Oklahoma City omnirange station, including a west alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the intersection of the Ardmore omnirange 331° True and the Oklahoma City omnirange 180° True radials and also an east alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the point of intersection of the Oklahoma City omnirange 107° True and the Tulsa, Okla., omnirange 228° True radials. The portions of this airway which conflict with the Corpus Christi restricted area (R–277) are excluded.

§ 600.6164 *VOR civil airway No. 164 (Buffalo, N. Y., to New York, N. Y.).* From the Buffalo, N. Y., omnirange station via the Wellsville, N. Y., omnirange station; point of intersection of the Bradford, Pa., omnirange 097° True and the Williamsport omnirange 306° True radials; Williamsport, Pa., omnirange station; point of intersection of the Allentown, Pa., omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials; to the Stroudsburg, Pa., omnirange station, including a south alternate from the Williamsport omnirange station to the Stroudsburg omnirange station via the intersection of the Williamsport omnirange 125° True and the Stroudsburg omnirange 270° True radials.

§ 600.6165 *VOR civil airway No. 165 (Long Beach, Calif., to Coalinga, Calif.).* From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 346° True and the Palmdale omnirange 200° True radials; Palmdale, Calif., omnirange station; point of intersection of the Palmdale omnirange direct radial to the point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga, Calif., omnirange 153° True radials with the Bakersfield omnirange 149° True radials; Bakersfield, Calif., omnirange station; to the Coalinga, Calif., omnirange station.

§ 600.6166 *VOR civil airway No. 166 (Martinsburg, W. Va., to New York, N. Y.).* From the Martinsburg, W. Va., omnirange station to the West Chester, Pa., omnirange station. From the point of intersection of the Philadelphia, Pa., International Airport ILS localizer 256° True course and the West Chester, Pa., omnirange 170° True radial via the Philadelphia International Airport ILS localizer to the Colts Neck, N. J., omnirange station.

§ 600.6167 *VOR civil airway No. 167 (New York, N. Y., to Hartford, Conn.).* From the point of intersection of the Colts Neck, N. J., omnirange 151° True and the Idlewild omnirange 195° True radials via the Idlewild, N. Y., omnirange station to the Hartford, Conn., omnirange station.

§ 600.6168 *VOR civil airway No. 168 (Selinsgrove, Pa., to Colts Neck, N. J.).* From the Selinsgrove, Pa. omnirange station via the Allentown, Pa. omnirange station; to the Colts Neck, N. J. omnirange station.

§ 600.6169 *VOR civil airway No. 169 (Sidney, Nebr., to Rapid City, S. Dak.).* From the Sidney, Nebr., omnirange station via the intersection of the Sidney omnirange 335° True and the Chadron omnirange 197° True radials; Chadron, Nebr., omnirange station; to the Rapid City, S. Dak., omnirange station, including an east alternate and excluding the portion which overlaps the Scenic restricted area (R–190).

§ 600.6170 *VOR civil airway No. 170 (Milwaukee, Wis., to Philadelphia, Pa.).* From the Milwaukee, Wis., omnirange station via the Pullman, Mich., omnirange station; to the Salem, Mich., omnirange station. From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station, including a north alternate via the intersection of the Erie omnirange 080° True and the Bradford omnirange 308° True radials; Selinsgrove, Pa., omnirange station; Tower City, Pa., omnirange station; to the West Chester, Pa., omnirange station. The portion of this airway which conflicts with the Indiantown Gap restricted area (R–69) is excluded.

§ 600.6171 *VOR civil airway No. 171 (Louisville, Ky., to Lone Rock, Wis.).* From the Louisville, Ky., omnirange station via the Scotland, Ind., omnirange station; Terre Haute, Ind., omnirange station; Peotone, Ill., omnirange station; Joliet, Ill., omnirange station; Rockford, Ill., omnirange station; to the Lone Rock, Wis., omnirange station.

§ 600.6172 *VOR civil airway No. 172 (Denver, Colo., to Chicago, Ill.).* From the Denver, Colo., omnirange station via the point of intersection of the Denver omnirange 061° True and the Imperial, Nebr., ominrange 271° True radials; point of intersection of the Imperial omnirange 271° True and the North Platte omnirange 246° True radials; to the North Platte, Nebr., omnirange station. From the Des Moines, Iowa., omnirange station via the point of intersection of the Des Moines omnirange 071° True and the Iowa City, Iowa, omnirange 283° True radials; Cedar Rapids, Iowa, omnirange station; Polo, Ill., omnirange station; to the Chicago, Ill., International (O'Hare) Airport terminal omnirange station.

§ 600.6173 *VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.).* From the Springfield, Ill., omnirange station via the Roberts, Ill., omnirange station; point of intersection of the Roberts omnirange 008° True and the Joliet, Ill., omnirange 056° True radials; to the point of intersection of the Joliet, Ill., omnirange 056° True and the Peotone, Ill., omnirange 003° True radials.

§ 600.6174 *VOR civil airway No. 174 (Vichy, Mo., to Washington, D. C.).* From the Vichy, Mo., omnirange station via the intersection of the Vichy omnirange 069° True and the Troy omnirange 246° True radials; Troy, Ill., omnirange station; Scotland, Ind., omnirange station; Louisville, Ky., omnirange station; York, Ky., omnirange station; Elkins, W. Va., omnirange sation; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6175 *VOR civil airway No. 175 (Vichy, Mo., to Columbia, Mo.).* From the Vichy, Mo., omnirange station via the intersection of the Vichy omnirange 321° True and the Columbia omnirange 209° True radials; to the Columbia, Mo., omnirange station.

§ 600.6177 *VOR civil airway No. 177 (Wheatfield, Ill., to Janesville, Wis.).* From the point of intersection of the Peotone, Ill., omnirange 096° True and the Chicago Heights 128° True radials to the Chicago Heights, Ill., omnirange station. From the Naperville, Ill., omnirange station to the Janesville, Wis., omnriange station.

§ 600.6178 *VOR civil airway No. 178 (Farmington, Mo., to Paducah, Ky.).* From the Farmington, Mo., omnirange station to the Paducah, Ky., omnirange station, including a south alternate.

§ 600.6179 *VOR civil airway No. 179 (Paducah, Ky., to Centralia, Ill.).* From the Paducah, Ky., omnirange station to the Centralia, Ill., omnirange station.

§ 600.6180 *VOR civil airway No. 180 (Austin, Tex., to Galveston, Tex.).* From the Austin, Tex., omnirange station via the intersection of the Austin omnirange 134° True and the Eagle Lake omnirange 291° True radials; Eagle Lake, Tex., omnirange station; to the Galveston, Tex., omnirange station.

§ 600.6181 *VOR civil airway No. 181 (Sioux Falls, S. Dak., to Watertown, S. Dak.).* From the Sioux Falls, S. Dak., omnirange station to the Watertown, S. Dak., omnirange station.

§ 600.6182 *VOR civil airway No. 182 (Portland, Oreg., to Chadron, Nebr.).* From the Portland, Oreg., omnirange station via the The Dalles, Oreg., omnirange station, including a north alternate; to the Baker, Oreg., omnirange station. From the Douglas, Wyo., omnirange station to the Chadron, Nebr., omnirange station.

§ 600.6183 *VOR civil airway No. 183 (Santa Barbara, Calif., to Bakersfield, Calif.).* From the Santa Barbara, Calif., omnirange station to the Bakersfield, Calif., omnirange station.

§ 600.6184 *VOR civil airway No. 184 (Erie, Pa., to Philipsburg, Pa.).* From the Erie, Pa., omnirange station via the point of intersection of the Bradford, Pa., omnirange 260° True and the Fitzgerald omnirange 304° True radials; Fitzgerald, Pa., omnirange station; to the Philipsburg, Pa., omnirange station.

§ 600.6185 *VOR civil airway No. 185 (Savannah, Ga., to Knoxville, Tenn.).* From the Savannah, Ga., omnirange station via the intersection of the Savannah omnirange 320° True and the Augusta omnirange 157° True radials; Augusta, Ga., omnirange station; Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station, including a west alternate from the Augusta omnirange station to the Asheville omnirange station via the intersection of the Augusta omnirange 345° True radials and the Greenville ILS localizer south course, the Greenville, S. C., ILS localizer, and the intersection of the Greenville ILS localizer north course and the Asheville omnirange 189° True radial; intersection of the Asheville omnirange 300° True and the Knoxville omnirange 069° True radials; to the Knoxville, Tenn., omnirange station, including an east alternate from the Asheville omnirange station to the Knoxville omnirange station via the intersection of the Asheville omnirange 329° True and the Knoxville omnirange 069° True radials. The portion of this airway below 5500 feet above mean sea level which overlaps the Camp Gordon Restricted Area (R–124) is excluded.

§ 600.6186 *VOR civil airway No. 186 (St. Louis, Mo., to Vandalia, Ill.).* From the St. Louis, Mo., omnirange station via the intersection of the St. Louis omnirange 032° True and the Vandalia omnirange 273° True radials; to the Vandalia omnirange station.

§ 600.6187 *VOR civil airway No. 187 (Grand Junction, Colo., to Rock Springs, Wyo.).* From the Grand Junction, Colo., omnirange station to the Rock Springs, Wyo., omnirange station.

§ 600.6188 *VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.).* That airspace over United States territory from the Carleton, Mich., omnirange station via the Jefferson, Ohio, omnirange station; point of intersection of the Bradford, Pa., omnirange 260° True and the Fitzgerald omnirange 304° True radials; Fitzgerald, Pa., omnirange station; Williamsport, Pa., omnirange station; via the Williamsport omnirange direct radial to the point of intersection of the Allentown, Pa., omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials; via the Stroudsburg omnirange direct radial to the Stroudsburg, Pa., omnirange station; to the Caldwell, N. J., omnirange station.

§ 600.6190 *VOR civil airway No. 190 (Grants, N. Mex., to Evansville, Ind.).* From the Grants, N. Mex., omnirange

station via the intersection of the Grants omnirange 067° True and the Santa Fe omnirange 253° True radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station; Dalhart, Tex., omnirange station; Gage, Okla., omnirange station; intersection of the Gage omnirange 059° True and the Ponca City omnirange 280° True radials; Ponca City, Okla., omnirange station; intersection of the Ponca City omnirange 076° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Farmington, Mo., omnirange station; to the Evansville, Ind., omnirange station.

§ 600.6191 *VOR civil airway No. 191 (Walnut Ridge, Ark., to Milwaukee, Wis.).* From the Walnut Ridge, Ark., omnirange station via the Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station; Roberts, Ill., omnirange station; point of intersection of the Roberts omnirange 008° True and the Joliet, Ill., omnirange 056° True radials; to the point of intersection of the Joliet, Ill., omnirange 056° True and the Peotone, Ill., omnirange 003° True radials. From the Chicago, Ill., O'Hare International Airport terminal omnirange station via the point of intersection of the Chicago Heights omnirange 358° True and the Milwaukee omnirange 135° True radials; to the Milwaukee, Wis., omnirange station.

§ 600.6192 *VOR civil airway No. 192 (Grants, N. Mex., to Tucumcari, N. Mex.).* From the Grants, N. Mex., omnirange station via the intersection of the Grants omnirange 136° True and the Corona omnirange 272° True radials; Corona, N. Mex., omnirange station; to the Tucumcari, N. Mex., omnirange station.

§ 600.6193 *VOR civil airway No. 193 (Keeler, Mich., to Sault Ste. Marie, Mich.).* From the Keeler, Mich., omnirange station via the Pullman, Mich., omnirange station; Grand Rapids, Mich., Kent County Airport, ILS outer marker; White Cloud, Mich., omnirange station; Traverse City, Mich., omnirange station; Pellston, Mich., non-directional radio beacon; to the Sault Ste. Marie, Mich., omnirange station.

§ 600.6194 *VOR civil airway No. 194 (Lafayette, La., to Norfolk, Va.).* From the Lafayette, La., omnirange station via the Baton Rouge, La., omnirange station; McComb, Miss., omnirange station; to the Meridian, Miss., omnirange station. From the point of intersection of the Royston omnirange 270° True and the Norcross, Ga., omnirange 054° True radials via the Royston, Ga., omnirange station; point of intersection of the Royston omnirange 074° True and the Spartansburg, S. C., omnirange 148° True radials; Charlotte, N. C., omnirange station; Raleigh, N. C., omnirange station; Rocky Mount, N. C., omnirange station, including a south alternate via the intersection of the Raleigh omnirange 116° True and the Rocky Mount omnirange 237° True radials; Cofield, N. C., omnirange station; point of intersection of the Cofield omnirange 058° True and the Norfolk ILS localizer southwest course; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course.

§ 600.6195 *VOR civil airway No. 195 (Oakland, Calif., to Fortuna, Calif.).* From the Oakland, Calif., omnirange station via the Sacramento, Calif., omnirange station; Williams, Calif., omnirange station, including a west alternate from the Oakland omnirange station to the Williams omnirange station via the point of intersection of the Sacramento omnirange 218° True and the Williams omnirange 167° True radials; Red Bluff, Calif., omnirange station to the Fortuna, Calif., omnirange station.

§ 600.6196 *VOR civil airway No. 196 (Rock River, Wyo., to Chadron, Nebr.).* From the Rock River, Wyo., omnirange station to the Chadron, Nebr., omnirange station.

§ 600.6198 *VOR civil airway No. 198 (El Paso, Tex., to Galveston, Tex.).* From the El Paso, Tex., omnirange station via the intersection of the El Paso omnirange 132° True and the Hudspeth omnirange 272° True radials; Hudspeth, Tex., omnirange station; intersection of the Hudspeth omnirange 117° True and the Fort Stockton omnirange 274° True radials; Fort Stockton, Tex., omnirange station; Rock Springs, Tex., omnirange station; point of intersection of Rock Springs omnirange 090° True radial with the San Antonio omnirange direct radial to the Junction, Tex., omnirange station; San Antonio, Tex., omnirange station; Eagle Lake, Tex., omnirange station; to the Galveston, Tex., omnirange station.

§ 600.6199 *VOR civil airway No. 199 (San Francisco, Calif., to Ukiah, Calif.).* From the Agnew, Calif., omnirange station via the intersection of the Agnew omnirange 304° True and the Ukiah omnirange 172° True radials; to the Ukiah, Calif., omnirange station. The portion of this airway below 3,000 feet above mean sea level which lies within the Tomales Point restricted area (R–519) is excluded.

§ 600.6200 *VOR civil airway No. 200 (Ukiah, Calif., to Kremmling, Colo.).* From the Ukiah, Calif., omnirange station via the Williams, Calif., omnirange station; intersection of the Williams omnirange 061° True and the Reno omnirange 268° True radials; to the Reno, Nev., omnirange station. From the Utah Lake, Utah, omnirange station via the Myton, Utah, omnirange station; to the Kremmling, Colo., omnirange station.

§ 600.6201 *VOR civil airway No. 201 (Los Angeles, Calif., to Pasadena, Calif.).* From the point of intersection of the Los Angeles omnirange 207° True and the Long Beach, Calif., omnirange 250° True radials via the Los Angeles, Calif., omnirange station; thence via the direct radial of the Los Angeles omnirange to the point of its intersection with the Long Beach omnirange 346° True and the Palmdale, Calif., omnirange 200° True radials.

§ 600.6202 *VOR civil airway No. 202 (Tucson, Ariz., to Truth or Consequences, N. Mex.).* From the Tucson, Ariz., radio range station via the point of intersection of a straight line bearing 157° True from the Tucson radio range station with the Cochise omnirange 257° True radial; Cochise, Ariz., omnirange station; San Simon, Ariz., omnirange station; to the Truth or Consequences, N. Mex., omnirange station.

§ 600.6203 *VOR civil airway No. 203 (Norwich, Conn., to Massena, N. Y.).* From the Norwich, Conn., omnirange station via the Chester, Mass., omnirange station; point of intersection of the Poughkeepsie, N. Y., omnirange 007° True and the Albany omnirange 140° True radials; Albany, N. Y., omnirange station; to the Massena, N. Y., omnirange station.

§ 600.6204 *VOR civil airway No. 204 (Hoquiam, Wash., to Olympia, Wash.).* From the Hoquiam, Wash., omnirange station to the Olympia, Wash., omnirange station, excluding the airspace above 14,500 feet above mean sea level.

§ 600.6205 *VOR civil airway No. 205 (Springfield, Mo., to Kansas City, Mo.).* From the Springfied, Mo., omnirange station via the Blue Springs, Mo., omnirange station, including a west alternate via the intersecton of the Sprngfield omnirange 316° True and the Blue Springs omnirange 178° True radials; to the Kansas City, Mo., omnirange station. The portion of this airway which overlaps the Lake City restricted area (R–307) is excluded.

§ 600.6206 *VOR civil airway No. 206 (Blue Springs, Mo., to Kirksville, Mo.).* From the Blue Springs, Mo., omnirange station via the intersection of the Blue Springs omnirange 056° True and the Kirksville omnirange 225° True radials; to the Kirksville, Mo., omnirange station. The portion of this airway which overlaps the Lake City Restricted Area (R–307) is excluded.

§ 600.6207 *VOR civil airway No. 207 (Denver, Colo., to Egbert, Wyo.).* From the Denver, Colo., omnirange station to the point of intersection of the Denver omnirange 016° True and the Cheyenne omnirange 098° True radials.

§ 600.6208 *VOR civil airway No. 208 (Los Angeles, Calif., to Needles, Calif.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 185° True and the Oceanside omnirange 280° True radials; Oceanside, Calif., omnirange station; point of intersection of the Oceanside 101° True and the San Diego, Calif., omnirange 046° True radials; Thermal, Calif., omnirange station; to the Needles, Calif., omnirange station.

§ 600.6209 *VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.).* From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 287° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station; to the Paso Robles, Calif., omnirange station.

§ 600.6210 *VOR civil airway No. 210 (Los Angeles, Calif., to Wheeling, W. Va.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; Daggett, Calif., omnirange station; Goffs, Calif., Valle, Ariz., omnirange station; Farmington, N. Mex., omnirange station; to the Pueblo, Colo., omnirange station. From the point of intersection of the Indianapolis, Ind., omnirange 069° True and the Fort Wayne, Ind., omnirange 182° True radials via the Sidney, Ohio, omnirange station; Tiverton, Ohio, omnirange station; intersection of the Tiverton omnirange 096° True and the Wheeling omnirange 282° True radials; to the Wheeling, W. Va., omnirange station.

§ 600.6211 *VOR civil airway No. 211 (Fort Stockton, Tex., to Cotulla, Tex.).* From the Fort Stockton, Tex., omnirange station via the point of intersection of the Rock Springs omnirange 308° True radial with the Fort Stockton omnirange direct radial to the Junction, Tex., omnirange station; Rock Springs, Tex., omnirange station; point of intersection of the Rock Springs omnirange 133° True radial with the Cotulla omnirange direct radial to the Junction, Tex., omnirange station; to the Cotulla, Tex., omnirange station.

§ 600.6212 *VOR civil airway No. 212 (Ukiah, Calif., to Reno, Nev.).* From the Ukiah, Calif., omnirange station via the intersection of the Ukiah omnirange 172° True and the Williams omnirange 241° True radials; Williams, Calif., omnirange station; point of intersection of the Williams omnirange 104° True and the Sacramento, Calif., omnirange 055° True radials; point of intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; to the Reno, Nev., omnirange station.

§ 600.6213 *VOR civil airway No. 213 (Rocky Mount, N. C., to Tappahannock, Va.).* From the Rocky Mount, N. C., omnirange station via the Hopewell, Va., omnirange station; to the point of intersection of the Hopewell omnirange 019° True radial with the Brooke, Va., omnirange direct radial to the Cape Charles, Va., omnirange station.

§ 600.6214 *VOR civil airway No. 214 (Shelbyville, Ind., to Wheeling, W. Va.)* From the Shelbyville, Ind., omnirange station to the point of intersection of the Cincinnati, Ohio, omnirange 004° True and the Dayton, Ohio, omnirange 209° True radials. From the Columbus, Ohio, Port Columbus Airport ILS localizer via the Zanesville, Ohio, omnirange station; point of intersection of the Parkersburg, W. Va., omnirange 006° True and the Wheeling omnirange 252° True radials; to the Wheeling, W. Va., omnirange station.

§ 600.6215 *VOR civil airway No. 215 (Muskegon, Mich., to White Cloud, Mich.).* From the Muskegon, Mich., omnirange station to the White Cloud, Mich., omnirange station.

§ 600.6216 *VOR civil airway No. 216 (Janesville, Wis., to Saginaw, Mich.).* From the Janesville, Wis., omnirange station via the Muskegon, Mich., omnirange station; to the Saginaw, Mich., omnirange station.

§ 600.6217 *VOR civil airway No. 217 (Chicago, Ill., to Green Bay, Wis.).* From the Chicago, Ill., International (O'Hare) Airport terminal omnirange station via the point of intersection of the Chicago Heights, Ill., omnirange 358° True and the Milwaukee omnirange 135° True radials; point of intersection of the Milwaukee omnirange 135° True radial and the Milwaukee (General Mitchell Field) ILS localizer front course; Milwaukee, Wis. (General Mitchell Field) ILS localizer; intersection of the Milwaukee (General Mitchell Field) ILS localizer back course and the Green Bay omnirange 165° True radial; to the Green Bay, Wis., omnirange station.

§ 600.6218 *VOR civil airway No. 218 (Chicago, Ill., to Flint, Mich.).* From the point of intersection of the Rockford, Ill., omnirange 132° True and the Naperville, Ill., omnirange 292° True radials via the Naperville, Ill., omnirange station; Keeler, Mich., omnirange station; Lansing, Mich., omnirange station to the point of intersection of the Lansing omnirange 068° True and the Salem, Mich., omnirange 342° True radials.

§ 600.6219 *VOR civil airway No. 219 (Ogden, Utah, to Malad City, Idaho.).* From the Ogden, Utah, Omnirange station via the point of intersection of the Ogden omnirange 316° True and the Malad City omnirange 200° True radials; to the Malad City, Idaho, omnirange station.

§ 600.6220 *VOR civil airway No. 220 (Kremmling, Colo., to Akron, Colo.).* From the Kremmling, Colo., omnirange station via the point of intersection of the Kremmling omnirange 081° True and the Denver, Colo., omnirange 334° True radials; to the Akron, Colo., omnirange station.

§ 600.6221 *VOR civil airway No. 221 (Fort Wayne, Ind., to Erie, Pa.).* That airspace over United States territory from the Fort Wayne, Ind., omnirange station via the Litchfield, Mich., omnirange station; intersection of the Litchfield omnirange 050° True and the Salem omnirange 257° True radials; Salem, Mich., omnirange station; intersection of the Salem omnirange 079° True and the Erie omnirange 294° True radials; to the Erie, Pa., omnirange station.

§ 600.6222 *VOR civil airway No. 222 (El Paso, Tex., to Houston, Tex.).* From the El Paso, Tex., omnirange station via the Salt Flat, Tex., omnirange station; Culberson, Tex., omnirange station; Fort Stockton, Tex., omnirange station; Junction, Tex., omnirange station; point of intersection of the San Antonio omnirange 334° True and the Lometa, Tex., omnirange 192° True radials; San Antonio, Tex., omnirange station; point of intersection of the Austin, Tex., omnirange 109° True and the College Station, Tex., omnirange 202° True radials; to the Houston, Tex., omnirange station.

§ 600.6223 *VOR civil airway No. 223 (Herndon, Va., to Harrisburg, Pa.).* From the Herndon, Va., omnirange station to the Harrisburg, Pa., omnirange station.

§ 600.6224 *VOR civil airway No. 224 (Detroit, Mich., to United States-Canadian Border).* That airspace over United States territory from the Carleton, Mich., omnirange station to the point of intersection of the Carleton omnirange 076° True and the Erie, Pa., omnirange 280° True radials.

§ 600.6225 *VOR civil airway No. 225 (Key West, Fla., to Vero Beach, Fla.).* From the Key West, Fla., omnirange station via the Fort Myers, Fla., omnirange station; La Belle, Fla., omnirange station; to the Vero Beach, Fla., omnirange station. The portions of this airway above 20,000 feet above mean sea level, which overlap the Key West Warning Area (W–173), are excluded.

§ 600.6226 *VOR civil airway No. 226 (Williamsport, Pa., to New York, N. Y.).* From the Williamsport, Pa., omnirange station via the point of intersection of the Williamsport omnirange 088° True and the Wilkes-Barre–Scranton, Pa., omnirange 238° True radials; Stillwater, N. J., omnirange station; to the point of intersection of the Wilkes-Barre–Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6227 *VOR civil airway No. 227 (Louisville, Ky., to Peotone, Ill.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 310° and the Indianapolis omnirange 185° True radials; Indianapolis, Ind., omnirange station; intersection of the Indianapolis omnirange 311° True and the Lafayette omnirange 159° True radials; Lafayette, Ind., omnirange station; intersection of the Lafayette omnirange 313° True and the Peotone omnirange 153° True radials; to the Peotone, Ill., omnirange station.

§ 600.6228 *VOR civil airway No. 228 (Wheeling, Ill., to South Bend, Ind.).* From the Northbrook, Ill., omnirange station to the South Bend, Ind., omnirange station.

§ 600.6229 *VOR civil airway No. 229 (Wilmington, N. C., to Cofield, N. C.).* From the Wilmington, N. C., omnirange station via the New Bern, N. C., omnirange station; to the Cofield, N. C., omnirange station. The portion of this airway above 5,500 feet above mean sea level within 60 miles of a point at latitude 34°54'30" north, longitude 76°53'00" west, is excluded daily from sunset to sunrise.

§ 600.6230 *VOR civil airway No. 230 (Salinas, Calif., to Fresno, Calif.).* From the Salinas, Calif., omnirange station to the Fresno, Calif., omnirange station.

§ 600.6231 *VOR civil airway No. 231 (Missoula, Mont., to Ronan, Mont.).* From the Missoula, Mont., omnirange station to the point of intersection of the Missoula omnirange 354° True and the Mullan Pass, Mont., omnirange 089° True radials.

§ 600.6232 *VOR civil airway No. 232 (Cleveland, Ohio, to Fitzgerald, Pa.).* From the point of intersection of the Cleveland, Ohio, omnirange direct radial to the Jefferson, Ohio, omnirange station with the Chardon omnirange 280° True radial via the Chardon, Ohio,

omnirange station; to the Fitzgerald, Pa., omnirange station.

§ 600.6233 *VOR civil airway No. 233 (Springfield, Ill., to Cedar Rapids, Iowa).* From the Springfield, Ill., omnirange station via the Peoria, Ill., omnirange station; Bradford, Ill., omnirange station; Moline, Ill., omnirange station; to the Cedar Rapids, Iowa, omnirange station.

§ 600.6234 *VOR civil airway No. 234 (Anton Chico, N. Mex., to Dalhart, Tex.).* From the Anton Chico, N. Mex., omnirange station via the intersection of the Anton Chico omnirange 067° True and the Dalhart omnirange 243° True radials; to the Dalhart, Tex., omnirange station.

§ 600.6235 *VOR civil airway No. 235 (Utah Lake, Utah, to Fort Bridger, Wyo.).* From the Utah Lake, Utah, omnirange station to the Fort Bridger, Wyo., omnirange station.

§ 600.6236 *VOR civil airway No. 236 (Bonneville, Utah, to Ogden, Utah).* From the Bonneville, Utah, omnirange station via the intersection of the Bonneville omnirange 084° True and the Ogden omnirange 235° True radials; to the Ogden, Utah, omnirange station.

§ 600.6237 *VOR civil airway No. 237 (Needles, Calif., to Mormon Mesa, Nev.).* From the Needles, Calif., omnirange station to the Mormon Mesa, Nev., omnirange station.

§ 600.6238 *VOR civil airway No. 238 (Philipsburg, Pa., to Atlantic City, N. J.).* From the Philipsburg, Pa., omnirange station via the point of intersection of the Philipsburg omnirange direct radial to the Selinsgrove, Pa., omnirange station with the Williamsport, Pa., omnirange 227° True radial; Tower City, Pa., omnirange station; West Chester, Pa., omnirange station; point of intersection of the West Chester omnirange 120° True radial and the Philadelphia, Pa., International Airport ILS localizer 256° True course; Woodstown, N. J., omnirange station; to the point of intersection of the Woodstown omnirange 106° True and the Coyle, N. J., omnirange 203° True radials. The portion of this airway which conflicts with the Indiantown Gap restricted area (R–69) is excluded.

§ 600.6239 *VOR civil airway No. 239 (Wildwood, N. J., to Newark, N. J.).* From the point of intersection of the Coyle, N. J., omnirange 203° True and the Woodstown omnirange 154° True radials via the Woodstown, N. J., omnirange station; to the point of intersection of the West Chester, Pa., omnirange 120° True radial and the Philadelphia, Pa., International Airport ILS localizer 256° True course. From the Philadelphia, Pa., International Airport ILS localizer via the Yardley, Pa., omnirange station; to the Newark, N. J., Airport ILS outer marker.

§ 600.6240 *VOR civil airway No. 240 (New Orleans, La., to Mobile, Ala.).* From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 106° True and the Mobile omnirange 224° True radials; to the Mobile, Ala., omnirange station.

§ 600.6241 *VOR civil airway No. 241 (Crestview, Fla., to Atlanta, Ga.).* From the Crestview, Fla., omnirange station via the intersection of the Crestview omnirange 076° True and the Dothan terminal omnirange 240° True radials; Dothan, Ala., terminal omnirange station; Columbus, Ga., omnirange station; intersection of the Columbus omnirange 018° True and the Atlanta omnirange 232° True radials; to the Atlanta, Ga., omnirange station. The portion of this airway above 19,000 feet above mean sea level, which lies within the Tyndall AFB restricted area (R–336), is excluded daily between sunset and sunrise.

§ 600.6242 *VOR civil airway No. 242 (Mobile, Ala., to Magnolia Springs, Ala.).* From the Mobile, Ala., omnirange station to the point of intersection of the Mobile omnirange 134° True and the New Orleans, La., omnirange direct radial to the Pensacola (Saufley Field), Fla., omnirange station.

§ 600.6243 *VOR civil airway No. 243 (Chattanooga, Tenn., to Scotland, Ind.).* From the Chattanooga, Tenn., omnirange station via the Bowling Green, Ky., omnirange station; to the Scotland, Ind., omnirange.

§ 600.6244 *VOR civil airway No. 244 (Oakland, Calif., to Modesto, Calif.).* From the Oakland, Calif., omnirange station via the intersection of the Oakland omnirange 078° True and the Modesto omnirange 312° True radials; to the Modesto, Calif., omnirange station.

§ 600.6245 *VOR civil airway No. 245.* [Unassigned.]

§ 600.6246 *VOR civil airway No. 246 (Dayton, Ohio, to Mansfield, Ohio).* From the Dayton, Ohio, omnirange station to the Mansfield, Ohio, omnirange station.

§ 600.6247 *VOR civil airway No. 247 (Douglas, Wyo., to Crazy Woman, Wyo.).* From the Douglas, Wyo., omnirange station to the Crazy Woman, Wyo., omnirange station.

§ 600.6248 *VOR civil airway No. 248 (Paso Robles, Calif., to Bakersfield, Calif.).* From the Paso Robles, Calif., omnirange station to the Bakersfield, Calif., omnirange station.

§ 600.6249 *VOR civil airway No. 249 (Caldwell, N. J., to Utica, N. Y.).* From the Caldwell, N. J., omnirange station via the Huguenot, N. Y., omnirange station; DeLancey, N. Y., omnirange station; Rockdale, N. Y., omnirange station; to the Utica, N. Y., nondirectional radio beacon.

§ 600.6250 *VOR civil airway No. 250 (Bergholz, Ohio, to Fitzgerald, Pa.).* From the point of intersection of the Youngstown, Ohio, omnirange 195° True and the Wheeling, W. Va., omnirange 313° True radials via the Ellwood City, Pa., omnirange station; intersection of the Ellwood City omnirange 054° True and the Fitzgerald omnirange 240° True radials; to the Fitzgerald, Pa., omnirange station.

§ 600.6251 *VOR civil airway No. 251 (Washington, D. C., to New York, N. Y.).* From the Riverdale, Md., nondirectional radio beacon via the Westminster, Md., omnirange station; Pottstown, Pa., omnirange station; point of intersection of the Pottstown omnirange 044° True and the Allentown, Pa., omnirange 103° True radials; to the Caldwell, N. J., omnirange station.

§ 600.6252 *VOR civil airway No. 252 (Binghamton, N. Y., to New York, N. Y.).* From the Binghamton, N. Y., omnirange station via the point of intersection of the Binghamton omnirange 130° True radial with the Wilkes-Barre-Scranton, Pa., omnirange direct radial to the point of intersection of the DeLancey, N. Y., omnirange 289° True radial with the Binghamton, N. Y., omnirange direct radial to the Rockdale, N. Y., omnirange station; Huguenot, N. Y., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton, Pa., 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6253 *VOR civil airway No. 253 (Utah Lake, Utah, to Boise, Idaho).* From the Utah Lake, Utah, omnirange station to the point of intersection of the Utah Lake omnirange 315° True and the Salt Lake City, Utah, omnirange 265° True radials. From the Bonneville, Utah, omnirange station via the Lucin, Utah, omnirange station; Twin Falls, Idaho, omnirange station; to the Boise, Idaho, omnirange station.

§ 600.6254 *VOR civil airway No. 254 (Reinholds, Pa., to Columbus, N. J.).* From the point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown, Pa., omnirange 228° True radials via the Pottstown, Pa., omnirange station; to the point of intersection of the Pottstown omnirange 104° True and the Colts Neck, N. J., omnirange 242° True radials.

§ 600.6255 *VOR civil airway No. 255 (Burlington, Iowa, to Janesville, Wis.).* From the Burlington, Iowa, omnirange station via the intersection of the Burlington omnirange 034° True and the Moline omnirange 199° True radials; Moline, Ill., omnirange station; Rockford, Ill., omnirange station; to the Janesville, Wis., omnirange station.

§ 600.6256 *VOR civil airway No. 256 (Reinhold, Pa., to Yardley, Pa.).* From the point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown, Pa., omnirange 228° True radials via the Pottstown, Pa., omnirange station; to the Yardley, Pa., omnirange station.

§ 600.6257 *VOR civil airway No. 257 (Delta, Utah, to Ogden, Utah).* From the Delta, Utah, omnirange station via the intersection of the Delta omnirange 004° True and the Ogden omnirange 194° True radials; to the Ogden, Utah, omnirange station. The portion of this airway below 11,000 feet mean sea level which overlaps and lies within the Deseret restricted area (R–514) is excluded.

§ 600.6258 *VOR civil airway No. 258 (Charleston, W. Va., to Roanoke, Va.).* From the Charlestown, W. Va., omnirange station via the point of intersection of the Charleston omnirange 129° True and the Montebello, Va., omnirange 256° True radials; Roanoke, Va., terminal omnirange station; to the point of intersection of the Greensboro, N. C., omnirange direct radial to the Montebello, Va., omnirange station with the South Boston, Va., omnirange 298° True radials.

§ 600.6259 *VOR civil airway No. 259 (Charlotte, N. C., to Tri-City, Tenn.).* From the Charlotte, N. C., omnirange station to the Tri-City, Tenn., omnirange station.

§ 600.6260 *VOR civil airway No. 260 (Charleston, W. Va., to Roanoke, Va.).* From the Charleston, W. Va., omnirange station via the intersection of the Charleston omnirange 104° True and the Roanoke terminal omnirange 328° True radials; to the Roanoke, Va., terminal omnirange station.

§ 600.6261 *VOR civil airway No. 261 (Pulaski, Va., to Hinton, W. Va.).* From the Pulaski, Va., omnirange station to the point of intersection of the Charleston, W. Va., omnirange 129° True and the Montebello, Va., omnirange 256° True radials.

§ 600.6262 *VOR civil airway No. 262 (Bradford, Ill., to Chicago, Ill.).* From the Bradford, Ill., omnirange station via the Joliet, Ill., omnirange station; to the point of intersection of the Joliet omnirange 056° True and the Peotone, Ill., omnirange 003° True radials.

§ 600.6263 *VOR civil airway No. 263 (Lamar, Colo., to Thurman, Colo.).* From the Lamar, Colo., omnirange station via the Hugo, Colo., omnirange station; to the Thurman, Colo., omnirange station.

§ 600.6264 *VOR civil airway No. 264 (Ontario, Calif., to Giant Rock, Calif.).* From the Ontario, Calif., omnirange station to the point of intersection of the Ontario omnirange 061° True and the Daggett, Calif., omnirange 160° True radials.

§ 600.6265 *VOR civil airway No. 265 (Washington, D. C., to Harrisburg, Pa.).* From the Riverdale, Md., nondirectional radio beacon via the Westminster, Md., omnirange station; point of intersection of the Westminster omnirange 345° True and the Harrisburg omnirange 196° True radials; to the Harrisburg, Pa., omnirange station.

§ 600.6266 *VOR civil airway No. 266 (South Boston, Va., to Elizabeth City, N. C.).* From the South Boston, Va., omnirange station to the Lawrenceville, Va., omnirange station. From the point of intersection of the Lawrenceville omnirange 076° True and the Elizabeth City omnirange 311° True radials; to the Elizabeth City, N. C., omnirange station.

§ 600.6267 *VOR civil airway No. 267 (Miami, Fla., to Jacksonville, Fla.).* From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 338° True and the Orlando omnirange 164° True radials; Orlando Fla., omnirange station; to the Jacksonville, Fla., omnirange station, including an east alternate from the Orlando omnirange station to the Jacksonville omnirange station via the Daytona Beach, Fla., omnirange station and the point of intersection of the Daytona Beach omnirange 311° True with the Jacksonville omnirange direct radial to the Orlando omnirange station. The portions of this airway which overlap the Jacksonville restricted area (R–161), the Lake George restricted area (R–176) and the Sterling restricted areas (R–169 and R–170) are excluded.

§ 600.6268 *VOR civil airway No. 268 (Keymar, Md., to Baltimore, Md.).* From the point of intersection of the Martinsburg, W. Va., omnirange 072° True and the Herndon, Va., omnirange 015° True radials via the Westminster, Md., omnirange station; to the Baltimore, Md., omnirange station.

§ 600.6269 *VOR civil airway No. 269 (Wells, Nev., to Dubois, Idaho).* From the Wells, Nev., omnirange station via the Twin Falls, Idaho, omnirange station; Burley, Idaho, omnirange station; Pocatello, Idaho, omnirange station; to the Dubois, Idaho, omnirange station.

§ 600.6270 *VOR civil airway No. 270 (Binghamton, N. Y., to Chester, Mass.).* From the Binghamton, N. Y., omnirange station via the De Lancey, N. Y., omnirange station; to the Chester, Mass., omnirange station.

§ 600.6271 *VOR civil airway No. 271 (Bonneville, Utah, to Burley, Idaho).* From the Bonneville, Utah, omnirange station via the Lucin, Utah, omnirange station; intersection of the Lucin omnirange 353° True and the Burley omnirange 192° True radials; to the Burley, Idaho, omnirange station.

§ 600.6272 *VOR civil airway No. 272 (Sayre, Okla., to Oklahoma City, Okla.).* From the Sayre, Okla., omnirange station to the Oklahoma City, Okla., omnirange station, including a north alternate.

§ 600.6273 *VOR civil airway No. 273 (Downsville, N. Y., to Syracuse, N. Y.).* From the DeLancey, N. Y., omnirange station via the point of intersection of the DeLancey omnirange 289° True radial with the Binghamton, N. Y., omnirange direct radial to the Rockdale, N. Y., omnirange station; to the Syracuse, N. Y., omnirange station.

§ 600.6274 *VOR civil airway No. 274 (Grand Rapids, Mich., to Saginaw, Mich.).* From the Grand Rapids, Mich., Kent County Airport ILS outer marker to the Saginaw, Mich., omnirange station.

§ 600.6275 *VOR civil airway No. 275 (Cincinnati, Ohio, to Detroit, Mich.).* From the Cincinnati, Ohio, omnirange station via the point of intersection of the Cincinnati omnirange 004° True and the Dayton omnirange 209° True radials; Dayton, Ohio, omnirange station; point of intersection of the Findlay omnirange 212° True radial with the Sidney, Ohio, omnirange direct radial to the Fort Wayne, Indiana, omnirange station; Findlay, Ohio, omnirange station; Waterville, Ohio, omnirange station; to the Carleton, Mich., omnirange station.

§ 600.6276 *VOR civil airway No. 276 (Ellwood City, Pa., to Monmouth, N. J.).* From the Ellwood City, Pa., omnirange station via the point of intersection of the Ellwood City omnirange 102° True and the Fitzgerald, Pa., omnirange 191° True radials; Tyrone, Pa., omnirange station; point of intersection of the Philipsburg, Pa., omnirange direct radial to the Harrisburg, Pa., omnirange station with the Tower City omnirange 279° True radial; Tower City, Pa., omnirange station; Yardley, Pa., omnirange station; to the point of intersection of the Yardley omnirange 098° True radial with the Coyle, N. J., omnirange direct radial to the Idlewild, N. Y., omnirange station.

§ 600.6277 *VOR civil airway No. 277 (Plain City, Ohio, to Keeler, Mich.).* From the point of intersection of the Sidney omnirange 109° True radial with the Appleton, Ohio, omnirange direct radial to the Dayton, Ohio, omnirange station via the Sidney, Ohio, omnirange station; Fort Wayne, Ind., omnirange station; to the Keeler, Mich., omnirange station.

§ 600.6278 *VOR civil airway No. 278 (Guthrie, Tex., to Fort Worth, Tex.).* From the Guthrie, Tex., omnirange station to the Fort Worth, Tex., omnirange station.

§ 600.6279 *VOR civil airway No. 279 (Columbus, Ohio, to Findlay, Ohio).* From the Columbus, Ohio, radio range station to the Findlay, Ohio, omnirange station.

§ 600.6280 *VOR civil airway No. 280 (El Paso, Tex., to Kansas City, Mo.).* From the El Paso, Tex., omnirange station via the point of intersection of the El Paso omnirange 092° True and the Pinon omnirange 219° True radials; Pinon, N. Mex., omnirange station; Roswell, N. Mex., omnirange station; point of intersection of the Roswell omnirange 063° True and the Lubbock, Tex., omnirange 277° True radials; Texico, N. Mex., omnirange station; intersection of the Texico omnirange 021° True and the Amarillo omnirange 267° True radials; to the Amarillo, Tex., omnirange station. From the Gage, Okla., omnirange station via the Hutchinson, Kans., omnirange station; intersection of the Hutchinson omnirange 062° True and the Topeka omnirange 236° True radials; Topeka, Kans., omnirange station; intersection of the Topeka omnirange 064° True and the Kansas City omnirange 275° True radials; to the Kansas City, Mo., omnirange station. The portion of this airway which overlaps the McGregor Restricted Area (R–211) is excluded.

§ 600.6281 *VOR civil airway No. 281 (Redmond, Oreg., to Spokane, Wash.).* From the Redmond, Oreg., omnirange station via the Pendleton, Oreg., omnirange station; to the Spokane, Wash., omnirange station.

§ 600.6282 *VOR civil airway No. 282 (Cofield, N. C., to Elizabeth City, N. C.).* From the Cofield, N. C., omnirange station to the Elizabeth City, N. C., omnirange station.

§ 600.6283 *VOR civil airway No. 283 (Redmond, Oreg., to Portland, Oreg.).* From the Redmond, Oreg., omnirange station via the intersection of the Redmond omnirange 288° True and the Portland omnirange 166° True radials;

to the Portland, Oreg., omnirange station.

§ 600.6284 *VOR civil airway No. 284 (Fort Stockton, Tex., to San Angelo, Tex.).* From the Fort Stockton, Tex., omnirange station to the San Angelo, Tex., omnirange station.

§ 600.6285 *VOR civil airway No. 285 (Myton, Utah, to Rawlins, Wyo.).* From the Myton, Utah, omnirange station to the Rawlins-Cherokee, Wyo., omnirange station.

§ 600.6286 *VOR civil airway No. 286 (Front Royal, Va., to Cape Charles, Va.).* From the Front Royal, Va., omnirange station via the point of intersection of the Brooke omnirange 306° True radial with the Gordonsville, Va., omnirange direct radial to the Herndon, Va., omnirange station; Brooke, Va., omnirange station; to the Cape Charles, Va., omnirange station. The portions of this airway which overlie the Quantico Restricted Area (R–37), the West Dahlgren Restricted Area (R–38) and the Camp A. P. Hill Restricted Area (R–40) are excluded.

§ 600.6287 *VOR civil airway No. 287 (North Bend, Oreg., to Newberg, Oreg.).* From the North Bend, Oreg., omnirange station to the Newberg, Oreg., omnirange station.

§ 600.6288 *VOR civil airway No. 288 (Lucin, Utah, to Fort Bridger, Wyo.).* From the Lucin, Utah, omnirange station via the point of intersection of the Fort Bridger omnirange 278° True radial with the Ogden, Utah, omnirange direct radial to the Malad City, Idaho, omnirange station; to the Fort Bridger, Wyo., omnirange station.

§ 600.6289 *VOR civil airway No. 289 (Beaumont, Tex., to Lufkin, Tex.).* From the Beaumont, Tex., omnirange station via the intersection of the Beaumont omnirange 334° True and the Lufkin omnirange 160° True radials; to the Lufkin, Tex., omnirange station, including an east alternate via the intersection of the Beaumont omnirange 349° True and the Lufkin omnirange 145° True radials.

§ 600.6290 *VOR civil airway No. 290.* [Unassigned.]

§ 600.6291 *VOR civil airway No. 291 (Prescott, Ariz., to Valle, Ariz.).* From the Prescott, Ariz., omnirange station via the Drake, Ariz., omnirange station; to the Valle, Ariz., omnirange station.

HAWAIIAN VOR CIVIL AIRWAYS

§ 600.6401 *Hawaiian VOR civil airway No. 1.* From the Hilo, Hawaii, T. H., omnirange station to the point of intersection of the Hilo omnirange 034° True and the Upolu Point, Hawaii, T. H., omnirange 096° True radials.

§ 600.6402 *Hawaiian VOR civil airway No. 2.* From the Lihue, Kauai, T. H., omnirange station via the point of intersection of the Lihue omnirange 126° True and the Honolulu omnirange 261° True radials; Honolulu, Oahu, T. H., omnirange station, including a south alternate from the Lihue omnirange station to the Honolulu omnirange station via the intersection of the Lihue omnirange 141° True and the Honolulu omnirange 246° True radials; Lanai, T. H., omnirange station, including a south alternate; point of intersection of the Lanai omnirange 111° True and the Upolu Point omnirange 302° True radials; Upolu Point, Hawaii, T. H., omnirange station; point of intersection of the Upolu Point omnirange 096° True and the Hilo omnirange 334° True radials; Hilo, Hawaii, T. H., omnirange station; to the intersection of the Hilo omnirange 089° True radial with a point 33 statute miles east from the Hilo omnirange station. The portions of this airway which overlap the Kahoolawe Restricted Area (R–327) are excluded.

§ 600.6403 *Hawaiian VOR civil airway No. 3.* From the intersection of the Hilo omnirange 173° True radial with a point 36 statute miles south from the Hilo omnirange station via the Hilo, Hawaii, T. H., omnirange station; to the point of intersection of the Hilo omnirange 004° True and the Upolu Point, Hawaii, T. H., omnirange 096° True radials.

§ 600.6404 *Hawaiian VOR civil airway No. 4.* From the point of intersection of the Lihue, Kauai, T. H., omnirange 186° True and the Honolulu omnirange 246° True radials via the Honolulu, Oahu, T. H., omnirange station, including a north alternate from the point of intersection of the Lihue omnirange 189° True and the Honolulu omnirange 261° True radials to the Honolulu omnirange station; to the point of intersection of the Honolulu omnirange 061° True and the Kahului, Maui, T. H., omnirange 352° True radials. In addition, this airway shall include the airspace between straight lines starting from a point on each outer boundary of the airway, at a distance of 50 statute miles southwest and also northeast from the Honolulu omnirange station, and diverging southwestward and northeastward at angles of 6° relative to the airway's centerline. The north alternate shall include the airspace between straight lines starting from a point on each outer boundary of the north alternate, at a distance of 50 statute miles west from the Honolulu omnirange station, and diverging westward at angles of 6° relative to the north alternate's centerline. The portion of this airway at and below 5,000 feet, mean sea level, which overlaps the Kaneohe Bay Airspace Reservation (P–331) is excluded. The portion of this airway which overlaps the Waikane Restricted Area (R–496) is excluded.

§ 600.6405 *Hawaiian VOR civil airway No. 5.* From the point of intersection of the Lanai, T. H., omnirange 111° True and the Kahului omnirange 204° True radials to the Kahului, Maui, T. H., omnirange station. The portion of this airway which overlaps the Kahoolawe Restricted Area (R–327) is excluded.

§ 600.6406 *Hawaiian VOR civil airway No. 6.* From the point of intersection of the Molokai, T. H., omnirange 067° True and the Kahului, Maui, T. H., omnirange 331° True radials via the Kahului, Maui, T. H., omnirange station; point of intersection of the Kahului omnirange 080° True and the Hilo omnirange 334° True radials; to the Hilo, Hawaii, T. H., omnirange station. The portion of this airway between the Kahului omnirange station and the point of intersection of the Kahului omnirange 331° True and the Molokai omnirange 067° True radials which lies in proximity to the Mokuhoonike Restricted Area (R–326) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.6407 *Hawaiian VOR civil airway No. 7.* From the Lanai, T. H., omnirange station to the Molokai, T. H., omnirange station. The portion of this airway which overlaps the Molokai Restricted Area (R–325) is excluded.

§ 600.6408 *Hawaiian VOR civil airway No. 8.* From the point of intersection of the Honolulu, Oahu, T. H., omnirange 179° True and the Molokai, T. H., omnirange 268° True radials via the Molokai, T. H., omnirange station; to the point of intersection of the Molokai omnirange 067° True and the Upolu Point, Hawaii, T. H., omnirange 012° True radials. In addition, this airway shall include the airspace between straight lines starting from a point on each outer boundary of the airway, at a distance of 50 statute miles northeast from the Molokai omnirange station, and diverging northeastward at angles of 6° relative to the centerline of the airway. The portion of this airway which overlaps the West Molokai Restricted Area (R–325) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.6409 *Hawaiian VOR civil airway No. 9.* From the point of intersection of the Lanai, T. H., omnirange 224° True and the Honolulu omnirange 179° True radials to the Honolulu, Oahu, T. H., omnirange station. In addition, this airway shall include the airspace between straight lines starting from a point on each outer boundary of the airway, at a distance of 50 statute miles south from the Honolulu omnirange station, and diverging southward at angles of 6° relative to the centerline of the airway. The portion of this airway above 21,000 feet, mean sea level, which overlaps Warning Area C (W–321) is excluded.

§ 600.6410 *Hawaiian VOR civil airway No. 10.* From the Upolu Point, Hawaii, T. H., omnirange station to the point of intersection of the Upolu Point omnirange 096° True and the Hilo, Hawaii, T. H., omnirange 034° True radials.

§ 600.6411 *Hawaiian VOR civil airway No. 11.* From the Upolu Point, Hawaii, T. H., omnirange station to the point of intersection of the Upolu Point omnirange 349° True and the Kahului, Maui, T. H., omnirange 080° True radials.

TRANSCONTINENTAL VOR CIVIL AIRWAYS

§ 600.6600 *VOR civil airway No. 1500 (San Francisco, Calif., to New York, N. Y.)* From the point of intersection of the Oakland omnirange 217° True and the Salinas omnirange 319° True radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; Reno, Nev., omnirange station; to the Lovelock, Nev., omnirange station. From the Burley, Idaho, omnirange station to the Pocatello, Idaho, omnirange station. From the Watertown, S. Dak., omnirange station via the Minneapolis, Minn., omnirange station; Eau Clair, Wis., omnirange station; Wausau, Wis., omnirange station; Green Bay, Wis., omnirange station; to the White Cloud, Mich., omnirange station. From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa., omnirange 211° True radials; Colts Neck, N. J., omnirange station; point of intersection of the Colts Neck omnirange 078° True and the Idlewild omnirange 212° True radials; to the Idlewild, N. Y., omnirange station.

§ 600.6602 *VOR civil airway No. 1502 (San Francisco, Calif., to New York N. Y.).* From the point of intersection of the Oakland omnirange 217° True and the Salinas, Calif., omnirange 319° True radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; Reno, Nev., omnirange station; to the Lovelock, Nev., omnirange station. From the Burley, Idaho, omnirange station to the Pocatello, Idaho, omnirange station. From the Rapid City, S. Dak., omnirange station via the Philip, S. Dak., omnirange station; Pierre, S. Dak., omnirange station; Huron, S. Dak., omnirange station; to the Redwood Falls, Minn., omnirange station. From the Lone Rock, Wis., omnirange station via the intersection of the Lone Rock omnirange 103° True and the Milwaukee omnirange 273° True radials; Milwaukee, Wis., omnirange station; Muskegon, Mich., omnirange station; Lansing, Mich., omnirange station; Salem, Mich., omnirange station; Windsor, Ont., omnirange station; Erie, Pa., omnirange station; Bradford, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa., omnirange 211° True radials; Colts Neck, N. J., omnirange station; point of intersection of the Colts Neck omnirange 078° True and the Idlewild omnirange 212° True radials; to the Idlewild, N. Y., omnirange station.

§ 600.6604 *VOR civil airway No. 1504 (San Francisco, Calif., to Washington, D. C.).* From the point of intersection of the Oakland omnirange 217° True and the Salinas, Calif., omnirange 319° True radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; Reno, Nev., omnirange station; Lovelock, Nev., omnirange station; Battle Mountain, Nev., omnirange station; Elko, Nev., omnirange station; to the Wells, Nev., omnirange station. From the Lone Rock, Wis., omnirange station via the point of intersection of the Lone Rock omnirange 103° True and the Milwaukee omnirange 273° True radials; Milwaukee, Wis., omnirange station; Pullman, Mich., omnirange station; Litchfield, Mich., omnirange station; intersection of the Litchfield omnirange 098° True and the Carleton omnirange 264° True radials; Carleton, Mich., omnirange station; intersection of the Carleton omnirange 097° True and the Cleveland omnirange 327° True radials; Cleveland, Ohio, omnirange station; Wheeling, W. Va., omnirange station; Grantsville, Md., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6606 *VOR civil airway No. 1506 (San Francisco, Calif., to Washington, D. C.).* From the point of intersection of the Oakland omnirange 217° True and the Salinas, Calif., omnirange 319° True radials via the Oakland, Calif., omnirange station; to the Modesto, Calif., omnirange station. From the Bonneville, Utah, omnirange station via the Salt Lake City, Utah, omnirange station; Fort Bridger, Wyo., omnirange station; Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station; Rock River, Wyo., omnirange station; to the Chadron, Nebr., omnirange station. From the Sioux City, Iowa, omnirange station via the Fort Dodge, Iowa omnirange station; Waterloo, Iowa, omnirange station; Dubuque, Iowa, omnirange station; Rockford, Ill., omnirange station; Northbrook, Ill., omnirange station; intersection of the Northbrook omnirange 093° True and the Keeler omnirange 271° True radials; Keeler, Mich., omnirange station; point of intersection of the Keeler omnirange 085° True and the Litchfield omnirange 293° True radials; Litchfield, Mich., omnirange station; Waterville, Ohio, omnirange station; Appleton, Ohio, omnirange station; Zanesville, Ohio, omnirange station; Morgantown, W. Va., omnirange station; front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6608 *VOR civil airway No. 1508 (Los Angeles, Calif., to New York, N. Y.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; to the Milford, Utah, omnirange station. From the Sioux City, Iowa, omnirange station via the Fort Dodge, Iowa, omnirange station; Waterloo, Iowa, omnirange station; Dubuque, Iowa, omnirange station; Rockford, Ill., omnirange station; Northbrook, Ill., omnirange station; intersection of the Northbrook omnirange 093° True and the Keeler omnirange 271° True radials: Keeler, Mich., omnirange station; point of intersection of the Keeler omnirange 085° True and the Litchfield omnirange 293° True radials; Litchfield, Mich., omnirange station; intersection of the Litchfield omnirange 098° True and the Carleton omnirange 264° True radials; Carleton, Mich., omnirange station; Jefferson, Ohio, omnirange station; point of intersection of the Bradford, Pa., omnirange 260° True and the Fitzgerald omnirange 304° True radials; Fitzgerald, Pa., omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa., omnirange 211° True radials; Colts Neck, N. J., omnirange station; point of intersection of the Colts Neck omnirange 078° True and the Idlewild omnirange 212° True radials; to the Idlewild, N. Y., omnirange station.

§ 600.6610 *VOR civil airway No. 1510 (Los Angeles, Calif., to New York, N. Y.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; Daggett, Calif., omnirange station; Las Vagas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; Bryce Canyon, Utah, omnirange station; Hanksville, Utah, omnirange station; Grand Junction, Colo., omnirange station; Kremmling, Colo., omnirange station; Denver, Colo., omnirange station; Akron, Colo., omnirange station; Imperial, Nebr., omnirange station; Grand Island, Nebr., omnirange station; Omaha, Nebr., omnirange station; Des Moines, Iowa, omnirange station; Iowa City, Iowa, omnirange station; Moline, Ill., omnirange station; Naperville, Ill., omnirange station; South Bend, Ind., omnirange station; intersection of the South Bend omnirange 092° True and the Waterville omnirange 288° True radials; Waterville, Ohio, omnirange station, including a south alternate from the Iowa City omnirange station to the Waterville omnirange station via the point of intersection of the Iowa City omnirange 093° True and the Joliet omnirange 265° True radials, the Joliet, Ill., omnirange station, the Chicago Heights, Ill., omnirange station and the Goshen, Ind., omnirange station; Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa., omnirange 211° True radials; Colts Neck, N. J., omnirange station; point of intersection of the Colts Neck omnirange 078° True and the Idlewild omnirange 212° True radials; to the Idlewild, N. Y., omnirange station.

§ 600.6612 *VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; Daggett, Calif., omnirange station; Goffs, Calif., omnirange station; Valle, Ariz., omnirange station; to the Farmington, N. Mex., omnirange station. From the Russell, Kans., omnirange station via the Salina, Kans., omnirange station; Topeka, Kans., omnirange station; Kan-

sas City, Mo., omnirange station; Macon, Mo., omnirange station; Quincy, Ill., omnirange station; to the Springfield, Ill., omnirange station, including a south alternate from the Kansas City, Mo., omnirange station to the Indianapolis, Ind., omnirange station via the Columbia, Mo., omnirange station, the St. Louis, Mo., omnirange station, the Vandalia, Ill., omnirange station and the Terre Haute, Ind., omnirange station. From the Indianapolis, Ind., omnirange station via the intersection of the Indianapolis, omnirange 084° True and the Dayton omnirange 261° True radials; Dayton, Ohio, omnirange station; Appleton, Ohio, omnirange station; Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station; point of intersection of the Tower City, Pa., omnirange 279° True radial with the Philipsburg, Pa., omnirange direct radial to the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa., omnirange 211° True radials; Colts Neck, N. J., omnirange station; point of intersection of the Colts Neck omnirange 078° True and the Idlewild omnirange 212° True radials; to the Idlewild, N. Y., omnirange station.

§ 600.6614 *VOR civil airway No. 1514 (San Francisco, Calif., to New York, N. Y.).* From the point of intersection of the Oakland omnirange 217° True and the Salinas, Calif., omnirange 319° True radials via the Oakland, Calif., omnirange station; to the Modesto, Calif., omnirange station. From the Pueblo, Colo., omnirange station to the Lamar, Colo., omnirange station. From the Russell, Kans., omnirange station via the Salina, Kans., omnirange station; Topeka, Kans., omnirange station; Kansas City, Mo., omnirange station; Macon, Mo., omnirange station; Quincy, Ill., omnirange station to the Springfield, Ill., omnirange station, including a south alternate from the Kansas City, Mo., omnirange station to the Indianapolis, Ind., omnirange station via the Columbia, Mo., omnirange station, the St. Louis, Mo., omnirange station, the Vandalia, Ill., omnirange station and the Terre Haute, Ind., omnirange station. From the Indianapolis, Ind., omnirange station via the intersection of the Indianapolis omnirange 084° True and the Dayton omnirange 261° True radials; Dayton, Ohio, omnirange station; Appleton, Ohio, omnirange station; Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station; Harrisburg, Pa., omnirange station; point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown, Pa., omnirange 228° True radials; Pottstown, Pa., omnirange station; point of intersection of the Pottstown omnirange 104° and the Colts Neck omnirange 242° True radials; Colts Neck, N. J., omnirange station; point of intersection of the Colts Neck omnirange 078° True and the Idlewild omnirange 212° True radials; to the Idlewild, N. Y., omnirange station.

§ 600.6616 *VOR civil airway No. 1516 (San Francisco, to Washington, D. C.).* From the point of intersection of the Oakland omnirange 217° True and the Salinas, Calif., omnirange 319° True radials via the Oakland, Calif., omnirange station; Modesto, Calif., omnirange station to the Fresno, Calif., omnirange station. From the Valle, Ariz., omnirange station to the Farmington, N. Mex., omnirange station. From the point of intersection of the Gage, Okla., omnirange 059° True and the Ponca City omnirange 280° True radials via the Ponca City, Okla., omnirange station; intersection of the Ponca City omnirange 076° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Farmington, Mo., omnirange station; Evansville, Ind., omnirange station; intersection of the Evansville omnirange 080° True and the Louisville omnirange 269° True radials; Louisville, Ky., omnirange station; York, Ky., omnirange station; Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6618 *VOR civil airway No. 1518 (Los Angeles, Calif., to Washington, D. C.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; Daggett, Calif., omnirange station; Needles, Calif., omnirange station; intersection of the Needles omnirange 077° True and the Drake omnirange 274° True radials; Drake, Ariz., omnirange station; Winslow, Ariz., omnirange station; Zuni, N. Mex., omnirange station; Grants, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station; Otto, N. Mex., omnirange station; Anton Chico, N. Mex., omnirange station; Tucumcari, N. Mex., omnirange station; Amarillo, Tex., omnirange station; Sayre, Okla., omnirange station; intersection of the Sayre omnirange 071° True and the Tulsa omnirange 260° True radials; Tulsa, Okla., omnirange station; Fayetteville, Ark., omnirange station; Flippin, Ark., omnirange station; Walnut Ridge, Ark., omnirange station; Dyersburg, Tenn., omnirange station; Nashville, Tenn., omnirange station; intersection of the Nashville omnirange 059° True radial and the Corbin VHF VAR west aural course; Corbin, Ky., VHF VAR station; Paynesville, W. Va., nondirectional radio beacon; Montebello, Va., omnirange station; Gordonsville, Va., omnirange station; point of intersection of the Gordonsville omnirange 056° True radial with the Brooke, Va., omnirange direct radial to the Washington terminal omnirange station; to the Washington, D. C., terminal omnirange station.

§ 600.6620 *VOR civil airway No. 1520 (Los Angeles, Calif., to Washington, D. C.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; Daggett, Calif., omnirange station; Needles, Calif., omnirange station; to the Prescott, Ariz., omnirange station. From the Little Rock, Ark., omnirange station via the Memphis, Tenn., omnirange station; Muscle Shoals, Ala., omnirange station; point of intersection of the Crossville, Tenn., omnirange 104° True and the Knoxville omnirange 249° True radials; Knoxville, Tenn., omnirange station; Tri-City, Tenn., omnirange station; Pulaski, Va., omnirange station; Montebello, Va., omnirange station; Gordonsville, Va., omnirange station; point of intersection of the Gordonsville omnirange 056° True radial with the Brooke, Va., omnirange direct radial to the Washington terminal omnirange station; to the Washington, D. C., terminal omnirange station.

§ 600.6622 *VOR civil airway No. 1522 (Los Angeles, Calif., to Washington, D. C.).* That airspace over United States territory from the Los Angeles, Calif., omnirange station via the Ontario, Calif., omnirange station; intersection of the Ontario omnirange 091° True and the Blythe omnirange 288° True radials; Blythe, Calif., omnirange station; to the Hassayampa, Ariz., omnirange station. From the Tucson, Ariz., omnirange station via the Cochise, Ariz., omnirange station; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station; Salt Flat, Tex., omnirange station; Wink, Tex., omnirange station; Midland, Tex., omnirange station; Big Spring, Tex., omnirange station; Abilene, Tex., omnirange station; Mineral Wells, Tex., omnirange station; Dallas, Tex., omnirange station; to the Sulphur Springs, Tex., omnirange station. From the Birmingham, Ala., omnirange station via the Anniston, Ala., omnirange station; intersection of the Anniston omnirange 084° True and the Atlanta Airport ILS localizer west course; Atlanta, Ga., Airport ILS localizer; intersection of the Atlanta Airport ILS localizer east course and the Atlanta, Ga., omnirange 048° True radial; intersection of the Atlanta omnirange 048° True and the Royston omnirange 236° True radials; Royston, Ga., omnirange station; Spartanburg, S. C., omnirange station; Greensboro, N. C., omnirange station; South Boston, Va., omnirange station; Gordonsville, Va., omnirange station; point of intersection of the Gordonsville omnirange 056° True radial with the Brooke, Va., omnirange direct radial to the Washington terminal omnirange station; to the Washington, D. C., terminal omnirange station.

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

Subpart A—Introduction

GENERAL

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601.1 Basis and purpose.
601.2 Explanation of terms.

CONTROL AREAS

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Subpart B—Colored Civil Airway Control Areas

GREEN CIVIL AIRWAYS

601.11 Green civil airway No. 1 control areas (Particia Bay, British Columbia, to United States-Canadian Border via Millinocket, Maine).

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601.12 Green civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).
601.13 Green civil airway No. 3 control areas (San Francisco, Calif., to New York, N. Y.).
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601.16 Green civil airway No. 6 control areas (Laredo, Tex., to Norfolk, Va.).
601.17 Green civil airway No. 7 control areas (Nome, Alaska, to Fairbanks, Alaska).
601.18 Green civil airway No. 8 control areas (Cold Bay, Alaska, to Northway, Alaska).
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601.20 Green civil airway No. 10 control areas (United States-Canadian Border to Denver, Colo.).

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601.101 Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).
601.102 Amber civil airway No. 2 control areas (Daggett, Calif., to Point Barrow, Alaska).
601.103 Amber civil airway No. 3 control areas (El Paso, Tex., to Great Falls, Mont.).
601.104 Amber civil airway No. 4 control areas (Brownsville, Tex., to Minot, N. Dak.).
601.105 Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.).
601.106 Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border).
601.107 Amber civil airway No. 7 control areas (Key West, Fla., to United States-Canadian Border).
601.108 Amber civil airway No. 8 control areas (Los Angeles, Calif., to Ellensburg, Wash.).
601.109 Amber civil airway No. 9 control areas (Charleston, S. C., to Norfolk, Va.).
601.110 Amber civil airway No. 10 control areas (Hawaiian Islands).
601.111 Amber civil airway No. 11 control areas (Hawaiian Islands).
601.112 Amber civil airway No. 12 control areas (Hawaiian Islands).
601.113 Amber civil airway No. 13 control areas (Hawaiian Islands).

RED CIVIL AIRWAYS

601.201 Red civil airway No. 1 control areas (Big Spring, Tex., to San Antonio, Tex.).
601.202 Red civil airway No. 2 control areas (Sheridan, Wyo., to Rapid City, S. Dak.).
601.203 Red civil airway No. 3 control areas (Philipsburg, Pa., to Hartford, Conn.).
601.204 Red civil airway No. 4 control areas (Las Vegas, N. Mex., to Tucumcari, N. Mex.).
601.205 Red civil airway No. 5 control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).
601.206 Red civil airway No. 6 control areas (Denver, Colo., to Omaha, Nebr.).
601.207 Red civil airway No. 7 control areas (Atlanta, Ga., to Greensboro, N. C.).
601.208 Red civil airway No. 8 control areas (Dayton, Ohio, to Newark, N. J.).
601.209 Red civil airway No. 9 control areas (San Diego, Calif., to Casa Grande, Ariz.).
601.210 Red civil airway No. 10 control areas (Wichita Falls, Tex., to Augusta, Ga.).
601.211 Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.).
601.212 Red civil airway No. 12 control areas (Joliet, Ill., to Erie, Pa.).
601.213 Red civil airway No. 13 control areas (Wheeling, W. Va., to Boston, Mass.).
601.214 Red civil airway No. 14 control areas (Lone Rock, Wis., to Indianapolis, Ind.).
601.215 Red civil airway No. 15 control areas (Reno, Nev., to Phoenix, Ariz.).
601.216 Red civil airway No. 16 control areas (Tallahassee, Fla., to Raleigh, N. C.)
601.217 Red civil airway No. 17 control areas (St. Louis, Mo., to Baltimore, Md.).
601.218 Red civil airway No. 18 control areas (Indianapolis, Ind., to Washington, D. C.).
601.219 Red civil airway No. 19 control areas (Traverse City, Mich., to Norfolk, Va.).
601.220 Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).
601.221 Red civil airway No. 21 control areas (New York, N. Y., to Boston, Mass.).
601.222 Red civil airway No. 22 control areas (Mount Clemens, Mich., to Albany, N. Y.).
601.223 Red civil airway No. 23 control areas (United States-Canadian Border to New York, N. Y.).
601.224 Red civil airway No. 24 control areas (Amarillo, Tex., to Oklahoma City, Okla.).
601.225 Red civil airway No. 25 control areas (United States-Canadian Border to Bangor, Maine).
601.226 Red civil airway No. 26 control areas (Petersburg, Va., to Corapeake, N. C.).
601.227 Red civil airway No. 27 control areas (Nenabank, Alaska, to Wolf Intersection, Alaska).
601.228 Red civil airway No. 28 control areas (Rockford, Ill., to Detroit, Mich.).
601.230 Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).
601.231 Red civil airway No. 31 control areas (Cheyenne, Wyo., to La Crosse, Wis.).
601.232 Red civil airway No. 32 control areas (Laredo, Tex., to Houston, Tex.).
601.233 Red civil airway No. 33 control areas (Norfolk, Va., to Boston, Mass.).
601.234 Red civil airway No. 34 control areas (Charleston, W. Va., to Weeksville, N. C.).
601.235 Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.).
601.236 Red civil airway No. 36 control areas (Rochester, Minn., to La Crosse, Wis.).
601.237 Red civil airway No. 37 control areas (Tyler, Tex., to Gordonsville, Va.).
601.238 Red civil airway No. 38 control areas (Big Spring, Tex., to San Antonio, Tex.).
601.239 Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks, Alaska).
601.240 Red civil airway No. 40 control areas (Kodiak, Alaska, to Anchorage, Alaska)
601.241 Red civil airway No. 41 control areas (Cape Spencer, Alaska, to Sisters Island, Alaska).
601.242 Red civil airway No. 42 control areas (Milwaukee, Wis., to Aurora, Ill.).
601.244 Red civil airway No. 44 control areas (Bellingham, Wash., to United States-Canadian Border).
601.245 Red civil airway No. 45 control areas (Blackstone, Va., to Lancaster, Pa.).
601.246 Red civil airway No. 46 control areas (United States-Canadian Border to Jamestown, N. Dak.).
601.247 Red civil airway No. 47 control areas (Tampa, Fla., to Daytona Beach, Fla.).
601.249 Red civil airway No. 49 control areas (Elko, Nev., to Fort Bridger, Wyo.).
601.250 Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).
601.251 Red civil airway No. 51 control areas (Blackstone, Va., to Norfolk, Va.).
601.252 Red civil airway No. 52 control areas (Memphis, Tenn., to Birmingham, Ala.).
601.253 Red civil airway No. 53 control areas (Portland, Oreg., to Spokane, Wash.).
601.254 Red civil airway No. 54 control areas (Burley, Idaho, to Salt Lake City, Utah).
601.255 Red civil airway No. 55 control areas (Chicago, Ill., to Columbus, Ohio).
601.256 Red civil airway No. 56 control areas (Red Bluff, Calif., to Whitmore, Calif.).
601.257 Red civil airway No. 57 control area (Des Moines, Iowa, to Youngstown, Ohio).
601.258 Red civil airway No. 58 control areas (Augusta, Maine, to United States-Canadian Border).
601.259 Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.).
601.260 Red civil airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.).
601.261 Red civil airway No. 61 control areas (Butler, Pa., to Washington, D. C.).
601.263 Red civil airway No. 63 control areas (Bangor, Mich., to Jackson, Mich.).
601.264 Red civil airway No. 64 control areas (United States-Canadian Border to Annette Island, Alaska).
601.265 Red civil airway No. 65 control areas (Los Angeles, Calif., to Hayfield Lake, Calif.).
601.267 Red civil airway No. 67 control areas (Crestview, Fla., to Atlanta, Ga.).
601.268 Red civil airway No. 68 control areas (Midland, Tex., to Shreveport, La.).
601.269 Red civil airway No. 69 control areas (Midland, Tex., to Big Spring, Tex.).
601.270 Red civil airway No. 70 control areas (Midland, Tex., to Lubbock, Tex.).
601.271 Red civil airway No. 71 control areas (El Paso, Tex., to Lubbock, Tex.).
601.272 Red civil airway No. 72 control areas (Millville, N. J., to Paterson, N. J.).
601.273 Red civil airway No. 73 control areas (Baltimore, Md., to Millville, N. J.).
601.274 Red civil airway No. 74 control areas (New Orleans, La., to Bay Minette, Ala.).

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601.275	Red civil airway No. 75 control areas (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).
601.276	Red civil airway No. 76 control areas (Williams, Calif., to Auburn, Calif.).
601.277	Red civil airway No. 77 control areas (Greensboro, N. C., to Atlantic City, N. J.).
601.278	Red civil airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.).
601.279	Red civil airway No. 79 control areas (Neah Bay, Wash., to Everett, Wash.).
601.280	Red civil airway No. 80 control areas (Helena, Mont., to Miles City, Mont.).
601.281	Red civil airway No. 81 control areas (Lansing, Mich., to Detroit, Mich.).
601.282	Red civil airway No. 82 control areas (Skwentna, Alaska, to Anchorage, Alaska).
601.283	Red civil airway No. 83 control areas (Gila Bend, Ariz., to Tucson, Ariz.).
601.284	Red civil airway No. 84 control areas (Meridian, Miss., to Columbus, Ga.).
601.286	Red civil airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine).
601.287	Red civil airway No. 87 control areas (Hawaiian Islands).
601.288	Red civil airway No. 88 control areas (Albuquerque, N. Mex., to Hobbs, N. Mex.).
601.289	Red civil airway No. 89 control areas (Quincy, Ill., to Peoria, Ill.).
601.290	Red civil airway No. 90 control areas (Oxnard, Calif., to Burbank, Calif.).
601.291	Red civil airway No. 91 control areas (Dunkirk, N. Y., to Syracuse, N. Y.).
601.292	Red civil airway No. 92 control areas (Sault Ste. Marie, Mich., to United States-Canadian Border).
601.294	Red civil airway No. 94 control areas (Providence, R. I., to Hyannis, Mass.).
601.295	Red civil airway No. 95 control areas (Elmira, N. Y., to Utica, N. Y.).
601.296	Red civil airway No. 96 control areas (Palacios, Tex., to Baton Rouge, La.).
601.297	Red civil airway No. 97 control areas (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
601.298	Red civil airway No. 98 control areas (Vichy, Mo., to Belleville, Ill.).
601.299	Red civil airway No. 99 control areas (Illamna, Alaska, to Homer, Alaska.).
601.300	Red civil airway No. 100 control areas (South Bend, Ind., to Battle Creek, Mich.).
601.301	Red civil airway No. 101 control areas (Biloxi, Miss., to Pensacola, Fla.).
601.302	Red civil airway No. 102 control areas (Lexington, Ky., to Huntington, W. Va.).
601.303	Red civil airway No. 103 control areas (Anchorage, Alaska, to Middelton Island, Alaska).
601.304	Red civil airway No. 104 control areas (Greensboro, N. C., to Raleigh, N. C.).
601.305	Red civil airway No. 105 control areas (Wichita, Kans., to Neosho, Mo.).
601.306	Red civil airway No. 106 control areas (Scottsbluff, Nebr., to North Platte, Nebr.).
601.307	Red civil airway No. 107 control areas (Stanton, Minn., to Red Wing, Minn.).
601.308	Red civil airway No. 108 control areas (Promontory Point, Utah, to Fort Bridger, Wyo.).
601.309	Red civil airway No. 109 control areas (Portland, Oreg., to Spokane, Wash.).
601.310	Red civil airway No. 110 control areas (Mobile, Ala., to Pensacola, Fla.).
601.312	Red civil airway No. 112 control areas (Albany, N. Y., to Westfield, Mass.).
601.313	Red civil airway No. 113 control areas (Hawaiian Islands).
	BLUE CIVIL AIRWAYS
601.601	Blue civil airway No. 1 control areas (Miami, Fla., to Tampa, Fla.).
601.602	Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.).
601.603	Blue civil airway No. 3 control areas (Miami, Fla., to Sault Ste. Marie, Mich.).
601.604	Blue civil airway No. 4 control areas (Boston, Mass., to United States-Canadian Border).
601.605	Blue civil airway No. 5 control areas (Galveston, Tex., to Wichita, Kans.).
601.606	Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.).
601.607	Blue civil airway No. 7 control areas (Hollister, Calif., to Williams, Calif.).
601.608	Blue civil airway No. 8 control areas (Fargo, N. Dak., to United States-Canadian Border).
601.609	Blue civil airway No. 9 control areas (Springfield, Mo., to United States-Canadian Border).
601.610	Blue civil airway No. 10 control areas (Fresno, Calif., to Williams, Calif.).
601.611	Blue civil airway No. 11 control areas (Findlay, Ohio, to Dunkirk, N. Y.).
601.612	Blue civil airway No. 12 control areas (McGrath, Alaska, to Galena, Alaska).
601.613	Blue civil airway No. 13 control areas (Houston, Tex., to Des Moines, Iowa).
601.614	Blue civil airway No. 14 control areas (El Centro, Calif., to Sacramento, Calif.).
601.615	Blue civil airway No. 15 control areas (Akron, Ohio, to Hubbard, Ohio).
601.616	Blue civil airway No. 16 control areas (Waverly, Va., to Tappahannock, Va.).
601.617	Blue civil airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine).
601.618	Blue civil airway No. 18 control areas (Paterson, N. J., to United States-Canadian Border).
601.619	Blue civil airway No. 19 control areas (Key West, Fla., to Orlando, Fla.).
601.620	Blue civil airway No. 20 control areas (Millville, N. J., to Allentown, Pa.).
601.621	Blue civil airway No. 21 control areas (Coles Point, Va., to Elmira, N. Y.).
601.623	Blue civil airway No. 23 control areas (Norfolk, Va., to Chincoteague, Va.).
601.625	Blue civil airway No. 25 control areas (Middleton Island, Alaska, to Big Delta, Alaska).
601.626	Blue civil airway No. 26 control areas (Anchorage, Alaska, to Fairbanks, Alaska).
601.627	Blue civil airway No. 27 control area (Kodiak, Alaska, to Kotzebue, Alaska).
601.628	Blue civil airway No. 28 control areas (Columbia, S. C., to Bulls Gap, Tenn.).
601.629	Blue civil airway No. 29 control areas (Raleigh, N. C., to Lynchburg, Va.).
601.630	Blue civil airway No. 30 control areas (Brownsville, Tex., to Pueblo, Colo.).
601.631	Blue civil airway No. 31 control areas (Burlington, Iowa, to Madison, Wis.).
601.632	Blue civil airway No. 32 control areas (Anchorage, Alaska, to Talkeetna, Alaska).
601.633	Blue civil airway No. 33 control areas (Lansing, Mich., to Saginaw, Mich.).
601.634	Blue civil airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.).
601.636	Blue civil airway No. 36 control areas (Akron, Colo., to Kimball, Nebr.).
601.637	Blue civil airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.).
601.638	Blue civil airway No. 38 control areas (Five Finger, Alaska, to United States-Canadian Border).
601.639	Blue civil airway No. 39 control areas (Savannah, Ga., to Elmira, N. Y.).
601.640	Blue civil airway No. 40 control areas (Concord, N. H., to Burlington, Vt.).
601.641	Blue civil airway No. 41 control areas (Hartford, Conn., to United States-Canadian Border).
601.642	Blue civil airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.).
601.643	Blue civil airway No. 43 control areas (Healy, Alaska, to Fairbanks, Alaska).
601.644	Blue civil airway No. 44 control areas (Indianapolis, Ind., to United States-Canadian Border).
601.645	Blue civil airway No. 45 control areas (Greenfield, Mass., to Newport, Vt.).
601.646	Blue civil airway No. 46 control areas (Memphis, Tenn., to Paducah, Ky.).
601.647	Blue civil airway No. 47 control areas (Blackstone, Va., to Dunkirk, N. Y.).
601.648	Blue civil airway No. 48 control areas (Marathon, Fla., to Miami, Fla.).
601.649	Blue civil airway No. 49 control areas (Atlantic City, N. J., to Philadelphia, Pa.).
601.651	Blue civil airway No. 51 control areas (Wendover, Utah, to Dubois, Idaho).
601.653	Blue civil airway No. 53 control areas (Providence, R. I., to Hartford, Conn.).
601.654	Blue civil airway No. 54 control areas (Evergreen, Calif., to Hamilton AFB, Calif.).
601.655	Blue civil airway No. 55 control areas (Crestview, Fla., to Montgomery, Ala.).
601.656	Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Washington, D. C.).
601.657	Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho).

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601.658	Blue civil airway No. 58 control areas (Hyannis, Mass., to Squantum, Mass.).
601.660	Blue civil airway No. 60 control areas (Sunnyvale, Calif., to Stockton, Calif.).
601.663	Blue civil airway No. 63 control areas (Concord, N. H., to Berlin, N. H.).
601.664	Blue civil airway No. 64 control areas (Wink, Tex., to Hobbs, N. Mex.).
601.665	Blue civil airway No. 65 control areas (Shuyak, Alaska, to Homer, Alaska).
601.666	Blue civil airway No. 66 control areas (Bridgeport, Conn., to Poughkeepsie, N. Y.).
601.667	Blue civil airway No. 67 control areas (Yuma, Ariz., to Las Vegas, Nev.).
601.668	Blue civil airway No. 68 control areas (Midland, Tex., to Hobbs, N. Mex.).
601.669	Blue civil airway No. 69 control areas (St. Louis, Mo., to Quincy, Ill.).
601.670	Blue civil airway No. 70 control areas (Waco, Tex., to Tulsa, Okla.).
601.671	Blue civil airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.).
601.672	Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.).
601.675	Blue civil airway No. 75 control areas (Cleveland, Ohio, to United States-Canadian Border).
601.676	Blue civil airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.).
601.678	Blue civil airway No. 78 control areas (Spring Bay, Utah, to Malad City, Idaho).
601.679	Blue civil airway No. 79 control areas (Annette Island, Alaska, to United States-Canadian Border).
601.680	Blue civil airway No. 80 control areas (Unalakleet, Alaska, to Moses Point, Alaska).
601.681	Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).
601.684	Blue civil airway No. 84 control areas (Augusta, Maine, to Millinocket, Maine).
601.685	Blue civil airway No. 85 control areas (Hutchinson, Kans., to Wichita, Kans.).
601.686	Blue civil airway No. 86 control areas (Goshen, Ind., to Fort Wayne, Ind.).
601.687	Blue civil airway No. 87 control areas (Atlanta, Ga., to Detroit, Mich.).

Subpart C—Control Area Extensions

Sec.	
601.1001	Control area extension (Moses Lake, Wash.).
601.1002	Control area extension (Austin, Tex.).
601.1003	Control area extension (Corinne, Utah).
601.1004	Control area extension (Brownsville, Tex.).
601.1005	Control area extension (Jacksonville, Fla.).
601.1006	Control area extension (Lake Charles, La.).
601.1007	Control area extension (Laredo, Tex.).
601.1008	Control area extension (Savannah, Ga.).
601.1009	Control area extension (Augusta, Ga.).
601.1010	Control area extension (Greenwood, S. C.).
601.1011	Control area extension (Daytona Beach, Fla.).
601.1012	Control area extension (Florence, S. C.).
601.1013	Control area extension (Fort Myers, Fla.).
601.1014	Control area extension (Greenville, S. C.). (Greenville-Charlotte-Greensboro area).
601.1015	Control area extension (Greenwood, Miss.).
601.1016	Control area extension (Augusta, Ga.).
601.1017	Control area extension (Newberg, Oreg.).
601.1018	Control area extension (Meridian, Miss.).
601.1019	Control area extension (Nashville, Tenn.).
601.1020	Control area extension (Macon, Ga.).
601.1021	Control area extension (Belleville, Ill.).
601.1022	Control area extension (West Palm Beach, Fla.).
601.1023	Control area extension (Akron, Colo.).
601.1024	Control area extension (Burlington, Iowa).
601.1025	Control area extension (New Orleans, La.).
601.1026	Control area extension (Grand Island, Nebr.).
601.1027	Control area extension (Kansas City, Mo.).
601.1028	Control area extension (Monroe, La.).
601.1029	Control area extension (Corpus Christi, Tex.).
601.1030	Control area extension (Victorville, Calif.).
601.1031	Control area extension (North Platte, Nebr.).
601.1032	Control area extension (Kotzebue, Alaska).
601.1033	Control area extension (St. Joseph, Mo.).
601.1034	Control area extension (Springfield, Mo.).
601.1035	Control area extension (Little Rock, Ark.).
601.1036	Control area extension (West Palm Beach, Fla.).
601.1037	Control area extension (Pensacola, Fla.).
601.1038	Control area extension (Great Falls, Mont.).
601.1039	Control area extension (Portland, Oreg.).
601.1040	Control area extension (Medford, Oreg.).
601.1041	Control area extension (Boise, Idaho).
601.1042	Control area extension (Columbus, Ohio).
601.1043	Control area extension (Bowling Green, Ky.).
601.1044	Control area extension (Ypsilanti, Mich.).
601.1045	Control area extension (Presque Isle, Maine).
601.1046	Control area extension (Falfurrias, Tex.).
601.1047	Control area extension (Bangor, Maine).
601.1048	Control area extension (Red Bluff, Calif.).
601.1049	Control area extension (Utica, N. Y.).
601.1050	Control area extension (Bakersfield, Calif.).
601.1051	Control area extension (Portland, Maine).
601.1052	Control area extension (Atlanta, Ga.).
601.1053	Control area extension (Houston, Tex.). (Beaumont - Palacios - Houston area).
601.1054	Control area extension (Sinclair, Wyo.).
601.1055	Control area extension (Elmira, N. Y.).
601.1056	Control area extension (Buffalo, N. Y.).
601.1057	Control area extension (Binghamton, N. Y.).
601.1058	Control area extension (Martinsburg, W. Va.).
601.1059	Control area extension (Lynchburg, Va.).
601.1060	Control area extension (Elkins, W. Va.).
601.1061	Control area extension (Mt. Clemens, Mich.).
601.1062	Control area extension (Raleigh, N. C.).
601.1063	Control area extension (Roanoke, Va.).
601.1064	Control area extension (Chicopee Falls, Mass.).
601.1065	Control area extension (Biloxi, Miss.).
601.1066	Control area extension (New York, N. Y.).
601.1067	Control area extension (Lexington, Ky.).
601.1068	Control area extension (Riverside, Calif.).
601.1069	Control area extension (Santa Barbara, Calif.).
601.1070	Control area extension (Charlottesville, Va.).
601.1071	Control area extension (Burbank, Calif.).
601.1072	Control area extension (Sumter, S. C.).
601.1073	Control area extension (Fresno, Calif.).
601.1074	Control area extension (North Bend, Oreg.).
601.1075	Control area extension (Ada, Okla.).
601.1076	Control area extension (Phoenix, Ariz.).
601.1077	Control area extension (Elko, Nev.).
601.1078	Control area extension (Reno, Nev.).
601.1079	Control area extension (Rock Springs, Wyo.).
601.1080	Control area extension (Louisville, Ky.).
601.1081	Control area extension (Windsor Locks, Conn.).
601.1082	Control area extension (Montgomery, Ala.).
601.1083	Control area extension (Bartlesville, Okla.).
601.1084	Control area extension (Quincy, Ill.).
601.1085	Control area extension (Edwards Air Force Base, Calif.).
601.1086	Control area extension (Memphis, Tenn.).
601.1087	Control area extension (Akron, Ohio).
601.1088	Control area extension (Alexandria, Minn.).
601.1089	Control area extension (Cincinnati, Ohio).
601.1090	Control area extension (Lawrence, Mass.).
601.1091	Control area extension (Detroit, Mich.).
601.1092	Control area extension (Dickinson, N. Dak.).
601.1093	Control area extension (Fargo, N. Dak.).
601.1094	Control area extension (Flint, Mich.).
601.1095	Control area extension (Fort Wayne, Ind.).
601.1096	Control area extension (Glenview, Ill.).
601.1097	Control area extension (Grand Forks, N. Dak.).
601.1098	Control area extension (Casper, Wyo.).
601.1099	Control area extension (Indianapolis, Ind.).
601.1100	Control area extension (Lone Rock, Wis.).

Sec.		Sec.		Sec.	
601.1101	Control area extension (Madison, Wis.).	601.1146	Control area extension (New York, N. Y.).	601.1191	Control area extension (Thermal, Calif.).
601.1102	Control area extension (Minneapolis, Minn.).	601.1147	Control area extension (New York, N. Y.).	601.1192	Control area extension (Merced, Calif.).
601.1103	Control area extension (Minot, N. Dak.).	601.1148	Control area extension (Millville, N. J.).	601.1193	Control area extension (Monterey, Calif.).
601.1104	Control area extension (Rockford, Ill.).	601.1149	Control area extension (Norfolk, Va.)	601.1194	Control area extension (Sacramento, Calif.).
601.1105	Control area extension (Muskegon, Mich.).	601.1150	Control area extension (Wilmington, N. C.).	601.1195	Control area extension (San Angelo, Tex.).
601.1106	Control are extension (Whidbey Island, Wash.).	601.1151	Control area extension (Wilmington, N. C.).	601.1196	Control area extension (Yuma, Ariz.).
601.1107	Control area extension (Topeka, Kans.).	601.1152	Control area extension (Charleston, S. C.).	601.1197	Control area extension (Dubois, Idaho).
601.1108	Control area extension (Salina, Kans.).	601.1153	Control area extension (Jacksonville, Fla.).	601.1198	Control area extension (Idaho Falls, Idaho).
601.1109	Control area extension (Goodland, Kans.).	601.1154	Control area extension (Bismarck, N. Dak.).	601.1199	Control area extension (St. Cloud, Minn.).
601.1110	Control area extension (Hobbs, N. Mex.).	601.1155	Control area extension (Omaha, Nebr.).	601.1200	Control area extension (Columbia, S. C.).
601.1111	Control area extension (San Diego, Calif.).	601.1156	Control area extension (Albany, Ga.).	601.1201	Control area extension (Saginaw, Mich.).
601.1112	Control area extension (Fort Dix, N. J.).	601.1157	Control area extension (Chicago, Ill.).	601.1202	Control area extension (Tucumcari, N. Mex.).
601.1113	Control area extension (San Francisco, Calif.).	601.1158	Control area extension (Cleveland, Ohio).	601.1203	Control area extension (Montague, Calif.).
601.1114	Control area extension (Bettles, Alaska).	601.1159	Control area extension (Moline, Ill.).	601.1204	Control area extension (Zuni, N. Mex.).
601.1115	Control area extension (Dodge City, Kans.).	601.1160	Control area extension (South Bend, Ind.).	601.1205	Control area extension (Albuquerque, N. Mex.).
601.1116	Control area extension (Hutchinson, Kans.).	601.1161	Control area extension (Chicago, Ill.).	601.1206	Control area extension (Midland, Tex.).
601.1117	Control area extension (Grosse Ile, Mich.).	601.1162	Control area extension (Danville, Va.).	601.1207	Control area extension (Carlsbad, N. Mex.).
601.1118	Control area extension (Grand Junction, Colo.).	601.1163	Control area extension (Vero Beach, Fla.).	601.1208	Control area extension (Salt Flat, Tex.).
601.1119	Control area extension (St. Louis, Mo.).	601.1164	Control area extension (Quonset Point, R. I.).	601.1209	Control area extension (Columbus, N. Mex.).
601.1120	Control area extension (Cedar Rapids, Iowa).	601.1165	Control area extension (Oakland, Calif.).	601.1210	Control area extension (Olathe, Kans.).
601.1121	Control area extension (White Plains, N. Y.).	601.1166	Control area extension (Mobile, Ala.).	601.1211	Control area extension (Dallas, Tex.).
601.1122	Control area extension (Tri-City, Tenn.).	601.1167	Control area extension (Ontario, Oreg.).	601.1212	Control area extension (White Sulphur Springs, W. Va.).
601.1123	Control area extension (Birmingham, Ala.).	601.1168	Control area extension (Ponca City, Okla.).	601.1213	Control area extension (Chatsworth, Calif.).
601.1124	Control area extension (Eugene, Oreg.).	601.1169	Control area extension (Idlewild, N. Y.).	601.1214	Control area extension (Brownsville, Tex.).
601.1125	Control area extension (Tallahassee, Fla.).	601.1170	Control area extension (Owensboro, Ky.).	601.1215	Control area extension (Galveston, Tex.).
601.1126	Control area extension (Knoxville, Tenn.).	601.1171	Control area extension (El Paso, Tex.).	601.1216	Control area extension (New Orleans, La.).
601.1127	Control area extension (Pasco, Wash.).	601.1172	Control area extension (Rantoul, Ill.).	601.1217	Control area extension (Kodiak, Alaska).
601.1128	Control area extension (Jackson, Miss.).	601.1173	Control area extension (San Francisco, Calif.).	601.1218	Control area extension (Homer, Alaska).
601.1129	Control area extension (Washington, D. C.).	601.1174	Control area extension (Ukiah, Calif.).	601.1219	Control area extension (Pensacola, Saufley Field, Ala.).
601.1130	Control area extension (Spokane, Wash.).	601.1175	Control area extension (Charleston, S. C.).	601.1220	Control area extension (Johnstown, Pa.).
601.1131	Control area extension (Sitka, Alaska).	601.1176	Control area extension (Santa Barbara, Calif.).	601.1221	Control area extension (Dothan, Ala.).
601.1132	Control area extension (West Palm Beach, Fla.).	601.1177	Control area extension (Long Beach, Calif.) (Long Beach-Honolulu route).	601.1222	Control area extension (Pine Bluff, Ark.).
601.1133	Control area extension (Seattle, Wash.).	601.1178	Control area extension (Honolulu, T. H.).	601.1223	Control area extension (Miramar, Calif.).
601.1134	Control area extension (Columbus, Ga.).	601.1179	Control area extension (Hilo, T. H.).	601.1224	Control area extension (Phillipsburg, Pa.).
601.1135	Control area extension (Marianna, Fla.).	601.1180	Control area extension (San Antonio, Tex.).	601.1225	Control area extension (Erie, Pa.).
601.1136	Control area extension (San Juan, P. R.).	601.1181	Control area extension (Elizabeth City, N. C.).	601.1226	Control area extension (Tampa, Fla.).
601.1137	Control area extension (Big Spring, Tex.).	601.1182	Control area extension (Enid, Okla.).	601.1227	Control area extension (Lovelock, Nev.).
601.1138	Control area extension (Orlando, Fla.).	601.1183	Control area extension (Wake Island).	601.1228	Control area extension (Tampa, Fla.).
601.1139	Control area extension (Fort Rucker, Ala.).	601.1184	Control area extension (Douglas, Ariz.).	601.1229	Control area extension (Atterbury, Ind.).
601.1140	Control area extension (Youngstown, Ohio).	601.1185	Control area extension (Utah Lake, Utah).	601.1230	Control area extension (Miami, Fla.).
601.1141	Control area extension (Boston, Mass.).	601.1186	Control area extension (Tucson, Ariz.).	601.1231	Control area extension (Newport, Vt.).
601.1142	Control area extension (Boston, Mass.).	601.1187	Control area extension (Jackson, Mich.).	601.1232	Control area extension (Miami, Fla.).
601.1143	Control area extension (Nantucket, Mass.).	601.1188	Control area extension (Milwaukee, Wis.).	601.1233	Control area extension (Key West, Fla.).
601.1144	Control area extension (Nantucket, Mass.).	601.1189	Control area extension (Daggett, Calif.).	601.1234	Control area extension (Marathon, Fla.).
601.1145	Control area extension (Nantucket, Mass.).	601.1190	Control area extension (Fairfield, Calif.).	601.1235	Control area extension (West Palm Beach, Fla.).
				601.1236	Control area extension (Seattle, (Clear Lake), Wash.).

Sec.		Sec.		Sec.	
601.1237	Control area extension (Waco, Tex.).	601.1282	Control area extension (Wichita, Kans.).	601.1327	Control area extension (Crescent City, Calif.).
601.1238	Control area extension (Amarillo, Tex.).	601.1283	Control area extension (Toledo, Wash.).	601.1328	Control area extension (Oxnard, Calif.).
601.1239	Control area extension (Lubbock, Tex.).	601.1284	Control area extension (Oklahoma City, Okla.).	601.1329	Control area extension (Malden, Mo.).
601.1240	Control area extension (Tyler, Tex.).	601.1285	Control area extension (Shreveport, La.).	601.1330	Control area extension (Sherman, Tex.).
601.1241	Control area extension (Tulsa, Okla.).	601.1286	Control area extension (Fort Worth, Tex.).	601.1331	Control area extension (Tacoma, Wash.).
601.1242	Control area extension (Stockton, Calif.).	601.1287	Control area extension (Houghton, Mich.).	601.1332	Control area extension (Santa Maria, Calif.).
601.1243	Control area extension (La Crosse, Wis.).	601.1288	Control area extension (Sault Ste. Marie, Mich.).	601.1333	Control area extension (Nome, Alaska).
601.1244	Control area extension (Terre Haute, Ind.).	601.1289	Control area extension (Valparaiso, Fla.).	601.1334	Control area extension (Del Rio, Tex.).
601.1245	Control area extension (Fort Allen, Kauai, T. H.).	601.1290	Control area extension (Joplin, Mo.).	601.1335	Control area extension (Lafayette, La.).
601.1246	Control area extension (Evansville, Ind.).	601.1291	Control area extension (Garden City, Kans.).	601.1336	Control area extension (Eau Claire, Wis.).
601.1247	Control area extension (Las Vegas, Nev.).	601.1292	Control area extension (Manakin, Va.).	601.1337	Control area extension (Wausau, Wis.).
601.1248	Control area extension (Richmond, Va.).	601.1293	Control area extension (Fort Smith, Ark.).	601.1338	Control area extension (Green Bay, Wis.).
601.1249	Control area extension (Aberdeen, S. Dak.).	601.1294	Control area extension (Everett, Wash.).	601.1339	Control area extension (Oshkosh, Wis.).
601.1250	Control area extension (Jamestown, N. Dak.).	601.1295	Control area extension (Falmouth, Mass.).	601.1340	Control area extension (Miles City, Mont.).
601.1251	Control area extension (Mansfield, Ohio).	601.1296	Control area extension (Nantucket, Mass.).	601.1341	Control area extension (Dover, Del.).
601.1252	Control area extension (Janesville, Wis.).	601.1297	Control area extension (Paducah, Ky.).	601.1342	Control area extension (Sanford, Fla.).
601.1253	Control area extension (Bradford, Ill.).	601.1298	Control area extension (Promontory Point, Utah).	601.1343	Control area extension (Juneau, Alaska).
601.1254	Control area extension (Pontiac, Ill.).	601.1299	Control area extension (Valdosta, Ga.).	601.1344	Control area extension (Laconia, N. H.).
601.1255	Control area extension (Findlay, Ohio).	601.1300	Control area extension (Prescott, Ariz.).	601.1345	Control area extension (Rockland, Maine).
601.1256	Control area extension (Pittsburgh, Pa.).	601.1301	Control area extension (Winslow, Ariz.).	601.1346	Control area extension (Bar Harbor, Maine).
601.1257	Control area extension (Goshen, Ind.).	601.1302	Control area extension (Lawton, Okla.).	601.1347	Control area extension (Colorado Springs, Colo.).
601.1258	Control area extension (Lafayette, Ind.).	601.1303	Control area extension (Albany, N. Y.).	601.1348	Control area extension (Twin Falls, Idaho).
601.1259	Control area extension (Huron, S. Dak.).	601.1304	Control area extension (Poughkeepsie, N. Y.).	601.1349	Control area extension (Redmond, Oreg.).
601.1260	Control area extension (Altus, Okla.).	601.1305	Control area extension (Wilton, Conn.).	601.1350	Control area extension (Kodiak, Alaska).
601.1261	Control area extension (Lansing, Mich.).	601.1306	Control area extension (Mountain Home, Idaho).	601.1351	Control area extension (Philadelphia, Pa.).
601.1262	Control area extension (Mason City, Iowa).	601.1307	Control area extension (Minchumina, Alaska).	601.1352	Control area extension (Sedalia, Mo.).
601.1263	Control area extension (Rochester, Minn.).	601.1308	Control area extension (Gustavus, Alaska).	601.1353	Control area extension (Charleston, W. Va.).
601.1264	Control area extension (Dyersburg, Tenn.).	601.1309	Control area extension (Kodiak, Alaska).	601.1354	Control area extension (Salem, Oreg.).
601.1265	Control area extension (Edenton, N. C.).	601.1310	Control area extension (Anchorage, Alaska).	601.1355	Control area extension (Berlin, N. H.).
601.1266	Control area extension (Litchfield, Mich.).	601.1311	Control area extension (Oscoda, Mich.).	601.1356	Control area extension (Greenville, Miss.).
601.1267	Control area extension (Springfield, Ill.).	601.1312	Control area extension (Zanesville, Ohio).	601.1357	Control area extension (Fallon, Nev.).
601.1268	Control area extension (Sioux Falls, S. Dak.).	601.1313	Control area extension (Sioux City, Iowa).	601.1358	Control area extension (Midway Island).
601.1269	Control area extension (Watertown, S. Dak.).	601.1314	Control area extension (Kirksville, Mo.).	601.1359	Control area extension (Childress, Tex.).
601.1270	Control area extension (Harrisburg, Pa.).	601.1315	Control area extension (Emporia, Kans.).	601.1360	Control area extension (Abilene, Tex.).
601.1271	Control area extension (Front Royal, Va.).	601.1316	Control area extension (La Junta, Colo.).	601.1361	Control area extension (Cotulla, Tex.).
601.1272	Control area extension (Baltimore, Md.).	601.1317	Control area extension (Tuscaloosa, Ala.).	601.1362	Control area extension (Dalhart, Tex.).
601.1273	Control area extension (Syracuse, N. Y.).	601.1318	Control area extension (Muscle Shoals, Ala.).	601.1363	Control area extension (Lufkin, Tex.).
601.1274	Control area extension (Niagara Falls, N. Y.).	601.1319	Control area extension (Key West, Fla.).	601.1364	Control area extension (Texarkana, Ark.).
601.1275	Control area extension (Fairbanks, Alaska).	601.1320	Control area extension (Cross City, Fla.).	601.1365	Control area extension (Walnut Ridge, Ark.).
601.1276	Control area extension (Cheyenne, Wyo.).	601.1321	Control area extension (Brunswick, Ga.).	601.1366	Control area extension (Gage, Okla.).
601.1277	Control area extension (Denver, Colo.).	601.1322	Control area extension (Alice, Tex.).	601.1367	Control area extension (Wink, Tex.).
601.1278	Control area extension (Des Moines, Iowa).	601.1323	Control area extension (Dallas, Tex.) (Dallas-Houston-Austin area).	601.1368	Control area extension (Greensboro, N. C.).
601.1279	Control area extension (Rapid City, S. Dak.).	601.1324	Control area extension (Brunswick, Maine).	601.1369	Control area extension (Myrtle Beach, S. C.).
601.1280	Control area extension (Sheridan, Wyo.).	601.1325	Control area extension (Tampa, Fla.).	601.1370	Control area extension (Wilmington, N. C.).
601.1281	Control area extension (Pueblo, Colo.).	601.1326	Control area extension (Fortuna, Calif.).	601.1371	Control area extension (Hyannis, Mass.).

Sec.	
601.1372	Control area extension (Los Angeles, Calif.).
601.1373	Control area extension (Chattanooga, Tenn.).
601.1374	Control area extension (Limestone, Maine).
601.1375	Control area extension (Manchester, N. H.).
601.1376	Control area extension (Victoria, Tex.).
601.1377	Control area extension (Boston, Mass.).
601.1378	Control area extension (Wilmington, Del.).
601.1379	Control area extension (Waterloo, Iowa).
601.1380	Control area extension (Kaneohe, Oahe, T. H.).
601.1381	Control area extension (Kwajalein Island).
601.1382	Control area extension (Wake Island).
601.1383	Control area extension (Guam Island).
601.1384	Control area extension (Hopkinsville, Ky.).
601.1385	Control area extension (Rome, N. Y.).
601.1386	Control area extension (Orlando, Fla.).
601.1387	Control area extension (Blytheville, Ark.).
601.1388	Control area extension (Fort Bragg, N. C.).
601.1389	Control area extension (Miami, Fla.).
601.1390	Control area extension (Oahu-Molokai, T. H.).
601.1391	Control area extension (Gettysburg, Pa.).
601.1392	Control area extension (Ogden, Utah).
601.1393	Control area extension (Roswell, N. Mex.).
601.1394	Control area extension (Williams, Calif.).
601.1395	Control area extension (Plattsburg, N. Y.).
601.1396	Control area extension (Asheville, N. C.).
601.1397	Control area extension (Cordova, Alaska).
601.1398	Control area extension (Anchorage, Alaska).
601.1399	Control area extension (Clovis, N. Mex.).
601.1400	Control area extension (King Salmon, Alaska) (King Salmon-Shemya route).
601.1401	Control area extension (King Salmon, Alaska) (King Salmon-Adak route).
601.1402	Control area extension (Middleton Island, Alaska).
601.1403	Control area extension (Yakatoga, Alaska).
601.1404	Control area extension (Pierre, S. Dak.).
601.1405	Control area extension (Peru, Ind.).
601.1406	Control area extension (Milton, Fla.).
601.1407	Control area extension (Crestview, Fla.).
601.1408	Control area extension (Miami, Fla.).
601.1409	Control area extension (Huntsville, Ala.).
601.1410	Control area extension (Portsmouth, N. H.).
601.1411	Control area extension (Iwo Jima, Volcano Islands).
601.1412	Control area extension (Marysville, Calif.).
601.1413	Control area extension (Eniwetok Island).
601.1415	Control area extension (Fortuna, Calif.).
601.1416	Control area extension (Salt Lake City, Utah).
601.1417	Control area extension (El Dorado, Ark.).
601.1418	Control area extension (Hoquiam, Wash.).
601.1419	Control area extension (Newport, Oreg.).
601.1420	Control area extension (North Bend, Oreg.).
601.1421	Control area extension (Goldsboro, N. C.).
601.1422	Control area extension (Duluth, Minn.).
601.1423	Control area extension (Oahu, T. H.).
601.1424	Control area extension (Rocky Mount, N. C.).
601.1426	Control area extension (Martha's Vineyard, Mass.).
601.1428	Control area extension (Gainesville, Fla.).
601.1430	Control area extension (Wichita Falls, Tex.).
601.1431	Control area extension (Bozeman, Mont.).
601.1432	Control area extension (Billings, Mont.).
601.1433	Control area extension (Ephrata, Wash.).
601.1434	Control area extension (Key West, Fla.).
601.1435	Control area extension (Peconic, L. I., N. Y.).
601.1436	Control area extension (San Bernardino, Calif.).
601.1437	Control area extension (Richmond, Ind.).
601.1438	Control area extension (Kahului, Maui, T. H.).
601.1439	Control area extension (Battle Mountain, Nev.).
601.1440	Control area extension (Williams, Ariz.).
601.1441	Control area extension (Tucson, Ariz.).
601.1442	Control area extension (Fort Bridger, Wyo.).
601.1443	Control area extension (Bryce Canyon, Utah.).
601.1444	Control area extension (Truth or Consequences, N. Mex.).
601.1445	Control area extension (Neah Bay, Wash.).

Subpart D—Control Zones

601.1981	Scope of control zones.
601.1982	Designation of control zones.
601.1983	Three mile radius zones.
601.1984	Five mile radius zones.

ADDITIONAL CONTROL ZONES

601.2001	Albany, N. Y., control zone.
601.2002	Augusta, Maine, control zone.
601.2003	Baltimore, Md., control zone.
601.2004	Bangor, Maine, control zone.
601.2005	Boston, Mass., control zone.
601.2006	Buffalo, N. Y., control zone.
601.2007	Burlington, Vt., control zone.
601.2008	Concord, N. H., control zone.
601.2009	Erie, Pa., control zone.
601.2010	Harrisburg, Pa., control zone.
601.2011	Hartford, Conn., control zone.
601.2012	Millinocket, Maine, control zone.
601.2013	Newark, N. J., control zone.
601.2014	Norfolk, Va., control zone.
601.2015	Philadelphia, Pa., control zone.
601.2016	Wheeling, W. Va., control zone.
601.2017	Pittsburgh, Pa., control zone.
601.2018	Portland, Maine, control zone.
601.2019	Providence, R. I., control zone.
601.2020	Richmond, Va., control zone.
601.2021	Rochester, N. Y., control zone.
601.2022	Washington, D. C., control zone.
601.2023	Albuquerque, N. Mex., control zone.
601.2024	Amarillo, Tex., control zone.
601.2025	Big Spring, Tex., control zone.
601.2026	Brownsville, Tex., control zone.
601.2027	Dallas, Tex., control zone.
601.2028	El Paso, Tex., control zone.
601.2029	Fort Worth, Tex., control zone.
601.2030	Galveston, Tex., control zone.
601.2031	Houston, Tex., control zone.
601.2032	Laredo, Tex., control zone.
601.2033	Little Rock, Ark., control zone.
601.2034	Monroe, La., control zone.
601.2035	New Orleans, La., control zone.
601.2036	Ponca City, Okla., control zone.
601.2037	San Angelo, Tex., control zone.
601.2038	Shreveport, La., control zone.
601.2039	Tulsa, Okla., control zone.
601.2040	Smyrna, Tenn., control zone.
601.2041	Akron, Colo., control zone.
601.2042	Burlington, Iowa, control zone.
601.2043	Casper, Wyo., control zone.
601.2044	Cheyenne, Wyo., control zone.
601.2045	Colorado Springs, Colo., control zone.
601.2046	Columbia, Mo., control zone.
601.2047	Denver, Colo., control zone.
601.2048	Des Moines, Iowa, control zone.
601.2049	Fort Bridger, Wyo., control zone.
601.2050	Garden City, Kans., control zone.
601.2051	Grand Island, Nebr., control zone.
601.2052	Quincy, Ill., control zone.
601.2053	Huron, S. Dak., control zone.
601.2054	Hutchinson, Kans., control zone.
601.2055	Joplin, Mo., control zone.
601.2056	Kansas City, Mo., control zone.
601.2057	Kirksville, Mo., control zone.
601.2058	La Junta, Colo., control zone.
601.2059	Laramie, Wyo., control zone.
601.2060	Pellston, Mich., control zone.
601.2061	Lincoln, Nebr., control zone.
601.2062	Mason City, Iowa, control zone.
601.2063	North Platte, Nebr., control zone.
601.2064	Omaha, Nebr., control zone.
601.2065	Pierre, S. Dak., control zone.
601.2066	Pueblo, Colo., control zone.
601.2067	Rapid City, S. Dak., control zone.
601.2068	Rock Springs, Wyo., control zone.
601.2069	St. Joseph, Mo., control zone.
601.2070	St. Louis, Mo., control zone.
601.2071	Scottsbluff, Nebr., control zone.
601.2072	Sheridan, Wyo., control zone.
601.2073	Rawlings, Wyo., control zone.
601.2074	Sioux City, Iowa, control zone.
601.2075	Springfield, Mo., control zone.
601.2076	Topeka, Kans., control zone.
601.2077	Trinidad, Colo., control zone.
601.2078	Edenton, N. C., control zone.
601.2079	Watertown, S. Dak., control zone.
601.2080	Wichita, Kans., control zone.
601.2081	Jacksonville, N. C., control zone.
601.2082	Akron, Ohio, control zone.
601.2083	Alexandria, Minn., control zone.
601.2084	Battle Creek, Mich., control zone.
601.2085	Bismarck, N. Dak., control zone.
601.2086	Chicago, Ill., control zone.
601.2087	Cincinnati, Ohio, control zone.
601.2088	Dodge City, Kans., control zone.
601.2089	Cleveland, Ohio, control zone.
601.2090	Columbus, Ohio, control zone.
601.2091	Dayton, Ohio, control zone.
601.2092	Detroit, Mich., control zone.
601.2093	Dickinson, N. Dak., control zone.
601.2094	Duluth, Minn., control zone.
601.2095	Belleville, Ill., control zone.
601.2096	Evansville, Ind., control zone.
601.2097	Fargo, N. Dak., control zone.
601.2098	Flint, Mich., control zone.
601.2099	Fort Wayne, Ind., control zone.
601.2100	Glenview, Ill., control zone.
601.2101	Goshen, Ind., control zone.
601.2102	Grand Forks, N. Dak., control zone.
601.2103	Grand Rapids, Mich., control zone.
601.2104	Huntington, W. Va., control zone.
601.2105	Indianapolis, Ind., control zone.
601.2106	Jamestown, N. Dak., control zone.
601.2107	Joliet, Ill., control zone.
601.2108	Lansing, Mich., control zone.
601.2109	Lafayette, Ind., control zone.
601.2110	Lone Rock, Wis., control zone.
601.2111	Louisville, Ky., control zone.
601.2112	Madison, Wis., control zone.
601.2113	Milwaukee, Wis., control zone.
601.2114	Minneapolis, Minn., control zone.
601.2115	Minot, N. Dak., control zone.
601.2116	Moline, Ill., control zone.
601.2117	Muskegon, Mich., control zone.
601.2118	Hampton Roads, Va., control zone.
601.2119	Peoria, Ill., control zone.
601.2120	Rochester, Minn., control zone.

Sec.	
601.2121	Rockford, Ill., control zone.
601.2122	Detroit, Mich., control zone.
601.2123	South Bend, Ind., control zone.
601.2124	Roswell, N. Mex., control zone.
601.2125	Terre Haute, Ind., control zone.
601.2126	Toledo, Ohio, control zone.
601.2127	Youngstown, Ohio, control zone.
601.2128	Wilmington, N. C., control zone.
601.2129	Bowling Green, Ky., control zone.
601.2130	Atlanta, Ga., control zone.
601.2131	Augusta, Ga., control zone.
601.2132	Biloxi, Miss., control zone.
601.2133	Birmingham, Ala., control zone.
601.2134	Charleston, S. C., control zone.
601.2135	Charlotte, N. C., control zone.
601.2136	Newport News, Va., control zone.
601.2137	Columbia, S. C., control zone.
601.2138	Crestview, Fla., control zone.
601.2139	Cross City, Fla., control zone.
601.2140	Daytona Beach, Fla., control zone.
601.2141	Dothan, Ala., control zone.
601.2142	Florence, S. C., control zone.
601.2143	Fort Myers, Fla., control zone.
601.2144	Greensboro, N. C., control zone.
601.2145	Greenville, S. C., control zone.
601.2146	Greenwood, Miss., control zone.
601.2147	Waterloo, Iowa, control zone.
601.2148	Jackson, Miss., control zone.
601.2149	Jacksonville, Fla., control zone.
601.2150	Key West, Fla., control zone.
601.2151	Knoxville, Tenn., control zone.
601.2152	Macon, Ga., control zone.
601.2153	Melbourne, Fla., control zone.
601.2154	Memphis, Tenn., control zone.
601.2155	Meridian, Miss., control zone.
601.2156	Miami, Fla., control zone.
601.2157	Mobile, Ala., control zone.
601.2158	Grandview, Mo., control zone.
601.2159	Montgomery, Ala., control zone.
601.2160	Muscle Shoals, Ala., control zone.
601.2161	Nashville, Tenn., control zone.
601.2162	Orlando, Fla., control zone.
601.2163	Pensacola, Fla., control zone.
601.2164	Raleigh, N. C., control zone.
601.2165	Savannah, Ga., control zone.
601.2166	Spartanburg, S. C., control zone.
601.2167	Tallahassee, Fla., control zone.
601.2168	Tampa, Fla., control zone.
601.2169	Tri-City, Tenn., control zone.
601.2170	West Palm Beach, Fla., control zone.
601.2171	Winston-Salem, N. C., control zone.
601.2172	Alma, Ga., control zone.
601.2173	Bakersfield, Calif., control zone.
601.2174	Burbank, Calif., control zone.
601.2175	El Centro, Calif., control zone.
601.2176	Fresno, Calif., control zone.
601.2177	Las Vegas, Nev., control zone.
601.2178	Long Beach, Calif., control zone.
601.2179	Los Angeles, Calif., control zone.
601.2180	Oakland, Calif., control zone.
601.2181	Ogden, Utah, control zone.
601.2182	Palmdale, Calif., control zone.
601.2183	Grand Junction, Colo., control zone.
601.2184	Prescott, Ariz., control zone.
601.2185	Sacramento, Calif., control zone.
601.2186	San Diego, Calif., control zone.
601.2187	San Francisco, Calif., control zone.
601.2188	Salt Lake City, Utah, control zone.
601.2189	Olathe, Kans., control zone.
601.2190	Atlantic City, N. J., control zone.
601.2191	Zanesville, Ohio, control zone.
601.2192	Ontario, Calif., control zone.
601.2193	Kahului, Maui, T. H., control zone.
601.2194	Hilo, Hawaii, T. H., control zone.
601.2195	Windsor Locks, Conn., control zone.
601.2196	Wilmington, Del., control zone.
601.2197	Morgantown, W. Va., control zone.
601.2198	Montpelier, Vt., control zone.
601.2199	Syracuse, N. Y., control zone.
601.2200	Allentown, Pa., control zone.
601.2201	Williamsport, Pa., control zone.
601.2202	Philadelphia, Pa., control zone.
601.2203	Martinsburg, W. Va., control zone.
601.2204	Presque Isle, Maine, control zone.
601.2205	Chincoteague, Va., control zone.
601.2206	New York, N. Y., control zone.
601.2207	White Plains, N. Y., control zone.
601.2208	Stockton, Calif., control zone.
601.2209	Tucson, Ariz., control zone.
601.2210	Santa Barbara, Calif., control zone.
601.2211	Beeville, Tex., control zone.
601.2212	Sumter, S. C., control zone.
601.2213	Salina, Kans., control zone.
601.2214	Goodland, Kans., control zone.
601.2215	San Juan, P. R., control zone.
601.2216	Seattle, Wash., control zone.
601.2217	Aberdeen, S. Dak., control zone.
601.2218	Sioux Falls, S. Dak., control zone.
601.2219	Cedar Rapids, Iowa, control zone.
601.2220	Lubbock, Tex., control zone.
601.2221	La Crosse, Wis., control zone.
601.2222	Austin, Tex., control zone.
601.2223	Charleston, W. Va., control zone.
601.2224	Anderson, S. C., control zone.
601.2225	Mansfield, Ohio, control zone.
601.2226	Springfield, Ill., control zone.
601.2227	Dover, Del., control zone.
601.2228	Fairbanks, Alaska, control zone.
601.2229	Fairfield, Calif., control zone.
601.2230	Brunswick, Ga., control zone.
601.2231	Vero Beach, Fla., control zone.
601.2232	Norfolk, Va., control zone.
601.2233	Quonset Point, R. I., control zone.
601.2234	Miami, Fla., control zone.
601.2235	Truth or Consequences, N. Mex., control zone.
601.2236	Whidbey Island, Wash., control zone.
601.2237	Dyersburg, Tenn., control zone.
601.2238	New York, N. Y., control zone.
601.2239	Cordova, Alaska, control zone.
601.2240	Milton, Fla., control zone.
601.2241	Macon, Ga., control zone.
601.2242	Lexington, Ky., control zone.
601.2243	Hempstead, N. Y., control zone.
601.2244	Quantico, Va., control zone.
601.2245	Chanute, Kans., control zone.
601.2246	Oklahoma City, Okla., control zone.
601.2247	Abilene, Tex., control zone.
601.2248	San Antonio, Tex., control zone.
601.2249	Corpus Christi, Tex., control zone.
601.2250	Tyler, Tex., control zone.
601.2251	Albany, Ga., control zone.
601.2252	El Toro, Calif., control zone.
601.2253	Sedalia, Mo., control zone.
601.2254	Falmouth, Mass., control zone.
601.2255	Aguadilla, P. R., control zone.
601.2256	Parkersburg, W. Va., control zone.
601.2257	Rantoul, Ill., control zone.
601.2258	Wichita Falls, Tex., control zone.
601.2259	Kodiak, Alaska, control zone.
601.2260	Fort Smith, Ark., control zone.
601.2261	Yakataga, Alaska, control zone.
601.2262	Honolulu, T. H., control zone.
601.2263	Lafayette, La., control zone.
601.2264	Spokane, Wash., control zone.
601.2265	Wright-Patterson AFB, Ohio, control zone.
601.2266	Springfield, Ohio, control zone.
601.2267	Baltimore, Md., control zone.
601.2268	Ottumwa, Iowa, control zone.
601.2269	Fort Dix, N. J., control zone.
601.2270	Enid, Okla., control zone.
601.2271	Saginaw, Mich., control zone.
601.2272	Wake Island control zone.
601.2273	Cincinnati, Ohio, control zone.
601.2274	Craig AFB, Selma, Ala., control zone.
601.2275	Pensacola, Fla., control zone.
601.2276	Westover, Mass., control zone.
601.2277	Carlsbad, N. Mex., control zone.
601.2278	New Bedford, Mass., control zone.
601.2279	Anchorage, Alaska, control zone.
601.2280	Hobbs, N. Mex., control zone.
601.2281	Tacoma, Wash., control zone.
601.2282	Mt. Clemens, Mich., control zone.
601.2283	Atlanta, Ga., control zone.
601.2284	Traverse City, Mich., control zone.
601.2285	Victorville, Calif., control zone.
601.2286	Columbus, Ga., control zone.
601.2287	San Antonio, Tex., control zone.
601.2288	Longview, Tex., control zone.
601.2289	Houghton, Mich., control zone.
601.2290	Grand Marais, Mich., control zone.
601.2291	Sault Ste. Marie, Mich., control zone.
601.2292	Oceana, Va., control zone.
601 2293	Chicago, Ill., control zone.
601.2294	Nantucket, Mass., control zone.
601.2295	Andrews, Md., control zone.
601.2296	Valparaiso, Fla., control zone.
601.2297	Jackson, Mich., control zone.
601.2298	Omaha, Nebr., control zone.
601.2299	Limestone, Maine, control zone.
601.2300	Upolu Point, Hawaii, T. H., control zone.
601.2301	Waco, Tex., control zone.
601.2302	Willow Grove, Pa., control zone.
601.2303	Great Falls, Mont., control zone.
601.2304	Binghamton, N. Y., control zone.
601.2305	Lawton, Okla., control zone.
601.2306	Paducah, Ky., control zone.
601.2307	Brunswick, Maine, control zone.
601.2308	Valdosta, Ga., control zone.
601.2309	Valdosta, Ga., control zone.
601.2310	Oscoda, Mich., control zone.
601.2311	San Antonio, Tex., control zone.
601.2312	Columbus, Ind., control zone.
601.2313	Pittsburgh, Pa., control zone.
601.2314	Bryan, Tex., control zone.
601.2315	San Bernardino, Calif., control zone.
601.2316	Marianna, Fla., control zone.
601.2317	Tuscaloosa, Ala., control zone.
601.2318	Myrtle Beach, S. C., control zone.
601.2319	Malden, Mo., control zone.
601.2320	Midland, Tex., control zone.
601.2321	Oxnard, Calif., control zone.
601.2322	Fort Worth, Tex., control zone.
601.2323	Grand Prairie, Tex., control zone.
601.2324	New Bern, N. C., control zone.
601.2325	Hyannis, Mass., control zone.
601.2326	Martha's Vineyard, Mass., control zone.
601.2327	Baton Rouge, La., control zone.
601.2328	Manchester, N. H., control zone.
601.2329	Gage, Okla., control zone.
601.2330	Alexandria, La., control zone.
601.2331	Lake Charles, La., control zone.
601.2332	Beaumont, Tex., control zone.
601.2333	Palacios, Tex., control zone.
601.2334	Alice, Tex., control zone.
601.2335	Eau Claire, Wis., control zone.
601.2336	Green Bay, Wis., control zone.
601.2337	Wausau, Wis., control zone.
601.2338	Phoenix, Ariz., control zone.
601.2339	Douglas, Ariz., control zone.
601.2340	Sanford, Fla., control zone.
601.2341	Utica, N. Y., control zone.
601.2342	Ardmore, Okla., control zone.
601.2343	Pine Bluff, Ark., control zone.
601.2344	Gulfport, Miss., control zone.
601.2345	Calverton, N. Y., control zone.
601.2346	Guam Island control zone.
601.2347	Guam Island control zone.
601.2348	Midway Island control zone.
601.2349	Kwajalein Island control zone.
601.2350	Childress, Tex., control zone.
601.2351	Cotulla, Tex., control zone.
601.2352	Dalhart, Tex., control zone.
601.2353	Lufkin, Tex., control zone.
601.2354	Texarkana, Ark., control zone.
601.2355	Walnut Ridge, Ark., control zone.
601.2356	Hobart, Okla., control zone.
601.2357	Brunswick, Ga., control zone.
601.2358	Clovis, N. Mex., control zone.
601.2359	Victoria, Tex., control zone.
601.2360	South Weymouth, Mass., control zone.
601.2361	Grosse Ile, Mich., control zone.
601.2362	Merced, Calif., control zone.
601.2363	Elizabeth City, N. C., control zone.
601.2364	Hopkinsville, Ky., control zone.
601.2365	Salem, Oreg., control zone.
601.2366	Riverside, Calif., control zone.
601.2367	Fort Bragg, N. C., control zone.
601.2368	Sault Ste. Marie, Mich., control zone.
601.2369	Sacramento, Calif., control zone.
601.2371	Plattsburg, N. Y., control zone.
601.2372	Asheville, N. C., control zone.
601.2373	Atlanta, Ga., control zone.
601.2374	Billings, Mont., control zone.
601.2375	Islip, N. Y., control zone.
601.2376	Little Rock, Ark., control zone.
601.2377	Shreveport, La., control zone.
601.2378	Peru, Ind., control zone.
601.2379	Beaufort, S. C., control zone.
601.2380	Altus, Okla., control zone.
601.2381	Homestead, Fla., control zone.

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601.2382 Huntsville, Ala., control zone.
601.2383 Memphis, Tenn., control zone.
601.2384 Blytheville, Ark., control zone.
601.2385 Mojave, Calif., control zone.
601.2386 Mountain Home, Idaho, control zone.
601.2387 San Antonio, Tex., control zone.
601.2388 Miramar, Calif., control zone.
601.2389 Portsmouth, N. H., control zone.
601.2390 North, S. C., control zone.
601.2391 Kaneohe, Oahu, T. H., control zone.
601.2392 Elmira, N. Y., control zone.
601.2393 Watertown, N. Y., control zone.
601.2394 Niagara Falls, N. Y., control zone.
601.2396 Everett, Wash., control zone.
601.2397 Schnectady, N. Y., control zone.
601.2398 El Dorado, Ark., control zone.
601.2399 Del Rio, Tex., control zone.
601.2400 La Grange, Ga., control zone.
601.2401 Findlay, Ohio, control zone.
601.2402 Hickory, N. C., control zone.
601.2403 Fort Rucker, Ala., control zone.
601.2404 Harlingen, Tex., control zone.
601.2405 Junction, Tex., control zone.
601.2406 Rocky Mount, N. C., control zone.
601.2409 Goldsboro, N. C., control zone.
601.2410 Pocatello, Idaho, control zone.
601.2411 Clinton, Okla., control zone.
601.2412 Mineral Wells, Tex., control zone.
601.2413 Hoquiam, Wash., control zone.
601.2414 Chandler, Ariz., control zone.
601.2415 San Jose, Calif., control zone.
601.2416 Sherman, Tex., control zone.
601.2417 Atlanta, Ga., control zone.

Subpart E—Colored Civil Airway Reporting Points

DESIGNATION OF REPORTING POINTS

601.4001 Designation of reporting points.

GREEN CIVIL AIRWAYS

601.4011 Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).
601.4012 Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
601.4013 Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).
601.4014 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).
601.4015 Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).
601.4016 Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).
601.4017 Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).
601.4018 Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).
601.4019 Green civil airway No. 9 (Hawaiian Islands).
601.4020 Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).

AMBER CIVIL AIRWAYS

601.4101 Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).
601.4102 Amber civil airway No. 2 (Daggett, Calif., to Point Barrow, Alaska).
601.4103 Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).
601.4104 Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).
601.4105 Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).
601.4106 Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).
601.4107 Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).
601.4108 Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).
601.4109 Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).

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601.4110 Amber civil airway No. 10 (Hawaiian Islands).
601.4111 Amber civil airway No. 11 (Hawaiian Islands).
601.4112 Amber civil airway No. 12 (Hawaiian Islands).
601.4113 Amber civil airway No. 13 (Hawaiian Islands).

RED CIVIL AIRWAYS

601.4201 Red civil airway No. 1 (Big Spring, Tex., to San Antonio, Tex.).
601.4202 Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).
601.4203 Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).
601.4204 Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex).
601.4205 Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).
601.4206 Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).
601.4207 Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).
601.4208 Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.)
601.4209 Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).
601.4210 Red civil airway No. 10 (Wichita Falls, Tex., to Augusta, Ga.).
601.4211 Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).
601.4212 Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).
601.4213 Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).
601.4214 Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).
601.4215 Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).
601.4216 Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.).
601.4217 Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).
601.4218 Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).
601.4219 Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).
601.4220 Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).
601.4221 Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).
601.4222 Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).
601.4223 Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).
601.4224 Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).
601.4225 Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).
601.4226 Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).
601.4227 Red civil airway No. 27 (Nenabank, Alaska, to Wolf Intersection, Alaska).
601.4228 Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).
601.4230 Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).
601.4231 Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).
601.4232 Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).
601.4233 Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).
601.4234 Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).
601.4235 Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).
601.4236 Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).
601.4237 Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).
601.4238 Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).
601.4239 Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).

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601.4240 Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).
601.4241 Red civil airway No. 41 (Cape Spencer, Alaska, to Sisters Island, Alaska).
601.4242 Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).
601.4244 Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).
601.4245 Red civil airway No. 45 (Blackstone, Va., to Lancaster, Pa.).
601.4246 Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).
601.4247 Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).
601.4249 Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).
601.4250 Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).
601.4251 Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).
601.4252 Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).
601.4253 Red civil airway No. 53 (Portland, Oreg., to Spokane, Wash.).
601.4254 Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).
601.4255 Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).
601.4256 Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).
601.4257 Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio).
601.4258 Red civil airway No. 58 (Augusta, Maine, to United States-Canadian Border).
601.4259 Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).
601.4260 Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).
601.4261 Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).
601.4263 Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).
601.4264 Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).
601.4265 Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).
601.4267 Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).
601.4268 Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).
601.4269 Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).
601.4270 Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).
601.4271 Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).
601.4272 Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).
601.4273 Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).
601.4274 Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).
601.4275 Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).
601.4276 Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).
601.4277 Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).
601.4278 Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).
601.4279 Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).
601.4280 Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).
601.4281 Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).
601.4282 Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).

Sec.
601.4283 Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).
601.4284 Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).
601.4286 Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).
601.4287 Red civil airway No. 87 (Hawaiian Islands).
601.4288 Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).
601.4289 Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).
601.4290 Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).
601.4291 Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).
601.4292 Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).
601.4294 Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).
601.4295 Red civil airway No. 95 (Elmira, N. Y. to Utica, N. Y.).
601.4296 Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).
601.4297 Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
601.4298 Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).
601.4299 Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).
601.4300 Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.)
601.4301 Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.).
601.4302 Red civil airway No. 102 (Lexington, Ky., to Huntington, W. Va.).
601.4303 Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).
601.4304 Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).
601.4305 Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).
601.4306 Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).
601.4307 Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).
601.4308 Red civil airway No. 108 (Promontory Point, Utah, to Fort Bridger, Wyo.).
601.4309 Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).
601.4310 Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).
601.4312 Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).
601.4313 Red civil airway No. 113 (Hawaiian Islands).

BLUE CIVIL AIRWAYS

601.4601 Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).
601.4602 Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).
601.4603 Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).
601.4604 Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).
601.4605 Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).
601.4606 Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).
601.4607 Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).
601.4608 Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).
601.4609 Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).

Sec.
601.4610 Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).
601.4611 Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).
601.4612 Blue civil airway No. 12 (McGrath, Alaska, to Galena, Alaska).
601.4613 Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).
601.4614 Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).
601.4615 Blue civil airway No. 15 (Akron, Ohio, to Hubbard, Ohio).
601.4616 Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).
601.4617 Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).
601.4618 Blue civil airway No. 18 (Paterson, N. J., to United States-Canadian-Border).
601.4619 Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).
601.4620 Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).
601.4621 Blue civil airway No. 21 (Coles Point, Va., to Elmira, N. Y.).
601.4623 Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).
601.4625 Blue civil airway No. 25 (Middleton Island, Alaska, to Big Delta, Alaska).
601.4626 Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).
601.4627 Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).
601.4628 Blue civil airway No. 28 (Columbia, S. C., to Bull's Gap, Tenn.).
601.4629 Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).
601.4630 Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).
601.4631 Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).
601.4632 Blue civil airway No. 32 (Anchorage, Alaska, to Talkeetna, Alaska).
601.4633 Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).
601.4634 Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).
601.4636 Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).
601.4637 Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).
601.4638 Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).
601.4639 Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).
601.4640 Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).
601.4641 Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).
601.4642 Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).
601.4643 Blue civil airway No. 43 (Healy, Alaska, to Fairbanks, Alaska).
601.4644 Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).
601.4645 Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).
601.4646 Blue civil airway No. 46 (Memphis Tenn., to Paducah, Ky.).
601.4647 Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).
601.4648 Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).
601.4649 Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).
601.4651 Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).
601.4653 Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).
601.4654 Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).
601.4655 Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).

Sec.
601.4656 Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).
601.4657 Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).
601.4658 Blue civil airway No. 58 (Hyannis, Mass., to Squantum, Mass.).
601.4660 Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).
601.4663 Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).
601.4664 Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).
601.4665 Blue civil airway No. 65 (Shuyak, Alaska, to Homer, Alaska).
601.4666 Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).
601.4667 Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).
601.4668 Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).
601.4669 Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).
601.4670 Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).
601.4671 Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).
601.4672 Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).
601.4675 Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).
601.4676 Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).
601.4678 Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).
601.4679 Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).
601.4680 Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).
601.4681 Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).
601.4684 Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).
601.4685 Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).
601.4686 Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).
601.4687 Blue civil airway No. 87 (Atlanta, Ga., to Detroit, Mich.).

OTHER REPORTING POINTS

601.5001 Other reporting points.

Subpart F—VOR Civil Airway Control Areas

DOMESTIC VOR CIVIL AIRWAY CONTROL AREAS

601.6001 VOR civil airway No. 1 control areas (Charleston, S. C., to New York, N. Y.).
601.6002 VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).
601.6003 VOR civil airway No. 3 control areas (Key West, Fla., to Presque Isle, Maine).
601.6004 VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).
601.6005 VOR civil airway No. 5 control areas (Jackson, Fla., to London, Ontario).
601.6006 VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.).
601.6007 VOR civil airway No. 7 control areas (Miami, Fla., to Green Bay, Wis.).
601.6008 VOR civil airway No. 8 control areas (Long Beach, Calif., to Washington, D. C.).
601.6009 VOR civil airway No. 9 control areas (New Orleans, La., to Milwaukee, Wis.).
601.6010 VOR civil airway No. 10 control areas (Pueblo, Colo., to New York, N. Y.).

Sec.	
601.6011	VOR civil airway No. 11 control areas (Memphis, Tenn., to Detroit, Mich.).
601.6012	VOR civil airway No. 12 control areas (Santa Barbara, Calif., to Philadelphia, Pa.).
601.6013	VOR civil airway No. 13 control areas (Houston, Tex., to Duluth, Minn.).
601.6014	VOR civil airway No. 14 control areas (Roswell, N. Mex., to Boston, Mass.).
601.6015	VOR civil airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.).
601.6016	VOR civil airway No. 16 control areas (Los Angeles, Calif., to Boston, Mass.).
601.6017	VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).
601.6018	VOR civil airway No. 18 control areas (Dallas, Tex., to Charleston, S. C.).
601.6019	VOR civil airway No. 19 control areas (El Paso, Tex., to Great Falls, Mont.).
601.6020	VOR civil airway No. 20 control areas (Laredo, Tex., to Richmond, Va.).
601.6021	VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border).
601.6022	VOR civil airway No. 22 control areas (New Orleans, La., to Jacksonville, Fla.).
601.6023	VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.).
601.6024	VOR civil airway No. 24 control areas (Aberdeen, S. Dak., to Redwood Falls, Minn.).
601.6025	VOR civil airway No. 25 control areas (Los Angeles, Calif., to Ellensburg, Wash.).
601.6026	VOR civil airway No. 26 control areas (Cherokee, Wyo., to Cleveland, Ohio).
601.6027	VOR civil airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.).
601.6028	VOR civil airway No. 28 control areas (Oakland, Calif., to Reno, Nev.).
601.6029	VOR civil airway No. 29 control areas (Salisbury, Md., to United States-Canadian Border).
601.6030	VOR civil airway No. 30 control areas (Milwaukee, Wis., to Nantucket, Mass.).
601.6031	VOR civil airway No. 31 control areas (Baltimore, Md., to Rochester, N. Y.).
601.6032	VOR civil airway No. 32 control areas (Battle Mountain, Nev., to Fort Bridger, Wyo.).
601.6033	VOR civil airway No. 33 control areas (Baltimore, Md., to Buffalo, N. Y.).
601.6034	VOR civil airway No. 34 control areas (Rochester, N. Y., to Wilton, Conn.).
601.6035	VOR civil airway No. 35 control areas (Miami, Fla., to Syracuse, N. Y.).
601.6036	VOR civil airway No. 36 control areas (Toronto, Ont., to New York, N. Y.).
601.6037	VOR civil airway No. 37 control areas (Savannah, Ga., to Erie, Pa.).
601.6038	VOR civil airway No. 38 control areas (Iowa City, Iowa, to Elkins, W. Va.).
601.6039	VOR civil airway No. 39 control areas (South Boston, Va., to Kennebunk, Maine).
601.6040	VOR civil airway No. 40 control areas (Cleveland, Ohio, to Pittsburgh, Pa.).
601.6041	VOR civil airway No. 41 control areas (Pittsburgh, Pa., to Youngstown, Ohio).
601.6042	VOR civil airway No. 42 control areas (Flint, Mich., to Washington, D. C.).
601.6043	VOR civil airway No. 43 control areas (Columbus, Ohio, to Erie, Pa.).
601.6044	VOR civil airway No. 44 control areas (Centralia, Ill., to Baltimore, Md.).
601.6045	VOR civil airway No. 45 control areas (New Bern, N. C., to Saginaw, Mich.).
601.6046	VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.).
601.6047	VOR civil airway No. 47 control areas (Louisville, Ky., to Detroit, Mich.).
601.6048	VOR civil airway No. 48 control areas (Burlington, Iowa, to Pontiac, Ill.).
601.6049	VOR civil airway No. 49 control areas (Dillon, Mont., to Great Falls, Mont.).
601.6050	VOR civil airway No. 50 control areas (Kirksville, Mo., to Indianapolis, Ind.).
601.6051	VOR civil airway No. 51 control areas (Miami, Fla., to Chicago, Ill.).
601.6052	VOR civil airway No. 52 control areas (Des Moines, Iowa, to St. Louis, Mo.).
601.6053	VOR civil airway No. 53 control areas (Charleston, S. C., to Chicago, Ill.).
601.6054	VOR civil airway No. 54 to control areas (Quitman, Tex., to Charlotte, N. C.).
601.6055	VOR civil airway No. 55 control areas (Dayton, Ohio, to Green Bay, Wis.).
601.6056	VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.).
601.6057	VOR civil airway No. 57 control areas (Evergreen, Ala., to York, Ky.).
601.6058	VOR civil airway No. 58 control areas (Bergholz, Ohio, to Hartford, Conn.).
601.6060	VOR civil airway No. 60 control areas (Albuquerque, N. Mex., to Lubbock, Tex.).
601.6061	VOR civil airway No. 61 control areas (Fort Worth, Tex., to Lawton, Okla.).
601.6062	VOR civil airway No. 62 control areas) Santa Fe, N. Mex., to Abilene, Tex.).
601.6063	VOR civil airway No. 63 control areas (Waco, Tex., to Milwaukee, Wis.).
601.6064	VOR civil airway No. 64 control areas (Long Beach, Calif., to Blythe, Calif.).
601.6065	VOR civil airway No. 65 control areas (Kansas City, Mo., to Lamoni, Iowa).
601.6066	VOR civil airway No. 66 control areas (San Diego, Calif., to Charlotte, N. C.).
601.6067	VOR civil airway No. 67 control areas (Cedar Rapids, Iowa, to Rochester, Minn.).
601.6068	VOR civil airway No. 68 control areas (Albuquerque, N. Mex., to Brownsville, Tex.).
601.6069	VOR civil airway No. 69 control areas (Shreveport, La., to Chicago, Ill.).
601.6070	VOR civil airway No. 70 control areas (Corpus Christi, Tex., to Evergreen, Ala.).
601.6071	VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.).
601.6072	VOR civil airway No. 72 control areas (Troy, Ill., to Albany, N. Y.).
601.6073	VOR civil airway No. 73 control areas (Wichita, Kans., to Salina, Kans.).
601.6074	VOR civil airway No. 74 control areas (Hugo, Colo., to Little Rock, Ark.).
601.6075	VOR civil airway No. 75 control areas (Petersburg, Va., to Cleveland, Ohio).
601.6076	VOR civil airway No. 76 control areas (Lubbock, Tex., to Galveston, Tex.).
601.6077	VOR civil airway No. 77 control areas (Cotulla, Tex., to Des Moines, Iowa).
601.6078	VOR civil airway No. 78 control areas (Huron, S. Dak., to Minneapolis, Minn.).
601.6079	VOR civil airway No. 79 control areas (Fort Stockton, Tex., to Lubbock, Tex.).
601.6080	VOR civil airway No. 80 control areas (Sioux Falls, S. Dak., to Redwood Falls, Minn.).
601.6081	VOR civil airway No. 81 control areas (Midland, Tex., to Salt Lake City, Utah).
601.6082	VOR civil airway No. 82 control areas (Minneapolis, Minn., to La Crosse, Wis.).
601.6083	VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Pueblo, Colo.).
601.6084	VOR civil airway No. 84 control areas (Shabonna, Ill., to Buffalo, N. Y.).
601.6085	VOR civil airway No. 85 control areas (Rock River, Wyo., to Casper, Wyo.).
601.6086	VOR civil airway No. 86 control areas (Butte, Mont., to Bozeman, Mont.).
601.6087	VOR civil airway No. 87 control areas (Gila Bend, Ariz., to Hassayampa, Ariz.).
601.6088	VOR civil airway No. 88 control areas (Tulsa, Okla., to Vichy, Mo.).
601.6089	VOR civil airway No. 89 control areas (Denver, Colo., to Rapid City, S. Dak.).
601.6090	VOR civil airway No. 90 control areas (Litchfield, Mich., to Windsor, Ontario).
601.6091	VOR civil airway No. 91 control areas (New York, N. Y., to Montreal, Quebec).
601.6092	VOR civil airway No. 92 control areas (Chicago, Ill., to Washington, D. C.).
601.6093	VOR civil airway No. 93 control areas (Baltimore, Md., to Presque Isle, Maine).
601.6094	VOR civil airway No. 94 control areas (Casa Grande, Ariz., to Longview, Tex.).
601.6095	VOR civil airway No. 95 control areas (Phoenix, Ariz., to Winslow, Ariz.).
601.6096	VOR civil airway No. 96 control areas (LaFayette, Ind., to Toledo, Ohio).
601.6097	VOR civil airway No. 97 control areas (Miami, Fla., to Minneapolis, Minn.).
601.6098	VOR civil airway No. 98 control areas (Fort Wayne, Ind., to Montreal, Quebec).
601.6099	VOR civil airway No. 99 control areas (Newport, Oreg., to Vancouver, B. C.).
601.6100	VOR civil airway No. 100 control areas (North Platte, Nebr., to Detroit, Mich.).
601.6101	Vor civil airway No. 101 control areas (Ogden, Utah, to Burley, Idaho).

Sec.	
601.6102	VOR civil airway No. 102 control areas (Lubbock, Tex., to Wichita Falls, Tex.).
601.6103	VOR civil airway No. 103 control areas (Greensboro, N. C., to Cleveland, Ohio).
601.6104	VOR civil airway No. 104 control areas (Ottawa, Ont., to Plattsburg, N. Y.).
601.6105	VOR civil airway No. 105 control areas (Phoenix, Ariz., to Las Vegas, Nev.).
601.6106	VOR civil airway No. 106 control areas (Charleston, W. Va., to Kennebunk, Maine).
601.6107	VOR civil airway No. 107 control areas (Los Angeles, Calif., to Red Bluff, Calif.).
601.6108	VOR civil airway No. 108 control areas (Colorado Springs, Colo., to Salina, Kans.).
601.6109	VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.).
601.6110	VOR civil airway No. 110 control areas (San Francisco, Calif., to Altamont, Calif.).
601.6111	VOR civil airway No. 111 control areas (Salinas, Calif., to Los Banos, Calif.).
601.6112	VOR civil airway No. 112 control areas (Portland, Oreg., to Pendleton, Oreg.).
601.6113	VOR civil airway No. 113 control areas (Paso Robles, Calif., to Reno, Nev.).
601.6114	VOR civil airway No. 114 control areas (Amarillo, Tex., to New Orleans, La.).
601.6115	VOR civil airway No. 115 control areas. (Crestview, Fla., to Charleston, W. Va.).
601.6116	VOR civil airway No. 116 control areas (Kansas City, Mo., to New York, N. Y.).
601.6117	VOR civil airway No. 117 control areas (El Centro, Calif., to Daggett, Calif.).
601.6118	VOR civil airway No. 118 control areas (Rock River, Wyo., to Cheyenne, Wyo.).
601.6119	VOR civil airway No. 119 control areas (Huntington, W. Va., to Bradford, Pa.).
601.6120	VOR civil airway No. 120 control areas (Ephrata, Wash., to Miles City, Mont.).
601.6121	VOR civil airway No. 121 control areas (North Bend, Oreg., to Eugene, Oreg.).
601.6122	VOR civil airway No. 122 control areas (Crescent City, Calif., to Klamath Falls, Oreg.).
601.6123	VOR civil airway No. 123 control areas (Washington, D. C., to Wilton, Conn.).
601.6125	VOR civil airway No. 125 control areas (Anthony, Kans., to Hutchinson, Kans.).
601.6126	VOR civil airway No. 126 control areas (Chicago, Ill., to New York, N. Y.).
601.6127	VOR civil airway No. 127 control areas (Livingston, Mont., to Helena, Mont.).
601.6128	VOR civil airway No. 128 control areas (Chicago, Ill., to Charleston, W. Va.).
601.6129	VOR civil airway No. 129 control areas (Rockford, Ill., to Eau Claire, Wis.).
601.6130	VOR civil airway No. 130 control areas (Albany, N. Y., to Providence, R. I.).
601.6131	VOR civil airway No. 131 control areas (Tulsa, Okla., to Topeka, Kans.).
601.6132	VOR civil airway No. 132 control areas (Cheyenne, Wyo., to Springfield, Mo.).
601.6133	VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Traverse City, Mich.).
601.6134	VOR civil airway No. 134 control areas (Evergreen, Ala., to Columbus, Ga.).
601.6135	VOR civil airway No. 135 control areas (Yuma, Ariz., to Las Vegas, Nev.).
601.6136	VOR civil airway No. 136 control areas (Pulaski, Va., to Raleigh, N. C.).
601.6137	VOR civil airway No. 137 control areas (Thermal, Calif., to Ukiah, Calif.).
601.6138	VOR civil airway No. 138 control areas (Rock River, Wyo., to Sidney, Nebr.).
601.6139	VOR civil airway No. 139 control areas (Norwich, Conn., to Boston, Mass.).
601.6140	VOR civil airway No. 140 control areas (Amarillo, Tex., to New York, N. Y.).
601.6141	VOR civil airway No. 141 control areas (Nantucket, Mass., to Plattsburg, N. Y.).
601.6142	VOR civil airway No. 142 control areas (Erie, Pa., to Rochester, N. Y.).
601.6143	VOR civil airway No. 143 control areas (Charlotte, N. C., to Washington, D. C.).
601.6144	VOR civil airway No. 144 control areas (Chicago, Ill., to Washington, D. C.).
601.6145	VOR civil airway No. 145 control areas (Utica, N. Y. to the United States-Canadian Border).
601.6146	VOR civil airway No. 146 control areas (Wilkes-Barre, Pa., to Woodstock, Conn.).
601.6147	VOR civil airway No. 147 control areas (Philadelphia, Pa., to Rochester, N. Y.).
601.6148	VOR civil airway No. 148 control areas (Denver, Colo., to North Platte, Nebr.).
601.6149	VOR civil airway No. 149 control areas (Allentown, Pa., to Utica, N. Y.).
601.6150	VOR civil airway No. 150 control areas (San Francisco, Calif., to Reno. Nev.).
601.6151	VOR civil airway No. 151 control areas (Woonsocket, R. I., to Keene, N. H.).
601.6152	VOR civil airway No. 152 control areas (Tampa, Fla., to Daytona Beach, Fla.).
601.6153	VOR civil airway No. 153 control areas (New York, N. Y., to Syracuse, N. Y.).
601.6154	VOR civil airway No. 154 control areas (Meridian, Miss., to Savannah, Ga.).
601.6155	VOR civil airway No. 155 control areas (Raleigh, N. C., to Washington, D. C.).
601.6156	VOR civil airway No. 156 control areas (Elkins, W. Va., to Richmond, Va.).
601.6157	VOR civil airway No. 157 control areas (Miami, Fla., to Richmond, Va.).
601.6158	VOR civil airway No. 158 control areas (Waterloo, Iowa, to Polo, Ill.).
601.6159	VOR civil airway No. 159 control areas (Miami, Fla., to Albany, Ga.).
601.6160	VOR civil airway No. 160 control areas (Denver, Colo., to Sidney, Nebr.).
601.6161	VOR civil airway No. 161 control areas (Fort Worth, Tex., to Alexandria, Minn.).
601.6162	VOR civil airway No. 162 control areas (Harrisburg, Pa., to Allentown, Pa.).
601.6163	VOR civil airway No. 163 control areas (Brownsville, Tex., to Oklahoma City, Okla.).
601.6164	VOR civil airway No. 164 control areas (Buffalo, N. Y., to New York, N. Y.).
601.6165	VOR civil airway No. 165 control areas (Long Beach, Calif., to Coalinga, Calif.).
601.6166	VOR civil airway No. 166 control areas (Martinsburg, W. Va., to New York, N. Y.).
601.6167	VOR civil airway No. 167 control areas (New York, N. Y., to Hartford, Conn.).
601.6168	VOR civil airway No. 168 control areas (Selinsgrove, Pa., to Colts Neck, N. J.).
601.6169	VOR civil airway No. 169 control areas (Sidney, Nebr., to Rapid City, S. Dak.).
601.6170	VOR civil airway No. 170 control areas (Milwaukee, Wis., to Philadelphia, Pa.).
601.6171	VOR civil airway No. 171 control areas (Louisville, Ky., to Lone Rock, Wis.).
601.6172	VOR civil airway No. 172 control areas (Denver, Colo., to Chicago, Ill.).
601.6173	VOR civil airway No. 173 control areas (Springfield, Ill., to Chicago, Ill.).
601.6174	VOR civil airway No. 174 control areas (Vichy, Mo., to Washington, D. C.).
601.6175	VOR civil airway No. 175 control areas (Vichy, Mo., to Columbia, Mo.).
601.6177	VOR civil airway No. 177 control areas (Wheatfield, Ill., to Janesville, Wis.).
601.6178	VOR civil airway No. 178 control areas (Farmington, Mo., to Paducah, Ky.).
601.6179	VOR civil airway No. 179 control areas (Paducah, Ky., to Centralia, Ill.)
601.6180	VOR civil airway No. 180 control areas (Austin, Tex., to Galveston, Tex.).
601.6181	VOR civil airway No. 181 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).
601.6182	VOR civil airway No. 182 control areas (Portland, Oreg., to Baker, Oreg.).
601.6183	VOR civil airway No. 183 control areas (Santa Barbara, Calif., to Bakersfield, Calif.).
601.6184	VOR civil airway No. 184 control areas (Erie, Pa., to Phillipsburg, Pa.).
601.6185	VOR civil airway No. 185 control areas (Savannah, Ga., to Knoxville, Tenn.).
601.6186	VOR civil airway No. 186 control areas (St. Louis, Mo. to Vandalia, Ill.).
601.6187	VOR civil airway No. 187 control areas (Grand Junction, Colo., to Rock Springs, Wyo.).
601.6188	VOR civil airway No. 188 control areas (Detroit, Mich., to New York, N. Y.).
601.6189	VOR civil airway No. 189 control areas (Pittsburgh, Pa., to Brookville, Pa.).
601.6190	VOR civil airway No. 190 control areas (Grants, N. Mex., to Evansville, Ind.).
601.6191	VOR civil airway No. 191 control areas (Walnut Ridge, Ark., to Milwaukee, Wis.).
601.6192	VOR civil airway No. 192 control areas (Grant, N. Mex., to Tucumcari, N. Mex.).
601.6193	VOR civil airway No. 193 control areas (Keeler, Mich., to Sault Ste. Marie, Mich.).

Sec.
601.6194 VOR civil airway No. 194 control areas (Lafayette, La., to Norfolk, Va.).
601.6195 VOR civil airway No. 195 control areas (Oakland, Calif., to Fortuna, Calif.).
601.6196 VOR civil airway No. 196 control areas (Rock River, Wyo., to Chadron, Nebr.).
601.6198 VOR civil airway No. 198 control areas (El Paso, Tex., to Galveston, Tex.).
601.6199 VOR civil airway No. 199 control areas (San Francisco, Calif., to Ukiah, Calif.).
601.6200 VOR civil airway No. 200 control areas (Ukiah, Calif., to Kremmling, Colo.).
601.6201 VOR civil airway No. 201 control areas (Los Angeles, Calif., to Pasadena, Calif.).
601.6202 VOR civil airway No. 202 control areas (Tucson, Ariz., to Truth or Consequences, N. Mex.).
601.6203 VOR civil airway No. 203 control areas (Norwich, Conn., to Massena, N. Y.).
601.6204 VOR civil airway No. 204 control areas (Hoquiam, Wash., to Olympia, Wash.).
601.6205 VOR civil airway No. 205 control areas (Springfield, Mo., to Kansas City, Mo.).
601.6206 VOR civil airway No. 206 control areas (Blue Springs, Mo., to Kirksville, Mo.).
601.6207 VOR civil airway No. 207 control areas (Denver, Colo., to Egbert, Wyo.).
601.6208 VOR civil airway No. 208 control areas (Los Angeles, Calif., to Needles, Calif.).
601.6209 VOR civil airway No. 209 control areas (Los Angeles, Calif., to Paso Robles, Calif.).
601.6210 VOR civil airway No. 210 control areas (Los Angeles, Calif., to Wheeling, W. Va.).
601.6211 VOR civil airway No. 211 control areas (Fort Stockton, Tex., to Cotulla, Tex.).
601.6212 VOR civil airway No. 212 control areas (Ukiah, Calif., to Reno, Nev.).
601.6213 VOR civil airway No. 213 control areas (Rocky Mount, N. C., to Boykins, Va.).
601.6214 VOR civil airway No. 214 control areas (Shelbyville, Ind., to Wheeling, W. Va.).
601.6215 VOR civil airway No. 215 control areas (Muskegon, Mich., to White Cloud, Mich.).
601.6216 VOR civil airway No. 216 control areas (Janesville, Wis., to Saginaw, Mich.).
601.6217 VOR civil airway No. 217 control areas (Chicago, Ill., to Green Bay, Wis.).
601.6218 VOR civil airway No. 218 control areas (Chicago, Ill., to Flint, Mich.).
601.6219 VOR civil airway No. 219 control areas (Ogden, Utah, to Malad City, Idaho).
601.6220 VOR civil airway No. 220 control areas (Kremmling, Colo., to Akron, Colo.).
601.6221 VOR civil airway No. 221 control areas (Fort Wayne, Ind., to Erie, Pa.).
601.6222 VOR civil airway No. 222 control areas (El Paso, Tex., to Houston, Tex.).
601.6223 VOR civil airway No. 223 control areas (Herndon, Va., to Harrisburg, Pa.).
601.6224 VOR civil airway No. 224 control areas (Detroit, Mich., to the United States-Canadian Border).
601.6225 VOR civil airway No. 225 control areas (Key West, Fla., to Vero Beach, Fla.).
601.6226 VOR civil airway No. 226 control areas (Williamsport, Pa., to New York, N. Y.).
601.6227 VOR civil airway No. 227 control areas (Louisville, Ky., to Peotone, Ill.).
601.6228 VOR civil airway No. 228 control areas (Wheeling, Ill., to South Bend, Ind.).
601.6229 VOR civil airway No. 229 control areas (Wilmington, N. C., to Cofield, N. C.).
601.6230 VOR civil airway No. 230 control areas (Salina, Calif., to Fresno, Calif.).
601.6231 VOR civil airway No. 231 control areas (Missoula, Mont., to Ronan, Mont.).
601.6232 VOR civil airway No. 232 control areas (Cleveland, Ohio, to Fitzgerald, Pa.).
601.6233 VOR civil airway No. 233 control areas (Springfield, Ill., to Cedar Rapids, Iowa).
601.6234 VOR civil airway No. 234 control areas (Anton Chico, New Mex., to Dalhart, Tex.).
601.6235 VOR civil airway No. 235 control areas (Utah Lake, Utah, to Fort Bridger, Wyo.).
601.6236 VOR civil airway No. 236 control areas (Booneville, Utah, to Ogden, Utah).
601.6237 VOR civil airway No. 237 control areas (Needles, Calif., to Mormon Mesa, Nev.).
601.6238 VOR civil airway No. 238 control areas (Phillipsburg, Pa., to Atlantic City, N. J.).
601.6239 VOR civil airway No. 239 control areas (Wildwood, N. J., to Newark, N. J.).
601.6240 VOR civil airway No. 240 control areas (New Orleans, La., to Mobile, Ala.).
601.6241 VOR civil airway No. 241 control areas (Crestview, Fla., to Atlanta, Ga.).
601.6242 VOR civil airway No. 242 control areas (Mobile, Ala., to Magnolia Springs, Ala.).
601.6243 VOR civil airway No. 243 control areas (Chattanooga, Tenn., to Scotland, Ind.).
601.6244 VOR civil airway No. 244 control areas (Oakland, Calif., to Modesto, Calif.).
601.6246 VOR civil airway No. 246 control areas (Dayton, Ohio, to Mansfield, Ohio).
601.6247 VOR civil airway No. 247 control areas (Douglas, Wyo., to Crazy Woman, Wyo.).
601.6248 VOR civil airway No. 248 control areas (Paso Robles, Calif., to Bakersfield, Calif.).
601.6249 VOR civil airway No. 249 control areas (Caldwell, N. J., to Utica, N. Y.).
601.6250 VOR civil airway No. 250 control areas (Bergholz, Ohio, to Fitzgerald, Pa.).
601.6251 VOR civil airway No. 251 control areas (Washington, D. C., to New York, N. Y.).
601.6252 VOR civil airway No. 252 control areas (Binghamton, N. Y., to New York, N. Y.).
601.6253 VOR civil airway No. 253 control areas (Utah Lake, Utah to Boise, Idaho).
601.6254 VOR civil airway No. 254 control areas (Reinholds, Pa., to Columbus, N. J.).
601.6255 VOR civil airway No. 255 control areas (Burlington, Iowa, to Jamesville, Wis.).
601.6256 VOR civil airway No. 256 control areas (Reinholds, Pa., to Yardley, Pa.).
601.6257 VOR civil airway No. 257 control areas (Delta, Utah, to Ogden, Utah).
601.6258 VOR civil airway No. 258 control areas (Charleston, W. Va., to Roanoke, Va.).
601.6259 VOR civil airway No. 259 control areas (Charlotte, N. C., to Tri-City, Tenn.).
601.6260 VOR civil airway No. 260 control areas (Charleston, W. Va., to Roanoke, Va.).
601.6261 VOR civil airway No. 261 control areas (Pulaski, Va., to Hinton, W. Va.).
601.6262 VOR civil airway No. 262 control areas (Bradford, Ill., to Chicago, Ill.).
601.6263 VOR civil airway No. 263 control areas (Lamar, Colo, to Thurman, Colo.).
601.6264 VOR civil airway No. 264 control areas (Ontario, Calif., to Giant Rock, Calif.).
601.6265 VOR civil airway No. 265 control areas (Washington, D. C., to Harrisburg, Pa.).
601.6266 VOR civil airway No. 266 control areas (South Boston, Va., to Elizabeth City, N. C.).
601.6267 VOR civil airway No. 267 control areas (Miami, Fla., to Jacksonville, Fla.).
601.6268 VOR civil airway No. 268 control areas (Keymar, Md., to Baltimore, Md.).
601.6269 VOR civil airway No. 269 control areas (Wells, Nev., to Dubois, Idaho).
601.6270 VOR civil airway No. 270 control areas (Binghamton, N. Y., to Chester, Mass.).
601.6271 VOR civil airway No. 271 control areas (Bonneville, Utah, to Burley, Idaho).
601.6272 VOR civil airway No. 272 control areas (Sayre, Okla., to Oklahoma City, Okla.).
601.6273 VOR civil airway No. 273 control areas (Downsville, N. Y., to Syracuse, N. Y.).
601.6274 VOR civil airway No. 274 control areas (Grand Rapids, Mich., to Saginaw, Mich.).
601.6275 VOR civil airway No. 275 control areas (Cincinnati, Ohio, to Detroit, Mich.).
601.6276 VOR civil airway No. 276 control areas (Ellwood City, Pa., to Monmouth, N. J.).
601.6277 VOR civil airway No. 277 control areas (Plain City, Ohio, to Keeler, Mich.).
601.6278 VOR civil airway No. 278 control areas (Guthrie, Tex., to Fort Worth, Tex.).
601.6279 VOR civil airway No. 279 control areas (Columbus, Ohio, to Findlay, Ohio).
601.6280 VOR civil airway No. 280 control areas (El Paso, Tex., to Kansas City, Mo.).
601.6281 VOR civil airway No. 281 control areas (Redmond, Oreg., to Spokane, Wash.).
601.6282 VOR civil airway No. 282 control areas (Cofield, N. C., to Elizabeth City, N. C.).
601.6283 VOR civil airway No. 283 control areas (Redmond, Oreg., to Portland, Oreg.).
601.6284 VOR civil airway No. 284 control areas (Fort Stockton, Tex., to San Angelo, Tex.).
601.6285 VOR civil airway No. 285 control areas (Myton, Utah, to Rawlins, Wyo.).

Sec.
601.6286 VOR civil airway No. 286 control areas (Front Royal, Va., to Cape Charles, Va.).
601.6287 VOR civil airway No. 287 control areas (North Bend, Oreg., to Newberg, Oreg.).
601.6288 VOR civil airway No. 288 control areas (Lucin, Utah, to Fort Bridger, Wyo.).
601.6289 VOR civil airway No. 289 control areas (Beaumont, Tex., to Lufkin, Tex.).
601.6290 VOR civil airway No. 290 control areas.
601.6291 VOR civil airway No. 291 control areas (Prescott, Ariz., to Valle, Ariz.).

HAWAIIAN VOR CIVIL AIRWAY CONTROL AREAS

601.6401 Hawaiian VOR civil airway No. 1 control areas.
601.6402 Hawaiian VOR civil airway No. 2 control areas.
601.6403 Hawaiian VOR civil airway No. 3 control areas.
601.6404 Hawaiian VOR civil airway No. 4 control areas.
601.6405 Hawaiian VOR civil airway No. 5 control areas.
601.6406 Hawaiian VOR civil airway No. 6 control areas.
601.6407 Hawaiian VOR civil airway No. 7 control areas.
601.6408 Hawaiian VOR civil airway No. 8 control areas.
601.6409 Hawaiian VOR civil airway No. 9 control areas.
601.6410 Hawaiian VOR civil airway No. 10 control areas.
601.6411 Hawaiian VOR civil airway No. 11 control areas.

CONTROL AREA ALTERATIONS

601.6600 VOR civil airway No. 1500 control areas (San Francisco, Calif., to New York, N. Y.).
601.6602 VOR civil airway No. 1502 control areas (San Francisco, Calif., to New York, N. Y.).
601.6604 VOR civil airway No. 1504 control areas (San Francisco, Calif., to Washington, D. C.).
601.6606 VOR civil airway No. 1506 control areas (San Francisco, Calif., to Washington, D. C.).
601.6608 VOR civil airway No. 1508 control areas (Los Angeles, Calif., to New York, N. Y.).
601.6610 VOR civil airway No. 1510 control areas (Los Angeles, Calif., to New York, N. Y.).
601.6612 VOR civil airway No. 1512 control areas (Los Angeles, Calif., to New York, N. Y.).
601.6614 VOR civil airway No. 1514 control areas (San Francisco, Calif., to New York, N. Y.).
601.6616 VOR civil airway No. 1516 control areas (San Francisco, Calif., to Washington, D. C.).
601.6618 VOR civil airway No. 1518 control areas (Los Angeles, Calif., to Washington, D. C.).
601.6620 VOR civil airway No. 1520 control areas (Los Angeles, Calif., to Washington, D. C.).
601.6622 VOR civil airway No. 1522 control areas (Los Angeles, Calif., to Washington, D. C.).

Subpart G—VOR Civil Airway Reporting Points

601.7001 Domestic VOR reporting points.
601.7002 Hawaiian VOR reporting points.

Subpart H—Continental Control Area

601.7101 Designation of continental control area.

AUTHORITY: §§ 601.1 to 601.7101 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

SUBPART A—INTRODUCTION

GENERAL

§ 601.1 *Basis and purpose.* The basis of this part is found in sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and Part 60 of this title. The purpose of this part is to designate the continental control area, control areas, control zones, and reporting points in order to provide for the safety of aircraft operating in interstate, overseas, and foreign air commerce.

§ 601.2 *Explanation of terms.* As used in this part:

(a) "Control area" shall mean the airspace within an area designated in Subparts B and C, extending upward from an altitude of 700 feet, above the surface, but not including the airspace within that area designated as the continental control area. Within a control area air traffic control is exercised in accordance with the air traffic rules of Part 60 of this title.

(b) "Continental control area" shall mean the airspace above 24,000 feet, MSL, within the continental United States as designated in § 601.7101, within which air traffic control is exercised in accordance with the air traffic rules of Part 60 of this title.

(c) "Control zone" shall mean the airspace within an area designated in Subpart D of this part, upward from the surface to include one or more airports and within which rules additional to those governing flight in control areas are prescribed in Part 60 of this title, for protection of air traffic.

(d) "Reporting point" shall mean a geographic location in relation to which the position of an aircraft shall be reported in accordance with the requirements of § 60.47 of this title.

(e) "Mile" means "statute mile" unless otherwise specified in this part.

(f) All bearings shall be true from the point of origin.

CONTROL AREAS

§ 601.9 *Lateral extent of control areas.* Where a point or intersection prescribed in this part for designating a control area coincides with a point or intersection specified in designating the centerline of civil airways, the control areas shall include all of the airspace within 5 miles either side of a straight line extended through the center of the points or intersections specified in designating the civil airways and all of the airspace within a 5-mile radius of such points or intersections unless otherwise provided in Subparts B, C and F of this part. In addition, such control areas shall include all the airspace between straight lines connecting the center of the points or intersections specified in designating the main and associated alternate VOR civil airways, unless otherwise specified.

§ 601.10 *Designation of control areas.* The portions of the civil airways and control area extensions described in Subpart B, Subpart C, and Subpart F are designated as control areas.

SUBPART B—COLORED CIVIL AIRWAY CONTROL AREAS

GREEN CIVIL AIRWAYS

§ 601.11 *Green civil airway No. 1 control areas (Patricia Bay, British Columbia, to United States-Canadian Border via Millinocket, Maine).* All of Green civil airway No. 1.

§ 601.12 *Green civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of Green civil airway No. 2.

§ 601.13 *Green civil airway No. 3 control areas (San Francisco, Calif., to New York, N. Y.).* All of Green civil airway No. 3.

§ 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.).* All of Green civil airway No. 4.

§ 601.15 *Green civil airway No. 5 control areas (Los Angeles, Calif., to Boston, Mass.).* All of Green civil airway No. 5.

§ 601.16 *Green civil airway No. 6 control areas (Laredo, Tex., to Norfolk, Va.).* All of Green civil airway No. 6.

§ 601.17 *Green civil airway No. 7 control areas (Nome, Alaska, to Fairbanks, Alaska).* All of Green civil airway No. 7.

§ 601.18 *Green civil airway No. 8 control areas (Cold Bay, Alaska, to Northway, Alaska).* From a line extended at right angles across such airway through a point 50 miles southwest of the King Salmon, Alaska, radio range station to the Northway, Alaska, radio range station.

§ 601.19 *Green civil airway No. 9 control areas (Hawaiian Islands).* All of Green civil airway No. 9.

§ 601.20 *Green civil airway No. 10 control areas (United States-Canadian Border to Denver, Colo.).* All of Green civil airway No. 10.

AMBER CIVIL AIRWAYS

§ 601.101 *Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).* All of Amber civil airway No. 1.

§ 601.102 *Amber civil airway No. 2 control areas (Daggett, Calif., to Point Barrow, Alaska).* All of Amber civil airway No. 2 within the continental limits of the United States. From the intersection of the northwest course of the Snag, Yukon Territory, Canada, radio range and the United States-Canadian Border to a line extended at right angles through a point 25 miles north of the Bettles, Alaska, radio range station.

§ 601.103 *Amber civil airway No. 3 control areas (El Paso, Tex., to Great Falls, Mont.).* All of Amber civil airway No. 3.

§ 601.104 *Amber civil airway No. 4 control areas (Brownsville, Tex., to Minot, N. Dak.).* All of Amber civil airway No. 4.

§ 601.105 *Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.).* All of Amber civil airway No. 5.

§ 601.106 *Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border).* All of Amber civil airway No. 6.

§ 601.107 *Amber civil airway No. 7 control areas (Key West, Fla., to United States-Canadian Border).* All of Amber civil airway No. 7.

§ 601.108 *Amber civil airway No. 8 control areas (Los Angeles, Calif., to Ellensburg, Wash.).* All of Amber civil airway No. 8.

§ 601.109 *Amber civil airway No. 9 control areas (Charleston, S. C., to Norfolk, Va.).* All of Amber civil airway No. 9.

§ 601.110 *Amber civil airway No. 10 control areas (Hawaiian Islands).* All of Amber civil airway No. 10.

§ 601.111 *Amber civil airway No. 11 control areas (Hawaiian Islands).* All of Amber civil airway No. 11.

§ 601.112 *Amber civil airway No. 12 control areas (Hawaiian Islands).* All of Amber civil airway No. 12.

§ 601.113 *Amber civil airway No. 13 control areas (Hawaiian Islands).* All of Amber civil airway No. 13.

RED CIVIL AIRWAYS

§ 601.201 *Red civil airway No. 1 control areas (Big Spring, Tex., to San Antonio, Tex.).* All of Red civil airway No. 1.

§ 601.202 *Red civil airway No. 2 control areas (Sheridan, Wyo., to Rapid City, S. Dak.).* All of Red civil airway No. 2.

§ 601.203 *Red civil airway No. 3 control areas (Philipsburg, Pa., to Hartford, Conn.).* All of Red civil airway No. 3.

§ 601.204 *Red civil airway No. 4 control areas (Las Vegas, N. Mex., to Tucumcari, N. Mex.).* All of Red civil airway No. 4.

§ 601.205 *Red civil airway No. 5 control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).* All of Red civil airway No. 5.

§ 601.206 *Red civil airway No. 6 control areas (Denver, Colo., to Omaha, Nebr.)* All of Red civil airway No. 6.

§ 601.207 *Red civil airway No. 7 control areas (Atlanta, Ga., to Greensboro, N. C.).* All of Red civil airway No 7.

§ 601.208 *Red civil airway No. 8 control areas (Dayton, Ohio, to Newark, N. J.).* All of Red Civil airway No. 8.

§ 601.209 *Red civil airway No. 9 control areas (San Diego, Calif., to Casa Grande, Ariz.).* All of Red Civil airway No. 9.

§ 601.210 *Red civil airway No. 10 control areas (Wichita Falls, Tex., to Augusta, Ga.).* All of Red civil airway No. 10.

§ 601.211 *Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.).* All of Red civil airway No. 11.

§ 601.212 *Red civil airway No. 12 control areas (Joliet, Ill., to Erie, Pa.).* All of Red civil airway No. 12.

§ 601.213 *Red civil airway No. 13 control areas (Wheeling, W. Va., to Boston, Mass.).* All of Red civil airway No. 13.

§ 601.214 *Red civil airway No. 14 control areas (Lone Rock, Wis., to Indianapolis, Ind.).* All of Red civil airway No. 14.

§ 601.215 *Red civil airway No. 15 control areas (Reno, Nev., to Phoenix, Ariz.).* From the intersection of the northeast course of the Reno, Nev., radio range and the northwest course of the Fallon, Nev., radio range to a line extended at right angles through a point 25 miles southeast of the Fallon, Nev., radio range station. From the Las Vegas, Nev., radio range station to the Phoenix, Ariz., radio range station.

§ 601.216 *Red civil airway No. 16 control areas (Tallahassee, Fla., to Raleigh, N. C.).* All of Red civil airway No. 16.

§ 601.217 *Red civil airway No. 17 control areas (St. Louis, Mo., to Baltimore, Md.).* All of Red civil airway No. 17.

§ 601.218 *Red civil airway No. 18 control areas (Indianapolis, Ind., to Washington, D. C.).* All of Red civil airway No. 18.

§ 601.219 *Red civil airway No. 19 control areas (Traverse City, Mich., to Norfolk, Va.)* All of Red civil airway No. 19.

§ 601.220 *Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).* All of Red civil airway No. 20.

§ 601.221 *Red civil airway No. 21 control areas (New York, N. Y., to Boston, Mass.).* All of Red civil airway No. 21.

§ 601.222 *Red civil airway No. 22 control areas (Mount Clemens, Mich., to Albany, N. Y.).* All of Red civil airway No. 22.

§ 601.223 *Red civil airway No. 23 control areas (United States-Canadian Border to New York, N. Y.).* All of Red civil airway No. 23.

§ 601.224 *Red civil airway No. 24 control areas (Amarillo, Tex., to Oklahoma City, Okla.).* All of Red civil airway No. 24.

§ 601.225 *Red civil airway No. 25 control areas (United States-Canadian Border to Bangor, Maine).* All of Red civil airway No. 25.

§ 601.226 *Red civil airway No. 26 control areas (Petersburg, Va., to Corapeake, N. C.).* All of Red civil airway No. 26.

§ 601.227 *Red civil airway No. 27 control areas (Nenabank, Alaska, to Wolf Intersection, Alaska).* All of Red civil airway No. 27.

§ 601.228 *Red civil airway No. 28 control areas (Rockford, Ill., to Detroit, Mich.).* All of Red civil airway No. 28.

§ 601.230 *Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).* All of Red civil airway No. 30.

§ 601.231 *Red civil airway No. 31 controls areas (Cheyenne, Wyo., to La Crosse, Wis.).* All of Red civil airway No. 31.

§ 601.232 *Red civil airway No. 32 control areas (Laredo, Tex., to Houston, Tex.).* All of Red civil airway No. 32.

§ 601.233 *Red civil airway No. 33 control areas (Norfolk, Va., to Boston, Mass.).* All of Red civil airway No. 33.

§ 601.234 *Red civil airway No. 34 control areas (Charleston, W. Va., to Weeksville, N. C.).* All of Red civil airway No. 34.

§ 601.235 *Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.).* All of Red civil airway No. 35.

§ 601.236 *Red civil airway No. 36 control area (Rochester, Minn., to La Crosse, Wis.).* All of Red civil airway No. 36.

§ 601.237 *Red civil airway No. 37 control areas (Tyler, Tex., to Gordonsville, Va.).* All of Red civil airway No. 37.

§ 601.238 *Red civil airway No. 38 control areas (Big Spring, Tex., to San Antonio, Tex.).* All of Red civil airway No. 38.

§ 601.239 *Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 39.

§ 601.240 *Red civil airway No. 40 control areas (Kodiak, Alaska, to Anchorage, Alaska).* All of Red civil airway No. 40.

§ 601.241 *Red civil airway No. 41 control areas (Cape Spencer, Alaska, to Sisters Island, Alaska).* All of Red civil airway No. 41.

§ 601.242 *Red civil airway No. 42 control areas (Milwaukee, Wis., to Aurora, Ill.).* All of Red civil airway No. 42.

§ 601.244 *Red civil airway No. 44 control areas (Bellingham, Wash., to United States-Canadian Border).* All of Red civil airway No. 44.

§ 601.245 *Red civil airway No. 45 control areas (Blackstone, Va., to Lancaster, Pa.)* All of Red civil airway No. 45.

§ 601.246 *Red civil airway No. 46 control areas (United States-Canadian Border to Jamestown, N. Dak.).* All of Red civil airway No. 46.

§ 601.247 *Red civil airway No. 47 control areas (Tampa, Fla., to Daytona Beach, Fla.).* All of Red civil airway No. 47.

§ 601.249 *Red civil airway No. 49 control areas (Elko, Nev., to Fort Bridger, Wyo.).* All of Red civil airway No. 49.

§ 601.250 *Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 50.

§ 601.251 *Red civil airway No. 51 control areas (Blackstone, Va., to Norfolk, Va.).* All of Red civil airway No. 51.

§ 601.252 *Red civil airway No. 52 control areas (Memphis, Tenn., to Birmingham, Ala.).* All of Red civil airway No. 52.

§ 601.253 *Red civil airway No. 53 control areas (Portland, Oreg., to Spokane, Wash.).* All of Red civil airway No. 53.

§ 601.254 *Red civil airway No. 54 control areas (Burley, Idaho, to Salt Lake City, Utah).* All of Red civil airway No. 54.

§ 601.255 *Red civil airway No. 55 control areas (Chicago, Ill., to Columbus, Ohio).* All of Red civil airway No. 55.

§ 601.256 *Red civil airway No. 56 control areas (Red Bluff, Calif., to Whitmore, Calif.).* All of Red civil airway No. 56.

§ 601.257 *Red civil airway No. 57 control areas (Des Moines, Iowa, to Youngstown, Ohio).* All of Red civil airway No. 57.

§ 601.258 *Red civil airway No. 58 control areas (Augusta, Maine, to United States-Canadian Border).* All of Red civil airway No. 58.

§ 601.259 *Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.).* All of Red civil airway No. 59.

§ 601.260 *Red civil airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.).* All of Red civil airway No. 60.

§ 601.261 *Red civil airway No. 61 control areas (Butler, Pa., to Washington, D. C.).* All of Red civil airway No. 61.

§ 601.263 *Red civil airway No. 63 control areas (Bangor, Mich., to Jackson, Mich.).* All of Red civil airway No. 63.

§ 601.264 *Red civil airway No. 64 control areas (United States-Canadian Border to Annette Island, Alaska).* From the United States-Canadian Border to the Annette Island, Alaska, radio range station.

§ 601.265 *Red civil airway No. 65 control areas (Los Angeles, Calif., to Hayfield Lake, Calif.).* All of Red civil airway No. 65.

§ 601.267 *Red civil airway No. 67 control areas (Crestview, Fla., to Atlanta, Ga.).* All of Red civil airway No. 67.

§ 601.268 *Red civil airway No. 68 control areas (Midland, Tex., to Shreveport, La.).* All of Red civil airway No. 68.

§ 601.269 *Red civil airway No. 69 control areas (Midland, Tex., to Big Spring, Tex.).* All of Red civil airway No. 69.

§ 601.270 *Red civil airway No. 70 control areas (Midland, Tex., to Lubbock, Tex.).* All of Red civil airway No. 70.

§ 601.271 *Red civil airway No. 71 control areas (El Paso, Tex., to Lubbock, Tex.).* All of Red civil airway No. 71.

§ 601.272 *Red civil airway No. 72 control areas (Millville, N. J., to Paterson, N. J.).* All of Red civil airway No. 72.

§ 601.273 *Red civil airway No. 73 control areas (Baltimore, Md., to Millville, N. J.).* All of Red civil airway No. 73.

§ 601.274 *Red civil airway No. 74 control areas (New Orleans, La., to Bay Minette, Ala.).* All of Red civil airway No. 74.

§ 601.275 *Red civil airway No. 75 control areas (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* All of Red civil airway No. 75.

§ 601.276 *Red civil airway No. 76 control areas (Williams, Calif., to Auburn, Calif.).* All of Red civil airway No. 76.

§ 601.277 *Red civil airway No. 77 control areas (Greensboro, N. C., to Atlantic City, N. J.).* All of Red civil airway No. 77.

§ 601.278 *Red civil airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.).* All of Red civil airway No. 78.

§ 601.279 *Red civil airway No. 79 control areas (Neah Bay, Wash., to Everett, Wash.).* All of Red civil airway No. 79.

§ 601.280 *Red civil airway No. 80 control areas (Helena, Mont., to Miles City, Mont.).* All of Red civil airway No. 80.

§ 601.281 *Red civil airway No. 81 control areas (Lansing, Mich., to Detroit, Mich.).* All of Red civil airway No. 81.

§ 601.282 *Red civil airway No. 82 control areas (Skwentna, Alaska, to Anchorage, Alaska).* All of Red civil airway No. 82.

§ 601.283 *Red civil airway No. 83 control areas (Gila Bend, Ariz., to Tucson, Ariz.).* All of Red civil airway No. 83.

§ 601.284 *Red civil airway No. 84 control areas (Meridian, Miss., to Columbus, Ga.).* All of Red civil airway No. 84.

§ 601.286 *Red civil airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine).* All of Red civil airway No. 86.

§ 601.287 *Red civil airway No. 87 control areas (Hawaiian Islands).* All of Red civil airway No. 87.

§ 601.288 *Red civil airway No. 88 control areas (Albuquerque, N. Mex., to Hobbs, N. Mex.).* All of Red civil airway No. 88.

§ 601.289 *Red civil airway No. 89 control areas (Quincy, Ill., to Peoria, Ill.).* All of Red civil airway No. 89.

§ 601.290 *Red civil airway No. 90 control areas (Oxnard, Calif., to Burbank, Calif.).* All of Red civil airway No. 90.

§ 601.291 *Red civil airway No. 91 control areas (Dunkirk, N. Y., to Syracuse, N. Y.).* All of Red civil airway No. 91.

§ 601.292 *Red civil airway No. 92 control areas (Sault Ste. Marie, Mich., to United States-Canadian Border).* All of Red civil airway No. 92.

§ 601.294 *Red civil airway No. 94 control areas (Providence, R. I., to Hyannis, Mass.).* All of Red civil airway No. 94.

§ 601.295 *Red civil airway No. 95 control areas (Elmira, N. Y., to Utica, N. Y.).* All of Red civil airway No. 95.

§ 601.296 *Red civil airway No. 96 control areas (Palacios, Tex., to Baton Rouge, La.).* All of Red civil airway No. 96.

§ 601.297 *Red civil airway No. 97 control areas (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* All of Red civil airway No. 97.

§ 601.298 *Red civil airway No. 98 control areas (Vichy, Mo., to Belleville, Ill.).* All of Red civil airway No. 98.

§ 601.299 *Red civil airway No. 99 control areas (Iliamna, Alaska, to Homer, Alaska).* All of Red civil airway No. 99.

§ 601.300 *Red civil airway No. 100 control areas (South Bend, Ind., to Battle Creek, Mich.).* All of Red civil airway No. 100.

§ 601.301 *Red civil airway No. 101 control areas (Biloxi, Miss., to Pensacola, Fla.).* All of Red civil Airway No. 101.

§ 601.302 *Red civil airway No. 102 control areas (Lexington, Ky., to Huntington, W. Va.).* All of Red civil airway No. 102.

§ 601.303 *Red civil airway No. 103 control areas (Anchorage, Alaska, to Middleton Island, Alaska).* All of Red civil airway No. 103.

§ 601.304 *Red civil airway No. 104 control areas (Greensboro, N. C., to Raleigh, N. C.).* All of Red civil airway No. 104.

§ 601.305 *Red civil airway No. 105 control areas (Wichita, Kans., to Neosho, Mo.).* All of Red civil airway No. 105.

§ 601.306 *Red civil airway No. 106 control areas (Scottsbluff, Nebr., to North Platte, Nebr.).* All of Red civil airway No. 106.

§ 601.307 *Red civil airway No. 107 control areas (Stanton, Minn., to Red Wing, Minn.).* All of Red civil airway No. 107.

§ 601.308 *Red civil airway No. 108 control areas (Promontory Point, Utah to Fort Bridger, Wyo.).* All of Red civil airway No. 108.

§ 601.309 *Red civil airway No. 109 control areas (Portland, Oreg., to Spokane, Wash.).* All of Red civil airway No. 109.

§ 601.310 *Red civil airway No. 110 control areas (Mobile, Ala., to Pensacola, Fla.).* All of Red civil airway No. 110.

§ 601.312 *Red civil airway No. 112 control areas (Albany, N. Y., to Westfield, Mass.).* All of Red civil airway No. 112.

§ 601.313 *Red civil airway No. 113 control areas (Hawaiian Islands).* All of Red civil airway No. 113.

BLUE CIVIL AIRWAYS

§ 601.601 *Blue civil airway No. 1 control areas (Miami, Fla., to Tampa, Fla.).* All of Blue civil airway No. 1.

§ 601.602 *Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.).* All of Blue civil airway No. 2.

§ 601.603 *Blue civil airway No. 3 control areas (Miami, Fla., to Sault Ste. Marie, Mich.).* All of Blue civil airway No. 3.

§ 601.604 *Blue civil airway No. 4 control areas (Boston, Mass., to United*

States-Canadian Border). All of Blue civil airway No. 4.

§ 601.605 *Blue civil airway No. 5 control areas (Galveston, Tex., to Wichita, Kans.)*. All of Blue civil airway No. 5.

§ 601.606 *Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.)*. All of Blue civil airway No. 6.

§ 601.607 *Blue civil airway No. 7 control areas (Hollister, Calif., to Williams, Calif.)*. All of Blue civil airway No. 7.

§ 601.608 *Blue civil airway No. 8 control areas (Fargo, N. Dak., to United States-Canadian Border)*. All of Blue civil airway No. 8.

§ 601.609 *Blue civil airway No. 9 control areas (Springfield, Mo., to United States-Canadian Border)*. All of Blue civil airway No. 9.

§ 601.610 *Blue civil airway No. 10 control areas (Fresno, Calif., to Williams, Calif.)*. All of Blue civil airway No. 10.

§ 601.611 *Blue civil airway No. 11 control areas (Findlay, Ohio, to Dunkirk, N. Y.)*. All of Blue civil airway No. 11.

§ 601.612 *Blue civil airway No. 12 control areas (McGrath, Alaska to Galena, Alaska)*. All of Blue civil airway No. 12.

§ 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Des Moines, Iowa)*. All of Blue civil airway No. 13.

§ 601.614 *Blue civil airway No. 14 control areas (El Centro, Calif., to Sacramento, Calif.)*. All of Blue civil airway No. 14.

§ 601.615 *Blue civil airway No. 15 control areas (Akron, Ohio, to Hubbard, Ohio)*. All of Blue civil airway No. 15.

§ 601.616 *Blue civil airway No. 16 control areas (Waverly, Va., to Tappahannock, Va.)*. All of Blue civil airway No. 16.

§ 601.617 *Blue civil airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine)*. All of Blue civil airway No. 17.

§ 601.618 *Blue civil airway No. 18 control areas (Paterson, N. J., to United States-Canadian Border)*. All of Blue civil airway No. 18.

§ 601.619 *Blue civil airway No. 19 control areas (Key West, Fla., to Orlando, Fla.)*. All of Blue civil airway No. 19.

§ 601.620 *Blue civil airway No. 20 control areas (Millville, N. J., to Allentown, Pa.)*. All of Blue civil airway No. 20.

§ 601.621 *Blue civil airway No. 21 control areas (Coles Point, Va., to Elmira, N. Y.)*. All of Blue civil airway No. 21.

§ 601.623 *Blue civil airway No. 23 control areas (Norfolk, Va., to Chincoteague, Va.)*. All of Blue civil airway No. 23.

§ 601.625 *Blue civil airway No. 25 control areas (Middleton Island, Alaska, to Big Delta, Alaska)*. All of Blue civil airway No. 25.

§ 601.626 *Blue civil airway No. 26 control areas (Anchorage, Alaska, to Fairbanks, Alaska)*. All of Blue civil airway No. 26.

§ 601.627 *Blue civil airway No. 27 control areas (Kodiak, Alaska, to Kotzebue, Alaska)*. All of Blue civil airway No. 27.

§ 601.628 *Blue civil airway No. 28 control areas (Columbia, S. C., to Bulls Gap, Tenn.)*. All of Blue civil airway No. 28.

§ 601.629 *Blue civil airway No. 29 control areas (Raleigh, N. C., to Lynchburg, Va.)*. All of Blue civil airway No. 29.

§ 601.630 *Blue civil airway No. 30 control areas (Brownsville, Tex., to Pueblo, Colo.)*. All of Blue civil airway No. 30.

§ 601.631 *Blue civil airway No. 31 control areas (Burlington, Iowa, to Madison, Wis.)*. All of Blue civil airway No. 31.

§ 601.632 *Blue civil airway No. 32 control areas (Anchorage, Alaska, to Talkeetna, Alaska)*. All of Blue civil airway No. 32.

§ 601.633 *Blue civil airway No. 33 control areas (Lansing, Mich., to Saginaw, Mich.)*. All of Blue civil airway No. 33.

§ 601.634 *Blue civil airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.)*. All of Blue civil airway No. 34.

§ 601.636 *Blue civil airway No. 36 control areas (Akron, Colo., to Kimball, Nebr.)*. All of Blue civil airway No. 36.

§ 601.637 *Blue civil airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.)*. All of Blue civil airway No. 37.

§ 601.638 *Blue civil airway No. 38 control areas (Five Finger, Alaska, to United States-Canadian Border)*. All of Blue civil airway No. 38.

§ 601.639 *Blue civil airway No. 39 control areas (Savannah, Ga., to Elmira, N. Y.)*. All of Blue civil airway No. 39.

§ 601.640 *Blue civil airway No. 40 control areas (Concord, N. H., to Burlington, Vt.)*. All of Blue civil airway No. 40.

§ 601.641 *Blue civil airway No. 41 control areas (Hartford, Conn., to United States-Canadian Border)*. All of Blue civil airway No. 41.

§ 601.642 *Blue civil airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.)*. All of Blue civil airway No. 42.

§ 601.643 *Blue civil airway No. 43 control areas (Healy, Alaska, to Fairbanks, Alaska)*. All of Blue civil airway No. 43.

§ 601.644 *Blue civil airway No. 44 control areas (Indianapolis, Ind., to United States-Canadian Border)*. All of Blue civil airway No. 44.

§ 601.645 *Blue civil airway No. 45 control areas (Greenfield, Mass., to Newport, Vt.)*. All of Blue civil airway No. 45.

§ 601.646 *Blue civil airway No. 46 control areas (Memphis, Tenn., to Paducah, Ky.)*. All of Blue civil airway No. 46.

§ 601.647 *Blue civil airway No. 47 control areas (Blackstone, Va., to Dunkirk, N. Y.)*. All of Blue civil airway No. 47.

§ 601.648 *Blue civil airway No. 48 control areas (Marathon, Fla., to Miami, Fla.)*. All of Blue civil airway No. 48.

§ 601.649 *Blue civil airway No. 49 control areas (Atlantic City, N. J., to Philadelphia, Pa.)*. All of Blue civil airway No. 49.

§ 601.651 *Blue civil airway No. 51 control areas (Wendover, Utah, to Dubois, Idaho)*. All of Blue civil airway No. 51.

§ 601.653 *Blue civil airway No. 53 control areas (Providence, R. I., to Hartford, Conn.)*. All of Blue civil airway No. 53.

§ 601.654 *Blue civil airway No. 54 control areas (Evergreen, Calif., to Hamilton AFB, Calif.)*. All of Blue civil airway No. 54.

§ 601.655 *Blue civil airway No. 55 control areas (Crestview, Fla., to Montgomery, Ala.)*. All of Blue civil airway No. 55.

§ 601.656 *Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Washington, D. C.)*. All of Blue civil airway No. 56.

§ 601.657 *Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho)*. All of Blue civil airway No. 57.

§ 601.658 *Blue civil airway No. 58 control areas (Hyannis, Mass., to Squantum, Mass.)*. All of Blue civil airway No. 58.

§ 601.660 *Blue civil airway No. 60 control areas (Sunnyvale, Calif., to Stockton, Calif.)*. All of Blue civil airway No. 60.

§ 601.663 *Blue civil airway No. 63 control areas (Concord, N. H., to Berlin, N. H.)*. All of Blue civil airway No. 63.

§ 601.664 *Blue civil airway No. 64 control areas (Wink, Tex., to Hobbs, N. Mex.)*. All of Blue civil airway No. 64.

§ 601.665 *Blue civil airway No. 65 control areas (Shuyak, Alaska, to Homer, Alaska)*. All of Blue civil airway No. 65.

§ 601.666 *Blue civil airway No. 66 control areas (Bridgeport, Conn., to Poughkeepsie, N. Y.)*. All of Blue civil airway No. 66.

§ 601.667 *Blue civil airway No. 67 control areas (Yuma, Ariz., to Las Vegas, Nev.)*. All of Blue civil airway No. 67.

§ 601.668 *Blue civil airway No. 68 control areas (Midland, Tex., to Hobbs, N. Mex.)*. All of Blue civil airway No. 68.

§ 601.669 *Blue civil airway No. 69 control areas (St. Louis, Mo., to Quincy, Ill.)*. All of Blue civil airway No. 69.

§ 601.670 *Blue civil airway No. 70 control areas (Waco, Tex., to Tulsa, Okla.)*. All of Blue civil airway No. 70.

§ 601.671 *Blue civil airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.)*. All of Blue civil airway No. 71.

§ 601.672 *Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.)*. All of Blue civil airway No. 72.

§ 601.675 *Blue civil airway No. 75 control areas (Cleveland, Ohio, to United States-Canadian Border)*. All of Blue civil airway No. 75.

§ 601.676 *Blue civil airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.)*. All of Blue civil airway No. 76.

§ 601.678 *Blue civil airway No. 78 control areas (Spring Bay, Utah, to Malad City, Idaho)*. All of Blue civil airway No. 78.

§ 601.679 *Blue civil airway No. 79 control areas (Annette Island, Alaska to United States-Canadian Border)*. All of Blue civil airway No. 79.

§ 601.680 *Blue civil airway No. 80 control areas (Unalakleet, Alaska, to Moses Point, Alaska)*. All of Blue civil airway No. 80.

§ 601.681 *Blue civil airway No. 81 control areas (Charleston, W. Va., to Akron, Ohio)*. All of Blue civil airway No. 81.

§ 601.684 *Blue civil airway No. 84 control areas (Augusta, Maine, to Millinocket, Maine)*. All of Blue civil airway No. 84.

§ 601.685 *Blue civil airway No. 85 control areas (Hutchinson, Kans., to Wichita, Kans.)*. All of Blue civil airway No. 85.

§ 601.686 *Blue civil airway No. 86 control areas (Goshen, Ind., to Fort Wayne, Ind.)*. All of Blue civil airway No. 86.

§ 601.687 *Blue civil airway No. 87 control areas (Atlanta, Ga., to Detroit, Mich.)*. All of Blue civil airway No. 87.

SUBPART C—CONTROL AREA EXTENSIONS

§ 601.1001 *Control area extension (Moses Lake, Wash.)*. That airspace south of Green civil airway No. 2 within a 30-mile radius of Larson Air Force Base, excluding the portion which lies within the boundaries of prohibited area (P–246), and the airspace within 10 miles either side of a line extending from the Moses Lake nondirectional radio beacon (MSK) to the Walla Walla, Wash., radio range station.

§ 601.1002 *Control area extension (Austin, Tex.)*. The airspace within a 40-mile radius of the Austin nondirectional radio beacon, excluding the portion which overlaps restricted area (R–343).

§ 601.1003 *Control area extension (Corinne, Utah)*. Within 5 miles either side of a line bearing 289° True extending from the Corinne nondirectional radio beacon to Blue civil airway No. 78.

§ 601.1004 *Control area extension (Brownsville, Tex.)*. That airspace over United States territory within a 40-mile radius of the Brownsville, Tex., radio range station, excluding the portion which overlaps restricted areas and excluding the portions lying north of Latitude 26°30′00″ and more than 3 miles from the United States shoreline.

§ 601.1005 *Control area extension (Jacksonville, Fla.)*. Within 5 miles either side of the 64° True radial of the Jacksonville omnirange extending from the omnirange station to a point 20 miles northeast, and that airspace bounded on the north by Red civil airway No. 30, on the east by Amber civil airway No. 7 and on the south and west by the Jacksonville restricted area (R–161).

§ 601.1006 *Control area extension (Lake Charles, La.)*. All of the airspace within a 40-mile radius of the Lake Charles omnirange station and within 5 miles either side of the 334° True radial of the Lake Charles omnirange extending from the 40-mile radius area to a point 58 miles northwest of the omnirange station.

§ 601.1007 *Control area extension (Laredo, Tex.)*. That airspace over United States territory within a 35-mile radius of the Laredo, Tex., radio range station.

§ 601.1008 *Control area extension (Savannah, Ga.)*. The airspace within a 40-mile radius of Hunter Air Force Base, Savannah, Ga., excluding the portion south of latitude 31°35′00″ and excluding the portions which overlap Restricted Areas R–159 and R-339 and Warning Areas W-132, W-157, and W-160 at all times and all altitudes.

§ 601.1009 *Control area extension (Augusta, Ga.)*. All that area within 5 miles either side of the centerline of the north-south runway of Bush Field, Augusta, Ga., extending to a point 30 miles south of Bush Field.

§ 601.1010 *Control area extension (Greenwood, S. C.)*. That airspace bounded on the south by a straight line from a point at lat. 34°07′00″, long. 82°-15′00″ to a point at lat. 34°19′00″, long. 81°38′00″, on the east by Blue civil airway No. 28, on the north by the Greenville, S. C. (Greenville-Charlotte-Greensboro) control area extension, on the west by Blue civil airway No. 39 to point of beginning.

§ 601.1011 *Control area extension (Daytona Beach, Fla.)*. Within 5 miles either side of the west course of the Daytona Beach radio range extending from the radio range station to a point 20 miles west, and within 5 miles either side of the 244° True radial of the Daytona Beach omnirange extending from the omnirange station to a point 20 miles southwest.

§ 601.1012 *Control area extension (Florence, S. C.)*. From the Florence, S. C., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio station.

§ 601.1013 *Control area extension (Fort Myers, Fla.)*. Within 5 miles either side of the lines bearing 45° True and 220° True from Fort Myers, Fla., nondirectional radio beacon extending from Blue civil airway No. 1 on the northeast to a point 20 miles southwest of the nondirectional radio beacon

§ 601.1014 *Control area extension (Greenville, S. C.) (Greenville-Charlotte-Greensboro area)*. All that airspace beginning at lat. 35°49′30″, long. 79°30′00″, thence southwesterly to lat. 34°49′30″, long. 80°10′00″, thence clockwise along the arc of a 50-mile radius circle centered on the Charlotte, N. C., radio range (at lat. 35°10′30″, long. 80°56′00″) to lat. 34°27′15″, long. 80°52′30″, thence westerly to lat. 34°22′30″, long. 82°20′00″, thence clockwise along the arc of a 30-mile radius circle centered on the Greenville, S. C., radio range (at lat. 34°48′45″, long. 82°20′30″) to lat. 35°13′30″, long. 82°30′00″, thence northeast to lat. 35°19′00″, long. 82°06′30″, thence clockwise along the arc of a 30-mile radius circle centered on the Spartanburg, S. C., radio range to the northwest edge of Green civil airway No. 6, thence along the northwest edge of Green civil airway No. 6 to the arc of a 35-mile radius circle centered between the Winston-Salem and Greensboro, N. C., radio ranges at lat. 36°06′00″, long. 80°01′30″, thence clockwise along the arc of this 35-mile radius circle to the point of beginning.

§ 601.1015 *Control area extension (Greenwood, Miss.)*. From the Greenwood, Miss., radio range station extending 5 miles either side of the east course of the radio range to a point 20 miles east of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station and extending 5 miles either side of the 66° True and 246° True radials of the Greenwood omnirange to points 20 miles southwest and northeast of the omnirange station.

§ 601.1016 *Control area extension (Augusta, Ga.)*. Within 5 miles either side of the 320° True radial of the Augusta omnirange extending from the omnirange station to a point 15 miles northwest and within 5 miles either side of the north (back) course of the Augusta ILS localizer extending from the localizer to a point 33 miles north.

§ 601.1017 *Control area extension (Newberg, Oreg.)*. Within 5 miles either side of the 70° True radial of the Newberg omnirange extending from the omnirange station to its intersection with the Portland, Oreg., omnirange 96° True radial.

§ 601.1018 *Control area extension (Meridian, Miss.)*. Within 5 miles either side of the north course of the Meridian, Miss., radio range extending from the radio range station to a point 20 miles north, within 5 miles either side of the ILS localizer south course extending from the localizer to a point 30 miles south, and within 5 miles either side of the 314° True radial of the Meridian omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1019 *Control area extension (Nashville, Tenn.)*. That airspace within a 50-mile radius of the Nashville, Tenn., radio range station bounded on the northwest by a direct line extending from the Graham, Tenn., omnirange station to the Bowling Green, Ky., omnirange station including the airspace within 5 miles either side of the Nashville

ILS localizer south course extending from the 50-mile radius area to VOR civil airway No. 7–E.

§ 601.1020 *Control area extension (Macon, Ga.).* Within 5 miles either side of the 47° True and 227° True courses of the Macon ILS localizer extending from the localizer to a point 25 miles northeast and to a point 30 miles southwest.

§ 601.1021 *Control area extension (Belleville, Ill.).* All that area within a 40-mile radius of the Scott AFB radio range station, Belleville, Ill.

§ 601.1022 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station, extending within 5 miles either side of the west course of the West Palm Beach radio range, to a point 20 miles west of the radio range station.

§ 601.1023 *Control area extension (Akron, Colo.).* Within 5 miles either side of the 167° True radial of the Akron, Colo., omnirange extending from the omnirange station to a point 25 miles south.

§ 601.1024 *Control area extension (Burlington, Iowa).* Within a 15-mile radius of the Burlington, Iowa omnirange station and within 5 miles either side of the 112° True radial of the omnirange extending from the omnirange station to a point 25 miles east.

§ 601.1025 *Control area extension (New Orleans, La.).* That airspace in the northwest quadrant of the New Orleans radio range lying within a 35 mile radius of the radio range station; in the southwest quadrant of the radio range bounded on the north by Green civil airway No. 6, on the west by Long. 91°05′00″, on the south by Lat. 29°15′00″ and on the east by Amber civil airway No. 5; in the southeast quadrant of the radio range bounded on the west by the south course of the New Orleans radio range, on the south and east by the United States shoreline and on the north by Red civil airway No. 30; that airspace northeast of New Orleans bounded by a line beginning at a point on the eastern boundary of Amber civil airway No. 5 at Lat. 31°15′00″, thence southeast to Lat. 31°00′00″, Long. 89°45′00″, thence east to Lat. 31°00′00″, Long. 89°00′00″, thence north to Lat. 31°15′00″, Long. 89°00′00″, thence east to Lat. 31°15′00″, Long. 88°00′00″, thence south along Long. 88°00′00″ to the north boundary of Green civil airway No. 6, thence west along the north boundary of Green 6 to Amber civil airway No. 5, thence north along the east boundary of Amber 5 to point of beginning at Lat. 31°15′00″, excluding the airspace lying between VOR civil airway No. V–20 and V–20N bounded on the southwest by the northern shoreline of Lake Ponchartrain and on the northeast by the Biloxi, Miss., control area extension.

§ 601.1026 *Control area extension (Grand Island, Nebr.).* From the Grand Island, Nebr., radio range station, extending within 5 miles either side of the north course of the Grand Island radio range, to a point 20 miles north of the radio range station and within 5 miles either side of the 180° True and 360° True radials of the Grand Island omnirange extending from the omnirange station to points 25 miles north and south.

§ 601.1027 *Control area extension (Kansas City, Mo.).* All that area within a 42-mile radius of the Kansas City, Mo., Municipal Airport excluding that area outside existing civil airways that lies within the south quadrant of the Kansas City radio range and excluding the portion below 4,000 feet which overlaps the Lake City, Mo., restricted area.

§ 601.1028 *Control area extension (Monroe, La.).* Within 5 miles either side of the northeast and southwest courses of the Monroe radio range extending from the radio range station to a point 25 miles northeast and to a point 20 miles southwest, and within 5 miles either side of the 41° True and 221° True radials of the Monroe omnirange extending from the omnirange station to points 20 miles northeast and southwest.

§ 601.1029 *Control area extension (Corpus Christi, Tex.).* All that airspace lying in the north quadrant of the Corpus Christi, Tex., radio range within a 58-mile radius of the range station bounded on the southwest by Blue civil airway No. 30 and on the southeast by Green civil airway No. 6 including the airspace within 6 miles either side of the northeast course of the Refugio, Tex., radio range extending from the radio range station to a point 32 miles northeast and the airspace within the arc of a circle of 29-mile radius centered on the Normanna, Tex., nondirectional radio beacon bounded on the southwest by Blue civil airway No. 30 and on the east by a line extending from a point at Lat. 28°54′30″, Long. 97°33′40″ to a point at Lat. 28°38′00″, Long. 97°38′30″.

§ 601.1030 *Control area extension (Victorville, Calif.).* All that area within the vicinity of George AFB, Victorville, Calif., bounded on the north by Green 4, on the southwest by Blue 14 and on the southeast by VOR civil airway No. 21, and the airspace north of the George AFB bounded by a line beginning at lat. 35°11′00″, long. 117°12″00″, thence to lat. 34°57′00″, long. 117°12″00″, thence to lat. 34°54′45″, long. 116°53′45″, thence along the northern boundary of Green civil airway No. 4 to lat. 34°49′00″, long. 117°29′00″, thence to lat. 35°11′-00″, long. 117°24′00″, thence to point of beginning, excluding the portion which overlaps Restricted Area (R–279).

§ 601.1031 *Control area extension (North Platte, Nebr.).* All that airspace within a 25-mile radius of the North Platte radio range bounded on the south by Green civil airway No. 3, and the airspace bounded on the east by a line 5 miles east of and parallel to the south course of the radio range, on the south by VOR civil airway No. 8 and on the northwest by Red civil airway No. 6.

§ 601.1032 *Control area extension (Kotzebue, Alaska).* Within 5 miles either side of a line bearing 50° True extending from the Kotzebue, Alaska, non-directional radio beacon to a point 25 miles northeast.

§ 601.1033 *Control area extension (St. Joseph, Mo.).* The airspace within a 25-mile radius of Rosecrans Memorial Airport bounded on the northeast by VOR civil airway No. 15 and on the southeast by VOR civil airway No. 77.

§ 601.1034 *Control area extension (Springfield, Mo.).* All that area within a 25-mile radius of the Springfield, Mo., radio range station.

§ 601.1035 *Control area extension (Little Rock, Ark.).* That airspace within a 50 mile radius of the Little Rock radio range station, excluding the portion below 9,000 ft. between sunrise and sunset Saturdays and Sundays only which lies within Little Rock restricted area (R–134), and excluding the portion below 15,000 ft. between sunrise and sunset daily which lies within Pine Bluff restricted area (R–135). That airspace southwest of Little Rock bounded on the northwest by VOR civil airway No. 54, on the southeast by VOR civil airway No. 16 and on the northeast by the Little Rock 50-mile radius control area.

§ 601.1036 *Control area extension (West Palm Beach, Fla.).* Within 5 miles either side of the 151° True radial of the West Palm Beach omnirange extending from the West Palm Beach omnirange station via the intersection of the West Palm Beach 151° True radial and the Miami, Fla., 060° True radial thence via the Miami 060° True radial to the Miami, Fla., omnirange station. The airspace which lies within Patrick AFB warning area (W–497–B) and Miami warning area (W–171) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.1037 *Control area extension (Pensacola, Fla.).* That airspace within 8 miles east of and 5 miles west of the north and south courses of the Pensacola, Fla., radio range extending from the radio range station to points 25 miles north and 12 miles south.

§ 601.1038 *Control area extension (Great Falls, Mont.).* That airspace within a 25-mile radius of the Great Falls omnirange station extending from the southern boundary of VOR civil airway No. 120 clockwise to the southeastern boundary of Amber civil airway No. 2, and the airspace within 5 miles either side of the northeast course of the Great Falls radio range extending from the radio range station to a point 30 miles northeast including the airspace within a 30 mile radius of the Great Falls omnirange station which lies within the north quadrant of the Great Falls low frequency radio range.

§ 601.1039 *Control area extension (Portland, Oreg.).* That airspace within a 30-mile radius of the Portland International Airport.

§ 601.1040 *Control area extension (Medford, Oreg.).* From the Medford, Oreg., radio range station, extending within 5 miles either side of the west course of the Medford radio range, to a point 20 miles west of the radio range station and within 5 miles either side of the 270° True radial of the Medford omnirange extending from the omnirange station to VOR civil airway No. 27.

§ 601.1041 *Control area extension (Boise, Idaho).* Within 5 miles either side of the southwest course of the Boise radio range extending from the radio range station to a point 20 miles southwest including the airspace in the south quadrant of the Boise radio range bounded on the northeast and southeast by the Mountain Home, Idaho, control area extension and on the southwest by a line drawn 135° True from a point at lat. 43°20′20″, long. 116°29′15″ extending to the Mountain Home control area extension and that airspace northeast of Boise lying within a 25-mile radius of the Boise radio range station bounded on the southwest by Green civil airway No. 10.

§ 601.1042 *Control area extension (Columbus, Ohio).* Within a 15-mile radius of the Appleton, Ohio, omnirange station; that airspace south of Columbus bounded on the east by Blue civil airway No. 81, on the southeast by VOR civil airway No. 44, on the west by a line extending from the York, Ky., omnirange station to the southeast corner of restricted area (R–109) thence on the west by restricted area R–109 and Amber civil airway No. 6, and on the north by Green civil airway No. 4; that airspace southwest of Columbus bounded on the north by Green civil airway No. 4, on the east by Amber civil airway No. 6, on the south by Red civil airway No. 8 and on the west by Blue civil airway No. 87.

§ 601.1043 *Control area extension (Bowling Green, Ky.).* From the Bowling Green, Ky., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station and all that area within a 15 mile radius of the Bowling Green omnirange station.

§ 601.1044 *Control area extension (Ypsilanti, Mich.).* From the Willow Run Airport, Ypsilanti, Mich. ILS localizer extending 5 miles either side of the localizer course to a point 20 miles southwest of the ILS outer marker.

§ 601.1045 *Control area extension (Presque Isle, Maine).* From the Presque Isle, Maine, radio range station extending 5 miles either side of the west course of the radio range to a point 15 miles west of the radio range station, including all that area bounded on the north and east by Blue civil airway No. 17, on the south by Red civil airway No. 86 and on the west by Amber civil airway No. 7.

§ 601.1046 *Control area extension (Falfurrias, Tex.).* Within 5 miles on the northwest side and 15 miles on the southeast side of the southwest course of the Kingsville, Tex., radio range extending from the Falfurrias nondirectional radio beacon to a point 35 miles southwest of the nondirectional radio beacon.

§ 601.1047 *Control area extension (Bangor, Maine).* That airspace within a 25-mile radius of Dow Air Force Base, Bangor, Maine.

§ 601.1048 *Control area extension (Red Bluff, Calif.).* From the Red Bluff, Calif., radio range station extending 5 miles either side of the east course of the radio range to a point 25 miles east of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station.

§ 601.1049 *Control area extension (Utica, N. Y.).* From the Utica, N. Y., radio range station, within 5 miles either side of the northwest course of the Utica, N. Y., radio range, extending 20 miles northwest of the Utica, N. Y., radio range station and within 5 miles either side of the northeast course of the Utica radio range extending from the radio range station to a point 15 miles northeast.

§ 601.1050 *Control area extension (Bakersfield, Calif.).* From the Bakersfield, Calif., radio range station extending within 5 miles either side of the southwest course of the Bakersfield, Calif., radio range to a point 25 miles southwest of the radio range station including the airspace in the northwest quadrant of the radio range bounded on the northeast by VOR civil airway No. 165 and on the west by VOR civil airway No. 107.

§ 601.1051 *Control area extension (Portland, Maine).* From the Portland, Maine, radio range station, within 5 miles either side of the northwest course of the Portland, Maine, radio range extending 20 miles northwest of the Portland, Maine, radio range station.

§ 601.1052 *Control area extension (Atlanta, Ga.).* All that airspace within a 50-mile radius of the Atlanta radio range station including the airspace north of Atlanta bounded on the west by VOR civil airway No. 5, on the north by VOR civil airway No. 54 and on the east by VOR civil airway No. 97, and the airspace east of Atlanta bounded on the northwest by VOR civil airway No. 20, on the east by VOR civil airway No. 35 and on the south by VOR civil airway No. 18 including the airspace southwest of Atlanta bounded on the north by VOR civil airway No. 18, on the west by longitude 86°00′00″, and on the southeast by VOR civil airway No. 20.

§ 601.1053 *Control area extension (Houston, Tex.) (Beaumont-Palacios-Houston area).* All that airspace beginning at Latitude 30°22′00″, Longitude 94°03′00″, thence clockwise along an arc with a 25-mile radius centered on the Beaumont, Tex., radio range station to Latitude 29°38′35″, Longitude 94°00′00″, thence south to Latitude 29°37′30″, Longitude 94°00′00″, thence southwesterly 3 nautical miles from and parallel to the shoreline to Latitude 28°23′20″, Longitude 96°17′30″, thence clockwise along an arc with a 25-miles radius centered on the Palacios, Tex., radio range station to Latitude 28°55′00″, Longitude 96°38′45″, thence northeasterly to Latitude 29°58′30″, Longitude 95°58′30″, thence clockwise along an arc with a 50-mile radius centered on the Houston, Tex., radio range station to Latitude 30°20′25″, Longitude 95°17′00″, thence east to point of beginning. The portions of this control area which overlap the Palacios Restricted Area R–494 and Palacios Warning Area W–494 are excluded.

§ 601.1054 *Control area extension (Sinclair, Wyo.).* From the Sinclair, Wyo., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1055 *Control area extension (Elmira, N. Y.).* Within a 15-mile radius of the Elmira, N. Y., omnirange station.

§ 601.1056 *Control area extension (Buffalo, N. Y.).* Within a 15-mile radius of the Buffalo, N. Y., omnirange station.

§ 601.1057 *Control area extension (Binghamton, N. Y.).* Within a 15-mile radius of the Binghamton, N. Y., omnirange station.

§ 601.1058 *Control area extension (Martinsburg, W. Va.).* Within 5 miles either side of the southwest and northeast courses of the Martinsburg radio range extending from the radio range station to a point 20 miles southwest and to a point 33 miles northeast, and that airspace within a 15-mile radius of the Martinsburg, W. Va., omnirange station.

§ 601.1059 *Control area extension (Lynchburg, Va.).* From the Lynchburg, Va., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station.

§ 601.1060 *Control area extension (Elkins, W. Va.).* From the Elkins, W. Va., radio range station, within 5 miles either side of the south course of the Elkins radio range, extending 10 miles south of the Elkins, W. Va., airport and all that area within a 15 mile radius of the Elkins omnirange station.

§ 601.1061 *Control area extension (Mt. Clemens, Mich.).* All that airspace bounded on the north by an arc having a radius of 40 miles from Selfridge Air Force Base, Mt. Clemens, Mich., on the east and southeast by the United States-Canadian Boundary, and on the southwest by Red civil airway No. 20 and the Flint, Mich., control area extension.

§ 601.1062 *Control area extension (Raleigh, N. C.).* That airspace within a 30-mile radius of the Raleigh, N. C., radio range station, within 5 miles either side of the southeast course of the Raleigh radio range extending from the range station to a point 41 miles southeast, and within 5 miles either side of the Raleigh ILS localizer course extending from the localizer to a point 30 miles southwest.

§ 601.1063 *Control area extension (Roanoke, Va.).* From the Roanoke, Va., radio range station extending 5 miles either side of the south course of the Roanoke, Va., radio range to a point 20 miles south of the radio range station.

§ 601.1064 *Control area extension (Chicopee Falls, Mass.).* That airspace northeast of Chicopee Falls bounded on

the northwest by Red civil airway No. 33, on the northeast by VOR civil airway No. 151 and the Worcester, Mass., control zone, on the southeast by Amber civil airway No. 7 and on the south by a line extending from a point at latitude 42°08'50'', longitude 72°28'00'' to a point at latitude 42°04'30'', longitude 72°11'-30'' excluding the airspace below 2,500 ft. Mean Sea Level; that airspace north of Chicopee Falls bounded on the west by Blue civil airway No. 41, on the north by VOR civil airway No. 2 and on the southeast by VOR civil airway No. 39; that airspace northwest of Chicopee Falls lying within an arc of 38 statute miles centered on the Westover, Mass., Air Force Base bounded on the north by VOR civil airway No. 2, on the east by Blue civil airway No. 41 and on the south by Red civil airway No. 112.

§ 601.1065 *Control area extension (Biloxi, Miss.)*. All that area within a 25-mile radius of the Keesler AFB, Biloxi, Miss., radio range station, excluding Airspace Warning Areas.

§ 601.1066 *Control area extension (New York, N. Y.)*. That airspace within a radius of 125 miles of the Idlewild, N. Y., omnirange station extending clockwise from the 238° True radial to the 328° True radial of the omnirange thence within a radius of 30 miles of the Idlewild omnirange station extending clockwise from the 328° True radial to the 238° True radial of the omnirange.

§ 601.1067 *Control area extension (Lexington, Ky.)*. The airspace within a 40-mile radius of the Lexington, Ky., omnirange station extending clockwise from VOR civil airway No. 4 to VOR civil airway No. 57 and the airspace within a 25 mile radius of the omnirange station extending clockwise from VOR civil airway No. 57 to VOR civil airway No. 4.

§ 601.1068 *Control area extension (Riverside, Calif.)*. That airspace east of March Air Force Base bounded on the east by a line extending between a point at latitude 33°51'00'', longitude 116°50'-40'' and a point at latitude 33°45'45'', longitude 116°50'00'', on the south by VOR civil airway No. 64, on the northwest by VOR civil airway No. 8 and on the north by Green civil airway No. 5; that airspace southeast of March Air Force Base bounded on the north by VOR civil airway No. 64, on the east by VOR civil airway No. 117, on the southeast and south by Red civil airway No. 65, and on the southwest by Caution Area C–444.

§ 601.1069 *Control area extension (Santa Barbara, Calif.)*. Within 5 miles either side of the west and southeast courses of the Santa Barbara radio range extending from the radio range station to a point 25 miles west and 20 miles southeast.

§ 601.1070 *Control area extension (Charlottesville, Va.)*. The airspace bounded on the northwest by VOR civil airway No. 140, on the northeast by VOR civil airway No. 156 and on the south by VOR civil airway No. 16.

§ 601.1071 *Control area extension (Burbank, Calif.)*. That airspace east of the Burbank, Calif., radio range station bounded on the west by Amber civil airway No. 1, on the south by Green civil airway No. 5, and on the northeast by a line 5 miles northeast of and parallel to the southeast course of the Burbank radio range; that airspace southwest of the Burbank, Calif., radio range station bounded on the north by Red civil airway No. 90, on the east by Amber civil airway No. 1, on the south by Amber civil airway No. 8 and on the west by a line 5 miles west of and parallel to a direct line between the Burbank, Calif., ILS outer marker and the intersection of the southeast course of the Camarillo, Calif., radio range with a line bearing 260° True from the Los Angeles, Calif., nondirectional radio beacon.

§ 601.1072 *Control area extension (Sumter, S. C.)*. That airspace within a 30-mile radius of Shaw Air Force Base, Sumter, S. C., radio range station, excluding the portion below 26,000 feet MSL which overlaps restricted area (R–114), and excluding the portion below 26,000 feet MSL between sunrise and sunset which overlaps restricted area (R–384).

§ 601.1073 *Control area extension (Fresno, Calif.)*. The airspace west of Fresno lying within a 35 mile radius of the Fresno Air Terminal bounded on the east by VOR civil airway No. 23; the airspace between Bakersfield-Fresno-Modesto, Calif., bounded on the southwest by VOR civil airway No. 23, on the northwest by VOR civil airway No. 28, and on the northeast and southeast by a line beginning at a point at Lat. 38°20'00'', Long. 120°22'00'', extending to a point at Lat. 38°20'00'', Long. 120°00'00'', thence to a point at Lat. 37°50'00'', Long. 120°00'00'', thence to a point at Lat. 36°00'00'', Long. 118°48'00'', thence to the Bakersfield, Calif., omnirange station.

§ 601.1074 *Control area extension (North Bend, Oreg.)*. Within 5 miles either side of the 90° True and 270° True radials of the North Bend omnirange extending from the omnirange station to points 20 miles east and west.

§ 601.1075 *Control area extension (Ada, Okla.)*. All that area within a 15-mile radius of the Ada, Okla., Municipal Airport.

§ 601.1076 *Control area extension (Phoenix, Ariz.)*. That airspace southwest of Phoenix bounded on the north and east by VOR civil airway No. 16, on the south by VOR civil airway No. 66N, and on the west by VOR civil airway No. 87; that airspace northwest and north of Phoenix bounded on the south by Green civil airway No. 5, on the west by longitude 112°50'00'', on the north by latitude 34°00'00'' and on the east by VOR civil airway No. 95; that airspace within 5 miles either side of the east course of the Phoenix radio range extending from the radio range station to a point 25 miles east.

§ 601.1077 *Control area extension (Elko, Nev.)*. From the Elko, Nev., radio range station extending 5 miles either side of the north course of the Elko, Nev., radio range to a point 25 miles from the radio range station, and extending 5 miles on either side of the south course of the Elko, Nev., radio range to a point 25 miles south of the radio range station.

§ 601.1078 *Control area extension (Reno, Nev.)*. From the Reno, Nev., radio range station extending 5 miles either side of the north course of the Reno, Nev., radio range to a point 50 miles north of the radio range station.

§ 601.1079 *Control area extension (Rock Springs, Wyo.)*. From the Rock Springs, Wyo., radio range station extending 5 miles either side of the north course of the Rock Springs, Wyo., radio range to a point 25 miles north of the radio range station, and extending 5 miles either side of the south course of the Rock Springs, Wyo., radio range to a point 25 miles south of the radio range station.

§ 601.1080 *Control area extension (Louisville, Ky.)*. All that area within a 15-mile radius of the Louisville omnirange station excluding danger areas, and all that area within 5 miles either side of the 122° True radial of the Louisville omnirange extending from the omnirange station to a point 25 miles southeast, the area within 5 miles either side of the 154° True radial of the omnirange extending from the omnirange station to a point 25 miles southeast, and the area within 5 miles either side of the Louisville ILS localizer course extending from the localizer to a point 13.2 miles southwest, and that airspace northeast of Louisville bounded on the southeast by VOR civil airway No. 5 and on the west and northwest by VOR civil airway No. 47.

§ 601.1081 *Control area extension (Windsor Locks, Conn.)*. That airspace in the vicinity of Bradley Field, Windsor Locks, Conn., bounded on the southeast by Amber civil airway No. 7, on the southwest and west by Blue civil airway No. 41, on the northwest by Red civil airway No. 33 and on the north by a line extending from a point at latitude 42°-08'50'', longitude 72°28'00'' to a point at latitude 42°04'30'', longitude 72°11'-30''; that airspace southwest of Bradley Field bounded on the northwest by Red civil airway No. 33, on the northeast by Blue civil airway No. 41 and on the south by Red civil airway No. 13.

§ 601.1082 *Control area extension (Montgomery, Ala.)*. That airspace bounded on the north by Lat. 32°52'00'', on the east by Long. 86°00'00'', on the south by Lat. 31°45'00'', and on the west by Long. 87°30'00''.

§ 601.1083 *Control area extension (Bartlesville, Okla.)*. All that area within a 20-mile radius of the Phillips Airport, Bartlesville, Okla.

§ 601.1084 *Control area extension (Quincy, Ill.)*. That airspace within a 25-mile radius of the Quincy non-directional radio beacon including the airspace north of Quincy bounded on the east by VOR civil airway No. 63, on the southwest by VOR civil airway No. 52 and on the northwest by VOR civil airway No. 10.

§ 601.1085 *Control area extension (Edwards Air Force Base, Calif.)*. All that airspace bounded on the south by Green civil airway No. 4, on the southwest by Blue civil airway No. 14, on the north by Lat. 34°58'00'', on the east by Long. 117°48'00'', including the airspace within 5 miles either side of a line bearing 56° True extending from the Edwards Air Force Base and passing through the Edwards omnirange station site at Lat. 35°00'18'', Long. 117°41'14'' to a point 15 miles northeast of the omnirange station site, excluding the portions which overlap Restricted Area (R–279) and excluding the portion above 20,000 feet MSL which conflicts with Restricted Area (R–484).

§ 601.1086 *Control area extension (Memphis, Tenn.)*. That airspace within a 50-mile radius of the Memphis radio range station lying in the southeast, southwest and northwest quadrants of the radio range and that airspace within an arc 45 miles in radius from the Memphis NAS radio range station bounded on the west and northwest by VOR civil airway No. 11 and on the southeast by Green civil airway No. 5. That airspace southwest of Memphis bounded on the southeast by VOR civil airway No. 16, on the west by VOR civil airway No. 69, on the north by VOR civil airway No. 54 and on the east by the Memphis 50-mile radius control area.

§ 601.1087 *Control area extension (Akron, Ohio)*. From the Akron-Canton Airport, Akron, Ohio, ILS localizer extending 5 miles either side of the localizer course to a point 20 miles south of the ILS outer marker, and extending 5 miles either side of a direct line between the Akron, Ohio, radio range station and the Brecksville, Ohio, fan marker.

§ 601.1088 *Control area extension (Alexandria, Minn.)*. From the Alexandria, Minn., radio range station extending 5 miles either side of the north course of the Alexandria, Minn., radio range to a point 20 miles north of the radio range station, including all that area within a 15 mile radius of the Alexandria omnirange station, and all that area within 5 miles either side of the 50° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1089 *Control area extension (Cincinnati, Ohio)*. All that airspace within a 15-mile radius of the Cincinnati, Ohio, omnirange station and that airspace northwest of Cincinnati bounded on the north by Red civil airway No. 18, on the east by VOR civil airway No. 47 and on the southwest by the east alternate of VOR civil airway No. 97.

§ 601.1090 *Control area extension (Lawrence, Mass.)*. Within 5 miles either side of a direct line extending from the Lawrence, Mass., nondirectional radiobeacon to the Bedford, Mass., outer marker.

§ 601.1091 *Control area extension (Detroit, Mich.)*. That airspace within a 20-mile radius of the Willow Run Airport, Detroit, Mich.; and the airspace north of Detroit bounded on the south by VOR civil airway No. 116, on the west by VOR civil airway No. 133, on the north by VOR civil airway No. 84 and on the east by Red civil airway No. 20.

§ 601.1092 *Control area extension (Dickinson, N. Dak.)*. From the Dickinson, N. Dak., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station including all that area within a 15-mile radius of the Dickinson omnirange station, and all that area within 5 miles either side of the 15° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1093 *Control area extension (Fargo, N. Dak.)*. From the Fargo, N. Dak., radio range station extending 5 miles either side of the east course of the radio range to a point 20 miles east of the Glyndon fan marker, and extending from the ILS localizer 5 miles either side of the localizer course to a point 20 miles south of the outer marker, and all that area within a 15 mile radius of the Fargo omnirange station.

§ 601.1094 *Control area extension (Flint, Mich.)*. From the Flint, Mich., outer compass locator extending 5 miles either side of the 88° and 268° True courses of the outer compass locator to points 25 miles east and west of the outer compass locator.

§ 601.1095 *Control area extension (Fort Wayne, Ind.)*. All that area within a 15-mile radius of the Fort Wayne omnirange station including that area within 5 miles either side of the 318° True radial of the omnirange extending from the omnirange station to a point 25 miles northwest and that area within 5 miles either side of the Fort Wayne ILS localized course extending from the localizer to a point 20 miles southeast of the outer marker. The airspace south of Fort Wayne bounded on the northwest by VOR civil airway No. 11, on the southeast by VOR civil airway No. 14, and on the east by VOR civil airway No. 55–W.

§ 601.1096 *Control area extension (Glenview, Ill.)*. From the Glenview, Ill., radio range station extending 5 miles either side of the northwest course of the Glenview, Ill., radio range to a point 20 miles northwest of the radio range station.

§ 601.1097 *Control area extension (Grand Forks, N. Dak.)*. From the Grand Forks, N. Dak., radio range station extending 5 miles either side of the south course of the Grand Forks, N. Dak., radio range to a point 20 miles south of the radio range station.

§ 601.1098 *Control area extension (Casper, Wyo.)*. The airspace within a 25-mile radius of the Casper radio range station lying in the southwest, northwest, and northeast quadrants of the radio range, and within 5 miles either side of the Casper Air Terminal ILS localizer course extending from the localizer to a point 25 miles west of the airport.

§ 601.1099 *Control area extension (Indianapolis, Ind.)*. From the Weir-Cook Municipal Airport, Indianapolis, Ind., ILS localizer extending 5 miles either side of the ILS localizer course to a point 20 miles southwest of the ILS outer marker and all that area within a 15-mile radius of the Indianapolis omnirange station.

§ 601.1100 *Control area extension (Lone Rock, Wis.)*. That airspace within a 15-mile radius of the Lone Rock omnirange station including the airspace within 5 miles either side of the 24° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1101 *Control area extension (Madison, Wis.)*. That airspace south of Madison bounded on the north by VOR civil airway No. 2, on the southeast by VOR civil airway No. 63 and on the southwest and west by VOR civil airway No. 97.

§ 601.1102 *Control area extension (Minneapolis, Minn.)*. All that area within a 30-mile radius of the Minneapolis-St. Paul International Airport lying within the east, south, and west quadrants of the Minneapolis radio range, including all that area within a 15-mile radius of the Minneapolis omnirange station and the airspace north of Minneapolis bounded on the northwest by VOR civil airway No. 13, on the east by Blue civil airway No. 9 and on the southwest by VOR civil airway No. 26.

§ 601.1103 *Control area extension (Minot, N. Dak.)*. All that area within a 15-mile radius of the Minot, N. Dak., omnirange station.

§ 601.1104 *Control area extension (Rockford, Ill.)*. From the Rockford, Ill., radio range station extending 5 miles either side of the west course of the Rockford, Ill., radio range to a point 20 miles west of the radio range station.

§ 601.1105 *Control area extension (Muskegon, Mich.)*. That airspace within a 15-mile radius of the Muskegon omnirange station and within 5 miles either side of the southeast course of the Muskegon radio range extending from the radio range station to the western boundary of Red civil airway No. 28.

§ 601.1106 *Control area extension (Whidbey Island, Wash.)*. All of the airspace bounded on the east by Green civil airway No. 10, on the south by Red civil airway No. 79, on the west by Amber civil airway No. 1 and on the north by a line drawn from a point at latitude 48°42'48'', longitude 123°11'57'' through a point at latitude 48°50'27'', longitude 122°44'33'', excluding the airspace below 20,000 feet MSL which overlaps restricted areas R–231, R–232, R–233, R–234 and R–235.

§ 601.1107 *Control area extension (Topeka, Kans.)*. All that area within a 25-mile radius of the Topeka, Kans., omnirange station.

§ 601.1108 *Control area extension (Salina, Kans.)*. That airspace north of Salina, Kansas, within a 30-mile radius of a point at Latitude 38°52'39'', Longitude 97°38'54'', bounded on the south by VOR civil airway No. 4, and the airspace southeast of the Salina omnirange station bounded on the north by VOR civil airway No. 4 and on the west by VOR civil airway No. 73 within a 25-mile radius of the omnirange station.

§ 601.1109 *Control area extension (Goodland, Kans.).* From the Goodland, Kans., omnirange station extending 5 miles either side of the 22° True radial of the omnirange to a point 20 miles north and within 5 miles either side of the 202° True radial of the Goodland omnirange extending from the omnirange station to a point 25 miles southwest.

§ 601.1110 *Control area extension (Hobbs, N. Mex.).* From the Hobbs, N. Mex., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1111 *Control area extension (San Diego, Calif.).* From the San Diego, Calif., radio range station extending 5 miles either side of the southwest course of the San Diego, Calif., radio range to a point 25 miles southwest of the radio range station.

§ 601.1112 *Control area extension (Fort Dix, N. J.).* All that area bounded on the north by Red civil airway No. 3 on the east by VOR civil airway No. 1, on the southeast by Green civil airway No. 5, on the southwest by Red civil airway No. 73 and on the west by Blue civil airway No. 20, excluding the portion which overlaps the Fort Dix, N. J., restricted area and the Lakehurst, N. J., caution area.

§ 601.1113 *Control area extension (San Francisco, Calif.).* All that area bounded on the northeast by a line extending through the San Francisco, Calif., and Moffett Field, Calif., radio range stations, on the northwest by a line 5 miles northwest of and parallel to the southwest course of the San Francisco, Calif., radio range, on the west by a line 3 nautical miles off shore, on the southeast by a line 5 miles southeast of and parallel to the southwest course of the Moffett Field radio range, and including all that area northeast of the San Francisco, Calif., radio range station bounded on the northwest by Amber civil airway No. 8, on the northeast by Blue civil airway No. 10 and on the southeast and southwest by Green civil airway No. 3, and including all that area northeast of the San Francisco radio range station bounded on the northwest by Green civil airway No. 3, on the east by Blue civil airway No. 7 and on the south by Red civil airway No. 60, and all that area beginning at a point on the western boundary of Blue civil airway No. 10 at the point of intersection with lat. 38°15′00″, thence along the western boundaries of Blue civil airway No. 10, Blue civil airway No. 54 and Amber civil airway No. 8 to a point at which the western boundary of Amber civil airway No. 8 intersects the coastline, thence along the coastline in a northwesterly direction to Point Reyes, Calif., thence in a northeasterly direction to lat. 38°15′00″, long. 122°45′00″, thence to the point of beginning.

§ 601.1114 *Control area extension (Bettles, Alaska).* Within 5 miles either side of the southeast course of the Bettles, Alaska, radio range extending from the radio range station to a point 25 miles southeast.

§ 601.1115 *Control area extension (Dodge City, Kans.).* Within 5 miles either side of the 341° and 161° True radials of the Dodge City omnirange extending from the omnirange station to points 25 miles north and south.

§ 601.1116 *Control area extension (Hutchinson, Kans.).* All that area within a 25-mile radius of the Hutchinson, Kans., radio range station.

§ 601.1117 *Control area extension (Grosse Ile, Mich.).* That airspace south of the Grosse Ile Naval Air Station bounded on the west by Blue civil airway No. 87, on the north by VOR civil airway No. 10, on the northeast by Red civil airway No. 19 and on the southeast by a line through a point at Lat. 41°51′10″, Long. 83°08′35″ and a point at Lat. 41°45′20″, Long. 83°20′25″.

§ 601.1118 *Control area extension (Grand Junction, Colo.).* Within 5 miles either side of a line bearing 305° True extending from Walker Airport, Grand Junction, Colo., to a point 30 miles northwest of the airport, and within 5 miles either side of the 357° True radial of the Grand Junction omnirange extending from the omnirange station to a point 15 miles north.

§ 601.1119 *Control area extension (St. Louis, Mo.).* All that area within a 25-mile radius of the St. Louis, Mo., radio range station in the northeast and southwest quadrants of the radio range.

§ 601.1120 *Control area extension (Cedar Rapids, Iowa).* Within 5 miles either side of a line bearing 266° True extending from the Cedar Rapids Municipal Airport to a point 25 miles west, and within 5 miles either side of a line bearing 90° True from the airport to a point 25 miles east.

§ 601.1121 *Control area extension (White Plains, N. Y.).* From the Westchester Airport White Plains, N. Y., ILS localizer extending 5 miles either side of the localizer course to its intersection with the south course of the Poughkeepsie, N. Y., radio range.

§ 601.1122 *Control area extension (Tri-City, Tenn.).* That airspace within a 28-mile radius of the Tri-City radio range station lying in the east quadrant of the radio range; that airspace within a 30-mile radius of the radio range station lying in the west quadrant of the radio range, and the airspace within 5 miles either side of the 289° True radial of the Tri-City omnirange extending from the omnirange station to a point 50 miles northwest.

§ 601.1123 *Control area extension (Birmingham, Ala.).* That airspace bounded by a line beginning at a point at latitude 32°52′00″, longitude 87°30′00″, thence north to latitude 34°15′00″, longitude 87°30′00″, thence east to latitude 34°15′00″, longitude 86°15′00″, thence south to latitude 34°00′00″, longitude 86°15′00″, thence southeast to latitude 33°39′00″, longitude 86°00′00″, thence south to latitude 32°52′00″, longitude 86°00′00″, thence west to latitude 32°52′00″, longitude 87°30′00″.

§ 601.1124 *Control area extension (Eugene, Oreg.).* Within 5 miles either side of the west course of the Eugene, Oreg., radio range extending from the radio range station to VOR civil airway No. 27.

§ 601.1125 *Control area extension (Tallahassee, Fla.).* That airspace bounded on the north by VOR civil airway No. 22, on the east by VOR civil airway No. 159 and on the south and west by VOR civil airway No. 7W, excluding the portion above 19,000 feet mean sea level between sunset and sunrise which lies within Tyndall AFB restricted area (R–336).

§ 601.1126 *Control area extension (Knoxville, Tenn.).* That airspace within a 40-mile radius of the Knoxville, Tenn., radio range station beginning at a point south of Knoxville on the western edge of Blue civil airway No. 87 and extending counterclockwise to a point at lat. 36°15′00″, long. 84°30′00″, thence bounded on the northwest by a straight line from this point to a point at lat. 36°00′00″, long. 84°56′30″, thence bounded on the west by VOR civil airway No. 51, on the southwest by the Chattanooga control area extension, on the south by VOR civil airway No. 54, and on the east by the western boundary of Blue civil airway No. 87 to point of beginning, excluding the airspace which lies within Prohibited Area PA–78.

§ 601.1127 *Control area extension (Pasco, Wash.).* That airspace beginning at a point at lat. 46°13′03″, long. 119°03′45″ within 5 miles either side of lines drawn 179° True and 269° True extending from that point to their intersection with the northeast boundary of Green civil airway No. 10; that airspace bounded by lines 5 miles south of and 10 miles north of and parallel to a line drawn 89° True from the point of beginning extending to the northwest boundary of VOR civil airway No. 112 on the south, to long. 118°43′30″ on the north, bounded on the west by long. 119°03′45″, and including the airspace within 5 miles either side of the northwest course of the Walla Walla, Wash., radio range from the radio range station northwestward to long. 118°43′30″.

§ 601.1128 *Control area extension (Jackson, Miss.).* From the Jackson, Miss., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles northwest of the ILS localizer.

§ 601.1129 *Control area extension (Washington, D. C.).* All that area within a 40-mile radius of the Washington National Airport, excluding that portion northeast of the airport bounded on the west by the eastern boundary of Blue civil airway No. 21 and Red civil airway No. 45 and on the south by the northern boundary of Green civil airway No. 5 and excluding the Washington Airspace Reservation and restricted areas.

§ 601.1130 *Control area extension (Spokane, Wash.).* That airspace within a radius of 45 nautical miles centered on Fairchild Air Force Base, Spokane, Wash.

§ 601.1131 *Control area extension (Sitka, Alaska).* Within 5 miles either side of the southwest course of the Sitka, Alaska, radio range extending from the radio range station to a point 25 miles southwest.

§ 601.1132 *Control area extension (West Palm Beach, Fla.).* Within 5 miles either side of the 36° True radial of the West Palm Beach omnirange extending from the omnirange station to its intersection with the 109° True radial of the Orlando, Fla., omnirange thence northwestward within 5 miles either side of the Orlando omnirange 109° True radial to its intersection with the center line of Wilmington, N. C., control area extension No. 1150, excluding the portion below 2000 feet MSL which lies outside the continental limits of the United States.

§ 601.1133 *Control area extension (Seattle, Wash.).* That airspace within a 30-mile radius of the Seattle-Tacoma International Airport, excluding the portion below 1,500 feet mean sea level which lies over Fort Lewis restricted area (R–503), below 5,000 feet mean sea level which lies over Fort Lewis restricted area (R–504), and below 14,000 feet mean sea level which lies over Fort Lewis restricted area (R–505); that airspace southsouthwest of Seattle bounded on the south by latitude 46°35′00″, on the west by longitude 123°03′00″ and on the northnortheast by Blue civil airway No. 71; that airspace north of Seattle bounded on the south by Red civil airway No. 79, on the east by Green civil airway No. 10, and on the northwest by a line extending from a point at latitude 48°02′00″, longitude 122°26′00″ to a point at latitude 47°55′00″, longitude 122°32′00″.

§ 601.1134 *Control area extension (Columbus, Ga.).* That airspace north of Columbus bounded on the northwest by VOR civil airway No. 20, on the south by VOR civil airway No. 56, on the east by VOR civil airway No. 97, and on the north by the Atlanta, Ga., 50-mile radius control area extension.

§ 601.1135 *Control area extension (Marianna, Fla.).* Within 5 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 20 miles southeast, excluding the airspace above 19,000 feet overlapping Tyndall AFB restricted area (R–336) between sunset and sunrise.

§ 601.1136 *Control area extension (San Juan, P. R.).* Within a radius of 100 nautical miles of the Isle Grande Airport, San Juan, P. R., excluding the airspace over existing restricted areas and warning areas. (Designated to conform with Recommendation No. 6 of the Rules of the Air and Air Traffic Control Committee of the Second ICAO Caribbean Regional Air Navigation Meeting, as approved by the Council of ICAO.)

§ 601.1137 *Control area extension (Big Spring, Tex.).* The airspace within a 35-mile radius of the Big Spring omnirange station.

§ 601.1138 *Control area extension (Orlando, Fla.).* Within 5 miles either side of the northwest course of the Orlando radio range extending from the radio range station to a point 25 miles northwest; that airspace northeast of Orlando bounded on the south by a line 5 miles southeast of and parallel to the northeast course of the Orlando radio range, on the northeast by Amber civil airway No. 7 and on the northwest by Red civil airway No. 47, and all that airspace bounded on the north by Latitude 29°00′00″, on the west by Tampa control area extension No. 1325, on the south by Latitude 27°45′00″, and on the east and northeast by Blue civil airway No. 19 and the northwest course of the Orlando radio range.

§ 601.1139 *Control area extension (Fort Rucker, Ala.).* Within a 35-mile radius of a point at latitude 31°14′55″, longitude 85°46′20″, Fort Rucker, Ala., excluding the portion which overlaps restricted area R–156, and excluding the portion above 19,000 feet MSL between sunset and sunrise which lies beneath and which conflicts with restricted area R–336.

§ 601.1140 *Control area extension (Youngstown, Ohio).* That airspace southeast of Youngstown bounded on the north by VOR civil airway No. 6, on the east by VOR civil airway No. 37, on the south by Red civil airway No. 85 and on the southwest and west by VOR civil airway No. 41.

§ 601.1141 *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range to a circle 15 miles in radius centered at the midway point of a direct line between the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1142 *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range to a circle 15 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1143 *Control area extension (Nantucket, Mass.).* That airspace with tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″) to a circle 15 miles in radius centered at the midway point on a direct line between the Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″) and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that airspace which lies within the confines of civil airways, and excluding those portions which overlap Warning Areas (W–21, W–95 and W–104).

§ 601.1144 *Control area extension (Nantucket, Mass.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″) to a circle 15 miles in radius centered on the intersection of a Great Circle course between the Nantucket Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″) and the Azores Santa Maria nondirectional radio beacon and the western boundary of the ICAO Control Area, excluding the portion below 2,000 feet except that airspace which lies within the confines of civil airways.

§ 601.1145 *Control area extension (Nantucket, Mass.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″) to a circle 15 miles in radius centered on the intersection of a rhumb line between the Nantucket Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″) and the Kindley AFB Bermuda radio range station and the western boundary of the ICAO Control Area, excluding the portion below 2,000 feet except that airspace which lies within the confines of civil airways.

§ 601.1146 *Control area extension (New York, N. Y.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the east course of the New York (La Guardia), N. Y., radio range and the northeast course of the Mitchel AFB, N. Y., radio range to a circle 5 miles in radius centered at the intersection of the southeast course of the Quonset, R. I. (Navy) radio range and a line bearing 254° True from the Nantucket, Mass., Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″) to a circle 5 miles in radius centered on the Nantucket Consolan station (monitor site), excluding that portion below 2,000 feet between the intersection of the east course of the New York (La Guardia) radio range and the southwest course of the Providence, R. I., radio range and the Nantucket Consolan station (monitor site at latitude 41°15′35″, longitude 70°09′19″). In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk

Point Restricted Area (R–437) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.1147 *Control area extension (New York, N. Y.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Mitchel AFB, N. Y., radio range to a circle 15 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1148 *Control area extension (Millville, N. J.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Millville, N. J., radio range station and the intersection of the southeast course of the Millville, N. J., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered on the intersection of the southeast course of the Millville, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1149 *Control area extension (Norfolk, Va.).* That airspace within a 55-mile radius of a point located at latitude 36°57'44", longitude 76°24'44", excluding the airspace which overlaps all danger areas, warning areas and caution areas and excluding the portion below 2,000 feet beyond the shoreline of the United States.

§ 601.1150 *Control area extension (Wilmington, N. C.).* That area within a 5-mile radius circle of the Wilmington, N. C., (Carolina Beach), nondirectional radio beacon including the area bounded on the west by a line tangent to the circumference of this circle extending to the circumference of a circle 15 miles in radius centered at latitude 30°24'00", longitude 79°05'30" thence to the circumference of a circle 5 miles in radius centered on the West Palm Beach, Fla., radio range station, and bounded on the east by a line tangent to the circumference of the 5-mile radius circle centered on the Wilmington (Carolina Beach) nondirectional radio beacon extending to the circumference of a circle 35 miles in radius centered at latitude 30°24'00", longitude 79°05'30", thence to the circumference of a circle 5 miles in radius centered on the West Palm Beach, Fla., radio range station, excluding the portion below 2000 feet mean sea level which lies outside of the continental limits of the United States.

§ 601.1151 *Control area extension (Wilmington, N. C.).* That area within tangent lines of circles 5 statute miles in radius centered on the Carolina Beach (Wilmington, N. C.) nondirectional radio beacon and 15 statute miles in radius centered on the intersection of the western boundary of the New York Oceanic Control Area and a direct line between the Carolina Beach nondirectional radio beacon and the Nassau, B. W. I., nondirectional radio beacon extending from the Carolina Beach nondirectional radio beacon to the western boundary of the New York Oceanic Control Area and the latitude 31°30'00" N. Parallel, excluding that portion below 2,000 feet mean sea level which lies outside the continental limits of the United States.

§ 601.1152 *Control area extension (Charleston, S. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Charleston, S. C., radio range station and a circle 5 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1153 *Control area extension (Jacksonville, Fla.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Jacksonville, Fla., radio range station to a circle 15 miles in radius centered on the intersection of the east course of the Jacksonville, Fla., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet and above 20,500 feet which lies outside the continental limits of the United States.

§ 601.1154 *Control area extension (Bismarck, N. Dak.).* All that area within a 15-mile radius of the Bismarck omnirange station including all that area 5 miles either side of the ILS localizer course extending from the localizer to a point 20 miles southeast of the outer marker, and all that area within 5 miles either side of the 114° True radial of the omnirange station extending from the omnirange station to a point 25 miles southeast.

§ 601.1155 *Control area extension (Omaha, Nebr.).* All that airspace within a 25-mile radius of the Omaha radio range station and the airspace southwest of Omaha bounded on the north by VOR civil airways No. 8–S and 6–S, on the east by VOR civil airway No. 15 and the St. Joseph, Mo., control area extension, on the south by a line extending from a point at Lat. 40°00'00", Long. 95°17'00", to a point at Lat. 40°30'00", Long. 96°51'00", to a point at Lat. 40°30'00", Long. 97°20'00", and bounded on the west by Long. 97°20'00". All of the airspace southeast of Omaha within a 25-mile radius of the Omaha omnirange station bounded on the north by VOR civil airways Nos. 6 and 8 and on the west by VOR civil airway No. 15.

§ 601.1156 *Control area extension (Albany, Ga.).* Within 5 miles either side of the west course of the Albany radio range extending from the radio range station to a point 25 miles west and within 5 miles either side of the 335° True radial of the Albany omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1157 *Control area extension (Chicago, Ill.).* From the Chicago, Ill., O'Hare International Airport ILS localizer extending 5 miles either side of the localizer course to a point 20 miles northwest of the outer marker.

§ 601.1158 *Control area extension (Cleveland, Ohio).* That airspace lying over United States territory within a 30-mile radius of the Cleveland-Hopkins Airport.

§ 601.1159 *Control area extension (Moline, Ill.).* That airspace within a 15-mile radius of the Moline omnirange station, within 5 miles either side of the Moline ILS localizer west course extending from the localizer to a point 35 miles west of the Quad City Airport, and the airspace east of Moline bounded on the north by Green civil airway No. 3, on the south by a line 5 miles south of and parallel to the Moline ILS localizer east course, on the east by Long. 90°02'00" and on the west by VOR civil airway No. 63 and the airspace within 5 miles either side of a direct line extending from the Polo, Ill., omnirange station to the intersection of the east (back) course of the Quad-City ILS localizer and the 318° True radial of the Bradford, Ill., omnirange station.

§ 601.1160 *Control area extension (South Bend, Ind.).* From the South Bend, Ind., ILS localizer extending 5 miles either side of the localizer course to a point 20 miles east of the outer marker and all that area within a 15-mile radius of the South Bend omnirange station.

§ 601.1161 *Control area extension (Chicago, Ill.).* All that area within a 30-mile radius of the Chicago-Midway Airport; all that area within a 15-mile radius of the Chicago Heights omnirange station; all that area east of the Chicago Midway Airport bounded on the northwest by Red civil airway No. 28, on the east by Blue civil airway No. 6 and on the south by Red civil airway No. 12, and all that area southeast of Chicago Midway Airport bounded on the north by Red civil airway No. 12, on the east by Blue civil airway No. 6, on the south by Green civil airway No. 3 and on the west by Red civil airway No. 14.

§ 601.1162 *Control area extension (Danville, Va.).* Within a 5-mile radius of the Danville Municipal Airport extending 5 miles either side of a track bearing 356° True from the airport to a point 10 miles north, and extending 5 miles either side of a track bearing 57° True from the airport to a point 10 miles northeast of the airport.

§ 601.1163 *Control area extension (Vero Beach, Fla.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Vero Beach omnirange station to a circle 10 miles in radius centered on the intersection of the east course of the Melbourne, Fla., radio range and the center of Control area extension No. 1150, excluding that portion below 5,000 feet except that airspace

which lies within existing control area or control area extension.

§ 601.1164 *Control area extension (Quonset Point, R. I.).* All that area bounded by a line beginning at a point on the southern boundary of Red civil airway No. 94 at lat. 41°35'00";, long. 71°06'30", thence westward along that airway boundary to the southeastern boundary of Red civil airway No. 21, thence southwesterly along the southeastern boundary of that airway to lat. 41°32'00", long. 71°33'25", thence perpendicularly southeastward to a point 3 miles from the southwest course of the Providence, R. I., radio range, thence southwestward paralleling the southwest course of the Providence, R. I., radio range to a point at lat. 41°17'00"; long. 71°44'45" on an arc of a circle with a 27-mile radius centered on the Quonset Point, R. I., NAS radio range station, thence counterclockwise along this arc to lat. 41°17'15", long. 71°00'40", thence northwestward to lat. 41°29'25", long. 71°12'00", thence northeastward to lat. 41°35'00", long. 71°06'30", point of beginning, excluding the portions which overlap restricted areas and caution areas.

§ 601.1165 *Control area extension (Oakland, Calif.).* All that area in the vicinity of Hayward, Calif., bounded by the eastern boundary of Blue civil airway No. 10, the southern boundary of Red civil airway No. 60 and the northern boundary of Blue civil airway No. 60.

§ 601.1166 *Control area extension (Mobile, Ala.).* Within a 25-mile radius of Brookley AFB, Mobile, Ala., excluding the portion which overlaps Caution Area C–488, and within 5 miles either side of the 292° True radial of the Mobile omnirange extending from the omnirange station to a point 25 miles northwest.

§ 601.1167 *Control area extension (Ontario, Oreg.).* That airspace within an 8½-mile radius of the Ontario Airport including the airspace southeast of Ontario bounded on the northeast by Green civil airway No. 10, on the south by the Boise, Idaho, control area extension, on the southwest by a line 12 miles southwest of and parallel to Green civil airway No. 10.

§ 601.1168 *Control area extension (Ponca City, Okla.).* Within a 15-mile radius of the Ponca City Airport and within 5 miles either side of the 284° True radial of the Ponca City omnirange extending from the omnirange station to a point 25 miles west.

§ 601.1169 *Control area extension (Idlewild, N. Y.).* That airspace within 5 miles either side of a direct line extending from the intersection of the southeast course of the Mitchel AFB, N. Y., radio range and the Riverhead, N. Y., omnirange 223° True radial to the Nantucket, Mass., Consolan station (monitor site at latitude 41°15'35", longitude 70°09'19") excluding the airspace below 2,000 feet. In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.1170 *Control area extension (Owensboro, Ky.).* That airspace bounded on the north by VOR civil airway No. 4, on the southwest by VOR civil airway No. 7 and on the southeast by a line extending through points at Lat. 38°04'20", Long. 86°41'20" and Lat. 37°22'00", Long. 87°09'40".

§ 601.1171 *Control area extension (El Paso, Tex.).* Within 5 miles either side of the north course of the El Paso radio range extending from the radio range station to a point 11 miles north of the Newman, Tex., omnirange station, excluding the portion which overlaps restricted areas, and all that area south of El Paso bounded on the northeast by VOR civil airway No. 66, on the south by a line 5 miles south of and parallel to a direct line between the Clint, Tex., nondirectional radio beacon and the Hudspeth, Tex., omnirange station, and on the west by a line 5 miles west of and parallel to the centerline of the south course of the El Paso, Tex., radio range, excluding the portion which lies outside the continental limits of the United States, and including that area northeast of El Paso bounded on the south by Green civil airway No. 5, on the west by the north course of the El Paso radio range, on the north by latitude 32°00'00", and on the east by Red civil airway No. 71.

§ 601.1172 *Control area extension (Rantoul, Ill.).* That airspace within a 25-mile radius of the Chanute Air Force Base, Rantoul, Ill.

§ 601.1173 *Control area extension (San Francisco, Calif.).* That airspace bounded by a line beginning at a point at latitude 38°08'30", longitude 122°54'00", thence to latitude 37°14'00", longitude 122°24'55", thence to latitude 36°16'00", longitude 124°26'00", thence to latitude 37°40'00", longitude 125°23'30", thence to latitude 37°50'00", longitude 124°24'30", thence to latitude 38°00'00", longitude 123°23'00", thence to latitude 38°03'20", longitude 123°12'00", thence to point of beginning. The portion of this control area extension which lies within Point Reyes warning area (W–513) is excluded below 3000 feet mean sea level between the hours 8:00 p. m. and 8:00 a. m. P. s. t. daily, and is excluded entirely between the hours 8:00 a. m. and 8:00 p. m. P. s. t. daily.

§ 601.1174 *Control area extension (Ukiah, Calif.).* Within 5 miles either side of the 218° True radial of the Ukiah omnirange extending from the omnirange station to a point 17 miles southwest.

§ 601.1175 *Control area extension (Charleston, S. C.).* Within 5 miles either side of the 341° True radial of the Charleston, S. C., omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1176 *Control area extension (Santa Barbara, Calif.).* That airspace centered on the 247° True radial of the Santa Barbara omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Oakland Oceanic Control Area, excluding the portion which overlaps restricted area R–288.

§ 601.1177 *Control area extension (Long Beach, Calif.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Long Beach, Calif., omnirange station to a circle 5 miles in radius centered at a point at latitude 32°09'00" N., longitude 119°50'-30" W., to a circle 14 miles in radius centered at a point at latitude 32°00'00" N., longitude 120°00'00", thence to a circle 19 miles in radius centered at a point at latitude 31°35'30" N., longitude 121°21'30" W., the eastern boundary of the Oakland Oceanic Control Area, excluding the portion below 5,000 feet MSL between a point 63 miles southwest of the Long Beach omnirange station at latitude 33°06'50" N., longitude 118°48'-00" W. and the eastern boundary of the Oakland Oceanic Control Area.

§ 601.1178 *Control area extension (Honolulu, T. H.).* All that area within a radius of 25 miles from the Honolulu radio range station extending clockwise from a point 25 miles northeast of the radio range station on Green civil airway No. 9 to a point 25 miles southwest of the radio range station on Green civil airway No. 9.

§ 601.1179 *Control area extension (Hilo, T. H.).* All that airspace within a radius of 25 miles from the Hilo, T. H., radio range station extending clockwise from a point 25 miles north of the Hilo range station on Amber civil airway No. 12 to a point 25 miles east of the Hilo range station on Red civil airway No. 87. The airspace lying east of Hilo bounded by a line beginning at a point at latitude 19°39'30" N., longitude 154°30'20" W., thence extending clockwise along the arc of a circle centered at a point at latitude 19°39'30" N., longitude 154°46'00" W., to a point at latitude 19°25'30" N., longitude 154°41'00" W., thence to a point at latitude 19°34'00" N., longitude 154°-55'00" W., thence to a point at latitude 19°39'30" N., longitude 154°56'00" W., thence to point of beginning.

§ 601.1180 *Control area extension (San Antonio, Tex.).* All that area within a 60-mile radius of the San Antonio, Tex., radio range station and that airspace northeast of the San Antonio radio range station bounded on the northwest by the Austin, Tex., control area extension, on the northeast by Red civil airway No. 32 and on the south by a straight line between points located at latitude 29°48'25", longitude 97°25'30" and latitude 29°52'40", longitude 97°10'25" and that airspace east of San Antonio bounded on the south by VOR civil airway No. 198, on the northwest by VOR civil airway No. 222 and on the northeast by VOR civil airway No. 180.

§ 601.1181 *Control area extension (Elizabeth City, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Weeksville, N. C. (Navy) radio range station to a circle 10 miles

in radius centered on the intersection of the southeast course of the Weeksville, N. C. (Navy) radio range and the western boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1182 *Control area extension (Enid, Okla.)*. That airspace within a 25-mile radius of the Enid, Okla., Vance AFB nondirectional radio beacon including the airspace within a 25-mile radius of the Vance AFB omnirange station.

§ 601.1183 *Control area extension (Wake Island)*. From the Wake Island non-directional radio beacon extending 5 miles either side of rhumb lines to point 3 nautical miles off the shoreline of the Island of Wake between the following points: Wake-Honolulu; Wake-Tokyo; Wake-Guam; Wake-Midway.

§ 601.1184 *Control area extension (Douglas, Ariz.)*. Within 5 miles either side of the 131° and 311° True radials of the Douglas omnirange extending from the United States-Mexican Border to a point 15 miles northwest of the omnirange station.

§ 601.1185 *Control area extension (Utah Lake, Utah)*. Within 5 miles either side of the 125° True radial of the Utah Lake omnirange extending from the omnirange station to a point 25 miles southeast.

§ 601.1186 *Control area extension (Tucson, Ariz.)*. Within 5 miles either side of the west course of the Tucson radio range extending from the radio range station to a point 25 miles west and the airspace south of Tucson bounded on the north by Green civil airway No. 5, on the northeast by VOR civil airway No. 66, and on the west and south by VOR civil airway No. 202, excluding the portion which overlaps the Sahuarita restricted area R–310 and the airspace in the southwest quadrant of the Tucson radio range lying within a 30-mile radius of the radio range station.

§ 601.1187 *Control area extension (Jackson, Mich.)*. Within 5 miles either side of a 313° True bearing extending from the Jackson, Mich., nondirectional radio beacon to a point 25 miles northwest.

§ 601.1188 *Control area extension (Milwaukee, Wis.)*. The airspace within a 20-mile radius of General Mitchell Field, including the airspace south of Milwaukee bounded on the northeast and east by VOR civil airway No. 217, on the south by VOR civil airway No. 172 and on the west by VOR civil airway No. 9.

§ 601.1189 *Control area extension (Daggett, Calif.)*. From the Daggett, Calif., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station.

§ 601.1190 *Control area extension (Fairfield, Calif.)*. All that area northeast of the Fairfield, Calif., Travis AFB radio range station bounded on the west by Blue civil airway No. 7, on the northeast by Amber civil airway No. 1 and on the southeast by Amber civil airway No. 8, and all that area west of the Travis AFB radio range station bounded on the southwest by Blue civil airway No. 54, on the south by Amber civil airway No. 8, on the east by Blue civil airway No. 7, on the north by a line between points at latitude 38°21'30", longitude 121°57'00" and latitude 38°08'30", longitude 122°33'10", and on the west by longitude 122°33'10".

§ 601.1191 *Control area extension (Thermal, Calif.)*. Within 5 miles either side of the 80° True radial of the Thermal omnirange extending from the omnirange station to the Hayfield Lake, Calif., nondirectional radio beacon.

§ 601.1192 *Control area extension (Merced, Calif.)*. That airspace in the vicinity of Castle AFB, Merced, Calif., bounded on the east by Amber civil airway No. 1, on the south by Blue civil airway No. 10, on the west by Blue civil airway No. 14, and on the north by the 15-mile radius circular control area centered at the Modesto, Calif., omnirange station.

§ 601.1193 *Control area extension (Monterey, Calif.)*. The area bounded by a line 5 miles southeast of and parallel to the 229° True radial of the Salinas VOR radio range extending from the western boundary of VOR civil airway No. 27 to a point at latitude 36°27'30" N., longitude 121°52'30" W.; thence to a point 3 nautical miles offshore and 5 statute miles southeast of the southwest course of the Moffett, Calif., NAS radio range; thence in a northeasterly direction parallel to the southwest course of the Moffett NAS radio range to the western boundary of VOR civil airway No. 27; thence southeasterly along the western boundary of VOR civil airway No. 27 to the point of beginning, excluding the area below 3000 feet within the boundaries of the Fort Ord restricted area.

§ 601.1194 *Control area extension (Sacramento, Calif.)*. That airspace within a 50-mile radius of Mather Air Force Base lying in the east quadrant of the Sacramento radio range bounded on the northwest by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1; that airspace north of Sacramento bounded on the north by Red civil airway No. 76, on the southeast by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1, and the airspace bounded on the south by Red civil airway No. 76, on the west by longitude 121°30'00", on the north by latitude 39°09'00" and on the east by longitude 121°20'00".

§ 601.1195 *Control area extension (San Angelo, Tex.)*. That airspace within a 35-mile radius of the San Angelo, Tex., omnirange station.

§ 601.1196 *Control area extension (Yuma, Ariz.)*. From the Yuma, Ariz., radio range station extending 5 miles either side of the south course of the radio range to a point 15 miles south of the radio range station.

§ 601.1197 *Control area extension (Dubois, Idaho)*. From the Dubois, Idaho, radio range station extending 5 miles either side of the east course of the Dubois radio range to its intersection with the northeast course of the Idaho Falls, Idaho, radio range.

§ 601.1198 *Control area extension (Idaho Falls, Idaho)*. From the Idaho Falls, Idaho, radio range station extending 5 miles either side of the northwest course of the radio range to its intersection with Blue civil airway No. 51, and extending 5 miles either side of the northeast course of the radio range to its intersection with the east course of the Dubois, Idaho, radio range.

§ 601.1199 *Control area extension (St. Cloud, Minn.)*. That airspace within 5 miles either side of a line bearing 57° True from the St. Cloud Airport extending from the airport to a point 20 miles northeast.

§ 601.1200 *Control area extension (Columbia, S. C.)*. From the Columbia Airport extending 5 miles either side of the center line of the northeast-southwest runway to a point 30 miles southwest of the airport and the airspace south of Columbia bounded on the northeast by VOR civil airway No. 53, on the southwest by VOR civil airway No. 18 and on the northwest by Red civil airway No. 16, and the airspace southeast of Columbia bounded on the north by Red civil airway No. 16, on the east by Amber civil airway No. 7, and on the southwest by VOR civil airway No. 53, excluding the portion below 26,000 feet MSL between sunrise and sunset which overlaps restricted area (R–384).

§ 601.1201 *Control area extension (Saginaw, Mich.)*. From the Saginaw, Mich., non-directional radio beacon extending 5 miles either side of a track 347° True to a point 25 miles northwest of the non-directional radio beacon.

§ 601.1202 *Control area extension (Tucumcari, N. Mex.)*. From the Tucumcari, N. Mex., radio range station extending 5 miles either side of the north and south courses of the radio range to points 25 miles north and south of the radio range station.

§ 601.1203 *Control area extension (Montague, Calif.)*. Within 5 miles either side of a line bearing 179° True extending from the Montague nondirectional radio beacon to a point 10 miles south.

§ 601.1204 *Control area extension (Zuni, N. Mex.)*. From the Zuni, N. Mex., radio range station extending 5 miles either side of the south course of the radio range to a point 25 miles south of the radio range station.

§ 601.1205 *Control area extension (Albuquerque, N. Mex.)*. That airspace within a 40-nautical-mile radius of the Albuquerque omnirange range station lying north of VOR civil airway No. 12; that airspace lying southwest of Albuquerque bounded on the north by VOR civil airway No. 12, on the east by VOR civil airway No. 19, and on the southwest by VOR civil airway No. 192, excluding the portion which conflicts with restricted area R–313.

§ 601.1206 *Control area extension (Midland, Tex.)*. That airspace within a 25-mile radius of the Midland radio range station; that airspace within 5 miles either side of the Midland ILS localizer southwest course extending from the localizer to lat. 31°30'00", and that airspace between the Midland, Tex., and El Paso, Tex., radio range stations bounded on the north by Green 5 and on the southwest, south and southeast by VOR civil airway No. 66; that airspace within 5 miles either side of the 146° True radial of the Midland omnirange extending from the omnirange station to a point 55 miles southeast.

§ 601.1207 *Control area extension (Carlsbad, N. Mex.)*. Within 5 miles either side of the 165° True radial of the Carlsbad omnirange extending from the omnirange station to VOR civil airway No. 16N.

§ 601.1208 *Control area extension (Salt Flat, Tex.)*. From the Salt Flat, Tex., radio range station extending 5 miles either side of the north course of the radio range to a point 15 miles north of the radio range station.

§ 601.1209 *Control area extension (Columbus, N. Mex.)*. From the Columbus, N. Mex., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1210 *Control area extension (Olathe, Kans.)*. That airspace not presently controlled bounded on the northwest by a line extending from the St. Joseph, Mo., omnirange station to a point at latitude 39°26'00", longitude 96°25'00", on the west by a line extending from that point to the Emporia, Kans., omnirange station and by the eastern edge of the Wichita, Kans., control area extension, on the south by the northern edge of Red civil airway No. 105 to the eastern edge of Amber civil airway No. 4, thence north along the eastern edge of Amber 4 to latitude 38°12'00", thence east along latitude 38°12'00" to the western edge of VOR civil airway No. 205, thence north along the western edge of VOR civil airway No. 205 to the Kansas City, Mo., omnirange station, thence north along the western edge of VOR civil airway No. 15 to the St. Joseph, Mo., omnirange station.

§ 601.1211 *Control area extension (Dallas, Tex.)*. All that area southeast of the Dallas, Tex., nondirectional radio beacon bounded on the west by Blue civil airway No. 5, on the north by Red civil airway No. 10, on the east by a line beginning at Lat. 32°42'15", Long. 96°21'15" and extending via Lat. 32°17'00", Long. 96°25'00" to the Waco, Tex., radio range station.

§ 601.1212 *Control area extension (White Sulphur Springs, W. Va.)*. That airspace within 5 miles either side of lines bearing 227° True and 47° True from the Greenbrier Airport extending from Red civil airway No. 37 on the southwest to a point 10 miles northeast of the airport.

§ 601.1213 *Control area extension (Chatsworth, Calif.)*. All that area bounded on the northwest by Green civil airway No. 4, on the east by Amber civil airway No. 1, and on the south by Red civil airway No. 90.

§ 601.1214 *Control area extension (Brownsville, Tex.)*. All that area either side of a rhumb line between the Brownsville, Tex., radio range station and the Tampa, Fla., radio range station extending 5 miles on either side of such line from the Brownsville, Tex., radio range station to the coastline, excluding the portion lying within the Territory of Mexico, thence diverging at an angle of 15° on the north side and bounded on the south side by the northern boundary of the Mexico Oceanic Control Area to the western boundary of the New Orleans Oceanic Control Area excluding that portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1215 *Control area extension (Galveston, Tex.)*. All that area extending from the Houston, Tex., control area to the New Orleans Oceanic Control Area, bounded on the west by a line from lat. 29°04'40", long. 95°00'00", to lat. 28°02'20", long. 94°20'00", and bounded on the east by a line from lat. 29°16'00", long. 94°43'15" to lat. 28°15'00", long. 92°42'00" excluding that portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1216 *Control area extension (New Orleans, La.)*. All that airspace from the United States shoreline to the New Orleans Oceanic Control Area bounded on the north by a direct line from the Belle Chasse, La., nondirectional radio beacon to a point coinciding with the northernmost limit of the New Orleans Oceanic Control Area at Lat. 29°25'00", Long. 87°00'00", on the southeast and south by the New Orleans Oceanic Control Area, on the west by Long. 90°15'00" and on the northwest by the New Orleans domestic control area extension, excluding the portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1217 *Control area extension (Kodiak, Alaska)*. That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Kodiak, Alaska, radio range station to the circumference of a circle 10 miles in radius centered at the point of intersection of a line bearing 107° True from the Kodiak radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

§ 601.1218 *Control area extension (Homer, Alaska)*. That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Homer, Alaska, radio range station to the circumference of a circle 10 miles in radius centered at the point of intersection of a line bearing 118° True from the Homer radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

§ 601.1219 *Control area extension (Pensacola, Saufley Field, Ala.)*. Within a 25-mile radius of Saufley Field, Pensacola, Fla., excluding the portions which overlap Restricted and Warning Areas.

§ 601.1220 *Control area extension (Johnstown, Pa.)*. From the Johnstown, Pa., non-directional radio beacon extending 5 miles either side of a bearing 219° True from the non-directional radio beacon to Red civil airway No. 20.

§ 601.1221 *Control area extension (Dothan, Ala.)*. From the Dothan, Ala., radio range station extending 5 miles either side of the northeast course of the radio range to a point 25 miles northeast of the radio range station, excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise.

§ 601.1222 *Control area extension (Pine Bluff, Ark.)*. Within 5 miles either side of the 20° True and 200° True radials of the Pine Bluff, Ark., omnirange extending from Green civil airway No. 5 on the northeast to a point 25 miles southwest of the omnirange station and within 5 miles either side of the 7° True and 187° True radials of the Pine Bluff omnirange extending from the omnirange station to points 20 miles north and south.

§ 601.1223 *Control area extension (Miramar, Calif.)*. That airspace bounded on the north by Red civil airway No. 65, on the east by Blue civil airway No. 14, on the south by Red civil airway No. 9 and on the west by Amber civil airway No. 1. The airspace east of Miramar bounded on the south by Red civil airway No. 9, on the west by Blue civil airway No. 14, on the northwest by Red civil airway No. 65 and on the east by longitude 116°05'00.

§ 601.1224 *Control area extension (Philipsburg, Pa.)*. All that area within a 15-mile radius of the Philipsburg, Pa., omnirange station.

§ 601.1225 *Control area extension (Erie, Pa.)*. All that area within a 15-mile radius of the Erie, Pa., omnirange station.

§ 601.1226 *Control area extension (Tampa, Fla.)*. That area within tangent line of a circle 5 miles in radius centered on the Egmont Key, Fla., nondirectional radio beacon and a circle 10 miles in radius centered on the intersection of the eastern boundary of the New Orleans Oceanic Control Area and a rhumb line between the Egmont Key nondirectional radio beacon and the South Pass West Jetty, La., nondirectional beacon, excluding the portion below 2,000 feet MSL which lies outside the continental limits of the United States.

§ 601.1227 *Control area extension (Lovelock, Nev.)*. From the Lovelock, Nev., omnirange station extending 5 miles either side of the 18° True radial of the omnirange to a point 15 miles north, and extending 5 miles either side of the 198° True radial of the omnirange to Green civil airway No. 3.

§ 601.1228 *Control area extension (Tampa, Fla.)*. All that area 5 miles either side of a straight line from the Tampa, Fla., radio range station to the Key West, Fla., radio range station, excluding that portion below 2,000 feet which lies outside the continental limits of the United States, and excluding the

portion which overlaps Airspace Warning Areas (W–173) and (W–174). The portion of this control area above 20,000 feet mean sea level lying between north latitude 24°50'00" and the southern boundary of the Miami Control area extension No. 1230 is excluded.

§ 601.1229 *Control area extension (Atterbury, Ind.).* That airspace bounded on the south by Lat. 39°10'00", on the west by Long. 86°00'00" and on the east and northeast by VOR civil airway No. 51, excluding the portion which overlaps Atterbury restricted area (R–65).

§ 601.1230 *Control area extension (Miami, Fla.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Tamiami, Fla., nondirectional radio beacon to a circle 10 miles in radius centered on the intersection of a line bearing 276° True from the Tamiami nondirectional radio beacon and the eastern boundary of the New Orleans Oceanic control area, excluding the portion which lies within Sarasota warning area (W–168) and excluding the portion below 2,000 feet MSL which lies outside the continental limits of the United States.

§ 601.1231 *Control area extension (Newport, Vt.).* That airspace over United States territory within 5 miles either side of a 32° True bearing extending from the Newport, Vt., nondirectional radio beacon to a point 10 miles northeast.

§ 601.1232 *Control area extension (Miami, Fla.).* That airspace bounded by a line beginning on the eastern edge of Amber civil airway No. 7 at latitude 25°53'00", extending easterly to the western boundary of the Miami Oceanic/Nassau Control Area at latitude 25°55'-00", longitude 79°00'00", thence due south along that boundary to latitude 24°40'00", longitude 79°00'00", thence southeasterly to latitude 24°00'00", longitude 78°03'00", thence due west to latitude 24°00'00", longitude 80°25'00", thence due north to the eastern edge of Amber civil airway No. 7, thence along Amber civil airway No. 7 to latitude 25°53'00" point of beginning, excluding the portion below 1000 ft. MSL which lies outside the continental limits of the United States.

§ 601.1233 *Control area extension (Key West, Fla.).* From the Key West, Fla., radio range station to the northern boundary of the Havana, Cuba, Control Area, extending 5 miles either side of a rhumb line between the Key West, Fla., radio range station and the Rancho Boyeros, Havana, Cuba, non-directional radio beacon, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1234 *Control area extension (Marathon, Fla.).* Within 5 miles either side of a line bearing 219° True extending from the Marathon, Fla., nondirectional radio beacon to the northern boundary of the Havana, Cuba, Control Area excluding the portion below 2,000 ft. between Amber civil airway No. 7 and the Havana Control Area boundary, and within 5 miles either side of a direct line extending from the Marathon, Fla., nondirectional radio beacon to the Tamiami, Fla., nondirectional radio beacon.

§ 601.1235 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station extending 5 miles either side of the east course of the West Palm Beach, Fla., radio range to its intersection with the western boundary of the Miami Oceanic/Nassau Control Area, excluding the portion below 2,000 feet outside the continental limits of the United States and excluding the portion which overlaps Airspace Warning Areas.

§ 601.1236 *Control area extension (Seattle (Clear Lake), Wash.).* All that airspace bounded by a line beginning on the eastern edge of VOR civil airway No. 23 at Lat. 48°32'00", thence due east to Long. 122°14'00", thence clockwise along the arc of a circle 5 miles in radius centered at Lat. 48°27'30", Long. 122°14'00", to Lat. 48°28'25", Long. 122°07'40", thence southeast to Lat. 48°12'30", Long. 122°03'05", thence southwest to a point on the eastern edge of Green civil airway No. 10 at Lat. 47°59'00", thence northerly along the eastern edge of Green civil airway No. 10 and VOR civil airway No. 23 to point of beginning.

§ 601.1237 *Control area extension (Waco, Tex.).* That airspace in the west quadrant of the Waco radio range lying within a 40-nautical mile radius of the radio range station extending clockwise from Amber civil airway No. 4 to Blue civil airway No. 70 excluding the portion which overlaps restricted areas R–219 and R–343.

§ 601.1238 *Control area extension (Amarillo, Tex.).* All that airspace within a 50-mile radius of the Amarillo radio range station.

§ 601.1239 *Control area extension (Lubbock, Tex.).* All that airspace within a 25-mile radius of the Lubbock radio range station in the southwest, northwest, and northeast quadrants of the radio range and within a 40-mile radius of the radio range station in the southeast quadrant of the radio range.

§ 601.1240 *Control area extension (Tyler, Tex.).* All that airspace within a 25-mile radius of the Tyler, Tex., nondirectional radio beacon including the area between the Dallas, Tex., radio range station and the Shreveport, La., radio range station bounded on the north by Red 10, on the south by Red 68 and on the west by Blue 5.

§ 601.1241 *Control area extension (Tulsa, Okla.).* That airspace within a 25-mile radius of the Tulsa, Okla., radio range station; that airspace southwest of Tulsa bounded on the northwest by VOR civil airway No. 14, on the southeast by VOR civil airway No. 15 and on the southwest by VOR civil airway No. 163; that airspace south of Tulsa bounded on the west and northwest by VOR civil airway No. 15E; on the east and southeast by lines 5 miles east of and parallel to the 008° True radial of the McAlester, Okla., omnirange extending from southern boundary of VOR civil airway No. 74 to the McAlester omnirange station, on the east and southeast by a line 5 miles east of and parallel to the direct line extending between the McAlester, Okla., omnirange station and the Dallas, Tex., omnirange station and on the south by the Stephenville, Tex., Personal AFB control area extension No. 1240.

§ 601.1242 *Control area extension (Stockton, Calif.).* All that area within a 15-mile radius of the Modesto, Calif., omnirange station; all that area southwest of the Stockton, Calif., radio range station bounded on the west by Blue civil airway No. 7, on the north by Red civil airway No. 60, on the east by Blue civil airway No. 14 and on the south by the northern boundary of the Vernalis restricted area; all that area northwest of the Stockton, Calif., radio range station bounded on the south by Red civil airway No. 60, on the west by Blue civil airway No. 7, on the northwest by Green civil airway No. 3, on the east by Amber civil airway No. 1 and Blue civil airway No. 14.

§ 601.1243 *Control area extension (La Crosse, Wis.).* Within a 25-mile radius of the La Crosse Airport from Green civil airway No. 2 on the southeast course of the La Crosse radio range extending clockwise to Red civil airway No. 36, and all that area within a 15-mile radius of the La Crosse omnirange station.

§ 601.1244 *Control area extension (Terre Haute, Ind.).* Within 5 miles either side of the 2° True radial of the Terre Haute omnirange station extending from the omnirange station to a point 25 miles north, including all that area within a 15 mile radius of the Terre Haute omnirange station.

§ 601.1245 *Control area extension (Port Allen, Kenap, T. H.).* The airspace lying northeast of Port Allen bounded on the south by Red civil airway No. 87, on the west by Longitude 159°30'00" W., and on the northeast by the arc of a circle 25 statute miles in radius centered at Latitude 21°58'07" N., Longitude 159°20'27" W.

§ 601.1246 *Control area extension (Evansville, Ind.).* All that area within a 15-mile radius of the Evansville omnirange station excluding the portion which overlaps danger areas, and the area within 5 miles either side of a line bearing 37° True extending from the Evansville outer marker to a point 25 miles northeast of the outer marker.

§ 601.1247 *Control area extension (Las Vegas, Nev.).* That airspace bounded on the northwest by Amber civil airway No. 2, on the northeast by Red civil airway No. 15, on the east by Blue civil airway No. 67, and on the south by a line 5 miles south of and parallel to a track of 86° True from the Good Springs, Nev., non-directional radio beacon, and that airspace within 5 miles either side of a line extending from the intersection of the Morman Mesa, Nev., omnirange 184° True radial and the Las Vegas, Nev., omnirange 86° True radial to the intersection of the southeast course of the Las Vegas, Nev., radio range with the north course of the Needles, Calif., radio range.

§ 601.1248 *Control area extension (Richmond, Va.).* That airspace within a 25-mile radius of the Richmond, Va., radio range station, bounded on the southeast by the Norfolk control area extension.

§ 601.1249 *Control area extension (Aberdeen, S. Dak.).* All that area within a 15 mile radius of the Aberdeen omnirange station.

§ 601.1250 *Control area extension (Jamestown, N. Dak.).* All that area within a 15-mile radius of the Jamestown, omnirange station including the area within 5 miles either side of the 191° True radial of the omnirange extending from the omnirange station to a point 25 miles south.

§ 601.1251 *Control area extension (Mansfield, Ohio).* All that area within a 15-mile radius of the Mansfield omnirange station including the area within 5 miles either side of the 130° True radial of the omnirange extending from the omnirange station to a point 25 miles southeast including all that area west of the Mansfield omnirange station bounded on the southeast by VOR civil airway No. 546, on the southwest by Red civil airway No. 55 and on the north by Red civil airway No. 17.

§ 601.1252 *Control area extension (Janesville, Wis.).* All that area within a 15-mile radius of the Janesville omnirange station.

§ 601.1253 *Control area extension (Bradford, Ill.).* All that area within a 15-mile radius of the Bradford omnirange station.

§ 601.1254 *Control area extension (Pontiac, Ill.).* All that area within a 15-mile radius of the Pontiac omnirange station.

§ 601.1255 *Control area extension (Findlay, Ohio).* All that area within a 15-mile radius of the Findlay omnirange station.

§ 601.1256 *Control area extension (Pittsburgh, Pa.).* All that airspace within a 35-mile radius of the Pittsburgh, Pa., radio range station.

§ 601.1257 *Control area extension (Goshen, Ind.).* That airspace within a 15-mile radius of the Goshen omnirange station, and the airspace northeast of the omnirange station bounded on the west by Blue civil airway No. 3, on the north by Red civil airway No. 12, on the northeast by Red civil airway No. 57, and on the south by Green civil airway No. 3.

§ 601.1258 *Control area extension (Lafayette, Ind.).* That airspace within 5 miles either side of a line bearing 247° True extending from Purdue University Airport, West Lafayette, Ind., to Blue civil airway No. 34.

§ 601.1259 *Control area extension (Huron, S. Dak.).* All that area within a 15-mile radius of the Huron omnirange station.

§ 601.1260 *Control area extension (Altus, Okla.).* That airspace within a 35-statute-mile radius of the Altus Air Force Base including the airspace bounded on the northwest by VOR civil airway No. 14, on the east by VOR civil airway No. 77 and on the south by VOR civil airway No. 114, excluding the airspace which overlaps Fort Sill restricted area (R–208), including the airspace north of Altus AFB bounded on the west by Long. 99°38'00", on the northeast by VOR civil airway No. 17 and on the southeast by VOR civil airway No. 14.

§ 601.1261 *Control area extension (Lansing, Mich.).* All that area within a 15-mile radius of the Lansing omnirange station including the area within 5 miles either side of the 232° True radial of the omnirange extending from the omnirange station to a point 25 miles southwest, and within 5 miles either side of the northwest couse of the Lansing radio range extending from the radio range station to Blue civil airway No. 42. The airspace south of Lansing bounded on the south by VOR civil airway No. 100, on the northwest by VOR civil airway No. 218, and on the northeast by VOR civil airway No. 45.

§ 601.1262 *Control area extension (Mason City, Iowa).* All that area within a 15-mile radius of the Mason City omnirange station.

§ 601.1263 *Control area extension (Rochester, Minn.).* That airspace within a 15-mile radius of the Rochester, Minn., omnirange station.

§ 601.1264 *Control area extension (Dyersburg, Tenn.).* Within 5 miles either side of a line bearing 95° True and 275° True extending from the Dyersburg non-directional radio beacon to points 20 miles east and west and within 5 miles either side of the 78° True and 258° True radials of the Dyersburg omnirange extending from the omnirange station to points 20 miles northeast and southwest.

§ 601.1265 *Control area extension (Edenton, N. C.).* That airspace bounded on the west by Amber civil airway No. 9, on the north by the Norfolk, Va., control area extension (§ 601.1149), on the northeast by Red civil airway No. 34 and the Elizabeth City, N. C., control area extension (§ 601.1181), on the southeast by the northwest shore of Pamlico Sound, and on the south by the Cherry Point restricted area (R–123), excluding the portions which overlap Albemarle Sound restricted areas R–1, R–2, R–3, R–6, R–7, R–8 and R–9.

§ 601.1266 *Control area extension (Litchfield, Mich.).* That airspace within a 15-mile radius of the Litchfield, Mich., omnirange station and the airspace southeast of the omnirange station bounded on the north by VOR civil airway No. 10, on the northeast by VOR civil airway No. 47, on the southeast by VOR civil airway No. 98 and on the southwest by VOR civil airway No. 30.

§ 601.1267 *Control area extension (Springfield, Ill.).* The airspace within a 15-mile radius of Springfield omnirange station extending clockwise from the centerline of VOR civil airway No. 233 north of Springfield to the centerline of VOR civil airway No. 50 west of Springfield, and within a 25-mile radius of the omnirange station extending clockwise from the centerline of VOR civil airway No. 50 west of Springfield to the centerline of VOR civil airway No. 233 north of Springfield, Ill.

§ 601.1268 *Control area extension (Sioux Falls, S. Dak.).* That airspace southeast of Sioux Falls within a 15 mile radius of the Sioux Falls omnirange station extending clockwise from the southern boundary of VOR civil airway No. 80 to the eastern boundary of VOR civil airway No. 15; that airspace within a 23 mile radius of the Sioux Falls omnirange station extending from the western boundary of VOR civil airway No. 15 south of Sioux Falls thence clockwise to the northern boundary of VOR civil airway No. 80.

§ 601.1269 *Control area extension (Watertown, S. Dak.).* That airspace within a 15-mile radius of the Watertown omnirange station and within 5 miles either side of the 6° True radial of the omnirange extending from the omnirange station to a point 25 miles north of the omnirange station.

§ 601.1270 *Control area extension (Harrisburg, Pa.).* All that area within a 15-mile radius of the Harrisburg omnirange station.

§ 601.1271 *Control area extension (Front Royal, Va.).* All that area within a 15-mile radius of the Front Royal omnirange station.

§ 601.1272 *Control area extension (Baltimore, Md.).* All that area within a 15-mile radius of the Baltimore omnirange station, excluding the portion which overlaps restricted areas.

§ 601.1273 *Control area extension (Syracuse, N. Y.).* All that area within a 15-mile radius of the Syracuse omnirange station.

§ 601.1274 *Control area extension (Niagara Falls, N. Y.).* All that area within 5 miles either side of a direct line extending from the Niagara Falls ILS outer marker to the Dunkirk, N. Y., nondirectional radio beacon, excluding the portion which lies outside the continental United States.

§ 601.1275 *Control area extension (Fairbanks, Alaska).* The airspace within a 25-mile radius of Ladd Air Force Base, within 5 miles either side of the east course of the Fairbanks radio range extending to a point 25 miles east of the Chena, Alaska, nondirectional beacon, and the airspace within 15 miles on the south west side of the centerline of Amber civil airway No. 2 extending from the Big Delta, Alaska, radio range station to the Fairbanks 25-mile radius control area extension, excluding the portion which lies within and overlaps Big Delta restricted area R–345.

§ 601.1276 *Control area extension (Cheyenne, Wyo.).* All that area within a 25-mile radius of the Cheyenne, Wyo., radio range station in the southeast quadrant of the radio range and all that area within 5 miles either side of the 32° True radial of the Cheyenne, Wyo., omnirange station from the omnirange station extending to a point 25 miles northeast.

§ 601.1277 *Control area extension (Denver, Colo.).* That airspace within

5 miles either side of a line bearing 174° True extending from the Aurora nondirectional radio beacon to a point 25 miles south; that airspace northeast of Denver bounded on the east and northeast by VOR civil airway No. 19, on the southeast by VOR civil airway No. 160 and on the west by VOR civil airway No. 89; that airspace southeast of Denver bounded on the northeast by VOR civil airway No. 4, on the east by VOR civil airway No. 19, on the southwest by the Colorado Springs, Colo., control area extension, and on the west by Amber civil airway No. 3, excluding the portion which overlaps restricted area (R–195).

§ 601.1278 *Control area extension (Des Moines, Iowa).* All that area within a 25-mile radius of the Des Moines, Iowa, radio range station in the northwest and northeast quadrants of the radio range.

§ 601.1279 *Control area extension (Rapid City, S. Dak.).* All that area within a 25-mile radius of the Rapid City, S. Dak., radio range station in the northwest, northeast and southeast quadrants of the radio range.

§ 601.1280 *Control area extension (Sheridan, Wyo.).* All that area within a 25-mile radius of the Sheridan, Wyo., radio range station in the north and east quadrants of the radio range.

§ 601.1281 *Control area extension (Pueblo, Colo.).* All that area within a 25-mile radius of the Pueblo, Colo., radio range station in the northeast and southeast quadrants of the radio range.

§ 601.1282 *Control area extension (Wichita, Kans.).* All of the airspace bounded on the north by a line 10 miles north of and parallel to the 259° True and 79° True radials of the Emporia, Kans., omnirange, on the east by a line 10 miles east of and parallel to the 209° True and 29° True radials of the Emporia, Kans., omnirange to and along the southern boundary of Red civil airway No. 105 to a point at latitude 37°45′00″, longitude 96°04′15″, thence direct to latitude 37°22′00″, longitude 96°11′00″, thence direct to latitude 37°08′30″, longitude 96°11′00″; on the south by a line 10 miles south of and parallel to the 85° True and 265° True radials of the Anthony, Kans., omnirange; on the west by a line 10 miles west of and parallel to the 195° and 15° True radials of the Hutchinson, Kans., omnirange; that airspace within 5 miles either side of a direct line extending from the Wichita, Kans., omomnirange station to the Tulsa, Okla., omnirange station.

§ 601.1283 *Control area extension (Toledo, Wash.).* Within 5 miles either side of the east course of the Toledo radio range extending from the radio range station to a point 20 miles east and within 5 miles either side of the west course of the radio range extending from the radio range station to a point 25 miles west, excluding the portion which overlaps restricted areas.

§ 601.1284 *Control area extension (Oklahoma City, Okla.).* That airspace within a 25-mile radius of the Oklahoma City radio range station; that airspace east of Oklahoma City bounded on the northwest by VOR civil airway No. 14 and on the south and southeast by Amber civil airway No. 4; that airspace northeast of Oklahoma City bounded on the west by VOR civil airway No. 77, on the southeast by VOR civil airway No. 14N and on the northeast by VOR civil airway No. 74S.

§ 601.1285 *Control area extension (Shreveport, La.).* All that airspace within a 40-nautical-mile radius of the Barksdale Air Force Base, Shreveport, La., and the airspace between the Shreveport, La., Texarkana, Ark., and Dallas, Tex., radio range stations bounded on the east by Blue civil airway No. 13, on the northwest by Green civil airway No. 5 and on the south by Red civil airway No. 10.

§ 601.1286 *Control area extension (Fort Worth, Tex.).* All that airspace between Waco, Tex., Fort Worth-Dallas, Tex., and Oklahoma City, Okla., bounded on the southeast and east by Blue civil airway No. 5, on the southwest and west by Amber civil airway No. 4 and on the north by the Oklahoma City, Okla., control area extension; all that airspace between Waco, Tex., Fort Worth, Tex., Wichita Falls, Tex., and Abilene, Tex., bounded on the east by Amber civil airway No. 4, on the northeast by Red civil airway No. 10, on the northwest by Blue civil airway No. 6, on the south by Green civil airway No. 5 to Mineral Wells, Tex., thence on the west and southwest by Blue civil airway No. 70, and all that airspace between Fort Worth, Tex., Wichita Falls, Tex., and Oklahoma City, Okla., bounded on the east by Amber civil airway No. 4, on the west by Blue civil airway No. 6, and on the south by Red civil airway No. 10.

§ 601.1287 *Control area extension (Houghton, Mich.).* From the Houghton, Mich., radio range station extending 5 miles either side of the north and south courses of the radio range to points 25 miles north and south of the radio range station.

§ 601.1288 *Control area extension (Sault Ste. Marie, Mich.).* Within 5 miles either side of a bearing 330° True extending from the Kinross Airport through the Kinross outer marker to its intersection with the west course of the Sault Ste. Marie, Mich., radio range, and the airspace southeast of Sault Ste. Marie bounded on the northeast by Red civil airway No. 97 and the United States-Canadian Border, on the south by Lat. 46°09′00″, and on the west by Blue civil airway No. 3.

§ 601.1289 *Control area extension (Valparaiso, Fla.).* That airspace bounded by a line beginning at a point at latitude 30°43′00″, longitude 86°38′02″; extending to latitude 30°29′01″, longitude 86°33′02″; thence to latitude 30°29′01″, longitude 86°42′55″; thence to latitude 30°26′40″, longitude 86°45′38″; thence to latitude 30°20′30″, longitude 86°45′38″; thence to latitude 30°20′59″, longitude 86°38′49″; thence to latitude 30°09′41″, longitude 86°41′37″; thence to latitude 30°06′56″, longitude 86°26′57″, thence to latitude 30°25′00″, longitude 86°22′26″; thence to latitude 30°25′00″, longitude 86°25′00″; thence to latitude 30°33′00″, longitude 86°25′00″; thence to latitude 30°33′00″, longitude 86°25′30″; thence to latitude 30°37′00″, longitude 86°25′30″; thence to latitude 30°37′00″, longitude 86°27′37″; thence to latitude 30°43′10″, longitude 86°27′37″ thence to point of beginning.

§ 601.1290 *Control area extension (Joplin, Mo.).* That airspace within a 25-mile radius of the Joplin Airport.

§ 601.1291 *Control area extension (Garden City, Kans.).* Within 5 miles either side of the 120° True radial of the Garden City omnirange extending from the omnirange station to a point 25 miles southeast and within 5 miles either side of the north course of the Garden City radio range extending from the radio range station to a point 25 miles north.

§ 601.1292 *Control area extension (Manakin, Va.).* All that area within 5 miles either side of the northwest course of the Richmond, Va., radio range extending from the intersection of the northwest course of the Richmond, Va., radio range and the southwest course of the Washington, D. C., radio range to a point 15 miles northwest.

§ 601.1293 *Control area extension (Fort Smith, Ark.).* That airspace northeast of Fort Smith within a 25-mile radius of the Fort Smith omnirange station extending clockwise from the eastern boundary of VOR civil airway No. 13 to the northern boundary of VOR civil airway No. 74. That airspace southwest of Fort Smith within a 25 mile radius of the Fort Smith Municipal Airport extending clockwise from the western boundary of Blue civil airway No. 13 to the southern boundary of VOR civil airway No. 74.

§ 601.1294 *Control area extension (Everett, Wash.).* All that airspace bounded on the north by a line 5 miles north of and parallel to the east course of the Everett, Wash., radio range, on the northeast by an arc of a circle 5 miles in radius centered on the intersection of the east course of the Everett, Wash., radio range and the northeast course of the Seattle, Wash., radio range, on the southeast by a line 5 miles southeast of and parallel to the northeast course of the Seattle, Wash., radio range, on the south by Green civil airway No. 2 and on the west by Green civil airway No. 10.

§ 601.1295 *Control area extension (Falmouth, Mass.).* All that area within 5 miles either side of a direct line extending from the Otis Air Force Base, Falmouth, Mass., to the Martha's Vineyard Airport and the area within 5 miles either side of a line bearing 180° True from the Martha's Vineyard Airport extending from the airport to New York control area extension No. 1146, excluding the portion which overlaps restricted areas, and that airspace within a 10-mile radius of Otis Air Force Base and within 5 miles either side of a line bearing 42° True extending from the Otis AFB to the western boundaries of restricted area (R–22) and warning area (W–21) excluding the portion which overlaps restricted area (R–14).

§ 601.1296 *Control area extension (Nantucket, Mass.).* That airspace within 5 miles either side of a direct line extending from the Nantucket Consolan station monitor site at latitude 41°15′35″, longitude 70°09′19″) to the Martha's Vineyard, Mass., nondirectional radio beacon.

§ 601.1297 *Control area extension (Paducah, Ky.).* All that area within 5 miles either side of a line bearing 220° True extending from the Paducah, Ky., non-directional radio beacon to a point 20 miles southwest.

§ 601.1298 *Control area extension (Promontory Point, Utah).* That airspace bounded on the north by VOR civil airway No. 6, on the east by VOR civil airway No. 21, on the south by VOR civil airway No. 32 and on the west by a line extending from latitude 40°51′30″, longitude 112°56′30″, to latitude 41°00′00″, longitude 112°56′30″ to latitude 41°00′00″, longitude 112°45′00″ to latitude 41°12′25″, longitude 112°45′00″.

§ 601.1299 *Control area extension (Valdosta, Ga.).* All that area bounded on the north by Latitude 32°00′00″, on the east by Amber civil airway No. 6, on the south by Red civil airway No. 30, and on the west by Red civil airway No. 16.

§ 601.1300 *Control area extension (Prescott, Ariz.).* Within 5 miles either side of the northwest course of the Prescott, Ariz., radio range extending from the radio range station to a point 25 miles northwest.

§ 601.1301 *Control area extension (Winslow, Ariz.).* Within 5 miles either side of the north and south courses of the Winslow radio range extending from the radio range station to points 25 miles north and south, and within 5 miles either side of the 314° and 134° True radials of the Winslow omnirange extending from the omnirange station to points 25 miles northwest and southeast.

§ 601.1302 *Control area extension (Lawton, Okla.).* All that area bounded on the west by long. 98°30′00″, on the north by the Fort Sill, Okla., restricted area, on the southeast by VOR civil airway No. 77, and on the south by VOR civil airway No. 61.

§ 601.1303 *Control area extension (Albany, N. Y.).* All that area within a 15-mile radius of the Albany, N. Y., omnirange station.

§ 601.1304 *Control area extension (Poughkeepsie, N. Y.).* All that area within a 15-mile radius of the Poughkeepsie, N. Y., omnirange station.

§ 601.1305 *Control area extension (Wilton, Conn.).* All that area within a 15-mile radius of the Wilton, Conn., omnirange station.

§ 601.1306 *Control area extension (Mountain Home, Idaho).* Within 5 miles either side of a direct line extending from the Mountain Home nondirectional radio beacon to the Boise, Idaho, radio range station, and the airspace within a 35 mile radius of the Mountain Home Air Force Base bounded on the northeast by Green civil airway No. 10, excluding the portion which overlaps restricted area (R–254).

§ 601.1307 *Control area extension (Minchumina, Alaska).* Within 5 miles either side of the southeast course of the Minchumina radio range extending from the radio range station to a point 25 miles southeast.

§ 601.1308 *Control area extension (Gustavus, Alaska).* Within 5 miles either side of the northwest course of the Gustavus, Alaska, radio range extending from the radio range station to a point 15 miles northwest.

§ 601.1309 *Control area extension (Kodiak, Alaska).* Within 5 miles either side of the east course of the Kodiak, Alaska radio range extending from the radio range station to a point 25 miles east.

§ 601.1310 *Control area extension (Anchorage, Alaska).* That airspace within 5 miles either side of direct lines between the Anchorage, Alaska, radio range station, the intersection of the southeast course of the Anchorage radio range with the northwest course of the Hinchinbrook, Alaska, radio range, the Middleton Island, Alaska, radio range station, and the Sandspit, British Columbia, Canada, radio range station, extending from the Anchorage, Alaska, radio range station to the United States-Canadian Border.

§ 601.1311 *Control area extension (Oscoda, Mich.).* That airspace within a 30 mile radius of Wurtsmith Air Force Base, Oscoda, Mich., excluding the portions which overlap restricted areas (R–91) and (R–491).

§ 601.1312 *Control area extension (Zanesville, Ohio).* All that airspace within 5 miles either side of a line bearing 30° True and 210° True from the Zanesville nondirectional beacon extending from Green civil airway No. 4 to a point 20 miles southwest of the Zanesville Municipal Airport.

§ 601.1313 *Control area extension (Sioux City, Iowa).* All that airspace within a 25-mile radius of the Sioux City omnirange station extending from the 234° True radial clockwise to the western boundary of Amber civil airway No. 4 and within 5 miles either side of a line bearing 136° True from the Sioux City outer compass locator extending from the outer compass locator to a point 25 miles southeast.

§ 601.1314 *Control area extension (Kirksville, Mo.).* Within 5 miles either side of the 316° True radial of the Kirksville omnirange extending from the omnirange station to a point 25 miles northwest.

§ 601.1315 *Control area extension (Emporia, Kans.).* Within 5 miles either side of the 134° True and 314° True radials of the Emporia omnirange extending from the omnirange station to points 25 miles southeast and northwest.

§ 601.1316 *Control area extension (La Junta, Colo.).* All that airspace northwest of the La Junta radio range station bounded on the northeast by a line 5 miles northeast of and parallel to the northwest course of the La Junta radio range, on the south by VOR civil airway No. 10 and on the west by Amber civil airway No. 3.

§ 601.1317 *Control area extension (Tuscaloosa, Ala.).* Within 5 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 20 miles northeast.

§ 601.1318 *Control area extension (Muscle Shoals, Ala.).* Within 5 miles either side of the 112° True and 292° True radials of the Muscle Shoals omnirange extending from the omnirange station to points 20 miles southeast and northwest.

§ 601.1319 *Control area extension (Key West, Fla.).* Within 5 miles either side of the 313° True radial of the Key West omnirange extending from the omnirange station to Warning Area W–174 and within 5 miles either side of the west course of the Key West radio range extending from the radio range station to Warning Area W–174.

§ 601.1320 *Control area extension (Cross City, Fla.).* Within 5 miles either side of the 118° True radial of the Cross City omnirange extending from the omnirange station to a point 20 miles southeast and within 5 miles either side of the 242° True radial of the Cross City omnirange extending from the omnirange station to the eastern boundary of VOR civil airway Nos. 35 and 97.

§ 601.1321 *Control area extension (Brunswick, Ga.).* That airspace bounded on the north by latitude 31°30′00″, on the east by VOR civil airway No. 3 and on the southwest by VOR civil airways Nos. 5 and 51.

§ 601.1322 *Control area extension (Alice, Tex.).* That airspace within 5 miles either side of a direct line extending from the Alice, Tex., omnirange station to the Cotulla, Tex., omnirange station, and the airspace within a 35 mile radius of the Alice radio range station, excluding the portion which overlaps restricted areas.

§ 601.1323 *Control area extension (Dallas, Tex.) (Dallas-Houston-Austin area).* All of the airspace bounded on the east by a line 5 miles east of and parallel to the 133° True radial of the Dallas, Tex., omnirange, the 353° True and 140° True radials of the Leona, Tex., omnirange and the 353° True radial of the Houston, Tex., omnirange and by Red civil airway No. 96, bounded on the southwest by Red civil airway No. 32, on the northwest by Amber civil airway No. 4 to the Waco, Tex., radio range station and by Blue civil airway No. 5 to the Dallas nondirectional radio beacon, and bounded on the north by VOR civil airway No. 16.

§ 601.1324 *Control area extension (Brunswick, Maine).* That airspace bounded on the west by Amber civil airway No. 7, on the north by Blue civil airway No. 84, on the east by long. 69°15′00″, on the south by Warning

Area W–103, on the southwest by a line 5 miles northeast of and parallel to the southeast course of the Portland, Maine, radio range. The portion of this control area which overlaps Brunswick, Maine, caution area (C–516) is excluded.

§ 601.1325 *Control area extension (Tampa, Fla.).* All that airspace within a radius of 50 statute miles of the Tampa, Fla., radio range station, excluding the portion which overlaps Sarasota warning area (W–168), and including the area bounded on the northeast by a line 5 miles northeast of and parallel to a line extending from the intersection of the north course of the Tampa, Fla., radio range and the southeast course of the Cross City, Fla., radio range to the intersection of the southeast course of the Tampa, Fla., radio range and a line bearing 45° True from the Fort Myers, Fla., nondirectional radio beacon, on the southeast by the Fort Myers, Fla., control area extension, on the west by direct lines extending from the Fort Myers, Fla., nondirectional radio beacon to the Tampa, Fla., omnirange station thence to the point of beginning including the airspace northwest of Tampa bounded on the northeast by VOR civil airway No. 97, on the southwest by Tampa control area extension, 601.1226, and on the northwest by a line 5 miles west of and parallel to the 207° True radial of the Cross City, Fla., omnirange, excluding the airspace below 2,000 feet MSL which lies outside the continental limits of the United States.

§ 601.1326 *Control area extension (Fortuna, Calif.).* The airspace east of Fortuna lying within a 30 mile radius of the Arcata Airport bounded on the west by VOR civil airway No. 27; the airspace west of Fortuna bounded on the east by VOR civil airway No. 27, on the south by Fortuna control area extension 601.1415, on the west by longitude 124°30′00″, and on the north by a line drawn through points at latitude 41°07′45″, longitude 124°30′00″ and latitude 41°04′30″, longitude 124°20′00″.

§ 601.1327 *Control area extension (Crescent City, Calif.).* Within 5 miles either side of the 330° True and 235° True radials of the Crescent City omnirange extending from the omnirange station to points 25 miles northwest and 20 miles SW of the omnirange station.

§ 601.1328 *Control area extension (Oxnard, Calif.).* All that airspace bounded on the northeast by Amber civil airway No. 8, on the east by Longitude 119°11′30″, on the south by a line 2 miles north of and parallel to the Point Magu Warning Area (W–289), on the west by Longitude 120°00′00″ and on the northwest by Control Area Extension No. 1176, excluding the airspace below 4000 feet MSL lying within the Santa Cruz Island Warning Area (W–412).

§ 601.1329 *Control area extension (Malden, Mo.).* Within 5 miles either side of the 120° True and 300° True radials of the Malden, Mo., omnirange extending from the omnirange station to points 25 miles southeast and northwest.

§ 601.1330 *Control area extension (Sherman, Tex.).* That airspace within a 70-mile radius of Perrin AFB, Sherman, Tex., bounded on the south by Green civil airway No. 5 and on the west and northwest by VOR civil airway No. 15 including the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace bounded on the east by a line 5 miles east of and parallel to a straight line extending from the Sulphur Springs, Tex., omnirange station to the McAlester, Okla., omnirange station, and on the northwest by the Tulsa, Okla., control area extension.

§ 601.1331 *Control area extension (Tacoma, Wash.).* That airspace within a 40-nautical-mile radius of McChord Air Force Base excluding the following: the portions which overlap Hood Canal Caution Area (C–243) and VOR civil airway No. 27, the portion which conflicts with Olympic Peninsula restricted area (R–241), the portions below 1,500 feet mean sea level which lie over Fort Lewis restricted area (R–503), below 5,000 feet mean sea level which lie over Fort Lewis restricted area (R–504) and below 14,000 feet mean sea level which lie over Fort Lewis restricted area (R–505).

§ 601.1332 *Control area extension (Santa Maria, Calif.).* From the intersection of the Paso Robles, Calif., omnirange 169° True radial and the Santa Barbara, Calif., omnirange 304° True radial extending 5 miles either side of the Santa Barbara omnirange 304° True radial to a point 20 miles northwest and extending 5 miles either side of the Paso Robles omnirange 169° True radial to the northern boundary of control area extension No. 1176.

§ 601.1333 *Control area extension (Nome, Alaska).* Within 5 miles either side of the west and southwest courses of the Nome, Alaska, radio range extending from the radio range station to points 25 miles west and southwest.

§ 601.1334 *Control area extension (Del Rio, Tex.).* That airspace over United States territory within a 55-mile radius of Laughlin Air Force Base, Del Rio, Tex.

§ 601.1335 *Control area extension (Lafayette, La.).* Within 5 miles either side of the 352° True radial of the Lafayette omnirange extending from the omnirange station to a point 15 miles north, and within 5 miles either side of a line bearing 7° True from the Lafayette non-directional radio beacon extending from the beacon to a point 15 miles north, and the airspace east of Lafayette bounded on the northwest by Red civil airway No. 96, on the northeast by VOR civil airway No. 114 and on the south by Green civil airway No. 6.

§ 601.1336 *Control area extension (Eau Claire, Wis.).* That airspace within a 15-mile radius of the Eau Claire omnirange station and within 5 miles either side of the 04° True radial of the omnirange extending from the omnirange station to a point 20 miles north.

§ 601.1337 *Control area extension (Wausau, Wis.).* That airspace within a 15-mile radius of the Wausau omnirange station including the airspace southeast of the omnirange station bounded on the northeast by VOR civil airway No. 26S, on the south by lat. 44° 30′00″, and on the west by a line 5 miles west of and parallel to the 166° True radial of the Wausau omnirange station.

§ 601.1338 *Control area extension (Green Bay, Wis.).* That airspace within a 15-mile radius of the Green Bay omnirange station and within 5 miles either side of the 322° True radial of the Green Bay omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1339 *Control area extension (Oshkosh, Wis.).* All that airspace bounded on the east by VOR civil airway No. 7, on the south by the arc of a circle with a radius of 50 miles from the Green Bay, Wis., omnirange station, and on the west by a line 5 miles west of and parallel to the Green Bay omnirange 207° True radial.

§ 601.1340 *Control area extension (Miles City, Mont.).* Within 5 miles either side of the northwest course of the Miles City, Mont., radio range extending from the radio range station to a point 30 miles northwest.

§ 601.1341 *Control area extension (Dover, Del.).* That airspace southeast of Dover bounded on the north by Red civil airway No. 77, on the east by Blue civil airway No. 49, on the southeast by VOR civil airway No. 1 and on the west by VOR civil airway No. 29 excluding the portion which overlaps restricted area (R–12) and caution area C–53; that airspace southwest of Dover within a 25-mile radius of the Kenton, Del., omnirange station bounded on the northwest by VOR civil airway No. 16 and on the southeast by Red civil airway No. 77.

§ 601.1342 *Control area extension (Sanford, Fla.).* That airspace bounded on the north by latitude 29°00′00″, on the east by longitude 81°15′00″, on the south by latitude 28°30′00″, on the west by longitude 82°00′00″.

§ 601.1343 *Control area extension (Juneau, Alaska).* That airspace within a 5-mile radius of the Juneau Airport, within 5 miles either side of direct lines extending from the Juneau Airport via the Mendenhall nondirectional radio beacon to the Sisters Island nondirectional beacon, from the Sisters Island nondirectional radio beacon to the Point Retreat nondirectional radio beacon, from the Point Retreat nondirectional radio beacon to the Juneau Airport and from the Point Retreat nondirectional radio beacon to the Haines, Alaska nondirectional radio beacon.

§ 601.1344 *Control area extension (Laconia, N. H.).* Within 5 miles either side of a line bearing 244° True from the Laconia, N. H., nondirectional radio beacon extending from the nondirectional radio beacon to Blue civil airway No. 4.

§ 601.1345 *Control area extension (Rockland, Maine).* Within 5 miles either side of a 195° True bearing extending from the Rockland Airport to a point 10 miles south of the Rockland nondirectional radio beacon.

§ 601.1346 *Control area extension (Bar Harbor, Maine).* Within 5 miles either side of a 21° True bearing extending from the Bar Harbor Airport to a point 10 miles northeast of the Bar Harbor nondirectional radio beacon.

§ 601.1347 *Control area extension (Colorado Springs, Colo.).* That airspace lying east of Amber civil airway No. 3 within a 25-mile radius of Peterson Municipal Airport, Colorado Springs, Colo.

§ 601.1348 *Control area extension (Twin Falls, Idaho).* Within 5 miles either side of the 278° True radial of the Twin Falls omnirange extending from the omnirange station to a point 15 miles west.

§ 601.1349 *Control area extension (Redmond, Oreg.).* Within 5 miles either side of the northwest course of the Redmond radio range extending from the radio range station to a point 17 miles northwest.

§ 601.1350 *Control area extension (Kodiak, Alaska).* Within 5 miles either side of the south course of the Kodiak radio range extending from the radio range station to a point 20 miles south.

§ 601.1351 *Control area extension (Philadelphia, Pa.).* That airspace within a 25 mile radius of the Philadelphia International Airport.

§ 601.1352 *Control area extension (Sedalia, Mo.).* That airspace within a 35-mile radius of Whiteman AFB bounded on the north by VOR civil airway No. 4–S, excluding the portion northwest of Sedalia bounded on the north by VOR civil airway No. 4–S, on the east by Long. 93°45′00″, on the south by Lat. 38°45′00″ and on the west by the Kansas City control area extension, and excluding the portion northeast of Sedalia bounded on the north by VOR civil airway No. 4–S, on the east by Long. 93°00′00″, on the south by Lat. 38°45′00″ and on the west by Long. 93°15′00″.

§ 601.1353 *Control area extension (Charleston, W. Va.).* That airspace within a 30-mile radius of Kanawha County Airport, Charleston, W. Va.

§ 601.1354 *Control area extension (Salem, Oreg.).* Within 5 miles either side of a line bearing 150° True from the Salem-McNary Airport extending from the airport to a point 25 miles southeast.

§ 601.1355 *Control area extension (Berlin, N. H.).* Within 5 miles either side of a line bearing 334° True extending from the Berlin Airport to a point 10 miles northwest.

§ 601.1356 *Control area extension (Greenville, Miss.).* That airspace within a 25-mile radius of the Greenville, Miss., AFB nondirectional radio beacon.

§ 601.1357 *Control area extension (Fallon, Nev.).* Within a 10-mile radius of the Fallon, Nev., radio range station excluding the portion which overlaps Fallon restricted area (R–268), and within 5 miles either side of the north course of the Fallon radio range extending from the radio range station to a point 25 miles north.

§ 601.1358 *Control area extension (Midway Island).* All of the airspace from 700 ft. upward within a radius of 100 nautical miles of the Midway Naval Station centered at Lat. 28°12′00″ N, Long. 177°22′00″ W.

§ 601.1359 *Control area extension (Childress, Tex.).* Within 5 miles either side of the 182° True radial of the Childress omnirange extending from the omnirange station to a point 15 miles south.

§ 601.1360 *Control area extension (Abilene, Tex.).* That airspace within a 35-mile radius of the Abilene omnirange station.

§ 601.1361 *Control area extension (Cotulla, Tex.).* Within 5 miles either side of lines bearing 140° True and 320° True from the Cotulla nondirectional radio beacon extending from VOR civil airway No. 17 to a point 10 miles northwest of the nondirectional radio beacon and within 5 miles either side of the 40° True radial of the Cotulla omnirange extending from the omnirange station to the perimeter of the San Antonio control area extension.

§ 601.1362 *Control area extension (Dalhart, Tex.).* Within 5 miles either side of the 04° True radial of the Dalhart omnirange extending from the omnirange station to a point 10 miles north.

§ 601.1363 *Control area extension (Lufkin, Tex.).* Within 5 miles either side of the 157° True radial of the Lufkin omnirange extending from the omnirange station to a point 10 miles southeast, and within 5 miles either side of a line bearing 304° True extending from the Lufkin nondirectional radio beacon to a point 10 miles northwest.

§ 601.1364 *Control area extension (Texarkana, Ark.).* Within 5 miles either side of the 309° True radial of the Texarkana omnirange extending from the omnirange station to a point 15 miles northwest.

§ 601.1365 *Control area extension (Walnut Ridge, Ark.).* Within 5 miles either side of the 244° True radial of the Walnut Ridge omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.1366 *Control area extension (Gage, Okla.).* Within 5 miles either side of the 299° True radial of the Gage omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1367 *Control area extension (Wink, Tex.).* The airspace southeast of Wink bounded on the east by the Midland, Tex., control area extension, on the southeast by a line drawn through points at latitude 31°30′00″, longitude 102°-47′00″ and latitude 31°24′00″, longitude 103°01′40″, on the west by VOR civil airway No. 79, and on the northwest by VOR civil airway No. 66; the airspace northwest of Wink bounded on the east by VOR civil airway No. 79, on the south by VOR civil airway No. 16 N, and on the northwest by the arc of a 20-mile radius circle centered on the Wink omnirange station.

§ 601.1368 *Control area extension (Greensboro, N. C.).* That airspace southeast of Greensboro bounded on the south by Lat. 35°19′00″, on the northwest by the Greenville-Charlotte-Greensboro control area extension, on the northeast by Red civil airway No. 104 and on the southeast by a line extending from a point at Lat. 35°32′00″, Long. 79°05′20″ to a point at Lat. 35° 19′00″, Long. 79°23′30″.

§ 601.1369 *Control area extension (Myrtle Beach, S. C.).* Within a 25-mile radius of the Myrtle Beach Air Force Base, excluding the portion which overlaps warning area W–177 and excluding the portion which overlaps restricted area (R–515).

§ 601.1370 *Control area extension (Wilmington, N. C.).* Within 5 miles either side of a line bearing 337° True extending from the Wilmington nondirectional radio beacon to a point 10 miles northwest and within 5 miles either side of a line bearing 159° True extending from the Wilmington ILS middle marker to a point 15 miles southeast of the middle marker.

§ 601.1371 *Control area extension (Hyannis, Mass.).* Within 2 miles either side of a line bearing 48° True extending from the Barnstable Airport, Hyannis, Mass., to a point 10 miles northeast.

§ 601.1372 *Control area extension (Los Angeles, Calif.).* That airspace bounded by lines extending from a point at the intersection of Amber civil airway No. 8 and longitude 119°03′30″, thence south to the intersection of Warning Area W–290 and longitude 119°03′30″, thence east and south along the boundary of Warning Area W–290 to latitude 33°24′35″, longitude 118°37′00″, thence southeast to latitude 33°18′00″, longitude 118°28′00″, thence east along the north boundary of Warning Area W–291 to latitude 33°10′00″, longitude 117° 30′00″, thence east along latitude 33°10′00″ to the United States coastline, thence northwestward along the coastline to the southern boundary of Amber civil airway No. 8, thence west and northwest to point of beginning.

§ 601.1373 *Control area extension (Chattanooga, Tenn.).* That airspace within a 30-mile radius of the Chattanooga omnirange station.

§ 601.1374 *Control area extension (Limestone, Maine).* That airspace over United States territory within a 40-mile radius of Loring Air Force Base, Limestone, Maine, excluding the portion which overlaps Restricted Area (R–80).

§ 601.1375 *Control area extension (Manchester, N. H.).* That airspace within a 10-mile radius of Grenier Air Force Base, Manchester, N. H.

§ 601.1376 *Control area extension (Victoria, Tex.).* That airspace within a 25-mile radius of Foster Air Force Base, Victoria, Tex., including the airspace south of the Air Force Base bounded on the southwest by the Corpus Christi, Tex., control area extension and on the

southeast by VOR civil airway No. 20. The portion of this control area which overlaps the Foster AFB Restricted Area R–492 is excluded.

§ 601.1377 *Control area extension (Boston, Mass.).* That airspace northeast of Boston within a 25-mile radius of the Boston radio range station bounded on the west by Amber civil airway No. 7, on the southeast by Boston control area extension No. 1141 and on the south by Red civil airway No. 11; that airspace southeast of Boston within a 25-mile radius of the Boston radio range station bounded on the north by Boston control area extension No. 1142, on the southwest by VOR civil airway No. 141 and on the northwest by Red civil airway No. 21 and that airspace south of Boston within a 25-mile radius of the Boston radio range station bounded on the northeast by VOR civil airway No. 141 and on the west by VOR civil airway No. 139.

§ 601.1378 *Control area extension (Wilmington, Del.).* That airspace within a 20-mile radius of the New Castle radio range station lying in the southeast and southwest quadrants of the radio range.

§ 601.1379 *Control area extension (Waterloo, Iowa).* That airspace within a 15-mile radius of the Waterloo Municipal Airport.

§ 601.1380 *Control area extension (Kaneohe, Oahu, T. H.).* That airspace from 700 feet upward within the following area: From latitude 21°35'00" N., longitude 157°42'00" W., to latitude 21°-36'00" N., longitude 157°56'00" W., to latitude 21°38'00" N., longitude 158°01'-00" W., to latitude 21°48'00" N., longitude 158°09'30" W., thence clockwise along the arc of an 8-nautical-mile radius circle centered at latitude 21°49'30" N., longitude 158°01'00" W., to latitude 21°57'30" N., longitude 158°02'00" W., to latitude 21°54'30" N., longitude 157°36'-00" W., thence clockwise along the arc of an 8-nautical-mile radius circle centered at latitude 21°46'30" N., longitude 157°37'00" W., to latitude 21°41'00" N., longitude 157°30'30" W., thence to point of beginning, excluding that airspace which overlaps warning area W–318 and excluding the airspace below 3,000 feet mean sea level lying within restricted area R–323. The portion of this control area extension which overlaps the Kahuku restricted area R–324 shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 601.1381 *Control area extension (Kwajalein Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles of the Kwajalein nondirectional radio beacon at lat. 8°45'00" N., long. 167°45'00" E., extending clockwise from a true bearing of 270° from the nondirectional radio beacon to a true bearing of 180° from the nondirectional radio beacon, and within a radius of 25 nautical miles of the Kwajalein nondirectional radio beacon extending clockwise from a true bearing of 180° from the nondirectional radio beacon to a true bearing of 270° from the nondirectional radio beacon excluding the portions which overlap Airspace Warning Areas W–448, W–445 and W–450.

§ 601.1382 *Control. area extension (Wake Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles centered on the Wake Island nondirectional radio beacon at lat. 19°18'00" N., long. 166°39'00" E.

§ 601.1383 *Control area extension (Guam Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles of the Guam radio range station extending clockwise from the west course of the radio range to the southeast course of the radio range and within a radius of 25 nautical miles of the Guam radio range extending clockwise from the southeast course of the radio range to the west course of the radio range, excluding the portions which overlap restricted areas R–474 and R–478 and warning areas W–473, W–475 and W–479.

§ 601.1384 *Control area extension (Hopkinsville, Ky.).* That airspace in the vicinity of Campbell AFB, Hopkinsville, Ky., bounded on the east by VOR civil airway No. 7, on the south by a line from a point at latitude 36°29'40", longitude 86°50'20" to a point at latitude 36°16'40", longitude 87°26'15", on the west by the arc of a circle 25 miles in radius centered on the Campbell AFB nondirectional radio beacon clockwise to a point at latitude 36°59'20", longitude 87°33'30", thence on the north via a direct line from that point to a point at latitude 37°00'20", longitude 87°04'30", excluding the portion which overlaps Campbell Restricted Area R–63.

§ 601.1385 *Control area extension (Rome, N. Y.).* That airspace within a 40 mile radius of Griffis AFB, Rome, N. Y., bounded on the south by Green civil airway No. 2 and Red civil airway No. 22.

§ 601.1386 *Control area extension (Orlando, Fla.).* That airspace within 5 miles either side of the 71° True radial of the Orlando omnirange extending from Amber civil airway No. 7 to the Wilmington, N. C. Control area extension (601.1150), excluding the airspace below 14,000 feet mean sea level.

§ 601.1387 *Control area extension (Blytheville, Ark.).* That airspace northwest of the Blytheville Air Force Base bounded on the east by VOR civil airway No. 9, on the south by VOR civil airway No. 140, on the west by VOR civil airway No. 69, and on the north by a line extending through a point at latitude 36°21'00", longitude 90°04'00" and a point at latitude 36°32'00", longitude 90°40'00".

§ 601.1388 *Control area extension (Fort Bragg, N. C.).* Within a 15 mile radius of Pope AFB bounded on the east by VOR civil airway No. 3 and Red civil airway No. 16, excluding the portion which overlaps the Fort Bragg Restricted Area (R–115).

§ 601.1389 *Control area extension (Miami, Fla.).* Within 5 miles either side of the 023° True radial of the Miami, Fla., omnirange extending from Amber civil airway No. 7 and VOR civil airway No. 3 via the intersection of the Miami omnirange 023° True radial and the Vero Beach, Fla., omnirange 143° True radial to the intersection of the Vero Beach omnirange 143° True radial with the Wilmington, N. C., control area extension (601.1150). The airspace which lies within Patrick AFB warning area (W-497–B) and Miami warning area (W-171) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 601.1390 *Control area extension (Oahu-Molokai, T. H.).* All of the airspace from 700 feet upwards bounded by a line extending from lat. 21°26'00" N., long. 157°37'45" W., to lat. 21°55'00" N. long. 156°42'45" W. to lat. 21°09'30" N., long. 157°27'00" W., to lat. 21°14'00" N., long. 157°36'45" W. to point of beginning including Hawaiian VOR civil airway No. 7.

§ 601.1391 *Control area extension (Gettysburg, Pa.).* That airspace within a 5-mile radius of the Gettysburg Airport and within 5 miles either side of the 180° True radial of the Gettysburg terminal omnirange extending from the terminal omnirange station to VOR civil airway No. 223.

§ 601.1392 *Control area extension (Ogden, Utah).* That airspace northeast of Ogden bounded on the north by Red civil airway No. 108, on the south by Green civil airway No. 3 and on the west by Amber civil airway No. 2.

§ 601.1393 *Control area extension (Roswell, N. Mex.).* That airspace within 5 miles either side of the 40° True radial of the Roswell omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1394 *Control area extension (Williams, Calif.).* That airspace southwest of Williams, Calif., bounded on the north by VOR civil airway No. 212, on the east by Blue civil airway No. 10 and on the southwest by VOR civil airway No. 107, and the airspace south of Williams, Calif., bounded on the west by Blue civil airway No. 10, on the east by Blue civil airway No. 7 and on the southeast by the Fairfield, Calif., control area extension.

§ 601.1395 *Control area extension (Plattsburg, N. Y.).* That airspace within a 25 mile radius of the Plattsburg Air Force Base bounded on the north by VOR civil airway No. 104 and on the east by VOR civil airway No. 91; that airspace south of Plattsburg bounded on the west by VOR civil airway No. 91, on the southeast by Blue civil airway No. 18 and on the northeast by Blue civil airway No. 4; that airspace northeast of Plattsburg bounded on the southeast by Blue civil airway No. 18, on the southwest by Blue civil airway No. 4 and on the north by a direct line extending from a point at latitude 44°58'00" longitude 73°23'50" to a point at latitude 45°01'00", longitude 73°06'30".

§ 601.1396 *Control area extension (Asheville, N. C.).* Within 5 miles either side of the 99° True radial of the Asheville omnirange extending from the

omnirange station to a point 15 miles east.

§ 601.1397 *Control area extension (Cordova, Alaska).* Within 5 miles either side of the southwest course of the Cordova, Alaska, radio range extending from the intersection of the southwest course of the Cordova radio range with the east course of the Hinchinbrook, Alaska, radio range to the intersection of the southwest course of the Cordova radio range with the southwest course of the Hinchinbrook radio range; within 5 miles either side of the southeast course of the Cordova, Alaska radio range extending from the intersection of the southeast course of the Cordova radio range and the east course of the Hinchinbrook, Alaska, radio range to a point 20 miles southeast.

§ 601.1398 *Control area extension (Anchorage, Alaska).* That airspace within a 25-mile radius of the Anchorage International Airport excluding the portion which overlaps restricted area R–348 and excluding the portion in the south quadrant of the Anchorage radio range between Amber civil airway No.1 and Red civil airway No. 40.

§ 601.1399 *Control area extension (Clovis, N. Mex.).* That airspace within a 30-mile radius of the Clovis Air Force Base, excluding the portion which overlaps restricted area (R–185).

§ 601.1400 *Control area extension (King Salmon, Alaska) (King Salmon-Shemya route).* That airspace within 5 miles either side of a line bearing 263° True from the King Salmon, Alaska, radio range station extending to a point 50 miles west of the King Salmon radio range station.

§ 601.1401 *Control area extension (King Salmon, Alaska) (King Salmon-Adak route).* That airspace within 5 miles either side of a line bearing 248° True from the King Salmon, Alaska, radio range station extending to a point 50 miles southwest of the King Salmon radio range station.

§ 601.1402 *Control area extension (Middleton Island, Alaska).* Within 5 miles either side of the northeast and southwest courses of the Middleton Island, Alaska, radio range extending from the radio range station to points 25 miles northeast and southwest.

§ 301.1403 *Control area extension (Yakataga, Alaska).* Within 5 miles either side of the southwest course of the Yakataga, Alaska, radio range extending from the intersection of the southwest course of the Yakataga radio range and the southeast course of the Hinchinbrook, Alaska, radio range to a point 20 miles southwest; within 5 miles either side of the southeast course of the Yakataga radio range extending from the intersection of the southeast course of the Yakataga radio range and the northwest course of the Yakutat, Alaska, radio range to a point 20 miles Southeast.

§ 601.1404 *Control area extension (Pierre, S. Dak.).* That airspace within a 25-mile radius of the Pierre, S. Dak., Airport.

§ 601.1405 *Control area extension (Peru, Ind.).* That airspace within a 25-mile radius of Bunker Hill Air Force Base, Peru, Ind.

§ 601.1406 *Control area extension (Milton, Fla.).* Within a 5-mile radius of NAAS Whiting (North), Milton, Fla., and within 5 miles either side of the northwest course of the Whiting (Navy) radio range extending from the radio range station to a point 12 miles northwest.

§ 601.1407 *Control area extension (Crestview, Fla.).* Within 5 miles either side of the 292° True radial of the Crestview, Fla., omnirange extending from the omnirange station to a point 12 miles northwest.

§ 601.1408 *Control area extension (Miami, Fla.).* That airspace south of Miami bounded on the east by Miami control area extension (§ 601.1232), on the south by Blue civil airway No. 48 and Amber civil airway No. 7, and on the northwest by Blue civil airway No. 19; that airspace southwest of Miami bounded on the north by Blue civil airway No. 3, on the southeast by Blue civil airway No. 19 and on the west by the Marathon control area extension (§ 601.1234).

§ 601.1409 *Control area extension (Huntsville, Ala.).* Within 5 miles either side of the 341° True and 161° True radials of the Huntsville omnirange extending from the omnirange station to points 15 miles northwest and southeast excluding the portion which overlaps the Redstone Arsenal restricted area (R–112).

§ 601.1410 *Control area extension (Portsmouth, N. H.).* That airspace within a 10-mile radius of the Pease Air Force Base, Portsmouth, N. H.

§ 601.1411 *Control area extension (Iwo Jima, Volcano Islands.* All of the airspace from 700 ft. upwards within a radius of 100 nautical miles of the Iwo Jima nondirectional radio beacon located at Lat. 24°47'00' N, Long. 141° 18'00" E.

§ 601.1412 *Control area extension (Marysville, Calif.).* That airspace east of Marysville bounded on the west by VOR civil airway No. 23, on the north by VOR civil airway No. 200, on the south by VOR civil airway No. 212 and on the east by restricted area R–265 and a line extending from a point at latitude 39°15'00", longitude 121°30'00" northward along longitude 121°30'00" to the southern edge of VOR civil airway No. 200; that airspace northeast of Marysville bounded on the south by VOR civil airway No. 200, on the west by VOR civil airway No. 23, on the north by the Red Bluff, Calif., control area extension, and on the east by a line extending from a point at latitude 39°24'00", longitude 121°33'00" via a point at latitude 39°50'00", longitude 121°43'00" to a point at latitude 40°05'20", longitude 121°53'00".

§ 601.1413 *Control area extension (Eniwetok Island).* All the airspace from 700 feet upwards within a radius of 50 nautical miles of the Eniwetok nondirectional radio beacon at latitude 11°21'00" North, longitude 162°20'00" East.

§ 601.1415 *Control area extension (Fortuna, Calif.).* That airspace centered on the 270° True radial of the Fortuna omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Oakland Oceanic Control Area.

§ 601.1416 *Control area extension (Salt Lake City, Utah).* That airspace southwest of Salt Lake City bounded on the north by Red civil airway No. 49, on the east by Amber civil airway No. 2 and on the southwest by VOR civil airway No. 253.

§ 601.1417 *Control area extension (El Dorado, Ark.).* Within 5 miles either side of 137° and 317° True bearings extending from the El Dorado nondirectional radio beacon to points 25 miles southeast and 15 miles northwest, and within 5 miles either side of the 37° true radial of the El Dorado omnirange extending from the omnirange station to a point 15 miles northeast.

§ 601.1418 *Control area extension (Hoquiam, Wash.).* That airspace centered on the 234° True radial of the Hoquiam omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Seattle Oceanic Control Area, excluding the portion which conflicts with Warning Area W–460 and excluding the portion above 14,500 feet which lies beneath and which conflicts with restricted area R–241.

§ 601.1419 *Control area extension (Newport, Oreg.).* That airspace centered on the 237° True radial of the Newport omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Seattle Oceanic Control Area, excluding the portion which conflicts with Warning Area W–242.

§ 601.1420 *Control area extension (North Bend, Oreg.).* That airspace centered on the 239° True radial of the North Bend omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Oceanic Control Area.

§ 601.1421 *Control area extension (Goldsboro, N. C.).* That airspace within a 25 mile radius of the Seymour-Johnson AFB, Goldsboro, N. C., bounded on the east by VOR civil airway No. 157.

§ 601.1422 *Control area extension (Duluth, Minn.).* The airspace within a 25-mile radius of the Duluth Airport including the airspace within a 30-mile radius of the Duluth omnirange station bounded on the north by the 274° True radial of the Duluth omnirange and on the east by VOR civil airway No. 13.

§ 601.1423 *Control area extension (Oahu, T. H.).* That airspace from 700 feet upwards beginning at a point at

latitude 21°25'30" N, longitude 158°00'30" W, extending to a point at latitude 21°30'30" N, longitude 158°09'00" W, thence counterclockwise along the arc of a circle 8.4 statute miles from a point at latitude 21°24'30" N, longitude 158°13'40" W, to a point at latitude 21°22'25" N, longitude 158°21'-10" W, thence along the northern edges of VOR civil airways Nos. 2 and 4 to point of beginning, excluding the portions which lie within and overlap restricted areas R–315 and R–335, and excluding the portion below 6,000 feet MSL which lies within warning area W–322.

§ 601.1424 *Control area extension (Rocky Mount, N. C.).* Within 5 miles either side of the 083° True radial of the Rocky Mount omnirange extending from the omnirange station to a point 15 miles east.

§ 601.1426 *Control area extension (Martha's Vineyard, Mass.).* Within 2 miles on the northwest side and 3½ miles on the southeast side of a line bearing 040° True extending from the northeast end of the Martha's Vineyard Airport Runway No. 24 to a point 10 miles northeast of the nondirectional radio beacon, excluding the portion which overlaps restricted area R–79.

§ 601.1428 *Control area extension (Gainesville, Fla.).* The airspace within a 15-mile radius of the Gainesville Municipal Airport excluding the portion above 5,000 feet MSL which overlaps Jacksonville Restricted Area B (R–161–B), and excluding the portion above 15,000 feet MSL which overlaps Jacksonville Restricted Area 4 (R–161–D).

§ 601.1430 *Control area extension (Wichita Falls, Tex.).* That airspace bounded on the northwest by VOR civil airway No. 102–S, on the east by VOR civil airway No. 77, and on the south by VOR civil airway No. 278.

§ 601.1431 *Control area extension (Bozeman, Mont.).* Within 5 miles either side of the southeast course of the Bozeman radio range extending from the radio range station to a point 10 miles southeast.

§ 601.1432 *Control area extension (Billings, Mont.).* The airspace northwest of Billings, Mont., within a 20-mile radius of the Billings omnirange station bounded on the south by VOR civil airway No. 2 and on the east by VOR civil airway No. 19.

§ 601.1433 *Control area extension (Ephrata, Wash.).* The airspace north of VOR airway No. 2 within a 25-mile radius of the Ephrata omnirange station, excluding the portion which overlaps Coulee Dam restricted area (R–248).

§ 601.1434 *Control area extension (Key West, Fla.).* The airspace within 5 miles either side of a direct line extending from the Key West, Fla., radio range station to the Tamiami, Fla., nondirectional radio beacon, excluding the airspace above 20,000 feet MSL.

§ 601.1435 *Control area extension (Peconic, L. I., N. Y.).* The airspace north of Peconic bounded on the west by Red civil airway No. 21, on the north by VOR civil airway No. 34, on the east by Green civil airway No. 5, and on the south by Red civil airway No. 23.

§ 601.1436 *Control area extension (San Bernardino, Calif.).* The airspace southeast of the Norton Air Force Base, San Bernardino, Calif., bounded on the northwest by VOR civil airway No. 264, on the northeast by VOR civil airway No. 137, on the south by VOR civil airway No. 16 and on the west by Blue civil airway No. 14.

§ 601.1437 *Control area extension (Richmond, Ind.).* That airspace bounded on the north by VOR civil airway No. 12, on the east by VOR civil airway No. 275, and on the southwest by VOR civil airway No. 97.

§ 601.1438 *Control area extension (Kahului, Maui, T. H.).* The airspace lying north of Kahului within a 25-statute-mile radius of the Kahului, Maui, T. H., omnirange station bounded on the southwest and south by VOR civil airway No. 6.

§ 601.1439 *Control area extension (Battle Mountain, Nev.).* Within 5 miles either side of the 218° True and 348° True radials of the Battle Mountain omnirange extending from the omnirange station to points 23 miles southwest and 12 miles north of the omnirange station.

§ 601.1440 *Control area extension (Williams, Ariz.).* The airspace bounded by a line beginning at a point at Latitude 33°22'00", longitude 111°47'00", extending to a point at latitude 33°22'00", longitude 111°13'00", thence to a point at latitude 32°56'00", longitude 110°31'00", thence to a point at latitude 32°42'00", longitude 110°42'00", thence to a point at latitude 32°53'00", longitude 111°34'00" thence to the point of beginning.

§ 601.1441 *Control area extension (Tucson, Ariz.).* The airspace northeast of Tucson bounded on the north by VOR civil airway No. 94, on the southeast by VOR civil airway No. 202 and on the south and southwest by VOR civil airway No. 16.

§ 601.1442 *Control area extension (Fort Bridger, Wyo.).* Within 5 miles either side of the 45° True radial of the Fort Bridger omnirange extending from the omnirange station to a point 15 miles northeast and within 5 miles either side of the 346° True radial of the omnirange extending from the omnirange station to a point 25 miles north.

§ 601.1443 *Control area extension (Bryce Canyon, Utah).* Within 5 miles either side of the 110° True radial of the Bryce Canyon omnirange extending from the omnirange station to a point 25 miles southeast.

§ 601.1444 *Control area extension (Truth or Consequences, N. Mex.).* The airspace bounded on the east by Amber civil airway No. 3 and on the southwest and northwest by VOR civil airway No. 19. The portion of this control area above 20,000 feet MSL which overlaps the White Sands restricted area, Area 2 (R–521), (published in § 608.39 of this chapter), shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 601.1445 *Control area extension (Neah Bay, Wash.).* The airspace lying south of the United States-Canadian Border and the Vancouver Oceanic Flight Information Region within lines drawn tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., radio range station and the circumference of a 15-mile radius circle centered on the intersection of the northwest course of the Neah Bay radio range and a point at latitude 48°40'00", longitude 125°17'30", excluding the portion below 5,000 feet MSL.

SUBPART D—CONTROL ZONES

§ 601.1981 *Scope of control zones.* Each control zone shall include the navigable air space above all that area on the surface of the earth lying within the specified radius of the center points prescribed for such zone (except where otherwise described in this part), but shall not include any of the air space of an air-space reservation.

§ 601.1982 *Designation of control zones.* The portions of the navigable airspace of the United States described in Subpart D are designated as control zones.

§ 601.1983 *Three mile radius zones.* Within a 3 mile radius of the following airports:

Altoona, Pa.: Altoona-Blair County Airport.
Baker, Oreg.: Baker Municipal Airport.
Bellingham, Wash.: Bellingham Municipal Airport.
Blackstone, Va.: Blackstone AAF.
Bozeman, Mont.: Gallatin-Bozeman Municipal Airport.
Burley, Idaho: Burley Municipal Airport.
Butte, Mont.: Butte Municipal Airport.
Columbus, N. Mex.: CAA intermediate field excluding the portion which lies outside the continental United States.
Crows Landing, Calif.: Navy ALF.
Cut Bank, Mont.: Cut Bank Municipal Airport.
Daggett, Calif.: Daggett Municipal Airport.
Dillon, Mont.: Dillon Intermediate field.
Dubois, Idaho: Dubois Intermediate field.
Ellensburg, Wash.: Bowers Field.
El Morro, N. Mex.: CAA Intermediate field.
Ephrata, Wash.: Ephrata Municipal Airport.
Eugene, Oreg.: Mahlen-Sweet Airport.
Glendale, Calif.: Grand Central Airport.
Helena, Mont.: Helena Municipal Airport.
Klamath Falls, Oreg.: Klamath Falls Municipal Airport.
Lakehurst, N. J.: Naval Air Station.
Lewistown, Mont.: Lewistown Municipal Airport.
Miles City, Mont.: Miles City Municipal Airport.
Missoula, Mont.: Missoula County Airport.
Monterey, Calif.: Monterey Peninsula Airport.
Needles, Calif.: Needles Airport.
Paso Robles, Calif.: Paso Robles County Airport.
Pendleton, Oreg.: Pendleton Municipal Airport.
Redmond, Oreg.: Redmond-Roberts Field.
Santa Monica, Calif.: Santa Monica Municipal Airport.
The Dalles, Oreg.: The Dalles Municipal Airport.
Toledo, Wash.: Toledo-Winlock Airport.
Yakima, Wash.: Yakima Municipal Airport.

§ 601.1984 *Five mile radius zones.* Within a 5 mile radius of the following airports:

Aniak, Alaska: Aniak Airport.
Annette Island, Alaska: Annette Island Airport.
Arcata, Calif.: Arcata Airport.
Bedford, Mass.: Lawrence G. Hanscom Field.
Bendix, N. J.: Teterboro Air Terminal.
Bethel, Alaska: Bethel Airport.
Bettles, Alaska: Bettles Airport.
Big Delta, Alaska: Big Delta Airport.
Blythe, Calif.: Blythe Airport.
Boise, Idaho: Boise Air Terminal.
Bridgeport, Conn.: Bridgeport Muncipal Airport.
Chattanooga, Tenn.: Lovell Field.
Crescent City, Calif.: Del Norte County Airport.
Delta, Utah: Delta Airport.
Elkins, W. Va.: Elkins Airport.
Elko, Nev.: Elko Airport.
Fairbanks, Alaska: Eielson Air Force Base.
Fallon, Nev.: Fallon NAAS.
Farewell, Alaska: Farewell Airport.
Fayetteville, Ark.: Fayetteville-Drake Field.
Fort Lauderdale, Fla.: Broward County International Airport.
Galena, Alaska: Galena Airport.
Glens Falls, N. Y.: Warren County Airport.
Greenville, Miss.: Greenville AFB.
Gulkana, Alaska: Gulkana Airport.
Gustavus, Alaska: Gustavus Airport.
Homer, Alaska: Homer Airport.
Houlton, Maine: Houlton Airport.
Idaho Falls, Idaho: Idaho Falls Airport.
Iliamna, Alaska: Iliamna Airport.
Kenai, Alaska: Kenai Airport.
King Salmon, Alaska: King Salmon Airport.
Kotzebue, Alaska: Wien Memorial Airport.
Las Vegas, N. Mex.: Las Vegas Airport.
Lihue, Kauai, T. H.: Lihue Airport.
Lucin, Utah: CAA intermediate field.
Lynchburg, Va.: Preston Glenn Airport.
Massena, N. Y.: Massena Municipal Airport.
McAlester, Okla.: McAlester Municipal Airport.
McGrath, Alaska: McGrath Airport.
Medford, Oreg.: Medford Municipal Airport.
Middleton Island, Alaska: Middleton Island Airport.
Minchumina, Alaska: Minchumina, Airport.
Mobile, Ala.: Brooklyn Air Force Base.
Moses Lake, Wash.: Larson AFB.
Moses Point, Alaska: Moses Point Airport.
Mountain View, Calif.: Moffett NAS.
Nenana, Alaska: Nenana Airport.
Newburgh, N. Y.: Stewart AFB.
New Orleans, La.: New Orleans Airport.
Nome, Alaska: Nome Airport.
North Bend, Oreg.: North Bend Airport.
Northway, Alaska: Northway Airport.
Otto, N. Mex.: CAA intermediate field.
Pensacola, Fla.: Forrest Sherman Field.
Philipsburg, Pa.: Philipsburg Airport.
Phoenix, Ariz.: Luke AFB.
Portland, Oreg.: Portland International Airport.
Pulaski, Va.: Leving Field.
Reading, Pa.: Reading Municipal Airport.
Red Bluff, Calif.: Red Bluff Municipal (Bidwell, Field).
Reno, Nev.: United Air Lines Airport.
Reno, Nev.: Stead AFB.
Roanoke, Va.: Woodrum Field.
Rome, N. Y.: Griffiss AFB.
Salinas, Calif.: Salinas Airport.
Salisbury, Md.: Wicomico County Airport.
Salt Flat, Tex.: CAA intermediate field.
San Marcos, Tex.: San Marcos Air Force Base.
San Rafael, Calif.: Hamilton AFB.
Santa Fe., N. Mex.: Santa Fe Airport.
Seattle, Wash.: Boeing Field.
Seattle, Wash.: Seattle-Takoma International Airport.
Skwentna, Alaska: Skwentna Airport.
Summit, Alaska: Summit Airport.
Talkeetna, Alaska: Talkeetna Airport.
Tanana, Alaska: Tanana Airport.
Tucumcari, N. Mex.: Tucumcari Airport.
Unalakleet, Alaska: Unalakleet Airport.
Walla Walla, Wash.: Walla Walla City-County Airport.
Wendover, Utah: Wendover AFB.
Westfield, Mass.: Barnes Airport.
Westhampton Beach, Long Island, N. Y.: Suffolk County Air Force Base.
Wilkes-Barre, Pa.: Wilkes-Barre-Scranton Airport.
Wink, Tex.: Wink Airport.
Winslow, Ariz.: Winslow Airport.
Worcester, Mass.: Worcester Airport.
Yakutat, Alaska: Yakutat Airport.
Yuma, Ariz.: Vincent AFB.

ADDITIONAL CONTROL ZONES

§ 601.2001 *Albany, N. Y., control zone.* Within a 5-mile radius of the Albany Municipal Airport, within 2 miles either side of the north course of Albany radio range extending 10 miles from the radio range station and within 2 miles either side of the Albany ILS localizer course extending from the localizer to a point 10 miles north of the ILS outer marker.

§ 601.2002 *Augusta, Maine, control zone.* Within a 5-mile radius of the Augusta State Airport and within 2 miles either side of the southwest course of Augusta radio range extending 10 miles from the radio range station.

§ 601.2003 *Baltimore, Md., control zone.* Within a 5-mile radius of Harbor Field, Baltimore, Md., extending 5 miles either side of the south course of the Baltimore, Md., radio range to a point 10 miles south of the radio range station.

§ 601.2004 *Bangor, Maine, control zone.* Within a 5-mile radius of Dow Air Force Base, Bangor, Maine, within 2 miles either side of the northwest course of the Bangor radio range extending from the radio range station to the East Corinth fan marker, within 2 miles either side of a line bearing 314° True extending from Dow Air Force Base to a point 15 miles northwest of the Air Force Base, and within 2 miles either side of a line bearing 356° True extending from Dow AFB to a point 10 miles north of the Bangor omnirange station.

§ 601.2005 *Boston, Mass., control zone.* Within a 5-mile radius of Logan International Airport; within 2 miles either side of the north course of the Boston radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker and within 2 miles either side of the 144° True radial of the Boston omnirange extending from the omnirange station to a point 12 miles southeast.

§ 601.2006 *Buffalo, N. Y., control zone.* Within a five mile radius of the Buffalo Municipal Airport, within 2 miles either side of the northeast course of the Buffalo radio range extending to the Wolcottsville fan marker, within 2 miles either side of the southwest course of the Buffalo radio range extending to the Angola fan marker, and within 2 miles either side of the 99° True and 279° True radials of the Buffalo omnirange extending to a point 10 miles east of the omnirange station.

§ 601.2007 *Burlington, Vt., control zone.* Within a 5-mile radius of the Burlington Municipal Airport and within 2 miles either side of the northwest course of Burlington radio range extending to the Grand Isle fan marker.

§ 601.2008 *Concord, N. H., control zone.* Within a 5-mile radius of Concord Municipal Airport, within 2 miles either side of the southeast course of the Concord radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 284° True radial of the Concord omnirange extending from the omnirange station to a point 10 miles west.

§ 601.2009 *Erie, Pa., control zone.* Within a 5-mile radius of Port Erie Airport and within 2 miles either side of the southwest course of Erie radio range extending to the North Springfield fan marker.

§ 601.2010 *Harrisburg, Pa., control zone.* Within a 5-mile radius of Harrisburg State Airport and within 2 miles either side of the east and west courses of Harrisburg radio range extending 10 miles east and west of the radio range station.

§ 601.2011 *Hartford, Conn., control zone.* Within a 5-mile radius of Brainard Field and within 2 miles either side of the southeast course of Hartford radio range extending 10 miles from the radio range station.

§ 601.2012 *Millinocket, Maine, control zone.* Within a 5-mile radius of Millinocket Municipal Airport and within 2 miles either side of the east course of Millinocket radio range extending 10 miles from the radio range station.

§ 601.2013 *Newark, N. J., control zone.* Within a 5-mile radius of Newark Municipal Airport including the area encompassed between tangent line extending from this 5-mile radius zone to but not including the Teterboro, N. J., 5-mile radius control zone; within 2 miles either side of the Newark ILS localizer front course extending from the localizer to a point 10 miles southwest of the ILS outer marker.

§ 601.2014 *Norfolk, Va., control zone.* Within a 5-mile radius of Norfolk Municipal Airport and within 2 miles either side of the southwest course of Norfolk radio range extending to the Deep Creek fan marker.

§ 601.2015 *Philadelphia, Pa., control zone.* Within a 5-mile radius of the Philadelphia International Airport and within 2 miles either side of the west course of the Philadelphia radio range extending to the Boothwyn fan marker.

§ 601.2016 *Wheeling, W. Va., control zone.* Within a 5-mile radius of Wheeling-Ohio County Airport, within 2 miles either side of the centerline of the northeast-southwest runway extended through the outer compass locator to a point 10 miles southwest of the airport, and within 2 miles either side of a direct

line extending from the airport to the Wheeling omnirange station.

§ 601.2017 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Allegheny County Airport, Pittsburgh, Pa., within 2 miles either side of a direct line extending from the airport to the Cecil nondirectional radio beacon, within 2 miles either side of the 227° and 047° True radials of the Pittsburgh omnirange extending from the 5 mile radius zone to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the extended centerline of the Allegheny County Airport east-west runway extending from the 5-mile radius zone to the McKeesport, Pa., nondirectional radio beacon.

§ 601.2018 *Portland, Maine, control zone.* Within a 5-mile radius of Portland Municipal Airport and within 2 miles either side of the northwest course of Portland radio range extending 10 miles from the radio range station.

§ 601.2019 *Providence, R. I., control zone.* Within a 5-mile radius of the Theodore Francis Green Airport extending 2 miles either side of the southwest course of the Providence radio range to a point 14 miles southwest of the radio range station.

§ 601.2020 *Richmond, Va., control zone.* Within a 5-mile radius of Byrd Field, Richmond, Va., extending 2 miles either side of the southwest course of the Richmond, Va., radio range to the Chester fan marker, and extending 2 miles either side of the ILS localizer course to a point 10 miles southwest of the ILS outer marker and to a point 10 miles northeast of the ILS middle marker.

§ 601.2021 *Rochester, N. Y., control zone.* Within a 5 mile radius of Rochester-Monroe County Airport, within 2 miles either side of the east course of the Rochester radio range extending from the radio range station to a point 10 miles east, within 2 miles either side of the ILS localizer front course extending from the localizer to a point 10 miles beyond the outer marker, and within 2 miles either side of the 171° True and 278° True radials of the omnirange extending from the omnirange station to points 10 miles south and west of the omnirange station.

§ 601.2022 *Washington, D. C., control zone.* Within a 5-mile radius of the Washington National Airport (excluding the portion overlapping the Washington Airspace Reservation) and extending to include the segment of a circle 15 miles in radius centered on the Washington National Airport bounded on the west by a line 2 miles west of the southwest course of the Washington radio range and on the east by a line 2 miles east of the ILS localizer course, and further extending 2 miles on the east side and 4 miles on the west side of the northeast course of the Washington radio range to the Riverdale, Md., non-directional radio beacon.

§ 601.2023 *Albuquerque, N. Mex., control zone.* Within a 5-mile radius of Kirtland AFB, within 2 miles either side of the south course of the Albuquerque radio range extending to the Peralta fan marker, within 2 miles either side of a line bearing 352°–172° True through the Alameda nondirectional radio beacon extending from the 5-mile radius control zone boundary to a point 10 miles north of the Alameda nondirectional radio beacon and within 2 miles either side of the 91° and 271° True radials of the Albuquerque omnirange extending from the 5-mile radius control zone boundary to a point 10 miles west of the omnirange station.

§ 601.2024 *Amarillo, Tex., control zone.* Within a 5-mile radius of Amarillo Air Terminal, within 2 miles either side of the west course of the Amarillo radio range extending from the radio range station to a point 5 miles west, and within 2 miles either side of the east course of the radio range extending from the radio range station to a point 18 miles east.

§ 601.2025 *Big Spring, Tex., control zone.* Within a 5 mile radius of Webb Air Force Base and within 2 miles either side of the west course of the Big Spring radio range extending from the radio range station to a point 10 miles west and within 2 miles either side of the 191° True radial of the Big Spring omnirange extending from the 5-mile radius zone to the omnirange station.

§ 601.2026 *Brownsville, Tex., control zone.* That airspace over United States territory, within a 5-mile radius of Rio Grande Valley International Airport, Brownsville, Tex., within 2 miles either side of the northwest course of the Brownsville radio range extending from the radio range station to the Los Fresnos fan marker and within 2 miles either side of the 72° True radial of the Brownsville omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2027 *Dallas, Tex., control zone.* Within a 5-mile radius of Love Field, Dallas, Tex., within 2 miles either side of the 252° True radial of the Dallas omnirange extending from Love Field to the omnirange station, within 2 miles either side of the Love Field ILS localizer southeast course extending from the localizer to the intersection of the Love Field ILS southeast course and the 202° True radial of the Dallas omnirange, within 2 miles either side of a 185° True bearing extending from the Dallas nondirectional radio beacon to the Duncanville nondirectional radio beacon, and within 2 miles either side of the Love Field ILS northwest course extending from the localizer to the intersection of the Love Field ILS northwest course and the east course of the Fort Worth radio range.

§ 601.2028 *El Paso, Tex., control zone.* Within a 5-mile radius of the El Paso International Airport extending 2 miles either side of the east course of the El Paso, Tex., radio range to the Hueco fan marker and extending 2 miles either side of the north course of the radio range to the Newman, Tex., omnirange station, excluding the portion which lies outside the continental United States.

§ 601.2029 *Fort Worth, Tex., control zone.* All that airspace within a 5-mile radius of Meacham Field and within a 5-mile radius of Carswell AFB, within 2 miles either side of the south course of the Fort Worth radio range extending to its intersection with a line bearing 255° True from the Dallas, Tex., nondirectional radio beacon, within 2 miles either side of a line bearing 181° True from the Carswell AFB extending to a point 13 miles south of the Air Force Base, and the airspace bounded on the east by a line two miles east of and parallel to a direct line from Meacham Field through the Haslet nondirectional radio beacon, on the north by Lat. 32°59′45″ and on the west by a line 2 miles west of and parallel to a direct line from the Carswell AFB through the Newark nondirectional radio beacon.

§ 601.2030 *Galveston, Tex., control zone.* Within a 5-mile radius of Galveston Airport and within 2 miles either side of the northwest and southeast courses of the Galveston radio range extending from the 5-mile radius zone to a point 3 miles northwest of the radio range station.

§ 601.2031 *Houston, Tex., control zone.* Within a 10-mile radius of Houston Municipal Airport, within a 5-mile radius of Ellington Air Force Base, and within 2 miles either side of a direct line extending from the Houston Municipal Airport to the Monument nondirectional radio beacon.

§ 601.2032 *Laredo, Tex., control zone.* That airspace over United States territory within a 10-mile radius of Laredo AFB and within 2 miles either side of the 147° True radial of the Laredo omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2033 *Little Rock, Ark., control zone.* Within a 5-mile radius of Adams Field extending 2 miles either side of the southeast course of the Little Rock radio range to the Keo fan marker.

§ 601.2034 *Monroe, La., control zone.* Within a 5-mile radius of Selman Field, within 2 miles either side of the southwest course of the Monroe radio range extending from the radio range station to a point 4 miles southwest, and within 2 miles either side of the 41° True and 221° True radials of the Monroe omnirange extending from the control zone to a point 10 miles southwest of the omnirange station.

§ 601.2035 *New Orleans, La., control zone.* Within a 5 mile radius of Moisant International Airport, within 2 miles either side of the 221° True radial of the New Orleans omnirange extending from the omnirange station to a point 10 miles southwest, within 2 miles either side of the ILS localizer course extending from the localizer to a point 14½ miles west, within 2 miles either side of the west course of the radio range extending from the radio range station to a point 17¼ miles west, and within 2 miles either side of the east course of the radio range extending from the radio range station to the boundary of the New Orleans Airport 5 mile radius control zone.

§ 601.2036 *Ponca City, Okla., control zone.* Within a 10-mile radius of Ponca City Airport.

§ 601.2037 *San Angelo, Tex., control zone.* Within a 10 mile radius of Mathis Field and within a 5 mile radius of Goodfellow AFB, San Angelo, Tex., within 2 miles either side of the southeast course of the San Angelo radio range extending from the radio range station to a point 10 miles southeast within 2 miles either side of the northeast course of the radio range extending from the radio range station to a point 10 miles northeast, and within 2 miles either side of the 72° True radial of the San Angelo omnirange extending to a point 10 miles northeast of the omnirange station.

§ 601.2038 *Shreveport, La., control zone.* Within a 5-mile radius of Shreveport Downtown Airport, within 5 miles either side of the northwest course of the Shreveport radio range extending from the radio range station to a point 10 miles northwest, within a 7 mile radius of Barksdale Air Force Base and within 5 miles either side of the southeast course of the Barksdale AFB radio range extending from the Air Force Base to the Elm Grove fan marker.

§ 601.2039 *Tulsa, Okla., control zone.* Within a 5-mile radius of Tulsa Airport, within 2 miles either side of the northeast course of Tulsa radio range extending to the Verdigris River fan marker, within 2 miles either side of the northwest course of Tulsa radio range extending to the Skiatook fan marker, within 2 miles either side of the southwest course of Tulsa radio range extending to the Red Fork fan marker and within 2 miles either side of a line bearing 03° True from the Owasso nondirectional radio beacon extending from the beacon to a point 10 miles north and within 2 miles either side of the 88° True and 268° True radials of the Tulsa omnirange extending from the Tulsa Municipal Airport to a point 10 miles east of the omnirange station.

§ 601.2040 *Smyrna, Tenn., control zone.* Within a 5-mile radius of Sewart Air Force Base and within 2 miles either side of a line bearing 139° True extending from the Sewart AFB nondirectional radio beacon to a point 10 miles southeast.

§ 601.2041 *Akron, Colo., control zone.* Within a 3-mile radius of the CAA intermediate field and within 2 miles either side of the north and south courses of Akron radio range extending 10 miles north of the radio range station.

§ 601.2042 *Burlington, Iowa, control zone.* Within a 5-mile radius of Burlington Municipal Airport and within 2 miles either side of the 292° and 112° True radials of the Burlington omnirange extending from the airport control zone to a point 10 miles east of the omnirange station.

§ 601.2043 *Casper, Wyo., control zone.* Within a 5-mile radius of Casper Air Terminal extending east 2 miles either side of the west and east courses of the Casper radio range to the Parkerton fan marker and within 2 miles either side of a line bearing 269° True from the Casper ILS localizer extending from the Casper Air Terminal to a point 10 miles west of the ILS outer marker.

§ 601.2044 *Cheyenne, Wyo., control zone.* Within a 5-mile radius of the Cheyenne Municipal Airport, within 2 miles either side of the northwest course of the Cheyenne radio range extending from the radio range station to a point 12 miles northwest, within 2 miles either side of the east course of the radio range extending from the radio range station to a point 11½ miles east, within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles east of the airport, and within 2 miles either side of the 32° True radial of the Cheyenne omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2045 *Colorado Springs, Colo., control zone.* Within a 5-mile radius of Peterson Municipal Airport and within 2 miles either side of a line bearing 180° True from the airport extending to a point 15 miles south of the airport.

§ 601.2046 *Columbia, Mo., control zone.* Within a 5-mile radius of Columbia Municipal Airport and within 2 miles either side of the west course of Columbia radio range extending 10 miles from the radio range station.

§ 601.2047 *Denver, Colo., control zone.* Within a 10-mile radius of Stapleton Air Field, Denver, Colo., within 2 miles either side of the Stapleton ILS localizer course extending from the localizer to a point 11½ miles east of Stapleton Air Field, within 2 miles either side of a 45° True radial of the Denver omnirange extending from the omnirange station to a point 5 miles northeast, and within 2 miles either side of the north course of the Denver radio range extending from the radio range station to a point 13 miles north.

§ 601.2048 *Des Moines, Iowa, control zone.* Within a 5-mile radius of the Des Moines Municipal Airport, within 2 miles either side of the south course of the radio range station to a point 12 miles south, within 2 miles either side of the front and back courses of the Des Moines ILS localizer extending from the localizer to a point 12 miles southeast and northwest of the airport, and within 2 miles either side of the 176° True and 356° True radials of the Des Moines omnirange extending from the five mile radius zone to a point 10 miles south of the omnirange station.

§ 601.2049 *Fort Bridger, Wyo., control zone.* Within a 3-mile radius of the CAA intermediate field and within 2 miles either side of the east course of Fort Bridger radio range extending 10 miles from the radio range station.

§ 601.2050 *Garden City, Kans. control zone.* Within a 5-mile radius of the Garden City Municipal Airport (new) including the airspace within 2 miles either side of the 300° True radial of the Garden City omnirange extending to a point 12 miles northwest of the omnirange station, within 2 miles either side of the north course of the Garden City radio range extending to a point 12 miles north of the radio range station and within 2 miles either side of a line bearing 144° True extending from the radio range station to the Garden City Municipal Airport (new).

§ 601.2051 *Grand Island, Nebr., control zone.* Within a 5-mile radius of the Grand Island Airport and within 2 miles either side of the north course of Grand Island radio range extending 10 miles from the radio range station.

§ 601.2052 *Quincy, Ill., control zone.* Within a 5-mile radius of the Quincy-Baldwin Airport and within 2 miles either side of the 35° True and 215° True radials of the Quincy omnirange extending from the airport to a point 10 miles southwest of the omnirange station.

§ 601.2053 *Huron, S. Dak., control zone.* Within a 5-mile radius of the Huron Municipal Airport extending 2 miles either side of the southwest course of the radio range to its intersection with the east course of the Pierre, S. Dak., radio range, and within 2 miles either side of the Huron ILS localizer northwest course extending from the localizer to a point 12 miles northwest of the outer marker.

§ 601.2054 *Hutchinson, Kans., control zone.* Within a 5-mile radius of the Hutchinson Municipal Airport, within an 8-mile radius of the Hutchinson Naval Air Station, within 2 miles either side of the south course of the Hutchinson radio range extending from the radio range station to a point 23 miles south, and within 2 miles either side of the 222° True radial of the Hutchinson omnirange extending from the Hutchinson Municipal Airport to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the north course of the Hutchinson radio range extending from the radio range station to a point 10 miles north.

§ 601.2055 *Joplin, Mo., control zone.* Within a 5-mile radius of Joplin Airport and within 2 miles either side of a line bearing 318° True extending from the airport to a point 10 miles northwest of the Joplin ILS outer marker.

§ 601.2056 *Kansas City, Mo., control zone.* Within a 5-mile radius of the Kansas City Municipal Airport, within 2 miles either side of the north course of the Kansas City radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of a line bearing 13° True from the airport extending through the Kansas City ILS outer marker compass locator to a point 5 miles north of the ILS outer marker compass locator.

§ 601.2057 *Kirksville, Mo., control zone.* Within a 3-mile radius of Kirksville Airport and within 2 miles either side of the 316° and 136° True radials of the Kirksville omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2058 *La Junta, Colo., control zone.* Within a 5-mile radius of the La Junta Airport and within 2 miles either side of the northeast course of La Junta radio range extending 10 miles from the radio range station.

§ 601.2059 *Laramie, Wyo., control zone.* Within a 5-mile radius of Brees

Field, within 2 miles either side of the northwest course of the Laramie radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 332° True radial of the Laramie omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.2060 *Pellston, Mich., control zone.* Within a 5-mile radius of Emmet County Airport, Pellston, Mich., extending 2 miles either side of a track bearing 132° True from the Pellston non-directional radio beacon to a point 10 miles southeast.

§ 601.2061 *Lincoln, Nebr., control zone.* Within a 5-mile radius of the Lincoln Air Force Base, within 2 miles either side of the north course of the Lincoln radio range extending from the radio range station to a point 10 miles north, within 2 miles either side of the front course of the Lincoln ILS localizer extending from the localizer to a point 12 miles northwest of the outer marker, and within 2 miles either side of the south course of the Lincoln radio range extending to a point 15 miles south of the Lincoln Air Force Base.

§ 601.2062 *Mason City, Iowa, control zone.* Within a 5-mile radius of Mason City Municipal Airport and within 2 miles either side of the 2° and 182° True radials of the Mason City omnirange extending from the airport control zone to a point 10 miles south of the omnirange station.

§ 601.2063 *North Platte, Nebr., control zone.* Within a 5-mile radius of Lee Bird Municipal Field, within 2 miles either side of the south course of the North Platte radio range extending from the radio range station to a point 10 miles south, and within 2 miles either side of the 30° True and 210° True radials of the North Platte omnirange extending from Lee Bird Municipal Field to a point 10 miles southwest of the omnirange station.

§ 601.2064 *Omaha, Nebr., control zone.* Within a 5-mile radius of the Omaha, Nebr., Municipal Airport extending 2 miles either side of the north course of the Omaha radio range to the California, Iowa, Fan Marker, and extending 2 miles either side of the ILS localizer course to a point 10 miles northwest of the Omaha Municipal Airport.

§ 601.2065 *Pierre, S. Dak., control zone.* Within a 5-mile radius of Pierre Airport, within 2 miles either side of the east course of the Pierre radio range extending from the radio range station to a point 12 miles east, and within 2 miles either side of the 260° and 80° True radials of the Pierre omnirange extending from the 5-mile radius zone to a point 12 miles northeast of the omnirange station.

§ 601.2066 *Pueblo, Colo., control zone.* Within a 5-mile radius of Pueblo Municipal Airport, within 5 miles either side of a direct line extending from the center of Pueblo Municipal Airport to the Pueblo radio range station to include a 5-mile radius of the Pueblo radio range station, within 2 miles either side of the southeast course of the radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 271° and 91° True radials of the Pueblo omnirange extending from the Pueblo Municipal Airport 5-mile radius zone to a point 10 miles east of the omnirange station.

§ 601.2067 *Rapid City, S. Dak., control zone.* Within a 5-mile radius of Ellsworth Air Force Base, within 2 miles either side of the centerline of the northwest-southeast runway of Ellsworth AFB extending from the end of the runway to a point 17 miles southeast; within a 5-mile radius of the Rapid City Municipal Airport, within 2 miles either side of the south course and east course of the Rapid City radio range extending from the radio range station to points 10 miles south and east, and within 2 miles either side of the 335° True and 155° True radials of the Rapid City omnirange extending from the airport 5 mile radius zone to a point 10 miles southeast of the omnirange station.

§ 601.2068 *Rock Springs, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the east course of the radio range to the Point of Rocks fan marker, and extending 2 miles either side of the ILS localizer course to the Point of Rocks fan marker.

§ 601.2069 *St. Joseph, Mo., control zone.* Within a 5-mile radius of Rosecrans Memorial Airport, within 2 miles either side of the St. Joseph ILS localizer course extending from the localizer to a point 10 miles beyond the outer marker, and within 2 miles either side of the 355° and 175° True radials of the St. Joseph omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2070 *St. Louis, Mo., control zone.* Within a 5-mile radius of Lambert-St. Louis Municipal Airport, within 2 miles either side of the east course of the St. Louis radio range extending from the radio range station to a point 10 miles east, within 2 miles either side of the front course of the St. Louis ILS localizer extending from the localizer to a point 5 miles east of the outer compass locator and within 2 miles either side of the back course of the ILS localizer extending from the localizer to a point 10 miles southwest of the Lake nondirectional radio beacon, and within 2 miles either side of the 323° and 143° True radials of the St. Louis omnirange extending from the airport to a point 10 miles northwest of the omnirange station.

§ 601.2071 *Scottsbluff, Nebr., control zone.* Within a 5-mile radius of Scottsbluff Municipal Airport and within 2 miles either side of the southeast and northwest courses of Scottsbluff radio range extending 10 miles southeast of the radio range station.

§ 601.2072 *Sheridan, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the southeast course of the radio range to the Ucross fan marker.

§ 601.2073 *Rawlings, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport, Rawlings, Wyo., extending 2 miles either side of the east and west courses of the Sinclair, Wyo., radio range to a point 10 miles east of the radio range station.

§ 601.2074 *Sioux City, Iowa, control zone.* Within a 5-mile radius of the Sioux City Municipal Airport, within 2 miles either side of the south course of the Sioux City radio range extending from the radio range station to the Sloan Fan Marker; within 2 miles either side of the 142° True radial of the Sioux City omnirange extending from the omnirange station to a point 10 miles southeast, and within 2 miles either side of a line bearing 136° True from the Sioux City ILS outer marker compass locator, extending from the ILS outer marker compass locator to a point 10 miles southeast.

§ 601.2075 *Springfield, Mo., control zone.* Within a 5-mile radius of Springfield Municipal Airport and within 2 miles either side of the southeast and northwest courses of Springfield radio range extending 10 miles northwest of the radio range station and within 2 miles either side of the 19° and 199° True radials of the Springfield omnirange extending from the Springfield Municipal Airport to a point 10 miles northeast of the omnirange station.

§ 601.2076 *Topeka, Kans., control zone.* All that area within an 8-mile radius of the Philip Billard Airport and within 2 miles either side of the Topeka ILS localizer course extending to a point 15 miles northwest of the ILS localizer; within 2 miles either side of the 40° True radial of the Topeka omnirange extending to a point 10 miles northeast of the omnirange station, and that area within a 5-mile radius of Forbes Air Force Base, Topeka, Kans., and within 2 miles either side of the southwest course of the Forbes AFB radio range extending to a point 10 miles southwest of the Forbes AFB radio range station.

§ 601.2077 *Trinidad, Colo., control zone.* Within a 3-mile radius of Trinidad Municipal Airport and within 2 miles either side of the north course of Trinidad radio range extending 10 miles from the radio range station.

§ 601.2078 *Edenton, N. C., control zone.* Within a 5-mile radius of the Edenton Navy Auxiliary Landing Field and within 2 miles either side of a line bearing 184° True from the Edenton NALF to a point 12 miles south, excluding the portions which overlap the Albemarle Sound Restricted Area (R–1) and the Albemarle Sound Caution Area (C–10).

§ 601.2079 *Watertown, S. Dak., control zone.* Within a 5-mile radius of Watertown Airport and within 2 miles either side of the 6° True radial of the Watertown omnirange extending from the airport control zone to a point 10 miles north of the omnirange station.

§ 601.2080 *Wichita, Kans., control zone.* Within a 5-mile radius of the Wichita Municipal Airport, within 2 miles either side of a 200° True bearing from the Wichita ILS outer compass locator extending to a point 10 miles south of the outer compass locater, within a 5-mile radius of McConnell AFB, Wichita, Kans., within 2 miles either side of a 192° True bearing through the Wichita AFB nondirectional radio beacon extending from the AFB control zone to a point 10 miles south of the nondirectional radio beacon, and within 2 miles either side of the 360° True radial of the omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2081 *Jacksonville, N. C., control zone.* Within a 3-mile radius of the New River MCAF, Jacksonville, N. C., and within 2 miles either side of a 226° True bearing extending from the New River MCAF to a point 12 miles southwest, excluding the airspace above 5,500 feet mean sea level daily from sunset to sunrise.

§ 601.2082 *Akron, Ohio, control zone.* Within a 5-mile radius of the Akron Municipal Airport extending 2 miles either side of the southwest course of the Akron, Ohio, radio range to a point 10 miles southwest of the radio range station, including a 5-mile radius of the Akron-Canton County Airport extending 2 miles either side of the Akron-Canton ILS localizer course to a point 10 miles south of the outer marker and within 2 miles either side of the west course of the Akron radio range station extending from the radio range station to a point 10 miles west.

§ 601.2083 *Alexandria, Minn., control zone.* Within a 5-mile radius of the Alexandria Municipal Airport extending 2 miles either side of the north course of the Alexandria radio range to a point 10 miles north of the radio range station, and within 2 miles either side of the 230° and 50° True radials of the Alexandria omnirange extending from the Alexandria airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2084 *Battle Creek, Mich., control zone.* Within a 5-mile radius of Kellogg Field and within 2 miles either side of the south course of the Battle Creek, Mich., radio range, extending 10 miles south of the radio range station.

§ 601.2085 *Bismarck, N. Dak., control zone.* Within a 5-mile radius of the Bismarck Municipal Airport extending 2 miles either side of the east course of the Bismarck radio range to a point 10 miles east of the radio range station, extending 2 miles either side of the Bismarck ILS localizer course to a point 10 miles southeast of the outer marker, and extending 2 miles either side of the 114° True radial of the Bismarck omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2086 *Chicago, Ill., control zone.* Within a 6-mile radius of the Chicago-Midway Airport; within 2 miles either side of the northwest course of the Chicago radio range extending from the radio range station to its intersection with the northeast course of the Joliet, Ill., radio range excluding the portion which overlaps the O'Hare International Airport control zone; within 2 miles either side of the front and back courses of the Chicago-Midway ILS localizer extending from the intersection of the localizer back course with the 44° True radial of the Chicago Heights omnirange to a point 12 miles northwest of the Chicago-Midway outer marker on the localizer front course excluding the portion which overlaps the O'Hare International Airport control zone.

§ 601.2087 *Cincinnati, Ohio, control zone.* Within a 5-mile radius of the Lunken Airport extending 2 miles either side of the southwest and northeast courses of the Cincinnati, Ohio, radio range to the Loveland fan marker.

§ 601.2088 *Dodge City, Kans., control zone.* Within a 5-mile radius of Dodge City Municipal Airport and within 2 miles either side of the 161° and 341° True radials of the Dodge City omnirange extending from the airport control zone to a point 10 miles north of the omnirange station.

§ 601.2089 *Cleveland, Ohio, control zone.* Within a 5-mile radius of the Cleveland Municipal Airport, within 2 miles either side of the west course of the Cleveland radio range extending from the radio range station to the Elyria fan marker and within 2 miles either side of the Cleveland ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker and within 2 miles either side of the extended centerline of Runway 23–R extending to a point 18 miles northeast of the end of the runway.

§ 601.2090 *Columbus, Ohio, control zone.* Within a 5-mile radius of the Port Columbus Municipal Airport and within a 5-mile radius of the Lockbourne, Ohio Air Force Base including the airspace within 2 miles either side of a direct line extending from the Columbus radio range station to the Lockbourne AFB and within 2 miles either side of the extended centerline of Lockbourne AFB Runway 23 extending to a point 6½ miles northeast of the end of the runway.

§ 601.2091 *Dayton, Ohio, control zone.* Within a 5-mile radius of the Dayton Municipal Airport extending 2 miles either side of the southwest course of the Dayton ILS localizer from the localizer to a point 10 miles southwest of the outer compass locator, extending 2 miles either side of the northeast course of the ILS localizer from the localizer to a point 10 miles northeast of the Tipp City nondirectional radio beacon.

§ 601.2092 *Detroit, Mich., control zone.* Within a 5-mile radius of the Detroit City Airport extending 2 miles either side of the northwest course of the Windsor, Ontario, Canada, radio range to the United States-Canadian Border and excluding that portion which lies outside the continental limits of the United States.

§ 601.2093 *Dickinson, N. Dak., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the north course of the Dickinson radio range, extending 10 miles north of the radio range station and extending 2 miles either side of the 15° True radial of Dickinson omnirange to a point 10 miles north of the omnirange station.

§ 601.2094 *Duluth, Minn., control zone.* Within a 5-mile radius of the Williamson-Johnson Airport and within 2 miles either side of the south course of the Duluth, Minn., radio range, extending 10 miles south of the radio range station.

§ 601.2095 *Belleville, Ill., control zone.* Within a 5-mile radius of the Scott Air Force Base extending 2 miles either side of the southwest course of the Scott AFB, Belleville, Ill., radio range to a point 10 miles southwest of the radio range station.

§ 601.2096 *Evansville, Ind., control zone.* Within a 5-mile radius of Dress Memorial Municipal Airport and within 2 miles either side of the centerline of the northeast-southwest runway of the Dress Memorial Municipal Airport extending from the Evansville outer marker to a point 10 miles northeast.

§ 601.2097 *Fargo, N. Dak., control zone.* Within a 5-mile radius of the Fargo-Hector Airport, within 2 miles either side of the east course of the Fargo radio range extending to the Glyndon fan marker, within 2 miles either side of the west course of the radio range extending to a point 10 miles west of the West Fargo fan marker, and within 2 miles either side of the 181° and 01° True radials of the Fargo omnirange extending from the airport control zone to a point 10 miles south of the omnirange station.

§ 601.2098 *Flint, Mich., control zone.* Within a 5-mile radius of Bishop Airport and within 2 miles either side of a line bearing 268° True from the airport extending from the airport to a point 10 miles west of the Flint ILS outer marker.

§ 601.2099 *Fort Wayne, Ind., control zone.* Within a 5-mile radius of Baer Field, Fort Wayne, Ind., extending 2 miles either side of the southwest course of the Fort Wayne radio range to a point 10 miles southwest of the radio range station, extending 2 miles either side of the Fort Wayne ILS localizer course from the localizer to a point 10 miles southeast of the outer marker, and extending 2 miles either side of the 318° and 138° True radials of the Fort Wayne omnirange from the Baer Field control zone to a point 10 miles northwest of the omnirange station.

§ 601.2100 *Glenview, Ill., control zone.* Within a 5-mile radius of the Glenview, Ill., Naval Air Station and within 2 miles either side of the northwest course of the Glenview, Ill., radio range, extending 10 miles northwest of the radio range station.

§ 601.2101 *Goshen, Ind., control zone.* Within a 5-mile radius of the Goshen Airport and within 2 miles either side of the west course of the Goshen, Ind., radio range, extending 10 miles west of the radio range station.

§ 601.2102 *Grand Forks, N. Dak., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of the Grand Forks, N. Dak., radio range, ex-

tending 10 miles south of the radio range station.

§ 601.2103 *Grand Rapids, Mich., control zone.* Within a 6-mile radius of the Kent County Airport and within 2 miles either side of the southeast course of the Grand Rapids radio range, extending 12 miles southeast of the radio range station.

§ 601.2104 *Huntington, W. Va., control zone.* Within a 5-mile radius of the Huntington Airport, Chesapeake, Ohio; within a 5-mile radius of the Tri-State Airport, Huntington, W. Va.; within 2 miles either side of a line bearing 253° True extending from the Huntington nondirectional radio beacon to a point 10 miles west, and within 2 miles either side of a line bearing 15° True extending from the nondirectional radio beacon to a point 10 miles north.

§ 601.2105 *Indianapolis, Ind., control zone.* Within a 5-mile radius of the Weir Cook County Airport, extending 2 miles either side of the west course of the Indianapolis radio range to the Clayton fan marker, extending 2 miles either side of the Weir-Cook County Airport localizer course to a point 10 miles southwest of the outer marker and extending 2 miles either side of the 323° and 143° True radials of the Indianapolis omnirange from the Weir-Cook County Airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2106 *Jamestown, N. Dak., control zone.* Within a 5-mile radius of the Jamestown Municipal Airport extending 2 miles either side of the east course of the Jamestown radio range to a point 10 miles east of the radio range station and extending 2 miles either side of the 191° and 11° True radials of the Jamestown omnirange station from the Municipal Airport control zone to a point 10 miles south of the omnirange station.

§ 601.2107 *Joliet, Ill., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west course of the radio range to a point 10 miles west of the radio range station.

§ 601.2108 *Lansing, Mich., control zone.* Within a 5-mile radius of the Capital City Airport, Lansing, Mich., within 2 miles either side of the east course of the Lansing radio range extending from the radio range station to a point 12 miles east, within 2 miles either side of the 232° True radial of the Lansing omnirange extending from the omnirange staton to a point 12 miles southwest, within 2 miles either side of the 52° True radial of the Lansing omnirange extending from the omnirange station to a point 12 miles northeast of its intersection with the northwest course of the Lansing radio range, within 2 miles either side of the Lansing ILS localizer front course extending from the localizer to a point 12 miles east of the ILS outer marker, and within 2 miles either side of the ILS localizer back course extending from the localizer to a point 10 miles west of its intersection with the Lansing omnirange 358° True radial.

§ 601.2109 *Lafayette, Ind., control zone.* Within a 5-mile radius of Purdue University Airport and within 2 miles either side of the 137° and 317° True radials of the Lafayette omnirange extending from the 5-mile radius zone to a point 12 miles northwest of the omnirange station.

§ 601.2110 *Lone Rock, Wis., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the 24° True and 204° True radials of the Lone Rock omnirange extending from the Municipal Airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2111 *Louisville, Ky., control zone.* Within a 5-mile radius of Standiford Field and within a 5-mile radius of Bowman Field extending 2 miles either side of the Standiford Field ILS localizer course from the localizer to the limits of the Fort Knox, Ky., restricted area, extending 2 miles either side of the 122° and 302° True radials of the Louisville omnirange from the Standiford Field control zone to a point 10 miles southeast of the omnirange station, and extending 2 miles either side of the 154° and 334° True radials of the Louisville omnirange from the Bowman Field control zone to a point 10 miles southeast of the omnirange station.

§ 601.2112 *Madison, Wis., control zone.* Within a 5-mile radius of Truax Field, within 2 miles either side of the east course of the Madison radio range extending from the radio range station to a point 10 miles east, and within 2 miles of lines bearing 183° True and 03° True from the outer marker extending from the Truax Field control zone to a point 10 miles south of the outer marker.

§ 601.2113 *Milwaukee, Wis., control zone.* Within a 5-mile radius of General Mitchell Field, within 2 miles either side of the south course of the radio range extending from the radio range station to a point 12 miles south, and within 2 miles either side of the front course of the Milwaukee ILS localizer extending from the localizer to a point 12 miles south of the ILS outer marker.

§ 601.2114 *Minneapolis, Minn., control zone.* Within a 5-mile radius of the Minneapolis-St. Paul International Airport, within 2 miles either side of the southeast course of the Minneapolis radio range extending from the radio range station to a point 12 miles southeast, within 2 miles either side of the southeast (front) course of the Minneapolis ILS localizer extending from the localizer to a point 12 miles southeast of the outer marker, and within 2 miles either side of the northwest (back) course of the ILS localizer extending from the localizer to a point 17 miles northwest of the airport.

§ 601.2115 *Minot, N. Dak., control zone.* Within a 5-mile radius of Port o'Minot Field, within 2 miles either side of the southeast course of the Minot radio range extending from the radio range station to a point 12 miles southeast, and within 2 miles either side of the 254° and 74° True radials of the Minot omnirange extending from the 5-mile radius zone to a point 12 miles northeast of the omnirange station.

§ 601.2116 *Moline, Ill., control zone.* Within a 5-mile radius of Quad-City Airport, within 2 miles either side of the Quad-City ILS localizer west (front) course extending from the localizer to a point 12 miles west of the outer marker and within 2 miles either side of the ILS localizer east (back) course extending from the localizer to a point 12 miles east of its intersection with the 199° True radial of the Moline omnirange.

§ 601.2117 *Muskegon, Mich., control zone.* Within a 5-mile radius of Muskegon County Airport extending 2 miles either side of the southeast course of the radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 145° True radial of the Muskegon omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2118 *Hampton Roads, Va., control zone.* Within a 5-mile radius of Langley AFB and within 2 miles either side of the extended centerline of Runway 25 extending from the 5-mile radius zone to a point 6 miles southwest of the Morrison nondirectional radio beacon, excluding the portion which overlaps restricted area R–49.

§ 601.2119 *Peoria, Ill., control zone.* Within a 5-mile radius of Greater Peoria Airport, within 2 miles either side of the north course of the Peoria radio range extending from the radio range station to a point 12 miles north, and within 2 miles either side of the 102° True and 282° True radials of the Peoria omnirange extending from the 5-mile radius zone to a point 12 miles west of the omnirange station.

§ 601.2120 *Rochester, Minn., control zone.* Within a 5-mile radius of the Rochester Airport extending 2 miles either side of the south course of the radio range to a point 10 miles south of the radio range station, and extending 2 miles either side of the 222° and 42° True radials of the Rochester omnirange from the Rochester Airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2121 *Rockford, Ill., control zone.* Within a 5-mile radius of the Greater Rockford Airport, within 2 miles either side of a line bearing 182° True extending from the Rockford radio range station to the Greater Rockford Airport, within 2 miles either side of the northwest course of the Rockford radio range extending from the radio range station to a point 10 miles northwest, within 2 miles either side of a line extending from the Greater Rockford Airport through the Rockford nondirectional radio beacon to a point 12 miles south of the nondirectional radio beacon, and within 2 miles either side of the 112° True and 292° True radials of the Rockford omnirange station extending from the 5-mile radius zone to a point 12 miles northwest of the omnirange station.

§ 601.2122 *Detroit, Mich., control zone.* Within a 5-mile radius of the Metropolitan Wayne County Airport, within a 12-mile radius of the Willow Run Airport, within 2 miles either side of the front and back courses of the Willow Run ILS localizer extending from a point 12 miles southwest of the Willow Run outer marker to a point 12 miles northeast of the Ford nondirectional radio beacon, and within 2 miles either side of the front and back courses of the Wayne County ILS localizer extending from a point 12 miles southwest of the Wayne County ILS outer marker to a point 15½ miles northeast of the Wayne County ILS localizer. The pie-shaped area bounded on the north by a line 2 miles south of and parallel to the 282° True radial of the Willow Run TVOR and bounded on the south by a line 2 miles north of and parallel to the 252° True radial of the Willow Run TVOR is excluded.

§ 601.2123 *South Bend, Ind., control zone.* Within a 5-mile radius of St. Joseph County Airport extending 2 miles either side of the west course of the South Bend radio range to the New Carlisle fan marker, extending 2 miles either side of the South Bend, Ind., ILS localizer course from the St. Joseph County Airport control zone to a point 10 miles east of the outer marker, and extending 2 miles either side of the 359° True radial of the South Bend omnirange to a point 10 miles north of the omnirange station.

§ 601.2124 *Roswell, N. Mex., control zone.* Within a 15-mile radius of the Roswell radio range station and within 2 miles either side of the 220° True and 297° True radials of the Roswell omnirange extending from the omnirange station to points 10 miles southwest and northwest.

§ 601.2125 *Terre Haute, Ind., control zone.* Within a 5-mile radius of Hulman Field, Terre Haute, Ind., extending 2 miles either side of the northeast and southwest courses of the Terre Haute radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 02° True radial of the Terre Haute omnirange from the airport to a point 10 miles north of the omnirange station.

§ 601.2126 *Toledo, Ohio, control zone.* Within a 5-mile radius of Toledo Express Airport and within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles beyond the outer marker.

§ 601.2127 *Youngstown, Ohio, control zone.* Within a 5-mile radius of the Youngstown Municipal airport, within 2 miles either side of the north course of the Youngstown radio range extending from the radio range station to a point 10 miles north, within 2 miles either side of a line bearing 135° True from the airport through the outer compass locator extending to a point 15 miles southeast of the airport, and within 2 miles either side of the 359° True radial of the Youngstown omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2128 *Wilmington, N. C., control zone.* Within a 5-mile radius of the New Hanover County Airport, within 2 miles either side of a line bearing 337° True extending from the Wilmington nondirectional radio beacon to a point 10 miles northwest and within 2 miles either side of a line bearing 159° True extending from the ILS middle marker to a point 12 miles southeast of the middle marker.

§ 601.2129 *Bowling Green, Ky., control zone.* Within a 5-mile radius of the Bowling Green Municipal Airport extending 2 miles either side of the southeast course of the Bowling Green radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 203° True radial of the Bowling Green omnirange to a point 10 miles southwest of the omnirange station.

§ 601.2130 *Atlanta, Ga., control zone.* Within a 5-mile radius of the Municipal Airport, within 2 miles either side of the southeast course of the Atlanta radio range from the radio range station to the Jonesboro fan marker, within 2 miles either side of the west (front) course of the ILS localizer extending from the localizer to a point 5 miles west of the ILS outer marker and within 2 miles either side of the east (back) course of the ILS localizer extending from the localizer to a point 13 miles east of the localizer, and within 2 miles either side of the 017° True and 197° True radials of the Atlanta omnirange extending from the 5-mile radius zone to a point 5 miles south of the omnirange station.

§ 601.2131 *Augusta, Ga., control zone.* Within a 5-mile radius of Bush Field, Augusta, Ga., extending 2 miles either side of a direct line from Bush Field to the Augusta, Ga., radio range station and extending 2 miles either side of the west course of the Augusta radio range to a point 10 miles west of the radio range station and within 2 miles either side of the Augusta ILS localizer north (back) course extending to a point 8 miles north of the localizer.

§ 601.2132 *Biloxi, Miss., control zone.* Within a 5-mile radius of Keesler AFB and within 2 miles either side of the northeast course of Keesler AFB radio range, extending 5 miles northeast of the radio range station.

§ 601.2133 *Birmingham, Ala., control zone.* Within a 5-mile radius of Birmingham Airport and within 2 miles either side of the north course of the Birmingham, Ala., radio range, extending 10 miles north of the Birmingham, Ala., radio range station.

§ 601.2134 *Charleston, S. C., control zone.* Within a 5-mile radius of the Charleston Municipal Airport, within 2 miles either side of the northwest course of the Charleston radio range extending from the radio range station to the Summerville fan marker and within 2 miles either side of the 161° True and 341° True radials of the Charleston omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2135 *Charlotte, N. C., control zone.* Within a 5-mile radius of Douglas Airport, within 2 miles either side of the south course of the Charlotte radio range extending from the radio range station to the Fort Mill fan marker, and within 2 miles either side of the Charlotte ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker and within 2 miles either side of the 005° True and 185° True radials of the Charlotte omnirange extending from the 5-mile radius zone to a point 10 miles south of the omnirange station.

§ 601.2136 *Newport News, Va., control zone.* Within a 5-mile radius of Patrick Henry Airport and within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker, excluding the portion which overlaps the Hampton Roads, Va. (Langley AFB) control zone.

§ 601.2137 *Columbia, S. C., control zone.* Within a 5-mile radius of the Columbia Airport, within 2 miles either side of the east and west courses of the Columbia radio range extending from the airport to a point 5 miles east of the radio range station, and within 2 miles either side of the 325° True and 145° True radials of the Columbia omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station, and within a 5-mile radius of Owens Field, Columbia, S. C., and 2 miles either side of the southeast course of the Columbia radio range extending from the radio range station to a point 10 miles southeast.

§ 601.2138 *Crestview, Fla., control zone.* Within a 5-mile radius of the Crestview Airport, within 2 miles either side of the east course of the Crestview radio range extending from the radio range station to a point 10 miles east, and within 2 miles either side of the 110° and 290° True radials of the Crestview omnirange extending from the airport control zone to a point 10 miles west of the omnirange station.

§ 601.2139 *Cross City, Fla., control zone.* Within a 5-mile radius of the Cross City Airport, within 2 miles either side of the southeast course of the Cross City radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 118° True radial of the Cross City omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2140 *Daytona Beach, Fla., control zone.* Within a 5-mile radius of the Daytona Beach Airport, within 2 miles either side of the west course of the Daytona Beach radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of the 64° True and 244° True radials of the Daytona Beach omnirange extending from the 5-mile radius control zone to a point 10 miles southwest of the omnirange station.

§ 601.2141 *Dothan, Ala., control zone.* Within a 5-mile radius of Dothan Airport and within 2 miles either side of the southwest course of Dothan, Ala., radio range, extending 10 miles southwest of the radio range station, excluding the portion above 19,000 feet which lies with-

in the Tyndall AFB restricted area (R–336), between sunset and sunrise.

§ 601.2142 *Florence, S. C., control zone.* Within a 5-mile radius of the Florence Municipal Airport, within 2 miles either side of the southeast course of the Florence radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 51° True and 231° True radials of the Florence omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2143 *Fort Myers, Fla., control zone.* Within a 5-mile radius of Page Field, Fort Myers, Fla., within 2 miles either side of a line bearing 220° True extending from the Fort Myers nondirectional radio beacon to a point 10 miles southwest, and within 2 miles either side of the 224° True radial of the Fort Myers omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.2144 *Greensboro, N. C., control zone.* Within a 5-mile radius of the Greensboro High Point Airport, within 2 miles either side of the northeast course of the Greensboro radio range extending from the radio range station to a point 10 miles northeast, and within 2 miles either side of the 204° True radial of the Greensboro omnirange extending from the omnirange station to a point 10 miles southwest excluding the portion which overlaps the Smith-Reynolds Airport, Winston-Salem, N. C., control zone.

§ 601.2145 *Greenville, S. C., control zone.* Within a 5-mile radius of the Greenville Airport and within 2 miles either side of the south course of Greenville, S. C., radio range, extending 10 miles south of the radio range station.

§ 601.2146 *Greenwood, Miss., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the east course of Greenwood, Miss., radio range extending 10 miles east of the radio range station and within 2 miles either side of the 066° True and 246° True radials of the Greenwood omnirange extending from the airport to a point 10 miles southwest of the omnirange station.

§ 601.2147 *Waterloo, Iowa, control zone.* Within a 5-mile radius of the Waterloo Municipal Airport and within 2 miles either side of the 78° True, 200° True, 238° True, 314° True and 356° True radials of the Waterloo omnirange extending from the omnirange station to points 12 miles east, south, southwest, northwest and north of the omnirange station.

§ 601.2148 *Jackson, Miss., control zone.* Within a 5-mile radius of Hawkins Airport extending 2 miles either side of the north course of the Jackson radio range to the Flora Fan Marker and within 2 miles either side of the 162° True and 342° True radials of the Jackson omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2149 *Jacksonville, Fla., control zone.* Within a 5-mile radius of Imeson Airport, within 2 miles either side of the 64° True radial of the Jacksonville omnirange extending from the omnirange station to a point 10 miles northeast, within 2 miles either side of the east course of the Jacksonville radio range extending from the radio range station to the Fort George Island fan marker and including the airspace within a 3-mile radius of Mayport Naval Auxiliary Air Station and within 2 miles either side of a line bearing 51° True extending from the Mayport NAAS nondirectional radio beacon to a point 10 miles northeast.

§ 601.2150 *Key West, Fla., control zone.* Within a 5-mile radius of Meacham Field and within a 5-mile radius of Boca Chica Naval Air Station, Key West, Fla., within 2 miles either side of the west course of the Key West radio range extending from the radio range station to a point 10 miles west, within 2 miles either side of a 242° True bearing from the Key West radio range station extending from the Meacham Field 5-mile radius zone to a point 10 miles southwest of the radio range station; within 2 miles either side of the 313° True and the 273° True radials of the Key West omnirange extending to points 10 miles northwest and west of the omnirange station.

§ 601.2151 *Knoxville, Tenn., control zone.* Within a 5-mile radius of the McGhee-Tyson Airport extending 2 miles either side of the north course of the radio range to the Inskip fan marker.

§ 601.2152 *Macon, Ga., control zone.* Within a 5-mile radius of Cochran Field extending 2 miles either side of the northwest course of the radio range to a point 10 miles northwest of the range station.

§ 601.2153 *Melbourne, Fla., control zone.* Within a 5-mile radius of the Melbourne-Eau Gallie Airport and within a 5-mile radius of the Patrick AFB extending 2 miles either side of the north course of the Melbourne radio range from the radio range station to a point 10 miles north.

§ 601.2154 *Memphis, Tenn., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of Memphis, Tenn., radio range extending to the Nesbitt fan marker and within 2 miles either side of the 109° True radial of the Memphis omnirange extending from the airport control zone to a point 10 miles east of the omnirange station.

§ 601.2155 *Meridian, Miss., control zone.* Within a 5-mile radius of Key Field, Meridian, Miss., within 2 miles either side of the northwest course of the Meridian radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 314° True radial of the Meridian omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.2156 *Miami, Fla., control zone.* Within a 5-mile radius of Miami International Airport and within 2 miles either side of the east and west courses of the Miami radio range extending from the five mile radius zone to a point 10 miles west of the radio range station and within 2 miles either side of the back course of the Miami ILS localizer extending from the localizer to a point 10 miles east.

§ 601.2157 *Mobile, Ala., control zone.* Within a 5-mile radius of Bates Field, Mobile, Ala., and within 2 miles either side of the 112° and 292° True radials of the Mobile omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2158 *Grandview, Mo., control zone.* Within a 5-mile radius of Grandview Air Force Base excluding the portion lying north of Lat. 38°52'30" and west of Long. 94°35'50", and including the airspace within 2 miles either side of a line bearing 188° True extending from the Air Force Base to a point 10 miles south of the Cleveland, Mo., nondirectional radio beacon.

§ 601.2159 *Montgomery, Ala., control zone.* Within a 5-mile radius of Dannelly Field; within a 5-mile radius of Maxwell Air Force Base; within 2 miles either side of the north and west courses of the Maxwell AFB radio range extending from the radio range station to points 10 miles north and west of the station; within 2 miles either side of a line bearing 276° True from Dannelly Field through the Dannelly ILS outer marker to a point 5 miles west of the outer marker, and within 2 miles either side of the 321° True and 141° True radials of the Montgomery omnirange extending from the Dannelly Field control zone to a point 5 miles southeast of the omnirange station.

§ 601.2160 *Muscle Shoals, Ala., control zone.* Within a 5-mile radius of Muscle Shoals Airport, within 2 miles either side of the southeast course of the Muscle Shoals radio range extending to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 112° True and 292° True radials of the Muscle Shoals omnirange extending from the 5-mile radius zone to a point 10 miles southeast of the omnirange station.

§ 601.2161 *Nashville, Tenn., control zone.* Within a 5-mile radius of Berry Field and within 2 miles either side of the east course of Nashville, Tenn., radio range extending to the Mount Juliet fan marker.

§ 601.2162 *Orlando, Fla., control zone.* Within a 5-mile radius of the Orlando Municipal Airport and within a 5-mile radius of Pinecastle AFB, within 2 miles either side of the northeast course of the Orlando radio range extending from the radio range station to a point 10 miles northeast and within 2 miles either side of a direct line extending from the Pinecastle AFB through the Pinecastle nondirectional radio beacon to a point 10 miles south of the Air Force Base.

§ 601.2163 *Pensacola, Fla., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of Pensacola, Fla., radio range, extending 10 miles south of the radio range station and within 2 miles either side of the ILS localizer northwest course extending from the localizer to a point 15 miles northwest."

§ 601.2164 *Raleigh, N. C., control zone.* Within a 5-mile radius of Raleigh-Durham Airport and within 2 miles either side of the southeast course of Raleigh, N. C., radio range, extending 10 miles southeast of the radio range station.

§ 601.2165 *Savannah, Ga., control zone.* Within a 5-mile radius of Travis Field including the airspace within a 5-mile radius of Hunter Air Force Base, within 2 miles either side of the centerline of the east-west runway of Hunter AFB extending from the end of the runway to a point 10 miles east, within 2 miles either side of the centerline of the east-west runway of Travis Field extending from the end of the runway to a point 10 miles west, within 2 miles either side of the northwest and southeast courses of the Savannah radio range extending from the Travis Field control zone to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 245° True and 65° True radials of the Savannah omnirange extending from Travis Field to a point 10 miles northeast of the omnirange station.

§ 601.2166 *Spartanburg, S. C., control zone.* Within a 5-mile radius of Memorial Airport and within 2 miles either side of the southwest course of Spartanburg, S. C., radio range, extending 10 miles southwest of the radio range station.

§ 601.2167 *Tallahassee, Fla., control zone.* Within a 5-mile radius of Dale Mabry Field, within 2 miles either side of the northwest course of the Tallahassee radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 162° True and 342° True radials of the Tallahassee omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station, excluding the airspace above 19,000 feet overlapping Tyndall AFB restricted area (R–336) between sunset and sunrise.

§ 601.2168 *Tampa, Fla., control zone.* That airspace within a 5-mile radius of the Tampa International Airport, within a 5-mile radius of McDill Air Force Base, within 2 miles either side of a line extending from the Tampa International Airport to the Tampa radio range station and within 2 miles either side of the southeast course of the Tampa radio range extending to a point 10 miles southeast of the radio range station, within a 5-mile radius of the Pinellas County Airport and 2 miles either side of a line extending from Pinellas County Airport to the Tampa radio range station, and within 2 miles either side of the 340° True radial of the Tampa omnirange extending from the Pinellas County Airport control zone to a point 10 miles northwest of the omnirange station and that airspace within 5 miles either side of a direct line extending from the Pinellas County Airport to the Tampa International Airport.

§ 601.2169 *Tri-City, Tenn., control zone.* Within a 5-mile radius of the Tri-City Airport and within 2 miles either side of the northeast course of Tri-City, Tenn., radio range extending 10 miles northeast of the radio range station.

§ 601.2170 *West Palm Beach, Fla., control zone.* Within a 5-mile radius of Palm Beach Air Force Base and within 2 miles either side of the west course of West Palm Beach, Fla., radio range extending 10 miles west of the radio range station.

§ 601.2171 *Winston-Salem, N. C., control zone.* Within a 5-mile radius of Smith-Reynolds Airport and within 2 miles either side of the southeast and northwest courses of Winston-Salem radio range extending 10 miles southeast of the radio range station.

§ 601.2172 *Alma, Ga., control zone.* Within a 5-mile radius of Alma Intermediate Field and within 2 miles either side of the northwest course of the Alma, Ga., radio range extending 10 miles northwest of the radio range station.

§ 601.2173 *Bakersfield, Calif., control zone.* Within a 5-mile radius of the Bakersfield-Kern County Airport and within 2 miles either side of the northwest course of Bakersfield, Calif., radio range extending 11 miles northwest of the radio range station.

§ 601.2174 *Burbank, Calif., control zone.* Within a 5-mile radius of the Lockheed Air Terminal, Burbank, including the airspace within a 5-mile radius of the San Fernando Valley Airport, Van Nuys, Calif., and the airspace within a 3-mile radius of the Grand Central Airport, Glendale, Calif.

§ 601.2175 *El Centro, Calif., control zone.* Within a 5-mile radius of the Naval Air Station extending to and including a 2-mile radius of the El Centro radio range station and 2 miles either side of the east course of the El Centro radio range to a point 10 miles east of the radio range station.

§ 601.2176 *Fresno, Calif., control zone.* Within a 5-mile radius of Fresno Air Terminal and within a 3-mile radius of Fresno-Chandler Municipal Airport, and within 2 miles either side of the west and southeast courses of the Fresno radio range extending from the radio range station to points 10 miles west and southeast.

§ 601.2177 *Las Vegas, Nev., control zone.* Within a 5-mile radius of McCarran Field, Las Vegas, Nev., extending 2 miles either side of the southwest course of the Las Vegas, Nev., radio range to and including a 5-mile radius of the Las Vegas, Nev., Air Force Base.

§ 601.2178 *Long Beach Calif., control zone.* That airspace within a 5-mile radius of Long Beach Municipal Airport including the airspace within a 5-mile radius of NAS Los Alamitos, Calif., and the airspace within 2 miles either side of the southeast course of the Long Beach radio range extending from the radio range station to a point 14 miles southeast, excluding the portion in conflict with El Toro MCAF control zone.

§ 601.2179 *Los Angeles, Calif., control zone.* Within a 5-mile radius of the Los Angeles International Airport, within 2 miles either side of the ILS east course extending from the localizer to a point 6 miles east of the airport, and within 2 miles either side of a line bearing 338° True from the Los Angeles nondirectional radio beacon extending to the Burbank, Calif., control zone.

§ 601.2180 *Oakland, Calif., control zone.* Within a 5-mile radius of the Metropolitan Oakland International Airport, within 2 miles on the northeast side and 5 miles on the southwest side of the northwest course of the Oakland radio range extending from the radio range station to a point 10 miles northwest, within 8 miles on the northwest side and 3¾ miles on the southeast side of the southwest course of the Oakland radio range extending from the radio range station to a point 6 miles southwest, and within 2 miles on the southwest side and 7 miles on the northeast side of the southeast course of the Oakland radio range extending from the radio range station to the Fremont fan marker.

§ 601.2181 *Ogden, Utah, control zone.* Within a 5-mile radius of Hill Air Force Base, Ogden, Utah, including the airspace within a 5-mile radius of the Ogden Municipal Airport, and within 2 miles either side of the 345° True and 166° True radials of the Ogden omnirange extending to a point 10 miles north of the omnirange station and southward to the Layton, Utah, fan marker.

§ 601.2182 *Palmdale, Calif., control zone.* Within a 5-mile radius of Palmdale Airport and within 2 miles either side of the northeast course of the Palmdale radio range extending from the radio range station to Muroc Lake Restricted Area R–279.

§ 601.2183 *Grand Junction, Colo., control zone.* Within a 5-mile radius of Walker Field, Grand Junction, Colo., within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles northwest.

§ 601.2184 *Prescott, Ariz., control zone.* Within a 5-mile radius of the Municipal Airport (Ernest Love Field) and within 2 miles either side of the southeast course of Prescott, Ariz., radio range to and including the area within a 2-mile radius of Prescott radio range station.

§ 601.2185 *Sacramento, Calif., control zone.* The airspace within circles of 5-mile radii centered on the Sacramento Municipal Airport and the McClellan Air Force Base and within lines drawn tangent thereto, including the airspace within 2 miles either side of the southwest course of the Sacramento radio range extending from the radio range station to a point 10 miles southwest and within 2 miles either side of a line bearing 358° True extending from McClellan AFB to Red civil airway No. 76.

§ 601.2186 *San Diego, Calif., control zone.* Within a 5-mile radius of Lindberg Field, San Diego, Calif., and within 2 miles either side of the north course of the San Diego radio range extending from the radio range station to the La Jolla fan marker and within 2 miles

either side of the 295° True radial of the San Diego terminal omnirange extending from the terminal omnirange station to a point 10 miles northwest.

§ 601.2187 *San Francisco, Calif., control zone.* Within a 5-mile radius of the San Francisco International Airport, within 2 miles either side of the northwest course of the San Francisco radio range extending from the radio range station to a point 10 miles northwest, within 10 miles on the northwest side and 7½ miles on the southeast side of the northeast course of the San Francisco radio range extending from the radio range station to a point 9 miles northeast, and within 2 miles on the southwest side of the southeast course of the San Francisco radio range extending from the radio range station to a point 5 miles southeast. The portions of this control zone which overlap the Oakland, Calif., control zone are excluded.

§ 601.2188 *Salt Lake City, Utah, control zone.* Within a 5-mile radius of Municipal Airport No. 1, within 2 miles either side of the north course of Salt Lake City, Utah, radio range, extending to Layton fan marker and within 2 miles either side of the west course of the Salt Lake City radio range, extending 10 miles west of the radio range station.

§ 601.2189 *Olathe, Kans., control zone.* Within a 10-mile radius of the Naval Air Station excluding that portion which lies within Green civil airway No. 4 and extending 2 miles either side of the south course of the Olathe, Kans., Navy radio range to a point 10 miles south of the radio range station.

§ 601.2190 *Atlantic City, N. J., control zone.* Within a 7-mile radius of the Naval Air Station extending 2 miles on the southwest side of the southeast course of the Atlantic City, N. J., radio range to and including the airspace bounded on the west by a line bearing 174° True from the Naval Air Station, bounded on the southeast by a line lying 3 nautical miles off-shore, and bounded on the northeast by a line bearing 112° True from the Naval Air Station.

§ 601.2191 *Zanesville, Ohio, control zone.* Within a 5-mile radius of the Zanesville Municipal Airport and within 2 miles either side of a line bearing 210° True from the Municipal Airport extending from the airport to a point 10 miles southwest.

§ 601.2192 *Ontario, Calif., control zone.* Within a 5-mile radius of the Ontario International Airport and within 2 miles either side of a line bearing 89° True extending from the airport to the centerline of the northwest course of the Riverside, Calif., radio range.

§ 601.2193 *Kahului, Maui, T. H., control zone.* Within a 5-mile radius of the Kahului Airport extending 2 miles either side of the north course of the Maui radio range to the Maui radio range station.

§ 601.2194 *Hilo, Hawaii, T. H., control zone.* Within a 5-mile radius of the Hilo General Lyman Airport extending 2 miles either side of the east course of the Hilo radio range to a point 10 miles east of the radio range station.

§ 601.2195 *Windsor Locks, Conn., control zone.* Within a 5-mile radius of Bradley Field extending 2 miles either side of the ILS localizer course to a point 10 miles from the ILS localizer.

§ 601.2196 *Wilmington, Del., control zone.* Within a 5-mile radius of the New Castle County Airport extending 2 miles either side of the south course of the New Castle radio range to a point 10 miles south of the radio range station.

§ 601.2197 *Morgantown, W. Va., control zone.* Within a 5-mile radius of the Morgantown Airport extending 2 miles either side of the southeast and northwest courses of the Morgantown radio range to a point 10 miles northwest of the radio range station.

§ 601.2198 *Montpelier, Vt., control zone.* Within a 5-mile radius of the Barre-Montpelier Airport extending 2 miles either side of the northeast course of the Montpelier radio range to a point 10 miles northeast of the radio range station.

§ 601.2199 *Syracuse, N. Y., control zone.* Within a 5-mile radius of the Clarence E. Hancock Airport, within 2 miles either side of the Syracuse ILS localizer east course extending from the localizer to a point 10 miles east of the outer marker, within 2 miles either side of a direct line extending westward from the airport to the Syracuse radio range station thence within 2 miles either side of the west course of the radio range extending from the radio range station to a point 10 miles west, and the airspace within 2 miles either side of the 120° True and 300° True radials of the Syracuse omnirange extending to a point 10 miles northwest of the omnirange station.

§ 601.2200 *Allentown, Pa., control zone.* Within a 5-mile radius of Allentown-Bethlehem-Easton Airport and within 2 miles either side of the northeast course of the Allentown radio range extending from the radio range station to a point 10 miles northeast; within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker, and within 2 miles either side of the 347° True radial of the Allentown omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2201 *Williamsport, Pa., control zone.* Within a 5-mile radius of the Lycoming County Airport extending 2 miles either side of the west course of the Williamsport radio range to the radio range station.

§ 601.2202 *Philadelphia, Pa., control zone.* Within a 5-mile radius of the North Philadelphia Airport extending 2 miles either side of the northeast course of the Philadelphia radio range to a point 10 miles northeast of the radio range station.

§ 601.2203 *Martinsburg, W. Va., control zone.* Within a 5-mile radius of the Martinsburg Airport extending 2 miles either side of the southwest course of the Martinsburg radio range to a point 10 miles southwest of the radio range station.

§ 601.2204 *Presque Isle, Maine, control zone.* Within a 5-mile radius of the Presque Isle AFB extending 5 miles either side of the south course of the Sprague ville radio range to a point 10 miles south of the radio range station.

§ 601.2205 *Chincoteague, Va., control zone.* Within a 5-mile radius of the Naval Air Station extending 2 miles either side of the west course of the Chincoteague radio range to a point 8 miles west of the radib range station excluding that portion which lies within restricted areas.

§ 601.2206 *New York, N. Y., control zone.* Within a 5-mile radius of LaGuardia Field extending 5 miles to either side of the northeast course of the LaGuardia field radio range to the Port Chester fan marker.

§ 601.2207 *White Plains, N. Y., control zone.* Within a 5-mile radius of the Westchester County Airport extending 2 miles either side of the ILS localizer course to the ILS outer marker.

§ 601.2208 *Stockton, Calif., control zone.* Within a 5-mile radius of the Stockton Field Airport extending 2 miles either side of the southeast course of the Stockton radio range to a point 10 miles southeast of the radio range station.

§ 601.2209 *Tucson, Ariz., control zone.* Within a 5-mile radius of the Davis-Monthan AFB extending to and including a 5-mile radius of Tucson Municipal Airport No. 2.

§ 601.2210 *Santa Barbara, Calif., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west course of the Santa Barbara radio range to a point 10 miles west of the radio range station.

§ 601.2211 *Beeville, Tex., control zone.* Within a 5-mile radius of NAAS Chase Field, Beeville, Tex., and within 2 miles either side of a line bearing 139° True from Chase Field extending to a point 8 miles south of Chase Field and within 2 miles either side of a direct line extending from Chase Field to the Normanna nondirectional radio beacon.

§ 601.2212 *Sumter, S. C., control zone.* Within a 5-mile radius of Shaw AFB, Sumter, S. C., extending 2 miles either side of the southwest course of the Shaw AFB radio range to a point 10 miles southwest of the radio range station.

§ 601.2213 *Salina, Kans., control zone.* Within a 5-mile radius of the Smoky Hill AFB and within a 5-mile radius of the Salina Municipal Airport extending 2 miles either side of the 142° True and 322° True radials of the Salina, Kans., omnirange from the Salina Municipal Airport to a point 10 miles northwest of the omnirange station, and extending 2 miles either side of the 10° True and 190° True radials of the Salina, Kans., omnirange from the Smoky Hill AFB to a point 10 miles north-northeast of the omnirange station including that airspace lying in a clockwise direction between the 322° True and 10° True radials of the Salina omnirange within a 10 mile radius of the Salina omnirange station.

§ 601.2214 *Goodland, Kans., control zone.* Within a 5-mile radius of the Goodland, Kans., Municipal Airport and within 2 miles either side of the 22° True radial of the Goodland omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2215 *San Juan, P. R., control zone.* Within an 8-statute-mile radius of a point at lat. 18°27'00" N., long. 66°03'00" W., within 2 statute miles either side of the west course of the San Juan radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of a 277° True bearing extending from the San Juan nondirectional beacon to a point 10 miles west.

§ 601.2216 *Seattle, Wash., control zone.* Within a 5-mile radius of the Naval Air Station extending 1½ miles either side of a track 341° True to a point 7 miles northwest of the airport excluding that portion west of a line connecting Latitude 47°44'00", Longitude 122° 20'10" and Latitude 47°37'00", Longitude 122°19'10".

§ 601.2217 *Aberdeen, S. Dak., control zone.* Within a 5-mile radius of the Aberdeen Municipal Airport (Saunders Field), within 2 miles either side of the south course of the Aberdeen radio range extending from the radio range station to a point 12 miles south, and within 2 miles either side of the 131° True radial of the Aberdeen omnirange extending from the omnirange station to a point 12 miles southeast.

§ 601.2218 *Sioux Falls, S. Dak., control zone.* Within a 5-mile radius of Sioux Falls Municipal Airport (Foss Field), within 2 miles either side of the northwest course of the Sioux Falls radio range extending from the radio range station to a point 12 miles northwest, within 2 miles either side of the 336° True radial of the Sioux Falls omnirange extending from the omnirange station to a point 12 miles northwest, and within 2 miles either side of the northeast (back) course of the Sioux Falls ILS localizer extending from the localizer to a point 16 miles northeast.

§ 601.2219 *Cedar Rapids, Iowa, control zone.* Within a 5-mile radius of the Cedar Rapids Municipal Airport and within 2 miles either side of a line bearing 266° True extending from the airport to a point 10 miles west, and within 2 miles either side of a line bearing 90° True extending from the airport to a point 10 miles east.

§ 601.2220 *Lubbock, Tex., control zone.* Within a 5-mile radius of Lubbock Municipal Airport, within a 5-mile radius of Reese AFB, within 2 miles either side of the east course of the Lubbock radio range extending from Lubbock Municipal Airport to the radio range station and within 2 miles either side of the north course of the radio range extending from the radio range station to the Roundup fan marker, within 2 miles either side of the 302° True and 122° True radials of the Lubbock omnirange extending from the Lubbock airport control zone to a point 10 miles northwest of the omnirange station and within 2 miles either side of a 180° True Track from the Lubbock ILS outer marker compass locator extending from the outer marker compass locator to the airport control zone boundary.

§ 601.2221 *La Crosse, Wis., control zone.* Within a 5-mile radius of the La Crosse Municipal Airport extending 2 miles either side of the northwest course of the La Crosse radio range to a point 10 miles northwest, 2 miles either side of the 227° radial of the La Crosse terminal omnirange to a point 12 miles southwest, and 2 miles either side of the 146° radial of the La Crosse omnirange to a point 10 miles southeast.

§ 601.2222 *Austin, Tex., control zone.* Within a 10-mile radius of Robert Mueller Airport including a 5-mile radius of Bergstrom AFB and within 2 miles either side of the 04° True radial of the Austin omnirange extending from the omnirange station to a point 10 miles north and within 2 miles either side of the centerline of the Bergstrom AFB north-south runway extending from the Air Force Base 5-mile radius zone to a point 3 miles south of the Bergstrom nondirectional radio beacon.

§ 601.2223 *Charleston, W. Va., control zone.* Within a 5-mile radius of the Kanawha County Airport, extending 2 miles either side of the ILS localizer course to a point 10 miles northeast of the outer marker, and within 2 miles either side of the east and west courses of the Charleston, W. Va., radio range extending from the localizer course to a point 10 miles west of the radio range station, and within 2 miles either side of the 061° True and 241° True radials of the Charleston omnirange extending from the 5-mile radius zone to a point 10 miles southwest of the omnirange station.

§ 601.2224 *Anderson, S. C., control zone.* Within a 5-mile radius of the Anderson Airport extending 2 miles either side of the southwest course of the Spartanburg, S. C., radio range to a point 10 miles southwest of the Anderson Airport.

§ 601.2225 *Mansfield, Ohio, control zone.* Within a 5-mile radius of the Mansfield Municipal Airport extending 2 miles either side of a track 308° True to a point 10 miles northwest of the airport and extending 2 miles either side of the 130° and 310° True radials of the Mansfield omnirange from the Mansfield Municipal Airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2226 *Springfield, Ill., control zone.* Within a 5-mile radius of Capital Airport, Springfield, Ill., within 2 miles either side of the northeast and southwest courses of the Springfield radio range extending from the airport to a point 12 miles southwest of the radio range station, within 2 miles either side of the 40° True radial of the Springfield omnirange extending from the omnirange station to a point 12 miles northeast, and within 2 miles either side of 42° True and 222° True bearings from the ILS outer compass locator extending from the 5-mile radius zone to a point 12 miles southwest of the outer compass locator.

§ 601.2227 *Dover, Del., control zone.* Within a 6-mile radius of Dover Air Force Base, within 2 miles either side of the Dover ILS localizer course extending from the Air Force Base to a point 10 miles south of the ILS localizer outer marker, and within 2 miles either side of a line bearing 126° True extending from the Dover AFB nondirectional radio beacon to a point 10 miles southeast, excluding the portion which overlaps restricted area (R–12).

§ 601.2228 *Fairbanks, Alaska, control zone.* Within a 5-mile radius of Ladd Air Force Base, within a 5-mile radius of Fairbanks International Airport, and within 5 miles either side of a line bearing 39° True extending from the Fairbanks International Airport to the ILS outer marker.

§ 601.2229 *Fairfield, Calif., control zone.* Within a 5-mile radius of Travis Air Force Base, within 2 miles either side of the southwest course of the Travis AFB radio range extending from the Air Force Base to a point 20 miles southwest of the AFB, and within 3 miles either side of the southwest and northeast courses of the radio range extending from the Air Force Base to a point 15 miles of northeast of the AFB.

§ 601.2230 *Brunswick, Ga., control zone.* Within a 5-mile radius of McKinnon Airport, within 2 miles either side of a line bearing 226° True extending from the Brunswick nondirectional radio beacon to a point 10 miles southwest, and within 2 miles either side of the 23° True and 203° True radials of the Brunswick omnirange extending from the five mile radius zone to a point 10 miles south of the omnirange station.

§ 601.2231 *Vero Beach, Fla., control zone.* Within a 5-mile radius of the Vero Beach Municipal Airport extending 2 miles either side of a track 291° True to a point 10 miles west of the airport.

§ 601.2232 *Norfolk, Va., control zone.* Within a 5-mile radius of the Naval Air Station and within 2½ miles either side of the west course of the Norfolk, Va., Navy radio range extending to a point 2½ miles west of the Eclipse Fan Marker excluding the portion overlapping the Norfolk Municipal Airport control zone.

§ 601.2233 *Quonset Point, R. I., control zone.* Within a 5-mile radius of the Naval Air Station excluding that portion which lies within the Providence, R. I., control zone.

§ 601.2234 *Miami, Fla., control zone.* Within a 5-mile radius of the MCAS, Miami, Fla. centered on Latitude 25°52'45", Longitude 80°15'00", excluding that portion which lies within the Miami International Airport control zone.

§ 601.2235 *Truth or Consequences, N. Mex., control zone.* Within a 5-mile radius of the Truth or Consequences Municipal Airport extending 2 miles either side of the 13° True radial of the

Truth or Consequences omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2236 *Whidbey Island, Wash., control zone.* Within a 5-mile radius of the Naval Air Station (Ault Field) extending to and including a 5 mile radius of the Whidbey Island Seaplane Base (Oak Harbor), Wash., excluding that portion lying within restricted areas.

§ 601.2237 *Dyersburg, Tenn., control zone.* Within a 5-mile radius of the Dyersburg Municipal Airport and within 2 miles either side of a line bearing 95° True extending from the Dyersburg nondirectional radio beacon to a point 10 miles east of the Dyersburg Municipal Airport and within 2 miles either side of the 78° true radial of the Dyersburg omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2238 *New York, N. Y., control zone.* Within a 5-mile radius of New York International Airport including a 5-mile radius of Floyd Bennett NAS, within 2 miles either side of a line bearing 121° True extending from the Idlewild nondirectional radio beacon to its intersection with the southwest course of the Mitchel AFB radio range, within 2 miles either side of a line bearing 211° True extending from the Idlewild nondirectional radio beacon to its intersection with the northeast course of the Philadelphia, Pa., radio range, and within 2 miles either side of a direct line extending from the Scotland, N. Y., nondirectional radio beacon to the Floyd Bennett Naval Air Station.

§ 601.2239 *Cordova, Alaska, control zone.* Within a 5-mile radius of the Cordova (Mile 13) Airport, within 5 miles either side of a line extending from the airport to the Cordova (localizer) radio range station and within 5 miles either side of the southeast and southwest courses of the Cordova (localizer) radio range extending from the radio range station to Amber civil airway No. 1.

§ 601.2240 *Milton, Fla., control zone.* Within a 5-mile radius of North Whiting Naval Air Station extending 2 miles either side of the northwest course of the North Whiting (Navy) radio range to a point 10 miles northwest of the radio range station.

§ 601.2241 *Macon, Ga., control zone.* Within a 5-mile radius of Robbins AFB excluding that portion overlapping the Cochran Field control zone.

§ 601.2242 *Lexington, Ky., control zone.* Within a 5-mile radius of the Blue Grass Airport, Lexington, Ky., within 2 miles either side of a line bearing 222° True from the Lexington nondirectional radio beacon to a point 10 miles southwest of the non-directional beacon and within 2 miles either side of the 303° and 123° True radials of the Lexington omnirange extending from the Blue Grass Airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2243 *Hempstead, N. Y., control zone.* Within a 5-mile radius of Mitchel Air Force Base extending 2 miles either side of the southeast course of the Mitchel AFB radio range to the Babylon fan marker.

§ 601.2244 *Quantico, Va., control zone.* Within a 5-mile radius of the Marine Corps Air Station, excluding that portion overlapping restricted areas.

§ 601.2245 *Chanute, Kans., control zone.* Within a 5-mile radius of the Chanute Airport, within 2 miles either side of the east course of the Chanute radio range extending from the radio range station to a point 12 miles east, and within 2 miles either side of the 62° True and the 242° True radials of the Chanute omnirange extending from the airport to a point 12 miles southwest of the omnirange station.

§ 601.2246 *Oklahoma City., Okla., control zone.* Within a 5-mile radius of Will Rogers Municipal Airport including the airspace within 2 miles either side of the west course of the Oklahoma City radio range extending from the radio range station to the Mustang fan marker; within 2 miles either side of the south (front) course of the ILS localizer extending to a point 5 miles south of the ILS outer marker and within 2 miles either side of the north (back) course of the ILS localizer extending to a point 5 miles north of Tulakes nondirectional radio beacon; within 2 miles either side of the 107° True and 287° True radials of the Oklahoma City omnirange extending from the 5-mile radius zone to a point 5 miles west of the omnirange station; within a 5-mile radius of Tulakes Airport and within 2 miles either side of the 50° True radial of the Oklahoma City omnirange extending between the Tulakes Airport 5-mile radius zone and the omnirange station; within 2 miles either side of a direct line between the Will Rogers Municipal Airport and Tinker Air Force Base including a 5-mile radius of Tinker AFB, and within 2½ either side of the south and north courses of the Tinker AFB radio range extending from Tinker AFB to a point 2½ miles north of the Spencer fan marker.

§ 601.2247 *Abilene, Tex., control zone.* Within a 5-mile radius of Abilene Municipal Airport, within 2 miles either side of the north course of the Abilene radio range extending from the radio range station to a point 10 miles north; within 2 miles either side of a direct line extending from the Abilene radio range station to and including a 5-mile radius of Dyess Air Force Base; within 2 miles either side of the 292° True and 112° True radials of the Abilene omnirange extending from the Abilene Municipal Airport 5-mile radius zone to a point 5 miles northwest of the omnirange station; within 2 miles either side of the 354° True radial of the Abilene omnirange extending from the omnirange station to a point 10 miles north; and within 2 miles either side of the center line of Dyess AFB north/south runway 16/34 extending to a point 10 miles south of the end of the runway.

§ 601.2248 *San Antonio, Tex., control zone.* Within a 5-mile radius of the San Antonio Airport extending 2 miles either side of the north course of the San Antonio radio range to the Cibolo Creek fan marker.

§ 601.2249 *Corpus Christi, Tex., control zone.* Within a 3-mile radius of Cliff Maus Airport, within 2 miles either side of the northwest course of the Corpus Christi radio range extending from the radio range station to the Odem fan marker and within 1 mile either side of a straight line extending from Cliff Maus Airport to Cuddihy Field to include a 2-mile radius of Cuddihy Field and within 2 miles either side of the 178°-358° True radials of the Corpus Christi omnirange extending from the Cliff Maus Airport control zone to a point 10 miles north of the omnirange station.

§ 601.2250 *Tyler, Tex., control zone.* Within a 5-mile radius of Pounds Field and within 2 miles either side of a 283° True bearing extending from the Tyler nondirectional radio beacon to a point 5 miles northwest of the nondirectional radio beacon.

§ 601.2251 *Albany, Ga., control zone.* Within a 5-mile radius of the Albany Municipal Airport, within 2 miles either side of the 155° True and 335° True radials of the Albany omnirange extending from the Municipal Airport control zone to a point 10 miles northwest of the omnirange station, within a 5-mile radius of Turner Air Force Base, within 2½ miles either side of a line extending from Turner AFB to the Doles nondirectional beacon, and within 2 miles either side of the east and south courses of the Albany radio range extending from the radio range station to points 10 miles east and south of the radio range station.

§ 601.2252 *El Toro, Calif., control zone.* Within a 5 mile radius of the El Toro Marine Corps Air Station, within a 3 mile radius of Orange County Airport, Santa Ana, Calif., and within 5 miles either side of a line bearing 355° True extending from the El Toro radio range station to Green civil airway No. 5, and within 5 miles either side of a line bearing 175° True extending from the El Toro radio range station to Amber civil airway No. 1.

§ 601.2253 *Sedalia, Mo., control zone.* Within a 5-mile radius of Whiteman Air Force Base and within 2 miles either side of a line bearing 191° True from the Air Force Base extending to a point 20 miles southwest of the AFB.

§ 601.2254 *Falmouth, Mass., control zone.* Within a 5 mile radius of Otis Air Force Base and within 2 miles either side of a line bearing 39° True extending from the Otis AFB to a point 10 miles northeast of the Air Force Base, excluding the portion which overlaps Camp Edwards restricted area (R-14).

§ 601.2255 *Aguadilla, P. R., control zone.* Within a 10-mile radius of Ramey Air Force Base, Aguadilla, P. R., and within 2½ miles either side of the extended center line of the Ramey AFB east-west runway extending to points 12 miles east and west of the runway ends.

§ 601.2256 *Parkersburg, W. Va., control zone.* Within a 5-mile radius of Wood County Airport and within 2 miles either side of the 29° and 209° True radials of the Parkersburg omnirange extending from the airport to a point 10 miles northeast of the omnirange station.

§ 601.2257 *Rantoul, Ill., control zone.* Within a 5-mile radius of Chanute Air Force Base, Rantoul, Ill., and within 2 miles either side of the 270° True and 90° True radials of the Chanute omnirange extending from the 5-mile radius zone to a point 12 miles east of the omnirange station.

§ 601.2258 *Wichita Falls, Tex., control zone.* Within a 5-mile radius of Sheppard AFB, Wichita Falls, Tex., extending 2 miles either side of the southeast course of the Wichita Falls, Tex., radio range to the Jolly fan marker.

§ 601.2259 *Kodiak, Alaska, control zone.* Within a 5-mile radius of the Kodiak Naval Air Base, Kodiak, Alaska, extending 2 miles either side of the southwest course of the Kodiak radio range to the radio range station.

§ 601.2260 *Fort Smith, Ark., control zone.* Within a 5-mile radius of the Fort Smith Municipal Airport extending 2 miles either side of a track 8° True to a point 10 miles north of the airport and within 2 miles either side of the 54° True and 234° True radials of the Fort Smith omnirange extending from the airport to a point 10 miles northeast of the omnirange station, and within 2 miles either side of the 81° True course of the Fort Smith ILS localizer extending from the airport to a point 12 miles east.

§ 601.2261 *Yakataga, Alaska, control zone.* Within a 5-mile radius of the Yakataga Airport, within 5 miles either side of the southeast and southwest courses of the Yakataga radio range extending from the radio range station to Amber civil airway No. 1.

§ 601.2262 *Honolulu, Oahu, T. H., control zone.* Within a 5-mile radius of Honolulu International Airport, within a 3-mile radius of the Barber's Point Naval Air Station and within 2 miles either side of the west course of the Honolulu radio range extending to a point 10 miles west of the radio range station.

§ 601.2263 *Lafayette, La., control zone.* Within a 5-mile radius of Lafayette Airport, within 2 miles either side of the 172° True radial of the Lafayette omnirange extending from the omnirange station to a point 10 miles south, and within 2 miles either side of a line bearing 187° True from the Lafayette non-directional radio beacon extending from the non-directional radio beacon to a point 10 miles south.

§ 601.2264 *Spokane, Wash., control zone.* Within a 5-mile radius of Geiger Field and within a 3-mile radius of Fairchild AFB including the airspace within 2 miles either side of the southwest course of the Geiger Field ILS localizer extending from Geiger Field to a point 10 miles southwest of the ILS outer marker.

§ 601.2265 *Wright-Patterson AFB, Ohio, control zone.* Within a 5-mile radius of Patterson Field including a 5-mile radius of Wright Field, within 2 miles either side of the south course of the Wright-Patterson AFB radio range extending from the radio range station to the Fairfield Fan Marker and within 2 miles either side of a 31° True bearing extending from the Wright-Patterson AFB radio range to a point 10 miles northeast of Patterson Field.

§ 601.2266 *Springfield, Ohio, control zone.* Within a 5-mile radius of the Springfield Municipal Airport extending 2 miles either side of a 51° True track from the end of the northeast-southwest runway to a point 10 miles northeast of the Springfield Airport.

§ 601.2267 *Baltimore, Md., control zone.* Within a 5-mile radius of the Baltimore, Md., Friendship International Airport, extending 2 miles either side of the ILS localizer course to a point 10 miles west of the outer marker.

§ 601.2268 *Ottumwa, Iowa, control zone.* Within a 5-mile radius of Ottumwa Municipal Airport and within 2 miles either side of the 311° and 131° True radials of the Ottumwa omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2269 *Fort Dix, N. J., control zone.* Within a 7-mile radius of the McGuire Air Force Base extending 5 miles either side of the southwest course of the McGuire AFB radio range to a point 10 miles southwest of the radio range station, excluding that portion which lies over Red civil airway No. 3, the Fort Dix, N. J., restricted area, and the Lakehurst, N. J., caution area.

§ 601.2270 *Enid, Okla., control zone.* Within a 5-mile radius of Vance AFB, Enid, Okla., within 2 miles either side of a line bearing 44° True extending from the Vance AFB nondirectional radio beacon to a point 10 miles northeast, and within 2 miles either side of a line extending from the Vance AFB through the Vance AFB omnirange station to a point 10 miles northwest of the Vance AFB omnirange station.

§ 601.2271 *Saginaw, Mich., control zone.* Within a 5-mile radius of the Tri City Airport, Saginaw, Mich., extending 2 miles either side of a track 347° True from the Saginaw non-directional radio beacon to a point 10 miles north of the non-directional radio beacon and within 2 miles either side of the 35°, 107°, 147°, 235°, 257°, and 310° True radials of the Saginaw omnirange extending from the omnirange station to points 12 miles northeast, east, southeast, southwest, west and northwest of the omnirange station.

§ 601.2272 *Wake Island control zone.* Within a 5-mile radius of Wake Island Airport (Lat. 19°16'53'', Long. 166°38'-40''), within 2 miles either side of a line bearing 102° True extending from the Wake HHW Type non-directional radio beacon (Lat. 19°18'18'', Long. 166°38'-22''), to a point 10 miles east, and within 2 miles either side of a line bearing 282° True extending from the Wake MHW Type non-directional radio beacon (Lat. 19°17'05'', Long. 166°37'26'') to a point 10 miles west.

§ 601.2273 *Cincinnati, Ohio, control zone.* Within a 5-mile radius of Greater Cincinnati Airport, Covington, Ky., extending 2 miles either side of the front course of the Cincinnati ILS localizer to its intersection with the southwest course of the Cincinnati radio range, extending 2 miles either side of the back course of the Cincinnati ILS localizer to its intersection with the northwest course of the Cincinnati radio range, and extending 2 miles either side of the 223° True radial of the Cincinnati omnirange to a point 10 miles southwest of the omnirange station.

§ 601.2274 *Craig AFB, Selma, Ala., control zone.* Within a 5-mile radius of the Craig Air Force Base extending 2 miles either side of the southeast course of the Craig AFB radio range to a point 10 miles southeast of the radio range station.

§ 601.2275 *Pensacola, Fla., control zone.* Within a 5 mile radius of the NAAS Saufley Field, Pensacola, Fla., excluding the portion which overlaps Pensacola Municipal Airport control zone (§ 601.2163).

§ 601.2276 *Westover, Mass., control zone.* Within a 5-mile radius of Westover AFB extending 2 miles either side of the northeast course of the Westover AFB (Chicopee) radio range to a point 10 miles northeast of the Quabbin fan marker, excluding that portion which overlaps the Barnes Airport, Westfield, Mass., control zone, and excluding the airspace within ½ mile radius of the Springfield, Mass., Municipal Airport.

§ 601.2277 *Carlsbad, N. Mex., control zone.* Within a 5-mile radius of Carlsbad Airport and within 2 miles either side of the 345° and 165° True radials of the Carlsbad omnirange extending from the airport control zone to a point 3 miles southeast of the omnirange station.

§ 601.2278 *New Bedford, Mass., control zone.* Within a 5-mile radius of the New Bedford Municipal Airport extending 2 miles either side of the ILS localizer course to a point 10 miles southwest of the localizer.

§ 601.2279 *Anchorage, Alaska, control zone.* That airspace within a 5-mile radius of Elmendorf Air Force Base, within 5 miles either side of a direct line from the Elmendorf AFB to and including a 5-mile radius of Anchorage International Airport, and within 2 miles either side of the ILS localizer course extending from the Anchorage International Airport to a point 10 miles beyond the outer marker, excluding the portion which overlaps restricted area (R-348).

§ 601.2280 *Hobbs, N. Mex., control zone.* Within a 15-mile radius of Lea County Airport, Hobbs, N. Mex., within 2 miles either side of the north course of the Hobbs radio range extending to a point 10 miles north of the radio range station and within 2 miles either side of the 45° True radial of the Hobbs omnirange extending to a point 10 miles northeast of the omnirange station.

§ 601.2281 *Tacoma, Wash., control zone.* Within a 5-mile radius of Mc-

Chord Air Force Base and within 2 miles either side of the north course of the McChord radio range extending from the Air Force Base to the radio range station, excluding the portions from the surface upwards which are in conflict with and overlap restricted areas R–503 and R–504.

§ 601.2282 *Mt. Clemens, Mich., control zone.* Within a 7-mile radius of Selfridge AFB extending 2 miles either side of the north course of the Selfridge AFB radio range to a point 10 miles north of the radio range station.

§ 601.2283 *Atlanta, Ga., control zone.* Within a 5-mile radius of Dobbins AFB extending 2 miles either side of the west course of the Atlanta NAS radio range from the Dobbins AFB control zone to the Atlanta NAS control zone and within 2 miles either side of the centerline of the northwest-southeast runway (runway 10) extending from the 5-mile radius zone to a point 5 miles northwest of Lost Mountain nondirectional radio beacon.

§ 601.2284 *Traverse City, Mich., control zone.* Within a 5-mile radius of Traverse City Municipal Airport, within 2 miles either side of the southeast course of the Traverse City radio range extending from the radio range station to a point 12 miles southeast, and within 2 miles either side of the 348°/168° True radials of the Traverse City omnirange extending from the airport to a point 12 miles south of the omnirange station.

§ 601.2285 *Victorville, Calif., control zone.* Within a 5-mile radius of George AFB, Victorville, Calif., extending 2 miles either side of a track bearing 360° True from the George AFB to a point 15 miles north.

§ 601.2286 *Columbus, Ga., control zone.* Within a 5-mile radius of Muscogee County Airport including the airspace within 2 miles either side of the northeast course of the Columbus radio range extending southward to include a 5-mile radius of the Lawson Army Airfield, within 2 miles either side of the southwest course of the Columbus radio range extending from the radio range station to a point 10 miles southwest, and within 2 miles either side of the 150° and 330° True radials of the Columbus omnirange extending from the Muscogee County Airport to a point 3 miles northwest of the omnirange station. The portions of this control zone which overlap restricted area R–129 are excluded.

§ 601.2287 *San Antonio, Tex., control zone.* Within a 5-mile radius of Randolph Air Force Base and within 5 miles either side of a line extending from the Air Force Base to the La Vernia nondirectional radio beacon.

§ 601.2288 *Longview, Tex., control zone.* Within a 5-mile radius of Gregg County Airport, within 2 miles either side of a line bearing 188° True from the airport extending from the airport to a point 10 miles south, and within 2 miles either side of the 313° True radial of the Gregg County, Tex., omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2289 *Houghton, Mich., control zone.* Within a 5-mile radius of the Houghton County Airport extending 2 miles either side of the north course of the Houghton radio range to a point 10 miles north of the radio range station.

§ 601.2290 *Grand Marais, Mich., control zone.* Within a 5-mile radius of Grand Marais Airport extending 2 miles either side of the west course of the Grand Marais radio range to a point 10 miles west of the radio range station.

§ 601.2291 *Sault Ste. Marie, Mich., control zone.* Within a 10-mile radius of Kinross Airport, Sault Ste. Marie, Mich., extending 5 miles either side of the ILS localizer course to a point 10 miles northwest of the ILS outer marker compass locator, excluding that portion which lies outside the continental United States.

§ 601.2292 *Oceana, Va., control zone.* Within a 5-mile radius of the Oceana Virginia Naval Auxiliary Air Station excluding the portion overlapping restricted areas.

§ 601.2293 *Chicago, Ill., control zone.* Within a 5-mile radius of the Chicago O'Hare International Airport extending 2 miles either side of the O'Hare ILS localizer course to a point 10 miles northwest of the O'Hare outer marker.

§ 601.2294 *Nantucket, Mass., control zone.* Within a 5-mile radius of Nantucket Memorial Airport and within 2 miles either side of the 45° True radial of the Nantucket omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2295 *Andrews, Md., control zone.* Within a 5-mile radius of the Andrews, Md., Air Force Base extending 2½ miles either side of the north course of the Andrews AFB radio range to the Andrews AFB radio range station excluding that portion which overlaps the Washington National Airport control zone.

§ 601.2296 *Valparaiso, Fla., control zone.* Within a 5-mile radius of Eglin Air Force Base and within 2 miles either side of a line extending from the Eglin AFB through the Eglin AFB nondirectional radio beacon to a point 2 miles south of the nondirectional radio beacon.

§ 601.2297 *Jackson, Mich., control zone.* Within a 5-mile radius of Reynolds Airport, Jackson, Mich., extending 2 miles either side of a line bearing 313° True from the Jackson, Mich., non-directional radio beacon to a point 10 miles northwest.

§ 601.2298 *Omaha, Nebr., control zone.* Within a 5-mile radius of Offutt AFB and within 2 miles either side of a direct line from the center of Offutt AFB to the Weeping Water, Nebr., nondirectional radio beacon extending from the Offutt AFB to a point 10 miles southwest of Offutt AFB and within 2 miles either side of the 72° True and 252° True radials of the Omaha omnirange extending from the Offutt AFB 5-mile radius zone to a point 2 miles northeast of the omnirange station.

§ 601.2299 *Limestone, Maine, control zone.* That airspace over United States territory within a 6-mile radius of Loring Air Force Base, Limestone, Maine, within 2 miles either side of a direct line extending between the Loring Air Force Base, and the Loring AFB omnirange station, and within 2 miles either side of a direct line extending between the Loring AFB nondirectional radio beacon and the Presque Isle, Maine, radio range station excluding the portion which overlaps the Presque Isle control zone.

§ 601.2300 *Upolu Point, Hawaii, T. H., control zone.* Within a 5-mile radius of the Upolu Point Airport and within 2 miles either side of the 261° True radial of the Upolu Point omnirange extending from the omnirange station to a point 10 miles west.

§ 601.2301 *Waco, Tex., control zone.* Within a 5-mile radius of Waco Municipal Airport, within a 5-mile radius of James Connally AFB, Waco, Tex., within 2 miles either side of direct lines from James Connally AFB extending northward to the West nondirectional radio beacon and eastward to the Prairie Hill nondirectional radio beacon.

§ 601.2302 *Willow Grove, Pa., control zone.* Within a 5-mile radius of a point located at lat. 40°11'40", long. 75°06'25" and within 2 miles either side of the northeast and northwest courses of the Willow Grove (Navy) radio range extending from the radio range station to points 10 miles northeast and northwest.

§ 601.2303 *Great Falls, Mont., control zone.* Within a 5-mile radius of Great Falls International Airport, within a 5-mile radius of Malmstrom Air Force Base, and within 2 miles either side of direct lines extending from the Great Falls ILS outer marker to the Great Falls International Airport and to the Malmstrom Air Force Base.

§ 601.2304 *Binghamton, N. Y., control zone.* Within a 5-mile radius of Broome County Airport, within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker compass locator, and within 2 miles either side of the 66° True and 246° True radials of the Binghamton omnirange extending from the airport to a point 5 miles southwest of the omnirange station.

§ 601.2305 *Lawton, Okla., control zone.* Within a 3-mile radius of Lawton Municipal Airport and within 2 miles either side of the 357° True and 177° True radials of the Lawton omnirange extending from the Lawton Municipal Airport to a point 10 miles south of the omnirange station.

§ 601.2306 *Paducah, Ky., control zone.* Within a 5-mile radius of the Paducah Municipal Airport (Barkley Field) and within 2 miles either side of a line bearing 220° True, from the non-directional radio beacon extending from the Paducah Municipal Airport to a point 10 miles southwest.

§ 601.2307 *Brunswick, Maine, control zone.* Within a 5-mile radius of the Brunswick, Maine, Naval Air Station, excluding the portion which overlaps Amber civil airway No. 7, and within 2 miles either side of a line bearing 173° True from the Brunswick NAS non-directional radio beacon extending to a point 10 miles south of the non-directional radio beacon.

§ 601.2308 *Valdosta, Ga., control zone.* All that area within a 10-mile radius of Moody AFB, Valdosta, Ga.

§ 601.2309 *Valdosta, Ga., control zone.* All that area within a 5-mile radius of the Valdosta Municipal Airport, excluding that portion which overlaps the Moody AFB control zone, and within 2 miles either side of the 4° True and 184° True radials of the Valdosta omnirange extending from the 5-mile radius control zone to a point 10 miles southwest of the omnirange station.

§ 601.2310 *Oscoda, Mich., control zone.* Within a 10-mile radius of the Wurtsmith AFB extending 5 miles either side of the ILS localizer course to a point 10 miles southwest of the ILS outer marker compass locator, excluding the portion which overlaps restricted areas.

§ 601.2311 *San Antonio, Tex., control zone.* Within a 5-mile radius of Kelly AFB and within 5 miles either side of a direct line from the Kelly AFB through the Leon nondirectional radio beacon extending from the AFB to a point 2½ miles northwest of the Leon nondirectional radio beacon.

§ 601.2312 *Columbus, Ind., control zone.* Within a 5-mile radius of Atterbury AFB and within 2 miles either side of a line bearing 44° True from the Atterbury AFB to a point 10 miles northeast excluding the portion which overlaps restricted areas.

§ 601.2313 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Greater Pittsburgh Airport, and within 2 miles either side of bearings of 90° True and 270° True from the Greater Pittsburgh Airport extending through the River nondirectional radio beacon to a point 10 miles east of the radio beacon and through the Clinton nondirectional radio beacon to a point 10 miles west of the radio beacon.

§ 601.2314 *Bryan, Tex., control zone.* Within a 5-mile radius of Bryan Air Force Base and within a 3-mile radius of Easterwood Airport, College Station, Tex.; within 2 miles either side of the northwest course of the Bryan radio range extending from the radio range station to a point 10 miles northwest; within 2 miles either side of the 107° True and 287° True radials of the College Station omnirange extending to points 10 miles northwest and 12 miles southeast of the omnirange station, and within 2 miles either side of a line bearing 001° True from the Snook nondirectional radio beacon extending from the Bryan AFB 5-mile radius zone to a point 7 miles south of the Air Force Base.

§ 601.2315 *San Bernardino, Calif., control zone.* Within a 5-mile radius of Norton Air Force Base and within 2¼ miles either side of a line bearing 248° True extending from the Norton AFB to the centerline of the northwest course of the Riverside, Calif., radio range.

§ 601.2316 *Marianna, Fla., control zone.* Within a 5-mile radius of the Marianna Airport and within 2 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2317 *Tuscaloosa, Ala., control zone.* Within a 5-mile radius of the Van De Graaff Airport and within 2 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2318 *Myrtle Beach, S. C., control zone.* Within a 5-mile radius of the Myrtle Beach Municipal Airport and within 2 miles either side of the 47° True radial of the Myrtle Beach omnirange extending from the omnirange station to a point 10 miles northeast, and within 2 miles either side of a line bearing 198° True extending from the Myrtle Beach nondirectional radio beacon to a point 10 miles southwest and within 2 miles either side of a line bearing 331° True extending from the Myrtle Beach AFB to a point 9 miles northwest.

§ 601.2319 *Malden, Mo., control zone.* Within a 5-mile radius of the Malden Airport and within 2 miles either side of the 300° and 120° True radials of the Malden omnirange extending from the airport to a point 10 miles southeast of the omnirange station.

§ 601.2320 *Midland, Tex., control zone.* Within a 5-mile radius of Midland Air Terminal, within 2 miles on the southeast side and 4 miles on the northwest side of the southwest course of the Midland ILS localizer extending from the localizer to a point 15 miles southwest, and within 2 miles either side of the 011.5° True radial of the Midland omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2321 *Oxnard, Calif., control zone.* Within a 5-mile radius of Oxnard AFB and within 2 miles on the north side and 5 miles on the south side of a line bearing 271° True from the center of Oxnard AFB extending from the 5-mile radius control zone to the southwestern boundary of Amber civil airway No. 8.

§ 601.2322 *Fort Worth, Tex., control zone.* Within a 5-mile radius of Amon Carter Field, Fort Worth, Tex., within 2 miles either side of the Amon Carter ILS localizer northwest course extending from the localizer to the Amon Carter ILS outer marker, within 2 miles either side of a 180°–360° True track through the Grand Prairie, Tex., nondirectional radio beacon (located at Lat. 32°44'05", Long. 97°02'45") extending from Amon Carter Field to a point 5 miles south of the Grand Prairie nondirectional radio beacon, within 3 miles either side of a direct line from the center of Amon Carter Field to the center of Love Field, Dallas, Tex., extending from Amon Carter Field to the boundary of the Dallas control zone, and within 3 miles either side of a direct line from the center of Amon Carter Field to the center of Meacham Field, Fort Worth, Tex., extending from Amon Carter Field to the boundary of the Meacham Field control zone.

§ 601.2323 *Grand Prairie, Tex., control zone.* All that airspace surrounding Hensley Field, Grand Prairie, Tex., bounded on the west, north and east by the boundaries of the Amon Carter Field, Fort Worth, Tex., control zone and Dallas, Tex., control zone, and on the south by a line extending from the southeastern corner of the Amon Carter Field control zone to the southwestern corner of the Dallas control zone.

§ 601.2324 *New Bern, N. C., control zone.* Within a 6-mile radius of Simmons-Nott Airport and within 2 miles either side of a line bearing 265° True extending from the New Bern nondirectional radio beacon to a point 10 miles west of the radio beacon, excluding the portion which overlaps Cherry Point restricted area (R–123), and excluding the airspace above 5,500 feet above mean sea level daily from sunset to sunrise.

§ 601.2325 *Hyannis, Mass., control zone.* Within a 3-mile radius of Barnstable Airport, Hyannis, Mass., and within 2 miles either side of a line bearing 48° True extending from the airport to a point 10 miles northeast, excluding the portion which lies beyond the shoreline.

§ 601.2326 *Martha's Vineyard, Mass., control zone.* Within a 3-mile radius of Martha's Vineyard Airport and within 2 miles either side of a line bearing 040° True extending from the northeast end of Runway No. 24 to a point 10 miles northeast of the nondirectional radio beacon.

§ 601.2327 *Baton Rouge, La., control zone.* Within a 5-mile radius of Ryan Airport, within a 3-mile radius of Downtown Airport, within 2 miles either side of the northwest course of the Baton Rouge radio range extending from the radio range station to a point 10 miles northwest, within 2 miles either side of a 314°–134° True track through the Baton Rouge ILS outer marker compass locator extending from the Ryan Airport control zone to a point 10 miles northwest of the outer marker compass locator, and within 2 miles either side of the 72°–252° True radials of the Baton Rouge omnirange extending from the Ryan Airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2328 *Manchester, N. H., control zone.* Within a 5-mile radius of Grenier Air Force Base and within 2 miles either side of lines bearing 337° True and 157° True from the Manchester nondirectional radio beacon extending from the 5-mile radius zone to a point 10 miles southeast of the nondirectional radio beacon.

§ 601.2329 *Gage, Okla., control zone.* Within a 5-mile radius of Gage Airport and within 2 miles either side of the 299°–119° True radials of the Gage omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2330 *Alexandria, La., control zone.* Within a 5-mile radius of Alex-

andria AFB, within 2 miles either side of the northwest and southeast courses of the Alexandria radio range extending from the AFB control zone to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 156°–336° True radials of the Alexandria omnirange extending from the AFB control zone to a point 10 miles southeast of the omnirange station.

§ 601.2331 *Lake Charles, La., control zone.* Within a 5-mile radius of the Lake Charles Air Force Base; within 2 miles either side of the south course of the Lake Charles radio range extending from the radio range station to a point 10 miles south; within 2 miles either side of the 334° True and 154° True radials of the Lake Charles omnirange extending from the Air Force Base control zone to a point 10 miles southeast of the omnirange station, and within 2 miles either side of a direct line extending from the Air Force Base through the Lake Charles AFB nondirectional radio beacon to a point 10 miles northwest of the nondirectional radio beacon.

§ 601.2332 *Beaumont, Tex., control zone.* Within a 5-mile radius of Jefferson County Airport, Beaumont, Tex., within 2 miles either side of the north course of the Beaumont radio range extending from the radio range station to a point 10 miles north, within 2 miles either side of the 64° True and 244° True radials of the Beaumont omnirange extending from the 5-mile radius zone to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the Beaumont ILS localizer northwest course extending from the 5-mile radius zone to a point 10 miles northwest of the airport.

§ 601.2333 *Palacios, Tex., control zone.* Within a 3-mile radius of Palacios Airport and within 2 miles either side of the 305°–125° True radials of the Palacios omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2334 *Alice, Tex., control zone.* Within a 5-mile radius of Alice Airport and within 2 miles either side of the west course of the Alice radio range extending from the radio range station to a point 10 miles west.

§ 601.2335 *Eau Claire, Wis., control zone.* Within a 5-mile radius of the Eau Claire, Wis., Airport and within 2 miles either side of the 04° True radial of the Eau Claire omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2336 *Green Bay, Wis., control zone.* Within a 5-mile radius of the Austin-Straubel Airport, Green Bay, Wis., and within 2 miles either side of the 322° True radial of the Green Bay omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2337 *Wausau, Wis., control zone.* Within a 5-mile radius of Alexander Airport, Wausau, Wis., and within 2 miles either side of the 166°–346° True radials of the Wausau omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2338 *Phoenix, Ariz., control zone.* Within a 5-mile radius of Sky Harbor Municipal Airport, Phoenix, Ariz., and within 2 miles either side of the east course of the Phoenix radio range extending from the radio range station to a point 10 miles east.

§ 601.2339 *Douglas, Ariz., control zone.* Within a 5-mile radius of the Douglas-Bisbee International Airport and within 2 miles either side of the 311° True radial of the Douglas omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.2340 *Sanford, Fla., control zone.* Within a 5-mile radius of the Naval Auxiliary Air Station, Sanford, Fla., within 2 miles either side of a 270° True bearing extending from the Sanford Navy nondirectional radio beacon to a point 10 miles west, and within 2 miles either side of a 190° True bearing extending from the Sanford Navy nondirectional radio beacon to the Orlando, Fla., control zone.

§ 601.2341 *Utica, N. Y., control zone.* Within a 5-mile radius of Oneida County Airport and within 2 miles either side of the ILS localizer course extending from the airport to the Utica nondirectional radio beacon, excluding the portion which overlaps the Griffis AFB control zone.

§ 601.2342 *Ardmore, Okla., control zone.* Within a 5-mile radius of Ardmore Air Force Base, within 2 miles either side of the 54° True radial of the Ardmore omnirange extending from the omnirange station to the Ardmore AFB control zone, and within 2 miles either side of a direct line extending from the Ardmore AFB to the Mannsville, Okla., nondirectional radio beacon.

§ 601.2343 *Pine Bluff, Ark., control zone.* Within a 3-mile radius of Grider Field, within 2 miles either side of a line bearing 177° True extending from the Pine Bluff nondirectional radio beacon to a point 5 miles south, and within 2 miles either side of the 186° True and 006° True radials of the Pine Bluff omnirange extending from Grider Field to a point 5 miles north of the omnirange station.

§ 601.2344 *Gulfport, Miss., control zone.* The airspace within a 3-mile radius of the Gulfport Municipal Airport and within 3 miles either side of a direct line extending from the Gulfport Municipal Airport to the Keesler Air Force Base, Biloxi, Miss., excluding the portion which overlaps the Biloxi control zone.

§ 601.2345 *Calverton, N. Y., control zone.* Within a 5-mile radius of Grumman-Peconic River Airport and within 2 miles either side of a line bearing 46° True from the airport to a point 10 miles northeast of the Riverhead omnirange station excluding the airspace which overlaps the Suffolk County AFB control zone, Westhampton Beach, Long Island, N. Y.

§ 601.2346 *Guam Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Anderson Air Force Base, centered at Lat. 13°35'00'' N., Long. 144°55'00'' E.

§ 601.2347 *Guam Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Agana Naval Air Station, centered at Lat. 13°29'00'' N., Long. 144°47'00'' E.

§ 601.2348 *Midway Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Midway Naval Station, centered at Lat. 28°12'00'' N., Long. 177°22'00'' W.

§ 601.2349 *Kwajalein Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Kwajalein Naval Station, centered at Lat. 8°45'00'' N., Long. 167°45'00'' E.

§ 601.2350 *Childress, Tex., control zone.* Within a 3-mile radius of Childress Airport and within 2 miles either side of the 02° and 182° True radials of the Childress omnirange extending from the 3-mile radius zone to a point 10 miles south of the omnirange station.

§ 601.2351 *Cotulla, Tex., control zone.* Within a 3-mile radius of Cotulla Airport, within 2 miles either side of a line bearing 320° True extending from the Cotulla nondirectional radio beacon to a point 10 miles northwest, and within 2 miles either side of the 265° True and 85° True radials of the Cotulla omnirange extending from the 3-mile radius zone to a point 10 miles east of the omnirange station.

§ 601.2352 *Dalhart, Tex., control zone.* Within a 3-mile radius of Dalhart Municipal Airport, within 2 miles either side of a line bearing 132° True extending from the Dalhart nondirectional radio beacon to a point 10 miles southeast and within 2 miles either side of the 184° and 04° True radials of the Dalhart omnirange extending from the airport to a point 10 miles north of the omnirange station.

§ 601.2353 *Lufkin, Tex., control zone.* Within a 3-mile radius of Angelina Airport, Lufkin, Tex., within 2 miles either side of a line bearing 157° True extending from the airport to a point 14 miles southeast, and within 2 miles either side of a line bearing 304° True extending from the Lufkin nondirectional radio beacon to a point 10 miles northwest.

§ 601.2354 *Texarkana, Ark., control zone.* Within a 5-mile radius of the Texarkana Municipal Airport, within 2 miles either side of the 129° True and 309° True radials of the Texarkana omnirange extending from the 5-mile radius zone to a point 10 miles northwest of the omnirange station, and within 2 miles either side of the north course of the Texarkana radio range extending from the radio range station to a point 10 miles north.

§ 601.2355 *Walnut Ridge, Ark., control zone.* Within a 3-mile radius of Walnut Ridge Airport and within 2 miles either side of the 244° True radial of the Walnut Ridge omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.2356 *Hobart, Okla, control zone.* Within a 3-mile radius of Hobart Airport and within 2 miles either side of a line bearing 183° True extending from the airport to a point 12 miles south.

§ 601.2357 *Brunswick, Ga., control zone.* Within a 5-mile radius of NAAS Glynco, Brunswick, Ga., and within 2 miles either side of the northeast course of the Glynco (Navy) radio range extending from the radio range station to a point 10 miles northeast excluding the portion which overlaps the McKinnon Airport control zone, Brunswick, Ga.

§ 601.2358 *Clovis, N. Mex., control zone.* Within a 5-mile radius of the Clovis Air Force Base and within 2 miles either side of a line bearing 222° True extending from the Air Force Base to a point 7½ miles southwest of the Air Force Base.

§ 601.2359 *Victoria, Tex., control zone.* Within a 5-mile radius of Foster Air Force Base, Victoria, Tex., within 1 mile either side of a direct line extending from Foster AFB to and including a 5-mile radius of Victoria County Airport and within 2 miles either side of a line extending from Foster AFB through the Foster AFB nondirectional radio beacon to a point 2 miles northwest of the nondirectional radio beacon.

§ 601.2360 *South Weymouth, Mass., control zone.* Within a 4-mile radius of the South Weymouth Naval Air Station and within 1½ miles east of and 2½ miles west of and parallel to a line bearing 155° True extending from the Naval Air Station to a point 10 miles southeast of the South Weymouth nondirectional radio beacon.

§ 601.2361 *Grosse Ile, Mich., control zone.* That airspace over United States territory within a 3-mile radius of the Grosse Ile Naval Air Station and within 2 miles either side of lines bearing 209° True and 29° True from the Grosse Ile nondirectional radio beacon extending from a point 10 miles southwest of the nondirectional radio beacon to the three-mile radius zone.

§ 601.2362 *Merced, Calif., control zone.* Within a 5-mile radius of Castle Air Force Base, Merced, Calif., including the airspace within that portion of a circle of a 16-mile radius centered on Castle AFB bounded on the northeast by a line 2 miles northeast of and parallel to a line drawn from the AFB through the Castle AFB omnirange station and bounded on the west by a line 2 miles west of and parallel to a line drawn from the AFB through the Bear Creek nondirectional radio beacon.

§ 601.2363 *Elizabeth City, N. C., control zone.* Within a 3-mile radius of CGAS Elizabeth City, N. C., and within 2 miles either side of the southeast course of the Weeksville, N. C., Navy radio range extending to a point 8 miles southeast of the radio range station.

§ 601.2364 *Hopkinsville, Ky., control zone.* Within a 5-mile radius of Campbell AFB, Hopkinsville, Ky., within 2 miles either side of the 224° True and 44° True radials of the Campbell AFB omnirange extending from the five-mile radius zone to a point 10 miles northeast of the omnirange station, and within 2 miles either side of a 224° True bearing extending from the five-mile radius zone through the Campbell AFB nondirectional radio beacon to a point 10 miles southwest of the nondirectional radio beacon, excluding the portions which overlap Campbell restricted area R–63.

§ 601.2365 *Salem, Oreg., control zone.* Within a 3-mile radius of McNary Airport and within 2 miles either side of a line bearing 150° True extending from the airport to a point 5 miles southeast.

§ 601.2366 *Riverside, Calif., control zone.* Within a 5-mile radius of March AFB and within 2 miles either side of a line extending from March AFB through the Riverside omnirange station to a point 5 miles southeast of the omnirange station.

§ 601.2367 *Fort Bragg, N. C., control zone.* Within a 5-mile radius of Pope Air Force Base, Fort Bragg, N. C., and within 2 miles either side of the 227° True and 47° True radials of the Pope AFB omnirange extending from the 5-mile radius zone to a point 9 miles northeast of the omnirange station. The portion of this control zone which overlaps Restricted area R–115 is excluded.

§ 601.2368 *Sault Ste. Marie, Mich., control zone.* That airspace over United States territory within a 5-mile radius of the Sault Ste. Marie Airport, within 2 miles either side of the southeast course of the radio range extending to a point 12 miles southeast of the radio range station and within 2 miles either side of the 146° and 326° True radials of the omnirange extending to a point 12 miles southeast of the omnirange station.

§ 601.2369 *Sacramento, Calif., control zone.* Within a 5-mile radius of Mather Air Force Base, Sacramento, Calif., and within 2 miles either side of a line extending from the Mather AFB to the Mather nondirectional radio beacon.

§ 601.2371 *Plattsburg, N. Y., control zone.* Within a 5-mile radius of Plattsburg Air Force Base, within 2 miles either side of a line bearing 335° True extending from the Air Force Base to a point 14 miles northwest, and within 2 miles either side of the 195° and 15° True radials of the Plattsburg omnirange extending from the Plattsburg AFB to a point 5 miles northeast of the omnirange station excluding the portion which overlaps the Burlington, Vt., control zone.

§ 601.2372 *Asheville, N. C., control zone.* Within a 5-mile radius of the Asheville-Hendersonville Airport and within 2 miles either side of the 279° True radial of the Asheville omnirange extending from the omnirange station to the airport 5-mile radius zone.

§ 601.2373 *Atlanta, Ga., control zone.* Within a 5-mile radius of the Naval Air Station, Atlanta, Ga., and within 2 miles either side of the 243° True radial of the Norcross, Ga., omnirange extending from the NAS five mile radius zone to the Norcross omnirange station.

§ 601.2374 *Billings, Mont., control zone.* Within a 5-mile radius of Logan Field, Billings, Mont., and within 2 miles either side of a line bearing 293° True extending from the airport to a point 9.6 miles northwest.

§ 601.2375 *Islip, N. Y., control zone.* Within a 5-mile radius of MacArthur Airport and within 2 miles either side of the Islip ILS localizer front course extending from the localizer to its intersection with the southeast course of the Mitchel AFB radio range.

§ 601.2376 *Little Rock, Ark., control zone.* Within a 5-mile radius of the Little Rock Air Force Base and within 2 miles either side of the centerline of the Little Rock AFB northeast-southwest runway to a point 19 miles northeast of the runway end.

§ 601.2377 *Shreveport, La., control zone.* Within a 5-mile radius of Greater Shreveport Municipal Airport and within 2 miles either side of the Greater Shreveport Airport ILS localizer southeast (back) course extending from the airport to a point 15 miles southeast of the ILS localizer.

§ 601.2378 *Peru, Ind., control zone.* Within a 5-mile radius of Bunker Hill Air Force Base, and within 2 miles either side of the extended centerline of the Bunker Hill AFB northeast-southwest runway extending to a point 9 miles southwest of the end of the runway.

§ 601.2379 *Beaufort, S. C., control zone.* Within a 5-mile radius of the MCAAS Beaufort, S. C., within 2 miles either side of a line bearing 43° True extending from the airport to a point 16 miles northeast and within 2 miles either side of a line bearing 137° True extending from the airport southeastward to warning area W–132.

§ 601.2380 *Altus, Okla., control zone.* Within a 5-mile radius of Altus Air Force Base and within 2 miles either side of lines bearing 180° and 360° True extending from the Air Force Base to points 10 miles north and south.

§ 601.2381 *Homestead, Fla., control zone.* Within a 5-mile radius of the Homestead Air Force Base and within 2 miles either side of the centerline of the northeast-southwest runway extending from the runway end to a point 10 miles radius control zone to the Gainesville nondirectional radio beacon.

§ 601.2382 *Huntsville, Ala., control zone.* Within a 6-mile radius of the Huntsville Municipal Airport excluding the portion which overlaps the Redstone Arsenal restricted area (R–112).

§ 601.2383 *Memphis, Tenn., control zone.* Within a 5-mile radius of the Memphis Naval Air Station and within 2 miles either side of the southwest and northeast courses of the Memphis NAS radio range extending from the 5-mile radius control zone to the Gainesville nondirectional radio beacon.

§ 601.2384 *Blytheville, Ark., control zone.* Within a 5-mile radius of the Blytheville Air Force Base and within 2 miles either side of a line extending from the Air Force Base to a point 2 miles north of the Blytheville nondirectional radio beacon.

§ 601.2385 *Mojave, Calif., control zone.* Within a 5-mile radius of MCAAS, Mojave, Calif., excluding the airspace above 20,000 feet above mean sea level and excluding the airspace which overlaps restricted areas (R–279) and (R–306).

§ 601.2386 *Mountain Home, Idaho, control zone.* Within a 5-mile radius of the Mountain Home Air Force Base and within 2 miles either side of lines bearing 136° True and 316° True extending from the Air Force Base to points 8 miles northwest and southeast.

§ 601.2387 *San Antonio, Tex., control zone.* That airspace lying 1 mile west of and 3 miles east of and parallel to lines bearing 001° True and 181° True from a point centered on Brooks Air Force Base north-south runway at latitude 29°20'30'', longitude 98°26'00'', extending from this point to points 4½ miles north and south.

§ 601.2388 *Miramar, Calif., control zone.* Within a 5-mile radius of the Naval Air Station, Miramar, Calif., excluding the portion which overlaps the San Diego, Calif., control zone.

§ 601.2389 *Portsmouth, N. H., control zone.* Within a 5-mile radius of the Pease Air Force Base, Portsmouth, N. H., and within 2 miles either side of a line bearing 144° True from the Air Force Base extending to a point 10 miles southeast of the ILS outer marker.

§ 601.2390 *North, S. C., control zone.* Within an 8-mile radius of North AF (AUX) Field, North, S. C., and within 2 miles either side of a line bearing 233° True extending from the airfield to a point 10 miles southwest.

§ 601.2391 *Kaneohe, Oahu, T. H., control zone.* That airspace from the surface to 5,000 feet within a radius of 3 miles centered on the Marine Corps Air Station, Kaneohe Bay, (latitude 21°27'-30'' N., longitude 157°46'30'' W.), and within 2 miles either side of a line bearing 11° True extending from the MCAS to a point 16 miles north.

§ 601.2392 *Elmira, N. Y., control zone.* Within a 5-mile radius of Chemung County Airport, within 2 miles either side of the 55° True and 235° True radials of the Elmira omnirange extending from the five mile radius zone to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the southwest course of the Elmira radio range extending from the radio range station to a point 10 miles southwest.

§ 601.2393 *Watertown, N. Y., control zone.* Within a 5-mile radius of Watertown Airport and within 2 miles either side of the 215° True radial of the Watertown omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.2394 *Niagara Falls, N. Y., control zone.* Within a 5-mile radius of the Niagara Falls Municipal Airport and within 2 miles either side of the ILS localizer east course extending from the localizer to a point 10 miles east of the outer marker.

§ 601.2396 *Everett, Wash., control zone.* Within a 5-mile radius of Paine Air Force Base and within 2 miles either side of a direct line extending from the Paine AFB to the Paine AFB nondirectional radio beacon.

§ 601.2397 *Schenectady, N. Y., control zone.* Within a 5-mile radius of Schenectady County Airport and within 2 miles either side of a direct line extending between the Schenectady County Airport and the Albany, N. Y., ILS outer marker.

§ 601.2398 *El Dorado, Ark., control zone.* Within a 5-mile radius of Goodwin Field, El Dorado, Ark., within 2 miles either side of a 317° True bearing extending from the El Dorado nondirectional radio beacon to a point 10 miles northwest, and within 2 miles either side of the 37° True radial of the El Dorado omnirange station extending from the omnirange station to a point 10 miles northeast.

§ 601.2399 *Del Rio, Tex., control zone.* Within 5 miles radius of Laughlin Air Force Base, Del Rio, Tex., and within 2 miles either side of a line extending from the center of the Air Force Base northwestward to the Laughlin AFB nondirectional radio beacon.

§ 601.2400 *La Grange, Ga., control zone.* Within a 5-mile radius of Callaway Airport, La Grange, Ga., and within 2 miles either side of the 110° True and 290° True radials of the La Grange omnirange extending from the 5-mile radius zone to a point 5 miles west of the omnirange station.

§ 601.2401 *Findlay, Ohio, control zone.* Within a 5-mile radius of the Findlay Airport, within 2 miles either side of a line bearing 178° True extending from the Findlay nondirectional radio beacon to a point 10 miles south of the nondirectional radio beacon, and within 2 miles either side of a line bearing 218° True extending from the Findlay nondirectional radio beacon to a point 10 miles southwest of the Findlay omnirange station.

§ 601.2402 *Hickory, N. C., control zone.* Within a 5-mile radius of the Hickory Airport and within 2 miles either side of the 223° True and 043° True radials of the Hickory omnirange extending from the 5-mile radius zone to a point 5 miles northeast of the omnirange station.

§ 601.2403 *Fort Rucker, Ala., control zone.* Within a 5-mile radius of Ozark AAF, Fort Rucker, Ala., and within 2 miles either side of the extended centerline of Ozark AAF Runway 6/24 extending to a point 15 miles southwest of the end of the runway, excluding the portion which overlaps restricted area (R–156) and excluding the portion above 19,000 feet MSL between sunset and sunrise which lies beneath and which conflicts with restricted area (R–336).

§ 601.2404 *Harlingen, Tex., control zone.* Within a 5-mile radius of the Harlingen Air Force Base and within 2 miles either side of lines bearing 179° True and 359° True from the Harlingen AFB nondirectional radio beacon extending from the 5-mile radius zone to a point 5 miles north of the nondirectional radio beacon.

§ 601.2405 *Junction, Tex., control zone.* Within a 5-mile radius of Kimble County Airport, Junction, Tex., and within 2 miles either side of the 150° True radial of the Junction omnirange extending from the 5-mile radius zone to the omnirange station.

§ 601.2406 *Rocky Mount, N. C., control zone.* Within a 5-mile radius of the Rocky Mount Airport and within 2 miles either side of the 263° True and 083° True radials of the Rocky Mount omnirange extending from the 5-mile radius zone to a point 10 miles east of the omnirange station.

§ 601.2409 *Goldsboro, N. C., control zone.* Within a 5-mile radius of Seymour-Johnson Air Force Base, Goldsboro, N. C., and within 2 miles either side of a line extending from the Air Force Base to a point 2 miles southwest of the AFB nondirectional radio beacon.

§ 601.2410 *Pocatello, Idaho, control zone.* Within a 5-mile radius of Pocatello Municipal Airport, Pocatello, Idaho, within 2 miles either side of the west course of the Pocatello radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of a line bearing 45° True from Phillips Airport extending to a point 10 miles northeast of the airport.

§ 601.2411 *Clinton, Okla., control zone.* Within a 7-mile radius of Clinton-Sherman AFB, Clinton, Okla., and within 2 miles either side of the extended centerline of Runway 17/35 extending from the Air Force Base to points 9 miles north and south of the Air Force Base.

§ 601.2412 *Mineral Wells, Tex., control zone.* The airspace beginning at a point at latitude 32°47'40'', longitude 97°58'30'' on Highway 180, extending clockwise along the arc of a 5 mile radius circle centered on the Mineral Wells Airport to a line 2 miles northeast of and parallel to the 319° True radial of the Mineral Wells omnirange, thence southeastward along this parallel line to and including a 3-mile radius of the Mineral Wells Airport thence clockwise to a point at latitude 32 47'40'', thence east along this latitude to point of beginning; within 2 miles either side of the 319° True and 139° True radials of the Mineral Wells omnirange extending from the 5-mile radius zone to a point 10 miles southeast of the omnirange station.

§ 601.2413 *Hoquiam, Wash., control zone.* Within a 3-mile radius of Bowerman Airport, Hoquiam, Wash., excluding the portion above 14,500 feet MSL.

§ 601.2414 *Chandler, Ariz., control zone.* Within a 5-mile radius of Williams Air Force Base, Chandler, Ariz., and within 2 miles either side of a line bearing 115° True extending from the Air Force Base to the Chandler AFB nondirectional radio beacon.

§ 601.2415 *San Jose, Calif., control zone.* Within a 3½-mile radius of the San Jose Municipal Airport, excluding the portion which overlaps the Mountain View, Calif., Moffett NAS control zone.

§ 601.2416 *Sherman, Tex., control zone.* Within a 5-mile radius of Perrin Air Force Base, Sherman, Tex., within 2 miles either side of the 002° True and 179° True radials of the Perrin AFB terminal omnirange extending from the TVOR to points 10 miles north and south.

§ 601.2417 *Atlanta, Ga., control zone.* Within a 3-mile radius of the Atlanta Army General Depot (latitude 33° 37'39'', longitude 84°20'04''), excluding the portion which overlaps the Atlanta Municipal Airport control zone.

SUBPART E—COLORED CIVIL AIRWAY REPORTING POINTS

DESIGNATION OF REPORTING POINTS

§ 601.4001 *Designation of reporting points.* The locations described in Subpart E and Subpart G are designated as reporting points.

GREEN CIVIL AIRWAYS

§ 601.4011 *Green civil airway No. 1 (Patricia Bay, British Columbia, to United States-Canadian Border via Millinockct, Maine).* Millinocket, Maine, radio range station.

§ 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Mullan Pass, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Bozeman, Mont., radio range station; Livingston, Mont., nondirectional radio beacon; Billings, Mont., radio range station; Miles City, Mont., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Detroit, Mich., radio range station; Buffalo, N. Y., radio range station; the intersection of the east course of the Buffalo, N. Y., radio range and the southwest course of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; Syracuse, N. Y., radio range station; Albany, N. Y., radio range station; Boston, Mass., radio range station.

§ 601.4013 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Bay Point, Calif., fan type radio marker station; Sacramento, Calif., radio range station; Reno, Nev., radio range station; Lovelock, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; Cheyenne, Wyo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; the intersection of the southeast course of the Chicago, Ill., radio range and the west course of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; the intersection of the southeast course of the Detroit, Mich., radio range and the west course of the Cleveland, Ohio, radio range; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; Brookville, Pa., nondirectional radio marker beacon; Philipsburg, Pa., radio range station; Selinsgrove, Pa., nondirectional radio beacon; Allentown, Pa., radio range station; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the Newark, N. J., radio range; New York (La Guardia), N. Y., radio range station.

§ 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* The intersection of the southwest course of the Newhall, Calif., radio range and the northwest course of the Burbank, Calif., radio range; the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; Zuni, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; the intersection of the southwest course of the Kansas City, Mo., radio range and the southeast course of the Forbes AFB, Kans., radio range; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the west course of the Columbus, Ohio, radio range and a line bearing 327° True from the Tipp City, Ohio, nondirectional radio beacon; Columbus, Ohio, radio range station; Zanesville, Ohio, nondirectional radio beacon; Wheeling, W. Va., nondirectional radio beacon; Pittsburgh, Pa., radio range station; New Alexandria, Pa., nondirectional radio beacon; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the southwest course of the Allentown, Pa., radio range and the east course of the Harrisburg, Pa., radio range; Philadelphia, Pa., radio range station.

§ 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the southeast course of the Daggett, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; Cochise, Ariz., radio range station; Columbus, N. Mex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Pine Bluff, Ark., nondirectional radiobeacon; Memphis, Tenn., radio range station; Jack's Creek, Tenn., radio range station; Nashville, Tenn., radio range station; Smithville, Tenn., nondirectional radio beacon; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; Quantico, Va. (Navy) radio range station; Andrews, Md., radio range station; the intersection of the south course of the New Castle, Del., radio range and the southwest course of the Millville, N. J., radio range; Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southeast course of the McGuire AFB, N. J., radio range; Peconic, Long Island, N. Y., radio range station; the intersection of the west course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range.

§ 601.4016 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).* Laredo, Tex., radio range station; Alice, Tex., radio range station; Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the northeast course of the Galveston, Tex., radio range and the south course of the Beaumont, Tex., radio range; Lake Charles, La., radio range station; Lafayette, La., nondirectional radio beacon; New Orleans, La., radio range station; Keesler AFB, Biloxi, Miss., radio range station; Bay Minette, Ala., nondirectional radio beacon; Maxwell AFB, Ala., radio range station; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; Richmond, Va., radio range station; Norfolk, Va., radio range station.

§ 601.4017 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range

and the southwest course of the Tanana, Alaska, radio range; the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range; the intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range; Fairbanks, Alaska, radio range station.

§ 601.4018 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).* King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range; the intersection of the southeast course of the Iliamna, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the southwest course of the Kenai, Alaska, radio range and the west course of the Homer, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and a line bearing 266° True from the Anchorage, Alaska, radio range station; the intersection of the southeast course of the Skwentna, Alaska, radio range and a line bearing 357° True from the Anchorage, Alaska, radio range station; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

§ 601.4019 *Green civil airway No. 9 (Hawaiian Islands).* The intersection of the south course of the Port Allen, Kauai, T. H., radio range and the west course of the Honolulu, Oahu, T. H., radio range; the intersection of the west course of the Honolulu, Oahu, T. H., radio range and a line bearing 222° True from the Kahuku, Oahu, T. H., nondirectional radio beacon; Honolulu, Oahu, T. H., radio range station; the intersection of the northeast course of the Honolulu, Oahu, T. H., radio range and a line bearing 007° True from the Makapuu Point, Oahu, T. H., nondirectional radio beacon; the intersection of the northeast course of the Honolulu, Oahu, T. H., radio range and the north course of the Maui, T. H., radio range; the intersection of the northeast course of the Honolulu, Oahu, T. H., radio range and the north course of the Hilo, Hawaii, T. H., radio range.

§ 601.4020 *Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).* The Bellingham, Wash., radio range station; Everett, Wash., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Gooding, Idaho nondirectional radio beacon; Burley, Idaho, radio range station; Laramie, Wyo., radio range station.

AMBER CIVIL AIRWAYS

§ 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range; Long Beach, Calif., radio range station; Los Angeles, Calif., nondirectional radio beacon; the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Merced, Calif., (Castle) radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; McChord AFB radio range station, Tacoma, Wash.; the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, B. C., radio range; Sitka (Biorka Island), Alaska, radio range station; the intersection of the northwest course of the Sitka (Biorka Island), Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Yakataga, Alaska, radio range; the intersection of the east course of the Hinchinbrook, Alaska, radio range and the southeast course of the Cordova, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; the intersection of the northeast course of the Kenai, Alaska, radio range and the northwest course of the Anchorage, Alaska, radio range; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station; the intersection of the northwest course of the Unalakleet, Alaska, radio range and the south course of the Moses Point, Alaska, radio range; Nome, Alaska, radio range station.

§ 601.4102 *Amber civil airway No. 2 Daggett, Calif., to Point Barrow, Alaska).* Las Vegas, Nev., radio range station; Enterprise, Utah, radio range station; Delta, Utah, radio range station; Salt Lake City, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range; Bettles, Alaska, radio range station.

§ 601.4103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* Truth or Consequences, N. Mex., radio range station; Las Vegas, N. Mex., radio range station; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; Colorado Springs, Colo., radio range station; Denver, Colo., radio range station; Casper, Wyo., radio range station; Sheridan, Wyo., radio range station; Lewistown, Mont., radio range station.

§ 601.4104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* Brownsville, Tex., radio range station; the intersection of the south course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range; San Antonio, Tex., radio range station; Austin, Tex., nondirectional radio beacon; Waco, Tex., radio range station; intersection of the south course of the Forth Worth, Tex., radio range and a line bearing 255° True from the Dallas, Tex., nondirectional radio beacon; the intersection of the south course of the Oklahoma City, Okla., radio range and a line bearing 259° True from the Ardmore, Okla., nondirectional radio beacon; Oklahoma City, Okla., radio range station; Tulsa, Okla., radio range station; Chanute, Kans., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; Minot, N. Dak., radio range station.

§ 601.4105 *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Advance, Mo., radio range station; Springfield, Ill., radio range station; the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range; Joliet, Ill., radio range station.

§ 601.4106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Bowling Green, Ky., radio range station; Lexington, Ky., nondirectional radio beacon.

§ 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).* Key West, Fla., radio range station; Marathon, Fla., nondirectional radio beacon; Homestead, Fla., AFB nondirectional radio beacon; Miami, Fla., radio range station; West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Brunswick, Ga., radio marker beacon; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; the intersection of the north course of the Florence, S. C., radio range and the southwest course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range; the intersection of the southwest course of the Washington, D. C., radio range and the southeast course of the Quantico, Va., radio range; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Baltimore, Md., radio range; Newark, N. J., radio range station; Hartford, Conn., radio range station; the intersection of the northeast course of the Hartford, Conn., radio range and the southeast course of the Chicopee Falls, Mass., radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the southwest course of the Millinocket, Maine, radio range and the northwest course of the Bangor, Maine, radio range; Presque Isle, Maine, radio range station.

§ 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).* The intersection of a line bearing 260° True from the Los Angeles, Calif., nondirectional radio beacon and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station; Santa Barbara, Calif., radio range station; the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range; the intersection of the southwest course of the Travis AFB, Calif., radio range and the northwest course of the Oakland, Calif., radio range; Travis AFB, Calif., radio range station; Whitmore, Calif., radio range station; Klamath Falls, Oreg., radio range station; Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station.

§ 601.4109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; the intersection of a line bearing 11° True from the New Bern, N. C., nondirectional radio beacon and the southwest course of the Norfolk, Va., radio range.

§ 601.4110 *Amber civil airway No. 10 (Hawaiian Islands).* Intersection of the south course of the Honolulu, T. H., radio range and the west course of the Hilo, T. H., radio range; the intersection of the south course of the Honolulu, Oahu, T. H., radio range and a line bearing 237° True from the Makapuu Point, Oahu, T. H., nondirectional radio beacon.

§ 601.4111 *Amber civil airway No. 11 (Hawaiian Islands).* Intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H.. radio range.

§ 601.4112 *Amber civil airway No. 12 (Hawaiian Islands).* Hilo, T. H., radio range station; the intersection of the southeast course of the Maui, T. H., radio range and the north course of the Hilo, T. H., radio range.

§ 601.4113 *Amber civil airway No. 13 (Hawaiian Islands).* No reporting point designation.

RED CIVIL AIRWAYS

§ 601.4201 *Red civil airway No. 1 (Big Spring, Tex., to San Antonio, Tex.).* Junction, Tex., nondirectional radio beacon.

§ 601.4202 *Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).* Rapid City, S. Dak., radio range station.

§ 601.4203 *Red civil airway No. 3 (Phillipsburg, Pa., to Hartford, Conn.).* No reporting point designation.

§ 601.4204 *Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex.).* No reporting point designation.

§ 601.4205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* No reporting point designation.

§ 601.4206 *Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).* Akron, Colo., radio range station; Lincoln, Nebr., radio range station.

§ 601.4207 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.)* Greenville, S. C., radio range station; Charlotte, N. C., radio range station.

§ 601.4208 *Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).* The intersection of the east course of the Wright-Patterson, Ohio, AFB radio range and the south course of the Columbus, Ohio, radio range; Williamsport, Pa., radio range station; the Crystal Lake, Pa., nondirectional radio beacon; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the Newark, N. J., radio range.

§ 601.4209 *Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).* El Centro, Calif., radio range station; Yuma, Ariz., radio range station; Gila Bend, Ariz., radio range station.

§ 601.4210 *Red civil airway No. 10 (Wichita Falls, Tex., to Augusta, Ga.).* Wichita Falls, Tex., radio range station; Dallas, Tex., nondirectional radio beacon; the intersection of a line bearing 13° True from the Tyler, Tex., nondirectional radio beacon with the west course of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station.

§ 601.4211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).* Springfield, Mo., radio range station; Vichy, Mo., nondirectional radio beacon.

§ 601.4212 *Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).* South Bend, Ind., radio range station; the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range; the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range.

§ 601.4213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).* Westover, Pa., nondirectional radio beacon; Poughkeepsie, N. Y., radio range station; Providence, R. I., radio range station.

§ 601.4214 *Red civil airway No. 14 (Lone Rock, Wis., to Indianapolis, Ind.).* Rockford, Ill., radio range station; Chicago, Ill., radio range station.

§ 601.4215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).* The intersection of the southeast course of the Las Vegas, Nev., radio range and the north course of the Needles, Calif., radio range.

§ 601.4216 *Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.).* Albany, Ga., radio range station; Columbia, S. C., radio range station; Lumberton, N. C., nondirectional radio beacon.

§ 601.4217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).* Scott AFB, Belleville, Ill., radio range station; Fort Wayne, Ind., radio range station; Findlay, Ohio, nondirectional radio beacon; Mansfield, Ohio, nondirectional radio beacon; Bergholz, Pa., nondirectional radio beacon; the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range; Baltimore, Md., radio range station.

§ 601.4218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* Cincinnati, Ohio, radio range station; Huntington, W. Va., nondirectional radio beacon; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station.

§ 601.4219 *Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).* The Saginaw, Mich., nondirectional radio beacon.

§ 601.4220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* Akron, Ohio, radio range station; the intersection of the south course of the Youngstown, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range; the intersection of the southeast course of the Pittsburgh, Pa., radib range and the northeast course of the Morgantown, W. Va., radio range; the intersection of the northwest course of the Washington, D. C., radio range and the east course of the Martinsburg, W. Va., radio range.

§ 601.4221 *Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).* The intersection of the southeast course of the Hartford, Conn., radio range and the southwest course of the Quonset Point, R. I., (Navy) radio range; the intersection of the southwest course of the Providence, R. I., radio range and the southwest course of the Quonset Point, R. I., (Navy) radio range.

§ 601.4222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* The intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range; Utica, N. Y., radio range station.

§ 601.4223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* The Houghton, Mich., radio range station; Sault Ste. Marie, Mich., radio range station; Elmira, N. Y., radio range station; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the New York (La Guardia), N. Y., radio range; the Paterson, N. J., nondirectional radio beacon; the intersection of the east course of the New York (La Guardia), N. Y., radio range

and the northeast course of the Mitchel AFB, N. Y., radio range.

§ 601.4224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* No reporting point designation.

§ 601.4225 *Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).* No reporting point designation.

§ 601.4226 *Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).* Waverly, Va., radio range station.

§ 601.4227 *Red civil airway No. 27 (Nenabank, Alaska, to Wolf Intersection, Alaska).* The intersection of the southeast course of the Nenana, Alaska, radio range and the southwest course of the Fairbanks, Alaska, radio range.

§ 601.4228 *Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).* The intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range; the intersection of the northeast course of the Chicago, Ill., radio range and the north course of the South Bend., Ind., radio range.

§ 601.4230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* Alexandria, La., radio range station; Baton Rouge, La., radio range station; the intersection of the east course of the New Orleans, La., radio range and the southwest course of the Keesler AFB, Biloxi, Miss., radio range; the intersection of the west course of the Pensacola, Fla., radio range and the northeast course of the Saufley Field (Navy) radio range; Crestview, Fla., radio range station; Tallahassee, Fla., radio range station; the intersection of the east course of the Tallahassee, Fla., radio range and a line bearing 182° True from the Valdosta, Ga., nondirectional radio beacon.

§ 601.4231 *Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).* Scottsbluff, Nebr., radio range station; Pierre, S. Dak., radio range station.

§ 601.4232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* Kelly, Tex., radio range station; Smithville, Tex., nondirectional radio beacon; Richmond, Tex., radio range station.

§ 601.4233 *Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).* Arcola, Va., radio range station; the intersection of the northeast course of the Arcola, Va., radio range and the south course of the Harrisburg, Pa., radio range.

§ 601.4234 *Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).* Pulaski, Va., radio range station.

§ 601.4235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; Forbes AFB, Topeka, Kans.

§ 601.4236 *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* Rochester, Minn., radio range station.

§ 601.4237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).* Tyler, Tex., nondirectional radio beacon; Little Rock, Ark., radio range station; Lynchburg, Va., radio range station.

§ 601.4238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* San Angelo, Tex., radio range station.

§ 601.4239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* Bethel, Alaska, radio range station; Aniak, Alaska, radio range station; Minchumina, Alaska, radio range station; Nenana, Alaska, radio range station.

§ 601.4240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* Kodiak, Alaska, radio range station; Shuyak, Alaska, nondirectional radio beacon; Homer, Alaska, radio range station; the intersection of the east course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska; radio range; Anchorage, Alaska, radio range station.

§ 601.4241 *Red civil airway No. 41 (Cape Spencer, Alaska, to Sisters Island, Alaska).* No reporting point designation.

§ 601.4242 *Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).* No reporting point designation.

§ 601.4244 *Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).* No reporting point designation.

§ 601.4245 *Red civil airway No. 45 (Blackstone, Va., to Lancaster, Pa.).* Manakin, Va., non-directional radio beacon.

§ 601.4246 *Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).* No reporting point designation.

§ 601.4247 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).* Orlando, Fla., radio range station.

§ 601.4249 *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* Wendover, Utah, radio range station.

§ 601.4250 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* Tanana, Alaska, radio range station.

§ 601.4251 *Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).* No reporting point designation.

§ 601.4252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* Muscle Shoals, Ala., radio range station.

§ 601.4253 *Red civil airway No. 53 (Portland, Oreg., to Spokane, Wash.).* Walla Walla, Wash., radio range station.

§ 601.4254 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* No reporting point designation.

§ 601.4255 *Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).* No reporting point designation.

§ 601.4256 *Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).* No reporting point designation.

§ 601.4257 *Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio).* Battle Creek, Mich., radio range station.

§ 601.4258 *Red civil airway No. 58 (Augusta, Maine, to United States-Canadian Border).* Bangor, Maine radio range station.

§ 601.4259 *Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).* No reporting point designation.

§ 601.4260 *Red civil airway No. 60 (Oakland, Calif., to Stockton Calif.).* Stockton, Calif., radio range station; the intersection of the east course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

§ 601.4261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* Butler, Pa., nondirectional radio beacon; the intersection of the northwest course of the Arcola, Va., radio range and the west course of the Martinsburg, W. Va., radio range.

§ 601.4263 *Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).* No reporting point designation.

§ 601.4264 *Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).* No reporting point designation.

§ 601.4265 *Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).* The intersection of a line bearing 175° True from the Los Angeles, Calif., nondirectional radio beacon and the southwest course of the Long Beach, Calif., radio range.

§ 601.4267 *Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).* Dothan, Ala., radio range station.

§ 601.4268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).* Midland, Tex., radio range station.

§ 601.4269 *Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).* No reporting point designation.

§ 601.4270 *Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).* No reporting point designation.

§ 601.4271 *Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).* Roswell, N. Mex., radio range station; Lubbock, Tex., radio range station.

§ 601.4272 *Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).* Willow Grove, Pa. (Navy), radio range station.

§ 601.4273 *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).* No reporting point designation.

§ 601.4274 *Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).* No reporting point designation.

§ 601.4275 *Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* No reporting point designation.

§ 601.4276 *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).* No reporting point designation.

§ 601.4277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* No reporting point designation.

§ 601.4278 *Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).* No reporting point designation.

§ 601.4279 *Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).* No reporting point designation.

§ 601.4280 *Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).* No reporting point designation.

§ 601.4281 *Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).* No reporting point designation.

§ 601.4282 *Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).* No reporting point designation.

§ 601.4283 *Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).* No reporting point designation.

§ 601.4284 *Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).* Columbus, Ga., radio range station.

§ 601.4286 *Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).* No reporting point designation.

§ 601.4287 *Red civil airway No. 87 (Hawaiian Islands).* Intersection of the northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station; Port Allen, T. H., radio range station; Maui, T. H., radio range station; intersection of the southeast course of the Maui, T. H., radio range and the east course of the Hilo, T. H., radio range.

§ 601.4288 *Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).* Hobbs, N. Mex., radio range station.

§ 601.4289 *Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).* Peoria, Ill., radio range station.

§ 601.4290 *Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).* No reporting point designation.

§ 601.4291 *Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).* No reporting point designation.

§ 601.4292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* No reporting point designation.

§ 601.4293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).* No reporting point designation.

§ 601.4294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* The intersection of the east course of the Providence, R. I., radio range and the northeast course of the Quonset Point, R. I., (Navy) radio range.

§ 601.4295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* The intersection of the south course of the Syracuse, N. Y., radio range and the northeast course of the Elmira, N. Y., radio range.

§ 601.4296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* Houston, Tex., radio range station; Beaumont, Tex., radio range station.

§ 601.4297 *Red civil airway No. 97 (United States-Canadian Border near Lukehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* No reporting point designation.

§ 601.4298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).* No reporting point designation.

§ 601.4299 *Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).* The Iliamna, Alaska, radio range station.

§ 601.4300 *Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.).* No reporting point designation.

§ 601.4301 *Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.).* No reporting point designation.

§ 601.4302 *Red civil airway No. 102 (Lexington, Ky., to Huntington, W. Va.).* No reporting point designation.

§ 601.4303 *Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).* No reporting point designation.

§ 601.4304 *Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).* No reporting point designation.

§ 601.4305 *Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).* No reporting point designation.

§ 601.4306 *Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).* No reporting point designation.

§ 601.4307 *Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).* No reporting point designation.

§ 601.4308 *Red civil airway No. 108 (Promontory Point, Utah to Fort Bridger, Wyo.).* No reporting point designation.

§ 601.4309 *Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).* No reporting point designation.

§ 601.4310 *Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).* Brookley AFB, Mobile, Ala., nondirectional radio beacon.

§ 601.4312 *Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).* Westfield, Mass., radio range station.

§ 601.4313 *Red civil airway No. 113 (Hawaiian Islands).* The intersection of the south course of the Port Allen, Kauai, T. H., radio range and a line bearing 246° True from the Honolulu, Oahu, T. H., radio range station; Makapuu Point, Oahu, T. H., nondirectional radio beacon; the intersection of a line bearing 062° True from the Makapuu Point, Oahu, T. H., nondirectional radio beacon and the north course of the Maui, T. H., radio range.

BLUE CIVIL AIRWAYS

§ 601.4601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* The intersection of a line bearing 58° True from the Fort Myers, Fla., nondirectional radio beacon and the southeast course of the Tampa, Fla., radio range.

§ 601.4602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).* Erie, Pa., radio range station.

§ 601.4603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).* Fort Myers, Fla., nondirectional radio beacon; Tampa, Fla., radio range station; Cross City, Fla., radio range station; Traverse City, Mich. radio range station; Pellston, Mich., nondirectional radio beacon.

§ 601.4604 *Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).* Concord, N. H., radio range station; the intersection of the southeast course of the Burlington, Vt., radio range and the southwest course of the Montpelier, Vt., radio range; Burlington, Vt., radio range station.

§ 601.4605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* Galveston, Tex., radio range station; Bryan, Tex., radio range station.

§ 601.4606 *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* No reporting point designation.

§ 601.4607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* No reporting point designation.

§ 601.4608 *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station.

§ 601.4609 *Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).* Duluth, Minn., radio range station.

§ 601.4610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* The intersection of the west course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range; Evergreen, Calif., nondirectional radio beacon.

§ 601.4611 *Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).* No reporting point designation.

§ 601.4612 *Blue civil airway No. 12 (McGrath, Alaska to Galena, Alaska).* No reporting point designation.

§ 601.4613 *Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).* Lufkin, Tex., non-directional radio beacon; Fort Smith, Ark., non-directional radio beacon.

§ 601.4614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* The intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range.

§ 601.4615 *Blue civil airway No. 15 (Akron, Ohio, to Hubbard, Ohio).* No reporting point designation.

§ 601.4616 *Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).* No reporting point designation.

§ 601.4617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).* Houlton, Maine, radio range station.

§ 601.4618 *Blue civil airway No. 18 (Paterson, N. J., to United States-Canadian Border).* No reporting point designation.

§ 601.4619 *Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).* The intersection of the north course of the Perrine, Fla., radio range and the west course of the West Palm Beach, Fla., radio range.

§ 601.4620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* No reporting point designation.

§ 601.4621 *Blue civil airway No. 21 (Coles Point, Va., to Elmira, N. Y.).* No reporting point designation.

§ 601.4623 *Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).* No reporting point designation.

§ 601.4625 *Blue civil airway No. 25 (Middleton Island, Alaska, to Big Delta, Alaska).* The intersection of the northeast course of the Hinchinbrook, Alaska, radio range and the south course of the Gulkana, Alaska, radio range.

§ 601.4626 *Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).* Talkeetna, Alaska, nondirectional radio beacon; Summit, Alaska, radio range station.

§ 601.4627 *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* The intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon, Alaska, radio range; Kotzebue, Alaska, non-directional radio beacon.

§ 601.4628 *Blue civil airway No. 28 (Columbia, S. C., to Bulls Gap, Tenn.).* The intersection of the northwest course of the Spartanburg, S. C., radio range and a line bearing 57° True from the Asheville, N. C. (Hendersonville), nondirectional radio beacon.

§ 601.4629 *Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).* The intersection of the northeast course of the Greensboro, N. C., radio range and the southeast course of the Lynchburg, Va., radio range.

§ 601.4630 *Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).* Dalhart, Tex., nondirectional radio beacon; the intersection of the southwest course of the La Junta, Colo., radio range and the northeast course of the Trinidad, Colo., radio range.

§ 601.4631 *Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).* No reporting point designation.

§ 601.4632 *Blue civil airway No. 32 (Anchorage, Alaska, to Talkeetna, Alaska).* No reporting point designation.

§ 601.4633 *Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).* No reporting point designation.

§ 601.4634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* No reporting point designation.

§ 601.4636 *Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).* No reporting point designation.

§ 601.4637 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* No reporting point designation.

§ 601.4638 *Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).* Five Finger, Alaska, nondirectional radio beacon; the intersection of the southeast course of the Gustavus, Alaska, radio range and the northeast course of the Sitka, Alaska, radio range; Gustavus, Alaska, radio range station.

§ 601.4639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).* The Paynesville, W. Va., nondirectional radio beacon.

§ 601.4640 *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* Montpelier, Vt., radio range station.

§ 601.4641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).* No reporting point designation.

§ 601.4642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).* No reporting point designation.

§ 601.4643 *Blue civil airway No. 43 (Healy, Alaska, to Fairbanks, Alaska).* No reporting point designation.

§ 601.4644 *Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).* Kokomo, Ind., nondirectional radio beacon; the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range.

§ 601.4645 *Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).* No reporting point designation.

§ 601.4646 *Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).* Dyersburg, Tenn., nondirectional radio beacon; Paducah, Ky., nondirectional radio beacon.

§ 601.4647 *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).* The intersection of the south course of the Altoona, Pa., radio range and the southeast course of the Pittsburgh, Pa., radio range; Bradford, Pa., nondirectional radio beacon.

§ 601.4648 *Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).* The intersection of the southeast course of the Miami, Fla., radio range and the northeast course of the Key West, Fla., radio range.

§ 601.4649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).* No reporting point designation.

§ 601.4651 *Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).* No reporting point designation.

§ 601.4653 *Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).* No reporting point designation.

§ 601.4654 *Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.)* No reporting point designation.

§ 601.4655 *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* The intersection of the north course of the Crestview, Fla., radio range and the northeast course of the Whiting NAS, Fla., radio range.

§ 601.4656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* Langley, Va., AFB radio range station; the intersection of the southeast course of the Andrews, Md., radio range and the northeast course of the Tappahannock, Va., radio range.

§ 601.4657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).* No reporting point designation.

§ 601.4658 *Blue civil airway No. 58 (Hyannis, Mass., to Squantum, Mass.).* No reporting point designation.

§ 601.4660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* No reporting point designation.

§ 601.4663 *Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).* No reporting point designation.

§ 601.4664 *Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).* No reporting point designation.

§ 601.4665 *Blue civil airway No. 65 (Shuyak, Alaska,, to Homer, Alaska).* No reporting point designation.

§ 601.4666 *Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).* Bridgeport, Conn., radio range station.

§ 601.4667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* No reporting point designation.

§ 601.4668 *Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).* No reporting point designation.

§ 601.4669 *Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).* Quincy, Ill., nondirectional radio beacon.

§ 601.4670 *Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).* Ardmore, Okla., nondirectional radio beacon.

§ 601.4671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* Shelton, Wash., nondirectional radio beacon.

§ 601.4672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* Vance AFB nondirectional radio beacon.

§ 601.4675 *Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).* No reporting point designation.

§ 601.4676 *Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).* No reporting point designation.

§ 601.4678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).* No reporting point designation.

§ 601.4679 *Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).* Annette Island, Alaska, radio range station; Petersburg, Alaska, radio range station; the intersection of the northeast course of the Sitka, Alaska, radio range and the northwest course of the Petersburg, Alaska, radio range; Haines, Alaska, nondirectional radio beacon.

§ 601.4680 *Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).* No reporting point designation.

§ 601.4681 *Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).* No reporting point designation.

§ 601.4684 *Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).* No reporting point designation.

§ 601.4685 *Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).* No reporting point designation.

§ 601.4686 *Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).* No reporting point designation.

§ 601.4687 *Blue civil airway No. 87 (Atlanta, Ga., to Detroit, Mich.).* Corbin, Ky., VHF VAR radio range station.

OTHER REPORTING POINTS

§ 601.5001 *Other reporting points.* Whidbey Island, Wash.; Navy Radio Range; Farallon Island, Calif., nondirectional radio beacon.

Anchorage-Sandspit route: The Middleton Island, Alaska, nondirectional radio beacon.

Azalea Intersection: The intersection of the southeast course of the Charleston, S. C., radio range and a line bearing 195° True from the Wilmington (Carolina Beach), N. C., nondirectional radio beacon.

Bass Intersection: The intersection of the southeast course of the Weeksville, N. C. (Navy) radio range and the western boundary of the New York Oceanic Control Area.

Bon Secour Intersection: The intersection of the southeast course of the Mobile, Ala., radio range and the west course of the Pensacola, Fla., radio range.

Cod Intersection: The intersection of a Great Circle course between the Nantucket, Mass., Consolan station (monitor site) and the Azores Santa Maria nondirectional radio beacon and the western boundary of the New York Oceanic Control Area at latitude 41°29'00" N., longitude 68°00'00" W.

Carp Intersection: The intersection of a direct line between the Carolina Beach (Wilmington, N. C.) nondirectional radio beacon and the Nassau, British West Indies, nondirectional radio beacon with the western boundary of the New York Oceanic Control Area.

Snapper Intersection: The intersection of the northeast course of the Melbourne, Fla., radio range and a line bearing 14° True from West Palm Beach, Fla., radio range station.

East Nantucket Intersection: The intersection of a line bearing 82° True from the Nantucket, Mass., Consolan station (monitor site) and the southeast course of the Squantum, Mass., (Navy), radio range.

East Norfolk Intersection: Intersection of the east course of the Norfolk, Va. (Navy) radio range and the northeast course of the Weeksville, N. C. (Navy) radio range.

Eel Intersection: Intersection of the southeast course of the Boston, Mass., radio range and the western boundary of the New York Oceanic control area.

Gateway Intersection: The intersection of the east course of the Jacksonville, Fla., radio range and a line bearing 195° True from the Wilmington (Carolina Beach), N. C., nondirectional radio beacon.

Gateway Pine Intersection: The intersection of the 239° True radial of the North Bend, Oreg., omnirange and the eastern boundary of the Seattle Oceanic Control Area at latitude 42°19'15" N., longitude 126°46'30" W.

Gateway Hemlock Intersection: The intersection of the 237° True radial of the Newport, Oreg., omnirange and the eastern boundary of the Seattle Oceanic Control Area at latitude 43°18'45" N., longitude 126°40'00" W.

Gateway Cedar Intersection: The intersection of the 234° True radial of the Hoquiam, Wash., omnirange and the eastern boundary of the Seattle Oceanic Control Area at latitude 45°33'00" N., longitude 126°44'50" W.

Granite Intersection: The intersection of a line bearing 118° True from the Homer, Alaska, radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

Gulfstream Intersection: The intersection of the southeast course of the Miami, Fla., radio range and the northeast course of the Key West, Fla., radio range.

Marble Intersection: The intersection of a line bearing 107° True from the Kodiak, Alaska, radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

North Nantucket Intersection: Intersection of the east course of the Boston, Mass., radio range and the centerline of the Nantucket, Mass.-Yarmouth, N. S., domestic control area.

Sable Intersection: The intersection of the southwest course of the Perrine, Fla., radio range and the centerline of the Marathon control area extension (§ 601.1234).

Shad Intersection: Intersection of the southeast course of the Millville, N. J., radio range and the western boundary of the New York Oceanic control area.

Haddock Intersection: The intersection of a rhumb line between the Nantucket, Mass., Consolan station (monitor site) and the Kindley AFB Bermuda nondirectional radio beacon and the western boundary of the New York Oceanic Control Area at latitude 39°50'00" N, longitude 69°14'30" W.

South Bangor Intersection: Intersection of the southeast course of the Bangor, Maine, radio range and the centerline of the Nantucket, Mass.-Yarmouth, N. S., Domestic control area.

South Island Intersection: Intersection of the southeast course of the Newark, N. J., radio range and the northeast course of the Atlantic City, N. J. (Navy) radio range.

South Millville Intersection: Intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Atlantic City, N. J. (Navy) radio range.

South Portland Intersection: Intersection of the southeast course of the Portland, Maine, radio range and the centerline of the East Boston, Mass.-Yarmouth, N. S., Domestic control area.

Smelt Intersection: Intersection of the southeast course of the, Charleston, S. C., radio range and the western boundary of the New York Oceanic control area.

Trout Intersection: Intersection of the east course of the Jacksonville, Fla., radio range and the western boundary of the New York oceanic control area.

Tuna Intersection: Intersection of the southeast course of the Newark, N. J., radio range and the western boundary of the New York Oceanic control area.

Domestic Annette Intersection: The intersection of the southwest course of the Annette, Alaska, radio range and the centerline of the Anchorhage-Sandspit route.

Domestic Sitka Intersection: The intersection of the southwest course of the Sitka, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Domestic Gustavus Intersection: The intersection of the southwest course of the Gustavus, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Domestic Yakutat Intersection: The intersection of the southwest course of the Yakutat, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Domestic Yakataga Intersection: The intersection of the centerline of the Anchorage-Sandspit route and a line bearing 90° therefrom and lying over the Yakataga, Alaska, radio range station.

SUBPART F—VOR CIVIL AIRWAY CONTROL AREAS

DOMESTIC VOR CIVIL AIRWAY CONTROL AREAS

§ 601.6001 *VOR civil airway No. 1 control areas (Charleston, S. C., to New York, N. Y.).* All of VOR civil airway No. 1.

§ 601.6002 *VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of VOR civil airway No. 2 including north and south alternates.

§ 601.6003 *VOR civil airway No. 3 control areas (Key West, Fla., to Presque Isle, Maine).* All of VOR civil airway No. 3 including east and west alternates, but excluding all the airspace between the main airway and its west alternate extending from the Florence, S. C., omnirange station to the Raleigh, N. C., omnirange station.

§ 601.6004 *VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).* All of VOR civil airway No. 4 including north and south alternates, but excluding the airspace between the main airway and its south alternate between the Seattle, Wash., omnirange station and the Yakima, Wash., omnirange station and excluding the airspace between the main and its south alternate between the Topeka, Kans., omnirange station and the Columbia, Mo., omnirange station.

§ 601.6005 *VOR civil airway No. 5 control areas (Jacksonville, Fla., to London, Ontario).* All of VOR civil airway No. 5 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station, and also excluding the airspace between the main airway and its east alternate from the Bowling Green, Ky., omnirange station to the Louisville, Ky., omnirange station.

§ 601.6006 *VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.).* All of VOR civil airway No. 6, including north and south alternates.

§ 601.6007 *VOR civil airway No. 7 control areas (Miami, Fla., to Green Bay, Wis.).* All of VOR civil airway No. 7 including east and west alternates, but excluding all that airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States and also excluding the airspace between the main airway and its west alternate between the Cross City, Fla., omnirange station and the Marianna, Fla., omnirange station.

§ 601.6008 *VOR civil airway No. 8 control areas (Long Beach, Calif., to Washington, D. C.).* All of VOR civil airway No. 8 including north and south alternates.

§ 601.6009 *VOR civil airway No. 9 control areas (New Orleans, La., to Milwaukee, Wis.).* All of VOR civil airway No. 9 including east and west alternates.

§ 601.6010 *VOR civil airway No. 10 control areas (Pueblo, Colo., to New York,*

N. Y.). All of VOR civil airway No. 10 including north and south alternates, excluding the airspace between the north alternate from the Dodge City, Kans., omnirange station to the Hutchinson, Kans., omnirange station and the main airway.

§ 601.6011 *VOR civil airway No. 11 control areas (Memphis, Tenn., to Detroit, Mich.)*. All of VOR civil airway No. 11 including east alternates and a west alternate.

§ 601.6012 *VOR civil airway No. 12 control areas (Santa Barbara, Calif., to Philadelphia, Pa.)*. All of VOR civil airway No. 12 including north and south alternates but excluding the airspace between the main airway and its south alternate airway from the Needles, Calif., omnirange station to the Winslow, Ariz., omnirange station.

§ 601.6013 *VOR civil airway No. 13 control areas (Houston, Tex., to Duluth, Minn.)*. All of VOR civil airway No. 13 including east and west alternates, but excluding the airspace between the main airway and the west alternate from the Des Moines, Iowa, omnirange station to the Mason City, Iowa, omnirange station and also excluding the airspace between the main airway and the west alternate from the Mason City, Iowa, omnirange station to the Minneapolis, Minn., omnirange station.

§ 601.6014 *VOR civil airway No. 14 control areas (Roswell, N. Mex., to Boston, Mass.)*. All of VOR civil airway No. 14 including north and south alternates.

§ 601.6015 *VOR civil airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.)*. All of VOR civil airway No. 15 including east and west alternates.

§ 601.6016 *VOR civil airway No. 16 control areas (Los Angeles, Calif., to Boston, Mass.)*. All of VOR civil airway No. 16 including north and south alternates but excluding the airspace between the main airway and its south alternate from the Graham, Tenn., omnirange station to the Crossville, Tenn., omnirange station, and also excluding the airspace between the main airway and its north alternate from the Knoxville, Tenn., omnirange station to the Pulaski, Tenn., omnirange station.

§ 601.6017 *VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.)*. All of VOR civil airway No. 17 including an east alternate and west alternates.

§ 601.6018 *VOR civil airway No. 18 control areas (Dallas, Tex., to Charleston, S. C.)*. All of VOR civil airway No. 18 including north and south alternates, but excluding the airspace between the main airway and its south alternate from the Anniston, Ala., omnirange station to the Augusta, Ga., omnirange station.

§ 601.6019 *VOR civil airway No. 19 control areas (El Paso, Tex., to Great Falls, Mont.)*. All of VOR civil airway No. 19 including east alternates.

§ 601.6020 *VOR civil airway No. 20 control areas (Laredo, Tex., to Richmond, Va.)*. All of VOR civil airway No. 20 including north and south alternates, but excluding the airspace between the main airway and its north alternate airway from the New Orleans, La., omnirange station to the Mobile, Ala., omnirange station and also excluding the airspace between the main airway and its north alternate airway from the Atlanta, Ga., omnirange station to the Spartanburg, S. C., omnirange station.

§ 601.6021 *VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border)*. All of VOR civil airway No. 21, including east alternates and a west alternate.

§ 601.6022 *VOR civil airway No. 22 control areas (New Orleans, La., to Jacksonville, Fla.)*. All of VOR civil airway No. 22, including a north alternate, but excluding the airspace between the main airway and its north alternate.

§ 601.6023 *VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.)*. All of VOR civil airway No. 23 including east and west alternates but excluding the airspace between the main airway and its west alternate between the Portland, Oreg., omnirange station and the Seattle, Wash., omnirange station.

§ 601.6024 *VOR civil airway No. 24 control areas (Aberdeen, S. Dak., to Redwood Falls, Minn.)*. All of VOR civil airway No. 24 including north alternates.

§ 601.6025 *VOR civil airway No. 25 control areas (Los Angeles, Calif., to Ellensburg, Wash.)*. All of VOR civil airway No. 25.

§ 601.6026 *VOR civil airway No. 26 control areas (Cherokee, Wyo., to Cleveland, Ohio)*. All of VOR civil airway No. 26, including north and south alternates.

§ 601.6027 *VOR civil airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.)*. All of VOR civil airway No. 27, including west alternates.

§ 601.6028 *VOR civil airway No. 28 control areas (Oakland, Calif., to Reno, Nev.)*. All of VOR civil airway No. 28.

§ 601.6029 *VOR civil airway No. 29 control areas (Salisbury, Md., to United States-Canadian Border)*. All of VOR civil airway No. 29.

§ 601.6030 *VOR civil airway No. 30 control areas (Milwaukee, Wis., to Nantucket, Mass.)*. All of VOR civil airway No. 30 including a south alternate, but excluding all the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States.

§ 601.6031 *VOR civil airway No. 31 control areas (Baltimore, Md., to Rochester, N. Y.)*. All of VOR civil airway No. 31.

§ 601.6032 *VOR civil airway No. 32 control areas (Battle Mountain, Nev., to Fort Bridger, Wyo.)*. All of VOR civil airway No. 32, including a north alternate.

§ 601.6033 *VOR civil airway No. 33 control areas (Baltimore, Md., to Buffalo, N. Y.)*. All of VOR civil airway No. 33.

§ 601.6034 *VOR civil airway No. 34 control areas (Rochester, N. Y., to Wilton, Conn.)*. All of VOR civil airway No. 34.

§ 601.6035 *VOR civil airway No. 35 control areas (Miami, Fla., to Syracuse, N. Y.)*. All of VOR civil airway No. 35 including an east alternate from the Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station, but excluding the airspace between the main airway and this east alternate airway and also excluding all the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States.

§ 601.6036 *VOR civil airway No. 36 control areas (Toronto, Canada, to New York, N. Y.)*. All of VOR civil airway No. 36 including a south alternate, but excluding the airspace between the main airway and the south alternate.

§ 601.6037 *VOR civil airway No. 37 control areas (Savannah, Ga., to Erie, Pa.)*. All of VOR civil airway No. 37.

§ 601.6038 *VOR civil airway No. 38 control areas (Iowa City, Iowa, to Elkins, W. Va.)*. All of VOR civil airway No. 38.

§ 601.6039 *VOR civil airway No. 39 control areas (South Boston, Va., to Kennebunk, Maine)*. All of VOR civil airway No. 39.

§ 601.6040 *VOR civil airway No. 40 control areas (Cleveland, Ohio, to Pittsburgh, Pa.)*. All of VOR civil airway No. 40.

§ 601.6041 *VOR civil airway No. 41 control areas (Pittsburgh, Pa., to Youngstown, Ohio)*. All of VOR civil airway No. 41.

§ 601.6042 *VOR civil airway No. 42 control areas (Flint, Mich., to Washington, D. C.)*. All of VOR civil airway No. 42.

§ 601.6043 *VOR civil airway No. 43 control areas (Columbus, Ohio, to Erie, Pa.)*. All of VOR civil airway No. 43.

§ 601.6044 *VOR civil airway No. 44 control areas (Centralia, Ill., to Baltimore, Md.)*. All of VOR civil airway No. 44.

§ 601.6045 *VOR civil airway No. 45 control areas (New Bern, N. C., to Saginaw, Mich.)*. All of VOR civil airway No. 45.

§ 601.6046 *VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.)*. All of VOR civil airway No. 46 including a south alternate and the airspace between the main airway and this south alternate, but excluding the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States. The airspace between the main airway and the south alternate below 7,950 feet above mean sea level which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.6047 *VOR civil airway No. 47 control areas (Louisville, Ky., to Detroit, Mich.)*. All of VOR civil airway No. 47 including west alternates.

§ 601.6048 *VOR civil airway No. 48 control areas (Burlington, Iowa, to Pontiac, Ill.)*. All of VOR civil airway No. 48.

§ 601.6049 *VOR civil airway No. 49 control areas (Dillon, Mont., to Great Falls, Mont.)*. All of VOR civil airway No. 49.

§ 601.6050 *VOR civil airway No. 50 control areas (Kirksville, Mo., to Indianapolis, Ind.)*. All of VOR civil airway No. 50, including a south alternate.

§ 601.6051 *VOR civil airway No. 51 control areas (Miami, Fla., to Chicago, Ill.)*. All of VOR civil airway No. 51 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station.

§ 601.6052 *VOR civil airway No. 52 control areas (Des Moines, Iowa, to St. Louis, Mo.)*. All of VOR civil airway No. 52 including north and south alternates.

§ 601.6053 *VOR civil airway No. 53 control areas (Charleston, S. C., to Chicago, Illinois)*. All of VOR civil airway No. 53.

§ 601.6054 *VOR civil airway No. 54 control areas (Quitman, Tex., to Charlotte, N. C.)*. All of VOR civil airway No. 54 including north alternates, and a south alternate.

§ 601.6055 *VOR civil airway No. 55 control areas (Dayton, Ohio, to Green Bay, Wis.)*. All of VOR civil airway No. 55 including west alternates, but excluding the airspace between the main airway and its west alternate from the Fort Wayne, Ind., omnirange station to the Goshen, Ind., omnirange station.

§ 601.6056 *VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.)*. All of VOR civil airway No. 56.

§ 601.6057 *VOR civil airway No. 57 control areas (Evergreen, Ala., to York, Ky.)*. All of VOR civil airway No. 57.

§ 601.6058 *VOR civil airway No. 58 control areas (Bergholz, Ohio, to Hartford, Conn.)*. All of VOR civil airway No. 58.

§ 601.6060 *VOR civil airway No. 60 control areas (Albuquerque, N. Mex., to Lubbock, Tex.)*. All of VOR civil airway No. 60, including a south alternate.

§ 601.6061 *VOR civil airway No. 61 control areas (Fort Worth, Tex., to Lawton, Okla.)*. All of VOR civil airway No. 61.

§ 601.6062 *VOR civil airway No. 62 control areas (Santa Fe, N. Mex., to Abilene, Tex.)*. All of VOR civil airway No. 62.

§ 601.6063 *VOR civil airway No. 63 control areas (Waco, Tex., to Milwaukee, Wis.)*. All of VOR civil airway No. 63.

§ 601.6064 *VOR civil airway No. 64 control areas (Long Beach, Calif., to Blythe, Calif.)*. All of VOR civil airway No. 64.

§ 601.6065 *VOR civil airway No. 65 control areas (Kansas City, Mo., to Lamont, Iowa)*. All of VOR civil airway No. 65.

§ 601.6066 *VOR civil airway No. 66 control areas (San Diego, Calif., to Charlotte, N. C.)*. All of VOR civil airway No. 66 including north alternates.

§ 601.6067 *VOR civil airway No. 67 control areas (Cedar Rapids, Iowa, to Rochester, Minn.)*. All of VOR civil airway No. 67 including a west alternate.

§ 601.6068 *VOR civil airway No. 68 control areas (Albuquerque, N. Mex., to Brownsville, Tex.)*. All of VOR civil airway No. 68 including north and south alternates.

§ 601.6069 *VOR civil airway No. 69 control areas (Shreveport, La., to Chicago, Ill.)*. All of VOR civil airway No. 69.

§ 601.6070 *VOR civil airway No. 70 control areas (Corpus Christi, Tex., to Evergreen, Ala.)*. All of VOR civil airway No. 70.

§ 601.6071 *VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.)*. All of VOR civil airway No. 71 including a west alternate.

§ 601.6072 *VOR civil airway No. 72 control areas (Troy, Ill., to Albany, N. Y.)*. All of VOR civil airway No. 72.

§ 601.6073 *VOR civil airway No. 73 control areas (Wichita, Kans., to Salina, Kans.)*. All of VOR civil airway No. 73.

§ 601.6074 *VOR civil airway No. 74 control areas (Hugo, Colo., to Little Rock, Ark.)*. All of VOR civil airway No. 74 including a north and a south alternate.

§ 601.6075 *VOR civil airway No. 75 control areas (Petersburg, Va., to Cleveland, Ohio)*. All of VOR civil airway No. 75.

§ 601.6076 *VOR civil airway No. 76 control areas (Lubbock, Tex., to Galveston, Tex.)*. All of VOR civil airway No. 76.

§ 601.6077 *VOR civil airway No. 77 control areas (Cotulla, Tex., to Des Moines, Iowa)*. All of VOR civil airway No. 77 including east alternates, but excluding the airspace between the main airway and its east alternate between the San Angelo, Tex., omnirange station and the Abilene, Tex., omnirange station.

§ 601.6078 *VOR civil airway No. 78 control areas (Huron, S. Dak., to Minneapolis, Minn.)*. All of VOR civil airway No. 78, including a south alternate.

§ 601.6079 *VOR civil airway No. 79 control areas (Fort Stockton, Tex., to Lubbock, Tex.)*. All of VOR civil airway No. 79.

§ 601.6080 *VOR civil airway No. 80 control areas (Sioux Falls, S. Dak., to Redwood Falls, Minn.)*. All of VOR civil airway No. 80 including a south alternate.

§ 601.6081 *VOR civil airway No. 81 control areas (Midland, Tex., to Salt Lake City, Utah.)*. All of VOR civil airway No. 81 including east alternates.

§ 601.6082 *VOR civil airway No. 82 control areas (Minneapolis, Minn., to La Crosse, Wis.)*. All of VOR civil airway No. 82 including south alternates.

§ 601.6083 *VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Pueblo, Colo.)*. All of VOR civil airway No. 83 including an east alternate.

§ 601.6084 *VOR civil airway No. 84 control areas (Shabonna, Ill., to Buffalo, N. Y.)*. All of VOR civil airway No. 84.

§ 601.6085 *VOR civil airway No. 85 control areas (Rock River, Wyo., to Casper, Wyo.)*. All of VOR civil airway No. 85 including a west alternate.

§ 601.6086 *VOR civil airway No. 86 control areas (Butte, Mont., to Bozeman, Mont.)*. All of VOR civil airway No. 86.

§ 601.6087 *VOR civil airway No. 87 control areas (Gila Bend, Ariz., to Hassayampa, Ariz.)*. All of VOR civil airway No. 87.

§ 601.6088 *VOR civil airway No. 88 control areas (Tulsa, Okla., to Vichy, Mo.)*. All of VOR civil airway No. 88.

§ 601.6089 *VOR civil airway No. 89 control areas (Denver, Colo., to Rapid City, S. Dak.)*. All of VOR civil airway No. 89 including east alternates.

§ 601.6090 *VOR civil airway No. 90 control areas (Litchfield, Mich., to Windsor, Ontario)*. All of VOR civil airway No. 90.

§ 601.6091 *VOR civil airway No. 91 control areas (New York, N. Y. to Montreal, Quebec)*. All of VOR civil airway No. 91 including an east alternate and a west alternate.

§ 601.6092 *VOR civil airway No. 92 control areas (Chicago, Ill., to Washington, D. C.)*. All of VOR civil airway No. 92.

§ 601.6093 *VOR civil airway No. 93 control areas (Baltimore, Md., to Presque Isle, Maine)*. All of VOR civil airway No. 93.

§ 601.6094 *VOR civil airway No. 94 control areas (Casa Grande, Ariz., to Longview, Tex.)*. All of VOR civil airway No. 94.

§ 601.6095 *VOR civil airway No. 95 control areas (Phoenix, Ariz., to Winslow, Ariz.)*. All of VOR civil airway No. 95.

§ 601.6096 *VOR civil airway No. 96 control areas (Lafayette, Ind., to Toledo, Ohio)*. All of VOR civil airway No. 96.

§ 601.6097 *VOR civil airway No. 97 control areas (Miami, Fla., to Minneapolis, Minn.)*. All of VOR civil airway No. 97 including east and west alternates, but excluding all of the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States and also excluding the airspace between the main airway and its east alternate between the Tampa, Fla., omnirange station and the Tallahassee, Fla., omnirange station.

§ 601.6098 *VOR civil airway No. 98 control areas (Fort Wayne, Ind., to*

Montreal, Quebec). All of VOR civil airway No. 98.

§ 601.6099 *VOR civil airway No. 99 control areas (Newport, Oreg., to Vancouver, B. C.).* All of VOR civil airway No. 99.

§ 601.6100 *VOR civil airway No. 100 control areas (North Platte, Nebr., to Detroit, Mich.).* All of VOR civil airway No. 100.

§ 601.6101 *VOR civil airway No. 101 control areas (Ogden, Utah, to Burley, Idaho).* All of VOR civil airway No. 101.

§ 601.6102 *VOR civil airway No. 102 control areas (Lubbock, Tex., to Wichita Falls, Tex.).* All of VOR civil airway No. 102, including a south alternate.

§ 601.6103 *VOR civil airway No. 103 control areas (Greensboro, N. C., to Cleveland, Ohio).* All of VOR civil airway No. 103.

§ 601.6104 *VOR civil airway No. 104 control areas (Ottawa, Ont., to Plattsburg, N. Y.).* All of VOR civil airway No. 104.

§ 601.6105 *VOR civil airway No. 105 control areas (Phoenix, Ariz., to Las Vegas, Nev.).* All of VOR civil airway No. 105 including an east alternate.

§ 601.6106 *VOR civil airway No. 106 control areas (Charleston, W. Va., to Kennebunk, Maine).* All of VOR civil airway No. 106, including a north alternate.

§ 601.6107 *VOR civil airway No. 107 control areas (Los Angeles, Calif., to Red Bluff, Calif.).* All of VOR civil airway No. 107.

§ 601.6108 *VOR civil airway No. 108 control areas (Colorado Springs, Colo., to Salina, Kans.).* All of VOR civil airway No. 108.

§ 601.6109 *VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.).* All of VOR civil airway No. 109.

§ 601.6110 *VOR civil airway No. 110 control areas (San Francisco, Calif., to Altamount, Calif.).* All of VOR civil airway No. 110.

§ 601.6111 *VOR civil airway No. 111 control areas (Salinas, Calif., to Los Banos, Calif.).* All of VOR civil airway No. 111.

§ 601.6112 *VOR civil airway No. 112 control areas (Portland, Oreg., to Pendleton, Oreg.).* All of VOR civil airway No. 112, including a north alternate.

§ 601.6113 *VOR civil airway No. 113 control areas (Paso Robles, Calif., to Reno, Nev.).* All of VOR civil airway No. 113.

§ 601.6114 *VOR civil airway No. 114 control areas (Amarillo, Tex., to New Orleans, La.).* All of VOR civil airway No. 114 including north alternates and a south alternate.

§ 601.6115 *VOR civil airway No. 115 control areas (Crestview, Fla., to Charleston, W. Va.).* All of VOR civil airway No. 115.

§ 601.6116 *VOR civil airway No. 116 control areas (Kansas City, Mo., to New York, N. Y.).* All of VOR civil airway No. 116.

§ 601.6117 *VOR civil airway No. 117 control areas (El Centro, Calif., to Daggett, Calif.).* All of VOR civil airway No. 117.

§ 601.6118 *VOR civil airway No. 118 control areas (Rock River, Wyo., to Cheyenne, Wyo.).* All of VOR civil airway No. 118.

§ 601.6119 *VOR civil airway No. 119 control areas (Huntington, W. Va., to Bradford, Pa.).* All of VOR civil airway No. 119.

§ 601.6120 *VOR civil airway No. 120 control areas (Ephrata, Wash., to Miles City, Mont.).* All of VOR civil airway No. 120.

§ 601.6121 *VOR civil airway No. 121 control areas (North Bend, Oreg., to Eugene, Oreg.).* All of VOR civil airway No. 121.

§ 601.6122 *VOR civil airway No. 122 control areas (Crescent City, Calif., to Klamath Falls, Oreg.).* All of VOR civil airway No. 122.

§ 601.6123 *VOR civil airway No. 123 control areas (Washington, D. C., to Wilton, Conn.).* All of VOR civil airway No. 123.

§ 601.6125 *VOR civil airway No. 125 control areas (Anthony, Kans., to Hutchinson, Kans.).* All of VOR civil airway No. 125.

§ 601.6126 *VOR civil airway No. 126 control areas (Chicago, Ill., to New York, N. Y.).* All of VOR civil airway No. 126.

§ 601.6127 *VOR civil airway No. 127 control areas (Livingston, Mont., to Helena, Mont.).* All of VOR civil airway No. 127.

§ 601.6128 *VOR civil airway No. 128 control areas (Chicago, Ill., to Charleston, W. Va.).* All of VOR civil airway No. 128 including a south alternate.

§ 601.6129 *VOR civil airway No. 129 control areas (Rockford, Ill., to Eau Claire, Wis.).* All of VOR civil airway No. 129.

§ 601.6130 *VOR civil airway No. 130 control areas (Albany, N. Y., to Providence, R. I.).* All of VOR civil airway No. 130.

§ 601.6131 *VOR civil airway No. 131 control areas (Tulsa, Okla., to Topeka, Kans.).* All of VOR civil airway No. 131.

§ 601.6132 *VOR civil airway No. 132 control areas (Cheyenne, Wyo., to Springfield, Mo.).* All of VOR civil airway No. 132.

§ 601.6133 *VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Traverse City, Mich.).* All of VOR civil airway No. 133.

§ 601.6134 *VOR civil airway No. 134 control areas (Evergreen, Ala., to Columbus, Ga.).* All of VOR civil airway No. 134.

§ 601.6135 *VOR civil airway No. 135 control areas (Yuma, Ariz., to Las Vegas, Nev.).* All of VOR civil airway No. 135.

§ 601.6136 *VOR civil airway No. 136 control areas (Pulaski, Va., to Raleigh, N. C.).* All of VOR civil airway No. 136.

§ 601.6137 *VOR civil airway No. 137 control areas (Thermal, Calif., to Ukiah, Calif.).* All of VOR civil airway No. 137.

§ 601.6138 *VOR civil airway No. 138 control areas (Rock River, Wyo., to Sidney, Nebr.).* All of VOR civil airway No. 138 including a north alternate and a south alternate.

§ 601.6139 *VOR civil airway No. 139 control areas (Norwich, Conn., to Boston, Mass.).* All of VOR civil airway No. 139.

§ 601.6140 *VOR civil airway No. 140 control areas (Amarillo, Tex., to New York, N. Y.).* All of VOR civil airway No. 140, including north alternates and a south alternate.

§ 601.6141 *VOR civil airway No. 141 control areas (Nantucket, Mass., to Plattsburg, N. Y.).* All of VOR civil airway No. 141.

§ 601.6142 *VOR civil airway No. 142 control areas (Erie, Pa., to Rochester, N. Y.).* All of VOR civil airway No. 142.

§ 601.6143 *VOR civil airway No. 143 control areas (Charlotte, N. C., to Washington, D. C.).* All of VOR civil airway No. 143, including a west alternate, but excluding the airspace between the main airway and the west alternate.

§ 601.6144 *VOR civil airway No. 144 control areas (Chicago, Ill., to Washington, D. C.).* All of VOR civil airway No. 144.

§ 601.6145 *VOR civil airway No. 145 control areas (Utica, N. Y., to the United States-Canadian Border).* All of VOR civil airway No. 145.

§ 601.6146 *VOR civil airway No. 146 control area (Wilkes-Barre, Pa., to Woodstock, Conn.).* All of VOR civil airway No. 146.

§ 601.6147 *VOR civil airway No. 147 control areas (Philadelphia, Pa., to Rochester, N. Y.).* All of VOR civil airway No. 147, including an east alternate.

§ 601.6148 *VOR civil airway No. 148 control areas (Denver, Colo., to North Platte, Nebr.).* All of VOR civil airway No. 148.

§ 601.6149 *VOR civil airway No. 149 control areas (Allentown, Pa., to Utica, N. Y.).* All of VOR civil airway No. 149.

§ 601.6150 *VOR civil airway No. 150 control areas (San Francisco, Calif., to Reno, Nev.).* All of VOR civil airway No. 150.

§ 601.6151 *VOR civil airway No. 151 control areas (Woonsocket, R. I., to Keene, N. H.).* All of VOR civil airway No. 151.

§ 601.6152 *VOR civil airway No. 152 control areas (Tampa, Fla., to Daytona Beach, Fla.).* All of VOR civil airway No. 152 including a north and a south alternate.

§ 601.6153 *VOR civil airway No. 153 control areas (New York, N. Y., to Syracuse, N. Y.).* All of VOR civil airway No. 153.

§ 601.6154 *VOR civil airway No. 154 control areas (Meridian, Miss., to Savannah, Ga.).* All of VOR civil airway No. 154, including a north alternate.

§ 601.6155 *VOR civil airway No. 155 control areas (Raleigh, N. C., to Washington, D. C.).* All of VOR civil airway No. 155.

§ 601.6156 *VOR civil airway No. 156 control areas (Elkins, W. Va., to Richmond, Va.).* All of VOR civil airway No. 156.

§ 601.6157 *VOR civil airway No. 157 control areas (Miami, Fla., to Richmond, Va.).* All of VOR civil airway No. 157.

§ 601.6158 *VOR civil airway No. 158 control areas (Waterloo, Iowa, to Polo, Ill.).* All of VOR civil airway No. 158.

§ 601.6159 *VOR civil airway No. 159 control areas (Miami, Fla., to Albany, Ga.).* All of VOR civil airway No. 159, including a west alternate.

§ 601.6160 *VOR civil airway No. 160 control areas (Denver, Colo., to Sidney, Nebr.).* All of VOR civil airway No. 160.

§ 601.6161 *VOR civil airway No. 161 control areas (Fort Worth, Tex., to Alexandria, Minn.).* All of VOR civil airway No. 161.

§ 601.6162 *VOR civil airway No. 162 control areas (Harrisburg, Pa., to Allentown, Pa.).* All of VOR civil airway No. 162, including a south alternate.

§ 601.6163 *VOR civil airway No. 163 control areas (Brownsville, Tex., to Oklahoma City, Okla.).* All of VOR civil airway No. 163 including west alternates and an east alternate.

§ 601.6164 *VOR civil airway No. 164 control areas (Buffalo, N. Y., to New York, N. Y.).* All of VOR civil airway No. 164 including south alternate, but excluding the airspace between the main airway and the south alternate.

§ 601.6165 *VOR civil airway No. 165 control areas (Long Beach, Calif., to Coalinga, Calif.).* All of VOR civil airway No. 165.

§ 601.6166 *VOR civil airway No. 166 control areas (Martinsburg, W. Va., to New York, N. Y.).* All of VOR civil airway No. 166.

§ 601.6167 *VOR civil airway No. 167 control areas (New York, N. Y., to Hartford, Conn.).* All of VOR civil airway No. 167.

§ 601.6168 *VOR civil airway No. 168 control areas (Selinsgrove, Pa., to Colts Neck, N. J.).* All of VOR civil airway No. 168.

§ 601.6169 *VOR civil airway No. 169 control areas (Sidney, Nebr., to Rapid City, S. Dak.).* All of VOR civil airway No. 169 including an east alternate.

§ 601.6170 *VOR civil airway No. 170 control areas (Milwaukee, Wis., to Philadelphia, Pa.).* All of VOR civil airway No. 170 including a north alternate.

§ 601.6171 *VOR civil airway No. 171 control areas (Louisville, Ky., to Lone Rock, Wis.).* All of VOR civil airway No. 171.

§ 601.6172 *VOR civil airway No. 172 control areas (Denver, Colo., to Chicago, Ill.).* All of VOR civil airway No. 172.

§ 601.6173 *VOR civil airway No. 173 control areas (Springfield, Ill., to Chicago, Ill.).* All of VOR civil airway No. 173.

§ 601.6174 *VOR civil airway No. 174 control areas (Vichy, Mo., to Washington, D. C.).* All of VOR civil airway No. 174.

§ 601.6175 *VOR civil airway No. 175 control areas (Vichy, Mo., to Columbia, Mo.).* All of VOR civil airway No. 175.

§ 601.6177 *VOR civil airway No. 177 control areas (Wheatfield, Ill., to Janesville, Wis.).* All of VOR civil airway No. 177.

§ 601.6178 *VOR civil airway No. 178 control areas (Farmington, Mo., to Paducah, Ky.).* All of VOR civil airway No. 178 including a south alternate.

§ 601.6179 *VOR civil airway No. 179 control areas (Paducah, Ky., to Centralia, Ill.)* All of VOR civil airway No. 179.

§ 601.6180 *VOR civil airway No. 180 control areas (Austin, Tex., to Galveston, Tex.).* All of VOR civil airway No. 180.

§ 601.6181 *VOR civil airway No. 181 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).* All of VOR civil airway No. 181.

§ 601.6182 *VOR civil airway No. 182 control areas (Portland, Oreg., to Baker, Oreg.).* All of VOR civil airway No. 182, including a north alternate.

§ 601.6183 *VOR civil airway No. 183 control areas (Santa Barbara, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 183.

§ 601.6184 *VOR civil airway No. 184 control areas (Erie, Pa., to Philipsburg, Pa.).* All of VOR civil airway No. 184.

§ 601.6185 *VOR civil airway No. 185 control areas (Savannah, Ga., to Knoxville, Tenn.).* All of VOR civil airway No. 185 including an east and a west alternate, but excluding the airspace between the main airway and its west alternate airway from the Augusta, Ga., omnirange station to the Asheville, N. C., omnirange station and also excluding the airspace between the main airway and its east alternate from the Asheville, N. C., omnirange station to the Knoxville, Tenn., omnirange station.

§ 601.6186 *VOR civil airway No. 186 control areas (St. Louis, Mo., to Vandalia, Ill.).* All of VOR civil airway No. 186.

§ 601.6187 *VOR civil airway No. 187 control areas (Grand Junction, Colo., to Rock Springs, Wyo.).* All of VOR civil airway No. 187.

§ 601.6188 *VOR civil airway No. 188 control areas (Detroit, Mich., to New York, N. Y.).* All of VOR civil airway No. 188.

§ 601.6190 *VOR civil airway No. 190 control areas (Grants, N. Mex., to Evansville, Ind.).* All of VOR civil airway No. 190.

§ 601.6191 *VOR civil airway No. 191 control areas (Walnut Ridge, Ark., to Milwaukee, Wis.).* All of VOR civil airway No. 191.

§ 601.6192 *VOR civil airway No. 192 control areas (Grant, N. Mex., to Tucumcari, N. Mex.).* All of VOR civil airway No. 192.

§ 601.6193 *VOR civil airway No. 193 control areas (Keeler, Mich., to Sault Ste. Marie, Mich.).* All of VOR civil airway No. 193.

§ 601.6194 *VOR civil airway No. 194 control areas (Lafayette, La., to Norfolk, Va.).* All of VOR civil airway No. 194 including a south alternate.

§ 601.6195 *VOR civil airway No. 195 control areas (Oakland, Calif., to Fortuna, Calif.).* All of VOR civil airway No. 195 including a west alternate.

§ 601.6196 *VOR civil airway No. 196 control areas (Rock River, Wyo., to Chadron, Nebr.).* All of VOR civil airway No. 196.

§ 601.6198 *VOR civil airway No. 198 control areas (El Paso, Tex., to Galveston, Tex.).* All of VOR civil airway No. 198.

§ 601.6199 *VOR civil airway No. 199 control areas (San Francisco, Calif., to Ukiah, Calif.).* All of VOR civil airway No. 199.

§ 601.6200 *VOR civil airway No. 200 control areas (Ukiah, Calif., to Kremmling, Colo.).* All of VOR civil airway No. 200.

§ 601.6201 *VOR civil airway No. 201 control areas (Los Angeles, Calif., to Pasadena, Calif.).* All of VOR civil airway No. 201.

§ 601.6202 *VOR civil airway No. 202 control areas (Tucson, Ariz., to Truth or Consequences, N. Mex.).* All of VOR civil airway No. 202.

§ 601.6203 *VOR civil airway No. 203 control areas (Norwich, Conn., to Massena, N. Y.).* All of VOR civil airway No. 203.

§ 601.6204 *VOR civil airway No. 204 control areas (Hoquiam, Wash., to Olympia, Wash.).* All of VOR civil airway No. 204.

§ 601.6205 *VOR civil airway No. 205 control areas (Springfield, Mo., to Kansas City, Mo.).* All of VOR civil airway No. 205.

§ 601.6206 *VOR civil airway No. 206 control areas (Blue Springs, Mo., to Kirksville, Mo.).* All of VOR civil airway No. 206.

§ 601.6207 *VOR civil airway No. 207 control areas (Denver, Colo., to Egbert, Wyo.).* All of VOR civil airway No. 207.

§ 601.6208 *VOR civil airway No. 208 control areas (Los Angeles, Calif., to Needles, Calif.).* All of VOR civil airway No. 208.

§ 601.6209 *VOR civil airway No. 209 control areas (Los Angeles, Calif., to Paso Robles, Calif.).* All of VOR civil airway No. 209.

§ 601.6210 *VOR civil airway No. 210 control areas (Los Angeles, Calif., to*

Wheeling, W. Va.). All of VOR civil airway No. 210.

§ 601.6211 *VOR civil airway No. 211 control areas (Fort Stockton, Tex., to Cotulla, Tex.).* All of VOR civil airway No. 211.

§ 601.6212 *VOR civil airway No. 212 control areas (Ukiah, Calif., to Reno, Nev.).* All of VOR civil airway No. 212.

§ 601.6213 *VOR civil airway No. 213 control areas (Rocky Mount, N. C., to Boykins, Va.).* All of VOR civil airway No. 213.

§ 601.6214 *VOR civil airway No. 214 control areas (Shelbyville, Ind., to Wheeling, W. Va.).* All of VOR civil airway No. 214.

§ 601.6215 *VOR civil airway No. 215 control areas (Muskegon, Mich., to White Cloud, Mich.).* All of VOR civil airway No. 215.

§ 601.6216 *VOR civil airway No. 216 control areas (Janesville, Wis., to Saginaw, Mich.).* All of VOR civil airway No. 216.

§ 601.6217 *VOR civil airway No. 217 control areas (Chicago, Ill., to Green Bay, Wis.).* All of VOR civil airway No. 217.

§ 601.6218 *VOR civil airway No. 218 control areas (Chicago, Ill., to Flint, Mich.).* All of VOR civil airway No. 218.

§ 601.6219 *VOR civil airway No. 219 control areas (Ogden, Utah, to Malad City, Idaho).* All of VOR civil airway No. 219.

§ 601.6220 *VOR civil airway No. 220 control areas (Kremmling, Colo., to Akron, Colo.).* All of VOR civil airway No. 220.

§ 601.6221 *VOR civil airway No. 221 control areas (Fort Wayne, Ind., to Erie, Pa.).* All of VOR civil airway No. 221.

§ 601.6222 *VOR civil airway No. 222 control areas (El Paso, Tex., to Houston, Tex.).* All of VOR civil airway No. 222.

§ 601.6223 *VOR civil airway No. 223 control areas (Herndon, Va., to Harrisburg, Pa.).* All of VOR civil airway No. 223.

§ 601.6224 *VOR civil airway No. 224 control areas (Detroit, Mich., to the United States-Canadian Border).* All of VOR civil airway No. 224.

§ 601.6225 *VOR civil airway No. 225 control areas (Key West, Fla., to Vero Beach, Fla.).* All of VOR civil airway No. 225.

§ 601.6226 *VOR civil airway No. 226 control areas (Williamsport, Pa., to New York, N. Y.).* All of VOR civil airway No. 226.

§ 601.6227 *VOR civil airway No. 227 control areas (Louisville, Ky., to Peotone, Ill.).* All of VOR civil airway No. 227.

§ 601.6228 *VOR civil airway No. 228 control areas (Wheeling, Ill., to South Bend, Ind.).* All of VOR civil airway No. 228.

§ 601.6229 *VOR civil airway No. 229 control areas (Wilmington, N. C., to Cofield, N. C.).* All of VOR civil airway No. 229.

§ 601.6230 *VOR civil airway No. 230 control areas (Salinas, Calif., to Fresno, Calif.)* All of VOR civil airway No. 230.

§ 601.6231 *VOR civil airway No. 231 control areas (Missoula, Mont., to Ronan, Mont.).* All of VOR civil airway No. 231.

§ 601.6232 *VOR civil airway No. 232 control areas (Cleveland, Ohio, to Fitzgerald, Pa.).* All of VOR civil airway No. 232.

§ 601.6233 *VOR civil airway No. 233 control areas (Springfield, Ill., to Cedar Rapids, Iowa).* All of VOR civil airway No. 233 including an east alternate.

§ 601.6234 *VOR civil airway No. 234 control areas (Anton Chico, New Mex., to Dalhart, Tex.).* All of VOR civil airway No. 234.

§ 601.6235 *VOR civil airway No. 235 control areas (Utah Lake, Utah, to Fort Bridger, Wyo.).* All of VOR civil airway No. 235.

§ 601.6236 *VOR civil airway No. 236 control areas (Booneville, Utah, to Ogden, Utah.).* All of VOR civil airway No. 236.

§ 601.6237 *VOR civil airway No. 237 control areas (Needles, Calif., to Mormon Mesa, Nev.).* All of VOR civil airway No. 237.

§ 601.6238 *VOR civil airway No. 238 control areas (Philipsburg, Pa., to Atlantic City, N. J.).* All of VOR civil airway No. 238.

§ 601.6239 *VOR civil airway No. 239 control areas (Wildwood, N. J., to Newark, N. J.).* All of VOR civil airway No. 239.

§ 601.6240 *VOR civil airway No. 240 control areas (New Orleans, La., to Mobile, Ala.).* All of VOR civil airway No. 240.

§ 601.6241 *VOR civil airway No. 241 control areas (Crestview, Fla., to Atlanta, Ga.).* All of VOR civil airway No. 241.

§ 601.6242 *VOR civil airway No. 242 control areas (Mobile, Ala., to Magnolia Springs, Ala.).* All of VOR civil airway No. 242.

§ 601.6243 *VOR civil airway No. 243 control areas (Chattanooga, Tenn., to Scotland, Ind.).* All of VOR civil airway No. 243.

§ 601.6244 *VOR civil airway No. 244 control areas (Oakland, Calif., to Modesto, Calif.).* All of VOR civil airway No. 244.

§ 601.6246 *VOR civil airway No. 246 control areas (Dayton, Ohio, to Mansfield, Ohio).* All of VOR civil airway No. 246.

§ 601.6247 *VOR civil airway No. 247 control areas (Douglas, Wyo., to Crazy Woman, Wyo.).* All of VOR civil airway No. 247.

§ 601.6248 *VOR civil airway No. 248 control areas (Paso Robles, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 248.

§ 601.6249 *VOR civil airway No. 249 control areas (Caldwell, N. J., to Utica, N. Y.).* All of VOR civil airway No. 249.

§ 601.6250 *VOR civil airway No. 250 control areas (Bergholz, Ohio, to Fitzgerald, Pa.).* All of VOR civil airway No. 250.

§ 601.6251 *VOR civil airway No. 251 control areas (Washington, D. C., to New York, N. Y.).* All of VOR civil airway No. 251.

§ 601.6252 *VOR civil airway No. 252 control areas (Binghamton, N. Y., to New York, N. Y.).* All of VOR civil airway No 252.

§ 601.6253 *VOR civil airway No. 253 control areas (Utah Lake, Utah, to Boise, Idaho).* All of VOR civil airway No. 253.

§ 601.6254 *VOR civil airway No. 254 control areas (Reinholds, Pa., to Columbus, N. J.).* All of VOR civil airway No. 254.

§ 601.6255 *VOR civil airway No. 255 control areas (Burlington, Iowa, to Janesville, Wis.).* All of VOR civil airway No. 255.

§ 601.6256 *VOR civil airway No. 256 control areas (Reinholds, Pa., to Yardley, Pa.).* All of VOR civil airway No. 256.

§ 601.6257 *VOR civil airway No. 257 control areas (Delta, Utah, to Ogden, Utah).* All of VOR civil airway No. 257.

§ 601.6258 *VOR civil airway No. 258 control areas (Charleston, W. Va., to Roanoke, Va.).* All of VOR civil airway No. 258.

§ 601.6259 *VOR civil airway No. 259 control areas (Charlotte, N. C., to Tri-City, Tenn.).* All of VOR civil airway No. 259.

§ 601.6260 *VOR civil airway No. 260 control areas (Charleston, W. Va., to Roanoke, Va.).* All of VOR civil airway No. 260.

§ 601.6261 *VOR civil airway No. 261 control areas (Pulaski, Va., to Hinton, W. Va.).* All of VOR civil airway No. 261.

§ 601.6262 *VOR civil airway No. 262 control areas (Bradford, Ill., to Chicago, Ill.).* All of VOR civil airway No. 262.

§ 601.6263 *VOR civil airway No. 263 control areas (Lamar, Colo., to Thurman, Colo.).* All of VOR civil airway No. 263.

§ 601.6264 *VOR civil airway No. 264 control areas (Ontario, Calif., to Giant Rock, Calif.).* All of VOR civil airway No. 264.

§ 601.6265 *VOR civil airway No. 265 control areas (Washington, D. C., to Harrisburg, Pa.).* All of VOR civil airway No. 265.

§ 601.6266 *VOR civil airway No. 266 control areas (South Boston, Va., to Elizabeth City, N. C.).* All of VOR civil airway No. 266.

§ 601.6267 *VOR civil airway No. 267 control areas (Miami, Fla., to Jacksonville, Fla.).* All of VOR civil airway No. 267.

§ 601.6268 *VOR civil airway No. 268 control areas (Keymar, Md., to Baltimore, Md.).* All of VOR civil airway No. 268.

§ 601.6269 *VOR civil airway No. 269 control areas (Wells, Nev., to Dubois, Idaho).* All of VOR civil airway No. 269.

§ 601.6270 *VOR civil airway No. 270 control areas (Binghamton, N. Y., to Chester, Mass.).* All of VOR civil airway No. 270.

§ 601.6271 *VOR civil airway No. 271 control areas (Bonneville, Utah, to Burley, Idaho).* All of VOR civil airway No. 271.

§ 601.6272 *VOR civil airway No. 272 control areas (Sayre, Okla., to Oklahoma City, Okla.).* All of VOR civil airway No. 272, including a north alternate.

§ 601.6273 *VOR civil airway No. 273 control areas (Downsville, N. Y., to Syracuse, N. Y.).* All of VOR civil airway No. 273.

§ 601.6274 *VOR civil airway No. 274 control areas (Grand Rapids, Mich., to Saginaw, Mich.).* All of VOR civil airway No. 274.

§ 601.6275 *VOR civil airway No. 275 control areas (Cincinnati, Ohio, to Detroit, Mich.).* All of VOR civil airway No. 275.

§ 601.6276 *VOR civil airway No. 276 control areas (Ellwood City, Pa., to Monmouth, N. J.).* All of VOR civil airway No. 276.

§ 601.6277 *VOR civil airway No. 277 control areas (Plain City, Ohio, to Keeler, Mich.).* All of VOR civil airway No. 277.

§ 601.6278 *VOR civil airway No. 278 control areas (Guthrie, Tex., to Fort Worth, Tex.).* All of VOR civil airway No. 278.

§ 601.6279 *VOR civil airway No. 279 control areas (Columbus, Ohio, to Findlay, Ohio).* All of VOR civil airway No. 279.

§ 601.6280 *VOR civil airway No. 280 control areas (El Paso, Tex., to Kansas City, Mo.).* All of VOR civil airway No. 280.

§ 601.6281 *VOR civil airway No. 281 control areas (Redmond, Oreg., to Spokane, Wash.).* All of VOR civil airway No. 281.

§ 601.6282 *VOR civil airway No. 282 control areas (Cofield, N. C., to Elizabeth City, N. C.).* All of VOR civil airway No. 282.

§ 601.6283 *VOR civil airway No. 283 control areas (Redmond, Oreg., to Portland, Oreg.).* All of VOR civil airway No. 283.

§ 601.6284 *VOR civil airway No. 284 control areas (Fort Stockton, Tex., to San Angelo, Tex.).* All of VOR civil airway No. 284.

§ 601.6285 *VOR civil airway No. 285 control areas (Myton, Utah, to Rawlins, Wyo.).* All of VOR civil airway No. 285.

§ 601.6286 *VOR civil airway No. 286 control areas (Front Royal, Va., to Cape Charles, Va.).* All of VOR civil airway No. 286.

§ 601.6287 *VOR civil airway No. 287 control areas (North Bend, Oreg., to Newberg, Oreg.).* All of VOR civil airway No. 287.

§ 601.6288 *VOR civil airway No. 288 control areas (Lucin, Utah, to Fort Bridger, Wyo.).* All of VOR civil airway No. 288.

§ 601.6289 *VOR civil airway No. 289 control areas (Beaumont, Tex., to Lufkin, Tex.).* All of VOR civil airway No. 289.

§ 601.6290 *VOR civil airway No. 290 control areas.* [Unassigned.]

§ 601.6291 *VOR civil airway No. 291 control areas (Prescott, Ariz., to Valle, Ariz.).* All of VOR civil airway No. 291.

HAWAIIAN VOR CIVIL AIRWAY CONTROL AREAS

§ 601.6401 *Hawaiian VOR civil airway No. 1 control areas.* All of Hawaiian VOR civil airway No. 1.

§ 601.6402 *Hawaiian VOR civil airway No. 2 control areas.* All of Hawaiian VOR civil airway No. 2, including south alternates.

§ 601.6403 *Hawaiian VOR civil airway No. 3 control areas.* All of Hawaiian VOR civil airway No. 3.

§ 601.6404 *Hawaiian VOR civil airway No. 4 control areas.* All of Hawaiian VOR civil airway No. 4 including a north alternate, but excluding the airspace between the main airway and the north alternate airway.

§ 601.6405 *Hawaiian VOR civil airway No. 5 control areas.* All of Hawaiian VOR civil airway No. 5.

§ 601.6406 *Hawaiian VOR civil airway No. 6 control areas.* All of Hawaiian VOR civil airway No. 6.

§ 601.6407 *Hawaiian VOR civil airway No. 7 control areas.* All of Hawaiian VOR civil airway No. 7.

§ 601.6408 *Hawaiian VOR civil airway No. 8 control areas.* All of Hawaiian VOR civil airway No. 8.

§ 601.6409 *Hawaiian VOR civil airway No. 9 control areas.* All of Hawaiian VOR civil airway No. 9.

§ 601.6410 *Hawaiian VOR civil airway No. 10 control areas.* All of Hawaiian VOR civil airway No. 10.

§ 601.6411 *Hawaiian VOR civil airway No. 11 control areas.* All of Hawaiian VOR civil airway No. 11.

CONTROL AREA ALTERATIONS

§ 601.6600 *VOR civil airway No. 1500 control areas (San Francisco, Calif., to New York, N. Y.).* All of VOR civil airway No. 1500.

§ 601.6602 *VOR civil airway No. 1502 control areas (San Francisco, Calif., to New York, N. Y.).* All of VOR civil airway No. 1502.

§ 601.6604 *VOR civil airway No. 1504 control areas (San Francisco, Calif., to Washington, D. C.).* All of VOR civil airway No. 1504.

§ 601.6606 *VOR civil airway No. 1506 control areas (San Francisco, Calif., to Washington, D. C.).* All of VOR civil airway No. 1506.

§ 601.6608 *VOR civil airway No. 1508 control areas (Los Angeles, Calif., to New York, N. Y.).* All of VOR civil airway No. 1508.

§ 601.6610 *VOR civil airway No. 1510 control areas (Los Angeles, Calif., to New York, N. Y.).* All of VOR civil airway No. 1510, but excluding the airspace between the main airway and its south alternate between the Iowa City, Iowa, omnirange station and the Waterville, Ohio, omnirange station.

§ 601.6612 *VOR civil airway No. 1512 control areas (Los Angeles, Calif., to New York, N. Y.).* All of VOR civil airway No. 1512, but excluding the airspace between the main airway and its south alternate between the Kansas City, Mo., omnirange station and the Indianapolis, Ind., omnirange station.

§ 601.6614 *VOR civil airway No. 1514 control areas (San Francisco, Calif., to New York, N. Y.).* All of VOR civil airway No. 1514, but excluding the airspace between the main airway and its south alternate between the Kansas City, Mo., omnirange station and the Indianapolis, Ind., omnirange station.

§ 601.6616 *VOR civil airway No. 1516 control areas (San Francisco, Calif., to Washington, D. C.).* All of VOR civil airway No. 1516.

§ 601.6618 *VOR civil airway No. 1518 control areas (Los Angeles, Calif., to Washington, D. C.).* All of VOR civil airway No. 1518.

§ 601.6620 *VOR civil airway No. 1520 control areas (Los Angeles, Calif., to Washington, D. C.).* All of VOR civil airway No. 1520.

§ 601.6622 *VOR civil airway No. 1522 control areas (Los Angeles, Calif., to Washington, D. C.).* All of VOR civil airway No. 1522.

SUBPART G—VOR CIVIL AIRWAY REPORTING POINTS

§ 601.7001 *Domestic VOR reporting points.*

Aberdeen, S. Dak., omnirange station.
Abilene, Tex., omnirange station.
Akron, Colo., omnirange station.
Albany, Ga., omnirange station.
Albany, N. Y. omnirange station.
Albuquerque, N. Mex., omnirange station.
Alexandria, La., omnirange station.
Alexandria, Minn., omnirange station.
Alice, Tex., omnirange station.
Allentown, Pa., omnirange station.
Alma, Ga., omnirange station.
Altoona Intersection: The intersection of the Johnstown, Pa., omnirange 092° True and the Philipsburg, Pa., omnirange 202° True radials.
Amarillo, Tex., omnirange station.
Andalusia Intersection: The intersection of the Evergreen, Ala., omnirange 108° True and the Crestview, Fla., omnirange 013° True radials.
Andrews Intersection: The intersection of the Baltimore, Md., omnirange 196° True and the Washington, D. C., terminal omnirange 140° True radials.
Animas Intersection: The intersection of the Douglas, Ariz., omnirange 063° True and

the Columbus, N. Mex., omnirange 277° True radials.

Annawan Intersection: The intersection of the Iowa City, Iowa, omnirange 093° True radial, the Moline, Ill., omnirange 139° True radial and the Moline, Ill., ILS localizer back course.

Anthony, Kans., omnirange station.

Anton Chico, N. Mex., omnirange station.

Apple Intersection: The intersection of the Palmdale, Calif., omnirange 096° True and the Daggett, Calif., omnirange 235° True radials.

Appleton, Ohio, omnirange station.

Ardmore, Okla., omnirange station.

Asheville, N. C., omnirange station.

Atlanta, Ga., omnirange station.

Augusta, Ga., omnirange station.

Augusta, Maine, omnirange station.

Atwater Intersection: The intersection of the Youngstown, Ohio, omnirange 233° True and the Cleveland, Ohio, omnirange 116° True radials.

Austin, Tex., omnirange station.

Avalon Intersection: The intersection of the Oceanside, Calif., omnirange 280° True and the Long Beach, Calif., omnirange 200° True radials.

Baker, Oreg., omnirange station.

Bakersfield, Calif., omnirange station.

Bangor, Maine, omnirange station.

Banning Intersection: The intersection of the Ontario, Calif., omnirange 091° True and the March, Calif., omnirange 061° True radials.

Baltimore, Md., omnirange station.

Barberville Intersection: The intersection of the Orlando, Fla., omnirange 354° True and the Gainesville, Fla., omnirange 117° True radials.

Baton Rouge, La., omnirange station.

Battle Mountain, Nev., omnirange station.

Bay Point Intersection: The intersection of the Oakland, Calif., omnirange 039° True and the Modesto, Calif., omnirange 292° True radials.

Beaumont, Tex., omnirange station.

Belle Glade Intersection: The intersection of the Vero Beach, Fla., omnirange 192° True and the Miami, Fla., omnirange 338° True radials.

Bellingham, Wash., omnirange station.

Benito Intersection: The intersection of the Salinas, Calif., omnirange 109° True and the Paso Robles, Calif., omnirange 335° True radials.

Bergholz Intersection: The intersection of the Pittsburgh, Pa., Omnirange 291° True and the Youngstown, Ohio, omnirange 195° True radials (or ADF passing indication over the Bergholz, Ohio, nondirectional radio beacon).

Big Spring, Tex., omnirange station.

Billings, Mont., omnirange station.

Binghamton, N. Y., omnirange station.

Birmingham, Ala., omnirange station.

Bismarck, N. Dak., omnirange station.

Blythe, Calif., omnirange station.

Bonneville, Utah, omnirange station.

Boise, Idaho, omnirange station.

Boston, Mass., omnirange station.

Bowling Green, Ky., omnirange station.

Bradford, Ill., omnirange station.

Bradford, Pa., omnirange station.

Bradley Intersection: The intersection of the Poughkeepsie, N. Y., omnirange 079° True radial and the 225° True course of the Windsor Locks, Conn., Bradley Field ILS localizer.

Britton, Tex., omnirange station.

Brownsville, Tex., omnirange station.

Brunswick, Ga., omnirange station.

Bryce Canyon, Utah, omnirange station.

Buck Hill Intersection: The intersection of the Stroudsburg, Pa., omnirange 345° True and the Stillwater, N. J., omnirange 298° True radials.

Burley, Idaho, omnirange station.

Burlington, Iowa, omnirange station.

Buffalo, N. Y., omnirange station.

Butler, Mo., omnirange station.

Butte, Mont., omnirange station.

Campbell Intersection: The intersection of the San Francisco, Calif., omnirange 141° True radial and a line bearing 048° True toward the Evergreen, Calif., non-directional radio beacon.

Carleton, Mich., omnirange station.

Carlsbad, N. Mex., omnirange station.

Casper, Wyo., omnirange station.

Cedar Rapids, Iowa, omnirange station.

Centralia, Ill., omnirange station.

Chadron, Nebr., omnirange station.

Charleston, S. C., omnirange station.

Charleston, W. Va., omnirange station.

Charlo Intersection: The intersection of the Mullan Pass, Idaho, omnirange 089° True and the Missula, Mont. omnirange 354° True radials.

Charlotte, N. C., omnirange station.

Chattanooga, Tenn., omnirange station.

Cherokee, Wyo., omnirange station.

Chester, Mass., omnirange station.

Cheyenne, Wyo., omnirange station.

Chicago Heights, Ill., omnirange station.

Childress, Tex., omnirange station.

Cincinnati, Ohio, omnirange station.

Clam Intersection: The intersection of the Cross City, Fla., omnirange 242° True and the Tallahassee, Fla., omnirange 151° True radials.

Clareville Intersection: The intersection of the Alice, Tex., omnirange 010° True and the Corpus Christi, Tex., 321° True radials.

Cleveland, Ohio, omnirange station.

Coalinga, Calif., omnirange station.

Cochise, Ariz., omnirange station.

Cofield, N. C., omnirange station.

Coldwater Intersection: The intersection of the Dayton, Ohio, omnirange 327° True and the Findlay, Ohio, omnirange 250° True radials.

College Station, Tex., omnirange station.

Columbia, Mo., omnirange station.

Columbia, S. C., omnirange station.

Columbus, Ga., omnirange station.

Columbus, N. Mex., omnirange station.

Concord, N. H., omnirange station.

Corbin, Ky., VAR station.

Corona Intersection: The intersection of the Long Beach, Calif., omnirange 095° True and the Ontario, Calif., omnirange 180° True radials.

Corono, N. Mex., omnirange station.

Corpus Christi, Tex., omnirange station.

Cotulla, Tex., omnirange station.

Crescent City, Calif., omnirange station.

Crestview, Fla., omnirange station.

Cross City, Fla., omnirange station.

Crossville, Tenn., omnirange station.

Crystal Lake Intersection: The intersection of the Allentown, Pa., omnirange 329° True and the Wilkes Barre-Scranton, Pa., omnirange 224° True radials.

Culberson, Tex., omnirange station.

Cut Bank, Mont., omnirange station.

Daggett, Calif., omnirange station.

Davenport Intersection: The intersection of the Agnew, California, omnirange 206° True, the Salinas, Calif., omnirange 300° True and the Point Reyes, Calif., omnirange 155° True radials.

Dayton Intersection: The intersection of the Westminster, Md., omnirange 179° True and the Baltimore, Md., omnirange 281° True radials.

Dayton, Ohio, omnirange station.

Daytona Beach, Fla., omnirange station.

Dalhart, Tex., omnirange station.

Dallas, Tex., omnirange station.

De Lancy, N. Y., omnirange station.

Delta, Utah, omnirange station.

Denver, Colo., omnirange station.

Des Moines, Iowa, omnirange station.

Detroit, Mich., omnirange station.

Dickinson, N. Dak., omnirange station.

Dillon, Mont., omnirange station.

Doby Intersection: The intersection of the Elko, Nev., omnirange 338° True and the Wells, Nev., omnirange 249° True radials.

Dodge City, Kans., omnirange station.

Dog Intersection: The intersection of the New Orleans, La., omnirange 078° True and the Mobile, Ala., omnirange 224° True radials.

Dothan, Ala., terminal omnirange station.

Douglas, Ariz., omnirange station.

Douglas, Wyo., omnirange station.

Drummond, Mont., omnirange station.

Dubois, Idaho, omnirange station.

Dubuque, Iowa, omnirange station.

Duluth, Minn., omnirange station.

Dyersburg, Tenn., omnirange station.

Eagle Lake, Tex., omnirange station.

Eau Claire, Wis., omnirange station.

Edgerton Intersection: The intersection of the Fort Wayne, Ind. omnirange 037° True and the Goshen, Ind., omnirange 092° True radials.

El Centro, Calif., omnirange station.

El Dorado, Ark., omnirange station.

Elkins, W. Va., omnirange station.

Elko, Nev., omnirange station.

Ellensburg, Wash., omnirange station.

Elmira, N. Y., omnirange station.

El Paso, Tex., omnirange station.

Emporia, Kans., omnirange station.

Ephrata, Wash., omnirange station.

Erie, Pa., omnirange station.

Eugene, Oreg., omnirange station.

Evansville, Ind., omnirange station.

Evergreen, Ala., omnirange station.

Fairland Intersection: The intersection of the Herndon, Va., omnirange 084° True and the Washington, D. C., terminal omnirange 016° True radials.

Farina Intersection: The intersection of the Vandalia, Ill., omnirange 136° True and the Troy, Ill., omnirange 084° True radials.

Fargo, N. Dak., omnirange station.

Farmington, Mo., omnirange station.

Farmington, N. Mex., omnirange station.

Fayetteville, Ark., omnirange station.

Filmore, Calif., omnirange station.

Findlay, Ohio, omnirange station.

Fitzgerald, Pa., omnirange station.

Flat Rock, Va., omnirange station.

Fontana Intersection: The intersection of the Palmdale, Calif., omnirange 136° True, the Ontario, Calif., omnirange 038° True and the Daggett, Calif., omnirange 218° True radials.

Fort Bridger, Wyo., omnirange station.

Fort Dodge, Iowa, omnirange station.

Fort Jones, Calif., omnirange station.

Fort Myers, Fla., omnirange station.

Fort Smith, Ark., omnirange station.

Fort Wayne, Ind., omnirange station.

Fort Worth, Tex., omnirange station.

Flint Intersection: The intersection of the Lansing, Mich., omnirange 068° True and the Salem, Mich., omnirange 342° True radials.

Flintstone Intersection: The intersection of the Front Royal, Va., omnirange 335° True and the Martinsburg, W. Va., omnirange 398° True radials.

Flippin, Ark., omnirange station.

Florence, S. C., omnirange station.

Fort Stockton, Tex., omnirange station.

Fortuna, Calif., omnirange station.

Francis Intersection: The intersection of the Oakland, Calif., omnirange 266° True and the Point Reyes, Calif., omnirange 236° True radials.

Fresno, Calif., omnirange station.

Front Royal, Va., omnirange station.

Gage, Okla., omnirange station.

Galveston, Tex., omnirange station.

Garden City, Kans., omnirange station.

Gardner, Mass., omnirange station.

Geyersville Intersection: The intersection of the Ukiah, Calif., omnirange 147° True and the Point Reyes, Calif., omnirange 352° True radials.

Gila Bend, Ariz., omnirange station.

Gill Intersection: The intersection of the Jefferson, Ohio, omnirange 279° True and the Cleveland, Ohio, omnirange 024° True radials.

Goodland, Kans., omnirange station.

Gordonsville, Va., omnirange station.

Gore Intersection: The intersection of the Culbertson, Tex., omnirange 012° True and

the Salt Flat, Tex., omnirange 085° True radials.

Goshen, Ind., omnirange station.

Graham, Tenn., omnirange station.

Grand Island, Nebr., omnirange station.

Grand Junction, Colo., omnirange station.

Grants, N. Mex., omnirange station.

Grantsburg, Wis., omnirange station.

Grantsville, Md., omnirange station.

Great Falls, Mont., omnirange station.

Green Bay, Wis., omnirange station.

Greenville Intersection: The intersection of the Tallahassee, Fla., omnirange 091° True; the Valdosta, Ga., omnirange 236° True radials, and the Cross City, Fla., omnirange 333° True radials.

Gregg County, Tex., omnirange station.

Greentown Intersection: The intersection of the Wilkes-Barre-Scranton, Pa., omnirange 117° True (127° M) and the Stroudsburg, Pa., omnirange 000° True (010° M) radials.

Greenwood, Miss., omnirange station.

Greensboro, N. C., omnirange station.

Guthrie, Tex., omnirange station.

Half-Moon Bay Intersection: The intersection of the Oakland, Calif., omnirange 217° True, the Salinas, Calif., omnirange 319° True and the San Francisco, Calif., omnirange 281° True radials.

Hanksville Utah, omnirange station.

Harrisburg, Pa., omnirange station.

Hartford, Conn., omnirange station.

Helena, Mont., omnirange station.

Hassayampa, Ariz., omnirange station.

Herndon, Va., omnirange station.

Highway Intersection: The intersection of the Nashville, Tenn., omnirange 059° True and the Crossville, Tenn., omnirange 347° True radials.

Hill City, Kans., omnirange station.

Hobart, Okla., omnirange station.

Hobbs, N. Mex., omnirange station.

Homer Intersection: The intersection of the Norcross, Ga., omnirange 054° True and the Royston, Ga., omnirange 270° True radials.

Honea Intersection: The intersection of the Royston, Ga., omnirange 074° True radial and the Greenville, S. C., ILS localizer south course.

Hope Intersection: The intersection of the Rochester, Minn., omnirange 275° True and the Minneapolis, Minn., omnirange 179° True radials.

Hoquiam, Wash., omnirange station.

Houston, Tex., omnirange station.

Hudspeth, Tex., omnirange station.

Huntsville, Ala., omnirange station.

Huron, S. Dak., omnirange station.

Hutchinson, Kans., omnirange station.

Imperial, Nebr., omirange station.

Indianapolis, Ind., omnirange station.

Iowa City, Iowa, omnirange station.

Jack's Creek, Tenn., omnirange station.

Jackson Intersection: The intersection of the Litchfield, Mich., omnirange 050° True and the Salem, Mich., omnirange 257° True radials.

Jackson, Miss., omnirange station.

Jacksonville, Fla., omnirange station.

Jamestown, N. Dak., omnirange station.

Janesville, Wis., omnirange station.

Joliet, Ill., omnirange station.

Junction, Tex., omnirange station.

Kansas City, Mo., omnirange station.

Keeler, Mich., omnirange station.

Kenton, Del., omnirange station.

Kiowa, Colo., omnirange station.

Kirksville, Mo., omnirange station.

Kennebunk, Maine, omnirange station.

Key West, Fla., omnirange station.

Klamath Falls, Oreg., omnirange station.

Knox Intersection: The intersection of the Youngstown, Ohio, omnirange 101° True and Fitzgerald, Pa., omnirange 240° True radials.

Knoxville, Tenn., omnirange station.

Kokomo Intersection: The intersection of the Indianapolis, Ind., omnirange 021° True and the Lafayette, Ind., omnirange 089° True radials.

Kremmling, Colo., omnirange station.

La Belle, Fla., omnirange station.

La Crosse, Wis., omnirange station.

Lafayette, Ind., omnirange station.

Lafayette, La., omnirange station.

Lake Charles, La., omnirange station.

Lakeland, Fla., omnirange station.

Lamar, Colo., omnirange station.

Lamoni, Iowa, omnirange station.

Lancaster Intersection: The intersection of the Harrisburg, Pa., omnirange 108° True and the Allentown, Pa., omnirange 228° True radials.

Lansing, Mich., omnirange station.

Laramie, Wyo., omnirange station.

Laredo, Tex., omnirange station.

Las Vegas, Nev., omnirange station.

Las Vegas, N. Mex., omnirange station.

Lawrenceville, Va., omnirange station.

Lawton, Okla., omnirange station.

Leslie Intersection: The intersection of the Salem, Mich., omnirange 272° True and the Lansing, Mich., omnirange 159° True radials.

Lewisburg Intersection: The intersection of the Bowling Green, Ky., omnirange 283° True and the Nashville, Tenn., omnirange 343° True radials.

Lewistown, Mont., omnirange station.

Lexington, Ky., omnirange station.

Lexington, Nebr., omnirange station.

Lisbon Intersection: The intersection of the Baltimore, Md., omnirange 281° True radial with the Herndon, Va., omnirange direct radial to the Westminster, Md., omnirange station.

Litchfield, Mich., omnirange station.

Little Rock, Ark., omnirange station.

Livingston, Mont., omnirange station.

Lometa, Tex., omnirange station.

Lone Rock, Wis., omnirange station.

Long Beach, Calif., omnirange station.

Los Angeles, Calif., omnirange station.

Los Banos Intersection: The intersection of the Modesto, Calif., omnirange 176° True and the Fresno, Calif., omnirange 287° True radials.

Louisville, Ky., omnirange station.

Lovelock, Nev., omnirange station.

Lubbock, Tex., omnirange station.

Lucin, Utah, omnirange station.

Lufkin, Tex., omnirange station.

Lumberton, N. C., omnirange station.

Macon, Ga., omnirange station.

Macon, Mo., omnirange station.

Malad City, Idaho, omnirange station.

Malden, Mo., omnirange station.

Mansfield, Ohio, omnirange station.

Marchand Intersection: The intersection of the Youngstown, Ohio, omnirange 233° True and the Cleveland, Ohio, omnirange 132° True radials.

Marianna, Fla., omnirange station.

Maricopa Intersection: The intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga, Calif., omnirange 153° True radials.

Marin Intersection: The intersection of the Point Reyes, Calif., omnirange 239° True, the Agnew, Calif., omnirange 304° True and the Ukiah, Calif., omnirange 172° True radials.

Marion Intersection: The intersection of the Mansfield, Ohio, omnirange 244° True and the Appleton, Ohio, omnirange 309° True radials.

Martinsburg, W. Va., omnirange station.

Mason City, Iowa, omnirange station.

Massena, N. Y., omnirange station.

Maxwell Intersection: The intersection of the Lafayette, Ind., omnirange 122° True and the Indianapolis, Ind., omnirange 084° True radials.

McComb, Miss., omnirange station.

Medford, Oreg., omnirange station.

Medina Intersection: The intersection of the Rochester, N. Y., omnirange 289° True and the Buffalo, N. Y., omnirange 034° True radials.

Medicine Bow, Wyo., omnirange station.

Memphis, Tenn., omnirange station.

Mendota Intersection: The intersection of the Janesville, Wis., omnirange 339° True and the Lone Rock, Wis., omnirange 103° True radials.

Meridian, Miss., omnirange station.

Miami, Fla., omnirange station.

Midland, Tex., omnirange station.

Miles City, Mont., omnirange station.

Milford, Utah, omnirange station.

Millbury Intersection: The intersection of the Hartford, Conn., omnirange 044° True and the Gardner, Mass., omnirange 152° True radials.

Milwaukee, Wis., omnirange station.

Mineral Wells, Tex., omnirange station.

Minneapolis, Minn., omnirange station.

Minot, N. Dak., omnirange station.

Missoula, Mont., omnirange station.

Mobile, Ala., omnirange station.

Modesto, Calif., omnirange station.

Moline, Ill., omnirange station.

Monroe, La., omnirange station.

Montebello, Va., omnirange station.

Montgomery, Ala., omnirange station.

Moncure Intersection: The intersection of the Greensboro, N. C., omnirange 122° True and the Raleigh, N. C., omnirange 249° True radials.

Morgantown, W. Va., omnirange station.

Mormon Mesa, Nev., omnirange station.

Mt. Hamilton Intersection: The intersection of the San Francisco, Calif., omnirange 097° True and the Oakland, Calif., omnirange 130° True radials.

Mt. Lola Intersection: The intersection of the Sacramento, Calif., omnirange 040° True and the Reno, Nev., omnirange 268° True radials.

Mullan Pass, Mont., omnirange station.

Murphy Intersection: The intersection of the Chattanooga, Tenn., omnirange 088° True and the Knoxville, Tenn., omnirange 191° True radials.

Muscle Shoals, Ala., omnirange station.

Muskegon, Mich., omnirange station.

Myrtle Beach, S. C., omnirange station.

Nabb, Ind., omnirange station.

Naperville, Ill., omnirange station.

Nashville, Tenn., omnirange station.

Needles, Calif., omnirange station.

Neosho, Mo., omnirange station.

New Alexandria Intersection: The intersection of the Pittsburgh, Pa., omnirange 067° True and the Johnstown, Pa., omnirange 290° True radials.

New Braunfels Intersection: The intersection of the San Antonio, Tex., omnirange 074° True and the Austin, Tex., omnirange 207° True radials.

Newburgh Intersection: The intersection of the Wilton, Conn., omnirange 295° True and the Poughkeepsie, N. Y., omnirange 236° True radials.

New Bern, N. C., omnirange station.

Newberg, Oreg., omnirange station.

Newman, Tex., omnirange station.

New Orleans, La., omnirange station.

Newport, Oreg., omnirange station.

Newport Intersection: The intersection of the Nantucket, Mass., omnirange 252° True and the Norwich, Conn., omnirange 127° True radials.

Norcross, Ga., omnirange station.

North Bend, Oreg., omnirange station.

North Bend Intersection: The intersection of the Bradford, Pa., omnirange 127° True and the Williamsport, Pa., omnirange 271° True radials.

North Brook, Ill., omnirange station.

North Perry Intersection: The intersection of the Jefferson, Ohio, omnirange 279° True and the Youngstown, Ohio, omnirange 320° True radials.

North Platte, Nebr., omnirange station.

Oakland, Calif., omnirange station.

Oakwood Intersection: The intersection of the Watertown, S. Dak., omnirange 169° True and the Huron, S. Dak., omnirange 088° True radials.

Oceanside, Calif., omnirange station.

Ogden, Utah, omnirange station.

Oklahoma City, Okla., omnirange station.
Omaha, Nebr., omnirange station.
Ontario, Calif., omnirange station.
Orlando, Fla., omnirange station.
Otto, N. Mex., omnirange station.
Ottumwa, Iowa, omnirange station.
Pacoima Intersection: The intersection of the Fillmore, Calif., omnirange 111° True and the Los Angeles, Calif., omnirange 355° True radials.
Paducah, Ky., omnirange station.
Palacios, Tex., omnirange station.
Palestine Intersection: The intersection of the Pittsburgh, Pa., omnirange 326° True and the Wheeling, W. Va., omnirange 003° True radials.
Palm Springs Intersection: The intersection of the Thermal, Calif., omnirange 340° True and the Ontario, Calif., omnirange 91° True radials.
Palmdale, Calif., omnirange station.
Panoche Intersection: The intersection of the Coalinga, Calif., omnirange 311° True and the Modesto, Calif., omnirange 176° True radials.
Parkersburg, W. Va., omnirange station.
Paso Robles, Calif., omnirange station.
Paterson Intersection: The intersection of the Wilkes-Barre-Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.
Paynesville Intersection: The intersection of the Pulaski, Va., omnirange 285° True and the Tri-City, Tenn., omnirange 012° True radials.
Pecks Pond Intersection: The intersection of the Wilkes-Barre-Scranton, Pa., omnirange 136° True (146° M) and the Stroudsburg, Pa., omnirange 000° True (010° M) radials.
Pendleton, Oreg., omnirange station.
Pensacola (Saufley Field), Fla., omnirange station.
Peoria, Ill., omnirange station.
Peotone, Ill., omnirange station.
Perry, Ohio, nondirectional radio beacon.
Petersburg Intersection: The intersection of the Morgantown, W. Va., omnirange 134° True and the Elkins, W. Va., omnirange 83° True radials.
Philipsburg, Pa., omnirange station.
Phillip, S. Dak., omnirange station.
Phoenix, Ariz., omnirange station.
Pierre, S. Dak., omnirange station.
Pine Bluff, Ark., omnirange station.
Pinehurst Intersection: The intersection of the Raleigh, N. C., omnirange 232° True and the Florence, S. C., omnirange 008° True radials.
Pioneer Intersection: The intersection of the Fort Wayne, Ind., omnirange 037° True and the Waterville, Ohio, omnirange 288° True radials.
Pittsburgh, Pa., omnirange station.
Plattsburg, N. Y., omnirange station.
Pocatello, Idaho, omnirange station.
Point Dume Intersection: The intersection of the Fillmore, Calif., omnirange 163° True and the Long Beach, Calif., omnirange 287° True radials.
Point Reyes, Calif., omnirange station.
Polo, Ill., omnirange station.
Ponca City, Okla., omnirange station.
Pontiac, Ill., omnirange station.
Portland, Oreg., omnirange station.
Poughkeepsie, N. Y., omnirange station.
Power Point Intersection: The intersection of the Pittsburgh, Pa., omnirange 311° True and the Youngstown, Ohio, omnirange 186° True radials.
Prescott, Ariz., omnirange station.
Princeton, Maine, omnirange station.
Pueblo, Colo., omnirange station.
Pulaski, Va., omnirange station.
Pullman, Mich., omnirange station.
Purgatoire Intersection: The intersection of the Pueblo, Colo., omnirange 145° True and the Lamar, Colo., omnirange 231° True radials.
Quincy, Ill., omnirange station.
Quitman, Tex., omnirange station.
Radnor Intersection: The intersection of the Lafayette, Ind., omnirange 089° True and the Indianapolis, Ind., omnirange 341° True radials.
Rainbow Intersection: The intersection of the Oakland, Calif., omnirange 234° True and the Point Reyes, Calif., omnirange 195° True radials.
Raleigh, N. C., omnirange station.
Rapid City, S. Dak., omnirange station.
Raton, N. Mex., omnirange station.
Red Bluff, Calif., omnirange station.
Redmond, Oreg., omnirange station.
Redwood Falls, Minn., omnirange station.
Reno, Nev., omnirange station.
Richmond Intersection: The intersection of the Oakland, Calif., omnirange 330° True and the Sacramento, Calif., omnirange 233° True radials.
Riverhead, N. Y., omnirange station.
Roberts, Ill., omnirange station.
Rochester, Minn., omnirange station.
Rochester, N. Y., omnirange station.
Rockford, Ill., omnirange station.
Rock Springs, Tex., omnirange station.
Rock Springs, Wyo., omnirange station.
Rocky Mount, N. C., omnirange station.
Roscoe Intersection: The intersection of the Appleton, Ohio, omnirange 085° True radial with the Zanesville, Ohio, omnirange direct radial to the Tiverton, Ohio, omnirange station.
Roswell, N. Mex., omnirange station.
Round Top Intersection: The intersection of the Austin, Tex., omnirange 109° True and the College Station, Tex., omnirange 202° True radials.
Royston, Ga., omnirange station.
Russell, Kans., omnirange station.
St. Joseph, Mo., omnirange station.
St. Louis, Mo., omnirange station.
Sacramento, Calif., omnirange station.
Saginaw, Mich., omnirange station.
Salem, Mich., omnirange station.
Salem Intersection: The intersection of the Hartford, Conn., omnirange 130° True and the Norwich, Conn., omnirange 224° True radials.
Salina, Kans., omnirange station.
Salinas, Calif., omnirange station.
Salisbury, Md., omnirange station.
Saltair Intersection: The intersection of the Salt Lake City, Utah, omnirange 265° True and the Ogden, Utah, omnirange 194° True radials.
Salt Flat, Tex., omnirange station.
Salt Lake City, Utah, omnirange station.
San Angelo, Tex., omnirange station.
San Antonio, Tex., omnirange station.
San Bruno Intersection: The intersection of the San Francisco, Calif., omnirange 305° True and the Oakland, Calif., omnirange 218° True radials.
San Diego, Calif., omnirange station.
San Francisco, Calif., omnirange station.
Santa Barbara, Calif., omnirange station.
Santa Fe, N. Mex., omnirange station.
Saratoga Intersection: The intersection of the San Francisco, Calif., omnirange 218° True and the Salinas, Calif., omnirange 319° True radials.
Saugus Intersection: The intersection of the Palmdale, Calif., omnirange 247° True and the Los Angeles, Calif., omnirange 355° True radials.
Savannah, Ga., omnirange station.
Scotland, Ind., omnirange station.
Scottdale Intersection: The intersection of the Pittsburgh, Pa., omnirange 117° True and the Morgantown, W. Va., omnirange 021° True radials.
Scottsbluff Intersection: The intersection of the Cheyenne, Wyo., omnirange 054° True and the Sidney, Nebr., omnirange 335° True radials.
Scranton, Pa., omnirange station.
Seattle, Wash., omnirange station.
Selinsgrove, Pa., omnirange station.
Sheridan, Wyo., omnirange station.
Shreveport, La., omnirange station.
Sidney, Nebr., omnirange station.
Sidney, Ohio, omnirange station.
Sioux City, Iowa, omnirange station.
Sioux Falls, S. Dak., omnirange station.
South Bend, Ind., omnirange station.
South Boston, Va., omnirange station.
Spartanburg, S. C., omnirange station.
Spokane, Wash., omnirange station.
Springfield, Ill., omnirange station.
Springfield, Mo., omnirange station.
Stinson Beach Intersection: The intersection of the San Francisco, Calif., omnirange 304° True and the Point Reyes, Calif., omnirange 155° True radials.
Sumatra Intersection: The intersection of the Miles City, Mont., omnirange 286° True and the Billings, Mont., omnirange 036° True radials.
Stroudsburg, Pa., omnirange station.
Sulphur Springs, Tex., omnirange station.
Sunset Intersection: The intersection of the Oakland, Calif., omnirange 234° True and the Point Reyes, Calif., omnirange 207° True radials.
Syracuse, N. Y., omnirange station.
Tahoe Intersection: The intersection of the Sacramento, Calif., omnirange 055° True radial and a line bearing 008° True to the Donner Summit nondirectional radio beacon.
Tallahassee, Fla., omnirange station.
Tampa, Fla., omnirange station.
Terre Haute, Ind., omnirange station.
Texarkana, Ark., omnirange station.
The Dalles, Oreg., omnirange station.
Thermal, Calif., omnirange station.
Thurman, Colo., omnirange station.
Tiverton, Ohio, omnirange station.
Toledo, Ohio, omnirange station.
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Traverse City, Mich., omnirange station.
Tri-City, Tenn., omnirange station.
Troy, Ill., omnirange station
Truth or Consequences, N. Mex., omnirange station.
Tucson, Ariz., omnirange station.
Tucumcari, N. Mex., omnirange station.
Tulsa, Okla., omnirange station.
Turnpike Intersection: The intersection of the Pittsburgh, Pa., omnirange 354° True and the Wheeling, W. Va., omnirange 034° True radials.
Ukiah, Calif., omnirange station.
Union Pass Intersection: The intersection of the Goffs, Calif., omnirange 078° True and the Needles, Calif., omnirange 004° True radials.
Utah Lake, Utah, omnirange station.
Valle, Ariz., omnirange station.
Vandalia, Ill., omnirange station.
Vero Beach, Fla., omnirange station.
Vichy, Mo., omnirange station.
Waco, Tex., omnirange station.
Walnut Ridge, Ark., omnirange station.
Waterloo, Iowa, omnirange station.
Watertown, N. Y., omnirange station.
Watertown, S. Dak., omnirange station.
Wausau, Wis., omnirange station.
Westchester, Pa., omnirange station.
West Palm Beach, Fla., omnirange station.
Wheeling, W. Va., omnirange station.
White Cloud, Mich., omnirange station.
Whitehall, Mont., omnirange station.
White Hills Intersection: The intersection of the Needles, Calif., omnirange 004° True and the Las Vegas, Nev., omnirange 121° True radials.
Whitehurst Intersection: The intersection of the north course of the Norfolk, Va., VAR and of the northeast course of the Norfolk, Va., ILS localizer.
White Oaks Intersection: The intersection of the Bakersfield, Calif., omnirange 149° True and the Palmdale, Calif., omnirange 291° True radials.
Wichita, Kans., omnirange station.
Wichita Falls, Tex., omnirange station.
Williams, Calif., omnirange station.
Williamston, N. C., VAR station.
Williamsport, Pa., omnirange station.
Wilmington, N. C., omnirange station.
Wilton, Conn., omnirange station.
Wink, Tex., omnirange station.
Winslow, Ariz., omnirange station.
Yakima, Wash., omnirange station.
York, Ky., omnirange station.
Youngstown, Ohio, omnirange station.
Yuma, Ariz., omnirange station.
Zuni, N. Mex., omnirange station.

§ 601.7002 *Hawaiian VOR reporting points.*

Banana Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 061° True and the Lanai, T. H., omnirange 320° True radials.
Coconut Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 261° True radial and a line bearing 220° True from the Kahuku, Oahu, T. H., nondirectional radio beacon.
Grass Shack Intersection: Intersection of Hilo omnirange 004° True and Upolu 96° True radials.
Hibiscus Intersection: Intersection of Upolu omnirange 96° True and Hilo omnirange 34° True radials.

Hilo, Hawaii, T. H., omnirange station.
Honolulu, Oahu, T. H., omnirange station.
Kahului, Maui, T. H., omnirange station.
Lanai, T. H., omnirange station.
Lihue, Kauai, T. H., omnirange station.
Molokai, T. H., omnirange station.
North Maui Intersection: Intersection of Honolulu omnirange 61° True and Kahului, Maui, T. H., omnirange 352° True radials.
Paradise Intersection: Intersection of Hilo omnirange 334° True and Upolu omnirange 96° True radials.
Southgate Intersection: Intersection of Honolulu omnirange 179° True and Molokai, T. H., omnirange 268° True radials.
South Honolulu Intersection: Intersection of Honolulu omnirange 179° True and Lanai omnirange 224° True radials.
South Port Allen Intersection: Intersection of Honolulu omnirange 246° True and Lihue omnirange 186° True radials.
Swordfish Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 261° True and the Lihue, Kauai, T. H., omnirange 189° True radials.
Tuna Intersection: The intersection of the Molokai, T. H., omnirange 067° True and the Upolu Point, Hawaii, T. H., omnirange 012° True radials.
Upolu, Hawaii, T. H., omnirange station.

SUBPART H—CONTINENTAL CONTROL AREA

§ 601.7101 *Designation of Continental Control Area.* The Continental Control Area shall consist of all the airspace above the several states of the United States (including the District of Columbia), and the territorial waters thereof, at and above 24,000 feet, mean sea level, exclusive of restricted and prohibited areas prescribed by Executive Order or in Part 608 of this chapter.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-10553; Filed, Dec. 19, 1957; 8:45 a. m.]

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

In Federal Register Document 57-10077 filed December 4, 1957, paragraph (i) (1) of § 6.111 was revoked in its entirety instead of only the second sentence. As amended, paragraph (i) (1) reads as follows:

§ 6.111 *Department of Agriculture.*

* * *

(i) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States, or other non-Federal cooperating organizations, providing the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40 percent contribution by each of the cooperators.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10554; Filed, Dec. 20, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.24, Amdt. 5]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1957

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.24 (22 F. R. 5, 3700, 4133, 4641, 7677, 8301) which established allotments of the 1956 sugar quota for the Mainland Cane Sugar Area totaling 637,343 short tons, raw value.

This amendment is necessary to allot the smaller quota for the area established by Sugar Regulation 811, Amendment 9 (22 F. R. 9829) which established the 1957 quota for the Mainland Cane Sugar Area of 637,172 short tons, raw value, a quantity of 171 short tons, raw value, less than previously allotted.

This amendment is, also, necessary to prorate a deficit of 9,363 short tons, raw value, in the allotments of five allottees under this order. On the basis of advice from each allottee, the Secretary of Agriculture has determined that five allottees are unable to fully utilize their respective allotments of the Mainland Cane Sugar Area quota and that there is a deficit in the allotments of such allottees, amounting to 9,363 short tons, raw value, as follows: Gulf States Land and Industries, Inc., 998 tons; Loisel Sugar Company, Inc., 1,602 tons; Valentine Sugars, Inc., 3,777 tons; Vermilion Sugar Company, Inc., 1,485 tons and Young's Industries, Inc., 1,501 tons. Thus, a deficit of 9,363 short tons, raw value, is declared and prorated to other allottees, exclusive of Louisiana State University, who have indicated they can effectively use additional allotments, on the basis of the allotments they would otherwise receive.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of adjusting allotments to take account of (1) any change in the quota for the area resulting from any change in sugar requirements for the continental United States and the proration of a deficit in the quota for another supply area, and (2) any deficit in the allotments of individual allottees.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (22 F. R. 3700, 4133, 4641).

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date

(Continued on p. 10433)

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requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered*, That paragraph (a) of § 814.24, as amended, be further amended to read as follows:

§ 814.24 *Allotment of the 1957 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1957 sugar quota for the Mainland Cane Sugar Area of 637,172 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors:	*Allotments (short tons, raw value)*
Alabama Sugar Coop., Inc	6,899
Alma Plantation, Ltd	8,756
J. Aron & Co., Inc	14,180
Billeaud Sugar Factory	8,956
Breaux Bridge Sugar Coop	7,235
J. M. Burguieres Co., Ltd., The	8,225
Burton-Sutton Oil Co., Inc	8,213
Caire & Graugnard	3,579
Caldwell Sugar Coop, Inc	11,675
Catherine Sugar Co., Inc	8,762
Columbia Sugar Co	6,381
Cora-Texas Mfg. Co., Inc	2,977
Dugas & LeBlanc, Ltd	12,917
Duhe & Bourgeois Sugar Co., Inc	10,290
Erath Sugar Co., Ltd	5,229
Evan Hall Sugar Coop., Inc	22,955
Evangeline Pepper & Food Products, Inc	5,112
Felismere Sugar Products Association	8,776
Frisco Cane Co., Inc	932
Glenwood Coop., Inc	16,063
Gulf States Land & Industries, Inc	20,717
Helvetia Sugar Coop., Inc	9,255
Iberia Sugar Coop., Inc	15,312
LaFourche Sugar Co	15,170
Harry L. Laws & Co., Inc	11,326
Levert-St. John, Inc	9,565
Loisel Sugar Co., Inc	4,145
Louisiana State Penitentiary	3,068
Lula Factory, Inc	11,836
Meeker Sugar Coop., Inc	4,899
Milliken & Farwell, Inc	13,487
National Sugar Refining Co	13,209
Okeelanta Sugar Refinery, Inc	18,367
M. A. Patout & Son, Ltd	10,135
Poplar Grove Pltg. & Ref. Co., Inc	7,565
St. James Sugar Coop., Inc	13,268
St. Mary Sugar Coop., Inc	12,581
South Coast Corp	44,953
Southdown Sugars, Inc	43,439
Sterling Sugars, Inc	21,130
J. Supple's Sons Pltg. Co., Inc	5,398
United States Sugar Corp	122,608
Valentine Sugars, Inc	6,787
Vermilion Sugar Co., Inc	1,000
Vida Sugars, Inc	4,705
A. Wilbert's Sons Lbr. & Sh. Co	9,986
Young's Industries, Inc	5,049
Louisiana State University	100
All other persons	00
Total	637,172

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 929; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 19th day of December 1957.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-10612; Filed, Dec. 20, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 126, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.426 (Navel Orange Regulation 126, 22 F.R. 10027) are hereby amended to read as follows:

(i) District 1: 508,200 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 17, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10557; Filed, Dec. 20, 1957; 8:49 a. m.]

[Navel Orange Reg. 127]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.427 *Navel Orange Regulation 127*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 19, 1957.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 22, 1957, and ending at 12:01 a. m., P. s. t.,

December 29, 1957, are hereby fixed as follows:

(i) District 1: 369,600 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: December 20, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10631; Filed, Dec. 20, 1957; 11:44 a. m.]

[Grapefruit Reg. 277]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.880 *Grapefruit Regulation 277*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 17, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) Grapefruit Regulation 276 (§ 933.877; 22 F. R. 9833) is hereby terminated effective at 12:01 a. m., e. s. t., December 22, 1957.

(3) During the period beginning at 12:01 a. m., e. s. t., December 22, 1957, and ending at 12:01 a. m., e. s. t., December 30, 1957, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

(4) During the period beginning at 12:01 a. m., e. s. t., December 30, 1957, and ending at 12:01 a. m., e. s. t., January 13, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 18, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10559; Filed, Dec. 20, 1957; 8:49 a. m.]

[Orange Reg. 330]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.881 *Orange Regulation 330*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 17, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) Orange Regulation 329 (§ 933.878; 22 F. R. 9833) is hereby terminated effective at 12:01 a. m., e. s. t., December 22, 1957.

(3) During the period beginning at 12:01 a. m., e. s. t., December 22, 1957, and ending at 12:01 a. m., e. s. t., December 30, 1957, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges, including Temple oranges, grown in the production area.

(4) During the period beginning at 12:01 a. m., e. s. t., December 30, 1957, and ending at 12:01 a. m., e. s. t., January 13, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$\frac{5}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$\frac{1}{16}$ inches in diameter and smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 18, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10556; Filed, Dec. 20, 1957; 8:48 a. m.]

[Tangerine Reg. 197]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.882 *Tangerine Regulation 197*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 17, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(2) Tangerine Regulation 196 (§ 933.876; 22 F. R. 9832) is hereby terminated effective at 12:01 a. m., e. s. t., December 22, 1957.

(3) During the period beginning at 12:01 a. m., e. s. t., December 22, 1957, and ending at 12:01 a. m., e. s. t., December 30, 1957, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines, grown in the production area.

(4) During the period beginning at 12:01 a. m., e. s. t., December 30, 1957, and ending at 12:01 a. m., e. s. t., January 13, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 18, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10560; Filed, Dec. 20, 1957; 8:49 a. m.]

[Tangelo Reg. 2]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.883 *Tangelo Regulation 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under

the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 17, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) Tangelo Regulation 1 (§ 933.879; 22 F. R. 9834) is hereby terminated effective at 12:01 a. m., e. s. t., December 22, 1957.

(3) During the period beginning at 12:01 a. m., e. s. t., December 22, 1957, and ending at 12:01 a. m., e. s. t., December 30, 1957, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos, grown in the production area.

(4) During the period beginning at 12:01 a. m., e. s. t., December 30, 1957, and ending at 12:01 a. m., e. s. t., January 13, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2 4/16 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 18, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10558; Filed, Dec. 20, 1957; 8:49 a. m.]

[Lemon Reg. 718]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.825 *Lemon Regulation 718*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 18, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 22, 1957, and ending at 12:01 a. m., P. s. t., December 29, 1957, are hereby fixed as follows:

(i) District 1: 23,250 cartons;
(ii) District 2: 153,450 cartons;
(iii) District 3: 41,850 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 19, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10606; Filed, Dec. 20, 1957; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Reg. PR-30]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

AMENDMENT TO EXPEDITE ENFORCEMENT PROCEEDINGS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 16th day of December 1957.

In its revision of the rules of practice in economic proceedings, effective April 28, 1952, the Board established separate rules applicable to economic enforcement proceedings and delegated authority to the Chief of the Office of Enforcement (since redesignated as the Office of Compliance) to either institute a proceeding or to dismiss a complaint seeking to institute a proceeding. In adopting these procedures, the Board sought primarily to expedite the disposition of enforcement proceedings and, further, to divorce the prosecuting and judicial functions to a greater extent. A review of the proceedings conducted under these special rules indicates that as a result of inappropriate pleadings, ambiguous provisions, and certain deficiencies in the rules, procedural delays have occurred which unnecessarily interfere with the expeditious disposition of such cases. Accordingly, changes are being made to clarify the language which has created confusion and are expected to result in more effective processing of enforcement proceedings.

Although Rules 5 and 203 presently authorize the Board and the Chief of the Office of Compliance, respectively, to require the amendment of complaints which are not in substantial conformity with the applicable rules or regulations of the Board, or are otherwise insufficient, there are no specific provisions for the filing of an amended complaint sua sponte by a third party complainant or by a Compliance Attorney. In this posture, it may be necessary to file a new complaint and institute a new proceeding where, for example, new violations on the part of a respondent are discovered prior to the hearing. In order to avoid the delay inherent in this procedure and to remove any doubt at to the proper procedure, Rule 201 will permit the filing of an amended complaint as a matter of course prior to the filing of an answer. Thereafter, an amended complaint may be filed only upon a grant of a motion filed pursuant to Rule 16. In the case of a third party complaint, permission to amend after the filing of an answer but before the docketing of a petition for enforcement must be obtained from the Chief of the Office of Compliance.

Experience under the existing rules demonstrates a misconception as to the opportunity that is to be afforded a respondent for satisfaction of a complaint prepared and docketed on the initiative of the Office of Compliance. This misconception stems from the fact that Rule 205, in setting forth the circumstances under which a formal proceeding may be instituted, made the failure of efforts to arrive at adjustment or settlement "insofar as required by Rule 204" one of the conditions precedent to docketing of a petition for enforcement. Since Rule 205 applies to agency complaints (originated by the Office of Compliance) as well as to third party complaints, numerous respondents have moved to dismiss the former type of complaint on the ground that there was no compliance with Rule 204. The latter rule is predicated, however, on section 1002 (a) of the act, and is applicable only to third-party complaints. Under that section, a person complained against may satisfy a complaint and thereby avoid a formal proceeding if there is no reasonable ground to investigate the matters complained of. Conversely, in the case of agency complaints the complaint and the petition for enforcement are filed simultaneously so that there is no gap between the filing of the complaint and the institution of an enforcement proceeding. In view of the needless expenditures of time and effort in answering and acting on the above-described motions, the revised Rule 204 now refers specifically to third-party complaints. This will make it clear that the opportunity for satisfaction of a complaint as provided for in that rule is not applicable to complaints prepared and docketed on the initiative of the Office of Compliance.[1] On the other hand, the opportunity required by section 5 (b) of the Administrative Procedure Act for informal dispositions of a complaint remains available under Rule 215 after the docketing of a petition for enforcement with respect to either type of complaint.

Rule 204 is further amended by eliminating the requirements that the Chief of the Office of Compliance write to the person complained against in a third-party complaint, furnishing him with a copy of the complaint and offering an opportunity for satisfaction of the complaint. Under the new procedures, it shall be the responsibility of the complainant to serve the respondent and the Chief of the Office of Compliance with a copy of a third-party complaint filed with the Board. The amended rule also provides that there be filed and served on the parties on answer conforming as to content with Rule 207 (b). Although not specifically required, formal answers have been filed to third-party complaints either out of an abundance of caution or because of a desire to join issue. In such cases the required letter from the Chief of the Office of Compliance became superfluous and, if a proceeding was instituted there was the problem of whether another answer was required to be filed pursuant to Rule 207. This confusion and duplication will be eliminated by requiring an answer in the first instance and by expressly providing that such answer will obviate the necessity for refiling an answer under Rule 207 where the complaint is later docketed with a petition for enforcement. Any offer to satisfy the complaint is to be served in the same manner as an answer and shall not excuse the filing of an answer. Inasmuch as an enforcement proceeding is not instituted until a petition for enforcement is docketed, Rule 204 specifically precludes the filing of a motion to dismiss a third-party complaint prior to the docketing of a petition for enforcement.

In the interest of clarity, the procedures pertaining to third-party complaints are regrouped in more logical sequence, requiring the renumbering of two rules. Thus, the procedure which is followed when no enforcement proceeding is to be instituted (formerly contained under Rule 206) appears under the revised Rule 205 immediately after the pre-petition procedures, and the procedure used in instituting a proceeding (formerly contained under Rule 205) now appears in Rule 206. Since third-party complaints must be served directly, a petition for enforcement docketed under Rule 206 need not be accompanied by a third-party complaint, but will merely incorporate such complaint by reference.

In order that it be kept informed of the status of complaints received, the Board is to be advised at the same time as the complainant when the decision is not to institute a proceeding. This will be accomplished by requiring the letter to the complainant to be filed in the same manner as a pleading. Other changes include the increasing of the time for requesting a review from 10 to 15 days and, in the absence of an appeal, allowing the Board 15 days in which to decide to review such ruling on its own initiative. If there is no review, the letter of the Chief of the Office of Compliance shall, as presently, be deemed an order of the Board dismissing the complaint. In order to prevent improper broadening of the proceeding, the rules are also revised to authorize the Chief of the Office of Compliance to dismiss portions of a third-party complaint. A partial dismissal will be reviewable by the Board in accordance with the provisions of this rule.

Procedural delays also have been experienced in connection with objections to the use of Board witnesses by the Compliance Attorney, without complying with Rule 19 (g). In lieu of the usual subpena process a motion procedure is provided for in Rule 19 (g) where the attendance of Board personnel or the production of records in their custody are requested. The attached rule makes it clear that such motion procedure is not applicable to requests made by the Compliance Attorney. Unlike other parties to an enforcement proceeding, a Compliance Attorney acts on behalf of the Board in developing facts sufficient to establish a violation and already has the necessary authority to perform this function.

Rule 19 (g) has also been amended to clarify the procedure where a request is made in an enforcement proceeding for the production of reports, or abstracts thereof, which Board witnesses may have used to refresh their recollection. Under the present provisions, an affirmative ruling by the Examiner must be reviewed by the Board, thus postponing the examination of the witness involved. It appears that such delays may be minimized without prejudicing the Board's investigative or decisional processes by making an Examiner's ruling in this particular type of request final, in the absence of an objection by the Compliance Attorney. In the event of such an objection, Board review will be limited to the documents, or portions thereof, to which objection is taken by the Compliance Attorney.

The processing of a complaint filed with the Board with respect to something done or omitted to be done in contravention of section 404 (a) of the act

[1] The opportunity to achieve compliance prior to the institution of a proceeding would of course be made available where required by section 9 (b) of the Administrative Procedure Act and section 401 (h) of the Civil Aeronautics Act.

is governed by Subpart B of the rules and such complaints are processed by the Office of Compliance. However, adequacy of service complaints which are filed, although labeled as complaints, are in the nature of petitions involving primarily economic considerations and are handled by the Board's Bureau of Air Operations rather than by the Office of Compliance. Accordingly, a Subpart G is being added to this part containing the rules applicable to such petitions.

Since these amendments are not substantive rules, but ones of agency procedure, notice and public procedure hereon are unnecessary, and the amendments may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR 302) as follows, effective January 1, 1958.

1. By amending § 302.19 (g) to read as follows:

(g) The provisions of this section are not applicable to the attendance of Board Members, officers or employees or the production of documentary evidence in the custody thereof at a hearing. Applications therefor shall be addressed to the Examiner in writing and shall set forth the need of the moving party for such evidence and the relevancy to the issues of the proceeding. Such applications shall be processed as motions in accordance with § 302.18 except that a grant of such motion by an Examiner, in whole or in part, shall be immediately reviewed by the Board on its own initiative and shall be subject to final Board action. No application will be required for the attendance of Board personnel or the production of records in their custody when requested by a Compliance Attorney. Where a Board employee has testified in an enforcement proceeding that he used documents in his custody, or parts thereof, to refresh his recollection, a ruling by the Examiner for their production shall be final in the absence of an objection by the Compliance Attorney. In the event of such objection, Board review will be limited to the documents, or portions thereof, to which objection is taken by the Compliance Attorney.

2. By amending § 302.201 to read as follows:

§ 302.201 *Formal complaints.* Any person may make a formal complaint to the Board with respect to anything done or omitted to be done by any person in contravention of any economic regulatory provisions of the act, or any rule, regulation, order, limitation, condition or other requirement established pursuant thereto. Every formal complaint shall conform to the requirements of § 302.3, concerning the form and filing of documents. The submisson of a formal complaint by a person other than a Compliance Attorney (hereinafter called a third party) shall not in itself result in the institution of a formal economic enforcement proceeding and a hearing with respect to the complaint unless and until the Chief of the Office of Compliance dockets a petition for enforcement with respect to such complaint, or a portion thereof, in accordance with § 302.206. A formal complaint, whether filed by a third party or a Compliance Attorney, may be amended at any time prior to the service of an answer to a complaint. Thereafter, such amendment may be filed only upon the grant of a motion filed in accordance with § 302.18, except that permission to amend a thrid-party complaint after the filing of an answer but before the docketing of a petition for enforcement must be obtained from the Chief of the Office of Compliance.

3. By amending § 302.204 to read as follows:

§ 302.204 *Third-party complaints.* (a) A third-party complaint, and any amendments thereto, submitted pursuant to § 302.201 shall be served by the person filing such documents upon each party complained of and upon the Chief of the Office of Compliance.

(b) Within fifteen (15) days after the date of service of a third-party complaint, each person complained of shall file an answer in conformance with and subject to the requirements of § 302.207 (b). Extensions of time for filing an answer may be granted by the Chief of the Office of Compliance for good cause shown.

(c) A person complained against in a third-party complaint may offer to satisfy the complaint through submission of facts, offer of settlement or proposal of adjustment. Such offer shall be in writing and shall be served, within fifteen (15) days after service of the complaint, upon the same persons and in the same manner as an answer. The submittal of an offer to satisfy the complaint shall not excuse the filing of an answer.

(d) Motions to dismiss a third-party complaint shall not be fileable prior to the docketing of a petition for enforcement with respect to such complaint or a portion thereof.

4. By renumbering § 302.206 as § 302.205 and amending it to read as follows:

§ 302.205 *Procedure when no enforcement proceeding is instituted.* (a) Within a reasonable time after a formal third-party complaint has been processed, the Chief of the Office of Compliance shall either institute an enforcement proceeding in accordance with § 302.206 or shall advise the complainant in writing that no enforcement proceeding will be instituted in whole or in part, with respect to his complaint, and the reasons therefor.

(b) The letter of the Chief of the Office of Compliance shall conform to the requirements of § 302.3 and shall be deemed an order of the Board dismissing the complaint unless review of such ruling is requested by the complainant or is initiated by the Board in accordance with the provisions of paragraph (c) of this section.

(c) Within fifteen (15) days after receipt of a letter from the Chief of the Office of Compliance refusing to institute an enforcement proceeding with respect to all or any part of a complaint, the complainant may file a motion with the Board to review such action. The proceedings on such motion shall be in accordance with § 302.18. Upon conclusion of such proceedings, the Board shall enter an order either dismissing the complaint or directing such other action as it deems appropriate. If a complainant does not appeal, the Board may review the action of the Chief of the Office of Compliance on its own initiative within 15 days after the expiration date for appeal.

5. By renumbering § 302.205 as § 302.206 and amending it to read as follows:

§ 302.206 *Docketing of petition for enforcement.* Whenever in the opinion of the Chief of the Office of Compliance there are reasonable grounds to believe that any provision of the act or any rule, regulation, order, limitation, condition or other requirement established pursuant thereto, has been or is being violated, that, in the case of third-party complaints, efforts to satisfy a complaint insofar as required by § 302.204 have failed, and that investigation of any or all of the alleged violations is in the public interest, the Chief of the Office of Compliance may institute an economic enforcement proceeding by docketing a petition for enforcement. The petition for enforcement shall incorporate by reference a formal complaint submitted pursuant to § 302.201 or shall be accompanied by a complaint complying with § 302.3 which is verified by a Compliance Attorney. The petition for enforcement, and accompanying complaint, if any, shall be formally served upon the respondent and complainant. The proceedings thus instituted shall be processed in regular course in accordance with this part. However, nothing in this part shall be construed to limit the authority of the Board to institute or conduct any investigation or inquiry within its jurisdiction in any/other manner or according to any other procedures which it may deem necessary or proper.

6. By amending § 302.207 to read as follows:

§ 302.207 *Answer.* (a) Within fifteen (15) days after the date of service of a petition for enforcement docketed pursuant to § 302.206, the respondent shall file an answer to the complaint attached thereto or incorporated therein unless an answer has already been filed in accordance with § 302.204. Any requests for extension of time for filing of answer to a complaint attached to or incorporated in a petition for enforcement shall be filed with the Board in accordance with § 302.17.

(b) All answers shall conform to the requirements of § 302.8 (a) (2) and shall fully and completely advise the parties and the Board as to the nature of the defense and shall admit or deny specifically and in detail each allegation of the complaint unless the person complained of is without knowledge, in which case, his answer shall so state and the statement shall operate as a denial. Allegations of fact not denied or controverted shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered and shall, in the absence of a reply, be deemed to be controverted.

7. By amending § 302.208 to read as follows:

§ 302.208 *Default.* Failure of a respondent to file and serve an answer within the time and in the manner prescribed by this part shall be deemed to authorize the Board, in its discretion, to find the facts alleged in the petition to be true and to enter such order as may be appropriate without notice or hearing, or, in its discretion, to proceed to take proof, without notice, of the allegations or charges set forth in the complaint or order, provided that the Board or Examiner may permit late filings of an answer for good cause shown.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 1001, 1002, 52 Stat. 1017, 1018, as amended; 49 U. S. C. 641, 642).

8. By adding a new subpart to read as follows:

Subpart G—Rules Applicable to Adequacy of Service Petitions

Sec.
302.700 Applicability of this subpart.
302.701 Institution of proceedings.
302.702 Contents of petition.
302.703 Parties to the proceeding.
302.704 Action on petition or complaint.
302.705 Hearing.

AUTHORITY: §§ 302.700 to 302.705 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 1001, 1002, 52 Stat. 1017, 1018, as amended; 49 U. S. C. 641, 642.

§ 302.700 *Applicability of this subpart.* This subpart sets forth the special rules applicable to proceedings with respect to the adequacy of the service, equipment and facilities provided by a certificated air carrier at a duly authorized point. For information as to other applicable rules, reference should be made to Subpart A of this part to the Civil Aeronautics Act and to the substantive rules, regulations and orders of the Board.

§ 302.701 *Institution of proceedings.* A proceeding to determine the adequacy of the service, equipment and facilities being provided by a certificated air carrier at a duly authorized point may be instituted by the filing of a petition or complaint, or by the issuance of an order by the Board on its own initiative pursuant to section 1002 of the act.

§ 302.702 *Contents of petition.* If a petition or complaint is filed, it shall state the reason why the service, equipment or facilities complained of are inadequate and shall support such reasons with a full factual analysis. Within fifteen (15) days after the date of service of a petition or complaint, the respondent may file an answer thereto.

§ 302.703 *Parties to the proceeding.* The parties to the proceeding shall be the person filing the petition or complaint, the air carrier or carriers whose service is being challenged, Bureau Counsel and any other person whom the Board permits to intervene.

§ 302.704 *Action on petition or complaint.* If the Board is of the opinion that a petition or complaint does not state facts which warrant an investigation or action on its part, it may dismiss such petition or complaint without hearing. If the air carrier complained against shall not satisfy the complaint and there shall appear to be any reasonable ground for investigating the complaint, the Board shall investigate the matter complained of.

§ 302.705 *Hearing.* In the event a hearing is ordered by the Board, Subpart A of this part shall govern the proceeding.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-10566; Filed, Dec. 20, 1957; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 26]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.13 *Green civil airway 3* is amended to delete:

From Golden Gate INT, Calif.; to San Francisco, Calif., LFR; MEA 3,000.
From San Francisco, Calif., LFR; to Oakland, Calif., LFR; MEA 3,000.

Section 610.16 *Green civil airway 6* is amended to delete:

From Laredo, Tex., LFR; to San Diego, Tex., LF/RBN; MEA 1,900.
From San Diego, Tex., LF/RBN; to Alice, Tex., LFR; MEA 1,500.
From Port Arthur INT, Tex., to Lake Charles, La., LF/RBN; MEA 1,500.
From Lake Charles, La., LF/RBN; to Lafayette, La., LF/RBN; MEA 1,500.

Section 610.19 *Green civil airway 9* is amended to read in part:

From Coconut INT, T. H.; to Honolulu, T. H., LFR; MEA 3,000.
From *Honolulu, T. H., LFR; to Banana INT, T. H.; MEA 6,000. *5,000—MCA Honolulu LRF, northeastbound.

Section 610.210 *Red civil airway 10* is amended to read in part:

From Jackson, Miss., LFR; to *Newton INT, Miss.; MEA 2,000. *4,000—MRA.
From Newton INT, Miss.; to Meridian, Miss., LFR; MEA 2,000.

Section 610.215 *Red civil airway 15* is amended to delete:

From Las Vegas, Nev., LFR; to Willow Beach INT, Ariz.; MEA 8,000.

Section 610.284 *Red civil airway 84* is amended to read in part:

From Meridian, Miss., LFR; to *York INT, Ala.; MEA 2,000. *3,000—MRA.
From York INT, Ala.; to Marion INT, Ala.; MEA 2,000.

Section 610.287 *Red civil airway 87* is amended to read in part:

From Coconut INT, T. H.; to Honolulu, T. H., LFR; MEA 3,000.

Section 610.296 *Red civil airway 96* is amended to read in part:

From Beaumont, Tex., LFR; to Lake Charles, La., LF/RBN; MEA 1,500.
From Lake Charles, La., LF/RBN; to Lafayette, La., LF/RBN; MEA 1,500.

Section 610.313 *Red civil airway 113* is amended to read in part:

From Makai INT, T. H.; to Honolulu, T. H., LFR; MEA 2,000.
From *Honolulu, T. H., LFR; to Makapuu Pt., T. H., LF/RBN; MEA 5,000. *4,000—MCA Honolulu LFR, eastbound.

Section 610.654 *Blue civil airway 54* is amended to delete:

From Evergreen, Calif., LF/RBN; to San Francisco, Calif., LFR; MEA 3,000.

Section 610.667 *Blue civil airway 67* is amended by adding:

From Willow Beach INT, Ariz.; to Las Vegas, Nev., LFR; MEA 8,000.

Section 610.1001 *Direct routes, U. S.* is amended to delete:

From McAlester, Okla., VOR; to Little Rock, Ark., VOR; MEA *6,800. *3,800—MOCA.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From West Palm Beach, Fla., VOR Via E alter.; to Vero Beach, Fla., VOR via E alter.; MEA 1,700.

Section 610.6005 *VOR civil airway 5* is amended to read in part:

From Chattanooga, Tenn., VOR; to Nashville, Tenn., VOR; MEA 4,000.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From *Ogden, Utah, VOR via N alter.; to Blacksmith INT, Utah, via N alter.; MEA 12,000. *11,000—MCA Ogden VOR, northbound.

Section 610.6007 *VOR civil airway 7* is amended to delete:

From Fort Myers, Fla., VOR via W alter.; to Tampa, Fla., VOR via W alter.; MEA 1,500.
From Tampa, Fla., VOR via W alter.; to *Homo INT, Fla., via W alter.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From *Homo INT, Fla., via W alter.; to Cross City, Fla., VOR via W alter.; MEA **2,000. *2,000—MRA. **1,300—MOCA.
From Lakeland, Fla., VOR via E alter.; to *Webster INT, Fla., via E alter.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Webster INT, Fla., via E alter.; to Ocala INT, Fla., via E alter., MEA *2,000, *1,300—MOCA.
From Ocala INT, Fla., via E alter.; to Grainesville, Fla., VOR via E alter.; MEA *1,500. *1,200—MOCA.

From Gainesville, Fa., VOR via E alter.; to Cross City, Fla., VOR via E alter.; MEA 1,500.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Fort Myers, Fla., VOR; to *Brewster INT, Fla.; MEA **2,000. *2,500—MRA. **1,300—MOCA.
From Brewster INT, Fla.; to Lakeland, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Dade City INT, Fla.; to *Homo INT, Fla.; MEA **2,000. *3,000—MRA. **1,200—MOCA.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Daggett, Calif., VOR via S alter.; to Las Vegas, Nev., VOR via S alter.; MEA 11,500.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Hobart, Okla., VOR; to *Washita INT, Okla.; MEA 3,100. *3,500—MRA.
From Washita INT, Okla.; to Oklahoma City, Okla., VOR; MEA 3,100.
From Prague INT, Okla., via S alter.; to *Sapulpa INT, Okla., via S alter.; MEA **4,000. *3,500—MRA. **2,000—MOCA.

Section 610.6016 *VOR civil airway 16* is amended by adding:

From Phoenix, Ariz., VOR via S alter.; to Casa Grande, Ariz., VOR via S alter.; MEA 5,000.
From Casa Grande, Ariz., VOR via S alter.; to Tucson, Ariz., VOR via S alter.; southeastbound, MEA 8,000; northwestbound, MEA 7,000.

Section 610.6017 *VOR civil airway 17* is amended by adding:

From Gage, Okla., VOR via S alter.; to *Custer INT, Okla., via S alter.; MEA **4,300. *4,300—MRA. **3,600—MOCA.
From Custer INT, Okla., via S alter.; to Weatherford INT, Okla., via S alter.; MEA *3,500. *3,000—MOCA.
From Weatherford INT, Okla., via S alter.; to Oklahoma City, Okla., VOR via S alter.; MEA *3,500. *3,300—MOCA.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From Bray INT, Okla.; to Alex INT, Okla.; MEA *2,800. *2,400—MOCA.
From Alex INT, Okla.; to Oklahoma City, Okla., VOR; MEA 2,500.
From Calumet INT, Okla.; to *Omega INT, Okla.; MEA 2,600. *4,200—MRA.
From Omega INT, Okla.; to Gage, Okla., VOR; MEA *3,700. *3,600—MOCA.
From Austin, Tex., VOR; to *Round Rock INT, Tex.; MEA 2,000. *4,400—MRA.
From Round Rock INT, Tex.; to *Walburg INT, Tex.; MEA 2,000. *4,000—MRA.
From Walburg INT, Tex.; to Waco, Tex., VOR; MEA 2,000.
From Austin, Tex., VOR via E alter.; to *Hutto INT, Tex., via E alter.; MEA **2,700. *3,000—MRA. **2,500—MOCA.
From Hutto INT, Tex., via E alter.; to Waco, Tex., VOR via E alter.; MEA *2,700. *2,500—MOCA.

Section 610.6018 *VOR civil airway 18* is amended to delete:

From Augusta, Ga., VOR; to *St. George INT, S. C.; MEA **2,800. *3,500—MRA. **2,000—MOCA.
From St. George INT, S. C.; to Charleston, S. C., VOR; MEA *2,800. *2,000—MOCA.

Section 610.6018 *VOR civil airway 18* is amended by adding:

From Augusta, Ga., VOR; to Alexander INT, Ga.; MEA 1,800.
From Alexander INT, Ga.; to Allendale, S. C., VOR; MEA 1,600.
From Allendale, S. C., VOR; to Charleston, S. C., VOR; MEA 1,600.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Anniston, Ala., VOR; to Heflin INT, Ala.; MEA 4,000.
From Heflin INT, Ala.; to Chattahoochie INT, Ga.; MEA 2,700.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From High Island INT, Tex., via S alter.; to Marsh INT, Tex., via S alter.; MEA *2,300. *1,400—MOCA.
From Marsh INT, Tex., via S alter.; to Lake Charles, La., VOR via S alter.; MEA 1,300.
From New Orleans, La., VOR; to Gulfport, Miss., VOR; MEA 2,000.
From Gulfport, Miss., VOR; to Mobile, Ala., VOR; MEA 1,400.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From New Orleans, La., VOR; to Dog INT, La.; MEA *3,900. *2,000—MOCA.
From Lee INT, Fla., via N alter.; to *Taylor INT, Fla., via N alter.; MEA **3,000. *4,000—MRA. **1,200—MOCA.

Section 610.6027 *VOR civil airway 27* is amended to read in part:

From Salinas, Calif., VOR via W alter.; to Stinson Beach INT, Calif., via W alter.; MEA 5,000.

Section 610.6028 *VOR civil airway 28* is amended to read in part:

From Modesto, Calif., VOR; to *Copper INT, Calif.; MEA 3,000. *6,000—MCA Copper INT, northeastbound.
From Copper INT, Calif.; to *West Point INT, Calif.; MEA 8,000. *10,000—MCA West Point INT, northeastbound.

Section 610.6032 *VOR civil airway 32* is amended to read in part:

From *Salt Lake City, Utah, VOR; to **Henefer INT, Utah; MEA 12,000. *12,000—MCA Salt Lake City VOR, eastbound. **14,000—MRA.

Section 610.6035 *VOR civil airway 35* is amended to delete:

From Tampa, Fla., VOR; to *Crystal INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla.; to *Shrimp INT, Fla.; MEA **1,500. *6,000—MRA. **1,000—MOCA.
From *Shrimp INT, Fla.; to Scallop INT, Fla.; MEA **4,000. *6,000—MRA. **1,000—MOCA.
From Scallop INT, Fla.; to Lobster INT, Fla.; MEA *6,000. *1,000—MOCA.
From Lobster INT, Fla.; to *St. Mark INT, Fla.; MEA **2,000. *2,000—MRA. **1,000—MOCA.
From St. Mark INT, Fla.; to Tallahassee, Fla., VOR; MEA 1,500.

Section 610.6035 *VOR civil airway 35* is amended by adding:

From Tampa, Fla., VOR; to *Hudson INT, Fla.; MEA **1,500. *2,000—MRA. **1,300—MOCA.
From Hudson INT, Fla.; to *Wahoo INT, Fla.; MEA **1,500. *2,000—MRA. **1,300—MOCA.
From Wahoo INT, Fla.; to Cross City, Fla., VOR; MEA *2,000. *1,200—MOCA.
From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA 1,500.
From Hansen INT, Fla., via E alter.; to *Homo INT, Fla., via E alter.; MEA 1,500. *3,000—MRA.
From Homo INT, Fla., via E alter.; to Gainesville, Fla., VOR via E alter.; MEA *1,500. *1,200—MOCA.
From Gainesville, Fla., VOR via E alter.; to Cross City, Fla., VOR via E alter.; MEA 1,500.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Belle Glade INT, Fla.; to *St. Lucie INT, Fla.; MEA **2,000. *2,000—MRA. **1,400—MOCA.
From St. Lucie INT., Fla.; to Vero Beach, Fla., VOR; MEA *2,000. *1,400—MOCA.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From *San Diego, Calif., VOR; to **El Centro, Calif., VOR; MEA 8,000. *3,000—MCA San Diego VOR, eastbound. **4,000—MCA El Centro VOR, westbound.
From Coyote Wells INT, Calif.; to El Centro, Calif., VOR, eastbound only; MEA 3,000.

Section 610.6070 *VOR civil airway 70* is amended to read in part:

From High Island INT, Tex.; to Marsh INT, Tex.; MEA *2,300. *1,400—MOCA.
From Marsh INT, Tex.; to Lake Charles, La., VOR; MEA 1,300.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From Llano INT, Tex.; to *Kingsland INT, Tex.; MEA **3,800. *4,000—MRA. **3,500—MOCA.
From Kingsland INT, Tex.; to *Marble Falls INT, Tex.; MEA **3,000. *3,500—MRA. **2,500—MOCA.
From Marble Falls INT, Tex.; to *Lake Travis INT, Tex.; MEA **3,000. *3,600—MRA. **2,500—MOCA.
From Austin, Tex., VOR; to *Butler INT, Tex.; MEA 2,000. *2,500—MRA.
From Butler INT, Tex.; to Paige INT, Tex.; MEA 2,000.

Section 610.6076 *VOR civil airway 76* is amended by adding:

From San Angelo, Tex., VOR via N alter.; to Lometa, Tex., VOR via N alter.; MEA *4,500. *3,100—MOCA.
From Lometa, Tex., VOR via N alter.; to Austin, Tex., VOR via N alter.; MEA 2,500.

Section 610.6077 *VOR civil airway 77* is amended to read in part:

From Bray INT, Okla., via E alter.; to Alex INT, Okla., via E alter.; MEA *2,800. *2,400—MOCA.
From Alex INT, Okla., via E alter.; to Oklahoma City, Okla., VOR via E alter.; MEA 2,500.

Section 610.6089 *VOR civil airway 89* is amended to read in part:

From *Fairburn INT, S. Dak.; to Rapid City, S. Dak., VOR; northbound, MEA 4,500; southbound, MEA 5,600. *6,500—MRA.

Section 610.6094 *VOR civil airway 94* is amended to read in part:

From Kemp INT, Tex.; to Mount Sylan INT, Tex.; MEA *4,000. *1,800—MOCA.
From Mount Sylan INT, Tex.; to Gregg County, Tex., VOR; MEA 2,100.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Cincinnati, Ohio, VOR via W alter.; to Hope INT, Ind., via W alter.; MEA *2,700. *2,300—MOCA.

Section 610.6097 *VOR civil airway 97* is amended to delete:

From Tampa, Fla., VOR via E alter.; to *Hudson INT, Fla., via E alter.; MEA **1,500. *2,000—MRA. **1,300—MOCA.
From Hudson INT, Fla., via E alter.; to Cross City, Fla., VOR via E alter.; MEA *2,000. *1,200—MOCA.

From Cross City, Fla., VOR via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA 1,500.

Section 610.6113 *VOR civil airway 113* is amended to read in part:

From Modesto, Calif., VOR; to *Copper INT, Calif., MEA 3,000. *6,000—MCA Copper INT, northeastbound.
From Copper INT, Calif.; to *West Point INT, Calif.; MEA 8,000. *10,000—MCA West Point INT, northeastbound.

Section 610.6114 *VOR civil airway 114* is amended by adding:

From Amarillo, Tex., VOR via N alter.; to Childress, Tex., VOR via N alter.; MEA 4,700.
From Childress, Tex., VOR via S alter.; to *Santa Rosa INT, Tex., via S alter.; MEA **4,000. *4,000—MRA. **3,200—MOCA.
From Santa Rosa INT, Tex., via S alter.; to Wichita Falls, Tex., VOR via S alter.; MEA 2,300.

Section 610.6125 *VOR civil airway 125* is amended to read in part:

From Anthony, Kans., VOR; to Rago INT, Kans.; MEA 2,800.
From Rago INT, Kans.; to Hutchinson, Kans., VOR; MEA 2,900.

Section 610.6132 *VOR civil airway 132* is amended to read in part:

From Goodland, Kans., VOR; to Great Bend INT, Kans.; MEA *9,700. *5,000—MOCA.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Sayre, Okla., VOR; to Weatherford INT, Okla.; MEA *3,500. *3,300—MOCA.
From Weatherford INT, Okla.; to *Omega INT, Okla.; MEA **4,200. *4,200—MRA. **2,500—MOCA.
From Omega INT, Okla.; to *Crescent INT, Okla.; MEA **9,500. *9,500—MRA. **3,500—MOCA.
From Crescent INT, Okla.; to *Stillwater INT, Okla.; MEA **6,000. *3,500—MRA. **2,400—MOCA.
From Stillwater INT, Okla.; to Yale INT, Okla.; MEA *3,500. *2,400—MOCA.

Section 610.6154 *VOR civil airway 154* is amended to read in part:

From *Lotts INT, Ga.; to **Marlow INT, Ga.; MEA 1,400. *2,000—MRA. **2,000—MRA.
From Marlow INT, Ga.; to Savannah, Ga., VOR; MEA 1,400.

Section 610.6157 *VOR civil airway 157* is amended by adding:

From Gainesville, Fla., VOR; to *Taylor INT, Fla.; MEA *4,000. *4,000—MRA. **1,500—MOCA.

Section 610.6157 *VOR civil airway 157* is amended to read in part:

From La Belle, Fla., VOR; to *Bartow INT, Fla.; MEA 1,500. *2,000—MRA.
From Bartow INT, Fla.; to Lakeland, Fla., VOR; MEA 1,500.
From *Webster INT, Fla.; to **Bushnell INT, Fla.; MEA ***2,000. *2,000—MRA. **2,000—MRA. ***1,300—MOCA.
From Bushnell INT, Fla.; to Ocala INT, Fla.; MEA *2,000. *1,300—MOCA.

Section 610.6159 *VOR civil airway 159* is amended by adding:

From Vero Beach, Fla., VOR via E alter.; to Orlando, Fla., VOR via E alter.; MEA *1,500. *1,300—MOCA.
From West Palm Beach, Fla., VOR via W alter.; to *Monet INT, Fla., via W. alter.; MEA 1,200. *2,000—MRA.

From Monet INT, Fla., via W alter.; to *St. Lucie INT, Fla., via W alter.; MEA 1,200. *2,000—MRA.
From St. Lucie INT, Fla., via W alter.; to *Dixie Ranch INT, Fla., via W alter.; MEA **2,000. *2,000—MRA. **1,200—MOCA.
From Dixie Ranch INT, Fla., via W alter.; to Kissimmee INT, Fla., via W alter.; MEA *4,000. *1,200—MOCA.
From Kissimmee INT, Fla., via W alter.; to Orlando, Fla., VOR via W alter.; MEA *1,500. *1,300—MOCA.

Section 610.6163 *VOR civil airway 163* is amended by adding:

From Alice, Tex., VOR, via W alter.; to San Antonio, Tex., VOR, via W alter.; MEA *2,800. *2,200—MOCA.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Spring Branch INT, Tex.; to *Kingsland INT, Tex.; MEA **4,000. *4,000—MRA. **2,800—MOCA.
From Ardmore, Okla., VOR; to *Maysville INT, Okla.; MEA 2,700. *3,200—MRA.
From Maysville INT, Okla.; to *Washington INT, Okla.; MEA 2,400. *4,000—MRA.
From Washington INT, Okla.; to Oklahoma City, Okla., VOR; MEA 2,400.
From Ardmore, Okla., VOR, via W alter.; to Alex INT, Okla., via W alter.; MEA 2,700.
From Alex INT, Okla., via W alter.; to Oklahoma City, Okla., VOR, via W alter.; MEA 2,500.

Section 610.6169 *VOR civil airway 169* is amended to read in part:

From *Fairburn INT, S. Dak. to Rapid City, S. Dak., VOR northbound, MEA 4,500; southbound, MEA 5,600. *6,500—MRA.

Section 610.6191 *VOR civil airway 191* is amended to read in part:

From *Mount Zion INT, Ill., to Roberts, Ill., VOR; MEA **4,000. *4,000—MRA. **2,300—MOCA.

Section 610.6208 *VOR civil airway 208* is amended to read in part:

From *Los Angeles, Calif., VOR; to Bonita INT, Calif., VOR, southbound; MEA 3,000. *2,000—MCA Los Angeles.
From Bonita INT, Calif.; to Avalon INT, Calif.; MEA 4,000.

Section 610.6216 *VOR civil airway 216* is amended by adding:

From Lamoni, Iowa, VOR; to Ottumwa, Iowa, VOR; MEA 2,200.
From Ottumwa, Iowa, VOR; to Iowa City, Iowa, VOR; MEA 2,200.

Section 610.6225 *VOR civil airway 225* is amended to read in part:

From La Belle, Fla., VOR; to *Dixie Ranch INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.

Section 610.6251 *VOR civil airway 251* is amended to read in part:

From Captain INT, Pa.; to Caldwell, N. J., VOR; MEA 5,000.

Section 610.6267 *VOR civil airway 267* is amended to read in part:

From Belle Glade INT, Fla.; to *Dixie Ranch INT, Fla.; MEA **10,000. *2,000—MRA. **1,300—MOCA.

Section 610.6272 *VOR civil airway 272* is amended by adding:

From Sayre, Okla., VOR via S alter.; to *Washita INT, Okla., via S alter.; MEA 3,500. *3,500—MRA.

From Washita INT, Okla., via S alter.; to Oklahoma City, Okla., VOR via S alter.; MEA 3,100.

Section 610.6272 *VOR civil airway 272* is amended to read in part:

From Sayre, Okla., VOR via N alter.; to Weatherford INT, Okla., via N alter.; MEA *3,500. *3,300—MOCA.

Section 610.6291 *VOR civil airway 291* is amended to read in part:

From Drake, Ariz., VOR; to Valle, Ariz., VOR; MEA 11,000.

Section 610.6293 *VOR civil airway 293* is added to read:

From West Palm Beach, Fla., VOR; to La Belle, Fla., VOR; MEA *1,500. *1,300—MOCA.
From La Belle, Fla., VOR; to Parrish INT, Fla.; MEA *2,000. *1,200—MOCA.
From Parrish INT, Fla.; to Tampa, Fla., VOR; MEA 1,500.

Section 610.6295 *VOR civil airway 295* is added to read:

From Vero Beach, Fla., VOR; to Kissimmee INT, Fla.; MEA *1,500. *1,200—MOCA.
From Kissimmee INT, Fla.; to Orlando, Fla., VOR; MEA *1,500. *1,300—MOCA.
From Orlando, Fla., VOR; to *Clermont INT, Fla.; MEA **2,000. *3,000—MRA. **1,700—MOCA.
From Clermont INT, Fla.; to *Bushnell INT, Fla.; MEA **2,000. *2,000—MRA. **1,700—MOCA.
From Bushnell INT, Fla.; to *Homo INT, Fla.; MEA **3,000. *3,000—MRA. **1,200—MOCA.
From Homo INT, Fla.; to Cross City, Fla.; VOR; MEA *1,500. *1,300—MOCA.

Section 610.6606 *VOR civil airway 1506* is amended to read in part:

From *Salt Lake City, Utah, VOR; to **Henefer INT, Utah; MEA 12,000. *12,000—MCA Salt Lake City VOR, eastbound. **14,000—MRA.

Section 610.6608 *VOR civil airway 1508* is amended to read in part:

From Pelee INT, Ont., Canada; to *Gill INT, Ohio; MEA **#3,500. *3,000—MRA. **2,500—MOCA. #For that airspace over U. S. territory.
From Gill INT, Ohio; to North Perry INT, Ohio; MEA 3,000.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From Sayre, Okla., VOR; to Weatherford INT, Okla.; MEA *3,500. *3,300—MOCA.
From Weatherford INT; to *Omega INT, Okla.; MEA **4,200. *4,200—MRA. **2,500—MOCA.
From Omega INT, Okla.; to *Crescent INT, Okla.; MEA **9,500. *9,500—MRA. **3,500—MOCA.
From Crescent INT, Okla.; to *Stillwater INT, Okla.; MEA **6,000. *3,500—MRA. **2,400—MOCA.
From Stillwater INT, Okla.; to Yale INT, Okla.; MEA *3,500. *2,400—MOCA.

Section 610.6620 *VOR civil airway 1520* is amended by adding:

From Texico, N. Mex., VOR; to Childress, Tex., VOR; MEA *6,000. *5,000—MOCA.
From Childress, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 3,100.
From Wichita Falls, Tex., VOR; to McAlester, Okla., VOR; MEA *4,000. *2,700—MOCA.
From McAlester, Okla., VOR; to Little Rock, Ark., VOR; MEA *6,800. *3,800—MOCA.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective January 16, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 12, 1957.

[F. R. Doc. 57-10532; Filed, Dec. 20, 1957; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE

NOTICE OF HEARINGS AND ISSUES; SPECIFICATION OF PROCEDURES

The Securities and Exchange Commission has announced that it has amended paragraph (a) of Rule III of its rules of practice so that if each party is given proper and timely notice of the time, place and nature of the hearing to be held in a particular proceeding, the legal authority and jurisdiction under which the hearings is to be held, and the matters of fact and law to be determined, such information need not be contained in the original order instituting the proceedings. The previous requirement that the first order and notice of hearing specify the time and place of hearing has resulted in numerous requests by respondents that the hearing date be changed, and revision of this date sometimes causes administrative difficulties in the conduct of the particular proceeding and in the assignment of hearing examiners in other cases. Under the amended rule fixing of the date for hearing can be postponed until after communication with the respondents in appropriate cases.

Satutory basis. This action is taken pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 19 (a) of the Securities Act of 1933, section 23 (a) of the Securities Exchange Act of 1934, section 20 (a) of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 (a) of the Investment Company Act of 1940, and section 211 (a) of the Investment Advisers Act of 1940.

Text of amendment. The text of paragraph (a) of § 201.3 (Rule III of the rules of practice), as amended, is as follows:

§ 201.3 *Notice of hearings and issues; specification of procedures.* (a) Whenever a hearing is ordered by the Commission in any proceeding, notice of such hearing shall be given by the Secretary or other duly designated officer of the Commission to each party to the proceeding, or to the person designated as being authorized to receive notices issued by the Commission. The parties or persons entitled to notice shall be timely informed of the time, place and nature of the hearing and the legal authority and jurisdiction under which the hearing is to be held, and furnished a short and simple statement of the matters of fact and law to be considered and determined. In proceedings pursuant to section 8 of the Securities Act of 1933 such notice of hearing shall include by number or name a statement of the items in the registration statement which appear to be incomplete or inaccurate in any material respect or to include any untrue statement of a material fact or to omit a statement of any material fact required to be stated therein or necessary to make the statement therein not misleading, and such notice shall be accompanied or followed by a short and simple statement concerning such items.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 775, 77555, 78w, 79t, 80a-37, 80b-11)

The Commission finds that the foregoing action relates to matters of procedure and practice, and that compliance with sections 4 (a), (b) and (c) of the Administrative Procedure Act is unnecessary.

The foregoing shall be effective January 13, 1958.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 6, 1957.

[F. R. Doc. 57-10538; Filed, Dec. 20, 1957; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6290]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BETTER LIVING, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.150 *Premiums and prizes:* Prizes; § 13.155 *Prices:* Adequacy and additional charges unmentioned; bait; § 13.170 *Qualities or properties of product or service;* § 13.260 *Terms and conditions.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1778 *Additional costs unmentioned;* § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Better Living, Inc., et al., Philadelphia, Pa., Docket 6290, November 29, 1957]

In the Matter of Better Living, Inc., a Corporation, and Carl Mickelson and Fred E. Block, Individually and as Officers of Said Corporation, and Also as Partners Trading as Aluminum Storm Window Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Philadelphia, Pa., operating retail stores in Pennsylvania, New York, New Jersey, and Maryland, with using bait advertising in the sale of their aluminum storm doors, aluminum storm windows, and aluminum awnings, and with making false representations in advertising and trade literature concerning prices and terms of sale, guarantees, durability of their products, prizes purportedly awarded in competitive contests, and fuel savings resulting from installation.

Following hearings in due course, the hearing examiner made his initial decision, including findings, conclusions, and order to cease and desist, from which respondents appealed. The Commission, having heard the matter, on November 29 rendered its decision denying the appeal and adopting the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Better Living, Inc., a corporation, and Carl Mickelson and Fred E. Block, individually and as officers of said corporation, and also as partners trading as Aluminum Storm Window Company, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of aluminum storm doors, aluminum storm windows and aluminum awnings in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That their products are offered at reduced prices, without clearly and conspicuously disclosing, in immediate conjunction therewith, all of the terms and conditions thereof, including the requirement that additional merchandise must be purchased, if such is the case;

2. That the advertised price of any of said products includes the cost of installation, or any equipment or accessories, for which an additional charge is made;

3. That their products or installations are fully or unconditionally guaranteed or are guaranteed for life, without revealing, in immediate conjunction therewith, the full terms and meaning of such guarantee;

4. That any of said products are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly and conspicuously disclosed;

5. That any of said products have been awarded prizes in competitive contests, unless such is in fact true;

6. That any of said products are everlasting or are made of indestructible materials;

7. That customers will obtain immediate installation of aluminum products purchased from Respondents, unless such installation is in fact made without unreasonable delay in the usual course of business;

8. That installation of their storm windows will cut fuel consumption one-half or will reduce total heat loss as much as 50 percent;

9. That articles are offered for sale at a certain price or under certain conditions, when such offer is not a bona fide offer to sell the articles so, and as, offered.

By "Final Order", report of compliance was required as follows:

It is ordered, That the respondents, Better Living, Inc., a corporation, and Carl Mickelson and Fred E. Block, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision.

Issued: November 29, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-10536; Filed, Dec. 20, 1957; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 141b, 141c, 141e, 146b; 21 CFR, 1956 Supp.) are amended as indicated below:

1. Section 141a.21 *Capsules penicillin and novobiocin* is amended in the following respects:

a. In paragraph (a) *Potency,* subparagraph (2) *Novobiocin content* is amended by changing the words "1.0 microgram" in the third sentence to read "0.5 microgram".

b. In paragraph (c) *Novobiocin used in making the capsules,* subdivision (iv) of subparagraph (1) *Potency* is amended by changing the words "1.0 microgram" to read "0.5 microgram".

c. Paragraph (c) (1) (vii) is changed to read as follows:

(vii) *Standard curve.* Prepare the daily standard curve by further diluting the 1,000 μg. per milliliter stock solution in 1 percent potassium phosphate buffer (pH 6.0), to obtain concentrations of 0.32, 0.4, 0.5, 0.63, and 0.78 μg. per milliliter. Use three plates for the determination of each point on the curve, except the 0.5 μg. per milliliter concentration, a total of 12 plates. On each of three plates fill three cylinders with the 0.5 μg. per milliliter standard, and fill the other three cylinders with the concentration under test. Thus, there will be thirty-six ½-μg. determinations and nine determinations for each of the other points on the curve. After the plates have incubated, read the diameters of the circles of inhibition. Average the readings of the 0.5 μg. per milliliter concentration and the readings of the point tested for each set of three plates, and average also all 36 readings of the 0.5 μg. per milliliter concentrations. The average of the 36 readings of the 0.5 μg. per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 0.5 μg. per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.4 μg. concentration, the average of the 36 readings of the 0.5 μg. concentration is 20.0 millimeters, and the average of the 0.5 μg. concentration of this set of three plates is 19.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 0.4 μg. concentration of these same three plates is 19.0 millimeters, the corrected value is 19.2 millimeters. Plot these corrected values, including the average of the 0.5 μg. per milliliter concentration, on semi-log paper, placing the concentration in micrograms per milliliter on the logarithmic scale and the diameter of the zone of inhibition on the arithmetic scale. Draw the standard curve through these points either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where

L = corrected zone diameter for the lowest concentration of the standard curve.
H = corrected zone diameter for the highest concentration of the standard curve.
c = average zone diameter of 36 readings of the 0.5 μg. per milliliter standard.
a, b, d, e = corrected average values for the 0.32, 0.4, 0.63, and 0.78 μg. per milliliter standard solutions, respectively.

Plot the values obtained for L and H and connect with a straightline.

d. In paragraph (c) (1), subdivision (viii) *Assay* is amended by changing the words "1.0 microgram" to read "0.5 microgram" in the second, fifth, and sixth sentences.

2. In § 141a.65 *Penicillin-streptomycin-neomycin in oil* • • •, paragraph (a) (2) and (3) is changed to read as follows:

(a) *Potency.* • • •

(2) *Streptomycin content.* Proceed as directed in § 141b.101 of this chapter, except § 141b.101 (j) and (k) of this subchapter, and in lieu of the directions in § 141b.101 (e) of this subchapter prepare the sample as directed in § 141a.35 (a) (4) (i). If the sample contains three times as much (or more) neomycin as streptomycin, prepare the streptomycin standard curve by adding to each concentration of streptomycin the quantity of neomycin (as calculated from the quantity of neomycin found, using the method prescribed in subparagraph (4) of this paragraph) that would be present when the sample is diluted to contain 1.0 μg. of streptomycin (estimated) per milliliter. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as the standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

3. In § 141a.86 *Procaine penicillin-streptomycin-polymyxin in oil* • • •, paragraph (a) *Potency* is amended by changing "1-percent" in the third sentence of subparagraph (4) (i) (*a*) to read "10 percent", and by deleting the sixth sentence.

4. In § 141a.90 *Crystalline penicillin-streptomycin-polymyxin-oxytetracycline-carbomycin powder veterinary* • • •, paragraph (a) *Potency* is amended by changing the second sentence in subparagraph (6) to read as follows: "Proceed as directed in § 141b.112 (b) (1) of this subchapter."

5. Section 141b.106 *Streptomycin sulfate* • • • is amended by adding thereto a new paragraph (c), reading as follows:

(c) *Identity.* Using distilled water, dilute the sample to be tested to a concentration of 0.2 milligram per milliliter. To 5.0 milliliters of this solution, add 2.0 milliliters of 1*N* NaOH and heat in a boiling water bath for 10 minutes. Cool in ice water for 3 minutes and then acidify the solution by adding 2.0 milliliters of 1.2*N* HCl. Add 5.0 milliliters of 0.25 percent ferric chloride reagent, prepared as directed in § 141b.108 (b) (1). A violet color appears.

6. Section 141b.112 *Streptomycin-polymyxin-bacitracin tablets* is amended in the following respects:

a. Paragraph (b) (1) (iv) is changed to read as follows:

(b) *Polymyxin used in making the tablets*—(1) *Potency.* • • •

(iv) *Standard curve.* Prepare daily a standard curve as directed in § 141a.21 (c) (1) (vii) of this subchapter, with the following exceptions: Using a solution of the polymyxin working standard in 1 percent potassium phosphate buffer, pH 6.0, prepare volumetrically the following concentrations: 6.4, 8.0, 10.0, 12.5, and 15.6 units per milliliter in 10 percent potassium phosphate buffer, pH 6.0. The 10 units per milliliter concentration is used as the reference point.

b. In paragraph (b) (1), subdivision (vii) *Assay* is amended by changing "1

percent" to read "10 percent" and the words "100 units" are changed to read "10 units".

7. Section 141c.224 *Tetracycline hydrochloride-nystatin capsules* • • • is amended in the following respects:

a. In paragraph (a) *Capsules*, subparagraph (1) (ii) is changed to read as follows:

(1) *Potency.* • • •

(ii) *Nystatin content.* Prepare the sample for assay by placing a representative number of capsules in a blending jar with sufficient dimethylformamide (previously adjusted to pH 6.5±0.5 with concentrated H_2SO_4) to give a stock solution of convenient concentration. Blend for 2 minutes in a high-speed blender. Assay as directed in paragraph (b) of this section. Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

b. In paragraph (b) *Nystatin used in making the capsules*, subparagraph (1) (iii), (iv), and the first two sentences of (vii) are changed to read as follows:

(1) *Potency.* • • •

(iii) *Working standard.* Dissolve a suitable weighed quantity of the working standard (obtained from the Food and Drug Administration) in sufficient dimethylformamide to give a stock solution of convenient concentration (usually 1,000 units to 5,000 units per milliliter). This stock solution should be prepared simultaneously with the samples to be tested and should be used for 1 day only.

(iv) *Preparation of sample.* Dissolve the sample to be tested in sufficient dimethylformamide to give a nystatin concentration of 400 units per milliliter (estimated). Further dilute with 10 percent potassium phosphate buffer, pH 6.0, to 20 units per milliliter (estimated).

• • • • •

(vii) *Standard curve.* Dilute aliquots of the standard stock solution with dimethylformamide to give concentrations of 256, 320, 400, 500, and 624 units per milliliter. Dilute these solutions with 10 percent potassium phosphate buffer, pH 6.0, to make concentrations of 12.8, 16.0, 20.0, 25.0, and 31.2 units per milliliter, respectively. • • •

8. Paragraph (b) (1) is further amended by adding thereto the following new subdivision:

(ix) *Turbidimetric assay—(a) Test culture and media.* Maintain the test organism Saccharomyces cerevisiae (ATCC 9763) as described in subdivision (v) of this subparagraph. For use in the assay, prepare an organism suspension as directed in subdivision (v) (*a*) of this subparagraph. Adjust this stock suspension, so that a 1:10 dilution in the nutrient broth will have an absorption of 0.350 at a wavelength of 650 mμ, using a suitable photoelectric colorimeter and an 18-millimeter diameter test tube as an absorption cell. Prepare the inoculated broth by adding from 3 milliliters to 5 milliliters of that adjusted suspension (not the 1:10 dilution) to each liter of nutrient broth, prepared as directed in subdivision (ii) (*b*) of this subparagraph, needed for the test.

(*b*) *Working standard and standard solutions.* Prepare the standard stock solution as directed in subdivision (iii) of this subparagraph. Make dilutions of the stock solution with dimethylformamide to obtain concentrations of 121, 139, 160, 184, and 212 units per milliliter. These solutions are then diluted 1:10 with sterile distilled water to obtain concentrations of 12.1, 13.9, 16.0, 18.4, and 21.2 units per milliliter. Add 1.0 milliliter of each such concentration to each of six; sterile 20 millimeters x 150 millimeters test tubes. Maintain the sterility of the tubes.

(*c*) *Preparation of sample.* Dissolve the sample to be tested in sufficient dimethylformamide to give a stock solution of convenient concentration. Dilute the stock solution with dimethylformamide to obtain a concentration of 160 units per milliliter (estimated). Further dilute this solution 1:10 with sterile distilled water to obtain a concentration of 16 units per milliliter (estimated). Add 1.0 milliliter of this dilution to each of six sterile 20 millimeters x 150 millimeters test tubes.

(*d*) *Procedure.* To each of the 20 millimeters x 150 millimeters test tubes prepared in (*b*) and (*c*) of this subdivision, add 9.0 milliliters of the inoculated nutrient broth described in (*a*) of this subdivision, and incubate at 26° C. for 16 hours to 18 hours. After incubation, add 0.5 milliliter of a 12 percent formaldehyde solution to each tube and read the absorbance values in a suitable photoelectric colorimeter, using a wavelength of 530 mμ. Set the instrument at zero absorbance with clear uninoculated broth prepared as described in subdivision (ii) (*b*) of this subparagraph.

(*e*) *Estimation of potency.* Plot the average values for each concentration of the standard on semilog graph paper with absorbance values on the arithmetic scale and nystatin concentrations on the logarithmic scale. Construct the best straightline through the points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where

L = absorbance value for the lowest concentration of the standard curve.

H = absorbance value for the highest concentration of the standard curve.

a, b, c, d, e = average absorbance values for each concentration of the standard curve.

Plot the values obtained for L and H and connect the points with a straightline. Average the absorbance values for the sample and read the nystatin concentration from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the nystatin content of the sample. Its content of nystatin is satisfactory if it is not less than 85 percent of the number of units that it is represented to contain.

9. In § 141e.409 *Bacitracin-polymyxin ointment*, paragraph (a) *Potency* is amended by changing "1.0-percent phosphate buffer" to read "10-percent potassium phosphate buffer".

10. Section 141e.412 (a) (2) is amended to read as follows:

§ 141e.412 *Bacitracin-polymyxin tablets*—(a) *Potency* • • •

(2) *Polymyxin content.* Using 10-percent potassium phosphate buffer, pH 6.0, prepare the sample as directed in subparagraph (1) of this paragraph, and proceed as directed in § 141b.112 (b) of this subchapter. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

11. In § 141e.422 *Bacitracin-polymyxin-neomycin ointment*, paragraph (a) *Potency* is amended by changing the words "100 units" in the first sentence of subparagraph (2) to read "10 units".

12. In § 141e.424 *Bacitracin-neomycin-polymyxin with vasoconstrictor*, paragraph (a) *Potency* is amended by changing the words "100 units" in the first sentence of subparagraph (3) (i) to read "10 units".

13. In § 146b.101 *Streptomycin sulfate* • • • paragraph (d) *Request for certification* • • • is amended by changing the words "and pH" in subparagraph (1) to read "pH, and identity."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth herein.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: December 16, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-10520; Filed, Dec. 20, 1957; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

PART 130—ASSOCIATIONS' REPORTS

DELETIONS

DECEMBER 18, 1957.

Section 120.11d *Report of source and application of funds; railroads.* § 120.80 *Free transportation issued and requested*, and § 130.0 *Associations: Special report*, having expired by reason of the provisions of said sections, notification of such expiration is hereby given, and said sections and Part 130, Associations' Reports, are hereby deleted from the regulations included in Title 49 of the Code of Federal Regulations.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10551; Filed, Dec. 20, 1957; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

Because of the number of outstanding amendments to § 3.606 since it was last published in the FEDERAL REGISTER (December 29, 1956, 21 F. R. 10503), § 3.606 is recapitulated as of December 31, 1957, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

§ 3.606 *Table of assignments*—(a) *General.* The following table of assignments contains the channels assigned to the listed communities in the United States, its Territories, and possessions. Channels designated with an asterisk are assigned for use by noncommercial educational broadcast stations only. A station on a channel identified by a plus or minus mark is required to operate with its carrier frequencies offset 10 kc above or below, respectively, the normal carrier frequencies.

(b) *Table of assignments.*

	Channel No.
Alabama:	
Andalusia	*2—, 29
Anniston	70+
Auburn	*56
Bessemer	54
Birmingham	6—, *10—, 13—, 42+, 48
Brewton	23+
Clanton	14
Cullman	60+
Decatur	23—
Demopolis	18
Dothan	9+, 19—
Enterprise	40+
Eufaula	44
Florence	15
Fort Payne	19
Gadsden	21+, 37—
Greenville	49—
Guntersville	40—
Huntsville	31+
Jasper	17
Mobile	5+, 10+, *42, 48+
Montgomery	12, 20, *26+, 32
Munford	*7—
Opelika	22—
Selma	8—, 58+
Sheffield	47—
Sylacauga	24—
Talladega	64
Thomasville	27—
Troy	38—
Tuscaloosa	45, 51—
Tuskegee	16—
University	*74+
Arizona:	
Ajo	14—
Bisbee	15
Casa Grande	18—
Clifton	25—
Coolidge	30+
Douglas	3—
Eloy	24
Flagstaff	9, 13
Globe	84+
Holbrook	14
Kingman	6—
Mesa	12—
Miami	28+
Morenci	31
Nogales	17—
Phoenix	3+, 5—, *8+, 10—
Prescott	15
Safford	21
Arizona—Continued	
Tucson	4—, *6+, 9—, 13—
Williams	25
Winslow	16—
Yuma	11—, 13+
Arkansas:	
Arkadelphia	34+
Batesville	30—
Benton	40
Blytheville	64+, 74
Camden	50
Conway	62
El Dorado	10—, 26—
Fayetteville	*13—, 41—
Forrest City	22+
Fort Smith	5—, *16, 22, 39
Harrison	24
Helena	54—
Hope	15—
Hot Springs	9+, 52+
Jonesboro	8, 39+
Little Rock	*2—, 4, 11+, 17—, 23+
Magnolia	28+
Malvern	46
Morrilton	43—
Newport	28
Paragould	58—
Pine Bluff	7—, 36
Russellville	19
Searcy	33
Springdale	35—
Stuttgart	14+
California:	
Alturas	9
Bakersfield	10—, 29
Bishop	19
Brawley	25+
Chico	12—
Corona	52
Delano	37+
El Centro	16, 56
Eureka	3—, 6—, 13—
Fresno	12+, *18—, 24, 47, 53
Hanford	21
Los Angeles	2, 4, 5, 7, 9, 11, 13, 22, *28, 34
Madera	59
Merced	34—, 66
Modesto	14+, 58
Monterey. (*See* Salinas.)	
Napa	62
Oakland. (*See* San Francisco.)	
Oxnard	32
Palm Springs	14
Petaluma	68
Pittsburg	16
Port Chicago	70
Porterville	55
Red Bluff	15
Redding	7
Riverside	40, 46
Sacramento	3, *6, 10, 40—, 46+
Salinas-Monterey	8+, 35
San Bernardino	18, *24—, 30
San Buenaventura	38—
San Diego	8, 10, *15+, 21—, 27, 33, 39
San Francisco-Oakland	2+, 4—, 5+ 7—, *9+, 20—, 26—, 32+, 38, 44—
San Jose	11+, 48, *54, 60
San Luis Obispo	6+
Santa Barbara	3—, 20, 26
Santa Cruz	56
Santa Maria	44
Santa Paula	16+
Santa Rosa	50
Stockton	13+, 36, *42, 64
Tulare	27+
Ukiah	18
Visalia	43, 49
Watsonville	22—
Yreka City	19
Yuba City	52—
Colorado:	
Alamosa	3—, 19+
Boulder	*12, 22+
Canon City	36
Colorado Springs	11, 13, *17+, 23+
Craig	19
Delta	24—
Denver	2, 4—, *6—, 7, 9—, 20, 26+
Durango	6+, 15
Colorado—Continued	
Fort Collins	44+
Fort Morgan	15+
Grand Junction	5—, 21+
Greeley	50
La Junta	24
Lamar	12—, 18—
Leadville	14+
Longmont	32
Loveland	38
Montrose	10+, 18
Pueblo	5, *8, 28+, 34—
Salida	25
Sterling	3, 25—
Trinidad	21—
Walsenburg	30—
Connecticut:	
Bridgeport	43—, 49—, *71
Hartford	3+, 18—, *24
Meriden	65—
New Britain	30+
New Haven	8+, 59+
New London	26+, 81
Norwalk. (*See* Stamford.)	
Norwich	57+, *63—
Stamford-Norwalk	27
Waterbury	53
Delaware:	
Dover	40
Wilmington	12, *59—, 83+
District of Columbia:	
Washington	4—, 5—, 7+, 9, 14—, 20+, *26—, 50—
Florida:	
Belle Glade	27+
Bradenton	28—
Clearwater	32+, 50
Daytona Beach	2—, 53
De Land	44+
Fort Lauderdale	17—, 39
Fort Myers	11+
Fort Pierce	19
Gainesville	*5—, 20+
Jacksonville	4+, *7, 12—, 30+, 36—
Key West	14+, 20
Lake City	33+
Lakeland	16+, 22+
Lake Wales	14
Leesburg	26—
Marianna	17+
Melbourne	37—
Miami	*2, 4, 6, 7—, 10+, 23—, 33
Ocala	15+
Orlando	6—, 9, 18, *24—, 47
Palatka	17
Panama City	7+, *30, 36+
Pensacola	3—, 15—, *21, 46
Quincy	54+
St. Augustine	25+
St. Petersburg. (*See* Tampa.)	
Sanford	35+
Sarasota	34+
Tallahassee	*11—, 24, 51
Tampa-St. Petersburg	*3, 8—, 10—, 13—, 38
West Palm Beach	5, 12, *15, 21+
Georgia:	
Albany	10, 25
Americus	31
Athens	*8, 60—
Atlanta	2, 5—, 11+, *30, 36
Augusta	6+, 12+
Bainbridge	35—
Brunswick	28+, 34—
Cairo	45+
Carrollton	33
Cartersville	63—
Cedartown	53—
Columbus	4, 28, *34
Cordele	43
Dalton	25+
Douglas	32—
Dublin	15
Elberton	24+
Fitzgerald	53+
Fort Valley	18+
Gainesville	52
Griffin	39+
La Grange	50
Macon	13+, *41+, 47+

Georgia—Continued	Channel No.
Marietta	57+
Milledgeville	51+
Moultrie	48—
Newnan	61+
Rome	59
Savannah	3+, *9—, 11
Statesboro	22
Swainsboro	20—
Thomasville	6, 27
Tifton	14—
Toccoa	35
Valdosta	37+
Vidalia	26
Waycross	8+, 16
Idaho:	
Blackfoot	33
Boise	2, *4+, 7
Burley	15—
Caldwell	9—
Emmett	26—
Gooding	23
Idaho Falls	3, 8+
Jerome	17
Kellogg	33—
Lewiston	3—
Moscow	12—, *15
Nampa	6, 12+
Payette	14+
Pocatello	6—, 10
Preston	41
Rexburg	27+
Rupert	21
Sandpoint	23—
Twin Falls	11, 13—
Wallace	27—
Weiser	20—
Illinois:	
Alton	48
Aurora	75
Belleville	54+
Bloomington	15—
Cairo	24—
Carbondale	34, *61—
Centralia	32+, 59+
Champaign-Urbana	3+, *12—, 21, 27, 33
Chicago	2—, 5, 7, 9+, *11, 20, 26, 32, 38, 44
Danville	24
Decatur	17, 23+
De Kalb	*67
Dixon	47+
Elgin	83
Freeport	23
Galesburg	77
Harrisburg	22
Jacksonville	49—
Joliet	48+
Kankakee	14
Kewanee	60—
La Salle	35
Lincoln	53+
Macomb	61+
Marion	40
Mattoon	46—
Moline. (*See* Davenport, Iowa.)	
Mt. Vernon	38—
Olney	16—
Pekin	69+
Peoria	19, 25+, 31+, *37—, 43+
Quincy	10—, 21+
Rockford	13+, 39+, *45+
Rock Island. (*See* Davenport, Iowa.)	
Springfield	20+, 26—, 36—, *66+
Streator	65—
Urbana. (*See* Champaign.)	
Vandalia	28—
Waukegan	79+
Indiana:	
Anderson	26+, 61
Angola	77
Bedford	68
Bloomington	4, *30—, 36
Columbus	42—
Connersville	38+
Elkhart. (*See* South Bend.)	
Evansville	7, *9+, 14—, 50—
Fort Wayne	15+, 21+, *27+, 33—, 69

Indiana—Continued	Channel No.
Gary	50, *66
Hammond	56—
Indianapolis	6, 8—, 13—, *20—, 39, 67—
Jasper	19+
Kokomo	29+
Lafayette	18, *47, 59
Lebanon	79+
Logansport	51
Madison	25—
Marion	31
Michigan City	62+
Muncie	49, 55+, *71
Plymouth	34—
Princeton	52+
Richmond	32—
Shelbyville	58+
South Bend-Elkhart	16, 22, 28+, *52
Tell City	78
Terre Haute	2+, 10, *57+, 63—, 73+
Vincennes	44+
Washington	60+
Iowa:	
Algona	37+
Ames	5, 25—
Atlantic	45—
Boone	19—
Burlington	32—, 38+
Carroll	39
Cedar Rapids	2, 9—, 20—, *26+
Centerville	31—
Charles City	18—
Cherokee	14
Clinton	64
Creston	43
Davenport-Rock Island-Moline, Ill.	4+, 6+, 8, *30+, 42—, 68
Decorah	44+
Des Moines	8—, *11+, 13—, 17+, 23—
Dubuque	56+, 62—
Estherville	24+
Fairfield	54
Fort Dodge	21
Fort Madison	50+
Grinnell	71
Iowa City	*12+, 24—
Keokuk	44—
Knoxville	33—
Marshalltown	49
Mason City	3+, 35—
Muscatine	58
Newton	65+
Oelwein	28
Oskaloosa	52+
Ottumwa	15+, 63
Red Oak	32+
Shenandoah	20+
Sioux City	4—, 9, *30, 36—
Spencer	42+
Storm Lake	34+
Waterloo	7+, 16—, *22—, 46+
Webster City	27
Kansas:	
Abilene	31+
Arkansas City	49
Atchison	60+
Chanute	50—
Coffeyville	33—
Colby	22—
Concordia	47—
Dodge City	6+, 23
El Dorado	55+
Emporia	39—
Fort Scott	27
Garden City	9, 11+
Goodland	10, 31
Great Bend	2, 28
Hays	7—, 20—
Hutchinson	12, 18
Independence	20
Iola	44+
Junction City	29+
Larned	15—
Lawrence	*11, 17—
Leavenworth	54—
Liberal	14
McPherson	26—
Manhattan	*8, 23+
Newton	14+

Kansas—Continued	Channel No.
Olathe	52—
Ottawa	21—
Parsons	46—
Pittsburg	7+, 38—
Pratt	36+
Salina	34
Topeka	13+, 42, *48+
Wellington	24—
Wichita	3—, 10—, 16—, *22+
Winfield	43+
Kentucky:	
Ashland	59—
Bowling Green	13, 17+
Campbellsville	40+
Corbin	16
Danville	35+
Elizabethtown	23
Frankfort	43—
Glasgow	28+
Harlan	73+
Hazard	19—
Hopkinsville	20
Lexington	18+, 27—, 64, 70+
Louisville	3—, 11+, *15, 21—, 41—, 51—
Madisonville	26
Mayfield	63
Maysville	24+
Middlesborough	57, 63+
Murray	33—
Owensboro	56—, 62
Paducah	6+, 43, 72
Pikeville	14—
Princeton	45—
Richmond	60
Somerset	29—
Winchester	37+
Louisiana:	
Abbeville	27+
Alexandria	5, 62+, 74
Bastrop	53+
Baton Rouge	2, 18—, 28, *34, 40—
Bogalusa	69, 78
Crowley	76
De Ridder	70
Eunice	64—
Franklin	46+
Hammond	57
Houma	11, 30+
Jackson	59
Jennings	48
Lafayette	10, 38—, 67—
Lafayette-Lake Charles	3
Lake Charles	7—, *14, 25, 60+
Minden	30
Monroe	8+, *13, 43+
Morgan City	36+
Natchitoches	17+
New Iberia	15+
New Orleans	4+, 6+, *8, 12, 20—, 26, 32+, 61
Oakdale	54+
Opelousas	58
Ruston	20
Shreveport	3—, 12
Thibodaux	24
Winnfield	22—
Maine:	
Auburn	23+
Augusta	10—, 29+
Bangor	2—, 5+, *16—
Bar Harbor	22—
Bath	65
Belfast	41—
Biddeford	59
Calais	7—, 20—
Dover-Foxcroft	18+
Fort Kent	17+
Foxcroft. (*See* Dover.)	
Houlton	24
Lewiston	8—, 17
Millinocket	14+
Orono	*12—
Portland	6—, 13+, *47—, 53+
Presque Isle	8, 10+, 19
Rockland	25—
Rumford	55—
Van Buren	15—
Waterville	35+

Maryland:	Channel No.
Annapolis	53—
Baltimore	2+, 11—, 13+, 18, *24+, 72—
Cambridge	22+
Cumberland	17+, 30—
Frederick	62
Hagerstown	52, 68+
Salisbury	16+
Massachusetts:	
Amherst	*82
Barnstable	25+
Boston	*2+, 4—, 5—, 7+, 38, 44+, 56
Brockton	62
Easthampton	61
Fall River	46—, 68
Greenfield	32+, 58—
Holyoke. (*See* Springfield.)	
Lawrence	72
Lowell	78
New Bedford	6+, 28—, 34+
North Adams	19, *80+
Pittsfield	64+
Springfield-Holyoke	22, 40
Worcester	14, 20
Michigan:	
Alma	41+
Alpena	9+, *11, 30—
Ann Arbor	20+, *26—
Bad Axe	46—
Battle Creek	58—, 64—
Bay City	5—, 63—, *73+
Benton Harbor	40+
Big Rapids	39
Cadillac	13—, 45
Calumet	5
Cheboygan	4+, 36+
Coldwater	24—
Detroit	2+, 4, 7—, 50—, *56, 62
East Lansing	60+
East Tawas	25—
Escanaba	3+, *49
Flint	12—, 16—, *22—, 28
Gladstone	40—
Grand Rapids	8+, *17+, 23—
Houghton	19, *25
Iron Mountain	8—, 27
Iron River	33—
Ironwood	12+, 31—
Jackson	48
Kalamazoo	3—, 46, *74
Lansing	6—, 54
Ludington	18+
Manistee	15—
Manistique	14+
Marquette	6—, 13+, 17, *35
Midland	19+
Mount Pleasant	47—
Muskegon	29—, 35+
Parma-Onondaga	10—
Petoskey	31
Pontiac	44+
Port Huron	34+
Rogers City	24
Saginaw	51—, 57—
Sault Ste. Marie	8, 10+, 28—, *34
Traverse City	7+, 20—, *26+
West Branch	21
Minnesota:	
Albert Lea	57—
Alexandria	7, 36
Austin	6—, 51+
Bemidji	9, 24—
Brainerd	12—
Cloquet	44
Crookston	21—
Detroit Lakes	18+
Duluth-Superior, Wis	3, 6+, *8, 10+, 32, 38
Ely	16
Fairmont	40+
Faribault	20
Fergus Falls	16—
Grand Rapids	20—
Hastings	29+
Hibbing	13—
International Falls	11
Little Falls	14+
Mankato	12, 15—
Marshall	22+

Minnesota—Continued	Channel No.
Minneapolis-St. Paul	*2—, 4, 5—, 9+, 11—, 17, 23+,
Montevideo	19
New Ulm	43—
Northfield	26
Owatonna	45
Red Wing	63—
Rochester	10, 55—
St. Cloud	33
St. Paul. (*See* Minneapolis.)	
Stillwater	39—
Thief River Falls	15
Virginia	26+
Wadena	27+
Willmar	31+
Winona	61
Worthington	32
Mississippi:	
Biloxi	13+, *44+, 50—
Brookhaven	37+
Canton	16
Clarksdale	32
Columbia	35+
Columbus	4—, 28—
Corinth	41
Greenville	21—, 27
Greenwood	6, 24+
Grenada	44
Gulfport	56—
Hattiesburg	9, 17—
Jackson	3+, 12+, *19+, 25—, 47
Kosciusko	52—
Laurel	33—
Laurel-Pachuta	7
Louisville	46—
McComb	31—
Meridian	11—, 30—, *36—
Natchez	29+
Pachuta. (*See* Laurel-Pachuta.)	
Pascagoula	22
Picayune	14—
Starkville	34—
State College	*2+
Tupelo	9—, 38
University	*20+
Vicksburg	41+
West Point	56+
Yazoo City	49
Missouri:	
Cape Girardeau	12, 18+, 69
Carthage	56—
Caruthersville	27—
Chillicothe	14—
Clinton	49—
Columbia	8+, 16+, 22—
Farmington	52
Festus	25—
Fulton	24+
Hannibal	7—, 27+
Jefferson City	13, 33+
Joplin	12+, 30+
Kansas City	4, 5+, 9+, *19+, 25+, 65
Kennett	21
Kirksville	3—, 18
Lebanon	23
Marshall	40+
Maryville	26
Mexico	45
Moberly	35+
Monett	14
Nevada	18—
Poplar Bluff	15+
Rolla	46
St. Joseph	2—, 30—, *36
St. Louis	2, 4—, 5—, *9, 11—, 30, 42+
Sedalia	6—, 28+
Sikeston	37
Springfield	3+, 10, *26+, 32
West Plains	20—
Montana:	
Anaconda	2+
Billings	2, 8, *11
Bozeman	*9, 22—
Butte	4, 6+, *7—, 15+
Cut Bank	20+
Deer Lodge	25+
Dillon	20
Glasgow	16
Glendive	5+, 18—

Montana—Continued	Channel No.
Great Falls	3+, 5+, *23—
Hamilton	17+
Hardin	4+
Havre	9+, 11+
Helena	10+, 12
Kalispell	9—
Laurel	14+
Lewistown	13
Livingston	16—
Miles City	3—, *6, 10
Missoula	8—, *11—, 13—, 21+
Polson	13
Red Lodge	18+
Shelby	14—
Sidney	14
Whitefish	16+
Wolf Point	20—
Nebraska:	
Alliance	13—, 21
Beatrice	40
Broken Bow	14—
Columbus	49+
Fairbury	35
Falls City	38
Fremont	52
Grand Island	11—, 21+
Hastings	5—, 27—
Hay Springs	4+
Hayes Center	6
Kearney	13, 19
Lexington	23—
Lincoln	10+, *12—, 18+, 24
McCook	8—, 17
Nebraska City	50
Norfolk	33+
North Platte	2—, 9+
Omaha	3, 6+, 7, *16, 22, 28—
Scottsbluff	10—, 16+
York	15
Nevada:	
Boulder City	4+
Carlin	14
Carson City	37
Elko	10—
Ely	3—, 6+
Fallon	29—
Goldfield	5—
Hawthorne	31
Henderson	2—
Las Vegas	8—, *10+, 13—
Lovelock	18+
McGill	8+
Reno	4, 8, *21+, 27—
Tonopah	9—
Winnemucca	7+
Yerington	33
New Hampshire:	
Berlin	26
Claremont	37
Concord	75+
Durham	*11
Hanover	*27+
Keene	45—
Laconia	43
Littleton	24—
Manchester	9—, 43+
Nashua	54
Portsmouth	15
Rochester	51
New Jersey:	
Andover	*69
Asbury Park	53
Atlantic City	46, 52+
Bridgeton	64—
Camden	*80
Freehold	*74
Hammonton	*70
Montclair	*77
Newark	13—
New Brunswick	*19—, 47+
Paterson	37+
Trenton	41+
Wildwood	48—
New Mexico:	
Alamogordo	17
Albuquerque	4+, *5+, 7+, 13+
Artesia	21+
Atrisco-Five Points	18+
Belen	24+

	Channel No.
New Mexico—Continued	
Carlsbad	6—, 23
Clayton	27—
Clovis	12+, 35
Deming	14+
Farmington	12+, 17—
Five Points. (*See* Atrisco.)	
Gallup	3, *8—, 10
Hobbs	46
Hot Springs	19
Las Cruces	22—
Las Vegas	14—
Lordsburg	23+
Los Alamos	20—
Lovington	27
Portales	22+
Raton	46—, *52
Roswell	*3+, 8, 10—
Santa Fe	2+, *9+, 11—
Silver City	*10+, 12
Socorro	15+
Tucumcari	25+
New York:	
Albany-Schenectady-Troy	6, 13, *17+, 23—, 35, 41
Amsterdam	52—
Batavia	33—
Binghamton	12—, 40—, *46+, 56+
Buffalo	17, *23
Buffalo-Niagara Falls	2, 4—, 7+, 29+
Carthage	7—
Clymer	37
Cortland	72
Dunkirk	46
Elmira	18+, 24—, 30
Glens Falls	39+
Gloversville	29—
Hornell	50
Ithaca	*14+, 20—
Jamestown	58+
Kingston	66—
Lake Placid	5
Malone	20+, *66
Massena	14—
Middletown	60
New York	2, 4, 5+, 7, 9+, 11+, *25, 31—
Niagara Falls. (*See* Buffalo-Niagara Falls.)	
Ogdensburg	24+
Olean	54+
Oneonta	62—
Oswego	31
Patchogue	75
Plattsburg	28+
Poughkeepsie	21—, *83
Rochester	5—, 10+, 15—, *21, 27+
Rome (*See* Utica.)	
Saranac Lake	18
Schenectady. (*See* Albany.)	
Syracuse	3—, 8, *43+
Troy. (*See* Albany.)	
Utica-Rome	2—, *25+, 54—
Vail Mills	10—
Watertown	48
North Carolina:	
Ahoskie	53
Albermarle	20
Asheville	13—, *56—, 62+, 78
Burlington	63
Burnsville	18
Chapel Hill	*4+
Charlotte	3, 9+, 36+, *42+
Durham	11+, *40—, 46+, 73—
Elizabeth City	31+
Fayetteville	18—, 54—
Gastonia	48
Goldsboro	34, 72
Greensboro	2—, *51—, 57—
Greenville	9—
Henderson	52—
Hendersonville	27
Hickory	30—
High Point	15+
Jacksonville	16
Kannapolis	59+
Kinston	45
Laurinburg	41—
Lumberton	21+
Mount Airy	55

	Channel No.
North Carolina—Continued	
New Bern	12+
Raleigh	5, *22—, 28—
Roanoke Rapids	30+
Rocky Mount	50+
Salisbury	80
Sanford	38
Shelby	39
Southern Pines	49
Statesville	64—
Washington	7
Wilmington	3—, 6, 29—, *35+
Wilson	56
Winston-Salem	12, 26+, *32—
North Dakota:	
Bismarck	5, 12—, 18, *24
Bottineau	16+
Carrington	26—
Devils Lake	8+, 14—
Dickinson	2+, 4, *17
Fargo	6, 11+, *34—, 40
Grafton	17
Grand Forks	*2, 10
Harvey	22+
Jamestown	7—, 42
Lisbon	23
Minot	*6+, 10—, 13+
New Rockford	20+
Rugby	38—
Valley City	4—, 32—
Wahpeton	45+
Williston	8—, 11—, *34+
Ohio:	
Akron	49+, *55—, 61+
Ashtabula	15
Athens	62—
Bellefontaine	63
Bowling Green	*70
Cambridge	26
Canton	29
Chillicothe	56+
Cincinnati	5—, 9, 12, *48—, 54—, 74—
Cleveland	3, 5+, 8, 19, *25+, 65+
Columbus	4—, 6+, 10+, *34, 40—
Coshocton	20
Dayton	2, 7+, *16+, 22+
Defiance	43
Findlay	53
Fremont	59+
Gallipolis	72
Hamilton-Middletown	65
Lancaster	28—
Lima	35—, 73
Lorain	31—
Mansfield	36+
Marion	17—
Massillon	23+
Middletown. (*See* Hamilton.)	
Mount Vernon	58
Newark	60—
Oxford	*14+
Piqua	44—
Portsmouth	30
Sandusky	42+
Springfield	52—, 76
Steubenville. (*See* Wheeling, W. Va.)	
Tiffin	47+
Toledo	11—, 13, *30+, 79
Warren	67+
Youngstown	21—, 27, 73—
Youngstown, Ohio-New Castle, Pa.	45—
Zanesville	18—, 50+
Oklahoma:	
Ada	10+, 50+
Altus	36
Alva	30
Anadarko	58—
Ardmore	12—, 55—
Bartlesville	62—
Blackwell	51—
Chickasha	64
Claremore	15
Clinton	32—
Duncan	39—
Durant	27—
Elk City	8+, 15+, 26+
El Reno	56+
Enid	5, 21, *27+
Frederick	44
Guthrie	48

	Channel No.
Oklahoma—Continued	
Guymon	20+
Hobart	23+
Holdenville	14—
Hugo	21+
Lawton	7+, *28+, 34—
McAlester	47
Miami	58+
Muskogee	*45+, 66+
Norman	31—, *37—
Oklahoma City	4—, 9—, *13, 19+, 25—
Okmulgee	26
Pauls Valley	61
Ponca City	40—
Pryor Creek	54
Sapulpa	42—
Seminole	59
Shawnee	53—
Stillwater	29—, *69
Tulsa	2+, 6, 8—, *11—, 17+, 23
Vinita	28—
Woodward	35+
Oregon:	
Albany	55+
Ashland	14—
Astoria	30—
Baker	37+
Bend	15—
Brookings	8+
Burns	16
Coos Bay	11
Corvallis	*7—, 49—
Eugene	9+, 13, 20+, 26
Grants Pass	30
Klamath Falls	2—, 17
La Grande	13+
Lebanon	43+
McMinnville	46—
Medford	5
North Bend	16+
Pendleton	28
Portland	2, 6+, 8—, *10, 12, 21—, 27+
Roseburg	4+, 28+
Salem	3+, *18—, 24+, 66
Springfield	37—
The Dalles	32
Pennsylvania:	
Allentown	39, 67
Altoona	10—, 25—
Bethlehem	51—
Bradford	70—
Butler	43—
Chambersburg	46—
Du Bois	31+
Easton	57—
Emporium	42—
Erie	12, 35+, *41—, 66+
Harrisburg	27—, 55+, 71+
Hazleton	63
Irwin	4+
Johnstown	6, 19+, 56—
Lancaster	8—, 21+
Lebanon	15+
Lewistown	74—
Lock Haven	32—
Meadville	62+
New Castle (see Youngstown, Ohio).	
Oil City	64
Philadelphia	3, 6—, 10, 17—, 23+, 29, *35—
Pittsburgh	2—, 11, *13—, 16, 47—, 53+
Reading	33+, 61—
Scranton	16—, 22—, 44
Shamokin	65
Sharon	39+
Shinglehouse	26+
State College	*48+,
Sunbury	38
Uniontown	14
Washington	63+
Wilkes-Barre	28, 34
Williamsport	36—
York	43, 49
Rhode Island:	
Providence	10+, 12+, 16, *36+
South Carolina:	
Aiken	54
Anderson	40, 58—
Camden	14
Charleston	2+, 4, 5+, *13, 17+
Clemson	*68

	Channel No.
South Carolina—Continued	
Columbia	10—, *19+, 25—, 67+
Conway	23—
Florence	8—, 60
Georgetown	27—
Greenville	4—, 23+, *29
Greenwood	21—
Lake City	55+
Lancaster	31—
Laurens	45—
Marion	43—
Newberry	70
Orangeburg	44—
Rock Hill	61—
Spartanburg	7+, 17—, 74—
Sumter	47
Union	65—
South Dakota:	
Aberdeen	9—, 17+
Belle Fourche	23+
Brookings	*8, 25
Hot Springs	17+
Huron	12+, 15+
Lead	5—, 26
Madison	46
Mitchell	5+, 20—
Mobridge	27—
Pierre	10+, *22+
Rapid City	3+, 7+, 15—
Reliance	6—
Sioux Falls	11, 13+, 38+, *44—
Sturgis	20
Vermillion	*2+, 41
Watertown	3—, 35+
Winner	18—
Yankton	17—
Tennessee:	
Athens	14+
Bristol, Tenn.-Bristol, Va.	5+, 46—
Chattanooga	3+, 9, 12—, 43+, 49+, *55—
Clarksville	53
Cleveland	38+
Columbia	39—
Cookeville	24, *69
Crossville	*77
Covington	19—
Dyersburg	46+
Elizabethton	22+
Fayetteville	27+
Gallatin	48+
Harriman	67
Humboldt	25
Jackson	7+, 16+
Johnson City	11—, 34+
Kingsport	28
Knoxville	6, 10+, *20+, 26—
Lawrenceburg	50+
Lebanon	58
Lexington	*11
McMinnville	46
Maryville	51
Memphis	3, 5+, *10+, 13+, 42—, 48—
Morristown	54+
Murfreesboro	18—
Nashville	*2—, 4+, 5, 8+, 30+, 36+
Oak Ridge	32+
Paris	51+
Pulaski	44—
Shelbyville	56
Sneedville	*2+
Springfield	42
Tullahoma	68—
Union City	55
Texas:	
Abilene	9+, 33—
Alice	34+
Alpine	12—
Amarillo	*2—, 4, 7, 10
Athens	25+
Austin	7+, 18—, 24, *70—
Ballinger	25
Bay City	33
Beaumont-Port Arthur	4—, 6—, 12—, 31+, *37
Beeville	38—
Big Spring	4—, 34+
Bonham	43
Borger	33
Brady	15—
Breckenridge	14+

	Channel No.
Texas—Continued	
Brenham	52—
Brownfield	15
Brownsville	36
Brownsville-Harlingen-Weslaco[1]	4+, 5—
Brownwood	19
Bryan	54—
Bryan-College Station (*also see* College Station)	3+
Childress	40
Cleburne	57
Coleman	21—
College Station (also see Bryan-College Station)	*48—
Conroe	20+
Corpus Christi	6+, 10—, *16+, 22, 43
Corsicana	47+
Crockett	56
Crystal City	28+
Cuero	25—
Dalhart	16
Dallas	4+, 8, *13+, 23, 29, 73
Del Rio	16—
Denison	52
Denton	*2, 17
Eagle Pass	26
Edinburg	26—
El Campo	27
El Paso	4, *7, 9, 13, 20+, 26+
Falfurrias	52
Floydada	45
Fort Stockton	22
Fort Worth	5+, 11—, 20—, *26—
Gainesville	49—
Galveston	11+, 35—, 41—, *47—
Gonzales	64+
Greenville	69—
Harlingen (*also see* Brownsville-Harlingen-Weslaco)	23
Hebbronville	58
Henderson	42+
Hereford	19—
Hillsboro	63
Houston	2—, *8—, 13—, 23+, 29—, 39—
Huntsville	15
Jacksonville	36—
Jasper	49+
Kermit	14
Kilgore	59—
Kingsville	40
Lamesa	28
Lampasas	40—
Laredo	8, 13, *15+
Levelland	38—
Littlefield	32
Longview	32, 38+
Lubbock	5—, 11, 13—, *20, 26
Lufkin	9, 46—
McAllen	20—
McKinney	65—
Marfa	19+
Marshall	16—
Mercedes	32
Mexia	50—
Midland	2+, 18
Mineral Wells	38
Mission	14
Monahans	9—
Mount Pleasant	35
Nacogdoches	19—, 40+
New Braunfels	62—
Odessa	7—, 24—
Orange	43—
Pampa	17—
Paris	33+
Pearsall	31
Pecos	16+
Perryton	22
Plainview	29+
Port Arthur. (*See* Beaumont.)	
Quanah	42
Raymondville	42
Rosenberg	17—
San Angelo	3—, 8+, 17+, *23—
San Antonio	4, 5, *9—, 12+, 35+, 41+

[1] These assignments may be utilized in any community lying within the area of the triangle formed by Brownsville, Harlingen and Weslaco.

	Channel No.
Texas—Continued	
San Benito	48
San Marcos	53+
Seguin	14—
Seymour	24+
Sherman	45+
Snyder	30+
Stephenville	32+
Sulphur Springs	41
Sweetwater	12
Taylor	58+
Temple	6, 16, 22+
Terrell	53
Texarkana	6+, *18, 24—
Tyler	7, 61+, 72
Uvalde	20
Vernon	18+
Victoria	19+
Waco	10+, *28—, 34
Waxahachie	45—
Weatherford	51
Weslaco. (*See* Brownsville-Harlingen-Weslaco.)	
Wichita Falls	3, 6—, *16+, 22—
Utah:	
Brigham	36—
Cedar City	5
Logan	12—, 30, *46—
Ogden	9+, *18—, 24
Price	6
Provo	11+, 22, *28
Richfield	13+
St. George	18+
Salt Lake City	2—, 4—, 5+, *7—, 20+, 26
Tooele	44
Vernal	3+
Vermont:	
Bennington	74+
Brattleboro	77+
Burlington	3, *16+, 22+
Montpelier	57
Newport	46
Rutland	49+
St. Albans	34—
St. Johnsbury	30
Virginia:	
Blacksburg	*60+
Bristol. (*See* Bristol, Tenn.)	
Charlottesville	*45+, 64+
Covington	44+
Danville	24—
Emporia	25+
Farmville	19
Fredericksburg	47
Front Royal	39—
Harrisonburg	3—, 34—
Lexington	54
Lynchburg	13, 16—
Marion	50
Martinsville	35—
Newport News. (*See* Norfolk-Portsmouth-Newport News.)	
Norfolk-Portsmouth	27
Norfolk-Portsmouth-Newport News.	3+, 10+, 13—, 15, *21—, 33
Norton	52+
Petersburg	8, 41
Portsmouth. (*See* Norfolk-Portsmouth and *also see* Norfolk, Portsmouth-Newport News.)	
Pulaski	37—
Richmond	6+, 12—, *23, 29+
Roanoke	7—, 10, 27+, *33—
South Boston	14+
Staunton	36
Waynesboro	42
Williamsburg	17
Winchester	28+
Washington:	
Aberdeen	58
Anacortes	34
Bellingham	12+, 18+, 24—
Bremerton	44, 50
Centralia	17
Clarkston	34+, 40+
Ellensburg	49, *65
Ephrata	16—, 43
Everett	22—, 28—
Grand Coulee	37
Hoquiam	52

	Channel No.
Washington—Continued	
Kelso	39
Kennewick	31
Kennewick-Richland-Pasco	*41
Longview	33
Moses Lake	61
Okanogan. (*See* Omak.)	
Olympia	60
Omak-Okanogan	*35−
Pasco (*also see* Kennewick-Richland-Pasco)	19−
Port Angeles	16+
Pullman	*10−, 24
Richland (*also see* Kennewick-Richland-Pasco)	25
Seattle	4, 5+, 7, *9, 20, 26+
Spokane	2−, 4−, 6−, *7+
Tacoma	11+, 13−, *56, 62
Walla Walla	5−, 8, *22
Wenatchee	*45, 55, 67
Yakima	23+, 29+, *47
West Virginia:	
Beckley	4, 21, 66
Bluefield	6−, 41+
Charleston	8+, *43+, 49−
Clarksburg	12+, 22, 69−
Elkins	40+
Fairmont	35
Hinton	31
Huntington	3+, 13+, *53−
Logan	23−
Martinsburg	58−
Morgantown	*24
Parkersburg	15−
Welch	25
Weston	5, 32
Wheeling	*57+
Wheeling-Steubenville, Ohio	7, 9+, 51+,
Williamson	17
Wisconsin:	
Adams	*58+
Appleton	42+
Ashland	15+
Beaver Dam	37
Beloit	57
Chilton	*24+
Eau Claire	13, *19+, 25+
Fond du Lac	54+
Green Bay	2+, 5+, 70+
Janesville	63+
Kenosha	61−
La Crosse	8+, *32+, 38−, 72
Madison	3, *21−, 27−, 33+
Manitowoc	65
Marinette	11+, 32−, *38+
Milwaukee	4−, *10+, 12, 19−, 25, 31−
Oshkosh	48−
Park Falls	*18
Portage	17−
Prairie du Chien	34
Racine	49−, 55
Rhinelander	22
Rice Lake	21+
Richland Center	15, *66−
Sheboygan	59−
Shell Lake	*30−
Sparta	50−
Stevens Point	20+, 26−
Sturgeon Bay	44−
Superior. (*See* Duluth, Minn.)	
Wausau	7−, 9, 16+, *46−
Whitefish Bay	6
Wisconsin Rapids	14−
Wyoming:	
Buffalo	29
Casper	2+, 6+
Cheyenne	5+
Cody	24−
Douglas	14
Evanston	14−
Gillette	31−
Green River	16
Greybull	40
Lander	17−
Laramie	*8+, 18+
Lovell	36+
Lusk	19−
Newcastle	28+
Powell	30+
Rawlins	11−
Riverton	10+
Rock Springs	13
Sheridan	9−, 12+
Thermopolis	15
Torrington	27
Wheatland	24+
Worland	34
U. S. TERRITORIES AND POSSESSIONS	
Alaska:	
Anchorage	2−, *7−, 11, 13−
Fairbanks	2+, 4+, 7+, *9+, 11+, 13+
Juneau	*3, 8, 10
Ketchikan	2, 4, *9
Seward	4−, 9−
Sitka	13
Guam:	
Agana	8, 10
Hawaiian Islands:	
Hilo, Hawaii	2, *4, 7, 9, 11, 13
Honolulu, Oahu	2+, 4−, *7+, 9−, 11+, 13−
Lihue, Kauai	3+, *8−, 10+, 12−
Wailuku, Maui	3, 8, *10, 12
Puerto Rico:	
Arecibo-Aguadilla	12+
Caguas	11−
Fajardo	13+
Mayaguez	3+, 5−
Ponce	7+, 9−
San Juan	2+, 4−, *6+
Virgin Islands:	
Charlotte Amalie	10−
Christiansted	8+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

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TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6281]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SALES AND EXCHANGES OF COAL, TIMBER, AND GAS OR OIL PROPERTIES

On November 3, 1956, notice of proposed rule making regarding the regulations under sections 272, 631, and 632 of the Internal Revenue Code of 1954 for taxable years beginning after December 31, 1953, and ending after August 16, 1954, was published in the FEDERAL REGISTER (21 F. R. 8434). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.272–1 is changed in the following respects:

(A) By striking paragraph (c) and inserting in lieu thereof a new paragraph (c).

(B) By striking paragraph (d) (1) and inserting in lieu thereof a new subparagraph (1).

(C) By inserting at the end of the section a new paragraph (e).

PAR. 2. Section 1.631–1 is changed in the following respects:

(A) By inserting after the first sentence of paragraph (a) (4) the following: "(For purposes of the preceding sentence, the rules with respect to the holding period of property contained in section 1223 shall be applicable.)"

(B) By striking the last sentence of paragraph (b) (1) and inserting in lieu thereof the following: "In order to have a 'contract right to cut timber' within the meaning of section 631 (a) and this section, a taxpayer must have a right to sell the timber cut under the contract on his own account or to use such cut timber in his trade or business."

(C) By striking paragraph (c) and inserting in lieu thereof a new paragraph (c).

(D) By striking the first sentence of paragraph (d) (4) and inserting in lieu thereof the following: "For any taxable year for which the cutting of timber is considered to be a sale or exchange of such timber under section 631 (a), the timber so cut shall be considered as property used in the trade or business for the purposes of section 1231, along with other property of the taxpayer used in the trade or business as defined in section 1231 (b), regardless of whether such timber is property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business."

PAR. 3. Section 1.631–2 is changed in the following respects:

(A) By inserting at the end of paragraph (a) (1) the following: "For the purpose of determining whether or not the timber disposed of was held for more than six months before such disposal, the rules with respect to the holding period of property contained in section 1223 shall be applicable."

(B) By striking subparagraph (2) of paragraph (a) and inserting in lieu thereof a new subparagraph (2).

(C) By inserting in the fifth sentence of paragraph (b) (1) after the words "subchapter E" and before the word "and" the following: "of chapter 1 of the Internal Revenue Code of 1954".

(D) By inserting in the first sentence of paragraph (d) (1) after the word "cutting" and before the word "shall" the following: "(such as advance royalty payments or minimum royalty payments)", and by striking the last sentence of paragraph (d) (1).

(E) By striking the first sentence of paragraph (d) (3) (ii) and inserting in lieu thereof the following: "The adjusted depletion basis attributable to the bonus shall be determined under the provisions of section 612 and the regulations thereunder."

(F) By striking the last sentence of paragraph (e) (2) and inserting in lieu thereof the following: "Such owner of timber must have a right to cut timber for sale on his own account or for use in his trade or business in order to own an interest in timber within the meaning of section 631 (b)."

PAR. 4. Section 1.631–3 is changed in the following respects:

(A) By striking subparagraph (2) of paragraph (a) and inserting in lieu thereof a new subparagraph (2).

(B) By striking the comma in the first sentence of paragraph (b) (2) after the word "thereunder" and before the word "such" and inserting in lieu thereof a period and by capitalizing the letter "s" in the word "such" immediately following such period.

(C) By inserting in the second sentence of paragraph (b) (2) after the words "section 1016 (a) (9) and (10)" and before the word "relating" the following: ", or corresponding provisions of prior income tax laws,".

(D) By striking the third sentence of paragraph (b) (4) (i) and inserting in lieu thereof the following: "A person who merely acquires an economic interest and has not disposed of coal under a contract retaining an economic interest does not qualify under section 631 (c)."

(E) by striking example (1) of paragraph (b) (4) (ii) and inserting in lieu thereof a new example (1).

(F) By striking in the first sentence of example (3) of paragraph (b) (4) (ii) the words "furnish C equipment for the development of the mine" and inserting in lieu thereof the words "pay a sum of money to C".

(G) By inserting in the first sentence of paragraph (c) (1) after the word "received" and before the word "prior" the words "or accrued".

(H) By striking paragraph (d) and inserting in lieu thereof a new paragraph (d).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: December 16, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under sections 272, 631, and 632 of chapter 1 of the Internal Revenue Code of 1954, and are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.
1.272 Statutory provisions; disposal of coal.
1.272–1 Expenditures relating to disposal of coal.

SALES AND EXCHANGES

1.631 Statutory provisions; gain or loss in the case of timber or coal.
1.631–1 Election to consider cutting as sale or exchange.
1.631–2 Gain or loss upon the disposal of timber under cutting contract.
1.631–3 Gain or loss upon the disposal of coal with a retained economic interest.
1.632 Statutory provisions; sale of oil or gas properties.
1.632–1 Surtax on sale of oil or gas properties.

AUTHORITY: §§ 1.272 to 1.632–1, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.272 *Statutory provisions; disposal of coal.*

SEC. 272. *Disposal of coal.* Where the disposal of coal is covered by section 631, no deduction shall be allowed for expenditures attributable to the making and administering of the contract under which such disposition occurs and to the preservation of the economic interest retained under such contract, except that if in any taxable year such expenditures plus the adjusted depletion basis of the coal disposed of in such taxable year exceed the amount realized under such contract, such excess, to the extent not availed of as a reduction of gain under section 1231, shall be a loss deductible under section 165 (a). This section shall not apply to any taxable year during which there is no income under the contract.

§ 1.272–1 *Expenditures relating to disposal of coal*—(a) *Introduction.* Section 272 provides special treatment for certain expenditures paid or incurred by a taxpayer in connection with a contract (hereafter sometimes referred to as a "coal royalty contract") for the disposal of coal the gain or loss from which is treated under section 631 (c) as a section 1231 gain or loss on the sale of coal. The expenditures covered by section 272 are those which are attributable to the making and administering of such a contract or to the preservation of the economic interest retained under the contract. For examples of such expenditures, see paragraph (d) of this section. For a taxable year in which gross royalty income is realized under the contract of disposal, such expenditures shall not be allowed as a deduction. Instead, they are to be added to the adjusted depletion basis of the coal disposed of in such taxable year in computing gain or loss under section 631 (c). However, where no gross royalty income is realized under the contract of disposal in a particular taxable year, such expenditures shall be treated without regard to section 272.

(b) *In general.* (1) Where the disposal of coal is covered by section 631 (c), the provisions of section 272 and this section shall be applicable for a taxable year in which there is income under the contract of disposal. (For purposes of section 272 and this section, the term "income" means gross amounts received or accrued which are royalties or bonuses in connection with a contract to which section 631 (c) applies.) All expenditures paid or incurred by the taxpayer during such taxable year which are attributable to the making and administering of the contract disposing of the coal and all expenditures paid or incurred during such taxable year in order to preserve the owner's economic interest retained under the contract shall be disallowed as deductions in computing taxable income for such taxable year. The sum of such expenditures and the adjusted depletion basis of the coal disposed of in such taxable year shall be used in determining the amount of gain or loss with respect to the disposal. See § 1.631–3. For special rule in case of loss, see paragraph (c) of this section. Section 272 and this section are not applicable to capital expenditures and such expenditures are not taken into account in computing gain or loss under section 631 (c) except to the extent they are properly part of the depletable basis of such coal.

(2) The expenditures covered under section 272 and this section are disallowed as a deduction only with respect to a taxable year in which income is realized under the coal royalty contract to which such expenditures are attributable. Where no income is realized under such contract in a taxable year, these expenditures shall be deducted as expenses for the production of income, as a business expense, or may be treated under section 266 (relating to taxes and carrying charges) if applicable.

(3) The provisions of section 272 and this section apply to a taxable year in which income from the disposal by the owner of coal held by him for more than six months is subject to the provisions of section 631 (c) even though the actual mining of coal under the coal royalty contract does not take place during such year. Where the right under the contract to mine coal for which advance payment has been made expires, terminates, or is abandoned before such coal is mined, and paragraph (c) of § 1.631–3 requires the owner to recompute his tax with respect to such payment the recomputation must be made without applying the provisions of section 272 and this section.

(c) *Losses.* If, in any taxable year, the expenditures referred to in section 272 and this section plus the adjusted depletion basis (as defined in paragraph (b) (2) of § 1.631–3) of the coal disposed of during the taxable year exceed the amount realized under the contract which is subject to section 631 (c) during the taxable year, such excess shall be considered under section 1231 as a loss from the sale of property used in the trade or business and, to the extent not availed of as a reduction of gain under that section, shall be a loss deductible under section 165 (a) (relating to the deduction of losses generally).

(d) *Examples of expenditures.* (1) The expenditures referred to in section 272 include, but are not limited to, the following items, if such items are attributable to the making or administering of the contract or preserving the economic interest therein: Ad valorem taxes imposed by State or local authorities, costs of fire protection, costs of insurance (other than liability insurance), costs incurred in administering the contract (including costs of bookkeeping and technical supervision), interest on loans, expenses of flood control, legal and technical expenses, and expenses of measuring and checking quantities of coal disposed of under the contract. Whether the interest on loans is attributable to the making or administering of the contract or preserving the economic interest therein will depend upon the use to which the borrowed monies are put.

(2) Any expenditure referred to in this section which is applicable to more than one coal royalty contract shall be reasonably apportioned to each such contract. Furthermore, if an expenditure applies only in part to the making or administering of the contract or the preservation of the economic interest, then only such part shall be treated under section 272. The apportionment of the expenditure shall be made on a reasonable basis. For example, where a taxpayer has other income (such as income from oil or gas royalties, rentals, right of way fees, interest, or dividends) as well as income under section 631 (c), and where the salaries of some of its employees or other expenses relate to both classes of income, such expenses shall be allocated reasonably between the income subject to sec-

tion 631 (c) and the other income. Where a taxpayer has more than one coal royalty contract, expenditures under this section relating to a contract from which no income has been received in the taxable year may not be allocated to income from another contract from which income has been received in the taxable year.

(3) The taxpayer may have expenses which are not attributable even partly to making and administering a coal royalty contract or to the preservation of the economic interest retained under the contract and, accordingly, are not included in the expenditures described in section 272. These include such items as ad valorem taxes imposed by State or local authorities on property not covered by the contract, salaries, wages, or other expenses entirely incident to the ownership and protection of such property and depreciation of improvements thereon, fire insurance on such property, charitable contributions, and similar expenses unrelated to the making or to the administering of coal royalty contracts or preserving the taxpayer's economic interest retained therein.

(e) *Nonapplication of section.* For purposes of section 543 (a) (8) (B), in determining whether the deductions allowable under section 162 constitute 15 percent or more of gross income, the provisions of section 272 shall have no application.

SALES AND EXCHANGES

§ 1.631 *Statutory provisions; gain or loss in the case of timber or coal.*

SEC. 631. *Gain or loss in the case of timber or coal—*(a) *Election to consider cutting as sale or exchange.* If the taxpayer so elects on his return for a taxable year, the cutting of timber (for sale or for use in the taxpayer's trade or business) during such year by the taxpayer who owns, or has a contract right to cut, such timber (providing he has owned such timber or has held such contract right for a period of more than 6 months before the beginning of such year) shall be considered as a sale or exchange of such timber cut during such year. If such election has been made, gain or loss to the taxpayer shall be recognized in an amount equal to the difference between the fair market value of such timber, and the adjusted basis for depletion of such timber in the hands of the taxpayer. Such fair market value shall be the fair market value as of the first day of the taxable year in which such timber is cut, and shall thereafter be considered as the cost of such cut timber to the taxpayer for all purposes for which such cost is a necessary factor. If a taxpayer makes an election under this subsection, such election shall apply with respect to all timber which is owned by the taxpayer or which the taxpayer has a contract right to cut and shall be binding on the taxpayer for the taxable year for which the election is made and for all subsequent years, unless the Secretary or his delegate, on showing of undue hardship, permits the taxpayer to revoke his election; such revocation, however, shall preclude any further elections under this subsection except with the consent of the Secretary or his delegate. For purposes of this subsection and subsection (b), the term "timber" includes evergreen trees which are more than 6 years old at the time severed from the roots and are sold for ornamental purposes.

(b) *Disposal of timber with a retained economic interest.* In the case of the disposal of timber held for more than 6 months before such disposal, by the owner thereof under any form or type of contract by virtue of which such owner retains an economic interest in such timber, the difference between the amount realized from the disposal of such timber and the adjusted depletion basis thereof, shall be considered as though it were a gain or loss, as the case may be, on the sale of such timber. In determining the gross income, the adjusted gross income, or the taxable income of the lessee, the deductions allowable with respect to rents and royalties shall be determined without regard to the provisions of this subsection. The date of disposal of such timber shall be deemed to be the date such timber is cut, but if payment is made to the owner under the contract before such timber is cut the owner may elect to treat the date of such payment as the date of disposal of such timber. For purposes of this subsection, the term "owner" means any person who owns an interest in such timber, including a sublessor and a holder of a contract to cut timber.

(c) *Disposal of coal with a retained economic interest.* In the case of the disposal of coal (including lignite), held for more than 6 months before such disposal, by the owner thereof under any form of contract by virtue of which such owner retains an economic interest in such coal, the difference between the amount realized from the disposal of such coal and the adjusted depletion basis thereof plus the deductions disallowed for the taxable year under section 272 shall be considered as though it were a gain or loss, as the case may be, on the sale of such coal. Such owner shall not be entitled to the allowance for percentage depletion provided in section 613 with respect to such coal. This subsection shall not apply to income realized by any owner as a co-adventurer, partner, or principal in the mining of such coal, and the word "owner" means any person who owns an economic interest in coal in place, including a sublessor. The date of disposal of such coal shall be deemed to be the date such coal is mined. In determining the gross income, the adjusted gross income, or the taxable income of the lessee, the deductions allowable with respect to rents and royalties shall be determined without regard to the provisions of this subsection. This subsection shall have no application, for purposes of applying subchapter G, relating to corporations used to avoid income tax on shareholders (including the determinations of the amount of the deductions under section 535 (b) (6) or section 545 (b) (5)).

§ 1.631–1 *Election to consider cutting as sale or exchange—*(a) *Effect of election.* (1) Section 631 (a) provides an election to certain taxpayers to treat the difference between the actual cost or other basis of certain timber cut during the taxable year and its fair market value as standing timber on the first day of such year as gain or loss from a sale or exchange under section 1231. Thereafter, any subsequent gain or loss shall be determined in accordance with paragraph (e) of this section.

(2) For the purposes of section 631 (a) and this section, timber shall be considered cut at the time when in the ordinary course of business the quantity of timber felled is first definitely determined.

(3) The election may be made with respect to any taxable year even though such election was not made with respect to a previous taxable year. If an election has been made under the provisions of section 631 (a), or corresponding provisions of prior internal revenue laws, such election shall be binding upon the taxpayer not only for the taxable year for which the election is made but also for all subsequent taxable years, unless the Commissioner on showing by the taxpayer of undue hardship permits the taxpayer to revoke his election for such subsequent taxable years. If the taxpayer has revoked a previous election, such revocation shall preclude any further elections unless the taxpayer obtains the consent of the Commissioner.

(4) Such election shall apply with respect to all timber which the taxpayer has owned, or has had a contract right to cut, for a period of more than six months prior to the beginning of the taxable year in which such timber is cut for sale or for use in the taxpayer's trade or business, irrespective of whether such timber or contract right was acquired before or after the election. (For purposes of the preceding sentence, the rules with respect to the holding period of property contained in section 1223 shall be applicable.) However, timber which is not cut for sale or for use in the taxpayer's trade or business (for example, firewood cut for the taxpayer's own household consumption) shall not be considered to have been sold or exchanged upon the cutting thereof.

(b) *Who may make election.* (1) A taxpayer who has owned, or has held a contract right to cut, timber for a period of more than six months before the beginning of the taxable year may elect under section 631 (a) to consider the cutting of such timber during such year for sale or for use in the taxpayer's trade or business as a sale or exchange of the timber so cut. In order to have a "contract right to cut timber" within the meaning of section 631 (a) and this section, a taxpayer must have a right to sell the timber cut under the contract on his own account or to use such cut timber in his trade or business.

(2) For purposes of section 631 (a) and this section, the term "timber" includes evergreen trees which are more than six years old at the time severed from their roots and are sold for ornamental purposes, such as Christmas decorations. Section 631 (a) is not applicable to evergreen trees which are sold in a live state, whether or not for ornamental purposes. Tops and other parts of standing timber are not considered as evergreen trees within the meaning of section 631 (a). The term "evergreen trees" is used in its commonly accepted sense and includes pine, spruce, fir, hemlock, cedar, and other coniferous trees.

(c) *Manner of making election.* The election under section 631 (a) must be made by the taxpayer in his income tax return for the taxable year for which the election is applicable, and such election cannot be made in an amended return for such year. The election in the return shall take the form of a computation under the provisions of section 631 (a) and section 1231.

(d) *Computation of gain or loss under the election.* (1) If the cutting of timber is considered as a sale or exchange pursuant to an election made under section 631 (a), gain or loss shall be recognized to the taxpayer in an amount equal to the difference between the adjusted basis for depletion in the hands of the taxpayer of the timber which has been cut during the taxable year and the fair market value of such timber as of the first day of the taxable year in which such timber is cut. The adjusted basis for depletion of the cut timber shall be based upon the number of units of timber cut during the taxable year which are considered to be sold or exchanged and upon the depletion unit of the timber in the timber account or accounts pertaining to the timber cut, and shall be computed in the same manner as is provided in section 611 and the regulations thereunder with respect to the computation of the allowance for depletion.

(2) The fair market value of the timber as of the first day of the taxable year in which such timber is cut shall be determined, subject to approval or revision by the district director upon examination of the taxpayer's return, by the taxpayer in the light of the most reliable and accurate information available with reference to the condition of the property as it existed at that date, regardless of all subsequent changes, such as changes in surrounding circumstances, methods of exploitation, degree of utilization, etc. The value sought will be the selling price, assuming a transfer between a willing seller and a willing buyer as of that particular day. Due consideration will be given to the factors and the principles involved in the determination of the fair market value of timber as described in the regulations under section 611.

(3) The fair market value as of the beginning of the taxable year of the standing timber cut during the year shall be considered to be the cost of such timber, in lieu of the actual cost or other basis of such timber, for all purposes for which such cost is a necessary factor. See paragraph (e) of this section.

(4) For any taxable year for which the cutting of timber is considered to be a sale or exchange of such timber under section 631 (a), the timber so cut shall be considered as property used in the trade or business for the purposes of section 1231, along with other property of the taxpayer used in the trade or business as defined in section 1231 (b), regardless of whether such timber is property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business. Whether the gain or loss considered to have resulted from the cutting of the timber will be considered to be gain or loss resulting from the sale or exchange of capital assets held for more than six months depends upon the application of section 1231 to the taxpayer for the taxable year. See section 1231 and the regulations thereunder.

(e) *Computation of subsequent gain or loss.* (1) In case the products of the timber are sold after cutting, either in the form of logs or lumber or in the form of manufactured products, the income from such actual sales shall be considered ordinary income. When the election under section 631 (a) is in effect, the cost of standing timber cut during the taxable year is determined as if the taxpayer had purchased such timber on the first day of the taxable year. Thus, in determining the cost of the products so sold, the cost of the timber shall be the fair market value on the first day of the taxable year in which the standing timber was cut, in lieu of the actual cost or other basis of such timber.

(2) This is also the rule in case the products of the timber cut during one taxable year, with respect to which an election has been made under section 631 (a), are sold during a subsequent taxable year, whether or not the election provided in section 631 (a) is applicable with respect to such subsequent year. If the products of the timber cut during a taxable year with respect to which an election under section 631 (a) was made were not sold during such year and are included in inventory at the close of such year, the fair market value as of the beginning of the year of the timber cut during the year shall be used in lieu of the actual cost of such timber in computing the closing inventory for such year and the opening inventory for the succeeding year. With respect to the costs applicable in the determination of the amount of such inventories, there shall be included the fair market value of the timber cut, the costs of cutting, logging, and all other expenses incident to the cost of converting the standing timber into the products in inventory. See section 471 and the regulations thereunder. The fact that the fair market value as of the first day of the taxable year in which the timber is cut is deemed to be the cost of such timber shall not preclude the taxpayer from computing its inventories upon the basis of cost or market, whichever is lower, if such is the method used by the taxpayer. Nor shall it preclude the taxpayer from computing its inventories under the last-in-first-out inventory method provided by section 472 if such section is applicable to, and has been elected by, the taxpayer.

§ 1.631–2 *Gain or loss upon the disposal of timber under cutting contract—*(a) *In general.* (1) If an owner disposes of timber held for more than six months before such disposal, under any from or type of contract whereby he retains an economic interest in such timber, the disposal shall be considered to be a sale of such timber. The difference between the amounts realized from disposal of such timber in any taxable year and the adjusted basis for depletion thereof shall be considered to be a gain or loss upon the sale of such timber for such year. Such adjusted basis shall be computed in the same manner as provided in section 611 and the regulations thereunder with respect to the allowance for depletion. See paragraph (e) (2) of this section for definition of "owner". For the purpose of determining whether or not the timber disposed of was held for more than six months before such disposal the rules with respect to the holding period of property contained in section 1223 shall be applicable.

(2) In the case of such a disposal, the provisions of section 1231 apply and such timber shall be considered to be property used in the trade or business for the taxable year in which it is considered to have been sold, along with other property of the taxpayer used in the trade or business as defined in section 1231 (b), regardless of whether such timber is property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business. Whether gain or loss resulting from the disposition of the timber which is considered to have been sold will be deemed to be gain or loss resulting from a sale of a capital asset held for more than six months will depend upon the application of section 1231 to the taxpayer for the taxable year.

(b) *Determination of date of disposal.* (1) For purposes of section 631 (b) and this section, the date of disposal of timber shall be deemed to be the date such timber is cut. However, if payment is made to the owner under the contract for timber before such timber is cut the owner may elect to treat the date of payment as the date of disposal of such timber. Such election shall be effective only for purposes of determining the holding period of such timber. Neither section 631 (b) nor the election thereunder has any effect on the time of reporting gain or loss. See subchapter E of chapter 1 of the Internal Revenue Code of 1954 and the regulations thereunder. See paragraph (c) (2) of this section for the effect of exercising the election with respect to the payment for timber held for six months or less. See paragraph (d) of this section for the treatment of payments received in advance of cutting.

(2) For purposes of section 631 (b) and this section, the "date such timber is cut" means the date when in the ordinary course of business the quantity of timber felled is first definitely determined.

(c) *Manner and effect of election to treat date of payment as the date of disposal.* (1) The election to treat the date of payment as the date of disposal of timber shall be evidenced by a statement attached to the taxpayer's income tax return filed on or before the due date (including extensions thereof) for the taxable year in which the payment is received. The statement shall specify the advance payments which are subject to the election and shall identify the contract under which the payments are made. However, in no case shall the time for making the election under section 631 (b) expire before the close of the 90th day after the regulations adopted under section 631 are published in the FEDERAL REGISTER.

(2) Where the election to treat the date of payment as the date of disposal is made with respect to a payment made in advance of cutting, and such payment is made six months or less from the date the timber disposed of was acquired, section 631 (b) shall not apply to such payment, irrespective of the date such timber is cut, since the timber was not held for more than six months prior to disposal.

(d) *Payments received in advance of cutting.* (1) Where the conditions of paragraph (a) of this section are met, amounts received or accrued prior to

cutting (such as advance royalty payments or minimum royalty payments) shall be treated under section 631 (b) as realized from the sale of timber if the contract of disposal provides that such amounts are to be applied as payment for timber subsequently cut. Such amounts will be so treated irrespective of whether or not an election has been made under paragraph (c) of this section to treat the date of payment as the date of disposal. For example, if no election has been made under paragraph (c), amounts received or accrued prior to cutting will be treated as realized from the sale of timber, provided the timber paid for is cut more than six months after the date of acquisition of such timber.

(2) However, if the right to cut timber under the contract expires, terminates, or is abandoned before the timber which has been paid for is cut, the taxpayer shall treat payments attributable to the uncut timber as ordinary income and not as received from the sale of timber under section 631 (b). Accordingly, the taxpayer shall recompute his tax liability for the taxable year in which such payments were received or accrued. The recomputation shall be made in the form of an amended return where necessary.

(3) (i) Bonuses received or accrued by an owner in connection with the grant of a contract of disposal shall be treated under section 631 (b) as amounts realized from the sale of timber to the extent attributable to timber held for more than six months.

(ii) The adjusted depletion basis attributable to the bonus shall be determined under the provisions of section 612 and the regulations thereunder. This subdivision may be illustrated as follows:

Example. Taxpayer A has held timber having a depletion basis of $90,000 for two months when he enters into a contract of disposal with B. B pays A a bonus of $5,000 upon the execution of the contract and agrees to pay X dollars per unit of timber to A as the timber is cut. A does not exercise the election to treat the date of payment as the date of disposal. It is estimated that there are 50,000 units of timber subject to the contract and that the total estimated royalties to be paid to A will be $95,000. A must report the bonus in the taxable year it is received or accrued by him. The portion of the basis of the timber attributable to the bonus is determined by the following formula:

$$\frac{\text{Bonus}}{\text{Bonus} + \text{amount of expected royalties}} \times \text{Basis of timber} = \text{Basis attributable to bonus}$$

$$\frac{\$5{,}000}{\$100{,}000} \times \$90{,}000 = \$4{,}500$$

(iii) To the extent attributable to timber not held for more than six months, such bonuses shall be treated as ordinary income subject to depletion. In order to determine the amount of the bonus allocable to timber not held for more than six months, the bonus shall be apportioned ratably over the estimated number of units of timber covered by the contract of disposal. This subdivision may be illustrated as follows:

Example. Assume under the facts stated in the example in subdivision (ii) of this subparagraph that B cuts 10,000 units of timber that have been held by A for six months or less. The amount of the bonus (as well as the royalties) attributable to these units must be reported as ordinary income subject to depletion. The amount of the bonus attributable to these units is determined by the following formula:

$$\frac{\text{Number of units cut held for six months or less}}{\text{Total units covered by the contract}} \times \text{Amount of bonus} = \text{Amount of bonus treated as ordinary income subject to depletion.}$$

$$\frac{10{,}000}{50{,}000} \times \$5{,}000 = \$1{,}000$$

The amount of the depletion attributable to the portion of the bonus received for timber held for six months or less is determined by the following formula:

$$\frac{\text{Amount of bonus attributable to timber held for six months or less}}{\text{Total bonus}} \times \text{Adjusted basis for depletion of bonus} = \text{Depletion allowance on timber held for six months or less.}$$

$$\frac{\$1{,}000}{\$5{,}000} \times \$4{,}500 = \$900$$

The amount of the bonus attributable to timber held for more than six months, and which is treated under section 631 (b) as realized from the sale of timber would be $4,000. The gain on such amount is $400 ($4,000−$3,600).

(iv) If the right to cut timber under the contract of disposal expires, terminates, or is abandoned before any timber is cut, the taxpayer shall treat the bonus received under such contract as ordinary income, not subject to depletion. Accordingly, the taxpayer shall recompute his tax liability for the taxable year in which such bonus was received. The recomputation shall be made in the form of an amended return where necessary.

(e) *Other rules for application of section.* (1) Amounts paid by the lessee for timber or the acquisition of timber cutting rights, whether designated as such or as a rental, royalty, or bonus, shall be treated as the cost of timber and constitute part of the lessee's depletable basis of the timber, irrespective of the treatment accorded such payments in the hands of the lessor.

(2) The provisions of section 631 (b) apply only to an owner of timber. An owner of timber means any person who owns an interest in timber, including a sublessor and a holder of a contract to cut timber. Such owner of timber must have a right to cut timber for sale on his own account or for use in his trade or business in order to own an interest in timber within the meaning of section 631 (b).

(3) For purposes of section 631 (b) and this section, the term "timber" includes evergreen trees which are more than 6 years old at the time severed from their roots and are sold for ornamental purposes such as Christmas decorations. Tops and other parts of standing timber are not considered as evergreen trees within the meaning of section 631 (b). The term "evergreen trees" is used in its commonly accepted sense and includes pine, spruce, fir, hemlock, cedar, and other coniferous trees.

§ 1.631–3 *Gain or loss upon the disposal of coal with a retained economic interest*—(a) *In general.* (1) The provisions of section 631 (c) apply to an owner who disposes of coal (including lignite) held for more than 6 months before such disposal under any form or type of contract whereby he retains an economic interest in such coal. The difference between the amount realized from disposal of such coal in any taxable year, and the adjusted depletion basis thereof plus the deductions disallowed for the taxable year under section 272, shall be gain or loss upon the sale of such coal. See paragraph (b) (4) of this section for definition of "owner".

(2) In the case of such a disposal, the provisions of section 1231 apply and such coal shall be considered to be property used in the trade or business for the taxable year in which it is considered to have been sold, along with other property of the taxpayer used in the trade or business as defined in section 1231 (b), regardless of whether such coal is property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business. Whether gain or loss resulting from the disposition of the coal which is considered to have been sold will be deemed to be gain or loss resulting from a sale of a capital asset held for more than six months will depend upon the application of section 1231 to the taxpayer for the taxable year.

(b) *Rules for application of section.* (1) For purposes of section 631 (c) and this section, the date of disposal of such coal shall be deemed to be the date the coal is mined. If the coal has been held for more than 6 months on the date it is mined, it is immaterial that it had not been held for more than 6 months on the date of the contract. There shall be no allowance for percentage depletion provided in section 613 with respect to amounts which are considered to be realized from the sale of coal under section 631 (c).

(2) The term "adjusted depletion basis" as used in section 631 (c) and in this section means the basis for allowance of cost depletion provided in section 612 and the regulations thereunder. Such "adjusted depletion basis" shall include

exploration or development expenditures treated as deferred expenses under section 615 (b) or 616 (b), or corresponding provisions of prior income tax laws, and be reduced by adjustments under section 1016 (a) (9) and (10), or corresponding provisions of prior income tax laws, relating to deductions of deferred expenses for exploration or development expenditures in the taxable year or any prior taxable years. The depletion unit of the coal disposed of shall be determined under the rules provided in the regulations under section 611 relating to cost depletion.

(3) (i) In determining the gross income, the adjusted gross income, or the taxable income of the lessee, the deductions allowable with respect to rents and royalties (except rents and royalties paid by a lessee with respect to coal disposed of by the lessee as an "owner" under section 631 (c)) shall be determined without regard to the provisions of section 631 (c). Thus, the amounts of rents and royalties paid or incurred by a lessee with respect to coal shall be excluded from the lessee's gross income from the property for the purpose of determining his percentage depletion without regard to the treatment of such rents or royalties in the hands of the recipient under this section. See section 613 and the regulations thereunder.

(ii) However, a lessee who is also a sublessor may dispose of coal as an "owner" under section 631 (c). Rents and royalties paid with respect to coal disposed of by such a lessee under section 631 (c) shall increase the adjusted depletion basis of the coal and are not otherwise deductible. For example, B is a sublessor of a coal lease; A is the lessor; and C is the sublessee. B pays A a royalty of 50 cents per ton. C pays B a royalty of 60 cents per ton. The amount realized by B under section 631 (c) is 60 cents per ton and will be reduced by the adjusted depletion basis of 50 cents per ton, leaving a gain of 10 cents per ton taxable under section 631 (c).

(4) (i) The provisions of this section apply only to an owner who has disposed of coal and retained an economic interest. For the purposes of section 631 (c) and this section, the word "owner" means any person who owns an economic interest in coal in place, including a sublessor thereof. A person who merely acquires an economic interest and has not disposed of coal under a contract retaining an economic interest does not qualify under section 631 (c). A successor to the interest of a person who has disposed of coal under a contract by virtue of which he retained an economic interest in such coal is also entitled to the benefits of this section. Such sections shall not apply with respect to any income realized by any owner as co-adventurer, partner, or principal in the mining of such coal.

(ii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A owns a tract of coal land in fee. A leases to B the right to mine all the coal in such tract in return for a royalty of 30 cents per ton. B subleases his right to mine coal in such tract to C, who agrees to pay A 30 cents per ton and to pay to B an additional royalty of 10 cents per ton. Section 631 (c) applies to the royalties of both A and B, if the other requisites of such section have been met.

Example (2). Assume the same facts as in example (1) except that A dies leaving his royalty interest to D. D has an economic interest in the coal in place and qualifies for section 631 (c) treatment with respect to his share of the royalties since he is a successor in title to A.

Example (3). Assume the same facts as in example (1) except that E agrees to pay a sum of money to C in return for 10 cents per ton on the coal mined by C. E has an economic interest since he must look solely to the extraction of the coal for the return of his investment. However, E has not made a disposal of coal under a contract wherein he retains an economic interest, and, therefore, does not qualify under section 631 (c). E is entitled to depletion on his royalties.

(c) *Payments received in advance of mining.* (1) Where the conditions of paragraph (a) of this section are met, amounts received or accrued prior to mining shall be treated under section 631 (c) as received from the sale of coal if the contract of disposal provides that such amounts are to be applied as payment for coal subsequently mined. For example, advance royalty payments or minimum royalty payments received by an owner of coal qualify under such section where the contract of disposal grants the lessee the right to apply such royalties in payment of coal mined at a later time. Thus, if A acquires coal rights on January 1, and on January 30 enters into a contract of disposal providing that mining shall begin July 2, and mining actually begins no earlier, any advance payments which A receives qualify under section 631 (c).

(2) However, if the right to mine coal under the contract expires, terminates, or is abandoned before the coal which has been paid for is mined, the taxpayer shall treat payments attributable to the unmined coal as ordinary income and not as received from the sale of coal under section 631 (c). Accordingly, the taxpayer shall recompute his tax liability for the taxable year in which such payments were received. The recomputation shall be made in the form of an amended return where necessary.

(3) Bonuses received or accrued by an owner in connection with the grant of a contract of disposal shall be treated under section 631 (c) as received from the sale of coal to the extent attributable to coal held for more than six months. The rules contained in paragraph (d) of § 1.631–2 relating to bonuses in the case of contracts for the disposal of timber shall be equally applicable in the case of bonuses received for the grant of a contract of disposal of coal under this section.

(d) *Non-application of section.* Section 631 (c) shall not affect the application of the provisions of subchapter G of chapter 1 of the Internal Revenue Code of 1954, relating to corporations used to avoid income tax on shareholders. For example, in applying the provisions of section 543 (a) (8) (A), the amounts received from a disposal of coal subject to section 631 (c) shall be considered as mineral royalties. For purposes of determining whether certain deductions of the taxpayer constitute 15 percent or more of gross income under section 543 (a) (8) (B), the deductions disallowed under section 272 shall be considered as allowable.

§ 1.632 *Statutory provisions; sale of oil or gas properties.*

SEC. 632. *Sale of oil or gas properties.* In the case of a bona fide sale of any oil or gas property, or any interest therein, where the principal value of the property has been demonstrated by prospecting or exploration or discovery work done by the taxpayer, the portion of the surtax imposed by section 1 attributable to such sale shall not exceed 30 percent of the selling price of such property or interest.

§ 1.632–1 *Surtax on sale of oil or gas properties.* (a) If the taxpayer, by prospecting and locating claims or by exploring or discovering undeveloped claims, has demonstrated the principal value of oil or gas property, which prior to his efforts had a relatively minor value, the portion of the surtax imposed by section 1 (see section 1 (c)) attributable to a sale of such property, or of any interest of the taxpayer therein, shall not exceed 30 percent of the selling price of such property or such interest. Shares of stock in a corporation owning oil or gas property do not constitute an interest in such property. To determine the application of section 632 to a particular case, the taxpayer should first compute the surtax imposed by section 1 upon his entire taxable income, including the taxable income from any sale of such property or interest therein, without regard to section 632. The proportion of the surtax, so computed, indicated by the ratio which the taxpayer's taxable income from the sale of the property or interest therein, computed as prescribed in this section, bears to his total taxable income is the portion of the surtax attributable to such sale and, if it exceeds 30 percent of the selling price of such property or interest, such portion of the surtax shall be reduced to that amount.

(b) In determining the portion of the taxable income attributable to the sale of such oil or gas property or interest therein, the taxpayer shall allocate to the gross income derived from such sale, and to the gross income derived from all other sources, the expenses, losses, and other deductions properly appertaining thereto and shall apply any general expenses, losses, and deductions (which cannot properly be otherwise allocated) ratably to the gross income from all sources. The gross income derived from the sale of such oil or gas property or interest therein, less the deductions properly appertaining thereto and less its proportion of any general deductions, shall be the taxable income attributable to such sale. The taxpayer shall submit with his return a statement fully explaining the manner in which such expenses, losses, and deductions are allocated or apportioned.

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TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 592—PROCUREMENT BY NEGOTIATION

SUBPART F—SMALL PURCHASES

Subpart F is completely revised except for Figures 1, 2, 3, and 4. Figures 1 and 2 are retained without change and Figures 3 and 4 are revoked.

Sec.

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592.650–12 Use for shipment to Army attachés.
592.650–13 Use of reproducible masters.
592.650–14 Additional instructions.
592.651 Applicability to oversea commands.

AUTHORITY: §§ 592.600 to 592.651 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 2301–2304, 70 Stat. 127–133; 10 U. S. C. 2301–2314.

§ 592.600 *Scope of subpart.* See Subchapter A, Chapter I of this title.

§ 592.601 *Purpose.* (a) The Department of the Army has established four procedures to simplify small purchases, namely, the use of Imprest Funds, Standard Form 44 (Purchase Order—Invoice—Voucher), DD Form 1155 (Order for Supplies or Services), and Charge Accounts. These forms and procedures are designed so that proper utilization thereof will simplify the small purchase procedure and reduce administrative costs and workload. In addition to these four procedures, negotiated procurements may be made, where deemed necessary by the contracting officer, by the use of other approved purchase forms not specifically designed for small purchases. It is the prerogative and sole responsibility of the contracting officer to choose that method which best fits the requirements of any particular purchase and to make use of the form or method which will involve the least paper work and expense to the Government.

(b) This subpart is to be considered as a general guide in the making of small purchases except where specific action is directed. It is anticipated that procedures at individual installations or commands will vary slightly according to local conditions and to meet specific situations. In this connection audits, inspections, request for copies of purchase documents, completeness of contract files, and normal procurement safeguards in general must be considered with respect to the objectives to be attained.

(c) When an additional voucher copy of Standard Form 44 is required for the finance and accounting officer to support the "Transactions for Others" contracting or ordering officers will use a sheet of blank paper interleaved with carbon for this purpose when a printed copy of Standard Form 44 is not available.

§ 592.602 *Policy.* (a) Small purchases as defined in § 3.600 of this title shall be made by negotiation, and 10 U. S. C. 2304 (a) (3) shall be cited as the authority for negotiating such purchases. (§ 3.203 of this title and § 592.203 of this chapter).

(b) There are certain definite requirements in Subchapter A, Chapter I of this title and this subchapter for effecting procurements by negotiation which do not apply to the small purchase procedures set forth in Subpart F, Part 3 of this title and this subpart. Some of these requirements have been specifically excluded by reference to other sections of the regulations whereas others are excluded in general terms. For example, the provisions of §§ 590.307, 592.150 and 606.204–12 of this chapter are not applicable to small purchases. The major consideration for using the small purchase procedures is to accomplish such procurement as economically, simply, and expeditiously as practicable; consequently, Subpart F, Part 3 of this title and this Subpart should not be compared with other requirements in this subchapter applicable to negotiated procurements.

(c) Quotations by vendors incident to small purchases will be solicited in accordance with § 3.603 of this title. See also § 606.201 (b) of this chapter.

§ 592.603 *Competition.* See Subchapter A, Chapter I of this title.

§ 592.604 *Imprest fund (petty cash) method.* (a) The Imprest Fund is the method preferred for accomplishing small purchases when cash payment is contemplated. In addition to the instruction in § 3.604 of this title the details of its operation are contained in AR 35–350 (Administrative regulations of the Army pertaining to Imprest Funds for small purchases). It is the only authorized cash small purchase procedure, except for cash payments by accountable disbursing officers.

(b) The Imprest Fund may be used to pay for items ordered from open-end contracts including the Federal Supply Schedules if the vendor concurs.

(c) Standard Form 1165 (Receipt for Cash-Subvoucher) has space to list only four items. If more space is necessary in a purchase transaction using the Imprest Fund, a sheet of blank paper may be used as a continuation sheet. The total amount of the transaction must appear on the Standard Form 1165.

(d) For transactions utilizing the Imprest Fund, an individual other than the contracting officer may be appointed as an ordering officer in the same manner and under the same conditions as prescribed in § 592.605–50 (a).

§ 592.604–1 *Conditions for use.* See § 3.604–1 of this title.

§ 592.604–2 *Documentation.* See § 3.604–2 of this title.

§ 592.604–3 *Cash discounts.* See § 3.604–3 of this title.

§ 592.604–4 *Delivery of cash purchases by suppliers.* See § 3.604–4 of this title.

§ 592.605 *Order-invoice-voucher method (Standard Form 44).* (a) Standard Form 44 (Purchase Order—Invoice—Voucher) is printed as a carbon interleaved form (five sheets per set) and provides in one document a purchase or delivery order, a receiving report, a property voucher, and a payment voucher.

(b) The requisition of Standard Form 44 will be made by one office at each installation for control purposes. Blank forms will be issued only to authorized ordering officers.

(c) Requisitions will be submitted to the appropriate Adjutant General publications center for the necessary forms.

§ 592.605–1 *Limitations on use.* See § 3.605–1 of this title.

§ 592.605–2 *Examples of use.* See § 3.605–2 of this title.

§ 592.605–50 *Instructions for use.* (a) Purchases with this form will be accomplished by an ordering officer. The ordering officer may be a contracting officer or any other person designated by the commanding officer of the installation. For example, representatives of the post repair shop, post supply offices, organizational units, and other offices may be appointed as ordering officers to facilitate the accomplishment of such purchases for the user. The appointment of such ordering officers should define the scope and limitations of their authority, such as the supplies or services that may be purchased.

(b) The ordering officer shall be responsible for assuring that funds have been made available in the estimated amount of the purchase contemplated, and for entering in the appropriate space, on Standard Form 44, the proper accounting classification to be charged. The signature of the ordering officer on Standard Form 44 will constitute the certification that funds are available under the appropriation and allotment cited. Where purchases occur frequently, the ordering officer may obtain a lump-sum certification of funds from the fiscal officer under each applicable allotment account for a specified period of time. The ordering officer will advise the fiscal officer before the close of each accounting month of the amount of all purchases made on Standard Form 44 which have not been submitted to him for recording the obligation. (§ 592.605–51 (l).)

(c) It is not necessary to cite 10 U. S. C. 2304 (a) (3) on the Standard Form 44.

(d) Standard Form 44 may be used for the purchase of supplies or services under the following conditions:

(1) As a purchase order when no special contract form or clauses are necessary.

(2) To order items from the Federal Supply Schedules, or from General Services Administration Stores Depots.

(3) To place delivery orders against indefinite delivery type contracts.

§ 592.605–51 *Preparation.* Ordering officers will execute Standard Form 44 at the time of purchase. All copies of the form must be legible. Entires will be printed with indelible pencil or ball-point pen or typed in the spaces, as outlined below:

(a) Enter purchase order number and date of order.

(b) Enter business or trade name and address of the seller.

(c) Enter the name and address of the organization that is to receive the supplies or services.

(d) The columns headed "Quantity" and "Item" will be filled in by the ordering officer. The columns headed "Unit Price" and "Totals" and the block designated "Discount Terms" are to be filled in either by the seller or by the ordering officer prior to the form being signed by the ordering officer.

(e) In the block headed "Agency" enter "Department of the Army", and the name and address of the issuing office or organization.

Example: Department of the Army, Ordnance Maintenance Shop, Fort Hood, Tex.

(f) In the block headed "Appropriation, Limitation, Project or Other Accounting Classification" enter the complete accounting classification against which the purchase is to be charged.

(g) The block headed "Ordered by" will be signed by and include the title of the ordering officer.

(h) The block headed "Purpose" may be left blank.

(i) The signature of the seller must be obtained in the space for certification of the bill or in lieu thereof certified vendor's invoice attached to the original Standard Form 44 (Copy No. 1).

(j) Receipt of the items will be accomplished by the individual authorized to accept the supplies by signing in the block "Received by" on the face of Copy No. 3 and executing a similar receipt on the reverse side of Copy 4.

(k) Receipt of nonpersonal services will be accomplished by the individual authorized to accept the services by signing in the block "Received by" on the face of Copy No. 3.

(l) For the obligation of funds appropriate vouchers will be transmitted through the fiscal officer to the disbursing officer, as indicated by flow chart (Figure 1).

(m) After the supplies or services have been received, the receiving section executed, and all other entries made, the authorized certifying officer will sign the appropriate block on the face of Copy No. 1.

(n) The disbursing officer will place the order number(s) of Standard Form 44 on the check so that the vendor may identify the transaction.

§ 592.605–52 *When Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal) is used in conjunction with Standard Form 44.* (a) Standard Form 1034 should be prepared as a voucher by the Fiscal Office or the Fiscal and Accounting Office with Standard Form 44 attached as a subvoucher when:

(1) The name and address of the vendor on Standard Form 44 are not legible.

(2) The amount to be paid the vendor is less than the invoiced amount, apart from the discount deduction. The purchase (or delivery) order number will be indicated thereon so that information with respect to the differences may be forwarded to the vendor with the check.

(3) More than one invoice from the same seller is ready for payment. All such invoices should be consolidated and vouchered on a single Standard Form 1034, indicating thereon the purchase (or delivery) order number of each of the seller's invoices, and paid by a single check.

(b) The signature of the authorized certifying officer on Standard Form 1034 will be sufficient in lieu of such signature on each Standard Form 44 that is attached as a subvoucher.

(c) When Standard Form 1034 is used as a voucher, distribution of copies of Standard Form 1034 and 44 will be made as indicated by flow chart (Figure 2).

(d) When ordering officers anticipate making more than one purchase from the same vendor during a month, the accomplished copies of Standard Form 44 (Copies Nos. 1, 3 and 5) may be held until the end of the month for consolidating the invoices and preparing one voucher, Standard Form 1034, for payment to the vendor. However, action should be taken by the ordering officer to see that such a practice is satisfactory to the vendor in order to avoid complaints on delayed payments. When "time payment" discounts are stated on Standard Form 44, appropriate copies will be processed for payment without delay in order to take advantage of the discount.

§ 592.606 *Blanket purchase agreement method.* See §§ 3.606 through 3.606–3 of this title.

§ 592.650 *Order for supplies or services (DD Forms 1155 and 1155–1).*

§ 592.650–1 *General.* (a) DD Form 1155 and 1155–1 are printed as carbon interleaved forms (ten sheets per set) and provide in one document a purchase or delivery order, a receiving and inspection report, a property voucher, and when supported by a vendor's invoice, a payment voucher.

(b) DD Form 250 (Materiel Inspection and Receiving Report (Domestic)) may be used in conjunction with DD Form 1155 as indicated in § 3.650–7 of this title.

§ 592.650–2 *Use as a purchase order or delivery order.* (a) DD Form 1155 may be used as a purchase or delivery order as prescribed in §§ 3.606 and 16.303 of this title.

§ 592.650–3 *Use in conjunction with monthly charge accounts—(a) Definition.* A monthly charge account is a simplified procurement procedure similar to the charge account afforded by a business concern to its customers.

(b) *Purpose.* The major purpose of the charge account is to permit the procurement of supplies and services from vendors without the necessity of preparing individual purchase orders or contracts covering each individual transaction. The submission of invoices and processing of payments for supplies and services acquired under a charge account are accomplished periodically, as agreed to by the contracting officer and the vendor. Generally, charge accounts should be made only with local sources so that individual purchases thereunder can be effected with a minimum of time and paperwork. However, this method of procurement may be used with suppliers other than local where the writing avoided through the use of this procedof numerous purchase orders can be ure. To the extent practicable, charge accounts will be established concurrently with more than one supplier, and over a period of time requests against such accounts shall be equitably distributed among the different suppliers. Requests for supplies or services generally shall be placed orally; however, where a request cannot be placed orally, the request may be placed by written memorandum.

(c) *Limitation.* There is no limit to the total dollar value of the requests which may be placed against a charge account during an agreed billing period. Individual requests to be placed against charge accounts will be limited to $1,000 or less, except for perishable subsistence. This is not meant to preclude the use of other authorized perchase order forms.

(d) *Establishment of charge account.* Charge accounts may be established in person, through correspondence, or by the Blanket Purchase Agreement Method described in § 3.606 of this title. The necessary arrangements with respect to securing maximum discounts, documenting the individual purchase transactions, periodic billing, and other necessary details will be made and will include:

(1) Authorization to the vendor to furnish supplies or services, falling within a general category if and when requested by the contracting officer or his authorized representative during a specified period and within a stipulated aggregate amount, if any, provided that no individual request will exceed $1,000;

(2) A requirement for submission by the vendor of an itemized invoice not less

frequently than once each month covering all deliveries made against the charge account not previously invoiced and paid;

(3) An understanding that the Government is obligated only to the extent of the requests actually made against the charge account; and

(4) A requirement that each delivery ticket or sales slip issued by the supplier shall fully identify the charge account, the date of the request, the items, the price, and other relevant data, including the signature of the Government representative who received the items.

(e) *Requests placed against charge accounts.* The following procedures shall govern:

(1) Individual requests will not be placed against charge accounts until appropriate negotiations have been conducted except, where the order is for $100 or less and the price is known to be reasonably competitive. If authorized by the contracting officer, ordering officers may place individual requests not to exceed $100. Only the contracting officer is authorized to place requests against charge accounts in excess of $100 and then each request will be limited to $1,000 or less. The contracting officer will secure competition, if possible, and the records will indicate the sources solicited and the quotations received. If the low quotation is not made by a charge account vendor, an individual purchase order will be issued, or a new charge account established.

(2) Each request placed against a charge account will be identified by a purchase order number. The purchase order number assigned to the initial request may be used on subsequent requests during the same billing period.

(3) Each delivery of supplies or services will be supported by a sales slip or delivery ticket prepared in triplicate (or quadruplicate if required) on which acknowledgment of acceptance by the Department of the Army is indicated. The following information will be shown on the sales slip or delivery ticket:

(i) Name of vendor;

(ii) Purchase order number;

(iii) Name of ordering officer;

(iv) Description of supplies or services including stock number, part number, etc., necessary for proper identification; and

(v) Quantity and price of supplies or services, less discount.

(4) In the event that the vendor does not furnish a sales slip or delivery ticket, the individual who receives the supplies will prepare DD Form 250 (Materiel Inspection and Receiving Report).

(5) The quantity listed on the sales slip or delivery ticket will be verified, exceptions noted, and all copies will be dated and signed by the individual authorized to accept the items, except that, when Copy No. 4 is used it will not be signed. Copies will be distributed as follows:

(i) The original to the accountable property officer. The accountable property officer will voucher and post pertinent information from this copy to the stock record account,

(ii) One copy to the contracting officer. The contracting officer will retain this copy for use in accomplishing DD Form 1155 at the end of the billing period.

(iii) One copy to the vendor.

(iv) When required, an unsigned copy will be furnished the Finance and Accounting Office. (Copy No. 4).

(f) *Preparation of purchase order (DD Form 1155).* At the end of each billing period the contracting officer will prepare one purchase order (DD Form 1155) for the supplies or services furnished during the billing period. The signed copies of the sales slips, delivery tickets, or receiving reports shall be the basis for preparing one purchase order as follows:

(1) It is not necessary to list the items, quantity, or other similar information required when issuing an individual purchase order. It is sufficient to show the general description or category of items purchased.

(2) The total dollar value as reflected on the delivery tickets received by the contracting officer will be inserted in the "Amounts" column.

(3) The following statement will be inserted: "Authority—Individual requests made against this charge account (not exceeding $1,000 per request) were negotiated in accordance with the provisions of 10 U. S. C. 2304 (a) (3)."

(4) Insert the words "Charge Account Agreement" in the block titled "Type of Order-Purchase."

(5) The receiving report (i. e., inspection and acceptance certfication on the face of the form) will be executed by the contracting officer on the basis of the sales slips, delivery tickets, or the receiving reports furnished by the accountable property officer. This certificate may be accomplished on Copy No. 1 or Copy No. 8. If Copy No. 1 is signed, Copy No. 8 may then be used for internal purposes; however, this will require that the original receiving report be forwarded to the General Accounting Office. The contracting officer will determine whether Copy No. 8 is needed for internal purposes. These sales slips, delivery tickets, and receiving reports will be retained in the contract file.

(6) The finance and accounting officer will sign the administrative certificate on the face of Copy No. 1.

(7) The vendor will be instructed to submit one invoice (4 copies) for the period concerned.

§ 592.650–4 *Use for consolidation of deliveries into one order.* DD Form 1155 may be used in a manner similar to that set forth in § 592.650–3 to consolidate payments for deliveries under indefinite delivery type contracts (formerly open-end and call type) and Purchase Notice Agreements at the end of a month (or more often) to effect payment to the vendor. The use of such procedure is subject to the following conditions:

(a) Such action is more practical and economical than processing separate orders,

(b) The procedure is acceptable to the vendor, and

(c) The $1,000 limitation set forth in § 592.650–3 (d) does not apply to the consolidation of deliveries into one order.

§ 592.650–5 *Use as a receiving and inspection report.* (a) When inspection and/or acceptance is to be other than at destination, the place of such inspection and/or acceptance will be shown in the "Supplies or Services" column on the form. (See clause 1 on reverse of DD Form 1155.)

(b) Upon receipt of the items provided for in the order, the accountable property officer or his authorized representative shall complete the following:

(1) Quantity accepted (enter any report of rejections on reverse of form.)

(2) Place of receipt.

(3) Date received (date shipment is made available by carrier.)

(4) In-checker's signature or initials in the "Received By" block.

(5) Gross weight (check accuracy of gross weight and indicate by check mark).

(6) Location (optional local use).

(7) Shipment number.

(8) Number of pieces received (total packages).

(9) Bill of Lading number (when Government bills of lading are used).

(10) Stock record account voucher number.

(11) Account number under which shipment will be reflected on stock accounting control records.

(12) Date, signature, grade and designation of acceptor. Note: The block titled "Authorized Government Representative" contains a certificate that the supplies or services were inspected and accepted. This certificate may be signed by the individuals listed in paragraph 7, SR 35–3210–10 (Special Regulations pertaining to Commercial Vouchers), ordering officers or commissary officers. When veterinarian personnel are required to inspect food supplies, the inspector will sign either the "tally in" or DD Form 1155 (Copy No. 7) retained by the commissary officer. The commissary officer will sign the original receiving report (Copy No. 8).

(c) The accountable property officer will request disposition instructions from the contracting officer for nonacceptable items and overages. Errors such as nomenclature stock number, etc., may be corrected manually.

(d) If inspection is made other than at destination, appropriate copies of DD Form 1155 will be furnished to the inspection office. Accomplished inspection reports will be transmitted to the consignee unless otherwise indicated in each specific case by the contracting officer.

(e) Receiving reports will be accomplished within the time specified in SR 715–55–6 (Special Regulations pertaining to Receiving Reports).

§ 592.650–6 *Use as a voucher.* (a) One payment: DD Form 1155 will be completed and processed as any other public voucher. In order to comply with the Army Command Management System, Copy No. 5 may be routed with Copies No. 7 and 8 to the accountable officer. Copy No. 8, the original receiving report, will be returned to the contracting officer and Copy No. 5 routed direct to the Finance and Accounting Office. Copies No. 9 and 10 are for optional use.

(b) When more than one payment becomes necessary, Standard Form 1034 (Public Voucher for Purchases and Services other than Personal), or DD Form 1155 will be prepared covering the partial deliveries as evidenced by the receiving report (DD Form 250 or DD Form 1155). Since the General Accounting Office has indicated that copies of purchase orders in amounts not to exceed the open market limitation ($1,000) need not be filed with that office (32 Comp. Gen. 602), the original signed copy of DD Form 1155 furnished the General Accounting Office should be considered as the public voucher, and consequently subsequent payments need not be referenced to the previous voucher since each voucher will be a complete transaction within itself.

§ 592.650–7 *Processing multiple deliveries.* Under the Payments clause on the reverse of DD Form 1155, payments on partial deliveries accepted by the Government may be made when the amount due on such deliveries warrants payment. In order to reduce administrative costs in preparing separate Standard Forms 1034 and issuing checks, where multiple deliveries are involved, the purchase order may specify that the discount period is to commence after final delivery and/or receipt of invoices (whichever is later) on the entire order, and the payment will be made upon the submission of a properly certified invoice or voucher covering the entire order at the prices stipulated therein for supplies delivered and accepted, less deductions, if any, provided therein. If contractors are reluctant to wait until final delivery and it is considered more practicable to pay on several partial deliveries rather than each delivery or final delivery, the purchase order may provide for a partial payment when invoices for deliveries received equal or exceed a specific dollar amount. The purchase order may further provide that in such instances the discount period will commence upon receipt of both the deliveries and the invoice covering the deliveries.

(a) Where reproducible masters are available the purchasing office may furnish the consignee additional copies of the DD Form 1155 to be used as receiving reports, or the consignee will prepare DD Form 250 for each subsequent delivery.

(b) Where shipments are made to oversea consignees through water ports of embarkation, DD Form 250 will be prepared to effect cargo documentation as prescribed in pertinent Army regulations.

§ 592.650–8 *Limitations.* (a) DD Form 1155 shall not be given a contract number under any circumstances. The "order number" space provided is for the purchase order number (i. e., local identification).

(b) Where additional contract clauses or deviations are required for specific purposes, prior approval for their use shall be obtained from the Chief, Contracts Branch, Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C. The attaching of vendor's invoices which are required for payment, specifications, drawing, packaging, and marking instructions, and other similar data which are considered an adjunct or a part of the description of the supplies listed on the face of DD Form 1155, is authorized.

(c) DD Form 1155 shall not be utilized for the acceptance of bids after formal advertising.

§ 592.650–9 *General instructions.* The following general instructions are applicable whether the form is issued as a purchase order or as a delivery order:

(a) Supplemental operating procedures as may be necessary in connection with routing of copies of DD Form 1155 by a purchasing office may be issued by that purchasing office.

(b) Supplemental agreements and change orders, other than notice of termination for default, may be issued in connection with a purchase made on DD Form 1155.

(c) If the purchase is based on a written quotation, the original quotation may be retained in the contract file (31 Comp. Gen. 124) (§ 606.201 (b) of this chapter).

(d) Overages and shortages in the quantities called for on an order may be accepted, provided the aggregate amount of the order (including any accepted overages and shortages) does not exceed $1,000. When any such overages or shortages are accepted, an adjustment of the total dollar amount for payment will be made in the "Differences" section of DD Form 1155 after the "Quantity Accepted" column has been completed.

(e) The contracting officer is responsible for obtaining from the fiscal officer a citation of the proper funds to be charged and for assuring that funds have been made available in the estimated amount of the purchase contemplated. The signature of the contracting officer on Copy No. 1 of DD Form 1155 (Order for Supplies or Services) shall constitute the certification that funds are available under the appropriation and allotment cited in the accounting classification.

(f) The certifying officer shall accomplish the administrative certificate on Copy No. 1.

§ 592.650–10 *Termination for default.* (a) If all of the supplies or services ordered on DD Form 1155 are terminated for default, notice of termination for default to the vendor will be by letter and a copy of the letter will be filed with the original (white) copy in the contracting officer's file, and a copy will be furnished each addressee on the original distribution list.

(b) If a part of the supplies or services ordered by use of DD Form 1155 are terminated for default, notice of termination by default will be by letter, and a copy will be furnished to each addressee on the original distribution list.

(c) When a procurement is made, one of the following procedures will apply:

(1) If the price paid is not in excess of the price which would have been paid under the terminated contract, the DD Form 1155 covering the second procurement will be processed in the normal manner, and it is not necessary to refer to the terminated procurement document.

(2) If the price exceeds that which would have been paid under the terminated contract, the contracting officer will comply with the provisions of § 596.103–11.

§ 592.650–11 *Use in postal channels—APO shipments.* (a) DD Form 1155 (Order for Supplies or Services) is authorized for use for parcel post or mail shipments to an APO number as a method of accomplishing small purchases where a purchase order is required.

(b) When making such shipments, external distribution of copies of DD Form 1155 is required as follows:

(1) One advance copy mailed to the appropriate oversea supply agency.

(2) Three copies inside the package (none on the outside).

(c) The advance copy forwarded to the oversea supply agency will be annotated with the date of shipment and the quantity shipped as follows:

(1) The date of shipment will be entered in the "Supplies or Services" block.

(2) Where the quantities shipped represent the total quantities ordered, a statement to that effect will be included in the "Supplies or Services" block.

(3) Where there is a difference between the quantity ordered and the quantity shipped, the quantity shipped will be entered under the quantity ordered, in the column headed "Quantity (No. of Units)," and an appropriate statement to that effect will be included in the "Supplies or Services" block.

(d) The contracting officer is responsible for assuring that the advance copy is properly annotated and promptly forwarded to the oversea supply agency. The advance copy may be furnished to the oversea supply agency by the contractor or by the contracting officer.

(e) The contracting officer shall furnish instructions to the contractor regarding the annotation and distribution required on DD Form 1155.

(f) Inspection will be performed at origin only when the dollar value, quantity, nature, or geographical location of the item warrants such action. When origin inspection is not practicable, or is waived by the contracting officer, the order will provide for delivery of the shipment to a United States Post Office, postage prepaid and properly addressed to the specified consignee. Acceptance will be accomplished by the contracting officer on the basis indicated below:

(1) The contracting officer may, at his discretion, require the contractor to submit a certificate of mailing (Form 3817 or 3877A obtainable at United States Post Offices) as evidence of dispatch. To assure that prompt payment may be made of the invoice, the purchase order number must be inserted by the contractor on the certificate of mailing.

(2) Where the contractor fails to furnish a certificate of mailing, or where the contracting officer deems it uneconomical to require the use of the certifi-

cate of mailing, acceptance may be accomplished by the contracting officer on the basis of a certificate of shipment executed by the vendor as follows: "The articles in the quantities listed herein have been shipped as indicated."

§ 592.650–12 *Use for shipment to Army attachés.* (a) Certain small purchases made for Army attachés may be shipped direct from contractors to the Assistant Chief of Staff, Intelligence, for transmittal by surface pouch to the Army attaché concerned.

(b) This method of shipment is subject to the following limitations:

(1) Maximum weight of individual parcels: 41 pounds.

(2) Maximum dimensions:

(i) Boxes—12 by 16 by 18 inches;

(ii) Flat packages—4 by 18 by 18 inches;

(iii) Cylindrical packages—5 inches in diameter, 24 inches long.

(3) Parcels cannot contain:

(i) Perishable, fragile, liquid, explosive, or inflammable articles;

(ii) Firearms; or

(iii) Glass containers.

(c) Shipments will be addressed as follows:

U. S. Army Attaché, City—Country, c/o Assistant Chief of Staff, Intelligence, Department of the Army, Washington 25, D. C.

Shipments will be further identified by requisition and purchase order number if available.

(d) Copies No. 7 and 8 will be mailed by the contracting officer at the time the order is placed to:

Assistant Chief of Staff, Intelligence, ATTN: Property Officer, Department of the Army, Washington 25, D. C.

(1) The addressees to whom the copies will be returned will be clearly indicated thereon.

(2) Payment will be made on the basis of the signed acceptance certificate of the Assistant Chief of Staff, Intelligence, Property Officer (Copy No. 8).

§ 592.650–13 *Use of reproducible masters.* Subject to the provisions of § 605.1505–6 of this chapter, heads of procuring activities may authorize use of reproducible masters.

§ 592.650–14 *Additional instructions.* See § 16.303 of this title and § 605.303 of this chapter.

§ 592.651 *Applicability to oversea commands.* Since the small purchase procedures are designed primarily to meet the conditions existing within the United States, they may have limited application in oversea commands. In view of this, major oversea commanders are authorized to make such deviations in these procedures as may be deemed necessary to accomplish their procurement missions provided that such deviations do not result in violations of existing laws, Executive Orders, decisions of the Comptroller General, or such other rules or regulations which would render the contract illegal.

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57–10531; Filed, Dec. 20, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter J—Miscellaneous

[General Order 84]

PART 360—TRANSFER OF MARINE EQUIPMENT TO SHIP OPERATORS AND SHIPYARDS

The following new Part 360 is hereby added to Subchapter J, Chapter II, of this title:

Sec.
360.1 Purpose.
360.2 Definitions.
360.3 Policy.
360.4 Authorized Transfer Officials.
360.5 Procedure.

AUTHORITY: §§ 360.1 to 360.5 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

§ 360.1 *Purpose.* To set forth the policy and procedures governing the transfer of marine equipment by the Maritime Administration to operators of merchant ships and to shipyards for the construction or repair of merchant ships, on the basis of replacement at the earliest possible date.

§ 360.2 *Definitions.* (a) The term "transfer," as used herein, shall be deemed to be a transfer of possession with passage of title upon delivery of the equipment to the operator or shipyard, and with obligation for replacement of the equipment by the transferee.

(b) The terms "marine equipment" and "equipment," as used herein, shall be deemed to include machinery, spare parts, and equipment required for the operation, construction or repair of merchant ships.

§ 360.3 *Policy.* (a) Transfers of marine equipment owned by the Maritime Administration will be made, upon request, only in cases of emergency under the following conditions:

(1) There must be a need which cannot be filled within a reasonable time by a manufacturer or other source;

(2) The transferee shall agree to stand all costs incurred in connection with the transfer;

(3) The transferee shall agree to take possession and custody of the equipment at a time and place designated by the Maritime Administration, and there shall be no liability on the part of the Maritime Administration for any failure of the equipment thereafter; and

(4) The equipment transferred shall be replaced by the transferee, at his expense, at the earliest practicable date and at a point designated by the Maritime Administration, with new equipment of the same type and design or with equipment determined by the Maritime Administration to be suitable for the same use as the equipment transferred, in a condition satisfactory to the Maritime Administration and in compliance with American Bureau of Shipping and U. S. Coast Guard standards.

(b) Transfers which meet the above requirements may be made (1) to operators of United States-flag merchant ships and shipyards for the construction or repair of United States-flag merchant ships, and (2) to foreign-flag merchant ships and United States shipyards for the construction or repair of foreign-flag merchant ships, when it is determined by the Maritime Administration, in consultation with other Government agencies, as appropriate, that the transfer would be beneficial to the American merchant marine, the defense effort, or otherwise in the national interest.

(c) The transferee shall furnish a deposit to the Maritime Administration in the amount of the current acquisition value (new) of the equipment, as determined by the Maritime Administration, plus 10 percent of such amount to cover expenses which may be incurred by the Maritime Administration in connection with the transaction, including possible damages to Maritime Administration properties, and, where applicable, plus an additional amount equal to the estimated cost of closing any openings or reassembling any machinery made necessary by the transfer. This deposit, less the amount of any expenses or damages incurred by the Maritime Administration in connection with the transfer, will be returned to the transferee upon satisfactory replacement of the equipment.

(d) For each month elapsing between the date of delivery of the equipment to the transferee and the date of delivery to, and acceptance of the replacement equipment by, the Maritime Administration, the transferee shall pay to the Maritime Administration the sum of ½ of 1 percent of the current acquisition value (new) of the equipment, as determined by the Maritime Administration; except that, if the elapsed period is two full months or more, no charge will be made for the last partial month, if less than 15 days; but one full month's charge will be made for such partial month, if 15 days or more. In each case, the minimum charge shall be $200, in total, for any one transfer.

§ 360.4 *Authorized Transfer Officials.* (a) No transfer of marine equipment shall be made to a foreign-flag ship or to a shipyard for the construction or repair of a foreign-flag ship without the express approval of the Maritime Administrator.

(b) The Maritime Administrator has delegated to the Chief, Office of Property and Supply, the authority to make transfers of marine equipment for the operation, construction and repair of United States-flag ships, in accordance with the policy requirements of § 360.3 and subject to the concurrence of the Chief, Office of Ship Operations. The Chief, Office of Property and Supply, has redelegated the above authority to the Chief, Division of Purchase and Sales, Office of Property and Supply.

(c) The Maritime Administrator has delegated the same authority to the Coast Directors in the field, restricted, however, to emergency cases that develop when Washington officials cannot be contacted or when time is a prime consideration.

§ 360.5 *Procedure.* (a) Requests for the transfer of marine equipment shall be submitted, in writing, to the Chief, Division of Purchase and Sales, Maritime Administration, Washington 25, D. C., or to the appropriate Coast Director in the field, and shall include the following information:

(1) Name and address of organization requesting the transfer;

(2) Description of the equipment required;

(3) Time and method of replacement of equipment;

(4) Name, type, and flag of ship involved, port at which installation is to be made, and trade route and type of trade in which ship is engaged; and

(5) A detailed explanation of the need, establishing that an emergency exists and that the equipment cannot be obtained elsewhere in time for the ship to sail on schedule or to continue a voyage.

(b) Upon determination by the Maritime Administration that the justification for the transfer meets the policy requirements of § 360.3 and that the equipment is available for transfer, the authorized transfer official shall obtain from the applicant, in writing, an agreement to the conditions of the transfer, including the conditions set forth in § 360.3 and such other conditions as may be appropriate, including the foregoing definition of the term "transfer." Authorized transfer officials shall submit proposals for the transfer of equipment for the operation, construction or repair of foreign-flag ships to the Maritime Administrator for approval.

(c) The transferee shall transmit to the authorized transfer official a certified or cashier's check payable to "Maritime Adm.—Commerce" in the amount of the required deposit, as determined under § 360.3 (c).

(d) Upon approval of the transfer, the authorized transfer official shall authorize the issuance of appropriate shipping and other necessary instructions for the transfer of the equipment to the ship operator or shipyard.

(e) The transferee shall transmit to the Maritime Administration a check payable to "Maritime Adm.-Commerce" in the amount of the monthly charge determined under § 360.3 (d), for each month elapsing between the date of delivery of the equipment to the transferee and the date of delivery to, and acceptance by, the Maritime Administration of the replacement equipment. Payment shall become due and be made on the last day of each month.

(f) Upon determination that the equipment transferred has been satisfactorily replaced and all conditions of the transfer have been complied with, the Maritime Administration will refund to the transferee the amount of his deposit less such deductions as are determined by the Maritime Administration to be appropriate including any unpaid monthly charges as provided in § 360.3 (d). A statement of all deductions applied against the deposit will be furnished to the transferee.

Dated: December 13, 1957.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 57–10550; Filed, Dec. 20, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of the United States Standards for Grades of Frozen Fish Blocks pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These proposed grade standards are recommended by the Fish and Wildlife Service, U. S. Department of the Interior, based on data developed by that agency. These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed standards are as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.3681 Product description.
52.3682 Grades of frozen fish blocks.

WEIGHTS AND DIMENSIONS

52.3683 Recommended weights and dimensions.

FACTORS OF QUALITY

52.3684 Ascertaining the grade.
52.3685 Evaluation of the unscored factor of flavor and odor.
52.3686 Ascertaining the rating for the factors which are scored.
52.3687 Appearance.
52.3688 Uniformity of size and shape.
52.3689 Defects.
52.3690 Character.

DEFINITIONS

52.3691. Definitions.

LOT CERTIFICATION TOLERANCES

52.3692 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.3693 Score sheet for frozen fish blocks.

AUTHORITY: §§ 52.3681 to 52.3693 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.3681 *Product description.* Frozen fish blocks are rectangular-shaped masses of cohering frozen fish flesh of a single species consisting of adequately drained whole, wholesome, skinless fillets or pieces of whole, wholesome, skinless fillets cut into small portions but not ground or comminuted. They are frozen, but not glazed, and maintained at temperatures necessary for the preservation of the product.

§ 52.3682 *Grades of frozen fish blocks.* (a) "U. S. Grade A" is the quality of frozen fish blocks that possess a good flavor and odor; and for those factors which are rated in acordance with the scoring system outlined in these standards have a total score of 85 to 100 points.

(b) "U. S. Grade B" is the quality of frozen fish blocks that possess at least a reasonably good flavor and odor; and for those factors which are rated in accordance with the scoring system outlined in these standards have a total score of 70 to 84 points: *Provided*, That no factor receives maximum point score deduction.

(c) "Substandard" is the quality of frozen fish blocks that fail to meet the requirements of U. S. Grade B.

WEIGHTS AND DIMENSIONS

§ 52.3683 *Recommended weights and dimensions.* (a) The recommendations as to weights and dimensions of frozen fish blocks are not incorporated in the grades of the finished product since weights and dimensions, as such, are not factors of quality for the purpose of the grades. The degree of uniformity of size and shape among units of the finished product is rated since it is a definite factor affecting the quality of the end product prepared from the blocks.

(b) It is recommended that the thickness or depth (smallest dimension) of the

frozen fish block be not greater than 10 centimeters (4.0 inches) and that the average weight be not less than 2.3 kilograms (5.0 pounds) and not greater than 22.7 kilograms (50.0 pounds).

FACTORS OF QUALITY

§ 52.3684 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.* Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The four factors and the maximum number of points that may be given each are as follows:

Factors:	Points
Appearance	25
Uniformity of size and shape	20
Defects	40
Character	15
Total score	100

(b) *Condition of product for evaluation.* The grade of frozen fish blocks is ascertained by observing the product in the frozen state and after representative portions have been heated in a suitable manner.

§ 52.3685 *Evaluation of the unscored factor of flavor and odor*—(a) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the product has the good flavor and odor characteristic of the species of fish; and that the product is free from staleness, and from off-flavors and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in the good flavor and odor characteristic of the species of fish; is reasonably free from rancidity; and is free from objectionable off-flavors and objectionable off-odors of any kind.

§ 52.3686 *Ascertaining the score for those factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The value for each factor is the maximum points allotted for the factor less the sum of the deviation deduction-points within the factor.

§ 52.3687 *Appearance*—(a) *General.* The factor of appearance refers to the color of the fish flesh, and to the degree of surface dehydration of the product.

(b) For the purpose of rating the factor of appearance the schedule of deviation deduction-points in Tables I and II apply.

TABLE I—SCORE DEDUCTIONS FOR COLOR SUBFACTOR

Condition of the surface of the block		Deduction Points
"Light" portion of fish flesh [1]	No discoloration	0
"Dark" portion of fish flesh [2]	No discoloration	
"Light" portion of fish flesh	No discoloration	
"Dark" portion of fish flesh	Slight yellowing	2
"Light" portion of fish flesh	Slight yellowing	
"Dark" portion of fish flesh	Moderate yellowing; no rusting	4
"Light" portion of fish flesh	Moderate yellowing; slight rusting	
"Dark" portion of fish flesh	Excessive yellowing; slight rusting	7
"Light" portion of fish flesh	Excessive yellowing; moderate rusting	
"Dark" portion of fish flesh	Excessive yellowing; moderate rusting	16
"Light" portion of fish flesh	Excessive yellowing and rusting	
"Dark" portion of fish flesh	Excessive yellowing and rusting	[3] 25

[1] "Light" portion refers to fish fillet flesh comprising the main portion of the fillet.
[2] "Dark" portion refers to the dark-colored portion of the fillet appearing under the skin, the main part of which occurs along the lateral line.
[3] Fish blocks which receive 25 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Color of the block should be normal to that of the species of fish used. Deviations from the normal color result from oxidation or other changes that have taken place in the fish prior to freezing and after freezing and storage. Ordinarily, the type of discoloration observed is due to oxidation and results in yellowing and "rusting" of the fish surfaces.

TABLE II—SCORE DEDUCTIONS FOR "DEHYDRATION" SUBFACTOR

Condition of surface of block		Deduction points
Surface area affected	Degree of dehydration	
Percent		
Up to 50	Slight	0
Greater than 50 and up to 100	Slight	1
Greater than 0 and up to 25	Moderate	2
Greater than 25 and up to 50	Moderate	
Greater than 0 and up to 25	Marked	4
Greater than 50	Moderate	
Greater than 25 and up to 50	Marked	7
Greater than 0 and up to 25	Excessive	
Greater than 50	Marked	
Greater than 25 and up to 50	Excessive	16
Greater than 50	Excessive	[1] 25

[1] Fish blocks which receive 25 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Dehydration is classified in four degrees:
(a) *Slight.* Shallow and not color masking;
(b) *Moderate.* Deep but just deep enough to mask color of fish flesh;
(c) *Marked.* Deep and easily scraped off with finger nail, and masks color of flesh; and
(d) *Excessive.* Deep dehydration not easily scraped off.

§ 52.3688 *Uniformity of size and shape*—(a) *General.* The factor of uniformity of size and shape refers to the degree of conformity to declared dimensions and to rectangular shape.

(1) *"Angles" of a block.* There are 12 angles considered to form a block. Right angles are formed by the intersection of the four sides with the top and bottom (the two largest surfaces); and four angles are formed by the intersection of the four sides with one another. In a perfect block the surfaces form into a right angle (90 degrees).

(b) For the purpose of rating the factor of uniformity of size and shape, the schedule of deviation deduction-points in Tables III and IV apply.

TABLE III—SCORE DEDUCTIONS FOR DIMENSIONS SUBFACTOR

Deviations (+ or −) from the declared dimensions			Deduction points
Length and width	Thickness	Thickness (individual reading) [1]	
Millimeters	*Millimeters*	*Millimeters*	
Up to 3	Up to 2	4	0
Greater than 3 and up to 5	Up to 2	4	1
Greater than 3 and up to 5	Greater than 2 and up to 3	4	2
Greater than 5 and up to 8	Greater than 2 and up to 3	4	3
Greater than 5 and up to 8	Greater than 3 and up to 4	5	4
Greater than 8 and up to 12	Greater than 3 and up to 4	5	5
Greater than 5 and up to 8	Greater than 4 and up to 5	6	6
Greater than 8 and up to 12	Greater than 4 and up to 5	6	7
Greater than 8 and up to 12	Greater than 5 and up to 8	10	8
Greater than 12 and up to 16	Greater than 5 and up to 8	10	9
Greater than 8 and up to 12	Greater than 8 and up to 11	13	10
Greater than 12 and up to 16	Greater than 8 and up to 11	13	12
Greater than 12 and up to 16	Greater than 11 and up to 14	16	14
Greater than 16	Greater than 14		[2] 20

[1] These values refer to deviations of any one of the four readings taken for the thickness of the individual block from the declared thickness of the block.
[2] Fish blocks which receive 25 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Measurements are made in millimeters. Two readings are taken for the length; three for the width; and four for the thickness. Each group is averaged.

TABLE IV—SCORE DEDUCTIONS FOR "ANGLES" SUBFACTOR

Number of "unacceptable" angles	Deduction points
1	0
2	1
3	2
4	3
5	4
6	6
7	8
8	10

NOTE: There are 12 angles considered to form a block. Right angles (edge) are formed by the intersection of the four sides within the top and bottom; four angles (corner) are formed by the intersection of the four sides with one another.

An "acceptable" edge angle is one in which the two surfaces forming the angles are within 1.0 cm. (⅜ inch) of the apex of a carpenter's square placed along the surfaces (use 3 readings for each edge angle measurement; 2 or 3 must meet the requirement). An "unacceptable" edge angle is one showing greater deviation than the 1.0 cm. (⅜ inch).

An "acceptable" corner angle is one in which at least one edge surface is within 1.3 cm. (½ inch) of the apex of a carpenter's square placed on the edge surfaces (use 1 reading for each corner angle). An "unacceptable" corner angle is one showing greater deviation than the 1.3 cm. (½ inch).

§ 52.3689 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from damage, blemishes, improper fill, and bones.

(1) *"Damaged."* Damaged means crushed or mutilated block, and imbedding of the packaging material into the block, to the extent that the usability of that portion of the block has been adversely affected; and cut or separation of the masses of fish flesh in the block.

(2) *"Blemish."* Blemish means a piece of skin, scales, blood spot, a bruise, a black belly lining, a fin, or harmless extraneous material. One "piece of skin" consists of one piece 3.3 square centimeters (½ square inch) in area; except that skin patches larger than 9.9 square centimeters shall be considered as two pieces of skin. "Blood spot" is one of such size and degree as to be considered objectionable. "Black belly lining" is any piece longer than 1.3 centimeters (½-inch). "Fin" is one fin or one identifiable part of a fin. "Scales" are aggregates of one or more scales of such degree as to be considered objectionable.

(3) *"Improper fill."* Improper fill means the frozen block does not form a completely solid mass as evidenced by presence of air spaces, ice, depressions, and ragged edges (pieces of fish protrude or recede at the edges of the block).

(4) *"Bones."* Bones means any bones that can be separated from the product, can be identified, and are objectionable. One instance of bone means one bone or one group of bones occupying or contacting a circular area of 6.45 square centimeters (one square inch):

(b) For the purpose of rating the factor of defects, the schedule of deviation-deduction-points in Tables V, VI, VII, and VIII apply.

TABLE V—SCORE DEDUCTIONS FOR "DAMAGE" SUBFACTOR

Amount of damage to block	Deduction points
0 to 0.30 percent	0
For each 0.20 percent above 0.30 percent and up to 8.10 percent	1
8.11 percent and over	[1] 40

[1] Fish blocks which receive 40 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Damage is measured by volume of the block affected. The area of damage is measured in cubic centimeters using a millimeter rule to determine the exact length, width, and thickness of the block affected.

Calculate damage in "percent" using the following formula:

$$\text{Total damage in "percent" (volume/weight)} = \frac{\text{(Total damage)}}{\text{(Weight of block)}} 100$$

TABLE VI—SCORE DEDUCTIONS FOR "BLEMISH" SUBFACTOR

Number of blemishes per 2.3 kg. (5 lbs.) of block	Deduction points
0 to 1.0	0
1.1 to 2.0	1
2.1 to 3.0	2
3.1 to 4.0	3
4.1 to 5.0	5
5.1 to 6.0	8
6.1 to 7.0	12
7.1 to 8.0	17
8.1 to 9.0	23
9.1 to 10.0	30
10.1 or more	[1] 40

[1] Fish blocks which receive 40 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE VII—SCORE DEDUCTIONS FOR "IMPROPER FILL" SUBFACTOR

Amount of "improper fill" in block [1]	Deduction points
0 to 0.30 percent	0
For each 0.20 percent above 0.30 percent and up to 8.10 percent	1
8.11 percent and over [2]	[2] 40

[1] Air spaces, ice spaces, depressions, and ragged edges.
[2] Fish blocks which receive 40 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Improper fill is measured by the volume of the block affected. Air spaces and ice spaces are measured by filling these spaces with water or other material and measuring the volume. Spaces less than 3 ml. in volume or less than 2 mm. deep are not considered. Depressions and ragged edges are measured by exact volume of the block affected using a mm. rule to determine the length, width, and thickness of the block affected. Calculate the total "improper fill" in "percent" from the following formula:

$$\text{Total "improper fill" in "percent" (volume/weight)} = \frac{\text{(Total volume of "improper fill")}}{\text{(Weight of block)}} 100.$$

TABLE VIII—SCORE DEDUCTIONS FOR BONES SUBFACTOR

Instances of bone per 2.3 kg. (5.0 lb.) of fish	Deduction points
0	0
0.1 to 1.0	1
1.1 to 2.0	3
2.1 to 3.0	6
3.1 to 4.0	10
4.1 to 5.0	16
5.1 to 6.0	25
6.1 and more	[1] 40

[1] Fish blocks which receive 40 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

§ 52.3690 *Character*—(a) *General.* The factor of character refers to the tenderness and to the moistness of the properly heated fish flesh, and to the tendency of the pieces of fish or fillets in the block to remain as a unit when the block or portions of the block are heated.

(b) For the purpose of rating the factor of character, the schedule of deviation deduction-points in Tables IX and X apply.

TABLE IX—SCORE DEDUCTIONS FOR TEXTURE SUBFACTOR

Texture condition of the cooked fish	Deduction points
Firm; slightly resilient but not tough or rubbery; moist but not mushy	0
Moderately firm; only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist, but not mushy	2
Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy	5
Tough or rubbery; has marked tendency to form fibrous mass in the mouth; or is very dry; or is very mushy	7
Objectionably tough, rubbery, dry or mushy	[1] 15

[1] Fish blocks which receive 15 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE X—SCORE DEDUCTIONS FOR COHESION SUBFACTOR

Cohesion condition of the cooked fish	Degree
	Points
The pieces comprising the cooked sample cohere very tightly. They can be separated only by significant tearing of the flesh	0
The pieces comprising the cooked sample cohere fairly tightly and they can be separated only by moderate tearing of the flesh	1
The pieces comprising the cooked sample cohere slightly. They can be separated easily with slight or no tearing of the flesh	3
The pieces comprising the cooked sample show no tendency to cohere. They can be separated very easily	6

DEFINITIONS

§ 52.3691 *Definitions*—(a) *"Heating in a suitable manner."* Heating in a suitable manner means heating the product as follows:

(1) Cut three or more portions about four by three by one-half inches from a frozen block. Wrap individually or in single layer in aluminum foil. Place packaged portions on a wire rack suspended over boiling water in a covered container. Steam the packaged portions until the product is thoroughly heated, or

(2) Cut and package the portions as described in subparagraph (1) of this paragraph. Place the packaged portions on a flat cookie sheet or shallow flat-bottom pan of sufficient size so that the packages can be spread evenly on the sheet or pan. Place pan and frozen contents in a properly ventilated oven heated to 400 degrees Fahrenheit and remove when the product is thoroughly heated.

LOT CERTIFICATION TOLERANCES

§ 52.3692 *Tolerances for certification of officially drawn samples.* The sample rate and grades of specific lots shall be certified on the basis of the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables

and Related Products" SRA–AMS 155, revised May 1957, effective July 1, 1957.

SCORE SHEET

§ 52.3693 *Score sheet for frozen fish blocks.*

Label.....
Size and kind of container.....
Container mark or identification.....
Size of lot.....
Number of blocks per master carton.....
Size of sample.....
Species of fish declared.....
Actual net weight.....(kg.).....(lb.)

Factor	Standards score points	Sample Score
Appearance	25	
Uniformity	20	
Defects	40	
Character	15	
Total	100	

Flavor and odor.....
Final grade.....

Dated: December 16, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57–10438; Filed, Dec. 20, 1957; 8:45 a. m.]

[7 CFR Part 995]

[Docket No. AO–197–A5]

MILK IN NORTH CENTRAL OHIO MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Barr Hotel, Lima, Ohio, beginning at 10:00 a. m., on January 7, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the North Central Ohio marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency and other marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if they are applied to the marketing area as proposed to be redefined and, if not what modifications of the provisions of the order would be appropriate.

Proposed by The Page Dairy Company, Mansfield, Ohio:

Proposal No. 1: Amend §§ 995.8, 995.9 and 995.43 to provide for the pooling of the milk receipts of a receiving station with the milk receipts of a distributing plant subject to the provisions in § 995.43 (c) and 995.50 (b). Further amend as necessary other provisions of the order to effectuate the intent of this proposal.

Proposed by The Isaly Dairy Company, Marion, Ohio:

Proposal No. 2: Amend § 995.43 (b) to read as follows:

(b) As Class II milk, if transferred or diverted from a distributing plant in the form of a fluid milk product in bulk to another distributing plant which is a pool plant, up to an amount which is not in excess of the Class II utilization at such transferee plant after first assigning to Class II milk (1) producer milk shrinkage, (2) other source milk pursuant to § 995.46 (a) (3) and the corresponding step of (b), and (3) Class II milk assigned to supply plants pursuant to paragraph (c) of this section: *Provided*, That diversion of producer milk by a distributing plant to another distributing plant that is a pool plant, without first having been received for purposes of weighing in the diverting handlers distributing plant, shall be limited to the months of March, April, May and June. Any remaining amount of skim milk and butterfat so transferred or diverted shall be Class I milk;

Proposed by The Borden Company, Mansfield, Ohio:

Proposal No. 3: Change § 995.9 (a) to read "a distributing plant, other than a plant operated by a producer-handler, from which fluid milk products are disposed of in the marketing area during the month."

Proposal No. 4: Increase the shrinkage allowance to three percent for those plants having bulk tank truck operations involving milk receiving.

Proposal No. 5: Change § 995.50 (b) so it will specifically state the location adjustments that are to be deducted at each location within the marketing area.

Proposed by The Borden Company, Marion, Ohio:

Proposal No. 6: Amend § 995.5 to make provisions that North Central marketing area should include the cities of Bellefontaine, Ohio, located in Logan County and Kenton, Ohio, location, Hardin County.

Proposal No. 7: Amend § 995.41 (b) to make provisions that producer milk transferred by a handler to any plant of another handler, without first having been received for purposes of weighing and testing in the transferring handler's fluid milk plant, shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage, and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage.

Proposal No. 8: Amend § 995.64 to make provisions that producer eligible milk quota should be established by his herd production records, regardless of where the milk was shipped, for the period of July through December of the preceding year.

Proposed by The North Central Ohio Cooperative Dairy Sales Association and The Northwestern Cooperative Sales Association:

Proposal No. 9: Amend the order to authorize the market administrator to reveal utilization of member milk and overages and shortages in handler plants.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 10: Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrator, Fred W. Issler, 204 Dominion Building, Lima, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 18th day of December 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57–10570; Filed, Dec. 20, 1957; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 3, 4b, 40, 41, 42]

[Draft Release 57–28]

SPECIAL REGULATION FOR TRANSPORT CATEGORY AIRPLANES EQUIPPED WITH STANDBY POWER

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation for transport category airplanes equipped with standby power as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Jan. 24, 1958. Copies of such communications will be available after Jan. 28, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Board has received a number of requests for the promulgation of a regulation to provide performance credit for airplanes equipped with standby power. Standby power is power and/or thrust obtained from sources other than the airplane's main engines for a relatively short period and used only in cases of emergency. It is proposed to authorize performance credit for transport category airplanes when standby power is used in showing compliance with the performance requirements in one or more of the following regimes of flight:

Take-off flight path with one engine inoperative, approach climb with one engine inoperative, and the balked landing climb. By "performance credit" is meant the taking into account the increased performance of the airplane with standby power and, because thereof, the approval of higher maximum weights for the airplane than the weights approved on the basis of the airplane's performance without standby power. The currently effective regulations did not contemplate the use of standby power. Provisions for such, however, have been provided for on an interim basis by the Civil Aeronautics Administration which has adopted a policy which permits airplanes equipped with standby power to operate at an increase in the normally approved weights by an amount equal to the weight of the standby power installation. The proposed regulation contained herein permits granting of performance credit to transport category airplanes equipped with standby power and prescribes applicable conditions and limitations.

Jet assist take-off (JATO) units were developed during World War II for the military services to provide additional take-off power for heavily loaded flying boats and carrier based aircraft. The additional thrust improved climb performance in the take-off regime and permitted the airplane to obtain a safe altitude and air speed in the event of engine failure. The reliability of these units has increased to the point whereby civil operators are now adopting them for use as emergency standby power in the event of engine failure. Representation has been made to the Board that noticeable safety benefits can result from the use of standby power under certain emergency conditions. Available statistics indicate the possibility that certain accidents which occurred during take-off, en route, approach, or landing could have been prevented or at least reduced in severity if some additional form of standby power had been available during the critical period.

Operators have been reluctant to adopt standby power installations and the attendant weight penalties without reasonable performance credit being given the airplane. Should performance credit be granted for the use of standby power, it is anticipated that the operators would consider such credit to be a compensating economic factor justifying the installation of standby power on their airplanes.

A proposal concerning standby power was received during the time the agenda for the 1956 Annual Airworthiness Review was being prepared, and this proposal was included in Appendix 1 of the proposed agenda which concerned a new set of performance requirements for the certification and operation of transport category airplanes. However, following the issuance of the proposed agenda, the Board found it necessary to expedite the rule-making procedure concerning those regulations with respect to only turbine-powered airplanes, and, to this end, issued Draft Release 56–20. The provisions for standby power contained in the Annual Airworthiness Review Agenda were modified sufficiently to reflect the latest thinking on the subject and were included in the proposed regulations in Draft Release 56–20. The evaluation of the proposal, as contained in Draft Release 56–20, required such extensive time and effort by the interested parties that many of them were not able at that time to evaluate fully the proposed provisions for standby power. It was concluded, therefore, that the problem of standby power should be handled by separate rule-making procedure.

The proposed rule contained herein authorizes the Administrator to grant increases in maximum take-off and landing weights and to improve modified take-off flight paths, as they may be affected by the use of standby power. It grants authority to the Administrator to prescribe the detailed provisions for performance credit, thus making application of the rule to individual airplanes more flexible. The proposed rule permits performance credit to be given only when the amount of standby power is at least sufficient to provide a conservative increase in the over-all performance level of the regime of flight for which performance credit is sought. In the regime of flight subject to performance credit, the flight path (excluding that portion of the take-off where the airplane is on or just above the take-off surface and the transition from missed approach or balked landing to climbing flight) with standby power in use and at the increased weight is intended to lie above the flight path established at the weight at which all of the applicable performance requirements are met without standby power. It is intended that the flight path of the airplane with all engines operating shall lie sufficiently above the flight path scheduled in the airplane flight manual for the one-engine-inoperative condition with standby power in use to insure adequate safety in normal day-to-day operations at the increased weight authorized by this proposal.

It is intended that separate standby power units be installed in cases where performance credit is given for more than one regime of flight. It is further intended that the installation of standby power units be shown to be free of hazard and that all other regulations applicable to the airplane be met at the increased weight. In granting performance credit, the procedures involved in demonstrating the use of standby power must consist of the procedures to be followed in actual service.

The proposed rule authorizes the Administrator to grant authority to grant performance credit only when such credit is based on transport category performance requirements. It is believed that nontransport category performance requirements are not conducive to an evaluation of the relative levels of safety of performance with and without standby power to the degree as provided herein for transport category airplanes. It is not intended, however, that the Administrator's present policy of granting limited weight increases for standby power on nontransport category airplanes be necessarily modified.

It has been suggested by the CAA that certain details be added to the proposed regulation. Accordingly, we are setting forth this proposal as an alternative proposed rule concerning which we would like specific comment.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board the adoption of a special regulation on standby power to read as follows:

Applicable performance provisions of the Civil Air Regulations notwithstanding, the Administrator may increase the maximum certificated take-off and landing weights and modify the take-off paths of transport category airplanes equipped with standby power, taking into account the added performance resulting from the use of standby power to an extent found by the Administrator to result in an over-all level of safety in the take-off, approach, and landing regimes of flight equivalent to that prescribed for the airplane without standby power. In this respect, the following shall apply:

1. In the regime of flight subject to performance credit at the increased weight with standby power in use, the flight path shall reflect a conservatively greater margin of over-all performance than the flight path without standby power at the weight at which all of the applicable airplane performance requirements are met.

2. In the case of the take-off or approach regime at the increased weights with all engines operating, but without the use of standby power, the flight path shall reflect a conservatively greater margin of over-all performance than the flight path scheduled in the Airplane Flight Manual with one engine inoperative and standby power in use.

3. The flight paths referred to herein shall be considered to extend at least to a point where the airplane attains the en route configuration and reaches a safe en route speed, taking into account the time limit established for the use of take-off power.

4. At the increased weight and without the use of standby power, the airplane shall meet all of the applicable en route requirements at the safe en route speed referred to in paragraph 3 of this regulation.

5. The standby power unit and its installation shall not adversely affect the safety of the airplane.

6. The operation of the standby power unit and its controls shall have been proven to be safe and reliable.

7. In determining compliance with this regulation for any regime of flight subject to performance credit, any change in the airplane's configuration and speed and in the power and/or thrust shall be made in accordance with procedures established by the applicant for the operation of the airplane in service and shall comply with the following provisions:

(a) The Administrator shall find that the procedures can be consistently executed in service by crews of average skill.

(b) The procedure shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(c) Allowance shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

Comment is also requested with respect to the proposed regulation as modified in the following manner:

(1) Addition of a new paragraph to read as follows:

The standby power or thrust for which performance credit is permitted shall not exceed a value corresponding to the lesser of the following:

(a) The power or thrust of one less than the total number of standby power units installed, or

(b) 75 percent of the total standby power or thrust installed and operable.

(2) Revise paragraph 3 to read as follows:

3. For the flight path comparisons prescribed in paragraphs 1 and 2 of this regulation, the flight paths with standby power in use shall be considered to extend to a point where the airplane attains a height of at least 400 feet above the takeoff or landing surface (assuming the climb maneuver to begin at the surface and attains a safe speed of at least 1.25 V_{s_1} in the en route configuration, with the standby power units operated in accordance with the approved procedure (see paragraph 7) and the engines operated within approved limitations. The flight paths with one engine inoperative and with all engines operating shall be based on climb speeds not less than V_2.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., December 12, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director,
Bureau of Safety.

[F. R. Doc. 57-10567; Filed, Dec. 20, 1957; 8:50 a. m.]

[14 CFR Part 47]

AIR TAXI CERTIFICATION AND OPERATION RULES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will recommend to the Board for adoption the attached proposed Part 47 of the Civil Air Regulations which sets forth air taxi certification and operation rules.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Feb. 28, 1958. Copies of such communications will be available after March 4, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Prior to publication of this notice of proposed rule making, the Bureau circulated Civil Air Regulations Draft Release No. 55–24, November 9, 1955, which contained proposed certification and operation rules for air taxi operators for preliminary review by interested parties in the hope of narrowing or eliminating those areas of substantive difference as to the adequacy or the desirability of the proposed rules. Draft Release No. 55–24 was not published as a formal notice of proposed rule making, and there is no restriction on the privilege of interested persons who commented thereon to offer further comment in response to this notice.

Currently effective Part 42 of the Civil Air Regulations prescribes certification and operation rules for large irregular air carriers and is applicable to air taxi operators operating pursuant to Special Civil Air Regulation No. SR–395A. This results in the operation of large and small aircraft under one Part. The Bureau recognizes the distinct differences between the operation of large aircraft and small aircraft and believes that more effective administration and a more realistic application of operating rules require that the rules be divided into two parts: (1) Those applicable to large aircraft of more than 12,500 pounds maximum certificated weight; and (2) those applicable to small aircraft of 12,500 pounds or less.

Accordingly, it is proposed herein to establish a new Part 47 containing rules and regulations governing the certification and operation of small aircraft presently operated in accordance with the provisions of Part 42. Proposed Part 47 will, therefore, be applicable to air taxi operators who are presently subject to the certification and operation rules of Part 42, and to commercial operators subject to Part 45 who conduct their operations in small aircraft and are presently required by that part to comply with the operation rules of Part 42. This proposal would require air taxi operators to comply with both the certification and operation rules of the new part. Commercial operators using small aircraft would, on the other hand, be required to comply with only the operating rules of the new part.

It should be noted that all operations conducted under proposed Part 47 would be subject to the applicable provisions of Parts 43 and 60 of the Civil Air Regulations, unless otherwise specified.

Should the Board adopt Part 47 as proposed herein, the Bureau will recommend that appropriate amendments to Part 45 be adopted concurrently.

In Draft Release No. 55–24 it was stated that: "If the nature of the comment is such that a discussion would be of constructive assistance in the further development of the proposed rules, all interested parties will be invited to participate in a discussion to be held on a specified date in Washington, D. C." The Bureau is of the opinion, however, that the nature of the comment received in response to Draft Release No. 55–24 was such that discussion with interested parties was not necessary to develop the proposals contained herein.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board the adoption of the attached proposed Part 47 of the Civil Air Regulations.

This part is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., December 9, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

APPLICABILITY AND DEFINITIONS

Sec.
47.1 Applicability of this part.
47.2 Applicability of Parts 43 and 60 of this subchapter.
47.5 Definitions.

CERTIFICATION RULES FOR AIR TAXI OPERATORS

47.10 Certificate required.
47.12 Application for certificate.
47.13 Issuance of certificate.
47.15 Display of certificate.
47.16 Duration and renewal of certificate.
47.17 Transferability of certificate.

OPERATIONS SPECIFICATIONS REQUIREMENTS

47.18 Operations specifications required.
47.19 Contents of specifications.
47.20 Deviation authority.
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AIRCRAFT REQUIREMENTS

47.30 Aircraft required.
47.31 Limitations for all aircraft; IFR and for land aircraft overwater operations.

INSTRUMENTS AND EQUIPMENT

47.40 Instruments and equipment.
47.41 Instruments and equipment for all operations.
47.42 Emergency equipment.
47.43 Instruments and equipment for operations at night.
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47.45 Oxygen.

RADIO EQUIPMENT

47.60 Radio equipment.
47.61 Night and IFR.
47.62 Control zones.

PILOT REQUIREMENTS

47.80 Pilot qualifications.
47.81 Recent flight experience requirements for pilots.

FLIGHT OPERATIONS

47.90 Responsibilities of pilot in command.
47.91 Cockpit check list for multiengine aircraft and aircraft equipped with retractable landing gear.
47.92 Fuel supply.
47.93 Airport lighting for night operations.
47.94 Operation in icing conditions.

APPLICABILITY AND DEFINITIONS

§ 47.1 *Applicability of this part.* The provisions of this part shall be applicable to air taxi operators. In addition, the operation rules of this part shall be applicable to any other citizen of the United States engaged in the carriage in air commerce of goods or passengers for compensation or hire using small aircraft, unless such carriage is conducted under the provisions of an air carrier operating certificate issued by the Administrator. For the purposes of this part, student instruction, banner towing, crop dusting, seeding, and similar operations shall not be considered as the carriage of goods or persons for compensation or hire.

NOTE: Under circumstances where it is doubtful whether the operations are for "compensation or hire," the test to be applied is whether the air carriage is merely incidental to the operator's other business or is, in and of itself, a major enterprise for profit.

§ 47.2 *Applicability of Parts 43 and 60 of this subchapter.* The provisions of Parts 43 and 60 of this subchapter shall be applicable to all operations conducted under the provisions of this part unless otherwise specified in this part.

§ 47.5 *Definitions.* As used in this part terms shall be defined as follows:

Administrator. The Administrator is the Administrator of Civil Aeronautics.

Air taxi operator. An air taxi operator is an air carrier who engages directly in air transportation (except in Alaska) of passengers and/or property and who:

(1) Does not utilize in such transportation any aircraft having a maximum certificated take-off weight of more than 12,500 pounds, and

(2) Does not hold a certificate of public convenience and necessity issued by the Board pursuant to section 401 of the Civil Aeronautics Act of 1938, as amended, or other economic authority issued by the Board.

Aircraft. An aircraft is any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

Airport. An airport is an area of land or water which is used or intended for use for the landing and take-off of aircraft.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Area. Area is any geographical area designated by the Administrator, such as the continental limits of the United States, Canada, Mexico, or any part thereof.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Category (of aircraft). A category is a broad classification of aircraft with distinct configuration and operating characteristics such as airplane, helicopter, or glider.

Class (of aircraft). A class is a classification of aircraft within a category differentiating between single-engine and multiengine and land and water configurations.

Exclusive use of aircraft. Exclusive use of an aircraft means that an air carrier has the sole possession, control, and use of an aircraft for flight arising from either (i) a lease or other agreement or arrangement under which the air carrier is to have the right to such possession, control, and use for a period of at least 6 consecutive months from the date of such lease or other agreement or arrangement, or (ii) ownership of the aircraft.

Extended overwater operation. An extended overwater operation is an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

Flight time. Flight time is the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

IFR. IFR is the symbol used to designate instrument flight rules.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the Offices of the Civil Aeronautics Administration or the United States Weather Bureau.

Operation rules. Operation rules shall be deemed to include requirements pertaining to aircraft, instruments and equipment, pilots, and flight operations.

Operator. Operator is an air taxi operator or other person required to conduct operations under this part.

Pilot in command. A pilot in command is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Small aircraft. Small aircraft means aircraft having a maximum certificated take-off weight of 12,500 pounds or less.

Type (of aircraft). Type is a specific classification of aircraft having the same basic design including all modifications thereto except those modifications which result in a change in handling of flight characteristics.

VFR. VFR is the symbol used to designate visual flight rules.

CERTIFICATION RULES FOR AIR TAXI OPERATORS

§ 47.10 *Certificate required.* No air taxi operator shall operate aircraft in air transportation without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator.

§ 47.12 *Application for certificate.* An application for an air carrier operating certificate shall be made in the form and manner and shall contain information prescribed by the Administrator.

§ 47.13 *Issuance of certificate.* An air carrier operating certificate shall be issued by the Administrator to an applicant when the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part.

§ 47.15 *Display of certificate.* The air carrier operating certificate shall be displayed at the operator's principal operations office and available for inspection by an authorized representative of the Board or the Administrator.

§ 47.16 *Duration and renewal of certificate.* (a) An air carrier operating certificate issued under this part for air taxi operations shall remain in effect for 2 years from the date of issuance or renewal thereof, unless such certificate has been sooner surrendered, suspended, revoked, or otherwise terminated.

(b) The Administrator shall renew an air carrier operating certificate for air taxi operations if, upon investigation and examination, he finds that the air carrier meets the requirements of § 47.13.

(c) Application for renewal of an air carrier operating certificate for air taxi operations shall be made no later than 60 days prior to the expiration thereof, and shall be made in the form and manner prescribed by the Administrator.

§ 47.17 *Transferability of certificate.* An air carrier operating certificate is not transferable, except with the written consent of the Administrator.

OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 47.18 *Operations specifications required.* (a) On and after the effective date of this part all operations specifications currently in force shall cease to be a part of any operating certificate and shall be deemed to be operations specifications issued under this part. Thereafter new or amended specifications shall be issued by the Administrator for operations subject to this part in a form and manner prescribed by him in accordance with the provisions of this part.

(b) No air taxi operator subject to the provisions of this part shall operate without, or in violation of, operations specifications issued by the Administrator.

§ 47.19 *Contents of specifications.* The operations specifications shall contain the following:

(a) Types of operations authorized;

(b) Category, class, and type of aircraft authorized for use;

(c) Area of operations; and

(d) Such additional items as the Administrator determines, under the enabling provisions of this part, are necessary to cover a particular situation.

§ 47.20 *Deviation authority.* Whenever, upon investigation, the Administrator finds that the general standards of safety require or permit a deviation from any specific requirement for a particular operation or class of operations, he may issue specifications prescribing requirements which deviate from the requirements of this part.

§ 47.22 *Inspection authority.* An authorized representative of the Board or the Administrator shall be permitted at any time and place to make inspections or examinations to determine the operator's compliance with the provisions of the operations specifications.

AIRCRAFT REQUIREMENTS

§ 47.30 *Aircraft required.* An operator shall have the exclusive use of at least one aircraft. All aircraft used in the carriage of persons or property for compensation or hire shall be certificated in accordance with applicable airworthiness requirements.

§ 47.31 *Limitations for all aircraft; IFR and for land aircraft overwater*

operations—(a) *IFR.* Passengers may be carried under IFR conditions in single-engine aircraft and multiengine aircraft which cannot maintain the prescribed minimum altitude for IFR operations with one engine inoperative, only when take-offs and landings are made with weather conditions equal to or better than the minimums specified in Part 60 of this subchapter for alternate airports.

(b) *Land aircraft over water.* When passengers are carried in land aircraft in overwater operations, such aircraft shall be multiengine, and flown at weights which will permit the aircraft to climb with the critical engine inoperative at a rate of at least 50 feet per minute at an altitude of at least 1,000 feet, unless an overwater operation consists only of take-offs and landings or the aircraft is flown at such an altitude that it can reach land in the event of power failure.

INSTRUMENTS AND EQUIPMENT

§ 47.40 *Instruments and equipment.* Instruments and equipment required by §§ 47.41 through 47.45 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments and equipment concerned.

§ 47.41 *Instruments and equipment for all operations.* The following flight and navigational instruments and equipment are required for all operations:

(a) Air-speed indicator,
(b) Altimeter,
(c) Magnetic direction indicator,
(d) Tachometer for each engine,
(e) Oil pressure indicator for each engine using pressure system,
(f) Oil temperature indicator for each air-cooled engine,
(g) Carburetor heating or de-icing equipment for each engine or alternate air source for pressure-type carburetors,
(h) Manifold pressure indicator or equivalent when required for the proper operation of each engine,
(i) Means for indicating the quantity of fuel in each tank,
(j) Position indicator if aircraft has retractable landing gear, and
(k) Safety belts for all passengers and flight crew members.

§ 47.42 *Emergency equipment.* (a) Each aircraft shall be equipped with readily available first-aid equipment adequate for the type of operation and number of persons carried.

(b) Each aircraft operated over uninhabited terrain shall carry such emergency equipment as the Administrator finds necessary for the preservation of life for the particular operation.

(c) Each aircraft operated over water shall be equipped with individual life preservers or flotation devices readily available to each person aboard the aircraft except for take-offs, landings, and for short distances for which the Administrator finds that such equipment is unnecessary.

(d) Each aircraft operated at a distance in excess of 50 miles of the nearest shoreline, in addition to the requirements of paragraph (c) of this section, shall be equipped with:

(1) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the aircraft, and

(2) Such additional emergency equipment as the Administrator finds necessary for the preservation of life for the particular operation involved.

(e) When operations involve paragraphs (b), (c), and (d) of this section, it shall be the pilot's responsibility to brief passengers on the use of required emergency equipment.

§ 47.43 *Instruments and equipment for operations at night.* In addition to the instruments and equipment required by §§ 47.41 and 47.42, the following will be required for operations conducted at night:

(a) Sensitive altimeter,
(b) Turn indicator,
(c) At least one landing light,
(d) Generator of adequate capacity for the equipment installed in the aircraft,
(e) Set of forward and rear position lights,
(f) One anti-collision light,
(g) One set of instrument lights,
(h) One flashlight, and
(i) Approved landing flares as follows if aircraft is operated at night in extended overwater operations:

Maximum authorized weight of aircraft:
3,500 pounds or less: five class 3 or three class 2 flares.
3,500 pounds to 5,000 pounds: four class 2 flares.
Above 5,000 pounds: two class 1 or three class 2 and one class 1 flares.

§ 47.44 *Instruments and equipment for operations under IFR.* In addition to the instruments and equipment required by §§ 47.41 and 47.42, the following will be required for IFR operations:

(a) Turn indicator,
(b) Gyroscopic bank and pitch indicator (artificial horizon),
(c) Clock with sweep second hand,
(d) Sensitive altimeter,
(e) Gyroscope direction indicator (directional gyro or equivalent),
(f) Outside air temperature gauge,
(g) Power failure warning means or vacuum indicator on instrument panel connecting to lines leading to gyroscopic instruments,
(h) Heated pitot tube for each air-speed indicator,
(i) Generator of adequate capacity for the equipment installed in the aircraft,
(j) Alternate source of energy to supply gyroscopic instruments which shall be capable of carrying the required load. The installation shall be such that the failure of one source of energy will not interfere with the proper functioning of the instruments when the other source is used. Engine-driven pumps, when used, shall be on separate engines, and
(k) For single-engine aircraft the gyroscopic turn indicator and the gyroscopic attitude indicator shall be operated from different power sources. (Either electrical and vacuum sources or two separate vacuum sources shall be acceptable.)

§ 47.45 *Oxygen.* (a) Aircraft operated at a cabin altitude exceeding 10,000 feet above sea level continuously for more than 30 minutes, or at an altitude exceeding 12,000 feet above sea level for any length of time, shall be equipped with effective oxygen apparatus and an adequate supply of oxygen available for and used by the pilots.

(b) In addition to the requirements of paragraph (a), on aircraft to be operated at cabin altitudes in excess of 12,000 feet, there shall be provided a 5-minute supply of oxygen for each passenger carried.

(c) Oxygen equipment may be of the individual dispensing type with means provided to enable the user to determine the amount available and whether or not oxygen is being delivered.

RADIO EQUIPMENT

§ 47.60 *Radio equipment.* Each aircraft used in operations under this part shall be equipped with approved radio equipment specified for the type of operation in which it is engaged.

§ 47.61 *Night and IFR.* Each aircraft used in night and IFR operations shall be equipped with a two-way radio communications system and navigational equipment appropriate to the ground facilities.

§ 47.62 *Control zones.* Each aircraft operated in control zones shall be equipped with a two-way radio communications system appropriate to the ground facilities.

PILOT REQUIREMENTS

§ 47.80 *Pilot qualifications*—(a) *Pilot in command.* Any pilot serving as pilot in command shall hold a valid commercial pilot certificate with an appropriate rating for the aircraft on which he is to serve and shall comply with the following requirements:

(1) For night flight VFR, he shall have had a total of at least 25 hours of night flight time as pilot of which 10 hours shall have been cross-country flight time. He shall also have had a total of at least 10 hours of instrument flight experience which shall include at least 5 hours of instrument instruction in flight.

(2) For IFR flight, he shall possess a currently effective instrument rating.

(b) *Second pilot.* A second pilot shall be required on aircraft when passengers are carried on operations under IFR unless otherwise authorized in the operations specifications. Any pilot serving as second pilot shall hold a valid commercial pilot certificate with an appropriate rating for the aircraft on which he is to serve and shall comply with the following requirement:

(1) For IFR flight, he shall have had a total of at least 10 hours of instrument flight experience which shall include at least 5 hours of instrument instruction in flight.

§ 47.81 *Recent flight experience requirements for pilots.* No operator shall utilize a pilot, nor shall any individual serve as pilot, unless he meets the appropriate experience requirements specified below:

(a) Within the preceding 90 days, a pilot shall have made at least 3 take-offs and landings in an aircraft of the same type on which he is to serve. For night flight one of the take-offs and landings required above shall have been made at night.

(b) Within the preceding 6 months, the pilot in command, prior to flight under IFR conditions, shall have passed an instrument check demonstrating his ability to pilot and navigate by instruments, to make a standard instrument approach using radio range facilities, and to make an instrument approach in accordance with VOR, ILS, GCA, or D/F procedures when such facilities are to be used. This instrument check shall have been given by an authorized representative of the Administrator or a check pilot designated by the Administrator.

FLIGHT OPERATIONS

§ 47.90 *Responsibilities of pilot in command*—(a) *Preflight action.* Prior to commencing a flight, the pilot in command shall familiarize himself with the latest weather reports pertinent to the flight issued by the United States Weather Bureau or, if unavailable, by the most reliable source. He shall also familiarize himself with information necessary for the safe operation of the aircraft en route, information on the airports or other landing areas to be used, and such other information as is necessary to determine that the flight can be completed with safety.

(b) *Charts, flight equipment, and operations specifications.* The pilot in command shall have proper flight and radio facility charts in the cockpit, including instrument approach procedures when instrument flight is authorized, and shall have such other flight equipment as may be necessary properly to conduct the particular flight proposed. He shall insure that a copy of the operations specifications is carried in each aircraft in operations conducted under this part.

(c) *Serviceability of equipment.* Prior to starting any flight, the pilot shall determine that the aircraft, engines and propellers, appliances and required equipment, including instruments, are in proper operating condition.

(d) *Emergency flights and reports.* In the case of emergencies necessitating the transportation of persons or goods for the protection of life or property, the rules contained herein regarding aircraft, equipment, and weather minimums to be observed need not be complied with. Within 48 hours after the pilot making any such flight returns to his base, however, the operator shall file a report with the Administrator setting forth the conditions under which the flight was made, the necessity therefor, and the names and addresses of the crew and passengers.

(e) *Emergency decisions.* When required in the interest of safety, a pilot may make any immediate decision and follow any course of action which in his judgment appears necessary, regardless of prescribed methods or requirements. He shall, where practicable, keep the proper ground radio station fully informed regarding the progress of the flight.

§ 47.91 *Cockpit check list for multiengine aircraft and aircraft equipped with retractable landing gear.* The operator shall provide for each aircraft a cockpit check list. The check list shall be installed in a readily accessible location in the cockpit of each aircraft and shall be used by the flight crew.

§ 47.92 *Fuel supply*—(a) *VFR.* No flight under VFR shall be started unless the aircraft carries sufficient fuel and oil, considering the wind and other weather conditions forecast, to fly to the point of first intended landing, and to fly thereafter for a period of at least 30 minutes at normal cruising consumption.

(b) *IFR.* Aircraft operated under IFR conditions shall carry sufficient fuel, considering weather reports and forecasts of wind and other weather conditions, to complete the flight to the point of first intended landing, to fly from there to the alternate airport, and to fly thereafter for 45 minutes at normal cruising consumption.

§ 47.93 *Airport lighting for night operations.* No operator shall use an airport for the take-off or landing of aircraft at night unless such airport is adequately lighted.

§ 47.94 *Operation in icing conditions.* (a) No aircraft shall be flown into known or probable heavy icing conditions. Aircraft may be flown into light or moderate icing conditions only if the aircraft is equipped with an approved means for de-icing the rotor blades, wings, propellers, and such other parts of the aircraft as are essential to safety.

(b) No aircraft shall take off when frost, snow, or ice is adhering to the rotor blades, wings, control surfaces, or propellers of the aircraft.

[F. R. Doc. 57-10568; Filed, Dec. 20, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239, 240, 249, 250, 259, 260, 270]

INCORPORATIONS BY REFERENCE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission proposes to amend existing rules with respect to incorporation by reference. Under these rules, material filed with the Commission under any of the statutes it administers may be included in certain later filings by referring to the document to be incorporated. The proposed amendments are necessary preliminary steps to conforming the Commission's records program to the intent of overall Federal records legislation.

The effect of the proposed revisions would be to limit incorporation by reference to documents which have been in the Commission's files not more than 10 years, and to require reference to a specific prior filing. The time limit would alleviate one of the conditions which now prevent the final disposition of any original record, and the specific filing reference would substantially reduce the research now necessary to assemble previously filed documents for consideration in current filings.

The proposed changes will affect Rules and Regulations under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, and the Investment Company Act of 1940, as well as instructions relating to various forms promulgated under these acts.

1. The basic amendment recommended is as follows: "Reference may be made only to the specific document and to the prior filing in which it was physically filed, not to another file which incorporates it by reference. No material may be incorporated by reference which was filed more than ten years prior to the date of the filing containing such reference."

The above two sentences would be inserted at the end of the following Rules:

a. Section 230.412 (Rule 412 under the Securities Act of 1933).

b. Section 240.12b-23 (c) (Rule 12b-23 (c) under the Securities Exchange Act of 1934).

c. Section 260.7a-30 (Rule 7A-30 under the Trust Indenture Act of 1939).

d. Section 270.0-4 (c) (Rule 4 (c) under the Investment Company Act of 1940).

e. Section 270.8b-23 (c) (Rule 8B-23 (c) under the Investment Company Act of 1940).

2. Section 250.22 (b) (Rule 22 (b) under the Public Utility Holding Company Act of 1935) would be replaced by the following:

(b) *Incorporation by reference.* If any information required to be filed in any application or declaration is contained in any document previously or concurrently filed with the Commission pursuant to any Act administered by it, the application or declaration may incorporate such information by reference. Reference may be made only to the specific document and to the prior filing in which it was physically filed, not to another file which incorporated it by reference. No material may be incorporated by reference which was filed more than ten years prior to the date of the filing containing such reference. The Commission may refuse to permit incorporation by reference in any instance where, in its opinion, such incorporation is confusing, misleading or inadequate.

3. The phrase "subject to the limitations of § 230.412" enclosed by commas would be inserted at the following places in Part 230 (Rules under the Securities Act of 1933) and the instructions to Form S-1 (see Part 239):

a. After the word "may" in the first sentence of § 230.411 (Rule 411).

b. After the first "may" in the second sentence of § 230.422 (Rule 422).

c. After the word "may" in § 230.447 (a) (Rule 447 (a)).

d. After the word "may" in paragraph G (b) of the instructions to Form S–1.

4. The phrase "subject to the limitations of § 240.12b–23" enclosed by commas would be inserted at the following places in Part 240 (Rules under the Securities Exchange Act of 1934) and the forms thereunder (see Part 249):

a. After the first "may" in the second sentence of § 240.12b–24 (Rule 12b–24).

b. After the word "may" in the first sentence of § 240.12b–32 (Rule 12b–32).

c. After the word "may" in the first sentence of § 240.12b–35 (d) (Rule 12b–35 (d)).

d. After the word "may" in the first sentence of § 240.13a–3 (e) (Rule 13a–3 (e)).

e. After the word "may" in § 240.13a–4 (Rule 13a–4).

f. After the word "may" in § 240.15d–4 (Rule 15d–4).

g. After the second "reference" in Instruction C (a) to Form 3C.

h. After the first "may" in Instruction 3 to Form 20.

i. After the word "option" in Instruction 4 to Form 20.

j. The sentence "Incorporation by reference shall be in accordance with § 240.12b–23," would be inserted at the end of Instruction E to Form 8–K.

5. The phrase "subject to the limitations of § 250.22 (b)" enclosed by commas would be inserted at the following places in Part 250 (Rules under the Public Utility Holding Company Act of 1935) and the forms thereunder (see Part 259):

a. After the word "however," in the third sentence of Instruction 1 to Form U5A.

b. After the word "may" in the second sentence of Instruction as to Exhibit No. 1 to Form U5S.

c. The sentence "Incorporation by reference shall be in accordance with § 250.22 (b)." would be inserted at the end of Instruction 3 (a) to Form U5B.

6. The phrase "subject to the limitations of § 270.4" enclosed by commas would be inserted at the following places in Part 270 (Rules under the Investment Company Act of 1940):

a. After the first "may" in the second sentence of § 270.8b–24 (Rule 8B–24).

b. After the word "may" in § 270.8b–32 (Rule 8B–32).

This action would be taken pursuant to the Securities Act of 1933, particularly section 19 thereof, the Securities Exchange Act of 1934, particularly section 23 thereof, the Public Utility Holding Company Act of 1935, particularly section 20 thereof, the Trust Indenture Act of 1939, particularly sections 303 and 319 thereof, and the Investment Company Act of 1940, particularly section 38 thereof.

All interested persons are invited to submit their views and comments on the proposed changes in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before January 2, 1958. Unless the person submitting any such comments or suggestions requests that his views not be made part of the Commission's public files, they will be made available for public inspection.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

DECEMBER 2, 1957.

[F. R. Doc. 57–10537; Filed, Dec. 20, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Plats of survey of lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10 a. m., on December 16, 1957.

SALT LAKE MERIDIAN

T. 37 S., R. 15 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 16, all;
Sec. 32, all;
Sec. 33, all;
Sec. 36, all.

The area described aggregate 3,200 acres. Plat of survey accepted July 23, 1957.

The land formation of this township is composed of isolated mesas, vertical ledges, and steep boulder strewn slopes. Red Canyon and its tributaries, which are all intermittent streams, form the drainage system of the entire township, with the exception of the south half of section 32 and all of section 31 which drain into Moki Canyon. Red Canyon drains west to northwest.

The only soil of any quality or quantity is found on the mesas. Being a residual sandy soil it produces a heavy to moderate growth of pinon, juniper, and a moderate growth of artemisia. The rest of the surface of the township is exposed sandstone, boulder and rock strewn talus.

There is considerable activity in exploration for mining. This has resulted in numerous unpatented claims and bladed access roads. Because of the poor condition of the land it is little used, even for winter grazing of cattle.

T. 37 S., R. 16 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 16, all;
Sec. 31, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 32, all;
Sec. 33, all;
Sec. 36, all.

The area described aggregate 4,464.80 acres. Plat of survey accepted July 23, 1957.

The formation of this township was formed by the dissection of Moss Back Mesa by Red Canyon and its tributaries. This results in deep canyons, isolated mesas and vertical ledges. Red Canyon and its tributaries form the drainage system of the township and drain west to northwest into the Colorado River.

The vegetation varies in density from a heavy to a thinly scattered growth of juniper, pinon, blackbrush, silver leaf, and other species of desert shrubs.

The only permanent source of water in the township is two springs and a tank in section 19 and a good flowing spring in section 16.

The development of the township has been in mineral exploration, which has resulted in numerous bladed roads. The main utilization of the land still remains in the winter grazing of cattle.

T. 38 S., R. 15 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 16, all;
Sec. 32, all;
Sec. 36, all.

The area described aggregate 3,200 acres. Plat of survey accepted July 23, 1957.

The land formation is extremely rough and broken. The most dominant feature is a dissected mesa which is cut by two canyons and their tributaries—Steer Pasture Canyon and Moki Canyon—both draining into Red Canyon.

There are three good springs, two in section 20 and one in section 4.

There are large areas of exposed sandstone and talus, both being devoid of soil or vegetation. The better soil is found on the mesa, and produces a moderate to heavy growth of juniper, pinon, artemisia, and gamma grass.

Developments consist of numerous mining claims, none of which are patented or producing. There is no permanent human settlement within the township. The predominant interest is in winter grazing of cattle.

T. 38 S., R. 16 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 16, all;
Sec. 31, lots 1, 2, 3, 4, E½W½ and E½;
Sec. 32, all;
Sec. 33, all;
Sec. 36, all.

The area described aggregate 5,109.44 acres. Plat of survey accepted July 23, 1957.

The physiography of this township is dominated by two types of land forms. The northwest portion is a high mesa. The remaining portion is composed of low rolling hills. Both of these areas are cut by deep canyons and washes.

The vegetational cover consists of a scattered growth of juniper and a moderate to scattered growth of artemisia and gamma grass.

The soil varies in depth throughout the township. The land bordering on the washes and canyons is exposed bedrock, while the central, east, and on top of the mesa the soil is several feet deep.

Developments consist of a few mining claims, none of which are patented or producing. There is an unimproved access road through the north part of the township. There is a graded air strip in section 16. The predominant interest is in winter grazing of cattle.

T. 39 S., R. 15 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 16, all;
Sec. 31, lots 1, 2, 3, 4, E½W½ and E½;
Sec. 32, all;
Sec. 33, all;
Sec. 36, all.

The area described aggregate 5,111.52 acres. Plat of survey accepted July 23, 1957.

The land formation is low rolling hills, high mesas, deep youthful stream valleys, and steep broken ledges. The township is cut by several deep canyons and washes, which drain southwest into the San Juan River. There are no permanent streams or bodies of water within the township. There are three man-made reservoirs, one each in sections 3, 9, and 28.

The residual sandy soil varies in depth from exposed parent rock to several feet in some areas.

There is a scattered growth of pinon and juniper in sections 6 and 12. The entire township is covered by a scattered to moderate growth of blackbrush, gama grass, and some cacti.

The developments consist of numerous mining claims and exploration for oil throughout the township. There is a graded landing strip in section 10. The only productive aspect of the township is in winter grazing of cattle.

T. 39 S., R. 16 E.,
Sec. 1, lots, 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 16, all;
Sec. 32, all;
Sec. 36, all.

The areas described aggregate 3,839.60 acres. Plat of survey accepted July 23, 1957.

Geologically, this township is comparatively flat, the strata being composed of sedimentary sandstone. Rapid run off has produced deep straight-sided washes and canyons.

The vegetation consists of a moderate to scattered growth of juniper, pinon, blackbrush, and gama grass. The heavier growth occurs on the deeper soils. The residual sandy soil varies in depth quality throughout the township; the east half, and in the area of sections 5, 6, 7, and 18, the soil is deep.

There are no permanent settlements within the township. Utilization of the land is in the form of winter grazing of cattle.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Utah upon the acceptance of the above mentioned plats of survey.

SALT LAKE MERIDIAN

T. 37 S., R. 15 E.,
Secs. 2, 16, 32, and 36.
T. 37 S., R. 16 E.,
Secs. 2, 16, 32, and 36.
T. 38 S., R. 15 E.,
Secs. 2, 16, 32, and 36.
T. 38 S., R. 16 E.,
Secs. 2, 16, 32, and 36.
T. 39 S., R. 15 E.,
Secs. 2, 16, 32, and 36.
T. 39 S., R. 16 E.,
Secs. 2, 16, 32, and 36.

The area described aggregate 15,360 acres.

3. The following described lands are opened to application, location, selection, and petition as outlined in paragraph 4 below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

SALT LAKE MERIDIAN

T. 37 S., R. 15 E.,
Sec. 33.
T. 37 S., R. 16 E.,
Secs. 1, 31, and 33.
T. 38 S., R. 15 E.,
Sec. 1.
T. 38 S., R. 16 E.,
Secs. 1, 3, 31, and 33.
T. 39 S., R. 15 E.,
Secs. 1, 3, 31, and 33.
T. 39 S., R. 16 E.,
Secs. 1 and 3.

The area described aggregate 9,565.36 acres.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 3 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections, under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications or selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, (Alaska Home Site), Desert Land, and Small Tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on January 21, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 22, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 22, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of Code of Federal Regulations.

5. Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 312, Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,
State Supervisor.

DECEMBER 16, 1957.

[F. R. Doc. 57–10534; Filed, Dec. 20, 1957; 8:45 a. m.]

[Serial W–047652]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 16, 1957.

Pursuant to Determination DA–124–Wyoming, of the Federal Power Commission and in accordance with authority delegated to me by the Wyoming State Supervisor, Bureau of Land Management, under Part II of Order of Delegation filed November 21, 1956 (21 F. R. 9147), it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes by Power Site Classification No. 253 and Power Site Reserve No. 563, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 53 N., R. 100 W.,
Sec. 18, Lot 6.
T. 53 N., R. 101 W.,
Sec. 12, Lot 14;
Sec. 13, Lot 1;
Sec. 22, Lot 5;
Sec. 26, Lot 4;
Sec. 29, Lot 2.
T. 53 N., R. 102 W.,
Sec. 36, Lots 6, 9, 10.

The areas described total approximately 150.48 acres of public lands.

1. The land is located along the Shoshone River, just north of Cody, Wyoming, near the Shoshone Project. At this point the river is in a fairly deep canyon, with more or less precipitous sides. Occasionally there is a small piece of bottom land, usally at the bend of the river. Privately owned lands separate the river from the nearest access roads. The economy of the area is based on irrigated farming and livestock production and feeding.

2. No applications for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. The lands described shall be subject to application by the State of Wyoming for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public higways or as a source of material for construction and maintenance of such highways.

4. Subject to any valid existing rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the manager mentioned below, beginning on the date of this order. Such applications and selections, will be considered as filed on the hour and respective dates shown for various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended) presented prior to 10:00 a. m., local time, on February 7, 1958, will be considered simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., local time, on May 9, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., local time, on May 9, 1958, will be considered as simultaneously filed that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. All of the lands described above have been subject to mining location under the act of August 11, 1955 (69 Stat. 681; 30 U. S. C. 621–625) and to applications and offers under the mineral leasing laws.

7. The lands hereinafter described, also included in Determination DA–124–Wyoming of the Federal Power Commission in the Matter of Land Withdrawn in Power Site Classification No. 253 and Power Site Reserve No. 563, are restored so far as they are withdrawn and reserved for power purposes, but remain in withdrawn status under section 3 of the Act of June 17, 1902 (32 Stat. 388), First Form withdrawal in connection with the Shoshone Project.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 53 N., R. 100 W.,
Sec. 6, Lot 12;
Sec. 7, Lots 1, 5, 9.
T. 53 N., R. 102 W.,
Sec. 35, Lot 7.

The area described totals 160.43 acres of public lands.

8. Inquiries concerning the lands described in this order shall be addressed to: Manager, Land Office, Bureau of Land Management, Post Office Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 57–10535; Filed, Dec. 20, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DEPARTMENT OF AGRICULTURE OF STATE OF CALIFORNIA

AUTHORIZATION FOR INSPECTION OF LIVESTOCK

The Department of Agriculture of the State of California has, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217a), made written application to the Secretary of the United States Department of Agriculture for authorization to charge and collect at posted stockyards within the State of California a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from the State of California for the purpose of determining the ownership of such livestock.

Therefore, notice is hereby given that the Secretary of the United States Department of Agriculture proposes to issue such an authorization to the Department of Agriculture of the State of California in accordance with the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 17th day of December 1957.

[SEAL] DAVID M. PETTUS,
Director.
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57–10545; Filed, Dec. 20, 1957; 8:47 a. m.]

Office of the Secretary

ARKANSAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Arkansas.	Lawrence.
Ashley.	Lee.
Calhoun.	Lonoke.
Chicot.	Monroe.
Clark.	Nevada.
Columbia.	Ouachita.
Crittenden.	Prairie.
Dallas.	Phillips.
Desha.	Randolph.
Drew.	St. Francis.
Hempstead.	Saline.
Howard.	Union.
Jackson.	Woodruff.
Jefferson.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 17th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–10546; Filed, Dec. 20, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 105 (Amended), Revocation]

AIR NAVIGATION DEVELOPMENT BOARD

REVOCATION

The material appearing in 19 F. R. 1521–1522 is hereby revoked.

The Air Navigation Development Board, established by agreement between the Secretary of Commerce and the Secretary of Defense, was terminated on November 6, 1957, by order of the same officials. Accordingly, Department Order No. 105 which describes the organization and functions of the Air Navigation Development Board no longer serves a useful purpose and it is hereby revoked.

Effective date: December 4, 1957.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57–10533; Filed, Dec. 20, 1957; 8:45 a. m.]

WESLEY O. RANKIN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Wesley O. Rankin.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: December 6, 1957.

4. Title of position: Chief, Carbon & Alloy, Semi-Finished, Rail, Structural, Bars & Wire Branch.

5. Name of private employer: Jones & Laughlin Steel Corporation, Pittsburgh, Pa.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 13, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Jones & Laughlin Steel Corporation.
Bank deposits.

WESLEY O. RANKIN.

DECEMBER 10, 1957.

[F. R. Doc. 57–10547; Filed, Dec. 20, 1957; 8:47 a. m.]

WILLIAM E. HOTALING

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. William E. Hotaling.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: December 10, 1957.

4. Title of position: Chief, Carbon & Alloy, Flat Rolled & Tubular Prod. Branch.

5. Name of private employer: Bethlehem Steel Company, Bethlehem, Pa.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 13, 1957.

Statement of Finanial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bethlehem Steel Company.
Socony Mobil.
Union Tank Car.
American Cyanamid.
Bank deposits.

WILLIAM E. HOTALING.

DECEMBER 10, 1957.

[F. R. Doc. 57–10548; Filed, Dec. 20, 1957; 8:48 a. m.]

ROBERT W. ROST

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 6, 1957, 22 F. R. 4768:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of December 10, 1957.

ROBERT W. ROST.

DECEMBER 10, 1957.

[F. R. Doc. 57–10549; Filed, Dec. 20, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6793]

IOWA POWER AND LIGHT CO.

NOTICE OF APPLICATION

DECEMBER 17, 1957.

Take notice that on December 11, 1957, an application was filed with the Federal Power Commission pursuant to to section 204 of the Federal Power Act by Iowa Power and Light Company ("Applicant"), a corporation organized under the laws of the State of Iowa and doing business in said State with its principal business office at Des Moines, Iowa, seeking an order authorizing the issuance of $10,000,000, principal amount of First Mortgage Bonds __ percent Series due 1988 and the issuance of 50,000 shares of __ percent Cumulative Preferred Stock of the par value of $100 per share. The aforesaid Bonds will be issued in January 1958 under Applicant's Indenture of Mortgage and Deed of Trust dated as of August 1, 1943, to Harris Trust and Savings Bank and Harold Eckhart (W. H. Milsted, Successor Individual Trustee), Trustees, as supplemented and as to be further supplemented by a Seventh Supplemental Indenture dated as of January 15, 1958. Applicant proposes to sell the Bonds and to fix the rate of interest by competitive bidding. The Bonds are due to mature in 1988. Applicant proposes to issue 50,000 shares of __ percent Cumulative Preferred Stock of the par value of $100 per share in January 1958, and with respect to such issuance requests an exemption from section 34.1a of the Regulations under the Federal Power Act, requiring competitive bidding. Neither the aforesaid Bonds nor Preferred Stock will be issued to present holders of Applicant's securities or pursuant to any preemptive right. Applicant proposes to use the proceeds from the sale of the Bonds and Preferred Stock to enable it to retire present bank loan indebtedness and finance construction expenditures during the first half of 1958.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–10561; Filed, Dec. 20, 1957; 8:49 a. m.]

[Docket Nos. G–6178, 12783]

SUPERIOR OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 17, 1957.

In the matters of The Superior Oil Company, Docket No. G–6178; Rupp-

Ferguson Oil Company, Operator, et al.,[1] Docket No. G–12783.

Take notice that The Superior Oil Company (Superior) filed a petition, on September 4, 1957, to amend the Commission's order issued on April 22, 1955, as amended by further order issued September 18, 1956, In the Matter of The Superior Oil Company, Docket No. G–6178, authorizing Superior to sell natural gas in interstate commerce to Colorado Interstate Gas Company (Colorado) for resale from production in the Greenwood Field, Morton County, Kansas, under a sales contract dated May 6, 1954, as amended.

Superior seeks amendments of the said order to delete therefrom certain acreage in the Greenwood Field which the petition states has been assigned to Rupp-Ferguson Oil Company (Rupp-Ferguson) et al. The assigned leases all in Township 31 South, Range 42 West, Morton County, Kansas, are listed below:

Acreage	Lessor	Superior's interest (%)
SE/4 Sec. 8	C. D. Doyle, et ux	100
SE/4 Sec. 17	C. D. Doyle, et ux	100
NE/4 Sec. 17	C. D. Doyle, et ux	50
NE/4 Sec. 17	Federal Land Bank	50
NE/4 Sec. 15	C. H. Curtis	100
NE/4 & SW/4 Sec. 15	Alfred J. Collingwood, et ux.	100

On June 24, 1957, Rupp-Ferguson, et al., filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce to Colorado for resale from production from the W/2 and NE/4 of section 15 located in the Greenwood Field, Morton County, Kansas, and comprising a portion of the acreage acquired from Superior, all as more fully described in the application in Docket No. G–12783 which is on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 21, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10565; Filed, Dec. 20, 1957; 8:50 a. m.]

[1] Applicants and their working interests are as follows: Rupp-Ferguson Oil Company (½); Jim G. Ferguson, Jr. (⅛); Z. Garland Ferguson (1/16); J. H. Davis & Co., a corporation (1/16); G. Preston Kendall (1/16); Clarence T. Gregg (1/16); Automobile Legal Association (1/16); and Elmer H. Wavering (1/16).

[Docket Nos. G–10826, G–10912]

GRUBB & HAWKINS AND WILCOX TREND GATHERING SYSTEM, INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 17, 1957.

Take notice that Grubb & Hawkins (Grubb), with its principal place of business in Bank of Southwest Building, Houston, Texas, on July 30, 1956, filed in Docket No. G–10826 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, and an amendment thereto on August 17, 1956 requesting authorization covering a sale of gas to Texas Eastern Transmission Corporation (Texas Eastern), assignee of the Wilcox Trend Gathering System, Inc. (Wilcox), from the Speaks Field, Lavaca County, Texas, pursuant to a 20-year contract dated June 1, 1956 between Wilcox and Grubb. Grubb's facilities consist of customary lease equipment and gathering lines. Proposed deliveries by Grubb will be made at Wilcox's proposed meter station in the field, according to the contract involved, and will commence upon receipt of authorization and completion of Wilcox's proposed facilities.[1]

On August 14, 1956 Wilcox Trend Gathering System, Inc., with principal place of business in San Jacinto Building, Houston, Texas, filed in Docket No. G–10912 an application and amendments thereto on September 25 and December 20, 1956, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 2 miles of 3½ inch O. D. supply lateral pipeline to extend from a point in the Speaks Field, Lavaca County, Texas, to a point of connection with Wilcox's existing 16-inch transmission line at Milepost 4.93 in Lavaca County, Texas; together with a purchase meter system and appurtenant equipment. These proposed facilities will receive gas produced in the Speaks Field by Grubb. The total initial cost of said facilities is $24,500, which cost will be financed from funds obtained from operations.[2]

Wilcox will transport the gas received from Grubb for redelivery to Texas Eastern at Provident City, Texas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 17, 1958 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10564; Filed, Dec. 20, 1957; 8:49 a. m.]

[1] Temporary authorization was granted in Docket No. G–10826 to Grubb on September 7, 1956.

[2] Temporary authorization was granted in Docket No. G–10912 to Wilcox on September 7, 1956.

[Docket Nos. G–12363, G–12916]

PAN AMERICAN PETROLEUM CORP. AND SOUTHERN UNION GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 17, 1957.

Take notice that Pan American Petroleum Corporation (Pan Am), and Southern Union Gas Company (Southern), hereinafter referred to as Applicants, filed applications, on April 8, 1957 and July 18, 1957, in Docket Nos. G–12363 and G–12916, respectively, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicants seek authorization for the sale of natural gas in interstate commerce to El Paso Natural Gas Company for resale from their joint production from a well designated Pan American Petroleum Corporation-G. L. Davis No. 1 located in the West Gallegos Field in San Juan County, New Mexico.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 21, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before January 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10562; Filed, Dec. 20, 1957; 8:49 a. m.]

[Docket Nos. G–13638, 13660]

ADMIRAL DRILLING CO., INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 17, 1957.

In the matters of Admiral Drilling Company, Inc., et al., Docket No. G–13638; United Gas Pipe Line Company, Docket No. G–13660.

Take notice that United Gas Pipe Line Company (United Gas), a Delaware corporation with its principal place of business in Shreveport, Louisiana, and Admiral Drilling Company, Inc., et al., (Admiral, et al.), an independent producer, filed separate applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities for receiving natural gas and authorizing the sale of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

United Gas filed its application on November 6, 1957, in Docket No. G–13660, for authority to sell natural gas in interstate commerce to United Gas for resale from production in the Heinze Field, Harris County, Texas, under a gas sales contract dated September 20, 1957, as supplemented by letter agreement of same date.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 21, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10563; Filed, Dec. 20, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2609]

CITY SAVINGS BANK COMPANY, LTD. (BUDAPEST)

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

DECEMBER 16, 1957.

In the matter of City Savings Bank Company, Ltd. (Budapest), American Shares for Capital Stock, Par Value 50 Pengoes; File No. 1–2609.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The outstanding amount has been reduced to only 3,292 American Shares representing 13,168 deposited shares of the Bank, and owned by approximately 85 holders. The issue has been suspended from dealings on the Exchange since December 17, 1941. The last sale on the Exchange occurred in 1931. The most recent Annual Report of the Bank received by the Exchange is for 1939. The American Depositary has been unable to determine the status of the Bank, and has no objection to the delisting.

Upon receipt of a request, on or before December 30, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–10539; Filed, Dec. 20, 1957; 8:46 a. m.]

[File No. 24D–1627]

CONFIDENTIAL FINANCE CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 13, 1957.

I. Confidential Finance Corp. (Confidential), a Delaware corporation, 624 Kilpatrick Building, Omaha, Nebraska, filed with the Commission on March 11, 1955, a notification on Form 1–A and offering circular and amendments thereto, relating to an offering of 150,000 shares of its 95 cent par value 7 percent cumulative preferred stock and 15,000 shares of its 1 cent par value common stock in units of ten shares of preferred stock and one share of common stock at $10 per unit for an aggregate of $150,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended.

pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

II. A. No exemption is available under Regulation A in that Hilding L. Jacobson, president and director of the company, waived indictment and is the subject of an Information filed by the United States Attorney in the U. S. District Court for the District of Nebraska charging a crime or offense involving the purchase or sale of a security.

B. The Commission has reasonable cause to believe that:

1. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading in that the balance sheet in the offering circular sets forth as an asset the item "loans receivable" and fails to disclose that such loans are in part to Hilding L. Jacobson, J. L. Jacobson Company and to persons whose names were chosen at random by Jacobson and that Jacobson and not such persons actually received such loans; and

2. The use of such offering circular has operated and would operate as a fraud and deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10541; Filed, Dec. 20, 1957; 8:46 a. m.]

[File No. 24D-2125]

COL-NY URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 13, 1957.

I. Col-Ny Uranium, Inc., a Colorado corporation, P. O. Box 1357, Cortez, Colorado, filed with the Commission on July 3, 1956, a notification on form 1-A and an offering circular, and amendments thereto, relating to an offering of 1,449,000 shares of its 10 cents par value common stock at 20 cents per share for an aggregate of $289,800, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in the following respects:

1. An exemption under Regulation A is not available because on October 10, 1957, the Supreme Court of the State of New York issued an injunction against Col-Ny Uranium, Inc., which injunction enjoins the company from engaging in or continuing a conduct or practice in connection with the purchase or sale of a security within the meaning of Rule 223 (a) (6).

2. The offering circular contains untrue statement of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

a. The statement in the offering circular that Walter E. Siebert had paid $3,750 for 37,500 shares of the company's stock when, in fact, these shares were purchased by St. Lawrence Four Spar, Inc. for $3,000.

b. The information concerning Walter E. Siebert in the offering circular after he had resigned as chairman of the board of directors of the company.

c. The failure of the offering circular to disclose the status of a payment of $5,000 due on February 10, 1957 under an option agreement to purchase seven patented mining claims in San Juan County, Colorado, or the status of such option agreement.

d. The failure of the offering circular to disclose the status of a payment of $2,800 due on April 24, 1957, under a lease of 28 unpatented mining claims in Grants-McKinley County, New Mexico, or the status of such lease.

3. The use of such offering circular would operate as a fraud and deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10540; Filed, Dec. 20, 1957; 8:46 a. m.]

[File No. 24B-992]

EAGLE OIL & SUPPLY CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 13, 1957.

I. Eagle Oil & Supply Co., Inc. (Eagle Oil), a Massachusetts corporation, 41 Freight Street, Brockton, Massachusetts, filed with the Commission on August 16, 1957, a notification and an offering circular and amendments thereto relating to an offering of 125,000 shares of its $1 par value common stock at $1.20 per share for an aggregate offering of $150,000 for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder. Pilgrim Securities, Inc. (Pilgrim), 19 Rector Street, New York, New York, was named as underwriter.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that sales of Eagle Oil stock were made to the public prior to the date permitted under Rule 255 (a) and that communications were used in connection with the offering without copies thereof having been filed with the Commission as required by Rule 258; and

B. The notification and offering circular omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading concerning:

1. The investment by Eagle Oil in February, 1957, of $5,000 for preferred stock of Pilgrim;

2. The advance by Eagle Oil of a total of $15,000 to Pilgrim in June, 1957;

3. The advance by Eagle Oil of $2,000 in June, 1957, to Joseph L. Gruber, Jr., its president, for the purpose of setting up a Boston office for Pilgrim, in which firm Gruber was also an officer.

C. The offering is being made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and it hereby is temporarily suspended.

Notice is hereby given to Eagle Oil & Supply Company, Inc., and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10542; Filed, Dec. 20, 1957; 8:46 a. m.]

[File No. 70-3642]

MANILA ELECTRIC CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ACQUISITION BY PARENT OF NEW FIRST MORTGAGE BONDS OF SUBSIDIARY AND ACQUISITION OF OUTSTANDING DEBENTURES BY SUBSIDIARY FROM PARENT

DECEMBER 12, 1957.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and Manila Electric Company ("Manila Electric"), organized and doing business in the Philippine Islands and a foreign public utility subsidiary of GPU, have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. GPU and Manila Electric have designated sections 9 (a), 10, 12 (d) and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes to acquire 8,000,000 pesos principal amount of a new issue of Manila Electric's first mortgage bonds maturing December 31, 1972, in exchange for (1) 8,000,000 pesos principal amount of Manila Electric's 5¾ percent unsecured debentures maturing January 1, 1960, now held by GPU, plus (2) a cash payment by GPU to Manila Electric, at the date of such exchange, of an amount in pesos equivalent to the excess, if any (discounted to present worth), of (i) the interest payable by Manila Electric on the new bonds over (ii) the interest payable on the debentures for the period between the date of exchange and the maturity date of the debentures.

The interest rate to be borne by the new bonds to be issued by Manila Electric, to be determined in the light of conditions prevailing in the Philippines at a time as close as practicable to the date of Manila Electric's issuance of said bonds, is presently expected to be 6 percent.

In addition to the 5¾ percent debentures held by GPU, Manila Electric also has outstanding 8,000,000 pesos principal amount of 6½ percent Series B debentures due 1965 and 8,000,000 pesos principal amount of 6 percent Series C debentures due 1969. The Series B and C debentures are publicly held in the Philippines. The proposed exchange of new bonds for the debentures held by GPU is part of a program whereby all of Manila Electric's outstanding 24,000,000 pesos principal amount of debentures will be exchanged for new bonds or redeemed. In order to facilitate exchanges by the holders of the 6½ percent Series B debentures, Manila Electric will offer to make a cash payment to such holders of 31.84 pesos for each 1,000 peso debenture exchanged for an equal principal amount of new bonds. This amount represents the excess (discounted to present worth) of (1) the interest payable by Manila Electric on the 6½ percent Series B debentures from their redemption date to their maturity date over (2) the interest payable during the same period on the new bonds for such period on the basis of a 6 percent per annum interest rate on the bonds. GPU proposes to make a cash capital contribution to Manila Electric of not in excess of 254,720 pesos for the sole purpose of assisting Manila Electric to make such cash payments to the holders of the 6½ percent Series B debentures who exchange for new bonds.

The indenture under which Manila Electric's presently outstanding debentures are issued limits the aggregate amount of funded indebtedness which it may have outstanding at any time and thereby restricts its ability to finance additions to its property to meet its growing load. The mortgage under which the new bonds will be issued will be an open-end mortgage.

The application-declaration states that the proposed transactions by Manila Electric require the consent of the Philippine Public Service Commission. No State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that GPU's expenses in connection with the proposed transactions will not exceed $1,000. It is further estimated that Manila Electric's fees and expenses will not exceed in the aggregate $200,000 including $13,000 for counsel fees and $121,600 filing fees for recording the new bond indenture.

Notice is further given that any interested person may, not later than December 26, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10543; Filed, Dec. 20, 1957; 8:47 a. m.]

[File No. 1-482]

OHIO OIL & GAS CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

DECEMBER 16, 1957.

In the matter of Ohio Oil & Gas Company, common stock; File No. 1-482.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Pittsburgh Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

No transactions have occurred on the Exchange since December 10, 1953, when 1,000 shares sold at ten cents per share. Withdrawal from listing will result in elimination of the expenses thereof.

Upon receipt of a request, on or before December 30, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such requests should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10544; Filed, Dec. 20, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 18, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34369: *Fertilizer and materials to Louisiana and Mississippi points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from specified points in Louisiana and Mississippi to specified points in Mississippi and Louisiana (east of the Mississippi River).

Grounds for relief: Short-line distance formula and motor truck competition. (SFA No. A3577).

Tariff: Supplement 103 to Agent Spaninger's tariff I. C. C. 1510.

FSA No. 34370: *Woodpulp and screenings—Charny, Que., to Philadelphia, Pa.* Filed by O. E. Schultz, Agent (ER No. 2415), for interested rail carriers. Rates on woodpulp and/or woodpulp screenings, carloads from Charny, Que., Canada to Philadelphia (Pencoyd), Pa.

Grounds for relief: Water competition.

Tariff: Supplement 24 to Canadian National Railways tariff I. C. C. No. E-500.

FSA No. 34371: *Furniture articles—Western points to Craig, Colo.* Filed by W. J. Prueter, Agent (WTL No. A-1952), for interested rail carriers. Rates on furniture and other related articles, carloads from stations in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, as described in the application to Craig, Colo.

Grounds for relief: Short-line distance formula.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10552; Filed, Dec. 20, 1957; 8:48 a. m.]

Part II begins on page 10513

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

PART I

FEDERAL REGISTER

VOLUME 22 NUMBER 248

Washington, Tuesday, December 24, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (2) of § 6.102, having expired by its own terms, is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 57-10584; Filed, Dec. 23, 1957; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter A—Administrative Provisions

PART 4—INFORMATION AND RECORDS

PART 5—PERSONNEL

Subchapter B—Federal Farm Loan System

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

Inasmuch as the current General Administrative Manual for the Farm Credit Districts and the current General Administrative Manual for the Farm Credit Administration make certain changes in the provisions heretofore included in Part 4 (Public Information) of Title 6 of the Code of Federal Regulations and it is now desired to conform such provisions accordingly, add or drop some provisions, and place some of them in a separate Part 5, such Part 4 of Title 6 of the Code of Federal Regulations is hereby revised and divided into Parts 4 (Information and Records) and 5 (Personnel) to read as follows:

PART 4—INFORMATION AND RECORDS

Sec.
4.1 Information regarding the Farm Credit Administration and agencies under its supervision.
4.2 Reports of farm credit examiners.
4.3 Reports of land bank appraisers.
4.4 Lists of borrowers.
4.5 Information and records regarding borrowers and applicants for loans.
4.6 Waiver of restrictions of § 4.5.
4.7 Officer or employee summoned as witness.
4.8 Information regarding personnel.
4.9 Reserved authority.
4.10 Official records generally.

AUTHORITY: §§ 4.1 to 4.10 issued under sec. 17, 39 Stat. 375, sec. 2, 42 Stat. 1459, sec. 4, 46 Stat. 13, sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665, 831, 1101, 1141b.

§ 4.1 *Information regarding the Farm Credit Administration and agencies under its supervision*—(a) *FCA and bank personnel.* No officer or employee of the Farm Credit Administration, of a general agent's office or of a Federal land bank, Federal intermediate credit bank, or bank for cooperatives shall disclose information of a type not ordinarily contained in published reports or press releases regarding the Farm Credit Administration or any bank or association of the Farm Credit System or any borrowers or members thereof, except (1) to the extent necessarily involved in the performance of his official duties or (2) as authorized by §§ 4.4 to 4.8. Information prepared by Farm Credit Administration personnel for newspaper, publishing and broadcasting companies, and all new or revised publications prepared by Farm Credit Administration personnel should be cleared with the Research and Information Division.

(b) *Association personnel.* No officer or employee of a national farm loan association or production credit association shall disclose information of a type not ordinarily contained in published reports or press releases, regarding such association, or any of its members, except (1) to the extent necessarily involved in the performance of his official duties or (2) as authorized by §§ 4.4 to 4.8.

(Continued on p. 10481)

This issue includes two parts bound together. Part II contains a republication of 25 CFR Chapter I, Bureau of Indian Affairs, Department of the Interior.

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FEDERAL REGISTER

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§ 4.2 *Reports of farm credit examiners.* The contents of reports by farm credit examiners may not be disclosed without the consent of the Chief Examiner of the Farm Credit Administration, except to authorized representatives of the Farm Credit Administration or the bank or association concerned; or agents of the Federal Bureau of Investigation, Department of Justice; Office of the Chief Inspector, Post Office Department; and the Secret Service and Internal Revenue Service of the Treasury Department, who request access to such reports for confidential use in connection with the official investigation of matters touched upon therein.

§ 4.3 *Reports of land bank appraisers.* The contents of reports by land bank appraisers may not be disclosed without the consent of the Chief of Appraisals, except (a) to appropriate district and Farm Credit Administration personnel and (b) to those mentioned in § 4.5 (b).

§ 4.4 *Lists of borrowers.* Lists of borrowers shall not be released by any office or organization of the Farm Credit System, unless such release is approved by the Governor, a deputy governor, or a service director having general supervision over such office or organization concerned. This section is subject to the following exception: Production credit associations and Federal intermediate credit banks may issue lists of borrowers and loans for the information of buyers, warehousemen, and others dealing in produce or livestock of the type securing such loans.

§ 4.5 *Information and records regarding borrowers and applicants for loans.* Officers and employees of the Farm Credit Administration and every bank and association of the Farm Credit System, its officers, directors, and employees shall hold in strict confidence all information regarding the character, credit standing, and property of borrowers and applicants for loans, and shall not exhibit or quote the following listed documents: loan applications; supplementary statements by applicants; letters and statements relative to the character, property, and credit standing of borrowers and applicants; recommendations of loan committees; and reports of inspectors, fieldmen, investigators, and appraisers. This section is subject to the exceptions set forth below in paragraphs (a) to (i) of this section.

(a) Examiners and other accredited representatives of the Farm Credit Administration and the bank concerned shall have free access to all information, records, and files.

(b) Accredited representatives of the following offices of the United States Government, at their request, may be given information pertinent to official investigations of individual cases by such offices, and may be permitted to examine such portions of the records and files as contain the pertinent information: Secret Service and Internal Revenue Service, Treasury Department; Federal Bureau of Investigation, Department of Justice; Office of the Chief Inspector, Post Office Department; and General Accounting Office. Before information is given to any such representative, he shall be required to present his official identification card, and to make a written request identifying the individual case on which information is sought and the particular information desired, and to certify that such information is pertinent to the official investigation of that case and is requested for confidential use of the investigating office.

(c) The general agents and the presidents of the banks of the Farm Credit System may supply statistical and other impersonal information pertaining to groups of borrowers, applicants, and loans, in response to requests from any department or independent office of the Government of the United States, with the understanding that the information is requested for official use, and that it will not be published. Such information may be given in response to requests from non-Government sources, but only with the approval of the Governor, a deputy governor, or the appropriate service director.

(d) Full information concerning individual borrowers may be given for the confidential use of any bank or association of the Farm Credit System, or any Government agency, in response to inquiries made in contemplation of the extension of credit or the collection of loans. To the extent that such information relates to the character and personal traits of a borrower, it shall be ascribed to reports from unnamed sources believed to be reliable, and shall be accompanied by the statement that no responsibility is assumed for the accuracy of such reports.

(e) Information may be given in confidence to reliable private institutions (lending and mercantile) concerning the amount, terms, and payment records of loans to individual borrowers, in response to inquiries made in contemplation of the extension of credit.

(f) Credit information concerning any borrower (including a cooperative association) may be given when such borrower consents thereto in writing: *Provided, however,* That opinions as to the ability of such borrower to meet his obligations and commitments may be given to creditors and prospective creditors of such borrower without his consent upon the following conditions: (1) That the opinion is to be held in strict confidence by the creditor or prospective creditor; (2) that the opinion is for the private use of the creditor or prospective creditor; and (3) that the opinion be accompanied by a statement that no responsibility for its accuracy is assumed.

(g) The loan application and any supplementary statements signed by a borrower may be examined and their contents may be proved in court by the borrower who signed them, or by his accredited representative, or by the successor in interest of a deceased borrower.

(h) An unsuccessful loan applicant, or a person authorized to inquire in his behalf, may be informed of impersonal credit factors which caused the rejection of his application, but if a loan is denied because of the applicant's personal shortcomings, no explanation may be made which would tend to defame his character or betray the confidence of an informant.

(i) In litigation between a borrower (or his successor in interest) and the United States or a bank or association of the Farm Credit System, any competent evidence may be introduced on behalf of either party with respect to any relevant statements made orally or in writing by or to the borrower or his successor.

§ 4.6 *Waiver of restrictions of § 4.5.* If it appears that justice would be served by releasing information in circumstances forbidden by § 4.5, the restrictions of that section may be waived as to a particular case by the Governor, a deputy governor, or a service director having general supervision over the office or bank of the Farm Credit System concerned. A recommendation for such waiver of § 4.5 may be submitted by any bank, association, or office concerned. Any such recommendation from a national farm loan association or a production credit association shall be submitted through the appropriate Federal land bank or Federal intermediate credit bank, with the request that it be considered and forwarded to the Farm Credit Administration, if deemed advisable. Each such recommendation should be supported by a statement of facts and approved by counsel for the forwarding bank. The recommendation should be addressed to the General Counsel, Farm Credit Administration.

§ 4.7 *Officer or employee summoned as witness.* If an officer or employee of the Farm Credit Administration or of any association or bank of the Farm Credit System is summoned as a witness in litigation to which neither the Government nor any farm credit agency is a party for the purpose of testifying and/or producing documentary evidence with respect to matters which he is forbidden by this part to disclose, he shall arrange, if possible, with counsel who obtained the summons, to be excused from testifying. If such an arrangement cannot be made, the officer or employee shall appear in response to the summons but, before testifying or producing documentary evidence as to information

which this part requires shall be held in confidence, he shall respectfully advise the Court of this part against disclosure of such information and respectfully request of the Court that the confidential nature thereof be recognized and safeguarded. After so doing, the officer or employee may then testify or produce documentary evidence as to such information only to the extent and under the conditions directed by the Court. Upon receiving any such summons, the officer or employee may request advice and assistance from counsel for the agency with which he is connected and, for this purpose, the officers and employees of national farm loan associations and production credit associations shall consult counsel for the appropriate Federal land bank or Federal intermediate credit bank.

§ 4.8 *Information regarding personnel.* Lists of employees shall not be released by an office or organization of the Farm Credit System without the approval of the Governor, a deputy governor, or a service director having general supervision over such office or bank concerned. This section is subject to the exceptions set forth below in paragraphs (a) to (e) of this section.

(a) Taxing authorities shall be supplied, on request, with the names, addresses, and compensation of officers and employees of the Farm Credit Administration and of the officers, agents, and employees of any bank or association or Farm Credit Administration employees paid directly by a Federal land bank. Requests for similar information shall be forwarded to the Farm Credit Administration, Accounting and Budget Division, when they relate to the registrars, chief reviewing appraisers, examiners, or other employees on the Farm Credit Administration payroll.

(b) A Federal land bank may release lists of the national farm loan associations of its district, and their secretary-treasurers; and for use in connection with the designation of nominees for the Federal Farm Credit Board or the nomination and election of members of a district farm credit board by national farm loan associations, a Federal land bank may release lists of the presidents and directors of national farm loan associations of its district.

(c) A Federal intermediate credit bank may release lists of the production credit associations of its district, and their secretary-treasurers; and for use in connection with the designation of nominees for the Federal Farm Credit Board or the nomination and election of members of a district farm credit board by production credit associations, a Federal intermediate credit bank may release lists of the presidents and directors of production credit associations of its district.

(d) A bank for cooperatives may release lists of cooperative associations which hold stock in the bank or which have subscribed to its guaranty fund, and lists of the presidents of such cooperative associations, for use in connection with the designation of nominees for the Federal Farm Credit Board or the nomination and election of members of a district farm credit board or of the board of the Central Bank for Cooperatives.

(e) The Farm Credit Administration and banks and associations may release employees' names, addresses, positions, and spouses' names to reputable concerns for the purpose of listing in local directories. The release of such information should be with the understanding that the concern agrees to use it for directory purposes only. It is suggested that employees be permitted to withhold their names if they wish to do so.

§ 4.9 *Reserved authority.* The provisions of §§ 4.1 to 4.8 shall not operate to limit or restrict the discretionary authority of the Governor of the Farm Credit Administration or any deputy governor to release, or to authorize the release of, information by or pertaining to the Farm Credit Administration or any bank or association of the Farm Credit System.

§ 4.10 *Official records generally.* The Farm Credit Administration and the several banks or associations under its supervision keep confidential the classes of records enumerated in §§ 4.2, 4.3, 4.4, 4.5, and 4.8. Information contained in other official records in the custody of the Farm Credit Administration or of a particular bank or association may be made available to persons directly and properly concerned upon written application to the Farm Credit Administration or the particular bank or association. Such application must identify the specific information sought and must show how the applicant is concerned therewith. Such applications with respect to official records in the custody of the Farm Credit Administration may be granted by the Governor or any deputy governor or by the director or other division head in charge of the functions to which the records relate. Such applications with respect to official records in the custody of a particular bank or association may be granted by the chief executive officer of the bank or association in accordance with the provisions of this part.

PART 5—PERSONNEL

Sec.
5.1 Prohibited acts.
5.2 Soliciting support in polls for district or Federal Farm Credit Board membership.

AUTHORITY: §§ 5.1 and 5.2 issued under sec. 17, 39 Stat. 375, sec. 2, 42 Stat. 1459, sec. 4, 46 Stat. 13, sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665, 831, 1101, 1141b.

§ 5.1 *Prohibited acts.* Except as specifically authorized by law or rules and regulations promulgated thereunder, no officer, employee, or agent of the Farm Credit Administration or any corporation (including associations) under its supervision:

(a) Shall, in any manner directly or indirectly, participate in the deliberation upon, or the determination of, any question affecting his personal interests, those of any person related to him by blood or marriage, or those of any partnership, association, or any corporation in which he is directly or indirectly interested;

(b) Shall, except in the performance of his official duties, divulge to another person, or utilize for his personal benefit or that of another, any fact or information acquired by such officer, employee, or agent, directly or indirectly, by virtue of his employment;

(c) Shall speculate, directly or indirectly, in any agricultural commodity or product thereof, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity, or product;

(d) Shall accept or receive any salary, fee, commission, honorarium, or substantial gift, or other benefit for any purpose or in any way, directly or indirectly, from any borrower from or debtor to the Farm Credit Administration or any such corporation, or from any loan applicant or representative thereof; *Provided, however,* That such officer, employee, or agent, may, with the written approval of the Governor and upon such conditions as the Governor may prescribe, accept compensation from such borrower, debtor, applicant, or representative for bona fide services rendered while on leave of absence without pay; *And, provided further,* That a person employed and compensated by a national farm loan association solely for the purpose of taking applications for loans may also receive compensation from applicants and borrowers for services as attorney, abstractor or insurance agent if his charges for such other services are reasonable or at standard rates;

(e) (1) Shall acquire, directly or indirectly (including acquisition by membership in syndicates), any lands or interests therein, including mineral interests, which are owned by any such corporation or which were thus owned at any time within the preceding 12 months. Definition: As used in this paragraph, "mineral interests" means any interest in minerals, oil, or gas, including, but not limited to, any right derived directly or indirectly from a mineral, oil, or gas lease, deed, or royalty conveyance.

(2) Shall separately acquire, directly or indirectly (including acquisition by membership in syndicates), any mineral interests in lands which are mortgaged to any such corporation or which were thus mortgaged at any time within the preceding 12 months, but this shall not prohibit mineral interests being acquired incidentally with surface interests;

(3) Shall acquire, directly or indirectly (including acquisition by membership in syndicates), any interests in lands (including mineral interests being acquired incidentally with surface interests) which are mortgaged to any such corporation or which were thus mortgaged at any time within the preceding 12 months, without obtaining the specific prior approval of the board of directors of such corporation (meaning the Federal land bank as agent in the case of the Federal Farm Mortgage Corporation) in addition to conforming with any other applicable regulations. Exception: This paragraph shall not apply to acquisitions by will or inheritance; nor to presidents and vice presidents of national farm loan associations and production credit associations;

(f) Shall participate directly or indirectly in any transaction concerning the purchase or sale of corporate stocks or bonds, commodities, or other property for speculative purposes if such action might tend to interfere with the proper and impartial performance of his duties or bring discredit upon the Farm Credit Administration or any such corporation. Employees are not prohibited by this paragraph from making bona fide investments. When an employee is uncertain as to whether a contemplated transaction is prohibited by this paragraph, he should consult his immediate superior;

(g) Shall at any time conduct himself in a manner which might cause embarrassment to or criticism of the Farm Credit Administration or any such corporation, or interfere with the efficient performance of his duties.

§ 5.2 *Soliciting support in polls for district or Federal Farm Credit Board membership*—(a) *Bank personnel.* No officer or employee of a Federal land bank, Federal intermediate credit bank, bank for cooperatives, or general agent's office shall take any part, directly or indirectly, in the designation of nominees for the Federal Farm Credit Board or in the nomination or election of a member of a district or Central Bank board of directors, or make any statement, either orally or in writing, which may be construed as intended to influence any vote in such designations, nominations, or elections. Action shall immediately be taken to dismiss, in accordance with applicable procedures, any such officer or employee who violates the provisions of this section.

(b) *Farm Credit Administration personnel.* No officer or employee of the Farm Credit Administration except as authorized in the discharge of his or her official duties shall take any part, directly or indirectly, in the designation of nominees for the Federal Farm Credit Board or in the nomination or election of a member of a district farm credit board or the board of the Central Bank for Cooperatives or make any statement, either orally or in writing, which may be construed as intended to influence any vote in such designations, nominations, or elections. Any such officer or employee who violates the provisions of this section shall be dismissed.

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

In order to reflect a proviso which has been added thereto, § 11.1073 of Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

§ 11.1073 *Prohibition against fee splitting.* No officer, director, or employee of a national farm loan association shall receive, directly or indirectly, any part of any fee, commission, or other consideration paid to any other person for or in connection with abstracts prepared for applicants for loans, insurance on security for such loans, the sale of farms mortgaged to a land bank, or any services performed on behalf of applicants for loans or borrowers from a land bank; provided, however, that a person employed and compensated by an association solely for the purpose of taking applications for loans may also receive compensation from applicants and borrowers for services as attorney, abstracter or insurance agent if his charges for such other services are reasonable or at standard rates.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 57-10578; Filed, Dec. 23, 1957; 8:47 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

SUBSEQUENT LOANS BY NEW LENDER

Section 333.3 (h) (5), Title 6, Code of Federal Regulations (21 F. R. 5553), is revised to simplify notification to the holder by the Finance Office of payment in full of initial loan when subsequent insured loan is made by a new lender. The revised subparagraph reads as follows:

§ 333.3 *Subsequent insured loans.* • • •

(h) *Loan closing actions.* • • •

(5) When subsequent loan is made by new lender:

(i) When the subsequent loan is ready for closing, the County Supervisor will request a check by use of Form FHA-971 in the same manner as for an initial insured loan.

(ii) The subsequent loan check will be deposited in the borrower's supervised bank account on the day of loan closing.

(iii) The borrower will be requested to draw a check to the order of the Farmers Home Administration in the amount of the unpaid balance of principal and interest on the initial loan promissory note as of the date of loan closing, plus 10 days additional interest if an initial insured loan is being refinanced, but no additional interest if a direct loan is being refinanced. In case a direct loan is being refinanced, the note, mortgage, and satisfaction or release of the mortgage, in connection with the direct loan will be handled in accordance with Subpart A of Part 366 of this chapter, except as modified by the closing instructions from the Attorney in Charge.

(iv) The borrower's check will be remitted to the Finance Office as final payment of the borrower's initial note account.

(v) Any overpayment of interest will be applied to the borrower's subsequent note account as a regular payment.

(vi) Upon receipt of the collection in the Finance Office, if the collection pays in full the outstanding balance of the borrower's initial insured note account as of the date of the U. S. Treasury check to be issued to the holder of the initial insured note, and if the amount owed the loan insurance account has been paid, the Finance Office will close the initial insured loan account as a paid-in-full account. The Finance Office will prepare Form FHA-993A, "Notice and Acknowledgment of Final Payment," and forward to the holder the original and one copy for execution and return of the original together with the canceled promissory note and any other instruments indicated on Form FHA-993A to the appropriate County Supervisor. If the collection pays in full the outstanding balance of the borrower's initial direct loan account, the final payment will be processed in accordance with Subpart A of Part 366 of this chapter.

(vii) Upon receipt in the County Office of the canceled promissory note and the original of the completed Form FHA-993A, and any other instruments indicated on Form FHA-993A, and after the satisfaction or release of the mortgage for the initial loan and, when appropriate, Form FHA-366 have been recorded, the County Supervisor will deliver to the borrower the canceled note, the satisfied mortgage, the instrument of satisfaction or release and, when appropriate, Form FHA-366.

Dated: December 18, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-10571; Filed, Dec. 23, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54505]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

REVOCATION OF THE DESIGNATION OF TAKU INLET, ALASKA, AS A CUSTOMS STATION

The designation of Taku Inlet, Alaska, as a customs station in Customs Collection District No. 31 (Alaska) was revoked effective December 13, 1957.

Section 1.2 (d), Customs Regulations, is hereby amended by deleting "Taku Inlet, Alaska," from the column headed "Customs stations" and deleting "Juneau" opposite "Taku Inlet, Alaska," in the column headed "Port of entry having supervision" in District No. 31.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 13, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10583; Filed, Dec. 23, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

SUBPART—1958 COUNTY CORN ACREAGE ALLOTMENTS AND RESERVES

§ 721.907 *Basis and purpose.* The 1958 county corn acreage allotments and reserve acreages herein were determined under and in accordance with section 329 (a) of the Agricultural Adjustment Act of 1938, as amended. The purpose of this proclamation is to announce the apportionment among the counties in the commercial corn-producing area of the corn acreage allotment for 1958 which was established by the proclamation dated November 27, 1957 (22 F. R. 9570).

§ 721.908 *1958 county corn acreage allotments and reserves.*

ALABAMA

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Baldwin	18,020	20
Cherokee	24,386	75
Coffee	41,873	200
Conecuh	28,641	50
Covington	42,902	300
Dale	21,841	109
De Kalb	62,507	125
Escambia	19,432	32
Etowah	22,758	100
Geneva	49,700	200
Houston	43,699	150
Jackson	53,483	267
Limestone	31,637	100
Madison	41,893	250
Marshall	46,950	125
Monroe	27,168	125
Morgan	31,864	100
State reserve	499	
Total	609,253	2,328

ARKANSAS

Clay	19,712	45
Craighead	26,030	75
Greene	22,176	45
Mississippi	19,525	50
State reserve	100	
Total	87,543	215

DELAWARE

Kent	32,154	150
New Castle	19,389	125
Sussex	56,657	200
State reserve	240	
Total	108,440	475

FLORIDA

Calhoun	7,736	100
Gadsden	22,326	200
Holmes	19,506	100
Jackson	46,243	300
Santa Rosa	15,089	125
State reserve	1,006	
Total	111,906	825

GEORGIA

Appling	17,017	50
Baker	14,597	50
Berrien	27,016	16
Brooks	34,246	50
Bulloch	51,503	60

GEORGIA—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Candler	18,203	25
Colquitt	41,450	10
Cook	18,123	15
Decatur	31,108	40
Early	30,848	100
Emanuel	33,586	60
Evans	10,834	30
Grady	31,232	50
Houston	12,070	50
Jenkins	20,770	35
Lowndes	21,744	10
Macon	18,345	100
Miller	23,046	10
Mitchell	36,275	50
Peach	6,029	50
Screven	38,131	50
Seminole	15,956	25
Tattnall	26,781	50
Thomas	32,433	133
Tift	18,195	20
Toombs	20,441	25
Wayne	13,817	45
Worth	32,239	10
State reserve	696	
Total	666,731	1,219

ILLINOIS

Adams	62,260	217
Alexander	13,289	100
Bond	33,475	300
Boone	30,537	200
Brown	21,367	227
Bureau	129,304	950
Calhoun	16,946	100
Carroll	47,482	264
Cass	35,089	250
Champaign	148,864	509
Christian	87,822	375
Clark	42,448	250
Clay	34,180	400
Clinton	37,012	150
Coles	64,232	250
Cook	31,467	300
Crawford	37,162	300
Cumberland	33,531	200
De Kalb	102,965	300
De Witt	56,982	215
Douglas	59,438	400
Du Page	24,628	200
Edgar	74,983	800
Edwards	22,336	136
Effingham	38,984	275
Fayette	56,544	300
Ford	75,810	400
Franklin	24,035	300
Fulton	80,119	450
Gallatin	33,851	443
Greene	53,587	250
Grundy	63,988	200
Hamilton	33,051	400
Hancock	72,232	332
Hardin	5,535	100
Henderson	43,819	156
Henry	120,839	570
Iroquois	167,831	1,000
Jackson	33,484	600
Jasper	43,815	250
Jefferson	40,856	550
Jersey	28,441	141
Jo Daviess	37,645	200
Johnson	13,066	60
Kane	68,751	288
Kankakee	100,085	350
Kendall	50,827	140
Knox	85,343	250
Lake	25,949	149
La Salle	172,360	310
Lawrence	35,932	300
Lee	107,736	450
Livingston	168,443	650
Logan	93,047	200
McDonough	70,657	400
McHenry	69,814	150
McLean	194,410	350
Macon	78,290	500
Macoupin	77,872	200
Madison	53,379	250
Marion	36,409	334
Marshall	50,594	100
Mason	58,628	300
Massac	14,194	100
Menard	37,257	150
Mercer	69,884	125
Monroe	29,033	150
Montgomery	69,389	300
Morgan	60,284	300
Moultrie	46,280	280
Ogle	94,338	182
Peoria	60,189	300
Perry	27,322	200

ILLINOIS—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Piatt	61,564	100
Pike	74,262	300
Pope	9,700	200
Pulaski	12,424	50
Putnam	18,848	70
Randolph	42,443	200
Richland	27,979	300
Rock Island	43,121	400
St. Clair	44,456	250
Saline	26,482	300
Sangamon	102,465	200
Schuyler	31,441	300
Scott	27,402	150
Shelby	90,064	400
Stark	43,372	150
Stephenson	60,534	316
Tazewell	80,122	400
Union	20,525	150
Vermilion	110,379	600
Wabash	23,133	175
Warren	73,623	200
Washington	28,862	100
Wayne	62,071	500
White	60,289	500
Whiteside	109,699	450
Will	101,634	500
Williamson	19,611	150
Winnebago	53,701	301
Woodford	73,976	161
State reserve	2,161	
Total	5,955,360	29,992

INDIANA

Adams	31,007	200
Allen	52,102	520
Bartholomew	34,162	340
Benton	62,095	310
Blackford	14,013	250
Boone	49,189	491
Brown	4,387	37
Carroll	45,560	228
Cass	44,314	264
Clark	17,369	90
Clay	25,852	130
Clinton	51,258	280
Crawford	8,089	75
Daviess	41,156	206
Dearborn	12,457	75
Decatur	38,240	250
De Kalb	32,542	244
Delaware	37,892	192
Dubois	27,237	136
Elkhart	35,895	450
Fayette	19,755	100
Floyd	4,524	150
Fountain	39,133	300
Franklin	25,449	150
Fulton	40,535	300
Gibson	52,313	313
Grant	37,068	250
Greene	33,927	589
Hamilton	40,706	204
Hancock	34,306	250
Harrison	18,009	200
Hendricks	40,797	250
Henry	42,618	225
Howard	33,414	190
Huntington	33,153	250
Jackson	34,751	200
Jasper	73,494	550
Jay	31,642	240
Jefferson	16,061	100
Jennings	21,730	217
Johnson	30,608	153
Knox	60,417	302
Kosciusko	55,938	380
Lagrange	28,456	275
Lake	44,444	600
La Porte	57,278	573
Lawrence	19,016	225
Madison	44,476	223
Marion	19,285	375
Marshall	46,645	400
Martin	9,662	48
Miami	37,500	225
Monroe	9,139	100
Montgomery	54,216	542
Morgan	28,583	203
Newton	51,573	400
Noble	38,170	200
Ohio	3,994	24
Orange	14,698	192
Owen	16,205	200
Parke	32,638	250
Perry	10,838	125
Pike	18,819	188
Porter	39,408	500
Posey	49,240	250
Pulaski	49,964	400
Putnam	37,983	600

INDIANA—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Randolph	46,871	235
Ripley	26,697	134
Rush	54,455	275
St. Joseph	38,432	342
Scott	9,782	80
Shelby	60,011	500
Spencer	30,161	301
Starke	34,325	325
Steuben	23,726	178
Sullivan	40,792	600
Switzerland	7,229	72
Tippecanoe	56,911	611
Tipton	31,516	315
Union	17,430	90
Vanderburgh	18,993	100
Vermillion	24,071	300
Vigo	31,805	318
Wabash	41,796	208
Warren	37,494	187
Warrick	23,924	130
Washington	27,472	300
Wayne	37,918	379
Wells	36,327	182
White	67,323	336
Whitley	31,442	400
State reserve	2,994	
Total	3,097,900	24,647

IOWA

Adair	61,341	300
Adams	44,283	340
Allamakee	37,025	200
Appanoose	29,161	448
Audubon	57,085	357
Benton	97,079	250
Black Hawk	73,769	400
Boone	84,787	183
Bremer	52,832	225
Buchanan	73,835	274
Buena Vista	86,662	125
Butler	82,353	350
Calhoun	87,812	125
Carroll	85,442	375
Cass	69,771	428
Cedar	77,585	250
Cerro Gordo	85,708	600
Cherokee	78,374	250
Chickasaw	59,067	300
Clarke	32,576	204
Clay	82,506	250
Clayton	57,005	400
Clinton	92,241	350
Crawford	91,361	350
Dallas	82,115	407
Davis	28,266	400
Decatur	36,263	274
Delaware	66,789	450
Des Moines	40,755	250
Dickinson	54,344	208
Dubuque	51,178	375
Emmet	60,057	150
Fayette	78,411	230
Floyd	71,513	300
Franklin	93,082	203
Fremont	93,136	500
Greene	90,715	290
Grundy	74,196	207
Guthrie	64,545	150
Hamilton	94,439	400
Hancock	88,936	300
Hardin	84,764	250
Harrison	102,683	416
Henry	48,157	375
Howard	53,649	250
Humboldt	69,554	114
Ida	60,068	212
Iowa	69,628	325
Jackson	49,499	400
Jasper	90,002	250
Jefferson	40,995	440
Johnson	72,523	125
Jones	63,986	64
Keokuk	64,791	500
Kossuth	149,951	274
Lee	39,380	500
Linn	82,866	413
Louisa	45,159	250
Lucas	29,797	194
Lyon	87,195	250
Madison	52,331	225
Mahaska	70,494	500
Marion	59,070	650
Marshall	77,518	390
Mills	71,633	500
Mitchell	66,993	300
Monona	97,365	400
Monroe	27,241	305
Montgomery	57,140	400
Muscatine	52,243	250
O'Brien	82,884	200

IOWA—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Osceola	60,779	156
Page	68,762	500
Palo Alto	89,674	200
Plymouth	127,045	300
Pocahontas	91,313	200
Polk	70,345	230
Pottawattamie	139,529	383
Poweshiek	72,976	283
Ringgold	40,962	500
Sac	84,697	100
Scott	56,830	275
Shelby	85,728	465
Sioux	119,758	300
Story	92,616	101
Tama	87,392	200
Taylor	51,262	619
Union	38,375	250
Van Buren	28,458	493
Wapello	34,543	550
Warren	55,265	194
Washington	70,656	700
Wayne	40,894	375
Webster	105,548	200
Winnebago	61,639	200
Winneshiek	62,020	250
Woodbury	125,511	549
Worth	55,850	236
Wright	92,028	150
State reserve	5,002	
Total	6,983,516	31,109

KANSAS

Anderson	19,357	194
Atchison	35,832	537
Brown	66,869	669
Clay	27,513	411
Cloud	25,840	346
Doniphan	47,159	283
Douglas	24,658	148
Franklin	24,983	250
Jackson	42,774	600
Jefferson	38,722	581
Jewell	42,066	800
Johnson	23,227	139
Leavenworth	25,245	379
Marshall	78,821	985
Miami	35,714	536
Nemaha	78,584	786
Phillips	34,079	570
Pottawatomie	32,892	329
Republic	53,745	1,075
Riley	20,520	200
Shawnee	27,667	277
Smith	46,314	463
Washington	54,129	541
State reserve	4,556	
Total	911,266	11,099

KENTUCKY

Allen	17,827	70
Ballard	17,924	200
Barren	30,521	100
Boone	7,932	40
Boyle	5,806	63
Breckinridge	21,611	80
Bullitt	6,470	80
Butler	19,803	195
Caldwell	15,685	100
Calloway	21,649	50
Carlisle	13,292	75
Carroll	8,935	60
Christian	42,229	200
Crittenden	15,425	250
Daviess	41,218	400
Edmonson	9,668	100
Fulton	12,629	60
Graves	43,492	1,200
Grayson	22,817	100
Green	14,032	50
Hancock	9,340	50
Hardin	19,782	200
Hart	15,171	200
Henderson	49,101	300
Hickman	17,376	250
Hopkins	25,068	150
Jefferson	6,032	50
Larue	13,982	90
Livingston	15,218	70
Logan	35,499	200
Lyon	10,545	300
McCracken	9,909	200
McLean	19,005	85
Marion	11,274	100
Mason	6,680	50
Meade	10,029	76
Monroe	16,155	150

KENTUCKY—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Muhlenberg	20,079	100
Nelson	15,001	50
Ohio	25,525	400
Oldham	6,394	75
Shelby	13,794	40
Simpson	17,517	50
Spencer	6,613	75
Taylor	12,503	50
Todd	23,368	200
Trigg	20,328	200
Trimble	3,313	40
Union	28,725	105
Warren	31,060	250
Washington	9,544	100
Webster	22,375	100
State reserve	2,999	
Total	933,280	7,829

MARYLAND

Baltimore	12,097	100
Caroline	19,060	180
Carroll	24,417	115
Cecil	13,953	124
Dorchester	15,760	100
Frederick	23,934	100
Harford	12,418	100
Howard	6,441	55
Kent	26,213	140
Montgomery	11,808	100
Queen Annes	29,338	130
Somerset	7,219	35
Talbot	21,795	80
Washington	16,114	175
Wicomico	15,940	90
Worcester	22,268	60
State reserve	400	
Total	281,175	1,684

MICHIGAN

Allegan	35,458	300
Barry	21,783	300
Bay	13,356	300
Berrien	20,719	200
Branch	40,798	400
Calhoun	38,764	200
Cass	26,372	300
Clinton	38,746	200
Eaton	37,689	250
Genesee	20,663	400
Gratiot	39,295	600
Hillsdale	45,840	350
Ingham	35,006	300
Ionia	33,990	300
Issabella	21,861	400
Jackson	30,913	400
Kalamazoo	26,358	150
Kent	25,184	400
Lapeer	29,162	400
Lenawee	74,441	600
Livingston	22,192	450
Macomb	20,926	300
Mecosta	12,029	150
Midland	10,193	150
Monroe	47,897	500
Montcalm	20,993	150
Oakland	15,826	300
Ottawa	25,636	400
Saginaw	34,792	300
St. Clair	29,049	600
St. Joseph	34,574	350
Sanilac	34,025	300
Shiawassee	29,456	400
Tuscola	31,850	500
Van Buren	26,367	400
Washtenaw	37,722	400
Wayne	11,870	200
State reserve	1,000	
Total	1,102,795	12,600

MINNESOTA

Anoka	11,499	200
Benton	22,607	300
Big Stone	39,931	200
Blue Earth	89,637	150
Brown	71,322	250
Carver	32,646	200
Chippewa	76,129	200
Chisago	18,769	150
Cottonwood	83,803	200
Dakota	44,359	300
Dodge	44,858	200
Douglas	33,524	300

MINNESOTA—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Faribault	95,684	400
Fillmore	67,701	400
Freeborn	86,618	400
Goodhue	48,276	350
Grant	36,524	300
Hennepin	25,044	250
Houston	27,443	150
Isanti	16,631	75
Jackson	104,329	300
Kandiyohi	80,344	350
Lac qui Parle	89,674	250
Le Sueur	41,634	250
Lincoln	57,896	300
Lyon	102,312	300
McLeod	49,870	250
Martin	113,457	250
Meeker	59,874	200
Mille Lacs	13,611	100
Morrison	33,971	125
Mower	85,785	400
Murray	97,482	300
Nicollet	46,710	300
Nobles	104,779	200
Olmsted	58,535	250
Otter Tail	81,310	400
Pipestone	60,438	200
Pope	45,831	250
Redwood	124,464	300
Renville	122,143	400
Rice	45,835	300
Rock	67,863	150
Scott	30,101	200
Sherburne	21,016	200
Sibley	62,377	300
Stearns	79,216	500
Steele	48,418	200
Stevens	56,025	300
Swift	78,008	400
Todd	47,370	300
Traverse	38,182	350
Wabasha	31,136	200
Waseca	49,424	200
Washington	23,215	200
Watonwan	62,136	300
Wilkin	32,564	175
Winona	32,340	100
Wright	57,164	175
Yellow Medicine	103,153	200
State reserve	963	
Total	3,516,160	15,400

MISSOURI

Adair	23,464	150
Andrew	40,284	50
Atchison	88,240	175
Audrain	50,819	200
Bates	42,877	300
Benton	17,915	100
Bollinger	17,060	150
Boone	28,949	200
Buchanan	38,149	146
Caldwell	28,653	250
Callaway	29,710	125
Cape Girardeau	30,194	200
Carroll	64,988	500
Cass	39,734	250
Charlton	52,627	200
Clark	29,788	200
Clay	20,905	300
Clinton	28,928	48
Cole	13,100	60
Cooper	37,047	125
Daviess	36,345	200
De Kalb	32,825	164
Dunklin	26,812	50
Franklin	28,596	175
Gasconade	13,569	150
Gentry	36,631	100
Grundy	25,254	154
Harrison	42,805	300
Henry	37,428	200
Holt	68,178	200
Howard	30,381	125
Jackson	26,190	100
Jefferson	11,257	150
Johnson	40,801	450
Knox	28,857	100
Lafayette	57,664	360
Lewis	29,866	100
Lincoln	39,579	200
Linn	32,173	150
Livingston	32,078	150
Macon	37,058	150
Marion	25,739	100
Mercer	20,390	125
Mississippi	35,494	50
Moniteau	21,006	80

MISSOURI—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Monroe	39,513	125
Montgomery	32,235	180
Morgan	10,349	75
New Madrid	35,499	100
Nodaway	84,805	400
Perry	20,956	250
Pettis	43,177	275
Pike	44,919	200
Platte	33,801	150
Putnam	18,976	150
Ralls	30,566	125
Randolph	21,331	200
Ray	45,496	250
St. Charles	35,144	190
St. Clair	23,168	50
St. Louis	12,296	96
Ste. Genevieve	14,641	50
Saline	82,085	350
Schuyler	11,457	150
Scotland	23,271	150
Scott	34,372	20
Shelby	29,629	150
Stoddard	53,318	100
Sullivan	26,607	125
Vernon	38,999	150
Warren	18,064	150
Wayne	9,176	75
Worth	19,863	63
State reserve	2,001	
Total	2,436,121	12,161

NEBRASKA

Adams	55,006	300
Antelope	97,127	250
Boone	87,007	257
Boyd	35,781	357
Buffalo	107,179	500
Burt	83,217	200
Butler	88,539	350
Cass	88,218	150
Cedar	102,868	300
Clay	62,801	275
Colfax	61,014	250
Cuming	89,913	400
Custer	125,188	625
Dakota	39,496	400
Dawson	95,421	600
Dixon	69,973	300
Dodge	84,385	200
Douglas	45,408	150
Fillmore	72,360	300
Franklin	39,718	250
Furnas	51,658	250
Gage	101,799	500
Garfield	7,928	65
Gosper	32,097	160
Greeley	46,226	275
Hall	72,351	362
Hamilton	80,753	350
Harlan	38,456	300
Holt	48,514	350
Howard	50,689	225
Jefferson	48,666	200
Johnson	43,621	171
Kearney	53,327	250
Knox	99,273	573
Lancaster	106,701	500
Lincoln	68,442	500
Madison	86,476	800
Merrick	63,933	250
Nance	55,280	250
Nemaha	58,560	150
Nuckolls	56,395	200
Otoe	86,708	200
Pawnee	44,231	350
Phelps	63,367	317
Pierce	73,592	400
Platte	102,520	300
Polk	68,394	170
Richardson	75,315	250
Saline	65,220	250
Sarpy	39,459	150
Saunders	126,050	350
Seward	82,184	200
Sherman	49,369	200
Stanton	59,309	200
Thayer	48,521	242
Thurston	60,566	50
Valley	49,330	160
Washington	58,145	150
Wayne	70,327	440
Webster	46,830	250
York	96,258	300
State reserve	4,173	
Total	4,171,542	18,024

NEW JERSEY

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Burlington	14,248	120
Cumberland	5,479	100
Gloucester	4,409	100
Hunterdon	18,134	160
Mercer	8,103	100
Middlesex	4,899	100
Monmouth	15,095	100
Ocean	2,048	36
Salem	14,916	125
Somerset	6,270	100
Warren	12,265	100
State reserve	1,001	
Total	106,867	1,141

NORTH CAROLINA

Beaufort	27,860	194
Bertie	21,626	33
Camden	10,426	64
Chowan	8,810	52
Columbus	41,325	561
Craven	16,649	107
Currituck	9,536	26
Duplin	54,212	161
Edgecombe	32,769	65
Gates	14,677	70
Greene	27,829	33
Halifax	27,470	136
Harnett	28,660	143
Hertford	13,413	42
Hyde	8,776	231
Johnston	57,100	322
Jones	16,057	100
Lenoir	36,705	45
Martin	20,113	46
Nash	30,087	171
Northampton	22,399	28
Onslow	17,192	300
Pasquotank	13,263	83
Perquimans	13,382	72
Pitt	48,832	131
Robeson	71,522	407
Sampson	53,035	247
Tyrrell	4,540	131
Wake	23,455	248
Washington	7,462	33
Wayne	50,286	350
Wilson	30,907	13
State reserve	300	
Total	860,675	4,645

NORTH DAKOTA

Richland	73,550	1,550
State reserve	173	
Total	73,723	1,550

OHIO

Adams	22,628	100
Allen	34,448	300
Ashland	21,446	200
Athens	6,130	100
Auglaize	39,241	300
Brown	32,268	50
Butler	36,555	200
Champaign	41,778	200
Clark	36,613	200
Clermont	23,232	80
Clinton	46,916	200
Columbiana	13,906	250
Coshocton	17,941	200
Crawford	35,924	200
Darke	72,568	300
Defiance	28,373	350
Delaware	34,310	310
Erie	18,407	150
Fairfield	39,087	200
Fayette	44,116	100
Franklin	32,672	200
Fulton	48,251	225
Greene	42,152	200
Hamilton	10,874	50
Hancock	50,897	200
Hardin	48,224	400
Henry	41,529	150
Highland	43,856	150
Hocking	6,676	200
Holmes	18,351	150
Huron	33,443	200
Jackson	6,314	50
Knox	29,195	200

OHIO—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Lawrence	2,896	15
Licking	37,797	560
Logan	36,955	300
Lorain	17,792	125
Lucas	16,977	150
Madison	47,080	350
Mahoning	10,817	200
Marion	37,746	300
Medina	17,933	300
Mercer	44,490	275
Miami	46,256	150
Montgomery	35,671	200
Morgan	5,676	101
Morrow	26,427	250
Muskingum	17,693	125
Ottawa	15,642	250
Paulding	30,153	200
Perry	10,684	150
Pickaway	55,994	120
Pike	13,434	80
Preble	49,687	200
Putnam	43,851	250
Richland	23,605	100
Ross	41,841	175
Sandusky	36,381	140
Scioto	14,021	100
Seneca	49,270	225
Shelby	39,655	200
Stark	21,295	50
Tuscarawas	14,814	100
Union	37,190	275
Van Wert	39,903	353
Vinton	3,937	75
Warren	32,299	200
Wayne	36,632	182
Williams	35,543	200
Wood	56,955	400
Wyandot	34,524	350
State reserve	2,001	
Total	2,200,847	14,081

PENNSYLVANIA

Adams	30,090	125
Berks	39,745	200
Blair	7,039	75
Bucks	23,715	200
Carbon	2,721	50
Centre	15,712	125
Chester	26,208	300
Clinton	5,430	50
Columbia	15,335	150
Cumberland	31,177	100
Dauphin	16,801	100
Delaware	1,089	75
Franklin	34,577	150
Fulton	7,364	100
Huntingdon	11,378	75
Juniata	10,710	100
Lancaster	67,929	150
Lebanon	19,894	125
Lehigh	17,823	150
Lycoming	16,587	125
Mifflin	9,533	50
Monroe	3,003	50
Montgomery	16,541	150
Montour	6,402	100
Northampton	20,631	200
Northumberland	17,105	50
Perry	13,346	50
Schuylkill	10,227	125
Snyder	11,774	100
Union	9,605	100
York	57,741	350
State reserve	499	
Total	577,776	3,850

SOUTH CAROLINA

Dillon	15,772	631
Horry	33,249	2,750
State reserve	1,000	
Total	50,021	3,381

SOUTH DAKOTA

Aurora	53,806	200
Beadle	81,896	400
Bon Homme	72,088	88
Brookings	82,683	300
Brule	63,992	294
Charles Mix	118,370	610
Clark	43,969	200
Clay	66,187	600
Codington	24,385	488

SOUTH DAKOTA—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Davison	47,063	100
Day	27,389	219
Deuel	35,534	150
Douglas	48,249	150
Grant	38,466	300
Gregory	53,397	267
Hamlin	36,244	150
Hanson	49,962	250
Hutchinson	95,528	528
Jerauld	30,710	150
Kingsbury	65,428	327
Lake	67,925	300
Lincoln	86,826	200
McCook	72,518	175
Miner	51,417	317
Minnehaha	106,307	300
Moody	70,359	159
Roberts	54,151	270
Sanborn	49,622	250
Tripp	56,300	300
Turner	84,432	300
Union	67,817	300
Yankton	67,194	400
State reserve	2,465	
Total	1,972,373	9,102

TENNESSEE

Bedford	16,185	100
Benton	11,694	60
Carroll	33,562	300
Cheatham	7,183	50
Coffee	17,852	30
Crockett	13,121	71
Dyer	24,163	200
Franklin	16,980	175
Gibson	38,249	350
Grundy	3,005	50
Haywood	23,593	75
Henry	24,791	350
Lake	4,545	150
Lauderdale	22,836	100
Lincoln	25,899	50
Marion	6,070	150
Montgomery	21,438	300
Moore	3,960	35
Obion	36,150	250
Robertson	24,940	150
Sequatchie	1,880	100
Stewart	11,685	100
Tipton	18,899	125
Warren	13,325	25
Weakley	41,583	260
State reserve	1,103	
Total	464,691	3,606

VIRGINIA

Accomac	6,162	75
Charles City	2,721	50
Clarke	4,694	150
Isle of Wight	18,283	25
Loudoun	16,922	500
Nansemond	18,858	50
Norfolk	11,065	60
Northampton	2,605	40
Northumberland	6,065	185
Princess Anne	7,662	40
Richmond	4,460	135
Southampton	28,692	100
Surry	9,697	50
Sussex	12,921	40
Westmoreland	5,768	175
State reserve	500	
Total	156,175	1,675

WEST VIRGINIA

Berkeley	6,277	180
Jefferson	9,796	200
State reserve	150	
Total	16,223	380

WISCONSIN

Adams	12,328	90
Buffalo	24,076	120
Columbia	55,580	540
Crawford	21,537	150
Dane	102,060	800
Dodge	65,201	400
Dunn	37,075	180

WISCONSIN—Continued

Counties	Acreage apportioned to counties	County reserve for new farms, corrections, and appeals
Eau Claire	16,553	80
Fond du Lac	45,562	221
Grant	67,725	500
Green	42,657	270
Green Lake	23,855	115
Iowa	38,260	100
Jackson	19,153	125
Jefferson	44,532	350
Juneau	18,560	150
Kenosha	22,180	140
La Crosse	18,347	100
Lafayette	49,014	200
Marquette	16,227	80
Milwaukee	4,224	48
Monroe	24,941	240
Outagamie	37,465	150
Pepin	10,317	30
Pierce	34,254	200
Polk	33,283	200
Racine	29,353	286
Richland	22,312	125
Rock	78,680	600
St. Croix	44,867	475
Sauk	41,183	200
Trempealeau	28,226	148
Vernon	28,448	280
Walworth	54,504	480
Waukesha	32,248	200
Waupaca	28,920	200
Waushara	23,039	200
Winnebago	25,816	125
State reserve	13,361	
Total	1,336,013	8,538
U. S. total	38,818,381	

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interprets or applies Sec. 329, 52 Stat. 52, 7 U. S. C. 1329)

Issued at Washington, D. C., this 19th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10609; Filed, Dec. 23, 1957; 8:53 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 877.10]

PART 877—PRICES: SUGARCANE: PUERTO RICO

1957–58 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Santurce, Puerto Rico, on October 10, 1957, the following determination is hereby issued:

§ 877.10 *Fair and reasonable prices for the 1957–58 crop of Puerto Rican sugarcane.* A producer of sugarcane in Puerto Rico who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1957–58 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar, 96° basis.

(2) "Sugar yield period" means any period not exceeding one calendar month

as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be either included in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(3) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty-paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Division determines that such price does not reflect the true market value of raw sugar, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(4) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means the yield of raw sugar, 96° basis, per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formula set forth in Schedule A below and made a part hereof.

(6) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(7) "Trash" means green or dried leaves, sugarcane tops, soil, stones, and all other extraneous material.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer (colono) to the processor shall be made as agreed upon by the producer and the processor, either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar. In instances where raw sugar is delivered to the producer, the processor shall deliver such sugar packed in the customary bags or, if the raw sugar is delivered in bulk, the processor shall also pay to the producer an allowance per 100 pounds of bulk sugar for non-use of bags equal to the average bag discount sustained by the processor on the processor's own bulk sugar of the 1957–58 crop.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the payment shall be not less than the quantity determined by subtracting 3⅓ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the simple average price of raw sugar for the period January 1, 1958 through December 31, 1958, converted to an f. o. b. mill price by subtracting the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B below and made a part hereof.

(c) *Molasses payment.* For each ton of net sugarcane delivered, the processor shall pay to the producer an amount equal to the product of (1) 66 percent of the net proceeds per gallon of blackstrap molasses sold of the 1957–58 crop in excess of five cents per gallon, and (2) the average production of blackstrap molasses per ton of net sugarcane of the 1957–58 crop processed at each mill. A processor operating more than one mill shall compute the average gross proceeds from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds separately for each mill operated by such processor. Admissible items of selling and delivery expenses to be used in calculating molasses net proceeds are listed in Schedule C below and made a part hereof.

(d) *Determination of net sugarcane.* (1) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or producer organizations in any mill area, or in the absence of a producer representative the processor, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. In the event the processor and the representative of producers do not agree as to whether a delivery should be sampled, the processor shall determine the quantity of trash in such sugarcane in the same manner as for deliveries of sugarcane estimated to contain trash in excess of 5 percent. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall be the net weight. As to the deliveries of sugarcane of any producer estimated to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample within the range of 100 to 200 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of the trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. If such percentage exceeds 5 percent, that percentage in excess of 5 percent shall be applied to the gross weight of the sugarcane delivery from which the sample was taken to determine the net weight of such sugarcane, and the same percentage shall be applied to the gross weight of all other deliveries of sugarcane delivered by that producer during the same day which are estimated to contain a trash content reasonably similar to the delivery from which the sample was taken.

(2) With respect to the sample taken as provided in this paragraph, the processor may make a separate determination of the weight of soil and stones contained in such sample taken of a producer's sugarcane and may charge the producer 5 cents per ton of net sugarcane delivered during the day which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(e) *Sampling charges.* The processor may charge the producer 66 percent of the actual cost, but not to exceed $2.64, for each sample taken to cover the cost of sampling and measuring the actual quantity of trash. If a separate determination is made of the weight of soil and stones, the cost thereof shall be borne by the processor.

(f) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1958, and shall bear the costs thereof.

(2) When payment is made to the producer by the delivery of raw sugar, the processor shall share with the producer on a pro rata basis all ocean shipping facilities available to the processor.

(3) Allowances made to producers by the processor for the 1956–57 crop shall be made for the 1957–58 crop at the rates which were effective under comparable conditions in 1956–57; the costs of services which were borne by the processor for the 1956–57 crop, shall be borne for the 1957–58 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting modification of practices which may be necessary because of unusual circumstances, any modifications to be subject to approval of the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico (herein referred to as the "Area Office").

(g) *Reporting requirements.* (1) The processor shall submit to the Area Office a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that in extenuating circumstances an extension may be granted by the Director of the Area Office.

(2) The processor shall submit in duplicate to the Area Office statements verified by a Certified Public Accountant of the deductions made in determining the f. o. b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than August 1, 1959, except that in extenuating circumstances an extension may be granted by the Director of the Area Office.

(h) *Subterfuge.* The processor shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1957–58 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1957–58 price determination.* The 1957–58 determination differs from the 1956–57 determination in the following respects: (1) The sugar yield period has been redefined as any period the processor may elect, not exceeding one calendar month, except for odd days at the beginning or ending of grinding or during grinding which may be added to the prior or subsequent regular period or treated as a separate period; (2) the pricing period for raw sugar extends from January 1, 1958 through December 31, 1958; (3) a processor operating more than one mill is required to compute the average gross proceeds from the sales of molasses produced by all mills operated by him while the net proceeds must be calculated separately for each such mill; and (4) the processor must notify the area office of the method of settlement and the sugar yield period to be used within 7 days after grinding commences. In addition it has been made clear that when the processor and the grower representative do not agree as to whether a specific delivery of sugarcane contains trash in excess of 5 percent, the processor shall sample the delivery in question.

A public hearing was held in Santurce, Puerto Rico on October 10, 1957 at which interested persons were afforded the opportunity to present their views relating to fair and reasonable prices for the 1957–58 crop of sugarcane. At the hearing and in a supplemental brief the representative of the Grower-Processor Committee recommended that the provisions of the 1956–57 determination with regard to trash sampling be continued, but on a permissive basis; that the pricing period extend from January 1, 1958 through December 31, 1958; that the sugar yield period be defined as the 2-week, 4-week, or any other period not longer than one month, as may be elected by the processor, and that this period be used throughout the season, except that the period could be changed for cause with prior approval of the Area Director; that a processor operating more than one mill be required to compute the net proceeds from the sale of molasses on the basis of the average gross proceeds from the sales of molasses produced at all mills operated by such processor; and that when the processor and the representative of producers do not agree as to whether the deliveries of sugarcane contain trash in excess of 5 percent the processor should sample and test such deliveries for trash.

A representative of one processor recommended that the determination provide for the washing of all sugarcane received by the mill. The witness stated that mechanization increased the amount of dirt in sugarcane delivered to the mill, and that they proposed to wash all of the cane before milling. He contended that if only mechanically loaded cane was washed it would be necessary to make an adjustment in the sugar recovery formula to correct for the dilution of sugarcane juices whereas if all cane were washed no such adjustments would be necessary.

Consideration has been given to the recommendations made at the public hearing, to analysis of the returns, costs, and profits of processing and producing sugarcane obtained for prior years and recast in terms of prospective price, production, and income conditions for the 1957–58 crop and to other pertinent factors. Consideration of all the factors indicates the sharing relationship between producers and processors provided by the 1956–57 determination is also equitable for the 1957–58 crop.

The sugar yield period has been redefined to limit such period to a calendar month, except for the addition of the odd days, and to permit flexibility on the part of the processor in the handling of odd days which may occur at the beginning and ending of grinding or because of interruptions during grinding.

The pricing period for raw sugar as recommended by the representative of the Grower-Processor Committee has been adopted. Inasmuch as the 1956–57 crop was below normal it appears that there will be little if any carryover of sugar by the end of 1957, and it is anticipated that all 1957–58 crop sugar will be marketed by the end of 1958.

The provisions relating to the determination of net sugarcane are substantially the same as in the prior determination, although language changes make it clear that if the grower and processor representatives do not agree as to whether any delivery of sugarcane contains trash in excess of the specified tolerance, the processor is required to sample such sugarcane. Provision has not been made for trash determinations on a permissive basis as recommended at the hearing. In view of the adverse effects of trash on the recovery of sugar and the resultant inequities among producers delivering cane containing wide variations in quantities of trash if uniform requirements were not followed, it is deemed equitable to require that trash determinations be made with respect to all sugarcane.

The processor is required to submit to the Area Office not later than 7 days after grinding commences a list of producers who will receive settlement for sugarcane in sugar and those who will be paid in cash, together with a statement as to the sugar yield period to be used.

The recommendation of one processor that the determination include a provision which would permit processors to wash all sugarcane before it is ground bears upon the problem of improving practices in the area to achieve greater efficiency of operations. Mechanical loading of sugarcane has been developed in recent years on some of the large farms. Such practice has resulted in the delivery to the mill of sugarcane containing varying quantities of trash, including soil and stones, which contribute to lower recoveries of raw sugar from sugarcane and higher milling costs. Experience in other producing areas indicates that the washing of cane prior to milling tends to eliminate a high proportion of the soil, stones, and some of the other trash, thereby reducing losses in sugar recoveries and the adverse cost effects of such extraneous material on milling operations.

The washing of sugarcane introduces a variable quantity of water (because of variations in leafy trash) which may dilute the crusher juice, and results in a lower sucrose test than would otherwise obtain. However, under the sugar recovery formula the "F" factor computed on the basis of the actual outturn of raw sugar and the tentative recoveries as indicated by the diluted crusher juice would tend to correct for the lower sucrose tests and give essentially the same sugar distribution among producers and the processor as if the sugarcane had not been washed. While it is recognized that some sugar losses may occur in the wash water and in the absorption of juice in sugarcane leaves, it is expected that a gain in sugar recoveries will result because of the elimination of soil which, if present, generally reduces boiling house efficiency.

It appears desirable that mills in Puerto Rico adopt practices tending to result in more efficient operations which will be of benefit to the industry. This determination contains no provision which would prohibit the washing of sugarcane prior to milling.

After consideration of all factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing

price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929 as amended; 7 U. S. C. 1131).

Issued this 19th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

SCHEDULE A

FORMULA FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

$$R=TI\,(S-0.3B)F$$

where:

R = Yield of raw sugar;

S = Polarization of the crusher juice obtained from the sugarcane of each producer;

B = Brix of the crusher juice obtained from the sugarcane of each producer;

T = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.90075 for sugarcane which contains an amount of trash in excess of 16 percent of the gross weight of sugarcane.

I = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P, (where $P=100\ S\div B$), of the crusher juice of sugarcane is equal to 75 or more, the factor, $I=0.9$; or

(b) When the purity, P, (where $P=100\ S\div B$), of the crusher juice of such sugarcane is less than 75, the factor, $I=0.9-0.02\ (75-P)$;

F = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period from the product of the formula $(S-0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T, and where applicable the inferior sugarcane correction, I; and

(b) Divide the pounds of the raw sugar, 96° basis, produced during the settlement period at the mill by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses are for those expenses incurred on 1957–58 crop raw sugar which commence with the unstacking of raw sugar in bags or in bulk at the warehouse and include expenses incurred thereafter incidental to the delivery of raw sugar to the purchaser. The deductions are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Freight from warehouse to dock, including covering cars or trucks where necessary;
2. Handling at dock, including unloading and stacking;
3. Wharfage, lighterage, and dock warehousing when incurred as an item separate from wharfage and when necessary in delivery of sugar from warehouse or mill to shipside;
4. Ocean freight, including loading and unloading where freight rate is "free in and free out";
5. Freight demurrage resulting from causes beyond the control of the shipper;

and an allowance of 8.7 cents per hundredweight of 96° raw sugar in bags, or 7.0 cents per hundredweight of 96° raw sugar in bulk, in lieu of:

6. Unstacking, tallying and loading at warehouse;
7. Shore risk, marine and war risk insurance;
8. Rebagging and mending sugar bags whenever and wherever incurred;
9. Brokerage or commissions and exchange;
10. Weighing, testing, sampling, mending sugar bags, and taring at destination;
11. All other expenses not itemized herein.

When any of the necessary services included in items 1 through 5 above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses and vacation expenses properly allocable to such labor;
4. Direct supplies;
5. Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area Office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f. o. b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area Office, may be allowed in lieu of expenses actually incurred.

The following certification shall be made on statements submitted in duplicate not later than August 1, 1959 to the Area Office:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1957–58 crop of Puerto Rican sugarcane.

SCHEDULE C

DEFINITION OF ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1957–58 price determination, are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;
2. Freight from mill tank to shipside (or to local buyers when such molasses is sold on a delivered price basis);
3. Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;
4. Weighing and testing;
5. Wharfage;
6. Shore risk insurance (limited in coverage from mill to shipside);
7. Freight demurrage resulting from causes beyond the control of the shipper;
8. Insular taxes on molasses produced in Puerto Rico;
9. Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (9) above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;
4. Fuel, energy or direct supplies;
5. Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of cost. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area Office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The following certification shall be made on statements submitted in duplicate not later than August 1, 1959, to the Area Office:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1957–58 crop of Puerto Rican sugarcane.

[F. R. Doc. 57–10607; Filed, Dec. 23, 1957; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 98]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (22 F. R. 3005, 4377, 6910, 7223, 8929, 9384, 9725), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (xix) is added to subparagraph (2) of paragraph (d), relating to Burlington County in New Jersey, to read:

(xix) Block 19, Lot 2, Plate 3, in Lumberton Township, owned and operated by John West.

2. New subdivisions (xvi), (xvii), and (xviii), are added to subparagraph (6) of paragraph (d), relating to Hudson County in New Jersey, to read:

(xvi) Block 30C, Lots 34, 35, 36, 37, and 38, Plot 7, in Secaucus Township, owned and operated by Charles Becker.

(xvii) Block 42, Lot 13, in Secaucus Township, owned and operated by Francis A. Niznik.

(xviii) Block 12, Lot 9, Plot 2312, in Secaucus Township, owned and operated by John Simsek.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1956 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended,. 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 18th day of December 1957.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 57–10608; Filed, Dec. 23, 1957; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF THIRAM

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of thiram in or on certain raw agricultural commodities. Later the request for the establishment of tolerances on celery, peaches, and strawberries was withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.132) are amended by changing § 120.132 to read as follows:

§ 120.132 *Tolerances for residues of thiram.* A tolerance of 7 parts per million is established for residues of thiram (tetramethyl thiuram disulfide) in or on apples and tomatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: December 17, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57–10572; Filed, Dec. 23, 1957; 8:45 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RELATED PESTICIDE CHEMICALS; RECODIFICATION OF SECTION

Section 120.3 of the general regulations for setting tolerances and granting exemptions from tolerances (21 CFR, Part 120; 21 CFR, 1956 Supp., 120.3; 22 F. R. 348, 3106, 4017, 6589, 7503, 8082, 9528) is reissued for recodification purposes. No change is made in the text of these regulations.

§ 120.3 *Tolerances for related pesticide chemicals.* (a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, pesticide chemicals within each of the following groups have related pharmacological effects: Many chlorinated hydrocarbons, arsenic-containing chemicals, metallic dithiocarbamates, many organic phosphates.)

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component (such as As_2O_3) that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related pesticide chemicals (such as chlorinated hydrocarbons) that may be present.

(c) Where tolerances for inorganic bromide in or on the same raw agricultural commodity are set in two or more sections in this part, the over-all quantity of inorganic bromide to be tolerated from use of two or more pesticide chemicals for which tolerances are established is the highest of the separate applicable tolerances. For example, where the bromide tolerance on lima beans from ethylene dibromide soil treatment is 5 parts per million and on lima beans from methyl bromide fumigation is 50 parts per million, the over-all inorganic bromide tolerance for lima beans grown on ethylene dibromide treated soil and also fumigated with methyl bromide after harvest is 50 parts per million.

(d) Where tolerances are established for both calcium cyanide and hydrogen cyanide on the same raw agricultural commodity, the total amount of such pesticides shall not yield more than 25 parts per million, calculated as hydrogen cyanide.

(e) Except as noted in subparagraphs (1) and (2) of this paragraph, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class.

(1) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929 as amended; 7 U. S. C. 1131).

Issued this 19th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

SCHEDULE A

FORMULA FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

$$R = TI\ (S - 0.3B)F$$

where:

R = Yield of raw sugar;

S = Polarization of the crusher juice obtained from the sugarcane of each producer;

B = Brix of the crusher juice obtained from the sugarcane of each producer;

T = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.90075 for sugarcane which contains an amount of trash in excess of 16 percent of the gross weight of sugarcane.

I = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P, (where $P = 100\ S \div B$), of the crusher juice of sugarcane is equal to 75 or more, the factor, $I = 0.9$; or

(b) When the purity, P, (where $P = 100\ S \div B$), of the crusher juice of such sugarcane is less than 75, the factor, $I = 0.9 - 0.02\ (75 - P)$;

F = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period from the product of the formula $(S - 0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T, and where applicable the inferior sugarcane correction, I; and

(b) Divide the pounds of the raw sugar, 96° basis, produced during the settlement period at the mill by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses are for those expenses incurred on 1957–58 crop raw sugar which commence with the unstacking of raw sugar in bags or in bulk at the warehouse and include expenses incurred thereafter incidental to the delivery of raw sugar to the purchaser. The deductions are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Freight from warehouse to dock, including covering cars or trucks where necessary;
2. Handling at dock, including unloading and stacking;
3. Wharfage, lighterage, and dock warehousing when incurred as an item separate from wharfage and when necessary in delivery of sugar from warehouse or mill to shipside;
4. Ocean freight, including loading and unloading where freight rate is "free in and free out";
5. Freight demurrage resulting from causes beyond the control of the shipper;

and an allowance of 8.7 cents per hundredweight of 96° raw sugar in bags, or 7.0 cents per hundredweight of 96° raw sugar in bulk, in lieu of:

6. Unstacking, tallying and loading at warehouse;
7. Shore risk, marine and war risk insurance;
8. Rebagging and mending sugar bags whenever and wherever incurred;
9. Brokerage or commissions and exchange;
10. Weighing, testing, sampling, mending sugar bags, and taring at destination;
11. All other expenses not itemized herein.

When any of the necessary services included in items 1 through 5 above are furnished by the processor, costs incurred shall include for each of the services rendered;

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses and vacation expenses properly allocable to such labor;
4. Direct supplies;
5. Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area Office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f. o. b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area Office, may be allowed in lieu of expenses actually incurred.

The following certification shall be made on statements submitted in duplicate not later than August 1, 1959 to the Area Office:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1957–58 crop of Puerto Rican sugarcane.

SCHEDULE C

DEFINITION OF ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1957–58 price determination, are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;
2. Freight from mill tank to shipside (or to local buyers when such molasses is sold on a delivered price basis);
3. Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;
4. Weighing and testing;
5. Wharfage;
6. Shore risk insurance (limited in coverage from mill to shipside);
7. Freight demurrage resulting from causes beyond the control of the shipper;
8. Insular taxes on molasses produced in Puerto Rico;
9. Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (9) above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;
4. Fuel, energy or direct supplies;
5. Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of cost. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area Office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The following certification shall be made on statements submitted in duplicate not later than August 1, 1959, to the Area Office:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1957–58 crop of Puerto Rican sugarcane.

[F. R. Doc. 57–10607; Filed, Dec. 23, 1957; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 98]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (22 F. R. 3005, 4377, 6910, 7223, 8929, 9384, 9725), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (xix) is added to subparagraph (2) of paragraph (d), relating to Burlington County in New Jersey, to read:

(xix) Block 19, Lot 2, Plate 3, in Lumberton Township, owned and operated by John West.

2. New subdivisions (xvi), (xvii), and (xviii), are added to subparagraph (6) of paragraph (d), relating to Hudson County in New Jersey, to read:

(xvi) Block 30C, Lots 34, 35, 36, 37, and 38, Plot 7, in Secaucus Township, owned and operated by Charles Becker.

(xvii) Block 42, Lot 13, in Secaucus Township, owned and operated by Francis A. Niznik.

(xviii) Block 12, Lot 9, Plot 2312, in Secaucus Township, owned and operated by John Simsek.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1956 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 18th day of December 1957.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 57–10608; Filed, Dec. 23, 1957; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF THIRAM

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of thiram in or on certain raw agricultural commodities. Later the request for the establishment of tolerances on celery, peaches, and strawberries was withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.132) are amended by changing § 120.132 to read as follows:

§ 120.132 *Tolerances for residues of thiram.* A tolerance of 7 parts per million is established for residues of thiram (tetramethyl thiuram disulfide) in or on apples and tomatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: December 17, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57–10572; Filed, Dec. 23, 1957; 8:45 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RELATED PESTICIDE CHEMICALS; RECODIFICATION OF SECTION

Section 120.3 of the general regulations for setting tolerances and granting exemptions from tolerances (21 CFR, Part 120; 21 CFR, 1956 Supp., 120.3; 22 F. R. 348, 3106, 4017, 6589, 7503, 8082, 9528) is reissued for recodification purposes. No change is made in the text of these regulations.

§ 120.3 *Tolerances for related pesticide chemicals.* (a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, pesticide chemicals within each of the following groups have related pharmacological effects: Many chlorinated hydrocarbons, arsenic-containing chemicals, metallic dithiocarbamates, many organic phosphates.)

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component (such as As_2O_3) that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related pesticide chemicals (such as chlorinated hydrocarbons) that may be present.

(c) Where tolerances for inorganic bromide in or on the same raw agricultural commodity are set in two or more sections in this part, the over-all quantity of inorganic bromide to be tolerated from use of two or more pesticide chemicals for which tolerances are established is the highest of the separate applicable tolerances. For example, where the bromide tolerance on lima beans from ethylene dibromide soil treatment is 5 parts per million and on lima beans from methyl bromide fumigation is 50 parts per million, the over-all inorganic bromide tolerance for lima beans grown on ethylene dibromide treated soil and also fumigated with methyl bromide after harvest is 50 parts per million.

(d) Where tolerances are established for both calcium cyanide and hydrogen cyanide on the same raw agricultural commodity, the total amount of such pesticides shall not yield more than 25 parts per million, calculated as hydrogen cyanide.

(e) Except as noted in subparagraphs (1) and (2) of this paragraph, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class.

(1) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

(ii) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iii) Add the percentages so obtained for all residues present.

(iv) The sum of the percentages shall not exceed 100 percent.

(2) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determinations of one or more, but not all of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present, and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each determinable residue present.

(ii) Deduct the amounts of such residues from the total amount of residues present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(iii) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iv) Add the percentages so obtained for all residues present.

(v) The sum of the percentages shall not exceed 100 percent.

(3) The following compounds are members of the class of dithiocarbamates.

Ferbam.
Maneb.
Manganous dimethyldithiocarbamate.
Sodium dimethyldithiocarbamate.
Thiram.
Zineb.
Ziram.

(4) The following compounds are members of the class of chlorinated hydrocarbons:

Aldrin.
Benzene hexachloride.
Chlordane.
Chlorinated camphene (toxaphene).
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).
p-Chlorophenyl *p*-chlorobenzenesulfonate.
DDD (TDE).
DDT.
1,1-Dichloro-2,2-Bis(*p*-ethylphenyl) ethane.
2,4-Dichlorophenoxyacetic acid.
Dieldrin.
Heptachlor.
Lindane.
Methoxychlor.
Sesone (sodium 2,4-dichlorophenoxyethyl sulfate, SES).
Sulphenone (*p*-chlorophenyl phenyl sulfone).

(5) The following compounds are members of the class of organic phosphates:

S-(*p*-Chlorophenylthio) methyl *O,O*-diethyl phosphorodithioate.
O,O-Diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.
O,O-Dimethyl S-(4-oxo-1,2,3-benzotriazin-3-yl-methyl) phosphorodithioate.
EPN.
Malathion.
1-Methoxycarbonyl-1-propen-2-yl-dimethyl phosphate and its beta isomer.
Methyl parathion.
Parathion.
Systox (*O,O*-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of the thiono and thiol isomers).

(6) The following compounds are members of the class of dinitro compounds:

Dinitro-o-cyclohexylphenol.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: December 17, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-10573; Filed, Dec. 23, 1957; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

Subchapter D—Multifamily and Group Housing Insurance

PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE

Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

1. Section 222.13 (a) (1) (vi) is amended to read as follows:

§ 222.13 *Condition of property when transferred; delivery of debentures and certificate of claim.* (a) * * *
(1) * * *

(vi) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
2¼	Aug. 9, 1954	Sept. 1, 1954
2½	Sept. 1, 1954	Jan. 1, 1955
2⅝	Jan. 1, 1955	July 1, 1955
2¾	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	July 1, 1957
3⅜	July 1, 1957	Jan. 1, 1958
3½	Jan. 1, 1958	

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U. S. C. 1709)

2. Section 233.9 (a) (1) (vii) is amended to read as follows:

§ 233.9 *Insurance benefits.* (a) * * *
(1) * * *

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
2¾	Aug. 13, 1954	Jan. 1, 1955
2⅞	Jan. 1, 1955	July 1, 1955
2⅞	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	July 1, 1957
3⅜	July 1, 1957	Jan. 1, 1958
3½	Jan. 1, 1958	

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

3. Section 293a.9 (a) (1) (vii) is amended to read as follows:

§ 293a.9 *Delivery of debentures and certificate of claim.*
(a) * * *
(1) * * *

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
2¾	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	July 1, 1957
3⅜	July 1, 1957	Jan. 1, 1958
3½	Jan. 1, 1958	

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f. Interpret or apply sec. 803, 69 Stat. 646; 12 U. S. C. 1748b)

Issued at Washington, D. C., December 18, 1957.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57-10582; Filed, Dec. 23, 1957; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

CONTINUANCE IN EFFECT OF ALL CURRENT REGULATIONS AND OTHER FORMAL ISSUES

All current Veterans Administration regulations, manuals, instructions, bulletins, circulars, Administrator's decisions, delegations of authority and other issues applicable to the Veterans Administration shall remain in full force and effect until such time as the same may be specifically amended or revoked.

[SEAL] SUMNER G. WHITTIER,
Administrator of Veterans Affairs.

DECEMBER 20, 1957.

[F. R. Doc. 57-10665; Filed, Dec. 23, 1957; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 112—PARCEL POST

CHART OF RATES AND MAILING CONDITIONS

In § 112.1 *Chart of rates and mailing conditions* make the following changes:

1. Opposite the following countries and under the column headed "Air Parcel Post rates" insert the applicable rate data herewith:

Country of destination	Air parcel rates	
	First 4 oz.	Each additional 4 oz.
Afghanistan	$1.61	$0.91
Cape Verde Islands	1.19	.52
Eritrea	1.30	.73
Ethiopia	1.34	.76
French Equatorial Africa	1.47	.93
Gambia	1.16	.67
Jordan	1.27	.65
Libya	1.18	.55
Macao	2.24	1.39
Rhodesia and Nyasaland	1.29	.94
Spanish Guinea	1.34	.72
Viet-Nam	2.06	1.44
Western Samoa	1.70	1.05

2. Opposite Western Samoa and under "Weight limit (pounds)" change the weight limit to 22 pounds.

3. Footnote 46 (22 F. R. 6338) is amended to read as follows:

[46] Service to Grenada, the Grenadines, and St. Lucia only.

The foregoing amendments are effective January 1, 1958.

(R. S. 161, 396, as amended, 398 as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-10575; Filed, Dec. 23, 1957; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter I—Philippine Rehabilitation

[General Order 68]

PART 311—CHARTERS UNDER PHILIPPINE REHABILITATION ACT OF 1946

REVOCATION OF PART

Part 311 (General Order 68, as amended) is hereby revoked.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 18, 1957.

CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 57-10569; Filed, Dec. 23, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 15-1; FCC 57-1394]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

LOW POWER COMMUNICATION DEVICES; CERTIFICATION

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 18th day of December 1957;

The Commission having under consideration requests from Telectron Company to extend the time within which Low Power Communication Devices operating on frequencies above 70 Mc must comply with the certification requirements of Part 15 of the rules governing incidental and restricted radiation devices; and

It appearing that § 15.208 of the rules provides that all low power communication devices manufactured after January 1, 1958, must be certificated to demonstrate compliance with Part 15 of the rules including § 15.206 (a) which requires that operation on frequencies above 70 Mc be limited to one second duration and to occur not more than once in 30 seconds; and

It further appearing that Telectron Company and Advance Industries, Inc., have been unable, in the time allowed, to complete the field and laboratory testing of their low power communication devices of revised design, and that an additional 6 month period will be needed to assure compliance with the requirements of § 15.206 (a); and

It further appearing that Multi-Products Company opposes the requested extension of time since it has spent large sums of money in developing radio controls that comply with the Commission's regulations applicable to low power communication devices which operate on frequencies below 70 Mc; and

It further appearing that Telectron Company and Advance Industries, Inc., have made reasonable efforts to meet the certification requirements of Part 15; and

It further appearing that the evidence before the Commission indicates that industry as a whole will, in a limited period of time, find it practicable to comply with the Commission's requirements; and

It further appearing, that the public interest would be served by granting an extension of time as requested; and

It further appearing that in view of the time element involved, compliance with the notice provisions of section 4 of the Administrative Procedure Act would be impracticable; and that, because the amendment relieves a restriction, it may be made effective immediately;

It is ordered, That pursuant to the authority of section 4 (i), 301 and 303 (f) of the Communications Act of 1934, as amended, Subpart E of Part 15 of the Commission's rules and regulations is amended as set forth below effective January 1, 1958.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: December 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 15.208 (a) to read as follows:

(a) No low power communication device manufactured after the dates set forth in § 15.211 shall be operated without a station license unless it has been certificated to demonstrate compliance with the requirements in this part.

2. Add the following new section:

§ 15.211 *Date when certification is required.* All low power communication devices which operate on frequencies of 70 Mc or above, manufactured after June 30, 1958, shall comply with the certification requirements of this subpart. All low power communication devices which operate on frequencies below 70 Mc, manufactured after December 31, 1957, shall comply with the certification requirements of this subpart.

[F. R. Doc. 57-10597; Filed, Dec. 23, 1957; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PARTS 150–160—VALUATION

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 18th day of December A. D. 1957.

The matter of valuation records and reports being under consideration pursuant to provisions of section 19a of the Interstate Commerce Act, as amended (37 Stat. 701, as amended; 49 U. S. C. 19a, as amended); and,

It appearing that regulations published in Parts 150 to 160, both inclusive, of this subchapter include references to the internal organization of the Commission and to other regulations prescribed by the Commission, many of which references are now inaccurate due to changes in such organization and regulations, notice of which changes was timely given to all interested carriers and to the general public when the changes were made, so that the necessary corresponding corrections in such Parts 150 to 160, both inclusive, are not subject to the public rule making requirements of section 4 (a) of the Administrative Procedure Act, and good cause otherwise appearing:

It is ordered, That, effective with publication of this order and the attached corrections in the FEDERAL REGISTER, such corrections shall be made in Parts 150 to 160, both inclusive, as shown in the attachments which by this reference are made a part of this order.

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 150—CORPORATE HISTORY: AID, GIFTS, GRANTS, AND DONATIONS

In § 150.1 (e), last sentence, substitute the word, "Commission" for the words, "Director of Valuation".

PART 151—LAND SCHEDULES AND INDUSTRIAL TRACKS

In § 151.4 (a), first sentence, substitute the expression, "specified for that purpose," for the words, "fixed by the director of valuation,".

PART 152—MAP SPECIFICATIONS

1. In § 152.0 (a), first sentence, substitute the expression, "in the valuation records of the Commission;" for the words, "in the office of the Bureau of Valuation;".

2. In § 152.12 (f), first sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

PART 154—MATERIALS AND SUPPLIES

Following the part title and preceding the caption, "Instructions for reporting purchases and prices paid for materials," insert the following note:

NOTE: All requirements for returns to Valuation Order No. 14, which are published in this part, have been canceled and a select group of named carriers are required to file data annually in lieu thereof in accordance with a notice dated December 31, 1936.

PART 155—UNIFORM SYSTEM OF RECORDS AND REPORTS OF PROPERTY CHANGES; COMMON CARRIERS

1. Following the part title and preceding the caption, "Regulations and instructions," insert the following note:

NOTE: Requirements in this part for filing reports with the Commission have been restricted, until further notice, to Class I railroad companies, and to a list of named Class II railroad companies the operating properties of which are generally inseparable from those of an affiliated Class I company. All carriers temporarily so exempted from such reporting requirements were individually notified. This temporary exemption by notice did not relieve any carrier from compliance with requirements for maintaining records or with any other provision of Valuation Order No. 3, second revised issue, and supplements thereto.

2. In § 155.0 (b), last sentence, substitute the expression, "prescribed by the Commission, to file" for the words, "prescribed by the Director, Bureau of Valuation to file with the Commission".

3. In § 155.2 (b) at the end of the fourth, or next to the last sentence, substitute the word, "Commission." for the words, "Bureau of Valuation."

4. In § 155.19 (a) in the proviso to the first sentence, substitute the word, "Commission" for the words, "Director of the Bureau of Valuation".

5. In § 155.20 (a) in the proviso to the first sentence, substitute the word, "Commission" for the words, "Director of the Bureau of Valuation".

6. In § 155.22 in the proviso to the last sentence, substitute the word, "Commission," for the words, "Director of the Bureau of Valuation,".

7. In § 155.112 (c) (1), substitute the word, "Commission" for the words "Bureau of Valuation".

8. In § 155.118, second sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

9. In § 155.120, revise paragraph (d) to read as follows:

(d) All items in Account 13, Fences, snowsheds, and signs.

10. In § 155.120 (e), correct the reference to, "account 26, Telegraph and telephone lines," to read, "account 26, Communication systems".

11. In § 155.120, revise paragraph (g) to read as follows:

(g) All items in Account 37, Roadway machines; Account 38, Roadway small tools; and paving in Account 39, Public improvements—Construction.

12. In § 155.121 (b), correct the reference to, "Account 15, Crossings and signs," to read, "Account 39, Public improvements—Construction,".

13. In § 155.121 (f), eliminate the expression, "or cinder pit" and substitute the following: "cinder pit, or gas producing plant, each plant".

14. In § 155.121, delete paragraph (i).

15. In § 155.121 (j), correct the reference to, "Account 26, Telegraph and telephone lines," to read, "Account 26, Communication systems,".

16. In § 155.121, delete paragraph (l).

17. In § 155.121, revise paragraph (m) to read as follows:

(m) Under Account 29, Power plants, each building, including power substation buildings.

18. In § 155.121, revise paragraph (n) to read as follows:

(n) Under Account 31, Power-transmission systems, each shop plant or each power system, including each power-distribution system, power-line poles and fixtures system, and underground conduits system.

19. In § 155.121, revise paragraph (p) to read as follows:

(p) Under Account 44, Shop machinery, and Account 45, Power-plant machinery, each separate plant.

20. In § 155.126 (b) and (c), substitute the word, "Commission" for the words, "Bureau of Valuation" where they appear in each.

21. Revise § 155.128 to read as follows:

§ 155.128 *Separations by sheets or subschedules.* The following accounts or groups of accounts should be reported on a single sheet or series of sheets: Accounts 1 and 71 to 77, inclusive; 2, 2½ (reproductible), and 39 (assessments); 2½ (nonreproductible), 3, and 5; 6 and 7; 8 to 13, inclusive, and 39 (construction); 16, 17, and 35; 18 and 19; 20 to 22, inclusive; 23 and 24; 26; 27; 29; 31; 40 to 43, inclusive; and, 44 and 45.

22. In § 155.129, first sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

23. In § 155.130 (b), third sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

24. In § 155.200 (b) (3), substitute the word, "Commission" for the words, "Bureau of Valuation".

25. In § 155.200 (c) in the list of units by account numbers correct the reference to, "Account 26. Telegraph and Telephone Lines" to read, "Account 26, Communication Systems".

PART 156—UNIFORM SYSTEM OF RECORDS AND REPORTS OF PROPERTY CHANGES; PIPELINE CARRIERS

1. In § 156.0 (b) amend the second or last sentence, to read as follows: "Reports shall cover such period from the date of the basic inventory, or of any previous report, as may be fixed by the Commission and shall be filed within 90 days from the date prescribed for that purpose".

2. In § 156.7 (b), first sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

3. In § 156.15, second sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

4. In § 156.22, first sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

5. In § 156.100, third paragraph, substitute the word, "Commission" for the words, "Bureau of Valuation".

PART 157—INVENTORY OF RECORDS

1. In § 157.3, revise the second, or next to the last, sentence to read as follows: "The following records and documents, which are more particularly described in the currently effective regulations to govern the destruction of railroad records and are listed as separate items in § 110.7 of this subchapter, are important and should be listed."

2. Delete the list of records and documents, including the caption and footnotes of the list, which is appended to this same section and substitute the following list for it:

LIST OF RECORDS

Item No.	*Description*
2	Minute books of directors', executive committee's, stockholders', and other meetings.
4 (a)	Capital stock ledger.
6	Record of securities owned.
8 (a)	Annual reports or statements to stockholders, file copies of.
9	Ledgers.
10	General journals.
11	Cash books.
12	Journal entries.
17	Copies of applications to and authorities from regulating bodies for the issuance of stocks, bonds, and other securities.
53	Distribution of labor expenditures.
54	Distribution of expenditures for material and supplies.
55 (a)	Register of audited invoices and vouchers and indexes thereto.
55 (c)	Paid and canceled vouchers, audit office copies of vouchers and supporting papers.
60 (a)	Register of bills collectible and indexes thereto.
60 (b)	Audit office copies of bills issued for collection, and supporting papers which do not accompany the original bills.
70	Road and equipment records. (Exclusive of those records the retention of which is optional with the carrier.)
71	Engineering records.
101	Records of roadway and track work performed.
102	Reports and records of repairs and renewals of buildings, bridges, and other structures.
130	Records and reports of equipment numbers changed.
300 (a)	Annual report forms.
300 (q)	Reports to regulating bodies regarding expenditures of proceeds from sale of authorized securities, file copies of, and supporting papers.

PART 158—SPECIFICATIONS FOR PIPE-LINE CARRIERS

In § 158.1 (b), first sentence; substitute the word, "Commission" for the words, "Bureau of Valuation".

PART 159—FIELD INVENTORIES OF PROPERTY OF PIPE LINE COMPANIES

In § 159.0 (b), revise the first sentence to read as follows: "Such inventory shall be made as of such date as shall be prescribed by the Commission, shall begin within 30 days from the receipt of written notice of this part and of the date of valuation prescribed, and shall be completed and filed within such time as may be prescribed: *Provided*, That in all cases a reasonable time for preparation and filing of such inventory shall be allowed which in no case shall be less than 30 days."

2. In § 159.2 make the following changes:

a. In the title of this section substitute the word, "Commission" for the words, "Bureau of Valuation".

b. In the first sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

c. In the second sentence, substitute the word, "Commission" for the word, "Bureau".

3. In § 159.4 (a) (1), first sentence, eliminate the expression, "of August 22, 1947,".

4. In § 159.4 (b), third sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

5. In § 159.4 (c) (1), second sentence, substitute the word, "Commission's" for the word "Bureau".

6. In § 159.4 (g), first sentence, change the comma following the word, "valuation" to a period and delete the expression, "December 31, 1934."

7. In § 159.4 (g), second sentence, substitute the word, "Commission's" for the word, "Bureau's".

PART 160—INVENTORIES AND ORIGINAL COST STATEMENTS

1. In § 160.1, revise the second or closing sentence of first paragraph to read as follows: "Such inventory and report shall be as of the date set by the Commission and shall be undertaken within 30 days from receipt of written notice of this part and shall be completed and filed within such time as shall be required, provided that in all cases a reasonable time for the preparation and filing of such inventory and report shall be allowed which in no case shall be less than 30 days."

2. In § 160.2, second paragraph, substitute the word, "Commission" for the words, "Bureau of Valuation".

3. In § 160.3, first sentence, substitute the word, "Commission" for the words, "Director of the Bureau of Valuation".

4. In § 160.4, third or last sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

5. In § 160.13, second sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

6. In § 160.19, first paragraph, substitute the word, "Commission" for the words "Bureau of Valuation".

7. In § 160.20, first sentence, substitute the word, "Commission" for the words, "Bureau of Valuation".

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

[F. R. Doc. 57-10574; Filed, Dec. 23, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12251]

TELEVISION BROADCAST STATIONS, PANAMA CITY, FLA.; TABLE OF ASSIGNMENTS

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Panama City, Florida).

1. The Commission has before it for consideration a letter filed December 17, 1957, by W. A. Simpson, Secretary, Air Coordinating Committee, Airspace Panel, requesting the Commission to extend the time for filing comments in this proceeding from December 16, 1957, to January 15, 1958.

2. Petitioner states that the Airspace Panel is considering the effects, if any, of the proposal on aviation operations in the Panama City area, and that since additional information must be obtained from the aeronautical interests concerned, it will not be possible for the Panel to reach a definite conclusion within the specified time.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments in this proceeding.

4. *Accordingly, it is ordered*, That the request of W. A. Simpson, is granted; that the time for filing comments in this proceeding is extended from December 16, 1957, to January 15, 1958; and the time for filing reply comments, is extended, from December 26, 1957, to January 25, 1958.

Adopted: December 18, 1957.

Released: December 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10598; Filed, Dec. 23, 1957; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 12273; FCC 57-1386]

TELEVISION BROADCAST STATIONS, CONCORD, N. H.; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Concord, New Hampshire).

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration petitions filed October 10, 1957, and December 13, 1957, by Springfield Television Broadcasting Corporation, licensee of television station WWLP, Channel 22, Springfield, Massachusetts, requesting an amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, to assign Channel 15 to Concord, New Hampshire, as follows:

City	Channel No.	
	Delete	Add
Concord, N. H.	75+	15
Portsmouth, N. H.	15	21+
St. Johnsbury, Vt.	36	75+
Bennington, Vt.	74+	69—
Springfield, Vt.	----	74+

3. In support of the requested amendments, petitioner alleges that Concord, the capital of New Hampshire, does not have a television station and that no application has been filed for Channel 75 in Concord and represents that it will apply for a construction permit in Concord if the proposed allocations are adopted. It alleges that its experience in operating on Channel 61 proved that the operation of high-powered stations on the higher UHF frequencies is not yet technically feasible, that there are no outstanding permits or applications for any of the channels involved and that the proposed assignments meet all minimum mileage separation requirements. Petitioner also proposes to apply for a translator station in Springfield, Vermont, if the requested changes are made.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 17, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 18, 1957.

Released: December 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10599; Filed, Dec. 23, 1957; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 12274; FCC 57-1387]

DAYTIME STANDARD BROADCAST STATIONS

EXTENSION OF HOURS OF BROADCASTING

In the matter of amendment of Part 3 of the rules to permit extended hours of broadcasting for daytime standard broadcast stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On December 9, 1955, the Daytime Broadcasters Association, Inc. (DBA) filed a petition requesting, inter alia, that all daytime standard broadcast stations be authorized to operate from 5:00 a. m., or local sunrise (whichever is earlier) to 7:00 p. m., or local sunset (whichever is later), in lieu of the sunrise to sunset hours provided for in the present rules. This petition superseded two petitions previously filed by DBA for extended hours of operation of daytime stations.[1]

3. Oppositions to the DBA petition now before us were filed by the licensees of 5 Class I stations, one Class II station, 21 Class III stations, one Class IV station, and by the Clear Channel Broadcasting Service, an association of 14 Class I–A stations.

4. It has not been practicable, until now, to determine what action would be appropriate on the petition before us, owing principally to the necessity for examining this proposal in the light of further review of the issues in two major, related proceedings: the Clear Channel proceeding (Docket No. 6741) and the Daytime Skywave proceeding (Docket No. 8333). Although additional analysis and study will be needed before it will be possible to reach a decision in those proceedings, work on them has now progressed to a point where it is possible to consider the instant proposal for extended hours for daytime standard broadcast stations in proper perspective.

5. This proposal has evident bearing on the two other proceedings. The Clear Channel proceeding is basicly concerned with the problems of providing an aural broadcast service to rural and sparsely populated areas and questions as to whether it is in the public interest to attempt to provide this service by means of relatively high power stations operating on channels primarily devoted to that purpose and cleared of other, interfering signals. Since a large number of the daytime stations for which extended hours of operation are requested operate on the channels under scrutiny and because extended hours of operation automatically involves extended hours of interference, the questions concerning the extensions must be treated with due regard for the record and findings in the Clear Channel matter. In the daytime skywave proceeding, Docket No. 8333, the basic question is whether skywave interference during daytime hours, i. e., after sunrise and before sunset is of sufficient magnitude to warrant consideration in fixing standards for daytime operations, particularly on the so-called clear channels. The relationship to the latter proceeding of a proposal that would extend daytime operation into nighttime hours, where skywave interference is an important factor for consideration, is obvious.

6. The proposed operation of daytime stations during some nighttime hours envisages a departure from the basic allocation principles under which the assignment of daytime-only stations originated. These principles, and the rules which implement them, derive from the familiar fact that the range of standard broadcast signals is vastly greater during the hours of skywave propagation, than during those daytime hours when propagation is, for practical purposes, confined to so-called groundwave signals, whose service and interference ranges are very substantially shorter.

7. Skywave propagation, brought about by reflection of transmitted signals from the ionosphere, a series of electrified layers in the earth's upper atmosphere, reaches its maximum during the nighttime hours. Negligible during most of the daytime hours, it begins a build up of significant proportions about 2 hours before sunset, reaches its top nighttime values about 2 hours after sunset, maintains approximately those levels until about 2 hours prior to sunrise, and then deteriorates progressively until it again reaches insignificant levels about 2 hours after sunrise.

8. Because these natural phenomena cause such a wide disparity in the daytime and nighttime range of standard broadcast signals, the rules governing the assignment and operation of standard broadcast stations are different for the daytime and nighttime hours. Under long-standing domestic practice and international agreement, local sunrise and local sunset delimit the periods during which the separate rules for daytime and nighttime operations are effective. For example, in the case of the U. S. clear channels, in order to protect the capacity of the Class I stations to render skywave service over wide areas domestic co-channel stations are generally not permitted to operate after sunset on the 24 Class I–A clear channels, while the Class I stations on the 22 Class I–B channels are required to directionalize their antennas at night to protect each other's service area. Also, unlimited time Class II stations on the Class I–B channels are required at sunset to reduce power, directionalize, or both, to render protection, as specified in the rules, to the nighttime service areas of the Class I–B stations and other Class II stations.

9. The substantial difference between daytime and nighttime propagation conditions has also made it possible to permit operation of stations, on regional channels, which can render a useful service during the daytime hours, but whose operations after sunset would create skywave interference to stations which have been authorized to operate at night on the basis of carefully engineered assignments utilizing directional antennas so as to afford mutual protection from interference.

10. In round figures there are now 1300 daytime stations, of which nearly 800 are assigned to regional channels and the remaining 500 (with one exception) to Clear Channels. Of the latter, 100 are assigned to U. S. clear channels and 400 to clear channels on which other countries in the North American Region have priority.

11. At base, the DBA proposal raises the question whether the public interest would be better served by permitting all daytime stations wishing to do so to broadcast after local sunset and before local sunrise (to the extent that, depending on season and latitude, local sunrise occurs after 5:00 a. m., and local sunset prior to 7:00 p. m.), despite resultant interference to unlimited time stations, or whether the public interest would be better served by retaining the present rules forbidding the operation of daytime stations during the nighttime hours.

12. The answer to this question does not, of course, depend on the resultant advantages or disadvantages to the several classes of stations concerned, but must be determined in terms of the resultant gains and losses of service to the public. Protection of service of unlimited time clear and regional channel stations from nighttime skywave interference from daytime stations is now achieved at the expense of terminating the operation of daytime stations at local sunset. The fact that this occurs at varying hours at different times of the year prevents daytime stations from conducting their operations during a constant or fixed broadcast day. The service of daytime broadcasters is accordingly curtailed to the greatest degree during the winter months. DBA alleges that this requirement precludes the rendering of needed services during the early morning and later afternoon hours in the communities served by daytime stations.

13. Parties who have filed oppositions to the DBA petition have on the other hand pointed out that extension of the broadcast day of daytime stations into the nighttime hours could be achieved only at the cost of substantial reduction of the primary service areas of the unlimited time clear and regional channel stations and the obliteration pro tem of the skywave service of Class I stations. It has also been pointed out that the cumulative skywave signals of daytime stations broadcasting during nighttime hours would have the additional effect of substantially reducing the range of the primary service which the daytime stations themselves could render during the nighttime hours, as compared with their pre-sunset and post-sunrise primary service areas.

14. It is difficult for the Commission to assess the extent of service gains and losses which would result from adoption of the DBA proposal, or to evaluate the net advantages or disadvantages to the public in the light of such gains and losses, without more detailed information than has been provided in the pleadings before us.

15. We have concluded that an opportunity should be afforded to the petitioner and to parties favoring and opposing petitioner's proposal to offer such concrete support for their views as they may desire to submit to the Commission in the rule making proceeding initiated herein. It is stated in the brief filed by DBA in support of its petition of December 9, 1955, that: "Engineering data is important, of course, and shows the technical feasibility of the petitioner's position." The petition is, however, unaccompanied by data giving adequate indication of the impact of the implementation of the DBA proposal on the services now protected from nighttime interference from daytime stations.[2]

16. While, as DBA urges, the ultimate judgment may not necessarily follow automatically from a numerical comparison of gains and losses of service to calculated areas and populations, it is nevertheless not possible to make a proper or adequate evaluation of all the pros and cons attaching to DBA's proposal without taking into account a reasonable assessment of the probable resultant losses of service as well as a showing of the extent of the service gains which could be achieved through its adoption.

17. It is necessary, moreover, to reckon not only with the domestic service gains and losses within the United States, but also with the implications of the DBA proposal in relation to international agreements under which the governments of the signatory North American countries allocate the use of the frequencies commonly employed for radio broadcasting in such manner as to avoid chaotic interference which would be mutually destructive of each other's broadcast services. Almost 400 of the U. S. daytime stations are currently assigned on frequencies on which other North American governments have priority use for clear channel stations protected from interference from U. S. co-channel stations on the same basis as those countries protect the larger numbers of clear channels on which the United States has priority under the relevant agreements. These are the North American Regional Broadcasting Agreement of 1950 and the Agreement between the United States of America and United Mexican States signed January 29, 1957, neither of which has been ratified, but both of which in the interim furnish the basis for standard broadcast allocations and station assignments. Pertinent provisions are found also in Executive Agreement between the U. S. and Mexican Governments, which became effective March 29, 1941, and continues in force until ratification of the successor agreement signed January 29, 1957.

18. These Agreements represent the results of lengthy negotiations and reflect what the Contracting Parties considered to be fair and equitable compromises of conflicting interests among the countries concerned in the international allocation of the use of the limited spectrum space available for standard broadcasting. It is not possible, without more data than has been provided by the parties so far, to evaluate the desirability, either from the standpoint of the daytime broadcasters, or of the U. S. standard broadcast industry as a whole, of reopening negotiations on the provisions of these agreements relating to clear and regional channels. A judgment in this regard requires more detailed information than have been provided by the parties concerning not only the domestic service gains and losses which are involved, but also the extent to which implementation of the DBA proposal would infringe, and therefore require revision of the 1957 Agreement with the United Mexican States and the 1950 NARBA. Under the former, it is stipulated that daytime Class II assignments by either Contracting Party on clear channels upon which the other Contracting Party has the Class I–A priority will be subject to the following conditions, among others:

(a) Operation only between sunrise and sunset at the location of the Class II station,[3]

(b) Field intensity of the groundwave signal of the Class II station at the boundary of the country which has the Class I–A priority of the channel, not to exceed 5 uv/m.[4]

NARBA provides that: "Day-time operation in general means operation between the times of local sunrise and local sunset at the transmitter location of the station; however, in particular cases other hours for day-time operation may be established, either in the present Agreement or any bilateral agreements, between the respective Contract Governments taking into account the location of the station it is intended to protect." [5]

NARBA also provides that no country shall assign a Class II station for nighttime operation on a clear channel within 650 miles of the boundary of another country having Class I–A priority use of the channel. NARBA contains additional limitations concerning maximum permissible interfering groundwave and skywave signals transmitted by stations in countries other than those which have Class I priority use of the clear channels.

19. While neither the 1957 Agreement with the United Mexican States nor the 1950 NARBA Agreement has yet entered into formal effect, through requisite ratification by the parties, the signatory governments, in the interest of avoiding chaotic mutual interference to the several broadcast services concerned are, in general practice, observing the limitations which these agreements stipulate. It is not possible, therefore, to disregard these international agreements, nor would it be possible to make a proper evaluation of the desirability of attempting to renegotiate them, in the absence of a much more explicit showing than is available in the present pleadings, of the extent of the gains and losses involved and of the consequent net effect of adopting the DBA proposal.

20. Evaluation of the effect of the DBA proposal on the public interest would be facilitated by reasonably complete and accurate data indicating:

(a) The times during which, the areas in which and the populations for which the DBA proposal would result in added primary service.

(b) The extent to which such primary service gains would occur where no other primary service is available:

(1) from any other station

(2) from any other station located in the same city or town.

(c) The periods during which, the areas in which, and the populations for

[1] A DBA petition filed May 14, 1954 requested permission for all daytime stations to operate from 5:00 a. m. to 7:00 p. m. Pursuant to written requests submitted early in 1955 by counsel for DBA, the Commission deferred action on this petition pending receipt of an amendment which DBA filed May 18, 1955, in which DBA substituted the variable hours set out above in paragraph 2, but limited the revised petition to daytime stations on regional channels.

[2] The previous petition filed by DBA on May 18, 1955, was accompanied by a document entitled "Engineering Statement in Connection with Rule Making Proceeding for Additional Operating Hours on Class III Channels for Daytime Stations." This document sheds no light on the subsequently renewed proposal to extend the broadcast hours of daytime stations on clear channels, and contains only limited and inadequate data relating to the regional channels.

[3] The Executive Agreement between the U. S. and Mexican Governments (Executive Series 196), which entered into effect in 1941 and still remains in effect, similarly bars nighttime broadcasitng by U. S. stations on Mexican clear channels.

[4] Article 2, section B (8) (c) of the Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band, signed January 29, 1957.

[5] Annex II, section A (6), 1950 NARBA.

whom primary service available under the present rules would be subjected to objectionable interference to the signals of U. S. Class I–A, I–B, unlimited time Class II and Class III stations.

(d) The extent to which the foregoing losses of service would occur in areas and for populations receiving no other primary service.

(e) A showing similar to (c) and (d) with respect to losses of skywave service within the .5 mv/m 50 percent skywave contours of Class I stations.

(f) To the extent to which limitations set out in the above-referenced international agreements would be infringed.

(g) Views of the parties concerning the need for the additional services which would be made possible by extending the hours of operation of daytime stations and the effect on the public interest of the consequent losses of service from other classes of stations.

21. On the basis of the foregoing, the Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

22. There remain for disposition collateral requests contained in the DBA petition of December 9, 1955, as follows:

(a) To consolidate, with a rule making proceeding on extended hours for daytime stations, so much of Issue No. 7 of the clear channel proceeding (Docket No. 6741) as deals with hours of operation of daytime stations operating on clear channels. Issue No. 7 reads: "What new rules or regulations, if any, should be promulgated to govern the power or hours of operation of Class II stations operating on clear channels."

(b) Similarly, to consolidate with a rule making proceeding on extended hours for daytime stations, the daytime skywave proceeding (Docket No. 8333).

(c) To defer, until the submission of comments in a rule making proceeding covering the extended hours question, further action on the proposed Report and Order of March 11, 1954 in Docket No. 8333, in which the Commission announced and designated for oral argument certain proposed restrictions on the daytime skywave radiations toward protected clear channel stations.

23. To the extent that the instant proceeding relates to the hours of operation of Class II daytime stations, it concerns Issue No. 7 of the clear channel proceeding. *Accordingly, it is ordered,* That Request (a), above, of the Daytime Broadcasters Association, Inc. is granted.

24. Earlier in this Notice we took cognizance of the relationship between the instant DBA petition for extended hours and the issues in the daytime skywave proceeding relating to interference to Class I clear channel stations caused by daytime skywave radiations of Class II and Class I–B clear channel stations during the two hours preceding sunset and two hours following sunrise. We recognize that, owing to the relationship between these issues, it is desirable to ensure that any decision concerning the restriction of daytime skywave radiations should be compatible with such decision as may be reached on the petition for extended hours. In our opinion, however, this neither necessitates nor makes it desirable to consolidate the two proceedings. This proceeding is concerned primarily with the effect of permitting daytime stations to operate for a limited time prior to sunrise and after sunset, and thus with nighttime skywave interference problems. The daytime skywave proceeding is concerned with skywave interference that occurs after sunrise and before sunset, i. e. daytime skywave interference. The obvious necessity for correlation of these two problems has already been discussed. While it is desirable that the decisions reached in both proceedings reflect consistent policy it is not necessary, in order to achieve this, that the instant proceeding dealing with nighttime conditions be consolidated with the other which relates to daytime conditions. *Accordingly, it is ordered,* That request (b), above, of the Daytime Broadcasters Association, Inc., is denied.

25. Request (c) above, contemplates a deferral of the final decision in the daytime skywave proceeding until the parties have had an opportunity to submit their comments and reply comments in a rule making proceeding on the DBA proposal for extended hours. Because this course of action will help to ensure that the decisions reached in the daytime skywave proceeding and the instant proceeding are harmonious: *It is ordered,* That Request (c), above, of the Daytime Broadcasters Association, Inc., is granted.

26. In a separate petition filed on December 20, 1956, DBA requested that the Commission:

(a) Dismiss the clear channel and daytime skywave proceedings (Docket Nos. 6741 and 8333 respectively), delete Footnote 10 (b) of Section 1.371 of the Commission's rules (which freezes the processing of certain types of applications for daytime stations on clear channels pending the conclusion of the daytime skywave proceeding) and simultaneously institute rule making on the DBA petition of December 9, 1955 for extended hours; or in the alternative

(b) In any event, terminate the freeze on the assignment of daytime stations on clear channels and inaugurate rule making on the DBA petition for extended hours.

While the Commission has during recent months made substantial progress in its reanalysis of the records of the clear channel and daytime skywave proceedings, further study and discussion will be necessary before we will be able to decide the appropriate course to be followed in those proceedings. Nor, until such decisions can be made, would it be desirable to lift the freeze provided for in Footnote 10 (b) of § 1.371 of the rules, since the assignment of additional daytime stations on the clear channels would restrict the opportunities for implementing certain of the proposed modes of revising clear channel allocations and of affording protection against daytime skywave radiations, at least in the case of new daytime stations. In our opinion it is necessary, for these reasons, that the freeze be continued in effect. We are, however, aware of the desirability of reaching a final conclusion on these matters at the earliest possible date and are endeavoring to complete our studies and reach a decision in these proceedings at the earliest practicable date. *Accordingly, it is ordered,* That requests (a) and (b) in the DBA petition of December 20, 1956, are denied, except insofar as they request the institution of rule making on the DBA petition of December 9, 1955 for extended hours of operation of daytime stations.

27. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and 303 (a), (b), (c), (d), (f), (g) and (r) of the Communications Act of 1934, as amended.

28. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before March 18, 1958, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 30 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

29. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 18, 1957.

Released: December 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION[*]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57–10600; Filed, Dec. 23, 1957; 8:51 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 7038 et al.]

SOUTHEASTERN AREA LOCAL SERVICE CASE

NOTICE OF HEARING

In the matter of the investigation of the need for improvements in the local air service pattern in the area including the States of Alabama, Florida, Georgia, Mississippi, and Tennessee.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, and particularly sections 401 and 1002 thereof, that public hearing in the above entitled proceeding is assigned to be held in two sessions: The first commencing January 6, 1958, at 10 a. m., e. s. t., in the Assembly Room on the basement floor of the Atlanta Public Library, Forsyth Street and Carnegie Way, Atlanta, Georgia, for the primary purpose of hearing civic presentations; and thereafter, the second session will commence for the purpose of hearing airline presentations on January 27, 1958, in Room E–210 in the Temporary 5 Building, 16th Street and Constitution Avenue NW., Washington, D. C., at 10 a. m., e. s. t., before Hearing Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues in this proceeding, particular attention will be directed to:

1. The need for additional local air service as set forth in the applications therefor of Eastern Airlines, Inc., Mackey Airlines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., Southeastern Aviation, Southern Airways, Inc., and Trans-Texas Airways, on file in the docket of this proceeding;

2. The need for suspension or termination of:

(a) The authority of Eastern Airlines to serve Albany, Georgia on Route No. 10; Dothan, Alabama on Route No. 5; Gainesville and Ocala, Florida on Routes No. 6 and 10; Florence-Sheffield-Tuscumbia, Alabama on Route No. 10; and Huntsville, Alabama served by exemption on Route No. 10;

(b) The authority of National Airlines, Inc., to serve Marianna, Florida on Route No. 39; Fort Myers and Lakeland, Florida on Route No. 31; Panama City and Tallahassee, Florida; Valdosta, Georgia; and Gulfport, Mississippi on Route No. 39;

(c) The authority of Delta Air Lines, Inc., to serve Selma, Alabama, and Hattiesburg and Meridian, Mississippi on Route No. 24.

3. As to the need for air service to St. Augustine, Florida; Douglas and Tifton, Georgia; Pascagoula, Moss Point, Ocean Springs, and Corinth, Mississippi.

For further details regarding the issues in this proceeding, interested persons are referred to the Report of the Prehearing Conference served April 2, 1957; the Supplemental Report served May 17, 1957; Orders Nos. E–11519 adopted July 2, 1957, and E–11821 adopted September 26, 1957, and all other documents on file in the docket of this proceeding with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board on or before January 6, 1958, a statement setting forth the issues of fact or law desired to be controverted.

Dated in Washington, D. C., December 17, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57–10604; Filed, Dec. 23, 1957; 8:51 a. m.]

[*] Commissioner Lee dissenting.

[Docket No. 7149 et al.]

SOUTHWEST AIRWAYS CO. ET AL.; SERVICE TO SANTA CATALINA ISLAND, CALIFORNIA

NOTICE OF PREHEARING CONFERENCE

In the matter of the applications of Southwest Airways Company, Docket No. 7109; Avalon Air Transport, Inc., Docket No. 7149; Catalina Air Transport, Docket No. 9041; Los Angeles Airways, Inc., Docket No. 8446; Channel Airways, Docket No. 3706; and Channel Air Service, Docket No. 6283 for air service to Santa Catalina Island, California.

Notice is hereby given that a prehearing conference in the above-entitled applications is assigned to be held on January 15, 1958, at 10:00 a. m., e. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Thomas L. Wrenn.

Dated at Washington, D. C., December 17, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57–10605; Filed, Dec. 23, 1957; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLORIDA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Florida a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Broward.[1]	Lee.[1]
Charlotte.[1]	Manatee.
Collier.[1]	Martin.[1]
Dade.[1]	Okeechobee.[1]
De Soto.	Osceola.
Glades.[1]	Palm Beach.[1]
Hardee.	Pinellas.
Hendry.[1]	Polk.
Highlands.	Sarasota.
Hillsborough.	St. Lucie.[1]
Indian River.[1]	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 19th day of December, 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57–10610; Filed, Dec. 23, 1957; 8:53 a. m.]

[1] Presently designated for production emergency loans through December 31, 1957.

LOUISIANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following parishes in the State of Louisiana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

Bienville.	Madison.
Bossier.	Morehouse.
Caddo.	Natchitoches.
Caldwell.	Ouachita.
Claiborne.	Rapides.
Concordia.	Red River.
DeSoto.	Richland.
East Carroll.	Tensas.
Franklin.	Union.
Grant.	Webster.
Iberville.	West Baton Rouge.
Jackson.	West Carroll.
LaSalle.	Winn.
Lincoln.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named parishes after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 19th day of December 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57–10611; Filed, Dec. 23, 1957; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 18]

FLIGHT OPERATIONS AND AIRWORTHINESS DISTRICT OFFICES

FUNCTIONS, LOCATIONS AND SPECIALTIES

In accordance with the public information requirements of the Administrative Procedure Act, the description of functions and locations of field offices of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to publish revised titles of district offices, and revise addresses for certain district offices.

Section 22 as published on February 16, 1957, 22 F. R. 990, and as amended on August 30, 1957, 22 F. R. 6996, and September 11, 1957, 22 F. R. 7243, is further amended to read as follows:

SEC. 22. *Flight Operations and Airworthiness District Offices*—(a) *Functions.* Flight Operations and Airworthiness District Offices are composed of Air Carrier Safety District Offices, General Safety District Offices or Aircraft Engineering District Offices, in accord-

ance with their specialties. These offices serve as contact points with the general public and the aviation industry. The offices are responsible for the initial handling of all matters dealing with: aeronautical competency of airmen, air agencies, and air carriers; manufacture, repair, alteration and maintenance of aircraft and components; compliance with rules and standards governing flight operations; investigation of accidents and violations; promotion of safe flying; and maintenance of close liaison with state and local enforcement agencies.

(b) *Locations and specialties.* In the following tables the specialty column includes all specialties found at a particular office location. Although Engineering Flight Test Inspectors are assigned to a few district offices for the purpose of having administrative headquarters, the public can make initial engineering contact at any Flight Operations and Airworthiness District Office.

"(G)" indicates a General Safety District Office which specializes in flight operations and airworthiness activities relating to: air agencies, general operators (operators of aircraft other than scheduled air carriers, irregular air carriers operating aircraft having a maximum certificated gross takeoff weight of more than 12,500 pounds, and commercial operators certificated under Part 45 of the Civil Air Regulations); general airmen (all persons who hold or are eligible for airmen certificates other than airline transport pilot, airport control tower operator, dispatcher, or aircrewman); and other general aviation activities.

"(C)" indicates an Air Carrier Safety District Office which specializes in flight operations and airworthiness activities relating to air carrier operations (operations of scheduled air carriers, irregular air carriers operating aircraft having a maximum certificated gross takeoff weight of more than 12,500 pounds, and commercial operators certificated under Part 45 of the Civil Air Regulations); air carrier aircraft in service (aircraft used in air carrier operations described herein); air carrier airmen (persons who hold or are candidates of such certificates as airline transport pilot, airport control tower operator, dispatcher, or aircrewman); and other air carrier matters.

"(M)" indicates an Aircraft Engineering District Office which specializes in manufacturing inspection, including matters pertaining to the type, production, and original airworthiness certification of new or modified aircraft, engines, propellers, and components.

"(E)" indicates an Aircraft Engineering District Office which specializes in rendering engineering assistance in the evaluation of aircraft and equipment designs and redesigns, and in the evaluation of aircraft repairs and alterations.

All inspectors are generally familiar with, and can furnish information and advice on, the flight operations and airworthiness matters outside their area of specialization.

REGION 1

State	City	Location	Mailing address	Specialty
Connecticut	Stratford	Sikorsky Aircraft Corp.	Care Sikorsky Aircraft Corp.	(M).
	Windsor	181 Broad St.	181 Broad St.	(M).
District of Columbia.	Washington	Hangar 6, Washington National Airport.	Hangar 6, Washington National Airport.	(C).
Kentucky	Louisville	Administration Bldg., Bowman Field.	Administration Bldg., Bowman Field.	(G).
Maine	Portland	Municipal Airport	Municipal Airport	(G).
Maryland	Hagerstown	Fairchild Aircraft Division of Fairchild Engine and Airplane Corp.	Care of Fairchild Aircraft Division of Fairchild Engine and Airplane Corp.	(M).
Massachusetts	Boston	287 East Marginal St.	287 East Marginal St., East Boston 28.	(C).
	Norwood	Municipal Airport	Municipal Airport	(G).
	Westfield	Barnes Westfield Airport	P. O. Box 464	(G).
New Jersey	Haddonfield	Echelon Airport	P. O. Box 154	(G).
	Newark	Room 221, Air Mail and Express Terminal, Newark Airport.	Room 221, Air Mail and Express Terminal, Newark Airport.	(C).
	Teterboro	Teterboro Air Terminal	Teterboro Air Terminal	(G) (C).
New York	Albany	Albany Airport, Watervliet.	P. O. Box 577, Latham	(G).
	Flushing	#7 North Annex, La Guardia Field.	P. O. Box 82, N. Y. Airport Station, Flushing 71.	(G).
	Ithaca	Cornell University Airport.	Cornell University Airport.	(C).
	New York	Terminal Bldg., La Guardia Field.	P. O. Box 575, La Guardia Airport Station, Flushing 71.	(C).
	New York	Room 102-103, Federal Bldg., International Airport.	Room 102-103, Federal Bldg., International Airport, Jamaica.	(C) (M).
	Lindenhurst	Zahn's Airport, North Wellwood Ave.	Zahn's Airport, North Wellwood Ave.	(G).
	Rochester	Rochester Municipal Airport.	Rochester Municipal Airport.	(G).
Ohio	Cincinnati	Administration Bldg., Lunken Airport.	Administration Bldg., Lunken Airport.	(G).
	Cleveland	Cleveland Hopkins Airport.	Cleveland Hopkins Airport Bldg., S-21, Cleveland 11.	(G).
	Columbus	Tower Bldg., Port Columbus Airport.	Tower Bldg., Port Columbus Airport.	(G).
	Vandalia	James M. Cox-Dayton Municipal Airport.	P. O. Box 385	(M).
Oklahoma	Tulsa	American Airlines Bldg., Municipal Airport.	P. O. Box 8186	(C).
Pennsylvania	Allentown	Allentown-Bethlehem-Easton Airport.	Allentown-Bethlehem-Easton Airport.	(G).
	Harrisburg	Harrisburg State Airport, New Cumberland.	Harrisburg State Airport, New Cumberland.	(G).
	Pittsburgh	Room 303, Administration Bldg., Greater Pittsburgh Airport.	Room 303, Administration Bldg., Greater Pittsburgh Airport.	(C).
	do	Allegheny County Airport, Dravosburg.	Allegheny County Airport, Dravosburg.	(G).
	Williamsport	Lycoming Division, Aviation Corp.	P. O. Box 928	(M).
Virginia	Alexandria	Beacon Field, 2013 Richmond Highway.	Beacon Field, 2013 Richmond Highway.	(G).
	Richmond	Byrd Field, Sandston	Byrd Field, Sandston	(G).
West Virginia	Charleston	Kanawha County Airport	P. O. Box 5276, Capitol Station.	(G).

REGION 2

State	City	Location	Mailing address	Specialty
Alabama	Birmingham	Municipal Airport	Municipal Airport	(G).
Arkansas	Little Rock	Adams Field	R. F. D. 7	(G).
Florida	Jacksonville	Room 221-225, U. S. Post Office and Court House Bldg., 311 West Monroe St.	P. O. Box 1704, Jacksonville 1.	(G).
	Miami	International Airport	P. O. Box 226, International Airport Branch, Miami 48.	(C) (G). (M) (E).
	St. Petersburg	Pinellas County International Airport.	Pinellas County International Airport.	(G).
	Tampa	Peter O. Knight Airport	P. O. Box 2112	(G).
Georgia	Atlanta	Bldg. No. 5, Municipal Airport.	P. O. Box 738, Municipal Airport.	(C).
	do	3999 Gordon Rd., Fulton County Airport.	3999 Gordon Rd	(G).
Louisiana	New Orleans	New Orleans Airport	P. O. Box 8068, Gentilly Branch, New Orleans Airport.	(G) (C).
	Shreveport	Down Town Airport	Down Town Airport, Shreveport 194.	(G).
Mississippi	Jackson	334 A. A. B. Bldg	P. O. Box 1727	(G).
North Carolina	Charlotte	Room 214, New Terminal Bldg., Municipal Airport.	P. O. Box 598	(G).
	Raleigh	506-507 Commercial Bldg.	P. O. Box 1858	(G).
	Winston-Salem	Terminal Bldg., Smith Reynolds Airport.	Terminal Bldg., Smith Reynolds Airport.	(C).
Oklahoma	Bethany	Tulakes Airport	Care of Aero Design and Engineering Co., P. O. Box 118.	(M).
	Oklahoma City	Municipal Airport	P. O. Box 5158, Farley Station.	(G).
	Tulsa	Administration Bldg., Room 107, Municipal Airport.	Administration Bldg., Room 107.	(G) (C).
South Carolina	Columbia	Capital Airport	P. O. Box 368, West Columbia.	(G).
Tennessee	Nashville	Berry Field	Berry Field	(C) (G).
	Memphis	2d Floor, Hangar No. 1, Memphis Municipal Airport.	P. O. Box 7097	(G).
Texas	Amarillo	Tradewind Airport	P. O. Box 2306	(G).
	Brownsville	Rio Grande International Airport.	Administration Bldg., Rio Grande International Airport.	(G).

REGION 3—Continued

State	City	Location	Mailing address	Specialty
Wisconsin	Milwaukee	General Mitchell Field	General Mitchell Field, Milwaukee 7.	(G).
	Wausau	Wausau Municipal Airport.	Wausau Municipal Airport.	(G).

REGION 4

State	City	Location	Mailing address	Specialty
Arizona	Phoenix	Sky Harbor Airport	3000 Sky Harbor Blvd., Sky Harbor Airport.	(G).
California	Burbank	Hangar No. 4, Lockheed Air Terminal.	Hangar No. 4, Lockheed Air Terminal.	(C).
	do	Lockheed Aircraft Corp., Plant A-1, Bldg. 10.	Care of Lockheed Aircraft Corp., Plant A-1, Bldg. 10.	(M).
	Fresno	Fresno Air Terminal	P. O. Box 591	(G).
	Long Beach	Administration Bldg., Municipal Airport.	Administration Bldg., Municipal Airport.	(G).
	do	Douglas Aircraft Co., Long Beach Div. C-8, Bldg. 83, 3855 Lakewood.	Care of Douglas Aircraft Co., Long Beach Div. C-8, Bldg. 83, 3855 Lakewood.	(M).
	Los Angeles	5651 West Manchester Ave.	P. O. Box 45007, Airport Station.	(G) (C).
	Oakland	Municipal Airport	Airport Station, P. O. Box 97.	(G).
	Ontario	Administration Bldg., Ontario International Airport.	Administration Bldg., Ontario International Airport, P. O. Box 1240.	(G).
	Palo Alto	Municipal Airport	Municipal Airport	(G).
	Sacramento	do	P. O. Box 1240	(G).
	San Diego	Administration Bldg., Lindbergh Field.	Administration Bldg., Lindbergh Field.	(G).
	do	Consolidated-Vultee Aircraft Corp., Bldg. 33, Lindbergh Field.	Care of Convair Aircraft Corp., Bldg. 33, Lindbergh Field, San Diego 12.	(M).
	Santa Monica	Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.	Care of Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.	(M).
	San Francisco	Rm. 404, Terminal Bldg., International Airport.	P. O. Box 7, Airport Branch, South San Francisco.	(C).
	Van Nuys	7540 Hayvenhurst Ave., San Fernando Valley Airport.	7540 Hayvenhurst Ave., San Fernando Valley Airport.	(G).
Colorado	Denver	CAA District Office Bldg., Stapleton Airfield.	CAA District Office Bldg., Stapleton Airfield.	(G) (C).
	Fort Collins	Care of Silvair Uranium & Aircraft Co.	P. O. Box 215	(M).
		1412 Idaho St.	1412 Idaho St.	(G).
Idaho	Boise	208 Stapleton Bldg.	P. O. Box 2078	(G).
Montana	Billings	Municipal Airport	P. O. Box 1167	(G).
Nevada	Reno	210 West 2d St., Room 9, Sawyer Bldg.	P. O. Box 499	(G).
New Mexico	Albuquerque	2029 Yale Blvd. SE	2029 Yale Blvd. SE	(G).
Oregon	Medford	Municipal Airport	P. O. Box 832	(G).
	Portland	Service Office Bldg., 5410 Northeast Marine Dr.	Service Office Bldg., 5410 Northeast Marine Dr., Portland 13.	(G).
Utah	Salt Lake City	Municipal Airport No. 1	Municipal Airport No. 1, Salt Lake City 3.	(G).
Washington	Seattle	CAA Bldg., Boeing Field	P. O. Box 18, Seattle 8	(G).
	do		P. O. Box 17, Seattle 8	(M) (C).
	Spokane	Administration Bldg., Felts Field.	P. O. Box 247, Parkwater Station.	(G).
	Yakima	2300 West Washington Ave.	2300 West Washington Ave. Box 2068, Airport Station.	(G).
Wyoming	Cheyenne	Municipal Airport, 4101 Evans Ave.		(G).

REGION 5

State	City	Location	Mailing address	Specialty
Alaska	Anchorage	Communications Bldg., Merrill Field.	P. O. Box 440	(G).
	do	Anchorage International Airport Terminal Bldg., Rm. 1.	do	(C).
	Fairbanks	Wien Hangar	P. O. Box 510	(C) (G).
	Juneau	Fairbanks Airport, McKinley Bldg.	P. O. Box 249	(C) (G).

REGION 2—Continued

State	City	Location	Mailing address	Specialty
Texas	Dallas	Room 241, Terminal Bldg., Love Field.	Room 241, Terminal Bldg., Love Field.	(G).
	do	Room 207, Administration Bldg., Love Field.	Room 207, Administration Bldg., Love Field.	(C).
	Fort Worth	Meacham Field	P. O. Box 1089, Meacham Field.	(G).
	do	Amon Carter Field, Room 213 Terminal Bldg.	P. O. Box 2306	(C).
	Garland	Temco Aircraft Corp., Garland Plant.	P. O. Box 397	(M).
	Hurst	Bell Aircraft Corp	Care Bell Aircraft Corp., P. O. Box 482, Fort Worth.	(M).
	Houston	2d Floor, Old Terminal Bldg., International Airport.	P. O. Box 12387, Houston 17.	(C) (G).
	Midland	Midland Air Terminal	P. O. Box 198, Terminal, Texas.	(G).
	San Antonio	International Airport	371 North Terminal Drive, Room 2, International Airport.	(G) (C).

REGION 3

State	City	Location	Mailing address	Specialty
Illinois	Chicago	5448 South Kildare	5448 South Kildare, Chicago.	(C).
	do	Du Page County Airport, St. Charles.	P. O. Box 337, Du Page County Airport, West Chicago.	(G).
	Springfield	Capital Airport	P. O. Box 197	(G) (C).
Indiana	Indianapolis	Administration Bldg., Weir-Cook Municipal Airport.	Administration Bldg., Weir-Cook Municipal Airport.	(G) (C).
	do	Allison Division, General Motors Corporation, Plant No. 5.	Allison Division, General Motors Corporation, Plant No. 5, Raymond St. and Tibbs Ave.	(M).
Iowa	South Bend	St. Joseph County Airport	St. Joseph County Airport.	(G).
	Cedar Rapids	Administration Bldg., Municipal Airport.	P. O. Box 1907	(G).
	Des Moines	228 Administration Bldg., Municipal Airport.	228 Administration Bldg., Municipal Airport.	(G).
Kansas	Dodge City	Municipal Airport	P. O. Box 550	(G).
	Kansas City	2d and 3d floors, Administration Bldg., Fairfax Airport.	2d and 3d floors, Administration Bldg., Fairfax Airport.	(G) (C).
	Wichita	Third Floor, Tower Bldg., New Municipal Airport	P. O. Box 2407, West Wichita Station, Wichita, 13.	(G).
	do	Prospectus.		
	do	Beech Aircraft Corp	Care of Beech Aircraft Corp	(M).
Michigan	Grand Rapids	Cessna Aircraft Co	Care of Cessna Aircraft Co.	(M).
	Detroit	Kent County Airport	Kent County Airport.	(G).
		Administration Bldg., Detroit-Wayne Major Airport, Inkster.	Administration Bldg., Detroit-Wayne Major Airport, Inkster.	(G).
	Muskegon	Continental Aviation & Engineering Corp.	P. O. Box 538	(M).
	Ypsilanti	Terminal Bldg., Willow Run Airport.	Terminal Bldg., Willow Run Airport.	(C).
Minnesota	Minneapolis	Administration Bldg., Wold-Chamberlain Field.	Administration Bldg., Wold-Chamberlain Field, Minneapolis, 28.	(G).
	do	6355 34th Ave. South, Wold-Chamberlain Field.	6355 34th Ave. South, Wold-Chamberlain Field.	(C).
Missouri	Springfield	Municipal Airport, Route 6.	Box 502A, Municipal Airport, Route 6.	(G).
	St. Louis	Administration Bldg., St. Louis Lambert Field.	Box 127, Lambert Field; Box 6127, Lambert Field, St. Louis 21.	(C).
Nebraska	Lincoln	Terminal Bldg., Municipal Airport Union.	P. O. Box 1749	(G).
North Dakota	North Platte	128 Administration Bldg., Municipal Airport.	P. O. Box 581	(G).
	Bismarck	Municipal Airport	P. O. Box 805	(G).
	Fargo	Administration Bldg., Hector Airport.	P. O. Box 1756, Hector Airport.	(G).
South Dakota	Huron	Municipal Airport	P. O. Box 96	(G).
	Rapid City	do	P. O. Box 27	(G).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 13, 1957.

[F. R. Doc. 57-10507; Filed, Dec. 23, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11888, 11889; FCC 57M-1276]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

ORDER CONTINUING HEARING

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP-10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP-10691; for construction permits.

On Motion of Kermit F. Tracy, filed December 13, 1957, and without objection from any other participant in this proceeding: *It is ordered*, This 16th day of December 1957, that the date for filing direct written presentations is extended from December 16, 1957, to January 2, 1958, and date for hearing from December 20, 1957, to January 6, 1958.

Released: December 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10601; Filed, Dec. 23, 1957; 8:51 a. m.]

[Docket Nos. 12229, 12230; FCC 57M-1279]

WALTER G. ALLEN AND MARSHALL COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Walter G. Allen, Huntsville, Alabama, Docket No. 12229, File No. BP-10871; Marshall County Broadcasting Company, Inc., Arab, Alabama, Docket No. 12230, File No. BP-11088; for construction permits.

Pursuant to pre-hearing conference on this date and with the concurrence of all counsel: *It is ordered*, This 17th day of December 1957, that an exchange of the direct case in writing of each applicant shall be made on or before January 15, 1958: *And it is further ordered*, That the hearing now scheduled for January 8, 1958, be, and the same is hereby, continued without date.

Released: December 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10603; Filed, Dec. 23, 1957; 8:51 a. m.]

[Docket Nos. 12201, 12202; FCC 57M-1275]

SOUTH NORFOLK BROADCASTING CO., INC. AND DENBIGH BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of South Norfolk Broadcasting Company, Incorporated, South Norfolk, Virginia, Docket No. 12201, File No. BP-10981; Cy Blumenthal tr/as Denbigh Broadcasting Co., Denbigh, Virginia, Docket No. 12202, File No. BP-11250; for construction permits.

It appearing from facts developed at a hearing conference held on December 16, 1957, that two additional applications, Virginia Beach Broadcasting Company, Virginia Beach, Virginia, BP-11600, and WTOW, Inc., Towson, Maryland, BP-11634, are entitled to be consolidated into the above-captioned proceeding;

Accordingly, it is ordered, This 17th day of December 1957, that hearing now scheduled for December 20, 1957, is continued indefinitely so as to permit designation of the Virginia Beach and WTOW applications into this proceeding; and

It is further ordered, That a pre-hearing conference will be held on February 14, 1958.

Released: December 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10602; Filed, Dec. 23, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1823]

STANDARD PACIFIC GAS LINE, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 18, 1957.

Take notice that Standard Pacific Gas Line Incorporated (Standard), a California corporation with its principal place of business at San Francisco, California, filed, on October 26, 1951, an application, which was supplemented on August 22, 1952, May 24, 1956, May 21, 1957, and August 26, 1957, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the transportation in interstate commerce of natural gas. On December 4, 1951, temporary authorization was granted Standard to operate the facilities as proposed in its application.

Standard proposes to transport natural gas for Pacific Gas and Electric Company through its existing pipeline system in California, extending from Pacific's Kettleman Compressor Station to the northern terminus of said line west of the City of San Pablo, and through two branch pipelines extending to points near the cities of Crockett and Antioch, respectively. The natural gas proposed to be transported under this application is purchased by Pacific from the El Paso Natural Gas Company at the California-Arizona border.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 16, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application as amended: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10588; Filed, Dec. 23, 1957; 8:49 a. m.]

[Docket No. G-11523]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 18, 1957.

Take notice that The Texas Company (Applicant), a Delaware corporation with its principal place of business in the City of Houston, Texas, filed on November 23, 1956, an application pursuant to section 7 (b) of the Natural Gas Act for authorization to abandon service to Lone Star Gas Company (Lone Star) from the J. C. Graham Lease located in the Doyle Field, Stephens County, Oklahoma, as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the application on file with the Commission and open to public inspection.

Applicant seeks to abandon service previously authorized to be rendered to Lone Star in Docket No. G-4824. The service is under Applicant's FPC Gas Rate Schedule No. 105. Applicant states Lone Star ceased taking gas from the J. C. Graham Lease in March 1956, when, due to natural depletion, the well pressure dropped below the line pressure maintained in Lone Star's field facilities.

This matter is one that should be disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 4, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 27, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10589; Filed, Dec. 23, 1957; 8:49 a. m.]

[Docket Nos. G-13137, 13282]

UNITED GAS PIPE LINE CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 18, 1957.

In the matters of United Gas Pipe Line Company, Docket No. G-13137; Lewis S. Rosenstiel, et al., Docket No. G-13282.

Take notice that United Gas Pipe Line Company (United), a Delaware corporation with a principal place of business in Shreveport, Louisiana, filed on August 26, 1957, an application for a certificate of public convenience and necessity in Docket No. G-13137 pursuant to section 7 of the Natural Gas Act for authorization to construct and operate approximately 1.8 miles of 6-inch lateral supply pipeline, with appurtenances, extending in a northeasterly direction from a point of connection at approximate Milepost 9.15 on its existing 20-inch Mustang Island pipeline to a purchase meter station to be installed and operated by United in the West Puerto Bay Field area, San Patricio County, Texas, subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission and open for public inspection.

Take further notice that Lewis S. Rosenstiel, whose principal place of business is at 1820 Empire State Building, New York, New York, for himself and on behalf of Conroe Drilling Company of Houston, Texas, filed on September 16, 1957, an application for a certificate of public convenience and necessity in Docket No. G-13282 authorizing the sale of natural gas in interstate commerce to United Gas Pipe Line Company for resale, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission and open for public inspection.

United proposes to construct and operate the above-described facilities to enable it to purchase and take natural gas produced by Lewis S. Rosenstiel and Conroe Drilling Company for transportation and resale thereof.

The estimated cost of facilities of United is stated to be $43,554, and will be defrayed from current funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 22, 1958 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10590; Filed, Dec. 23, 1957; 8:49 a. m.]

[Docket No. G-13326]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 18, 1957.

Take notice that, on September 27, 1957, United Gas Pipe Line Company (Applicant) filed in Docket No. G-13326 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which it will purchase from producers in the general area of its existing transmission system from time to time during the calendar year 1958, at a total cost not in excess of $3,000,000, with the total cost of any single connection being limited to $400,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting new supplies of gas in producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on January 28, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10591; Filed, Dec. 23, 1957; 8:50 a. m.]

[Docket No. G-13359]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 18, 1957.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in Omaha, Nebraska, filed an application on October 4, 1957, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities for receiving natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct the following facilities:

(1) An additional 440 horsepower compressor unit to be installed at the outlet of the Schafer plant in Carson County, Texas, to the 440 horsepower unit presently installed.

(2) Approximately 2,000 feet of 10-inch pipeline to extend from a point on Northern's existing 20-inch pipeline, southeast to its Skellytown Compressor Station, to a point of connection with the Kingsmill plant, located in Gray County, Texas, together with related measuring facilities.

Applicant states that the construction of the proposed facilities is estimated to cost $121,300 and will be used for the purpose of obtaining additional volumes of residue gas into its system from Skelly Oil Company's (Skelly) existing Schafer and Kingsmill Gasoline Plants.

Applicant states that the additional gas to be made available by Skelly, for which Northern is proposing additional facilities, will become available after December 31, 1957. Skelly now sells approximately 15,000 Mcf per day to Cabot Carbon Company (intrastate sale) in this area under a gas sales contract which expires December 31, 1957; and thereafter additional volumes of gas will be available to Northern at the Schafer plant. In addition, for the first time, gas will be made available to Northern from the Kingsmill plant. Daily deliveries from the Schafer plant will be increased by 13,000 Mcf from the present 7,000 Mcf to 20,000 Mcf. The initial daily delivery rate from the Kingsmill plant will be 2,000 Mcf.

No new markets are proposed to be served other than those previously authorized by the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 21, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10592; Filed, Dec. 23, 1957; 8:50 a. m.]

[Docket No. G-13542]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 18, 1957.

Take notice that on October 17, 1957, The Manufacturers Light and Heat Company (Applicant) filed in Docket No. G-13542 an application, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon three compressor stations and certain transmission pipelines located in Jefferson, Elk and McKean Counties, Pennsylvania, and for a certificate of public convenience and necessity authorizing the installation and operation of two portable compressor units at two of the aforesaid stations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks to abandon the following facilities:

(1) The existing 600 horsepower Iowa No. 1 Compressor Station located in Pine Creek Township, Jefferson County, Pennsylvania;

(2) The existing 480 horsepower Munderf Compressor Station located in Polk Township, Jefferson County, Pennsylvania;

(3) The existing 1,300 horsepower McKinley Compressor Station located in Highland Township, Elk County, Pennsylvania; and

(4) Approximately 40 miles of 6 to 9⅝ inch transmission pipeline extending north from Munderf Compressor Station to a point in Lafayette Township, McKean County, Pennsylvania.

Applicant states that the areas originally served by the above facilities are largely depleted, that said facilities were constructed between 1908 and 1923, and that the present compressor facilities are no longer required to handle gas from the fields involved.

Applicant proposes to install a 225 horsepower portable compressor unit on the Iowa Compressor Station property to pump the remaining production available in that area, and a 128 horsepower portable compressor unit to replace the present McKinley Compressor Station.

The estimated cost of the new compressor units is $96,500, and the total capital cost of installing the portable compressor units and removing the facilities to be abandoned is estimated at $104,800, which will be financed from funds on hand. There will be no change in Applicant's economic position, service or gas supply as a result of the present proposal.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10593; Filed, Dec. 23, 1957; 8:50 a. m.]

[Docket No. G-13630]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 18, 1957.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application on October 31, 1957, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of natural gas facilities (measuring and regulating station) in Scott County, Minnesota, on its 16-inch mainline to Minneapolis, subject to the jurisdiction of the Commission, to render a direct interruptible service to the Webster Cooperative Dairy Association (Webster) as more fully set forth in the application filed with the Commission, and open for public inspection.

Applicant represents it proposes to sell and deliver an estimated 117,000 Mcf annually to Webster, and approximately 720 Mcf on a maximum day, on an interruptible basis for use as boiler fuel at the Webster dairy.

The estimated capital cost of the proposed facilities is $4,950 which will be defrayed from current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 20, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10594; Filed, Dec. 23, 1957; 8:50 a. m.]

[Docket No. G-13845]

MIDWEST OIL CORP. ET AL.

EFFECTIVE DATE

DECEMBER 18, 1957.

In the Order for Hearing and Suspending Proposed Change in Rates, issued December 12, 1957, and published in the FEDERAL REGISTER on December 18, 1957 (22 F. R. 10128-9), on page 1, after "Rate Schedule Designated:" delete "'"; insert "'" after "Effective Date:" and change "January 1, 1957" to read "January 1, 1958".

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10595; Filed, Dec. 23, 1957; 8:50 a. m.]

[Docket No. G-13914]

DALPORT OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 18, 1957.

Dalport Oil Corporation, et al, (Dalport), on November 18, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: notices of change, dated November 15, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation:
Supplement No. 4 to Dalport's FPC Gas Rate Schedule No. 1.
Supplement No. 5 to Dalport's FPC Gas Rate Schedule No. 1.
Supplement No. 3 to Dalport's FPC Gas Rate Schedule No. 4.
Supplement No. 2 to Dalport's FPC Gas Rate Schedule No. 5.
Supplement No. 2 to Dalport's FPC Gas Rate Schedule No. 6.
Supplement No. 3 to Dalport's FPC Gas Rate Schedule No. 9.
Supplement No. 1 to Dalport's FPC Gas Rate Schedule No. 10.

Effective date: January 1, 1958 (effective date is the effective date proposed by Dalport).

In support of the proposed increased rates, Dalport states that the increases are provided for in the contracts.

It appears that the proposed increases result from the operation of a favored-nation escalation provision in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Dalport submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedules.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Dalport's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Dalport shall submit proof, through agreement with the Buyer or otherwise, of the date that each of the proposed increased rates would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure (18 CFR Ch. I); a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Dalport's rate schedules.

(C) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rates set forth in said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10585; Filed, Dec. 23, 1957; 8:48 a. m.]

[Docket No. G-13915]

DALPORT OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 18, 1957.

Dalport Oil Corporation (Operator), et al., (Dalport), on November 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 15, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Dalport's FPC Gas Rate Schedule No. 8.
Effective date: January 1, 1958 (effective date is the effective date proposed by Dalport).

In support of the proposed increased rate, Dalport states that the increase is provided for in the contract.

It appears that the proposed increase results from the operation of a favored-nation escalation provision in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Dalport submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Dalport's rate schedule described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Dalport shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Dalport's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the rate schedule, whichever is later, and until such further time as

it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10586; Filed, Dec. 23, 1957; 8:48 a. m.]

[Docket No. G-13916]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 18, 1957.

Amerada Petroleum Corporation (Amerada) on November 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 3, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Amerada's FPC Gas Rate Schedule No. 31.

Effective date: January 1, 1958 (effective date is the effective date proposed by Amerada).

In support of the proposed increased rate, Amerada states that the increase is provided for in the contract.

It appears that the proposed increase results from the operation of escalation provisions in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Amerada submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the above-designated rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Amerada's rate schedule described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Amerada shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the above-designated rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Amerada's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the above-designated rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10587; Filed, Dec. 23, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 196]

MOTOR CARRIER APPLICATIONS

DECEMBER 20, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under Sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub No. 87), filed August 22, 1957, YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, and *acids* and *chemicals*, not limited to Appendix XV of Ex Parte No. MC-45 or the definition in the Maxwell case, in bulk, in tank, multiple cylinder, hopper, vacuum and other type vehicles, between points in that part of Texas on, south and east of a line beginning at the Texas-Louisiana State line and extending along U. S. Highway 190 through Jasper, Woodville, Livingston, Huntsville and Cameron to junction with U. S. Highway 81 at Temple, Tex., thence along U. S. Highway 81 through Austin and San Antonio to Laredo, Tex., on the one hand, and, on the other, points in Louisiana, Mississippi, Arkansas, Oklahoma, and New Mexico. Applicant is authorized to transport the commodities specified in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, and Texas, and other commodities in Louisiana and Texas.

NOTE: Applicant states no duplicating authority is sought.

HEARING: January 28, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner C. Evans Brooks.

No. MC 7155 (Sub No. 6), filed November 4, 1957, ROY WILLIAMS, Route 3, Silverton, Oreg. Applicant's attorney: Wm. P. Ellis, 1102 Equitable Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, (1) from points in Tillamook, Washington, Clackamas, Hood River, Douglas, and Wasco Counties, Oreg., to points in Utah, and to points in Idaho except those in and north of Lewis, Nez Perce, and Idaho Counties; (2) from points in Oregon to points in Washington. *Fertilizer*, from Garfield, Utah, and points within five miles thereof, to points in Oregon. Applicant is authorized to conduct operations in Idaho, Oregon, Utah, and Washington.

HEARING: February 7, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner Leo W. Cunningham.

No. MC 7746 (Sub No. 90), filed September 30, 1957, UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prepared foodstuffs, fruits and vegetables, poultry* (including turkeys), eviscerated or prepared, *fish, including shell fish, beverages, beverage preparations, fruit and vegetable juices and concentrates, meats, meat products, meat by-products* and *dairy products* and *all other food products requiring refrigerated equipment* in transit, between points in Washington, Oregon, and California. Applicant is authorized to conduct operations in Washington, Oregon, Idaho, and Montana.

HEARING: February 12, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 9115 (Sub No. 47), filed October 7, 1957, OREGON NEVADA CALIFORNIA FAST FREIGHT, INC., 675 Brannan Street, San Francisco, Calif. Applicant's attorneys: William B. Adams and John G. McLaughlin, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, liquid petroleum products, in bulk, in tank vehicles, and those requiring special equipment, between Lobert, Oreg., and Klamath Falls, Oreg., over U. S. Highway 97, serving all intermediate points. Applicant is authorized to conduct operations in California, Nevada, Oregon, and Washington.

NOTE: Applicant states it is presently authorized to serve the point of Lobert for delivery only and is traversing U. S. Highway 97 in connection with its present service. Duplication with present authority to be eliminated.

HEARING: February 3, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 35396 (Sub No. 24), filed October 31, 1957, (amended and corrected December 12, 1957) published in December 4, 1957 issue, page 9718, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, U. S. 41 South, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, Seventh Floor, McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Radioactive materials*, semiprocessed feed material in granular form, in hopper type containers, between the site of the Atomic Energy Commission plant at or near Fernald, Ohio, and the site of the Atomic Energy Commission plant at or near Oak Ridge, Tenn.

HEARING: Remains as assigned January 16, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 209, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 37379 (Sub No. 14), filed December 9, 1957, BINGHAMTON WAREHOUSE & TERMINAL, INC., P. O. Box 127, Ninth and Market Streets, Lemoyne, Pa. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the International Business Machines Corporation distribution center located in Hempden Township, Cumberland County, Pa., approximately 4.4 miles west of the Borough of Camp Hill on Pennsylvania Highway 641, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Maryland, New York, Pennsylvania, and Virginia.

HEARING: February 6, 1958, at 346 Broadway, New York, N. Y., before Examiner Donald R. Sutherland.

No. MC 41635 (Sub No. 34), filed November 27, 1957, DEALERS TRANSPORT COMPANY, a corporation, 1368 Riverside Boulevard, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, as defined in *Descriptions in Motor Carrier Certificates, in Ex Parte No. MC-45*, in initial movements, in driveaway and truckaway services, and *parts and accessories* thereof, moving at the same time and with the vehicle of which they are a part and on which they are to be installed, from Memphis, Tenn., to points in Kentucky on and east of U. S. Highway 51, to points in Indiana, Ohio, Virginia, West Virginia, to points in Illinois north of U. S. Highway 50, and to those in Missouri north of U. S. Highway 40, and *damaged, rejected, or returned shipments* of the above-described commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 28, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 42487 (Sub No. 347), filed September 16, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Cherries in brine*, in bulk, in tank vehicles, from points in Oregon and Washington to Covington, Ky., (2) *brandy*, in bulk, in tank vehicles, from Hood River, Oreg., to Philadelphia, Pa., and (3) *acids* and *chemicals*, in bulk, in tank vehicles, from Charleston, W. Va., and points within 20 miles thereof, to points in Montana, Washington, Oregon, California, Nevada, Utah, New Mexico, Colorado, and Idaho.

HEARING: February 10, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner Leo W. Cunningham.

No. MC 47693 (Sub No. 8), filed December 5, 1957, JOHN R. CALLAHAN, doing business as CALLAHAN TRANSPORTATION, 857 Dounton Way, Pittsburgh 33, Pa. Applicant's attorney: Joseph I. Lewis, 907 Plaza Building, Pittsburgh 19, Pa. For authority to operate as a *contract carrier* over irregular routes, transporting: *Malt beverages*, in containers, from Baltimore, Md. to points in Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages from points in Pennsylvania to Baltimore, Md. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

HEARING: January 30, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

No. MC 55581 (Sub No. 5), filed November 12, 1957, UTAH PACIFIC LUMBER TRANSPORT CO., a Corporation, 5609 Northeast 77th Avenue, Portland, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber, logs, poles* and *piling*, from points in Oregon to points in Montana, Wyoming, Colorado and Arizona; (2) *Logs, poles* and *piling*, from points in Oregon to points in Idaho and Utah; (3) *brick* and *building tile*, from Denver, Colo., to points in Oregon and Washington; and (4) *common salt*, from points in Davis, Salt Lake and Tooele Counties, Utah, to points in Oregon and Washington. Applicant is authorized to conduct operations in Idaho, Oregon, Utah, and Washington.

HEARING: February 4, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner Leo W. Cunningham.

No. MC 66900 (Sub No. 18), filed September 11, 1957, HOUFF TRANSFER, INCORPORATED, P. O. Box 61, Weyers Cave, Va. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the Bristol, Va.-Tenn., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states it is presently authorized to serve Bristol, Va. Duplication with present authority to be eliminated.

HEARING: January 31, 1958, at the City Court House, Bristol, Va., before Joint Board No. 279, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 96355 (Sub No. 3), filed September 9, 1957, BRITT TRUCKING COMPANY, 1401 North Fourth Place, Lamesa, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Oil field equipment* between points in Texas. Applicant is authorized to conduct operations in Texas.

HEARING: February 7, 1958, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 103993 (Sub No. 104), filed November 25, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Oregon, except from Pendleton and McMinnville, Oreg., to points in the United States. Applicant is authorized to conduct similar operations throughout the United States.

HEARING: February 11, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner Leo W. Cunningham.

No. MC 106398 (Sub No. 93), filed November 25, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan

Road, P. O. Box 896, Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Oregon, except Pendleton and McMinnville, to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 11, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner Leo W. Cunningham.

No. MC 107515 (Sub No. 258), filed August 30, 1957, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packing house products, and commodities used by packing houses*, as defined by the Commission, in Appendix 1, M. C. C. 61, from Dallas, Tex., to points in Tennessee (except Memphis). Applicant is authorized to transport similar and related commodities from and to specified points in Georgia, Tennessee, North and South Carolina, Florida, Mississippi, Louisiana, Alabama, Illinois, Indiana, Kansas, Missouri, Ohio, Kentucky, Arkansas, Oklahoma, Texas, Nebraska, Michigan, Wisconsin, Minnesota, and Iowa.

HEARING: February 4, 1958, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks.

No. MC 107678 (Sub No. 21), filed September 18, 1957, HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane (P. O. Box 9698), Houston 15, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Contractors' equipment and supplies;* (B) *Commodities* which by reason of size or weight require the use of special equipment; (C) *Related machinery and related materials and supplies*, when their transportation is incidental to the transportation of commodities authorized in (B) above; and (D) *Machinery equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *pipe* and *machinery, materials, equipment* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Texas, Oklahoma, Kansas, New Mexico, Colorado, Montana, Nevada, Utah, and Wyoming, on the one hand, and, on the other, points in Oregon, Washington and Idaho. Applicant is authorized to conduct operations in Colorado, Kansas, Louisiana, Montana, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE: Duplication with present authority to be eliminated.

HEARING: February 5, 1958, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks.

No. MC 110877 (Sub No. 4), filed October 28, 1957, INDEPENDENT CARRIERS, CORP., 50 Southwest Second Street, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Oregon to points in California, Idaho, and Washington, except Vancouver, Wash., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in California, Idaho, Oregon and Washington.

NOTE: Applicant has authority to transport lumber from Mapleton, Oreg., and points within 12 miles thereof, to points in California, Idaho, and Washington, except Vancouver, Wash., and by the instant application applicant proposes to eliminate the gateway restriction to Mapleton and points within 12 miles thereof. Duplication with present authority to be eliminated.

HEARING: February 7, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner Leo W. Cunningham.

No. MC 112020 (Sub No. 38), filed September 23, 1957, COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Oklahoma City, Okla., to points in Texas. Applicant is authorized to transport corn syrup in Arkansas, Louisiana, Oklahoma and Texas.

HEARING: February 4, 1958, at the Baker Hotel, Dallas, Tex., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 115273 (Sub No. 4), filed December 3, 1957, ACME CARRIERS, INC., 204 Franklin Street, New York 13, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Eggs*, frozen and unfrozen, and *egg products*, with and without preservatives, in straight and mixed shipments, from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone to Altoona, Du Bois, Duncannon, Erie, Harrisburg, Lancaster, Marysville, Pittsburgh, Reading, Scranton, State College, and Wilkes-Barre, Pa., and Binghampton and Elmira, N. Y.; and *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities, on return. Applicant is authorized to transport similar commodities in Iowa, Massachusetts, Nebraska, New Jersey, New York, and Pennsylvania.

HEARING: January 29, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Robert A. Joyner.

No. MC 116387 (Sub No. 7), filed December 6, 1957, ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: H. R. Nunnally, Traffic Manager, 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid resin, pine oil, turpene, dependine*, and *toluol*, in bulk, in tank vehicles, from Mobile, Ala., Lake City, Fla., Swainsboro, Ga., and Hattiesburg, Miss., to points in Illinois, Indiana, Kentucky, New Jersey, Ohio, and Pennsylvania. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: January 24, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Examiner Michael B. Driscoll.

No. MC 116919, filed September 9, 1957, J. M. HARRIS, Box 356, San Augustine, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, from points in Louisiana, to points in Texas and Oklahoma.

HEARING: January 31, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 211, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 116929 (Sub No. 1), filed December 3, 1957, RIDINGS' TRUCKING, INC., 140 Louis Road, Chelsea Estates, New Castle, Del. Applicant's attorney: H. James Caraway, Jr., 350 Delaware Trust Building, Wilmington, Del. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Framing lumber* and *sheathing materials, lumber, cut timbers* for framing purposes, from Wilmington, New Castle, Del., to points in Cecil, Kent, Queen Annes, Caroline, Talbot, Harford, and Baltimore Counties, including all of Baltimore city limits, Md., Salem, Gloucester, Cumberland, Atlantic, Cape May, Camden, Burlington, Ocean, Mercer, and Hunterdon Counties, and points in that portion of Warren County north to New Jersey Highway 24 and east to New Jersey Highway 69, including the city limits of Phillipsburg, N. J., Delaware, Chester, Lancaster, York, Lebanon, Berks, Montgomery, Bucks, and Lehigh Counties, and points in those portions of Cumberland County west to Pennsylvania Highway 34, Dauphin County north to Pennsylvania Highway 325, Northampton County east to Pennsylvania Highways 12 and 115, including the city limits of Easton, Pa.

HEARING: January 28, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James C. Cheseldine.

No. MC 116961, filed September 27, 1957, KARL ARTHUR WEBER, 10080 Central Avenue, Ontario, Calif. Applicant's attorney: John M. Hickson, Yeon Building, Portland 4, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Lumber, plywood, veneer*, and *box shooks*, (a) from points in Washington and Oregon to points in California and Arizona, and (b) between points in California and Arizona; (2) *Soda ash*, in bulk or in sacks, and *salt cake*, in bulk, from points in San Bernardino County, Calif., to points in Washington and Oregon, and (3) *Soda ash*, in bulk or sacks, from San Bernardino County, Calif., to points in New Mexico.

HEARING: February 6, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner Leo W. Cunningham.

No. MC 117054, filed November 25, 1957, AMOS R. JONES, doing business as CITY TRANSFER & STORAGE CO., 306 East 10th Street, Prineville, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives and commodities in bulk, between Prineville, Oreg., and the Crooked River Dam Site, Crook County, Oreg.; and (2) *household goods* as defined by the Commission in 17 MCC 467, between Portland, Oreg., on the one hand, and, on the other, points in Crook, Jefferson, and Wheeler Counties, Oreg.

HEARING: February 3, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117070, filed November 12, 1957, E. F. CATON, 2811 Southeast 39th Street, Portland 2, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Laundry* (used cloth articles), between Portland, Oreg., on the one hand, and, on the other, Longview, Raymond, Aberdeen, Hoquiam, Olympia, Port Angeles, Tacoma, Seattle, and Everett, Wash.

HEARING: February 3, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Sub No. 68), filed September 11, 1957, CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Street, Alexandria, La. Applicant's attorney: Alfred Crager, 315 Continental Avenue, Dallas, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *mail, express* and *newspapers* in the same vehicle with passengers, between Dayton, Tex., and Houston, Tex.: From Dayton over Texas Highway 1008 to junction Texas Highway 1960, thence over Texas Highway 1960 to junction Atascocita Trail, thence over Atascocita Trail to Junction Old Humble Road, thence over Old Humble Road to junction U. S. Highway 59, and thence over U. S. Highway 59 to Houston; also from Junction Texas Highway 1008 and Texas Highway 1960 over Texas Highway 1960 to Humble, and thence over U. S. Highway 59 to Houston, and return over the same routes, serving all intermediate points. Applicant is authorized to conduct similar operations in Kentucky, Texas, Louisiana, Arkansas, Mississippi, Tennessee, Alabama, Missouri, and Illinois.

NOTE: Applicant states the route proposed herein is to be fully coordinated with and become a part of its other operations in Texas.

HEARING: February 3, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner C. Evans Brooks.

PETITION

No. MC 42283 *Petition for reconsideration and clarification*, Los Angeles & Interurban Transportation Co., 837 Traction Avenue, Los Angeles 13, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. Petitioner holds Certificate No. MC 42283, wherein it is authorized, in part, to transport: *Newsprint*, between points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in the Los Angeles Commercial Zone, as defined by the Commission, and Monrovia, Calif. Petitioner requests that the authority be interpreted, and an order be entered declaring that it may properly transport telephone directory stock in rolls, crates and boxes within the territorial scope of newsprint authority authorized in said certificate.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3083 (Sub No. 27), filed December 9, 1957, ARMORED MOTOR SERVICE CO., INC., Hickman Building, 248 Madison Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin, currency*, and *other valuables*, in armored motor vehicles, escorted by armed guards, between Memphis, Tenn., on the one hand, and, on the other, Crenshaw, Sledge, Lula, Marks, Lambert, Jonestown, Frairs Point, Tutwiler, Charleston, Carrollton, Cleveland, Ruleville, Shelby, Greenville, Drew, Sunflower, Merigold, Benoit, Pace, Beulah, Rosedale, Gunnison, Itta Bena, Moorhead, Indianaola, and Shaw, Miss. Applicant is authorized to conduct operations in Arkansas, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, and West Virginia.

No. MC 112364 (Sub No. 2), filed December 10, 1957, J. W. McGINNIS, R. F. D. No. 2, Mattoon, Ill. Applicant's attorney: Grover C. Hoff, Suite 1121 Ridgely Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Horsemeat*, fresh and canned, frozen and not frozen; *meat products* and *meat by-products*, and *dog food*, used for animal consumption only, in vehicles equipped with mechanical temperature-control device, from the site of the Campbell & Co. plant, located approximately six (6) miles southwest of Mattoon, Ill., to points in Indiana, Iowa, Michigan, Minnesota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Illinois and Iowa.

NOTE: Applicant states he proposes to operate from the above-stated origin point to Mink Farms and Animal Food Supply Houses in the States described above.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6771, published in the December 4, 1957, issue of the FEDERAL REGISTER on page 9721. Supplement filed December 16, 1957, to show joinder of JOHN H. DAYS, 730 East Beardsley Avenue, Elkhart, Ind., as the person in control of vendee.

No. MC–F 6779. Authority sought for purchase by FILM TRANSIT, INCORPORATED, 311 South Second Street, Memphis, Tenn., of the operating rights and property of HAROLD B. MUELLER, doing business as MUELLER TRUCK SERVICE, 115 Market Stret, Chester, Ill., and for acquisition by M. H. BRANDON, G. L. BRANDON, GAIL M. BRANDON, HERBERT KOHN and MRS. W. A. WATSON, II, all of Memphis, D. M. BRANDON, P. O. Box 7297, Canal & Carrollton Drive, New Orleans, La., and JOHN H. VICKERS, P. O. Box 1145, Charlotte, N. C., of control of such rights and property through the purchase. Applicants' attorney: Harold S. Shertz, 225 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Menard, Ill., and St. Louis, Mo., serving certain intermediate points: *newspapers, theatre films, magazines*, and *ice cream*, in packages not to exceed 100 pounds in weight, between St. Louis, Mo., and Chester, Ill., and between Ruma, Ill., and Prairie Du Rocher, Ill., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Tennessee, Arkansas, Missouri, Kentucky, Alabama, and Mississippi. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6780. Authority sought for control and merger by RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., of the operating rights and property of FLEETLINES OF NEVADA, 1201 East Fifth Street, Los Angeles 13, Calif., and for acquisition by J. W. RINGSBY, also of Denver, of control of such rights and property through the transaction. Applicants' attorneys: John F. Mueller, Midland Savings Building, Denver, Colo., David Axelrod, 39 South LaSalle Street, Chicago 3, Ill., and Glanz & Russell, 639 South Spring Street, Los Angeles, Calif. Operating rights sought to be controlled and merged: *General commodities*, except livestock, Class A and B exposives, other than small arms ammunition and fireworks, and petroleum products in tank trucks, as a *common carrier* over regular routes, between Los Angeles, Calif., and Boulder City, Nev., and be-

tween junction U. S. Highway 6 and Lakewood Boulevard, Long Beach, Calif., and junction U. S. Highway 6 and Alameda Street, Los Angeles, Calif., serving certain intermediate and off-route points; *general commodities*, except those of unusual value, Class A and B explosives, livestock and commodities in bulk, between Long Beach, Calif., and Colton, Calif., serving all intermediate points; alternate route for operating convenience only between junction U. S. Highway 91 and unnumbered highway, near Lakeview, Calif., and junction U. S. Highways 93 and 95, near Boulder City, Nev.; *household goods*, as defined by the Commission, between Los Angeles, Calif., and Las Vegas, Nev., serving between termini and certain intermediate and off-route points; *agricultural commodities* and *groceries*, between Los Angeles, Calif., and Boulder City, serving the intermediate point of Las Vegas, Nev. RINGSBY TRUCK LINES, INC., is authorized to operate as a *common carrier* in Colorado, Wyoming, Nebraska, Illinois, Iowa, California, Utah, Missouri, and Nevada. Application has been filed for temporary authority under section 210a (b).

MC–F 6781. Authority sought for control by THOMAS E. WELBY, 8 Commonwealth Pier, Boston 10, Mass., of MERCURY TRUCK LINES, INC., Omaha, Nebr. Applicant's attorney: James M. Walsh, 44 School Street, Boston, Mass. Operating rights sought to be controlled: *Dairy products* and packing-house products, as a *common carrier* over a regular route, between Omaha, Nebr., and Chicago, Ill., serving no intermediate points. THOMAS E. WELBY holds no authority from this Commission, but is affiliated, through stock ownership, with REFRIGERATED FOOD EXPRESS, Boston, Mass., which is authorized to operate as a *common carrier* in Ohio, Massachusetts, New York, Michigan, Wisconsin, New Jersey, Pennsylvania, Virginia, Maryland, Connecticut, Rhode Island, Illinois, Indiana, Kentucky, Maine, New Hampshire, Tennessee, South Carolina, North Carolina, Minnesota, West Virginia, Missouri, Nebraska, Iowa, Colorado, Delaware, Texas, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6782. Authority sought for purchase by COLUMBUS AND CHICAGO MOTOR FREIGHT, INCORPORATED, 1053 East Fifth Avenue, Columbus, Ohio, of a portion of the operating rights of GAFFNEY MOTOR FREIGHT, INC., 501 South High Street, Lancaster, Ohio, and for acquisition by HARRY F. CARL, 3974 Wynding Drive, Columbus, Ohio, and ROY O. CARL, 4045 South Wallace Street, Chicago, Ill., of control of such rights through the purchase. Applicants' attorney: Carl S. Clark, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, commodities in bulk, not including salt in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over a regular route between Zanesville, Ohio, and Columbus, Ohio, as follows: From Zanesville over U. S. Highway 40 to Columbus, and return over this route to Zanesville. Service is authorized to and from all intermediate points. Vendee is authorized to operate as a *common carrier* in Illinois, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6783. Authority sought for purchase by ROYAL TRANSIT, INC., 735 South 39th Street, Milwaukee, Wis., of a portion of the operating rights of DRUMMEY CARTAGE CO., INC., 412 East Tutt Street, South Bend, Ind. Applicants' attorney: Earl Girard, 6739 Beckwith Road, Morton Grove, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and South Bend, Ind., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6784. Authority sought for purchase by ACE LINES, INC., 2420 Minnehaha Avenue, Minneapolis 4, Minn., of a portion of the operating rights of HOVE TRUCK LINE, Stanhope, Iowa, and for acquisition by F. J. NOLAN, 4178 South Halsted Street, Chicago, Ill., and ROBERT W. SAWYER, 2420 Minnehaha Avenue, Minneapolis 4, Minn., of control of such rights through the purchase. Applicants' attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Operating rights sought to be transferred: *Prepared roofing, roofing cement, insulating materials, wallboard*, and *asbestos building materials*, as a *common carrier* over irregular routes, from Wilmington, Ill., to points in Minnesota on and south of U. S. Highway 12, points in South Dakota on and east of South Dakota Highway 73, and all points in Nebraska. Vendee is authorized to operate as a *common carrier* in Minnesota, North Dakota, Iowa, Illinois, and South Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6785. Authority sought for purchase by CASSENS TRANSPORT COMPANY, P. O. Box 473, Edwardsville, Ill., of the operating rights and property of FRED COOK, doing business as COOK TRANSPORTS, Clarence, Mo., and for acquisition by ALBERT CASSENS, 302 Banner, Edwardsville, Ill., GEORGE CASSENS and ARNOLD CASSENS, both of Hamel, Ill., of control of such rights and property through the purchase. Applicants' attorney: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be transferred: *New automobiles, new trucks*, and *new truck bodies*, in truckaway service, as a *common carrier* over a regular route from Detroit, Mich., to Atchison, Kans., serving the intermediate point of St. Joseph, Mo., for delivery only; *new automobiles* and *new trucks*, in initial movements, in truckaway service, over irregular routes, from Detroit, Mich., to Macon, Brookfield, Chillicothe, Kirksville, and Maryville, Mo. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Missouri, Indiana, Ohio, Iowa, Louisiana, Kentucky, Nebraska, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6786. Authority sought for control and merger by QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass., of the operating rights and property of ROLAND C. AMES MOTOR TRANSPORTATION, INC., Park Square, Woodsville, N. H., and for acquisition by THOMAS J. LYONS, also of Brockton, of control of such rights and property through the transaction. Applicants' attorney: Mary E. Kelley, 84 State Street, Boston, Mass. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Boston, Mass., and Providence, R. I., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points within 25 miles of Bellows Falls, Vt., including Bellows Falls, between points in Vermont within 35 miles of Rochester, Vt., including Rochester, between certain points in New Hampshire, on the one hand, and, on the other, Bethel, Maine, and points within 30 miles thereof, between points within 36 miles of Hardwick, Vt., including Hardwick, between Boston, Mass., and points within ten miles of Boston, on the one hand, and, on the other, Haverhill, N. H., and points within 15 miles of Haverhill, and between Brattleboro, Vt., and points in Vermont within ten miles of Brattleboro, on the one hand, and, on the other, Albany, N. Y.; *machinery, sawmill and logging equipment, lumber and forest products, building materials, plumbing supplies, lumber, Christmas trees, wooden boxes, shook, wooden box shooks, agricultural commodities, fuel wood, roofing, wood products, fertilizer, groceries, cream, ice cream mix*, in jugs, *processed (pasteurized, evaporated, condensed, dried or similarly processed) milk, leather, leatherboard, empty bags, livestock*, and *slate*, from, to or between points and areas, varying with the commodity transported, in New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island and Maine. QUINN FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Maryland, New York, New Jersey, Delaware, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Virginia, New Hampshire, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6787. Authority sought for purchase by HENRY JENKINS TRANSPORTATION CO., INCORPORATED, 32 Regis Road, Boston 26, Mass., of the operating rights and property of BALLY TRANSPORTATION CO., INC., 144 Benton Street, Stratford, Conn., (mail address P. O. Box 2026, Noble Station, Bridgeport, Conn.), and for acquisition by EVERETT H. JENKINS, 60 Columbine Road, Milton, Mass., of control of such rights and property through the purchase. Applicants' representative: Everett H. Jenkins, President and Treasurer of Henry Jenkins Transportation Co., Incorporated, 32 Regis Road, Boston 26, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Naugatuck, Conn., and New York, N. Y., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between certain points in Connecticut, on the one hand, and on the other, Pelham, Yonkers, and White Plains, N. Y., Jersey City, Newark, Hoboken, and Edgewater, N. J. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Rhode Island, New Hampshire, New York, and Vermont. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6789. Authority sought for purchase by THE ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn., of the operating rights and property of ROMEO J. LAVIGNE, doing business as LAVIGNE'S RED WING EXPRESS, West Milan Road, Berlin, N. H., and for acquisition by M. L. ADLEY, D. J. ADLEY, and R. J. ADLEY, all of New Haven, Conn., of control of such rights and property through the purchase. Applicants' attorneys: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D. C., and Richard H. Simons, 216 Crown St., New Haven, Conn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Lunenberg, Vt., and Littleton, N. H., between Gray, Maine and Welchville, Maine, between Berlin, N. H., and Portland, Maine, between Berlin, N. H., and Pittsburg, N. H., and between Berlin, N. H., and Littleton, N. H., serving all intermediate points; *the above-specified commodities*, over regular and irregular routes, between Berlin, N. H., and Cambridge, Mass., serving certain intermediate points on the above-specified regular route; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk (not including fireworks), over regular routes between Boston, Mass., to Berlin, N. H., between Berlin, N. H., and Colebrook, N. H., and between Gorham, N. H., and Whitefield, N. H., serving certain intermediate and off-route points; *paper and paper mill products*, over irregular routes, between Berlin, N. H., on the one hand, and, on the other, points in that part of Maine on and south of U. S. Highway 2, and on and west of U. S. Highway 201; *paper and paper products* as defined by the Commission, from Berlin, N. H., to points in Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, New York, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–10625; Filed, Dec. 23, 1957; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GEORG HELLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Georg Heller, Fellbach, Wuerttemberg, Birkenweg 33, Germany; $13.37 in the Treasury of the United States.

Claim No. 66508, Vesting Orders Nos. 12626 and 12627.

All right, title, interest and claim of any kind or character whatsoever of Georg Heller as an heir of Mathilde Heller, also known as Gertrud Heller, in and to the Estate of Robert Kanter, which was vested by Vesting Order No. 12627. Such property was in the process of administration by Byron R. Forster, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York, and is presently in the process of administration by his successor, Marie D. Forster, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York.

Executed at Washington, D. C., on December 17, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–10579; Filed, Dec. 23, 1957; 8:47 a. m.]

MARGUERITE LESTARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marguerite Lestard, 35 rue Pierre Corneille, Lyon, France; $2,694.94 in the Treasury of the United States.

Claim No. 61850, Vesting Orders Nos. 17906 and 18005.

Executed at Washington, D. C., on December 17, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–10581; Filed, Dec. 23, 1957; 8:48 a. m.]

SYNDICATE JOZIJDHOFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Syndicate Jozijdhoff, c/o Leonardus de Jonge, Rotterdam, The Netherlands; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent Nos. 2,173,411 and 2,236,470.

Claim No. 42727, Vesting Order No. 671.

Executed at Washington, D. C., on December 17, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–10580; Filed, Dec. 23, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–1448]

ALBUQUERQUE EXPLORATION, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 17, 1957.

I. The Albuquerque Exploration, Inc. (Exploration), a New Mexico corporation, 227 First National Bank Building, Albuquerque, New Mexico, filed with the Commission, on October 8, 1954, a notification on Form 1–A and offering circular, and filed various amendments thereto, relating to an offering of 138,600 shares of its $1 par value preferred stock at $2 per share, for an aggregate of $277,200 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3

(b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Exploration has failed to file reports of sales on Form 2–A as required by Rule 224; and

B. The offering circular omits to state material facts necessary in order to make the statement made, in the light of the circumstances under which they are made, not misleading, in showing Richard C. Losh as secretary-treasurer of Exploration, when in fact he had resigned, and in failing to make appropriate disclosure concerning a successor.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–10576; Filed, Dec. 23, 1957; 8:47 a. m.]

[File No. 24SF–2283]

UNIVERSAL METALS CORPORATION OF NEVADA

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 17, 1957.

I. Universal Metals Corporation of Nevada, a Nevada corporation, filed with the Commission on May 4, 1956, a Notification and Offering Circular relative to a proposed offering of 280,000 shares of its common stock at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with, to wit: The issuer has failed to file with the Commission copies of the definitive Offering Circular, as is required by Rule 219 of Regulation A and has ignored requests by the Commission's staff for such copies.

B. The principal underwriter of the securities offered hereunder is subject to an injunction order entered on February 13, 1957 by the U. S. District Court, Southern District of New York, enjoining it from further violations of section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–3 thereunder.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–10577; Filed, Dec. 23, 1957; 8:47 a. m.]

PART II

FEDERAL REGISTER

VOLUME 22 NUMBER 248

Washington, Tuesday, December 24, 1957

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

REPUBLICATION OF REGULATIONS

Chapter I of Title 25 is republished to read as set forth below. Since its original codification, there have been numerous amendments and additions to the chapter. To facilitate the use of this material, the various amendments and additions are brought together in their entirety and the chapter has been arranged on a functional rather than alphabetical basis.

The numbers of the parts in this chapter have been adjusted to conform with its revised arrangement. The effective date of these numbers shall be the date of this republication. Existing delegations of authority, forms and other legal or administrative documents which refer to former part numbers of Chapter I are continued in effect and shall be construed to refer to the new part numbers until modified or revoked. A listing of the respective new and former part numbers is set forth below.

It is the intent of the Department in preparing this republication to make no substantive changes in the regulations and this republication is approved accordingly.

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 6, 1957.

The following table lists the former part numbers and headings and indicates their position in reorganized Chapter I:

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44	Enrollment of Indians in public schools	33
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SUBCHAPTER A—PROCEDURES; PRACTICE

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1 Rules of the Bureau of Indian Affairs. [Reserved.]
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SUBCHAPTERS B–E—FEDERAL SERVICES; INDIVIDUAL INDIANS

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11 Law and order on Indian reservations.

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15 Determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians.
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34 Administration of a program of vocational training for adult Indians.

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41 Membership and enrollment of Indians. [Reserved.]
42 Enrollment appeals.
43 Enrollment of Indians of the Cabazon, Augustine and Torres-Martinez Bands of Mission Indians in California.
44 Preparation of rolls for the distribution of the funds awarded certain Indian tribes or bands of Oregon.

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51 Indian organizations exclusive of the Indian Reorganization Act. [Reserved.]
52 Tribes organized under sec. 16 of the Indian Reorganization Act. [Reserved.]
53 Alaskan native groups organized under sec. 16 of the Indian Reorganization Act, and the Alaskan Act, as amended. [Reserved.]
54 Tribes organized under the Oklahoma Indian Welfare Act. [Reserved.]
71 Recognition of attorneys and agents to represent claimants.
72 Attorney contracts with Indian tribes.
73 Regulations governing the election of officers of the Osage Tribe.

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81 Indian business corporations under sec. 17 of the Indian Reorganization Act. [Reserved.]
82 Alaskan native business corporations organized under sec. 17 of the Indian Reorganization Act or the Alaska Act. [Reserved.]
83 Indian Business Corporations under the Oklahoma Indian Welfare Act. [Reserved.]
89 Commercial fishing on Red Lake Indian Reservations.
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SUBCHAPTER I—CREDIT ACTIVITIES

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93 Klamath tribal loan fund.

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SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

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105 Deposit of Indian funds in banks.
107 Creation of trusts for restricted property of Indians, Five Civilized Tribes, Oklahoma.
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109 Judgment funds, Shoshone Tribe of the Wind River Reservation, Wyoming.
111 Service charges against Indians. [Reserved.]

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126 Allotment of lands on the Cabazon, and Augustine Indian Reservations, Riverside County, California.
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128 Sale of irrigable lands, special water contract requirements.
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143 Sale of timber products and use of forest lands for nonforest purposes, Menominee Indian Reservation.
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162 Roads of the Bureau of Indian Affairs.
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SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

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Subchapter A—Procedures; Practice

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PART 3—LIST OF FORMS

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(R. S. 161; 5 U. S. C. 22)

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Subchapter B—Law and Order

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AUTHORITY: §§ 11.1 to 11.306 issued under R. S. 463; 25 U. S. C. 2. Interpret or apply sec. 1, 38 Stat. 586; 25 U. S. C. 200.

NOTE: The regulations is this part are applicable on Indian reservations subject to the provisions of § 11.1, and the following exceptions:

§§ 11.6, 11.7, 11.20, 11.22, 11.24, 11.26, 11.28, 11.29, 11.31, 11.32, 11.34, 11.36, 11.50, 11.63, and 11.64, not applicable to Crow Indians.

§§ 11.6C, 11.7C, 11.20C, 11.22C, 11.24C, 11.26C, 11.29C, 11.31C, 11.32C, 11.34C, 11.36C, 11.50C, 11.60C, 11.63C, 11.64C, and 11.75C, applicable only to Crow Indians.

§§ 11.76NH to 11.87NH, inclusive, applicable only to Navajo and Hopi Indians.

§§ 11.1, 11.2, 11.3, 11.5, 11.6, 11.6C, 11.7, 11.7C, 11.8, 11.9, 11.20C, 11.22, 11.22C, 11.24, 11.24C, 11.25, 11.26C, 11.28, 11.29, 11.29C, 11.30, 11.31, 11.31C, 11.32, 11.32C, 11.33, 11.34C, 11.36C, 11.37, 11.49, 11.50C, 11.52, 11.53, 11.57, 11.58, 11.60C 11.63, 11.63C, 11.64C, 11.74, 11.75C, and 11.76NH–11.87NH, inclusive, are not applicable to Coeur d'Alene Indians.

All sections which follow bearing the symbol "CA" at the end of the number are applicable only to the Coeur d'Alene Indians.

All sections in Part 11 not heretofore mentioned in this note are applicable to the Coeur d'Alene Indians.

APPLICATION; JURISDICTION

§ 11.1 *Application of regulations.* (a) The regulations in this part relative to Courts of Indian Offenses shall apply to all Indian reservations on which such courts are maintained.

(b) It is the purpose of the regulations in this part to provide adequate machinery of law enforcement for those Indian tribes in which traditional agencies for the enforcement of tribal law and custom have broken down for which no adequate substitute has been provided under Federal or State law.

(c) No court of Indian Offenses will be established on reservations where justice is effectively administered under State laws and by State law enforcement agencies.

(d) The regulations in this part shall continue to apply to tribes organized under the act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 461–479), until a law and order code has been adopted by the tribe in accordance with its constitution and by-laws and has become effective; and thereafter §§ 11.3, 11.4, 11.301, 11.302, 11.303, 11.304, 11.305 and 11.306 shall continue in effect as long as the Indian judges and Indian police are paid from appropriations made by the United States or until otherwise directed.

(e) Nothing in this section shall prevent the adoption by the tribal council of ordinances applicable to the individual tribe, and after such ordinances have been approved by the Secretary of the Interior they shall be controlling, and the regulations of this part which may be inconsistent therewith shall no longer be applicable to that tribe.

§ 11.2 *Jurisdiction.* (a) A Court of Indian Offenses shall have jurisdiction over all offenses enumerated in §§ 11.38–11.87NH, when committed by any Indian, within the reservation or reservations for which the court is established, provided that such court on the Hopi Reservation shall also have jurisdiction to enfore against members of the tribe within the Hopi Reservation the ordinances passed by the Hopi tribal council which prohibit offenses against the peace and welfare of the tribe committed by such members off the reservation.

(b) With respect to any of the offenses enumerated in §§ 11.38–11.87NH, over which Federal or State courts may have lawful jurisdiction, the jurisdiction of the Court of Indian Offenses shall be concurrent and not exclusive. It shall be the duty of the said Court of Indian Offenses to order delivery to the proper authorities of the State or Federal Government or of any other tribe or reservation, for prosecution, any offender, there to be dealt with according to law or regulations authorized by law, where such authorities consent to exercise jurisdiction lawfully vested in them over the said offender.

(c) For the purpose of the enforcement of the regulations in this part, an Indian shall be deemed to be any person of Indian descent who is a member of any recognized Indian tribe now under Federal jurisdiction, and a "reservation" shall be taken to include all territory within reservation boundaries, including fee patented lands, roads, waters, bridges, and lands used for agency purposes.

(d) All Indians employed in the Indian Service shall be subject to the jurisdiction of the Court of Indian Offenses but any such employee appointed by the Secretary of the Interior shall not be subject to any sentence of such court, unless such sentence shall have been approved by the Secretary of the Interior.

COURTS OF INDIAN OFFENSES

§ 11.2CA *Jurisdiction.* (a) The Court of Indian Offenses referred to in this part will be construed to mean the Coeur d'Alene Court of Indian Offenses. A Court of Indian Offenses shall have jurisdiction over all offenses enumerated in §§ 11.38–11.76CA, when committed by any Indian, within the reservation or reservations for which the court is established.

(b) With respect to any of the offenses enumerated in §§ 11.38–11.76CA, over which Federal or States courts may have lawful jurisdiction, the jurisdiction of the Court of Indian Offenses shall be concurrent and not exclusive. It shall be the duty of the said Court of Indian Offenses to order delivery to the proper authorities of the State or Federal Government or of any other tribe or reservation, for prosecution, any offender, there to be dealt with according to law or regulations authorized by law, where such authorities consent to exercise jurisdiction lawfully vested in them over the said offender.

(c) For the purpose of the enforcement of the regulations in this part, an Indian shall be deemed to be any person of Indian descent who is a member of any recognized Indian tribe now under Federal jurisdiction, and a "reservation" shall be taken to include all territory within reservation boundaries, including fee patented lands, roads, waters, bridges, and lands used for agency purposes.

(d) All Indians employed in the Indian Service shall be subject to the jurisdiction of the Court of Indian Offenses but any such employee appointed by the Secretary of the Interior shall not be subject to any sentence of such court, unless such sentence shall have been approved by the Secretary of the Interior.

(e) No judge shall be qualified to act as such in any case wherein he has any direct interest or wherein any relative by marriage or blood, in the first or second degrees, is a party.

(f) On any reservation where no permanent Court of Indian Offenses has been established under this section, a provisional court may be established, with powers equal to those of a permanent court. Such court shall be established by detailing a judge from another reservation, upon request of the tribal council of the reservation desiring his services. Such detail shall be made by the superintendent of the reservation where the judge regularly presides: *Provided,* That where the judge to be detailed is paid from tribal funds the consent of the tribal council of such tribe shall be obtained for the detail. No detail shall extend beyond 1 year, but any detail may be renewed for additional periods unless such renewal is disapproved by the tribal council which requested or approved the detail.

§ 11.3CA *Judges.* (a) The Court of Indian Offenses shall consist of one chief judge, whose duties shall be regular and permanent, and two associate judges, who may be called to service when occasion requires, and who shall be compensated on a per diem basis.

(b) Each judge shall be appointed by the Commissioner of Indian Affairs, subject to confirmation by a two-thirds vote of the tribal council.

(c) Each judge shall hold office for a period of 4 years, unless sooner removed for cause or by reason of the abolition of the said office, but shall be eligible for reappointment.

(d) A person shall be eligible to serve as judge of a Court of Indian Offenses only if he (1) is a member of a tribe under the jurisdiction of the said court; and (2) has never been convicted of a felony, or, within 1 year then last past, of a misdemeanor.

(e) No judge shall be qualified to act as such in any case wherein he has any direct interest or wherein any relative by marriage or blood, in the first or second degrees, is a party.

§ 11.4 *Removal of judges.* Any judge of the Court of Indian Offenses may be suspended, dismissed or removed, by the Commissioner of Indian Affairs, for cause, upon the recommendation of the tribal council.

§ 11.5 *Court procedure.* (a) Sessions of the Court of Indian Offenses for the trial of cases shall be held by the chief judge, or, in case of his disability, by one of the associate judges selected for the occasion by all of the judges.

(b) The time and place of court sessions, and all other details of judicial procedure not prescribed by the regulations in this part, shall be laid down in rules of court approved by the tribal council and by the superintendent of the reservation.

(c) It shall be the duty of the judges of each Court of Indian Offenses to make recommendations to the tribal council for the enactment or amendment of such rules of court in the interests of improved judicial procedure.

§ 11.5CA *Court procedure.* (a) Sessions of the Court of Indian Offenses for the trial of cases shall be held by the chief judge, or, in case of his disability, by one of the associate judges selected for the occasion by him.

(b) The time and place of court sessions, and all other details of judicial procedure not prescribed by the regulations in this part, shall be laid down in rules of court approved by the tribal council and by the superintendent of the reservation.

(c) It shall be the duty of the judges of each Court of Indian Offenses to make recommendations to the tribal council for the enactment or amendment of such rules of court in the interests of improved judicial procedure.

§ 11.6 *Appellate proceedings.* All the judges of the reservation shall sit together, at such times and at such places as they may find proper and necessary for the dispatch of business, to hear appeals from judgments made by any judge at the trial sessions. There shall be established by rule of court the limitations, if any, to be placed upon the right of appeal both as to the types of cases which may be appealed and as to the manner in which appeals may be granted according to the needs of their jurisdiction. In the absence of such rule of court any party aggrieved by a judgment may appeal to the full court upon giving notice of such appeal at the time of judgment and upon giving proper assurance to the trial judge, through the posting of a bond or in any other manner, that he will satisfy the judgment if it is affirmed. In any case where a party has perfected his right to appeal as established herein or by rule of court, the judgment of the trial judge shall not be executed until after final disposition of the case by the full court. The full court may render judgment upon the case by majority vote.

§ 11.6C *Appellate proceedings.* All the judges of the reservation, except the trial judge, shall sit together, at such times and at such places as they may find proper and necessary for the dispatch of business, to hear appeals from judgments made by any judge at the trial sessions, and such tribunal shall be known as the Crow Tribal Court of Appeals. There shall be established by rule of court the limitations, if any, to be placed upon the right of appeal both as to the types of cases which may be appealed and as to the manner in which appeals may be granted, according to the needs of their jurisdiction. In the absence of such rule of court any party aggrieved by a judgment may appeal to the full court upon giving notice of such appeal at the time of judgment and upon giving proper assurance to the trial judge, through the posting of a bond or in any other manner, that he will satisfy the judgment if it is affirmed. In any case where a party has perfected his right to appeal as established in this section or by rule of court, the judgment of the trial judge shall not be executed until after final disposition of the case by the full court. The full court may render judgment upon the case by majority vote.

§ 11.6CA *Appellate proceedings.* Two judges of the reservation other than the trial judge shall sit together, at such times and at such places as they may find proper and necessary for the dispatch of business, to hear appeals from judgments made by any judge at the trial sessions. Any party aggrieved by a judgment and paying a filing fee of $5 may appeal to the court upon giving notice of such appeal at the time of judgment and upon giving proper assurance to the trial judge, through the posting of a bond or in any other manner, that he will satisfy the judgment if it is affirmed. In any case where a party has perfected his right to appeal as established in this section or by rule of court, the judgment of the trial judge shall not be executed until after final disposition of the case by the full court. The full court may render judgment upon the case by unanimous vote.

§ 11.7 *Juries.* (a) In any case where, upon preliminary hearing by the court, a substantial question of fact is raised, the defendant may demand a jury trial.

(b) A list of eligible jurors shall be prepared by the tribal council each year.

(c) In any case, a jury shall consist of six residents of the vicinity in which the trial is held, selected from the list of eligible jurors by the judge. Any party to the case may challenge not more than three members of the jury panel so chosen.

(d) The judge shall instruct the jury in the law governing the case and the jury shall bring a verdict for the complainant or the defendant. The judge shall render judgment in accordance with the verdict and existing law. If the jury is unable to reach a unanimous verdict, verdict may be rendered by a majority vote.

(e) Each juror who serves upon a jury shall be entitled to a fee of fifty cents a day for each day his services are required in court.

§ 11.7C *Juries.* (a) In any case where, upon preliminary hearing by the court, a substantial question of fact is raised, the defendant may demand a jury trial.

(b) A list of eligible jurors shall be prepared by the tribal council each year.

(c) In any case, a jury shall be drawn from the list of eligible jurors by the judge. Any party to the case may challenge not more than three members of the jury panel so chosen.

(d) The judge shall instruct the jury in the law governing the case and the jury shall bring a verdict for the complainant or the defendant. The judge shall render judgment in accordance with the verdict and existing law. If the jury is unable to reach a unanimous verdict, the verdict may be rendered by a two-thirds majority vote.

(e) Each juror who serves upon a jury shall be entitled to a fee of 50 cents a day for each day his services are required in court.

§ 11.8 *Witnesses.* (a) The several judges of the Courts of Indian Offenses shall have the power to issue subpenas for the attendance of witnesses either on their own motion or on the request of the police commissioner or superintendent or any of the parties to the case, which subpena shall bear the signature of the judge issuing it. Each witness answering such subpena shall be entitled to a fee of 50 cents a day for each day his services are required in court. Failure to obey such subpena shall be deemed an offense as provided in § 11.73. Service of such subpenas shall be by a regularly acting member of the Indian police or by an Indian appointed by the court for that purpose.

(b) Witnesses who testify voluntarily shall be paid by the party calling them, if the court so directs, their actual traveling and living expenses incurred in the performance of their function.

§ 11.8CA *Witnesses.* (a) The several judges of the Courts of Indian Offenses shall have the power to issue subpenas for the attendance of witnesses either on their own motion or on the request of the police commissioner or superintendent or any of the parties to the case, which subpena shall bear the signature of the judge issuing it. Each witness answering such subpena shall be entitled to a fee of 50 cents a day for each day his services are required in court. Failure to obey such subpena shall be deemed an offense as provided in § 11.73. Service of such subpenas shall be by a regularly acting member of the Indian police or by an Indian appointed by the court for that purpose.

(b) Witnesses who testify voluntarily shall be paid by the party calling them.

§ 11.9 *Professional attorneys.* Professional attorneys shall not appear in any proceedings before the Court of Indian Offenses unless rules of court have been adopted as set forth in § 11.5 prescribing conditions governing their admission and practice before the court. Every defendant shall have the right to have some member of the tribe represent him and in the event he has no such representation, a representative may be appointed by the judge. The judge may appoint a member of the tribe as prosecutor.

§ 11.9CA *Professional attorneys.* No professional attorney shall appear in any proceedings before the Court of Indian Offenses.

§ 11.10 *Clerks.* The superintendent shall detail a clerk of court for each Court of Indian Offenses. The clerk of the Court of Indian Offenses shall render assistance to the court, to the police force of the reservation and to individual members of the tribe in the drafting of complaints, subpenas, warrants and commitments and any other documents incidental to the lawful functions of the court. It shall be the further duty of said clerk to attend and to keep a written record of all proceedings of the court, to administer oaths to witnesses, to collect all fines paid and to pay out all fees authorized by the regulations in this part, and to make an accounting thereof

to the disbursing agent of the reservation and to the tribal council.

§ 11.11 *Records.* Each Court of Indian Offenses shall be required to keep, for inspection by duly qualified officials, a record of all proceedings of the court, which record shall reflect the title of the case, the names of the parties, the substance of the complaint, the names and addresses of all witnesses, the date of the hearing or trial, by whom conducted, the findings of the court or jury, and the judgment, together with any other facts or circumstances deemed of importance to the case. A record of all proceedings shall be kept at the agency office, as required by 25 U. S. C. 200.

§ 11.12 *Copies of laws.* (a) Each Court of Indian Offenses shall be provided with copies of all Federal and State laws and regulations of the Bureau of Indian Affairs applicable to the conduct of Indians within the reservation.

(b) Whenever the court is in doubt as to the meaning of any law, treaty or regulation it may request the superintendent to furnish an opinion on the point in question.

§ 11.13 *Complaints.* No complaint filed in any Court of Indian Offenses shall be valid unless it shall bear the signature of the complainant or complaining witness, witnessed by a duly qualified judge of the Court of Indian Offenses or by the superintendent or by any other qualified employee of such reservation.

§ 11.14 *Warrants to apprehend.* Every judge of a Court of Indian Offenses shall have the authority to issue warrants to apprehend, said warrants to issue in the discretion of the court only after a written complaint shall have been filed, bearing the signature of the complaining witness. Service of such warrants shall be made by a duly qualified member of the Indian police or other police officer of the United States Indian Service. No warrant to apprehend shall be valid unless it shall bear the signature of a duly qualified judge of the Court of Indian Offenses.

§ 11.15 *Arrests.* No member of the Indian police shall arrest any person for any offense defined by §§ 11.38–11.87NH or by Federal law, except when such offense shall occur in the presence of the arresting officer or he shall have reasonable evidence that the person arrested has committed an offense or the officer shall have a warrant commanding him to apprehend such person.

§ 11.16 *Search warrants.* (a) Every judge of the Court of Indian Offenses of any Indian reservation shall have authority to issue warrants for search and seizure of the premises and property of any person under the jurisdiction of said court. However, no warrant of search and seizure shall issue except upon a duly signed and written complaint based upon reliable information or belief and charging the commission of some offense against the tribe. No warrant for search and seizure shall be valid unless it contains the name or description of the person or property to be searched and describes the articles or property to be seized and bears the signature of a duly qualified judge of the Court of Indian Offenses. Service of warrants of search and seizure shall be made only by members of the Indian police or police officers of the Bureau of Indian Affairs.

(b) No policeman shall search or seize any property without a warrant unless he shall know, or have reasonable cause to believe, that the person in possession of such property is engaged in the commission of an offense under the regulations in this part. Unlawful search or seizure will be deemed trespass and punished in accordance with § 11.52.

§ 11.17 *Commitments.* No Indian shall be detained, jailed or imprisoned under the regulations in this part for a longer period than 36 hours unless there be issued a commitment bearing the signature of a duly qualified judge of the Court of Indian Offenses. There shall be issued, for each Indian held for trial, a temporary commitment and for each Indian held after sentence a final commitment on the prescribed forms.[1]

§ 11.18 *Bail or bond.* Every Indian charged with an offense before any Court of Indian Offenses may be admitted to bail. Bail shall be by two reliable members of any Indian tribe who shall appear before a judge of the Court of Indian Offenses where complaint has been filed and there execute an agreement in compliance with the form provided therefor and made a part of the regulations in this part. In no case shall the penalty specified in the agreement exceed twice the maximum penalty set by §§ 11.38–11.87NH for violation of the offense with which the accused is charged.

§ 11.19 *Definition of signature.* The term "signature" as used in the regulations in this part shall be defined as the written signature, official seal, or the witnessed thumb print or mark of any individual.

§ 11.20 *Definition of tribal council.* The term "tribal council," as used in the regulations in this part, shall be construed to refer to the council, business committee or other organization recognized by the Department of the Interior as representing the tribe, or where no such body is recognized, to the adult members of the tribe in council assembled.

§ 11.20C *Definition of tribal council.* The term "tribal council," as used in the regulations in this part, shall be construed to refer to the Crow tribal council.

§ 11.21 *Cooperation by Federal employees.* (a) No field employee of the Indian Service shall obstruct, interfere with or control the functions of any Court of Indian Offenses, or influence such functions in any manner except as permitted by the regulations in this part or in response to a request for advice or information from the court.

(b) Employees of the Bureau of Indian Affairs, particularly those who are engaged in social service, health and educational work, shall assist the court, upon its request, in the preparation and presentation of the facts in the case and in the proper treatment of individual offenders.

[1] Forms may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

CIVIL ACTIONS

§ 11.22 *Jurisdiction.* The Courts of Indian Offenses shall have jurisdiction of all suits wherein the defendant is a member of the tribe or tribes within their jurisdiction, and of all other suits between members and nonmembers which are brought before the courts by stipulation of both parties. No judgment shall be given on any suit unless the defendant has actually received notice of such suit and ample opportunity to appear in court in his defense. Evidence of the receipt of the notice shall be kept as part of the record in the case. In all civil suits the complainant may be required to deposit with the clerk of the court a fee or other security in a reasonable amount to over costs and disbursements in the case.

§ 11.22C *Jurisdiction.* The Courts of Indian Offenses shall have jurisdiction of all suits wherein the parties to the action are members of the tribe or tribes within their jurisdiction, and of all other suits between members and nonmembers which are brought before the courts by stipulation of both parties. No judgment shall be given on any suit unless the defendant has actually received notice of such suit and ample opportunity to appear in court in his defense. Evidence of the receipt of the notice shall be kept as part of the record in the case. In all civil suits the complainant may be required to deposit with the clerk of the court a fee or other security in a reasonable amount to cover costs and disbursements in the case.

§ 11.22CA *Jurisdiction.* The Courts of Indian Offenses shall have jurisdiction of all suits wherein the defendant is a member of the tribe or tribes within their jurisdiction, and of all other suits between members and nonmembers which are brought before the courts by stipulation of both parties wherein the amount involved does not exceed $100. No judgment shall be given on any suit unless the defendant has actually received notice of such suit and ample opportunity to appear in court in his defense. Evidence of the receipt of the notice shall be kept as part of the record in the case. In all civil suits the complainant shall be required to deposit with the clerk of the court a filing fee in the amount of $5 and may be required to deposit other security in a reasonable amount to cover costs and disbursements in the case.

§ 11.23 *Law applicable to civil actions.* (a) In all civil cases the Court of Indian Offenses shall apply any laws of the United States that may be applicable, any authorized regulations of the Interior Department, and any ordinances or customs of the tribe, not prohibited by such Federal laws.

(b) Where any doubt arises as to the customs and usages of the tribe the court may request the advice of counsellors familiar with these customs and usages.

(c) Any matters that are not covered by the traditional customs and usages of the tribe, or by applicable Federal laws and regulations, shall be decided by the Court of Indian Offenses according to the laws of the State in which the matter in dispute may lie.

§ 11.24 *Judgments in civil actions.* (a) In all civil cases, judgment shall consist of an order of the court awarding money damages to be paid to the injured party, or directing the surrender of certain property to the injured party, or the performance of some other act for the benefit of the injured party.

(b) Where the injury inflicted was the result of carelessness of the defendant, the judgment shall fairly compensate the injured party for the loss he has suffered.

(c) Where the injury was deliberately inflicted, the judgment shall impose an additional penalty upon the defendant, which additional penalty may run either in favor of the injured party or in favor of the tribe.

(d) Where the injury was inflicted as the result of accident, or where both the complainant and the defendant were at fault, the judgment shall compensate the injured party for a reasonable part of the loss he has suffered.

§ 11.24C *Judgments in civil actions.* (a) In all civil cases, judgment shall consist of an order of the court awarding money damages to be paid to the injured party, or directing the surrender of certain property to the injured party, or the performance of some other act for the benefit of the injured party.

(b) Where the injury inflicted was the result of carelessness of the defendant, the judgment shall fairly compensate the injured party for the loss he has suffered.

(c) Where the injury was deliberately inflicted, the judgment shall impose an additional penalty upon the defendant, which additional penalty may run either in favor of the injured party or in favor of the tribe.

(d) Where the injury was inflicted as the result of accident, or where both the complainant and the defendant were at fault, the judgment may compensate the injured party for a reasonable part of the loss he has suffered.

§ 11.24CA *Judgments in civil actions.* (a) In all civil cases, judgment may consist of an order of the court awarding money damages to be paid to the injured party, or directing the surrender of certain property to the injured party, or the performance of some other act for the benefit of the injured party.

(b) Where the injury inflicted was the result of carelessness of the defendant, the judgment may fairly compensate the injured party for the loss he has suffered.

(c) Where the injury was deliberately inflicted, the judgment may impose an additional penalty upon the defendant, which additional penalty may run either in favor of the injured party or in favor of the tribe.

(d) Where the injury was inflicted as the result of accident, or where both the complainant and the defendant were at fault, the judgment may compensate the injured party for a reasonable part of the loss he has suffered.

§ 11.25 *Costs in civil actions.* The court may assess the accruing costs of the case against the party or parties against whom judgment is given. Such costs shall consist of the expenses of voluntary witnesses for which either party may be responsible under § 11.8 and the fees of jurors in those cases where a jury trial is had, and any further incidental expenses connected with the procedure before the court as the court may direct.

§ 11.25CA *Costs in civil actions.* The court may assess the accruing costs of the case against the party or parties against whom judgment is given. Such costs shall consist of the expenses of voluntary witnesses for which either party may be responsible under § 11.8CA, and any further incidental expenses connected with the procedure before the court as the court may direct.

§ 11.26 *Payment of judgments from individual Indian moneys.* (a) Whenever the Court of Indian Offenses shall have ordered payment of money damages to an injured party and the losing party refuses to make such payment within the time set for payment by the court, and when the losing party has sufficient funds to his credit at the agency office to pay all or part of such judgment, the superintendent shall certify to the Secretary of the Interior the record of the case and the amount of the available funds. If the Secretary shall so direct, the disbursing agent shall pay over to the injured party the amount of the judgment, or such lesser amount as may be specified by the Secretary, from the account of the delinquent party.

(b) A judgment shall be considered a lawful debt in all proceedings held by the Department of the Interior or by the Court of Indian Offenses to distribute decedents' estates.

CROSS REFERENCE: For individual Indian money regulations, see Part 104 of this chapter.

§ 11.26C *Payment of judgments from individual Indian moneys.* (a) Whenever the Court of Indian Offenses shall have ordered payment of money damages to an injured party and the losing party refuses to make such payment within the time set for payment by the court, and when the losing party has sufficient funds to his credit at the agency office to pay all or part of such judgment, the superintendent shall certify to the Secretary of the Interior the record of the case and the amount of the available funds. If the Secretary shall so direct, the disbursing agent shall pay over to the injured party the amount of the judgment, or such lesser amount as may be specified by the Secretary, from the account of the delinquent party.

(b) A judgment shall be considered a lawful debt in all proceedings held by the Department of the Interior or by the Court of Indian Offenses to distribute decedents' estates.

(c) No recovery may be had after 5 years from date of final judgment in any suit unless such judgment shall have been renewed before date of expiration.

CROSS REFERENCE: For individual Indian money regulations, see Part 104 of this chapter.

DOMESTIC RELATIONS

§ 11.27 *Recording of marriages and divorces.* All Indian marriages and divorces, whether consummated in accordance with the State law or in accordance with tribal custom, shall be recorded within 3 months at the agency of the jurisdiction in which either or both of the parties reside.

§ 11.28 *Tribal custom marriage and divorce.* (a) The tribal council shall have authority to determine whether Indian custom marriage and Indian custom divorce for members of the tribe shall be recognized in the future as lawful marriage and divorce upon the reservation, and if it shall be so recognized, to determine what shall constitute such marriage and divorce and whether action by the Court of Indian Offenses shall be required. When so determined in writing, one copy shall be filed with the Court of Indian Offenses, one copy with the superintendent in charge of the reservation, and one copy with the Commissioner of Indian Affairs. Thereafter, Indians who desire to become married or divorced by the custom of the tribe shall conform to the custom of the tribe as determined. Indians who assume or claim a divorce by Indian custom shall not be entitled to remarry until they have complied with the determined custom of their tribe nor until they have recorded such divorce at the agency office.

(b) Pending any determination by the tribal council on these matters, the validity of Indian custom marriage and divorce shall continue to be recognized as heretofore.

§ 11.28CA *Marriages, divorces, and adoptions.* All members of the Coeur d'Alene Indian Tribe shall hereafter be governed by State law and subject to State jurisdiction with respect to marriages, divorces, and adoptions hereinafter consummated.

§ 11.29 *Tribal custom adoption.* The tribal council shall likewise have authority to determine whether Indian custom adoption shall be permitted upon the reservation among members of the tribe, and if permitted, to determine what shall constitute such adoption and whether action by the Court of Indian Offenses shall be required. The determination of the tribal council shall be filed with the Court of Indian Offenses, with the superintendent of the reservation and with the Commissioner of Indian Affairs. Thereafter all members of the tribe desiring to adopt any person shall conform to the procedure fixed by the tribal council.

§ 11.29C *Adoption.* No future adoptions among or by the Crow Indians shall be recognized except those made in accordance with the act of March 3, 1931 (46 Stat. 1494).

§ 11.30 *Determination of paternity and support.* The Court of Indian Offenses shall have jurisdiction of all suits brought to determine the paternity of a child and to obtain a judgment for the support of the child. A judgment of the court establishing the identity of the father of the child shall be conclusive of that fact in all subsequent determina-

tions of inheritance by the Department of the Interior or by the courts of Indian offenses.

§ 11.30CA *Determination of paternity and support.* The Court of Indian Offenses shall have jurisdiction of all suits brought to determine the paternity of a child and to obtain a judgment for the support of the child. A judgment of the court establishing the identity of the father of the child shall be conclusive of that fact in all subsequent determinations of inheritance by the Department of the Interior.

§ 11.31 *Determination of heirs.* (a) When any member of the tribe dies leaving property other than an allotment or other trust property subject to the jurisdiction of the United States, any member claiming to be an heir of the decedent may bring a suit in the Court of Indian Offenses to have the court determine the heirs of the decedent and to divide among the heirs such property of the decedent. No determination of heirs shall be made unless all the possible heirs known to the court, to the superintendent, and to the claimant have been notified of the suit and given full opportunity to come before the court and defend their interests. Possible heirs who are not residents of the reservation under the jurisdiction of the court must be notified by mail and a copy of the notice must be preserved in the record of the case.

(b) In the determination of heirs the court shall apply the custom of the tribe as to inheritance if such custom is proved. Otherwise the court shall apply State law in deciding what relatives of the decedent are entitled to be his heirs.

(c) Where the estate of the decedent includes any interest in restricted allotted lands or other property held in trust by the United States, over which the examiner of inheritance would have jurisdiction, the Court of Indian Offenses may distribute only such property as does not come under the jurisdiction of the examiner of inheritance, and the determination of heirs by the court may be reviewed, on appeal, and the judgment of the court modified or set aside by the said examiner of inheritance, with the approval of the Secretary of the Interior, if law and justice so require.

CROSS REFERENCE: For regulations governing the jurisdiction of the examiner of inheritance concerning the determination of heirs, see Part 15 of this chapter.

§ 11.31C *Determination of heirs.* The superintendent of the Crow Reservation shall have authority to protect, impound or convert into cash, for the benefit of the estate, any personal property which may be left by any decedent who is an enrolled member of the Crow Tribe, pending final determination of the heirs of said decedent by the Secretary of the Interior, and in accordance with existing law and regulations.

§ 11.31CA *Determination of heirs.* The examiner of inheritance shall have authority to determine the heirs and distribute the property, both personal and real, of any member of the Coeur d'Alene Tribe of Indians, regardless of whether or not such property is in a trust status: *Provided further,* That the judge of the Court of Indian Offenses shall have authority to take into custody any property other than trust left by the death of any member of the tribe, and shall have authority, when approved by the superintendent, to sell perishable property, the proceeds of such sale to be deposited to the decedent's account with the disbursing agent of the reservation.

§ 11.32 *Approval of wills.* When any member of the tribe dies, leaving a will disposing only of property other than an allotment or other trust property subject to the jurisdiction of the United States, the Court of Indian Offenses shall, at the request of any member of the tribe named in the will or any other interested party, determine the validity of the will after giving notice and full opportunity to appear in court to all persons who might be heirs of the decedent, as under § 11.31. A will shall be deemed to be valid if the decedent had a sane mind and understood what he was doing when he made the will and was not subject to any undue influence of any kind from another person, and if the will was made in accordance with a proved tribal custom or made in writing and signed by the decedent in the presence of two witnesses who also sign the will. If the court determines the will to be validly executed, it shall order the property described in the will to be given to the persons named in the will or to their heirs; but no distribution of property shall be made in violation of a proved tribal custom which restricts the privilege of tribal members to distribute property by will.

CROSS REFERENCE: For regulations governing the jurisdiction of the Examiner of Inheritance concerning the approval of wills, heirs, see Part 15 of this chapter.

§ 11.32C *Approval of wills.* The determination of the validity of wills shall be made by the Secretary of the Interior (as provided in Part 15 of this chapter).

SENTENCES

§ 11.33 *Nature of sentences.* (a) Any Indian who has been convicted by the Court of Indian Offenses of violation of a provision of §§ 11.38–11.87NH shall be sentenced by the court to work for the benefit of the tribe for any period found by the court to be appropriate; but the period fixed shall not exceed the maximum period set for the offense in the code, and shall begin to run from the day of the sentence. During the period of sentence the convicted Indian may be confined in the agency jail if so directed by the court. The work shall be done under the supervision of the superintendent or of an authorized agent or committee of the tribal council as the court may provide.

(b) Whenever any convicted Indian shall be unable or unwilling to work, the court shall, in its discretion, sentence him to imprisonment for the period of the sentence or to pay a fine equal to $2 a day for the same period. Such fine shall be paid in cash, or in commodities or other personal property of the required value as may be directed by the court. Upon the request of the convicted Indian, the disbursing agent may approve a disbursement voucher chargeable to the Indian's account to cover payment of the fine imposed by the court.

(c) In addition to any other sentence, the court may require an offender who has inflicted injury upon the person or property of any individual to make restitution or to compensate the party injured, through the surrender of property, the payment of money damages, or the performance of any other act for the benefit of the injured party.

(d) In determining the character and duration of the sentence which shall be imposed, the court shall take into consideration the previous conduct of the defendant, the circumstances under which the offense was committed, and whether the offense was malicious or willful and whether the offender has attempted to make amends, and shall give due consideration to the extent of the defendant's resources and the needs of his dependents. The penalties listed in §§ 11.38–11.87NH are maximum penalties to be inflicted only in extreme cases.

§ 11.33CA *Nature of sentences.* (a) Any Indian who has been convicted by the Court of Indian Offenses of violation of §§ 11.38–11.76CA shall be sentenced by the court to work for the benefit of the tribe for any period found by the court to be appropriate; but the period fixed shall not exceed the maximum period set for the offense in this part, and shall begin to run from the day of the sentence. During the period of sentence the convicted Indian may be confined in the agency jail if so directed by the court. The work shall be done under the supervision of the superintendent or of an authorized agent or committee of the tribal council as the court may provide.

(b) Whenever any convicted Indian shall be unable or unwilling to work, the court shall, in its discretion, sentence him to imprisonment for the period of the sentence or pay a fine equal to $2 a day for the same period. Upon the request of the convicted Indian, the disbursing agent may approve a disbursement voucher chargeable to the Indian's account to cover payment of the fine imposed by the court.

(c) In addition to any other sentence, the court may require an offender who has inflicted injury upon the person or property of any individual to make restitution or to compensate the party injured, through the surrender of property, the payment of money damages, or the performance of any other act for the benefit of the injured party.

(d) In determining the character and duration of the sentence which shall be imposed, the court shall take into consideration the previous conduct of the defendant, the circumstances under which the offense was committed, and whether the offense was malicious or willful and whether the offender has attempted to make amends, and shall give due consideration to the extent of the defendant's resources and the needs of his dependents. The penalties listed in §§ 11.38–11.76CA are maximum penalties to be inflicted only in extreme cases.

§ 11.34 *Probation.* (a) Where sentence has been imposed upon any Indian who has not previously been convicted of any offense, the Court of Indian Offenses may in its discretion suspend the sentence imposed and allow the offender his freedom on probation upon his signing a pledge of good conduct during the period of the sentence upon the form provided therefor.

(b) Any Indian who shall violate his probation pledge shall be required to serve the original sentence plus an additional half of such sentence as penalty for the violation of his pledge.

§ 11.34C *Probation.* (a) Where sentence has been imposed upon any Indian, the Court of Indian Offenses may in its discretion suspend the sentence imposed and allow the offender his freedom on probation, upon his signing a pledge of good conduct during the period of the sentence.

(b) Any Indian who shall violate his probation pledge shall be required to serve the original sentence plus an additional half of such sentence as penalty for the violation of his pledge.

§ 11.35 *Parole.* (a) Any Indian committed by a Court of Indian Offenses who shall have without misconduct served one half the sentence imposed by such court shall be eligible to parole. Parole shall be granted only by a judge of the Court of Indian Offenses where the prisoner was convicted and upon the signing of the form provided therefor.

(b) Any Indian who shall violate any of the provisions of such parole shall be punished by being required to serve the whole of the original sentence.

§ 11.36 *Juvenile delinquency.* Whenever any Indian who is under the age of 18 years is accused of committing one of the offenses enumerated in §§ 11.38–11.87NH, the judge may in his discretion hear and determine the case in private and in an informal manner, and, if the accused is found to be guilty, may in lieu of sentence place such delinquent for a designated period under the superivision of a responsible person selected by him or may take such other action as he may deem advisable in the circumstances.

§ 11.36C *Juvenile delinquency.* (a) Whenever any Indian who is under the age of 18 years is accused of committing one of the offenses enumerated in §§ 11.38–11.75C, the judge may in his discretion hear and determine the case in private and in an informal manner, and, if the accused is found to be guilty, may in lieu of sentence, place such delinquent for a designated period under the supervision of a responsible person selected by him or may take such other action as he may deem advisable in the circumstances.

(b) In the absence of either parent or guardian, the court shall appoint a suitable person to represent the delinquent child.

§ 11.37 *Disposition of fines.* (a) All money fines imposed for the commission of an offense shall be in the nature of an assessment for the payment of designated court expenses. Such expenses shall include the payment of the fees provided for in the regulations in this part to jurors and to witnesses answering a subpena. The fines assessed shall be paid over by the clerk of the court to the disbursing agent of the reservation for deposit as a "special deposit, court funds" to the disbursing agent's official credit in the Treasury of the United States. The disbursing agent shall withdraw such funds, in accordance with existing regulations, upon the order of the clerk of the court signed by a judge of the court, for the payment of specified fees to specified jurors or witnesses. The disbursing agent and the clerk of the court shall keep an accounting of all such deposits and withdrawals for the inspection of any person interested. Whenever such fund shall exceed the amount necessary with a reasonable reserve for the payment of the court expenses before mentioned, the tribal council shall designate, with the approval of the superintendent, further expenses of the work of the court which shall be paid by these funds, such as the writing of records, the costs of notices or the increase of fees, whether or not any such costs were previously paid from other sources.

(b) Wherever a fine is paid in commodities, the commodities shall be turned over under the supervision of the clerk of the court to the custody of the superintendent to be sold or, if the tribal council so directs, to be disposed of in other ways for the benefit of the tribe. The proceeds of any sale of such commodities shall be deposited by the disbursing agent in the special deposit for court funds and recorded upon the accounts.

§ 11.37CA *Deposit and disposition of fines.* All money fines imposed for the commission of an offense shall be in the nature of an assessment for the payment of designated court expenses. Such expenses shall include the payment of the fees provided for in this part to jurors and to witnesses answering a subpena. The fines assessed shall be paid over by the clerk of the court to the disbursing agent of the reservation for deposit as a "special deposit, court funds" to the disbursing agent's official credit in the Treasury of the United States. The disbursing agent shall withdraw such funds, in accordance with existing regulations, upon the order of the clerk of the court signed by a judge of the court, for the payment of specified fees to specified jurors or witnesses. The disbursing agent and the clerk of the court shall keep an accounting of all such deposits and withdrawals for the inspection of any person interested. Whenever such fund shall exceed the amount necessary with a reasonable reserve for the payment of the court expenses before mentioned, the tribal council shall designate, with the approval of the superintendent, further expenses of the work of the court which shall be paid by these funds, such as the writing of records, the costs of notices or the increase of fees, whether or not any such costs were previously paid from other sources.

CODE OF INDIAN TRIBAL OFFENSES

§ 11.38 *Assault.* Any Indian who shall attempt or threaten bodily harm to another person through unlawful force or violence shall be deemed guilty of assault, and upon conviction thereof shall be sentenced to labor for a period not to exceed 5 days or shall be required to furnish a satisfactory bond to keep the peace.

§ 11.39 *Assault and battery.* Any Indian who shall willfully strike another person or otherwise inflict bodily injury, or who shall by offering violence cause another to harm himself shall be deemed guilty of assault and battery and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.40 *Carrying concealed weapons.* Any Indian who shall go about in public places armed with a dangerous weapon concealed upon his person, unless he shall have a permit signed by a judge of a Court of Indian Offenses and countersigned by the superintendent of the reservation, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days; and the weapons so carried may be confiscated.

§ 11.41 *Abduction.* Any Indian who shall willfully take away or detain another person against his will or without the consent of the parent or other person having lawful care or charge of him, shall be deemed guilty of abduction and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.42 *Theft.* Any Indian who shall take the property of another person, with intent to steal, shall be deemed guilty of theft and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.43 *Embezzlement.* Any Indian who shall, having lawful custody of property not his own, appropriate the same to his own use with intent to deprive the owner thereof, shall be deemed guilty of embezzlement and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.44 *Fraud.* Any Indian who shall by willful misrepresentation or deceit, or by false interpreting, or by the use of false weights or measures obtain any money or other property, shall be deemed guilty of fraud and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.45 *Forgery.* Any Indian who shall, with intent to defraud, falsely sign, execute or alter any written instrument, shall be deemed guilty of forgery and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.46 *Misbranding.* Any Indian who shall knowingly and willfully misbrand or alter any brand or mark on any livestock of another person, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.47 *Receiving stolen property.* Any Indian who shall receive or conceal or aid in concealing or receiving any property, knowing the same to be stolen,

embezzled, or obtained by fraud or false pretense, robbery or burglary, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 3 months.

§ 11.48 *Extortion.* Any Indian who shall willfully, by making false charges against another person or by any other means whatsoever, extort or attempt to extort any moneys, goods, property, or anything else of any value, shall be deemed guilty of extortion and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days.

§ 11.49 *Disorderly conduct.* Any Indian who shall engage in fighting in a public place, disturb or annoy any public or religious assembly, or appear in a public or private place in an intoxicated and disorderly condition, or who shall engage in any other act of public indecency or immorality, shall be deemed guilty of disorderly conduct and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days.

§ 11.49CA *Disorderly conduct.* Any Indian who shall engage in fighting in a public place, disturb or annoy any public or religious assembly, or appear in a public or private place in an intoxicated or disorderly condition, or who shall engage in any other act of public indecency or immorality, shall be deemed guilty of disorderly conduct and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days.

§ 11.50 *Reckless driving.* Any Indian who shall drive or operate any automobile, wagon, or any other vehicle in a manner dangerous to the public safety, shall be deemed guilty of reckless driving and upon conviction thereof shall be sentenced to labor for a period not to exceed 15 days and may be deprived of the right to operate any automobile for a period not to exceed 6 months. For the commission of such offense while under the influence of liquor, the offender may be sentenced to labor for a period not to exceed 3 months.

§ 11.50C *Reckless driving.* Any Indian who shall drive or operate any automobile, wagon, or any other vehicle in a manner dangerous to the public safety, shall be deemed guilty of reckless driving and upon conviction thereof shall be sentenced to labor for a period not to exceed 15 days and may be deprived of the right to operate any automobile for a period not to exceed 6 months. For the commission of such offense while under the influence of liquor, the offender may be sentenced for the first offense to labor for a period not to exceed 3 months and for a second or subsequent offense for a period not to exceed 6 months and may be deprived of his right to operate any motor vehicle for a period of 1 year.

§ 11.51 *Malicious mischief.* Any Indian who shall maliciously disturb, injure or destroy any livestock or other domestic animal or other property, shall be deemed guilty of malicious mischief and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.52 *Trespass.* Any Indian who shall go upon or pass over any cultivated or enclosed lands of another person and shall refuse to go immediately therefrom on the request of the owner or occupant thereof or who shall willfully and knowingly allow livestock to occupy or graze on the cultivated or enclosed lands, shall be deemed guilty of an offense and upon conviction shall be punished by a fine not to exceed $5, in addition to any award of damages for the benefit of the injured party.

§ 11.52CA *Trespass.* Any Indian who shall go upon or pass over any cultivated or enclosed lands or premises of another person and who shall refuse to go immediately therefrom on the request of the owner or occupant thereof or who shall willfully and knowingly allow livestock to occupy or graze on the cultivated or enclosed lands, shall be deemed guilty of an offense and upon conviction shall be punished by a fine not to exceed $5, in addition to any award of damages for the benefit of the injured party: *Provided, however,* That no lands shall be deemed to be enclosed unless fenced by a legal fence as defined by State law.

§ 11.53 *Injury to public property.* Any Indian who shall, without proper authority, use or injure any public property of the tribe or the United States, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days.

§ 11.53CA *Injury to public property.* Any Indian who shall, without proper authority, use or injure any public property of the tribe, or the United States, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days.

§ 11.54 *Maintaining a public nuisance.* Any Indian who shall act in such a manner, or permit his property to fall into such condition as to injure or endanger the safety, health, comfort, or property of his neighbors, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 5 days, and may be required to remove such nuisance when so ordered by the court.

§ 11.55 *Liquor violations.* Any Indian who shall possess, sell, trade, transport or manufacture any beer, ale, wine, whisky or any article whatsoever which produces alcoholic intoxication, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 60 days.

§ 11.56 *Cruelty to animals.* Any Indian who shall torture or cruelly mistreat any animal, shall be deemed guilty of an offense and shall be sentenced to labor for a period not to exceed 30 days.

§ 11.57 *Game violations.* Any Indian who shall violate any law, rule or regulation adopted by the tribal council for the protection or conservation of the fish or game of the reservation, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days; and he shall forfeit to the court for the use of any Indian institution such game as may be found in his possession.

§ 11.58 *Gambling.* Any Indian who shall violate any law, rule or regulation adopted by the tribal council for the control or regulation of gambling on any reservation, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days.

§ 11.59 *Adultery.* Any Indian who shall have sexual intercourse with another person, either of such persons being married to a third person, shall be deemed guilty of adultery and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days.

§ 11.60C *Fornication.* Any Indian who shall have sexual intercourse with another person, neither of such persons being married, shall be deemed guilty of fornication and upon conviction thereof shall be sentenced to labor for a period of not to exceed 25 days.

§ 11.61 *Illicit cohabitation.* Any Indian who shall live or cohabit with another as man and wife not then and there being married shall be deemed guilty of illicit cohabitation and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days.

§ 11.62 *Prostitution.* Any Indian who shall practice prostitution or who shall knowingly keep, maintain, rent or lease, any house, room, tent, or other place for the purpose of prostitution shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.63 *Giving venereal disease to another.* Any Indian who shall infect another person with a venereal disease shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to labor for a period not to exceed 3 months. The Court of Indian Offenses shall have authority to order and compel the medical examination and treatment of any person charged with violation of this section or found to be afflicted with any communicable disease of this nature.

§ 11.63C *Giving venereal disease to another.* Any Indian who shall infect another person with a venereal disease shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to labor for a period not to exceed 3 months. The Court of Indian Offenses shall have authority to order and compel the medical examination and treatment of any person charged with violation of this section or found to be afflicted with any communicable disease.

§ 11.63CA *Giving venereal disease to another.* Any Indian who shall infect another person with a venereal disease shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to labor for a period not to exceed 3 months. The Court of Indian Offenses shall have authority to order and compel the medical examination and treatment of any person charged with violation of this section or found to be afflicted with any communicable disease of this nature.

§ 11.64 *Failure to support dependent persons.* Any Indian who shall, because of habitual intemperance or gambling or for any other reason, refuse or neglect to furnish food, shelter, or care to those dependent upon him, including any dependent children born out of wedlock, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 3 months, for the benefit of such dependent.

§ 11.64C *Failure to support dependent persons.* (a) Any Indian who shall, because of habitual intemperance or gambling or for any other reason, refuse or neglect to furnish food, shelter, or care to those dependent upon him, including any dependent children born out of wedlock, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 3 months, for the benefit of such dependent.

(b) The Court of Indian Offenses shall also have authority to order and compel the payment of all alimony lawfully awarded in any divorce proceeding by any State court having jurisdiction, and nonpayment of such awards shall be accepted as conclusive evidence of failure to provide for dependent persons under this section: *Provided, however,* That an appeal may be taken to the Tribal Court of Appeals whose decision shall be final.

§ 11.65 *Failure to send children to school.* Any Indian who shall, without good cause, neglect or refuse to send his children or any children under his care, to school shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 10 days.

CROSS REFERENCE: For regulations pertaining to the education of Indians, see Parts 31–34 of this chapter.

§ 11.66 *Contributing to the delinquency of a minor.* Any Indian who shall willfully contribute to the delinquency of any minor shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.67 *Bribery.* Any Indian who shall give or offer to give any money, property or services, or anything else of value to another person with corrupt intent to influence another in the discharge of his public duties or conduct, and any Indian who shall accept, solicit or attempt to solicit any bribe, as above defined, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months; and any tribal office held by such person shall be forfeited.

§ 11.68 *Perjury.* Any Indian who shall willfully and deliberately, in any judicial proceeding in any Court of Indian Offenses, falsely swear or interpret, or shall make a sworn statement or affidavit knowing the same to be untrue, or shall induce or procure another person so to do, shall be deemed guilty of perjury and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.69 *False arrest.* Any Indian who shall willfully and knowingly make, or cause to be made, the unlawful arrest, detention or imprisonment of another person, shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.70 *Resisting lawful arrest.* Any Indian who shall willfully and knowingly, by force or violence, resist or assist another person to resist a lawful arrest shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days.

§ 11.71 *Refusing to aid officer.* Any Indian who shall neglect or refuse, when called upon by any Indian police or other police officer of the Bureau of Indian Affairs, to assist in the arrest of any person charged with or convicted of any offense or in securing such offender when apprehended, or in conveying such offender to the nearest place of confinement shall be deemed guilty of an offense, and upon conviction, shall be sentenced to labor for a period not to exceed 10 days.

§ 11.72 *Escape.* Any Indian, who, being in lawful custody, for any offense, shall escape or attempt to escape or who shall permit or assist or attempt to permit or assist another person to escape from lawful custody shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to labor for a period not to exceed 6 months.

§ 11.73 *Disobedience to lawful orders of court.* Any Indian who shall willfully disobey any order, subpena, warrant or command duly issued, made or given by the Court of Indian Offenses or any officer thereof, shall be deemed guilty of an offense and upon conviction thereof shall be fined in an amount not exceeding $180 or sentenced to labor for a period not to exceed 3 months.

§ 11.74 *Violation of an approved tribal ordinance.* Any Indian who violates an ordinance designed to preserve the peace and welfare of the tribe, which was promulgated by the tribal council and approved by the Secretary of the Interior, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced as provided in the ordinance.

§ 11.75C *Limitation on filing of complaints.* No complaint shall be filed charging the commission of an offense, as defined under §§ 11.38–11.75C, unless such offense shall have been committed within 1 year prior to the date of the complaint.

§ 11.75CA *Attempted rape.* Any Indian who shall willfully and knowingly by force or violence attempt to rape another or assist in permitting an attempted rape shall be deemed guilty of an offense, and, upon conviction thereof, shall be sentenced to labor for a period not to exceed 90 days, or a fine of $180, or both such fine and imprisonment.

§ 11.76CA *Vagrancy.* Any Indian who wanders about in idleness, living off others, who is able to work, and has no property or money sufficient for his (her) support or loafs or loiters in any city, town or village on the Coeur d'Alene Indian Reservation without any attempt to obtain regular employment shall be deemed guilty of an offense, and upon conviction thereof, shall be sentenced to labor for a period not to exceed 30 days, or to a fine not to exceed $60, or to both such imprisonment and fine, with costs.

§ 11.76NH *Failure to sell or remove from tribal range infectious or cull animals.* Any Indian who shall willfully refuse to dispose of cull or infectious animals indicated for removal in accordance with the instructions contained in § 72.8 of this chapter, shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to hard labor for a period of not to exceed 90 days, or a reduction of 10 percent in his grazing permit.

§ 11.77NH *Introduction of livestock without permit.* Any Indian who shall introduce or cause to be introduced any livestock into unallotted lands of the reservation without a permit shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to a period of not to exceed 60 days at hard labor.

CROSS REFERENCE: For Navajo grazing regulations, see Part 152 of this chapter.

§ 11.78NH *Stock trespass in form of unauthorized use of range.* Any Indian who shall willfully graze stock in excess of permitted number on tribal range, or who shall refuse to graze his livestock in accordance with range management plans which consider deferred grazing, the reservation of specific areas for seasonal use, etc., shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 6 months, and, or, he shall be required to pay damages equal to the value of the forage consumed, salaries and expenses of employees for the time incurred in making investigation, and reports. In lieu of cash, this fine, if levied, may be collected in livestock.

CROSS REFERENCE: For Navajo grazing regulations, see Part 152 of this chapter.

§ 11.79NH *Failure to dip sheep.* Any Indian who willfully refuses to dip all of his sheep and goats according to regulations when so directed by the superintendent or his authorized representative shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 6 months or shall be subject to a fine not to exceed $100 or both. In lieu of cash, this fine, if levied, may be collected in livestock.

§ 11.80NH *Making false reports of stock owned.* Any Indian who willfully makes a false report as to the total number of stock owned, or refuses to make a true report of stock ownership, shall be deemed guilty of an offense and upon conviction thereof, shall be fined not less than $10 nor more than $100. In lieu of cash this fine may be collected in livestock.

CROSS REFERENCE: For method of making out reports of stock owned, see § 152.7 of this chapter.

§ 11.81NH *Unauthorized fencing of tribal land.* Any Indian who shall willfully fence, for his own advantage, range land belonging to the tribe, without first having secured a permit from the superintendent shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 6 months.

§ 11.82NH *Inter-district trespass.* Any Indian who shall allow his stock to trespass on range allocated to others under provisions of the grazing regulations, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 3 months or shall be subject to a fine equal to the damage done the range allocated to others, or both.

CROSS REFERENCE: For Navajo grazing regulations, see Part 152 of this chapter.

§ 11.83NH *Grazing stock without permit.* Any Indian who shall allow his stock to graze on tribal land without a grazing permit shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 3 months or shall be fined not to exceed $100 or both. In lieu of cash, this fine, if levied, may be collected in livestock.

§ 11.84NH *Refusing to brand or mark livestock.* Any Indian who shall willfully refuse to brand or mark his or her livestock where such branding or marking is required in the interest of ownership identification or for other purposes or who alters, obliterates or removes such brands or marks shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 60 days.

§ 11.85NH *Obstructing or interfering with livestock roundups.* Any Indian who shall interfere with or obstruct authorized roundups which have for their purpose the removal of unowned horses or other livestock, or for the purpose of determining ownership or for other purposes designed to protect tribal land from destruction, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 6 months.

§ 11.86NH *Trespass on areas reserved for demonstration purposes.* Any Indian who shall commit willful trespass on areas reserved for demonstration, administration, or agricultural purposes designed for the benefit of the tribe, shall be guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 60 days and shall be subject to a fine not exceeding $100, or both. In lieu of cash, this fine, if levied, may be collected in livestock.

§ 11.87NH *Peyote violations.* Any Indian who shall introduce into the Navajo country, sell, use or have in his possession within said Navajo country, the bean known as peyote, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 9 months, or a fine not to exceed $100, or both.

THE INDIAN POLICE

§ 11.301 *Superintendent in command.* The superintendent of each Indian reservation shall be recognized as commander of the Indian police force and will be held responsible for the general efficiency and conduct of the members thereof. It shall be the duty of the superintendent, or his duly qualified representative, to keep himself informed as to the efficiency of the Indian police in the discharge of their duties, to subject them to a regular inspection, to inform them as to their duties and keep a strict accounting of the equipment issued them in connection with their official duties. It shall be the duty of the superintendent to detail such Indian policemen as may be necessary to carry out the orders of the Court of Indian Offenses and to preserve order during the court sessions. The superintendent shall investigate all reports and charges of misconduct on the part of Indian policemen and shall exercise such proper disciplinary measures as may be consistent with existing regulations. No superintendent of any Indian reservation shall assign or detail any member of the Indian police force for duty as janitor or chauffeur or for any duty not connected with the administration of law and order.

§ 11.302 *Police commissioners.* The superintendent of any Indian reservation may, with the approval of the Commissioner of Indian Affairs, designate as police commissioner any qualified person. Wherever any special or deputy special officer is regularly employed in any Indian jurisdiction, he shall be police commissioner for that jurisdiction. Such police commissioner shall obey the orders of the superintendent of the reservation where employed and shall see that the orders of the Court of Indian Offenses are properly carried out. The police commissioner shall be responsible to the superintendent for the conduct and efficiency of the Indian police under his direction and shall give such instruction and advice to them as may be necessary. The police commissioner shall also report to the superintendent all violations of law or regulation and any misconduct of any member of the Indian police.

§ 11.303 *Police training.* It shall be the duty of the superintendent to maintain from time to time as circumstances require and permit classes of instruction for the Indian policemen. Such classes shall familiarize the policemen with the manner of making searches and arrests, the proper and humane handling of prisoners, the keeping of records of offenses and police activities, and with court orders and legal forms and the duties of the police in relation thereto, and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation with Indian communities in establishing better social relations.

§ 11.304 *Indian policemen.* (a) The superintendent of any Indian reservation may, with the approval of the Commissioner of Indian Affairs, employ and appoint Indians as Indian police whose qualifications shall be as follow:

(1) A candidate must be in sound physical condition and of sufficient size and strength to perform the duties required.

(2) He must be possessed of courage, self-reliance, intelligence, and a high sense of loyalty and duty.

(3) He must never have been convicted of a felony, nor have been convicted of any misdemeanor for a period of 1 year prior to appointment.

(b) The duties of an Indian policeman shall be:

(1) To obey promptly all orders of the police commissioner or the court of Indian offenses when assigned to that duty.

(2) To lend assistance to brother officers.

(3) To report and investigate all violations of any law or regulation coming to his notice or reported for attention.

(4) To arrest all persons observed violating the laws and regulations for which he is held responsible.

(5) To inform himself as to the laws and regulations applicable to the jurisdiction where employed and as to the laws of arrest.

(6) To prevent violations of the law and regulations.

(7) To report to his superior officers all accidents, births, deaths or other events or impending events of importance.

(8) To abstain from the use of intoxicants, or narcotics and to refrain from engaging in any act which would reflect discredit upon the police department.

(9) To refrain from the use of profane, insolent or vulgar language.

(10) To use no unnecessary force or violence in making an arrest, search, or seizure.

(11) To keep all equipment furnished by the Government in reasonable repair and order.

(12) To report the loss of any and all property issued by the Government in connection with official duties.

§ 11.305 *Dismissal.* The superintendent of any Indian reservation may remove any Indian policeman for any noncompliance with the duties and requirements as set out in § 11.304 or for neglect of duty.

§ 11.306 *Return of equipment.* Upon the resignation, death or discharge of any member of the Indian police all articles or property issued him in connection with his official duties must be returned to the superintendent or his representative.

Subchapter C—Probate

PART 15—DETERMINATION OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS

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AUTHORITY: §§ 15.0 to 15.34 issued under secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; 25 U. S. C. 372, 373, 374, 377, 373a, 373b.

CROSS REFERENCES: For regulations governing the determination of heirs and approval of wills in the Courts of Indian Offenses, see §§ 11.30–11.32C of this chapter. For regulations governing admission of attorneys to practice before the Department of the Interior and the offices and bureaus thereof, see 43 CFR Part 1.

§ 15.0 *Definitions.* (a) "Secretary" means the Secretary of the Interior; (b) "Commissioner" means the Commissioner of Indian Affairs, Department of the Interior; (c) "superintendent" means the superintendent of an Indian agency; (d) "examiner of inheritance" means any employee upon whom authority has been conferred by the Secretary or the Commissioner to conduct hearings in accordance with the regulations of this part; (e) "agency" means the Indian agency having jurisdiction over an estate; (f) "Department" means the Department of the Interior.

§ 15.1 *Administration of estates.* The heirs of Indians who die intestate possessed of trust or restricted property shall be determined by examiners of inheritance except as otherwise provided in the regulations in this part. The wills of deceased Indians disposing of trust or restricted property shall be approved or disapproved by examiners of inheritance except as otherwise provided in the regulations in this part. Claims against the estates of Indians shall be allowed or disallowed by examiners of inheritance in accordance with the regulations in this part.

§ 15.2 *Notice of hearings.* Hearings to determine the heirs of deceased Indians or to probate their wills shall be conducted only after notice of the time and place of such hearings shall have been posted for 20 days in five or more conspicuous places on the reservation of which the decedent was a resident or, if the decedent was not a resident of a reservation, in five or more conspicuous places in the vicinity of the proposed place of hearing.

§ 15.3 *Contents of notice.* The notice shall state that the examiner of inheritance, will at the time and place specified therein, take testimony to determine the heirs of the deceased Indian (naming him) and, if a will is offered for probate, testimony as to the validity of such will. The notice shall list the presumptive heirs of the decedent, and, if a will is offered for probate, the beneficiaries under such will and the attesting witnesses to the will. The notice shall cite the regulations in this part as the source of the legal authority and jurisdiction for the holding of the hearing. It shall call upon all persons interested in the estate of the deceased Indian, including all persons having claims or accounts against the deceased Indian, to be present at the hearing. It shall call upon presumptive heirs to bring with them to the hearing two disinterested persons who are acquainted with and have a direct knowledge of the family history of the deceased. The notice shall state further that the examiner of inheritance may, in his discretion continue the hearing at another time and place to be announced at the original hearing.

§ 15.4 *Service on interested parties.* A copy of the notice of hearing shall be served personally or by mail, addressed to the party at his last known place of residence, on each presumptive heir and each known claimant against the estate, and, if a will is offered for probate, on each beneficiary under and each attesting witness to the will. Such notice must be served or mailed a sufficient time in advance of the date set for the hearing to enable the interested parties to attend the hearing.

§ 15.5 *Uncontested estates.* In a case involving no contest, the parties in interest may appear before the examiner of inheritance and waive their right to the 20 days' notice. In that event, the examiner of inheritance may take their testimony immediately. At the time and place set for the hearing in the notice, the testimony and the waiver shall be read aloud in order to afford any other persons who are present an opportunity to offer objections and to establish their interest. The examiner of inheritance will then proceed with the hearing in the usual manner if objections are offered.

§ 15.6 *Minors represented at hearings.* Minors in interest must be represented at the hearing by guardians ad litem appointed by the examiner of inheritance.

§ 15.7 *Attorneys.* Interested parties may appear in person or by attorneys admitted to practice in the State where the hearing is held. Attorneys must secure powers of attorney from their clients authorizing them to appear in the proceeding. Attorneys will be required to adhere to the rules of evidence of the State in which the evidence is taken.

§ 15.8 *Oaths, authority to administer.* Examiners of inheritance are authorized to administer oaths.

§ 15.9 *Compulsory attendance of witnesses.* The examiner of inheritance may issue a subpoena under 25 U. S. C. 374 to any person whose testimony he believes to be material to the proper disposition of any estate set for hearing. Upon the failure or refusal of any person to whom a subpoena shall have been issued to appear at the hearing or to testify, the examiner of inheritance may file a petition in the appropriate United States District Court requesting that the court issue an order requiring the appearance and testimony of the witness.

§ 15.10 *Examination of witnesses.* All witnessess shall be examined under oath, and their testimony shall be reduced to writing. Any interested party may cross-examine any witness. Affidavits or depositions may be introduced in evidence if the affiants or deponents are present at the hearing and are available for cross-examination by interested parties, or if, in the case of depositions, interested parties have been given a reasonable opportunity to be present when the depositions were taken or to submit counter interrogatories to be answered by the deponents.

§ 15.11 *Limiting number of witnesses.* When the evidence seems clear and conclusive, the examiner of inheritance may, in his discretion, limit the number of witnesses to be formally examined upon any matter.

§ 15.12 *Wills, validity attested.* No action shall be taken on the will of a deceased Indian until testimony shall have been taken as to the testamentary capacity of the decedent to execute the will and as to the circumstances surrounding its execution. A reasonable effort shall be made to procure the testimony of the attesting witnesses to the will; or, if their testimony is not reasonably available, an effort shall be made to identify their signatures through other evidence.

§ 15.13 *Supplemental hearing.* When it appears that a supplemental hearing is necessary to secure material evidence, such a hearing may be conducted after notice has been given to those persons on whom notice of the original hearing was served and to such other persons as the testimony taken at the original hearing indicates may have a possible interest in the estate.

§ 15.14 *Record.* After the completion of the hearing or hearings, the examiner of inheritance shall make up the record on the estate. The record shall contain: (a) A copy of the public notice of hearing; (b) copies of notices served on interested parties; (c) proof of service of notices; (d) the evidence received at the hearing or hearings, which should include, among other things, copies of any pertinent marriage records and decrees of divorce, certificates of appraisement of restricted property, information as to whether the decedent lived on trust land and, if so, whether any portion of

the same could be termed a homestead, and, if a homestead right is involved and that right is limited in value by the law of the State governing descent, an additional certificate of appraisement showing separately the value of the land claimed as a homestead and the improvements thereon; and (e) the decision, if made by the examiner of inheritance.

§ 15.15 *Decision.* The Examiner of Inheritance shall, except as provided in § 15.21, decide the issues of fact and law involved in the proceeding and shall incorporate his findings and conclusions in a decision. Every decision determining the heirs of an Indian who died intestate shall cite the law of descent and distribution in accordance with which the decision was made. Every decision approving the will of an Indian shall state the devisees and legatees who take under the will and the particular property which each is to receive, and shall construe any ambiguous provision of the will. Every decision shall state those claims against the estate which are allowed and those claims which are disallowed. A copy of the decision shall be mailed to each person who is found by the Examiner to be entitled to share in the estate, to each person whose claim to share in the estate was considered and denied by the Examiner, and to the Superintendent.

§ 15.16 *Distribution of estate.* Distribution of an estate may be made by the superintendent after 60 days have elapsed from the date upon which notice of the decision is mailed to the interested parties unless, within that period, a petition for rehearing is filed pursuant to § 15.17 or unless otherwise directed by the Commissioner.

§ 15.17 *Rehearing.* (a) Any person aggrieved by the decision of the examiner of inheritance may, within 60 days after the date on which notice of the decision is mailed to the interested parties (or within such additional period as the Secretary, for good cause, may allow in any case), file with the superintendent a written petition for rehearing. Such a petition must be under oath and must state specifically and concisely the grounds upon which it is based. If the petition is based upon newly discovered evidence, it must state a justifiable reason for the failure to discover and present the evidence at the hearing, and the petition must be accompanied by the sworn statement of at least one disinterested person having knowledge of the facts. The superintendent, upon receiving a petition for rehearing, shall promptly forward it to the examiner of inheritance. Such a petition shall act as a supersedeas unless otherwise directed by the examiner.

(b) If the examiner believes that proper grounds are not shown, the rehearing will be denied by the examiner, who will issue his order setting forth the reasons for the denial of the petition. Copies of the order shall be furnished to the petitioner, the superintendent, and to those persons who share in the estate.

(c) If the petition appears to show merit, the examiner shall cause copies of the petition and supporting papers to be served on those persons whose interest in the estate might be adversely affected by the granting of the petition. The examiner shall allow all persons served with copies of the petition a reasonable specified time in which to submit answers or legal briefs in opposition to the petition. Thereafter, the case will be reconsidered by the examiner and appropriate action will be taken, which may consist of adhering to the former decision, or of modifying or vacating it, or of making such further or other order as the examiner deems warranted. Copies of the examiner's action shall be furnished to the petitioner, to all persons who received copies of the petition, and to the superintendent.

§ 15.18 *Reopening.* (a) Within a period of 3 years from the date of a decision by an examiner of inheritance under the regulations in this part, but not thereafter, any person claiming an interest in the estate who had no actual notice of the original proceedings and who was not on the reservation or otherwise in the vicinity at any time while the public notices of the hearing were posted may petition in writing for reopening of the case. Any such petition shall be addressed to the examiner of inheritance and shall be filed with or mailed to him at his headquarters. All grounds for the reopening must be set forth fully. If based on alleged errors of fact, all such allegations must be under oath and must be accompanied by affidavits or other supporting evidence.

(b) If he believes that proper grounds are not shown, the petition will be denied by the examiner, who will issue his order setting forth the reasons for the denial of the petition. Copies of the order shall be furnished to the petitioner, the superintendent, and to those persons who share in the estate.

(c) If the petition appears to show merit, the examiner shall cause copies of the petition and all papers filed by the petitioner to be served on those persons whose interest in the estate might be adversely affected by the granting of the petition. An opportunity to answer the petition or to file briefs shall be afforded to all persons who receive copies of the petition. The answers or briefs must be filed within such reasonable time as the examiner may specify. Thereafter, the case will be reconsidered and appropriate action will be taken, which may consist in adhering to the former decision, or in modifying or vacating it, or in making any further or other order which the examiner deems warranted. Copies of the examiner's action shall be furnished to the petitioner, to all persons who received copies of the petition, and to the superintendent.

§ 15.19 *Appeals.* (a) Any person aggrieved by the action taken by the examiner of inheritance on a petition for rehearing or on a petition for reopening may, within 60 days after the date on which notice of the examiner's action is mailed to the interested parties (or within such additional period as the Secretary, for good cause, may allow in any case), file with the superintendent a written notice of appeal to the Secretary. Such notice of appeal shall state specifically and concisely the reasons for the appeal. Copies of the notice of appeal shall be furnished by the appellant to the examiner of inheritance and to all parties who share in the estate under the decision of the examiner, and the notice of appeal shall contain a certificate stating that this has been done.

(b) The appeal and the record in the proceeding, including all papers relating to the petition for rehearing or reopening, shall be submitted to the Secretary through the Commissioner.

(c) The appellant and any other interested party may, within 60 days from the date on which a notice of appeal is filed, submit written arguments to the Secretary.

(d) No distribution of any estate shall be made during the pendency of an appeal.

(e) Copies of the decision of the Secretary on the appeal will be mailed to (1) the examiner, (2) the superintendent, (3) the Commissioner, (4) each person who shares in the estate under the decision of the Secretary, and (5) each person whose claim to share in the estate is considered and denied by the Secretary.

§ 15.20 *Presumption of death.* In accordance with the regulations in this part pertaining to other hearings, an Examiner of Inheritance may hear and determine the issue of whether an Indian, by reason of his unexplained absence, is to be presumed dead. If he concludes that the Indian is to be presumed dead, the Examiner shall proceed as in cases where the fact of death is established without such a presumption.

§ 15.21 *Escheat.* When the record in any estate indicates that an Indian has died intestate without heirs, the record shall be transmitted to the Secretary for decision.

§ 15.22 *Probate fees, by whom paid and amount.* (a) Upon a determination of the heirs to any trust or restricted Indian property of the value of $250 or more or to any allotment, or after approval of any will disposing of such trust or restricted property, the following fees shall be paid (1) by the heirs, or (2) by the beneficiaries under the will, or (3) from the estate of the decedent, or (4) from the proceeds of the sale of the allotment, or (5) from any trust funds belonging to the estate of the decedent:

On estates appraised at:

$250 and not exceeding $1,000	$20.00
Over $1,000 and less than $2,000	25.00
$2,000 and not exceeding $3,000	30.00
Over $3,000 and not exceeding $5,000	50.00
Over $5,000 and not exceeding $7,500	65.00
Over $7,500	75.00

(b) Similar fees shall be collected in all estates probated by the Department in compliance with tribal resolutions requesting that the Department provide probate service.

§ 15.23 *Creditors' claims, filing.* (a) Persons having claims against the estates of deceased Indians may file the same with the superintendent of the examiner of inheritance at any time after the death of the decedent and up to and including the time of hearing.

(b) The claims of non-Indians must be filed in triplicate. They must be itemized in detail and sworn to before a notary public. Each such claim must be supported by an affidavit of the claimant or someone in his behalf that the amount is justly due from decedent, that no payments have been made on the account that are not credited thereon, and that there are no offsets to the knowledge of affiant.

(c) Indians may submit claims against the estate of a deceased Indian at the hearing and subject themselves to examination under oath relative thereto.

(d) Claims for care will not receive favorable consideration unless clear and convincing proof is offered showing that the care was given on a promise of compensation and that compensation was expected.

(e) No claims filed after the conclusion of the hearing shall be considered unless the claimant can present satisfactory proof that he had no actual notice of the hearing and that he was not on the reservation or otherwise in the vicinity during the period when the public notices of the hearing were posted.

(f) Any person who has filed a claim must, if so directed by the examiner of inheritance, present himself for examination thereon at the hearing or at a supplemental hearing.

§ 15.24 *Statute of limitations.* The claims of non-Indians that have existed for more than the period prescribed by the State laws applicable to limitation of actions shall not be allowed.

§ 15.25 *Priority of claims.* (a) Claims shall be allowed priority in payment in the following order: (1) Probate fee; (2) claims for expenses of last illness and funeral charges; (3) claims of indebtedness to the United States or any of its agencies; (4) claims of indebtedness to the tribe of which the decedent was a member or to any of its subsidiary organizations; (5) claims authorized in writing by the superintendent during the lifetime of the Indian; (6) claims of the State on account of social security or old-age assistance payments; and (7) claims of general creditors.

(b) No claims of general creditors shall be allowed if the value of the estate is $1,500 or less and the decedent is survived by a spouse or by one or more minor children. If the estate is valued in excess of $1,500, or if the estate is valued at $1,500 or less and the decedent is not survived by a spouse or by any minor children, the claims of general creditors may be allowed in the discretion of the examiner of inheritance. If the income of the estate is not sufficient to permit the payment of allowed claims of general creditors within 3 years from the date of allowance, the unpaid balance of such claims shall not be enforceable against the estate or any of its assets.

(c) The preference of the probate fee and of other claims may be deferred, in the discretion of the examiner, in making adjustments or compromises beneficial to the estate.

§ 15.26 *Claims for attorney fees.* Attorneys representing Indians under the regulations in this part shall be allowed compensations in reasonable amounts. In determining attorneys' fees, consideration shall be given to the fact that the property of the decedent is restricted or held in trust and that it is the duty of the Department to protect the rights of all interested parties. Such fees as may be allowed shall be charged against the interests of the attorneys' clients.

§ 15.27 *Witness and interpreter fees.* Witnesses are expected to testify and interpreters are expected to serve without compensation. When it is necessary to pay the expenses of a witness or an interpreter, they must be paid by the party calling him. The examiner of inheritance is authorized in any situation to call a witness or an interpreter upon his own initiative, and the examiner may, in his discretion, allow per diem at a rate of not to exceed $3 each for not more than two disinterested witnesses and two interpreters, and the superintendent is authorized to pay said sums from the estate immediately if funds are available. On the determination of the heirs or final action on the will, said sums shall be charged against the interest of the party in whose behalf said witnesses or interpreters were called, unless such party does not share in the estate, in which event the charge can be made against the estate.

§ 15.28 *Making, approval as to form, and revocation of wills.* (a) An Indian of the age of 21 years and of testamentary capacity, who has any right, title, or interest in trust or restricted property, may dispose of such property by a will executed in writing and attested by two disinterested adult witnesses.

(b) Where a will has been executed and filed with the superintendent during the lifetime of the testator, the will shall be forwarded by the superintendent to the examiner of inheritance, who shall pass on the form of the will and then return it to the superintendent with appropriate instructions. A will shall be held in absolute confidence, and its contents shall not be divulged prior to the death of the testator.

(c) The testator may, at any time during his lifetime, revoke his will by a subsequent will or other writing executed with the same formalities as are required in the case of the execution of a will, or by physically destroying the will with the intention of revoking it. No will that is subject to the regulations of this part shall be deemed to be revoked by operation of the law of any State.

§ 15.29 *Care of personal property pending administration.* (a) The superintendent is authorized to assume custody or control of all trust or restricted personal property of a deceased Indian, in addition to individual Indian money, and shall take such action with respect thereto as, in his judgment, may be necessary for the preservation of such property or for the most advantageous sale thereof, pending the probate of the estate; and all expense, including the expense of roundup, branding, care, and feeding of livestock shall be a proper charge against the estate and may be paid by the superintendent from the funds in the decedent's individual money account, or from the proceeds of sale of the property.

(b) If, upon the completion of the probate proceedings, the heirs as found are unable to agree upon a proper division of such personal property, it shall be sold and the proceeds distributed in accordance with the applicable law of descent or under the terms of an approved will. The superintendent shall prepare a complete inventory of such personal property, together with an appraisement thereof, and retain the same in decedent's file for the information of the examiner of inheritance.

(c) When personal property is bequeathed to an individual, such legatee may be given possession thereof upon the death of the testator if he signs an agreement to return such property or the appraised value thereof in the event the will is disapproved. The superintendent may, in his discretion, require a bond.

(d) The provisions of this section shall apply to the estate of any Indian holding a homestead allotment upon the public domain or an interest therein.

§ 15.30 *Summary distribution.* When an Indian dies intestate leaving only restricted personal property or cash of a value of less than $250, the examiner or superintendent shall assemble the apparent heirs and hold an informal hearing with a view to the proper distribution thereof. A memorandum covering the hearing shall be retained in the agency files showing the date of death of decedent, the date of hearing, the persons notified and attending, the amount on hand, and the disposition thereof. In the disposition of such funds, the examiner or superintendent shall have in mind the payment of funeral charges and expenses of last illness and any just claims for necessaries furnished decedent; and the balance, if any shall be credited to the heirs as found. This section shall not include the so-called pony claims.

§ 15.31 *Omitted property.* When, subsequent to the final decision in any estate, it is found that property belonging to the estate has not been included in the inventory of the estate, the decision relating to the estate shall be modified to include the omitted property. When the property to be included takes a different line of descent from that shown in the original decision, a supplemental hearing to determine the heirs thereto shall be had in accordance with the regulations in this part. Copies of such modifications shall be furnished to the superintendent and to all those persons who share in the estate.

§ 15.32 *Improperly included property.* When, subsequent to the final decision in any estate, it is found that property has been improperly included in the inventory of the estate, the decision shall be modified to eliminate from the estate the property improperly included therein. Copies of such modification shall be fur-

nished to the superintendent and to all those persons who share in the estate.

§ 15.33 *Excepted tribes.* The regulations in this part shall not apply to the Five Civilized Tribes or to the Osage Indians in Oklahoma; nor shall they apply to any tribe organized under section 16 of the act of June 18, 1934 (48 Stat. 987), to the extent that the constitution, bylaws, or charter of such tribe may be inconsistent with any of the regulations in this part.

§ 15.34 *Kaw funds.* (a) The regulations in this part, except to the extent stated in paragraphs (b), (c), and (d) of this section, shall apply to the determination of heirs or devisees of deceased Indians to whom funds of the Kaw Tribe of Indians are directed to be distributed by the act approved August 9, 1955 (69 Stat. 559).

(b) For the purpose of making determinations under this section, the examiner of inheritance may recognize or adopt final decrees of distribution entered by courts of competent jurisdiction.

(c) No claim, fee, or charge, other than debts due the United States, shall be recognized or allowed against any part of the Kaw funds to which an Indian beneficiary is entitled.

(d) Sections 15.18 and 15.33 shall have no application in the distribution of the Kaw funds.

PART 16—DETERMINATION OF HEIRS AND PROBATE OF THE ESTATES OF DECEASED INDIANS OF THE FIVE CIVILIZED TRIBES

Sec.

16.0 Definitions.
16.1 Inventory.
16.2 Notice of hearing.
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AUTHORITY: §§ 16.0 to 16.33 issued under sec. 1, 56 Stat. 1080; 25 U. S. C. 375a. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 16.0 *Definitions.* (a) "Secretary", means Secretary of the Interior.

(b) (1) "Commissioner", means Commissioner of Indian Affairs, Department of the Interior.

(2) The function of determining heirs and probating estates in conformity with the provisions of these regulations shall be performed by the Commissioner, with the right of appeal to the Secretary within 60 days from the date of notice of the Commissioner's decision.

(c) "Area director" means the officer in charge of an area office of the Bureau of Indian Affairs, or his duly authorized representative.

(d) The term "examiner" means any employee upon whom authority has been conferred by the Secretary or Commissioner to conduct hearings in accordance with these regulations.

(e) "Agency", shall refer to the Five Civilized Tribes Agency, Muskogee, Oklahoma.

(f) "Department" shall mean Department of the Interior.

§ 16.1 *Inventory.* (a) As soon as possible after the death of a restricted Indian, the area director shall cause to be prepared an inventory showing in detail the description and value of the restricted estate of such deceased Indian.

(b) When the inventory discloses that such restricted estate consists only of funds or securities under the control of the Department not to exceed an aggregate value of $2,500, the area director shall furnish a certified copy of said inventory to the examiner, together with information as to the date of death and place of residence of said decedent.

§ 16.2 *Notice of hearing.* As soon as possible after the receipt of the inventory provided for in § 16.1, the examiner shall post for 20 days in five or more conspicuous places in the vicinity of the place of hearing, notice of the time and place of the hearing when testimony will be taken to determine the heirs of the deceased Indian (naming him), and call on all persons interested to attend the hearing.

§ 16.3 *Examination of records.* Prior to the hearing the examiner shall carefully inspect the allotment records, census cards, annuity rolls and any other records on file at the agency and obtain all other information which may enable him to make a list of the apparent heirs of the deceased Indian, but only in contested cases or in cases involving material conflict between the records and the evidence shall it be necessary for the examiner to prepare and forward with his report exact copies of such records.

§ 16.4 *Personal service on interested parties.* A written notice of the proposed hearing giving full information as to the estate, names of alleged claimants, time and place of hearing shall be served either personally or by mail on each claimant or presumptive heir. Such notices must be sent at least 10 days prior to the date of the hearing.

§ 16.5 *Proof of service.* A copy of each notice to a claimant or presumptive heir endorsed by the person serving the same on the party to whom addressed that a copy of the within notice was delivered to him personally at the place named and on the day stated or an affidavit or copy of the notice endorsed by the claimant or presumptive heir that service was accepted on the day and at the place stated; or a certificate by the person mailing the notice that a copy of said notice was mailed to the interested party at his last known post office address, postage prepaid, or a registry receipt card, must be filed with the record of every case.

§ 16.6 *Full notice must be given.* Unless a full 20-day notice has been given, no hearing shall be held except by special permission of the Commissioner: *Provided, however,* That in cases involving no contest the parties in interest may appear before the examiner and waive their right to said 20-day notice, and the examiner, in that event, is authorized to proceed with the taking of testimony; the same to be withheld until the time of hearing, when it shall be read aloud to permit any interested persons present to offer any objections thereto. In case no objections are offered at the hearing the examiner will proceed to hear the case in the usual manner.

§ 16.7 *Minors represented at hearing.* Minors and persons non compos mentis in interest must be represented at the hearing by a guardian ad litem, appointed by the examiner.

§ 16.8 *Attorneys.* Parties interested in any probate case before an examiner may appear by attorney. Such attorney must meet the requirements of the Department for admission to practice.

§ 16.9 *Qualifications and procedure.* (a) Attorneys who appear before the examiner, the Commissioner or the Secretary, must submit a power of attorney from their respective clients, indicating specifically the powers delegated.

(b) In presenting their cases, attorneys appearing in probate matters will be required to adhere to the rules of evidence of the state in which the evidence is taken.

§ 16.10 *Objections must be noted.* Whenever objections shall be made by an attorney to a question or answer, the objections shall be noted on the record by the examiner.

§ 16.11 *Attorneys, arguments and briefs.* Attorneys may appear before the Commissioner or the Secretary and submit written arguments or briefs on behalf of their clients. Written arguments or briefs must be filed within 30 days following the conclusion of the hearing and copies must be served on opposing counsel or litigants. The latter will then be allowed not to exceed 30 days in which to file a reply brief. Upon proper showing an extension may be allowed.

§ 16.12 *Attendance of witnesses.* Present at the hearing must be at least two disinterested witnesses, who are acquainted with, and have direct knowledge of the family history of decedent. By personal investigation prior to the hearings the examiner should thoroughly acquaint himself with records and as far as practicable with the kind and value of the testimony which should be taken so that only material witnesses shall be summoned.

§ 16.13 *Disinterested witnesses in minor's estate.* In case the decedent is a minor, unmarried and without issue and the heirs are members of the immediate family of the decedent, the examiner may, in his discretion, dispense with the presence of disinterested witnesses, provided the testimony of the interested witnesses is corroborated by the records of the Department and in such instance the examiner shall include in the record his certificate to such effect, together with specific reference to the records or cases furnishing such corroboration.

§ 16.14 *Hearing and testimony.* The examiner shall have full responsibility for the conduct of the hearing. The witnesses shall be examined on oath; their testimony shall be reduced to writing and signed at the end thereof. Any claimant may cross-examine a witness. If, in addition to oral testimony, affidavits or depositions are introduced, they must be read, and any opposing claimant may require the presence of the affiant, if practicable, either at that or a subsequent hearing, and opportunity shall be given for cross-examination or for having counter interrogatories answered. All statements, testimony and affidavits at the hearing must be made a part of the record.

§ 16.15 *Limit number of witnesses.* When the evidence is clear, in uncontested cases, the examiner may, in his discretion, limit the number of witnesses who are formally examined. When the case is established beyond doubt and to the satisfaction of the examiner, he may limit further testimony by securing a statement from additional witnesses present, that the testimony as given is fully understood by them and that the same is true.

§ 16.16 *Witnesses' fee.* Witnesses are expected to testify without compensation, but when necessary expenses must be paid by the party calling them. If the examiner is satisfied that material evidence from disinterested persons should be procured, any expense thereof will be paid by the area director from the funds of the party calling such witness. When interested parties are unable to obtain disinterested witnesses for lack of funds, the examiner may, in his discretion, allow the sum of $2.00 each to pay not to exceed two disinterested witnesses, and the area director is authorized to pay said sums from the instant estate, immediately, if funds are available. On determination of the heirs or final action on the will, said sums will be charged against the person or persons in whose behalf said witnesses were called, unless such persons do not participate in the estate, in which event the charge will be made against the instant estate.

§ 16.17 *Contents of record.* The record must contain: (a) copy of public notice of hearing and notice to creditor claimants; (b) copy of notice to heir or heirs; (c) proof of service of notice; (d) testimony taken at hearing; (e) affidavits and depositions produced at hearing; (f) certified copies of marriage records and decrees of divorce, if filed; (g) all papers and memoranda of the hearing; (h) names of all persons in interest at the hearing; (i) statements of reasons for absence of interested parties, if obtainable; (j) certified copy of inventory; (k) the record must also be accompanied by a proper order for the signature of the Commissioner; (l) a duplicate record of the case shall be made and kept in the agency files to which there shall be attached a copy of the approved order or finding of the Commissioner; (m) in all cases in which the heirs of a decedent are to be determined, the examiner shall include in his report, in the Summary of Report on Heirs, the citations to the sections of the laws under which the determination is made; (n) in reports on testacy cases, the original will executed by decedent, together with supporting affidavits and statements.

§ 16.18 *Supplemental hearings.* Supplemental hearings should be held on heirship cases returned by the Commissioner for further evidence on material questions of fact, upon such notice as will give parties in interest opportunity to appear; in no case shall such notice be less than 5 days. This shall also apply to supplemental hearings held by the examiner prior to the submission of the case to the Commissioner. This section does not apply to cases returned for clerical corrections or for additional data, which can be supplied from the records of the agency.

§ 16.19 *Rehearings.* (a) Any aggrieved person claiming an interest in the trust or restricted property of an Indian, who has received notice of the hearing or who was present at the hearing, may file a petition for rehearing within 60 days from the date of notice on him of the determination of heirs or action on a will. A petition so filed shall act as a supersedeas until otherwise directed by the Commissioner. Distribution of the estate may be made by the superintendent after 60 days have elapsed from the date of notice of the determination of heirs or action on the will unless a petition for rehearing is received within such period by the superintendent or unless otherwise directed by the Commissioner.

(b) Any such petition for rehearing must be under oath and must state concisely and specifically the grounds upon which it is based and must be accompanied by the sworn statements of at least two distinterested persons having knowledge of the facts. It should be addressed to the Commissioner and submitted through the area director.

(c) If proper grounds are not shown the rehearing will be denied by the Commissioner. If the petition for rehearing is found to have merit the petitioner may be required to serve a copy of his petition, together with all argument on the adverse party within 15 days. The adverse party will be allowed 30 days thereafter in which to file his answer.

(d) Thereafter the case will be again considered and appropriate action taken, which may consist either in adhering to the former decision or modifying or vacating same, or the making of any further or other order deemed warranted. Interested parties may, within 60 days after the date of notice of the Commissioner's decision under this section file an appeal from that decision with the Secretary.

§ 16.20 *Limitations on rehearing petitions.* No decision of the Commissioner will be reconsidered on the petition of any person who had notice of the hearing or who was present at such hearing and received notice of the Commissioner's decision, unless such petition is filed within the 60-day period mentioned in § 82.19.

§ 16.21 *Reopenings.* Petitions for reopening a determination of heirs or action on a will, will not be considered when 3 years or longer have elapsed since the decision of the Commissioner. Within that period, but not thereafter, any person claiming an interest in the estate who had no notice of the original proceeding may petition for reopening of the case. Any such petition must be in writing addressed to the Commissioner and submitted through the area director. All grounds for reopening must be set forth fully. If based on alleged errors of fact all such allegations must be under oath and must be accompanied by affidavits, or other supporting evidence. If proper grounds are not shown the petition may be denied by the Commissioner. If the petition appears to have merit the Commissioner shall cause service to be had on the adverse parties of all papers filed by the petitioner and an opportunity shall be afforded the adverse parties to answer the petition filed within 30 days after notice from the Commissioner. Thereafter, all papers filed shall be submitted to the Commissioner for action either denying or granting a reopening with the right of an appeal to the Secretary within 60 days after the date of notice of the Commissioner's decision.

§ 16.22 *Procedure.* After a reopening has been granted the matter will be referred by the Commissioner to the superintendent for further proceedings as in an original case.

§ 16.23 *Notice to creditors of estate.* The notice mentioned in § 16.4 shall also be directed "To all persons having claims or accounts against decedent" and when any such claims have been filed with the area director prior to the date of hearing by the examiner, and the claimant may be known, service of such notice of hearing shall be made upon such claimant by mail or otherwise in the discretion of the examiner.

§ 16.24 *Filing of claims.* Persons having claims against the estates of deceased Indians may file same with the superintendent at any time after the death of the decedent and up to the time of hearing by the examiner. Except for very cogent reasons no claim will be given consideration if filed after the date of such hearing.

§ 16.25 *Statute of limitations.* Claims against estates of deceased Indians that are barred by the State statute of limitations will not be allowed in any case.

§ 16.26 *Affidavit to claims.* All claims against the estates of deceased Indians must be filed in triplicate and must be itemized and all dates given. Such claims must be supported by affidavit of the claimant or someone in his behalf, that the amount is justly due from the decedent; that all payments credited thereon were in fact made; and that there are no offsets to the same to the knowledge of the affiant.

§ 16.27 *Appearance at hearings.* Any person who has filed a claim against the estate of a deceased Indian must present himself for examination thereon if so directed by the examiner either at the hearing or at a supplemental hearing for this purpose.

§ 16.28 *Claims, when allowed.* The following types of claims against the estates of deceased restricted Indians may be allowed: (a) those based on a debt contracted by the decedent and authorized during his lifetime by the area director; (b) those for last illness or funeral expenses in reasonable amounts, but in no event will funeral expenses be allowed in excess of $100.00 unless previously authorized by the area director; (c) those of exceptional merit which are not otherwise barred and which have been approved by the area director or other officer in charge.

§ 16.29 *Attorney fees.* Any attorney claiming a fee against an Indian or an Indian estate for services rendered as such in any probate proceedings shall be entitled to such compensation as his services are reasonably worth, the amount thereof to be fixed by the Commissioner.

§ 16.30 *Wills.* In the event of the death of a restricted Indian leaving a will disposing of his restricted estate consisting only of funds or securities under the control of the Department not exceeding an aggregate value of $2,500, a hearing shall be held after notice in accordance with applicable provisions of this part covering similar property of an Indian who died intestate. The examiner shall inquire fully into the mental competency of the Indian; the circumstances attending the execution of the will; the influences which induced its execution; and the names of those entitled to share in the estate under the applicable law of descent. When the distribution proposed by the will is contrary to the applicable laws of descent, and the estate is disposed of in whole or in part to a person or persons who would not otherwise inherit, the best available evidence should be obtained as to the reasons for such action. Should the will be approved by the Commissioner, an order will be issued to that effect to the superintendent and distribution of the estate shall be effected after the period prescribed in § 16.19 has elapsed, in accordance with the terms of the will and the Commissioner's order. Should the will be disapproved, the order of the Commissioner will so state and the heirs shall be determined and the estate distributed as in the case of other intestate property dealt with in this part. An appeal may be taken to the Secretary within 60 days from the date of notice of approval or disapproval of the will.

§ 16.31 *Rights of executors and administrators.* Executors or administrators shall not be recognized in any proceedings conducted under the regulations of this part.

§ 16.32 *Probate fees.* Prior to distribution of the estate to the individuals found entitled thereto, the area director will collect out of the funds or other property involved and pay into the Treasury of the United States a fee of $20.00 in those cases where the value of the estate is $250.00 or more but does not exceed $1,000.00; a fee of $25.00 where the value of the estate is more than $1,000.00 but less than $2,000.00; and a fee of $30.00 where the value of the estate is $2,000.00 or more.

§ 16.33 *Summary distribution.* (a) Where upon preparing an inventory under § 16.1 it is disclosed from the records of the area director that an Indian died seized of no lands or the lands have since been lawfuly alienated, and that the restricted estate of the decedent constitutes a sum of money, not exceeding $500, on deposit to the credit of the deceased Indian, such funds may be disbursed on the basis of the requirements stated in this section, and without regard to the other provisions of this part, except where made applicable specifically by the provisions of this section.

(b) Where the decedent's restricted estate consists of the sum of money as stated in paragraph (a) of this section, such funds may be disbursed on proof of death and heirship or bequest satisfactory to the Secretary of the Interior or his authorized representative.

(c) The transfer of funds disbursed under this section shall not be taxable. No claims shall be allowed against restricted estates governed by this section, except for debts owed to the United States.

(d) A copy of the order of distribution of funds shall be mailed to each party who was considered a possible claimant to any portion of the funds, as heir, legatee, or otherwise. Thirty days after the date of mailing of such copies, the order of distribution shall become final, unless within that period the officer by whom the order was signed shall have received a protest or request for reconsideration of the order. Upon receipt of a protest or request for reconsideration, the officer shall withhold distribution, issue an order either affirming or amending the previous order, and mail a copy of the affirming or amending order to each party who was considered a possible claimant. Thirty days after the date of mailing of such copies, the affirming or amending order shall become final, unless within that period the Area Director shall have received an appeal, addressed to the Secretary of the Interior. All protests, requests for reconsideration, and appeals shall state clearly and concisely the reasons upon which they are based. Distribution shall be made as soon as practicable after the order of distribution has become final.

(Sec. 1, 67 Stat. 558; 25 U. S. C. 375c)

PART 17—ACTIONS ON WILLS OF OSAGE INDIANS

Sec.
17.1 Definitions.
17.2 Attorneys.
17.3 Pleadings, notice and hearings.
17.4 Service on interested parties.
17.5 Minors represented at hearings.
17.6 Examination of witnesses.
17.7 Limiting number of witnesses.
17.8 Supplemental hearing.
17.9 Briefs.
17.10 Record.
17.11 Inspection of wills and approval as to form during testator's lifetime.
17.12 Approval.
17.13 Government employees as beneficiaries.
17.14 Appeals.

AUTHORITY: §§ 17.1 to 17.14 issued under R. S. 161; 5 U. S. C. 22.

§ 17.1 *Definitions.* When used in the regulations in this part the following words or terms shall have the meaning shown below:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Superintendent" means the superintendent of the Osage Indian Agency.

(d) "Special attorney" means the special attorney for Osage Indians, or other legal officer designated by the Commissioner.

§ 17.2 *Attorneys.* Interested parties may apear in person or by attorneys at law. Attorneys must file written authority to appear for their clients in the proceedings.

§ 17.3 *Pleadings, notice and hearings.* (a) The petition for approval of the will of a deceased Osage Indian may be set down for hearing at a date not less than 30 days from the date the petition is filed. Hearings shall be conducted only after notice of the time and place of such hearings shall have been given by mail. The notice shall be mailed not less that 10 days preceding the date of the hearing and shall state that the special attorney will, at the time and place specified therein, take testimony to determine whether the will of the deceased Osage Indian shall be approved or disapproved. The notice shall list the presumptive heirs of the decedent and the beneficiaries under such will, and shall notify the attesting witnesses to be present and testify. It shall state that all persons interested in the estate of the decedent may be present at the hearing. The notice shall further state that the special attorney may, in his discretion, continue the hearing to another time or place to be announced at the original hearing.

(b) Any interested party desiring to contest approval of the will may, not less than 5 days before the date set for hearing, file written objections in triplicate, showing that a copy thereof was served upon attorneys for the proponent and other attorneys of record in the case. Such contestant shall clearly state the interest he takes under the will and, if a presumptive heir, the interest he would take under the Oklahoma law. The contestant shall further state specifically the ground on which his contest is based.

§ 17.4 *Service on interested parties.* A copy of the notice of hearing shall be served by mail, at his last known place of residence, on each presumptive heir; each beneficiary under the will offered for consideration; and each attesting withness thereto. Such notice must be mailed not less than 10 days preceding the date set for the hearing.

§ 17.5 *Minors represented at hearings.* Minor heirs at law, who by the terms of the will are devised a lesser interest in the estate than they would take by descent, or whose interests are challenged, shall, with approval of the special attorney, be represented at the hearing by guardians ad litem. Such minors 14 years of age or over may indicate in writing their choice of guardians ad litem. If no such choice has been indicated on the date of the hearing, the special attorney shall make the selection and appointment.

§ 17.6 *Examination of witness.* All testimony taken at the hearing shall be reduced to writing. Any interested party may cross-examine any witness. Attorneys and others will be required to adhere to the rules of evidence of the State of Oklahoma. If, in addition to oral testimony, affidavits or dispositions are introduced, they must be read, and any opposing claimant may require the presence of the affiant, if practicable, either at that or a subsequent hearing, and opportunity shall be given for cross-examination or for having counter interrogatories answered.

§ 17.7 *Limiting number of witnesses.* When the evidence seems clear and conclusive, the special attorney may, in his discretion, limit the number of witnesses to be examined formally upon any matter.

§ 17.8 *Supplemental hearing.* When it appears that a supplemental hearing is necessary to secure material evidence, such a hearing may be conducted after notice has been given to those persons on whom notice of the original hearing was served and to such other persons as the testimony taken at the original hearing indicates may have a possible interest in the estate.

§ 17.9 *Briefs.* When there are two or more parties with conflicting interests, the party upon whom the burden of proof may fall may be allowed a reasonable time, not to exceed 30 days following the conclusion of the hearing, in which to file a brief or other statement of his contentions, showing service on opposing counsel or litigant. The latter shall then be allowed not to exceed 20 days in which to file an answer brief or statement, and his opponent shall have 10 days thereafter to file a reply brief or statement. Upon proper showing the special attorney may grant extensions of time. Each brief or statement shall be filed in duplicate.

§ 17.10 *Record.* After the hearing or hearings on the will have been terminated the special attorney shall make up the record and transmit it with his recommendation to the superintendent. The record shall contain:

(a) Copy of notices mailed to the attesting witnesses and the interested parties.

(b) Proof of mailing of notices.

(c) The evidence received at the hearing or hearings.

(d) The original of the will or wills considered at the hearings.

(e) A copy of all the pleadings.

The record, except the original will, shall be a part of the permanent files of the Osage Agency.

§ 17.11 *Inspection of wills and approval as to form during testator's lifetime.* When a will has been executed and filed with the superintendent during the lifetime of the testator, the will shall be considered by the special attorney who may endorse on such will "approved as to form". A will shall be held in absolute confidence and its contents shall not be divulged prior to the death of the testator.

§ 17.12 *Approval.* After hearings have been concluded in conformity with this part the superintendent shall approve or disapprove the wills of deceased Osage Indians.

§ 17.13 *Government employees as beneficiaries.* In considering the will of a deceased Osage Indian the superintendent may disapprove any will which names as a beneficiary thereunder a government employee who is not related to the testator by blood, or otherwise the natural object of the testator's bounty.

§ 17.14 *Appeals.* Upon his final action of approval or disapproval of a will the superintendent shall immediately notify by mail all attorneys appearing in the case, together with interested parties who are not represented by attorneys. Any party desiring to appeal from the action of the superintendent, within 10 days of the date of the mailing of such notice, shall notify the superintendent in writing of his intention to appeal to the Commissioner and shall within 30 days from the mailing date of such notice by the superintendent, perfect his appeal to the Commissioner by service of the same upon the superintendent, who will promptly transmit the entire record to the Commissioner for his consideration and action. The action of the Commissioner on the appeal is subject to the right of further appeal to the Secretary. On final action by the Commissioner, or the Secretary, the will shall be returned to the superintendent for appropriate disposition. If no notice of appeal is given within 10 days, the superintendent's action will become final.

Subchapter D—Social Welfare

PART 21—ARRANGEMENT WITH STATES, TERRITORIES OR OTHER AGENCIES FOR RELIEF OF DISTRESS AND SOCIAL WELFARE OF INDIANS

Sec.
21.1 Commissioner to negotiate contracts.
21.2 Contracts; by whom executed.
21.3 State or other contracting agency furnish plan for operation.
21.4 Standards of service.
21.5 Personnel.
21.6 Financial statement.
21.7 Cooperative services.
21.8 Use of Government property and facilities.

AUTHORITY: §§ 21.1 to 21.8 issued under sec. 3, 48 Stat. 596, as amended; 25 U. S. C. 454.

§ 21.1 *Commissioner to negotiate contracts.* The Commissioner of Indian Affairs may negotiate with State, territory, county or other welfare agencies for such agencies to provide welfare services, as contemplated by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. 452), for Indians residing within the particular State.

§ 21.2 *Contracts; by whom executed.* All contracts executed for the purposes of § 21.1 shall be signed on behalf of the § 252.1 shall be signed on behalf of the United States by the Commissioner of Indian Affairs. The proper officer of the State, territory, county or welfare agency shall execute the contract on its behalf. Evidence of the authority of such officer must accompany the contract. All contracts must be executed in quintuplicate. (They shall become effective only after approval by the Secretary of the Interior.)

§ 21.3 *State or other contracting agency furnish plan of operation.* A plan executed by the proper State or other agency entering into the contract shall accompany each instrument. This plan shall describe the services and assistance to be rendered under the terms of the contract. It shall include a budget showing the plan of expenditure of the funds to be turned over to the State or other agency. Upon the approval of the contract, no deviation from the plan shall be made unless approved in advance by the Commissioner of Indian Affairs.

§ 21.4 *Standards of service.* Standards of aid, care, and service rendered to the Indians under the contract shall not be less than those standards maintained by the State for other clients requiring similar aid, care and services.

§ 21.5 *Personnel.* The personnel employed for public welfare services to Indians under the contract shall be subject to the State merit system and to the approval of the Commissioner of Indian Affairs and the welfare authorities of the State, unless otherwise provided in the contract.

§ 21.6 *Financial statement.* Thirty days after the close of each fiscal year, the State or other agency to which funds have been furnished pursuant to the contract shall submit to the Commissioner of Indian Affairs a detailed financial statement showing all expenditures made pursuant to the contract. An explanation shall be contained of any deviation from the plan originally submitted by the agency. The records of the contractor shall be available for inspection by representatives of the Bureau of Indian Affairs.

§ 21.7 *Cooperative services.* The Bureau will maintain cooperative services through its superintendents and other personnel to further the purposes of the

contract. When mutually agreed to in the contract, the Bureau may maintain on its payroll one or more representatives whose duties shall be described in the contract and the salary and expenses of any such person or persons shall constitute part of the funds to be furnished to the State or other contracting agency.

§ 21.8 *Use of Government property and facilities.* The contract shall specify the terms upon which property, other facilities and equipment of the Government may be used by the State or other agency. All contracts which provide for the use of Government automobiles shall require that the particular State or other agency shall be responsible for the return of the equipment in as good condition as when received, excepting usual wear and tear and depreciation and such agency shall be responsible for all damage or injury done to property or persons and shall carry sufficient insurance to cover same and expressly relieve the Government of any and all liability for any such personal injury or property damages committed while such automobile is in the possession of the contracting agency.

PART 22—CARE OF INDIAN CHILDREN IN CONTRACT SCHOOLS

Sec.
22.1 Institution defined.
22.2 Application of institution.
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22.4 Services to be rendered.
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22.17 Transfer of contract.
22.18 No member of Congress, etc., to be a party.
22.19 Approval.

AUTHORITY: §§ 22.1 to 22.19 issued under R. S. 161; 5 U. S. C. 22.

§ 22.1 *Institution defined.* For convenient designation missions, associations, and other eleemosynary institutions contracting for the care of Indian children in accordance with the terms of this part will be referred to in this part simply as "the institution."

§ 22.2 *Application of institution.* All such institutions desiring to receive payment for care of Indian children under the provisions of this part shall make application in writing through their responsible heads to the Commissioner of Indian Affairs, specifying therein the number of children for whom payment is desired and the rate per pupil to be charged therefor. All such applications must be submitted to the Commissioner of Indian Affairs on or before May 1 of each year, for children to be received during the school year beginning the following September. Consideration of any later applications will depend only upon availability of funds and a sufficient number of Indian children not having been otherwise provided for.

§ 22.3 *Contracts dependent on need and desires of Indians.* Contracts will be considered only in behalf of children from localities where there are a sufficient number of Indian children requiring this kind of service, and the Commissioner of Indian Affairs reserves the right to investigate the need and take into consideration the desires of the Indian parents of such children as formally expressed by them.

§ 22.4 *Services to be rendered.* The institution shall provide, in a manner satisfactory to the Commissioner of Indian Affairs, lodging, subsistence, care, medicine, and all necessary facilities and appliances for healthful accommodation of the number of Indian children covered by any contract entered into pursuant to this part.

§ 22.5 *Supervisory services.* The Commissioner of Indian Affairs is authorized to extend to all departments of the institution those supervisory services which are given to regular Indian Service institutions.

§ 22.6 *Children entitled to benefits.* No child having less than one-fourth Indian blood, and no child who is under 6 or over 21 years of age shall be included under any contract without special permission from the Commissioner of Indian Affairs.

§ 22.7 *Health of applicant.* Before acceptance in the institution, applicants shall be certified by the Indian agency physician or other authorized physician to be in good health and sound physical condition.

CROSS REFERENCES: For health regulations pertaining to Indians, see 42 CFR Part 36.

§ 22.8 *Pupils must be blood members of tribe.* Indian pupils for whose care payment is to be made from tribal funds shall be children of duly enrolled members of the tribe who are members of such tribe by blood and not by adoption.

§ 22.9 *Reports.* Reports concerning attendance in the institution shall be made as required on blank forms to be furnished by the Commissioner of Indian Affairs.

§ 22.10 *Eligibility of pupils.* The institution must agree to eliminate from its rolls as residents those children of Indian blood who live within a reasonable distance from any public or day school, except those children who are found to need special institutional care, and to limit its enrollment to such individual Indian children as are approved for enrollment by the agency superintendent or the superintendent of Indian education designated to approve enrollment or to handle payments under any contract entered into pursuant to this part. Indian children eliminated from Government boarding schools because of satisfactory home and school facilities nearby shall not be permitted to enroll in any school maintained by the institution or its responsible head, except at the personal expense of their parents or guardian, or at the expense of the institution.

§ 22.11 *Payments.* Payment will be made to the institution at the yearly rate agreed upon for each and every child in residence authorized to be enrolled under the provisions and restrictions of this part. Payments may be made at the end of each fiscal quarter, or monthly, as provided for by the terms of the individual contract, and shall be computed on the average attendance of children for such period. Payments to the institution for the fiscal year, or any fractional part thereof, shall not exceed a sum aggregating more than the total amount specified under the contract. Where quarterly payments are provided for, such payments shall be made at a rate equal to one-third of the annual per capita rate, and shall be paid at the end of each quarter. If monthly payments are provided for, such payments shall be made at the rate of one-ninth of the annual per capita rate. Children enrolled prior to the Christmas holidays, whether actually present or not during such holidays, shall be regarded as in attendance for the purpose of payment under such contracts.

§ 22.12 *Use of tribal funds.* Where payments are to be made in whole or in part from tribal funds, the contract will be approved subject to the condition that payment from such funds will be made only if and when such funds are available.

§ 22.13 *Vouchers.* Payments will be made at the end of each month or quarter, as specified in § 22.11, in accordance with the provisions of the contract, on vouchers in duplicate, the original of which must be certified to by the responsible head of the institution, evidencing that such institution has been maintained and managed in accordance with this part and the true intent and meaning of the contract.

§ 22.14 *Abrogation.* The Commissioner of Indian Affairs shall have the right to abrogate any contract made in accordance with this part in the manner following:

(a) After 15 days' notice, in writing, to the institution, where the institution has failed to comply with the agreements and stipulations of its contract and the requirements of this part; such 15 days' notice to be computed from and to include the day on which such notice is either served personally by a duly authorized employee of the United States on the institution or is left by such officer at the principal school building of such institution.

(b) After 60 days' notice, in writing, to the institution, for any reason deemed satisfactory to the Commissioner of Indian Affairs; such 60 days' notice to be computed from and to include the day on which such notice is either served personally on the institution or is left at the principal school building of such institution.

§ 22.15 *Inspection.* Such institution shall be subject to inspection at any time by the Commissioner of Indian Affairs or his duly authorized representative, and

the institution shall agree in any contract entered into pursuant hereto that it will dismiss from its service any employee or employees who may be found by the Commissioner of Indian Affairs not to be qualified for the respective positions which they occupy in the institution.

§ 22.16 *Modification.* By mutual consent of the parties thereto any contract made under this part may be changed, altered, modified, amended, or abrogated in whole or in part.

§ 22.17 *Transfer of contract.* The institution shall agree not to transfer any contract made pursuant to this part, or any interest therein; any violation of this provision will automatically terminate all obligations on the part of the Government thereunder.

§ 22.18 *No Member of Congress, etc., to be a party.* No Member of or Delegate to Congress, Resident Commissioner, officer, agent, or other employee of the Government shall be admitted to any share or part in any contract made under this part or derive any pecuniary benefit therefrom, but this restriction shall not be construed to extend to any such contract made with a corporation or company for its general benefit.

§ 22.19 *Approval.* All contracts made pursuant to this part amounting to $2,000 or over shall be subject to approval by the Secretary of the Interior.

Subchapter E—Education

PART 31—FEDERAL SCHOOLS FOR INDIANS

Sec.
31.1 Enrollment in Federal boarding schools.
31.2 Use of Federal school facilities.
31.3 Non-Indian pupils in Indian schools.
31.4 Compulsory attendance.
31.5 Consent for transfer.
31.6 Coercion prohibited.

AUTHORITY: §§ 31.1 to 31.6 issued under sec. 1, 41 Stat. 410; 25 U. S. C. 282. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 31.1 *Enrollment in Federal boarding schools.* Enrollment in boarding schools operated by the Bureau shall be confined to children of one-fourth or more degree of Indian blood who come from broken or unsuitable homes or whose parents reside in remote areas that are not served by other school facilities or in areas that have no adequate or suitable programs of public vocational education except as hereafter provided.

§ 31.2 *Use of Federal school facilities.* Federal Indian school facilities may be used for community activities and for adult education activities upon approval by the superintendent or officer in charge.

§ 31.3 *Non-Indian pupils in Indian schools.* Indian and non-Indian children who are not entitled to free enrollment in Federal Indian schools may be enrolled in Indian boarding and day schools upon payment of tuition. The tuition fee charged for such children in boarding schools shall not exceed the per capita cost of maintenance in the school attended. The tuition fee in day schools shall not exceed the tuition fees allowed or charged by the State or county in which such school is located for the children admitted in the public schools of such State or county.

(34 Stat. 1018, 35 Stat. 783; 25 U. S. C. 288, 289)

§ 31.4 *Compulsory attendance.* Compulsory school attendance of Indian children is provided for by law.

(60 Stat. 962; 25 U. S. C. 231)

CROSS REFERENCE: For penalties for the failure of Indians to send children to school and for contributing to the delinquency of minors, see §§ 11.65, 11.66 of this chapter.

§ 31.5 *Consent for transfer.* Consent of the parents or next of kin, given before the superintendent or other duly authorized person, must be obtained before an Indian child is sent to a school beyond the limits of the State or Territory in which the reservation is located.

(Sec. 1, 28 Stat. 906; 25 U. S. C. 286)

§ 31.6 *Coercion prohibited.* There shall be no coercion of children in the matter of transfers from one school to another, but voluntary enrollment should be effected through maintenance at Federal Indian schools of programs which suit the needs and interests of the areas in which they are located.

(Sec. 1, 29 Stat. 348; 25 U. S. C. 287)

PART 32—ADMINISTRATION OF EDUCATIONAL LOANS, GRANTS AND OTHER ASSISTANCE FOR HIGHER EDUCATION

Sec.
32.1 Appropriations for loans and grants.
32.2 Working scholarships.
32.3 Applications.
32.4 Security.
32.5 Repayments.

AUTHORITY: §§ 32.1 to 32.5 issued under sec. 11, 48 Stat. 986; 25 U. S. C. 471.

§ 32.1 *Appropriations for loans and grants.* Funds appropriated by the Congress for education of Indians may be used for making educational loans and grants to aid students who have one-fourth or more degree of Indian blood and who are seeking higher education or special training. Funds appropriated for nonreimbursable grants may not be used to aid students attending sectarian schools (Act of March 2, 1917, 39 Stat. 988).

§ 32.2 *Working scholarships.* Working scholarships may be granted to Indians who wish to earn their board and room by part time work at Federal boarding schools that are located near a college, trade, or vocational school.

§ 32.3 *Applications.* Applications for educational loans, grants, and working scholarships shall be submitted through the superintendent or officer in charge of the agency at which the applicant is enrolled in the manner prescribed by the Commissioner.

§ 32.4 *Security.* If a borrower or cosigner has security to offer for an educational loan it must be given in an amount adequate to protect the loan.

§ 32.5 *Repayments.* Repayment schedules for educational loans may provide not to exceed two years for repayment for each year in school.

PART 33—ENROLLMENT OF INDIANS IN PUBLIC SCHOOLS

Sec.
33.1 Definitions.
33.2 Public school enrollment.
33.3 State school laws.
33.4 Contracts with public schools.
33.5 General requirements for contracts.
33.6 Public school use of Federal school property.

AUTHORITY: §§ 33.1 to 33.6 issued under sec. 3, 48 Stat. 596, as amended; 25 U. S. C. 454. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 33.1 *Definitions.* Whenever used in this part the terms defined in this section shall have the meaning herein stated:

(a) "State" means the State, Territory, or school district contracting for the education of Indian children.

(b) A "school district" is the local unit of school administration as defined by the laws of the State in which it is located.

§ 33.2 *Public school enrollment.* Enrollment of Indian children in public schools shall be encouraged where such schools are adequate and accessible.

§ 33.3 *State school laws.* All Indians as citizens of the State wherein they reside shall be amenable to the school laws of such State. Employees of any State may be permitted to enter upon Indian tribal lands, reservations, or allotments therein (a) to inspect educational conditions or (b) to enforce the penalties of state compulsory school attendance laws against Indian children, and parents, or other persons in loco parentis, except that the provisions of this section shall not apply to Indians of any tribe in which a duly constituted governing body exists until such body has adopted a resolution consenting to such application.

(60 Stat. 962; 25 U. S. C. 231)

§ 33.4 *Contracts with public schools.* (a) Contracts may be entered into under the provisions of the act of April 16, 1934 (48 Stat. 596), as amended by the act of June 4, 1936 (49 Stat. 1458, 25 U. S. C. 452–456), with the authorities of any State for the education of Indian children of one-fourth or more degree Indian blood, unless excepted by law, and to expend under such contracts monies appropriated by Congress for such purposes and to permit the use of existing Federal Indian school facilities and equipment by the local school authorities under such terms as may be agreed upon.

(b) The program will be administered to accommodate unmet financial needs of school districts related to the presence of large blocks of nontaxable Indian-owned property in the district and relatively large numbers of Indian children which create situations which local funds are inadequate to meet. This Federal assistance program shall be based on the need of the district for supplemental funds to maintain an adequate school after evidence of reasonable tax effort and receipt of all other aids to the dis-

trict without reflection on the status of Indian children.

§ 33.5 *General requirements for contracts*—(a) *State plan.* To become eligible to participate in contract funds a State shall formulate a plan for the distribution of contract funds to local school units, which shall be acceptable to the Commissioner of Indian Affairs or his authorized representative.

(b) *Budget estimates and reports.* Each State having a contract covering education in accordance with this part shall submit such budgets, estimates, and reports as may be required by the Commissioner of Indian Affairs or his authorized representative.

(c) *Equal educational opportunities.* Contracts shall specify that education for Indian children in public schools within the State shall be provided upon the same terms and under the same conditions that apply to all other citizens of the State.

(d) *Uniform application of State law.* States entering into a contract under the provisions of this part shall agree that schools receiving Indian children, including those coming from Indian reservations, shall receive all aid from the State, and other proper sources other than this contract, which other similar schools of the State are entitled to receive. In no instance shall there be discrimination by the State or subdivision thereof against Indians or in the support of schools receiving such Indians, and such schools shall receive State and other non-Indian Bureau funds or aid to which schools are entitled.

(e) *Educational standards.* The State shall provide in all schools that have Indian pupils adequate standards of educational service, such standards to be equal to those required by the State in respect to professional preparation of teachers, school equipment and supplies, text and library books, and construction and sanitation of buildings.

(f) *Federal cooperation and inspection.* Schools in which Indian children are enrolled shall be open to visits of observation and consultation by duly accredited representatives of the Federal Government.

(g) *Inspection of programs.* Each State having a contract covering education in accordance with this part shall make available to duly accredited employees of the Bureau of Indian Affairs such records and reports as may be necessary to enable them to conduct inspections of the school program related to the contracts.

§ 33.6 *Public school use of Federal school property.* The use of federally owned facilities for public school purposes may be authorized when not needed for Federal activities. Transfers of title to such facilities may be arranged under the provisions of the act of June 4, 1953 (67 Stat. 41).

(a) *Insurance covering nonexpendable property.* When nonexpendable Government property is turned over to public school authorities under a permit, the permittee shall insure such property against damage by fire, windstorm, and tornado in amounts and with companies satisfactory to the superintendent or officer in charge of the Indian agency charged with responsibility for the property. In case of damage or destruction of such property by fire, windstorm, or tornado, the insurance money collected shall be expended only for repair or replacement of such property; otherwise insurance proceeds shall be remitted to the Bureau.

(b) *Maintenance of buildings.* The State shall maintain the property in a reasonable state of repair.

PART 34—ADMINISTRATION OF A PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Sec.
34.1 Scope of the vocational training program.
34.2 Filing application.
34.3 Selection of applicants.
34.4 Satisfactory progress during training.
34.5 Approval of courses for vocational training at institutions.
34.6 Approval of apprenticeship training.
34.7 Approval of on-the-job training.
34.8 Financial assistance for trainees.
34.9 Contracts and agreements.
34.10 Waiver or exception.

AUTHORITY: §§ 34.1 to 34.10 issued under sec. 1, 70 Stat. 986; 25 U. S. C. 309.

§ 34.1 *Scope of the vocational training program.* The vocational training program provides for vocational counseling or guidance, institutional training in any vocational or trade school, as provided in § 34.5, apprenticeship and on-the-job training, for a period not exceeding 24 months.

§ 34.2 *Filing application.* Applications for adult vocational training services may be filed at agency or similar field offices of the Bureau of Indian Affairs on and after July 1, 1957.

§ 34.3 *Selection of applicants.* The vocational training program is available primarily to adult Indians who are not less than 18 and not more than 35 years of age and who reside on restricted or trust lands, or Federal lands under the jurisdiction of the Department of the Interior. An application for training services may be approved, within the limitation of available funds, when it is determined that the applicant is in need of such training in order to obtain reasonable and satisfactory employment, and that it is feasible for him to pursue such training. Reasonable and satisfactory employment is employment that provides:

(a) Sufficient income for the individual or family unit to live at an economic level considered as adequate in the community; and

(b) Opportunity for advancement on the basis of skill and experience acquired in the course of employment.

§ 34.4 *Satisfactory progress during training.* An applicant who enters training pursuant to the provisions of this part, is required to make satisfactory progress in his course of training and to conform to a reasonable standard of conduct. Failure to meet these requirements due to reasons within his control may result in termination of training or loss of further training benefits.

§ 34.5 *Approval of courses for vocational training at institutions.* A course of vocational training at any institution, public or private, offering vocational training, except sectarian schools restricted by the act of March 2, 1917 (25 U. S. C. 278), may be approved provided:

(a) The institution is accredited by a recognized national or regional accrediting association; or,

(b) The institution is approved for training by a State agency authorized to make such approvals; and,

(c) It is determined that there is reasonable certainty of employment for graduates of the institution in their respective fields of training.

§ 34.6 *Approval of apprenticeship training.* A program of apprenticeship training may be approved when such training:

(a) Is offered by a corporation or association which has furnished such training to bona fide apprentices for at least one year preceding participation in this program; and

(b) Is under the supervision of a State apprenticeship agency, a State Apprenticeship Council, or the Federal Apprenticeship Training Service; and

(c) Leads to an occupation which requires the use of skills that normally are learned through training on the job and employment in which occupation is based upon training on the job rather than upon such elements as length of service, normal turnover, personality, and other personal characteristics; and

(d) Is identified expressly as apprenticeship training by the establishment offering it.

§ 34.7 *Approval of on-the-job training.* On-the-job training may be approved when such training is offered by a corporation or association which has an existing on-the-job training program which is recognized by industry and labor as leading to skilled employment.

§ 34.8 *Financial assistance for trainees.* Individuals or family units where the head of the family is entering training under this part may be granted financial assistance to provide for transportation to the place of training and subsistence during the course of training. For purposes of this part, subsistence may be construed to provide for all or any part of the following items: medical examinations; subsistence en route; subsistence during the course of training; personal appearance; housewares; health care; payment for required books; supplies and tools for training; and payment of tuition and related cost and other required expenses, in accordance with the schedule and amounts as established by the Secretary or his authorized representative.

§ 34.9 *Contracts and agreements.* Training facilities and services required for the program of vocational training may be arranged through contracts or agreements with agencies, establishments, or organizations. These may include:

(a) Appropriate Federal, State or local government agencies, or

(b) Private schools other than sectarian, which have a recognized reputation in vocational education as successfully obtaining employment for its graduates in the fields of training approved by the Secretary or his authorized representative, for purposes of the program, or

(c) Corporations and associations with apprenticeship or on-the-job training programs recognized by industry and labor as leading to skilled employment.

§ 34.10 *Waiver or exception.* The rules set forth in this part are prescribed as required by section 1, of the act of August 3, 1956, 70 Stat. 986. Waiver of or exception to these rules may be made where such waiver or exception is not inconsistent with any terms of said statute, upon a finding by the Secretary of the Interior that such waiver or exception is justified by circumstances not contemplated by these rules and such action is desirable to carry out the purpose of the statute.

Subchapters F–H—Tribal Government and Enterprises

Subchapter F—Enrollment

PART 41—MEMBERSHIP AND ENROLLMENT OF INDIANS [RESERVED]

PART 42—ENROLLMENT APPEALS

Sec.
42.1 Purpose and scope of regulations.
42.2 Who may appeal.
42.3 Filing of appeal.
42.4 Supporting evidence.
42.5 Tribal action.
42.6 Secretary's representative.
42.7 Superintendent's or Area Director's action.
42.8 Disposition of appeals.

AUTHORITY: §§ 42.1 to 42.8 issued under secs. 23, 18, 27, 19, 68 Stat. 723, 728, 878, 1104; 25 U. S. C. 564v, 708, 677z, 759. Interpret or apply secs. 3, 3, 8, 3, 68 Stat. 718, 724, 869, as amended, 1100; 25 U. S. C. 564b, 693, 677g, 743.

§ 42.1 *Purpose and scope of regulations.* The regulations in this part shall govern the filing and disposition of appeals by applicants or others contesting the inclusion or omission of any name on or from the tribal membership rolls prepared pursuant to any of the following acts:

August 13, 1954 (68 Stat. 718),
August 13, 1954 (68 Stat. 724),
August 27, 1954 (68 Stat. 868),
September 1, 1954 (68 Stat. 1099),
August 1, 1956 (70 Stat. 893),
August 2, 1956 (70 Stat. 937),
August 3, 1956 (70 Stat. 963).

§ 42.2 *Who may appeal.* An appeal in protest against the inclusion or omission of the name of any person on or from the roll of members of the tribe as published in the FEDERAL REGISTER pursuant to the acts of Congress cited in this part may be filed by any member of the tribe, by either parent of any child involved, by the guardian, custodian or next of kin of any such person, by the person whose enrollment or non-enrollment is in question, or by the representative of the Secretary of the Interior designated to act in such matters. The burden of proof of establishing the appeal is on the appellant.

§ 42.3 *Filing of appeal.* The appeal shall be in writing, addressed to the Secretary of the Interior, setting forth the specific grounds for such appeal, and shall be filed with the Superintendent having administrative jurisdiction of the tribe involved, or in the absence of such official, with the Area Director, within the time specified in the act of Congress authorizing the preparation of the membership roll.

§ 42.4 *Supporting evidence.* The appeal shall be accompanied and supported by a reference to, or a copy of, any official or tribal documents or records having a direct bearing on the question raised. In the absence of any such documents, there shall be furnished the written statements of two or more persons having personal knowledge of the facts at issue.[1]

§ 42.5 *Tribal action.* The Superintendent or Area Director shall notify the authorized or customary representatives of the tribe of the receipt of the appeal, advising them of the tribe's privilege to examine the appeal and all supporting documents, and affording the tribe an opportunity to present such evidence and make such showing as it may deem proper in support of the action being appealed from. The tribe shall have not to exceed 30 days in which to present in writing such statements as may be deemed pertinent, supported by any tribal records, minutes, and other documents, which bear on the case. It shall also furnish a transcript of any hearings held by it or any subordinate committee, a copy of any affidavits or documents considered, and the minutes of any meeting of the enrollment committee, governing body, or the general council which acted upon the inclusion or omission of the name of such person. There shall be furnished a copy of the provisions of the applicable tribal constitution or membership ordinance and a copy of the recommendations of the enrollment or other committee having had authority to act. If the grounds for appeal involve the question of applicant's right to or eligibility for enrollment under tribal custom, the tribe shall furnish a statement setting forth fully such custom together with evidence of its existence and applicability at the time action was taken in said case.

§ 42.6 *Secretary's representative.* It shall be the duty and responsibility of the designated representative of the Secretary of the Interior, when in the judgment of said representative such action is warranted, to file an appeal from the inclusion or omission of the name of any person on or from such roll. Said representative shall file with his appeal supporting evidence similar to that set forth in § 42.4.

§ 42.7 *Superintendent's or Area Director's action.* The Superintendent shall forward the appeal together with all accompanying papers, and a copy of any pertinent official records of which he has knowledge and which are not a part of the record, to the Secretary through the Area Director and the Commissioner of Indian Affairs.

§ 42.8 *Disposition of appeals.* The Secretary of the Interior or his authorized representative will consider the record as presented, and if deemed necessary, call upon the appellant to furnish such additional information or evidence required to arrive at a decision. The action appealed from shall be presumed to be regular. The Secretary's determination, after consideration of all the evidence, shall be final and conclusive. Through the Commissioner of Indian Affairs the appellant shall be notified of the decision. Based on the nature of the protest and decision, the name of the individual in question shall be added to, retained on, stricken from, or omitted from the roll.

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U. S. C. 1001.

PART 43—ENROLLMENT OF INDIANS OF THE CABAZON, AUGUSTINE, AND TORRES-MARTINEZ BANDS OF MISSION INDIANS IN CALIFORNIA

Sec.
43.1 Purpose.
43.2 Definitions.
43.3 Preparation of rolls.
43.4 Application for enrollment.
43.5 Persons to be enrolled.
43.6 Enrollment Committee election.
43.7 Review of applications by Enrollment Committee.
43.8 Determination of eligibility and enrollment by Director
43.9 Appeal.
43.10 Approved rolls.
43.11 Certificate.
43.12 Special instructions.

AUTHORITY: §§ 43.1 to 43.12 issued under sec. 10, 54 Stat. 64. Interpret or apply sec. 5, 64 Stat. 471.

§ 43.1 *Purpose.* The regulations in this part govern the enrollment of persons in the Cabazon, Augustine, and Torres-Martinez Bands of Mission Indians, as of June 30, 1949, in accordance with the provisions of section 5 of the act of August 25, 1950 (64 Stat. 470, Pub. Law 728, 81st Cong.).

§ 43.2 *Definitions.* As used in this part:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Director" means the Area Director, Sacramento Area Office.

(d) "Bands" means the Cabazon, Augustine, and Torres-Martinez Bands of Mission Indians.

(e) "Enrollment Committee" means a committee of three members of each of the respective Bands to assist in enrollment.

§ 43.3 *Preparation of rolls.* The Director is hereby authorized and directed to prepare and to submit for approval by the Secretary or his duly authorized representative separate rolls of the members of the respective Bands.

§ 43.4 *Application for enrollment.* A person who believes that he or she, or a minor or mental incompetent, is entitled to enrollment with one of the

Bands may, within ninety (90) days from the date of the publication of this part in the FEDERAL REGISTER, file with the Director a written application for enrollment in such band. Application forms may be obtained from the Director or a member of an enrollment committee, and the form of the application shall be prescribed by the Director. The execution of each application shall be witnessed by two disinterested persons who are not members of the household of the applicant. An application on behalf of a minor or mental incompetent shall be executed by a parent, natural guardian, or other person responsible for his care. Each application shall contain the following information:

(a) The name and address of the applicant, and if the applicant is a minor or mental incompetent, the name, address, representative capacity, and blood relationship, if any, of the person executing the application on behalf of the minor or the mental incompetent.

(b) The date and place of birth of the applicant.

(c) The degree of Indian blood of the applicant and the name of the Indian band or tribe, if any, with which the applicant is enrolled or affiliated.

(d) Allotment number, date of trust patent, and name of the reservation where the applicant is allotted.

(e) If the applicant is unallotted, the names of all relatives who may have received allotments, their blood relationship to the applicant, and the name of the reservation where such relative may be allotted.

(f) The name and degree of Indian blood of each parent of the applicant; the name of the tribe or band with which each parent of the applicant is enrolled or affiliated; and the names and addresses of any brothers and sisters of the applicant who may have filed applications for enrollment.

(g) If the applicant has previously been enrolled on an approved roll of Indians of California or an earlier roll of the respective Bands, the number thereon of the applicant.

(h) If an applicant has been adopted into one of the Bands, the name of the band and the date and evidence of such adoption.

§ 43.5 *Persons to be enrolled.* The names of persons in any of the following categories shall be placed on the respective membership rolls of the Bands:

(a) Indians of the Bands, living on June 30, 1949, who have received allotments on the reservation of one of the Bands.

(b) Children, living on June 30, 1949, who were born of such allottees.

(c) Descendants, living on June 30, 1949, of allottees.

(d) Indians, not included in the categories set out in paragraphs (a), (b), and (c) of this section, who have one-fourth or more degree of Indian blood and can establish that they have been affiliated with one of the Bands for a period of one year or more preceding June 30, 1949. If during the said period an Indian maintained a residence on the reservation; was a reasonably active participant in the tribal affairs of one of the Bands in which he or she applies for enrollment, and was recognized as a member of one of the Bands, such person shall be deemed to be entitled to enrollment.

(e) Children, living on June 30, 1949, who were born of an Indian parent, living on June 30, 1949, if such parent would otherwise be eligible for enrollment under paragraph (d) of this section.

(f) If an Indian, who applies for enrollment under the provisions of paragraph (d) or (e) of this section, has received in his or her own right an allotment with some other band or tribe and has not relinquished such allotment prior to June 30, 1949, such person shall not be enrolled. Ownership of an allotment or an interest in an allotment acquired through inheritance shall not, however, be a bar to enrollment in accordance with this part.

§ 43.6 *Enrollment Committee election.* A person whose name now appears on a roll of one of the bands which is maintained by the Director, or, if not so maintained, on a roll which is maintained by the respective Band, shall be entitled to vote, at a time and place and in a manner to be designated by the Director, to elect three persons whose names apear on such roll as members of the Enrollment Committee. The three persons receiving the highest number of votes shall constitute the Enrollment Committee of such band.

§ 43.7 *Review of applications by Enrollment Committee.* The Director shall refer duly filed applications for enrollment to the Enrollment Committee of the band in which the applicant seeks enrollment. The Enrollment Committee shall review each such application, and may require an applicant to furnish additional information in writing or in person to assist the Enrollment Committee to make a recommendation. The Enrollment Committee shall file with the Director a separate written report and recommendation with respect to each application thirty (30) days from the date of referral to it of an application. If the recommendation of the Enrollment Committee with respect to an application is not unanimous, the members of the Enrollment Committee shall file majority and minority reports thereon.

§ 43.8 *Determination of eligibility and enrollment by Director.* The Director shall review the reports and recommendations of the respective Enrollment Committees, and shall determine the applicants who are eligible for enrollment in accordance with the provisions of § 43.5. The Director shall transmit for review to the Commissioner and for final determination by the Secretary, the reports and recommendations of the Enrollment Committee relating to applicants who may have been determined by the Director to be eligible for enrollment, against the report and recommendation of any member of the Enrollment Committee, with a statement of the reasons for his determination.

§ 43.9 *Appeal.* If the Director determines that an applicant is not eligible for enrollment in accordance with the provisions of § 43.5, he shall notify the applicant in writing of his determination and the reasons therefor. Such applicant shall then have thirty (30) days from the date of the mailing of the notice to him to file with the Director an appeal, together with such data as the applicant may present in support of his application. The Director shall forward the appeal, any such supporting data, and his recommendation thereon, and the report and recommendation of the Enrollment Committee, to the Commissioner. After review, if the Commissioner determines that an applicant is not eligible for enrollment in accordance with the provisions of § 43.5, he shall cause the applicant to be notified in writing of his determination and the reasons therefor. The applicant shall then have thirty (30) days from the date of the mailing of the notice to him to take an appeal to the Secretary. The decision of the Secretary thereon shall be final.

§ 43.10 *Approved rolls.* Thereafter the Director shall prepare, in quadruplicate, a separate roll of members, alphabetically arranged, of each of the Bands and submit such rolls to the Secretary or his duly authorized representative for approval. When approved, three copies of each approved roll shall be returned to the Director, who shall make one copy available to the governing body of each of the Bands.

§ 43.11 *Certificate.* The Director shall affix a certificate to each approved roll, certifying that the roll, to the best of his knowledge and belief, contains only the names of Indians entitled to enrollment with the respective Bands, in accordance with the provisions of the act of August 25, 1950 (64 Stat. 470, Pub. Law 728, 81st Cong.).

§ 43.12 *Special instructions.* To facilitate the work of the Director, the Commissioner may issue special instructions to him not inconsistent with the regulations in this part.

PART 44—PREPARATION OF ROLLS FOR THE DISTRIBUTION OF THE FUNDS AWARDED CERTAIN INDIAN TRIBES OR BANDS OF OREGON

Sec.
44.1 Definitions.
44.2 Purpose.
44.3 Applications.
44.4 Burden of proof.
44.5 Dual enrollment.
44.6 Dual eligibility.
44.7 Establishment of committees.
44.8 Action by the Director.
44.9 Appeals.
44.10 Action by the Secretary.
44.11 Preparation and approval of rolls.
44.12 Director's certificate.
44.13 Special instructions.

AUTHORITY: §§ 44.1 to 44.13 issued under sec. 5, 68 Stat. 980; 25 U. S. C. 775.

§ 44.1 *Definitions.* As used in this part.

(a) "Secretary" means "Secretary of the Interior."

(b) "Commissioner" means "Commissioner of Indian Affairs."

(c) "Director" means "Area Director, Portland Area Office."

(d) "Enrolling Agent" means the "Area Director, Portland Area Office" or such other person or persons as may be designated by him to assist in the enrollment work.

(e) "Tribes" means "Molel or Molallalas Tribe of Oregon and the Confederated Bands of the Umpqua Tribe of Indians, and the Calappoias residing in the Umpqua Valley, and the Tillamook, Coquille, Tootootoney and Chetco Tribes of Oregon." (Sec. I, act of August 30, 1954 (P. L. 715).)

§ 44.2 *Purpose.* The regulations in this part are to govern the compilation of rolls of Indians of the Tribes living on August 30, 1954, and who are entitled to share in the distribution of the judgment funds.

§ 44.3 *Applications.* Each person who believes that he or she is of the blood of the Tribes may, within one year from August 30, 1954, submit to the Director an application in writing for enrollment. Application forms may be obtained from the Director or Tribal Committees and when executed shall be filed with the Director. Applications for minors or persons mentally incompetent may be filed by parents, natural guardians, next friend, or other persons responsible for their care or having custody over them. Applications for persons in the armed or civilian service of this country, stationed outside the State of Oregon, and for those who have died since August 30, 1954, may be filed by the spouse, parents, next of kin, executor or administrator of the estate. Evidence must be furnished that applicant was living on August 30, 1954. Each application shall contain, among other information:

(a) The name and address of applicant, and if application is filed on behalf of a minor, a person mentally incompetent, a person in the armed or civilian services of this country and stationed outside of the State of Oregon, or a person who has died since August 30, 1954, the name and address of the person filing the application for such person, and a statement of his or her relationship to the applicant.

(b) The names of all ancestors through whom the right to enrollment is claimed.

(c) Identification of the annuity, allotment, census or payment roll on which the name of the ancestors through whom the right to enrollment appears and his or her roll number. If the names of such ancestors do not appear on any of such rolls, or if there are no such rolls, the applicant shall establish by other appropriate means the fact that such ancestor or ancestors are or were of the blood of the Tribes. The applicant may furnish a certified copy of any record, roll, or other document which tends to establish that such ancestor or ancestors are of the blood of the Tribes.

(d) The relationship of the applicant to such ancestor or ancestors, and by what means this has been established.

(e) Present address of ancestors if living.

§ 44.4 *Burden of proof.* The burden of proof rests upon the applicant to establish that the applicant is of the blood of the Tribes as listed in his application.

§ 44.5 *Dual enrollment.* "No person shall be entitled to be enrolled on more than one roll." (Sec. I, act of August 30, 1954 (P. L. 715).)

§ 44.6 *Dual eligibility.* If applicant considers that he is of the blood of more than one of the tribes, he shall file a separate application for each such tribe. Each application shall be marked by applicant as to the order of priority in which to be considered for enrollment; that is, "First Choice," "Second Choice," etc. Each application shall be complete in itself and accompanied by supporting evidence, documents, and other material as may tend to establish eligibility.

§ 44.7 *Establishment of committees.* The Indians of each Tribe may select a committee of three persons, recognized as of the blood of the Tribe, to aid the Enrolling Agent in determining eligibility of the applicant for enrollment. Such committee shall act only in an advisory capacity. Each tribe electing such a committee shall notify the Director of such action together with the names of the members of the committee.

§ 44.8 *Action by the Director.* (a) The Director shall consider each application (except as indicated otherwise in paragraphs (b) and (c) of this section), and upon determination of the eligibility of the applicant, notify such person in writing of his decision. If such determination is favorable, the name of the applicant shall be entered upon the appropriate roll. If the determination is adverse, notice of such decision shall be sent to applicant by registered mail, return receipt requested, together with the reasons therefor, and of the applicant's right of appeal to the Secretary.

(b) If applicant has filed for enrollment in two tribes, and it is determined that he is not eligible in the tribe of his "First Choice", the Area Director shall then proceed to consider his eligibility in the tribe of his "Second Choice". If the Area Director determines the applicant is eligible in the tribe of his "Second Choice", applicant shall be so notified and at the same time of the rejection of his application in the tribe of his "First Choice" together with the reasons therefor. Such notice shall be sent by registered mail, return receipt requested, and inform applicant of his right of appeal to the Secretary. If applicant fails to appeal within the time prescribed in § 44.9, the Area Director shall thereupon enter the name of the applicant upon the roll of the tribe of his "Second Choice."

(c) If applicant has filed for enrollment in three or more tribes each application shall be considered by the Area Director in the order or priority as indicated by applicant and in the same manner as indicated in paragraph (b) of this section. At such point in the priority choices that an applicant has been declared eligible for enrollment, no application of lower priority shall be considered and the applicant so notified. Non-action on such applications shall not be subject to appeal.

(d) When two or more applications have been filed by any applicant, and it has been determined by the Area Director that eligibility has not been established in any of them, the Area Director shall notify applicant in writing, return receipt requested, in each case together with the reasons for such adverse decision, and of his right of appeal to the Secretary in any and all cases. Each appeal shall be filed separately and complete in itself, and will be considered in the order of priority which governed the consideration of the applications filed.

§ 44.9 *Appeals.* Any appeal must be filed in writing with the Director within thirty (30) days from the receipt of the notice of rejection. The applicant may submit with his appeal any supporting data, not previously furnished. When upon review of the evidence submitted by appellant, the Director is satisfied that applicant has established his right to enrollment, appellant shall be so notified, and his name entered upon the proper roll. In any case where the Director determines applicant ineligible, the Director shall forward the appeal together with the complete record and his recommendation thereon to the Commissioner for transmittal to the Secretary.

§ 44.10 *Action by the Secretary.* The decision of the Secretary on an appeal shall be final and the applicant shall be given written notice of the decision. The Director is authorized to enter on the proper roll the name of any such person whose appeal has been granted when so directed by the Secretary.

§ 44.11 *Preparation and approval of rolls.* Upon completion of action on all applications filed within one year from August 30, 1954, and upon notice from the Secretary that all appeals have been determined, the Director shall prepare a separate roll for each of the Tribes to whom a judgment has been awarded consisting of the names of those persons determined to be of the blood of such Tribes. Each roll shall contain for each person the application number, the roll number, name, sex, address, and in the remarks column the name of the ancestor and the tribe through whom enrollee has established his right to eligibility. If such ancestor's name appears on some official document or roll, such document or roll should be cited; otherwise there should be shown the basis on which eligibility was determined. Each roll shall be submitted to the Secretary for his approval or that of his designated representative.

§ 44.12 *Director's certificate.* The Director shall affix his certificate to each roll certifying that said roll to the best of his knowledge and belief contains only the names of those persons of the blood of said Tribes.

§ 44.13 *Special instructions.* To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this part.

Subchapter G—Tribal Government

PART 51—INDIAN ORGANIZATIONS EXCLUSIVE OF THE INDIAN REORGANIZATION ACT [RESERVED]

PART 52—TRIBES ORGANIZED UNDER SEC. 16 OF THE INDIAN REORGANIZATION ACT [RESERVED]

PART 53—ALASKAN NATIVE GROUPS ORGANIZED UNDER SEC. 16 OF THE INDIAN REORGANIZATION ACT, AND THE ALASKAN ACT, AS AMENDED [RESERVED]

PART 54—TRIBES ORGANIZED UNDER THE OKLAHOMA INDIAN WELFARE ACT [RESERVED]

PART 71—RECOGNITION OF ATTORNEYS AND AGENTS TO REPRESENT CLAIMANTS

Sec.
71.1 Employment of attorneys.
71.2 Employment of tribes or individual claimants.

AUTHORITY: §§ 71.1 and 71.2 issued under R. S. 161; 5 U. S. C. 22.

CROSS REFERENCES: For law and order regulations on Indian reservations, see Part 11 of this chapter. For probate procedure, see Part 15 of this chapter. For regulations governing the admission of attorneys to practice before the Department of the Interior and the offices and bureaus thereof, see 43 CFR Part 1. For regulations governing the execution of attorney contracts with Indians, see Part 72 of this subchapter.

§ 71.1 *Employment of attorneys.* (a) Indian tribes organized pursuant to the Indian Reorganization Act of June 18, 1934, as amended (48 Stat. 984; 25 U. S. C. 461–479), may employ legal counsel. The choice of counsel and the fixing of fees shall be subject to the approval of the Commissioner of Indian Affairs or such other official of the Bureau as may be properly authorized to act for and in his stead as the duly authorized representative of the Secretary of the Interior.

(b) Attorneys or agents may be employed by Indian tribes not organized under the act of June 18, 1934, under contracts subject to approval of the Commissioner of Indian Affairs and the Secretary of the Interior as required by section 2103 of the Revised Statutes of the United States (25 U. S. C. 81). Practice of such attorneys before the Indian Bureau and the Department is subject to the requirements of 43 CFR 1.1–1.7.

§ 71.2 *Employment by tribes or individual claimants.* All such attorneys or agents seeking approval of their employment by Indian tribes or desiring to represent individual claimants before the Indian Bureau shall be required to comply fully with the regulations of the Department promulgated September 27, 1917, governing admission to practice, and to take the oath of allegiance and to support the Constitution of the United States, as required by section 3478 of the United States Revised Statutes (31 U. S. C. 204).

PART 72—ATTORNEY CONTRACTS WITH INDIAN TRIBES

TRIBES ORGANIZED UNDER THE INDIAN REORGANIZATION ACT

Sec.
72.1 Contracts with organized tribes.
72.2 Admission to practice.
72.3 Tentative form of contract.
72.4 Report of superintendent.
72.5 Fees and expenses.
72.6 Funds in Federal Treasury.
72.6a Appeals.

TRIBES NOT ORGANIZED UNDER THE INDIAN REORGANIZATION ACT

72.7 Statutes governing.
72.8 Selection of counsel.
72.9 Record of council proceedings.
72.10 Resolution required.
72.11 Authentication of resolution.
72.12 Negotiation by tribal business committee.
72.13 Limitation of authority.
72.14 Employment by tribal business committees.
72.15 Vote by secret ballot.
72.16 Notice from tribe.
72.17 Notice from attorneys.
72.18 Tentative form of contract.
72.19 Execution in quintuplicate.
72.20 Report of superintendent.
72.21 Copies of approved contracts.
72.22 Qualifications of attorneys.
72.24 Fees and expenses.
72.25 Invalid contracts.

CROSS REFERENCE: For recognition of attorneys and agents to represent claimants, see Part 71 of this subchapter.

TRIBES ORGANIZED UNDER THE INDIAN REORGANIZATION ACT

AUTHORITY: §§ 72.1 to 72.6a issued under R. S. 161, sec. 16, 48 Stat. 987; 5 U. S. C. 22, 25 U. S. C. 476.

§ 72.1 *Contracts with organized tribes.* (a) Negotiation and execution of tribal attorney contracts with Indian tribes organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 461–479), shall be in accordance with the provisions of the approved constitution or charter of the respective tribes.

(b) The Commissioner of Indian Affairs or such other official in the Bureau as may properly be authorized to act for and in his stead may, as the duly authorized representative of the Secretary of the Interior, approve the selection of counsel and the amount of fees and expenses to be paid under any such contract.

§ 72.2 *Admission to practice.* Attorneys employed by tribes organized under the Indian Reorganization Act shall be required to be admitted to practice before the Interior Department and the bureaus thereof, under the provisions of the act of July 4, 1884 (23 Stat. 101; 5 U. S. C. 493).

CROSS REFERENCE: For rules and regulations governing admission to practice before the Interior Department and the bureaus thereof, see 43 CFR Part 1.

§ 72.3 *Tentative form of contract.* A tribal council or representative body having authority to employ legal counsel in behalf of an organized tribe, may, if it desires, obtain a tentative form of contract from the Commissioner of Indian Affairs. Requests for forms should include a statement of the scope of the intended employment; that is, whether an attorney is desired for investigation and prosecution of tribal claims against the United States, or as general legal counsel in connection with the ordinary business of the tribe, or specific problems on which legal advice is desired, or specific matters requiring representation in court or before committees of Congress and the departments of the Government. The period for which an attorney is desired should be stated.

§ 72.4 *Report of superintendent.* Contracts executed by organized tribes should be transmitted to the Commissioner of Indian Affairs by the superintendent, with a report based upon references and independent inquiry concerning the qualifications of the attorney, his ability to perform the services required by the contract, and the superintendent's recommendation with reference to approval of the contract.

§ 72.5 *Fees and expenses.* Funds held in the treasury of an organized tribe may be used by the tribe for payment of fees and expenses of an attorney. A contract providing for payment of fees and/or expenses should be accompanied by an appropriation act passed by the governing body of the tribe in accordance with the requirements of the tribal constitution or charter, appropriating sufficient tribal funds for payment of fees and/or expenses as provided by the contract. The amount of tribal funds held in the tribal treasury, not otherwise appropriated and available for payment of fees and expenses, should be stated.

§ 72.6 *Funds in Federal Treasury.* Under rulings of the Comptroller General and section 27 of the act of May 18, 1916 (39 Stat. 158; 25 U. S. C. 123), tribal funds held in the United States Treasury may not be used for payment of attorney fees and expenses in the absence of express authorization by Congress.

§ 72.6a *Appeals.* Within sixty (60) days from the date of notice of any decision made by the Commissioner or other official under § 72.1, any interested party may file with the Commissioner a notice of appeal from the decision to the Secretary of the Interior. The notice of appeal must be in writing and must set forth fully all grounds upon which it is based. Any appeal so filed shall be transmitted promptly by the Commissioner to the Secretary of the Interior, together with the complete record in the case.

TRIBES NOT ORGANIZED UNDER THE INDIAN REORGANIZATION ACT

AUTHORITY: §§ 72.7 to 72.25 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 2103; 25 U. S. C. 81.

§ 72.7 *Statutes governing.* The negotiation and execution of tribal attorney contracts with tribes not organized under the Indian Reorganization Act must be in strict accordance with the requirements of section 2103 of the Revised Statutes of the United States (25 U. S. C. 81).

§ 72.8 *Selection of counsel.* Except as stated in §§ 72.12–72.15, a tribal attorney and tribal delegates to execute a contract shall be selected by a general counsel or meeting of the tribe, to be called by the superintendent of the particular reservation. The superintendent, or someone representing him, shall be in attendance with a stenographer.

§ 72.9 *Record of council proceedings.* Stenographic notes should be made of the proceedings of the council, transcribed, certified to by the superintendent as correct, and a copy thereof should be sent to the Commissioner of Indian Affairs with the contract.

§ 72.10 *Resolution required.* The selection of counsel and of tribal delegates to execute a contract in behalf of the tribe shall be set forth in a resolution or resolutions which shall be attached to and made a part of the contract.

§ 72.11 *Authentication of resolution.* The resolution shall be signed by the presiding officer of the general council, attested by the secretary of the general council, and certified by the superintendent.

§ 72.12 *Negotiation by tribal business committee.* A tribal business committee, advisory board, or other similar representative body having standing authority to act for and in behalf of the tribe in matters of importance, may, when it finds that there is a substantial need and demand for retention of tribal counsel, negotiate with an attorney or attorneys.

§ 72.13 *Limitation of authority.* The tribal business committee or other representative body, when proceeding under § 72.12, should carefully investigate, with the assistance of the superintendent if desired, the qualifications of available attorneys, bearing in mind the purpose for which counsel is desired and shall carry on its negotiations with attorneys subject to the distinct understanding that final action on the selection and employment of counsel shall be had in a general council or meeting of the tribe, subject to approval by the Department as required by law.

§ 72.14 *Employment by tribal business committees.* In case the tribal business committee or board has specific authority from the tribe to employ tribal attorneys and to execute a contract for that purpose, the tribal business committee or board may negotiate with attorneys and enter into a contract subject to departmental approval as provided by law.

§ 72.15 *Vote by secret ballot.* Those tribes accustomed to act on important tribal matters by secret ballot, or by vote in district meetings, or in some other manner, may apply through their proper officers to the Commissioner of Indian Affairs for permission to consider and act upon employment of tribal counsel in the manner preferred by the tribe rather than by a general council or meeting.

§ 72.16 *Notice from tribe.* Notice of intention to negotiate with attorneys should be sent to the superintendent by the proper tribal officers, accompanied by a full statement concerning the need for retaining counsel, showing in detail the purposes for which an attorney is needed, the scope of his intended employment, and a reference to the tribal funds, if any, which the tribe believes should be made available for payment of counsel fees and expenses. The notice and statement should be transmitted to the Commissioner of Indian Affairs by the superintendent with the latter's report and recommendations.

§ 72.17 *Notice from attorneys.* Attorneys desiring to execute contracts with Indian tribes shall be required to notify the Commissioner of Indian Affairs in advance of all negotiations.

§ 72.18 *Tentative form of contract.* A tentative form of contract may be obtained from the Commissioner of Indian Affairs. When the attorneys or tribe proposing to execute a contract desire to make substantial changes in the tentative form, the proposed changes should be submitted to the Commissioner of Indian Affairs for approval as to form prior to execution of a contract.

§ 72.19 *Execution in quintuplicate.* The contract should be executed in quintuplicate, and all copies should be transmitted by the superintendent to the Commissioner of Indian Affairs.

§ 72.20 *Report of superintendent.* The superintendent should submit a report when transmitting the contract, setting forth the qualifications and general reputation of the attorney selected, based upon references and independent inquiry by the superintendent, and the superintendent's recommendation concerning approval of the contract.

§ 72.21 *Copies of approved contracts.* Upon approval of a contract, one copy will be transmitted to the attorneys, one to the superintendent of the agency for the information of the Indians in interest, and the other three copies will be filed in the proper offices in Washington, D. C.

§ 72.22 *Qualifications of attorneys.* The person selected as attorney should be a reputable member of the bar, and fully competent to carry the case through the Court of Claims, and to the Supreme Court of the United States, if necessary.

§ 72.24 *Fees and expenses.* Under rulings of the Comptroller General and section 27 of the act of May 18, 1916 (39 Stat. 158; 25 U. S. C. 123), tribal funds held in the United States Treasury may not be used for payment of attorney fees and expenses, in the absence of express authorization by Congress. Unless congressional authority has been obtained for the use of tribal funds, the payment of attorney fees and expenses shall be contingent upon a recovery by the Indians in the matters or claims covered in the contract. In case congressional authority has been obtained for the use of tribal funds for attorney fees and expenses, the provisions of the contract concerning the payment of such fees and expenses should strictly conform to the provisions of the act authorizing the use of the funds.

§ 72.25 *Invalid contracts.* It may be pointed out that R. S. 2103; 25 U. S. C. 81 provides further that all contracts made in violation of that section shall be null and void; section 2, 17 Stat. 136; 25 U. S. C. 84 provides that no assignment of any such contract shall be valid without the consent of the Commissioner of Indian Affairs and the Secretary of the Interior; and section 18, 38 Stat. 97; 25 U. S. C. 85 declares that no contract with any individual Indian relating to tribal property shall have any validity unless the consent of the United States has previously been given thereto.

PART 73—REGULATIONS GOVERNING THE ELECTION OF OFFICERS OF THE OSAGE TRIBE

Sec.
73.1 Officers, quadrennial elections.
73.2 Election proclamation.
73.3 Compensation of election board members.
73.4 Qualifications of electors.
73.5 Applications for absentee ballots.
73.6 Execution of instrument authorizing elector to cast ballot for absentee.
73.7 Affidavit by absent elector.
73.8 Preparation of absentee's ballot; form of instrument.
73.9 Casting of absentee ballot.
73.10 Oath of person casting absentee's ballot.
73.11 Printing of proclamation, ballots, forms, envelopes, affidavits, etc.
73.12 Nominations to be by conventions and petitions.
73.13 Voting place.
73.14 Duties of board.
73.15 Ballot.
73.16 Ballot box to be locked.
73.17 Challenge of right to vote.
73.18 Electioneering or congregating near polls.
73.19 Manner of counting following the close of polls.
73.20 Sworn statement of count to be made by election board.
73.21 Notification of election of tribal officers.
73.22 Failure of any member of election board to serve.
73.23 Manner of contesting election.
73.24 Deposit for expenses.
73.25 Notice of contest.

AUTHORITY: §§ 73.1 to 73.25 issued under sec. 7, 45 Stat. 1481.

§ 73.1 *Officers, quadrennial elections.* Section 7 of the act of March 2, 1929 (45 Stat. 1478) provides in part as follows:

That there shall be a quadrennial election of officers of the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, to succeed the officers elected in the year 1928, said officers to be elected at a general election to be held in the town of Pawhuska, Oklahoma, on the first Monday in June, 1930, and on the first Monday in June each four years thereafter, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of four years commencing on the 1st day of July following said elections. • • •

Pursuant to the above provisions of law, a general election of officers of the Osage Tribe will be held in the town of Pawhuska, Okla., on the first Monday in June, 1946, and on the first Monday in June each 4 years thereafter, in the manner prescribed in this part.

§ 73.2 *Election proclamation.* The Principal Chief, or in his absence the Assistant Principal Chief, shall issue a proclamation not more than 75 days nor less than 65 days preceding the day appointed by law for the holding of a

quadrennial election of officers of the Osage Tribe, and shall name an election board consisting of a supervisor, assistant supervisor, five judges, four clerks, and two interpreters, whose duties shall be to conduct the election as provided in § 73.14 The proclamation shall meet all the requirements of section 7 of the act of March 2, 1929 (45 Stat. 1478); the place, date, and time for holding the election; qualifications of electors; method of nominating candidates and closing date for same; method of determining the location of the name of each nominee on the ballot; and the names of all members of the election board. A copy of the proclamation, after approval by the superintendent of Osage Agency, shall be mailed to each qualified elector at his last known address.

§ 73.3 *Compensation of election board members.* Members of the election board, other than employees of Osage Agency, when duly appointed as provided in this part, may be compensated for conducting each quadrennial election at the following rates: supervisor, $10; assistant supervisor, $8; judges, clerks and interpreters, $6 each.

§ 73.4 *Qualifications of electors.* Only members of the Osage Tribe, 21 years of age or over, whose names appear on the quarterly annuity roll at the Osage Agency as of the last quarterly payment immediately preceding date of election will be entitled to hold office or vote for any tribal officer. No person shall be permitted to cast more than one vote on his own account: *Provided,* That whenever any qualified elector shall be absent from Osage County for any reason on the date appointed by law for the holding of a quadrennial tribal election, or cannot appear at the polls because of sickness or physical disability on that date, such elector shall be entitled at such election to exercise the right of suffrage in the manner and form prescribed in this part.

§ 73.5 *Applications for absentee ballots.* All applications for absentee ballots shall be made in writing by the absentee elector to the superintendent of Osage Agency. It shall be the duty of the superintendent, upon receipt of said application, to forward all supplies, affidavits, and ballots, as required by this part, to said absentee elector, not more than 30 days before any election provided for in this part, except that supplies, affidavits, and ballots may be mailed to absentee electors residing outside the continental limits of the United States at any time after the issuance of the election proclamation. The superintendent shall maintain a file of all applications received together with a record of the names and addresses of all persons to whom absentee ballots are mailed, including date of mailing, and shall write across the margin of each such ballot the words "Absentee Ballot," with the date of issuance marked thereunder.

§ 73.6 *Execution of instrument authorizing elector to cast ballot for absentee.* Any qualified absent elector who desires to exercise the right of suffrage shall, by an instrument in writing, executed by him at any time after the issuance of the election proclamation and prior to the date of any quadrennial tribal election, authorize any elector of the tribe to cast for him his vote, or ballot, in the manner prescribed in this part, for all officers for whom he would have a right to vote if he were present at such election; said instrument shall be signed by such absent elector, and sworn to before the clerk of a court of record or notary public, or other officer or person authorized to administer oaths.

§ 73.7 *Affidavit by absent elector.* The said absent elector shall make and subscribe an affidavit in the form or of the effect following:

I, A. B., do solemnly swear (or affirm) that I am a member of the Osage Tribe of Indians; that I will be twenty-one years of age or over at the election date; that I am now a resident of ----------; and that I will be unavoidably absent from Osage County, Oklahoma, because of ---------- (that I am incapacitated by illness or physical disability), and will be unable to appear at the polls in Pawhuska, Oklahoma, on election day.

Subscribed and sworn to before me this ---------- day of ------, 19--.

Provided, however, That any elector incapacitated because of illness or physical disability and seeking an absentee ballot shall obtain from an attending physician a certificate stating that the elector is physically incapacitated and cannot appear at the polls. Such certificate shall accompany the absentee ballot as prescribed in this section.

§ 73.8 *Preparation of absentee's ballot; form of instrument.* (a) The said absent elector shall prepare and fold the ballot he intends to cast at such election, and enclose the same, together with the said affidavit mentioned in § 73.7, in an envelope. This envelope shall have either written or printed on the outside thereof the affidavit set out in this section, which shall also be duly subscribed and sworn to by the absentee voter. The said envelope shall be duly sealed and enclosed by him in another envelope, marked "Absentee's Vote," and directed to the elector authorized by said absent elector, to cast the ballot, and said absent elector shall then transmit or deliver the same to the person to whom it is directed.

The aforcsaid instrument shall be in words or of the effect following, viz:

I, A. B., a qualified elector of the Osage Tribe, will be absent from Osage County, Oklahoma, and therefore unable to appear at the polls in Pawhuska on election day, and do hereby authorize and direct ------ ---------- (name of agent), a qualified elector of the Osage Tribe, to cast for me the ballot herewith enclosed at the quadrennial tribal election to be held at Pawhuska, Oklahoma, on the ---------- day of ----------, 19---, in the manner prescribed by the Commissioner of Indian Affairs.

§ 73.9 *Casting of absentee ballot.* (a) The elector to whom such letter shall be directed may open the outer envelope thereof, but he shall not open the inner envelope, on the day of such election, and between the opening and closing of the polls thereof, he shall deliver such inner envelope to the supervisor of the election board at the polls, and if the person whose name shall be signed to the affidavit on the outside of the envelope shall be determined by the said supervisor to be duly qualified voter of the Osage Tribe, said envelope shall be by the judges of said election publicly opened and the ballot therein contained shall be duly deposited in the box prepared to receive the ballot of voter, and the name of such absent elector shall be entered upon the poll list, together with the name of the person delivering the ballot at the polls. The ballot, contained in any such envelope which shall have been opened or unsealed before the same shall have been delivered to the supervisor of the election board, shall not be deposited in the ballot box but shall be rejected.

(b) The affidavits and instruments described above in this part, and all envelopes marked "Absentee's Vote", not opened at the election shall be kept and filed by the supervisor in the same manner and place as poll lists of such elections are required by this part to be filed and kept.

§ 73.10 *Oath of person casting absentee's ballot.* The person to whom an absentee's ballot shall be sent as provided in this part shall, at the time of delivering the same to the superyisor to be deposited in the ballot box, also make his statement or affirmation, in writing, setting forth that the ballot or ballots therewith presented have been received by him to deliver to said supervisor, and that he has not in any manner changed, altered, or opened the said ballot, or the inner envelope thereof, and that he believes that same have not been changed, altered or opened by any other person.

§ 73.11 *Printing of proclamation, ballots, forms, envelopes, affidavits, etc.* The superintendent of Osage Agency is authorized and directed to prepare and have printed at the cost of the Osage Tribe, the election proclamation, ballots, necessary blank forms and envelopes required to carry out the provisions of this part, relative to voting of qualified electors of the Osage Tribe; and shall have the affidavits required by this part relative to absentee voting to be printed in blank upon the proper envelopes, and shall send one copy of each blank form, envelope, and of the sections of this part relative to absentee voting to each person making application for absentee ballots.

§ 73.12 *Nominations to be by conventions and petitions.* Conventions shall be held in Osage County, Okla., on or before the first Monday in April of the year in which a quadrennial election is held, and written reports of such conventions, duly certified by the secretary or presiding officer, showing total number of qualified electors in attendance, together with the names of candidates nominated for the various offices: *Provided,* That at least 25 qualified electors shall have been in attendance at any such convention; also, names of any independent candidates nominated by petition of not less than 25 qualified electors, each signature to be witnessed by 2 persons, shall be filed with the superintendent of the Osage Agency not later than 5:00 p. m. on the first Monday in April of the year in which a quadrennial election is held in order that such names may be placed on the official ballot.

§ 73.13 *Voting place.* The superintendent of the Osage Agency shall designate a room in the office building or Osage Auditorium where the election board shall assemble and make necessary preparations for receiving prospective voters and see to it that voting booths are arranged to afford privacy. The election board shall also hold the place of voting open and deliver and receive ballots between the hours of 8:00 a. m. to 8:00 p. m. without intermission on date of election.

§ 73.14 *Duties of board.* The supervisor or, in his absence, the assistant supervisor, shall be chairman of the election board and shall see that the rules prescribed for conducting the election are faithfully carried out. The ballots shall be handed out by a judge to the electors as they present themselves to vote, after being identified by a clerk, who shall be supplied with a copy of the Osage roll, or an extract thereof showing the names and allotment numbers of those qualified to vote, and written list of names of voters to whom ballots are delivered shall be kept by a clerk of the board. In the event of mutilation of a ballot and application of the elector for another, the supervisor shall, upon surrender of the mutilated ballot, have another issued in lieu thereof and such mutilated ballot shall be retained with other records pertaining to said election. A judge shall receive the ballot after the elector has indicated his choice thereon by placing an "×" mark with a stencil opposite the name of each candidate for whom he desires his vote counted and shall deposit same in the ballot box. The duties of the remaining judge, in conjunction with the supervisor and interpreters, will be to read the names on the ballot when requested so as to identify the candidates or furnish such other information as may be desired in that connection; also, assist prospective electors unable through illiteracy or physical incapacity to cast votes for candidates of their choice.

§ 73.15 *Ballot.* A ballot showing names and offices for which each candidate has been nominated shall be printed and space shall be provided therein for inserting names of any members of the tribe qualified to hold office, whose name does not appear on the ballot. Should elector so desire to cast his vote for such individual, he shall write his name in such space and indicate his preference in the same manner as others whose names are printed in the ballot for whom he votes. While any faction or group has the right to nominate any candidate it chooses in accordance with the regulations prescribed in this part, the names of such candidates shall be printed on the ballot in the manner and order set forth, viz:

Under the heading, Principal Chief, with notation to vote for one, shall appear names of all candidates for that office. Similarly for Assistant Chief. Under the heading, Members of Council, with notation to vote for eight, shall appear names of all candidates for Council. Names of candidates for office shall appear only once on ballot, regardless of the fact that they may have been nominated on more than one ticket. The order in which names of qualified candidates for office will be placed on the ballot shall be by lot method of drawing, in a manner to be determined by the Tribal Council, and to be free from or regardless of party or factional affiliations. All ballots shall be numbered numerically and record kept of any that may be mutilated, canceled, or used as samples.

§ 73.16 *Ballot box to be locked.* When all else is in readiness for the opening of the polls the supervisor shall, open the ballot box in view of the other election officers, shall turn same top down to show that no ballots are contained therein, and shall then lock the box and retain the key in his possession until after the polls are closed and the count of the ballots is started.

§ 73.17 *Challenge of right to vote.* Any member of the tribe may have the right to challenge any elector's qualifications to vote and it shall be the duty of the supervisor and the judge of the board to make such investigation then and there as they deem essential, and decide the question of such person's qualifications as an elector and his right to cast or not cast the ballot.

§ 73.18 *Electioneering or congregating near polls.* No person shall be allowed to electioneer within the building where and when the election is in progress and it will be the duty of the supervisor to request the detail of a police officer to assist him in maintaining order about the building during the progress of the election.

§ 73.19 *Manner of counting following the close of polls.* Promptly at one minute past 8:00 o'clock p. m. the Supervisor in the presence of the election board shall open the ballot box and move slide on inside of box closing the opening in which ballots are inserted and thereafter shall immediately and in the presence of said board close and lock the ballot box until the count of the ballot is to be started. The Supervisor shall then in the presence of the election board unlock and open ballot box, after which the count shall be started. The Supervisor and not less than two of the Judges shall remain continuously in the room until the ballots are finally counted. Two Judges shall act as official counters and the Clerks shall each record the vote upon a sheet opposite the name of the respective candidate for which the vote is cast, and shall continue this manner of recording until all votes have been counted. The duties of the remaining officials of the election board will be to assist in the counting and recording of each vote cast correctly and after the ballot has been counted it shall be pierced by a needle and string and after all ballots have been so treated both ends of the string shall be tied and the ballots deposited with the list of names of voters kept by the Clerk during the election in the ballot box which shall then again be locked and the keys retained by the Supervisor. After the ballot box is securely locked the Supervisor shall not again open it, but shall deliver said box in that condition to the Superintendent of the Osage Agency, and the box shall be retained in a safe place by said Superintendent, until opened by order of the Supervisor or the election board in the event a contest is filed. In no event shall the ballots be destroyed for a period of at least 180 days after the election is held.

§ 73.20 *Sworn statement of count to be made by election board.* A statement pertaining to the conduct of the election; correctness of vote tallied opposite each candidate, in which shall be incorporated the names of each candidate declared to have been elected, with designation of office and total number of votes credited each, shall be prepared and duly acknowledged before an officer qualified to administer oaths, which instrument shall, with the keys to the ballot box, be delivered by the supervisor to the superintendent of the Osage Agency for appropriate disposition.

§ 73.21 *Notification of election of tribal officers.* The superintendent of the Osage Indian Agency shall in due time give written notice to candidates of their election to the various tribal offices and as soon thereafter as practicable such tribal officers shall appear and subscribe to oath of office before an officer qualified to administer oaths and such oaths shall be delivered to the superintendent and by him transmitted to the Commissioner of Indian Affairs.

§ 73.22 *Failure of any member of election board to serve.* If a member of the election board desires to be relieved from duty for any cause he shall notify the superintendent in writing to that effect and the Principal Chief shall be called upon by him to designate someone else and with the approval of the superintendent such substitute shall serve in the capacity of this designation as a member of the election board.

§ 73.23 *Manner of contesting election.* Any candidate for the office of Principal Chief, Assistant Principal Chief or the Osage Tribal Council may, at any time before noon on Monday next following the Tribal election, file with the Supervisor, or in his absence, the Assistant Supervisor, a challenge of the correctness of the announced results of said Tribal election and request a recount of the ballots and shall accompany his application with the sum of not less than $60.00. It shall then be the duty of the election board or the Supervisor to order said recount and proceed with the same as provided in this part.

§ 73.24 *Deposit for expenses.* Said deposits shall be used by the said board to defray the actual expenses of said recount and any balance not so used shall be returned to said contestant.

§ 73.25 *Notice of contest.* It shall be the duty of the Supervisor, or in his absence, the Assistant Supervisor, to serve upon the contestee, or contestees, directly affected by such challenge or contest, a true copy of said written application, the original of which is required to be filed with the Supervisor. Said

service shall be made in person, where possible, within twenty-four hours after the filing of said original challenge or contest, and where personal service is impossible within such time, on account of the absence of contestee, or contestees, from Osage County, or for any other reason, it is hereby made the duty of the Supervisor to serve said true copy upon the Superintendent of the Osage Indian Agency, provided that for the purpose of such constructive service, the Superintendent of the Osage Indian Agency is hereby made and constituted the service agent of each and every candidate in all Tribal elections, and by filing petition as a candidate, such candidate shall thereby be presumed conclusively to have accepted the terms and provisions hereof and specifically the constructive service as aforesaid.

Subchapter H—Economic Enterprises

PART 81—INDIAN BUSINESS CORPORATIONS UNDER SEC. 17 OF THE INDIAN REORGANIZATION ACT [RESERVED]

PART 82—ALASKAN NATIVE BUSINESS CORPORATIONS ORGANIZED UNDER SEC. 17 OF THE INDIAN REORGANIZATION ACT OR THE ALASKA ACT [RESERVED]

PART 83—INDIAN BUSINESS CORPORATIONS UNDER THE OKLAHOMA INDIAN WELFARE ACT [RESERVED]

PART 89—COMMERCIAL FISHING ON RED LAKE INDIAN RESERVATION

Sec.
89.1 Authority for association to engage in commercial fishing.
89.2 Indians' right to fish limited.
89.3 Indians eligible for association membership.
89.4 Superintendent may suspend fishing operations.
89.5 Leasing of State fishing plant.
89.6 Application for association membership.
89.7 Membership limitation.
89.8 Association bylaws.
89.9 Limitations on commercial fishing by members and nonmembers of association.
89.10 Employment of manager.
89.11 Manager's duties.
89.12 Bond.
89.13 Records.
89.14 Annual audit required.
89.15 Payment for fish purchased.
89.16 Trust funds.
89.17 Association funds.
89.18 Disposition of fish.
89.19 Limitation on season's catch.
89.20 Limitation on fishing equipment.

AUTHORITY: §§ 89.1 to 89.20 issued under R. S. 161; 5 U. S. C. 22.

§ 89.1 *Authority for association to engage in commercial fishing.* It appearing that commercial fishing profitably may be done in the waters of the Red Lakes, on the Red Lake Indian Reservation, in the State of Minnesota, and certain Indians of said reservation having heretofore organized and incorporated the Red Lake Fisheries Association under the laws of the State of Minnesota for the purpose of engaging in the business of producing and marketing fish, and the Red Lake Reservation being an unceded, unallotted Indian reservation under the exclusive jurisdiction and control of the United States, authority is hereby granted said association to do commercial fishing in the waters of the Red Lakes on said reservation and to engage in said business only in accordance with the rules and regulations of this part: *Provided*, That said association is recognized only as an instrumentality of the United States for the purpose of doing said fishing and conducting said business in the interest of said Indians: *And provided further*, That the United States does not surrender, relinquish, or modify its exclusive jurisdiction and control over the Red Lake Reservation, the Red Lake Indians or their property, or concede or acknowledge any right, power, or authority of the State of Minnesota, its courts or officials, or said association or any other agency, to in any way supervise, control, or administer the affairs of said reservation or said Indians or their property: *And provided further*, That the authority hereby granted to engage in said business may at any time be cancelled and withdrawn, and the rules and regulations contained in this part likewise may be modified or amended.

§ 89.2 *Indians' right to fish limited.* Fish may be taken from the waters of upper and lower Red Lakes, on the Red Lake Indian Reservation, in Minnesota, during the period from May 15 to November 15 in any year only by the Indians duly enrolled and belonging on said reservation.

§ 89.3 *Indians elegible for association membership.* The Indians may become members of, and market their fish through, the Red Lake Fisheries Association.

§ 89.4 *Superintendent may suspend fishing operations.* All fishing operations for commercial purposes may be suspended at any time by order of the superintendent of said reservation.

§ 89.5 *Leasing of State fishing plant.* The association is hereby authorized to take from the State of Minnesota a lease on the fisheries plant and hatchery at Redby, Minnesota, or either of them; but the terms and conditions of such lease shall be subject to the approval of the Commissioner of Indian Affairs.

§ 89.6 *Application for association membership.* Application for membership in the association must be submitted to, and approved by, the board of directors. A certificate of membership shall be issued to members; but no membership fee, license, or charge shall be required of applicants.

§ 89.7 *Membership limitation.* Each Indian family shall be limited to one membership in the association, but single male Indians over 21 years of age shall be entitled to a membership.

§ 89.8 *Association bylaws.* The bylaws of the association shall conform to the rules and regulations in this part, and such changes or amendments as hereafter may be made. Any member who shall fail to comply with the rules and regulations in this part may be expelled from membership by the superintendent of the reservation, and any member who shall fail to comply with the bylaws of the association may be expelled by a majority vote of the members present and voting.

§ 89.9 *Limitations on commercial fishing by members and nonmembers of association.* (a) Fish may be taken for commercial purposes only by members of the association: *Provided, however*, That any Indian duly enrolled and belonging on said reservation may take fish at any time for his own use, and may sell fish taken by him (1) to other Indians of the reservation, (2) to licensed traders on the reservation for the purpose of resale to Indians, and (3) to white citizens during the open season, in such quantities, of the size and varieties as may be taken with hook and line, transported and possessed by white citizens as provided by the laws of the State of Minnesota.

(b) No Indian shall sell fish in any quantity outside the reservation, except in accordance with the laws of the State of Minnesota.

(c) No Indian shall take a variety of fish during its spawning season, except for propagation purposes.

(d) Any Indian violating the provisions of this section shall forfeit his membership in the association and his right to take fish for any purpose for a period of 3 months.

§ 89.10 *Employment of manager.* The board of directors of the association shall employ a manager, selected by the Commissioner of Game and Fish of the State of Minnesota, and such other help as may be necessary; and they shall have the power to fix the compensation of persons thus employed.

§ 89.11 *Manager's duties.* The manager shall have the general supervision of the business of the association. He shall direct the production, sorting, packing, transportation and sale of fish and other products handled by the association, the time of fishing, the quantity, kind and size of fish to be taken and the method of taking same; subject, however, to the superior supervision and control of the Commissioner of Indian Affairs.

§ 89.12 *Bond.* The manager and any other employee or officer of the association who has custody or control of the receipts and disbursements of the association shall be required to give a surety bond in the sum of not less than $10,000.

§ 89.13 *Records.* Books and records of the business of the association shall be kept showing all receipts and disbursements, the names and addresses of all persons from whom fish are purchased and to whom fish are sold, and all other transactions of the association; and such books and records shall at all times be open to inspection by the superintendent of the Red Lake Reservation or his duly authorized agent.

§ 89.14 *Annual audit required.* The board of directors shall examine all accounts at their regular monthly meetings and shall have the books of the association audited at least once a year, such audit to take place during the 30 days preceding the annual meeting and a full and complete report of such audit shall be made to the superintendent of the reservation on or before the date of the annual meeting.

§ 89.15 *Payment for fish purchased.* Members shall be paid bi-weekly for the fish purchased from them by the association, the price to be determined by the manager and to be such as to insure the payment of (a) and (b) of this section. The proceeds of the business shall constitute a fund which shall be distributed as follows:

(a) Current operating and maintenance expenses shall be paid.

(b) Five percent of the gross receipts from the fish purchased by the association from its members shall be paid into the Treasury of the United States, to be credited to the tribal funds of the Red Lake Indians.

(c) A certain percentage to be determined by the board of directors of the association shall be set aside for an operating capital.

(d) After making the above deductions the remaining amount shall be paid at least annually to the members on a patronage basis, to be determined by the board of directors from the quantity and kind of fish purchased by the association from its respective members.

§ 89.16 *Trust funds.* All receipts from the sale of fish taken from waters on the Red Lake Reservation shall be trust funds, subject to the control of the Commissioner of Indian Affairs, and shall be distributed as provided in § 89.15 till otherwise directed by a modification or amendment of the rules and regulations in this part.

§ 89.17 *Association funds.* The funds of the association shall be kept in a depository selected by the board of directors, and withdrawn only on vouchers signed by the secretary-treasurer and countersigned by the manager.

§ 89.18 *Disposition of fish.* All marketable fish must be delivered in good condition to the association at its place of business at Redby, Minnesota. All unmarketable live fish must be returned to the waters, and all unmarketable dead fish must be buried by the person taking same.

§ 89.19 *Limitation on season's catch.* A total of not to exceed 650,000 pounds of fish may be taken in any one season, exclusive of rough fish and fish taken for propagation purposes.

§ 89.20 *Limitation on fishing equipment.* (a) Any variety of fish may be taken by Indians from any of the waters on the Red Lake Reservation by hook and line; and from Upper and Lower Red Lakes by gill nets, pound nets, or trap nets.

(b) Each member of the association shall be limited to five gill nets of 300 feet in length and 6 feet in depths.

(c) Gill nets for taking pike shall have a mesh of not less than 3¾ inches extension measure.

(d) Gill nets for taking whitefish shall have a mesh of not less than 5½ inches extension measure.

(e) Pound nets may be used for taking fish for propagation purposes.

(f) Tap nets in accordance with the specifications and directions of the manager may be used for taking fish of any variety.

PART 90—REINDEER IN ALASKA

DECLARATIONS OF OWNERSHIP

Sec.
90.1 Agent.
90.2 Filing of form.
90.3 Receipt of form.

AUTHORITY: §§ 90.1 to 90.3 issued under sec. 12, 50 Stat. 902; 48 U. S. C. 250k. Interpret or apply sec. 3, 50 Stat. 900; 48 U. S. C. 250b.

§ 90.1 *Agent.* The General Reindeer Supervisor at Nome, Alaska, is hereby designated as the duly authorized agent of the Secretary of the Interior, with whom all declarations of reindeer ownership required by the act of September 1, 1937 (50 Stat. 900; 48 U. S. C. 250–250p), must be filed within the time limits specified in the act.

§ 90.2 *Filing of form.* Pursuant to the provisions of section 3 of the act, declarations of ownership of reindeer in Alaska should be made by claimants upon the prescribed form. This form should be executed in quadruplicate. All four copies should be submitted in person or by mail to the General Reindeer Supervisor, Nome, Alaska, who has been designated as the duly authorized agent of the Secretary of the Interior pursuant to section 3 of the aforementioned act. Envelopes containing declarations of ownership of reindeer which are mailed to said agent must bear postmarks not later than midnight of September 1, 1938, in order to meet the requirements of the law. All declarations submitted in person by the owner, or his representative, must be filed with said agent at his office at Nome, Alaska, on or before 5 o'clock p. m., September 1, 1938.

NOTE: Copies of the form mentioned may be obtained from the General Reindeer Supervisor, Nome, Alaska.

§ 90.3 *Receipt of form.* Upon receipt of each person's declaration of ownership of reindeer in Alaska, the General Reindeer Supervisor shall sign the receipt thereof in the proper place in the form, and shall submit two copies of the declaration to the Commissioner of Indian Affairs, retain one copy in his record, and return one copy to the claimant. All declarations of ownership of reindeer in Alaska which are included in the records of the office of the General Reindeer Supervisor shall be kept open to public inspection in Alaska in accordance with section 3 of said act.

Subchapter I—Credit Activities

Subchapter I—Credit Activities

PART 91—GENERAL CREDIT TO INDIANS

Sec.
91.1 Purpose.
91.2 Eligible borrowers.
91.3 Application.
91.4 Purpose of loans.
91.5 Approval of loans.
91.6 Interest.
91.7 Records and reports.
91.8 Maturity.
91.9 Security.
91.10 Penalties on default.
91.11 Assignment.
91.12 Tribal funds.
91.13 Relending by borrower.
91.14 Repayments.
91.15 Charters.
91.16 Educational loans.
91.17 Amendments to articles of association and bylaws.
91.18 Loans to Navajo and Hopi Indians.
91.19 Loans to encourage industry.

AUTHORITY: §§ 91.1 to 91.19 issued under sec. 10, 48 Stat. 986; 25 U. S. C. 470. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 91.1 *Purpose.* The purpose of this part is to prescribe the terms and conditions of loans to Indian chartered corporations, unincorporated tribes and bands, credit and cooperative associations, and individual Indians from the United States, in order to promote the economic development of the borrower.

§ 91.2 *Eligible borrowers.* Loans may be made from revolving credit funds to Indian chartered corporations; recognized tribes and bands; credit associations organized pursuant to the Oklahoma Indian Welfare Act or whose form of organization has been approved by the Commissioner of Indian Affairs; other cooperative associations whose members are not eligible to borrow from incorporated or unincorporated tribes or bands; and members of Indian tribes or their descendants of at least one-quarter degree of Indian blood. Unless otherwise authorized by the Commissioner of Indian Affairs, individual Indians shall not be eligible for loans if they are members of a corporation, tribe, or band which is conducting credit operations, or if they are eligible for loans from a credit association.

(Sec. 13, 48 Stat. 986; 25 U. S. C. 473)

§ 91.3 *Application.* An applicant for a loan will submit an application on a form approved by the Secretary or his authorized representative. Such application will indicate the purposes for which the loan is to be used, the period of the loan, the interset to be paid, the security to be offered, and the procedures to be followed in handling and repaying the loan.

§ 91.4 *Purpose of loans.* Borrowers from the United States, except individual Indians, may use funds borrowed to make loans to individual members, cooperative associations, and subordinate bands, for any purpose which will promote the economic development of the group or individual, and to finance corporate or tribal enterprises. Eligible individual Indians may receive loans from the United States to promote their economic development.

§ 91.5 *Approval of loans.* Loan agreements must be executed on a form approved by the Secretary or his authorized representative. The borrower will furnish security, if available, up to an amount adequate to protect the loan. The Secretary or his authorized representative will approve the loan by issuing a commitment order covering the terms and conditions for making the loan. Any modification of the terms of the contract must be agreed to in writing by the

borrower and the Secretary or his authorized representative.

§ 91.6 *Interest.* (a) On loans by the United States, borrowers shall pay interest at the rate specified in the loan agreement, which shall be as follows: (1) Two percent per annum on loans made to Indian chartered corporations and unincorporated tribes and bands, where the loan is for the purpose of enabling the borrower to make loans to individual members, cooperative associations, and subordinate bands; (2) two percent per annum on loans made to credit associations; (3) not less than four percent per annum nor more than five percent per annum on loans made to finance corporate or tribal enterprises, except that two percent per annum shall be charged on loans to enterprises financed from the loan fund authorized by the act of April 19, 1950 (64 Stat. 45); and (4) not less than four percent per annum nor more than six percent per annum on loans made to individuals for other than educational purposes, and on loans made to cooperative associations, other than credit associations.

(b) On loans by Indian organizations, borrowers shall pay interest at the rates specified in their loan agreements with such organizations, but the rates shall be not less than those charged the organizations by the United States.

(c) On all of the foregoing loans, interest shall be calculated on the basis of 360 days per annum.

(d) Nothing contained in this section shall be deemed to affect the rate of interest on loan agreements in effect April 13, 1953, or on the unpaid balance of such loan agreements which is made payable under another loan agreement entered into or modified after April 13, 1953. The date of maturity of any indebtedness under any loan agreement entered into prior to April 13, 1953, shall not be extended.

§ 91.7 *Records and reports.*[2] Borrowers shall keep separate records and accounts of their credit activities and make signed reports as directed by the Commissioner.

§ 91.8 *Maturity.* The period of maturity of the loan should be determined according to the circumstances, except that 30 years shall be the maximum.

§ 91.9 *Security.* Loans shall be secured by such securities as the Secretary or his authorized representative may require. Unless otherwise provided in the loan agreement, title to all property purchased by a borrower with a loan from the United States shall be taken in the name of the borrower. All securing documents shall be filed or recorded in accordance with State or Territorial law.

§ 91.10 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security, and in the case of individuals and cooperative associations, the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower, or against officers of corporations, unincorporated tribes or bands, and credit and other cooperative associations.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of credit funds under the control of the borrower.

(f) Withdraw any unobligated funds from the borrower.

(g) In the case of corporations, unincorporated tribes and bands, and credit associations, require that all repayments on loans be applied to liquidate the indebtedness to the United States.

(h) In the case of credit associations, take possession of the assets of the borrower and exercise or arrange for the exercise of its powers until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

(i) In the case of corporate and tribal enterprises and cooperative associations, to liquidate or operate, or arrange for the operation of the enterprise or association, until its indebtedness is paid or until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 91.11 *Assignment.* A borrower may not assign his loan agreement or any interest therein to a third party without the consent of the Secretary or his authorized representative.

§ 91.12 *Tribal funds.* (a) Tribal funds may be advanced to corporations and unincorporated tribes and bands, when authorized by Congress, upon request of the governing body and approval by the Commissioner, for the establishment of enterprises and for relending in accordance with paragraphs (b) and (c) of this section and § 91.13. No interest shall be paid to the United States on such funds.

(b) Support loans may be made to old, indigent, or disabled members, and loans may be made for burial expenses of members, when there is reasonable assurance that the loans will be repaid. Interest may be waived on such loans.

(c) Individuals need not be of at least one-quarter degree of Indian blood in order to receive loans of tribal funds, but must be members of the corporation, tribe, or band to which the funds belong.

(d) Failure of a corporation or unincorporated tribe or band to use tribal funds advanced under authority of paragraph (a) of this section in accordance with the regulations and the purposes for which requested, shall be grounds for any one or all of the following steps to be taken by the Commissioner:

(1) Discontinue further advance of funds requested.

(2) Require that the entire amount advanced be returned to the Treasury.

(3) Prevent further disbursement of tribal funds under the control of the corporation, tribe, or band.

(4) Withdraw any unobligated funds from the corporation, tribe, or band and deposit the same in the Treasury.

(5) Require that all repayments on loans made by the corporation, tribe, or band, be used to replace funds advanced to the corporation, tribe, or band from the Treasury.

(6) In the case of enterprises operated with tribal funds, to liquidate or operate or arrange for the operation of the enterprise, until all tribal funds advanced to the corporation, tribe, or band have been replaced in the Treasury, or until the Commissioner has received acceptable assurance that the funds will be replaced, or that the enterprise will be operated in a manner satisfactory to him.

§ 91.13 *Relending by borrower.* (a) Funds loaned by the United States to a corporation, tribe, band, or credit association, may be reloaned by it, with the approval of the Commissioner or his authorized representative, but the Commissioner may authorize such lenders to approve applications for particular types of loans up to a specified amount.

(b) Such loans shall be secured by such securities as the lender and the approving officer may require. Individually owned trust or restricted land may be mortgaged for such loans in accordance with § 121.52 of this chapter. All securing documents shall be filed or recorded in accordance with State or Territorial law.

(c) Unless otherwise authorized by the Commissioner in the case of particular loans, title to property purchased with such loans received from such relending organizations shall be taken in the name of the borrower.

§ 91.14 *Repayments.* Repayments on loans by the United States shall be made to the Bureau of Indian Affairs designated collection officer who shall issue an official receipt therefor.

(Secs. 1, 6, 49 Stat. 1250, 1968, 62 Stat. 211, sec. 4, 64 Stat. 45; 25 U. S. C. 473a, 506, 482, 634)

§ 91.15 *Charters.* The Commissioner of Indian Affairs may issue charters to credit and other cooperative associations of ten or more members in Oklahoma whose articles of association and bylaws have been approved by him.

(Sec. 4. 49 Stat. 1967; 25 U. S. C. 504)

§ 91.16 *Educational loans.* Loans for educational purposes may be made under the regulations in this part. The interest rate on loans by the United States shall be three percent per annum. The rate on loans by Indian organizations shall be not less than two percent per annum, and may not exceed the rate charged borrowers on loans for other purposes.

§ 91.17 *Amendments to articles of association and bylaws.* The Commissioner of Indian Affairs may approve amendments to articles of association and bylaws of credit and cooperative associations originally approved by the Secretary.

§ 91.18 *Loans to Navajo and Hopi Indians.* Loans to the Navajo and Hopi Tribes, or any member or association of members thereof, from the loan fund authorized by the act of April 19, 1950 (64 Stat. 45) shall be subject to the regulations of this part, except that the interest rate on any loans made to refinance loans received from the revolving fund authorized by the acts of June 18, 1934 (48 Stat. 986) and June 26, 1936 (49 Stat. 1967), as amended and supplemented, shall be at the rate of interest specified in the original loan agreement.

(Sec. 4, 64 Stat. 45; 25 U. S. C. 634)

§ 91.19 *Loans to encourage industry.* Loans may be made to any organization of Indians for use in attracting industries to operate in localities where such use will promote the economic development of Indians. Such loans may be made only to groups of Indians having a form of organization acceptable to the Secretary and at interest rates and under terms and conditions found by the Secretary in the particular case to be in the public interest and conducive to the accomplishment of the purpose intended. No such loans shall be effective until approved by the Secretary.

(Secs. 1, 6, 49 Stat. 1250, 1968, 62 Stat. 211, sec. 4, 64 Stat. 45; 25 U. S. C. 473a, 506, 482, 634)

PART 92—REVOLVING CATTLE POOL

Sec.
92.1 Definitions.
92.2 Purpose of part.
92.3 Eligible borrowers.
92.4 Application.
92.5 Purpose of loans.
92.6 Approval of loans.
92.7 Modifications.
92.8 Interest.
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92.10 Maturity.
92.11 Security.
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92.13 Branding.
92.14 Penalties on default.
92.15 Assignment.
92.16 Sales and exchanges.
92.17 Repayments.
92.18 Cash settlements.
92.19 Deposit of funds.
92.20 Relending by corporations and tribes.

AUTHORITY: §§ 92.1 to 92.20 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply secs. 1, 2, 64 Stat. 190; 25 U. S. C. 442, 443.

§ 92.1 *Definitions.* Wherever used in the regulations in this part, the terms defined in this section shall have the meaning stated.

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Corporation" means an Indian corporation chartered under section 17 of the act of June 18, 1934 (48 Stat. 988; 25 U. S. C. 477).

(d) "Tribe" means an unincorporated Indian tribe or band. A tribe shall be deemed to include any band, pueblo, or group of Indians residing on one reservation having a form of organization recognized by the Commissioner.

(e) "Loans" mean both loans of cattle repayable in kind and assignments of cattle under agreements requiring maintenance of the number and other operating conditions.

(f) "Corporate enterprise" means a business operated by a corporation.

(g) "Tribal enterprise" means a business operated by a tribe.

(h) "Area Director" means the officer in charge of the area office of the Indian Service, or his successor in office, under which the borrower is placed for administrative purposes. The authority of the Area Director under the regulations in this part may be delegated by him in writing to his subordinates in the area office.

(i) "Superintendent" means the Superintendent of the Indian Agency under which the borrower is operating.

§ 92.2 *Purpose of part.* The purpose of the regulations in this part is to prescribe the terms and conditions of loans of cattle by the United States to corporations and tribes, and loans of cattle by a corporation or tribe to its members. All loans shall be for the purpose of promoting the economic development of the borrower. Sections 92.3 to 92.19, inclusive, shall govern loans of cattle by the United States. Loans of cattle by corporations and tribes originating in loans of cattle to such organizations by the United States, or purchased with cash loans or advances of tribal industrial assistance funds under the regulations in Part 91 of this chapter, shall be governed by the provisions of § 92.20.

§ 92.3 *Eligible borrowers.* Loans of cattle may be made only to corporations and tribes.

§ 92.4 *Application.* The application shall be submitted on a form approved by the Commissioner, and shall indicate the period of the loan, the interest, if any, to be paid, the security offered, and the procedures to be followed in handling and repaying the loan.

§ 92.5 *Purpose of loans.* Cattle loaned to corporations and tribes may be used in the operation of corporate or tribal enterprises and to make loans to individual members, in order to promote the economic development of the group or individual.

§ 92.6 *Approval of loans.* All loans of cattle shall require the approval of the Commissioner. Loan agreements must be executed on a form approved by the Commissioner. Applications may be approved either as submitted, or by issuance of commitment orders covering the terms and conditions of making the loans. Commitment orders shall be unconditionally accepted by borrowers.

§ 92.7 *Modifications.* Modifications of loan agreements shall be handled through the same channels as the original agreements.

§ 92.8 *Interest.* Interest may be charged on loans of cattle by the United States at a rate as nearly equivalent as possible to one head for each ten head loaned for a period not exceeding twenty-five years.

§ 92.9 *Records and reports.* Corporations and tribes shall keep separate records and accounts of their cattle loans, and make reports as directed by the Commissioner.

§ 92.10 *Maturity.* The period of maturity of loans of cattle shall be determined according to the circumstances, except that twenty-five years shall be the maximum.

§ 92.11 *Security.* Corporations and tribes shall furnish security, if available, up to an amount adequate to protect the loan. Loans may be secured by the assignment of notes, chattel mortgages, income, liens (except on trust or restricted land), and such other securities as the Commissioner may require.

§ 92.12 *Title.* Title to all cattle loaned to corporations and tribes, the increase therefrom, cattle received in repayment of loans made by the corporations and tribes, and any "lieu" cattle to replace animals loaned, shall be in the United States in trust for the corporation or tribe until the cattle are loaned to individual members under the provisions of § 92.20.

§ 92.13 *Branding.* All cattle loaned by the United States for use in corporate or tribal enterprises shall be branded or marked "ID" and with the brand or mark of the enterprise. All cattle loaned by the United States for relending under the provisions of § 92.20 shall not be branded or marked "ID".

§ 92.14 *Penalties on default.* Unless otherwise provided in the loan agreement, failure of a corporation or tribe to conform to the terms of its loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner:

(a) Take possession of any or all collateral given as security.

(b) Prosecute legal action against the corporation or tribe or against officers of the corporation or tribe.

(c) Declare the loan immediately due and payable.

(d) Prevent further loans of cattle under the control of the corporation or tribe, repossess any cattle which have not been reloaned, and require that repayments on loans made by the corporation or tribe be applied to liquidate its indebtedness to the United States.

(e) In the case of corporate and tribal enterprises, liquidate or operate, or arrange for the operation of the enterprise until its indebtedness is paid, or until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 92.15 *Assignment.* A corporation or tribe may not assign its loan agreement or any interest therein to a third party without the written consent of the Commissioner.

§ 92.16 *Sales and exchanges.* Superintendents may grant corporations and tribes permission to sell or exchange cattle for which repayment has not been made, provided the interest of the United States in the loan will not be jeopardized.

§ 92.17 *Repayments.* Repayments of cattle to the United States shall be made to a bonded Government disbursing agent or his authorized representative, who shall issue receipts for all such pay-

[2] These sections refer to borrowers other than individual borrowers from the United States.

ments. With the prior approval of the Commissioner, cattle repaid to the United States may be sold under applicable authority governing the sale of Government-owned property.

§ 92.18 *Cash settlements.* When authorized by the Commissioner, corporations, tribes, cooperative associations, and individual Indians indebted to the United States for loans of cattle, may settle obligations in cash in lieu of cattle, and any obligation payable in cattle which is not yet due may be converted to a cash obligation. The value of the livestock for the purpose of any such cash settlement or conversion shall be based on prevailing market prices in the area and shall be ascertained by a committee composed of three members, one of whom shall be selected by the superintendent, one of whom shall be selected by the chairman of the tribal council, and one of whom shall be selected by the other two members.

§ 92.19 *Deposit of funds.* The proceeds of the sales of cattle repaid to the United States, and of cash accepted in lieu of cattle, shall be deposited in the United States Treasury to the credit of the revolving fund established pursuant to the acts of June 18, 1934 (48 Stat. 986), and June 26, 1936 (49 Stat. 1967), as amended and supplemented, in accordance with instructions of the Commissioner.

§ 92.20 *Relending by corporations and tribes.* Corporations and tribes receiving either loans of cattle from the United States, or cash loans from the revolving credit fund and advances of tribal industrial assistance funds under the regulations in Part 91 of this chapter, for the purchase of cattle for relending to members, may make loans of cattle as follows:

(a) *Purpose.* All loans shall be to promote the economic development of the borrower.

(b) *Eligibility.* Loans may be made to individual members of the corporation or tribe of one-quarter or more degree of Indian blood, except that individuals need not be of at least one-quarter degree of Indian blood in order to receive loans of cattle purchased with tribal industrial assistance funds.

(c) *Application.* The application shall be on a form approved by the Commissioner.

(d) *Approval.* All loans shall require approval of the Area Director, unless the Commissioner authorizes the Superintendent, the corporation, or the tribe to approve loans up to a specified number of cattle. Loan agreements must be executed on a form approved by the Commissioner. Applications shall be approved as submitted, or by the issuance of a commitment order covering the terms and conditions of making the loan. Commitment orders shall be unconditionally accepted by borrowers.

(e) *Modifications.* Modifications of loan agreements shall be handled through the same channels as the original loan agreement.

(f) *Interest.* Interest may be charged at a rate as nearly equivalent as possible to one head for each ten head loaned for a period not exceeding eight years.

(g) *Maturity.* Ten years shall be the maximum on loans of cattle.

(h) *Security.* Borrowers shall mortgage all cattle borrowed from a corporation or tribe to the lender as security for any unpaid indebtedness, unless the Area Director determines that the repayment of such indebtedness is otherwise reasonably assured. Mortgages shall be filed in accordance with State law. Borrowers shall furnish other security, if available, up to an amount adequate to protect the loan. Liens on trust or restricted land may be taken as security.

(i) *Title.* Title to all cattle loaned shall be in the name of the borrower.

(j) *Branding.* All cattle loaned, the increase therefrom, and any "lieu" cattle replacing animals loaned shall be branded or marked with the brand or mark of the borrower.

(k) *Penalties on default.* Unless the loan agreement otherwise provides, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken at the option of the lender: (1) Take possession of any or all collateral given as security, and, in accordance with State law, the cattle loaned, increase therefrom and any "lieu" cattle replacing animals loaned.

(2) Prosecute legal action against the borrower.

(3) Declare the loan immediately due and payable.

(l) *Assignment.* A borrower may not assign a loan agreement or any interest therein to a third party without the consent of the lender.

(m) *Sales and exchanges.* The lender, with the approval of Superintendent, may grant borrowers permission to sell or exchange cattle for which repayment has not been made, provided the interests of the lender in the loan will not be jeopardized. Partial releases in connection with such transactions shall be filed in accordance with State law.

(n) *Repayments.* Repayments shall be made to an authorized representative of the lender, who shall issue receipts for all repayments. With the approval of the Superintendent, lenders may accept from borrowers, their heirs, successors, or assigns, cash in lieu of cattle. Cash repayments shall be used for the purchase of suitable replacements by the corporation or tribe, unless otherwise authorized by the Area Director.

(o) *Number loaned.* Indian boys and girls enrolled in 4-H Club work may receive loans of from one to ten head of cattle for use in connection with their club projects. Other borrowers may receive loans of not less than ten head nor more than fifty head of beef cattle. Dairy cattle may be loaned in units of less than ten head.

(p) *Preference.* Unless otherwise specifically authorized and justified in writing by the Area Director, preference shall be given to applicants in the following order:

(1) *Beef cattle.* First preference shall be given to applicants who have less than fifty head of cattle of breeding age, and who are equipped to handle up to fifty head. Second preference shall be given to applicants without cattle who have not previously participated in the program, but who are equipped to handle a cattle enterprise. Third preference shall be given to applicants who have fifty head or more cattle of breeding age, but less than one hundred head, but this group shall not receive loans until all applicants having less than fifty head of cattle of breeding age and who are equipped to handle this size unit, have received loans.

(2) *Dairy cattle.* Applicants for cattle to supply milk for home consumption shall receive preference over applicants for cattle to undertake commercial dairy operations.

(q) *Restrictions.* Loans to applicants owning one hundred or more head of beef cattle of breeding age shall not be approved without the consent of the Commissioner. Not more than fifteen head of dairy cattle of breeding age may be loaned to any one individual without the consent of the Commissioner.

PART 93—KLAMATH TRIBAL LOAN FUND

Sec.

93.1 Definitions.
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93.7 Approval of loans.
93.8 Interest, service fees, and penalties.
93.9 Records and reports.
93.10 Maturity.
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93.15 Assignments.
93.16 Repayments.
93.17 Deceased borrowers.
93.18 Responsibility of superintendent.
93.20 Authority of general council.

AUTHORITY: §§ 93.1 to 93.20 issued under sec. 23, 68 Stat. 723; 25 U. S. C. 564v. Interpret or apply sec. 16, 68 Stat. 722; 25 U. S. C. 564o.

§ 93.1 *Definitions.* Wherever used in the regulations in this part the terms defined in this section shall have the meaning stated in this part.

(a) "Commissioner" means the Commissioner of Indian Affairs.

(b) "Superintendent" means the superintendent of the Klamath Indian Agency.

(c) "Area director" means the officer in charge of the area office of the Indian Service, or his successor in office, under which the Klamath Indian Agency is placed for administrative purposes. The authority of the area director under the regulations in this part may be delegated by him in writing to his subordinates in the area office.

(d) "Klamath Tribes" means the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians of the Klamath Reservation in Oregon.

(e) "Business committee" means the Business Committee of the Klamath Tribes elected in accordance with the constitution and bylaws approved by the Commissioner.

(f) "Board" means the Klamath loan board elected in accordance with the regulations in this part.

(g) "Fund" means the reimbursable loan fund authorized by the acts of August 28, 1937, and August 7, 1939 (50 Stat. 872, 53 Stat. 1253; 25 U. S. C. 530–535, 542 (a)).

(h) "Loan agreement" means the approved application, supporting papers, commitment order, and note or notes.

(i) "Klamath General Council" means all enrolled members of the Klamath Tribes. The functions of the Klamath General Council as set forth in the regulations in this part may be exercised only at meetings of the council at which a quorum of at least 100 voting members is present. If the Klamath Tribes adopt a constitution and bylaws approved by the Secretary of the Interior or his authorized representative subsequent to promulgation of this regulation, the functions of the general council may be exercised at meetings held in accordance with such constitution and bylaws.

§ 93.2 *Purpose of regulations.* The purpose of the regulations in this part is to prescribe the terms and conditions of loans from the fund.

§ 93.3 *Loan board.* The fund shall be administered by a board of three adult enrolled members of the Klamath Tribes.

(a) *Election.* Board members shall be elected by the Klamath General Council. The Commissioner may prescribe detailed election procedures which are not inconsistent with the provisions of this section. Only adult enrolled members, or minor enrolled members who are heads of families shall be entitled to vote. Voting shall be by secret ballot at a duly called general council meeting. The members of the present board shall remain in office until their terms expire, unless suspended under the regulations in this part. In any election hereafter one new member shall be elected each year for a term of 3 years, or until his successor is elected. The candidate receiving the highest number of votes shall be deemed to have been elected. If a vacancy occurs, a successor shall be elected at the next regular or special meeting of the Klamath General Council at which the same procedure shall be followed as in the case of a regular election. The person so elected shall serve only for the unexpired term of the member whom he replaces.

(b) *Officers.* Each year, within 30 days after the election of a new member, the board shall meet and elect from among its members, a chairman and a vice chairman. The board shall select and employ a secretary from within or without the membership of the board, provided that no member of the board shall hold office simultaneously as chairman or vice chairman and secretary.

(c) *Duties of officers.* The chairman shall preside at meetings of the board, perform acts and other duties usually performed by a presiding officer, and sign papers as authorized or directed by the board. The vice chairman shall perform the duties of chairman during his absence, or as authorized by the board. The secretary shall keep a complete record of all meetings of the board, make reports, and perform such other duties as may be required by the board.

(d) *Meetings.* The board shall establish definite times at which it will meet to consider applications or other business requiring action by the board, notices of which shall be posted at the loan board office, the Klamath Indian Agency office, and such other public places on the reservation as the board may deem advisable, or which may be designated by the business committee.

(e) *Quorum.* Two members shall constitute a quorum.

(f) *Suspension.* (1) The business committee may suspend a member of the board at any time for cause. Notice of such suspension, including a clear and concise statement of the charges resulting in suspension shall be forwarded to the suspended member by registered mail. The suspended member shall have 15 days from the date of receipt of the notice of suspension to request, by registered mail, a hearing before the general council. Upon receipt of such a request for hearing before the general council, it shall be granted as a matter of right. The hearing shall be held at the next regular or special meeting of the general council. The hearing shall consist of an oral or written statement of the charges against the member by a representative of the business committee, and an oral or written defense by the suspended member. A majority vote of the members present may uphold or reverse the action of the business committee. In the event the action of the business committee is upheld, the suspension shall operate as a removal of the suspended member from the board for the balance of his term. No member shall have authority to act for or on the board after receipt of a notice of suspension, and shall not be entitled to compensation for such period, unless the general council reverses the action of the business committee, in which case the general council may direct that compensation be paid in such amount as it deems equitable, but not to exceed the amount which the member would have received had he not been suspended.

(2) The Commissioner may suspend all powers of the board if he finds that the board is not administering the fund in the best interests of the tribe. In case more than one member has been suspended by the business committee at a particular time, or if there are less than two members on the board, or if the Commissioner has suspended all powers of the board, the superintendent may exercise such functions of the board as may be necessary to protect the funds loaned, but new loans may not be made during such period.

(g) *Expenses.* The board may hire clerical and other assistance necessary to administer the fund. Salaries of board members for attendance at meetings and for other duties in connection with administration of the fund, and other costs in connection with the business of the board, may be paid as administrative expenses. Necessary travel by members of the board, and by officers and employees of the board by common carrier, shall be on Government transportation requests in accordance with existing Government travel regulations. Transportation requests shall be issued by the superintendent. All claims for services rendered shall be submitted to the superintendent on a form provided by him for that purpose. All claims of whatever nature shall be subject to audit and approval by the superintendent.

(h) *Budget.* (1) The board shall, prior to the beginning of each fiscal year, submit to the business committee for approval a written budget of estimated income from interest and service fees and estimated expenses for the ensuing fiscal year. Such budgets shall show the names, title, compensation, hours of work, and annual, sick, and without-pay leave privileges of all board members and employees; the amount outstanding in loans; the amount delinquent; and potential losses. The rate of compensation of board members and employees shall be on an annual or monthly basis. Board members and employees shall be placed on leave without pay from the board when they are on other tribal pay rolls. Budgets for the fiscal year 1949 which have been acted upon by the business committee prior to promulgation of this paragraph need not be acted upon again because of the provisions of this section. The business committee, in its discretion, may make annual and sick leave privileges for the fiscal year 1949 retroactive to July 1, 1948.

(2) Budgets shall be acted upon by the business committee, and may be modified by it upon request of the board. In the event the business committee fails to approve any budget submitted by the board, or modifications thereof, or if the board fails to agree to changes suggested by the business committee, the differences shall be placed before the general council at the next regular or special meeting after it is apparent that there can be no agreement between the board and the business committee. The differences shall then be resolved by a majority vote of the members present. Budgets as approved by the business committee or the general council, and modifications thereof, shall constitute the superintendent's authority to make disbursements thereunder as expenses are incurred, provided that no disbursements shall be made in excess of the amount of income received from interest and service fees, or in violation of any of the regulations in this part.

§ 93.4 *Eligibility.* Loans may be made to enrolled members of the Klamath Tribes, and to cooperative associations of members: *Provided*, That the articles of association and bylaws of cooperative associations must be approved by the area director.

§ 93.5 *Applications.* Applications shall be submitted to the board on a form approved by the Commissioner. Each application shall indicate the purposes for which the loan is to be used, the period of the loan, the rate of interest and amount of service fees to be paid, the security to be given, if any, and the procedures to be followed in handling and repaying the loan.

§ 93.6 *Purpose of loans.* Loans may be made for any purpose authorized by section 2 of the act of August 28, 1937 (50 Stat. 872; 25 U. S. C. 531).

§ 93.7 *Approval of loans.* Loan agreements must be executed on a form approved by the Commissioner.

(a) *Action by board.* Applications shall be acted upon only in meetings of the board. Any action on applications by the board shall require a uniform vote of at least two members of the board. All applications shall be acted upon, and applicants advised in writing that their applications have been acted upon favorably or unfavorably by the board, within 30 days of the date of receipt of their applications by the board. All notices of unfavorable action shall state the reasons therefor. In order to receive final approval, applications must be acted upon favorably by the board.

(b) *Approval by board.* Except as otherwise indicated in the regulations in this part, the board shall have authority to approve loans where the applicant's total indebtedness to the fund will not exceed $3,000.

(c) *Approval by superintendent.* Except as otherwise indicated in the regulations in this part, loans acted upon favorably by the board, where the applicant's indebtedness to the fund will exceed $3,000 but not exceed $4,000, shall be approved by the superintendent.

(d) *Approval by area director.* Except as otherwise indicated in the regulations in this part, loans acted upon favorably by the board, where the applicant's indebtedness to the fund will exceed $4,000 but not exceed $10,000, shall be approved by the area director. Loans to cooperatives; loans for the purchase of livestock, equipment, or machinery with maturities exceeding six years; loans to members under 21 years of age; loans with maturities exceeding ten years; loans for the purchase of land; educational loans; and loans to individuals who are Government employees shall require approval of the area director regardless of amount. Burial loans in excess of $500; emergency loans in excess of $700 to applicants who do not have security adequate to protect the loans; and loans for the maintenance and support of aged, infirm, incapacitated members in excess of $700 shall also require approval of the area director.

(e) *Approval by Commissioner.* All loans in excess of $10,000 shall require approval by the Commissioner.

(f) *Restrictions on approval.* Loans shall not be approved for less than $25. Any loans to borrowers who are delinquent in payment of previous indebtedness to the fund shall require the approval of the business committee in addition to the approval set forth in other sections of the regulations in this part. Unless an exception is approved by the area director, not more than two loan agreements may be in effect with the same borrower at the same time, and only joint loans may be made to a husband and wife who are both eligible for loans, and any existing loan to either spouse shall be consolidated with such loans.

(g) *Amount of loans.* The amounts set forth in the regulations in this part refer to the total amounts of loans, regardless of whether they are joint or partnership loans.

(h) *Modifications.* The board may approve one modification of any loan agreement extending the terms of repayment up to 90 days beyond the maturity date scheduled in the original loan agreement when the original loan agreement has been approved by the board in accordance with pargaraph (b) of this section. Unless otherwise authorized by the Commissioner, all other modifications of loans approved by other than the Commissioner shall require approval by the area director. The area director may approve modifications of loan agreements approved by the Commissioner in accordance with paragraph (e) of this section, in cases where the amounts of the loans are not increased.

(i) *Advances.* Advances on all approved loans shall be made within 30 days of the date of final approval of the applications, unless otherwise requested by the borrowers and so provided in their loan agreements.

§ 93.8 *Interest, service fees, and penalties.* Borrowers shall pay five percent interest annually on the basis of 360 days per annum, from the date funds are advanced on the loan until they are repaid, except on loans for educational purposes, on which the Board may specify the rate to be charged, provided that such rate may not be less than one percent per annum nor more than the rate charged other borrowers. Borrowers also shall pay a penalty of one-third of one percent per month, or fraction thereof, on all amounts which are not paid on the due dates set forth in their loan agreements as originally approved, or as subsequently modified. Except on loans for educational purposes, and loans for the maintenance and support of aged, infirm, and incapacitated members, service fees may be charged as set forth in the following table, or a schedule of fees may be established by the Board, provided that fees shall not be charged on amounts included in loans for payment of fees and such schedule shall not exceed the amounts set forth in the following table:

Loans of $500 or less: 3 percent of the amount of the loan.

Loans over $500 but not over $2,000: $15 plus 2 percent of the amount over $500.

Loans over $2,000: $45 plus 1 percent of the amount over $2,000.

§ 93.9 *Records and reports.* The board shall keep records and accounts and make signed reports as directed by the Commissioner or the board may be required to furnish such information as the duly authorized representative of the Commissioner or the board may deem necessary to provide proper information regarding the status of loans.

§ 93.10 *Maturity.* The period of maturity of loans shall be determined according to the circumstances. Crop loans, and loans for the purchase of nonrecoverable items, shall not be made with maturities exceeding 1 year, except when the loans are for enterprises from which insufficient income will be received the first year to repay the loan in full, or until the indebtedness is assumed by heirs or other parties in accordance with instructions of the Commissioner.

§ 93.11 *Security.* Borrowers shall furnish security, if available, up to an amount adequate to protect the loan. Security papers shall be filed in accordance with State laws, except that liens on trust property other than crops, and assignments of income from trust property may be filed in the Klamath Agency office. If authorized by the board, filing costs may be paid as an administrative expense of the board.

§ 93.12 *Title to property.* Unless otherwise provided in the borrower's loan agreement, title to all property purchased with loans shall be taken in the name of the United States in trust for the Klamath Tribes.

§ 93.13 *Insurance.* Buildings with a total value of $500 or more purchased with or constructed with the proceeds of loans, or pledged as security for loans, shall be insured against loss by fire. Borrowers may be required to insure other property given as security, or purchased with borrowed funds, against loss by fire or other cause.

§ 93.14 *Penalties on default.* (a) Unless the loan agreement otherwise provides, failure on the part of any borrower to conform to the terms of the loan agreement, or to make every honest effort to continue operations successfully, will be deemed grounds for any one or all of the following steps to be taken at the option of the board: (1) Discontinue any further advances of funds contemplated by the loan agreement; (2) take possession of any or all collateral given as security and the property purchased with borrowed funds; (3) prosecute legal action against the borrower, or against officers of cooperative associations; (4) declare the entire amount advanced immediately due and payable; (5) prevent further disbursements of borrowed funds under the control of the borrower; (6) in the case of cooperative associations, liquidate or operate, or arrange for the operation of the association until its indebtedness is paid, or until the board has received acceptable assurance of its repayment and of compliance with the loan agreement.

(b) In the event the board fails to take action which the Superintendent deems necessary to protect a loan, the superintendent shall advise the business committee in writing of the failure of the board to act, and state whatever action he deems necessary. The business committee may then take any of the steps set forth in this section which the board could have taken.

§ 93.15 *Assignments.* The board may not assign any loan agreement or any interest therein to a third party, discount paper, or borrow money without the approval of the Commissioner.

§ 93.16 *Repayments.* Repayments on loans shall be made to the bonded Government disbursing agent or his authorized representative, who shall issue an official receipt therefor.

§ 93.17 *Deceased borrowers.* The board shall take all steps necessary to safeguard property purchased with or given as security for loans by deceased borrowers, until the loans are paid in full,

§ 93.18 *Responsibility of superintendent.* The superintendent shall not make disbursements on any loans which are in violation of the regulations in this part. The superintendent shall also take the following action with reference to board matters:

(a) Return to the board any application acted upon favorably by the board in accordance with § 93.7 (a) which are in violation of the regulations in this part, and advise the board in writing of the section violated.

(b) Advise the board in writing of any application approved by the board in accordance with § 93.7 (b) which, although not in violation of the regulations in this part, does not indicate, in his opinion, reasonable assurance of repayment to the fund. He shall state the reasons for his opinion. Disbursements on such loans may be withheld pending reconsideration by the board. If, after reconsideration, the board again approves such loan, and the superintendent is still of the opinion that it does not indicate reasonable assurance of repayment to the fund, he shall advise the business committee in writing of his opinion and the facts in the case. Disbursements on such loan may be withheld until it also receives the approval of the business committee.

(c) Advise the board in writing of the action which should be taken on any loan delinquent for a period longer than 30 days, in payment of either principal or interest, and prescribe a time limit within which such action shall be taken. If the board fails to take such action within the period prescribed, the case shall be reported to the business committee. The business committee may direct the board in writing to take the action which it deems necessary to protect the loan. In the event the board fails to take such action within 10 days after receipt of the business committee's directive, the business committee may take any action which the board could have taken.

§ 93.20 *Authority of general council.* (a) The functions of the business committee as set forth in the regulations in this part may be exercised in whole or in part by the Klamath General Council. The Klamath General Council may, by resolution, authorize a special committee composed of not less than seven adult enrolled members of the tribe to exercise the functions of the business committee as set forth in the regulations in this part. If the Klamath Tribes adopt a constitution and bylaws approved by the Secretary of the Interior or his authorized representative, the general council may, by resolution, authorize the governing body of the Klamath Tribes to exercise the functions of the business committee as set forth in the regulations in this part.

(b) The general council may countermand any instructions given or taken by the business committee, a special committee, or the governing body of the Klamath Tribes, under the regulations in this part, provided that any action taken by either the board or the superintendent acting under authority from the business committee, a special committee, or the governing body of the Klamath Tribes prior to such authority having been overruled or countermanded by the general council, shall have full force and effect.

Subchapter J—Fiscal and Financial Affairs

Subchapter J—Fiscal and Financial Affairs

PART 101—ANNUITY AND OTHER PER CAPITA PAYMENTS

Sec.
101.1 Persons to share payments.
101.2 Enrolling non-full-blood children.
101.3 Payments by check.
101.4 Election of shareholders.
101.5 Future payments.

AUTHORITY: §§ 101.1 to 101.5 issued under R. S. 161; 5 U. S. C. 22.

§ 101.1 *Persons to share payments.* In making all annuity and other per capita payments, the funds shall be equally divided among the Indians entitled thereto share and share alike. The roll for such payments should be prepared on Form 5–322,[1] in strict alphabetical order by families of husband, wife, and unmarried dependent minor children. Unless otherwise instructed, (a) Indians of both sexes may be considered adults at the age of 18 years; (b) deceased enrollees may be carried on the rolls for one payment after death; (c) where final rolls have been prepared constituting the legal membership of the tribe, only Indians whose names appear thereon are entitled to share in future payments, after-born children being excluded and the shares of deceased enrollees paid to the heirs if determined or if not determined credited to the estate pending determination; and (d) the shares of competent Indians will be paid to them directly and the shares of incompetents and minors deposited for expenditure under the individual Indian money regulations.

CROSS REFERENCES: For regulations pertaining to the determination of heirs and approval of wills, see Part 15 and §§ 11.30–11.32C of this chapter. For individual Indian money regulations, see Part 104 of this chapter.

§ 101.2 *Enrolling non-full-blood children.* Where an Indian woman was married to a white man prior to June 7, 1897, and was at the time of her marriage a recognized member of the tribe even though she left it after marriage and lived away from the reservation, the children of such a marriage should be enrolled—and, also in the case of an Indian woman married to a white man subsequent to the above date but who still maintains her affiliation with the tribe and she and her children are recognized members thereof; however, where an Indian woman by marriage with a white man after June 7, 1897, has, in effect, withdrawn from the tribe and is no longer identified with it, her children should not be enrolled. In case of doubt all the facts should be submitted to the Bureau of Indian Affairs, Washington, D. C., for a decision.

§ 101.3 *Payments by check.* All payments should be made by check. In making payments to competent Indians, each check should be drawn to the order of the enrollee and given or sent directly to him. Powers of attorney and orders given by an Indian to another person for his share in a payment will not be recognized. Superintendents will note in the "Remarks" column on the roll the date of birth of each new enrollee and the date of death of deceased annuitants.

§ 101.4 *Election of shareholders.* An Indian holding equal rights in two or more tribes can share in payments to only one of them and will be required to elect with which tribe he wishes to be enrolled and to relinquish in writing his claims to payments to the other. In the case of a minor the election will be made by the parent or guardian.

§ 101.5 *Future payments.* Indians who have received or applied for their pro-rata shares of an interest-bearing tribal fund under the act of March 2, 1907 (34 Stat. 1221; 25 U. S. C. 119, 121), as amended by the act of May 18, 1916 (39 Stat. 128), will not be permitted to participate in future payments made from the accumulated interest.

PART 102—REGULATIONS FOR PRO-RATA SHARES OF TRIBAL FUNDS

Sec.
102.1 Fee-simple patentees.
102.2 Applicants who have received neither fee-simple patents nor certificates of competency.
102.3 Applicants who are mentally or physically incapable of managing their affairs.
102.4 Interests in pro-rata shares not vested rights unless application approved.
102.5 Basis of distribution; pro-rata shares.
102.6 Disposition of pro-rata share in event of applicant's death.
102.7 Pro-rata shares of minors.

AUTHORITY: §§ 102.1 to 102.7 issued under sec. 2, 34 Stat. 1221, as amended; 25 U. S. C. 121.

CROSS REFERENCE: For regulations pertaining to the determination of heirs and approval of wills, see Part 15 and §§ 11.30–11.32C of this chapter.

§ 102.1 *Fee-simple patentees.* When the applicant has been granted a patent in fee or certificate of competency, that fact will be accepted as prima facie evidence of his competency, but in forwarding applications of this class the agent will give the date on which the patent was issued, report whether in his judgment the patentee has made proper use of his privileges and would make good use of his share of the tribal funds if paid to him, and make a specific recommendation for approval or disapproval of the application.

§ 102.2 *Applicants who have received neither fee-simple patents nor certificates of competency.* In the case of an applicant who has received neither a fee-simple patent nor a certificate of competency, the application must be accompanied by evidence which will establish the fact that he is capable of managing his own affairs. In forwarding applica-

[1] Forms may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

tions of this class the superintendent will report fully, as follows:

(a) Is the applicant living on this allotment? If so, is he making reasonable efforts to cultivate his land and to support himself and family? If he is not living on his allotment, what is his occupation?

(b) Is any part of his allotment leased? If so, to what extent does he depend upon the rent therefrom to support himself and family?

(c) Has the applicant been given the privilege of leasing his own lands; and if so, with what result?

(d) Has he an interest in any inherited land? If he has sold or leased any inherited land, how has he managed the proceeds?

(e) Is the applicant of good moral character?

(f) Is he addicted to the use of intoxicants? And if so, does this habit, in the judgment of the agent, unfit him to make proper use of his share of the tribal funds?

(g) What is his physical condition?

(h) Is the applicant in debt? If so, to what extent and for what purpose was the debt incurred?

(i) Has the applicant the necessary business qualifications to enable him to manage his own affairs?

(j) Give such other information concerning the applicant as will aid the office in determining whether or not to approve his application.

(k) Make a specific recommendation for the approval or disapproval of the application.

§ 102.3 *Applicants who are mentally or physically incapable of managing their affairs.* Applications of this class must be accompanied by evidence that will establish the advisability of withdrawing the share. If the application is approved, the funds will be deposited to the credit of the Indian and handled as individual Indian money.

In forwarding applications the agent will report fully as follows:

(a) Sex and exact date of birth.

(b) Identify the applicant by allotment and last annuity-roll numbers.

(c) What is the actual physical condition of the applicant. If suffering from disease, submit certificate of physician if necessary to establish disability.

(d) What is the actual mental condition of the applicant? Answer fully.

(e) What are the material resources of the applicant?

(f) What advantages will accrue to applicant by withdrawal of his or her share at this time?

(g) Has it been explained to the applicant and does he understand that if the application is approved the funds will be deposited to his credit as individual Indian money to be expended under the supervision of the superintendent?

(h) Make a specific recommendation for the approval or disapproval of the application.

CROSS REFERENCES: For individual Indian money regulations, see Part 104 of this chapter. For deposits of Indian funds in banks, see Part 105 of this chapter.

§ 102.4 *Interest in pro-rata shares not vested rights unless application approved.* On November 6, 1908, the Secretary of the Interior decided, in effect, that the interest of an Indian in a pro-rata share of a tribal fund does not vest in the Indian an inheritable property until after his application has been approved by the Secretary and an order signed by him segregating it from the tribal fund. Applications for shares of funds under this act may be made at any time, but in view of the Secretary's decision such applications should be forwarded to the Bureau by the superintendent as soon as they are completed and filed with him. Applications from those who are blind, decrepit, etc., must be made special and forwarded to the Bureau of Indian Affairs, Washington, D. C., as soon as possible.

§ 102.5 *Basis of distribution; pro-rata shares.* In estimating the pro-rata share of an individual, the last annuity payroll prior to July 1 or January 1 of each year will be taken as a basis of distribution. Where no payment has been made within 1 year the last census, if taken within the year, will be the basis. If no census has been taken or payment made within a year, the last available record—either census or annuity roll will be used.

§ 102.6 *Disposition of pro-rata share in event of applicant's death.* In the event of the death of an applicant prior to the approval of his application by the Secretary of the Interior, the share to which he would have been entitled, if living, will revert to the tribe. In case of the death of an applicant after approval of his application and the signing by the Secretary of the Interior of an order for the segregation of his share, but before payment is made, his share will descend to his legal heirs and should be deposited to the credit of the estate pending formal determination thereof.

CROSS REFERENCE: For regulations pertaining to the determinations of heirs and approval of wills, see Part 15 and §§ 11.30–11.32C of this chapter.

§ 102.7 *Pro-rata shares of minors.* The shares of minors will not be withdrawn except when necessary for their own benefit. The application should be signed by the parent or guardian and transmitted to the Bureau by the superintendent with his recommendation as in other cases and a full explanation of the circumstances which justify the withdrawal. Such shares will be deposited to the credit of the minors subject to expenditure under the individual Indian money regulations. The term "minor," as used in this section, shall be interpreted in conformity with the State law.

CROSS REFERENCE: For individual Indian money regulations, see Part 104 of this chapter.

PART 104—INDIAN MONEY ACCOUNTS

Sec.
104.1 Definitions.
104.2 Osage Agency.
104.3 Individual accounts.
104.4 Minors.
104.5 Adults under legal disability.
104.6 Voluntary deposits.
104.7 Payments by other Federal agencies.
104.8 Purchase orders.
104.9 Restrictions.
104.10 Funds of deceased Indians.
104.11 Funds of deceased Indians of the Five Civilized Tribes.
104.12 Supervision; appeal.

AUTHORITY: §§ 104.1 to 104.12 issued under R. S. 161; 5 U. S. C. 22.

§ 104.1 *Definitions.* Whenever used in this part the terms defined in this section shall have the meaning stated:

(a) "Commissioner" means the Commissioner of Indian Affairs.

(b) "Area Director" means the officer in charge of an area office for the Bureau of Indian Affairs.

(c) "Superintendent" means the superintendent or other officer in charge of an Indian reservation, agency or establishment.

(d) "Minor" means an individual who has not reached his majority as defined by the laws of the state of his domicile.

(e) "Indian Money Accounts" are those accounts under the control of superintendents or disbursing agents containing funds, regardless of derivation, belonging to individuals.

§ 104.2 *Osage Agency.* The provisions of this part do not apply to funds the deposit or expenditure of which is subject to the provisions of Part 222 of this subchapter.

§ 104.3 *Individual accounts.* Individuals shall have the right to withdraw funds in their Indian money accounts and upon their request the superintendent shall disburse the funds to them at such convenient times and places as the superintendent may designate, except as otherwise provided in this part.

§ 104.4 *Minors.* Funds of a minor may be disbursed for the minor's support, health, education, or welfare to parents, state-appointed guardians, fiduciaries, or to persons having the control and custody of the minor under plans approved by the superintendent, or directly to the minor upon such conditions as the superintendent may prescribe, in such amounts as he may deem necessary in the best interests of the minor. Superintendents are authorized to require modification of an approved plan whenever deemed in the best interest of the minor.

§ 104.5 *Adults under legal disability.* The funds of an adult who is non compos mentis or under other legal disability may be disbursed for his benefit for such purposes deemed to be for his best interest and welfare in the discretion of the superintendent, or the funds may be disbursed to a state-appointed guardian or curator under such conditions as the superintendent may prescribe.

§ 104.6 *Voluntary deposits.* Voluntary deposits shall not be accepted, but Indians who require banking service shall be encouraged to utilize commercial facilities. If in any case it is the judgment of the superintendent that an exception to this prohibition should be made to avoid a substantial hardship, he shall submit the facts in the case to the Area Director who is authorized to allow or deny an exception.

§ 104.7 *Payments by other Federal agencies.* Superintendents are authorized to accept and administer moneys that may be received from the Veterans Administration or other government agency pursuant to the act of February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), for the benefit of adult Indians under legal disability or minors for whom no legal guardian or fiduciary has been appointed.

§ 104.8 *Purchase orders.* Purchase orders shall not be issued except upon the request of the individual and only to meet emergencies.

§ 104.9 *Restrictions.* Funds obligated under assignments made pursuant to a delegation of authority shall be disbursed only in accordance with the terms thereof. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Commissioner or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the superintendent or subject to deductions specifically authorized or directed by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress.

§ 104.10 *Funds of deceased Indians.* Funds of a deceased Indian may be disbursed (a) for support of dependent members of the families of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs; (b) for the payment of obligations previously authorized; (c) for the last illness and funeral expenses of the decedent; and (d) for probate fees and claims allowed pursuant to Parts 15 and 16 of this chapter.

§ 104.11 *Funds of deceased Indians of the Five Civilized Tribes.* Funds of a deceased Indian of the Five Civilized Tribes may be disbursed to pay ad valorem and personal property taxes, Federal and State estate and income taxes, obligations approved by the superintendent prior to death of decedent, expenses of last sickness and burial and claims found to be just and reasonable which are not barred by the statute of limitations, and costs of determining heirs to restricted property by the state courts.

§ 104.12 *Supervision; appeal.* Exercise of authority by superintendents under this part shall be subject to the supervision and control of the Commissioner and his designated representatives. Appeal from an action taken by the superintendent may be taken within 30 days to the Area Director and thence to the Commissioner within a like period.

PART 105—DEPOSIT OF INDIAN FUNDS IN BANKS

Sec.
105.1 Authority for deposit.
105.2 Banks defined.
105.3 Application.
105.4 Qualification.
105.5 Security.
105.6 Corporate sureties.
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105.8 Collateral security.
105.9 Deposits.
105.10 Payment of interest.
105.11 Reports; statement of disbursing account (Form 5–308).
105.12 Statement of deposits (Form 5–302).
105.13 Report of condition.
105.14 Checks.
105.15 Service charges prohibited.
105.16 Statements required.
105.17 Disqualification.

AUTHORITY: §§ 105.1 to 105.17 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 1, 36 Stat. 855, as amended; 25 U. S. C. 372.

§ 105.1 *Authority for deposit.* Indian moneys, individual or tribal, may be deposited in banks under authority of the acts of June 25, 1910, as amended (48 Stat. 648; 25 U. S. C. 372); May 25, 1918 (40 Stat. 591; 25 U. S. C. 162); and February 27, 1925 (43 Stat. 1009).

§ 105.2 *Banks defined.* For the purpose of the regulations in this part, the word "banks" shall include State and national banks, and savings banks and trust companies doing a banking business.

§ 105.3 *Application.* Any bank desiring to qualify for deposits of Indian funds shall transmit to the Commissioner of Indian Affairs (or to the proper superintendent if a call for bids has been issued) an application accompanied by a report in the form prescribed by the Comptroller of the Currency (or the State Banking Department) showing fully the condition of the bank on a day not more than one month prior to the date of such application. In making application, banks must state the maximum amount desired and the minimum that will be accepted, the rate of interest that will be paid, and the type of security that will be furnished. The following statement must be incorporated in the letter of application: This bank agrees that if designated a depositary, it will comply with the regulations of the Department of the Interior governing the deposit of Indian funds in banks and with such instructions as may from time to time be issued by the Commissioner of Indian Affairs.

§ 105.4 *Qualification.* (a) In the selection of a bank to serve as a depositary, the following points will be given consideration:

(1) Location with respect to the nearest agency.

(2) Financial condition.

(3) Rate of interest and security offered.

(b) No bank will be considered for designation unless it has been in successful operation for 1 year and has accumulated a surplus equal to 10 percent of the capital stock. This will not apply to banks offering United States bonds or notes as security.

§ 105.5 *Security.* Under acts of Congress, deposits of Indian funds are required to be secured by surety bonds (corporate or individual) or by bonds or notes of the United States. The following securities are classed as United States obligations: Panama Canal loan bonds, Treasury bonds, and Treasury notes. Bonds on which surety companies or individuals appear as sureties must be executed in triplicate on forms[1] prescribed for the purpose, and each copy must be accompanied by a transcript of a resolution by the board of directors of the bank, authorizing the proper officers to execute the instrument. The bonds must be executed for a stipulated term of not less than 180 days. Such bonds, however, are continuing in nature and will remain in force beyond the stipulated period until canceled in accordance with the provisions contained therein. Whenever a bank receives notice from any source that its surety bond is to be canceled, it shall immediately arrange to submit substitute security which must reach the Bureau of Indian Affairs and be approved 10 days before the effective date of the cancellation notice. Any bank failing to furnish other security in accordance with the foregoing shall relinquish its deposit with accrued interest not later than the date of the tenth day preceding the effective date of the cancellation notice.

§ 105.6 *Corporate sureties.* Only those companies holding certificates of authority from the Secretary of the Treasury to write bonds on which the United States is obligee are acceptable as sureties.

§ 105.7 *Individual sureties.* Each person appearing as surety on a personal surety bond must qualify in an amount equal to twice the penalty of the bond. At least four individuals must act as sureties on each bond. Officers and directors of a bank furnishing a personal surety bond will not be accepted as sureties, nor will any person who is a bonded officer of the United States or a married woman.

§ 105.8 *Collateral security.* Banks pledging United States bonds or notes as security shall execute a deposit agreement on forms prescribed by the Commissioner of Indian Affairs and shall furnish a resolution of authority by the board of directors, authorizing the sale, assignment, or transfer of the collateral. The bonds or notes shall be either deposited with the Commissioner of Indian Affairs who will place them with the Treasurer of the United States for safekeeping, or sent direct to the Division of Securities, Office of the United States Treasurer, Treasury Department, to be held subject to the order of the Commissioner of Indian Affairs. In either case, receipt for the collateral will issue from the Bureau of Indian Affairs. Registered bonds must be assigned in blank before shipment, and a resolution by board of directors, authorizing the assignment, must be filed with the Division of Loans and Currency, Treasury Department, on Treasury Department Form PD 1009 or Form PD 1010. All correspondence relating to the deposit, withdrawal, substitution, or exchange of securities shall be addressed to the Commissioner of Indian Affairs.

[1] Forms may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

§ 105.9 *Deposits.* Each bank that has been designated as a depositary and has filed proper bond will be given a deposit in an amount equal to 95 percent of the penalty of the bond, unless it has been selected to carry an active checking account in which case the deposit will be limited to 90 percent of the security. Upon receipt of the deposit from the disbursing agent, the bank shall immediately credit it to an account which must be opened under his name and official title. The deposit shall be subject to withdrawal in accordance with the terms of the depositary's surety bond or its deposit agreement. Time certificates of deposit, running for definite periods during which deposits are not subject to check, are not acceptable. The terms of any such instruments issued contrary to the regulation in this part will be considered void and of no effect.

§ 105.10 *Payment of interest.* Except as to depositaries for funds of the Osage and Five Civilized Tribes Agencies, each bank carrying a deposit shall credit interest thereon at the agreed rate to the account of the disbursing agent at the close of June 30, and December 31 of each year. Banks carrying deposits in the names of the disbursing agents of the Five Civilized Tribes and Osage Agencies shall credit interest to their accounts at the close of April 30 and October 31 of each year. Within 5 days after the close of the interest period, the amount credited to the account of a disbursing agent shall be remitted to him by draft unless he has previously arranged to withdraw it by check. Any bank delinquent in the payment of interest shall be liable for interest on the overdue amount. In the event that a deposit or any part thereof is withdrawn during an interest period by reason of the cancellation of a bond, interest which has accrued on the amount so withdrawn shall immediately be credited and promptly remitted to the disbursing agent by draft unless included in his check or covered by separate check.

§ 105.11 *Reports; statement of disbursing account (Form 5–308).* Each depositary for Indian funds shall furnish monthly statements of receipts and paid checks on Form 5–308 (and Form 5–308a if extra space is needed). Paid checks will be listed thereon in numerical order showing for each check its date, number, and amount. These statements will be prepared in triplicate for each disbursing officer having funds to his official credit. A duplicate copy will be forwarded to the disbursing officer in charge of the unit for reconciliation within 10 days after the close of the month. The disbursing officer will make a prompt comparison with his records, and after adjusting any errors found with the bank, the latter will immediately forward the original statement and paid checks directly to the General Accounting Office, Audit Division, Washington, D. C. The triplicate copy of the statement will be retained in the bank's files. In no case will the depositary send the paid checks to the disbursing officer nor should the statement and checks be sent to or routed through the Bureau. Statements will be required of both time and checking depositaries so long as any balance of Indian moneys remains on deposit and must be furnished for fractional parts of a month whenever a change of disbursing officers takes place or a new bond (disbursing agent's) becomes effective before the end of a month. Depositaries should apply to disbursing officers for a supply of the necessary forms.

§ 105.12 *Statement of deposits (Form 5–302).* Each bank having a deposit not actively checked against shall submit semiannually, within 5 days after the close of June 30, and December 31, of each year, to the officer in whose name the deposit is carried, a statement in duplicate on Form 5–302. After comparing the statement with his records, the officer will forward the original to the Bureau of Indian Affairs if it is found correct. Banks carrying active checking accounts shall submit the statements within 5 days after the close of each month. Depositaries should apply to the Bureau for Forms 5–302.

§ 105.13 *Report of condition.* When called for by the Commissioner of Indian Affairs, a report of financial condition shall be submitted by each depositary. A copy of the report made to the Comptroller of the Currency (or the State Banking Department) will suffice if not more than 1 month has elapsed since such report. If a longer period has elapsed, current figures shall be given, but in the same form. No printed forms are provided by the Department for the submission of the reports.

§ 105.14 *Checks.* Each bank designated as a depositary shall furnish the disbursing agent, without charge, an adequate supply of blank checks. Checks to be supplied by banks carrying active checking accounts must be printed in accordance with instructions from disbursing agents.

§ 105.15 *Service charges prohibited.* No bank in which Indian funds are deposited shall charge or receive any exchange or other fees or compensation on account of the cashing or collection of any checks or drafts or the performance of any other service for disbursing agents.

§ 105.16 *Statements required.* Depositaries shall render such statements and give such information as properly accredited inspecting and administrative officers may request.

§ 105.17 *Disqualification.* Any bank which shall fail to comply with the regulations in this part shall be liable to be disqualified.

PART 107—CREATION OF TRUSTS FOR RESTRICTED PROPERTY OF INDIANS, FIVE CIVILIZED TRIBES, OKLAHOMA

Sec.
107.1 Application for trust.
107.2 Obligations of trust company.
107.3 Secretarial approval discretionary.
107.4 Contents trust agreement.
107.5 Eligibility of appraisers.
107.6 Aiding Indians in formulating trust agreements.
107.7 Trust duration.
107.8 Trustee's security.
107.9 Trustee's compensation.
107.10 Necessary forms.
107.11 Limit restricted property in trust.
107.12 Amendments.

AUTHORITY: §§ 107.1 to 107.12 issued under sec. 7, 47 Stat. 778.

§ 107.1 *Application for trust.* Indians desiring to establish trust estates under the provisions of the said act must make written application therefor to the Secretary of the Interior through the superintendent or other official in charge of the Five Civilized Tribes Agency, Muskogee, Oklahoma. The application shall designate the trustee, the beneficiary or beneficiaries and the manner in which it is desired the corpus of the estate shall be distributed upon the termination of the trust. A form of application will, upon request, be furnished by the said superintendent and should be filled out and executed in the presence of the field clerk or, in the office of the superintendent and duly attested by the field clerk or some other Government employee. The information required by the form of application and such other information as may be requested concerning the Indian and his affairs shall be carefully considered by the superintendent who will affix his recommendation to the application and forward it to the Secretary of the Interior with his report, which report shall contain full advice with respect to the education and business qualifications of the applicant, his ability to read, write and understand the English language, his reputation for industry and thrift and what experience, if any, he has had in a business way.

§ 107.2 *Obligations of trust company.* The form of proposed trust agreement shall be executed by the trust company or banking institution selected as trustee, and shall be signed by and submitted with the application of the Indian, together with a statement in writing by said trust company or banking institution similar in form to that prescribed by the Comptroller of the Currency (or by the State banking department), showing fully the conditions of said trust company or banking institutions on a day not more than 1 month prior to the date of the application for the creation of the trust. The agreement must also be accompanied by a written certificate duly executed by the trustee to the effect that it has not paid or promised to pay any person other than an officer or employee on its regular payroll any fee, charge, commission or remuneration for any service or influence in securing or attempting to secure for it the trusteeship in that or in other trusts to which the regulations in this part apply.

§ 107.3 *Secretarial approval discretionary.* No such trust agreement will be favorably considered unless in the judgment of the Secretary of the Interior the trustee therein named is deemed by him to be on a sound financial basis and otherwise sufficiently qualified to justify approval of such trust.

§ 107.4 *Contents trust agreement.* In addition to the subject matter of the trust, its objects and beneficiaries, duties of trustee, etc., the form of trust agreement shall contain provisions to the following general effect:

(a) That such of the current income from the corpus of the estate as may be payable to the Indians of the Five Civilized Tribes of one-half or more Indian blood shall be remitted by the trustee to the Secretary of the Interior or such other official as he may designate for appropriate disposition.

(b) That the trusts declared and each of them shall be irrevocable except with the approval of the Secretary of the Interior, but, subject to his approval, the beneficiaries named in any approved trust may be redesignated by the maker without in any manner otherwise impairing or altering any of the provisions thereof, particularly the duration of the trust or the compensation to be paid to the trustee.

(c) That neither the corpus of the trust estate nor the income derived therefrom is, during the restriction period provided by law, subject to alienation or incumbrance, or to the satisfaction of any debt or other liability of any beneficiary of such trust during the said restricted period.

(d) That if the trust be annulled, cancelled or set aside by order of any court or otherwise, the principal of the trust with all accrued and unpaid interest shall be returned to the Secretary of the Interior as restricted individual property.

(e) That the trustee shall render an annual accounting to the Secretary of the Interior and to the beneficiary or beneficiaries to whom the income from any such trust for the preceding year or any part thereof was due and payable, such annual accounting to be submitted within 30 days following the ending of each annual period of the trust, and the trustee shall render accounting to the Secretary of the Interior at any other time on written request by the Secretary of the Interior, within 30 days from such request.

(f) That except as to United States Government bonds and other securities fully guaranteed by the Federal Government in which such funds in the hands of the trustee may be invested without limitations, the following limitations are prescribed on the right of the trustee to invest or reinvest any part of the corpus or income from the trust: (1) Not more than 30 percent of the estate may be invested in securities exclusive of all other limitations contained in this part, which appear on the current list of legal investments for savings banks prepared by the superintendent of banks of the State of New York, except that this authorization shall not include the purchase of public utility securities or railroad securities which do not represent obligations of operating companies, or the purchase of stocks: *Provided, however,* That in the purchase of such securities not more than 20 percent may be invested in general obligations issued by States or by any political subdivisions thereof, and not more than 10 percent may be invested in public utilities and in railroad securities, or in either of them; (2) not more than 15 percent of the trust estate may be invested in Federal land bank bonds issued under the provisions of the act of July 17, 1916 (39 Stat. 360) as amended; (3) not more than 40 percent of the trust estate may be invested in total loans secured on first deeds of trust or first mortgages on improved city or farm real estate situated in the States designated in the trust agreements, but no such loans shall exceed 50 percent of the value of the real estate and improvements appraised not more than 30 days prior to such investments by one or more appraisers selected with the approval of the Secretary of the Interior; (4) no part of the trust fund shall be invested in the purchase of real estate or stocks for the trust except to protect the trust estate in foreclosure or other proceedings; (5) no part of the trust estate shall be invested in any kind of foreign securities, loans, or other properties, private or public.

§ 107.5 *Eligibility of appraisers.* Hereafter no person who is interested directly or indirectly, whether through intimate personal, financial or business connections, in any trust company or banking institution designated as trustee under an approved trust agreement involving restricted Indian property, or who is an officer, director, or employee of such trust company or banking institution, shall act as an appraiser of real estate in connection with the making of loans from the trust estate to be secured by first deeds of trust or first mortgages. Nor shall any person having an interest in obtaining such a loan, either personally or as an officer, director or employee of any company, association or partnership seeking such a loan, act as an appraiser. An investigation into the qualifications of all persons selected as appraisers will be made for the purpose of determining that the persons selected are both competent and disinterested.

§ 107.6 *Aiding Indians in formulating trust agreements.* In the formulation of the trust agreement and the provisions thereof the superintendent for the Five Civilized Tribes Agency and the other employees under his supervision will upon request assist the Indian to the fullest possible extent to the end that he may understand fully the meaning and the intent of the agreement and make the most satisfactory provision for the formation and consummation of the trust agreement.

§ 107.7 *Trust duration.* Under the terms of the statute no trust shall be established to continue for a period of more than 21 years after the death of the last surviving beneficiary named in the trust agreement.

§ 107.8 *Trustee's security.* To secure the faithful performance of the duties imposed by the trust agreement the trustee shall, as required by section 7 of the act (47 Stat. 778), deposit securities of the United States or furnish an acceptable corporate surety bond in an amount equal to the value of the trust as fixed and determined by the Secretary of the Interior. Appraisers will be appointed by the Secretary for the purpose of fixing the value of the trust and of revising such value from time to time as the judgment of the Secretary may dictate. Additional or substitute security may be required at any time when deemed necessary for the protection of the trust estate and the interest of the Indians. Trustees pledging United States bonds or notes as security shall execute on forms [1] prescribed by the Secretary an appropriate resolution and power-of-attorney authorizing the sale, assignment or transfer of the collateral. Only those Corporate sureties who hold certificates of authority from the Secretary of the Treasury to write bonds on which the United States is obligee are acceptable as sureties. The cost to the trustee, if any, of furnishing the required bond, will be regarded as a necessary part of the cost of administering the trust and as such deductible from the gross income accruing therefrom.

§ 107.9 *Trustee's compensation.* As compensation for administering the trust the trustee will be permitted to receive annually not to exceed 5 percent of the gross annual income from such trust estate, and as further compensation will also be permitted to receive not to exceed an amount equal to 1 percent of the corpus of the trust estate, to be paid out of the income first accruing therefrom, and not to exceed an amount equal to 2 percent of the corpus of the estate at the time of final distribution based upon the last valuation made by the Secretary of the Interior prior to such distribution. By final distribution is meant any distribution to a beneficiary of any part of the corpus of the trust estate at any time under the terms of the trust. All fees are to be based on the size of the trust and the nature of the duties to be performed thereunder. The foregoing percentage of fees are maximum and alternative, that is, within such maximum limitations any one or more of said fees may or may not be allowed within the discretion of the Secretary of the Interior.

§ 107.10 *Necessary forms.* In addition to the form of application by the Indians under the act of January 27, 1933 (47 Stat. 777), there are skeleton forms of trust agreement and bond, which forms are subject to such changes as may be necessary to meet the requirements of each particular case.

§ 107.11 *Limit restricted property in trust.* Not more than three million dollars aggregate value of restricted Indian property shall be placed in trust pursuant to the regulations in this part with any one trustee, trust company or other banking institution authorized by law to act as a fiduciary.

§ 107.12 *Amendments.* The regulations in this part may be changed, amended, added to, and any part thereof eliminated at any time by the Secretary of the Interior.

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[1] Forms may be obtained from the superintendent of the Five Civilized Tribes Agency, Muskogee, Oklahoma.

PART 108—DEPOSIT AND EXPENDITURE OF INDIVIDUAL FUNDS OF MEMBERS OF THE OSAGE TRIBE OF INDIANS WHO DO NOT HAVE CERTIFICATES OF COMPETENCY

Sec.

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108.3 Payment of taxes of Indians under 21 years of age.
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108.34 Financial status of Indians confidential.
108.35 Appeals.

AUTHORITY: §§ 108.1 to 108.35 issued under R. S. 161; 5 U. S. C. 22.

§ 108.1 *Definitions.* When used in the regulations in this part the following words or terms shall have the meaning shown below:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Superintendent" means the superintendent of the Osage Agency.

(d) "Quarterly payment" means the payment of not to exceed $1,000 which is made each fiscal quarter to or on behalf of an adult Indian, from the following sources:

(1) The pro rata distribution of tribal mineral income and other tribal revenues.

(2) The interest on segregated trust funds.

(3) Surplus funds in addition to the income from the foregoing sources in the amount necessary to aggregate $1,000 when the income from those sources is less than $1,000 and the Indian has a balance of accumulated surplus funds in excess of $10,000.

(e) "Surplus funds" means all those moneys and securities readily convertible into cash, except allowance funds and segregated trust funds, which are held to the credit of an Indian at the Osage Agency and which may be disbursed, expended or invested only upon authorization by the Secretary. The term includes:

(1) That portion of the quarterly distribution of tribal income and interest on segregated trust funds, in excess of $1,000, belonging to an adult Indian.

(2) The proceeds, including appreciation, of the sale or conversion of restricted real or personal property (other than partition sales).

(3) Payments made by insurance companies or others for loss or damage to restricted real or personal property.

(4) All moneys and securities, other than segregated trust funds, to the credit of an Indian who is less than 21 years of age (except the income from restricted lands payable as provided by § 108.3).

(5) Funds and securities placed to the credit of an Indian upon the distribution of an Osage estate.

(f) "Allowance funds" means that income payable to or on behalf of a living adult Indian, the expenditure and disbursement of which is not subject to supervision unless authorized pursuant to the procedure contained in § 108.5. The term includes:

(1) The quarterly payment in an amount not to exceed $1,000.

(2) The rentals and income from restricted lands owned by the Indian.

(3) The rentals and income from restricted lands owned by the minor children of the Indian, as provided in § 108.3.

(4) Income from investments.

(5) Interest on deposits to the credit of the Indian.

(g) "Segregated trust funds" means those moneys held in the United States Treasury at interest to the credit of an Indian which represent pro rata shares of the segregation of tribal trust funds and the proceeds of the partition of restricted lands.

§ 108.2 *Payment of taxes of adult Indians.* The superintendent may cause to be paid out of any money heretofore accrued or hereafter accruing to the credit of any adult Indian all taxes of every kind and character for which such Indian is or may be liable before paying to or for such person any funds as required by law. All checks in payment of taxes shall be made payable to the proper collector. For the purpose of establishing a fund with which to meet the payment of such taxes when due, the Superintendent may cause the funds of adult Indians to be hypothecated in the following manner:

(a) For the payment of ad valorem taxes, one-fourth of the estimated amount of ad valorem taxes from each quarterly payment unless this procedure would cause the obligation of more than 25 percent of such quarterly payments, in which event the necessary additional funds shall be retained from other allowance funds payable to such person under the law. If there be no other allowance funds available, or if the funds from these sources are insufficient, one-fourth of the estimated amount of such ad valorem taxes may be obligated from each quarterly payment. If an Indian who is liable for ad valorem taxes has no allowance funds, or such funds are insufficient for the payment thereof, surplus funds may be used for such payment.

(b) (1) For the payment of income taxes, one-half of the estimated amount of income taxes from each semi-annual payment of interest on deposits, but if such interest payments are insufficient to meet this obligation, additional funds shall be retained from interest on investments, rentals, or other allowance funds.

(2) Whenever funds are withheld for the purpose of establishing a fund to meet the payment of taxes, the Indian shall be notified of the action taken.

§ 108.3 *Payment of taxes of Indians under 21 years of age.* All taxes assessed against the restricted lands of Indians less than 21 years of age shall be paid by the superintendent direct to the collector from the rents and income derived from such lands, and the balance, if any, of such rents and income shall be paid to the living parents or parent. If the parents are separated, the balance shall be paid to the parent having custody of the Indian under 21 years of age. All other taxes for which an Indian under 21 years of age may be liable shall be paid from his surplus funds.

§ 108.4 *Disbursement of allowance funds.* Except as provided in § 108.5, all allowance funds shall be disbursed to the Indian owner unless the Indian owner directs otherwise in writing. At the request of the Indian owner, such funds may be retained by the superintendent as voluntary deposits subject to withdrawal or other disposition upon demand or direction of the Indian owner. The superintendent may recognize a power of attorney executed by the Indian and may disburse the allowance funds of the Indian in conformity therewith so long as the power of attorney remains in force and effect.

§ 108.5 *Procedure for hearings to assume supervision of expenditure of allowance funds.* (a) Whenever the superintendent has reason to believe that an adult Indian is wasting or squandering his allowance funds the superintendent may cause an investigation and written report of the facts to be made. If the report indicates that the Indian is wasting or squandering his allowance funds the following notice shall be served upon the Indian, in person or by registered mail, and a copy thereof shall likewise be served upon his guardian if the Indian is under guardianship:

Section 1 of the act of February 27, 1925 (43 Stat. 1008) provides in part as follows:

"All payments to adults not having certificates of competency, including amounts paid for each minor, shall, in case the Secretary of the Interior finds that such adults are wasting or squandering said income, be subject to the supervision of the Superintendent of the Osage Agency: . . ."

Enclosed is a copy of a report which has been made to me concerning your handling and management of the income paid to you through the Osage Agency. This report indicates that you have been wasting and squandering your payments.

You are hereby notified that a hearing will be held in the Osage Indian Agency, Pawhuska, Oklahoma, at ____ m., on the _____ day of ----------, 19____, before the Superintendent, for the purpose of taking testimony and evidence to be submitted to the Commissioner of Indian Affairs for his consideration in determining whether your payments shall be subject to the supervision of the Superintendent.

You are requested to be present at the hearing at the time and place designated above. You may introduce at the hearing such testimony and evidence as you deem appropriate to show that you are not wasting or squandering your payments and that your payments should continue to be made to you without supervision for your unrestricted use.

You are entitled to employ an attorney to assist you in this matter. Upon your request the employees of the Osage Agency will furnish you with any information you desire concerning your accounts at the Osage Agency or any of your transactions handled through the Osage Agency.

Date ----------

Superintendent.

(b) A hearing shall be held pursuant to the notice, the date of which shall be not less than 30 days after the date of the notice. For good cause shown to exist the superintendent may continue the hearing to a later date.

(c) A record of the proceedings, consisting of the superintendent's preliminary report, the notice and proof of service, all testimony and evidence introduced at the hearing, and all briefs and letters filed by the Indian or his attorney shall be submitted to the Commissioner, together with a recommendation from the superintendent.

(d) Upon a finding by the Commissioner that the Indian is wasting or squandering his income, his allowance funds shall thereafter be subject to the supervision of the superintendent. Notice of the decision of the Commissioner shall be furnished all interested parties.

§ 108.6 *Allowance for minors.* The superintendent may disburse from the surplus funds of an Indian under 21 years of age not to exceed $300 quarterly for the support and maintenance of the minor. Disbursement may be made to the parent, guardian, or other person, school or institution having actual custody of the minor, or, when the minor is 18 years of age or over, disbursement may be made direct to the minor.

§ 108.7 *Disbursement or expenditure of surplus funds.* Except as provided in the regulations in this part, no disbursement or expenditure of surplus funds of Indians shall be made without the consent of the Indian owner and until authorization has been obtained from the Commissioner. Application by an Indian or his legal guardian, or if he is a minor, by his parent or legal guardian, for the expenditure of surplus funds shall be presented to the Commissioner, fully justified with the appropriate attachments such as court orders, decrees or other papers. Such application shall contain full information regarding the individual including his cash balance, the sum invested, the number of shares in the Osage mineral estate, total income from all sources including that paid on behalf of minors, the family status and the occupation or industry of the applicant. When request is made for payment to the individual without supervision, the record of said individual and his ability to handle such funds shall be shown.

§ 108.8 *Purchase of land.* Upon written application of an adult Indian, the superintendent may disburse not to exceed $10,000 from the surplus funds of such Indian for the purchase of land, the title to which has been examined and accepted by the special attorney for the Osage Indians or other legal officer designated by the Commissioner. In all cases title must be taken by deed containing a clause restricting alienation or encumbrance without the consent of the Secretary of the Interior or his authorized representative.

§ 108.9 *Construction and repairs.* Upon written application by an adult Indian, the superintendent may disburse not to exceed $1,000 during any one fiscal year from the surplus funds of such Indian to make repairs and improvements to restricted real property and in addition not to exceed $300 for new construction. When such expenditures are being made on property producing an income, reimbursement shall be required from such income unless otherwise directed by the Commissioner. When an Indian refuses to make application for funds to defray the cost of repairs necessary to preserve restricted property, the superintendent may, when authorized by the Commissioner, expend the surplus funds of the Indian for such repairs.

§ 108.10 *Purchase of automotive equipment.* The superintendent may disburse from the surplus funds of an adult Indian not to exceed $2,000 for the purchase of automotive equipment when the Indian agrees in writing to carry property and liability insurance on the automotive equipment and to reimburse his surplus funds account from allowance funds within 24 months. No disbursement of surplus funds for the purchase of automotive equipment shall be made if the fulfillment of the reimbursable agreement will endanger the payment of taxes, insurance or other obligations, or result in the inability of the Indian to meet his current living expenses from allowance funds.

§ 108.11 *Insurance.* The superintendent may obtain policies of insurance covering the restricted property, real or personal, of minor Indians and pay the premiums thereon from the funds of the minors. Upon application by an adult Indian the superintendent may procure insurance on any restricted property, real or personal, owned by the applicant and pay the necessary premiums from his surplus or allowance funds. When authorized by the Commissioner, the superintendent may also procure insurance on restricted property, real or personal, of any adult Indian who neglects or refuses to take out such insurance.

§ 108.12 *Costs of recording and conveyancing.* The superintendent may expend the surplus funds of an Indian to make direct payment of recording fees and costs of conveyancing, including abstracting costs, which are properly payable by the Indian.

§ 108.13 *Telephone and telegraph messages.* The superintendent may expend the surplus funds of an Indian to make direct payment for telephone and telegraph messages sent by the agency or received at the agency at the instance of the Indian or his guardian or attorney.

§ 108.14 *Miscellaneous expenditure of surplus funds.* Upon application by an adult Indian the superintendent may disburse the surplus funds of such Indian for the following purposes:

(a) Medical, dental, and hospital expenses for the applicant or a member of his family, not to exceed one thousand dollars ($1,000) during any one fiscal year.

(b) Funeral expenses, including the funeral feast, of a deceased member of his family, in an amount not to exceed one thousand dollars ($1,000).

(c) A tombstone or monument to mark the grave of a deceased member of his family in an amount not to exceed five hundred dollars ($500).

(d) Court costs in any judicial proceeding to which the applicant is a party.

(e) Bond premiums, except bail and supersedeas bonds.

(f) For miscellaneous purposes, not to exceed five hundred dollars ($500) during any one fiscal year.

§ 108.15 *Collections from insurance companies.* Moneys collected from insurance companies for loss or damage to restricted real or personal property shall be deposited to the credit of the Indian owner as surplus funds. Moneys so deposited to the credit of an adult Indian may, upon the written application of the Indian, be disbursed by the superintendent for the purpose of repairing or replacing the property. Moneys collected from insurance companies for loss or damage to unrestricted real or personal property shall be paid to the Indian for his unrestricted use.

§ 108.16 *Reimbursement to surplus fund.* When expenditures have been made from surplus funds upon the condition, and with the written agreement of the Indian, that reimbursement or repayment shall be made from future allowance funds, the superintendent is authorized to withhold from succeeding quarterly payments or other allowance funds such amounts as may be necessary to effect reimbursement within a period not exceeding 24 months from date of the first expenditure under the given authority.

§ 108.17 *Inactive surplus funds accounts.* When the balance of surplus funds to the credit of an adult Indian is less than $300 and when there is no likelihood of its increase within 90 days, the superintendent may disburse the entire balance to the Indian owner for his unrestricted use.

§ 108.18 *Withdrawal and payment of segregated trust funds.* The withdrawal and payment of segregated trust funds

will be made only upon application and satisfactory evidence that the withdrawal and payment of such funds would be to the best interest of the Indian in view of all the circumstances shown to exist. The segregated trust funds of an Indian under guardianship or an Indian under 21 years of age shall not be released and paid except to a guardian appointed by a proper court and after the filing of a bond approved by the court conditioned upon the faithful handling of the funds. Applications for the withdrawal and payment of segregated trust funds must be made upon the forms prescribed by the Secretary for that purpose.

§ 108.19 *Debts of Indians.* No indebtedness of Indians will be paid from their funds under the control or supervision of the Secretary unless authorized in writing and obligated against their accounts by the superintendent or some other designated employee except in cases of emergency involving the protection or preservation of life or property, which emergency must be clearly shown. With this exception, no authorization or obligation against the account of any Indian for indebtedness incurred by him shall be made by the superintendent unless specifically authorized by the regulations in this part.

§ 108.20 *Purchase orders.* Purchase orders may be issued by the superintendent for expenditures authorized by the regulations in this part or for expenditures specifically authorized by the Commissioner. When necessary to prevent hardship or suffering, purchase orders may be issued by the superintendent against the future income of an Indian in an amount not to exceed 80 percent of the anticipated quarterly payment. The payment of purchase orders issued against future income shall be contingent upon the availability of funds.

§ 108.21 *Fees and expenses of attorneys.* When payment of an attorney fee for services to an Indian is to be made from his surplus funds, the employment of the attorney by the Indian must be approved in advance. All fees will be determined on a quantum meruit basis and paid upon completion of the services. The superintendent may approve the employment of an attorney, determine the fee, and disburse the surplus funds of the Indian in payment thereof when the fee does not exceed $500. Upon application by the Indian and upon the presentation of properly authenticated vouchers, the superintendent may disburse the surplus funds of the Indian in an amount not to exceed $200 in payment of necessary expenses incurred by the attorney.

§ 108.22 *Disbursements to legal guardians.* Any disbursement authorized to be made to an Indian by the regulations of this part may, when the Indian is under guardianship, be made by the superintendent to the guardian. All expenditures by a guardian of the funds of his ward must be approved in writing by the court and the superintendent.

§ 108.23 *Transactions between guardian and ward.* Business dealings between the guardian and his ward involving the sale or purchase of any property, real or personal, by the guardian to or from the ward, or to or from any store, company or organization in which the guardian has a direct interest or concern or contrary to the policy of the Department and shall not be approved by the superintendent without specific authority from the Commissioner.

§ 108.24 *Compensation for guardians and their attorneys.* (a) The superintendent may approve compensation for services rendered by the guardian of an Indian on an annual basis, the amount of the compensation to be determined by application of the following schedule to the moneys collected by the guardian:

First $1,000 or portion thereof, not to exceed 10 percent.
Second $1,000 or portion thereof, not to exceed 9 percent.
Third $1,000 or portion thereof, not to exceed 8 percent.
Fourth $1,000 or portion thereof, not to exceed 7 percent.
Fifth $1,000 or portion thereof, not to exceed 6 percent.
Sixth $1,000 or portion thereof, not to exceed 5 percent.
Seventh $1,000 or portion thereof, not to exceed 4 percent.
Eighth $1,000 or portion thereof, not to exceed 3 percent.
Ninth $1,000 or portion thereof, not to exceed 2 percent.
All above $9,000 not to exceed 1 percent.

(b) Balance carried forward from previous reports and moneys received by a guardian or his attorney as compensation shall be excluded in determining the compensation of the guardian or his attorney.

(c) The attorney for a guardian shall be allowed compensation in an amount equal to one-half of the amount allowed the guardian under the foregoing schedule except when such attorney is himself the guardian and acting as his own attorney, in which event he shall be allowed a fee of not to exceed one-fourth of the amount allowed the guardian under the foregoing schedule in addition to the fee as guardian.

(d) The superintendent may in his discretion permit the guardian to collect rentals from restricted city or town properties belonging to his ward.

§ 108.25 *Charges for services to Indians.* The superintendent shall make the following charges for services to Indians: Five per cent of all interest and non-liquidating dividends received from all types of securities, including stocks, bonds, and mortgages held in trust for individual Indians and interest on group investments. Such fees shall be deposited in the Treasury of the United States to the credit of the fund "Proceeds of Oil and Gas Leases, Royalties, etc., Osage Reservation, Oklahoma".

§ 108.26 *Expenses incurred pending qualification of an executor or administrator.* Pending the qualification of the executor or administrator of the estate of a deceased Indian of one-half or more Indian blood who did not have a certificate of competency at the time of his death, the superintendent may authorize the extension of credit for the following purposes, subject to allowance of claims by the executor or administrator and approval thereof by the court:

(a) Funeral expenses, including the cost of a funeral feast, in an amount not to exceed $1,000.

(b) Necessary expenses in hearings before the Osage Agency involving the approval or disapproval of last wills and testaments.

(c) Expenses necessary to preserve restricted property.

§ 108.27 *Custody of funds pending administration of estates*—(a) *Estates of Indians of less than one-half Indian blood and estates of Indians who had certificates of competency.* Upon the death of an Indian of less than one-half Indian blood or an Indian who had a certificate of competency, the superintendent shall pay to the executor or administrator of the estate all moneys and securities, other than segregated trust funds to the credit of the Indian and all funds which accrue pending administration of the estate.

(b) *Estates of Indians of one-half or more Indian blood who did not have certificates of competency.* Upon the death of an Indian of one-half or more Indian blood who did not have a certificate of competency at the time of his death, the following classes of funds, less any amount hypothecated for the payment of taxes as provided in § 108.2, shall be paid by the superintendent to the executor or administrator of the estate:

(1) Allowance funds to the credit of the Indian.

(2) Any quarterly payment authorized prior to the death of the Indian.

(3) Interest on segregated trust funds and deposits computed to the date of death.

(4) Rentals and income from restricted lands collected after the death of the Indian which were due and payable to the Indian prior to his death.

Except as provided in § 108.28, the superintendent shall not pay to the executor or administrator any surplus funds to the credit of the Indian or any funds, other than those listed in subparagraphs (1) (2) (3) and (4) of this paragraph which accrue pending administration of the estate.

§ 108.28 *Payment of claims against estates.* The superintendent may disburse to the executor or administrator of the estate of a deceased Indian of one-half or more Indian blood who did not have a certificate of competency at the time of his death sufficient funds out of the estate to pay the following classes of claims approved by the court:

(a) Debts authorized by the superintendent during the lifetime of the Indian.

(b) Expenses incurred pending the qualifications of an executor or administrator under authority contained in § 108.26.

(c) Expenses of administration, including court costs, premium on bond of executor or administrator, transcript fees and appraiser fees.

(d) Living expenses incurred within 90 days immediately preceding the date of death of the Indian.

(e) Allowance of not to exceed $100 per month for 12 months to a widow who is entitled to participate in the distribution of the estate and who does not have sufficient funds of her own.

(f) Allowance of not to exceed $35 per month for 12 months for each child of the decedent under 21 years of age who is entitled to participate in the distribution of the estate and who is in need of such support.

(g) Insurance premiums and license fees on restricted property.

(h) Not to exceed $1,000 for the preservation and upkeep of restricted property, including the services of a caretaker when necessary.

(i) Debts incurred during the lifetime of the Indian but not authorized by the superintendent, if found by the Commissioner to be just and payable.

The superintendent shall disburse no funds to an executor or administrator for the payment of the foregoing classes of claims unless the executor or administrator has no other funds in his hands available for the payment of such claims.

§ 108.29 *Sale of improvements.* The superintendent may approve the sale of improvements on restricted Indian lands when such improvements are appraised at not more than $500 and when the owner has submitted a written request that the sale be made and a statement that the improvements can no longer be used by him. The proceeds of all such sales shall be deposited to the credit of the Indian as surplus funds. Improvements consisting of buildings, etc., located on property within the Osage villages of Pawhuska, Hominy, and Grayhorse may, upon approval of the superintendent, be disposed of to other Osage Indians. The superintendent may disburse the surplus funds of the purchaser to consummate the transaction. Sale of such improvements to non-Indian or non-Osage Indians must be approved by the Commissioner.

§ 108.30 *Sale of personal property.* The superintendent may approve the sale of restricted personal property other than livestock. The superintendent may also approve the sale of livestock when authorized so to do by special or general instructions from the Commissioner. The proceeds from the sale of personal property other than livestock shall be deposited to the credit of the Indian as surplus funds unless the surplus funds from which said property was purchased have been reimbursed from allowance funds, in which case the proceeds from such sale shall be disbursed as allowance funds. If partial reimbursement only has been made, such portion of the proceeds of sale as may be necessary to complete the reimbursable agreement shall be deposited to the credit of the Indian as surplus funds and the balance, if any, shall be disbursed as allowance funds. The proceeds from the sale of livestock shall be deposited in conformity with general or specific instructions from the Commissioner.

§ 108.31 *Removal of restrictions from personal property.* The superintendent may relinquish title to personal property (other than livestock) held by the United States in trust for the Indian when to do so will enable the Indian to use the property as part payment in the purchase of other personal property and when the remainder of the purchase price is to be made from other than surplus funds of the Indian.

§ 108.32 *Funds of Indians of other tribes.* The funds of restricted non-Osage Indians, both adults and minors, residing within the jurisdiction of the Osage Agency, derived from sources within the Osage Nation and collected through the Osage Agency, may be disbursed by the superintendent, subject to the condition that all payments to third persons, including taxes and insurance premiums, shall be made upon the written authorization of the individual whose funds are involved, if an adult, and upon the written authorization of the parent or guardian, if a minor. The funds of restricted non-Osage Indians who do not reside within the jurisdiction of the Osage Agency shall be transferred to the superintendent of the jurisdiction within which the Indian resides, to be disbursed under regulations of the receiving agency.

§ 108.33 *Signature of illiterates.* An Indian who cannot write shall be required to endorse checks payable to his order and sign receipts or other documents by making an imprint of the ball of the right thumb (or the left, if he has lost his right) after his name. This imprint shall be clear and distinct, showing the central whorl and striations and witnessed by two reputable persons whose addresses shall be given opposite or following their names. An Indian may sign by marking "X" before two witnesses where he is unable to attach his thumb mark for physical reasons.

§ 108.34 *Financial status of Indians confidential.* The financial status of Indians shall be regarded as confidential and shall not be disclosed except to the owner of the account or his authorized agent, unless authorized in advance by the Commissioner.

§ 108.35 *Appeals.* Any decision by the superintendent may be appealed to the area director, any decision by the area director may be appealed to the Commissioner, and any decision by the Commissioner may be appealed to the Secretary.

PART 109—JUDGMENT AND PAYMENTS IN LIEU OF ALLOTMENT FUNDS

Sec.
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AUTHORITY: §§ 109.1 to 109.20 issued under sec. 2, 53 Stat. 1128; 25 U. S. C. 572.

NOTE: For declaration of policy in disbursement of the judgment fund of the Shoshone Tribe of the Wind River Reservation, Wyo., see 4 F. R. 4797, Dec. 8, 1939.

§ 109.1 *Program required; purposes for which expenditures may be made.* Pro-rata shares of the Shoshone Judgment Fund shall be expended in accordance with an approved program and for: Purchase of land; improvement of land to be acquired or already held by the Indian; erection and improvement of suitable homes; education; purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment, supplies, or training necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or such other pursuits or vocations as will enable him to become self-supporting.

§ 109.2 *Family programs.* The funds of a husband and wife, and of any other adults in a family group, may be used in the execution of a family program: *Provided,* The written consent of each individual is filed with the superintendent of the Wind River Indian Agency, Wyoming, hereafter in this subpart referred to as the superintendent. The available funds of a minor may be used in the execution of such family program, only on condition that (a) the funds of such minor are used solely in the development, repair or maintenance of real or personal property owned by said minor or held in trust for him, or in the creation, development, or completion of a project or undertaking or in the production of a gain or profit which will inure directly to the benefit of such minor, (b) title to any real property or fixtures, purchased wholly or in part with his money shall, except with the approval of the Commissioner of Indian Affairs, be held in trust for him, or (c) the adults convey to the United States in trust for such minor sufficient real or personal property to assure, insofar as is possible, that the minor upon attaining majority will have, in lieu of the money, property of a value equal to that of his funds used in the execution of the program. The superintendent shall not approve a family program which involves the transfer to a minor, in exchange for his funds, of assets of a nature which will not be useful to him. The written consent of a minor who is 16 years of age or over, duly witnessed by at least two disinterested persons, shall accompany any family program which involves the use of said minor's funds.

§ 109.3 *Scope of programs.* Programs shall contemplate the eventual use of the entire pro-rata share or defi-

nitely provide for the conservation of a portion of such share, but in no case, except as hereinafter provided in this part, shall a program provide for the expenditure in the first year, after its approval, of more than $1,350 for each adult or more than $500 for each minor contributing to the program, and the program shall recognize that future use and expenditures for such program after the first year shall depend upon the proper use of the funds initially authorized to be expended: *Provided*, That the program of an adult may, with the approval of the Commissioner of Indian Affairs, provide for the expenditure in the first year after its approval of more than $1,350 when required for its most effective development. Expenditures of a minor's funds under this subpart shall not exceed a total sum of $500 and the remaining $1,850 of each minor's share shall be held intact until his majority, as required in section 2 of the act of July 27, 1939 (53 Stat. 1128).

§ 109.4 *Authority to withhold funds.* The superintendent may stop disbursement of funds in the execution of an approved program upon evidence that the Indian is not complying with the program or that the continuation of the program or expenditures thereunder will not result in benefit to the Indian, and he may require either further justification for carrying out the program theretofore approved or the submission of a new program.

§ 109.5 *Approval of programs.* The superintendent, subject to the limitations described in this subpart, shall approve or disapprove all programs submitted by Indians for the use and disbursement of pro rata shares of the Shoshone Judgment Fund. The Shoshone business council may act, or designate a committee of Indians to act, in an advisory capacity in the preparation and consideration of programs. Programs shall be prepared upon an approved form,[1] which shall be filled out in duplicate, one copy to be filed at the Wind River Indian Agency and one copy to be retained in the possession of the Indian.

§ 109.6 *Right of appeal.* Indians shall have the right of appeal, through the superintendent, to the Area Director, Billings Area Office, Bureau of Indian Affairs (referred to in this part as the Area Director) (a) from an action of the superintendent in withholding funds under § 109.4 and (b) from an action of the superintendent in disapproving a program under § 109.5. Appeals must be filed within 60 days with the superintendent who shall promptly forward the appeal, together with a statement of the facts in the case and of his reasons for the action taken by him, to the Area Director. An appeal will lie within a like period from the action of the Area Director to the Commissioner of Indian Affairs.

§ 109.7 *Individual land purchases.* Before approving a program which includes an individual land purchase, the superintendent shall determine that such purchase will not conflict with the tribal land program of land purchase, consolidations and use authorized by the act of July 27, 1939 (53 Stat. 1128). No purchase of land by individuals using restricted funds shall be made within the ceded or opened portion of the Wind River Reservation.

§ 109.8 *Issuance of purchase orders.* In the discretion of the superintendent, expenditures from pro rata share accounts, other than for the purchase of real property, may be made either by purchase order or by cash disbursement to the individual for the execution of an approved program.

§ 109.9 *Purchase of real property.* Except as otherwise provided in § 109.18 payment for the purchase of real property shall be made by the superintendent, and such payment shall be made only after the title has been found satisfactory by the Area Director.

§ 109.10 *Trust status of property.* Title to all real property to be acquired with restricted funds, when such property is situated within the diminished portion of the Wind River Reservation, shall be taken in trust for the individual. Title to personal property acquired pursuant to a purchase order shall be taken in trust. Livestock purchased and the offspring thereof shall be marked or branded with the individual brand of the owner. The provisions of this section are subject to the provisions of § 109.18.

§ 109.11 *Allowances for support.* The superintendent may, upon proper showing, approve expenditures for the maintenance and support of the aged, infirm, decrepit, and incapacitated, whether adults or minors, and expenditures from that part of an adult's pro rata share which exceeds $1,450 for the support of an individual who has proved to be incapable of conducting a productive enterprise. The manner of disbursement and the amount of funds to be used for such purposes shall be determined by the superintendent, subject to the expenditure limitations set forth in § 109.3.

§ 109.12 *Medical treatment.* The superintendent may approve the expenditure from that part of an adult's pro rata share which exceeds $1,450 to cover medical, dental, surgical, or hospital treatment, including nursing services. No part of a minor's pro rata share shall be expended for such purposes.

§ 109.13 *Education.* The superintendent may authorize the expenditure of funds from any minors account for clothing because of school needs, and in addition, from the account of any minor who is in the ninth grade or higher for his tuition and other necessary expense in a government, private, public, or mission school.

§ 109.14 *Transfer of funds.* When an Indian who is entitled to a pro-rata share of the Shoshone judgment fund is a resident within the jurisdiction of another Indian agency, the superintendent may transfer to the superintendent of such other agency, to the credit of such Indian, the share of the Shoshone judgment fund to which such Indian is entitled. All funds so transferred shall be expended in accordance with this subpart.

§ 109.15 *Repayment of loans.* Before approving a program, the superintendent shall make certain that provision has been made therein for the repayment of any amounts due on any loan, evidenced by a written agreement, from the United States or from the Shoshone Tribe.

§ 109.16 *Funds not available for payment of certain debts.* Debts, except those to the United States and the Shoshone Tribe, incurred by Indians prior to July 27, 1939, shall not be paid from any funds made available from the Shoshone Judgment Fund. Debts of Indians will not be paid from the funds to be disbursed under this subpart unless previously authorized by the superintendent, except in emergency cases necessitating medical treatment or in the payment of last illness or funeral expenses,[2] as authorized in this subpart, and any other exceptional cases where specific authority is granted by the Commissioner of Indian Affairs.

§ 109.17 *Disposition of funds in event of death.* Prior to the determination of heirs, the superintendent may disburse whatever amount he deems necessary and proper for the support of the widow of the decedent and for each minor child of the decedent. Before making the disbursement, the superintendent shall be reasonably satisfied that actual need for assistance exists and that the value of the estate is sufficient to justify such payments considering all proper claims. A complete record of all disbursements shall be reported by the superintendent to the examiner of inheritance and by the latter considered and included in his report of probate proceedings. After payment of all proper claims against the funds, including reimbursable or other debts due the United States or the Shoshone Tribe and excluding any claims arising out of debts incurred prior to July 27, 1939, the balance shall be transferred to the individual accounts of the heirs of the decedent in accordance with the approved heirship findings. Expenditures from inherited funds shall be made for purposes authorized in this part.

§ 109.18 *Fee patent Indians.* For the purposes of this part, a "fee patent Indian" shall be an adult Indian who has received a patent in fee to his allotment. Fee patent Indians shall be required to submit a program, the approval of which shall be in conformity with §§ 109.1 through 109.6. Fee patent Indians shall not be required to make purchases through purchase orders, but shall have funds disbursed to them direct by the superintendent for such purchases. Funds of minor children of fee patent Indians may be included in an approved family program, but their expenditure shall be subject to the same provisions as cover the expenditure of the funds of minor children of Indians other than fee patent Indians. Fee patent Indians shall be required to conform to the provisions of § 109.9 only when the purchase of real property involves property situated within the diminished portion of the Wind River Reservation. Payments by fee patent Indians for real property outside the diminished portion of the Wind River Reservation may be made by them with funds disbursed to them by the superintendent. Except as otherwise provided in this section, fee patent Indians shall conform to all the provisions of this part.

§ 109.19 *Non-resident Indians.* The provisions of § 109.18 pertaining to fee patent Indians shall also apply to Indians other than fee patent Indians who habitually reside away from the Wind River Reservation and have, to all intents and purposes, severed their affiliation with the tribe, and who shall furnish to the superintendent in writing a statement that they intend to continue to reside away from the reservation and evidence, satisfactory to the superintendent, of their competency and ability to support themselves and manage their own affairs.

§ 109.20 *Definition of "adult" and "minor."* The term "adult" shall include all members of the tribe 18 years of age or over, and the term "minor" shall include all members of the tribe less than 18 years of age.

PART 111—SERVICE CHARGES AGAINST INDIANS. [RESERVED]

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[1] Forms shall be made available at the Wind River Indian Agency.

[2] Comptroller General Ruling A-62264, dated July 25, 1935.

Subchapters K–O—Lands; Surface Estates and Resources

Subchapter K—Patents, Allotments and Sales

PART 121—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

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REMOVAL OF RESTRICTIONS AGAINST ALIENATION, EXCLUSIVE OF FIVE CIVILIZED TRIBES LAND

121.49 Procedure for removing restrictions.

MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS

121.52 Approval of mortgages and deeds of trust.

AUTHORITY: §§ 121.1 to 121.52 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 7, 32 Stat. 275, 34 Stat. 1018, sec. 1, 35 Stat. 444, sec. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 17, 40 Stat. 579, 62 Stat. 236; 25 U. S. C. 379, 405, 404, 372, 373, 483. Other statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCES: For further regulations pertaining to the sale of irrigable lands, see Parts 129, 128 and § 211.4 of this chapter. For Indian money regulations, see Parts 104, 101, 107, 105, and 102 of this chapter. For regulations pertaining to the determination of heirs and approval of wills, see Part 15 and §§ 11.30–11.32C of this chapter.

PATENTS IN FEE

§ 121.1 *Application for patent in fee.* Any Indian 21 years of age or over may apply for a patent in fee for land, the title to which is held in trust for said Indian by the United States. The application shall be made on a form approved by the Commissioner of Indain Affairs and shall be completed and filed with the Superintendent or other officer in charge of the Indian agency or other local facility having administrative jurisdiction over the land.

§ 121.2 *Issuance of patents in fee.* (a) The Secretary of the Interior may, in his discretion, and pursuant to the acts of February 8, 1887, as amended (24 Stat. 388, as amended; 25 U. S. C. 349); June 25, 1910, as amended (36 Stat. 855, as amended; 25 U. S. C. 372); and May 14, 1948 (62 Stat. 236; 25 U. S. C. 483), and pursuant to other authorizing acts, issue patents in fee to Indians applying therefor in accordance with § 121.1. A patent in fee will not be issued pursuant to this paragraph unless it appears that the applicant is competent and capable of managing his or her own affairs. Prior to the issuance of a patent in fee pursuant to this paragraph the land shall be appraised at its fair market value. If an application is denied, the applicant shall be so notified in writing.

(b) The Secretary will, pursuant to the act of March 1, 1907 (34 Stat. 1015, 1034), issue a patent in fee to any adult mixed-blood Indian owning land within the White Earth Reservation in the State of Minnesota upon application being made by such Indian, and without regard to the applicant's competency and ability to manage his or her own affairs.

(c) Whenever the Secretary determines that land, or any interest therein, held in trust for an Indian by the United States, has been acquired through inheritance or devise by (1) a non-Indian or (2) an alien Indian or an Indian who has become an alien subsequent to the time of such acquisition, the Secretary may issue a patent in fee for the land or interest therein to such non-Indian or alien Indian, without regard to such person's competency and ability to manage his or her own affairs, and regardless of whether such person has applied for a patent in fee.

CERTIFICATES OF COMPETENCY

§ 121.3 *Applications for certificates of competency.* Applications on Form 5–105, modified for certificates of competency authorized by section 1 of the act of June 25, 1910 (36 Stat. 855, 48 Stat. 647; 25 U. S. C. 372), shall be filed with the Indian superintendent having jurisdiction over the land from which the allottee or heirs seek to have all restrictions removed. When the land is not located within the territorial limits of an Indian reservation the allottee or heirs may petition the most convenient superintendent or other officer in charge of an Indian agency or Indian tribe or such other public officer of the United States as may be designated by the Secretary of the Interior, who shall take like action as if the lands were within the territorial limits of an Indian reservation.

§ 121.4 *Superintendent's report on certificates of competency.* Reports on application for certificates of competency should be on Form 5–110f and should be accompanied by the recommendation of the tribal council. The issuance of a certificate of competency is discretionary with the Secretary of the Interior. Such a certificate will not be issued unless it can be affirmatively shown that its issuance will not affect unfavorably the consolidation and use by the Indians of restricted Indian lands. The provisions of the act of June 25, 1910, apply only to Indians or their heirs to whom a patent in fee containing restrictions on alienation has been issued.

§ 121.5 *Certificates of competency to certain Osage adults.* Applications for certificates of competency by adult members of the Osage Tribe of one-half or

more Indian blood shall be on the form[1] prescribed by the Secretary of the Interior. Upon the finding by the Secretary or by his duly authorized representative that an applicant who has filed an application on the prescribed form with the superintendent of the Osage Agency is capable of managing his or her own affairs and transacting his or her own business, a certificate of competency may be granted removing the restrictions against alienation of all restricted property, except Osage headright interests, of the applicant.

CROSS REFERENCE: For regulations pertaining to the issuance of certificates of competency to adult Osage Indians of less than one-half Indian blood, see Part 123 of this chapter.

§ 121.6 *Applications for certificates of competency to Kaw or Kansas adults.* Applications for the issuance of certificates of competency to adult members of the Kaw or Kansas Tribe of Indians shall be upon form prescribed by the Secretary of the Interior and furnished by the superintendent in charge of Kaw or Kansas allottees, Pawnee, Oklahoma.

§ 121.7 *Issuance of certificates of competency.* When the Secretary of the Interior finds that the applicant is capable of transacting his or her own affairs and transacting his or her own business, the restrictions may be removed and a certificate of competency issued, to be effective 30 days from the date of its issuance. The issuance of a certificate of competency is discretionary with the Secretary of the Interior. Such a certificate will not be issued unless it be affirmatively shown that its issuance will not affect unfavorably the consolidation and use by the Indians of restricted Indian lands.

PARTITIONS OF INHERITED ALLOTMENTS

§ 121.8 *Applications for partitions.* In case the trust land of a deceased allottee is susceptible of partition among the heirs, the Secretary of the Interior may make such partition and issue new patents to the several heirs for the portions selected by them. If the allotment is held under a restricted fee title (as distinguished from a trust title) partition may be made by approved deeds among the heirs. Petitions for partition should be made upon Form 5–110*l*.

(Sec. 1, 39 Stat. 127; 25 U. S. C. 378)

CROSS REFERENCE: For regulations pertaining to the determination of heirs and approval of wills, see Part 15 and §§ 11.30–11.32C of this chapter.

SALES AND EXCHANGES OF INDIVIDUALLY OWNED TRUST OR RESTRICTED LAND, EXCLUSIVE OF FIVE CIVILIZED TRIBES LAND

§ 121.9 *Sales and exchanges by Indians.* Pursuant to the acts of May 27, 1902 (32 Stat. 275; 25 U. S. C. 379); March 1, 1907 (34 Stat. 1018; 25 U. S. C. 405); May 29, 1908 (35 Stat. 444; 25 U. S. C. 404); and May 14, 1948 (62 Stat. 236; 25 U. S. C. 483) and pursuant to other authorizing acts, the following classes of land may be sold or exchanged with the approval of the Secretary of the Interior:

(a) Allotted land, and devised and inherited interests therein;

(b) Land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites either that title is in the United States in trust for the Indian or that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior.

§ 121.10 *Sales by the Secretary.* The Secretary of the Interior may, pursuant to the act of June 25, 1910, as amended (36 Stat. 855, as amended; 25 U. S. C. 372), and the act of February 14, 1913 (37 Stat. 678; 25 U. S. C. 373), sell interests in trust allotments acquired by Indians through inheritance or devise.

§ 121.13 *Preference right to purchase lands in Oklahoma.* (a) In the case of any sale of restricted Indian land at public auction or by sealed bids in Oklahoma, except in the case of the Osage Reservation, the act of June 26, 1936 (49 Stat. 1967; 25 U. S. C. 501–509), provides in part that whenever any restricted Indian land or interests in land other than sales or leases of oil, gas, or other minerals therein, are offered for sale, pursuant to the terms of this or any other act of Congress, the Secretary of the Interior shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians of the same or any other tribe, at a fair valuation to be fixed by the appraisement satisfactory to the Indian owner or owners, or if offered for sale at auction said Secretary shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians by meeting the highest bid otherwise offered therefor.

(b) In order to expeditiously carry out these requirements superintendents or other officers in charge of the several Indian agencies and reservations in the State of Oklahoma, except Osage, are required to keep close watch for notice of the sale of restricted Indian land at public auction or through sealed bids. In all cases of this class full cooperation of State and county authorities is desired, and in order to avoid unnecessary delay in exercising the preferential right and in waiving it in cases where the lands are not wanted for Indian purposes, and to avoid undue hardship either to the Indian or to others in the exercise of such preferential right, such cases shall receive prompt consideration by the several agencies and officers in the field and forwarded to the Bureau of Indian Affairs and the Department to the end that this right to purchase shall be either exercised or waived as promptly as circumstances will permit. Such preference right to purchase is placed in the Secretary of the Interior under the act and is recognized as remaining in full force and effect until released by said Secretary through endorsement on deeds of conveyance or in an appropriate order the form of which is "Preference right of purchase resting in the Secretary of the Interior under section 2 of the act of June 26, 1936 (49 Stat. 1967; 25 U. S. C., Sup. 502, is hereby waived as to the lands herein described."

(Sec. 9, 49 Stat. 1968; 25 U. S. C. 509)

§ 121.14 *Selection of lands under preference right.* Preference right of purchase is not to be construed as indiscriminate land purchasing. Land acquired under this act must be agricultural or grazing of good character and quality. The purchase of town lots or homesites is not authorized. The superintendent is to exercise this right to purchase in areas where there are Indian settlements and schools available for education of the children, or at other points where desirable lands can be obtained in comparatively consolidated areas for Indian benefit. All lands being considered for purchase must be carefully examined and appraised. The superintendent whenever feasible shall utilize the services of the special land purchasing force and in all instances the land field agent's office must be notified of each such proposed purchase to the end that his record of land acquisition in Oklahoma may be kept current. Where superintendents conduct all the land purchase activities within their jurisdiction all papers are to be transmitted direct to the Commissioner for consideration and appropriate action. In all cases copies of such papers are to be sent to the land field agent. In those cases where the purchase work has been handled by or with the assistance of the land field agent's force, all purchase papers should be routed through the land field agent for preparation of report to the Commissioner.

(Sec. 9, 48 Stat. 1968; 25 U. S. C. 509)

§ 121.15 *Waiver of preference right.* Where restricted lands are offered for sale which are not within an area wanted for rehabilitation or other Indian purposes and the superintendents in charge are fully satisfied that the tract or tracts offered will not be needed in connection with the land program. Superintendents are hereby authorized to waive such preferential purchase right for and on behalf of the Secretary of the Interior.

(Sec. 9, 49 Stat. 1968; 25 U. S. C. 509)

§ 121.16 *Reinvestment of proceeds in restricted nontaxable land.* Funds derived from the sale of restricted lands may be used to acquire other lands as provided for by the act of March 2, 1931, as amended by the act of June 30, 1932 (47 Stat. 474). The lands so acquired shall be restricted and nontaxable as provided in said act.

(46 Stat. 1471, as amended; 25 U. S. C. 409a)

METHOD OF SALES

§ 121.17 *Petitions for the sale of land.* Petitions for the sale of trust or restricted land shall be filed, on forms approved by the Commissioner of Indian Affairs, with the Superintendent or other officer in charge of the Indian Agency or other local facility having administrative jurisdiction over the land.

§ 121.21 *Costs of conveyances; payment.* Purchasers shall pay all costs of conveyancing and in addition the following sums, to wit: If the purchase price is $1,000 or less, $1.50. If it be more than $1,000 and not more than $2,000, $2. If the purchase price is more than $2,000, $2.50. Such fees should not be included in checks covering payment for the land, but collected separately, taken into accounts as "Sundry receipts" and deposited to the credit of the United States.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 121.22 *Additional sale fee required.* In all cases the sale of restricted allotted Indian lands, either on a cash basis or on deferred payments, the purchasers will be required to deposit with the superintendent, in addition to the consideration for the land and fee provided for in § 121.21, the sum of $20, such amount to be paid when the purchaser is notified that he is the successful bidder. This fee is collected for the purpose of paying for the work incident to the sale as required by the act of February 14, 1920, as amended by the act of March 1, 1933 (47 Stat. 1417; 25 U. S. C. 413). The fee may be reduced to a lesser amount than $20 or to a nominal amount if the circumstances justify such reduction in the discretion of the Secretary of the Interior. The sales fee if conditions warrant may be deducted from the proceeds of sale.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 121.23 *Irrigation fees; payment.* In sales involving irrigable land, the purchaser will be required to pay the proportionate per acre construction cost of the particular project to be assessed against the land. Payments made by the Indian owner prior to July 1, 1932 shall be taken into consideration in fixing the appraisements of the land. All appraisements covering irrigable land will be submitted to the supervising or project engineer of the district in which such land is situated for his approval. Purchasers will be required to pay in addition to the per acre construction cost the annual operation and maintenance charges assessed against the land which will be based on the annual cost of the operation of the system. All such charges, remaining unpaid as of the date of the acceptance of the bid, must be paid by the purchaser. In all cases purchasers will be required to enter into an agreement for the payment of all such charges. A lien clause covering the cost of all irrigation charges, past and future, will be inserted in the patent or other instrument issued to the purchaser.

CROSS REFERENCES: For regulations pertaining to construction costs, see Parts 211, 214, 215 of this chapter. For additional regulations pertaining to the payment of fees and charges in connection with the sale of irrigable lands, see Parts 129, 128, and § 211.4 of this chapter.

§ 121.24 *Appraisal, advertisement, consideration.* (a) Prior to making or approving a sale, exchange or gift of trust or restricted land, an appraisal shall be made indicating the fair market value of such land.

(b) Except as provided in paragraph (c) of this section, proposed sales of land shall be advertised for at least 30 days prior to the proposed date for opening bids on such land, unless a shorter period is otherwise authorized by the Secretary of the Interior. At the request of the owner, the advertisement may afford to the tribe occupying the reservation where the land is located, to members of such tribe, or to any reasonably defined class of Indians, a right to meet the high bid.

(c) The following types of conveyances need not be advertised and may be negotiated: (1) A sale to another Indian, an Indian tribe, the United States or an agency thereof, or a state or local government or agency thereof; (2) a conveyance to a member of the Indian's immediate family pursuant to the provisions of paragraph (d) of this section; (3) a sale to a non-Indian, when the Secretary determines that it is impractical to advertise; (4) an exchange; (5) temporary easements for rights of way not to exceed fifty years. Except as provided in paragraph (d) of this section, the consideration for a negotiated sale shall be not less than the appraised value of the land. The consideration for an exchange shall be either land, or a combination of land and money or other thing of value, the fair market value of which is not less than the appraised value of the trust or restricted land. Sales between Indians, either of whom is an employee of the United States Government, are governed by the provisions of § 251.5 of this chapter.

(d) An Indian owner of trust or restricted land may, with the approval of the Secretary, convey land to a member of his or her immediate family for a consideration less than that prescribed in paragraph (c) of this section or for no consideration. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers and sisters, lineal ancestors of Indian blood, and lineal descendants.

§ 121.25 *Bids; how made.* Each bid on Indian lands offered for sale must be accompanied by a duly certified check payable to the order of the superintendent or other officer in charge for the use of the vendor, for not less than 10 percent of the offer made, as a guaranty of the bidder's faithful performance of his proposition. If the bid is accepted and the successful bidder shall within 30 days after due notice fail to comply with the terms of his bid, his defeat shall be forfeited to the use of the owner of the land. All bids should be enclosed in a sealed envelope which must be marked by the bidder "Bid for Indian Land" and show the date of opening, but the description of the land shall not be noted on the envelope.

§ 121.26 *Number of bids.* No bidder will be permitted to include more than one item in any single bid. If a bidder desires to bid on more than one item, he must bid a separate amount for each item.

§ 121.27 *Bidding not open to employees.* Except as authorized by the provisions of § 251.5 of this chapter, no employee of the Bureau of Indian Affairs shall directly or indirectly bid, or make or prepare any bid, or assist any bidder in preparing his bid.

§ 121.28 *Bids; right to reject.* The right to reject any and all bids is reserved to the Commissioner of Indian Affairs.

§ 121.29 *Bidders, right to be present when bids are opened.* Bidders, owners and other interested persons may be present when bids are opened and when so opened the bids shall be recorded in a book or on cards kept for that purpose so as to show the name of the bidder, description of the land, amount offered, and action taken thereon. The award shall be made to the highest bidder and the checks of the unsuccessful bidders shall be returned immediately to them, receipts therefor being taken and filed at the agency.

§ 121.30 *Exchange submitted with bids; disposal.* The exchange submitted with the bid of the successful bidder shall be immediately deposited by the superintendent or other officer in charge to his official credit in a designated depositary for individual Indian money. As soon as practicable the superintendent or other officer in charge shall require the successful bidder to furnish additional exchange for the remaining 90 percent of the amount bid, which shall be deposited forthwith to the official credit of the disbursing officer in the same depositary to await the action of the Department on the sale.

§ 121.31 *Deferred payment sales.* When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. If the purchaser, whether Indian or non-Indian, is to take title in a nontrust and unrestricted status, the purchaser shall pay not less than 25 percent of the purchase price in advance, and shall execute notes for the balance payable in three equal payments on or before 1, 2, and 3 years after date, on Form 5–110g. If the purchaser is an individual Indian or Indian tribe, and if the purchaser is to take title in a trust or restricted status, the purchaser shall pay not less than 10 percent of the purchase price in advance; terms for the payment of remaining installments are within the discretion of the Secretary of the Interior. If the purchaser on any deferred payment plan makes default in the first or subsequent payments, all payments, including interest, previously made will be forfeited to the Indian owner.

REMOVAL OF RESTRICTIONS AND SALE OF LANDS, FIVE CIVILIZED TRIBES AND REINVESTMENT OF FUNDS IN NONTAXABLE LANDS

§ 121.34 *Removal of restrictions, application.* Application for the removal of restrictions and for approval of sales of lands must be made in triplicate on approved form Five Civilized Tribes, 5–484, and submitted to the superintendent for the Five Civilized Tribes or any field clerk. These forms will be furnished free of charge by the superintendent or field clerk.

§ 121.35 *Removal of restriction, unconditionally.* Upon proper showing to the Secretary of the Interior that an

[1] Copies of the form may be obtained from the Superintendent of the Osage Indian Agency, Pawhuska, Okla.

applicant for the removal of restrictions should have the unrestricted control of his allotment or a part thereof, he may remove the restrictions therefrom.

§ 121.36 *Removal of restrictions, conditionally.* When the Secretary of the Interior finds it to be for the best interest of any applicant that all or part of his restricted lands should be sold with conditions concerning terms of sale and disposal of the proceeds, he may remove the restrictions, to become effective only and simultaneously with the execution of a deed by said applicant and issue an order specifically providing the terms under which the land may be sold and providing for the disposal of the proceeds.

§ 121.37 *Advertising lands for sale.* The superintendent for the Five Civilized Tribes will advertise for sale at public auction for not less than 30 days the land included in conditional removal of restrictions orders by posting notices at his office; at the offices of the several field clerks, and at the county court houses of the Five Civilized Tribes area. Such notices shall contain information as to time and place of sale, legal description of the land, information as to character of land, minimum price at which the land may be sold, and terms of sale, with reservation of right to reject any bid submitted. The determination of the minimum price at which lands may be sold will be made by the superintendent after an inspection and appraisement of the land by a representative of his office. No bid for an amount less than the minimum price will be considered. All cost of conveyance and recording shall be at the expense of the purchaser.

§ 121.38 *Bids; how made and accepted.* Bids may be made in writing on any of the lands to be offered for sale. Any written bid submitted to be given consideration must be received at the place of sale prior to the hour of sale by the officer named in the notice offering the land for sale and accompanied by a deposit of 10 percent of the amount bid. Deposits accompanying unsuccessful bids will be returned promptly. Each successful oral bid must be accompanied by a deposit of 10 percent of the amount bid as guaranty of faithful compliance of the bidder with the terms of sale.

§ 121.39 *Fees and consideration for sale; acceptance and deposit.* (a) A remittance of $20 will be required from the successful bidder as a land sale fee on each tract sold. This fee is collected for the purpose of paying for the work incident to the sale as required by the act of February 14, 1920, as amended by the act of March 1, 1933 (47 Stat. 1417; 25 U. S. C. 413). Where the circumstances justify a reduction in the sales fee the Secretary of the Interior may reduce the amount. The sales fee if conditions warrant and the advertisement so provides may be deducted from the proceeds of the sale.

(b) If a bid is accepted and the successful bidder shall fail within 10 days from the receipt of notice of the acceptance of his bid, to comply with the terms thereof, such deposit will be subject to forfeiture by the superintendent for the Five Civilized Tribes for the use of the owner of the land.

(c) The proceeds of all such sales shall be held by said superintendent for the Five Civilized Tribes in his official capacity, and be disbursed for the benefit of the respective Indians.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 121.40 *Deferred payment sales; how made.* Upon the approval by the Secretary of the Interior of a conditional order for the removal of restrictions the land covered thereby to be sold under the supervision of the superintendent for the Five Civilized Tribes, the said superintendent is hereby authorized, in such cases as he considers to be for the best interests of the respective allottees so to do, to advertise and sell said land at public auction for not less than the appraised value for cash or upon deferred payments, any such deferred payment sales to be made under the following terms:

(a) Where the consideration is $500 or less, at least one-half to be paid in cash at the time of the sale and the remainder to be evidenced by purchasers' notes due and payable in not more than 18 months after the date of purchase and secured by first mortgage on the premises conveyed.

(b) Where the consideration exceeds $500 and is not more than $1,500, at least one-third to be paid in cash at the time of sale and the remainder in two equal payments evidenced by the purchaser's note or notes to fall due not more than 2½ years from date of purchase, and secured by first mortgage on the premises conveyed.

(c) Where the consideration exceeds $1,500 at least one-fourth to be paid in cash at the time of sale and the remainder in three equal payments evidenced by purchaser's note or notes to fall due not more than 3½ years from the date of purchase and secured by first mortgage on the premises conveyed.

§ 121.41 *Cash payments; how accounted.* All cash payments at the time of sale to be paid into the hands of the cashier and special disbursing agent for the Five Civilized Tribes, Muskogee, Oklahoma, or his successor in authority, and all notes and mortgages securing same to contain the express condition that no payment purporting to discharge, satisfy, or release the indebtedness evidenced thereby shall operate as a release, satisfaction, discharge, or payment thereof unless such payments and interest accruing thereon are made to the said cashier or his successor, for the benefit of the proper allottees, or if such note or notes are properly negotiated with the approval of the Secretary of the Interior, to the owner or owners of such notes, and such notes shall be nonnegotiable except with the approval of the said Secretary. The note or notes shall be held by the said cashier or his successor for collection when due. Said notes shall draw interest from date of execution until paid at the rate of 6 percent per annum.

§ 121.42 *Deferred payments; how accounted.* All moneys received by the cashier or his successor as consideration for land, including moneys received on account of deferred payments and accrued interest thereon, shall be deposited or held to the credit of the proper allottee in individual Indian accounts and be subject to the rules, regulations and orders of this Department governing the holding of moneys so deposited and the disbursement thereof.

CROSS REFERENCES: For individual Indian money regulations, see Part 104 of this chapter. For deposit of Indian funds in banks, see Part 105 of this chapter.

§ 121.43 *Consummation of sale.* Upon the consummation of a sale in compliance with the regulations in this part the superintendent, or other officer in charge of the office of the Five Civilized Tribes, will make appropriate endorsements upon the order for the removal of restrictions from the land sold and on the deed of conveyance as prescribed by Forms Five Civilized Tribes 5–540 and 5–183c.[1] The order for the removal of restrictions and the deed thus endorsed shall, after proper record thereof has been made at the office of the said superintendent, be delivered to the grantee.

§ 121.44 *Reinvestment of funds in restricted nontaxable land.* In any case where lands are purchased for the use and benefit of any citizen of the Five Civilized Tribes of the restricted class, payment for which is made from proceeds arising from the sale of restricted nontaxible land, the said superintendent shall cause conveyance of such lands to be made on form of conveyance containing an habendum clause against alienation, taxation, or encumbrances, as follows:

TO HAVE AND TO HOLD said described premises, unto said grantee _____ heirs and assigns, forever, free, clear, and discharged of all former grants, charges, taxes, judgments, mortgages, and other liens and encumbrances of whatsoever nature, subject to the condition that no lease deed, mortgage, power of attorney, contract to sell, or other instrument affecting the land herein described or the title thereto shall be of any force and effect, unless approved by the Secretary of the Interior or the restrictions from said land are otherwise removed by operation of law.

§ 121.45 *Superintendent's certificate on deed.* Before delivery and recording of such deed of conveyance the said superintendent will attach a certificate of notice in the following form:

I hereby certify that the land described in the above deed was purchased for a home for the said _____ with funds HELD IN TRUST by the United States for H_____ derived from the sale of restricted lands as authorized by the terms of the act of March 2, 1931 (46 Stat. 1471) as amended June 30, 1932 (47 Stat. 474), and is nontaxable as therein provided.

_____
Superintendent for the Five Civilized Tribes.

§ 121.46 *Purchase of restricted, nontaxable personal property with restricted funds.* In all cases where purchases of automobiles, horses, wagons, buggies, cattle, agricultural implements, or other personal property are made for individual Indians, payments for which are made from moneys received from the sale of restricted allotted lands, or from other moneys held under the control of the Department of the Interior, the superintendent for the Five Civilized Tribes will, when in his judgment it is to the Indian's best interest, cause a bill of sale to be executed by the vendor or vendors conveying the property purchased to the United States, to be held in trust for the use and benefit of the respective allottees or their heirs who are of the restricted class.

[1] For further information regarding forms, see § 121.34.

§ 121.47 *Identification USIS.* (a) The superintendent for the Five Civilized Tribes may cause all such property to be branded on some prominent place, "USIS" to indicate that the property was purchased by the United States through the Indian service.

(b) The law of the State of Oklahoma shall be followed in taking bills of sale. The bill of sale should be filed at the office of the county clerk for the county in which the property is located and duplicate thereof retained in the office of the superintendent for the Five Civilized Tribes.

(c) Before filing the bill of sale, certificate of notice shall be indorsed thereon by the said superintendent or such other officer of the Department as he may designate for the purpose, evidencing the official character of the transaction and the nature of the funds affected.

§ 121.48 *Alienation of property covered by bill of sale; invalid unless previously authorized.* No sale, mortgage, or other disposition of the property covered by a bill of sale, as provided in the regulations in this part, shall be of any force or validity except with the written consent previously obtained and the approval subsequently given of the superintendent for the Five Civilized Tribes, or such other officer as he may designate for the purpose; and in the event the Indian attempts to sell, mortgage, or otherwise dispose of such property the said superintendent shall promptly notify the Department to that effect, forwarding the original bill of sale, in order that proper proceedings may be instituted for the recovery of the property.

REMOVAL OF RESTRICTIONS AGAINST ALIENATION, EXCLUSIVE OF FIVE CIVILIZED TRIBES LAND

§ 121.49 *Procedure for removing restrictions.* An Indian may apply for the removal of restrictions from land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior. An application for the removal of restrictions from such land shall be filed with the superintendent or other officer in charge of the Indian agency or other local facility having administrative jurisdiction over the land. The application shall set forth the experience the applicant has had in the transaction of his business affairs and the reasons why a removal of restrictions is desired. If it appears that the applicant is competent and capable of managing his affairs or that the removal of restrictions is otherwise in the best interests of the applicant, an order removing restrictions against alienation of the land may be issued. Prior to the issuance of such an order the land shall be appraised at its fair market value.

MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS

§ 121.52 *Approval of mortgages and deeds of trust.* The Commissioner of Indian Affairs or his authorized representative may approve mortgages or deeds of trust on any individually owned trust or restricted land whenever such lands under any law or treaty may be sold with the approval of the Secretary of the Interior or his duly authorized representative. The approval of such a mortgage or deed of trust terminates the trust or restricted status of the land only with respect to such mortgage or deed of trust and only for the purpose of permitting foreclosure or sale pursuant to the terms of the mortgage or deed of trust in accordance with the laws of the State or Territory in which the land is situated.

PART 122—DETERMINATION OF COMPETENCY; CROW INDIANS

Sec.
122.1 Purpose of regulations.
122.2 Application and examination.
122.3 Application form.
122.4 Factors determining competency.
122.5 Children of competent Indians.
122.6 Appeals.

AUTHORITY: §§ 122.1 to 122.6 issued under sec. 12, 41 Stat. 755, 46 Stat. 1495, as amended.

§ 122.1 *Purpose of regulations.* The regulations in this part govern the procedures in determining the competency of Crow Indians under Public Law 303, 81st Congress, approved September 8, 1949.

§ 122.2 *Application and examination.* The Commissioner of Indian Affairs or his duly authorized representative, upon the application of any unenrolled adult member of the Crow Tribe, shall classify him by placing his name to the competent or incompetent rolls established pursuant to the act of June 4, 1920 (41 Stat. 751), and upon application shall determine whether those persons whose names now or hereafter appear on the incompetent roll shall be reclassified as competent and their names placed on the competent roll.

§ 122.3 *Application form.* The application form shall include, among other things: (a) The name of the applicant; (b) his age, residence, degree of Indian blood, and education; (c) his experience in farming, cattle raising, business, or other occupation (including home-making); (d) his present occupation, if any; (e) a statement concerning the applicant's financial status, including his average earned and unearned income for the last two years from restricted leases and from other sources, and his outstanding indebtedness to the United States, to the tribe, or to others; (f) a description of his property and its value, including his allotted and inherited lands; and (g) the name of the applicant's spouse, if any, and the names of his minor children, if any, and their ages, together with a statement regarding the land, allotted and inherited, held by each.

§ 122.4 *Factors determining competency.* Among the matters to be considered by the Commissioner of Indian Affairs in determining competency are the amount of the applicant's indebtedness to the tribe, to the United States Government, and to others; whether he is a public charge or a charge on friends and relatives, or will become such a charge, by reason of being classed as competent; and whether the applicant has demonstrated that he possesses the ability to take care of himself and his property, to protect the interests of himself and his family, to lease his land and collect the rentals therefrom, to lease the land of his minor children, to prescribe in lease agreements those provisions which will protect the land from deterioration through over-grazing and other improper practices, and to assume full responsibility for obtaining compliance with the terms of any lease.

§ 122.5 *Children of competent Indians.* Children of competent Indians who have attained or upon attaining their majority shall automatically become competent except any such Indian who is declared incompetent by a court of competent jurisdiction or who is incompetent under the laws of the State within which he resides.

§ 122.6 *Appeals.* An appeal to the Secretary of the Interior may be made within 30 days from the date of notice to the applicant of the decision of the Commissioner of Indian Affairs.

PART 123—OSAGE ROLL, CERTIFICATE OF COMPETENCY

Sec.
123.1 Definitions.
123.2 Preparation of competency roll.
123.3 Determination of age and quantum of Indian blood.
123.4 Notification; disagreement and decision.
123.5 Issuance of certificate of competency.
123.6 Costs of recording certificates of competency.
123.7 Delivery of cash and securities.

AUTHORITY: §§ 123.1 to 123.7 issued under 62 Stat. 18; 25 U. S. C. 331 note.

§ 123.1 *Definitions.* When used in the regulations in this part the following words or terms shall have the meaning shown below:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Superintendent" means the superintendent of the Osage Agency.

(d) "Person" means an unallotted member of the Osage Tribe of less than one-half Indian blood who has not received a certificate of competency.

§ 123.2 *Preparation of competency roll.* The superintendent shall cause a roll to be compiled of all persons who

have attained the age of 21 years, and shall add thereto the names of minors as they attain the age of 21 years. The roll shall include the names, last known address, date of birth, and the total quantum of Osage blood and non-Osage Indian blood of each person listed thereon.

§ 123.3 *Determination of age and quantum of Indian blood.* (a) The date of birth as shown by the census records of the Osage Agency shall be accepted as prima facie evidence in determining the age of a person.

(b) The total quantum of Indian blood of a person shall be computed and determined as follows:

(1) When the parents of a person are enrolled members, or when one parent is an enrolled member and the other parent is a descendant of an enrolled member, or when both parents are descendants of enrolled members, or when one parent is an enrolled member of descendant of an enrolled member of the Osage Tribe, and the other parent is of non-Indian blood, the Osage Agency register of Indian families for the year ending December 31, 1901, shall be accepted as prima facie evidence of the quantum of Indian blood.

(2) When one parent of a person is an enrolled member, or the descendant of an enrolled member of the Osage Tribe, and the other parent is of non-Osage blood, the Osage Agency register of Indian families for the year ending December 31, 1901 shall be accepted as prima facie evidence in determining the quantum of Osage Indian blood.

(3) When one parent of a person is of non-Osage Indian blood, the certification of the superintendent or other officer in charge of the Indian Agency having jurisdiction over the affairs of the tribe of which the non-Osage Indian parent is a member or descendant of a member, as to such parent's quantum of Indian blood, shall be accepted as prima facie evidence in determining the quantum of non-Osage Indian blood.

(4) When the non-Osage parent of a person is alleged to be of Indian blood, and the superintendent or other officer in charge of the Indian agency having jurisdiction over the affairs of the tribe of which such parent is an alleged member or descendant of a member thereof, is unable to certify as to the quantum of Indian blood of such parent, affidavits as to such parent's quantum of Indian blood, when properly executed by two qualified individuals, may be accepted.

§ 123.4 *Notification; disagreement and decision.* When the superintendent shall have determined that a person, 21 years or over, is of less than one-half Indian blood, he shall notify such person of his finding and inform him that if objection is not received within 20 days from the date of notification, a certificate of competency will be issued. If the person claims to be of one-half or more Indian blood and that a certificate of competency should not be issued, he should submit to the superintendent two affidavits or other evidence in support of his claim. The claim, affidavits or other evidence of the person as to his quantum of blood shall be submitted to the Commissioner of Indian Affairs for a ruling before the certificate of competency is issued.

§ 123.5 *Issuance of certificate of competency.* A certificate of competency shall be issued by the superintendent on Form 5–182 [1] to each person heretofore or hereafter attaining the age of 21 years and who has been determined to be of less than one-half Indian blood. Such certificate shall be recorded with the county clerk of Osage County, Oklahoma, before delivering the same to the person entitled thereto.

§ 123.6 *Costs of recording certificates of competency.* The superintendent may expend the surplus funds of a person to make direct payment of the cost of recording a certificate of competency. If the person to whom a certificate of competency is issued has no surplus funds, the cost of recording the same shall be paid from Osage tribal funds.

§ 123.7 *Delivery of cash and securities.* After issuance and recordation of a certificate of competency as authorized by the regulations in this part, the superintendent shall deliver to the individual named therein, or the legal guardian thereof, the original copy of the certificate of competency, together with all cash, stocks and bonds credited to the account of such individual upon the books of the Osage Agency, and obtain a receipt therefor.

PART 125—REALLOTMENT OF LANDS TO UNALLOTTED INDIAN CHILDREN [2]

Sec.
125.1 ReHnquishment of original patent.
125.2 Relinquishment when original patent has been lost or destroyed.

AUTHORITY: §§ 125.1 and 125.2 issued under sec. 3, 36 Stat. 856; 25 U. S. C. 408.

CROSS REFERENCES: For Bureau of Land Management regulations pertaining to allotments to Indians and Eskimos, see 43 CFR Part 67. For Bureau of Land Management regulations pertaining to Indian allotments and possessions, see 43 CFR Part 176. For Bureau of Land Management regulations pertaining to restored and ceded Indian lands, see 43 CFR Part 177.

§ 125.1 *Relinquishment of original patent.* To effect a reallotment under section 3 of the act of June 25, 1910 (36 Stat. 856; 25 U. S. C. 408), the Indian owner shall endorse on the original patent a relinquishment of all lands described therein and explain the purpose of the relinquishment. The relinquishment shall name the child or children to be reallotted and follow with descriptions by legal subdivisions of the land. If a part of the allotment is being retained by the Indian owner, the relinquishment and application for reallotment may describe only the tract to be reallotted. The relinquishment must be signed by the original allottee or owner of the land involved and be acknowledged before a superintendent of an Indian agency or an officer authorized to administer oaths. The signatures of those who cannot write must be by thumb mark and be witnessed.

§ 125.2 *Relinquishment when original patent has been lost or destroyed.* When the original patent has been lost or destroyed, the relinquishment and application for reallotment may be submitted in the form of a letter, which must be accompanied by an affidavit showing the loss or destruction of the original patent. If no patent has been issued, that fact should be set out in the letter.

PART 126—ALLOTMENT OF LANDS ON THE CABAZON, AND AUGUSTINE INDIAN RESERVATIONS, RIVERSIDE COUNTY, CALIFORNIA

Sec.
126.1 Purpose.
126.2 Scope.
126.3 Size of allotments.
126.4 Description of allotments.
126.5 Method of selection.
126.6 Notice of allotment.
126.7 Priority of filing allotment selections on improved lands.
126.8 Priority of selecting remaining lands available for allotment.
126.9 Disposition of improvements.
126.10 Submittal of allotment schedule.
126.11 Special instructions.

AUTHORITY: §§ 126.1 to 126.11 issued under sec. 10, 64 Stat. 472.

§ 126.1 *Purpose.* These procedures and requirements will govern the preparation of allotment schedules containing the names and allotment selections of the unalloted members, called members in this part, the Cabazon and Augustine Bands of Mission Indians of the Cabazon and Augustine Indian Reservations, respectively.

§ 126.2 *Scope.* These procedures and requirements shall apply to those Indians whose names appear on the official enrollment records of the Cabazon or Augustine Bands of Mission Indians as of June 30, 1949, approved by the Secretary of the Interior, who have not heretofore received allotments.

§ 126.3 *Size of allotments.* Each member shall be entitled to an allotment not to exceed 40 acres of land classed as irrigable or potentially irrigable by the Secretary of the Interior.

§ 126.4 *Description of allotments.* Each allotment selection must be described as a legal subdivision of a section based upon public land surveys made by the Department of the Interior and wherever possible must consist of a contiguous tract of land.

§ 126.5 *Method of selection.* The Area Director, Sacramento Area Office, or his representative, shall be available during the periods hereinafter specified at an office of the Bureau of Indian Affairs located in the proximity of the Cabazon and Augustine Reservations to assist the Indians in making allotment selections. A map of each reservation on which is shown the irrigable and potentially irrigable land, which may be alloted, is available in such office during regular business hours for use in making the allotment selections. Each eligible member shall select for his allotment land shown on the map. Priority of selection shall be by families in the order of their appearance at the designated office. If two or more applicants appear at the designated office simultaneously, the order of their priority shall be determined by drawing lots. Selections for minors shall be made by one of the parents, or by a legally appointed guardian. Eligible adult members who have been adjudged non compos mentis may have selections made for them by a legally appointed guardian. Members who are not able to appear personally and sign the required forms for their selection may in writing appoint a representative to make the allotment selection, provided the appointment is duly acknowledged before a notary public or other officer authorized to take acknowledgments. Failure of any eligible Indian to make an allotment selection within the period of 60 days from the date of "Notice of Allotment", as prescribed in § 126.6, shall constitute authority for the Area Director to make a selection for such member. Appropriate forms for making selections shall be furnished by the Area Director.

§ 126.6 *Notice of allotment.* The Area Director shall mail a copy of the regulations in this part, together with a letter entitled "Notice of Allotment" bearing the date of the day it is posted, by registered mail to each member eligible for an allotment to the member's last known address. The letter shall inform each eligible member of the place where and the period of time when allotment selections will be accepted. In addition copies of the regulations in this part, together with copies of the Area Director's letter, shall be posted at several conspicuous places on and in the vicinity of the respective reservations.

§ 126.7 *Priority of filing allotment selections on improved lands.* The land classified as "improved" will be so designated on the map used for allotting purposes. A priority in selecting this class of land for allotment is given to the members who own the improvements on the lands, provided such improvements were placed thereon prior to July 1, 1954. The owner of the improvements on the land shall file on such land for allotment selection within 15 days from the date of the "Notice of Allotment."

§ 126.8 *Priority of selecting remaining lands available for allotment.* Upon the expiration of the 15-day period prescribed in § 126.7 all members, except those who filed allotment selections under § 126.7, shall file their selections on the remaining improved and unimproved irrigable or potentially irrigable land available for allotment. Filings thus made will be honored in the order of their receipt at the alloting office. A period of 45 days will be allowed for the filing of these selections. Upon the expiration of this 45-day period, selections shall be made by the Area Director, as prescribed in § 126.5, for those members who have not filed their allotment selections.

§ 126.9 *Disposition of improvements.* Any member owning improvements on land selected properly by another member may remove, or otherwise dispose of the improvements, within a 60-day period from date of notification by the Area Director to such member, so to dispose of such improvements. If in any case the whereabouts of the owner of the improvements is not known, an additional reasonable period of time may be allowed by the Area Director in which the owner, or his duly appointed representative, may remove or dispose of such improvements.

§ 126.10 *Submittal of allotment schedule.* Upon the completion of the allotment selections, a certified allotment schedule for each reservation, containing the names and the legal descriptions of the selections of the members and other pertinent information, shall be prepared by the Area Director. Each allotment schedule shall be submitted for approval to the Secretary of the Interior, through the Commissioner of Indian Affairs, before the issuance of trust patents for each of the allotment selections described therein.

§ 126.11 *Special instructions.* To facilitate the work of the Area Director, the Commissioner may issue special instructions consistent with these procedures and requirements.

PART 127—OSAGE LANDS

127.51 Definitions.
127.52 Application for change in designation of homestead.
127.53 Order to change designation of homestead.
127.54 Exchanges of restricted lands.
127.55 Institution of partition proceedings.
127.56 Partition records.
127.57 Approval of deeds or other instruments vesting title on partition and payment of costs.
127.58 Disposition of proceeds of partition sales.

AUTHORITY: §§ 127.51 to 127.58 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 18; 25 U. S. C. 331 note.

§ 127.51 *Definitions.* When used in this part:

(a) "Homestead" means the restricted nontaxable lands, not exceeding 160 acres, allotted to an enrolled member of the Osage Tribe pursuant to the act of June 28, 1906 (34 Stat. 539), or the restricted surplus lands designated in lieu thereof pursuant to the act of May 25, 1918 (40 Stat. 578).

(b) "Surplus land" means those restricted lands, other than the homestead, allotted to an enrolled member of the Osage Tribe pursuant to the act of June 28, 1906 (34 Stat. 539).

§ 127.52 *Application for change in designation of homestead.* Any Osage allottee or the legal guardian thereof may make application to change his homestead for an equal area of his surplus land. The application shall give in detail the reasons why such change is desired and shall be submitted to the Osage Indian Agency on the form "Application to Change Designation of Homestead."

§ 127.53 *Order to change designation of homestead.* The application of an Osage allottee, or his legal guardian, may be approved by the Secretary of the Interior, or his authorized representative, and an order issued to change designation of homestead, if it is found that the applicant owns an equal area of surplus land. The expense of recording the order shall be borne by the applicant. The order to change designation shall be made on the form "Order to Change Designation of Homestead."

§ 127.54 *Exchanges of restrictive lands.* Upon written application of the Indians involved, the exchange of restricted lands between adult Indians, and between adult Indians and non-Indians, may be approved by the Secretary of the Interior, or his authorized representative. Title to all lands acquired under this part by an Indian who does not have a certificate of competency shall be taken by deed containing a clause restricting alienation or encumbrance without the consent of the Secretary, or his authorized representative. In case of differences in the appraised value of lands under consideration for exchange, the application of an Indian for funds to equalize such differences may be approved to the extent authorized by § 108.8 of this chapter.

§ 127.55 *Institution of partition proceedings.* (a) Prior authorization should be obtained from the Secretary, or his authorized representative, before the institution of proceedings to partition the lands of deceased Osage allottees in which any interest is held by an Osage Indian not having a certificate of competency. Requests for authority to institute such partition proceedings shall contain a description of the lands involved, the names of the several owners and their respective interests and the reasons for such court action. Authorization may be given for the institution of partition proceedings in a court of competent jurisdiction when it appears to the best interest of the Indians involved to do so and the execution of voluntary exchange deeds is impracticable.

(b) When it appears to the best interest of the Indians to do so, the Secretary's, or his authorized representative's, authorization to institute partition proceedings may require that title to the lands be quieted in the partition action in order that the deeds issued pursuant to the proceedings shall convey good and merchantable title to the grantee therein. (See section 6, 37 Stat. 87.)

§ 127.56 *Partition records.* Upon completion of an action in partition, a copy of the judgment roll showing schedule of costs and owelty moneys having accrued to or from the several parties, together with deeds, or other instruments vesting title on partition, in triplicate, shall be furnished to the Osage Agency. The original allotment number shall follow the legal description on all instruments vesting title. When a grantee is a member of the Osage Tribe who has not received a certificate of competency, deeds or other instruments vesting title shall contain the following clause against alienation:

Subject to the condition that while title to the above-described lands shall remain in

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[1] Filed with the original document. Copies may be obtained upon request at the Bureau of Indian Affairs, Department of the Interior, Washington 25, D. C.

[2] The reallotment provisions herein dealt with are not applicable on reservations subject to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, as amended; 25 U. S. C. 461–479

the grantee or his Osage Indian heirs or devisees who do not have certificates of competency, the same shall not be alienated or encumbered without approval of the Secretary of the Interior or his authorized representative.

§ 127.57 *Approval of deeds or other instruments vesting title on partition and payment of costs.* Upon completion of the partition proceedings in accordance with the law and in conformity with the regulations in this part, the Secretary, or his authorized representative, may approve the deeds, or other instruments vesting title on partition, and may disburse from the restricted (accounts) funds of the Indians concerned, such amounts as may be necessary for payment of their share of court costs, attorney fees, and owelty moneys.

§ 127.58 *Disposition of proceeds of partition sales.* Owelty moneys due members of the Osage Tribe who do not have certificates of competency shall be paid into the Treasury of the United States and placed to the credit of the Indians upon the same conditions as attach to segregated shares of the Osage national fund.

PART 128—SALE OF IRRIGABLE LANDS, SPECIAL WATER CONTRACT REQUIREMENTS

CROSS REFERENCES: For additional regulations pertaining to the payment of fees and charges in connection with the sale of irrigable lands, see Part 129 and §§ 211.4 and 121.23 of this chapter. For general regulations pertaining to the issuance of patents in fee, see Part 121 of this chapter.

§ 128.1 *Conditions of contract.* (a) The form of contract (Form 5–462b)[1] for sale of irrigable lands specifically provides that the purchaser will obligate and pay on a per acre basis all irrigation charges assessed or to be assessed against the land purchased including accrued assessment, which accrued assessment shall be paid prior to the approval of the sale, and for the payment of the construction and operation and maintenance assessments on the due dates of each year. The agreement is to be acknowledged and recorded in the county records in which county the land is situated. The charges incidental to the recording of the instrument shall be paid by the purchaser at the time of executing the agreement.

(b) A strict compliance with the terms of paragraph (a) of this section is absolutely necessary and required.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385. Interprets or applies sec. 1, 41 Stat. 409; 25 U. S. C. 386)

NOTE: On May 12, 1921, Circular No. 1677, re sale of irrigable lands, was addressed to all superintendents. It was pointed out therein that the collection of irrigation construction charges was required by the terms of an act approved February 14, 1920 (41 Stat. 409; 25 U. S. C. 386), and that in addition to the construction charge there was an operation and maintenance charge assessable annually that must be paid by the landowners benefited; furthermore, that the purpose of this circular was to point out to the superintendents the necessity of advising prospective purchasers that irrigation charges must be paid and that a so-called paid-up water right was not conveyed with the land. A form of agreement to be executed by the prospective purchaser accompanied this circular.

It has been brought to the attention of the Bureau that irrigation construction charges and operation and maintenance charges have accrued against irrigable allotments prior to the time of their being advertised for sale and that the superintendents have failed to provide for payment of the accrued irrigation charges, with the result that no means are apparent for their collection.

With a view of preventing any future misunderstanding the form of contract accompanying Circular No. 1677 has been redrafted and Form 5–462b assigned to it. The circular has been designated "No. 1677a."

PART 129—INCLUSION OF LIENS IN ALL PATENTS AND INSTRUMENTS EXECUTED

Sec.
129.1 Liens.
129.2 Instructions.
129.3 Leases to include description of lands.
129.4 Prompt payment of irrigation charges by lessees.

AUTHORITY: §§ 129.1 to 129.4 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

§ 129.1 *Liens.* The act of March 7, 1928 (45 Stat. 210; 25 U. S. C. 387) creates a first lien against irrigable lands under all Indian irrigation projects where the construction, operation and maintenance costs of such projects remain unpaid and are reimbursable, and directs that such lien shall be recited in any patent or instrument issued for such lands to cover such unpaid charges. Prior to the enactment of this legislation similar liens had been created by legislative authority against irrigable lands of the projects on the Fort Yuma, Colorado River, and Gila River Reservations, in Arizona; Blackfeet, Fort Peck, Flathead, Fort Belknap, and Crow Reservations, Mont.; Wapato project, Yakima Reservation, Wash.; the irrigable lands on the Colville Reservation within the West Okanogan irrigation district, Washington, and the Fort Hall Reservation, Idaho. This legislation, therefore, extends protection similar to that existing in the legislation applicable to the projects on the reservations above mentioned.

CROSS REFERENCES: For operation and maintenance charges and construction costs, see Parts 221, 211, 214, and 215 of this chapter.

§ 129.2 *Instructions.* All superintendents and other officers are directed to familiarize themselves with this provision of law, and in all cases involving the issuance of patents or deeds direct to the Indian or purchaser of Indian allotments embracing irrigable lands, they will recite in the papers forwarded to the Department for action the fact that the lands involved are within an irrigation project (giving the name) and accordingly are subject to the provisions of this law. This requirement will be in addition to the existing regulations requiring the superintendents in case of sales of irrigable lands to obtain from the project engineer a written statement relative to the irrigability of the lands to be sold, and whether or not there are any unpaid irrigation charges, together with the estimated per acre construction cost assessable against the land involved in the sale. Each sale will also be accompanied by contract executed in accordance with regulations obligating the purchaser to pay the accrued charges, namely, construction, operation, and maintenance, prior to the approval of the sale and to assume and pay the unassessed irrigation charges in accordance with regulations promulgated by the Secretary of the Interior.

CROSS REFERENCES: For additional regulations pertaining to the payment of fees and charges in connection with the sale of irrigable lands, see Part 128 and §§ 211.4 and 121.23 of this chapter.

§ 129.3 *Leases to include description of lands.* It is important, also, for superintendents in leasing irrigable lands to present to the project engineer lists containing descriptions of the lands involved for his approval of the irrigable acreage and for checking as to whether or not such lands are in fact irrigable under existing works. Strict compliance with this section is required for the purpose of avoiding error.

§ 129.4 *Prompt payment of irrigation charges by lessees.* Superintendents will also see that irrigation charges are promptly paid by lessees, and where such charges are not so paid take appropriate and prompt action for their collection. Such unpaid charges are a lien against the land, and accordingly any failure on the part of the superintendents to collect same increases the obligation against the land.

Subchapter L—Leasing and Permitting

PART 131—LEASING AND PERMITTING

Sec.
131.1 Definitions.
131.2 Purpose of regulations.
131.3 Applicability of regulations.
131.4 Authority for leases or permits.
131.5 Ownership of improvements.
131.6 Duration of leases and permits of restricted lands.
131.7 Power of superintendent to grant leases or permits for restricted lands of individual Indians.
131.8 Negotiation of individual leases and permits.
131.9 Negotiation of tribal leases and permits.
131.10 Grants of permits for the use of other lands.
131.11 Irrigable lands, drainage districts, payment of charges.
131.12 Farm and farm-pasture units.
131.13 Grazing units excepted.
131.14 Minor's land, use by parents.
131.15 Bonds.
131.16 Subleases; assignments.
131.17 Special mandatory provisions.
131.18 Advance execution of leases.
131.19 Payment of rentals.
131.20 Description of leased property.
131.21 Conservation and land use requirements.
131.22 Violation of lease or permit.
131.23 Business leases or permits.
131.24 Crow Reservation.
131.25 Fort Belknap Reservation.
131.26 Colorado River Reservation.
131.27 Appeals.
131.28 Fees.
131.29 Palm Springs, California.

AUTHORITY: §§ 131.1 to 131.29 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, sec. 1, 2, 31 Stat. 229, 246, secs. 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, 751, 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48 Stat. 984, 988, 49 Stat. 115, 1135, sec. 55, 49 Stat. 781, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60 Stat. 308, secs. 1, 2, 60 Stat. 962, sec. 5, 64 Stat. 46, secs. 1, 2, 4, 5, 6, 69 Stat. 539, 540, 69 Stat. 725; 25 U. S. C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, 635.

§ 131.1 *Definitions.* As used in this part:

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Area Director" means the official in charge of an area office of the Bureau of Indian Affairs, or such other employee of the Bureau as he may properly designate in writing as acting director.

(d) "Superintendent" means the superintendent or other officer in charge of an Indian agency or unit under which the administration of restricted lands as described in this part has been placed.

(e) "Tribe" means a tribe, band, pueblo, rancheria, or other group of Indians.

(f) "Tribal Council" means the council, business committee, governor, or other body or individual authorized to represent the tribe.

(g) "Restricted lands" means lands or interests in lands held by Indian tribes in fee or by Indian title or held in trust by the United States for the benefit of Indian tribes; and lands or interests in lands held by the United States in trust for individual Indians or held by individual Indians subject to restrictions against alienation without the consent of the Secretary of the Interior or his duly authorized representative.

(h) "Permit" means a permit revocable in the discretion of the issuing or approving officer.

(i) "Farm-pasture" lease means a lease authorizing the grazing of livestock on areas of land used in connection with farming operations or which for any reason are not included in range units, pursuant to Part 151 of this chapter.

(j) "Specialized crops" means those crops requiring a deferred period of years for investment return.

§ 131.2 *Purpose of regulations.* The regulations in this part prescribe the terms and conditions under which restricted lands that are not in use by the Indian owners or the United States may be leased or permitted for farm, farm-pasture, business and other purposes authorized by statute. No leases shall be approved under the regulations of this part that contain any provision that will prevent or delay a termination of Federal trust responsibilities with respect to the land during the term of the lease.

§ 131.3 *Applicability of regulations.* This part is generally applicable but is subject to the special exceptions provided in §§ 131.24 to 131.26, inclusive.

§ 131.4 *Authority for leases or permits.* Either leases or permits may be granted for tribally or individually-owned restricted lands, except that, where no specific statutory authority to lease has been provided, permits only may be issued.

§ 131.5 *Ownership of improvements.* Leases granted under the regulations in this part shall be made for such terms and shall be limited in duration to a period that will permit amortization of the investment by the lessee in permanent improvements. All improvements made under the terms of the lease shall remain on the land as the property of the lessor unless specifically excepted therefrom under the terms of the lease. At the termination of the lease, the lessor shall have the option to purchase the improvements specifically excepted, which option shall be exercised in writing by the lessor by notice to the lessee at least sixty days prior to the expiration of the lease. The lessee shall have sixty days from the date of the expiration of his lease in which to remove the improvements.

§ 131.6 *Duration of leases and permits of restricted lands.* (a) Indian lands, whether tribally or individually owned, may be leased for public, religious, educational, recreational, residential, or business purposes for a period of not to exceed twenty-five years. With the consent of both parties, such leases may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years.

(b) Farming, and agricultural development leases which require the making of a substantial investment for the production of specialized crops, and such farm leases which require the development or utilization of the soil and water resources in connection with their operation as determined by the Secretary or his authorized representative may be executed for a term of not to exceed twenty-five years.

(c) Farming leases not requiring such investment or development may be executed for a term of not to exceed five years for dry-farming lands or ten years for irrigable lands.

(d) Grazing leases may be executed for a term of not to exceed ten years when such leases require substantial development or improvement.

(e) Unless otherwise provided by the Commissioner or his authorized representative, the rental on leases granted for more than five years shall be subject to adjustment at not more than five year intervals.

(f) Leases granted by the superintendent on lands of deceased Indians whose heirs have not been determined shall be limited to terms not exceeding one year, except as otherwise provided in § 131.7.

(g) With the exception set forth in paragraph (a) of this section there shall be no provision for renewal in the leases.

§ 131.7 *Power of superintendent to grant leases or permits for restricted lands of individual Indians.* (a) The superintendent may grant leases or permits for individual restricted lands on behalf of: (1) Indians non compos mentis and orphaned minors for whom no legal guardians have been appointed; (2) nonresidents whose whereabouts are unknown to him.

(b) The superintendent may grant leases or permits embracing inherited or devised restricted individual lands: (1) When the heirs or devisees of the decedents have not been determined, (2) when the heirs or devisees of the decedents have been determined and the lands are not in use by any of the heirs or devisees and the heirs or devisees have not been able during the three months period immediately following the date on which a lease may be renewed to agree upon a lease by reason of the number of heirs, their absence from the reservation or for any other cause.

(c) Where the majority interest in land being leased is owned by Indians authorized to negotiate their leases as provided for in § 131.8 and such Indians have agreed to and executed a lease on terms satisfactory to the superintendent, the superintendent is authorized to execute the lease in behalf of undetermined presumptive heirs owning the minority interest in such lands and in behalf of such Indians whose lands he is authorized to lease under paragraphs (a) and (b) of this section, without advertising such minority interest and without the limitation as to term as provided for in § 131.6 (f).

(d) Except as provided in paragraph (c) of this section, the superintendent, prior to the granting by him of a lease or permit in accordance with the provisions set forth in the regulations of this part or in accordance with a power to issue a lease or permit granted by the owners, shall advertise the lands for lease, unless prior authority to waive advertising has been granted by the Commissioner or his duly authorized representative, and assure that the present fair market value is obtained for the owners. After exposure to the open competitive market, through advertisement for sealed bids, if the highest bid received is less than the appraised value, such bid may be accepted by the superintendent when the bid price is not substantially less than the appraised value with the consent of the owner. Leases granted by the superintendent may, in his discretion, provide for the payment of the rentals due thereunder to the person having custody of the owner of the lands.

§ 131.8 *Negotiation of individual leases and permits.* Adult Indians (other than those non compos mentis) may negotiate for themselves and for their minor children on forms approved by the Secretary or his duly authorized representative, leases or permits for the use of individual restricted lands, subject to the regulations of this part and the written approval of the superintendent. Unless such leases or permits provide otherwise, rentals shall be paid directly by the lessees or permittees to the adult Indian lessors or permitters for their lands. Rentals on minors' lands shall be paid to the superintendent except where under applicable statutes it is mandatory that such rentals be paid to the parents. Negotiated leases shall not be approved at less than the appraised fair rental value.

§ 131.9 *Negotiation of tribal leases and permits.* (a) Tribes, acting through

[1] Forms may be obtained from the Commissioner of Indian affairs, Washington 25, D. C.

their tribal councils or their authorized representatives, may negotiate on forms approved by the Secretary or his duly authorized representative and subject to the approval of the Secretary or his authorized representative, leases or permits with respect to tribal lands, at not less than the appraised value. A lease or permit may provide for the payment of rentals direct to the lessor when a tribe is organized and has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease or permit shall provide for the payment of rentals to the superintendent for deposit to the credit of the tribe in the United States Treasury.

(b) The constitutions, bylaws, charters, ordinances, and resolutions, adopted by tribes organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, 25 U. S. C. 461–479), as amended June 15, 1935 (49 Stat. 378), and May 1, 1936 (49 Stat. 1250), and the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967, 25 U. S. C. 501–509), shall govern where inconsistent with the regulations in this part.

§ 131.10 *Grants of permits for the use of other lands.* In order to conserve and protect them from deterioration, lands acquired by the United States for Indian school or other Indian administrative purposes or transferred to or placed under the administration of the Bureau of Indian Affairs and which are not immediately needed for the purpose for which they were acquired or transferred, may be made available by the superintendent, subject to the approval of the Commissioner or his authorized representative, for farm, farm-pasture, business, or other purposes under permits for minimum periods conducive to proper use.

§ 131.11 *Irrigable lands, drainage districts, payment of charges.* Any lease or permit for restricted lands within an irrigation project shall require the lessee or permittee to pay on the due date annually in advance during the term of the instrument, and in the amounts determined by orders of the Secretary or his duly authorized representative, charges assessed against such lands. Such charges shall be in addition to the rental payments prescribed in the lease or permit. All payments of such charges and penalties shall be made to the superintendent or other officer designated by the Commissioner.

§ 131.12 *Farm and farm-pasture units.* (a) When areas of restricted land, consisting of parts or all of a number of allotments of individual lands or separate tracts of tribal lands, can be developed and effectively utilized under proper soil conservation and land use practices as single operational units, a suitable division shall be made by the superintendent of such lands into units: *Provided, however,* That the establishment of units containing in excess of 640 acres of irrigable land or in excess of 2,560 acres of dry farming or farm-pasture land shall be subject to the approval of the Commissioner or his authorized representative.

(b) A lease or permit may be issued by the superintendent on restricted land in a unit if such authority has been granted to the superintendent by the owners of the areas in the unit or if the superintendent is authorized in accordance with the provisions of this part to issue leases or permits covering such lands without the consent of the owners.

§ 131.13 *Grazing units excepted.* Restricted grazing lands within range units established pursuant to Part 151 of this chapter, general grazing regulations, shall not be leased and permits respecting such lands shall not be issued under this part.

§ 131.14 *Minor's land, use by parents.* Any Indian who supports his dependent minor children may use their restricted lands during the period of their minority without charge for the use of their lands if such use will enable him to engage in a farming or business enterprise which will also be beneficial to his minor children; and any such Indian may also pledge the income from such lands for the period of his children's minority as security for a loan from the United States, an Indian chartered corporation, an unincorporated tribe, or an Indian credit association.

§ 131.15 *Bonds.* Unless otherwise provided by the Commissioner or his authorized representative, full performance of the conditions of each lease or permit issued under this part shall be guaranteed by a satisfactory corporate surety bond or individual surety bond in a penal sum of not less than one year's rental and other provided charges, plus the estimated value of any improvements to be constructed by the lessee or permittee for the benefit of the lessor or permitter. In lieu of furnishing a surety bond, a lessee or permittee may deposit with the superintendent cash or negotiable United States Treasury Bonds or other negotiable Treasury obligations in the appropriate amount; together with a power of attorney appointing and empowering the Commissioner or his authorized representative in the event of any breach of the lease or permit to pay over any such cash, or to dispose of any such bonds and pay over the proceeds derived therefrom, as liquidated damages to or for the benefit of the lessor or permitter.

§ 131.16 *Subleases; assignments.* A sublease or assignment of any lease or permit issued under this part may be made only with the written consent of all parties thereto, including the surety or sureties, and the Government officer or employee who had authority to approve the original lease or permit.

§ 131.17 *Special mandatory provisions.* All leases or permits issued under this part shall contain provisions as follows:

(a) Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land during the term of this lease; however, such termination shall not serve to abrogate this lease. In the event of such termination, all powers, duties, or other functions of the Secretary of the Interior or his authorized representative shall terminate, and the responsibility for enforcing compliance with the covenants of this lease shall be assumed by the lessor, his heirs, devises, executors, administrators, or assigns.

(b) In the event of termination of Federal supervision, the lessor and lessee, or their successors in interest, shall have a period of 30 days from the anniversary date provided for in the lease for adjustment of the rental within which to agree upon the rental adjustment or to agree upon a commercial appraiser to determine the fair annual rental value. If no agreement can be reached at the end of 30 days, the lessor and lessee, or their successors, shall each appoint an appraiser and the two appraisers shall select a third appraiser. The three appraisers so selected shall constitute the appraisal board to reevaluate the fair annual rental.

(c) The lessee (permittee) further agrees that he will not use or permit to be used any part of said premises for any unlawful conduct or purpose whatsoever; that he will not use or permit to be used any part of said premises for the manufacture, sale, gift, transportation, drinking or storage of intoxicating liquors or beverages in violation of existing laws relating thereto, and that any violation of this clause by the lessee (permittee) or with his knowledge, shall render this lease voidable at the option of the superintendent.

§ 131.18 *Advance execution of leases.* Except with the approval of the Commissioner or his authorized representative, no lease or permit shall be negotiated more than 12 months prior to the date when it is to become effective.

§ 131.19 *Payment of rentals.* No rent or other consideration for the use of land leased pursuant to the regulations of this part shall be paid or collected more than one year in advance, unless so provided in the lease. Any lease containing a provision for payment or collection of rental for more than one year in advance shall not be approved by the superintendent. Authority to approve such leases may be granted by the Area Director in his discretion.

§ 131.20 *Description of leased property.* When a lease covers only part of an allotment, a definite description by subdivision or by metes and bounds must be incorporated therein, accompanied by a plat of the part intended to be leased when the metes and bounds do not conform to the public survey.

§ 131.21 *Conservation and land use requirements.* All farming and grazing operations conducted under leases executed pursuant to the regulations of this part shall be in accordance with the lease terms and land use stipulations or a plan of conservation operations prepared by the superintendent in accordance with approved methods. Such stipulation or plan shall be annexed to and made a part of the lease.

§ 131.22 *Violation of lease or permit.* The superintendent is responsible for and shall enforce compliance with the requirements of leases or permits issued under this part and the applicable regulations. If he has reason to believe that a lessee or permittee has violated the lease or permit or the regulations, he shall serve written notice upon the lessee or permittee setting forth in detail the nature of the alleged violation and give the violator 10 days from the date of notice in which to show cause why the lease or permit should not be canceled. The surety or sureties on the lease or permit shall be notified of the alleged violation by promptly mailing to each surety a copy of each notice sent to the lessee or permittee. Where the breach of contract is satisfied by the payment of damages, the superintendent may approve the damage settlement. The failure of a lessee or permittee within the prescribed time to furnish satisfactory reasons why the lease or permit should not be canceled shall result in the cancellation of the instrument. The superintendent shall immediately notify the lessee or permittee in writing of the cancellation of the instrument, demand payment of all obligations due, and direct the premises be vacated promptly. This notice shall also inform the lessee or permittee that his failure to abide by the notice will necessitate the presentation of the case to the United States Attorney for appropriate action.

§ 131.23 *Business leases or permits.* Business leases or permits executed in accordance with § 131.6 may be approved by the superintendent where the annual rental does not exceed $5,000. All other business leases or permits shall be subject to the approval of the Commissioner or his authorized representative.

§ 131.24 *Crow Reservation.* (a) Notwithstanding § 131.6 (b), no lease or permit of any irrigable allotment on the Crow Reservation shall be made for a period longer than five years, except that irrigable lands in Indian ownership within the Big Horn unit of the Crow Indian irrigation project may be leased or permits may be issued for farming purposes for periods not to exceed 10 years.

(b) A lease or permit respecting restricted land on this reservation may be negotiated for farming purposes not to exceed 18 months before it is to become effective.

(c) The approval of the superintendent of the Crow Agency shall not be required under § 131.8 with respect to leases or permits which are issued by Indian allottees whose names appear as competent on the rolls completed in accordance with the provisions of section 3 of the act of June 4, 1920 (41 Stat. 751), as supplemented by the acts of May 19, 1926 (44 Stat. 566), May 2, 1928 (45 Stat. 482), March 15, 1948 (62 Stat. 80), and September 8, 1949 (63 Stat. 695), and which cover their own allotments or the allotments of their minor children for farming or grazing purposes except that leases other than farming and grazing made pursuant to the provisions of the act of August 9, 1955 (69 Stat. 539), all leases made by adult Crow Indians not classified as competent, and leases on heirship lands of Crow Indians having more than five competent devisees or heirs require the approval of the superintendent. Leases or permits requiring the approval of the superintendent shall provide that all rentals are to be paid by the lessee or permittee to the superintendent for the benefit of the Indian owners. Copies of all leases and permits that do not require the approval of the superintendent shall be filed promptly with the superintendent of the Crow Agency. Such filing shall impart constructive notice to all persons of its contents. No such lease which has not been so filed shall be recognized by the superintendent or by the Bureau as against lessees, purchasers, or encumbrancers of the same land in good faith for value and without notice. Any Crow Indian classified as competent shall have the full responsibility of obtaining compliance with the terms of any lease made by him pursuant to this section.

§ 131.25 *Fort Belknap Reservation.* Not to exceed 20,000 acres of allotted and tribal lands (nonirrigable as well as irrigable) on the Fort Belknap Reservation in Montana may be leased or permits respecting such lands may be granted for the culture of sugar beets and other crops in rotation for terms not exceeding 10 years.

§ 131.26 *Colorado River Reservation.* (a) For a period of two years from August 14, 1955, the Secretary of the Interior or his authorized representative may lease the unassigned lands on the Colorado River Reservation. Such lands may be leased for the purposes and terms provided for in § 131.6.

(b) Income from leases on land in the southern reserve, as defined in ordinance numbered 5 of the Colorado River Indian Tribes, dated February 3, 1945, shall be segregated from income from leases on land in the northern reserve, as defined by such ordinance, and from leases on land on the California side of the Colorado River. All income received prior to August 14, 1957, and prior to determination of the beneficial ownership of the lands, from leases on land in the northern reserve and land on the California side of the Colorado River may be expended by the Secretary or his authorized representative for the benefit of the Colorado River Indian Tribes and their members. All income received prior to August 14, 1957, and prior to determination of the beneficial ownership of the lands, from leases on land in the southern reserve may be expended by the Secretary or his authorized representative for the development or improvement of any land in the southern reserve. All income received after August 14, 1957, shall be held in a special account until the beneficial ownership of the land on the reservation has been determined. All income received after beneficial ownership has been determined shall be held in trust for the beneficial owners of the land from which the income was derived and shall be expended as otherwise authorized by law.

§ 131.27 *Appeals.* (a) Any heir or devisee who feels aggrieved by the action taken by the superintendent on leasing the restricted lands of deceased Indians may, within 10 days after the date of execution of the lease, file with the superintendent a notice of appeal to the Secretary. The notice of appeal shall be in writing and shall set forth the reasons for the appeal. Copies of the notice shall be furnished by the appellant to the superintendent, the lessee, and to all parties who share in the estate.

(b) The appeal, the lease or a true copy thereof, and all papers relating to the lease shall be submitted to the Secretary through the Commissioner.

(c) The appellant and any other interested party may, within 30 days from the date on which a notice of appeal is filed, submit written arguments to the Secretary.

(d) Copies of the decision of the Secretary on the appeal will be mailed to (1) the appellant, (2) all other heirs or devisees of the estate affected by the appeal, (3) the superintendent, (4) the Commissioner, (5) and the lessee.

§ 131.28 *Fees.* When lands are leased or permits are issued in accordance with the provisions of this part, or when they are subleased or assigned (including renewals or extensions), fees shall be fixed as follows:

(a) *To be paid by lessee, permittees, sublessee, or assignee.*

Rental:	Fee
Not to exceed $100	$1.00
$100.01–$250	2.50
$250.01–$500	5.00
For each additional $500 or fraction thereof	1.00

When, under the terms of the instrument, the occupant is to pay taxes accruing during the period of its operation, an amount equal to the estimated total amount of the taxes shall be included in the amount to be used in determining the fee to be charged. In the case of a sublease or assignment, the fee shall be based on the total rental which will accrue under the instrument from the effective date of the transaction. When the lease or permit period is extended with the mutual consent of the parties concerned, the fee shall be computed from the effective date on the same basis as the original instrument. The fee to be collected in case of crop-share or other noncash rental leases or permits shall be based on (1) an estimate of the cash rental value of the acreage, including all improvements to be placed on the land by the lessee or permittee for the benefit of the lessor or permitter, or (2) the estimated value of the lessor's share of the crops.

(b) *Fees, tribal employees.* When the clerical and ministerial work in connection with the grants of leases or permits is performed by tribal employees, fees may be fixed, subject to approval by the Commissioner or his authorized representative, by the respective tribes concerned in lieu of the fees prescribed in paragraph (a) of this section.

(c) *Disposition of fees.* . Fees collected pursuant to paragraph (a) of this section shall be covered into the Treasury as miscellaneous receipts, except that when the clerical and ministerial work in the issuance of permits or leases of lands under this part is performed by Bureau employees paid from appropri-

ated tribal funds, the fees shall be credited to such funds.

§ 131.29 *Palm Springs, California.* In addition to the authority for the negotiation of leases contained in § 171.8, leases or permits for the use of individual trust or restricted lands belonging to members of the Agua Caliente or Palm Springs band of Mission Indians may be negotiated by guardians duly qualified as to authority and bond under the laws of California, to enter into transactions on behalf of the owner of the property. Such leases shall be made on forms approved by the Secretary, subject to the regulations of this part and the written approval of the Secretary. Leases so negotiated shall provide that rentals due may, in the discretion of the Secretary, be paid to such guardians, providing, however, that at any time during the term of the lease, the Secretary may, at his discretion and upon thirty days' notice to the lessee, require the remaining rentals to be paid to the Secretary.

PART 132—PRESERVATION OF ANTIQUITIES

Sec.
132.1 Penalty.
132.2 Permits.
132.3 Supervision.
132.4 Lapse of permits.
132.5 Restoration of land after work completed.
132.6 Superintendents authorized to confiscate antiquities illegally obtained or possessed.
132.7 Notice to public.
132.8 Report of violations.
132.9 Report on objects of antiquity.

CROSS REFERENCE: For uniform regulations issued by the Secretaries of the Interior, Agriculture, and War pertaining to the preservation of antiquities, see Public Lands: Interior, 43 CFR Part 3.

AUTHORITY: §§ 132.1 to 132.9 issued under secs. 3, 4, 34 Stat. 225, as amended; 16 U. S. C. 432.

§ 132.1 *Penalty.* The appropriation, excavation, injury, or destruction of any historic or prehistoric ruin or monument, or any object of antiquity situated on lands owned or controlled by the Government of the United States, by any person or persons, without the permission of the Secretary of the department having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, subject such person or persons to be fined not to exceed $500 or imprisoned for not to exceed 90 days, or both.

§ 132.2 *Permits.* Permits for the excavation of ruins and archaeological sites and the gathering of objects of antiquity on Indian reservations will be granted by the Secretary of the Interior to reputable museums, universities, colleges, or other recognized scientific or educational institutions, or their duly authorized agents, on proper application. Superintendents should not permit any excavations or explorations except as to those persons holding such permits.

§ 132.3 *Supervision.* Superintendents may at all times examine the permit of any person or institution claiming the privileges referred to, and may fully examine all work done under such permit.

§ 132.4 *Lapse of permits.* Failure to begin work under a permit within 6 months after it is granted, or failure to diligently prosecute such work after it has been begun, shall make the permit void, and superintendents are instructed to report to the office all such failures to begin within the stated time or the failure to diligently pursue the excavation or explorations.

§ 132.5 *Restoration of land after work completed.* Permittees are required to restore the lands on which they have worked to their customary condition, to the satisfaction of the superintendent. Failure to do this should be brought to the attention of the office.

§ 132.6 *Superintendents authorized to confiscate antiquities illegally obtained or possessed.* Superintendents or others in administrative charge of reservations are hereby directed and authorized to confiscate any antiquities that may have been illegally obtained or that may now be illegally in the possession of licensed Indian traders or others and to submit a report and description of the articles confiscated and request instructions as to their disposition.

NOTE: This section prescribed to carry out provisions of 43 CFR 3.16.

§ 132.7 *Notice to public.* Copies of the act of June 8, 1906 (34 Stat. 225), and the interdepartmental regulations of December 28, 1906 (43 CFR Part 3), shall be posted conspicuously at all agency offices where the need is justified, and warning notices posted on the reservations and at or near the ruins or other articles to be protected. All licensed traders shall be notified immediately that failure to cease traffic in antiquities will result in a revocation of their license.

NOTE: This section prescribed to carry out provisions of 43 CFR 3.16.

§ 132.8 *Report of violations.* Any and all violations of the regulations in this part should be reported to the Bureau of Indian Affairs immediately.

NOTE: This section prescribed to carry out provisions of 43 CFR 3.16.

§ 132.9 *Report on objects of antiquity.* Superintendents shall from time to time inquire and report as to the existence, on or near their reservations, of ruins, and archaeological sites, historic or prehistoric ruins, or monument, historic landmarks and prehistoric structures, and other objects of antiquity.

Subchapter M—Forestry

PART 141—GENERAL FOREST REGULATIONS

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AUTHORITY: §§ 141.1 to 141.30 issued under secs. 7, 8, 36 Stat. 857; 25 U. S. C. 406, 407. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCES: For rights-of-way for logging roads, see Part 161 of this chapter. For sale of forest products, Red Lake Indian reservation, Minnesota, see Part 144 of this chapter. For sale of timber products, Menominee Indian reservation, see Part 143 of this chapter.

§ 141.1 *Objectives.* The following objectives are to be sought in the management of Indian forests:

(a) The preservation of Indian forest lands in a perpetually productive state by providing effective protection, preventing clear cutting of large contiguous areas, and making adequate provision for new forest growth when the mature timber is removed.

(b) The regulation of the cut in a manner which will insure method and order in the harvesting of the tree capital, so as to make possible continuous production and a perpetual forest business.

(c) The development of Indian forests by the Indian people for the purpose of promoting self-sustaining Indian communities, to the end that the Indians may receive from their own property not only stumpage, but also the benefit of whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform.

(d) The sale of Indian timber in open competitive markets on reservations where the volume produced by the forest annually is in excess of that which is practicable of development by the Indians, or where fire damage, insect infestation, disease, overmaturity, or other causes require extensive and rapid harvesting of the timber in order to prevent loss.

(e) The preservation of the forest for scenic purposes along public highways, in the vicinity of Indian or white communities, and wherever the recreational or aesthetic value of the forest seems to exceed its value for the production of forest products.

(f) The management of the forest in such a manner as to retain its beneficial effect in regulating runoff and minimizing erosion.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.2 *Development restricted.* Proceeding in accordance with this general policy, the development of reservation timber will not be authorized until practical methods of cutting are prescribed which will assure the perpetuation of the forest, prevent unnecessary waste, and make possible effective protection against destructive agencies. Cutting will be given priority in those stands of timber which are deteriorating as the result of fire damage, disease, insect infestation, overmaturity, or other causes. Whenever practicable, from 25 to 60 percent of the merchantable timber volume will be left standing in order to protect the site, provide seed for a new stand, and make possible a second cut before the reproduction matures.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.3 *Cutting restrictions.* Clear cutting of large contiguous areas will not be permitted, except on lands which will be used for agricultural development. It is the policy of the Bureau to promote the use of logging methods which will insure a reasonable degree of protection for reserve stands and to limit the use of donkey engines and other high power machinery to areas upon which the use of animal or tractor logging is not feasible. Wherever circumstances necessitate the use of high power machinery which results in destructive logging, cuttings will be so broken up by stands of green timber as to secure adequate protection against fire and ample provision for reseeding the cut-over area.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.4 *Inferior species reserved.* Inferior species of low commercial values should generally be withheld from cutting until a reasonable consumer demand develops. Species of this character are ordinarily most valuable when left standing in the forest because they protect the ground, provide seed, and do not lower the general value of the stumpage to be harvested. Accordingly such species should generally be reserved for utilization at a later date, when they will have a positive value, and only those trees marked for cutting which if left standing would be injurious to the future development of the forest. Areas containing large volumes of inferior species should be excluded from sales wherever possible.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.5 *Objectives to be expressed.* The Bureau is definitely committed to a policy of sustained yield forest management. This policy will be given practical expression through the medium of forest working plans for all reservations of major importance from an industrial forestry standpoint. Such working plans should contain a statement of how the policies of the Bureau are to be applied on a given Indian forest, with a definite program of action for a specified period in the future. These plans will express objectives to be attained in timber management, thus giving the necessary basis for consistent action over the long period necessary to grow a timber crop.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.6 *Effective date.* The regulations in this ; art are hereby made effective as of May 18, 1936, for all Indian lands under the jurisdiction of the Bureau of Indian Affairs, except as this part may be superseded by special instructions to particular reservations or by provisions of special laws, tribal constitutions, bylaws or charters, heretofore or hereafter ratified, or any tribal action authorized thereunder.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.7 *Trespass procedure.* All forest officers or other employees shall report promptly in writing any violation of the trespass law. Superintendents shall seize all timber unlawfully cut from Indian land, mark the same, forbid its removal, and promptly report to the Commissioner of Indian Affairs the name and post office address of the trespasser, the names and post office addresses of all witnesses of such depredations, and if possible furnish affidavits by such witnesses as to their knowledge of the facts, so that if necessary the case may be reported to the Department of Justice for the institution of a civil action for the recovery of damages, a criminal prosecution under the provisions of section 50 of the act of March 9, 1909, as amended by section 6 of the act of June 25, 1910 (36 Stat. 857; 18 U. S. C. 104), or the commencement of both civil and criminal actions. If a civil trespass action involves timber with a stumpage value of $500 or less, the superintendent should ascertain what terms of settlement may be made; and if he deems it desirable to the welfare of the Indians he may settle the case without going into court.

§ 141.8 *Trespass reports.* Violations of section 6 of the act of June 25, 1910 (36 Stat. 857; 18 U. S. C. 104), should be promptly investigated, affidavits and other information obtained, and a suitable report made to the Commissioner of Indian Affairs so that if necessary the case may be submitted to the Department of Justice for action.

§ 141.9 *Fire protective measures.* Forest officers must make every possible effort to extinguish immediately any fire of which they have knowledge. Every superintendent is authorized to hire temporary men, purchase tools and supplies, and pay for their transportation from place to place to extinguish a fire. No expense for fighting a fire outside a reservation must be incurred unless the fire threatens the reservation, and special authority must be obtained for any expenditure in excess of $1,000. Fire fighters should be paid by the hour, actual working time, at the current local rates. The time consumed in going to and from the fire will ordinarily be included. When subsistence is furnished, the rate of pay should be reduced accordingly. A report on Form 5–493[1] should be made immediately after the extinguishment of any fire and filed in the agency office.

(42 Stat. 208, 857; 25 U. S. C. 13, 16 U. S. C. 594)

§ 141.10 *Slash disposal.* Measures designed to reduce the fire danger from slash created by the cutting of timber are a necessary insurance against the loss of those trees left standing and the new trees which may germinate. An effective method of slash disposal is therefore an essential feature of any timber sale contract or timber cutting permit. On areas where selective logging or partial cutting is employed, the standard brush disposal method is by lopping, piling, and burning the brush. It is of major importance that the piles should be so located that they may be burned without injury to the reproduction or the reserved trees. Broadcast burning may only be employed on the restricted clear cut areas and should always be controlled by fire lines or other effective barriers.

§ 141.11 *Sustained yield management.* No Indian timber may be developed either by Indians or by non-Indians, unless it is operated on a sustained yield basis.

(Sec. 6, 48 Stat. 986; 25 U. S. C. 466)

§ 141.12 *Indian operations.* It is the policy of the Bureau to encourage the development of Indian timber by the Indian people for the purpose of promoting self-sustaining Indian communities, and in conformity thereto the conducting of Indian logging operations and Indian sawmill operations is hereby authorized. Such operations may be organized and initiated, subject to the consent of the Indians in general council, whenever general appropriations for industrial development, special appropriations for sawmill development, reimbursable loan funds or Indian tribal funds may be made available.

§ 141.13 *Timber sales from unallotted and allotted lands.* On reservations where the volume produced by the forest annually is in excess of that which is practicable of development by the Indians, or where the stand is rapidly deteriorating as a result of fire damage, insect infestation, disease, over-maturity, or other causes, the sale of Indian timber in open competitive markets will be authorized, provided consent is given by the Indians in general council or by their duly authorized representatives for tribal, and by the allottees for allotted timber. Sales from unallotted lands, allotted lands or a combination of these two ownerships, having a stumpage value of over $100, will not be authorized until an examination of the timber to be sold has been made by a qualified forest officer and a complete report setting forth all pertinent information has been submitted to the officer or officers authorized to approve the contract as provided in § 141.20.

§ 141.14 *Advertisement of sales.* (a) (1) Sales of timber shall be made only after advertisement except as provided for in §§ 141.17 and 141.27, and paragraph (b) of this section. The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. If the estimated stumpage value of the timber offered does not exceed $1,000 the advertisement may be made by posters and circular letters. If

[1] Forms mentioned in this part may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

the estimated stumpage value exceeds $1,000, the advertisement shall also be made in at least one newspaper of general circulation in the locality where the timber is situated. If the estimated stumpage value does not exceed $10,000, the advertisement shall be for not less than 15 days; if the estimated stumpage value exceeds $10,000 but not $100,000, for not less than 30 days; and if the estimated stumpage value exceeds $100,000, for not less than 60 days.

(2) The officer approving the advertisement may reduce the advertising period because of emergencies such as fire, beetle attack, blowdown, limitation of time, or when there would be no practical advantage to advertise for the specified periods.

(3) If no contract is executed after such advertisement, the officer approving the advertisement may, within one year from the last day on which bids were to be received as defined in the advertisement, sell such timber in the open market upon the terms and conditions in the advertisement and at not less than the advertised value or the appraisal value at the time of sale, whichever is greater.

(b) Timber sales up to $2,000 in value may be negotiated with the approval of the Commissioner of Indian Affairs when the serious condition of the timber or other exigency or emergency requires the immediate sale and removal of the timber or it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations. In the case of such negotiated transaction it shall be the responsibility of the negotiating officer to establish the documented record of the transaction. He shall prepare a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in paragraph (a) of this section, a record of the extent of solicitation and competition or a statement of the facts upon which a finding of impracticability of securing competition is based, and a statement of the factors on which the award was based and including a determination as to the reasonability of the price accepted.

§ 141.15 *Deposits with bids.* A cash deposit shall be submitted with each proposal for the purchase of Indian timber, either allotted or unallotted. Such deposit shall be at least 20 percent of any estimated stumpage value which is less than $1,000; at least 10 percent of any estimated stumpage value between $1,000 and $10,000; at least 5 percent of any estimated stumpage value between $10,000 and $100,000; and at least 3 percent on any estimated stumpage value exceeding $100,000. Every deposit in excess of $500 must be in the form of a duly certified check on a solvent national bank, drawn payable to the order of the superintendent having jurisdiction over the timber. Smaller deposits may be in cash, or by a duly certified check. All of these deposits are required as a guaranty of good faith, and when a bond is not executed the deposit of the successful bidder will be retained until the contract is completed. In the final settlement the deposit will be credited as a portion of the whole amount due for the timber purchased and any balance returned, provided the purchaser has faithfully performed the terms of the contract. If a bond is furnished and accepted, the deposit will be credited as a first installment in payment for the timber. The cash or certified check deposited will be returned to depositors whose proposals are not accepted.

§ 141.16 *Acceptance and rejection of bids.* In ordinary circumstances the high bid received in connection with any advertisement issued under authority of this part shall be accepted. However, the officer authorized to approve the contract shall have the right to reject the high bid and readvertise if he considers the high bidder to be unqualified to fulfill the contractual requirements of the advertisements. The right is also reserved by the approving officer to waive minor technical defects in advertisements and proposals.

§ 141.17 *Sales to Indians without advertisement.* Open-market sales to Indians without advertising may be made for stumpage not exceeding $5,000 in value: *Provided*, That in the case of stumpage on tribal lands the Indians in general council or their representatives to whom they specifically delegate this authority shall consent, and the allottees shall consent in the case of stumpage on Indian allotments. The stumpage prices in connection with such open-market sales shall be established by the approving officer after due apraisal procedure; provided, that the timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.18, and carry the bond requirements stipulated under § 141.21.

§ 141.18 *Contracts required.* For sales of timber of a stumpage value greater than $100 the regular contract forms must be used unless a special form for a particular sale is approved by the Commissioner of Indian Affairs or the Secretary of the Interior. The regular forms provide for a certain flexibility to meet variable conditions, but no essential departure from the fundamental requirements of such contracts may be authorized by a superintendent or other field officer. When stumpage is purchased from unallotted lands by Indians or others, Form 5–487 should be used, and when stumpage is purchased from allotted lands, Form 5–489 should be used. Form 5–481 should be used where logging operations are conducted by an Indian, either on his own allotment or on tribal lands, and the products sold in the form of logs, bolts or cordwood either on the land after severance or delivered to some other point in such form. When timber is cut from unallotted land or from an allotment held under a trust patent or other patent containing restrictions on alienation the contract should require that the proceeds be paid into the hands of the superintendent and an accounting be made therefor.

§ 141.19 *Execution of contracts.* All contracts should be executed in sextuplet by the duly authorized representatives of the tribe or by the individual allottees concerned and by the purchaser. If a contract is approved by the superintendent, or by the superintendent and concurred in by the regional forester, the original copy should be forwarded to the General Accounting Office, and one copy each mailed promptly to the Bureau and to the regional forester. If the contract requires the approval of the Commissioner of Indian Affairs or the Secretary of the Interior, all copies must be forwarded promptly to the Bureau. Copies for agency and regional forestry files, for purchaser, and for allottee will be returned if the contract is approved.

§ 141.20 *Approval of contracts.* Contracts covering sales of timber having a stumpage value not exceeding $500 may be approved by the superintendent. Contracts covering sales of timber having a stumpage value between $500 and $10,000 should be approved by the superintendent and concurred in by the regional forester. In case of nonconcurrence, final decision shall be made by the Commissioner of Indian Affairs. Contracts covering sales of timber having a stumpage value between $10,000 and $100,000 should be approved by the Commissioner of Indian Affairs. Contracts covering sales in which the stumpage value exceeds $100,000 shall be made only with the express approval of the Secretary of the Interior. Contracts covering individual allotments executed under authority of an approved general contract will be approved by the superintendent on Form 5–489 with such provisions incorporated therein as the approving officer or officers of the general contract shall stipulate.

§ 141.21 *Bonds.* In sales in which the stumpage value of the timber does not exceed $5,000 no bond will ordinarily be required, but the initial deposit will be held until the contract is completed; in sales in which the stumpage value exceeds $5,000 but is not over $10,000 a bond of approximately 20 percent of the value of the timber will be required; in sales in which the stumpage value exceeds $10,000 but is not over $100 000 a bond in an amount of approximately 10 percent of the estimated value of the timber will be required; and in sales in which the stumpage value exceeds $100,000 a bond will be required in an amount to be fixed by the Secretary of the Interior.

§ 141.22 *Payments for timber.* Payments for timber will be required in advance of cutting, either as a single payment or in the form of installments. In sales of a stumpage value not greater than $1,000, the number of installments shall not exceed five; in sales of a stumpage value greater than $1,000 but not over $10,000, the number of installments shall not exceed 10; and in sales of a stumpage value greater than $10,000 but not over $100,000, the number of installments shall not exceed 20. In sales in which the stumpage value is greater than $100,000, the number of the installments shall be determined at the time such sales are authorized: *Provided*, That the amount of installments so fixed shall not be less than $5,000 each.

§ 141.23 *Installment payments.* The advance installments or deposits above stipulated are required for the purpose of providing a flexible working balance against which scale reports covering both unallotted and allotted timber may be credited as the timber is cut. No further cash advances are required in connection with the sale of unallotted timber. However, allotment contracts should provide for advance payments to each allottee, and the advances so received should be taken into the superintendent's accounts as "individual Indian money." In allotment sales of 3 years' duration or less an advance payment of 10 percent of the estimated value of the timber, in addition to the regular advance deposits, should be stipulated. In sales extending for a period in excess of 3 years, further advance payments should be required. In the absence of specific instructions to the contrary from the Commissioner of Indian Affairs, such allotment contracts should provide for the payment of 10 percent of the estimated value of the timber within 30 days of approval, an additional 15 percent within three years thereafter, and a further additional 25 percent within 6 years of the date of approval. The advance payments so made will be credited against the allotted timber as such timber is cut and scaled.

§ 141.24 *Time for cutting and removal of timber.* The maximum periods which shall be allowed after the date of the contract for the cutting and removal of the timber purchased shall be as follows: For sales of $1,000 stumpage value or less, 1 year; for sales of over $1,000 but not exceeding $10,000, the 3 years; for sales over $10,000 but not exceeding $100,000, 8 years; and for sales exceeding $100,000, the number of years shall be fixed in the advertisement. However, the cutting and removal of any amount shall not be so distributed over the allowed period as to render the cost of supervision unreasonably high.

§ 141.25 *Deduction for administrative purposes.* In all sales of timber from either allotted or unallotted land a sufficient deduction will be made from the gross proceeds to cover the cost of examining, supervising, advertising, collecting, disbursing, accounting, marketing, scaling, caring for the slash, and protecting from fire the timber and young growth left standing on the land being logged or upon adjacent land. Unless special instructions have been given by the Commissioner of Indian Affairs as to the amount of the deduction or the manner in which it is to be made, 10 percent of the gross amount received for the timber sold under regular supervision from allotted or from unallotted land will be deducted by the Superintendent to cover administrative expenses as required by the act of February 14, 1920 (41 Stat. 415; 25 U. S. C. 413), as amended. When timber on either allotted or unallotted land is sold for a lump sum on an estimate in such a manner that no administration by the Indian Service subsequent to the sale is required, a deduction of 5 percent of the sale price will be made to cover the cost of estimating the timber and effecting the sale.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 141.26 *Distribution of payments.* When the ownership of funds is definitely known, official receipts issued for the proceeds of timber sales shall show separately the amount to be credited to the tribal fund, the amount to be credited to individual Indians, and the amount deducted to reimburse the United States for administrative expenses. When the ownership of funds is not definitely known the official receipt should show the funds placed in "special deposits." Subsequently, when it is determined by receipt of timber-scale reports how these funds should be distributed, a journal voucher will be prepared transferring such funds to the proper account. The entire proceeds from unallotted timber will be deposited in the treasury as "sundry receipts." The amounts deducted to cover administrative expenses will be credited to the United States as "miscellaneous receipts." The net proceeds from unallotted timber, after this deduction has been made, will take the title of "Indian moneys, proceeds of labor," or some other title required by special legislation applicable to the particular reservation from which the timber was removed. The proceeds from allotted timber, after deducting the administrative expenses, will be taken up on the superintendent's account as "individual Indian money." The amounts deducted to cover administrative expenses will be taken into the superintendent's accounts as "sundry receipts," will be deposited into the Treasury of the United States under that title, and will thereupon be credited to the United States as "miscellaneous receipts." For detailed explanation of this accounting, reference should be made to General Instructions for the Preparation of Timber Records, approved July 1, 1924.[1]

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 141.27 *Permits.* Superintendents will insist that all timber cutting, except cutting of allotted timber for the personal use of the allottee, not done under a formal contract as provided in § 141.18, shall be done under the regular permit Form 5–924. The permit form was devised as a convenience in meeting the requirements of Indians and other persons for limited quantities of timber for domestic, agricultural, and grazing purposes. It must not be used as a substitute for the regular timber contracts. The maximum value of the stumpage which may be cut under permit in 1 year by any individual shall not exceed $100. Permits for cutting on unallotted lands to individual Indian operators who need either dead or living timber for personal use may be made without stumpage charge, but all timber cut in this manner should be done under permit and the trees to be cut should be designated by a forest officer or other agency employee. All permits for unallotted timber must be approved by the duly authorized representatives of the tribe and all permits for allotted timber must be approved by the allottee or his legal representative.

§ 141.28 *Soil conservation.* (a) Soil erosion constitutes a serious menace on many of the Indian forest lands. Its prevention should receive primary consideration in the management of Indian forests. Heavy cuttings should generally not be permitted on areas especially susceptible to erosion, and such cuttings as may be conducted should be governed by a maximum degree of care in the protection of the forest and ground cover. Where gulleys have started they should be plugged with brush. In certain cases where the danger from erosion is especially severe, the brush should be scattered in such manner as to form a protection cover instead of disposing of it by the usual piling and burning.

(b) Logging roads, truck trails, chutes, landing grounds, and other improvements incident to the development of the timber should be located so as to cause the minimum concentration of run-off. Steep grades should be avoided in all country with an appreciable erosion hazard. Rights-of-way should be slashed no wider than necessary, deep side cuts should be held to a minimum consistent with good location, and long tangents requiring a large amount of cutting and filling should be avoided. If, in spite of these precautions, serious erosion does threaten, then more elaborate steps to spread water and to check silting will have to be undertaken. Conditions surrounding the erosion problem vary so widely on the different forested reservations that even generalities with respect to prevention and control are difficult of formulation. Accordingly, the local officials on each reservation where erosion has developed should get such expert advice as may be available to help formulate plans for the protection of the soil from serious depletion.

CROSS REFERENCES: For regulations pertaining to rights-of-way for logging roads, see Part 161 of this chapter.

§ 141.29 *Recreation.* In the making of timber sales careful consideration should be given as to whether it will be more beneficial for the Indians to have a specific area logged or reserved for recreational and scenic purposes. Cutting of timber along stocked streams should be carried out conservatively so as to disturb the environment of the fish as little as possible. A strip of timber should be reserved for at least 250 feet on the side of all highways in the ponderosa pine timber type and in the Lake States forests. In the large West Coast timber the reserved strip should be at least a quarter of a mile wide on either side of the road. In these strips no trees other than those which are dead or dying should be cut. Timber operations should never be permitted to interfere with Indian ceremonial sites.

[1] General Instructions for the Preparation of Timber Records, approved July 1, 1924, may be obtained from the Commissioner of Indian Affairs, Washington, D. C.

§ 141.30 *Purchase of products of Indian industry in the administration of Indian affairs.* The purchase of products of Indian industry required in the administration of Indian affairs may be made in open market provided such products reasonably meet specifications and the price thereof does not exceed local prevailing prices for similar products by more than 10 percent.

(Sec. 23, 36 Stat. 861; 25 U. S. C. 47)

PART 142—SALE OF LUMBER AND OTHER FOREST PRODUCTS PRODUCED BY INDIAN ENTERPRISES FROM THE FORESTS ON INDIAN RESERVATIONS

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AUTHORITY: §§ 142.1 to 142.15 issued under R. S. 161, 54 Stat. 504, as amended; 5 U. S. C. 22, 41 U. S. C. 6b.

§ 142.1 *Definitions.* As used in this part:

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Superintendent" means superintendent or other officer in charge of an Indian agency or unit under which the administration of an Indian reservation forest may be placed.

(d) "District Director" means the official in charge of an office of the Bureau of Indian Affairs, or such other employee of the Bureau as he may properly designate in writing as acting director.

§ 142.2 *Purpose of regulations.* The regulations in this part prescribe the terms and conditions under which lumber and other forest products produced by Indian enterprises from the forests of Indian reservations may be sold without compliance with section 3709 of the Revised Statutes.

§ 142.3 *Applicability of the regulations.* The regulations in this part are intended to be generally applicable except that they shall not apply to the Menominee Indian Reservation in Wisconsin, or the Red Lake Indian Reservation in Minnesota.

§ 142.4 *Sale in open market.* The lumber, lath, shingles, crating, ties, poles, bolts, logs, bark, pulpwood, and other marketable materials obtained from the forests on Indian reservations by Indian enterprises may be sold in the open market at such prices as may be realized through the methods provided in this part.

§ 142.5 *Advertisement in trade journals and newspapers.* The Commissioner is hereby authorized to advertise for sale the forest products, obtained from Indian reservation forests by Indian enterprises, in lumber trade journals of general circulation among persons, companies, or corporations interested in the buying and selling of lumber and other forest products, and in newspapers in cities that may afford a favorable market for such products.

§ 142.6 *Advertising, general.* Advertisement of products may also be made by circular letters and through personal interviews with the trade; *Provided,* That the travel expense incident thereto shall not be incurred without specific authority from the Commissioner.

§ 142.7 *Proposals for purchase.* Proposals for the purchase of products may be made to the Commissioner, and he is authorized to quote prices and consummate sales at such times and on such terms as are consistent with the regulations of this part.

§ 142.8 *Proposals to Government departments.* Proposals to sell may be made to municipalities, countries, states, of the United States and prices may be quoted to such agencies. Terms and payment in connection with such sales may be formulated in accordance with the general practice of such agencies.

§ 142.9 *Cash sales.* All products of Indian forest enterprises shall be sold for cash f. o. b. mill or other point of delivery, except as provided in §§ 142.8 and 142.10. Adjustments and allowances on shipments of forest products after delivery to the buyer are authorized in accordance with generally accepted trade practices when, in the judgment of the Commissioner or his duly authorized representative, such adjustments are essential by reason of off-grade shipments or errors in volume.

§ 142.10 *Payments, discounts, and credit sales.* Shipments of forest products on open account shall be made only to persons or companies of substantial net worth and first-class credit rating. Credit on shipments of forest products sold on open account must not be extended beyond 60 days from date of receipt by the buyer. A cash discount of 2 percent of mill value may be allowed when the shipment is paid for within 10 days of receipt by the consignee as evidenced by the original paid freight bill or other evidence acceptable to the Commissioner or his duly authorized representative.

§ 142.11 *Commission sales agents.* Sales may be made through commission sales agents, for which they may be paid a commission on f. o. b. mill value of the shipment at rates approved by the Commissioner. Sales may be made to wholesalers on which a discount at rates approved by the Commissioner may be allowed.

§ 142.12 *Deposits.* On all agreements to purchase for future delivery a deposit may be required in the discretion of the Commissioner, to be forfeited if the purchaser does not comply with the terms of sale; and no agreement for sale and future delivery shall be made for a longer period than 60 days, except with the approval of the Commissioner.

§ 142.13 *Statements.* On or before the fifteenth of each month a report must be mailed to the Commissioner or his duly authorized representative giving a summary statement of all products sold during the preceding month and the average price received for each species or class of products.

§ 142.14 *Menominee and Red Lake Indian Reservations excepted.* The regulations prescribed in this part shall not apply to the Menominee Indian Reservation, Wis., or to the Red Lake Indian Reservation, Minn.

§ 142.15 *Subdelegation.* Any or all of the authority conferred upon the Commissioner by this part may be delegated by him to the assistant commissioners of Indian Affairs or his designated representatives, to district directors, or to superintendents. Any delegation of authority pursuant to this section shall provide for appeals to the Commissioner, and thereafter to the Secretary, from actions taken by district directors and superintendents.

PART 143—SALE OF TIMBER PRODUCTS AND USE OF FOREST LANDS FOR NONFOREST PURPOSES, MENOMINEE INDIAN RESERVATION

Subpart A—Sale of Timber Products

Sec.
143.1 Sale in open market.
143.2 Advertisement in trade journals.
143.3 Contracts for advertising.
143.4 Advertising, general.
143.5 Proposals for purchase.
143.6 Proposals for special products.
143.7 Proposals to Government departments.
143.8 Cash sales.
143.9 Payments, discounts, and credit sales.
143.10 Traveling salesmen.
143.11 Commission sales agents.
143.12 Deposits.
143.13 Statements.

Subpart B—Clearing and Use of Forest Land for Nonforest Purposes

143.50 Menominee Indian Forest.
143.51 Exclusion of land for nonforest use.
143.52 Clearing excluded areas.

AUTHORITY: §§ 143.1 to 143.52 issued under sec. 3, 35 Stat. 51, as amended.

CROSS REFERENCE: For general forest regulations, see Part 141 of this subchapter.

SUBPART A—SALE OF TIMBER PRODUCTS

§ 143.1 *Sale in open market.* The lumber, lath, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulpwood, and other marketable materials obtained from the forests on the Menominee Indian Reservation may be sold in the open market at such prices as may be realized through the methods provided in this part.

§ 143.2 *Advertisement in trade journals.* The manager and special disbursing agent of the Menominee Indian Mills, Neopit, Wisconsin, is authorized to keep constantly advertised for sale, the products of the timber operations on the Menominee Indian Reservation in one or more lumber trade journals of general circulation among persons, companies, or corporations interested in the buying and selling of lumber and other timber products.

§ 143.3 *Contracts for advertising.* The contracts for advertising may be made at the discretion of the manager. Said contracts not to be made for more than 1 year's time, copy to be furnished the publications by the Menominee Indian Mills.

§ 143.4 *Advertising, general.* Advertisement of products may also be made by circular letters mailed or otherwise delivered to individuals, companies, or corporations engaged in buying or selling timber products for their own use, and by the visit of salesmen to such individuals, companies, or corporations and other users of, and dealers in, timber products.

§ 143.5 *Proposals for purchase.* Proposals for the purchase of products may be made to the Menominee Indian Mills, or the mills may quote prices to dealers in timber products and sales may be made at such times and on such terms as may seem to the sales manager and manager to be advantageous to the Menominee Indians, subject to the limitations stated below. All sales shall be subject to review and approval or disapproval by the manager.

§ 143.6 *Proposals for special products.* Proposals may be received and accepted providing for the manufacture of lumber or timber into special dimensions or for the manufacture or sale of any special product, including logs, on which more can be realized, in the judgment of the manager, by sale in the log than by any other process of manufacture; but no plan or policy for the sale of any product not subjected to manufacture at the mill at Neopit, or any other mill on the reservation, shall be adopted without the written approval of the manager. Agreements for the sale of unmanufactured products, or of specially manufactured stock, involving a value of more than $5,000 and sales of any character involving any stock having a value of more than $25,000, will become effective only when approved and signed by both the sales manager and the manager.

§ 143.7 *Proposals to Government departments.* Proposals to sell may be made by the mills to any State or United States department, and prices quoted to any of the these departments in the market for any of the products of the reservation, and payment may be received therefor in accordance with the usual practice of such department.

§ 143.8 *Cash sales.* All products of the Menominee Indian Mills shall be sold for cash f. o. b. car, or at the point of delivery, freight prepaid by the Menominee Indian Mills, except as provided in § 143.9. Adjustment as to quantity or quality of products sold will be made after shipment only after a clear demonstration that an error has been made, and after filing of written data or reports supporting such conclusions.

§ 143.9 *Payments, discounts, and credit sales.* Payments in full for all material sold must be made before shipment, except that on all cash payments a discount of 2 percent of the selling price may be allowed in the discretion of the manager and the sales manager; and those purchasers whose names shall be placed on an approved credit list, to be established by the manager and special disbursing agent, may have shipments go forward without payment in advance on condition that payment for the material included in such shipments must be made within 10 days from the date of arrival of shipment, unless specific arrangement for a longer time has been made. Such credit shipments must be made with the understanding that the purchase price is due and payable when the shipment is made and that the material sold is forwarded at the risk of the purchaser. Credit of this nature may be extended for 30 days from date of shipment, and in special cases, when advantageous to the Menominee Indian Mills through the elimination of rehandling charges or for other satisfactory reasons, may be extended for 60 days from date of shipment. The 2 percent discount may be allowed when purchasers on the approved credit list pay within 10 days from the date of arrival of shipment, but no discount shall be allowed on payments made after the expiration of the said 10 days. Shipments in advance of full payment may be sent forward consigned to the order of the Menominee Indian Mills, and the invoice and a draft for the value of the material shipped may be sent through reliable banks for collection, with collection fees payable by the purchaser. In the event that such a draft is not promptly paid, the Menominee Indian Mills may cancel the sale and sell the materials shipped in the open market, the original purchaser being responsible and held liable for any loss that results from his default. All payments for products of the operation must be made direct to the Menominee Indian Mills.

§ 143.10 *Traveling salesmen.* Traveling salesmen may be employed only with the approval of the Commissioner of Indian Affairs. The traveling expenses of such salesmen shall be paid from the fund applicable to the conducting of timber operations under the acts of Congress authorizing the Menominee project. No agreement of sale by such a salesman shall be effective until a memorandum of such sale, signed by the salesman and the purchaser, shall have been transmitted to the Menominee Indian Mills and accepted by the sales manager or manager.

§ 143.11 *Commission sales agents.* Sales may be made through commission sales agent, and a reasonable and usual commission of not to exceed 5 percent of the f. o. b. mill value, or when 5 percent does not equal 75 per thousand feet board measure, a maximum of 75 per thousand feet board measure may be allowed, on the receipt of payment by the mills for the product sold. In case an offer from a commission sales agent is considered in competition with other offers, the net price after deducting the commission shall be regarded as the amount of the offer made through such commission sales agents. Sales may be made to wholesalers on which a discount of not more than 8 percent of the f. o. b. mill value may be allowed.

§ 143.12 *Deposits.* On all agreements to purchase for future delivery a deposit of not less than 10 percent of the estimated amount of the purchase may be exacted in the discretion of the manager or the sales manager, to be forfeited if for any reason the purchaser does not comply with the terms of the sale, and no agreement for sale and future delivery shall be made for a longer period than 60 days, except with the written approval of the manager.

§ 143.13 *Statements.* On or before the fifteenth of each month a report must be mailed to the Commissioner of Indian Affairs giving a summary statement of all products sold during the preceding month and the average price received for each species or class of products.

SUBPART B—CLEARING AND USE OF FOREST LAND FOR NONFOREST PURPOSES

§ 143.50 *Menominee Indian Forest.* (a) The entire area of the Menominee Indian Reservation, except the areas designated in this section is declared to be the Menominee Indian Forest. Excluded from the Forest are (1) areas used for the agency, Menominee Mills, and other administrative purposes; (2) areas now occupied and used individually by members of the Menominee Tribe; and (3) areas designated pursuant to § 143.51 for agricultural or other nonforest purposes. The Superintendent shall keep current records of all areas excluded from the Forest.

(b) Areas excluded from the Forest by reason of present occupancy and use by members of the Menominee Tribe that are not fully occupied and used by such members, and all other areas excluded from the Forest that are not used for nonforest purposes for at least three consecutive years, may, pursuant to resolution of the Menominee Advisory Council and approval of the Commissioner of Indian Affairs or his designated representative, be in whole or in part restored to the Forest or, subject to the requirements of § 143.51, assigned or reassigned to eligible Indians.

§ 143.51 *Exclusion of land for nonforest use.* Areas within the Menominee Indian Forest may be excluded therefrom for use for agricultural or other nonforest purposes. Exclusion shall be effective upon issuance by the Superintendent of the Reservation of a certificate, which shall clearly define the area and describe the purposes for which it is to be used. The certificate shall not be issued without endorsement as provided in this section. Upon receipt of a request for exclusion under this section, the Superintendent shall refer the proposed certificate to the Forest Officer. It shall be the duty of the Forest Officer to cause to be made a survey of each area dealt with in the certificate and thereafter to endorse the certificate if, in his opinion, the area is not more valuable as

a part of the Menominee Indian Forest or the use of the area for other than forestry will not be detrimental to the Forest. Should the Forest Officer find the area to be more valuable as a part of the Menominee Indian Forest, or that its use for other than forestry purposes will be detrimental to the Forest, he shall notify the Superintendent in writing to that effect. Such land shall not be excluded from the Forest unless after review by the Commissioner of Indian Affairs the Forest Officer's findings are reversed by the Commissioner and the certificate is endorsed pursuant thereto. The decision of the Commissioner shall be final.

§ 143.52 *Clearing excluded areas.* Forest land described in a certificate issued pursuant to § 143.51 shall be cleared under the supervision of the Forest Officer. All merchantable forest products removed from such land shall be disposed of as provided for in § 143.1. The funds derived therefrom shall be deposited to the credit of the "Menominee Four Per Cent Fund."

PART 144—SALE OF FOREST PRODUCTS, RED LAKE INDIAN RESERVATION, MINN.

Sec.
144.1 Sale in open market.
144.2 Advertisement in trade journals.
144.3 Advertising contracts.
144.4 Advertisement, general.
144.5 Purchase proposals.
144.6 Proposals to Government departments.
144.7 Cash sales.
144.8 Credit sales.
144.9 Traveling salesmen.
144.10 Commission sales agents.
144.11 Deposits.
144.12 Statements.

AUTHORITY: §§ 144.1 to 144.12 issued under sec. 9, 39 Stat. 137.

CROSS REFERENCE: For general forest regulations, see Part 141 of this subchapter.

§ 144.1 *Sale in open market.* The lumber, lath, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulpwood, and other marketable products obtained from the forests of the Red Lake Indian Reservation, Minn., may be sold in open competitive markets at such prices as may be realized through the procedure provided in this part.

§ 144.2 *Advertisement in trade journals.* The superintendent of the Red Lake Agency is hereby authorized to keep constantly advertised for sale the products of the timber operations on the Red Lake Indian Reservation in one or more lumber trade journals of general circulation among persons, companies, or corporations interested in the buying and selling of lumber and other forest products, and in newspapers in cities that may afford a favorable market for such forest products.

§ 144.3 *Advertising contracts.* Contracts for advertising may be made in the discretion of the superintendent of the Red Lake Indian Agency, provided that such contracts shall not be executed for a period of over one year.

§ 144.4 *Advertisement, general.* Advertisement of products may also be made by circular letters and through personal contacts with the trade: *Provided,* That the travel expense incident thereto shall not be incurred without specific authority from the superintendent of the Red Lake Indian Agency.

§ 144.5 *Purchase proposals.* Proposals for the purchase of products may be made to the manager of the Red Lake Indian Sawmill, and that official is authorized to quote prices and consummate sales at such times and on such terms as are consistent with the regulations in this part: *Provided,* That sales in excess of $10,000 shall not be effected except with the approval of the superintendent.

§ 144.6 *Proposals to Government departments.* Proposals to sell may be made to municipalities, counties, States, or the United States and prices quoted to such agencies. Terms and payment in connection with such sales may be formulated in accordance with the general practice of such agencies.

§ 144.7 *Cash sales.* All products of the Red Lake Indian Sawmill may be sold for cash f. o. b. mill or at the point of delivery, freight prepaid by the Red Lake Indian Sawmill, except as provided in §§ 144.6 and 144.8. Adjustments and allowances on shipments of forest products after delivery to buyer are authorized in accordance with generally accepted trade practices, when in the judgment of the superintendent of the Red Lake Indian Agency and the manager of the Red Lake Indian Sawmill such adjustments are essential by reason of offgrade shipments or errors in volume: *Provided,* That a written report setting forth the details of each case shall be filed by the manager and approved by the superintendent before such adjustments are authorized.

§ 144.8 *Credit sales.* Shipments of forest products on open account shall be made only to persons or companies of substantial net worth and first-class credit rating. Credit on shipments of forest products sold on open account must not be extended beyond 60 days from date of receipt of car by buyer. A cash discount of 2 percent of mill value may be allowed when the shipment is paid for within 10 days of receipt of car by consignee as evidenced by the original paid freight bill.

§ 144.9 *Traveling salesmen.* Traveling salesmen other than the mill manager may be employed only with prior approval by the Commissioner of Indian Affairs.

§ 144.10 *Commission sales agents.* Sales may be made through commission sales agents for which they may be paid a 5 percent commission on the f. o. b. mill value of the shipment; or when 5 percent does not equal 75 cents per thousand feet board measure a maximum commission of 75 cents per thousand board feet may be allowed the salesman. All such commissions shall be paid only after the mill has been paid in full for the products sold. Sales may be made to wholesalers on which a discount of not more than 8 percent of the f. o. b. mill value may be allowed.

§ 144.11 *Deposits.* On all agreements to purchase for future delivery a deposit of not less than 10 percent of the estimated amount of the purchase may be required in the discretion of the manager, to be forfeited if the purchaser does not comply with the terms of sale; and no agreement for sale and future delivery shall be made for a longer period than 60 days, except with the approval of the superintendent.

§ 144.12 *Statements.* A monthly statement will be mailed to the Commissioner of Indian Affairs giving a summary statement of all products sold during the preceding month and the average price received for each main class of material.

Subchapter N—Grazing

PART 151—GENERAL GRAZING REGULATIONS

Sec.
151.1 General authority.
151.2 Act of June 18, 1934.
151.3 Objectives.
151.4 Regulations; scope; exceptions.
151.5 Grazing capacity of reservation.
151.6 Establishment of range units.
151.9 Free grazing privileges.
151.10 Authority to sell grazing privileges on tribal and allotted land.
151.11 Indian grazing privileges; allocations and competitive bidding.
151.12 Appraisal of grazing privileges.
151.13 Advertisement of grazing privileges; authority therefor.
151.14 Advertisement of grazing privileges.
151.15 Grazing privileges; award thereof.
151.16 Grazing privileges; by whom issued.
151.17 Bond requirements.
151.18 Grazing permits; assignments and modifications.
151.19 Farm-pasture leases.
151.20 On-and-off grazing permits.
151.21 Trespass.
151.22 Control of livestock diseases.
151.23 Fees for preparation of grazing permits.
151.26 Definitions.
151.27 Administration of Government lands.

AUTHORITY: §§ 151.1 to 151.27 issued under R. S. 161, sec. 6, 48 Stat. 986; 5 U. S. C. 22, 25 U. S. C. 466. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCES: For Navajo grazing, reservations, see Part 152 of this chapter. For leasing and permitting, of restricted Indian lands for farming, farm pasture, and business, see Part 131 of this chapter.

§ 151.1 *General authority.* It is within the authority of the Secretary of the Interior to protect Indian tribal lands against waste. Overgrazing, which threatens destruction of the soil, is properly considered waste. Subject to regulations authorized by law, the right exists for Indian tribes and individual Indians to lease or grant permits upon their own tribal land or individual allotments.

§ 151.2 *Act of June 18, 1934.* With respect to reservations upon which the act of June 18, 1934, is applicable, the action of the Secretary must follow the directions laid down in section 6 of that act.

§ 151.3 *Objectives.* It is the purpose of the regulations in this part to aid the Indians in the achievement of the following objectives:

(a) The preservation through proper grazing practice of the forest, forage, land, and water resources on the Indian reservations, and the building up of these resources where they have deteriorated.

(b) The utilization of these resources for the purpose of giving the Indians an opportunity to earn a living through the grazing of their own livestock.

(c) The granting of grazing privileges in a manner which will yield the highest return consistent with undiminished future use.

§ 151.4 *Regulations; scope; exceptions.* The grazing regulations of this part are hereby made effective as of the date of approval hereof for Indian lands under the jurisdiction of the Bureau of Indian Affairs, except as superseded by special written instructions from the Commissioner of Indian Affairs in particular instances, or by provisions of any tribal constitution, bylaws, or charter, heretofore or hereafter duly ratified, or by any tribal action authorized thereunder. All forms necessary to carry out the purpose of the regulations of this part shall be approved by the Commissioner of Indian Affairs.

§ 151.5 *Grazing capacity of reservation.* The Commissioner of Indian Affairs shall prescribe for each reservation the maximum number of livestock which may be grazed on Indian range lands. The number of livestock authorized will be based upon the most reliable estimate of the total grazing capacity of the reservation.

§ 151.6 *Establishment of range units.* The conservation and effective utilization of grazing resources require a suitable division of the range area into range units. Such division shall be effected under the direction of the superintendent and the area director, after consultation with the Indians, in accordance with the requirements of range management, land status, and Indian needs.

§ 151.9 *Free grazing privileges.* On reservations where sufficient tribal land is available, free grazing privileges may be granted to Indians pursuant to § 151.13. The number of livestock which may be grazed free of charge by any individual shall not exceed the number obtained by dividing the estimated grazing capacity of the tribal range by the total enrollment on the reservation: *Provided,* That the Commissioner of Indian Affairs may, in his discretion, and with the consent of the tribal authorities, authorize the granting of free grazing privileges to Indian families for not to exceed 50 horses, 100 cattle, or 500 sheep, or a combined equivalent thereof in these proportions. A family or livestock association may be granted a permit for the combined free privileges accruing to each member thereof. The total free grazing privileges granted for a range unit shall not exceed the grazing capacity of the tribal lands therein.

§ 151.10 *Authority to sell grazing privileges on tribal and allotted land.* Grazing privileges may be sold on Indian land in range units in the following manner:

(a) Authority to sell grazing privileges on tribal lands shall be granted pursuant to § 151.13.

(b) Authority to sell grazing privileges on allotted land may be granted by the owners thereof, except those classes described in paragraphs (c) and (d) of this section on an approved form authorizing the superintendent to issue grazing permits at not less than the minimum fees stipulated in such instrument.

(c) Authority to grant grazing privileges on the allotments of minors, other than orphans, shall be given by the head of the family.

(d) The superintendent may grant grazing privileges and stipulate the minimum fees to be charged on the restricted lands owned by Indian orphan minors, Indian non compos mentis and on restricted inherited or devised allotments when the heirs or devisees of such deceased allottees have not been determined. The superintendent may also grant grazing privileges when the heirs or devisees of such deceased allottees have been determined and the lands are not in use by any of the heirs or devisees and the heirs of devisees have not been able for a 3-month period to agree upon the granting of grazing privileges by reason of the number of heirs or devisees, their absence from the reservation, or for other cause: *Provided,* That the superintendent or his authorized representatives shall notify absentee heirs and devisees by mailing to their last known address notice that the heirs have a 3-month period from the date of the notice to reach an agreement with respect to the granting of grazing privileges on their inherited or devised restricted allotments.

§ 151.11 *Indian grazing privileges; allocations and competitive bidding.* (a) Indian families, as defined in § 151.26, who own livestock in numbers not exceeding 250 head of cattle or 1,250 head of sheep, or a combined equivalent thereof in these proportions, may obtain grazing permits without competitive bidding, pursuant to §§ 151.12 and 151.13. Such permits shall be issued to the head of the family.

(b) Indian families who own livestock in numbers exceeding those stipulated in paragraph (a) of this section will be required to enter the open competitive market for their entire holdings, except for those for which they may receive free grazing privileges pursuant to § 151.9: *Provided,* That on reservations where only Indian livestock are grazed, competitive bidding will not be required, but first consideration in the allocation of grazing privileges shall be given to those Indian families owning less than the numbers stipulated in paragraph (a) of this section: *Provided further,* That no family shall be denied a pro rata share of the grazing capacity of the reservation.

§ 151.12 *Appraisal of grazing privileges.* The total appraised rates for an entire unit, whether charged to Indian families receiving allocations pursuant to § 151.11, or incorporated as a minimum in advertisements for competitive bidding pursuant to § 151.14, shall not be less than the minimum rates authorized pursuant to § 151.10.

§ 151.13 *Advertisement of grazing privileges; authority therefor.* Prior to the advertisement of grazing privileges for competitive bidding, pursuant to § 151.14, the Indians in General Council or their duly authorized representatives shall authorize for tribal lands, and may recommend for allotted lands, the following:

(a) The allocation of range units to Indian permittees eligible therefor pursuant to § 151.11;

(b) The kind or kinds of livestock which will be allowed to graze on each range unit;

(c) The rate per head to be charged for allocations authorized under paragraph (a) of this section and to be incorporated as the minimum in the advertisement, subject to the requirements of §§ 151.10 and 151.12;

(d) The number of years for which grazing privileges are to be authorized under both allocation and advertisement, subject to the maximum number of years prescribed by law and subject further to the limitation that all permits shall expire within the permit period established for the reservation;

(e) The number of livestock which may be grazed free of charge on range units comprised of Tribal lands or on the tribal lands in range units comprised of tribal and other lands operated by Indian families, subject to the limitations of § 151.9;

(f) Whether the existing permittee of a unit, whose occupancy has been satisfactory, shall be given the privilege of meeting the high bid thereon.

The matters thus determined will be entered in the official minutes of the meeting, and the action taken shall be final for the period concerned unless authority to modify such action is granted in writing by the Commissioner of Indian Affairs.

§ 151.14 *Advertisement of grazing privileges.* The sale of grazing privileges shall be advertised for competitive bidding for a period of 30 days on an approved form and proposals shall be received under sealed bids, unless otherwise authorized by the Commissioner of Indian Affairs. The minimum appraised rates to be incorporated in the advertisement shall not be less than determined pursuant to § 151.12. Proposals must be accompanied by a cashier's check, certified check, or draft, drawn upon a solvent bank, or money order, payable to the order of the Bureau of Indian Affairs, for not less than 10 percent of the amount of the grazing fees due for the first year at the rate bid. The advertisement shall be approved by the Area Director prior to issuance thereof by the Superintendent or other authorized person or persons.

§ 151.15 *Grazing privileges; award thereof.* The Area Director or other authorized person or persons shall award grazing privileges to the highest satisfactory bidder, and notification thereof shall be given promptly to the superintendent. When pursuant to § 151.13, the privilege has been extended to the exist-

ing permittee to meet the high bid, such existing permittee shall be given ten days' written notice by the superintendent in which to meet the high bid. Thereafter, if the existing permittee does not so notify the superintendent that he will meet the high bid, the superintendent shall then notify the highest satisfactory bidder that his bid has been accepted.

§ 151.16 *Grazing permits; by whom issued.* Grazing privileges on range units shall be on an approved revokable permit form, issued by the superintendent, or other person or persons authorized to sell grazing privileges pursuant to § 151.10. The superintendent shall approve permits issued by any other authorized person. All permits shall accord to the schedule of grazing privileges approved by the Area Director which includes allocations to Indian families pursuant to § 151.11 and awards made under competitive bids. All permits shall be subject to revocation by the Commissioner of Indian Affairs, in his discretion, after 30 days' written notice to the permittee.

§ 151.17 *Bond requirements.* Permits must provide for the payment of grazing fees annually in advance.

(a) Full performance of all permits for periods exceeding one year shall be guaranteed by corporate surety bond of a company holding a certificate of authority from the Secretary of the Treasury or a satisfactory personal surety bond of not less than four solvent sureties in a penal sum of not less than the annual grazing fees. Each personal surety must own unencumbered real estate of a value equal to twice the amount of the bond and must furnish satisfactory evidence of ownership of such unencumbered real estate. If married, the spouse of the surety must also sign the bond and each signature must be witnessed by at least two individuals and their post office addresses must appear in the instrument. Attorneys-in-fact for corporate surety bonds must furnish satisfactory evidence of authority to execute bonds for and on behalf of the surety company.

(b) In lieu of furnishing a surety bond, a permittee may deposit at the time of the first payment of the grazing fees a sum equal to one-half of the annual grazing fees. This sum shall be held by the Area Director as a cash penal bond and may be applied to the grazing fees due for the last six months of the permit: *Provided,* That no breach of the permit has taken place. In all cases where a cash deposit is made in lieu of a surety bond, the permittee shall execute a proper power of attorney authorizing the Area Director to apply the cash deposit as liquidated damages in the event of any breach of the permit.

(c) Negotiable United States Treasury bonds or other negotiable Treasury obligations may be pledged in lieu of a cash penal or surety bond under the same conditions and stipulations for cash penal bonds. Such Government securities shall be forwarded to the Area Director for safekeeping deposit and must be accompanied with a proper power of attorney authorizing disposal thereof by the Area Director as liquidated damages in the event of any breach of the permit.

§ 151.18 *Grazing permits; assignments and modifications.* Grazing permits shall not be assigned, sublet or transferred without the consent of the contracting parties, the surety and the issuing officer: *Provided,* That any part of the unit covered by a permit may be withdrawn by the Commissioner of Indian Affairs in his discretion after 30 days' written notice to the interested parties.

§ 151.19 *Farm-pasture leases.* Farm-pasture lands not suitable for inclusion in range units may be leased in accordance with the provisions of Part 131 of this chapter.

§ 151.20 *On-and-off grazing permits.* On-and-off grazing permits will be granted to persons owning livestock which will graze on a range unit where only a part of such unit is Indian land. This permit will be granted for the total number of livestock to be grazed on the entire unit but the permittee will be required to pay grazing fees only for the estimated carrying capacity of the Indian lands involved.

§ 151.21 *Trespass.* The owner of any livestock grazing in trespass on restricted Indian lands is liable to a penalty of $1 per head for each animal thereof together with the reasonable value of the forage consumed and damages to property injured or destroyed.

The following acts are prohibited:

(a) The grazing upon or driving across any restricted Indian lands of any livestock without an approved grazing or crossing permit, except such Indian livestock as may be exempt from permit.

(b) Allowing livestock not exempt from permit to drift and graze on restricted Indian lands without an approved permit.

(c) The grazing of livestock upon restricted Indian lands within an area closed to grazing of that class of livestock.

(d) The grazing of livestock by a permittee upon an area of restricted Indian lands withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the livestock, after the receipt of notice from the superintendent of such withdrawal, or refusal to remove livestock upon instructions from the superintendent when an injury is being done to the Indian lands by reason of improper handling of livestock.

§ 151.22 *Control of livestock diseases.* Whenever livestock on Indian lands become infected with contagious or infectious diseases, or have been exposed thereto, it must be treated and the movement thereof restricted in accordance with applicable Federal and State laws.

§ 151.23 *Fees for preparation of grazing permits.* (a) Permittees shall be charged annually in advance to cover clerical and ministerial work performed in the preparation of grazing permits three percent of the minimum annual rental established pursuant to § 151.12.

(b) When permits contain provision for adjustment of rentals after expiration of the first year of the permit period the adjusted minimum annual rental shall be the basis for computing the three percent annual charge.

(c) When permits are assigned or sublet an additional fee of $10 shall be charged for each assignment or subletting.

(d) When permits are extended with the mutual consent of the parties thereto the fees charged shall be computed on the same basis as for the original permit.

(e) Permits granted prior to June 30, 1957, are not subject to the provisions of this section.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 151.26 *Definitions.* As used in this part:

(a) "Area director" means the officer in charge of an area office of the Bureau of Indian Affairs, or his duly authorized representative.

(b) "Superintendent" means the officer in charge of an Indian agency or his duly authorized representative.

(c) "Organized tribe" means a tribe organized under the provisions of the Indian Reorganization Act (48 Stat. 984; 25 U. S. C. 461–479), and "unorganized tribe" means a tribe not so organized.

(d) "Family" comprises all persons occupying a single habitation, or living in a single domestic group, whatever the age or relationship of the persons may be: *Provided,* That the Indians in general council or their duly authorized representatives may determine in cases of doubt who are members of a given family: *Provided further,* That an appeal may be taken from such a determination by any aggrieved Indian to the Commissioner of Indian Affairs: *Provided further,* That the Indians in general council or their duly authorized representatives, subject to the approval of the Commissioner of Indian Affairs, may establish a different definition of a family which must be generally applicable to all Indians of a reservation.

§ 151.27 *Administration of Government lands.* Insofar as applicable the regulations of this part are hereby adopted for the administration of the lands the jurisdiction over which was transferred to the Secretary of the Interior by Executive Orders Nos. 7792 and 7868 of January 18, 1938 and April 15, 1938, respectively (3 F. R. 161, 903) and by such supplemental orders that have been or may be issued subsequent thereto. Until otherwise provided grazing permits may be issued on these lands by the superintendent pursuant to the regulations of this part.

PART 152—NAVAJO GRAZING REGULATIONS

Sec.
- 152.1 Authority.
- 152.2 General regulations.
- 152.3 Objectives.
- 152.4 Regulations; scope; exceptions.
- 152.5 Land management districts.
- 152.6 Carrying capacities.
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- 152.12 Grazing fees.
- 152.13 Trespass.
- 152.14 Movement of livestock.
- 152.15 Control of livestock disease and introduction of livestock.
- 152.16 Fences.
- 152.17 Construction near permanent livestock water developments.

AUTHORITY: §§ 152.1 to 152.17 issued under R. S. 465, 2117, as amended, sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, as amended; 25 U. S. C. 9, 179, 397, 345, 402.

§ 152.1 *Authority.* It is within the authority of the Secretary of the Interior to protect Indian tribal lands against waste. Subject to regulations of this part, the right exists for Indian tribes to authorize the granting of permits upon their tribal lands and to prescribe by appropriate tribal action the conditions under which their lands may be used.

§ 152.2 *General regulations.* Part 151 of this subchapter authorizes the Commissioner of Indian Affairs to regulate the grazing of livestock on Indian lands under conditions set forth therein. In accordance with this authority and that of the Navajo Tribal Council, the Central Grazing Committee and the District Grazing Committees, the grazing of livestock on the Navajo Reservation shall be governed by the regulations in this part.

§ 152.3 *Objectives.* It is the purpose of the regulations in this part to aid the Navajo Indians in achievement of the following objectives:

(a) The preservation of the forage, the land, and the water resources on the Navajo Reservation, and the building up of those resources where they have deteriorated.

(b) The protection of the interests of the Navajo Indians from the encroachment of unduly aggressive and anti-social individuals who may or may not be members of the Navajo Tribe.

(c) The adjustment of livestock numbers to the carrying capacity of the range in such a manner that the livestock economy of the Navajo Tribe will be preserved.

(d) To secure increasing responsibility and participation of the Navajo people, including tribal participation in all basic policy decisions, in the sound management of one of the Tribe's greatest assets, its grazing lands, and to foster a better relationship and a clearer understanding between the Navajo people and the Federal Government in carrying out the grazing regulations.

(e) The improvement of livestock through proper breeding practices and the maintenance of a sound culling policy. Buck and bull pastures may be established and maintained either on or off the reservation through District Grazing Committee and Central Grazing Committee action.

§ 152.4 *Regulations; scope; exceptions.* The grazing regulations in this part are hereby made effective as of the date of approval hereof, for the Navajo Reservation, the area described in Executive Order of December 16, 1882, except Land Management District No. 6, all lands within the boundaries of the Navajo Reservation held in trust by the United States for the Navajo Tribe and all the trust lands hereafter added to the Navajo Reservation. The regulations in this part do not apply in individually owned allotted lands within the reservation nor to Tribal purchases, allotted or privately owned Navajo Indian lands outside the exterior boundaries of the Navajo Reservation.

§ 152.5 *Land management districts.* The Commissioner of Indian Affairs has established and will retain the present land management districts within the Navajo Indian Reservation, based on the social and economic requirements of the Navajo Indians and the necessity of rehabilitating the grazing lands. District boundary changes may be made when deemed necessary and advisable by the District Grazing Committees, Central Grazing Committee and Tribal Council, with approval by the Superintendent, Area Director, and the Commissioner of Indian Affairs.

§ 152.6 *Carrying capacities.* (a) The Commissioner of Indian Affairs on June 26, 1943, promulgated the authorized carrying capacity for each land management district of the Navajo Reservation.

(b) Recommended adjustments in carrying capacities shall be referred by the Superintendent to District Grazing Committee, Central Grazing Committee, and the Navajo Tribal Council for review and recommendations prior to presentation to the Area Director and the Commissioner of Indian Affairs for approval.

(c) Upon the request of the District Grazing Committee, Central Grazing Committee and Navajo Tribal Council to the Superintendent; recommendations for future adjustments to the established carrying capacities shall be made by Range Technicians based on the best information available through annual utilization studies and range condition studies analyzed along with numbers of livestock and precipitation data. The recommendations of the Range Technicians shall be submitted to the Superintendent, the Area Director and the Commissioner of Indian Affairs.

(d) Carrying capacities shall be stated in terms of sheep units yearlong, in the ratio of horses, mules, and burros 1 to 5; cattle 1 to 4; goats 1 to 1. The latter figure in each case denotes sheep units. Sheep, goats, cattle, horses, mules, and burros one year of age or older shall be counted against the carrying capacity.

§ 152.7 *Records.* The District Grazing Committee, the Superintendent, and his authorized representatives shall keep accurate records of all grazing permits and ownership of all livestock. Master files shall be maintained by the Superintendent or his authorized representatives.

(a) The District Grazing Committee shall be responsible for and assist in organizing the sheep and goat dipping and horse and cattle branding program and obtaining the annual livestock count.

(b) In order to obtain true records of ownership the permittee shall personally appear at the dipping vat or tallying point designated by the Grazing Committee with his or her sheep and goats and at branding and tallying points for cattle and horses. Should the permittee be unable to appear personally he or she shall designate a representative to act for and in his or her behalf. The sheep and goats will be dipped and the cattle and horses will be branded and recorded in the name of the permittee.

(c) The Superintendent shall prepare and keep current a register containing the names of all permittees using the range, the number of each class of stock by age classes grazed annually and the periods during which grazing shall be permitted in each part thereof. An annual stock census will be taken to insure that the carrying capacity is not exceeded. All classes of livestock twelve months of age or over will be counted against range use and permitted number, except that yearling colts will not be counted against permitted numbers on all permits with less than six horses. (Cross Reference § 152.9.)

§ 152.8 *Grazing rights.* (a) The Superintendent shall determine grazing rights of bona fide livestock owners based on recommendations of District Grazing Committees. Grazing rights shall be recognized for those permittees having ownership records as established in accordance with § 152.7 or who have acquired grazing rights by marriage, inheritance, purchase or division of permits. Whenever the permitted number of sheep units within a district is less than the carrying capacity, new permits to the carrying capacity limit may be granted as provided in § 152.9.

(b) All enrolled members of the Navajo Tribe over 18 years of age are eligible to acquire and hold grazing permits. Minors under 18 years of age can get possession of grazing permits only through inheritance or gift, and in each case Trustees must be appointed by the Tribal Courts to manage the permits and livestock of such minors until they become 18 years of age and can hold grazing permits in their own right.

(c) No person can hold a grazing permit in more than one district on the Navajo Reservation.

(d) Determination of rights to grazing permits involved in cases of divorce, separation, threatened family disruption, and permits of deceased permittees shall be the responsibility of the Navajo Court of Indian Offenses under existing laws, rules, and regulations.

§ 152.9 *Grazing permits.* (a) All livestock grazed on the Navajo Reservation must be covered by an authorized grazing permit issued by the Superintendent based upon the recommendations of the District Grazing Committee. All such grazing permits will be automatically renewed annually until terminated. District Grazing Committees shall act on all grazing permit changes resulting from negotiability within their respective Districts. The number of livestock that may be grazed under each permit shall be the number originally permitted plus or minus any changes as indicated by Transfer Agreements and Court Judgment Orders.

(b) Any permittee who has five or more horses on his current permit will

be required to apply any acquired sheep units in classes of stock other than horses. If the purchaser wishes more than his present number of horses, he must have his needs evaluated by the District Grazing Committee. Yearling colts will be counted against permitted number on all permits with six or more horses. Yearling colts will not be counted against permitted number on all permits with less than six horses. In hardship cases the District Grazing Committee may reissue horses removed from grazing permits through negotiability to permit holders who are without sufficient horses on their present permits to meet minimum needs.

(c) No permittee shall be authorized to graze more than ten head of horses or to accumulate a total of over 350 sheep units.

(d) Upon recommendation of the District Grazing Committee and with the approval of the Superintendent, grazing permits may be transferred from one permittee to another in accordance with instructions provided by the Advisory Committee of the Navajo Tribal Council, or may be inherited; provided that the permitted holdings of any individual permittee shall not exceed 350 sheep units or the equivalent thereof. Should inheritance or other acquisition of permits increase the holdings of any permittee to more than 350 sheep units, said permittee shall dispose of all livestock in excess of 350 sheep units not later than November 15 following date of inheritance or other acquisition, and that portion of his or her permit in excess of 350 sheep units within one year from date of inheritance.

(e) By request of a permittee to sublet all or a part of his or her regular grazing permit to a member of his family or to any person who would receive such permit by inheritance, such subletting of permits may be authorized by the District Grazing Committee and the Superintendent or his authorized representative.

§ 152.10 *Special grazing permits.* The problem of special grazing permits shall be settled by the Bureau of Indian Affairs working in cooperation with the Tribal Council, or any Committee designated by it, with a view to terminating these permits at a suitable date and with the least hardship to the Indians concerned.

§ 152.11 *Tenure of grazing permits.* (a) All active regular grazing permits shall be for one year and shall be automatically renewed annually until terminated. Any Navajo eligible to hold a grazing permit as defined in § 152.8 may become a livestock operator by obtaining an active grazing permit through negotiability or inheritance or both.

(b) In many Districts, and portions of all districts, unused grazing permits or portions of grazing permits are beneficial in aiding range recovery. Each District Grazing Committee will handle each matter of unused grazing permit or portions of grazing permits on individual merits. Where ample forage is available operators will be encouraged to fill their permits with livestock or dispose of their unused permits through negotiability. In those areas where forage is in need of rehabilitation permittees will not be encouraged to stock to their permitted numbers until the range has sufficiently recovered to justify the grazing of additional livestock.

§ 152.12 *Grazing fees.* Grazing fees shall not be charged at this time.[1]

§ 152.13 *Trespass.* The owner of any livestock grazing in trespass in Navajo Tribal ranges shall be subject to action by the Navajo Court of Indian Offenses as provided in Part 11 of this chapter; however, upon recommendations of the District Grazing Committee, first offenses may be referred to the Central Grazing Committee and the Superintendent or his authorized representative for proper settlement out of court. The following acts are considered as trespass:

(a) Any person who sells an entire permit must dispose of all his livestock or be in trespass. Any person selling a portion of his permit must not run more stock than covered by his remaining permit, or be subject to immediate trespass.

(b) All persons running livestock in excess of their permitted number must by April 25, 1958, either obtain permits to cover their total livestock numbers or reduce to their permitted number; or be in trespass. Additional time may be granted in unusual individual cases as determined and approved by the District Grazing Committee, Central Grazing Committee, and the Superintendent or his authorized representative.

(c) Failure to comply with the provisions in § 152.9, shall be considered as trespass.

(d) Any person who willfully allows his livestock to drift from one district to another shall be subject to trespass action. The grazing of livestock in customary use areas extending over District Boundary lines, when such customary use areas are defined and agreed upon by the District Grazing Committees involved, shall not be considered as willful trespass.

(e) The owner of any livestock who violates the customary or established use units of other permittees shall be subject to trespass action.

§ 152.14 *Movement of livestock.* Annually prior to the normal lamb buying season, the Central Grazing Committee after consultation with District Grazing Committees shall issue regulations covering the buying period and the procedures and methods to be used in moving livestock to market. All movements of livestock other than trucking from buying areas to loading or shipping points must be authorized by Trailing Permits issued by the District Grazing Committees on the approved forms. Failure to comply with this section and with annual lamb buying regulations will be considered as trespass.

§ 152.15 *Control of livestock disease and introduction of livestock.* (a) The District Grazing Committees with the approval of the Superintendent shall require livestock to be dipped, vaccinated, inspected and be restricted in movement when necessary to prevent the introduction and spread of contagious or infectious disease in the economic interest of the Navajo stock owners. Upon the recommendation of the District Grazing Committee livestock shall be dipped annually when such dipping is necessary to prevent the spread of contagious diseases. These annual dippings shall be completed on or before September 1st each year. Livestock, however, may be dipped at other times when necessary. The Superintendent or his authorized representative and the District Grazing Committee may also require the rounding up of cattle, horses, mules, etc., in each District for the purpose of inspection for disease, vaccinating, branding and other related operations.

(b) No livestock shall be brought onto the Reservation without a permit issued by the Superintendent or his authorized representative following inspection, in order to safeguard Indian livestock from infections and contagious disease and to insure the introduction of good quality sires and breeding stock.

(c) Any unusual disease conditions beyond the control measures provided herein shall be immediately reported by the District Grazing Committee to the Chairman of the Navajo Tribal Council and the Superintendent who shall attempt to obtain specialists and provide emergency funds to control and suppress the disease.

§ 152.16 *Fences.* Favorable recommendation from the District Grazing Committee and a written authorization from the Superintendent or his authorized representative must be secured before any fences may be constructed in non-agricultural areas. The District Grazing Committee shall recommend to the Superintendent the removal of unauthorized existing fences, or fences enclosing Demonstration Areas no longer used as such, if it is determined that such fences interfere with proper range management or an equitable distribution of range privileges. All enclosures fenced for the purpose of protecting agricultural land shall be kept to a size commensurate with the needs for protection of agricultural land and must be enclosed by legal four strand barbed wire fence or the equivalent.

§ 152.17 *Construction near permanent livestock water developments.* (a) The District Grazing Committee shall regulate the construction of all dwellings, corrals and other structures within one-half mile of Government or Navajo Tribal developed permanent livestock waters such as springs, wells, and charcos or deep reservoirs.

(b) A written authorization from the District Grazing Committee must be secured before any dwellings, corrals, or other structures may be constructed within one-half mile of Government or Navajo Tribal developed springs, wells and charcos or deep reservoirs.

(c) No sewage disposal system shall be authorized to be built which will drain into springs or stream channels in such a manner that it would cause contamination of waters being used for livestock or human consumption.

[1] Grazing Committees were organized in May 1953. These committees have not had ample time to fully acquaint themselves or the stockmen in their respective districts with all of the various items of range administration and range management. Also the drought of several years has not broken. The Navajo Tribe therefore requests that the matter of establishing regulations regarding the adoption of grazing fees be deferred until such a time as a full understanding of the advantages of fees can be had by the majority of the stockmen in all Districts. The assessment of grazing fees will not aid materially in obtaining proper range use. At this time it is more important that other sections of these grazing regulations be adopted and enforced. Resolution of Navajo Tribal Council No. CJ-22-54 of June 9, 1954.

PART 153—GRAZING, PINE RIDGE AERIAL GUNNERY RANGE

Sec.
153.1 Objectives.
153.2 Administration.
153.3 Grazing permits.
153.4 Preference in awarding permits.
153.5 Permit requirements.
153.6 Grazing fees.

AUTHORITY: §§ 153.1 to 153.6 issued under R. S. 161; 5 U. S. C. 22.

§ 153.1 *Objectives.* It is the purpose of the regulations in this part to achieve the preservation and rehabilitation through proper grazing practices of the forage, forest, land, and water resources of the area known as the Pine Ridge Aerial Gunnery Range, referred to in this part as the Gunnery Range and to provide for the use of the area under proper permits.

§ 153.2 *Administration.* So far as applicable §§ 151.5, 151.6, 151.22, 151.23 (a), and 151.26 of this chapter, together with any subsequent amendments, shall govern the administration of the Gunnery Range. All forms necessary to carry out the purpose of the regulations in this part shall be approved by the Commissioner of Indian Affairs.

§ 153.3 *Grazing permits.* Grazing privileges shall be granted through the medium of permits by the Superintendent of the Pine Ridge Indian Agency, Pine Ridge, South Dakota. Range units on which permits are not renewed, pursuant to § 153.5, shall be advertised for competitive bidding for a 30-day period, unless the Superintendent determines that a shorter period of advertisement is warranted, and proposals shall be received by sealed bids. Proposals shall be accompanied by cashier's check, certified check or draft drawn on a solvent bank, or money order, payable to the Treasurer of the United States, for not less than 10 percent of the annual grazing fees due at the rate bid. The Superintendent shall post such advertisements at public places and the award of grazing privileges shall be made to the highest satisfactory bidder but any bidder entitled to preference, in accordance with § 153.4, may exercise such preference and meet the high bid. Such preference may be exercised by filing with the Superintendent a written notice within 10 days after the high bid has been announced. Such notice shall be accompanied by a cashier's check, certified check, or draft drawn on a solvent bank, or money order, payable to the Treasurer of the United States in an additional sum sufficient to meet the terms of the advertisement. Permits may provide for the cutting of hay by the permittee without additional charge, provided that the hay cut is fed on the unit to the livestock grazed under the permit. The Superintendent may prescribe such other rules as may be necessary to govern the cutting of hay so as to obtain proper utilization of the range. No permit shall be issued for farming purposes.

§ 153.4 *Preference in awarding permits.* In awarding grazing privileges, preference in meeting the high bid shall be given in the following order to:

(a) Former fee title holders, former Indian trust owners, and livestock operators, who owned established ranch headquarters within or adjacent to the Gunnery Range and who were using a portion of the Gunnery Range for grazing purposes at the time of its acquisition by the Department of the Army. This preference shall be given only to the extent of the use of the Gunnery Range by such persons prior to its acquisition by the Department of the Army.

(b) Indian allottees whose former allotments were within the Gunnery Range but whose ranch headquarters were not within the Gunnery Range.

§ 153.5 *Permit requirements.* Permits shall be limited to 1-year periods on an annual renewal basis subject to the following provisions:

(a) The Secretary of the Army may terminate any or all permits when the use of the area for grazing interferes with the purpose of the Gunnery Range.

(b) Permittees shall be responsible for the reasonable protection of all improvements within the permitted areas. Permittees shall be allowed to use for improvement purposes within the Gunnery Range such salvage materials as may be located on any lands within their permitted areas. Title to such materials shall, however, remain in the United States.

(c) Permittees shall maintain at their own expense all existing water facilities. They may, however, also develop and maintain such additional water facilities as they may elect, and shall have the privilege of removing, at the termination of their permits, such personal property as they may have installed on the premises.

(d) Permittees assume all risks of personal damage or of injury or loss to personal property incident to the use of the Gunnery Range, and agree to waive all claims which they may now have for damages or compensation for loss of personal property incident to the acquisition by the United States of any or all lands within the Gunnery Range.

(e) Permittees are prohibited from cutting timber.

(f) Permits do not establish any permanent rights of possession or use by permittees to the areas covered by their permits and the privileges granted are temporary only.

§ 153.6 *Grazing fees.* The minimum grazing fees charged for a permit renewed pursuant to § 153.5, or the minimum fee established for the issuance of a permit pursuant to § 153.3, shall be on a level with existing rates within the Pine Ridge Indian Reservation, less 20 percent to offset the risk assumed by the permittee in occupying the Gunnery Range subject to use for military purposes. All grazing fees shall be paid in advance to the Superintendent of the Pine Ridge Indian Agency.

Subchapter O—Rights-of-Way—Roads

PART 161—RIGHTS-OF-WAY OVER INDIAN LANDS

Sec.
161.1 Definitions.
161.2 Purpose and scope of regulations.
161.3 Consent of landowners.
161.4 Permission to survey.
161.5 Permission to commence construction.
161.6 Disposition of deposit.
161.7 Application for right-of-way.
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161.12 Township and section lines.
161.13 Affidavit and certificate.
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161.19 Tenure of approved right-of-way grants.
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161.22 Condemnation suits involving individually owned restricted lands.
161.23 Railroads.
161.24 Railroads in Oklahoma.
161.25 Oil or gas pipelines.
161.26 Telephone and telegraph lines; radio, television, and other communications facilities.
161.27 Power projects.
161.28 Public highways.
161.29 Drainage projects in Oklahoma.
161.30 Withdrawal and restoration of Superintendent's authority.
161.31 Appeals.

AUTHORITY: §§ 161.1 to 161.31 issued under R. S. 161, sec. 1, 30 Stat. 941, sec. 1, 32 Stat. 266, sec. 1, 33 Stat. 359, sec. 4, 37 Stat. 194, sec. 6, 62 Stat. 18; 5 U. S. C. 22, 25 U. S. C. 328. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 161.1 *Definitions.* As used in this part:

(a) "Secretary" means Secretary of the Interior or his duly authorized representative.

(b) "Commissioner" means Commissioner of Indian Affairs or his duly authorized representative.

(c) "Area Director" means the officer in charge of an Area Office of the Bureau of Indian Affairs or his duly authorized representative.

(d) "Superintendent" means the superintendent or other officer in charge of an Indian Agency, School, Hospital, or other field unit of the Bureau of Indian Affairs.

(e) "Indians" include (1) Indians, (2) Eskimos, or (3) Aleuts.

(f) "Tribe" means a nation, tribe, band, pueblo, community, or other group of Indians residing on a reservation, rancheria, or other reserve within the continental United States or Alaska.

(g) "Tribal Council" means the official council, business committee, or other body, or the governor or other individual, authorized to represent a tribe in consenting to the granting of the rights-of-way provided for in this part.

(h) "Restricted lands" means (1) lands or interests in lands held by the United States in trust for a tribe; (2) lands or interests in lands held by a tribe in restricted fee or Indian title, including Pueblo lands; (3) lands or interests in lands held by the United States in trust for individual Indians; (4) lands or interests in lands held by individual Indians subject to restrictions against alienation; or (5) other lands acquired or set aside by the United States for the use and benefit of Indians.

(i) "Damages" include the compensation, if any, due the landowner for a right-of-way.

§ 161.2 *Purpose and scope of regulations.* (a) Except as indicated in paragraph (b) of this section, the regulations in this part prescribe the procedures, terms, and conditions under which rights-of-way over and across restricted lands may be granted.

NOTE: For irrigation rights-of-way, see sec. 18, 26 Stat. 1101, as amended, 34 Stat. 375; 43 U. S. C. 946.

(b) The regulations in this part do not cover the granting of rights-of-way for primary hydroelectric transmission lines over and across tribal lands. Applications for such rights-of-way must be filed with the Federal Power Commission.

§ 161.3 *Consent of landowners.* (a) No right-of-way shall be granted over and across any restricted lands belonging to a tribe, nor shall any permission to survey or to commence construction be issued with respect to any such lands, without the prior written consent of the tribal council.

(b) Except as provided in paragraph (c) of this section, no right-of-way shall be granted over and across any individually owned restricted lands, nor shall any permission to survey or to commence construction be issued with respect to any such lands, without the prior written consent of the owner or owners of such lands and the approval of the Superintendent.

(c) The Superintendent may issue permission to survey or to commence construction with respect to, and he may grant rights-of-way over and across, restricted lands of individual Indians without the consent of the individual Indian owners when (1) the individual owner of the land or of an interest therein is a minor or a person non compos mentis, and the Superintendent finds that such grant will cause no substantial injury to the land or the owner, which cannot be adequately compensated for by monetary damages; (2) the land is owned by more than one person, and the owners or owner of a majority of the interests therein consent to the grant; (3) the whereabouts of the owner of the land or an interest therein are unknown, and the owners or owner of any interests therein whose whereabouts are known, or a majority thereof, consent to the grant; [1] (4) the heirs or devisees of a deceased owner of the land or an interest therein have not been determined, and the Superintendent finds that the grant will cause no substantial injury to the land or any owner thereof; (5) the owners of interests in the land are so numerous that the Superintendent finds it would be impracticable to obtain their consent, and also finds that the grant will cause no substantial injury to the land or any owner thereof.

§ 161.4 *Permission to survey.* Anyone desiring to obtain permission to survey a right-of-way upon and across restricted lands must file a written application therefor with the Superintendent. The application shall adequately describe the proposed project, and it shall be accompanied by the written consent of the landowners as required by § 161.3, by satisfactory evidence of the good faith and financial responsibility of the applicant, and by a check or money order of sufficient amount to cover double the estimated damages which may be sustained as a result of the survey. An application filed by a corporation must be accompanied by proof of corporate existence and of compliance with State laws entitling the applicant to operate in the State in which the restricted land is situated. An application filed by an unincorporated partnership or association must be accompanied by a certified copy of the articles of partnership or association, or, if there be none, this fact must be stated over the signature of each member of the partnership or association. If the applicant has previously filed with the Department an application accompanied by the evidence required in this section, a reference to the date and place of such filing, accompanied by proof of current financial responsibility and good faith, will be sufficient. Upon receipt of an application made in compliance with the regulations of this part, the Superintendent may grant the applicant written permission to survey.

§ 161.5 *Permission to commence construction.* Subject to the provisions of § 161.3, permission to proceed with construction work on a right-of-way may be granted by the Superintendent at the same time or after permit to survey is issued and before full compliance is made with the regulations in this part, provided the applicant deposits with the Superintendent in advance such amount, in addition to that deposited in accordance with § 161.4, as will be sufficient to equal twice the estimated damages which may result from the survey and construction, and agrees in writing to comply promptly with the regulations in this part. The amount of the deposit, if the applicant is an agency of the Federal or of a State Government, will be a sum to cover only the estimated damages whenever it be shown to the satisfaction of the Superintendent that the funds of the applicant are not available for the deposit of the greater amount. Each deposit shall be held in a "special deposit" account until the actual damages have been determined and the application for the right-of-way has been approved.

§ 161.6 *Disposition of deposit.* Except as provided in this section, all that part of the deposit required by § 161.5 which is not required for the payment of damages due the landowners shall be refunded to the applicant upon satisfactory completion of the project and compliance with the requirements of § 161.5. Whenever by reason of unnecessary delay or otherwise the applicant fails to show good faith or to exercise due diligence in complying with the regulations of this part, the Superintendent shall, after giving the applicant fifteen days' written notice to show cause why the construction permit should not be rescinded and the application for right-of-way rejected, submit a full report on the matter to the Area Director. If it appears to the satisfaction of the Area Director that the applicant has failed to show good faith or to exercise due diligence in complying with the law and the regulations of this part, the Area Director may rescind the construction permit and reject the application, and notify the applicant of such action and that the entire amount of the applicant's deposit will be paid to the interested Indians as liquidated damages after 30 days from the receipt of such notice unless the applicant files a written notice of appeal from such action pursuant to § 161.31, in which event the deposit shall be held pending the final determination of the appeal.

§ 161.7 *Application for right-of-way.* After a survey has been authorized and completed, formal application, in duplicate, for the right-of-way, if desired, shall be filed promptly with the Superintendent. The application shall cite the statute or statutes under which it is filed and the width and length of the desired right-of-way, and shall be accompanied by a duly executed stipulation expressly agreeing to the following:

(a) To construct and maintain the right-of-way in a workmanlike manner.

(b) To pay promptly all damages, in addition to the deposit made pursuant to § 161.5, determined by the Superintendent to be due the landowners on account of the construction and maintenance of the right-of-way.

(c) To indemnify the landowners against any liability for damages to life or property arising from the occupancy or use of the lands by the applicant.

(d) To restore the lands as nearly as may be possible to their original condition upon the completion of construction.

(e) That the applicant will not interfere with the use of the lands by or under authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way was granted.

§ 161.8 *Maps.* (a) Each application for a right-of-way must be accompanied by a map of definite location on linen tracing in duplicate, and four blue-print copies thereof. Three linen tracings shall be filed if the applicant desires the return of a linen tracing showing the approved right-of-way. The field notes shall accompany the application, as provided for in § 161.9. The width of the right-of-way shall be clearly shown on the linen tracing.

(b) A separate map shall be filed for each section of 20 miles of right-of-way, but the map of the last section may include any excess of 10 miles or less.

(c) The scale of maps showing the line of route normally should be 2,000 feet to an inch. The maps may, however, be drawn to a larger scale when necessary and when an increase in scale cannot be avoided through the use of separate field notes, but the scale must not be increased to such extent as to make the maps too cumbersome for convenient handling and filing.

(d) The map shall show the name of the allottee and the allotment number of each tract of allotted land, and shall clearly designate each tract of tribal land affected, together with the sections, townships, and ranges in which the lands crossed by the right-of-way are situated.

§ 161.9 *Field notes.* Field notes of the survey shall appear along the line indicating the right-of-way on the map, unless the map would be too crowded thereby to be easily legible, in which event the field notes may be filed separately on linen tracing in such form that they may be folded readily for filing. Where field notes are placed on separate linen tracing, it will be necessary to place on the map only a sufficient number of station numbers so as to make it convenient to follow the field notes. The field notes shall be typewritten. Whether endorsed on the map or filed separately, the field notes shall be sufficiently complete so as to permit the line indicating the right-of-way to be readily retraced on the ground from the notes. They shall show whether the line was run on true or magnetic bearings, and, in the latter case, the variation of the needle and date of determination must be stated. One or more bearings (or angular connections with public survey lines) must be given. The 10-mile sections must be indicated and numbered on all lines of road submitted.

§ 161.10 *Public survey.* (a) The termini of the line of route shall be fixed by reference of course and distance to the nearest existing corner of the public survey. The map, as well as the engineer's affidavit and the certificate, shall show these connections.

(b) When either terminal of the line of route is upon unsurveyed land, it must be connected by traverse with an established corner of the public survey, if not more than 6 miles distant from it, and the single bearing and distance from the terminal point to the corner computed and noted on the map, in the engineer's affidavit, and in the certificate. The notes and all data for the computation of the traverse must be given.

§ 161.11 *Connection with natural objects.* When the distance to an established corner of the public survey is more than 6 miles, this connection will be made with a natural object or a permanent monument which can be readily found and recognized, and which will fix and perpetuate the position of the terminal point. The map must show the position of such mark, and course and distance to the terminus. There must be given an accurate description of the mark and full data concerning the traverse, and the engineer's affidavit and the certificate on the map must state the connections.

§ 161.12 *Township and section lines.* Whenever the line of survey crosses a township or section line of the public survey, the distance to the nearest existing corner shall be noted. The map shall show these distances and the station numbers at the points of intersection. The field notes shall show these distances and station numbers.

§ 161.13 *Affidavit and certificate.* (a) There shall be subscribed on the map of definite location an affidavit executed by the engineer who made the survey and a certificate executed by the applicant, both certifying to the accuracy of the survey and map and both designating by termini and length, in miles and decimals, the line of route for which the right of way application is made.

(b) Maps covering roads built by the Bureau of Indian Affairs which are to be transferred to a county or state government shall contain an affidavit as to the accuracy of the survey, executed by the Bureau highway engineer in charge of road construction, and a certificate by the state or county engineer or other authorized state or county officer accepting the right of way and stating that he is satisfied as to the accuracy of the survey and map.

§ 161.14 *Appraisal and schedule of damages.* As soon as practicable after a right-of-way application has been filed as provided for in this part, or after the issuance of permission to survey or commence construction, the Superintendent shall cause an appraisal to be made of the damages due the landowners. Upon the basis of the appraisals thus made, the Superintendent shall prepare separate schedules for the individual lands and for the tribal lands traversed by the right-of-way described in the application. The individual land schedule shall identify thereon the allotment number and the name of the allottee of each forty-acre tract or part of each legal subdivision thereof, and shall set forth in separate columns the acreage taken from each subdivision, the value per acre, the damages to improvements or adjoining land or other property, and the total amount of damages due each land owner. Except for the allotment numbers and the names of the allottees whose lands are involved, the schedule for tribal lands shall contain like information. The Superintendent shall furnish the applicant a copy of the schedules, together with the latest known addresses of the owners.

§ 161.15 *Deposit of damages.* Upon receipt of the schedule of damages, the applicant must deposit with the Superintendent the total amount of damages as shown on the schedules, less any deposit previously made under §§ 161.4 and 161.5. The amount so deposited shall be held in a "special deposit" account for distribution, upon the approval of the application, to or for the account of the owners.

§ 161.16 *Action on application.* Upon satisfactory compliance with the regulations in this part, the Superintendent is authorized to approve the application by endorsing his approval on the map of definite location. Upon approval of the application, the Superintendent shall promptly notify the applicant, and thereafter the applicant may proceed with the construction work, if such permission has not been obtained under § 161.5. One copy of the approved linen tracing of the right-of-way map bearing the written signature of the Superintendent shall be transmitted to the Commissioner. One linen tracing and one blueprint copy of the map of definite location shall be filed with the Bureau of Land Management, except in the case of rights-of-way across lands in Oklahoma. One linen tracing of the map of definite location of the right-of-way across lands in Oklahoma shall be forwarded to the Bureau of Land Management, except that in the case of a right-of-way traversing lands in the Osage or the Five Civilized Tribes Reservations no copy of the map of definite location shall be furnished to the Bureau of Land Management. One copy of the linen tracing shall be forwarded to the applicant if, and only if, three linen tracings were filed as provided in § 161.8.

§ 161.17 *Affidavit of completion.* Upon the completion of the construction of any right-of-way, the applicant shall promptly file with the Superintendent an affidavit of completion, in duplicate, executed by the engineer and certified by the applicant. The Superintendent shall transmit one copy of the affidavit to the Commissioner for filing.

§ 161.18 *Change of location.* If any change from the location shown upon the approved maps is found to be necessary on account of engineering difficulties or otherwise, amended maps and field notes of the new location shall be filed, and a right-of-way for such new route or location shall be subject to approval, the ascertainment of damages, and the payment thereof, in all respects as in the case of the original location, before construction work may proceed upon such new right-of-way, unless permission has been obtained in accordance with § 161.5.

§ 161.19 *Tenure of approved right-of-way grants.* All rights-of-way granted under the regulations in this part shall be in the nature of easements or permits for the periods stated therein. They are terminable upon abandonment or discontinuance of the use for which granted. Rights-of-way for railroads, telephone lines, telegraph lines, and public highways shall be without limitation as to term of years. Rights-of-way for oil or gas pipe lines, and for telephone, telegraph, and water lines incident to the operation of oil and gas pipe lines, shall be limited to 20 years and shall be subject to renewal for a like term upon compliance with the applicable regulations. Rights-of-way for

[1] The language of this subparagraph is taken from 25 U. S. C. 324.

all other purposes shall be for a period of not to exceed 50 years, as fixed by the Superintendent and stated in the grant, and shall be subject to renewal for a like term upon compliance with the applicable regulations.

§ 161.20 *Renewal of right-of-way grants.* On or before the termination date of any right-of-way heretofore or hereafter granted for a limited term of years, an application may be submitted for a renewal of the grant. If the renewal involves no change in the location or status of the original right-of-way grant, the applicant may file with his application a certificate under oath setting out this fact, and the Superintendent, with the consent of the Indians, may thereupon extend the grant for a like term of years, upon the payment of compensation in the amount fixed and determined by the Superintendent. If any change in the size, type, or location of the right-of-way is involved, the application for renewal shall be treated and handled as in the case of an original application for a right-of-way.

§ 161.21 *Service lines.* (a) An agreement shall be executed by and between the landowner or a legally authorized occupant or user of the land and the applicant before any work by the applicant may be undertaken to construct a service line across such land. Such a service line shall be limited in the case of power lines to a voltage of 7.5 kv or less except lines to serve irrigation pumps which shall be limited to a voltage not to exceed 14.5 kv. Service lines shall be for the sole purpose of supplying the individual owners or authorized occupants or users of land including schools and churches with telephone, water, electric power, gas, or other utilities for domestic and agricultural uses by such owners, occupants or users of the land.

(b) A similar agreement to that required in paragraph (a) of this section shall be executed by the tribe or legally authorized occupant or user of tribal land and the applicant before any work by the applicant may be undertaken on the land for the construction of a service line across such tribal land. Such a service line shall be for the sole purpose of supplying such occupants or users of such tribal land with any of the services dealt with in paragraph (a) of this section. No agreement under this paragraph shall be valid unless its execution shall have been duly authorized in advance of construction by the governing body of the Indian tribe whose land is affected.

(c) In order to encourage the use of telephone, water, electric power, gas or other utilities and facilitate the extension of these modern conveniences to sparsely-settled Indian areas without undue costs the agreement referred to in paragraph (a) of this section shall only be required to include or have appended thereto, a plat or diagram showing with particularity the location, size, and extent of the line. When the plat or diagram is placed on a separate sheet it shall bear the signature of the parties. In case of tribal land, the agreement shall be accompanied by a certified copy of the tribal authorization.

(d) An executed copy of the agreement, together with a plat or diagram, and in the case of tribal land, an authenticated copy of the tribal authorization shall be filed with the superintendent of the reservation on which the service line is to be built within 30 days after the date of its execution. Failure to meet this requirement may result in the removal of any such improvements placed on the land at the expense of the party responsible for the placing of such improvements thereon and subject such party to the payment of damages caused by his unauthorized act.

§ 161.22 *Condemnation suits involving individually owned restricted lands.* The facts relating to any condemnation action to obtain a right-of-way upon individually owned restricted land shall be reported immediately by the Superintendent to the Area Director and the Commissioner, in order that appropriate action may be taken to safeguard the interests of the Indians.

§ 161.23 *Railroads.* (a) Rights-of-way for railroads shall not exceed 50 feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when they shall not exceed 100 feet in width on each side of the road. The right-of-way may include grounds adjacent to the line for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed 200 feet in width by a length of 3,000 feet, with no more than one station to be located within any one continuous length of 10 miles of road.

(b) Short spurs and branch lines may be shown on the map of the main line, separately described by termini and length. Longer spurs and branch lines shall be shown on separate maps. Grounds desired for station purposes may be indicated on the map of definite location but separate plats must be filed for such grounds. The maps shall show any other line crossed, or with which connection is made. The station number shall be shown on the survey thereof at the point of intersection. All intersecting roads must be represented in ink of a different color from that used for the line for which application is made.

(c) Plats of railroad station grounds shall be drawn on a scale of 400 feet to an inch, and must be filed separately from the line of route. Such plats shall show enough of the line of route to indicate the position of the tract with reference thereto. Each station ground tract must be located with respect to the public survey as provided in § 161.10, and all buildings or other structures shall be platted on a scale sufficiently large to show clearly their dimensions and relative positions.

(d) If any proposed railroad is parallel to, and within 10 miles of, a railroad already built or in course of construction, it must be shown wherein the public interest will be promoted by the proposed road. Where the Interstate Commerce Commission has passed on this point, a certified copy of its findings must be filed with the application.

(e) The applicant must certify that the road is to be operated as a common carrier of passengers and freight.

(f) The applicant shall execute and file, in duplicate, a stipulation obligating the company to use all precautions possible to prevent forest fires and to suppress such fires when they occur, to construct and maintain passenger and freight stations for each Government townsite, and to permit the crossing, in a manner satisfactory to the Government official in charge, of the right-of-way by canals, ditches, and other projects.

(g) A railroad company may apply for sufficient land for ballast or material pits, reservoirs, or tree planting to aid in the construction or maintenance of the road. The authority to use any land for such purposes shall terminate upon abandonment or upon failure to use the land for such purposes for a continuous period of two years.

(Sec. 1, 18 Stat. 482, secs. 1, 2, 30 Stat. 990, as amended, 35 Stat. 781, as amended, secs. 1–5, 62 Stat. 17, 18; 43 U. S. C. 934, 25 U. S. C. 312, 313, 320, 323–327)

§ 161.24 *Railroads in Oklahoma.* (a) Railroad rights-of-way over and across restricted lands in Oklahoma may be acquired in accordance with the provisions of the act of February 28, 1902 (32 Stat. 43).

(b) One copy each on linen tracing of the map of definite location showing the line of route and all lands included within the right-of-way must be filed with the Commissioner and the Superintendent. When tribal lands are involved, a copy of the map must also be filed with the tribal council.

(c) Before any railroad may be constructed or any lands taken or condemned for any of the purposes set forth in section 13 of the act of February 28, 1902 (32 Stat. 43), full damages shall be paid to the Indian owners.

(d) After the maps have been filed, the matter of damages shall be negotiated by the company directly with the Indian owners. If an amicable settlement cannot be reached, the amount to be paid as compensation and damages shall be fixed and determined as provided in the statute. If court proceedings are instituted, the facts shall be reported immediately by the Superintendent to the Area Director and the Commissioner, so that appropriate action may be taken to safeguard the interests of the Indians.

(32 Stat. 43)

§ 161.25 *Oil or gas pipelines.* (a) All oil or gas pipelines, including connecting lines, shall be buried a sufficient depth below the surface of the land so as not to interfere with cultivation. Whenever the line is laid under a road or highway, the right-of-way for which has been granted under an approved application pursuant to an act of Congress, its construction shall be in compliance with the applicable Federal and State laws; during the period of construction, at least one-half the width of the road shall be kept open to travel; and, upon completion, the road or highway shall be restored to its original condition and all excavations shall be refilled. Whenever the line crosses a ravine, canyon, or waterway, it shall be laid below the bed thereof or upon such superstructure as will not interfere with the use of the surface.

(b) The size of the proposed pipeline must be shown in the application, on the map, and in the engineer's affidavit and applicant's certificate. The application and map shall specify whether the pipe is welded, screw-joint, dresser, or other type of coupling. Should the applicant of an approved right-of-way desire at any time to lay additional line or lines of pipe in the same trench, or to replace the original line with larger or smaller pipe, written permission must first be obtained from the Superintendent and all damages to be sustained by the owners must be paid in advance in the amount fixed and determined by the Superintendent.

(c) Applicants for oil or gas pipeline rights-of-way may apply for additional land for pumping stations or tank sites. The maps shall show clearly the location of all such structures and the location of all lines connecting with the main line. Applicants for lands for pumping stations or tank sites shall execute and file a stipulation agreeing as follows:

(1) Upon abandonment of the right-of-way to level all dikes, fire-guards, and excavations and to remove all concrete masonry foundations, bases, and structural works and to restore the land as nearly as may be possible to its original condition.

(2) That a grant for pumping station or tank site purposes shall be subservient to the owner's right to remove or authorize the removal of oil, gas, and other mineral deposits; and that the structures for pumping station or tank site will be removed or relocated if necessary to avoid interference with the exploration for or recovery of oil, gas, or other minerals.

(d) Purely lateral lines connecting with oil or gas wells on restricted lands may be constructed upon filing with the Superintendent a copy of the written consent of the Indian owners and a blueprint copy of a map showing the location of the lateral. Such lateral lines may be of any diameter or length, but must be limited to those used solely for the transportation of oil or gas from a single tract of restricted land to another lateral or to a branch of the main line.

(e) The applicant, by accepting a pipeline right-of-way, thereby agrees that the books and records of the applicant shall be open to inspection by the Secretary or his duly authorized representative at all reasonable times, in order to obtain information pertaining in any way to oil or gas produced from restricted lands or other lands under the jurisdiction of the Secretary.

(Secs. 1, 2, 33 Stat. 65, as amended, secs. 1–5, 62 Stat. 17, 18; 25 U. S. C. 321, 323–327)

§ 161.26 *Telephone and telegraph lines; radio, television, and other communications facilities.* (a) The application and maps shall specify the width of the right-of-way desired. No right-of-way shall be granted for a width in excess of 50 feet on each side of the center line, unless special requirements are clearly set forth in the application which fully justify a width in excess of 50 feet on each side of the center line.

(b) Applicants engaged in the general telephone and telegraph business may apply for additional land for office sites. The maps showing the location of proposed office sites shall be filed separately from those showing the line of route, and shall be drawn to a scale of 50 feet to an inch. Such maps shall show enough of the line of route to indicate the position of the tract with reference thereto. The tract shall be located with respect to the public survey as provided in § 256.10, and all buildings or other structures shall be platted on a scale sufficiently large to show clearly their dimensions and relative positions.

(c) Rights of way for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, shall be limited to 200 feet on each side of the centerline of such lines and poles; radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be limited to an area not to exceed 400 feet by 400 feet.

(Secs. 1, 2, 30 Stat. 990, as amended, sec. 3, 31 Stat. 1083, secs. 1–5, 62 Stat. 17, 18, 66 Stat. 95; 25 U. S. C. 312, 313, 319, 323–327)

§ 161.27 *Power projects.* (a) All applications for authority to survey, locate, or commence construction work on any project for the generation of electric power, or the transmission or distribution of electric power of 33 kv or higher involving lands other than tribal lands dealt with in the exception contained in § 161.2 shall be referred by the superintendent through the area director to the Commissioner who will secure the approval of the Office of the Assistant Secretary of the Interior for Water and Power Development or such other agency as may be designated for the area involved, for consideration of the relationship of the proposed project to the power development program of the United States. Where the proposed project will not conflict with the program of the United States, the area director, upon notification to that effect, will so notify the superintendent, who may then proceeed to act upon the application. In the case of necessary changes respecting the proposed location, construction, or utilization of the project in order to eliminate conflicts with the power development program of the United States, the superintendent shall obtain from the applicant written consent to or compliance with such requirements before taking further action on the application.

(b) The application and maps shall specify the width of the right-of-way desired. Rights-of-way for power lines will be limited to 50 feet on each side of the center line unless sufficient justification is furnished for a greater width.

(c) The applicant shall make provision, or bear the reasonable cost (as may be determined by the Secretary) of making provision, for avoiding inductive interference between any project transmission line or other project works constructed, operated, or maintained by it on the right-of-way authorized under the grant and any radio installation, telephone line, or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof. This provision shall not relieve the applicant from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

(d) An applicant for a right-of-way for a transmission line having a voltage of 33 kv. or more must, in addition to the stipulation required by § 161.7, execute and file with its application a stipulation agreeing to accept the right-of-way grant subject to the following conditions:

(1) The applicant agrees that, in the event it becomes necessary for the United States to acquire the applicant's transmission line or facilities constructed on or across such right-of-way, the United States reserves the right to acquire such line or facilities at a sum to be determined upon by a representative of the applicant, a representative of the Secretary of the Interior, and a third representative to be selected by the other two for the purpose of determining the value of such property thus to be acquired by the United States. No value, however, shall be allowed at any such determination for the right-of-way granted to the applicant under authority of the regulations of this part.

(2) To allow the Department of the Interior to utilize for the transmission of electrical power any surplus capacity of the line in excess of the capacity needed by the holder of the grant for the transmission of electrical power in connection with the applicant's operations, or to increase the capacity of the line at the Department's expense and to utilize the increased capacity for the transmission of electrical power. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(i) When the Department desires to utilize surplus capacity thought to exist in a line, notification will be given to the applicant and the applicant shall furnish to the Department within 30 days a certificate stating whether the line has any surplus capacity not needed by the applicant for the transmission of electrical power in connection with the applicant's operations, and, if so, the extent of such surplus capacity.

(ii) In order to utilize any surplus capacity certified by the applicant to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the applicant's line in a manner conformable to approved standards of practice for the interconnection of transmission circuits.

(iii) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate switching, relaying, and protective equipment so as to insure that the normal and efficient operation of the applicant's line will not be impaired.

(iv) After any interconnection is completed, the applicant shall operate and maintain its line in good condition; and, except in emergencies, shall maintain in a closed position all connections under the applicant's control between the ap-

plicant's line and the interconnecting facilities provided by the Department.

(v) The interconnected power systems of the Department and the applicant will be operated in parallel.

(vi) The transmission of electrical power by the Department over the applicant's line will be effected in such manner and quantity as will not interfere unreasonably with the applicant's use and operation of the line in accordance with the applicant's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the line which has been provided at the Department's expense.

(vii) The applicant will not be obligated to allow the transmission over its line by the Department of electrical power to any person receiving service from the applicant on the date of the filing of the application for a grant, other than persons entitled to statutory preference in connection with the distribution and sale of electrical power by the Department.

(viii) The Department will pay to the applicant an equitable share of the total monthly cost of maintaining and operating the part of the applicant's line utilized by the Department for the transmission of electrical power, the payment to be an amount in dollars representing the same proportion of the total monthly operation and maintenance cost of such part of the line as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the applicant's line during the month bears to the total capacity in kilowatts of that part of the line. The total monthly cost may include interest and amortization, in accordance with the system of accounts prescribed by the Federal Power Commission, on the applicant's net total investment (exclusive of any investment by the Department) in the part of the line utilized by the Department.

(ix) If, at any time subsequent to a certification by the applicant that surplus capacity is available for utilization by the Department, the applicant needs for the transmission of electrical power in connection with its operations the whole or any part of the capacity of the line theretofore certified as being surplus to its needs, the applicant may modify or revoke the previous certification by giving the Secretary of the Interior 30 months' notice, in advance, of the applicant's intention in this respect. After the revocation of a certificate, the Department's utilization of the particular line will be limited to the increased capacity, if any, provided by the Department at its expense.

(x) If, during the existence of the grant, the applicant desires reciprocal accommodations for the transmission of electrical power over the interconnecting system of the Department to its line, such reciprocal accommodations will be accorded under terms and conditions similar to those prescribed in this paragraph with respect to the transmission by the Department of electrical power over the applicant's line.

(xi) The terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental agreement negotiated between the applicant and the Secretary of the Interior or his designee.

(e) Applicants may apply for additional lands for generating plants and appurtenant structures. The lands desired for such purposes may be indicated on the map showing the definite location of the right-of-way, but separate maps must be filed therefor. Such maps shall show enough of the line of route to indicate the position of the tract with respect to said line. The tract shall be located with respect to the public survey as provided in § 161.10, and all buildings or other structures shall be platted on a scale sufficiently large to show clearly their dimensions and relative positions.

(f) Applicants, in lieu of furnishing maps based on surveys, including field notes, as required by §§ 161.8 to 161.13, inclusive, may obtain rights of way for distribution lines of less than 33 kv and telephone lines by filing two linen tracings and four print copies of a drawing showing the size and the location of the line in relation to the boundaries of each tract of land involved. The drawings shall show thereon whether the land to be crossed by the right of way is tribal or allotted. If allotted land, there shall appear on the drawing in addition to the section, township, and range number the name of each allottee and the respective allotment number. Each drawing shall contain a certificate executed by the engineer or the person who prepared the drawing, and the president, or other proper official of the applicant, certifying that the line is located as shown on the drawing.

(31 Stat. 790, as amended, 36 Stat. 1253, as amended, secs. 1–5, 62 Stat. 17, 18; 43 U. S. C. 959, 961, 25 U. S. C. 323–327)

§ 161.28 *Public highways.* (a) The appropriate State or local authorities may apply under the regulations in this part for authority to open public highways across restricted lands in accordance with State laws.

(b) In lieu of making application under the regulations in this part, the appropriate State or local authorities in Nebraska or Montana may, upon compliance with the requirements of the act of March 4, 1915 (38 Stat. 1188), lay out and open public highways in accordance with the respective laws of those States. Under the provisions of that act, the applicant must serve the Superintendent with notice of intention to open the proposed road and must submit a linen tracing of a map of definite location showing the width of the proposed road for the approval of the Superintendent prior to the laying out and opening of the road.

(c) Applications for public highway rights-of-way over and across roadless and wild areas shall be considered in accordance with the regulations contained in Part 163 of this chapter.

(Sec. 4, 31 Stat. 1084, 38 Stat. 1188, secs. 1–5, 62 Stat. 17, 18; 25 U. S. C. 311, 323–327)

§ 161.29 *Drainage projects in Oklahoma.* (a) Applications for rights-of-way for drainage purposes and applications for the approval of drainage assessments against individually owned restricted lands in Oklahoma may be filed under the regulations in this part by the County Commissioners of the county or counties in which a drainage district is located. The application shall show that the State laws governing the drainage of lands have been complied with, and the application must be accompanied by a certified copy of the viewer's report, including the viewer's schedule of assessments and damages.

(b) The Superintendent may approve drainage assessments against restricted lands whenever it appears to his satisfaction that the lands are being properly drained and are being assessed justly, in comparison with the assessments made against other lands in the drainage district.

(c) Neither the United States nor the land owner shall be obligated to pay any approved assessment, but the Superintendent may, upon the written request of the land owner, pay the approved assessment out of any funds held under the custody or control of the Department and belonging to the land owner. Unpaid assessments shall not constitute a lien against the restricted lands involved, and none of the laws of Oklahoma relating to the collection of unpaid assessments shall have any application to restricted lands.

(Sec. 4, 37 Stat. 194, 38 Stat. 310, as amended, 41 Stat. 1204)

§ 161.30 *Withdrawal and restoration of Superintendent's authority.* The Commissioner, or the Area Director with the approval of the Commissioner, may, upon written notice to a particular Superintendent, withdraw from such Superintendent the authority granted to Superintendents in the regulations of this part, and thereafter such authority withdrawn from such Superintendent shall be exercised by the Area Director or such other official as may be designated by the Area Director with the approval of the Commissioner. Any such authority withdrawn from a Superintendent may be restored to him by the Area Director with the approval of the Commissioner.

§ 161.31 *Appeals.* Action taken by a Superintendent shall be subject to the right of appeal to the Area Director. Action taken by an Area Director, including action taken on an appeal from a Superintendent, shall be subject to the right of appeal to the Commissioner. Action taken by the Commissioner shall be subject to appeal to the Secretary. An appeal must be filed in writing with the officer from whom the appeal is being taken, and must be filed within 30 days after the receipt of notice respecting the action to which objection is taken. An appeal filed with the Superintendent shall be promptly transmitted by him, with the record in the case, to the Area Director. An appeal filed with the Area Director shall be transmitted promptly by him, with the record in the case, to the Commissioner. An appeal filed with the Commissioner shall be transmitted promptly by the Commissioner, with the record, to the Secretary.

PART 162—ROADS OF THE BUREAU OF INDIAN AFFAIRS

Sec.
162.1 Purpose.
162.2 Definitions.
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162.9 Cooperation with States or Indian tribes.

AUTHORITY: §§ 162.1 to 162.9 issued under 45 Stat. 750; 25 U. S. C. 318a. Interpret or apply sec. 6, 49 Stat. 1521, as amended; 25 U. S. C. 318b.

§ 162.1 *Purpose.* The regulations in this part govern the survey, construction, maintenance, repair, and improvement of roads serving Indian lands that are not subject to taxation by a State; the transfer of jurisdiction with respect to the maintenance of such roads to a State; and cooperation in the construction, maintenance, repair, and improvement of roads serving both Indian lands that are not subject to taxation by a State and other lands in such State.

§ 162.2 *Definitions.* As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Roads" means roads, trails, and bridges serving Indian lands for which, under the act of May 26, 1928 (45 Stat. 750, 25 U. S. C. 318a), financial aid is available only from specific appropriation of Federal funds therefor, or from contributions of State funds and tribal Indian funds, and which have been designated as roads of the Bureau of Indian Affairs. The term does not include roads or bridges on Indian reservations for which financial aid to a State is available under the Federal-Aid Road Act of 1916 (39 Stat. 355), as amended and supplemented (23 U. S. C. 1, et seq.) and the regulations in 23 CFR Part 1, or other State roads.

(c) "State" means a State or Territory or political subdivision thereof.

§ 162.3 *Construction, maintenance, repair, and improvement.* Subject to the availability of appropriations therefor and of any contribution of State funds and tribal Indian funds, the Secretary shall survey and construct new roads to provide an adequate system of road facilities on Indian reservations, shall maintain and repair existing roads subject to the regulations in this part, and shall improve them to adequate standards. Before accepting a contribution of tribal funds, the Secretary shall determine that such contribution can be made without undue impairment of necessary tribal functions performed with tribal funds.

§ 162.4 *Approval of road plans and designations as roads of the Bureau of Indian Affairs.* Pursuant to section 6 of the act of June 16, 1936 (49 Stat. 1519, 1521), as amended and supplemented (25 U. S. C. 318b), the engineering plans for all roads constructed under the regulations in this part shall be approved by the Commissioner of Public Roads of the United States Department of Commerce, or his authorized representative, before any expenditures are made for the construction of such roads. The Secretary shall obtain the concurrence of the Commissioner of Public Roads in the designation of roads as roads of the Bureau of Indian Affairs. All construction thereof shall be under the general supervision of the Commissioner of Public Roads or his authorized representative.

§ 162.5 *Consent of Indian landowners.* Before any work is undertaken for the construction of roads hereunder, the Secretary shall obtain the written consent of the Indian landowners. Where an Indian has an interest in tribal land by virtue of a land use assignment, such consent shall be obtained from both the Indian holder of the assignment and the Indian tribe. If it appears that the road might be transferred to a State within 10 years, then, before such construction is undertaken, there shall be obtained from the Indian landowners right-of-way easements for a road and highway in favor of the United States, its successors and assigns, with the right to construct, maintain, and repair improvements, thereon and thereover, for such purposes and with the further right in the United States, its successors and assigns, to transfer the right-of-way easements by assignment, grant, or otherwise. The right-of-way easements are to be on a form approved by the Secretary.

§ 162.6 *Use of roads.* Roads subject to the regulations in this part shall be open for free public use. When required for public safety, fire prevention or suppression, or fish or game protection, or to prevent damage to unstable roadbed, the Secretary may close them to public use.

§ 162.7 *Roadless and wild areas.* Roads passable to motor transportation shall not be constructed under the regulations in this part within the boundaries of the roadless and wild areas established in Part 163 of this chapter.

§ 162.8 *Transfer of jurisdiction for maintenance to a State.* As the maintenance of roads and bridges by a State is normally financed from revenues collected by it from motor vehicle license fees and gasoline taxes to which Indians are subject, the Secretary may enter into an agreement with a State for the transfer to the State of jurisdiction with respect to the maintenance of roads constructed or improved to adequate standards under the regulations in this part.

§ 162.9 *Cooperation with States or Indian tribes.* If roads subject to the regulations in this part provide road facilities for both Indian lands that are not subject to taxation by a State and for other lands in such State, the Secretary may enter into an agreement with such State for cooperation in construction, maintenance, repair, and improvement of such roads by the Secretary. He may also enter into such agreements with an Indian tribe for a contribution from its tribal funds of such costs, if he determines that such Indian tribe can make such contribution without undue impairment to necessary tribal functions performed with such funds.

PART 163—ESTABLISHMENT OF ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

Sec.
163.1 Definition of roadless areas.
163.2 Definition of wild areas.
163.3 Roads prohibited.

AUTHORITY: §§ 163.1 to 163.3 issued under R. S. 161; 5 U. S. C. 22.

CROSS REFERENCE: For general regulations pertaining to the construction of roads, see Part 162 of this chapter.

§ 163.1 *Definition of roadless areas.* The National Resources Board defines a roadless area as one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country and at least 500,000 acres in non-forested country. Under this definition the Secretary of the Interior ordered that the following be established as roadless areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Rainbow Bridge	Navajo	1,590,000
Black Mesa	Navajo	820,000
Grand Canyon	Hualpai	530,000
Painted Desert	Navajo	525,000
Black River	San Carlos-Ft. Apache	325,000
Wind River Mountains.	Shoshone	220,000
Columbia-San Poil Divide.	Colville	155,000
Mt. Thomas	Ft. Apache	130,000
Mission Range	Flathead	125,000
Mesa Verde	Consolidated Ute	115,000
Goat Rocks	Yakima	105,000
Mt. Jefferson	Warm Springs	105,000

The boundaries of these areas are indicated in the appendix to this part.[1]

§ 163.2 *Definition of wild areas.* There are certain areas, not large enough to be designated by the term roadless, from which it is nevertheless desirable to exclude provision for the passage of motorized transportation. Such tracts have been designated as wild areas. The Secretary of the Interior ordered that the following be established as wild areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Mount Adams	Yakima	48,000
Fort Charlotte	Grand Portage	19,000
Grand Portage	Grand Portage	11,000

The boundaries of these areas are indicated in the appendix to this order.[1]

§ 163.3 *Roads prohibited.* (a) Within the boundaries of these officially designated roadless and wild areas it will be the policy of the Interior Department to refuse consent to the construction or establishment of any routes passable to

[1] The appendix to this part is not codified. It appears, however, at 3 F. R. 709–711, Mar. 22, 1938.

motor transportation, including in this restriction highways, roads, truck trails, work roads, and all other types of way constructed to make possible the passage of motor vehicles either for transportation of people or for the hauling of supplies and equipment, unless the requirements of fire protection, commercial use for the Indians' benefit or actual needs of the Indians clearly demand otherwise.

(b) Foot trails and horse trails are not barred. Superintendents of reservations on which roadless and wild areas have been established will be held strictly accountable for seeing that these areas are maintained in a roadless condition. Elimination of any areas or parts of areas from the restriction of this order will be made only upon a written showing of an actual and controlling need.

CROSS REFERENCE: For rights-of-way for highways over Indian lands, see Part 161 of this chapter.

Subchapters P–Q—Lands; Subsurface Estates and Resources

Subchapter P—Mining

PART 171—LEASING OF TRIBAL LANDS FOR MINING

Sec.

171.1 Definitions.

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171.3 Sale of oil and gas leases.
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171.12 Manner of payments.
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171.25 Fees.
171.26 Assignments.
171.27 Cancellation.
171.27a Prospecting permits.
171.28 Effective date of regulations.
171.29 Exemption of leases made by organized tribes.
171.30 Forms.

AUTHORITY: §§ 171.1 to 171.30 issued under secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509. Interpret or apply secs. 1, 2, 49 Stat. 1250; 48 U. S. C. 358a, 362. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 171.1 *Definitions.* (a) The term "superintendent" in this part refers to the superintendent or other officer of the Bureau of Indian Affairs or of the Government who may have jurisdiction over the lands involved.

(b) The term "supervisor" in this part refers to a representative of the Secretary of the Interior, under direction of the United States Geological Survey, authorized and empowered to supervise and direct operations under oil and gas or other mining leases, to furnish scientific and technical information and advice, to ascertain and record the amount and value of production, and to determine and record rentals and royalties due and paid.

CROSS REFERENCE: For rules and regulations of the Geological Survey, see 30 CFR Chapter II.

HOW TO ACQUIRE LEASES

§ 171.2 *Leases to be made by tribes.* Indian tribes, bands or groups may, with the approval of the Secretary of the Interior or his authorized representative, lease their land for mining purposes. No oil and gas lease shall be approved unless it has first been offered at an advertised sale in accordance with § 171.3. Leases for minerals other than oil and gas may be negotiated and approved without advertising.

§ 171.3 *Sale of oil and gas leases.* (a) At such times as the Secretary of the Interior may direct, after being authorized by the tribal council, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) All notices or advertisements of sales of oil and gas leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the tribal council or other governing tribal authorities, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

§ 171.4 *Government employees cannot acquire leases.* No lease, assignment thereof, or interest therein will be approved to any employee or employees of the United States Government whether connected with the Bureau of Indian Affairs or otherwise, and no employee of the Interior Department shall be permitted to acquire any interest in any mineral lease covering restricted Indian lands by ownership of stock in corporations having such leases or in any other manner.

(R. S. 2078; 25 U. S. C. 68)

§ 171.5 *Corporations and corporate information.* If the applicant for a lease is a corporation, it shall file evidence of authority of its officers to execute papers; and with its first application it shall also file a certified copy of its articles of incorporation, and, if foreign to the State in which the lands are located, evidence showing compliance with the corporation laws thereof. Statements of changes in officers and stockholders shall be furnished by a corporation lessee to the superintendent January 1 of each year, and at such other times as may be requested. Whenever deemed advisable in any case the superintendent may require a corporation applicant or lessee to file:

(a) Lists of officers, principal stockholders, and directors, with post-office addresses and number of shares held by each.

(b) A sworn statement of the proper officer showing:

(1) The total number of shares of the capital stock actually issued and the amount of cash paid into the treasury on each share sold; or, if paid in property, the kind, quantity, and value of the same paid per share.

(2) Of the stock sold, how much remains unpaid and subject to assessment.

(3) The amount of cash the company has in its treasury and elsewhere.

(4) The property, exclusive of cash, owned by the company and its value.

(5) The total indebtedness of the company and the nature of its obligations.

(6) Whether the applicant or any person controlling, controlled by or under common control with the applicant has filed any registration statement, application for registration, prospectus or offering sheet with the Securities and Exchange Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934 or said Commission's rules and regulations under said acts; if so, under what provisions of said acts or rules and regulations; and what disposition of any such statement, application, prospectus or offering sheet has been made.

(c) Affidavits of individual stockholders, setting forth in what corporations or with what persons, firms, or associations such individual stockholders are interested in mining leases on restricted lands within the State, and whether they hold such interests for themselves or in trust.

CROSS REFERENCE: For rules and regulations of the Securities and Exchange Commission, see 17 CFR Chapter II.

§ 171.6 *Bonds.* (a) Lessee shall furnish with each lease a bond (Form 5–154b), and an assignee of a lease shall furnish with each assignment a bond (Form 5–154m), with an acceptable company authorized to act as sole surety, or with two or more personal sureties and a deposit as collateral security of any public-debt obligations of the United States guaranteed as to principal and interest by the United States, equal to the full amount of such bonds, or other collateral satisfactory to the Secretary of the Interior, or show ownership of unencumbered real estate of the value equal to twice the amount of the bonds. Lessee may file a bond on Form 5–154a without sureties and a deposit as collateral security of Government bonds equal in value to the full amount of the bond. Lease bonds shall be in the following amounts:

For less than 80 acres	$1,000
For 80 acres and less than 120 acres	1,500
For 120 acres and not more than 160 acres	2,000
For each additional 40 acres, or part thereof above 160 acres	500

Provided, That a lessee may file one bond (Form 5–154f), in the sum of $15,000 for all leases of minerals in any one State and which may also include leases on that part of an Indian reservation extending into States contiguous thereto, to which the lessee may become a party: *Provided further,* That the total acreage covered by the bond shall not exceed 10,240 acres.

(b) In lieu of the bonds required under paragraph (a) of this section, a lessee may furnish a bond (Form 5–156) in the sum of $75,000 for full nationwide coverage with an acceptable company authorized to act as sole surety to cover all oil and gas leases and oil and gas prospecting permits without geographic or acreage limitation to which the lessee or permittee is or may become a party.

(c) The right is specifically reserved to increase the amount of bonds and the collateral security prescribed in paragraph (a) of this section in any particular case when the officer in charge deems it proper to do so. The nationwide bond may be increased at any time in the discretion of the Secretary of the Interior.

§ 171.7 *Lessees to furnish additional information.* The superintendent may, either before or after approval of a lease, call for any additional information desired to carry out the regulations in this part. If a lessee shall fail to furnish the papers necessary to put his lease and bond in proper form for consideration, the superintendent shall forward such lease for disapproval.

§ 171.8 *Lands to be in compact body.* The area covered by a lease shall be in a reasonably compact body and shall conform to the system of public-land surveys, except that leases covering lode ground may consist of one or more adjoining parallelograms 1,500 feet in length by 600 feet in width, as provided by the United States mining laws. No lease under the regulations in this part shall convey any extralateral rights, and no coal lease shall have a length exceeding 1 mile along the outcrop.

§ 171.9 *Acreage limitation.* A lessee may acquire more than one lease but no single lease shall be granted for mining purposes on Indian tribal or restricted Indian lands, exclusive of Osage and Quapaw lands, in excess of the following acreage except where the rule of approximation applies:

(a) For oil and gas and all other minerals, except coal, 2,560 acres.

(b) (1) For coal, a lease shall ordinarily be limited to 2,560 acres. The Commissioner may, however, upon application, approve the combining of leases held by one or more lessees, or approve the issuance of a single lease for more than 2,560 acres in a reasonably compact form, if he shall find that the approval of such larger acreage is in the interest of the lessor and is necessary to permit the establishment or construction of thermal electric power plants or other industrial facilities on or near the reservation. He may prescribe provisions in such larger leases to require relinquishment of acreage in the event of failure to construct facilities, or may require advance rental or minimum royalty payments on a part of the acreage as a condition for combining leases or issuance of a single lease in excess of 2,560 acres.

(2) The Commissioner, with the consent of the lessor, may alter, change, or modify the development and producing requirements of the several leases and provide that operations and production on one lease shall be deemed to satisfy the development and producing requirements as to each lease combined.

§ 171.10 *Term of leases.* Mining leases may be made for a specified term not to exceed ten years from the date of approval by the Secretary of the Interior, or his authorized representative, and as much longer as the substances specified in the lease are produced in paying quantities.

§ 171.11 *Government reserves right to buy minerals produced.* In time of war or other public emergency all of the executive departments of the United States Government shall have the option to purchase at the posted market price on the date of sale all or any part of the substance or substances produced under any lease.

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§ 171.12 *Manner of payments.* (a) Except where otherwise provided by the terms of leases where the tribes are organized under the act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 461–479), all rents and other payments due under leases which have been or may be approved by the Secretary of the Interior shall be paid to the superintendent or to such other person as may be designated by the Secretary of the Interior, for the benefit of the lessors. Except advance payments for the first year which shall be sent direct to the superintendent at the time of filing leases, payments of rental and royalty under leases shall be transmitted through the supervisor, shall be accompanied by a statement by the lessee, in triplicate, showing the specific items of rental or royalty that the remittance is intended to cover, and shall be made at such time or times as the lease provides.

(b) In the event of the discovery of minerals in paying quantities all advance payments shall be allowed as credit on stipulated royalties for the year for which such advance payments have been made. No refund will be made under oil, gas, or other mining leases, in the event that royalty from production is not sufficient to equal the advance payment, nor will any part of the moneys so paid be refunded to the lessee because of any subsequent surrender or cancellation of the lease, nor shall the lessee be relieved from the obligation to pay said advance rental annually when it becomes due, by reason of any subsequent surrender or cancellation of the lease.

§ 171.13 *Rates of rentals and royalties under oil and gas leases.* (a) The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil, and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases. During the period of supervision, "value" for the purposes of the lease may, in the discretion of the Secretary of the Interior, be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of production for the major portion of the oil of the same gravity, and gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly on the last day of the calendar month following the calendar month in

which produced; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction of such oil in storage by causes beyond the lessee's control. In determining the value for royalty purposes of products, such as natural gasoline, that are derived from treatment of gas, a reasonable allowance for the cost of manufacture shall be made, such allowance to be two-thirds of the value of the marketable product unless otherwise determined by the Secretary of the Interior on application of the lessee or on his own initiative, and that royalty will be computed on the value of gas or casing-head gas, or on the products thereof (such as residue gas, natural gasoline, propane, butane, etc.), whichever is the greater.

(b) If the leased premises produce gas in excess of the lessee's requirements for the development and operation of said premises, then the lessor may use sufficient gas, free of charge, for any desired school or other buildings belonging to the tribe, by making his own connections to a regulator installed, connected to the well and maintained by the lessee, and the lessee shall not be required to pay royalty on gas so used. The use of such gas shall be at the lessor's risk at all times.

§ 171.14 *Annual rentals and expenditures for development on leases other than oil and gas.* (a) Unless otherwise authorized by the Secretary or his authorized representative (1) a lease for minerals other than oil and gas shall provide for a yearly development expenditure of not less than $10 per acre and (2) all such leases shall provide for a rental payment of not less than $1 for each acre or fraction of an acre payable on or before the first day of each lease year.

(b) Within 20 days after the lease year, an itemized statement, in duplicate, of the expenditure for development under a lease for minerals other than oil and gas shall be filed with the Superintendent. The lessee must certify the statement under oath.

§ 171.15 *Royalty rates for minerals other than oil and gas.* Unless otherwise authorized by the Commissioner of Indian Affairs, the minimum rates for minerals other than oil and gas shall be as follows:

(a) For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas, the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent of the value, at the nearest shipping point, of all ores, metals, or minerals marketed.

(b) For gold and silver the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent to be computed on the value of bullion as shown by mint returns after deducting forwarding charges to the point of sale; and for copper, lead, zinc, and tungsten, a royalty of not less than 10 percent to be computed on the value of ores and concentrates as shown by reduction returns after deducting freight charges to the point of sale. Duplicate returns shall be filed by the lessee with the Superintendent within 10 days after the ending of the quarter or other period specified in the lease within which such returns are made; *Provided, however,* That the lessee shall pay a royalty of not less than 10 percent of the value of the ore or concentrates sold at the mine unless otherwise provided in the lease.

(c) For coal the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds of mine run, or coal as taken from the mine, including what is commonly called "slack."

(d) For asphaltum and allied substances the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds on crude material or not less than 60 cents per ton on refined substances.

§ 171.16 *Time of making royalty payments.* Royalty payments under producing oil and gas leases shall be made monthly on or before the last day of the calendar month following the calendar month for which such payment is to be made.

§ 171.17 *Division orders.* (a) Lessees may make arrangements with the purchasers of oil for the payment of the royalties to the superintendent by such purchasers, but such arrangement, if made, shall not operate to relieve a lessee from responsibility should the purchaser fail or refuse to pay royalties when due. Where lessees avail themselves of this privilege, division orders permitting the pipe line companies or other purchasers of the oil to withhold the royalty interest shall be executed and forwarded to the supervisor for approval, as pipe line companies are not permitted to accept or run oil from leased Indian lands until after the approval of a division order showing that the lessee has a lease regularly approved and in effect. When the lessee company runs its own oil, it shall execute an intra-company division order and forward it to the supervisor for his consideration. The right is reserved for the supervisor to cancel a division order at any time or require the pipe line company to discontinue to run the oil of any lessee who fails to operate the lease properly or otherwise violates the provisions of the lease, of the regulations in this part, or of the operating regulations.

(b) When oil is taken by authority of a division order, the lessee or his representative shall be actually present when the oil is gauged and records are made of the temperature, gravity, and impurities. The lessee will be held responsible for the correctness and the correct recording and reporting of all of the foregoing measurements; which, except lowest gauge, shall be made at the time the oil is turned into the pipe line. Failure of the lessee to perform properly these duties will subject the division order to revocation.

CROSS REFERENCE: For oil and gas operating regulations of the Geological Survey, see 30 CFR Part 221.

§ 171.18 *Inspection of premises, books and accounts.* Lessees shall agree to allow the lessors and their agents or any authorized representative of the Interior Department to enter, from time to time, upon and into all parts of the leased premises for the purpose of inspection, and shall further agree to keep a full and correct account of all operations and make reports thereof, as required by the regulations of the Department governing operations on public and restricted Indian lands; and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examination.

§ 171.19 *Diligence and prevention of waste.* The lessee shall exercise diligence in drilling and operating wells for oil and gas on the leased lands while such products can be secured in paying quantities; carry on all operations in a good and workmanlike manner in accordance with approved methods and practice, having due regard for the prevention of waste of oil or gas developed on the land, or the entrance of water through wells drilled by the lessee to the productive sands or oil or gas-bearing strata to the destruction or injury of the oil or gas deposits, the preservation and conservation of the property for future productive operations, and to the health and safety of workmen and employees; plug securely all wells before abandoning the same and to shut off effectually all water from the oil or gas-bearing strata; not drill any well within 200 feet of any house or barn on the premises without the lessor's written consent approved by the superintendent; carry out at his expense all reasonable orders and requirements of the supervisor relative to prevention of waste, and preservation of the property and the health and safety of workmen; bury all pipelines crossing tillable lands below plow depth unless other arrangements therefor are made with the superintendent; pay the lessor all damages to crops, buildings, and other improvements of the lessor occasioned by the lessee's operations: *Provided;* That the lessee shall not be held responsible for delays or casualties occasioned by causes beyond the lessee's control.

§ 171.20 *Permission to start operations.* (a) No operations will be permitted on any lease before it is approved by the Secretary of the Interior.

(b) Written permission must be secured from the supervisor before any operations are started on the leased premises. After such permission is secured the operations must be in accordance with the operating regulations promulgated by the Secretary of the Interior. Copies of the regulations in this part may be secured from either the supervisor or the superintendent and no operations shall be attempted without a study of the operating regulations.

§ 171.21 *Restrictions on operations.* (a) Oil and gas leases issued under the provisions of the regulations in this part shall be subject to imposition by the Secretary of the Interior of such restrictions as to time or times for the drilling of wells and as to the production from any well or wells as in his judgment may be necessary or proper for the protection of the natural resources of the leased land and in the interest of the lessor. In the exercise of his judgment the Secretary of the Interior may take into consideration, among other things, the Federal laws, State laws, regulations by competent Federal or State authorities, lawful agreements among operators regulating either drilling or production, or both, and any regulatory action desired by tribal authorities.

(b) All such leases shall be subject to any cooperative or unit development plan affecting the leased lands that may be required by the Secretary of the Interior, but no lease shall be included in any cooperative or unit plan without prior approval of the Secretary of the Interior and consent of the Indian tribe affected.

§ 171.22 *Penalties.* Failure of the lessee to comply with any provisions of the lease, of the operating regulations, of the regulations in this part, order of the superintendent or his representative, or of the orders of the supervisor or his representative, shall subject the lease to cancellation by the Secretary of the Interior or the lessee to a penalty of not more than $500 per day for each and every day the terms of the lease, the regulations, or such orders are violated; or to both such penalty and cancellation: *Provided,* That the lessee shall be entitled to notice and hearing, within 30 days after such notice, with respect to the terms of the lease, regulations, or orders violated, which hearing shall be held by the supervisor, whose findings shall be conclusive unless an appeal be taken to the Secretary of the Interior within 30 days after notice of the supervisor's decision, and the decision of the Secretary of the Interior upon appeal shall be conclusive.

§ 171.23 *Mines to be timbered properly.* In mining operations the lessee shall keep the mine well and sufficiently timbered at all points where necessary, in accordance with good mining practice, and in such manner as may be necessary to the proper preservation of the leased property and safety of the workmen.

§ 171.24 *Surrender of leased premises in good condition.* On expiration of the term of a lease, or when a lease is surrendered, the lessee shall deliver to the Government the leased ground with the mine workings in good order and condition, and bondsmen will be held for such delivery in good order and condition, unless relieved by the Secretary of the Interior for cause. It shall, however, be stipulated that the machinery necessary to operate the mine is the property of the lessee, but that it may be removed by him only after the condition of the property has been ascertained by inspection by the Secretary of the Interior or his authorized agents, to be in satisfactory condition.

§ 171.25 *Fees.* All leases and assignments shall be executed in sextuplet and when filed with the superintendent shall be accompanied by a filing fee of $5 which is hereby required pursuant to provisions contained in the act of February 14, 1920, as amended by the act of March 1, 1933 (47 Stat. 1417; 25 U. S. C. 413). This fee will be refunded in case the instrument is disapproved.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 171.26 *Assignments.* (a) Approved leases or any interest therein may be assigned or transferred only with the approval of the Secretary of the Interior, and to procure such approval the assignee must be qualified to hold such lease under existing rules and regulations and shall furnish a satisfactory bond conditioned for the faithful performance of the covenants and conditions thereof: *Provided,* That in order for such assignment to receive favorable consideration the lessee shall assign either his whole interest or an undivided interest in the whole lease.

(b) No lease or interest therein or the use of such lease shall be assigned, sublet, or transferred, directly or indirectly by working or drilling contract, or otherwise, without the consent of the Secretary of the Interior.

(c) Assignments of leases, and stipulations modifying the terms of existing leases, which stipulations are also subject to the approval of the Secretary of the Interior, shall be filed with the superintendent within 30 days after the date of execution.

§ 171.27 *Cancellation.* (a) When, in the opinion of the Secretary of the Interior, the lessee has violated any of the terms and conditions of a lease or of the applicable regulations, the Secretary of the Interior shall have the right at any time after 30 days' notice to the lessee specifying the terms and conditions violated, and after a hearing, if the lessee shall so request within 30 days after issuance of the notice, to declare such lease null and void, and the lessor shall then be entitled and authorized to take immediate possession of the land.

(b) On the following conditions, the lessee may, on approval of the Secretary of the Interior, surrender a lease or any part of it:

(1) That he make application for cancellation to the superintendent having jurisdiction over the land.

(2) That he pay a surrender fee of $1 at the time the application is made.

(3) That he pay all royalties and rentals due to the date of such application.

(4) That he make a satisfactory showing that full provision has been made for conservation and protection of the property and that all wells, drilled on the portion of the lease surrendered, have been properly abandoned.

(5) If the lease has been recorded, that he file, with his application, a recorded release of the acreage covered by the application.

(6) If the application is for the cancellation of the entire lease or the entire undivided portion, that he surrender the lease: *Provided,* That where the application is made by an assignee to whom no copy of the lease was delivered, he will be required to surrender only his copy of the assignment.

(7) If the lease (or portion being surrendered or canceled) is owned in undivided interests by more than one party, then all parties shall join in the application for cancellation.

(8) That all required fees and papers must be in the mail or received on or before the date upon which rents and royalties become due, in order for the lessee and his surety to be relieved from liability for the payment of such royalties and rentals.

(9) If there has been a contest respecting a lease or leases, the approved, the disapproved, or the canceled parts thereof will be held in the office of the superintendent for 5 days after the Department's decision has been promulgated, by mail or delivery, and will not be delivered, if within that period a motion for review and reconsideration be filed, until such motion is passed upon by the Department.

(10) In the event oil or gas is being drained from the leased premises by wells not covered by a lease; the lease, or any part of it, may be surrendered, only on such terms and conditions as the Secretary of the Interior may determine to be reasonable and equitable.

(c) No part of any advance rental shall be refunded to the lessee nor shall he be relieved, by reason of any subsequent surrender or cancellation of the lease, from the obligation to pay said advance rental when it becomes due.

§ 171.27a *Prospecting permits.* With the consent of the tribal authorities the superintendent may issue permits to prospect for minerals other than oil and gas upon tribal lands. Such permits must describe the area to be prospected and definitely state the period of time within which such work is permitted. No ores shall be removed from the reservation under such permits, except samples for assay and experimental purposes. A prospecting permit will not give the permittee any preference right to a lease, unless specifically so stated in the permit, and all permits granting a preference right to a lease must comply with all the laws and regulations applicable to mineral leases on tribal Indian lands.

§ 171.28 *Effective date of regulations.* The regulations in this part shall become effective and in full force from and after the date of approval, and shall be subject to change or alteration at any time by the Secretary of the Interior: *Provided,* That no regulations made after the approval of any lease shall operate to affect the term of the lease, rate of royalty, rental, or acreage unless agreed to by both parties to the lease. All former regulations governing the leasing of tribal lands for mining purposes are superseded by the regulations in this part.

§ 171.29 *Exemption of leases made by organized tribes.* The regulations in this part may be superseded by the provisions of any tribal constitution, bylaw or charter issued pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 461–479), the Alaska Act of May 1, 1936 (49 Stat. 1250; 48 U. S. C. 362, 358a), or the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967; 25 U. S. C., and Sup., 501–509), or by ordinance, resolution or other action authorized under such constitution, bylaw or charter. The regulations in this part, in so far as they are not so superseded, shall apply to leases made by organized tribes if the validity of the lease depends upon the approval of the Secretary of the Interior.

§ 171.30 *Forms.* Applications, leases, and other papers must be upon forms prescribed by the Secretary of the Interior, and the superintendent will furnish prospective lessees with such forms at a cost of ten cents each or $1 per set.

Form 5–154a.	Lessee's bond supported by Government securities.
Form 5–157.	Oil and gas mining lease—(tribal Indian lands).
Form 5–157b.	Mining lease—tribal Indian lands (minerals other than oil and gas).
Form 5–157c.	Bond for separate leases.
Form 5–154d.	Evidence of authority of officers to execute papers.
Form 5–157e.	Assignment.
Form 5–157f.	Collective bond.
Form 5–157g.	Stipulation.

Moneys received from the sale of forms should be deposited as miscellaneous receipts to the credit of receipt account 145060 "Sale of Forms" unless the expense of printing the forms was paid from tribal moneys, in which event, the receipts from the sale of the forms should be deposited to the credit of the tribe.

PART 172—LEASING ALLOTTED LANDS FOR MINING

Sec.

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AUTHORITY: §§ 172.1 to 172.33 issued under 35 Stat. 783, as amended; 25 U. S. C. 396. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 172.1 *Definitions.* (a) The term "superintendent" in this part refers to the superintendent or other officer of the Bureau of Indian Affairs or of the Government who may have jurisdiction over the allotments involved.

(b) The term "supervisor" in this part refers to a representative of the Secretary of the Interior, under direction of the Director of the United States Geological Survey, authorized and empowered to supervise and direct operations under oil and gas or other mining leases, to furnish scientific and technical information and advice, to ascertain and record the amount and value of production, and to determine and record rentals and royalties due and paid.

CROSS REFERENCE: For rules and regulations of the Geological Survey, see 30 CFR Chapter II.

§ 172.2 *Applications.* Applications for leases should be made to the superintendent having jurisdiction over the lands.

§ 172.3 *No leases made to Government employees.* No lease, assignment thereof, or interest therein will be approved to any employee or employees of the United States Government whether connected with the Bureau or otherwise, and no employee of the Interior Department shall be permitted to acquire any interest in such leases by ownership of stock in corporations having leases or in any other manner.

(R. S. 2078; 25 U. S. C. 68)

§ 172.4 *Sale of oil and gas leases.* (a) At such times and in such manner as he may deem appropriate, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) All notices or advertisements of sales of oil and gas leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the Indian owners, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

§ 172.5 *Execution of leases for incompetents.* The superintendent shall execute leases on behalf of allottees who are incompetent by reason of mental incapacity, and of minor allottees, except such persons for whom guardians have been appointed, in accordance with tribal constitutions which provide for the appointment of guardians.

§ 172.6 *Leases for minerals other than oil and gas.* Leases for minerals other than oil and gas shall be advertised for bids as prescribed in § 172.4 unless the Commissioner grants to the Indian owners written permission to negotiate for a lease. Negotiated leases, accompanied by proper bond and other supporting papers, shall be filed with the Superintendent of the appropriate Indian Agency within 30 days after such permission shall have been granted by the Commissioner to negotiate the lease. The appropriate Area Director is authorized in proper cases to grant a reasonable extension of this period prior to its expiration. The right is reserved to the Secretary of the Interior to direct that negotiated leases be rejected and that they be advertised for bids. All leases shall be approved by the Secretary of the Interior or his duly authorized representative (35 Stat. 783; 25 U. S. C. 396).

§ 172.7 *Requirements of corporate lessees.* If the applicant for lease is a corporation it shall file evidence of authority of its officers to execute papers, and with its first application it shall also file:

(a) A certified copy of its articles of incorporation, and, if foreign to the State in which the lands are located, evidence showing compliance with the corporation laws thereof.

(b) Lists of officers, principal stockholders, and directors, with post-office addresses and number of shares held by each.

(c) A sworn statement of the proper officer showing:

(1) The total number of shares of the capital stock actually issued and the amount of cash paid into the treasury on each share sold; or, if paid in property, the kind, quantity, and value of the same paid per share.

(2) Of the stock sold, how much remains unpaid and subject to assessment.

(3) The amount of cash the company has in its treasury and elsewhere.

(4) The property, exclusive of cash, owned by the company and its value.

(5) The total indebtedness of the company and the nature of its obligations.

§ 172.8 *Information; corporate lessees and stockholders.* Statements of changes in officers and stockholders shall be furnished by a corporation lessee to the superintendent on January 1 of each year, and at such other times as may be requested. Affidavits may also be required of individual stockholders at any time, setting forth in what corporations or with what persons, firms, or associations such individual stockholders are interested in mining leases of restricted Indian lands within the State, and whether they hold such interests for themselves or in trust.

§ 172.9 *Leases of undivided inherited lands.* (a) If the allottee is deceased and the heirs to or devisees of any interest in the allotment have not been determined, or, if determined, some or all of them cannot be located, mining leases of such interests may be executed by the Superintendent, provided that such leases have been offered for sale to the highest responsible qualified bidder, at public auction, or on sealed bids, after at least 30 days notice and advertisement unless a shorter period is authorized by the Commissioner of Indian Affairs.

(b) If the heirs include a life tenant, the lease must be accompanied by an agreement between such life tenant and the remaindermen, providing for the division of the rents and royalties subject to approval of the Commissioner of Indian Affairs or his authorized representative.

CROSS REFERENCE: For regulations relating to the establishment of heirship, see Part 15 of this chapter.

§ 172.10 *Bonds.* The provisions of § 172.6 of this subchapter, or as hereafter amended, are applicable to leases under this part.

§ 172.11 *Additional information.* The superintendent may, either before or after approval of a lease, call for any additional information desired to carry out the regulations in this part. If a lessee shall fail to furnish the papers necessary to put his lease and bond in proper form for consideration, the superintendent shall forward such lease for disapproval.

§ 172.12 *Term of leases.* The provisions of § 171.10 of this subchapter, as amended, are applicable to leases under this part.

§ 172.13 *Acreage limitation.* The provisions of § 171.9, of this subchapter, as amended, are applicable to leases under this part.

§ 172.14 *Payment of rentals and royalties.* (a) Except as provided in paragraphs (b), (d) and (f) of this section, all rents, royalties and other payments due under leases which have been or may be approved in accordance with this part shall be paid by check or bank draft to the order of the Treasurer of the United States and transmitted through the supervisor to the Superintendent for deposit to the credit of the various lessors. When lessees and purchasers are instructed, in writing, by the Superintendent, which instructions shall be complete as to lessors for each lease, separate remittances for each payment due each lessor shall be made to the Superintendent. Any payments under this paragraph, covering lands or interests therein from which supervision by the Secretary of the Interior has been relinquished may continue to be made in the manner provided by this paragraph until ten days after notice of such relinquishment of supervision has been mailed to the lessee.

(b) The Superintendent may, in his discretion, whenever it appears to be in the best interest of any lessor, authorize and direct the lessee to pay directly to the lessor, the legal guardian of any lessor under guardianship, or to the parent of any minor, the rents, royalties and other payments due under leases which have been or may be approved in accordance with the regulations in this part. Any such authority for direct payment shall be in writing, addressed to the owner or owners of the lease, and shall expressly provide for its revocation or modification at any time, in writing, by the Superintendent, and shall either name a bank to receive deposit of such payments, or shall give the mailing address of each lessor. Written authorization for direct payment and written revocations or modifications thereof shall become a part of the lease and shall be distributed as in the case of original leases. All such revocations or modifications shall have a 5-day grace period after date of receipt. Rents, royalties, and other payments paid in accordance therewith shall constitute full compliance with the requirements of the lease pertaining to such payments.

(c) Rents and royalties paid pursuant to paragraphs (a) and (b) of this section on producing leases shall be supported by statements acceptable to the Secretary or his duly authorized representative, to be transmitted to the Supervisor, in duplicate, covering each lease, identified by contract number and lease number. Such statements shall show the specific items of rents or royalties for which remittances are made, shall identify each remittance by the remittance number, date, amount, and name of each payee, shall show the total amount of royalties or rental paid, and shall be supported by a copy of the purchaser's settlement or pipeline statement for each lease under which royalties are paid.

(d) Rents paid on nonproducing leases pursuant to paragraphs (a) and (b) of this section shall be supported by a statement, acceptable to the Superintendent, to be transmitted to the Superintendent covering each lease, identified by contract number and lease number. Each remittance shall be identified by the remittance number, date, amount, name of each payee, and dates of mailing of remittances. Date of mailing, or, if remittance is sent by registered mail, the date of registration receipts covering remittances mailed, shall be considered as date of payment.

(e) In the event of the discovery of minerals in paying quantities all advance payments shall be allowed as credit on stipulated royalties for the year for which the payment is made. No refund will be made under oil, gas, or other mining leases, in the event the royalty on production for any year is not sufficient to equal the advance payment for that year, nor will any part of the moneys so paid be refunded to the lessee because of any subsequent surrender or cancellation of the lease, nor shall the lessee be relieved from the obligations to pay said advance rental annually when it becomes due by reason of any subsequent surrender or cancellation of the lease.

(f) For leases other than oil and gas, all advance rental for the first year shall be paid to the Superintendent at the time of filing the lease, and the amounts so paid shall be and become the property of the lessor if the lease be disapproved because of the lessee's failure to meet the requirements of the law or the regulations in this part, or because of any other fault or defect chargeable to the lessee.

§ 172.15 *Annual rentals and expenditures for development on leases other than oil and gas.* The provisions of § 171.14 of this subchapter, as amended, are applicable to leases other than oil and gas under this part.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

§ 172.16 *Rentals and royalties for oil and gas leases.* The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, the rental so paid for any one year to be credited on the royalty for that year, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased save and except oil, and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases. During the period of supervision, "value" for the purposes of the lease may, in the discretion of the Secretary, be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of

production for the major portion of the oil of the same gravity, and gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the oil and gas supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly on the last day of the calendar month following the calendar month in which produced; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction or such oil in storage caused by acts of God. All rental and royalty payments, except as provided in sections 4 (c) and 8 (a) of the lease (Form 5–154h, revised April 24, 1935), shall be made by check or draft drawn on a solvent bank, open for the transaction of business on the day the check or draft is issued, to the order of the Superintendent. Except the advance rental for the first year, which, as provided in § 172.14 shall be paid to the superintendent when the lease is filed, payments shall be transmitted through the oil and gas supervisor, shall be accompanied by a statement by the lessee, in triplicate, showing the specific items of rental or royalty that the remittance is intended to cover, and shall be made at such times as the lease provides. In determining the value for royalty purposes of products, such as natural gasoline, that are derived from treatment of gas, a reasonable allowance for the cost of manufacture shall be made, such allowance to be two-thirds of the value of the marketable product unless otherwise determined by the Secretary of the Interior on application of the lessee or on his own initiative, and that royalty will be computed on the value of gas or casing-head gas, or on the products thereof (such as residue gas, natural gasoline, propane, butane, etc.), whichever is the greater.

§ 172.17 *Preference of Government to purchase oil.* In time of war or other public emergency any of the executive departments of the United States Government shall have the option to purchase at the highest posted market price on the date of sale all or any part of the oil produced under any lease.

§ 172.18 *Royalty rates for minerals other than oil and gas.* Unless otherwise authorized by the Commissioner of Indian Affairs, the minimum rates for minerals other than oil and gas shall be as follows:

(a) For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas, the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent of the value, at the nearest shipping point, of all ores, metals, or minerals marketed.

(b) For gold and silver the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent to be computed on the value of bullion as shown by mint returns after deducting forwarding charges to the point of sale; and for copper, lead, zinc, and tungsten, a royalty of not less than 10 percent to be computed on the value of ores and concentrates as shown by reduction returns after deducting freight charges to the point of sale. Duplicate returns shall be filed by the lessee with the Superintendent within 10 days after the ending of the quarter or other period specified in the lease within which such returns are made: *Provided, however,* That the lessee shall pay a royalty of not less than 10 percent of the value of the ore or concentrates sold at the mine unless otherwise provided in the lease.

(c) For coal the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds of mine run, or coal as taken from the mine, including what is commonly called "slack."

(d) For asphaltum and allied substances the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds on crude material or not less than 60 cents per ton on refined substances.

§ 172.19 *Payment of royalties by purchasers of oil; division orders.* (a) Lessees may make arrangement with the purchasers of oil for the payment of the royalties to the superintendent of such purchasers, but such arrangement, if made, shall not operate to relieve a lessee from responsibility should the purchaser fail or refuse to pay royalties when due. Where lessees avail themselves of this privilege, division orders permitting the pipe line companies or other purchasers of the oil to withhold the royalty interest shall be executed and forwarded to the oil and gas supervisor for approval, as pipe line companies are not permitted to accept or run oil from leased Indian lands until after the approval of a division order showing that the lessee has a lease regularly approved and in effect. The right is reserved for the oil and gas supervisor to cancel a division order at any time or require the pipe line company to discontinue to run the oil of any lessee who fails to operate the lease properly or otherwise violates the provisions of the lease, of the regulations in this part, or of the operating regulations.

(b) Lessee or his representative shall actually be present when oil taken under division orders is run by pipe line companies and lessee shall be responsible for the correct measurement and report of oil so run; otherwise the approval of division order may be revoked.

CROSS REFERENCE: For oil and gas operating regulations of the Geological Survey, see 30 CFR Part 221.

§ 172.20 *Time of royalty payments.* Royalty payments on all leases shall be made monthly, on or before the last day of the calendar month following the calendar month for which such payment is to be made.

§ 172.21 *Stipulations.* The lessee under any lease heretofore approved may, by stipulation (Form 5–154i), with the consent of the lessor and the approval of the Secretary of the Interior make such approved lease subject to all the terms, conditions, and provisions contained in the regulations in this part and in the lease form currently in use.

§ 172.22 *Assignments.* (a) Leases hereafter approved, or any interest therein, may be assigned or transferred only with the approval of the Secretary of the Interior, and to procure such approval the assignee must be qualified to hold such lease under existing rules and regulations, and shall furnish a satisfactory bond for the faithful performance of the covenants and conditions thereof.

(b) No lease or any interest therein or the use of such lease shall be assigned, sublet, or transferred, directly or indirectly, by working or drilling contract, or otherwise, without the consent of the Secretary of the Interior.

(c) Assignments of leases and stipulations modifying the terms of existing leases shall be filed with the superintendent within 30 days after the date of execution.

§ 172.23 *Cancellations.* (a) A lease will be cancelled by the Secretary of the Interior for good cause upon application of the lessor or lessee, or if at any time the Secretary is satisfied that the provisions of the lease or of any regulations heretofore or hereafter prescribed have been violated. When the lessee applies for cancellation he must, before the same will be considered, pay a surrender fee of $1 and all royalties and rents due to the date of completion of such application, surrender all parts of the lease actually delivered to him, and furnish a duly recorded release of the acreage covered by the application if the lease thereon has been recorded: *Provided,* That where the application is made by an assignee to whom no copy of the lease was delivered he will be required to surrender only his copy of the assignment.

(b) If the lease is owned in undivided interests by more than one person, firm, or corporation all shall join in the application for cancellation.

(c) All required fees and papers must be at least in the mail on or before the date upon which rents and royalties become due in order for the lessee and his surety to be relieved from liability for the payment thereof.

(d) If there has been a contest respecting a lease or leases, the approved, disapproved or cancelled parts thereof will be held in the office of the superintendent for 5 days after promulgation by him, by mailing or delivery of the department's decision, and will not be delivered if within that period a motion for review or reconsideration be filed until such motion is passed upon by the department.

(e) No part of any advance rentals shall be refunded to the lessee. nor shall he be relieved from his obligation to pay rentals annually when due by reason of any subsequent surrender or cancellation of the lease. Upon cancellation of a lease the lessor shall be entitled to take immediate possession of the land.

§ 172.24 *Operation and development regulations.* (a) Lessees will be required to carry out and observe the operating regulations now or hereafter in force governing oil and gas operations on restricted Indian lands. Operations will not be permitted under any lease requiring approval of the Secretary of the Interior until the approved lease has been delivered.

(b) All leases issued under the provisions of the regulations in this part shall be subject to imposition by the Secretary of such restrictions as to time or times for the drilling of wells and as to the production from any well or wells as in his judgment may be necessary or proper for the protection of the natural resources of the leased land and in the interests of the Indian lessor. In the exercise of his judgment the Secretary may take into consideration among other things the Federal laws, State laws or regulations by competent Federal or State authorities or lawful agreements among operators regulating either drilling or production or both, and also any regulatory action desired by tribal authorities.

(c) All leases issued pursuant to the regulations in this part shall be subject to a co-operative or unit development plan affecting the leased lands if and when required by the Secretary of the Interior.

§ 172.25 *Inspection of books and accounts.* Lessees shall agree to allow the lessors and their agents or any authorized representative of the Interior Department to enter, from time to time, upon and into all parts of the leased premises for the purposes of inspection, and shall further agree to keep a full and correct account of all operations and make reports thereof, as required by the regulations of the Department governing operations on public and restricted Indian lands; and their books and records showing manner of operations and persons interested shall be open at all times for examination of such officers of the department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

§ 172.26 *Leases on unrestricted lands.* All leases of any description whatever executed by an allottee on land from all of which the restrictions against alienation had been removed before such execution may be executed without any provision for reference to or supervision by the Secretary of the Interior or any official of the Department of the Interior; and the superintendent shall refuse to accept for consideration any lease covering land from all of which restrictions had been removed before such execution.

§ 172.27 *Leases executed before removal of restrictions.* All leases executed before the removal of restrictions against alienation on land from all of which restrictions against alienation shall be removed after such execution, if such leases contain specific provision or approval by the Secretary of the Interior, whether now filed with the Department of the Interior or presented for consideration hereafter, will be considered and acted upon by the Department as heretofore.

§ 172.28 *Removal of restrictions.* (a) Oil and gas leases heretofore or hereafter approved and leases for other minerals now or hereafter in force on land from all of which restrictions against alienation have been or shall be removed, even if such leases contain provisions authorizing supervision by the Department, shall, after such removal of restrictions against alienation, be operated entirely free from such supervision, and the authority and power delegated to the Secretary of the Interior in said leases shall cease, and all payments required to be made to the superintendent shall thereafter be made to lessor or the then owner of said land; and changes in regulations thereafter made by the Secretary of the Interior applicable to oil and gas leases shall not apply to such leased land from which said restrictions are removed.

(b) In the event restrictions are removed from a part of the land included in any lease to which this section applies the entire lease shall continue subject to the supervision of the Secretary of the Interior, and all royalties thereunder shall be paid to the superintendent until such time as the lessor and lessee shall furnish the Secretary of the Interior satisfactory information that adequate arrangements have been made to account for the oil, gas, or mineral upon the restricted land separately from that upon the unrestricted. Thereafter the restricted land only shall be subject to the supervision of the Secretary of the Interior: *Provided,* That the unrestricted portion shall be relieved from such supervision as in the lease or regulations provided.

§ 172.29 *Terms applying after relinquishment.* Sections 8 and 9 of the approved oil and gas lease (Form 5–154h, as revised Apr. 24, 1935) relative to relinquishment of supervision and terms operative after such relinquishment, read as follows:

8. Relinquishment of supervision by the Secretary of the Interior. Should the Secretary of the Interior, at any time during the life of this instrument, relinquish supervision as to all or part of the acreage covered hereby, such relinquishment shall not bind lessee until said Secretary shall have given 30 days' written notice. Until said requirements are fulfilled, lessee shall continue to make all payments due hereunder as heretofore in section 3 (c). After notice of relinquishment has been received by lessee, as herein provided, this lease shall be subject to the following further conditions:

(a) All rentals and royalties thereafter accruing shall be paid in the following manner: Rentals and royalties shall be paid to lessor or his successors in title, or to a trustee appointed under the provisions of section 9 hereof. Rentals and royalties shall be paid directly to lessor or his successors in title, or to said trustee as the case may be.

(b) If, at the time supervision is relinquished by the Secretary of the Interior, lessee shall have made all payments then due hereunder, and shall have fully performed all obligations on its part to be performed up to the time of such relinquishment, then the bond given to secure the performance hereof, on file in the Indian Office, shall be of no further force or effect.

(c) Should such relinquishment affect only part of the acreage, then lessee may continue to drill and operate the land covered hereby as an entirety: *Provided,* That lessee shall pay in the manner prescribed by section 3 (c), for the benefit of lessor such proportion of all rentals and royalties due hereunder as the acreage retained under the supervision of the Secretary of the Interior bears to the entire acreage of the lease, the remainder of such rentals and royalties to be paid directly to lessor or his successors in title or said trustee as the case may be, as provided in subdivision (a) of this section.

9. Division of fee. It is covenanted and agreed that should the fee of said land be divided into separate parcels, held by different owners, or should the rental or royalty interests hereunder be so divided in ownership, after the execution of this lease and after the Secretary of the Interior relinquishes supervision hereof, the obligations of lessee hereunder shall not be added to or changed in any manner whatsoever save as specifically provided by the terms of this lease. Notwithstanding such separate ownership, lessee may continue to drill and operate said premises as an entirety: *Provided,* That each separate owner shall receive such proportion of all rentals and royalties accruing after the vesting of his title as the acreage of the fee, or rental or royalty interest, bears to the entire acreage covered by the lease; or to the entire rental and royalty interest as the case may be: *Provided further,* That if, at any time after departmental supervision hereof is relinquished, in whole or in part, there shall be four or more parties entitled to rentals or royalties hereunder, whether said parties are so entitled by virtue of undivided interests or by virtue of ownership of separate parcels of the land covered hereby, lessee at his election may withhold the payment of further rentals or royalties (except as to the portion due the Indian lessor while under restriction), until all of said parties shall agree upon and designate in writing and in a recordable instrument a trustee to receive all payments due hereunder on behalf of said parties and their respective successors in title. Payments to said trustee shall constitute lawful payments hereunder, and the sole risk of an improper or unlawful distribution of said funds by said trustee shall rest upon the parties naming said trustee and their respective successors in title.

These, or similar provisions, will be contained in all leases.

§ 172.30 *Removal of restrictions upon part of acreage.* Should the removal of restrictions affect only part of the acreage covered by an oil and gas lease containing provisions to the effect that the royalties accruing under the lease, where the fee is divided into separate parcels, shall be paid to each owner in the proportion which his acreage bears to the entire acreage covered by the lease, the lessee or assignee of such unrestricted portion will be required to make the reports required by the regulations in this part and the operating regulations with respect to the beginning of drilling operations, completion of wells, and production, the same as if the restrictions had not been removed. In the event the unrestricted portion of the leased premises is producing, the owners of the lease thereon will be required to pay the portion of the royalties due the Indian lessor at the time and in the manner specified by the regulations in this part.

§ 172.31 *Fees.* A fee of $5 is required upon approval of each lease, sublease, or assignment. This fee shall be paid at the time of filing the lease, sublease, or assignment, and will be refunded in case the instrument is disapproved.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 172.32 *Forms.* The forms prescribed for use in connection with the regulations in this part are designated as follows, and may be obtained from the superintendent at a cost of 10 cents each:

5–154. Lease for minerals, other than oil and gas.
5–154a. Lessee's personal bond supported by Government securities.
5–154b. Bond for separate leases.
5–154d. Authority of officers to execute papers.
5–154e. Assignment.
5–154f. $15,000 collective bond.
5–154g. Affidavit of personal surety to accompany bonds.
5–154h. (Revised Apr. 24, 1935.) Oil and gas lease.

§ 172.33 *Individual tribal assignments excluded.* The reference in this part to "allottees" and "allotments" does not include assignments of tribal lands made pursuant to tribal constitutions for the use of individual Indians and assignees of such lands; but such tribal assignments may be leased by Indians to whom mineral rights have been so assigned, subject to the terms of the tribal constitution and subject to the approval of the Secretary of the Interior for such periods of time as are authorized by existing law. In the leasing of such lands preference will be given to Indian cooperative associations and to individual Indians.

(Secs. 16, 17, 48 Stat. 987, 988; 25 U. S. C. 476, 477)

PART 173—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONT., FOR MINING

Sec.
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AUTHORITY: §§ 173.1 to 173.29 issued under sec. 6, 41 Stat. 753, sec. 6, 44 Stat. 659. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCE: For regulations governing mining leases on tribal lands, Spokane Reservation, see Part 171 of this chapter.

§ 173.1 *Definitions.* (a) The term "superintendent" in this part refers to the superintendent or other officer of the Bureau of Indian Affairs or of the Government who may have jurisdiction over the Crow Reservation.

(b) The term "supervisor" in this part refers to a representative of the Secretary of the Interior, under direction of the Director of the United States Geological Survey, authorized and empowered to supervise and direct operations under oil and gas or other mining leases, to furnish scientific and technical information and advice, to ascertain and record the amount and value of production, and to determine and record rentals and royalties due and paid.

CROSS REFERENCE: For rules and regulations of the Geological Survey, see 30 CFR Chapter II.

§ 173.2 *Employee restrictions.* No lease, assignment thereof, or interest therein will be approved to any employee or employees of the United States Government whether connected with the Bureau or otherwise, and no employee of the Interior Department shall be permitted to acquire any interest in such leases by ownership of stock in corporations having leases or in any other manner.

(R. S. 2078; 25 U. S. C. 68)

§ 173.3 *Requests for sales.* No oil and gas lease on the Crow Reservation will be offered until the Crow tribal council shall have passed a resolution requesting the Secretary of the Interior to lease the land for mining purposes. Should any person, firm, or corporation desire to have any particular tract of land offered for lease, written request to that effect should be submitted to the superintendent in order that such tract may, if deemed advisable, upon the request of the Crow tribal council, be included in the next advertisement of leases.

§ 173.4 *Lease sales.* (a) At such times and in such manner as he may deem appropriate, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that mineral leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) All notices or advertisements of sales of mineral leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the tribal council or other governing tribal authorities, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

§ 173.5 *Requirements of corporations.* If the applicant for a lease is a corporation, it shall file evidence of authority of its officers to execute papers; and with its first application it shall also file a certified copy of its articles of incorporation, and, if foreign to the State in which the lands are located, evidence showing compliance with the corporation laws thereof.

The superintendent may at his discretion require a corporation applicant or lessee to file:

(a) Lists of officers, principal stockholders, and directors, with post-office addresses and number of shares held by each.

(b) A sworn statement of the proper officer showing:

(1) The total number of shares of the capital stock actually issued and the amount of cash paid into the treasury on each share sold; or, if paid in property, the kind, quantity, and value of the same paid per share.

(2) Of the stock sold, how much remains unpaid and subject to assessment.

(3) The amount of cash the company has in its treasury and elsewhere.

(4) The property, exclusive of cash, owned by the company and its value.

(5) The total indebtedness of the company and the nature of its obligations.

(6) Whether the applicant or any person controlling, controlled by or under common control with the applicant has filed any registration statement, application for registration, prospectus or offering sheet with the Securities and Exchange Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934 or said Commission's rules and regulations under said acts; if so, under what provision of said acts or rules and regulations; and what disposition of any such statement, application, prospectus or offering sheet has been made.

(c) Statements of changes in officers and stockholders.

(d) Affidavits of individual stockholders, setting forth in what corporations or with what persons, firms, or associations such individual stockholders are interested in mining leases on restricted lands within the State, and whether they hold such interests for themselves or in trust.

CROSS REFERENCE: For rules and regulations of the Securities and Exchange Commission, see 17 CFR Chapter II.

§ 173.6 *Requirements of unincorporated applicants.* Unincorporated applicants shall file such information relative to financial standing and ability to proceed with the development of a lease as the Department of the Interior, through the superintendent of the Crow Indian Agency, may require.

§ 173.7 *Bonds.* The provisions of § 171.6 of this subchapter, or as hereafter amended, are applicable to leases under this part.

§ 173.8 *Additional information.* The superintendent may, either before or after approval of a lease, call for any information necessary to carry out the regulations in this part; failure of the lessee to furnish such information or to furnish the papers to put his lease and bond in proper form, will be deemed sufficient reason for disapproval or cancellation, whichever is appropriate, of the lease.

§ 173.9 *Renewals.* Leases shall be made for a period not longer than ten years, but lessees may have the right of renewal thereof for a further period of 10 years upon such terms and conditions as the Secretary of the Interior may prescribe and agreed to by the tribal council. Applications for renewals of leases shall be made not later than 60 days prior to the date of expiration of the original lease.

§ 173.10 *Lease acreage.* The provisions of § 171.9 of this subchapter, or as hereafter amended, are applicable to leases under this part.

§ 173.11 *Wells.* The lessee shall agree (a) to drill and produce all wells necessary to offset or protect the leased land from drainage by wells on adjoining lands not the property of the lessor, or in lieu thereof, compensate the lessor in full each month for the estimated loss of royalty through drainage: *Provided,* That during the period of supervision by the Secretary of the Interior, the necessity for offset wells shall be determined by the oil and gas supervisor and payment in lieu of drilling and producing shall be with the consent of, and in an amount determined by the Secretary of the Interior; (b) at the election of the lessee to drill and produce other wells: *Provided,* That the right to drill and produce such other wells shall be subject to any system of well spacing or production allotments authorized and approved under applicable law or regulations, approved by the Secretary of the Interior and affecting the field or area in which the leased lands are situated; and (c) if the lessee elects not to drill and produce such other wells for any period the Secretary of the Interior may, within 10 days after due notice in writing, either require the drilling and production of such wells to the number necessary, in his opinion, to insure reasonable diligence in the development and operations of the property, or may in lieu of such additional diligent drilling and production require the payment on and after the first anniversary date of this lease of not to exceed $1 per acre per annum, which sum shall be in addition to any rental or royalty hereinafter specified: *Provided,* That in the event oil or gas is discovered on the leased premises, the lessee shall proceed with all reasonable diligence to develop said premises and extract the oil or gas therefrom and bring same into the market as speedily as possible, unless the extraction and sale thereof be withheld with the consent of the Crow Indian tribal council.

CROSS REFERENCE: For oil and gas operating regulations of the Geological Survey, see 30 CFR Part 221.

§ 173.12 *Diligence and prevention of waste.* The lessee shall exercise reasonable diligence in drilling and operating wells for oil and gas on the lands covered hereby, while such products can be secured in paying quantities; carry on all operations hereunder in a good and workmanlike manner in accordance with approved methods and practice, having due regard for the prevention of waste of oil or gas developed on the land, or the entrance of water through wells drilled by the lessee to the productive sands or oil or gas-bearing strata to the destruction or injury of the oil or gas deposits, the preservation and conservation of the property for future productive operations, and to the health and safety of workmen and employees; plug securely all wells before abandoning the same and to shut off effectually all water from the oil or gas-bearing strata; not drill any well within 200 feet of any house or barn on the premises without the lessor's written consent approved by the superintendent; carry out at his expense all reasonable orders and requirements of the oil and gas supervisor relative to prevention of waste, and preservation of the property and the health and safety of workmen; bury all pipe lines crossing tillable lands below plow depth unless other arrangements therefor are made with the superintendent; pay the lessor all damages to crops, buildings, and other improvements of the lessor occasioned by the lessee's operations: *Provided,* That the lessee shall not be held responsible for delays or casualties occasioned by causes beyond the lessee's control.

§ 173.13 *Payments.* (a) All payments due the lessor shall be made to the superintendent, for the benefit of the lessors, and no credit will be given any lessee for payments made otherwise. Payments of rentals and royalties under oil and gas leases, except the first year's rental which shall be paid to the superintendent as prescribed in § 195.4, shall be transmitted to the superintendent through the oil and gas supervisor. All such payments shall be accompanied by a statement, in triplicate, by the lessee, showing the specific items of royalty or rental that the remittance is intended to cover, and shall be made at such time or times as the lease provides.

(b) In the event of the discovery of minerals in paying quantities, all advance rental and royalty payments will be allowed as credit on stipulated royalties for the year for which the payment is made. In the event the royalty on production for any year is not sufficient to equal the advance rental and royalties for that year, no refund will be made; nor will any part of the moneys so paid be refunded because of any subsequent surrender or cancellation of the lease, nor shall the lessee be relieved, by reason of any subsequent surrender or cancellation of the lease, from the obligation to pay said advance rental and royalty.

§ 173.14 *Royalty rates; oil and gas leases.* The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil, and/or gas used by the lessee for development and operation purposes on the lease, which oil and/or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases.

§ 173.15 *Gas for use of lessor.* If the leased premises produce gas in excess of the lessee's requirements for the development and operation of said premises the lessor may use sufficient gas, free of charge, for any desired school or other building belonging to the tribe, by making his own connections to a regulator installed, connected to the well and maintained by the lessee, and the lessee shall not be required to pay royalty on gas so used. The use of such gas shall be as the lessor's risk at all times.

§ 173.16 *Annual payments, statements, and development expenditures on leases other than oil and gas.* (a) Lessees other than oil and gas lessees shall pay on all leases annually in advance for the first calendar year or fraction thereof a rent of 25 cents per acre; for the second and the third years, 50 cents per acre; and for the fourth and each succeeding calendar year, $1 per acre. All sums paid as rental for any one calendar year shall be credited on the first royalties to become due during that year.

(b) On all leases referred to in § 173.10 (a) there shall be expended annually in actual mining operations, development, or improvements upon the land leased, or for the benefit thereof, a sum which, with the annual rental, shall make an amount not less than $5 per acre.

(c) On all leases referred to in § 173.10 (b) there shall be expended annually in actual mining operations, development, or improvements upon the land leased, or for the benefit thereof, a sum which, with the annual rental, shall make an amount not less than $100 for each 160 acres or fraction thereof included in the lease.

(d) On all leases referred to in § 173.10 (c) there shall be expended annually in actual mining operations, development, or improvements upon the land leased, or for the benefit thereof, a sum which, with the annual rental, shall make an amount not less than $10 per acre.

(e) Each lessee shall file with the superintendent an itemized statement in duplicate within 20 days after the close of each calendar year of the amount and character of said expenditure during such year, the statement to be certified under oath by the lessee or his agent having personal knowledge of the facts contained therein.

§ 173.17 *Royalty rates for minerals other than oil and gas.* Unless otherwise authorized by the Commissioner of Indian Affairs, the minimum rates for minerals other than oil and gas shall be as follows:

(a) For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas, the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent of the value, at the nearest shipping point, of all ores, metals, or minerals marketed.

(b) For gold and silver the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent to be computed on the value of bullion as shown by mint returns after deducting forwarding charges to the point of sale; and for copper, lead, zinc, and tungsten, a royalty of not less than 10 percent to be computed on the value of ores and concentrates as shown by reduction returns after deducting freight charges to the point of sale. Duplicate returns shall be filed by the lessee with the Superintendent within 10 days after the ending of the quarter or other period specified in the lease within which such returns are made: *Provided, however,* That the lessee shall pay a royalty of not less than 10 percent of the value of the ore or concentrates sold at the mine unless otherwise provided in the lease.

(c) For coal the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds of mine run, or coal as taken from the mine, including what is commonly called "slack."

(d) For asphaltum and allied substances the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds on crude material or not less than 60 cents per ton on refined substances.

§ 173.18 *Books of sales and receipts open to inspection.* The lessee shall keep books of account showing the amount of ore shipped or oil or other mineral substance sold or treated, and showing also the amount of money received from the sale of ores, oil, etc. The books of the lessee shall be open to inspection, examination, and verification by any officer of the Interior Department assigned to such duty by the Secretary of the Interior, and it is distinctly understood that the duly authorized agents of the Government shall be permitted freely to make transcripts of all the accounts and other books of lessee.

§ 173.19 *Manner of paying royalties.* All royalties or payments due under leases under the regulations in this part shall be made by check or draft drawn on a solvent bank, open for the transaction of business on the day the check or draft is issued, or by other form of suitable exchange, to the order of the superintendent. All such payments except advance rentals for the first year, which, as provided in the regulations in this part, are to be paid to the superintendent at the time the leases are filed, shall be transmitted through the oil and gas supervisor, shall be accompanied by a statement by the lessee, in triplicate, showing the specific terms of rentals or royalty that the remittance is intended to cover and shall be made at such times as the lease provides.

§ 173.20 *Division orders.* (a) Lessees may make arrangements with the purchasers of oil for the payment of the royalties to the superintendent by such purchasers, but such arrangement, if made, shall not operate to relieve a lessee from responsibility should the purchaser fail or refuse to pay royalties when due. Where lessees avail themselves of this privilege, division orders permitting the pipe line companies or other purchasers of the oil to withhold the royalty interest shall be executed and forwarded to the oil and gas supervisor for approval, as pipe line companies are not permitted to accept or run oil from leased Indian lands until after the approval of a division order showing that the lessee has a lease regularly approved and in effect. When the lessee company runs its own oil, it shall execute an intra-company division order and forward it to the oil and gas supervisor for his consideration. The right is reserved for the oil and gas supervisor to cancel a division order at any time or require the pipe line company to discontinue to run the oil of any lessee who fails to operate the lease properly or otherwise violates the provisions of the lease, of the regulations in this part, or of the operating regulations.

(b) When oil is taken by authority of a division order, the lessee or his representative shall be actually present when the oil is gauged and records are made of the temperature, gravity, and impurities. The lessee will be held responsible for the correctness and the correct recording and reporting of all of the foregoing measurements; which, except lowest gauge, shall be made at the time the oil is turned into the pipe line. Failure of the lessee to perform properly these duties will subject the division order to revocation.

CROSS REFERENCE: For oil and gas operating regulations of the Geological Survey, see 30 CFR Part 221.

§ 173.21 *Assignments.* (a) Leases hereafter approved, or any interest therein, may be assigned or transferred only with the approval of the Secretary of the Interior, and to procure such approval the assignee must be qualified to hold such lease under existing rules and regulations, and shall furnish a satisfactory bond for the faithful performance of the covenants and conditions thereof.

(b) No lease or any interest therein or the use of such lease shall be sublet or transferred, directly or indirectly, by working or drilling contract or otherwise, without the consent of the Secretary of the Interior.

(c) Assignments of leases and stipulations modifying the terms of existing leases, which stipulations also require the approval of the Secretary of the Interior, shall be filed with the superintendent within 30 days after the date of execution.

§ 173.22 *Cancellation.* When, before restrictions are removed, in the opinion of the Secretary of the Interior, the lessee has violated any of the terms and conditions of a lease or of the applicable regulations, the Secretary of the Interior shall have the right at any time after 30 days' notice to the lessee specifying the terms and conditions violated, and after a hearing, if the lessee shall so request within 30 days after issuance of the notice, to declare such lease null and void, and the lessor shall then be entitled and authorized to take immediate possession of the land: *Provided,* That after restrictions are removed the lessor shall have and be entitled to any available remedy in law or equity for breach of the contract by the lessee.

On the following conditions, the lessee may, on approval of the Secretary of the Interior, surrender a lease or any part of it:

(a) That he make application for cancellation to the superintendent having jurisdiction over the land.

(b) That he pay a surrender fee of $1 at the time the application is made.

(c) That he pay all royalties and rentals due to the date of such application.

(d) That he make a satisfactory showing that full provision has been made for conservation and protection of the property and that all wells, drilled on the portion of the lease surrendered, have been property abandoned.

(e) If the lease has been recorded, that he file, with his application, a recorded release of the acreage covered by the application.

(f) If the application is for the cancellation of the entire lease or the entire undivided portion, that he surrender the lease: *Provided,* That where the application is made by an assignee to whom no copy of the lease was delivered, he will be required to surrender only his copy of the assignment.

(g) If the lease (or portion being surrendered or canceled) is owned in undivided interests by more than one party, then all parties shall join in the application for cancellation.

(h) That all required fees and papers must be in the mail or received on or before the date upon which rents and royalties become due, in order for the lessee and his surety to be relieved from liability for the payment of such royalties and rentals.

(i) If there has been a contest respecting a lease or leases, the approved, the disapproved, or the canceled parts thereof will be held in the office of the superintendent for 5 days after the Department's decision has been promulgated, by mail or delivery, and will not be delivered, if within that period a motion for review or reconsideration be filed, until such motion is passed upon by the Department.

(j) In the event oil or gas is being drained from the leased premises by wells not covered by a lease, the lease, or any part of it, may be surrendered, only on such terms and conditions as the Secretary of the Interior may determine to be reasonable and equitable.

No part of any advance rental shall be refunded to the lessee nor shall he be relieved, by reason of any subsequent surrender or cancellation of the lease, from the obligation to pay said advance rental when it becomes due.

§ 173.23 *Mines to be timbered properly.* In mining operations the lessee shall keep the mine well and sufficiently timbered at all points where necessary, in accordance with good mining practice and in such manner as may be necessary to the proper preservation of the property leased and safety of the workmen.

§ 173.24 *Lessee and surety held responsible for return of premises in good condition.* On expiration of the term of a lease, or when a lease is surrendered, the lessee shall deliver to the Government the leased ground with the mine workings in good order and condition, and bondsmen will be held for such delivery in good order and condition, unless relieved by the Secretary of the Interior with the consent of the tribal council. It shall, however, be stipulated that the machinery necessary to operate the mine is the property of the lessee, but that it may be removed by him only after the condition of the property has been ascertained, by inspection by the Secretary of the Interior or his authorized agents, to be in satisfactory condition.

§ 173.25 *Wasteful operations not permitted.* The Secretary of the Interior may, in his discretion, cancel any lease if the mining operations are conducted wastefully and without regard to good mining practice.

§ 173.26 *Permission to start operations.* (a) No operations will be permitted on any lease before it is approved by the Secretary of the Interior.

(b) Written permission must be secured from the supervisor before any operations are started on the leased premises. After such permission is secured the operations must be in accordance with the operating regulations promulgated by the Secretary of the Interior. Copies of operating regulations may be secured from either the supervisor or the Superintendent and no operations should be attempted without a study of the operating regulations.

§ 173.27 *Penalties.* Failure of the lessee to comply with any provision of the lease, of the operating regulations, of the regulations in this part, order of the superintendent or his representative, or of the orders of the supervisor or his representative, shall subject the lease to cancellation by the Secretary of the Interior or the lessee to a penalty of not more than $500 per day for each and every day the terms of the lease, the regulations, or such orders are violated; or to both such penalty and cancellation: *Provided,* That the lessee shall be entitled to notice and hearing, within 30 days after such notice, with respect to the terms of the lease, regulations, or orders violated, which hearing shall be held by the supervisor, whose findings shall be conclusive unless an appeal be taken to the Secretary of the Interior within 30 days after notice of the supervisor's decision and the decision of the Secretary of the Interior upon appeal shall be conclusive.

§ 173.28 *Fees.* All leases and assignments shall be executed in sextuplicate and when filed with the superintendent shall be accompanied by a filing fee of $5 which is hereby required pursuant to provisions contained in the act of February 14, 1920, as amended by the act of March 1, 1933 (47 Stat. 1417; 25 U. S. C. 413). This fee will be refunded in case the instrument is disapproved.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 173.29 *Forms.* (a) Applications, leases, and other papers must be upon forms prescribed by the Secretary of the Interior, and the superintendent will furnish prospective lessees with such forms at a cost of $1 per set.

Form 5–154a. Lessee's bond supported by Government securities.
Form 5–157c. Individual bond.
Form 5–154d. Evidence of authority of officers to execute papers.
Form 5–157e. Assignment.
Form 5–157f. Collective bond.
Form 5–157g. Stipulation modifying terms of oil and gas lease.
Form 5–157h. Crow oil and gas mining lease.
Form 5–157i. Crow mining lease other than oil and gas.

(b) The moneys received from the sale of forms should be deposited as miscellaneous receipts to the credit of the appropriate receipt account.

PART 174—LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

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AUTHORITY: §§ 174.1 to 174.49 issued under sec. 2, 35 Stat. 312, sec. 18, 41 Stat. 426, sec. 1, 45 Stat. 495, sec. 1, 47 Stat. 777; 25 U. S. C. 356. Interpret or apply secs. 3, 11, 35 Stat. 313, 316, sec. 8, 47 Stat. 779. Other statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCE: For oil and gas operating regulations of the Geological Survey, see 30 CFR Part 221.

§ 174.1 *Definitions.* The term "Area Director" in this part refers to the officer in charge of the Five Civilized Tribes Indian Agency.

The term "supervisor" in this part refers to a representative of the Secretary of the Interior under direction of the Director of the United States Geological Survey, authorized and empowered to

supervise and direct operations under oil and gas or other mining leases, to furnish scientific and technical information and advice, to ascertain and record the amount and value of production, and to determine and record rentals and royalties due and paid.

HOW TO ACQUIRE LEASES

§ 174.2 *Applications for leases.* Applications for leases should be made to the Area Director.

§ 174.3 *No Government employee shall acquire leases.* No lease, assignment thereof, or interest therein will be approved to any employee or employees of the United States Government, whether connected with the Bureau of Indian Affairs or otherwise, and no employee of the Department of the Interior shall be permitted to acquire any interest in such leases covering restricted Indian lands by ownership of stock in corporations having leases or in any other manner.

(R. S. 2078; 25 U. S. C. 68)

§ 174.4 *Sale of oil and gas leases.* (a) At such times and in such manner as he may deem appropriate, the Area Director shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid.

Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the Area Director the lease in completed form. The Area Director may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) In cases where any part of the bonus bid for a lease is paid directly to the Indian lessor, upon his signing the lease, the lessee must procure and file with the lease an affidavit of the lessor, sworn to before a United States Commissioner, Postmaster, Area Director, local representative of the Area Director, county or district judge, Federal judge or clerk of a Federal court, showing the amount of bonus so paid, and the balance thereof must be paid into the office of the Area Director upon filing the lease. Where possible lessees are requested to take the lessor to the nearest United States field clerk who will render all proper assistance in the execution of leases, and before whom the bonus affidavit may be executed in cases where any part of bonus consideration is paid directly to the lessor. Where leases are executed by guardians, under order of court, the affidavit of lessor may be executed before a notary public.

(c) All notices or advertisements of sales of oil and gas leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the Indian owners, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

§ 174.5 *Term of oil and gas leases.* Oil and gas mining leases which require the approval of the Secretary of the Interior may be made for periods of 10 years from the date of approval of lease by the Secretary of the Interior and as much longer thereafter as oil and/or gas is produced in paying quantities.

§ 174.6 *Leases for minerals other than oil and gas.* Uncontested mining leases for minerals other than oil and gas shall be made on forms [1] prescribed by the Department, for a period of 15 years with the right of renewal on such terms as the superintendent may prescribe, and shall be subject only to approval by the Area Director. See provisions of the act of February 14, 1920 (41 Stat. 408). Any persons aggrieved by any decision or order of the Area Director approving, rejecting, or disapproving any such lease may appeal from the same to the Secretary of the Interior within 30 days from the date of such decision or order.

§ 174.7 *Approval fee.* A fee of $5 is required upon approval of each lease, sublease, or assignment, pursuant to the provisions of the act of February 14, 1920, as amended by the act of March 1, 1933 (47 Stat. 1417; 25 U. S. 413). This fee shall be paid at the time of filing the lease, sublease, or assignment, and will be refunded in case the instrument is disapproved.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 174.8 *Filing of lease deemed constructive notice.* The filing of any lease in the office of the Area Director shall be deemed constructive notice of the existence of such lease. See act of March 1, 1907.

(34 Stat. 1026)

§ 174.9 *Noncontiguous tracts.* No lease will be approved covering two or more noncontiguous tracts of land, but in such case a lease must be executed on each separate tract.

§ 174.10 *Lessor's signature.* Any Indian who cannot write his name will be required to sign all official papers by making a distinct thumbprint which shall be designated as "right" or "left" thumbmark. Such signatures must be witnessed by two persons, one of whom must be a United States Government employee (such as field clerk, postmaster, United States Commissioner, etc.).

§ 174.11 *Minor lessors.* Where the lessor is a minor, certified copies of letters of guardianship and court orders approving leases must be filed.

§ 174.12 *Leases executed by guardians of minors.* Leases executed by guardians of minors under order of court for a period extending beyond the minority of the minor will be approved unless it appears that such action would be prejudicial to the interests of the minor: *Provided,* That in the event the minor becomes of age within 1 year from date of execution of lease the consent of the minor to the execution of the lease should be obtained and submitted with the lease for consideration.

§ 174.13 *Inherited lands.* Except to prevent loss or waste, leases on undivided inherited lands will not be approved until the heirship determination has been approved. If the heirs to undivided inherited lands are undetermined or cannot be located, or if the heirs owning less than one-half interest in the lands refuse to sign a lease and it appears necessary to lease the lands to prevent loss or waste, the Area Director will report the facts to the Commissioner of Indian Affairs and ask for instructions. Minor heirs can lease or join adult heirs in leasing only through guardians under order of court. Proof of heirship shall be given upon Form F prescribed. If probate or other court proceedings have established the heirship in any case, or the land has been partitioned, certified copy of final order, judgment, or decree of the court will be accepted in lieu of Form F.

§ 174.14 *Corporations and corporate information.* If the applicant for a lease is a corporation, it shall file evidence of authority of its officers to execute papers; and with its first application it shall also file a certified copy of its articles of incorporation, and, if foreign to the State in which the lands are located, evidence showing compliance with the corporation laws thereof. Statements of changes in officers and stockholders shall be furnished by a corporation lessee to the Area Director January 1 of each year, and at such other times as may be requested.

Whenever deemed advisable in any case the Area Director may require a corporation applicant or lessee to file:

(a) List of officers, principal stockholders, and directors, with post-office addresses and numbers of shares held by each.

(b) A sworn statement of the proper officer showing:

(1) The total number of shares of the capital stock actually issued and the amount of cash paid into the treasury on each share sold; or, if paid in property, the kind, quantity, and value of the same paid per share.

(2) Of the stock sold, how much remains unpaid and subject to assessment.

(3) The amount of cash the company has in its treasury and elsewhere.

(4) The property, exclusive of cash, owned by the company and its value.

(5) The total indebtedness of the company and the nature of its obligations.

(6) Whether the applicant or any person controlling, controlled by or under common control with the applicant has filed any registration statement, application for registration, prospectus or offering sheet with the Securities and Exchange Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934 or said Commission's rules and regulations under said acts; if so, under what provision of said acts or rules and regulations; and what disposition of any such statement, application, prospectus or offering sheet has been made.

(c) Affidavits of individual stockholders, setting forth in what corporations, or with what persons, firms, or associations such individual stockholders are interested in mining leases on restricted lands within the State, and whether they hold such interest for themselves or in trust.

[1] For further information regarding forms, see § 174.47.

[1] CROSS REFERENCE: For regulations of the Securities and Exchange Commission, see 17 CFR Chapter II.

§ 174.15 *Bonds.* (a) Lessee shall furnish with each mining lease a bond (Form 5–154b), and an assignee of a lease shall furnish with each assignment a bond (Form 5–154m), with an acceptable company authorized to act as sole surety, or with two or more personal sureties and a deposit as collateral security of any public-debt obligations of the United States guaranteed as to principal and interest by the United States, equal to the full amount of such bonds, or other collateral satisfactory to the Secretary of the Interior, or show ownership of unencumbered real estate of the value equal to twice the amount of the bonds. Lessee may file a bond on Form 5–154a without sureties and a deposit as collateral security of Government bonds equal in value to the full amount of the bond. Lease bonds except as provided in paragraph (c) of this section shall be in the following amounts:

For less than 80 acres	$1,000
For 80 acres and less than 120 acres	1,500
For 120 acres and not more than 160 acres	2,000
For each additional 40 acres, or part thereof above 160 acres	500

Provided, That a lessee may file a bond (Form 5–154f), in the sum of $15,000 for all leases of minerals up to 10,240 acres under the jurisdiction of the officer in charge of the Five Civilized Tribes Agency.

(b) In lieu of the bonds required under paragraph (a) of this section, a lessee may furnish a bond (Form 5–156) in the sum of $75,000 for full nation-wide coverage with an acceptable company authorized to act as sole surety to cover all oil and gas leases and oil and gas prospecting permits without geographic or acreage limitation to which the lessee or permittee is or may become a party.

(c) The right is specifically reserved to increase the amount of bonds and the collateral security prescribed in paragraph (a) of this section in any particular case when the officer in charge deems it proper to do so. The nation-wide bond may be increased at any time in the discretion of the Secretary of the Interior.

§ 174.16 *Additional information may be requested by Area Director.* The Area Director, or other Government officer having the matter in charge or under investigation, may, at any time, either before or after approval of a lease, call for any additional information desired to carry out the purpose of the regulations in this part, and such information shall be furnished within the time specified in the request therefor. If the lessee fails to furnish the information requested, the lease will be subject to disapproval or cancellation, whichever is appropriate.

§ 174.17 *Government reserves right to purchase minerals produced.* In time of war or other public emergency any of the executive departments of the United States Government shall have the option to purchase at the prevailing market price on the date of sale all or any part of the minerals produced under any lease.

RENTS AND ROYALTIES

§ 174.18 *Manner of payment of rents and royalties.* (a) Except as provided in paragraph (b) of this section, all rents, royalties and other payments due under leases which have been or may be approved in accordance with this part shall be paid by check or bank draft to the order of the Treasurer of the United States and mailed to the Area Director for deposit to the credit of the various lessors. When lessees and purchasers are instructed, in writing, by the Area Director, which instructions shall be complete as to lessors for each lease, separate remittances for each payment due each lessor shall be mailed to the Area Director. Any payments under this paragraph, covering lands or interests therein from which restrictions have been removed by death or otherwise, may continue to be made in the manner provided by this paragraph until ten days after notice of relinquishment of supervision has been mailed to the lessee.

(b) The Area Director may, in his discretion, whenever it appears to be in the best interest of any lessor, authorize and direct the lessee to pay directly to the lessor, or to the legal guardian of any lessor under guardianship, the rents, royalties and other payments (other than bonuses and advance payments for the first year) due under leases which have been or may be approved in accordance with the regulations in this part. Any such authority for direct payment shall be in writing, addressed to the owner or owners of the lease, and shall expressly provide for its revocation or modification at any time, in writing, by the Area Director. Written authorization for direct payment and written revocations or modifications thereof shall become a part of the lease and shall be distributed as in the case of original leases. All such revocations or modifications shall have a 5-day grace period after date of receipt. Rents, royalties, and other payments paid in accordance therewith shall constitute full compliance with the requirements of the lease pertaining to such payments.

(c) Rents and royalties paid pursuant to paragraphs (a) and (b) of this section on producing leases shall be supported by statements, acceptable to the Secretary or his duly authorized representative, to be transmitted to the Supervisor, in duplicate, covering each lease, identified by contract number and lease number. Such statements shall show the specific items of rents or royalties for which remittances are made, and shall identify each remittance by the remittance number, date, amount, and name of each payee.

(d) Rents paid on nonproducing leases pursuant to paragraphs (a) and (b) of this section shall be supported by a statement, acceptable to the Area Director, to be transmitted to the Area Director covering each lease, identified by contract number and lease number. Each remittance shall be identified by the remittance number, date, amount, name of each payee, and dates of mailing of remittances. Date of mailing, or, if remittance is sent by registered mail, the date of registration receipts covering remittances mailed, shall be considered as date of payment.

(e) For leases other than oil and gas, all advance rentals and royalties for the first year shall be paid to the Area Director at the time of filing the lease, and the advance royalty and 20 percent of the first year's rental so paid shall be and become the property of the lessor, if the lease be disapproved because of the lessee's failure to meet the requirements of the law or of the regulations in this part or because of any other fault or defect chargeable to the lessee.

§ 174.19 *Crediting advance annual payments.* In the event of discovery of minerals, all advance rents and advance royalties shall be allowed as credit on stipulated royalties for the year for which such advance payments have been made. No refund of such advance payments made under any lease will be allowed in the event the royalty on production is not sufficient to equal such advance payment; nor will any part of the moneys so paid be refunded to the lessee because of any subsequent surrender or cancellation of the lease.

§ 174.21 *Rate of rents on leases other than oil and gas.* On all mineral leases of allotted lands other than oil and gas leases, rental shall be paid annually in advance from the date of approval of the lease, as follows: Fifty cents per acre for the first year, 75 cents per acre for the second year, and $1 per acre for the third

and each succeeding year of the term of the lease.

§ 174.22 *Expenditures under leases other than oil and gas.* (a) On all leases for deposits of minerals other than oil and gas, there shall be expended for each calendar year the lease is in force, and for each fraction of a calendar year greater than 6 months, in actual mining operations, development, or improvements upon the lands leased, or for the benefit thereof, a sum which, with the annual rental, shall amount to not less than $5 per acre.

(b) The expenditures for development required by this section upon application may be waived in writing by the Area Director or other officer in charge of the Five Civilized Tribes Agency either before or after the approval of a lease, such waiver to be subject to termination at any time upon 10 days' written notice to the holder of the lease by the said Area Director or other officer in charge.

(c) Each lessee, except oil and gas lessees, shall file with the Area Director an itemized statement in duplicate, within 20 days after the close of each calendar year, of the amount and character of said expenditures during such year; the statement to be certified under oath by the lessee or his agent having personal knowledge of the facts contained therein.

§ 174.23 *Royalty rates for minerals other than oil and gas.* Unless otherwise authorized by the Commissioner of Indian Affairs, the minimum rates for minerals other than oil and gas shall be as follows:

(a) For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas, the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent of the value, at the nearest shipping point, of all ores, metals, or minerals marketed.

(b) For gold and silver the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent to be computed on the value of bullion as shown by mint returns after deducting forwarding charges to the point of sale; and for copper, lead, zinc, and tungsten, a royalty of not less than 10 percent to be computed on the value of ores and concentrates as shown by reduction returns after deducting freight charges to the point of sale. Duplicate returns shall be filed by the lessee with the Area Director within 10 days after the ending of the quarter or other period specified in the lease within which such returns are made: *Provided however,* That the lessee shall pay a royalty of not less than 10 percent of the value of the ore or concentrates sold at the mine unless otherwise provided in the lease.

(c) For coal the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds of mine run, or coal as taken from the mine, including what is commonly called "slack."

(d) For asphaltum and allied substances the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds on crude material or not less than 60 cents per ton on refined substances.

§ 174.24 *Rate of rents and royalties on oil and gas leases.* The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases. During the period of supervision, "value" for the purposes of the lease may, in the discretion of the Secretary of the Interior be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of production for the major portion of the oil of the same gravity, and gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly at such time as the lease provides; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction of such oil in storage by causes beyond his control.

§ 174.25 *Free use of gas by lessor.* If the leased premises produce gas in excess of the lessee's requirements for the development and operation of said premises, then the lessor may use sufficient gas, free of charge, for all stoves and inside lights in the principal dwelling house on said premises, by making his own connections to a regulator, connected to the well and maintained by the lessee, and the lessee shall not be required to pay royalty on gas so used. The use of such gas shall be at the lessor's risk at all times.

§ 174.26 *Rate of royalty on casing-head gas.* (a) On casing-head gas used or sold for the manufacture of casing-head gasoline the minimum rate of royalty shall be 12½ percent of the value of the casing-head gas, which value shall be determined and computed on the basis and in the manner provided in the applicable operating regulations of the Department.

(b) In cases where gas produced and sold has a value for drip gasoline, casing-head gasoline content, and as dry gas from which the casing-head gasoline has been extracted, then the royalties above provided shall be paid on all such values.

§ 174.27 *Rate of rental for nonutilized gas wells.* If the gas from a gas producing well is not marketed or utilized, other than for operation of the lease, then for each such well the lessee shall pay such rental as may be determined by the supervisor and approved by the Secretary of the Interior, calculated from the date of the completion of the well. Payment of annual gas rentals shall be made within 30 days from the date such payment becomes due.

§ 174.28 *Royalty payments and production reports.* (a) Royalty payments on all oil and gas or other producing leases shall be made at the rates, and at such time, and in the manner prescribed by the terms of the lease.

(b) Quarterly reports shall be made by each lessee on nonproducing leases other than oil and gas within 25 days after December 31, March 31, June 30, and September 30, of each year, upon forms provided, showing manner of operations and total production during such quarter. A lessee may include within one sworn statement all leases upon which there is no production or upon which dry holes have been drilled. Reports of oil and gas leases where royalty accounting is done in the field office of the supervisor will be made as required in the operating regulations.

§ 174.29 *Division orders.* (a) Lessees may make arrangements with the purchasers of oil and gas for the payment of the royalties as provided for in the lease and the regulations but such arrangement, if made, shall not operate to relieve a lessee from responsibility should the purchaser fail or refuse to pay royalties when due. Where lessees avail themselves of this privilege, division orders should be executed by the lessee and forwarded to the supervisor for approval. Purchasers may be authorized by the supervisor to reimburse lessees out of royalties for advance rents and advance royalties. Copies of written instructions, notices, modifications, revocations, and authorizations, as provided for in § 174.18 (a) and (b), shall be furnished to purchasers. The right is reserved for the supervisor to cancel a division order at any time or require the purchaser to discontinue to run the oil of any lessee who fails to operate the lease properly or otherwise violates the provisions of the lease, of the regulations in this part, or of the operating regulations.

(b) When oil is taken by authority of a division order, the lessee or his representatives shall be actually present when the oil is gauged and records are made of the temperature, gravity, and impurities. The lessee will be held responsible for the correctness and the correct recording and reporting of all the foregoing measurements, which, except lowest gauge, shall be made at the time the oil is turned into the pipe line. Failure of the lessee to perform properly these duties will subject the division order to revocation.

OPERATIONS

§ 174.30 *Permission to start operations.* No operations will be permitted on any lease before it is approved. Written permission must be secured from the supervisor before any operations are started under any oil and gas lease. Operations must be in accordance with the operating regulations promulgated by the Secretary of the Interior. Copies of these regulations may be secured from either the supervisor or the Area Director and no operations should be attempted without a study of the operating regulations.

§ 174.31 *Restrictions on operations.* (a) Oil and gas leases issued under the provisions of this part shall be subject to imposition by the Secretary of the Interior of such restrictions as to time or times for the drilling of wells and as to the production from any well or wells as in his judgment may be necessary or proper for the protection of the natural resources of the leased land and in the interest of the lessor. In the exercise of his judgment the Secretary of the Interior may take into consideration, among other things, the Federal laws, State laws, regulations by competent Federal or State authorities, lawful agreements among operators regulating either drilling or production, or both.

(b) All such leases shall be subject to any cooperative or unit plan of development affecting the leased lands that may be required by the Secretary of the Interior, but no lease shall be included in any cooperative or unit plan without prior approval of the Secretary of the Interior. If said plan effects a change in the lease terms, the consent of the lessor or lessors must be obtained before the plan is effective.

§ 174.32 *Wells.* The lessee shall agree (a) to drill and produce all wells necessary to offset or protect the leased land from drainage by wells on adjoining lands not the property of the lessor, or in lieu thereof, compensate the lessor in full each month for the estimated loss of royalty through drainage: *Provided,* That during the period of supervision by the Secretary of the Interior, the necessity for offset wells shall be determined by the supervisor and payment in lieu of drilling and producing shall be with the consent of, and in an amount determined by the Secretary of the Interior; (b) at the election of the lessee to drill and produce other wells: *Provided,* That the right to drill and produce such other wells shall be subject to any system of well spacing or production allotments authorized and approved under applicable law or regulations, approved by the Secretary of the Interior and affecting the field or area in which the leased lands are situated; and (c) if the lessee elects not to drill and produce such other wells for any period the Secretary of the Interior may, within 10 days after due notice in writing, either require the drilling and production of such wells to the number necessary, in his opinion, to insure reasonable diligence in the development and operation of the property, or may in lieu of such additional diligent drilling and production require the payment on and after the first anniversary date of the lease of not to exceed $1 per acre per annum, which sum shall be in addition to any rental or royalty herein specified.

§ 174.33 *Diligence and prevention of waste.* The lessee shall exercise diligence in drilling and operating wells for oil and gas on the leased lands while such products can be secured in paying quantities; carry on all operations in a good and workmanlike manner in accordance with approved methods and practice, having due regard for the prevention of waste of oil or gas developed on the land, or the entrance of water through wells drilled by the lessee to the productive sands or oil or gas-bearing strata to the destruction or injury of the oil or gas deposits, the preservation and conservation of the property for future productive operations, and to the health and safety of workmen and employees; plug securely all wells before abandoning the same and to shut off effectually all water from the oil or gas-bearing strata; not drill any well within 200 feet of any house or barn on the premises without the lessor's written consent approved by the Area Director; carry out at his expense all reasonable orders and requirements of the supervisor relative to prevention of waste, and preservation of the property and the health and safety of workmen; bury all pipe lines crossing tillable lands below plow depth unless other arrangements therefor are made with the Area Director; pay the lessor all damages to crops, buildings, and other improvements of the lessor occasioned by the lessee's operations: *Provided,* That the lessee shall not be held responsible for delays or casualties occasioned by causes beyond his control.

§ 174.34 *Inspection of premises; books and accounts.* Lessees shall agree to allow the lessors and their agents or any authorized representative of the Interior Department to enter, from time to time, upon and into all parts of the leased premises for the purpose of inspection, and shall further agree to keep a full and correct account of all operations and make reports thereof, as required by the applicable regulations of the Department; and their books and records, showing manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examination.

§ 174.35 *Mines to be timbered properly.* In mining operations the lessee shall keep the mine well and sufficiently timbered at all points where necessary, in accordance with good mining practice, and in such manner as may be necessary to the proper preservation of the property leased and safety of workmen.

§ 174.36 *Surrender of leased premises in good condition.* On expiration of the term of a lease, or when a lease is surrendered, the lessee shall deliver to the Government the leased ground, with the mine workings in case of leases other than oil and gas, in good order and condition, and the bondsmen will be held for such delivery in good order and condition, unless relieved by the Secretary of the Interior for cause. It shall, however, be stipulated that the machinery necessary to operate any mine is the property of the lessee, but that it may be removed by him only after the condition of the property has been ascertained by inspection by the Secretary of the Interior or his authorized agents, to be in satisfactory condition.

§ 174.37 *Penalties.* Failure of the lessee to comply with any provisions of the lease, of the operating regulations, of the regulations in this part, orders of the Area Director or his representative, or of the orders of the supervisor or his representative, shall subject the lease to cancellation by the Secretary of the Interior or the lessee to a penalty of not more than $500 per day for each day the terms of the lease, the regulations, or such orders are violated, or to both such penalty and cancellation: *Provided,* That the lessee shall be entitled to notice and hearing, within 30 days after such notice, with respect to the terms of the lease, regulations, or orders violated, which hearing shall be held by the supervisor, whose findings shall be conclusive unless an appeal be taken to the Secretary of the Interior within 30 days after notice of the supervisor's decision, and the decision of the Secretary of the Interior upon appeal shall be conclusive.

§ 174.38 *Assignments.* Leases or any interest therein, may be assigned or transferred only with the approval of the Secretary of the Interior, and to procure such approval the assignee must be qualified to hold such lease under existing rules and regulations, and shall furnish a satisfactory bond for the faithful performance of the covenants and conditions thereof. No lease or any interest therein, or the use of such lease, shall be assigned, sublet, or transferred, directly or indirectly, by working or drilling contract, or otherwise, without the consent of the Secretary of the Interior. Assignments of leases shall be filed with the Area Director within 20 days after the date of execution.

§ 174.39 *Stipulations.* The lessee under any lease heretofore approved may by stipulation (Form 5–154l) with the consent of the lessor and the approval of the Secretary of the Interior, make such approved lease subject to all the terms, conditions, and provisions contained in the lease form and regulations currently in use. Stipulations shall be filed with the Area Director within 20 days after the date of execution.

§ 174.40 *Cancellations.* (a) When, in the opinion of the Secretary of the Interior, the lessee has violated any of the terms and conditions of a lease or of the applicable regulations, or if mining operations are conducted wastefully and without regard to good mining practice, the Secretary of the Interior shall have the right at any time after 30 days' notice

to the lessee specifying the terms and conditions violated, and after a hearing, if the lessee shall so request within 30 days after issuance of the notice, to declare such lease null and void, and the lessor shall then be entitled and authorized to take immediate possession of the land.

(b) On the following conditions, the lessee may, on approval of the Secretary of the Interior, surrender a lease or any part of it:

(1) That he make application for cancellation to the Area Director having jurisdiction over the land.

(2) That he pay a surrender fee of $1 at the time the application is made.

(3) That he pay all royalties and rentals due to the date of such application.

(4) That he make a satisfactory showing that full provision has been made for conservation and protection of the property and that all wells, drilled on the portion of the lease surrendered, have been properly abandoned.

(5) If the lease has been recorded, that he file, with his application, a recorded release of the acreage covered by the application.

(6) If the application is for the cancellation of the entire lease or the entire undivided portion, that he surrender the lease: *Provided,* That where the application is made by an assignee to whom no copy of the lease was delivered, he will be required to surrender only his copy of the assignment.

(7) If the lease (or portion being surrendered or cancelled) is owned in undivided interests by more than one party, then all parties shall join in the application for cancellation.

(8) That all required fees and papers must be in the mail or received on or before the date upon which rents and royalties become due, in order for the lessee and his surety to be relieved from liability for the payment of such royalties and rentals.

(9) If there has been a contest respecting a lease or leases, the approved, the disapproved, or the cancelled parts thereof will be held in the office of the Area Director for 5 days after the Department's decision has been promulgated, by mail or delivery, and will not be delivered, if within that period a motion for review and reconsideration be filed, until such motion is passed upon by the Department.

(10) In the event oil or gas is being drained from the leased premises by wells not covered by a lease; the lease, or any part of it, may be surrendered, only on such terms and conditions as the Secretary of the Interior may determine to be reasonable and equitable.

(c) No part of any advance rental shall be refunded to the lessee nor shall he be relieved, by reason of any subsequent surrender or cancellation of the lease, from the obligation to pay said advance rental when it becomes due.

(d) For proper method of terminating departmental leases covering lands from which restrictions have been removed see section 3 of the act of May 27, 1908 (35 Stat. 312).

REMOVAL OF RESTRICTIONS

§ 174.41 *Leases executed but not approved before restrictions removed from land.* Leases executed before the removal of restrictions against alienation on land from all of which restrictions against alienation shall be removed after such execution, if such leases contain specific provision for approval by the Secretary of the Interior, whether now filed with the Department or presented for consideration hereafter, will be considered and acted upon by this Department as heretofore but only for the purpose of approving or disapproving the instrument.

§ 174.42 *Operations after removal of restrictions from leased lands.* (a) Oil and gas leases heretofore approved and leases for other minerals now or hereafter in force on land from all of which restrictions against alienation have been or shall be removed, even if such leases contain provisions authorizing supervision by this Department, shall, after such removal of restrictions against alienation, be operated entirely free from such supervision, and the authority and power delegated to the Secretary of the Interior in said leases shall cease and all payments required to be made to the Area Director shall thereafter be made to the lessor or the then owner of the land, and changes in regulations thereafter made by the Secretary of the Interior shall not apply to such leased land from which said restrictions are removed.

(b) In the event restrictions are removed from a part of the land included in any lease to which this section applies the entire lease shall continue subject to the supervision of the Secretary of the Interior, and all royalties thereunder shall be paid to the Area Director until such time as the lessor and lessee shall furnish the Secretary of the Interior satisfactory information that adequate arrangements have been made to account for the oil, gas, or mineral upon the restricted land separately from that upon the unrestricted. Thereafter the restricted land only shall be subject to the supervision of the Secretary of the Interior: *Provided,* That the unrestricted portion shall be relieved from such supervision, as in the lease or regulations provided.

§ 174.43 *Relinquishment of Government supervision.* All oil and gas leases hereafter executed shall contain the following relinquishment of supervision clause and terms operative after such relinquishment, or other provisions similar in substance:

Relinquishment of supervision by the Secretary of the Interior.—Should the Secretary of the Interior, at any time during the life of this instrument, relinquish supervision as to all or part of the acreage covered hereby, such relinquishment shall not bind lessee until said Secretary shall have given 30 days' written notice. Until said requirements are fulfilled, lessee shall continue to make all payments due hereunder as heretofore in section 3 (c). After notice of relinquishment has been received by lessee, as herein provided, this lease shall be subject to the following further conditions:

(a) All rentals and royalties thereafter accruing shall be paid in the following manner: Rentals and royalties shall be paid to lessor or his successors in title, or to a trustee appointed under the provision of section 9 hereof. Rentals and royalties shall be paid directly to lessor, his successors in title, or to said trustee as the case may be.

(b) If, at the time supervision is relinquished by the Secretary of the Interior, lessee shall have made all payments then due hereunder, and shall have fully performed all obligations on its part to be performed up to the time of such relinquishment, then the bond given to secure the performance hereof, on file in the Indian Office, shall be of no further force or effect.

(c) Should such relinquishment affect only part of the acreage, then lessee may continue to drill and operate the land covered hereby as an entirety: *Provided,* That lessee shall pay in the manner prescribed by section 3 (c), for the benefit of lessor such proportion of all rentals and royalties due hereunder as the acreage retained under the supervision of the Secretary of the Interior bears to the entire acreage of the lease, the remainder of such rentals and royalties to be paid directly to lessor or his successors in title or said trustee as the case may be, as provided in subdivision (a) of this section.

Division of fee. It is covenanted and agreed that should the fee of said land be divided into separate parcels, held by different owners, or should the rental or royalty interests hereunder be so divided in ownership, after the execution of this lease and after the Secretary of the Interior relinquishes supervision hereof, the obligations of lessee hereunder shall not be added to or changed in any manner whatsoever save as specifically provided by the terms of this lease. Notwithstanding such separate ownership, lessee may continue to drill and operate said premises as an entirety: *Provided,* That each separate owner shall receive such proportion of all rentals and royalties accruing after the vesting of his title as the acreage of the fee, or rental or royalty interest, bears to the entire acreage covered by the lease; or to the entire rental and royalty interest as the case may be: *Provided further,* That, if, at any time after departmental supervision hereof is relinquished, in whole or in part, there shall be four or more parties entitled to rentals or royalties hereunder, whether said parties are so entitled by virtue of undivided interests or by virtue of ownership of separate parcels of the land covered hereby, lessee at his election may withhold the payment of further rentals or royalties (except as to the portion due the Indian lessor while under restriction), until all of said parties shall agree upon and designate in writing and in a recordable instrument a trustee to receive all payments due hereunder on behalf of said parties and their respective successors in title. Payments to said trustee shall constitute lawful payments hereunder, and the sole risk of an improper or unlawful distribution of said funds by said trustee shall rest upon the parties naming said trustee and their respective successors in title. (The above provisions are copied from oil and gas mining lease Form 5–154h,[1] revised April 24, 1935.)

§ 174.44 *Division of royalty to separate fee owners.* Should the removal of restrictions affect only part of the acreage covered by a lease containing provisions to the effect that the royalties accruing under the lease, where the fee is divided into separate parcels, shall be paid to each owner in the proportion which his acreage bears to the entire acreage covered by the lease, the lessee or assignee of such unrestricted portion will be required to make the reports required by the regulations in this part and the operating regulations with respect to the beginning of drilling operations, completion of wells, and production the same as if the restrictions had not been removed. In the event the unrestricted portion of the leased premises is producing, the owner of the lease thereon will be required to pay the portion of the royalties due the Indian lessor at the time and in the manner specified by the regulations in this part.

[1] For information relative to obtaining Form 5–154h, see § 174.47.

§ 174.45 *Restrictions especially continued as to certain lands.* Restricted lands allotted as either homestead or surplus allotments, designated as tax exempt under section 4 of the act of May 10, 1928, as amended May 24, 1928 (45 Stat. 495, 733), the entire interest in which was acquired by inheritance, gift, devise, or purchase with restricted funds, by persons of one-half or more Indian blood, after the passage of the act of January 27, 1933 (47 Stat. 777), continue to be restricted under the provisions of the last mentioned act and oil and gas leases thereof are subject to the regulations in this part and all such leases to be valid must be approved by the Secretary of the Interior. Lands inherited by or devised to full blood Indians prior to the act of January 27, 1933 are not affected as to restrictions by the provisions of said act and may continue to be leased with the approval of the county court having jurisdiction of the estate of the deceased allottee and without approval of the Secretary of the Interior (54 L. D. 382; 10 F. (2d), 487). Lands acquired prior to the passage of the act of January 27, 1933 by Indians of less than full blood, whether such lands were restricted and tax exempt or restricted and taxable, passed to such persons free of all restrictions. Inherited homesteads restricted prior to April 26, 1931, by section 9,[1] of the act of May 27, 1908 (35 Stat. 312), for the benefit of heirs of one-half or more Indian blood but less than full bloods, born after March 4, 1906, became unrestricted April 26, 1931, or upon the death prior thereto of the heir born subsequent to March 4, 1906, and oil and gas leases thereof are not subject to the regulations in this part nor under the jurisdiction of the Secretary of the Interior.

§ 174.46 *Field clerks.* Local representatives known officially as "field clerks" are located in the various districts comprising that part of the State of Oklahoma occupied by the Five Civilized Tribes. Such field clerks shall report to and act under the direction of the Area Director. Any and all counsel and advice desired by allottees concerning deeds, leases, or other instruments or matters relating to lands allotted to them shall be furnished by such field clerks free of charge. Field clerks shall not, during their term of employment, have any personal interest, directly or indirectly, in any transaction concerning leases covering lands of allottees or in the purchase or sale of any such lands regardless of whether the restrictions have or have not been removed. This prohibition, however, shall not apply to lands which such field clerks have legally acquired before their employment in the Bureau of Indian Affairs. Field clerks shall report to the Area Director at the end of each month the work performed during such period and special reports shall be made immediately of any apparently illegal transaction involving the estates or allotments of allottees.

[1] Repealed restrictions on inherited homesteads, by sec. 2 of the act of May 10, 1928 (45 Stat. 495).

§ 174.47 *Forms.* Leases, assignments, and other papers must be upon forms prepared by the department, and upon application the Area Director of the Five Civilized Tribes Agency at Muskogee, Oklahoma, will furnish prospective lessees with such forms at a cost of $1 per set.

Form 5–154. Lease for minerals other than oil and gas.
Form 5–154a. Lessee's personal bond supported by Government securities.
Form 5–154b. Bond for separate leases.
Form 5–154c. Affidavit of Indian lessor, proof of bonus, etc.
Form 5–154d. Authority of officer to execute papers.
Form 5–154g. Affidavit of personal surety to accompany bond.
Form 5–154h. Oil and gas mining lease.
Form 5–154l. Stipulation modifying terms of oil and gas lease.
Form 5–154m. Bond covering assignment.
Form 5–154u. $15,000 collective bond.
Form F. Proof of heirship.
Form G. Assignment.
Form I. Coal and asphalt lease.

§ 174.48 *Effective date.* The regulations in this part shall become effective and in full force from and after the date of approval (Apr. 27, 1938), and shall be subject to change or alteration at any time by the Secretary of the Interior: *Provided,* That no regulations made after the approval of any lease shall operate to affect the term of the lease, rate of royalty, rental, or acreage unless agreed to by both parties to the lease. All former regulations governing the leasing of individually owned lands of the Five Civilized Tribes for mining purposes are superseded by the regulations in this part.

§ 174.49 *Scope of regulations.* The regulations in this part shall apply in so far as practicable to land purchased for Indians under the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967; 25 U. S. C. 501–509), as well as to other lands of individual Indians of the Five Civilized Tribes.

PART 175—LEASING OF OSAGE RESERVATION LANDS, OKLAHOMA, FOR MINING, EXCEPT OIL AND GAS

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AUTHORITY: §§ 175.1 to 175.30 issued under sec. 3, 34 Stat. 543.

§ 175.1 *Definition.* The term "officer in charge" shall refer to the superintendent of the Osage Indian Agency and school or other representative of the Government who may, for the time, be in charge of the Osage Agency and school, or any person who may be detailed by the Secretary of the Interior or the Commissioner of Indian Affairs to take charge of leasing or mining operations under the regulations in this part.

§ 175.2 *Sale of leases.* Leases of minerals other than oil and gas may be negotiated with the tribal council after permission to do so has been obtained from the officer in charge. Leases, with all papers required, shall be filed with the officer in charge within 30 days from the date of execution by the lessee and the principal chief of the Osage Tribe. The lease will be forwarded to the Commissioner of Indian Affairs for consideration by him and the Secretary of the Interior and will become effective only after approval by the Secretary of the Interior. If any lease should be disapproved through no fault of the lessee, all amounts deposited by him will be promptly refunded.

§ 175.3 *Corporate information.* A corporation shall file with its first lease a certified copy of articles of incorporation, and, if a foreign corporation, evidence showing compliance with local corporation laws in duplicate; a list of all stockholders, with their postoffice addresses, and showing the number of shares of capital stock held by each; together with a sworn statement of its proper officer showing:

(a) The total number of shares of the capital stock actually issued, the number of shares actually sold and the amount of cash paid into the treasury out of the stock sold, or, if paid in property, kind, quantity, and value of the same.

(b) Of the stock sold, how much per share remains unpaid and subject to assessment.

(c) How much cash the company has in its treasury and elsewhere, and from what source it was received.

(d) What property, exclusive of cash, is owned by the company, and its value.

(e) What the total indebtedness of the company is, and the nature of its obligations.

(f) Names of officers and directors.

§ 175.4 *Bonds.* Lessee shall furnish with each lease at the time it is filed with the officer in charge an acceptable bond, which shall be in amount as follows: For less than 80 acres, $1,000; for 80 acres and less than 120 acres, $1,500; for 120 acres and not more than 160 acres, $2,000: *Provided, however,* That the lessee shall be allowed to file bond, Form 8[1] covering all leases to which he or they are or may become parties instead of a separate bond in each case, such bond to be in the penal sum of $15,000. The right is reserved to change the amount of the bond in any particular case, or to require a new bond in the discretion of the Secretary of the Interior.

§ 175.5 *Additional information.* The officer in charge may, at any time, either before or after approval of a lease, call for any additional information necessary to carry out the purpose and intent of the regulations in this part, and such information shall be furnished within the time specified in the request therefor.

§ 175.6 *Failure of lessee to complete lease.* Should a lessee fail to furnish, within the time specified after his bid is accepted, the papers necessary to put his lease and bond in proper form for consideration, the officer in charge shall recommend that the sale be disapproved and money paid forfeited to the Osage Tribe.

§ 175.7 *Operation not permitted until lease approved; 160 acres maximum for single lease.* No mining or work of any nature will be permitted upon any tract of land until a lease covering such tract shall have been approved by the Secretary of the Interior and delivered to the lessee. All leases shall be made for such period as the title to the minerals remain in the Osage Tribe, which time will expire April 8, 1931, unless otherwise provided by Congress and shall be subject to cancellation or termination as specified in this part. Leases made by corporations shall be accompanied by an affidavit by the Secretary or president of the company showing the authority of its officers to execute leases, bonds, and other papers. No lease shall be made covering more than 160 acres.

§ 175.8 *Acreage limitation.* No person, firm, or corporation shall hold under lease at any one time without special permission from the Secretary of the Interior in excess of the following areas:

(a) For deposits of the nature of lodes, or veins containing ores of gold, silver, copper, or other useful metals, 640 acres.

(b) For beds of placer gold, gypsum, asphaltum, phosphate, iron ores, and other useful minerals, other than coal, lead, and zinc, 960 acres.

(c) For coal, 4,800 acres.

(d) For lead and zinc, 1,280 acres.

§ 175.9 *Advance rental.* (a) Lessees shall pay, in addition to other considerations, annual advance rentals as follows: 15 cents per acre for the first year; 30 cents per acre for the second year; 50 cents per acre for the third year; and $1 per acre per annum for the fourth and each succeeding year during the life of any lease: *Provided,* That all such payments of advance rentals shall be credits on royalties on production during the year for which payment of advance rental is made.

(b) The payment of annual advance rental shall not release the lessee from the obligation to conduct mining operations, as required by the terms of the lease.

§ 175.10 *Royalty rates.* Royalties will be required as follows, subject to the approval of the President, in accordance with the act of June 28, 1906 (34 Stat. 543):

(a) For gold, silver, or copper lessee shall pay quarterly a royalty of 10 percent to be computed on the gross value of the ores as shown by reduction returns after deducting freight and treatment charges. Duplicate reduction returns shall be filed by the lessee with the officer in charge within 20 days after the reduction of the ores.

(b) For coal the lessee shall pay a royalty of 10 cents per ton of 2,000 pounds on mine run or coal as taken from the mines, including what is commonly called "slack."

(c) For asphaltum and allied substances, the lessee shall pay quarterly a royalty of 10 cents per ton of 2,000 pounds on crude material, and 60 cents per ton on refined substances.

(d) For substances other than gold, silver, copper, lead, zinc, coal, and asphaltum the lessee shall pay quarterly a royalty of 10 percent of the value at the nearest shipping point of all ores, metals, or minerals marketed.

(e) The royalties to be paid for lead and zinc shall be computed for each mineral at the same rate that the amount of the concentrates of such mineral bears to the total amount of dirt or rock actually mined, except as stipulated in this section. The royalty so determined shall be increased by adding 1 percent for each increase of $10 in the selling price per ton thereof over and above the following, which shall be the agreed base or standard:

For zinc	$50
For lead	65

but in no case shall the rate of royalty be less than 5 percent or more than 20 percent. The percentage of recovery shall be computed as nearly as practicable upon the ore included in each sale, but where it is impracticable so to do the officer in charge and the lessee shall agree upon some other method of computation which will produce substantially the same result: *Provided,* That in case of their disagreement the Commissioner of Indian Affairs shall prescribe a rule of computation to be followed in such cases:

NOTE: The royalty would always be determined under this rule by ascertaining the percentage of recovery were it not for two things: (1) the flat rates which are fixed as the minimum and the maximum rates of royalty and (2) variations in the selling price of the ores. Concrete examples coming under the rule are set forth in the following table:

ZINC

[Where the base or standard is $50 per ton]

Percentage of recovery	Selling price	Royalty
Percent	*Percent*	*Percent*
7	$48	7
14	49	14
12	50	12
15	60	16
30	60	20
9	70	11

A similar table might be constructed for royalties on lead, but in so doing it would be necessary to bear in mind that the base or standard selling price for the lead is to be $65 instead of $50.

§ 175.11 *Payment of rents and royalties.* All rentals, royalties, damages, or other amounts which may become due under leases approved in accordance with the regulations in this part shall be paid to the disbursing agent at Pawhuska, Okla. The remittances shall be in St. Louis exchange, except that where such exchanges cannot be procured postoffice or express money orders will be accepted. All royalties or other payments or claims of the Osage Tribe arising under such leases shall be a lien upon the mining plant machinery, and all minerals mined on the property leased or in which the lessee still retains any right, claim, or interest.

§ 175.12 *Time of payment of royalties.* Royalties on all minerals produced in any quarter (January–March, April–June, July–September, October–December) shall be paid on or before the 25th day of the month next succeeding, and the remittance shall be accompanied by sworn reports covering all operations, whether there has been production or not. Annual advance rentals shall be paid within 10 days after the beginning of the lease year.

§ 175.13 *Diligence; annual expenditures; mining records.* (a) Lessees shall exercise diligence in the conduct of prospecting and mining operations, and on all leases referred to in § 175.8 (a) shall expend annually in development work a sum which with the annual rental shall make an amount of not less than $5 per acre. On all leases referred to in § 175.8 (b) and (c) there shall be expended annually in development work a sum which inclusive of the annual rental shall make an amount of not less than $1 for each acre or fraction thereof included in the lease. The lands covered by each lease referred to in § 175.8 (d) shall be prospected for lead and zinc ores by drilling within 1 year test holes aggregating 2,000 feet unless a sufficient ore body is discovered to justify the sinking of a shaft to the ore body and the erecting of a mill when such tract may be released from further prospecting by the written consent of the superintendent: *Provided,* That within 90 days after an ore body of sufficient quantity is discovered, as shown by the logs or records of the drill holes, to justify the expenditure, the sinking of a shaft to the ore body, and the erection of a mill shall be commenced and continued to completion without cessation of work thereon, barring unavoidable accidents or causes beyond the control of the lessee.

(b) Lessee shall keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes showing the formations, and upon the completion of such holes, copies of such records shall be transmitted to the superintendent by the lessee after the first completion and of any further drilling thereafter, and a failure to so furnish report within the time prescribed shall be considered a violation of the regulations. Lessee shall, before commencing operations, file with the superintendent a plat and preliminary statement of how the openings are to be made and the property developed.

§ 175.14 *Use of surface lands.* (a) Lessees may use so much of the surface of the leased land as shall be reasonably necessary for the prospecting and mining operations and buildings required by the lease, and shall also have the right-of-way over and across such land to any point of prospecting or mining operations, but such use of the surface shall be permissible only under condition of least injury and inconvenience to the allottee or owner of the land. Lessees before commencing and during such operations shall pay all reasonable damages for the use of the surface land and to any growing crops thereon, or to improvements on said land, or any damage that during the life of the lease may be occasioned in any manner whatsoever by the use of the surface, to the allottee or his successor in interest or assignee, or to a lessee of the surface of said land or to an oil and gas lessee, damages to be apportioned among the parties interested in the surface, whether as owner, lessee, or otherwise, as the parties in interest may mutually agree or as their interests may appear. If the parties are unable to agree concerning damages the same shall be determined by arbitration.

(b) All agreements (or authenticated copies thereof) providing for the settlement of damages shall be filed in the Osage Agency if the surface owner is a restricted Indian, and all such amounts which may be due and payable to any such Indian shall be paid to the superintendent and by him immediately remitted to the Indian entitled thereto. All sums due as royalty or damages shall be a lien on all equipment on leased premises.

§ 175.15 *Homesteads.* Lessees and those acting under them shall not conduct prospecting or mining operations within or upon any homestead selection without written consent of the Secretary of the Interior.

§ 175.16 *Settlement of damages.* Any person, other than a lessee or an allottee or the heirs of a deceased allottee, claiming an interest in any leased tract or in damages thereto must furnish to the officer in charge a statement in writing showing his interest, and failure to furnish such statement shall constitute a waiver of notice and estop said person from claiming any part of such damages after the same shall have been disbursed.

§ 175.17 *Use of timber from restricted lands.* Lessees will not be permitted to use any timber from any Osage lands not relieved of restrictions upon alienation except under written agreement with the owner approved by the officer in charge.

§ 175.18 *Assignments.* Approved leases or any interest therein may be transferred or assigned with the consent and approval of the Secretary of the Interior and not otherwise. Transfers or assignments, when so approved, shall be subject to the terms and conditions of the original leases and regulations under which such leases were approved as well as to such additional requirements as the Secretary of the Interior may prescribe. The transferee or assignee shall furnish with his transfer or assignment a satisfactory bond as prescribed in § 175.4 in connection with leases. Any attempt to transfer or assign an approved lease or any interest therein without the consent and approval of the Secretary of the Interior shall be absolutely void and shall subject the original lease to cancellation in the discretion of the secretary.

§ 175.19 *Cancellation.* When a lessee makes application for the cancellation of a lease in whole or in part, all royalties or rentals due up to and including the date of the application for cancellation must be paid, and that part of the lease delivered to the lessee shall be surrendered before such application will be considered. In the event a lease is surrendered for cancellation in whole or in part, after a new lease year has been entered upon, the lessee and his surety shall be liable for the advance rentals required to be paid under the lease for that year, and no part of such rentals which may have been paid shall be refunded.

§ 175.20 *Annual reports by corporate lessees.* Lessees and assignees must submit to the officer in charge on January 1, of each year and at such other times as may be required by the Secretary of the Interior, a statement containing the information called for in § 175.3 (a) and (f) and also showing any changes in officers or changes in or additions to stockholders. At any time individual stockholders may be required to show to the satisfaction of the Secretary of the Interior in what companies or with what persons or firms they are interested in mining leases on the Osage Reservation and whether they hold such stock or interest for themselves or in trust.

§ 175.21 *Inspection of lessees' books and records.* Lessees shall allow the agents and representatives of the lessor, or any authorized representative of the Interior Department, to enter, from time to time, upon and into all parts of the leased premises for the purpose of inspection, and their books and records showing manner of operations and persons interested, shall be open at all times for the examination of such officers of the department as shall be instructed by the Secretary of the Interior to make such examinations.

§ 175.22 *Serving of notices.* Wherever notice is provided for in this part it shall be sufficient if notice has been mailed to the last known place of address of the party, and time shall begin to run with the day next ensuing after the mailing or from the date of delivery of personal notice; but where the party is outside the State of Oklahoma the officer in charge may, in his discretion, increase the time allowed.

§ 175.23 *Plat of mine location.* Lessees are required, when so requested, to file a plat of their leases showing exact locations of all mines, proposed locations, power houses, etc.

§ 175.24 *Forms.* Applications, leases, and other papers must be upon forms prepared by the department, and the superintendent of the Osage Indian school, Pawhuska, Okla., will furnish prospective lessees with such forms at a cost of $1 per set.

Form M. Application for mining lease, including financial showing.
Form N. Lease (except lead and zinc).
Form O. Bond.
Form P. Authority of officers to execute papers.
Form Q. Assignment.
Form R. Lease for lead and zinc.
Form S. Collective bond.

§ 175.25 *Forfeiture of lease.* On the failure of any lessee or assignee to comply with any regulation or any obligation in the lease or assignment, the Secretary of the Interior may cancel and annul such lease without resorting to the courts and without any further proceeding: *Provided,* That the party or parties charged with such violation shall be first given not less than 30 days' notice to show cause why such lease should not be canceled and annulled or other order made with reference thereto.

§ 175.26 *Fine; notice and hearing.* Violation of any of the terms or conditions of any lease or of the regulations pertaining thereto shall subject the lease to cancellation by the Secretary of the Interior, or the lessee to a fine of not exceeding $500 per day for each and every day the terms of the lease or of the regulations are violated, or the orders of the superintendent in reference thereto are not complied with, or to both such fine and cancellation in the discretion of the Secretary of the Interior: *Provided,* That the lessee shall be entitled to notice and hearing with respect to the terms of the lease or of the regulations violated, which hearing shall be held by the superintendent, whose findings shall be conclusive unless an appeal be taken to the Secretary of the Interior within 30 days after notice of the superintendent's decision, and the decision of the Secretary of the Interior upon appeal shall be conclusive.

§ 175.27 *Changes in regulations.* The regulations in this part are subject to change or alteration at any time by the Secretary of the Interior.

§ 175.28 *Location of sites for mines and buildings.* In event of disagreement between two or more mineral lessees regarding sites for the location of wells, mines, buildings, plants, etc., the same shall be determined by the superintendent after investigation and after due consideration of prior right of any lessee by reason of date of approval of lease.

[1] For further information concerning form, see § 175.24.

§ 175.29 *Prospecting; abandonment of mines.* All prospecting or mining operations or the abandonment of a well or mine shall be subject to the approval of the superintendent, and any disagreement between lessees of mineral leases regarding operations likely to result in injury to either lessee shall be determined by the superintendent, whose decision shall be final, unless an appeal is filed with the Secretary of the Interior within 30 days after notice of such decision.

§ 175.30 *Lessees must appoint local representative.* Before actual drilling or development operations are commenced on leased lands, the lessee or assignee shall appoint a local or resident representative within the State, on whom the superintendent or other authorized representative of the department may serve notice or otherwise communicate with in securing compliance with the regulations in this part and shall notify the superintendent of the name and post office address of the representative so appointed.

PART 176—LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

Sec.

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176.24 Books and accounts.
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AUTHORITY: §§ 176.0 to 176.25 issued under sec. 26, 41 Stat. 1248, 50 Stat. 68.

§ 176.0 *Definitions.* The following expressions, wherever used in the regulations in this part or leases thereunder, shall have the meaning designated in this section:

(a) *Superintendent.* The term "superintendent" shall mean any person in charge of the Quapaw Indian Agency, or having supervision under the direction of the Secretary of the Interior of the Indian restricted and trust allotted lands thereunder.

(b) *Allottee.* The term "allottee" shall mean any Indian to whom land has been allotted, or any Indian owner of land or interest therein as an heir or devisee.

(c) *Incompetent Indian.* The term "incompetent Indian" or "incompetent" shall mean any Indian who has been declared by the Secretary of the Interior to be incompetent to improve or manage his restricted or trust lands properly or with benefit to himself. The term shall also include any Indian who is a minor and any Indian who is a legal incompetent under the laws of the State. The term shall also apply to any Indian who is in fact incompetent, and the question of whether an Indian is competent or incompetent at the time of making a lease of his restricted or trust Indian lands is one for the Secretary of the Interior to determine.

(d) *Lessee.* The term "lessee," except where otherwise modified or limited in the regulations in this part, shall mean any person, firm, or corporation, their legal representatives, heirs, or assigns, to whom a lead and zinc mining lease has been made by or on behalf of Indians under the provisions of the regulations in this part.

(e) *Lessor.* The term "lessor," except where otherwise modified or limited in the regulations in this part, shall mean any Indian owning or having any interest in restricted or trust allotted and inherited lands under the supervision of the Quapaw Indian Agency, by or for whom a lease has been executed pursuant to the regulations in this part.

(f) *Leased lands.* The terms "leased lands," "leased premises," or "leased tract" shall mean any leased restricted or trust lands within and under jurisdiction of the Quapaw Indian Agency allotted to or inherited by an Indian.

(g) *Mining operations.* The term "mining operation" or "operations," except where otherwise modified or limited in the regulations in this part or in leases thereunder shall mean actual drilling, mining, or construction on the leased lands.

§ 176.1 *No operations until lease approved.* No operations under any lease executed under the regulations in this part shall be permitted upon any restricted or trust lands allotted to or inherited by an Indian until such lease covering such tract shall be approved by the Secretary of the Interior.

§ 176.2 *Local representative of lessee.* Before actual drilling or development operations are commenced on the leased lands the lessee shall appoint a local or resident representative within Ottawa County, Oklahoma, on whom the superintendent may serve notice or otherwise communicate with in securing compliance with the regulations, and shall notify the superintendent of the name and post-office address of the representative so appointed. In the event of the incapacity or absence from the county of Ottawa of such designated local or resident representative, the lessee shall appoint some person to serve in his stead, and in the absence of such representative or of notice of the appointment of a substitute any employee of the lessee upon the leased premises, or the contractor, or other person in charge of mining operations thereon shall be considered the representative of the lessee for the purpose of service of orders or notices as provided in this part, and service upon any employee, contractor, or other person shall be deemed service on the lessee. Wherever a notice is provided for in the regulations in this part or in the lease form it shall be deemed sufficient if notice has been mailed to the last known address of the lessee or his local or resident representatives, and time shall begin to run with the day next ensuing after the mailing, or form date of delivery of personal notice.

§ 176.3 *Manner and time of royalty payments.* All royalties belonging to the lessor shall be paid to the superintendent of the Quapaw Agency at Miami, Okla., or such other official as the Secretary of the Interior may designate, for the benefit of the lessor, not later than 15 days from the 1st of each month for ore and concentrates sold during the preceding month.

§ 176.4 *Leases to be sold at public auction.* Except as otherwise provided in the regulations in this part, no lead and zinc mining lease under this part of restricted or trust allotted and inherited Indian lands within and under the Quapaw Indian Agency shall be made except to the highest responsible bidder at public auction.

§ 176.5 *Royalty rates.* (a) In leases offered for sale at public auction under the regulations in this part the royalty to be paid by the lessee shall be stipulated at a fixed percent of the gross proceeds of all lead and zinc ores and concentrates extracted from the leased premises, the royalty to be computed and based upon each sale of ore or concentrates separately, the rate of royalty to be determined and fixed by the Secretary of the Interior in the case of each lease prior to the offering of such lease for sale. Subject to the right of the Secretary of the Interior to reject any and all bids, leases offered for sale at public auction shall be awarded in each case to the responsible bidder submitting the highest bonus offer.

(b) In leases not offered for sale at public auction but otherwise made and entered into under the provisions of the regulations in this part the royalty stipulated and fixed therein shall be such as may be determined by the Secretary of the Interior or as may be agreed upon in each case, subject to the approval of the Secretary of the Interior.

(c) It shall be further provided, however, that said sale-price basis for the determination of the rates and amount of royalty shall not be less than the highest and best obtainable market price of the lead and zinc ores and concentrates at the usual and customary place of disposing of such ores and concentrates at the time of sale: *Provided, however,* That the right is reserved to the Secretary of the Interior to determine and declare such market price if it is deemed necessary for him to do so for the protection of the interests of the Indian lessor: *And provided further,* That the right is reserved to the Secretary of the Interior on behalf of the Indian lessors to reserve at any time it shall be deemed to be to the best interests of the Indian lessors and

upon due notice to the lessee, the royalty share of the gross production of the ore and concentrates and upon such notice that the royalty share of such production shall be stored and not sold, the lessee shall be required to store, free of charge to the Indian lessors in the ore bins of said lessee, said royalty shares of the gross production of ore and concentrates, provided that the lessee may not be required to store ore on concentrates for the lessor in amounts greater than one-third of his bin capacity or for a period longer than 6 months.

§ 176.6 *Applications for leases; consent of Indian owners.* (a) Applications or requests by the Indian owners of restricted or trust land, or by others, that such land be leased or offered for lease for lead and zinc mining purposes should be addressed to the Secretary of the Interior and submitted through the superintendent of the Quapaw Indian Agency. Upon receipt of such applications or requests, the superintendent shall give consideration thereto and forward the same to the Commissioner of Indian Affairs with his report and recommendation.

(b) In no instance will a new lease be executed and delivered (or advertised for sale to the highest bidder) unless the Indian owner thereof, if an adult who has not been specifically found by the Secretary of the Interior to be personally incompetent to transact ordinary business affairs, has agreed to the terms of said lease or the terms under which said lease is advertised for lease, except in cases where the land is owned by several co-tenants, and, in such cases, no such lease shall be given or advertised for sale unless the co-owners or a majority in interest, if adults, and not specifically declared incompetent, have first consented thereto: *Provided,* That in the event the majority in interest is owned by minors, or adults specifically found to be incompetent, then and in that event, the Secretary of the Interior reserves the right to lease the entire tract if, in his opinion, such leasing will inure to the best interests of the restricted Indian owners.

§ 176.7 *Advertisement of sale of leases.* Upon authority being granted by the Secretary of the Interior to the superintendent to offer for sale at public auction a lead and zinc mining lease of any tract or tracts of restricted or trust allotted and inherited Indian lands, the superintendent shall cause a notice to be published once a week for at least 4 weeks in some designated newspaper of general circulation in the county in which the land is located, setting forth that upon a certain day, which shall be not less than 30 days from the first publication of such notice and at a place to be named in the notice, the superintendent or other duly authorized representatives of the Secretary of the Interior will offer for sale at public auction a lead and zinc mining lease of such lands to the highest and best bidder, subject to the rules and regulations prescribed by the Secretary of the Interior, notice to be in such form as may be prescribed by the Secretary of the Interior.

§ 176.8 *Submission of bids.* At the time of public auction bidders may submit their bids in person or by authorized agents, but in the latter case the bids must be accompanied by power of attorney duly executed by the real party or person in interest. Sealed bids may be submitted by mail or otherwise to the superintendent at his office at Miami, Okla., or delivered to him at the place set for the sale at any time prior to the hour fixed for offering the lease for sale. At the time and place of the public auction and before receiving the public bids the officer in charge shall announce the amounts and terms of all sealed bids received by him and the names of the bidders. The persons present, including those, if any, who may have theretofore submitted sealed bids, shall then be allowed to offer public bids. Bids must contain the offer of the stipulated and fixed royalty (see § 176.5 as to royalty) and, in addition thereto, the offer of a bonus payable as follows: 25 percent at time of sale and the balance before or at time of execution of the lease contract. Bidders shall be required to submit with their bids a draft or certified check payable to the order of the superintendent covering the advance rental for the first year on the proposed leasehold and 25 percent of the amount of the bonus offered. The superintendent shall, in each case, determine the highest and best bid, said determination, however, to be subject to the approval of the Secretary of the Interior. Upon approval by the Secretary of the Interior of the award, the successful bidder shall, within 30 days from notice thereof, enter into and execute the lease contract in accordance with said bid and the regulations in this part. The lease so executed shall be subject to the approval of the Secretay of the Interior and may be accepted or rejected by him when submitted for his approval. The right is reserved to the Secretary of the Interior, in the event of the rejection of such lease, to authorize and instruct the superintendent to accept the offer of some competitive bidder or to readvertise the land for lease. The report of the superintendent to the Commissioner of Indian Affairs relative to the auction sale shall contain full information as to all bids received for the lease rights on the land. If any person or party fails or refuses to execute a lease after being declared the highest bidder or after being awarded such lease, the amount tendered with his bid shall be forfeited to the superintendent for the benefit of the owner of the land.

§ 176.9 *Execution of leases.* Whenever a lease award to a proposed lessee has been approved by the Secretary of the Interior, as provided in §§ 176.7 and 176.8, the lease contract shall be executed by the Indian owner of the land, if he be an adult and not incompetent as defined in § 176.0 (c). Before any lease is entered into by the Indian owners or is approved by the Secretary of the Interior, all the adult and competent owners or co-owners of the tract of land which it is proposed to lease, shall be furnished by the Bureau such geological reports as may be available or that can be secured from the representative of the Geological Survey showing the estimated mineral reserves on said property, the estimated reasonable value of such property for mining purposes, and such other data as might reasonably be necessary to fully advise the owners of said property of the then present status and mining value of their lands. If the Quapaw or other Indian owner of the land is a minor, or is otherwise an incompetent as defined in the regulations in this part, the lease contract shall be executed by the superintendent for and on behalf of such minor or such incompetent. The leases executed, either by the Indian owner of the land or by the superintendent in his behalf, shall be subject to the approval of the Secretary of the Interior and shall be effective only upon such approval.

§ 176.10 *Renewal of leases on developed lands.* (a) In cases where the lands have heretofore been leased, and lead and zinc ores have been discovered hereon, and it shall appear to the Secretary of the Interior to be advisable and to the best interests of the Indian owners of the lands that the terms of the existing lease or leases be extended, or that a new lease or leases for an additional period of time, or that a new lease or leases to take effect upon the expiration of present valid leases, should, upon application therefor, be granted to either the present lessees or to parties holding under assignments, subleases, or mining contracts, from such present lessees, or to parties who have expended capital in lead and zinc mining operation and development of the land under such leases, assignments, subleases, or mining contracts, a new lease or leases or contract of extension or existing lease or leases as may be authorized by the Secretary of the Interior may be entered into with the proper party or parties as may be determined by said Secretary of the Interior, and such new lease or leases or contract of extension of existing lease or leases shall be executed subject to the regulations in this part by and between the Indian owner of the land, if an adult and not incompetent as defined in § 176.0 (c), and said proper party or parties. If the Quapaw or other Indian owner of the land is a minor or an otherwise incompetent as defined in § 176.0 (c), the superintendent shall execute the new lease or leases or contract of extension of existing lease or leases for and on behalf of said Indian minor or incompetent. Said new leases or contracts of extension of old leases, whether executed by the Indian owner of the land or by the superintendent for and in his behalf, shall be subject to the approval of the Secretary of the Interior and shall become effective only upon such approval. No offering for sale at public auction or advertisement of sale will be necessary in reference to contracts of extension of leases, or to leases entered into under this section, as above provided, but such lease or contract shall be upon such terms as to bonus and royalty as may be determined and fixed in each case by the Secretary of the Interior under the provisions of § 176.5. The approval by the Secretary of the Interior of new leases

or of the contracts of extension of old leases shall be conclusive as to the validity of said leases, or contracts of extension of leases, the manner and method of negotiating the same, and the execution thereof. If, however, in any case where lands have heretofore been leased and lead and zinc ores have been discovered thereon, it shall appear to the Secretary of the Interior that the extension of the existing lease or leases or the granting of new leases to the present lessees, or to the persons or parties holding under said lessees by assignment, sublease, or mining contract, would not be to the best interests of the Indian owners of the land, the Secretary of the Interior may, at the expiration, cancellation, or forfeiture of the existing lease, cause the mining lease rights on said land to be offered for sale at public auction to the highest bidder. If the lead and zinc mining lease on said land be offered for sale at public auction, the same procedure shall be followed as provided in §§ 176.7–176.9.

(b) Applications under the provision of this section for a lease or extension of lease or for the approval of such lease or extension of lease will not be received or considered prior to the period of 1 year next preceding the date of the expiration of such valid existing lease or leases as may be on the land covered by such application.

(c) Applications under the provisions of this section for a lease or extension of lease or for the approval of such lease or extension of lease shall be filed with the superintendent of the Quapaw Agency at any time within the period of 1 year next preceding the date of the expiration of such valid existing lease or leases as may be on the land covered by such application, and if the records of or papers in the office of said superintendent or the records of the county court of Ottawa County, Okla., indicate that there are any prior existing leases, subleases, assignments of leases, or mining contracts covering any of the land applied for, the superintendent shall notify all persons having or claiming any rights or interest in or under said prior existing leases, subleases, assignments of leases, or mining contract concerning said application for lease or extension of lease, and that they will be allowed 10 days in which to file with the superintendent any objection they may have to the allowance of the application or to the approval of the new lease or extension of existing lease. If objection or protest is made by any owner of the land or by any person claiming rights or interests in or under existing lease, sublease, assignment of lease, or mining contract, a reasonable time, not exceeding 20 days, shall be allowed them in which to file their statement or brief in support of their protest or objection, and a reasonable further time not exceeding 10 days shall be allowed the applicant for new lease or for extension of existing lease to reply in support of the application. In case of contest, hearings may be had if deemed necessary by the Secretary of the Interior or his representatives. The application and papers in each case shall be forwarded by the superintendent of the Quapaw Indian Agency to the Commissioner of Indian Affairs with his report and recommendation in regard thereto.

§ 176.11 *New leases where prior leases have been forfeited or abandoned.* In cases where the lands have heretofore been leased and lead and zinc ores have been discovered but the mines and mining operations have been abandoned and the leases have been canceled or forfeited or have expired, special arrangements in the matter of the leasing and mining of said lands may be made provided the consent thereto of the Secretary of the Interior be first obtained. Applications containing special offers as to the terms and conditions may be considered by the Secretary of the Interior and the leasing of said lands may be made upon such special terms and conditions as the Secretary of the Interior may in each case deem to be for the best interests of the Indian owners of the land. If, however, in any case, it shall appear to the Secretary of the Interior that the granting of such lease would not be to the best interest of the Indian owners of the land, the Secretary of the Interior may cause the mining lease rights on said land to be offered for sale at public auction to the highest bidder. If the lead and zinc mining lease on said land be offered for sale at public auction, the same procedure shall be followed as provided in §§ 176.7–176.9.

§ 176.12 *Advertising costs.* All advertising costs, publication fees, expenses incurred for abstracts of lease title, and other expenses incurred in connection with the advertising and sale of leases and in connection with the execution of lease contracts shall be borne by the lessee. In the event a lease of the land is offered to the highest bidder and he fails or refuses to execute such lease when duly notified and as required by or under the regulations in this part, and no other bid is accepted, such costs, fees, and expenses shall be paid from such money as he may have paid with his bid. If no bid is tendered after a tract is advertised, or if all bids are refused, said items of expenses shall be charged to the Indian owner of the land and be paid by him or be paid by the superintendent from any funds held by such superintendent to the credit of such Indian owner of the land.

§ 176.13 *Bond.* Every mineral lease made and entered into under the regulations in this part, by an Indian or by the superintendent as his representative or in his behalf, must be accompanied by a surety bond, executed by the lessee and by a responsible surety company or two or more satisfactory sureties, guaranteeing the payment of all deferred installments of bonus and the payment of all specified royalties and rentals and the performance of all covenants and agreements undertaken by the lessee. Such bonds shall be in amount as follows: For leases covering less than 80 acres, $2,500; for those covering 80 acres and less than 120 acres, $3,500; for those covering 120 acres or more, $5,000: *Provided, however,* That the lessee may, in lieu of such surety bond and upon execution of a proper penal bond to the United States in the sum prescribed and a proper power of attorney to the Secretary of the Interior, submit therewith United States bonds or notes in the aggregate sum prescribed as security for the carrying out of the terms, conditions, and provisions of the lease: *Provided further,* That a lessee may file in lieu of such individual lease bonds, one bond in a sum to be fixed by the Secretary of the Interior covering all leases to which he is or may become a party. The right is specifically reserved to the Secretary of the Interior to require an increase of the amount of any bond above the sum named in any particular case where he deems it necessary to require such increased bond.

§ 176.14 *Payments to be made to superintendent.* No bonus, rents, royalties, nor other payments accruing under any mineral lease executed in accordance with or subject to the regulations in this part and approved by the Secretary of the Interior shall be paid direct to the Indian lessor; but all such bonus, rents, royalties, and other payments accruing under any such lease shall be paid to the superintendent for the benefit of the Indian lessors, to be deposited by that officer to the credit of the superintendent in some bank designated for the deposit of individual Indian moneys.

§ 176.15 *Leases to be accompanied by Form D.* Lead and zinc leases should be accompanied, when filed, with application for approval (Form D) [1] made under oath, and said application shall set forth the information therein required.

§ 176.16 *Requirements of corporate lessees.* (a) When the lessee is a corporation, its first application must be accompanied by a sworn statement of its proper officers showing:

(1) The total number of shares of the capital stock actually issued and, specifically, the amount of cash paid into the treasury on each share sold; or, if paid in property, state kind, quantity, and value of the same paid per share.

(2) Of the stock sold how much per share remains unpaid and subject to assessment.

(3) How much cash the company has in its treasury and elsewhere and from what source it was received.

(4) What property, exclusive of cash, is owned by the company and its value.

(5) What the total indebtedness of the company is, and, specifically, the nature of its obligations.

(b) Subsequent applications of the corporation should show briefly the aggregate amounts of assets and liabilities.

§ 176.17 *Additional information required.* Corporations, with their first application, must file one certified copy of articles of incorporation and, if a foreign corporation, evidence showing compliance with local corporation laws; also a list showing officers and stockholders, with post-office addresses and number of shares held by each. Statements of any changes of officers or any changes or additions of stockholders must be furnished to the Indian superintendent on January 1 of each year and at any time when requested. The right is reserved

[1] For further information concerning forms, see §176.19.

to the Secretary of the Interior to require of individual stockholders affidavits setting forth in what companies or with what persons or firms they are interested in lead and zinc mining leases, or land under the jurisdiction of the Quapaw Indian Agency, and whether they hold such stock for themselves or in trust. Evidence must also be given in a single affidavit (Form I) by the Secretary of the company or by the president of said company, showing authority of the officers of the company to execute the lease, bond, and other papers.

§ 176.18 *Term of leases.* The term of lead and zinc mining leases executed pursuant to acts of Congress and under the regulations in this part shall be for such period of time as may be determined in each case by the Secretary of the Interior, but in no case shall a lease be made to extend beyond the restriction or trust period on the lands covered by such lease.

§ 176.19 *Forms.*[2] Application, leases, and other papers must be upon forms prescribed by the Secretary of the Interior. Except as may be otherwise provided and required by the Secretary of the Interior, the leases and other papers required under the regulations in this part shall be in conformity with the forms designated, respectively, as follows:

Form A. Lease of Quapaw Indian land.
Form B. For lease of Indian land other than Quapaw.
Form C. Application by Indian
Form D. Application for approval of lease.
Form E. Affidavit of lessor (or of superintendent acting for him) and affidavit of lessee.
Form F. Surety bond.
Form G. Affidavit of surety on personal bond.
Form H. Certificate as to sufficiency of surety on personal bond.
Form I. Affidavit as to authority of officers of corporation to execute lease and other papers.
Form J. Penal bond (in lieu of surety bond), and accompanying power of attorney.
Form K. Assignment of lead and zinc lease.

§ 176.20 *Assignment.* Leases granted or approved under the regulations in this part may be assigned and the leased premises may be subleased or sublet, but only with the consent and authority of the Secretary of the Interior and subject to his approval as to the terms and conditions of such assignments, sublease, and subletting contracts and not otherwise, and provided also that the proposed assignee, sublessee, or sublettee shall be qualified to hold such lease under the regulations in this part and shall furnish such bond as may be required by the Secretary of the Interior, such bond to be with responsible surety to the satisfaction of the Secretary of the Interior and conditioned for the faithful performance of the covenants and conditions of the lease. Upon the filing with the Indian agent of such assignment, financial statement, and bond, the said agent shall at once give notice in writing to all restricted Indian owners of said land, advising them of said proposed assignment, and that if they have any bona fide objections to same, such objections must be filed in writing within 10 days from the date of said notice.

[2] Forms may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

§ 176.21 *Payment of gross production tax on lead and zinc.* The superintendent of the Quapaw Indian Agency is hereby authorized and directed to pay at the appropriate times, from the respective individual Indian funds held under his supervision, such gross production tax due the State on production of lead and zinc from restricted lands under his jurisdiction as may be properly assessed under provisions of law against the royalty interests of the respective Indian owners in the mineral produced from their lands.

§ 176.22 *Operations.* (a) All shafts shall be securely cribbed to a point at least 8 inches above the immediate surrounding surface and cribbing shall be maintained in good condition during the life of the mining lease: *Provided, however,* That at any time shafts may be permanently sealed by a reinforced concrete slab after first obtaining the written approval of the duly authorized representative of the Department of the Interior. The slab shall be so placed as to prevent caving of the ground around the shaft collar.

(b) All shafts, prior to the expiration, surrender, or upon cancellation of the mining lease or abandonment of the property, shall be permanently sealed so as to prevent the caving of the ground around the shaft collar: *Provided, however,* That this requirement may be waived after first obtaining the written consent of the duly authorized representative of the Department of the Interior.

(c) All shaft entrances not permanently sealed shall be so fenced, boxed, or covered as to prevent persons or animals from falling into the mine when the shaft is not in actual use, and such fencing, boxing, or covering shall be maintained in good condition during the life of the mining lease.

(d) All shafts where hoisting is done shall be boxed or fenced on three sides and the fourth side equipped with a gate which shall be kept closed when access to the shaft is not necessary.

(e) All churn drill holes shall be securely plugged to the surface unless used for ventilation or other mining purposes, in which case they shall be cased or otherwise prevented from caving or becoming a hazard to persons or animals. If cased, the casing shall extend 4 feet above the collar of the hole.

§ 176.23 *Cooperation between superintendent and district mining supervisor.* (a) The district mining supervisor of the Miami field office, Geological Survey, directly or through his assistants, shall receive from lessees for the superintendent, all notices, reports, drill logs, maps, and records, and all other information relating to mining operations required by said regulations to be submitted by lessees, and shall maintain a file thereof for the superintendent.

(b) The files of the Geological Survey supervisor relating to lead and zinc leases of Quapaw Indian lands shall be at all times available for inspection and use by authorized employees of the Bureau of Indian Affairs, and the employees of the Geological Survey assigned to work relating to Indian lands shall furnish to authorized employees of the Bureau of Indian Affairs such information and technical advice as may be necessary or appropriate to the most efficient cooperation in the conduct of the work assigned to the two bureaus. Likewise, similar facilities and service shall be provided for the benefit of the authorized employees of the Geological Survey by the Bureau of Indian Affairs.

(c) No orders of any kind will be issued by Geological Survey representatives to any Indian, but such representatives shall have full authority to issue and amend orders to operators relative to production and operations: i. e., the supervision of all operations, including safety and efficiency, health and sanitation, and prevention of material or economic waste, such orders to be prepared with the advice of the local representative of the Bureau of Indian Affairs.

CROSS REFERENCE: For regulations of the Geological Survey, see 30 CFR Chapter II.

§ 176.24 *Books and accounts.* (a) The lessee shall maintain books in which shall be kept a correct account of all ore and rock mined on the tract, of all ore put through the mill, of all lead and zinc concentrates produced, and of all ore and concentrates sold and to whom sold, the weight, assay value, moisture content, base price, dates penalties, and price received, and the percentage of lead and zinc recovered. A correct statement of the same for each month shall be furnished the office of the district mining supervisor pursuant to § 176.23 not later than 15 days after the first of each month for the preceding month, together with a certificate from the smelter showing the unit price paid for the mineral purchased and the amount of ore and concentrates purchased during the month from said land.

(b) An audit of the lessee's accounts and books shall be made semiannually, or at such other times as may be directed by the Secretary of the Interior, by certified public accountants, approved by the Secretary, and at the expense of the lessee. The lessee shall furnish free of cost a copy of such semiannual or other audit, through the office of the district mining supervisor pursuant to § 176.23, within 30 days after the completion of each auditing.

§ 176.25 *Prior regulations superseded.* All former regulations governing the leasing for lead and zinc mining purposes of restricted or trust lands of Indians under the supervision of the Quapaw Indian Agency are superseded by this part.

Subchapter Q—Oil and Gas

PART 181—OIL AND GAS LEASES AND OPERATIONS ON TRIBAL LANDS [RESERVED]

PART 182—OIL AND GAS LEASES AND OPERATIONS ON ALLOTTED LANDS [RESERVED]

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AUTHORITY: §§ 183.1 to 183.95 issued under sec. 3, 34 Stat. 543. Interpret or apply secs. 1, 2, 45 Stat. 1478, 1479. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 183.1 *Definitions.* The following words or terms when used in the lease and regulations in this part shall have the meaning shown in this section:

(a) *Superintendent.* The Superintendent of the Osage Agency, Pawhuska, Oklahoma, in charge of the Osage Agency and Reservation, or any other person who may be in charge of such agency and reservation, and it shall be his duty to enforce compliance with the regulations in this part.

(b) *Inspector.* Any person appointed as Inspector of oil and gas wells, or who may be designated by the Secretary of the Interior or the Commissioner of Indian Affairs to supervise oil or gas operations on Osage lands under the direction of the Superintendent.

(c) *Oil lessee.* Any person, firm, or corporation to whom an oil mining lease is made under the regulations in this part.

(d) *Gas lessee.* Any person, firm, or corporation to whom a gas lease is made under the regulations in this part.

OIL MINING LEASES

§ 183.2 *Royalty payments—(a) Royalty on oil produced by primary or gas injection methods.* The lessee shall pay or cause to be paid to the Superintendent, for the lessor as a royalty, the sum of 16⅔ percent of the gross proceeds from sales after deducting the oil used for fuel in operating the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment to be made at time of sale or removal of the oil, except where payments are made on division orders; and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal: *Provided,* That when the quantity of oil taken from all the producing wells on any quarter-section according to the public survey, or fractional quarter-section if the land covered by the lease does not include the full quarter-section, during any calendar month, is sufficient to average one hundred or more barrels per well per day, the royalty on such oil shall be 20 percent.

(b) *Royalty on oil produced by the water flood process.* When the estimated reserves of oil recoverable by primary and/or gas injection methods from a specified sand or sands have been depleted or partially depleted, the lessee and the Tribal Council may agree upon a new royalty rate to be approved by the Superintendent, the sum to be not less than 12½ percent of the gross proceeds from sales of oil produced by the water flood process after deducting the oil used for fuel in operating the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment to be made at time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal.

(c) *Royalty in kind.* Should the lessor, with the approval of the Commissioner of Indian Affairs, elect to take the royalty in oil, the lessee shall furnish free storage for the royalty oil for not exceeding 30 days.

§ 183.3 *Government reserves right to purchase oil.* Any of the executive departments of the United States Government shall have the option to purchase at the highest posted market price on the day of sale all or any part of the oil produced under any lease. The Commissioner of Indian Affairs may impose restrictions as to time or times for drilling of wells and as to the production from any well or wells when in his judgment or the judgment of his representative, such action may be necessary or proper for the protection of the natural resources of the leased land and the interests of the Osage Tribe of Indians, and in taking action, the Commissioner may take into consideration, among other things, Federal laws, State laws, or regulations by competent Federal or State authorities or lawful agreements among operators regulating either drilling or production, or both.

§ 183.4 *Drilling obligations.* (a) Lessees shall drill at least one well to the Mississippi line, unless oil or gas is found in commercial quantities at a lesser depth, on the land embraced in their leases, within 12 months from date of approval of leases, or the leases may be held for the full 5-year fixed term without drilling, upon payment of rentals to the Superintendent for the lessor at the rate of $1 per acre per annum, or a proportionate part thereof for each 3 months' period a lease is held and a well is not drilled, such rental beginning twelve months from date of approval of lease: *Provided,* That the time within which a well shall be drilled or rental paid in lieu of drilling shall not begin to run on any restricted homestead selection until the consent of the Superintendent to drilling on such homestead shall have been given: *Provided,* That the Superintendent in his discretion may direct the drilling of any undrilled lease, if in his opinion the interests of the Osage Tribe warrant. Should the lessee elect to surrender his lease before the end of any such yearly period without drilling a well thereon, he shall pay the rental of $1 per acre for the fractional part of the year the land is held and a well is not drilled, and failure of the lessee to pay such rental within 25 days from the expiration of any yearly period during which such well is not drilled shall be cause for cancellation of the lease by the Superintendent, but such cancellation shall not release the lessee and his sureties from the obligation to pay such rental: *Provided, further,* That whenever the Commissioner of Indian Affairs shall consider the marketing facilities inadequate to take care of the production he may direct the suspension of drilling operations on any lease.

(b) Prior to the expiration of a term of a lease, the Osage Tribal Council may, with the approval of the Superintendent, and a finding by him that such action is in the best interest of the Osage Tribe, grant an extension of the term of the lease for a period of not to exceed six months for the purpose of enabling the lessee to drill a well to the Mississippi Line unless oil or gas is found in paying quantities at a lesser depth.

§ 183.5 *Use of surface lands; settlement of damages to lands and crops.* (a) Lessee shall have the right to use so much of the surface of the land as may be necessary for operations, including the right to lay and maintain pipe lines, telephone and telegraph lines, pull rods and other appliances necessary for the operation of the wells; also the right of ingress and egress and the right of way to any point of operations under condition of least injury and inconvenience to the owner and occupant of the surface. Lessee may use water from streams and natural water courses for lease operations as set out in § 183.57. Before commencing operations for the drilling of any well the lessee shall pay to the surface owner the sum of $200 for each well located on cultivated land (tilled or cultivated within the immediately preceding three years, and including haymeadow land), $150 for open pasture land, and $100 for such location on brush or wooded lands, and other lands not suitable for cultivation. Upon payment of such location site money, lessee shall be entitled to possession. Location sites shall be held to the minimum area essential for operations, and in no event shall exceed one and one-half acres in area. Lessee shall also pay tank site fees at the rate of $20 per tank of not exceeding 1,000 barrels capacity: *Provided, however,* That no tank site fee shall be paid for a tank temporarily set on a well location site for testing purposes during the completion of the well. Tank sites shall be held to the minimum area essential to efficient operations, and in no event shall exceed an area of 50 feet square per tank. The sum to be paid for an oil tank site of larger capacity and occupying a greater area shall be as agreed upon between the surface owner and the lessee, and on failure to agree, the same shall be fixed by arbitration.

(b) All claims for damages for use of the surface other than that included in the location and tank sites, all claims for damages to growing crops or improvements on the lands and all other claims for damages to the surface owners or their lessees arising from operations of the oil or gas lessees shall be settled by arbitration whenever the parties are unable to agree concerning the same. But nothing contained in this section shall be construed to deny to either party to the controversy the right to appeal to the courts in the event he is dissatisfied with the award to or against him.

(c) All agreements (or authenticated copies thereof) providing for the settlement of damages shall be filed in the Osage Agency, if the surface owner is a restricted Indian, and all such amounts which may be due and payable to any such Indian shall be paid to the superintendent and by him immediately remitted to the Indian entitled thereto. All sums due as royalty or damages shall be a lien on all equipment and unsold oil on leased premises.

CROSS REFERENCES: For additional regulations pertaining to rights-of-way, see Part 161 of this chapter.

§ 183.6 *Prohibition of waste; intoxicating liquors not permitted; books and accounts.* The lessee shall carry on operations in a workmanlike manner, commit no waste and suffer none to be committed upon the land, nor permit any nuisance to be maintained on the premises under his control, nor allow any intoxicating liquors to be introduced, brought upon, sold, or given away for any purposes on such premises; also keep an accurate account of all operations, receipts, and disbursements, furnishing sworn reports of such when and as required by the regulations or by an authorized representative of the Secretary of the Interior.

§ 183.7 *Improvements on the land.* All buildings and permanent improvements, including casings of all producing wells drilled 3 years or more prior to the expiration of the lease, shall remain a part of said land and become the property of the surface owner at expiration of the lease, excepting tools, tanks, boiler houses, pipelines, pumping and drilling outfits, derricks, engines, machinery, and the casings of all dry or nonpaying wells. The casings of wells drilled less than 3 years prior to and producing oil on the expiration of the lease remain the property of the oil lessee: *Provided,* That such casings shall not be removed from the wells but shall be purchased from the lessee by the owner of the oil rights at such price as may be mutually agreed upon, and on failure to agree the price shall be fixed by arbitration.

§ 183.8 *Lands may be leased separately for gas.* The lessee shall accept a lease with the understanding that the lands covered thereby may be leased to some other party who shall have the exclusive right to all gas except as otherwise provided.

§ 183.9 *Gas wells to be turned over to gas lessee.* If the oil lessee shall drill a gas well he shall, without removing from the well any of the casing or other equipment, immediately shut the well in and notify the gas lessee and the superintendent. In the event the gas lessee does not within 30 days after receiving notice elect to take over such well and reimburse the oil lessee the cost of drilling the same, including all damages paid, in addition to the cost in place of casing, tubing, and other equipment, the oil lessee shall immediately confine the gas to the original stratum, and the disposition of such well shall be subject to the approval of the superintendent.

§ 183.10 *Oil wells to be turned over to oil lessee.* If the gas lessee shall drill an oil well upon the leased lands, he shall

immediately, without removing from the well any of the casing or other equipment, notify the oil lessee and the superintendent. In the event the oil lessee does not within 30 days after receipt of notice elect to take over such well he shall immediately so notify the gas lessee, and the disposition of such well shall be subject to the approval of the superintendent. Should the oil lessee elect to take over the well, he shall pay the gas lessee the cost of drilling the same, including all damages paid in addition to the cost in place of casing and other equipment.

§ 183.11 *Wells producing both oil and gas.* If the oil lessee shall drill a well which produces both oil and gas in commercial quantities from the same sand he shall immediately notify the gas lessee and together they shall arrange for the separation and utilization of the oil and gas, and the cost pertaining to said well.

§ 183.12 *Drilling through gas sand.* Whenever oil and gas are found in separate sands, and the oil lessee desires to drill through the gas sand for the oil, he may do so provided the method of protecting the gas sand shall be approved by the inspector.

§ 183.13 *Deepening wells.* If at any time any oil or gas well becomes unprofitable and the oil or gas lessee desires to deepen the same, such action as may be mutually agreed upon may be taken not in conflict with the regulations. Upon failure to agree the disposition of such well shall be subject to the approval of the superintendent.

§ 183.14 *Casing-head gas.* All casing-head gas shall belong to the oil lessee and when used for the manufacture of gasoline shall be metered and be subject to a royalty of 16⅔ percent based on the market value of the gasoline contents, and all such gas not utilized by the oil lessee on his leased premises or for operating other adjoining leases within the Osage Reservation, shall belong to the gas lessee, subject to the prescribed royalty of 16⅔ percent.

§ 183.15 *Gas for operating purposes.* The gas lessee shall furnish the oil lessee sufficient gas for drilling and operating purposes at a rate to be agreed upon, or on failure to agree the rate shall be fixed by arbitration: *Provided,* That the oil lessee shall make necessary connections between the well and the meter whenever possible.

§ 183.16 *Surrender of lease.* The oil lessee may at any time, by paying to the superintendent all amounts then due, including rentals in lieu of development, and the further sum of $1, surrender all or any quarter-section or fractional part of quarter-section where the lease does not cover the full quarter-section, and have the lease cancelled as to the lands surrendered and be relieved from all further obligations and liabilities thereunder as to the part surrendered: *Provided,* That if this lease has been recorded lessee shall execute a release and record the same in the proper office.

§ 183.17 *Form of payment.* All amounts due and payable under a lease shall be paid to the Superintendent by check or bank draft on a solvent bank.

§ 183.18 *Leases subject to current regulations.* Leases shall be subject to current regulations prescribed by the Secretary of the Interior, relative to such leases, all of which are made a part of such leases: *Provided,* That no regulations made after the approval of any lease shall operate to affect the term of lease, rate of royalty, rental or acreage, unless agreed to by both parties.

§ 183.19 *Penalty for violation of lease terms.* Violation of any of the terms or conditions of any lease or of the regulations in this part shall subject the lease to cancellation by the Superintendent, or the lessee to a fine of not exceeding $500 per day for each and every day the terms of the lease or of the regulations are violated, or the orders of the Superintendent in reference thereto are not complied with, or to both such fine and cancellation in the discretion of the Superintendent: *Provided,* That prior to cancellation of a lease or the imposition of a fine as provided for in this section, the lessee shall be entitled to notice and hearing with respect to the terms of the lease or of the regulations violated, which hearing shall be held by the Superintendent.

§ 183.20 *Bonds.* (a) Lessees shall furnish with each oil lease and each gas lease, to be filed at the time the lease is presented, a bond upon Form D, with a surety company duly authorized to execute bonds. Such bonds shall be in the sum of $1,000 for each quarter-section or fractional quarter-section unit covered by the lease: *Provided, however,* That the lessee may file one bond, Form G, covering all leases to which he or they are or may become parties instead of a separate bond in each case, such bond to be in the penal sum of $15,000.

(b) In lieu of the bonds required under paragraph (a) of this section; a lessee may furnish a bond (Form 5–156) in the sum of $75,000 for full nation-wide coverage with an acceptable company authorized to act as sole surety to cover all oil and gas leases without geographic or acreage limitation to which the lessee is or may become a party.

(c) The right is specifically reserved to increase the amount of bonds prescribed in paragraph (a) of this section in any particular case when the Superintendent deems it proper to do so. The nationwide bond may be increased at any time in the discretion of the Secretary of the Interior.

(d) Form H should be used in the preparation of a bond covering a lease acquired through assignment where the assignee does not have a collective bond, or the surety does not execute its consent to remain bound under the original bond given to secure the faithful performance of the terms and conditions of the lease.

§ 183.21 *Provisions of forms made a part of regulations.* The provisions of the lease, assignment, and supporting papers, designated as Forms A, B, D, E, F, G, and H are hereby made a part of the regulations in this part, and lessees will be required to adhere strictly to the conditions thereof.

GAS MINING LEASES

§ 183.22 *Certain provisions of oil mining lease identical with gas mining lease.* The terms of the several gas mining leases in effect, covering practically the entire acreage of the Osage Reservation, vary somewhat as to development requirements, but provisions relative to use of surface, payment of damages by reasons of well locations, etc., and duties of lessee are practicaly identical with that of oil lessee. The regulations in this part will govern operations under all gas leases in the Osage Reservation so far as applicable.

§ 183.23 *Contracts for the sale of gas for industrial purposes.* (a) All contracts for the sale of gas for industrial purposes and sworn statements showing the terms, conditions, and schedules of prices contained in contracts with domestic consumers shall be filed with the Superintendent, and shall be subject to the approval of the Commissioner of Indian Affairs whenever, in his opinion, the interests of the Osage Tribe or the public require such action.

(b) In the sale and disposition of gas, preference shall at all times be given to domestic consumers, unless provided otherwise in the lease, and all contracts for the industrial use of gas shall contain a clause to the effect that when it is shown to the satisfaction of the Commissioner that such gas is needed for domestic consumers within an area fixed by the Commissioner, such contract shall terminate upon the expiration of 30 days' notice from the Commissioner, and that the Commissioner shall have authority immediately to suspend the furnishing of gas to industrial consumers when he is of the opinion that such gas is needed for domestic consumers. All gas furnished to industrial and domestic consumers shall be metered and sold at meter rates: *Provided,* That gas furnished to an oil lessee may be sold as provided in the gas lessee's contract.

(c) All contracts with domestic consumers shall be subject to the inspection of the Superintendent.

UTILIZATION OF CASING-HEAD GAS WHEN USED FOR THE MANUFACTURE OF GASOLINE

§ 183.24 *Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas, drip gasoline, or other natural condensate.* (a) A royalty of 16⅔ percent of the gross proceeds of sales shall be paid on the value of one-third (or the lessee's portion if greater than one-third) of all casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from the gas produced from the leasehold. The value of the remainder is an allowance for the cost of manufacture, and no royalty thereon is required. The royalty shall be computed on the sale price received by the manufacturers of such products, or such higher price the lessee may receive the same to be reported under oath and remitted to the Superintendent not later than the 25th of the succeeding month for all such products sold during the previous month. If the manufacturer of any product extracted from casing-head gas produced from an Osage leasehold should sell his product at an arbitrary price below that obtained by other manufacturers selling such product in the open market during a particular month, the Superintendent shall notify said manufacturer of such discrepancy and require settlement for royalty upon the average price obtained by manufacturers selling such product in the open market during the same period. The place of sale of liquid hydrocarbons extracted from gas shall be at the plant where manufactured or when loaded into tank cars at or near the plant. Should any manufacturer sell such product by delivery to pipelines at distant points he may be allowed the average loss by waste, evaporation or otherwise sustained by other manufacturers in the Osage, of such product from the plant to tank cars as shown by sworn statements which shall be furnished when required by the Superintendent.

(b) The royalty on all drip gasoline, or other natural condensate recovered from gas produced from the leased lands without resort to manufacturing process shall be 16⅔ percent of the gross proceeds from sales, except that such substance, if processed in a casing-head gasoline plant shall be treated for royalty purposes as though it were gasoline.

§ 183.25 *Casing-head gas contracts and division orders.* Contracts and division orders shall be entered into between a lessee and any other person or corporation for the sale of casing-head gas, which shall provide for a minimum royalty interest for the lessor of 16⅔ percent of 33⅓ percent of the value of the gasoline extracted, unless it is sold on a higher basis, in which event it shall be computed on such basis.

§ 183.26 *Effective date of casing-head gas contracts.* Contracts for the sale of casing-head gas entered into between lessees and others shall be filed with the superintendent within 30 days after date of execution, and shall be effective only from date of approval by the superintendent.

§ 183.27 *Casing-head gas contracts subject to regulations of Interior Department.* All contracts for the sale of casing-head gas shall be made subject to the rules and regulations of the Department now existing or hereafter to be promulgated, and shall provide that § 183.24 in regard to the basis of determining the royalty, may be revised by the Secretary of the Interior upon notice to all parties concerned, and an opportunity being given them to be heard: *Provided,* That such revision shall not apply to contracts approved under the regulations in this part prior to any such revision or change which will in any way alter the terms of the contract, rate of royalty, method of computing royalty, or basis of such computation, without the written consent of the parties thereto filed with the superintendent. Contracts hereafter executed shall also provide that they may be cancelled by the superintendent for violation of the terms thereof or the regulations, after 30 days' notice to the parties concerned and an opportunity to be heard has been afforded them, subject to appeal to the Secretary of the Interior within 30 days from notice of decision of the superintendent.

§ 183.28 *Royalty on casing-head gasoline manufactured from casing-head gas by oil lessees.* When oil lessees manufacture casing-head gasoline from casing-head gas produced from their own leases, payment for the royalty interest of the lessor shall be at the rate of 16⅔ percent (or the royalty specified in the lease) to be computed on 33⅓ percent of the gasoline extracted as provided in § 183.24, and which shall be subject to change as provided in § 183.27.

§ 183.29 *Determining gasoline content of casing-head gas for royalty purposes.* The gasoline content of all casing-head gas per 1,000 cubic feet for royalty purposes shall be determined by dividing the total amount of gasoline extracted, marketed, or utilized during any month, after deducting all naphtha or other products used for blending purposes, by the amount of casing-head gas used in such plant, as shown by meters. In cases where one gasoline plant purchases casing-head gas from more than one oil lessee and it is impossible to determine from the plant operations the gasoline content of casing-head gas from any particular lease, they may use any physical field test desired to determine the productivity for the purpose of prorating the 33⅓ percent of the value of all gasoline extracted from the different leases, but in all cases the minimum royalty shall be 16⅔ percent of 33⅓ percent of the gross amount of gasoline extracted whether paid by the oil lessee or by the operator of the gasoline plant when a division order has been executed and approved by the superintendent.

§ 183.30 *Measurement of gas.* Gas of all kinds (except gas used for purposes of production on the leasehold or unavoidably lost) is subject to royalty, and all gas shall be measured by meter (preferably of the orifice-meter type) unless otherwise agreed to by the Superintendent. All gas meters must be approved by the Superintendent and installed at the expense of the lessee at such places as may be agreed to by the Superintendent. For computing the volume of all gas produced, sold, or subject to royalty, the standard of pressure shall be 10 ounces above an atmospheric pressure of 14.4 pounds to the square inch, regardless of the atmospheric pressure at the point of measurement, and the standard of temperature shall be 60° F. All measurements of gas shall be adjusted by computation to these standards, regardless of the pressure and temperature at which the gas was actually measured, unless otherwise authorized in writing by the Superintendent.

§ 183.31 *Reports of sales of casing-head gas.* Sworn statements shall be made to the superintendent by lessees, and owners or persons in charge of the gasoline plants to whom casing-head gas is sold, showing: (a) volume of casing-head gas purchased from each lessee, (b) the total amount of gasoline extracted in any plant and where casing-head gas is purchased from more than one oil lessee method used to determine the productivity of the casing-head gas purchased from the different lessees, (c) the price at which the merchantable or blended gasoline is sold and dates of sale, (d) the amount paid to each lessee. The statements shall be made not later than the 25th day of each month and shall cover the preceding month, and at the same time payment shall be made of royalty interest to the superintendent by the oil lessee, or by the purchaser where division orders, have been executed and approved by the superintendent. The books of both lessee and purchaser shall be open to inspection on order of the superintendent so far as to test the accuracy of the sworn statements referred to above, and to determine whether the royalty interests are fully protected.

§ 183.32 *Oil lessees may be allowed to manufacture casing-head gasoline from casing-head gas.* Oil lessees shall secure the consent of the superintendent to manufacture gasoline from casing-head gas produced on their approved leases. The productivity of the casing-head gas shall be determined as prescribed in § 183.29, and sworn statements, as indicated in § 183.31, accompanied by remittance of the royalty interest shall be mailed to the superintendent not later than the 25th day of each month for casing-head gas utilized for the manufacture of casing-head gasoline during the preceding month, the computation to be made on the basis indicated in § 183.24.

§ 183.33 *Lessees not relieved by division orders from paying royalties if purchaser fails to pay.* When division orders or contracts are executed and approved for the payment of the royalty interest, same shall not relieve the lessees from responsibility for payment should the purchaser fail, neglect, or refuse to pay the royalty when it becomes due.

§ 183.34 *Residue gas to be delivered to gas lessee.* The residue or dry gas remaining after extracting the gasoline, not used for development purposes on the leases where it was produced or adjoining leases owned by the same lessee in Osage County, shall be delivered to the gas lessee as provided in § 183.72, and all contracts for the sale of casing-head gas shall contain a provision to such effect.

§ 183.35 *Casing-head gas sold to plants outside of Osage County.* Where any casing-head gas is sold to gasoline plants located outside of Osage County, tests shall be made under Government supervision to determine the gasoline content, and when deemed advisable tests shall be made of all casing-head gas used in any such plant in order to determine whether the physical field test of gas from Osage County shows as large a gasoline content as is extracted in actual plant operations, and after such tests have been made the superintendent shall determine the productivity of the gas from Osage County.

§ 183.36 *Burners for oil or gas used for operating purposes.* Where nonroyalty oil or gas is used for operating purposes by lessee, the superintendent may require to be installed and used an efficient burner of a type to be approved by him.

§ 183.37 *Measurement of gas used by oil or gas lessees.* All gas utilized by oil or gas lessees shall be metered with the exception of casing-head gas coming from wells so located in the opinion of the oil and gas inspector that it would be impracticable to gather and utilize same for royalty purposes, and as provided in § 183.72. Gas not metered but utilized for lease operations shall be estimated as to quantity and report thereof made monthly on forms which will be furnished by the superintendent upon application, such report to be prepared so as to reach the superintendent's office not later than the 25th day of the succeeding month for which the report is made.

ACREAGE

§ 183.38 *Limitation.* There is no limitation to the number of acres any lessee may acquire, by lease or assignment, for oil mining purposes on the Osage Indian Reservation.

HOW TO ACQUIRE LEASES OF TRIBAL LANDS

§ 183.39 *Sales of oil leases and gas leases; leases to be sold at public auction.* (a) Written application for tracts to be offered for lease may be filed with the Superintendent.

(b) The Superintendent, with the consent of the Osage Tribal Council, may at such times and in such manner as shall be deemed appropriate, publish and distribute notices that oil leases and/or gas leases on specific tracts of unleased tribal lands, each of which shall be in a compact body, will be offered at public auction to the highest responsible bidder: *Provided,* That not less than 25,000 acres of the unleased portion of the Osage mineral reserve shall be offered for lease during any one year. Successful bidders must deposit with the Superintendent on day of sale, a check, or bank draft on a solvent bank in the amount equal to 25 percent of the bonus as a guaranty of good faith. The Superintendent may require any bidder to submit satisfactory evidence of good faith, that he has the cash in hand or at his command, and to furnish whenever called upon by the Superintendent during the progress of the sale, authenticated statement of a solvent bank to the effect the bidder has the means to purchase the lease. The balance of the bonus, together with a $5.00 filing fee for each lease, shall be paid, and the lease in completed form with necessary accompanying papers shall be filed with the Superintendent within 20 days after the lease is forwarded, by the Superintendent, to the lessee for execution, unless such period has been extended by the Superintendent for good and sufficient reason. If the successful bidder fails to complete the lease or to pay the full consideration within 20 days or an authorized extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, the amount deposited as a guaranty of good faith shall be forfeited for the use and benefit of the lessor. Any and all bids shall be subject to acceptance by the Osage Tribal Council. The Superintendent may disapprove a lease made on an accepted bid, upon evidence satisfactory to him of collusion, fraud or other irregularity in connection with the sale of the lease.

(c) No lease, assignment thereof, or interest therein will be approved to any employee or employees of the Government, and no such employee shall be permitted to acquire any interest in leases covering Osage Tribal lands, by ownership of stock in corporations having leases or in any other manner.

§ 183.40 *Corporations and corporate showing.* (a) Upon being notified of the acceptance of its bid, a corporation shall file a certified copy of articles of incorporation, and evidence showing compliance with local corporation laws if a foreign corporation: *Provided,* That if any such papers have already been filed a statement to that effect may be submitted.

(b) A corporation must also file with its first lease, and at such other times as the Superintendent may direct, a list in duplicate of all officers, directors, and of such stockholders, as may be required with their post-office addresses, and showing the number of shares of capital stock held by each and whether held for themselves or in trust, together with a sworn statement of its proper officer, showing:

(1) The total number of shares of the capital stock actually issued, the number of shares actually sold and specifically the amount of cash paid into the treasury on the stock sold, or, if paid in property, state kind, quantity, and value of same paid.

(2) Of the stock sold, how much per share remains unpaid and subject to assessment.

(3) How much cash the company has in its treasury and elsewhere, and from what sources it was received.

(4) What property, exclusive of cash, is owned by the company and its value.

(5) What the total indebtedness of the company is and specificially the nature of its obligations.

(c) Leases made by corporations shall be accompanied by an affidavit (Form E) showing the authority of its officers to execute leases, bonds and other papers.

§ 183.41 *How to acquire permission to begin operations on homestead allotments.* (a) Lessees may conduct operations within or upon homestead selections with the written consent of the Superintendent and not otherwise.

(b) If the allottee is unwilling to permit operations on his homestead, the Superintendent will direct the Inspector to make an examination of the premises with the allottee and the lessee, or his representative, and should the Inspector be of the opinion that the interests of the Osage Tribe require that the particular tract be developed he will endeavor to have the parties agree upon the terms under which operations on the homestead may be conducted.

(c) In the event the allottee and the lessee cannot, with the assistance of the Inspector, agree on the matter, the allottee shall be permitted to go before the Osage Tribal Council, and the Council, after hearing the allottee, the lessee, and the Inspector, shall make such recommendation as it deems proper. Guardians, legal or natural, may represent their Indian wards, and where no one is authorized or where no person is deemed by the Superintendent to be a proper party to speak for a minor or person of unsound mind or of feeble understanding, the Principal Chief of the Osage Tribe shall represent him.

(d) Where the allottee does not appear before the Council, either in person or by representative, when notified by the Superintendent, or the Council fails to act in the matter within 10 days after being referred to it, the Superintendent may authorize the lessee to proceed with operations in conformity with the provisions of his lease and the regulations in this part. If the Council by appropriate resolution should recommend that a lessee be not permitted to conduct drilling operations on a homestead selection, the Superintendent shall submit the question to the Area Director.

§ 183.42 *Rental period after consent of Superintendent to begin operations on homesteads.* Rental in lieu of development shall not begin to run on any homestead selection until one year after the consent of the Superintendent or Area Director to operations on such homestead shall have been given.

§ 183.43 *Lessees' process agents.* (a) Each and every lessee and assignee shall, from the date of approval of lease or assignment, maintain an office at Pawhuska, Okla., with an agent upon whom service of process may be held in conformity with the laws of the State of Oklahoma, and who shall have authority to represent and speak for the lessee or assignee in controversies affecting any individual member of the Osage Tribe.

(b) Where several parties own a lease jointly, only one representative or agent need be designated whose duties shall be to act for all parties concerned. Designation of such representative should be made by the party in charge of operations.

(c) In the event of the incapacity or absence from the county of such designated local or resident representative, the lessee shall appoint some person to serve in his stead, and in the absence of such representative or of notice of the appointment of a substitute any employee of the lessee upon the leased premises, or the contractor or other person in charge of drilling or related operations thereon, shall be considered the representative of the lessee for the purpose of service of orders or notices as herein provided, and service upon any such employee, contractor, or other person shall be deemed service upon the lease.

§ 183.44 *Lessees subject to superintendent's orders; books and records open to inspection.* Lessee shall comply with all orders on instructions issued by the superintendent or inspector within the time specified, and shall allow the lessor and his agents, or any authorized representative of the Secretary of the Interior, to enter, from time to time, upon and into all parts of the leased premises for the purpose of inspection; and shall further agree to keep a full and correct account of all operations, receipts, and disbursements and make reports thereof, as herein required, and their books and records, showing manner of operations and persons interested, shall be open at all times for the examination of any authorized representative of the superintendent or of the Secretary of the Interior.

§ 183.45 *Reports and time of royalty payments.* Royalties on all oil and gas, included casing-head gas or on gasoline manufactured therefrom, produced in any month, shall be paid on or before the 25th of the month next succeeding by either purchaser or lessee. Failure to so remit will subject the lessee to fines as hereinafter indicated and also subject division order to cancellation. Lessees shall also furnish monthly sworn reports covering all operations whether there has been production or not, indicating therein the total amount of oil, gas, or gasoline sold and not merely their working interest, and also the dates of discovery and beginning of utilization of gas from gas wells. The lessee may include in one sworn statement all leases upon which dry holes have been drilled or the wells have ceased to produce.

ASSIGNMENTS

§ 183.46 *Approval of lease instruments*—(a) *Oil and gas leases.* The Superintendent may approve the schedule of bids accepted by the Osage Tribal Council following a sale of oil leases and gas leases conducted in conformity with the provisions of § 183.39. The Superintendent may also approve oil leases and gas leases made by the Osage Tribal Council in conformity with the regulations in this part, bonds and other instruments required for leases or assignments thereof, and the acceptance of the voluntary surrender of leases.

(b) *Unitization of oil leases.* As a consideration for their further development by the water flood process, two or more oil leases may be unitized and merged in a single blanket lease with the approval of the Superintendent. The instrument of unitization (blanket lease) shall include all the requirements and provisions of sections numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19 and 20 of Osage oil lease Form B: *Provided,* That the preamble of Form B and the provisions of section numbered 2 in respect to royalty rates; section numbered 3 in respect to payment of rental; section numbered 4 in respect to payment of well site and tank location fees; and section numbered 14 in respect to the surrender of the lease, may be modified and/or supplemented by the parties, with the approval of the Superintendent, to the extent deemed appropriate for the equitable and efficient conduct of unitized operations, and not otherwise in conflict with the regulations in this part. Lessee(s) shall, before commencing water flood operations, and on or before December 31st of each year thereafter, submit to the Superintendent an acceptable plan of development and operation for the unit area for the ensuing year. Upon a finding by him that such action would be in the best interest of the Osage Tribe, the Superintendent may also approve an agreement between the lessor and the lessee(s) rescinding a unit (blanket lease) and restoring to their original status the Form B leases theretofore merged in the unit lease: *Provided,* That if oil is being produced in paying quantities on a particular quarter section tract on the date of approval of such agreement, the lessee shall be entitled to hold such tract under the terms of the original Form B lease so long as oil is produced on said tract in paying quantities.

(c) *Assignments.* Approved leases or any interest therein may be assigned with the approval of the Superintendent, and not otherwise. Assignments, when so approved, shall be subject to the terms and conditions of the original leases, and the regulations under which such leases were approved. The assignee shall furnish with his assignment a satisfactory bond as provided in § 183.20 (c). Any attempt to assign an approved lease or any interest therein without the consent and approval of the Superintendent shall be absolutely void and shall subject the original lease to cancellation in the discretion of the Superintendent.

§ 183.47 *Filing of assignments and drilling contracts.* (a) Assignments of any lease or any interest therein by drilling contract or otherwise shall be filed with the Superintendent within 30 days from the date of such assignment by the assignor, except in instances where the necessary papers cannot be executed within such time, in which event, however, formal notice shall be filed within the 30 days stipulated and where necessary the Superintendent may grant 15 days additional.

(b) In case of contracts made by oil lessees for drilling wells, which contracts provide that in consideration of drilling a well on the leased premises a subsequent assignment of an interest in such lease will be made subject to the approval of the Department, the Superintendent is hereby authorized to approve such drilling contracts with a stipulation that such approval does not in any way bind the Department to approve formal assignments that may thereafter be submitted and that such approval merely authorizes the drilling contractor to enter into possession of the lease for the purpose of development work.

§ 183.48 *Notices.* Wherever notice is provided for in the regulations in this part, unless otherwise specifically stated, it shall be sufficient if notice has been mailed to the last known place of address of the party, and time shall begin to run from the day next ensuing after the mailing or from the date of delivery of personal notice; but where the party is outside the State of Oklahoma, the superintendent may, in his discretion, increase the time allowed.

OPERATIONS

§ 183.49 *Commencement of operations.* No operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Superintendent or such operations specifically authorized by him.

§ 183.50 *Settlement of damages claimed by persons other than lessee or owner of lands.* (a) Approved oil and gas leases provide in part:

During operations the lessee shall pay all damages for the use of the surface, other than that included in the location and tank site, all damages to any growing crops, or any improvements on the lands and all other damages as may be occasioned by reason of operations. Such damages shall be apportioned among the parties interested in the surface, whether as owner, lessee, or otherwise, as the parties may mutually agree or as their interests may appear. If the parties are unable to agree concerning damages, the same shall be determined by arbitration, but nothing herein contained shall be construed to deny to the surface owner or lessee the right to appeal to the courts without the consent of the Secretary of the Interior, in the event he is dissatisfied with the amount of damages awarded him.

(b) Any person, other than a lessee or an allottee or the heirs of a deceased allottee, claiming an interest in any leased tract, or in damages thereto, must furnish to the superintendent a statement in writing showing his interest, and failure to furnish such statement shall constitute a waiver of notice and estop said person from claiming any part of such damages after the same shall have been disbursed.

§ 183.51 *Well location fees.* (a) Before commencing operations on lands embraced in any approved oil or gas mining lease the mineral lessee shall pay, tender or deposit the proper well location fee as provided in the lease and the regulations in this part, after which such lessee shall be entitled to enter upon the lands covered by the lease for mining purposes. Before commencing operations on any subsequent well on such quarter-section the mining lessee shall pay, tender or deposit the proper location fee therefor.

(b) Where the surface owner is a restricted Indian, adult or minor, well location fee shall be paid to the Superintendent of the Osage Agency for such Indian. All other surface owners, whether Indians or whites, shall be paid or tendered such fees direct, and where such surface owners are not residents of Osage County nor have a representative located therein, such payments shall be made or tendered by check, postage prepaid, to last known address of said surface owner at least 5 days before commencing drilling operations on any well: *Provided,* That should the lessee be unable to reach the owner of the surface of the land for the purpose of tendering the location fee, or if owner of the surface of the land upon being tendered the location fee by the lessee, shall refuse to accept the same, the lessee may tender the location fee to the Superintendent of the Osage Agency, and if the lessee and the Superintendent shall agree upon

the amount of the location fee, the lessee shall deposit such amount with the Superintendent for payment to the owner of the surface of the land upon demand, and the Superintendent shall thereupon advise the owner of the surface of the land by mail at his last known address, that the location fee is being held for payment to him upon his request.

§ 183.52 *Information to be given surface owners before commencement of drilling.* Prior to beginning operations of any kind or moving any rig material, pipe or other drilling equipment on lands embraced in any approved oil or gas lease, the mineral lessee shall meet with the surface owner of such tract if a resident of Osage County, Oklahoma, and at such meeting the mining lessee shall comply with the following requirements:

(a) Indicate the location of the first well to be drilled by him on said quarter-section.

(b) Indicate the location of any additional wells which he at the time may contemplate drilling.

(c) Impart to said surface owner the name and address of his foreman or superintendent upon whom the surface owner shall serve any claim for damages which he may sustain by reason of the development and operation of said lands by the mineral lessee, and in the event such foreman or superintendent shall leave the employ of the mineral lessee or be removed to another district then the mineral lessee shall notify the surface owner of the name and address of his successor, to the end that any claim for damages sustained by the surface owner may be promptly served upon the mineral lessee.

(d) Advise the surface owner that should he or his tenant or lessee sustain damages by reason of the development and operation of said land by the mining lessee and in the event the parties are unable to agree upon the mining lessee's liability therefor and upon the amount of damages resulting therefrom, the mining lessee shall submit the matter to arbitration as provided in the regulations in this part: *Provided*, That within 10 days from the date of such meeting the mining lessee shall file with the superintendent of the Osage Agency a written report of such meeting showing the date thereof and the name of the surface owner taking part therein. Failure to so notify the superintendent shall subject the mineral lessee to a fine of $5 per day for each day's delay within the discretion of the superintendent: *Provided further*, That where the surface owner is a restricted Indian the mineral lessee in the manner provided above shall meet with the superintendent of the Osage Agency. Where the surface owner is not a restricted Indian and not a resident of Osage County, Oklahoma, then the superintendent of Osage Agency shall be so advised whereupon the mineral lessee shall have the right to proceed with operations: *Provided, however*, That in the event the superintendent should so arrange with the surface owner or his tenant, the mineral lessee or his representative within 5 days after receipt of notice from the superintendent shall meet with the surface owner or his tenant on the leased premises and arrange for procedure as indicated in this paragraph.

§ 183.53 *Procedure for settlement of damages claimed.* Where the surface owner or his lessee suffers damages on account of the operations of any oil or gas lessee, procedure for recovery shall be as follows:

(a) The party or parties aggrieved shall within 10 days after the discovery of any such damages, or within such extended time as the superintendent of the Osage Indian Agency may grant, serve the oil or gas lessee, or the foreman or superintendent named by him under § 183.52, with written notice setting forth the nature of alleged damages, the date when the same were sustained, as nearly as possible, together with the names of the party or parties causing the same, if obtainable, and the amount of damages resulting therefrom. It is not intended by this requirement to limit the time within which action may be brought in the courts to less than the 90-day period allowed by section 2 of the act of March 2, 1929 (45 Stat. 1479), but it is intended to provide for an early examination of the property damaged by all parties interested to the end that the best possible evidence, much of which due to the nature of the damages or the property damaged, will be gradually obliterated and completely lost with the passage of time, be preserved for the board of arbitration or the court in event of failure of the parties to settle the claim by arbitration.

(b) In cases where such alleged damages are not amicably adjusted at the time of such notice, the oil or gas lessee or his representative shall within 20 days from receipt of such notice seek an amicable adjustment of the claim with the party or parties aggrieved. If the claimant is a restricted Indian, and should a settlement result, a copy of such settlement agreement shall be filed in the Osage Agency and the damages agreed upon when approved by the superintendent shall be paid to the superintendent of the Osage Agency, for the benefit of said restricted Indian.

(c) Should the parties fail to adjust the claim within the 20 days specified, then within 10 days thereafter each of the interested parties shall appoint an arbitrator who immediately upon their appointment shall agree upon a third arbitrator; and in the event the two arbitrators shall fail to agree upon a third arbitrator within 10 days, they shall immediately notify the parties in interest of such fact that if said parties in interest cannot agree upon a third arbitrator within 5 days after receipt of such notice, the condition precedent as provided by the act of March 2, 1929, shall be considered as having been complied with and either party shall have the right to resort to a court of competent jurisdiction.

(d) As soon as the third arbitrator is appointed the arbitrators shall meet, hear the evidence and arguments of the parties, examine the lands, crops, improvements, or other property alleged to have been injured, and within 10 days from the date of the final submission of the controversy they shall render their award. The arbitrators shall be disinterested persons and the fees and expenses of the third arbitrator shall be borne equally by the claimant and the mining lessee; the mining lessee to pay the fees and expenses of the arbitrator appointed by him and the claimant to pay the fee and expenses of the arbitrator appointed by him.

(e) When an act of an oil or gas lessee or any of his employees results in injury to both the surface owner and his lessee, the parties aggrieved shall join in the appointment of an arbitrator, and where the injury complained of is chargeable to one or more oil or gas lessees, such lessees shall join in the appointment of an arbitrator.

(f) Any two of the arbitrators may make an award, which shall be in writing, and forthwith shall be served upon the parties in interest. Each party shall have 90 days from the date of such service in which to file an action in a court of competent jurisdiction to enlarge, modify or set aside said award. If no such action is filed within said time, and if the award be against the oil or gas lessee, he shall pay the same together with interest at the rate of 6 percent per annum from date of award, within 10 days after the expiration of said period for appeal, and in case of his failure to do so, in the discretion of the superintendent, shall be subject to a penalty of $10 per day for each day thereafter that he remains in default.

§ 183.54 *Slush pits; fine for failure to provide.* On receipt of complaint from any surface owner or his lessee, the superintendent of Osage Agency after investigation and where action is deemed advisable, shall require any oil or gas lessee within 10 days from receipt of such notice, to enclose slush pits, earthen tanks or reservoirs for salt water or B. S. with a substantial four-wire fence and shall maintain same during the time such pits or reservoirs are in use, and this requirement shall apply to slush pits, earthen tanks or reservoirs now in use, as well as to those which may be constructed in the future provided this requirement shall not apply where the mineral lessee owns the surface of the land covered by his lease or has an agricultural or grazing lease covering the same. Failure to comply with the requirements of this section will subject the lessee to a fine of $5 for each day's delay.

§ 183.55 *Notice to lessees in damage cases.* Surface owners shall notify their lessees or tenants of the regulations in this part and of the procedure necessary in all cases of alleged damages.

§ 183.56 *Lessees or tenants may represent surface owners.* Where surface lessees or tenants represent the surface owner they shall be so authorized in writing.

§ 183.57 *Lessee's use of water.* Oil and gas lessees may with the approval of the superintendent use water from streams and natural water courses to the extent that same does not diminish the supply below the requirements of the surface owner from whose land the water is taken. When such water supply is located off the lease upon which the water is to be used, the oil or gas lessee may lay necessary lines across intervening lands to obtain such water. Any damage resulting from laying such water lines shall be settled by arbitration as provided in § 183.53.

§ 183.58 *Settlement of damage claims to surface lands covered by Federal farm loan.* Hereafter in all cases where the owners of surface title to lands within the Osage Indian reservation in Oklahoma have obtained Federal farm loans from any lending agency under the supervision of the Farm Credit Administration and have agreed in writing that any and all damages accruing to them from mineral operations under the act of March 2, 1929 (45 Stat. 1478), or amendment thereof, shall be remitted to the mortgagee through the superintendent of the Osage Indian Agency, Pawhuska, Oklahoma, to be credited on the loan; the mineral lessee of any such lands shall make payment of all such damages, including well location fees, in accordance with said agreement. It shall be the duty of each mineral lessee, before making payment of any well location fee or other damage caused by mineral operations to ascertain the facts with respect to the existence or nonexistence of any such Federal farm loan and agreement. The remittances provided for in this section may be made in cash, or by certified check or other suitable form of exchange.

CROSS REFERENCE: For regulations of lending agencies under supervision of the Farm Credit Administration, see 6 CFR Chapter I.

POWERS AND DUTIES OF INSPECTORS

§ 183.59 *Duties of inspectors.* It shall be the duty of the inspector—

(a) To visit from time to time leased lands where oil and gas mining operations are being conducted, and to inspect and supervise such operations with a view to preventing waste of oil and gas, damage to oil, gas, or water bearing formations, or injury to property or life, in accordance with the provisions of the regulations in this part.

(b) To make reports to the Superintendent as to the general conditions of the leases, property, and the manner in which operations are being conducted and his orders complied with.

(c) To consult and advise with the Superintendent as to the conditions of the leased lands, and to submit information and recommendations from time to time for safeguarding and protecting the property of the lessor and securing compliance with the provisions of the regulations in this part.

(d) To give such orders or notices as may be necessary to secure compliance with the regulations and to issue all necessary instructions or orders to lessees to stop or modify such methods or practices as he may consider contrary to the provisions of such regulations.

(e) To modify or prohibit the use or continuance of any operation or method which, in his opinion, is causing or is likely to cause any surface or underground waste of oil or gas, or injury to any oil, gas, water, coal, or other mineral formation, or which is dangerous to life or property, or in violation of the provisions of the regulations in this part.

(f) To prescribe, subject to the approval of the Superintendent, the manner and form in which all records or reports called for by the regulations in this part shall be made by the lessee.

(g) To prohibit the drilling of any well into any producing sand when in his opinion and with the approval of the Superintendent the marketing facilities are inadequate, or insufficient provision has been made for controlling the flow of oil or gas reasonably to be expected therefrom until such time as suitable provision can be made.

(h) To prescribe or approve the methods of drilling wells through coal measures or other mineral deposits.

(i) To determine when and under what conditions a producing well may be drilled deeper, and under what conditions a producing well, or sand, may be abandoned.

(j) To require that tests shall be made to detect waste of oil or gas or the presence of water in a well and to prescribe or approve the methods of conducting such tests.

(k) To require that any condition existing subsequent to the completion of a well which is causing, or is likely to cause, damage to an oil, gas, or water bearing formation, or to coal measures or other mineral deposits, or which is dangerous to life or property, be corrected as he may prescribe or approve.

(l) To approve the type or size of separators used to separate the oil, gas, or water coming from a well.

§ 183.60 *Limit percentage of well flow.* The inspector may limit the percentage of the open-flow capacity of any well which may be utilized when, in his opinion, such action is necessary to properly protect the gas-producing formation.

§ 183.60a *Unit operating area.* That for the purpose of preventing waste and to permit production of oil and gas in such manner as to promote the greatest ultimate recovery of oil from a source of common supply (single field or pool), a cooperative development or unit operating area shall be established by the oil inspector and delineated on a map. All lands lying within such defined area shall be subject to such specific requirements and regulations with reference to development and production as the oil inspector shall prescribe from time to time. All residue gas having its origin in such defined area and returned to the oil lessee after extraction of gasoline and other liquid products (except that necessary for operating purposes as elsewhere provided in the regulations in this part) must be injected into the sand or horizon from which it was originally withdrawn for the purpose of increasing the recovery of oil. Only with the consent of the oil inspector first had in writing shall less than the full volume of such residue gas available be so injected. The oil inspector shall consent to the injection of less than said full volume only after a study of the area and a determination of the amount of gas necessary to be injected to effect the maximum ultimate recovery of oil and gas as required by the act of March 2, 1929, (45 Stat. 1478). The foregoing is the reissuance of regulations approved, effectuated and given publication as of March 26, 1938.

§ 183.61 *Judge whether orders complied with.* The inspector shall be the sole judge of whether his orders have been fuly complied with and carried out.

REQUIREMENTS OF LESSEES

§ 183.62 *Notice of location of proposed well.* Five days prior to the commencement of drilling operations lessee shall submit, on forms to be furnished by the superintendent, a report in duplicate showing the location of the proposed wells.

§ 183.63 *Drilling records.* Lessee shall keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all wells showing all the formations drilled through and casing used during the drilling of such wells, and upon the completion of such wells, copies of such records shall be transmitted to the superintendent by the lessee within 10 days after the first completion of any well, and of any further drilling thereafter, and a failure to so furnish report within the time prescribed shall be considered a violation of the regulations. The lessee or any employee on the leased premises shall immediately furnish such information to the inspector upon his request. In connection therewith, it will be held that such completion report is to be filed within 10 days after any well is shot, or is producing natural, or being pumped, and if not then finally completed with tubing, etc., a subsequent report to be filed thereafter.

§ 183.64 *Plats showing location of wells.* Lessee shall furnish as required, a plat, in manner and form as prescribed by the Superintendent, showing all wells, active or abandoned, on the leased lands, and other related information. Blank plats will be furnished upon application.

§ 183.65 *Rigs to be marked.* Lessee shall clearly and permanently mark all rigs or wells in a conspicuous place with the name of the lessee and the number or designation of the well, and shall take all necessary precautions for the preservation of these markings.

§ 183.66 *Line drilling.* Lessee shall not drill within 300 feet of boundary line of leased lands, except with the consent of the superintendent. Lessee shall not locate any well or tank within 200 feet of any public highway or any building used as a dwelling, granary, barn, or established watering place, except with the written permission of the superintendent.

§ 183.67 *Notice prior to removal of casing.* Lessee shall obtain permission from the Superintendent before removing any casing from any well.

§ 183.68 *Two slush pits required.* Lessee shall provide two properly prepared slush pits, into one of which he must deposit sand pumpings and other materials extracted from the well during the process of drilling, but such material as is suitable for the mudding of a well

shall be run into the other pit. The construction of such pits shall be subject to the approval of the inspector. Sand pumpings and such material shall not be allowed to run over the surface of the land.

§ 183.69 *Water control.* Lessee shall effectually shut out and exclude all water from any oil or gas bearing stratum and take all proper precautions and measures to prevent the contamination or pollution of any fresh-water supply encountered in any well drilled for oil or gas.

§ 183.70 *Productive formations to be protected.* Lessee shall protect to the satisfaction of the inspector each productive oil or gas bearing formation drilled through for the purpose of producing oil or gas from a lower formation.

§ 183.71 *Control devices.* In drilling operations in "wildcat" territory, or in a gas or oil field where high pressures are known to exist, the lessee shall have on such leased premises an approved gate valve or other approved controlling device in proper condition for use until the well is completed.

§ 183.72 *Waste of gas to be prevented.* When natural gas is encountered in commercial quantities in any well, the oil or gas lessee shall confine such gas to its natural stratum until such time as the same can be produced and utilized without waste, it being understood that a commercial quantity of gas produced by a well is any unrestricted flow of natural gas of 2,000,000 cubic feet or more per 24 hours: *Provided,* That if in the opinion of the superintendent, gas of a lesser quantity shall be of commercial value, the superintendent shall have authority to require the conservation of said gas: *Provided further,* That under § 183.11 a well producing oil in paying quantities and gas from the same shall be held to when and so long as it produces gas with an open flow capacity of 2,000,000 cubic feet or more per day of 24 hours, and gas produced from any such well of less than 2,000,000 cubic feet per day may be considered and termed gas in commercial quantities in the discretion of the superintendent, except when gas from such well contains gasoline in commercial quantities, in which event, it shall be termed "casing-head gas" but only when, and only while actually used for the manufacture of gasoline, as provided for under § 183.14. Any casing-head gas coming direct from the wells and not utilized by the oil lessee as above provided for, or for operations as provided for in § 183.14 shall be delivered to the gas lessee at a central point on the oil lessee's gathering or carrying lines, at the same schedule of prices as fixed for delivery of residue gas at gasoline plants into the line or lines provided by the gas lessee; also all gas after extraction of gasoline, and not used for operations under the terms of § 183.14, shall be delivered to gas lessee at points where the gasoline is extracted at as high a pressure as the efficient operation of such plant will permit, and where same is delivered at a pressure not above 50 pounds the oil lessee shall receive 1 cent per 1,000 cubic feet and an additional one-half cent increase for each additional 50 pounds pressure, not exceeding 3 cents per 1,000 cubic feet. Settlement for same to be made on or before the 20th day of each month for all gas delivered during the preceding month and to be computed on the usual basis of 10 ounces above atmospheric pressure, provided that royalty on such gas shall be computed the same as though it were gas produced and utilized by the gas lessees under the terms of their leases from their wells proper: *And provided further,* That the rights conferred in this section are optional and in no event shall the gas lessees be obligated to utilize, or pay the oil lessee, or pay royalty to the tribe, if not utilized, for any such gas as is described; and if the gas lessee does not accept such gas and utilize the same after tender thereof by the oil lessee, then such gas may be otherwise disposed of by the oil lessee upon the same basis of royalty as fixed in case of utilization by the gas lessee. In case of combination wells where the gas lessee has no market for and does not utilize such gas for any purpose, the oil lessee shall be permitted to utilize and sell the same to adjoining lessees for operating purposes until such time only as the gas lessee is in a position to and does utilize such gas. Water shall not be introduced into any well where such introduction will operate to kill or restrict the open flow of gas therein.

§ 183.73 *Determining cost of well.* The term "cost price of a well," as applied where one lessee takes over a well drilled by another, shall include all reasonable, usual, necessary and proper expenditures including the following expenditures made by the lessee drilling the well.

(a) All location, right of way, or other surface damages occasioned by the drilling of such well.

(b) All expenses of laying, taking up, repairing, operating and maintaining gas and water lines where such lines including amount paid for water privilege or constructing dam, are used for the exclusive purpose of drilling the particular well.

(c) Customary charge for furnishing water where purchased shall be the price prevailing in the particular locality: *Provided,* Where the parties cannot agree upon the charge made under this paragraph such charge shall be determined by the superintendent.

(d) Amounts expended in spudding or drilling a water well: *Provided,* That where any or all of the facilities referred to in this paragraph and in paragraphs (b) and (c) are not employed exclusively in connection with the drilling of the well to be taken over, or are also used in connection with the drilling or operation of other wells by the lessee drilling the well to be taken over by the other lessee, then a fair proportion of the charges covered by this paragraph and (b) and (c) shall be assessed against each well, including the well to be taken over, and in the event of a disagreement between the parties as to the charges assessed against the well that is to be taken over, such charge shall be fixed by the superintendent.

(e) All expenses of hauling and erecting standard rig, with an additional charge for use of said rig which shall be 20 cents per foot for wells not exceeding 2,200 feet in depth and the charge for rigs for wells exceeding a depth of 2,200 feet shall be at a price agreed upon, or on failure to agree, to be determined by the superintendent.

(f) All amounts paid for drilling and reaming, except where reaming is done for the sole benefit of party drilling the well. If price charged for drilling is above the average drilling price in the field, the price to be paid shall be determined by the superintendent: *Provided,* That where the well to be taken over is drilled below the stratum in which the lessee taking over the well is interested, that is, the gas stratum in the case of a well taken over by a gas lessee, and the oil stratum in a well taken over by the oil lessee, then the lessee doing such further drilling shall sustain the cost of drilling and reaming where such drilling and reaming are done below such stratum.

(g) All expenses of mudding, except where mudding is done for the sole benefit of the lessee drilling the well.

(h) Settlement for casing or other pipe left in the well to be made at the prevailing market price for the character and kind of casing when placed in the well.

(i) All expenses of placing and removing all casing or other pipe used in drilling said well.

(j) A sum of not exceeding $100 to cover supervision and overhead expenses.

(k) Any additional charges which cannot be mutually agreed upon shall be submitted to and determined by the superintendent. An approximate list of expenses mentioned in this section shall be presented to proposed purchasing lessee within 10 days after the completion of the well.

§ 183.74 *Oil and gas to be separated.* Lessee shall separate the oil from the gas when both are produced in commercial quantities from the same formation, or under such conditions as might result in waste of oil or gas in commercial quantities.

§ 183.75 *Use of gas for lifting oil.* Lessee shall not use natural gas from a distinct or separate stratum for the purpose of flowing or lifting the oil.

§ 183.76 *Prevent wastage of oil and gas.* Lessee shall prevent oil or gas, or both, from escaping from any well into the open air, and not permit any oil or gas well to go wild or to burn wastefully.

§ 183.77 *Approval of inspector for use of gas for operations.* Lessee shall not use natural gas in place of steam to operate engines or pumps under direct pressure, except with the special permission of the inspector.

§ 183.78 *Flambeau lights.* Lessee shall not use natural gas in flambeau lights, save as authorized or approved by the inspector.

§ 183.79 *Most approved methods to be followed in drilling and producing operations.* Lessee shall use every possible precaution, in accordance with the most approved methods, to stop and prevent the waste of oil and gas, or both, in all drilling and producing operations and from connecting lines, and he shall not wastefully utilize oil or gas.

§ 183.80 *Superintendent to be notified of intended operations.* Lessee shall notify the superintendent a reasonable time in advance of starting work of intention to redrill, deepen, plug, or abandon a well; and whenever the superintendent or inspector has given notice that extra precautions are necessary in the plugging of wells in a particular territory lessee shall give at least 3 days' advance notice of such intended plugging.

§ 183.81 *Abandonment of wells.* Lessee shall not abandon any well for the purpose of drilling deeper for oil or gas unless the producing stratum is properly protected, and shall not abandon any well producing oil or gas except with the approval of the superintendent or where it can be demonstrated that the further operation of such well is commercially unprofitable.

§ 183.82 *Well plugging.* (a) Lessee shall plug and fill all dry or abandoned wells on the leased lands in the manner required, and where any such well penetrates an oil or gas bearing formation it shall be thoroughly cleaned to the bottom of the hole before being plugged or filled, and shall then be filled with mud-laden fluid of a consistency approved by the inspector, from the bottom to the top thereof, before any casing is removed from the well, or, in lieu of the use of such mud fluid, each oil and gas bearing formation shall be adequately protected by cement or approved plugs or by both such plugs and cement, and the well filled in above and below such cement or plugs with material approved by the inspector.

(b) Where both fresh water and salt water are encountered in any dry or abandoned well which is not being filled with mud-laden fluid as hereinbefore provided, the fresh water shall be efficiently protected against contamination by cement or approved plugs, or by both such cement and plugs, to be placed at such points in the well as the inspector shall approve for the protection of the fresh water.

§ 183.83 *Variation in plugging methods in certain cases.* If such abandoned or dry well be in a coal bed or other mineral vein deposit, or be in such condition as to warrant taking extraordinary precautions, the inspector may require such variations in the above prescribed methods of plugging and filling as may be necessary in his judgment to protect such seam or deposit against infiltration of gas or water to protect all other strata encountered in the well.

§ 183.84 *Plugging to be approved by inspector.* (a) The manner in which mud-laden fluid, cement or plugs shall be introduced into any well being plugged and the type of plugs so used shall be subject to the approval of the Inspector, and the lessee shall within 10 days file with the Superintendent a complete report of the plugging of such well.

(b) In the event the lessee or operator shall fail to plug properly any dry or abandoned well in accordance with the regulations in this part the Superintendent may, after 5 days' notice to the parties in interest, plug such well at the expense of the lessee or his surety.

§ 183.85 *Disposal of B. S. and salt water.* (a) All B. S. and salt water from tanks or well shall be drawn off into proper receptacles to hold and retain same without permitting it to run over the surface of the land or into the creeks and ravines and where earthern tanks or sump-holes are used, they shall not be located in any draw or ravine, but must be located in places and be so constructed that water from rains will not flow into them and wash out the B. S. or destroy the dams, and in cases where the B. S. is not run through some treating process, same shall when in sufficient quantities be burned at least once every week and at more frequent intervals when possible.

(b) Where it is impossible to burn the B. S., or where it is necessary to pump salt water in such quantities at would damage the surface of the leased land or adjoining property, or pollute any fresh water, the lessee shall notify the superintendent, who shall give instructions in each instance as to the disposition of such B. S. or salt water. Such instructions shall be issued in writing and a copy thereof shall be immediately delivered to the oil or gas lessee.

§ 183.86 *Accidents to be reported.* Lessee shall make a full and complete report to the superintendent of all accidents or fires occurring on the leased premises.

§ 183.87 *Tankage for crude oil.* Lessee shall provide approved tankage of suitable shape for accurate measurement, into which all production of crude oil shall be run from the wells, and shall furnish the superintendent copies of accurate tank tables and all run tickets, as and when requested.

§ 183.88 *Division orders.* (a) The Superintendent may make arrangements with the purchasers of oil for the payment of the royalty, but such arrangements, if made, shall not relieve the lessee from responsibility for the payment of the royalty, should such purchaser fail, neglect, or refuse to pay the royalty when it becomes due. No oil shall be run to any purchaser or delivered to the pipe line or other carrier for shipment, or otherwise conveyed or removed from the leased premises, until a division order is executed, filed, and approved, by the Superintendent, showing that the lessee has a regularly approved leased in effect, and the conditions under which the oil may be run: *Provided,* That the Superintendent may grant temporary permission to run oil from a lease pending the execution, filing, and approval by him of a division order. Lessees shall be required to pay for all oil or gas used off the leased premises for operating purposes; affidavit shall be made as to the production used for such purposes and royalty paid in the usual manner. The lessee or his representative shall be present when oil is taken from the leased premises under any division order and will be responsible for the correct measurement thereof and shall report all oil so run.

(b) The lessee shall also authorize the pipe-line company or the purchaser of oil to furnish the superintendent with a monthly statement, not later than the 10th day of the following calendar month, of the gross barrels run as common-carrier shipment or purchased from his lease or leases.

§ 183.89 *Use of timber from leased lands.* Lessee will not be permitted to use any timber from Osage lands except under written agreement with the owner.

§ 183.90 *Gas wells drilled by oil lessees and vice versa.* When an oil lessee in drilling a well encounters gas in excess of one million cubic feet per 24 hours, or the gas lessee in drilling a well encounters oil, he shall immediately suspend drilling, and notify the oil or gas lessee, as the case may be, and the superintendent, in order that such lessee and the inspector may be present while the sand is being drilled through, such further drilling, however, shall not be resumed until authorized by the inspector, except as otherwise permitted in advance in writing by the inspector.

PENALTIES FOR VIOLATION OF REGULATIONS

§ 183.91 *Amount of penalties.* Fines may be imposed by the Superintendent without right of appeal for violations of certain sections of the regulations in this part, as follows:

(a) Fines for noncompliance with terms of lease or regulations.

(1) For failure to file preliminary report required by § 183.62, $5 a day for the first violation and $10 a day for each violation thereafter.

(2) For failure to file a completion report, as required by § 183.63, $5 a day for the first violation and $10 a day for each violation thereafter.

(3) For failure to mark rigs or wells, as required by § 183.65, $50 for each well.

(4) For failure to construct slush pits, as required by § 183.68, $10 for each day after drilling is commenced on any well.

(5) For failure to comply with § 183.71, regarding gate valve and other approved controlling devices, $100.

(6) For failure to comply with § 183.77, in regard to using gas in place of steam to operate engines or pumps, $10 per day for the first violation and $20 a day for each violation thereafter.

(7) For failure to comply with § 183.78, which prohibits the burning of gas in flambeau lights, $50 per day.

(8) For failure to notify Superintendent and secure authority before redrilling, deepening, plugging or abandoning any well, $200, as required by §§ 183.80 and 183.90.

(9) For failure to construct sumpholes, or burning holes, to properly care for and dispose of B. S. and salt water as provided in § 183.85, $10 a day for the first violation, and in event of the failure properly to construct or repair sump-

holes, or burning holes, within 5 days after notification by Superintendent or his authorized representative, $25 to $50 a day.

(10) For failure to file plugging reports as required by § 183.84 and for failure to file reports, and remit royalties required by § 183.45, $5 a day for the first violation and $10 a day for each violation thereafter.

(b) All moneys received from fines collected under this section shall be deposited as provided in § 183.93.

EFFECTIVE DATE OF REGULATIONS

§ 183.92 *Regulations to be effective from date of approval.* The regulations in this part shall become effective and in full force from and after the date of approval, and shall be subject to change or alteration at any time by the Secretary of the Interior: *Provided,* That no regulations made after the approval of any lease shall operate to affect the term of lease, rate of royalty, rental, or acreage, unless agreed to by both parties to the lease.

FORMS

§ 183.93 *Forms.* (a) Leases, and other papers must be upon forms prescribed by the Secretary of the Interior, and the Superintendent will furnish prospective lessees with such forms for preparation of original leases without charge, but shall make a charge of 50 cents per set for forms used in preparing assignments.

Form A—Gas mining lease.
Form B—Oil mining lease.
Form D—Bond.
Form E—Authority of officers to execute papers.
Form F—Assignment.
Form G—Collective bond.
Form H—Assignment bond.

(b) All sums received from sale of forms and fines shall be placed in a special fund, and may be expended under the direction of the Commissioner of Indian Affairs for the expenses necessary to carry out the regulations in this part.

APPROVAL FEE

§ 183.94 *Amount of fee.* A fee of $5 will be charged for each lease, each sublease, each drilling contract affecting oil and gas mining leases, and each assignment of lease, such amount to be paid by the lessee, sublessee or assignee upon notice of approval of the contract, as provided by the act of February 14, 1920.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

HEARINGS AND APPEALS

§ 183.95 *Hearings and appeals.* (a) Any person, firm or corporation aggrieved by any decision or order issued by or under authority of the Superintendent pursuant to the regulations in this part, may file with the Superintendent at anytime an application for modification or revocation of such decision or order. The Superintendent shall give notice of the time and place and conduct a hearing upon the application within ten days after its receipt by him. If the applicant is not satisfied with the decision of the Superintendent, an appeal may be taken as hereinafter set forth except as provided in paragraph (b) of this section.

(b) An appeal to the Commissioner of Indian Affairs may be taken from any decision or order issued by or under authority of the Superintendent except decisions or orders issued under authority of §§ 183.54, 183.59, and 183.91, by filing such appeal with the Superintendent within 30 days after service of the decision or order. The appeal shall incorporate or be accompanied by such written showing and argument on the facts and law as the appellant may deem adequate to justify reversal or modification of the order. All statements of facts must be made under oath. The Superintendent shall transmit the appeal and accompanying papers with a full report and recommendations, through official channels, to the Commissioner of Indian Affairs.

(c) An appeal from any decision of the Commissioner of Indian Affairs may be taken to the Secretary of the Interior within 30 days after service of the Commissioner's decision. The appeal shall be accompanied by such written showing and argument on the facts and law as appellant may deem adequate to justify reversal or modification of the decision. Any statement of facts not submitted to the Commissioner must be made under oath.

(d) Compliance with any decision or order issued by or under authority of the Superintendent shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Commissioner of Indian Affairs, and then only on a determination that such suspension will not be detrimental to the lessor or upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

PART 184—LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYO., FOR OIL AND GAS MINING

Sec.
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184.29 Fees.
184.30 Forms.

AUTHORITY: §§ 184.1 to 184.30 issued under sec. 1, 39 Stat. 519. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 184.1 *Definitions.* (a) The term "superintendent" in this part refers to the superintendent or other officers of the Bureau of Indian Affairs or of the Government who may have jurisdiction over the Shoshone or Wind River Reservation.

(b) The term "supervisor" in this part refers to a representative of the Secretary of the Interior, under direction of the Director of the United State Geological Survey, authorized and empowered to supervise and direct operations under oil and gas mining leases, to furnish scientific and technical information and advice, to ascertain and record the amount and value of production, and to determine and record rentals and royalties due and paid.

CROSS REFERENCE: For rules and regulations of the Geological Survey, see 30 CFR Chapter II.

HOW TO ACQUIRE LEASES

§ 184.2 *Applications for leases.* Applications for leases should be made to the superintendent.

§ 184.3 *Leases to citizens of the United States except Government employees.* Leases will be made only to persons who are citizens of the United States or have declared their intention to become so, or corporations which are organized under the laws of the United States or one of the States or Territories: *Provided,* That no lease, assignment thereof, or interest therein will be approved to any employee or employees of the United States Government, whether connected with the Bureau or otherwise, and no employee of the Interior Department shall be permitted to acquire any interest in such leases by ownership of stock in corporations having leases or in any other manner.

(R. S. 2078; 25 U. S. C. 68)

§ 184.4 *Lease sales.* (a) At such times and in such manner as he may deem appropriate, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid.

Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for completion and submission of the lease form, but no extension shall be granted for remitting the balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(b) All notices or advertisements of sales of oil and gas leases shall reserve to the Secretary of the Interior the right to reject all bids when in his judgment the interests of the Indians will be best served by so doing, and that if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary of the Interior shall determine that it is unwise in the interests of the Indians to accept the highest bid, the Secretary may readvertise such lease for sale, or if deemed advisable, with the consent of the tribal council or other governing tribal authorities, a lease may be made by private negotiations. The successful bidder or bidders will be required to pay his or their share of the advertising costs. Amounts received from unsuccessful bidders will be returned; but when no bid is accepted on a tract, the costs of advertising will be assessed against the applicant who requested that said tract be advertised.

§ 184.5 *Term of leases.* Leases shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years each upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior unless otherwise provided by law at the expiration of any such period.

§ 184.6 *Corporations and corporate information.* (a) If the applicant for a lease is a corporation, it shall file evidence of authority of its officers to execute papers; and with its first application it shall also file a certified copy of its articles of incorporation, and, if foreign to the State in which the lands are located, evidence showing compliance with the corporation laws thereof. Statements of changes in officers and stockholders shall be furnished by a corporation lessee to the superintendent January 1 of each year, and at such other times as may be requested.

(b) Whenever deemed advisable in any case the superintendent may require a corporation applicant or lessee to file:

(1) List of officers, principal stockholders, and directors, with post-office addresses and number of shares held by each.

(2) A sworn statement of the proper officer showing:

(i) The total number of shares of the capital stock actually issued and the amount of cash paid into the treasury on each share sold; or, if paid in property, the kind, quantity, and value of the same paid per share.

(ii) Of the stock sold, how much remains unpaid and subject to assessment.

(iii) The amount of cash the company has in its treasury and elsewhere.

(iv) The property, exclusive of cash, owned by the company and its value.

(v) The total indebtedness of the company and the nature of its obligations.

(vi) Whether the applicant or any person controlling, controlled by or under common control with the applicant has filed any registration statement, application for registration, prospectus or offering sheet with the Securities and Exchange Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934 or said Commission's rules and regulations under said acts; if so, under what provision of said acts or rules and regulations; and what disposition of any such statement, application, prospectus or offering sheet has been made.

(c) Affidavits of individual stockholders, setting forth in what corporations, or with what persons, firms, or associations such individual stockholders are interested in mining leases on restricted lands within the State, and whether they hold such interest for themselves or in trust.

CROSS REFERENCE: For rules and regulations of the Securities and Exchange Commission, see 17 CFR Chapter II.

§ 184.7 *Additional information from applicant.* The superintendent may, either before or after approval of a lease, call for any additional information desired to carry out the regulations in this part. If a lessee shall fail to furnish the papers necessary to put his lease and bond in proper form for consideration, the superintendent shall forward such lease for disapproval.

§ 184.8 *Bonds.* The provisions of § 171.6 of this chapter, or as hereafter amended, are applicable to leases under this part.

§ 184.9 *Acreage limitation; leases on noncontiguous tracts.* No person, firm, or corporation will be allowed to lease for oil and gas more than 10,240 acres in the aggregate. The land contained in the lease shall be described by legal subdivisions, and leases may be executed to cover only adjoining or contiguous subdivisions. In case a lessee is a successful bidder for two or more tracts of land which are not contiguous, separate leases shall be executed.

§ 184.10 *Minerals other than oil and gas.* Unreserved, unwithdrawn, and unallotted lands which have not been leased for oil and gas under the act of August 21, 1916 (39 Stat. 519) and which are not chiefly valuable therefor, are subject to mineral application or mineral entry, for minerals other than oil and gas, under the supervision of the Bureau of Land Management.

CROSS REFERENCE: For additional information concerning mineral entries for other than oil and gas, see note 43 CFR Part 177.

§ 184.11 *Bureau of Land Management to be furnished copy of lease.* The Bureau of Land Management shall be furnished with a copy of each lease signed by the Secretary of the Interior.

§ 184.12 *Mineral reserves in nonmineral entries.* Where lands have been leased under authority of said act of August 21, 1916 (39 Stat. 519), and nonmineral entry is subsequently lawfully made for such lands with a view to obtaining a restricted patent therefor, all such subsequently allowed nonmineral entries shall be with the mineral reservation prescribed by the act of July 17, 1914 (38 Stat. 509).

§ 184.13 *Vested rights to be respected.* All drilling and other oil and natural gas developments and mining operations, work, and improvements, and all other acts and things necessary to be done, in connection with the exploration for mining and production of oil and natural gas from the leased premises, under the terms and conditions of a lease shall be performed with due regard to the rights, statutory and otherwise, of others, if any, who may have or who may acquire a lawful claim or estate to the leased premises, separate and distinct from the oil and gas or other mineral therein contained. See act of July 17, 1914 (38 Stat. 509).

§ 184.14 *Government reserves right to purchase oil and gas.* In time of war or other public emergency any of the executive departments of the United States Government shall have the option to purchase at the posted market price on the date of sale all or any part of the minerals produced under any lease.

RENTS AND ROYALTIES

§ 184.15 *Manner of payment.* All payments due the lessor shall be made to the superintendent for the benefit of the Shoshone Indian Tribe, in accordance with the act of August 21, 1916 (39 Stat. 519), and no credit will be given any lessee for payments made otherwise. Payments of rentals and royalties except the first year's rental, which shall be paid to the superintendent as prescribed in § 184.4 shall be transmitted to the superintendent through the supervisor. All such payments shall be accompanied by a statement, in triplicate, by the lessee, showing the specific items of royalty or rental that the remittance is intended to cover, and payment of royalties on production shall be made not later than the last day of the calendar month following the production for which such payment is to be made.

§ 184.16 *Crediting advance annual payments.* In the event of discovery of minerals in paying quantities all advance rents and advance royalties shall be allowed as credit on stipulated royalties as they accrue for the year for which such advance payments have been made. No refund of any such advance payment made under any lease will be allowed in the event the royalty on production for the year is not sufficient to equal such advance payment; nor will any part of the moneys so paid be refunded to the lessee because of any subsequent surrender or cancellation of the lease.

§ 184.17 *Rates of rents and royalties.* (a) The lessee shall pay, beginning with the date of execution of leases by the Secretary of the Interior, a rental of $1 25 per acre per annum in advance during the continuance thereof, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases. During the period of supervision, "value" for the purposes of the lease may, in the discretion of the Secretary of the Interior, be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of production for the major portion of the oil of the same gravity, and gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly at such time as the lease provides; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction of such oil by causes beyond his control.

(b) The proceeds from all leases shall be taken up in the accounts of the superintendent for appropriate deposit for the benefit of the Indians.

§ 184.18 *Free use of gas by lessor.* If the leased premises produce gas in excess of the lessee's requirements for the development and operation of said premises, then the lessor may use sufficient gas, free of charge, for any desired school or other buildings belonging to the tribe, by making his own connections to a regulator installed, connected to the well and maintained by the lessee, and the lessee shall not be required to pay royalty on gas so used. The use of such gas shall be at the lessor's risk at all times.

§ 184.19 *Division orders.* (a) Lessees may make arrangements with the purchasers of oil for the payment of the royalties on production to the superintendent by such purchasers, but such arrangements, if made, shall not operate to relieve a lessee from responsibility should the purchaser fail or refuse to pay such royalties when due. Where lessees avail themselves of this privilege, division orders permitting the pipeline companies or other purchasers of the oil to withhold the royalty interest shall be executed and forwarded to the supervisor for approval, as pipeline companies are not permitted to accept or run oil from leased Indian lands until after the approval of a division order showing that the lessee has a lease regularly approved and in effect. When the lessee company runs its own oil, it shall execute an intracompany division order and forward it to the supervisor for his consideration. The right is reserved for the supervisor to cancel a division order at any time or require the pipeline company to discontinue to run the oil of any lessee who fails to operate the lease properly or otherwise violates the provisions of the lease, of the regulations in this part, or of the operating regulations.

(b) When oil is taken by authority of a division order, the lessee or his representatives shall be actually present when the oil is gauged and records are made of the temperature, gravity and impurities. The lessee will be held responsible for the correctness and the correct recording and reporting of all the foregoing measurements, which except lowest gauge, shall be made at the time the oil is turned into the pipeline. Failure of the lessee to perform properly these duties will subject the division order to revocation.

CROSS REFERENCE: For oil and gas operating regulations of the Geological Survey, see 30 CFR Part 221.

OPERATIONS

§ 184.20 *Permission to start operations.* (a) No operations will be permitted on any lease before it is executed by the Secretary of the Interior.

(b) Written permission must be secured from the supervisor or his representative before any operations are started on the leased premises. After such permission is secured the operations must be in accordance with the operating regulations promulgated by the Secretary of the Interior. Copies of the regulations in this part may be secured from either the supervisor or the superintendent, and no operations should be attempted without a study of the operating regulations.

§ 184.21 *Restrictions on operations.* (a) All leases issued under the provisions of the regulations in this part shall be subject to imposition by the Secretary of the Interior of such restrictions as to time or times for the drilling of wells and as to the production from any well or wells as in his judgment may be necessary or proper for the protection of the natural resources of the leased land and in the interest of the lessor. In the exercise of his judgment the Secretary of the Interior may take into consideration, among other things, the Federal laws, State laws, regulations by competent Federal or State authorities, lawful agreements among operators regulating either drilling or production, or both, and any regulatory action desired by tribal authorities.

(b) All leases issued pursuant to the regulations in this part shall be subject to a co-operative or unit development plan affecting the leased lands if and when required by the Secretary of the Interior, but no lease shall participate in any cooperative or unit plan without prior approval of the Secretary of the Interior.

§ 184.22 *Diligence and prevention of waste.* The lessee shall exercise diligence in drilling and operating wells for oil and gas on the leased lands while such products can be secured in paying quantities; carry on all operations in a good and workmanlike manner in accordance with approved methods and practice, having due regard for the prevention of waste of oil or gas developed on the land, or the entrance of water through wells drilled by the lessee to the productive sands or oil or gas-bearing strata to the destruction or injury of the oil or gas deposits, the preservation and conservation of the property for future productive operations, and to the health and safety of workmen and employees; plug securely all wells before abandoning the same and to shut off effectually all water from the oil or gas-bearing strata; not drill any well within 200 feet of any house or barn on the premises without the lessor's written consent; carry out at his expense all reasonable orders and requirements of the supervisor relative to prevention of waste, and preservation of the property and the health and safety of workmen; bury all pipelines crossing tillable lands below plow depth unless other arrangements therefor are made with the superintendent; pay all damages to crops, buildings, and other improvements on the premises occasioned by the lessee's operations: *Provided,* That the lessee shall not be held responsible for delays or casualties occasioned by causes beyond his control.

§ 184.23 *Wells.* The lessee shall agree (a) to drill and produce all wells necessary to offset or protect the leased land from drainage by wells on adjoining lands not the property of the lessor, or in lieu thereof, compensate the lessor in full each month for the estimated loss of royalty through drainage: *Provided,* That during the period of supervision by the Secretary of the Interior, the necessity for offset wells shall be determined by the supervisor and payment in lieu of drilling and producing shall be with the consent of, and in an amount determined by the Secretary of the Interior; (b) at the election of the lessee to drill and produce other wells: *Provided,* That the right to drill and produce such other wells shall be subject to any system of well spacing or production allotments authorized and approved under applicable law or regulations, approved by the Secretary of the Interior and affecting the field or area in which the leased lands are situated; and (c) if the lessee elects not to drill and produce such other wells for any period the Secretary of the Interior may, within 10 days after due notice in writing, either require the drilling and production of such wells to the number necessary, in his opinion, to insure reasonable diligence in the development and operation of the property, or may in lieu of such additional diligent drilling and production require the payment on and after the first anniversary date of the lease of not to exceed $1 per acre per annum, which sum shall be in addition to any rental or royalty herein specified.

§ 184.24 *Penalties.* Failure of the lessee to comply with any provisions of the lease, of the operating regulations, of the regulations in this part, orders of the superintendent or his representative, or of the orders of the supervisor or his representative, shall subject the lessee to a penalty of not more than $500 per day for each day the terms of the lease, the regulations, or such orders are violated: *Provided,* That the lessee shall be entitled to notice, and hearing within 30 days after such notice, with respect to the terms of the lease, regulations, or orders violated, which hearing shall be held by the supervisor, whose findings shall be conclusive unless an appeal be taken to the Secretary of the Interior within 30 days after notice of the supervisor's decision, and the decision of the Secretary of the Interior upon appeal shall be conclusive.

§ 184.25 *Inspection of premises, books and accounts.* Lessee shall agree to allow the lessor and his agents or any authorized representative of the Interior Department to enter, from time to time, upon and into all parts of the leased premises for the purpose of inspection, and shall further agree to keep a full and correct account of all operations and make reports thereof, as required by the applicable regulations of the Department; and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

§ 184.26 *Assignments.* Leases, or any interest therein, may be assigned or transferred only with the approval of the Secretary of the Interior, and to procure such approval the assignee must be qualified to hold such lease under existing rules and regulations, and shall furnish a satisfactory bond for the faithful performance of the covenants and conditions thereof. No lease or any interest therein, or the use of such lease, shall be assigned, sublet, or transferred directly or indirectly, by working or drilling contract, or otherwise, without the consent of the Secretary of the Interior. Assignments of leases shall be filed with the superintendent within 20 days after the date of execution.

§ 184.27 *Stipulations.* The lessee under any lease heretofore executed may by stipulation (Form 5–154l), with the consent of the lessor, make such lease subject to all the terms, conditions, and provisions contained in the lease form currently in use Stipulations shall be filed with the superintendent within 20 days after the date of execution.

§ 184.28 *Cancellations.* Leases shall be irrevocable except for breach of the terms and conditions of the same and may be forfeited and cancelled by an appropriate proceeding in the United States District Court for the District of Wyoming whenever the lessee fails to comply with their terms and conditions; the lessee may, on approval of the Secretary of the Interior, surrender a lease or any part of it:

(a) That he make application for cancellation to the superintendent having jurisdiction over the land.

(b) That he pay a surrender fee of $1 at the time the application is made.

(c) That he pay all royalties and rentals due to the date of such application.

(d) That he make a satisfactory showing that full provision has been made for conservation and protection of the property and that all wells, drilled on the portion of the lease surrendered, have been properly abandoned.

(e) If the lease has been recorded, that he file, with his application, a recorded release of the acreage covered by the application.

(f) If the application is for the cancellation of the entire lease or the entire undivided portion, that he surrender the lease: *Provided,* That where the application is made by an assignee to whom no copy of the lease was delivered, he will be required to surrender only his copy of the assignment.

(g) If the lease (or portion being surrendered or cancelled) is owned in undivided interests by more than one party, then all parties shall join in the application for cancellation.

(h) That all required fees and papers must be in the mail or received on or before the date upon which rents and royalties become due, in order for the lessee and his surety to be relieved from liability for the payment of such royalties and rentals.

(i) In the event oil or gas is being drained from the leased premises by wells not covered by the lease; the lease, or any part of it, may be surrendered, only on such terms and conditions as the Secretary of the Interior may determine to be reasonable and equitable.

§ 184.29 *Fees.* Each lease, sublease or assignment shall be accompanied at the time of filing by a fee of $5 in accordance with the act of February 14, 1920, as amended March 1, 1933 (47 Stat. 1417), such fee to be refunded if the lease, sublease or assignment is disapproved.

(Sec. 1, 41 Stat. 415, as amended; 25 U. S. C. 413)

§ 184.30 *Forms.* (a) All necessary forms, including leases, bonds, and assignments, may be obtained from the superintendent at a cost of ten cents each.

(b) Moneys received from the sale of forms should be deposited as miscellaneous receipts to the credit of receipt account 145060 "Sale of Forms" unless the expense of printing the forms was paid from tribal moneys, in which event the receipts from the sale of the forms should be deposited to the credit of the tribe.

Subchapters R–U—Water and Power Resources

Subchapter R—Irrigation Projects

PART 191—BLACKFEET IRRIGATION PROJECT, MONTANA

Sec.

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AUTHORITY: §§ 191.1 to 191.21 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

§ 191.1 *Organization.* Indian irrigation projects are in charge of a project engineer or other appointed employee of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him, such as watermasters, ditchriders, foremen or other assistants. The project engineer or his representative is fully authorized to refuse or discontinue delivery of water to any person who disregards the rules and regulations in this part.

§ 191.2 *Irrigation season.* The irrigation season for the Blackfeet irrigation project covers the period from May 1 to September 30. In the event of unusual conditions in the spring, owing to construction or maintenance work on canals or laterals or when the designated opening date appears detrimental to crop production, the proper officers of the United States are authorized to advance or delay, for a period of 15 days, the beginning of the season's operation, and a corresponding change may be made for the date of closing the season, if it is to the best interests of the project or the farmers to do so. In no event, however, shall the canals be operated, during any one season for a period in excess of 6 months.

§ 191.3 *Domestic and stock use.* Irrigation projects are primarily built and maintained for serving land with water for the irrigation of crops during the growing season and not for supplying domestic and stock water during the winter months or nonirrigation season.

§ 191.4 *Farm units.* For the purpose of the rules and regulations in this part and the delivery of water, a farm unit is defined as a tract in single contiguous ownership or allotment containing not less than one 40-acre subdivision of the public survey. In the case of leases a farm unit will be considered a tract in

a single lease comprising one or more contiguous tracts.

§ 191.5 *Delivery point.* The general rule of the project shall be one delivery point at the upper boundary of the farm unit or allotment, and the project shall maintain the lateral system to that extent. In special cases where from a cost or topographic standpoint it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the project engineer is authorized to establish additional delivery point but in no instance shall more than one delivery point be established and maintained when the landowner or lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches.

§ 191.6 *Record of deliveries.* Water users who are entitled to the delivery of water shall file with the ditchrider, or other proper operation employee, 48 hours in advance of the time delivery is desired, a properly signed water request card on which is indicated the time delivery is desired, the description of the subdivision area to be irrigated, and the turnouts to be used. Printed water request cards will be supplied by the project. Request cards are required for each irrigation, and upon completion of a delivery the water user shall acknowledge same by signing the water request card. Ditchriders are specifically prohibited from making water delivery to any water user until he (the ditchrider) receives notice from the project office that all charges have been paid and proper water request cards have been filed by the water user. Water request cards for all completed deliveries must be filed in the project office at the end of each month during the irrigation season, and he must also file a statement of all uncompleted deliveries with the estimated acreage irrigated under such requests to the end of the month.

§ 191.7 *Duty of water.* Water will be delivered, subject to the provisions of the regulations in this part, on demand basis so long as a sufficient quantity is available for project use. In case of a shortage of water, the project engineer is authorized to adopt a rotation system, either for the entire project or for individual units thereof, when, in his opinion, such action is for the best interests of the project in the apportionment to each water user of his just proportionate share of the available water supply.

§ 191.8 *Users responsible for delivered water.* It is the duty of the Indian Irrigation Service to furnish water for beneficial irrigation use only, and it is the duty of the water user to assist in the prevention of waste, and also prevent damage to adjacent lands. Water users are responsible for water after it is delivered to their land, and they are required to have their field ditches in suitable condition and of such capacity as to permit the use of economical heads.

§ 191.9 *Waste water.* Water users will be required to construct and maintain in good order and repair upon their lands, such ditches as may be necessary to catch and conduct to some waste canal, ditch or natural drainage channel, all waste water flowing upon or from their lands. No waste water shall be allowed to flow upon a road or highway right of way, and no waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste water ditches be constructed within 10 feet of any canal or lateral, except at points of intersection or crossing, and such crossings shall be located and constructed only by order and under the direction of the proper employee of the United States. Water delivery will be refused any water user during such time as he fails or refuses to comply with the provisions of this section.

§ 191.10 *Structures.* (a) All necessary headgates checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the project engineer a written permit to build such structures, which permit shall stipulate that it is granted and accepted by the permittee on the condition that the repair and maintenance of the structures shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the project engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the project engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

(b) Where a new irrigation project is installed, or an existing project is extended to an area without existing roads, and the construction of roads, bridges, or culverts becomes necessary, the project engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

(c) All persons or corporations are warned against the violation of this section.

§ 191.11 *Head or service ditches.* The head or service ditches are those ditches to which delivery of water is made by the ditchrider or watermaster from canals or laterals operated and maintained by the project. Such ditches which have been or may be placed upon the project right-of-way are considered an encroachment, and are subject to regulation contained in § 191.12. The watermaster and ditchriders are authorized to refuse delivery of water to ditches that are not in proper condition to receive and convey it to the place of use with a minimum loss. While the water is measured at the point of delivery to ditches from canals and laterals operated and maintained by the project and the loss would be to the detriment of the user, the law provides that water must be used beneficially.

§ 191.12 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 191.13 *Obstructions; their removal.* No trees, buildings, hay or straw stacks, or other obstructions are to be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever, located upon said right-of-way may be ordered removed by the project engineer, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the project engineer at his discretion, and the cost of such removal shall be added to the cost of operation and maintenance of the particular tract of land under the project belonging to the persons so placing or causing such obstructions to be placed thereon.

§ 191.14 *Fencing.* No fences shall be placed within the right-of-way except those crossing a canal or lateral, and in each case provision shall be made for a gate on each side of the canal or lateral of sufficient width to pass ditch cleaning equipment and to permit travel on the banks of the canal or lateral by the ditchrider. Such gates must be provided with some approved convenient type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 191.15 *Water users' ledgers.* Separate entries shall be made in the water users' ledgers for each tract. Bills are issued to the record owner, and payments made thereon are credited to the proper ledger accounts.

§ 191.16 *Assessments.* The annual per acre charge for operation and maintenance shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with the annual public notice issued each year, and the provisions of the annual public notice regarding refusal of delivery of water in case of delinquency shall be enforced.

§ 191.17 *Interference with project operation.* No persons other than those specifically designated by the project engineer are authorized to regulate project structures or to interfere in any way with project operated canals or any works appurtenant thereto, or the water flowing therein.

§ 191.18 *Crop and statistical report.* A crop and statistical report on forms furnished for that purpose will be taken each year by the ditchrider or some person authorized to do so. This report will show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 191.19 *Co-operation between users and employees.* Close co-operation between the project water users and the project management is desired, and will work to the advantage of the entire project. Suggestions looking to better or more economical service will be welcomed by the project management. Information as to damage or danger to canals or structures shall be immediately reported to the nearest project employee.

§ 191.20 *Complaints.* All complaints must be made in writing to the project engineer.

§ 191.21 *Disputes.* In case of dispute regarding aplication of rules and regulations and decisions of the project engineer made pursuant thereto, appeal may be made to the proper supervising engineer who will adjust the matter or refer same to the Commissioner of Indian Affairs whose decision will be final.

PART 192—COLVILLE IRRIGATION PROJECT, WASHINGTON

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AUTHORITY: §§ 192.1 to 192.19 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

§ 192.1 *Organization.* The Colville Irrigation Project is in charge of the Commissioner who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him, such as Superintendents, watermasters, ditchriders, foremen, and other assistants. The Commissioner is fully authorized to refuse or discontinue delivery of water to any person who willfully disregards the rules and regulations in this part.

§ 192.2 *Irrigation season.* Water shall be available for irrigation purposes from April 15 to September 30 each year. These dates may be varied as much as 15 days when the Commissioner determines that weather conditions and the necessity for doing maintenance work warrant doing so.

§ 192.3 *Domestic and stock use.* Irrigation projects are primarily built and maintained for serving land with water for the irrigation of crops during the growing season. Water for domestic and stock water use shall be delivered during the non-irrigation season only at the discretion of the Commissioner or his authorized representative.

§ 192.4 *Farm units.* For the purpose of the rules and regulations in this part and for the delivery of water, a farm unit shall be defined as a contiguous area of land in single ownership containing not less than one 40-acre subdivision of the public survey regardless of its original status as a farm unit or allotment. In the case of leases a farm unit shall be defined as the contiguous area under a single lease.

§ 192.5 *Delivery point.* The general rule of the project shall be one delivery point at the upper boundary of the farm unit or allotment, and the project shall maintain the lateral system to that extent. In special cases where from a cost or topographic standpoint it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the Commissioner shall be authorized to establish additional delivery points but in no instance shall more than one delivery point be established and maintained when the landowner or lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches.

§ 192.6 *Method of delivery.* Water for irrigation purposes shall be delivered throughout the irrigation season at the discretion of the Commissioner either by the continuous flow or rotation method.

§ 192.7 *Duty of water.* Water shall be delivered subject to the provisions of the regulations in this part, on a demand basis so long as a sufficient quantity is available for project use. In case of a shortage of water, the Commissioner is authorized to adopt a rotation system, either for the entire project or for individual units thereof when, in his opinion, such action shall be for the best interests of the project. In the apportionment of the water each user shall receive his proportionate share of the available water supply on an irrigable area basis.

§ 192.8 *Water users responsible for delivered water.* It shall be the duty of the Bureau of Indian Affairs to furnish water for beneficial irrigation use only, and it shall be the duty of the wateruser to assist in the prevention of waste, and also prevent damage to adjacent lands. Waterusers shall be held responsible for water after it is delivered to their land, and they shall be required to have their field ditches in suitable condition and of such capacity as to permit the use of economical heads.

§ 192.9 *Waste water.* In all cases waste water shall be kept to a minimum consistent with good irrigation practice and the wateruser shall be held responsible for the disposal of all waste water, coming from his fields, in such a manner that no injury shall be done to his land or other land by flooding or "subbing". Waste water may be emptied into project canals, laterals and drain ditches only at such points as have been designated for that purpose by the Commissioner, who shall have the right summarily to shut off water from any lands where he finds that water is being unnecessarily wasted or that the provisions of this section are being violated by the owner of such land, or other person who may be in charge of such land under authority of the owner.

§ 192.10 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there shall be reserved a right-of-way along all canals, laterals, sub-laterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sub-laterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 192.11 *Obstructions and their removal.* No trees, buildings, hay or straw stacks, or other obstructions, shall be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever, located upon said right-of-way may be ordered removed by the Commissioner, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the Commissioner at his direction, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstructions to be placed thereon.

§ 192.12 *Fences.* No fences shall be placed in the right-of-way except those crossing a canal, lateral or drain ditch, and in such case a gate of approved type shall be installed and maintained by the property owner on each side of the canal, lateral or drain ditch of sufficient width to permit the operation of equipment, travel of ditchriders and all other necessary activities incident to the proper operation and maintenance of the project system. No wire, timber or other material used in the construction of fences across a project canal, lateral or drain ditch shall be placed less than 12 inches above the maximum high water surface elevation of the canal, material or drain ditch.

§ 192.13 *Structures.* All necessary headgates, checks and measuring devices shall be installed and maintained by the project. Any person or corporation desiring to build a structure over, under, in or across a project canal, lateral or drainage ditch shall first obtain from the Commissioner a permit to build such structure.

§ 192.14 *Service ditches.* The farm unit or service ditch into which water is

delivered from the project canals or laterals shall have ample capacity and be maintained by the water user in proper condition to receive water and convey it to the place of use with a minimum of loss. Any service ditch that has been or may be constructed upon any project canal, lateral or drain right-of-way shall be considered an obstruction and subject to the provisions of § 192.11.

§ 192.15 *Assessments.* The annual per-acre charge for operation and maintenance shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with § 221.9 of this chapter, and the provisions therein regarding the refusal of delivery of water in case of delinquency shall be enforced.

§ 192.16 *Water users' ledgers.* Separate entries shall be made in the water-users' ledgers for each tract. Bills shall be issued to the record owner, and payments made thereon shall be credited to the proper ledger accounts.

§ 192.17 *Crop and statistical report.* A crop report on forms furnished for that purpose shall be taken each year by the Commissioner. This report shall show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 192.18 *Definitions.* As used in §§ 192.1 through 192.17, "Commissioner" shall mean the Commissioner of Indian Affairs or his authorized representative.

§ 192.19 *Complaints.* All complaints shall be made to the Superintendent in writing. In case of dispute regarding application of rules and regulations and decisions of the Superintendent made pursuant thereto, appeal may be made within 30 days to the Area Director who shall settle the dispute if possible or refer it with his recommendations to the Commissioner of Indian Affairs.

PART 193—CROW IRRIGATION PROJECT, MONTANA

Sec.
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193.17 Interference with project operation.
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193.21 Disputes.

AUTHORITY: §§ 193.1 to 193.21 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

CROSS REFERENCE: For rights-of-way and water right applications, Crow Reservation, Mont., see Part 161 of this chapter.

§ 193.1 *Organization.* Indian irrigation projects are in charge of a project engineer or other appointed employee of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him, such as watermasters, ditchriders, foremen or other assistants. The project engineer or his representative is fully authorized to refuse or discontinue delivery of water to any person who disregards the rules and regulations in this part.

§ 193.2 *Irrigation season.* The irrigation season for the Crow irrigation project covers the period from May 1 to September 30. In the event of unusual conditions in the spring, owing to construction or maintenance work on canals or laterals or when the designated opening date appears detrimental to crop production, the proper officers of the United States are authorized to advance or delay, for a period of 15 days, the beginning of the season's operation, and a corresponding change may be made for the date of closing the season, if it is to the best interests of the project or the farmers so to do. In no event, however, shall the canals be operated during any one season for a period in excess of 6 months.

§ 193.3 *Domestic and stock use.* Irrigation projects are primary built and maintained for serving land with water for the irrigation of crops during the growing season and not for supplying domestic and stock water during the winter months or nonirrigation season.

§ 193.4 *Farm units.* For the purpose of the rules and regulations in this part and the delivery of water a farm unit is defined as a tract in single contiguous ownership or allotment containing not less than one 40-acre subdivision of the public survey. In the case of leases a farm unit will be considered a tract in a single lease comprising one or more contiguous tracts.

§ 193.5 *Delivery point.* The general rule of the project shall be one delivery point at the upper boundary of the farm unit or allotment and the project shall maintain the lateral system to that extent. In special cases where from a cost or topographic standpoint it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the project engineer is authorized to establish additional delivery points but in no instance shall more than one deliverly point be established and maintained when the landowner or lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches.

§ 193.6 *Record of deliveries.* Water users who are entitled to the delivery of water shall file with the ditchrider, or other proper operation employee, 48 hours in advance of the time delivery is desired, a properly signed water request card on which is indicated the time delivery is desired, the description of the subdivision, area to be irrigated, and the turnouts to be used. Printed water request cards will be supplied by the project. Request cards are required for each irrigation, and upon completion of a delivery the water user shall acknowledge same by signing the water request card. Ditchriders are specially prohibited from making water delivery to any water user until he (the ditchrider) receives notice from the project office that all charges have been paid and proper water request cards have been filed by the water user. Water request cards for all completed deliveries must be filed in the project office at the end of each month during the irrigation season, and he must also file a statement of all uncompleted deliveries with the estimated acreage irrigated under such requests to the end of the month.

§ 193.7 *Duty of water.* Water will be delivered, subject to the provisions of the regulations in this part, on a demand basis so long as a sufficient quantity is available for project use. In case of a shortage of water, the project engineer is authorized to adopt a rotation system, either for the entire project or for individual units thereof, when, in his opinion, such action is for the best interests of the project in the apportionment to each water user of his just proportionate share of the available water supply.

§ 193.8 *Water users responsible for delivered water.* It is the duty of the Indian Irrigation Service to furnish water for beneficial irrigation use only, and it is the duty of the water user to assist in the prevention of waste, and also prevent damage to adjacent lands. Water users are responsible for water after it is delivered to their land, and they are required to have their field ditches in suitable condition and of such capacity as to permit the use of economical heads.

§ 193.9 *Waste water.* Water users will be required to construct and maintain in good order and repair upon their lands, such ditches as may be necessary to catch and conduct to some waste canal, ditch or natural drainage channel, all waste water flowing upon or from their lands. No waste water shall be allowed to flow upon a road or highway right-of-way, and no waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste water ditches be constructed within 10 feet of any canal or lateral, except at points of intersection or crossing, and such crossings shall be located and constructed only by order and under the direction of the proper employee of the United States. Water delivery will be refused any water user during such time as he fails or refuses to comply with the provisions of this section.

§ 193.10 *Structures.* (a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the project engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structures shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the project engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the project engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

(b) Where a new irrigation project is installed, or an existing project is extended to an area without existing roads, and the construction of roads, bridges, or culverts becomes necessary, the project engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

(c) All persons or corporations are warned against the violation of this section.

§ 193.11 *Head or service ditches.* The head or service ditches are those ditches to which delivery of water is made by the ditchrider or watermaster from canals or laterals operated and maintained by the project. Such ditches which have been or may be placed upon the project right-of-way are considered an encroachment, and are subject to regulation contained in § 193.12. The watermaster and ditchriders are authorized to refuse delivery of water to ditches that are not in proper condition to receive and convey it to the place of use with a minimum loss. While the water is measured at the point of delivery to ditches from canals and laterals operated and maintained by the project and the loss would be to the detriment of the user, the law provides that water must be used beneficially.

§ 193.12 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 193.13 *Obstructions; their removal.* No trees, buildings, hay or straw stacks, or other obstructions, are to be placed upon said right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever, located upon said right-of-way may be ordered removed by the project engineer, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the project engineer at his discretion, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstructions to be placed thereon.

§ 193.14 *Fencing.* No fences shall be placed within the right-of-way except those crossing a canal or lateral, and in each case provision shall be made for a gate on each side of the canal or lateral of sufficient width to pass ditch cleaning equipment and to permit travel on the banks of the canal or laterals by the ditchrider. Such gates must be provided with some approved convenient type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 193.15 *Water users' ledgers.* Separate entries shall be made in the water users' ledgers for each tract. Bills are issued to the record owner, and payments made thereon are credited to the proper ledger accounts.

§ 193.16 *Assessments.* The annual per-acre charge for operation and maintenance shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with the annual public notice issued each year, and the provisions of the annual public notice regarding refusal of delivery of water in case of delinquency shall be enforced.

CROSS REFERENCE: For public notice of annual charges, see §§ 221.12, 221.13 of this chapter.

§ 193.16a *Willow Creek Storage Reservoir, partial construction assessments.* (a) Appropriations for the construction of the Willow Creek Dam as authorized by the act of May 10, 1939 (53 Stat. 702-703) and subsequent appropriation acts for this project made the funds so expended reimbursable.

§ 193.17 *Interference with project operation.* No persons other than those specifically designated by the project engineer are authorized to regulate project structures or to interfere in any way with project operated canals or any works appurtenant thereto, or the water flowing therein.

§ 193.18 *Crop and statistical report.* A crop and statistical report on forms furnished for that purpose will be taken each year by the ditchrider or some person authorized to do so. This report will show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 193.19 *Cooperation between water users and project employees.* Close cooperation between the project water users and the project management is desired, and will work to the advantage of the entire project. Suggestions looking to better or more economical service will be welcomed by the project management. Information as to damage or danger to canals or structures shall be immediately reported to the nearest project employee.

§ 193.20 *Complaints.* All complaints must be made in writing to the project engineer.

§ 193.21 *Disputes.* In case of dispute regarding application of rules and regulations and decisions of the project engineer made pursuant thereto, appeal may be made to the proper supervising engineer who will adjust the matter or refer same to the Commissioner of Indian Affairs whose decision will be final.

PART 194—FLATHEAD IRRIGATION PROJECT, MONTANA

Sec.
194.1 Organization.
194.2 Irrigation season.
194.3 Domestic and stock use.
194.4 Farm units.
194.5 Delivery point.
194.6 Record of deliveries.
194.7 Duty of water.
194.8 Delivery in periods of shortage.
194.9 Water users responsible for water after delivery.
194.10 Waste water.
194.11 Structures.
194.12 Head or service ditches.
194.13 Right-of-way.
194.14 Obstructions; their removal.
194.15 Fencing.
194.16 Water users' ledgers.
194.17 Assessments.
194.18 Interference with project operation.
194.19 Crop and statistical report.
194.20 Cooperation between water users and project employees.
194.21 Complaints.
194.22 Disputes.

AUTHORITY: §§ 194.1 to 194.22 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

CROSS REFERENCE: For Bureau of Land Management regulations pertaining to the Flathead irrigation project, see 43 CFR Part 233.

§ 194.1 *Organization.* Indian irrigation projects are in charge of a project engineer or other appointed employee of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him, such as watermasters, ditchriders, foremen or other assistants. The project engineer or his representative is fully authorized to refuse or discontinue delivery of water to any person who disregards the rules and regulations in this part.

§ 194.2 *Irrigation season.* The irrigation season for the Flathead irrigation project covers the period from April 15 to October 15. In the event of unusual conditions in the spring, owing to construction or maintenance work on canals or laterals or when the designated opening date appears detrimental to crop production, the proper officers of the United States are authorized to advance

or delay, for a period of 15 days, the beginning of the season's operation, and a corresponding change may be made for the date of closing the season, if it is to the best interests of the project or the farmers to do so. In no event, however, shall the canals be operated during any one season for a period in excess of 6 months.

§ 194.3 *Domestic and stock use.* Irrigation projects are primarily built and maintained for serving land with water for the irrigation of crops during the growing season and not for supplying domestic and stock water during the winter months or nonirrigation season.

§ 194.4 *Farm units.* For the purpose of the rules and regulations in this part and for the delivery of water, a farm unit is defined as a contiguous area of land in single ownership containing not less than one 40-acre subdivision of the public survey regardless of its original status as a farm unit or allotment. In the case of leases a farm unit is defined as the contiguous area under a single lease.

§ 194.5 *Delivery point.* The general rules of the project shall be one delivery point at the upper boundary of the farm unit or allotment, and the project shall maintain the lateral system to that extent. In special cases where, from a cost or topographic standpoint, it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the project engineer is authorized to establish additional delivery points but in no instance shall more than one delivery point be established and maintained when the landowner or the lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches. Delivery points at and through established structures controlled, operated and maintained by the project, shall be used by the farm unit operators as the points at which they shall take the water they have ordered irrespective of the irrigation method used. Pumping direct from project canals and laterals will not be permitted.

§ 194.6 *Record of deliveries.* Water users who are entitled to the delivery of water shall file with the ditchrider, or other proper operation employee, 48 hours in advance of the time delivery is desired, a properly signed water request card on which is indicated the time delivery is desired, the description of the subdivision area to be irrigated, and the turnouts to be used. Printed water request cards will be supplied by the project. Request cards are required for each irrigation, and upon completion of a delivery the water user shall acknowledge same by signing the water request card. Ditchriders are specifically prohibited from making water delivery to any water user until he (the ditchrider) receives notice from the project office that all charges have been paid and proper water request cards have been filed by the water user. Water request cards for all completed deliveries must be filed in the project office at the end of each month during the irrigation season, and he must also file a statement of all uncompleted deliveries with the estimated acreage irrigated under such requests to the end of the month.

§ 194.7 *Duty of water.* Payment of the annual operation and maintenance assessments shall entitle a water user to the delivery of water, without further charge, up to the maximum number of acre-feet specified in the annual assessment notice for each acre of irrigable land in the farm unit or allotment. Water will be delivered, subject to the provisions of this part, on a demand basis so long as a sufficient quantity is available for project use. Where the exigencies, however, justify, the project engineer is authorized to adopt a rotation system, either for the entire project or for individual units thereof, when, in his opinion, such action is for the best interests of the project in the apportionment to each water user of his just proportionate share of the available water supply.

§ 194.8 *Delivery in periods of shortage.* At any time during the irrigation season when it shall appear, in the judgment of the project engineer, that there shall not be sufficient water available to deliver the maximum amount, as provided for in the annual assessment notice, to the entire irrigable area for which application for delivery of water has been made and approved, then the project engineer shall be authorized to reduce such amount to the extent that there shall in his judgment, be sufficient water available to make proportionate delivery to each unit or allotment; and when any unit or allotment shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available.

§ 194.9 *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish water for beneficial irrigation use only, and it is the duty of the water user to assist in the prevention of waste, and also prevent damage to adjacent lands. Water users are responsible for water after it is delivered to their lands, and they are required to have their field ditches in suitable condition and of such capacity as to permit the use of economical heads.

§ 194.10 *Waste water.* Water users will be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch and conduct to some waste canal, ditch or natural drainage channel, all waste water flowing upon or from their lands. No waste water shall be allowed to flow upon a road or highway right-of-way, and no waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste water ditches be constructed within 10 feet of any canal or lateral, except at points of intersection or crossing, and such crossings shall be located and constructed only by order and under the direction of the proper employee of the United States. Water delivery will be refused any water user during such time as he fails or refuses to comply with the provisions of this section.

§ 194.11 *Structures.* (a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the project engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structures shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the project engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the project engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

(b) Where a new irrigation project is installed, or an existing project is extended to an area without existing roads, and the construction of roads, bridges, or culverts becomes necessary, the project engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

(c) All persons or corporations are warned against the violation of this section.

§ 194.12 *Head or service ditches.* The head or service ditches are those ditches to which delivery of water is made by the ditchrider or watermaster from canals or laterals operated and maintained by the project. Such ditches which have been or may be placed upon the project right-of-way are considered an encroachment, and are subject to regulation contained in § 194.13. The watermaster and ditchriders are authorized to refuse delivery of water to ditches that are not in proper condition to receive and convey it to the place of use with a minimum loss. While the water is measured at the point of delivery in ditches from canals and laterals operated and maintained by the project and the loss would be to the detriment of the user, the law provides that water must be used beneficially.

§ 194.13 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 194.14 *Obstructions; their removal.* No trees, buildings, hay or straw stacks, or other obstructions, are to be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind, whatsoever, located upon said right-of-way may be ordered removed by the project engineer, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the project engineer at his discretion, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstructions to be placed thereon.

§ 194.15 *Fencing.* No fences shall be placed within the right-of-way except those crossing a canal or lateral, and in each case provision shall be made for a gate on each side of the canal or lateral of sufficient width to pass ditch cleaning equipment and to permit travel on the banks of the canal or lateral by the ditchrider. Such gates must be provided with some approved convenient type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 194.16 *Water users' ledgers.* In all cases where the land is not under a district which has executed a repayment contract, separate entries shall be made in the water users' ledgers for each tract, bills issued to the record owners and payments made thereon and credited to the proper ledger accounts. In irrigation districts where repayment contracts have been executed the bill shall be rendered to the districts and when payments of such charges have been received, such payments shall be credited to the proper ledger accounts of the record owners.

§ 194.17 *Assessments.* The annual per acre charge for operation and maintenance shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with the annual public notice issued each year, and the provisions of the annual public notice regarding refusal of delivery of water in case of delinquency shall be enforced.

Cross References: For public notice of annual charges, see §§ 221.15–221.22 of this chapter.

§ 194.18 *Interference with project operation.* No persons other than those specifically designated by the project engineer are authorized to regulate project structures or to interfere in any way with project operated canals or any works appurtenant thereto, or the water flowing therein.

§ 194.19 *Crop and statistical report.* A crop and statistical report on forms furnished for that purpose will be taken each year by the ditchrider or some person authorized to do so. This report will show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 194.20 *Cooperation between water users and project employees.* Close cooperation between the project water users and the project management is desired, and will work to the advantage of the entire project. Suggestions looking to better or more economical service will be welcomed by the project management. Information as to damage or danger to canals or structures shall be immediately reported to the nearest project employee.

§ 194.21 *Complaints.* All complaints must be made in writing to the project engineer.

§ 194.22 *Disputes.* In case of dispute regarding application of rules and regulations and decisions of the project engineer made pursuant thereto, appeal may be made to the proper supervising engineer who will adjust the matter or refer same to the Commissioner of Indian Affairs whose decision will be final.

Part 195—Flathead, Mission, and Jocko Valley Irrigation Districts, Montana

Sec.
- 195.1 Water delivery rates.
- 195.2 Default; refusal of water.
- 195.3 Delinquent assessment rules and regulations made and enforced by district.
- 195.4 Proportionment of water when specified amount not available.
- 195.5 Application for water service.
- 195.6 Minimum charge assessment.
- 195.7 Duty of water on Moiese district.
- 195.8 Penalty for nonpayment of assessment.
- 195.9 Adjustment of deficit or surplus.
- 195.10 Care of waste water.

Authority: §§ 195.1 to 195.10 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

Cross Reference: For annual operation and maintenance charges for Flathead, Mission, and Jocko Valley irrigation districts, Montana, see §§ 221.24–221.29 of this chapter.

§ 195.1 *Water delivery rates.* For all water delivered to any farm unit, allotment, or tract of land in excess of one and one-half acre-feet of water per acre allowable under the minimum charge assessment fixed under § 195.6 for such allotment, farm unit, or tract, there shall be an additional per acre-foot charge fixed at the rate of two-thirds of the minimum charge, and this charge shall be added to the minimum advance levy for the following irrigation season: *Provided,* That the maximum charge per acre for water delivered to any farm unit, allotment, or tract, during any irrigation season, shall not exceed $4 per acre for the entire irrigable area of the farm unit, allotment, or tract.

§ 195.2 *Default; refusal of water.* The United States reserves the right to refuse to deliver water to an irrigation district, in the event of the default by such district or landowner for a period of more than 1 year in any payment due the United States.

§ 195.3 *Delinquent assessment rules and regulations made and enforced by district.* An irrigation district may make such rules and regulations as it may find necessary in regard to the delivery of water to a landowner of the district who is delinquent in payment of any assessment to the district, and such rules and regulations will be enforced by the project engineer when it appears to be to the best interests of both the United States and the district to do so.

§ 195.4 *Proportionment of water when specified amount not available.* At any time during the irrigation season when it shall appear, in the judgment of the project engineer, that there shall not be sufficient water available to deliver the amount specified in this part to the entire irrigable area for which application for delivery of water has been made and approved, then the project engineer shall be authorized to reduce such amounts to the extent that there shall, in his judgment, be sufficient water available to make proportionate delivery to each farm unit, allotment or tract; and when any farm unit, allotment or tract shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available.

§ 195.5 *Application for water service.* No water will be delivered except under an approved application. The irrigation season for this project covers the period from April 15 to October 15, inclusive. To receive full recognition for an irrigation season, application for water service should be filed in the office of the Indian Irrigation Service at St. Ignatius, Montana, sufficiently early so that the same may be approved by the project engineer on or before the opening of the irrigation season. Every application accepted by the United States after May 1 shall be approved with the understanding that water will be delivered thereunder for the then current season only after requirements of lands covered by applications previously approved shall have been fully provided for. Application must describe the entire area which will be irrigated during the season.

§ 195.6 *Minimum charge assessment.* The proper officials of the respective irrigation districts shall levy a minimum charge assessment against the irrigable area of the individual tracts included in the district, which minimum charge assessment shall result in a sum sufficient to provide for the payment of the assessment against the district. Payment of the assessment so levied shall entitle a water user to the delivery of water without further charge up to 1½ acre-feet per acre of irrigable assessable land included in the farm unit, allotment or tract of land: *Provided,* That after an agreement has been reached by the commissioners of the irrigation district and the project engineer as to duty of water on individual tracts where water users claim excess requirements on account of porous or gravelly soils, the project engineer shall have authority, pending further orders, to increase the quality of water to be delivered under the minimum charge levy to such porous or gravelly tracts provided

it shall not exceed 4 acre-feet of water per acre for the assessable irrigable area of the tract.

§ 195.7 *Duty of water on Moiese district. Provided further,* That upon agreement between the commissioners of the district and the project engineer as to duty of water on any individual tracts within the Moiese subdivision of the project, which is supplied entirely through the Lower Crow Reservoir, the owners of which tracts claim excessive water requirements because of extremely porous or gravelly soils, the project engineer is authorized, pending further orders, to increase the quantity of water to be delivered under the minimum charge levy provided it shall not exceed 6 acre-feet per acre of assessable irrigable land: *Provided further,* That this special provision regarding tracts within the Moiese subdivision shall be applicable only in the event the water supply available from the stored water supply in the Lower Crow Reservoir is ample to allow such excess use without drawing on the water supply of other portions of the Mission Valley Division of the Flathead project.

§ 195.8 *Penalty for non-payment of assessments.* All assessments duly authorized shall be paid on the due date to the properly designated Officer of the Indian Irrigation Service at St. Ignatius, Montana, and on all such assessments remaining unpaid on and after March 1, and August 1, following the due dates there shall be assessed a penalty of one-half percent per month or fraction thereof, from the due date until paid.

§ 195.9 *Adjustment of deficit or surplus.* Any deficit or surplus arising by reason of the costs being more or less than the assessments shall be adjusted in an equitable manner by taking it into account when fixing future assessment rates.

§ 195.10 *Care of waste water.* All applicants for water shall be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch and conduct to some waste canal, ditch, lateral or natural drainage channel any water flowing upon or from such lands. No waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste ditches be constructed or maintained within 10 feet of any canal or lateral belonging to the United States, except at points of intersection or crossing, which shall be located only by order and under the direction of the proper officer of the United States. No water will be furnished to any applicant during such time as he fails to comply with the provisions of this section.

PART 196—FORT BELKNAP IRRIGATION PROJECT, MONTANA

Sec.
- 196.1 Organization.
- 196.2 Irrigation season.
- 196.3 Domestic and stock use.
- 196.4 Farm unit.
- 196.5 Delivery point.
- 196.6 Record of deliveries.
- 196.7 Duty of water.
- 196.8 Water users responsible for water after delivery.
- 196.9 Waste water.
- 196.10 Structures.
- 196.11 Head or service ditches.
- 196.12 Right-of-way.
- 196.13 Obstructions; their removal.
- 196.14 Fencing.
- 196.15 Water users' ledgers.
- 196.16 Assessments.
- 196.17 Interference with project operation.
- 196.18 Crop and statistical report.
- 196.19 Cooperation between water users and project employees.
- 196.20 Complaints.
- 196.21 Disputes.

AUTHORITY: §§ 196.1 to 196.21 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

§ 196.1 *Organization.* Indian irrigation projects are in charge of a project engineer or other appointed employee of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him, such as watermasters, ditchriders, foremen or other assistants. The project engineer or his representative is fully authorized to refuse or discontinue delivery of water to any person who disregards the rules and regulations in this part.

§ 196.2 *Irrigation season.* The irrigation season for the Fort Belknap irrigation project covers the period from May 1 to September 30. In the event of unusual conditions in the spring, owing to construction or maintenance work on canals or laterals or when the designated opening date appears detrimental to crop production, the proper officers of the United States are authorized to advance or delay, for a period of 15 days, the beginning of the season's operation, and a corresponding change may be made for the date of closing the season, if it is to the best interests of the project or the farmers so to do. In no event, however, shall the canals be operated during any one season for a period in excess of 6 months.

§ 196.3 *Domestic and stock use.* Irrigation projects are primarily built and maintained for serving land with water for the irrigation of crops during the growing season and not for supplying domestic and stock water during the winter months or nonirrigation season.

§ 196.4 *Farm unit.* For the purpose of the rules and regulations in this part and the delivery of water, a farm unit is defined as a tract in single contiguous ownership or allotment containing not less than one 40-acre subdivision of the public survey. In the case of leases a farm unit will be considered a tract in a single lease comprising one or more contiguous tracts.

§ 196.5 *Delivery point.* The general rule of the project shall be one delivery point at the upper boundary of the farm unit or allotment, and the project shall maintain the lateral system to that extent. In special cases where from a cost or topographic standpoint it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the project engineer is authorized to establish additional delivery points but in no instance shall more than one delivery point be established and maintained when the landowner or lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches.

§ 196.6 *Record of deliveries.* Water users who are entitled to the delivery of water shall file with the ditchrider, or other proper operation employee, 48 hours in advance of the time delivery is desired, a properly signed water request card on which is indicated the time delivery is desired, the description of the subdivision, area to be irrigated, and the turnouts to be used. Printed water request cards will be supplied by the project. Request cards are required for each irrigation, and upon completion of a delivery the water user shall acknowledge same by signing the water request card. Ditchriders are specifically prohibited from making water delivery to any water user until he (the ditchrider) receives notice from the project office that all charges have been paid and proper water request cards have been filed by the water user. Water request cards for all completed deliveries must be filed in the project office at the end of each month during the irrigation season, and he must also file a statement of all uncompleted deliveries with the estimated acreage irrigated under such requests to the end of the month.

§ 196.7 *Duty of water.* Water will be delivered, subject to the provisions of this part, on a demand basis so long as a sufficient quantity is available for project use. In case of a shortage of water, the project engineer is authorized to adopt a rotation system, either for the entire project or for individual units thereof, when, in his opinion, such action is for the best interests of the project, in the apportionment to each water user of his just proportionate share of the available water supply.

§ 196.8 *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish water for beneficial irrigation use only, and it is the duty of the water user to assist in the prevention of waste, and also prevent damage to adjacent lands. Water users are responsible for water after it is delivered to their land, and they are required to have their field ditches in suitable condition and of such capacity as to permit the use of economical heads.

§ 196.9 *Waste water.* Water users will be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch and conduct to some waste canal, ditch or natural drainage channel, all waste water flowing upon or from their lands. No waste water shall be allowed to flow upon a road or highway right-of-way, and no waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste water ditches be constructed within 10 feet of any canal or lateral, except at points of intersection or crossing, and such crossing shall be located and constructed only by order and under the direction of the proper employee of the United States. Water delivery will be refused any water user during such time as he fails or refuses to comply with the provisions of this section.

§ 196.10 *Structures.* (a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the project engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structures shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the project engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the project engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

(b) Where a new irrigation project is installed, or an existing project is extended to an area without existing roads, and the construction of roads, bridges or culverts becomes necessary, the project engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

(c) All persons or corporations are warned against the violation of this section.

§ 196.11 *Head or service ditches.* The head or service ditches are those ditches to which delivery of water is made by the ditchrider or watermaster from canals or laterals operated and maintained by the project. Such ditches which have been or may be placed upon the project right of way are considered an encroachment, and are subject to regulation contained in § 196.12. The watermaster and ditchriders are authorized to refuse delivery of water to ditches that are not in proper condition to receive and convey it to the place of use with a minimum loss. While the water is measured at the point of delivery to ditches from canals and laterals operated and maintained by the project and the loss would be to the detriment of the user, the law provides that water must be used beneficially.

§ 196.12 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 196.13 *Obstructions; their removal.* No trees, buildings, hay or straw stacks, or other obstructions are to be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever, located upon said right-of-way may be ordered removed by the project engineer, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the project engineer at his discretion, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the person so placing or causing such obstructions to be placed thereon.

§ 196.14 *Fencing.* No fences shall be placed within the right-of-way except those crossing a canal or lateral, and in each case provision shall be made for a gate on each side of the canal or lateral of sufficient width to pass ditch cleaning equipment and to permit travel on the banks of the canal or lateral by the ditchrider. Such gates must be provided with some approved convenient type of fastening, which will permit the ditchrider to open and close them with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 196.15 *Water users' ledgers.* Separate entries shall be made in the water users' ledgers for each tract. Bills are issued to the record owner, and payments made thereon are credited to the proper ledger accounts.

§ 196.16 *Assessments.* The annual per acre charge for operation and maintenance shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with the annual public notice issued each year, and the provisions of the annual public notice regarding refusal of delivery of water in case of delinquency shall be enforced.

CROSS REFERENCE: For public notice of annual charges, see §§ 221.30, 221.31 of this chapter.

§ 196.17 *Interference with project operation.* No persons other than those specifically designated by the project engineer are authorized to regulate project structures or to interfere in any way with project operated canals or any works appurtenant thereto, or the water flowing therein.

§ 196.18 *Crop and statistical report.* A crop and statistical report on forms furnished for that purpose will be taken each year by the ditchrider or some person authorized to do this. This report will show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 196.19 *Cooperation between water users and project employees.* Close cooperation between the project water users and the project management is desired, and will work to the advantage of the entire project. Suggestions looking to better and more economical service will be welcomed by the project management. Information as to damage or danger to canals or structures shall be immediately reported to the nearest project employee.

§ 196.20 *Complaints.* All complaints must be made in writing to the project engineer.

§ 196.21 *Disputes.* In case of dispute regarding application of rules and regulations and decisions of the project engineer made pursuant thereto, appeal may lations and decisions of the project engineer who will adjust the matter or refer same to the Commissioner of Indian Affairs whose decision will be final.

PART 197—FORT HALL IRRIGATION PROJECT, IDAHO

Sec.
- 197.1 Organization.
- 197.2 Irrigation season.
- 197.3 Domestic and stock water.
- 197.4 Domestic and stock water deliveries cease.
- 197.5 Farm units defined.
- 197.6 Delivery points.
- 197.7 Maintenance of necessary appurtenances by project.
- 197.8 Delivery.
- 197.9 Dates and methods of delivery.
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- 197.11 Preparation and submission of water schedule.
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- 197.21 Charges for small tracts.
- 197.22 Crop and statistical reports.
- 197.23 Complaints.
- 197.24 Disputes.

AUTHORITY: §§ 197.1 to 197.24 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

§ 197.1 *Organization.* The Fort Hall Project is in charge of an engineer of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him, such as watermasters, ditchriders, foremen, and other assistants. The project engineer, or his representative, is fully authorized to refuse or discontinue delivery of water to any person who willfully disregards the rules and regulations in this part.

§ 197.2 *Irrigation season.* Water will be turned into the canals and laterals on April 15 for irrigation purposes, and discontinued on September 30. The date for the beginning or ending of the season may be varied by 15 days, de-

pending on weather conditions and the amount of maintenance work to be done.

§ 197.3 *Domestic and stock water.* Irrigation projects are primarily built and maintained for serving land with water for the irrigation of crops during the growing season, and not for supplying domestic and stock water during the winter months or nonirrigation season.

§ 197.4 *Domestic and stock water deliveries cease.* While it is the present intention to deliver domestic or stock water in such laterals in each district where the delivery will not interfere with the maintenance work necessary in preparing the canals and laterals for the next irrigation season, the water users are advised that the practice will not be continued after September 30, 1934, and that they must provide themselves with other sources of water supply for domestic and stock purposes.

§ 197.5 *Farm units defined.* For the purpose of the rules and regulations in this part and the delivery of water a farm unit on the Fort Hall project shall consist of:

(a) Forty or more contiguous acres of land in single ownership covered by one or more water right contracts

(b) Forty or more contiguous acres of Indian owned land under a lease to the same party

(c) A minimum of 40 contiguous acres of land in multiple ownership: *Provided however,* That such minimum 40 contiguous acres, as used in this section, shall be construed to mean that all such contiguous acreage shall be within the same 40-acre subdivision of the United States public land surveys.

§ 197.6 *Delivery points.* Water will be delivered by the project to the boundary of each farm unit on the project: *Provided however,* That where, under the system as at present constructed, there has been established a point of delivery for a farm unit, no further extensions to the project lateral system will be made by the project, even though such farm unit be subdivided into tracts of 40 acres or more under the same or different ownership. Any additional laterals necessary to deliver water to such subdivided tracts of said farm unit as originally established shall be constructed by the landowner, at his expense, so as to receive water from the delivery point as originally established for said farm unit, and said lateral or laterals shall be thereafter, at all times, maintained and operated by the owner or owners benefited.

§ 197.7 *Maintenance of necessary appurtenances by project.* Canals, laterals and necessary appurtenances will be maintained by the project in proper condition to make deliveries of water at such elevation as is necessary to serve farm units susceptible of irrigation by gravity flow from the present constructed system, and to any parts of a farm unit which, after having been properly graded and leveled, is susceptible of irrigation by gravity flow from an elevation not higher than the present normal water surface in the said present constructed system at a point established for said such farm unit.

§ 197.8 *Delivery.* Water for irrigation purposes will be delivered from April 15 to May 31 on either the demand, or the continuous flow method. If the demand is high and can not be met, the continuous flow method, allotting each acre its proportionate part of water based on the duty outlined in § 197.13 will be used. Notice to turn water on or off during this period must be given in writing, 48 hours in advance, on form cards furnished by the project office upon request. Such cards must be placed on the gate from which the ditchrider makes deliveries from the canal or lateral operated by the project.

§ 197.9 *Dates and methods of delivery.* Water for irrigation purposes will be delivered from June 1 to August 31 by the rotation method, and from September 1 to September 30 by the same method as prescribed for the period April 15 to May 31. All dates are subject to change by the project engineer. During the period of rotation, June 1 to August 31, if a water user desires to lend his turn to a neighbor, he shall notify either the watermaster or the ditchrider, who will permit such loan if possible, provided said neighbor is eligible to receive water.

§ 197.10 *Persons specified to make deliveries.* The delivery of water will be made by the watermaster or ditchrider only, and any person interfering with delivery or diversion devices without specific authorization will be liable to prosecution. Consumers are prohibited from cutting the banks of canals or laterals.

§ 197.11 *Preparation and submission of water schedule.* In preparing the rotation schedules, the project is divided into districts, and each district is divided into subdistricts. The subdistricts vary in size to best suit the conditions and usually range from 120 acres to 400 acres. Owners of tracts of 120 acres or more who receive water from one canal or lateral may elect as between the rotation and the continuous flow methods of delivery, providing such choice does not interfere with delivery to other lands on the same lateral. The watermaster will assist the users on each lateral in preparing a schedule, should they choose to get together and prepare the schedule. In cases where users fail to exercise this right before March 1, a schedule will be prepared by the watermaster which shall be final for the season. Those having 120 acres or more electing to use the continuous flow, as well as those coming under the rotation system, will be governed by the duty of water set forth in § 197.13.

§ 197.12 *Record of deliveries.* A careful record of water deliveries will be kept by the ditchrider, on forms furnished for that purpose, such records to state the time of beginning and ending and the amount of each delivery.

§ 197.13 *Duty of water.* (a) The duty of water based on the delivery of 3 acre-feet per acre to the land for the period April 15 to September 30, in general, will be substantially as follows, subject to modification, in his discretion, by the project engineer:

Period	Acres per second foot	Miner's inches per acre	Second feet per acre	Acre-feet per acre
Apr. 15–Apr. 30	300	0.165	0.0033	0.105
May 1–May 15	200	.25	.005	.148
May 16–May 31	143	.35	.007	.222
June 1–June 30	77	.65	.013	.773
July 1–July 31	71	.70	.014	.861
Aug. 1–Aug. 15	83	.60	.012	.357
Aug. 16–Aug. 31	100	.50	.010	.317
Sept. 1–Sept. 15	250	.20	.004	.119
Sept. 16–Sept. 30	300	.165	.0033	.098
Total limited acre-feet per season				3.000

(b) The duty in paragraph (a) of this section will be subject to modification by the project engineer when found not to meet the needs of the land. All such changes will be made prior to the beginning of any irrigation season and shall not be changed during the season. In no case shall the total acre-feet per season be changed.

§ 197.14 *Waste water.* Excessive wasting of water will be avoided or subject consumers to regulatory action. In some localities the topography is such that it is difficult to irrigate without a small amount of waste water. In these cases the rancher must provide means of disposal for such water by carrying it to the nearest lateral or wasteway where disposal can be made. Under no circumstances, however, shall water be wasted into canal or drainage ways except at points designated by the project engineer The ditchriders and watermaster are specifically instructed to shut off water when an excessive amount is being wasted; and also not to permit any waste water, regardless of how small the amount may be, without the regulations regarding disposal being fully complied with.

§ 197.15 *Structures.* (a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the project engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structures shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the project engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the project engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

(b) Where a new irrigation project is installed, or an existing project is extended to an area without existing roads, and the construction of roads, bridges or culverts becomes necessary, the project engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

(c) All persons or corporations are warned against the violation of this section.

§ 197.16 *Head or service ditches.* The head or service ditches are those ditches to which delivery of water is made by the ditchrider or watermaster from canals or laterals operated and maintained by the project. Such ditches which have been or may be placed upon the project right-of-way are considered an encroachment, and are subject to regulation contained in § 197.17. The watermaster and ditchriders are authorized to refuse delivery of water to ditches that are not in proper condition to receive and convey it to the place of use with a minimum loss.

§ 197.17 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 197.18 *Obstructions; their removal.* No trees, buildings, hay or straw stacks, or other obstructions, are to be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever, located upon said right-of-way may be ordered removed by the project engineer, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the project engineer at his discretion, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstructions to be placed thereon.

§ 197.19 *Fencing.* No fences shall be placed within the right-of-way excepting those crossing a canal or lateral, and in such cases a gate of approved type shall be installed and maintained by the property owner, on each side of the canal or lateral, of sufficient width to permit the operation of maintenance equipment and travel on the banks of the canal or lateral by the ditchriders. Such gates must be provided with some approved convenient type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 197.20 *Charges.* Bills covering irrigation charges will be issued to the owner of record, taken from the records of Bannock and Bingham Counties as of January 31, preceding the due date. Since some of the land covered by a water right contract has been subdivided into town lots, and small acreage tracts, it is obvious that some additional expense will be incurred in obtaining the record owners, handling individual accounts and issuing bills, that is not an expense which should be applied to the large tract owners. To overcome this additional expense, a schedule of charges will be fixed for each year in the public notice for tracts of 10 acres or less.

CROSS REFERENCE: For public notice of annual operation and maintenance charges, see §§ 221.32–221.36 of this chapter.

§ 197.21 *Charges for small tracts.* For the purpose of eliminating such work and obtaining for the small tract owners the same per acre rate as charged for tracts in excess of 10 acres any number of owners of small tracts may join in a contract appointing an agent with full authority to enter into such new contract, as may be approved by the Secretary of the Interior, with the project, covering the water right for the entire area of their respective small tracts: *Provided, however,* Such contract must represent not less than 10 acres: *And provided further,* That whether such contract be for 10 or more acres of land, it must in either event represent contiguous acreages. When the owners of such lands desire to take advantage of the group contract rate herein provided for they shall execute such contract appointing their agent (the form of such contract to be first approved by the Secretary of the Interior) and have their agent execute the contract for them as herein provided for with the project on or before February 1, preceding any irrigation season.

§ 197.22 *Crop and statistical reports.* A crop and statistical report will be taken, on forms furnished for that purpose, each year by the ditchrider or some person authorized to do so. This report will show the number of acres devoted to each crop, total yield, and a building and livestock census of each particular farm.

§ 197.23 *Complaints.* All complaints must be made in writing to the project engineer.

§ 197.24 *Disputes.* In case of dispute regarding application of rules and regulations and decisions of the project engineer made pursuant thereto, appeal may be made to the proper supervising engineer who will adjust the matter or refer same to the Commissioner of Indian Affairs whose decision will be final.

PART 198—FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

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198.20 Complaints.
198.21 Disputes.

AUTHORITY: §§ 198.1 to 198.21 issued under sec. 11, 39 Stat. 142.

§ 198.1 *Organization.* The Fort Peck Indian Irrigation Project shall be in charge of the Superintendent of the Fort Peck Reservation acting through the Project Engineer who is authorized to administer, carry out and enforce the regulations in this part, either directly or through project employees designated by him, such as watermasters, ditchriders, foremen or other assistants. The Project Engineer or his representative is authorized to refuse or discontinue the delivery of water to any person who disregards the regulations in this part.

§ 198.2 *Irrigation season.* The irrigation season for the Fort Peck Irrigation Project covers the period from April 15th to September 30th. If unusual conditions in the spring cause delay in construction or maintenance work on canals or laterals, the Project Engineer is authorized to advance the beginning of the season's operations for a period not to exceed 25 days, and a corresponding change may be made in the date of closing the season: *Provided,* That it is in the best interests of the project or the farmers to do so. Water delivery schedules in the area served with pumped water shall be so regulated that the operation of the pumping plant will be limited to pumping periods during which actual delivery of water within the area so served aggregates forty percent (40%) or more of the capacity of the pump or pumps being operated: *Provided,* That such limited operation will not, in the judgment of the Project Engineer, result in excessive damage to crops.

§ 198.3 *Domestic and stock use.* As the irrigation project is primarily built and maintained for the purpose of serving land with water for the irrigation of crops during the growing season, domestic and stock water shall not be supplied during the winter months or nonirrigation season.

§ 198.4 *Farm units.* For the purpose of the regulations in this part, a farm unit on the Fort Peck Irrigation Project shall consist of:

(a) 40 or more contiguous acres of land in single ownership, except that original Indian allotments containing less than 40 irrigable acres of the same subdivision of the public land survey, shall be considered as farm units.

(b) 40 or more contiguous acres of Indian owned land under a lease to the same party.

(c) A minimum of 40 contiguous acres in multiple ownership within the same 40

acre subdivision of the United States public land survey.

§ 198.5 *Delivery point.* The project will deliver water to one point on the upper boundary of each farm unit and the lateral system of the project shall be maintained on this basis. In cases where, from a cost or topographic standpoint, it is impracticable for the owner or lessee of the farm unit to irrigate the entire irrigable area of the unit from one delivery point, and the owner or lessee of the farm unit cannot at a reasonable expense to him provide for delivery of water to the farm unit by the construction of a suitable head ditch or ditches, the Project Engineer, or other official in charge is authorized to establish an additional delivery point or points.

§ 198.6 *Record of deliveries.* Water users who are entitled to the delivery of water shall file with the ditchrider, or other proper operational employee, 48 hours in advance of the time water delivery is desired, a signed water request card on the approved form, which shall show the time delivery of water is desired, the description and area of the subdivision to be irrigated and the turnouts to be used. Upon the completion of delivery the water user shall acknowledge the same by a proper notation upon the water request card. Ditchriders are specifically prohibited from making water delivery to any water user until they have received notice from the project office that all charges have been paid and proper water request cards have been filed by the water user. Water request cards for all completed and uncompleted deliveries, and statements of the estimated acreage irrigated under such requests, must be filed by the ditchriders in the project office at the end of each month during the irrigation season.

§ 198.7 *Duty of water.* Water shall be delivered on a demand basis so long as a sufficient quantity is available. In case of a shortage of water, in order to insure each water user his just proportionate share of the available water supply, the Project Engineer, or other official in charge of the project, is authorized to adopt a rotation system, either for the entire project or for individual units thereof.

§ 198.8 *Water users responsible for water after delivery.* Water shall be furnished for beneficial irrigation use only. It is the duty of the water user to assist in the prevention of waste, and to prevent damage to adjacent lands. Water users shall be held responsible for water after it is delivered to their land, and they shall be required to have their field ditches of such condition and capacity as to permit the use of economical heads.

§ 198.9 *Waste water.* Water users shall be required to construct and maintain in good order and repair upon their lands, such ditches as may be necessary to catch and conduct to some waste canal, ditch, or natural drainage channel, all waste water flowing upon or from their lands. No waste water shall be allowed to flow upon a road or highway right-of-way, and no waste water shall be allowed to collect within 20 feet of any canal or lateral belonging to the project. Waste water ditches shall not be constructed within 10 feet of any canal or lateral, except at points of intersection or crossing, and such crossings shall be located and constructed only under the direction of the proper project employee. Water delivery shall be refused any water user during such time as he fails or refuses to comply with the provisions of this section.

§ 198.10 *Structures.* (a) The necessary headgates, checks and measuring devices shall be installed by the project in canals, laterals and drainage ways operated and maintained by the project. Any person or corporation desiring to build a bridge or other structure over, under, in or across a project canal, lateral or drainage ditch operated and maintained by the project, shall first obtain from the Project Engineer, or other official in charge, a written permit to build such structure. The permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structure shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more, the person responsible for its maintenance may be requested to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the Project Engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure. All persons and corporations are warned against the violation of this provision.

(b) Wherever the project is extended to an area without existing roads, and the construction of roads, bridges, or culverts becomes necessary, the Project Engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any State or Federal agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs or his authorized representative, any necessary agreement with any such agency.

§ 198.11 *Head or service ditches.* The head or service ditches are those ditches to which delivery of water is made from canals or laterals operated and maintained by the project. Any such ditches as have been or may be placed upon the project right-of-way, as defined in § 198.12, shall be considered an encroachment. The water master and ditchriders or other authorized employees may refuse delivery of water to ditches that are not in proper condition to receive and convey it to the place of use with a minimum loss. Water must be used beneficially, notwithstanding the fact that it is measured at the point of delivery to ditches from canals and laterals operated and maintained by the project, and the loss would be to the detriment of the user.

§ 198.12 ***Rights-of-way.*** For use in connection with the necessary activities and emergencies incident to the operation and maintenance of the project, there is reserved a right-of-way along all canals and their embankments, laterals, sublaterals and drains, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, embankments, laterals, sublaterals and drains, to permit the operation of maintenance equipment, the making of repairs and improvements, and travel by the project ditchriders.

§ 198.13 *Obstructions; their removal.* No trees, buildings, hay or straw stacks, or other obstructions may be placed by any landowner upon the right-of-way reserved for the project. Any such obstruction may be ordered removed by the Project Engineer, and if not removed by the person or persons placing it thereon, may be removed under the supervision of the Project Engineer. The cost of such removal shall be added to the cost of operation and maintenance chargeable to the landowner responsible for the obstruction.

§ 198.14 *Fencing.* No fences shall be placed within the right-of-way except those crossing a canal, lateral, or drainage ditch and in such cases provision shall be made for a gate on each side of the canal or lateral of sufficient width to pass ditch cleaning equipment and to permit travel on the banks of the canal or lateral by the ditchrider. Such gates must be provided with some approved type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire, timbers, or other materials used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 198.15 *Water users' ledgers.* Separate entries of individual water users' accounts shall be made in the water users' ledgers for each tract. Bills shall be issued to the record owner, and payments made thereon shall be credited to the proper ledger accounts.

§ 198.16 *Assessments.* The annual per acre charge for operation and maintenance of the project shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with the annual public notice issued each year, and the provisions of the annual public notice regarding refusal of delivery of water in case of delinquency shall be enforced.

§ 198.17 *Interference with project operation.* No persons other than those specifically designated by the Project Engineer may regulate project structures or interfere in any way with canals operated by the project or any other works appurtenant thereto, or the water flowing therein.

§ 198.18 *Crop and statistical report.* The ditchrider or other authorized employee of the project shall be responsible for collecting the information necessary to enable the Project Engineer to make to the Commissioner of Indian Affairs an annual crop and statistical report for the project. He shall record this information on forms furnished to him by the Project Engineer. The report of the Project Engineer shall show the number of acres devoted to each crop and the total yield and value of the crops for the entire project, and for each unit of the project.

§ 198.19 *Cooperation between water users and project employees.* As close cooperation between the project water users and the project management is desired, and will work to the advantage of the entire project, suggestions looking to better or more economical service shall be welcomed by the project management. Information as to damage or danger to canals or structures shall be immediately reported to the nearest project employee.

§ 198.20 *Complaints.* All complaints concerning the operation of the project must be made to the Project Engineer in writing.

§ 198.21 *Disputes.* In case of any dispute between a water user and the Project Engineer, concerning the application of these regulations, an appeal may be taken through the Superintendent of the Reservation to the Area Director. If the Area Director cannot satisfactorily adjust the dispute, he shall refer the same to the Commissioner of Indian Affairs.

PART 199—UINTAH IRRIGATION PROJECT, UTAH

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199.17 Fencing.
199.18 Assessments.
199.19 Place of payment of assessments.
199.20 Interference with project operation.
199.21 Crop and statistical report.
199.22 Complaints.

AUTHORITY: §§ 199.1 to 199.22 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

CROSS REFERENCE: For rights-of-way for the construction of irrigation projects, Uintah Reservation, Utah, see Part 161 of this chapter.

§ 199.1 *Organization.* The Uintah project is in charge of an engineer of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him, such as watermasters, ditchriders, foremen and other assistants. The project engineer or his representative is fully authorized to refuse or discontinue delivery of water to any person who willfully disregards the rules and regulations in this part.

§ 199.2 *Irrigation season.* Water will be turned into the canals and laterals on March 1 for irrigation purposes and discontinued on November 1. The time when water will be turned into the canals and laterals may be postponed for 15 days and the time for discontinuing the flow may be advanced 15 days, depending upon weather conditions and the amount of maintenance work to be done.

§ 199.3 *Domestic and stock water.* Irrigation projects are primarily built and maintained for serving land with water for the irrigation of crops during the growing season and not for supplying domestic and stock water during the winter months or nonirrigation season. Domestic and stock water will be carried in the project canals before and after the irrigation season only when such practice will not be detrimental to the canal system. Domestic or stock water will not be carried in project canals when such use of the canals will interfere with maintenance work necessary in preparing the canals and laterals for the next irrigation season.

§ 199.4 *Farm units defined.* For the purpose of the rules and regulations in this part and the delivery of water, a farm unit on the Uintah project shall consist of:

(a) Forty or more contiguous acres of land in single ownership.

(b) Forty or more contiguous acres of Indian-owned land under lease to the same person or being farmed by the same Indian.

(c) A minimum of 40 contiguous acres of land in multiple ownership provided that such contiguous 40 acres shall be within the same 40-acre subdivision of the United States public land surveys.

§ 199.5 *Delivery point.* Water will be delivered by the project to one point on the upper boundary of each farm unit on the project, and the project shall maintain the lateral system to said delivery point: *Provided, however,* That where, under the system as at present constructed, there has been established a point of delivery for a farm unit, no further extensions to the project lateral system will be made by the project, even though such farm unit be subdivided into tracts of 40 acres or more under the same or different ownership. Any additional laterals necessary to deliver water to such subdivided tracts of said farm units as originally established shall be constructed by the landowner, at his expense, so as to receive water from the delivery point as originally established for said farm unit, and said lateral or laterals shall be thereafter, at all times, maintained and operated by the owner or owners benefited. In special cases where from a cost or topographic standpoint it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the project engineer is authorized to establish additional delivery points but in no instance shall more than one delivery point be established and maintained when the landowner or lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches.

§ 199.6 *Method of delivery.* Water for irrigation purposes will be delivered through the irrigation season for the lands under the Lakefork, Uintah and Whiterocks Rivers by the rotation method. Rotation schedules for the lands under the canals diverting from these rivers will be prepared under the direction of the project engineer and will be put into effect each season as soon as it is determined what acreage is to be irrigated. A written copy of the water schedule will be delivered to each water user showing the time that his turn starts on each particular tract and the duration of such turn.

§ 199.7 *Delivery to lands under the Duchesne River.* Water will be delivered to all lands under the Duchesne River upon demand until such time as the project engineer deems it advisable to adopt the rotation method of delivery. In the event the rotation method is adopted under the canals diverting from this river the same procedure will be followed that is used under the Lakefork, Uintah and Whiterocks Rivers: *Provided,* That the project engineer shall first give reasonable notice, in advance, to all users to be affected by adoption of same.

§ 199.8 *Division of water.* Water will be delivered to all lands under the Lakefork, Uintah and Whiterocks Rivers in accordance with the provisions of the decrees of the Federal court in the cases of *United States* v. *Dry Gulch Irrigation Company, et al.*[1] and *United States* v. *Cedarview Irrigation Company, et al.*,[1] which decrees fix the maximum duty of 3 acre-feet per acre for the period from March 1 to November 1 of each year. The rate of delivery will be substantially in accordance with the following schedule, which schedule is subject to modification by the project engineer at such time as changed climatic and water supply conditions might prove that such modification would be beneficial to the projects:

Period	Acres per second-foot	Acre-feet per acre
Mar. 1–18	None	None
Mar. 19–31	1,000	0.023
Apr. 1–10	800	.025
Apr. 11–20	400	.050
Apr. 21–30	200	.099
May 1–10	180	.110
May 11–20	135	.147
May 21–31	95	.229
June 1–20	70	.566
June 21–30	85	.233
July 1–10	90	.220
July 11–20	95	.208
July 21–31	100	.218
Aug. 1–10	133	.147
Aug. 11–20	155	.128
Aug. 21–31	175	.124
Sept. 1–10	195	.101
Sept. 11–30	220	.180
Oct. 1–10	220	.090
Oct. 11–20	300	.066
Oct. 21–31	600	.036
		3.000

[1] Unreported case.

§ 199.9 *Lands under Duchesne River not subject to water division.* The lands deriving water from the Duchesne River will not be subject to the above water duty as long as there is an ample water supply in the Duchesne River. These lands, however, may be reduced to the above water duty at any time that the Duchesne River fails to supply more water than is included in § 199.8.

§ 199.10 *Waste water.* Wasting of water will subject users to regulatory action. Water users will be required to construct and maintain in good order and repair such ditches as may be necessary to catch and conduct to some waste canal, ditch or channel all waste water flowing from their lands. Waste water may be emptied into project canals, laterals and drain ditches at such points only as have been designated for that purpose by the project engineer.

§ 199.11 *Construction of waste water ditches.* No waste water ditches shall be constructed upon the right-of-way of any project canal or lateral except where the same crosses or intersects said canal or lateral. Any such crossing or intersection shall be designated by the project engineer and the necessary works shall be constructed in accordance with his instructions.

§ 199.12 *Water may be shut off if wasted.* The project management shall have the right to shut off summarily water from any lands where water is being unnecessarily wasted or where the provisions of this section are being violated by the owners of such land or by any person who may be in charge of such land under authority of the owner.

§ 199.13 *Structures.* (a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the project engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structures shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the project engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the project engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

(b) Where a new irrigation project is installed, or an existing project is extended to an area without existing roads, and the construction of roads, bridges or culverts becomes necessary, the project engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

(c) All persons or corporations are warned against the violation of this section.

§ 199.14 *Head or service ditches.* The head or service ditches are those ditches to which delivery of water is made by the ditchrider or watermaster from canals or laterals operated and maintained by the project. Such ditches which have been or may be placed upon the project right-of-way are considered an encroachment, and are subject to regulation contained in § 199.15. The watermaster and ditchriders are authorized to refuse delivery of water to ditches that are not in proper condition to receive and convey it to the place of use with a minimum loss.

§ 199.15 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved for a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 199.16 *Obstructions and their removal.* No trees, buildings, hay or straw stacks, or other obstructions are to be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever, located upon said right-of-way may be ordered removed by the project engineer, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the project engineer at his discretion, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstructions to be placed thereon.

§ 199.17 *Fencing.* No fences shall be placed within the right-of-way excepting those crossing a canal or lateral, and in such cases a gate of approved type shall be installed and maintained by the property owner, on each side of the canal or lateral, of sufficient width to permit the operation of maintenance equipment and travel on the banks of the canal or lateral by the ditchrider. The gate must be provided with some approved convenient type of fastening which will permit the ditchrider to open and close it with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be lower than 12 inches above the maximum high water surface.

§ 199.18 *Assessments.* Bills for the yearly assessment of construction and operation and maintenance charges will be issued each year to the record owner of the land within the project. The annual per-acre charge for operation and maintenance shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with the order fixing operation and maintenance charges issued annually by the Secretary of the Interior. The provision of the order regarding refusal of delivery of water in case of delinquency shall be enforced. An additional operation and maintenance charge may be made if water is delivered by the project to tracts of less than 40 acres in area. The amount of this additional charge if any, will be stated in the order fixing operation and maintenance charges.

CROSS REFERENCES: For regulations pertaining to construction costs, see Part 211 of this chapter. For orders fixing operation and maintenance charges, see §§ 221.77–221.81 of this chapter.

§ 199.19 *Place of payment of assessments.* The assessments against white-owned tracts are to be paid at the project office, Myton, Utah, and those against leased Indian lands are to be paid at the Indian Agency office, Fort Duchesne, Utah.

§ 199.20 *Interference with project operation.* No persons other than those specifically designated by the project engineer are authorized to regulate project structures or to interfere in any way with project-operated canals or any works appurtenant thereto or to the water flowing therein.

§ 199.21 *Crop and statistical report.* A crop and statistical report on forms furnished for that purpose will be taken each year by the ditchrider or some person authorized to do so. This report will show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project and a live stock census of each farm.

§ 199.22 *Complaints.* All complaints must be made in writing to the project engineer. In case of dispute regarding application of rules and regulations and decisions of the project engineer made pursuant thereto, appeal may be made to the proper supervising engineer who will settle the dispute or refer it to the Commissioner of Indian Affairs whose decision will be final.

PART 200—WAPATO IRRIGATION PROJECT, WASHINGTON

Sec.
200.1 Organization.
200.2 Irrigation season.
200.3 Farm unit.
200.4 Delivery point.
200.5 Method of delivery.
200.6 Preparation; submission and approval; schedule of delivery.
200.7 Division of water.
200.8 Waste water.
200.9 Right-of-way.
200.10 Obstructions and their removal.
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200.12 Structures.
200.13 Service ditches.
200.14 Service ditch as an obstruction.
200.15 Assessments.
200.16 Crop reports.
200.17 Complaints.
200.18 Disputes.

AUTHORITY: §§ 200.1 to 200.18 issued under sec. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385.

§ 200.1 *Organization.* The Wapato project shall be in charge of an engineer of the Bureau of Indian Affairs who is authorized to administer, carry out and enforce the regulations of this part, either directly or through project employees. The project engineer or his representative may refuse delivery of water to any water user or landowner who disregards or fails to comply with the regulations of this part. The project engineer is vested with authority to execute on behalf of the Secretary of the Interior water right applications by landowners of the project on the approved departmental form of application.

§ 200.2 *Irrigation season.* Water will be available for irrigation purposes from April 1 to September 30 each year. These dates may be varied as much as 15 days when weather conditions and the necessity for doing maintenance work seems to warrant doing so.

§ 200.3 *Farm unit.* For the purpose of the rules and regulations in this part and the delivery of water, a farm unit on the Wapato project shall consist of:

(a) Eighty or more contiguous acres of land in single ownership covered by one or more water right contracts.

(b) Eighty or more contiguous acres of Indian owned land under lease to the same person or being farmed by the same Indian.

(c) A minimum of 80 contiguous acres in multiple ownership provided that such contiguous 80 acres shall be within the same 80-acre subdivision of the United States public land surveys.

(d) That in all cases where an original Indian allotment consisted of less than 80 acres such original Indian allotment whether under single or multiple ownership and/or covered by one or more water right contracts or whether under lease to the same or different lessees or whether farmed by one or more Indians, shall be treated as a farm unit.

§ 200.4 *Delivery point.* (a) The project will deliver water to one point on the boundary of each farm unit on the project, except that where the cost or topography makes it impractical for the landowner to irrigate the entire irrigable area of his tract from one delivery point, the Project Engineer may establish additional delivery points if the landowner cannot, at a reasonable expense, provide for the delivery by the construction of suitable head ditches.

(b) The project will maintain canals, laterals and necessary appurtenances in proper condition to make deliveries of water at such elevation as is necessary to serve each farm unit by gravity flow. Where portions of a farm unit lie at an elevation too high to be watered by gravity flow from the present normal elevation of water level in the canal system, no change will be made in the water level elevation of the canal system so as to place water on such land. Where such land has been included in the project, the landowner may install and operate pumping equipment at his own expense to raise the water to such included land at a point on the canal designated by the Project Engineer and in accordance with his specifications. If the landowner so installs pumping equipment and pays the project construction and maintenance charges, the project will deliver in its canal at such point of installation the same amount of water per acre for his land as the project delivers at the delivery point for other lands on the project.

§ 200.5 *Method of delivery.* Water for irrigation purposes will be delivered throughout the irrigation season at the discretion of the project engineer either by the continuous flow or rotation method.

§ 200.6 *Preparations; submission and approval; schedule of delivery.* Wherever the rotation method is to be followed, the water users in the rotated area shall have the right to prepare their schedule subject always to approval or modification by the project engineer. The water users must exercise the right granted in this section and submit their rotation schedule on February 15 for the following irrigation season and in the event they do not so submit their schedule the project engineer will prepare the schedule.

§ 200.7 *Division of water.* The division of water in all cases shall be made or authorized by a watermaster or ditchrider and any person, who in any manner interferes with the flow of water in or from the project canal or who opens, closes or in any manner changes the position of a headgate in a project canal or lateral without specific authority to do so, will be liable to prosecution. The cutting of a canal or lateral bank for the purpose of diverting water from the canal and the placing of obstruction in a canal or lateral for the purpose of increasing or decreasing the amount of flow through a project canal headgate will be considered a violation of this section.

§ 200.8 *Waste water.* In all cases waste water must be kept to a minimum consistent with good irrigation practice and the water user will be held responsible for the disposal of all waste water, coming from his fields, in such a manner that no injury is done to his or other land by flooding or "subbing." Waste water may be emptied into project canals, laterals and drain ditches at such points only as have been designated for that purpose by the project engineer. The project management shall have the right summarily to shut off water from any lands where water is being unnecessarily wasted or where the provisions of this section are being violated by the owner of such land, or other person who may be in charge of such land under authority of the owner.

§ 200.9 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 200.10 *Obstructions and their removal.* No trees, buildings, hay or straw stacks, or other obstructions, are to be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever, located upon said right-of-way may be ordered removed by the project engineer, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the project engineer at his discretion, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstructions to be placed thereon.

§ 200.11 *Fences.* No fences shall be placed in the right-of-way except those crossing a canal, lateral or drain ditch, and in such case a gate of approved type shall be installed and maintained by the property owner on each side of the canal, lateral or drain ditch of sufficient width to permit the operation of equipment, travel of ditchriders and all other necessary activities incident to the proper operation and maintenance of the project system. No wire, timber or other material used in the construction of fences across a project canal, lateral or drain ditch shall be placed less than 12 inches above the maximum high water surface elevation of the canal, lateral or drain ditch.

§ 200.12 *Structures.* (a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the project engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structures shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the project engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the project engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

(b) Where a new irrigation project is installed, or an existing project is extended to an area without existing roads, and the construction of roads, bridges or culverts becomes necessary, the proj-

ect engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

(c) All persons or corporations are warned against the violation of this section.

§ 200.13 *Service ditches.* The farm unit or service ditch into which water is delivered from the project canals or laterals must have ample capacity and be maintained by the water user in proper condition to receive water and convey it to the place of use with a minimum of loss.

§ 200.14 *Service ditch as an obstruction.* Any service ditch that has been or may be constructed upon any project canal, lateral or drain ditch right-of-way shall be considered an obstruction and subject to the provisions of § 200.10.

§ 200.15 *Assessments.* Bills for the yearly assessments of construction and operation and maintenance charges will be issued each year to the owners of record for all tracts of land designated for inclusion in the Wapato project. Where farm units have been subdivided into tracts of less than 40 acres the Secretary of the Interior in his discretion may fix a higher operation and maintenance rate for such subdivided acreage, than the rate fixed for tracts of 40 acres or more. In the event the Secretary does fix the higher rate for such subdivided tracts the individual owners thereof may obtain for their lands the rate fixed for 40 acres or more in single ownership by joining in the execution of a contract, appointing an agent with full authority to enter into such new contract, as may be approved by the Secretary of the Interior, with the project, covering the water right for the entire area of their respective small tracts: *Provided, however,* Such contract must represent not less than 40 acres: *And provided further,* That whether such contract be for 40 or more acres of land, it must in either event represent contiguous acreages. When the owners of such lands desire to take advantage of the group contract rate herein provided for they shall execute such contract appointing their agent (the form of such contract to be first approved by the Secretary of the Interior) and have their agent execute the contract for them as provided in this part, for with the project on or before February 1, preceding any irrigation season.

CROSS REFERENCES: For regulations pertaining to construction costs, see Part 211 of this chapter. For order fixing operation and maintenance charges, see §§ 221.86–221.94 of this chapter.

§ 200.16 *Crop reports.* A crop and statistical report will be taken each year by the ditchriders or other persons authorized to do so, on forms furnished for that purpose. This report will show the number of acres devoted to each crop, the total yield and a building and livestock census of each farm.

§ 200.17 *Complaints.* All complaints must be made in writing to the project engineer.

§ 200.18 *Disputes.* In case of dispute regarding application of rules and regulations and decisions of the project engineer made pursuant thereto, appeal may be made to the proper supervising engineer who will adjust the matter or refer same to the Commissioner of Indian Affairs whose decision will be final.

PART 201—WIND RIVER IRRIGATION PROJECT, WYOMING

Sec.

201.1 Organization.
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201.4 Farm units.
201.5 Delivery point.
201.6 Record of deliveries.
201.7 Duty of water.
201.8 Water users responsible for water after delivery.
201.9 Waste water.
201.10 Structures.
201.11 Head or service ditches.
201.12 Rights-of-way.
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201.15 Water users' ledgers.
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201.18 Crop and statistical report.
201.19 Cooperation between water users and project employees.
201.20 Complaints.
201.21 Disputes.

AUTHORITY: §§ 201.1 to 201.21 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

§ 201.1 *Organization.* Indian irrigation projects are in charge of a project engineer or other appointed employee of the Bureau of Indian Affairs who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him, such as watermasters, ditchriders, foremen or other assistants. The project engineer or his representative is fully authorized to refuse or discontinue delivery of water to any person who disregards the rules and regulations in this part.

§ 201.2 *Irrigation season.* The irrigation season for the Wind River irrigation project covers the period from May 1 to September 30th. In the event of unusual conditions in the spring, owing to construction or maintenance work on canals or laterals or when the designated opening date appears detrimental to crop production, the proper officers of the United States are authorized to advance or delay, for a period of 15 days, the beginning of the season's operation, and a corresponding change may be made for the date of closing the season, if it is to the best interests of the project or the farmers so to do. In no event, however, shall the canals be operated during any one season for a period in excess of 6 months.

§ 201.3 *Domestic and stock use.* Irrigation projects are primarily built and maintained for serving land with water for the irrigation of crops during the growing season and not for supplying domestic and stock water during the winter months or nonirrigation season.

§ 201.4 *Farm units.* For the purpose of the regulations in this part and the delivery of water, a farm unit is defined as an original allotment, homestead entry or assignment of unallotted tribal land. Assignments of unallotted tribal land shall be made whenever practicable to conform to existing Wind River irrigation facilities. Where an established farm unit already has more than one delivery point, service may be continued to the existing delivery points. Leases covering more than one farm unit may have water delivery at the regularly established farm unit delivery points.

§ 201.5 *Delivery point.* The general rule of the project shall be one delivery point at the upper boundary of the farm unit and the project shall maintain the lateral system to that extent. In special cases where from a cost or topographic standpoint it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the project engineer is authorized to establish additional delivery points but in no instance shall more than one delivery point be established and maintained when the landowner or lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches.

§ 201.6 *Record of deliveries.* Water users who are entitled to the delivery of water shall file with the ditchrider, or other proper operation employee, 48 hours in advance of the time delivery is desired, a properly signed water request card on which is indicated the time delivery is desired, the description of the subdivision, area to be irrigated, and the turnouts to be used. Printed water request cards will be supplied by the project. Request cards are required for each irrigation, and upon completion of a delivery the water user shall acknowledge same by signing the water request card. Ditchriders are specifically prohibited from making water delivery to any water user until he (the ditchrider) receives notice from the project office that all charges have been paid and proper water request cards have been filed by the water user. Water request cards for all completed deliveries must be filed in the project office at the end of each month during the irrigation season, and he must also file a statement of all uncompleted deliveries with the estimated acreage irrigated under such requests to the end of the month.

§ 201.7 *Duty of water.* Water will be delivered, subject to the provisions of the regulations in this part, on a demand basis so long as a sufficient quantity is available for project use. In case of a shortage of water, the project engineer is authorized to adopt a rotation system, either for the entire project or for individual units thereof, when, in his opinion, such action is for the best interests of the project in the apportionment to each water user of his just proportionate share of the aavilable water supply.

§ 201.8 *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish water for beneficial irrigation use only, and it is the duty of the water user to assist in the prevention of waste, and also prevent damage to adjacent lands. Water users are responsible for water after it is delivered to their land, and they are required to have their field ditches in suitable condition and of such capacity as to permit the use of economical heads.

§ 201.9 *Waste water.* Water users will be required to construct and maintain in good order and repair upon their lands, such ditches as may be necessary to catch and conduct to some waste canal, ditch or natural drainage channel, all waste water flowing upon or from their lands. No waste water shall be allowed to flow upon a road or highway right-of-way, and no waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste water ditches be constructed within 10 feet of any canal or lateral, except at points of intersection or crossing, and such crossings shall be located and constructed only by order and under the direction of the proper employee of the United States. Water delivery will be refused any water user during such time as he fails or refuses to comply with the provisions of this section.

§ 201.10 *Structures.* (a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the project engineer a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structures shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the project engineer may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the project engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

(b) Where a new irrigation project is installed, or an existing project is extended to an area without existing roads, and the construction of roads, bridges or culverts becomes necessary, the project engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs, any necessary agreement with such governmental agency.

(c) All persons or corporations are warned against the violation of this section.

§ 201.11 *Head or service ditches.* The head or service ditches are those ditches to which delivery of water is made by the ditchrider or watermaster from canals or laterals operated and maintained by the project. Such ditches which have been or may be placed upon the project right of way are considered an encroachment, and are subject to regulation contained in § 201.12. The watermaster and ditchriders are authorized to refuse delivery of water to ditches that are not in proper condition to receive and convey it to the place of use with a minimum loss. While the water is measured at the point of delivery to ditches from canals and laterals operated and maintained by the project and the loss would be to the detriment of the user, the law provides that water must be used beneficially.

§ 201.12 *Rights-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there is reserved a right-of-way along all canals, laterals, sublaterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sublaterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 201.13 *Obstructions; their removal.* No trees, buildings, hay or straw stacks, or other obstructions, are to be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever, located upon said right-of-way may be ordered removed by the project engineer, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the project engineer at his discretion, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons placing or causing such obstructions to be placed thereon.

§ 201.14 *Fencing.* No fences shall be placed within the right-of-way except those crossing a canal or lateral, and in each case provision shall be made for a gate on each side of the canal or lateral of sufficient width to pass ditch cleaning equipment and to permit travel on the banks of the canal or lateral by the ditchrider. Such gates must be provided with some approved convenient type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire or timbers used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 201.15 *Water users' ledgers.* Separate entries shall be made in the water users' ledgers for each tract. Bills are issued to the record owner, and payments made thereon are credited to the proper ledger accounts.

§ 201.16 *Assessments.* The annual per acre charge for operation and maintenance shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with the annual public notice issued each year, and the provisions of the annual notice regarding refusal of delivery of water in case of delinquency shall be enforced.

CROSS REFERENCE: For public notice of annual charges, see §§ 221.95, 221.96 of this chapter.

§ 201.17 *Interference with project operation.* No persons other than those specifically designated by the project engineer are authorized to regulate project structures or to interfere in any way with project operated canals or any works appurtenant thereto, or the water flowing therein.

§ 201.18 *Crop and statistical report.* A crop and statistical report on forms furnished for that purpose will be taken each year by the ditchrider or some person authorized to do so. This report will show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 201.19 *Cooperation between water users and project employees.* Close cooperation between the project water users and the project management is desired, and will work to the advantage of the entire project. Suggestions looking to better or more economical service will be welcomed by the project management. Information as to damage or danger to canals or structures shall be immediately reported to the nearest project employee.

§ 201.20 *Complaints.* All complaints must be made in writing to the project engineer.

§ 201.21 *Disputes.* In case of dispute regarding application of rules and regulations and decisions of the project engineer made pursuant thereto, appeal may be made to the proper supervising engineer who will adjust the matter or refer same to the Commissioner of Indian Affairs whose decision will be final.

PART 202—PUEBLO INDIAN LANDS BENEFITED BY IRRIGATION AND DRAINAGE WORKS OF MIDDLE RIO GRANDE CONSERVANCY DISTRICT, NEW MEXICO

§ 202.1 *Acreage designated.* Pursuant to the provisions of the act of March 13, 1928 (45 Stat. 312) the contract executed between the Middle Rio Grande Conservancy District of New Mexico and the United States under date of December 14, 1928, the official plan approved pursuant thereto, as modified, and the terms of section 24 of a contract between said parties dated September 4, 1936, dealing among other things with the payment of operation and maintenance and betterment assessments by the United States to the District, and section 24 of a similar contract dated April 8, 1938 executed by the representative of the United States, on this date, it is found that a total of 20,242.05 acres of Pueblo Indian lands of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana,

Sandia and Isleta is susceptible of economic irrigation and cultivation and is materially benefited by the works constructed by said District. This acreage is designated as follows:

	Acres
Lands with recognized water rights not subject to operation and maintenance or betterment charges by the District and designated as "now irrigated"	8,847
Lands classified as "newly reclaimed" lands (exclusive of the purchased area)	11,074.4
Lands classified as newly reclaimed lands (the area recently purchased)	320.65
Total irrigable area materially benefited	20,242.05

(45 Stat. 312)

PART 203—CONCESSIONS, PERMITS AND LEASES ON LANDS WITHDRAWN OR ACQUIRED IN CONNECTION WITH INDIAN IRRIGATION PROJECTS

Sec.
203.0 Scope.
203.1 Terms used.
203.2 Project engineer's authority.
203.3 Enforcement.
203.4 Permits subject to existing and future rights-of-way.
203.5 Plans, approval thereof.
203.6 Stock grazing.
203.7 Permits, transferable.
203.8 Applications.
203.9 Bonds.
203.10 Payments.
203.11 Supervision of permittees' rates.
203.12 Services from project.
203.13 Permit not a lease.
203.14 Further requirements authorized.
203.15 Permittee subject to State law.
203.16 Reserved area, Coolidge Dam.
203.17 Agricultural and grazing permits and leases.
203.18 Term and renewal of permits.
203.19 Improvements.
203.20 Revocation of permits.
203.21 Notice to vacate.
203.22 Disposition of revenue.
203.23 Organized tribes.

AUTHORITY: §§ 203.0 to 203.23 issued under 52 Stat. 193; 25 U. S. C. 390.

§ 203.0 *Scope.* The regulations in this part are promulgated governing the granting of concessions, business, agricultural and grazing leases or permits on reservoir sites, reserves for canals or flowage areas, and other lands withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead and Duck Valley or Western Shoshone irrigation projects.

§ 203.1 *Terms used.* When used in this part "Secretary" refers to the Secretary of the Interior; "project" to the Federal Indian irrigation project on which concession, lease or permit is granted, and "project engineer" to the engineer in charge of said project.

§ 203.2 *Project engineer's authority.* The project engineer is the official charged with the responsibility for the enforcement of this part. He is vested with the authority to issue temporary concession permits to applicants for periods not to exceed 30 days. All except temporary permits shall become effective when approved by the Secretary.

§ 203.3 *Enforcement.* The project engineer shall enforce these and all project regulations now or hereafter promulgated by the Secretary. Willful violation or failure to comply with the provisions of this part and all proper orders of the project engineer shall be cause for revocation of the permit by the Secretary who shall be the judge of what constitutes such violation. The project engineer may suspend any permit for cause. The project engineer shall, immediately after suspending a permit, submit to the Secretary through the Commissioner of Indian Affairs a detailed report of the case, accompanied by his reasons for the action and his recommendations, for final action by the Secretary.

§ 203.4 *Permits subject to existing and future rights-of-way.* Use by the permittee of any land authorized under this part shall be subject to the right of the Secretary to establish trails, roads and other rights-of-way including improvements thereupon or through the premises, and the right to use same by the public. No intereference shall be permitted with the continued use of all existing roads, trails and other rights-of-way and improvements thereon.

§ 203.5 *Plans, approval thereof.* No building or other structure shall be erected by permittee except in accordance with plans, specifications and locations approved by the project engineer. All premises and appurtenances shall be kept in a sanitary, safe and sightly condition.

§ 203.6 *Stock grazing.* Permittees may graze upon lands covered by such permits, such stock as may be required in connection with the purposes for which the permit is issued subject to such restrictions and limitations as may be prescribed by the project engineer.

§ 203.7 *Permits, transferable.* Permits may be transferred only with the approval of the Secretary.

§ 203.8 *Applications.* All applications for permits must be made on the approved form. The project engineer will furnish copies of this form upon request. All applications must be executed in triplicate.

§ 203.9 *Bonds.* Except in cases of temporary concession permits, leases, permits, and traders' licenses granted under Parts 151, 131, and 251 of this chapter, which are governed by the requirements of those parts, the applicant shall within 60 days after approval of the application furnish a surety bond for the faithful performance of the terms of the permit in an amount equal to the total sum accruing during the period of the permit. Such bond shall be executed by an approved surety company, or by at least three individual sureties, whose individual unencumbered assets are equal to double the amount of the bond. In the case of temporary concession permits, the permittee shall deposit at the time of receiving the permit, a sum equal to twice the rental, which sum shall, upon the expiration of the permit, be refunded to the permittee, if all the terms and conditions of the permit have been met; otherwise, such sum shall be retained as liquidated damages.

§ 203.10 *Payments.* Each permittee shall pay at the time of receiving the permit the first year's charge as fixed therein. When a permit extends over a period of years, the next and succeeding payments shall be due and payable annually in advance. The full amount accruing under a temporary permit shall be paid at the time the application is filed.

§ 203.11 *Supervision of permittees' rates.* All rates or charges collected by a permittee for services rendered by the permittee in the operation of the concession granted under a permit, must be submitted through the project engineer to the Secretary for approval. Copies of the approved rate schedule shall be posted in at least two conspicuous places on the premises. Approved rates may not be changed without first obtaining in the same manner a change in the rate schedule. The Secretary shall have the right to readjust rates charged from time to time and to amend or change any permit issued. Failure to comply with the approved rates automatically makes the permit subject to cancellation.

§ 203.12 *Services from project.* When the facilities of the project make it possible to supply water for domestic purposes, electricity or any other type of service to the permittee, the cost of connecting the project facilities shall be borne by the permittee and the work must be in accordance with standard practices and accepted by the project engineer, and as provided for in project regulations. All services rendered by the project to the permittee shall be paid for at the existing or modified schedule of rates; or if no schedule has been approved, at a rate to be approved by the Secretary which will reasonably reimburse the project for the cost of such services.

§ 203.13 *Permit not a lease.* Any permit issued under this part does not grant any leasehold interest nor cover the sale, barter, merchandising, or renting of any supplies or equipment except as therein specified. Any permittee who engages in trade with the Indians must also apply for and receive a trader's license as provided by Part 251 of this chapter.

§ 203.14 *Further requirements authorized.* The project engineer is authorized to incorporate into any proposed permit to meet the needs of any particular case, subject to the approval of the Secretary, such further special requirements as may be agreed upon by him and the applicant, such requirements to be consistent with the general purposes of this part.

§ 203.15 *Permittee subject to State law.* The holder of any permit issued under this part shall be subject to and abide by the laws and regulations of the United States and State laws if applicable to the conduct of the particular business or activity conducted by the permittee. Violations of this section shall render the permit void but shall not release the permittee from any obligations arising therunder.

§ 203.16 *Reserved area, Coolidge Dam.* No permit for any commercial business or other activity (except boating concessions confined to the Soda Spring Canyon) shall be issued to any applicant to operate within a radius of three-fourths of a mile from the center of the Coolidge Dam, Arizona.

§ 203.17 *Agricultural and grazing permits and leases.* (a) Permits or leases may be granted after the lands set forth in § 203.0 have been classified as to use and then only for the purpose for which the land is classified. Permits for grazing lands suitable for division into range units shall be granted in accordance with Part 151 of this chapter; and agricultural lands and all other grazing lands shall be leased in accordance with Part 151 of this chapter.

(b) Lands for which leases or permits are granted pursuant to the terms and conditions of this part shall not be eligible for benefit payments under the provisions and conditions of the Crop Control and Soil Conservation Act of April 27, 1935 (49 Stat. 163; 16 U. S. C. 590a), as amended by the act of February 29, 1936 (49 Stat. 1148; 16 U. S. C. 590g), and subsequent amendatory acts.

§ 203.18 *Term and renewal of permits.* No concession granted under the provisions of this part shall extend for a period in excess of 10 years. An application for the renewal of a lease, permit, or concession permit shall be treated in the same manner as an original application under this part. Should there be an application or applications other than the renewal application for a permit covering the same area, the renewal application may, if the applicant has met all the requirements of the expiring permit and has been a satisfactory permittee, be given preferential consideration for the renewal of the permit should the applicant meet the highest and most satisfactory offer contained in the several applications.

§ 203.19 *Improvements.* Title to improvements constructed on the premises by the permittee shall be fixed and determined by the terms of the permit.

§ 203.20 *Revocation of permits.* Any permit issued pursuant to this part may be revoked at any time within the discretion of the Secretary. Agricultural and grazing leases dealt with in § 203.17 shall be subject to cancellation as provided for in the respective Parts 131 and 151 of this chapter, and the conditions of the instruments executed pursuant thereto.

§ 203.21 *Notice to vacate.* A permittee shall within 10 days after notification in writing of the cancellation of his permit by the Secretary, vacate the premises covered by the said permit. Any person occupying lands dealt with in the act of April 4, 1938 (52 Stat. 193) without an approved permit or lease shall be notified in writing by the project engineer of the requirements of this part and that for the failure of such person to comply with these requirements and receive a permit or lease within 60 days after receipt of the written notice shall constitute a willful violation of this part, and the project engineer shall submit promptly to the Commissioner of Indian Affairs a detailed report concerning the case, together with recommendations looking to the taking of appropriate legal action to remove such person from the area and to the collection of such funds to compensate for any use made of the property or damages suffered thereto.

§ 203.22 *Disposition of revenue.* Funds derived from concessions or leases under this part except those so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for expenditure under existing law in the operation and maintenance of the irrigation project on which collected and as provided for in Part 130 of this chapter. Funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be deposited to the credit of the proper tribe.

§ 203.23 *Organized tribes.* Concessions and leases on tribal lands withdrawn or reserved for the purposes specified in the act of April 4, 1938 (52 Stat. 193) and dealt with in this part, of any Indian tribe organized under section 16 of the act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 476) for which the tribe has not been compensated shall be made by the organized tribe pursuant to its constitution or charter: *Provided,* No lease or concession so made shall be inconsistent with the primary purpose for which the lands were reserved or withdrawn.

Subchapter S—Construction

PART 211—PARTIAL PAYMENT CONSTRUCTION CHARGES ON INDIAN IRRIGATION PROJECTS

Sec.
211.1 Partial reimbursement of irrigation charges; 5 percent per annum of cost of system, June 30, 1920.
211.2 Landowners financially unable to pay.
211.3 Period for payments extended.
211.4 Annual payment reduced.
211.4a Assessment and collection of additional construction costs.
211.5 Payments to disbursing officer.
211.6 "Owner" defined.
211.7 Modification.

AUTHORITY: §§ 211.1 to 211.7 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385. Interpret or apply sec. 1, 41 Stat. 409; 25 U. S. C. 386.

§ 211.1 *Partial reimbursement of irrigation charges; 5 percent per annum of cost of system, June 30, 1920.* In pursuance of the act of February 14, 1920 (41 Stat. 409; 25 U. S. C. 386), regulations governing partial payment of construction charges on Indian irrigation projects, with the exception of certain ones mentioned therein, were approved by the Department June 21, 1920, and require that each owner of irrigable land under any irrigation system constructed for the benefit of Indians under provisions of law requiring reimbursement of the cost of such system and to which land, water for irrigation purposes can be delivered from such system, shall pay, on or before November 15, 1920, a sum equal to 5 percent of the per acre cost, as of June 30, 1920, of the construction of the system under which such land is situated. The per acre cost of a given system as of June 30, 1920, shall be determined by dividing the total amount expended for construction purposes on such system up to that date by the total area of land to which water for irrigation purposes can be delivered on that date; and on November 15 of each year following the year 1920, until further notice, the land owners, as therein prescribed, shall pay 5 percent of the per acre construction cost as of June 30 of the current year, such per acre cost to be determined by dividing the cost of the system to June 30 of that year by the total area of land to which water for irrigation purposes can be delivered from the system on that date. Provision is contained that no payments shall be required under the regulations in behalf of lands still in process of allotment or prior to the issuance of the first or trust patent therefor, nor for lands reserved for school, agency, or other administrative purposes where the legal title still remains in the United States.

§ 211.2 *Landowners financially unable to pay.* Considerable difficulty has been encountered in collecting charges under the regulations in this part owing to the fact that Indians have been financially unable to pay the charges, the result being that the construction charges have accrued against the lands and in cases where the land is sold for the benefit of the allottee or his heirs under the regulations, the purchaser is to pay the accrued and future irrigation charges which make it difficult in some instances, to sell the land at as favorable terms as might otherwise be secured.

§ 211.3 *Period for payments extended.* Furthermore, in recent legislation dealing with specific projects in the Bureau and also all reclamation projects the policy has been to extend the payment of such charges over a longer period of years.

§ 211.4 *Annual payment reduced.* In view of these conditions the regulations governing this matter are hereby modified so as to distribute the unaccrued installments over a period of time so that 2½ percent of the total amount yet due shall be due and payable on November 15 of each year until further notice. You shall accordingly ascertain the per acre cost after deducting the amount of the accrued charges and take 2½ percent of that amount and a like sum each year so that the amount of the annual installments will be the same each year. Superintendents are obligated to submit all proposed lists of sales involving allotments containing irrigable allotments to the project or supervising engineer for checking, as to the irrigable acreage and amounts of unpaid construction, operation, and maintenance charges against such allotments. Each sale forwarded to the Bureau for action shall be accompanied by contract executed on Form 5–462b where irrigable acreage is involved and after approval thereof a copy of contract on said form shall be sent to the project engineer for his records and the charges paid by the purchaser shall be turned over to the disbursing agent for credit and deposit as

instructed in the next paragraph. The regulations in this part shall not apply to lands on the Wapato project, on the Yakima Indian Reservation, nor to the irrigation projects on the Blackfeet, Fort Peck, Flathead, and Crow Reservations, Montana, for which special regulations have been issued nor to the Fort Hall Reservation, Idaho, or the San Carlos project, Arizona.[1]

CROSS REFERENCES: For special regulations applying to San Carlos project, see Part 215 of this chapter. For further information concerning Form 5—462B, see Part 128 of this chapter.

§ 211.4a *Assessment and collection of additional construction costs.* (a) Upon the completion of the construction of an Indian irrigation project, or unit thereof, subsequent to the determination of the partial per acre construction assessment rate which was fixed prior to July 1, 1957 pursuant to § 211.4 the Secretary of the Interior or his authorized representative shall determine such additional construction cost and distribute that cost on a per acre basis against all of the irrigable lands of the project, or unit thereof, and 1/10th of such per acre additional construction cost thus determined shall be assessed and collected annually from the non-Indian landowner of the project, or unit, thereof. The first installment shall be due and payable on November 15 of the year following the completion of such additional construction work or, if such additional construction work on the project, or unit thereof, has been completed prior to July 1, 1957 and the per acre annual rate determined, the first installment of the additional construction cost to be repaid by such non-Indian landowners shall be due and payable on November 15, 1958. This annual per acre rate shall be in addition to, and run concurrently with, the per acre construction rate assessed annually under § 211.4.

(b) Project lands in Indian ownership are not subject to assessment for their proportionate share of the per acre construction cost of the project, or unit thereof, until after the Indian title to the land has been extinguished. At that time the total annual per acre assessment rate against non-Indian lands of the project, or unit thereof, shall be assessed against the former Indian lands for each and every acre of irrigable land to which water can be delivered through the project works, beginning on November 15 of the year following the extinguishment of the Indian title to the land and on November 15 of each year thereafter over a forty year period. In cases where the Indian title to project land was extinguished prior to July 1, 1957 the assessment rate shall be due and payable on November 15, 1958.

§ 211.5 *Payments to disbursing officer.* Payments under this part shall be made to the disbursing officer for the supervising engineer of the Indian Irrigation Service having jurisdiction over the irrigation system under which the land for which payment is made may lie. The sum so collected will then, after proper credit has been made to the land for which collected, be deposited in the Treasury of the United States to the credit of the respective funds used in constructing irrigation systems toward which reimbursement shall have been made.

§ 211.6 *"Owner" defined.* The word "owner" as used in this part shall be construed to include any person, Indian or white, or any firm, partnership, corporation, association, or other organization to whom title to the land capable of irrigation, as provided in the act of February 14, 1920 (41 Stat. 409; 25 U. S. C. 386), has passed, either by fee or trust patent, or otherwise.

§ 211.7 *Modification.* The act of July 1, 1932 (47 Stat. 564; 25 U. S. C. 386a), cancelled all irrigation assessments for construction costs against lands in Indian ownership which were unpaid at that date and deferred all future assessments for construction costs until the Indian title to the land shall have been extinguished.

PART 212—CONSTRUCTION ASSESSMENTS, CROW INDIAN IRRIGATION PROJECT

Subpart A—Charges Assessed Against Irrigation District Lands

Sec.
212.1 Contracts.
212.2 Annual rate of assessments.
212.3 Annual assessments.
212.4 Time of payment.
212.5 Penalty.
212.6 Refusal of water delivery.

Subpart B—Charges Assessed Against Non-Indian Lands Not Included in an Irrigation District

212.20 Private contract lands; assessments.
212.21 Time of payment.
212.22 Penalty.
212.23 Refusal of water delivery.

AUTHORITY: §§ 212.1 to 212.23 issued under sec. 15, 60 Stat. 338.

SUBPART A—CHARGES ASSESSED AGAINST IRRIGATION DISTRICT LANDS

§ 212.1 *Contracts.* Under provisions of the act of Congress approved June 28, 1946 (60 Stat. 333–338), contracts were executed June 28, 1951, by the United States with the Lower Little Horn and Lodge Grass Irrigation District and the Upper Little Horn Irrigation District providing for the payment, over a period of 40 years, by each of the Districts of its respective share of the sum of $210,726 expended for the construction of the Willow Creek storage works on account of non-Indian lands within the Districts entitled to share in the storage water, directly or by substitution.

§ 212.2 *Annual rate of assessments.* Within the Lower Little Horn and Lodge Grass Irrigation District there are 3,196.8 acres for which the District is obligated by contract to pay its proper share of the total construction costs. Within the Upper Little Horn Irrigation District there are 1,554.7 acres for which the District is obligated by contract to pay its proper share of the total construction costs. There are 3,237.6 acres, more or less, covered by contracts with private landowners, obligating such owners to pay their proper share of such construction costs. The total per acre charge against all such lands is $26.38. This amounts to an annual per acre rate of $0.6595. For the purpose of this notice the annual per acre rate is hereby fixed at $0.66. This annual per acre rate of assessment will continue for a 40-year period within which the total amount of construction costs of $210,726 is to be repaid without interest. The amount of each annual installment chargeable against each of the Districts for the acreage covered by their respective contracts shall be determined by multiplying the total acreage, under each contract entitled to Willow Creek storage rights, either directly or by substitution, by the per acre annual rate.

§ 212.3 *Annual assessments.* Notice is hereby given of an annual assessment of $2,108.05 to be repaid by the Lower Little Horn and Lodge Grass Irrigation District for the 3,196.8 acres of irrigable land of the District, and an annual assessment of $1,025.06 to be repaid by the Upper Little Horn Irrigation District for the 1,554.7 acres of irrigable land of the District. Against the amounts due annually by the Districts under this notice, there shall be allowed any credits due under section 6 of the act of June 28, 1946. Credits due on behalf of any land shall be reflected by the respective Districts when placing against such land the annual assessment on the tax rolls.

§ 212.4 *Time of payment.* Annual assessments shall be paid by the Districts to the United States, one-half thereof on or before February 1 and one-half thereof on or before July 1 following, of each year commencing with the calendar year 1952.

§ 212.5 *Penalty.* To all assessments not paid on the due date, there shall be added a penalty of one-half of one percent per month or fraction thereof, from the due date so long as the delinquency continues.

§ 212.6 *Refusal of water delivery.* The right is reserved to the United States to refuse the delivery of water to each of the said Irrigation Districts in the event of default in the payment of assessments, including penalties on account of delinquencies.

SUBPART B—CHARGES ASSESSED AGAINST NON-INDIAN LANDS NOT INCLUDED IN AN IRRIGATION DISTRICT

§ 212.20 *Private contract lands; assessments.* In addition to 4,751.5 acres of non-Indian land included within the two irrigation Districts dealt with in Subpart A, there are 3,237.6 acres of land, more or less, in non-Indian ownership under private ditches, covered by repayment contracts executed pursuant to the act of June 28, 1946 (60 Stat. 333–338), obligating such owners to pay their proper share of such construction costs. The total per acre charge against all such lands is $26.38. This amounts to an annual per acre rate of $0.6595. For the purposes of this notice the annual per acre rate is hereby fixed at $0.66. This annual rate of assessment will continue for a 40-year period within which the total amount of construction cost of $210,726 is to be repaid without interest. The amount of each annual installment chargeable against the lands covered by each of the several contracts with individual landowners whose lands are served under private ditches, shall be determined by multiplying the total acreage, under each contract entitled to Willow Creek storage rights, either directly or by substitution, by the per acre annual rate. Against the amounts due annually by the individual landowners whose lands are served by private ditches, under this notice there shall be allowed any credits due under section 6 of the act of June 28, 1946. Credits due on behalf of any land shall be reflected in any statement submitted to the landowners.

§ 212.21 *Time of payment.* The amount of each annual installment, payable under the private landowner contracts, determined as provided in this part shall be paid by the landowners to the United States, on or before November 15 of each year commencing with the calendar year 1951.

§ 212.22 *Penalty.* To all assessments not paid on the due date there shall be added a penalty of one-half of one per cent per month or fraction thereof, from the due date so long as the delinquency continues.

§ 212.23 *Refusal of water delivery.* The right is reserved to refuse the delivery of water to any landowner in the event of default in the payment of assessments, including penalties on account of delinquencies.

PART 213—FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Sec.
213.1 Repayment contracts.
213.2 Construction costs.
213.3 Repayment of construction costs.

AUTHORITY: §§ 213.1 to 213.3 issued under sec. 9, 46 Stat. 1063.

§ 213.1 *Repayment contracts.* A rehabilitation program was established on the Fort Hall Unit of the Fort Hall Project in 1936. Based upon the estimated construction costs, contracts were signed by all non-Indian landowners within the project, including such landowners within the Little Indian Unit, now a part of the Fort Hall Unit. Under the terms of their contracts, the landowners agreed to repay to the Government their pro rata share, on an acreage basis, of all expenditures for construction and other necessary improvements for carrying out the approved program, payments not to exceed $7.50 per acre, based upon an estimated expenditure of $450,000.00 for a project then considered as covering approximately 60,000 acres.

§ 213.2 *Construction costs.* The program of rehabilitation has now been completed at a cost of $419,186.52. This amount, chargeable on an equal per acre basis against 60,000 acres, amounts to a rate of $6,986 per acre, which rate is hereby determined to be the per acre cost to be repaid to the United States under the 1936 contracts.

§ 213.3 *Repayment of construction costs.* Under the terms of the contracts, the landowners agreed to repay the construction cost in forty (40) equal annual installments. Therefore, the annual per acre installment is hereby fixed at seventeen and one-half cents (17½¢) per acre, due and payable on December 1st of each year, the first payment being due on December 1, 1955. Under section 4 of the repayment contracts of the landowners and the act of March 10, 1928 (45 Stat. 210), the charges remain a lien against the lands until paid.

PART 214—REIMBURSEMENT CONSTRUCTION COSTS, LUMMI INDIAN DIKING PROJECT, WASHINGTON

Sec.
214.1 Enabling Act.
214.2 Land classification.
214.3 Construction charges.
214.4 Payment.
214.5 Default.

AUTHORITY: §§ 214.1 to 214.5 issued under sec. 5, 44 Stat. 212.

§ 214.1 *Enabling Act.* In pursuance of the provisions of an act of Congress approved March 18, 1926 (44 Stat. 211) entitled "An Act for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes," notice is hereby given, that the total cost of the project has been distributed equitably by the Secretary of the Interior among the lands benefited by the project in accordance with the benefits received by the land.

§ 214.2 *Land classification.* That for the purpose of fixing these costs or charges, the Secretary of the Interior has divided the lands benefited into four classes to wit: Classes 1, 2, 3, and 4, and maps showing such classification are on file in the office of the proper supervising engineer of the Bureau, and in the office of the superintendent of the Lummi Reservation at Tulalip, Washington.

§ 214.3 *Construction charges.* The total construction cost of the project together with the estimated cost of certain additional improvements is the sum of $70,821.84. The construction cost assessed against each acre of land benefited by the project is stated in the schedule of charges and by this reference made a part of this notice: *Provided,* That adjustments shall be made in the assessment of costs in this section against Classes 2, 3, and 4, should the additional work contemplated be not done or the cost thereof shall be less than the estimate, such adjustments, if any, to be made before final settlement of the indebtness.

§ 214.4 *Payment.* The construction cost under the schedule shall be paid in annual installments, the first installment to be 5 percent of the total charge and be due and payable on the first day of December 1933. The remainder of said cost with interest on deferred amounts against land in private ownership from the date of said public notice will be 4 percent to be payable on each December 1 thereafter, on the same basis as the first installment, until the obligation is paid in full. Interest on deferred payments on Indian lands shall not be charged. All landowners, Indian and white, have the right to pay on the due date of the first installment the total assessment against their respective lands, and by so doing, in the case of white-owned lands, avoid payment of interest charged on all deferred obligations. They shall have the right also to pay at any time the total of the then unpaid indebtedness.

§ 214.5 *Default.* The Secretary of the Interior, in the case of default by the landowners of any installments, may take such action as he may deem proper to enforce the payment thereof under the provisions of the act of March 18, 1926, and the contracts executed with the respective landowners.

PART 215—REIMBURSEMENT OF CONSTRUCTION COSTS, SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Sec.
215.1 Water supply.
215.2 Availability of water.
215.3 Construction charges.
215.4 Future charges.
215.5 Construction costs limited.
215.6 Power development.
215.7 Private ownership defined.
215.8 Indian lands excluded.

AUTHORITY: §§ 215.1 to 215.8 issued under sec. 5, 43 Stat. 476.

§ 215.1 *Water supply.* The engineering report dealt with in section 1 of the act of June 7, 1924 (43 Stat. 475) and other available records show that the storage capacity of the San Carlos reservoir created by the Coolidge Dam and the water supply therefor over a period of years will provide for the irrigation of only 80,000 acres of lands in Indian and public or private ownership within the San Carlos irrigation project, the balance of the water supply needed for the additional 20,000 acres of the project to be provided for by recaptured and return flow water and by means of pumping the underground supply. The cost of providing the proposed supply and of operating the works for this latter acreage to be equally distributed over the entire 100,000 acres of the project regardless of where the works are placed and operated.

§ 215.2 *Availability of water.* Pursuant to section 3 of the act of June 7, 1924, 43 Stat. 475, requiring the Secretary of the Interior by public notice to announce when water is actually available for lands in private ownership under the project and the amount of the construction charges per irrigable acre against the same which charges shall be payable in annual installments as provided for therein, this public notice, of which § 215.1 is made a part hereof, is hereby given:

The date when a reasonable water supply is actually available for lands in private ownership under the San Carlos irrigation project is hereby declared to be the 1st day of December 1932.

[1] The special regulations for Wapato, Fort Peck, and Flathead, were not codified. Operations of the Blackfeet project were discontinued by the Bureau, July 20, 1938, effective September 30, 1933.

§ 215.3 *Construction charges.* Each acre of land in private ownership of said project is hereby charged with $95.25, of construction cost assessable thereto at the date hereof (Dec. 1, 1932), which sum is based upon 50,000 acres of such privately owned lands, making a total charge or assessment due from the owners thereof of $4,762,250 on this date (Dec. 1, 1932), excluding the cost of operation and maintennace for the calendar year of 1933 which may be carried into construction cost as provided for by section 3 of the act of June 7, 1924 (43 Stat. 476), and also excluding interest at the rate of 4 percent which is charged against such lands by said act. Of the 50,000 acres constituting the lands in private ownership within the said project only 46,107.49 acres have at this date (Dec. 1, 1932) actually been designated as coming within the project. Should this present designated area be not increased within a reasonable time herefrom and prior to the due date of the first installment of the charge fixed in this section, namely, on December 1, 1935, so as to bring the total designated area up to the 50,000 acres, the per acre charge fixed in this section shall be proportionately increased against the then designated area so as to assure reimbursement of the total indebtedness due the Government by the owners of the lands in private ownership from the lesser designated acreage.

§ 215.4 *Future charges.* The payment of said construction cost and costs of future operation and maintenance of said project as provided for in said section 3 of the act of June 7, 1924 (43 Stat. 476) as supplemented or amended and such contingent project liabilities which may be incurred in accordance with the provisions of said repayment contract shall be made in accordance with the provisions of said act of June 7, 1924, as supplemented or amended and the repayment contract[1] by and between the San Carlos irrigation and drainage district and the Secretary of the Interior bearing date of June 8, 1931; the said construction cost incurred subsequent to this public notice assessable against the lands in private ownership and costs of operation and maintenance assessed against such privately owned lands within the project for the first year after this public notice to be included in the construction cost and such contingent project liabilities which may be incurred in accordance with provisions of the repayment contract shall also be repaid to the Government pursuant to the terms of said act of June 7, 1924, as supplemented or amended, and the repayment contract and this public notice.

§ 215.5 *Construction costs limited.* The repayment contract[1] with the San Carlos irrigation and drainage district, page 13 thereof, contains the following:

> In accordance with the foregoing the costs of the San Carlos project as fixed by the public notice to be issued as aforesaid, unless further sums shall be agreed to by the Secretary of the Interior and the district after the execution of this instrument, may amount to but shall not exceed the sum of $9,556,313.77, except that said total may be exceeded by the inclusion of any sums expended to safeguard the project as hereinabove provided for, and any sums expended on account of contingent liabilities as in the next paragraph hereof provided.
>
> The foregoing and subsequent statements of project costs, the district's shares of which are to be repaid hereunder, unless otherwise provided by Congress more favorably to the lands of the project, may be increased by the addition of sums not now fixed as project charges but which possibly constitute contingent project liabilities incurred after the date of the San Carlos Act of June 7, 1924 (43 Stat. 476), or incurred on account of the Florence-Casa Grande project, and so may become project charges by the judgment of courts of competent jurisdiction or of other proper authority.
>
> The limitation therein fixed has approximately been reached, there remaining but $32,815.02 yet to be expended on project works before reaching that limitation. Upon the expenditure of this additional sum there shall be no further expenditures of funds for construction, operation and maintenance of the San Carlos project so far as the private lands are concerned until the San Carlos irrigation and drainage district shall, through appropriate action, authorize pursuant to the terms of the said repayment contract such additional expenditures. This limitation does not apply to project expenditures for the extension of the distributing and pumping system regardless of where they may arise. This class of expenditures being excepted from the limitation on expenditures contained in the said repayment contract[1] by section 14, page 10, thereof, which section is known as the "Equalization of Expenditures."

§ 215.6 *Power development.* The cost of the power development at the Coolidge Dam is hereby fixed at $735,000. The net revenues derived from the operation of this power development shall be disposed of as required by the terms and conditions of the act of March 7, 1928 (45 Stat. 210) as supplemented or amended.

§ 215.7 *Private ownership defined.* The term "private ownership" used in this public notice includes all lands of the San Carlos irrigation project that have or may be designated by the Secretary of the Interior that are situated outside of the boundaries of the Gila River Indian Reservation.

§ 215.8 *Indian lands excluded.* This public notice, with the exception of that part dealing with payment in advance each year of operation and maintenance charges against lands in Indian ownership operated under lease, does not apply in so far as payments are concerned to Indian lands within the project. The act of July 1, 1932 (47 Stat. 564; 25 U. S. C. 386a) defers the collection of construction costs from Indian owned lands so long as the title to such lands remain in the Indian ownership.

[1] Contract available at the Bureau of Indian Affairs, Washington 25, D. C.

PART 216—REIMBURSEMENT OF CONSTRUCTION COSTS, AHTANUM UNIT, WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

Sec.
216.1 Construction costs and assessable acreage.
216.2 Repayment of construction costs.
216.3 Payments.
216.4 Deferment of assessments on lands remaining in Indian ownership.
216.5 Assessments after the Indian title has been extinguished.

AUTHORITY: §§ 216.1 to 216.5 issued under secs. 1, 3, 36, Stat. 270, 272, as amended; 25 U. S. C. 385.

§ 216.1 *Construction costs and assessable acreage.* The construction program has been completed on the Ahtanum Unit of the Wapato Indian Irrigation Project and the construction costs have been established as $79,833.64. The area benefited by this development has been established at 4,765.2 acres. Under the requirements of the acts of February 14, 1920 (41 Stat. 409) and March 7, 1928 (45 Stat. 210), these costs are to be repaid to the United States Treasury by the owners of the lands benefited.

§ 216.2 *Repayments of construction costs.* The cost per acre under § 150.1 is, therefore, established at $16.7535. Under the provisions of the acts of February 14, 1920 (41 Stat. 409) and March 7, 1928 (45 Stat. 210) and based on forty equal annual payments, the annual per acre assessment is hereby fixed at $0.42 per acre for the year 1957 and each succeeding year until the entire cost for each tract shall have been repaid to the United States Treasury. On those tracts where payments have been made pursuant to Part 211 of this chapter, annual assessments beginning with the year 1957 at the rate of $0.42 per acre will be made until the entire cost of $16.7535 per acre shall have been repaid to the United States Treasury. Landowners may pay at any time the total of the then remaining indebtedness. Under the act of March 10, 1928 (45 Stat. 210) the unpaid charges stand as a lien against the lands until paid.

§ 216.3 *Payments.* Payments are due on December 31 of each year and shall be made to the official in charge of collections for the project.

§ 216.4 *Deferment of assessments on lands remaining in Indian ownership.* In conformity with the act of July 1, 1932 (47 Stat. 564; 25 U. S. C. 386 (a) no assessment shall be made on behalf of construction costs against Indian-owned land within the Project until the Indian title thereto has been extinguished.

§ 216.5 *Assessments after the Indian title has been extinguished.* Indian-owned lands passing to non-Indian ownership shall be assessed for construction costs and the first assessment shall be due on December 31 of the year that Indian title is extinguished. Assessments against this land will be at the annual rate of $0.42 per acre and shall be due as provided in § 216.3, and payable promptly thereafter until the total construction cost of $16.7535 per acre chargeable against the land has been paid in full.

Subchapter T—Operation and Maintenance

PART 221—OPERATION AND MAINTENANCE CHARGES

AHTANUM INDIAN IRRIGATION PROJECT, WASHINGTON

Sec.
221.1 Charges.
221.2 Time of payment.
221.3 Deliveries to fee owners.
221.4 Deliveries to Indian farmers.
221.5 Deliveries to lessees.

Sec.
221.5a Water users responsible for water after delivery.

COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

221.6 Charges.
221.7 Excess water charge.
221.7a Charges for stock water.
221.8 Time of payments.
221.8a Advance payment may be waived.
221.8b Water users responsible for water after delivery.

COLVILLE INDIAN IRRIGATION PROJECT, WASHINGTON

221.9 Charges.
221.10 Payment.
221.10a Payments, Monse Pumping Unit.
221.11 Delivery contingent on payment.
211.11a Water users responsible for water after delivery.

CROW INDIAN IRRIGATION PROJECT, MONTANA

221.12 Charges.
221.13 Payment.
221.13a Big Horn Irrigation District, Crow Indian Reservation, Montana; charges.
221.13b Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana; charges.
221.13c Upper Little Horn Irrigation District, Crow Indian Reservation, Montana; charges.
221.13d Time of payment.
221.13e General regulations.

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

221.15 General.
221.16 Charges, Jocko Division.
221.17 Charges, Mission Valley and Camas Divisions.
221.18 Lands with secretarial private water rights.
221.19 Maximum and minimum charge.
221.20 Payment.
221.21 State-owned land.
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FLATHEAD IRRIGATION DISTRICT, FLATHEAD INDIAN RESERVATION, MONTANA

221.24 Charges.
221.25 Payment.
221.25a General regulations.

MISSION IRRIGATION DISTRICT, FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

221.26 Charges.
221.27 Payment.
221.27a General regulations.

JOCKO VALLEY IRRIGATION DISTRICT, FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

221.28 Charges.
221.29 Payment.
221.29a General regulations.

FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

221.30 Charges.
221.31 Payment.
221.31a Water users responsible for water after delivery.

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

221.32 Basic and other water charges.
221.33 Payment.
221.34 Delivery to white owners.
221.35 Delivery to lessees without contracts.
221.36 Delivery to lessees with contracts.

FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

221.38 Charges.
221.39 Payment.
221.40 Care of waste water.

NAVAJO INDIAN IRRIGATION PROJECT, ARIZONA AND NEW MEXICO

Sec.
221.41 Charges.
221.42 Payment.
221.43 Water users responsible for water after delivery.

KLAMATH INDIAN IRRIGATION PROJECT, OREGON

221.47 Assessments.
221.48 Payment.
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LUMNI INDIAN DIKING PROJECT, WASHINGTON

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PALA INDIAN IRRIGATION PROJECT, CALIFORNIA

221.51 Charges.
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221.53 Water users responsible for water after delivery.

PINE RIVER INDIAN IRRIGATION PROJECT, COLORADO

221.55 Charges.
221.56 Time of payment.
221.57 Conditions of payment.

RINCON INDIAN IRRIGATION PROJECT, CALIFORNIA

221.58 Charges.
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221.60 Water users responsible for water after delivery.

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

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DEFINING JOINT DISTRICT AND INDIAN WORKS OF THE SAN CARLOS FEDERAL IRRIGATION PROJECT

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221.73 Charges.
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UINTAH INDIAN IRRIGATION PROJECT, UTAH

Sec.
221.77 Basic water charges.
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221.78 Payment.
221.79 Delivery to fee owners.
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221.81 Delivery to lessees.

WALKER RIVER INDIAN IRRIGATION PROJECT, NEVADA

221.83 Charges.
221.84 Payment.
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221.86 Charges.
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221.95 Charges.
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221.98 Charges.
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221.105 Charges.
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221.110 Basic charge.
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221.120 Basic charge.
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221.130 Basic agreement.
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MISSION MISCELLANEOUS IRRIGATION UNITS, CALIFORNIA

221.140 Charges.
221.141 Payment.
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AUTHORITY: §§ 221.1 to 221.142 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

AHTANUM INDIAN IRRIGATION PROJECT, WASHINGTON

§ 221.1 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges on lands of the

Ahtanum Indian irrigation project, Yakima Indian Reservation, Washington, for the calendar year 1949 and subsequent years until further notice, are hereby fixed at $2.25 per acre per annum for each irrigible acre of land to which water can be delivered from the project works.

§ 221.2 *Time of payment.* The charges as fixed in this part shall become due April 1 of each year, and are payable on or before that date. To all the charges assessed against owners of patent in fee lands not paid on July 1 of the year in which they fall due, there shall be added a penalty of one-half of 1 percent per month, or fraction thereof, from April 1 of that year, so long as the delinquency continues.

§ 221.3 *Deliveries to fee owners.* No water shall be delivered to patent in fee landowners, until at least 50 percent of the current year's charges assessed in this part is paid, and water delivery shall not be continued after July 1, unless the total charges for the year shall have been paid.

§ 221.4 *Deliveries to Indian farmers.* No water shall be delivered to Indians farming their own land, until the charges are paid to the Indian Irrigation Service as required of patent in fee owners in § 221.3, or until the superintendent of the reservation shall have issued a certificate to the project engineer certifying that the Indian will pay such charges through the superintendent or that such Indian is financially unable to pay the charge, and such unpaid charges shall be entered on the accounts as a first lien against the land, without penalty.

§ 221.5 *Deliveries to lessees.* No water shall be delivered to lessees of Indian lands or non-Indian lands, until the lessee shall have paid as required in the case of patent in fee owners, § 221.3. Or, in cases where the terms of the lease provide that the landowner shall pay the operation and maintenance charges from the lease rental, no water shall be delivered until the superintendent of the reservation shall have furnished the project engineer a certificate stating that the lessee has fully complied with all the terms of the lease.

§ 221.5a *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish water for beneficial irrigation use only. It is the duty of all water users, as designated in §§ 221.3–221.5, to assist in the prevention of waste and the prevention of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands and are required to have their field ditches in suitable condition and of proper capacity to permit the use of economical heads of water.

COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

§ 221.6 *Charges.* Pursuant to the provisions of the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385–387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed until further notice at $6.00 per acre per annum for the delivery of not to exceed five acre-feet of water per acre per annum, except that when with the approval of the Superintendent, certain alkali tracts are planted to rice with a view to reclaiming the lands, a quantity of water reasonably sufficient to carry away alkali salts may be furnished to any such tracts of land for not more than two successive years at a rate of $6.00 per acre per annum: *Provided, however,* That the owners of Indian lands that are not under lease to non-Indian lessees and whose lands are located within the boundaries of Townships 8 and 9 North, Ranges 20 and 21 West, S. & G. R. B. M., commonly known as the old portion of the project, shall be required to make only a partial cash payment of $3.00 per acre per annum until such time as in the opinion of the Superintendent these lands are subjugated to the standards now being followed in the development of new lands in other parts of the project. The remaining unpaid part of the $6.00 basic assessments in such cases shall stand as a first lien against the land until paid. The foregoing charges shall become effective for the irrigation season of 1953 and continue in effect thereafter until further notice.

§ 221.7 *Excess water charge.* Additional water, if and when available, in excess of five acre-feet per acre per annum, may be delivered upon request of landowners or lessees at the rate of $1.50 per acre-foot, or fraction thereof.

§ 221.7a *Charges for stock water.* For stock water delivered through the project canal and lateral system to residents using reservation lands for stock purposes only, a charge of $2.00 shall be made for each filling of a stock water tank.

§ 221.8 *Time of payments.* The basic water charge fixed in § 221.6 shall become due on March 1 of each year and shall be payable on or before that date each year, except that in cases of Indians who have been in possession of lands under tribal permit or assignment less than six months on said date, the payment shall become due the first day of July following; except further that where Indian lands, upon which the annual assessment has not been paid for any particular year, are leased effective July 1 of such year to terminate June 30 of a subsequent calendar year, and containing provisions that the lessee shall pay the operation and maintenance assessments, only one-half of the assessment shall be collected from the lessee for the remainder of the calendar year during which the lease is made and shall be payable on or before the effective date of the lease. For the last six months of the term of such a lease one-half of the annual assessment shall be paid on or before March 1, preceding the expiration of the lease.

§ 221.8a *Advance payment may be waived.* Upon certification by the superintendent that any Indian farming his own land or tribal assignment not to exceed 10 acres in any one case, is financially unable to pay the required charges on the due date, water may be delivered to not to exceed such 10 acres farmed by such Indian. The charges therefor shall be entered on the accounts and will stand as a first lien against the land until paid, but without penalty for deliquency.

§ 221.8b *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

COLVILLE INDIAN IRRIGATION PROJECT, WASHINGTON

§ 221.9 *Charges.* The annual operation and maintenance charges are hereby fixed for the lands under the various units in the amounts named in this section, on the Colville Indian Irrigation Project, Washington.

(a) The per acre per annum rates for the following units are: Nespelem Unit $4.00; Little Nespelem Unit $4.00. All patent in fee lands and all Indian trust lands to which water can be delivered for irrigation and on which application for water services is made by the water users and approved by the Superintendent of the Indian Reservation, are subject to the above rates.

(b) The per acre per annum rate for the Monse Pumping Unit is hereby fixed at $5.00 per acre for all patent in fee lands for which there are water right contracts, and for all Indian trust lands to which water can be delivered for irrigation. These charges shall apply regardless of whether water is requested or not.

§ 221.10 *Payment.* (a) The annual charges fixed in § 130.9 shall become due on April 1 of each year, are payable on or before that date, and any assessment remaining unpaid after the due date shall stand as a first lien against the land. Any delinquent charges against land in non-Indian ownership and Indian lands under lease to non-Indians shall be subject to a penalty of one-half of 1 percent per month, or fraction thereof, from the due date until paid.

(b) The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners shall have made the necessary arrangements with the superintendent as hereafter provided. When any Indian owner of land not under lease to a non-Indian is financially unable to pay the operation and maintenance charges on the due date from cash on hand, the superintendent may make the necessary arrangements with such Indian owner as will permit him to perform labor on the irrigation project works, the proceeds derived therefrom to be applied in partial payment of such charges. The superintendent may also make necessary arrangements for such Indian owner to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written statements to that effect are furnished the superintendent by the Indian owner on or before the due date.

(c) In any instance where the superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the superintendent stating that such Indian is not financially able to pay such charges. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 221.10a *Payments, Monse Pumping Unit.* The annual operation and maintenance charges for lands under the Monse Pumping Unit for the irrigation season, May 20 to September 20 of each year, may be paid in four installments. Each installment shall be at the rate of $1.25 per each irrigable acre of land. The first installment shall be due April 1 of each year and become delinquent if unpaid on June 20 following. The second installment shall be due on July 1 of each year and become delinquent if unpaid on July 31 following. The third installment shall be due on August 1 each year and become delinquent if unpaid on August 31 following. The fourth installment shall be due on September 1 each year and become delinquent if unpaid on September 30 following. Payment shall be made in advance at the rate of $1.25 per month for services in addition to the irrigation season.

§ 221.11 *Delivery contingent on payment.* (a) No water shall be delivered to Indian patent in fee lands and other privately owned lands until such charges shall have been paid. A penalty of one-half of 1 percent per month or fraction thereof from the due date will be added to all delinquent charges.

(b) The Indian owners of trust lands who are financially unable to pay the charges on the due date may be furnished water provided the superintendent of the Indian reservation certifies to the project engineer that such Indians are financially unable to make the payments. The unpaid charges shall be entered on the accounts and will stand as a lien against the lands without penalty.

(c) No water shall be delivered for use on Indian trust lands under lease until after the superintendent of the Indian reservation has certified to the project engineer that the lessee has paid the annual operation and maintenance charges and complied with all terms of the lease contract.

§ 221.11a *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

CROW INDIAN IRRIGATION PROJECT, MONTANA

§ 221.12 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385), the operation and maintenance charges for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1956 and subsequent years until further notice are hereby fixed as follows:

For the assessable non-district area under constructed works on all Government-operated units excepting Coburn Ditch, per acre	$2.50
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit, per acre	1.74
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre	1.25
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation and maintenance of said Works, per acre	.10
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932), per acre	.75

§ 221.13 *Payment.* The charges as fixed in § 221.12 shall become due on April 1 of each year, and are payable on or before that date. To all charges, which are not paid on July 1 following the due date, there shall be added a penalty of one-half of 1 percent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water shall be delivered until such charges have been paid.

§ 221.13a *Big Horn Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.50 per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 7,582 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

§ 221.13b *Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana; charges.* (a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.50 per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,463 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of ten cents ($0.10) per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

§ 221.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana; charges.* (a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.50 per acre is hereby fixed for the season of 1956 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,461 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of ten cents ($0.10) per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

§ 221.13d *Time of payment.* The amount of assessments fixed in §§ 221.13a, 221.13b and 221.13c shall be paid by the respective irrigation districts to the United States, one-half thereof on or before February 1, in advance of the delivery of water for that season, and the remainder on or before July 1 following, of each year. To all assessments not paid on July 1 of each year, there shall be added a penalty of one-half of one per cent per month, or fraction thereof, from the due date so long as the delinquencies continue; and the right is reserved to refuse delivery of water to a district or individual landowner in the event of default by the district or landowner in the payment of assessments, including penalties on account of delinquencies.

§ 221.13e *General regulations.* The irrigation districts shall comply fully with the general rules and regulations now in existence and as hereafter amended, applicable to the areas included in the districts, contained in Part 193 of this chapter.

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

§ 221.15 *General.* In compliance with the provisions of the acts of August 1, 1914 (38 Stat. 142) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), the annual charges for the operation and maintenance of the subdivisions of the Flathead Indian Irrigation Project, Montana, which are not included under any of the irrigation districts, are hereby fixed and are payable as provided in §§ 221.16 to 221.22, inclusive, (as amended May 1, 1947).

§ 221.16 *Charges, Jocko Division.* (a) An annual minimum charge of $2.69 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and seventy-nine cents ($1.79) per acre foot or fraction thereof.

CROSS REFERENCE: For method of assessment of operation and maintenance charges, see § 194.17 of this chapter.

§ 221.17 *Charges, Mission Valley and Camas Divisions.* (a) (1) An annual minimum charge of $3.30 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty cents ($2.20) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $3.20 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and thirteen cents ($2.13) per acre foot or fraction thereof.

§ 221.18 *Lands with secretarial private water rights.* (a) For all areas recognized by the Secretary of the Interior as entitled to so-called private water rights where the water is regulated by the Flathead irrigation project and delivered through any part of the Flathead irrigation project system, a charge equal to fifty percent of the annual operation and maintenance charge for project lands not having such private water rights in the same general area shall be made for water delivered up to two acre-feet per acre or such quantity of water allowed for each acre under the Secretary's private water-right findings.

(b) Upon filing a written application on the approved form by the owner of land with a secretarial private water right for a pro rata per acre share of the available water, natural flow and project stored supply, which application shall be a recognization that his land has relative water requirements as the solls of similar character of project lands, then there shall be delivered each irrigation season thereafter to his lands, the pro rata per acre share of the available water for which shall be paid the annual per acre charge fixed in §§ 221.16 and 221.17. The lands covered by any application filed pursuant to this section shall be treated from the date of the application as a part of the Flathead Indian irrigation project and subject to all the terms and conditions of applicable law and regulations.

§ 221.19 *Mamimum and minimum charge.* The maximum assessment for water delivered to any farm unit, allotment or tract shall not exceed $3 per acre for the entire irrigable area, and no assessment for water delivered shall be less than $5 for the season.

§ 221.20 *Payment.* The charges as fixed in §§ 221.16 and 221.17 shall become due April 1 and are payable on or before that date. To all charges which are not paid on July 1 following the due date, there shall be added a penalty of one-half of 1 percent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water will be delivered until such charges have been paid.

§ 221.21 *State-owned land.* In the case of lands belonging to the State of Montana, where water service is requested by lessees, delivery will be made upon payment in advance by the lessee of the same minimum charge and at the same rates, and under the same regulations, as are in force for other lands in the same general area that are not included in the irrigation districts.

§ 221.22 *Apportionment of water.* If at any time during the irrigation season when it shall appear, in the judgment of the project engineer, that there shall not be sufficient water available to deliver the amount specified under the minimum assessments provided for in §§ 221.16 to 221.19, inclusive, to the entire assessable irrigable area for which application for delivery of water has been made and approved, then the project engineer shall reduce such amounts to the extent that there shall, in his judgment, be sufficient water available to make proportionate delivery to each farm unit, allotment, or tract, and when any farm unit, allotment, or tract shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available: *Provided*, That, for those tracts located in the Mission Valley and Camas divisions of the Flathead irrigation project only, after an agreement has been reached between a landowner and the project engineer as to duty of water on individual tracts where the landowner claims excess requirements on account of porous or gravelly soils, the project engineer may, pending further order, increase the quantity of water to be delivered under the minimum assessment to such porous or gravelly tract, provided it shall not exceed 4 acre-feet of water per acre per season for the assessable irrigable area of the farm unit, allotment or tract.

FLATHEAD IRRIGATION DISTRICT, FLATHEAD INDIAN RESERVATION, MONTANA

§ 221.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1958, an assessment of $240,002 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 73,482 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

CROSS REFERENCE: For method of assessment of charges, see Part 195 of this chapter.

§ 221.25 *Payment.* The assessment fixed in § 221.24 shall become due and payable one-half on or before February 1, in advance of the delivery of water for that season, and the remainder on or before July 1. Payment shall be made by the irrigation district to the United States through the Office of Flathead Indian irrigation project, St. Ignatius, Montana.

§ 221.25a *General regulations.* The Flathead irrigation district shall comply fully with the general rules and regulations applicable to the areas included in the irrigation districts on the Flathead irrigation project approved by the Secretary of the Interior on June 5, 1937, as contained in Part 195 of this chapter.

MISSION IRRIGATION DISTRICT, FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

§ 221.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1958, an assessment of $44,872 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 13,659 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

CROSS REFERENCE: For method of assessment of charges, see Part 195 of this chapter.

§ 221.27 *Payment.* The assessment fixed in § 221.26 shall become due and payable, one-half on or before February 1, in advance of the delivery of water for that season, and the remainder on or before July 1. Payment shall be made by the irrigation district to the United States through the Office of Flathead Indian irrigation project, St. Ignatius, Montana.

§ 221.27a *General regulations.* The Mission irrigation district shall comply fully with the general rules and regulations applicable to the areas included in the irrigation districts on the Flathead irrigation project approved by the Secretary of the Interior on June 5, 1937, as contained in Part 195 of this chapter.

JOCKO VALLEY IRRIGATION DISTRICT, FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

§ 221.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed, for the season of 1958, an assessment of $16,484 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,993 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

§ 221.29 *Payment.* The assessment fixed in § 221.28 shall become due and payable, one-half on or before February 1, in advance of the delivery of water for that season, and the remainder on or before July 1. Payment shall be made by the irrigation district to the United States through the Office of the Flathead Indian irrigation project, St. Ignatius, Montana.

§ 221.29a *General regulations.* The Jocko Valley irrigation district shall comply fully with the general rules and regulations applicable to the areas included in the irrigation districts on the Flathead irrigation project approved by the Secretary of the Interior on June 5, 1937, as contained in Part 195 of this chapter.

FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

§ 221.30 *Charges.* Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Irrigation Project in Montana are (a) for the Milk River and White Bear Units, including the lands operated as a tribal farming and livestock enterprise, is hereby fixed at $2.65 per acre for the year 1957 and thereafter until further notice, (b) for the Peoples Creek (Hays), Brown, Ereaux and Three-Mile Units hereby fixed at $2.00 per acre for the year 1957 and thereafter until further notice.

CROSS REFERENCE: For method of assessment of operation and maintenance charges, see § 196.16 of this chapter.

§ 221.31 *Payment.* (a) The annual charges fixed in § 221.30 shall become due on April 1 of each year, are payable on or before that date, and any assessment remaining unpaid after the due date shall stand as a first lien against the land. Any delinquent charges against land in non-Indian ownership and Indian lands under lease to non-Indians shall be subject to a penalty of one-half of 1 percent per month or fraction thereof from the due date until paid.

(b) The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners shall have made the necessary arrangements with the superintendent as hereafter provided. When any Indian owner of land not under lease to a non-Indian is financially unable to pay the operation and maintenance charges on the due date from cash on hand, the superintendent may make the necessary arrangements with such Indian owner as will permit him to perform labor on the irrigation project works, the proceeds derived therefrom to be applied in partial payment of such charges. The superintendent may also make necessary arrangements for such Indian owner to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written statements to that effect are furnished the superintendent by the Indian owner on or before the due date.

(c) In any instance where the superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the superintendent stating that such Indian is not financially able to pay such charges and copies thereof forwarded to the Commissioner of Indian Affairs for approval or rejection. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 221.31a *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

§ 221.32 *Basic and other water charges.* (a) In compliance with the provisions for the act of March 1, 1907 (34 Stat. 1024), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1957 and subsequent years until further notice as follows:

(1) Fort Hall Project	$3.25 per acre
(2) Minor Units, Fort Hall	1.25 per acre

(b) In addition to the foregoing charges, there shall be collected annually a minimum charge of $3.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. No bill shall be rendered for less than $6.50.

(c) Indian lands, leased, as discussed in the letter from the Commissioner of Indian Affairs of December 1, 1938, and approved by the Assistant Secretary of the Interior on December 17, 1938, are subject to the payment of the foregoing charges as therein provided.

CROSS REFERENCE: For method of assessment of operation and maintenance charges, see § 197.20 of this chapter.

§ 221.33 *Payment.* (a) The assessments fixed in § 221.32 shall become due on April 1, of each year, and are payable on or before that date.

(b) Delivery of water may be made to land upon receipt of 50 percent of the assessment due but the delivery shall not continue after July 1, following the due date, unless the assessment against the land has been paid in full. To all assessments remaining unpaid on or after July 1, following the due date, there shall be added a penalty of one-half of 1 percent

per month, or fraction thereof, from the due date, until paid.

(c) No water shall be delivered to land in Indian ownership under lease to non-Indians when such land has been under lease to non-Indians for 3 years or more, until the superintendent of the reservation has certified to the project engineer that the lessee has fully complied with the terms of the lease contract relative to the payment of operation and maintenance assessments, or that the land is not subject to assessment. (See Solicitor's opinion approved by the Department September 24, 1936 (M. 28701), and the instructions of September 19, 1938, approved September 24, 1938, and of December 1, 1938, approved December 17, 1938.)

§ 221.34 *Delivery to white owners.* No water will be delivered to land in non-Indian ownership until at least 50 percent of the assessment for the season has been paid in advance and water deliveries will not be continued after July 1 of that season until all unpaid annual charges against such lands have been paid in full.

§ 221.35 *Delivery to lessees without contracts.* No water will be delivered to lands in Indian ownership leased for a term longer than 3 years, with no provision in the lease contract governing payment of operation and maintenance charges, until at least 50 percent of the assessment for the season has been paid in advance and water deliveries will not be continued after July 1 of that season until all unpaid annual charges against such lands have been paid in full.

§ 221.36 *Delivery to lessees with contracts.* No water will be delivered to lands in Indian ownership under lease for a term longer than 3 years, with provision in the lease contract for payment of operation and maintenance charges, until the terms of the contract have been complied with by the lessee in payment of such charges.

FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

§ 221.38 *Charges.* (a) On the Poplar River Unit and that part of the Big Porcupine Unit not served by the Wiota Pumping Plant, water, when available, will be furnished upon approved application during the 1955 irrigation season and until further notice, at a flat rate of $3.00 per acre per annum for all irrigable lands included in the farm unit or allotment described in the application, whether water is used or not.

(b) On that part of the Big Porcupine Unit that is under the service area of the Big Porcupine or Wiota pumping plant, water, when available, will be furnished to all irrigable non-Indian lands and to all Indian lands leased to non-Indians, to which delivery of water can be made, during the 1955 irrigation season and thereafter until further notice, at a minimum rate of $3.00 per acre per annum whether water is used or not. Payment of the minimum rate entitles the water-user to the delivery of two acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.15 per acre-foot or fraction thereof for the first additional acre-foot, $1.50 per acre-foot or fraction thereof for the second additional acre-foot and $1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(c) (1) For Indian land farmed by the Indian owner or leased and farmed by Indians, under that part of the Big Porcupine Unit that is within the service area of the Wiota pumping plant, water, when available, will be furnished during the 1955 season and until further notice at the minimum rate of $3.00 per acre per annum for the entire irrigable area included in the allotment whether water is used or not. Payment of the minimum rate entitles the Indian water user to the delivery of two acre-feet of water per acre included in the allotment. Any additional water delivered shall be charged for at the rate of $1.15 per acre-foot or fraction thereof for the first additional acre-foot, $1.50 per acre-foot or fraction thereof for the second additional acre-foot and $1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(2) For all irrigable lands situated adjacent to and outside of that part of the Big Porcupine Unit that is under the service area of the Big Porcupine Unit or Wiota pumping plant, surplus water, when available and not required for irrigation of lands within the Big Porcupine Unit, will be furnished at the flat rate of $2.00 per acre-foot. Water measurement and delivery thereof will be made at the project limits.

(d) On the Frazer-Wolf Point Unit (comprising all irrigable lands supplied with water from the Little Porcupine Reservoir and the Frazer pumping plant) water, when available, will be furnished to all irrigable non-Indian lands and to all irrigable Indian-owned allotments leased to non-Indian (whether subjugated or not) to which delivery of water can be made during the 1955 irrigation season and until further notice at a minimum rate of $3.00 per acre per annum whether water is used or not. Water, when available, will be furnished at a like minimum rate for the irrigable area for all subjugated Indian-owned allotments to which delivery of water can be made. Payment of the minimum rate entitles the water user to the delivery of two acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.15 per acre-foot or fraction thereof for the first additional acre-foot, $1.50 per acre-foot or fraction thereof for the second additional acre-foot and $1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

§ 221.39 *Payment.* (a) The flat rate and the minimum charges fixed in § 221.38 shall become due and payable on April 1 of each calendar year. The charges for excess water delivered during any irrigation season shall be included in the bill for the ensuing season and shall be due and payable on April 1 following the season in which the excess water is delivered, except in the case of excess water deliveries to lessees of Indian lands where payment is required in advance of the delivery of water.

(b) No water shall be delivered to any lands until all charges shall have been paid except in the case of Indian trust lands farmed by Indians to which water may be delivered upon certification by the superintendent of the reservation that satisfactory written arrangements have been made providing for the payment of such charges from the proceeds of the crops or from proceeds received in payment for labor performed by the water user on the project works. Copies of such certificates shall be forwarded to the Commissioner of Indian Affairs and shall be subject to rejection or modification upon review. Any unpaid assessments, in instances where the superintendent has certified the Indian owner is financially unable to pay the charges, shall be entered on the accounts as a lien against the land but without penalty for delinquency.

(c) To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before July 1 of each year there shall be added a penalty of one-half of 1 percent per month or fraction thereof from the due date, April 1, so long as the delinquency continues.

§ 221.40 *Care of waste water.* All applicants for water will be required to construct and maintain in good order and repair upon their lands such ditches as may be necessary to catch and conduct to some waste canal, ditch, lateral, or natural drainage channel, any waste water flowing upon or from said lands. No waste water will be allowed to collect within 20 feet of any canal or lateral belonging to the United States, nor shall any waste water ditches be constructed or maintained within 10 feet of any canal or lateral of the United States, except at points of intersection or crossing, which shall be located only by order and under the direction of the proper officers of the United States. No water will be furnished to any applicant during such time as he fails to comply with the provisions of this section.

NAVAJO INDIAN IRRIGATION PROJECT, ARIZONA AND NEW MEXICO

§ 221.41 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385) and March 7, 1928 (45 Stat. 210), the annual basic charges for operation and maintenance assessed against the irrigable lands of the Navajo Indian Irrigation Project, Arizona and New Mexico, to which water can be delivered through the constructed works of the project, are hereby fixed at $2.00 per acre per annum for the year 1956 and thereafter until further notice, for the following units:

Navajo project	Agency	Per acre per annum
Fruitland Unit	Navajo	$2.00
Ganado Unit	do	2.00
Hogback Unit	do	2.00
Many Farms Unit	do	2.00
Red Lake Unit	do	2.00

For domestic water delivered through the project canal system and lateral system to permittees on the reservation lands, $7.50 for each cistern.

For Tribal lands operated by the Shiprock High School, $2.00 per acre.

For Tribal lands operated as a Nursery by the Branch of Land Operations, Soil and Moisture Conservation Activity, $2.00 per acre.

§ 221.42 *Payment.* (a) The annual charges fixed in § 221.41 shall become due on April 1 of each year; are payable on or before that date, and any charges that remain unpaid after the due date shall stand as a first lien against the land until paid.

(b) The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except in instances where the lands are in Indian assignment, and the Indian assignee shall have made the necessary arrangements with the superintendent as provided in this section. When any Indian assignee of land is financially unable to pay the operation and maintenance charges on the due date from cash on hand, arrangements may be made by prior agreement with the superintendent whereby the Indian will perform labor on the project works and pay from the proceeds received from such work at least an amount equal to $1.00 per acre per annum; or the superintendent may make the necessary arrangements for such Indian assignee to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written statements to that effect are furnished by the Indian assignee on or before the due date.

(c) In any instance where the superintendent is convinced that an Indian assignee is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the superintendent stating that such Indian is not able to pay his charges and copies thereof forwarded to the district office director for approval or rejection. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 221.43 *Water users responsible for water after delivery.* It is the duty of the Indian irrigation service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

KLAMATH INDIAN IRRIGATION PROJECT, OREGON

§ 221.47 *Assessments.* (a) The rate of assessment of operation and maintenance charges on irrigable land of the Modoc Point Unit to which water can be delivered is hereby fixed at $4.00 per acre per annum for the calendar year 1957, and subsequent years, until further notice.

(b) The rate of assessment of operation and maintenance charges on land under the Sand Creek Unit shall remain at $3.00 per acre per annum until further notice.

§ 221.48 *Payment.* (a) The assessment fixed in § 221.47 shall become due on April 1, of each year, and is payable on or before that date.

(b) No delivery of water shall be made to land until the assessment has been paid in full. Assessments remaining unpaid on and after July 1, following the due date, shall be subject to a penalty of one-half of 1 percent per month, or fraction thereof, from the due date until paid.

(c) Indian water users, who are financially unable to pay the assessment on the due date, may be furnished water upon the execution of an agreement promising to pay the water charges to the superintendent of the Klamath Reservation from the crop proceeds on or before September 15, following the due date. The agreement shall authorize the superintendent to deduct the amount of the unpaid assessment from any funds accruing at the agency to the credit of the Indian water user.

(d) Land in Indian ownership to which water can be delivered, where no water is furnished because the land is not farmed, is not relieved of the assessment, but no attempt will be made to collect the assessment when the superintendent certifies to the project engineer that the Indian owner is financially unable to pay. Under such condition assessments shall be entered on the accounts against the land without penalty.

§ 221.48a *Areas assessable.* (a) The assessment against the land of the Modoc Point Unit shall be based tentatively on the area listed in the schedule of February 12, 1935, pending the approval of a final land designation of the unit. The delivery of a pro rata share of the available supply of water shall not be refused, if requested, for land not listed in the schedule and to which delivery can be made. Any collections made for water furnished to land not listed in the schedule shall be taken into account in fixing the assessment rate for the following year.

(b) The assessment against the land of the Sand Creek Unit shall be based on the area to which water can be delivered.

LUMMI INDIAN DIKING PROJECT, WASHINGTON

§ 221.49 *Charges.* In compliance with the provisions of the act of March 18, 1926 (44 Stat. 211) as supplemented by the act of February 17, 1933 (47 Stat. 820, 832), the maintenance and operation charges for the lands under the Lummi Indian Diking Project on the Lummi Indian Reservation, Washington, are hereby fixed at $2.50 per acre, for the calendar year 1952, and for subsequent years unless such charges shall be modified by the Commissioner of Indian Affairs or by the Area Director of the Portland Area Office upon the direction of the Commissioner.

§ 221.50 *Payment.* The charges as fixed in § 221.49 shall become due April 1 of each year, and shall be payable on or before that date. To all charges assessed against these lands, except lands in Indian ownership, not paid on the due date, April 1, there shall be added a penalty of one-half of one percent per month, or fraction thereof, so long as the delinquency shall continue.

PALA INDIAN IRRIGATION PROJECT, CALIFORNIA

§ 221.51 *Charges.* The reimbursable cost of operating and maintaining the Pala Indian irrigation project in California is apportioned on a per acre basis against the irrigable lands of that project and for the calendar year 1943, and each succeeding year until further order, there shall be collected, as a partial reimbursement of such cost, from each acre of irrigable land to which water can be delivered through the constructed works of the project, a charge of $1.00 per acre per annum against lands in Indian ownership, not under lease to a non-Indian, and $6.50 per acre per annum against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian lessee.

§ 221.52 *Payment.* The annual charges fixed in § 221.51 shall become due on April 1 of each year and are payable on or before that date. The delivery of water shall be refused to tracts of land on which the charges are not paid when due unless arrangements shall have been made as hereafter provided. Where an Indian owner of land under a trust patent or a fee patent, not under lease to a non-Indian, is financially unable to pay the charges from the proceeds of the crops, or from the proceeds of labor performed on the project works, or from any other source, the delivery of water may be continued if a written certificate be issued by the superintendent that such Indian is financially unable to pay his charges. Copies of such certificates

shall be forwarded to the Commissioner of Indian Affairs and shall be subject to rejection or modification upon review. In such cases the charges shall be entered on the accounts and will stand as a first lien against the lands until paid but without penalty for delinquency.

§ 221.53 *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

PINE RIVER INDIAN IRRIGATION PROJECT, COLORADO

§ 221.55 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 (38 Stat. 583; 25 U. S. C., sec. 385) and March 7, 1928 (45 Stat. 200, 210), the annual basic charge for operation and maintenance assessed against the irrigable lands of the Pine River Indian Irrigation Project, Colorado, to which water can be delivered and beneficially applied under the constructed works of the project, is hereby fixed at $2.00 per acre per annum for the year 1956 and thereafter until further notice.

§ 221.56 *Time of payment.* The charges as fixed in § 221.55 shall become due April 1, and are payable on or before that date. To all charges assessed against owners of patent in fee of white owned lands not paid on July 1, following, there shall be added a penalty of one-half of 1 percent per month, or fraction thereof, so long as the delinquency continues. No water shall be delivered to lands of competent Indians or white owned lands until such charges shall have been paid, or to lands of incompetent Indians until the superintendent of the reservation shall have issued a certificate to the project engineer that the Indian farming such lands is financially unable to pay the charge, or in case such Indian lands are leased, the terms of the lease relative to the payment of water charges shall have been complied with.

§ 221.57 *Conditions of payment.* These charges shall not apply to any lands furnished irrigation water under contract between the Department of the Interior and any company or corporation or individual person, which contract contains provisions for payment for furnishing or carrying water, differing from the conditions herein provided. In all such cases sums will be collected in accordance with the terms of the respective contracts.

RINCON INDIAN IRRIGATION PROJECT, CALIFORNIA

§ 221.58 *Charges.* The reimbursable cost of operating and maintaining the Rincon Indian irrigation project in California, is apportioned on a per acre basis against the irrigable lands of the project and for the calendar year 1943, and each succeeding year until further order, there shall be collected, as a partial reimbursement of such cost, from each acre of irrigable land to which water can be delivered through the constructed works of the project, a charge of $1.00 per acre per annum against lands in Indian ownership, not under lease to a non-Indian, and $6.50 per acre per annum against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian lessee.

§ 221.59 *Payment.* The annual charges fixed in § 221.58 shall become due on April 1 of each year and are payable on or before that date. The delivery of water shall be refused to tracts of land on which the charges are not paid when due unless arrangements shall have been made as hereafter provided. Where an Indian owner of land under a trust patent or a fee patent, not under lease to a non-Indian, is financially unable to pay the charges from the proceeds of the crops, or from the proceeds of labor performed on the project works, or from any other source, the delivery of water may be continued if a written certificate be issued by the superintendent that such Indian is financially unable to pay his charges. Copies of such certificates shall be forwarded to the Commissioner of Indian Affairs and shall be subject to rejection or modifications upon review. In such cases the charges shall be entered on the accounts and will stand as a first lien against the lands until paid but without penalty for delinquency.

§ 221.60 *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

§ 221.63 *Assessments, joint works.* (a) Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 221.69a–221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1958 is estimated to be $135,000 and the rate of assessment for the said fiscal year and subsequent years until further order, is hereby fixed at $1.35 for each acre of land.

§ 221.64 *Assessment, State and Federal agencies.* Pursuant to the provisions of the act of March 7, 1928 (45 Stat. 210), and Article 12 of the repayment contract of June 8, 1931 and in accordance with §§ 221.69a–221.69m, the State lands and Federal agencies may be delivered water, out of such project water as may be set aside for that purpose, for the calendar year 1946, and until further order, upon the payment of $2.50 per acre per annum, payable in advance each year of the delivery of water. Such payment shall entitle the lands to receive 2 acre-feet of water per acre per annum or such lesser amount as represents the proportionate share of the available supply of water. Any water delivered to such lands in excess of 2 acre-feet per acre shall be paid for on the same terms under which excess water is furnished to project lands.

The water service to the State lands and Federal agencies shall be made by:

(a) The San Carlos irrigation and drainage district shall serve the State lands for which service the district shall collect and retain $2.50 per acre.

(b) The Indian unit of the project, as defined in §§ 221.69a–221.69m, shall serve the Federal agencies for which it shall collect and retain $2.50 per acre.

The collections for the sale of excess water as defined in §§ 221.69a–221.69m, to the State lands and Federal agencies shall be made by the district and Indian unit respectively in advance of the delivery of water, and shall be paid on or before December 31 of each year as provided in §§ 221.69a–221.69m.

§ 221.65 *Assessment, villages, towns and schools.* Such project water as shall be available may be delivered to the villages, towns and schools, not included in the designated area of the San Carlos irrigation project, for the irrigation of lawns and gardens. The charge for such service for the calendar year 1939, and until further order, shall be $2.50 per acre-foot of water delivered, payable in advance of delivery.

The delivery of water and the collection therefor shall be made by the San Carlos irrigation and drainage district. It is agreed that, for the season of 1939, the district shall retain $1.25 per acre-foot, for each acre-foot on which collection shall be made, as its compensation for rendering the service. The remainder of the collections shall be paid to the project engineer for the San Carlos irrigation project for the benefit of the joint works.

§ 221.66 *Modification.* Sections 221.62–221.65 are subject to modification for future years by the issuance and publication of changes hereto.

§ 221.67 *Operation by district.* The San Carlos irrigation and drainage district upon request of its board of directors may continue for the period of this order to operate the canals serving lands in private and public ownership within its boundary, and in the event said district elects to continue such operation a credit of 70 cents per acre shall be allowed from the said basic charge for the area of district lands so operated and the basic charge to be paid to the Government by the district will accordingly be reduced to 95 cents per acre.

§ 221.68 *Restriction of Government obligations.* It should be understood that the provisions of §§ 221.62–221.69 requiring funds to be made available by the United States are dependent upon appropriations being made by Congress therefor; that the charges based upon the conditions defined shall apply to the calendar year 1938 only, and that nothing herein shall be construed as establishing a precedent for future years.

§ 221.69 *District obligations.* Should the San Carlos irrigation and drainage district, through its board of directors, request and be granted the privilege of maintaining certain of the works of the project designated in the said repayment contract as "Works of the District," the rights and obligations of the district shall be prescribed and governed by the departmental order turning over the maintenance of such works to the district.

DEFINING JOINT DISTRICT AND INDIAN WORKS OF THE SAN CARLOS FEDERAL IRRIGATION PROJECT

§ 221.69a *Joint works.* The joint works of the San Carlos Federal irrigation project are hereby defined and declared to be as follows:

(a) Coolidge Dam and San Carlos Reservoir.

(b) Electrical power generating, transmission and distribution system.

(c) Ashurst-Hayden Diversion Dam.

(d) Florence-Casa Grande Canal to and including turnout to the Picacho Reservoir.

(e) Picacho Reservoir. Feeder Canal and Outlet Structure: *Provided, however,* That at any time in the future when the Picacho Reservoir is not or can not be used for project storage or regulatory purposes, it and the outlet structure and feeder canal upon further order of the Secretary may be designated as part of the district works.

(f) North Side Canal from the Florence-Casa Grande Canal to the boundary of the Pima Indian Reservation.

(g) Pima Lateral to the boundary of the Pima Indian Reservation.

(h) Sub-laterals of the Pima Lateral outside of the reservation which serve in whole or in part Indian lands.

(i) Drainage and irrigation pumping works including wells and structures regardless of whether located within the district or the reservation.

(j) All structures on any and all of the above works, together with measuring devices such as measuring flumes or gauging stations used for the division of water as between Indian lands and district lands, even though some of such structures may be located in laterals and canals themselves designated as district or Indian works.

(k) Telephone lines and appurtenances belonging thereto.

(l) All project buildings paid for on joint account including the office building at Coolidge, the project garage and shops, including the shops at Olberg, and all machines and other equipment necessary for the operation and maintenance of the joint works heretofore selected for that purpose by the project engineer and the officials of the San Carlos Irrigation and Drainage District: *Provided, however,* That in the event the project joint works organization does not need all the office and warehouse space to carry on the activities of the project joint works, the district and the Indian unit, or either, shall have the right to use such space for official purposes on the following conditions, to-wit:

(1) The project engineer shall have the right to determine the amount if any of still available space.

(2) The project engineer has determined that for the present, joint works will need approximately two-thirds of the available office space at Coolidge. The Indian unit has set up its office at Sacaton and makes that location the headquarters for its operation and maintenance activities on Indian lands and, therefore, no longer occupies any of the office space at Coolidge. The district, therefore, is permitted to use one-third of said office space until such time as the project engineer finds that the requirements of joint works for such office space increase or decrease. The occupancy of the office building at Coolidge or any other project building occupied by the district and/or the Indian unit shall be by mutual agreement of the project engineer, the district engineer and the engineer in charge of the Indian unit. Payment shall be made by the Indian unit or by the district for the cost of operating and maintaining space occupied in the office building at Coolidge or in such other project buildings as may be occupied by either unit for its exclusive use. Until the requirements of joint works increase the district may continue to occupy the approximate east one-third of the office building for which occupancy the district shall pay such sum per month from August 1, 1952 as has been or may be agreed upon in writing between the district and the project engineer. The use of such space, which shall include the right to use part of the basement space, and garage referred to in an agreement between the project engineer and the district engineer of August 25, 1952, approved by the Area Director on December 19, 1952, shall continue, subject to the paramount need for such space for joint works operations, and the judgment of the project engineer in this regard shall be final unless otherwise determined by the Secretary of the Interior. The monthly payments received shall be deposited in the joint works account of the project and applied as provided in the said agreement.

(3) The district and the Indian unit shall have the right at all times to the services of the project shops for official work on the following conditions:

(i) The shops shall be maintained for the purpose principally of doing work for the joint works part of the project.

(ii) The shops shall be operated at all times under the supervision and management of the project engineer who shall make such rules and regulations in regard to their operation as he may from time to time think necessary to promote efficiency and economy, including the time and method of payment for work done for the district or Indian units.

(iii) All shop work done for the district and the Indian units shall be done by the project shop organization on a cost basis, and shall be done only at such times as may not interfere with joint works requirements. All such work shall be done as between the Indian unit and the district on the basis of "first come, first served," except that the project engineer may do emergency work for either at any time, when in his judgment it is necessary.

(m) All lands upon which any of the foregoing buildings or structures are located and the rights-of-way therefor, including the right-of-way for the San Carlos and Picacho Reservoir sites.

(1) If at any time it shall be found that the project joint works does not require the use of some of said land, and any of it can be used advantageously by the district or the Indian unit, the project engineer may assign such area to either of said units for use without cost to be used by the unit to which assigned until needed by the project. The availability of such land for assignment as aforesaid, and the purposes for which it may be used by the party to which it may be assigned, and the manner in which it shall be used and cared for shall be determined by the project engineer, whose judgment shall be final in case of disagreement in such matters.

(2) In the event the project engineer determines it is necessary for joint works to have and use any or all of the project buildings or premises in this order, or hereafter, assigned to the district, he shall give the district 6 months' notice in advance of the date when the district shall vacate any such buildings or premises occupied or used by it.

§ 221.69b *District works.* All project works not reserved in this part as joint works and which are used for the serving of district lands are hereby defined and declared to be district works.

The district works as defined in this section are hereby turned over to the district beginning July 1, 1938, to be operated and maintained by the district and at its expense under management satisfactory to the Secretary of the Interior of the United States, until further order.

The operation and maintenance of the district works by the district as provided for in this section shall be at all times done both as to quality and quantity in a manner satisfactory to the said Secretary. The district shall at all times keep the works hereby entrusted to its care for operation and maintenance in a satisfactory operating condition; it being understood in that regard that if at any time either the management or the operation and maintenance of the district works by the district shall prove unsatisfactory to the United States the Secretary of the Interior or his duly authorized representative, the project engineer, shall, in writing, call such matters to the attention of the district; and in the event such unsatisfactory matters are not corrected by the district within a reasonable time, the Secretary retains the right to withdraw from the district the privilege of operating and maintaining said works. What constitutes "a reasonable time" within the meaning of this section shall be determined and definitely set forth in any letter or notice calling any such unsatisfactory conditions to the attention of the district: *Provided, however,* That in the event any such notice shall be

given by the duly authorized representative of the Secretary, his fixing of a reasonable time for remedying the unsatisfactory conditions called to the attention of the district in any such notice may be appealed to the Secretary whose decision in that regard shall be final.

§ 221.69c *Indian works.* All project works serving Indian lands not reserved in this part as joint works as defined in § 130.69a shall be considered and are hereby declared to be Indian works.

All Indian works as defined in this section shall be operated and maintained by the United States and at its or the Indians' expense.

§ 221.69d *Operation and maintenance charges; joint works.* (a) The joint works as defined will be operated and maintained by the United States and the cost thereof, including the administration of the Gila decree (such costs for the fiscal year beginning July 1, 1938, are estimated to be $60,000) exclusive of the cost of operating and maintaining electric power generating plants at the Coolidge Dam and the diesel plant at Coolidge and the power transmission and distribution system, as well as all the appurtenances belonging to the project electrical system, which is payable from power revenues, and for the payment of which such revenues are now expected to be sufficient, shall be paid by the project landowners as provided for in the landowners' agreement and the repayment contract.

(b) Since the project consists of 50,000 acres of Indian lands and 50,000 acres of public and private lands, said cost of maintaining and operating the joint works shall be paid equally on account of the Indian lands and the public and private lands at a per acre rate to be established by order of the Secretary annually hereafter, which said rate shall produce such a sum of money as shall be determined by the Secretary to be the amount necessary to meet, on the aforesaid basis, the proportionate share of the expense required by the project to maintain and operate the joint works.

(c) That part of the charges for operation and maintenance of the joint works to be borne by the district when so determined shall be paid on a fiscal year basis to the United States annually in advance, not later than the first day of March of each year, beginning the first of March 1939, all as provided in the repayment contract as amended, which said first payment shall be for the fiscal year 1940, and the United States or the Indians will make available the same amount of money each fiscal year for the operation and maintenance of the joint works for and on account of the Indian lands.

(d) Since the district has made payments to the project covering its share of the cost of joint works for the calendar year 1938, and its estimated share of the cost of the project maintenance to July 1, 1938, also the money collected by it for excess water deliveries during the year 1937; and since in any event there will be unadjusted credits due the district or payments due from it to the project on account of its share of said costs and its share of joint works maintenance and operation costs for the last half of the fiscal year 1939, it is hereby provided that any unadjusted credits or payments on account of said items existing on July 1, 1938, shall be adjusted at the first opportunity after the actual figures are determined by the project engineer, in any event within 30 days after the project engineer furnishes the district with a statement of its account with the project as of July 1, 1938, for and on account of the aforesaid items. The project engineer in determining what amount if any the district owes the project on July 1st on account of said items shall allow the district credit for 50 percent of the total project revenues derived from excess water deliveries for the calendar year 1937, to the extent such revenues have been collected and are available for project uses, but no credit can be allowed the district on account of such revenues due for deliveries to Indian lands during 1937 until made available by Congress; credit for such uncollected amounts shall be allowed on future payments by the district.

§ 221.69e *Delivery of water and operation and maintenance charges for district lands and works.* (a) The district, in accordance with the repayment contract, shall make an annual charge against lands of the district, designated in this section as the basic charge, for operation and maintenance of district works and for the district's share of operation and maintenance of joint works which charge when collected will, together with its proper share of revenue from the anticipated excess water charges hereinafter provided for, cover the cost of operating and maintaining said district works and pay the district's share of operating and maintaining the joint works.

(b) The district, in accordance with the repayment contract, shall deliver two (2) acre-feet of water or such part thereof as may be legally and physically available, to each irrigated acre in the district on payment of its said basic charge and any other charges due the district or the United States under the provisions of the Landowners' Agreement and the Repayment Contract: *Provided,* That all sums due the United States provided for in this section shall have been paid by the district in accordance with the provisions of this order and the terms of the repayment contract; all additional water, except free water, as provided for in the repayment contract shall be paid for by the landowners and collected by the district, at the rate of fifty cents (50¢) per acre-foot for the third acre-foot per acre and at the rate of one dollar fifty cents ($1.50) per acre-foot for all additional water delivered, but the Secretary retains the right to change at any time the charge for excess water.

(c) In order to protect the interests of the United States and facilitate the collection of the construction charges due from the landowners within the district owing to the United States, it is further provided that the district shall maintain an organization which will not entail an overhead expense disproportionate to the services which it renders the landowners in the operation and maintenance of said district works.

(d) It is further provided that if at any time the Secretary determines that the charges made by the district for operation and maintenance of the district works are excessive, the district shall proceed immediately upon written notice from the Secretary of the Interior to reduce said cost, to a maximum to be fixed in such notice by the Secretary of the Interior and if within a reasonable time the district finds itself unable to meet the demands of the Secretary in that regard the Secretary may withdraw the operation and maintenance of the district works from the district. The Secretary retains full power to determine what constitutes a reasonable time within the meaning of this section.

§ 221.69f *Delivery of water and operation and maintenance charges for and on account of the Indian lands and works.* As provided in this part, the United States will make available for operating and maintaining the joint works the aforesaid share thereof due on account of the 50,000 acres of Indian lands in said project. In addition thereto the United States or the Indians shall provide an amount of money which will be sufficient to meet the per acre cost of maintaining and operating the Indian works, which said per acre cost shall be termed the basic charge for Indian lands and shall be paid or provided for at the time and in the manner provided from time to time by the Secretary of the Interior in accordance with law and the repayment contract. It is further provided that when the basic charge for Indian lands plus the Indians' per acre share of the cost of joint works has been determined and the payment thereof made by the Indians in advance or provided for by the United States then there shall be delivered to each irrigated acre of Indian land two acre-feet of water or such part thereof as may be legally and physically available annually; and all additional water, except free water as provided for in the repayment contract, delivered to Indian lands shall be upon such terms as may be prescribed by the Secretary from time to time as provided for in Article 11 of the repayment contract, but until further order in that regard it shall be paid for in advance by the Indians or provided for by the United States in advance of delivery at the rate of fifty cents (50¢) per acre-foot for the third acre-foot per acre and at the rate of one dollar fifty cents ($1.50) per acre-foot for all additional water delivered.

§ 221.69g *Application of funds from excess water deliveries and sales.* The revenue from charges for excess water deliveries shall be used and paid as provided in the repayment contract, and its provisions shall be considered as having been complied with as long as the district operates and maintains district works, if the said collections shall be made and applied as follows:

(a) Both the district and the Indian unit or the United States for the Indians shall be entitled to use 50 percent of the total of such charges due or collected hereafter from both Indian and district

lands in any one year to meet, to the extent it will, their respective basic sum charges. Where deliveries to district lands exceed those to Indian lands or vice versa, any balance due to or owing from either by reason of such differences shall be adjusted at the end of each calendar year by proper payments from the district or credits to it. Such payments or credits to be made on or before March 1, of the succeeding year as provided in the repayment contract.

(b) In harmony with the act of March 7, 1928 (45 Stat. 210), and Article 12 of the repayment contract, it has been the practice since the San Carlos project has been in operation to furnish water when available to the State prison near Florence, and to the cities and towns in the project as well as to the agency grounds and gardens and the experimental farm at Sacaton, and it is believed that so long as that can be done it will be to the best interests of the project to continue such uses of water. It is contemplated that contracts and such proper orders as may be required will be made in the near future to carry that policy into effect on a well-defined and permanent basis. When that shall have been done all such services as may be required from the district or the Indian unit to deliver water to said agencies shall be paid for as shall from time to time be provided by the Secretary of the Interior.

(c) All money received from the sale or leasing of water to any or all of the aforesaid public institutions for public enterprises, and beautification, where such service shall be rendered by the district or the Indian unit, shall after due compensation as aforesaid for such service, be used and paid in the same manner provided herein with reference to money received from excess water deliveries. In the event, however, that the project joint works can and does render the service to any or all of said public institutions without using district or Indian unit works, it shall make the collections and the revenue shall go into the joint works operation and maintenance fund and be used to reduce the amount due for that purpose from the district and the Indian unit each year.

§ 221.69h *Florence-Casa Grande project lands.* (a) There are certain lands of the Florence-Casa Grande project which have water rights, but have not been merged as yet with the San Carlos project. It is necessary that said lands be served in part through project canals the amount of water to which, under the law and the Florence-Casa Grande agreement, they are entitled. It is contemplated that contracts and proper orders shall be made with the Florence-Casa Grande landowners, which shall provide among other things for payment by them of construction costs and operation and maintenance charges of the Florence-Casa Grande project. The operation and maintenance charges collected from said lands shall be paid into the San Carlos project operation and maintenance fund and be used to reduce the assessments for joint works against Indian and district lands each year. The district shall be allowed due compensation however for any service which it may be required to and renders to said lands or to the State lands or cities and towns. The extent of service and compensation shall be agreed upon hereafter, but in the event an agreement can not be reached in that regard mutually satisfactory to the project engineer, the district and the Indian unit, the Secretary retains the right to determine such matters.

(b) It is further provided that until such permanent arrangements have been consummated for the State lands, the cities, towns and villages, the Florence-Casa Grande lands and the non-project Federal agency lands at Sacaton, that the district will continue as in the past to deliver to the Florence-Casa Grande project lands, such water as they are entitled to in accordance with law and the Florence-Casa Grande agreement and shall collect from said landowners such operation and maintenance charges as shall be determined upon and fixed by the Secretary of the Interior from year to year, and it will also deliver to the State prison lands and the cities and towns such water as may be allotted to them upon the same terms as has heretofore been done. The Indian unit will make deliveries to the Federal agencies for which it shall also be allowed compensation to be hereafter fixed on a per acre basis: *Provided,* The project shall be allowed a credit of $1.80 per acre for service it performs on account of said agencies for the year 1937. All net revenue from collections made on said temporary basis shall be paid to the San Carlos project joint works.

§ 221.69i *United States and district to keep and exchange records.* The district and the Indian unit or the United States for it will keep records of the amounts and rates of delivery of water to farm units of the district, and the amount and rate of delivery of water to the Indian lands, according to methods approved by the Secretary of the Interior. They will furnish to each other a summary of such amounts and rates of supply for their information. These records are to be kept open for inspection by the Indian unit, the United States and the district. Such records of the deliveries to district lands served through Government operated canals will be furnished the district in detail for assessment purposes.

§ 221.69j *District compliance with Gila decree.* It is further provided that the district in the operation and maintenance of said district works and the delivery of water to the project lands within the district and the delivery of water to Florence-Casa Grande project lands shall use every legal means at its command to see that the terms of the Gila decree are not violated and to cooperate with the project engineer and the Federal court water commisisoner in the enforcement of its terms and provisions.

§ 221.69k *Division of project equipment.* (a) Equipment belonging to the San Carlos project shall be divided as between joint works, the district, and the Indian unit of the project, according to the needs of each unit. All equipment used or needed for the operation and maintenance of joint works shall first be selected from available project equipment by the project engineer and shall be designated as belonging to the project for joint works. A division of the remaining equipment shall be made by the district and the project engineer on such equitable basis as will most nearly equalize the benefits to both the district and Indian units in the use of said equipment in the operation and maintenance of their respective units of the project. In the event that an agreement cannot be reached as to this division the matter or disagreement shall be promptly referred to the Secretary of the Interior, together with a statement of the requirements of each as to such equipment, and his decision in the matter shall be final.

(b) The value of such equipment as may be taken over by the district or the Indian unit of the project shall be paid for by the party receiving it. The payment therefor shall be made to the project disbursing agent or other properly designated project employee. The amount to be paid by each of said parties for the equipment turned over to them, respectively, shall be the current, approved value of said equipment as shown on the project inventory and equipment accounts. Said equipment shall be paid for by the party receiving same at the time said property is turned over: *Provided, however,* That the district may use any unadjusted credit due it from the project on January 1, 1938, in payment for any such equipment taken over by it, and the Indian unit may pay for such equipment as it takes over such terms as may be agreed to by the project engineer, but in the event the said Indian unit takes over any such equipment on terms other than by payment at the time of delivery, it shall in any event pay the full value thereof as of the date when so taken over, even though the equipment be worn out or destroyed before it shall have been paid for.

(c) When, in the judgment of the project engineer, emergencies exist, or at such other times as in his judgment economies may be effected in the operation and maintenance work on any part of the project he may, at the request of the district or the Indian unit, use joint works equipment together with its operating crews to do the emergency work or effect economies, if it can be done without sacraficing joint works activities. In the event joint works equipment shall have been used as aforesaid, joint works shall be fully compensated by the unit for which the work shall have been performed, on an actual per diem or shift basis, according to the procedure established by the project in accounting for the cost chargeable to the particular piece or pieces of equipment so used at the time such work may be done as aforesaid for the district or Indian unit.

§ 221.69l *Certain features contingent on appropriations.* It should be remembered that the provisions of §§ 221.69a–221.69m, to the extent that funds are required to be made available by the United States beyond the fiscal year 1939, are dependent upon appropriations being made by Congress for such purposes. The United States, however, through its

Secretary of the Interior, will use every legal effort at its command to see that the assessments which may become due for joint and Indian works as provided for herein are made available to the project or other proper Indian service official, to the end that the project joint works and the Indian works may be maintained and operated in the best possible manner so as to promote efficiency and economy in the use of water and conserve the project water supply.

§ 221.69m *Supervisory control retained.* Sections 221.69a–221.69l are not intended to be and shall not be construed as an amendment or modification of either the landowners' agreement or the repayment contract, but as an administrative operating order made pursuant to the provisions of the repayment contract for the purpose of defining the conditions upon which certain of the objectives provided for in said contract may be achieved. The Secretary reserves the right to exercise at any time any and all rights, powers and privileges given him by law and the aforesaid contracts with reference to the San Carlos Federal Irrigation Project, whether specifically mentioned in §§ 221.69a–221.69l or not, including the right to supervise, through his duly authorized representatives, to the extent he may deem necessary, the doing of the maintenance and operation work conditionally delegated in §§ 221.69a–221.69l to the district. The Secretary also retains the right to modify §§ 221.69a–221.69l and impose new or modified conditions on the district from time to time and to permit the Indian unit to be operated in whole or in part by the Indians if deemed advisable; also to revoke in whole or in part, at any time, this or any amended or modified order.

FLORENCE-CASA GRANDE INDIAN IRRIGATION PROJECT, ARIZONA

§ 221.70 *Charges.* Pursuant to the provisions of the act of May 18, 1916 (39 Stat. 130) and supplementary acts, and an agreement with the landowners commonly called the Florence-Casa Grande landowners' agreement, the operation and maintenance charges, including the administration of the Gila River Decree, which shall be assessed against privately owned lands of the Florence-Casa Grande irrigation project not included in the San Carlos Indian irrigation project, are hereby fixed at $1.50 per acre for the calendar year 1946 and until further notice.

§ 221.71 *Time of payment.* The per acre charge fixed in § 221.70 for the privately owned land shall be paid on or before March 1 of each year. Upon payment of the annual per acre charge fixed by § 221.70, each acre of such land shall be entitled to receive its proper proportionate share of the available water supply as provided for by the Florence-Casa Grande landowners' agreement referred to in § 221.70.

§ 221.72 *Conditions.* The San Carlos irrigation and drainage district, pursuant to §§ 221.69a–221.69m, shall collect the charges as provided for in §§ 221.70 and 221.71, and shall make delivery of water to the lands of the Florence-Casa Grande project. The district shall be compensated for such service at the rate of $1.00 per acre, for each acre to which water shall be delivered and the charges collected, and shall pay the balance of such amount to the project engineer of the San Carlos irrigation project for the benefit of the joint works.

TOPPENISH–SIMCOE INDIAN IRRIGATION PROJECT, YAKIMA INDIAN RESERVATION, WASHINGTON

§ 221.73 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; U. S. C. 385, 387), the operation and maintenance charges for the lands under the Toppenish-Simcoe Indian irrigation project, Yakima Indian Reservation, Washington, for the calendar year 1956 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre	$2.25

§ 221.74 *Delivery to fee owners.* No water shall be delivered to patent in fee landowners, until at least 50 percent of the charges assessed in § 221.73 is paid, and water delivery shall not be continued after July 1, 1934, unless the total charges shall have been paid.

§ 221.75 *Delivery to Indian farmers.* No water will be delivered to Indians farming their own land until the charges are paid to the Indian Irrigation Service as required in this order of patent in fee owner, or the superintendent of the reservation shall have issued a certificate to the project engineer certifying that the Indian will pay such charges through the superintendent or that such Indian is financially unable to pay the charges.

§ 221.76 *Delivery to lessees.* No water shall be delivered to lessees of trust Indian lands, until the lessee shall have paid as required in this order of patent in fee owners. Or, in cases where the terms of the lease provide that the landowner shall pay the operation and maintenance charges from the lease rental, no water shall be delivered until the superintendent of the reservation shall have furnished the project engineer a certificate stating that the lessee has fully complied with all the terms of the lease.

UINTAH INDIAN IRRIGATION PROJECT, UTAH

§ 221.77 *Basic water charges.* Pursuant to the provisions of the acts of June 21, 1906 (34 Stat. 375) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian Irrigation Project, Utah, are apportioned on a per-acre basis against the irrigable lands of all units of the project and for the calendar year 1953 and each succeeding year until further order, there shall be collected for each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of $2.10 per acre per annum, where not otherwise established by contract. No bill shall be rendered for less than $4.00.

CROSS REFERENCE: For method of assessment of operation and maintenance charges, see § 199.18 of this chapter.

§ 221.77b *Charges for additional delivery points.* The charges provided in this part are on the basis of one delivery point for each tract of land in contiguous ownership. For each additional delivery point on any tract of land in contiguous ownership, now existing thereon or which may be installed in the future, a service charge of 10 cents per acre shall be assessed annually against each acre of such tract.

§ 221.78 *Payment.* (a) The assessments fixed in §§ 221.77 and 221.77b shall become due on April 1 of each year, and are payable on or before that date.

(b) No delivery of water shall be made to land until the assessment has been paid in full. Assessments remaining unpaid on October 1, following the due date, shall be subject to a penalty of one-half of 1 percent per month, or fraction thereof, from the due date until paid.

(c) No water shall be delivered to land under lease to non-Indians until the superintendent of the reservation certifies to the project engineer that the lessee has fully complied with the lease contract relative to the payment of the operation and maintenance assessment.

(d) Indian water users who are financially unable to pay the assessment on the due date may be furnished water provided the superintendent of the reservation certifies to the project engineer that such Indian is not financially able to pay his assessment. Under such condition the assessment shall be entered on the accounts as a lien against the land, without penalty.

§ 221.79 *Delivery to fee owners.* No water shall be delivered to patent in fee landowners, until at least 50 percent of charges assessed in §§ 221.77 and 221.77b is paid, and water delivery shall not be continued after July 1 unless the total charges shall have been paid.

§ 221.80 *Delivery to Indian farmers.* No water will be delivered to Indians farming their own land, until the superintendent of the reservation shall have issued a certificate to the project engineer certifying that the Indian has paid or will pay such charges through the superintendent or that such Indian is financially unable to pay the charges.

§ 221.81 *Delivery to lessees.* No water will be delivered to a lessee of Indian trust patent land, until the superintendent of the reservation shall have furnished the project engineer with a certificate stating that the lessee has fully complied with the terms of the lease relative to the payment of the annual operation and maintenance charges.

WALKER RIVER INDIAN IRRIGATION PROJECT, NEVADA

§ 221.83 *Charges.* The reimbursable cost of operating and maintaining the Walker River Indian irrigation project, Nevada, is apportioned on a per acre basis against the irrigable lands of the project and for the calendar year 1943, and each succeeding year until further order, there shall be collected, as a partial reimbursement of such cost, from each acre of irrigable land to which water can be delivered through the constructed works of the project, a charge of 50 cents per acre per annum against lands in Indian ownership, under lease to a non-Indian, and $1.25 per acre per annum against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian lessee.

§ 221.84 *Payment.* The annual charges fixed in § 221.83 shall become due on April 1 of each year and are payable on or before that date. The delivery of water may be refused to tracts of lands for which the charges are not paid when due unless arrangements shall have been made as provided in this section. When an Indian owner of land under a trust patent or a fee patent, not under lease to a non-Indian, is financially unable to pay the charges from the proceeds of the crops, or from the proceeds of labor performed on the project works, or from any other source, the delivery of water may be continued if a written certificate be issued by the superintendent that such Indian is financially unable to pay his charges. Copies of such certificates shall be forwarded to the Commissioner of Indian Affairs and shall be subject to rejection or modification upon review. In such cases the charges shall be entered on the account and will stand as a first lien against the lands until paid but without penalty for delinquency. To all charges assessed against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian lessee there shall be added a penalty of one-half of one percent per month or fraction thereof, from the due date, if not paid on or before July 1 following the due date.

§ 221.85 *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

§ 221.86 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1957 and subsequent years until further notice are hereby fixed as follows:

(a) Minimum charges for all tracts in noncontiguous single ownership	$7.25
(b) Flat rate upon all farm units or tracts for each accessible acre	6.00
(c) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.45

CROSS REFERENCE: For methods of assessment of operation and maintenance charges, see § 201.15 of this chapter.

§ 221.87 *Time of payment.* The charges fixed by § 221.86 shall become due April 1, of each year, and are payable on or before that date. To all charges assessed against lands in non-Indian ownership and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1, following, there shall be added a penalty of one-half of one percent for each month or fraction thereof, from the due date until the charges shall have been paid.

§ 221.88 *Delivery to non-Indian lands.* No water will be delivered to non-Indian lands until all irrigation charges assessed against such lands for construction, operation and maintenance and all penalties that may have accrued, shall have been paid.

§ 221.89 *Delivery to Indian lands being farmed by Indian farmers.* No water will be delivered to lands owned by Indian farmers until the charges fixed in § 221.86 shall have been paid, or until the Superintendent of the Reservation shall have issued a certificate to the Project Engineer, certifying that such Indian will pay such charges through the Superintendent, or that the Indian is financially unable to pay the charges.

§ 221.90 *Delivery to Indian lands under lease.* No water will be delivered to trust Indian lands under lease until the lessee shall have paid the assessment fixed by § 221.86 and any penalties assessed under § 221.87, or, in cases where the lease provides that the landowners shall pay the operation and maintenance charges from the lease rental, no water shall be delivered until the Superintendent of the Reservation shall have issued a certificate to the Project Engineer, certifying that the lessee has complied fully with the terms of the lease.

§ 221.91 *Maximum delivery on bench lands.* To protect adjointing lands against seepage and erosion by the excessive use of water on tracts located in the so-called bench areas, the maximum delivery of water is fixed at 4½ acre-feet per acre.

§ 221.92 *Assessable lands.* The following lands of the Wapato project will be assessable under this order:

(a) All Indian trust (A or B) land, designated as assessable by the Secretary of the Interior, except land which has not heretofore been cultivated, if in the opinion of the project engineer the cost of preparing such land for irrigation is so high as to preclude its being leased for agricultural purposes.

(b) All Indian trust (A or B) land, not designated as assessable by the Secretary of the Interior, for which application is made for water or on which water had been charged during the preceding year on the project books.

(c) All patent in fee land covered by a water right contract, except land that because of inadequate drainage is no longer productive. The adequacy of the drainage is to be determined by the project engineer.

(d) Any patent in fee land, in the discretion of the project engineer, on which a water right contract has been applied for or is being amended, upon the payment of charges; without prejudice to the rejection or approval of such contract.

§ 221.93 *Cleaning waste ditches.* In all cases where a landowner refuses or fails to clean waste ditches, the project engineer is hereby authorized to have such ditches cleaned and include the cost of such cleaning in the operation and maintenance assessments against the land benefited: *Provided,* That before such cleaning shall be done by the project engineer the landowner shall first be duly notified of his failure and of the necessity for action by the project engineer.

§ 221.94 *Leaching.* Water may be delivered for leaching purposes, without the payment of operation and maintenance charges, to any Indian trust land or patent in fee land covered by water right contract, which because of inadequate drainage facilities in the past has become impregnated with alkali to such an extent as to become nonproductive, provided the land has been classed as irrigable. In the case of patent in fee land all assessments on account of construction cost repayment, must be paid before water may be delivered.

§ 221.95 *Charges.* In compliance with the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 45 Stat. 210, 25 U. S. C. 387) the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1957 and subsequent years until further notice, are hereby fixed at $2.60 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $2.50 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

CROSS REFERENCE: For method of assessment of operation and maintenance charges, see § 201.16 of this chapter.

§ 221.96 *Payment.* The charges as fixed in § 221.95 shall become due April 1 of each year and are payable on or before that date. To all charges which are not paid on July 1 following the due date, there shall be added a penalty of one-half of 1 percent per month or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water shall be delivered until such charges have been paid.

ZUNI PUEBLO INDIAN IRRIGATION PROJECT, NEW MEXICO

§ 221.98 *Charges.* In accordance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385) the operation and maintenance charges for irrigable lands of the Zuni Pueblo, New Mexico, are fixed as follows for the cal-

endar year 1938 and subsequent years until further notice:

For tribal lands operated by the Zuni School or Sanatorium the rate shall be $2 per acre.

§ 221.99 *Time of payment.* The charges fixed in § 221.98 shall be due and payable on April 1 of each year.

§ 221.100 *Conditions of payment.* No water shall be delivered until the charges have been paid or until the superintendent shall have issued a certificate that provision has been made for such payment.

MISCELLANEOUS INDIAN IRRIGATION PROJECTS

§ 221.105 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), a part of the reimbursable cost of operating and maintaining the irrigation projects named in this section is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1957 and for each succeeding calendar year until further order, in the amounts designated below for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments:

Project and agency	Per acre (per annum)
Duck Valley, Western Shoshone	$3.40
Miscellaneous Units, Navajo	.50
Pyramid Lake Unit, Carson	5.15
San Carlos Reservation Unit, San Carlos	.50
San Xavier Unit, Sells	1.00
Tongue River Unit, Tongue River	.25
Warm Springs Unit, Warm Springs	2.00
Burns Indian Village, Warm Springs	12.65

§ 221.106 *Payment.* (a) The annual charges fixed in § 221.105 shall become due on April 1 of each year, are payable on or before that date, and any charges that remain unpaid after the due date shall stand as a first lien against the land until paid.

(b) The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except in instances where the lands are in Indian ownership, not under lease to a non-Indian, and the Indian owners shall have made the necessary arrangements with the superintendent as hereafter provided. When any Indian owner of land not under lease to a non-Indian is financially unable to pay the operation and maintenance charges on the due date from cash on hand, the superintendent may make the necessary arrangements with such Indian owner as will permit him to perform labor on the irrigation project works with the understanding that the proceeds derived therefrom shall be applied in partial payment of the operation and maintenance charges; and/or the superintendent may make the necessary arrangements for such Indian owner to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written statements to that effect are furnished by the Indian owner on or before the due date.

(c) In any instance where the superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the superintendent stating that such Indian is not financially able to pay his charges and copies thereof forwarded to the Commissioner of Indian Affairs for approval or rejection. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 221.107 *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

TRIBAL AND TRUST PATENT INDIAN LANDS OF SAN CARLOS PROJECT, ARIZONA

§ 221.110 *Basic charge.* Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081) as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U. S. C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U. S. C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1953 and the subsequent years unless changed by further order, is hereby fixed at $3.85 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply.

The foregoing changes are to become effective for the fiscal year 1953 and continue thereafter until further notice; the assessment for the 50,000 acres of Indian land will be payable as provided in §§ 221.111 to 221.116, inclusive.

§ 221.111 *Excess water charge.* For water delivered in excess of two (2) acre-feet per acre there shall be charged 50 cents per acre-foot per acre for the first acre-foot of excess water or fraction thereof delivered, and $1.50 per acre-foot or fraction thereof per acre for water delivered in excess of three (3) acre-feet per acre; provided there shall be no charge for free water delivered in accordance with existing regulations and no discrimination in the delivery of free water to Indian and non-Indian lands.

§ 221.112 *Time and place of payment.* Basic charges shall become due on January 1 of each year and shall be payable on or before May 15: *Provided,* No water shall be delivered prior to the payment of said basic charge unless pursuant to law proper arrangements have been made for such payment. Payment for excess water as provided in § 221.111 shall be made at the time of request for delivery thereof or previous to the time of delivery. Payment of these assessments and charges shall be made at the office of the superintendent of the Gila River Reservation at Sacaton, Arizona.

§ 221.113 *Alternate method of payment.* Payment of charges may be made from revenue derived from farming operations on tribal lands conducted by the Pima Agency as provided by the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 305). Should the subjugation and cropping operations not produce sufficient revenues to meet the charges fixed in §§ 221.110 and 221.111, the deficit shall be paid or otherwise satisfactorily provided for by the Indians, or from such other funds as may be made available therefor by law; *Provided,* In such event where the allottee or assignee is required to pay the charges such allottee or assignee shall be entitled to the benefit of the 3-year exemption period from the payment of operation and maintenance charges as provided for in office letter of June 20, 1933, as confirmed by departmental order of November 18, 1936. The 3-year exemption period shall begin to run from the date the land is placed under cultivation by the individual Indian, or in the case of assignment of tribal land or release of allotted land which has been operated under the subjugation and cropping program the exemption period shall begin with the date of the assignment or release to the individual Indian for his individual operation: *Provided,* That this order shall be subject to the power of the Gila River Pima-Maricopa Indian community, through its community council or through referendum vote, as provided in its constitution and bylaws, to prevent the use of revenue derived from farming operations on tribal lands within the project or any other tribal funds in payment of any charges established by this order. Failure by the community to consent within a reasonable time to the use of such revenue or funds for the calendar year 1939 shall result in immediate termination of water service to tribal lands within the project.

§ 221.114 *Application for water service.* Before the first delivery of water is made an application for water service shall be made to the superintendent on an approved form provided by him and signed by the applicant, or an oral request may be made by the Indian to the superintendent, which application or request, when approved by the superintendent, will be furnished the project engineer of the Irrigation Service which will be his authority for delivery of irrigation water to the land described therein. For all subsequent deliveries of water the water users will notify the watermaster or ditchrider when delivery is desired.

§ 221.115 *Distribution and apportionment of water.* The stored and pumped water of the project is deemed a common project water supply in which all lands of the entire project are entitled to share equally and all such water shall be distributed to the lands of the project as equitably as physical conditions permit. The portion of the common supply available for the Indian lands will be distributed in equal amounts per acre to each acre under cultivation and irrigation, in so far as is possible, and subject to beneficial use. Water users will be notified at the beginning of the season of the amount of stored and pumped water available and at later dates of additional apportionments as they are made. Waste of water by users must be avoided as far as is physically possible in order that the supply shall be sufficient for the entire area in crop. When floods produce a supply of water in excess of demands or available storage facilities, free water shall be declared available and all water users will be promptly notified thereof. Such water shall not be counted as a part of the apportioned share to the lands on which it is used.

§ 221.116 *Care of farm ditches.* Water users will be required to keep their farm ditches in suitable condition to take water from project laterals and to carry it to the lands being irrigated. Failure to do this may result in refusal of delivery of water to lands on which the farm ditches are not in condition to take the water ordered if this condition prevents proper operation of project laterals and structures and causes waste of water.

SALT RIVER INDIAN IRRIGATION PROJECT, ARIZONA

§ 221.120 *Basic charge.* Pursuant to provisions of the acts of Congress, approved August 1, 1914, and March 7, 1928 (38 Stat. 583; 45 Stat. 210, 25 U. S. C. 385, 387), the basic operation and maintenance charge against the lands under the Salt River Indian Irrigation Project in Arizona to which water can be delivered through the Irrigation Project works is hereby fixed at $5.50 per acre per annum until further notice.

§ 221.121 *Payment.* The annual basic charge fixed in § 221.120 shall be due and payable on or before May 1, 1947, and on April 1 of each year thereafter until further notice. Charges not paid on the due date shall stand as a first lien against the lands until paid.

§ 221.122 *Delivery of water.* Delivery of water shall be refused to all tracts of land for which the basic charge remains unpaid on the due date except that water may be delivered (a) to irrigate Indian owned lands that are not under lease, permit, or other form of use by someone other than the Indian owner, upon the partial payment on or before the due date of not less than $2.00 per acre per annum of the basic charge; (b) to irrigate Indian owned lands not under lease, permit, or other form of use by someone other than the Indian owner when said owner is unable to pay any part of the basic charge, upon the performance of labor on project works and the prior agreement that he will pay from the proceeds received for such work at least an amount equal to $3.50 per acre per annum; and (c) to irrigate not to exceed 10 acres of Indian owned land when the Superintendent is of the opinion that an Indian landowner is unable to meet the requirements of paragraphs (a) or (b) of this section, when the Superintendent certifies to that fact. The Superintendent shall promptly furnish the director of the district, for approval or rejection, all such certifications. In such cases, covered by paragraphs (a), (b) and (c) of this section, the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid, without penalty.

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

§ 221.130 *Basic agreement.* Pursuant to the acts of Congress approved August 1, 1914, May 18, 1916 and March 7, 1928 (38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U. S. C. 385, 387), the basic rate of assessment of operation and maintenance charges against the irrigable lands under the Blackfeet Indian Irrigation Project, Montana, for the season of 1951 and until further notice, is hereby fixed at $1.80 per acre per annum for the delivery of water, on an application basis, of not to exceed 1½ acre-feet per acre during each irrigation season.

§ 221.131 *Excess water assessment.* Additional water may be delivered in excess of 1½ acre-feet per acre per annum at the rate of $1.00 per acre-foot or fraction thereof.

§ 221.132 *Payment.* (a) The assessments fixed in §§ 221.130 and 221.131 shall be due and payable at the time of the filing of the application for water. Payment must be made to the disbursing officer through the project office, Browning, Montana, before water is delivered.

(b) Delinquent assessments which accrued prior to 1939 against land covered by an application for water shall not prevent the delivery of water for the calendar year 1939 and until further order.

(c) In the event an Indian water user is unable to pay the assessment in advance water may be furnished upon certification by the superintendent of the reservation that the assessment will be paid from the proceeds of the crops, or Indian water users who are financially unable to pay any of the assessment may be furnished water upon certification by the superintendent that such Indians are financially unable to pay. Under such condition where the Indian water users are unable to pay the assessment the same shall be charged on the accounts as a lien against the land, without penalty.

§ 221.133 *Application for water.* (a) Application for water may be received up to the estimated capacity of the several systems, and should the demand for water exceed the available supply, applications shall be given preference in the order of receipt at the project office.

(b) Applications will not be accepted for partial tracts but must cover the entire irrigable acre of the farm unit or allotment, as determined by the land designation schedules.

(c) Water for each irrigation will be delivered only upon the written request of the landowner or water user. Such request shall be filed with the project engineer, or other employee duly designated, at least 48 hours in advance of the time the delivery is to begin. The written request shall show the legal description of the farm unit or allotment for which delivery is requested, also the day and hour it is desired. Water request forms are available at the project office.

(d) The right is reserved to limit the head of water to an amount not to exceed 2½ second-feet for each 160-acre farm unit or allotment, or fraction thereof, and to a total delivery of three-fourths of 1 acre-foot per acre for any one irrigation, and should conditions warrant, to adopt the rotation system of delivery.

MISSION MISCELLANEOUS IRRIGATION UNITS, CALIFORNIA

§ 221.140 *Charges.* The reimbursable costs of operating and maintaining the miscellaneous irrigation units under the jurisdiction of the Mission Indian Agency in California are apportioned on a per acre basis against the irrigable lands of the respective units and for the calendar year 1943, and each succeeding calendar year until further order, there shall be collected, as a partial reimbursement of such costs, from each acre of irrigable land to which water can be delivered through constructed works of the project, a charge of $1.00 per acre per annum against lands in Indian ownership, not under lease to a non-Indian, and $3.00 per acre per annum against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian lessee.

§ 221.141 *Payment.* The annual charges fixed in § 221.140 shall become due on April 1 of each year and are payable on or before that date. The delivery of water shall be refused to tracts of land on which the charges are not paid when due unless arrangements shall have been made as hereafter provided. Where an Indian owner of land under a trust patent or a fee patent, not under lease to a non-Indian, is financially unable to pay the charges from the proceeds of the crops, or from the proceeds of labor performed on the project works, or from any other source, the delivery of water may be continued if a written certificate be issued by the superintendent that such Indian is financially unable to pay his charges. Copies of such certificates shall be forwarded to the Commissioner of Indian Affairs and shall be subject to rejection or modification upon review. In such cases the charges shall be entered on the accounts and will stand as a first lien against the lands until paid but without penalty for delinquency.

§ 221.142 *Water users responsible for water after delivery.* It is the duty of

the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

Subchapter U—Electric Power System

PART 231—COLORADO RIVER IRRIGATION PROJECT, ARIZONA

Sec.

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AUTHORITY: §§ 231.1 to 231.56 issued under sec. 5, 43 Stat. 476.

§ 231.1 *Purpose of regulations.* The rules and regulations in this part are approved for the conduct of electric power system of the Colorado River Project, Arizona. The rules and regulations of this part are subject to change by the proper authority and such changes will apply to all contracts then and afterwards in effect.

§ 231.2 *Authority of project engineer.* The project engineer is responsible for operation of electric power system and enforcement of public notices establishing rates and rules and regulations. He is fully authorized to carry out and enforce the rules and regulations in this part either directly or through the power superintendent or other project employees designated by him.

§ 231.3 *Disputes.* In case of dispute regarding application of rules and regulations and decisions of the project engineer made pursuant thereto, appeal may be made to the proper supervising engineer who will adjust or refer to Commissioner of Indian Affairs whose decision will be final. While an appeal is pending electric service will not be discontinued except in case of emergency by reason of the existing dangerous conditions provided for in § 231.36, provided payments or deposits are made as provided in § 231.31.

§ 231.4 *Applications; contracts.* In order to become a consumer under the Colorado River Project electric power system, an application shall be made which becomes a contract upon the approval of the Project Engineer. In general, service will be rendered to all applicants signing valid contracts where service lines exist. The Project Engineer is authorized to reject applications where it does not appear that the rules and regulations in this part will be complied with, or when not to the interest of the United States. Upon 30 days' written notice to the contractor, the Project Engineer may suspend or cancel any contract upon failure to comply with rules and regulations or to make payment under the standard schedule of rates. Negotiations for contracts involving special conditions or service within town sites of record will be subject to approval by the Commissioner of Indian Affairs.

§ 231.5 *Cash deposits.* Cash deposit in advance in the amount of twice the estimated monthly bill, but not less than $10 will be required from all consumers except property owners. In case of delinquency by property owners such advance payment will be required for 1 year, after which deposit will be returned.

§ 231.6 *Deposits waived.* Deposit requirements in the case of tenants will be waived when property owner jointly signs the tenant's contract, subject to delinquency clause in § 231.5.

§ 231.7 *Deposits returned.* The consumers cash deposit less the amount of any unpaid bills for electric service will be returned to him when service is discontinued by order of the consumer. The special disbursing agent will require the consumer to sign a proper refund voucher before returning the net cash deposit.

§ 231.8 *Deposits for extensions.* For extensions beyond existing service lines and for temporary service, certain guarantees and deposits may be required as prescribed in §§ 231.10–231.19.

§ 231.9 *Service bills.* Certain service bills, for removal, reconnection charge, and final settlement are payable on presentation.

§ 231.10 *Extensions.* In so far as practicable all extensions will be constructed along established highways and transformers placed thereon.

§ 231.11 *Urban areas.* Within the limits of urban areas, extensions of single phase circuits will not exceed 100 feet for each dollar of guaranteed monthly revenue. Three phase extensions in urban areas will not exceed 80 feet for each dollar of guaranteed monthly revenue.

§ 231.12 *Rural areas.* In rural areas, extensions of single phase circuits will not exceed 330 feet for each dollar of guaranteed monthly revenue and extensions of three phase circuits will not exceed 210 feet for each dollar of guaranteed monthly revenue.

§ 231.13 *Guarantees.* Before extensions are constructed the consumers must deposit with the special disbursing officer an amount at least equal to the required minimum revenue for a period of one year and must establish their credit in such a manner as to satisfy the project engineer of their ability and intention to meet the guarantees.

§ 231.14 *Measuring extensions.* In measuring an extension there shall be included all the primary distribution circuit which it is necessary to build and also the length of the secondary circuit, in excess of 100 feet, to the point of connection with the consumer's service.

§ 231.15 *Extensions beyond specified distance.* If extensions are desired beyond the distances specified in §§ 231.11, 231.12, or if project funds are not available, the prospective consumers may after appropriate written agreement with the project engineer furnish or pay for such satisfactory line material and labor as may be necessary to construct the additional extension. The agreement may provide that part or all of the cost of the extension will be refunded to the consumer by allowing him a monthly credit equal to 20 percent of his bill each month during the life of the contract until the agreed amount is refunded but refund will not be made for any extension not along a public highway except the difference, if any, between the deposit and the actual cost thereof, which will be refunded monthly by credit allowance on monthly bills.

§ 231.16 *Extensions limited.* The project engineer shall decline to construct any extension which in his opinion will be excessive in cost or detrimental to the best interest of the project or for which appropriations and funds are not available. All extensions provided for under §§ 231.11, 231.12, and 231.15 shall remain the property of the United States.

§ 231.17 *Rights-of-way.* The consumer shall make or procure satisfactory conveyance to the United States of rights-of-way across property owned or controlled by the consumer, necessary for the lines of the United States or incidental to the furnishing of service.

§ 231.18 *Temporary service.* Unless the payment of the cost is satisfactorily guaranteed, applicants for temporary service shall be required to deposit with the special disbursing agent a sum of money equal to the estimated net cost of installing and removing any facilities necessary in connection with furnishing

such service, and also an additional sum approximately equal to the estimated bill for electric service: *Provided*, That if service is to continue for more than 2 months the said additional sum need not be greater than twice the estimated monthly bill. After service is discontinued an account shall be rendered to the consumer and proper adjustment shall be made.

§ 231.19 *Temporary service defined.* Temporary service refers to service to circuses, bazaars, fairs, construction works, and other business of such a nature that service on the premises will probably be discontinued within less than 1 year.

§ 231.20 *Type of service.* (a) Service for lights and usual domestic and other appliances, including motors of less than 5 horse power, will be single phase, either 115 or 230 volts, and two or three wire except when special approval for another type of service has been obtained from the project engineer:

(b) Three phase service at suitable voltage may be furnished for motor installations of 5 horse power and over providing a three phase circuit and the required voltage are available at the point where the consumer desires service.

(c) All service will be 60 cycle.

§ 231.21 *Service connections.* (a) The consumer shall furnish and install the service within the building and shall extend the service conductors at least 3 feet beyond the outside wall of the building. Service switch, service cut-outs and all necessary arrangements for meters shall be provided by the consumer in accordance with the following specifications:

(1) Service wires from the main line switch to the service entrance shall be encased in steel conduit and shall be brought outside the building at the location most convenient to the lines of the United States. If brought out elsewhere they shall be carried in conduit to the point designated by the power superintendent. Service wires will not be carried over buildings to reach outlets where clearance of 8 feet for roofs less than one-fourth pitch, and 2 feet for roofs greater than one-fourth pitch cannot be obtained. Outlets must be brought out at least 10 feet above the ground. If the consumer or his wiring contractor has any doubt as to the proper location for the service entrance, he should consult the power superintendent before the work is done.

(b) The ordinary method of connection with the street mains will be overhead wires. Customers desiring the feed wires to run underground must run their own wires in conduit from the building to the service arm on the pole where connection is to be made. Conduits on the pole must be installed in a manner satisfactory to the power superintendent. They must be placed outside the climbing space and must be wholly encased, from the upper end to a point not less than 8 feet below the lowest conductor on the pole, in a casing equal in durability and insulating value to a wooden casing not less than 1½ inches thick. Conduits must be provided at the upper end with a suitable weatherproof fitting installed not more than 4 inches below the service arm. The conductors must be of such size that at full load the voltage drop from the cross arm on the pole to the building entrance will not exceed 2 percent.

(c) Ordinarily not more than one service will be installed to any one building. An exception will be made where both single phase and three phase are required.

§ 231.22 *Entrance wires, switch, and protection.* (a) On single phase installations meters will be of the socket type. The socket and meter will be furnished by the United States. The socket shall be installed by the customer. From the load side of the meter socket the customer shall install the service wire in rigid conduit to a distribution box. This box must contain an automatic switch or breaker of an approved size for the connected demand. An additional grouping of branch fuse blocks or circuit breakers must be installed to serve lights, motors or other appliances, as required by the rules of the National Electrical Code. The neutral wire shall not be fused.

(b) On three phase installations a main line entrance switch must be placed on the line side of the meter and adjacent thereto. This switch shall be fused on the load side of the switch or an automatic circuit breaker of approved type and capacity shall be installed. If fuses are used they must be of cartridge type when the voltage is in excess of 150 volts to ground. The neutral wire shall not be fused.

(c) Entrance wires must be carried to the meter in rigid conduit and so arranged that they can be connected to the left side of the meter, and the load wires to the right side without crossing them near the meter:

(d) Where two or more meters are to be placed in one installation extra arrangements for meter sockets or loops and meter boards shall be made by the consumer and each meter shall be protected by an individual cutout and switch. In such a case, the meter loops must be plainly marked to show the service and load ends and to what circuit each belongs.

§ 231.23 *Location and installation of meters.* Meters will be furnished and installed by the United States. The consumer shall provide and maintain the necessary meter box or cabinet, switches, wiring, and test facilities. The locations of meters must be satisfactory to the power superintendent and in accordance with the following specifications:

(a) All meters must be located as near as possible to the point of entrance of the service, in a clean, dry, safe place, where they will be free from vibration.

(b) Meters must be in readily accessible locations so that the meter readers and test men may have access to the meters without inconveniencing the consumer. Location on an open porch or in an approved shelter on the outside of a building will be satisfactory. Under no circumstances will meters be installed in attics, sitting rooms, bathrooms, rest rooms, bedrooms, kitchens, or over stoves, sinks, tubs, doors, windows, or in any location where the visits of the meter reader or tester will cause annoyance to the customer.

(c) The proper height for all meters is about 6 feet above the floor or ground and no meter will be installed more than 8 feet nor less than 6 feet above the floor or working level. Meters must not be located above stairways, porch steps, basement entrances, or in any place where a short step ladder or chair cannot be safely placed for reaching the meter.

(d) Meter boards must be furnished by the consumer where meters are to be set on lath and plaster, concrete, brick, stone, metal, or uneven surfaces, or in other places where the meter cannot be conveniently supported directly on the wall. Meter boards must be not less than three-quarters of an inch thick, of sound wood, surfaced on all sides and of ample dimensions for the meters. They must be mounted in a substantial manner with their faces set truly vertical.

(e) A working space of not less than 24 inches must be provided and maintained in front of every meter and meter box.

(f) Where current and potential transformers are required for use with meters, ample provision shall be made by the consumer for their mounting and a ground wire shall be provided.

(g) Where two or more meters are to be placed in one building it is preferred that they be grouped at one common place.

(h) No load wires of any description shall be carried within the same conduit as the supply wires except in cases of pole metering for rural customers. Tampering or in any way interfering with a meter or its connections is prohibited.

§ 231.24 *Consumer responsible for equipment.* The consumer shall, at his own risk and expense, furnish, install, and keep in good and safe condition all electric wires, line, machinery, and apparatus which may be required for receiving electric energy from the United States, and for applying and utilizing such energy, including all necessary protective appliances therefor.

§ 231.25 *Change of consumer's equipment.* In the event the consumer shall make any material change either in the amount or character of the electric lamps, appliances, machinery, or apparatus installed upon his premises he shall immediately give the project engineer written notice thereof.

§ 231.26 *Apparatus detrimental to service.* (a) The project engineer may refuse to supply loads of a character that may seriously impair service to other consumers. He may require the consumer to provide suitable equipment to limit reasonably the fluctuations.

(b) All motors shall be provided with suitable starting devices or apparatus to limit their starting current.

(c) The project engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the service

after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 231.27 *Wiring standards.* (a) The project engineer may require all wiring and apparatus on consumers' premises to be installed in accordance with and to conform to the regulations of the State of Arizona and of the National Board of Fire Underwriters.

(b) The United States reserves the right to make all service connections. No service will be connected, where an inspection is required by municipal ordinance, until the installation has been inspected and approved by the municipal inspector.

§ 231.28 *Meter reading.* Meters will be read and bills for electric service will be rendered at regular intervals. Should the seal of the meter be broken by other than the proper representative of the United States, or in case the meter fails to register correctly, the consumer shall pay an amount estimated from the records of his previous use and other available and proper information. Bills are delinquent after the 15th day of the month succeeding that in which the service is rendered. Payments shall be made at the designated office of the Indian Irrigation Service or to a properly authorized employee of the Service.

§ 231.29 *Bills.* (a) Removal bills, special bills, bills for temporary service, bills rendered on vacation of premises, or bills rendered to persons discontinuing the service are due on presentation.

(b) Bills for connection or reconnection of service and payments for deposits or to reinstate deposits shall be paid before service is connected or reconnected.

§ 231.30 *Discontinuance of service on failure to pay bills.* On failure of the consumer to pay his bill for electric service within 30 days after the end of the period in which the service was rendered, the project engineer shall discontinue the supply of energy and service to the same consumer will not be resumed at the same or at any other location until the consumer has paid all bills then due, plus a reconnection charge of $2, and in addition has made to the special disbursing agent the cash deposit of $10 required by § 231.5.

§ 231.31 *Disputed bills.* (a) In case of a dispute between the consumer and project engineer as to the correct amount of any bill for electric service furnished the consumer, the consumer shall deposit the amount of the bill with the special disbursing agent and file a complete statement of his claim. The matter shall then be referred to the supervising engineer as provided in § 231.3.

(b) Service will not be discontinued because of nonpayment of bills if the amount of each bill, as it becomes due, is either paid to or deposited under protest with the special disbursing agent, as above within 30 days after the close of the month in which the electric service was rendered.

§ 231.32 *Notice by consumer.* A consumer about to vacate premises supplied with service or who desires discontinuance of service, shall give written notice of his intended removal at least 2 days prior thereto, specifying the date he desires service to be discontinued. If such notice is not given he will be held responsible for all electric energy furnished to such premises until the service is discontinued.

§ 231.33 *Tampering with equipment.* Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the United States is prohibited, and any violation of this provision shall be subject to prosecution pursuant to law.

§ 231.34 *Fraud.* Service will be discontinued to any premises at any time when it is found necessary to protect against abuse, fraud, or theft.

§ 231.35 *Compensation of employees.* All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer.

§ 231.36 *Noncompliance with rules.* (a) Should a consumer be found to be violating the rules and regulations and should he not remedy the violation within a reasonable time after being notified in writing to do so, the project engineer may discontinue such service.

(b) Except in cases of emergency or as otherwise provided, the consumer will be given written notice of at least 5 days. The notice shall state the particular rule or regulation that has been violated and inform the consumer of the action to be taken. Advance notice need not be given in the event of the discovery of a dangerous condition on a consumer's premises, or in case a consumer is utilizing the service in such a manner as to make it dangerous to occupants of the premises.

§ 231.37 *Definition of maximum demand.* The maximum demand for each month shall be defined as the average amount of power used by the consumer during that period of 15 consecutive minutes when such average is the greatest for that month as determined from time to time by the United States by suitable meters or otherwise. If power under a single contract is delivered at more than one point or is measured by different sets of meters, the maximum demand for the purpose of the contract will be determined by taking the sum of the maximum demands indicated by the separate meters.

§ 231.38 *Interruptions to service.* The United States will furnish energy continuously so far as reasonable diligence will permit but the United States, its officers, agents, or employees shall not be liable for damages when, for any reason, suspensions of the operation of the power system of the United States, or any part thereof, interfere with the delivery of electrical energy to a consumer. Should such suspensions occur, due to causes arising on the system of the United States, the minimum bills of consumers who are affected may be reduced 1 percent for each 8 hours or major fraction of total suspension occurring in one month.

§ 231.39 *Written claim.* The consumer may make written claim, within thirty days after receiving monthly bill, for reduction on account of any suspension or suspensions alleged to have occurred and not considered in such bill. If written claim is not made within 30 days claim shall be deemed to have been waived. If any dispute arises as to the existence of any such suspension or whether any suspension is due to causes arising on the power system of the United States, the matter shall be referred to the supervising engineer as provided in § 231.3.

§ 231.40 *Contingent upon appropriations.* All contracts are subject to appriations being made by Congress from year to year of moneys sufficient to do the work provided for therein, and to there being sufficient moneys available to permit allotments to be made for the performance of said work. No liability shall accrue against the United States by reason of such moneys not being appropriated, nor on account of there not being sufficient moneys to permit sufficient allotments.

§ 231.51 *Combination rate, application of schedule.* This schedule is applicable to residences, stores, and other customers whose load is limited to 5 kilovolt amperes; all energy being measured through one meter.

Net monthly rate:

(a) A minimum charge of $3 per month, which $3 entitles the customer to the use of 60 K. W. H.

(b) 2.5 cents per K. W. H. for the next 250 K. W. H.

(c) 2.0 cents per K. W. H. for all additional K. W. H.

§ 231.52 *Minimum contract period.* The minimum contract period is one year. The contract, however, may be terminated if the customer vacates the premises, except in cases where an extension has been constructed to supply the customer.

§ 231.53 *General rate; application of schedule.* This schedule is applicable to all classes of service and is available to customers whose load is not limited or who for some other reason do not desire to take energy on the combination rate.

Rate per month:

(a) 6.0 cents per K. W. H. for first 25 K. W. H. per K. W. of maximum demand.

(b) 2.0 cents per K. W. H. for next 100 K. W. H. per K. W. of maximum demand.

(c) 1.5 cents per K. W. H. for all additional K. W. H.

(d) Minimum charge: $1 per month per K. W. of the customer's actual or agreed maximum demand, but not less than $5 per month.

§ 231.54 *Demand discounts.* The following discounts will be applied in accordance with maximum billing demand. Discounts do not apply to minimum charge:

	Percent
Less than 10 K. W. demand	0
10 K. W. demand and less than 15 K. W. demand	4
15 K. W. demand and less than 20 K. W. demand	6
20 K. W. demand and less than 25 K. W. demand	8
25 K. W. demand and less than 32 K. W. demand	10
32 K. W. demand and less than 40 K. W. demand	12
40 K. W. demand and less than 48 K. W. demand	14
48 K. W. demand and less than 58 K. W. demand	16
58 K. W. demand and less than 70 K. W. demand	18
70 K. W. demand and less than 85 K. W. demand	20
85 K. W. demand and less than 100 K. W. demand	22
100 K. W. demand and less than 125 K. W. demand	24
125 K. W. demand and less than 150 K. W. demand	28
150 K. W. demand and less than 175 K. W. demand	28
175 K. W. demand and less than 210 K. W. demand	30
210 K. W. demand and less than 245 K. W. demand	32
245 K. W. demand and less than 295 K. W. demand	34
295 K. W. demand and less than 360 K. W. demand	36
360 K. W. demand and less than 600 K. W. demand	38
600 K. W. demand and over	40

[3 F. R. 1607, July 1, 1938]

§ 231.55 *Minimum contract period.* The minimum contract period is one year. The contract, however, may be terminated if the customer vacates the premises except in cases where an extension has been constructed to supply the customer.

§ 231.56 *Rules and regulations.* Service under this schedule is rendered pursuant to §§ 231.1–231.40.

PART 232—FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Sec.

232.1 Effective date; changes.
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STANDARD RATE SCHEDULES

232.51 Rate Schedule No. 1: Residential, urban and rural.
232.52 Rate Schedule No. 2: Commercial.
232.53 Rate Schedule No. 3: Commercial water heating.
232.54 Rate Schedule No. 4: General.

AUTHORITY: §§ 232.1 to 232.54 issued under R. S. 161, sec. 7, 62 Stat. 273; 5 U. S. C. 22.

§ 232.1 *Effective date; changes.* The regulations in this part are approved for the conduct of the Electric Power System of the Flathead Indian Irrigation Project, Montana, referred to in this part as the project. They shall become effective on the first day of the second calendar month, which begins after June 30, 1949. The regulations in this part are subject to change by the proper authority and such changes shall apply to all contracts then and thereafter in effect.

§ 232.2 *Authority of project engineer.* The project engineer is responsible for the operation of the Electric Power System and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the Power Superintendent or other project employees designated by him.

§ 232.3 *Disputes.* Any aggrieved party may file with the project engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the project engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases in which the question of the existence of dangerous conditions on the premises of the consumer is involved, provided the consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of a bill is involved in an appeal, the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 232.4 *Applications; contracts.* In order to contract for the delivery of power, a written application for service under existing regulations accompanied by the required cash deposit and guarantees of the required minimum revenues to the project, shall be filed with the project engineer. Upon acceptance by him, the application will become a contract. In general, such application will be accepted where service lines exist. When special terms and conditions are involved in contracting for service, the project engineer shall require the execution of a form of contract in which such terms and conditions are fully set forth. Each contract involving the construction of a new extension shall be for a period of at least one year, but if the consumer vacates the premises, he shall be liable for the unpaid guaranteed revenue only to the extent that it is not liquidated by the succeeding occupant of the premises. The project engineer is authorized to reject applications which he deems to be adverse to the best interests of the project.

§ 232.5 *Deposits.* A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than $5.00, will be required from each applicant except that when the premises to be serviced are owned by the applicant, no deposit shall be required until a delinquency in the payment of a bill has occurred. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant must deposit an amount sufficient to cover his portion of the required minimum charges for a period of one year, or must otherwise establish his credit and satisfy the project engineer of his intention to take service and his ability to meet the guarantees.

§ 232.6 *Extensions.* (a) The length of an extension constructed for each dollar of monthly revenue guaranteed to the project shall not exceed the following:

	Feet
In urban areas:	
Single-phase extensions	100
Three-phase extensions	60
In rural areas:	
Single-phase extensions	500
Three-phase extensions	300

(b) The length of an extension shall include the horizontal length of both the primary and secondary circuits exclusive of the service drops. In so far as practicable, all extensions shall be constructed along established highways. The prospective consumer or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the project incidental to the furnishing of service. The project engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the project, or for which funds are not available. All extensions when constructed shall be and remain the property of the United States.

§ 232.7 *Extensions financed by consumer.* If funds, material, or labor are not otherwise available, or if an extension to a prospective consumer will require new construction beyond the distances, specified in § 232.6, the prospective consumer may, after executing an appropriate contract satisfactory to the project engineer, construct the needed extension. Such extensions shall be built in accordance with suitable plans and specifications approved by the project engineer. The contract may provide that part or all of the cost of the extension shall be refunded to the consumer by allowing him a monthly credit equal to 20 percent of the bill for each month, during the life of the contract or until the specified amount be refunded in full, but no claim for credit shall extend beyond the life of the contract. No refund, however, shall be made if the amount specified in section 6 of the act of May 25, 1948 (Public Law 554, 80th Congress), will be exceeded. Unless the approval of the Commissioner of Indian Affairs has been secured, no

refund shall be made for that portion of an extension not located along a public highway. All extensions constructed under the provisions of this section shall be and remain the property of the United States.

§ 232.8 *Temporary service.* Temporary service refers to service to circuses, bazaars, fairs, construction works, and other activities or businesses of such a nature that service to the premises occupied by them will probably be discontinued within five months. An applicant for temporary service shall be required to deposit with the project a sum of money equal to the estimated cost of installing and removing the necessary facilities and also an additional sum equal to the estimated bill for electric service: *Provided, however,* That such additional sum need not be greater than three times the estimated monthly bill. After termination of service, there shall be refunded any amount remaining on deposit in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and energy, as determined by the project engineer.

§ 232.9 *Type of service.* Service for lights and the usual domestic and other appliances, including motors of less than five horsepower shall be single-phase, nominally 115- or 230-volts, and two- or three-wire, except when special written approval for another type of service has been obtained from the project engineer. Three-phase service at suitable voltage may be furnished for motor installations of five horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be 60 cycle.

§ 232.10 *Service connections.* On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter socket and meter will be furnished by the United States. The meter socket shall be installed, however, by the consumer and in a suitable location, preferably on the outside of the building, or service pole, where the meter will be accessible to the meter-reader at all times. The meter socket shall not be more than seven feet nor less than five feet above the ground or floor. The entire service installation must be satisfactory to the project engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the project engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

§ 232.11 *Connection methods.* Service to a consumer's premises will ordinarily be supplied by means of overhead conductors. A consumer may at his own expense provide for an underground service. Such an underground service must be installed in accordance with the provisions of the National Electrical Code and shall be terminated on the pole at a location and in the manner directed by the project engineer. No connection from the circuits of the Electric Power System to a consumer's service entrance shall be made except by the project or its agents.

§ 232.12 *Multiple meter installations.* In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location. Each meter shall be clearly marked so as to make it possible to identify the consumer.

§ 232.13 *Consumer responsibility.* The consumer shall furnish, install and maintain at his own risk and expense in good and safe condition all protective devices, electric wires, lines, machinery, apparatus, and appliances which may be required or used for receiving and consuming electric energy obtained from the project. The consumer shall be responsible for conforming to the regulations of the Fire Marshal of the State of Montana and of the National Board of Fire Underwriters.

§ 232.14 *Change of equipment.* In the event that a consumer proposes to make any material change in the amount, size or character of the electrical equipment installed on his premises, he shall immediately give written notice of his intention to the project engineer.

§ 232.15 *Apparatus detrimental to service.* The project engineer may refuse to supply loads of a character detrimental to the system, or to service to other consumers, and he may require the installation of suitable corrective devices.

§ 232.16 *Motor starting equipment.* Motors having a rated capacity of three horsepower or more shall be provided with such starting and over-load equipment as may be required by the project engineer.

§ 232.17 *Service discontinued.* The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the project after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 232.18 *Bills for service.* Meters will normally be read and bills for electric service will be rendered at regular intervals. Payments by consumers should be made in person or remitted by check or money order payable to the order of the Treasurer of the United States and mailed to the designated office of the project.

§ 232.19 *Special bills.* Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing service are due on presentation.

§ 232.20 *Bills due prior to service.* Bills for connection or reconnection of service, and required cash deposits shall be paid before service is connected, or reconnected.

§ 232.21 *Delinquent bills.* If payment of a bill is not made on or before the fifteenth day of the month following the date of its issue, the project engineer shall discontinue service and shall not restore the same until the consumer has paid all bills then due as well as a $2.00 reconnection charge, and satisfied any deposit requirement which may exist under § 232.5. The discontinuance of service shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

§ 232.22 *Discontinuance by consumer.* A consumer shall give at least two days' notice of his desire to discontinue service. If such notice is not given, he will be held liable for payment for all electric energy furnished to such vacated premises until service is discontinued.

§ 232.23 *Fraud; tampering.* Service shall be discontinued to any consumer, or to any premises at any time when, in the opinion of the project engineer, such action is necessary to protect against abuse, fraud, or theft. Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the project is prohibited and is subject to prosecution pursuant to law.

§ 232.24 *Compensation of employees.* All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of the rendition of services.

§ 232.25 *Hardship cases.* The project engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer but all such cases shall be reported promptly to the Commissioner of Indian Affairs with an explanation by the project engineer of the reason for taking such action. The Commissioner of Indian Affairs may cancel the action taken by the project engineer.

§ 232.26 *Interruptions to service.* The United States will furnish energy continuously so far as reasonable diligence will permit but the United States, its officers, agents or employees assume no liability for damages due to interruptions of service to the consumer.

§ 232.27 *Contingent upon appropriations.* All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

STANDARD RATE SCHEDULES

§ 232.51 *Rate Schedule No. 1: Residential, urban and rural—*(a) *Application of schedule.* This schedule is available for single-phase electric service delivered through one meter to a consumer either urban or rural, for domestic and farm use, including operation of motors no one of which exceeds 5 horsepower in capacity. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Monthly rate.*

(1) 4.0 cents per kilowatt-hour for first 50 kilowatt-hours.
(2) 2.0 cents per kilowatt-hour for next 50 kilowatt-hours.
(3) 1.0 cents per kilowatt-hour for next 900 kilowatt-hours.
(4) 1.5 cents per kilowatt-hour for all over 1,000 kilowatt-hours.

(c) *Minimum bill.*

(1) $1.50 per month in urban districts.
(2) $3.00 per month in rural districts.

§ 232.52 *Rate Schedule No. 2: Commercial—*(a) *Application of schedule.* This schedule is available for single-phase or three-phase electric service not exceeding a maximum demand of 20 kilowatts delivered through one meter for use in lighting, heating, operating appliances, and as power for motors which do not exceed 5 horsepower in capacity. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Monthly rate.*

(1) 4.0 cents per kilowatt-hour for first 50 kilowatt-hours.
(2) 2.0 cents per kilowatt-hour for all over 50 kilowatt-hours.

(c) *Minimum bill.*

(1) $1.50 per month in urban districts.
(2) $3.00 per month in rural districts.

§ 232.53 *Rate Schedule No. 3: Commercial water heating—*(a) *Application of schedule.* This schedule is available for single-phase electric service delivered through a separate meter for use solely for water heating at 230 volts (nominal) in conjunction with service under either the commercial rate or general rate and applied to non-inductive, storage type water heaters satisfactory to the project engineer. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Monthly rate.*

(1) 1.0 cents per kilowatt-hour for all energy used.

(c) *Minimum bill.*

(1) $2.00 per month per kilowatt of rated capacity of the heater elements.

(d) *Service may be intermittent.* The supply of electric energy under this schedule may, at the discretion of the project engineer, be discontinued during intervals of system peak loads and under other operating conditions which make such action desirable from the project standpoint.

(e) *Withdrawal of rate for violation.* The connection of unauthorized appliances to the water heating circuit or use of the water heating service for other purposes than water heating on the consumer's own premises shall be sufficient cause for withdrawal of the commercial water-heating rate and the refusal to allow it again on the same premises so long as the consumer violating the restriction will benefit therefrom. Service may, however, be rendered such consumer under the commercial or the general rate.

§ 232.54 *Rate Schedule No. 4: General—*(a) *Application of schedule.* This schedule is available for single-phase and three-phase electric services for all purposes. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the consumer's installations, or for the consumer's convenience, a separate computation shall be made for each meter.

(b) *Monthly rate.*

(1) 4.0 cents per kilowatt-hour for first 50 kilowatt-hours per kilowatt of billing demand.
(2) 2.0 cents per kilowatt-hour for next 50 kilowatt-hours per kilowatt of billing demand.
(3) 1.0 cents per kilowatt-hour for all additional kilowatt-hours.

(c) *Discounts.* The following discounts will be applied in accordance with the contract demand as defined below. Discounts do not apply to the minimum charge.

	Percent
Less than 11 kw. of contract demand	0
11 kw. and more but less than 15 kw. of contract demand	4
15 kw. and more but less than 20 kw. of contract demand	6
20 kw. and more but less than 25 kw. of contract demand	8
25 kw. and more but less than 32 kw. of contract demand	10
32 kw. and more but less than 40 kw. of contract demand	12
40 kw. and more but less than 48 kw. of contract demand	14
48 kw. and more but less than 58 kw. of contract demand	16
58 kw. and more but less than 70 kw. of contract demand	18
70 kw. and more but less than 85 kw. of contract demand	20
85 kw. and more but less than 100 kw. of contract demand	22
100 kw. and more but less than 125 kw. of contract demand	24
125 kw. and more but less than 150 kw. of contract demand	26
150 kw. and more but less than 175 kw. of contract demand	28
175 kw. and more but less than 210 kw. of contract demand	30
210 kw. and more but less than 245 kw. of contract demand	32
245 kw. and more but less than 295 kw. of contract demand	34
295 kw. and more but less than 360 kw. of contract demand	36
360 kw. and more but less than 600 kw. of contract demand	38
600 kw. and more but less than 1,000 kw. of contract demand	40
1,000 kw. and more but less than 1,600 kw. of contract demand	41
1,600 kw. and more but less than 2,400 kw. of contract demand	42
2,400 kw. and more but less than 3,500 kw. of contract demand	43
3,500 kw. and more but less than 5,000 kw. of contract demand	44
5,000 kw. and over of contract demand	45

(d) *Additional discount.* If a customer takes delivery at the primary voltage of the distribution or transmission system of the project and at a location where the project has adequate and suitable facilities available for such delivery, and if the customer furnishes, installs, operates and maintains the substation or substations with step-down transformers, protective equipment and all other facilities (except metering equipment) needed by the customer in distributing and utilizing the delivered power and energy, all subject to conditions and specifications satisfactory to the project engineer, then in that case an additional discount will be allowed, to be applied after the monthly bill has been computed in accordance with the preceding schedule as follows:

(1) For delivery from the project distribution system at 2,300 volts or 11,000 volts (nominal), three-phase, a discount of 5 percent.

(2) For three-phase delivery from the project transmission system where not more than one transformation intervenes between the highest voltage of the project power system and the delivery to the customer—a discount of 8 percent.

(e) *Minimum bill.*

(1) $1.00 per month per kilowatt of billing demand, but not less than $10.00 per month.

(f) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand. The contract demand shall not be less than 10 kilowatts.

(g) *Actual demand.* The actual demand for any month shall be the average amount of power used during that period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or if meters are unavailable, the actual demand shall be the connected load or such portion of the connected load as the project engineer may determine to be appropriate, based on available information as to the customer's use of connected lights and appliances or from check metering.

(h) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for that month, whichever is the greater.

PART 233—SAN CARLOS IRRIGATION PROJECT, ARIZONA

INTERIM REGULATIONS AND RATES

Sec.

233.1 Effective date; changes.
233.2 Authority of Project Engineer.
233.3 Disputes.
233.4 Applications; contracts.
233.5 Deposits.
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233.7 Installation or extension financed by consumer.
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Sec.
233.26 Interruptions to service.
233.27 Contingent upon appropriations.
233.51 Rate Schedule No. 1; combination rate.
233.52 Rate Schedule No. 2: General rate.

AUTHORITY: §§ 233.1 to 233.52 issued under R. S. 161, sec. 5, 43 Stat. 476, 45 Stat. 210, 211; 5 U. S. C. 22.

§ 233.1 *Effective date; changes.* The regulations in this part are approved for the conduct of the electric power system of the San Carlos Project, Arizona, referred to in this part as the Project. The regulations in Part 231 of this subchapter shall no longer be applicable to the said Project. The regulations in this part shall become effective with the first billings made after the first day of the second calendar month which begins after the date of publication in the FEDERAL REGISTER. The regulations in this part are subject to change by the proper authority and such changes shall apply to all contracts then and thereafter in effect.

§ 233.2 *Authority of Project Engineer.* The Project Engineer is responsible for the operation of the electric power system and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the power manager or other Project employees designated by him.

§ 233.3 *Disputes.* Any aggrieved party may file with the Project Engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the Project Engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases in which the question of the existence of dangerous conditions on the premises of the consumer is involved, provided the consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of a bill is involved in an appeal, the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 233.4 *Applications; contracts.* In order to contract for the delivery of power, a written application for service under this part accompanied by the required cash deposit and guarantee of the required minimum revenues to the Project, shall be filed with the Project Engineer. Upon acceptance by him, the application will become a contract. In general, such application will be accepted where service lines exist. When special terms and conditions are involved in contracting for service, the Project Engineer shall require the execution of a form of contract in which such terms and conditions are fully set forth. Each contract involving the construction of a new extension shall be for a period of at least one year, but if the consumer vacates the premises, he shall be liable for the unpaid guaranteed revenue only to the extent that it is not liquidated by the succeeding occupant of the premises. The Project Engineer is authorized to reject applications which he deems to be adverse to the best interests of the Project.

§ 233.5 *Deposits.* A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than $10.00 will be required from each applicant except that when the premises to be serviced are owned by the applicant, no deposit need be required until a delinquency in the payment of a bill has occurred. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant must deposit an amount sufficient to cover his portion of the required minimum charges for a period of not less than one year, and must otherwise establish his credit and satisfy the Project Engineer of his intention to take service and his ability to meet the guarantee.

§ 233.6 *Extensions.* (a) The length of an extension constructed for each dollar of monthly revenue guaranteed to the Project shall not exceed the following:

	Feet
In urban areas:	
Single phase extensions	100
Three phase extensions	80
In rural areas:	
Single phase extensions	330
Three phase extensions	210

(b) The length of an extension shall include the horizontal length of both the primary and secondary circuits exclusive of the service drops. Insofar as practicable, all extensions shall be constructed along established highways. The prospective consumer, or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the Project incidental to the furnishing of service. The Project Engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the Project, or for which funds are not available. All extensions when constructed shall be and remain the property of the United States.

§ 233.7 *Installation or extension financed by consumer.* If funds, material or labor are not otherwise available for an installation or extension, of if an extension to a prospective consumer will require new construction beyond the distances specified in § 233.6 of this part, the consumer or prospective consumer may, after executing an appropriate contract satisfactory to the Project Engineer, construct the needed installation or extension, or deposit funds estimated to be sufficient to pay for the construction. Such installations or extensions shall be built in accordance with suitable plans and specifications approved by the Project Engineer. The contract may provide that part or all of the cost of the installation or extension, but not more than the amount specified on the said contract, shall be refunded to the consumer by allowing him a monthly credit not to exceed 20 per cent of the bill for each month during the life of the contract or until the specified amount be refunded in full, but no claim for credit shall extend beyond the life of the contract. Unless the approval of the Commissioner of Indian Affairs or his duly authorized representative has been obtained, no refund shall be made for that portion of an extension not located along a public highway. All installations and extensions constructed under the provisions of this section shall be and remain the property of the United States.

§ 233.8 *Temporary service.* Temporary service refers to service to circuses, bazaars, fairs, construction works, and other activities or businesses of such a nature that service to the premises occupied by them will probably be discontinued within five months. An applicant for temporary service shall be required to deposit with the Project Engineer of sum of money equal to the estimated cost of installing and removing the necessary facilities and also an additional sum equal to the estimated bill for electric service: *Provided, however,* That such additional sum need not be greater than three times the estimated monthly bill. After termination of service, there shall be refunded any amount remaining on deposit in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and energy, as determined by the Project Engineer.

§ 233.9 *Type of service.* Service for lights and the usual domestic and other appliances, including motors of less than five horsepower shall be single phase, nominally 115 or 230 volts and two or three wire, except when special written approval for another type of service has been obtained from the Project Engineer. Three-phase service at suitable voltage may be furnished for motor installations of five-horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be sixty cycle.

§ 233.10 *Service connections.* On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the Project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter socket and meter will be furnished by the United States. The meter socket shall be installed, however, by the consumer and in a suitable location, preferably on the outside of the building, or on the service pole, where the meter will be accessible to the meter reader at all times. The meter socket shall not be more than seven feet nor less than five feet above the ground or floor. The entire service installation must be satisfactory to the Project Engineer and must conform to the provisions, then in force, of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the Project Engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

§ 233.11 *Connection methods.* Service to a consumer's premises will ordinarily be supplied by means of overhead conductors. A consumer may at his own expense provide for an underground service. Such an underground service must be installed in accordance with the provisions of the National Electrical Code and shall be terminated on the pole at a location and in the manner directed by the Project Engineer. No connection from the circuits of the Electrical Power System to a consumer's service entrance shall be made except by the Project or its agents.

§ 233.12 *Multiple meter installations.* In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location. Each meter shall be clearly marked so as to make it possible to identify the consumer.

§ 233.13 *Consumer responsibility.* The consumer shall furnish, install and maintain at his own risk and expense in good and safe condition all protective devices, electric wires, lines, machinery, apparatus, and appliances which may be required or used for receiving and consuming electric energy obtained from the Project. The consumer shall be responsible for conforming to the regulations of the National Board of Fire Underwriters and to any other regulations applicable to his installation.

§ 233.14 *Change of equipment.* In the event that a consumer proposes to make any material change in the amount, size or character of the electrical equipment installed on his premises, he shall immediately give written notice of his intention to the Project Engineer.

§ 233.15 *Apparatus detrimental to service.* The Project Engineer may refuse to supply loads of a character detrimental to the system, or to service to other consumers, and he may require the installation of suitable corrective devices.

§ 233.16 *Motor starting equipment.* Motors having a rated capacity of three horsepower or more shall be provided with such starting and overload equipment as may be required by the Project Engineer.

§ 233.17 *Service discontinued.* The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the Electric Power System after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 233.18 *Bills for service.* Meters will normally be read and bills for electric service will be rendered at regular intervals. Payments by consumers should be made in person or remitted by check or money order, payable to the order of the Treasurer of the United States, and mailed to the designated office of the Project.

§ 233.19 *Special bills.* Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing service are due on presentation.

§ 233.20 *Bills due prior to service.* Bills for connection or reconnection of service, and required cash deposits shall be paid before service is connected, or reconnected.

§ 233.21 *Delinquent bills.* Bills for electric service will be delinquent if not paid on or before the twentieth day following the date of issue. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of $2.00 and has made the deposit required under § 233.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

§ 233.22 *Discontinuance by consumer.* Notice of his desire to have service disconnected shall be given by the consumer at least two days in advance. In the absence of such notice the contractor will be held liable for payment for all electrical energy furnished to such vacated premises until service is discontinued. Final bills may be paid by application of the consumer's guarantee deposit to the extent that they are covered thereby. Any surplus remaining in the deposit will be returned to the consumer after the contract is terminated. Where the deposit is insufficient, the consumer will be billed for the difference which shall be immediately due and payable.

§ 233.23 *Fraud; tampering.* Service shall be discontinued to any consumer, or to any premises at any time when, in the opinion of the Project Engineer, such action is necessary to protect against abuse, fraud, or theft. Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the Project is prohibited and is subject to prosecution pursuant to law.

§ 233.24 *Compensation of employees.* All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of the rendition of services.

§ 233.25 *Hardship cases.* The Project Engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer, but all such cases shall be reported promptly to the Commissioner of Indian Affairs with an explanation by the Project Engineer of the reason for taking such action. The Commissioner of Indian Affairs may cancel the action taken by the Project Engineer.

§ 233.26 *Interruptions to service.* The United States will furnish energy continuously so far as reasonable diligence will permit. But the United States, its officers, agents or employees, assume no liability for damages due to interruptions of service to the consumer.

§ 233.27 *Contingent upon appropriations.* All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

§ 233.51 *Rate Schedule No. 1; combination rate*—(a) *Application of schedule.* This schedule is applicable to either single phase or three phase service for all purposes. It is especially suitable for residences, farms, stores, commercial uses and installations with similar load characteristics having normal load factors and maximum demands of less than 50 kilowatts. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.*

(1) 4 cents per kilowatt-hour for the first 50 kilowatt-hours.

(2) 3 cents per kilowatt-hour for the next 50 kilowatt-hours.

(3) 2 cents per kilowatt-hour for the next 200 kilowatt-hours.

(4) 1.5 cents per kilowatt-hour for all additional kilowatt-hours.

(c) *Minimum bill.* The minimum bill shall be $2.00 per month except when a higher minimum bill is stipulated in the contract.

§ 233.52 *Rate Schedule No. 2: General rate*—(a) *Application of schedule.* This schedule is applicable to three phase electric service for all purposes. Unless specifically permitted by the contract, use must be limited to the customer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installations, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.*

(1) 3.0 cents per kilowatt-hour for first 25 kilowatt-hours per kilowatt of billing demand.

(2) 2.0 cents per kilowatt-hour for next 100 kilowatt-hours per kilowatt of billing demand.

(3) 1.5 cents per kilowatt-hour for all additional kilowatt-hours.

(c) *Discounts.* The following discounts will be applied in accordance with the contract demand as defined below. Discounts do not apply to the minimum charge.

	Percent
Less than 25 kw. of contract demand	0
25 kw. and more but less than 32 kw. of contract demand	10
32 kw. and more but less than 40 kw. of contract demand	12
40 kw. and more but less than 48 kw. of contract demand	14
48 kw. and more but less than 58 kw. of contract demand	16
58 kw. and more but less than 70 kw. of contract demand	18
70 kw. and more but less than 85 kw. of contract demand	20
85 kw. and more but less than 100 kw. of contract demand	22
100 kw. and more but less than 125 kw. of contract demand	24
125 kw. and more but less than 150 kw. of contract demand	26
150 kw. and more but less than 175 kw. of contract demand	28
175 kw. and more but less than 210 kw. of contract demand	30
210 kw. and more but less than 245 kw. of contract demand	32
245 kw. and more but less than 295 kw. of contract demand	34
295 kw. and more but less than 360 kw. of contract demand	36
360 kw. and more but less than 600 kw. of contract demand	38
600 kw. and more of contract demand	40

(d) *Minimum bill.* The minimum bill shall be $1.00 per month per kilowatt of billing demand and no discount shall apply to this minimum.

(e) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand. The stated quantity need not be the same for all months of the year but the contract demand shall not be less than 20 kilowatts in any month for which a demand is stipulated.

(f) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters or, if meters are unavailable, the actual demand shall be the connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected lights, appliances and equipment or from check metering.

(g) *Billing demand.* The billing demand for a month shall be the contract demand, or the actual demand for that month, whichever is the greater.

Subchapter V—[Reserved]

Subchapter W—Miscellaneous Activities

Subchapter W—Miscellaneous Activities

PART 251—LICENSED INDIAN TRADERS

Sec.

251.1 Sole power to appoint.
251.2 Presidential prohibition.
251.3 Forfeiture of goods.
251.5 Government employees not to trade with Indians except in certain cases.
251.6 Small purchases.
251.8 Regulating sale of arms and ammunition.
251.9 Application for license.
251.10 Bond requirements.
251.11 License period.
251.12 License renewal.
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251.14 Trade limited to specified premises.
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251.16 Trade in annuities or gratuities prohibited.
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251.22 Inspection of traders' prices.
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251.24 Cash payments only to Indians.
251.25 Trade in antiquities prohibited.
251.26 Infectious plants.

AUTHORITY: §§ 251.1 to 251.26 issued under sec. 5, 19 Stat. 200, sec. 1, 31 Stat. 1066, as amended; 25 U. S. C. 261, 262. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCES: For law and order regulations on Indian reservations, see Part 11 of this chapter. For regulations pertaining to traders on Navajo, Zuni, and Hopi reservations, see Part 252 of this chapter.

§ 251.1 *Sole power to appoint.* The Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes. Any person desiring to trade with the Indians on any reservation may, upon establishing the fact, to the satisfaction of the Commissioner of Indian Affairs, that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe.

§ 251.2 *Presidential prohibition.* The President is authorized, whenever in his opinion the public interest may require, to prohibit the introduction of goods, or of any particular articles, into the country belonging to any Indian tribe, and to direct that all licenses to trade with such tribe be revoked, and all applications therefor rejected. No trader shall, so long as such prohibition exists, trade with any Indians of or for said tribe.

(R. S. 2132; 25 U. S. C. 263)

§ 251.3 *Forfeiture of goods.* Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without a license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of $500: *Provided,* That this section shall not apply to any person residing among or trading with the Choctaws, Cherokee, Chickasaws, Creeks, or Seminoles, commonly called the Five Civilized Tribes: *And provided further,* That no white person shall be employed as a clerk by any Indian trader, except as such trade with said Five Civilized Tribes, unless first authorized so to do by the Commissioner of Indian Affairs.

(R. S. 2133, as amended; 25 U. S. C. 264)

§ 251.5 *Government employees not to trade with Indians except in certain cases.* Save as authorized by the act of June 19, 1939 (53 Stat. 840; 25 U. S. C. 68a, 87a, 441), no person employed in Indian affairs shall have any interest or concern in any trade with the Indians except for and on account of the United States; and any person offending herein shall be liable to a penalty of $5,000 and shall be removed from his office. Pending the promulgation of regulations prescribing in more detail the transactions authorized by the act of June 19, 1939, employees of the United States Government, including those in the Bureau of Indian Affairs, may be permitted to trade with Indians or Indian organizations under the conditions specified below:

(a) Employees of the United States Government, including those in the Bureau of Indian Affairs may, with the approval of the Secretary of the Interior in each case where the amount involved exceeds $100, or with the approval of the superintendent or other officer in charge, where the amount involved does not exceed $100, be permitted to purchase from any Indian or Indian organization any arts and crafts or any other product, service or commodity produced, rendered, owned, controlled or furnished by any Indian or Indian organization: *Provided,* That no employee of the United States Government shall be permitted to make any such purchases for the purpose of engaging directly or indirectly in the commercial selling, reselling, trading, or bartering of said purchases by the said employee: *And provided further,* That employees in Alaska may in each case make such purchases with the approval of the Secretary of the Interior where the amount involved exceeds $250, and with the approval of the superintendent or other officer in charge where the amount involved does not exceed $250.

(b) *United States employees, Indian blood.* Indian employees of the United States Government, of whatever degree of Indian blood, may be members in the same manner as other Indian members of the tribe not so employed and receive benefits by reason of their membership in such tribes in corporation or cooperative associations, organized by and operated for Indians. Such Indian government employees may engage in all lawful transactions with Indians, Indian tribes and such corporations or cooperative associations. None of the transactions authorized herein may be entered into by such employees for the purpose of engaging directly or indirectly in the selling, releasing, trading, bartering or passing on in any other way for profit the objects, rights, services or property thus acquired. Nothing in this section shall prevent in proper cases the disposition of any such property when such transaction cannot be considered as actually engaging in any of the businesses prohibited in this section. All transactions authorized herein to be valid must be approved by the Secretary of the Interior.

(c) *Leases or sales restricted Indian land.* Leases or sales of trust or restricted Indian land to or from Indian employees of the United States Government must be made on sealed bids unless the Commissioner of Indian Affairs waives this requirement on the basis of a full report showing (1) the need for the transaction, (2) the benefits accruing to both parties, and (3) that public bids are not feasible and could not be expected to bring a higher price than the proposed private transaction. An affidavit as follows shall accompany each proposed land transaction:

I, _____ (Name), _____ (Title)

swear (or affirm) that I have not exercised any undue influence nor used any special knowledge received by reason of my office in obtaining the (grantor's, purchaser's vendor's) consent to the instant transaction.

(53 Stat. 840; 25 U. S. C. 68a, 87a, 441)

§ 251.6 *Small purchases.* The purchase in small quantities for home use or consumption by Government employees or others, of blankets, baskets, etc., and articles of subsistence offered for sale by Indians, is held not to constitute trading with Indians within the meaning of section 2078 of the Revised Statutes.

(R. S. 2078; 25 U. S. C. 68)

§ 251.8 *Regulating sale of arms and ammunition.* Arms and ammunition may not be sold to the Indians by traders except upon permission of the superintendent, which will be granted only for clearly established lawful purposes.

§ 251.9 *Application for license.* Application for license must be made in writing on Form 5–052,[1] setting forth the full name and residence of the applicant; if a firm, the firm name and the name of each member thereof; the place where it is proposed to carry on the trade; the capital to be invested; the names of the clerks to be employed; and the business experience of the applicant. The application must be forwarded through the superintendent to the Commissioner of Indian Affairs, accompanied by two satisfactory testimonials on Form 5–077 as to the character of the applicant and his employees and their fitness to be in the Indian country, and by an affidavit of the superintendent on Form 5–053 that neither he nor any person for him has any interest, direct or indirect, present or prospective, in the proposed business or the profits arising therefrom, and that no arrangement for any benefit to himself or to any other person on his behalf is contemplated in case the license is granted. Licensed traders will be held responsible for the conduct of their employees.

§ 251.10 *Bond requirements.* (a) Application for license must be accompanied by a bond in the name of the proposed licensee in the amount of $10,000, or such less sum as may be designated by the Commissioner of Indian Affairs, with two or more sureties approved by the superintendent, or with a guaranty company qualified under the act of August 13, 1894 (28 Stat. 279; 6 U. S. C. 6–13). The bond shall be for the same period covered by the license.

(b) The residence of each principal and surety must be distinctly stated, and the signature of each of them attested by two witnesses, and it must appear for whom each witness signs.

[1] Forms may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

(c) Individual sureties must not be bonded officers of the United States, attorneys having business before the Bureau of Indian Affairs, or employees of the principal.

§ 251.11 *License period.* No license will be granted for a longer period than 1 year; but at the end of that time, if the Commissioner of Indian Affairs is satisfied that the trade has been conducted properly and that the laws and regulations and terms of the license have been duly observed, a new license may be granted.

§ 251.12 *License renewal.* Application for renewal of license must be made to the Commissioner of Indian Affairs on Form 5-054, through the superintendent, at least 30 days prior to the expiration of the existing license, and the superintendent must report as to the record the applicant has made as a trader and his fitness to continue as such under a new license.

§ 251.13 *Power to close unlicensed stores.* If persons carry on trade within a reservation with the Indians without a license, or continue to trade after expiration of the license without applying for renewal, the superintendent will immediately report the facts in the case to the Commissioner of Indian Affairs, who may, if necessary, direct the superintendent to close the stores of such traders.

§ 251.14 *Trade limited to specified premises.* No trade with Indians is permitted at any other place than that specified in the license. Licenses do not cover branch stores. A separate license and bond must be furnished for each such store. The business of a licensed trader must be managed by the bonded principal, who must habitually reside upon the reservation, and not by an unbonded subordinate.

§ 251.15 *License applicable for trading only by original licensee.* No trader will be allowed to lease, sublet, rent, or sell any of the buildings which he occupies, for any purpose to any other person or concern, without the approval of the Commissioner of Indian Affairs. A license to trade with Indians does not confer upon the trader any right or privileges in respect to the herding or raising of livestock upon the reservation. The use of reservation lands, whether tribal or allotted, for such purposes can be obtained by a trader only upon the terms and under the restrictions which apply to other persons. His license gives him no advantage over others in this respect.

§ 251.16 *Trade in annuities or gratuities prohibited.* Traders are forbidden to buy, trade for, or have in their possession any annuity or other goods of any description which have been purchased or furnished by the Government for the use or welfare of the Indians. Livestock or their increase purchased by the Government and in possession or control of the Indians may not be purchased by any trader, not a member of the tribe to which the owners or possessors of the cattle belong, except with the written consent of the agent of said tribe.

§ 251.17 *Tobacco sales to minors.* No trader shall sell tobacco, cigars, or cigarettes to any Indian under 18 years of age.

§ 251.18 *Intoxicating liquors.* No trader shall use or permit to be used his premises for any unlawful conduct or purpose whatsoever. No trader shall use or permit to be used any part of his premises for the manufacture, sale, gift, transportation, drinking or storage of intoxicating liquors or beverages in violation of existing laws relating thereto. Violation of this section will subject the trader to criminal prosecution, revocation of license and such other action as may be necessary.

§ 251.19 *Drugs.* Traders shall not keep for sale, or sell, give away, or use any opium, chloral, cocaine, peyote or mescal bean, hashish or Indian hemp or marihuana, or any compound containing either ingredient, and for violation hereof the trader's license shall be revoked.

§ 251.21 *Gambling.* Gambling, by dice, cards, or in any way whatever, is strictly prohibited in any licensed trader's store or on the premises.

§ 251.22 *Inspection of traders' prices.* It is the duty of the superintendent to see that the prices charged by licensed traders are fair and reasonable. To this end the traders shall on request submit to the superintendent or inspecting officials the original invoice, showing cost, together with a statement of transportation charges, retail price of articles sold by them, the amount of Indian accounts carried on their books, the total annual sales, the value of buildings, livestock owned on reservation, the number of employees, and any other business information such officials may desire. The quality of all articles kept on sale must be good and merchantable.

§ 251.23 *Credit at trader's risk.* Credit given Indians will be at the trader's own risk, as no assistance will be given by Government officials in the collection of debts against Indians. Traders shall not accept pawns or pledges of personal property by Indians to obtain credit or loans.

§ 251.24 *Cash payments only to Indians.* Traders must not pay Indians in tokens, tickets, store orders, or anything else of that character. Payment must be made in money, or in credit if the Indian is indebted to the trader.

§ 251.25 *Trade in antiquities prohibited.* Traders shall not deal in objects of antiquity removed from any historic or prehistoric ruin or monument on land owned or controlled by the United States.

CROSS REFERENCES: For additional regulations pertaining to preservation of antiquities, see Part 132 of this chapter. For regulations of the Bureau of Land Management regarding antiquities, see 43 CFR Part 3.

§ 251.26 *Infectious plants.* Traders shall not introduce into, sell, or spread within Indian reservations any plant, plant product, seed, or any type of vegetation, which is infested, or infected or which might act as a carrier of any pests of infectious, transmissible, or contagious diseases, as determined by the laws

and regulations of the State for plant quarantine and pest control. For the purpose of enforcement of this provision State officers may enter Indian reservations, with the consent of the superintendent, to inspect the premises of such traders and otherwise to execute such State laws and regulations.

PART 252—TRADERS ON NAVAJO, ZUNI, AND HOPI RESERVATIONS

Sec.
252.1 Sole power to appoint.
252.2 Presidential prohibitions.
252.3 Forfeiture of goods.
252.4 Government employees not to trade with Indians.
252.5 Purchase in small quantities allowed.
252.6 Application for license.
252.7 Records, reports and obligations of traders.
252.8 Licensee; owner of trading post.
252.9 Bond requirements.
252.10 License period.
252.11 Application for renewal.
252.12 Temporary permits.
252.13 Trade confined to licensed premises.
252.14 Subleasing; livestock herding prohibited.
252.15 Gambling prohibited.
252.16 Security.
252.17 Credit at trader's risk.
252.18 Government checks paid in cash.
252.19 Premises kept in sanitary condition.
252.20 Traders' responsibility.
252.21 License fee.
252.22 Grants and donations prohibited.
252.23 Introduction of livestock prohibited.
252.24 Trade in antiques prohibited.
252.25 Imitation Indian crafts prohibited.
252.26 Sunday trading.
252.27 Purchase of annuities and gratuities goods prohibited.
252.27a Amusement companies.
252.27b Peddlers.
252.27c Fees of governing body.
252.28 Amendments.

AUTHORITY: §§ 252.1 to 252.23 issued under sec. 5, 19 Stat. 200, sec. 1, 31 Stat. 1066, as amended; 25 U. S. C. 261, 262. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCES: For law and order regulations on Indian reservations, see Part 11 of this chapter. For regulations pertaining to traders on other reservations, see Part 251 of this chapter.

§ 252.1 *Sole power to appoint.* The Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes. Any person desiring to trade with the Indians of the Navajo, Zuni, and Hopi Reservations may, upon establishing the fact, to the satisfaction of the Commissioner of Indian Affairs, that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe.

§ 252.2 *Presidential prohibitions.* The President is authorized, whenever in his opinion the public interest may require, to prohibit the introduction of goods, or of any particular articles, into the country belonging to the Navajo, Hopi, and Zuni Indians and to direct that all licenses to trade with such tribes be revoked, and all applications therefor rejected. No trader shall, so long as such prohibition exists, trade with any Indians of or for said tribe or members of any other tribe residing on the Navajo, Zuni or Hopi Reservations.

(R. S. 2132; 25 U. S. C. 263)

§ 252.3 *Forfeiture of goods.* Any person whether Indian or white who shall establish himself as a trader within the exterior boundaries of the Navajo, Hopi, or Zuni Reservations, or introduce goods or trade therein, without a license, shall forfeit all merchandise offered for sale to the Indians or found in his possession and shall moreover be liable to a penalty of $500.

(R. S. 2133, as amended; 25 U. S. C. 264)

§ 252.4 *Government employees not to trade with Indians.* No person employed by the United States Government shall have any interest or concern in any trade with the Indians, except for and on account of the United States; and any person offending herein shall be liable to a penalty of $5,000 and shall be removed from his office.

(R. S. 2078; 25 U. S. C. 68)

§ 252.5 *Purchase in small quantities allowed.* The purchase in small quantities for home use or consumption by Government employees or others, of blankets, baskets, etc., and articles of subsistence offered for sale by Indians, is held not to constitute trading with Indians within the meaning of section 2078 of the Revised Statutes.

(R. S 2078; 25 U S. C. 68)

§ 252.6 *Application for license.* Application for license or renewal of license must be made in writing on a form provided by the Commissioner of Indian Affairs, setting forth the full name and residence of the applicant and three responsible references. If applicant is a firm, the firm name and the name of each member thereof; the place where it is proposed to conduct the trading post; and upon the request of the superintendent, the capital invested or to be invested and of this the amount of capital owned and the amount borrowed, or to be borrowed; the name of the lender of the borrowed capital; the date due, the rate of interest to be paid; indorsers and security; copy of any contract or trade agreement, or agreements, oral or written, with creditors or financing individuals or institutions, including any stipulations whereby financing fees are to be paid, directly or indirectly, tending to restrict the trader as a bargainer in the wholesale markets or otherwise to increase the delivered wholesale costs of merchandise at the trading posts. Application must be accompanied by satisfactory evidence as to the character, experience, and business ability of applicant and his employees and their general fitness to reside on the Indian reservation. All such information shall be considered as confidential. No employee in the Government service shall exert undue influence, direct or indirect, to help any applicant secure a license.

§ 252.7 *Records, reports and obligations of traders.* (a) Each trader shall keep in a form approved by the Commissioner of Indian Affairs accurate records of his business activities and render annually not later than March 1 a report to the superintendent showing capital investment, increases and withdrawals, whether in the form of cash, merchandise, or other property; the value of buildings and improvements, furnishings and fixtures, miscellaneous assets such as automobiles, trucks, or other property essential to the business; a complete record of all liabilities, including accounts, bills and notes payable, and the amount of cash received and disbursed, balances, whether on hand, on deposit, or due the store; the accounts, and notes receivable, and the pawns of pledges taken. The names and respective interests of all persons participating in the business shall be furnished.

(b) The price of all articles of merchandise placed on sale shall be plainly and visibly marked by the trader.

§ 252.8 *Licensee; owner of trading post.* A licensee of a trading post shall be the owner of the business. He shall be responsible to the Commissioner of Indian Affairs for the entire operation of the trading post, including acts of commission or omission of his employees, and for reports required by the Commissioner of Indian Affairs.

§ 252.9 *Bond requirements.* Application for license must be accompanied by a bond in the name of the proposed licensee in the amount of $10,000, or such less sum as may be designated by the superintendent or the Commissioner of Indian Affairs, with two or more sureties approved by the superintendent, or with a guaranty company qualified under the act of August 13, 1894 (28 Stat. 279; 6 U. S. C. 6–13). The bond shall be for the same period covered by the license

§ 252.10 *License period.* Licenses to trade shall not be issued unless the proposed licensee has a right to the use of the land on which the business is to be conducted. The license period shall correspond to the period of the permit or lease held by the licensee on restricted Indian land. The license period in no event shall exceed 25 years. Licenses for periods not to exceed 10 years may be issued by the area director.

§ 252.11 *Application for renewal.* Application for renewal of license must be made to the Commissioner of Indian Affairs on a form[1] prescribed by him, through the superintendent, at least 3 months prior to the expiration of the existing license, and the superintendent must report to the Commissioner of Indian Affairs as to the record the applicant has made as a trader and his fitness to continue under such a license.

§ 252.12 *Temporary permits.* No trader shall carry on trade with the Indians without a license, or continue to trade with the Indians after the expiration of the license. A temporary license for 3 months may be issued by the Commissioner of Indian Affairs, or his duly authorized representative, pending consideration of application for renewal of license. In case the trader has neither a temporary permit nor a renewal of license, the Commissioner of Indian Affairs or his duly authorized representative is authorized to close the trading post of such trader. Upon the approval of the tribal council concerned, a trader may be granted the use of not to exceed eight acres of tribal land as a site for a trading post, corrals and other buildings required in connection with the business.

[1] Forms may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

§ 252.13 *Trade confined to licensed premises.* All trade with Indians shall be confined to the premises specified in the license, except the buying of livestock and livestock products, which shall be covered by special permits issued by the superintendent.

§ 252.14 *Subleasing; livestock herding prohibited.* No trader will be allowed to lease, sublet, rent, or sell any of the buildings which he occupies, for any purpose to any other person or concern, without the approval of the Commissioner of Indian Affairs, and the consent of the tribal council concerned. A license to trade with Indians does not confer upon the trader any right or privileges in respect to the herding or raising of livestock upon the reservation or in conjunction with Indians.

§ 252.15 *Gambling prohibited.* Gambling, by dice, cards, or in any way whatever including any mechanical device is strictly prohibited in any licensed trader's store or on the premises.

§ 252.16 *Security.* (a) Traders may accept pawns or pledges of personal property for security of accounts due to them by Indians. Traders shall be liable for the market value of all pawns or pledges held by them. The market value shall be settled by agreement between the Indian and the trader at the time of the transaction. In all cases where pawns or pledges are accepted by the trader a written receipt shall be given the Indian showing (1) the date of the transaction, (2) the nature of the pawn or pledge, (3) the amount loaned thereon, and (4) its market value as agreed upon between the Indian and the trader. A pawn or pledge not redeemed within 11 months shall be displayed in a conspicuous place in the trader's store for a period of 30 days together with a notice stating that unless the amount due, which shall be specified, is paid before the expiration of the 30 days, such pawn or pledge will be forfeited. At the expiration of 12 months from the date of the original loan, a pawn or pledge not redeemed shall become the property of the trader, in which event the amount due shall be cancelled on the trader's books. Notice of such cancellation shall be given in writing to the interested Indian.

(b) On the Navajo Reservation the period for the redemption of a pawn or pledge shall be 6 months unless at least 30 days prior to the expiration of such period not less than 25% of the amount due has been paid, in which case the redemption period shall be 8 months; an additional period of 2 months shall be added to the redemption period for every additional 25% of the amount due that may be paid. The provisions of paragraph (a) of this section with respect to display, forfeiture, and payment within any 30 day period of grace, shall be applicable also to pawns or pledges taken on the Navajo Reservation.

§ 252.17 *Credit at trader's risk.* A trader may extend credit to Indians, but such credit will be at the trader's own risk. All payments to Indians for products or labor must be made in lawful United States money or in credit on the traders' books at the option of the Indian. Receipt must be given Indians for all articles they have sold to traders and on which they have requested book credit. These receipts must show the following information: (a) the date the transaction was made, (b) the amount paid the Indian, and (c) a description of the article or articles sold. All receipts issued by the trader for Indian products must be recorded in the trader's books in such manner that all information contained in the receipt is duplicated. Receipts may be transferred upon order of the initial recipient if it is to his convenience that such a procedure be followed.

§ 252.18 *Government checks paid in cash.* Traders must pay all Government checks accepted in cash, merchandise or credit to the full value of the check presented. The acceptance of cash, merchandise, or credit for Government checks shall be at the option of the Indian in all cases.

§ 252.19 *Premises kept in sanitary condition.* The traders shall keep both their premises and places of business in a clean, sanitary, and presentable condition at all times and shall avoid exposure of foodstuffs to infection from the air, dust, insects or handling. It shall be the duty of the health officers of the reservation and their assistants to make periodical inspections, recommend improvements, and report thereon to the Commissioner of Indian Affairs or his duly authorized representatives.

§ 252.20 *Traders' responsibility.* Traders shall be kept responsible through bond for any loss of Indians' property in their possession, including credit on books.

§ 252.21 *License fee.* (a) An annual license fee of $50.00 shall be paid in advance by all licensed traders who are not members of the Navajo, Zuni, or Hopi Tribes. The area director shall determine the amount of such license fee to be paid by licensees who are members of the Navajo, Zuni, or Hopi Tribes. No such annual license fee shall exceed $50.00. All fees shall be deposited to the credit of the account "Indian Moneys, Proceeds of Labor, Navajo Agency (or Hopi or United Pueblos Agency)" and may be expended by the administrative official in the enforcement of the regulations in this part.

(b) On the Navajo Reservation, this license fee shall be paid on the basis of a calendar year regardless of any change in ownership of the business covered by the license unless the license be canceled for cause. When a license is issued following the cancellation of a license for cause or when a new business is established after the beginning of a calendar year, the license fee shall be determined on a quarterly basis, but the quarterly fee of $12.50 shall be charged also for a fraction of any quarter of a year. A transfer fee of $5.00 shall be collected whenever an unexpired license is transferred or assigned during a calendar year to a new owner of a trader's business.

(c) Deposits made by a temporary licensee under this part as provided by § 252.12 shall be refunded in the event a license is not issued unless the temporary licensee conducts a trading business during the period of temporary operation in which event the temporary licensee shall be charged a fee on a quarterly basis for the period during which the business was conducted and the balance of the deposit shall be refunded.

§ 252.22 *Grants and donations prohibited.* No licensed trader shall be permitted to grant or donate any money or goods to the performance of any Indian dance or ceremony.

§ 252.23 *Introduction of livestock prohibited.* The introduction of livestock by traders or others into the Navajo, Hopi, and Zuni Reservations is prohibited except by special permit issued by the superintendent.

§ 252.24 *Trade in antiques prohibited.* Traders shall not deal in objects of antiquity removed from any historic or prehistoric ruin or monument on land owned or controlled by the United States.

CROSS REFERENCES: For additional regulations pertaining to the preservation of antiquities, see Part 132 of this chapter. For Bureau of Land Management regulations relating to antiquities, see 43 CFR Part 3.

§ 252.25 *Imitation Indian crafts prohibited.* It shall be forbidden for any person to introduce or have in his possession for disposition or sale to Indians or others, within the exterior boundaries of the forementioned reservations, any Indian arts and crafts, which are, according to established standards, imitation or spurious. Violators may be punished at the discretion of the superintendent.

CROSS REFERENCE: For Indian arts and crafts standards and certificates of genuineness, see Chapter II of this title.

§ 252.26 *Sunday trading.* Traders shall not keep their places of business open on Sundays. However, this shall not be construed as prohibiting traders from accommodating travelers or Indians coming from a distance to trade in case of emergency.

§ 252.27 *Purchase of annuities and gratuities goods prohibited.* Traders are forbidden to buy, trade for, or have in their possession any annuity or other goods of any description which have been purchased or furnished by the Government for the use or welfare of the Indians. Livestock or their increase purchased by the Government and in possession or control of the Indians, may not be purchased by any trader, not a member of the tribe to which the owners or possessors of the livestock belong, except by special permit issued by the superintendent.

§ 252.27a *Amusement companies.* All carnival companies, circuses, theatrical companies, all persons, firms or companies conducting or operating portable dance pavilions, mechanical devices such as ferris wheels, carousels, or other devices for carrying passengers, and all persons operating games of skill, shall be considered traders and shall be required to obtain a license and to pay such fee as may be prescribed by the superintendent in charge of the jurisdiction, based on the number and class of devices or units to be operated (not less than $5.00 nor more than $25.00 per unit); and shall post a surety bond in an amount not exceeding $10,000.00 and a personal injury and property damage liability bond of not less than $500.00 nor more than $20,000 as may be required by the superintendent.

§ 252.27b *Peddlers.* All itinerant peddlers or purveyors of foodstuffs or other merchandise shall be considered traders and shall be required to obtain a license or permit from the superintendent setting forth the class of trade or peddling to be carried on; shall pay such fee as may be prescribed by the superintendent, and shall post such surety bond (not less than $500.00 nor more than $10,000) as may be required by the superintendent.

§ 252.27c *Fees of governing body.* The fees prescribed by these regulations shall not be considered as precluding the governing body of any Indian reservation or Pueblo from assessing and collecting such fees, etc., as it may deem appropriate.

§ 252.28 *Amendments.* The regulations in this part are subject to change and addition with reasonable notice, at the discretion of the Commissioner of Indian Affairs. The trader is subject to revocation of license, and forfeiture in whole or in part of bond in the event of any violation of the regulations in this part.

PART 253—COMMITMENT TO ST. ELIZABETHS HOSPITAL

Sec.
252.1 Sanitary hearings.
253.2 Petition for commitment in local institutions.
253.3 Commitment in St. Elizabeths Hospital.

AUTHORITY: §§ 253.1 to 253.3 issued under R. S. 463; 25 U. S. C. 2.

§ 253.1 *Sanitary hearings.* No Indian residing on any Indian reservation under the jurisdiction of the United States shall be placed in any hospital or other institution for the care and treatment of the insane except in pursuance of a sanity hearing and an order for commitment issued as provided in this part.

§ 252.2 *Petition for commitment in local institutions.* Upon petition of the spouse, a parent, brother, sister or child of full age or other next of kin of any Indian alleged to be insane for commitment of said Indian to any State hospital or State institution for the care and treatment of the insane, the superintendent or other official in charge of the reservation, whenever he finds after due investigation that such course is justified, may arrange for such commitment in conformity with the laws of the State pertaining to such cases.

§ 253.3 *Commitment in St. Elizabeths Hospital.* Insane Indians residing on Indian reservations under the jurisdiction of the United States may be committed to St. Elizabeths Hospital for the insane in Washington, D. C., by order of the Secretary of the Interior based on certificates of insanity issued as provided in this section:

(a) A certificate of insanity must be made under oath by two reputable physicians appointed to conduct an examination of the alleged insane Indian by the Superintendent of the reservation on which such Indian resides. The physicians must be full time Bureau physicians or graduates of recognized medical schools or colleges, have the qualifications prescribed by law for the practice of medicine or surgery, and shall not be related by blood or marriage to such Indian nor to any person applying for a certificate of insanity.

(b) The spouse, a parent, brother, sister or child of full age or other next of kin of any Indian alleged to be insane may file with the superintendent a petition for a commitment, such petition to contain a statement of the facts on which the allegation of insanity is based. Upon the receipt of such a petition, or in any other case in which the superintendent or other official in charge has reason to believe from personal investigation or otherwise that an Indian is insane, the superintendent or other official in charge shall immediately appoint two physicians having qualifications prescribed in paragraph (a) of this section, to conduct an examination of the Indian alleged to be insane at such time and place as the superintendent or other official in charge may determine. Notice of the time and place of the examination shall be served personally upon the alleged insane Indian, the spouse, parent, or some other of the next of kin of full age if there be any such known to be residing on the reservation, at least 48 hours before the examination of such alleged insane Indian.

(c) The physicians shall make such personal examination of the Indian alleged to be insane as to enable them to form an opinion as to his sanity or insanity and no certificate of insanity shall be issued except after such personal examination. The Indian alleged to be insane shall have the right to present witnesses in his own behalf and to submit other evidence bearing upon his sanity. If upon conclusion of the examination and consideration of all evidence submitted the physicians are of the opinion the Indian is insane, they shall issue a certificate of insanity. The certificate must show: (1) that it is the opinion of the physicians the Indian named therein is actually insane, (2) the facts and circumstances upon which the opinion is based, and (3) whether the condition of the Indian examined is such as to require care and treatment in a hospital for the care, custody and treatment of the insane.

(d) Each certificate of insanity issued in conformity with this section, together with a transcript of all evidence taken in the case, shall be transmitted promptly by the superintendent or other official in charge through the Commissioner of Indian Affairs to the Secretary of the Interior. If in the opinion of the Secretary of the Interior the Indian named in the certificate is a fit subject for treatment in St. Elizabeths Hospital, the Secretary may issue an order for his commitment to that institution until such Indian recovers his reason and is discharged as cured.

(e) In any case in which an Indian is alleged to be insane or of unsound mind and such Indian has displayed homicidal tendencies or has otherwise demonstrated that if permitted to remain at large or to go unrestrained the rights of persons and of property will be jeopardized or the preservation of the public peace imperiled and the commission of crime rendered probable, it shall be the duty of the superintendent or other official in charge to take such Indian into custody and detain him in some suitable place pending examination and hearing as provided in this section.

PART 254—OPERATION OF U.S.M.S. "NORTH STAR" BETWEEN SEATTLE, WASH., AND STATIONS OF THE BUREAU OF INDIAN AFFAIRS AND OTHER GOVERNMENT AGENCIES, ALASKA

Sec.
254.1 Responsibility for operation.
254.2 Transportation of freight for Federal agencies and others.
254.3 Employment of natives.
254.4 Prohibition of trade with natives.
254.5 Passenger rates.
254.6 Private passengers.
254.7 Transportation of children.
254.8 Transportation of Federal employees and their families and natives.
254.9 Preferential passengers.

AUTHORITY: §§ 254.1 to 254.9 issued under R. S. 161; 5 U. S. C. 22.

§ 254.1 *Responsibility for operation.* (a) The Administrative Officer and Special Representative of the Area Director, Juneau Area Office, Bureau of Indian Affairs, with offices in Seattle, Washington, has responsibility for the operation of the ship for the Department of the Interior, Bureau of Indian Affairs, including repair, upkeep, payment of bills and employment of personnel.

(b) Itineraries for each voyage shall be made by the Administrative Officer and Special Representative in consultation with the Area Director of the Bureau of Indian Affairs, Juneau, Alaska. Preference is to be accorded to the work of the Bureau of Indian Affairs. The Area Director is vested with authority to direct the use of the ship to perform special services which may arise and to act in any emergency.

§ 254.2 *Transportation of freight for Federal agencies and others.* (a) All agencies of the Federal Government, including activities of the Bureau of Indian Affairs, Alaskan Natives, cooperatives of Alaskan Natives, business enterprises owned and operated by Alaskan Natives and Federal employees shall be charged for freight, lighterage and longshoring and other terminal charges in accordance with tariff rates and terminal charges established by the Commissioner of Indian Affairs.

(b) Baggage and other personal property of passengers that cannot be readily accommodated in the passengers' staterooms will be manifested as freight and charged for at the established rates.

(c) Commercial freight may be carried between points where adequate service is not provided by commercial vessels. Commercial freight, when carried, shall be prepaid at the same tariff rates established under paragraph (a) of this section.

(d) All freight accepted must be properly manifested, giving the name and address of the consignor and the consignee, and a description of the goods, including gross weight.

(e) Freight will be accepted only on condition that the United States will not be held responsible for any loss, damage or non-delivery.

§ 254.3 *Employment of Natives.* Natives shall be employed on the "North Star" to fill all positions for which they are qualified.

§ 254.4 *Prohibition of trade with Natives.* Officers and members of the crew on the vessel are prohibited from engaging in trade with the Natives.

§ 254.5 *Passenger rates.* Rates for transportation of passengers shall be established by the Commissioner and shall be the same for all passengers, except as provided in § 254.7. Rates shall be on file for public inspection at the Bureau of Indian Affairs offices in Seattle, Washington and Juneau, Alaska.

§ 254.6 *Private passengers.* No private passengers (except Federal employees and their families and Natives of Alaska) shall be transported on the "North Star" between points where adequate services are provided by commercial vessels. Where such commercial vessels are not available, and where accommodations can be furnished on the "North Star" without detriment to Government business, private travelers may be transported at the rates established pursuant to § 254.5.

§ 254.7 *Transportation of children.* The rates established for the transportation of children shall be subject to the following rules:

(a) No charge shall be made for transportation of children under two years of age.

(b) Children who have reached their second birthday, but not their twelfth birthday shall be transported at half the rate established pursuant to § 254.5 for all other passengers.

§ 254.8 *Transportation of Federal employees and their families and Natives.* (a) All agencies of the Federal Government will be billed at the rates established pursuant to § 254.5 for each employee traveling on official business.

(b) When not in official travel status, Federal employees and families of Federal employees will be transported at the rates established pursuant to § 254.5

(c) Natives of Alaska, who are not indigent, will be charged the same rates as all other passengers.

§ 254.9 *Preferential passengers.* In the booking of passage on the ship, preference shall be given to employees of the Bureau of Indian Affairs and their families, to Natives of Alaska, and to Public Health Service personnel traveling in behalf of the Indian health program, and their families.

APPENDIX—EXTENSION OF THE TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

This appendix contains citations of Executive orders and acts of Congress continuing the trust or restricted period of Indian land, which would have expired otherwise, within the several Indian reservations in the States named. The asterisk to the left of the name of a reservation indicates that the reservation is subject to the benefits of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 461–479), as amended, and as therein provided the trust or restricted period of the land is extended indefinitely. Where the name of a reservation is not preceded by an asterisk, such reservation is not subject to the Reorganization Act and is not subject to the benefits of such indefinite trust or restricted period extension, but such reservation is dependent upon acts of Congress or Executive orders for extension of the trust or restricted period of the land.

For the purpose of insuring the continuation of the trust or restricted status of Indian allotments within Indian reservations not subject to the Reorganization Act, Congress by the act of June 15, 1935 (49 Stat. 378) reimposed such restrictions as may have been expired between the dates of June 18, 1934, and December 31, 1936.

State	Reservation	E. O. No.	Date	Period of extension
Arizona	*Papago	2066	Oct. 27, 1914	10 years.
Do	do	4464	June 28, 1926	Do.
California	Agua Caliente	3446	Apr. 30, 1924	Do.
Do	do	5580	Mar. 16, 1931	Do.
Do	Cabazon and Twenty-nine Palms.	3302	July 7, 1920	5 years.
Do	do	4159	Feb. 19, 1925	10 years.
Do	*Capitan Grande	3048	Feb. 27, 1919	5 years.
Do	do		Act of Feb. 8, 1927 (44 Stat. 1061).	10 years.
Do	Hoopa Valley (Klamath River).	2943	Aug. 23, 1918	1 year.
Do	do		Sept. 23, 1919	Do.
Do	do	3304	July 10, 1920	10 years.
Do	do	3980	Mar. 26, 1924	15 years.
Do	do	5416	Aug. 4, 1930	10 years.
Do	Mission Bands: Augustine	2795	Jan. 26, 1918	Do.
Do	Campo	2795	do	Do.
Do	*Cuyapipe	2795	do	Do.
Do	Inaja	2795	do	Do.
Do	*Laguna	2795	do	Do.
Do	*La Posta	2795	do	Do.
Do	*Manzanita	2795	do	Do.
Do	Mesa Grande	2795	do	Do.
Do	Pala	2795	do	Do.
Do	Ramona	2795	do	Do.
Do	Santa Ysabel	2795	do	Do.
Do	Sycuan	2795	do	Do.
Do	do	3383	Jan. 7, 1921	25 years.
Do	San Manuel	2795	Jan. 26, 1918	10 years.
Do	Temecula	2795	do	Do.
Do	All of above Mission Bands	4765	Nov. 23, 1927	Do.
Do	Morongo	6341	Oct. 17, 1933	Do.
Do	Pala	3383	Jan. 7, 1921	25 years.
Do	do		Act of Feb. 11, 1936 (49 Stat. 1106).	10 years.
Do	Potrero and Rincon	2684	Aug. 16, 1917	Do.
Do	do	4687	July 11, 1927	Do.
Do	*Round Valley	3223	Feb. 5, 1920	3 years.
Do	do	3805	Mar. 5, 1923	10 years.
Do	do	3995	Apr. 19, 1924	Do.
Do	do	5953	Nov. 23, 1932	Do.
Do	Temecula	3698	June 27, 1922	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	Torres-Martinez	7009	Apr. 10, 1935	Do.
Idaho	Nez Perce	3250	Mar. 24, 1920	Do.
Do	do	4694	July 22, 1927	Do.
Do	do	5305	Mar. 18, 1930	Do.
Kansas and Nebraska	*Iowa	2966	Sept. 23, 1918	Do.
Do	do	5023	Jan. 10, 1929	Do.
Do	*Sac and Fox	2607	May 4, 1917	Do.
Do	do	4571	Jan. 24, 1927	Do.
Do	do	5768	Dec. 30, 1931	Do.
Kansas	*Kickapoo	3301	July 3, 1920	1 year.
Do	do	3447	May 2, 1921	10 years.
Do	do	5415	Aug. 4, 1930	Do.
Do	do	5626	May 18, 1931	Do.
Do	*Potawatomi	2747	Nov. 2, 1917	Do.
Do	do	2927	July 30, 1918	Do.
Do	do	3312	July 21, 1920	Do.
Do	do	4688	July 11, 1927	Do.
Do	do	4858	Apr. 16, 1928	Do.
Do	do	5299	Mar. 10, 1930	Do.
Do	do	5356	May 28, 1930	Do.
Do	do	5556	Feb. 11, 1931	Do.
Minnesota	*Fond du Lac	3445	Apr. 30, 1921	Do.
Do	do	5575	Mar. 12, 1931	Do.
Do	*Grand Portage	3613	Jan. 12, 1922	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	*Winnibigoshish	3614	Jan. 12, 1922	Do.
Do	do	5466	Oct. 22, 1930	Do.

State	Reservation	E. O. No.	Date	Period of extension
Oklahoma (Con.)	Sac and Fox, and Iowa	2432	Aug. 1, 1916	10 years.
Do	do	4435	Apr. 29, 1926	Do.
Do	Tonkawa	2865	May 25, 1918	Do.
Do	Tonkawa (Oakland)	4816	Feb. 25, 1928	Do.
Do	Kaw		Act of March 1923 (42 Stat. 1361).	25 years.
Do	do		Act of May 27, 1924 (43 Stat. 176).	20 years.
Do	Otoe and Missouri	4251	Aug. 19, 1925	10 years.
Do	do	5728	Sept. 30, 1931	Do.
Do	do	5788	Dec. 30, 1931	Do.
Do	Kiowa, Comanche, Apache, and Wichita.	4098	Mar. 18, 1926	Do.
Do	do	5953	Nov. 23, 1932	Do.
Do	do	5955	Nov. 30, 1932 (Gertrude Lamb).	Do.
Do	Seneca	5306	Mar. 18, 1930	Do.
Do	Quapaw		Act of Mar. 3, 1921 (41 Stat. 1248) as amended Nov. 18, 1921 (42 Stat. 1570).	25 years.
Do	do		As supplemented or amended by the act of July 27, 1939 (53 Stat. 1127).	Do.
Oregon	•Grande Ronde	2376	Apr. 29, 1916	10 years.
Do	do	4108	Mar. 30, 1926	Do.
Do	Siletz	3110	July 10, 1919	Do.
Do	Siletz (Cont.)	5087	Apr. 1, 1927	Do.
Do	•Warm Springs	3386	Dec. 17, 1931	Do.
Do	do	5734	Oct. 17, 1924	Do.
Do	Umatilla	4624	June 1, 1930	Do.
Do	do	5816	Dec. 17, 1930	Do.
Do	Klamath	6961	Feb. 4, 1935	Do.
Do	do		Act of Dec. 24, 1942 (56 Stat. 1061).	25 years.
South Dakota	Crow Creek	3062	Nov. 30, 1920	Do.
Do	do	5768	Dec. 30, 1931	10 years.
Do	do	6963	Feb. 9, 1933	Do.
Do	•Rosebud	4117	Apr. 14, 1926	Do.
Do	do	5028	Jan. 16, 1929	Do.
Do	do	5702	Mar. 12, 1930	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	Sisseton and Wahpeton	1916	Apr. 16, 1914	15 years.
Do	do	3994	Apr. 19, 1924	10 years.
Do	•Yankton Sioux	2363	Apr. 20, 1916	Do.
Do	do	4406	Mar. 30, 1926	Do.
Do	do	5173	Aug. 9, 1929	Do.
Do	•Lower Brule	4981	Oct. 20, 1928	Do.
Do	•Pine Ridge	5557	Feb. 16, 1931	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	•Cheyenne River	5056	Nov. 23, 1932	Do.
Do	do	5546	Jan. 31, 1931	Do.
Do	•Standing Rock and Cheyenne River Bonds of Utes.	5768	Dec. 30, 1931	Do.
Utah	•Uintah and White River Bonds of Utes.	5557	May 29, 1930	Do.
Washington	Chief Moses Band	2109	Dec. 23, 1914	Do.
Do	do	4382	Feb. 10, 1926	10 years from Mar. 8, 1926.
Do	Colville	4157	Feb. 17, 1925	10 years.
Do	do	6962	Feb. 4, 1935	Do.
Do	•Quinaielt	5768	Dec. 30, 1931	Do.
Do	Spokane	6939	Jan. 7, 1935	Do.
Do	Yakima	3620	Feb. 3, 1922	Do.
Do	do	4168	Mar. 11, 1926	Do.
Do	do	5746	Nov. 10, 1931	Do.
Do	do	7036	May 8, 1935	Do.
Do	do		Act of May 27, 1937 (50 Stat. 210).	To July 9, 1942.
Wisconsin	•Oneida	2863	May 19, 1917	1 year.
Do	do	2856	May 4, 1918	9 years.
Do	do	4600	Mar. 1, 1927	10 years.
Wyoming	Wind River	5768	Dec. 30, 1931	Do.
Do	do	6953	Nov. 23, 1932	Do.
Minnesota (Con.)	•Winnibigoshish	5708	Dec. 30, 1931	10 years.
Do	•Deer Creek	4134	Feb. 10, 1925	Do.
Do	•Bois Fort	4233	May 26, 1925	Do.
Do	•Leech Lake, Cass Lake, and White Oak Point.	4298	Aug. 29, 1925	Do.
Do	do	5466	Oct. 22, 1930	Do.
Do	•White Earth	4642	May 1, 1927	Do.
Do	do	5728	Dec. 30, 1931	Do.
Do	do	5953	Nov. 23, 1932	Do.
Do	•Red Lake	5853	June 26, 1930	Do.
Do	Red Lake	5301	Mar. 12, 1930	Do.
Do	do	5769	Dec. 30, 1931	Do.
Do	do	7001	Apr. 5, 1935	Do.
Do	Crow (Cont.)		Act of April 1940 (54 Stat. 106).	To May 23, 1940.
Do	•Flathead	5953	Nov. 23, 1932	10 years.
Nebraska	•Omaha	3111	July 3, 1909	Do.
Do	do	4145	July 10, 1919	Do.
Do	do	4548	Jan. 28, 1925	Do.
Do	do	5148	Dec. 4, 1926	Do.
Do	do	5253	July 3, 1929	Do.
Do	•Winnebago	2374	Dec. 31, 1929	Do.
Do	do	4407	Apr. 20, 1916	Do.
Do	•Santee		Mar. 30, 1926	Do.
Do	do	3315	Dec. 12, 1910	Do.
Do	do	3722	Nov. 12, 1920	Do.
Do	•Santee Sarah Jones allotment.	4075	Apr. 12, 1922	Do.
Do	•Santee	5474	Sept. 17, 1924	Do.
Do	do	5768	Oct. 31, 1930	Do.
Do	•Winnebago	5953	Dec. 30, 1931	Do.
Do	do	2965	Nov. 23, 1932	Do.
Do	do	4548	Sept. 20, 1918	Do.
Do	do	4979	Dec. 4, 1926	Do.
Do	do	4994	Oct. 16, 1928	Do.
Do	•Sac and Fox, William Banks allotment.	3878	Nov. 14, 1928	Do.
Nevada	•Walker River	5730	July 27, 1923	1 year.
North Dakota	Devils Lake	2804	Oct. 8, 1931	10 years.
Do	do	3853	Feb. 11, 1918	Do.
Do	do	4775	May 25, 1923	Do.
Do	do	5303	Nov. 30, 1927	Do.
Do	do	5768	Mar. 12, 1930	Do.
Do	do	5953	Dec. 30, 1931	Do.
Do	•Fort Berthold	4203	Nov. 25, 1925	Do.
Do	•Standing Rock	5768	Dec. 30, 1931	Do.
Do	do	5953	Nov. 23, 1932	Do.
Oklahoma	Absentee Shawnee and Citizen Potawatomi.	2494	Nov. 24, 1916	Do.
Do	do	2512	Jan. 15, 1917	Do.
Do	do	4557	Dec. 23, 1926	Do.
Do	Cheyenne and Arapaho	2580	Apr. 4, 1917	Do.
Do	do	4587	Feb. 17, 1927	Do.
Do	Eastern Shawnee	2317	Feb. 15, 1916	Do.
Do	do	4384	Feb. 20, 1926	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	Mexican Kickapoo	3047	Feb. 27, 1919	5 years.
Do	do	4029	June 19, 1924	10 years.
Do	do		Act of Feb. 17, 1933 (47 Stat. 819).	Do.
Do	Modoc	2453	Sept. 14, 1916	Do.
Do	do	4470	July 1, 1926	Do.
Do	Ottawa, Seneca and Wyandotte.	2901	Apr. 11, 1917	Do.
Do	do	4588	Feb. 17, 1927	Do.
Do	Pawnee	2816	Mar. 2, 1918	Do.
Do	do	4898	May 29, 1928	Do.
Do	Ponca	3327	Sept. 10, 1920	1 year.
Do	do	3363	Dec. 1, 1920	25 years.
Do	do	5530	Jan. 23, 1931	10 years.
Do	Sac and Fox, and Iowa		Mar. 27, 1896	Do.
Do	do		July 23, 1906	Do.
Do	do		Aug. 28, 1906	Do.

Pursuant to act of June 21, 1906 (34 Stat. 325) extending trust or other period of restriction contained in patents issued to Indians for land on the public domain, the following orders have been promulgated:

E. O. No.	Date	Period of extension
2133	Feb. 3, 1915	1 year.
2226	Feb. 23, 1916	Do.
2505	Jan. 3, 1917	Do.
2778	Dec. 31, 1917	Do.
3024	Jan. 11, 1919	Do.
3204	Dec. 23, 1919	Do.
3365	Dec. 7, 1920	25 years.

No further separate orders covering extension of trust periods on public domain allotments were issued subsequent to Executive Order 3365 of December 7, 1920. The trust or other periods of restriction contained in patents issued to Indians for land on the public domain have thereafter been extended by the terms of the general Executive orders.

GENERAL ORDERS

E. O. No.	Date	Period of extension
6498	Dec. 15, 1933	10 years.
6926	Dec. 20, 1934 (Oklahoma only)	Do.
7206	Oct. 14, 1935 (Oklahoma only)	Do.
7464	Sept. 30, 1936	25 years.
7716	Sept. 29, 1937	Do.
7984	Oct. 7, 1938	Do.
8276	Oct. 28, 1939	Do.
8580	Oct. 29, 1940	Do.
8965	Dec. 10, 1941	Do.
9272	Nov. 17, 1942	Do.
9398	Nov. 25, 1943	Do.
9500	Nov. 14, 1944	Do.
9659	Nov. 21, 1945	Do.
9811	Dec. 17, 1946	Do.
9920	Jan. 8, 1948, effective Jan. 1, 1948	Do.
10027	Jan. 6, 1949	Do.
10091	Dec. 11, 1949	Do.
10191	Dec. 13, 1950	Do.

Beginning with Executive Order 6498, issued December 15, 1933, regardless of the location of the allotments, all trust or restrictive periods on allotments expiring on a given date have been extended by one general Executive order issued annually.

GENERAL ORDERS

Order	Date	Period of extension	F. R. citation
Sec. Int	Dec. 29, 1951	1 year	17 F. R. 799.
Do	Dec. 29, 1952	do	18 F. R. 106.
Do	Dec. 28, 1953	do	18 F. R. 8897.
Do	Dec. 17, 1954	do	19 F. R. 8658.
Do	Nov. 17, 1955	do	20 F. R. 8519.
Do	Dec. 6, 1956	do	21 F. R. 9644.

NOTE: Executive Orders and orders of the Secretary of the Interior (17 F. R. 799, Jan. 26, 1952; 18 F. R. 106, Jan. 6, 1953; 18 F. R. 8897, Dec. 31, 1953; 19 F. R. 8658, Dec. 17, 1954; 20 F. R. 8519, Nov. 11, 1955; 21 F. R. 9644, Dec. 6, 1956) extended the trust periods on Indian lands expiring during the calendar years of 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, and 1957, respectively.

[F. R. Doc. 57-10663; Filed, Dec. 23, 1957; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 249

Washington, Wednesday, December 25, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraphs (a), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m) of § 6.128 are amended as set out below:

§ 6.128 *Small Business Administration.* (a) Not to exceed January 31, 1959, fifteen Regional Directors.

* * * * *

(c) Not to exceed January 31, 1959, one Confidential Assistant to the Special Assistant to the Administrator; and one Special Assistant to the Director, Office of Information.

(d) Not to exceed January 31, 1959, Chiefs of the following Divisions: In the Office of Procurement and Technical Assistance, the Managerial Assistance, Procurement Assistance, Production Assistance, and Products Assistance Division; and in the Office of Financial Assistance, the Loan Servicing, Special Program, and Administrative Divisions.

(e) Not to exceed January 31, 1959, one Assistant Chief, Managerial Assistance Division.

(f) Not to exceed January 31, 1959, Chairman and three Members, Loan Review Board.

(g) Not to exceed January 31, 1959, two Investigators, Security and Investigations Division.

(h) Not to exceed January 31, 1959, a maximum of thirty-three Branch Office Managers.

(i) Not to exceed January 31, 1959, the position of the top-ranking Financial Specialist in each Regional Office.

(j) Not to exceed January 31, 1959, one Deputy Director, Office of Information.

(k) Not to exceed January 31, 1959, the position of the top-ranking Production Specialist or Industrial Specialist in each Regional Office.

(l) Not to exceed January 31, 1959, two Special Assistants, Office of the Administrator.

(m) Not to exceed January 31, 1959, the Deputy Chairman, Loan Review Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10664; Filed, Dec. 24, 1957; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 6, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3216, 3379, 5975, 6961, 8470, 8874 and 8973 containing the specific requirements for the 1957-crop grain sorghums price support program are hereby amended as follows:

Section 421.2433 (c) (1) is amended by adding to the list of basic county support rates the following:

OHIO	
County	*Rate per hundredweight (No. 2 or better)*
All counties	$1.83

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421)

Issued this 19th day of December 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-10635; Filed, Dec. 24, 1957; 8:47 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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[Amdt. 5]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program (22 F. R. 6397), as amended and supplemented, are hereby further amended as provided herein.

1. Paragraphs (q) and (r) of § 485.301 are hereby amended to read as follows:

(q) "Farm" means farm as defined in the regulations governing "Determination of Acreage and Performance" (22 F. R. 3747) and any amendments thereto. (r) "Cropland" means cropland as defined in the regulations governing "Determination of Acreage and Performance" (22 F. R. 3747) and any amendments thereto.

2. Section 485.309 (d) is hereby amended to read as follows:

(d) *Order of approval of agreements.* To the extent of funds allocated to a county, agreements shall be approved on a "first-come, first-served" basis, i. e., in the order in which they are filed with the county committee, except that priority shall be given to producers who (1) have a conservation reserve contract in effect on the farm, (2) placed all of the eligible land on the farm in 1957 in the acreage reserve and conservation reserve parts of the Soil Bank Program for the year 1957, and (3) complied with their conservation reserve contract and acreage reserve agreements for 1957.

3. Section 485.310 (b) (1), as amended, is hereby further amended to read as follows:

(b) *Disposal of excess acreage.* (1) The acreage planted to a commodity covered by an agreement in excess of the number of acres which the producer may harvest (such acreage is hereinafter referred to as the "excess acreage") must be disposed of in such manner that no part of such excess can be harvested. Such disposition must be accomplished in a manner permitted under the marketing quota and price support programs and not later than the final date fixed for disposition thereunder: *Provided*, That any commodity planted on the acreage reserve as an approved cover crop may not be cut for hay or otherwise harvested after December 31, 1957, or grazed after December 31, 1957, except as provided in § 485.312 (b), even though such manner of disposition is permitted for compliance with allotments for purposes of marketing quotas and price support. The producer must, not later than the final date for disposition under the marketing quota and price-support programs, notify the office of the county committee that he has disposed of the excess acreage and pay the cost of determining the adjusted acreage. Information as to the date fixed for disposition shall be available in the office of the county committee, and shall be obtained by the farm operator from such office.

4. Section 485.311 (c) (2) is hereby amended to read as follows:

(2) If the acreage set aside is determined to be less than the number of acres which the producer agreed to place in the acreage reserve, and the county committee determines that the producer did not make a reasonable effort to set aside the acreage which the producer agreed to place in the acreage reserve, additional acreage may not be designated or set aside as a part of the acreage reserve for purposes of earning full compensation. In such case, however, to avoid a violation of the agreement the producer must set aside and refrain from harvesting or grazing the acreage which he agreed to place in the acreage reserve. To set aside such additional acreage, the producer must file a written request with the office of the county committee (with a deposit to cover the estimated cost of measurement of the additional acreage). Such request must be filed within fifteen (15) days from the mailing date of "Notice of Measured Acreage Reserve." The failure to file such request and set aside such additional acreage shall constitute a violation of the agreement and may result in the loss of all compensation under the agreement. In addition, the failure of the producer to refrain from harvesting or grazing the acreage which he agreed to place in the acreage reserve shall constitute harvesting or grazing acreage in violation of the agreement and may result in the assessment of a civil penalty as well as the loss of all compensation.

5. Section 485.312 (b) (2), as amended, is hereby further amended to read as follows:

(2) In any area where the Secretary determines that the natural disaster is of such severity as to so warrant, the Secretary may permit grazing of the acreage reserve without restricting it to livestock of the producers and without making a deduction from the compensation payable under the agreement. Grazing of the acreage reserve under the provisions of this subparagraph shall be discontinued not later than fifteen (15) days after the date of written notice from the county committee to the operator of the farm.

6. Section 485.313 (c) is hereby amended by revising the first sentence thereof to read as follows:

(c) *Soil bank base crops.* The soil bank base crops shall consist of all crops produced for harvest on the farm other than (1) annual grasses pastured or cut for hay or ensilage, provided a crop of seed or grain was not harvested from such grasses, (2) biennial legumes, (3) perennial grasses and legumes, (4) annual legumes except soybeans, cowpeas, peanuts, field and canning peas, and field and canning beans, (5) land devoted to a garden primarily for home consumption, and (6) orchards, vineyards, small fruits, and nursery stocks.

7. Section 485.313 (h), as amended, is hereby further amended by revising the first sentence thereof to read as follows:

(h) The disposition of acreage in excess of that permitted shall be in such manner that no part of the acreage can be harvested and shall be in accordance with the conditions set forth in such notice. The producer must, not later than the final date for disposition specified in such notice, notify the office of the county committee that he has disposed of the acreage in excess of that permitted for harvest and pay the cost of determining the adjusted acreage. If the acreage in excess of that permitted is not so disposed of, the agreement shall not be deemed violated, but the following provisions of this paragraph shall apply:

8. Section 485.314 (b) is hereby amended by adding at the end thereof the following:

In the case of tobacco, a producer shall be deemed to have knowingly exceeded his allotment if he is not eligible for price support because of having physically harvested tobacco in excess of the allotment, or because of failure to file a written request with the office of the county committee to dispose of excess acreage or to have a remeasurement made within the applicable time limit.

9. Section 485.315 (c), as amended, is hereby further amended to read as follows:

(c) *Limitation on compensation.* (1) The total of all acreage reserve payments for all commodities under the 1958 acreage reserve program to any producer

with respect to any individual farm shall not exceed $3,000.

(2) In the case of a producer-rice allotment placed on two or more farms, the aggregate amount of compensation payable to the producer on all farms shall not be in excess of the compensation that could have been earned if the allotment had been placed on the same number of farms on which the producer-rice allotment was placed (a) in 1957, or (b) in 1955, 1956, and 1957, averaged together, if the county committee determines that the number of farms on which the allotment was placed in 1957 was not representative of the practice followed in previous years.

(3) All or any part of the compensation which otherwise would be due any producer may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation or use of any corporation, partnership, estate, trust or other means, designed to evade, or which has the effect of evading the provisions of this paragraph.

10. Section 485.316 is hereby amended to read as follows:

(c) *Incentive for placing same land in acreage reserve.* The rate of compensation per acre for any acreage designated as acreage reserve under the 1958 program which was also designated as acreage reserve for any commodity under the 1957 program shall be 110 percent of the rate otherwise applicable. The number of such acres which shall be eligible for the 110 percent rate shall not exceed the number of acres eligible for compensation under all 1957 agreements for the farm, but if the area designated as acreage reserve under a 1957 agreement was in excess of the number of acres eligible for compensation, any part of the entire area designated under the 1957 agreement shall be eligible for the 110 percent rate when designated under a 1958 agreement. In applying the provisions of this paragraph, eligible acreage for compensation under a 1957 agreement, if there is no violation for which a forfeiture or refund of the entire compensation is required of the farm operator, shall be (1) the number of acres in the acreage reserve, or the number of acres which the producer agreed to place in the acreage reserve, whichever is smaller, less (2) the number of acres of new land not included in the cropland for the farm at the time of the signing of the agreement and brought into cultivation and used for the production of a crop for harvest in 1957. If there is any violation of a 1957 agreement for which a forfeiture or refund of the entire compensation is required from the farm operator, none of the acreage designated under the agreement shall be eligible for the 110 percent rate.

11. Section 485.317 (a) is hereby amended to read as follows:

(a) *Measurements and calculations.* The determination of all acreages for purposes of the 1958 acreage reserve program shall be in accordance with the regulations governing the "Determination of Acreage and Performance" (22 F. R. 3747) and any amendments thereto A producer may have a remeasurement of an acreage believed to be in error upon deposit of the estimated cost of remeasurement and the filing of a written request for such remeasurement with the office of the County Committee within fifteen (15) days from the mailing date of the applicable notice.

12. Section 485.319 as amended, is hereby further amended by adding at the end thereof a new paragraph (d) to read as follows:

(d) Effective with respect to agreements covering spring-planted commodities, the provisions of paragraph (a) (2) of this section shall not apply to a cash tenant, standing-rent tenant, or fixed-rent tenant, unless such tenant was living on the farm in 1957 or received 50 percent or more of his income in 1957 from the farm to be covered by the agreement in 1958.

13. Section 485.325 (a) is hereby amended to read as follows:

(a) *Termination of agreement.* If, after an agreement has been filed for a commodity, the farm allotment for the commodity is redetermined as a result of reconstitution of the farm due to a division by sale, lease, or other means, or as a result of the combination of two or more farms or parts of farms into a single farm, the agreement shall be deemed terminated as of the date of mailing of the "revised" allotment notice.

14. Section 485.328 is hereby amended to read as follows:

§ 485.328 *Schemes or devices to defeat purposes of agreement.* No producer entering into an agreement with the Secretary hereunder shall employ any scheme or device which would tend to defeat the purpose of the agreement. It shall be considered a scheme or device to defeat the purpose of the agreement for a producer having an agreement for a commodity on one farm to exceed the allotment for the commodity on another farm if he knowingly exceeds by a substantial amount the acreage normally devoted to the commodity on such farm. Such action shall constitute a scheme or device without regard to the fact that under the marketing quota regulations the producer may market the production from 15 acres of wheat without marketing quota penalty, or may harvest 30 acres of wheat pursuant to section 335 (f) of the Agricultural Adjustment Act of 1938, as amended. Effective with respect to agreements covering spring-planted commodities, a producer shall be considered to have exceeded by a substantial amount the acreage normally devoted to a commodity on a farm if he has exceeded by more than ten (10) percent the larger of (1) the allotment, or (2) the highest acreage devoted to the commodity on the farm in either of the years 1956 or 1957.

15. Section 485.333 is hereby amended to read as follows:

§ 485.333 *State committee approval of determinations of county committees.* The State committee may revise or require revision of any determination made by the county committee in connection with the acreage reserve program. This authority shall not include authority to revise or require the revision of an agreement without the consent of the producer after the agreement has been signed by both the producer and a member of a county committee; however, the State committee may revise or require the revision of any determination made by the county committee, if such agreement is not in conformity with the regulations.

16. Section 485.334 is hereby amended to read as follows:

§ 485.334 *Finality of determinations.* Determinations by the county committee, or by the State committee pursuant to § 485.333, when made in conformity with these regulations, shall be final and conclusive, and shall not be reviewable by any other officer or agency of the Government, except that the act provides for judicial review in the case of a violation of an agreement of such a nature as to warrant termination of the agreement.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 19th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10636; Filed, Dec. 24, 1957; 8:47 a. m.]

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

AWARDING OF CONTRACTS THROUGH BID PROCESS

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the regulations for the conservation reserve program issued August 16, 1956 (21 F. R. 6289), as amended, are hereby amended as follows:

1. A new § 485.184 is added immediately following § 485.183 as follows:

§ 485.184 *Awarding of contracts through bid process.* (a) (1) Offers to enter into conservation reserve contracts under which the entire eligible land on farms will be placed in the conservation reserve at a stated annual payment rate per acre for a period of not less than 5 years or more than 10 years will be solicited from eligible producers in the States of Illinois, Maine, Nebraska, and Tennessee. Such offers will be subject to acceptance on behalf of the Secretary by the county committee when approved for acceptance as hereinafter provided.

(2) The contract period for a contract approved under this section shall expire simultaneously for all eligible land on the farm, including land previously placed in the conservation reserve, and shall be for 5 or 10 years at the option of the producers, except that it shall be not less than the minimum period required for any conservation use to which any of the designated conservation reserve acreage is to be devoted and shall not expire earlier than the latest expiration date already established for land previously placed in the conservation reserve.

(3) Offers to be considered under this section must contain the annual payment rate per acre which the producers are willing to accept during the contract period for the balance of the eligible acreage on the farm not previously placed in the conservation reserve, the conservation use to which it is proposed such land will be devoted and the estimated acreage on such land. In addition, any contract executed under this section shall include land previously placed in the conservation reserve at the same annual rate per acre previously established for such land.

(4) Any acreage of eligible land on a farm which is designated as acreage reserve pursuant to any acreage reserve agreement shall be included in the offer, and the contract period for such acreage shall start on the first day of the January following the expiration of such acreage reserve agreements and shall expire on the same date as the contract period expires for all other acreage on the farm.

(5) To be acceptable an offer submitted pursuant to this section must be accompanied by a conservation reserve contract (Form CSS-811 (Soil Bank) (8-28-57)) signed by all producers required to sign the contract as provided in § 485.156 and must be submitted to the office of the county committee not later than January 31 of the first year of the contract period or such later date may be established by the State committee with the approval of the Administrator.

(6) Notwithstanding the provisions of § 485.164, the total of all annual payments for any year to any producer receiving an annual payment under a contract entered into pursuant to this section with respect to all farms in which he has an interest shall not exceed $10,000, but the provisions of § 485.164 shall remain in effect with respect to all conservation reserve contracts not executed pursuant to this section. All or any part of the annual payment which otherwise would be due any producer may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust or by any other means designed to evade, or which has the effect of evading, the provisions of this section. A family trust created on or after August 16, 1956 will be considered a scheme or device to evade the provisions of this section if it results in the settlor and beneficiaries of the trust receiving in the aggregate annual payments under the conservation reserve program for any year of the contract period in excess of $10,000. For purposes of this provision, members of the family include husband or wife of the settlor, children of the settlor, their husbands and wives, grand-children of the settlor, step-children of a child of the settlor and any minor related to the settlor by blood or marriage and members of the immediate household of the settlor; and payments to a trustee shall be regarded as payments to the beneficiaries of the trust.

(7) The Director shall establish the maximum amount of funds for each State (and county if determined to be in the best interests of the program) within the amount of funds available for each State (and county). The Director shall notify the State committee of the amounts so established. Contracts pursuant to this section shall not be approved requiring total payments in the first year of the contract period (both annual and estimated cost-share payments) in excess of these amounts.

(8) Within the funds established for the approval of contracts offered under this section, contracts will be approved for those producers offering eligible land at the lowest annual payment rate per acre not in excess of a rate per acre determined to be reasonable to accomplish the purposes of the program, taking into consideration the market value and productivity of the land being offered. A representative of the Soil Bank Division, Commodity Stabilization Service, in consultation with the State committee, will determine which contracts offered pursuant to this section are acceptable. The State committee will notify the county committee of the contracts offered pursuant to this section which may be accepted.

(9) If the acreage determined to be eligible by the county committee does not vary more than 20 per centum from the estimated acreage shown in the offer, the acreage so determined will be entered on the contract and will be considered the acreage offered by the producers under this section. If the eligible acreage determined by the county committee varies more than 20 per centum from the eligible acreage as estimated by the producers, the producers will be required to initial the entry on the contract of the acreage determined to be eligible.

(10) If a farm under a contract entered into under this section is divided, the contract will remain in effect for that part remaining under control of the contract signers modified to reflect the remaining eligible acreage; and the contract will terminate with respect to that part of the farm over which control is lost by the contract signers. In the event of such termination, the producers losing such control shall refund all Federal cost-shares paid under the contract with respect to such acreage unless such part retains its identity as a separate farm and the producers acquiring such control enter into a contract to continue the eligible acreage on such part in the conservation reserve for the balance of the contract period.

(11) The participation by producers in the conservation reserve program under a contract awarded pursuant to this section shall be subject to the provisions of the contract, the offer, and the regulations in this part except that, (i) no farm soil bank base shall be applicable to the contract, (ii) the acres permitted to be devoted to soil bank base crops shall be zero, (iii) the annual rate provided for in the contract shall for purposes of the contract and regulations be considered the regular rate, (iv) the provisions of § 485.159 shall not apply to the contract, (v) the closing dates, contract period, and limitation on payments applicable to the contract shall be as specifically provided in this section.

(b) In the State of Tennessee a producer offering to enter into a conservation reserve contract under this section, in addition to all other requirements of this section, shall agree:

(1) Not to harvest any crop from non-eligible land on the farm except timber and fruit.

(2) Not to graze or permit the grazing of any non-eligible acreage on the farm by livestock or poultry other than that to be used for home consumption.

(3) Not to use or permit the use of any building on the farm for housing of livestock or poultry other than that produced for home consumption.

For the purpose of this paragraph, poultry or livestock grazed or housed for home consumption means poultry or livestock maintained primarily for the consumption of the contract signers and consumed principally in the immediate household of the contract signers. The grazing or housing of one animal any part of the production of which is used for home consumption will be permitted under this paragraph.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Done at Washington, D. C., this 19th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10675; Filed, Dec. 24, 1957; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATE FOR LEMONADE [1]

On October 30, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 8741) regarding proposed amendments to the United States Standards for Grades of Frozen Concentrate for Lemonade (7 CFR 52.1421–52.1432).

After consideration of all relevant matters presented, including the proposals in the aforesaid notice, the following amendments to said standards are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.)

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. The product covered by these standards is essentially lemon juice sweetened for lemonade but is marketed under the name "Frozen Concentrate for Lemonade."

which amendments provide for the addition of suitable coloring materials and define the requirements of color with respect to the colored product:

The amendments to the United States Standards for Grades of Frozen Concentrate for Lemonade which were contained in the aforesaid notice are hereby adopted in the form in which the amendments appeared in said notice and are hereby incorporated herein by this reference.

Dated this 20th day of December, 1957, to become effective on February 1, 1958.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

1. Change § 52.1421 to read:

§ 52.1421 *Product description.* Frozen concentrate for lemonade is the product prepared from lemon juice and one or more nutritive sweetening ingredients it may contain added lemon oil or concentrated lemon oil (or their extracts or emulsions) and may or may not contain water in sufficient quantities to standardize the product. The lemon juice is produced from fresh, sound, ripe, and thoroughly cleansed fruit of one or more of the high acid varieties of the species citrus limon (limonia). Such juice may be fresh or frozen or fresh concentrated or frozen concentrated: *Provided,* That not less than 20 percent, by weight of the acidity of the product, is derived from unconcentrated fresh or frozen lemon juice. The concentrate for lemonade is processed in accordance with good commercial practice and is frozen and maintained at temperatures sufficient for the preservation of the product. If properly labeled any color materials permissible under the provisions of the Federal Food, Drug, and Cosmetic Act may be added.

2. Change § 52.1426 to read:

§ 52.2526 *Color*—(a) *(A) classification.* Frozen concentrate for lemonade which, when prepared as lemonade, possesses a good color may be given a score of 17 to 20 points. "Good color" means a good bright characteristic color that reflects the appearance of lemonade prepared from freshly expressed lemon juice; or, if colored, possesses a bright attractive light-red color typical of colored lemonade.

(b) *(B) classification.* If the frozen concentrate for lemonade, when prepared as lemonade, possesses a reasonably good color a score of 14 to 16 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a characteristic color that reflects to a reasonable extent the color of lemonade prepared from freshly expressed lemon juice and is not dark or otherwise discolored for any reason; or, if colored, possesses a reasonably bright color typical of colored lemonade.

(c) *(SStd.) classification.* If the lemonade fails to meet the requirements of paragraph (b) of this section, a score of 0 to 13 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard," regardless of the total score for the product (this is a limiting rule).

[F. R. Doc. 57-10634; Filed, Dec. 24, 1957; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in Colorado, was published in the FEDERAL REGISTER November 15, 1957 (22 F. R. 9111). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 3, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.226 *Expenses and rate of assessment*—(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1958, will amount to $2,660.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be $0.0019 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 20, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-10632; Filed, Dec. 24, 1957; 8:47 a. m.]

PART 970—IRISH POTATOES GROWN IN MAINE

APPROVAL OF REVISION OF FISCAL PERIOD, AND EXPENSES AND RATE OF ASSESSMENT FOR THE 1957-58 FISCAL PERIOD

Notice of rule making regarding proposed revision of fiscal period, and proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, was published in the FEDERAL REGISTER November 23, 1957 (22 F. R. 9394). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Maine Potato Administrative Committee established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 970.201 *Fiscal period.* The initial fiscal period shall begin on the effective date of this part, August 30, 1954, and end July 31, 1955, both dates inclusive. Thereafter, and until August 1, 1957, each fiscal period shall begin on August 1 of each year and end July 31 of the following year, both dates inclusive. The fiscal period beginning August 1, 1957, shall end August 31, 1958. Thereafter, each fiscal period shall begin September 1 of each year and end on August 31 of the following year, both dates inclusive.

§ 970.205 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Maine Potato Administrative Committee, established pursuant to Marketing Agreement No. 122 and Order No. 70, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period beginning August 1, 1957, and ending August 31, 1958, will amount to $64,850.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 122 and Order No. 70, shall be: $1.25 per railroad car; $1.25 per truckload of 36,000 pounds or more; 80 cents per truckload of not less than 25,000 pounds, up to, but not including, 36,000 pounds; and 50 cents per truckload of less than 25,000 pounds, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 20, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-10633; Filed, Dec. 24, 1957; 8:47 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1958, Supp. 2]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1958

DEFINITIONS; EMERGENCY CONSERVATION MEASURES TO RESTORE TO PRODUCTIVE USE LAND DAMAGED BY NATURAL DISASTERS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, Public Law 85-58, and Public Law 85-170, the 1958 National Agricultural Conservation program, approved August 9, 1957 (22 F. R. 6482), as amended September 4, 1957 (22 F. R. 7174), is further amended as follows:

1. Paragraphs (l) and (j) of § 1101.945 are amended by deleting the reference "(22 F. R. 3747)."

2. A new §1101.997 is added as follows:

§ 1101.997 *Practice F-4: Emergency conservation measures to restore to productive use land damaged by natural disasters.* (a) This practice is applicable only in counties designated by the Secretary as counties in which wind erosion, floods, hurricanes, or other natural disasters have created new conservation problems which (1) if not treated will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage which is unusual in character and, except for wind erosion, is not of the type which would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

(b) Emergency conservation practices may be approved by the Administrator, ACPS, upon recommendation by the State and county committees and designated representatives of the Soil Conservation Service and Forest Service at both the State and county levels. Eligible measures shall be specified in the wording of the practice as approved for use in the county. Cost-sharing may be offered under this practice only for replacing a practice or restoring the land to its normal productive capacity and may not be offered for the solution of conservation problems existing prior to the disaster involved.

(c) The cost-share computed for any person for this practice shall not be increased in accordance with § 1101.930, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 1101.931. The total of all Federal cost-shares for this practice to any person with respect to farms and ranches in any one county shall not exceed the sum of $2,500, except that, with the written prior approval of the State committee, a higher maximum may be approved in individual cases upon justification by the farmer or rancher on the basis of exceptional need and his inability to otherwise carry out the work.

(d) Costs for this practice will be shared only for eligible measures carried out during the period July 1, 1957, to June 30, 1958, inclusive, and only if cost-sharing is requested by the farm or ranch operator within 30 days after the practice is approved for use in the county or before the date on which performance of the eligible measures is started, whichever is the later. With the approval of the county committee, costs of performing this practice may be shared with farmers or ranchers who carry out eligible measures on their lands or, with the permission of the owners or operators of adjacent or nearby lands, on such adjacent or nearby lands.

(e) The maximum Federal cost-share for this practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but not in excess of 80 percent of the average cost of performing the practice.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590d-590q)

Done at Washington, D. C., this 20th day of December 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-10676; Filed, Dec. 24, 1957; 8:47 a. m.]

[ACP-1958—Alaska, Supp. 1]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1958

CLEARING AND BREAKING, OR BREAKING LAND TO PERMIT LAND-USE ADJUSTMENTS NEEDED IN ESTABLISHING SOIL CONSERVING CROPPING SYSTEMS; DEVELOPING SPRINGS OR SEEPS FOR LIVESTOCK WATER TO ENCOURAGE BETTER GRASSLAND MANAGEMENT

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958, the 1958 Agricultural Conservation Program for Alaska, approved September 20, 1957 (22 F. R. 7592), is amended as follows:

1. Section 1104.745 (b) is amended by inserting as the third and fourth sentences the following: "However, homesteaders in the remote areas (areas not accessible by rail or highway) are eligible, if they have a bona fide filing, have built a cabin on the homestead, and have met their first year residence requirements. Persons who have filed on an allotment under the act of May 17, 1906, are eligible, if they have a bona fide filing, have constructed a cabin on the allotment, and resided on the allotment during at least 4 months of the 12 months preceding the application."

2. Section 1104.750 is amended by adding the words "and/or grassland irrigation" following the word "livestock" in the headnote, in paragraph (a), and in the last sentence of paragraph (b).

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 20th day of December 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-10677; Filed, Dec. 24, 1957; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the Federal Register Act (44 U. S. C. 311) and the regulations thereunder (1 CFR 1.34), the following amendments are made to Part 3 for the purpose of revoking or revising obsolete material:

1. Sections 3.5 and 3.21 are revoked, the material therein being obsolete. Sections 3.9 and 3.20 contain some obsolete material and are revoked; however, the text of these sections is revised and reissued as § 3.50 (see item 5 below).

2. In § 3.3 *Notice to manufacturers, packers, and distributors of glandular preparations* the second paragraph is changed to read as follows:

Manufacturers have heretofore taken advantage of § 1.106 (b) of this chapter, permitting omission of directions for use when the label bears the prescription legend. Section 1.106 (b) (3) of this chapter requires that the labeling of the drug, which may include brochures readily available to licensed practitioners, bear information as to the use of the drug by practitioners licensed by law to administer it. Obviously, information adequate for the use of an inert glandular preparation is not available to practitioners licensed by law.

3. Section 3.11 *Notice to manufacturers, packers, and distributors of estrogenic hormone preparations* is amended by changing the word "alpha-estradiol" to "estradiol" in the four places at which it occurs.

4. Section 3.16 is amended by changing the section title to read:

§ 3.16 *Use of ox bile from condemned livers from slaughtered animals in the manufacture of drugs.* • • •

5. Part 3, Subpart A, is amended by adding the following new section:

§ 3.50 *Status of salt substitutes under the Federal Food, Drug, and Cosmetic Act.* (a) As a result of reported poisonings from salt substitutes containing lithium chloride, under date of March 8, 1949, the Food and Drug Administration announced that it would regard each salt substitute as a new drug within the meaning of section 201 (p) of the Federal Food, Drug, and Cosmetic Act, and that interstate distribution of each salt substitute should be discontinued until a new-drug application had been filed and

become effective. Substantial information concerning the safety of many of the ingredients used in salt substitutes has been developed and published since the announcement was made. It is now possible to evaluate the safety of many individual salt substitutes and to determine whether they are new drugs requiring effective applications prior to distribution in interstate commerce.

(b) The Food and Drug Administration no longer regards all salt substitutes as new drugs. Upon request, the Administration will express its opinion whether a new-drug application is necessary for any particular product if complete information concerning its composition and proposed labeling is submitted.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: December 20, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-10640; Filed, Dec. 24, 1957; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6282]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

METHODS OF ACCOUNTING

On December 21, 1956, notice of proposed rule making regarding the regulations under sections 446, 451, 454, and 461 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 10275). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, such regulations are hereby prescribed subject to the changes set forth hereinafter. These regulations are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954. Section 1.461-1 (c) of the regulations hereby adopted supersedes paragraph 9 of T. D. 6118, approved December 30, 1954 (19 F. R. 9896; 26 CFR, Parts 1 to 169 (1956 Rev.), par. 9, p. 8).

METHODS OF ACCOUNTING IN GENERAL

Sec.
1.446 Statutory provisions; general rule for methods of accounting.
1.446-1 General rule for methods of accounting.

TAXABLE YEAR FOR WHICH ITEMS OF GROSS INCOME INCLUDED

1.451 Statutory provisions; general rule for taxable year of inclusion.
1.451-1 General rule for taxable year of inclusion.
1.451-2 Constructive receipt of income.
1.451-3 Long-term contracts.
1.451-4 Accounting for redemption of trading stamps and coupons.
1.454 Statutory provisions; obligations issued at discount.
1.451-1 Obligations issued at discount.

TAXABLE YEAR FOR WHICH DEDUCTIONS TAKEN

1.461 Statutory provisions; general rule for taxable year of deduction.
1.461-1 General rule for taxable year of deduction.

AUTHORITY: §§ 1.446 to 1.461-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

METHODS OF ACCOUNTING

METHODS OF ACCOUNTING IN GENERAL

§ 1.446 *Statutory provisions; general rule for methods of accounting.*

SEC. 446. *General rule for methods of accounting*—(a) *General rule.* Taxable income shall be computed under the method of accounting on the basis of which the taxpayer regularly computes his income in keeping his books.

(b) *Exceptions.* If no method of accounting has been regularly used by the taxpayer, or if the method used does not clearly reflect income, the computation of taxable income shall be made under such method as, in the opinion of the Secretary or his delegate, does clearly reflect income.

(c) *Permissible methods.* Subject to the provisions of subsections (a) and (b), a taxpayer may compute taxable income under any of the following methods of accounting—

(1) The cash receipts and disbursements method;

(2) An accrual method;

(3) Any other method permitted by this chapter; or

(4) Any combination of the foregoing methods permitted under regulations prescribed by the Secretary or his delegate.

(d) *Taxpayer engaged in more than one business.* A taxpayer engaged in more than one trade or business may, in computing taxable income, use a different method of accounting for each trade or business.

(e) *Requirement respecting change of accounting method.* Except as otherwise expressly provided in this chapter, a taxpayer who changes the method of accounting on the basis of which he regularly computes his income in keeping his books shall, before computing his taxable income under the new method, secure the consent of the Secretary or his delegate.

§ 1.446-1 *General rule for methods of accounting*—(a) *General rule.* (1) Section 446 (a) provides that taxable income shall be computed under the method of accounting on the basis of which a taxpayer regularly computes his income in keeping his books. The term "method of accounting" includes not only the over-all method of accounting of the taxpayer but also the accounting treatment of any item. Examples of such over-all methods are the cash receipts and disbursements method, an accrual method, combinations of such methods, and combinations of the foregoing with various methods provided for the accounting treatment of special items. These methods of accounting for special items include the accounting treatment prescribed for research and experimental expenditures, soil and water conservation expenditures, depreciation, net operating losses, etc. Except for deviations permitted or required by such special accounting treatment, taxable income shall be computed under the method of accounting on the basis of which the taxpayer regularly computes his income in keeping his books. For requirement respecting the adoption or change of accounting method, see section 446 (e) and paragraph (e) of this section.

(2) It is recognized that no uniform method of accounting can be prescribed for all taxpayers. Each taxpayer shall adopt such forms and systems as are, in his judgment, best suited to his needs. However, no method of accounting is acceptable unless, in the opinion of the Commissioner, it clearly reflects income. A method of accounting which reflects the consistent application of generally accepted accounting principles in a particular trade or business in accordance with accepted conditions or practices in that trade or business will ordinarily be regarded as clearly reflecting income, provided all items of gross income and expense are treated consistently from year to year.

(3) Items of gross income and expenditures which are elements in the computation of taxable income need not be in the form of cash. It is sufficient that such items can be valued in terms of money. For general rules relating to the taxable year for inclusion of income and for taking deductions, see sections 451 and 461, and the regulations thereunder.

(4) Each taxpayer is required to make a return of his taxable income for each taxable year and must maintain such accounting records as will enable him to file a correct return. See section 6001 and the regulations thereunder. Accounting records include the taxpayer's regular books of account and such other records and data as may be necessary to support the entries on his books of account and on his return as for example, a reconciliation of any differences between such books and his return. The following are among the essential features that must be considered in maintaining such records:

(i) In all cases in which the production, purchase, or sale of merchandise of any kind is an income-producing factor, merchandise on hand (including finished goods, work in process, raw materials, and supplies) at the beginning and end of the year shall be taken into account in computing the taxable income of the year. (For rules relating to computation of inventories, see sections 471 and 472, and the regulations thereunder.)

(ii) Expenditures made during the year shall be properly classified as between capital and expense. For example, expenditures for such items as plant and equipment, which have a useful life extending substantially beyond the taxable year, shall be charged to a capital account and not to an expense account.

(iii) In any case in which there is allowable with respect to an asset a deduction for depreciation, amortization, or depletion, any expenditures (other than ordinary repairs) made to restore the asset or prolong its useful life shall be added to the asset account or charged against the appropriate reserve.

(b) *Exceptions.* (1) If the taxpayer does not regularly employ a method of accounting which clearly reflects his income, the computation of taxable income shall be made in a manner which, in the opinion of the Commissioner, does clearly reflect income.

(2) A taxpayer whose sole source of income is wages need not keep formal books in order to have an accounting method. Tax returns, copies thereof, or other records may be sufficient to establish the use of the method of accounting used in the preparation of the taxpayer's income tax returns.

(c) *Permissible methods*—(1) *In general.* Subject to the provisions of paragraphs (a) and (b) of this section, a taxpayer may compute his taxable income under any of the following methods of accounting:

(i) *Cash receipts and disbursements method.* Generally, under the cash receipts and disbursements method in the computation of taxable income, all items which constitute gross income (whether in the form of cash, property, or services) are to be included for the taxable year in which actually or constructively received. Expenditures are to be deducted for the taxable year in which actually made. For rules relating to constructive receipt, see § 1.451-2. For treatment of an expenditure attributable to more than one taxable year, see section 461 (a) and § 1.461-1 (a) (1).

(ii) *Accrual method.* Generally, under an accrual method, income is to be included for the taxable year when all the events have occurred which fix the right to receive such income and the amount thereof can be determined with reasonable accuracy. Under such a method, deductions are allowable for the taxable year in which all the events have occurred which establish the fact of the liability giving rise to such deduction and the amount thereof can be determined with reasonable accuracy. The method used by the taxpayer in determining when income is to be accounted for will be acceptable if it accords with generally recognized and accepted income tax accounting principles and is consistently used by the taxpayer from year to year. For example, a taxpayer engaged in a manufacturing business may account for sales of his product when the goods are shipped, when the product is delivered or accepted, or when title to the goods passes to the customer, whether or not billed, depending upon the method regularly employed in keeping his books. Likewise, the extent to which indirect costs shall be included in computing cost of goods sold depends upon the method used by the taxpayer in treating such items in keeping his books.

(iii) *Other permissible methods.* Special methods of accounting are described elsewhere in chapter 1 of the Internal Revenue Code and the regulations thereunder. For example, see the following sections and the regulations thereunder: Sections 61 and 162, relating to the crop method of accounting; section 453, relating to the installment method; section 451, relating to the long-term contract methods. In addition, special methods of accounting for particular items of income and expense are provided under other sections of chapter 1. For example, see section 174, relating to research and experimental expenditures, and section 175, relating to soil and water conservation expenditures.

(iv) *Combinations of the foregoing methods.* (a) In accordance with the following rules, any combination of the foregoing methods of accounting will be permitted in connection with a trade or business if such combination clearly reflects income and is consistently used. Where a combination of methods of accounting includes any special methods, such as those referred to in subdivision (iii) of this subparagraph, the taxpayer must comply with the requirements relating to such special methods. A taxpayer using an accrual method of accounting with respect to purchases and sales may use the cash method in computing all other items of income and expense. However, a taxpayer who uses the cash method of accounting in computing gross income from his trade or business shall use the cash method in computing expenses of such trade or business. Similarly, a taxpayer who uses an accrual method of accounting in computing business expenses shall use an accrual method in computing items affecting gross income from his trade or business.

(*b*) A taxpayer using one method of accounting in computing items of income and deductions of his trade or business may compute other items of income and deductions not connected with his trade or business under a different method of accounting.

(2) *Special rules.* (i) In any case in which it is necessary to use an inventory the accrual method of accounting must be used with regard to purchases and sales unless otherwise authorized under subdivision (ii) of this subparagraph.

(ii) No method of accounting will be regarded as clearly reflecting income unless all items of gross profit and deductions are treated with consistency from year to year. The Commissioner may authorize a taxpayer to adopt or change to a method of accounting permitted by this chapter although the method is not specifically described in the Income Tax Regulations if, in the opinion of the Commissioner, income is clearly reflected by the use of such method. Further, the Commissioner may authorize a taxpayer to continue the use of a method of accounting consistently used by the taxpayer, even though not specifically authorized by the Income Tax Regulations, if, in the opinion of the Commissioner, income is clearly reflected by the use of such method. See section 446 (a) and paragraph (a) of this section, which require that taxable income shall be computed under the method of accounting on the basis of which the taxpayer regularly computes his income in keeping his books, and section 446 (e) and paragraph (e) of this section, which require the prior approval of the Commissioner in the case of changes in accounting method.

(d) *Taxpayer engaged in more than one business.* (1) Where a taxpayer has two or more separate and distinct trades or businesses, a different method of accounting may be used for each trade or business, provided the method used for each trade or business clearly reflects the income of that particular trade or business. For example, a taxpayer may account for the operations of a personal service business on the cash receipts and disbursements method and of a manufacturing business on an accrual method, provided such businesses are separate and distinct and the methods used for each clearly reflect income. The method first used in accounting for business income and deductions in connection with each trade or business, as evidenced in the taxpayer's income tax return in which such income or deductions are first reported, must be consistently followed thereafter.

(2) No trade or business will be considered separate and distinct for purposes of this paragraph unless a complete and separable set of books and records is kept for such trade or business.

(3) If, by reason of maintaining different methods of accounting, there is a creation or shifting of profits or losses between the trades or businesses of the taxpayer (for example, through inventory adjustments, sales, purchases, or expenses) so that income of the taxpayer is not clearly reflected, the trades or businesses of the taxpayer will not be considered to be separate and distinct.

(e) *Requirement respecting the adoption or change of accounting method.* (1) A taxpayer filing his first return may adopt any permissible method of accounting in computing taxable income for the taxable year covered by such return. See section 446 (c) and paragraph (c) of this section for permissible methods. Moreover, a taxpayer may adopt any permissible method of accounting in connection with each separate and distinct trade or business, the income from which is reported for the first time. See section 446 (d) and paragraph (d) of this section. See also section 446 (a) and paragraph (a) of this section.

(2) (i) Except as otherwise expressly provided in chapter 1 of the Internal Revenue Code of 1954 and the regulations thereunder, a taxpayer who changes the method of accounting employed in keeping his books shall, before computing his income upon such new method for purposes of taxation, secure the consent of the Commissioner. A change in the method of accounting includes a change in the over-all method of accounting for gross income or deductions, or a change in the treatment of a material item. Consent must be secured whether or not a taxpayer regards the method from which he desires to change to be proper. Thus, a taxpayer may not compute his taxable income under a method of accounting different from that previously used by him unless such consent is secured.

(ii) Examples of changes requiring consent are: A change from the cash receipts and disbursements method to an accrual method, or vice versa; a change involving the method or basis used in the valuation of inventories (see sections 471 and 472 and the regulations thereunder); a change from the cash or accrual method to a long-term contract method, or vice versa (see § 1.451-3); a change involving the adoption, use, or discontinuance of any other specialized method of computing taxable income, such as the

crop method; or a change in the treatment of any other items of income or expense, where material.

(3) In order to secure the Commissioner's consent to a change of a taxpayer's method of accounting, the taxpayer must file an application by letter with the Commissioner of Internal Revenue, Washington 25, D. C., within 90 days after the beginning of the taxable year in which it is desired to make the change. The application shall be accompanied by a statement specifying the nature of the taxpayer's business, his present method of accounting, the method to which he desires to change, the taxable year in which the change is to be effected, the classes of items which would be treated differently under the new method, and all amounts which would be duplicated or omitted as a result of the proposed change. The Commissioner may require such other information as may be necessary in order to determine whether the proposed change will be permitted. Permission to change a taxpayer's method of accounting will not be granted unless the taxpayer and the Commissioner agree to the terms, conditions, and adjustments under which the change will be effected. See section 481 and regulations thereunder, relating to certain adjustments required by such changes, section 472 and the regulations thereunder, relating to changes to and from the last-in, first-out method of inventorying goods, and section 453 and the regulations thereunder, relating to certain adjustments required by a change from an accrual method to the installment method.

TAXABLE YEAR FOR WHICH ITEMS OF GROSS INCOME INCLUDED

§ 1.451 *Statutory provisions; general rule for taxable year of inclusion.*

SEC. 451. *General rule for taxable year of inclusion*—(a) *General rule.* The amount of any item of gross income shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under the method of accounting used in computing taxable income, such amount is to be properly accounted for as of a different period.

(b) *Special rule in case of death.* In the case of the death of a taxpayer whose taxable income is computed under an accrual method of accounting, any amount accrued only by reason of the death of the taxpayer shall not be included in computing taxable income for the period in which falls the date of the taxpayer's death.

§ 1.451–1 *General rule for taxable year of inclusion*—(a) *General rule.* Gains, profits, and income are to be included in gross income for the taxable year in which they are actually or constructively received by the taxpayer unless includible for a different year in accordance with the taxpayer's method of accounting. Under an accrual method of accounting, income is includible in gross income when all the events have occurred which fix the right to receive such income and the amount thereof can be determined with reasonable accuracy. Therefore, under such a method of accounting if, in the case of compensation for services, no determination can be made as to the right to such compensation or the amount thereof until the services are completed, the amount of compensation is ordinarily income for the taxable year in which the determination can be made. Under the cash receipts and disbursements method of accounting, such an amount is includible in gross income when actually or constructively received. Where an amount of income is properly accrued on the basis of a reasonable estimate and the exact amount is subsequently determined, the difference, if any, shall be taken into account for the taxable year in which such determination is made. To the extent that income is attributable to the recovery of bad debts for accounts charged off in prior years, it is includible in the year of recovery in accordance with the taxpayer's method of accounting, regardless of the date when the amounts were charged off. For treatment of bad debts and bad debt recoveries, see sections 166 and 111 and the regulations thereunder. For rules relating to the treatment of amounts received in crop shares, see section 61 and the regulations thereunder. For the year in which a partner must include his distributive share of partnership income, see section 706 (a) and § 1.706–1 (a). If a taxpayer ascertains that an item should have been included in gross income in a prior taxable year, he should, if within the period of limitation, file an amended return and pay any additional tax due. Similarly, if a taxpayer ascertains that an item was improperly included in gross income in a prior taxable year, he should, if within the period of limitation, file claim for credit or refund of any overpayment of tax arising therefrom.

(b) *Special rule in case of death.* (1) A taxpayer's taxable year ends on the date of his death. See section 443 (a) (2) and § 1.443–1 (a) (2). In computing taxable income for such year, there shall be included only amounts properly includible under the method of accounting used by the taxpayer. However, if the taxpayer used an accrual method of accounting, amounts accrued only by reason of his death shall not be included in computing taxable income for such year. If the taxpayer uses no regular accounting method, only amounts actually or constructively received during such year shall be included. (For rules relating to the inclusion of partnership income in the return of a decedent partner, see subchapter K of chapter 1 of the Internal Revenue Code of 1954 and the regulations thereunder.)

(2) If the decedent owned an installment obligation the income from which was taxable to him under section 453, no income is required to be reported in the return of the decedent by reason of the transmission at death of such obligation. See section 453 (d) (3). For the treatment of installment obligations acquired by the decedent's estate or by any person by bequest, devise, or inheritance from the decedent, see section 691 (a) (4) and the regulations thereunder.

§ 1.451–2 *Constructive receipt of income*—(a) *General rule.* Income although not actually reduced to a taxpayer's possession is constructively received by him in the taxable year during which it is credited to his account or set apart for him so that he may draw upon it at any time. However, income is not constructively received if the taxpayer's control of its receipt is subject to substantial limitations or restrictions. Thus, if a corporation credits its employees with bonus stock, but the stock is not available to such employees until some future date, the mere crediting on the books of the corporation does not constitute receipt.

(b) *Examples of constructive receipt.* Interest coupons which have matured and are payable but which have not been cashed are constructively received in the taxable year during which the coupons mature, unless it can be shown that there are no funds available for payment of the interest during such year. Dividends on corporate stock are constructively received when unqualifiedly made subject to the demand of the shareholder. However, if a dividend is declared payable on December 31 and the corporation followed its usual practice of paying the dividends by checks mailed so that the shareholders would not receive them until January of the following year, such dividends are not considered to have been constructively received until January. Interest on savings bank deposits is income to the depositor when credited on the books of the bank, even though the bank has a rule, seldom or never enforced, that it may require a certain number of days' notice before withdrawals are permitted. Generally, the amount of dividends or interest credited to shareholders of organizations such as building and loan associations or cooperative banks, is income to the shareholders for the taxable year when credited. However, if the amount of such dividends or interest is not available for the shareholders' free and unrestricted use at the time credited, such amount is not constructively received and does not constitute income to the shareholder until the taxable year in which the amount is available. Accordingly, if the amount of dividends or interest is accumulated and is not available to the shareholder until the maturity of a share, the crediting thereof to the shareholder's account does not constitute constructive receipt. However, in such a case the total amount credited is income to the shareholder in the year of maturity.

§ 1.451–3 *Long-term contracts*—(a) *Definition.* The term "long-term contracts" means building, installation, or construction contracts covering a period in excess of one year from the date of execution of the contract to the date on which the contract is finally completed and accepted.

(b) *Methods.* Income from long-term contracts (as defined in paragraph (a) of this section), determined in a manner consistent with the nature and terms of the contract, may be included in gross income in accordance with one of the following methods, provided such method clearly reflects income:

(1) *Percentage of completion method.* Gross income derived from long-term contracts may be reported according to the percentage of completion method. Under this method, the portion of the gross contract price which corresponds to the percentage of the entire contract which has been completed during the taxable year shall be included in gross income for such taxable year. There shall then be deducted all expenditures made during the taxable year in connection with the contract, account being taken of the material and supplies on hand at the beginning and end of the taxable year for use in such contract. Certificates of architects or engineers showing the percentage of completion of each contract during the taxable year shall be available at the principal place of business of the taxpayer for inspection in connection with an examination of the income tax return.

(2) *Completed contract method.* Gross income derived from long-term contracts may be reported for the taxable year in which the contract is finally completed and accepted. Under this method, there shall be deducted from gross income for such year all expenses which are properly allocable to the contract, taking into account any material and supplies charged to the contract but remaining on hand at the time of completion.

(c) *In general.* Long-term contract methods of accounting apply only to the accounting for income and expenses attributable to long-term contracts. Other income and expense items, such as investment income or expenses not attributable to such contracts, shall be accounted for under a proper method of accounting. See section 446 (c) and § 1.446–1 (c). A taxpayer may change to or from a long-term contract method of accounting only with the consent of the Commissioner. See section 446 (e) and § 1.446–1 (e). When a taxpayer reports income under a long-term contract method, a statement to that effect shall be attached to his income tax return.

§ 1.451–4 *Accounting for redemption of trading stamps and coupons.* (a) If a taxpayer issues trading stamps or premium coupons with sales, which stamps or coupons are redeemable in merchandise or cash, he should, in computing the income from such sales, subtract only the amount which will be required for the redemption of such part of the total issue of trading stamps or premium coupons issued during the taxable year as will eventually be presented for redemption. This amount will be determined in the light of the experience of the taxpayer in his particular business and of other users of trading stamps or premium coupons engaged in similar businesses. The taxpayer shall file a statement showing with respect to each of the five preceding years, or such number of these years as stamps or coupons have been issued by him, the following:

(1) The total issue of stamps or coupons during each year;

(2) The total stamps or coupons redeemed in each year; and

(3) Such other information as is necessary to establish the correctness of the amount subtracted from sales in each of such years.

(b) Upon examination of the return, the amount subtracted in respect of such coupons will be adjusted if, in the opinion of the Commissioner, such amount is incorrectly computed.

§ 1.454 *Statutory provisions; obligations issued at discount.*

SEC. 454. *Obligations issued at discount*—(a) *Non-interest-bearing obligations issued at a discount.* If, in the case of a taxpayer owning any non-interest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals or owning an obligation described in paragraph (2) of subsection (c), the increase in the redemption price of such obligation occurring in the taxable year does not (under the method of accounting used in computing his taxable income) constitute income to him in such year, such taxpayer may, at his election made in his return for any taxable year, treat such increase as income received in such taxable year. If any such election is made with respect to any such obligation, it shall apply also to all such obligations owned by the taxpayer at the beginning of the first taxable year to which it applies and to all such obligations thereafter acquired by him and shall be binding for all subsequent taxable years, unless on application by the taxpayer the Secretary or his delegate permits him, subject to such conditions as the Secretary or his delegate deems necessary, to change to a different method. In the case of any such obligations owned by the taxpayer at the beginning of the first taxable year to which his election applies, the increase in the redemption price of such obligations occurring between the date of acquisition (or, in the case of an obligation described in paragraph (2) of subsection (c), the date of acquisition of the series E bond involved) and the first day of such taxable year shall also be treated as income received in such taxable year.

(b) *Short-term obligations issued on discount basis.* In the case of any obligation—

(1) Of the United States; or

(2) Of a State, a Territory, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia,

which is issued on a discount basis and payable without interest at a fixed maturity date not exceeding 1 year from the date of issue, the amount of discount at which such obligation is originally sold shall not be considered to accrue until the date on which such obligation is paid at maturity, sold, or otherwise disposed of.

(c) *Matured United States savings bonds.* In the case of a taxpayer who—

(1) Holds a series E United States savings bond at the date of maturity, and

(2) Pursuant to regulations prescribed under the Second Liberty Bond Act retains his investment in the maturity value of such series E bond in an obligation, other than a current income obligation, which matures not more than 10 years from the date of maturity of such series E bond,

the increase in redemption value (to the extent not previously includible in gross income) in excess of the amount paid for such series E bond shall be includible in gross income in the taxable year in which the obligation is finally redeemed or in the taxable year of final maturity, whichever is earlier. This subsection shall not apply to a corporation, and shall not apply in the case of any taxable year for which the taxpayer's taxable income is computed under an accrual method of accounting or for which an election made by the taxpayer under subsection (a) applies.

§ 1.454–1 *Obligations issued at discount*—(a) *Non-interest-bearing obligations issued at discount.* (1) If a taxpayer—

(i) Owns any non-interest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, or

(ii) Retains his investment in the maturity value of a series E United States savings bond, in the manner described in section 454 (c) (2), and

if the increase in redemption price of such obligation, described in subdivision (i) or (ii) of this subparagraph, occurring in the taxable year does not constitute income for such year under the method of accounting used in computing his taxable income, then the taxpayer may, at his election, treat the increase as constituting income for the year in which such increase occurs, rather than for the year in which the obligation is disposed of, redeemed, paid at maturity, or converted into a current income obligation of the United States (such as a bond of series G or K). Any such election must be made in the taxpayer's return and may be made for any taxable year. If an election is made with respect to any such obligation, it shall apply also to all other obligations of the type described in this paragraph owned by the taxpayer at the beginning of the first taxable year to which the election applies and to those thereafter acquired by him, and shall be binding for the taxable year for which the return is filed and for all subsequent taxable years, unless the Commissioner permits the taxpayer to change to a different method of reporting income from such obligations. See section 446 (e) and § 1.446–1 (e), relating to requirement respecting a change of accounting method. Although the election once made is binding upon the taxpayer, it does not apply to a transferee of the taxpayer.

(2) In any case in which an election is made under section 454, the amount which accrues in any taxable year to which the election applies is measured by the actual increase in the redemption price occurring in that year. This amount does not accrue ratably between the dates on which the redemption price changes. For example, if two dates on which the redemption price increases (February 1 and August 1) fall within a taxable year and if the redemption price increases in the amount of 50 cents on each such date, the amount accruing in that year would be $1.00 ($0.50 on February 1 and $0.50 on August 1). If the taxpayer owns a non-interest-bearing obligation of the character described in subparagraph (1) of this paragraph acquired prior to the first taxable year to which his election applies, he must also include in gross income for such first taxable year the increase in the redemption price of such obligation occurring between the date of acquisition of the obligation (or the series E bond involved in the case of a matured United States savings bond), and the first day of such first taxable year.

(3) The provisions of this paragraph are illustrated by the following example:

Example. Throughout the calendar year 1954, a taxpayer who computes his taxable income under the cash receipts and disbursements method holds series E United States savings bonds having a maturity value of $5,000 and a redemption value at the beginning of the year 1954 of $4,050 and at the end of the year 1954 of $4,150. He purchased

the bonds on January 1, 1949, for $3,750, and holds no other obligation of the type described in this section. If the taxpayer exercises the election in his return for the calendar year 1954, he is required to include $400 in taxable income with respect to such bonds. Of this amount, $300 represents the increase in the redemption price before 1954 and $100 represents the increase in the redemption price in 1954. The increases in redemption value occurring in subsequent taxable years are includible in gross income for such taxable years.

(b) *Short-term obligations issued on a discount basis.* In the case of obligations of the United States or any of its possessions, or of a State, or Territory, or any political subdivision thereof, or of the District of Columbia, issued on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, the amount of discount at which such obligation originally sold does not accrue until the date on which such obligation is redeemed, sold, or otherwise disposed of. This rule applies regardless of the method of accounting used by the taxpayer. For examples illustrating rules for computation of income from sale or other disposition of certain obligations of the type described in this paragraph, see section 1221 and the regulations thereunder.

(c) *Matured United States savings bonds.* If a taxpayer (other than a corporation) holds a series E United States savings bond at the date of maturity, and under the regulations prescribed under the Second Liberty Bond Act retains his investment in the maturity value of such series E bond in an obligation, other than a current income obligation, which matures not more than 10 years from the date of maturity of such series E bond, the increase in redemption value not previously includible in gross income in excess of the amount paid for such series E bond shall be includible in gross income in the taxable year in which the obligation is finally redeemed or in the taxable year of final maturity, whichever is earlier. The provisions of section 454 (c) and of this paragraph shall not apply in the case of any taxable year for which the taxpayer's taxable income is computed under an accrual method of accounting or for a taxable year for which an election made by the taxpayer under section 454 (a) and paragraph (a) of this section applies.

TAXABLE YEAR FOR WHICH DEDUCTIONS TAKEN

§ 1.461 *Statutory provisions; general rule for taxable year of deduction.*

SEC. 461. *General rule for taxable year of deduction*—(a) *General rule.* The amount of any deduction or credit allowed by this subtitle shall be taken for the taxable year which is the proper taxable year under the method of accounting used in computing taxable income.

(b) *Special rule in case of death.* In the case of the death of a taxpayer whose taxable income is computed under an accrual method of accounting, any amount accrued as a deduction or credit only by reason of the death of the taxpayer shall not be allowed in computing taxable income for the period in which falls the date of the taxpayer's death.

(c) *Accrual of real property taxes*—(1) *In general.* If the taxable income is computed under an accrual method of accounting, then, at the election of the taxpayer, any real property tax which is related to a definite period of time shall be accrued ratably over that period.

(2) *Special rules.* Paragraph (1) shall not apply to any real property tax, to the extent that such tax was allowable as a deduction under the Internal Revenue Code of 1939 for a taxable year which began before January 1, 1954. In the case of any real property tax which would, but for this subsection, be allowable as a deduction for the first taxable year of the taxpayer which begins after December 31, 1953, then, to the extent that such tax is related to any period before the first day of such first taxable year, the tax shall be allowable as a deduction for such first taxable year.

(3) *When election may be made*—(A) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, make an election under this subsection for his first taxable year which begins after December 31, 1953, and ends after the date of enactment of this title in which the taxpayer incurs real property taxes. Such an election shall be made not later than the time prescribed by law for filing the return for such year (including extensions thereof).

(B) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, make an election under this subsection at any time.

§ 1.461–1 *General rule for taxable year of deduction.*—(a) *General rule*—(1) *Taxpayer using cash receipts and disbursements method.* Under the cash receipts and disbursements method of accounting, amounts representing allowable deductions shall, as a general rule, be taken into account for the taxable year in which paid. Further, a taxpayer using this method may also be entitled to certain deductions in the computation of taxable income which do not involve cash disbursements during the taxable year, such as the deductions for depreciation, depletion, and losses under sections 167, 611, and 165, respectively. If an expenditure results in the creation of an asset having a useful life which extends substantially beyond the close of the taxable year, such an expenditure may not be deductible, or may be deductible only in part, for the taxable year in which made. An example is an expenditure for the construction of improvements by the lessee on leased property where the estimated life of the improvements is in excess of the remaining period of the lease. In such a case, in lieu of the allowance for depreciation provided by section 167, the basis shall be amortized ratably over the remaining period of the lease. See section 263 and the regulations thereunder for rules relating to capital expenditures.

(2) *Taxpayer using an accrual method.* Under an accrual method of accounting, an expense is deductible for the taxable year in which all the events have occurred which determine the fact of the liability and the amount thereof can be determined with reasonable accuracy. However, any expenditure which results in the creation of an asset having a useful life which extends substantially beyond the close of the taxable year may not be deductible, or may be deductible only in part, for the taxable year in which incurred. While no accrual shall be made in any case in which all of the events have not occurred which fix the liability, the fact that the exact amount of the liability which has been incurred cannot be determined will not prevent the accrual within the taxable year of such part thereof as can be computed with reasonable accuracy. For example, A renders services to B during the taxable year for which A claims $10,000. B admits the liability to A for $5,000 but contests the remainder. B may accrue only $5,000 as an expense for the taxable year in which the services were rendered. Where a deduction is properly accrued on the basis of a computation made with reasonable accuracy and the exact amount is subsequently determined in a later taxable year, the difference, if any, between such amounts shall be taken into account for the later taxable year in which such determination is made.

(3) *Other factors which determine when deductions may be taken.* (i) Each year's return should be complete in itself, and taxpayers shall ascertain the facts necessary to make a correct return. The expenses, liabilities, or loss of one year cannot be used to reduce the income of a subsequent year. A taxpayer may not take advantage in a return for a subsequent year of his failure to claim deductions in a prior taxable year in which such deductions should have been properly taken under his method of accounting. If a taxpayer ascertains that a deduction should have been claimed in a prior taxable year, he should, if within the period of limitation, file a claim for credit or refund of any overpayment of tax arisng therefrom. Similarly, if a taxpayer ascertains that a deduction was improperly claimed in a prior taxable year, he should, if within the period of limitation, file an amended return and pay any additional tax due. However, in a going business there are certain overlapping deductions. If these overlapping items do not materially distort income, they may be included in the years in which the taxpayer consistently takes them into account.

(ii) Where there is a dispute and the entire liability is contested, judgments on account of damages for patent infringement, personal injuries or other causes, or other binding adjudications, including decisons of referees and boards of review under workmen's compensation laws, are deductions from gross income when the claim is finally adjudicated or is paid, depending upon the taxpayer's method of accounting. However, see subparagraph (2) of this paragraph.

(iii) For special rules relating to certain deductions, see the following sections and the regulations thereunder: Section 1481, relating to accounting for amounts repaid in connection with renegotiaton of a government contract; section 1341, relating to the computation of tax where the taxpayer repays a substantial amount received under a claim of right in a prior taxable year; and section 165 (e), relating to losses resulting from theft.

(4) *Deductions attributable to certain foreign income.* In any case in which, owing to monetary, exchange, or other restrictions imposed by a foreign country, an amount otherwise constituting gross income for the taxable year from sources without the United States is not includible in gross income of the taxpayer for that year, the deductions and credits properly chargeable against the amount so restricted shall not be deductible in such year but shall be deductible proportionately in any subsequent taxable year in which such amount or portion thereof is includible in gross income. See § 1.905–1 (b) for rules relating to credit for foreign income taxes when foreign income is subject to exchange controls.

(b) *Special rule in case of death.* A taxpayer's taxable year ends on the date of his death. See section 443 (a) (2) and § 1.443–1 (a) (2). In computing taxable income for such year, there shall be deducted only amounts properly deductible under the method of accounting used by the taxpayer. However, if the taxpayer used an accrual method of accounting, no deduction shall be allowed for amounts accrued only by reason of his death. For rules relating to the inclusion of items of partnership deduction, loss, or credit in the return of a decedent partner, see subchapter K of chapter 1 of the Internal Revenue Code of 1954 and the regulations thereunder.

(c) *Accrual of real property taxes*—(1) *In general.* If the accrual of real property taxes is proper in connection with one of the methods of accounting described in section 446 (c), any taxpayer using such a method of accounting may elect to accrue any real property tax, which is related to a definite period of time, ratably over that period in the manner described in this paragraph. For example, assume that such an election is made by a calendar-year taxpayer whose real property taxes, applicable to the period from July 1, 1955, to June 30, 1956, amount to $1,200. Under section 461 (c), $600 of such taxes accrue in the calendar year 1955, and the balance accrues in 1956. For general rules relating to deductions for taxes, see section 164 and the regulations thereunder.

(2) *Special rules*—(i) *Effective date.* Section 461 (c) and this paragraph do not apply to any real property tax allowable as a deduction under the Internal Revenue Code of 1939 for any taxable year beginning before January 1, 1954.

(ii) If real property taxes which relate to a period prior to the taxpayer's first taxable year beginning on or after January 1, 1954, would, but for section 461 (c), be deductible in such first taxable year, the portion of such taxes which applies to the prior period is deductible in such first taxable year (in addition to the amount allowable under section 461 (c) (1)).

(3) *When election may be made*—(i) *Without consent.* A taxpayer may elect to accrue real property taxes ratably in accordance with section 461 (c) and this paragraph without the consent of the Commissioner for his first taxable year beginning after December 31, 1953, and ending after August 16, 1954, in which the taxpayer incurs real property taxes. Such election must be made not later than the time prescribed by law for filing the return for such year (including extensions thereof). An election may be made by the taxpayer for each separate trade or business (and for nonbusiness activities, if accounted for separately). Such an election shall apply to all real property taxes of the trade, business, or nonbusiness activity for which the election is made. The election shall be made in a statement submitted with the taxpayer's return for the first taxable year to which the election is applicable. The statement should set forth:

(*a*) The trades or businesses, or nonbusiness activity, to which the election is to apply, and the method of accounting used therein;

(*b*) The period of time to which the taxes are related; and

(*c*) The computation of the deduction for real property taxes for the first year of the election (or a summary of such computation).

(ii) *With consent.* A taxpayer may elect with the consent of the Commissioner to accrue real property taxes ratably in accordance with section 461 (c) and this paragraph. A written request for permission to make such an election shall be submitted to the Commissioner of Internal Revenue, Washington 25, D. C., within 90 days after the beginning of the taxable year to which the election is first applicable, or within 90 days after the date of the publication in the FEDERAL REGISTER of the regulations under section 461, whichever date is later. The request for permission shall state:

(*a*) The name and address of the taxpayer;

(*b*) The trades or businesses, or nonbusiness activity, to which the election is to apply, and the method of accounting used therein;

(*c*) The taxable year to which the election first applies;

(*d*) The period to which the real property taxes relate;

(*e*) The computation of the deduction for real property taxes for the first year of election (or a summary of such computation); and

(*f*) An adequate description of the manner in which all real property taxes were deducted in the year prior to the year of election.

(4) *Binding effect of election.* An election to accrue real property taxes ratably under section 461 (c) is binding upon the taxpayer unless the consent of the Commissioner is obtained under section 446 (e) and § 1.446–1 (e) to change such method of deducting real property taxes. If the last day prescribed by law for filing a return for any taxable year (including extensions thereof) to which section 461 (c) is applicable falls before the 90th day after the date the regulations under section 461 are published in the FEDERAL REGISTER, consent is hereby given for the taxpayer to revoke an election previously made to accrue real property taxes in the manner prescribed by section 461 (c). If the taxpayer revokes his election under the preceding sentence, he must, on or before such 90th day, notify the district director for the district in which the return was filed of such revocation. For any taxable year for which such revocation is applicable, an amended return reflecting such revocation shall be filed on or before such 90th day.

(5) *Apportionment of taxes on real property between seller and purchaser.* For apportionment of taxes on real property between seller and purchaser, see section 164 (d) and the regulations thereunder.

(6) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). A taxpayer on an accrual method reports his taxable income for the taxable year ending June 30. He elects to accrue real property taxes ratably for the taxable year ending June 30, 1955 (which is his first taxable year beginning on or after January 1, 1954). In the absence of an election under section 461 (c), such taxes would accrue on January 1 of the calendar year to which they are related. The real property taxes are $1,200 for 1954; $1,600 for 1955; and $1,800 for 1956. Deductions for such taxes for the fiscal years ending June 30, 1955, and June 30, 1956, are computed as follows:

Fiscal year ending June 30, 1955

July through December 1954	[1] None
January through June 1955 (6/12 of $1,600)	$800
Deduction for fiscal year ending June 30, 1955	800

Fiscal year ending June 30, 1956

July through December 1955 (6/12 of $1,600)	$800
January through June 1956 (6/12 of $1,800)	900
Deduction for fiscal year ending June 30, 1956	1,700

[1] The taxes for 1954 were deductible in the fiscal year ending June 30, 1954, since such taxes accrued on January 1, 1954.

Example (2). A calendar-year taxpayer on an accrual method elects to accrue real property taxes ratably for 1954. In the absence of an election under section 461 (c), such taxes would accrue on July 1 and are assessed for the year ending June 30, 1954, are assessed for the 12-month period beginning on that date. The real property taxes assessed for the year ending June 30, 1954, are $1,200; $1,600 for the year ending June 30, 1955; and $1,800 for the year ending June 30, 1956. Deductions for such taxes for the calendar years 1954 and 1955 are computed as follows:

Year ending December 31, 1954

January through June 1954	[1] None
July through December 1954 (6/12 of $1,600)	$800
Deduction for year ending December 31, 1954	800

Year ending December 31, 1955

January through June 1955 (6/12 of $1,600)	$800
July through December 1955 (6/12 of $1,800)	900
Deduction for year ending December 31, 1955	1,700

[1] The entire tax of $1,200 for the year ended June 30, 1954, was deductible in the return for 1953, since such tax accrued on July 1, 1953.

Example (3). A calendar-year taxpayer on an accrual method elects to accrue real property taxes ratably for 1954. In the absence of an election under section 461 (c), such taxes, which relate to the calendar year 1954, are accruable on December 1 of the preceding calendar year. No deduction for real property taxes is allowable for the taxable year 1954 since such taxes accrued in

the taxable year 1953 under section 23 (c) of the Internal Revenue Code of 1939.

Example (4). A taxpayer on an accrual method reports his taxable income for the taxable year ending March 31. He elects to accrue real property taxes ratably for the taxable year ending March 31, 1955. In the absence of an election under section 461 (c), such taxes are accruable on June 1 of the calendar year to which they relate. The real property taxes are $1,200 for 1954; $1,600 for 1955; and $1,800 for 1956. Deductions for such taxes for the taxable years ending March 31, 1955, and March 31, 1956, are computed as follows:

Fiscal year ending March 31, 1955

April through December 1954 (9/12 of $1,200)	$900
January through March 1955 (3/12 of $1,600)	400
Taxes accrued ratably in fiscal year ending March 31, 1955	1,300
Tax relating to period January through March 1954, paid in June 1954, and not deductible in prior taxable years (3/12 of $1,200)	300
Deduction for fiscal year ending March 31, 1955	1,600

Fiscal year ending March 31, 1956

April through December 1955 (9/12 of $1,600)	$1,200
January through March 1956 (3/12 of $1,800)	450
Deduction for fiscal year ending March 31, 1956	1,650

[SEAL] RUSSELL O. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 19, 1957.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10639; Filed, Dec. 24, 1957; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

RAILROAD ANNUAL REPORT FORM C

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 10th day of December A. D. 1957.

The matter of annual reports of line-haul and switching and terminal railroad companies of class II being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished resulting from revisions respecting balance sheet accounts in the Commission's Uniform System of Accounts for Railroad Companies, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003, being deemed unnecessary:

It is ordered, That the order of January 17, 1957, in the matter of Railroad Annual Report from C, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1957, and subsequent years to read as shown below.

It is further ordered, That 49 CFR 120.12, be, and it is hereby, modified and amended to read as follows:

§ 120.12 *Form prescribed for class II railroads.* Commencing with the year ended December 31, 1957, and for subsequent years thereafter, until further order, all line-haul and switching and terminal railroad companies of class II, as described in § 126.1, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form C, which is attached hereto [1] and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That copies of this order and of Annual Report Form C shall be served on all line-haul and switching and terminal railroad companies of class II, subject to the provisions of section 20, Part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10628; Filed, Dec. 24, 1957; 8:46 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

RAILROAD LESSOR COMPANY ANNUAL REPORT FORM E

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 10th day of December A. D. 1957.

The matter of annual reports from lessors to railroad companies being under further consideration, and the changes to be effectuated by this order being only minor changes with respect to the data to be furnished, resulting from revisions respecting balance sheet accounts in the Commission's Uniform System of Accounts for Railroad Companies, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003, being deemed unnecessary;

It is ordered, That the order of January 17, 1957, in the matter of Railroad Lessor Company Annual Report Form E, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1957 and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.14, be, and it is hereby, modified and amended to read as follows:

§ 120.14 *Form prescribed for lessors to railroads.* Commencing with the year ended December 31, 1957, and for subsequent years thereafter, until further order, all lessors to railroad companies subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form E, Railroad Lessor Companies, which is attached hereto [1] and made a part of this section. Such annual reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That copies of this order and of Annual Report Form E shall be served on all lessors to railroad companies subject to the provisions of section 20, Part I, of the Interstate Commerce Act, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10629; Filed, Dec. 24, 1957; 8:46 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

ANNUAL REPORT FORM P (CARRIERS BY PIPE LINE)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 1 h day of December A. D. 1957.

The matter of annual reports of carriers by pipe line being under further consideration and, the changes to be effectuated by this order being only minor changes with respect to the data to be furnished, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003, being deemed unnecessary:

It is ordered, That § 120.61 of the order of February 4, 1955, in the matter of Carriers by Pipe Line—Annual Report Form P, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1957, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.61 be, and it is hereby, modified and amended to read as follows:

§ 120.61 *Annual reports of carriers by pipe line.* Commencing with the year ended December 31, 1957, and for subsequent years thereafter, until further order, all carriers by pipe line subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form P (Carriers by Pipe Line), which is attached to [1] and made a part of this section. Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That a copy of this order and of Annual Report Form P shall be served on all carriers by pipe line subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended; 54 Stat. 944, 49 U. S. C. 20, 913)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10630; Filed, Dec. 24, 1957; 8:46 a. m.]

[1] Filed as part of the original document.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER (22 F. R. 8880) on November 5, 1957, that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Part 545 of Title 29, Code of Federal Regulations. Interested persons were given 30 days in which to submit data, views, or arguments pertaining to the proposal.

The single response to the notice of proposed amendment, submitted on behalf of the International Ladies' Garment Workers' Union, has suggested that Part 545 be amended to make provision for the time when the rates prescribed in § 545.13 herein are no longer commensurate with the hourly rates provided in applicable wage orders. This suggestion has been adopted and will be made effective in this amendment.

The I. L. G. W. U. also contends that Part 545 must be amended to substitute a "minimum commercial proficiency" test for the "ordinary skill test" contained in § 545.10 because the Fair Labor Standards Act of 1938 requires that "* * * any piece rate adopted by such employer * * * shall yield * * * not less than the applicable minimum hourly wage rate". This suggestion is not being adopted because the quoted statutory provision found in section 6 (a) (2) of the act is modified by the phrase "* * * to the proportion or class of employees prescribed by regulation or order * * *". The modification is broad enough to authorize the test presently provided in § 545.10 of the regulation. The two remaining suggestions made by the I. L. G. W. U. are of a minor technical nature and will not be adopted at this time because of practical difficulties.

This amendment is based upon the statutory authority contained in section 6 (a) (2) of the Fair Labor Standards Act of 1938. Its purpose is to establish minimum piece rates commensurate with minimum hourly rates established under section 8 of the Fair Labor Standards Act of 1938.

In accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85-A of the Secretary of Labor (22 F. R. 7614), I hereby adopt the amendment as proposed except that § 545.9 of the proposal is revised to reflect the views expressed by an interested person in response to the notice.

As so revised, the proposed amendment to Part 545 is adopted as set forth below. This amendment shall become effective January 24, 1958.

Signed at Washington, D. C., this 19th day of December 1957.

CLARENCE T. LUNDQUIST,
Acting Administrator.

1. The caption of Part 545 is amended to read: "Part 545—Homeworkers in the Fabric and Leather Glove Industry; the Handkerchief, Square Scarf, and Art Linen Industry; the Children's Dress and Related Products Industry; the Women's and Children's Underwear and Women's Blouse and Neckwear Industry; the Needlework and Fabricated Textile Products Industry; and the Sweater and Knit Swimwear Industry in Puerto Rico".

2. Section 545.1 is amended to read:

§ 545.1 *Applicability.* The provisions of this part shall apply to persons in activities relating to homeworkers engaged in commerce or in the production of goods for commerce in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse and neckwear industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico, as defined in Parts 715, 608, 610, 609, 612, and 611, respectively, of this chapter.[1]

3. Section 545.7 is amended to read:

§ 545.7 *Records to be kept.* (a) Every prime contractor or manufacturer shall make and have available at his principal Puerto Rican office a record of the following information: [2]

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from which the goods upon which homework is to be performed were received.

(2) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to homeworkers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

(3) The date or dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

[1] Persons engaged in activities relating to homeworkers in other industries in Puerto Rico are subject to Part 681 of this chapter.

[2] Although responsibility for making the record is placed upon the prime contractor or manufacturer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in his behalf. No particular order or form of records is prescribed by the regulations contained in this part. The prime contractor or manufacturer may keep his own record system, so long as he keeps all the required information available in understandable form. The records must be kept in the principal Puerto Rican office of the prime contractor or manufacturer. Where it is not possible for a record of one or more of the items to be made in the first instance at the principal office of the prime contractor or manufacturer, at his direction the record of such items may be made away from that office by a subcontractor, agent, employee, or other person acting in his behalf. In such event, however, the records shall be delivered to the principal Puerto Rican office of the prime contractor or manufacturer as soon as practicable after the making of such entries, and shall there be preserved and available for inspection.

(4) The name and address of each homeworker, and the date of birth of each homeworker under 19, to whom the goods in each lot were delivered or from whom goods were purchased.

(5) The date or dates upon which the goods in each lot were delivered to and collected from each homeworker or upon which goods were purchased from each homeworker.

(6) The style number or name or, if none, the identification number or name used in lieu thereof, the description of and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, the piece rates to be paid or paid, the gross amount due each homeworker for the operations performed upon the goods, social security deductions from that amount, the costs, if any, incurred by the homeworker for equipment, material, or other items such as electricity or fuel as a result of the homework, the amount actually paid the homeworker and the date of payment.

(b) At the time work is given out to or received or purchased from a homeworker, as the case may be, every prime contractor or manufacturer shall enter the following information in the handbook (to be obtained by the prime contractor or manufacturer from the Wage and Hour Division and supplied by him to each homeworker) which shall be kept by the homeworker until the handbook is completed (that is, until no space remains for additional entries) or the homeworker's services are terminated, at which time it shall be returned to the prime contractor or manufacturer: [4]

(1) The date or dates upon which the goods in each lot were delivered to and collected from the homeworker or upon which goods were purchased from the homeworker.

(2) The style number or name, or, if none, the identification number or name used in lieu thereof, the description of, and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, the piece rates to be paid or paid, the gross amount due each homeworker for the operations performed upon the goods, social security deductions from that amount, the costs, if any, incurred by the homeworker for equipment, material, or other items such as electricity or fuel as a result of homework, the amount actually paid the homeworker, and the date of payment.

(3) The signature of the person acting in behalf of the prime contractor or manufacturer.

(c) No prime contractor or manufacturer shall employ any homeworker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such prime contractor or manufacturer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such homeworker a record of the following information: [4]

(1) The hours worked by the homeworker on the goods in each lot.

(2) The total hours worked each week.

(3) The wages paid the homeworker each week at regular piece rates.

(4) The extra amount paid to the homeworker for hours worked in excess of 40 in each week.

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(e) Every employer shall keep and preserve for a period of not less than three years at his place of business all records required in this section, except the handbook which shall be kept for a period of two years subsequent to the date of the last entry therein. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

4. Section 545.9 is amended to read:

§ 545.9 *Minimum price rates prescribed by Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid in lieu of the applicable minimum hourly rate established by the wage orders for the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; and the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico, not less than the piece rates prescribed in § 545.13 for the operations described therein. On and after the effective date of any change in the minimum hourly rates established by the said wage orders and until the effective date of compensating revisions in § 545.13, the minimum piece rates which shall be paid are those listed in § 545.13 adjusted in ratio to the relation between the change in the old and new minimum hourly rates.

5. Section 545.13 is revised to read:

§ 545.13 *Piece rates established in accordance with § 545.9.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Cotton underwear and nightwear (2)	(3)	
		Cents	*Cents*	*Cents*	
1	Arenilla (seed stitch), close, 1/2" squares	54.00	48.60	50.40	Per dozen squares.
2	Arenilla (seed stitch), scattered, 1/2" squares	27.00	24.30	25.20	Do.
3	Arrows, filled in, 3/4 inch	13.50	12.15	12.60	Per dozen.
4	Back stitch on yokes, armholes, etc	[2] 30.00	[2] 27.00	38.00	Per yard.
5	Basting bias with cord	14.85	13.37	13.86	Do.
6	Basting darts before sewing	[2] 15.66	[2] 14.10	19.95	Do.
7	Basting for fagoting	4.06	3.66	3.79	Do.
8	Basting hems, 1" to 6" wide	[2] 9.00	[2] 8.10	11.40	Do.
9	Basting lace incidental to sewing on lace with solid cord stitch.	7.78	7.00	7.26	Do.
10	Basting waist lines, plackets, and facings, 2 to 3 stitches per inch.	[2] 5.63	[2] 5.07	7.14	Do.
11	Bias piping, joined, double, over 10 stitches per inch	18.00	16.20	16.80	Do.
12	Bias piping, joined, single, over 10 stitches per inch	22.50	20.25	21.00	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch.	27.12	24.41	25.31	Do.
14	Blanket stitch, folding included, 18 stitches per inch	51.00	45.90	47.60	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches	[2] 5.88	[2] 5.29	7.42	Per dozen.
16	Buttonholes, stamped, 3/8" long	[2] 19.41	[2] 17.47	24.56	Do.
17	Buttonholes, stamped, 1/2" long	[2] 25.80	[2] 23.22	32.71	Do.
18	Buttonhole stitch, close	40.50	36.45	37.80	Per yard.
19	Buttonhole stitch for joining seams	40.50	36.45	37.80	Do.
20	Cord, twisted, over basting	4.50	4.05	4.20	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.	6.17	5.55	5.76	Per yard.
22	Cutting material under lace or at seams, straight outline, following handsewing operation.	2.53	2.28	2.36	Do.
22.1	Cutting material under lace or at seams, straight outline, following machine operations (formerly operation No. 93).	3.71	3.71	3.20	Do.
23	Dots, baby, not finished off, 2 to 3 stitches	3.75	3.38	3.50	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	5.94	5.35	5.54	Do.
25	Eyelets, up to 1/8" diameter	10.03	9.03	9.36	Do.
26	Eyelets, 3/16" diameter	18.00	16.20	16.80	Do.
27	Fagoting, straight lines	62.68	56.41	58.50	Per yard.
28	Fagoting, twisted lines	30.00	27.00	28.00	Do.
29	Feather stitch, 12 stitches per inch	30.00	27.00	28.00	Per yard.
30	Feather stitch cord	15.79	14.21	14.74	Do.
31	Flat fell seams, first seam by machine	[2] 17.58	[2] 15.82	22.21	Do.
32	Flat roll	[2] 13.65	[2] 12.28	17.26	Do.
33	French knots, not finished off	[2] 1.88	[2] 1.69	1.75	Per dozen.
34	French seams, over 12 stitches per inch	[2] 11.25	[2] 10.13	14.23	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	[2] 7.43	[2] 6.69	9.12	Do.
36	Furnitures, with tape	67.50	60.75	63.00	Do.
37	Furnitures, without tape	54.00	48.60	50.40	Do.
38	Gimp (cord)	4.50	4.05	4.20	Per dozen.
39	Half roll (with colored or cmb. thread)	14.75	[2] 7.87	13.28	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch	[2] 7.87	[2] 18.12	9.96	Do.
41	Hemming stitch for felling cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch.	[2] 20.13		25.50	Do.
42	Hemstitch double (tru-tru), 4 threads in a bundle, thread drawing not included.	55.80	50.22	52.08	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	29.29	26.36	27.34	Do.
44	Lace, joined with whipping stitch	46.98	42.19	43.75	Do.
45	Laces, joined on with hemming stitch or round roll	22.50	20.25	21.00	Per dozen.
46	Leaves, open, 3/4" to 1 1/2" long	27.00	24.30	25.20	Do.
47	Leaves, open, 3/4" to 1 1/2" long	1.68	1.51	1.57	Do.
48	Leaves, solid, not finished off, 1/2" long	4.94	4.45	4.61	Do.
49	Leaves, solid, not finished off, 3/4" long	6.00	5.40	5.60	Do.
50	Leaves, solid, not finished off, 3/4" to 1 1/2" long	9.00	8.10	8.40	Do.
51	Leaves, solid, finished off, 3/4" to 1 1/2" long	18.00	16.20	16.80	Do.
52	Loops, knitted, 1 inch to 1 1/2 inch	5.63	5.07	5.26	Do.
53	Loops, knitted, 3/4 inch	9.45	8.52	8.83	Do.
54	Loops, made with buttonhole stitch	13.50	12.15	12.60	Do.
55	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled seam with hemming stitch.	53.77	48.39	50.18	Per yard.
56	Net, for covering seams, etc., to 8 inches	[2] 6.57	[2] 8.61	12.13	Do.
57	Satins, sewed on with single point de turc	4.20	4.20		Per dozen pasadas.
58	Satins, sewed on with blind stitch, up to 1 1/2 inch.	80.64	80.68	83.66	Per yard.
59	Patches, rectangular, sewed on with blind stitch, up to 1 1/2 inch.	5.66	5.09	5.28	Per dozen inches.
59.1	Pin stitch, thread drawing not included, 1 inch squares.	98.00	97.20	82.32	Per yard.
59.2	Pin stitch, thread drawing not included, cutting and basting included,	108.00	97.20	100.80	Per dozen squares.
60	Point de turc, double, with embroidery thread	44.77	40.29	41.78	Per yard.
61	Point de turc, plain, with embroidery thread	26.25	23.62	24.50	Do.
62	Randa, handles twisted but not tied, thread drawing not included.	11.25	10.12	10.50	Do.
63	Randa, Don Gonzalez, thread drawing not included.	47.25	42.52	44.10	Do.
64	Randa, Mexican, tied at center only, thread drawing not included.	13.50	12.15	12.60	Do.
65	Rolling ends of	6.17	5.55	5.76	Per dozen.
66	Rolling, stitches and roborines	[2] 22.99	[2] 20.69	29.12	Per yard.
67	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones.	13.37	12.03	12.48	Per dozen.
68	Running stitch on darts, 8 to 10 stitches per inch	[2] 11.25	[2] 10.13	14.25	Per yard.
69	Running stitch for felling, very close stitch	[2] 11.25	[2] 10.13	14.25	Do.
70	Running stitch on hems up to 1" wide, 12 stitches per inch.	[2] 12.09	[2] 10.88	15.34	Do.
71	Running stitch, 4 stitches per inch	31.20	28.08	31.20	Per dozen squares.
72	Running stitch on lace	15.60	14.04	15.60	Do.
73	Running stitch for plain sewing	7.80	7.02	7.80	Per dozen.
74	Scallops, plain, cut 1/2" wide	1.49	1.34	1.49	Per dozen inches.
75	Scallops, cut, up to 3/4" wide	1.30	1.17	1.30	Do.
76	Shell, 4 to 5 stitches per inch	1.52	1.37	1.52	Do.
77	Shirring, material to be measured before shirring	5.20	4.68	5.20	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	5.20	4.68	5.20	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	7.80	7.02	7.80	Do.
80	Shoulder straps, set with buttonhole stitch, 1 1/2" x 1/4", measured after turning, sewing up to 3/8" at each end at strap.	53.19	47.87	----------	Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	[2] 9.00	[2] 8.10	11.40	Per dozen inches.
82	Smocking	.37	.33	.35	Per dozen stitches.
83	Snaps, set with eyelet on gores and embroidery	[2] 9.00	[2] 8.10	11.40	Per dozen.
84	Solid cord stitch to sew on lace	43.20	38.87	39.43	Per yard.
85	Spiders, 4 legs	38.25	34.42	35.70	Do.
86	Spiders, 8 legs	9.00	8.10	8.40	Per dozen.
87	Tacks, set for fagoting	17.59	15.83	16.42	Do.
88	Tucks, stamped, 1/16" to 1/4" wide, up to 6" long	4.50	4.05	4.20	Do.
89	Tucks, pin, stamped up to 7" long	14.08	12.67	13.14	Do.
90	Tucks, pin, unstamped, up to 6" long	14.84	13.36	13.85	Do.
91	(See operation No. 22.1).	18.00	16.20	16.80	Do.
93	Turning belts, machine sewn, 20" x 1/2", measured after turning.	15.34	15.34	13.25	Per dozen bolts.
94	Turning belts, machine sewn, 60" x 1/2", measured after turning.	19.49	19.49	16.84	Do.
95	Turning shoulder pads, 5 3/4" long, with an unsewed seam at the middle.	9.96	9.96	8.60	Per dozen pads.
96	Turning shoulder straps, 14 1/2 x 1/4", measured after turning.	30.58	30.58	----------	Per dozen straps.
97	Underlaying, single, 4 threads in a bundle, thread drawing not included.	29.29	26.36	27.34	Do.
98	Underlaying, double (tru-tru), 4 threads in a bundle, thread drawing not included.	55.80	50.22	52.08	Do.
99	Wheels, 4 spokes	31.20	28.08	31.20	Per dozen squares.
100	Wheels, 5 spokes	15.60	14.04	15.60	Do.
101	Wheels, 6 spokes	7.80	7.02	7.80	Per dozen.
102	Wheels, 7 spokes	1.49	1.34	1.49	Per dozen inches.
103	Wheels, 8 spokes	1.30	1.17	1.30	Do.
103.1	Wheels, 9 spokes	1.52	1.37	1.52	Do.
104	Wheels, 10 spokes	5.20	4.68	5.20	Do.
105	Wheels, 16 spokes	5.20	4.68	5.20	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	7.80	7.02	7.80	Do.
107	Chain stitch, 4 stitches per inch	1.30	1.17	1.30	Do.

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing," "hand-embroidery," and "other operations," and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

[4] Although responsibility for supplying the handbook to the homeworker and recording information therein is placed upon the prime contractor or manufacturer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in his behalf.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Cotton underwear and nightwear (2)	(3)	
		Cents	*Cents*	*Cents*	
72	Running stitch on lace	30.00	27.00	28.00	Per yard.
73	Running stitch for plain sewing	15.79	14.21	14.74	Do.
74	Scallops, plain, cut 1/2" wide	[2] 17.58	[2] 15.82	22.21	Do.
75	Scallops, cut, up to 3/4" wide	[2] 13.65	[2] 12.28	17.26	Do.
76	Shell, 4 to 5 stitches per inch	[2] 1.88	[2] 1.69	1.75	Per dozen.
77	Shirring, material to be measured before shirring	[2] 11.25	[2] 10.13	14.23	Per yard.
78	Shirring and basting lace edging, material to be measured after shirring.	[2] 7.43	[2] 6.69	9.12	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	67.50	60.75	63.00	Do.
80	Shoulder straps, set with buttonhole stitch, 1 1/2" x 1/4", measured after turning, sewing up to 3/8" at each end at strap.	54.00	48.60	50.40	Do.
81	Size tickets set with hemming stitch, cutting tickets included.	4.50	4.05	4.20	Per dozen.
82	Smocking	14.75	[2] 7.87	13.28	Per yard.
83	Snaps, set with eyelet on gores and embroidery	[2] 7.87	[2] 18.12	9.96	Do.
84	Solid cord stitch to sew on lace	[2] 20.13		25.50	Do.
85	Spiders, 4 legs	55.80	50.22	52.08	Do.
86	Spiders, 8 legs	29.29	26.36	27.34	Do.
87	Tacks, set for fagoting	46.98	42.19	43.75	Do.
88	Tucks, stamped, 1/16" to 1/4" wide, up to 6" long	22.50	20.25	21.00	Per dozen.
89	Tucks, pin, stamped up to 7" long	27.00	24.30	25.20	Do.
90	Tucks, pin, unstamped, up to 6" long	1.68	1.51	1.57	Do.
91	(See operation No. 22.1).	4.94	4.45	4.61	Do.
93	Turning belts, machine sewn, 20" x 1/2", measured after turning.	6.00	5.40	5.60	Do.
94	Turning belts, machine sewn, 60" x 1/2", measured after turning.	9.00	8.10	8.40	Do.
95	Turning shoulder pads, 5 3/4" long, with an unsewed seam at the middle.	18.00	16.20	16.80	Do.
96	Turning shoulder straps, 14 1/2 x 1/4", measured after turning.	5.63	5.07	5.26	Do.
97	Underlaying, single, 4 threads in a bundle, thread drawing not included.	9.45	8.52	8.83	Do.
98	Underlaying, double (tru-tru), 4 threads in a bundle, thread drawing not included.	13.50	12.15	12.60	Do.
99	Wheels, 4 spokes	53.77	48.39	50.18	Per yard.
100	Wheels, 5 spokes	[2] 6.57	[2] 8.61	12.13	Do.
101	Wheels, 6 spokes	4.20	4.20		Per dozen pasadas.
102	Wheels, 7 spokes	80.64	80.68	83.66	Per yard.
103	Wheels, 8 spokes	5.66	5.09	5.28	Per dozen inches.
103.1	Wheels, 9 spokes	88.20	97.38	82.32	Per yard.
104	Wheels, 10 spokes	108.00	97.20	100.80	Per dozen squares.
105	Wheels, 16 spokes	44.77	40.29	41.78	Per yard.
106	Buttonhole stitch, 24 to 30 stitches per inch	26.25	23.62	24.50	Do.
107	Chain stitch, 4 stitches per inch	11.25	10.12	10.50	Do.
108	Arenillas (seed stitch), close, 1/2" squares	47.25	42.52	44.10	Do.
109	Arenillas (seed stitch), scattered, 1/2" squares	13.50	12.15	12.60	Do.
110	Arrows, filled in, 1/4" long	6.17	5.55	5.76	Per dozen.
111	Basting lace for setting with straight sewing stitch	[2] 22.99	[2] 20.69	29.12	Per yard.
112	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch	13.37	12.03	12.48	Per dozen.
113	Basting and folding hem on edges up to 1 1/2" hem	[2] 11.25	[2] 10.13	14.25	Per yard.
114	Blind hemstitch	[2] 11.25	[2] 10.13	14.25	Do.
115	Buttonhole stitch, 16 stitches per inch	[2] 12.09	[2] 10.88	15.34	Do.

[1] See current wage order for this industry for definition of the industry and of the classifications of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Cents	Unit of payment
99	Arenillas (seed stitch), close, 1/2" squares	31.20	Per dozen squares.
100	Arenillas (seed stitch), scattered, 1/2" squares	15.60	Do.
101	Arrows, filled in, 1/4" long	7.80	Per dozen.
102	Basting lace for setting with straight sewing stitch	1.49	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch	1.30	Do.
103.1	Basting and folding hem on edges up to 1 1/2" hem	1.52	Do.
104	Blind hemstitch	5.20	Do.
105	Buttonhole stitch, 16 stitches per inch	5.20	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	7.80	Do.
107	Chain stitch, 4 stitches per inch	1.30	Do.

[1] See current wage order for this industry for definition of the industry and of the classifications of "hand-sewing," "hand-embroidery," and "other operations," and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Cents	Unit of payment
	Pasadas, short—Continued		
153	Cambric, 10½" to 13"	10.40	Per dozen pasadas.
154	Crash, 10½" to 13"	7.80	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included	5.69	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	9.91	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to 4 inches	7.28	Do.
156.2	Patches, irregular outline sewed on with blind stitch, over 4 inches	3.79	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included	62.47	Do.
158	Pin stitch, thread drawing not included, 1" square	2.60	Do.
159	Randa, Don Diego, thread-drawing not included	11.70	Do.
160	Randa, Mexican, tied at center only, thread drawing not included	2.60	Do.
161	Randa, simple, not stitched at the ends, thread drawing not included	1.97	Do.
162	Rose buds, not filled in, finished off, over 12 stitches	7.72	Per dozen.
163	Rose buds, not filled in, finished off, 9 stitches	8.73	Per dozen inches.
164	Shadow stitch, up to ⅜" wide	16.75	Do.
165	Spiders, 4 legs	5.20	Per dozen.
166	Spiders, 8 legs	10.17	Do.

No.	Operation	Cents		Unit of payment
		Cambric (1)	Crash (2)	
	Thread drawing:			
167.0	Art linens, first thread, not coming out at edge:	1.86		Per dozen threads.
167.2	Stamped 1" to 10"	2.32	1.38	Do.
	Not stamped 1" to 10"			
	Art linens, unstamped, first thread, all-around, not coming out at edge:	10.39	8.46	Per dozen pieces.
167.4	Doilies 12" x 18"			
	Napkins:	8.31	7.04	Do.
167.6	12" x 12"	10.39	8.46	Do.
167.7	15" x 15"	12.47	9.77	Do.
167.8	18" x 18"			
	Scarves:	18.35	13.15	Do.
168.0	17" x 36"	21.47	14.83	Do.
168.1	17" x 45"	24.59	16.46	Do.
168.2	17" x 54"			
	Squares:	24.95	16.63	Do.
168.3	36" x 36"	31.17	19.77	Do.
168.4	45" x 45"	37.41	23.10	Do.
168.5	54" x 54"			
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"		1.31	Do.
168.7	9" x 24"		1.90	Do.
168.8	18" x 30"		2.18	Do.
169	Art linens, after first thread	(1)	(1)	Do.

[1] For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.

No.	Operation	Cents	Unit of payment
	Thread drawing:		
	Ladies handkerchiefs:		
170	First thread around edge, cotton or linen, up to 1500 count inclusive	2.60	Per dozen threads.
171	First thread around edge, cotton or linen, up to 1600 count inclusive	3.25	Do.
172	Art linens, first thread (for example, for hemstitching)	(1)	Do.
173	First thread around edge, linen up to 1500 count inclusive, 16" x 16" to 20" x 20"	3.90	Do.
174	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20"	4.55	Do.
175	First thread, inside, linen up to 1500 count inclusive, 16" x 16" to 20" x 20"	4.50	Do.
176	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20"	5.20	Do.
177	After first thread (for example, for hemstitching)	(1)	Do.

[1] For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.

No.	Operation	Cents	Unit of payment
108	Chain stitch, 8 stitches per inch	2.60	Per dozen inches.
109	Cord, solid, on stem	8.14	Do.
110	Cord, twisted, over basting	2.60	Do.
111	Cord or embroidery, solid, without filling, up to ⅜" thick [2]	7.80	Do.
112	Crocheting or flat cord, 4 stitches per inch	1.30	Do.
113	Cross stitch, 6 crosses per inch	5.54	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch	10.40	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread	7.80	Per dozen.
115	Diamonds, filled in, ¾" to ⅞" wide	7.80	Do.
116	Dots, baby, not finished off, 2 to 3 stitches	2.60	Do.
117	Dots, large, not filled in, finished off, 12 stitches	2.60	Do.
118	Dots, large, filled in, finished off, over 12 stitches	5.20	Do.
119	Dots, large, not filled in, finished off, over 12 stitches	3.43	Do.
120	Dots, medium, not filled in, finished off, 9 stitches	2.22	Do.
120.1	Dots, medium, in groups, not finished off, 5 stitches, with double embroidery thread	2.94	Do.
120.2	Dots, medium, finished off, 5 stitches, with double embroidery thread	10.40	Per dozen inches.
121	Embroidery, solid, ¾6" to ¾" thick, averages 28 stitches per inch [2]	10.40	Do.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose	7.80	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose	5.80	Per dozen.
124	Eyelets, ⅛" diameter	3.65	Per dozen inches.
125	Feather stitch, 12 stitches per inch	3.05	Do.
126	Feather stitch cord	2.70	Do.
127	Flat hems without pasada	2.09	Per dozen.
128	French knots, not finished off	2.08	Do.
128.1	French knots, finished off, with double embroidery thread	2.60	Do.
129	Guariquenas	7.35	Per 48 inches.
130	Hand or French rolling, 11 stitches or more per inch	8.83	Do.
131	Hand-rolling, simple, not filling	17.34	Per dozen handkerchiefs.
132	Hand-rolling one side of a corner; the piece rate shall apply under the following conditions:		
	(a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and		
	(b) Only one side of each corner is hand-rolled; and the hand-rolling is not longer than 1"	7.80	Do.
133	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions:		
	(a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼" nor more than ½"; and		
	(b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than one inch on either side of any corner	34.66	Do.
134	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions:		
	(a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ½" nor more than 1"; and		
	(b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than two inches on any corner	43.34	Do.
135	Hemstitch, double (frn-tru), 4 threads in a bundle, thread drawing not included	10.74	Per dozen inches.
136	Hemstitch, single, 4 threads in a bundle, thread drawing not included	5.65	Do.
137	Initials, simple, with hoops	26.00	Do.
138	Initials, simple, without hoops	15.12	Do.
139	Lace, joined at corners with hemming stitch	7.80	Per dozen.
140	Leaves, simple	.97	Do.
141	Leaves, solid, not finished off, 1" long	3.46	Do.
142	Leaves, solid, not finished off, ¾" to 1" long	6.20	Do.
143	Leaves, solid, not finished off, ¾" long	10.40	Do.
144	Loops, solid with worm stitch, 1¼" long	1.74	Per dozen pasadas.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1,600 count, inclusive	5.20	Do.
146	Pasadas, 11" x 11" to 14" x 14", linen 1,700 count and over	7.28	Do.
147	Pasadas, 15" x 15", linen up to 1,600 count, inclusive	8.84	Do.
148	Pasadas, 15" x 15", linen 1,700 count and over	10.92	Do.
149	Pasadas, 16" x 20", linen up to 1,400 count inclusive	12.48	Do.
150	Pasadas, short, 7" to 7", linen up to 1,600 count inclusive	[4] 2.70	Do.
151	Pasadas, short: Cambric, 7" to 10"	5.20	Do.
152	Crash, 7" to 10"	3.90	Do.

[1] See current wage order for this industry for definition of the industry and of the classifications of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.

[3] These piece rates have been set on the basis of O. N. T. thread No. 5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread No. 11 is used, 15 percent must be added to the piece rates established for thread No. 5.

[4] For each additional count of 100, add 1.04 cents.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

[Unit of payment—per dozen]

No.	Operation	Doilies			Napkins			Table scarves			Squares			Table cloths		
		8" x 16"	10" x 14"	12" x 18"	12" x 12"	15" x 15"	18" x 18"	17" x 36"	17" x 45"	17" x 54"	36" x 36"	45" x 45"	54" x 54"	54" x 72"	72" x 72"	72" x 90"
179	Half roll, cambric and crash, at 2.84 cents per dozen inches	$1.36	$1.36	$1.70	$1.36	$1.70	$2.04	$3.01	$3.52	$4.03	$4.09	$5.11	$6.13	$7.15	$8.18	$9.20
180	Hand or French rolling, 10 stitches or less per inch, cambric and crash, at 1.84 cents per dozen inches	.88	.88	1.10	.88	1.10	1.32	1.95	2.28	2.61	2.65	3.31	3.98	4.64	5.30	5.96
	Hemming stitch over pasada, measuring all around edge:															
181	Cambric at 1.74 cents per dozen inches [2]	.83	.83	1.04	.83	1.04	1.25	1.84	2.15	2.46	2.50	3.12	3.75	4.37	5.00	5.62
182	Crash, at 1.63 cents per dozen inches [2]	.78	.78	.98	.78	.98	1.17	1.73	2.02	2.31	2.35	2.93	3.52	4.11	4.69	5.28
	Second seams, for separate borders, measuring all around edge:															
183	Cambric, at 1.74 cents per dozen inches [2]	.83	.83	1.04	.83	1.04	1.25	1.84	2.15	2.46	2.50	3.12	3.75	4.37	5.00	5.62
184	Crash, at 1.63 cents per dozen inches [2]	.78	.78	.98	.78	.98	1.17	1.73	2.02	2.31	2.35	2.93	3.52	4.11	4.69	5.28
	Second seams, for separate borders, with French corners, measuring all around edge:															
185	Cambric, at 1.95 cents per dozen inches [2]	.94	.94	1.17	.94	1.17	1.41	2.07	2.42	2.77	2.81	3.51	4.22	4.92	5.62	6.33
186	Crash, at 1.74 cents per dozen inches [2]	.83	.83	1.04	.83	1.04	1.25	1.84	2.15	2.46	2.50	3.12	3.75	4.37	5.00	5.62

[1] See current wage order for this industry for definition of the industry and of the classifications of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.

No.	Operation	Cents	Unit of payment
	SCALLOP CUTTING		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:		
187.4	Small, measuring from 5/16" up to but not including 5/8", along outside edge	27.00	Per dozen scallops.
187.5	Medium, measuring from 5/8" up to but not including 7/8", along outside edge	34.00	Do.
187.6	Large, measuring from 7/8" to and inclusive of 1¼", along outside edge	51.00	Do.
	NEEDLEPOINT OPERATIONS [2] [3]		
200	Compact florals, figures and landscapes	27.04	Per 1,000 stitches.
201	Scattered florals	29.12	Do.
202	Scattered florals consisting of borders or garlands only	31.20	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	29.12	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	31.20	Do.
205	2.08 cents must be added to the above piece rates to cover thumb-tack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with § 545.10.		

[1] *Exceptions.* These piece rates do not apply to the following types of needlepoint. For these and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with § 545.10:

1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit point.
6. Stamped grospoint.

[2] *Definitions.* (1) A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.

(2) A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves (1)	Leather gloves [2]		Unit of payment
			Ladies' (2)	Men's (3)	
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			49.500	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove			66.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.313			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.453		Do.
192	Feather stitch, 5 to 6 stitches per inch	.375	.569		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.407	Do.
194	Regular stitch, 5 to 6 stitches per inch	.246	.427	.407	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.159	.292	.292	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.292	.292	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.246	.427	.407	Do.
198	Whip stitch, 5 to 6 stitches per inch	.246	.427	.407	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing," see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with Section 545.10.

(Secs. 6, 11, 52 Stat. 1062, as amended, 1066, as amended; 29 U. S. C. 206, 211)

[F. R. Doc. 57-10667; Filed, Dec. 24, 1957; 8:45 a. m.]

PART 662—CEMENT INDUSTRY IN PUERTO RICO

PART 678—STONE, GLASS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 700—CLAY AND CLAY PRODUCTS INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 492 (22 F. R. 8265), appointed, convened, and gave notice of the hearing of Industry Committee No. 35–C to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the stone, clay, glass, cement, and related products industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce. The definition of this industry includes the activities formerly covered by the definitions contained in the wage orders for the cement; clay and clay products; and stone, glass, and related products industries in Puerto Rico.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The recommendations of Industry Committee No. 35–C changed the classifications within the industry and also revised the rates of pay for such classifications.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85–A of the Secretary of Labor (22 F. R. 7614), the recommendations of this committee are to be published in this order amending Title 29 of the Code of Federal Regulations, effective January 10, 1958, as follows:

1. Part 662 is hereby revoked.
2. Part 700 is hereby revoked.

3. Part 678 is amended to read as follows:

PART 678—STONE, CLAY, GLASS, CEMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
678.1 Definition.
678.2 Wage rates.
678.3 Notices.

AUTHORITY: §§ 678.1 to 678.3 issued under Section 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply Section 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 678.1 *Definition.* The stone, clay, glass, cement, and related products industry in Puerto Rico is defined as mining, quarrying, or other extraction and the further processing of all minerals (other than metal ores, chemical and fertilizer minerals, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, structural clay products, china, pottery, tile, and other ceramic products and refractories; glass and glass products; dimension and cut stone; crushed stone, sand and gravel; hydraulic cement; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and similar natural materials: *Provided, however,* That the definition shall not include any product or activity included in (1) the button, jewelry, and lapidary work industry (Part 709 of this chapter); (2) the chemical, petroleum, rubber, and related products industry (Part 670 of this chapter); (3) the electrical, instrument, and related products industry (Part 606 of this chapter); (4) the metal, machinery, transportation equipment, and allied products industry (Part 604 of this chapter); or (5) the construction, business service, motion picture, and miscellaneous industry (Part 672 of this chapter).

§ 678.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the abrasive products, cement, dry cement mixes, glass and glass products, hot asphaltic plant mix, ready-mixed concrete, concrete block and tile, concrete pipe, pre-cast concrete construction components, structural clay products, and ceramic floor and wall tile classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of abrasive products including abrasive grinding wheels of natural or synthetic materials; abrasive sticks, stones, bricks, paper, and cloth; abrasive grains, natural or manufactured; buffing and polishing wheels; hydraulic cement (including the extraction of raw materials therefor); dry cement mixes; glass and glass products; hot asphaltic plant mix; ready-mixed concrete; concrete pipe or conduit; concrete blocks and concrete tiles; pre-cast concrete construction components; structural clay products (including the extraction of raw materials therefor); and ceramic floor and wall tile.

(b) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the asbestos-cement, and lime and lime products classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of asbestos-cement products, including asbestos cement sheets, corrugated sheets, and molded products, and the manufacture of lime and lime products, including the extraction of raw materials therefor.

(c) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-made art pottery classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of hand-made art pottery.

(d) Wages at a rate of not less than 72 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the mica classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the processing of mica and the manufacture of mica parts for radio, television, and other electronic tubes and components, or for other products.

(e) Wages at a rate of not less than 62 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the vitreous and semi-vitreous china food utensils classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of vitreous and semi-vitreous china table and kitchen articles for use in households and hotels, restaurants and other commercial institutions for preparing, serving or storing food or drink, except that this classification does not include products included in the hand-made art pottery classification.

(f) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all products and activities included in the stone, clay, glass, cement, and related products industry in Puerto Rico, as defined, except those included in the abrasive products, cement, dry cement mixes, glass and glass products, hot asphaltic plant mix, ready-mixed concrete, concrete block and tile, concrete pipe, pre-cast concrete construction components, structural clay products, and ceramic floor and wall tile classification, the asbestos-cement, and lime and lime products classification, the hand-made art pottery classification, the mica classification, and the vitreous and semi-vitreous china food utensils classification.

§ 678.3 *Notices.* Every employer subject to the provisions of § 678.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 678.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 20th day of December 1957.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-10666; Filed, Dec. 24, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2-9]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

APPENDIX A—LAWS, TREATIES, AGREEMENTS, AND ARRANGEMENTS RELATING TO RADIO

The Commission having under consideration the desirability of making certain editorial changes in § 2.601 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 20th day of December 1957, that, effective December 31, 1957, § 2.601 is amended as set forth below.

Released: December 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend text of § 2.601 preceding table in paragraph (a) to read as follows:

§ 2.601 *Appendix A—Laws, Treaties, Agreements, and Arrangements Relating to Radio.* (a) The applicable Federal Laws, International Treaties, Agreements, and Arrangements in force relating to radio and to which the United States of America is a party, corrected to January 1, 1958, are listed below. Copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C., unless otherwise indicated.

2. Section 2.601 (d) is amended by adding, at the end of the table, the following entry:

1957	----	ICAO Communication Division, Sixth Session, Montreal.[3]

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

[F. R. Doc. 57-10668; Filed, Dec. 24, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 603—SPECIAL AIR TRAFFIC RULES

CHANGE IN WEATHER REPORTING STATION USED TO DETERMINE CEILING

Pursuant to the authority contained in Special Civil Air Regulations No. SR-421, the Administrator adopted special air traffic rules for operations conducted on certain portions of Green Civil Airway No. 5 and Victor Civil Airway No. 16. Among other things, these rules require aircraft to be operated at altitudes which are dependent upon the ceilings reported by the U. S. Weather Bureau at Sky Harbor Airport, Phoenix, Arizona. However, experience has shown that the existing ceilings at Sky Harbor Airport are not representative of existing ceilings elsewhere in this area and that the ceilings at the U. S. Navy Aerology Station, Litchfield Park NAF, Arizona are more representative for operations to be conducted in such area. Therefore, § 603.1 (c) is being amended to provide for the reporting of ceilings which are more representative of the existing ceilings within this area.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

1. Section 603.1 (c) as published on August 2, 1957, 22 F. R. 6090, is amended to read:

(c) "Ceiling" as used in this part shall mean the ceiling reported by the U. S. Navy Aerology Station at Litchfield Park NAF, Arizona.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 1005, 52 Stat. 1007, 1023; 49 U. S. C. 551, 645)

This amendment shall become effective on January 17, 1958.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

DECEMBER 18, 1957.

[F. R. Doc. 57-10613; Filed, Dec. 24, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1565]

[BLM 044858]

MINNESOTA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF ARMY IN CONNECTION WITH LAC QUI PARLE FLOOD CONTROL PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Minnesota are hereby withdrawn from all forms of appropriation under the public land laws, including the mineral-leasing laws, and reserved for use of the Department of the Army in connection with the Lac Qui Parle Flood Control Project:

FIFTH PRINCIPAL MERIDIAN

T. 118 N., R. 42 W.,
Sec. 11, lot 1 (south of river);
Sec. 14, lots 4 and 5.

The tracts described contain 60.10 acres.

It is the intent of this order that the withdrawn minerals in the land shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

ROGER C. ERNST,
Assistant Secretary of the Interior.

DECEMBER 19, 1957.

[F. R. Doc. 57-10618; Filed, Dec. 24, 1957; 8:45 a. m.]

[Public Land Order 1566]

[532754]

ALABAMA

AMENDING EXECUTIVE ORDER NO. 8059 OF MARCH 3, 1939

By virtue of the authority vested in the President by section 7 (b) of the act of May 18, 1933 (48 Stat. 58, 63) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 8059 of March 3, 1939, which transferred the use, possession, and control of certain lands in Alabama from the War Department to the Tennessee Valley Authority, is hereby amended to eliminate the metes and bounds description following the words "T. 6 S., R. 3 E., Sec. 34," and to substitute in lieu thereof the following: "NW¼SE¼."

ROGER C. ERNST,
Assistant Secretary of the Interior.

DECEMBER 19, 1957.

[F. R. Doc. 57-10619; Filed, Dec. 24, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

PROPOSED AMENDMENT OF QUARANTINE AND REGULATIONS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 160, 162), is considering the amendment of § 319.37 (b) of the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37 (b)) and §§ 319.37-18 and 319.37-19 of the regulations supplemental to said quarantine (7 CFR 319.37-18, 319.37-19) in the following respects:

a. Delete the parenthetical phrase "(except stocks for vegetative propagation of stocks)" wherever it occurs in the "Plant material" tabular column in § 319.37 (b) and substitute therefor the parenthetical phrase "(except vegetatively-produced understocks)."

b. Delete the item appearing in the "Plant material" tabular column of § 319.37 (b) as "Fruit and Nut Stocks except stocks imported for the vegetative propagation of the stocks themselves" and substitute therefor the item "Fruit and Nut Stocks except vegetatively-produced understocks."

c. Redesignate § 319.37-18 (c), (d), and (e), respectively, as § 319.37-18 (d), (e), and (f), and add a new paragraph (c) to read as follows:

(c) Imports of any plants, including but not limited to certain cacti, cycads, yuccas, and dracaenas, not subject to size-age limitations under paragraph (a) or (b) of this section, whose growth habits simulate the woody character of trees and shrubs, shall be limited to such sizes as may be set forth in administrative instructions by the Director of the Plant Quarantine Division to carry out the purposes of the Plant Quarantine Act.

d. Delete the item "Fruit and nut plants, buds, cuttings, and scions, or stocks imported for the vegetative pro-

pagation of stocks (except as otherwise provided)" appearing in § 319.37–19 in the column headed "Plants to be grown under postentry quarantine" and substitute therefor the item "Fruit and nut plants, buds, cuttings, scions, and vegetatively-produced understocks (except as otherwise provided)".

One purpose of these amendments is to lessen restrictions on the importation from authorized countries of vegetatively-propagated fruit and nut understocks. This would allow such stocks to be imported for use as stocks for budding or grafting. Present restrictions allow such importation only when the stocks are to be used for propagation of the stocks themselves. If the proposed change were made, importers would be allowed to bud or graft imported fruit and nut stocks while they are still in postentry quarantine, as is now permitted for Rosa. The provision that the budded or grafted stock or any increase shall be grown under postentry quarantine, the same as the parent stock until the latter is released, would remain unchanged. Another purpose of the amendments is to establish size-age limitations on certain plants not otherwise provided for in § 319.37–18. These plants include certain species of cacti, cycads, yuccas, and other plants whose growth habits simulate the woody character of trees and shrubs. The proposed change would make it possible to import this type of material as plants subject to size limitations to be set forth in administrative instructions. Since it is difficult by normal inspection methods to determine the age of such plants, the size of plants, rather than age, would be used as a criterion in establishing such limitations.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 1, 5, 7, and 9, 37 Stat. 315, 316, 317, 318, as amended; 7 U. S. C. 154, 159, 160, 162)

Done at Washington, D. C., this 20th day of December 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57–10678; Filed, Dec. 24, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KENTUCKY

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Kentucky a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KENTUCKY

Butler.	Ohio.
Muhlenberg.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 19th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–10637; Filed, Dec. 24, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 16, 1957.

The United States Department of the Interior has filed an application, Serial No. New Mexico 036593, for the withdrawal of lands described below, from all forms of appropriation, including the general mining and mineral leasing laws.

The applicant desires the land for Indian school purposes.

For a period of 30 days from the date of publication of this motion, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 14 N., R. 17 W.,
Sec. 32, NE¼SW¼.

The area described aggregates 40 acres.

HELEN L. LANE,
Acting State Supervisor.

[F. R. Doc. 57–10620; Filed, Dec. 24, 1957; 8:45 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 17, 1957.

The United States Department of Agriculture has filed an application, Serial No. New Mexico 039510, for the withdrawal of lands described below, from all forms of appropriation, including the general mining and mineral leasing laws.

The applicant desires the land for use as a picnic ground.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

Coal Mine Canyon Picnic Ground

T. 12 N., R. 8 W.
Sec. 29, SW¼SE¼.

The area described aggregates 40 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 57–10621; Filed, Dec. 24, 1957; 8:45 a. m.]

Bureau of Mines

CHIEF, BRANCH OF PROPERTY MANAGEMENT AND CHIEF, SECTION OF PURCHASING, WASHINGTON OFFICE

REDELEGATION OF AUTHORITY TO APPROVE AND RELEASE PURCHASE ORDERS AND CONTRACTS

Pursuant to the authority delegated in subparagraph 205.2.4A (4), Bureau of Mines Manual, the following written redelegation is hereby made:

A. The following officials may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies or services including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Director, Bureau of Mines (see subparagraph 205.2.4A (1)):

(1) Any for more than $10,000.
(2) Purchase of land.
(3) Construction.
(4) Alterations and repairs to buildings in excess of $500.
(5) Drilling.
(6) Working-fund and reimbursable agreements with other Government agencies under section 601 of the Economy Act of June 30, 1932, as amended (47 Stat. 417, 31 U. S. C. 686).
(7) Cooperative agreements on research programs.

Chief, Branch of Property Management

Chief, Section of Purchasing: Provided, that the fiscal limitation in item (1) above, shall be $1,000

B. With respect to any contract (including contracts approved by the Director, Bureau of Mines), the above officials may (up to $500) issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

Ratification. Any action taken by the above officials between December 12, 1955, and the date of this redelegation, is hereby ratified.

W. E. RICE,
Chief, Division of Administration.

Approved: December 19, 1957.

MARLING J. ANKENY
Director,
Bureau of Mines.

[F. R. Doc. 57–10622; Filed, Dec. 24, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF CANAL, CENTRAL AMERICA NORTHBOUND CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 6070–9, between the member lines of the Canal, Central America Northbound Conference, modifies the basic agreement of that conference (No. 6070, as amended) to provide that member lines and their agents shall not represent any vessel in the trade covered by the agreement other than those operated for the account of a member line, except as husbanding agents or as agents for vessels loading full or partial cargoes of open-rated commodities, or as may be agreed by unanimous vote of the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 20, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–10615; Filed, Dec. 24, 1957; 8:45 a. m.]

MEMBER LINES OF PACIFIC COAST/PANAMA CANAL FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7170–7, between the member lines of the Pacific Coast/Panama Canal Freight Conference, modifies the basic agreement of that conference (No. 7170, as amended) to provide that member lines and their agents shall not represent any vessel in the trade covered by the agreement other than those operated for the account of a member line, except as husbanding agents or as agents for vessels loading full or partial cargoes of open-rated commodities, or as may be agreed by unanimous vote of the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 20, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–10616; Filed, Dec. 24, 1957; 8:45 a. m.]

MEMBER LINES OF COLPAC FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7270–6, between the member lines of the Colpac Freight Conference, modifies the basic agreement of that conference (No. 7270, as amended) New York Thruway to Interchange No. to provide that member lines and their agents shall not represent any vessel in the trade covered by the agreement other than those operated for the account of a member line, except as husbanding agents or as agents for vessels loading full or partial cargoes of open-rated commodities, or as may be agreed by unanimous vote of the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 20, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–10617; Filed, Dec. 24, 1957; 8:45 a. m.]

Office of the Secretary

HENRY S. KLINGENSTEIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 3, 1956, 21 F. R. 4936; December 27, 1956, 21 F. R. 10346; June 20, 1957, 22 F. R. 4369.

A. Deletions: Radio Corp. of America, Socony Mobil Co., Granite City Steel Co., American Metal Co., Rockwell Spring & Axle Co., Wheeling Steel Corp.

B. Additions: None.

This statement is made as of November 29, 1957.

HENRY S. KLINGENSTEIN.

DECEMBER, 18, 1957.

[F. R. Doc. 57–10623; Filed, Dec. 24, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12104 etc.; FCC 57–1378]

RALPH D. EPPERSON ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ralph D. Epperson, Williamsburg, Virginia, Docket No. 12104, File No. BP–10958; Mary Cobb & Richard S. Cobb d/b as Williamsburg Broadcasting Company, Williamsburg, Virginia, Docket No. 12105, File No. BP–11199; WDDY, Incorporated (WDDY), Gloucester, Virginia, Docket No. 12271, File No. BP–11508; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of December 1957;

The Commission having under consideration the above-captioned mutually exclusive applications of Ralph D. Epperson and the Williamsburg Broadcast-

ing Company, each requesting a construction permit for a new standard broadcast station to operate on 740 kilocycles with a power of 500 watts, daytime only, at Williamsburg, Virginia; and of WDDY, Incorporated, requesting authority to change the operation of Station WDDY, at Gloucester, Virginia (1420 kc, 1 kw, D) to 740 kilocycles with a power of 250 watts, daytime only;

It appearing that the Commission in an Order adopted on July 18 and released on July 22, 1957, designated the mutually exclusive applications of Ralph D. Epperson and the Williamsburg Broadcasting Company for hearing in a consolidated proceeding; and

It further appearing that WDDY, Incorporated filed its above-described application on August 1, 1957; that on August 13, 1957, Williamsburg Broadcasting Company filed a petition to dismiss the application of WDDY, Incorporated on the ground that it was not timely filed pursuant to § 1.724 (b) of the Commission rules because it was not submitted within 10 days of Public Notice on July 18, 1957; that WDDY, Incorporated, in its Opposition to said petition filed on August 25, 1957, contends that the "public notice" contemplated by said rule is the publication or release of the Commission's order of designation, and that the 10 day period began to run in the instant case on July 22, 1957, hence, its application was timely filed; that Williamsburg Broadcasting Company, in its reply filed August 30, 1957, contends that rights of WDDY, Incorporated are determined by the fact that the prior applications have been set for hearing and since this fact was made known to the public on July 18, 1957, the 10 day period began to run on said date; but that, as the Commission has previously held, In re Application of Anaheim-Fullerton Broadcasting Co., Inc. (See Commission letter dated July 18, 1957 to Charles R. Bramlett and Radio Orange County, Inc., FCC 57-783), the 10 day period prescribed by § 1.724 (b) of the Commission rules begins to run from the date on which the Commission releases its Order of Designation; that public release of the Commission's Order designating the Epperson and Williamsburg applications for hearing was made on July 22, 1957, and the application of WDDY, Incorporated was filed 10 days thereafter, on August 1, 1957; and that, therefore, said Petition to Dismiss filed by Williamsburg Broadcasting Company should be denied and the application of WDDY, Incorporated should be consolidated in the hearing proceeding on the Epperson and Williamsburg applications, pursuant to § 1.724 (b) of the Commission's rules;

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated October 15, 1957, that their proposals involve mutually destructive interference; that the proposal of WDDY, Incorporated would cause objectionable interference to Stations WVCH, Chester, Pennsylvania (740 kc, 1 kw, D), and WMBL, Morehead City, North Carolina (740 kc, 1 kw, D); and that WDDY, Incorporated should reply to said letter within thirty days from the date thereof; and

It further appearing that a timely reply was filed by WDDY, Incorporated; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a consolidated hearing on the above application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the application of WDDY, Incorporated is consolidated in the hearing proceedings, on the above-captioned applications of Ralph D. Epperson and the Williamsburg Broadcasting Company in Dockets Nos. 12104 and 12105, on the following issues:

1. To determine the areas and populations which would receive primary service from each of the operations proposed by Ralph D. Epperson and the Williamsburg Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDDY as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operations of Ralph D. Epperson and Williamsburg Broadcasting Company would cause objectionable interference to Station WMBL, Morehead City, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of WDDY, Incorporated would cause objectionable interference to Stations WVCH, Chester, Pennsylvania, WMBL, Morehead City, North Carolina or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended; whether a grant of the Gloucester, Virginia proposal or one of the Williamsburg, Virginia proposals herein would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is found that a grant of one of the Williamsburg, Virginia proposals would better provide a fair, efficient and equitable distribution of radio service, which of said proposals would better serve the public interest in light of the evidence adduced under Issues 1, 3, and 5, above, and the record made relative to the significant differences between the applicants as to:

a) The background and experience of each of said applicants to own and operate its proposed station.

b) The proposal of each of said applicants relative to the management and operation of its proposed station.

c) The programming service proposed by each of said applicants.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the subject applications should be granted.

It is further ordered, That Mr. James M. Tisdale, the licensee of Station WVCH, is made a party to the proceeding; and

It is further ordered, That the Petition of Williamsburg Broadcasting Company, requesting the dismissal of the application of WDDY, Incorporated, as not being timely filed is denied: and

It is further ordered, That this order shall supersede, with respect to the issues only, the Commission's Order of July 18, 1957, designating the applications of Ralph D. Epperson and Williamsburg Broadcasting Company for hearing; and

It is further ordered, That, to avail themselves of the opportunity to be heard, WDDY, Incorporated, and James M. Tisdale, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10669; Filed, Dec. 24, 1957; 8:46 a. m.]

[Docket Nos. 12124, 12125; FCC 57M-1288]

GEOFFREY A. LAPPING AND PHOENIX BROADCASTING CO.

ORDER SCHEDULING FURTHER PREHEARING CONFERENCE

In re applications of Geoffrey A. Lapping, Phoenix, Arizona, Docket No. 12124, File No. BP-10963; Harold Lampel and Dawkins Espy, d/b as Phoenix Broadcasting Company, Phoenix, Arizona, Docket No. 12125, File No. BP-10964; for construction permits.

The Hearing Examiner having under consideration the oral request of counsel for Geoffrey A. Lapping for a further pre-hearing conference in this proceeding;

It appearing that counsel for all parties have concurred in this request and, likewise, have consented to a waiver of § 1.745 of the Commission's rules;

It is ordered, This 19th day of December 1957, that a further pre-hearing conference will be held herein on December 20, 1957, at 10 o'clock a. m. in the offices of the Commission, Washington, D. C.

Released: December 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10670; Filed, Dec. 24, 1957; 8:46 a. m.]

[Docket No. 12194; FCC 57-1390]

AMERICAN TELEPHONE AND TELEGRAPH COMPANY ET AL.

CHARGES, CLASSIFICATIONS, REGULATIONS AND PRACTICES FOR AND IN CONNECTION WITH CHANNELS FOR DATA TRANSMISSION; INVESTIGATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th of December 1957;

The Commission having under consideration its Order of September 30, 1957 (22 F. R. 8026), herein instituting an investigation into the lawfulness of certain tariff schedules as specified therein; and

It appearing that the investigation herein was intended to also include consideration of the charges, classifications, regulations and practices contained in amendments of the above mentioned tariff schedules and successive issues thereof filed subsequent to the issuance of the above mentioned Order of September 30, 1957;

It is ordered, That the above mentioned Order of September 30, 1957, is amended to include consideration of, and investigation into, the lawfulness of any amendments to the tariff schedules specified in such Order as well as any successive issues of such tariff schedules as may hereafter be made.

Released: December 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10671; Filed, Dec. 24, 1957; 8:46 a. m.]

[Docket Nos. 12248, 12249; FCC 57M-1287]

ST. ANTHONY TELEVISION CORP. AND WTVJ, INC.

ORDER FOLLOWING FIRST PRE-HEARING CONFERENCE (CONTINUING HEARING)

In re applications of St. Anthony Television Corporation, Houma, Louisiana, Docket No. 12248, File No. BPCT-2328; WTVJ, Inc., Houma, Louisiana, Docket No. 12249, File No. BPCT-2354; for construction permit for a new television broadcast station (Channel 11).

1. Pursuant to an appropriate order of the Commission, a pre-hearing conference in the above-entitled proceeding was held December 18, 1957, as which the two applicants and the Chief, Broadcast Bureau were represented by counsel.

2. At the pre-hearing conference, it was agreed that additional time was necessary and desirable to enable the parties to develop through informal discussion the areas of significant differences between the applicants. It was also agreed that a further pre-hearing conference should be held January 22, 1958, and the evidentiary hearing presently scheduled to begin on Monday, January 13, 1958, be continued to a date to be announced at or subsequent to the further pre-hearing conference.

It is ordered, This the 18th day of December 1957, that pursuant to the above, a further pre-hearing conference will be convened on Wednesday, January 22, 1958, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C.;

It is further ordered, That the evidentiary hearing now scheduled to commence on Monday, January 13, 1958, is continued to a date to be announced at the further pre-hearing conference.

Released: December 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10672; Filed, Dec. 24, 1957; 8:46 a. m.]

[Docket No. 12252; FCC 57M-1289]

GEORGE A. HORMEL, II (KQAQ)

ORDER CONTINUING HEARING

In re application of George A. Hormel, II (KQAQ), Austin, Minnesota, Docket No. 12252, File No. BP-10673; for construction permit.

Pursuant to a pre-hearing conference on this date and with the concurrence of all counsel: *It is ordered*, This 19th day of December, 1957, that the hearing now scheduled herein for December 23, 1957, be, and the same is hereby continued without date.

Released: December 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10673; Filed, Dec. 24, 1957; 8:46 a. m.]

[Docket No. 12272; FCC 57-1383]

JAMES A. SAUNDERS AND WILLIAM F. JOHNS, JR.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of James A. Saunders (transferor) and William F. Johns, Jr., (transferee), Docket No. 12272, File No. BTC-2611; for transfer of control of Ware Broadcasting Corporation, Licensee of Station KIHO, Sioux Falls, South Dakota.

1. The Commission has before it for consideration (a) a "Protest," filed on November 26, 1957, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by KISD, Inc., directed against the Commission's action of October 30, 1957, granting without hearing the above-entitled application; (b) an "Opposition to Protest" filed by the applicants herein on December 6, 1957; and (c) a reply filed by protestant on December 12, 1957.

2. Commission records indicate that William F. Johns, Jr., William F. Johns, Sr., Patricia Johns, Penrose H. Johns and Robert J. Flynn, d/b as Siouxland Broadcasting Company, is the licensee of Standard Broadcast Station KMNS, Sioux City, Iowa. This station operates on frequency 620 with power of 1 kw, day and night. William F. Johns, Jr., owns a 72 percent interest in the licensee partnership. Station KIHO, Sioux Falls, South Dakota, operates on frequency 1270 with power of 1 kw, day and night. On or about September 11, 1957, Mr. Johns acquired 49 percent of the stock of Ware Broadcasting Corporation, licensee of Station KIHO. This acquisition did not result from any application for Commission consent and the information concerning the purchase first came to the Commission's attention on September 25, 1957 when Station KIHO filed an ownership report (FCC Form 323). This report further indicated that Mr. Johns was Vice President and Director of the licensee corporation. Proof of performance measurments in the KMNS file as made along the 287 degree and 328 degree radials out to distances of 22 and 27 miles, respectively, show earth conductivity of about 15 mmhos/m, the same conductivity as allowed by figure M-3 of the Commission's Technical Standards. Measurement data, however, are not available along the 351 degree radial from the KMNS site toward Sioux Falls, South Dakota. On the basis of M-3 conductivity chart which shows conductivity of 15 mmhos/m along the 351 degree radial for 37 miles and conductivity of 30 mmhos/m for the remaining distance with Inverse Distance Field of 282 mv/m (KMNS P. O. P. data), the 2 mv/m contour apparently extends approximately 81½ miles and covers the southern half of Sioux Falls, South Dakota. The 2 mv/m contours of KIHO and KMNS overlap involving approximately 35 percent and 12 percent, respectively, of the 2 mv/m contour areas of these stations. The distance between the KMNS site and the KIHO site is 80 miles.

3. In its protest, protestant alleges, in substance, that it is the licensee of Station KISD, Sioux Falls, South Dakota, and is in direct competition with Station KIHO for local, regional and national advertising as well as for personnel, program material and other elements necessary to the conduct of a broadcasting enterprise; that it will suffer economic injury as a result of the grant of the above-entitled application because the acquisition of control of Station KIHO by William F. Johns will enable KIHO to compete more effectively against KISD; that Johns now has operating control of stations KMNS, Sioux City, Iowa, WOSH, Oshkosh, Wisconsin, and (in combination with his father, William F. Johns, Sr.) WMIN, St. Paul, Minnesota; that

Johns would have the opportunity to utilize personnel, materials and programming for KIHO in common with one or more of his other stations and would be able to offer his combined facilities at lower combined advertising rates; that these practices would enable Station KIHO to operate with substantially lower costs and at rates more attractive to advertisers; that Stations KMNS and KIHO and their markets are less than 80 miles apart; that their signals overlap considerably; that Johns would be able to offer the facilities of the two stations for the coverage of a single larger market embracing the previously separate markets of Sioux Falls and Sioux City, thereby saturating the one area (between Sioux City and Sioux Falls); and that the most significant factor is that the ability of Johns to offer KIHO in combination with his other stations would give him an insurmountable competitive advantage with regard to those advertisers seeking regional coverage and those advertisers who have made regular use of broadcast facilities in both Sioux Falls and Sioux City, by dealing, until now, with stations separately owned and operated.

4. The protestant further alleges that the above-entitled application contains a representation by Johns that KIHO will not be affiliated with a network (Section IV, Par. 6), yet Johns also represents that fully 49 percent of the KIHO program schedule will be devoted to network programs; that the most probable inference to be drawn from these representations is that he has already made plans to interconnect KIHO with one or more of his other stations for common, simultaneous programming and for combined rates; that KISD has already suffered economic injury in that two regular advertising accounts of KISD have abandoned KISD in favor of KIHO; and that it appears that KISD is losing to KIHO some of the advertising revenues which it normally obtains on an intermittent basis.

5. It is further alleged that the grant of the above-entitled application was improper and contrary to the public interest on three principal grounds:

(a) The common ownership and operation of Stations KMNS and KIHO would be directly contrary to § 3.35 (a) of the Commission's rules;

(b) Actual working control of Station KIHO was transferred to and was assumed by Johns without prior consent of the Commission in violation of section 310 (b) of the Communications Act; and

(c) Protestant believes that the distinctive music sound now broadcast by KIHO is created by a deliberate attenuation of all frequencies in the range from approximately 150 cycles to 5000 cycles to an extent of approximately 10 db and that this practice constitutes a violation of § 3.40 (a) (4) of the Commission's rules.

Attached to the protest is an affidavit of a consulting engineer stating that the overlap of the service areas of Stations KMNS and KIHO is as follows:

(a) The 0.5 mv/m contours of the stations overlap in an area of 10,450 square miles embracing a population of 227,463, including the entire population within the normally protected contour of Station KIHO;

(b) The 2 mv/m contours of the two stations overlap to the extent of 987 square miles containing 22,489 persons; and

(c) The 2 mv/m contour of KMNS extends beyond the city of Sioux Falls.

6. The protestant further alleges that Johns assumed and began to exercise unauthorized control of the station immediately after September 16, 1957, the date upon which he completed transactions by which he become a Vice President, Director and the 49 percent stockholder of the licensee of KIHO; that the above application was not granted until October 30, 1957; and that evidence is available to establish this unauthorized transfer of control; that Johns had employed one Robert F. Flynn as General Manager of Station KMNS for a period in excess of two years; that promptly after September 16, 1957, Flynn was appointed General Manager of KIHO, whereupon he moved to Sioux Falls and began to exercise managerial responsibility; that an attached Exhibit "B" is an exact copy of a newspaper item announcing Flynn's appointment; that an attached Exhibit "C" is an exact copy of the text of a letter dated October 1, 1957, by which Flynn solicits the business of advertisers and by which Flynn identifies himself as the General Manager of KIHO; that Flynn is also a partner with Johns in KMNS (9 percent) and that the above-entitled application indicates that he has a contract to acquire a 20 percent stock interest in KIHO; that certain promotional devices used by Johns for Station KMNS were installed at Station KIHO starting on September 17, 1957, such as the use of the term "Music City" and the expression "where you're never more than minutes away from music"; that beginning on or about October 1, 1957, the signal of KIHO was changed in character, in that music now broadcast over KIHO has a new and distinctive sound, creating a "juke-box" effect by an emphasis of bass notes and a suppression of the treble range, which is identical with the music sound coming from KMNS; and that this practice is a violation of § 3.40 (a) (4) of the Commission's rules.

7. In its prayer for relief, protestant requests that the above-entitled application be designated for hearing upon issues specified by it; that the effectiveness of the protested grant be stayed; and that Johns be required "to refrain from exercising any of the duties or prerogatives of the offices of Vice President and Director of the licensee of Station KIHO, to abstain from voting or otherwise asserting his 49 percent stock interest in the licensee of Station KIHO, and to cease and desist from exercising any other form or degree of control over the operations of Station KIHO, either by himself or through Flynn or any other agent or employee, pending the Commission's decision after the hearing requested above."

8. In their opposition to the protest, James A. Saunders, William F. Johns, Jr., and Ware Broadcasting Corporation concede that protestant has standing to file a protest under section 309 (c) of the Communications Act. With respect to the facts and matters complained of in the protest, they allege, in substance, that they are unaware of any competition for personnel, program materials, etc.; that they have no information as to whether protestant has suffered economic injury; that William F. Johns, Jr., would have the opportunity to transfer personnel, materials and programming from the other stations he controls; that since KIHO is 80 miles from Sioux Falls, such exchange of personnel, materials, programming, etc., is unlikely to take place upon a scale sufficient to result in "lower combined advertising rates"; that the stations which Johns controls have never been offered to advertisers at a lower combined advertising rate; that KISD is a local station limited to 250 watts of power, while KIHO is a regional station operating on 1270 kc with 1000 watts, unlimited time, employing a directional antenna both day and night; that KMNS (Sioux City, Iowa) is also a regional station operating on 620 kc with 1000 watts, unlimited time, employing different directional patterns day and night; that KISD could hardly be expected to compete with regional stations for advertising; that Sioux City and Sioux Falls are 80 miles apart, in different States and are two entirely separate communities and markets; that they have distinctive trade areas and are in the orbits of different major cities; and that each city has several broadcast stations and also receives service from other cities.

9. It is further alleged, with regard to the representation made in the above-entitled application, namely, that KIHO would not be affiliated with a network, that at the time when Johns decided to purchase 51 percent of the stock, the station was in serious financial straits; that in their haste to submit the application, the same figures as were in the transfer of control application (BTC–2513) approved by the Commission on June 27, 1957, transferring control to James A. Saunders and John W. Hazlett, were copied and the fact that network commercial and network sustaining program percentages were included was completely overlooked; that the station had already terminated its affiliation with Mutual Broadcasting System and Mr. Johns has no intention of resuming that affiliation; that Mr. Johns has no intention of interconnecting KIHO with any other station or of establishing a network of his own; that, with regard to the allegations, (1) that the common ownership of Stations KMNS and KIHO by Johns would be contrary to § 3.35 of the Commission's rules, (2) that actual working control of KIHO was transferred to and was assumed by Johns without the prior consent of the Commission, and (3) that Station KIHO is being operated in violation of § 3.40 (a) (4) of the Commission's rules, none of these grounds have any validity; that the Commission must determine whether the interests of Mr. Johns in Stations KMNS and KIHO are contrary to § 3.35; that neither station renders a primary service to the principal city served by the other; that Mr. Johns did not assume control of KIHO until after approval by the Commission; and that regardless of the extent of his interest, and as an officer and director, he had a right to participate in the management and operation of the station.

10. It is further contended that program changes were made before Mr. Johns had anything whatsoever to do with the station; that Mr. Johns arranged for Mr. Flynn to come to Sioux Falls and manage KIHO; that Mr. Flynn initiated the use of the term "music city"; that other phrases were adopted by Mr. Flynn; that Mr. Flynn devised the promotional device "KIHO Trick or Treat" and suggested its use to the manager of KMNS; that Mr. Johns categorically denies that he has given any orders or instruction to any station which would result in an emphasis of the bass notes and suppression of the treble range, or attenuation of the frequencies between 150 cycles and 5000 cycles; and that if KIHO has a new and different sound, it is believed to be only a sparkling, bright and lively sound which the management has attempted to develop through improvement in announcing techniques and continuity and the substitution of new records for worn-out records.

11. In support of their allegations, the applicants submitted a sworn statement by the Chief Engineer of Station KIHO, which sets forth that no engineering equipment changes have been made since William F. Johns, Jr., took over the station or for two years prior to the date of the sworn statement (December 3, 1957). In addition, the applicants submitted an "Engineering Statement," prepared by a consulting engineer, which agrees substantially with the engineering data furnished by the protestant with the one exception where the statement is made that the overlap of KIHO and KMNS 0.5 mv/m contours is 100% of the population within the KIHO contour. This exhibit states that inasmuch as the KMNS 2 mv/m contour does not cover Sioux Falls, the 52,696 persons living there cannot be considered part of that overlap.

12. The opposition further states that no hearing is necessary or justified by the allegations of the protest or the facts and circumstances of this case; that if the Commission should order a hearing, the effective date of the protested grant should not be postponed, the grant stayed, or Mr. Johns directed not to exercise his 49 percent interest as proposed; that the control and responsibility for the operation of the station would devolve upon Mr. Saunders, who has returned to the Twin Cities where he is engaged in another business; that the station's staff would again become demoralized, the public confidence in the station undermined, and the service rendered to the public would be seriously and adversely affected; that the station would return to its chaotic condition; that the authorization granted on October 30 is necessary to the maintenance of the existing service; and that the Commission should affirmatively find that public interest requires that the grant remain in effect.

13. In its reply, protestant urges, in substance, that the applicants, in their opposition, allege a variety of facts and assert several circumstances bearing upon the question whether the grant of the above-entitled application results in a violation of § 3.35 of the Commission's rules; that a number of critical issues of fact and law have been raised and joined, which can be resolved only after an evidentiary hearing; that in all the cases cited by the applicants, the duopoly issue was resolved by the Commission only after a full hearing; that the applicants have not successfully refuted the facts asserted by the protestant on the question whether control of the licensee of Station KIHO was transferred in violation of section 310 (b) of the Communications Act of 1934, as amended; that the protestant is unable to either admit or to deny all the facts alleged by the applicants principally because these are matters largely within the exclusive knowledge of the applicants; that the allegations of the applicant do not resolve the question raised that music broadcast by Station KIHO has a distinctive sound which may be created by the operation of the station's equipment in contravention of § 3.40 (a) (4) of the Commission's rules; that, with respect to the applicant's assertion that Mr. Saunders has "returned" to St. Paul, Mr. Saunders was a resident of St. Paul during the whole period of his ownership interest in KIHO; that the allegations that the station's staff would become demoralized, the public's confidence undermined and the service rendered adversely affected, are far too vague, too indefinite and too speculative to afford the Commission a basis for an affirmative finding required by § 309 (c); that the applicants assert that the life of the station was "saved" under the ownership of Saunders and before Johns assumed control, tending to establish that Saunders has the capacity necessary to resume control of the station's operations; and that the applicants have not established that the preservation of the grant of the above-entitled application is necessary to the continued operation of the station, nor have they asserted any other public interest consideration which would enable the Commission to preserve the grant in the face of the serious questions raised by protestant.

14. In view of the facts alleged in the protest that the protestant is the licensee of Station KISD, Sioux Falls, South Dakota, where Station KIHO is located; that the two stations are in direct competition for advertising revenues; and that KISD has suffered and will suffer economic injury as a direct result of the assumption of ownership of Station KIHO by William F. Johns, Jr., we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. Camden Radio, Inc. v. FCC, 94 U. S. App. D. C. 312, 220 F. 2d 191; In re Application of J. R. Meachem, 12 Pike and Fischer RR 1427; In re Time, Incorporated and Wayne Coy, 15 Pike and Fischer RR 281; In re General-Times Television Corporation, 13 Pike and Fischer RR 1049; FCC v. Sanders Brothers, 309 U. S. 470. We find further that the protestant has specified with particularly, within the meaning of section 309 (c), the facts upon which it relies and which it contends show that a grant was improperly made or otherwise would not be in the public interest. Accordingly, the above-entitled application will be designated for an evidentiary hearing.

15. Issues "1" and "2" proposed by the protestant read as follows:

1. To determine whether the acquisition of control of Station KIHO by William F. Johns, Jr., as provided for by the grant of the above-entitled application, is contrary to the provisions of § 3.35 (a) of the Commission's rules.

2. To determine whether William F. Johns, Jr., should be required to show cause why his election as a Vice President and a Director of, and his acquisition of 49 percent of the stock of the licensee of Station KIHO should not be rescinded in light of the provisions of § 3.35 (a) of the Commission's rules and section 310 (b) of the Communications Act of 1934, as amended.

Section 3.35 (a) of the Commission's rules provides as follows:

§ 3.35 *Multiple ownership.* No license for a standard broadcast station shall be granted to any party (including all parties under common control) if:

(a) Such party directly or indirectly owns, operates or controls another standard broadcast station, a substantial portion of whose primary service area would receive primary service from the station in question, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation; or

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NOTE 1: The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

NOTE 2: In applying the foregoing provisions to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

The above-quoted provisions of the rules limit the extent to which AM stations with overlapping primary service areas may be under common control. In addition, and as a matter of general policy, the Commission has required that there be complete divorcement of management, ownership and other interests between stations of the same class serving substantially the same area. This rule and policy were adopted for the purpose of preventing undue concentration of ownership or interests in AM stations serving substantially the same area.

16. Resolution of Issue "1" above must, of course, await a final determination in the hearing provided for below. Nevertheless, and without implying any predetermination of the issues below, it is clear that if objectionable overlap does exist in this case, it arises in part not only from Johns' controlling interest in Station KIHO, but also from his previous 49 percent interest, or any interest he had as a stockholder, officer or director. However, the subject application involves only the Commission's consent to the transfer of Saunder's 51 percent interest to Johns and does not permit us, in this proceeding, to take action with respect

to Johns' previous 49 percent interest. The latter interest must await consideration by the Commission upon conclusion of the hearing designated herein and its final determination of the protest. Accordingly, Issue "2" requested by protestant is being deleted and its request to limit Johns' exercise of his 49 percent interest in KIHO must be denied at this time. In light of the above, however, the burden of proof with respect to Issue "1" will be on the applicants.

17. The protestant has requested that the effective date of the grant be postponed until a decision is handed down after a hearing on the matter. Section 309 (c) presents two tests controlling the question of when the Commission may authorize the applicant to utilize the facilities or authorization in question pending decision after hearing. The first is when the Commission can find that the "authorization involved is necessary to the maintenance or conduct of an existing service." No facts have been presented which would dictate such a finding. The inability of the transferor to resume control of the station has not been established. Therefore, cessation of the broadcast service of KIHO has not been shown to be inevitable under the circumstances. The second is when the Commission can affirmatively find "for reasons set forth in the decision that the public interest requires that the grant remain in effect." The Commission does not believe that the facts before it permit such a finding. The change in the position of the parties was a voluntary one, effectuated with full knowledge that the grant remained subject to protest by any party in interest for a period of 30 days. They were on notice that a change in the status quo might result in the conditions alleged in the opposition, i. e., personnel displacement, staff demoralization, "the public confidence in the station being undermined," the return of the station to a "chaotic condition" and other problems. While we appreciate the extent to which private interests will be affected by a stay of our grant, we are of the view that such circumstances were not within the contemplation of Congress when it provided for a "public interest" finding by the Commission to support an avoidance of a stay.

18. In light of the above: *It is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending final determination by the Commission in the hearing ordered below with respect to the protest herein; that said protest is granted to the extent provided for below and is denied in all other respects; and that the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine whether the acquisition of control of Station KIHO by William F. Johns, Jr., as provided for by the grant of the above-entitled application, is contrary to the provisions of § 3.35 of the Commission's rules.

(2) To determine whether actual control of Station KIHO was transferred to or assumed by William F. Johns, Jr., prior to the grant of the above-entitled application in violation of section 310 (b) of the Communications Act of 1934, as amended.

(3) To determine whether Station KIHO has been operated in a manner contrary to the provisions of § 3.40 (a) (4) of the Commission's rules.

(4) To determine, in light of the evidence adduced under the foregoing issues, whether the grant of the above-entitled application serves the public interest, convenience and necessity.

19. *It is further ordered*, That with respect to Issue "1" above, the burden of proceeding with the introduction of evidence, and of proof, shall be on the applicants herein; with respect to the remaining issues, such burden shall be on the protestant.

20. *It is further ordered*, That the protestant and the Chief, Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than January 3, 1958.

21. *It is further ordered*, That the parties to the above-entitled application shall set aside the transfer of control consummated by them within thirty (30) days from the date of this Order.

Adopted: December 18, 1957.

Released: December 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10674; Filed, Dec. 24, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6792]

ORANGE AND ROCKLAND ELECTRIC CO. ET AL.

NOTICE OF APPLICATION

DECEMBER 20, 1957.

In the matter of The Orange and Rockland Electric Company, Rockland Light and Power Company, Rockland Electric Company, and Orange and Rockland Electric Company of New Jersey; Docket No. E-6792.

Take notice that on December 10, 1957, a joint application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by The Orange and Rockland Electric Company ("Orange"), Rockland Light and Power Company ("Rockland Light"), Rockland Electric Company ("Rockland Electric"), and Orange and Rockland Electric Company of New Jersey ("ORNJ") seeking an order authorizing (1) the consolidation of Orange with Rockland Light, Rockland Light to be the continuing corporation, under the name of Orange and Rockland Utilities, Inc., ("Consolidated Corporation"), (2) the issuance by the Consolidated Corporation, of not more than 127,905 shares of common stock and of not more than 12,155 shares of cumulative preferred stock; (3) the purchase by Rockland Electric of all of the outstanding common stock of ORNJ for $428,400; and (4) the merger of ORNJ into Rockland Electric. Orange is a corporation organized under the laws of the State of New York with its principal business office in Monroe, New York. Rockland Light is a corporation organized under the laws of the State of New York with its principal business office in Nyack, New York. Rockland Electric is a corporation organized under the laws of the State of New Jersey and domesticated in that State only, with its principal business office in Nyack, New York, and its registered office in Closter, Bergen County, New Jersey. ORNJ is a corporation organized under the laws of the State of New Jersey and domesticated in that State only, with its principal business office in Monroe, New York, and its registered office in Paterson, New Jersey. Orange and ORNJ own and operate facilities for the interstate transfer of electric energy between said companies across the New York-New Jersey State line crossing from Orange County, New York, to Passaic and Sussex Counties, New Jersey. Rockland Light and Rockland Electric own and operate facilities for the interstate transfer of electric energy between said companies across the New York-New Jersey State line from Rockland and Orange Counties, New York, to Bergen and Sussex Counties, New Jersey. Rockland Light also has facilities for the interstate transmission of electricity to its wholly owned subsidiary, Pike County Light & Power Company, from Port Jervis, New York, to Matamoras, Pennsylvania. Orange is engaged in the electric utility business in Orange and Rockland Counties, New York. Rockland Light is engaged in the electric utility and natural gas business in Rockland, Orange, and Sullivan Counties, New York. Rockland Electric is engaged in the electric utility business in Bergen and Sussex Counties, New Jersey, and purchases natural gas from Rockland Light for resale to Ford Motor Company at Mahwah, New Jersey. ORNJ is engaged in the electric utility business in Passaic and Sussex Counties, New Jersey. The consolidation of Orange with Rockland Light, in accordance with a Consolidation Agreement entered into by Orange and Rockland Light, is to be followed by the issuance by the Consolidated Corporation of not more than 127,905 shares of common stock, $10 par value, at the rate of 3¾ shares of common stock of the Consolidated Corporation in exchange for each outstanding share of common stock of Orange, and the issuance by the Consolidated Corporation of not more than 12,155 shares of cumulative preferred stock, Series D 4 percent, $100 par value, at the rate of one share of such preferred stock of the Consolidated Corporation in exchange for each outstanding share of preferred stock of Orange. The securities of Rockland Light will remain outstanding, without change, as securities of Consolidated Corporation. Rockland Electric proposes to purchase all of the outstanding common stock of ORNJ (5,100 shares at $84 a share) pursuant to an Agreement of Sale between Rockland Electric and holders of all common stock of ORNJ. The merger of ORNJ into Rockland Electric is to be subsequent to and contingent on the aforementioned consolidation of Orange with Rockland Light, and subsequent to the redemption by ORNJ of its outstanding preferred stock, all in accordance with the terms of the resolutions adopted by Rockland Electric's directors on November 7, 1957. Rockland Electric proposes to obtain the funds for the purchase of ORNJ's common stock and ORNJ proposes to obtain the funds for redemption of its preferred stock by short-term borrowings from commercial banks at the prime rate applicable at the time of the borrowings. Upon merger of ORNJ into Rockland Electric, the bank loans incurred by ORNJ in connection with said redemption, aggregating $162,200, will become the direct obligations of Rockland Electric. The application, by its terms, requests approval, if required, of such short-term loans incurred by Rockland Electric and ORNJ. Both the proposed consolidation of Orange with Rockland Light and the proposed merger of ORNJ into Rockland Electric includes all the operating facilities of the respective parties to the aforementioned transactions. The proposed transactions of merger and consolidation have as their basis, among other things, greater economy of operation, more reliability of operation, elimination of duplicate service to territories involved, and increased efficiency in furnishing electrical energy to the public in the communities served.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 15th day of January 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10641; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13925]

CHARLES T. MCCORD, JR.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 19, 1957.

Charles T. McCord, Jr. (Operator), et al. (McCord), on November 20, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 15, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 1 to McCord's FPC Gas Rate Schedule No. 1.

Effective date: December 21, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nations rate increase, McCord submits a copy of a letter from the buyer notifying him that it had entered into a contract with another purchaser for the purchase of gas at the 14.4 cents rate within the favored-nation area and agreeing to pay the same price to McCord. McCord states that the proposed price is less than other prices which the Commission has "approved" for the sale of natural gas, but does not indicate the rates to which he refers.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decison thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10642; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13926]

JERNIGAN & MORGAN OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 19, 1957.

J. E. Jernigan and Max V. Morgan, d/b/a Jernigan & Morgan Oil Company, et al., (Jernigan), on November 20, 1957, tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 8, 1957.

Purchaser: Jernigan & Morgan Transmission Company.

Rate schedule designation: Supplement No. 2 to Jernigan's FPC Gas Rate Schedule No. 2.

Effective date: December 23, 1957 (effective date is the effective date proposed by Jernigan).

In support of the proposed periodic rate increase, Jernigan states that the contract resulted from arm's-length bargaining, it would be confiscatory not to approve the increase, failure to do so and, at the same time, require the gas to be delivered at the present rate would deprive them of property without due process of law and take their property without reasonable compensation, and the pricing schedule is an integral part of the contract and constitutes a single, indivisible rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed

until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10643; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13927]

JERNIGAN & MORGAN TRANSMISSION CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 19, 1957.

Jernigan & Morgan Transmission Company (Jernigan), on November 20, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 31, 1957.

Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 4 to Jernigan's FPC Gas Rate Schedule No. 1.

Effective date: December 23, 1957 (effective date is the effective date proposed by Jernigan).

In support of the proposed periodic rate increase, Jernigan states, among other things, that the proposed price is a matter of contractual obligation resulting from bona fide arm's-length negotiations in a competitive market; that it would be inequitable, unfair and confiscatory for the Commission not to approve the proposed price; that failure to do so and, at the same time, require delivery to continue at the present rate would have the effect of depriving Jernigan of its property without due process and of taking its property without reasonable compensation, and the contract pricing provision constitutes a single, indivisible rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission, (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10644; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13928]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 19, 1957.

Pan American Petroleum Corporation (Pan American), on November 20, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 18, 1957.

Purchaser: Jernigan & Morgan Transmission Company.

Rate schedule designation: Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 165.

Effective date: December 23, 1957 (effective date is the effective date proposed by Pan American).

In support of the proposed periodic rate increase, Pan American states that the contract resulted from arm's-length bargaining, it would be confiscatory not to approve the increase, failure to do so and, at the same time, require the gas to be delivered at the present rate would deprive it of property without due process and take its property without reasonable compensation, and the pricing schedule is an integral part of the contract and constitutes a single, indivisible rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10645; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13936]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 19, 1957.

Pan American Petroleum Corporation (Pan American), on November 20, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 18, 1957.

Purchaser: Louisiana-Nevada Transit Company.

Rate schedule designation: Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 104.

Effective date: December 21, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Pan American states that the proposed rate is a matter of contractual obligation resulting from bona-fide arm's-length negotiation in a competitive market, and it would be unfair and confiscatory not to approve the rate. Louisiana-Nevada filed a protest on the grounds that the filing is without its participation and unilateral, and, alternatively, requested that the increase be suspended pending decision in and consolidated with the proceedings in Docket No. G-9086, involving sales from the same producing field, known as Cotton Valley Field. Pan American also requested that the 30-day notice requirement be waived and that the proposed increase be permitted to take effect as of October 26, 1957.

The increase rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 104 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 104.

(B) Pending such hearing and decision thereon, said supplement be permitted to be filed conditionally subject to the final order in Docket No. G-9086, and is hereby suspended and the use thereof deferred until May 21, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10646; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13937]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 19, 1957.

Sun Oil Company (Sun),[1] on November 20, 1957 tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 5, 1957.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 89.

Effective date: January 1, 1958 (effective date is the effective date proposed by Sun).

In support of the proposed periodic rate increase, Sun states, that the increased price is provided for in the basic contract which was negotiated on the basis of an average price for the term of the contract, at arm's-length in good faith, and that such price does not exceed the present value of gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10647; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13938]

HUMBLE OIL AND REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 19, 1957.

Humble Oil and Refining Company (Humble), on November 21, 1957 tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings:

Description: Notices of change, dated November 8, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 7 to Humble's FPC Gas Rate Schedule No. 8. Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 9. Supplement No. 8 to Humble's FPC Gas Rate Schedule No. 16.

Effective date: January 1, 1958 (effective date is the effective date proposed by Humble).

In support of the proposed periodic rate increases, Humble states that its contracts were negotiated in good faith and at arm's-length, that the price increase provisions are integral parts of its contracts which were agreed to by El Paso, and that contracts covering other sales to El Paso of natural gas produced from the same area provide higher rates than those sought by Humble herein. Humble cites the fact that its books and records have been under investigation since June 1956, in other proceedings, and requests that its proposed increased rates be suspended for only one day.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from

[1] Respondent herein.

the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Humble's rate schedules.

(B) Pending such hearing and decision thereon, said supplements are hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10648; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13939]

PURE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 19, 1957.

The Pure Oil Company (Pure),[1] on November 22, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to Pure's FPC Gas Rate Schedule No. 3.
Effective date: January 1, 1958 (effective date is the effective date proposed by Sun).

In support of the proposed periodic rate increase, Pure states that the basic contract was negotiated prior to the Commission's assertion of jurisdiction and asserts that to prevent either party from rendering full consideration under the contract would be unjust, unreasonable and unlawful.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

[1] Respondent herein.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10649; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13940]

ALBERT GACKLE ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 19, 1957.

Albert Gackle (Operator), et al., (Gackle)[1] on November 22, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Gackle's FPC Gas Rate Schedule No. 2.
Effective date: January 1, 1958 (effective date is the effective date proposed by Gackle).

In support of the proposed periodic rate increase, Gackle cites the contract provisions and states that the requested rate will be no higher than the average price paid for like gas in like fields in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10650; Filed, Dec. 24, 1957; 8:48 a. m.]

[Docket No. G-13941]

GENERAL CRUDE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 19, 1957.

General Crude Oil Company (Respondent), on November 22, 1957, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 19, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 7 to Respondent's Rate Schedule No. 2.
Effective date: January 1, 1958 (effective date is the effective date proposed by Respondent.)

[1] Present rate previously suspended in Docket No. G-11070 and has been made effective subject to refund.

In support of the proposed favored-nation rate increase, Respondent states that the contract provides, on a long-term basis, a fair and reasonable price commensurate with current prices for natural gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10651; Filed, Dec. 24, 1957; 8:49 a. m.]

[Docket No. G-13358]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 19, 1957.

Take notice that on October 4, 1957, Northern Natural Gas Company (Applicant) filed in Docket No. G-13358 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity to render additional natural gas service, to be known as "Economy Replacement Service," to 14 existing utility customers on a day to day basis only during the coming winter heating season ending on May 1, 1958, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The gas to be sold under the proposal herein will be made available from Applicant's total existing system supply and authorized capacity. The purpose of this proposed service is to reduce or eliminate where possible the production of high cost peaking service gas by the utility customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 28, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecesasry for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10653; Filed, Dec. 24, 1957; 8:49 a. m.]

[Docket No. G-13942]

MORRIS ANISMAN

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 19, 1957.

Morris Anisman (Respondent) on November 21, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 3 to Anisman's FPC Gas Rate Schedule No. 1.
Effective date: December 22, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Respondent cites the contract provisions and states that the contract was negotiated at arm's length in good faith.

Respondent requested the 30-day notice requirements be waived and the proposed increased rate to become effective as of November 1, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10652; Filed, Dec. 24, 1957; 8:49 a. m.]

[Project No. 2183]

GRAND RIVER DAM AUTHORITY

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

DECEMBER 19, 1957.

Public notice is hereby given that Grand River Dam Authority of the State of Oklahoma, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license to provide for an initial and ultimate installation of four 35,000-horsepower gener-

ating units in lieu of an initial installation of three 20,000-horsepower units and an ultimate installation of five 20,000-horsepower units, for equipment changes in the step-up substation at the Markham Ferry dam, and for the inclusion in the license of two 138-kilovolt transmission lines extending from the step-up substation to the proposed Catoosa substation of Public Service Company of Oklahoma.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is January 30, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10654; Filed, Dec. 24, 1957; 8:49 a. m.]

[Docket No. G-13917]

W. E. BAKKE ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 19, 1957.

W. E. Bakke (operator), et al., (Bakke) on November 19, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 8 to Bakke's FPC Gas Rate Schedule No. 2. Supplement No. 10 to Bakke's FPC Gas Rate Schedule No. 5. Supplement No. 11 to Bakke's FPC Gas Rate Schedule No. 5.
Effective date: January 1, 1958 (effective date is the effective date proposed by Bakke).

In support of the proposed increased rates, Bakke states that the increases are provided for in the contracts and that the increases if granted, would enable him to offset in part the rising labor and material costs required to operate the wells and to defray, in part, the expenses incurred from time to time in reconditioning the wells. Bakke also states that production from the wells will probably decline and is dependent upon regulation of the Railroad Commission of Texas.

Bakke states that the proposed increases result from the operation of a favored-nation escalation provision in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Bakke submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedules.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Bakke's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Bakke shall submit proof, through agreement with the Buyer or otherwise, of the date that each of the proposed increased rates would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Bakke's rate schedules.

(C) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rates set forth in said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10655; Filed, Dec. 24, 1957; 8:49 a. m.]

[Docket No. G-13918]

BARNHART HYDROCARBON CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 19, 1957.

Barnhart Hydrocarbon Corporation (Barnhart) on November 21, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 20, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Barnhart's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1958 (effective date is the effective date proposed by Barnhart).

In support of the proposed periodic rate increase, Barnhart refers to the pricing provision of the contract which was established in arm's-length negotiations.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10656; Filed, Dec. 24, 1957; 8:49 a. m.]

[Docket No. G-13919]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 19, 1957.

The Atlantic Refining Company (Atlantic) on November 21, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 12, 1957.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 163.
Effective date: December 23, 1957 (effective date is the effective date proposed by Atlantic).

In support of the proposed periodic rate increase, Atlantic cites the pricing provisions of its contract and states that it permits initial delivery at a lower price than the average price over the life of the contract, which is economically desirable to all parties, and the proposed price is lower than other area rates for similar gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I); a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph thereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may practice and procedure (18 CFR 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10657; Filed Dec. 24, 1957; 8:49 a. m.]

[Docket No. G-13920]

PHILLIPS PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 19, 1957.

Phillips Petroleum Company (Operator), et al., (Phillips) on November 22, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of changes, dated November 20, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 40. Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 65.
Effective date: December 25, 1957 (effective date is the effective date proposed by Phillips, or such later date as the "triggering" rate increase of Sun Oil Company, suspended in Docket No. G-12880, becomes effective subject to refund).

In support of the proposed favored-nation rate increases, Phillips cites the pertinent pricing provisions of its rate schedules; states that the new rates will not result in an excessive return; that the proposed rates will do no more than reduce the deficiency in Phillips jurisdictional revenues, and when the commodity or intrinsic value of the gas is considered the proposed rates are not unreasonable.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 40, and Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 65, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 40 and Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 65.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until May 25, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10658; Filed, Dec. 24, 1957; 8:49 a. m.]

[Docket No. G-13921]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 19, 1957.

Phillips Petroleum Company (Phillips) on November 22, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 20, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 151.
Effective date: December 25, 1957 (effective date is the effective date proposed by Phillips, or such later date as the "triggering" rate increase of Sun Oil Company, suspended in Docket No. G-12880, becomes effective).

In support of the proposed favored-nations rate increase, Phillips cites the pertinent pricing provision of its rate schedule; states that the new rate will not result in an excessive return; that the proposed rate will do no more than reduce the deficiency in Phillips' jurisdictional revenues, and when the commodity or intrinsic value of the gas is considered the proposed rate is not unreasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secre-

tary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10659; Filed, Dec. 24, 1957; 8:50 a. m.]

[Docket No. G-13922]

W. E. BAKKE ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 19, 1957.

W. E. Bakke (Operator), et al., (Bakke), on November 19, 1957, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Bakke's FPC Gas Rate Schedule No. 1. Supplement No. 6 to Bakke's FPC Gas Rate Schedule No. 4.
Effective date: January 1, 1958 (effective date is the effective date proposed by Bakke).

In support of the proposed periodic rate increases, Bakke states that the proposed increases will partly offset the rising costs required to operate the wells, in part defray expenses incurred in reconditioning the wells, and partly compensate for the decline in revenue resulting from decreased production.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawul.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 4 to Bakke's FPC Gas Rate Schedule No. 1, and Supplement No. 6 to Bakke's FPC Gas Rate Schedule No. 4, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Bakke's FPC Gas Rate Schedule No. 1 and Supplement No. 6 to Bakke's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10660; Filed, Dec. 24, 1957; 8:50 a. m.]

[Docket No. G-13923]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 19, 1957.

Sunray Mid-Continent Oil Company (Sunray) on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 22, 1957.
Purchaser: Jernigan and Morgan Transmission Company.
Rate schedule designation: Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 113.
Effective date: December 26, 1957 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Sunray states that its contract resulted from arm's-length bargaining, the consideration was the entire schedule of prices, the provisions were intended to insure Sunray receiving the full market value of the gas, without such provisions Sunray would not have entered into a long term contract, the proposed price is just and reasonable and in line with, and not greater than, the market value at the delivery point, and suspension of the increase would be discriminatory since other producers are selling their gas at the same or higher prices.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10661; Filed, Dec. 24, 1957; 8:50 a. m.]

[Docket No. G-13924]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 19, 1957.

The Texas Company (Texas) on November 19, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to Texas' FPC Gas Rate Schedule No. 123.
Effective date: December 26, 1957 (effective date is the effective date proposed by Texas).

In support of the proposed periodic rate increase, Texas states that the contract resulted from bona fide arm's-length bargaining, the proposed increase is to partly compensate for diminishing frequency of successful discoveries, and for continuously increasing costs illustrated by increases in hourly wages of 6 percent on May 1, 1957, and of steel of 3 percent in February, 1957, and 5.3 percent in July, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10662; Filed, Dec. 24, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 20, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34372: *Starch or dextrine—Western points to Palatka and Yulee, Fla.* Filed by R. G. Raasch, Agent (No. 639), for interested rail carriers. Rates on starch or dextrine, carloads from specified points in Indiana, Iowa, and Missouri to Palatka and Yulee, Fla.

Grounds for relief: Competitive relations with Jacksonville and Fernandina, Fla.

Tariffs: Supplement 50 to Agent R. G. Raasch's tariff I. C. C. 855. Supplement 78 to Agent C. A. Spaninger's tariff I. C. C. 1548.

FSA No. 34373: *Cement and related articles—Western points to Dexterville, Wis.* Filed by W. J. Prueter, Agent (WTL No. A-1942), for interested rail carriers. Rates on cement, hydraulic, natural or portland, masonry or mortar; concrete mixture; and dry building mortar, straight or mixed carloads from specified points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Wisconsin, and Wyoming to Dexterville, Wis.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 19 to Agent Prueter's tariff I. C. C. A-4188.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-10627; Filed, Dec. 24, 1957; 8:46 a. m.]

[Notice 20]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 20, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-32474 (Deviation No. 1), C. A. CONKLIN TRUCK LINE, INC., 321 Wabash Street, Toledo 2, Ohio, filed December 3, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Rockford, Ill., and the Illinois-Indiana State line, as follows: from Rockford over U. S. Highway 51 to junction Illinois Highway 64, thence over Illinois Highway 64 to junction Illinois Highway 83, thence over Illinois Highway 83 to Illinois-Indiana State line and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: between Dubuque, Iowa and Chicago, Ill., over U. S. Highway 20.

No. MC-59206 (Deviation No. 1), HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich., filed November 29, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Decatur, Ind., and Eaton, Ohio, as follows: from Decatur over U. S. Highway 33 to junction U. S. Highway 127, thence over U. S. Highway 127 to Eaton and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes between Fort Wayne, Ind., and Cincinnati, Ohio, as follows: from Fort Wayne over U. S. Highway 27 to Cincinnati; from Fort Wayne over U. S. Highway 27 to Richmond, Ind., thence over U. S. Highway 40 to junction U. S. Highway 127, thence over U. S. Highway 127 to Cincinnati.

No. MC-76266 (Deviation No. 1), MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed December 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Perrysburg, Ohio and junction U. S. Highway 20 and Alternate U. S. Highway 20 north of Montpelier, Ohio, as follows: from Perrysburg over Alternate U. S. Highway 20 to junction U. S. Highway 20 north of Montpelier and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route, between Elkhart, Ind., and Cleveland, Ohio, as follows: from Elkhart over U. S. Highway 20 to junction U. S. Highway Business Route 20, thence over U. S. Highway Business Route 20 to Toledo, Ohio, and

thence over Ohio Highway 2 to Cleveland.

MOTOR CARRIERS OF PASSENGERS

No. MC–1501 (Deviation No. 5), THE GREYHOUND CORPORATION (SOUTH-WESTERN GREYHOUND LINES, INC.), 210 East Ninth Street, Fort Worth 2, Tex., filed December 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between junction new U. S. Highway 85 and old U. S. Highway 85 near Colorado Springs, Colo., and junction new U. S. Highway 85 and old U. S. Highway 85 near Fountain, Colo., as follows: from junction new U. S. Highway 85 and old U. S. Highway 85 near Colorado Springs over new U. S. Highway 85 to junction old U. S. Highway 85 near Fountain and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between junction new U. S. Highway 85 and old U. S. Highway 85 near Colorado Springs, Colo., and junction new U. S. Highway 85 and old U. S. Highway 85 near Fountain, Colo., over old U. S. Highway 85.

No. MC–1501 (Deviation No. 6), THE GREYHOUND CORPORATION (EASTERN GREYHOUND LINES), 2600 Hamilton Avenue, Cleveland 14, Ohio, filed December 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between the Western terminus of the Erie Section of the New York Thruway and Interchange No. 57, over the Erie Section of the New York Thruway and certain access routes, as follows: from the Western Terminus of the Erie Section of the New York Thruway at the New York-Pennsylvania State line near Ripley, N. Y., over the Erie Section of the New York Thruway to Interchange No. 50 near Buffalo, N. Y.; from the junction of U. S. Highway 20 and Shortman Rd. near Ripley, N. Y., over Shortman Rd. to the New York State Thruway; from Westfield, N. Y. over New York State Highway 17 to Interchange No. 60 (Westfield Interchange); from Fredonia, N. Y., over U. S. Highway 20 to junction Bennett Rd., thence over Bennett Rd. to Interchange No. 59 (Fredonia-Dunkirk Interchange); from Dunkirk, N. Y., over Bennett Rd. to Interchange No. 59 (Fredonia-Dunkirk Interchange); from junction U. S. Highway 20, New York Highway 5, and Access Highway to Interchange No. 58 near Irving, N. Y., over Access Highway to Interchange No. 58 (Silver Creek Interchange); from the junction U. S. Highway 20 and New York Highway 75 near Athol Springs over New York Highway 75 to Access Road to Interchange No. 57; and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Rochester, N. Y., over New York Highway 33 to Batavia, N. Y., thence over New York Highway 5 via Buffalo, N. Y., to Athol Springs, N. Y., thence over New York Highway 75 to junction U. S. Highway 20, thence over U. S. Highway 20 to Silver Creek, N. Y. (also from Athol Springs, N. Y., over New York Highway 5 to Silver Creek, N. Y.), thence over New York Highway 5 to Dunkirk, N. Y., thence over New York Highway 60 to Fredonia, N. Y. (also from Silver Creek, N. Y. over U. S. Highway 20 to Fredonia, N. Y.), thence over U. S. Highway 20 via Harborcreek, Pa., to Erie (also from Harborcreek, Pa., over Pennsylvania Highway 955 to junction Pennsylvania Highway 5 at a point approximately three and one-half miles east of Erie, Pa., and thence over Pennsylvania Highway 5 to Erie); from Fredonia over New York Highway 60 via Jamestown, N. Y., to Frewsburg, N. Y., and thence over U. S. Highway 62 to Warren; from junction U. S. Highway 20 and New York Highway 75 over New York Highway 75 to Hamburg, N. Y., and thence over U. S. Highway 62 to Eden; from junction U. S. Highway 20 and unnumbered highway, near Derby, N. Y., over unnumbered highway to Eden, N. Y., thence over U. S. Highway 62 to Dayton, N. Y., and thence over New York Highway 18 to Little Valley; from Avon, N. Y., over U. S. Highway 20 to junction New York Highway 75.

No. MC–1940 (Deviation No. 2), TRAILWAYS OF NEW ENGLAND, INC., 179 Allyn Street, Hartford, Conn., filed December 11, 1957. Attorney for said carrier, Charles B. McInnis, Continental Bldg., 14th and K NW., Washington 5, D. C. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between junction Connecticut Highways 17 and 22 in North Branford and Interchange 5 of the Connecticut Turnpike in Greenwich (Leonard Ave., and U. S. Highway 1) as follows: from junction Connecticut Highways 22 and 17 over Connecticut Highway 22 to junction Connecticut Highway 80, thence over Connecticut Highway 80 to junction Connecticut Highway 100, in East Haven, thence over Connecticut Highway 100 to Interchange 52 of the Connecticut Turnpike, thence over the Connecticut Turnpike to Interchange 5 and return over the following route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between junction of Connecticut Highways 17 and 22 and Interchange 5 in Greenwich over the following pertinent route: from junction Connecticut Highways 17 and 22 in North Branford (Northford) over Connecticut Highway 17 through North Haven and New Haven to U. S. Highway 1, thence over city streets in New Haven to terminal, thence over city streets to U. S. Highway 1, thence over U. S. Highway 1 to Leonard Avenue in Greenwich (Interchange 5 of the Connecticut Turnpike).

No. MC–13300 (Deviation No. 1), CAROLINA COACH COMPANY, 1201 South Blount Street, P. O. Box 1591, Raleigh, N. C., filed December 5, 1957. Attorney for said carrier, R. E. QUIRK, Investment Building, Washington 5, D. C. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between junction U. S. Highway 29 and North Carolina Highway 150 (near Monticello, N. C.) and Danville, Va., as follows: from junction U. S. Highway 29 and North Carolina Highway 150 over U. S. Highway 29 to Danville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between junction U. S. Highway 29 and North Carolina Highway 150 (near Monticello, N. C.) and Danville, Va., over the following pertinent route: from junction U. S. Highway 29 and North Carolina Highway 150 over North Carolina Highway 150 via Osceola and Thompsonville to the junction of unnumbered highway, thence over unnumbered highway via Quick to Providence, N. C., thence over North Carolina Highway 86 to the North Carolina-Virginia State line, thence over Virginia Highway 86 to Danville.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–10626; Filed, Dec. 24, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1115]

MCPHAIL CANDY CORP.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY

Notice is hereby given that McPhail Candy Corporation ("McPhail") on October 28, 1957, filed a Notification of Registration under the Investment Company Act of 1940 ("act") as a closed-end management investment company, and concurrently therewith filed an application pursuant to section 3 (b) (2) of the act for an order declaring it to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. In the alternative the application requests exemption from all the provisions of the act pursuant to sections 6 (c) and 6 (d) thereof.

The application discloses that as of March 31, 1957 McPhail's outstanding securities consisted of $750,000 of indebtedness to banks and brokers, 48,206 shares of 5½% convertible preferred stock with a par value of $10 per share and on which there were unpaid dividend arrears of $163,000 equivalent to approximately 6 years dividend requirements, and 500,000 shares of common stock with a par value of $1 per share.

The application states that McPhail's investment policy "is to invest for safety and yield primarily in securities issued by leading industrial companies of the United States * * *". The application further discloses that as of March 31, 1957 McPhail owned the common stocks of forty-one issuers, with an aggregate market value of $2,134,412 and states that it does not by virtue of such ownership or by any other means control or influence the policies or operations of such issuers. The application further states that McPhail is primarily engaged, directly or through wholly-owned subsidiaries, in the business of manufacturing and selling candies and confections.

Section 3 (a) (1) of the act defines an investment company as one which is, or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.

Section 3 (a) (3) of the act defines as an investment company one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities", so far as here relevant, are defined as including all securities except Government securities, and securities issued by majority-owned subsidiaries which are not investment companies.

Section 3 (b) (2) of the act provides that, notwithstanding section 3 (a) (3), the term "investment company" does not include a person whom the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Section 6 (c) of the act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Section 6 (d) of the act provides in substance that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors if the aggregate sums received from the sale of all of its securities, outstanding and proposed, to be offered, do not exceed $100,000, and if the sale of its securities has been restricted to the residents of the State of its organization.

Information on file with the Commission indicates the following:

McPhail was incorporated on March 23, 1945 for the purpose of engaging in the manufacturing and sale of candy, directly or through subsidiary corporations. Candy manufacturing operations were conducted in 5 factories located at various points throughout the United States; other operations included two retail candy stores in New York State, and paper box manufacturing in Chicago, Illinois. Between 1948 and 1950 substantially all such operations were discontinued other than one retail candy store and one candy manufacturing plant. In 1955 the remaining retail candy store was closed. Candy manufacturing is presently conducted on a limited basis.

As candy operations were discontinued McPhail, beginning in 1951, made substantial investments in a portfolio of common stocks. The following table summarizes as of March 31, of each of the years 1950 to 1957, McPhail's corporate assets (including investment securities at market value and other assets at book value), and shows the percentage of investment securities to total assets, exclusive of Government securities and cash items:

(000 omitted)

	March 31							
	1950	1951	1952	1953	1954 [1]	1955	1956	1957
Cash and Government securities	$709	$241	$78	$250	$103	$223	$21	$16
Investment securities (at market value)	639	792	835	1,365	1,485	1,725	2,134	
Securities of subsidiaries	46	52	59	393	303	62	54	
Fixed assets	48	52	59	393	303	62	54	
Other assets	743	980	1,030	1,045	963	876	793	712
	364	374	381	529	75	16	171	70
Total assets	1,864	2,280	2,333	2,718	2,899	2,903	2,772	2,986
Percent investment securities to total assets, exclusive of Government securities and cash		31	35	34	49	55	63	72

[1] Adjusted to include investment securities and dividends thereon not reflected in the balance sheet as of Mar. 31, 1954.

The following table shows in summary form statements of the consolidated income of McPhail and its subsidiaries for the fiscal years 1948 to 1957 inclusive:

[000 omitted]

12 months ended Mar. 31 [1]	Gross sales	Operating profit	Dividends received	Profits on securities sales	Other income and deductions (net)	Net income
1948 [2]	$5,547	$446	$4	($3)	($178)	$268
1949	4,865	56			(29)	27
1950	3,422	(252)			43	(209)
1951	1,428	(17)	22	8	(62)	(49)
1952	1,430	(102)	43		(4)	(63)
1953	1,805	(108)	48		(31)	(91)
1954 [3]	1,525	(61)	96	(1)	(14)	20
1955	1,063	(188)	47	25	23	(91)
1956	741	(197)	77	56	(17)	(81)
1957	480	(116)	93	53	(133)	(103)

[1] Except 1948 which is for 11 months ended Mar. 31.
[2] Adjusted to include dividends not reflected in the income statement for the 12 months ended Mar. 31, 1954.
( ) Indicates loss or deduction.

In 1947 McPhail issued and publicly sold 52,000 shares of its 5½ percent Cumulative Convertible Preferred Stock for which it received net proceeds of $455,000. At the same time Russell McPhail, President of the company, sold a portion of his holdings of all the common stock. As of March 31, 1957 there were 194 holders of preferred stock and 702 holders of common stock. Russell McPhail owns beneficially 14,243 shares (30 percent) of the preferred stock and 388,895 shares (78 percent) of the common stock.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to sections 3 (b) (2), 6 (c) and 6 (d):

It is ordered, Pursuant to section 40 (a) of the act, that a hearing on the aforesaid application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 21st day of January 1958, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That any officer of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether McPhail is, and has been, an investment company within the definition of section 3 (a) (1) of the act;

(2) Whether McPhail is and has been primarily engaged, directly or through subsidiaries, in the business of manufacturing and selling candy, or whether within the definition of section 3 (a) (3) of the act it is and has been primarily engaged in the business of investing, reinvesting, owning, holding, or trading in securities and owns and has owned investment securities of a value in excess of 40 percent of its total assets on an unconsolidated basis;

(3) Whether, if McPhail is excepted from the definition of an investment company pursuant to section 3 (b) (2) of the act an order should be issued (pursuant to section 8 (f) of the act) declar-

ing that McPhail has ceased to be an investment company and that its registration as such shall cease to be in effect, and what conditions, if any, should be attached to such order;

(4) Whether, if the orders pursuant to sections 3 (b) (2) and 8 (f) of the act are not entered, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act to exempt McPhail, pursuant to section 6 (c) of the act, from any or all of the provisions thereof; and if such exemption be granted what conditions, if any, should be attached thereto;

(5) Whether, pursuant to section 6 (d) of the act, the aggregate sums received by McPhail from the sale of all of its outstanding securities did not exceed $100,000 and the sale of such securities has been restricted to the residents of its state of organization.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to McPhail, and that notice shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That McPhail shall give notice of this hearing to all its stockholders (in so far as the identity of such stockholders is known or available to it) by mailing to each of said persons a copy of this notice and order to his known address at least 20 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10638; Filed, Dec. 24, 1957; 8:48 a.m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) of § 6.110 is amended as set out below.

§ 6.110 *Department of the Interior.*

* * *

(e) *Office of Territories.* (1) Until December 31, 1958, all positions in Alaska in the Alaska Railroad and four technical positions in the Alaska Railroad Office in Seattle, Washington.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 57-10721; Filed, Dec. 26, 1957; 8:56 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (3) and (c) (1) and (2) of § 6.142 are amended as set out below.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* * * *

(3) Until June 30, 1958, six Regional Administrators.

* * * * *

(c) *Federal Housing Administration.* (1) Until June 30, 1958, 80 Field Directors (State, District, and Territorial).

(2) Until June 30, 1958, six Zone Operations Commissioners.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 57-10711; Filed, Dec. 26, 1957; 8:54 a.m.]

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PART I

FEDERAL REGISTER

VOLUME 22 NUMBER 250

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This issue includes two parts bound together. Part II contains a republication of 22 CFR Chapter I, Department of State.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 472—WOOL

SUBPART—1958 PAYMENT PROGRAM FOR SHORN WOOL AND UNSHORN LAMBS (PULLED WOOL)

This bulletin states the requirements with respect to the 1958 payment program for shorn wool and unshorn lambs (pulled wool), formulated by Commodity Credit Corporation (referred to in this bulletin as CCC) and the Commodity Stabilization Service (referred to in this bulletin as CSS).

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FEDERAL REGISTER

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AUTHORITY: §§ 472.901 to 472.957 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446.

PROGRAM OPERATION

§ 472.901 *Administration.* The program will be carried out by CSS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation (referred to in this subpart as ASC) state and county offices. ASC state and county offices do not have authority to modify any of the provisions of this subpart or any of the amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

SHORN WOOL

§ 472.902 *Incentive level and payments.* For the 1958 marketing year (beginning April 1, 1958, and ending March 31, 1959, both dates inclusive (§ 472.957), the price level which has been determined to meet the requirements of the National Wool Act of 1954 is 62 cents per pound of shorn wool, grease basis. Announcement of this price level was made by the Department of Agriculture on October 4, 1957, in accordance with section 703 of the National Wool Act of 1954, which states that the Secretary shall, to the extent practicable, announce the support price levels for wool sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. For the 1958 marketing year, price support on shorn wool will be furnished by means of payments to the producer in accordance with the provisions of this subpart on the shorn wool he markets in that marketing year. Payments will not be made on marketings of the pelts of sheep or lambs.

§ 472.903 *Eligibility for incentive payments.* Before payments under this program can be approved pursuant to any application for payment covering any lot or lots of wool, the following requirements must be satisfied:

(a) Except as provided in § 472.949, the applicant must be the producer, and in the case of a joint application each applicant must be a producer (as defined in § 472.957), of the shorn wool.

(b) The wool must have been shorn in the continental United States, its territories or possessions on or after January 1, 1955, and must have been marketed within the 1958 marketing year. For the purpose of this program, shorn wool is deemed to include murrain and other wool removed from dead sheep and other off wools such as black wool, tags, and crutchings.

(c) The wool as well as the sheep or lambs from which it was shorn, must have been owned by the producer at the time of shearing, and the sheep or lambs must have been owned by him for not less than 30 days at any time prior to his filing the application for payment (§ 472.943), with the following exception: The ownership specified in the preceding sentence is not required of an applicant for payment who has an agreement with the owner of the animals pursuant to which the applicant, in return for furnishing labor in connection with caretaking, lamb production, or feeding, is entitled either to a share in the ownership of the wool shorn from such animals or a share of the sales proceeds of the wool: *Provided*, That the owner of the animals who joins in the application meets the ownership requirements. Ownership of wool or animals as used in this paragraph does not include the ownership which in some states is held by a person having a security interest, such as a mortgage or other lien.

(d) Beneficial interest in the wool must always have been in the producer from the time the wool was shorn up to the time of its sale. A producer has beneficial interest in wool (1) when he owns it without any other person being entitled to the wool or its proceeds and without his having authorized any other person to sell or otherwise dispose of the wool; (2) when the producer has authorized another person to sell or otherwise dispose of the wool, even transferring legal title to such other person, but the producer continues to be entitled to the proceeds from such sale or other disposal of the wool; or (3) when the producer is entitled to a share of the wool or of the proceeds thereof pursuant to an agreement described in the exception in paragraph (c) of this section though he does not own the animals from which the wool was shorn. If the producer has such beneficial interest, the fact that the wool may be mortgaged or subject to another lien does not change his position as having a beneficial interest.

(e) The producer must either report, in accordance with § 472.910, that the wool sold includes wool obtained by a first shearing of lambs (defined in § 472.957) he purchased on or after April 1, 1956, or certify that the wool sold does not include any wool so obtained.

§ 472.904 *Marketing within the 1958 marketing year.* (a) The National Wool Act of 1954 provides that price support under that act shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1959. Since this program covers only the 1958 marketing year, payments under this program will be limited to wool marketed during the period beginning April 1, 1958, and ending March 31, 1959.

(b) Marketing shall be deemed to have taken place in the 1958 marketing year if, pursuant to a sale or a contract to sell, the last of the following three events in the process of marketing was completed in the 1958 marketing year: (1) Title passed to the buyer; (2) the wool was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer became available. The factors are considered available when they are known to the applicant's marketing agency if he markets through a marketing agency, or they are known to the applicant if he markets directly. Any one of the three events previously mentioned may be the last event completed.

(c) Delivery of wool on consignment to a marketing agency (defined in § 472.957) to be sold for the producer's account does not constitute a marketing. This is so even though the consignee may guarantee the producer a minimum sales price or may give him an advance against the prospective sales price or may do both. Wool delivered on consignment shall not be deemed marketed by the producer until it has been marketed by the marketing agency. When a producer transfers title to his wool to a marketing agency and provides that such agency shall market the wool and that the producer shall be entitled to the proceeds of such marketing, the producer shall be deemed to have consigned the wool.

(d) The exchange of wool for merchandise or services (for instance, shearing) will be considered a sale, provided a definite price is established for the wool.

§ 472.905 *Rate of incentive payment.* Upon expiration of the 1958 marketing year and after the Department of Agriculture has determined the national average price for wool received by producers in that marketing year, the Department will announce the rate of the incentive payment under this program. The rate of payment will be the percentage of the national average price received by producers required to bring such national average price up to the announced incentive price. For example, if the reported national average price received by producers for wool sold during the 1958 marketing year should be 50 cents, the difference between that figure and the incentive price of 62 cents previously announced (§ 472.902) would be 12 cents, and this figure would constitute 24 percent of the national average price of 50 cents. In such a case, the rate of incentive payment would be 24 percent of the net sales proceeds received by each producer.

§ 472.906 *Computation of payment.* (a) In order to determine the amount of the incentive payment due to a producer on the wool he marketed during the 1958 marketing year, the percentage computed pursuant to § 472.905 will be applied to

the net sales proceeds for the wool determined in accordance with paragraph (b) of this section. The amount so computed may be reduced on account of purchasers of unshorn lambs (defined in § 472.957), in accordance with paragraph (c) of this section.

(b) The net sales proceeds shall be determined by deducting from the gross sales proceeds of the wool all marketing expenses, such as for transportation from the local shipping point; handling (including commissions); grading; scouring; or carbonizing. Items, however, listed in § 472.908 (a) (7) as "other deductions" shall not be deducted. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point (defined in § 472.957). For example, if the producer marketed his clip of 500 pounds at 50 cents per pound, he received $250 as gross proceeds and, if the marketing deductions totaled $25, his net proceeds of sale (after marketing deductions) amounted to $225. For the purpose of this program, the producer is expected to deliver his wool packed in bags to his local shipping point and to bear the storage expenses until the wool is sold. Consequently, charges made for furnishing wool bags, storing wool, or transporting wool to the producer's local shipping point shall not be considered deductible marketing charges. Neither are other charges, not directly related to marketing of the wool, such as interest on advances or dues owing an association, to be considered marketing charges.

(c) If pursuant to § 472.910, the producer reports, in his application for payment, the purchase on or after April 1, 1956, of any unshorn lambs, his incentive payment computed in accordance with paragraph (a) of this section shall be reduced by an amount resulting from multiplying the reported liveweight of the animals purchased on or after April 1, 1956, as unshorn lambs, by the announced rate per hundredweight to be paid producers under the pulled wool program (§ 472.921).

§ 472.907 *Supporting documents*—(a) *General.* The application for payment on account of shorn wool (§ 472.909) shall be supported by the original sales document (defined in § 472.957) for the wool sold.

(b) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASC county office, he may submit a photostat or similarly reproduced or carbon or typewritten copy of the original document. However, he must show the original document to the ASC county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain it in accordance with § 472.948.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 472.908 (a) (10), of the person or of the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 472.908 *Contents of sales documents.* The sales documents attached to each application for an incentive payment must contain a final accounting, meeting the requirements of paragraph (a) or (b) of this section, for the wool covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirement. Except as provided in § 472.949, sales documents must cover wool sold by the applicant.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point and described in paragraph (b) of this section, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within the 1958 marketing year, the date when final settlement is made within that marketing year for the wool that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of wool sold. If the wool was sold as scoured or carbonized wool, the original grease weight must be shown as well as the scoured or carbonized weight.

(4) The gross sales proceeds or sufficient information from which the gross sales proceeds can be determined, except when the practice is otherwise as provided in subparagraph (5) of this paragraph.

(5) Marketing deductions, if any (see § 472.906 (b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: ----------. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the incentive payment is computed.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have beeen computed.

(7) Other deductions, such as those for bags, storage, interest, association dues, and charges not directly related to marketing of the wool.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency issuing the sales document.

(10) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within the 1958 marketing year shall contain a statement that the wool was marketed during the 1958 marketing year as required by the regulations issued pursuant to the National Wool Act of 1954.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document, covering an outright sale at the producer's farm, ranch, or local shipping point and attached to an application for incentive payment, shall be prepared by the purchaser and must contain at least the following information: Name and address of seller, date of sale, net weight of wool sold, the net amount received by the producer for the wool at his farm, ranch, or local shipping point, any applicable nonmarketing deductions, such as association dues or interest on advances, the name and address of the purchaser, and the signature of the purchaser or his agent.

§ 472.909 *Preparation of application.* (a) The application for payment on account of shorn wool, to be filed in the original only, shall be prepared on CCC Wool Form 55, "Application for Incentive Payment—Shorn Wool". The form consists of two parts. Part I is designed to give the ASC county office general information about the wool production of the applicant and contains his certification as to facts relating to the production and ownership of the wool marketed. Part II contains details about the marketing of the wool which is the basis for the application and contains another certification which covers these details. If the applicant paid any marketing charges (§ 472.908 (a) (5)) not shown on the sales document, such as for scouring or carbonizing, grading, or freight from the applicant's local shipping point, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) The applicant may, in his discretion, fill out both parts and sign both certifications. He may, however, fill out only Part I, sign the certification included therein, forward the application to his marketing agency, and request it to fill out Part II, to sign the certification included in this part, and to file the application with the required attachments on behalf of the applicant in the appropriate ASC county office in accordance with § 472.943 (a). If the applicant chooses this method of submitting his application, he will be responsible for the correctness of the information furnished by the marketing agency as well as for compliance by it with the requirements as to the time and manner of filing the application.

§ 472.910 *Report of purchases of unshorn lambs.* In making application for payment on the sale of shorn wool, the producer shall report, as prescribed in this section, with reference to animals purchased by him as unshorn lambs on or after April 1, 1956, the date of each purchase as well as the number and liveweight of the animals purchased.

(a) *Report on actual basis.* (1) If wool removed in the first shearing of animals purchased by the applicant as unshorn lambs on or after April 1, 1956, is included in the application, and the applicant's operations are conducted in such a manner that he is able to identify the lambs from which such wool was shorn, he shall report the date of purchase as well as the number and liveweight of the animals that he purchased as unshorn lambs on or after April 1, 1956, from which such wool was subsequently shorn and included in the application. Among the lambs purchased he shall include those which died after purchase and from which the wool was removed and included in the application.

(2) If the applicant knows that his application does not include any wool which was removed in the first shearing of the animals purchased by him on or after April 1, 1956, as unshorn lambs, he will report no purchases of unshorn lambs.

(b) *Report on "first in, first out" basis.* (1) In the event the applicant does not know whether or not wool removed in the first shearing from animals purchased by him on or after April 1, 1956, as unshorn lambs is included in the application, or knows that some such wool is included, but is unable to report the exact date of purchase of such lambs, he shall report on a "first in, first out" basis, as hereinafter explained, the date of purchase as well as the number and liveweight of a quantity of unshorn lambs equal to the number of lambs from which wool was shorn and included in the application. The reporting of purchased lambs shall be continued in subsequent applications for incentive payment on shorn wool and applications for payment on unshorn lambs until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs and not reported in an application for payment for shorn wool or unshorn lambs under the 1956 or 1957 payment program, except that he need not report such animals if he has not applied for a payment under the 1956, 1957 or this program on the sale of the animals or on the sale of wool shorn therefrom. If the producer does not have sufficient marketings of wool and unshorn lambs during the 1958 marketing year to cover all of his purchases of animals purchased as unshorn lambs on or after April 1, 1956, that had not been reported in the 1956 or 1957 payment program, and consequently does not report all of his purchases of unshorn lambs in applications based on sales during the 1958 marketing year, the balance shall be carried forward and reported in succeeding marketing years for which similar payment programs may be established.

(2) For example, if the producer's first application for the 1958 marketing year covers the sale of wool shorn from 200 sheep or lambs, he shall report in that application the date of purchase, the number, and the liveweight of the first 200 animals he purchased on or after April 1, 1956, as unshorn lambs that were not reported on an application for payment filed under the 1956 or 1957 payment program for shorn wool or unshorn lambs; if, for example, his second application covers the sale of 300 unshorn lambs, he shall report in that application the same information for the next 300 animals that he purchased on or after April 1, 1956, and that were not reported on an application for payment under the 1956 or 1957 program or in the first application under the 1958 program; and as additional applications are filed either on shorn wool or unshorn lambs under the 1958 program, he shall report his purchases in chronological order until all purchases up to the date of his application are accounted for, in accordance with subparagraph (1) of this paragraph.

(3) If the producer makes application for a payment on the sale of either shorn wool or unshorn lambs after he has reported his total purchases of unshorn lambs on or after April 1, 1956, he will report no purchases of unshorn lambs in such an application.

UNSHORN LAMBS (PULLED WOOL)

§ 472.921 *Rate of payment.* The National Wool Act of 1954 provides in section 703 that the support price for pulled wool shall be established at such a level, in relationship to the support price for shorn wool, as the Secretary determines will maintain normal marketing practices for pulled wool. The support price for shorn wool has been determined to be 62 cents per pound, grease basis (§ 472.902). Payments on shorn wool will be made on a percentage basis, by applying to the net sales proceeds received by the producer, a percentage which is based on the difference between the national average price received by producers during the 1958 marketing year and the incentive price of 62 cents (§ 472.905). Payments under the pulled wool program will be made in accordance with this subpart for wool on live lambs that have never been shorn and are sold or moved to slaughter in the 1958 marketing year, and will be at a flat rate per hundredweight of live animals. Payments will not be made on the sale of the pelts of sheep or lambs. The payments will be based on the average weight of wool per hundredweight of animals (5 pounds) multiplied by 80 percent of the difference between the national average price received by producers for shorn wool and the 1958 incentive price of 62 cents per pound of shorn wool. The exact rate of payment will be determined after the end of the 1958 marketing year. For example, if the reported national average price received by producers for wool sold during the 1958 marketing year should be 50 cents, the rate of payment per hundredweight of live lambs would be 48 cents.

§ 472.922 *Eligibility for payments on lambs.* Before payments under this program can be approved pursuant to an application covering any lot or lots of lambs, the following requirements must be satisfied:

(a) *Fed or pastured in United States.* The lambs must have been fed or pastured in the continental United States, its territories, or possessions.

(b) *Thirty days' ownership.* If a producer is to qualify for a payment, he must have owned the lambs for 30 days or more, and if a slaughterer (as defined in § 472.957) is to qualify for a payment, he must have owned the lambs for 30 days or more prior to their moving to slaughter, with the following exception: Ownership interest in the lambs for the 30-day period is not required of an applicant for payment who has an agreement with the owner of the lambs pursuant to which the applicant, in return for furnishing labor in connection with caretaking or feeding of the lambs, is entitled either to a portion of the lamb production or to a share in the proceeds from the sale of the lambs: *Provided,* That the owner of the lambs who joins in the application meets the 30-day ownership requirement. Ownership of lambs, as used in this paragraph, does not include the ownership which in some states is held by a person having a security interest, such as a mortgage or other lien.

(c) *Never shorn.* The lambs must never have been shorn at the time of sale or, in the case of an application by a slaughterer, at the time of moving to slaughter.

(d) *Sold or moved to slaughter in 1958 marketing year.* The lambs must have been sold, that is, title to the lambs must have passed to the buyer within the 1958 marketing year or, in the case of lambs that are owned by a slaughterer for 30 or more days before moving to slaughter, the lambs must have moved to slaughter within the 1958 marketing year.

(e) *Report of purchased lambs.* The applicant must either report his purchases of unshorn lambs on or after April 1, 1956, in accordance with § 472.926, or certify that the lambs sold do not include any lambs purchased after that date.

§ 472.923 *Computation of payment.* In order to determine the amount of the payment due to an applicant, the rate of

payment, computed pursuant to § 472.921, shall be applied to the liveweight (defined in § 472.957) of the lambs sold or moved to slaughter (§ 472.922 (d)), during the 1958 marketing year. Such liveweight, however, shall be reduced by the liveweight of any lambs reported in the application for payment, pursuant to § 472.926, as having been purchased by the applicant on or after April 1, 1956, as unshorn lambs. For example, if the applicant sells, during the 1958 marketing year, 100 unshorn lambs weighing 8,000 pounds which he produced on his farm or ranch, he will be entitled to a payment on a liveweight of 8,000 pounds. On the other hand, if the applicant sells, during the 1958 marketing year, 100 unshorn lambs weighing 8,000 pounds, having purchased those lambs at a weight of 6,000 pounds on June 30, 1958, he will be entitled to a payment on a liveweight of 2,000 pounds (i. e., 8,000 pounds minus 6,000 pounds).

§ 472.924 *Application for payment and supporting documents*—(a) *General.* The application for a payment on account of unshorn lambs, to be filed in the original only, shall be made on CCC Wool Form 56, "Application for Payment—Unshorn Lambs (Pulled Wool)." The application shall be supported by an original sales document, as set forth in paragraph (a) of § 472.925 or, in case of application by a slaughterer, by the substitute document as set forth in paragraph (b) of that section, and such other evidence as may show compliance with the program.

(b) *Applicant retains original sales document.* If the applicant does not wish the original sales document to remain with the ASC county office, he may submit a photostat or similarly reproduced or carbon or typewritten copy of the original document. However, he must show the original document to the ASC county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain it in accordance with § 472.948.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 472.925 (a) (6), of the person or the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the person who issued the original, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 472.925 *Contents of sales documents*—(a) *Sale by producers.* Each sales document supporting the application must cover lambs sold by the applicant, except as provided in § 472.949; must be issued by the purchaser or the producer's marketing agency; and must show the following:

(1) Name and address of seller.

(2) Date of sale.

(3) Number of unshorn lambs sold. If the sales document does not clearly identify the animals as lambs that had never been shorn at the time of sale, the person issuing the sales document shall add a statement to that effect. If the sales document refers to the animals as "unshorn lambs," this will indicate that the lambs were never shorn, in accordance with the definition in § 472.957. Likewise, if the document is issued in connection with the sale of unshorn lambs but also covers the sale of other animals, the person preparing the sales document shall clearly indicate therein in some manner the number and the liveweight of unshorn lambs included in the sale.

(4) Liveweight of unshorn lambs sold. If the weight is not determined by scales, this weight may be an estimated weight agreed to by the buyer and the seller.

(5) Name and address of the purchaser or marketing agency issuing the sales document.

(6) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(b) *Substitute for sales document in case of slaughterer.* If the application is made by a slaughterer who owned the animals for 30 days or more prior to his moving them to slaughter (§ 472.922 (d)), it shall be supported by a scale ticket instead of a sales document. The scale ticket shall indicate that it covers unshorn lambs which moved to slaughter and must show the information normally appearing on scale tickets issued by stockyards (that is, date, number of head and classification, weight, scale ticket number, if any, place of weighing, and name of weigher).

§ 472.926 *Report of purchases of unshorn lambs.* In making application for payment on the sale of lambs, the producer shall report, as prescribed in this section, with reference to animals purchased by him as unshorn lambs on or after April 1, 1956, the date of each purchase as well as the number and liveweight of the animals purchased.

(a) *Report on actual basis.* (1) If the application is based on the sale of lambs purchased by the applicant on or after April 1, 1956, and the applicant's operations are conducted in such a manner that he is able to identify such lambs, he shall report the date of purchase, the number, and the liveweight of such sold lambs.

(2) If the applicant knows that his application is not based on the sale of any animals which were purchased by him on or after April 1, 1956, he will report no purchases of unshorn lambs.

(b) *Report on "first in, first out" basis.* (1) In the event the applicant does not know whether or not the application is based on the sale of lambs that he purchased on or after April 1, 1956, or he knows that some such lambs are included but is unable to report the exact date of purchase of such lambs, he shall report on a "first in, first out" basis, as hereinafter explained, the date of purchase as well as the number and liveweight of a quantity of animals purchased by him on or after April 1, 1956, as unshorn lambs, equal to the number of lambs on the sale of which his application is based. This reporting of purchased lambs shall be continued in subsequent applications for payment on unshorn lambs and applications for incentive payment or shorn wool until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs and not reported in an application for payment for shorn wool or unshorn lambs under the 1956 or 1957 program, except that he need not report such animals if he has not applied for a payment under the 1956, 1957, or this program on the sale of the animals or on the sale of wool shorn therefrom. If the producer does not have sufficient marketings of unshorn lambs and wool during the 1958 marketing year to cover all of his purchases of animals as unshorn lambs on or after April 1, 1956, that had not been reported in the 1956 or 1957 payment program, and consequently does not report all of his purchases of unshorn lambs in applications based on sales during the 1958 marketing year, the balance shall be carried forward and reported in succeeding marketing years for which similar payment programs may be established.

(2) For example, if the prdoucer's first application for the 1958 marketing year covers the sale of 300 lambs, he shall report in that application the date of purchase as well as the number and liveweight of the first 300 animals he purchased on or after April 1, 1956, as unshorn lambs that were not reported in an application for payment filed under the 1956 or 1957 program for shorn wool or unshorn lambs; if, for example, his second application covers the sale of wool shorn from 200 animals, he shall report in that application the same information for the next 200 animals that he purchased on or after April 1, 1956, as unshorn lambs and that were not reported in an application for payment under the 1956 or 1957 program or in the first application under the 1958 program; and as additional applications are filed under either the pulled wool or the shorn wool program, he shall report his purchases on or after April 1, 1956, in chronological order until all purchases up to the date of each application are accounted for, in accordance with subparagraph (1) of this paragraph.

(3) If the producer makes application for a payment on the sale of either shorn wool or unshorn lambs after he has accounted for his total purchases of unshorn lambs on and after April 1, 1956, he will report no purchases of unshorn lambs in such an application.

GENERAL PROVISIONS

§ 472.941 *Sales in good faith.* Payments provided for under this program shall be made on the basis of sales of shorn wool or unshorn lambs executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at prices or weights increased in bad faith for the purpose of obtaining higher payments under this program. Examples of sales of wool in bad faith are those wherein the purchaser obtains a rebate or any benefit in form of money, property, or otherwise. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 472.942 *Joint applicants, successors, and representatives*—(a) *Joint applicants*—(1) *Joint owners.* When the applicants for a shorn wool payment are joint owners of the wool and were also joint owners of the sheep from which the wool was shorn, all of them must sign any application based on the sale of their wool. When the applicants for a payment on unshorn lambs are joint owners of the lambs, all of them must sign any application based on the sale of their lambs. If one such owner refuses to join in an application and wishes to release CCC from any obligation to make him a payment, he shall sign a form of release prescribed by CCC for that purpose. Such release shall be attached to, and shall be referred to in, the application signed by those joint owners who apply for a payment.

(2) *Producers who did not own the animals from which the wool was shorn or did not own the lambs for 30 days.* Each application for a payment on shorn wool prepared by producers some of whom did and some did not own the animals from which the wool was shorn, as described in the exception in § 472.903 (c), shall be a joint application, irrespective of whether the wool was divided among such producers prior to sale or whether it was sold without division. Similarly, each application for a payment on unshorn lambs prepared by producers some of whom did and some did not own the lambs for 30 days, as described in the exception in § 472.922 (b), shall be prepared as a joint application, irrespective of whether the lambs were divided among such producers prior to sale or whether they were sold without division. All producers who are entitled to a share of the wool under the shorn wool program or of the lambs under the pulled wool program or are entitled to a share of the sales proceeds of the wool or the lambs, as the case may be, shall sign each joint application, except that where a producer releases his right to a payment by signing a form prescribed by CCC for that purpose, he will not join in the application and will not be entitled to a payment. Each joint application filed by such producers shall be supported by a properly executed CCC Wool Form 55–1 and 56–1, "Attachment to CCC Wool Form 55 for Producers Who Did Not Own the Animals from Which the Wool Was Shorn and Attachment to CCC Wool Form 56 for Producers Who Did Not Own the Lambs for 30 Days."

(3) *Other provisions.* If a producer entitled to join in an application fails to do so, does not release his right to a payment, and—because the application does not indicate his interest—payment is made by CCC to those who apply, he shall have no claim against CCC for a payment. Neither will CCC be responsible for a division among the applicants of a payment made by CCC to all of them jointly.

(b) *Successors and representatives.* (1) In case any person entitled to payment under this subpart dies, disappears, or is declared incompetent before applying for payment and therefore the application is made, in accordance with § 472.949 (a), by a person listed in 7 CFR Part 1108 in the order of precedence, such application, if it is for a shorn wool payment, shall be made on CCC Wool Form 55 and, if it is for an unshorn lamb payment, shall be made on CCC Wool Form 56. Each such application shall also include Standard Form 1055—Revised and, if necessary in accordance with paragraph (a) (2) of this section, CCC Wool Form 55–1 and 56–1. The application shall be filed with the ASC county office serving the county which includes the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared or was declared incompetent.

(2) When CCC Wool Form 55 is part of an application described in subparagraph (1) of this paragraph and refers to delivery of wool by, or sale of wool for the account of, the applicants; or states that they ranged, pastured, or fed sheep and lambs; or that they purchased, owned, or had beneficial interest in, wool; or that they agreed as to the weight of animals in certain cases; or the marketing agency states in the application that it has not furnished sales documents to any person other than the applicants and that as agent for the applicants it complied with the program; or when it is stated in CCC Wool Form 55–1 and 56–1 that the applicants purchased unshorn lambs, in all those statements the words "the applicants" or "the undersigned" shall be deemed to refer to the applicants; or, to the best of the knowledge, information and belief of the applicant or marketing agency making the statement, to the person that died, disappeared or was declared incompetent; or to both. The reference in section A of CCC Wool Form 55 to the headquarters of applicant's farm, ranch, or feed lot shall be deemed to refer to the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared, or was declared incompetent. The statements in section D (b), (c), (d), and (e) of CCC Wool Form 55 about shearing the wool and ownership of the wool and lambs and in section F (2) about marketing in a particular marketing year shall be deemed to be made to the best of the knowledge, information, and belief of the applicants.

(3) When CCC Wool Form 56 or CCC Wool Form 55–1 and 56–1 is part of an application described in subparagraph (1) of this paragraph and states that the applicants ranged, pastured, or fed sheep and lambs; purchased unshorn lambs; or owned such lambs for not less than 30 days, the words "the applicants" or "the undersigned" shall be deemed to refer to the applicants; or, to the best of their knowledge, information, and belief, to the person that died, disappeared, or was declared incompetent; or to both. The reference in section A of CCC Wool Form 56 to the headquarters of applicant's farm, ranch, or feed lot shall be deemed to refer to the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared, or was declared incompetent. The statements in section D (c) and (e) of CCC Wool Form 56 about shearing the animals and purchases of unshorn lambs shall be deemed to be made to the best of the knowledge, information, and belief of the applicants.

(4) In case any person entitled to payment under this subpart dies, disappears, or is declared incompetent after applying for payment, application may be made in accordance with § 472.949 (a) (1).

§ 472.943 *Filing application for payment*—(a) *Place of filing.* The application for payment on either shorn wool or unshorn lambs shall be filed by the producer entitled thereto with the ASC county office serving the county where the headquarters of the applicant's farm, ranch, or feed lot—as the case may be—is located. If the producer has more than one farm, ranch, or feed lot, with headquarters in more than one county, separate applications for payment shall be filed with the ASC county office serving each such headquarters, except that (1) if the producer sells his entire clip of wool in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on shorn wool in any one of those ASC county offices, or (2) if the producer includes in one sale unshorn lambs that were ranged, pastured, or fed in more than one county, he may file his application(s) for payment on such animals in any one of those ASC county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters. Applications by producers located in Alaska shall be filed with the Alaska ASC State Office, University of Alaska, Box B, College, Alaska, and applications by producers located in Hawaii shall be filed with the Hawaiian Area ASC Office, 303 Dillingham Building, Honolulu 13, Territory of Hawaii.

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of shorn wool or unshorn lambs for the 1958 marketing year have been completed or, if the applicant is a slaughterer, as soon as possible after the last of his lambs moved in the 1958 marketing year to slaughter, and all applications must be filed not later than 30 days after the end of the marketing year, that is, not later than April 30, 1959. If delayed filing of

an application is due to causes beyond the control of the applicant, the ASC county office may waive this 30-day limitation on applications filed before October 1, 1959.

§ 472.944 *Signature of applicant.* No payment will be made unless an application for payment on shorn wool or unshorn lambs is signed. The ASC county office will determine with respect to each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

§ 472.945 *Payment.* After the ASC county office has reviewed the application with the documents attached thereto and approved it for payment in whole or in part, and after the appropriate rate of payment has been announced by the Department of Agriculture, payment will be made. If one or more of the producers jointly entitled to a payment, release the right thereto, payment will be made jointly to the other producers who apply, and the payment will be for the amounts due them. Payment of less than $3.00 to an applicant, or to joint applicants, will not be made in connection with sales either of shorn wool or unshorn lambs. Likewise, payment of less than $3.00 will not be made to an assignee in connection with any assignment. If the ASC county office determines that for any reason an application for payment on shorn wool or unshorn lambs should be rejected in whole or in part, including the reason that it was not filed within the time provided for in accordance with § 472.943 (b), the ASC county office shall mail a notice to the applicant, and to each applicant who signed a joint application, that his application has been rejected for a specified reason and shall retain a copy of such notice.

§ 472.946 *Deductions for promotion.* If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, the rate of such deductions will be announced and deductions will be made from the payment.

§ 472.947 *Appeals*—(a) *To ASC county committee.* Within 15 days from the date of mailing of the notice that an application for payment on either shorn wool or unshorn lambs has been rejected in whole or in part (§ 472.945), the applicant may appeal in writing to the ASC county committee, stating the serial number of the application, the number of pounds of wool marketed and the net proceeds, or the number and liveweight of unshorn lambs, involved in the application, and such pertinent facts as he may deem proper, and indicating in what respect the action of the ASC county office is considered erroneous. If the appeal is from the failure of the ASC county office to waive the final date for filing provided for in § 472.943 (b), the applicant shall also state the reason for his delay in filing the application. The ASC county committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 15 days after receipt of the appeal, and a copy of the notice shall be retained in the ASC county office.

(b) *To the ASC state committee.* If the ASC county committee sustains the decision of the ASC county office, the applicant may appeal in writing to the ASC state committee within 15 days after the date of mailing of the notice by the ASC county committee. The ASC state committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 30 days after receipt of the appeal, and a copy of the notice shall be retained in the ASC state office.

(c) *To Washington office.* If the ASC state committee sustains the decision of the ASC county committee, the applicant may appeal in writing to the Director, Livestock and Dairy Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of mailing of the notice by the ASC state committee. On this appeal, a determination by the Director as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or it is not supported by substantial evidence.

(d) *Joint applications.* If a joint application is rejected, an appeal may be taken by all applicants jointly or by one or more of them acting in behalf of all. An appeal by one or more joint applicants shall be considered an appeal in behalf of all.

§ 472.948 *Records and inspection thereof.* The applicant for a payment under this subpart as well as his marketing agency and any other person who furnishes evidence to such an applicant for the purpose of enabling him to receive a payment under this program, shall maintain until April 1, 1962, books, records, and accounts showing the purchases of lambs by the applicant on or after April 1, 1956, and the marketing of wool or lambs, as the case may be, on which an application for payment may be based. CCC shall at all times during regular business hours have access to the premises of the applicant for a payment, of his marketing agency, and of the person who furnished evidence to an applicant for the purpose of enabling him to receive a payment under this program, in order to inspect, examine, and make copies of their books, records, accounts, and other written data.

§ 472.949 *Death, incompetency, or other disability*—(a) *Death, disappearance, or incompetency.* (1) Except as provided in paragraph (b) of this section, in case any person who is entitled to a payment under this subpart dies, disappears, or is declared incompetent, before receiving such payment, whether before or after making application therefor, payment may be made upon proper application, without regard to claims of creditors other than the United States, in accordance with the regulations contained in 7 CFR Part 1108, Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to the Commodity Stabilization Service. The reference in 7 CFR 1108.7 to Standard Form 1055 shall be deemed to be a reference to Standard Form 1055-Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

(2) If the person entitled to payment died, disappeared, or was declared incompetent before making application therefor, the application by his successor or representative shall be in accordance with § 472.942.

(b) *Incompetent Indians.* Applications for payments on shorn wool or unshorn lambs may be filed on behalf of Indians who are incompetent by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. In such cases, the application for payment will be filed in the ASC county office where the headquarters of the Indian's farm or ranch is located.

(c) *Other disability.* In cases of bankruptcy, dissolution, or other disability, payments will be made to a representative only in accordance with specific instructions issued by CCC.

§ 472.950 *Set-off.* (a) If the county debt record shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASC county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASC county office with interest, where applicable, to the date of set-off.

§ 472.951 *Assignments*—(a) *Form.* The producer may assign payments which may be determined to be due him under this program in connection with sales of shorn wool or unshorn lambs during the 1958 marketing year by filing with the ASC county office the original and two copies of CCC Wool Form 57, "Assignment of Payment Under National Wool Act of 1954," duly executed by both parties. Such assignment shall be null and void unless it is freely made and (1) is executed by the producer in the presence of at least two attesting witnesses neither of whom shall be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (2) is acknowledged by the producer before a notary public, a member of the ASC county committee, the ASC county office manager, or a designated employee of such committee. In the case of a joint application for payment, an assignment shall be executed by all those who signed the application.

(b) *Provisions.* An assignment of a shorn wool payment may only be given as security for cash advanced or to be advanced on sheep, lambs, or wool by a financing agency (as defined in § 472.957) or a marketing agency. An assignment of a payment on unshorn lambs may only be given as security for cash advanced or to be advanced by a financing agency on sheep, lambs, or wool. An assignment made to a financing agency shall cover all payments earned by the producer under the 1958 program on the sale of shorn wool or unshorn lambs, as the case may be. An assignment made to a marketing agency shall cover all incentive payments earned by the producer in connection with all wool marketed by the agency for the producer's account during the 1958 marketing year, but shall not cover payments earned by the producer in connection with his marketing his wool directly or through other agencies during the 1958 marketing year. The assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section. CCC will make payment pursuant to an accepted assignment unless the ASC county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee releases the assignment, that is, asks the ASC county office in writing that payment be made to the assignor and not to the assignee.

§ 472.952 *Liens on sheep or wool not applicable to payments.* If a producer grants a lien on his sheep, lambs, or wool, such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

§ 472.953 *Forms.* CCC Wool Form 55, "Application for Incentive Payment—Shorn Wool"; CCC Wool Form 56, "Application for Payment—Unshorn Lambs (Pulled Wool)"; CCC Wool Form 55–1 and 56–1, "Attachment to CCC Wool Form 55 for Producers Who Did Not Own the Animals from Which the Wool Was Shorn and Attachment to CCC Wool Form 56 for Producers Who Did Not Own the Lambs for 30 Days"; CCC Wool Form 57, "Assignment of Payment Under National Wool Act of 1954", and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from ASC county offices. These forms may be reproduced, provided the reproduced forms retain the same language, format, and size as the official forms, except that the printer's identification on the official forms must not be reproduced. In CCC Wool Form 56, "Application for Payment—Unshorn Lambs (Pulled Wool)," the following exception shall be deemed to be added immediately after the provision in section D (e): "except that if lambs purchased by the applicant on or after April 1, 1956, were reported by him as so purchased in a previous application for payment under the National Wool Act of 1954, they are not recorded in section B."

§ 472.954 *Instructions and interpretations.* CCC shall have the right to clarify any provision of this subpart by the issuance of instructions or interpretations.

§ 472.955 *Violation of program.* Whoever issues a false sales document or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

§ 472.956 *Waiver by Executive Vice President or other official.* The Executive Vice President of CCC or his designee and the Deputy Administrator, Production Adjustment, of CSS are authorized to approve waivers covering the submission of evidence by sales documents or by other procedural methods, with the same force and effect as if they were approved by the President of CCC.

§ 472.957 *Definitions.* As used in this subpart, the terms enumerated in this section have the following meaning.

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(b) "Joint ownership" of wool or lambs also includes ownership in common.

(c) "Lamb", for the purposes of this program, means a young ovine animal which has not cut the second pair of permanent teeth. The term includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

(d) "Liveweight", for the purpose of this program, is the weight of live lambs which a producer purchases or sells. In the event the price for the lambs is based on weight, the weight actually used in determining the total amount payable shall be considered the liveweight.

(e) "Local shipping point" means the point at which the producer delivers his wool to a common carrier for further transportation or, if his wool is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser.

(f) "Marketing agency" with reference to shorn wool means a person or firm that sells a producer's wool for his account, and with reference to lambs, it means a commission firm, auction market, pool manager, or any other person or firm that sells a producer's lambs for his account.

(g) The "1958 marketing year" means the period beginnig April 1, 1958, and ending March 31, 1959, both dates inclusive.

(h) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a State and any subdivision thereof.

(i) "Producer" of shorn wool under this program means a person who is either a producer, feeder, or pasturer of sheep or lambs and who shears his animals. "Producer" of lambs under this program means a person who is a breeder, feeder, or pasturer of lambs. The term "producer" also includes a person participating in the production of shorn wool pursuant to an agreement with a person who owned the sheep or lambs as described in the exception in § 472.903 (c) and a person participating in the production of lambs pursuant to an agreement with an owner of the lambs, as described in the exception in § 472.922 (b).

(j) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of shorn wool or unshorn lambs.

(k) "Slaughterer" means a commercial slaughterer, that is, a person who slaughters for sale as distinguished from a person who slaughters for home consumption.

(l) "Unshorn lambs" means lambs which have never been shorn.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of December 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President, CCC, and Administrator, CSS.

[F. R. Doc. 57–10679; Filed, Dec. 26, 1957; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 17—LABELING

MISCELLANEOUS AMENDMENTS

On October 30, 1957 there was published in the FEDERAL REGISTER (22 F. R. 8741) a notice of proposed amendments of Part 17 of the Federal Meat Inspection Regulations. After due consideration of all relevant matters submitted in connection with the notice and pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U. S. C. 71–91, 96) §§ 17.2 and 17.8 of the regulations (9 CFR 17.2 and 17.8, as amended) are hereby further amended as follows:

1. The portion of § 17.2 (b) preceding subparagraph (1) is amended to read:

(b) Labels shall contain, prominently and informatively displayed, the true name of the product; the word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, except in the case of products for which definitions and standards of identity have been prescribed under Part 28 of this subchapter; the name and place of business of the manufacturer, packer, or person for whom the product is prepared; and an inspection legend and the number of the establishment in the form shown in this paragraph, on that portion of the label featuring the name of the product, or, when there are two or more panels, then

on the principal display panels: *Provided*, That in lieu of showing the inspection legend and the establishment number in such form, in the case of large size fiberboard immediate containers, a domestic meat label may be printed directly on such containers in size, form and substance as provided in § 16.15 (a) of this subchapter for use on fiberboard shipping containers: *Provided further*, That the name and place of business of the manufacturer, packer, or person for whom the product was prepared may be omitted from labels for product not required to be labeled under § 17.1: *Provided further*, That the establishment number may be omitted from labels on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such articles are enclosed in wrappers which bear an inspection legend and establishment number; and from a label lithographed directly on a can bearing the embossed or lithographed establishment number: *And provided further*, That a metal container on which an inspection legend is embossed or lithographed may, with the approval of the Director of the Division, bear an inspection legend of different design and in abbreviated form.

* * * * *

2. Section 17.2 (b) is further amended by deleting subparagraph (4).

3. Section 17.8 is amended by adding a new paragraph (d) as follows:

(d) When a statement of quantity of contents is shown on a label it shall not be false or deceptive. Except as provided in § 17.7, it shall meet the following requirements. It shall represent in terms of avoirdupois weight or liquid measure the quantity of product in the package exclusive of materials packed with it. When no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid, viscous, or a mixture of solid and liquid. Unless the statement is so qualified as to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted, and variations above the stated minimum shall be no greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement expresses actual quantity, variations incident to packaging in accordance with good commercial practice shall be allowed but the average shall not be less than the quantity stated.

4. The heading for § 17.8 is amended to read "False or deceptive labeling and practices".

The foregoing amendments remove the requirement that a statement of quantity of contents be shown as a part of the required labeling features and provide that when a statement of quantity of contents is shown on the label it shall not be false or deceptive.

Since the amendments relieve certain restrictions presently imposed under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of December 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-10745; Filed, Dec. 26, 1957; 8:57 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

RESTRICTED GRADES

a. Section 21.115 of Subpart G is amended as follows:

§ 21.115 *Restricted grades.* Officers of the Regular Corps in the nurse, dietitian, therapist, pharmacist, and sanitarian categories shall be permanently promoted to the senior grade only if vacancies exist in such grade.

b. The permanent service promotions which are authorized by virtue of the amendment made to § 21.115 by subsection a, above, for those officers of the Regular Corps having 10 years or more of service for purposes of promotion on the effective date of such amendment shall be effective, for purposes of pay and seniority in grade, as of the effective date of such amendment.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

[SEAL] OTIS L. ANDERSON,
Acting Surgeon General.

Approved: December 18, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-10718; Filed, Dec. 26, 1957; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40-9]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

HIGH-ALTITUDE OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of December 1957.

Part 40 of the Civil Air Regulations presently permits scheduled air carriers to operate off-airways under both IFR and VFR within the continental limits of the United States at altitudes above 12,500 feet east of longitude 100° W. and 14,500 feet west of longitude 100° W. Approval by the Administrator of such high-altitude routes is not required.

In recent years, however, there has been a marked increase in air carrier and other flight operations conducted above 12,500 feet, and it has become apparent that positive traffic separation at these altitudes is increasingly important. Accordingly, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 3418) and circulated to the industry as Civil Air Regulations Draft Release No. 57-8 to afford interested parties opportunity to comment on a proposed rule which would prohibit high-altitude operations by air carriers operating under Part 40 of the Civil Air Regulations in uncontrolled airspace within the continental limits of the United States in weather conditions less than those prescribed for VFR flight.

The comments received by the Board in response to the notice of proposed rule making were generally favorable. However, there was comment to the effect that the proposed rule is unnecessary inasmuch as the airlines have voluntarily imposed certain restrictions on their high-altitude operations. In view of the importance of traffic separation at these high altitudes, the Board deems it necessary in the interest of safety to provide for such separation through regulation.

This regulation is limited in its application to air carrier operations conducted under Part 40 of the Civil Air Regulations. However, this does not mean that air carriers subject to this part are necessarily to be governed by a different standard for these operations than are air carriers operating under Parts 41 and 42 of the Civil Air Regulations. Attention is directed to the fact that air carriers operating within the continental limits of the United States under Parts 41 and 42 who desire to conduct flights over off-airways routes must secure the approval of the Administrator of Civil Aeronautics for such routes. the Board has been advised by the Administrator that he intends to exercise this authority consistent with the restrictions imposed on Part 40 operators by this regulation.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 3418), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective January 25, 1958.

1. By amending the proviso in § 40.30 to read as follows: "*Provided*, That high-altitude VFR operations may be conducted over any route."

2. By amending the proviso in § 40.31 to read as follows: "*Provided*, That for high-altitude VFR operations courses need not be approved and the width of navigable airspace on each side thereof need not be designated by the Administrator."

3. By amending the proviso in § 40.32 to read as follows: "*Provided*, That IFR routes outside of control areas shall not be approved for high-altitude operations."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended, 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-10748; Filed, Dec. 26, 1957; 8:57 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 50]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int SW crs Mitchell LFR and SE crs Newark LFR.	Asbury Park FM (final)	Direct	1100	T-dn C-dn A-dn	300-1 600-2 1000-2		

Procedure turn *E side NE crs, 062 Outbnd, 242 Inbnd, 1500′ within 10 mi. NE of Asbury Park FM.
*Procedure turn conducted to the E to avoid traffic on Red 3.
Minimum altitude over facility on final approach crs, 1100′ (over Asbury Park FM).
Crs and distance, facility to airport, 258—4.4 (from Asbury Park FM).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi. after passing Asbury Park FM, turn left, climb to 1500′ on NE (outbnd) crs.

City, Belmar; State, N. J.; Airport Name, Monmouth County; Elev, 180′; Fac. Class, SBMRLZ; Ident., NEL; Procedure No. 1, Amdt. 1; Eff., Date, 18 Jan. 58; Sup. Amdt. No. Orig.; Dated, 23 Nov. 57.

Barbers Point FM HNL-VOR	HNL-LFR (final) HNL-LFR	Direct Direct	*800 3500	T-dn C-dn S-dn-8 A-dn	400-1 500-1 500-1 800-2	400-1 500-1 500-1 800-2	400-1 500-1½ 500-1 800-2

Radar vectoring to Barbers Point FM for final approach authorized in accordance with established Terminal Area Radar Sector Altitudes.
*Maintain 2000′ on final until abeam HN "HW" or VOR inbnd; if not received, maintain 2000′ to LFR.
Procedure turn S side of c s, 250 Outbnd, 070 Inbnd, 3000′ within 12 mi.
Minimum altitude over facility on final approach crs, 800′*.
Crs and distance, facility to airport, 075—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles execute right climbing turn to intercept S crs and proceed to Southgate Int at 2000′.

City, Honolulu; State, Hawaii; Airport Name, Honolulu Int'l.; Elev., 10′; Fac. Class, SB RAZ; Ident., HNL; Procedure No. 1, Amdt. 12; Eff. Date, 20 Dec. 57; Sup. Amdt. No. 11; Dated, 19 Dec. 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Evanston Int Glenview LFR Dundee Int Midway LOM Northbrook VOR O'Hare VOR	LOM LOM LOM LOM LOM LOM	Direct Direct Direct Direct Direct Direct	2500 2500 2500 2500 2500 2600	T-dn C-dn S-dn-14L A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbound final approach at least 3.0 mi from LOM. Refer to O'Hare Radar procedures if sector altitude information is desired.
Procedure turn West side NW crs, 308° Outbnd, 128° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 128°—6.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 mi, make left turn, climb to 2500′ or higher altitude specified by ATC and proceed to Northbrook VOR, via R-030 O'Hare VOR and R-185 Northbrook VOR; or if directed by ATC (1) make immediate left turn, climb to 3500′ proceeding to Evanston Int via R-075 O'Hare VOR; (2) make immediate left turn, climb to 2500′, proceed to Glenview LFR via crs 030 and SE crs Glenview LFR.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666′; Fac. Class, LOM; Ident., OR; Procedure No. 2, Amdt., Orig.; Eff. Date, 19 Dec. 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	400–1	400–1	NA
				C-d	600–1	600–1	NA
				C-n	600–1½	600–1½	NA
				A-dn	NA	NA	NA

Procedure turn South side of crs, 232° Outbnd, 052° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 052°—2.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles, make left 180° climbing turn to 2000′ return to MWO MHW and hold on 232° outbnd bearing.
CAUTION NOTE: Sod Field. 1170′ tower 3 mi East of airport. 900′ msl unlighted smoke stack SW of airport.
NOTES: No weather reporting. Contact Cincinnati Approach Control for clearance. Communications on 122.8 available from sunrise to sunset. Facility owned and operated by City of Middletown.

City, Middletown; State, Ohio; Airport Name, Middletown Mun ; Elev., 647′; Fac. Class, MHW; Ident., MWO; Procedure No. 1, Amdt., Orig.; Eff. Date, 18 Jan. 58

Gardner VOR	ORE RBn (Final)	Direct	2000	T-d	800–1	800–1	800–1
				T-n	NA	NA	NA
				C-d	1000–2	1000–2	1000–2
				C-n	NA	NA	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 111° Outbnd, 291° Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 291°—3.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi, climb to 3000′ on crs 291° from Orange RBn within 10 mi of facility.
IFR CLIMBOUT PROCEDURE: Climb to 3000′ within 2 mi of airport before departing on course.
AIR CARRIER NOTE: Visibility below one mile not authorized. (1) By application of sliding scale; (2) For local visibility conditions for landings; (3) For reduction of takeoff minimums.
NOTES: Contact Gardner Radio for ATC clearance. Facility must be monitored aurally during this procedure. Weather and Communications available on 122.8 from 0930–1800. Facility owned and operated by Town of Orange.

City, Orange; State, Mass.; Airport Name, Municipal; Elev., 555′; Fac. Class, MHW; Ident., ORE; Procedure No. 1, Amdt., Orig.; Eff Date, 18 Jan. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Austin RBn	AUS-VOR	Direct	2000	T-dn	300–1	300–1	*300–1
3 mi DME fix R-355	AUS-VOR (Final)	Direct	1600	C-dn	400–1	500–1	500–1½
				S-dn-16R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar terminal area maneuvering altitude within 20 mi and clockwise around AUS radar antenna site: 345° to 215°—2000′; 215° to 345°—2500′.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers 1680′ msl 23 mi WNW, 2049′ msl 9 mi NW and 1054′ msl 14 mi N.
*200—½ authorized on Runways 16R, 34L, 12R and 30L only.
Procedure turn W side crs, 355 Outbnd, 175 Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, VOR 1600′; AUS FM or DME fix 2.4 on R-175 AUS VOR 1300′**.
** Descent below 1300 authorized only after passing AUS FM, DME fix 2.4 on R-175.
Crs and distance, facility to airport, 175—4.9 VOR to airport; 175—2.5 from 2.4 DME fix to airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn left, climb to 2000′ on R-100 within 20 mi.
CAUTION: Tank 855′ MSL 1.2 mi W final approach crs 2.3 mi NW of airport.

City, Austin; State, Tex.; Airport Name, Mueller; Elev., 631′; Fac. Class, BVOR; Ident., AUS; Procedure No. 1, Amdt. 8; Eff. Date, 18 Jan. 58; Sup. Amdt. No. 7; Dated, 29 Aug. 57

SSM-LFR	SSM-VOR	Direct	1800	T-d	300–1	300–1	NA
				C-d	500–1	500–1½	NA
				S-d-32	500–1	500–1	NA
				A-d	800–2	800–2	NA

Procedure turn E side SE crs, 159 Outbnd, 339 Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 339—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles climb to 2500′ on R-339 Sault Ste. Marie VOR within 20 mi.
CAUTION: 895′ tower .3 miles, 025° from airport. 936′ tower 2.4 miles, 205° from airport.

City, Sault Ste. Marie; State, Mich.; Airport Name, Sault Ste. Marie; Elev., 722′; Fac. Class, VOR; Ident., SSM; Procedure No. 1, Amdt. 1; Eff. Date, 20 Dec. 57, or date of com of fac; Sup. Amdt. No. Orig.; Dated, 19 Dec. 57

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AUS VOR	Plateau Int	Direct	3000	T-dn#	300–1	300–1	200–½
Lake Travis Int	Plateau Int	Direct	2300	C-dn	400–1	500–1	500–1½
Plateau Int	Burnet Int (Final)	Direct	1400	S-dn-12R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar terminal area maneuvering altitude within 20 mi and clockwise around AUS radar antenna site: 345° to 215°—2000′; 215° to 345°—2500′.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers 1680′ msl 23 mi WNW, 2049′ msl 9 mi NW and 1054′ msl 14 mi N.
#Not less than 300–1 authorized for take-off on runways 3–21, 16L–34R, and 12L–30R.
Procedure turn W side NW crs, 305 Outbnd, 125 Inbnd, 3000′ within 10 mi of Plateau Int. Beyond 10 mi NA.
No glide slope. Minimum altitude at Plateau Int 2300′, Burnet Int 1400′.
Distance, Burnet Int to Rny 12, 2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles of Burnet Int., climb to 2000′ on SE crs ILS within 20 miles, or when directed by ATC, turn left, climb to 2000′, proceed direct to AUS–VOR, or turn right, climb to 2100′ on R-175 within 20 mi.

City, Austin; State, Tex.; Airport Name, Mueller; Elev., 631′; Fac. Class, ILS-IAUS NW crs ILS; Ident. VOR-AUS; Procedure No. ILS-12R, Amdt. 4; Eff. Date, 18 Jan. 58; Sup. Amdt. No. 3; Dated, 29 Aug. 57

Austin VOR	LOM	Direct	2000	T-dn#	300–1	300–1	200–½
Austin RBn	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Smithville RBn	Webberville Int	Direct	1900	S-dn-30L:			
Bergstrom RBn	LOM	Direct	2000	ILS	300–¾	300–¾	300–¾
Webberville Int	LOM (Final)	Direct	2000	ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Radar terminal area, maneuvering altitude within 20 mi and clockwise around AUS radar antenna site: 345° to 215°—2000′; 215° to 345°—2500′.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers 1680′ msl 23 mi WNW, 2049′ msl 9 mi NW and 1054′ msl 14 mi N.
#All aircraft are restricted to 300–1 minima for take-off on Runways 3–21, 16L–34R, and 12L–30R.
Procedure turn E side SE crs, 125 Outbnd, 305 Inbnd, 2000 within 10 miles. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 2000* ILS, minimum altitude over LOM inbnd final 1200 ADF.
*2000 will intercept glide slope 0.5 mi after passing OM.
Altitude of G. S. and distance to approach end of Rny at OM 2120—5.1; at MM 820—0.4.
Crs and distance, LOM to airport, 305—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi of LOM (ADF) climb to 3000′ on NW crs ILS (305) within 20 miles, or when directed by ATC, turn right, climb to 2000′, proceed direct to VOR.
NOTE: 400–1 required when glide slope not used. No approach lights. All installed components of ILS must be operating or alternate minima of 800–2 apply.

City, Austin; State, Tex.; Airport Name, Mueller; Elev., 631′; Fac. Class, ILS-IAUS; Ident., LOM-AU; Procedure No. ILS-30L, Comb. ILS-ADF; Amdt. 15; Eff. Date, 18 Jan. 58; Sup. Amdt. No. 14; Dated 29 Aug. 57

Midland VOR	LMM	Direct	4200	T-dn	300–1	300–1	*200–½
Midland VOR	OM	Direct	4200	C-dn	400–1	500–1	500–1½
Midland LFR	OM	Direct	4000	S-dn-4:			
Midland LFR	LMM	Direct	4000	ILS	200–½	200–½	200–½
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

AIR CARRIER NOTE: *300–1 required Runways 16L and 34R.
Procedure turn S side SW crs, 223 Outbnd, 043 Inbnd, 4400′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd—4100′ ILS. Min. alt. over OM inbnd final—3800′ ADF; over LMM, 3300′ ADF.
Altitude of glide slope and distance to approach end of rny at OM—4010–4.1; at MM—3070–0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mi after passing LMM (ADF), climb to 4400′ on NE crs ILS (043) within 20 mi. When directed by ATC, turn right, climb to 4000′ on SE crs LFR or R-150 within 20 mi. If OM not received altitude over LMM is 3800′ and straight in minima NA. 400–¾ required when glide slope not utilized.

City, Midland; State, Tex.; Airport Name, Air Terminal; Elev., 2867′; Fac. Class, ILS–IMAF; Ident., LMM–AF; Procedure No. ILS–4, Comb. ILS–ADF, Amdt. 8; Eff. Date, 18 Jan. 58; Sup. Amdt. No. 7; Dated, 14 Dec. 57

Radar terminal area transition altitude	NW ILS	All directions within 20 mi.	2600	T-dn	300–1	300–1	200–½
6 mi radar fix	App. end Rnwy 11R (Final)		2600	C-dn	500–1	500–1	500–1½
5 mi radar fix	App. end Rnwy 11R (Final)		2500	S-dn-11R	400–1	400–1	400–1
3 mi radar fix	App. end Rnwy 11R (Final)		1800	A-dn	800–2	800–2	800–2
2 mi radar fix	App. end Rnwy 11R (Final)		1500				

Procedure turn not authorized. All maneuvering to back course approach must be under control of surveillance Radar.
No glide slope or markers.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished on final approach within 2 mi after passing 2 mi radar fix, make right climbing turn, climb to 2500′ on SW crs.
MSP LFR to Jordan fan marker.
NOTE: This procedure authorized only when airport surveillance radar is operating and utilized.
CAUTION: Do not descend below 1700′ MSL until radar controller has advised passing 1085′ tower 2.5 mi from app. end Runway 11R.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840′; Fac. Class, ILS–MSP; Ident., Radar MSP; Procedure No. ILS–11, Amdt. 4; Eff. Date, 18 Jan. 58; Sup. Amdt. No. 3; Dated, 21 Dec. 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 13, 1957.

[F. R. Doc. 57–10505; Filed, Dec. 26, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 811]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1958

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1958 and to establish, pursuant to section 202 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1958 and to prescribe the time in which quotas may be filled. Further, this regulation establishes (1) the amounts of certain quotas that may be filled by direct-consumption sugar, pursuant to section 207 of the act, (2) liquid sugar quotas pursuant to section 208, and (3) limitations on total importations to effectuate Article 7 of the International Sugar Agreement pursuant to section 411 of the act.

The determination of sugar requirements set forth in this regulation is made pursuant to the requirement of section 201 of the act that the Secretary of Agriculture make such determination for the calendar year 1958 during December of 1957. The determination has been based, insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government.

Sugar quotas, the amounts thereof that may be filled by direct-consumption sugar, and liquid sugar quotas are established by the procedures prescribed or at levels specified in sections 202, 207 and 208 of the act.

Section 411 of the act provides for the issuance of regulations to carry out Article 7 of the International Sugar Agreement. Article 7 requires limiting the total importations from non-participating countries as a group to the total of such importations in any one of the years 1951, 1952 or 1953. All of the countries for which quotas are established hereunder are now members of the International Sugar Agreement except Costa Rica and Peru. Imports into the United States from each of these two countries were larger in 1953 than in either 1951 or 1952. Therefore, 1953 imports constitute the maximum quantity of sugar as defined in the International Sugar Agreement, as amended, that may be imported from non-member countries.

Article 7, also, provides that upon notification by this country to the International Sugar Council, the import limitations on non-member countries may be suspended during a specified period when the prevailing world price of sugar, as defined in Article 20 of said Agreement, exceeds 4.00 cents and that the limitations shall be restored when such prevailing sugar price no longer exceeds 4.00 cents. The limitation in § 811.9 automatically ceases to apply when the country becomes a member.

Prior to the issuance of this regulation, notice was given (22 F. R. 8540) that the Secretary of Agriculture was preparing, among other things, to determine the sugar requirements and to establish quotas for the calendar year 1958 and that an interested person might present any data, views or arguments with respect thereto at a public hearing to be held in Washington, D. C., on November 19, 1957. In addition, the notice stated that any interested person might present any data, views or arguments with respect thereto in writing not later than November 29, 1957. In making this determination due consideration has been given to the data, views and arguments expressed at the hearing held on November 19, 1957, and to the data, views and arguments submitted in writing on or before November 29, 1957, in accordance with the Administrative Procedure Act (60 Stat. 237).

Since the Sugar Act of 1948 requires that the Secretary of Agriculture determine sugar requirements for the calendar year 1958 during the month of December 1957, and since the sugar quotas for some areas are relatively small, thereby making it possible for such areas to exceed their quotas within a few days after the beginning of the quota year, compliance with the 30-day effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest. Accordingly, this regulation shall be effective on January 1, 1958.

Sec.

811.1 Sugar requirements, 1958.
811.2 Quotas for domestic areas.
811.3 Quotas for foreign countries.
811.4 [Reserved.]
811.5 [Reserved.]
811.6 Liquid sugar quotas for foreign countries.
811.7 Applicability of quotas.
811.8 Restrictions on importations and marketings.
811.9 International Sugar Agreement import limitations.

AUTHORITY: §§ 811.1 to 811.9 issued under sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 201, 202, 204, 207, 208, 209, 210, 212 and 411; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, 928, as amended, 929, as amended, 933, as amended; 7 U. S. C. 1111, 1112, 1114, 1117, 1118, 1120, 1122.

§ 811.1 *Sugar requirements, 1958.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1958 is hereby determined to be 8,800,000 short tons, raw value.

§ 811.2 *Quotas for domestic areas.* (a) For the calendar year 1958 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

[Short tons, raw value]

Area	Quota (1)	Direct-consumption limit (2)
Domestic beet sugar	1,909,188	(1)
Mainland cane sugar	587,476	(1)
Hawaii	1,065,513	29,996
Puerto Rico	1,114,130	130,016
Virgin Islands	15,193	0

[1] No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.3 *Quotas for foreign countries.* For the calendar year 1958, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	980,000	59,920
Cuba	2,942,115	375,000
Peru	69,547	9,292
Dominican Republic	51,757	8,283
Mexico	34,209	15,048
Nicaragua	10,584	9,923
Haiti	5,761	5,761
Netherlands	3,313	3,313
China	3,267	3,267
Panama	3,264	3,264
Costa Rica	631	631
Canada	516	516
United Kingdom	182	182
Belgium	84	84
British Guiana	3	3
Hong Kong	0	0
All other countries		

§ 811.4 [Reserved.]

§ 811.5 [Reserved.]

§ 811.6 *Liquid sugar quotas for foreign countries.* For the calendar year 1958 quotas for liquid sugar to be imported into the continental United States for consumption therein are hereby established as follows:

Country	*Liquid sugar, wine gallons, 72 percent total sugar content*
Cuba	7,970,558
Dominican Republic	830,894
British West Indies	300,000
Other foreign countries	0

§ 811.7 *Applicability of quotas.* The provisions of §§ 811.1 through 811.6 shall apply to all sugar and liquid sugar brought or imported into or marketed in the continental United States in 1958 except as provided in section 212 of the act and subject to the provisions of the regulations in this chapter, which prescribe the time, manner, and conditions under which quotas are filled by the marketing or importation of sugar.

§ 811.8 *Restrictions on importations and marketings within quotas.* With respect to any sugar or liquid sugar which is subject to the provisions of §§ 811.1 through 811.6 as provided in § 811.7, all persons are prohibited during the calendar year 1958 from bringing or importing into or marketing in the continental United States any of such sugar or liquid sugar after the applicable quota has been filled, or any of such sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

§ 811.9 *International Sugar Agreement Import Limitations.* Notwithstanding any other provision of this part or of Sec. 212 of the act and to give effect to Article 7 of the International Sugar Agreement, total importations of sugar, as defined in the International Sugar Agreement, as amended, from countries which are not members of the Agreement shall be limited to the quantities shown below during such portion of 1958 that import limitations on such countries are not suspended, pursuant to Article 7, by the issuance of a public notice by the Director, Sugar Division, Commodity Stabilization Service, and such country is not a member of the International Sugar Agreement:

Country:	*"ISA Limit" (short tons, raw value)*
Costa Rica	1,123
Peru	55,588
Other non-member countries	0

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. Section 201 of the Sugar Act of 1948, as amended, provides that in determining the quantity of sugar needed to meet the requirements of consumers in the continental United States (total of quotas) consideration must be given to (a) the distribution of sugar in the twelve months ended October 31 prior to the year to which the requirements apply, (b) any surplus or deficiency in inventories of sugar (c) changes in consumption because of changes in population and demand conditions, and (d) the relationship between wholesale prices for refined sugar and the Consumers' Price Index.

Consideration of these factors brings out the following facts and conclusions:

Distribution of sugar by refiners, importers and processors of sugar beets and sugarcane during the twelve months ended October 31, 1957, totalled approximately 8,650,000 short tons, raw value. At the beginning of the period distribution was running well in excess of consumption while toward the end of the period the reverse situation prevailed. A study of monthly distribution data for the year ended October 31, 1957, indicates that invisible inventories (those held by wholesalers, retailers and industrial users) were reduced during the period and that actual consumption exceeded distribution by at least 100,000 tons.

Past rates of consumption together with probable increases in population after October 31, 1957, indicate sugar consumption in 1958 totaling 8,900,000 short tons, raw value.

The demand upon 1958 quota supplies will be reduced by anticipated large deliveries of beet sugar in the closing weeks of 1957 which may not be physically received by buyers until 1958. Such constructive deliveries or deliveries in transit are expected to approach 150,000 tons.

Refiners' inventories of quota sugar at the beginning of 1958 will be higher than a year earlier but much of the increase is related to the quantity of new-crop sugar available after October 1 within the quota for the Mainland Cane Sugar Area and to other factors which also may be substantially the same at the end of 1958. Neither the direction nor the degree of any change in quota sugar inventories of refiners during 1958 can be foreseen at this time.

The average wholesale price of refined sugar at New York for the first 10 months of 1957 was 9.15 cents per pound, 0.38 cents or four percent above the average for 1956. It was about one-half cent per pound below the price indicated in relation to the Consumers' Price Index as referred to in Sec. 201 of the Act. In terms of percentages, the monthly average prices ranged from 94.3 to 96.2 percent of the level referred to in Sec. 201.

After making allowance for large year-end deliveries of beet sugar and providing for minor changes in other inventories and potential refining losses, it is determined that 8,800,000 short tons, raw value, of sugar will be needed to meet the requirements of consumers in the continental United States in 1958 at prices that are not excessive to consumers and that will protect and maintain the welfare of the domestic sugar industry.

Quotas. The quotas herein established were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedure for determining the others.

The liquid sugar quotas established are as specified in section 208 of the act.

As a member of the International Sugar Agreement the United States is obligated to restrict importations from non-member countries pursuant to Article 7 of the Agreement. Though such import limitation applies to all non-member countries as a group, the entire limitation has been assigned specifically to Costa Rica and Peru thus permitting no importations of sugar from all other non-member countries during 1958. The two countries named accounted for all of the importations during 1953 on which the total limitation is based and applied to each country specifically the limitation can be most effectively administered.

Done at Washington, D. C., this 20th day of December 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-10685; Filed, Dec. 26, 1957; 8:49 a. m.]

[Sugar Reg. 814.24, Amdt. 6]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1957

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.24 (22 F. R. 5, 3700, 4133, 4641, 7677, 8301, 10431) which established allotments of the 1957 sugar quota for the Mainland Cane Sugar Area totaling 637,172 short tons, raw value, and prorated deficits in the allotments of six allottees amounting to 9,363 short tons, raw value.

This amendment is necessary to prorate deficits in the allotments of individual allottees totaling 3,268 short tons, raw value, in addition to the deficits previously prorated. On the basis of advice from each allottee, the Secretary of Agriculture has determined that seven allottees are unable to fully utilize their respective allotments of the Mainland Cane Sugar Area quota as established in S. R. 814.24, Amendment 5 (22 F. R. 10431), and that there is a deficit in the allotments of such allottees amounting to 3,268 short tons, raw value, as follows: Billeaud Sugar Factory 829 tons; Breaux Bridge Sugar Coop., Inc., 392 tons; Iberia Sugar Coop., Inc., 308 tons; Levert-St. John, Inc., 550 tons; Loisel Sugar Company, Inc., 350 tons; Vida Sugars, Inc., 562 tons and Young's Industries, Inc., 277 tons. Thus, a deficit of 3,268 short tons, raw value, is declared and prorated to other allottees, exclusive of Louisiana State University, who can effectively use additional allotments, on the basis of the allotments they would otherwise receive.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of adjusting allotments to take account of any deficit in the allotments of individual allottees. The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (22 F. R. 3700, 4133, 4641).

Effective date. Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when filed with the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered, that paragraph (a) of § 814.24, as amended, be further amended to read as follows:

§ 814.24 *Allotment of the 1957 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1957 sugar quota for the Mainland Cane Sugar Area of 637,172 short tons, raw value, is hereby allotted to the following processors in the

quantities which appear opposite their respective names:

Processors:	*Allotments (short tons, raw value)*
Albania Sugar Coop., Inc.	6,940
Alma Plantation, Ltd.	8,808
J. Aron & Co., Inc.	14,263
Billeaud Sugar Factory	8,127
Breaux Bridge Sugar Coop.	6,843
J. M. Burguleres Co., Ltd., The	8,274
Burton-Sutton Oil Co., Inc.	8,261
Caire & Graugnard	3,600
Caldwell Sugar Coop., Inc.	11,744
Catherine Sugar Co., Inc.	8,815
Columbia Sugar Company	6,419
Cora-Texas Mfg. Co., Inc.	2,995
Dugas & LeBlanc, Ltd.	12,994
Duhe & Bourgeois Sugar Co., Inc.	10,351
Erath Sugar Co., Ltd.	5,260
Evan Hall Sugar Coop., Inc.	23,091
Evangeline Pepper & Food Products, Inc.	5,143
Fellsmere Sugar Producers Assoc.	8,828
Frisco Cane Co., Inc.	937
Glenwood Coop., Inc.	16,158
Gulf States Land & Industries, Inc.	20,717
Helvetia Sugar Coop., Inc.	9,309
Iberia Sugar Coop., Inc.	15,004
LaFourche Sugar Company	15,259
Harry L. Laws & Co., Inc.	11,392
Levert-St. John, Inc.	9,015
Loisel Sugar Co., Inc.	3,795
Louisiana State Penitentiary	3,086
Lula Factory, Inc.	11,907
Meeker Sugar Coop., Inc.	4,928
Milliken & Farwell, Inc.	13,567
National Sugar Refining Co.	13,287
Okeelanta Sugar Refinery, Inc.	18,475
M. A. Patout & Son, Ltd.	10,195
Poplar Grove Pltg. & Ref. Co., Inc.	7,610
St. James Sugar Coop., Inc.	13,345
St. Mary Sugar Coop., Inc.	12,655
South Coast Corp.	45,218
Southdown Sugars, Inc.	43,695
Sterling Sugars, Inc.	21,255
J. Supple's Sons Pltg. Co., Inc.	5,429
United States Sugar Corp.	123,331
Valentine Sugars, Inc.	6,787
Vermilion Sugar Co., Inc.	1,000
Vida Sugars, Inc.	4,143
A. Wilbert's Sons Lbr. & Sh. Co.	10,045
Young's Industries, Inc.	4,772
Louisiana State University	100
All other persons	00
Total	637,172

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 929; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 23d day of December 1957.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-10755; Filed, Dec. 24, 1957; 12:30 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 908—MILK IN CENTRAL ARKANSAS MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "Act", and of the order, as amended (7 CFR Part 908), regulating the handling of milk in the Central Arkansas marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provisions of subparagraphs (2) and (3) of § 908.43 (d):

(2) The handler attaches tags or labels to each container of such cream bearing the words, "for manufacturing uses only,"

(3) The handler gives the market administrator sufficient notice to allow him to verify such Class II disposition in advance,

do not tend to effectuate the declared policy of the Act.

There has been no difficulty in verifying cream sales to nonpool plants by regular audit procedure. Nonpool plants buying cream from regulated handlers are manufacturing dairy products exclusively. The provisions to be terminated serve no purpose for promotion of orderly marketing conditions in the market, and termination of said provisions will not impair effective regulation under this order.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to its effective date. Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, that the provisions, "(2) the handler attaches tags or labels to each container of such cream bearing the words, 'for manufacturing uses only', (3) the handler gives the market administrator sufficient notice to allow him to verify such Class II disposition in advance," contained in § 908.43 (d) of the order, as amended, regulating the handling of milk in the Central Arkansas marketing area, are hereby terminated effective immediately.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 20th day of December 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-10663; Filed, Dec. 26, 1957; 8:49 a. m.]

PART 909—HANDLING OF ALMONDS GROWN IN CALIFORNIA

ORDER TERMINATING A CERTAIN PROVISION

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), Marketing Agreement No. 119 and Marketing Order No. 9, as amended (7 CFR Part 909; 22 F. R. 8485), regulating the handling of almonds grown in California, it is hereby determined that the provisions of § 909.16 reading "and the Canal Zone" does not effectuate the declared policy of the Act. It is, therefore, ordered that the provision "and the Canal Zone" in said § 909.16 is hereby terminated and deleted from said § 909.16.

It is hereby found and determined that notice of proposed rule making, public participation therein, and deferment of the effective date of this document beyond the date of its publication in the FEDERAL REGISTER is impracticable, unnecessary, and contrary to the public interest (See section 4 of the Administrative Procedures Act; 5 U. S. C. 1001 et seq.) for the reasons that (1) regulation of persons in the Canal Zone is not authorized by the Act (7 U. S. C. 608c) and (2) control provisions of the program could not appropriately be enforced in the Canal Zone.

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. 608c)

Dated, December 23, 1957, to become effective upon publication in the FEDERAL REGISTER.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10681; Filed, Dec. 26, 1957; 8:48 a. m.]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

COMPILATION OF ORDER REGULATING HANDLING

For convenient reference, the texts of the codified portions of Order No. 33, regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, and comprising Subpart—Order Regulating Handling (F. R. Doc. 39-582; 4 F. R. 971) which became effective on February 22, 1939, as amended (11 F. R. 9471; 12 F. R. 7384), and recodified (17 F. R. 1327), and as further amended (22 F. R. 8511), are hereby reprinted in the FEDERAL REGISTER in the form of a compilation.

This material was prepared in cooperation with the Federal Register Division and has been examined for completeness and accuracy.

Dated: December 23, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

COMPILATION OF ORDER REGULATING HANDLING

SUBPART—ORDER REGULATING HANDLING

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933.0 Findings and determinations.

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AUTHORITY: §§ 933.0 to 933.89 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 933.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (See 4 F. R. 971; 11 F. R. 9471, 12 F. R. 7383; and 17 F. R. 1327.)

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Florida, beginning on February 25, 1957, upon proposed amendments to the marketing agreement, as amended, and to Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order) who, during the period August 1, 1956, through July 31, 1957, handled not less than 50 percent of the volume of oranges, not less than 50 percent of the volume of grapefruit, not less than 50 percent of the volume of tangerines, and not less than 50 percent of the volume of tangelos covered by the said amended order, as hereby further amended; and

(2) The issuance of this order, amending the aforesaid amended order, is favored or approved by at least two-thirds of the respective producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1956, through July 31, 1957), were engaged, within the production area specified in the aforesaid amended order, in the production for market of oranges, grapefruit, tangerines, and tangelos; such producers having also produced for market at least two-thirds of the volume of each fruit represented in such referendum.

It is, therefore, ordered, That, on and after December 2, 1957, all handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 933.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States of America.

§ 933.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.)

§ 933.3 *Person.* "Person" means an individual, partnership, corporation, association, business trust, legal representative, or any organized group of individuals.

§ 933.4 *Fruit.* "Fruit" means the following types of citrus fruits grown in the production area:

(a) Citrus sinensis, Osbeck, commonly called "oranges;"

(b) Citrus grandis, Osbeck, commonly called "grapefruit;"

(c) Citrus nobilis deliciosa, commonly called "tangerines;"

(d) Temple oranges; and

(e) Tangelos.

§ 933.5 *Variety.* "Variety" or "varieties" means any one or more of the following classifications or groupings of citrus fruit: (a) Early and midseason oranges, including Navel and other types commonly called "round oranges", except Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type; (b) Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type; (c) Temple oranges; (d) Marsh and other seedless grapefruit, excluding pink grapefruit; (e) Duncan and other seeded grapefruit, excluding pink grapefruit; (f) pink seedless grapefruit; (g) pink seeded grapefruit; (h) tangerines; and (i) tangelos.

§ 933.6 *Producer.* "Producer" means any person engaged in the production of fruit.

§ 933.7 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting fruit for another person) who, as owner, agent, or otherwise, handles fruit in fresh form, or causes fruit to be handled.

§ 933.8 *Prepare for market.* "Prepare for market" means to wash, grade, size, or place fruit (whether or not wrapped) into any container whatsoever; but such term shall not include the harvesting of fruit.

§ 933.9 *Handle or ship.* "Handle or ship" means (a) to sell, consign, deliver, or transport fruit, or in any other way to place fruit, in the current of the commerce between the production area and any point outside thereof in the continental United States, Canada, or Mexico; and (b) to export fruit from any continental United States port to any

destination other than Canada or Mexico.

§ 933.10 *Standard packed box.* "Standard packed box" means a unit of measure equivalent to one and three-fifths (1⅗) United States bushels of fruit, whether in bulk or in any container.

§ 933.11 *Fiscal period.* "Fiscal period" means the period of time from August 1 of any year until July 31 of the following year, both dates inclusive.

§ 933.12 *District.* "District" means any of the following areas in the State of Florida:

(a) "Citrus District One" shall include the Counties of Hillsborough, Pinellas, and Manatee.

(b) "Citrus District Two" shall include the Counties of Citrus, Sumter, Lake, Hernando, and Pasco.

(c) "Citrus District Three" shall include the Counties of Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Seminole, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, and Suwannee, and County Commissioner's Districts One, Two, and Three of Volusia County.

(d) "Citrus District Four" shall include the Counties of Orange and Osceola.

(e) "Citrus District Five" shall include the Counties of Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward, and Dade, and County Commissioner's Districts Four and Five of Volusia County.

(f) "Citrus District Six" shall include the Counties of Sarasota, Hardee, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, and Monroe.

(g) "Citrus District Seven" shall include the County of Polk.

§ 933.13 *Regulation Area I.* "Regulation Area I" shall include all that part of the production area not included in Regulation Area II.

§ 933.14 *Regulation Area II.* "Regulation Area II" shall include that part of the State of Florida particularly described as follows:

Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 18 South, Range 32 East; thence South to the Southwest corner of Township 17 South, Range 32 East; thence East to the Northwest corner of Township 18 South, Range 33 East; thence South to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence South to the South line of Brevard County; thence East to the line between Ranges 36 East and 37 East; thence South to the Southwest corner of St. Lucie County; thence East to the line between Ranges 39 East and 40 East; thence South to the South line of Martin County; thence East to the line between Ranges 40 East and 41 East; thence South to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence East to the shore of the Atlantic Ocean; thence Northerly along the shore of the Atlantic Ocean to the point of beginning.

§ 933.15 *Production area.* "Production area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

ADMINISTRATIVE BODIES

§ 933.20 *Designation of Committees.* A Growers Administrative Committee and a Shippers Advisory Committee are hereby established. The membership shall be selected in accordance with the provisions of §§ 933.21 through 933.29, inclusive.

§ 933.21 *Growers Administrative Committee membership and term of office.* The Growers Administrative Committee shall consist of eight members, each of whom shall have an alternate, all of whom shall be producers who shall not be handlers or employed by handlers. The term of office of members and alternate members shall begin on the first day of August and continue for one year and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms: *Provided,* That such limitation shall be effective only to members who serve three consecutive terms expiring on or after July 31, 1947. The terms of office of alternate members shall not be so limited. The members, their alternates, and their respective successors shall be nominated by producers and selected by the Secretary as provided in §§ 933.22 and 933.23.

§ 933.22 *Nomination of members for Growers Administrative Committee.* (a) The Secretary shall give public notice of a meeting of producers in each district to be held not later than July 10 of each year, for the purpose of making nominations for members and alternate members of the Growers Administrative Committee. The Secretary shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(b) Producers in each of Districts One, Two, Three, Four, Five, and Six shall nominate at least four producers (two of whom shall be affiliated with bona fide cooperative marketing organizations) for a member and an alternate member of the Growers Administrative Committee. Producers in District Seven shall nominate at least eight producers (four of whom shall be affiliated with bona fide cooperative marketing organizations) for two members and two alternate members of the said committee. All nominees shall be producers in the district from which they are nominated. In voting for nominees, each producer shall be entitled to cast one vote in each of the districts in which he is a producer.

§ 933.23 *Selection of members of Growers Administrative Committee.* In selecting the members and alternate members of the Growers Administrative Committee, the Secretary shall select one member and one alternate member from the nominees of each of Districts One, Two, Three, Four, Five, and Six and two members and two alternate members from District Seven. At least three such members and their alternates shall be affiliated with bona fide cooperative marketing organizations.

§ 933.24 *Shippers Advisory Committee membership and term of office.* The Shippers Advisory Committee shall consist of eight members, each of whom shall have an alternate, all of whom shall be handlers. The term of office of members of the Shippers Advisory Committee and their alternate shall begin on the first day of August and continue for one year and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms: *Provided,* That such limitation shall be effective only to members who serve three consecutive terms expiring on or after July 31, 1947. The terms of office of alternate members shall not be so limited. The members, alternate members, and their respective successors shall be nominated by handlers and shall be selected by the Secretary as provided in §§ 933.25 and 933.26.

§ 933.25 *Nominations of members for Shippers Advisory Committee.* (a) The Secretary shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers, to be held not later than July 10 of each year, for the purpose of making nominations for members and alternate members of the Shippers Advisory Committee. The Secretary shall prescribe rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce the results of the voting and the names of the nominees selected. The chairman and the secretary of each such meeting shall transmit to the Secretary their certificates showing the information so announced and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(b) Nominations of at least nine persons for at least three members and alternate members shall be made by bona fide cooperative marketing organizations which are handlers. Nominations of at least fifteen persons for not more than five members and alternate members shall be made by handlers other than bona fide cooperative marketing organizations. In voting for nominees each handler shall be entitled to cast but one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period.

§ 933.26 *Selection of members of Shippers Advisory Committee.* In selecting the members and their alternate members of the Shippers Advisory Committee, the Secretary shall select at least three members and their alternates from the nominees made by bona fide cooperative marketing organizations which are handlers. The remaining number of members and their alternates shall be selected from the nominees made by handlers other than cooperative marketing organizations, and at least three such members and their alternates shall be handlers who are likewise producers.

§ 933.27 *Failure to nominate.* In the event nominations for a member or alternate member of either committee are not made pursuant to the provisions of §§ 933.22 and 933.25, the Secretary may select such member or alternate member without regard to nominations.

§ 933.28 *Acceptance of membership.* Any person selected by the Secretary as a member or alternate member of the Growers Administrative Committee or the Shippers Advisory Committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 933.29 *Inability of members to serve.* (a) An alternate for a member of the Growers Administrative Committee or the Shippers Advisory Committee shall act in the place and stead of such member (1) in his absence, or (2) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of either committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this subpart as to nominations.

§ 933.30 *Powers of Growers Administrative Committee.* The Growers Administrative Committee, in addition to the power to administer the terms and provisions of this subpart, as herein specifically provided, shall have power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

§ 933.31 *Duties of Growers Administrative Committee.* It shall be the duty of the Growers Administrative Committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and the producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee;

(h) To provide an adequate system for determining the total crop of each variety of fruit, and to make such determinations, including determinations by grade and size, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart;

(i) To perform such duties in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act and for other purposes, Public Act No. 320, 74th Congress, as amended, as may from time to time be assigned to it by the Secretary; and

(j) To notify the members of the Shippers Advisory Committee in the same manner as it notifies its own members of its intention to meet to consider recommendations required of such committee pursuant to § 933.51.

§ 933.32 *Duties of Shippers Advisory Committee.* It shall be the duty of the Shippers Advisory Committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts, which minutes, books, and records shall at all times be subject to the examination of the Secretary; and

(c) To notify the members of the Growers Administrative Committee in the same manner as it notifies its own members of the time at which it will meet to make the recommendations required by § 933.51.

§ 933.33 *Compensation and expenses of committee members.* The members of each committee, and alternate members when acting as members, shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this subpart.

§ 933.34 *Procedure of committees.* (a) Five members of a committee shall be necessary to constitute a quorum.

(b) For any decision or recommendation of either committee to be valid, five concurring votes shall be necessary, and the votes of each member cast for or against any recommendations made pursuant to this subpart shall be duly recorded. Each member must vote in person.

(c) The Growers Administrative Committee shall give to the Secretary the same notice of meetings of the committees as is given to the members thereof.

§ 933.35 *Right of the Secretary.* The members of the committees (including successors and alternates), and any agent or employee appointed or employed by the committees, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of both committees shall be subject to the continuing right of the Secretary to disapprove of the same at any time and upon his disapproval shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith.

§ 933.36 *Funds.* (a) All funds received by the Growers Administrative Committee pursuant to any provision of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the Growers Administrative Committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the Growers Administrative Committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 933.40 *Expenses.* The Growers Administrative Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of both committees under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 933.41.

§ 933.41 *Assessments.* (a) Each handler who first handles fruit shall pay to Growers Administrative Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for the maintenance and functioning, during each fiscal period, of the committees established under this subpart. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committees may be

required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committees established under § 933.20, handlers may make advance payment of assessments.

§ 933.42 *Handler's accounts.* (a) If at the end of a fiscal period it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him.

(b) The Growers Administrative Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of the said expense.

REGULATIONS

§ 933.50 *Marketing policy.* (a) Before making any recommendations pursuant to § 933.51 for any variety of fruit, the Growers Administrative Committee and the Shippers Advisory Committee shall, with respect to the regulations permitted by § 933.52, submit to the Secretary a detailed report setting forth an advisable marketing policy for such variety for the then current shipping season. Such report shall set forth the proportion of the remainder of the total crop of such variety of fruit (determined by the Growers Administrative Committee to be available for shipment during the remainder of the shipping season of such variety) deemed advisable by the Shippers Advisory Committee and the Growers Administrative Committee to be shipped during such season.

(b) In determining each such marketing policy and advisable proportion, the committees shall give due consideration to the following factors relating to citrus fruit produced in Florida and in other States: (1) The available crop of each variety of citrus fruit in Florida, and in other States, including the grades and sizes thereof, which grades and sizes in Florida shall be determined by the Growers Administrative Committee pursuant to § 933.31; (2) the probable shipments of citrus fruit from other States; (3) the level and trend in consumer income; (4) the prospective supplies of competitive commodities; and (5) other pertinent factors bearing on the marketing of fruit.

(c) In addition to the foregoing, the committees shall set forth a schedule of proposed regulations for the remainder of the shipping season for each variety of fruit for which recommendations to the Secretary pursuant to § 933.51 are contemplated. Such schedules shall recognize the practical operations of harvesting and preparation for market of each variety and the change in grades and sizes thereof as the respective seasons advance. In the event it is deemed advisable to alter such marketing policy or advisable proportion as the shipping season progresses, in view of changed demand and supply conditions with respect to fruit, the said committees shall submit to the Secretary a report thereon.

(d) The Growers Administrative Committee shall notify producers and handlers of the contents of such report by publishing a summary thereof in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of Florida.

§ 933.51 *Recommendations for regulation.* (a) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety in the manner provided in § 933.52 it shall promptly submit its recommendation, with supporting information, to the Growers Administrative Committee. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (1) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (2) amount on hand at the principal markets, as evidenced by supplies on track; (3) maturity, condition, and available supply, including the grade and size thereof in the producing areas; (4) other pertinent market information; and (5) the level and trend in consumer income. The Growers Administrative Committee shall submit to the Secretary the recommendation of the Shippers Advisory Committee, together with its own recommendations and supporting information respecting the factors enumerated in this section.

(b) The failure of the Shippers Advisory Committee to make a recommendation with respect to regulations authorized by § 933.52, after having received notice of the intention of the Growers Administrative Committee to meet for the purpose of receiving such recommendations, shall not preclude the Growers Administrative Committee from submitting recommendations and supporting information to the Secretary.

(c) The Growers Administrative Committee shall give at least 24 hours notice of any meeting to consider the recommendation of regulations pursuant to § 933.52, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of the production area, and shall mail a copy of such notice to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation at least 48 hours before the time it is recommended that such regulation become effective.

§ 933.52 *Regulation by the Secretary.* (a) Whenever the Secretary shall find from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods. Such regulations may:

(1) Provide that shipments of any variety shall be limited to such grades or sizes, or both, as shall be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I;

(2) Limit the shipment of any variety by establishing and maintaining, only in terms of grades or sizes, or both, minimum standards of quality and maturity;

(3) Limit the shipment of the total quantity of any variety by prohibiting the shipment thereof: *Provided*, That no such prohibition shall apply to exports other than to Canada or Mexico or be effective during any fiscal period with respect to any variety (i) for more than two periods, (ii) for more than a total of fourteen days, and (iii) during any period other than December 20 to January 20, both dates inclusive;

(4) Provide that exports of any variety, other than to Canada and Mexico, shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of such variety in the United States, or to Canada and Mexico, and specify condition requirements for such variety; and

(5) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the shipment of fruit for export, other than to Canada and Mexico: *Provided*, That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of the Florida Citrus Code.

(b) Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers by publication in daily newspapers, selected by the said committee, of general circulation in the citrus producing districts of the production area: *Provided*, That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

(c) Whenever the Secretary finds from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of fruit in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis, and in like manner, the Secretary may terminate any such modification or suspension.

(d) Whenever any variety is regulated pursuant to paragraph (a) (3) of this section, no such regulation shall be deemed to limit the right of any person to sell, contract to sell, or export other than to Canada or Mexico such variety, but no handler shall otherwise ship any fruit of such variety which was prepared for market during the effective period of such regulation.

§ 933.53 *Inspection and certification.* (a) Whenever the handling of a variety of a type of fruit is regulated pursuant to § 933.52, each handler who handles any variety of such type of fruit shall, prior to the handling of any lot of such variety, cause such lot to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified unless such prior inspection was not performed within such time limitations as may be prescribed pursuant to paragraph (b) of this section. Each handler shall promptly submit, or cause to be submitted, to the Growers Administrative Committee a copy of each certificate of inspection issued to him covering varieties so handled.

(b) With respect to any variety regulated pursuant to § 933.52 (a) (4), the Growers Administrative Committee may prescribe, with the approval of the Secretary, such requirements with respect to time of inspection as it may deem necessary to insure satisfactory condition of the fruit at time of export.

§ 933.54 *Exemptions.* (a) In the event any variety is regulated pursuant to § 933.52, the Growers Administrative Committee shall issue one or more exemption certificates to any producer who furnishes adequate evidence to the said committee that he will be prevented from having as large a proportion of such variety of his fruit shipped during the remainder of the shipping season for the variety, as the proportion announced by the said committee pursuant to § 933.50. Such exemption certificates shall permit such producer to have a quantity of the particular variety of fruit shipped as will permit such producer to have the said proportion of such variety of his fruit shipped during the remainder of the shipping season thereof. The Growers Administrative Committee shall adopt and announce the procedural rules by which such exemption certificates will be issued to producers. The Secretary shall have the right to modify, change, or alter any such procedural rules and any exemption granted under this section.

(b) Before issuing an exemption certificate to any producer for any variety of fruit, the Growers Administrative Committee shall determine (1) the producer's remaining crop of the variety, and the grades and sizes thereof, and (2) the total quantity of such variety the producer has disposed of during the season, and the grades and sizes thereof.

HANDLERS' REPORTS

§ 933.70 *Manifest report.* The Growers Administrative Committee may request information from each handler regarding the variety, grade, and size of each standard packed box of fruit shipped by him and may require such information to be mailed or delivered to the said committee or its duly authorized representative, within 24 hours after such shipment is made, in a manner or by such method as the said committee may prescribe, and upon such forms as may be prepared by it.

§ 933.71 *Other information.* Upon request of the Growers Administrative Committee, made with the approval of the Secretary, every handler shall furnish such committee, in such manner and at such times as it prescribes, such other information as will enable it to perform its duties under this subpart.

MISCELLANEOUS PROVISIONS

§ 933.80 *Fruit not subject to regulation.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 933.52 and 933.53 and the regulations issued thereunder, ship any variety for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; or (e) in such minimum quantities, types of shipments, or for such purposes as the Growers Administrative Committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent varieties handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle a variety pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the variety will not be used for any purpose not authorized by this section.

§ 933.81 *Compliance.* Except as provided in this part, no person shall ship fruit the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part.

§ 933.82 *Effective time.* The provisions of this subpart shall become effective on and after 12:01 a. m., e. s. t., September 1, 1946, and shall continue in force until terminated in one of the ways specified in § 933.83.

§ 933.83 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 933.84 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the then functioning members of the Growers Administrative Committee shall continue as joint trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary, (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the Growers Administrative Committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Growers Administrative Committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 933.41, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, property, or claims have been transferred or delivered by the Growers Administrative Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 933.85 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 933.86 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau

or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 933.87 *Derogation.* Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 933.88 *Personal liability.* No member or alternate of the committees, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 933.89 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

[F. R. Doc. 57-10743; Filed, Dec. 26, 1957; 8:56 a. m.]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

GIFT PACKAGES

Notice is hereby given of the approval of the amendment, as hereinafter set forth, of the rules and regulations (7 CFR 933.120 et seq.; Subpart—Rules and Regulations) of the Growers Administrative Committee, currently in effect pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

It is hereby found and determined that the said amendment of the rules and regulations, which was submitted for approval by the Growers Administrative Committee (established pursuant to the said amended marketing agreement and order as the agency to administer the provisions thereof), is in accordance with provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and the said rules and regulations are hereby amended by deleting therefrom § 933.140 *Fruit not subject to regulation* and inserting in lieu thereof the following:

§ 933.140 *Gift packages.* During any day any handler may, without regard to the provisions of § 933.52 and § 933.53 and the regulations issued thereunder, ship any variety for the following purpose, and in the following quantity, and types of shipment: (a) To any person one gift package containing such variety, individually addressed to such person, not in excess of one standard packed box if such package is shipped direct to the addressee for use by such person other than for resale; or (b) to any distributor individually addressed gift packages of such variety not in excess of one standard packed box each for distribution by such distributor to the respective addressee, but not for resale.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of Florida oranges, grapefruit, tangerines, and tangelos are currently subject to regulations issued pursuant to the provisions of the said amended marketing agreement and order, and the exemption prescribed by the amendment of the rules and regulations as herein provided relieves restrictions on the handling of such fruit; (2) growers and handlers have been notified of the proposed adoption and recommendation to the Secretary of the said amendment; and (3) the changes effectuated by such amendment of the rules and regulations will not require any special preparation which cannot be completed by the effective time hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 20, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-10682; Filed, Dec. 26, 1957; 8:48 a. m.].

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 32153]

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 19th day of December A. D. 1957.

Having under consideration an order dated November 20, 1957, which modified the Uniform System of Accounts for Railroad Companies pursuant to provisions of section 20 of the Interstate Commerce Act, as amended (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3)), and which was published November 28, 1957 in the FEDERAL REGISTER (22 F. R. 9536) pursuant to provisions of section 3 (a) of the Administrative Procedure Act; and,

It appearing that in processing the order for publication certain details were omitted from the attachments thereto which were not material to the intent of the order but would cause confusion in applying its provisions, and otherwise good cause appearing:

It is ordered that attachments to the said order be, and they are hereby, supplemented to include the following details:

(1) Item (9): In correcting § 10.560 *Form of income statement* insert as a new third paragraph of the corrections making four correcting paragraphs:

Delete the reference to account 552, "Income applied to sinking and other reserve funds," where it appears under the caption, "Other Deductions."

(2) Appendix: Insert in its proper CFR section number order the following additional change which should be made to conform to new account numbers assigned by this order:

CFR Section Number—§ 10.768 Note B; Present reference—Account 761, should be changed to read—Account 763.

It is further ordered, That in all other respects the said order of November 20, 1957 shall become effective January 1, 1958 as therein ordered;

And it is further ordered, That this supplementary order shall be served on all carriers and others which were served with the order of November 20, 1957 and that notice of the supplementary order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10714; Filed, Dec. 26, 1957; 8:55 a. m.]

PART 123—FREIGHT COMMODITY STATISTICS

TRAILER-ON-FLAT-CAR TRAFFIC REPORT

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 12th day of December A. D. 1957.

The matter of the reporting of certain data with respect to trailers on flat cars being under consideration and, whereas the railroads have been consulted regarding the matter and generally are in possession of the necessary data, and whereas, this order calls for a special report and not for continuing reports, rule-making procedure under section 4 of the Administrative Procedure Act, 5 U. S. C. 1003, being deemed unnecessary:

It is ordered, That § 123.6 set out below be added to the Commission's regulations for reports by Class I railroads.

It is further ordered, That 49 CFR Part 123 be modified and amended by adding thereto the following § 123.6:

§ 123.6 *Trailer-on-flat-car traffic.* All Class I railroad companies, as defined in § 126.1 of this chapter, other than switching or terminal companies, shall furnish to the Commission, for the three-month period ending December 31, 1957, a special report of trailer-on-flat-car traffic, on a form to be prepared by each such railroad, following the format and paging of Quarterly Report Form QCS, modified in respect to column headings and stubs, as set forth in Statistical Circular No. 44,[1] which is hereby referred to and made a part of this section. Shipments for which contents are known should be distributed according to commodity groups or classes and shipments for which contents are unknown should be reported under Group VII, line 955. The report, which will be held confidential, should be filed with the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, 1958.

And it is further ordered, That copies of this order and of Statistical Circular No. 44 shall be served on all Class I railroad companies, except switching and terminal companies, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission in Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10716; Filed, Dec. 26, 1957; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957-58 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $163,000.00 will be necessarily incurred during the fiscal year November 1, 1957, through October 31, 1958, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of one cent ($0.01) per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 23, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10744; Filed, Dec. 26, 1957; 8:57 a. m.]

[7 CFR Part 963]

[AO 296]

POTATOES GROWN IN UPPER PENINSULA OF MICHIGAN

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 136 AND ORDER NO. 63

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing Agreement No. 136 and Order No. 63, regulating the handling of Irish potatoes grown in the Upper Peninsula of Michigan, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the twentieth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "proposed order") were formulated was held at Marquette, Michigan, on August 5-6, 1957, pursuant to notice thereof which was published July 17, 1957, in the FEDERAL REGISTER (22 F. R. 5634). Such notice set forth a proposed marketing agreement and order which were sponsored by growers and handlers of Irish potatoes in the Upper Peninsula of Michigan as represented by the Upper Peninsula Potato Growers Association.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the proposed order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the proposed order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the committee to incur expenses and to levy assessments on the commodity handled;

(d) The authority to establish potato marketing research and development projects;

(e) The authority for limiting the handling of potatoes grown in the production area;

(f) The authority for establishing minimum standards of quality and maturity;

(g) The authority for establishing special regulations applicable to the handling of potatoes for specified purposes or to specified outlets including modifications of, or amendments to, grade, size, quality and other regulations;

[1] Filed as part of the original document.

(h) The requirement of inspection and certification of potatoes handled;

(i) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(j) The establishment of reporting requirements for handlers;

(k) The requirements of compliance with all provisions of the proposed order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 963.81 through 963.92 of the notice of hearing published in the FEDERAL REGISTER (22 F. R. 5634; July 17, 1957), which are common to marketing agreements and marketing orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Findings with respect to the right to exercise Federal jurisdiction: The Upper Peninsula of Michigan is comprised of the Counties of Alger, Baraga, Chippewa, Delta, Dickinson, Keweenaw, Gogebic, Houghton, Iron, Luce, Mackinac, Marquette, Menominee, Ontonogan and Schoolcraft. It is a distinct potato producing area, recognized as such by growers, handlers, receivers, and others in the potato industry. This is a late crop area.

Potato production in the Upper Peninsula of Michigan is not large when compared to other important potato producing areas but it is the most important cash crop in the Upper Peninsula and is very important to the general economy of the area. Because of climatic conditions, there is no other cash crop that can be substituted for potatoes at the present time.

Total potato production in the fifteen counties of the Upper Peninsula reached a peak of 1,561,000 hundredweight in 1949 then fell to 1,054,000 hundredweight in 1954, according to the Census of Agriculture. The 1956 crop was estimated at 1,200,000 hundredweight. The major portion of the potatoes grown in this production area enters fresh market channels with the bulk of such movement going to destinations outside of the production area. Approximately 75 percent of the shipments are marketed outside of the production area, including approximately 10 percent going to the Lower Peninsula of Michigan. Potatoes marketed outside of the State of Michigan are shipped mainly to destinations in Wisconsin, Illinois, Missouri, Kentucky, Tennessee, Ohio, Indiana, Minnesota and Iowa. Some shipments are also made to Canada. The chief competition to such potatoes is from potatoes produced in the Red River Valley of North Dakota and Minnesota, Wisconsin, lower Michigan, and Idaho. Also, there has been some competition in recent years from Maine potatoes.

Local markets within the production area which account for approximately 25 percent of the potatoes marketed, and markets in the remaining portion of the State of Michigan, which account for approximately 10 percent of the potatoes marketed, provide opportunities for handlers to effect sales the same as markets outside of the State. Opportunities for advantageous sales are eagerly sought by handlers and such opportunities are accepted regardless of whether the potatoes are sold at shipping point or destination, or in consuming markets within the State of Michigan or in Milwaukee, Chicago, Louisville, Indianapolis, or any other market. The percentage of the crop sold in interstate commerce varies each year depending on the quantity and quality of the crop in the production area and in competing areas.

Growers and handlers do not always know whether a shipment will be retailed within the State or outside the State. For example, production area potatoes are sold to chain store buyers who distribute the potatoes to their various stores within the production area, to stores within the State outside of the production area, and to stores outside of the State. Also, production area potatoes are sold by producers and handlers to truckers who pick up the potatoes at the farms or at the warehouses and transport the potatoes for resale at points which may be in the production area, in the State of Michigan outside of the production area, or in other States.

Prices of potatoes in the terminal markets, such as Chicago, Milwaukee, and Detroit, have a definite effect on prices of Upper Peninsula potatoes marketed in the production area or marketed in the State of Michigan outside the production area, or in interstate commerce. Prices of Upper Peninsula potatoes marketed in the production area and in other parts of the State of Michigan have some effect on the prices of such potatoes marketed in nearby areas of other States, as prices of potatoes in each market are quickly relayed to other markets and such prices tend to be closely related and interdependent.

Prices of production area potatoes are interdependent as between shipping point and receiving markets. Factors which influence market prices at shipping point soon are reflected in prices at terminal markets, and, in turn, factors influencing prices in receiving markets are similarly reflected in market prices at shipping point. For example, it was testified that a prolonged cold spell which stops loading of potatoes in the Upper Peninsula of Michigan would affect prices of production area potatoes in the South Water Market in Chicago, because a large quantity of Upper Peninsula potatoes moves to the Chicago South Water Market and shorter supplies of such potatoes would naturally raise the prices of the remaining supplies of such potatoes in that market.

On the basis of the foregoing, it is hereby found and determined that all sales and all transportation of potatoes grown in the production area are in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such commerce. It is concluded, therefore, that the right to exercise Federal jurisdiction with respect to the proposed order for Upper Peninsula of Michigan potatoes, hereinafter set forth, is established.

(2) The need for the proposed regulatory program for Upper Peninsula of Michigan potatoes is supported by substantial evidence in the record of hearing on which specific findings are made as follows:

Much of the land in the Upper Peninsula of Michigan is not suitable for farming. However, there are many acres of loam and sandy loam soils that are ideally adapted to the growing of potatoes. The climate of the area is definitely on the cool side, with July temperatures averaging 62 to 66 degrees, which is well within the ideal temperature range for potato production. The number of days without killing frosts ranges from 80 to 140. Rainfall from April through September averages from 16 to 20 inches, but is not always well distributed. Climate influenced the type of agriculture which developed in this area, i. e., dairy and potato farming. Dairy cows turn the forage crops and small grains into a higher value product, and potatoes are the one cash crop that presently is well adapted to the climate and soils of the area.

Many changes have taken place in the potato industry in the Upper Peninsula of Michigan during recent years as in other potato producing areas. In 1939, 10,772 farms reported potato acreage of 17,772 acres and production of 918,000 hundredweight. In 1954 there were 3,656 farms reporting potato acreage of 6,995 acres and production of 1,054,000 hundredweight according to the Census of Agriculture. Average yields per acre went up rapidly from 51 hundredweight per acre in 1939 to 150 hundredweight per acre in 1954, and an estimated 180 hundredweight per acre in 1956. Fewer farmers are growing potatoes now than in previous years on fewer acres but are doing a better job.

At the present time there are approximately 360 potato farmers in the Upper Peninsula who are considered to be commercial potato growers. These commercial growers produce about 90 percent of the total potato crop. About 95 percent of these commercial potato growers are general farmers, producing hay and grain to feed their dairy herds and potatoes as a cash crop. Their potato acreage ranges mostly from 5 to 25 acres. About 5 percent of these growers are cash crop farmers growing potatoes, oats, and clover for seed or as a cover crop. Their potato acreage ranges from 50 to 200 acres. The usual farm tenure pattern in this area is that of owner-operator. This is occasionally varied by the renting of additional crop land to make an economical production unit. Such rental is usually on a cash basis and for a term of several years so that fertility can be adequately maintained.

Capital investment in land, buildings, machinery, and equipment on an Upper Peninsula dairy-potato farm usually ranges from $25,000 to $40,000, depending on the size of the operation. The cash crop farmer's investment may be in the neighborhood of $75,000, and a few who market their own crops may have invested as high as $100,000. These estimates indicate that modern potato equipment and production methods are expensive and that the production of potatoes is big business.

With fair prices for potatoes there is an opportunity for a potato grower to make a reasonable financial return on his labor and investment. However, a succession of low-price years can force farmers out of potato production. This has happened, and it affects the economy of the entire area since, because of climatic conditions, growers have not found another suitable cash crop that can be substituted for potatoes.

Prices to growers for Upper Peninsula potatoes have been, for the most part, at low percentages of parity for the past several years. From 1949 through 1956, the average farm price received for potatoes in Michigan has exceeded the Michigan parity equivalent price in only two years, 1951 and 1952. One year, 1954, was fairly close with 88 percent of parity. However, for the other five years such prices averaged only 48 to 69 percent of the Michigan parity equivalent. Prices received by Upper Peninsula potato producers are usually below the State average price because of the greater distance and higher freight costs to potato markets. As a result of a succession of low price years most potato growers in the Upper Peninsula of Michigan have been operating at a loss and many growers have been forced out of the potato business.

The per capita consumption of potatoes in the United States is approximately 100 pounds per year, regardless of whether potatoes are selling at a low price or at a high price within rather liberal price limits. In other words, the demand for potatoes is relatively inelastic. If too many potatoes are grown and there is an oversupply available the price goes down. Changes in supply are accompanied by larger changes in price in the opposite direction. This was demonstrated by last year's market. At the beginning of the 1956 fall season, Upper Peninsula growers received about $1.40 per hundredweight. As the season progressed the price dropped steadily until it reached a low of approximately $1.00 per hundredweight by spring. The estimates of stocks on hand reports indicated that late winter and early spring supplies of potatoes were in excess of usual market requirements for food and seed, which excess resulted in low prices to producers.

Prices of production area potatoes are affected by the quality and sizes of such potatoes which are marketed, also by the size of the crop grown in the production area and the size and quality of the crop grown in competing areas.

It was testified that some growers and handlers in the Upper Peninsula of Michigan engage in marketing practices which tend to depress the prices producers receive for their potatoes. Some of these practices are the shipment of small sizes and lower grades of potatoes when price levels do not justify, i. e., the shipment of potatoes which the housewife does not readily accept when potatoes from competing areas with better appearance, more uniform and preferred sizes, are available for her alternate choice.

It was testified that Michigan State law prohibits the sale of potatoes which do not meet the requirements of any U. S. Grade for potatoes. However, this law does not apply to growers who sell potatoes produced by themselves directly to consumers, also; Federal-State inspection is not compulsory. It was testified that some growers sell inferior or substandard quality potatoes to dealers in the dealers' own bags at low prices. The dealers use these potatoes for advertising price specials on "good eating quality potatoes." The effect of such sales is to depress the price of better quality potatoes and, at the same time, to displace good quality potatoes.

There is generally a substantial price disadvantage for U. S. No. 2 potatoes which ranges from $0.50 to $1.00 per hundredweight less for U. S. No. 2's than for U. S. No. 1 quality. Since the effect of such sales is to depress the price of U. S. No. 1 quality potatoes, it may be desirable, at times when large supplies are available, to restrict the movement of U. S. No. 2 potatoes to certain outlets. At other times, due to more favorable supply and price factors, U. S. No. 2 quality potatoes may not need to be restricted in movement.

The shipment of small sizes to the table stock market, such as size B potatoes, which are 1½ to 2 inches in diameter, and size A with a minimum of 1⅞ inches, results in a poorly received pack when competitive areas are limiting their packs to 2 inches and 2¼ inches minimum. Industry witnesses testified that potato producing areas equipped with marketing orders possess an advantage over other areas operating without such orders. Idaho and Maine were cited as examples of what can be accomplished with marketing regulations. Several years of diligent adherence to a marketing order have placed Idaho Russets in an enviable price position. Also, during the past season Upper Peninsula potatoes encountered strong competition from Maine potatoes which were packed to a minimum of 2¼ inches and were sold in markets which would normally be supplied by Michigan potatoes.

It was estimated that, on the average, 10 to 15 percent of the crop in the production area falls within the lower grades and undesirable sizes, including the extremely large size potatoes, which are normally discounted in terms of prices to producers. The shipment of such potatoes to the table stock market results in a poorly received pack, is damaging to the reputation of the production area, and returns low prices to producers. By having authority in the proposed order to regulate the shipments of potatoes by grades, sizes and quality, it would be possible to remove from fresh market channels the lower grades and undesirable sizes, and to permit the marketing of only the better grades and preferred sizes, as supply conditions warrant, thereby establishing a reputation in the trade for consistently good packs of potatoes from the production area.

The withholding from the table stock market of such grades and sizes which generally cause price discounts also reduces the quantity marketed, and, as a result of the better packs and reduced supplies marketed, returns to growers should be improved.

It was further testified that the late crop of potatoes in the United States is principally a storage crop. Its price structure is determined mainly by the size of the crop available for marketing and its composition. Upper Peninsula potato prices are affected by the size and composition of the crop and Upper Peninsula potatoes contribute to its size and composition.

The need for a marketing agreement and order program, such as the proposed order, to eliminate certain price depressing practices with respect to the marketing of potatoes grown in the production area is clearly established in the record. The establishment of more orderly marketing conditions such as may be brought about by marketing agreement and order regulations will tend to establish parity prices to producers for potatoes grown in the production area. Also, the exercise of the authority in the proposed order with respect to the establishment and maintenance in effect of minimum standards of quality, in terms of grades and sizes, together with grading and inspection requirements, when prices are above the parity level, would tend to effectuate such orderly marketing of production area potatoes as will be in the public interest.

(3) It is necessary to define the agricultural commodity to be regulated under the proposed order. The agricultural commodity, botanically known as "Solanum tuberosum", is commonly known to growers and handlers in the production area, as "potatoes" or "Irish potatoes." The term "potatoes" as used in the proposed order identifies the agricultural commodity involved, and distinguishes it from other agricultural commodities, such as sweet potatoes. Potatoes are the principal agricultural crop grown by farmers in the production area. Some of the common varieties of potatoes grown in this production area are Sebago, Cherokee, Ontario, Sequoia, Green Mountain, Russet Rural, Pontiac, Kennebec, Katahdin and Russet Burbank. The definition of the term "potatoes" should include all varieties of Irish potatoes grown in the production area. This definition establishes the commodity with respect to which the handling activities related thereto are subject to authority of the proposed order.

"Production area" is defined to mean the area in which potatoes must be grown before the handling of such potatoes is subject to regulation authorized by the proposed order. The production area includes all the territory within the boundaries of Alger, Baraga, Chippewa, Delta, Dickinson, Keweenaw, Gogebic, Houghton, Iron, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties in Michigan, which geographic area is commonly referred to as the Upper Peninsula of Michigan. The boundaries of the Upper Peninsula of Michigan are distinct and well known by producers and handlers within the Upper Peninsula as well as by potato handlers outside the area. Natural geographic boundaries favor the establishment of the proposed production area which is generally recognized by the potato industry as a distinct potato producing area. The Upper Peninsula is bound on the north by Lake Superior; on the east by St. Marys' River and connecting waterways; on the south-

east by Lake Huron and Lake Michigan; and the southwest by the State of Wisconsin. The production area as set forth in the notice of hearing included Florence and Marinette Counties of the State of Wisconsin, however, the record of hearing shows that there was no evidence to support the inclusion of these two Wisconsin counties in the proposed production area. Therefore, the production area is defined to include only the 15 counties in the Upper Peninsula of Michigan. These boundaries do not cut through any major potato producing section.

The same varieties of potatoes are grown throughout the Upper Peninsula production area and the grading and quality standards for commercial sales, as well as the markets, are substantially the same. The general flow of potato shipments is from north to south with the overland outlets limited to a few roads and railroads. To exclude any portion of any county from the production area would tend to defeat the purpose of the proposed order in that poor quality potatoes from a section outside the regulated area could then be transported and marketed free from regulation and thereby depress the prices of regulated potatoes with which they compete. All territory included within the boundaries of the Upper Peninsula of Michigan constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and this production area should be defined as hereinafter set forth.

(4) The term "handler" should be defined to identify the persons who handle potatoes in the manner described and set forth in the definition of "handle", because such persons are to be subject to the proposed order and the regulations issued thereunder. "Handler" should be synonymous with "shipper" and a handler should include any individual, partnership, corporation, association, or any other business unit which handles potatoes. Such persons are responsible for the grade, size, quality, and maturity of the potatoes which are transported to market or sold; and such persons should, therefore, be considered as handlers. More than one handler may be involved in the handling of a given lot of potatoes and each such handler should be responsible for complying with the terms of the proposed order.

Common or contract carriers transporting potatoes they do not own should not be considered as handlers for the reason that they do not have a proprietary interest in the potatoes or any control over the grade, size, or quality of the potatoes. They merely transport the potatoes for a fee, as a payment for freight, to destinations selected by others.

The definition of the term "handler" should apply to any person, including a producer, when such person performs any handling activities, so as to assure that all handling of potatoes will be in accordance with the proposed order and regulations issued thereunder. With respect to handlers who conduct their businesses other than as individuals, such as firms that have sales managers or packing house managers, any handling activities engaged in by employees or officers of such handlers should be construed as handling caused by the principal company, as "handler." Hence, the term "handler" would cover the owner of a firm, even though such person does not personally sell or transport the potatoes. Such term should also include, in addition to the owner and officers, any other individuals of a firm handling potatoes who, in a supervisory capacity, are directly responsible for, and consequently cause, the sale or transportation of the commodity. Therefore, the term "handler" which is synonymous with shipper, should mean any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled.

The term "handle" should be synonymous with "ship" under the proposed order and should be defined to determine the particular phases of potato marketing which place the potatoes in commerce within the production area or between the production area and any point outside thereof.

The growing and harvesting of potatoes in the production area are producer functions and should be construed as operations of the producer. Hence, the definition of "handle" should not include such activities of a producer in his capacity as a producer.

Handling of potatoes under the proposed order would begin after the harvest of the potatoes and after they have been lifted and are on top of the ground, and includes each of the successive selling or transporting activities with respect to such potatoes. It was testified that it is unlawful to sell ungraded potatoes to any retail outlet in Michigan or to ship ungraded potatoes out of the State. In this connection it would appear that the grading of the potatoes, which is a necessary action prior to selling or transporting, is a prerequisite to the handling function. The same would apply to the packaging of the potatoes, which is also necessary prior to sale. It is desirable and appropriate that the definition of "handle" should include each selling, as well as transporting, activity so that each person who performs, or causes to be performed, any such activity with respect to potatoes would be responsible for seeing to it that the potatoes are handled in accordance with such regulations as may be in effect under the proposed order.

The record shows that most of the potatoes grown in the production area are graded, packaged, and sold or transported by the producers thereof. The activities of selling or transporting such potatoes would, under the definition of the term "handle", constitute handling activities and, in such instances would make the producer a handler under the proposed order and subject to any regulations issued pursuant thereto.

It was testified that the transporting of ungraded potatoes to a storage within the production area for storing, or to a packing house in the production area for grading and packing, should not be considered as "handling" because the potatoes have not, as yet, been prepared for market. After they are graded and packed, however, such potatoes should be handled in conformity to the proposed order, and each handler of such potatoes should be responsible for complying with the regulations issued thereunder. The definition of "handle" should, therefore, reflect such exception.

Compliance with the proposed order and regulations thereunder can readily be determined by the person who is grading or preparing the potatoes for market. The primary responsibility for the grade, size, quality, and other requirements of the potatoes in any given lot should rest with the person responsible for transporting or selling such potatoes, i. e., placing them in the channels of commerce. In most cases, such person will be the one who graded, or at least was responsible for grading, such potatoes for market. Of course, all subsequent handlers of such potatoes should also have the responsibility for all of the requirements at the time such persons handle the potatoes. Otherwise the benefits of compliance by the initial handler could be nullified and thereby prevent the effectuation of the declared policy of the act.

It is a common practice in the production area for a person to act as a broker, or agent, for a grower to arrange for the sale and shipment of the grower's potatoes. In this case, the grower grades and packages the potatoes and the broker, or agent, makes the sale and ships the potatoes. Both the grower and his broker, or agent, would be performing handling activities. In some cases, the grower grades, packages, and sells the potatoes outright to a wholesaler who in turn may or may not repackage the potatoes, or further prepare them for market, but who resells the potatoes. Here, too, both the grower and the wholesaler would each be performing a handling activity.

In the light of the applicable provisions of the act, the definition of "handle" should not be applicable to the activities of a retailer in his capacity as a retailer.

With the exception of the activities which are specifically exempted, the term "handle" or "ship" should be defined in the proposed order to include all selling and transporting activities within the production area or between the production area and any point outside thereof, as well as the causing of such activities.

(5) Certain terms and provisions of the proposed order should be defined and explained for purposes of designating specifically their applicability and limitations whenever they are used.

(a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead. The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative.

The definition of "person" follows the definition of that term as set forth in the act, and is intended to cover all possible legal entities. The use of such terms is essential to the basic framework of the proposed order; and these terms should be defined accordingly.

"Producer" should be defined to mean any person who is engaged in the production of potatoes within the production area and who is producing such potatoes for market. The term should be limited to those who have an ownership interest in the potatoes. It should not include laborers or others who perform work for a fee or for hire in producing the potatoes. A definition of the term "producer" is necessary for appropriate determinations as to eligibility to vote for, and to serve as, a producer member or alternate member of the Upper Peninsula Potato Committee, the administrative committee as hereinafter defined. Also, the term producer would provide a basis for determining eligibility for exemptions under the proposed order.

The term "varieties" should be included in the proposed order so that the administrative committee may consider the differences in the characteristics of potatoes of different varieties in connection with its recommendations for regulation. Although the great bulk of the potatoes now being produced in the production area fall within the general group known as round white varieties, such as the Sebago, Cherokee, Ontario, Sequoia, and Green Mountain, long white varieties such as Russet Burbank, and red, or red skinned, varieties such as Pontiac and LaSoda, are also produced. Differences by varieties should be recognized by the committee in its deliberations; and the proposed order permits different regulations for different varieties as may be determined to be necessary when the circumstances so warrant. The definition of "varieties", as set forth in the proposed order, is appropriate for determining different varieties of potatoes grown in the production area.

The terms "seed potatoes" or "seed", and "table stock potatoes" or "table stock" are terms commonly used in the production area. "Seed" is a term commonly used to distinguish seed potatoes from "table stock" potatoes. Growers recognize that there are different demands for such classes of potatoes. Therefore, the terms "seed potatoes" or "seed", and "table stock potatoes" or "table stock" are defined in the proposed order so that different regulations may be authorized under appropriate circumstances for each. "Seed potatoes" or "seed" should be defined to include only those potatoes grown in the production area which are officially certified, tagged, or otherwise appropriately identified under the supervision of the official seed certifying agency of the State of Michigan, as is currently the practice in the production area, or other seed certification agencies which the Secretary may recognize. In order to assure that there will always be a recognized seed certification agency available to certify seed, the Secretary should be given authority to designate an appropriate agency to perform this service in the event the State agency is discontinued. "Table stock potatoes" are commonly referred to in the production area as all potatoes, other than seed potatoes, used for food, and including potatoes used for manufacturing and other purposes. Table stock potatoes should, therefore, be defined as all potatoes other than "seed potatoes." Hence, the total of seed potatoes plus table stock potatoes will equal all potatoes to be covered by the proposed order.

"Grading" and "preparing for market" are synonymous in the proposed order and mean the sorting of potatoes by hand or mechanical means, or both, into grade, quality, or size classifications. Upper Peninsula potatoes are currently sorted into some such classifications, e. g., U. S. No. 1; U. S. No. 1 Size A; U. S. No. 2; and "pickouts." Grading is usually a mechanical operation whereby potatoes are carried by a mechanical conveyor over a series of moving screens and belts where sizes are separated, and good quality, as represented by preferred grades and sizes, is sorted from the poor, so that the potatoes which are to go to preferred price outlets are separated from those going to lower price outlets. This grading, or preparation for market, is an operation which applies to all potatoes grown in the production area even though the extent to which the potatoes are sorted may vary considerably according to the types of outlets. A definition of "grading" or "preparing for market" based on the foregoing should, therefore, be as set forth in the proposed order.

Definitions of "grade" and "size" are incorporated in the proposed order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued, should be defined as comprising the meanings assigned to these terms (i) in the official standards for potatoes issued by the United States Department of Agriculture (7 CFR §§ 51.1540 to 51.1559 and §§ 51.1575 to 51.1587), and in modifications or amendments of such standards, and (ii) in such variations based thereon as may be set forth in regulations under the proposed order. Regulations under the proposed order can then use such terms ("grade" and "size") with the constant meaning assigned them in such standards or in such modified or amended standards; or in the variations thereof (e. g. by prescribing that a minimum percentage of the potatoes shall meet certain grade requirements). Inspectors of the Federal or Federal-State Inspection Service are qualified to certify the grade and size of potatoes grown in the proposed production area, in terms of any of the aforesaid standards, modifications, or amendments, or variations based thereon.

The United States Standards, and the United States Consumer Standards, for potatoes provide that in order to meet certain grade requirements potatoes shall be mature. According to the same standards, "mature" means that the outer skin (epidermis) does not loosen or "feather" readily during ordinary handling and that practically no skin has been removed from the potatoes. In addition to such definition of "mature" in terms of the condition of the outer skin, the United States Standards for Potatoes set forth various skinning classifications. Maturity is a factor of quality and, as such, should be construed to have the same meaning as set forth in the aforesaid standards, including the skinning classifications. The proposed order authorizes the issuance of maturity regulations; and, according to the testimony given on this subject, the degree of maturity of potatoes should be determined on the basis of the skinning classifications, or degree of skinning, set forth in such standards.

The term "pack" is commonly used throughout the Upper Peninsula potato industry and refers to one or more of the combinations of factors relating to the grade, variety, quality, size, and maturity of the potatoes in particular containers. For example, U. S. No. 1, size A, potatoes in 100 pound bags are referred to as a specific pack. Differences in packs are also recognized by the size of the package. For example, potatoes in ten pound bags are referred to as a 10-pound pack. It is essential that such differentiation should be authorized in the proposed order so that the appropriate regulations tailored to the particular pack involved, and the market demands therefor, may be made effective and thereby tend to achieve the declared policy of the act. The definition of the term "pack" should, therefore, be as set forth in the proposed order.

A definition of "container" should be included in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes move to market and for the permissible application of different regulations to such different shipping units. The Upper Peninsula potato industry, as represented by growers and shippers at the hearing, indicated that undesirable practices (as hereinafter discussed) in the marketing of potatoes relating to net weights and numerous container types and sizes tend to create disorderly marketing conditions. Incorporation in the proposed order of authority relating to containers as set forth in the act, will provide a basis for alleviation through appropriate regulations of any problems which may develop in connection with containers. The principal containers used at present in marketing potatoes are burlap bags, paper bags, mesh bags, paper and mesh bags, polyethylene bags, boxes, pallets, and bulk loads. Accordingly, the term "container" should be defined as hereinafter set forth.

The definition of "committee" is incorporated in the proposed order to identify the administrative agency responsible for assisting in the administration of the program. Committee should mean the Upper Peninsula Potato Committee as authorized by the act and which is necessary and incidental to the operation of the proposed order.

"District" should be defined in the proposed order as referring to each of the geographical sections or divisions of the production area, either as initially

established or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable from the standpoint of the present situation and should provide a practical basis for the purposes intended.

"Fiscal period" should be defined to mean the period beginning and ending on the dates recommended by the committee and approved by the Secretary. This definition provides authority for the committee and the Secretary to set the beginning of a fiscal period relatively close to the opening of a marketing season so that a minimum of expense may be incurred by the committee prior to receipt of revenue. There is a definite break in shipments between one potato marketing season and another in the production area and no difficulty should be encountered in establishing the beginning of one marketing year and the close of another. Such flexibility should facilitate operations under the proposed order.

The definition of "export" is incorporated in the proposed order because export demand may, and frequently does, differ from domestic demand for particular varieties, grades and sizes of potatoes; and this definition is intended to establish a basis whereby different regulations may be authorized for export shipments compared with domestic shipments. Export markets may have requirements which differ from those of domestic markets and special regulations may be justified. "Export" should be defined to include all shipments of potatoes outside the continental United States.

No evidence was offered to support the provisions of § 963.20 "Washed potatoes" and § 963.21 "Label" which were included in the notice of hearing; hence, these sections are dropped.

(b) The proposed order should provide for the selection by the Secretary of an administrative committee, called the Upper Peninsula Potato Committee, which shall have the responsibility for local administration of the proposed order. The act provides that marketing agreement and order programs may be administered locally by agencies which are selected by the Secretary. The record shows that such a local administrative agency should be established which will be representative of the Upper Peninsula potato industry and responsible in the administration of the program. The committee should consist of nine members, with a like number of alternates, to provide adequate industry representation on the committee, and be authorized to recommend marketing regulations and to take care of other administrative responsibilities. The committee membership, to be made up of two producer members and one handler member from each of the three proposed districts, should give potato producers and handlers equitable representation on the committee. The record shows that this plan of representation has received careful study and consideration by the industry and such division of responsibility between producers and handlers is considered to be appropriate and equitable.

Provision is made for an alternate for each member of the committee. Circumstances may arise when it is impossible for a member or members to attend particular meetings of the committee; and positions may become vacant because of resignations or other reasons. In such situations it is desirable for the respective alternates to serve in lieu of the absent members so that there will be no interruptions of committee operations and to assure producers and handlers in all districts of the production area representation in the conduct of all committee business. Also, alternates could relieve members by performing other assigned tasks necessary for administration of the program. Such alternates should have the same qualifications as the members in order that the interest of all producers and handlers will be adequately considered at all times in the administration of the proposed order.

Each member and alternate of the Upper Peninsula Potato Committee selected to represent producers in a particular district should be a producer of potatoes, or an officer or employee of a corporate producer or other type of business unit engaged in producing potatoes, in such district and should be a resident thereof. Individuals with such qualifications will, most likely, be acquainted with the particular problems of producing and marketing potatoes in such district and for that reason can be expected to reflect the views of producers in such districts with respect to committee actions. A committee member or alternate representing handlers in a particular district should be a handler, or an officer or an employee of a corporate handler or other type of business unit, engaged in handling potatoes in such district and a resident thereof. Handlers who have the above qualifications would be intimately acquainted with the problems of handling potatoes grown in such district and each may reasonably be expected to present accurately the problems of marketing potatoes grown in such district. Such qualifications should help to assure that the interests of the handler group from which each is selected will be adequately represented in committee deliberations.

The selection of committee members and alternates on the basis of district, as set forth in the proposed order, provides a practicable and equitable manner of representation in that the geographical basis used for the selection of the committee membership is also related to the acreage and production of potatoes within the production area.

Each individual selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within ten days after notification of appointment so that the composition of the committee will not be unduly delayed. This requirement is necessary so that the Secretary may be in a position to select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to indicate his willingness and intention to serve on the committee.

The term of office for committee members and alternates should be provided in the proposed order to establish an orderly procedure for changing the membership. The term of office of producer members and alternates should be for three years, and that of handler members and alternates for one year, beginning on July 1 and ending June 30. It is desirable that producer members and alternates should serve more than one year so that they will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act and, in subsequent seasons, the committee will have the benefit of their previous experience. Since only one handler member will represent a particular district, and since handlers are generally experienced in marketing problems for potatoes, it is appropriate that handlers in each district should be given an opportunity to designate a new member for the committee each year.

The terms of office of one-third of the initial producer members and alternates should be for one year, another third for two years, and the remaining third for three years, so that the terms of office of one-third of the producer membership on the committee will terminate at the end of each year. In this way a turnover of two producer members and alternates each year would be provided under the three-year term of office and such a plan is considered desirable by the industry as shown by the evidence. This will facilitate the establishment of staggered terms of office as provided in the proposed order. Committee members and alternates should serve during the term of office for which selected and until their successors are selected and have qualified to insure continuity of committee operations. Evidence shows it is appropriate and desirable that no member, whether producer or handler, shall serve for more than three consecutive terms. A producer member or handler member may be selected again if, after serving three consecutive terms, he does not serve in such capacity for an intervening year.

A quorum of the Upper Peninsula Potato Committee should consist of six members and six concurring votes should be necessary for passing any motion or approving any action of the committee. Such quorum and voting requirements constituting a minimum of two-thirds of the membership are deemed reasonable and adequate. The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine it would be unreasonable to call for an assembled meeting, or when rapid action is necessary because of an emergency. Votes cast at other than assembled meetings should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person, so as to preclude the obtaining of telephone or other types of votes from members or alternates who did not participate in the assembled meeting's deliberations.

The committee should be given those specific powers listed in the proposed order, and which are set forth in section 8c (7) (C) of the act, because such powers are authorized to be granted by the enabling statutory authority. They are common to marketing agreements and orders operating under the act and are necessary for the proper functioning of an agency of the character set forth in the proposed order.

The duties set forth in the proposed order for the committee are similar to those generally specified for administrative agencies under other marketing agreements and marketing orders of this nature. These duties should enable the committee to undertake and perform such activities as may be necessary for it to carry out its prescribed responsibilities. Such committee duties are necessary for the discharge of this administrative agency's responsibilities. It should be recognized, however, that specified duties are not necessarily all inclusive, in that there may be other duties which are incidental to, and not inconsistent with, the terms and conditions of the proposed order which the committee may need to perform in connection with its operations thereunder.

Committee members and alternates should be reimbursed for reasonable expenses necessarily incurred when they are engaged in committee business. These expenses should be paid since it would be unfair to request the members and alternates to pay for such expenses incurred in the interest of all potato producers and handlers in the production area. On the basis of the testimony of witnesses at the hearing, the proposed order should also provide that, after the first fiscal year of operation, members and alternates of the Upper Peninsula Potato Committee may receive compensation for the time spent in attending committee meetings. The amount of this compensation, not to exceed $10.00 per day, should be determined by the committee and approved by the Secretary. In order for an alternate adequately to represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings, along with the member, so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members would be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practical of producer and handler attitudes toward a proposed regulation or other matters. The proposed order should provide that the committee, at its discretion when conditions warrant, may request the attendance of alternate members at any or all meetings, notwithstanding the expected or actual presence of the respective members. The same compensation and reimbursement that is available to members should also be made available to alternate members when they are so requested to attend such meetings as alternates.

Districts are established in the proposed order to provide a geographical basis for the selection of committee membership. For this purpose, the production area has been divided into three districts including all of the 15 counties in Upper Peninsula of Michigan. The districts as set forth in the proposed order constitute what are generally known and recognized by the industry as major potato growing sections within the production area, and such districts represent the best basis which could be devised at this time for providing a fair, adequate and equitable representation on the committee.

A provision for rdistricting and reapportionment of committee membership is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. Future shifts or other changes in the development of acreage within the production area cannot be foreseen at the present time. Therefore, it is desirable to provide flexibility of operation, so that if it should be in the best interests of the administration of the proposed order to change the boundaries of some districts, or to reapportion the committee membership, the committee may so recommend, and the Secretary take, such action. However, there should be no change in the total number of committee members or in the total number of districts so as to assure that growers and handlers in any district will not be deprived of representation.

It is recognized that the Secretary has the legal authority and responsibility for the selection of the members and alternates of the committee, and that the industry has the responsibility for recommending appropriate nominees to the Secretary so that he may make his selection from such nominees or from other eligible persons. The nomination procedure provided in the propored order will assure that the names of appropriate prospective members and alternates recommended by producers and handlers in the production area will be available to the Secretary.

Since the membership of the committee will not have been selected by the time the proposed order becomes effective, the Secretary should have the authority to call initial nomination meetings. The responsibility for calling subsequent nomination meetings should rest with the committee as one of its administrative duties. The committee may work with other existing organizations, such as grower and shipper associations, in conducting such nomination meetings.

After the proposed order becomes operative and the committee membership is selected, nomination meetings for the purpose of nominating members of the committee and their alternates should be held or caused to be held by the committee prior to May 1 of each year. Inasmuch as the term of office for committee members and alternates begins July 1 and ends on June 30, these nomination meetings should be held in sufficient time to assure that nominations for such members and alternates will be before the Secretary well in advance of the time for him to select members and alternates prior to the beginning of each new term of office. Not less than one nominee should be designated for each position as member, and each position as alternate member, which is to be filled the following July 1.

The proposed order provides that only producers shall participate in designating nominees for producer members and alternates, and only handlers shall participate in designating nominees for handler members and their alternates. This is necessary to insure that the interests of each group are properly safeguarded and that the nominees truly reflect the choices of each group. If a person is both a producer and a handler he may vote either as a producer or as a handler by selecting the group with which he wishes to participate. Such person may not vote both as a producer and a handler because to do so would enable him to participate in nominations to a greater degree than persons who are only producers or only handlers.

Each producer and handler should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates (including partners), and representatives, in designating nominees for committee members and alternates regardless of the number of districts in which he produces or handles potatoes. Voting on any other basis would not provide equitable participation or representation. If a producer or handler could cast more than one vote by reason of operating in more than one district, such producer or handler would have an advantage in selecting nominees over producers or handlers operating in only one district. Also, if more than one vote were permitted, large producers or handlers could dominate the election by means of their partners, agents, subsidiaries, affiliates and representatives, and nominate the producers and handlers who may not be favored by a majority of producers or of handlers. Each eligible producer or handler's privilege of casting only one vote should, however, be construed to mean that one vote may be cast for each applicable position to be filled.

In order that there will be an administrative agency in existence at all times to administer the proposed order, the Secretary should be allowed to select committee members and alternates without regard to nominations if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection, however, should be on the basis of the representation provided in the proposed order to insure that all producers and handlers in the production area are fairly and adequately represented on the committee.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies that occur during

a term of office without regard to nominations, if the names of nominees to fill any such vacancies are not submitted to the Secretary within 30 days after such vacancies occur. This is necessary in order to insure that all portions of the production area are adequately represented at all times in the conduct of committee business.

(c) The committee should be required to prepare a budget of expenses at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of expenditures and income necessary for the administration of the proposed order. Each such budget should be presented to the Secretary with an analysis of its components and an explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary designed to bring in during each fiscal period sufficient income to cover estimated expenses to be incurred by the committee. This will furnish the Secretary with adequate data and information concerning the committee's proposed activities and enable him to determine whether the proposed expenses, and related rate of assessment, are reasonable and likely to be incurred.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of reasonable expenses by administrative agencies, such as the proposed Upper Peninsula Potato Committee, and the statute also requires that each order issued pursuant to the act shall contain provisions requiring handlers to pay their pro rata share of the necessary expenses.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a specified fiscal period and the total quantity of potatoes so handled by all handlers during the same fiscal period; and such proration of expenses will be equitable among handlers. In most cases, the handler who first ships the potatoes also applies for inspection, and in such instances the inspected shipments could serve as a basis for computing assessments due. Such handler is the one who starts the commodity on its way to market. Therefore, such person, i. e., the first handler, should be the person who is to pay the assessments. For potatoes that are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the potatoes and should be so designated by the committee. The requirement that the first handler pay assessments will preclude multiple assessments on potatoes that are handled more than once, and handlers will be able to arrange their operations accordingly. The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act.

At any time during or subsequent to a given fiscal period the committee should be authorized to recommend the approval of an amended budget and to recommend the fixing of an increased rate of assessment to balance the revenues and necessary committee expense for such period. Upon the basis of such recommendation, or other available information, the Secretary should be authorized to approve an amended budget, and, if he finds that the then current rate of assessment is insufficient to cover committee expenses for the administration of the proposed order, he should be authorized to increase the rate of assessment. Such increased rate should apply to all potatoes handled under the proposed order during such fiscal period, including those previously handled, by first handlers during the specified fiscal period so as to avoid inequities among handlers.

In order to provide funds to carry out the functions of the committee at the beginning of a fiscal period, especially during the first season of operation, prior to the time assessment income becomes available, it would be desirable that handlers be permitted to make advance payments of assessments to the committee. Accordingly, a provision is included in the proposed order to permit such advance payments by handlers.

Any funds remaining at the end of a fiscal period in excess of expenses for that period should be credited as refunds to contributing handlers on a proportionate basis or may be carried over as a reserve for contingency or liquidation. Each handler entitled thereto should have such refund credited to his account for the following year's operation unless he demands payment thereof, in which event he should be entitled to be paid his refund as soon as practicable.

It is generally accepted as good business practice to provide during a fiscal period for unforeseen contingencies, such as adverse weather conditions, which might result in a substantially reduced crop. The net effect of a reduced crop would be to greatly reduce shipments and assessment revenue, or it could cause the discontinuance of regulation and collection of assessments with a possible consequence of insufficient funds for the maintenance and functioning of the committee. In order to preserve at least a nucleus of an administrative organization and thus assure the performance of a minimum of functions during such periods, especially during a fiscal period when reduced or no revenue is collected by way of current assessments, the committee should have authority, with the approval of the Secretary, to set up a reserve account and to use such reserve during any such period when needed. Such reserve should also be used to defray the cost of liquidation in the event of termination of the proposed order.

Evidence presented at the hearing was to the effect that nearly all of the production of potatoes in the production area is marketed year after year by the same handlers and that it would be equitable to all handlers, and far less burdensome to them, to contribute to the establishment of such an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced.

Funds in the reserve account might properly serve another purpose. At the beginning of each fiscal period there will be a need for operating funds at a time when there will usually be little revenue from assessments. It is economical and practical and the committee should be so authorized, to use the funds in the reserve account until such time as assessments provide adequate revenue to meet current expenses.

It is contemplated that any such reserve will be built up over a period of years. In order that such reserve funds should not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal year's expense be provided. A lesser amount, determined from experience, may prove sufficient.

In the event of termination of the order, any funds remaining after liquidation, including any balance in the reserve account, should be refunded, to the extent practicable, to the handlers from whom such funds were collected.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the proposed order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary.

The committee should provide periodic reports on its fiscal operations. It is expected that an audit report will be furnished the Secretary at the end of each fiscal period covering the committee's fiscal operations for that period. Additional audit reports will be furnished covering any period at the request of the Secretary or at the discretion of the committee in order to maintain appropriate supervision and control of the committee's affairs. Also, financial statements reflecting the current fiscal position of the committee should be furnished the Secretary periodically, as requested. Copies of such reports should be made available at the office of the committee for inspection by interested producers and handlers.

(d) A provision for the establishment of marketing research and development projects designed to assist, improve, or promote marketing, distribution, and consumption of potatoes is authorized by the act. Such authorization should be included in the proposed order.

Through the medium of research investigations, the committee could be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and other factors with respect to potatoes which would be of value in determining what regulations should be established in accordance with the act and the proposed order for the benefit of the potato industry in the production area. As the committee becomes more aware of the value and need for marketing research and development, other projects will undoubtedly be initiated, the need for which may not have been foreseen during the course of the hearing. The committee should be empowered to engage in such projects (except advertising and trade promotion projects), to spend assessment funds for them, and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by the lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies, such as State universities, and other public or private agencies.

Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act and the proposed order. The cost of any such projects should be included in the budget for approval and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of potato shipments by grade, size, quality or any combination thereof, as authorized in the proposed order, provides a means of carrying out such policy.

The procedures and methods which are outlined in the proposed order for the development of marketing policies provide a practical basis for the committee to obtain adequate information relating to potato marketing problems. As a prerequisite to making recommendations with respect to limitations of shipments in accordance with the proposed order, the committee should be required to consider and develop a marketing policy for the handling of potatoes.

A marketing policy should set forth the over-all plan of the committee for the orderly marketing of potatoes grown in the production area during the ensuing season, including, to the extent practical, the kinds of regulations that may be desirable. Such marketing policy should be made available to the Secretary and to producers and handlers prior to the beginning of each marketing season. It would thus enable growers and handlers to plan their operations in the light of the committee's marketing policy and the kinds of regulations that may become effective under the proposed order. It would also provide the Secretary with helpful information which should facilitate his consideration and appraisal of the recommendations of the committee for marketing regulations.

The factors set forth in the proposed order which the committee should take into consideration in developing its marketing policy are the factors usually taken into account by growers and handlers in their day-to-day, as well as seasonal, evaluations of the market outlook with respect to potatoes.

In developing its marketing policy the committee should investigate and give consideration to the then current, as well as anticipated, market prices of potatoes, including prices by variety, grade, size, quality and maturity for different packs and for different types of containers, and to the volume of potatoes expected to be sold; also, to estimates of the supply of potatoes in the production area and in other producing areas by grade, size, quality and maturity; and estimated shipments from competing areas. The committee should, in addition, consider other factors which may have an influence on the market price of potatoes, such as the trend and level of consumer income.

If, for example, the committee were to anticipate a surplus of potatoes, together with depressed prices, it might adopt a policy calling for such limitations of grade, size, and quality so as to market only the best grades and sizes which would return to producers the maximum benefits. On the other hand, if potatoes were expected to sell at high prices, returning more than parity prices to producers, a policy might be adopted calling for such minimum regulations as will be in the public interest. Also, a policy adopted during times when consumer disposable income is at low levels might differ from a policy adopted during more prosperous times.

The initial marketing policy report forwarded at the beginning of each season by the committee should be prepared and submitted to the Secretary prior to, or simultaneously with, its initial recommendations for regulations. The reports on marketing policy recommended by the committee should also be made available to producers and handlers in the production area as a means of keeping them informed.

It is essential that the committee should be able to change its marketing policy as conditions and facts may warrant. This flexibility should tend to assure that the marketing policy will be up-to-date during the marketing season. If some unforseen condition should develop during the season, which for example affects the supply of potatoes, and the committee finds it desirable and necessary to change its marketing policy, a revised or new marketing policy report should be prepared by the committee and made available to the Secretary and to producers and handlers at the earliest possible date. The committee should give the same publicity to each revised or new policy report as is given to the initial report for a marketing season.

The Upper Peninsula Potato Committee should, as the local administrative agency under the proposed order, be authorized to recommend such grade, size, quality and maturity regulations, as well as any other regulations and amendments thereto authorized by the proposed order, as will tend to effectuate the declared policy of the act. It is necessary to the successful operation of the proposed order that the committee should have such responsibility. The Secretary should look to the committee as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for production area potatoes. The committee should, therefore, have authority to recommend such regulations as are authorized by the proposed order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the suspension or termination of such regulations, as the situation warrants.

The proposed order authorizes the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which are necessary for the improvement of growers' returns and for the development of more orderly marketing conditions for production area potatoes. Such regulations may be issued for any or all portions of the production area, for any or all varieties of table stock or of seed potatoes, or both, during any period.

It was testified that if low grades and undesirable sizes are permitted to be marketed, such potatoes will tend to depress the prices which producers receive, not only for their poor grades and small sizes, but also for their better grades and sizes as well. Witnesses stated that in some instances the very large potatoes are as undesirable and price depressing as the small ones. Also, that U. S. No. 2 grade potatoes return to growers from 50 cents to $1.00 less per 100 pounds than U. S. No. 1 grade potatoes and that each sack of U. S. No. 2 potatoes marketed displaces an equal quantity of U. S. No. 1 quality potatoes. Any culls marketed would, of course, return even less than U. S. No. 2 potatoes and the effect of such sales would be more price depressing.

As heretofore indicated, the quantity, quality and sizes of potatoes grown in the production area and sold or transported to markets during any period have a direct effect upon the total quantity and the composition of such supplies in the market which in turn have a direct effect upon the prices received for potatoes in the market and the prices returned to producers in the production area. Limitation of the handling of poorer grades, off-quality, and less desirable sizes and maturity of potatoes grown in the production area is a method of adjusting the total quantity of potatoes and the composition thereof which may move to market during any period, and would tend to increase prices of the more desirable grades, sizes and maturity with a corresponding increase in the returns to producers.

It was testified that flexibility of operation is necessary in order to meet the varying conditions that might arise and for this reason there should be author-

ity for regulating the handling of particular grades, sizes, qualities, and maturities of potatoes differently for different varieties; differently for table stock and for seed; and differently for different portions of the production area, for different markets, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period.

Supply and demand conditions as well as prices returned to growers may vary with different varieties of potatoes. For example, the supply of the Russet Burbank variety was relatively short two years ago and there was no difficulty in moving such variety at a good price, while the round white varieties were in plentiful supply and sold at relatively low prices. This situation could require a different type of regulation for each variety in order to enable producers to obtain the maximum returns. Potatoes of a variety in short supply may be sold profitably with less restrictive regulations while potatoes of a variety in abundant supply would require more restrictive grade and size regulations to bring a fair return to producers. Authority should thus be flexible in order to permit different grade and size regulations for different varieties.

As previously indicated, seed potatoes are specifically defined so that individual or separate treatment may be accorded them under the proposed order. Only those potatoes which have been officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State, or as recognized by the Secretary, should qualify as seed potatoes. The quality requirements for seed potatoes differ from those for table stock potatoes in that freedom from disease is the most important quality factor for seed potatoes and quite often, unlike table stock potatoes, the smaller sizes bring a premium in the seed market. Seed prices are dependent to a great extent on table stock prices and they usually move in the same direction. Also, at times, seed potatoes are sold for table stock. If seed potatoes going to the table stock market are regulated and no authority exists for different regulations for seed potatoes for planting purposes it is possible that seed potatoes for planting could have to meet requirements that are not suitable for seed potatoes that are to be planted. Although the current production of seed potatoes in the production area is not large, if the need for regulation of seed potatoes for planting purposes should arise in the future, the committee should have the authority to recommend, and the Secretary to issue, suitable regulations which would necessarily differ from those recommended for table stock potatoes.

It was testified that the planting and harvesting periods may vary by several weeks from the earliest to the latest producing sections in the area; thus causing some variation in the maturity, size or quality of the potatoes at a particular time. Also, because of drought, disease, floods, hail, or other unforeseen conditions, potatoes from a certain portion of the production area may vary in quality or size from potatoes grown in other parts of the production area. For these reasons it may be desirable at times to regulate differently for different parts of the production area, and consequently, authority to do so should be provided in the proposed order.

The proposed order should also provide authority for different regulations for the handling or shipment of potatoes to different markets. Witnesses testified that such authority should be included to provide flexibility of operation in order to meet the varying conditions that might arise with respect to such markets. For example, it was testified that approximately 75 percent or more of the potatoes grown in the production area are shipped to markets outside the production area, that such shipments are usually made in car lot or truck lot quantities, and it is with respect to these shipments that grade, size and quality requirements are primarily needed. However, as previously indicated, markets within the production area are also important and shipments to such markets should also be subject to regulation. The committee may at times, especially during harvest time, find that it is impracticable to regulate shipments to markets within the production area to the same extent as shipments to markets outside the production area. Also, market requirements may differ as to grade, size, quality, maturity, and other factors and, therefore, different regulations should be permitted for different markets. It was testified that, for example, shipments to Canada may require different grades or sizes than domestic shipments in order to supply the particular needs of that export market and at the same time to comply with Canadian import requirements. Accordingly, it is desirable and appropriate that authority should be included in the proposed order for different regulations for different markets.

The proposed order should also contain authority to prescribe different regulation for different packs. The use of such authority could assist the potato industry in the production area in its merchandising efforts to provide the most acceptable packs to enhance its reputation in the trade and thereby increase the demand for production area potatoes. It is a usual practice in this area to prepare specific packs of potatoes for market. One such common pack is referred to as U. S. No. 1, Size A, 50-pound pack. The potatoes in this pack are generally graded to minimum grade and size specifications with no maximum size limitation. Because of consumer trends and demands for small size packs or containers of potatoes of fairly uniform sizes, it may be desirable to limit the potatoes to more uniform sizes when packed in small packs of 5, 10, or 15 pounds than when packed in 50 and 100 pound packs. The authority so provided to regulate shipments of potatoes differently for different packs should enable the committee to recommend, and the Secretary to issue, regulations based on preferred demand for particular packs, including the grades, sizes, quality and maturity of the contents thereof, in the interest of maximizing returns to growers when necessary.

Small shipments of potatoes, such as are made by some farmers to local grocery stores, and convenience sales to friends and tourists, constitute a very small percentage of the total sales. However, such small sales could present real operating problems if inspection should be required on each. In some parts of the production area, where such small sales are made, inspectors may not be readily available and enforcement may be very difficult and costly. It is, therefore, desirable to provide authority for exempting such small or nuisance shipments from grade, size, or quality requirements, or from mandatory inspection, or assessments, or any combination thereof, which could otherwise become unduly burdensome on handlers and present administrative difficulties in the operation of the program. The committee should be authorized, therefore, to recommend, and the Secretary to specify, minimum quantities which should be exempt from inspection, assessments, or grade and size regulations, or any combination thereof under the proposed order. Such authority would provide flexibility in administration and should be used in a practical manner to meet local needs and conditions. Also, minimum quantity shipments so exempted from regulations should not be of sufficient volume so as to be a detriment to the program.

The proposed order should contain authority to fix the size, capacity, weight, dimensions, or pack of the container, or containers, so as to allow the committee to eliminate any deceptive or unethical practices which may develop in the packaging or handling of potatoes in the future. If, for example, a bag is developed to contain nine pounds of potatoes but which looks like a ten pound bag and is sold in competition to ten pound bags at a lower price, such lower priced package would tend to pull down the price of the ten pound package and could thus adversely affect grower returns. The exercise of the authority to regulate containers would enable the committee to prohibit the use of any undesirable or deceptive containers. This authority, however, should not be used to close the door on experimenting with new or superior containers which may be developed.

(f) Some potatoes are of such low quality that they do not give consumer satisfaction at any time because of waste and the large amount of time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality potatoes; and even when prices are above parity, it is not in the public interest, either of the producers, handlers or consumers to permit shipments of such poor quality. Shipments of excessively skinned potatoes also tend to disrupt general marketing conditions for the commodity and the discounted prices received for such potatoes adversely affect growers' prices. The proposed order should, therefore, authorize the establishment of such minimum standards of quality and maturity as will effectuate such orderly marketing of production area potatoes as will be in the public interest. It is also necessary that such authority should include grading and inspection requirements so that such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

The proposed order authorizes the Secretary, on the basis of Committee recommendations or other available information, to issue various regulations thereunder which are necessary, among others, for the improvement of growers' returns and for the development of more orderly marketing conditions for production area potatoes. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, including amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have the authority to suspend or terminate such regulation.

The requirement that the Secretary shall notify the committee of any regulations or any amendments, suspensions, or terminations of regulations is appropriate and necessary to enable the committee to be informed of such actions. The committee, in turn, has an obligation to give reasonable notice to handlers, by such means as it deems adequate, of such regulatory orders, amendments, suspensions, or terminations, so that the persons to be affected by such regulations or changes therein will be adequately informed and will have an opportunity to adjust their operations by the effective dates of such regulations or changes.

(g) The Secretary, upon the basis of recommendations and information submitted by the committee, or upon the basis of other available information, should be authorized to issue special regulations, or to modify, suspend, or terminate, grade, size, quality, maturity, or other applicable regulations with respect to the handling of production area potatoes, to facilitate shipments of such potatoes for purposes other than disposition in normal domestic fresh markets.

Potatoes moving to, or sold in, certain outlets, such as those specified in § 963.54 of the proposed order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, maturities, packs, or containers than those required for fresh shipment to domestic retail outlets. The proposed order should provide authority to give appropriate consideration to the handling of potatoes for such outlets so that full opportunity may be taken, under provisions of this program, to increase total returns to producers.

Export requirements for potatoes differ materially on occasion from domestic market requirements with respect to grades, sizes and containers. Export markets are considered as additional outlets and potatoes exported do not usually compete with domestic shipments. Unless the regulations could be modified to meet the requirements of export markets, loss of business may occur, thereby tending to prevent the accomplishment of the declared policy of the act. Therefore, authority should be included in the proposed order to effect the appropriate modification, suspension, or termination of regulations for export shipments.

Shipments of potatoes for relief or to charitable institutions should also be given special consideration. Such shipments are intended for special outlets and are usually by way of donation to people in need. They are not considered to be in competition with shipments to normal trade channels.

Authority should also be provided in the proposed order to give special consideration to potatoes which are shipped for manufacture or conversion into specified products or by-products so that these outlets may obtain the types of potatoes they require. Potato chip manufacturing is becoming more important as an outlet for potatoes. This product requires potatoes which have been stored at higher temperatures than normal. Such storage sometimes causes excessive sprouting and softening of the potatoes to such an extent that they may not meet the grade regulations which may be in effect. Also, potato chip manufacturers may require potatoes of a different size than required by the regulations. Potato chips, as well as other potato products presently in production, or new products which may be developed in the future, offer additional outlets for production area potatoes and should be utilized for the benefit of producers. The committee would be in a favorable position to assess the competition, if any, between such products and table stock potatoes for the fresh market. Therefore, the necessary authority should be provided to facilitate the movement of potatoes to such outlets as conditions warrant. Since potatoes shipped for canning or freezing are exempted under the act, it was testified that the committee, with the approval of the Secretary, should have authority to require that adequate safeguards be taken to assure that such shipments will not be used for other than the purpose intended.

It is a practice in some parts of the production area to feed potatoes to livestock and this use provides a salvage outlet for culls and off-grades and offsizes. This outlet is not competitive with the fresh market and the movement of such potatoes to livestock feeders within the production area should be permitted without restrictions but under appropriate safeguards. It would not be advisable, however, to permit shipments of potatoes for livestock feed to leave the production area since it would be difficult for the committee to check on their use. Similarly, since the shipment of potatoes, including seed potatoes, for planting within the production area does not compete with commercial shipments for fresh market use, such handling should be permitted but under proper safeguards. Also, the shipment of seed potatoes beyond the production area should be permitted under proper safeguards to prevent the diversion of such shipments from seed potato channels.

The committee should be authorized to recommend special treatment, through regulations, or modification, suspension, or termination of regulations, applicable to shipments for other purposes or products which may be specified by the committee with the approval of the Secretary. The purpose for such treatment should be to increase outlets for potatoes and also growers' returns.

The authority for issuing special regulations, or modifying, suspending, or terminating regulations with respect to shipments for special purposes, should be accompanied by the additional administrative authority for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent shipments for such purposes from entering fresh market channels contrary to the provisions of such regulations.

Such safeguards should include such limitations, or appropriate qualifications on shipments, as might be necessary and incidental to the proper and efficient administration of the proposed order. Such safeguards could include, among others, mandatory inspection requirements so that the committee may have an accurate record of the grade, size, quality and maturity of potatoes shipped to special outlets, applications to make such special shipments, reports by handlers on the number of such shipments and the quantity of potatoes shipped, also assurances by the purchasers that the potatoes would be used for the purpose designated.

In order to maintain appropriate identification of potatoes shipped to special outlets, the safeguards may provide for the issuance of Certificates of Privilege to handlers of such potatoes and, in addition, require that such handlers obtain such certificates on all shipments to such outlets. Certificates of Privilege issued by the committee could serve as an indication of the authority for the handlers to make such shipments and as a means of identifying specific shipments. Such certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations, or other available information, so that the issuance of such certificates might be handled in an orderly and efficient manner which can be made known to all handlers.

The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the proposed order, which should include the authority to rescind or deny such certificates. Such action, however, should be based on evidence satisfactory to it that a handler to whom a Certificate of Privilege had been issued, handled potatoes covered thereby contrary to the provisions of such certificate. Applications for Certificates of Privilege should be handled promptly. Notice from the committee with respect to rescinding or denying a Certificate of Privilege should be given promptly to the applicant. Likewise, any appeal from committee action with respect to an application or the denial of a Certificate of Privilege should

be handled promptly. If the committee should rescind or deny a Certificate of Privilege, such action should be in terms of a specified period of time. Applicants affected by the denial of such a certificate, or applicants affected by the rescinding of such a certificate, should have the right of appeal to the committee for a reconsideration. They should, of course, also have the right to request the Secretary to review such action and such right is hereby recognized and confirmed.

Handlers should transfer Certificates of Privilege with the potatoes covered by such certificates so that all subsequent handlers of such potatoes may know that such potatoes have met the provisions of the program. When Certificates of Privilege accompany potatoes, handlers can then quickly determine whether the potatoes meet the requirements of the proposed program.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain records relevant to safeguards and to Certificates of Privilege and should submit reports thereon to the Secretary, when requested, in order to supply pertinent information requisite for him to discharge his duties under the act and the proposed order.

(h) Inspection of potatoes grown in the production area by the Federal-State Inspection Service is a common and usual practice for the purpose of determining officially the grade, size and quality of such potatoes. The Federal-State Inspection Service has operated in the Upper Peninsula of Michigan for many years. Although there has been no compulsory inspection on potato shipments in the State of Michigan, approximately 85 percent of all potato shipments shipped out of Upper Peninsula of Michigan have been inspected for grade and size by the Federal-State Inspection Service at the request of the shippers.

Potato producers and handlers in the production area are well acquainted with the inspection service offered by the Federal and Federal-State Inspection Services on shipments of potatoes. Such inspection service is usually available throughout the entire production area upon reasonable notice.

Provisions should be made for mandatory inspection by the Federal or Federal-State Inspection Service of all shipments of potatoes grown in the production area so as to insure compliance under the program. The requirement that no handler shall ship potatoes unless such shipments are inspected by the authorized inspection service is reasonable and necessary for proper administration of the program. Such inspection requirements should apply to all potatoes shipped under regulations issued under the proposed order except when relieved from inspection pursuant to § 963.53 or § 963.54 thereof. Inspection of shipments subject to regulation would furnish the shipper thereof as well as subsequent handlers, the buyer, the committee, the Secretary, and other interested parties with an appropriate means of deterimning whether such shipments of potatoes comply with the applicable requirements of grade, size, quality, maturity and other regulations which may then be in effect under the proposed order. Thus, there would always be an authoritative means of establishing the grade, size, quality and maturity of each shipment of potatoes so that the administration of the proposed order will be efficient and effective.

The responsibility for obtaining inspection should fall on each person who handles potatoes so that each shipment of such potatoes will be identified and certified with respect to whether it complies with the grade, size, quality, maturity, or other requirements of the applicable regulations. Each handler must bear responsibility for determining that each of his shipments is so inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates, which it needs to carry out its responsibility for determining whether shipments are inspected and are in conformity with the requirements of the proposed order and regulations issued pursuant thereto. Handlers, too, would know whether their potato shipments are in compliance.

Whenever potatoes that have been inspected and certified are dumped from the containers in which they were inspected and certified, such potatoes lose their identity insofar as the inspection certificate is concerned. If any of such potatoes should thereafter be repacked, regraded, or resorted, such repacked, regraded, or resorted potatoes would have a new identity, and, in order to comply with the regulations under the proposed order, such repacked, regraded, or resorted potatoes should be reinspected, the same as required for any other uninspected potatoes. The proposed order should provide that any repacked, regraded, or resorted potatoes shall not be handled unless they are inspected and certified, except when exempted by the Secretary. Such inspection and certification of repacked, regraded, or resorted potatoes is necessary so that the shipper thereof, as well as subsequent handlers, the committee, and other interested parties, may know that such shipments comply with the regulations in effect and applicable thereto.

The committee should be authorized to recommend rules and regulations which, with the approval of the Secretary, will modify inspection requirements on repacked, regraded, or resorted potatoes. The regrading, resorting, or repacking of potatoes is not a common practice in the production area because the bulk of the packing operations is done on the farm. However, it was testified that a few wholesalers in the production area purchase inspected potatoes in 50 pound or 100 pound bags which they wash, regrade, and repackage into consumer size packages for sale to limited outlets. These small packages are well identified with the wholesaler's label and are usually repacked in small quantities so as to supply the local retail stores with a superior fresh pack daily. Reinspection on each of such repacked small lots of potatoes may impose an undue hardship on such dealers and on the inspection service. It may be desirable and practical to exempt such repacked potatoes, under proper safeguards, from the requirements of reinspection under rules and regulations recommended by the committee and approved by the Secretary by permitting minimum quantities to be reworked and handled without the additional inspection or by use of other acceptable safeguards. Therefore, the proposed order should authorize the committee to recommend such rules and regulations which would modify, suspend, or terminate inspection requirements on repacked, regraded, or resorted lots of potatoes.

The committee should be authorized to recommend and the Secretary to require that lots of potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to each container thereof by the handlers thereof, under the direction or supervision of the Federal, or Federal-State, Inspection Service or the committee. Such identification requirement could result in more efficient and effective administration of the program with respect to warehouse lot inspections because compliance problems would be minimized. When potatoes that have been identified and certified as a single lot are identified by such seals, stamps, or tags prior to any handling, it may not be necessary in certain instances to require separate inspection on loads or parts of loads of such potatoes. The committee should be able, as experience in operation under this program is acquired, to indicate the instances when the identification requirement would facilitate handling of such potatoes in quantities smaller than those in which originally inspected. The proposed order therefore should contain such authority.

In view of the perishable nature of potatoes and their susceptibility to fairly rapid deterioration under certain conditions, the committee, with the approval of the Secretary, should be authorized to fix the length of time inspection certificates may be valid insofar as the proposed order is concerned. This will assure, to the extent practical, that an inspection certificate properly reflects the grade, size, and quality of a particular lot of inspected potatoes at the time it is handled.

Truckers and other carriers, as well as the committee, can be supplied by the inspection service with copies of inspection certificates or evidence thereof to accompany each lot of potatoes. The committee should be authorized to recommend, and the Secretary to issue regulations, requiring handlers transporting potatoes subject to regulations under the proposed order, or causing their transportation, to accompany such potatoes with a copy of such inspection certificate or evidence thereof which may be required to be surrendered to such authority or agency as may be designated by the Secretary upon the committee's recommendation. The presence of a valid inspection certificate or evidence thereof will simplify the determination of the inspection of such potatoes and thereby tend to reduce the expense of program enforcement and facilitate checking compliance.

Copies of inspection certificates issued pursuant to the requiremnets of the proposed order should be supplied to the committee by the inspection service promptly so that the committee may properly discharge its administrative responsibilities under the program.

(i) Certain hazards, which may at times be localized, such as floods, drought, hail, or tornadoes, may result in potatoes which have hollow heart, growth cracks, secondary growth, or in jumbo or small potatoes, and other conditions which are beyond the control of the growers; and other conditions, such as blight, frost damage, and dry rot over which persons who store potatoes have no control, may not be evident until after potatoes have been put in storage. Farmers are close to these problems and are aware of the conditions that are beyond the control of handlers and growers; and hence the committee, composed of producers and handlers, can properly advise with respect to such facts and conditions and the extent to which relief, if any, should be afforded such persons, in the light of the affected areas involved.

These hazards are beyond the control and reasonable expectation of the growers of such potatoes and the handlers who may buy and store them. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the proposed order may be concerned, the committee should be given authority to issue exemption certificates, in accordance with rules and procedures approved by the Secretary, to permit qualified applicants to handle their equitable proportion of all shipments from their respective affected regions, as described in such rules and procedures. The committee by reason of its knowledge of the conditions and problems applicable to the production and storing of potatoes in the various producing regions of the production area should be well qualified to judge each applicant's case in a fair and equitable manner, in the light of the information which the applicant may furnish to substantiate his request for exemption, and to fix the quantity of exempted potatoes which each such applicant may ship. It is reasonable to require all such applicants for exemption to furnish the committee with satisfactory evidence to support their applications.

The provisions contained in the proposed order relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are reasonable and necessary to the orderly and equitable operation of the program. They should, therefore, be incorporated in the proposed order.

The authority of the Secretary to modify, change, alter, or rescind any rules or procedures established with respect to the granting of exemptions, and exemptions granted pursuant thereto should be retained by the Secretary. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information which may be necessary to perform such agency's functions under the proposed order. It is difficult to anticipate every type of report or information which the committee might need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request, when needed, reports and other information of the type set forth in the proposed order. Reports requested should be only those considered necessary for the operation of the committee in carrying out the terms and conditions of the proposed order. Reports furnished to the committee should be submitted in such manner and at such times as may be designated by the committee. Reporting procedures should accord with the needs and requirements of the committee in administrating the proposed order, and changing conditions may warrant changes in the forms and methods of reporting to the committee. The Secretary should retain the right to approve, modify, change, or rescind any committee requests for information.

Any reports and records submitted for committee use by individual handlers should remain under protective classification and be disclosed to none other than persons authorized by the Secretary. Any reported information released to the industry should be on a composite basis and no such release of information should disclose either the identity of handlers or their operations. This will assure that the information contained in the reports which may identify such handler, or adversely affect the competitive position of a reporting handler in relation to other handlers, will not be disclosed.

Since it is possible that a question could arise with respect to the verification of the information contained in the reports submitted under the program, handlers should be required to maintain complete records on their receipts, handling, and dispositions of potatoes for not less than two succeeding years. Evidence shows that handlers usually keep such records for their own business operations for periods of at least two years and no hardship would be imposed by requirements of this type under the proposed order.

(k) Except as provided in the proposed order, no handler should be permitted to handle potatoes, the handling of which is prohibited pursuant to the proposed order; and no handler should be permitted to handle potatoes except in conformity with the proposed order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one or more handlers, although possibly of small impact individually on the industry measured by the proportion of potatoes handled by the respective handler, could be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of §§ 963.80 through 963.92 as published in the FEDERAL REGISTER of July 17, 1957 (22 F. R. 5634) are common to marketing agreements and orders now operating. Each of these sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order. These provisions are incidental to and not inconsistent with, sections 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the act. The substance of such provisions should, therefore, be included in the proposed order.

Evidence presented at the hearing indicates that in the event of termination of the program such termination should be announced on or before April 30 of the calendar year so as to afford all persons subject to the proposed order reasonable time to prepare for operations for the ensuing crop year. Accordingly, the proposed order should so provide.

General findings. Upon the basis of evidence introduced at the hearing and record thereof it is found that:

(1) The marketing agreement and order hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish as prices to producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said marketing agreement and order authorize regulation of the handling of Irish potatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Ruling on proposed findings and conclusions. Interested parties were allowed until August 19, 1957 to file briefs with respect to findings of fact and conclusions based on evidence introduced at the hearing. No such brief was filed, hence no ruling is necessary.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

DEFINITIONS

§ 963.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 963.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 963.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 963.4 *Production area.* "Production area" means all territory within the Counties of Alger, Baraga, Chippewa, Delta, Dickinson, Keweenaw, Gogebic, Houghton, Iron, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft, all in the Upper Peninsula in Michigan.

§ 963.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 963.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 963.7 *Seed potatoes.* "Seed potatoes" or "seed" means all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Michigan or other seed certification agencies which the Secretary may recognize.

§ 963.8 *Table stock potatoes.* "Table stock potatoes" or "table stock" means and includes all potatoes not included within the definition of "seed potatoes."

§ 963.9 *Handle.* "Handle" is synonymous with "ship" and means to sell or transport potatoes, or cause potatoes to be sold or transported, within the production area or between the production area and any point outside thereof. This definition of "handle" shall not be applicable to the transportation within the production area of ungraded potatoes for grading or storing therein.

§ 963.10 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes.

§ 963.11 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of potatoes for market.

§ 963.12 *Grading.* "Grading" is synonymous with "preparing for market" and means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 963.13 *Grade and size.* "Grade" means any of the officially established grades of potatoes, and "size" means any of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variation based thereon; or

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon.

§ 963.14 *Pack.* "Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 963.15 *Container.* "Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other receptacle used in the packaging, transportation or sale of potatoes.

§ 963.16 *Committee.* "Committee" means the Upper Peninsula Potato Committee established pursuant to § 963.25.

§ 963.17 *District.* "District" means each of the geographic divisions of the production area initially established or as re-established pursuant to § 963.32.

§ 963.18 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 963.19 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

COMMITTEE

§ 963.25 *Establishment and membership.* (a) The Upper Peninsula Potato Committee consisting of nine members, of whom six shall be producers and three shall be handlers, is hereby established.

(b) Each person selected as a committee member or alternate shall be a producer or a handler, as the case may be, or an officer or employee thereof, in the district for which selected and each such person shall be a resident of such district.

(c) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. The alternate member shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for the unexpired term of said member is selected and has qualified.

§ 963.26 *Selection.* (a) The Secretary shall select from eligible persons in each district two producer members and their alternates, also one handler member and his alternate.

(b) Any person selected by the Secretary as a committee member or as an alternate shall file a written acceptance with the Secretary within ten days after being notified of such selection.

§ 963.27 *Term of office.* The term of office of committee members and alternates shall begin on July 1 and end on June 30.

(a) The term of office of producer members and alternates shall be for three years. The term of office of the initial producer members and alternates of the committee shall be so determined by the Secretary that one-third shall be for a term ending June 30, 1959, one-third for a term ending on the following June 30, and one-third for a term ending on the next following June 30.

(b) The term of office of handler members and alternates shall be for one year. The term of office of the initial handler members and alternates of the committee shall be for the term ending on June 30, 1959.

(c) No producer member and no handler member shall serve for more than three consecutive terms.

(d) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 963.28 *Procedure.* (a) Six members of the committee shall be necessary to constitute a quorum and six concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing. When any assembled meeting is held, all votes shall be cast in person.

§ 963.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 963.30 *Duties.* The committee shall have the following duties:

(a) Meet and organize as soon as practical after the beginning of each term of office, select from among its membership a chairman and such other officers as may be necessary, and subcommittees, and adopt such rules and procedures for the conduct of its business as it may deem advisable.

(b) Act as intermediary between the Secretary and any producer or handler.

(c) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each.

(d) Keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

(e) Furnish the Secretary promptly with copies of the minutes of each committee meeting, an annual report of the committee's operations for the then ending fiscal period, and such other reports or information as may be requested by the Secretary.

(f) Consult, cooperate, and exchange information with other marketing agreement or order committees and other agencies or individuals in connection with proper committee activities and objectives.

(g) Take any proper action necessary to carry out the provisions of this subpart.

§ 963.31 *Members' expenses and compensation.* Committee members and alternate members may be reimbursed for reasonable expenses necessarily incurred in the performance of their duties and in the exercise of their powers under this subpart; and in addition, after the first year of operation, such persons may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10.00 per day or portion thereof, spent in attending to committee business.

§ 963.32 *Districts.* (a) For the purpose of selecting committee members and alternates the following districts of the production area, each comprised of counties in the Upper Peninsula of Michigan, are hereby initially established:

District No. 1: Alger, Delta, Schoolcraft, Luce, Mackinac and Chippewa Counties;

District No. 2: Marquette, Iron, Dickinson and Menominee Counties;

District No. 3: Houghton, Baraga, Keweenaw, Ontonagon and Gogebic Counties.

(b) The Secretary, upon recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That there shall be no change in the total number of committee members or in the total number of districts. In recommending any such changes in districts or representation, the committee shall give consideration to (1) the relative importance of new producing sections; (2) changes in the relative position of existing districts with respect to production; (3) the geographic location of producing sections as they would affect the efficiency of administering this part; and (4) other relevant factors.

§ 963.33 *Nominations.* The Secretary may select the members of the Upper Peninsula Potato Committee and their respective alternates from nominations which may be made in the following manner, or from other eligible persons:

(a) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and handlers, respectively, in each of the districts designated in § 963.32 in which the term of office of committee members, and their respective alternates, will commence the following July 1;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member to serve on the committee during the term beginning on the following July 1;

(d) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 31 of each year;

(e) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(f) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(g) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(h) If nominations are not made within the time and in the manner specified by the Secretary pursuant to this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this part.

§ 963.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 963.33, or from previously unselected nominees on the current nominee list from the district involved or from other eligible persons. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this part.

EXPENSES AND ASSESSMENTS

§ 963.40 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare a budget of expenses for the administration of this part. The committee may recommend to the Secretary a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 963.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part. The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 963.42 *Assessments.* (a) Handlers shall share expenses on the basis of each fiscal period. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an

amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were handled by the first handlers thereof during such fiscal period.

§ 963.43 *Refunds and reserves.* At the end of each fiscal period funds arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments shall be credited with such refund against his operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him as soon as practicable; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal period's operating expenses; and such reserve may be used to cover the expenses incurred for the maintenance and functioning of the committee, at the beginning of a fiscal period, during any fiscal period when there is a crop failure, or to cover the necessary expenses of liquidation in the event of termination of this part.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

§ 963.44 *Fiscal reports.* The books of the committee shall be audited by a competent accountant at least once each fiscal period and at such other times as the committee may deem necessary or as the Secretary may request. A copy of each audit report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers.

RESEARCH AND DEVELOPMENT

§ 963.47 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes. The expenses of such projects shall be paid from funds collected pursuant to § 963.42.

REGULATION

§ 963.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, quality, and maturity in different packs, or any other shipping units;

(2) Supply of potatoes by grade, size, quality, and maturity in the production area and in other potato producing areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy and it shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a revised or new marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or new marketing policy.

§ 963.51 *Recommendations for regulations.* The committee shall recommend to the Secretary grade, size, quality, and maturity, and other appropriate regulations, or amendments thereto, or modifications thereof, whenever it finds that such regulations as provided in § 963.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of potatoes, for the purposes authorized in § 963.54. The committee may also recommend amendment, termination, or suspension of any regulation issued under this part.

§ 963.52 *Issuance of regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities or maturity of any or all varieties of table stock or of seed potatoes, or both, during any period;

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for table stock, for seed, for different portions of the production area, for different markets, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(3) Fix, through regulations issued pursuant to this part, the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both;

(4) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary may amend or modify any regulations issued under this subpart whenever he finds that such amendment or modification would tend to effectuate the declared policy of the act. The Secretary may also suspend or terminate any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of the issuance of any such regulation, amendment, modification, suspension, or termination and the committee shall give reasonable notice thereof to handlers.

§ 963.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish minimum quantities below which handling will be free from requirements in effect pursuant to §§ 963.42, 963.52, 963.54, or 963.60, or any combination thereof.

§ 963.54 *Handling for specified purposes.* (a) Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary may issue special regulations, or modify, suspend, or terminate requirements in effect pursuant to §§ 963.42, 963.52, 963.60, or any combination thereof, in order to facilitate the handling of potatoes for the following purposes whenever he finds that to do so will tend to effectuate the declared policy of the act:

(1) Shipments of potatoes for export;

(2) Shipments of potatoes for relief or to charitable institutions;

(3) Shipments of potatoes for manufacture into specified products or by-products;

(4) Shipments of potatoes for livestock feed within the production area;

(5) Shipments of potatoes for planting within the production area; and

(6) Shipments of potatoes for other specified purposes.

(b) Whenever the handling of seed potatoes is not subject to the same regulations as is the handling of table stock potatoes, in effect pursuant to §§ 963.42, 963.52, and 963.60, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to § 963.55, to prevent diversion of such shipments from seed potato channels.

§ 963.55 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent potatoes shipped pursuant to § 963.54 from entering channels of trade for other than the specific purpose authorized therefor.

(b) The committee, with the approval of the Secretary, may also prescribe rules and regulations governing the issuance, and the contents, of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall first file applications with the committee to ship such potatoes;

(2) Handlers shall obtain inspection provided by § 963.60, or pay the pro rata share of expenses provided by § 963.42, or both, in connection with such potatoes; and

(3) Handlers shall obtain Certificates of Privilege from the committee prior to effecting the particular shipments.

(c) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that potatoes shipped by him for the purposes stated in the Certificate of Privilege were handled contrary to the provisions of this part.

(d) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 963.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to this subpart, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or Federal-State Inspection Service, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to this section or § 963.53 or § 963.54 or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal or Federal-State Inspection Service: *Provided*, That such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated under rules and regulations recommended by the committee and approved by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal or Federal-State inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or such evidence thereof as may be issued by the inspection service, which shall be surrendered to such authority as may be designated.

EXEMPTIONS

§ 963.65 *Rules and procedures.* The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures shall provide for processing applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 963.66), and for such other procedures as may be necessary to carry out the provisions in this section and § 963.66.

§ 963.66 *Granting exemptions.* (a) The committee shall make determinations in connection with, and issue, certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee:

(1) That by reason of a regulation issued pursuant to § 963.52 he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area during the current season; and

(2) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship or have shipped the potatoes described thereon and evidence of such certificate shall be made available to subsequent handlers of such potatoes.

(b) The committee shall make determinations in connection with, and issue, certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee:

(1) That by reason of a regulation issued pursuant to § 963.52 he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area during the season; and

(2) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the potatoes described thereon and evidence of such certificate shall be made available to subsequent handlers of such potatoes.

§ 963.67 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 963.68 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. The appeal must be taken promptly after such determination by the committee. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a determination concerning the application, which determination shall be final. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

§ 963.70 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of potatoes received and disposed of by types of outlets during specific periods;

(2) Sales records including dates, car or truck numbers, and inspection certificate numbers;

(3) Record of shipments handled under exemption certificates including identification numbers of such certificates;

(4) Record of all potatoes handled pursuant to §§ 963.53 and 963.54 including Certificate of Privilege and inspection certificate numbers, if any.

(b) All such reports shall be held under appropriate protective classification in custody by the committee, or duly authorized individuals or agencies thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers, or identify such handler, will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 963.75 *Compliance.* No handler shall handle potatoes except in conformance with the provisions of this subpart

and the rules and regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 963.80 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 963.81 *Right of the Secretary.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States under the act or otherwise. The members of the committee (including successors and alternates), and any agent or employee of the committee, shall be subject to removal by the Secretary at any time. Each and every act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 963.82 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 963.83 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of potatoes for market: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 963.84 *Proceedings after termination, or when suspended.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees. The said trustees shall continue in such capacity until discharged by the Secretary and shall proceed pursuant to directions of the Secretary's liquidation order.

(b) During any period of suspension of this subpart, or during any period or periods when regulations thereunder are not in effect, the committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as trustee or trustees for holding records, funds, or any other committee property. If the Secretary determines such action to be appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

(c) Any person to whom funds, property, claims, or records have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 963.85 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or

(b) Release or extinguish any violation of this subpart or of any regulations issued under this subpart, or

(c) Affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 963.86 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 963.87 *Personal liability.* (a) No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

§ 963.88 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 963.89 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 963.90 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 963.91 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 963.92 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Dated: December 20, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-10684; Filed, Dec. 26, 1957; 8:49 a. m.]

[1] Applicable only to the proposed marketing agreement.

CIVIL AERONAUTICS BOARD

[14 CFR Part 46]

SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

NOTICE OF ORAL ARGUMENT

By notice dated January 19, 1956, (Civil Air Regulations Draft Release No. 56-2) published in the FEDERAL REGISTER on January 28, 1956, (21 F. R. 631), the Board gave notice that it had under consideration the adoption of a new Part 46 of the Civil Air Regulations designed to provide rules for the certification and operation of scheduled air carrier helicopters. Reference should be made to the said notice for a full explanation of the purpose and background of the proposed rule. Copies of Draft Release 56-2 may be obtained from the Director, Bureau of Safety, Civil Aeronautics Board, Washington 25, D. C.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that oral argument is assigned to be held before the Civil Aeronautics Board on January 14, 1958, at 10:00 a. m., in Room 5042, Department of Commerce Building, Washington, D. C., at which time interested persons may be heard with respect to the proposed flight time limitations of new Part 46.

In Civil Air Regulations Draft Release No. 56-2, flight time is defined as "the time from the moment the rotors start turning for the purpose of flight until the rotors stop turning at the end of the flight." Some of the comments received concurred in the use of this definition. However, others objected and recommended that the definition of flight time should correspond with that contained in Part 40 of the Civil Air Regulations. The definition of flight time in Part 40 is stated as "the time from the moment the airplane moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time)." In view of the foregoing, the Board desires to hear oral argument with respect to the definition of flight time to be used in Part 46. Those desiring to be heard are requested to inform Mr. Oscar Bakke, Director, Bureau of Safety, Civil Aeronautics Board, Washington 25, D. C., at least 5 days in advance of the oral argument.

Such oral presentation may be in explanation of, in addition to, or in lieu of written comment submitted pursuant to the previous notice (Draft Release 56-2).

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-10750; Filed, Dec. 26, 1957; 8:57 a. m.]

[14 CFR Part 241]

[Economic Regulations Draft Release 88]

FILING OF REPORTS BY CERTIFICATED AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

DECEMBER 5, 1957.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which rescinds the provision that preliminary year-end schedules of CAB Form 41 will be withheld from public disclosures.

The principal features of the proposed amendment are explained in the explanatory statement, and the proposed amendment is set forth in the proposed rule.

This amendment is proposed under authority of sections 205 (a) and 407 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the proposed rule making through submission of written data, views, or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before January 27, 1958, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available on or after January 30, 1958, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. The Board, in accordance with section 1104 of the Civil Aeronautics Act, has authorized the withholding from public disclosure of preliminary year-end Form 41 reports upon an affirmative showing that disclosure would adversely affect the interests of the carrier and would not be in the public interest. In recognition of the frequency with which authorization of confidential treatment generally had been granted in the past, the present regulations were designed to provide for automatic confidential treatment of such preliminary reports unless otherwise directed by the Board.

Notwithstanding the fact that confidential treatment has been accorded these preliminary reports, portions of such reports in some instances have been used publicly by the carriers. In these cases, as well as in cases where a carrier would not necessarily have requested confidential treatment of its reports, the Board's staff is precluded from making public disclosure of these reports. Under the circumstances, the Board believes it appropriate to rescind the present provisions in the revised Uniform System of Accounts with respect to confidential treatment of preliminary year-end reports, and to amend section 399.25 of the Board's Policy Statement No. 1 by providing that when a request for such treatment is granted, it will be the general policy of the Board to restrict the preliminary report until such time as (1) the final report is filed, (2) the final report is due, or (3) information covered by the preliminary report is publicly released by the carrier concerned, whichever first occurs.

Accordingly, it is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) by deleting the second sentence under § 241.22 (b) which reads as follows: "Preliminary year-end schedules are filed for the convenience of the Civil Aeronautics Board pending receipt of the final regular year-end Form 41 report and shall be withheld from public disclosure, unless directed otherwise by the Civil Aeronautics Board, until the herein prescribed due date of the final report or the final report is filed whichever first occurs."

[F. R. Doc. 57-10749; Filed, Dec. 26, 1957; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. F. 014962, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but excepting the provisions of the mineral leasing laws, and the Materials Act. The applicant desires the land for public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

DONNELLY DOME AREA

U. S. Survey 2283;
Containing 10 acres.

EDWARD J. HOFFMANN,
Acting Operations Supervisor,
Anchorage.

[F. R. Doc. 57-10689; Filed, Dec. 26, 1957; 8:50 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Bureau of Land Management has filed an application, Serial No. F. 014424, for the withdrawal of the lands described below, from all forms of appropriation

including mining but excepting mineral leasing and the disposal of materials under the Materials Act. The applicant desires the land for an administrative site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NORTHWAY ADMINISTRATIVE SITE

A parcel of land situated on the southerly side of the Alaska Highway and easterly side of the Northway Road in the immediate vicinity of their junction at approximate Latitude 63°00'54" N., Longitude 141°47'00" W., more particularly described as follows:

Starting at Corner No. 1 which is Corner No. 4 of U. S. Survey No. 2781 and the Point of Beginning of this description, thence N. 54°57' W. 1.5 chains to Corner 2, centerline of Northway Road; thence N. 35°03' E. 15.57 chains along said centerline to Corner 3, centerline of the Alaska Highway; thence S. 54°57' E. 10 chains along said centerline to Corner 4; thence S. 35°03' W. 15.57 chains to Corner 5; thence N. 54°57' W. 3.4 chains to Corner 6, which is Corner No. 3 of U. S. Survey No. 2781; thence N. 54°57' W. 5.1 chains along boundary 3–4 of said Survey to Corner 1 of this description and the point of beginning.

Containing approximately 15.57 acres.

EDWARD J. HOFFMANN,
Acting Operations Supervisor,
Anchorage.

[F. R. Doc. 57–10690; Filed, Dec. 26, 1957; 8:50 a. m.]

UTAH (V–6)

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 18, 1957.

Pursuant to the authority delegated to me by Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473–2476), it is ordered as follows:

1. The following described lands are hereby opened to application and disposition under the public land laws, including the mineral leasing laws and the general mining laws:

SALT LAKE MERIDIAN, UTAH

T. 38 S., R. 23 E.,
Secs. 13, 14, 15, 17, 18;
Secs. 20 to 25, inclusive;
Secs. 27 to 29, inclusive.
T. 38 S., R. 24 E.,
Secs. 13, 14, 15;
Secs. 17 to 27, inclusive;
Sec. 29: W½;
Sec. 30.
T. 38 S., R. 25 E.,
Secs. 33, 34, 35.
T. 39 S., R. 22 E.,
Sec. 13: that part of E½ lying west of Recapture Creek;
Secs. 21, 22, 23;
Sec. 24: that part lying west of Recapture Creek;
Sec. 25: that part of E½ lying west of Recapture Creek.
T. 39 S., R. 23 E.,
Secs. 18 and 19: those portions lying west of Recapture Creek.
T. 39 S., R. 25 E.,
Sec. 4.

2. The above-described lands were withdrawn in aid of legislation by order of the Secretary of the Interior, dated February 8, 1957, which withdrew the lands from all types of disposal or location, but which was revoked by order of the Secretary, dated June 29, 1957.

3. The following described lands are hereby opened to application under the mineral leasing laws, but not to disposal under the public land laws or to location under the general mining laws:

SALT LAKE MERIDIAN, UTAH

T. 38 S., R. 23 E.,
Secs. 26, 33, 34, 35.
T. 38 S., R. 24 E.,
Sec. 28;
Sec. 29: E½;
Secs. 31, 33, 34, and 35.
T. 39 S., R. 22 E.,
Sec. 13: E½ that portion lying east of Recapture Creek;
Sec. 24: that portion lying east of Recapture Creek;
Sec. 25: E½, that portion lying east of Recapture Creek.
T. 39 S., R. 23 E.,
Secs. 1, 3, 4, 5;
Secs. 8 to 15, inclusive;
Sec. 17;
Secs. 18 and 19, those portions lying east of Recapture Creek;
Secs. 20 to 31, inclusive;
Secs. 33, 34, 35.
T. 39 S., R. 24 E.,
Sec. 1;
Secs. 3 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26 and 27, those portions lying north and west of the Navajo Indian Reservation;
Secs. 28, 29, 30, 31, 33;
Sec. 34, that portion lying north and west of the Navajo Indian Reservation.
T. 39 S., R. 25 E.,
Secs. 5, 6, 7, 8, 18.

4. The lands described in item 3, above, were withdrawn from all types of disposal or location by the order of February 8, 1957, but that order was revoked and the lands were re-withdrawn by order of the Secretary of the Interior, dated June 29, 1957, which order did not withdraw the lands from application under the mineral leasing laws.

5. All of the above lands are located in the McCracken Mesa area to the southeast of Blanding, Utah, and are, in general, rough and mountainous in character. The area is dissected by numerous steep and rocky canyons. The climate is arid and none of the land is suitable for the production of crops by dry farm methods. There are no known sources of irrigation water from surface streams or reservoirs.

6. No applications for the lands described in item 1 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall hereafter be so classified. Any application filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

7. Subject to any valid existing rights and the requirements of applicable laws, the above lands are opened to filing of applications in accordance with the following:

(a) Applications and selections under the nonmineral public land laws as to the lands in item 1, and applications and offers under the mineral leasing laws as to the lands in items 1 and 3 may be presented to the manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert-land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on January 23, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 24, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 24, 1958, will be considered as simultaneously filed at that hour. Priorities of such applications filed thereafter will be governed by the time of filing.

(4) All applications and offers under the mineral leasing laws for lands in item 1 presented prior to 10:00 a. m. on April 24, 1958, will be considered as simultaneously filed at that hour. Priorities of such applications and offers presented thereafter will be governed by the time of filing.

(5) Applications and offers under the mineral leasing laws for the lands in item 3 presented prior to 10:00 a. m. on January 8, 1958, will be considered as simultaneously filed at that hour, and those filed thereafter will be given priority in accordance with the time of filing.

(b) The lands described in item 1 will be open to location under the general mining laws beginning at 10:00 a. m. on April 24, 1958.

8. Persons claiming veterans preference must enclose with their applications proper evidence to support such claims of preference, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands must be addressed to the Manager, Land Office, Bureau of Land Management, 312 Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57–10691; Filed, Dec. 26, 1957; 8:50 a. m.]

[Serial No. Idaho 08819]

IDAHO

SMALL TRACT CLASSIFICATION ORDER NO. 7; AMENDMENT

DECEMBER 18, 1957.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby reclassify, subject to valid existing rights, part of the land described in Idaho Small Tract Classification Order No. 7, dated May 18, 1950 (F. R. Document 50–4444) as follows:

BOISE MERIDIAN, IDAHO

PARCEL #1

T. 1 N., R. 43 E.,
Sec. 1, E½W½SE¼SW¼NE¼, E½SE¼SW¼NE¼, W½W½SW¼SE¼NE¼.

PARCEL #2

T. 1 N., R. 43 E.,
Sec. 1, NE¼.

PARCEL #3

T. 1 N., R. 44 E.,
Sec. 17, SW¼SE¼, E½SE¼.

Parcel #1 is classified for disposition under the Recreation and Public Purposes Act for use as a community park and the existing Small Tract classification on Parcel #1 is revoked.

The unleased lots in that portion of Parcel #2 described in Small Tract Classification Order #7, which have remained in an unleased status since May 18, 1950, will be included in a public auction set to dispose of lots in terminated leases. The time, date, and conditions of the sale will be set and publicized by the Manager of the Idaho Land Office.

The Small Tract classification is revoked with respect to Parcel #3 and the land is returned to the public domain. Because of scattered outstanding leases, Parcel #3 will not be subject to selection, application or location until an appropriate order of opening is issued.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57–10692; Filed, Dec. 26, 1957; 8:51 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 177–16]

FISCAL ASSISTANT SECRETARY OF THE TREASURY

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

By vritue of the authority vested in me by section 3646 of the Revised Statutes, as amended, 31 U. S. C. 528, and by Reorganization Plan No. 26 of 1950, it is hereby ordered as follows:

1. There is hereby delegated to the Fiscal Assistant Secretary of the Treasury, with the right to redelegate, authority to perform any function of the Secretary of the Treasury under section 3646 of the Revised Statutes, as amended, relating to the issuance of substitutes for lost, stolen, destroyed, mutilated or defaced checks of the United States.

2. Personnel, equipment and records heretofore or hereafter utilized in the performance of the functions herein delegated may be transferred by the Fiscal Assistant Secretary of the Treasury to any bureau or office of the Fiscal Service to which such functions are redelegated by him.

3. Funds heretofore or hereafter appropriated to any bureau or office of the Fiscal Service for the performance of the functions herein delegated may be transferred, with the approval of the Secretary of the Treasury, to the appropriation of any other bureau or office of the Fiscal Service to which such functions are redelegated.

4. This order shall be effective January 1, 1958, and shall supersede all prior delegations and orders inconsistent herewith.

Dated: December 18, 1957.

[SEAL] LAURENCE B. ROBBINS,
Acting Secretary
of the Treasury.

[F. R. Doc. 57–10720; Filed, Dec. 26, 1957; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Mississippi a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Jefferson Davis.	Rankin.
Kemper.	Smith.
Lowndes.	Tishomingo.
Marshall.	Union.
Neshoba.	Walthall.
Noxubee.	Winston.
Oktibbeha.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 23d day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–10686; Filed, Dec. 26, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–23]

NUCLEAR DEVELOPMENT CORPORATION OF AMERICA

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license to Nuclear Development Corporation of America substantially in the form set forth below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in accordance with the Commission's rules of practice (10 CFR Part 2). The proposed license would authorize Nuclear Development Corporation of America to possess the critical experiment facility at the site near Pawling, New York described in its application for license. Construction of the facility was authorized by Construction Permit No. CPCX–3, issued on June 11, 1956. The facility has been inspected by representatives of the Commission and found to have been constructed in accordance with the terms and conditions of the construction permit. For further details see the application for license at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 19th day of December 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

PROPOSED LICENSE

1. On March 5, 1956, Nuclear Development Corporation of America filed an application for a Class 104 license to construct, possess and operate a critical experiment facility (hereinafter "the facility") at a site near Pawling, New York. Amendments to its application were filed on April 13, May 10, 1956, and November 26, 1957. The original application and amendments thereto are hereinafter referred to as "the application". On June 11, 1956, the Atomic Energy Commission (hereinafter "the Commission") issued Construction Permit No. CPCX–3 authorizing construction of the facility described in the application. Representatives of the Commission have inspected the facility and found it to have been constructed in compliance with the terms and conditions of the construction permit.

2. The Commission finds that:

a. The facility authorized for construction by Construction Permit No. CPCX–3, dated

June 11, 1956, and issued to Nuclear Development Corporation of America, has been constructed in conformity with the application and in conformity with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission; and

b. Issuance of a license to possess the facility will not be inimical to the common defense and security or to the health and safety of the public.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Nuclear Development Corporation of America pursuant to Section 104 (c) of the Atomic Energy Act of 1954, as amended, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess the facility as a utilization facility.

4. This license shall be deemed to contain and be subject to the conditions specified in Section 50.54 of Part 50; is subject to all applicable provisions of the Atomic Energy Act of 1954, as amended, and rules, regulations and orders of the Commission now or hereafter in effect.

5. No critical experiment may be conducted in the facility until a description of the experiment and a hazards evaluation report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

6. This license is effective as of the date of issuance and shall expire at midnight, June 11, 1966.

For the Atomic Energy Commission.

———— ————,
Director,
Division of Civilian Application.

Date of issuance:

[F. R. Doc. 57-10680; Filed, Dec. 26, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7345-6, between the members of the California Association of Port Authorities, modifies the approved basic agreement of that Association (No. 7345, as amended) (1) by substituting the name "Federal Maritime Board" for that of "United States Maritime Commission" in specified articles, (2) to increase, from 5 to 10, the number of days notice a party is required to give to the President and Executive Secretary of the Association of changes in rates, charges, classifications, rules, regulations, and practices, and (3) to provide that, unless otherwise determined by the members, the principal office of the Association shall be at the office of the Executive Secretary in San Francisco instead of at the port in which the office of the President is located. Agreement No. 7345, as amended, provides for the establishment and maintenance of just and reasonable, and so far as practicable, uniform terminal rates, charges, classifications, rules, regulations, and practices at the members terminals in the State of California.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: December 20, 1957.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-10712; Filed, Dec. 26, 1957; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9073]

CONTINENTAL AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Continental Air Lines, Inc., for an amendment of its certificate to remove a restriction so as to permit the carrier to provide one-plane service between Colorado Springs, Colorado, on the one hand, and Chicago, Illinois, and Los Angeles, California, on the other.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on January 6, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D. C., December 20, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-10687; Filed, Dec. 26, 1957; 8:50 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN INTERNAL REVENUE AGENT AND COLLECTION OFFICER POSITIONS IN EL CENTRO, CALIF.

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of Section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rates of pay for all classes of positions in the following series and grades:

Internal Revenue Agent Series GS-512-0:

GS-7, $5,335 p. a.—Seventh step.
GS-9, $6,250 p. a.—Seventh step.
GS-11, $7,465 p. a.—Sixth step.
GS-12, $8,000 p. a.—Third step.

Internal Revenue Collection Officer Series GS-1169-0:

GS-7, $5,335 p. a.—Seventh step.
GS-9, $6,250 p. a.—Seventh step.

These increases will be effective on the first day of the first pay period which begins after December 18, 1957, and will be applicable to all such positions in El Centro, California.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-10710; Filed, Dec. 26, 1957; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9447]

SOUTHERN PRODUCTION CO., INC.

ORDER SUBSTITUTING RESPONDENT

This rate proceeding was initiated on October 10, 1955, when the Commission deferred the use of and suspended Supplement No. 4 to Southern Production Company, Inc.'s (Southern Production) FPC Gas Rate Schedule No. 3. The aforesaid supplement contained increased rates and charges for the sale of natural gas by Southern Production to Southern Natural Gas Company (Southern Natural), subject to the jurisdiction of the Commission, pursuant to an agreement dated January 8, 1952, between Southern Production and Humble Oil & Refining Company (Humble). The aforesaid agreement provides that Southern Production is to deliver gas from the Pledger Field, Brazoria County, Texas, to Humble in exchange for gas delivered to Southern Natural by Humble from its production in the Duck Lake and Lake Sands fields in Louisiana.

Presently, this rate proceeding (involving the operations of Southern Production in the Pledger Field) is pending before a presiding examiner of the Commission.

Southern Production and Sinclair Oil & Gas Company (Sinclair), on March 1, 1957, filed a joint motion for leave to substitute Sinclair in place of Southern Production as respondent. Movants state that on November 1, 1956, subsequent to the commencement of hearings in this proceeding, Sinclair acquired the gas properties of Southern Production in the Pledger Field, subject to the January 8, 1952, agreement between Southern Production and Humble, and, in consequence, Sinclair assumed and undertook from November 1, 1956, the obligations of Southern Production to make the sale of natural gas to Southern Natural involved in this proceeding. Under date of December 17, 1956, Sinclair tendered its agreement and undertaking to comply with the provisions of the order issued in this proceeding on June 14, 1956, making the proposed increased rates effective subject to refund. This undertaking was accepted for filing on March 1, 1957.

Movants also state that, pursuant to §§ 154.65 and 250.4 of the Commission's Regulations under the Natural Gas Act (18 CFR 154.65 and 250.4), Sinclair, on November 30, 1956, filed its certificate of adoption of Southern Production's FPC Gas Rate Schedule No. 3, including Supplement No. 4 thereto. It also appears that by order issued April 15, 1957, in Docket No. G-11229, 17 FPC 532, Sinclair obtained authorization to continue to make this sale to Southern Natural.

The Commission finds: It is appropriate to carry out the provisions of the Natural Gas Act that Sinclair Oil & Gas Company be substituted as respondent in this proceeding for the reasons set forth in the joint motion filed herein on March 1, 1957, and that this proceeding be redesignated as hereinafter ordered.

The Commission orders: Sinclair Oil & Gas Company be and it is hereby substituted for Southern Production Company, Inc., as respondent and this proceeding be redesignated as "In the Matter of Sinclair Oil & Gas Company (successor in interest to Southern Production Company, Inc.), Docket No. G-9447."

Issued: December 20, 1957.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10696; Filed, Dec. 26, 1957; 8:51 a. m.]

[Docket No. G-13130]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation, with its principal place of business at Shreveport, Louisiana, filed on August 23, 1957, an application for a certificate of public convenience and necessity, authorizing the construction and operation of farm taps and rural service facilities for the sale of natural gas to Escambia Natural Gas Service Company (Escambia) in Escambia County, Florida, for resale, and for the sale of natural gas to the towns of Atmore, Brewton and Flomaton in Baldwin and Escambia Counties, Alabama, for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the aforesaid taps and rural service facilities along the right-of-way traversed by its 40.1 mile long, 8-inch diameter lateral transmission line being constructed to supply gas to the Container Corporation of America plant near Brewton, Alabama. The Escambia Natural Gas Service Company has indicated a willingness to render service to Florida customers with gas supplied through Applicant's pipeline. Applicant states that it "will timely file new service agreement with the towns of Atmore, Brewton and Flomaton to provide for the additional service." It appears that the contemplated service to Escambia and the aforesaid towns is to be rendered pursuant to obligations of United under right-of-way agreements. Financing of the taps will be made from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 21, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such appliction: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Issued: December 20, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-10697; Filed, Dec. 26, 1957; 8:51 a. m.]

[Docket No. G-13951]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED TARIFF SHEETS

Texas Illinois Natural Gas Pipeline Company (Texas Illinois), on November 21, 1957, tendered for filing Fifth Revised Sheets Nos. 5 and 9, Fourth Revised Sheets Nos. 6 and 10, and Third Revised Sheets Nos. 11 and 12-A to its FPC Gas Tariff, Original Volume No. 1, proposing to make effective as of December 21, 1957, increased rates and charges for the sale of natural gas for resale. Such revised tariff sheets would effect an increase in rates and charges of about $2,723,000 annually, or 5.6 percent, based on sales for the year ended August 31, 1957, as adjusted.

The proposed increased rates and charges are based on (1) a claimed general increase in operating expenses, including wages and purchased gas costs, and (2) a claimed rate of return of 6½ percent.

More specifically, the claimed major adjustments include, among others, (a) an adjustment of purchased gas costs by a net of $1,310,171, including $1,243,224 assertedly based upon increased contract rates of producer-suppliers and estimated changes in natural gas supply sources and prices, which may or may not occur; (b) return of $9,738,152 predicated upon a claimed annual rate of return of 6½ percent upon a claimed year-end rate base of $149,817,730, which rate of return may not be fair and reasonable; (c) claimed income tax expense allowance of $6,285,419, of which Federal income taxes are estimated to be $6,174,282, associated with the claimed rate of return of 6½ percent; and (d) use of year-end net rate base instead of an average net rate base, an adjustment which may not be proper.

The effect of all the adjustments is a claimed cost of service for the test year of $51,472,824, of which amount Texas Illinois proposes to recoup $51,464,153 through the following increased rates and charges for jurisdictional sales:

	Present	Proposed	Increase
Rate schedule CD-1 and CD-2 (general service): Demand charge	$2.06	$2.39	$0.33
Commodity charge	*Cents* 19.57	*Cents* 0.20	*Cents* 0.43
Rate schedule I-1 (interruptible service): Commodity charge	20.17	0.20	0.17
Rate schedule X-1 (cushion gas): Commodity charge	26.35	27.86	1.51

In increasing the presently effective rates for general service, Texas Illinois has increased the commodity charge to 20¢ per Mcf, and proposes to recoup the remaining costs by increasing the demand charge. Texas Illinois appears to be of the view that 20¢ is as high as the commodity charge should be without, as put by Texas Illinois, jeopardizing the estimated sales. It appears that the predetermined limitation on the level of the commodity charge, in effect, transfers to the demand side of the rate $1,112,000 of costs which would be attributed to the commodity component if the company were to adhere to cost classification and allocation methods approved by the Commission and the courts and heretofore followed by Texas Illinois.

The increased rates and charges proposed by Texas Illinois in Fifth Revised Sheets Nos. 5 and 9, Fourth Revised Sheets Nos. 6 and 10, and Third Revised Sheet No. 12-A; and the decreased rate and charge proposed in Third Revised Sheet No. 11 to its FPC Gas Tariff, Original Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in the Natural Gas Act—particularly Sections 4 and 15 thereof—concerning the lawfulness of the rates, charges, classifications, and services provided in Texas Illinois' FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fifth Revised Sheets Nos. 5 and 9, Fourth Revised Sheets Nos. 6 and 10, and Third Revised Sheets Nos. 11 and 12-A, and that said proposed revised tariff sheets be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held at a time and place to be fixed by notice from the Secretary of the Commission concerning the lawfulness of the rates, charges, classifications, and services contained in Texas Illinois' FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fifth Revised Sheets Nos. 5 and 9, Fourth Revised Sheets Nos. 6 and 10, and Third Revised Sheets Nos. 11 and 12–A tendered for filing on November 21, 1957.

(B) Pending such hearing and decision thereon, Fifth Revised Sheets Nos. 5 and 9, Fourth Revised Sheets Nos. 6 and 10, and Third Revised Sheets Nos. 11 and 12–A to Texas Illinois' FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until May 22, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 20, 1957.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10698; Filed, Dec. 26, 1957; 8:51 a. m.]

[Docket No. G–13977]

STANDARD OIL CO. OF TEXAS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

Standard Oil Company of Texas (Respondent), on November 25, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of changes, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 25. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 23.
Effective date: January 1, 1958 (the stated effective date is the date proposed by Respondent).

In support of the proposed rate increases, Respondent refers to the contract provisions and also contends that in each instance the entire price schedule for the entire life of the contract is the rate and charge thereunder.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the National Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 20, 1957.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10699; Filed, Dec. 26, 1957; 8:51 a. m.]

[Docket No. G–13978]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

Tidewater Oil Company (Respondent), on November 25 and 27, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of change, dated November 22, 1957. (2) Notice of change, dated November 25, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 39. (2) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 38.
Effective date: January 1, 1958. (The stated effective date is the date proposed by Respondent.)

Respondent merely cites the pertinent pricing provisions of the contracts in support of the proposed periodic rate increases.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 20, 1957.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10700; Filed, Dec. 26, 1957; 8:52 a. m.]

[Docket No. G–13979]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

Cities Service Oil Company (Respondent), on November 25, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 22, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 26. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 27.
Effective date: January 1, 1958. (The stated effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increases, Respondent contends that the "escalation" method of establishing a price for the gas is a part of the initial rate schedule, and that it is unfair to deny the increase when deliveries were made at the lower rate during the earlier term of the contract.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 20, 1957.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10701; Filed, Dec. 26, 1957; 8:52 a. m.]

[Docket No. G–13991]

TEXAS PACIFIC COAL AND OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

Texas Pacific Coal and Oil Company (Respondent), on December 2, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 27, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 4. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 8. (3) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: January 2, 1958 (the stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increases, Respondent merely cites the contract provisions and the fact that the purchaser has tendered for filing increases in its rates to reflect the increases herein proposed.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 20, 1957.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–10703; Filed, Dec. 26, 1957; 8:52 a. m.]

[Docket No. G–13989]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

Magnolia Petroleum Company (Respondent), on November 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 133.
Effective date: January 1, 1958 (the stated effective date is the date proposed by Respondent).

In support of the proposed periodic rate increase, Respondent cites the contract provisions and states that cost of exploration and production has increased. Respondent also states that the contract was negotiated at arm's-length.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought

to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 20, 1957.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-10702; Filed, Dec. 26, 1957; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI

REDELEGATION OF AUTHORITY

1. The Director for Northwest Operations, Region VI, at Seattle, Washington, is hereby authorized within his jurisdiction (the Counties of Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, Valley, and Washington, in the State of Idaho; and the States of Montana, Oregon, and Washington) to exercise the authority delegated by the Housing and Home Finance Administrator to each Regional Administrator under the programs administered under the Community Facilities Administration, including the following:

Programs and Current Delegations to Regional Administrator

(a) Advances for public works planning authorized under section 702 of the Housing Act of 1954, as amended (40 U. S. C. 462) (22 F. R. 3304, 5-10-57);

(b) Housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (12 U. S. C. 1749-1749c); [1]

(c) Public facility loans authorized under section 202 of Public Law 345, 84th Cong. (42 U. S. C. 1491) (20 F. R. 9981, 12-24-55).

2. The officers appointed to the positions listed below in the Office of the Director for Northwest Operations, Region VI, are hereby designated to act in the place and stead of the Director for Northwest Operations, Region VI, with the title of "Acting Director for Northwest Operations, Region VI," and with all the powers, rights, and duties redelegated or assigned to the Director, in the event the Director is unable to act by reason of his absence, illness, or other cause, provided that no officer designated below shall serve in such acting capacity unless all other officers whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

(a) Area Engineer;

(b) Area Finance Officer.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U. S. C. 1952 ed. 1701c; Delegation of authority to Regional Administrator, Region VI (San Francisco), effective August 12, 1957 (22 F. R. 5783, 7/19/1957))

Effective as of the 12th day of August 1957.

[SEAL] PAUL EMMERT, *Acting Regional Administrator, Region VI.*

[F. R. Doc. 57-10751; Filed, Dec. 26, 1957; 8:57 a. m.]

[1] Published at 22 F. R. 6586, 8-15-57.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3651]

WEST TEXAS UTILITIES CO.

NOTICE OF FILING OF DECLARATION REGARDING THE ISSUANCE AND SALE PURSUANT TO RULE U-50 OF $8,500,000 OF NEW BONDS

DECEMBER 20, 1957.

Notice is hereby given that West Texas Utilities Company ("West Texas"), a public utility subsidiary of Central and South West Corporation ("Central"), a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. West Texas has designated sections 6 (a) and 7 of the act and Rule U-50 as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

West Texas proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $8,500,000 principal amount of First Mortgage Bonds ("New Bonds"), Series E, to be dated as of January 1, 1958, and to mature January 1, 1988. The Series E bonds will be issued under an indenture dated August 1, 1943 between West Texas and Harris Trust and Savings Bank and Harold Eckhart, as trustees, as amended by indentures supplemental thereto and to be further amended by a proposed supplemental indenture to be dated January 1, 1958 between West Texas and Harris Trust and Savings Bank and W. H. Milsted (successor to Harold Eckhart), as trustees. The interest rate on the new bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid West Texas for the new bonds, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof, will be determined by the competitive bidding.

The declaration states that the net proceeds (exclusive of accrued interest) to be received by West Texas from the issuance and sale of the new bonds will be used by the company to pay for a part of the additions, extensions, and improvements made and to be made to its electric utility properties, including the payment of short-term bank debt of West Texas incurred for that purpose. Such bank debt aggregated $1,500,000 at October 31, 1957. It is further stated that West Texas' construction expenditures for the years 1958 and 1959 will aggregate approximately $23,000,000.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that West Texas' fees and expenses in connection with the above transactions will not exceed in the aggregate $42,000 including $1,500 for accountants' fees and $6,500 for counsel fees. Fees and expenses of counsel for the underwriters, which are estimated to be $4,750, will be paid by the successful bidders.

Notice is further given that any interested person may not later than January 10, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rule as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10704; Filed, Dec. 26, 1957; 8:52 a. m.]

[File No. 24SF-2348]

AMERICAN RESERVE OIL & MINING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 20, 1957.

I. American Reserve Oil & Mining Corporation, a Nevada corporation, filed with the Commission on October 8, 1956, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to a proposed offering of 300,000 shares of its common stock at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The offering circular, as amended, contains false and misleading statements as to material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The failure to disclose the significance of the completion of an 11,484 ft. dry hole immediately offsetting the lease owned by the issuer on which it proposes to drill a well.

2. The description of said dry hole as having been "abandoned uncompleted" when in fact it was abandoned as a non-productive dry hole.

3. The failure of the Sperber report to disclose the existence of the said dry hole offsetting the issuer's lease and the effect of said dry hole upon prospects for obtaining production on the issuer's proposed well.

4. The failure of the cross-section accompanying the Sperber report to reflect available information with respect to said dry hole.

5. The failure to disclose when and under what circumstances the prior lessee surrendered its lease on section 12 and whether and under what circumstances that company surrendered any of the other leases formerly held by it in this area.

6. The extent of the issuer's leasehold interest as described on pages 3 and 6 of the offering circular.

B. The offering would be made in violation of section 17 of the act.

III. *It is ordered*, Pursuant to Rule 261 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10705; Filed, Dec. 26, 1957; 8:53 a. m.]

[File No. 1-3469]

NEVADA MONARCH CONSOLIDATED MINES CORP.

ORDER AND NOTICE OF HEARING UNDER SECTION 19 (a) (2) OF THE SECURITIES EXCHANGE ACT OF 1934

DECEMBER 20, 1957.

I. Nevada Monarch Consolidated Mines Corp. ("registrant"), a Nevada corporation, registered its common stock, $1.00 par value, on the Salt Lake Stock Exchange on July 25, 1948 pursuant to an application filed under section 12 of the Securities Exchange Act of 1934 (the "act") and the certification of the said Exchange filed under section 12 (d) of the act and the rules and regulations of the Commission promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. Registrant has failed to comply with the provisions of section 13 of the act and Rule 17 CFR 240.13a.1 promulgated thereunder in that the registrant has failed to file with the said exchange and the Commission annual reports on Form 10-K within the time limited for filing such reports for registrant's fiscal years, ending December 31, following:

(a) 1951.
(b) 1952.
(c) 1953.
(d) 1954.
(e) 1955.

B. That the balance sheet filed by registrant on September 18, 1957 as part of an annual report on Form 10-K for its fiscal year ending December 31, 1956 is false and misleading in the following respects:

(a) Amount stated as "Additional Development Expenditures";

(b) Amount stated to have been advanced by lessee for development expense;

(c) Amount stated as "proceeds of government loan" used for development.

III. *It is ordered*, That a public hearing pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 be held at 10:00 a. m., m. s. t., January 27, 1958, at the Salt Lake Branch Office of the Commission, 201 Boston Building, Salt Lake City, Utah, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the common capital stock of registrant on the Salt Lake Stock Exchange for failure to comply with section 13 of the act and the rules and regulations promulgated thereunder as set forth in paragraph II above.

It is further ordered, That Robert N. Hislop is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the Rules of Practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to the registrant, the Salt Lake Stock Exchange, and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceeding should file with the Hearing Officer or the Secretary of the Commission on or before January 22, 1957, his application therefor as provided by the Rules of Practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10706; Filed, Dec. 26, 1957; 8:53 a. m.]

[File No. 70-3652]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE AND SALE OF NOTES TO BANKS

DECEMBER 19, 1957.

Notice is hereby given that Appalachian Electric Power Company, a public utility subsidiary of American Gas and Electric Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 and Rule U-50 (a) (2) thereunder as applicable to the proposed transactions.

All interested persons are referred to the application on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian has established a line of credit under which it proposes to issue and sell from time to time, prior to December 31, 1958, not in excess of $32,000,000 face amount of promissory notes to the following banking institutions:

Irving Trust Company, New York, N. Y.	$4,800,000
Mellon National Bank & Trust Company, Pittsburgh, Pa.	4,800,000
First National City Bank of New York, New York, N. Y.	4,800,000
Manufacturers Trust Company, New York, N. Y.	4,160,000
Guaranty Trust Company of New York, New York, N. Y.	3,200,000
Continental Illinois National Bank and Trust Company of Chicago, Chicago, Ill.	3,200,000
Bankers Trust Company, New York, N. Y.	2,240,000
The Hanover Bank, New York, N. Y.	2,240,000
Chemical Corn Exchange Bank, New York, N. Y.	1,600,000
The Northern Trust Company, Chicago, Ill.	960,000
Total	32,000,000

Of the $32,000,000 face amount of notes proposed to be issued and sold Appalachian has, as of November 30, 1957, issued and sold $15,000,000 to seven of these banks. This amount and additional issues of $3,000,000 are stated to be exempt from section 6 (a) of the act by reason of the first sentence of section 6 (b) thereof.

Appalachian now requests approval of the issuance and sale of notes in an amount not to exceed $14,000,000 above the $18,000,000 said to be permitted by the first sentence of section 6 (b), such notes to be dated as of the date of the borrowings and to mature not more than 270 days after the date of issuance. The notes are to bear interest from the dates thereof at the then current prime rate,

which prime rate is presently 4½ percent per annum, and may be prepaid from time to time, in whole or in part, without premium. The application states that Appalachian's outstanding notes payable to banks at the time of its next permanent financing will be paid from the proceeds of such financing and it is understood and agreed that, upon the consummation of such permanent financing, and in any event not later than December 31, 1958, the authorization relating to the issuance and renewal of notes payable to banks granted by Commission order pursuant to this application shall cease.

The proceeds from the notes will be used by Appalachian to pay a part of the cost of its construction program which, it is presently estimated, will amount to approximately $50,000,000 in 1958.

The application states that the proposed transactions will be expressly authorized by the Virginia State Corporation Commission and that a copy of the order of that Commission will be filed by amendment. It is represented that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The expenses to be incurred by Appalachian are estimated at not in excess of $200. No fees, commissions or other expenses are to be paid except that routine services incidental to the proposed transactions will be performed by American Gas & Electric Service Corporation, the cost of which is estimated not to exceed $1,000.

Notice is further given that any interested person may, not later than January 2, 1958 at 5:30 p. m., request in writing that a hearing be held in respect of the above matter, stating the nature of his interest, the reasons for the request, and the issues of fact or law, which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant an exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10707; Filed, Dec. 26, 1957; 8:53 a. m.]

[File No. 70-3653]

ALABAMA POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF $23,000,000 PRINCIPAL AMOUNT OF BONDS AT COMPETITIVE BIDDING, AND ISSUANCE OF $2,075,000 PRINCIPAL AMOUNT OF BONDS FOR SINKING FUND PURPOSES

DECEMBER 19, 1957.

Notice is hereby given that Alabama Power Company ("Alabama"), a public-utility subsidiary of The Southern Company ("Southern"), a registered holding company, has filed with this Commission an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the following proposed transactions:

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $23,000,000 principal amount of First Mortgage Bonds, — percent Series due 1988. The interest rate (which shall be a multiple of ⅛ of 1 percent, and the price to be paid to Alabama, exclusive of accrued interest, which price shall be not less than 99 percent nor more than 102¾ percent of the principal amount, will be determined by the competitive bidding. The new bonds will be issued under Alabama's Indenture dated as of January 1, 1942 between Alabama and Chemical Corn Exchange Bank, as Trustee ("Chemical") as heretofore supplemented and as to be further supplemented by a Supplemental Indenture dated as of January 1, 1958.

Alabama proposes to use the net proceeds from the sale of the bonds for the construction or acquisition of permanent improvements, extensions and additions to its property. The Company estimates that its total construction expenditures for 1958 will aggregate approximately $63,903,000 and in order to finance such program, Alabama will use its cash on hand in excess of operating requirements, interest, and dividends, including in such cash the proceeds from the sale of the proposed bonds and $8,000,000 expected to be received in 1958 from the sale to Southern of additional shares of common stock of Alabama.

Alabama also proposes to issue $2,075,000 principal amount of First Mortgage Bonds, 4⅝ Percent Series due 1987, under its Indenture dated as of January 1, 1942 with Chemical. The bonds will be authenticated and delivered by Chemical to Alabama on the basis of unfunded property additions and, in turn, surrendered to Chemical for cancellation to satisfy the sinking and improvement fund requirements of the Indenture. It is represented that the bonds will never constitute an obligation for the payment of money by Alabama and they will not therefore be included in Alabama's books as a liability.

The fees and expenses to be paid in connection with the proposed issuance and sale of bonds at competitive bidding will be supplied by amendment. The fees and expenses incurred in connection with the issuance of bonds for sinking fund purposes are estimated at $2,250, including $1,000 for company counsel.

The proposed transactions are subject to the jurisdiction of the Public Service Commission of Alabama, and a copy of that Commission's order to be entered in respect thereof is to be supplied by amendment.

Notice is further given that any interested person may, not later than January 3, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as it may be hereafter amended, may be granted as provided by Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may grant such exemption from its rules as provided in Rules U-20 (a) and U-100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10708; Filed, Dec. 26, 1957; 8:53 a. m.]

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING PURSUANT TO SECTION 19 (a) (4) OF THE SECURITIES EXCHANGE ACT OF 1934

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Ballanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On December 10, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending December 20, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, December 21 to 30, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-10709; Filed, Dec. 26, 1957; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 5]

APPLICATIONS FOR CONVERSION BY MOTOR CONTRACT CARRIERS

DECEMBER 20, 1957.

The following proceedings are governed by the Interstate Commerce Commission's special rules of practice, published in the FEDERAL REGISTER on November 13, 1957, Volume 22, FEDERAL REGISTER, page 9015, concerning notice of proceedings upon application of a holder of motor contract carrier authority, under section 212 (c) of the Interstate Commerce Act, for the revocation of motor contract carrier authority issued on or before August 22, 1957, and the issuance in lieu thereof of a certificate of public convenience and necessity (49 CFR 1.242). A proceeding to determine the status of the carriers' operations has been instituted under section 212 (c).

Protests may be filed with the Commission within 30 days after the date notice of the proceedings is published in the FEDERAL REGISTER. If oral hearing is desired the protest must so indicate.

The authority set out in the pertinent permits upon which a determination is sought, has, in most instances, been summarized.

MOTOR CARRIERS OF PROPERTY

No. MC 1148 (Sub No. 5) filed November 14, 1957, CRESCENT TRUCKING, INC., 120 Bridge Street, Mayville, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 1148, dated May 27, 1957.

Lime, over irregular routes, from Mayville, Wis., to points in Illinois north of U. S. Highway 6.

Sheet metal products, over irregular routes, from Mayville, Wis., to points in Illinois, Indiana, Ohio, Michigan, Iowa, and Minnesota.

Steel, over irregular routes, from points in Illinois, Indiana, Ohio, Michigan, Iowa, and Minnesota to Mayville, Wis.

Dies and tools, over irregular routes, between Mayville, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan, Iowa, and Minnesota.

No. MC 1441 (Sub No. 15) filed November 5, 1957, MERRILL MOTOR LINE, INC., 2520 Northeast 35th Street, Fort Worth, Texas. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 1441, dated May 16, 1957.

Meats, meat products and meat by-products, dairy products, and *articles distributed by meat-packing houses*, as defined by the Commission, over irregular routes, between Oklahoma City, Okla., on the one hand, and, on the other, points in that part of Texas east and south of a line begining at the boundary of the United States and Mexico and extending along the Texas-New Mexico State line to junction U. S. Highway 285, thence along U. S. Highway 285 to Pecos, Tex., thence along U. S. Highway 80 to Sweetwater, Tex., thence in a northeasterly direction through Stamford, Tex., to Seymour, Tex., thence along U. S. Highway 283 to Vernon, Tex., and thence due north from Vernon, Tex. to the Texas-Oklahoma State line, including Sweetwater, Tex., and points on that portion of the designated line between Sweetwater and the Texas-Oklahoma State line, except that no service is authorized to or from Houston, Tex.: between Oklahoma City, Okla., on the one hand, and, on the other, points in the Panhandle territory of Texas: between Oklahoma City, Okla., on the one hand, and, on the other, points in the Panhandle territory of Texas: between Fort Worth, Tex., on the one hand, and, on the other, points in that part of Oklahoma south of a line beginning at the Texas-Oklahoma State line on U. S. Highway 60 and extending along U. S. Highway 60 to Enid, Okla., thence along U. S. Highway 64 to the Oklahoma-Arkansas State line, including points on the indicated portions of the highways specified and the points named.

Meats, meat products and meat by-products, dairy products, and *articles distributed by meat packing houses*, as defined by the Commission, from Dallas and Fort Worth, Tex., to Corsicana, Waxahachie, Mount Vernon, Longview, Tyler, Kilgore, Gladewater, Henderson, Marshall, Wichita Falls, Arlington, Grand Prairie, Euless, and Hurst, Tex.

Meats, meat products and meat by-products, dairy products, and *articles distributed by meat packing houses*, as defined by the Commission, in vehicles equipped with mechanical refrigeration, from Dallas and Fort Worth, Tex., to points in Texas, except Corsicana, Waxahachie, Mount Vernon, Longview, Tyler, Kilgore, Gladewater, Henderson, Marshall, Wichita Falls, Arlington, Grand Prairie, Euless, and Hurst, Tex.: Restriction: The service described immediately above is restricted to the distribution of pool-car and pool-truck shipments.

No. MC 2461 (Sub No. 10) filed November 5, 1957, KENT TRANSFER, INCORPORATED, U. S. 40, P. O. Box 71, Elkton, Md. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 2461, dated June 10, 1941.

Malt beverages, over irregular routes, from Philadelphia, Reading, Easton, Lancaster, Lebanon, Northampton, Allentown, Harrisburg, Norristown, and Pottsville, Pa., and New York, N. Y., to points in Maryland and the District of Columbia, and *empty malt beverage containers* on return.

No. MC 2461 (Sub No. 5), dated October 24, 1951.

Malt beverages, over irregular routes, from Newark, N. J., to Hagerstown and La Plata, Md., and *empty malt beverage containers*, on return.

No. MC 2461 (Sub No. 6), dated May 23, 1952.

Malt beverages, over irregular routes, from Newark, N. J., to Cockeysville, Upper Marlboro, Elkridge, Leonardtown, and Frederick, Md., and *empty malt beverage containers*, on return.

No. MC 2941 (Sub No. 13), filed October 30, 1957, C & E TRUCKING CORPORATION, 1311 South Olive Street, South Bend 19, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 2941, dated September 8, 1942.

Paper cartons or boxes (other than corrugated) knocked down flat, in bundles, over regular routes, from South Bend, Ind., to Chicago, Clearing, and River Forest, Ill.: *Rejected shipments of the above-specified commodities*, on return.

Such merchandise as is dealt in by meat-packing companies, from Chicago, Ill., to Elkhart, Ind.: Service is authorized to and from all intermediate points in Indiana east of Whiting, Ind., and the off-route point of La Porte, Ind.

No. MC 2941 (Sub No. 2), dated March 29, 1944.

Fresh fruits and vegetables, over a regular route, from Chicago, Ill., to South Bend, Ind.: serving no intermediate points.

No. MC 2941 (Sub No. 10), dated August 25, 1947.

Dairy products as defined, *yeast* and *frozen foods*, over irregular routes, between Chicago, Ill., on the one hand, and, on the other Elkhart and South Bend, Ind., and with persons (as defined in sections 203 (a) of the Interstate Commerce Act) who operate meat-packing houses, for the transportation of the commodities indicated and in the manner specified below:

The commodities classified in the appendix to the above-described report as (a) meats, meat products, and meat by-products, (b) dairy products, and (c) articles distributed by meat-packing

houses, subject to a "keystone" restriction.: from South Bend and points within five miles thereof to Chicago. *Rejected shipments* of the above-specified commodities, over irregular routes, from Chicago to South Bend and points within five miles thereof.

No. MC 2941 (Sub No. 11), dated August 31, 1950.

Packing-house products, fresh meat, groceries, and *fixtures* used by retail butcher shops, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in Illinois, Indiana, and Michigan.

No. MC 2941 (Sub No. 8), dated September 27, 1946.

The commodities classified (a) as meat, meat products and meat by-products, (b) dairy products and (c) articles distributed by meat-packing houses, subject to a Keystone restriction, from Mishawaka, Ind., and the site of the plant of Gentner Packing Company located approximately 5 miles south of South Bend, Ind., and 1 mile west of U. S. Highway 31, to Chicago, Ill.

No. MC 3690 (Sub No. 12) filed October 21, 1957, LESLIE J. STRAWN, INC., 4448 17th Street Extended SW., Canton, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 3690, dated October 9, 1944.

Petroleum products, in bulk, in tank-trucks, and in containers, over irregular routes, from Franklin, Oil City, and Titusville, Pa., and points within 15 miles of Franklin, Oil City, and Titusville, to Canton, Cleveland, Columbus, Elyria, Martins Ferry, Tiffin, Toledo, Fremont, Stillwater, and Steubenville, Ohio, and Wheeling, W. Va.; and *empty petroleum product containers,* on return.

Benzol, in bulk, in tank-trucks, over irregular routes, from Foggansbee, W. Va., to Steubenville and Martins Ferry, Ohio.

Motor oil, in drums, over irregular routes, from Franklin, Pa., to Massillon, Ashtabula, Warren, Mansfield, Newark, Galion, and Springfield, Ohio, and Cumberland, Md.

Oil, in drums, over irregular routes, from Franklin, Pa., to Canton, Cleveland, Columbus, Elyria, Martins Ferry, Tiffin, and Toledo, Ohio.

Petroleum products, in bulk, over irregular routes, between points in that part of Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U. S. Highway 22 to Blairsville, Pa., thence due north to the Pennsylvania-New York State line, other than Franklin, Oil City and Titusville, respectively, on the one hand, and, on the other, points in Ohio.

No. MC 3690 (Sub No. 8), dated January 17, 1947.

Petroleum and petroleum products, in bulk, in tank trucks, over irregular routes, between Heath, Ohio, on the one hand, and, on the other, points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va.

No. MC 3690 (Sub No. 10), dated April 4, 1949.

Petroleum and petroleum products, in bulk, in tank vehicles, over irregular routes, from Akron, Canton, and Cleveland, Ohio, to points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., except Follansbee, W. Va., and points in Brooke and Hancock Counties within 5 miles of Follansbee.

No. MC 5696 (Sub No. 17) filed November 6, 1957, UNITED TRANSPORT LINES, INC., 71 Elm Street, Westfield, Mass. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield 3, Mass. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 5696, dated May 23, 1955.

Fuel oil, except Bunker "C" fuel oil, in bulk, in tank vehicles, over a specified regular route between New Haven, Conn., and Springfield, Mass., serving no intermediate points.

Coal, over irregular routes, from New Haven, and Bridgeport, Conn., to points in Connecticut.

Fuel oil, except Bunker "C" fuel oil, in bulk, in tank vehicles, from New Haven, Conn., to West Stockbridge, Monroe Bridge, and Bondsville, Mass., and points in Massachusetts on and within 10 miles of U. S. Highway 5, except Springfield, Mass.

Bunker "C" fuel oil, in bulk, in tank vehicles, from New Haven, Conn., to Wingdale, N. Y., and to points in Massachusetts on and west of U. S. Highway 5, and those in Massachusetts east of U. S. Highway 5 within 10 miles of U. S. Highway 5, and Bondsville, Mass.

Damaged, defective, rejected or returned shipments of the above-described commodity, on return.

Hot rolled sheet steel, in coils, from New Haven, Conn., to Wallingford, Conn.

No. MC 9770 (Sub No. 9) filed December 3, 1957, M & M HAULING & DISTRIBUTING CO., a Corporation, 885 East 51st Street, Brooklyn, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 9770, dated January 8, 1944.

General commodities, except those of unusual value, dangerous explosives, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between points in the New York, N. Y., Commercial Zone, on the one hand, and, on the other, points in New York, New Jersey, and Connecticut within 50 miles of origin point.

No. MC 9770 (Sub No. 2), dated May 3, 1940.

Compressed gases, in cylinders, from Jersey City, N. J., to Plattekill, Modena, Gardiner, Hurleyville, Beacon, and Fishkill, N. Y., and points within ten miles of each named destination point; and *empty gas cylinders,* on return.

No. MC 9770 (Sub No. 8), dated January 23, 1947.

Compressed oxygen and nitrogen in shipper-owned multiple tank manifold trailers, and empty equipment for such commodities, over irregular routes, between Jersey City, Kenvil, and Harrison, N. J., and New York, N. Y., on the one hand, and, on the other, Bethlehem, Pa.

No. MC 13002 (Sub No. 1) filed October 21, 1957, FREMONT SMITH, doing business as FREMONT SMITH TRUCK LINE, 2110 Isabella Street, Sioux City, Iowa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 13002, dated August 5, 1943.

Eggs, poultry, scrap paper, junk, hides, and *grease,* over irregular routes, between Sioux City, Iowa, and Chicago, Ill., serving no intermediate points.

Oil and grease, in containers, and *twine,* from Chicago over the above specified route to Sioux City.

Fruits and *vegetables,* between Denver, Colo., and Chicago, Ill.: between Denver, Colo., and Sioux City, Iowa: Service is authorized to and from the intermediate points of Omaha, Nebr., and Council Bluffs and Davenport, Iowa.

Packing house products and *supplies,* used in the conduct of such business, subject to a "Keystone" restriction, between Sioux City, Iowa, and Chicago, Ill.: between Omaha, Nebr., and Chicago, Ill.: Service is authorized to and from the intermediate points of Council Bluffs, Davenport, Waterloo, and Dubuque, Iowa, and Rockford and Morrison, Ill.: between Denver, Colo., and Chicago, Ill.: between Denver, Colo., and Sioux City, Iowa: Service is authorized to and from the intermediate points of Omaha, Nebr., and Council Bluffs and Davenport, Iowa.

No. MC 16354 (Sub No. 3) filed October 24, 1957, FLEETLINE, INC., 1984 Oakdale Avenue., Route 10, South St. Paul, Minn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 16354 (Sub No. 1) dated February 1, 1952.

The commodities, classified as (a) meats, meat products and meat by-products, (b) dairy products, and (c) articles distributed by meat packing houses, as defined by the Commission, and materials, supplies, and equipment used in the manufacture and distribution of these commodities, over irregular routes, subject to a "Keystone" restriction, from points in the Minneapolis-St. Paul, Minn., commercial zone to Milwaukee, Wis., and points in the Chicago, Ill., commercial zone: from points in the Chicago, Ill., commercial zone to points in the Minneapolis-St. Paul, Minn., commercial zone.

No. MC 16354 (Sub No. 2) dated August 13, 1956.

Dairy products, eggs, poultry, and *packing house products* and *supplies,* over irregular routes, between Newport, South St. Paul, St. Paul, Minneapolis, and Minnesota Transfer, Minn., on the one hand, and, on the other, Fairmont, N. Dak., East Chicago, Ind., points in Minnesota and Wisconsin, those in the upper peninsula of Michigan, and those in Illinois on and north of U. S. Highway 20.

General commodities, between Newport, Minn., on the one hand, and, on the other, Minneapolis and St. Paul, Minn.

No. MC 16503 (Sub No. 5) filed November 21, 1957, JOHN L. GUEX, P. O. Box 359, Shawano, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 16503, dated October 19, 1949.

Canned goods, over irregular routes, from points in Wisconsin to Menominee, Mich.: from Menominee, Mich., to points in Wisconsin north of U. S. Highway 10; from points in Wisconsin except those north of U. S. Highway 8 and west of U. S. Highway 51, to Ishpeming, Iron Mountain and Escanaba, Mich.

Hardware, fresh meats, and *groceries,* over irregular routes, between Menominee, Mich., on the one hand, and, on the other, points in Wisconsin north of U. S. Highway 10.

No. MC 17731 (Sub No. 7) filed November 6, 1957, KEAL DRIVEAWAY COMPANY, a Corporation, 836 East 73d Street, Cleveland 3, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 17731 dated May 26, 1941.

New trucks, new truck chassis, and *new commercial automotive vehicles,* restricted to initial movements, in driveaway service, over irregular routes, from places of manufacture and assembly in Cleveland, Ohio, to all points in the United States.

Automobiles, trucks, chassis, and *commercial automotive vehicles,* new, used, or unfinished, restricted to secondary movements, in driveaway service, over irregular routes, between all points on and east of U. S. Highway 81.

No. MC 17731 (Sub No. 5), dated November 29, 1949.

Automotive show equipment and paraphernalia, over irregular routes, between all points and places in the United States.

Truck chassis in initial movements, in truckaway service, over irregular routes, from Cleveland, Ohio, to all points in the United States.

No. MC 18267 (Sub No. 7) filed November 5, 1957, TEXAS-LOUISIANA EXPRESS, INC., 3728 West Sixth Street, Fort Worth 7, Texas. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 18267, dated May 26, 1955.

Such products, as are manufactured and sold by packing houses for human or animal consumption, *empty boxes and crates* and *new and used bags or bagging* used by such packing houses in the preparation, preserving or shipping of such products, over specified regular routes, between Mercedes, Tex., and New Orleans, La., serving all intermediate points in Louisiana: between Mercedes, Tex., and Baton Rouge, La., serving all intermediate points in Louisiana: between Mercedes, Tex., and Monroe, La., serving all intermediate points in Louisiana: between Mercedes, Tex., and Vicksburg, Miss., serving all intermediate points in Louisiana: between Cuero, Tex., and Vicksburg, Miss., serving all intermediate points in Louisiana: between Cuero, Tex., and New Orleans, La., serving all intermediate points in Louisiana: between Lake Charles, La., and Brownsville, Tex., serving the intermediate points of Beaumont, Houston, and Port Arthur, Tex., restricted to traffic moving to and from Port Arthur: between Lake Charles, La., and Galveston, Tex., serving the intermediate points of Beaumont, Houston, and Port Arthur, Tex., restricted to traffic moving to or from Port Arthur:

Such products, as are manufactured and sold by packing houses for human or animal consumption, *empty boxes and crates and new and used bags or bagging* used by such packing houses in the preparation, preserving or shipping of such products, over irregular routes, between Lake Charles, La., on the one hand, and, on the other, Little Rock, Fort Smith, DeQueen, El Dorado, and Texarkana, Ark., Natchez, Vicksburg, Gulfport, Hattiesburg, Jackson, Meridian, Clarksdale, Greenwood, Greenville, Yazoo City, and West Point, Miss., Mobile, Montgomery, and Birmingham, Ala., Pensacola, Fla., and Memphis, Tenn.

Packing house products, over irregular routes, between Forth Worth and Dallas, Tex., on the one hand, and, on the other, New Orleans, La.: from Forth Worth and Dallas, Tex., to Donaldsonville, Shreveport, Alexandria and Baton Rouge, La.

Edible packing-house products, in refrigerated equipment, over irregular routes, from Dallas, Tex., to Camp Polk, Barksdale Field, Camp Livingston, Camp Beauregard, and Camp Claiborne, La.: from Fort Worth, Tex., to Camp Polk, La.

Returned or rejected shipments of empty boxes and crates and *used bags and bagging,* from the above-specified destination points to Dallas and Fort Worth, Tex.

No. MC 19575 (Sub No. 13) filed October 28, 1947, R. LENGLE TRUCKING CO., INC., 3071 West 46th Street, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 19575, dated October 12, 1949.

Furnaces, furnace parts, and *iron castings,* minimum 15,000 pounds from any one consignor, over irregular routes, from Cleveland, Ohio, to points in that part of Michigan on and south of a line beginning at Ludington, and extending along U. S. Highway 10 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction Michigan Highway 25, thence along Michigan Highway 25 to junction U. S. Highway 25, and thence along U. S. Highway 25 via Bay City and Port Austin to Port Huron.

Furnaces and *iron castings,* from Cleveland, Ohio to points in New Jersey, New York, that part of Pennsylvania on and west of U. S. Highway 19, that part of West Virginia on and north of U. S. Highway 50, that part of Indiana on and north of U. S. Highway 40, and those in Cook County, Ill.: *rejected or returned shipments* of the above-specified commodities on return.

Heating and air conditioning units, equipment and parts thereof and *such materials and supplies* as are required for the installation thereof, and *iron and steel castings,* from Cleveland, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and West Virginia; and *rejected, damaged, or repossessed shipments* of the above-specified commodities and *empty containers,* on return.

Patterns, flasks, and *parts thereof,* between Cleveland, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and West Virginia.

Oil burners, from Peoria, Ill., to Cleveland, Ohio.

Malt beverages, from Rochester, N. Y., and New Castle, Erie, and Pittsburgh, Pa., to Cleveland, Ohio: from Minster, Ohio, to points in New York and those in that part of Michigan on and south of a line beginning at Ludington, and extending along U. S. Highway 10 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction Michigan Highway 25, thence along Michigan Highway 25 via Bay City and Port Austin to Port Huron; and *rejected or returned shipments of malt beverages and empty malt beverage containers,* on return.

Carbonated beverages, from Pittsburgh, Pa., to Cleveland, Ohio; and *rejected or returned shipments of carbonated beverages and empty carbonated beverage containers,* on return.

No. MC 19575 (Sub No. 11), dated February 3, 1950.

Malt beverages, over irregular routes, from Baltimore, Md., to points in Ohio, Indiana, and Michigan, and *empty malt beverage containers,* on return.

Empty shipping pallets, from points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and West Virginia to Cleveland, Ohio.

No. MC 19575 (Sub No. 12), dated January 19, 1950.

Malt beverages, over irregular routes, from Milwaukee, Wis., to Cleveland, Ohio, and *empty containers* for malt beverages and *damaged and defective shipments* of malt beverages on return.

No. MC 26983 (Sub No. 3) filed November 25, 1957, DISTRICT HAULING & CONTRACTING CO., INC., 2780 Jefferson Davis Highway, Arlington, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 26983, dated March 7, 1957.

Building materials, over irregular routes, from Washington, D. C., Martinsburg, and North Mountain, W. Va., to points in West Virginia, Virginia, Mary-

land, Delaware, Pennsylvania, New Jersey, and New York: between Washington, D. C., and Martinsburg, and North Mountain, W. Va.

Air conditioning and heating equipment, from Martinsburg, and North Mountain, W. Va., to points in West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York: from Washington, D. C., to points in West Virginia, Delaware, Pennsylvania, New Jersey, New York, Virginia (except points in Fairfax, Loudoun, and Prince William Counties, Va.), and Maryland (except Baltimore, Md., and points in Anne Arundel, Prince Georges, Calvert, Charles, St. Marys, Baltimore, Montgomery, and Howard Counties, Md.): between Washington, D. C., and Martinsburg and North Mountain, W. Va.

Rough and dressed lumber, from points in North Carolina, to Baltimore, Md., points in Baltimore County, Md., Pennsylvania, and in Atlantic, Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem Counties, N. J.

No. MC 27166 (Sub No. 1), filed October 30, 1957, FRIEDA McLAUGHLIN, doing business as F. McLAUGHLIN, 1624 Kansas Avenue, McKeesport, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 27166, dated May 14, 1942.

Bricks, over regular routes, from Wellsville, Ohio, to McKeesport, Pa.

Carbon electrodes, from Niagara Falls, N. Y., to McKeesport, Pa.

Steel castings, from McKeesport, Pa., to Cleveland, Ohio, Service is not authorized to or from intermediate points: from McKeesport, Pa., to Auburn, N. Y., service is authorized to and from the intermediate point of Olean, N. Y.: from McKeesport, Pa., to Nunda, N. Y., service is authorized to and from the intermediate point of Olean, N. Y.

No. MC 28173 (Sub No. 1), filed November 1, 1957, KALAMAZOO VALLEY TRUCKING CO., a Corporation, 7142 East Michigan Avenue (P. O. Box 346), Kalamazoo, Mich. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 28173, dated June 26, 1950.

Paper and *paper products*, over irregular routes, subject to a keystone restriction, from Otsego, Mich., to Milwaukee, Wis., Shelby and Cleveland, Ohio, and points in that part of Ohio north of U. S. Highway 22, and west of a line beginning at Sandusky, Ohio, and extending along Ohio Highway 4 to Bucyrus, Ohio, thence along Ohio Highway 98 to Waldo, Ohio, and thence along U. S. Highway 23 to Circleville, Ohio, those in Indiana north of a line beginning at the Illinois-Indiana State line and extending along U. S. Highway 36 to Indianapolis, Ind., thence along U. S. Highway 40 to the Indiana-Ohio State line, and Rockford, Aurora, Joliet, and Peoria, Ill., and those in the CHICAGO, ILL., COMMERCIAL ZONE, including points on the indicated portions of the highways specified.

Scrap paper and *materials* and *supplies* used or useful in the manufacture of paper and paper products, on return.

No. MC 31953 (Sub No. 2) filed November 6, 1957, VINCENT S. LOWMAN, 438 Belmont Street, Johnstown, Pa. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 31953, dated November 27, 1950.

Food products, over irregular routes, from Baltimore, Md., to Johnstown, Altoona, Bedford, and Philadelphia, Pa.

No. MC 38104 (Sub No. 2), filed November 8, 1957, RUDY NELSON AND EVERETT NELSON, a partnership, doing business as NELSON BROS. TRUCKING CO., P. O. Box 1025, Campbell, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 38104, dated April 27, 1938.

Between specified points in California, as follows:

Dried and canned fruit and *preserved fruit products*, from San Jose, Campbell, and Berkeley, Calif., to all points, at which recognized water terminals are located, on San Francisco Bay south of and including Richmond, Calif.

Packing house supplies, from the above-specified destination points to San Jose, Campbell, and Berkeley.

No. MC 39521 (Sub No. 15) filed October 23, 1957, CHICAGO SOUTHERN TRANSPORTATION COMPANY, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 39521, dated July 1, 1941.

Fresh meats, packing-house products, and *canned and preserved foodstuffs*, over regular routes, between Chicago, Ill., and St. Louis, Mo.; from Chicago, Ill., to Memphis, Tenn.

No. MC 39521 (Sub No. 1) dated November 21, 1942.

Packing-house products, over irregular routes, from Blue Island, Chicago, East St. Louis, and National City, Ill., and St. Louis, Mo., to Little Rock, Pine Bluff, and Helena, Ark., Chattanooga, Memphis (except from Chicago to Memphis), Nashville (except from St. Louis to Nashville), Murfreesboro, and Tullahoma, Tenn., Clarksdale, Greenville, Greenwood, West Point, Tupelo, Columbus, Meridian, Hattiesburg, Jackson, Vicksburg, and Natchez, Miss., Huntsville, Gadsden, Anniston, Birmingham, Montgomery, and Mobile, Ala., Albany, Atlanta, Columbus, Macon, Moultrie, and Valdosta, Ga., Pensacola, Jacksonville, Miami, and Tampa, Fla., and *returned or rejected shipments of packing-house products*, on return. The above subject to a "Keystone" restriction.

No. MC 39521 (Sub No. 2), dated December 13, 1944.

Rice, fresh fruit, and *vegetables*, over irregular routes, from points in Arkansas to Chicago, Ill.:

Fresh fruit and vegetables, from points in Alabama, Florida, Georgia, and Mississippi and in that part of Tennessee on and east of a line consisting of U. S. Highway 31W from the Kentucky-Tennessee State line to Nashville, Tenn. and U. S. Highway 31 from Nashville to the Tennessee-Alabama State line, to Chicago, Ill.

Such merchandise as is dealt in by meat packing companies, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, subject to a "Keystone" restriction, between Chicago, Ill., on the one hand, and, on the other, East St. Louis, and National City, Ill.: from Chicago, Ill., to Tifton and Augusta, Ga., and Gulfport and Biloxi, Miss.

Equipment, materials and *supplies* used in the conduct of the business engaged in by meat packing companies, from Blue Island, Chicago, East St. Louis, and National City, Ill., and St. Louis, Mo., to Little Rock, Pine Bluff, and Helena, Ark., Chattanooga, Memphis, Nashville, Murfreesboro, and Tullahoma, Tenn., Clarksdale, Greenville, Greenwood, West Point, Tupelo, Columbus, Meridian, Hattiesburg, Jackson, Vicksburg, and Natchez, Miss., Huntsville, Gadsden, Anniston, Birmingham, Montgomery, and Mobile, Ala., Albany, Atlanta, Columbus, Macon, Moultrie, and Valdosta, Ga., and Pensacola, Jacksonville, Miami, and Tampa, Fla., except from St. Louis to Nashville.

No. MC 39521 (Sub No. 3), dated March 20, 1946.

Fresh fruits and vegetables, over irregular routes, from points in Kentucky, and those in that part of Tennessee west of a line beginning at the Tennessee-Kentucky State line and extending along U. S. Highway 31W to Nashville, Tenn., and thence along U. S. Highway 31 to the Tennessee-Alabama State line, to Chicago, Ill.

Equipment, materials and supplies used in the conduct of a meat packing business, over a regular route, subject to a "Keystone" restriction, between Chicago, Ill., and St. Louis, Mo., serving no intermediate points.

No. MC 39521 (Sub No. 5), dated September 10, 1947.

Dairy products, as defined by the Commission, over irregular routes, from Chicago, Ill., to points in Alabama, Florida, Georgia and Mississippi.

Fresh and frozen sea food, from points in that part of Louisiana east of the Mississippi River and on and south of U. S. Highway 90, points in that part of Mississippi on and south of U. S. Highway 90, points in that part of Alabama on and south of U. S. Highway 90, and those in that part of Florida on and south of U. S. Highway 90 from the Alabama-Florida State line to Monticello, thence on and west of U. S. Highway 19 from Monticello to St. Petersburg, to points in Illinois.

Frozen foods, from Chicago, Ill., to points in Alabama, Florida, Georgia, and Mississippi.

Empty containers for the above-specified commodities and *rejected shipments* of the above-specified commodities, on return.

No. MC 39521 (Sub No. 6), dated April 23, 1948.

The commodities classified as (1) meats, meat products and meat by-products and (2) as dairy products, as defined by the Commission, over irregular routes, between Chicago, Ill., and New Orleans, La.

No. MC 39521 (Sub No. 7), dated April 17, 1950.

Such commodities as are directly produced, processed, compounded, and distributed by persons engaged in the slaughtering of animals and the packing and sale of meats, and advertising matter furnished by such persons for use in the sale of such commodities, over regular routes, from St. Louis, Mo., to Nashville, Tenn., over various specified regular routes. Service is authorized to intermediate points in Kentucky and Tennessee restricted to delivery only, and from off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, restricted to pick-up only.

No. MC 39521 (Sub No. 9), dated July 11, 1949.

Agricultural commodities, over irregular routes, from points in Illinois except Elgin, East St. Louis, and National City to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina: from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina and South Carolina, except points in Florida, Alabama, and Mississippi on and north of U. S. Highway 90, to Rochester, Ind., and to points in Illinois, except Elgin, East St. Louis, and National City.

The commodities classified as dairy products as defined by the Commission, from Chicago, Litchfield, Carbondale, Sullivan, Freeport, Dixon, Petersburg, and Rockford, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

Canned goods, from Chicago, Rossville, Rochelle, Blue Island, Eureka, Morton, Lanark, Belvidere, and Washington, Ill., to points in Arkansas, Alabama, Mississippi, North Carolina, and South Carolina.

Frozen foods, from Chicago, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

Fruit and vegetable plants, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina to Harvey and Evansville, Ill., and to points in Illinois within 100 miles of Harvey and Evansville.

The commodities classified as meats, meat products, and meat by-products, as dairy products, and as articles distributed by meat-packing houses, as defined by the Commission, subject to a "Keystone" restriction, from Chicago and Blue Island, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina: from New Orleans, La., Dothan, Ala., and Columbus, Ga., to Chicago, Ill.

No. MC 39976 (Sub No. 7), filed November 4, 1957, RAYMOND D. GIBBS, doing business as DAN GIBBS AND SON, 409 Beach Lane NW., New Philadelphia, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 39976 (Sub No. 1), dated January 23, 1947.

Clay products, over irregular routes, between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in Indiana on and north of U. S. Highway 40, points in the lower peninsula of Michigan, points in Pennsylvania on and west of U. S. Highway 219, and those in West Virginia.

Malt beverages, from points in Pennsylvania on and west of U. S. Highway 219 and points in Kentucky, to points in Tuscarawas County, Ohio, and *empty malt beverage containers* and *refused and rejected shipments* of malt beverages, on return.

No. MC 39976 (Sub No. 3), dated October 3, 1949.

Clay products, over irregular routes, from points in Tuscarawas County, Ohio, to points in that part of Pennsylvania east of U. S. Highway 15, and to points in Illinois, and *pallets and skids* used in moving of clay products, on return.

Malt beverages, in containers, from New Philadelphia, Ohio, to points in Kentucky, West Virginia, Indiana, and those in Washington County, Pa., and *empty malt beverage containers* on return.

Prepared roofing materials, from Wilmington and Waukegan, Ill., to points in West Virginia and Pennsylvania on and west of U. S. Highway 219.

No. MC 41002 (Sub No. 14) filed October 21, 1957, THE VICTOR TRANSIT CORPORATION, P. O. Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 41002, dated February 8, 1941.

Petroleum products, in drums, and *such supplies and equipment* as are used by filling stations, bulk plants, and refineries in the operation of their business but not sold as merchandise by the, between Latonia, Ky., on the one hand, and, on the other, points in Ohio.

No. MC 41002 (Sub No. 1), dated May 8, 1946.

Malt and vinous beverages, from points in Campbell and Kenton Counties, Ky., to points in Butler County, Ohio, and *empty beverage containers* and *rejected shipments*, on return.

No. MC 41002 (Sub No. 2), dated September 12, 1946.

Malt beverages, from points in St. Louis County, Mo., to points in Butler, Preble and Warren Counties, Ohio, and *empty malt beverage containers*, on return.

No. MC 41002 (Sub No. 3), dated September 30, 1947.

Paper and *paper products*, other than building and roofing paper and building products, from Lockland and Middletown, Ohio, to points in Illinois, Indiana, Ohio, the southern peninsula of Michigan, that part of New York located on and west of U. S. Highway 15, that part of Pennsylvania located on and west of a line extending along U. S. Highway 15 from the New York-Pennsylvania State line south to junction U. S. Highway 111, and thence along U. S. Highway 111 south to the Pennsylvania-Maryland State line, and Harrisburg, Pa., that part of Wisconsin located south and east of a line extending along U. S. Highway 18 from Lake Michigan to Madison, Wis., thence along U. S. Highway 14 to junction U. S. Highway 51, thence along U. S. Highway 51 to Wisconsin-Illinois State line, including points on the indicated portions of the highways specified; Jefferson, Kenton, Campbell, Mason, and Boyd Counties, Ky., Cabell, Kanawha, Wood, Ohio, Brooke, and Hancock Counties, W. Va., and St. Louis County, Mo., and *machinery, equipment, materials and supplies* used in the manufacture of paper and paper products, on return.

No. MC 41002 (Sub No. 4), dated July 21, 1948.

Malt beverages and *empty malt beverage containers*, between points in Vigo County, Ind., on the one hand, and, on the other, points in Butler, Preble, and Warren Counties, Ohio.

No. MC 41002 (Sub No. 5), dated April 12, 1949.

Paper (other than newsprint), from Hamilton, Ohio, to points in Illinois, except Chicago, those in Indiana, Ohio, and the lower peninsula of Michigan, those in New York on and west of a line drawn from Ontario Beach to Rochester, N. Y., thence along U. S. Highway 15 to the New York-Pennsylvania State line, Harrisburg, Pa., and points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along U. S. Highway 15 to junction U. S. Highway 111, and thence along U. S. Highway 111 to the Pennsylvania-Maryland State line, those in that part of Wisconsin on, south and east of a line extending along U. S. Highway 18 from Lake Michigan to Madison, Wis., thence along U. S. Highway 14 to junction U. S. Highway 51, thence along U. S. Highway 51 to the Wisconsin-Illinois State line, and those in Jefferson, Kenton, Campbell, Mason, and Boyd Counties, Ky., Cabell, Kanawha, Wood, Ohio, Brooke, and Hancock Counties, W. Va., and St. Louis County and St. Louis, Mo., and *machinery, equipment, materials and supplies* used in the manufacture of paper, on return.

No. MC 41002 (Sub No. 6), dated February 14, 1950.

Such commodities as are manufactured by or dealt in by such persons (who are engaged in the manufacture of insulation materials, roofing materials, asphalt and asbestos building materials, and asphalt paving materials), from Lockland, Ohio, to points in Illinois, except Chicago and East St. Louis, Indi-

ana, except Indianapolis, Ohio, the lower peninsula of Michigan, except Detroit, those in that part of New York on and west of U. S. Highway 15, Harrisburg, Pa., and points in that part of Pennsylvania on and west of a line extending from the New York-Pennsylvania State line along U. S. Highway 15 to junction U. S. Highway 111, and thence along U. S. Highway 111 to the Pennsylvania-Maryland State line, except Pittsburgh, those in that part of Wisconsin on, south and east of a line extending in a westerly direction from Lake Michigan along U. S. Highway 18 to Madison, Wis., thence along U. S. Highway 14 to junction U. S. Highway 51, and thence along U. S. Highway 51 to the Wisconsin-Illinois State line, and those in Cabell, Kanawha, Wood, Ritchie, Doddridge, Harrison, Marion, Taylor, Ohio, Brooke and Hancock Counties, W. Va., but not including Wheeling, W. Va., and *machinery, equipment, materials and supplies* used in the manufacture, packing and shipping of the above-specified commodities, on return.

No. MC 41002 (Sub No. 7), dated December 30, 1948.

Malt beverages, from St. Louis, Mo., to Hamilton, Ohio, and *empty malt beverage containers*, on return.

Paper and paper products, except building and roofing paper and building paper products, from Lockland and Middletown, Ohio, to St. Louis, Mo., and *equipment, materials and supplies* used in the manufacture of paper and paper products, except building and roofing paper and building paper products, on return.

No. MC 41002 (Sub No. 9), dated October 5, 1955.

Animal and poultry foods and medicine, and *ingredients, equipment, materials and supplies*, used in the manufacture, packing, and shipping of animal and poultry food and medicines, subject to a "Keystone" restriction, between points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, restricted, however, against transportation of shipments which originate at a point in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, and Virginia and are destined to a point in any of those states and further restricted against transportation of animal and poultry feed from points in the Chicago, Ill., Commercial Zone to points in Michigan and from Detroit, Mich., to points in Indiana.

Dry rendered tankage and *tallow* in bulk, in tank vehicles and in containers, between Cincinnati, Ohio, on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, New Jersey, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, subject to the restriction that the transportation of tallow shall only be performed in tank trailers which are the property of persons described above and with whom the applicant maintains individual contracts or agreements.

No. MC 41002 (Sub No. 11), dated October 27, 1954.

Finished paper, from Hamilton, Ohio to Chicago, Ill., over a specified regular route, serving no intermediate points.

Waste paper, rags, casein, steel strappings, starch, sodium, sulphite, hyposulphite of soda, anhydrous sulphite of soda, and *returned paper*, from Chicago, Ill., to Hamilton, Ohio, serving no intermediate points, and return.

Glass containers and *caps, covers, disks or tops therefor*, over irregular routes, from Huntington, W. Va., to points in that part of Ohio on and west of a line beginning at the Ohio River and extending north along U. S. Highway 23 to junction Ohio Highway 98, thence along Ohio Highway 98 to junction Ohio Highway 4, and thence along Ohio Highway 4 to Lake Erie, and points in that part of Indiana on and south of U. S. Highway 40 and on and east of Indiana Highway 3.

Glass containers, caps, covers, disks and *tops*, and *fibreboard boxes*, corrugated or knocked down flat, from Huntington, W. Va., to points in Kentucky and points in Indiana on and south of U. S. Highway 36 and on and west of Indiana Highway 37. From Owens, W. Va., to points in Kentucky and points in Indiana on and south of U. S. Highways 40 and 36.

No. MC 41002 (Sub No. 12), dated December 18, 1956.

Glass bottles, caps and closures therefor and *corrugated paper boxes*, knocked down, when transported in connection with shipments of glass bottles, from Vienna, W. Va., to points in Illinois, Indiana, and Kentucky and points in Dallas, Tuscaloosa, Jefferson, Morgan, and Limestone Counties, Ala., and Lincoln, Hamilton, Marion, Sullivan, and Carter Counties, Tenn.

No. MC 41133 (Sub No. 1) filed November 12, 1957, KEITH FULTON & SONS, INC., 178 Second Street, Cambridge, Mass. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 41133, dated March 29, 1951.

Iron and *steel*, over irregular routes, from Boston, Mass., to Malden, Mass.

Iron, steel and *wooden tanks*, and *iron and steel*, from Boston and Cambridge, Mass., to Providence, R. I., and points within ten miles of Providence.

No. MC 46203 (Sub No. 4), filed November 29, 1957, HOWARD SHIREMAN TRUCKING SERVICE, INC., P. O. Box 201, Camp Hill, Pa. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 46203, dated January 21, 1953.

Silk and *rayon*, and *such materials and supplies* as are used or useful in the manufacture of silk and rayon, over irregular routes, between Columbia, Marietta, and Athens, Pa., on the one hand, and, on the other, Waverly, Binghamton, Pine Bush, and Walden, N. Y., and Paterson, N. J.

Machinery, machine parts, and equipment used or useful in the manufacture of silk and rayon, between Philadelphia and Milton, Pa., on the one hand, and, on the other, Waverly, Binghamton, Pine Bush, and Walden, N. Y., and Paterson, N. J.

Warp beams, bobbins and machinery, machine parts, and equipment, used in the manufacture of yarn and woven fabrics, between York, Marietta, Columbia, and Athens, Pa., on the one hand, and, on the other, Paterson, N. J., and points in that part of New York and New Jersey within 30 miles of Paterson.

Yarn, other than silk and rayon yarn, from Columbia, Pa., to Pine Bush, Walden, and Waverly, N. Y.

Woven fabrics, other than silk and rayon fabrics, from Columbia, Athens, and Marietta, Pa., to Paterson, N. J., and points in that part of New York and New Jersey within 30 miles of Paterson.

Woven fabrics, from Pine Bush, Walden, and Waverly, N. Y., to Paterson, N. J., and points in New Jersey within 30 miles of Paterson. From York, Pa., to Paterson, N. J., and points in New Jersey and New York within 30 miles of Paterson.

Dresses, from Paterson, N. J., and points in New York and New Jersey within 30 miles of Paterson, to Columbia and Marietta, Pa.

No. MC 48399 (Sub No. 1) filed October 28, 1957, D. B. FORD, INC., 226 Spring Street, Aurora, Ill. Applicant's attorney: R. E. Powell, 1005–6 Trust Building, Lincoln, Nebr. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 48399, dated August 23, 1957.

Tanks, towers, incinerators, heavy machinery, and *building contractors' tools and supplies*, over irregular routes, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, South Dakota, Nebraska, and Wisconsin.

No. MC 49326 (Sub No. 1) filed November 25, 1957, HARRY G. SLOCOMBE, 1500 Jefferson Davis Highway, Arlington, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 49326, dated January 18, 1951.

Newsprint paper, coffee, bakery products, and *such materials, equipment* and *supplies* as are used in or incidental to the conduct of a bakery business, over a regular route, between Washington, D. C., and Baltimore, Md., serving no intermediate points.

No. MC 50420 (Sub No. 2) filed October 24, 1957, JAHNEKE BROS. TRUCKING AND PAPER CO., INC., Railroad and McDonough Streets, Joliet, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 50420 (Sub No. 1), dated October 9, 1951.

Tile, slate and *metal roofing*, and *roofing material* and *commodities used in the manufacture thereof*, except lumber, sand and gravel, over irregular routes, between Joliet, Ill., and St. Louis, Mo.

No. MC 50936 (Sub No. 1) filed November 12, 1957, R. A. GOULD, 622 I Street, Salt Lake City, Utah. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 50936, dated October 18, 1938.

Gasoline, over a regular route, from Woods Cross, Utah, to Lyman, Wyo., serving the intermediate point of Evanston, Wyo., for delivery only.

NOTE: Applicant is authorized to conduct operations as a *common carrier* in Certificates No. MC 113094 and Sub No. 3 thereunder, dated July 22, 1957, and October 24, 1955, respectively.

No. MC 51077 (Sub No. 4), filed November 29, 1957, ROBERT J. EICHELBERGER, 1220 Roosevelt Avenue, York, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 51077, dated January 31, 1950.

Paper and paper manufacturing machinery, materials and equipment, over irregular routes, between York, Pa., on the one hand, and, on the other, Richmond, Va., New York, N. Y., and points in Delaware, the District of Columbia, Maryland, and New Jersey.

Roofing and siding, and roofing and siding materials and equipment, and *building metal work and sheet metal*, between York, Pa., on the one hand, and, on the other, Jersey City, N. J., New York, N. Y., and points in the District of Columbia, and that part of Maryland north of U. S. Highway 40 and east of U. S. Highway 111, including points on the indicated portions of the highways specified.

No. MC 51077 (Sub No. 3), dated August 15, 1952.

Paper, over irregular routes, from York, Pa., to points in that part of New York north of New York Highway 7 and west of New York Highway 30.

Machinery, materials, and *equipment* used in the manufacture of paper, from points in that part of New York north of New York Highway 7 and west of New York Highway 30 to York, Pa.

No. MC 52552 (Sub No. 14) (Correction) filed October 18, 1957, published November 22, 1957, DARL D. WOMELDORF, doing business as W. I. WOMELDORF & SONS, P. O. Box 232, Lewistown, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, Philadelphia 2, Pa. Previous publication gave applicant's address as McKeesport, Pa. This was in error. Applicant's correct address is P. O. Box 232, Lewistown, Pa.

No. MC 52556 (Sub No. 5) filed November 25, 1957, G. KAY, INC., Box 38, Fairmont, Nebraska. Applicant's representative: C. A. Ross, 1004–05 Trust Building, Lincoln, Nebr. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 52556, dated July 25, 1951.

Salt, over irregular routes, from Hutchinson, Lyons, and Kanopolis, Kans., to points in Nebraska.

Flour and *feed*, from Crete, Nebr., to points in Kansas.

No. MC 54389 (Sub No. 8), filed November 14, 1957, O. L. HARE, doing business as GREEN COUNTY FAST FREIGHT, Mónroe, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 54389, dated April 27, 1950.

Casein, feed, casein equipment, and *empty containers* for casein, between points in that part of Wisconsin bounded by a line beginning at Wisconsin Dells, and extending along Wisconsin Highway 23 to Reedsburg, thence along Wisconsin Highway 33 to Union Center, thence along Wisconsin Highway 80 to Elroy, thence along Wisconsin Highway 71 to junction Wisconsin Highway 142, thence along Wisconsin Highway 142 to Tomah, and thence along U. S. Highway 12 to point of beginning, including points on the indicated portions of the highways specified except those on U. S. Highway 12, on the one hand, and, on the other, Chicago, Ill. Farm machinery and farm supplies, from Chicago, Ill., and points in Illinois in the CHICAGO, ILL., COMMERCIAL ZONE, to points in Wisconsin within 200 miles of Madison, located south and west of U. S. Highway 12, not including points on the indicated portion of the highway specified.

Such merchandise as is dealt in by such manufacturing establishments and wholesale food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, subject to a keystone restriction, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin south and west of U. S. Highway 12, (not including points located on U. S. Highway 12): from Chicago, Ill., to points in Jo Daviess, Stephenson, and Winnebago Counties, Ill., through Wisconsin.

Cheese, from points in Jo Daviess, Stephenson and Winnebago Counties, Ill., to Chicago, Ill., through Wisconsin. RESTRICTION: Carrier shall not traverse U. S. Highway 12 in performing the above-described transportation service.

No. MC 54389 (Sub No. 6), dated March 6, 1953.

Fertilizer, over irregular routes, from Bloom Township (Cook County), Ill., to points in Crawford, Grant, Green, Iowa, Lafayette, Richland, Rock, and Vernon Counties, Wis., and those in Dane and Sauk Counties, Wis., located on, south, and west of U. S. Highway 12.

No. MC 54420 (Sub No. 1) filed October 29, 1957, WILLIAM LUSTIGMAN, 202 Avenue F, Brooklyn, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 54420, dated November 29, 1946.

Bakery materials, over irregular routes, subject to a "Keystone" restriction, between New York, N. Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N. J., and Nassau, Suffolk, and Westchester Counties, N. Y.

No. MC 58995 (Sub No. 2), filed November 30, 1957, MAPES MOVING & STORAGE CO., INC., Box 444, East Vestal Parkway, Binghamton, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 58995, dated April 6, 1956.

Undertakers' supplies and equipment, over irregular routes, between Binghamton, N. Y., on the one hand, and, on the other, points in Pennsylvania within 50 miles of Binghamton, N. Y.

Such merchandise as is dealt in by wholesale or retail department stores, subject to a keystone restriction, from Binghamton, N. Y., to points in Pennsylvania within 50 miles of Binghamton, N .Y.

Such merchandise as is dealt in by wholesale, retail, and chain grocery stores, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, subject to a keystone restriction: from Binghamton, N. Y., to points in Susquehanna County, Pa., Broome County, Green, Coventry, Bainbridge, and Afton Townships, Chenango County, Unadilla and Otego Townships, Otsego County, and Sidney, Masonville, Deposit, Tompkins, Hancock, Colchester, Walton, Franklin, Delhi, Hamden, and Meredith Townships, Delaware County, N. Y., and *such above-specified commodities* as may be refused or damaged, from the above-specified destination points to Binghamton, N. Y.

No. MC 59685 (Sub No. 10), filed November 7, 1957, DISTRIBUTORS SERVICE CO., a corporation, 4551 South Racine Avenue, Chicago 9, Ill. For authority to operate as a *Common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 59685, dated August 31, 1954.

REGULAR ROUTES: *Malt beverages*, and *empty malt-beverage containers*, between Chicago, Ill., and Marion, Ind., serving no intermediate points. Between Chicago, Ill., and Fort Wayne, Ind., serving no intermediate points.

IRREGULAR ROUTES: *Packinghouse products, packing-house by-products*, and *fresh meats*, from Chicago, Ill., to points in that part of Indiana on, north, and east of a line beginning at the Indiana-Michigan State line and extending along U. S. Highway 31 to Plymouth, Ind., thence along U. S. Highway 30 to the Indiana-Ohio State line, and those in that part of Ohio on, north, and west of a line beginning at the Ohio-Michigan State line and extending along U. S. Highway 127 to junction U. S. Highway 24, thence along U. S. Highway 24 to the Ohio-Indiana State line; and *Such sup-*

plies and materials as are used in the operation and maintenance of packing houses, from points in the above-specified Indiana and Ohio destination territory to Chicago, Ill. *Malt beverages*, from Chicago, Ill., to all points in Iowa. From Fort Wayne, Ind., to all points in Illinois except Chicago; and *empty malt-beverage containers*, from all points in Iowa, to Chicago, Ill., from all points in Illinois except Chicago, to Fort Wayne, Ind.

Packing-house products, canned goods, and *materials, equipment, and supplies* used in the packing-house business, subject to "Keystone" restriction, between Chicago and Blue Island, Ill., on the one hand, and, on the other, National City and East St. Louis, Ill., and St. Louis, Mo.

Malt and cereal beverages, and *advertising matter and ice* when shipped in conjunction with such beverages, subject to "Keystone" restriction, from South Bend, Ind., to points in Illinois in the Chicago, Ill., Commercial Zone as defined by the Commission; and *empty malt and cereal beverage containers*, and *rejected shipments of malt and cereal beverages*, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, to South Bend, Ind.

No. MC 59799 (Sub No. 5), filed November 14, 1957, JIM CHELF, INC., 5226 Brighton Boulevard, Denver, Colo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 59799, dated March 15, 1956.

Petroleum products, in bulk, over irregular routes, from Sinclair, Wyo. (formerly known as Parco, Wyo.), to Ogallala and Big Spring, Nebr., and Loveland, Eads, Castle Rock, Byers, Bennett, Boulder, Sterling, Julesburg, Briggsdale, Pueblo, Lamar, Hooper, La-Veta, Salida, Agate, Grand Junction, Glenwood Springs, Pagosa Springs, Golden, Leadville, Craig, Alamosa, Limon, Brush, Haxtum, Ovid, Colorado Springs, Fort Lupton, Wiggins, Fort Collins, Longmont, Rocky Ford, Greeley, Eaton, Canon City, Cripple Creek, Trinidad, Roggen, Yuma, Elizabeth, Wray, and Buena Vista, Colo. From Sinclair, Wyo. (formerly known as Parco, Wyo.), to construction projects in Colorado not located within the limits of an incorporated city or town.

Refined petroleum products, from refining and distributing points in Kansas, to Longmont, Denver, Roggen and Keenesburg, Colo.

No. MC 61978 (Sub No. 6), filed October 21, 1957, HALLIE ZERKLE, doing business as ZERKLE TRANSFER CO., 34½ Race Street, Middleport, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier* of the same commodities beween the same points or within the same territory as authorized in the following permit:

No. MC 61978 (Sub No. 1), dated July 30, 1938.

Petroleum products, in metal cans and other packages, between Cabin Creek, W. Va., and points in Ohio, as follows: from Cabin Creek to points in that part of Ohio east of a line beginning at Portsmouth, Ohio, and extending in a northerly direction along U. S. Highway 23 to Columbus, Ohio, thence in a northeasterly direction along U. S. Highway 62 to the Ohio-Pennsylvania State line, including points on the indicated portions of the highways specified; and *empty petroleum containers*, on return.

No. MC 61978 (Sub No. 2), dated March 22, 1940.

Petroleum products, in packages, from Cabin Creek, W. Va., to points in that part of Ohio bounded by a line beginning at Columbus and extending along U. S. Highway 62 to Utica, thence along Ohio Highway 13 to Mansfield, thence along U. S. Highway 30S to Marion, thence along Ohio Highway 4 to Springfield, thence along U. S. Highway 68 to Wilmington, thence along Ohio Highway 73 to Portsmouth, and thence along U. S. Highway 23 to point of beginning; and *empty petroleum product containers*, on return.

No. MC 61978 (Sub No. 3), dated February 6, 1943.

Fresh meats, packing-house products and *such other commodities as are dealt in or distributed by packing-houses*, and *advertising matter used in promoting the sale of such commodities*, over irregular routes, from Middleport, Ohio, and Huntington and Parkersburg, W. Va., to points in that part of Ohio bounded by a line beginning at the Ohio-West Virginia State line and extending along Alternate U. S. Highway 50 to Athens, Ohio, thence along U. S. Highway 50 to junction Ohio Highway 28, thence along Ohio Highway 28 to Leesburg, Ohio, thence along U. S. Highway 62 to the Ohio-Kentucky State line, thence along the Ohio-Kentucky State line to the Ohio-West Virginia State line, and thence along the Ohio-West Virginia State line to point of beginning, and those in that part of West Virginia west of U. S. Highway 19, including points on the indicated portions of the highways specified.

Food products, from Cincinnati, Ohio, to points in that part of West Virginia on and west of U. S. Highway 19.

Salt, from Pomeroy, Ohio, to points in West Virginia and that part of Kentucky on and east of U. S. Highway 31W.

Meats, from Middleport, Ohio, to points in that part of West Virginia on and west of U. S. Highway 19, and those in that part of Ohio on and south of U. S. Highway 22.

Cheese, and *packing-house products*, not including meats, from Huntington and Parkersburg, W. Va., to points in that part of Ohio on and south of U. S. Highway 22.

No. MC 63258 (Sub No. 2) filed November 21, 1957, ALEXANDER CARLUCCI, 262 North Belmont Avenue, Belleville, N. J. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 63258, dated August 18, 1943.

Groceries and *such commodities*, as are dealt in by wholesale and retail grocery houses, over irregular routes, subject to a "Keystone" restriction, between points in Bergen, Hudson, Essex, Passaic, Union, Middlesex, Morris, and Somerset Counties, N. J., on the one hand, and, on the other, New York, N. Y., and points in Westchester, Nassau, and Suffolk Counties, N. Y.

No. MC 63993 (Sub No. 4), filed November 7, 1957, CITY WAREHOUSE, INC., 1516 Bluefield Avenue, Bluefield, W. Va. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW, Washington 6, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 63993, dated May 10, 1954.

Packing-house products and by-products, over specified regular routes between Bluefield, W. Va., and Christianburg, Va., serving all intermediate points and the off-route point of Newbern, Va.; between Bluefield, W. Va., and Williamson, W. Va., in truckload lots only, serving no intermediate points.

Lubricating oils and greases, over a specified regular route between Bluefield, W. Va., and Roanoke, Va., serving all intermediate points.

Lubricating oils and greases, over irregular routes, between points in Raleigh, Mercer, Summers, Wyoming, and McDowell Counties, W. Va., and those in Tazewell and Bland Counties, Va.

Alcoholic liquors and *incidental store supplies*, between Charleston, W. Va., on the one hand, and, on the other, all points in West Virginia.

Alcoholic liquors and *incidental store supplies*, over regular and irregular routes, between Charleston, W. Va., and points in West Virginia as follows: from Charleston over irregular routes to the West Virginia-Virginia State line near White Sulphur Springs, W. Va., thence over U. S. Highway 60 to Lexington, Va., thence over U. S. Highway 11 to Winchester, Va., thence over U. S. Highway 11 and/or 50 to the Virginia-West Virginia State line, thence over irregular routes to all points in West Virginia, and return over the same routes, serving no intermediate points on regular route portion. From Charleston over irregular routes to the West Virginia-Maryland State line near Brookside, W. Va., thence over U. S. Highway 50 to the Maryland-West Virginia State line near Gormania, W. Va., thence over irregular routes to all points in West Virginia, and return over the same routes serving no intermediate points on regular route portion. Catalogues, over irregular routes, from Bluefield, W. Va., to points in Rockbridge, Allegheny, Botetourt, Craig, Roanoke, Franklin, Henry, Patrick, Floyd, Montgomery, Giles, Pulaski, Carroll, Grayson, Wythe, Bland, Tazewell, Smyth, Washington, Russell, Buchanan, Dickenson, Wise, Scott, and Lee Counties, Va., and those in Mercer, McDowell, Mingo, Logan, Wyoming, Fayette, Summers, Raleigh, Greenbrier, Pocahontas, and Monroe Counties, W. Va.

Such merchandise as is dealt in by wholesale, retail and grocery and food business houses, and in connection therewith, *equipment, materials* and *supplies*, used in the conduct of such business, between points in Raleigh, Mercer, Summers, Wyoming, and McDowell Counties, W. Va., and those in Tazewell and Bland Counties, Va.

Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, subject to a "Keystone" restriction, over a specified regular route, between Bluefield, W. Va., and Roanoke, Va., serving all intermediate points.

No. MC 66344 (Sub No. 14), filed November 20, 1957, L. R. CYRUS, doing business as CYRUS PETROLEUM TRUCK LINE, Box 327, Iola, Kans. Applicant's attorney: Howard M. Immel, Allen County State Bank Building, Iola, Kans. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 66344, dated November 18, 1956.

Petroleum products, in bulk, in tank vehicles, over irregular routes, from refining and producing points in Kansas, to points in that part of Missouri south of U. S. Highway 36, west of U. S. Highway 63, and north of U. S. Highway 60, including points on the indicated portions of the highways specified.

Petroleum and *petroleum products*, in bulk, in tank vehicles, from refining and producing points in Kansas, and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone as defined by the Commission to points in that part of Missouri south of U. S. Highway 60 and on and west of U. S. Highway 65: from refining and producing points in Kansas and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in that part of Missouri south of U. S. Highway 60 and on west of U. S. Highway 65: from refining and producing points in Kansas and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in that part of Missouri north of U. S. Highway 36 and on and west of U. S. Highway 63: from refining and producing points in Kansas, and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone as defined by the Commission to Ava, Mo.

No. MC 66344 (Sub No. 13), dated March 20, 1950.

Liquid petroleum products, in bulk, in tank vehicles, from points within 2 miles of Iola, Kans., and Coffeyville, Kans., to Ava, Mo., and points in that part of Missouri bounded on the south by the Missouri-Arkansas State line beginning at the Missouri-Oklahoma State line and extending easterly to U. S. Highway 65, thence north along U. S. Highway 65 to junction with U. S. Highway 60, thence east along U. S. Highway 60 to junction U. S. Highway 63, thence north along U. S. Highway 63 to the Missouri-Iowa State line to the Missouri-Nebraska State line, thence south along the Missouri-Nebraska State line to the Missouri-Kansas State line, and thence south along the Missouri-Kansas State line to the Missouri-Oklahoma State line, and thence south along the Missouri-Oklahoma State line to the point of beginning at the Missouri-Arkansas State line, including points along the indicated portions of the highways specified.

Damaged, refused and *contaminated liquid petroleum products*, in bulk, in tank vehicles, from points in that part of Missouri indicated above to points in Kansas.

No. MC 66906 (Sub No. 4), filed November 7, 1957, THE BERRODIN TRANSPORT, INC., 3155 Conlin Drive, Akron, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 66906, dated August 30, 1943.

Such commodities as are manufactured, processed and/or dealt in by rubber manufacturers and steel product manufacturers, and *equipment, materials*, and *supplies* used in the conduct of such businesses, over irregular routes, from Akron, Ohio, to points in Rhode Island, Massachusetts, and Connecticut, those in that part of New York east of a line beginning at Port Jervis, N. Y., and extending along U. S. Highway 209 to Kingston, N. Y., thence along U. S. Highway 9W to Albany, N. Y., thence along U. S. Highway 20 to Fayette, N. Y., thence along U. S. Highway 11 to Watertown, N. Y., and thence along New York Highway 12 to Clayton, N. Y., including New York, N. Y., and points on Long Island, N. Y., and those in New Jersey north of New Jersey Highway 33, including points on the indicated portions of the highways specified.

Tire fabric, from Fall River and New Bedford, Mass., to Akron, Ohio.

Chemicals, from Naugatuck, Conn., to Akron, Ohio.

Scrap tires and tubes, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N. J., and Albany and New York, N. Y. and points on Long Island, N. Y., to Akron, Ohio.

No. MC 68105 (Sub No. 7), filed November 14, 1957, ALFRED E. ANDING, Arena, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 68105, dated August 12, 1957.

Butter, over regular and irregular routes, from points in Grant, Crawford, Vernon, Richland, Sauk, Dane, and Iowa Counties, Wis., over irregular routes to Cross Plains, Wis., thence over U. S. Highway 14 to junction U. S. Highway 12, and thence over U. S. Highway 12 to Chicago, Ill., and *empty containers* on return.

Agricultural insecticides, herbicides, and *fungicides*, in bags and in containers, from Spring Green, Wis. to points in Illinois, and Indiana (except points located in the Chicago, Ill., Commercial Zone as defined by the Commission), Iowa, Ohio, Michigan, Minnesota (except points located in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission), North Dakota, South Dakota, and Missouri, and *empty containers* used in transporting the commodities specified above on return.

Explosives, other than liquid explosives, from Ishpeming, Mich., and Madison, Wis., to points in Illinois, Iowa, Minnesota, and Wisconsin and *empty containers* used in the transportation of explosives, and *rejected shipments* of the commodities specified immediately above on return.

No. MC 69239 (Sub No. 2), filed November 21, 1957, RAUSCH TRANSPORTATION COMPANY, INC., 4727 East 49th Street, Los Angeles 58, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 69239, dated February 14, 1956.

Fertilizer, feed, seed, peat moss, bale ties, nails, fencing, bagging, meat scraps, oil well clay, paint, and *materials* used in the manufacture of paint, over irregular routes between Vernon and Los Angeles, Calif., and points in Los Angeles County within five miles of the intersection of Ninth and Indiana Streets, Los Angeles, Calif., on the one hand, and, on the other, Los Angeles Harbor and Long Beach, Calif.

Piling casings, from Los Angeles Harbor, Calif., to Los Angeles and Vernon, Calif.

No. MC 75566 (Sub No. 4), filed November 14, 1957, SHERIDAN & DUNCAN INC., 471 Eleventh Avenue, New York, N. Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 75566, dated January 30, 1942.

Conduit, from New York, N. Y., to points in Bergen, Essex, Hudson, Morris, and Passaic Counties, N. J., Rockland County, N. Y., and Fairfield County, Conn. *Carbonated beverages* and *containers*, therefor, from New York, N. Y., to Newark and Belmar, N. J.; and *empty bottles* and *carbonated beverage containers*, on return.

No. MC 75566 (Sub No. 1), dated November 2, 1943.

Carbonated beverages, over irregular routes, from Mt. Vernon, N. Y., to Newark, N. J., *empty carbonataed beverage containers*, over irregular routes, from Newark, N. J., to Mt. Vernon, N. Y.: from New York, N. Y., and points in Hudson County, N. J., to Hudson, N. Y.

No. MC 75566 (Sub No. 2), dated October 28, 1943.

Carbonated beverages, over irregular routes, from New York, N. Y., to Sea Girt, N. J., and *rejected shipments of carbonated beverages and empty carbonated beverage containers*, on return.

No. MC 75566 (Sub No. 3), dated April 24, 1947.

Carbonated beverages, over irregular routes, from New York, N. Y., to Orange, N. J., *rejected shipments* of carbonated beverages, and *empty carbonated beverage containers*, on return.

No. MC 77874 (Sub No. 5), filed November 19, 1957, ALVIN D. FREY, 966 York Street, Hanover, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 77874, dated October 22, 1942.

Canned goods, over regular routes, from Hanover, Pa., to New York, N. Y., serving the intermediate points of Newark, Elizabeth and Jersey City, N. J., and the off-route point of Camden, N. J., restricted to delivery only. From Hanover, Pa., to Wilmington, Del., serving no intermediate points.

No. MC 77874 (Sub No. 1), dated May 16, 1947.

Canned fruits and vegetables, over irregular routes, from Hanover, Pa., to points in New York, except New York City, and points in Putnam, Westchester, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N. Y., and Ohio, and *rejected shipments* of the above-specified commodities on return.

Sauerkraut, in barrels, and *fresh vegetables*, from points in New York, except New York City, and points in Putnam, Westchester, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N. Y. to Hanover, Pa.

No. MC 77874 (Sub No. 3), dated April 5, 1949.

Canned fruits and vegetables, over irregular routes, from Hanover, Pa., to points in New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maryland, Virginia, West Virginia, North Carolina, Kentucky, District of Columbia, and points in Putnam, Westchester, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N. Y.

No. MC 77874 (Sub No. 4), dated August 2, 1951.

Canned fruits and vegetables, over irregular routes, from Oak Hall and Mt. Holly Springs, Pa., to points in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maryland, Delaware, Virginia, West Virginia, North Carolina, Ohio, Kentucky, and the District of Columbia.

Empty cans, from Baltimore, Md., to Oak Hall and Hanover, Pa.

No. MC 79382 (Sub No. 7), filed November 6, 1957, RUPERT E. HUTTON, 802 West Waterloo Road, Akron, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 79382, dated June 27, 1941.

Structural iron and steel and *products* used or useful in the fabrication of structural iron and steel, over irregular routes, between Newton Falls and Ravenna, Ohio, on the one hand, and, on the other, points in Ohio, that part of Pennsylvania on and west of U. S. Highway 219, and those in that part of West Virginia on and west of U. S. Highway 19.

No. MC 79382 (Sub No. 1), dated November 7, 1941.

Iron and steel billets, bars, and rods, minimum length 22 feet, over irregular routes, from Warren, Ohio, and points within 3 miles thereof, to points in Pennsylvania, West Virginia, Indiana, New York, Maryland, and New Jersey.

Structural iron and steel and *material* used or useful in the fabrication thereof, minimum length 22 feet, between Newton Falls, Ohio, and points within 3 miles thereof, on the one hand, and, on the other, points in New York, points in that part of West Virginia east of U. S. Highway 19, and those in that part of Pennsylvania east of U. S. Highway 219.

Rubber lined steel tanks, rubber lined pipe and fittings, rubber covered rollers and *paper mill rolls*, between Akron, Ohio, on the one hand, and, on the other, points in Kentucky, Indiana, Michigan, New York, Pennsylvania, West Virginia, Illinois, New Jersey, and Maryland.

No. MC 79382 (Sub. No. 2), dated July 15, 1942.

Iron and steel tanks and *iron and steel tank fittings, iron and steel pipe* and *iron and steel pipe fittings*, and *iron and steel rollers* unlined, over irregular routes, from points in Kentucky, Indiana, Michigan, New York, Pennsylvania, West Virginia, Illinois, New Jersey, and Maryland to Akron, Ohio.

No. MC 79382 (Sub No. 4), dated April 12, 1951.

Portable or fabricated wooden buildings, in sections, including *hardware and fixtures* to be used therein, from Akron, Ohio, and points within 3 miles thereof to points in Indiana, Kentucky, New York, Pennsylvania, and West Virginia.

Iron or steel pipe fittings, iron or steel tank fittings, materials used in the lining or repairing of iron or steel tanks, and commodities used in the installation and assembling of belting and hose, when moving as an integral part of and used in connection with the commodities specified below, as part of the complete assembly, from Akron, Ohio, and points within 3 miles thereof to points in the destination territory specified below.

Rubber belts or belting and hose, iron or steel tanks, iron or steel pipe, and *iron or steel rollers*, restricted to shipments which, by reason of size, shape, or weight, require the use of special equipment for the transportation thereof, between Akron, Ohio, and points within 3 miles thereof, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, District of Columbia, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 79382 (Sub No. 5), dated April 27, 1953.

Storage tanks, the transportation of which because of size or weight requires special handling or special equipment, *storage tank fittings and pipe* when moved with such tanks, and *equipment and materials* used in the erection, installation and dismantling of such tanks, over irregular routes, between points in Erie County, N. Y., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Indiana, Kansas, Kentucky, Michigan, Minnesota, New Jersey, New York, Ohio (except Akron), Pennsylvania, Texas, West Virginia, and Wisconsin.

No. MC 81349 (Sub No. 3), filed November 7, 1957, W. C. FULLMER TRANSFER, INC., Baraboo, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 81349, dated April 6, 1956.

Condensed milk and *canned goods*, over irregular routes, from Wisconsin Dells, Wis., and points in Wisconsin within 150 miles of Wisconsin Dells, other than Baraboo, Wis., to Chicago, Ill.

Groceries, from Chicago, Ill., to Muscoda and Middleton, Wis., points in Adams, Columbia, Crawford, Juneau, Marquette, Monroe, Richland, and Vernon Counties, Wis., and those in Sauk County, Wis., other than Baraboo, Wis.

Butter and *eggs*, from Wisconsin Dells, Wis., to Chicago, Ill., and *empty egg containers* on return.

Metal water control gates, metal sheets and piling, metal cattle passes, metal guard rails, corrugated metal pipe and fittings, and *commodities used in the installation of such commodities*, from the site of the plant of Armco Drainage and Metal Products, Inc., near Portage, Wis., to points in the Upper Peninsula of Michigan and those in Illinois on and north of U. S. Highway 6 (except points in the Chicago, Ill., Commercial Zone, as defined by the Commission), and *damaged* or defective shipments of the above-named commodities on return.

No. MC 83338 (Sub No. 8), filed December 2, 1957, WARREN MAHNENSMITH AND GERALD MAHNENSMITH, doing business as MAHNENSMITH TRUCKING SERVICE, Ossian, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 83338, dated June 27, 1941.

Petroleum products, over irregular routes, from Chicago, Ill., to Fort Wayne, Lafayette and Logansport, Ind.

Fertilizer, from Chicago, Ill., to Ossian, Ind.

No. MC 83338 (Sub 1), dated May 18, 1939.

Feed, from Chicago, Ill., to New Haven, Ind.

Fertilizer, from Cincinnati, Ohio to New Haven, Ind.

No. MC 83338 (Sub 4), dated June 14, 1943.

Raw peanuts, over irregular routes, from Albany, Columbus, Leesburg, Ashburn, Dawson, and Americus, Ga., Suffolk, Windsor, Holland, Wakefield, and Petersburg, Va., to Fort Wayne, Ind.

No. MC 83338 (Sub 5), dated May 21, 1948.

Fresh fruits and vegetables, empty containers and *equipment materials and supplies*, used in, or in connection with the growing, grading, packing, and transportation of fresh fruits and vegetables, from points in Indiana and Ohio, and those in Berrien, Van Buren, Cass, and St. Joseph Counties, Mich., to Blue Island, Ill. From points in Indiana and Illinois and those in Berrien, Van Buren, Cass, and St. Joseph Counties, Mich., to Leipsic and Holgate, Ohio. From points in Illinois and Ohio and those in Berrien, Van Buren, Cass, and St. Joseph Counties, Mich., to Brazil and Kokomo, Ind.

Empty containers, and *equipment, materials and supplies*, used in, or in connection with the growing, grading, packing, and transportation of fresh fruits and vegetables, from the above-specified destination points to the above-designated origin points.

Tomato plants, from points in Arkansas, Florida, Georgia, Kentucky, and Tennessee to points in Indiana, Illinois and Ohio, and points in Berrien, Van Buren, Cass, and St. Joseph Counties, Mich.

No. MC 86594 (Sub No. 11), filed November 12, 1957, J. J. TAYLOR, INCORPORATED, 2028 Jefferson Davis Highway, Arlington, Va. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 86594, dated January 10, 1951.

Cinder blocks, over irregular routes, from Richmond, Va., to points in Montgomery, Howard, Anne Arundel, Prince Georges, Charles, Calvert, and Saint Marys Counties, Md., and the District of Columbia.

Cinders, from Arlington, Va., to points in Maryland within 15 miles of Arlington, Va., not including those in the Washington, D. C., Commercial Zone as defined by the Commission.

From Baltimore, Md., to points in the District of Columbia and those in Virginia within 15 miles of Arlington, Va.

From Richmond, Va., to points in the District of Columbia and those in Maryland within 15 miles of Arlington, Va.

Brick, chimney blocks, chimney tile and *building tile*, from Woodbridge, Va., to points in Maryland.

Building materials, between points in Virginia and Maryland within 75 miles of Washington, D. C., including Washington.

No. MC 86690 (Sub No. 3), filed November 25, 1957, WILLIAM ELMER CONSTANTINE, JR., doing business as BOND TRANSFER CO., 5262 Nelson Avenue, Baltimore, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 86690 dated June 24, 1954.

Such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, subject to a "keystone" restriction, between points in that part of Pennsylvania, West Virginia, Maryland, Delaware, Virginia, and the District of Columbia, bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean, thence northerly along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northwesterly direction through Newark, Del., to the point of intersection of the Maryland-Delaware-Pennsylvania State lines, thence in a westerly direction along the Maryland-Pennsylvania State line to the Susquehanna River, thence in a northwesterly direction along the Susquehanna River to Columbia, Pa., thence in an easterly direction to Lancaster, Pa., thence in a northwesterly direction to Lebanon, Pa., thence in a westerly direction to Newport, Pa., thence in a southwesterly direction through McConnellsburg, Pa., to Hancock, Md., thence in a southerly direction to Winchester, Va., and thence in a southeasterly direction through Fredericksburg, Va., to Cape Charles, including points on the above-described boundary line.

Paperboard, scrap paper, alum, rosin size, and *press rolls*, between Baltimore, Md., on the one hand, and, on the other, Adamstown, Avon, Allentown, Cleona, Cressona, Denver, Ephrata, Hazleton, Hanover, Lancaster, Lykens, Lebanon, Millersburg, McAdoo, Nazareth, Norristown, New Freedom, Old Forge, Pittsburgh, Philadelphia, Plymouth, Quakertown, Reading, Selinsgrove, Spring Grove, Sayre, Sheppton, Shoemakersville, and York, Pa.

No. MC 88756 (Sub No. 3), filed October 21, 1957, R. V. ESTELL, 2007 Overland Road, Boise, Idaho. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 88756, dated April 13, 1953.

Cement, over regular routes, from Lime, Oreg., to Boise, Idaho.

Cement and *cement products*, over regular and irregular routes, from Lime, Oreg., over U. S. Highway 30 to the Oregon-Idaho State line, thence over irregular routes to points in Ada, Canyon, Gem, Idaho, and Owyhee Counties, Idaho and *empty cement sacks* over the above routes on return.

Lumber and *such lumber products* as are handled by retail lumber dealers, from mills located within one mile of LaGrande, Oreg., over irregular routes to junction U. S. Highway 30, thence over U. S. Highway 30 to the Oregon-Idaho State line and thence over irregular routes to points in the above-specified Idaho Counties. Service is authorized from the intermediate points of Union and Baker, Oreg., and those within one mile of Union and Baker, restricted to pick-up only; and the off-route points of Pondosa, Oreg., and those within one mile of Union, Baker, and Pondosa, restricted to pick-up only.

No. MC 88757 (Sub No. 8), filed October 21, 1957, FORREST H. McCLURE, 2015 Overland Road, Boise, Idaho. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 88757 (Sub No. 1), dated June 16, 1950.

Shingles, posts, lumber, and *such lumber products* as are handled by retail lumber dealers, in truckloads, over regular and irregular routes, from Portland, Oreg., to points in Idaho, as follows: from Portland over U. S. Highway 30 to the Oregon-Idaho State line, and thence over irregular routes to points in Ada, Canyon, and Gem Counties, Idaho, service is authorized from the intermediate and off-route points of Hood River, The Dalles, La Grande, Baker, Pondosa, and Dee, Oreg., and those within one mile of each, and those within five miles of Portland, for pick-up only.

Shingles, posts, lumber, and *such lumber products* as are handled by retail lumber dealers (restricted to shipments weighing not less than 15,000 pounds), from Longview, Wash., and Enterprise, Oreg., to points in Adams, Payette, Washington, Canyon, Valley, Ada, Owyhee, Gem, Elmore, Gooding, Jerome, Minidoka, Twin Falls, Lincoln, Blaine and Cassia Counties, Idaho: from Longview over U. S. Highway 830 to Kelso, Wash., thence over U. S. Highway 99 to Portland, Oreg., thence over U. S. Highway 30 to the Idaho-Oregon State line, and thence over irregular routes to points in the Idaho counties named above. Service is authorized from the intermediate point of Kelso, Wash., for pick-up only: from Longview, Wash., via Tollbridge across the Columbia River to Ranier, Oreg., thence over U. S. Highway 30 to Portland, Oreg., and thence as above described, to points in the Idaho counties heretofore specified, service is not authorized to or from intermediate points, from Longview, Wash., to Portland, Oreg., as described above, thence over Oregon Highway 50 to junction U. S. Highway 97, thence over U. S. Highway 97 to Bend, Oreg., thence over U. S. Highway 20 to Vale, Oreg., thence over U. S. Highway 20 (also U. S. Highway 28) to the Idaho-Oregon State line, and thence over irregular routes to points in above-specified Idaho counties, service is authorized from the intermediate points of Bend and Burns, Oreg., for pick-up only: from Longview, Wash., to Portland, Oreg., as described above, thence over Oregon Highway 50 to junction U. S. Highway 97, thence over U. S. Highway 97 to Redmond, Oreg., and thence over U. S. Highway 28 to the Idaho-Oregon State line, and thence over irregular routes to points in the above-specified Idaho counties. Service is authorized from the intermediate point of John Day, Oreg., for pick-up only.

From Longview, Wash., to Portland, Oreg., as described above, thence over U. S. Highway 30 to The Dalles, Oreg., thence over Oregon Highway 23 to junction U. S. Highway 50 (near Maupin, Oreg.), thence as described above to points in said Idaho counties, service is authorized from the intermediate points of Hood River and The Dalles, Oreg., for pick-up only: from Longview, Wash., to Portland, Oreg., as described above, thence over U. S. Highway 30 to Arlington, Oreg., thence over Oregon Highway 19 to junction U. S. Highway 28 (near Dayville, Oreg.), thence over U. S. Highway 28 to the Idaho-Oregon State line,

and thence over irregular routes to points in said Idaho counties, service is authorized from the intermediate point of John Day, Oreg., for pick-up only: from Enterprise, Oreg., over Oregon Highway 82 to La Grande, Oreg., thence over U. S. Highway 30 to the Idaho-Oregon State line, and thence over irregular routes to the points in the above-specified Idaho counties, service is authorized from the intermediate points of Wallowa and Elgin, Oreg., for pick-up only.

No. MC 88757 (Sub No. 5), dated July 15, 1948.

Shingles, posts, lumber, and *such lumber products* as are handled by retail lumber dealers, over irregular routes, from Portland and points within 10 miles of Portland, Pondosa, Dee, La Grande, Baker, Union, Redmond, and Eugene, Oreg., and points within 5 miles of each, to points in Adams, Payette, Washington, Valley, Owyhee, Elmore, Gooding, Jerome, Minidoka, Twin Falls, Lincoln, Blaine, Boise, Power, Bonneville, Bingham, Bannock, and Cassia Counties, Idaho; from Klamath Falls, Lakeview, Burns, Joseph, Enterprise, Wallowa, and Elgin, Oreg., and points within 5 miles of each, and White Salmon and Vancouver to points in Adams, Payette, Washington, Canyon, Valley, Ada, Owyhee, Gem, Elmore, Gooding, Jerome, Minidoka, Twin Falls, Lincoln, Blaine, Boise, Power, Bonneville, Bingham, Bannock, and Cassia Counties, Idaho; from Boise, Idaho, to points in Malheur, Baker, Union, Umatilla, Deschutes, Hood River, Multnomah, and Wallowa Counties, Oreg., from points more than one mile from, but within 5 miles of, The Dalles, La Grange, and Baker, Oreg., to points in Ada, Canyon and Gem Counties, Idaho; from Union to points in Ada, Canyon and Gem Counties; from points within 5 miles of, but not including Elgin, Burns, Wallowa, and Enterprise, Oreg., to points in Adams, Payette, Washington, Canyon, Valley, Ada, Owyhee, Gem, Elmore, Gooding, Jerome, Minidoka, Twin Falls, Lincoln, Blaine, Boise, Power, Bonneville, Bingham, Bannock, and Cassia Counties, Idaho; from points within 5 miles of, but not including Bond, Hood River, and The Dalles, to points in Adams, Payette, Washington, Canyon, Valley, Ada, Owyhee, Gem, Elmore, Gooding, Jerome, Minidoka, Twin Falls, Lincoln, Blaine, Boise, Power, Bonneville, Bingham, Bannock, and Cassia Counties, Idaho.

No. MC 88757 (Sub No. 7), dated February 18, 1952.

Lumber, over irregular routes, from Etna, Wyo., and points within 15 miles of Etna, and Missoula, Mont., to points in Bonneville, Bingham, Bannock, Franklin, Oneida, Bear Lake, Butte, and Caribou Counties, Idaho.

No. MC 92095 (Sub No. 11) filed October 23, 1957, AUTO TRANSPORT, INC., 622 Union Street, West Springfield, Mass. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 92095, dated November 8, 1950.

Automobiles, trucks, chassis, and parts, in driveaway or truckaway service, from Detroit, Mich., to Boston, Mass., Hartford, Conn., and Providence, R. I., over regular routes. Service is authorized from the intermediate point of Buffalo, N. Y., restricted to pick-up only; and to all intermediate points on the specified routes in Massachusetts, Connecticut and Rhode Island, and to off-route points within 20 miles of Boston and Springfield, Mass., Hartford, Conn., and Providence, R. I., respectively, restricted to delivery only. Restriction: Service from Detroit is restricted to the season of closed navigation on the Great Lakes, and that from Buffalo is restricted to the season of open navigation on the Great Lakes. Used automobiles and trucks, in driveaway and truckaway service, between Springfield, East Longmeadow, Monson, and Willimansett, Mass., and Washington, D. C. Service is authorized to and from the intermediate and off-route points of New York, N. Y., Philadelphia, Pa., and Baltimore, Md., and points within 20 miles of Springfield, East Longmeadow, Monson, and Willimansett, respectively.

New trailers, in initial movements, in truckaway service, over irregular routes, from Elizabeth, N. J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hamsphire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *rejected shipments* of new trailers on return.

Trailers, in secondary movements, in truckaway service, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

Motorcycles, uncrated, from East Springfield, Mass., to points in the United States.

No. MC 92095 (Sub No. 1), dated October 19, 1940.

Used automobiles and trucks, in driveaway and truckaway service, between Springfield, East Longmeadow, Monson, and Willimansett, Mass., and Washington, D. C., serving the intermediate and off-route points of New York, N. Y., Philadelphia, Pa., and Baltimore, Md., and points within 20 miles of Springfield, East Longmeadow, Monson, and Willimansett, respectively.

NOTE: Applicant conducts *common carrier* operations by virtue of Certificate Nos. MC 106205 and 106205 (Sub No. 2).

No. MC 94385 (Sub No. 7), filed November 6, 1957, OSENGA'S TRUCKING SERVICE, INC., P. O. Box No. 71, Montgomery, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 94385, dated May 24, 1955.

Prepared animal and poultry feeds, grain, fertilizer, tankage, meat scraps, and *bone meal,* from Chicago and Riverdale, Ill., to points in Indiana.

Chipboard, from Brownstown, Ind., to points in that part of Illinois north and east of a line beginning at the Illinois-Indiana State line and extending along U. S. Highway 40 to junction U. S. Highway 51, and thence along U. S. Highway 51 to the Illinois-Wisconsin State line, including points on the indicated portions of the highways specified.

Fertilizer and *animal and poultry feed,* from Chicago, Ill., to Antigo, Wis., and points in Wisconsin on and south of a line beginning at Algoma, Wis., and extending in a westerly direction along Wisconsin Highway 54 to Waupaca, Wis., thence in a northwesterly direction along U. S. Highway 10 to the Wisconsin-Minnesota State line, except points on U. S. Highway 41 between the Illinois-Wisconsin State line and Milwaukee, Wis., including Milwaukee.

Live poultry and *eggs,* from Baraboo, Wis., and points within 15 miles of Baraboo to Chicago, Ill.

No. MC 96129 (Sub No. 2) filed November 20, 1957, CARLTON REPSHER, R. D. 1, Laceyville, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 96129, dated December 3, 1940.

Lumber and *building supplies,* over regular routes, between Skinners Eddy, Pa., on the one hand, and, on the other, Binghamton and Elmira, N. Y., serving no intermediate points.

No. MC 100170 (Sub No. 2), filed October 23, 1957, GLEN R. ELLIS, 607 Midland Pike, Chattanooga, Tenn. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 100170, dated September 12, 1951, over regular routes.

Malt beverages, between Terre Haute, Ind., and Chattanooga, Tenn.

Empty malt-beverage containers, from Chattanooga over a specified regular route to Terre Haute.

Malt beverages, between Cincinnati, Ohio and Gainesville, Ga., serving the intermediate points of Chattanooga and Atlanta, restricted to delivery only.

Empty malt-beverage containers, from Gainesville over a specified regular route to Cincinnati, serving the intermediate points of Atlanta and Chattanooga, restricted to pick-up only.

Malt beverages, between Louisville, Ky., and Gainesville, Ga., serving the intermediate points of Chattanooga and Atlanta, restricted to delivery only.

Empty malt-beverage containers, from Gainesville over a specified regular route to Louisville, serving the intermediate points of Atlanta and Chattanooga, restricted to pick-up only.

Malt beverages, between Evansville, Ind., and Chattanooga, Tenn.

Empty malt-beverage containers, from Chattanooga over a specified regular route to Evansville.

No. MC 100495 (Sub No. 9), filed November 18, 1957, R. A. WACHENDORF, R. F. D. 1, Waukesha, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 100495, dated March 20, 1943.

Ice cream mix and *sweetened and unsweetened milk products,* over irregular routes, from Rockford, Ill., to Beloit and Janesville, Wis.

Ice cream mix, soup in cans or bottles, and *bottled milk,* from points in the Town of Genesee, Waukesha County, Wis., to Rockford, Ill.

Fruit juices, from points in the Town of Genesee, Waukesha County, Wis., to Chicago and Rockford, Ill.

Fruit juices, bottled, from Chicago, Ill., to points in the Town of Genesee, Waukesha County, Wis.: between points in the Town of Summit, Waukesha County, Wis., and those in Racine and Kenosha Counties, Wis., on the one hand, and, on the other, Chicago, Ill.

Milk, ice cream mix, soups, in cans or bottles, *sweetened and unsweetened milk products,* and *empty containers,* between points in the Town of Genesee and Summit, Waukesha County, Wis., and those in Racine and Kenosha Counties, Wis., on the one hand, and, on the other, Chicago, Ill.

No. MC 100495 (Sub No. 3), dated June 13, 1947.

Creamed and *condensed skim milk,* over regular routes, between the junction of Wisconsin Highways 67 and 30 and Nashville, Tenn.: Service is authorized from the intermediate and off-route points within one mile of the junction of Wisconsin Highways 67 and 30 for the pick-up of cream and condensed skim milk.

Empty cream and skim milk containers, from Nashville over the above-specified route to the junction of Wisconsin Highways 67 and 30. Service is authorized to the intermediate and off-route points within one mile of the junction of Wisconsin Highways 67 and 30 for the delivery of empty cream and skim milk containers.

No. MC 100495 (Sub No. 6), dated August 27, 1948.

Condensed skim milk and cream, in containers, over irregular routes, from points in Waukesha County, Wis., to Knoxville, Johnson City, and Chattanooga, Tenn., Atlanta, Ga., Birmingham, Ala., and St. Louis, Mo.

No. MC 100495 (Sub No. 8), dated September 21, 1954.

Mineral spring water, over irregular routes, from Genesee Township, Waukesha County, Wis., to points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line and extending along Illinois Highway 31 through Richmond, McHenry, and Elgin, Ill., to Aurora, Ill., thence along U. S. Highway 30 through Plainfield and Joliet, Ill., to the Illinois-Indiana State line.

Empty mineral spring-water containers, from points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line and extending along Illinois Highway 31 through Richmond, McHenry and Elgin, Ill., to Aurora, Ill., thence along U. S. Highway 30 through Plainfield and Joliet, Ill. to the Illinois-Indiana State line, to Genesee Township, Waukesha County, Wis.

No. MC 101982 (Sub No. 2), filed November 29, 1957, DONALD H. GUNDERSON, 332 2d Street, Menominee, Mich. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 101982, dated October 2, 1956.

Such commodities as are dealt in by chain, retail and mail order department stores, over irregular routes, from Menominee, Mich., to points in that part of Michigan and Wisconsin within 50 miles of Menominee, Mich., and *rejected or returned shipments* of the above-described commodities, on return.

No. MC 102347 (Sub No. 1), filed November 14, 1957, JOHN M. KING TRANSPORTATION, INC., 1336 North Mascher Street, Philadelphia, Pa. Applicant's representative: John H. Derby, 816 Commonwealth Building, 1201 Chestnut Street, Philadelphia 7, Pa. For authority to operate as a *common carrier* of the same commodities between the same territory as authorized in the following permit:

No. MC 102347, dated July 7, 1950.

Oils and *chemicals,* in containers, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, except Ocean City, N. J., and those in Delaware and Maryland; and empty containers, on return.

NOTE: Applicant is authorized to conduct operations as a common carrier in Certificate No. MC 61622 dated July 7, 1950.

No. MC 102541 (Sub No. 6), filed November 4, 1957, NEWMAN AND PEMBERTON CORPORATION, 222 Daylight Building, Knoxville 30, Tenn. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 102541, dated December 12, 1950.

Malt beverages, between Cincinnati, Ohio, Louisville, Ky., Evansville, Ind., and High Cliff, Tenn., over specified regular routes, *empty malt-beverage containers,* from High Cliff, Tenn., on return.

No. MC 102541 (Sub No. 2), dated January 10, 1952.

Meats and lard, from Columbus, Ohio, to Detroit, Mich., over regular routes, and *empty lard containers,* on return, serving no intermediate points.

Paper cartons, from Monroe, Mich., to Columbus, Ohio: serving no intermediate points.

Bakery products, groceries, and *packing-house products,* subject to a "Keystone" restriction: from Columbus, Ohio, to Detroit, Mich.

Groceries, candy, aprons, uniforms, stoves, furnaces, paint, oleomargarine, food products, bakery goods, dried fruits, and *non-alcoholic beverages,* between Cincinnati, Ohio, and Cordele, Ga.

Peanuts, over regular and irregular routes, from points in Georgia to Cincinnati, Ohio, as follows: from points in that part of Georgia south and west of a line beginning at Columbus, Ga., and extending east along U. S. Highway 80 to Dublin, Ga., thence south along Georgia Highway 31 to junction U. S. Highway 129, and thence south along U. S. Highway 129 to the Georgia-Florida State line, including portions of the highways specified, over irregular routes to Atlanta, Ga., thence over the above-specified regular route to Cincinnati.

Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, subject to a "Keystone" restriction, between Cincinnati, Ohio, and certain points in Georgia.

Bakery products, from Mariemont, Ohio, to points in Georgia, as follows: from Mariemont over U. S. Highway 50 to Cincinnati, Ohio, thence as specified above to the Tennessee-Georgia State line, and thence over irregular routes to points in that part of Georgia last described above.

Bakery products, groceries, and *packing-house products,* subject to a "Keystone" restriction: from Columbus, Ohio, to points in Indiana.

Canned goods, from Indianapolis, Jeffersonville, Whiteland, Greenwood, Martinsville, Anderson, Elwood, Tipton, Peru, Wabash, Austin, Edinburg, Underwood, Scottsburg, and Seymour, Ind., to St. Louis, Mo., points in Illinois, Kentucky, Tennessee, that part of North Carolina on and west of U. S. Highway 29, those in West Virginia on and west of U. S. Highway 21, and those in Georgia, Alabama, and Mississippi on and north of U. S. Highway 80: from Newport, Jefferson City, Sevierville, and Tellico Plains, Tenn., to Cincinnati, Columbus, Dayton, and Springfield, Ohio, Chicago, Bloomington, and Springfield, Ill., Lexington, Covington, Louisville, and Newport, Ky., Indianapolis, Jeffersonville, Whiteland, Greenwood, Martinsville, Anderson, Elwood, Tipton, Peru, and Wabash, Ind.: from Napoleon, Ohio, to West Point, Columbus, Rome, and La Grange, Ga., Lexington, Louisville, Hopkinsville, and Glasgow, Ky., Chattanooga, Fayetteville, Lebanon, Crossville, and Memphis, Tenn., Birmingham, Montgomery, Anniston, Decatur, and Ensley, Ala., and Ripley, Corinth, and Tupelo, Miss.: from points in Ohio and Illinois and those in Indiana except Indianapolis, Jeffersonville, Whiteland, Greenwood, Martinsville, Anderson, Elwood, Tipton, Peru, Wabash, Austin, Edinburg, Underwood, Scottsburg, and Seymour, Ind., to Nashville, Tenn., and Atlanta, Ga.: from points in Indiana to points in Ohio: from Akron, Cleveland, Norwalk, and Fremont, Ohio, and points in that part of Ohio on and west of U. S. Highway 23 to points in Indiana.

Garden seeds, from points in Indiana to points in Georgia, and Tennessee.

Garden plants, from points in Georgia and Tennessee to points in Indiana.

Mangos and pimientos, in kegs, from Griffin, Ga., and points within 50 miles of Griffin, to Austin, Ind.

Canning factory machinery and equipment, between Hoopeston and Waukegan, Ill., and Indianapolis, Jeffersonville, Whiteland, Greenwood, Martinsville, Anderson, Elwood, Tipton, Peru, and Wabash, Ind., on the one hand, and, on

the other, Newport, Jefferson City, Sevierville, and Tellico Plains, Tenn.

Building, roofing and specified insulating materials and supplies used in the installation thereof and automobile body panels, from St. Louis, Mo., to points in Ohio.

Crackers and cakes, from Columbus, Ohio, to Buffalo, N. Y., Pittsburgh, Pa., and Wheeling, W. Va.

No. MC 102541 (Sub No. 3), dated October 20, 1953.

Canned goods, over irregular routes, from Chestnut Hill and Clinton, Tenn., to points in Kentucky, Ohio, Indiana, Illinois, and West Virginia, *materials, equipment and supplies* used in the production and distribution of canned goods, from Cincinnati, Ohio, to Chestnut Hill and Clinton, Tenn., and *used canning machinery*, and *damaged, defective, rejected or returned shipments* of material, equipment and supplies used in the production and distribution of canned goods, on return.

No. MC 102541 (Sub No. 4), dated August 15, 1956.

Peanuts, from points in Covington, Crenshaw, Bullock, Barbour, Pike, Coffee, Dale, Henry, Geneva, and Houston Counties, Ala., to Cincinnati, Ohio.

No. MC 102557 (Sub No. 2), filed December 2, 1957, ROBERT F. STEGMEIER, R. D. No. 3, Tamaqua, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 102557, dated June 28, 1950.

Malt beverages, over irregular routes, from Pottsville, Pa., to points in New Jersey, Maryland, Delaware, and the District of Columbia; and *empty malt beverage containers*, on return.

No. MC 103027 (Sub No. 1), filed November 27, 1957, J. C. WOOLDRIDGE, INC., 1209 Memorial Boulevard, Martinsville, Va. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 103027, dated May 20, 1953.

Such commodities as are dealt in by chain retail department stores, irregular routes, subject to a Keystone restriction, from Martinsville, Va., to points in that part of Rockingham and Stokes Counties, N. C., within 30 miles of Martinsville, and *damaged, defective, rejected or returned shipments* of the commodities described above.

No. MC 104201 (Sub No. 39), filed October 21, 1957, MERLE S. DENNY, doing business as DENNY MOTOR FREIGHT, 1506 Shelby Place, New Albany, Ind. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 104201 (Sub No. 12), dated November 3, 1949.

Oil and *grease*, in containers, and *empty containers*, over irregular routes, between Lawrenceville, Ill., on the one hand, and, on the other, Paoli, Scottsburg, Jeffersonville, and Lawrenceburg, Ind., and Burnside, Corbin, Cynthiana, Danville, Falmouth, Frankfort, Georgetown, Hazard, Lothair, Irvine, Lexington, Louisville, Mason, Mayking, Whitesburg, Maysville, Middleboro, Mt. Sterling, Paris, Richmond, Winchester, Campbellsburg, Campbellsville, and Baxter, Ky.

No. MC 104201 (Sub No. 29), dated June 28, 1949.

Prefabricated buildings, complete, knocked down or in sections, and when transported in connection with the transportation of such buildings, *component parts* thereof and *equipment and materials* incidental to the erection and completion of such buildings, over irregular routes: from New Albany, Ind., and points within 1 mile thereof, to points in Pennsylvania, Kentucky, Missouri, Ohio, and Illinois.

No. MC 104201 (Sub No. 32), dated December 22, 1949.

Flavoring syrup, liquid sugar, and *invert sugar*, in bulk, in tank vehicles, over irregular routes, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Maryland, Illinois, Indiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 104201 (Sub No. 33), dated October 3, 1951.

Petroleum products, in containers, *asphalt (asphaltum) by-products of pertoleum*, in containers, and *anti-freeze preparations*, in containers, over irregular routes, from Lawrenceville, Ill., to Paoli, Scottsburg, Jeffersonville, and Lawrenceburg, Ind., and Burnside, Cynthiana, Corbin, Danville, Falmouth, Frankfort, Georgetown, Hazard, Lothair, Irvine, Lexington, Louisville, Mason, Mayking, Whitesburg, Maysville, Middleboro, Mt. Sterling, Paris, Richmond, Winchester, Campbellsburg, Campbellsville, Baxter, Ashland, Beattyville, Burgin, Covington, Dumesnil, East Bernsteadt, Elizabethtown, Fort Knox, Idamay, Latonia, London, Millersburg, Newport, Nicholasville, Paintsville, Pikesville, Prestonburg, Pryse, Ravenna, Williamsburg, Winston, and Wofford, Ky., and *empty containers* for the above-described commodities, on return.

No. MC 104201 (Sub No. 34), dated December 23, 1949.

Farm machinery and farm implements when transported in special equipment, over irregular routes, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

No. MC 104201 (Sub No. 35), dated June 21, 1951.

Farm machinery and *farm implements* when transported in special equipment, over irregular routes, from Louisville, Ky., to points in Colorado, Connecticut, Delaware, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Vermont, and Wisconsin.

No. MC 105498 (Sub No. 6), filed November 25, 1957, F. S. MILLARD, Grimes, Iowa. Applicant's attorney: Robert E. Dreher, 212 Equitable Building, Des Moines 9, Iowa. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 105498, dated April 19, 1950.

Prepared animal and poultry feed, over irregular routes, From Des Moines, Iowa to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

Animal and poultry feed ingredients, from the above-specified destination points to Des Moines, Iowa.

Radios, from Chicago, Ill., to Des Moines, Iowa.

Ironers and *parts* therefor, and *washing machines*, and *parts* therefor, from Peoria, Ill., to Des Moines, Iowa. From Newton, Iowa, to points in that part of Illinois on and north of U. S. Highway 36 and on and west of U. S. Highway 45.

Washing machines, washing machine parts, and *materials*, used in the manufacture thereof, *ironers*, and *parts* thereof, *drain tubs*, and *paper fibre cartons*, between Newton and Des Moines, Iowa, on the one hand, and, on the other, points in Nebraska and Illinois.

No. MC 105498 (Sub No. 4), dated December 21, 1953 *Animal and poultry feed*, from Danville, Ill., to points in Arkansas and Kansas, and *damaged, defective, rejected*, or *returned shipments of animal and poultry feed*, and *empty containers* used in transporting animal and poultry feed on return.

No. MC 105906 (Sub No. 6), filed November 18, 1957, HAAG TRUCK LINE, INC., 570 West 17th Street, Indianapolis, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 105906, dated January 11, 1954, over irregular routes.

Animal and poultry feed, animal and poultry tonics and medicines, paint, insecticides, advertising matter, and *premiums* used in the sale and distribution of the foregoing commodities, from Quincy, Ill., to points in that portion of Indiana south of U. S. Highway 36 from the Illinois-Indiana State line to Indianapolis, and south of U. S. Highway 40 from Indianapolis to the Indiana-Ohio State line.

Dried blood, tankage, bone meal, and *meat scraps*, from Evansville, Fort Branch, Loogootee, Newberry, Palmyra and Terre Haute, Ind., to Quincy, Ill.

Clay products, from Loogootee, Ind., to points in Alabama, Illinois, Kentucky (except Louisville and Owensboro), and Tennessee.

Lumber, roofing, and *siding*, from points in Alabama, Mississippi, and Tennessee to Loogootee, Ind.

Soy bean oil meal and *ingredients* used in the manufacture and mixture of animal and poultry feeds, from points in Alabama, Kentucky (except Louisville and Owensboro), and Tennessee to Indianapolis, Ind.

Soy bean oil meal, animal and poultry feed and *ingredients thereof, animal and poultry tonics, insecticides*, and *advertising matter*, used in connection with the sale and distribution of these commodities, from Indianapolis, Ind., to points in Alabama, Kentucky (except Louisville and Owensboro), and Tennessee.

No. MC 106026 (Sub No. 4), filed November 7, 1957, FRANK WOODROW, doing business as WESTERN TRANSPORT SERVICE, 115 West 21st Street, Scottsbluff, Nebr. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 106026, dated October 21, 1949.

Refined petroleum products, in bulk, over specified regular routes, from Arkansas City and Eldorado, Kans., to Mitchell, Hemingford, Melbeta, Bull Canyon, and Grant, Nebr., serving the intermediate points of Augusta, Wichita, McPherson, and Potwin, Kans., for pick-up only, and to Ogallala, Big Spring, Lisco, Scottsbluff, Alliance, Berea, Potter, Chappell, Sidney, and Kimball, Nebr., for delivery only, and an off-route point approximately ten miles from Oshkosh, Nebr., for delivery only.

From Augusta, Kans., to Dickens, Nebr., Service to Dickens is restricted to traffic originating at Augusta only.

Petroleum products, in bulk, in tank trucks, from all refining and distributing points in Wyoming, to Lisco, Venango, North Platte, Sutherland, Roscoe, Paxton, Broadwater, Alliance and South Bayard, Nebr., and Julesburg, Colo.

Refined petroleum products, in bulk, from all refinery and distribution points in Wyoming to Melbeta, Morrill, Bayard, Mitchell, and Bridgeport, Nebr.

No. MC 106871 (Sub No. 4), filed November 20, 1957, CLARENCE M. MAY AND SCOTT PEARSON, doing business as MAY TRUCKING COMPANY, P. O. Box 398, Payette, Idaho. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 106871, dated January 15, 1952.

Cement, over a regular route, from Lime, Oreg., to Boise, Idaho.

Cement, over regular and irregular routes, from Lime, Oreg., to points in Adams, Payette, Valley, Elmore, Owyhee, Gooding, Jerome, Minidoka, Twin Falls, Lincoln, Blaine, Washington, Canyon, Ada, Gem and Cassia Counties, Idaho.

Cinder blocks, concrete blocks, brick, and *concrete pipe*, from Boise, Caldwell, Nampa, Jerome, Twin Falls, and Burley, Idaho to points in Malheur, Harney, Baker, and Union Counties, Oregon.

No. MC 106969 (Sub No. 2), filed November 25, 1957, ARROW AUTO LINE INC., 37 No. 1st W. Price, Utah. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 106969 (Sub No. 1), dated January 19, 1948.

Malt beverages, from Evanston, Wyo., to Price, Utah, over a regular route, and *empty malt beverage containers* on return. Applicant conducts common carrier operations of property and passengers by virtue of Certificates Nos. MC 80152 and MC 57725, respectively.

No. MC 110339 (Sub No. 4), filed November 8, 1957, GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., 600 Cayuga Creek Road, Buffalo, N. Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 110339, dated March 14, 1955.

Meats, meat products, and *meat by-products*, between Buffalo, N. Y., on the one hand, and, on the other, Newark, N. J., Stamford, Conn., and points in the New York, N. Y., Commercial Zone as defined by the Commission: from Buffalo, N. Y., to the sites of military installations in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

Fresh carcass meats, on hangers, and, incidental thereto and in the same vehicle therewith, the commodities described as *meats, meat products and meat by-products*, as defined by the Commission: from Rochester, N. Y., to the sites of military installations in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia and the District of Columbia.

No. MC 110364 (Sub No. 4) filed November 6, 1957, OHIO CARRIER CORPORATION, 233 Second Drive SW., New Philadelphia, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 110364, dated July 13, 1949.

Mining machinery, mining equipment, materials, supplies and repair parts therefor, except such of these commodities as, due to size or weight require the use of special equipment, over irregular routes between New Philadelphia, Ohio, on the one hand, and, on the other, points in Ohio, Pennsylvania (except those in Venango County), West Virginia, Kentucky, Indiana, and Illinois.

No. MC 110364 (Sub No. 1), dated October 14, 1949.

Liquid shampoo, in containers, over irregular routes from New Philadelphia, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, and points in the Missouri portion of the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, New Hampshire, New Jersey, New York, North and South Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *ingredients* used in the manufacture of liquid shampoo, and *containers* and *caps* therefor, on return.

No. MC 110364 (Sub No. 3), dated July 20, 1951.

Stainless steel stampings, over irregular routes from New Philadelphia, Ohio, to Detroit, Flint, Jackson, Lansing, Pontiac, and Ann Arbor, Mich.

No. MC 111214 (Sub No. 2) filed November 1, 1957, CLARK V. GRAHAM, doing business as CONTRACT TRUCKING COMPANY, 457 Dory Street, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 111214, dated April 4, 1955.

Cast building stone and *concrete building blocks*, from Jackson, Miss., to points in Mississippi, Alabama, Tennessee, Arkansas, and Louisiana.

Feed, animal and poultry, from Memphis, Tenn., to Jackson, Miss.

No. MC 112835 (Sub No. 5) filed October 21, 1957, MORRIS H. APPLEBAUM, 6206 North Bernard Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 112835, dated November 3, 1955.

Radio sets, television sets, phonographs, and *combinations thereof*, in containers, and *parts of the described commodities*, over irregular routes, between Chicago, Ill., Charlotte, Mich., and New York, N. Y., subject to the condition that service between Chicago, Ill., and New York, N. Y., shall, in every instance, be performed through Charlotte, Mich.

Television tubes, over irregular routes, from Harrison, N. J., and Plainfield, N. J., to Charlotte, Mich.

Television tubes, and *parts of and for*, television sets, phonographs, and combinations thereof, over irregular routes, between Chicago, Ill., and Charlotte, Mich., on the one hand, and, on the other, Bloomfield, Clifton, Harrison, Kearny, Nutley, Passaic, Paterson, East Paterson, and Plainfield, N. J., subject to the condition that service between Chicago, Ill., and the above-named New Jersey points, shall in every instance be performed through Charlotte, Mich.

Radio and television sets, phonographs, recording sets, and *combinations thereof*, over irregular routes, between Chicago, Ill., and Charlotte, Mich., on the one hand, and on the other, Bloomfield, Clifton, East Paterson, Harrison, Kearny, Newark, Nutley, Passaic, Paterson, and Plainfield, N. J., subject to the condition that service between Chicago, Ill., and the above-named New Jersey points, shall in every instance be performed through Charlotte, Mich.

No. MC 112835 (Sub No. 3), dated December 10, 1956.

Television, radio, phonograph and recording sets and *combinations thereof* and *parts* of and for such commodities, over irregular routes, between Chicago, Ill., and Charlotte, Mich., on the one hand, and, on the other, points in Massachusetts, Connecticut, and New Jersey (except Bloomfield, Clifton, Harrison, Kearney, Nutley, Passaic, Paterson, East Paterson, and Plainfield, N. J.). Service between Chicago and points in Massachusetts, Connecticut, and New Jersey shall be performed through Charlotte, Mich.

No. MC 114795 (Sub No. 6) filed October 30, 1957, EDGAR W. LONG, Route 4, Zanesville, Ohio. For authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 114795 (Sub No. 1), dated November 21, 1955.

Pottery, over irregular routes, from Roseville, Ohio, to Chicago, Ill., Fort Wayne, Portland, and South Bend, Ind., Covington and Louisville, Ky., Detroit, Mich., Buffalo, Rochester, and Syracuse, N. Y., Pittsburgh, Pa., and Bridgeport, W. Va.

Clay products, other than pottery, over irregular routes, from Roseville, Ohio, to Buffalo, Rochester, and Syracuse, N. Y., Pittsburgh, Pa., and Bridgeport, W. Va.

Clay products, over irregular routes, from Zanesville, Crooksville, and New Lexington, Ohio, and points within five miles of each, and from points within five miles of Roseville, Ohio, to points in West Virginia, Pennsylvania and those in that part of New York west of a line, beginning at Maple View, N. Y., and extending along U. S. Highway 11 to the New York-Pennsylvania State line, and south of a line beginning at Maple View, N. Y., and extending along U. S. Highway 104 to Oswego, N. Y., including points on the indicated portions of the highways specified: from Roseville, Ohio, to the above-specified destination points except Buffalo, Rochester, and Syracuse, N. Y., Pittsburgh, Pa., and Bridgeport, W. Va.: from Crooksville and Zanesville, Ohio, to Chicago, Ill., Fort Wayne, Portland, and South Bend, Ind., Covington and Louisville, Ky., and Detroit, Mich.: from Crooksville, Ohio, to points in the lower peninsula of Michigan, except Detroit.

Clay products, and materials used in the manufacture thereof, except brick, tile, and sewer pipe, over irregular routes, from Roseville, Zanesville, and New Lexington, Ohio, and points within five miles of Roseville, to points in the lower peninsula of Michigan, except Detroit.

Animal foods, in cans, *soap*, and *soap powder*, subject to a "Keystone" restriction, over irregular routes, from Cleveland, Ohio, to Zanesville, Ohio, and points within 50 miles of Zanesville.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10624; Filed, Dec. 26, 1957; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 23, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34374: *Caustic soda from, to, and between points in official territory.* Filed by O. E. Schultz, Agent (ER No. 2416), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), liquid, tank-car loads between points in official territory, excluding points in Illinois territory and extended zone C in Wisconsin, and between points in official, excluding points in Illinois territory and extended zone C in Wisconsin, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula, grouping, and short or weak line arbitraries.

Tariffs: Supplement 11 to Agent H. R. Hinsch's tariff I. C. C. 4796. Supplement 21 to Agent H. R. Hinsch's tariff I. C. C. 4772.

FSA No. 34375: *Grain and grain products—Western points to Freeport, Tex.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7158), for interested rail carriers. Rates on grain, grain products, and related articles, carloads from specified points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota and Wisconsin to Freeport, Tex., for export.

Grounds for relief: Port competition with other Gulf ports.

Tariffs: Supplement 25 to Agent Kratzmeir's tariff I. C. C. 4238, and 23 other supplemental schedules of individual carriers, submitted as exhibits 1 through 24 to the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10713; Filed, Dec. 26, 1957; 8:55 a. m.]

[Ex Parte No. 212]

INCREASED FREIGHT RATES, 1958

SPECIAL PERMISSION NO. 75100

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., this 23d day of December 1957.

Upon consideration of a petition for special permission filed by H. R. Hinsch, Tariff Publishing Agent, Edward A. Kaier, and other attorneys, dated December 19, 1957, for and on behalf of carriers named therein, for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable such carriers to publish general increases in varying amounts in freight rates and charges for selected commodities, by means of a master tariff and other short-form methods, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid increases in rates and charges;

And upon consideration of a reply filed by George H. Leonard and other attorneys for the A B C Freight Forwarding Co., and other specified freight forwarders subject to Part IV of the Interstate Commerce Act, in opposition to the above petition for special permission:

For good cause shown it is ordered:

1. Carriers for and on whose behalf the above-mentioned petition was filed, and their tariff-publishing agents, be, and they are hereby, authorized to depart from the Commission's tariff-publishing rules when providing for increased rates and charges as set forth above in the following manner:

(a) By publication and filing of a master tariff of increased rates and charges, which shall contain a provision substantially as follows:

> In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application of this tariff and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission.
>
> In the event an increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected.

(b) By publication and filing of connecting-link supplements to one or more tariffs connecting such a tariff or tariffs with the master tariff of increased rates and charges,

(c) By publication and filing of tariffs or supplements of specific increased rates and charges, subject to the same provision concerning refunds as contained in paragraph 1 (a), and

(d) By publication of provisions in tariffs or supplements subjecting the rates and charges therein to the provisions of the master tariff.

2. (1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short form method shall bear notation reading substantially as follows:

> The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 75100 of December 23, 1957.

(2) Other tariffs or supplements containing specific increased rates or charges shall bear notation reading:

> This publication is issued under authority of Interstate Commerce Commission Permission No. 75100 of December 23, 1957.

3. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted. This and all other relief from the Commission's tariff-publishing rules authorized herein shall expire with February 28, 1959.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased rates and charges, which tariffs shall be subject to protest, suspension, or rejection.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-10715; Filed, Dec. 26, 1957; 8:55 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

Correction

In Federal Register Document 57-10466, published on page 10251 in the issue for Thursday, December 19, 1957, the first application number should read: "FSA No. 34359".

PART II

FEDERAL REGISTER

VOLUME 22 NUMBER 250

Washington, Friday, December 27, 1957

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

REPUBLICATION OF REGULATIONS

Since the last complete publication of Chapter I of Title 22, Code of Federal Regulations, there have been numerous amendments and additions which through December 23, 1957, have been codified in annual supplements.

To facilitate the use of Chapter I of Title 22, its content, current as of December 23, 1957, is hereafter published in its entirety, in revised and renumbered order of arrangement, as set forth below. A listing of the respective new and former part numbers precedes the published text.

This republication makes no substantive changes in the content of Title 22, Chapter I, Code of Federal Regulations as amended through December 23, 1957.

For the Secretary of State.

ROBERT NEWBEGIN,
Acting Assistant Secretary for Administration.

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SUBCHAPTER A—GENERAL

PART 1—INSIGNIA OF RANK

Sec.
1.1 Office of the Secretary of State.
1.2 Office of the Under Secretary of State.

AUTHORITY: §§ 1.1 and 1.2 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 1.1 *Office of the Secretary of State.* The official flag indicative of the office of Secretary of State shall be as follows: On a blue rectangular field a white disk bearing the official coat of arms of the United States adopted by the act of June 20, 1782, in proper colors. In each of the four corners a white five-pointed star with one point upward. The colors and automobile flag to be the same design, adding a white fringe. For the colors a cord and tassel of blue and white to be added. The sizes to be in accordance with military and naval customs.

§ 1.2 *Office of the Under Secretary of State.* The official flag indicative of the office of the Under Secretary of State shall be as follows: On a white rectangular field a blue disk bearing the official coat of arms of the United States adopted by act of June 20, 1782, in proper colors. In each of the four corners a five-pointed star with one point upward. The colors and automobile flag to be the same design, adding a blue fringe. For the colors a cord and tassel of white and blue to be added. The sizes to be in accordance with military and naval customs.

PART 2—PROTECTION OF DIGNITARIES

§ 2.1 *Assignment of personnel to carry firearms.* The Administrator, Bureau of Security and Consular Affairs, is authorized to designate certain employees of the Foreign Service and the Department of State as Security Officers who when so designated shall be authorized to carry firearms when assigned to protect the Secretary or the Under Secretary of State, heads of foreign states, high officials of foreign governments and other distinguished visitors to the United States, and official representatives of foreign governments and of the United States attending international conferences or performing special missons. No person shall be so designated unless he has qualified in the use of firearms in accordance with standards established by the Director, Office of Security.

(Sec. 4, 63 Stat. 111, as amended, 69 Stat. 188; 5 U. S. C. 151c, 170e)

PART 3—ADVICE TO FOREIGN GOVERNMENTS

Sec.
3.1 Uniform practice.
3.2 Statement of circumstances of employment.
3.3 Submission of statement to the Secretary of State.

AUTHORITY: §§ 3.1 to 3.3 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c. Interpret or apply R. S. 190, sec. 1, 62 Stat. 698, as amended, 744; 5 U. S. C. 99, 18 U. S. C. 284, 953.

§ 3.1 *Uniform practice.* In order that there shall be a uniform practice in considering requests that American citizens be permitted to counsel, advise, or assist foreign governments, officers, or agents thereof in matters coming before the Department, and in determining whether persons formerly employed by this Government should be permitted to prosecute claims against this Government before the Department, or any officer or agent thereof, the following regulations in this part are prescribed.

§ 3.2 *Statement of circumstances of employment.* Any such person shall be required to make full disclosure, under oath, of the circumstances of his employment, including a statement as to how and through whom such employment was brought about, particularly whether the employment was the result of solicitation direct or indirect, the inducements, if any, that were held out by him, the nature and amount of compensation received or to be received for his service, and whether such compensation was or is on a contingent basis. If the person has previously been employed by this Government, the statement should indicate the capacity in which he was so employed, the date of the termination of such employment, and whether the subject-matter of his present or proposed employment was before him or the Department or branch of this Government in which he was so employed during the time of such employment. Like information shall be furnished with respect to any and all persons associated with, advising, or counseling him in connection with his present or proposed employment, or who is to share in any fee or compensation on account of such employment.

§ 3.3 *Submission of statement to the Secretary of State.* Before any discussion or correspondence is begun with a person to whom the preceding section applies, or, if already begun, may be continued, his statement, together with a statement of the pertinent facts of the subject-matter dealt with or to be dealt with, should be brought to the attention of the Secretary of State in order that he may determine whether such discussion or correspondence would be proper under the circumstances.

PART 4—NOTIFICATION OF FOREIGN OFFICIAL STATUS

Sec.
4.1 Persons required to give notification.
4.2 Persons exempted from the requirement to give notification.
4.3 Form to be used in giving notification.
4.4 Form required in duplicate.
4.5 Time limit for the submission of the form.
4.6 Termination of official status and departure from the United States.

AUTHORITY: §§ 4.1 to 4.6 issued under sec. 10, 56 Stat. 257, sec. 4, 63 Stat. 111, as amended, 22 U. S. C. 620, 5 U. S. C. 151c.

§ 4.1 *Persons required to give notification.* All persons who are entitled to exemption from the registration and finger-printing requirements of the Alien Registration Act of 1940 (54 Stat. 670), as amended, are required to give notification to the Secretary of State of their presence in the United States. Such persons comprise foreign government officials, members of their families (including relatives by blood or marriage regularly residing in or forming a part of their household), and their employees and attendants.

§ 4.2 *Persons exempted from the requirement to give notification.* Ambassadors and ministers, and members of their missions named in the Diplomatic List issued monthly by the Department of State, are exempted from the requirement to give notification to the Secretary of State under this part.

§ 4.3 *Form to be used in giving notification.* A Notification of Status with a Foreign Government form is to be used by the several diplomatic missions in Washington in giving notification of foreign official status to the Secretary of State.

§ 4.4 *Form required in duplicate.* The form is to be submitted to the Secretary of State in duplicate.

§ 4.5 *Time limit for the submission of the form.* (a) The form is to be submitted within 30 days after the arrival of the foreign official in the United States or after a change from a non-official to an official status.

(b) If the official status claimed is not recognized by the Secretary of State, the person submitting the form must register within another 30 days under the requirements of the Alien Registration Act.

§ 4.6 *Termination of official status and departure from the United States.* (a) The diplomatic missions in Washington should notify the Secretary of State of the termination of service of all officials and employees, giving the dates of such termination of service, the dates and ports of their departure from the United States, or their addresses if they are remaining in the United States.

(b) Aliens remaining in the United States after terminating their status as officials or employees are required to be registered and finger-printed within 30 days thereafter under sections 37 (a), 34 (a) and 32 (c) of the Alien Registration Act (54 Stat. 674, 675; 8 U. S. C. 453, 455, 458).

SUBCHAPTER B—PERSONNEL

PART 11—EXAMINATIONS FOR THE APPOINTMENT OF FOREIGN SERVICE OFFICERS

Sec.
11.1 Examinations for appointment as Foreign Service officer.
11.2 When and where given.
11.3 Designation to take examination.

Sec.
11.4 The written examination.
11.5 Eligibility to take oral examination.
11.6 The oral examination.
11.7 Eligibility to take physical examination.
11.8 The physical examination.
11.9 Certifications for appointment.
11.10 Affiliations.
11.11 Expenses of candidates.

AUTHORITY: §§ 11.1 to 11.11 issued under sec. 212, 60 Stat. 1001; 22 U. S. C. 827.

§ 11.1 *Examinations for appointment as Foreign Service officer.* In addition to the requirement set out in § 11.9 (a), eligibility for appointment as Foreign Service officer, class 8, is established by means of competitive written and oral examinations, a physical examination, and a suitability investigation.

§ 11.2 *When and where given.* The written examination will be given annually, or semi-annually if required, in designated cities in the United States and at Foreign Service posts abroad on dates established by the Board of Examiners for the Foreign Service. The oral examination will be given at Washington throughout the year and periodically in selected cities throughout the United States and at selected Foreign Service posts abroad. The physical examination will be given as indicated in § 11.8.

§ 11.3 *Designation to take examination.* (a) No person will be permitted to take the written examination for appointment as Foreign Service officer who has not been specifically designated by the Board of Examiners for the particular examination.

(b) Prior to each written examination the Board will establish a closing date for the receipt of applications for designation to take that examination. No person who has not as of that closing date filed an application with the Board of Examiners will be designated for the examination.

(c) To be designated for the written examination an applicant must be, as of the closing date for the filing of applications, at least 20 years of age and under the age of 31, and must have been a citizen of the United States for at least 9 years.

§ 11.4 *The written examination.* The written examination is designed to permit the Board to test the candidate's intelligence and the breadth and quality of his knowledge and understanding. It will consist of four parts: a general ability test, an English expression test, a general background test, and a test in a modern language (French, German, Russian or Spanish). The several parts of the written examination, exclusive of the modern language test, will be weighted in accordance with rules laid down by the Board of Examiners. The modern language examination will be graded separately.

§ 11.5 *Eligibility to take oral examination.* (a) A candidate who receives a weighted average grade of 70 or higher on the first three parts of the written examination will be eligible to take the oral examination.

(b) A candidate who receives a grade of 70 or above in the written Modern Language examination will receive a bonus of five points to be added to the weighted average grade he receives in the first three parts of the written examination.

(c) A candidate whose weighted average grade on the first three parts of the written examination, with the addition of the five bonus points mentioned in paragraph (b) of this section, is 70 or higher will be eligible to take the oral examination.

§ 11.6 *The oral examination.* (a) The oral examination will be given by a panel of deputy examiners selected by the Board of Examiners from a roster of Foreign Service officers and officers from the Department of State and other Government departments and agencies. The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine his competence to perform the work of a Foreign Service officer at home and abroad, his potential for growth in the Service, and his suitability to serve as a representative of the United States abroad.

(b) Candidates appearing for the oral examination will be graded "passed", "deferred", or "failed."

(c) Candidates graded "deferred" may take another oral examination without repeating the written examination after the expiration of one year and before the expiration of two years. The interval of one year between oral examinations may in exceptional cases be reduced to nine months.

§ 11.7 *Eligibility to take physical examination.* A candidate accorded a passing grade on the oral examination will be eligible for the physical examination and for an investigation to determine his loyalty to the Government and his personal suitability to represent this country.

§ 11.8 *The physical examination.* (a) The physical examination will be designed to determine the candidate's physical fitness to perform the duties of a Foreign Service officer and to determine the presence of any physical, nervous, or mental disease or defect of such a nature as to make it unlikely that he would become a satisfactory officer.

(b) The physical examinations will be conducted by medical officers of the Armed Services, the Public Health Service, or the Foreign Service or, in exceptional circumstances, by private physicians designated by the Board of Examiners.

(c) The Board of Examiners will determine, on the basis of the report of the physician or physicians who have conducted the physical examination, whether or not the candidate has met the requirements.

§ 11.9 *Certifications for appointment.* (a) No person will be certified as eligible for appointment as Foreign Service officer of class 8 unless he is at least 21 years of age, has been a citizen of the United States for at least 10 years, and, if married, is married to a citizen of the United States.

(b) A candidate who meets the requirements of paragraph (a) of this section, who passes his physical examination and who, on the basis of the suitability investigation, is adjudged suitable, will be certified for appointment in accordance with the needs of the Service.

(c) Any candidate certified for appointment without first having passed the written examination in a modern language will enter on duty subject to the condition that he may not be promoted to a higher class unless he passes the written examination in French, German, Russian or Spanish, or an oral examination in a modern language of his choice administered by the Foreign Service Institute in accordance with standards approved by the Board of Examiners.

§ 11.10 *Affiliations.* The religion, race, and political affiliations of candidates will not be considered in designations, examinations, or certifications, except that candidates will be required to demonstrate their loyalty to the Government of the United States and their attachment to the principles of the Constitution.

§ 11.11 *Expenses of candidates.* The traveling and other personal expenses of candidates in connection with taking the written and oral examinations will not be borne by the Government.

PART 12—COMPLAINTS AGAINST EMPLOYEES BY ALLEGED CREDITORS

Sec.
12.1 No cognizance taken of complaint.
12.2 Claimants denied access to employees.

AUTHORITY: §§ 12.1 and 12.2 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 12.1 *No cognizance taken of complaint.* The Department of State will take no cognizance of a complaint against an employee by an alleged creditor, so far as the complainant is concerned, beyond acknowledging receipt of his communication.

§ 12.2 *Claimants denied access to employees.* Persons claiming to be creditors or collectors of debts or claims will be denied access to employees for the purpose of presenting or collecting claims during the hours set apart for the transaction of public business or while the employees concerned are on duty.

PART 13—PERSONAL

Sec.
13.1 Improper exaction of fees.
13.2 Embezzlement.
13.8 Liability for neglect of duty or for malfeasance generally; action on bond; penalty.
13.4 False certificate as to ownership of property.

AUTHORITY: §§ 13.1 to 13.4 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842.

§ 13.1 *Improper exaction of fees.* Any consular officer who collects, or knowingly allows to be collected for any services any other or greater fees than are allowed by law for such services, shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful

charge so collected, as a penalty. The refund and penalty may be recovered with costs, in any proper form of action, by such person for his own use. The amount of such overcharge and penalty may at the discretion of the Secretary of the Treasury be ordered withheld from the compensation of such officer for payment to the person entitled to the same (22 U. S. C. 1189).

NOTE: The foregoing relates to improper collection and personal withholding of funds by consular officers. For procedure where a collection, having been erroneously made, has been returned by the officer to the Treasury in good faith, making a subsequent accounting adjustment necessary, see § 22.4, *Refund of fees* of this chapter.

§ 13.2 *Embezzlement.* Every consular officer who shall receive money, property, or effects belonging to a citizen of the United States and shall not within a reasonable time after demand made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen, shall be deemed guilty of embezzlement, and shall be punishable by imprisonment for not more than five years, and by a fine of not more than $2,000 (22 U. S. C. 1198). Penalties of imprisonment and fine are also prescribed for embezzlement in connection with the acceptance, without execution of a prescribed form of bond, of appointment from any foreign state as administrator, guardian, or to any other office of trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities (22 U. S. C. 1178 and 1179). Acceptance of such appointments is not ordinarily permitted under existing regulations. See § 92.81 of this chapter.

§ 13.3 *Liability for neglect of duty or for malfeasance generally; action on bond; penalty.* Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office. If any consul neglects or omits to perform seasonably the duties imposed upon him by the laws regulating the shipment and discharge of seamen, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than $10,000 and not less than $1,000 (22 U. S. C. 1199).

§ 13.4 *False certificate as to ownership of property.* If any consul or vice consul falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years, and by a fine of not more than $10,000 (22 U. S. C. 1200).

SUBCHAPTER C—FEES AND FUNDS

PART 21—FEES FOR SERVICES IN THE UNITED STATES

Sec.
21.1 Schedule of fees.
21.2 Requesting services and forwarding remittances.
21.3 Effective date.

AUTHORITY: §§ 21.1 to 21.3 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c. Interpret or apply sec. 501, 65 Stat. 290; 5 U. S. C. 140.

§ 21.1 *Schedule of fees.*

Item No.	Description of service	Fee
1	a. For each search for a record and for making a copy or extract thereof, by photostat or otherwise (single page)	$1.50
	b. For each additional copy of the first page, for 25 copies or less, for each copy of the second page, for 25 copies or less and for each copy of each additional page, for 25 copies or less	.60 .20
	c. For each copy in excess of the 25 copies of each page (This fee does not apply to such customary activities as issuance of copies of records (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the Library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.) (The routine servicing of requests of persons having permission to do research in the records under section 185.4 of the Manual of Regulations and Procedures of the Department of State is not to be considered as searching within the meaning of this item. Any copying performed under this proviso, including the first copy of any first page, shall be at the rate indicated in Item No. 1b or 1c, and authenticating at the rate under Item No. 3.)	
2	For each signed statement of negative result of a search for a record (Item 1 above)	1.00
3	For certifying under official seal that a copy or extract made by the Department from its records is a true copy (Fees for searching and for copying, if required, are an additional charge under Item 1.)	1.00
4	Authenticating a Federal, State or Territorial seal, or certifying to the official status of an officer of the United States Department of State or of a foreign diplomatic or consular officer accredited to or recognized by the United States Government, on any document submitted to the Department for that purpose	2.50
5	Any service described in Items 1, 2, 3, or 4 above, when— a. Required for official use by an agency of the Federal Government or of any of the States or their subdivisions or of the District of Columbia, or of any of the territories and possessions of the United States	No fee
	b. Required for official use by a foreign government, or by an international agency of which the Government of the United States is a member, or by a foreign official to whom the United States has granted diplomatic or consular status, in circumstances where furnishing the service is an appropriate courtesy	No fee
	c. Performed in response to a subpoena or other order of a court. (However, fees are chargeable when the service is for the benefit of a party in interest and a court order or subpoena is issued in his behalf.)	No fee
	d. Performed in providing to a party in interest, one copy of the transcript of a hearing held before a panel, board, or other authority of the Department	No fee
	e. Performed in providing to a party in interest, for delivery to and retention by an agency of the Federal Government, one copy under seal of a personal document (viz., consular form report of birth, certificate of witness to marriage, or report of death of an American citizen, etc.)	No fee
	f. Performed in providing to a near relative or legal representative, one copy under seal of a consular form report of death of an American citizen	No fee

§ 21.2 *Requesting services and forwarding remittances.* (a) Request for services, accompanied by remittance of the exact total fee chargeable (as well as by a stamped addressed return envelope if certified mail, registered mail, air mail, or special delivery mail service is desired), shall be addressed to the Authentication Officer, Department of State, Washington 25, D. C.

(b) Remittances shall be in the form either of (1) check or bank draft drawn on a bank in the continental United States, or (2) postal money order, or (3) cash. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsibility for cash which is lost in the mail.

(c) Fees must be paid in full prior to issuance of requested documents. If uncertainty as to the existence of a record, or as to the number of sheets to be copied, precludes remitting the exact fee chargeable with the request the Department of State will inform the interested party of the exact amount required.

§ 21.3 *Effective date.* The charges hereby established will become effective on July 1, 1956 with respect to all services rendered pursuant to requests received in the Department of State on or after the effective date.

PART 22—FEES AND CHARGES, FOREIGN SERVICE

Sec.
22.1 Tariff of fees, Foreign Service of the United States of America.
22.2 Remittances to Foreign Service posts.
22.3 Receipts for fees; register of services.
22.4 Refund of fees.
22.5 Time at which fees become payable.
22.6 Deposits to guarantee payment of fees or incidental costs.
22.7 Collection and return of fees.

AUTHORITY: § 22.1 to 22.7 issued under secs. 3, 4, 63 Stat. 111, as amended; 5 U. S. C. 151c, 22 U. S. C. 811a. E. O. 10718, 22 F. R. 4632.

§ 22.1 *Tariff of fees, Foreign Service of the United States of America.* (a) Officers of the Foreign Service shall charge for official services performed abroad at the rates prescribed in this tariff, in coin of the United States or at its representative value in exchange (22 U. S. C. 1202). For definition of representative value in exchange, see § 23.4 of this chapter. No fees named in this tariff shall be charged or collected for the official services to American vessels and seamen (22 U. S. C. 1186). The term "American vessels" is defined to exclude, for the purposes of this tariff, documented American vessels and the fees prescribed herein shall be charged and collected for such undocumented vessels. However, the fees prescribed herein shall not be charged or collected for American public vessels, which includes any vessel owned or operated by a United States Government department or agency and engaged exclusively in official business on a non-commercial basis. This tariff shall be kept posted in a conspicuous place in each Foreign Service office, subject to the examination of all persons interested therein (22 U. S. C. 1197).

Effective November 14, 1957

PASSPORT AND CITIZENSHIP SERVICES

Item No.		Fee
1.	Execution of application for passport—no exceptions (22 U. S. C. 214)	$1.00
2.	Examination of passport application executed before a foreign official	$1.00
3.	Issuance of passport (22 U. S. C. 214)	$9.00
4.	Renewal of passport (22 U. S. C. 217a)	$5.00
5.	Issuance of certificate or card of identity and registration, or card of identification for use on the Mexican border	$1.00
6.	Issuance or renewal of passport—	
	(a) to officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or members of their immediate families (22 U. S. C. 214)	No fee
	(b) to seamen when employed as such on American vessels (22 U. S. C. 214)	No fee
	(c) to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad, whose journey is for the purpose of visiting graves of such soldiers, sailors, or marines (22 U. S. C. 214)	No fee
7.	Amendment of passport	No fee
8.	Verification of passport	No fee
9.	Execution of application for registration	No fee
10.	Execution of affidavit in regard to American birth in connection with application for registration or for passport	No fee
11.	Administering the oath of allegiance to a native-born American woman who lost her citizenship solely by marriage to an alien	No fee
12.	For delivery to the applicant of a certified copy of an executed form—	
	(a) of repatriation of a native-born American woman whose marital status with an alien terminated prior to January 13, 1941	$5.00
	(b) of repatriation of a native-born American woman under sec. 324 of the Immigration and Nationality Act (8 U. S. C. 1435)	$5.00
	(c) of repatriation under the act of July 20, 1954 (8 U. S. C. 1438 Supp.), of a person who while a citizen of the United States lost his citizenship by voting in Japan between September 2, 1945, and April 27, 1952, inclusive	$5.00
13.	Completion of birth and death reports in number of copies prescribed by regulations. (Charge under item 75 below for any additional copies made and furnished, as well as under item 47 below if certification is furnished of the correctness thereof.)—	
	(a) report of birth of American citizen including the furnishing of one copy to the parents	No fee
	(b) report of death of American citizen and sending one copy each to legal representative and to closest known relative or relatives	No fee
14.	Certificate of witness to marriage in quadruplicate. (Charge under item 75 below for any additional copies made and furnished, as well as under item 47 below if certification is furnished of the correctness thereof.)	$3.00
	(Item numbers 15 through 19 vacant.)	

VISA SERVICES FOR ALIENS

Item No.		Fee
20.	Furnishing and verification of application for immigrant visa, including duplicate copy (8 U. S. C. 1351)	$5.00
21.	Issuance of each immigrant visa (8 U. S. C. 1351)	$20.00
22.	Furnishing and verification of application and issuance of nonimmigrant visa. (Fees prescribed in Appendix C, Visa Handbook of Department of State, as amended from time to time.)	
23.	Furnishing and verification of application and issuance of nonimmigrant visa to alien proceeding solely in transit to and from the headquarters district of the United Nations under the provisions of section 11 of the Agreement between the United Nations and the United States of America regarding the headquarters of the United Nations (61 Stat. 756)	No fee
24.	Visa of alien crew list	$2.00
25.	Supplemental visa of alien crew list (Item numbers 26 through 29 vacant.)	No fee

SERVICES RELATING TO VESSELS AND SEAMEN

Item No.		Fee
30.	Noting marine protest, when required by a master of a foreign or an undocumented vessel	$5.00
31.	Extending marine protest, when required by master of a foreign or an undocumented vessel If it exceeds 200 words, for every additional 100 words or fraction thereof	$10.00 $1.00
32.	Protest of master against charterers or freighters, when required by master of a foreign or an undocumented vessel	$5.00
33.	Shipment or discharge of seaman on undocumented vessel, each seaman	$2.00
34.	Recording of bill of sale of vessel purchased abroad, taking of application for provisional certificate of registry or certificate of American ownership, and investigation	$10.00
35.	Issuance of provisional certificate of registry or certificate of American ownership	$5.00
36.	Services under this tariff (unless designated "no exceptions") when performed for American vessels or for American seamen (22 U. S. C. 1186) (Item numbers 37 through 44 vacant.)	No fee

NOTARIAL SERVICES AND AUTHENTICATIONS

Item No.		Fee
45.	Administering an oath and certificate thereof	$2.50
46.	Taking the acknowledgment of the execution of a document, and certificate thereof	$2.50
47.	Certifying under official seal that a copy or extract made from an official or a private document is a true copy. (Fees for copying, if required, are an additional charge under item 75.)	$1.00
48.	Certifying to official character of a foreign notary or other official (i. e., authenticating a document)	$2.50
49.	Administering oaths, taking acknowledgments, or supplying authentications, in connection with application for letters patent or registration of trademarks, or with the assignment or transfer of rights thereunder	$2.50
50.	Administering an oath and certificate thereof for petition for nonquota, temporary worker nonimmigrant, or preference quota status	$2.50
51.	Administering oaths or taking acknowledgments, or authenticating the signatures of foreign officials, in connection with Kinsmen's petitions for wages and effects of deceased seamen of the American merchant marine (46 U. S. C. 627)	$2.50
52.	For affidavit of petitioner or his agent on documents or evidence to be presented to the Federal Government	$2.50
	(Item numbers 53 and 54 vacant.)	
55.	Noting of a negotiable instrument for want of acceptance or payment, certifying to protest, and giving notice to issuer and endorsers when requested to do so. (In addition to this fee the consular officer should charge under item 85 for time spent outside the consular office in presentment of the instrument for acceptance or payment.)	$5.00
	(Item numbers 56 and 57 vacant.)	
58.	Services under this heading "Notarial Services and Authentications", when rendered—	
	(a) In connection with the execution of forms or documents required by or to be presented to any department or agency of the Federal Government	No fee
	(b) In connection with the assignment and transfer of United States bonds or other Federal financial obligations or the execution of powers of attorney therefor or to collect interest thereon	No fee

COPYING AND RECORDING

Item No.		Fee
75.	Copies made by typewriter (letter-size, double-spaced page or equivalent), photostat or otherwise—	
	(a) a copy or extract thereof, single page	$1.50
	(b) for each additional copy of the first page, for 25 copies or less; for each copy of the second page, for 25 copies or less; and for each copy of each additional page, for 25 copies or less	$0.50
	(c) for each copy in excess of the 25 copies of each page. (This fee does not apply to such customary activities as issuance of copies of records (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the post's library or the Library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.)	$0.20
76.	Recording unofficial documents in the Miscellaneous Record Book, if by hand-copying—	
	(a) for the first 200 words or fraction thereof	$5.00
	(b) and for each additional 100 words or fraction thereof	$2.00
77.	Recording unofficial documents in the Miscellaneous Record Book, if type-written or by other mechanical process—	
	(a) for the first two pages or less	$5.00
	(b) for each additional page	$1.00
	(Item numbers 78 through 81 vacant.)	

DEPARTMENTAL SERVICES FOR WHICH COLLECTION IS EFFECTED AT FIELD POST

82.	Services described in the Departmental "Schedule of Fees" (§ 21.1) when collection is effected at a Foreign Service post. (The fee prescribed in the Departmental "Schedule of Fees".)	

EXEMPTION FOR FEDERAL AGENCIES AND CORPORATIONS

83.	Any and all services (unless above designated "no exceptions") performed for the official use of the Government of the United States or of any corporation in which the Federal Government or its representative shall own the entire outstanding capital stock	No fee
	(Item number 84 vacant.)	

SERVICES RENDERED OUTSIDE OF OFFICE

85.	Additional fee for services of officer under the above headings Passport and Citizenship Services, Visa Services for Aliens, Notarial Services and Authentications, and Services Relating to Taking of Evidence, when rendered elsewhere than at a Foreign Service office at the request of the interested parties, for each hour or fraction thereof	$4.00

NOTARIAL SERVICES AND AUTHENTICATIONS—continued

58.	Services under this heading "Notarial Services and Authentications", when rendered—Continued	
	(c) to claimants and beneficiaries and their witnesses, in connection with Federal, State and municipal allotment, pension, retirement, insurance, medical, compensation, or like benefits	No fee
	(d) in the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof	No fee
	(e) to American citizens, while outside the United States, in preparation of ballots to be used in any primary, general, or other public elections in the United States or in territories under their jurisdiction	No fee
	(f) for official non-commercial use by a foreign government or by an international agency of which the Government of the United States is a member	No fee
	(g) to an official of a foreign government in circumstances where furnishing the service is an appropriate or reciprocal courtesy	No fee
	(Item numbers 59 through 64 vacant.)	

SERVICES RELATING TO TAKING OF EVIDENCE

65.	In taking depositions or executing commissions to take testimony (for additional hourly charge to be assessed for service of officer when rendered outside of the consular office and for provision for collection of transportation and other incidental costs see item 85 and § 22.1 (b))—	
	(a) for the services of the diplomatic or consular officer, including completion by him of caption, introductory statement and certificate (likewise including interpreting and reduction to writing or typewriting where these are done personally by the officer), for the first hour or fraction thereof	$15.00
	(b) for the services of the diplomatic or consular officer, as above, for each additional hour or fraction thereof	$10.00
	(c) for the services, if required, of a staff member of the Foreign Service post as interpreter, per hour or fraction thereof	$4.00
	(d) stenographic and typing service when supplied by the Foreign Service post, for each 100 words or fraction thereof (charge additionally under item 75 for extra copies, if requested)	$1.00
66.	Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party as contemplated by 18 U. S. C. 3495	No fee
67.	Providing seal and certificate for return of letters rogatory executed by foreign officials	$5.00
	(Item numbers 68 and 69 vacant.)	

DECEDENTS' ESTATES

70.	Taking into possession under 22 U. S. C. 1175 the personal estate of any citizen who shall die within the limits of a consular district, inventorying, selling, and finally disposing thereof according to law, for each $100 of inventory value or fraction thereof	$2.00
71.	Service as described under item 70 above, when performed in the case of a deceased officer or employee of the United States	No fee
72.	Placing or removal of official seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose of transfer of custody	No fee
	(Item numbers 73 and 74 vacant.)	

(b) In addition to the fees prescribed above, transportation and other incidental costs actually and necessarily incurred by officers of the Foreign Service performing services elsewhere than at a Foreign Service office shall be collected from the persons requesting the performance of such services. Such collections shall not be considered as part of the official fees but shall be recorded as deposit funds and accounted for as such.

§ 22.2 *Remittances to Foreign Service posts.* Remittances to Foreign Service posts from persons in the United States in payment of official fees and charges or for the purpose of establishing deposits in advance of rendition of services shall be in a form acceptable to the post, drawn payable to the "American Embassy at (name of city)" (or American Legation, American Consulate General, or American Consulate, as the case may be). This will permit encashment of negotiable instruments by the post when necessary. For method of endorsement of instruments for deposit in the Treasury, when not negotiated locally, see § 23.2 of this chapter.

§ 22.3 *Receipts for fees; register of services.* Every officer of the Foreign Service responsible for the performance of services as enumerated in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1), shall give receipts for fees collected for his official services, specifying the nature of the service and numbered to correspond with entries in a register maintained for the purpose (22 U. S. C. 1192, 1193, and 1194). The register serves as a record of official acts performed by officers of the Foreign Service in a governmental or notarial capacity, corresponding in this regard with the record which notaries are usually expected or required to keep of their official acts (see § 92.2) of this chapter.

§ 22.4 *Refund of fees.* Fees which have been collected for deposit in the Treasury are refundable (a) as specifically authorized by law (see 22 U. S. C. 214a concerning passport fees erroneously charged persons excused from payment, 22 U. S. C. 216 concerning passport fees in cases where the appropriate representative in the United States of a foreign government refuses a visa, and 46 U. S. C. 8 concerning fees improperly imposed on vessels or seamen), (b) when the principal officer at the consular post where the fee was collected (or the officer in charge of the consular section at a combined diplomatic consular post) finds upon review of the facts that the collection was erroneous upon the part of the officer under applicable law and regulation and directs that refund be made, or (c) when a finding that the collection was erroneous under applicable law and regulation is made by the Department of State with a view to payment of the refund in the United States in cases in which it is impracticable to have the facts reviewed and refund effected at the direction of the responsible consular officer. See § 13.1 of this chapter concerning refunds of fees improperly exacted by consular officers who have neglected to return the same to the Treasury.

§ 22.5 *Time at which fees become payable.* Fees are due and payable prior to issuance or delivery to the interested party of a signed document, a copy of a record, or other paper representative of a service performed.

§ 22.6 *Deposits to guarantee payment of fees or incidental costs.* When the amount of any fee is determinable only after initiation of the performance of a service, or if incidental costs are involved, the total fee and incidental costs shall be carefully estimated and an advance deposit required, subject to refund of any unused balance to the person making the deposit.

§ 22.7 *Collection and return of fees.* No fees other than those prescribed in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1), or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U. S. C. 1201). All fees received by any officer of the Foreign Service for services rendered in connection with the duties of his office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U. S. C. 99, 1942 Edition, as amended by sec. 1131 (26) of the Foreign Service Act of 1946, 60 Stat. 1037, and as modified by 22 U. S. C. 812 of the 1952 Edition). For receipt, registry, and numbering provisions, see § 22.3.

PART 23—FINANCE AND ACCOUNTING

Sec.
- 23.1 Remittances made payable to the Department of State.
- 23.2 Endorsing remittances for deposit in the Treasury.
- 23.3 Refunds.
- 23.4 Representative value in exchange.
- 23.5 Claims for settlement by Department of State or General Accounting Office.

AUTHORITY: §§ 23.1 to 23.5 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 23.1 *Remittances made payable to the Department of State.* Except as otherwise specified in this title, remittances of moneys shall be drawn payable to the Department of State and sent to the Department for action and deposit. (See §§ 21.2, 51.40, and 22.2 of this chapter.)

§ 23.2 *Endorsing remittances for deposit in the Treasury.* The Office of Finance—Cashier Unit, the Authentication Office, the Passport Office or Passport Agency, American Embassy, American Legation, American consular office, or other office or unit of the Department of State authorized and required to deposit funds in the Treasury of the United States, is hereby authorized to endorse, or to have endorsed, to the order of the Treasurer of the United States by appropriate stamp, checks, drafts, money orders, or other forms of remittance, regardless of how drawn, which are for payment to the Department of State for deposit in the Treasury of the United States, including those payable to the Secretary of State.

§ 23.3 *Refunds*—(a) *Rectifications and readjustments.* See § 22.4 of this chapter for outline of circumstances under which fees which have been collected for deposit in the Treasury may be refunded.

(b) *Refund of wrongful exactions.* See § 13.1 of this chapter concerning recovery from consular officers of amounts wrongfully exacted and withheld by them.

§ 23.4 *Representative value in exchange.* Representative value in exchange for the collection of a fee means foreign currency equivalent to the prescribed United States dollar fee at the current rate of exchange at the time and place of payment of the fee. "Current rate" of exchange for this purpose means the bank selling rate at which the foreign bank will sell the number of United States dollars required to liquidate the obligation to the United States for the Foreign Service fee.

§ 23.5 *Claims for settlement by Department of State or General Accounting Office.* Claims for settlement by the Department of State or by the General Accounting Office shall be submitted to the Department in duplicate over the handwritten signature, together with the post office address of the claimant, and with appropriate recommendations of the officer of the Foreign Service, for items such as:

(a) Refunds of amounts representing payroll deductions such as for any retirement and disability fund;

(b) Amounts due deceased, incompetent, or insolvent persons including payees or bona-fide holders of unpaid Government checks;

(c) Amounts claimed from the Government when questions of fact affect either the amount payable or the terms of payment, when for any reason settlement cannot or should not be affected at the Foreign Service office; and

(d) Amounts of checks, owned by living payees or bona-fide holders, which have been covered into outstanding liabilities. The Foreign Service post or the Department of State shall be consulted before preparing the claim to ascertain whether any special form is required to be used. Claims for unpaid compensation of deceased alien employees shall be forwarded to the respective Foreign Service post.

SUBCHAPTER D—CLAIMS AND STOLEN PROPERTY

PART 31—ADMINISTRATIVE SETTLEMENT OF TORT CLAIMS AND CERTAIN PROPERTY DAMAGE CLAIMS

Sec.
- 31.1 Purpose.
- 31.2 Delegation of authority.

Subpart A—General Provisions

- 31.3 Definitions.
- 31.4 Action by claimant.
- 31.5 Penalties.
- 31.6 Investigation of claims.
- 31.7 Determination of claims.
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- 31.18 Limitations.
- 31.19 Action by claimant.
- 31.20 Payment of claim.

AUTHORITY: §§ 31.1 to 31.20 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c. Interpret or apply 49 Stat. 906, as amended, sec. 1, 62 Stat. 983, as amended, sec. 2, 70 Stat. 890; 22 U. S. C. 277e, 28 U. S. C. 2672, 5 U. S. C. 170g.

§ 31.1 *Purpose.* The purpose of this part is to establish and provide a procedure for the preparation and submission of claims for personal injury, death, and property loss or damage cognizable under the Federal Tort Claims Act (62 Stat. 983; 28 U. S. C. 2672) and the act of August 1, 1956 (70 Stat. 890; 5 U. S. C. Supp. IV, 170g), and claims for property loss or damage cognizable under the act of June 19, 1939 (53 Stat. 841; 22 U. S. C. 277e), and to authorize certain officers of the Department of State and of the United States Section, International

Boundary and Water Commission, United States and Mexico, to consider, ascertain, adjust, determine and settle such claims.

§ 31.2 *Delegation of authority.* The Legal Adviser and the Deputy Legal Adviser are authorized to consider, ascertain, adjust, determine and settle claims cognizable under the Federal Tort Claims Act and the act of August 1, 1956, except claims arising out of activities of the Commission. Chiefs of mission and principal officers of fiscal reporting posts are authorized to consider, ascertain, adjust, determine and settle claims cognizable under the act of August 1, 1956, arising out of the activities of their respective establishments. The Commissioner is authorized to consider, ascertain, adjust, determine and settle claims cognizable under the Federal Tort Claims Act and the act of June 19, 1939, arising out of activities of the Commission.

SUBPART A—GENERAL PROVISIONS

§ 31.3 *Definitions.* As used in this part, the term:

(a) "Secretary" means the Secretary of State.

(b) "Department" means the Department of State, its offices, bureaus, and divisions and its Foreign Service establishments abroad.

(c) "Commission" means the United States Section, International Boundary and Water Commission, United States and Mexico.

(d) "Legal Adviser" means the Legal Adviser of the Department of State.

(e) "Deputy Legal Adviser" means the Deputy Legal Adviser of the Department of State.

(f) "Chiefs of mission" means principal officers appointed by the President, by and with the advice and consent of the Senate, in charge of embassies or legations of the United States.

(g) "Principal officers of fiscal reporting posts" means principal officers in charge of embassies, legations, or other diplomatic missions, or of a consulate general or consulate of the United States, which are designated fiscal reporting posts by the Department of State.

(h) "Commissioner" means the United States Commissioner, International Boundary and Water Commission, United States and Mexico.

(i) "Employee" includes any officer or employee of the Department or the Commission, or any person acting on behalf of the Department or the Commission in an official capacity, temporarily or permanently in the service of the Department or the Commission, whether with or without compensation.

§ 31.4 *Action by claimant*—(a) *Claimant.* Claims for property loss or damage may be filed by the owner of the property or his duly authorized agent or legal representative. If the property was insured and the insurer is subrogated, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim. Claims for personal injury may be filed by the injured person or his agent or legal representative. Claims for death may be filed by the personal representative of the decedent or any other legally qualified person. When filed by an agent or legal representative, the claim must show the title or capacity of the person representing the claimant and be accompanied by evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

(b) *Form of claim.* Claims arising in the United States and in the Territories and possessions of the United States should be prepared, in duplicate, on the standard form, "Claim For Damage or Injury," promulgated by the Bureau of the Budget. Copies of this form will be furnished upon a request to the Department or the Commission, as the case may be. All information requested therein should be given in detail. It is especially important that the amount claimed for property damage and for personal injury be indicated in the spaces provided. Claims arising in foreign countries should be prepared in form of a sworn statement and submitted in duplicate. The original copy of the claim should be sworn to or affirmed before an official with authority to administer oaths or affirmations and should contain the following information, at least: (1) The name and address of the claimant; (2) the amount claimed for injury or death and for property loss or damage; (3) if property was lost or damaged, the amount paid or payable by the insurer and the name of the insurer; (4) the facts and circumstances in detail giving rise to the claim including the date, place and time of the accident or incident; (5) if property was involved, a description of the same and of the nature and extent of the damage and of the cost of repair or replacement; (6) if personal injury was involved, the nature of the injury, the cost of medical services and time and income lost from incapacitation; (7) if death is involved, the names and ages of the claimants and their relationship to the decedent; (8) the name of the employee of the United States who is alleged to be responsible for the accident or incident and the name and address of the Foreign Service establishment by whom he is or was employed; (9) the names and addresses of any witnesses to the accident or incident; and (10) if desired, the law applicable to the claim.

(c) *Place of filing claim.* Claims should be submitted directly to the office, bureau, division, or Foreign Service establishment of the Department, or of the Commission, out of whose activities the acident or incident occurred, if known; or, if not known, to the Legal Adviser, Department of State, Washington 25, D. C.

(d) *Evidence to be submitted by claimant*—(1) *General.* The amount claimed on account of damage to or loss of property or on account of personal injury or death should, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like should, if possible, be obtained from disinterested parties. All evidence should be submitted in duplicate. Original evidence or certified copies should be attached to the original copy of the claim, and simple copies should be attached to the other copy of the claim. All documents in other than the English language should be accompanied by English translations.

(2) *Personal injury or death.* In support of claims for personal injury or death, the claimant should submit, as may be appropriate, itemized bills for medical, hospital or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of the injury, the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization and the like.

(3) *Damage to personal property.* In support of claims for damage to personal property which has been repaired, the claimant should submit an itemized receipt, or, if not repaired, itemized estimates of the cost of repairs by two reliable parties who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to cost, age of the property and salvage value.

(4) *Damage to real property.* In support of claims for damage to land, trees, buildings, fences, or other improvements to real property, the claimant should submit an itemized receipt if repairs have been made, or, if repairs have not been made, itemized estimates of the cost of repairs by two reliable persons who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to the value of the improvements both before and after the accident or incident and the cost of replacements.

(5) *Damage to crops.* In support of claims for damage to crops, the claimant should submit an itemized signed statement showing the number of acres, or other unit measure of crop damaged, the probable yield per unit, the gross amount which would have been realized from such probable yield and an estimate of the costs of cultivating, harvesting and marketing the crop. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated.

§ 31.5 *Penalties.* A person who files a false claim or makes a false or fraudulent statement in a claim against the United States may be liable to a fine of not more than $10,000 or to imprisonment of not more than five years, or both (62 Stat. 698, 749; 18 U. S. C. 287, 1001) and, in addition, to a forfeiture of $2,000 and a penalty of double the loss or damage sustained by the United States (12 Stat. 696, 698; 31 U. S. C. 231).

§ 31.6 *Investigation of claims.* When a claim is received, the office, bureau, division or Foreign Service establishment out of whose activities the claim arose shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, and a recommendation regarding allowance or disallowance of the claim, to the Legal Adviser, Deputy Legal Adviser, Commissioner, Chief of Mission or principal officer of fiscal reporting post, as the case may be.

§ 31.7 *Determination of claims.* Claims will be determined in accordance with the applicable statute and the applicable subpart of this part.

§ 31.8 *Payment of claims.* When a claim is approved, it will be referred to the appropriate fiscal office for payment out of funds appropriated or to be appropriated for the purpose.

SUBPART B—FEDERAL TORT CLAIMS ACT

§ 31.9 *General.* The Federal Tort Claims Act (62 Stat. 983; 28 U. S. C. 2672) authorizes the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle certain tort claims for money damages of $1,000 or less against the United States.

§ 31.10 *Allowable claims.* Tort claims, except those specifically excluded by the Federal Tort Claims Act (28 U. S. C. 2680), are allowable under the act and this subpart for damage to or loss of property and for personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Department or of the Commission, while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred. Payment of more than $1,000 in settlement of a claim may not be authorized. The claimant's only remedy, if any, for a claim exceeding $1,000 in amount or for a claim which is disallowed, is by suit in the United States District Court for the district where the claimant resides or wherein the act or omission complained of occurred.

§ 31.11 *Claims not allowable.* The following claims, among others, are not allowable under the Federal Tort Claims Act and this subpart:

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(d) Any claim arising in a foreign country. Such claims may be allowable under the act of August 1, 1956. See Subpart C of this part.

§ 31.12 *Limitations.* (a) Claims arising under the Federal Tort Claims Act must be presented in writing, within two years after accrual.

(b) A suit may not be filed while a claim is pending. The claimant may, however, upon fifteen days written notice, withdraw the claim and commence action thereon within six months from the date of notice. If a claim is denied, the claimant may commence action thereon within six months from the date of notice of denial. The amount of the suit may not exceed the amount of the claim, except where the increased amount is based upon newly discovered evidence.

§ 31.13 *Acceptance of award or settlement by claimant.* The acceptance by the claimant of an award, compromise or settlement is final and conclusive on the claimant, and constitutes a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 31.14 *Attorneys' fees.* As part of any award or settlement, reasonable attorneys' fees may be allowed out of, but not in addition to, the amount of the award or settlement. If the award or settlement is $500 or more the fee shall not exceed 10 per centum of the amount of the award or settlement. Any attorney who receives more than the amount allowed may be liable to a fine of not more than $2,000 or imprisonment of not more than one year, or both. Attorneys' fees will be fixed only upon the written request of the claimant or his attorney.

SUBPART C—ACT OF AUGUST 1, 1956

§ 31.15 *General.* The act of August 1, 1956 (70 Stat. 890; 5 U. S. C. Supp. IV, 170g) authorizes the Secretary of State, when funds are appropriated therefor, to pay tort claims in the manner authorized in the first paragraph of 28 U. S. C. 2672, as amended, when such claims arise in foreign countries in connection with Department of State operations abroad. Consequently, the Federal Tort Claims Act and Subpart B of this part are applicable to claims filed under the act of August 1, 1956, except that no provision has been made in that act for the institution of suit if a claim is denied.

SUBPART D—ACT OF JUNE 19, 1939

§ 31.16 *General.* The act of June 19, 1939 (53 Stat. 841; 22 U. S. C. 277e), provides as follows:

> The Secretary of State acting through such officers as he may designate, is further authorized to consider, adjust, and pay from funds appropriated for the project, the construction of which resulted in damages, any claim for damages occurring after March 31, 1937, caused to owners of land or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the American Commissioner, International Boundary Commission, United States and Mexico, if such claim does not exceed $1,000 and has been filed with the American Commissioner within one year after the damage is alleged to have occurred, and when in the opinion of the American Commissioner such claim is substantiated by a report of a board appointed by the said Commissioner.

This act covers only claims for damages to lands or other private property and not claims for personal injuries. (Decision Comptroller General B–36817, September 28, 1943, unpublished.) To the extent that claims for damages to lands or other private property are based upon negligence, the provisions of this act have been superseded by the Federal Tort Claims Act (26 Comp. Gen. 452, Decision B–61757, January 6, 1947). Hence claims cognizable under the act of June 19, 1939, are limited to claims for damages accruing after March 31, 1937; (a) for damages to lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the Commissioner; (b) where such claims do not exceed $1,000; and (c) which claims are not based upon the negligence of any officer or employee of the Government acting within the scope of his employment.

§ 31.17 *Exclusion.* Claims which are cognizable under the Federal Tort Claims Act are not cognizable under the act of June 19, 1939.

§ 31.18 *Limitations.* No claim will be considered by the Commissioner under this subpart unless filed with him within one year after the damage is alleged to have occurred.

§ 31.19 *Action by claimant.* The provisions of § 31.4 shall be applicable to claims for damages cognizable under this subpart, except those provisions relating to personal injury or death.

§ 31.20 *Payment of claim.* Upon receipt of a claim by the Commissioner, the Commissioner will appoint a board to investigate the facts surrounding the claim and to make its report and recommendations to the Commission. The Commissioner will thereupon approve the claim in whole or in part, or disapprove the claim. If the claim is approved in whole or in part, and claimant accepts the settlement tendered by the Commissioner, the claimant will execute a release of his claim in the form prescribed by the Commissioner and will execute a voucher in the sum approved by the Commissioner. The file on the case, including the claim, the findings of the board, the approval of the Commissioner, the release, and the voucher, will thereupon be transmitted by the Commissioner through the Department to the General Accounting Office for settlement.

PART 32—STOLEN PROPERTY UNDER TREATY WITH MEXICO

Sec.

32.1 Mexican motor vehicles, trailers, airplanes, etc., in the United States.

32.2 American motor vehicles, trailers, airplanes, etc., in Mexico.

AUTHORITY: §§ 32.1 and 32.2 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 32.1 *Mexican motor vehicles, trailers, airplanes, etc., in the United States.* Whenever, in accordance with the pro-

visions of article I of the convention[1] (50 Stat. 1334), the United Mexican States shall request the detention in the United States of America of alleged stolen or embezzled motor vehicles, trailers, airplanes, or the component parts of any of them, the request shall be accompanied by documents legally valid in the United Mexican States. The said documents shall be as follows: (a) the original or a certified copy of the sales or conditional sales contract and where registration of title is required by law the certificate of such registration of title; (b) the original or a certified copy of the official registration card; (c) not more than three affidavits identifying the claimant as the owner of the legal or equitable title, or both, to the property alleged to have been stolen or embezzled; (d) the original or a certified copy of any assignment of the property by the insured to the insurer pursuant to a contract of insurance in force at the time the theft or embezzlement was committed.

§ 32.2 *American motor vehicles, trailers, airplanes, etc., in Mexico.* Whenever, in accordance with the provisions of article II of the convention (50 Stat. 1334), the United States of America shall request the detention in the United Mexican States of alleged stolen or embezzled motor vehicles, trailers, airplanes, or the component parts of any of them, the request shall be accompanied by documents legally valid in the United States of America. The said documents shall be as follows: (a) the original or a certified copy of the sales or conditional sales contract and where registration of title is required by law the certificate of such registration of title; (b) the original or a certified copy of the official registration card; (c) not more than three affidavits identifying the claimant as the owner of the legal or equitable title, or both, to the property alleged to have been stolen or embezzled; (d) the original or a certified copy of any assignment of the property by the insured to the insurer pursuant to a contract of insurance in force at the time the theft or embezzlement was committed.

SUBCHAPTER E—VISAS

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

Sec.
- 40.1 Definitions.
- 40.2 Officers authorized to issue diplomatic visas.
- 40.3 Types and validity of diplomatic visas.
- 40.4 Classes of aliens eligible to apply for diplomatic visas.
- 40.5 Classes of aliens ineligible to receive diplomatic visas.
- 40.6 Advisory opinions from the Department.
- 40.7 Application for diplomatic visa.
- 40.8 Passport requirement.
- 40.9 Evidence of diplomatic status.
- 40.10 Procedure in issuing diplomatic visas.
- 40.11 Diplomatic visas issued without charge.
- 40.12 Significance of diplomatic visa.
- 40.13 Revocation or cancellation of diplomatic visa.

AUTHORITY: §§ 40.1 to 40.13 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 40.1 *Definitions.* The following definitions, in addition to the pertinent definitions contained in the Immigration and Nationality Act, shall be applicable to this part:

(a) "Act" means the Immigration and Nationality Act.

(b) "Department" means the Department of State of the United States of America.

(c) "Diplomatic visa" means a nonimmigrant visa bearing the title "Diplomatic Visa" and issued to a nonimmigrant in accordance with the regulations contained in Part 41 of this chapter and in this part.

(d) "Diplomatic passport" means a national passport bearing the title "Diplomatic Passport" and issued by a competent authority of the foreign government to which the bearer owes allegiance.

(e) "Equivalent of a diplomatic passport" means (1) a national passport, other than a specifically described diplomatic passport, which is issued by a foreign government to which the bearer owes allegiance and which indicates the career diplomatic or consular status of the bearer, the issuing government being one which does not issue diplomatic passports to its career diplomatic and consular officers, or (2) a national passport, other than a specifically described diplomatic passport, which is in the possession of a nonimmigrant who is an accredited official of a foreign government or a member of his immediate family, and who is within the purview of section 212 (d) (8) of the act, or (3) such other passport as may be acceptable to the Secretary of State in individual cases.

(Sec. 101, 66 Stat. 167; 8 U. S. C. 1101)

§ 40.2 *Officers authorized to issue diplomatic visas.* (a) A diplomatic or consular officer attached to a diplomatic mission of the United States may issue diplomatic visas if he is authorized to do so by the chief of the mission.

(b) A consular officer assigned to a consular office may issue diplomatic visas if so authorized by the Department or by the chief of the United States diplomatic mission to the foreign country in which such consular office is located.

(c) The Director of the Visa Office of the Department, and such members of his staff as he may designate, are authorized, in their discretion, to issue diplomatic visas to qualified aliens in the United States, who are within one of the classes described in § 40.4, who, if within a nonimmigrant category defined in section 101 (a) (15) (A) or (G) of the act, have been duly notified to the Secretary of State, and who, after a temporary absence, desire to reenter the United States in the nonimmigrant status specified in the visa.

§ 40.3 *Types and validity of diplomatic visas—*(a) *Regular diplomatic visa.* A regular diplomatic visa shall be valid for the period indicated therein, as determined under the provisions of § 41.15 of this chapter, and may be used during the period of its validity in making any number of applications for admission into the United States: *Provided,* That the status of the bearer as a person entitled to a diplomatic visa is maintained.

(b) *Limited diplomatic visa.* A limited diplomatic visa shall be valid for the period specified therein, as determined under the provisions of § 41.15 of this chapter, and may be used during the period of its validity in making a single application for admission into the United States: *Provided,* That the status of the bearer as a person entitled to a diplomatic visa is maintained.

§ 40.4 *Classes of aliens eligible to apply for diplomatic visas—*(a) *Regular diplomatic visas.* Aliens of the following classes seeking to enter the United States as nonimmigrants may apply for regular diplomatic visas:

(1) Heads of states and their alternates;

(2) Members of a reigning royal family;

(3) Governors - general, governors, high commissioners, and other similar high administrative or executive officers of a territorial unit, and their alternates;

(4) Cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division, and their alternates;

(5) Presiding officers of chambers of national legislative bodies;

(6) Justices of the highest national judicial tribunal of a foreign country;

(7) Officers of the diplomatic service and consular officers of career of a foreign government;

(8) Diplomatic couriers regularly and professionally employed as such by a foreign government;

(9) Military, naval, air and other attachés of career, and assistant attachés of career, assigned to a foreign diplomatic mission in the United States or elsewhere;

(10) Military officers holding a rank not inferior to that of a brigadier general in the United States Army or Air Force and naval officers holding a rank not inferior to that of a rear admiral in the United States Navy;

(11) Members of a diplomatic mission of a temporary character;

(12) Officers and representative-members of international bodies of an official nature, other than international organizations so designated by Executive order;

(13) Representatives of foreign governments, and the staff members of foreign-government delegations, to international organizations so designated by Executive order;

(14) Attendants, servants, and personal employees, as defined in § 41.30 of this chapter, of a principal alien who is within one of the classes described in subparagraphs (1) to (13), inclusive, of this paragraph;

(15) Members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (1) to (13), inclusive, of this paragraph;

(16) Members of the immediate family accompanying or following to join the principal alien who is within one of the classes described in subparagraph (14) of this paragraph; and

(17) Any other alien in whose individual case the Department may specifically authorize the diplomatic or consular officer to accept an application for a regular diplomatic visa.

(b) *Limited diplomatic visas.* Aliens of the following classes seeking to enter the United States as nonimmigrants, if not classifiable within one of the categories specified in paragraph (a) of this section, may apply for limited diplomatic visas:

(1) Subordinate members, including employees, of international bodies of an official nature, other than international organizations so designated by Executive order, who are traveling on official business of such international body;

(2) Subordinate staff members, including employees, of foreign-government delegations to international organizations so designated by Executive order;

(3) Members of delegations proceeding to or from a specific international conference of an official nature;

(4) Members of the immediate family, attendants, servants, and personal employees, accompanying or following to join the principal alien who is within one of the classes described in subparagraphs (1) to (3), inclusive of this paragraph;

(5) Any other alien in whose individual case the Department may specifically authorize the diplomatic or consular officer to accept an application for a limited diplomatic visa.

§ 40.5 *Classes of aliens ineligible to receive diplomatic visas.* Ineligibility to receive a diplomatic visa shall not preclude an alien from applying for a nondiplomatic visa appropriate to his case as an immigrant or as a nonimmigrant. The following classes of aliens shall be considered ineligible to receive diplomatic visas:

(a) Aliens declared by the Department to be individually persona non grata;

(b) Aliens not in possession of a diplomatic passport or the equivalent of a diplomatic passport, unless such requirement has been waived.

(c) Aliens not within one of the classes described in § 40.4;

(d) Aliens not within one of the classes of nonimmigrants defined in section 101 (a) (15) or section 212 (d) (8) of the act;

(e) Aliens who are ineligible to receive nonimmigrant visas under the immigration laws and regulations, unless the Attorney General shall have authorized their temporary admission under the authority contained in section 212 (d) (3) of the act, if applicable.

§ 40.6 *Advisory opinions from the Department.* Subject to appropriate instructions from the Department, a diplomatic or consular officer may issue a diplomatic visa, or may refuse to issue a diplomatic visa in the case of an alien eligible for a nondiplomatic nonimmigrant visa, without reference to the Department for an advisory opinion. In the case of an applicant for a diplomatic visa who is found to be ineligible to receive a nonimmigrant visa of any kind, the diplomatic or consular officer shall be governed by the regulations contained in Part 41 of this chapter, and by any special instructions received from the Department, regarding the requirement of advisory opinions.

§ 40.7 *Application for diplomatic visa—*(a) *Form and place of application.* Every alien applying for a diplomatic visa shall make application therefor on Form FS–257. The application shall be made at a United States diplomatic mission or at a United States consular office which is authorized to issue diplomatic visas, regardless of the nationality or residence of the applicant.

(b) *Separate application for each alien.* Every alien applying for a diplomatic visa shall make a separate application therefor. In the case of an alien under fourteen years of age, or an alien physically incapable of making an application, such application may be made by the alien's parent or guardian, and if the alien has no parent or guardian, by any person having legal custody of, or a legitimate interest in, such alien.

(c) *Personal appearance.* Application for a diplomatic visa shall be made in person unless this requirement is waived in the discretion of the diplomatic or consular officer. If a waiver of personal appearance is granted, the application form shall be completed by the diplomatic or consular officer from available information relating to the alien. No oath or affirmation shall be required in connection with the execution of an application for a diplomatic visa.

(d) *Photographs.* Except as otherwise provided in this paragraph, every alien who makes application for a diplomatic visa shall furnish with his application identical photographs of himself in such number as may be required in the discretion of the consular officer. A child under ten years of age shall not be required to furnish photographs unless he is the bearer of a separate passport. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished, and shall be two inches by two inches in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien. Each copy of the photograph shall be signed by the person making the application with the full name of the alien in such a manner as not to obscure the alien's features. The photograph requirement may be waived in the discretion of the diplomatic or consular officer in the case of any alien granted a diplomatic visa. A signed notation of any such waiver shall be made in the space provided in the application form for the alien's photograph.

(e) *Exemption from fingerprint requirement.* Every alien who is eligible to apply for and who receives a diplomatic visa on a diplomatic passport or on the equivalent of a diplomatic passport shall be exempt from the fingerprint requirement.

§ 40.8 *Passport requirement.* (a) Every alien applying for a diplomatic visa shall be required to present a valid diplomatic passport, or the equivalent thereof, issued by a competent authority of a foreign government recognized de jure by the United States, unless such requirement has been waived pursuant to the authority contained in section 212 (d) (4) of the act.

(b) The issuance of a diplomatic visa to an alien within Class A–3 or G–5 as described in § 41.5 of this chapter shall be subject to the condition that the initial period for which the alien may properly be admitted into the United States under the act is to be determined by the Immigration and Naturalization Service after the alien arrives at a port of entry, and the period of stay authorized by that Service may not extend beyond a date which is 6 months prior to the expiration of the alien's passport. An alien whose passport is not valid for the necessary period shall be required to obtain and present such a passport before the diplomatic visa is issued.

§ 40.9 *Evidence of diplomatic status.* A diplomatic or consular officer to whom an alien applies for a diplomatic visa may require any reasonable evidence he deems necessary to establish such alien's eligibility to receive a diplomatic visa. In the case of an alien classifiable within the provisions of section 101 (a) (15) (A) or (G) of the act, the officer to whom application is made shall have discretionary authority to require confirmation of the status of such alien from the foreign office or the international organization concerned.

§ 40.10 *Procedure in issuing diplomatic visas.* (a) The form of a diplomatic visa shall be the same as the nondiplomatic nonimmigrant visa, except that it may bear the title "Diplomatic Visa" or the word "Diplomatic" shall be stamped diagonally across the lower left hand margin of the visa stamp, in such manner as to be partially covered by the impression seal of the office. The word "Gratis" shall be inserted in the space provided for a fee stamp. The printed title of the signing officer in the visa stamp shall be appropriately amended to show the exact title of the officer who signs the visa.

(b) The diplomatic visa stamp shall be impressed upon the alien's passport. The "V" number of the application of each alien included in the diplomatic visa shall be inserted in the blank space provided therefor in the visa stamp. The visa shall be considered as covering all aliens whose application numbers are so listed and who are included in the passport. In the case of an alien who is a member of the immediate family, or an attendant, servant, or personal employee, of a foreign-government official or employee, or who otherwise derives status from a principal alien who is not accompanying him, the name and position of the principal alien from whom such status is derived, shall be written below the lower margin of the visa stamp in the diplomatic passport.

(c) A diplomatic visa shall show the classification of the bearer to be a nonimmigrant under section 101 (a) (15) of

[1] Convention of October 6, 1936 between the United States and Mexico for the recovery and return of stolen or embezzled motor vehicles, etc.

the act. The applicable classification symbol, as specified in § 41.5 of this chapter, shall be inserted in the space provided in the visa stamp. The date of issuance and the date of expiration of the visa shall be inserted in the visa stamp, showing the date, month, and year in that order, the name of the month being spelled out, as "24 December 1952."

(d) The diplomatic or consular officer shall affix his signature, indicate his title, and impress the seal of his office in the spaces provided therefor in the visa stamp. The visaed passport may be delivered to the applicant or his authorized representative together with any other documents required in connection with the applicant's examination at a port of entry in the United States. The executed Form FS–257 shall be retained in the files of the issuing diplomatic or consular office.

§ 40.11 *Diplomatic visas issued without charge.* In accordance with international comity and practice, and upon a basis of reciprocity, no fee shall be charged for the application for a diplomatic visa or for the issuance of such a visa.

§ 40.12 *Significance of diplomatic visa.* An alien to whom a diplomatic visa has been issued shall be entitled to apply at a port of entry for admission into the United States as a nonimmigrant, and the presentation of such a visa by such alien at a port of entry in the United States shall, in the case of an alien properly classified under the provisions of section 101 (a) (15) (A) or (G) of the act, or in the case of an alien who is an accredited official of a foreign government in immediate and continuous transit through the United States, as referred to in section 212 (d) (8) of the act, and who is classified under the provisions of section 101 (a) (15) (C) of the act, be considered conclusive evidence of the proper classification of the bearer.

§ 40.13 *Revocation or cancellation of diplomatic visa—*(a) *Revocation.* Diplomatic and consular officers are authorized to revoke ab initio a diplomatic visa in any case in which it is found that:

(1) The visa was procured by fraud or misrepresentation, or by other illegal means; or

(2) The alien was ineligible ab initio to receive the diplomatic visa under the immigration laws and regulations in effect at the time it was issued.

(b) *Notice of revocation.* Notice of the revocation of a diplomatic visa shall, if practicable, be given to the alien at his last known address prior to his departure for the United States, and to the master, commanding officer, agent, owner, charterer, or consignee, of the carrier or transportation line on which the alien is known or believed to intend to travel to the United States. Such notice shall also be communicated to the Department for transmission to the Attorney General, and to the diplomatic or consular office which issued the visa if the revocation was effected by any other diplomatic or consular office upon instruction from the issuing office or the Department. Upon receiving notice of revocation of his diplomatic visa, the alien shall be required to present his passport at the office indicated in the notice for appropriate notation on the visa stamped therein. The word "Revoked" shall be written plainly on the face of the visa stamp by the revoking officer who shall sign and date such notation, but the revocation shall be effective and shall invalidate the visa from the date of issuance even in the absence of such notation. If it is not practicable to give the alien notice of revocation prior to his departure for the United States, a full report of the facts in the case shall be submitted promptly to the Department.

(c) *Cancellation.* Diplomatic and consular officers are authorized to cancel in futuro a diplomatic visa in any case in which it is found that the alien to whom the visa was issued is no longer eligible for such visa. An alien shall be considered as no longer eligible for a diplomatic visa if he ceases, by reason of circumstances arising after the visa was issued, to have the qualifications necessary to obtain such a visa, or if another visa of any kind is issued to him. In any such case the alien shall be required to present his passport to the diplomatic or consular officer for cancellation of the diplomatic visa stamped therein. Such cancellation shall be effected by writing the word "Canceled" plainly on the face of the visa stamp. The cancelling officer shall sign and date his notation of cancellation. A report regarding each cancellation of a diplomatic visa shall be forwarded promptly to the Department by the cancelling officer.

(d) *Record of revocation or cancellation.* Upon the revocation or cancellation of a diplomatic visa, appropriate notation of the action taken, including a statement of the reason therefor, shall be made on Form FS–257 or on an appended memorandum, and if the revocation or cancellation of the visa is effected at other than the issuing office, a report of the action taken shall be transmitted to the issuing office.

PART 41—DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

CROSS REFERENCE: For regulations of the Immigration and Naturalization Service, see 8 CFR Chapter I.

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AUTHORITY: §§ 41.1 to 41.150 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 41.1 *Definitions.* The following definitions, in addition to the pertinent definitions contained in the Immigration and Nationality Act, shall be applicable to this part:

(a) "Act" means the Immigration and Nationality Act.

(b) "Affirmation" means a verification in confirmation of truth, in lieu of a sworn statement, by a person who has conscientious scruples against taking an oath.

(c) "Consular officer", as defined in section 101 (a) (9) of the act, shall include the District Administrators of the Trust Territory of the Pacific Islands, and the Naval Administrator, United States Naval Administration Unit Saipan District, hereby designated as consular officers for the purpose of issuing nonimmigrant visas.

(d) "Department" means the Department of State of the United States of America.

(e) "Passport" as defined in section 101 (a) (30) of the act shall not be considered as limited to a national passport, but shall be considered as including any other document issued by a competent authority, which shows the bearer's origin, identity, and nationality if any, and which is valid for the entry of the bearer into a foreign country. The term "passport" shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101 (a) (30) of the act: *Provided,* That written permission to enter a foreign country shall be considered as fulfilling one of such requirements if it is clearly valid for such purpose and specifies no conditions to such validity for the alien's entry into a foreign country.

(f) "Port of entry" means a port or place designated by the Attorney General or the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

DOCUMENTATION OF NATIONALS, CLAIMANT NATIONALS AND FORMER NATIONALS

§ 41.2 *National of the United States.* A national of the United States shall not be issued a visa or other documentation as an alien for entry into the United States.

§ 41.3 *Claimant to United States nationality.* A person whose case fulfills the conditions of section 360 (b) of the act and who continues to claim that he is a national of the United States may apply for a certificate of identity as provided in section 360 (b) of the act. (See §§ 50.24–50.40 of this chapter.)

§ 41.4 *Former national of the United States.* A former national of the United States who seeks to enter the United States shall be required to comply with the documentary requirements applicable to aliens under the act.

CLASSIFICATION OF NONIMMIGRANTS FOR PURPOSES OF DOCUMENTATION

§ 41.5 *Classification symbols.* A visa issued to a nonimmigrant alien within one of the classes described in this section shall bear an appropriate symbol to be inserted by the consular officer in the space provided in the visa stamp to show the classification of the alien as a nonimmigrant under the provisions of section 101 (a) (15) of the act. The following symbols shall be used:

Class	Citation	Symbol to be inserted in visa
Ambassador, public minister, career diplomatic or consular officer, and members of immediate family.	101 (a) (15) (A) (i)	A-1
Other foreign-government official or employee, and members of immediate family.	101 (a) (15) (A) (ii)	A-2
Attendant, servant, or personal employee of A-1 and A-2 classes, and members of immediate family.	101 (a) (15) (A) (iii)	A-3
Temporary visitor for business	101 (a) (15) (B)	B-1
Temporary visitor for pleasure	101 (a) (15) (B)	B-2
Alien in transit	101 (a) (15) (C)	C-1
Alien in transit to United Nations headquarters district under § 11 (3), (4), or (5) of the Headquarters Agreement.	101 (a) (15) (C)	C-2
Foreign-government official, members of immediate family, attendant, servant, or personal employee, in transit.	212 (d) (8)	C-3
Crewman (seaman or airman)	101 (a) (15) (D)	D
Treaty merchant, spouse and children	101 (a) (15) (E) (i)	E-1
Treaty investor, spouse and children	101 (a) (15) (E) (ii)	E-2
Exchange visitor	101 (a) (15) and 402 (f)	EX
Student	101 (a) (15) (F)	F
Principal resident representative of recognized foreign member government to international organization, his staff, and members of immediate family.	101 (a) (15) (G) (i)	G-1
Other representative of recognized foreign member government to international organization, and members of immediate family.	101 (a) (15) (G) (ii)	G-2
Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family.	101 (a) (15) (G) (iii)	G-3
International organization officer or employee, and members of immediate family.	101 (a) (15) (G) (iv)	G-4
Attendant, servant, or personal employee of G-1, G-2, G-3, and G-4 classes, and members of immediate family.	101 (a) (15) (G) (v)	G-5
Temporary worker of distinguished merit and ability	101 (a) (15) (H) (i)	H-1
Other temporary worker, skilled or unskilled	101 (a) (15) (H) (ii)	H-2
Industrial trainee	101 (a) (15) (H) (iii)	H-3
Representative of foreign information media, spouse and children	101 (a) (15) (I)	I
Principal permanent representative of Member State to NATO and resident members of his official staff; Secretary General, Deputy Secretary General, and Executive Secretary of NATO; Co-ordinator of North Atlantic Defense Production; other permanent NATO officials of similar rank; and members of immediate family.	Art. 12, 5 UST 1094; Art. 20, 5 UST 1098	NATO-1
Other representative of Member State to NATO Council or any of its subsidiary bodies, including representatives, advisers, and technical experts of delegations, and members of immediate family.	Art. 13, 5 UST 1094	NATO-2
Official clerical staff accompanying a representative of Member State to NATO, its Council or subsidiary bodies, and members of immediate family.	Art. 14, 5 UST 1096	NATO-3
Officials of NATO, and members of immediate family	Art. 18, 5 UST 1098	NATO-4
Experts, other than officials classifiable under the symbol NATO-4, employed on missions on behalf of NATO.	Art. 21, 5 UST 1100	NATO-5
Members of a civilian component attached to or employed by an Allied Headquarters under the Protocol on the status of International Military Headquarters set up pursuant to the North Atlantic Treaty, and their dependents.	Art. 3, 5 UST 877	NATO-6

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

DOCUMENTATION NOT REQUIRED FOR CERTAIN NONIMMIGRANTS

§ 41.6 *Nonimmigrants not required to present passports, visas, or border-crossing identification cards.* (a) The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants are waived on a reciprocal basis by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (B) of the act in the cases of aliens (including alien crewmen) who fall within any of the following-described categories:

(1) A Canadian citizen who has his residence in Canada and who makes ap-

plication for admission into the United States (i) from Canada; or (ii) from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands; or (iii) from, and after a visit solely to, some place in the Western Hemisphere if such citizen departed on a round-trip cruise from a port of the United States or Canada and has not transshipped from the original vessel or aircraft.

(2) A British subject who has his residence in Canada and who makes application for admission into the United States (i) from Canada; or (ii) from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands; or (iii) from, and after a visit solely to, some place in the Western Hemisphere if such subject departed on a round-trip cruise from a port of the United States or Canada and has not transshipped from the original vessel or aircraft.

(3) A national of Mexico who:

(i) Is a military or civilian official or employee of the Mexican national government, or of a Mexican state or municipal government, or a member of the family of any such official or employee, and who makes application for admission into the continental United States from Mexico on personal or official business or for pleasure; or

(ii) Makes application to pass in immediate and continuous transit through the continental United States from one place in Mexico to another by means of a transportation line which crosses the border between United States and Mexico; or

(iii) Is a member of a fire-fighting group entering the United States in connection with fire-fighting activities.

(4) International Boundary and Water Commission officers, employees, and other personnel entering the United States in the performance of their official duties, and Mexican nationals employed directly or indirectly on the construction, operation, or maintenance of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944, between the United States and Mexico, and entering the United States temporarily in connection with such employment. (59 Stat. 1252.)

(5) A national of Cuba who is an official of the Cuban Immigration Service, who makes continuous round trips on regularly scheduled steamships between Havana, Cuba and Miami, Florida, for the purpose of inspecting passengers, and who makes application for admission into the United States in connection with such employment.

(6) A national of Cuba who is a crewman serving on board a Cuban military or naval aircraft, and who makes application for admission into the United States in connection with his official duties.

(7) A British subject who has his residence in Bermuda and who makes application for admission into the United States as a visitor for business or pleasure under the provisions of section 101 (a) (15) (B) of the act (i) from Bermuda; or (ii) from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands; or (iii) from, and after a visit solely to, some place in the Western Hemisphere if such subject departed on a round-trip cruise from a port of the United States or Bermuda and has not transshipped from the original vessel or aircraft.

(b) The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border crossing identification cards for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (C) of the act in the cases of aliens (including alien crewmen) who fall within the following described category:

(1) An alien, other than an alien who is a citizen of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, North Vietnam (Viet Minh), the Peoples Democratic Republic of Korea (North Korea Regime), the Peoples Republic of China, Poland, Rumania, or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238 (d) of the act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States or, if the Attorney General finds that such custody is not practicable, in such other custody as may be approved by the Attorney General.

(c) The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border crossing identification cards for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act, in the individual cases of aliens who fall within the following-described category, which is hereby declared to be an unforeseen emergency within the purview of that section:

(1) An alien who is a pilot of vessels and who is compelled to travel to the United States because weather conditions made it impossible for him to disembark from a vessel after he had guided it out of a foreign port.

§ 41.7 *Nonimmigrants required to present passports but not visas or border-crossing identification cards.* (a) The provisions of section 212 (a) (26) (B) of the act relating to the requirement of visas and border-crossing identification cards for nonimmigrants are waived on a reciprocal basis by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (B) of the act in the cases of aliens (including alien crewmen) who fall within any of the following-described categories:

(1) A Canadian citizen who has his residence in Canada, who is not within the purview of § 41.6 (a) (1), and who makes application for admission into the United States.

(2) A British subject who has his residence in British territory in the West Indies and who makes application for admission to Puerto Rico or the Virgin Islands of the United States.

(3) A French national who has his residence in French territory in the West Indies and who makes application for admission to Puerto Rico or the Virgin Islands of the United States.

(4) A Netherlands subject who has his residence in Netherlands territory in the West Indies and who makes application for admission to Puerto Rico or the Virgin Islands of the United States.

(5) Nationals of foreign contiguous territory or adjacent islands who make application for admission into the United States as seasonal or temporary workers under specific legislation enacted by the Congress and, if required, in accordance with international arrangements concluded upon the basis of such legislation.

(6) Nationals of adjacent islands in the British West Indies who are being imported as agricultural workers from the British West Indies, and who make application for admission into the United States.

(7) A Mexican national who makes application for admission into the United States as a crewman of an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States, who is employed in any capacity required for normal operation and service on board, including a crewman employed as a steward or hostess, and who is in possession of a valid Mexican passport or a valid air-crewman's certificate issued under the provisions of Annex 9 of the International Civil Aviation Convention.

(8) A Cuban national who makes application for admission into the United States as a crewman of an aircraft belonging to a Cuban company authorized to engage in commercial transportation into the United States, who is employed in any capacity required for normal operation and service on board, including a crewman employed as a steward or hostess, and who is in possession of a valid Cuban passport or a valid air-crewman's certificate issued under the provisions of Annex 9 of the International Civil Aviation Convention.

(9) A British subject who has his residence in, and arrives in the United States directly from the Cayman Islands and who, in making application for admission into the United States, presents a certificate from the Clerk of Court of the Cayman Islands stating what, if anything, the Court's criminal records show concerning such subject, and a certificate from the Office of Commissioner of the Cayman Islands stating what, if anything, its records show with respect to such subject's political associations or affiliations.

(b) The provisions of section 212 (a) (26) (B) of the act relating to the requirement of visas and border-crossing identification cards for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act in the individual cases of aliens who fall within any of the following-described categories, which are hereby declared to be unforeseen emergencies within the purview of that section:

(1) A crewman serving on a vessel or aircraft proceeding directly to the United States from a port or place at which no American consular officer is stationed and no consular officer is stationed at a nearby port or place to whom the crew list may be submitted for visaing by mail or otherwise without delaying the departure of the vessel or aircraft.

(2) A crewman serving on a vessel or aircraft which is proceeding from a foreign port or place, not destined to the United States, and is diverted to a port of the United States.

(3) A crewman serving on a vessel or aircraft, who was necessarily signed on as a replacement after the crew-list visa was obtained, and there was no opportunity thereafter to have such crewman included in a supplemental crew-list visa, without delaying the departure of the vessel or aircraft.

(4) An alien in the United States in a lawful nonimmigrant status who proceeds from a port in the United States to another port of the United States via the Canal Zone and who upon arrival in the United States from the Canal Zone is in possession of an expired nonimmigrant visa.

(5) An alien who arrives at a United States port of entry from a remote Pacific island and who could not reasonably be expected to obtain a nonimmigrant visa because of the distance from his place of residence to the nearest United States consular office.

(6) An alien who is a resident of Greenland and who makes application for admission into the United States.

§ 41.8 *Nonimmigrants required to present visas or border crossing identification cards but not passports.* The provisions of section 212 (a) (26) (A) of the act relating to the requirement of valid passports for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) of the act, in cases of aliens who fall within the following-described categories:

(a) An alien who is described in section 212 (d) (8) of the act, and who is in possession of a travel document which is valid for at least thirty days from the date of his admission into the United States for his entry into a foreign country.

(b) A Mexican citizen who applies for admission as a border crosser at a port of entry on the land border between the United States and Mexico and who is in possession of a valid nonresident alien's border crossing identification card (Form I–186, revised November 1, 1956).

NONIMMIGRANT VISA APPLICATIONS

§ 41.9 *Application for nonimmigrant visas.*—(a) *Application form.* Every alien applying at a diplomatic mission or a consular office for a nonimmigrant visa shall make application therefor on Form FS–257. In any case in which the consular officer believes that the information provided in Form FS–257 is inadequate to determine the alien's eligibility to receive a nonimmigrant visa, he may, in his discretion, require the submission of such additional information as may be necessary to a determination of the alien's eligibility to receive a nonimmigrant visa. The provisions of section 222 (c) of the act which require every alien applying for a nonimmigrant visa and alien registration to state his race and ethnic classification in the application shall not be construed as pertaining to the alien's religion.

(b) *Aliens required to make separate application.* Except as provided in § 41.11 relating to the issuance of visas to certain nonimmigrants in the United States, or as provided in § 41.65 relating to crew-list visas, every alien shall make a separate application for a nonimmigrant visa. In the case of an alien under 14 years of age, or one physically incapable of making an application, such application may be made by the alien's parent or guardian, and, if the alien has no parent or guardian, by any person having legal custody of, or a legitimate interest in, such alien.

(c) *Personal appearance.* Except as otherwise provided in this paragraph, every alien who makes application for a nonimmigrant visa shall be required to appear in person before a consular officer to execute Form 257. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien (1) who is within a class of nonimmigrants described in section 101 (a) (15) (A) or section 101 (a) (15) (G) of the act, (2) who is within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, or NATO–4, or (3) who is granted a diplomatic visa. If a waiver of personal appearance is granted, the application form shall be completed by the consular officer from available information relating to the alien.

(d) *Photographs.* Except as otherwise provided in this paragraph, every alien who makes application for a nonimmigrant visa shall furnish with his application identical photographs of himself in such number as may be required in the discretion of the consular officer. A child under ten years of age shall not be required to furnish photographs unless he is the bearer of a separate passport. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished, and shall be two by two inches in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien. Each copy of the photograph shall be signed by the person making the application with the full name of the alien in such a manner as not to obscure the alien's features. The photograph requirement may be waived in the discretion of the consular officer in the case of any alien (1) who is within a class of nonimmigrants described in section 101 (a) (15) (A) or section 101 (a) (15) (G) of the act, (2) who is within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, or NATO–4, or (3) who is granted a diplomatic visa. A signed notation of any such waiver shall be made in the space provided in the application form for the alien's photograph.

(e) *Place of application.* With the exception of certain aliens who are in the United States and who may be issued nonimmigrant visas under the provisions of § 41.11, every alien applying for a nonimmigrant visa shall make application at a United States consular office in the consular district in which he has his residence: *Provided*, That a consular officer shall at the direction of the Secretary of State, or may in his discretion, accept an application for a nonimmigrant visa from an alien having no residence in the consular district if such alien is physically present therein.

(f) *Fee receipt notation.* The receipt of the prescribed fee, if any, for the furnishing and verification of application Form FS–257 shall be evidenced by inserting in the appropriate spaces on the reverse of the application form the (1) service number, (2) tariff item number, (3) fee paid in United States dollars, and (4) local currency equivalent. If no fee is prescribed for the rendering of such service, the word "gratis" shall be inserted in the space marked "Fee paid: U. S. $____".

(g) *Signature and seal.* Form 257 shall be signed by or on behalf of the applicant in the appropriate spaces provided therefor and in the presence of the consular officer. The application shall be sworn to or affirmed by the applicant before the consular officer who shall then sign such application and impress the seal of his office in the spaces provided in the application.

(Sec. 222, 66 Stat. 193; 8 U. S. C. 1202)

§ 41.10 *Documents required in connection with application for nonimmigrant visa; medical examination; police certificates.*—(a) *Authority to require documents.* Every alien applying for a nonimmigrant visa shall furnish in duplicate if the consular officer in his discretion so requires, with his application a certified copy of each document pertaining to him which may be considered by the consular officer to be necessary

to a determination of the alien's eligibility to receive a nonimmigrant visa.

(b) *Unobtainable documents.* In the event an alien applying for a nonimmigrant visa establishes to the satisfaction of the consular officer that any document or record required under the authority of this section is unobtainable, the consular officer may permit the alien to submit, in lieu of such document or record, other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain. A document or other record shall be considered "unobtainable" if it cannot be procured without causing the applicant or a member of his family actual hardship other than normal delay and inconvenience.

(c) *Medical examination of nonimmigrants.* An alien applying for a nonimmigrant visa shall be required to present in duplicate a medical certificate from a reputable and competent physician selected by the alien from a panel of such physicians approved by the consular officer, or to be examined by a doctor of the United States Public Health Service, if he is coming from an area or in a status which indicates that a medical examination is advisable, or if the consular officer otherwise has reason to believe that such certificate or examination would disclose that the alien is ineligible to receive the visa.

(d) *Police certificates.* An alien applying for a nonimmigrant visa shall be required to present a police certificate if the consular officer has reason to believe that the alien has a police or criminal record. If required to present a police certificate, the alien shall furnish in duplicate with his application a certification by the appropriate police or other authorities stating what their records show concerning him: *Provided,* That the provisions of this paragraph shall not apply in the case of any alien (1) who is within a class of nonimmigrants described in section 101 (a) (15) (A) (i) or (ii), or section 101 (a) (15) (G) (i), (ii), (iii), or (iv), or section 212 (d) (8), of the act, or (2) who is within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, or NATO–4.

(e) *Certificates as part of application.* If a medical examination or a police certificate is required of a nonimmigrant alien as provided in this section, the medical notification showing the results of the examination, or the police certificate, or both, shall be considered papers submitted with the alien's application within the meaning of section 221 (g) (1) of the act. The duplicate of such notification or certificate, or both, shall be enclosed in a sealed envelope and delivered to the alien for presentation at the port of entry.

(f) *Authority to elicit additional information.* A consular officer may, in his discretion, interrogate any alien applying for a nonimmigrant visa and require him to answer questions pertaining to his police or criminal record, or any other matter which is deemed material to a determination of the alien's eligibility to receive a nonimmigrant visa. Such additional statements shall become a part of the visa application and shall be covered by the oath of the applicant as administered by the consular officer.

(g) *Disposition of supporting documents.* (1) When issuing a nonimmigrant visa to any alien, the consular officer shall return to the alien for presentation to the immigration authorities at the port of entry the original of all supporting documents furnished by the alien with his application, except police and medical certificates which shall be disposed of as provided in paragraph (e) of this section. The duplicate of each such document shall be retained at the consular office for at least two years and filed with Form 257 during such period.

(2) When refusing a nonimmigrant visa to any alien, the consular officer may return to such alien the original of all supporting documents furnished by the alien with his application. The duplicate of each such document shall be retained at the consular office for at least one year and filed with the memorandum of refusal during such period, except in the case of a duplicate of a document which discloses a permanent ground of ineligibility, which shall be retained indefinitely in the files of the consular office subject to special instructions from the Department regarding its disposition.

(Secs. 221, 222, 66 Stat. 191, 193; 8 U. S. C. 1201, 1202)

ISSUANCE OF NONIMMIGRANT VISAS

§ 41.11 *Authority to issue nonimmigrant visas in the Department.* The Director of the Visa Office of the Department and such members of his staff as he may designate are authorized, in their discretion, to issue nonimmigrant visas to qualified aliens in the United States (a) who are within a class of nonimmigrants described in section 101 (a) (15) (A) or section 101 (a) (15) (G) of the act, or within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, or NATO–4, (b) who have been duly notified to the Secretary of State in such nonimmigrant status, and (c) who, after a temporary absence, desire to reenter the United States in the nonimmigrant status specified in the visa.

§ 41.12 *Procedure in issuing nonimmigrant visa—*(a) *Visa evidenced by stamp in passport.* Except as hereinafter provided, the issuance of a nonimmigrant visa shall be evidenced by a stamp placed in the alien's passport and properly executed by the consular officer. The appropriate symbol, as prescribed in § 41.5, showing the classification of the nonimmigrant under section 101 (a) (15) of the act shall be inserted in the visa stamp. In the case of an alien whose passport was issued by a government not recognized de jure by the United States or in the case of an alien for whom the passport requirement has been waived, the visa stamp shall be impressed on a sheet of the issuing office's official stationery to which a photograph of the alien shall be securely attached. The impression seal of the issuing office shall be impressed on the stationery so as to partially cover the photograph. No seal, signature, stamp, or notation of any kind shall be placed in a passport issued by a foreign government not recognized de jure by the United States.

(b) *Form of nonimmigrant visa stamp.*

(Title of office)

(Location)

NONIMMIGRANT VISA

Nonimmigrant classification ------- pursuant 22 CFR 41.5; Imm. and Natlty. Act; Application No. V-------

Issued on ----------

Valid through ----------

for ---------- application(s) for admission at United States ports of entry.

[SEAL]

[FEE NOTATION]

(Consul)

(c) *Notations on visa.* The V-number of the application of each alien included in a nonimmigrant visa shall be inserted in the space provided therefor in the visa stamp. If the visa is being issued upon the basis of a petition filed with and approved by the Attorney General, in the case of a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act, the number and date of approval of the petition shall be noted in the visa stamp, and the period for which the alien's admission has been authorized shall be noted immediately below the visa stamp.

(d) *Period of validity.* If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the word "Unlimited" shall be inserted in the space provided in the visa stamp. Otherwise a specific number shall be inserted. The date of issuance and the date of expiration of the visa shall be inserted at the proper places in the visa stamp and shall show the day, month, and year in that order, the name of the month being spelled out, as "24 December 1952."

(e) *Fee receipt notation.* The receipt of the prescribed fee, if any, for the issuance of a nonimmigrant visa shall be evidenced by a rubber-stamped or typed notation properly completed in the same form as provided in § 41.9 (f), and placed within the visa stamp in the blank space above the line provided for the consular officer's signature. If no fee is prescribed for the issuance of a nonimmigrant visa in the particular case, the word "gratis" shall be inserted in the space marked "Fee Paid: U. S. $-------"

(f) *Signature and seal.* The consular officer who issues a nonimmigrant visa shall affix his signature, indicate his title, and impress the seal of his office in the spaces provided in the visa stamp.

(g) *Disposition of Form FS–257.* In issuing a nonimmigrant visa the consular officer shall deliver the visaed passport or, where applicable, the visaed sheet of official stationery to the alien together with any other documents required in connection with the alien's examination at a port of entry in the United States. The executed Form FS–257 and any additional statements furnished by the alien in accordance with § 41.10 (f) shall be retained in the consular files.

§ 41.13 *More than one person included in nonimmigrant visa.* A single nonimmigrant visa may be issued to include more than one eligible alien, provided each alien executes a separate application and the V-number of each application is inserted in the space provided in the visa stamp. In such a case, the visa fee to be collected shall be equal to the total of the fees prescribed by the Secretary of State in accordance with the provisions of section 281 of the act and § 41.14.

§ 41.14 *Fees for nonimmigrant visas.* (a) The fees for the furnishing and verification of applications for visas made by nonimmigrant nationals or stateless residents of each foreign country and for the issuance of visas to such nationals or residents shall be collected in the same amounts as are prescribed by the Secretary of State and shall correspond, as nearly as practicable, to the total of all similar visa, entry, residence, or other fees, taxes or charges assessed or levied against nationals of the United States, in connection with their entry or sojourn, by the foreign countries of which such nonimmigrants are nationals or stateless residents.

(b) *Aliens exempted from nonimmigrant visa fees.* Upon a basis of reciprocity, or as provided in section 13 (a) of the Headquarters Agreement with the United Nations (61 Stat. 716), no fee shall be collected for the application for, or the issuance of, a nonimmigrant visa to an alien of any of the following classes:

(1) Nonimmigrants described in section 101 (a) (15) (A) of the act;

(2) Nonimmigrants described in section 101 (a) (15) (G) of the act;

(3) Nonimmigrants who are issued diplomatic visas under the provisions of Part 40 of this chapter;

(4) Persons entitled to pass in transit to the United Nations Headquarters District under the provisions of section 11 (3), 11 (4), or 11 (5) of the Headquarters Agreement and who are issued C–2 visas as nonimmigrants under the provisions of section 101 (a) (15) (C) of the act. An alien in this category, if issued a visa as a B–1 or B–2 nonimmigrant, for example, under the provisions of section 101 (a) (15) (B) of the act when he is qualified to receive such a visa, shall pay the fee, if any, prescribed for aliens of the same nationality or stateless resident status.

(c) A fee collected for an application for, or the issuance of, a nonimmigrant visa, shall not be refunded without specific authorization from the Department.

(Sec. 281, 66 Stat. 231; 8 U. S. C. 1351)

§ 41.15 *Validity of nonimmigrant visa.* (a) The period of validity of a nonimmigrant visa shall date from the time of issuance and shall relate only to the period during which the alien to whom the visa was issued may use it in making application for admission into the United States and shall have no relation to the period of time he may be authorized to stay or remain in the United States, if, upon his arrival at a port of entry, he is admitted into the United States by the immigration authorities. Except as provided in paragraphs (c) and (d) of this section, the bearer of a nonimmigrant visa may, within the period of its validity, make any number of applications for admission into the United States: *Provided,* That the passport of the bearer continues to be valid for the necessary period, and his nonimmirant status shall not have changed.

(b) Except as is provided in paragraphs (c) and (d) of this section, every nonimmigrant visa shall be valid for a period of twelve months, or for a period not exceeding forty-eight months in the case of an alien who is a national of a foreign country whose government issues visas to United States nationals of a similar class valid for an equivalent period or whose government does not require visas of United States nationals of a similar class visiting such country.

(c) A nonimmigrant visa may, in consideration of reciprocal treatment accorded nationals of the United States within a similar class by the government of the country of which the alien is a national, or in consideration of the alien's purpose in traveling to, or through, the United States, or for other valid reasons, be issued valid for (1) a period of validity which is less than the time specified in paragraph (b) of this section, (2) a limited number of applications for admission within the period of the validity of the visa, or (3) application for admission at a specified port or specified ports of entry in the United States.

(d) The validity of a nonimmigrant visa issued to an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District under the provisions of section 11 (3), 11 (4), or 11 (5) of the United Nations Headquarters Agreement (61 Stat. 758), and whose admission is authorized by the Attorney General under the provisions of section 212 (d) (3) of the act despite the alien's inadmissibility under the provisions of section 212 (a) (28) of the act, shall be limited to a single application for admission within such period as, in the opinion of the consular officer, is reasonable to permit the bearer to travel to the United States.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

§ 41.16 *Revalidation of nonimmigrant visa.* (a) A nonimmigrant visa issued to a nonimmigrant under the provisions of section 101 (a) (15) of the act may be revalidated in the same classification at the original visa-issuing office or other consular office: *Provided,* That (1) such visa was originally issued for less than the maximum period of forty-eight months validity or for less than multiple applications for admission, or both; (2) such visa is about to expire, or expired less than twelve months prior to the application for revalidation, or has become invalid by reason of having been used for the number of applications for admission specified therein; and (3) the consular officer is satisfied that the alien is a bona fide nonimmigrant and is otherwise eligible to receive such a nonimmigrant visa, including the possession of a valid passport, if required.

(b) A formal application for the revalidation of a nonimmigrant visa need not be required. The consular officer may, in his discretion, waive the personal appearance of the alien concerned if satisfied that the alien is physically present in the consular district. A nonimmigrant visa may be revalidated any number of times but not to exceed a total of forty-eight months from the date of its original issuance.

(c) In revalidating a nonimmigrant visa, the consular officer shall follow the procedure prescribed in § 41.12, except that a new Form 257 need not be executed. The visa stamp shall be impressed in the alien's passport and all pertinent data, including the V-number, contained in the original visa shall be transferred to the revalidated visa. The word "Revalidated" shall be inserted above the words "Nonimmigrant Visa" in the visa stamp or inserted diagonally across the face of the visa. Following the revalidation of a nonimmigrant visa, an appropriate notation thereof, regardless of where the revalidation occurs, shall be made on the pertinent index card on file at the original visa-issuing office.

(d) The period of validity for which a visa may be revalidated shall be determined in accordance with the pertinent provisions of § 41.15.

(e) The prescribed fee, if any, for the issuance of a nonimmigrant visa shall be collected for any revalidation of such visa.

REFUSAL AND REVOCATION

§ 41.17 *Refusal of nonimmigrant documentation.* (a) Every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer that he is properly classifiable within a nonimmigrant class specifically described in § 41.5.

(b) Except as otherwise provided in paragraphs (c), (d), (e), and (f) of this section, the provisions of section 212 (a) of the act specifying the grounds of ineligibility to receive visas, as implemented by § 42.42 of this chapter, shall apply to all nonimmigrants.

(c) Aliens who are properly classified as nonimmigrants under the provisions of section 101 (a) (15) of the act, as implemented by § 41.5, including aliens classifiable under the visa symbol EX, NATO–5, or NATO–6, shall not be refused nonimmigrant visas or other nonimmigrant documentation on the ground that they are:

(1) Polygamists, or persons who practice, or advocate the practice of, polygamy, as referred to in section 212 (a) (11) of the act;

(2) Aliens who seek to enter the United States for the purpose of performing skilled or unskilled labor, as referred to in section 212 (a) (14) of the act;

(3) Aliens ineligible to United States citizenship, and aliens who, in departing from the United States to avoid or evade training or service in the United States Armed Forces, were nonimmigrants at the time of such departure, as referred to in section 212 (a) (22) of the act;

(4) Illiterates, as referred to in section 212 (a) (25) of the act.

(d) The grounds for refusing visas to aliens as specified in section 212 (a) of the act shall not apply to nonimmigrant aliens within Class A–1, unless the President so directs and specific instructions are issued by the Department.

(e) Aliens within any of the following classes of nonimmigrants shall be refused visas or other documentation only under those provisions of section 212 (a) of the act which are stated specifically with reference to each class:

(1) Class A–2: Section 212 (a) (27) and (29);

(2) Class C–2: Section 212 (a) (26) (A), (27), (28), and (29);

(3) Class C–3: Section 212 (a) (26) (A), (27), and (29);

(4) Class G–1: Section 212 (a) (27);

(5) Classes G–2, G–3, and G–4: Section 212 (a) (27) and (29);

(6) Classes A–3 and G–5: Section 212 (a), except paragraphs (11), (14), (25), and (28), and except as provided in section 212 (a) (22);

(7) Class NATO–1: Section 212 (a) (27);

(8) Classes NATO–2, NATO–3, and NATO–4: Section 212 (a) (27) and (29).

(f) A nonimmigrant alien in whose case the passport requirement has not been waived and (1) who is within one of the classes of nonimmigrants described in section 101 (a) (15) (A) (i) and (ii) of the act, or (2) who is within one of the classes of nonimmigrants described in section 101 (a) (15) (G) (i), (ii), (iii), and (iv) of the act, or (3) who is within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, or NATO–4, shall present a passport which is valid and unexpired on the date such alien is issued a nonimmigrant visa.

(g) A passport which is valid indefinitely for the return of the bearer to the country whose government issued such passport shall be deemed to have the required minimum period of validity as specified in section 212 (a) (26) of the act.

§ 41.18 *Revocation and invalidation of nonimmigrant visa and other nonimmigrant documentation.* (a) A consular officer is authorized to revoke a nonimmigrant visa or other nonimmigrant documentation under the following circumstances:

(1) The consular officer knows, or after investigation is satisfied, that the visa or other documentation was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or

(2) The consular officer obtains information establishing that the alien was otherwise ineligible to receive the visa or other documentation at the time of issuance.

(b) A consular officer is authorized to invalidate at any time a nonimmigrant visa or other nonimmigrant documentation in any case in which he finds that the alien has become ineligible for such visa or other documentation. The invalidation shall terminate the validity of the visa or other documentation on the date of such invalidation.

(c) The bearer of a nonimmigrant visa or other documentation which is being considered for revocation or invalidation shall, if practicable, be notified of the proposed action and given an opportunity to show cause why his visa or other documentation should not be revoked or invalidated. In connection therewith, the alien shall be required to present his travel document containing the visa stamp. A nonimmigrant visa or other documentation which is revoked or invalidated shall be cancelled by writing the word "revoked" or "invalidated," whichever is applicable, plainly across the face of the visa or other documentation. The cancellation shall be dated and signed by the consular officer taking the action. The failure of an alien to present his visa or other documentation for cancellation shall not affect the validity of any action taken to revoke or invalidate such visa or documentation.

(d) Notice of revocation or invalidation shall be given to the master, commanding officer, agent, owner, charterer, or consignee, of the carrier or transportation line on which it is believed the alien intends to travel to the United States, unless the consular officer finds that the visa or other documentation has been cancelled as provided in paragraph (c) of this section. Notice of revocation or invalidation, including a full report of the facts in the case, shall be submitted promptly to the Department for transmission to the Attorney General: *Provided*, That no such notice and report shall be required in the case of an invalidation if the visa or other documentation has been cancelled prior to the alien's departure for the United States. The consular office which issued the visa or other documentation shall be notified of the revocation or invalidation thereof if such action was effected by any other consular office or by the Department.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

REGISTRATION AND FINGERPRINTING

§ 41.19 *Registration and fingerprinting of nonimmigrants.* The provisions of section 221 (b) of the Immigration and Nationality Act which require the fingerprinting of aliens in connection with their applications for visas are waived in pursuance of the authority contained in section 221 (b) of that act for the nonimmigrant classes specified in paragraph (a) of this section, and in pursuance of the authority contained in section 8 of the act of September 11, 1957 (71 Stat. 641) for the nonimmigrant classes specified in paragraph (b) of this section:

(a) An alien who is within a class of nonimmigrants enumerated in section 101 (a) (15) (A) and section 101 (a) (15) (G) of the Immigration and Nationality Act, or an alien who is granted a diplomatic visa on a diplomatic passport or on the equivalent thereof. (See § 40.7 (e)).

(b) An alien who is a national of a country whose government does not require fingerprinting in connection with an application for, or the issuance of, a visa to a national of the United States who intends to proceed to such country for a similar purpose, and who is classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (B), (C), (D), (E), (F), (H), or (I) of the Immigration and Nationality Act, including a nonimmigrant alien who is classifiable under the visa symbol EX, NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, or NATO–6.

(c) In the case of any nonimmigrant alien who is not exempted from the fingerprinting requirement under the provisions of this section, the fingerprints of such alien shall be taken in connection with his application for a nonimmigrant visa on Form AR–4 or in such other manner as may be authorized by the Department.

(d) Form FS–257, when duly executed, shall constitute the alien's registration record for the purposes of section 221 (b) of the act.

BORDER-CROSSING IDENTIFICATION CARDS

§ 41.20 *Nonresident aliens' border-crossing identification cards*—(a) *Aliens eligible to receive.* A nonresident alien's border-crossing identification card, as defined in section 101 (a) (6) of the act, and as required by section 212 (a) (26) of the act, may be issued to an alien who, upon proper application therefor, establishes to the satisfaction of the consular officer that he:

(1) Is a citizen of Canada or other British subject, having a residence in Canada, or a citizen of Mexico having a residence in Mexico;

(2) Is seeking, and has frequent occasion, to enter the continental United States or Alaska from Canada or the continental United States from Mexico, as a nonimmigrant;

(3) Is a bona fide nonimmigrant and is otherwise eligible to receive such a card under the provisions of the act;

(4) Is in possession of a valid passport or other travel document in the nature thereof duly issued to the holder by the appropriate authorities of Canada, Great Britain, or Mexico, and valid for re-entry to Canada or Mexico, if such a passport or other travel document is required for entry into such country.

(5) Can not reasonably be expected, because of remote residence from the border or some other exceptional reason, to make application for such card at an office of the Immigration and Naturalization Service.

(b) *Application procedure.* An application for a nonresident alien's border-crossing identification card shall be made on Form I–190 at a United States consular office in Canada or Mexico. The applicant shall appear in person, shall execute the application in triplicate under oath or by affirmation before the consular officer, and shall be fingerprinted in accordance with the provisions of § 41.19. Four identical photographs of the alien, as described in § 41.9 (d) shall be submitted with the application. One of such photographs shall be attached to each copy of the application form and to the identification card which is issued to the applicant. The photograph requirement may, in the discretion of the consular officer, be waived in the case of an alien under fourteen years of age at the time of issuance of the card. The original of application Form I–190, duly executed, shall be attached to the identification card issued to the alien for delivery to the immigration officer at the time of application for admission into the United States.

(c) *Alien under fourteen years of age or incapable of executing application.* Applicants for nonresident aliens' border-crossing identification cards shall appear in person and make separate applications therefor. In the case of an alien under fourteen years of age, or one physically incapable of making an application, the application for a nonresident alien's border-crossing identification card may be made by the alien's parent or guardian, or, if the alien has no parent or guardian, by any person having lawful custody of, or a legitimate interest in, such alien. An alien under fourteen years of age, or one physically incapable of executing an application, shall be required to appear in person at the time application is made in his behalf.

(d) *Evidence of border-crosser status.* Whenever any alien makes application for a nonresident alien's border-crossing identification card, the burden of proof shall be upon such alien to establish that he is entitled to classification as a nonimmigrant border-crosser and that he is otherwise eligible to receive such card under the provisions of the act. The consular officer may require the alien to furnish any evidence deemed necessary to sustain such burden of proof, including evidence of the alien's intention and ability to depart from the United States at the expiration of his temporary stay. The applicant shall furnish evidence of residence in the border area within the consular district in which application is made, except that a nonresident alien's border-crossing identification card may be issued at a consular office in the interior of Canada or Mexico to an alien who resides in the consular district of such office and who has good and sufficient reason frequently and habitually to cross the land border between the United States and Canada, or the United States and Mexico.

(e) *Procedure in issuing nonresident alien's border-crossing identification card.* If an applicant is found to have the qualifications specified in this section, a nonresident alien's border-crossing identification card may be issued to such applicant on Form I–186. The identification card shall show the date of issuance, the signature of the issuing consular officer, and a brief description of the applicant, and shall be valid for such period as is specified on the card. In the event the photograph requirement has been waived, the right index fingerprint of the applicant shall be placed on the card in lieu of his photograph. The applicant shall sign the card with his full name, or by witnessed mark after proper identification. The seal of the issuing consular office shall be impressed on the card. The applicant shall appear at the consular office in person to receive his nonresident alien's border-crossing identification card, unless the consular officer is satisfied that such card may be safely mailed to the applicant in exceptional cases in which personal appearance would entail undue hardship. No fee shall be charged for the issuance of a nonresident alien's border-crossing identification card or for the application.

(f) *Supporting documents not presented in duplicate.* The contents of all pertinent documents not presented with a duplicate copy for the consular files in support of the alien's application for a nonresident alien's border-crossing identification card shall be noted on the copy of the application which is retained for the consular files or in a separate memorandum attached thereto. Original documents shall be returned to the applicant.

(g) *Invalidation of nonresident alien's border-crossing identification card.* Consular officers are authorized to terminate the validity of a nonresident alien's border-crossing identification card issued by a consular officer:

(1) If the consular officer knows, or after investigation is satisfied, that such card was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or

(2) If such a card is found in the possession of an alien other than the rightful holder; or

(3) If improper use is being made of such card; or

(4) If the consular officer receives information establishing the alien's ineligibility to receive a nonresident alien's border-crossing identification card.

(h) *Surrender of invalidated card.* An alien whose border-crossing identification card has been invalidated shall be required to surrender such card upon request of the consular officer, and such officer shall submit a report of the reasons for the invalidation to the Secretary of State for transmission to the Attorney General.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 41.21 *Transfer of visa to new passport.* (a) A valid nonimmigrant visa, including the V-number and other pertinent data contained therein, may be transferred from a passport which has expired or is about to expire to a new passport where (1) the alien is required to surrender the visaed passport to the foreign-issuing authority in exchange for a new passport, or (2) the alien is permitted to retain the expired or expiring passport containing a valid nonimmigrant visa but, nevertheless, requests a consular officer to transfer such visa to a new valid passport, and (3) the alien is found otherwise eligible to receive such a nonimmigrant visa.

(b) A formal application for the transfer of a nonimmigrant visa from one passport to another need not be required, and the consular officer may, in his discretion, waive the personal appearance of the alien if satisfied that the alien is physically present in the consular district. The issuance of a transferred visa shall, except as provided in § 41.12, be evidenced by placing the regular visa stamp in the alien's passport. The words "Transferred Visa" shall be inserted on the upper margin of the visa stamp.

(c) A transferred visa shall be validated with the same expiration date as the original visa and for the number of unused applications for admission remaining as of the date of the transfer. No visa fee shall be charged for the transfer of a valid nonimmigrant visa to a new passport. The visa in the expired or expiring passport shall be cancelled, if practicable.

§ 41.22 *Nonimmigrants exempted by law or treaty from the requirement of passports, visas, and border-crossing identification cards.* The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants do not apply in the cases of aliens who fall within any of the following-described categories:

(a) An alien member of the armed forces of the United States who (1) is in the uniform of, or who bears documents identifying him as a member of, such armed forces; (2) has not been lawfully admitted for permanent residence; and (3) is making application for admission to the United States under official orders or permit of such armed forces.

(b) An American Indian born in Canada, having at least fifty per centum of blood of the American Indian race, and passing the border of the United States.

(c) An alien who shall leave Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States.

(d) Personnel belonging to the land, sea or air armed services of a government which is a Party to the North Atlantic Treaty and which has ratified the Agreement between the Parties to the North Atlantic Treaty regarding the status of their forces, signed at London on June 19, 1951, and entering the United States in connection with their official duties under the provisions of Article III of such Agreement. (TIAS 2846.)

(e) Personnel attached to an Allied Headquarters in the United States set up pursuant to the North Atlantic Treaty signed in Washington, D. C., on April 4, 1949, who belong to the land, sea or air armed services of a government which is a Party to the North Atlantic Treaty, and who are entering the United States in connection with their official duties under the provisions of the Protocol on the status of International Military Headquarters set up pursuant to the North Atlantic Treaty. (S. Ex. B, 83d Cong., 1st Sess.).

(Secs. 212, 284, 289, 66 Stat. 188, 232, 234; 8 U. S. C. 1182, 1354, 1359)

ACCREDITED FOREIGN-GOVERNMENT OFFICIALS

§ 41.30 *Officials of foreign governments.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (A) (i) or (ii) of the act shall be required to establish to the satisfaction of the consular officer that he is an accredited official or employee of

a foreign government recognized de jure by the Government of the United States and that he is acceptable to the President or the Secretary of State, or that he is a member of the immediate family of such official or employee.

(b) The term "accredited" as used in sections 101 (a) (15) (A) and 212 (d) (8) of the act refers to an alien holding an official position, other than an honorary official position, who is in possession of a travel document or other evidence showing that he seeks to enter, or pass in transit through, the United States for the purpose of transacting official business for his government, and that he is a national of the country whose government he serves: *Provided*, That an alien who is not a national of the country whose government he serves in an advisory, consultative, or other capacity not contemplated by section 101 (a) (15) (A) (iii) of the act shall, if otherwise qualified, be classified under section 101 (a) (15) (B) of the act, or, if in transit, under section 101 (a) (15) (C) of the act.

(c) The term "immediate family", as used in section 101 (a) (15) (A) of the act, means close relatives who are members of the immediate family by blood, marriage, or adoption, who are not members of some other household, and who will reside regularly in the household of the principal alien in the United States from whom they derive their subsidiary status.

(d) The term "attendants", as used in section 101 (a) (15) (A) (iii) of the act, includes an alien who is paid from the public funds of the foreign government employing him and to which he owes allegiance, and who is accompanying, preceding, or following to join a foreign-government official or employee to whom he owes a duty or service, regardless of its nature. The term includes an attendant who is a member of the armed forces of the foreign government to which the foreign-government official or employee, as well as the attendant, owe allegiance.

(e) The terms "servants" and "personal employees", as used in section 101 (a) (15) (A) (iii) of the act, include an alien who is employed in a domestic or personal capacity by a foreign-government official or employee, who is paid from the private funds of such official or employee, and who seeks to enter the United States solely for the purpose of such employment.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 41.31 *Official or representative of foreign government not recognized by the United States.* (a) An official of a foreign government which is not recognized de jure by the United States, or a member of his immediate family, or the attendant, servant, or personal employee of such official, shall not be classified as a nonimmigrant under the provisions of section 101 (a) (15) (A) of the act.

(b) Any alien referred to in paragraph (a) of this section may, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (B) or (C), or, if he is a representative of such government to an international organization, under the provisions of section 101 (a) (15) (G) (iii) of the act.

§ 41.32 *Procedure in issuing visa to foreign-government official or employee—*(a) *Derivative status cases.* In the case of a person who is a member of the immediate family, or an attendant, servant, or personal employee of a foreign-government official or employee, or who otherwise derives status from a principal alien who is not accompanying him, the name and position of the principal alien from whom such person derives his status shall be written below the lower margin of the visa stamp in the foreign passport.

(b) *Official on personal business.* A foreign-government official or employee, or a member of the immediate family, attendant, servant, or employee of such official or employee, who seeks to enter the United States temporarily for personal business or pleasure, shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (B) of the act. (See Sen. Rep. 1137, 82d Cong., 2d Sess., p. 19.)

(c) *Courier and acting courier on official business—*(1) *Courier of career.* An alien who is regularly and professionally employed as a courier by the government to which he owes allegiance, who is proceeding to the United States as a courier on official business for his government, and who is in possession of a diplomatic passport or the equivalent thereof may apply for a diplomatic visa at a United States mission or United States consulate authorized to issue diplomatic visas, and shall be classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (A) (i) of the act.

(2) *Official acting in capacity of courier.* An alien who is not regularly and professionally employed as a courier by the government to which he owes allegiance, who holds an official position with, and is proceeding to the United States as a courier on official business for, his government shall be classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (A) (ii) of the act.

(3) *Nonofficial acting in capacity of courier.* An alien who is not regularly and professionally employed as a courier, who holds no official position with the government for which he is acting in the capacity of courier, or who is not a national of the country for whose government he is acting in the capacity of courier shall be classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (B) of the act.

§ 41.33 *Evidence of official status.* An alien applying for a nonimmigrant visa as a foreign-government official or employee, or as an attendant, servant, or personal employee of such an official or employee, or as a member of the immediate family of any such alien, may be required to present evidence of his status and of the means and destination of his travel to, or through, the United States, and any other evidence considered necessary to establish eligibility to receive a visa as a nonimmigrant under the provisions of section 101 (a) (15) (A) or (101) (a) (15) (C), and other applicable provisions, of the act.

§ 41.34 *Significance of nonimmigrant visa in official cases.* A visa properly issued to an accredited official of a foreign government as a nonimmigrant under the provisions of section 101 (a) (15) (A) or (C) of the act shall entitle such official to apply at a port of entry in the United States within the period of its validity for admission as a nonimmigrant, and such visa, when presented to the immigration authorities by such official shall be conclusive evidence of his proper classification.

OFFICIAL VISAS

§ 41.35 *Classes of aliens eligible to apply for official visas.* (a) The term "Official Visa" means a nonimmigrant visa which bears the title "Official Visa" or the designation "Official" and which is issued to a nonimmigrant within a class described or referred to in paragraph (b) of this section.

(b) Aliens within any of the following classes who seek to enter the United States as nonimmigrants may make application for an official visa in accordance with § 41.9:

(1) Aliens within a class described in § 40.4 of this chapter, other than paragraph (a) (14) thereof, who are otherwise ineligible to apply for a diplomatic visa by reason of the provisions of § 40.8 (a) of this chapter;

(2) Aliens classifiable under section 101 (a) (15) (A) (i) or (ii) of the act;

(3) Aliens classifiable under section 101 (a) (15) (G) (i), (ii) or (iv) of the act, or under section 101 (a) (15) (G) (iii) of the act if the government of which the alien is an accredited representative is recognized de jure by the United States but is not a member of the international organization to which the alien is destined;

(4) Aliens classifiable under section 101 (a) (15) (C) of the act as nonimmigrants described in section 212 (d) (8) of the act;

(5) Justices of the federal and the highest state tribunals of a foreign country;

(6) Members and members-elect of the national legislature of a foreign country;

(7) Officers of the national legislature of a foreign country;

(8) Members of the immediate family of a principal alien who is within one of the classes referred to or described in subparagraphs (1) to (7), inclusive, of this paragraph;

(9) Any other class of aliens or individual alien in whose cases or case the Department may specifically authorize the consular officer to accept an application for an official visa.

(c) The issuance of an official visa shall be evidenced by placing the regular nonimmigrant visa stamp or an official visa stamp in the alien's passport in accordance with the provisions of § 41.12. The visa shall bear the title "Official Visa" or the word "Official" shall be stamped diagonally across the lower left-hand margin of the visa stamp in such manner as to be partially covered by the impression seal of the issuing diplomatic or consular office. The fee to be charged for an official visa and the validity thereof shall be determined in accordance with the provisions of §§ 41.14 and 41.15.

(d) No alien shall be considered to have acquired, by reason of the provisions of this section, any exemption under the immigration laws or regulations not otherwise specifically granted by such laws or regulations.

TEMPORARY VISITORS

§ 41.40 *Temporary visitors.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (B) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to visit the United States temporarily for business or temporarily for pleasure.

(b) The term "business," as used in section 101 (a) (15) (B) of the act, refers to legitimate activities of a commercial or professional character. It does not include purely local employment or labor for hire. An alien seeking to enter for employment or labor pursuant to a contract or other pre-arrangement shall be required to qualify under the provisions of § 41.100. An alien of distinguished merit and ability seeking to enter the United States temporarily with the idea of performing temporary services of an exceptional nature, requiring such merit and ability, but having no contract or other pre-arranged employment, may be classified as a nonimmigrant temporary visitor for business.

(c) The term "pleasure," as used in section 101 (a) (15) (B) of the act, refers to the purpose of an alien who seeks to enter the United States temporarily as a tourist or for some other legitimate purpose, including amusement, education (other than some activity which would make him classifiable as a student or teacher), health, rest, or visits with relatives or friends. Under no circumstances shall an alien who seeks to enter the United States as a student or for prearranged employment of any kind be classified as a temporary visitor for business or pleasure, unless such classification shall have been authorized by the Secretary of State after consultation with the Attorney General.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 41.41 *Exchange visitors.* (a) The term "exchange visitor" means an alien who falls within one of the classes described in section 201 of the United States Information and Educational Exchange Act of 1948, as amended (62 Stat. 7; 66 Stat. 276; 70 Stat. 241; 22 U. S. C. 1446), who seeks to enter the United States temporarily, and who has been selected to participate in an exchange-visitor program designated by the Secretary of State. Exchange visitors shall be classifiable as nonimmigrants under the provisions of section 101 (a) (15) of the act and shall have the burden of establishing that they are not ineligible to receive a nonimmigrant visa under those provisions of section 212 (a) of the act and § 41.17 which apply to nonimmigrants who are classifiable under the provisions of section 101 (a) (15) (B) of the act. In issuing a nonimmigrant visa to an exchange visitor, the symbol "EX" shall be inserted in the space provided for classification in the visa stamp, and the number of the designated program shall be added to the symbol.

(b) The classification of any alien as an exchange visitor shall be contingent upon (1) the presentation by the alien of a written notification from the sponsor affirming the alien's selection to participate in a designated exchange-visitor program, and specifying the program number; and (2) a notification from the Department to the consular officer concerning the designation of the particular program in connection with which the exchange visitor is proceeding to the United States, and showing the title, serial number, sponsor, and the purpose of the designated program.

§ 41.42 *Burden of proof and evidence of temporary visitor status.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (B) of the act shall not only have the burden of establishing that he is entitled to classification as a temporary visitor within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act and § 41.17.

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (B) of the act shall establish specifically that:

(1) He has a residence in a foreign country which he has no intention of abandoning;

(2) He is not classifiable under any of the nonimmigrant categories defined in section 101 (a) (15) (F), (H), or (I) of the act;

(3) He is proceeding to the United States temporarily for one of the purposes specified in section 101 (a) (15) (B) of the act;

(4) He intends in good faith, and will be able, to depart from the United States at the expiration of a temporary stay;

(5) He is in possession of a valid foreign visa or other form of permission to enter some foreign country upon the termination of his temporary stay; and that

(6) He has made adequate financial provision to enable him to carry out the purpose of his travel to, sojourn in, and departure from the United States.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

TRANSIT ALIENS

§ 41.50 *Transit aliens.* An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (C) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States temporarily as a nonimmigrant and solely for the purpose of proceeding in immediate and continuous transit through the United States to a foreign destination, or that he qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District under the provisions of section 11 (3), 11 (4), or 11 (5) of the Headquarters Agreement with the United Nations.

(Sec. 101, 68 Stat. 166; 8 U. S. C. 1101)

§ 41.51 *Burden of proof and evidence of transit status.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (C) of the act shall not only have the burden of establishing that he is entitled to classification as an alien in transit within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the applicable provisions of section 212 of the act, or any other provision of law, and § 41.17.

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (C) of the act shall establish specifically that:

(1) He is proceeding to the United States solely for the purpose of passing in immediate and continuous transit through the United States to a foreign destination or to the United Nations Headquarters District;

(2) He is in possession of a ticket for, or other assurance of, transportation to his destination;

(3) He is in possession of sufficient funds to enable him to carry out the purpose of his transit journey, or has sufficient funds otherwise available for that purpose;

(4) He is in possession of a valid foreign visa or other form of permission to enter some foreign country: *Provided*, That possession of such a visa or other form of permission shall not be required in the case of an alien proceeding through the United States for the purpose of applying for admission into Canada or some other country if under the laws or regulations of the country of destination the alien would not be required to present a visa, or other form of permission as a condition of entry; and that

(5) He intends in good faith, and will be able, to depart from the United States at the expiration of the period for which he may be admitted.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

§ 41.52 *Certain aliens in transit to United Nations.* An alien within the provisions of sections 11 (3), 11 (4) or 11 (5) of the Headquarters Agreement with the United Nations, to whom a visa is to be issued for the purpose of applying for admission solely in transit to the United Nations Headquarters District shall be issued a nonimmigrant visa classified "C–2", and shall be informed by the consular officer that, if admitted, he may be subject to such restrictions in his travel within the United States as may be provided in regulations prescribed by the Attorney General.

§ 41.53 *Accredited officials in transit through the United States.* An accredited official of a foreign government who intends to proceed in immediate and continuous transit through the United States on official business for his government which grants similar privileges to officials of the United States shall be classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (C) of the act. In issuing a nonimmigrant visa to such an official or to a member of his immediate family, or to his attendant, servant, or personal employee, the symbol C–3 shall be inserted in the space provided for classification in the visa stamp. (Sec. 212 (d) (8), 66 Stat. 188).

CREWMEN

§ 41.60 *Crewmen.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (D) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to proceed to, and land in, the United States temporarily and solely in pursuit of his calling as a nonimmigrant crewman serving in good faith as such in some capacity required for normal operation and service on board a vessel or aircraft proceeding to the United States. Aliens employed on board such vessel or aircraft in a capacity not ordinarily associated with, or required for, normal operation and service on board the vessel or aircraft, or persons employed or listed as regular members of the crew in excess of the number normally required, shall be considered as passengers and shall be documented as any other passenger not employed aboard the vessel or aircraft.

(b) An alien serving as a member of the crew on board a fishing vessel having its home port or an operating base in the United States is not comprehended within the provisions of paragraph (a) of this section. Such an alien is classifiable as an immigrant.

(c) Except as provided in § 41.64, a nonimmigrant crewman who seeks to proceed to and land in the United States temporarily in pursuit of his calling shall apply on Form FS–257 for an individual nonimmigrant visa in accordance with the provisions of § 41.9, and shall be classifiable under the provisions of section 101 (a) (15) (D) of the act.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 41.61 *Burden of proof and evidence of crewman status.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (D) of the act shall not only have the burden of establishing that he is entitled to classification as a crewman within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act, or any other provision of law, and § 41.17.

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (D) of the act shall establish specifically that:

(1) He intends to proceed to, and land only temporarily in, the United States solely in pursuit of his calling as a crewman;

(2) He intends in good faith, and will be able, to depart from the United States with the vessel or aircraft on which he will arrive, or on some other vessel or aircraft; and that

(3) He is in possession of a national passport, or other travel document, crewman's identity certificate, or other papers, which establish his origin, identity and nationality if any, and which further establish unconditionally that he will be permitted to enter some foreign country after a possible temporary landing in the United States.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

§ 41.62 *Foreign-government official crewmen.* (a) All alien crewmen serving as such on board any vessel or aircraft proceeding to the United States with a purpose of landing temporarily in the United States shall be subject to the provisions of § 41.60 (c) or § 41.64, except those serving on:

(1) Foreign warships or other vessels of war, or military, naval, or other aircraft of the armed forces of a foreign country, when making friendly calls at United States ports under advance arrangements made with the military, naval, or air force authorities of the United States; or

(2) Any other government vessel or aircraft.

(b) The term "government vessel or aircraft" means a vessel or aircraft owned and operated, or operated only, directly by the Government of the United States with government personnel in connection with public business of a non-commercial and non-profit character, or a foreign-flag vessel or aircraft owned and operated, or operated only, directly by a foreign government recognized de jure by the United States, with foreign government personnel in connection with public business of a non-commercial and non-profit character. The term "government vessel or aircraft" shall not include a vessel or aircraft which is merely controlled or subsidized by a government, or one which is engaged in what would ordinarily be regarded as commercial shipping or commercial transportation.

(c) Whenever any alien seeks to enter the United States in the circumstances described in subparagraph (1) or (2) of paragraph (a) of this section, advance arrangements shall be made with the Secretary of State and the Attorney General regarding the documentation and admission of such alien.

§ 41.63 *Procedure in issuing individual visas to crewmen.* The issuance of an individual nonimmigrant visa to an alien as a crewman under the provisions of section 101 (a) (15) (D) of the act shall be in accordance with the provisions of §§ 41.5 and 41.12. In any case in which the crewman's passport was issued by a government not recognized de jure by the United States, or in which the passport requirement has been waived, the visa stamp shall be impressed on a sheet of official stationery as provided in § 41.12 (a). Form FS–257 shall be retained in the consular files.

§ 41.64 *Visa requirement for nonimmigrant crewmen.* No crewman shall be considered as having complied with the provisions of section 212 (a) (26) (B) of the act relating to the requirement of valid nonimmigrant visas or border crossing identification cards unless (a) he is in possession of a valid individual nonimmigrant visa or a border crossing identification card, or (b) the requirement of a valid nonimmigrant visa or border crossing identification card has been waived in his case by the Secretary of State and the Attorney General pursuant to the authority contained in section 212 (d) (4) of the act, or (c) his name is included in a crew-list visa issued in accordance with § 41.65.

§ 41.65 *Proccdures applicable to crew-list visas.* (a) Until such time as it becomes administratively practicable to act on the applications of all crewmen for individual nonimmigrant visas, there shall be submitted for visaing at the consular office nearest the foreign port or place from which a vessel or aircraft commences its voyage to the United States a crew list of all alien crewmen serving on board such vessel or aircraft who are not in possession of a valid individual entry document or who are not covered by a waiver of the visa requirement. The master of a vessel or commanding officer of an aircraft who applies for a crew-list visa shall present to the consular officer a manifest of all such crewmen on Form I–418 in duplicate. Where the master of a vessel or the commanding officer of an aircraft submits a single crew list to the consular officer for visaing and fails to set apart those alien crewmen who are to be considered for inclusion in the crew-list visa, the consular officer may, in order to facilitate the issuance of the crew-list visa and without unduly delaying the departure of the vessel or aircraft, require a separate alphabetical listing on the crew list of all such crewmen. In any case in which the consular officer has reason to believe that an individual crewman may be ineligible to receive a visa under section 212 of the act, the master of the vessel or the commanding officer of the aircraft who submits the crew list for visaing may be required to present additional information relevant to the eligibility of any such crewman to receive a visa. In lieu of a manifest on Form I–418, the manifest of alien crewmen serving on board an aircraft may be submitted on the International Civil Aviation Organization manifest, or on Customs Form 7507 whenever the number of crewmen does not exceed the number which can be properly listed on such form.

(b) If there is no consular officer stationed at the port or place from which the vessel or aircraft commences its voyage to the United States, but a consular officer is stationed at a nearby port or place to whom the crew list may be submitted for visaing by mail or otherwise without delaying the departure of the vessel or aircraft, the crew list shall be so submitted. If there is no such consular officer stationed nearby, the crew list shall be submitted for visaing at the first port or place of call at which a consular officer is stationed.

(c) A supplemental crew-list visa shall be obtained at the port of departure or at subsequent ports or places of call to cover any additional crewmen signed on since the previous crew-list visa was obtained, unless such crewman is in possession of a valid individual visa, or the visa requirement has been waived in his case.

(d) No formal application for a crew-list visa shall be required other than the presentation of the crew list together with such other information as the consular officer may deem necessary to determine the eligibility of an individual crewman to be included in the crew-list visa.

(e) In issuing a crew-list visa the regular nonimmigrant visa stamp shall be impressed on the last page of the crew list immediately below the listing of the crewmen. The crew-list visa shall be validated for a period of six months from the date of issuance and for a single application by the visaed crewmen for admission into the United States. The visa shall, by insertion of the symbol "D" in the space provided therefor, show the classification of the crewmen as nonimmigrants under the provisions of section 101 (a) (15) (D) of the act. The consular officer shall sign the visa, indicate his title, and affix the seal of his office in the space provided for such purpose.

(f) A fee of $2 shall be charged for the visaing of any crew list (Tariff of Fees, Foreign Service of the United States of America), except that no fee shall be charged for a crew-list visa issued in the case of an American vessel, or for the issuance of a supplemental crew-list visa in the case of any vessel or aircraft. The receipt of the prescribed fee for the issuance of a crew-list visa shall be evidenced by a rubber-stamp or typed notation placed within the visa stamp in the place designated "Fee Notation" and properly completed in the following form:

Service No. ----------
Tariff Item No. ----------
Fee Paid: U. S. $----------
Local CY, equiv. ----------

(g) In issuing or refusing a crew-list visa, the consular officer shall deliver the original of the crew list to the master of the vessel or commanding officer of the aircraft for presentation to the immigration officer at the first port of arrival in the United States. The duplicate copy of the crew list shall be retained for the consular files and shall be appropriately noted to show the date of issuance or refusal of the crew-list visa, the service number, the tariff item number, and the fee paid (United States dollars and local currency equivalent).

§ 41.66 *Preparation of crew list for visa purposes.* (a) The entries made on any crew list presented to a consular officer for visaing shall be in the English language and shall conform with the instructions printed on the Form I–418 or other form of manifest used. The person preparing the crew list shall insert the word "first" before the name of any crewman who was not employed on board the vessel or aircraft on its last preceding trip to the United States, and the letters "PE" (signifying "Previous Experience") immediately after the word "first" in the case of any crewman who is proceeding to the United States on his first trip on a vessel or aircraft to which he transferred from another vessel or aircraft of the same transportation line.

(b) If a crew list to be presented for visaing is prepared on more than one page, the pages shall be numbered consecutively and shall be securely fastened together with ribbon inserted through eyelets in the upper left corner of the crew lists. The ends of the ribbon shall be brought through a slit made in the last page and fastened thereto opposite the visa stamp by a wafer seal on which the impression seal of the consular office shall be placed. The consular impression seal shall be placed in the lower right corner of all other pages of the crew list.

(c) The entries for any additional crewmen signed on a vessel or aircraft after the issuance of a crew-list visa shall be contained in a supplemental crew list for visa purposes. If the name of any such crewman is in substitution for that of another crewman previously included in the crew-list visa, the substitution shall be clearly indicated in the supplemental crew list presented for visaing. In the event additional crewmen are signed on under emergency conditions which make it impossible to include their names in the crew list or a supplemental crew list before the sailing of the vessel or flight of the aircraft, a supplemental crew list of such additional crewmen may be presented to a consular officer for visaing at the first port of call at which a consular officer is stationed.

§ 41.67 *Refusal of crew-list visas.* (a) A consular officer who knows or has reason to believe that a crew list submitted for a visa contains the name of an alien who is not a bona fide crewman, or who is otherwise ineligible to receive an individual visa as a crewman, shall either withhold the crew-list visa until the name of such alien shall have been removed from the crew list by the master of the vessel or the commanding officer of the aircraft, or he shall issue the crew-list visa, excluding therefrom the name of any such alien listed as a member of the crew. In excluding an alien's name from a crew-list visa, the consular officer shall place a notation below the visa stamp indicating the name of each crewman so excluded. In no event shall a consular officer strike an alien's name from a crew list.

(b) When a crew-list visa is refused in any case, a full report shall be forwarded by the consular officer to the Department in sufficient time to be received before the arrival of the vessel or aircraft at a port of entry. In such a case the original of the crew list shall be returned to the master or commanding officer, and the duplicate shall be filed in the consular office.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

TREATY ALIENS

§ 41.70 *Treaty traders.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (E) (i) of the act shall be required to establish to the satisfaction of the consular officer that (1) he is entitled to enter the United States solely to carry on substantial trade principally between the United States and the foreign state of which he is a national, under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and such foreign state, or that (2) he is the spouse or child of any such alien and is accompanying or following to join him.

(b) The term "national", as used in this section, means a citizen or subject of a foreign country with which there is existing, at the time of application for a visa, a treaty of commerce and navigation as provided in paragraph (a) of this section.

(c) The term "trade", as used in this section, means trade of a substantial nature which is international in scope, carried on by the alien in his own behalf or as an agent of a foreign person or organization engaged in trade, and is principally between the United States and the foreign state of which such alien is a citizen or subject. Consideration shall be given to any conditions in the country of which the alien is a national which may affect the alien's ability to carry on substantial trade principally between the United States and such country.

(d) The nationality of a spouse or child of a treaty trader shall not be material to the classification of such spouse or child under the provisions of section 101 (a) (15) (E) (i) of the act.

(e) Representative of foreign information media shall first be considered for possible classification as nonimmigrants under the provisions of section 101 (a) (15) (I) of the act and § 41.110, before consideration is given to their possible classification as nonimmigrants under the provisions of section 101 (a) (15) (E) of the act and of this section.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 41.71 *Burden of proof and evidence of treaty-trader status.* (a) An alien applying for a nonimmigrant visa as a treaty trader under the provisions of section 101 (a) (15) (E) (i) of the act shall not only have the burden of establishing that he is entitled to classification as a treaty trader within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under provisions of section 212 of the act or any other provision of law, and § 41.17.

(b) An alien applying for a visa as a nonimmigrant treaty trader under the provisions of section 101 (a) (15) (E) (i) of the act shall be required to present any evidence deemed necessary by the consular officer to establish that he is entitled to nonimmigrant classification under that section. Such alien shall establish specifically that:

(1) He is proceeding to the United States solely for the purpose of carrying on substantial trade principally between the United States and the foreign state of which he is a national, under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and such foreign state. In this connection, bank statements, invoices, and correspondence from persons or organizations with whom or with which he has, and will have, commercial relations, may be required;

(2) He intends in good faith, and will be able, to depart from the United States upon the termination of his status; and that

(3) He is employed or will be employed by a foreign person or organization of the same nationality as the alien, and will be engaged in duties of a supervisory or executive character, or if he is or will be employed in a minor capacity, he has special qualifications which make his services essential to the efficient operations of the employer's enterprise. An alien employed solely in a manual capacity shall not be entitled to classification as a treaty trader.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

§ 41.75 *Treaty investors.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (E) (ii) of the act shall be required to establish to the satisfaction of the consular officer that (1) he is entitled to enter the United States solely to develop and direct the operations of an enterprise in which he has invested, or in which he is actively in the process of investing, a substantial amount of capital, under and in pursuance of the specific provisions relating to treaty investors, negotiated after June 27, 1952 in a treaty of commerce and navigation between the United States and the foreign state of which the alien is a national, or that (2) he is the spouse or child of such an alien, and is accompanying or following to join him.

(b) The term "national", as used in this section, means a citizen or subject of a foreign country with which there is existing at the time of application for a visa a treaty of commerce and navigation as provided in paragraph (a) of this section.

(c) The nationality of a spouse or child of a treaty investor shall not be material to the classification of such spouse or child under the provisions of section 101 (a) (15) (E) (ii) of the act.

§ 41.76 *Burden of proof and evidence of treaty-investor status.* (a) An alien applying for a nonimmigrant visa as a treaty investor under the provisions of section 101 (a) (15) (E) (ii) of the act shall not only have the burden of establishing that he is entitled to classification as a treaty investor within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act or any other provision of law, and § 41.17.

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (E) (ii) of the act shall be required to present any evidence deemed necessary by the consular officer to establish that he is entitled to nonimmigrant classification under that section. Such alien shall establish specifically that:

(1) He seeks to enter the United States solely for the purpose of developing and directing the operations of an enterprise in the United States: (i) In which he has invested, or is actively in the process of investing, a substantial amount of capital; or (ii) in which his employer has invested, or is actively in the process of investing, a substantial amount of capital: *Provided,* That such employer is a foreign person or organization of the same nationality as the applicant and that the applicant is employed by such person or organization in a responsible capacity; or

(2) He seeks to enter the United States as the spouse or child of an alien described in subparagraph (1) of this paragraph; and

(3) He is not applying for a nonimmigrant visa in an effort to evade the quota or other restrictions which are applicable to immigrants;

(4) He intends in good faith, and will be able, to depart from the United States upon the termination of his status; and

(5) The enterprise is one which actually exists or is in active process of formation, and is not a fictitious paper operation.

STUDENTS

§ 41.80 *Students.* (a) An alien applying for a nonimmigrant visa as a student under the provisions of section 101 (a) (15) (F) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by such alien, and approved by the Attorney General, and that he is otherwise eligible to receive a nonimmigrant visa as provided in § 41.81.

(b) *Official students.* An alien who has been selected by his government to study at an institution of learning or other place of study in the United States shall, if otherwise qualified, be classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (F) of the act, regardless of whether the alien's expenses for his study in the United States will be borne by his government: *Provided,* That if such alien qualifies as an exchange visitor, he shall be classifiable under the symbol EX, or if such alien is accredited and accepted as a foreign-government official or employee under the provisions of section 101 (a) (15) (A) (ii) of the act, he shall be classifiable under the symbol A–2.

(c) *Official trainees.* An alien who has been selected by his government for training in the United States with an agricultural, commercial, financial, governmental, or other industrial establishment shall, if otherwise qualified, be classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (H) (iii) of the act, regardless of whether the alien's expenses for his training in the United States will be borne by his government: *Provided,* That if such alien qualifies as an exchange visitor, he shall be classifiable under the symbol EX, or if such alien is accredited and accepted as a foreign-government official or employee under the provisions of section 101 (a) (15) (A) (ii) of the act, he shall be classifiable under the symbol A–2.

§ 41.81 *Burden of proof and evidence of student status.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (F) of the act shall not only have the burden of establishing that he is entitled to classification as a student within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act or any other pertinent provision of law, and § 41.17. Such alien shall establish specifically that:

(1) He has a residence in a foreign country which he has no intention of abandoning;

(2) He is a bona fide student qualified to pursue, and is seeking to enter the United States temporarily and solely for the purpose of pursuing, a full course of study as prescribed by the established institution of learning or other recognized place of study to which he is destined;

(3) He will attend, and has been accepted for attendance by, an established institution of learning or other recognized place of study in the United States which has been approved by the Attorney General for the purposes of section 101 (a) (15) (F) of the act, as evidenced by the presentation of Form I-20 properly executed by the accepting school, signed by the alien, and notarized by the consular officer. The Form I-20, when properly executed and presented by an alien in support of application for a student visa, shall be accepted by the consular officer as prima facie evidence that the designated institution of learning or other place of study has been approved by the Attorney General for the attendance of nonimmigrant students, and that the visa applicant has been accepted for attendance at such institution or place of study;

(4) He is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses;

(5) He has sufficient scholastic preparation and knowledge of the English language to enable him to undertake a full course of study in the institution of learning or other place of study by which he has been accepted, or if his knowledge of the English language is inadequate to enable him to pursue a full course of study in such language, the approved school or other recognized place of study is equipped to offer, and has accepted him expressly for, a full course of study in a language with which he is sufficiently familiar, or special arrangements have been made by the accepting institution or other place of study for tutoring the applicant in the English language and the consular officer is satisfied that the applicant will be able, with the assistance of such tutoring, to undertake a full course of study in the United States; and that

(6) He intends in good faith, and will be able, to depart from the United States upon the termination of his status.

(b) An alien who intends to study the English language exclusively while in the United States may be classified as a nonimmigrant student under the provisions of section 101 (a) (15) (F) of the act, if otherwise qualified, and if the approved school is equipped to offer, and has accepted him expressly for, a full course of study in the English language, even though no credits are given by the institution for such study. In all cases in which special arrangements have been made with the approved school for the acceptance of a student who lacks an adequate knowledge of the English language, or who intends to enter the United States solely for the purpose of studying the English language, a copy of the letter from the school setting forth such arrangements shall be given to the alien for presentation to the immigration officer at the port of entry in the United States.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

INTERNATIONAL ORGANIZATION ALIENS

§ 41.90 *Aliens coming to international organizations.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (i) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) A designated principal resident representative of a foreign government recognized de jure by the United States, to an international organization of which the government he represents is a member; or

(2) An accredited resident member of the staff of such representative; or

(3) A member of the immediate family of such a representative, or of an accredited resident member of his staff.

(b) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (ii) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An accredited representative, other than a designated principal resident representative described in paragraph (a) of this section, of a foreign government recognized de jure by the United States, to an international organization of which the government he represents is a member; or

(2) A member of the immediate family of such representative.

(c) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (iii) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An accredited representative of a foreign government not recognized de jure by the United States, to an international organization of which the government he represents is a member; or

(2) An accredited representative of a foreign government recognized de jure by the United States, to an international organization of which the government he represents is not a member; or

(3) An accredited representative of a foreign government not recognized de jure by the United States, to an international organization of which the government he represents is not a member; or

(4) A member of the immediate family of a representative as described in subparagraph (1), (2) or (3) of this paragraph.

(d) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (iv) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An officer or employee of an international organization; or

(2) A member of the immediate family of such officer or employee.

(e) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (v) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An attendant, servant, or personal employee of a representative, officer, or employee referred to in paragraphs (a), (b), (c), and (d) of this section; or as

(2) A member of the immediate family of such attendant, servant, or personal employee.

(f) Aliens referred to in paragraphs (a), (b), (c), (d), and (e) of this section may be accorded a nonimmigrant classification under the provisions of section 101 (a) (15) (G) of the act only if they seek to enter, or pass in transit through, the United States in pursuance of their official duties directly related to such status, as distinct from personal or other private business or pleasure in which case they shall be classified, if otherwise qualified as nonimmigrants, under some other appropriate category defined in section 101 (a) (15) of the act.

(g) No alien shall be accorded nonimmigrant status under section 101 (a) (15) (G) of the act if the facts in his case clearly bring him within any other specific nonimmigrant category defined in section 101 (a) (15) of the act.

(h) The term "international organization" means any public international organization which has been designated by the President by Executive order as being entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act (59 Stat. 669).

(i) The term "principal alien" means one from whom an alien who is a member of his staff, a member of his immediate family, or his attendant, servant, or personal employee, derives such subsidiary or subordinate status, provided such status is comprehended within the specific provisions of section 101 (a) (15) (G) of the act.

(j) The term "immediate family", as used in section 101 (a) (15) (G) of the act, means close relatives who are members of the immediate family by blood, marriage, or adoption, who are not members of some other household, and who will reside regularly in the household of the principal alien in the United States from whom they derive their subsidiary status.

(k) The term "attendants", as used in section 101 (a) (15) (G) (v) of the act, includes an alien who is paid from the public funds of the foreign government to which he owes allegiance, or from the funds of the international organization, and who is accompanying or following to join the principal alien to whom he owes a duty or service.

(l) The term "servants" and "personal employees", as used in section 101 (a) (15) (G) (v) of the act, include an alien who is employed in a domestic or personal capacity by a principal alien, who is paid from the private funds of such alien, and who seeks to enter the United States solely for the purpose of such employment.

(m) An alien who applies for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (G) of the act shall not be refused such visa solely on the ground that he is not a national of the country whose government he represents.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 41.91 *Evidence of status as representative to, or officer or employee of, international organization.* (a) An alien applying for a visa as a nonimmigrant representative to, or as an officer or employee of, an international organization shall be required to present evidence of his status and of the means and destination of his travel to, or through, the United States. The consular officer to whom such alien applies for a visa may, if in doubt, require a confirmation of the status of such representative, officer, or employee from the appropriate foreign office or from the international organization concerned, and any other evidence considered necessary to establish the applicant's eligibility to receive a visa as a nonimmigrant under the provisions of section 101 (a) (15) (G), and other applicable provisions, of the act.

(b) An alien who applies for a visa as a resident member of the staff, a member of the immediate family, or an attendant, servant, or personal employee, of a principal alien may be required to present satisfactory evidence of such status.

§ 41.92 *Procedure in issuing visa to representative to, or officer or employee of, international organization.* (a) The provisions of §§ 41.5 and 41.12 shall be followed in issuing a visa to an alien as a nonimmigrant under the provisions of section 101 (a) (15) (G) of the act.

(b) In the case of an alien who is a resident member of the staff, a member of the immediate family, or an attendant, servant, or personal employee of a principal alien, the name and title of the principal alien from whom such status is derived shall be written below the lower margin of the visa stamp or on the same page of the passport or other document bearing the visa stamp.

(c) An alien who seeks to enter the United States as a foreign-government representative to an international organization and who, at the same time, is proceeding to the United States on official business as a foreign-government official within the meaning of section 101 (a) (15) (A) of the act, shall, if otherwise qualified, be issued a visa as a nonimmigrant under the provisions of section 101 (a) (15) (A) of the act.

TEMPORARY WORKERS

§ 41.100 *Temporary workers and trainees.* (a) No alien shall be accorded consideration as a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act unless the consular officer shall have received from the Immigration and Naturalization Service a petition filed by the alien's prospective employer and approved in accordance with the provisions of section 214 (c) of the act. Subject to the provisions of § 42.28 of this chapter, consular officers shall, upon receipt of such a petition, grant the nonimmigrant status indicated in the petition: *Provided,* That the approval of such a petition shall not, of itself, establish that the alien is a bona fide nonimmigrant or that he is otherwise eligible to receive a nonimmigrant visa.

(b) Aliens who are entitled to classification as nonimmigrants under the provisions of section 101 (a) (15) (A) or (G) of the act shall not be subject to

the petition requirements of section 101 (a) (15) (H) and section 214 (c) of the act, unless they are coming to the United States under contract or other pre-arrangement to perform service or labor for hire, or for training, which is outside the scope of the official duties inherently involved in their status, in which case they shall be classified as nonimmigrants under the provisions of section 101 (a) (15) (H) of the act and approved petitions shall be required before the visas are issued.

(c) No consular officer shall refuse to grant nonimmigrant status to an alien under the provisions of section 101 (a) (15) (H) of the act on the ground that the alien is not qualified to perform the service or labor, or to undertake the training, specified in the employer's petition approved by the Attorney General: *Provided,* That a consular officer who knows or has reason to believe that such alien is not so qualified shall suspend action on the alien's application for a nonimmigrant visa under section 101 (a) (15) (H) of the act and submit a full report to the Secretary of State for possible reference to the Attorney General of the question whether the Attorney General desires to reconsider his approval of the employer's petition.

(d) If the consular officer knows or has reason to believe that an alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act is ineligible to receive such visa under the provisions of section 212 of the act or any other provision of law, and § 41.17, he shall refuse to issue such visa and shall submit a full report to the Secretary of State for possible reference to the Attorney General to complete the file of the Immigration and Naturalization Service in the case.

(e) Aliens coming to the United States as temporary workers or trainees under the exchange visitor program provided for in the United States Information and Educational Exchange Act of 1948, as amended (62 Stat. 6, 66 Stat. 276; 22 U. S. C. 1446), shall be classified as nonimmigrants under the symbol "EX" and the provisions of section 101 (a) (15) of the act, and § 41.5. Such cases shall not be subject to the petition procedure provided for in section 214 (c) of the act. (See § 41.41.)

(f) An alien who is of distinguished merit and ability and who seeks to enter the United States temporarily with the general intention of performing temporary service of an exceptional nature requiring such merit and ability, but having no contract or prearranged employment, may be classified as a temporary visitor for business under the provisions of section 101 (a) (15) (B) of the act.

(g) The terms "industrial trainee", as used in section 101 (a) (15) (H) (iii) of the act, means a nonimmigrant alien who seeks to enter the United States at the invitation of an individual, organization, firm, or other trainer for the purpose of receiving instruction in any field of endeavor, including agriculture, commerce, communication, finance, government, transportation, and the professions, as well as in a purely industrial establishment, regardless of whether any benefit, direct or indirect, accrues to the United States employer or trainer, and regardless of the source of any remuneration received by the alien.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 41.101 *Alien servant or personal employee of member of the Foreign Service of the United States, or of other citizen or resident of the United States.* (a) Except as provided in paragraphs (b) and (c) of this section, an alien seeking to enter the United States temporarily for employment as the personal servant or personal employee of a member of the Foreign Service of the United States, or of any other citizen or lawful resident of the United States, shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (H) (ii) of the act. The petition procedure provided for in section 214 (c) of the act and referred to in § 41.100 (a) shall apply in the case of any such alien servant or employee.

(b) An alien personal servant or personal employee accompanying or following to join an employer who is classifiable as a nonimmigrant or who is in the United States as a nonimmigrant, other than a nonimmigrant under section 101 (a) (15) (A) or (G) of the act, or an alien personal servant or personal employee accompanying or following to join a United States citizen employer who resides or is stationed abroad, including a member of the Foreign Service of the United States, and who will visit or is visiting the United States temporarily, may be classified as a nonimmigrant visitor for business under the provisions of section 101 (a) (15) (B) of the act: *Provided,* That no such alien shall be so classified unless the consular officer is satisfied that he is a bona fide personal servant or personal employee, and is able and willing to leave the United States not later than the departure of his employer.

(c) An alien personal servant or personal employee who is accompanying his alien employer in immediate and continuous transit through the United States, if otherwise qualified for transit status, shall be classified as a nonimmigrant under the provisions of section 101 (a) (15) (C) of the act.

§ 41.102 *Former exchange visitors.* (a) No alien who was admitted into the United States subsequent to June 4, 1956, as an exchange visitor, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including any alien granted an extension of the period of his temporary admission subsequent to the effective date of this regulation, shall be eligible to apply for and receive a visa as a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act notwithstanding the approval of a petition as provided in section 214 (c) of the act unless (1) the consular officer is satisfied that such alien has resided and been physically present abroad for an aggregate of at least two years since his departure from the United States following the termination of his exchange-visitor status in a country or countries cooperating in the exchange-visitor program, or (2) the requirements of this paragraph are waived as provided in section 201 (b) of the United States Information and Educational Exchange Act of 1948, as amended. (See paragraph (c) of § 42.42 of this chapter in cases of former exchange visitors who apply for immigrant visas.)

(b) Notwithstanding the provisions of paragraph (a) of this section, the requirement of a two-year residence and physical presence abroad shall not apply in the case of an alien who was in the United States as an exchange visitor on or before June 4, 1956, who proceeded abroad temporarily on a personal visit or for reasons related to his exchange-visitor program, and who was readmitted into the United States subsequent to June 4, 1956, for the remainder of the period of authorized stay granted prior to the effective date of this regulation to continue his participation in the exchange-visitor program with which he was connected at the time of his departure from the United States.

NEWS REPORTERS

§ 41.110 *Representatives of foreign press, radio, film, or other information media.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (I) of the act shall not be accorded such status unless he establishes to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) A representative of a foreign press, radio, film, or other foreign information medium, solely to engage in such vocation; or as

(2) The spouse or child of such representative, and is accompanying or following to join him.

(b) An alien who will be engaged in the United States in news gathering activities between the United States and the country of which he is a national shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (I) of the act, notwithstanding the fact that such alien may also be classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (E) of the act.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 41.111 *Burden of proof and evidence of status as representative of foreign information media.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (I) of the act shall not only have the burden of establishing that he is entitled to classification as a representative of a foreign information medium within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act or other provision of law, and § 41.17. Such alien shall establish specifically that:

(1) He seeks to enter the United States solely to represent in good faith a foreign press, radio, film, or other foreign information medium; and that

(2) He intends in good faith, and will be able, to depart from the United States upon the termination of his status.

(b) In order to qualify as the representative of a foreign press, radio, film, or other information medium within the meaning of section 101 (a) (15) (I) of the act, an alien shall be accredited by such a foreign medium having its home office in a foreign country, the government of which grants upon a basis of reciprocity similar privileges to representatives of such a medium having home offices in the United States, except that when the information medium is owned, operated, subsidized, or controlled by a foreign government, directly or indirectly, the reciprocity required by the provisions of section 101 (a) (15) (I) of the act shall be accorded by such foreign government.

TEMPORARY ADMISSION OF EXCLUDABLE ALIENS

§ 41.150 *Procedure in recommending temporary admission of excludable aliens.* (a) In the case of an alien who is properly classifiable as a nonimmigrant under the provisions of section 101 (a) (15) of the act and who is known or believed by the consular officer to be ineligible to receive a visa as a nonimmigrant under the provisions of section 212 (a) of the act, other than paragraph (27) or (29) thereof, the consular officer to whom such alien makes application for a nonimmigrant visa may, upon his own initiative, and shall, upon the request of the Secretary of State or upon the request of the alien, submit a full report of the case to the Department for possible transmission to the Attorney General pursuant to the provisions of section 212 (d) (3) of the act. If the consular officer's report is accompanied by a recommendation as provided for in section 212 (d) (3) of the act, a statement of the reasons for the recommendation shall be included in the report. If the consular officer is unwilling to recommend the case for advance authorization of the alien's temporary admission and the Secretary of State or the alien requests that the case be forwarded to the Department for possible transmission to the Attorney General, such report shall include a statement of the reasons for the consular officer's unwillingness to make a favorable recommendation in the case.

(b) When the Attorney General authorizes the temporary admission of an excludable alien as a nonimmigrant and the consular officer is so informed by the Secretary of State, the consular officer may proceed with the issuance of a nonimmigrant visa to the alien, subject to the conditions imposed by the Attorney General upon the alien's temporary admission into the United States.

(c) In the case of an alien who is seeking to enter the United States for the purpose of proceeding in transit to the Headquarters District of the United Nations in the United States under the provisions of section 11 (3), (4), or (5) of the Headquarters Agreement with the United Nations, and who is known or believed to be ineligible to receive a visa under the provisions of section 212 (a) (28) of the act, but not mandatorily ineligible under the provisions of section 212 (a) (27) or (29) of the act, the consular officer shall submit promptly to the Secretary of State a full report with a request for an advisory opinion concerning the action to be taken in the case. The consular officer may include in such report a recommendation for possible transmission to the Attorney General concerning the alien's possible temporary admission into the United States under the provisions of section 212 (d) (3) of the act. Upon receipt of notification from the Secretary of State that the Attorney General has authorized the temporary admission of such an alien in transit, the consular officer may proceed with the issuance of a transit visa to the alien, subject to the conditions imposed by the Attorney General for the admission of the alien in transit to the United Nations Headquarters District.

(Sec. 212, 66 Stat. 182; 8 U. S. C. 1182)

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AUTHORITY: §§ 42.1 to 42.49 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 42.1 *Definitions.* The following definitions, in addition to the pertinent definitions contained in the Immigration and Nationality Act, shall be applicable to this part:

(a) "Act" means the Immigration and Nationality Act.

(b) "Affirmation" means a verification in confirmation of truth in lieu of a sworn statement by a person who has conscientious scruples against taking an oath.

(c) "Chinese person" means an alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to China.

(d) "Consular officer", as defined in section 101 (a) (9) of the act, shall include the District Administrators of the Trust Territory of the Pacific Islands, and the Naval Administrator, United States Naval Administration Unit Saipan District, hereby designated as consular officers for the purpose of issuing immigrant visas.

(e) "Department" means the Department of State of the United States of America.

(f) "Passport" as defined in section 101 (a) (30) of the act shall not be considered as limited to a national passport, but shall be considered as including any other document issued by a competent authority, which shows the bearer's origin, identity, and nationality if any, and which is valid for the entry of the bearer into a foreign country. The term "passport" shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101 (a) (30) of the act: *Provided,* That written permission to enter a foreign country shall be considered as fulfilling one of such requirements if it is clearly valid for such purpose and speci-

fies no conditions to such validity for the alien's entry into a foreign country.

(g) "Port of entry" means a port or place designated by the Attorney General or the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

CLASSIFICATION OF IMMIGRANTS

§ 42.2 *Presumption of immigrant status.* Every alien shall be presumed to be an immigrant until he furnishes information or presents evidence establishing nonimmigrant status under the provisions of Part 41 of this chapter. An immigrant shall be classified as a quota immigrant until he establishes that he is classifiable as a nonquota immigrant. In order to be classified as a nonquota immigrant, an alien shall be required to qualify for such classification within one of the nonquota immigrant categories specified in section 101 (a) (27) of the act and hereinafter more specifically described in this part.

§ 42.3 *Immigrant classification symbols.* (a) A visa issued to an alien as an immigrant within one of the nonquota immigrant classes defined in section 101 (a) (27) of the act, or to an alien as an immigrant within one of the quota immigrant classes described in section 203 (a) of the act, shall bear a symbol to show the classification of the immigrant, in conformity with section 221 (a) of the act. Such symbol shall be inserted by the consular officer in the designated space on the visa side of the immigrant visa application Form 256.

(b) The following symbols shall be used in the cases of nonquota immigrants:

Class	Section of the act	Symbol to be inserted in visa
Spouse of United States citizen	101 (a) (27) (A)	M-1
Child of United States citizen	101 (a) (27) (A)	M-2
Returning resident	101 (a) (27) (B)	N
Native of certain Western Hemisphere countries	101 (a) (27) (C)	O-1
Spouse of alien classified O-1	101 (a) (27) (C)	O-2
Child of alien classified O-1	101 (a) (27) (C)	O-3
Person who lost United States citizenship by marriage	101 (a) (27) (D) and 324 (a)	P-1
Person who lost United States citizenship by serving in foreign armed forces	101 (a) (27) (D) and 327	P-2
Minister of religion	101 (a) (27) (F)	Q-1
Spouse of alien classified Q-1	101 (a) (27) (F)	Q-2
Child of alien classified Q-1	101 (a) (27) (F)	Q-3
Certain employees or former employees of United States Government abroad	101 (a) (27) (G)	R-1
Spouse of alien classified R-1	101 (a) (27) (G)	R-2
Child of alien classified R-1	101 (a) (27) (G)	R-3

(c) The following symbols shall be used in the cases of quota immigrants:

Class	Section of the act	Symbol to be inserted in visa
First preference: Selected immigrant	203 (a) (1)	T-1
Spouse of alien classified T-1	203 (a) (1)	T-2
Child of alien classified T-1	203 (a) (1)	T-3
Second preference: Parent of United States citizen	203 (a) (2)	U
Third preference: Spouse of alien resident	203 (a) (3)	V-1
Third preference: Child of alien resident	203 (a) (3)	V-2
Fourth preference: Brother or sister of United States citizen	203 (a) (4)	W-1
Fourth preference: Son or daughter of United States citizen	203 (a) (4)	W-2
Nonpreference: Other quota immigrants	203 (a) (4)	X

(d) The following symbols shall be used in the cases of nonquota immigrants who qualify for the benefits of the act of September 11, 1957 (Public Law 85–316).

Class	Section of the act	Symbol to be inserted in visa
Eligible orphan adopted abroad	4 (b) (2) (A)	K-1
Eligible orphan to be adopted	4 (b) (2) (B)	K-2
Spouse or child of adjusted first preference immigrant	9	K-3
Beneficiary of first preference petition approved prior to July 1, 1957	12	K-4
Spouse or child of beneficiary of first preference petition approved prior to July 1, 1957	12	K-5
Beneficiary of second preference petition approved prior to July 1, 1957	12	K-6
Beneficiary of third preference petition approved prior to July 1, 1957	12	K-7
German expellee	15 (a) (1)	K-8
Netherlands refugee or relative	15 (a) (2)	K-9
Refugee-escapee	15 (a) (3)	K-10

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

CLASSES OF NONQUOTA IMMIGRANTS

§ 42.4 *Nonquota relatives.* (a) An alien shall, regardless of ancestry, be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (A) of the act, only if such alien establishes by the presentation of appropriate evidence to the consular officer that he is the spouse or child of a citizen of the United States, and is the beneficiary of an approved petition filed in his behalf with the Attorney General by such citizen, upon the basis of which the consular officer shall have been authorized by the Secretary of State to grant the nonquota immigrant status. An approved petition for first-preference quota status for the husband of a United States citizen shall, if still valid on December 24, 1952, be deemed to be valid for nonquota status under section 101 (a) (27) (A) of the act until December 24, 1953, except as otherwise provided in § 42.28.

(b) In issuing an immigrant visa to an alien child as a nonquota immigrant under the provisions of section 101 (a) (27) (A) of the act, the consular officer shall warn such alien, if he is approaching the age of twenty-one years, that he will not be admissible as such a nonquota immigrant if he fails to apply for admission at a port of entry in the United States before reaching the age of twenty-one years.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 42.5 *Returning resident alien*—(a) *Burden of proof.* An alien shall, regardless of ancestry, be issued an immigrant visa as a nonquota immigrant under the provisions of section 101 (a) (27) (B) of the act only if he sustains the burden of establishing through the presentation of appropriate evidence that (1) he has the status of an alien lawfully admitted for permanent residence, (2) he is returning to the United States from a temporary visit abroad, and (3) he is otherwise eligible to receive an immigrant visa under the provisions of section 212 of the act and § 42.42.

(b) *Evidence of returning resident status.* An alien applying for a nonquota immigrant visa under the provisions of section 101 (a) (27) (B) of the act shall be required to present any evidence deemed necessary by the consular officer to establish eligibility to receive such visa. In this connection, the applicant may be required to furnish for inspection his alien registration receipt card (Form I–151) if such a card has been issued to him, or an expired reentry permit if such a reentry permit was issued to him. Such alien shall be required to establish specifically that:

(1) He had the status of an alien lawfully admitted for permanent residence at the time of his departure from the United States;

(2) He departed from the United States with the intention of returning thereto;

(3) He is returning to the United States from a temporary visit abroad: *Provided,* That when his stay abroad was protracted, he shall be required to establish whether the reasons therefor were beyond his control and whether he was not responsible therefor, in order that it may be determined whether the sojourn abroad was temporary.

(c) *Authority to require supporting documents.* The provisions of section 222 (b) of the act requiring an immigrant to furnish with his application for a visa certain records and documents shall be applicable, in the case of an alien who is classifiable as a nonquota immigrant under the provisions of section 101 (a) (27) (B) of the act, to the extent of requiring such alien to furnish those records and documents which relate to the period of his residence in the United States and the period of his temporary visit abroad, unless the consular officer has reason to question the legality of the alien's previous admission into the United States for permanent residence, or his eligibility otherwise to receive an immigrant visa. If any such record or document is not obtainable within the meaning of § 42.35 (c), the consular officer may permit the alien to submit, in lieu thereof, other satisfactory evidence of the fact to which the record or document would, if obtainable, pertain.

(d) *Bearers of reentry permits.* An alien who is in possession of an unexpired reentry permit issued to him by the Immigration and Naturalization Service, and who makes application for an immigrant visa of any kind shall, prior to the issuance of the visa, relinquish such permit to the consular officer for attachment to the immigrant visa and for such disposition at the port of entry as the immigration officer deems appropriate.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

§ 42.6 *Natives of Western Hemisphere countries.* (a) An alien shall be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (C) of the act only if such alien sustains the burden of presenting evidence which establishes to the satisfaction of the consular officer that:

(1) Such alien was born in Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, or that

(2) Such alien is the eligible spouse, or the child of an alien referred to in subparagraph (1) of this paragraph, and is accompanying or following to join him.

(b) The provisions of paragraph (a) of this section shall not apply to a Chinese person, or to any other person who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, unless such person is the child of, and is accompanying or following to join, an alien referred to in subparagraph (1) of paragraph (a) of this section.

(c) Nonquota immigrant status under the provisions of section 101 (a) (27) (C) of the act, once acquired as provided in paragraphs (a) and (b) of this section, shall not be lost by the operation of the provisions of section 202 (a) (1) or (2) of the act.

(d) An alien born in a quota area and claiming nonquota immigrant status under the provisions of section 101 (a) (27) (C) of the act because of relationship to a spouse or parent born in a nonquota country shall be required to present the evidence necessary to establish such status.

(e) An alien referred to in subparagraph (2) of paragraph (a) of this section, who is following to join an alien parent in the United States, shall establish by satisfactory evidence that the parent was born in a nonquota country, and has the status of an alien lawfully admitted for permanent residence.

(f) An alien applying for a nonquota immigrant visa as the spouse of an alien classifiable as a nonquota immigrant under the provisions of section 101 (a) (27) (C) of the act shall be required to establish that the applicant's spouse from whom nonquota status is derived by the applicant under that section of the act was born in a nonquota country and is eligible to receive a nonquota immigrant visa under that section of the act, or that such applicant's spouse was born in a nonquota country and has the status of an alien lawfully admitted for permanent residence. Such an applicant shall not be eligible for nonquota status under section 101 (a) (27) (C) of the act if he or she is a Chinese person, or any other person who is attributable by as much as one-half of his or her ancestry to a people or peoples indigenous to the Asia-Pacific triangle.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 42.7 *Former United States citizens*—(a) *Women expatriates.* An alien applying for reacquisition of citizenship under the provisions of section 324 (a) of the act shall, regardless of ancestry, be accorded nonquota immigrant status under the provisions of section 101 (a) (27) (D) of the act only if such alien sustains the burden of presenting evidence which establishes to the satisfaction of the consular officer that she was a citizen of the United States and that she lost her citizenship by reason of marriage to an alien, or by reason of the loss of United States citizenship by her husband, or by reason of her marriage to an alien who was ineligible to citizenship, and that she has not acquired any other nationality by any affirmative act other than marriage. The provisions of this paragraph shall apply to aliens regardless of their marital status at the time of the issuance of a visa.

(b) *Military expatriates.* A person, regardless of ancestry, who, during World War II and while a citizen of the United States, lost his United States citizenship under the provisions of section 2 of the act of March 2, 1907 (34 Stat. 1228), or under the provisions of section 401 (b) or (c) of the Nationality Act of 1940 (54 Stat. 1169), by reason of entering, or serving in, the military, air, or naval forces of any country at war with a country with which the United States was at war after December 7, 1941 and before September 2, 1945, or by reason of taking an oath or obligation for the purpose of entering such forces, and who may apply for reacquisition of citizenship under the provisions of section 327 of the Immigration and Nationality Act, may be accorded the status of a nonquota immigrant under the provisions of section 101 (a) (27) (D) of that act. For the purposes of section 327 of the Immigration and Nationality Act, World War II shall be deemed to have begun on September 1, 1939, and to have terminated on September 2, 1945.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 42.8 *Ministers of religion.* (a) An alien shall, regardless of ancestry, be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (F) of the act only if such alien establishes that:

(1) He continuously for at least 2 years immediately preceding the time of his application for a visa has been, and seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of a recognized religious denomination having a bona fide organization in the United States and needing the services of such minister, as evidenced by an authorization from the Secretary of State to grant such status upon the basis of a petition filed by a competent authority of the denomination with, and approved by, the Attorney General; or

(2) Is the spouse or child of such minister and is accompanying or following to join him.

(b) The term "minister", as used in section 101 (a) (27) (F) of the act, means a person duly authorized by a recognized religious denomination having a bona fide organization in the United States to conduct religious worship, and to perform other duties usually performed by a regularly ordained pastor or clergyman of such denomination. The term shall not include a lay preacher not authorized to perform the duties usually performed by a regularly ordained pastor or clergyman of the denomination of which he is a member, and shall not include a nun, lay brother, or cantor.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

§ 42.9 *United States Government employees.* An alien shall, regardless of ancestry, be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (G) of the act only if the consular officer is satisfied that such alien:

(a) Has served the Government of the United States faithfully as an employee for a total period of not less than 15 years;

(b) Performed such service abroad for one or more establishments of the United States Government, but not necessarily for the Foreign Service of the United States;

(c) If a former employee, was retired under honorable conditions; and

(d) Has been recommended for such nonquota status by the principal officer at the diplomatic or consular office where the alien is applying for a visa and such recommendation shall have been approved by the Secretary of State upon the basis of a finding that the granting of such status is in the national interest of the United States; or

(e) Is the spouse or child of an alien described in paragraphs (a) to (d), inclusive, of this section.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

CLASSES OF QUOTA IMMIGRANTS

§ 42.10 *Quota immigrants*—(a) *Presumption of classification.* Every alien shall be presumed to be a nonpreference quota immigrant until such alien establishes that he is entitled to be classified as a preference quota immigrant, or as a nonquota immigrant, or as a nonimmigrant.

(b) *Burden of proof of classification.* Every alien who seeks to establish that he is classifiable as a preference quota immigrant shall have the burden of proving that he is entitled to be classified within one of the preference quota classes specified in the act and referred to more specifically in § 42.11.

(c) *Effect of approved petition.* The fact that a consular officer shall have

been authorized by the Secretary of State to grant a preference quota status to an alien upon the basis of a petition filed with, and approved by, the Attorney General in such alien's case shall not be considered as shifting from the alien to the consular officer the burden of proving eligibility to receive a visa. Such authorization by the Secretary of State shall have the effect of establishing prima facie that the alien is entitled to the classification approved in the petition.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

§ 42.11 *Classes of quota immigrants*—(a) *First preference class.* The first preference class of quota immigrants shall consist of the selected immigrants referred to in section 203 (a) (1) of the act, including the accompanying spouses and children of such immigrants, who shall be entitled to preferential consideration under the first half of the quota to which they are chargeable and within any other portion of such quota not required for the issuance of visas to immigrants primarily entitled thereto.

(b) *Second preference class.* The second preference class of quota immigrants shall consist of the alien parents of citizens of the United States, such citizens being twenty-one years of age or over, as referred to in section 203 (a) (2) of the act, who shall be entitled to preferential consideration under the next 30 per centum of the quota to which they are chargeable and to second preference within any other portion of such quota not required for the issuance of visas to immigrants primarily entitled thereto.

(c) *Third preference class.* The third preference class of quota immigrants shall consist of the alien spouses and children of aliens lawfully admitted for permanent residence, referred to in section 203 (a) (3) of the act, who shall be entitled to preferential consideration under the remaining 20 per centum of the quota to which they are chargeable and to third preference within any other portion of such quota not required for the issuance of visas to immigrants primarily entitled thereto.

(d) *Fourth preference class.* The fourth preference class of quota immigrants shall consist of the alien brothers and sisters of United States citizens, and of the alien sons and daughters who are twenty-one years of age or over, or married, of United States citizens, as referred to in section 203 (a) (4) of the act, who shall be entitled to a preference of not exceeding 25 per centum of that portion of every quota which is not required for the issuance of immigrant visas to qualified immigrants within the first, second, and third preference classes.

(e) *Nonpreference class.* The nonpreference class of quota immigrants shall consist of all quota immigrants not entitled to preferential consideration as preference-quota immigrants under section 203 (a) (1), (2), (3), or (4) of the act: *Provided,* That prior to July 1, 1954, not more than 50 per centum of the quota numbers available for the issuance of visas to qualified nonpreference quota immigrants shall be available for the issuance of visas to qualified immigrants under the second proviso to section 3 (c) of the Displaced Persons Act of 1948, as amended (62 Stat. 1009, 64 Stat. 219).

(f) *Priority of access to unused portions of a quota.* In determining whether an alien shall have access to an unused preference portion of a quota after the preference portion of the quota to which he is primarily entitled has been exhausted, priority shall be given to aliens within each of the preference classes in the order of their preference as specified in the act, until the unused portion or portions of the quota shall have been exhausted. No quota number shall be made available for the issuance of an immigrant visa to a nonpreference quota immigrant if there is a sufficient demand on the part of qualified preference-quota immigrants to exhaust the quota.

(Sec. 203, 66 Stat. 178; 8 U. S. C. 1153)

§ 42.12 *Annual determination of quota numbers available under each quota.* For the purposes of section 203 (a) of the act and § 42.11, the full quota for each quota area for each quota year shall be considered to be the quota as proclaimed by the President under section 201 (b) or 202 (e) of the act, less the quota numbers authorized to be taken from, or otherwise previously used under such quota by authority of law before the beginning of each quota year, as provided in section 201 (e) of the act, or in any other provision of law.

§ 42.13 *Determination of quota to which an immigrant is chargeable.* (a) An immigrant who was born in a quota area shall be chargeable to the quota of such area, unless he is classifiable as a nonquota immigrant as defined in section 101 (a) (27) of the act, or unless he falls within one of the exceptions to the general rule of quota chargeability, as specified in section 202 of the act, or unless he is a Chinese person who is chargeable to the quota for Chinese as provided in § 42.15.

(b) A quota immigrant child accompanied by his alien parent may be charged to the quota of the accompanying parent, as provided in section 202 (a) (1) of the act, regardless of the ancestry of such child or of his accompanying alien parent, and regardless of whether the child was born in the Asia-Pacific triangle or in a subquota area inside or outside of such triangle. This rule shall apply in such manner as to permit a child born in a subquota area to be charged, as provided in section 202 (a) (1) of the act, to a governing country's quota with his accompanying parent who is chargeable to such governing country's quota, even if the child was born in a subquota area under the same governing country's quota and the subquota is exhausted.

(c) An alien born in a quota area in which neither of his parents was born and in which his parents were, at the time of such alien's birth, merely visiting temporarily, or in which one or both of his parents were stationed after having been sent there temporarily under orders or instructions of an employer, principal, or superior authority foreign to such country in connection with the business or profession of such employer, principal, or superior authority, may, except as otherwise provided in section 202 (a) (5) of the act, be charged to the quota of either parent, as provided in section 202 (a) (4) of the act.

(d) A quota immigrant spouse who is not attributable by as much as one half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle may, as provided in section 202 (a) (2) of the act, be charged to the quota of his accompanying spouse, including the Asia-Pacific quota, the quota for Chinese persons, or any other Asia-Pacific triangle quota.

(Sec. 202, 66 Stat. 176; 8 U. S. C. 1152)

ASIANS

§ 42.14 *Asia-Pacific triangle*—(a) *Persons born in a quota area in the triangle.* A quota immigrant, regardless of his ancestry, who was born in a quota area lying wholly within the geographically delimited area specified in section 202 (b) of the act and referred to as the Asia-Pacific triangle, shall be chargeable to the quota of the quota area of his birth, unless he falls within one of the exceptions to the general rule of quota chargeability, as specified in section 202 of the act, or unless he is chargeable to the quota for Chinese persons as provided in § 42.15.

(b) *Persons indigenous to, but born outside of, the Asia-Pacific triangle.* A quota immigrant who was born outside of the Asia-Pacific triangle and who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle shall be chargeable to a quota as specified in section 202 (b) of the act, unless he is chargeable to the quota for Chinese persons as provided in § 42.15.

(c) *Asia-Pacific quota.* Quota immigrants in the following categories, other than Chinese persons, and except as provided in § 42.13 (b), shall be chargeable to the Asia-Pacific quota of one hundred annually:

(1) A quota immigrant attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, if born within a colony or other dependent area situate wholly within said triangle;

(2) A quota immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to one or more colonies or other dependent areas situate wholly within the Asia-Pacific triangle;

(3) A quota immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to peoples indigenous to two or more separate quota areas situate wholly within the Asia-Pacific triangle; and

(4) A quota immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to peoples indigenous to a quota area or areas and one or more colonies and other dependent areas situate wholly within the Asia-Pacific triangle.

(d) No alien shall be chargeable to the Asia-Pacific quota, except one who falls within one of the categories enumerated under subparagraphs (1) to (4) inclusive, of paragraph (c) of this section, and who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle.

(e) The quota proclaimed for "Pacific Islands (trust territory, United States administered)" to which an immigrant is chargeable in accordance with the provisions of section 202 of the act shall be distinguished from the Asia-Pacific quota which is referred to in paragraph (c) of this section.

(Sec. 202, 66 Stat. 176; 8 U. S. C. 1152)

§ 42.15 *Quotas for Chinese persons and for China*—(a) *Quota for Chinese persons.* A Chinese person who is classifiable as a quota immigrant shall be chargeable, regardless of the place of his birth, to the quota for Chinese persons of 105 annually authorized under section 201 (a) of the act, unless such person is a child chargeable to the quota of an accompanying parent as provided in section 202 (a) (1) of the act.

(b) *Quota for China.* An alien, other than a Chinese person, who was born in China and who is classifiable as a quota immigrant shall be chargeable to the quota for China regardless of his ancestry, unless such alien falls within paragraph (1), (2), (3), or (4) of section 202 (a) of the act: *Provided,* That if such alien is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle he may be excepted from chargeability to the quota for China only if he is a child chargeable to the quota of an accompanying parent as provided in section 202 (a) (1) of the act.

§ 42.16 *Quota preferences applicable to quotas of quota areas within Asia-Pacific triangle.* The provisions of section 203 (a) of the act concerning the classes of quota immigrants and the preferences within such classes, as described in § 42.11, shall apply to all quotas, including all quotas for quota areas within the Asia-Pacific triangle, which shall include the quota for Chinese persons.

§ 42.17 *Nonquota status for natives of Asia-Pacific triangle: Exceptions.* The provisions of section 101 (a) (27) of the act defining the nonquota classes, except the provisions of subparagraph (C) thereof relating to certain natives of Western Hemisphere countries, shall be applicable to qualified immigrants including Chinese persons and others who are attributable by as much as one-half of their ancestry to a people or peoples indigenous to the Asia-Pacific triangle: *Provided,* That the child of an immigrant parent who is entitled to nonquota status under the provisions of section 101 (a) (27) (C) of the act, if accompanying or following to join such a parent, shall also be entitled to nonquota status under that section of the act, notwithstanding the fact that such child may be a Chinese person or may be attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle.

(Sec. 202, 66 Stat. 176; 8 U. S. C. 1152)

§ 42.18 *Subquotas*—(a) *Definition.* The term "subquota" refers to that portion of the quota of a governing country which may be made available, subject to a limitation of 100 annually, to quota immigrants born in any colony or other component or dependent area overseas from such governing country.

(b) *Immigrants chargeable to subquotas.* Any quota immigrant born in a colony or other component or dependent area overseas from the governing country shall be chargeable to the subquota of such country, except as provided in paragraph (c) of this section, or § 42.13 (b).

(c) *Exceptions to subquota chargeability.* (1) Any quota immigrant born in a colony or other component or dependent area overseas from the governing country, who is a Chinese person or who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, shall not be chargeable to a subquota, but shall be chargeable to the Chinese quota if a Chinese person, or to another appropriate quota, as provided in section 202 (b) of the act, and §§ 42.14 and 42.15.

(2) A spouse who is an eligible quota immigrant, or a child regardless of ancestry, born in a subquota area accompanying an alien spouse or parent chargeable to the quota of the governing country of such area, may be charged to the quota of the governing country under the conditions specified in section 202 (a) (2) of the act, and not to the subquota if such subquota is exhausted: *Provided,* That this subparagraph shall not be applicable in the case of such an applicant who is within the provisions of subparagraph (1) of this paragraph.

(d) *Control of subquotas.* The numerical control of a subquota shall in the case of an oversubscribed quota of the governing country, be subject to the same limitations which apply to the quota of the governing country, including the ten percent monthly limitations upon the issuance of visas during the first ten months of each quota year and the ten percent monthly limitations shall be in relation to the whole quota and not merely based upon the subquota or subquotas.

(e) *Priority in issuing visas under subquotas.* The priority in the issuance of visas within each quota category to aliens chargeable to a subquota shall be determined by the registration priority of such aliens in relation to the whole quota of the governing country: *Provided,* That once a subquota has been exhausted for a particular quota year, no more quota visas may be issued during such quota year to aliens chargeable to such subquota, regardless of any preference status or priority of consideration to which they may otherwise be entitled, unless the provisions of § 42.13 (b) or paragraph (c) (2) of this section are applicable.

(f) *Priority of consideration under subquotas.* The order for consideration of the cases of registrants under each quota, which includes the subquota or subquotas of each quota, shall be determined in accordance with the provisions of section 203 (d) of the act.

(Sec. 202, 66 Stat. 176; 8 U. S. C. 1152)

WAITING LISTS

§ 42.20 *Immigrant waiting lists*—(a) *Quota or nonquota waiting lists.* Whenever it becomes administratively impracticable at any consular office to give consideration to, and take final action upon, the case of an applicant for a quota or a nonquota immigrant visa without a waiting period, each such applicant's priority shall be maintained by the registration of his name on an administrative waiting list at such office. Quota waiting lists shall be maintained for each quota and shall include aliens chargeable to each subquota in such manner as to show the priority date of registration within each of the preference or nonpreference classes, and to permit the transfer of the name of any applicant from one category to another without losing his original priority. Quota waiting lists shall not be required in cases of immigrants chargeable to undersubscribed quotas, but an administrative waiting list shall be established if the workload at the consular office requires a waiting period before final consideration may be given by the consular officer to the cases of immigrants chargeable to the undersubscribed quotas. Nonquota administrative waiting lists may, in the discretion of the consular officer, be maintained separately for each nonquota category or for all nonquota categories combined.

(b) *Place of registration.* Every alien who desires to have his name registered on a quota waiting list shall make application for registration at a United States consular office in the consular district in which he has his residence: *Provided,* That a consular officer shall, at the direction of the Secretary of State, or may in his discretion, accept an application for registration from nonresidents of the consular district, including aliens in the United States who are entitled to have their names entered on a quota or subquota waiting list.

(c) *Registration prior to December 24, 1952.* (1) All persons whose names were registered on quota waiting lists on December 23, 1952, shall have their names transferred to the appropriate category of the waiting list for the quota, including the subquota, to which they are chargeable without losing the priority of their original registration, unless such registration is subject to cancellation under the provisions of § 42.23.

(2) In the case of an alien entitled to second preference status under the provisions of section 203 (a) (2) of the act and § 42.11 (b), who is the alien parent of a citizen of the United States and the beneficiary of a petition approved by the Attorney General prior to, and still valid on, December 24, 1952, the date of the approval of such petition shall be considered to be the date of such alien's registration priority, except in the case of an alien who is actually registered on the waiting list on a date preceding that of the approval of the petition, in which case the date of actual registration shall establish his priority. A valid petition as referred to in this subparagraph shall continue to be valid until December 24, 1953, except as otherwise provided in § 42.28.

(d) *Registrations on or after December 24, 1952.* Except as otherwise provided in paragraph (c) of this section or in § 42.25 (b) the registration of a quota immigrant on a waiting list shall be effected on or after December 24, 1952, upon the basis of an application for registration properly executed by the immigrant and received at the consular office by mail from such immigrant. The date, as well as the hour and minute wherever practicable, of the receipt at the consular office of each registration application form shall be noted thereon and shall constitute the registration priority under which the applicant's name shall be registered in the proper category on the appropriate waiting list.

(Sec. 203, 66 Stat. 178; 8 U. S. C. 1153)

§ 42.21 *Aliens included in single registration*—(a) *Principal and derivative registrants.* The application of a quota immigrant for registration on a waiting list shall be considered as automatically including any spouse he may have, and any unmarried son or daughter under twenty-one years of age such immigrant or his spouse may have, and who is residing regularly in the household of the principal registrant, at the time his turn is reached on the waiting list and he makes a formal application for an immigrant visa, regardless of whether such spouse, son or daughter was specifically named in his application for registration. Any other alien shall be registered separately and accorded a priority as of the date of such separate registration: *Provided,* That the provisions of this paragraph requiring a separate registration in the cases of aliens other than the spouse of a principal registrant and their unmarried sons or daughters under twenty-one years of age shall apply only to those aliens who register on a quota-waiting list on or after July 1, 1954, and shall not adversely affect any registration or registration privileges acquired prior to that date.

(b) *Termination of derivative registration.* The privilege of derivative registration accorded a spouse or child under the provisions of paragraph (a) of this section, whose name has not been previously recorded on a waiting list, shall terminate only upon the occurrence of any one of the conditions specified in § 42.23 for the removal of names from a quota-waiting list.

(c) *Conversion of derivative registration.* When an alien entitled to the privilege of derivative registration has exercised his privilege by having his name placed on a quota-waiting list as of the date of registration priority of the principal registrant, such alien shall be considered thereafter to be in the same position as any other alien who is registered on a quota-waiting list.

§ 42.22 *Aliens not to be registered or to retain registration on a quota-waiting list.* (a) Except as provided otherwise in this section, the following classes of aliens shall not have their names entered or retained on a quota or subquota waiting list:

(1) Aliens who enter the United States in violation of the immigration laws.

(2) Aliens who are in the United States in willful violation of their nonimmigrant status.

(3) Aliens who are within one of the classes of excludable aliens described in section 212 (a) (17) of the act, unless the Attorney General has consented to their reapplication for admission into the United States.

(4) Aliens who are in the United States as exchange visitors under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended. (62 Stat. 6; 66 Stat. 276)

(b) Notwithstanding the provisions of paragraph (a) of this section, aliens who qualify under the preference specified in section 203 (a) (1) of the act shall have their names entered or retained on the appropriate quota or subquota waiting list as of the date the approved petition was filed with the Attorney General.

(c) Notwithstanding the provisions of paragraph (a) of this section and the provisions of § 42.25 (c), aliens whose cases fall within paragraph (a) (2) of this section and who qualify under the preference specified in section 203 (a) (2), (3), or (4) of the act shall have their names entered or retained on the appropriate quota or subquota waiting list as of the date of their departure from the United States following a willful violation of status.

(d) Notwithstanding the provisions of paragraph (a) of this section and the provisions of § 42.25 (c), aliens whose cases fall within paragraph (a) (3) of this section and who qualify under the preference specified in section 203 (a) (2), (3), or (4) of the act shall have their names entered or retained on the appropriate quota or subquota waiting list as of the date the approved petition was filed with the Attorney General but in no event earlier than the date of their deportation from the United States.

(e) The provisions of paragraphs (a), (c), and (d) of this section shall not be construed to affect adversely any registration priority acquired prior to June 30, 1955, on the basis of an approved second, third, or fourth preference petition, regardless of the alien's status in the United States.

§ 42.23 *Removal of names of registrants from quota waiting list.* The registration of a quota immigrant shall be cancelled under any of the following circumstances:

(a) The registrant dies;

(b) The registrant was erroneously listed on the waiting list;

(c) The registrant enters the United States in violation of the immigration laws;

(d) The registrant abandons his intention to immigrate to the United States. An alien who for any reason fails to apply formally or informally for a visa within 60 days after being duly notified that his name has been reached on the waiting list shall be considered to have abandoned his intention to immigrate: *Provided,* That any such alien who can establish to the satisfaction of the consular officer that his failure to apply formally or informally for a visa was for reasons beyond his control and for which he was not responsible may make an application for a visa under his original priority on the waiting list when the circumstances which prevented him from applying formally or informally for a visa cease to exist, or within 60 days thereafter;

(e) The registrant has been denied an immigrant visa on some ground which cannot be overcome by the presentation of further evidence or by a probable change in the circumstances of his case;

(f) The registrant is issued an immigrant visa: *Provided,* That any alien receiving an immigrant visa who fails to use it for reasons beyond his control and for which he is not responsible, and who makes application for another visa in a subsequent quota year and within 60 days of the termination of the circumstances which prevented him from using the original visa, may be accorded his original priority on the waiting list for the purpose of making one additional application for a visa;

(g) The registrant is not eligible to retain his name on the waiting list by reason of the provisions of § 42.22.

ORDER OF PRIORITY OF CONSIDERATION

§ 42.25 *Priority for considering quota immigrant cases*—(a) *Priority in order of registration.* No immigrant within a preference category under a quota shall have his case considered before consideration is given to immigrants in a higher preference quota category as provided in section 203 (d), of the act, and no immigrant within any category under a quota shall have his case considered until after consideration shall have been given to other immigrants in the same category who have an earlier priority of registration on the chronological quota waiting list for such category.

(b) *Registration of first-preference immigrants.* The registration priority of a first-preference quota immigrant shall be determined by the date on which a petition was filed with the Attorney General for the immigration of such immigrant. An authorization received from the Secretary of State to grant first-preference quota immigrant status to the beneficiary of an approved petition shall be recorded at each consular office in the order of the date on which the petition was filed with the Attorney General and shall constitute the chronological registration record of such case on the quota waiting list, or on the administrative list if the quota is under-subscribed and the workload at the consular office necessitates an administrative waiting period.

(c) *Registration of other preference quota immigrants.* The registration priority of quota immigrants in the second, third and fourth preference classes shall be determined in each class in the chronological order in which such immigrants are registered on quota waiting lists at each consular office in the order of the receipt of their registration applications, as provided in § 42.20 (c) or in the chronological order in which the required petitions for the immigrants in such classes were filed with the Attorney General, whichever date is earlier.

(d) *Registration of nonpreference quota immigrants.* The registration priority of nonpreference quota immigrants shall be determined in each class by the chronological order in which the immigrants' names are registered on the appropriate quota waiting lists at each consular office in the order of the receipt of their registration applications as provided in § 42.20 (c).

(e) *Retention of registration priority.* An alien who ceased to have first, second, third, or fourth preference-quota-immigrant status shall retain his chronological registration priority which shall be transferred to any other category in which he may qualify, except to the first-preference-quota-immigrant category.

(f) *Registration priority of former applicants under the Refugee Relief Act.* The registration priority to which an alien is or was entitled under the Refugee Relief Act of 1953, as amended, as determined by (1) the date on which he was registered on a quota waiting list for the purposes of the Immigration and Nationality Act, (2) the date he actually applied for registration under the Refugee Relief Act of 1953, as amended, (3) the date on which an approved petition was filed with the Attorney General in his behalf, or (4) the date on which a verified assurance of employment, housing, and against becoming a public charge, or an assurance of adoption and proper care, was filed with the Department in his behalf, whichever date is earliest, shall be considered his registration priority on a quota waiting list for the purpose of the Immigration and Nationality Act if such alien has maintained a continuing intent to immigrate to the United States.

(Sec. 203, 66 Stat. 178; 8 U. S. C. 1153)

§ 42.26 *Procedure in granting preference status.* No alien shall be accorded consideration as a quota immigrant entitled to first, second, third, or fourth preference status unless the consular officer shall have received from the Immigration and Naturalization Service a petition filed and approved in accordance with the provisions of section 204 or section 205 of the act. Subject to the provisions of § 42.28, consular officers shall, upon receipt of such a petition, grant the status indicated in the petition, but further consideration of the case of such immigrant shall be in the order of his priority among other immigrants in the same classification as determined under the provisions of § 42.25.

§ 42.27 *Procedure in granting nonquota status in petition cases.* No alien shall be accorded consideration as a nonquota immigrant entitled to the status of minister of a religious denomination under the provisions of section 101 (a) (27) (F) (i) of the act, or to the status of a child or spouse of a citizen of the United States under the provisions of section 101 (a) (27) (A) of the act, unless the consular officer shall have received from the Immigration and Naturalization Service a petition filed and approved in accordance with the provisions of section 204 or section 205 of the act. Subject to the provisions of § 42.28, consular officers shall, upon receipt of such a petition, grant the status indicated in the petition, but further consideration of the case of such immigrant shall be in the order of his priority among other immigrants in the same classification as determined by the date on which the approved petition was filed with the Attorney General.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

§ 42.28 *Suspension or termination of action in petition cases.* (a) Consular officers shall suspend or terminate action in petition cases under any of the following circumstances:

(1) The consular officer knows or has reason to believe that the petition was approved erroneously, or that the approval of the petition was obtained by fraud, misrepresentation, or other unlawful means.

(2) As to a petition approved under the provisions of section 204 or section 214 (c) of the act:

(i) The beneficiary is an alien who has been granted the status of an immigrant under the provisions of section 101 (a) (27) (F) (i) of the act, and has not obtained an immigrant visa under the status approved within one year of the date of approval of the petition;

(ii) The beneficiary is an alien who has been granted the status of a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act, and has not obtained a nonimmigrant visa under the status approved on or prior to the expiration date of approval shown on the approved petition;

(iii) The beneficiary is an alien who has been granted the status of a preference quota immigrant under the provisions of section 203 (a) (1) (A) of the act, and has not obtained an immigrant visa under the status approved on or prior to the expiration date shown on the approved petition. Any such petition which is terminated by the expiration of the period for which approval was given is subject to reaffirmation by the Attorney General for an additional period and is to be returned to the office of the Immigration and Naturalization Service which approved the petition with an appropriate explanation at such time as it appears that a quota number will be available within six months for the issuance of an immigrant visa to the beneficiary;

(iv) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary obtains an immigrant visa under the status approved.

(3) As to a petition approved under the provisions of section 205 of the act:

(i) The beneficiary is an alien who has been granted the status of a nonquota immigrant under the provisions of section 101 (a) (27) (A) of the act, and has not obtained an immigrant visa under the status approved within two years of the date of the approval of the petition;

(ii) The beneficiary is an alien who has been granted the status of a preference quota immigrant under the provisions of section 203 (a) (2), (3) or (4) of the act, and has not obtained an immigrant visa within three years of the date of approval of the petition, or during the quota year in which such three-year period expired;

(iii) The petitioner loses his United States citizenship or his status as an alien lawfully admitted for permanent residence, whichever status was necessary for the approval of the petition, or dies, before the beneficiary obtains an immigrant visa under the status approved;

(iv) The marriage between the petitioner and the spouse beneficiary is terminated by death, divorce or annulment before the beneficiary obtains an immigrant visa under the status approved;

(v) The child beneficiary is married at the time he makes formal application for an immigrant visa under the status approved, or will reach the twenty-first anniversary of his birth before his arrival in the United States to apply for admission under the status approved. In any such case involving a son or daughter of a United States citizen petitioner, the approved petition will continue to be valid for the purposes of section 203 (a) (4) of the act until the expiration of three years from the date of its approval, or until the expiration of the quota year in which such three-year period expired;

(4) Approval of a petition for nonquota or preference quota status has been specifically revoked by the Attorney General, and notice of revocation has been communicated to the appropriate consular officer.

(5) The consular officer knows or has reason to believe that the beneficiary of an approved petition is not entitled, for any other reason, to receive a visa under the status approved.

(b) In suspending or terminating action in a petition case for any reason specified in this section, consular officers need not report such suspension or termination to the Department except in a case in which the consular officer knows or has reason to believe that the petition was approved erroneously, or that approval was obtained by fraud, misrepresentation, or other unlawful means.

EXEMPTIONS FROM IMMIGRANT VISA REQUIREMENTS

§ 42.29 *Immigrants not required to obtain immigrant visas.* The following classes of immigrants shall not be required to obtain immigrant visas:

(a) Immigrants in possession of valid reentry permits or resident alien's border-crossing identification cards.

(b) An alien immigrant child born subsequent to the issuance of an immigrant visa to an accompanying parent, who will arrive in the United States and apply for admission during the period of validity of such visa.

(c) An American Indian born in Canada and having at least fifty per centum of blood of the American Indian race.

(d) An alien member of the armed forces of the United States who is in the uniform of, or who bears documents identifying him as a member of, such armed forces, who has been previously lawfully admitted for permanent residence, and who is proceeding to the United States under official orders or permit of such armed forces.

(e) Any alien lawfully admitted for permanent residence who is not required under the regulations of the Attorney General to present a valid immigrant visa upon returning to the United States.

(f) An alien who shall leave Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States, except as limited by the proviso contained in section 212 (d) (7) of the act in the cases of aliens admitted to Hawaii.

APPLICATIONS

§ 42.30 *Application for immigrant visa*—(a) *Form and content of application.* Every alien applying for an immigrant visa shall make application therefor on Form 256. In the application the immigrant shall furnish the information required under the provisions of section 222 (a) of the act, and such additional information as may be required in the application form. The requirement of the act that an immigrant shall state in his application his race and ethnic classification does not pertain to his religion.

(b) *Persons required to make separate application.* (1) Each alien shall be required to make a separate application for an immigrant visa;

(2) An alien under 14 years of age, or one physically incapable of executing an application, may have his application for an immigrant visa executed in his behalf by a parent or guardian. If the alien has no parent or guardian, the application may be executed by any person having lawful custody of, or a legitimate interest in, such alien.

(c) *Personal appearance.* Every applicant for an immigrant visa, including an alien whose application is executed by another person, shall be required to appear personally at the consular office in connection with his application.

(d) *Photographs.* Each applicant shall be required to furnish, with his application for an immigrant visa 3 identical copies of his photograph. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished, be 2 by 2 inches in size, unmounted, show a full front view without head covering, and shall be printed on a light background. Each copy of such photograph shall be signed by the person making an application in such a way as not to obscure the alien's features. One copy of such photograph shall be attached to Form 256a and another to Form 256b. The third copy shall be enclosed in a sealed envelope which shall be appended to Form 256a.

(e) *Place of application.* Every alien applying for an immigrant visa shall make application at a United States consular office in the consular district in which he has his residence: *Provided,* That a consular officer shall at the direction of the Secretary of State, or may in his discretion, accept an application for an immigrant visa from an alien having no residence in a consular district if such alien is physically present therein.

(f) *Completion of visa application.* The consular officer to whom formal application is made for an immigrant visa shall make certain that all pertinent questions on the application form are answered and all applicable blank spaces are filled out. The consular officer shall have authority to require, in his discretion, that an applicant for an immigrant visa answer any questions pertaining to arrests, police or criminal record, or other facts in his case which are deemed to be material to his application. Such additional statements shall be attached to Form 256 and made a part of the alien's visa application and shall be covered by the alien's oath to, or affirmation of, the application. The applicant shall be required to read the application when it is completed, or it shall be read to him in his language, or he shall otherwise be apprised of its full contents, and he shall be asked whether he is willing to subscribe thereto. If the alien is not willing to subscribe to the application unless changes are made in the information stated therein, a new application containing the necessary information as stated by the alien shall be prepared.

(g) *Signature and seal.* Form 256 shall be signed in the presence of the consular officer by the applicant in the appropriate spaces in accordance with the manner in which he affixes his signature. The application shall be sworn to, or affirmed, by the applicant before the consular officer, who shall be satisfied that the applicant understands, and is willing to subscribe to, its contents. The consular officer shall then sign such application, indicate his title, and affix the seal of his office in the designated places.

(h) *Fee receipt notation.* The receipt of the prescribed fee ($5) for the furnishing and verification of each application for an immigrant visa shall be evidenced by a rubber-stamped or typed notation placed on the reverse side of Form 256a opposite the space formerly reserved for the application fee number, and properly completed in the following form:

Service No. ----------
Tariff Item No. ----------
Fee Paid: U. S. $----------
Local CY. equiv. ----------

(Sec. 222, 66 Stat. 193; 8 U. S. C. 1202)

§ 42.31 *Immigrant preceding his family; informal examination of members of family.* (a) In the case of an applicant for an immigrant visa who proposes to precede his family to the United States, the consular officer may arrange for an informal examination of the other members of such applicant's family in order to determine whether there exists at that time any mental, physical, or other ground of ineligibility on their part to receive an immigrant visa;

(b) In the event any member of such family is found upon informal examination to be ineligible to receive an immigrant visa, the alien who intends to precede his family to the United States shall be so informed, and required by the consular officer to acknowledge in writing that he has been so informed;

(c) A determination in connection with an informal examination that an alien appears to be eligible for a visa shall carry no assurance that the alien concerned will be issued an immigrant visa in the future. The question of eligibility to receive such a visa is one which must finally be determined at the time of formal application.

§ 42.35 *Supporting documents in immigrant cases; burden of proof*—(a) *Burden of proof.* An alien who applies for an immigrant visa shall have the burden of establishing not only that he is entitled to the classification he seeks, but also that he is otherwise eligible to receive an immigrant visa under the immigration laws and the provisions of this part.

(b) *Supporting documents.* An alien applying for an immigrant visa shall be required to furnish with his application 2 copies of a police certificate; 2 certified copies of any existing prison record, military record, and record of his birth; and 2 certified copies of all other records or documents concerning him or his case, which the consular officer may deem to be necessary.

(1) The term "police certificate", as used in this section, means a certification by the appropriate police authorities stating what their records show concerning the alien, including any and all arrests, the reasons therefor, and the disposition of each case of which there is a record.

(2) The term "prison record", as used in this section, means an official document containing a report of the applicant's record of confinement in a penal or correctional institution, including his demeanor during such confinement.

(3) The term "military record", as used in this section, means an official document containing a record of the applicant's service and conduct while in military service, including any convictions of crime before military tribunals as distinguished from other criminal courts. A certificate of discharge from the military forces or an enrollment book belonging to the applicant shall not be acceptable in lieu of the official military record unless it shows the alien's complete record while in military service as hereinbefore indicated in this subparagraph. The applicant may, however, in any event be required to present for inspection such a discharge certificate or enrollment book if deemed necessary by the consular officer to establish the applicant's eligibility to receive an immigrant visa.

(4) The term "record of birth", as used in this section, means a birth certificate showing the date and place of birth and the parentage of an alien, issued by the official custodian of birth records in the country of the applicant's birth and based upon the original registration of birth. An alien who has only one copy of his birth certificate and cannot obtain another may present two certified or photostatic copies thereof, but the original shall be offered for inspection by the consular officer who may return it to the alien.

(5) The term "other records or documents", as used in this section, includes official records which are pertinent to a determination of the applicant's identity, classification, or any other matter relating to his eligibility to receive an immigrant visa.

(c) *Unobtainable documents.* (1) If an immigrant establishes to the satisfaction of the consular officer that any document or record required under this section is unobtainable, the consular officer may permit the immigrant to submit, in lieu of such document or record, other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain. A document or other record shall be considered "unobtainable" if it cannot be procured without causing to the applicant or a member of his family actual hardship, other than normal delay and inconvenience.

(2) If the consular officer determines that a supporting document, as referred to in paragraph (b) of this section, actually is unobtainable, although the catalog of available documents prepared by the Department shows that it is available, he shall affix to each copy of the visa application a statement bearing his signature and the seal of his office and setting forth in detail his reasons for considering the record or document to be unobtainable, and for accepting the particular secondary evidence attached to the visa.

(d) *Authenticity of records and documents.* If a consular officer has reason to believe that a particular record or document required under the provisions of this section and submitted by an applicant is not authentic or has been altered or tampered with in any material manner, he shall require or take such action as may be necessary to determine its authenticity, or to ascertain the facts to which such document purports to relate in the alien's case.

(Sec. 222, 66 Stat. 193; 8 U. S. C. 1202)

PASSPORTS

NOTE: Under the provisions of section 212 (a) (26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. The regulations of the Secretary of State (22 CFR 42.36 (a)) further provide that every alien who applies for an immigrant visa and who is subject to the passport requirement must be in possession of a passport which is valid for at least sixty days beyond the period of validity of the immigrant visa issued to him. By reason of the foregoing requirements, certain foreign governments have entered into an agreement with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Austria (Reisepass only), Brazil, Canada, Ceylon, Cuba, Dominican Republic, Ethiopia, Germany (Reisepass only), Guatemala, Honduras, Iceland, India, Mexico, The Netherlands, Pakistan, Portugal, United Kingdom (nonimmigrants only).

§ 42.36 *Passport requirement for immigrants*—(a) *Requirement.* Except as provided in paragraph (b) of this section, every alien applying for an immigrant visa shall present to the consular officer a passport, as defined in section 101 (a) (30) of the act and § 42.1 (f), which shall be valid for at least sixty days beyond the period of validity of the immigrant visa issued to such alien.

(b) *Exceptions.* An immigrant within any of the following categories shall not be required to present a passport in applying for an immigrant visa:

(1) An immigrant who is a stateless person;

(2) An immigrant who is a national of, and is applying for an immigrant visa outside of, a Communist-controlled country, and who, because of his opposition to Communism, is unwilling to make application for a passport to, or unable to obtain a passport from, the government of such country;

(3) An immigrant lawfully admitted for permanent residence, who is returning to the United States from a temporary visit abroad;

(4) An immigrant who is a member of the Armed Forces of the United States;

(5) An immigrant who is the parent, spouse, or unmarried son or daughter under twenty-one years of age, of a United States citizen;

(6) An immigrant who is the spouse or unmarried son or daughter under twenty-one years of age of an alien lawfully admitted for permanent residence;

(7) An immigrant who is qualified for and eligible to receive a first preference quota visa, unless such immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from such country;

(8) An immigrant who has been preexamined in the United States by the Immigration and Naturalization Service and who is applying for an immigrant visa in Canada;

(9) An immigrant who establishes that he is unable to obtain a passport, who is not within any of the categories specified in the paragraph, and in whose case the passport requirement imposed by this section or by the regulations of the Attorney General shall have been waived by the Attorney General and the Secretary of State, as evidenced by a specific instruction from the Department to the consular officer.

(c) *Immigrants included in single passport.* A passport may include any person or persons whose inclusion is authorized under the laws or regulations of the issuing governmental authority: *Provided,* That a photograph of each such person fourteen years of age or over shall have been attached to the passport.

EXAMINATION AND FINGERPRINTING

§ 42.37 *Physical and mental examination of immigrants.* (a) Prior to the issuance of an immigrant visa to any alien, the consular officer shall require such alien to submit to a physical and mental examination in order to determine his eligibility to receive such a visa.

(b) At consular offices where medical officers of the United States Public Health Service are on duty, the alien's examination shall be conducted by such officers. If a medical officer of the United States Public Health Service is not available, the required examination shall be conducted by a reputable and competent physician selected by the alien from a panel of such physicians approved by the consular officer. The consular officer shall bring to the attention of the panel of physicians the regulations of the United States Public Health Service governing the medical examination of aliens, including laboratory tests, and shall advise visa applicants, when laboratory facilities for the required tests are not available, that such tests must be made at the United States port of entry and may be a basis for the alien's exclusion.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

§ 42.38 *Registration and fingerprinting of immigrants*—(a) *Authority.* Every alien applying for an immigrant visa shall be fingerprinted on standard fingerprint Form AR-4, except a child under 14 years of age at the time of application for an immigrant visa.

(b) *Advance fingerprints.* An alien may be required by the consular officer at the time such alien makes preliminary or informal application for an immigrant visa, to have a set of his fingerprints taken on Form AR-4 in the event such procedure is considered necessary for the purpose of identification, or investigation. Consular officers may, where necessary, use the fingerprint card of an applicant for an immigrant visa in order to ascertain from the appropriate local or any other authorities whether they have any pertinent information concerning the applicant's eligibility to receive a visa.

(c) *Alien registration.* Every alien executing an application for an immigrant visa on Form 256 is thereby automatically registered, as required by section 221 (b) of the act, if the visa is issued.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

ISSUANCE OF IMMIGRANT VISAS

§ 42.40 *Authority to issue, refuse, and revoke, immigrant visas*—(a) *Authority to issue.* Consular officers are authorized to issue immigrant visas in accordance with the authority contained in sections 221 (a) and 224 of the act, and in accordance with the procedure prescribed in § 42.41.

(b) *Authority to refuse.* Consular officers are authorized to refuse immigrant visas in accordance with the authority contained in section 221 (g) of the act. The term "reason to believe", as used in section 221 (g) of the act, shall be considered to require a determination based upon facts or circumstances which would lead a reasonable person to conclude that the applicant is ineligible to receive an immigrant visa as provided in the act and as implemented by the regulations contained in this part.

(c) *Authority to revoke.* Consular officers are authorized to revoke immigrant visas in accordance with the authority contained in section 221 (i) of the act and on one or more of the specific grounds set forth, and in accordance with the procedure specified in § 42.44.

(Secs. 221, 224, 66 Stat. 191, 195; 8 U. S. C. 1201, 1204)

§ 42.41 *Procedure in issuing immigrant visa*—(a) *Insertion of pertinent data.* In issuing an immigrant visa, the pertinent information shall be inserted in the designated blank spaces provided on the visa side of Form 256. The dates to be inserted in the appropriate spaces on the visa shall be in a form which shows the day, month, and year, in that order, and the name of the month shall be spelled out—such as; "24 December 1952". A symbol specified in § 42.3 shall be used to indicate the classification of the immigrant and the visa. If the visa is being issued upon the basis of a petition approved by the Attorney General, the number and date of approval of such petition shall be inserted in the space provided for the visa petition number on the visa side of Form 256.

(b) *Numbering.* Nonquota immigrant visas may be numbered in consecutive order at each consular office, beginning a new series on December 24, 1952, and thereafter on July 1 of each year, if the consular officer in charge considers the numbering of nonquota visas to be desirable. A quota immigrant visa shall bear the quota number assigned to the consular officer for use in issuing the visa to the alien concerned.

(c) *Fee receipt notation.* The receipt of the prescribed fee ($20) for the issuance of each immigrant visa shall be evidenced by a rubber-stamped or typed notation properly completed in the same form as provided in § 42.30 (h), and placed on the visa part of Form 256a and 256b under the word "seal." This notation shall be made before the impression seal is affixed and the words "Fee No." shall be cancelled.

(d) *Signature and seal.* The consular officer who issues an immigrant visa shall affix his signature, indicate his title, and impress the seal of his office on the visa side of Form 256a in a manner which partly covers the photograph and the fee stamp. Thereupon, Form 256a shall become an immigrant visa and shall be issued by delivery to the immigrant or his authorized agent or representative.

(e) (1) *Notation in the immigrant's passport.* Upon the issuance of an immigrant visa to an alien who presents a passport issued by a government which is recognized de jure by the United States, the consular officer shall place a notation in the following form in such passport:

Nonquota-------- Immigrant Visa --------
Quota ---------- No. ------
Dated ----------
Issued to ----------
(Name)
American Consul at ----------

(2) *Passport of unrecognized government.* No seal, stamp, or notation of any kind shall be placed in a passport or other travel document issued by a government not recognized de jure by the United States.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

INELIGIBLE IMMIGRANTS

§ 42.42 *Classes of aliens ineligible to receive immigrant visas.* (a) The following implementation of section 212 of the act shall govern the issuance or refusal of immigrant visas in pertinent cases:

(1) *Feeble-mindedness.* [Reserved]

(2) *Insanity.* [Reserved]

(3) *One or more attacks of insanity.* [Reserved]

(4) *Psychopathic personality, epilepsy, or mental defect.* [Reserved]

(5) *Narcotic drug addicts or chronic alcoholics.* [Reserved]

(6) *Tuberculosis, leprosy, or dangerous contagious disease.* A determination of ineligibility to receive an immigrant visa under the provisions of sections 212 (a) (1) to (6), inclusive, of the act, shall be based upon the finding of a competent medical examiner as referred to in § 42.37: *Provided,* That in the case of an alien who applies for an immigrant visa at a consular office where no medical officer of the United States Public Health Service has been assigned or detailed, and the consular officer knows or has reason to believe that such alien is a drug addict, a chronic alcoholic, or is afflicted with psychopathic personality by reason of sexual deviation, a finding of ineligibility to receive an immigrant visa under the provisions of section 212 (a) (4) or (5) of the act may be based on facts or circumstances other than the finding of an examining physician.

(7) *Physical defect, disease or disability affecting alien's ability to earn a living.* An alien within the purview of section 212 (a) (7) of the act may be issued an immigrant visa, if otherwise qualified therefor, upon receipt of notice by the consular officer from the Department of the giving of a bond or undertaking, as provided in section 221 (g) of the act.

(8) *Paupers, professional beggars, or vagrants.* [Reserved]

(9) *Crime involving moral turpitude.* (i) An alien shall not be ineligible to receive a visa under the provisions of section 212 (a) (9) of the act (*a*) solely by reason of the conviction of a single offense which, if committed in the United States, would be a misdemeanor punishable by imprisonment not to exceed one year, and for which the penalty actually imposed was imprisonment not to exceed six months or a fine not to exceed $500, or both; or (*b*) solely by reason of the admission of the commission of a single offense or the commission of acts constituting the essential elements of a single offense which, if committed in the United States, would be a misdemeanor punishable by imprisonment not to exceed one year.

(ii) The term "purely political offense", as used in sections 212 (a) (9) and (10) of the act, shall include offenses which, the evidence presented to the consular officer clearly establishes, were involved in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious, or political minorities. The admission by an immigrant that he has committed acts which would have been punishable under the laws or decrees of a foreign country shall be considered an admission of the commission of a purely political offense within the meaning of section 212 (a) (9) of the act if the evidence presented to the consular officer clearly establishes that such laws or decrees were predicated upon the repression of racial, religious, or political minorities. The mere fact that an alien is or was a member of a racial, religious or political minority shall not be considered as sufficient in itself to warrant a conclusion that the crime of which he was convicted was a purely political offense.

(10) *Conviction of two or more offenses.* [Reserved]

(11) *Polygamy.* Aliens who are members of religious organizations which tolerate polygamy are not ineligible to receive immigrant visas under the provisions of section 212 (a) (11) of the act, unless such aliens themselves are polygamists, or unless they practice or advocate the practice of polygamy.

(12) *Prostitutes.* The fact that an immigrant may have ceased to engage in prostitution shall not remove the immigrant's ineligibility to receive a visa under the provisions of section 212 (a) (12) of the act.

(13) *Immoral sexual act.* [Reserved]

(14) *Skilled or unskilled laborers*—(i) *Certification by Secretary of Labor required.* No immigrant shall be considered ineligible to receive a visa under the provisions of section 212 (a) (14) of the act, even if he is migrating to the United States under a contract or other prearrangement of employment of any kind in the United States, until the Secretary of Labor shall have made the certification to the Secretary of State and the Attorney General as provided in clauses (A) or (B) of section 212 (a) (14) of the act concerning the availability of such labor in the locality of the alien's destination, or the effect of the immigration of such foreign labor on conditions of workers in the United States. The existence or the cancellation of such a certification by the Secretary of Labor shall be recognized by the consular officer only upon the basis of an official notification from the Department.

(ii) *Prearranged employment immaterial to ineligibility.* When the Secretary of Labor makes the certification referred to in subdivision (i) of this subparagraph, with respect to a particular occupation, the provisions of section 212 (a) (14) of the act shall apply to an immigrant who is seeking to enter the United States for the purpose of performing skilled or unskilled labor, even if such immigrant has no offer, promise, contract of employment, or any other form of pre-arranged employment in such occupation, unless such alien falls within one of the exempt categories specified in subdivision (iii) of this subparagraph.

(iii) *Exemptions.* Notwithstanding the fact that a consular officer has been officially notified of a determination and certification by the Secretary of Labor, as referred to in subdivision (i) of this subparagraph, the provisions of section 212 (a) (14) of the act shall have no application to the following classes of immigrants:

(*a*) Parents, spouses, or sons and daughters regardless of age or marital status, of United States citizens;

(*b*) Parents, spouses, or children of aliens lawfully admitted to the United States for permanent residence;

(*c*) Brothers or sisters of United States citizens;

(*d*) Immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants, and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States;

(*e*) Aliens classifiable as nonquota immigrants under the provisions of sections 101 (a) (27) (B), (F), and (G) of the act.

(15) *Public charges.* (i) Any conclusion that an immigrant is ineligible to receive a visa under the provisions of section 212 (a) (15) of the act shall be predicated upon the existence of facts or circumstances which indicate a reasonable probability that the immigrant will become a charge upon the public after entry into the United States.

(ii) A petition approved under the provisions of section 205 of the act shall have no bearing on the question of whether the beneficiary thereof will become a public charge after his arrival in the United States.

(iii) An alien within the purview of section 212 (a) (15) of the act may be issued an immigrant visa, if otherwise qualified therefor, upon receipt of notice by the consular officer from the Department of the giving of a bond or undertaking, as provided in section 221 (g) of the act.

(16) *Aliens excluded and deported.* An alien who was excluded and deported from the United States within the meaning of section 212 (a) (16) of the act shall be required to obtain permission from the Attorney General to reapply for admission if he applies for a visa within one year from the date of his deportation.

(17) *Aliens arrested and deported or removed from the United States.* (i) An alien who was arrested and deported from the United States, or who was removed from the United States within the meaning of section 212 (a) (17) of the act shall be required to obtain permission from the Attorney General to reapply for admission into the United States, regardless of the period of time which may have elapsed since his deportation or removal.

(ii) No alien who is required to obtain permission from the Attorney General to reapply for admission, as provided in sections 212 (a) (16) and (17) of the act, shall be considered eligible to receive an immigrant visa until such alien shall have obtained the necessary permission to reapply for admission, and shall have been found to be otherwise eligible to receive an immigrant visa under the act and the regulations contained in this part.

(18) *Stowaways.* [Reserved]

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation by fraud or by willfully misrepresenting a material fact for the purpose of gaining admission into the United States, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive an immigrant visa under the provisions of section 212 (a) (19) of the act: *Provided,* That the provisions of this subdivision shall not be applicable in the case of a bona fide refugee if such fraud or misrepresentation was committed in connection with the alien's entry into, or sojourn in, a foreign country and consisted of obtaining travel documents or of misrepresenting his place of birth, and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case: *Provided further,* That such fraud or misrepresentation was not committed for the purpose of evading the quota restrictions of the United States immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a United States visa. The fact that an alien may be or may have been a bona fide refugee shall not be considered as sufficient in itself to remove the alien from any excludable class.

(ii) Subject to the conditions stated in subdivision (i) of this subparagraph, an alien who, upon review of his case, is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended (62 Stat. 1013, 64 Stat. 225; 50 App. U. S. C. 1950), for the purpose of gaining admission into the United States as an eligible displaced person, or to have made a material misrepresentation within the meaning of section 11 (e) of the Refugee Relief Act of 1953, as amended (67 Stat. 405, 8 U. S. C. 1182) for the purpose of gaining admission into the United States as an alien eligible thereunder, shall be considered ineligible to receive an immigrant visa under the provisions of section 212 (a) (19) of the act.

(20) *Immigrant documentary requirements.* [Reserved]

(21) *Noncompliance with section 203 of the act.* [Reserved]

(22) *Ineligibility to citizenship.* [Reserved]

(23) *Illicit traffic in narcotic drugs.* [Reserved]

(24) *Aliens arriving in foreign contiguous territory or adjacent islands on nonsignatory or noncomplying transportation lines.* The provisions of section 212 (a) (24) of the act shall not be applicable to the following classes of immigrants:

(i) Aliens who are described in section 101 (a) (27) (B) of the act;

(ii) Aliens who are native-born citizens of countries enumerated in section 101 (a) (27) (C) of the act;

(iii) Aliens who, prior to December 24, 1952, arrived in one of the adjacent islands from which they are seeking to enter the United States;

(iv) Aliens who are natives of adjacent islands or foreign contiguous territory and who are seeking to enter the United States directly from an adjacent island or from foreign contiguous territory;

(v) Aliens who proceeded from one adjacent island or foreign contiguous territory to another by signatory carrier and who are seeking to enter the United States from the last island or territory, regardless of the method by which they first entered an adjacent island or foreign contiguous territory;

(vi) Aliens who proceeded from the United States by nonsignatory carrier to adjacent islands or foreign contiguous territory from which they seek to reenter the United States: *Provided,* That such aliens, as of the time of their last entry into the United States, would not have been ineligible to receive an immigrant visa under the provisions of section 212 (a) (24) of the act.

(25) *Illiterates.* [Reserved]

(26) *Nonimmigrant documentary requirements.* [Reserved]

(27) *Activities prejudicial to the public interest, or endangering the welfare, safety or security of the United States.* [Reserved]

(28) *Other subversive classes*—(i) *Members or affiliates.* The provisions of section 212 (a) (28) of the act shall be considered to relate to the ineligibility of aliens to receive visas because of their present or former voluntary membership in, or affiliation with, the classes described therein, including voluntary membership in, or affiliation with, the proscribed parties, organization, and groups as specified therein, regardless of the purpose of such aliens in coming to the United States.

(*a*) The term "affiliate", as used in section 212 (a) (28) of the act with reference to an organization, means an organization substantially directed, dominated, or controlled by one of the parties within the statutory proscription, which is or was used or operated by such party to help maintain its control over the country, or to help disseminate its economic and governmental doctrines or ideology;

(*b*) Service, whether voluntary or not, in the armed forces of any country shall not be regarded, of itself, as constituting or establishing an alien's membership in, or affiliation with, any proscribed party or organization, and shall not, of itself, constitute a ground of ineligibility to receive a visa;

(*c*) Voluntary service in a political capacity, such as a political commissar with the armed forces of any country, shall constitute affiliation with the political party or organization in power at the time of such service;

(*d*) Membership or affiliation, whether voluntary or not, which ended before an alien reached his sixteenth birthday shall not constitute a ground of ineligibility to receive a visa. If an alien continues or continued his membership or affiliation beyond his sixteenth birthday, the question whether his membership or affiliation after his sixteenth birthday is or was voluntary shall be determined as in the case of any other alien. In that connection, the facts relating to his activities only after his sixteenth birthday may be considered in determining whether the continuation of his membership or affiliation is or was voluntary;

(*e*) The term "operation of law", as used in section 212 (a) (28) (I) of the act, shall include any case wherein the alien without his acquiescence automatically becomes or became a member or affiliate of a proscribed party or organization by official act, proclamation, order, edict, or decree.

(ii) *Totalitarianism.* In accordance with the definition of "totalitarian party" contained in section 101 (a) (37) of the act, former or present voluntary members of, or aliens who were, or are, voluntarily affiliated with a non-communist party, organization, or group, or of any section, subsidiary, branch, affiliate or subdivision thereof, which during the time of its existence did not or does not advocate the establishment in the United States of a totalitarian dictatorship, shall not be considered ineligible under the provisions of section 212 (a) (28) of the act to receive visas, unless such aliens are known or believed by the consular officer to advocate, or to have advocated, personally, the establishment in the United States of a totalitarian dictatorship or totalitarianism, as defined in the act. Aliens who are, or have been, voluntary members of, or voluntarily affiliated with, the Communist party, or any of its sections, subsidiaries, branches, affiliates, or subdivisions, in any country, shall be considered, as specifically declared by the act, to be ineligible to receive visas, except as provided in subdivision (iii) of this subparagraph. If any other party is found to be a "totalitarian party", as defined in section 101 (a) (37) of the act, former or present voluntary membership in or affiliation with such party, or any of its sections, subsidiaries, branches, affiliates, or subdivisions, shall render an alien ineligible to receive a visa, except as provided in subdivision (iii) of this subparagraph.

(iii) *Defectors.* The term "defector" includes an alien who was a voluntary member of, or was voluntarily affiliated with, a proscribed party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, which exists, as well as a proscribed party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, which no longer exists but which did exist within the period of the last 5 years prior to the date of the application for a visa. The five-year period of defection required by the provisions of section 212 (a) (28) (I) (ii) of the act shall be considered as having begun to run from the established date of an alien's cessation of voluntary membership or affiliation or from the date such party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, ceased or ceases to exist. The words "actively opposed", as used in section 212 (a) (28) (I) (ii) of the act, shall be considered as embracing speeches, writings, and other overt or covert activities, during a period of at least 5 years prior to the application for a visa, in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, of which the alien was formerly a member or affiliate. An alien shall not be required, except in questionable circumstances, to show that he has actively opposed the doctrine, program, principles, and ideology of a proscribed party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof during the time it did not exist. However, such alien shall be required to show that during the period of non-existence of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, he did not personally advocate the doctrine, program, principles, and ideology of such party or organization, or of the section, subsidiary, branch, or affiliate or subdivision thereof, within the meaning of the act.

(iv) *Public interest with regard to visas.* Consular officers shall maintain a coordinated and uniform interpretation and appraisal of what constitutes the public interest in issuing or refusing visas to defectors. Such coordination and uniformity shall be accomplished by a reference of the consular officer's opinion to the Secretary of State for possible consultation with the Attorney General.

(29) *Activities relating to espionage, sabotage, public disorder, or other subversive activity.* [Reserved]

(30) *Alien accompanying another alien ordered excluded and deported.* [Reserved]

(31) *Alien contributing to illegal entry.* [Reserved]

(b) *Failure of application to comply with act.* An immigrant's visa application shall be considered as failing to comply with the provisions of the act if:

(1) The applicant fails to furnish the information to be included in such application as required by the act and the regulations contained in this part.

(2) Such application contains a false or incorrect statement.

(3) Such application is not supported by the necessary documents required under the provisions of the act or the regulations contained in this part.

(4) The applicant refuses to be fingerprinted as required by the act.

(5) The necessary fee is not paid for such application or for the immigrant visa.

(6) The alien fails to swear to, or affirm, the application before the consular officer.

(7) The visa application otherwise fails to meet the specific requirements of the act for reasons for which the alien is responsible.

(c) *Former exchange visitors.* (1) No alien who was admitted into the United States subsequent to June 4, 1956, as an exchange visitor, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including any alien granted an extension of the period of his temporary admission subsequent to the effective date of this regulation, shall be eligible to apply for and receive an immigrant visa notwithstanding the provisions of section 203 (b), (c), or (d) of the act, or the provisions of § 42.25 unless (i) the consular officer is satisfied that such alien has resided and been physically present abroad for an aggregate of at least two years since his departure from the United States following the termination of his exchange-visitor status in a country or countries cooperating in the exchange-visitor program, or (ii) the requirements of this subparagraph are waived as provided in section 201 (b) of the United States Information and Educational Exchange Act of 1948, as amended. (See § 41.102 of this chapter in cases of former exchange visitors who apply for nonimmigrant "H" visas.)

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, the requirement of a two-year residence and physical presence abroad shall not apply in the case of an alien who was in the United States as an exchange visitor on or before June 4, 1956, who proceeded abroad temporarily on a personal visit or for reasons related to his exchange-visitor program, and who was readmitted into the United States subsequent to June 4, 1956, for the remainder of the period of authorized stay granted prior to the effective date of this regulation to continue his participation in the exchange-visitor program with which he was connected at the time of his departure from the United States.

REFUSAL AND REVOCATION OF IMMIGRANT VISAS

§ 42.43 *Procedure in refusing immigrant visas.* (a) No immigrant visa, quota or nonquota, shall be issued to an alien if the consular officer is prohibited under the provisions of section 221 (g) of the act, from issuing a visa to such alien.

(b) When an immigrant visa is refused, a memorandum of refusal shall be prepared on Form 290 and retained in the appropriate consular file. The action of refusing an immigrant visa shall be reviewed by the consular officer in charge of visa work at the post, and if he concurs in the refusal he shall countersign the memorandum of refusal. If the consular officer in charge of visa work or the principal officer at the post does not concur in the refusal, he shall refer the case to the Department for an advisory opinion.

(c) If upon preliminary examination and after being informed of the consular officer's determination of his ineligibility to receive a visa an applicant decides not to execute a formal visa application, such a circumstance shall, for the purposes of this part, constitute an informal refusal of an immigrant visa. If an applicant has executed a formal application for an immigrant visa on Form 256 and has paid the application fee, a determination by the consular officer of the applicant's ineligibility to receive a visa shall, for the purposes of this part, constitute a formal refusal of an immigrant visa.

(d) In formally refusing an immigrant visa the consular officer shall write or stamp diagonally across the visa side of Form 256a and Form 256b in red ink the words "Visa refused under authority of ----------" (insert specific provision or provisions of law or regulation on which refusal is based). This notation shall be signed and dated by the consular officer refusing the visa. The application fee stamp shall be mutilated. Form 256a shall be delivered to the alien and Form 256b shall be retained in the consular file. The original of any supporting document submitted by the alien with his application may be returned to him if not required to be attached to Form 256.

§ 42.44 *Revocation of immigrant visas.*—(a) *Grounds for revocation.* Consular officers are authorized to revoke an immigrant visa under the following circumstances:

(1) The consular officer knows, or after investigation is satisfied, that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or

(2) The consular officer obtains information establishing the alien was otherwise ineligible to receive the particular visa at the time it was issued.

(b) *Notice of revocation.* (1) Notice of revocation shall, if practicable, be given to the alien at his last known address prior to his departure for the United States. Whenever circumstances permit, an alien shall be given an opportunity to show why he believes revocation to be, or to have been, unwarranted.

(2) Notice of revocation shall be given to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which the alien is known or believed to intend to travel to the United States.

(c) *Report of revocation.* A full report concerning the revocation of an immigrant visa shall be communicated to the Department for transmission to the Attorney General. A copy of such report shall be sent to the consular office which issued the visa if the revocation is effected by any other consular office upon its own initiative, upon instruction of the issuing office, or upon instructions from the Department. If it is not practicable to give the alien notice of revocation prior to his departure for the United States, the full report shall explain the circumstances and shall be submitted promptly to the Department for transmission to the Attorney General.

(d) *Surrender of revoked visa.* Upon receiving notice of revocation of his immigrant visa, the alien shall be requested to surrender Form 256a to the consular office indicated in the notice, for cancellation of the visa. The word "revoked" shall be written plainly on the visa by the consular officer, who shall sign and date such notation. Appropriate notation of the action taken, including a statement of the reason therefor, shall be made on Form 256b or on an appended memorandum. Any notation in the alien's passport concerning the issuance of the visa shall be cancelled.

(e) *Disposition of revoked visa quota number.* A quota number which has been used in issuing an immigrant visa may not be used again in issuing an immigrant visa to another alien, and such number need not be returned to the Department even if the immigrant visa is revoked, lost, stolen, destroyed, or expires without being used.

(Sec. 221, 66 Stat. 192; 8 U. S. C. 1201)

§ 42.45 *Disposition of supporting documents.* (a) Documents furnished in support of an application for an immigrant visa, other than those required to be permanently attached to Form 256, may, in the discretion of the consular officer, be returned to the person furnishing them. An alien shall not be given documents of a personal or confidential nature furnished to the consular officer directly by the alien's sponsor or other person, but such documents may be returned to the person furnishing them if they are irreplaceable. If such documents are returned, the consular officer shall prepare and attach to Form 256b a memorandum briefly summarizing the contents of the documents and the circumstances of their return.

(b) *Furnishing visa records for court proceedings.* Upon receipt by a consular officer of a request to furnish information from a visa file or record for use in court proceedings, as contemplated in section 222 (f) of the act, the consular officer shall submit such information with a full report to the Department.

(c) *Visa revoked, mutilated, or expired.* An immigrant visa which has expired, or which has been revoked or mutilated, shall, whenever practicable, be taken up, endorsed with an appropriate notation, and filed with the Form 256b at the consular office where the visa was originally issued. In the event such a visa is taken up at an office other than the issuing office, it shall be forwarded to such issuing office.

§ 42.46 *Refund of immigrant visa fee.* The fee of twenty dollars ($20.00) collected for the issuance of an immigrant visa shall not be refunded without specific authorization from the Department. In requesting such authorization the consular officer shall state in his communication the basis for the proposed refund, indicating clearly whether the visa was issued through some fault of the applicant or of the consular officer.

VALIDITY AND REVALIDATION

§ 42.47 *Validity of immigrant visa.* (a) The period of validity of an immigrant visa, quota or nonquota, shall not exceed four months, beginning with the date of issuance.

(b) If the visa was originally issued with a period of validity of less than four months, such period may be extended up to but not exceeding four months from the date of issuance of the visa. If an immigrant applies for an extension of the period of validity of his visa at a consular office other than the issuing office, the consular officer shall, unless he is satisfied beyond any doubt that the alien is eligible for the extension, communicate with the issuing office to ascertain if any objection is perceived to such extension. In extending the period of validity of an immigrant visa, the consular officer shall make appropriate notation of the new expiration date of the visa, affix his signature, indicate his title, and impress the seal of his office thereon.

(c) No fee shall be charged for extending the period of validity of an immigrant visa.

(d) An alien who is returning to Hawaii from a temporary visit abroad, and who (1) establishes that he entered Hawaii without an immigration visa between May 1, 1934, and July 3, 1946, inclusive, pursuant to the last sentence of section 8 (a) (1) of the act of March 24, 1934, as amended (48 Stat. 456), and that he was on the date of such entry a citizen of the Philippine Islands, or (2) establishes that he was admitted to Hawaii as a national of the United States, shall be considered classifiable as a nonquota immigrant under the provisions of section 101 (a) (27) (B) of the act, and, if otherwise qualified, shall be issued a nonquota immigrant visa limited in validity to application for admission only to Hawaii. *Provided,* That this limitation shall not apply in the case of an alien who is within a class declared to be nonquota immigrants under the provisions of section 101 (a) (27) of the act, other than subparagraph (C) thereof, and other than subparagraph (B) thereof in the case of an alien admitted to Hawaii only and subject to the restrictions prescribed in section 212 (d) (7) of the act. In any case in which a visa is limited in validity to application for admission only to Hawaii, such limitation shall be noted conspicuously on the face of the visa.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

§ 42.48 *Issuance of new or replace immigrant visa.*—(a) *Nonquota immigrant visa.* (1) A nonquota immigrant who establishes that his visa has been lost or mutilated, or has expired, may be issued a new nonquota immigrant visa at the same or any other consular office upon payment of the statutory application and visa fees: *Provided,* That the immigrant is again found to be qualified to receive such a visa under the immigration laws and regulations.

(2) Prior to issuing to an alien a new nonquota immigrant visa at a consular office other than that which issued the original visa, the consular officer shall communicate with the original visa-issuing office to ascertain if any reason is known why a new visa should not be issued.

(3) In the event a new nonquota immigrant visa is issued as provided in subparagraph (1) of this paragraph, such visa shall be given a new number in the series of nonquota immigrant visas issued at the consular office if that office numbers nonquota visas.

(b) *Replace quota immigrant visa.* (1) A quota immigrant who establishes that his visa has been lost or mutilated, or that he was otherwise unable to use it during the period of its validity because of reasons beyond his control and for which he was not responsible, may be issued a replace quota immigrant visa under the original quota number during the same quota year in which the original visa was issued, upon payment anew of the statutory application and visa fees: *Provided,* That the immigrant is otherwise qualified to receive such a visa under the immigration laws and regulations and the consular officer is in possession of the duplicate signed consular-file copy of the original visa.

(2) Prior to issuing a replace quota immigrant visa to an alien whose original immigrant visa was issued at some other consular office, the consular officer shall communicate with such other office to ascertain if any reason is known why a replace visa should not be issued.

(3) In issuing a replace quota immigrant visa, as provided in subparagraph (1) of this paragraph, the word "REPLACE" shall be inserted on Forms 256a and 256b before the word "IMMIGRANT" in the title of the visa.

(4) An immigration visa issued before December 24, 1952 may not be replaced on or after that date, but the immigrant may be issued an immigrant visa under the act and the regulations contained in this part, under the same quota number before June 30, 1953, upon payment of the new application and visa fees.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

TRANSFER OF PENDING CASES

§ 42.49 *Transfer of cases.* (a) The case of an applicant for an immigrant visa which is pending at one consular office may be transferred to another consular office at the applicant's request and risk if (1) there is reasonable justification for the transfer of the applicant's file, and (2) the receiving consular office has no reason to believe that the alien will not appear personally to apply for a visa.

(b) The transferring office shall include in the transfer of a case to another office, or shall forward as soon as possible thereafter, a report of clearance or nonclearance concerning the alien in the district of his former residence.

(c) The transfer of a case shall include any authorization to grant nonquota or preference quota status based upon an approved petition, the alien's registration priority, and all documents in the alien's file.

(d) In no case shall a quota number be transferred from one consular office to another. A quota number allotted by the Department for use in issuing an immigrant visa to an alien whose case is being transferred to another office shall be returned to the Department.

PART 44—DOCUMENTATION OF IMMIGRANTS UNDER SECTION 15 OF THE ACT OF SEPTEMBER 11, 1957

Sec.
- 44.1 Definitions.
- 44.2 Classes of applicants under section 15 of the act of September 11, 1957.
- 44.3 Procedure in applying for visa.
- 44.4 Registration priority for issuance of visas.
- 44.5 Ineligibility to receive visas.
- 44.6 Procedure in issuing visas.

AUTHORITY: §§ 44.1 to 44.6 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104. Interpret or apply sec. 15, 71 Stat. 639; 50 U. S. C. App. 1971a note.

§ 44.1 *Definitions.* The following definitions, in addition to the pertinent definitions contained in section 15 of the act of September 11, 1957, section 101 of the Immigration and Nationality Act and Part 42 of this chapter, shall be applicable to this part:

(a) "Act" means the act of September 11, 1957 (Public Law 85–316, 71 Stat. 639).

(b) "Applicant" means an alien who seeks to enter the United States under the provisions of section 15 of the act of September 11, 1957.

(c) "Ethnic origin" as used in sections 2 (c) and 4 (a) (9) and (10) of the Refugee Relief Act of 1953, as amended, shall be determined on the basis of a combination of two or more of the following factors specified in subparagraphs (1) to (5), inclusive, of this paragraph, which combination shall include the factor specified in either subparagraph (1) or (2) of this paragraph:

(1) Applicant, other than a German expellee, emigrated from or is indigenous to the country of ethnic origin claimed;

(2) Antecedents emigrated from or were indigenous to the country of ethnic origin claimed;

(3) Uses the language or dialect of the country of ethnic origin claimed as the common language of the home or for social communication;

(4) Resided in the country of birth, if other than the country of ethnic origin, in an area predominantly populated by persons of ethnic stock or origin claimed who, as distinguished from the surrounding population, retained the social characteristics and group homogeneity attributable to such persons;

(5) Evidences common attributes or social characteristics of the ethnic group to which he ascribes his origin and with which he resided in the country of his birth, if other than the country of ethnic origin, such as educational institutions attended, church affiliation, social and political associations and affiliations, name, business or commercial practices and associates and secondary language or dialect.

(d) "Firmly resettled" means the status of an alien, who at any time after the occurrence of events which form the basis of his claim to a refugee status, has been reestablished in a home under circumstances which indicate his intention and assure him a reasonable opportunity of remaining permanently. Nothing in this paragraph shall be construed as an exclusive definition of the term "firmly resettled" inasmuch as the facts and circumstances in the individual case must necessarily determine the question of firm resettlement.

(e) "Has fled or shall flee" as used in section 15 (c) (1) of the act of September 11, 1957, shall be deemed to include cases of forceful removal when the alien concerned declines to return to the area from which he was removed because of persecution or fear of persecution. The persecution or fear of persecution which caused the alien to flee from his usual place of abode need not be the same persecution which causes his inability to return.

(f) "Refugee" means any person in a country or area which is neither Communist nor Communist-dominated, who because of persecution, fear of persecution, natural calamity or military operations is out of his usual place of abode and unable to return thereto, who has not been firmly resettled and who is in urgent need of assistance for the essentials of life or for transportation.

§ 44.2 *Classes of applicants under section 15 of the act of September 11, 1957*—(a) *German expellees.* This class shall consist of refugees of German ethnic origin who (1) were born in and were forcibly removed from or forced to flee from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Union of Soviet Socialist Republics, Yugoslavia, or areas provisionally under the administration or control or domination of any such countries, except the Soviet Zone of military occupation of Germany, and (2) are residing in the area of the German Federal Republic, western sectors of Berlin or in Austria at the time of application for a visa. Zone "B" of Trieste shall be considered an area provisionally under the administration of Yugoslavia. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria, and shall bear the symbol K–8 in the space provided for nonquota classification.

(b) *Netherlands refugees.* This class shall consist of refugees who: (1) Are of Dutch ethnic origin, and (2) resided on August 7, 1953, in continental Netherlands. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in continental Netherlands, and shall bear the symbol K–9 in the space provided for nonquota classification.

(c) *Netherlands relatives.* This class shall consist of persons who: (1) Are of Dutch ethnic origin, (2) resided on August 7, 1953, in continental Netherlands, and (3) qualify under any of the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act. A prerequisite to qualification under any of such preferences shall be the approval by the Attorney General of a petition provided for in section 205 of the Immigration and Nationality Act. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in continental Netherlands, and shall bear the symbol K–9 in the space provided for nonquota classification.

(d) *Refugee-escapees.* This class shall consist of aliens who, because of persecution or fear of persecution on account of race, religion, or political opinion have fled or shall flee (1) from any Communist, Communist-dominated, or Communist-occupied area, or (2) from any country within the general area of the Middle East as defined in section 15 (c) (2) of the act, and who cannot return to such area, or to such country, on account of race, religion, or political opinion. An immigrant visa issued to an alien within the class described in this paragraph may be issued at any United States consular office which is authorized to issue immigrant visas, and shall bear the symbol K–10 in the space provided for nonquota classification.

(e) *Spouses and unmarried minor sons and daughters.* This class shall consist of the accompanying spouses and the accompanying unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters and sons or daughters adopted prior to July 1, 1957, of persons described in paragraphs (a) to (d), inclusive, of this section: *Provided,* That a quota number is not available to such alien at the time of his application for a visa. A spouse, son, or daughter shall be deemed to be accompanying the principal applicant if such spouse, son, or daughter is issued an immigrant visa within four months of the date of issuance of an immigrant visa to the principal applicant. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the country or area in which the principal applicant is, or could be, issued an immigrant visa under the act, and shall bear the same symbol which is or was used in issuing an immigrant visa to the principal applicant, in the space provided for nonquota classification. In any case where the principal applicant precedes his family to the United States, or in which the family unit is not traveling together, the name of the principal applicant shall be inserted in the immigrant visa issued to the spouse, son, or daughter.

§ 44.3 *Procedure in applying for visa*—(a) *Applicants for refugee-escapee classification.* In support of an application for refugee-escapee classification the alien shall submit a statement furnishing biographic data and describing the circumstances of his flight, escape, departure, or forceful removal from a Communist-dominated, or Communist-occupied area or from the general area of the Middle East, the hardship and persecution suffered, and a summary of his educational attainments, professional or technical abilities, and any manual skills or vocational experience which would tend to make such applicant of maximum value to the United States. This statement may be submitted by the applicant directly to the consular officer or in the applicant's behalf by a representative of the United States Escapee Program or any reputable welfare or refugee agency, and shall be supported by character references from interested persons bearing upon the applicant's attachment to the principles of constitutional democratic government.

(b) *Form and place of application.* Every applicant for an immigrant visa under section 15 of the act shall make application therefor on Form FS–256 in accordance with the provisions of section 222 of the Immigration and Nationality Act and § 42.30 of this chapter except as otherwise provided in § 44.2 (a), (b), and (c) with respect to the place of application.

§ 44.4 *Registration priority for issuance of visas*—(a) *Registration priority of applicants other than refugee-escapees.* Applicants desiring to qualify under the provisions of § 44.2 (a), (b), or (c) who were previously registered on quota waiting lists, including the beneficiaries of approved petitions, shall have the burden of coming forward to claim the benefits of the act. The names of such applicants who have not previously been registered on a quota waiting list, or in whose cases an approved petition for preference status has not been received at the consular office, shall be entered on administrative waiting lists in the chronological order in which they apply for registration. Every applicant within the class described in § 44.2 (a), (b), or (c) shall be entitled to a registration priority as determined by (1) the date indicated by his registration on a quota waiting list for the purposes of the Immigration and Nationality Act, (2) the date on which a verified assurance of employment, housing, and against becoming a public charge was filed with the Department of State in his behalf under the Refugee Relief Act of 1953, as amended, (3) the date on which an approved petition was filed with the Attorney General in his behalf, or (4) the date he actually applied for registration under the act, whichever date is earliest.

(b) *Registration priority of refugee-escapees.* Applicants desiring to qualify as refugee-escapees under the provisions of § 44.2 (d) shall be accorded a registration priority as of the date of approval of their classification as a refugee-escapee by the Department.

§ 44.5 *Ineligibility to receive visas.* An applicant shall be considered ineligible to receive a special nonquota immigrant visa provided for in section 15 of the act on the following grounds:

(a) He is not classifiable within any of the classes described in § 44.2 (a), (b), (c), (d), or (e);

(b) He is ineligible to receive an immigrant visa under the applicable provisions of the Immigration and Nationality Act and the regulations contained in Part 42 of this chapter;

(c) A quota number is available at the time of his visa application for the issuance of a quota immigrant visa to such applicant.

§ 44.6 *Procedure in issuing visas.* The issuance of special nonquota immigrant visas under section 15 of the act shall be in accordance with the provisions of section 221 of the Immigration and Nationality Act and § 42.41 of this chapter. An immigrant visa issued under the act shall bear a number assigned by the Department for use in issuing such visa, and shall also bear the petition number and approval date of the petition in the case of an applicant eligible under § 44.2 (c).

PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Sec.
- 46.1 Definitions.
- 46.2 Authority of departure-control officer to prevent alien's departure from the United States.
- 46.3 Aliens whose departure is deemed prejudicial to the interests of the United States.
- 46.4 Procedure in case of alien prevented from departing from the United States.
- 46.5 Hearing procedure before special inquiry officer.
- 46.6 Departure from the Canal Zone, the Trust Territory of the Pacific Islands, or outlying possessions of the United States.
- 46.7 Instructions from the Secretary of State required in certain cases.

AUTHORITY: §§ 46.1 to 46.7 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104. Interpret or apply sec. 215, 66 Stat. 190; 8 U. S. C. 1185.

§ 46.1 *Definitions.* For the purposes of this part:

(a) The term "alien" means any person who is not a citizen or national of the United States.

(b) The term "Commissioner" means the Commissioner of Immigration and Naturalization.

(c) The term "regional commissioner" means an officer of the Immigration and Naturalization Service duly appointed or designated as a regional commissioner, or an officer who has been designated to act as a regional commissioner.

(d) The term "district director" means an officer of the Immigration and Naturalization Service duly appointed or designated as a district director, or an officer who has been designated to act as a district director.

(e) The term "United States" means the States, the District of Columbia, Alaska, the Canal Zone, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States.

(f) The term "continental United States" means the several States and the District of Columbia.

(g) The term "geographical part of the United States" means (1) the continental United States, (2) Alaska, (3) Hawaii, (4) Puerto Rico, (5) the Virgin Islands, (6) Guam, (7) the Canal Zone, (8) American Samoa, (9) Swains Island, or (10) the Trust Territory of the Pacific Islands.

(h) The term "depart from the United States" means depart by land, water, or air (1) from the United States for any foreign place, or (2) from one geographical part of the United States for a separate geographical part of the United States: *Provided,* That a trip or journey upon a public ferry, passenger vessel sailing coastwise on a fixed schedule, excursion vessel, or aircraft, having both termini in the continental United States or in any one of the other geographical parts of the United States and not touching any territory or waters under the jurisdiction or control of a foreign power, shall not be deemed a departure from the United States.

(i) The term "departure-control officer" means any immigration officer as defined in 8 CFR 1.1 (a) (11), who is designated to supervise the departure of aliens, or any officer or employee of the United States designated by the Governor of the Canal Zone, the High Commissioner of the Trust Territory of the Pacific Islands, or the governor of an outlying possession of the United States, to supervise the departure of aliens.

(j) The term "port of departure" means a port in the continental United States, Alaska, Guam, Hawaii, Puerto Rico or the Virgin Islands, designated as a port of entry by the Attorney General or by the Commissioner, or in exceptional circumstances such other place as the departure-control officer may, in his discretion, designate in an individual case, or a port in America Samoa, Swains Island, the Canal Zone, or the Trust Territory of the Pacific Islands, designated as a port of entry by the chief executive officer thereof.

(k) The term "special inquiry officer" shall have the meaning ascribed thereto in section 101 (b) (4) of the Immigration and Nationality Act.

§ 46.2 *Authority of departure-control officer to prevent alien's departure from the United States.* (a) No alien shall

depart, or attempt to depart, from the United States if his departure would be prejudicial to the interests of the United States under the provisions of § 46.3. Any departure-control officer who knows or has reason to believe that the case of an alien in the United States comes within the provisions of § 46.3 shall temporarily prevent the departure of such alien from the United States and shall serve him with a written temporary order directing him not to depart, or attempt to depart, from the United States until notified of the revocation of the order.

(b) The written order temporarily preventing an alien, other than an enemy alien, from departing from the United States shall become final 15 days after the date of service thereof upon the alien, unless prior thereto the alien requests a hearing as hereinafter provided. At such time as the alien is served with an order temporarily preventing his departure from the United States, he shall be notified in writing concerning the provisions of this paragraph, and shall be advised of his right to request a hearing if entitled thereto under § 46.4. In the case of an enemy alien, the written order preventing departure shall become final on the date of its service upon the alien.

(c) Any alien who seeks to depart from the United States may be required, in the discretion of the departure-control officer, to be examined under oath and to submit for official inspection all documents, articles, and other property in his possession which are being removed from the United States upon, or in connection with, the alien's departure. The departure-control officer shall temporarily prevent the departure of any alien who refuses to submit to such examination or inspection, and may, if necessary to the enforcement of this requirement, take possession of the alien's passport or other travel document.

§ 46.3 *Aliens whose departure is deemed prejudicial to the interests of the United States.* The departure from the United States of any alien within one or more of the following categories shall be deemed prejudicial to the interests of the United States:

(a) Any alien who is in possession of, and who is believed likely to disclose to unauthorized persons, information concerning the plans, preparations, equipment, or establishments for the national defense and security of the United States.

(b) Any alien who seeks to depart from the United States to engage in, or who is likely to engage in, activities of any kind designed to obstruct, impede, retard, delay or counteract the effectiveness of the national defense of the United States or the measures adopted by the United States or the United Nations for the defense of any other country.

(c) Any alien who seeks to depart from the United States to engage in, or who is likely to engage in, activities which would obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or action taken by any country cooperating with the United States in measures adopted to promote the peace, defense, or safety of the United States or such other country.

(d) Any alien who seeks to depart from the United States for the purpose of organizing, directing, or participating in any rebellion, insurrection, or violent uprising in or against the United States or a country allied with the United States, or of waging war against the United States or its allies, or of destroying, or depriving the United States of sources of supplies or materials vital to the national defense of the United States, or to the effectiveness of the measures adopted by the United States for its defense, or for the defense of any other country allied with the United States.

(e) Any alien who is subject to registration for training and service in the Armed Forces of the United States and who fails to present a Registration Certificate (SSS Form No. 2) showing that he has complied with his obligation to register under the Universal Military Training and Service Act, as amended.

(f) Any alien who is a fugitive from justice on account of an offense punishable in the United States.

(g) Any alien who is needed in the United States as a witness in, or as a party to, any criminal case under investigation or pending in a court in the United States: *Provided*, That any alien who is a witness in, or a party to, any criminal case pending in any criminal court proceeding may be permitted to depart from the United States with the consent of the appropriate prosecuting authority, unless such alien is otherwise prohibited from departing under the provisions of this part.

(h) Any alien who is needed in the United States in connection with any investigation or proceeding being, or soon to be, conducted by any official executive, legislative, or judicial agency in the United States or by any governmental committee, board, bureau, commission, or body in the United States, whether national, state, or local.

(i) Any alien whose technical or scientific training and knowledge might be utilized by an enemy or a potential enemy of the United States to undermine and defeat the military and defensive operations of the United States or of any nation cooperating with the United States in the interests of collective security.

(j) Any alien whose case does not fall within any of the categories described in paragraphs (a) to (i), inclusive, of this section, but which involves circumstances of a similar character rendering the alien's departure prejudicial to the interests of the United States.

§ 46.4 *Procedure in case of alien prevented from departing from the United States.* (a) Any alien, other than an enemy alien, whose departure has been temporarily prevented under the provisions of § 46.2 may, within 15 days of the service upon him of the written order temporarily preventing his departure, request a hearing before a special inquiry officer. The alien's request for a hearing shall be made in writing and shall be addressed to the district director having administrative jurisdiction over the alien's place of residence. If the alien's request for a hearing is timely made, the district director shall schedule a hearing before a special inquiry officer, and notice of such hearing shall be given to the alien on Form I–227. The notice of hearing shall, as specifically as security considerations permit, inform the alien of the nature of the case against him, shall fix the time and place of the hearing, and shall inform the alien of his right to be represented, at no expense to the Government, by counsel of his own choosing.

(b) Every alien for whom a hearing has been scheduled under paragraph (a) of this section shall be entitled (1) to appear in person before the special inquiry officer, (2) to be represented by counsel of his own choice, (3) to have the opportunity to be heard and to present evidence, (4) to cross-examine the witnesses who appear at the hearing, except that if, in the course of the examination, it appears that further examination may divulge information of a confidential or security nature, the special inquiry officer may, in his discretion, preclude further examination of the witness with respect to such matters, (5) to examine any evidence in possession of the Government which is to be considered in the disposition of the case, provided that such evidence is not of a confidential or security nature the disclosure of which would be prejudicial to the interests of the United States, (6) to have the time and opportunity to produce evidence and witnesses on his own behalf, and (7) to reasonable continuances, upon request, for good cause shown.

(c) Any special inquiry officer who is assigned to conduct the hearing provided for in this section shall have the authority to: (1) administer oaths and affirmations, (2) present and receive evidence, (3) interrogate, examine, and cross-examine under oath or affirmation both the alien and witnesses, (4) rule upon all objections to the introduction of evidence or motions made during the course of the hearing, (5) take or cause depositions to be taken, (6) issue subpoenas, and (7) take any further action consistent with applicable provisions of law, Executive orders, proclamations, and regulations.

§ 46.5 *Hearing procedure before special inquiry officer.* (a) The hearing before the special inquiry officer shall be conducted in accordance with the following procedure:

(1) The special inquiry officer shall advise the alien of the rights and privileges accorded him under the provisions of § 46.4.

(2) The special inquiry officer shall enter of record (i) a copy of the order served upon the alien temporarily preventing his departure from the United States, and (ii) a copy of the notice of hearing furnished the alien on Form I–227.

(3) The alien shall be interrogated by the special inquiry officer as to the matters considered pertinent to the proceeding, with opportunity reserved to the alien to testify thereafter in his own behalf, if he so chooses.

(4) The special inquiry officer shall present on behalf of the Government such evidence, including the testimony of witnesses and the certificates or written statements of Government officials or other persons, as may be necessary and available. In the event such certificates or statements are received in evidence, the alien may request and, in the discretion of the special inquiry officer, be given an opportunity to interrogate such officials or persons, by deposition or otherwise, at a time and place and in a manner fixed by the special inquiry officer: *Provided*, That when in the judgment of the special inquiry officer any evidence relative to the disposition of the case is of a confidential or security nature the disclosure of which would be prejudicial to the interests of the United States, such evidence shall not be presented at the hearing but shall be taken into consideration in arriving at a decision in the case.

(5) The alien may present such additional evidence, including the testimony of witnesses, as is pertinent and available.

(b) A complete verbatim transcript of the hearing, except statements made off the record, shall be recorded. The alien shall be entitled, upon request, to the loan of a copy of the transcript, without cost, subject to reasonable conditions governing its use.

(c) Following the completion of the hearing, the special inquiry officer shall make and render a recommended decision in the case, which shall be governed by and based upon the evidence presented at the hearing and any evidence of a confidential or security nature which the Government may have in its possession. The decision of the special inquiry officer shall recommend (1) that the temporary order preventing the departure of the alien from the United States be made final, or (2) that the temporary order preventing the departure of the alien from the United States be revoked. This recommended decision of the special inquiry officer shall be made in writing and shall set forth the officer's reasons for such decision. The alien concerned shall at his request be furnished a copy of the recommended decision of the special inquiry officer, and shall be allowed a reasonable time, not to exceed 10 days, in which to submit representations with respect thereto in writing.

(d) As soon as practicable after the completion of the hearing and the rendering of a decision by the special inquiry officer, the district director shall forward the entire record of the case, including the recommended decision of the special inquiry officer and any written representations submitted by the alien, to the regional commissioner having jurisdiction over his district. After reviewing the record, the regional commissioner shall render a decision in the case, which shall be based upon the evidence in the record and on any evidence or information of a confidential or security nature which he deems pretinent. Whenever any decision is based in whole or in part on confidential or security information not included in the record, the decision shall state that such information was considered. A copy of the regional commissioner's decision shall be furnished the alien, or his attorney or representative. No administrative appeal shall lie from the regional commissioner's decision.

(e) Notwithstanding any other provision of this part, the Secretary of State, after consultation with the Attorney General, may at any time permit the departure of an individual alien or of a group of aliens from the United States if he determines that such action would be in the national interest. If the Secretary of State specifically requests the Attorney General to prevent the departure of a particular alien or of a group of aliens, the Attorney General shall not permit the departure of such alien or aliens until he has consulted with the Secretary of State.

(f) In any case arising under §§ 46.1 to 46.7, the Secretary of State shall, at his request, be kept advised, in as much detail as he may indicate is necessary, of the facts and of any actions taken or proposed.

§ 46.6 *Departure from the Canal Zone, the Trust Territory of the Pacific Islands, or outlying possessions of the United States.* (a) In addition to the restrictions and prohibitions imposed by the provisions of this part upon the departure of aliens from the United States, any alien who seeks to depart from the Canal Zone, the Trust Territory of the Pacific Islands, or an outlying possession of the United States shall comply with such other restrictions and prohibitions as may be imposed by regulations prescribed, with the concurrence of the Secretary of State and the Attorney General, by the Governor of the Canal Zone, the High Commissioner of the Trust Territory of the Pacific Islands, or by the governor of an outlying possession of the United States, respectively. No alien shall be prevented from departing from such zone, territory, or possession without first being accorded a hearing as provided in §§ 46.4 and 46.5.

(b) The Governor of the Canal Zone, the High Commissioner of the Trust Territory of the Pacific Islands, or the governor of any outlying possession of the United States shall have the authority to designate any employee or class of employees of the United States as hearing officers for the purpose of conducting the hearing referred to in paragraph (a) of this section. The hearing officer so designated shall exercise the same powers, duties, and functions as are conferred upon special inquiry officers under the provisions of this part. The chief executive officer of such zone, territory, or possession shall, in lieu of the regional commissioner, review the recommended decision of the hearing officer, and shall render a decision in any case referred to him, basing it on evidence in the record and on any evidence or information of a confidential or a security nature which he deems pertinent.

§ 46.7 *Instructions from the Secretary of State required in certain cases.* In the absence of appropriate instructions from the Secretary of State, departure-control officers shall not exercise the authority conferred by § 46.2 in the case of any alien who seeks to depart from the United States in the status of a nonimmigrant under section 101 (a) (15) (A) or (G) of the Immigration and Nationality Act, or in the status of a nonimmigrant under section 11 (3), 11 (4), or 11 (5) of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (61 Stat. 756): *Provided*, That in cases of extreme urgency, where the national security so requires, a departure-control officer may preliminarily exercise the authority conferred by § 46.2 pending the outcome of consultation with the Secretary of State, which shall be undertaken immediately. In all cases arising under this section, the decision of the Secretary of State shall be controlling: *Provided*, That any decision to prevent the departure of an alien shall be based upon a hearing and record as prescribed in this part.

SUBCHAPTER F—NATIONALITY AND PASSPORTS

PART 50—NATIONALITY PROCEDURES UNDER THE IMMIGRATION AND NATIONALITY ACT

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FORMAL RENUNCIATION OF NATIONALITY

AUTHORITY: §§ 50.1 and 50.2 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104.

§ 50.1 *Renunciation procedure.* Persons desiring to renounce their United States nationality under section 349 (a) (6) of the Immigration and Nationality Act (66 Stat. 268) may do so by appearing before a diplomatic or consular officer of the United States and taking an oath of renunciation of nationality of the United States in the form prescribed by the Secretary of State.

§ 50.2 *Execution and disposition of oath of renunciation.* The form shall be executed in quadruplicate. The original and one copy shall be sent to the Department, and two copies retained in the files of the office in which it was executed. After the Department of State has approved the form, it will so advise the appropriate officer of the Foreign Service, who will thereafter make a notation on the two copies retained by him that the form has been approved by the Department and showing the day of approval. A copy of such form may be furnished to the person to whom it relates upon request therefor. When submitting the form of renunciation of American nationality, it must be accompanied by the certificate of loss of American nationality. The approval of the certificate of loss of nationality will be by rubber stamp thereon which may also be taken to cover approval of the form of renunciation of nationality.

OATH OF ALLEGIANCE TAKEN BY DUAL NATIONAL TO AVOID DIVESTITURE OF UNITED STATES NATIONALITY

AUTHORITY: §§ 50.6 to 50.8 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104.

§ 50.6 *Dual nationals voluntarily seeking or claiming benefits of foreign nationality.* A person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign state, as, for example, by applying for a foreign passport or identity card, or by applying for registration as a national of a foreign country, or by any other similar act, regardless of whether he is a national of such state, shall be deemed to be within the scope of section 350 (1) of the Immigration and Nationality Act (66 Stat. 269). The section is not considered applicable to a person who has sought or claimed benefits of the nationality of any foreign state in a manner which has caused loss of American nationality.

§ 50.7 *Procedure for taking oath.* A person who desires to take an oath of allegiance to the United States before a United States diplomatic or consular officer for the purpose of avoiding the loss of American nationality under section 350 (1) of the Immigration and Nationality Act (66 Stat. 269) shall execute an application for a passport or registration as an American citizen, which application shall contain an oath of allegiance in the form prescribed by the Secretary of State.

§ 50.8 *Effect of taking oath.* The oath of allegiance, when taken before a United States diplomatic or consular officer, shall be deemed sufficient to fulfill the requirement of section 350 (1) of the Immigration and Nationality Act (66 Stat. 269): *Provided,* That the person has passed the age of 22 years and has not thereafter resided continuously for three years in the foreign state of which he is a national by birth: *And provided also,* That the oath shall not be required of such a person if his foreign residence begins after he has attained the age of 60 years and he shall have had his residence in the United States for 25 years after having attained the age of 18 years.

ASSERTION BY MINOR OF CLAIM TO UNITED STATES NATIONALITY

AUTHORITY: §§ 50.9 and 50.10 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104.

§ 50.9 *Procedure for asserting claim.* A national of the United States, who, while under eighteen years of age, has expatriated himself under the provisions of section 349 (a) (2), (4), (5), or (6) of the Immigration and Nationality Act (66 Stat. 267–268) may assert his claim to United States nationality under section 351 (b) of the Immigration and Nationality Act (66 Stat. 269) within six months after attaining the age of 18 years on the form prescribed for this purpose by the Secretary of State.

§ 50.10 *Execution and disposition of form.* The form for asserting the claim to the nationality of the United States shall be executed in triplicate. The original shall be forwarded to the Department of State, a copy shall be retained in the office in which it was executed, and a copy shall be furnished to the person asserting the claim.

CRITERIA FOR DETERMINING WHETHER NATURALIZED NATIONAL COMES WITHIN SCOPE OF SECTION 354 (2)

AUTHORITY: §§ 50.11 to 50.13 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104.

§ 50.11 *Carrying on a commercial enterprise.* Under section 354 (2) (A) of the Immigration and Nationality Act (66 Stat. 271), a naturalized American national residing abroad temporarily for the purpose of engaging in a commercial enterprise which substantially and directly benefits American trade or commerce shall not lose his nationality by having a continuous residence for five years in any foreign state or states covered by section 352 (a) (2) of the Immigration and Nationality Act (66 Stat. 269). It must appear that the national has no substantial or controlling reason for residing abroad other than to engage in the commercial enterprise and that his foreign residence is temporary. Further, the character of the commercial enterprise must be such that its effect is to increase directly and substantially production, sales, inventory, or profits, or to facilitate the acquisition of raw materials, distribution of products or the extension of services of or for an American financial, commercial, or business organization having its principal place of business in the United States.

§ 50.12 *Carrying on scientific research.* (a) Under section 354 (2) (B) of the Immigration and Nationality Act (66 Stat. 271), a naturalized American national, who is temporarily residing abroad for the purpose of carrying on scientific research on behalf of a bona fide educational, research, experimental, or other institution, which institution shall be specifically accredited by the Secretary of State, and the purpose of which research is to discover, develop, or test scientific knowledge, principles, theory, apparatus, etc., for practical uses or applications which would directly and substantially benefit the interests of the United States, shall not be deemed to have lost his American nationality by having a continuous residence for five years in any foreign state or states covered by section 352 (a) (2) of the Immigration and Nationality Act (66 Stat. 269).

(b) The term "an institution accredited by the Secretary of State" means an institution which has established by evidence satisfactory to the Secretary of State that it is engaged in research which is directly and substantially beneficial to the United States. The evidence to show that the institution in which the naturalized American citizen is employed is such an organization, may be submitted when the naturalized citizen first applies for further passport facilities or for registration as an American citizen. Initially, there shall be submitted an affidavit by two principal officers of the institution setting forth complete information concerning the institution and its activities. In the affidavit, the name of the institution, the location of its principal office and place, or places, of business and the type of organization, i. e., whether it is a sole proprietorship, partnership, or corporation, should be stated; the owners and officers should be fully identified and their nationalities stated; the names, locations, and activities of organizations and firms of which the institution is a branch, subsidiary, or affiliate, or in which there is a community of ownership, should be stated. The Secretary of State may require such additional evidence as may be deemed necessary for a determination as to whether the institution shall be accredited.

(c) After an institution has been once accredited by the Secretary of State, it will be necessary only to submit evidence to show that its character and operations have not changed in the interim from the date of such accrediting and the time at which a person may subsequently seek to claim the benefits of section 354 (2) (B) of the Immigration and Nationality Act (66 Stat. 271).

(d) Where more than one person is engaged simultaneously in essentially similar scientific research for the same institution, it will be necessary to submit the required evidence concerning the character and operations of the institution only in the case of one person. However, evidence must be submitted in each individual case to show that the person concerned is doing scientific research of the type specified in this paragraph for the accredited institution.

(e) Each case and each organization must be considered on its merits, and, on the basis thereof as submitted, officers of the Foreign Service will be advised from time to time by the Department of State of the names of the scientific research institutions which have been accredited.

§ 50.13 *Work or activities under unique or unusual circumstances.* (a) Under section 354 (2) (C) of the Immigration and Nationality Act (66 Stat. 271), a naturalized American citizen residing abroad temporarily, who under unique or unusual circumstances engages in work or activities which directly and substantially benefit the interests of the United States, shall not be deemed to have lost his nationality under section 352 (a) (2) of the Immigration and Nationality Act (66 Stat. 269).

(b) Section 354 (2) (C) would apply to a person who, with or without compensation, motivated by devotion to the United States and with intention to benefit the United States engages in work or activities of a continuing nature which enhance in a direct and substantial way the material or cultural wealth, prestige or security of the United States.

(c) It may apply to a person who apparently is abroad for a reason or purpose which ordinarily would not be of direct or substantial benefit to the United States, but who by reason of his employment, position, standing, prestige, influence or associations, is able to contribute in a direct and substantial way to the wealth, prestige or security of the United States.

(d) Each case of this character must be submitted to the Department of State and will be considered on its own merits.

CERTIFICATION OF LOSS OF UNITED STATES NATIONALITY

AUTHORITY: §§ 50.14 to 50.19 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104.

§ 50.14 *Certification by diplomatic or consular officer.* Whenever a diplomatic or consular officer of the United States has reason to believe that a person, while in a foreign country, has lost his American nationality under any provision of Chapter 3 of Title III of the Immigration and Nationality Act (66 Stat. 267), or under any provision of Chapter IV of the Nationality Act of 1940 (54 Stat. 1168), as amended, he shall certify the facts upon which such belief is based to the Department of State in writing.

§ 50.15 *Cases in which a certificate should be prepared.* The certificate should be prepared in the case of any person coming within the scope of any of the provisions of Chapter IV of the Nationality Act of 1940. The certificate should also be prepared in the case of any person coming within the scope of the provisions of Chapter 3, Title III of the Immigration and Nationality Act, except that, in the case of a national who has performed any of the acts specified in paragraphs (2), (4), (5), and (6) of section 349 (a), Chapter 3, Title III of the Immigration and Nationality Act, such certificate shall not be prepared and submitted until after he shall have attained the age of 18 years and 6 months and shall have failed to assert his claim to United States nationality in the manner prescribed by the Secretary of State, within 6 months after attaining the age of 18 years.

§ 50.16 *Affidavit of expatriated person.* When obtainable, an affidavit executed in quadruplicate by the expatriated person shall be attached to each copy of the certificate of the officer. This affidavit shall contain in substance:

(a) That the affiant has voluntarily expatriated himself by the performance of one of the acts or the fulfillment of the conditions specified in Chapter 3, Title III of the Immigration and Nationality Act (66 Stat. 267), or Chapter IV of the Nationality Act of 1940 (54 Stat. 1168);

(b) That his permanent residence in the United States, if he ever had one, has been voluntarily abandoned and that the expatriated person neither intends nor desires to resume residence in the United States in the immediate or near future;

(c) If naturalized in the United States, that the naturalization certificate is or has been surrendered voluntarily because of his expatriation; and

(d) That the affiant neither intends nor desires to preserve his allegiance to the United States but intends and desires to preserve his new allegiance, if one has been acquired.

§ 50.17 *Reference in certificate to other documents.* (a) When documents, communications, or excerpts therefrom, from competent offices or officials of foreign governments, and statements or affidavits by the persons concerned are referred to in that portion of the certificate having reference to the nature of the evidence adduced which is believed to have caused expatriation, verified copies of the documents, communications, statements, affidavits, or excerpts therefrom, shall be attached to and made a part of the certificate.

(b) When reference is made to passports or applications for passports, registration, repatriation, and similar documents, or to affidavits forming a part of an application, or to departmental communications, copies thereof shall not be attached to and made a part of the certificate unless specifically authorized by the Department of State, but the pertinent statement or statements shall be quoted in the certificate. The quotation shall be limited to the admission of the act of expatriation and no extraneous or explanatory matter should be included.

§ 50.18 *Amplification of certificate.* When preparing a certificate of expatriation, the certificate shall be amplified in appropriate cases by adding a paragraph thereto setting forth the names, places and dates of birth, and present addresses of the spouse and children, if any, of the individual concerned and whether any such person is considered to have acquired foreign nationality. The certificate, however, is not to be regarded as a certificate of expatriation of the spouse or children of any person in whose case a certificate is prepared.

§ 50.19 *Execution and distribution of certificate.* The certificate shall be executed in quadruplicate. The original and two copies shall be sent to the Department and the fourth copy retained in the files of the office in which it was executed. After the Department of State has approved the certificate, one copy shall then be returned to the appropriate diplomatic or consular officer, who shall thereafter make a notation on the fourth retained by him to the effect that the certificate has been approved by the Department under the date which appears on the approved copy returned to him by the Department. He shall thereafter forward the fourth copy of such certificate to the person to whom it relates.

ISSUANCE OF CERTIFICATE OF NATIONALITY

AUTHORITY: §§ 50.20 to 50.23 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104.

§ 50.20 *Application for certificate.* (a) Any person who acquired the nationality of the United States at birth and who is involved in any manner in judicial or administrative proceedings in a foreign state in connection with which the establishment of his nationality in the United States is pertinent, may apply for a certificate of American nationality in the form prescribed by the Secretary of State. (Sec. 359, 66 Stat. 273.)

(b) In the United States, including Alaska and Hawaii, the application must be executed before a clerk of a Federal or State court authorized by section 310 (a) of the Immigration and Nation-

ality Act (66 Stat. 239) to naturalize aliens within the jurisdiction in which the applicant resides, or before an agent of the Department of State. In an insular possession of the United States the application must be executed before a person in the office of the Chief Executive who has authority to administer oaths. In a foreign country the application must be executed before a diplomatic or consular officer of the United States. When an application is executed before a diplomatic or consular officer it shall be in duplicate.

(c) There shall be submitted with the application documentary evidence establishing that the applicant is involved in judicial or administrative proceedings pending in a foreign country in connection with which the establishment of his nationality of the United States is pertinent. There shall be affixed to each application, including the duplicate application when required, a photograph of the applicant not more than 3 by 3 inches and not less than 2½ by 2½ inches in size, unmounted, printed on thin paper showing the full front view of the features of the applicant, and taken within six months of the date when submitted. A separate photograph, which must be identical to that affixed to the application, shall be submitted, in order that it may be affixed to the certificate of nationality if and when issued. The original copy of the application shall in all cases be submitted to the Department of State.

§ 50.21 *Evidence of nationality required.* Each application for a certificate of nationality must be accompanied by evidence of nationality of the character which is required by the Rules Governing the Granting and Issuing of Passports in the United States issued by the President on March 31, 1938, or any rules which may subsequently be issued by him (see §§ 51.51 to 51.73 of this chapter). If the applicant has previously submitted satisfactory evidence of American citizenship in connection with an application for a passport or registration, it will not be necessary for him to duplicate such evidence. It will, however, be necessary for the applicant to satisfy the Secretary of State that he has not expatriated himself under the Immigration and Nationality Act or any prior act.

§ 50.22 *Issuance of certificate.* Upon the approval of the application a certificate of nationality for use in a judicial or administrative proceeding in a foreign state shall be issued.

§ 50.23 *Transmission of certificate to foreign state.* When a certificate of nationality is issued, it shall be transmitted through official channels to the judicial or administrative officer of the foreign state in which it is to be used.

CERTIFICATE OF IDENTITY FOR TRAVEL TO THE UNITED STATES TO APPLY FOR ADMISSION

AUTHORITY: §§ 50.24 to 50.40 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104. Interpret or apply sec. 360, 66 Stat. 273; 8 U. S. C. 1503.

§ 50.24 *Contents of application.* The application for a certificate of identity shall show:

(a) The full and true name of the applicant;

(b) The period(s) and place(s) of his residence outside the United States;

(c) That he has been physically present in the United States or that he is under sixteen years of age and was born abroad of a citizen parent;

(d) That he claims to be a national of the United States, and the basis of such claim and evidence submitted in support thereof;

(e) That such claim is made in good faith and upon a substantial basis;

(f) That he claims a right or privilege as a national of the United States, and specifically the nature of such claim;

(g) That such right or privilege has been denied him by a specified department or agency or official of the United States on the ground that the applicant is not a national of the United States, and the date and place of such denial;

(h) That he desires to proceed to a port of entry in the United States and there to apply for admission;

(i) That he understands that he may apply for admission into the United States at any port of entry and that he shall be subject to all the provisions of the Immigration and Nationality Act relating to the conduct of proceedings involving aliens seeking admission into the United States;

(j) Such other facts and proofs, with respect to the foregoing, as may be required by the application form or by the diplomatic or consular officer before whom the application for a certificate of identity is executed.

§ 50.25 *Affidavit of supporting witness.* The application for a certificate of identity shall be supported by the affidavit of a credible witness, but this requirement may be waived in the discretion of the diplomatic or consular officer before whom the application is executed.

§ 50.26 *Supporting evidence.* (a) The application for a certificate of identity shall be supported by evidence of the official decision of the specified department, independent agency, or official thereof denying the applicant a right or privilege upon the ground that he is not a national of the United States and evidence that he has exhausted his administrative remedies with such department, agency, or official.

(b) The applicant shall submit with his application for a certificate of identity a statement setting forth in detail the reasons why he considers the final decision of the department, independent agency, or official thereof to be erroneous.

(c) The applicant shall submit a statement that he fully and truthfully disclosed all pertinent facts to the department, independent agency, or official thereof and that he had no additional evidence to submit at that time. The diplomatic or consular officer may require such other evidence of identity and citizenship as may appear to him to be available.

§ 50.27 *Form and execution of application.* (a) The application for a certificate of identity shall be made in quadruplicate on Form FS–343 (revised) and shall be signed and sworn to (or affirmed) by the applicant in person before a diplomatic or consular officer of the United States.

(b) The affidavit of the witness, if not waived, shall also be made before a diplomatic or consular officer of the United States.

(c) The application shall be accompanied by nine identical photographs of the applicant taken within thirty days of the date on which the application is filed. The photographs shall be two by two inches in size, unmounted, printed on thin paper, have a light background, and clearly show a full front view of the features of the applicant (with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately one and one fourth inches. Snapshot, group, or full-length pictures will not be accepted.

(d) The applicant, except in the case of a person physically or otherwise incapable of signing his name, shall sign each copy of the photograph with his full, true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write.

(e) One photograph shall be glued to the original application and one to each copy thereof and impressed with the legend machine so as not to cover the features.

(f) The remaining five photographs shall be affixed in like manner to the certificate of identity and copies thereof in the event that document is issued to the applicant.

(g) Officers not having a legend machine will use the impression seal. The consular impression seal should invariably be used in completing the application.

(h) Fingerprints of the applicant shall be required and attached to the application and each copy thereof.

§ 50.28 *Independent investigation.* When an application for a certificate of identity is executed before a diplomatic or consular officer, an independent investigation of the facts in the case should be made, as far as practicable, by such officer, even though the application and proof submitted therewith may, on their face, appear to justify the issuance of a certificate of identity. Such investigation should include an investigation of all the facts and circumstances which would result in loss of American nationality.

§ 50.29 *New or additional evidence.* At any time during the processing of an application for a certificate of identity, when new or additional evidence which casts doubt on the validity of the original decision that the applicant was not a citizen of the United States comes to the attention of a diplomatic or consular officer, he shall forward the evidence, together with his comments regarding its credibility, to the Department of State. Pending the receipt of the Department's decision in the matter, the diplomatic or consular officer shall take no further action on the application for the certificate of identity.

§ 50.30 *Meaning of good faith.* Good faith means an honest belief of the applicant that he is a national of the United States, and is to be determined by the diplomatic or consular officer of the United States in the light of the facts and circumstances of each case. For example, where it appears that United States nationality has been lost by naturalization of the person upon his own application in a foreign state, good faith would appear to be lacking in the absence of a satisfactory showing to the contrary. Good faith may be considered as lacking when false statements have been made or false documentary evidence has been submitted to the Department, independent agency, or official thereof. Also, special care should be taken in the examination of the case of an applicant who, while in a foreign state, has exercised any rights or performed any duties for which only nationals of such state are eligible, or where the facts of the case indicate that he may have expatriated himself in some manner. Good faith will not be considered as established unless the applicant is able to present evidence to show that he is in fact the individual he claims to be.

§ 50.31 *Meaning of substantial basis.* A substantial basis of a claim of United States nationality means one which satisfies the diplomatic or consular officer of the United States that the claim of the applicant that he is a national of the United States is, notwithstanding any previous ruling of a department, agency, or executive official of the United States, sufficiently meritorious to justify a determination of the question by the Attorney General in connection with an application for admission into the United States. A substantial basis may not be deemed to exist where a court of the United States has held that the person concerned is not an American national.

§ 50.32 *Denial of a right or privilege as a national of the United States.* Denial by a department or agency or official of the United States of a right or privilege as a national of the United States may occur in the administration of various laws. It should appear that the right or privilege denied was one to which the person would otherwise have been entitled but for the fact that he was deemed not to have been a national of the United States. For example, such denial may occur where a person has applied as a national of the United States for a passport or for registration at an American consulate or for nonquota status of an alien wife or minor child, and the application is denied on the ground that the applicant is not a national of the United States. The denial of a right or privilege on the ground that the person has not established his identity is not a denial of any right or privilege as a national of the United States within the meaning of section 360 (b) of the Immigration and Nationality Act (66 Stat. 273).

§ 50.33 *In case of doubt as to issuance of certificate of identity.* Where it appears that the presence of the applicant in the United States would endanger the public safety or where the diplomatic or consular officer believes that the applicant is a national of the United States and entitled to a passport as such or where the diplomatic or consular officer has any doubt with respect to the action he should take upon the application for a certificate of identity, the officer should suspend action and consult the Department of State.

§ 50.34 *Sixty days' notice prior to issuance of certificate of identity.* If the diplomatic or consular officer decides that the issue of a certificate of identity is warranted, he shall give the Department of State by cable sixty days' notice of his intention to issue a certificate of identity and of the travel plans and port of arrival of the applicant. At the same time, he shall forward to the Department by mail three copies of the application for a certificate of identity, a report in triplicate of the result of the independent investigation conducted by him, and the original documentary evidence which was submitted in support of the application. Upon the receipt of the copies of the application and evidence, the Department of State will forward to the District Director of the Immigration and Naturalization Service for the port of arrival full details concerning the case.

§ 50.35 *Form and execution of certificate of identity.* The certificate of identity shall be prepared in quintuplicate on Form FS–343a. It shall be signed and sealed by the diplomatic or consular officer, who shall state on the original and each copy thereof the date and place of issuance. The original shall be delivered to the applicant. The four copies shall be marked "copy". One copy shall be retained in the files of the issuing office, one copy shall be sent to the District Director of the Immigration and Naturalization Service for the port of arrival, and two copies shall be sent to the Department of State.

§ 50.36 *Period of validity of certificate of identity.* A certificate of identity shall be issued only after the applicant has completed his travel plans. The certificate shall expire two months from the date of its issuance and shall be extended only upon the recommendation of the Immigration and Naturalization Service.

§ 50.37 *Denial of certificate of identity.* In case the certificate of identity is denied by a diplomatic or consular officer, a notation to that effect shall be made by him in the space provided therefor at the end of the original application and on each copy thereof. The notation shall set forth definitely the factual and/or legal grounds for the denial. The original application shall be retained in the files of the office to which the application was submitted, one copy shall be returned to the applicant, and two copies shall be sent to the Department of State together with all original documentary evidence submitted by the applicant.

§ 50.38 *Appeal by applicant.* (a) When an applicant is denied a certificate of identity, he may appeal by a written statement to the Secretary of State, setting forth fully the pertinent facts and the grounds upon which United States nationality is claimed and his reasons for considering that the denial of his application by the diplomatic or consular officer is not justified.

(b) The statement shall be executed in quadruplicate and submitted to the diplomatic or consular office in which the denial was made. If the statement contains facts not set forth in the application, it shall be sworn to (or affirmed) by the applicant before a diplomatic or consular officer of the United States and an investigation shall be made by the diplomatic or consular officer of the new or additional facts alleged. A report of this investigation shall accompany the applicant's statement to the Department of State. The original statement and one copy shall be forwarded by the diplomatic or consular officer to the Department of State. One copy of the statement shall be retained in the files of the diplomatic or consular office in which the denial was made and a copy returned to the applicant.

(c) If it is not practicable for the statement to be sworn to or affirmed by the applicant in the diplomatic or consular office in which the denial was made, it may be sworn to or affirmed in any other diplomatic or consular office of the United States. In such case, the original and two copies of the statement shall be forwarded by that office to the diplomatic or consular office in which the application was denied, but, if that is not practicable, they shall be sent directly to the Department of State. One copy shall be returned to the applicant by the taking office. The office in which the application was denied shall retain one copy and forward the original and the other copy to the Department of State.

§ 50.39 *Direct appeal to the Secretary of State by attorney in the United States.* When a certificate of identity has been refused by a diplomatic or consular officer abroad, the applicant may appeal directly to the Secretary of State through his attorney in the United States. The appeal shall be directed to the Passport Office of the Department of State. No special form is prescribed for such appeal. The evidence to be furnished in the appeal through the attorney, in the United States shall be as prescribed in § 50.38 of this part. The Passport Office will process the appeal in due course in accordance with the facts in each individual case.

§ 50.40 *Certificate of identity obtained by fraud or other illegality.* Whenever a certificate of identity is found by a diplomatic or consular officer of the United States to have been obtained by fraud or other illegality, or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, directly to the Department of State.

CERTIFICATE OF IDENTITY FOR ADMISSION TO THE UNITED STATES TO PROSECUTE AN ACTION UNDER SECTION 503 OF THE NATIONALITY ACT OF 1940

AUTHORITY: §§ 50.45 to 50.57 issued under sec. 503, 54 Stat. 1171, sec. 4, 63 Stat. 111, as amended; 8 U. S. C. 903, 5 U. S. C. 151c.

§ 50.45 *Issuance of certificate of identity under the Nationality Act of 1940.* Section 503 of the Nationality Act of 1940 (54 Stat. 1171, 1172; 8 U. S. C. 903) provided:

If any person who claims a right or privilege as a national of the United States is denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States, and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificate of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided.

§ 50.46 *Application for certificate of identity*—(a) *What application shall show.* The application for a certificate of identity shall show:

(1) The full and true name of the applicant;

(2) The place of his residence outside the United States;

(3) That he claims to be a national of the United States, and the basis of such claim and evidence submitted in support thereof;

(4) That such claim is made in good faith and upon a substantial basis;

(5) That he claims a right or privilege as a national of the United States, and specifically the nature of such claim;

(6) That such right or privilege has been denied him by a specified department or agency or executive official of the United States on the ground that the applicant is not a national of the United States, and the date and place of such denial;

(7) That an action for a judgment declaring applicant to be a national of the United States has been instituted by him against the head of such department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the specified district in which he claims permanent residence;

(8) That such action was instituted in good faith with the intention of prosecuting it to conclusion and is pending in such court;

(9) That he desires to proceed to the United States to prosecute such action;

(10) That, if granted a certificate of identity and admitted to the United States for the purpose of prosecuting such action, he will do so with due diligence;

(11) That he understands that admission to the United States upon such certificate of identity shall be under regulations prescribed by the Immigration and Naturalization Service, and upon the condition that he shall be subject to deportation if the final outcome of such court action is not to the effect that he is a national of the United States and if he then fails to depart therefrom without delay in accordance with directions from the Immigration and Naturalization Service; and

(12) Such other facts and proofs, with respect to the foregoing, as may be required by the application form or by the diplomatic or consular officer before whom the application for a certificate of identity is executed.

(b) *Supporting witness.* The application for a certificate of identity shall be supported by the affidavit of a credible witness, but this requirement may be waived in the discretion of the officer before whom the application is executed.

(c) *Form and execution.* The application for a certificate of identity shall be made in quadruplicate on an approved form and shall be signed and sworn to (or affirmed) by the applicant in person before a diplomatic or consular officer of the United States. The affidavit of the witness, if not waived, shall also be made before a diplomatic or consular officer of the United States. The application shall be accompanied by four photographs of the applicant taken within thirty days of the date on which the application is filed. The photographs shall be 2 by 2 inches in size, unmounted, printed on thin paper, have a light background, and clearly show a full front view of the features of the applicant (with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately 1¼ inches. Snapshot, group, or full length pictures will not be accepted. The applicant, except in the case of a person physically or otherwise incapable of signing his name, shall sign each copy of the photograph with his full, true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write. One photograph shall be glued to the original application and one to each copy thereof and impressed with the legend machine so as not to cover the features. Officers not having a legend machine will use the impression seal. The consular impression seal should invariably be used in completing the application. Fingerprints of the applicant shall be required and attached to the application and each copy thereof, as in the case of a visa.

§ 50.47 *Independent investigation.* When an application for a certificate of identity is executed before a diplomatic or consular officer, an independent investigation of the facts in the case should be made, as far as practicable, by such officer, even though the application and proofs submitted therewith may on their face appear to justify issuance of a certificate of identity.

§ 50.48 *Good faith and substantial basis of claim of United States nationality*—(a) *Relationship to provision concerning loss of nationality.* The provision in section 503 of the Nationality Act of 1940 that a certificate of identity shall not be denied "solely on the ground that such person has lost a status previously had or acquired as a national of the United States" is to be read with the provision of the section that the claim of nationality presented in the court action be made in good faith and have a substantial basis.

(b) *Meaning of good faith.* Good faith means an honest belief of the applicant that he is a national of the United States, and is to be determined by the diplomatic or consular officer of the United States in the light of the facts and circumstances of each case. For example, where it appears that United States nationality has been lost by naturalization of the person upon his own application in a foreign state, good faith would appear to be lacking in the absence of a satisfactory showing to the contrary. Special care should be taken in the examination of the case of an applicant who, while in a foreign state, has exercised any rights or performed any duties for which only nationals of such state are eligible.

(c) *Meaning of substantial basis.* A substantial basis of a claim of United States nationality means one which satisfies the diplomatic or consular officer of the United States at the claim of the applicant that he is a national of the United States is, notwithstanding any previous ruling of a department, agency, or executive official of the United States, sufficiently meritorious to justify resort to the court for a determination of the question.

§ 50.49 *Denial of a right or privilege as a national of the United States.* Denial by a department or agency or executive official of the United States of a right or privilege as a national of the United States may have occurred in the administration of various laws. For example, it may have occurred where a person applied as a national of the United States for a passport or for registration at an American consulate or for nonquota status as an alien wife or alien minor child of an American citizen under sections 4 and 9 of the Immigration Act of 1924, and the application was denied on the ground that the applicant was not a national of the United States.

§ 50.50 *Proof of institution of action.* Proof that the applicant has instituted an action referred to in § 50.46 is best made by presentation of a duly certified copy of the complaint filed in the action. The presentation of such a copy may be waived only when other evidence is furnished which satisfactorily establishes that the suit has been instituted and is pending.

§ 50.51 *In case of doubt as to issuance of certificate of identity.* Where it appears that the presence of the applicant in the United States would endanger the public safety or where the diplomatic or consular officer believes that the applicant is a national of the United States and entitled to a passport as such or where the diplomatic or consular officer has any doubt with respect to the action he should take upon the application for a certificate of identity, the officer should suspend action and consult the Department of State.

§ 50.52 *Form and issuance of certificate of identity.* The certificate of identity shall be issued on the approved form, printed upon the application form. It shall be signed and sealed by the diplomatic or consular officer, who shall state on the original and each copy thereof the date and place of issuance. The three copies shall be marked "copy". One copy and any documentary evidence submitted by the applicant shall be retained in the files of the issuing office, and two copies sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.

§ 50.53 *Period of validity of certificate of identity.* A certificate of identity shall expire six months from the date of its issuance, unless extended by direction of the Secretary of State.

§ 50.54 *Denial of certificate of identity.* In case the certificate of identity is denied by a diplomatic or consular officer, a notation to that effect shall be made by him in the space provided therefor at the end of the original application and on each copy thereof. The notation shall set forth definitely the grounds for the denial. The original application and any documentary evidence submitted by the applicant shall be retained in the files of the office to which the application was submitted. One copy shall be returned to the applicant, and two copies shall be sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.

§ 50.55 *Appeal by applicant.* When an applicant is denied a certificate of identity, he may appeal by a written statement to the Secretary of State, setting forth fully the pertinent facts and the grounds upon which United States nationality is claimed and his reasons for considering that the denial of his application by the diplomatic or consular officer is not justified. The statement shall be executed in quadruplicate and submitted to the diplomatic or consular office in which the denial was made. If the statement contains facts not set forth in the application it shall be sworn to (or affirmed) by the applicant before a diplomatic or consular officer of the United States. The original statement and one copy shall be forwarded by the diplomatic or consular officer to the Department of State with two copies of the application for the certificate of identity and any documentary evidence submitted by the applicant, if the copies have not already been sent to that Department. One copy of the statement shall be retained in the files of the diplomatic or consular office in which the denial was made and one copy returned to the applicant. If it is not practicable for the statement to be sworn to or affirmed by the applicant in the diplomatic or consular office in which the denial was made, it may be sworn to or affirmed in any other diplomatic or consular office of the United States. In such case, the original and two copies of the statement shall be forwarded by that office to the diplomatic or consular office in which the application was denied, but if that is not practicable they shall be sent directly to the Department of State. One copy shall be returned to the applicant.

§ 50.56 *Certificate of identity obtained by fraud or other illegality.* Whenever a certificate of identity is found by a diplomatic or consular officer of the United States to have been obtained by fraud or other illegality, or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, directly to the Department of State.

§ 50.57 *Repeal of section 503, and savings clause.* Section 503 of the Nationality Act of 1940 was repealed by section 403 (a) (42) of the Immigration and Nationality Act of 1952. However, section 405 (a) of that act provides in part as follows:

Nothing contained in this Act, unless otherwise specifically provided therein, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certificate of citizenship, warrant of arrest, order or warrant of deportation, order of exclusion, or other document or proceeding which shall be valid at the time this Act shall take effect; or to affect any prosecution, suit, action, or proceedings, civil or criminal, done or existing, at the time this Act shall take effect; but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters the statutes or parts of statutes repealed by this Act are, unless otherwise specifically provided therein, hereby continued in force and effect.

PART 51—PASSPORTS

NOTE: Part 51 not included in this republication.

PART 52—BIRTHS AND MARRIAGES

52.1 Registration of births.
52.2 Celebration of marriage.
52.3 Acting as official witness at marriage ceremonies.
52.4 Certificate of Witness to Marriage.
52.5 Authentication of marriage and divorce documents.
52.6 Certification to marriage laws.

AUTHORITY: §§ 52.1 to 52.6 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 52.1 *Registration of births.* Consular officers are required, upon application, to record the birth abroad of children who are American citizens. They should impress upon American citizens resident in their respective districts the desirability and importance of a prompt registration of such births. No fee shall be charged for the registration of a birth and the furnishing to the parents of one copy of the completed form. Charges for additional copies are as prescribed in the Schedule of Fees (§ 21.1 of this chapter) or in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

§ 52.2 *Celebration of marriage.* Foreign Service officers are forbidden to celebrate marriages.

§ 52.3 *Acting as official witness at marriage ceremonies*—(a) *Diplomatic representative not empowered to act as official witness.* A diplomatic representative is not empowered to act as an official witness at a marriage ceremony.

(b) *Consular officer authorized to act as official witness.* A consular officer may, when requested, act as an official witness at a marriage ceremony (see 22 U. S. C. 72), provided that one of the contracting parties is a citizen of the United States and provided the consular officer has assured himself that the requirements of the law at the place of celebration have been complied with as far as practicable. While it is not intended to modify in any way the principle of international law that the form of celebrating marriage is determined ordinarily by the law of the place of celebration, the following exceptions are recognized:

(1) When it is impossible to use such form;

(2) When it is repugnant to the religious convictions of the parties;

(3) When it is not imposed on foreigners by the sovereign prescribing it;

(4) When the ceremony is performed in a non-Christian or semicivilized country. (See 7 Op. Atty. Gen. 18.)

§ 52.4 *Certificate of Witness to Marriage.* Whenever a consular officer witnesses a ceremony of marriage, he shall complete in every detail Form No. 87, Certificate of Witness to Marriage, affix thereto the seal of the consulate, certify that the marriage took place in his presence, and sign such certificate. (See 22 U. S. C. 72.)

§ 52.5 *Authentication of marriage and divorce documents.* Whenever a consular officer is requested to authenticate the signature of local authorities on a document of marriage when he was not a witness to the marriage, he shall include in the body of his certificate of authentication the qualifying statement, "For the contents of the annexed document, the Consulate (General) assumes no responsibility."

The same statement shall be included in certificates of authentication accompanying decrees of divorce.

§ 52.6 *Certification to marriage laws.* Although a consular officer may have knowledge respecting the laws of marriage, he shall not issue any official certificate as to such laws.

PART 53—TRAVEL CONTROL OF CITIZENS AND NATIONALS IN TIME OF WAR OR NATIONAL EMERGENCY

AMERICAN CITIZENS AND NATIONALS

Sec.
53.1 Definition of the term "United States".
53.2 Limitations upon travel.
53.3 Exceptions to regulations in § 53.2.
53.4 Persons considered as bearing passports.
53.5 Prevention of departure from or entry into the United States.
53.6 Attempt of a citizen or national to enter without a valid passport.
53.7 Optional use of a valid passport.

AUTHORITY: §§ 53.1 to 53.7 issued under sec. 215, 66 Stat. 190; 8 U. S. C. 1185.

§ 53.1 *Definition of the term "United States".* The term "United States" as used in this part includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

§ 53.2 *Limitations upon travel.* No citizen of the United States or person who owes allegiance to the United States shall depart from or enter into or attempt to depart from or enter into any part of the United States as defined in § 53.1, unless he bears a valid passport which has been issued by or under authority of the Secretary of State or unless he comes within one of the exceptions prescribed in § 53.3.

§ 53.3 *Exceptions to regulations in § 53.2.* No valid passport shall be required of a citizen of the United States or of a person who owes allegiance to the United States:

(a) When traveling between the continental United States and the Territory of Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, or between any such places; or

(b) When traveling between the United States and any country or territory in North, Central, or South America or in any island adjacent thereto: *Provided,* That this exception shall not be applicable to any such person when traveling to or arriving from a place outside the United States for which a valid passport is required under this part, if such travel is accomplished via any country or territory in North, Central, or South America or any island adjacent thereto: *And provided also,* That this section shall not be applicable to any seaman except as provided in paragraph (c) of this section; or

(c) When departing from or entering the United States in pursuit of the vocation of seaman: *Provided,* That the person is in possession of a specially validated United States merchant mariner's document issued by the United States Coast Guard; or

(d) When departing from or entering into the United States as an officer or member of the enlisted personnel of the United States Army or the United States Navy on a vessel operated by the United States Army or the United States Navy; or

(e) When traveling as a member of the Armed Forces of the United States or a civil employee of the Department of Defense between the continental United States, the Canal Zone, and all territories, continental or insular, subject to the jurisdiction of the United States, and any foreign country or territory for which a valid passport is required under the regulations in this part: *Provided,* That he is in possession of a document of identification issued for such purposes by the Department of Defense; or

(f) When traveling as an air crewman on board an American aircraft which is engaged in commercial air-transport service for the carriage of goods, passengers, or mail between the United States and a foreign country: *Provided,* That he is in possession of an identification card issued by the Civil Aeronautics Board which complies with the International Civil Aviation Organization requirements; or

(g) When specifically authorized by the Secretary of State, through the appropriate official channels, to depart from or enter into the United States, as defined in § 53.1.

§ 53.4 *Persons considered as bearing passports.* Every citizen of the United States, or person who owes allegiance to the United States, who is included in a valid passport issued by or under authority of the Secretary of State shall for the purpose of the rules and regulations in this part be considered as bearing a separate valid passport if such passport is presented to the appropriate official at the time he departs from or enters into or attempts to depart from or enter into any territory of the United States as defined in § 53.1.

§ 53.5 *Prevention of departure from or entry into the United States.* (a) Nothing in this part shall be construed as prohibiting the Secretary of State or his representative at a port in the United States from preventing the departure from or entry into the United States, as defined in § 53.1, of a citizen of the United States or a person who owes allegiance to the United States, unless he bears a passport, card of identification, or other document of identity issued by or under authority of the Secretary of State, notwithstanding the fact he may be destined for or arriving from a place outside any such territory of the United States for which a valid passport is not required under the regulations in this part.

(b) Nor shall anything in the regulations in this part be construed as prohibiting the Secretary of State or his representative at a port in the United States from preventing temporarily the departure from or entry into the United States, as defined in § 53.1, of a citizen of the United States or a person who owes allegiance to the United States, notwithstanding the fact that such person may bear a valid passport, card of identification, or other document of identity issued by or under authority of the Secretary of State or be destined for or arriving from a place outside any such territory of the United States for which a valid passport is not required under the regulations in this part.

§ 53.6 *Attempt of a citizen or national to enter without a valid passport.* If any person who alleges that he is a citizen of the United States or a person who owes allegiance to the United States attempts to enter the United States contrary to the provisions of the regulations in this part, the appropriate officer of the United States at the port at which the attempt is made to enter the United States, if satisfied that such person is a citizen of the United States or a person who owes allegiance to the United States, shall detain such person and immediately report the facts in the case to the Secretary of State and await his instructions.

§ 53.7 *Optional use of a valid passport.* Nothing in this part shall be construed to prevent the use of a valid passport by any citizen of the United States, or a person who owes allegiance to the United States, in a case in which a passport is not required by this part.

SUBCHAPTER G—INTERNATIONAL EDUCATIONAL EXCHANGE SERVICE

PART 61—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL EXCHANGE PROGRAM

Sec.
61.1 Definitions.
61.2 Applicability of this part under special circumstances.
61.3 Grants to foreign participants to observe, consult, or demonstrate special skills.
61.4 Grants to foreign participants to lecture, teach, and engage in research or training.
61.5 Grants to foreign participants to study.
61.6 Assignment of United States Government employees to consult, lecture, teach, engage in research, or demonstrate special skills.
61.7 Grants to United States participants to consult, lecture, teach, engage in research, or demonstrate special skills.
61.8 Grants to United States participants to study.
61.9 General provisions.

AUTHORITY: §§ 61.1 to 61.9 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c. Interpret or apply secs. 537, 3, 12, 70 Stat. 561, 890, 892; 22 U. S. C. 1797, 5 U. S. C. 170h, 170q.

§ 61.1 *Definitions.* For the purpose of this part the following terms shall have the meaning here given:

(a) *International educational exchange program of the Department of State.* A program to promote mutual understanding between the people of the United States and those of other countries and to strengthen cooperative international relations in connection with which payments are made direct by the Department of State, as well as similar programs carried out by other Government departments and agencies and by private organizations with funds appropriated or allocated to the Department of State when the regulations in this part apply under the provisions of § 61.2 (a) and (b).

(b) *Program and Department.* For convenience, the international educational exchange program of the Department of State will hereinafter be referred to as the "program", and the Department of State will hereinafter be referred to as the "Department".

(c) *Participant.* Any person taking part in the program for purposes listed in §§ 61.3 through 61.8, including both citizens of the United States and citizens

and nationals of the other countries with which the program is conducted.

(d) *Transportation.* All necessary travel on railways, airplanes, steamships, busses, streetcars, taxicabs, and other usual means of conveyance.

(e) *Excess baggage.* Baggage in excess of the weight or size carried free by public carriers on first-class service.

(f) *Per diem allowance.* Per diem in lieu of subsistence includes all charges for meals and lodging; fees and tips; telegrams and telephone calls reserving hotel accommodations; laundry, cleaning and pressing of clothing; transportation between places of lodging or business and places where meals are taken. Maximum rates of per diem have been approved by the Bureau of the Budget in accordance with Public Law 885, 84th Congress.

§ 61.2 *Applicability of this part under special circumstances—(a) Funds administered by another department or agency.* The regulations in this part shall apply to payments made to or on behalf of participants from funds appropriated or allocated to the Department and transferred by the Department to some other department, agency or independent establishment of the Government unless the terms of the transfer provide that such regulations shall not apply in whole or in part or with such modifications as may be prescribed in each case to meet the exigencies of the particular situation.

(b) *Funds administered by private organizations.* The regulations in this part shall apply to payments made to or on behalf of participants from funds appropriated or allocated to the Department and administered by an institution, facility, or organization in accordance with the terms of a contract or grant made by the Department with or to such private organizations, unless the terms of such contract or grant provide that the regulations in this part are not to be considered applicable or that they are to be applied with such modifications as may be prescribed in each case to meet the exigencies of the particular situation.

(c) *Appropriations or allocations.* The regulations in this part shall apply to payments made by the Department with respect to appropriations or allocations which are or may hereafter be made available to the Department for the program so far as the regulations in this part are not inconsistent therewith.

§ 61.3 *Grants to foreign participants to observe, consult, or demonstrate special skills.* A citizen or national of a foreign country who has been awarded a grant to observe, consult with colleagues, or demonstrate special skills may be entitled to any or all of the following benefits when authorized by the Department:

(a) *Transportation.* First-class accommodations on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Standardized Government Travel Regulations.

(b) *Excess baggage.* Excess baggage as deemed necessary by the Department.

(c) *Per diem allowances.* (1) Per diem allowance not to exceed $17 in lieu of subsistence expenses while traveling to and from the United States (except for the period spent on seagoing vessels), while on authorized or emergency stopovers, and while participating in the program.

(2) Per diem allowance not to exceed $6 in lieu of subsistence expenses while traveling on seagoing vessels outside the continental limits of the United States.

(d) *Tuition and related expenses.* Tuition and related expenses in connection with attendance at seminars and workshops, professional meetings, or other events in keeping with the purpose of the grant.

(e) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(f) *Advance of funds.* Advance of funds including per diem.

§ 61.4 *Grants to foreign participants to lecture, teach, and engage in research or training.* A citizen or national of a foreign country who has been awarded a grant to lecture, teach, and engage in research or training may be entitled to any or all of the following benefits when authorized by the Department:

(a) *Transportation.* First-class accommodations on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Standardized Government Travel Regulations.

(b) *Excess baggage.* Excess baggage as deemed necessary by the Department.

(c) *Per diem allowance.* (1) Per diem allowance not to exceed $12 in lieu of subsistence expenses while traveling to and from the United States (except for the period spent on seagoing vessels), while on authorized or emergency stopovers, and while participating in the program.

(2) Per diem allowance not to exceed $6 in lieu of subsistence expenses while traveling on seagoing vessels outside the continental limits of the United States.

(d) *Allowance.* An allowance of not to exceed $50 in lieu of per diem while traveling to and from the United States.

(e) *Tuition and related expenses.* Tuition and related expenses in connection with attendance at educational institutions, seminars and workshops, professional meetings, or other events in keeping with the purpose of the grant.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Advance of funds.* Advance of funds including per diem.

§ 61.5 *Grants to foreign participants to study.* A citizen or national of a foreign country who has been awarded a grant to study may be entitled to any or all of the following benefits when authorized by the Department:

(a) *Transportation.* First-class accommodations on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Standardized Government Travel Regulations.

(b) *Excess baggage.* Excess baggage as deemed necessary by the Department.

(c) *Per diem allowance.* (1) Per diem allowance not to exceed $9 in lieu of subsistence expenses while traveling to and from the United States (except for the period spent on seagoing vessels), while on authorized or emergency stopovers, or in a travel status within the United States.

(2) Per diem allowance not to exceed $6 in lieu of subsistence expenses while traveling on seagoing vessels outside the continental limits of the United States.

(3) Per diem allowance not to exceed $8 while present and in attendance at an educational institution, facility or organization.

(4) Per diem allowance not to exceed $12 while participating in authorized field trips or conferences.

(d) *Allowance.* An allowance of not to exceed $35 in lieu of per diem while traveling to and from the United States.

(e) *Tuition.* Tuition and related fees for approved courses of study.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Tutoring assistance.* Special tutoring assistance in connection with approved courses of study.

(h) *Advance of funds.* Advance of funds including per diem.

§ 61.6 *Assignment of United States Government employees to consult, lecture, teach, engage in research, or demonstrate special skills.* An employee of the United States Government who has been assigned for service abroad to consult, lecture, teach, engage in research, or demonstrate special skills, may be entitled to any or all of the following benefits when authorized by the Department:

(a) *Transportation.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence at the maximum rates allowable while in a travel status in accordance with the provisions of the Standardized Government Travel Regulations and the Travel Expense Act of 1949, as amended. The participant shall be considered as remaining in a travel status during the entire period covered by his assignment unless otherwise designated.

(b) *Advance of funds.* Advances of per diem as provided in the Travel Expense Act of 1949, as amended.

(c) *Compensation.* Compensation in accordance with Civil Service rules; or in accordance with the grade in which the position occupied may be administratively classified; or Foreign Service Act, as amended.

(d) *Allowances for cost of living and living quarters.* Allowances for living quarters, heat, fuel, light, and to compensate for the increased cost of living in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), when not in a travel status as provided in paragraph (a) of this section.

(e) *Books and educational materials allowance.* A reasonable allowance for books and educational materials. Such books and materials, unless otherwise

specified, shall be selected by the employee and purchased and shipped by the Department or its agent. At the conclusion of the assignment, the books and educational materials shall be transferred to and become the property of an appropriate local institution or be otherwise disposed of as directed by the Department.

(f) *Families and effects.* Cost of transportation of immediate family and household goods and effects when going to and returning from posts of assignment in foreign countries in accordance with the provisions of the Foreign Service Regulations of the United States of America.

§ 61.7 *Grants to United States participants to consult, lecture, teach, engage in research, or demonstrate special skills.* A citizen of the United States who has been awarded a grant to consult, lecture, teach, engage in research, or demonstrate special skills may be entitled to any or all of the following benefits when authorized by the Department:

(a) *Transportation.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence while in a travel status. Per diem at the maximum rates allowable in accordance with the provisions of the Standardized Government Travel Regulations and the Travel Expense Act of 1949, as amended, unless otherwise specified. The participant shall be considered as remaining in a travel status during the entire period covered by his grant unless otherwise designated.

(b) *Orientation and debriefing within the United States.* For the purpose of orientation and debriefing within the United States compensation, travel and per diem at the maximum rates allowable in accordance with the provisions of the Standardized Government Travel Regulations and the Travel Expense Act of 1949, as amended, unless otherwise specified.

(c) *Advance of funds.* Advance of funds including per diem.

(d) *Compensation.* Compensation at a rate to be specified in each grant.

(e) *Allowances.* Appropriate allowances as determined by the Department.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials. Such books and materials, unless otherwise specified, shall be selected by the grantee and purchased and shipped by the Department or its agent. At the conclusion of the grant, the books and materials shall be transferred to and become the property of an appropriate local institution or be otherwise disposed of as directed by the Department.

§ 61.8 *Grants to United States participants to study.* A citizen of the United States who has been awarded a grant to study may be entitled to any or all of the following benefits when authorized by the Department.

(a) *Transportation.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence while in a travel status. Per diem at the maximum rates allowable in accordance with the provisions of the Standardized Government Travel Regulations and the Travel Expense Act of 1949, as amended, unless otherwise specified. Travel status shall terminate upon arrival at the place of study designated in the grant and shall recommence upon departure from that place to return home.

(b) *Orientation and debriefing within the United States.* For the purpose of orientation and debriefing within the United States travel and per diem at the maximum rates allowable in accordance with the provisions of the Standardized Government Travel Regulations and the Travel Expense Act of 1949, as amended, unless otherwise specified.

(c) *Advance of funds.* Advance of funds including per diem.

(d) *Maintenance allowance.* A maintenance allowance at a rate to be specified in each grant.

(e) *Tuition.* Tuition and related fees for approved courses of study.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Tutoring assistance.* Special tutoring assistance in connection with approved courses of study.

§ 61.9 *General provisions.* The following provisions shall apply to the foregoing regulations:

(a) *Health and accident insurance.* Payments for the costs of health and accident insurance for foreign participants while such participants are en route or absent from their homes for purposes of participation in the program when authorized by the Department.

(b) *Transportation of remains.* Payments for the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in the program are authorized.

(c) *Maxima not controlling.* Payments and allowances may be made at the rate or in the amount provided in the regulations in this part unless an individual grant or travel order specifies that less than the maximum will be allowed under any part of the regulation in this part. In such case, the grant or travel order will control.

(d) *Individual authorization.* Where the regulations in this part provide for compensation, allowance, or other payment, no payment shall be made therefore unless a definite amount or basis of payment is authorized in the individual case, or is approved as provided in paragraph (f) of this section.

(e) *Computation of per diem and allowance.* In computing per diem and allowances payable while on a duty assignment, except for travel performed under the Standardized Government Travel Regulations, fractional days shall be counted as full days, the status at the end of the calendar day determining the status for the entire day.

(f) *Subsequent approval.* Whenever without prior authority expense has been incurred by a participant, or an individual has commenced his participation in the program as contemplated by the regulations in this part, the voucher for payments in connection therewith may be approved by an official designated for this purpose, such approval constituting the authority for such participation or the incurring of such expense.

(g) *Additional authorization.* Any emergency, unusual or additional payment deemed necessary under the program if allowable under existing authority, may be authorized whether or not specifically provided for by this part.

(h) *Biweekly payment.* Unless otherwise specified in the grant, all compensation and allowances for U. S. participants shall be payable biweekly and shall be computed as follows: an annual rate shall be derived by multiplying a monthly rate by 12; a biweekly rate shall be derived by dividing an annual rate by 26; and a calendar day rate shall be derived by dividing an annual rate by 364. If any maximum compensation or allowance authorized by these regulations or by the terms of any grant is exceeded by this method of computation and payment, such excess payment is hereby authorized. This paragraph may apply to payments made to participants from funds administered as provided in § 61.2 (a) and (b) in the discretion of the department, agency, independent establishment, institution, facility, or organization concerned.

(i) *Payments.* Payments of benefits authorized under any part of the regulations in this part may be made either by the Department of State or by such department, agency, institution, or facility as may be designated by the Department.

(j) *Duration.* The duration of the grant shall be specified in each case.

(k) *Cancellation.* If a recipient of a grant under this program fails to maintain a satisfactory record or demonstrates unsuitability for furthering the purposes of the program as stated in § 61.1 (a), his grant shall, in the discretion of the Secretary of State or such officer as he may designate, be subject to cancellation.

(l) *Outstanding grant authorizations.* Grants and other authorizations which are outstanding and in effect on the date the present regulations become effective, and which do not conform to this part, shall nevertheless remain in effect and be governed by the regulations under which they were originally issued, unless such grants or other authorizations are specifically amended and made subject to the present regulations in which case the individual concerned will be notified.

PART 62—FOREIGN STUDENTS

Sec.
62.1 Regulations to be drafted.
62.2 Applications.
62.3 Reference of applications.
62.4 Copies of regulations to Department of State.
62.5 Granting of application.
62.6 Limitations.

AUTHORITY: §§ 62.1 to 62.6 issued under 52 Stat. 1034, as amended; 20 U. S. C. 221.

§ 62.1 *Regulations to be drafted.* Subject to the provisions and requirements of this part, appropriate administrative regulations shall be drafted by each executive department or agency of the Government which maintains and administers educational institutions and schools coming within the scope of the legislation. Such regulations shall carefully observe the limitations imposed by the Act of June 24, 1938, and shall in each case include:

(a) A list of the institutions and courses in the department or agency concerned in which instruction is available under the terms of the legislation.

(b) A statement of the maximum number of students of the other American republics who may be accommodated in each such institution or course at any one time.

(c) A statement of the qualifications to be required of students of the other American republics for admission, including examinations, if any, to be passed.

(d) Provisions to safeguard information that may be vital to the national defense or other interests of the United States.

§ 62.2 *Applications.* Applications for citizens of the other American republics to receive the instruction contemplated by the said Act of June 24, 1938, shall be made formally through diplomatic channels to the Secretary of State by the foreign governments concerned.

§ 62.3 *Reference of applications.* The Secretary of State shall refer the applications to the proper department or agency of the Government for advice as to what reply should be made to the application.

§ 62.4 *Copies of regulations to Department of State.* In order to enable the Secretary of State to reply to inquiries received from the governments of the other American republics, the Department of State shall be promptly supplied with copies of the regulations drafted by the other departments and agencies of the Government and of subsequent amendments thereto.

§ 62.5 *Granting of application.* Upon receipt of a reply from another department or agency of the Government, as contemplated by § 62.3, in which it is recommended that an application be granted, the Secretary of State shall notify the government of the American republic concerned, through diplomatic channels, that permission to receive the instruction requested in the application is granted, provided the applicant complies with the terms of this part and with the terms of the administrative regulations of the department or agency concerned.

§ 62.6 *Limitations.* In granting permission to citizens of the other American republics to receive instruction under the provisions of the said act of June 24, 1938, the Secretary of State shall limit the number of such permissions so that not more than one citizen of any one American republic shall receive instruction at the same time in the United States Military Academy; and he shall not grant any such permission to a citizen of any of the American republics to receive instruction in any institution or school if the issuance of such permission will curtail the admission of citizens of the United States eligible to receive instruction therein.

PART 63—EXCHANGE-VISITOR PROGRAM

Sec.
63.1 Definitions.
63.2 Application for Exchange-Visitor Program designation.
63.3 Action on applications for Exchange-Visitor Program designation.
63.4 Notification to exchange visitors.
63.5 Applications for exchange-visitor status, extensions of stay, and program transfers.
63.6 Application for waiver of the provisions of Public Law 555, 84th Congress.
63.7 Action on applications for waiver of the provisions of Public Law 555, 84th Congress.

AUTHORITY: §§ 63.1 to 63.7 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c. Interpret or apply secs. 201, 1005, 1009, 62 Stat. 7, 14; 22 U. S. C. 1446, 1437, 1440.

CROSS REFERENCES: For consular procedure with respect to issuance of visas to exchange visitors, see 22 CFR 41.41 of this chapter.

§ 63.1 *Definitions.* (a) As used in this part the term "act" refers to the United States Information and Educational Exchange Act of 1948, as amended.

(b) As used in this part the term "sponsor" means any existing reputable United States agency or organization or recognized international agency or organization having United States membership and offices which makes application as hereinafter prescribed to the Secretary of State for designation of a program under its sponsorship as an "Exchange-Visitor Program."

(c) As used in this part, the term "Exchange-Visitor Program" means a program of a sponsor designed to promote interchange of persons, knowledge and skills, and the interchange of developments in the field of education, the arts, and sciences, and concerned with one or more of the categories of exchange visitors defined in paragraph (g) of this section, which has been designated as such by the Secretary of State, and in actual operation serves to promote mutual understanding between the people of the United States and the people of other countries.

(d) As used in this part, the term "Secretary" means either the Secretary of State or an officer duly designated by him.

(e) As used in this part, the term "Department" means the Department of State.

(f) As used in this part the term "cooperating country" means any country with which the Department is authorized to conduct exchange of persons under the provisions of section 201 of the act.

(g) As used in this part the term "exchange visitor" means any foreign national who has been selected by a sponsor to participate in an Exchange-Visitor Program and who is seeking to enter or has entered the United States temporarily in one of the following categories:

(1) A "student", for the purpose of study, research, or training at, or under the auspices of, an established school or institution of learning, or

(2) A "trainee", for the purpose of obtaining practical training in a specialized field of knowledge and skill in a nonacademic institution or agency, or

(3) A "teacher", for the purpose of teaching in established primary or secondary schools, or established schools offering specialized instruction, or

(4) A "guest instructor", for the purpose of imparting knowledge through lectures or special instruction, or

(5) A "professor", for the purpose of teaching or advanced research, or both, in an established institution of higher learning, or

(6) A "leader in a field of specialized knowledge or skill", for purposes of observation, consultation, advanced research or training or the sharing of such specialized knowledge or skill.

(h) As used in this part the term "participant" means a foreign national who has effected his admission into the United States as an exchange-visitor or who has acquired exchange-visitor status subsequent to admission.

§ 63.2 *Application for Exchange-Visitor Program designation.* (a) Any sponsor may apply to the Secretary for designation of a program under its sponsorship as an "Exchange-Visitor Program." Such application shall be made on Form DSP–37, "Exchange-Visitor Program application." The application shall be completed in all details and shall be submitted to the Secretary.

(b) Each sponsor shall assume, inter alia, in the application the obligation to:

(1) Notify the District Director of the Immigration and Naturalization Service having administrative jurisdiction over the participant's place of temporary residence when (i) a participant has completed the sponsor's program and is scheduled to depart from the United States or to transfer to another Exchange-Visitor Program, or (ii) a participant has ceased to engage in the activity for which he was admitted and to maintain exchange-visitor status.

(2) Instruct any participant requiring a temporary extension of stay to apply to the Immigration and Naturalization Service at least 30 days before the expiration of the participant's stay and provide the participant requiring the extension with written evidence showing the period and terms of the extension desired.

(3) Provide any participant requiring transfer to another Exchange-Visitor Program with a release in writing which will certify to the need or desirability of further Exchange-Visitor Program participation.

§ 63.3 *Action on applications for Exchange-Visitor Program designation—* (a) *Evidence.* Whenever an application for program designation on Form DSP–37 is submitted to the Secretary, it shall be examined to ascertain the adequacy of the information furnished. If sufficient information has not been furnished, the sponsor shall be requested to supply information in which the application is deficient. In addition to the information furnished on the DSP–37, the Secretary may require a sponsor to present any evidence of a documentary nature, e. g., program reports, institutional catalogues, letters of professional recognition, accreditation, or approval, which he may

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consider necessary in making his determination of the eligibility of the program to be designated as an Exchange-Visitor Program.

(b) *Decision by the Secretary of State.* Upon receipt and consideration of the Form DSP–37, including any required additional evidence, the Secretary may in his discretion designate the sponsor's program as an Exchange-Visitor Program. The Secretary will notify the sponsor in writing of his decsion. The Secretary may in his discretion revoke designation of an Exchange-Visitor Program for any sufficient cause, including but not restricted to: (1) Failure to maintain educational standards as established by competent professional agencies; (2) failure to submit reports on program operation when requested by the Secretary.

(c) *Assignment of serial number.* (1) If designation is made, the program will be assigned a number within one of the following series:

G–I—Programs sponsored by the International Educational Exchange Service.

G–II—Programs sponsored by the International Cooperation Administration.

G–III—Programs sponsored by the United States Information Agency.

G–IV—Programs sponsored by international agencies or organizations.

G–V—Programs sponsored by national, state, or local governmental agencies.

P–I—Programs sponsored by educational institutions such as schools, colleges, universities, seminaries, libraries, museums, and institutions devoted to scientific and technological research.

P–II—Programs sponsored by hospitals and related institutions.

P–III—Programs sponsored by non-profit associations, foundations and institutes.

P–IV—Programs sponsored by business and industrial concerns.

P–V—Programs sponsored by host institutions and organizations to international conferences, congresses, and symposia.

(2) The sponsor will thereafter refer to the serial number in any correspondence with the Secretary, consular officers, or the Immigration and Naturalization Service concerning the Exchange-Visitor Program or any individual included in such program.

(d) *Notification to consuls and the Immigration and Naturalization Service.* When a program has been designated as an Exchange-Visitor Program, the American consular officers concerned and the Commissioner of Immigration and Naturalization shall be notified by the Department of the sponsor, serial number, and nature and purpose of the program.

§ 63.4 *Notification to exchange visitors.* The officer designated as the Responsible Officer of an Exchange-Visitor Program shall execute a Form DSP–66 in a single original copy and furnish it to each selected participant for presentation to the American consular office in applying for a visa. The Responsible Officer is required to furnish in the Form DSP–66 the time and terms of the proposed exchange visit which must be demonstrably within the scope of the designated Exchange-Visitor Program concerned. The exchange visitor must present a Form DSP–66 properly filled out by the sponsor and must personally execute the reverse to be eligible for a visa and must present, at the port of entry, Form DSP–66 endorsed by the consular officer issuing the visa to be eligible for admission into the United States.

§ 63.5 *Applications for exchange-visitor status, extensions of stay, and program transfers*—(a) *Application for change of status to exchange-visitor.* Such application shall be made by the prospective exchange visitor who has been aamitted into the United States in one of the nonimmigrant classifications specified in 101 (a) (15) of the Immigration and Nationality Act and who has maintained bona fide nonimmigrant status to the office of the Immigration and Naturalization Service nearest the alien's place of temporary residence. The application must be accompanied by a Form DSP–66 properly executed by the sponsor and the prospective exchange visitor. The Immigration and Naturalization Service officer to whom application is made may request the views of the Department prior to the granting of the change of status in those cases in which (1) the applicant has resided in the United States for a period of one year or longer immediately preceding his application, or (2) the officer cannot determine from the evidence submitted that the program activity proposed for the applicant is clearly within the scope of the designation of the Exchange-Visitor Program concerned, or that the selection procedures agreed upon between the sponsor and the Department of State at the time of the designation have been followed.

(b) *Application for extension of stay.* Such application shall be made at least 30 days before the expiration of the exchange-visitor's authorized stay to the District Director of the Immigration and Naturalization Service having administrative jurisdiction over the exchange visitor's place of temporary residence. The application shall be accompanied by the Form DSP–66 with which the exchange-visitor originally obtained status, properly endorsed by the sponsor to show the time and terms of the extended stay for which application is made. If the application falls within one of the categories of cases which the Department has advised the Immigration and Naturalization Service are questionable from an exchange point of view, or should be subject to special checks, the Immigration and Naturalization Service may refer the application to the Department for its views prior to action on the application.

(c) *Application for program transfer.* An application for permission to transfer from one designated Exchange-Visitor Program to another must be submitted to the District Director of the Immigration and Naturalization Service nearest the exchange visitor's place of temporary residence by the exchange-visitor concerned at least thirty days before participation in the program to which the exchange visitor wishes to transfer is scheduled to begin. Any application for program transfer must be accompanied by a duly executed Form DSP–67. The District Immigration and Naturalization Service Office concerned may request the views of the Department as to whether or not a proposed transfer is in the best interests of international exchange in any case in which the applicant is unable to present a certificate of release from the current sponsor, in which it appears that the transfer is solely or principally for the purpose of continuing the residence and employment of the exchange visitor in the United States, or in which the officer cannot perceive clear progress toward an educational objective, before granting the exchange visitor permission to transfer.

§ 63.6 *Application for waiver of the provisions of Public Law 555, 84th Congress.* Any exchange visitor or former exchange visitor who desires to have all or part of the foreign residence requirement, provided in Public Law 555, 84th Congress, waived may apply to the District Director of the Immigration and Naturalization Service having administrative jurisdiction over his intended place of permanent residence in the United States. Such application shall consist of an affidavit as to the facts concerning the admission and stay of the exchange visitor or former exchange visitor and the reason or reasons why the applicant desires to apply for permanent residence to commence before the completion of the foreign residence requirement. The application must be supported by documentary evidence that ineligibility for permanent residence status would (a) impose undue hardship upon the exchange visitor that could not have been anticipated at the time exchange visitor status or the last extension of stay as an exchange visitor was granted, or (b) be clearly detrimental to a program or activity of official interest to a United States agency, or (c) impose undue restriction on a foreign national who paid a visit of 90 days or less to the United States as an exchange visitor at the request of a United States institution or agency to contribute to a project or program of the institution or agency. Former exchange visitors who have returned abroad may make application to the nearest American consular office.

§ 63.7 *Action on applications for waiver of the provisions of Public Law 555, 84th Congress.* The District Director of the Immigration and Naturalization Service shall forward any application received, together with any documents submitted therewith, to the Department through the appropriate Regional Commissioner. The consular office shall forward any application received directly to the Department. The Secretary shall review each application to determine that it does not constitute misuse of the exchange program on the part of foreign nationals or United States institutions or agencies. After review of the application, the Secretary may in his discretion recommend that the application be granted or denied. The recommendation of the Secretary shall be forwarded by the Department to the Regional Commissioner of the Immigration and Naturalization Service having jurisdiction over the district office in which the application was filed.

SUBCHAPTER H—PROTECTION AND WELFARE OF AMERICANS, THEIR PROPERTY AND ESTATES

PART 71—PROTECTION AND WELFARE OF CITIZENS AND THEIR PROPERTY

GENERAL ACTIVITIES

Sec.
71.1 Protection of Americans abroad.
71.2 Requests for naval force in foreign port.
71.3 American claimants to foreign estates and inheritances.
71.4 Real property of deceased American citizens.
71.5 Storage or safekeeping of private property.
71.6 Services for distressed Americans.
71.7 Reports on catastrophes abroad.
71.8 Assistance to American Red Cross.
71.9 Presentation of Americans at foreign courts.

AUTHORITY: §§ 71.1 to 71.9 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 71.1 *Protection of Americans abroad.* Officers of the Foreign Service shall perform such duties in connection with the protection of American nationals abroad as may be imposed upon them by rules and regulations prescribed by the Secretary of State.

§ 71.2 *Requests for naval force in foreign port.* Diplomatic representatives and consular officers shall not request the presence of a naval force in a foreign port unless a public emergency so necessitates. The request may be addressed to the officers in command of the naval force, in which event responsibility of action rests with them, or it may be addressed to the Department of State. In either case, the request should contain detailed reasons for its submission.

§ 71.3 *American claimants to foreign estates and inheritances.* Where treaty provisions, local laws, or established usage permit, a consular officer should protect the interests of American citizens claiming foreign estates and inheritances.

§ 71.4 *Real property of deceased American citizens.* In the absence of special provisions by treaty the devolution and transfer of real property are covered by the law of the place where the property is situated. When real property is left by the decedent within the country where death occurs, or where the decedent was domiciled at the time of death, the consular officer, or diplomatic officer, if there be no consular officer, should if feasible informally observe the proceedings and report to the diplomatic mission or the Department any apparent irregularity or unnecessary delay in settling the estate.

§ 71.5 *Storage or safekeeping of private property.* Except in a public emergency, no officer of the Foreign Service shall accept private property for storage or safekeeping in the office or for transmission to some other destination, unless it is property belonging to the estate of a deceased American citizen, or property over which the officer has jurisdiction as a result of a catastrophe at sea. In public emergencies, officers may accept private property for storage and safekeeping or for transmission to another destination, provided the owner signs a statement to the effect that the property is being accepted for deposit at his request, at his own risk, and with full knowledge that neither the Government of the United States nor any of its officers assumes responsibility therefor.

§ 71.6 *Services for distressed Americans.* Officers of the Foreign Service shall extend every possible aid and assistance within their power to distressed American citizens within their districts, but they shall not expend the funds nor pledge the credit of the Government of the United States for this purpose, except in the case of American seamen, or except as authorized by the Department of State.

§ 71.7 *Reports on catastrophes abroad.* Whenever a great catastrophe occurs abroad, either on land or on sea, the officer within whose district the catastrophe takes place or into whose district the survivors are brought shall report immediately by telegraph the names of any American citizens who have been killed or injured and the names of American citizens known to be safe.

§ 71.8 *Assistance to American Red Cross.* Officers and employees of the Foreign Service may cooperate fully with the American Red Cross within their respective districts and subject to the limitations prescribed in § 102.806 (22 CFR, 1947 Supp.). They shall, however, avoid taking an active part in the solicitation of memberships or the collection of funds.

§ 71.9 *Presentation of Americans at foreign courts.* The chief of the mission concerned may exercise his discretion in the matter of procuring the presentation of American citizens at the court of the country to which he is accredited.

PART 72—DEATHS AND ESTATES

REPORTING DEATHS OF UNITED STATES CITIZENS

Sec.
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72.2 Exceptions to consular responsibility.
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72.21 Responsibility if will intended to operate locally exists.
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72.40 Consular officer not to act as administrator of estate.
72.41 Consular officer not to perform legal services or to employ counsel.
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72.43 Conditions under which estate can be released by consular officer.
72.44 Evidence of claimant's right to estate.
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AUTHORITY: §§ 72.1 to 72.55 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842. Interpret or apply R. S. 1709, as amended; 22 U. S. C. 1175.

REPORTING DEATHS OF UNITED STATES CITIZENS

§ 72.1 *Consular responsibility.* (a) A consular officer (or in his absence a diplomatic officer) is responsible for reporting to the Department, to the legal representative, and to the closest known relative the deaths of all United States citizens occurring in his consular district except as otherwise provided in § 72.2. In order that he may be informed of such deaths, the consular officer should enlist the cooperation and assistance of the local authorities and the members of the American community.

(b) A consular agent is not authorized to report the deaths of United States citizens to the Department, to the legal representative and to the closest known relative. The consular agent should, however, immediately report the circumstances of the death to his principal consular officer, who then has the responsibility for reporting in the manner prescribed in §§ 72.1 through 72.8.

§ 72.2 *Exceptions to consular responsibility*—(a) *Department of Defense personnel.* The Department of Defense

is required to report officially the deaths of its military and civilian personnel. However, if no representative of the Department of Defense is present in the consular district where the death occurs, the consular officer should inform the Mission in the country to which he is assigned regarding the circumstances, for action by the appropriate attache. In colonial or trustee areas, or in countries in which no Defense Department attaches are assigned, the consular officer should telegraph the particulars of the death to the Department of State, indicating the maximum length of time before local burial is mandatory, for action by the Department of Defense. All inquiries concerning the death of any person falling within this category should be referred to the Department of Defense, Washington 25, D. C. Instructions in this paragraph do not apply to reporting the deaths of dependents of Department of Defense personnel, or to reporting the deaths of contractor personnel, i. e., United States civilians employed in foreign countries by commercial concerns operating under contract with the Department of Defense, or their dependents. The deaths of such persons should be reported in the manner prescribed in § 72.4.

(b) *Coast Guard personnel.* The United States Coast Guard is required to report officially the deaths of its military and civilian personnel. If death occurs in any country in Europe or the British Isles in which a Coast Guard detail is not assigned, the consular officer should inform the Senior Coast Guard Merchant Marine Detail Officer (Europe), London, England, by telegraph. If the death occurs outside Europe or the British Isles, the consular officer should telegraph the particulars of the death to the Department of State, indicating the maximum length of time before local burial is mandatory, for action by the Coast Guard. All inquiries concerning the death of Coast Guard personnel should be referred to the Commandant, United States Coast Guard, Washington 25, D. C. The instructions in this section do not apply to reporting the deaths of dependents of Coast Guard personnel. The deaths of such persons should be reported in the manner prescribed in § 72.4.

§ 72.3 *Telegraphic notifications of death*—(a) *Use of telegraph.* When instructions must be obtained from the next of kin or other interested person in the United States as to disposition of the remains, notification of death should be sent by telegraph to the Department for forwarding. If available to the consular officer, the name and address of the next of kin or legal representative (§ 72.18) should be included in the message. In instances in which the remains must be disposed of immediately, the consular officer may communicate by telegraph direct with the next of kin or legal representative, requesting instructions for disposition of the remains. In such event the telegram to the Department should indicate that this action has been taken.

(b) *Content of notification.* All such notifications should state the minimum cost of

(1) Local burial;
(2) Cremation (if applicable);
(3) Embalming, preparing and shipping the remains; and
(4) The maximum period of time before local burial is mandatory.

(c) *Payment of charges.* The cost of these initial notifications of death by telegraph is a proper charge against official funds. Subsequent telegrams relating to matters for personal decision are normally at the expense of interested parties.

§ 72.4 *Normal reporting procedure*—(a) *Purpose and use of Form FS–192.* Form FS–192, "Report of the Death of an American Citizen", is an administrative report established for the purpose of providing essential facts concerning the death of a United States citizen, and should be used to report the death officially to the Department, to the legal representative, and to the closest known relative of the deceased. Notification of death by telegraph does not eliminate the necessity for reporting the death on Form FS–192.

(b) *Information required on Form FS–192.* All information called for under the various headings of Form FS–192 should be supplied in as much detail as possible. When prolonged delay is experienced in procuring full data, the consular officer should prepare and distribute a preliminary report of death on Form FS–192, marking the report "Preliminary." This should be followed by a final and complete report as soon as full data are available. Expanded comments necessary to cover special circumstances concerning the death, should appear under the heading "Remarks." When applicable, statements concerning the following subjects should also appear under the heading "Remarks":

(1) Disposition made of the passport and certificate of naturalization (see § 72.8);

(2) If the deceased is known to have been the recipient of continuing payments other than salary from the Federal Government (e. g., retirement, social security, disability compensation, or veterans insurance or benefits), indication of the nature of the payments received;

(3) If the deceased is a Selective Service registrant of inductible age, his Selective Service registration number and the number and address of his Local Board, when known.

(c) *Signing and sealing of Form FS–192.* All copies of the Form FS–192 should be signed by the consular officer with his name and official title typed below, and the consular impression seal should be impressed on each copy.

(d) *Transmission of Form FS–192 to the Department.* The original of Form FS–192 shall be sent to the Department, plus one additional copy for each agency concerned, if the deceased was:

(1) A recipient of continuing payments other than salary from the Federal Government; or

(2) An officer or employee of the Federal Government (other than Department of Defense or Coast Guard); or

(3) A Selective Service registrant of inductible age.

(e) *Transmission of form to legal representative and next of kin.* A copy of Form FS–192 should be sent to the legal representative. A copy should also be sent to the closest known relative of the deceased (or relatives, if there are two or more persons having equal interests). No fee is prescribed for sending one copy each of completed Form FS–192 to the legal representative and to the closest known relative or relatives.

(f) *Transmission of form to other consular districts.* In the event that a part of the personal estate of the decedent is known to be in a consular district other than that in which the death occurs (see § 72.32), a copy of Form FS–192 should be sent to the consular officer in the other district.

(g) *Supplying copies of form.* Copies of Form FS–192 shall be supplied by the Department of State or by the Foreign Service post upon request to any person having valid need therefor. Charges are as prescribed in the Schedule of Fees (§ 21.1 of this chapter) or in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

§ 72.5 *Reports of presumptive deaths*—(a) *Provisional report.* Upon the receipt of evidence that a United States citizen is missing and is presumed to be dead, a report should be submitted to the Department on Form FS–192, with the title amended to read "Report of the Presumptive Death of an American Citizen". A statement should be inserted in the form under the heading "Cause of Death" such as the following: "Reported missing, believed to be dead", giving the source of the information upon which the presumption is based. A statement should also be included under the heading "Remarks" showing the requirements of local law for the establishment of legal presumption of the death of missing persons; i. e., whether under local law the legal presumption of death automatically arises at the expiration of a stipulated lapse of time, or whether formal action is necessary to obtain legal confirmation of the death of missing persons.

(b) *Final report.* In the event that the fact of death is established, a final complete report shall be submitted to the Department on Form FS–192 marked "Final Report", in which reference shall be made, under the heading "Remarks", to the provisional report. If feasible, a "Final Report" should be submitted at such time as legal presumption of death arises in accordance with local law.

§ 72.6 *Reports of deaths on the high seas*—(a) *On vessels of United States registry.* When a United States citizen (not a seaman) dies on board a vessel of the United States making a voyage from a port in the United States to any foreign port, the master of the vessel is required to enter the circumstances of the death in the official log book (46 U. S. C. 201). Customarily, these circumstances are reported to the consular officer at the first port of call. On the basis of the log entry, the consular officer should report the death on Form FS–192 in the manner prescribed for other United States citizens (see § 72.4). A copy of the text of the log entry, certified by the master, should be retained with the office copy of Form FS–192.

(b) *On vessels of foreign registry.* When a United States citizen dies on a vessel of foreign registry, all information obtained from the master of the vessel for purposes of reporting the death on Form FS–192, should be supported by a certified copy of the text of the log entry, if obtainable.

§ 72.7 *Reports on deceased persons believed to be United States citizens*—(a) *Verification of citizenship.* As Form FS–192 may be accepted in courts of law, or considered elsewhere, as evidence of United States citizenship at the time of death, the consular officer should consult the regulations describing the evidence of citizenship which is acceptable for passport and registration purposes and should exercise due care in determining the citizenship status of the deceased. In doubtful cases he should transmit the Form FS–192 to the Department under cover of a despatch stating that the citizenship of the deceased has not been verified. The Department will then determine whether Form FS–192 may be released to the legal representative, next of kin, or other interested person, and will inform the consular officer of whatever action is taken.

(b) *Presumptions as to citizenship status.* When the deceased was not currently documented at a Foreign Service office as a United States citizen, it must be assumed that, if the deceased was

(1) A native citizen, he had retained United States citizenship at the time of death, in the absence of evidence of an affirmative act of expatriation under paragraph 1, section 2 of the act of March 2, 1907, section 401 of the Nationality Act of 1940, or sections 340 or 350 of the Immigration and Nationality Act;

(2) A naturalized citizen, he had retained United States citizenship at the time of death, in the absence of evidence that he had lost nationality of the United States by having a continuous residence for three years in the territory of a foreign state as provided in section 352 (a) (1) of the Immigration and Nationality Act, or by having a continuous residence for five years in any other foreign state or states as provided in section 352 (a) (2) of the same act, unless there is evidence that his case comes within one of the exceptions established under sections 353 or 354 of the act. Nationality may also have been lost under similar provisions contained in section 404 of the Nationality Act of 1940. The term residence as used herein means the place of general abode, and residence shall be considered continuous for the purpose of sections 350 and 352 (a) (1) and (2) of the act where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States.

§ 72.8 *Disposition of nationality documents*—(a) *Passport.* The passport of a deceased United States citizen should be cancelled by the consular officer and either returned to the Department or delivered to the person having a legitimate interest therein. Only a person who is included in the passport may be considered to have a legitimate interest in it. The date and place of death should be noted on the passport, and an appropriate notation made on Form FS–192 (see § 72.4 (b) (1)).

(b) *Certificate of naturalization.* The certificate of naturalization of a deceased United States citizen should be taken up by the consular officer and forwarded to the Department for transmission to the Department of Justice; or, if the certificate is claimed by any person who may have a legitimate interest therein, it should be endorsed by the consular officer to show the date and place of death of the person to whom it was originally issued, and should then be delivered to the person entitled thereto, with appropriate notation made on Form FS–192 (see § 72.4 (b) (1)).

DISPOSITION OF REMAINS

§ 72.9 *Consular responsibility.* (a) In the absence of relatives or other interested persons, the consular officer should exert all reasonable effort to carry out the expressed wishes of the deceased or next of kin as to local burial, cremation, or shipment of the remains, taking care that the legal requirements of the country are met. However, the consular officer is neither authorized nor expected to assume any financial responsibility for, or to incur any expense in connection with, the disposition of the remains of deceased persons unless specifically instructed to do so by the Department. When the next of kin or other interested person cannot be reached within the period provided by local law for the interment or preservation of dead bodies and sufficient funds can be realized from the personal estate of the deceased in the consular officer's possession, he should arrange for disposal of the remains locally and draw funds from the estate to cover the costs (see § 72.39; also § 72.30 as regards withdrawals from bank accounts). If there are not sufficient funds in the estate to cover the costs, and funds are unobtainable from relatives or other interested persons, there may be no alternative but to accept disposal of the remains by the local authorities in accordance with local law or regulations. (See also § 72.13 for remains requiring special handling.)

(b) A consular agent may, upon instructions from his principal consular officer, arrange for the disposition of remains of deceased United States citizens. His principal consular officer has, in accordance with §§ 72.9 to 72.14, the responsibility for reporting to relatives and for complying with the laws of the country in which the death occurred as well as the requirements of the United States.

§ 72.10 *Local burial*—(a) *Arrangements for funerals.* When the responsibility for local burial falls on the consular officer (see § 72.9), he should endeavor to carry out the expressed instructions of the deceased or, in the absence of such instructions, the wishes of the next of kin. Funeral services should be conducted in accordance with the rites of the religious faith of the deceased, if known. In each instance the consular officer should notify known friends of the deceased and other interested persons in the consular district (such as any American community organizations) of the date and place of the funeral. When practicable, the services should be attended by a member of the consular staff.

(b) *Report to relatives.* The next of kin, or other person whose wishes have been considered in making the arrangements for local burial, should be informed by letter of any funeral service that is held.

(c) *Erection of markers.* If the consular officer is requested to make arrangements for the erection of markers on graves, he may assist to the extent of ascertaining any feasible procedure for making local arrangements and effecting direct remittance for this purpose, and informing the interested party accordingly.

(d) *Upkeep of graves.* The maintenance and repair of graves of persons whose remains are interred abroad, including officers and employees of the Foreign Service, is not a proper charge against official funds unless specifically authorized. If the consular officer is requested to make arrangements for the upkeep of graves, he may assist to the extent indicated in paragraph (c) of this section with respect to the erection of markers.

§ 72.11 *Cremation*—(a) *Arrangements.* When cremation is desired, and the facilities are available, the consular officer should see that all necessary arrangements are made if compatible with the requirements of the country in which the death occurred, having in mind particularly such local laws as may prohibit cremation unless specific request for such disposition was made in writing by the individual prior to death.

(b) *Disposition of ashes.* Disposition of the ashes should be made in accordance with the expressed wishes of the deceased or the next of kin, or other interested person. If shipment to the United States is desired, only local health requirements must be met, as there are no sanitary requirements for entry of ashes into the United States. A marking should be made on, or a marker firmly affixed to, the container in which the ashes are shipped. The latter should be accompanied by

(1) An official death certificate;
(2) Cremation certificate;
(3) Certificate from the crematorium stating that the container holds only the cremated remains of the deceased; and
(4) A permit to export (if required locally).

§ 72.12 *Shipment of remains to the United States*—(a) *Arrangements.* Whenever the remains of persons who have died abroad, regardless of the nationality of the deceased, are to be shipped to the United States, the consular officer should assure himself that they are properly encased and accompanied by all necessary papers pertain-

ing to the death, exhumation (if applicable) and preparation for shipment. The requirements of the country where the death occurred must be met at all times.

(b) *Local documents accompanying remains.* The following documents should accompany the remains for shipment, attached to the consular mortuary certificate (see paragraph (d) of this section):

(1) A certificate of death issued by the local registrar of deaths, or similar authority, identifying the remains, showing the place, date and cause of death as certified by the attending physician, with a listing of the cause of death conforming as far as practicable with the terminology of the International List of Causes of Death (needed to comply with United States Quarantine and interstate requirements);

(2) The affidavit described in paragraph (c) of this section (for United States Customs), which also would generally include evidence of embalming, when applicable (needed to comply with the requirements for interstate shipment);

(3) A "transit permit" authorizing export of the body out of the country, issued by the health authority at the port of embarkation, stating the date of its issuance, name of deceased, sex, race, age, cause and date of death (needed to comply with New York health requirements).

(c) *Packing and labeling of casket.* In order to facilitate clearance through United States Customs at the port of entry, the undertaker, or whatever person is responsible for packing the body for shipment, should be required to make a sworn declaration—to be attached to the consular mortuary certificate (see paragraph (d) of this section)—that the casket or box contains only the body of the deceased and the necessary clothing and packing. The sworn declaration should be made, if practicable, before the consular officer; if not, it should be made before a qualified local official, whose signature and seal can be authenticated by the consular officer. The outer box should be labeled in conformity with port of entry health requirements.

(d) *Consular mortuary certificate.* A consular mortuary certificate should be prepared indicating how the case is marked and addressed, means of transportation to the United States, name of carrier, date and place of shipment, port of entry and scheduled time of arrival. The documents listed in paragraph (b) of this section should be ribboned to the consular mortuary certificate, which should be signed by the consular officer and sealed with the consular press seal.

§ 72.13 *Remains requiring special handling*—(a) *Foreign Service personnel.* In the absence of relatives or other interested persons, the consular officer should make all necessary arrangements for the disposition of the remains of deceased officers and employees of the Foreign Service according to specific instructions from the Department.

(b) *Personnel of other Government agencies.* The consular officer should extend to other departments or agencies of the United States Government all appropriate aid, in accordance with specific instructions received through the Department of State for the disposition of the remains of an employee who has died while serving in a foreign country.

§ 72.14 *Fees for disposing of remains.* No fees are prescribed for services in connection with the disposition of remains.

PERSONAL ESTATES OF DECEASED CITIZENS

§ 72.15 *Statutory responsibility of consular officer.* Sections 1175–1179 of Title 22 of the United States Code prescribe the statutory responsibility of officers of the United States Foreign Service for the personal estates of deceased United States citizens dying outside the United States.

§ 72.16 *Regulatory responsibility of consular officer.* Except as otherwise provided in §§ 72.18 through 72.26, the consular officer (or in his absence a diplomatic officer) should take possession and dispose of the personal estates (other than the articles described in §§ 72.29 and 72.30) of all United States citizens who die within his jurisdiction or were residing therein at the time of death. This responsibility should be discharged in accordance with the procedure prescribed herein so far as that procedure is authorized by:

(a) Treaty provisions; or

(b) The laws or authorities of the country wherein the estate is located; or

(c) Established usage.

§ 72.17 *Responsibility of consular agents.* A consular agent has no statutory authority to take possession and dispose of the personal estate of a deceased citizen of the United States, except under the immediate supervision and as the agent of his principal consular officer. The consular agent, therefore, should immediately report the circumstances to, and request instructions from, his principal consular officer, who should assume the responsibility for taking possession and disposing of the personal estate in accordance with the regulations in this part.

§ 72.18 *Responsibility if legal representative is present.* According to law (22 U. S. C. 1175), the consular officer should not take possession or dispose of the personal estate of a deceased citizen who has left a legal representative in the country where the death occurred or in the country where he was residing at the time of death. As used here, the term "legal representative" means

(a) An executor designated by will or testament;

(b) An administrator appointed in intestate proceedings.

(c) An agent of executor or administrator qualifying by power of attorney;

(d) A child of legal age;

(e) A parent;

(f) The next of kin (nearest blood relative);

(g) The surviving spouse.

§ 72.19 *Responsibility if trustee for personal estate is present.* Likewise, the law (22 U. S. C. 1175) stipulates that the consular officer should not take possession or dispose of the personal estate of a deceased citizen who has left in the country where the death occurred, or in which he was residing at the time of death, a "trustee by him appointed". The language of the statute includes any person, natural or juristic, appointed by the decedent in a will, or appointed by a deed to hold legal title to the personal property for the benefit of a named beneficiary.

§ 72.20 *Responsibility if "partner in trade" is present.* Although the law (22 U. S. C. 1175) also relieves the consular officer of responsibility if a "partner in trade" is present, the death of one member of a partnership automatically dissolves this relationship. Consequently, the surviving partner or partners have no beneficial interest as "partners in trade" in the personal estate of the deceased. The duties and responsibilities of provisional conservator of the personal estate of the deceased cannot therefore be assumed by a surviving partner, unless he is duly authorized to act as a legal representative of the deceased. Accordingly, the presence of a former "partner in trade" will not necessarily relieve the consular officer of his responsibility.

§ 72.21 *Responsibility if will intended to operate locally exists.* If a will is discovered which is intended to operate locally, and a local or domiciliary representative named by the decedent qualifies promptly and takes charge of the personal estate, the consular officer should assume no responsibility for the estate (§§ 72.18 and 72.19), and should not take possession, inventory and dispose of the personal property and effects, or in any way serve as agent for the local or domiciliary representative. However, if the laws of the country permit and if the local or domiciliary representative does not qualify promptly, the consular officer may have to take protective action in the interest of the estate to the extent of placing his seal on the personal property and effects of the decedent, such seal to be broken or removed only at the request of the local or domiciliary representative. Furthermore, he should see that the foreign authorities accord due recognition to the American interests involved and provide proper protection for the property under local procedures. If prolonged delays are encountered by the local or domiciliary representative in making arrangements to take charge of the personal estate, the consular officer may request that the will be offered for probate, if in his judgment such action is advisable in the interest of the estate.

§ 72.22 *Responsibility if will intended to operate in the United States exists.* If a will that is intended to operate in the United States is found among the effects taken into possession by the consular officer, it should be forwarded immediately to the person or persons designated, in the event that their whereabouts are known. When this is impossible, the will should be sent to the appropriate court in the State of the decedent's domicile. Special directions contained in the will for the conservation by the consular officer of the personal estate should be observed by him so far as the laws of the foreign country and these regulations permit him to act.

§ 72.23 *Responsibility in case of Department of Defense personnel.* The Department of Defense is required, in the absence of a legal representative or other authorized person (see §§ 72.18 and 72.19), to assume responsibility for the disposition of the personal estates of its military and civilian personnel who have died abroad. However, when no representative of the Department of Defense, or other authorized person, is present at the time of death, the consular officer should take possession of the personal estate and hold it for disposition in accordance with instructions from the Department of Defense. No fee should be charged for services so rendered (§ 72.54). Instructions in this section do not apply to the personal estates of dependents of Department of Defense personnel; nor to contractor personnel, i. e., United States civilians employed in foreign countries by commercial concerns operating under contract with the Department of Defense, and their dependents. The estates of such persons should be disposed of in the manner prescribed by §§ 72.28 to 72.51, if no legal representative is present.

§ 72.24 *Responsibility in case of Coast Guard personnel.* The United States Coast Guard is required, in the absence of a legal representative or other authorized person (see §§ 72.18 and 72.19), to assume responsibility for the disposition of the personal estates of its military and civilian personnel who have died abroad. However, when no representative of the Coast Guard, or other authorized person, is present at the time of death, the consular officer should take possession of the personal estate and hold it for disposition in accordance with instructions from the Commandant, United States Coast Guard. No fees should be charged for services so rendered (§ 72.54). Instructions in this section do not apply to the personal estates of dependents of Coast Guard personnel. The estates of such persons should be disposed of in the manner prescribed by §§ 72.28 to 72.51, if no legal representative is present.

§ 72.25 *Responsibility in case of citizens dying on the high seas*—(a) *Consular responsibility not provided by statute.* There is no express provision of law authorizing the consular officer to take possession and dispose of the personal estate of a citizen of the United States (not a seaman) who has died on the high seas.

(b) *When death occurs on board vessel of United States registry.* If the death occurred on board a vessel of the United States, the master of the vessel, in the absence of a legal representative or other authorized person (see §§ 72.18 and 72.19), should be requested to take custody and return the personal estate to the shipping company in the United States for forwarding to the legal representative or other authorized person.

(c) *When death occurs on board vessel of foreign registry.* Death on board a vessel of foreign registry is considered to have occurred in the territory of the country of the ship's registry, and the estate laws of that country are applicable in such cases. In the absence of a legal representative or other authorized person (see §§ 72.18 and 72.19), the consular officer should take possession and dispose of the personal estate, provided that the laws of the country of assignment as well as the laws of the country of the ship's registry permit. The procedure in such cases is identical with that followed in the disposition of the estate of any United States citizen who may have died within the consular district, except that no fees should be charged for services rendered (§ 72.55).

§ 72.26 *Responsibility in case of seamen.* See §§ 85.4 to 85.9 of this chapter for regulations regarding the disposition of the personal estates of seamen who have died while serving as members of the crew of a vessel of the United States. The consular officer should take possession and dispose of the personal estates of United States citizens who have died while serving as seamen on board foreign vessels, in the manner prescribed by § 72.25 (c).

§ 72.27 *Responsibility in case of Foreign Service personnel.* In the absence of a legal representative or other authorized person, the consular officer should take possession and dispose of the personal estates of deceased Foreign Service personnel in the manner prescribed by these regulations for other deceased citizens of the United States, except that no fee should be charged (§ 72.54). Travel orders issued by the Department for shipment of the personal effects of deceased officers and employees of the Foreign Service constitute only administrative authorization to transport the effects to a given destination, and in no way relieve the consular officer of the responsibility for satisfying himself of a claimant's right to the personal estate prior to shipment (§ 72.43).

§ 72.28 *Effects to be taken into possession.* Although no limitations are placed by law (22 U. S. C. 1175) on the nature and extent of the personal property that should be taken into possession by the consular officer in the absence of a legal representative, experience has shown that the need exists to delimit by regulation the consular officer's obligations, but not his authority, in this regard. For example, the consular officer would not normally be expected to take physical possession of the articles covered in § 72.29 unless the items are of such nature and quantity as to be readily included with the personal effects of the nature described in this section, or unless such action, when physically possible, is necessary for the preservation or protection of the property. The consular officer does, however, have responsibility for taking reasonable steps to safeguard the articles of the personal estate which he does not take into possession until disposition can be effected by the legal representative. The personal effects which the consular officer would normally take into possession in any event include the following:

(a) Convertible assets, consisting of currency, redeemable transportation tickets, evidences of debts due and payable in the country of the officer's assignment, and any other instruments negotiable by the consular officer;

(b) Perishable property (including most foodstuffs), having commercial value;

(c) Luggage;

(d) Wearing apparel;

(e) Miscellaneous personal effects;

(f) Jewelry, heirlooms and articles of sentimental value;

(g) Non-negotiable instruments, defined as any document or instrument not saleable or transferrable by the consular officer, but which requires either the signature of the decedent or action by, or endorsement of, his legal representative; and includes transportation tickets not redeemed or redeemable by the consular officer, traveler's checks, promissory notes, evidences of debts not due and payable in the country of the officer's assignment, stocks, bonds or other similar instruments, bank books, books showing deposits in building and loan associations, etc. No fee is charged on non-negotiable instruments taken into possession by the consular officer; see § 72.53.

(h) Personal documents and papers.

§ 72.29 *Nominal possessions; property not normally taken into possession.* (a) The taking of articles of personal property into nominal possession from local officials or other persons, for the explicit purpose of on-the-spot release to the "legal representative" as defined in § 72.18 against the latter's memorandum receipt discharging the consular officer without further accounting of any responsibility for articles so transferred by him, shall not be construed as the taking of custody by the officer. No fee shall be charged for the consular officer's service in effecting transfer of the articles in the manner described, provided that he is not required to prepare a consular inventory, appraise the articles, or list the contents of containers, and provided further that the effects are not taken in safekeeping upon official accountability.

(b) The consular officer is not normally expected to take physical possession, as provisional conservator, of livestock or of articles of personal property which may be found in residences and places of storage such as furniture, household effects and furnishings, bulky works of art, etc., unless the items are of such nature and quantity as to be readily included with the personal effects (§ 72.28), or unless such action, when physically possible, is necessary for the preservation or protection of the property, especially where the articles are of considerable intrinsic value; nor is the consular officer normally expected to take into physical possession motor vehicles, airplanes, or powered watercraft. Personal property not taken into possession should, however, be safeguarded by affixing the consular seal on the premises or on the property

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(whichever is appropriate), provided the laws of the country permit; or by taking reasonable steps to ensure that such items are placed in safekeeping (at the expense of the estate) until action can be taken by the legal representative. In order to protect the interests of the estate, the consular officer should prepare a list, in quintuplicate, of the articles not taken into physical custody, with indication of safeguarding measures taken, for submission with the inventory of effects which must be prepared for all items in his possession (see § 72.35). If the property which normally would be sealed by the consular officer is not immediately accessible, he should consider requesting the local authorities to seal the premises, or the property, or otherwise ensure that the property remains intact until consular seals can be placed thereon or the property placed in safe storage, or until the legal representative assumes responsibility therefor.

§ 72.30 *Bank deposits in foreign countries.* The existence of bank deposits when known should be reported to the legal representative, or other authorized person, who should be informed of the general procedure required by local law to withdraw such deposits and whether legal counsel is advisable for that purpose. There is no express provision of law authorizing the consular officer to withdraw or otherwise dispose of bank deposits in foreign countries left by deceased United States citizens. Such deposits, therefore, are considered for the purpose of the regulations in this part as forming no part of the personal estate of a decedent, and no Foreign Service fees are chargeable thereon (§ 72.53 (c)). In the event that the consular officer is requested by the legal representative of the estate to withdraw bank balances on his behalf in order to defray local expenses in connection with the death and the settlement of the personal estate of the decedent, he may comply with such request if facilities are provided by the depository for this purpose. Funds withdrawn should be limited to the amount necessary to defray the expenses prescribed herein, and fees should be collected on the amount withdrawn, in accordance and § 72.52.

§ 72.31 *Action when immediate possession is impracticable.* The law imposes no affirmative obligation upon the consular officer to travel long distances for the purpose of taking on-the-spot possession of a personal estate. If occasion to visit the locality where the death occurred coincides with the need to take action, the consular officer should avail himself of the occasion to assume custody of the effects. Normally, however, the consular officer's initial responsibility in such cases does not extend beyond reasonable efforts to obtain possession of the estate. He should communicate with the persons, officials, or organizations having custody of the effects, requesting that the effects be delivered to him, at the expense of the estate, for lawful disposition. If the local authorities should decline to surrender possession to the consular officer in a case where he feels that his right to take possession is clear, he may refer the matter to the mission. The consular officer's personal responsibility for any given item among the personal effects commences only when that item reaches his hand.

§ 72.32 *Action when property is in other consular districts.* If any portion of the personal estate is known to be in another consular district, mention of this should be made under "Remarks" in the Form FS–192; and a copy of this form should be sent to the consular officer concerned (see § 72.4 (f)) who should assume responsibility independently for taking possession and disposing of these effects in the manner prescribed herein. If the cash resources of the personal estate found in one consular district are insufficient to pay the decedent's debts in that district or in the country of the consular officer's assignment (see § 72.39), the funds found among the personal effects in the other consular district may be utilized to pay the decedent's debts in both districts or countries. In such cases, the consular officer who effects the transfer of the funds should enter the disbursement in his final statement of account (see § 72.51), including the funds transferred in the gross amount of the estate in his possession, for the assessment of fees as indicated in §§ 72.52 to 72.55. The funds transferred should also appear in the final statement of account of the consular officer receiving them as "receipts" and "disbursements", stating the source. However, no fee should be charged on the amount involved (see § 72.53 (b)).

§ 72.33 *Official notification to legal representative.* The preparation and forwarding of Form FS–192 complies with the law (22 U. S. C. 1176) as regards notification of death to the legal representative as well as to the Secretary of State. Failing by direct means to locate a legal representative, the consular officer may, if required in connection with the settlement of the estate, have recourse to giving public notice of the death in "one of the gazettes" (i. e. any suitable periodical) in the consular district.

§ 72.34 [Reserved.]

§ 72.35 *Procedure for inventorying and appraising effects.* After taking possession of the personal estate of a deceased citizen, the consular officer should immediately inventory and appraise the personal effects on the basis of the local market value, article by article, with the assistance of two other persons who should join him in signing the inventory and in certifying to the accuracy of the appraised value of each article inventoried. The inventory should include only that part of the personal estate actually taken into possession by the consular officer, regardless of value and the fact that the death may have occurred in one consular district and a portion of the personal effects may be found in another consular jurisdiction. Care should be exercised not to over-estimate the value of the personal effects, which is the basis on which Foreign Service fees will be charged (§ 72.52). The consular officer may, in his discretion, call upon professional appraisers at the expense of the estate when warranted by the nature of the personal effects, i. e., expensive jewelry, furs, etc.

§ 72.36 *Preparation and disposition of inventory.* The inventory of effects should be prepared in quintuplicate. All copies should be signed by the consular officer and the two persons who assisted in its preparation, and they should be disposed of in the following manner:

(a) The original retained in the office files;

(b) Two copies, under cover of a despatch, sent to the Department (one copy for transmission to the General Accounting Office);

(c) One copy to the legal representative (two copies if the next of kin is the legal representative); and

(d) One copy to the next of kin.

§ 72.37 *Disposal of perishable property.* As soon as practicable after the consular officer takes possession, the perishable portion of the personal estate having commercial value (including most foodstuffs) should be sold at auction, i. e., to the most favorable bidder, unless the amount involved does not justify such expenditure. A newspaper advertisement, written or oral requests for bids from any interested party, or the services of a professional auctioneer, may all serve the purpose of insuring an impartial sale. When the value of the goods or circumstances do not justify such action, the consular officer may proceed directly with the sale of the goods.

§ 72.38 *Collection of debts due deceased.* The consular officer should endeavor to collect only those debts due the decedent from persons or concerns in the country in which the death occurred or in the country in which the decedent was residing at the time of death. Debts so collected are regarded as part of the decedent's personal estate, and should be included in the gross amount thereof for the assessment of fees (§ 72.52).

§ 72.39 *Payment of debts owed by deceased*—(a) *When cash resources suffice.* The decedent's debts which the consular officer is reasonably certain are legitimately owed in the country in which the death occurred, or in the country in which he was residing at the time of death, including expenses incident to the disposition of the remains and the personal effects, should be paid out of the cash resources of the personal estate taken into possession by the consular officer; namely, money found among the personal effects, proceeds of the sale of the perishable property, or funds received through the collection of debts owed the decedent. See § 72.32 in regard to the personal estate in another consular district. Any doubtful claim against the estate should be referred to the legal representative or other authorized person for consideration; a claim for damages for a negligent or wrongful act of the decedent is not a debt to be paid by the consular officer unless it has been reduced to judgment.

(b) *When cash resources are insufficient.* In the event that the cash resources of the personal estate are not sufficient to pay the debts owing in the country in which the death occurred, or in the country in which the decedent was residing at the time of death, the consular officer should endeavor to obtain sufficient funds from the legal representative, next of kin or other interested person. See § 72.32 concerning funds found in another consular district. Fees are not charged on funds so furnished (§ 72.53). If sufficient funds cannot be assembled from the foregoing sources, the consular officer should sell at auction (see § 72.37), such portion of the personal estate as may be necessary to pay the debts and expenses. Should occasion arise for sale of motor vehicles, airplanes or powered watercraft, title to which and liens upon which in the United States and almost universally are matters of official record, care should be taken to conform with applicable registration requirements. Articles which are most marketable, and at the same time least likely to be desired by the heirs of the decedent, should be sold first. Jewelry, heirlooms and articles which may have sentimental value to relatives, regardless of intrinsic value, should be sold only in case of necessity, and in the order named. Members of the decedent's family should be notified of the necessity for the sale, if practicable, in order that they may purchase these articles if they desire. Proceeds from the sale are regarded as forming part of the personal estate and should be included in the gross amount thereof for the assessment of Foreign Service fees (see § 72.52).

§ 72.40 *Consular officer not to act as administrator of estate.* The consular officer normally should not accept appointment from any foreign state or from a court in the United States to act as administrator, or to assist (except as provisional conservator) in administering the personal estate of a deceased citizen who has died, or was residing at the time of death, within his consular district. Neither should he accept appointment as guardian or in any other fiduciary capacity in the settlement of the estate without:

(a) Having previously obtained the permission of the Secretary of State to accept such appointment; and

(b) Having assured himself that he has authority so to act under treaty provisions, local law or usage.

If authorization is received as to appointment in any of the capacities indicated above, the consular officer will be required to execute bond, with surety to be approved by the Secretary of State (22 U. S. C. 1178, 1179).

§ 72.41 *Consular officer not to perform legal services or to employ counsel.* Owing to the legal restriction against engaging in foreign business or professional activity (22 U. S. C. 805), the consular officer shall not act as attorney or agent for the estate. Neither shall he employ counsel at the expense of the United States Government, or the estate, in collecting and disposing of the personal estate of a deceased citizen. If legal assistance is requested of the consular officer, he may furnish the names of several attorneys or inform the inquirer as to sources through which the names of suitable attorneys may be obtained.

§ 72.42 *Consular officer not to assume financial responsibility.* The consular officer, as provisional conservator of the personal estate of a deceased citizen, is neither authorized nor expected to assume any financial responsibility, not to incur any expense in behalf of the estate, in excess of funds available for that purpose (see § 72.39 (a)).

§ 72.43 *Conditions under which estate can be released by consular officer.* The consular officer is responsible to the United States court having probate jurisdiction over the estate and to the parties in interest for the personal estate in his possession. He must be prepared to deliver the estate to, or otherwise dispose of it according to the wishes of, the legal representative of the decedent upon the presentation of satisfactory evidence of the latter's right to receive the estate, and upon the payment of the prescribed Foreign Service fees (§ 72.52). Determination of what constitutes satisfactory evidence of a claimant's right to the personal estate of a deceased citizen is also the responsibility of the consular officer. The consular officer, therefore, must satisfy himself that the evidence which he accepts is sufficient to relieve him as provisional conservator. Friends, traveling companions, employers, and business associates are not competent to relieve the consular officer of the duties and responsibilities enumerated in the regulations in this part, unless duly authorized as legal representatives of the estate (see § 72.18). Satisfactory evidence of a claimant's right to the personal estate of a decedent may be supplied in the manner indicated in § 72.44.

§ 72.44 *Evidence of claimant's right to estate*—(a) *Letters testamentary.* A certified copy of the letters testamentary (an instrument issued by a court of law under which a person, named as executor by a will, formally takes charge of the estate and proceeds to carry out the directions in the will) is prima-facie evidence of the executor's right to take possession of the personal estate.

(b) *Letters of administration.* A certified copy of the letters of administration (an instrument issued by a court of law in intestate proceedings appointing an administrator to take charge of the property of a decedent) is prima-facie evidence of the administrator's right to take possession of the personal estate.

(c) *Affidavit of next of kin.* When a decedent dies intestate, and the personal estate consists only of clothing and similar personal effects appraised at little or no commercial value, or in cases where the consular officer is fully satisfied of the legal right of the claimant and the value of the estate does not warrant the expense of probate proceedings, he may be justified in considering as satisfactory evidence an affidavit executed by the decedent's next of kin. The affidavit of the next of kin should be corroborated by the sworn statements of two persons acquainted with the affiant and familiar with the facts of the case. In any event, the consular officer must satisfy himself of the legal right of the claimant or claimants to the decedent's effects before releasing the property that he has in his possession, and he must decide whether an affidavit is acceptable in lieu of a certified copy of the letters testamentary or the letters of administration.

§ 72.45 *Shipment of personal estate to the United States.* (a) When the consular officer is requested to ship to the United States the personal estate in his possession, he should deliver it to a forwarding company selected by the legal representative. Clearance by Customs in the United States will be facilitated if the personal estate is accompanied by a consular certificate identifying it and indicating its nature. If the entire shipment is covered by a single bill of lading, a certificate attached to the original bill of lading covering the shipment would be sufficient; otherwise, a certificate should accompany each parcel, box or case.

(b) Extra copies of the bill of lading can serve as a receipt from the forwarding company, one copy to be attached to the consular officer's final statement of account (§ 72.50), and one copy to be retained in the office files. If shipment by registered or insured parcel post, or by other safe means covered by receipt, is possible, there is no objection to forwarding the estate in this fashion, and postal or other receipts should be disposed of in the manner described above, with the original attached to the final statement of account. The personal effects of Foreign Service personnel (see § 72.27) and of personnel of other Government agencies (except Department of Defense and Coast Guard personnel) should be consigned to the United States despatch agent at the port of entry, for forwarding to the legal representative.

§ 72.46 *Consular action on disagreements between claimants.* If rival claimants or administrators (administrators may be appointed in different jurisdictions) demand the personal estate in the consular officer's possession, he should refuse to deliver the estate until an agreement has been reached, or judgment rendered, as to which claimant or administrator should receive it, and the consular officer so informed in writing. If, after one year, agreement has not been reached between rival claimants, or judgment rendered, the consular officer should notify all parties concerned and sell the entire personal estate at auction in the manner prescribed by § 72.37, with the exception of jewelry, heirlooms, and articles which may have sentimental value to relatives, regardless of intrinsic value. Should any of the personal property not have been taken into physical possession previously (see § 72.29), the consular officer should take possession of such property and, after preparing a supplementary inventory in the manner prescribed in §§ 72.35 and 72.36, include this portion of the estate with that already in his possession. The proceeds of the sale should be converted into United States dollars and, after payment of local debts (§ 72.39) and collection of the fee prescribed by § 72.52, should be transmitted, with any unsold portion

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of the estate in the consular officer's possession, to the Department of State for forwarding to the General Accounting Office for safekeeping and lawful disposition as conservator of the estate (22 U. S. C. 1175).

§ 72.47 *Consular action on unproved claim to estate.* If the evidence of a claimant's right to receive the estate is not considered sufficient to relieve the consular officer of his responsibility as provisional conservator, he may elect a period of time, not less than one year from the date of the decedent's death, within which settlement must be effected, in order to obviate interminable delay in disposing of the estate. In the consular officer's discretion, he may before releasing the estate, require the claimant to give bond in an amount fixed by the officer himself and to run for such period of time as he may designate, in order to protect himself against other possible claims against the estate. If claim to the estate is still unproved at the expiration of the period set, or the claimant refuses to meet the conditions of any bond which the consular officer may require, the consular officer should dispose of the entire personal estate in the manner prescribed by § 72.46.

§ 72.48 *Consular action on unclaimed estates.* If, after the expiration of one year from the date of the decedent's death, a legal representative has not appeared to claim the estate, the consular officer should dispose of the entire personal estate in the manner prescribed by § 72.46.

§ 72.49 *Disposition of estate upon departure of responsible officer*—(a) *Responsibility vested in officer, not post.* For the purpose of the regulations in this part, the consular officer who actually takes possession and disposes of the personal estate of the deceased, i. e., the officer whose signature appears on the inventory of effects, is considered to be the responsible officer. Consequently, upon his departure from the post, either on transfer or extended leave, provision should be made for the disposition of any estate remaining unsettled at the time of his departure.

(b) *Procedure when estate held for less than one year.* When the personal estate is held less than one year, the personal effects in the departing officer's possession should be turned over to another officer at the post against a receipt therefor, in triplicate, indentifying the property and cash on hand by reference to the inventory (§§ 72.35 and 72.36) and the trust fund records of the post.

(c) *Procedure when estate held for more than one year.* When the estate has been held for more than one year, the personal effects in the departing officer's possession should be forwarded to the Department for transmission to the General Accounting Office in the manner prescribed by § 72.46 and accounted for in accordance with § 72.50 unless circumstances as described in §§ 72.46 and 72.47 warrant continuing efforts to effect agreement between rival claimants, or to establish an unproved claim. If the estate is not forwarded to the Department, it should be turned over to another officer at the post in the same manner authorized by paragraph (b) of this section.

§ 72.50 *Final statement of account.* The consular officer must account directly to the parties in interest and to the courts of law in estate matters. Consequently, he must keep an account of receipts and expenditures for the personal estate of the deceased; i. e., debit all moneys and effects which actually come into his possession, and credit all payments made on account of the estate. At such time as the consular officer is ready to deliver the estate, he should prepare his final statement of account, entering thereon the balance delivered to the legal representative or person designated by him (with name and address stipulated) or the balance forwarded to the Department for transmission to the General Accounting Office.

§ 72.51 *Preparation and disposition of final statement of account.* The final statement of account should be prepared in quadruplicate. All copies should be signed by the accountable officer and the consular impression seal impressed on each copy, and should be disposed of in the following manner:

(a) The original should be sent to the legal representative with the final balance due the estate;

(b) One copy retained in the office files; and

(c) Two copies, under cover of a despatch, submitted to the Department (one copy for transmission to the General Accounting Office).

In all cases where the residue of the personal estate is to be transmitted to the General Accounting Office for safekeeping and disposition (see §§ 72.46 to 72.48), the original should be sent to the Department, together with the two copies normally submitted, accompanied by a despatch giving detailed information concerning the efforts made by the consular officer to deliver the personal effects to a legal representative or other authorized person. Any information concerning the last known address of the decedent in the United States should also be supplied.

§ 72.52 *Fee services.* The fee prescribed by Item No. 46 of the Tariff of the United States Foreign Service Fees constitutes the first charge against the personal estate and should be assessed on the gross value of the estate in the consular officer's possession (§ 72.38). The consular officer should collect a fee of $2.00 for each $100 of the total value, or fraction thereof, for taking into possession as provisional conservator, inventorying, selling and finally disposing of the personal estate of a deceased citizen in the manner prescribed by the regulations in this part. The personal estate should not be released until the fee has been collected.

§ 72.53 *No-fee services.* Fees are not chargeable:

(a) For placing the official seal upon real or personal property or on the effects of the decedent, or for breaking or removing such seals (§ 72.29);

(b) On funds furnished by relatives or other interested persons to cover expenses incident to the death and disposition of the remains, or for the settlement of the estate (§ 72.39 (b));

(c) On securities and other instruments not negotiated (or not negotiable) by the consular officer (§ 72.28 (g)), or on bank deposits;

(d) For releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose of transfer of custody (§ 72.29 (a)).

§ 72.54 *Estates of Government personnel exempt from fee assessments.* The personal estates of all officers and employees of the United States who die abroad while on official duty, including military and civilian personnel of the Department of Defense and United States Coast Guard (see §§ 72.23 and 72.24) are exempt from the assessment of any Foreign Service fees.

§ 72.55 *Estates of citizens dying on the high seas exempt from fee assessments.* The personal estates of all United States citizens who have died on the high seas are exempt from the assessment of any Foreign Service fees (see § 72.25).

SUBCHAPTER I—SHIPPING AND SEAMEN

PART 81—GENERAL

Sec.

81.1 Definitions.
81.2 Status of American public vessels.
81.3 Status of vessels of the United States.
81.4 Status of American undocumented vessels.
81.5 Status of foreign vessels.
81.6 Status as American seamen.
81.7 Status of Hawaiian, Puerto Rican, and Virgin Island seamen.
81.8 Effect of employment on American public vessels.
81.9 Effect of employment on vessels of the United States.
81.10 Effect of employment on barges, dredges, tugs at foreign ports.
81.11 Effect of employment on American undocumented vessels.
81.12 Effect of employment on foreign vessels.
81.13 Function of the Foreign Service.
81.14 Consular responsibilities to vessels.

AUTHORITY: §§ 81.1 to 81.14 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842.

§ 81.1 *Definitions.* (a) The term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation on water, but does not include seaplanes or other aircraft.

(b) "American vessel" means any United States-owned vessel which is not registered under the laws of a foreign government. American vessels are classified as American public vessels, vessels of the United States, and American undocumented vessels.

(c) "American public vessel" means any vessel owned or operated by a United States Government department or agency and engaged exclusively in official business on a non-commercial basis.

(d) "Vessel of the United States" means any vessel documented under the laws of the United States.

(e) "American undocumented vessel" means any American vessel, other than an American public vessel, which is not documented under the laws of the United States. River or inter-island craft operating in foreign waters often fall in this category.

(f) "Foreign vessel" means any foreign-owned vessel, or any vessel regardless of ownership, which is documented under the laws of a foreign country.

(g) "Master" means any person having command of a vessel.

(h) The term "crew of a vessel" includes every person employed in any capacity on a vessel in pursuance of some contract or arrangement with the owner or master, but excludes laborers or other persons hired locally for work aboard ship while the vessel is in port.

(i) "Seaman" means any person employed as a member of the crew of a vessel.

(j) "American seaman" means any seaman, regardless of nationality, who has this status (see § 81.6).

(k) "Alien seaman" means a seaman of foreign nationality who does not have status as an American seaman.

(l) "Passenger vessel" means any vessel authorized to carry more than twelve persons in addition to the master, the crew, or other persons employed or engaged on board a vessel in any capacity connected with the business of the vessel.

(m) "Classification society" means an organization for establishing safe minimum standards for the strength of the hull and the reliability of the machinery of a vessel. Classification societies are quasi-governmental. The American classification society is the American Bureau of Shipping; the British, Lloyds Register; the French, Bureau Veritas.

§ 81.2 *Status of American public vessels.* American public vessels are usually accorded the courtesies of the port, and exempted from entry and clearance requirements. If, however, a United States Government-owned vessel is manned by a merchant crew (not military or civil-service personnel) and/or carries commercial cargo or passengers, public vessel exemptions may be denied it by local authorities.

§ 81.3 *Status of vessels of the United States.* Vessels documented under the laws of the United States are entitled to privileges and subject to the obligations prescribed by the laws of the United States for merchant vessels. The type of privileges and obligations appertaining to such vessels depends upon the form and the purpose of their documentation.

§ 81.4 *Status of American undocumented vessels.* American undocumented vessels are not under the jurisdiction of the United States, and consequently are not subject to the obligations nor entitled to the protection accorded vessels of the United States abroad. However, such vessels are entitled to the same degree of protection accorded any other property abroad owned by United States citizens.

§ 81.5 *Status of foreign vessels.* Vessels under foreign registry are of no concern as such to United States consular officers except in cases where such officers are authorized to perform protective services for the vessels of a foreign power.

§ 81.6 *Status as American seamen*—(a) *Acquisition by United States citizens or nationals.* A United States citizen or national acquires status as an American seaman by shipping on a vessel of the United States. After three or more years of relatively continuous service on merchant vessels of the United States, he may retain his status as an American seaman even if not so engaged for a period of up to one year.

(b) *Acquisition by foreign citizens or nationals.* A foreign citizen or national acquires status as an American seaman only by shipping on a vessel of the United States in a port of the United States. Having once acquired this status, he may thereafter reship on any vessel of the United States either in a foreign port or in a United States port without losing this status. However, if a foreign citizen or national having status as an American seaman deserts from a vessel of the United States except as a result of cruel or unusual treatment, or ships on a foreign vessel, or definitely abandons his calling as a seaman, he forfeits this status. A foreign citizen or national who has forfeited his status as an American seaman can regain such status only by following the procedure prescribed for acquiring the status originally.

§ 81.7 *Status of Hawaiian, Puerto Rican, and Virgin Island seamen.* Hawaiian, Puerto Rican, and Virgin Island seamen, who are United States citizens or nationals, can acquire status as American seamen in accordance with the provisions of § 81.6 (a). Those who are not United States citizens or nationals must acquire this status in the same manner as any other foreign citizens or nationals (see § 81.6 (b)).

§ 81.8 *Effect of employment on American public vessels.* The master and crew of an American public vessel are usually either military or civil-service personnel and not American seamen within the meaning of § 81.1 (j), except in individual cases where this status has been previously acquired and is still retained. However, the master and crew of a vessel, owned or chartered by a United States Government agency but operated by a private concern on behalf of that agency, who sign shipping articles before a United States shipping commissioner, are American seamen within the meaning of § 81.1 (j), and their service on such vessels affords them the same rights and privileges as service on vessels of the United States.

§ 81.9 *Effect of employment on vessels of the United States.* The master and crew of a vessel of the United States are subject during the period of their employment to the jurisdiction of the United States, and are entitled to the protection of its laws in matters relating to their employment. Also as a result of this service, they may acquire and retain status as American seamen, subject to the conditions set forth in § 81.6.

§ 81.10 *Effect of employment on barges, dredges, tugs at foreign ports.* The master and crew of an American documented barge, dredge, or tug, who sign United States Coast Guard shipping articles before a shipping commissioner, are American seamen and have the same rights and privileges as seamen employed on any other vessel of the United States.

§ 81.11 *Effect of employment on American undocumented vessels.* The master and crew of an American undocumented vessel are not subject to the jurisdiction of the United States by reason of their employment, and are not as a matter of right entitled to the protection of its laws in questions affecting such employment. However, in the case of United States citizens employed on such a vessel, the master of the vessel may request a United States consular officer to ship and discharge such seamen in foreign ports in accordance with the procedure followed in the case of seamen on vessels of the United States, and the consular officer shall accede to such request. A United States consular officer has no authority over foreign nationals employed on American undocumented vessels, and consequently cannot ship or discharge such seamen.

§ 81.12 *Effect of employment on foreign vessels.* United States citizens employed on foreign vessels are, during the period of their employment, subject to the jurisdiction of the country under whose registry the vessel operates, and have no claim at foreign ports to the special protection, in matters relating to their employment, which the laws of the United States afford seamen employed on vessels of the United States.

§ 81.13 *Function of the Foreign Service*—(a) *Description.* The shipping and seamen function of the Foreign Service consists of the activities prescribed in Parts 81 through 88 of this chapter. These activities are for the protection or assistance of American vessels and American seamen in foreign ports and places.

(b) *Post responsibility.* Obviously, only Foreign Service seaport posts are required to perform many of the activities prescribed in this chapter. Inland posts are not required to perform activities attendant upon the arrival of a vessel in a foreign port. However, all posts are responsible for such activities as the relief of stranded American seamen, intervention on behalf of these seamen with local authorities, reports on the deaths of American seamen, and the conservation of their effects, etc. The responsibilities of seaport and inland consular agencies are similar to those of other seaport and inland Foreign Service posts, except that, where the settlement of a controversy or the expenditure of funds is involved in a shipping and seaman case, the consular agency shall consult with, and act under the direction of, the supervising Foreign Service post.

(c) *Post jurisdiction.* Theoretically, the consular district of a post determines its jurisdiction in a shipping and seaman case. However, as has been pointed out in paragraph (b) of this section, the actual responsibilities of posts differ.

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Also, under the provisions of the Federal statutes of the United States, even a seaport post is not required to perform many activities unless the need therefor arises at the place where the post is located. For example, post employees assigned to shipping work are not required to leave the immediate locale of the post to ship or discharge a seaman, but if a vessel is wrecked along the coast, the post having jurisdiction over the territory where the wreck occurs is responsible for reporting the wreck and carrying out the owner's instructions with reference to the conservation of the wrecked vessel. The question of whether a post should perform shipping and seamen activities within the consular district, but away from the actual location of the post is one which must be decided in the light of the statute and regulations governing the performance of a particular activity.

(d) *Place in post organizational pattern.* The shipping and seamen function is a part of the consular program of a Foreign Service post. Therefore, the consular section of a post is responsible for carrying out the activities which comprise this function. This responsibility must be discharged, however, in accordance with the provisions of paragraph (e) of this section.

(e) *Employee authority and responsibility.* Under United States Federal statutes, in the Foreign Service only United States consular officers have authority to perform shipping and seamen activities prescribed by statute. Accordingly, employees assigned to shipping and seamen work at a Foreign Service post must be commissioned as consular officers of the United States and accredited in this capacity in the foreign country of assignment.

§ 81.14 *Consular responsibilities to vessels*—(a) *American public vessels.* Except as set forth in § 81.3, the welfare of the master and crew of an American public vessel as seamen is not of concern to United States consular officers. Assistance may, however, be rendered on behalf and under instructions of the Government agency concerned.

(b) *Vessels of the United States.* Responsibilities to vessels of the United States are outlined in Parts 81 through 88 of this chapter and concern the protection of both ship and crew.

(c) *American undocumented vessels.* A United States consular officer may, when requested to do so by the master of an American undocumented vessel arriving at a foreign port, render services substantially similar to those rendered masters of vessels of the United States, subject to the payment of the fees prescribed for such services in the Tariff of United States Foreign Service Fees. (See § 81.11 of this chapter.)

(d) *Foreign vessels.* United States consular officers shall furnish masters of foreign vessels clearing for ports of the United States with pertinent information concerning documents required by such vessels for entry, and shall perform such services in connection therewith as are prescribed by applicable law and by such administrative instructions as may from time to time be issued.

PART 82—VESSELS OF THE UNITED STATES IN FOREIGN PORTS

Sec.

82.1 Definition of ship's papers.
82.2 Acceptance and receipting for ship's papers.
82.3 Return of papers to master.
82.4 Withholding of papers.
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82.18 Medium for payment of wages.
82.19 Desertions and failure to rejoin.

AUTHORITY: §§ 82.1 to 82.19 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 82.1 *Definition of ship's papers.* The term "ship's papers" includes the marine document of a vessel of the United States, its shipping agreement, and its crew list. "Marine document" means the certificate issued each vessel of the United States, evidencing its documentation under the laws of the United States.

§ 82.2 *Acceptance and receipting for ship's papers.* A consular officer shall accept the ship's papers proffered him by the master of a vessel of the United States, or his duly qualified subordinate, and, when requested to do so, shall give a receipt therefor. This receipt need not be returned to the consular officer.

§ 82.3 *Return of papers to master.* Except as provided in § 82.4, the consular officer shall return the ship's papers to the master of the vessel, provided the master has first fulfilled the following conditions:

(a) Produced a clearance of the vessel issued by the proper officer in the port;

(b) Complied with the provisions of law relating to the discharge of seamen;

(c) Paid to the consular officer arrears in wages and extra wages due seamen discharged at the port or issued wage vouchers to such seamen;

(d) Paid such fees and demands as are collectible under the law and the regulations in this part.

(R. S. 1718, 4309; 22 U. S. C. 1185, 46 U. S. C. 354)

§ 82.4 *Withholding of papers.* The consular officer shall withhold the ship's papers when the ship is proceeding on a voyage or carrying cargo contrary to the laws or regulations of the United States. In the event of such withholding or contemplated withholding, the consular officer shall immediately telegraph the Department of State for instructions.

§ 82.5 *Disposition of papers left at consulate.* When the master of a vessel of the United States departs from a foreign seaport, leaving the ship's papers in the possession of the consular officer, that officer may transmit the papers with covering report to the United States consular officer at the ship's next foreign port of call if circumstances make this action advisable and if no valid reason exists for withholding the papers from the master. When return of the ship's papers to the master or some other duly qualified officer is impossible, or when the ship is en route to the United States, the consular officer shall transmit the papers to the Department of State immediately, under cover of a despatch, giving a detailed statement of the facts in the case.

§ 82.6 *Report regarding failure of master to deposit papers.* If the master of a vessel of the United States persists in refusing to deposit his papers with the consular officer, or departs with his vessel without so doing and without reasonable cause for such failure, the consular officer shall execute a certificate for use in prosecuting the master for his failure to deposit the ship's papers.

§ 82.7 *Prosecution of master for failure to deposit papers.* The Department of Justice will conduct the prosecution of the master of the vessel in the name of the consular officer, who will not appear personally. Failure of the consular officer to notify the master of the vessel of the statutory provisions of law about the deposit of ship's papers will not serve as a defense in such a case.

§ 82.8 *Register of Shipping and Seamen.* Each Foreign Service seaport post, including each seaport consular agency, shall keep a complete record of transactions relating to vessels which deposit their ship's papers at the office of the post. This record shall be known as the "Register of Shipping and Seamen" and shall be maintained on Forms FS–281a, FS–281b and FS–281c.

§ 82.9 *Crew mail.* A Foreign Service post may accept mail addressed to seamen on vessels of the United States and either hold or forward it according to the circumstances. A crew member may call for his mail, or a ship's officer, when depositing the ship's papers, may pick up mail for crew. Mail may be forwarded as instructed in the Register of Shipping and Seamen. The Foreign Service post shall not use public funds to pay postage or customs charges levied against personal mail or packages of seamen.

§ 82.11 *Pilot charts and navigation notices.* United States consular officers shall post the pilot charts and notices to mariners published by the Hydrographic Office of the Navy Department, in a conspicuous place in the Foreign Service offices, and shall call the attention of shipmasters to such charts and notices.

§ 82.12 *Marine notes of protest*—(a) *Necessity for personal appearance of master.* The taking of the marine note of protest by a United States consular officer is a service for the operators of a vessel. The consular officer shall, therefore, require the master of the vessel to make the protest in person before him, unless the operators have furnished the consular officer with a written statement authorizing the making of the protest by an officer of the vessel other than the master. Under no circumstances shall a consular officer waive personal appearance by the master without the specific authorization of the ship's operators.

(b) *Form used.* A simple note of protest and all certified copies thereof shall be executed on the face of Form FS–281d. An extended protest and all certified copies thereof shall be executed on the reverse side of Form FS–281d.

(c) *Execution of forms.* A note of protest shall be prepared in an original and as many carbon copies as necessary to permit furnishing the required number of certified copies. The form should be typed. The original shall be signed, sealed with the consular impression seal, and filed in the Register of Shipping and Seaman binder with other forms relating to the particular entry and clearance of the vessel concerned. The carbon copies of the protest shall be certified and furnished to the master of the vessel for his use and for the use of other officers and the owner of the vessel. Consular officers shall not certify any carbon copies which are illegible.

(d) *Fees charged.* No fees shall be charged for the filing of a marine note of protest by the master of a vessel of the United States. In cases of undocumented American vessels or of foreign vessels, fees in accordance with items 30 and 31 of the Tariff of Fees shall be charged. In those cases where fees are chargeable for this service, consular officers shall not charge an additional fee for certified copies of a marine protest issued at the same time as the original protest but shall charge the fee indicated in item 75 of the Tariff of Fees for copies issued subsequent to the execution of the original protest. The fees for additional copies shall be applicable to American ship operators and agents as well as to foreign shipping interests.

§ 82.13 *Violations of the International Load-Line Convention.* If a vessel of the United States in a foreign port is alleged to be loaded deeper than the draft permissible under the International Load-Line Convention, 1930 (Treaty Series 858), the enforcement authorities of the port are required to notify the consular officer as soon as possible. If the master of the vessel contends that his ship is not violating the Convention, the consular officer shall immediately investigate the matter, and if it appears that the charge is unfounded, he shall protest to the appropriate authorities. A report of every violation charge shall be made to the Department for the information of the United States Coast Guard.

§ 82.14 *Certificates under International Convention for the Safety of Life at Sea*—(a) *Issuance of certificates.* International Certificates are issued to United States vessels by the United States Coast Guard after appropriate inspections have been made by the Federal Communications Commission or the Coast Guard, or both, in ports of the United States. These certificates are valid for one year with the exception of the Safety Equipment Certificate which is valid for two years.

(b) *Extension or reissue of certificates.* When an International Certificate, issued under the terms of the International Convention for the Safety of Life at Sea, 1948, to a vessel of the United States, expires before or at the time the vessel reaches a foreign port, or will expire before the vessel reaches a port of the United States, it may be extended by the consular officer or a new certificate may be issued by authorities of a foreign Government which is a party to the Convention, according to the preference of the master. The request must come from the master. A request or preference expressed by the agent of a United States vessel should not be honored unless the agent is acting at the master's specific request.

(c) *Extension procedure abroad.* At the instance of the master of a vessel of the United States, a United States consular officer at any foreign port may extend a Convention Certificate in accordance with the provisions of Chapter I, Regulation 13 (b) and (c) of the Convention, if it appears proper and reasonable to do so. An inspection and survey is not a prerequisite for an extension, but the master of the vessel and the chief radio officer in the case of a cargo ship, or the master of the vessel, the chief engineer, and the chief radio officer in the case of a passenger ship, shall be required to furnish an affidavit that to the best of their knowledge and belief, the vessel complies with the applicable requirements of the Convention. The consular officer shall extend the certificate by typing an endorsement. The consular officer shall sign the endorsement and shall seal the document with the consular impression seal.

(d) *Issuance procedure abroad.* Upon the receipt, by a consular officer at a foreign port within the allegiance of a government which is a party to the Safety Convention, of a request from the master of a cargo vessel that a Safety Radiotelegraphy Certificate or a Safety Equipment Certificate be issued to his vessel, the officer shall, in accordance with the provisions of Chapter I, Regulation 12 of the Convention, request the appropriate local government authorities to inspect the vessel for compliance with the requirements of the Convention and to issue, under that government's own responsibility, a Safety Radiotelegraphy Certificate or a Safety Equipment Certificate or both to the vessel. The circumstances under which a passenger vessel would require a survey and the issuance of a Safety Certificate while in a foreign port are not likely to occur. Should such a situation arise, advice shall be requested from the Department, which will confer with the Coast Guard and the Federal Communications Commission and issue instructions to the consular officer. A certificate issued by a government of a country not a party to the Convention has no validity and consular officers at a foreign port within the allegiance of such a country may not request that government to issue any certificate required under the Convention.

(e) *Violations of the International Convention for the Safety of Life at Sea, 1948.* While the possession of the appropriate International Certificate(s) is evidence that the vessel was complying with the applicable provisions of the Convention at the time the certificate was issued, authorities of a foreign government at a port in which the vessel is, have a right to inspect the vessel for the purpose of determining that it is still complying substantially with these provisions. Should this inspection lead to a requirement being imposed upon the vessel, Chapter I, Regulation 18 of the Convention, requires that the consular officer be informed in writing forthwith of all the circumstances. If the master protests the requirement, the consular officer shall investigate the situation and, if the evidence warrants, shall make representations to the proper authorities. It is not expected that in matters of judgment the decisions of the local authorities shall be questioned (e. g., whether an item of required equipment is worn out or not). But where quantitative standards are prescribed by the Convention (e. g., number of life buoys), a greater number should not be required. Where a requirement is not protested as to justification but will involve delay to the vessel, the consular officer may be able to obtain permission for the ship to depart if the master gives assurance that the deficiency will be made good at the next port of call.

§ 82.15 *Shipment of seamen.* When a seaman is shipped before a United States consular officer at a foreign port, the consular officer shall see that the seaman understands all the terms of the contract and the exact nature of the work for which he is engaged. When the shipment of a seaman at another port is reported to a consular officer for certification, the officer shall, before so certifying, make sure that the seaman understands and has signed the shipping agreement as required.

§ 82.16 *Discharge of seamen.* (a) The master of a vessel of the United States cannot lawfully discharge a seaman in a foreign port without the intervention of the United States consular officer if the seaman signed the shipping agreement before a United States Shipping Commissioner or consular officer; and it is not material in such case that the discharge is made with the seaman's consent or that he has been guilty of misconduct, or is not a citizen of the United States. [7 Op. Att. Gen. 349.]

(b) A United States consular officer is authorized to discharge a seaman upon the application of the master of any vessel of the United States or upon the application of any seaman for his own discharge, if such officer is satisfied that the seaman has completed his shipping agreement or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States. When a request is made for the discharge of a seaman, a consular officer shall inquire carefully into the facts and circumstances, and shall satisfy himself that good and substantial reasons exist for a discharge before

granting the application. The seaman must be physically present to be discharged.

(R. S. 4580, as amended; 46 U. S. C. 682)

§ 82.17 *Consular responsibilities for payment of wages*—(a) *Wages and extra wages due American seamen.* When a United States consular officer discharges a seaman in a foreign port, the officer shall collect and pay to the seaman the arrears of wages and extra wages due him at the time of discharge, unless the seaman elects to accept, instead of immediate payment of the whole or a portion of his wages, a wage voucher signed by both the master and the seaman, evidencing the amount owed the seaman to be paid in future settlement. If a United States consular officer fails to collect the wages, extra wages or wage voucher on behalf of the seaman, the consular officer becomes accountable to the United States for the full amount thereof. The consular officer is not obligated to collect and pay to a seaman wages accruing to him subsequent to the time of his discharge, and should not intervene in attempts to collect such wages from the vessel's operators.

(b) *Overtime compensation due American seamen.* Overtime paid seamen is technically a part of their wages, but is payable under the provisions of maritime collective bargaining agreements. Consular officers are not, therefore, legally responsible for the collection and payment of overtime wages, and should leave disputes in relation to overtime for settlement in the United States where bargaining machinery has been established to handle them. When such a dispute arises, a simple statement may be attached to the wage voucher by the master indicating that any overtime due will be paid by the ship operator on arrival in the United States in accordance with the collective bargaining agreement.

(c) *Bonus payments to American seamen.* Bonus payments are in a similar category to overtime payments. Such payments may be collected or deferred according to the circumstances. Since masters and consular officers frequently do not have the latest bonus decisions when a seaman is discharged, controversies over bonus payments should be left for settlement upon the seaman's arrival in the United States.

(d) *Wages due American seamen of foreign nationality.* An American seaman of foreign nationality (see §§ 81.1 (j) and 81.6 (b) of this chapter) is entitled to extra wages on his discharge at a foreign port in all cases where an American seaman who is a United States citizen would be so entitled. On the other hand, an alien seaman as defined in § 81.1 (k) of this chapter is not entitled to extra wages upon discharge. [Fed. Cas. No. 16002; 2 F. Rep. 264]

§ 82.18 *Medium for payment of wages*—(a) *Currency.* Moneys paid under the laws of the United States, by direction of United States consular officers or shipping agents, at any foreign port or place to American seamen as wages, extra or otherwise, shall be paid in United States coin or currency if permissible under the laws of the country in which payment is made; or in local currency at the current bank selling rate for sight drafts on New York prevailing on the date of collection.

(b) *Voucher.* A seaman discharged at a foreign port shall be given, if he so elects, instead of full or partial payment of his wages at the time of discharge, a wage voucher signed by the master, evidencing the amount owed the seaman to be paid in future settlement.

§ 82.19 *Desertions and failure to rejoin*—(a) *Obligation of master to report desertions.* If the desertion occurs at a foreign port, the master should report the desertion to a United States consular officer within forty-eight hours if possible. If such notification is impossible, the desertion shall be reported at the next port of call where there is a United States consular officer.

(b) *Consular responsibility.* An alleged desertion shall be carefully investigated by a consular officer. He shall exercise care in interpreting the law and regulations defining desertion from vessels of the United States and shall not consider seamen deserters who are absent without leave or who overstay their leave without intent to sever connection with their vessel. Consular officers shall take every proper measure to discourage and defeat any proceedings on the part of masters under which seamen are permitted or forced to desert and subsequently come to the Foreign Service office for relief. A consular officer shall not certify the desertion statement of any master until satisfied that the desertion was not consented to or abetted by the master or his officers or was not justified by conduct on their part toward the seamen.

(c) *Arrest of deserters.* Sections 16 and 17 of the act of March 4, 1915, known as the "La Follette Act", forbid the imprisonment of merchant seamen charged with desertion and all provisions of treaties contrary to this policy have been denounced. However, deserters are subject to the laws of the country where they may be, and not infrequently the local authorities detain deserters as persons who have not been lawfully admitted into the country under its immigration laws. In such cases, consular officers shall procure as liberal treatment as possible for the seamen detained, if they are American seamen.

(d) *Disposition of deserter's wages on sale of vessel abroad.* If the master refuses to comply with the demand, the consular officer shall report the facts by operations memorandum, together with the amount of the balance and the name of the deserter, to the Department.

(R. S. 4081, as amended; 22 U. S. C. 258)

PART 83—PROTESTS, DISPUTES AND OFFENSES

Sec.
83.1 Legal right of seamen to protest.
83.2 Seamen's rights under collective bargaining agreements.
83.3 Seamen's right to survey.
83.4 Mandatory survey upon complaint of seamen.
83.5 Consular investigation of disputes between seamen.
83.6 Consular arbitration of disputes.
83.7 Jurisdiction over offenses committed on the high seas.
83.8 Jurisdiction over offenses committed in port or territorial waters.
83.9 Jurisdiction over offenses committed ashore.
83.10 Consular responsibility for offenses within foreign government's jurisdiction.
83.11 Consular responsibility for offenses outside foreign government's jurisdiction.

AUTHORITY: §§ 83.1 to 83.11 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 83.1 *Legal right of seamen to protest.* American seamen are entitled by statute to lay before United States consular officers their complaints with regard to provisions, condition of water, the unseaworthiness of their vessel, or continuance of the voyage contrary to agreement. No seaman may be restricted by the master from coming ashore to bring his complaints to the Foreign Service office unless circumstances render this action impossible. In such case the master must advise the consular officer of the seaman's desire to see him, at the same time setting forth the reasons why the seaman is not allowed ashore. Upon receipt of such communication, the consular officer shall proceed to the vessel to hear the complaint and take whatever action is indicated.

§ 83.2 *Seamen's rights under collective bargaining agreements.* In practice, the seamen's right to complain is extended to almost any incident aboard ship. However, when seamen approach a Foreign Service office with complaints concerning failure of the master or ship's agents to extend them benefits provided by their collective bargaining agreements in such matters as lodging, repatriation, food allowances, and the like, the seamen may be informed that consular officers are authorized to protect seamen's rights under the statutes but are not authorized to inject themselves into disputes between parties signatory to collective bargaining agreements. Moreover, most of these agreements contain provisions for settlement of disputes upon completion of the voyage, both operators and unions preferring to use machinery established at domestic ports for this purpose.

§ 83.3 *Seamen's right to survey.* When complaints are received in writing in accordance with statutory requirements, concerning alleged unseaworthiness of a vessel or its improper provisioning, the consular officer must have made or make an appropriate survey.

§ 83.4 *Mandatory survey upon complaint of seamen*—(a) *Complaint that condition of vessel is unseaworthy.* When a consular officer receives a written complaint signed by the first and second officers or the majority of the crew that their vessel is unseaworthy or unsuitably provided because of its condition, equipment, crew or some other particular, the officer shall have a survey made with or without the consent of the master. In almost every port or port area, there are representatives of one or more classification societies such as

American Bureau of Shipping, Lloyds, or Veritas. The consular officer shall arrange for one of these bureaus to make a survey and to report to him on their own form. The consular officer shall certify the report and give it to the master for appropriate action. If there is no classification society in the area, the consular officer shall obtain the services of three qualified persons to make the survey, who will report their findings to him in the same manner as outlined above. In case of complaint of unseaworthiness based upon deficiency of lifesaving equipment, the Certificate of Inspection serves as a criterion.

(b) *Complaint regarding provisions or water.* When a consular officer receives a written complaint signed by three or more crew members relative to the provisions or water aboard their vessel, he shall examine the provisions or water, or cause them to be examined by competent persons. Report of the findings shall be certified by the consular officer and furnished the master for entry in the official log and for rectification of conditions if necessary. A report shall also be made to the Judge of the District Court for the district to which the vessel is returning.

(c) *Payment of expenses of survey.* Sections 659 and 663, title 46 of the United States Code, provide that if a survey reveals that the complaint of the seamen was without good and sufficient cause, the master may retain from the wages of the complainants, divided in proportion to their wages, a sufficient amount to cover costs of such survey. (Exception is made in connection with fishing or whaling vessels or yachts when the survey concerns food or water.) In those surveys where there appears to have been reasonable basis for complaint, the expenses of survey must be borne by the master.

(R. S. 4559, as amended, 4565, as amended; 46 U. S. C. 656, 662)

§ 83.5 *Consular investigation of disputes between seamen.* When a dispute arises between the master and the crew of an American vessel or between seamen shipped on such a vessel, a United States consular officer shall investigate the circumstances in any manner appropriate to the situation.

§ 83.6 *Consular arbitration of disputes.* A United States consular officer may act as arbiter in a dispute between the master and crew or between the seamen. If possible, arbitration should be conducted on an informal basis and a satisfactory solution worked out orally. However, in the more serious cases, the consular officer should take sworn statements of the parties in interest for possible future action and reference. A consular officer has no authority to try or to punish offending parties.

§ 83.7 *Jurisdiction over offenses committed on the high seas.* Under the general principles of international and maritime law, crimes and misdemeanors, committed on the high seas and out of the territorial limits of any state, are cognizable only in the courts of the country to which the vessel belongs. For the purpose of prosecuting such crimes, the vessel may be regarded as part of the country of registry. These principles are recognized and enforced by courts of the United States and they are incorporated into Federal statutes. Piracy is a notable exception to this rule since the law of nations recognizes this crime as punishable by the authorities of any nation capturing the accused persons and bringing them within the jurisdiction of its courts. Piracy should not be confused with mutiny, which is not an international crime in this sense.

§ 83.8 *Jurisdiction over offenses committed in port or territorial waters*—(a) *Offenses involving the peace of the port.* When an offense is committed aboard a merchant vessel in the port or territorial waters of a nation other than the nation of registry, and when the offense involves the peace of the port, the nation in whose waters the offense is committed has jurisdiction under an accepted principle of international law.

(b) *Offenses not involving the peace of the port.* When an offense is committed aboard a merchant vessel in the port or territorial waters of a nation other than the nation of registry, but does not involve the peace of the port, such offense is usually left by local governments to be adjusted by officers of the vessel and the diplomatic or consular representatives of the nation of registry. In the case of vessels of the United States, the right to protection against intervention by a foreign government in this class of cases is safeguarded in many areas by a treaty of friendship, commerce and navigation or by a consular convention between the United States and the foreign government concerned. Even where no treaty or convention exists, the local foreign government will usually refrain from intervening in such cases on the basis of comity between nations.

§ 83.9 *Jurisdiction over offenses committed ashore.* The courts of a country have jurisdiction over offenses against the laws of the country committed by seamen while ashore in its ports.

§ 83.10 *Consular responsibility for offenses within foreign government's jurisdiction.* When a foreign government has jurisdiction over an offense committed on board a vessel of the United States or by American seamen in its ports (see §§ 83.8 (a) and 83.9), a United States consular officer shall see that the offender is properly cared for and justly treated. However, he shall not expend any money for the defense of the accused unless he has prior specific authorization of the Department of State. Also, the authorities having jurisdiction over the offense are responsible for the punishment of the offender.

§ 83.11 *Consular responsibility for offenses outside foreign government's jurisdiction*—(a) *Assumption of jurisdiction.* When an offense is committed on board a vessel of the United States while on the high seas (see § 83.7) or in foreign port or territorial waters under the circumstances described in § 83.8 (b), a United States consular officer shall assume jurisdiction for the United States Government in every case where local authorities will permit him to do so, either by virtue of treaty arrangements or under comity between nations.

(b) *Consular investigation.* In any case of misdemeanor or crime involving seamen on board vessels of the United States or American seamen, the consular officer shall investigate the circumstances in a manner appropriate to the situation. He should question witnesses separately and obtain their signatures to their statements as soon after their giving testimony as is possible. When there is apparent conflict in testimony, a witness may be allowed to make a second affidavit to supplement his first statement if that appears desirable.

(c) *Consular action on misconduct cases.* Consular officers shall discourage insubordination by every practicable means. The master of a vessel has considerable disciplinary power under the statutes to cope with minor misdemeanors of which seamen may be guilty aboard ship. Masters should be assisted in taking authorized disciplinary measures when the evidence to support such action is considered sufficient. The consular officer may make suitable entries in the ship's log as an official record of his recommendations to the master in the premises. Seamen guilty of misconduct should not be discharged unless their acts were caused by cruel treatment, or their presence on board ship would constitute a menace to the discipline of the vessel or endanger its operation. In discharging such seamen, the consular officer will give the reason therefor on the ship's articles and official log, properly certified by him.

(d) *Consular action on criminal cases.* When seamen accused of crime come under the jurisdiction of a consular officer, he shall obtain all possible sworn testimony and on the basis of such information take appropriate action. A consular officer has discretionary authority to return a seaman to the United States for trial. If the circumstances demand that the offender be sent to the United States for trial, the consular officer may discharge the seaman and apply to the local authorities for means to secure and detain him while he remains in port. Arrangements for return of witnesses will be made by the Department of Justice at the appropriate time.

(e) *Consular action on mutiny cases.* Consular officers shall investigate promptly reports of mutinies on vessels of the United States which arrive in their districts and, when necessary, shall take measures, consistent with treaties and usage, to establish order on the vessel and to return the mutineers to the United States for trial. Consular officers have a wide discretion in deciding whether evidence justifies the detention and return to United States for trial of persons charged with mutiny.

(f) *Detention of accused aboard ship.* The accused shall be placed in the custody of the master who shall take such measures as he deems necessary to detain the seaman. The master will be given certified copies of the affidavits taken in the case to be turned over to the

authority taking custody of the accused in the continental United States.

(R. S. 4600, as amended; 46 U. S. C. 703)

PART 84—RELIEF AND REPATRIATION OF SEAMEN

Sec.
84.1 Financial responsibility of owners or operators of American vessels.
84.2 Financial responsibility of United States Government.
84.3 Consular investigation of applicants for relief.
84.4 Destitute seamen.
84.5 Shipwrecked seamen.
84.6 Ill or injured seamen.
84.7 Stragglers.
84.8 Deserters.
84.9 Relief at Government expense.
84.10 Repatriation ports.
84.11 Necessity for prompt repatriation.
84.12 Repatriation of seamen without consular authorization.

AUTHORITY: §§ 84.1 to 84.12 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 84.1 *Financial responsibility of owners or operators of American vessels.* By maritime practice, Comptroller General decisions or maritime bargaining agreements, United States owners or operators are held responsible for relief and repatriation of all seamen separated from their vessels at foreign ports for any reason except desertion or shipwreck.

§ 84.2 *Financial responsibility of United States Government.* By statute, a United States consular officer must furnish or cause to be furnished relief and repatriation to any destitute American seamen, including seamen from documented fishing vessels of the United States. He is responsible in a like manner for shipwrecked or ill or injured American seamen, and is solely responsible for certified deserters who are United States citizens. He has temporary responsibility for the relief of stranded alien seamen signed on abroad and separated from vessels of the United States because of shipwreck, illness or injury, or bankruptcy on the part of the shipowner.

§ 84.3 *Consular investigation of applicants for relief.* Before granting relief, a consular officer shall satisfy himself that the seaman is entitled to relief under the statutes, maritime usages, and Comptroller General decisions.

§ 84.4 *Destitute seamen.* The question as to whether an American seaman is destitute within the meaning of R. S. 4577 (46 U. S. C. 678) is one for determination in the first instance by the United States consular officer to whom the seaman applies for relief. The consular officer's decision, in the absence of contrary facts, is sufficient. [2 Comp. Gen. 317]

§ 84.5 *Shipwrecked seamen.* When seamen from vessels of the United States arrive after shipwreck at a port within a consular district, the consular officer concerned shall make immediate arrangements for their relief. Relief may be afforded without regard to the nationality of the seaman, whether he has status as an American seaman (see § 81.1 (j) of this chapter), or whether he has funds in his possession. In addition, American seamen, if they cannot be reshipped, should be provided with passage to the United States or to an intermediate port where employment may be had or passage obtained. Alien seamen shipped at foreign ports are not entitled to transportation to the United States or to the port of shipment. However, an alien seaman may be granted temporary relief until reshipment is possible or until arrangement can be made with representatives of the government of which the alien seaman is a citizen or subject, for his care and transportation or other relief at the expense of that government. If the owners or operators of a shipwrecked vessel assume responsibility for the relief and repatriation of survivors, consular officers should interpose no objection. This assumption of responsibility which is customary, is on a voluntary basis and is in no sense demanded by the Department of State or consular officers. Seamen from shipwrecked yachts are to be granted relief only if destitute in fact, although seamen from fishing and whaling vessels may be furnished relief as outlined above.

(R. S. 4526, as amended; 46 U. S. C. 593)

§ 84.6 *Ill or injured seamen*—(a) *Statutory responsibility of Government.* The statutes provide that when a seaman becomes ill or is injured in the service of a vessel of the United States and is formally discharged before a consular officer by reason of being incapacitated on account of such injury or illness, relief may be furnished the seaman by the consular officer, regardless of the cause of his illness or injury and regardless of whether or not the said seaman may have funds of his own sufficient for his immediate needs. Also relief may be furnished ill or injured seamen from documented fishing vessels even if not signed on shipping articles.

(b) *Responsibility of owners under maritime practice.* Maritime usage has placed upon the operator of the vessel the primary responsibility for ill or injured seamen whose disability is not the result of their own misconduct.

(c) *Responsibility according to Comptroller General.* The Comptroller General, to whom United States consular officers must account for expenditure of Government funds, has placed responsibility for all ill or injured seamen, regardless of the cause of their disability, upon the operators and has indicated that consular officers should not discharge seamen until responsibility for their care and repatriation has been assumed by the master or agent on behalf of operators. The Comptroller General has stated that notwithstanding a seaman's discharge from a vessel on account of venereal disease, a duty devolves upon a shipping company to furnish hospitalization, subsistence and repatriation to a seaman then and previously in its employ, and to furnish such reasonable medical care and treatment as may be necessary during the return voyage. Under maritime custom and as a matter of public policy, the obligation of the shipping company goes further than a mere contractual relationship with the seaman, and said obligation is not terminated on the discharge of the seaman in a foreign country. [Comp. Gen. A–17383, April 1, 1927]

(d) *Effect of failure to discharge before consular officer.* If the seaman becomes ill or is injured in the service of a vessel, whether or not through his own fault, but is not discharged before a consular officer, the consular officer is not required by law to furnish relief to the seaman from United States funds unless the said seaman is found destitute within the consular officer's district. If a seaman becomes ill or is injured while a member of the crew of a vessel and is placed in a hospital by the master of the vessel prior to his being discharged before a consular officer, the consular officer is not authorized to pay from Government funds any part of the hospital expenses incurred, either after discharge if later accomplished or prior thereto.

(e) *Emergency relief at Government expense.* Where conditions are such that United States consular officers cannot procure prompt medical and hospital treatment and subsistence for American seamen at the expense of the master or owner of the vessel upon which the seaman last served, relief may be furnished at the expense of the Government and payment made therefor from the appropriation for the relief of American seamen. Refusal on the part of a master or owner should be in writing in order that the consular officer may show basis for expenditure of funds.

(f) *Liability of shipowner.* Consular officers shall report promptly all cases where vessels or owners refuse to assume responsibility for the care and repatriation of seamen in accordance with law. 29 Op. Att. Gen. 54 states:

An American seaman, disabled in the service of the vessel and who was left in a hospital at a foreign port, is entitled to medical expenses incident to a recovery from the injury and transportation back to the United States, and where these expenses are paid out of funds belonging to the United States, after notice to the owners of the vessel that they were liable for the same and demand made for payment, the owners of the vessel may be held liable therefor. (R. S. 4581, as amended; 46 U. S. C. 683)

§ 84.7 *Stragglers.* A seamen, who fails to rejoin his vessel but without intent to desert, is termed a "straggler". Responsibility for his maintenance and repatriation remains with the shipowner. [Comp. Gen. A–30607, Mar. 22, 1930]

§ 84.8 *Deserters*—(a) *Responsibility of the Government.* There is no obligation on the owner of a vessel from which an American seaman has deserted while the vessel was at a foreign port to transport the seaman back to the United States, and where such seaman has become destitute while abroad payment from public funds for transportation back to the United States, even though furnished on a vessel of the same company as the vessel on which the seaman originally shipped, may be made under the laws applicable to destitute American seamen. [3 Comp. Gen. 936] (See § 82.19 of this chapter.)

(b) *Documentation of deserters.* However, the Comptroller General will not recognize desertions unless reported if possible by the master to a consular officer at the port of desertion within forty-eight hours or, where necessary, at the next port of call. The desertion must be certified by the consular officer and all desertions must conform to the definitions given in § 82.19 of this chapter. A copy of the log of a vessel certified by a United States shipping commissioner stating that a seaman had deserted the vessel in a foreign port, unsupported by evidence that the seaman was reported as a deserter to an American consular officer within forty-eight hours and by a certificate of desertion issued by the consular officer in accordance with these regulations in this part, is not sufficient to establish desertion or that the company has been relieved of liability to return the seaman to the United States. [8 Comp. Gen. 194]

§ 84.9 *Relief at Government expense*—(a) *Lodging and subsistence.* The lodging should be in a healthy locality, removed, if possible, from scenes of temptation and vice. The subsistence should be simple but sufficient. It is usual to contract for the board of seamen.

(b) *Clothing.* The clothing should be as inexpensive as is consistent with strength and durability. The quantity of clothing furnished should be limited to that necessary adequately to clothe the seaman until his arrival in the United States.

(c) *Medical attendance and medicine.* Medical attendance and medicines may be provided in emergency cases. These should be obtained at a hospital, if there is one in the place, unless special instructions to the contrary are given. If private treatment is provided, the voucher must indicate the reasons.

§ 84.10 *Repatriation ports*—(a) *Shipwrecked American seamen.* In cases of shipwreck, American seamen survivors are entitled to repatriation to the port of shipment, regardless of whether it is a foreign port or a United States port. However, shipwrecked American seamen shipped in a foreign port, may if they prefer and the circumstances are not unfavorable, be repatriated to a port in the continental United States. (See paragraphs (c) and (d) of this section.)

(b) *Destitute American seamen.* The primary purpose of repatriation at Government expense is to make the seamen available for service in the American merchant marine. Therefore, destitute American seamen, other than survivors of shipwrecks, are entitled to repatriation only to a port in the United States. The port of repatriation may be any convenient port in the continental United States to which the transporting vessel is destined. For rules governing repatriation to an insular or territorial port of the United States or to an intermediate port, see paragraphs (c) and (d) of this section.

(c) *Repatriation to United States insular or territorial ports.* Employment conditions in ports of the territorial and insular possessions of the United States do not ordinarily warrant consular officers in repatriating American seamen to such ports. Consular officers should not, therefore, arrange for the transportation of American seamen to ports of the territorial or insular possessions of the United States, except those of the Panama Canal Zone, unless the seamen reside in those ports or other special circumstances clearly warrant such action.

(d) *Repatriation to intermediate ports.* In places where opportunities for repatriating seamen seldom occur and employment on board vessels of the United States cannot be obtained, the consular officer may send destitute seamen to an intermediate port. He shall consider the relative cost of keeping the seamen where they are and at the port to which they can be sent, together with the expense of their passage there and the probability that they may obtain employment at that port or a passage home; and he shall adopt the course which may seem best, having a due regard for the interests of the United States and a proper concern for the seamen.

§ 84.11 *Necessity for prompt repatriation.* When a destitute seaman is entitled to repatriation, transportation should be furnished at the earliest possible opportunity, either directly to a United States port or to an intermediate port where he may find employment on a vessel of the United States or passage to the United States. The consular officer is the proper judge as to the vessel on which the seaman should be placed for his return to the United States. A seaman must, if he is able to travel, accept the first offer of repatriation whether as a workaway or otherwise. Refusal to accept passage deprives the seaman of his right to further assistance.

§ 84.12 *Repatriation of seamen without consular authorization*—(a) *Authorized expenditures.* Whenever distressed or destitute American seamen are transported from foreign ports where there is no United States consular officer, or from points on the high seas, to ports of the United States; or from such foreign ports or points on the high seas to a port accessible to a United States consular officer for the further relief and repatriation of such seamen, the master or owner of the transporting vessel shall be allowed such compensation as the Secretary of State determines is equitable.

(b) *Transportation direct to the United States.* Accounts and claims for transporting direct to a port of the United States distressed or destitute seamen picked up at sea or at some foreign port where there is no United States consular officer should be submitted to the Secretary of State for consideration and transmittal to the Comptroller General. Such claims should be accompanied by satisfactory evidence as to the services rendered, the length of time the seamen were on board the transporting vessel, and the arrival of the seamen in the United States.

(c) *Transportation to Foreign Service office.* When distressed or destitute American seamen picked up at sea or at a foreign port where there is no United States consular officer are transported to a port where there is a consular officer or to a port accessible to his office, the consular officer is authorized to pay the master of the transporting vessel an amount not exceeding 60 cents a day for each seaman. The master may, if he does not consider such compensation adequate, submit his claim direct to the Secretary of State. The claim will receive the administrative consideration of the Secretary of State, and will then be sent to the Comptroller General for settlement.

PART 85—DECEASED SEAMEN AND THEIR EFFECTS

Sec.
85.1 Financial responsibility for burial of seamen.
85.2 Shipment of remains.
85.3 Reports of death.
85.4 Custody of effects of American seamen.
85.5 Sale of effects.
85.6 Disposition of proceeds of sale and of unsold effects.
85.7 Defrayal of expenses.
85.8 Effects of alien seamen.
85.9 Accounting for effects.

AUTHORITY: §§ 85.1 to 85.9 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 85.1 *Financial responsibility for burial of seamen*—(a) *Owners or operators of vessels of the United States.* The owner of a vessel of the United States is responsible for the payment of burial expenses of a seaman from the vessel, if such owner would have been liable for the seaman's care, subsistence and repatriation but for the seaman's death. The burial expenses are properly chargeable to the ship and may not be deducted from the seaman's wages.

(b) *United States Government.* Burial expenses are paid by the Government only in cases where the circumstances would have warranted expenditure of Government funds for the seaman's maintenance and repatriation if he had not died. The expenses chargeable to the Government are for preparation of the remains and ordinary expenses of interment in foreign countries or in territories and possessions of the United States. A United States flag may be used to drape the casket. Although charges for flowers, religious services, and other similar items, which are not necessary for interment, are not allowable, the service should be conducted with dignity. Vouchers covering burial expenses must be fully itemized to show the cost of each item.

§ 85.2 *Shipment of remains.* No appropriation is available for the shipment of remains of seamen. [Comp. Gen. A–53494, June 14, 1934]. However, if the family of a seaman desire the return of his body at their expense, the same procedure will be followed as in returning the bodies of other American citizens.

§ 85.3 *Reports of death*—(a) *Reports to the Department.* When knowledge of the death of any American seaman or of any United States citizen serving on a foreign vessel reaches a United

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States consular officer, he shall report such death promptly to the Department.

(b) *Reports to relatives.* The consular officer will when practicable, communicate information relative to the death of a United States citizen seaman or an American seaman of foreign nationality to the next of kin, or other interested persons, sending all available and proper data.

§ 85.4 *Custody of effects of American seamen*—(a) *Seamen dying aboard ship.* When any American seaman, belonging to or sent home on any merchant vessel whose voyage is to terminate in the United States, dies during such voyage, the master should take charge of all monies, clothes, and effects left on board by the seaman. If the ship touches or remains at a foreign port before coming to any port of the United States, the master should report the case to the consular officer there, and give such officer any information he requires as to the destination of the ship and the length of the voyage. Thereupon such officer may, if he considers it expedient, require the said effects, money and wages to be delivered and paid to him. Upon that being done he shall give the master a receipt therefor on Form FS–85. The consular officer shall also endorse and certify upon the agreement with the crew the particulars of such delivery and payment. If he does not require the delivery and payment, he shall obtain from the master a statement of the seaman's account with the vessel, and transmit a copy thereof to the Department. If the ship is sold in a foreign port and the master has in his possession the effects, money, and wages of a deceased seaman, the consular officer may require them to be delivered to him.

(b) *Seamen dying ashore.* Whenever any American seaman dies at any place outside of the United States, leaving any money or effects not on board his vessel, the United States consular officer at or nearest the place shall claim and take charge of such money and effects.

(R. S. 4538, 4539 as amended, 4541 as amended; 46 U. S. C. 621, 622, 624)

§ 85.5 *Sale of effects.* The consular officer shall, if he thinks fit, sell all or any of such effects of any seaman as may be delivered to him under the provisions of law.

§ 85.6 *Disposition of proceeds of sale and of unsold effects.* If effects are sold, the consular officer shall monthly remit to the responsible district court all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seaman which have come into his hands and shall render such accounts thereof on the reverse side of Form FS–85 as the district court requires. The effects of deceased American seamen not sold and all wages or moneys coming into the possession of a consular officer under any of the foregoing provisions shall likewise be remitted to the district court for administration. However, certificates and identification papers issued by Government agencies should be transmitted to the Department for return to the issuing agency.

(R. S. 4541 as amended; 46 U. S. C. 624)

§ 85.7 *Defrayal of expenses.* Costs arising in connection with transmittal to the court of the monies and effects of a deceased seaman, such as a bank draft or transportation charges, are properly chargeable to the estate of the seaman and should be defrayed from such funds as are contained therein.

§ 85.8 *Effects of alien seamen.* If a deceased seaman of foreign nationality was not an American seaman as defined in § 81.1 (j) of this chapter, and the wages and effects are delivered to the consular officer, the latter should make proper inquiries to find the relatives of the deceased and may determine for himself to whom the wages and effects should be given. If no relatives are found or if the officer cannot satisfactorily determine the relatives entitled to the wages and money arising from the sale of the effects, they should be remitted to the district court as provided in § 85.6. A consular officer may not deliver the wages and effects of such a deceased seaman to an official of the foreign government of which the deceased was citizen or subject unless such official holds a valid appointment to represent the heirs. [1 Comp. Gen. 621]

§ 85.9 *Accounting for effects—(a) Statement of details to district court.* Consular officers are required, in rendering the accounts provided for by law, to make a statement of details, namely:

(1) A statement of the amount of money left by the deceased and any of his effects unsold;

(2) A description of each article sold, and the sum received for each;

(3) The sum due the deceased for wages, with dates, and the items of deduction, if any, to be made therefrom—no such deductions being allowed to the master unless verified by an entry in the official log book.

(b) *Wage account to district court.* The master shall be required to give full particulars of the wage account of the seaman, including the date of shipment, rate of wages, and time of discharge, and any deductions therefrom, to be verified by entry in the official log; such account to be verified before the consular officer by the master, and a certified copy thereof to be sent with the account to the district court, together with information regarding the names and addresses of the next of kin, or other interested persons, of the decedent.

(c) *Receipts from court.* Consular officers shall be careful to obtain from the court receipts in duplicate for all monies, wages, and effects transmitted by the Foreign Service office.

PART 86—MARITIME DISASTERS AND AWARDS

Sec.
86.1 Reports on disasters.
86.2 Consular authority over wrecked, lost, or stranded vessels of the United States.
86.3 Consular authority when interested party is present.
86.4 Consular jurisdiction in salvage cases.
86.5 Consular duties when assuming jurisdiction.
86.6 Reports on rescues and heroic conduct.
86.7 Seizures of vessels.
86.8 Claims arising out of seizures of vessels.
86.9 Certification of claim to Treasury Department.

AUTHORITY: §§ 86.1 to 86.9 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 86.1 *Reports on disasters.* When a vessel of the United States is wrecked, lost, or stranded within the jurisdiction of a United States consular officer, or when such a vessel, its cargo, or passengers and crew, are brought into his jurisdiction after a disaster at sea, the consular officer shall immediately transmit a telegraphic report to the Department of State, giving the name of the vessel, its owner and home port, the voyage on which it was bound, the circumstances attending the disaster including a statement of the nature of the disaster, the date of occurrence, and the exact location, and information concerning the safety of passengers and crew. Names of those known to be killed, injured or missing should be listed with indication concerning others known to be safe. The report shall, if possible, include information as to whether the vessel is an actual or constructive total loss. The telegraphic report should be followed by a detailed air mail report which shall state whether the ship's papers have been saved.

§ 86.2 *Consular authority over wrecked, lost, or stranded vessels of the United States—(a) Under United States statutes.* If treaty provisions, established usage, or local laws permit, a United States consular officer shall assume jurisdiction over a vessel of the United States which has been wrecked or stranded on a coast within his district or which has been brought into his district after having suffered a disaster at sea; and over any cargo or effects belonging to United States citizens which have been brought into the officer's district from a wrecked or lost vessel of the United States: *Provided,* That the captain or owner of the vessel, or the owner or consignee of the cargo, or the owner of the effects, is absent or incapable of taking possession of the property concerned: *And provided,* That no salvage claim has attached to the property.

(b) *Under treaties or custom.* A consular officer shall familiarize himself with the treaty or treaties in force between the United States and the country of assignment regarding the jurisdiction of a United States consular officer over wrecked or stranded vessels of the United States, their cargoes, and effects; and shall exercise such authority as has been granted to him to its fullest extent in the interest of those concerned. In the absence of a specific treaty provision on this subject, the consular officer shall be guided by the generally conceded custom in the country of assignment. In the case of cargo of foreign origin which is brought into a country from a wrecked or stranded vessel, the rule in the United States is that such cargo is exempt from customs duties if it is transshipped or reloaded under customs supervision and taken out of the country. Officers shall endeavor to have similar treatment accorded in a foreign country with reference to cargo belonging to United States citizens, which is brought into the country from a wrecked or stranded vessel. If rights granted by treaty or acquired by established usage are denied or ignored, the consular officer shall submit an immediate report in the premises to the Department of State, the diplomatic mission of the United States in the country of assignment, and to the supervising consulate general, if there is one.

(c) *Under local laws.* In the absence of a treaty or an established custom giving a United States consular officer jurisdiction over wrecked or stranded vessels of the United States, their cargoes, and effects, the consular officer shall conform to local laws and regulations on this subject. However, if, under local laws, the magistrate or some other official is vested with jurisdiction over the property in question, the consular officer shall request permission to assist in proceedings relating to its disposition. If the consular officer's reasonable request in this connection is refused, he shall submit a statement of the facts involved, together with any necessary supporting evidence, to the Department of State and the diplomatic mission, by telegraph if necessary.

(R. S. 4238; 46 U. S. C. 721)

§ 86.3 *Consular authority when interested party is present.* A consular officer is prohibited from assuming jurisdiction over a wrecked or stranded vessel of the United States when a party in interest is present. He may, however, if requested, act as official adviser of the party in interest and should do everything within his power under treaty provisions, established usage, or local laws, to protect this interest.

§ 86.4 *Consular jurisdiction in salvage cases.* As a rule, when a lien for salvage has attached to a wrecked vessel, its cargo, or effects the consular officer has no jurisdiction over the vessel, cargo, or effects until the salvage claim has been adjudicated.

§ 86.5 *Consular duties when assuming jurisdiction—(a) Request for instruction.* In the few countries where a United States consular officer is empowered to assume jurisdiction over a salvaged vessel or cargo, he shall immediately telegraph the Department of State for authority to assume jurisdiction, request that instructions be obtained from the owners if possible relative to his course of action, and furnish an estimate of funds needed to be deposited with the Department for expenses necessarily incurred in carrying out instructions.

(b) *Safeguarding of vessel and cargo.* Pending receipt of instructions from the owners or from the Department, a consular officer may, for his own protection, post a guard at the wrecked or stranded vessel, or over the cargo and effects brought into his district from a vessel which has been wrecked or stranded at sea, to prevent pilferage. Any expenses necessarily expended in employing a guard for this purpose are chargeable against the property in question.

(c) *Collection and disposal of papers.* The consular officer will endeavor to collect the ship's papers and documents relating to the vessel, its cargo, and passengers, and, if possible, deliver them to the proper persons. In the event of the death or nonappearance of such persons, the consular officer shall transmit the papers to the Department.

(d) *Disposition of unclaimed property.* If the owners of the vessel, cargo, or effects are unknown, the consular officer shall submit a full report to the Department and await instructions before taking further action. Upon receipt of necessary authorization from the Department, a consular officer may dispose of unclaimed merchandise and effects in the manner set forth for the disposition of effects of a citizen of the United States dying abroad.

(R. S. 4238; 46 U. S. C. 721)

§ 86.6 *Reports on rescues and heroic conduct.* When a consular officer receives authentic information that the master or crew of any vessel, American or foreign, or that any person, has rescued seamen or citizens of the United States from drowning, shipwreck or some other catastrophe at sea, he shall immediately transmit to the Department a detailed report concerning the rescue and shall make recommendations with reference to the giving of rewards to persons who have distinguished themselves in effecting the rescue.

§ 86.7 *Seizures of vessels.* When a private vessel documented or certified under the laws of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and there is no dispute of material facts with respect to the location or activity of such vessel at the time of the seizure, the Secretary of State shall take as soon as practicable such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew. When a vessel is seized under the above conditions and a fine must be paid in order to secure the prompt release of the vessel and crew, the owners shall be reimbursed by the Secretary of the Treasury in the amount certified to him by the Legal Adviser and Deputy Legal Adviser of the Department of State as being the amount of the fine actually paid. These provisions are not applicable with respect to a seizure made by a country at war with the United States or a seizure made in accordance with provisions of any fishing convention or treaty to which the United States is a party. (68 Stat. 883; 22 U. S. C. 1971–1976, 1952 Ed., Supp. IV)

§ 86.8 *Claims arising out of seizures of vessels—(a) Submission of claim.* Claim arising out of seizure of a vessel for the reimbursement of a fine shall be submitted to the Secretary of State. Claim may be filed by the owner of the vessel, or by an authorized agent through the American Consulate. When filed by an agent, the claim must show the title or capacity of the person presenting the claim and be accompanied by evidence of his appointment as a duly authorized agent.

(b) *Form of claim.* Claim shall be prepared in the form of a sworn statement, in triplicate. It shall contain in narrative form a clear chronological statement of the essential facts relating to:

(1) Name and address of claimant,

(2) Citizenship status of claimant,

(3) Date and manner of the owner's acquisition of the vessel or other interest therein,

(4) Date and circumstances relating to the seizure of the vessel, including the approximate location of the vessel at the time of seizure, the maner in which such location was determined, and the activities in which it was engaged at the time of seizure,

(5) Date, amount, and circumstances relating to the payment of the fine and the release of the vessel,

(6) Identification of persons, officials or agencies involved in the seizure of the vessel, the payment of the fine, and the release of the vessel; and the dates involved,

(7) Nature, circumstances, and amount of incidental expenses incurred or other losses sustained by the owner as a consequence of the seizure.

(c) *Evidence to be submitted by claimant.* There shall be attached to the sworn statement of claim documentary evidence consisting of original documents or certified copies thereof to support every allegation in the sworn statement. The documents filed as evidence shall be numbered consecutively and cited by number in the sworn statement in support of which the documents are filed. All evidence shall be filed in triplicate. The original evidence or certified copies thereof shall be attached to the original copy of the claim. Uncertified copies may be attached to the other two copies of the affidavit of claim. All documents in other than the English language shall be accompanied by English translations. The more important documentary evidence filed in suport of the claim shall include the following:

(1) Articles of incorporation of the owner or partnership agreement of the owners and all amendments thereto,

(2) Proof of citizenship of officers and directors of the corporation or of the partners, or of a sole individual owner, as the case may be,

(3) Affidavit of an officer of the corporation as to the citizenship status of the stockholders as far as known,

(4) Receipt for payment of the fine,

(5) Proof to substantiate all other expenses for which claim is made, consisting of receipts, vouchers, etc.,

(6) Log of the vessel seized,

(7) Records of any hearings conducted by authorities of the government making the seizure relative to such seizure,

(8) Certificate of Registry, other document or certificate of the vessel seized,

(9) Convincing evidence of any available nature to bring the case within the provisions of the statute,

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(10) Affidavits of officers of the seized vessel corroborating allegations upon which the claim is based.

§ 86.9 *Certification of claim to Treasury Department.* The Department of State will determine on the basis of the facts and evidence submitted whether the amount of the fines should be reimbursed. If reimbursement is considered to be warranted, the Legal Adviser and Deputy Legal Adviser of the Department of State will make the necessary certification to the Secretary of the Treasury.

PART 87—TRANSFERS OF VESSELS ABROAD

Sec.
87.1 Transfers to American ownership.
87.2 Transfers of American vessels to aliens or to foreign registry.

AUTHORITY: §§ 87.1 and 87.2 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842.

§ 87.1 *Transfers to American ownership.* When a vessel has been transferred abroad from foreign to United States ownership, a consular officer shall, when requested, perform the following services for the purchaser or purchasers of the vessel:

(a) Take an acknowledgment of the execution of the bill of sale for the vessel and make the bill of sale a matter of record in the Foreign Service office; and

(b) Either issue a Provisional Certificate of Registry (Customs Form 1266–A) for the vessel, provided the purchaser or purchasers desire to have it documented under the laws of the United States, and provided the Commissioner of Customs, Department of the Treasury, first approves the issuance of such a certificate; or if the purchaser or purchasers do not desire or intend to have the vessel documented under the laws of the United States, issue a Certificate of American Ownership for the vessel, provided approval of the Department of State is obtained in advance. A Certificate of American Ownership is prima facie proof that the vessel concerned was transferred to United States ownership, that the transfer was made in good faith, and that the owners are United States citizens.

§ 87.2 *Transfers of American vessels to aliens or to foreign registry.* A consular officer shall, upon request, inform interested parties that formal written application for the approval of the Maritime Administration must be filed, in duplicate, on Form MA–29. Upon completion by the applicants of the necessary documents for the Maritime Administration, the consular officer may transmit such documents for them to the Maritime Administration through the Department of State. A consular officer shall, upon receipt of a request to perform any services connected with the actual transfer of a vessel or an interest therein to any person not a United States citizen, ascertain whether the transaction has been approved by the Maritime Administration. If it has, the consular officer shall perform any notarial services connected with the transaction, and shall submit a complete report in the premises to the Department of State for transmittal to the Maritime Administration, accompanied by a certified copy of the bill of sale, mortgage, lease, charter, or such other evidence of the transfer as may be obtainable. If the transaction has not been approved by the Maritime Administration, the consular officer shall inform the parties in interest of the penalties attached by reason of failure to procure the required approval, and shall submit a complete report in the premises to the Department of State for transmittal to the Maritime Administration.

PART 88—FEES FOR SERVICES

Sec.
88.1 Services for American vessels.
88.3 Services for foreign vessels.

AUTHORITY: §§ 88.1 and 88.3 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842.

§ 88.1 *Services for American vessels.* No fees are chargeable for services performed for a public vessel or for a vessel regularly documented under the laws of the United States, regardless of whether such vessel was built in the United States or abroad.

§ 88.3 *Services for foreign vessels.* The fees prescribed under the caption "Services Relating to Vessels and Seamen" in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter), shall be charged and collected for services performed for foreign vessels.

SUBCHAPTER J—OTHER CONSULAR SERVICES

PART 91—IMPORT CONTROLS

Sec.
91.1 Answering inquiries regarding tariff acts and customs regulations.
91.2 Furnishing samples to collectors of customs or appraising officers.
91.3 Assistance to Customs and Tariff Commission representatives.

AUTHORITY: §§ 91.1 to 91.3 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 91.1 *Answering inquiries regarding tariff acts and customs regulations.* In replying to inquiries received from exporters, travelers, or other interested parties, concerning tariff acts or customs regulations, consular officers shall refrain from giving, or appearing to give, decisions pertaining to matters upon which they are not competent to pass.

§ 91.2 *Furnishing samples to collectors of customs or appraising officers.* Upon the receipt of a request therefor from a collector of customs or appraising officer of the Government of the United States, a consular officer shall procure and forward samples of merchandise being imported or offered for importation into the United States from his particular district.

§ 91.3 *Assistance to Customs and Tariff Commission representatives.* Consular officers shall render all proper assistance to Customs and Tariff Commission representatives abroad to aid them in the performance of their official duties.

PART 92—NOTARIAL AND RELATED SERVICES

INTRODUCTION

Sec.
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92.40 Authentication of foreign extradition papers.
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92.53 "Commission to take depositions" defined.
92.54 "Letters rogatory" defined.
92.55 Consular authority and responsibility for taking depositions.
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AUTHORITY: §§ 92.1 to 92.95 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842. Statutory provisions and Executive orders interpreted or applied are cited to text in parentheses.

INTRODUCTION

§ 92.1 *Definitions.* (a) In the United States the term "notary" or "notary public" means a public officer qualified and bonded under the laws of a particular jurisdiction for the performance of notarial acts, usually in connection with the execution of some document.

(b) The term "notarial act" means an act recognized by law or usage as pertaining to the office of a notary public.

(c) The term "notarial certificate" may be defined as the signed and sealed statement to which a "notarial act" is almost invariably reduced. The "notarial certificate" attests to the performance of the act by the notary, and may be an independent document or, as in general American notarial practice, may be placed on or attached to the notarized document.

§ 92.2 *Description of notarial functions of the Foreign Service; record of acts.* The notarial function of officers of the Foreign Service is similar to the function of a notary public in the United States. See § 22.3 of this chapter concerning the giving of receipts for fees collected and the maintenance of a register serving the same purposes as the record which notaries are usually expected or required to keep of their official acts.

§ 92.3 *Jurisdiction of Foreign Service posts.* Where definite consular districts have been established, the geographic limits of the district determine the jurisdiction in notarial matters of the officers assigned to the Foreign Service post, i. e., the area in which notarial acts can be performed by the consular officer. (See § 92.41 (b) regarding the authentication of the seals and signatures of foreign officials outside the consular district.) As a rule, notarial services should be performed only at the office of the post. However, they may, when necessary, be performed elsewhere within the consular district, with the understanding that, in addition to the prescribed Foreign Service fees for such services, the expenses incurred by the notarizing officer in going to the place where the notarial service is performed and returning to his office will be borne by the interested party or parties. Within those national jurisdictions where no consular districts have been established, notarial services should be performed at the most accessible Foreign Service post.

§ 92.4 *Authority of officers of the Foreign Service under the Federal law.* (a) Section 1195, title 22 of the United States Code, requires every United States consular officer to perform notarial acts, upon request, "within the limits of his consulate." This provision is construed as mandatory with respect to notarial acts performed within the Foreign Service office but not with respect to notarial acts performed outside the Foreign Service office. In addition, section 1203, title 22 of the United States Code, authorizes every secretary of embassy or legation and every consular officer to perform notarial acts. Notarial acts should be performed, however, only if their performance is authorized by treaty provisions or permitted by the laws or authorities of the country wherein the consular officer is stationed.

(b) These acts may be performed for any person regardless of nationality so long as the document in connection with which the notarial service is required is for use within the jurisdiction of the Federal Government of the United States or within the jurisdiction of one of the States or Territories of the United States. (However, see also § 92.6.) Within the Federal jurisdiction of the United States, these acts, when certified under the hand and seal of office of the notarizing officer are valid and of like force and effect as if performed by any duly authorized and competent person within the United States. Documents bearing the seal and signature of the notarizing officer are admissible in evidence within the Federal jurisdiction without proof of any such seal or signature being genuine or of the official character of the notarizing officer. (R. S. 1750, sec. 3, 34 Stat. 100; 22 U. S. C. 1203.)

(c) Every secretary of embassy or legation and every consular officer may perform notarial acts for use in countries occupied by the United States or under its administrative jurisdiction, provided the officer has reason to believe that his notarial act will be recognized in the country where it is intended to be used. These acts may be performed for United States citizens and for nationals of the occupied or administered countries who reside outside such countries, except in areas where another government is protecting the interests of the occupied or administered country.

(d) Chiefs of mission, that is, ambassadors and ministers, have no authority under Federal law to perform notarial acts except in connection with the authentication of extradition papers (see § 92.40).

(e) Consular agents have authority to perform notarial services but acting consular agents do not.

§ 92.5 *Acceptability of notarial acts under State or territorial law.* The acceptability within the jurisdiction of a State or Territory of the United States of a certificate of a notarial act performed by an officer of the Foreign Service depends upon the laws of the State or Territory. Most States and Territories recognize the notarial acts of United States diplomatic or consular officers, whether such acts are performed for United States citizens or for aliens. However, some of the States and Territories have, by statute, specified the legal requirements which notarized documents or notarial certificates must meet. For this reason, before performing a notarial act for use in a State or Territory, an officer of the Foreign Service should, unless he is already certain of the provisions of the pertinent state or territorial law, consult the appropriate law digest to determine whether it may be expected that the certificate of his notarial act will be acceptable in the State or Territory. If, in a particular instance, no statutory provision on this point can be found, the applicant for the notarial service should be informed of that fact, preferably in writing, and a statement regarding the giving of this information should be entered in the Record of Fees.

§ 92.6 *Authority of officers of the Foreign Service under international practice.* Although such services are not mandatory, officers of the Foreign Service may, as a courtesy, perform notarial acts for use in countries with which the United States has formal diplomatic and consular relations. Generally the applicant for such service will be a United States citizen or a national of the country in which the notarized document will be used. The officer's compliance with a request for a notarial service of this type should be based on the reasonableness of the request and the absence of any apparent irregularity.

When an officer finds it advisable to do so, he may question the applicant to such extent as may be necessary to assure himself

(a) That his notarial certificate may reasonably be expected to satisfy the legal requirements of the country in which the notarized document will be used;

(b) That the notarial service is legally necessary and cannot be obtained otherwise than through the United States diplomatic or consular officer without loss or serious inconvenience to the applicant; and

(c) That the notarial certificate will be used solely for a well-defined purpose, as represented by the applicant for the service. (See also § 92.4 (c) regarding notarial services for use in countries occupied by the United States or under its administrative jurisdiction.)

§ 92.7 *Responsibility of officers of the Foreign Service.* As indicated in §§ 92.4, 92.5, and 92.6, the authority of secretaries of embassy or legation as well as consular officers to perform notarial acts is generally recognized. However, the function is essentially consular, and notarial powers are in practice exercised by diplomatic officers only in the absence of a consular officer. Performance of notarial acts by an officer assigned in dual diplomatic and consular capacity shall be under his consular commission, except in special circumstances. For ease of reference, the term "consular officer" is used in this part in discussing the notarial function of the Foreign Service.

GENERAL NOTARIAL PROCEDURES

§ 92.8 *Compliance with request for notarial services.* A consular officer should comply with all proper requests for the performance of notarial services within the limitations prescribed in this part. (See particularly §§ 92.3 to 92.7.) Moreover, as a representative of the United States Government, the consular officer, when acting in a notarial capacity, should take great care to prevent the use of his official seal in furthering any unlawful or clearly improper purpose. (See § 92.9 regarding refusal to perform notarial services in certain cases.)

§ 92.9 *Refusals of requests for notarial services.* (a) A consular officer should refuse requests for notarial services, the performance of which is not authorized by treaty provisions or permitted by the laws or authorities of the country in which he is stationed. (See § 92.4 (a).) Also, a consular officer should refuse to perform notarial acts for use in transactions which may from time to time be prohibited by law or by regulations of the United States Government such, for example, as regulations based on the "Trading With the Enemy Act of 1917", as amended.

(b) A consular officer is also authorized to refuse to perform a notarial act if he has reasonable grounds for believing that the document, in connection with which his notarial act is requested will be used for a purpose patently unlawful, improper or inimical to the best interests of the United States. Requests for notarial services should be refused only after the most careful deliberation.

§ 92.10 *Specific waiver in notarial certificate.* If the consular officer has reason to believe that material statements in a document presented for notarization are false, and if no basis exists for refusing the notarial service in accordance with § 92.9, he may consider the advisability of informing the applicant that he will perform the service only with a specific waiver of responsibility included in the notarial certificate. Furthermore, a consular officer may, in his discretion, add to the specific waiver in the notarial certificate a statement of verifiable facts known to him, which will reveal the falsity of material in the document. However, normally a consular officer shall exercise great caution not to limit the general privilege of a United States citizen while abroad to execute under oath any statement he sees fit to make, including mistaken, unnecessary, and even frivolous statements: *Provided*, That substantial and compelling reasons do not exist which impel restraining action on the part of the consular officer. On the other hand, experience has shown the desirability of including, as standard practice, a specific waiver of responsibility in all authentications (§ 92.38) executed in connection with divorce proceedings.

§ 92.11 *Preparation of legal documents*—(a) *By attorneys.* When a document has been prepared by an attorney for signature, a consular officer should not question the form of document unless it is obviously incorrect.

(b) *By consular officers.* A consular officer should not usually prepare for private persons legal documents for signature and notarization. (However, see the provisions in § 92.24 regarding the preparation of affidavits.) When asked to perform such a service, the consular officer should explain that the preparation of legal forms is normally the task of an attorney, that the forms used and the purposes for which they are used vary widely from jurisdiction to jurisdiction, and that he could not guarantee the legal effectiveness of any document which he might prepare. The person desiring the preparation of a legal document should be referred to such publications as Jones Legal Forms and The Lawyers Directory with the suggestion that he select or adapt the form which appears best suited to his needs. The consular officer may, in his discretion, arrange to have a member of his office staff type the document. If the document is typed in the Foreign Service office, the fee for copying shall be collected as prescribed under the caption "Copying and Recording" of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

§ 92.12 *Necessity for certification of notarial acts.* A consular officer must execute a written certificate attesting to the performance of a notarial act. This certificate may be inserted on or appended to the notarized document (see § 92.17 regarding the fastening of sheets). The certificate evidences the performance of the notarial act. Failure to execute this certificate renders the notarial act legally ineffective. Each notarial act should be evidenced by a separate certificate; two or more distinct notarial acts should not be attested to by one certificate.

§ 92.13 *Form of notarial certificate.* The form of a notarial certificate depends on the nature of the notarial act it attests. (See §§ 92.18 to 92.48 for discussions of the various forms of notarial certificates.) Rules pertaining to venue, and signing and sealing, are common to all notarial certificates.

§ 92.14 *Venue on notarial certificates.* (a) The term "venue" means the place where the certificate is executed. The venue must be shown on all notarial certificates to establish the qualifications and sphere of authority of the notarizing officer to perform the notarial act. The items characteristic of a typical venue, in the order of their appearance in the certificate, are as follows:

(1) Name of country (or dominion, Territory, colony, island, as appropriate);

(2) Name of province or major administrative region (if none, this may be omitted);

(3) Name of local community (city, town, or village);

(4) Name of the Foreign Service post.

(b) When a notarial act is performed, and the notarial certificate executed, at a locality in a consular district other than the locality in which the Foreign Service office is situated, the venue should mention only the name of the country (or dominion, territory, colony, island, as appropriate), and the name of the consular district.

(c) The venue used at a Foreign Service post which has not been officially designated as an embassy, legation, consulate general, consulate, or consular agency should bear the notation "American Consular Service" in place of the post name.

§ 92.15 *Signing notarial certificate.* The notarizing officer should sign a notarial certificate on the lower right-hand side. The name and full official title of the consular officer should be typed, stamped with a rubber stamp, or printed in ink on two separate lines immediately below his signature. When the notarizing officer is assigned to a Foreign Service post in both a diplomatic and consular capacity, he should use his consular title in the notarial certificate. (See § 92.7.)

§ 92.16 *Sealing the notarial certificate.* The notarizing officer should seal a notarial certificate with the impression seal of the post on the lower left-hand side of the certificate. A notarial certificate executed at a Foreign Service post which has not been officially designated as an embassy, legation, consulate general, consulate, or consular agency should be sealed with an impression seal bearing the legend "American Consular Service" and the name of the locality.

§ 92.17 *Fastening of pages.* When the instrument or document to which a notarial act relates consists of more than one sheet, or when the notarial certificate will be attached and not written on the document itself, the consular officer should bring all the sheets comprising the document together under his official seal.

SPECIFIC NOTARIAL ACTS

§ 92.18 *Oaths and affirmations defined*—(a) *Oath.* An oath is an outward pledge given by the person taking it that his attestation or promise is made under an immediate sense of his responsibility to God. In a broad sense the word "oath" includes all forms of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truly, and in this sense it includes "affirmation".

(b) *Affirmation.* An affirmation is a solemn and formal declaration or asseveration in the nature of an oath that a statement, or series of statements, is true. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by any person having conscientious scruples against taking an oath. As a general rule, an affirmation has the same legal force and effect as an oath.

§ 92.19 *Administering an oath.* The usual formula for administering an oath is as follows: The officer administering the oath requests the person taking the oath to raise his right hand while the officer repeats the following words: "You do solemnly swear that the statements set forth in this paper which you have here signed before me are true. So help you God." Whereupon the person taking the oath answers, "I do."

§ 92.20 *Administering an affirmation.* In administering an affirmation the procedure followed is generally the same as in the case of an oath, but the formula is varied by the use of the following words: "You do solemnly, sincerely, and truly affirm and declare that ----------, and this you do under the pains and penalties of perjury".

§ 92.21 *Notarial certificate to oath or affirmation.* The written statement attesting to the administration of an oath or affirmation is known as a jurat. The jurat must be signed and sealed by the notarizing officer (see §§ 92.15 and 92.16 on signing and sealing notarial certificates).

§ 92.22 *Affidavit defined.* An affidavit is a written declaration under oath made before some person who has authority to administer oaths, without notice to any adverse party that may exist. One test of the sufficiency of an affidavit is whether it is so clear and certain that it will sustain an indictment for perjury, if found to be false. An affidavit differs from a deposition in that it is taken ex parte and without notice, while a deposition is taken after notice has been furnished to the opposite party, who is given an opportunity to cross-examine the witness.

§ 92.23 *Taking an affidavit.* The consular officer taking an affidavit should

(a) Satisfy himself, as far as possible, that his notarial act will be acceptable under the laws of the jurisdiction where the affidavit is to be used (see § 92.5);

(b) Require the personal appearance of the affiant at the time the affidavit is taken;

(c) Require satisfactory identification of the affiant; and

(d) Administer the oath to the affiant before the affiant signs the affidavit.

§ 92.24 *Usual form of affidavit.* Affidavits are usually drawn by competent attorneys or are set out in established forms. The form and substantive requirements of an affidavit depend principally upon the purpose for which it is made and the statutes of the jurisdiction where it is intended to be used. When a consular officer finds it necessary in the discharge of his official duties to prepare an affidavit, or when he assists a private person in preparing an affidavit (see § 92.11 (b)), he should, where possible, consult the pertinent statutory provisions.

§ 92.25 *Title of affidavit.* Generally an affidavit taken for use in a pending cause must be entitled in that cause so that it will show to what proceedings it is intended to apply, and may support an indictment for perjury in case it proves to be false. If there is no suit pending at the time the affidavit is taken or if the affidavit is not to be used in any cause in court, no title need be given.

§ 92.26 *Venue on affidavit.* The venue must always be given and should precede the body of the affidavit. (See § 92.14 regarding venue on notarial certificates generally.)

§ 92.27 *Affiant's allegations in affidavit*—(a) *Substance of allegations.* Although a consular officer is generally not responsible for the correctness of the form of an affidavit or the manner in which the allegations therein are set forth (see § 92.11 (a) regarding the preparation of legal documents by attorneys; § 92.11 (b) regarding the preparation of legal documents by consular officers; and § 92.24 regarding the form of an affidavit), he may, in appropriate instances, draw the affiant's attention to the following generally accepted criteria as regards the substance of the allegations:

(1) Material facts within the personal knowledge of the affiant should be alleged directly and positively. Facts are not to be inferred where the affiant has it in his power to state them positively and fully.

(2) If the matters stated in the affiant's affidavit rest upon information derived from others rather than on facts within his personal knowledge, he should aver that such matters are true to the best of his knowledge and belief.

(3) If the allegations made on information and belief are material, the sources of information and grounds of belief should be set out and a good reason given why a positive statement could not be made.

(4) If the conclusions of the affiant are drawn from the contents of documents, such contents should be set out or exhibited, so that the authority to whom the affidavit is presented may determine whether the affiant's deductions are well founded.

(b) *Veracity of allegations.* Consular officers are not required to examine into the truth of the affiant's allegations or to pass upon any contentious questions involved. In many instances the matters referred to in an affidavit will be of a technical or special nature beyond the officer's general knowledge or experience. However, he may, in certain circumstances, refuse to take an affidavit. (See § 92.9 regarding the types of situations in which an officer might properly refuse to perform a notarial service; also see § 92.10 regarding the waiver and other statements which may be included in a notarial certificate where evidence exists of falsity in the affiant's declaration.)

§ 92.28 *Signature of affiant on affidavit.* The signature of the affiant is indispensable. The affiant should always sign the affidavit in the presence of the notarizing officer.

§ 92.29 *Oath or affirmation to affidavit.* Affidavits made before consular officers must be sworn to or affirmed (see § 92.23 (d)).

§ 92.30 *Acknowledgment defined.* An acknowledgment is a proceeding by which a person who has executed an instrument goes before a competent officer or court and declares it to be his act and deed, to entitle it to be recorded or to be received in evidence without further proof of execution. An acknowledgment is almost never made under oath and should not be confused with an oath (see § 92.18 (a) for definition of oath). Moreover, an acknowledgment is not the same as an attestation, the latter being the act of witnessing the execution of an instrument and then signing it as a witness. Instruments requiring acknowledgment generally are those relating to land, such as deeds, mortgages, leases, contracts for the sale of land, and so on.

§ 92.31 *Taking an acknowledgment*—(a) *Officer's assurance of acceptability of notarial act.* A consular officer taking an acknowledgment should, if possible, ascertain the requirements of the jurisdiction in which the acknowledged document is to be used and execute the certificate in accordance with those requirements. Not all States or Territories will accept certificates of acknowledgment executed by consular officers other than consuls. Therefore consuls general, vice consuls, and consular agents who are called upon to perform this notarial act should consult the applicable state or territorial law to ascertain whether their certificates of acknowledgment will be acceptable. (See § 92.5 regarding acceptability of consular notarial acts under state or territorial law.) Furthermore, public policy generally forbids that the act of taking and certifying an acknowledgment be performed by a person financially or beneficially interested in the transaction to which the acknowledged document relates. Consular officers should keep this point in mind, especially in connec-

tion with acknowledgments by members of their families.

(b) *Personal appearance of grantor(s).* A consular officer taking an acknowledgment should always require the personal appearance of the grantor(s), i. e., the person or persons who have signed the intrument to be acknowledged. Since the officer states in his certificate that the parties did personally appear before him, failure to observe this requirement invalidates the notarial act and makes the officer liable to the charge of negligence and of having executed a false certificate. A consular officer should never take an acknowledgment by telephone.

(c) *Satisfactory identification of grantor(s).* The consular officer must be certain of the identity of the parties making an acknowledgment. If he is not personally acquainted with the parties, he should require from each some evidence of identity, such as a passport, police identity card, or the like. The laws of some States and Territories require that the identity of an acknowledger be proved by the oath of one or more "credible witnesses", and that a statement regarding the proving of identity in this manner be included in the certificate of acknowledgment. (See § 92.32 (b) regarding forms of certificates of acknowledgment generally.) Mere introduction of a person not known to the notarizing officer, without further proof of identity, is not considered adequate identification for acknowledgment purposes.

(d) *Explanation of contents of instrument.* The consular officer must assure himself that the person acknowledging an instrument understands the nature of the instrument. If the person does not understand it, the officer is legally and morally bound to explain the instrument in such a way as to make the person who has signed it realize the character and effect of his act. This duty is particularly important where the signer of a document has little or no knowledge of the language in which the document is written.

(e) *Acknowledgments of married women.* Some of the States still require that a married woman who has executed an instrument of conveyance jointly with her husband be examined separately by the notarizing officer at the time the acknowledgments of the couple are taken. Consular officers should consult the applicable statutory provisions before taking the acknowledgments of a husband and wife to a document which they have both executed.

§ 92.32 *Notarial certificate to acknowledgment*—(a) *Title.* The notarial certificate evidencing the taking of an acknowledgment is commonly known as a "certificate of acknowledgment" or sometimes simply as an "acknowledgment".

(b) *Form.* The form of a certificate of acknowledgment varies widely depending on the laws of the jurisdiction where the acknowledged document is intended to be used, the purpose for which the document is intended, and the legal position of the persons who have executed it. Instruments to be acknowledged are frequently prepared on printed forms, the entire contract or deed being on one sheet together with the certificate of acknowledgment. Often the document, including the certificate of acknowledgment, is drawn up in advance by an attorney. In these cases, the consular officer may use the certificate which is already on the document, making whatever modifications are manifestly required to show that the certificate was executed by a consular officer. However, if he finds it necessary to prepare the certificate of acknowledgment, the officer should consult the appropriate reference work for guidance as to the proper form. When no prescribed form can be found, the officer should use the language in Form FS–88, Certificate of Acknowledgment of Execution of an Instrument, inserting the certificate immediately at the close of the deed on the last page if space permits, or, if a separate sheet is necessary, using the printed Form FS–88 itself.

§ 92.33 *Execution of certificate of acknowledgment*—(a) *When certificate should be executed.* A consular officer should execute a certificate of acknowledgment immediately after the parties to the instrument have made their acknowledgment. Allowing several days or weeks to elapse between the time the acknowledgment is made and the certificate executed is undesirable, even though the officer may remember the acknowledgment act.

(b) *Venue.* The venue must be shown as prescribed in § 92.14.

(c) *Date.* The date in the certificate must be the date the acknowledgment was made. This is not necessarily the same as the date the instrument was executed. In fact, there is no reason why an instrument may not be acknowledged a year or more after the date of its execution, or at different times and places by various grantors.

(d) *Names of parties.* The name or names of the person or persons making the acknowledgment should appear in the certificate in the same form as they are set out in the acklowledged document, and in the same form as their signature on the instrument.

(e) *Additional statements.* When executing a certificate of acknowledgment on Form FS–88, the notarizing officer may include any necessary additional statements in the blank space below the body of the certificate.

(f) *Signing and sealing certificate.* The certificate of acknowledgment shall be signed and sealed as prescribed in §§ 92.15 and 92.16.

§ 92.34 *Fastening certificate to instrument.* The proper place for the certificate of acknowledgment is after the signature of the parties to the instrument. If the instrument is a printed form, the certificate will almost invariably be a part of the form. When Form FS–88 is used or when the certificate must be prepared on a sheet separate from the instrument, it should be fastened to the instrument as the last sheet. The method of fastening notarial certificates is prescribed in § 92.17.

§ 92.35 *Errors in certificate of acknowledgment.* A consular officer having taken an acknowledgment of an instrument and made a certificate of that fact, cannot afterwards amend or change his certificate for the purpose of correcting a mistake. This can be done only by the parties reacknowledging the instrument. However, typographical errors may be corrected by striking out the erroneous characters and inserting the correct ones above. Such changes should be initialed by the parties who executed the instrument and by the notarizing officer.

§ 92.36 *Authentication defined.* An authentication is a certification of the genuineness of the official character, i. e., signature and seal, or position of a foreign official. It is an act done with the intention of causing a document which has been executed or issued in one jurisdiction to be recognized in another jurisdiction. Documents which may require authentication include legal instruments notarized by foreign notaries or other officials, and copies of public records, such as birth, death, and marriage certificates, issued by foreign record keepers.

§ 92.37 *Authentication procedure.* (a) The consular officer must compare the foreign official's seal and signature on the document he is asked to authenticate with a specimen of the same official's seal and signature on file either in the Foreign Service office or in a foreign public office to which he has access. If no specimen is available to the consular officer, he should require that each signature and seal be authenticated by some higher official or officials of the foreign government until there appears on the document a seal and signature which he can compare with a specimen available to him. However, this procedure of having a document authenticated by a series of foreign officials should be followed only where unusual circumstances, or the laws or regulations of the foreign country require it.

(b) Where the State law requires the consular officer's certificate of authentication to show that the foreign official is empowered to perform a particular act, such as administering an oath or taking an acknowledgment, the consular officer must verify the fact that the foreign official is so empowered.

(c) When the consular officer has satisfactorily identified the foreign seal and signature. (and, where required, has verified the authority of the foreign official to perform a particular act), he may then execute a certificate of authentication, either placing this certificate on the document itself if space is available, or appending it to the document on a separate sheet (see § 92.17 on the fastening of notarial certificates).

§ 92.38 *Forms of certificate of authentication.* The form of a certificate of authentication depends on the statutory requirements of the jurisdiction where the authenticated document will be used (see § 92.39 regarding the provisions of Federal law). Before authenticating a document for use in a State or Territory of the United States, a consular officer should consult the pertinent law digest to ascertain what specific requirements must be met, or he should be guided by any special information he may receive from the attorney or other person requesting the document with regard to the applicable statutory requirements. (See § 92.41 (e) regarding material which should not be in the certificate of authentication.) If no provisions relating to authentications can be found in a particular State or Territorial law digest, and in the absence of any special information from the attorney or other person requesting the document, the officer should prepare the certificate of authentication in the form which seems best suited to the needs of the case. When in his opinion the circumstances seem to warrant, and always in connection with certificates of marriage or divorce decrees, a consular officer should include in the body of his certificate of authentication a qualifying statement reading as follows: "For the contents of the annexed document I assume no responsibility."

§ 92.39 *Authenticating foreign public documents (Federal procedures).* (a) A copy of a foreign public document intended to be used as evidence within the jurisdiction of the Federal Government of the United States must be authenticated in accordance with the provisions of section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 948, sec. 92 (b), 63 Stat. 103; 28 U. S. C. 1741). This provision of Federal law provides that a copy of any foreign document of record, or on file in a public office of a foreign country or political subdivision thereof, if certified by the lawful custodian thereof, may be admitted in evidence when authenticated by a certificate of a United States consular officer resident in the foreign country, under the seal of his office.

(b) The consular officer's certificate should indicate that the copy has been certified by the lawful custodian.

(c) In the absence of a consular officer of the United States as an officer resident in the State of the Vatican City, a copy of any document of record or on file in a public office of said State of the Vatican City, certified by the lawful custodian of such document may be authenticated by a consular officer of the United States resident in Rome, Italy (22 U. S. C. 1204).

§ 92.40 *Authentication of foreign extradition papers.* Foreign extradition papers are authenticated by chiefs of mission.

§ 92.41 *Limitations to be observed in authenticating documents*—(a) *Unknown seals and signatures.* A consular officer should not authenticate a seal and signature not known to him. See § 92.37 (a) regarding the necessity for making a comparison with a specimen seal and signature.

(b) *Foreign officials outside consular district.* A consular officer should not authenticate the seals and signatures of foreign officials outside his consular district.

(c) *Officials in the United States.* Consular officers are not competent to authenticate the seals and signatures of notaries public or other officials in the United States. However, diplomatic and consular officers stationed at a United States diplomatic mission may certify to the seal of the Department of State (not the signature of the Secretary of State) if this is requested or required in particular cases by the national authorities of the foreign country.

(d) *Photostat copies.* Consular officers should not authenticate facsimiles of signatures and seals on photographic reproductions of documents. They may, however, authenticate original signatures and seals on such photographic reproductions.

(e) *Matters outside consular officer's knowledge.* A consular officer should not include in his certificate of authentication statements which are not within his power or knowledge to make. Since consular officers are not expected to be familiar with the provisions of foreign law, except in a general sense, they are especially cautioned not to certify that a document has been executed or certified in accordance with foreign law, nor to certify that a document is a valid document in a foreign country.

(f) *United States officials in foreign countries.* An authentication by a United States consular officer is performed primarily to cause the official characters and positions of foreign officials to be known and recognized in the United States. Consular officers should not, therefore, undertake to authenticate the seals and signatures of other United States officials who may be residing in their consular districts.

(g) *Officers of the Foreign Service in other countries.* An officer of the Foreign Service stationed in one country is not expected to authenticate the signature or seal of an officer of the Foreign Service stationed in another country. When it is necessary for the seal and signature of an officer of the Foreign Service to be authenticated, such authentication will be done in the Department of State. An official of a foreign government requesting the authentication of the seal and signature of an officer of the United States Foreign Service who is, or was, stationed in another country should be informed that the document to be authenticated will have to be sent to the Department for this purpose. Any document bearing the seal and signature of an officer of the Foreign Service which is received at a Foreign Service post from a person in the United States with the request that it be further authenticated should be referred to the Department of State.

§ 92.42 *Certification of copies of foreign records relating to land titles.* In certifying documents of the kind described in Title 28, section 1742, of the United States Code, diplomatic and consular officers of the United States will conform to the Federal procedures for authenticating foreign public documents (§ 92.39), unless otherwise instructed in a specific case.

§ 92.43 *Fees for notarial services and authentications.* The fees for administering an oath or affirmation and making a certificate thereof, for the taking of an acknowledgment of the execution of a document and executing a certificate thereof, for certifying to the correctness of a copy of or an extract from a document, official or private, for authenticating a foreign document, or for the noting of a bill of exchange, certifying to protest, etc., are as prescribed under the caption Notarial Services and Authentications in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter), unless the service is performed under a "no fee" item of the same Tariff. If an oath or affirmation is administered concurrently to several persons and only one consular certificate (jurat) is executed, only one fee is collectible. If more than one person joins in making an acknowledgment but only one certificate is executed, only one fee shall be charged.

§ 92.44 *Fees for protesting nonpayment of bills of exchange.* The fee chargeable under item 55 of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter) is the same for each bill of exchange protested by the consular officer, regardless of the number of parties (drawer or maker, and endorsers) to whom "notice of protest" is sent at the request of the person requiring the service. In addition to the fixed fee, the consular officer should charge under item 85 for time spent outside the office in presenting the negotiable instrument for acceptance or payment.

§ 92.48 *No-fee services.* The services at Foreign Service posts for which no fee is chargeable are these designated by "no fee" entries in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

DEPOSITIONS AND LETTERS ROGATORY

§ 92.49 *Deposition defined.* A deposition is the testimony of a witness taken in writing under oath or affirmation, before some designated or appointed person or officer, in answer to interrogatories, oral or written. (For the distinction between a deposition and an affidavit see § 92.22.)

§ 92.50 *Use of depositions in court actions.* Generally depositions may be taken and used in all civil actions or suits. In criminal cases in the United States, a deposition cannot be used, unless a statute has been enacted which permits a defendant in a criminal case to have a deposition taken in his own behalf, or unless the defendant consents to the taking of a deposition by the State for use by the prosecution. (For exception in connection with the proving of foreign documents for use in criminal actions, see § 92.65.)

§ 92.51 *Methods of taking depositions in foreign countries.* Rule 28 (b) of the Rules of Civil Procedure for the District Courts of the United States provides that depositions may be taken in foreign countries by any of the three following methods:

(a) On notice before a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States;

(b) By commission, before such person or officer as may be appointed by the commission;

(c) Under letters rogatory, before an appropriate foreign court.

Rule 15 of the Federal Rules of Criminal Procedure provides that depositions may be taken in the same manner as in civil cases, but only upon order of court. The statutes of the States define the methods which may be employed for taking depositions in foreign countries for use in State courts and the provisions vary from one jurisdiction to another. However, provision is usually made for one or all of the aforementioned methods.

§ 92.52 *"Deposition on notice" defined.* A "deposition on notice" is a deposition taken before a competent official after reasonable notice has been given in writing by the party or attorney proposing to take such deposition to the opposing party or attorney of record. Under the Federal law, diplomatic and consular officers are defined as competent officials for taking depositions on notice in foreign countries (see § 92.51). This method of taking a deposition does not necessarily involve the issuance of a commission or other court order.

§ 92.53 *"Commission to take depositions" defined.* A "commission to take depositions" is a written authority issued by a court of justice, or by a quasi-judicial body, or a body acting in such capacity, giving power to take the testimony of witnesses who cannot appear personally to be examined in the court or before the body issuing the commission. In Federal practice, a commission to take depositions is issued only when necessary or convenient, on application and notice. The commission indicates the action or hearing in which the depositions are intended to be used, and the person or persons required to take the depositions, usually by name or descriptive title (see § 92.55 for manner of designating consular officers). Normally a commission is accompanied by detailed instructions for its execution.

§ 92.54 *"Letters rogatory" defined.* In its broader sense in international practice, the term "letters rogatory" denotes a formal request from a court in which an action is pending, to a foreign court to perform some judicial act. Examples are requests for the taking of evidence, the serving of a summons, subpoena, or other legal notice, or the execution of a civil judgment. In United States usage, letters rogatory have been commonly utilized only for the purpose of obtaining evidence. Requests rest entirely upon the comity of courts toward each other, and customarily embody a promise of reciprocity. The legal sufficiency of documents executed in foreign countries for use in judicial proceedings in the United States, and the validity of the execution, are matters for determination by the competent judicial authorities of the American jurisdiction where the proceedings are held, subject to the applicable laws of that jurisdiction. See § 92.66 for procedures in the use of letters rogatory requesting the taking of depositions in foreign jurisdictions.

§ 92.55 *Consular authority and responsibility for taking depositions*—(a) *Requests to take depositions or designations to execute commissions to take depositions.* Any United States consular officer may be requested to take a deposition on notice, or designated to execute a commission to take depositions. A commission or notice should, if possible, identify the officer who is to take the depositions by his official title only as in the following manner: "Any Consul or Vice Consul of the United States of America at (name of locality)". The consular officer responsible for the performance of notarial acts at a post should act on a request to take a deposition on notice, or should execute the commission, when the documents are drawn in this manner, provided local law does not preclude such action. However, when the officer (or officers) is designated by name as well as by title, only the officer (or officers) so designated may take the depositions. In either instance, the officer must be a disinterested party. Rule 28 (c) of the Rules of Civil Procedure for the District Courts of the United States prohibits the taking of a deposition before a person who is a relative, employee, attorney, or counsel of any of the parties, or who is a relative or employee of such attorney or counsel, or who is financially interested in the action.

(b) *Authority in Federal law.* For the basic provisions of law controlling the taking of all depositions for use in either State or Federal courts, for a statement of the necessity to charge the appropriate fee, and for a statement of the penalty for the giving of false evidence, see Title 22, sections 1195 and 1203, of the United States Code. For the more detailed provisions which control particularly the taking of depositions for courts of the United States (i. e., for the Federal courts) see the Rules of Civil Procedure for the District courts of the United States, which appear in Title 28 of the United States Code, following section 2072 thereof. See also Rules of the Court of Claims of the United States, following section 2071 of Title 28. For the provisions of law which govern particularly the taking of depositions to prove the genuineness of foreign documents which it is desired to introduce in evidence in any criminal action or proceeding in a United States (i. e., Federal) court, see Title 18, sections 3491 through 3496, of the United States Code.

(c) *Procedure where laws of the foreign country do not permit the taking of depositions.* In countries where the right to take depositions is not secured by treaty, consular officers may take depositions only if the laws or authorities of the national government will permit them to do so. Consular officers in countries where the taking of depositions is not permitted who receive notices or commissions for taking depositions should return the documents to the parties from whom they are received explaining why they are returning them, and indicating what other method or methods may be available for obtaining the depositions, whether by letters rogatory or otherwise.

§ 92.56 *Summary of procedure for taking depositions.* In taking a deposition on notice or executing a commission to take depositions, a consular officer should conform to any statutory enactments on the subject in the jurisdiction in which the depositions will be used. He should also comply with any special instructions which accompany the request for a deposition on notice or a commission. Unless otherwise directed by statutory enactments or special instructions, the officer should proceed as follows in taking depositions:

(a) Request the witnesses, whose testimony is needed, to appear before him; or, at the request of any party to the action or proceeding, request designated persons to supply him or the requesting party with needed records or documents in their possession, or copies thereof;

(b) When necessary, act as interpreter or translator, or see that arrangements are made for some qualified person to act in this capacity;

(c) Before the testimony is taken, administer oaths (or affirmations in lieu thereof) to the interpreter or translator (if there is one), to the stenographer taking down the testimony, and to each witness;

(d) Have the witnesses examined in accordance with the procedure described in §§ 92.57 to 92.60;

(e) Either record, or have recorded in his presence and under his direction, the testimony of the witnesses;

(f) Take the testimony, or have it taken, stenographically in question-and-answer form and transcribed (see § 92.58) unless the parties to the action agree otherwise (rules 30 (c) and 31 (b), Rules of Civil Procedure for the District Courts of the United States);

(g) Be actually present throughout the examination of the witnesses, but recess the examination for reasonable periods of time and for sufficient reasons;

(h) Mark or cause to be marked, by identifying exhibit numbers or letters, all documents identified by a witness or counsel and submitted for the record.

§ 92.57 *Oral examination of witnesses.* When a witness is examined on the basis of oral interrogatories, the counsel for the party requesting the deposition has the right to conduct a direct examination of the witness without interruption except in the form of objection by opposing counsel. The opposing counsel has the same right on cross-examination. Cross-examination may be followed by redirect and recross-examinations until the interrogation is complete. The consular officer taking the deposition should endeavor to restrain counsel from indulging in lengthy colloquies, digressions, or asides, and from attempts to intimidate or mislead the witness. The consular officer has no authority to sustain or overrule objections but should have them recorded as provided in § 92.59. Instead of taking part in the oral examination of a witness, the parties notified of the taking of a deposition may transmit written interrogatories to the consular officer. The consular officer should then question the witness on the basis of the written interrogatories and should record the answers verbatim. (Rules 30 (c) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.)

§ 92.58 *Examination on basis of written interrogatories.* Written interrogatories are usually divided into three parts:

(a) The direct interrogatories or interrogatories in chief;

(b) The cross-interrogatories; and

(c) The redirect interrogatories.

Recross-interrogatories sometimes follow redirect interrogatories. The consular officer should not furnish the witness with a copy of the interrogatories in advance of the questioning, nor should he allow the witness to examine the interrogatories in advance of the questioning. Although it may be necessary for the officer, when communicating with the witness for the purpose of asking him to appear to testify, to indicate in general terms the nature of the evidence which is being sought, this information should not be given in such detail as to permit the witness to formulate his answers to the interrogatories prior to his appearance before the consular officer. The officer taking the deposition should put the interrogatories to the witness separately and in order. The written interrogatories should not be repeated in the record (unless special instructions to that effect are given), but an appropriate reference should be made thereto. These references should, of course, be followed by the witness' answers. All of the written interrogatories must be put to the witness, even though at some point during the examination the witness disclaims further knowledge of the subject. When counsel for all of the parties attend an examination conducted on written interrogatories, the consular officer may, all counsel having consented thereto, permit oral examination of the witness following the close of the examination upon written interrogatories. The oral examination should be conducted in the same manner and order as if not preceded by an examination upon written interrogatories.

§ 92.59 *Recording of objections.* All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings must be noted in the deposition. Evidence objected to will be taken subject to the objections. (Rules 30 (c) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.)

§ 92.60 *Examination procedures*—(a) *Explaining interrogatory to witness.* If the witness does not understand what an interrogatory means, the consular officer should explain it to him, if possible, but only so as to get an answer strictly responsive to the interrogatory.

(b) *Refreshing memory by reference to written records.* A witness may be permitted to refresh his memory by referring to notes, papers, or other documents. The consular officer should have such occurrence noted in the record of the testimony together with a statement of his opinion as to whether the witness was using the notes, papers, or other documents to refresh his memory or for the sake of testifying to matters not then of his personal knowledge.

(c) *Conferring with counsel.* When the witness confers with counsel before answering any interrogatory, the consular officer should have that fact noted in the record of the testimony.

(d) *Examining witness as to personal knowledge.* The consular officer may at any time during the examination of a witness propound such inquiries as may be necessary to satisfy himself whether the witness is testifying from his personal knowledge of the subject matter of the examination.

(e) *Witness not to leave officer's presence.* The consular officer should request the witness not to leave his presence during the examination, except during the recesses for meals, rest, etc., authorized in § 92.56 (g). Failure of the witness to comply with this request must be noted in the record.

§ 92.61 *Transcription and signing of record of examination.* After the examination of a witness is completed, the stenographic record of the examination must be fully transcribed and the transcription attached securely to any document or documents to which the testimony in the record pertains. (See § 92.63 regarding the arrangement of papers.) The transcribed deposition must then be submitted to the witness for examination and read to or by him, unless such examination and reading are waived by the witness and by the parties to the action. Any changes in form or substance desired by the witness should be entered upon the deposition by the consular officer with a statement of the reasons given by the witness for making the changes. The witness should then sign the transcript of his deposition and should initial in the margin each correction made at his request. However, the signature and initials of the witness may be omitted if the parties to the action by stipulation waive the signing or if the witness is ill, refuses to sign, or cannot be found. If the deposition is not signed by the witness, the consular officer should sign it and should state on the record the reason for his action, i. e., the waiver of the parties, the illness or absence of the witness, or the refusal of the witness to sign, giving the reasons for such refusal. The deposition may then be used as though signed by the witness, except when, on the motion to suppress, the court holds that the reasons given for the refusal to sign require the rejection of the deposition in whole or in part. (Rules 30 (e) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.)

§ 92.62 *Captioning and certifying depositions.* The consular officer should prepare a capition for every deposition; should certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness; and should sign and seal the certification in the manner prescribed in §§ 92.15 and 92.16. Rules 30 (f) (1) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.)

§ 92.63 *Arrangement of papers.* Unless special instructions to the contrary are received, the various papers comprising the completed record of the depositions should usually be arranged in the following order from bottom to top:

(a) Commission to take depositions (or notice of taking depositions), with interrogatories, exhibits, and other supporting documents fastened thereto.

(b) Statement of fees charged, if one is prepared on a separate sheet.

(c) Record of the responses of the various witnesses, including any exhibits the witnesses may submit.

(d) Closing certificate.

All of these papers should be fastened together with ribbon, the ends of which should be secured beneath the consular officer's seal affixed to the closing certificate.

§ 92.64 *Filing depositions*—(a) *Preparation and transmission of envelope.* The notice or commission, the interrogatories, the record of the witnesses' answers, the exhibits, and all other documents and papers pertaining to the depositions should be fastened together (see § 92.63 regarding the arrangement of papers) and should be enclosed in an envelope sealed with the wax engraving seal of the post. The envelope should be endorsed with the title of the action and should be marked and addressed. The sealed envelope should then be transmitted to the court in which the action is pending.

(b) *Furnishing copies.* The original completed depositions should not be sent to any of the parties to the action or to their counsel. However, the consular officer may furnish a copy of a deposition to the deponent or to any party to the action upon the payment of the copying fee and if certification is desired under official seal that the copy is a true copy, the certification fee prescribed in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

§ 92.65 *Depositions to prove genuineness of foreign documents*—(a) *Authority to execute commission.* Under the provisions of section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. 3492), a diplomatic or consular officer may be commissioned by an United States court to take the testimony of a witness in a foreign country either on oral or written interrogatories, or partly on oral and partly on written interrogatories, for the purpose of determining the genuineness of any foreign document (any book, paper, statement, record, account, writing, or other document, or any portion thereof, of whatever character and in whatever form, as well as any copy thereof equally with the original, which is not in the United States) which it is desired to introduce in evidence in any criminal action or proceeding in any United States court under the provisions of section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 945; 28 U. S. C. 1732). Such testimony may also be taken to determine whether the foreign document was made in the regular course of business and whether it was

the regular course of business to make such document. The term "business" includes business, profession, occupation, and calling of every kind. (Sec. 1, 62 Stat. 945, 28 U. S. C. 1732.)

(b) *Disqualification to execute commission.* Any diplomatic or consular officer to whom a commission is addressed to take testimony, who is interested in the outcome of the criminal action or proceeding in which the foreign documents in question are intended to be used or who has participated in the prosecution of such action or proceeding, whether by investigations, preparation of evidence, or otherwise, may be disqualified on his own motion or on that of the United States or any other party to such criminal action or proceeding made to the court from which the commission issued at any time prior to the execution thereof. If, after notice and hearing, the court grants the motion, it will instruct the diplomatic or consular officer thus disqualified to send the commission to any other diplomatic or consular officer of the United States named by the court, and such other officer should execute the commission according to its terms and will for all purposes be deemed the officer to whom the commission is addressed. (Sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. 3492.)

(c) *Execution and return of commission.* (1) Commissions issued in criminal cases under the authority of the act of June 25, 1948, as amended, to take testimony in connection with foreign documents should be executed and returned by officers of the Foreign Service in accordance with section 1 of that act, as amended (sec. 1, 62 Stat. 835; 18 U. S. C. 3493, 3494), and in accordance with any special instructions which may accompany the commission. For details not covered by such section or by special instructions, officers of the Foreign Service should be guided by such instructions as may be issued by the Department of State in connection with the taking of depositions generally. (See §§ 92.55 to 92.64.)

(2) Section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 835; 18 U. S. C. 3493) provides that every person whose testimony is taken should be cautioned and sworn to testify the whole truth and should be carefully examined. The testimony should be reduced to writing or typewriting by the consular officer, or by some person under his personal supervision, or by the witness himself in the presence of the consular officer, and by no other person. After it has been reduced to writing or typewriting, the testimony must be signed by the witness. Every foreign document with respect to which testimony is taken must be annexed to such testimony and must be signed by each witness who appears for the purpose of establishing the genuineness of such document.

(3) When counsel for all of the parties attend the examination of any witness whose testimony will be taken on written interrogatories, they may consent that oral interrogatories, in addition to those accompanying the commission, be put to the witness. The consular officer taking the testimony should require an interpreter to be present when his services are needed or are requested by any party or his attorney. (Sec. 1, 62 Stat. 835, 18 U. S. C. 3493.)

(4) Section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 835; 18 U. S. C. 3494) provides that the consular officer, who executes any commission authorized under the same section, as amended (sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. 3492), and who is satisfied, upon all the testimony taken, that a foreign document is genuine, should certify such document to be genuine under the seal of his office. This certification must include a statement that the officer is not subject to disqualification under the provisions of section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. 3492). For purposes of assessment of fees, the issuance of this certificate shall be regarded as a part of the consular service of executing the commission, and no separate fee shall be charged for the certificate.

(5) The consular officer should then forward such foreign documents, together with the record of all testimony taken and the commission which has been executed, to the Department of State for transmission to the clerk of the court from which the commission issued. (Sec. 1, 62 Stat. 835; 18 U. S. C. 3494). (See § 92.64 regarding the filing of depositions generally.)

(Sec. 303, 60 Stat. 1002, 62 Stat. 836; 22 U. S. C. 843, 18 U. S. C. 3496, E. O. 10307, 16 F. R. 11907, 3 CFR, 1951 Supp.)

§ 92.66 *Depositions taken before foreign officials or other persons in a foreign country*—(a) *Customary practice.* Under the Federal law (rule 28 (b), Rules of Civil Procedure for the District Courts of the United States) and under the laws of some of the States, a commission to take depositions can be issued to a foreign official or to a private person in a foreign country. However, this method is rarely used; commissions are generally issued to United States consular officers. In those countries where American consular officers are not permitted to take testimony (see § 92.55 (c)) and where depositions must be taken before a foreign authority, letters rogatory are usually issued to a foreign court. In Federal practice letters rogatory to request the taking of evidence are issued only when necessary or convenient, on application and notice, and on such terms and with such directions as are just and appropriate (Rule 28 (b), Rules of Civil Procedure for the District Courts of the United States). When the name of the foreign court is not known, letters rogatory are usually addressed "To the Appropriate Judicial Authority in [here name the country]."

(b) *Transmission of letters rogatory to foreign officials.* Letters rogatory may often be sent direct from court to court. However, some foreign governments require that these requests for judicial aid be submitted through the diplomatic channel (i. e., that they be submitted to the Ministry for Foreign Affairs by the American diplomatic representative). A usual requirement is that the letters rogatory as well as the interrogatories and other papers included with them be accompanied by a complete translation into the language (or into one of the languages) of the country of execution. Another requirement is that provision be made for the payment of fees and expenses. Inquiries from interested parties or their attorneys, or from American courts, as to customary procedural requirements in given countries, may be addressed direct to the respective American embassies and legations in foreign capitals, or to the Department of State, Washington 25, D. C.

(c) *Return of letters rogatory executed by foreign officials.* (1) Letters rogatory executed by foreign officials are returned through the same channel by which they were initially transmitted. When such documents are returned to a United States diplomatic mission, the responsible officer should endorse thereon a certificate stating the date and place of their receipt. This certificate should be appended to the documents as a separate sheet. The officer should then enclose the documents in an envelope sealed with the wax engraving seal of the post and bearing an endorsement indicating the title of the action to which the letters rogatory pertain. The name and address of the American judicial body from which the letters rogatory issued should also be placed on the envelope.

(2) If the executed letters rogatory are returned to the diplomatic mission from the Foreign Office in an envelope bearing the seals of the foreign judicial authority who took the testimony, that sealed envelope should not be opened at the mission. The responsible officer should place a certificate on the envelope showing the date it was received at his office and indicating that it is being forwarded in the same condition as received from the foreign authorities. He should then place that sealed envelope in a second envelope, sealed with the wax engraving seal of the post, and bearing the title of the action and the name and address of the American judicial body from which the letters rogatory issued.

(3) Charges should be made for executing either of the certificates mentioned in subparagraphs (1) and (2) of this paragraph, as prescribed by item 66 of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1), unless the service is classifiable in a no-fee category under the exemption for Federal agencies and corporations (item 83 of the same Tariff).

(4) The sealed letters rogatory should be transmitted by appropriate means to the court in which the action is pending. See Title 28, section 1781, of the United States Code concerning the manner of making return to a court of the United States (Federal court).

(d) *Transmission of commissions to foreign officials or other persons.* A commission to take depositions which is addressed to an official or person in a foreign country other than a United States diplomatic or consular officer may be sent directly to the person designated. However, if such a commission is sent to the United States diplomatic mission in the country where the depositions are intended to be taken, it should be forwarded to the Foreign Office for transmission to the person appointed in the commission. If sent to a United States consular office, the commission may be forwarded by that office direct to the person designated, or, if the consular officer deems it more advisable to do so, he may send the commission to the United States diplomatic mission for transmission through the medium of the Foreign Office.

§ 92.67 *Execution of letters rogatory in the United States*—(a) *Answering inquiries.* A person who inquires regarding the execution of letters rogatory in the United States should be given the information which appears in paragraphs (b) and (c) of this section and in § 92.71.

(b) *Authority and procedure.* So far as the Federal Government is concerned, the deposition of any witness within the United States for use in any judicial proceeding pending in any court in a foreign country with which the United States is at peace, may be taken before a person authorized to administer oaths, who is designated by the district court of the United States of any district where the witness resides or may be found. The practice and procedure in taking such depositions conforms generally to the practice and procedure for taking depositions for use in United States courts. (Sec. 1, 62 Stat. 749, sec. 93, 63 Stat. 103; 28 U. S. C. 1782.) The procedure for taking depositions is covered in rules 26 through 37, Rules of Civil Procedure for the District Courts of the United States. The taking of depositions in State courts for use in the courts of foreign countries is governed by the laws of the individual States.

(c) *Addressing letters rogatory.* Letters rogatory for execution in the United States should generally be directed as follows: "To Any Judge or Justice Having Civil Jurisdiction at (name of locality)". Letters rogatory in civil actions will usually be executed in the State courts, and those in criminal actions, in the District Courts of the United States. However, the District Courts of the United States may execute letters rogatory in any judicial proceeding, whether criminal or civil. Such letters rogatory should be directed to:

The United States District Court for the
---------- District of ----------,
----------, ----------
(City) (State)

Letters rogatory should request the district court to take or cause to be taken the testimony of the witnesses whose testimony is desired, stating whether the testimony is intended to be taken upon oral or written interrogatories. If the party on whose behalf the testimony is intended to be taken will not be represented by counsel, written interrogatories should accompany the letters rogatory. Letters rogatory and interrogatories in a foreign language should be accompanied by English translations.

(d) *Transmitting letters rogatory to courts in the United States.* Although most foreign countries require the presentation of letters rogatory through the foreign office, this practice is not followed in the United States. Letters rogatory for execution in a court in the United States should be forwarded directly to the court by the appropriate diplomatic or consular officer of the country in which the depositions are intended to be used. The Department of State does not act as intermediary in such instance. Letters rogatory directed to a district court of the United States should be sent in an envelope addressed to the clerk of the district court.

§ 92.68 *Foreign Service fees and incidental costs in the taking of evidence.* The fees for the taking of evidence by officers of the Foreign Service are as prescribed by the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter), under the caption "Services Relating to the Taking of Evidence," unless the service is performed for official use, which comes under the caption "Exemption for Federal Agencies and Corporations" of the same Tariff. See § 22.6 of this chapter concerning the requirement for advance deposit of estimated fees. When the party on whose behalf the evidence is sought or his local representative is not present to effect direct payment of such incidental costs as postage or travel of witnesses, the advance deposit required by the officer shall be in an amount estimated as sufficient to cover these in addition to the fees proper. The same rule shall apply to charges for interpreting or for the taking and transcribing of a stenographic record when performed commercially rather than by staff members at Tariff of Fee rates.

§ 92.69 *Charges payable to foreign officials, witnesses, foreign counsel, and interpreters*—(a) *Execution of letters rogatory by foreign officials.* Procedures for payment of foreign costs will be by arrangement with the foreign authorities.

(b) *Execution of commissions by foreign officials or other persons abroad.* Procedures for the payment of foreign costs will be as arranged, by the tribunal requiring the evidence, with its commissioner.

(c) *Witness fees and allowances when depositions are taken pursuant to commission from a Federal court.* A witness attending in any court of the United States, or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States, shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residence as to prohibit return thereto from day to day shall be entitled to an additional allowance of $8 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance (28 U. S. C. 1821, Supp. IV). Witnesses giving depositions before consular officers pursuant to a commission issued by the Federal court are entitled to these fees and allowances, and the officer shall make payment thereof in the same manner as payment is made of other expenses involved in the execution of the commission, charging the advance deposit provided by the party at whose request the depositions are taken (see § 92.68). In any case to which the Government of the United States, or an officer or agency thereof, is a party, the United States marshal for the district will pay all fees of witnesses on the certificate of the United States Attorney or Assistant United States Attorney, and in the proceedings before a United States Commissioner, on the certificate of such commissioner (28 U. S. C. 1825).

§ 92.70 *Special fees for depositions in connection with foreign documents*—(a) *Fees payable to witnesses.* Each witness whose testimony is obtained under a commission to take testimony in connection with foreign documents for use in criminal cases shall be entitled to receive compensation at the rate of $15 a day for each day of attendance, plus 8 cents a mile for going from his place of residence or business to the place of examination, and returning, by the shortest feasible route (18 U. S. C. 3495 and 3496, and E. O. 10307, 3 CFR 1951 Supp.). When, however, it is necessary to procure the attendance of a witness on behalf of the United States or an indigent party, an officer or agent of the United States may negotiate with the witness to pay compensation at such higher rate as may be approved by the Attorney General, plus the mileage allowance stated above (5 U. S. C. 341). The expense of the compensation and mileage of each witness will be borne by the party, or parties, applying for the commission unless the commission is accompanied by an order of court (18 U. S. C. 3495 (b)) that all fees, compensations, and other expenses authorized by these regulations are chargeable to the United States (18 U. S. C. 3495).

(b) *Fees payable to counsel.* Each counsel who represents a party to the action or proceeding in the examination before the commissioner will receive compensation for each day of attendance at a rate of not less than $15 a day and not more than $50 a day, as agreed between him and the party whom he represents, plus such actual and necessary expenses as may be allowed by the commissioner upon verified statements filed with him. If the commission is issued on application of the United States, the compensation and expenses of counsel representing each party are chargeable to the United States under section 3495 (b) of Title 18 of the United States Code (18 U. S. C. 3495 and 3496, and E. O. 10307, 3 CFR, 1951 Supp.).

(c) *Fees payable to interpreters and translators.* Each interpreter and translator employed by the commissioner under these regulations shall receive an allowance of $10 a day, plus 8 cents a mile for going from his place of residence or business to the place of examination and returning, by the shortest feasible route. The compensation and mileage of interpreters and translators shall be chargeable to the United States.

(d) *Time for paying fees.* Witnesses, counsel, interpreters, and translators

will be paid, in accordance with the foregoing regulations, by the commissioner at the conclusion of their services. Other expenses authorized by these regulations will be paid by the commissioner as they are incurred.

(e) *Payment of fees by the United States.* When it appears that the commission was issued on application of the United States or when the commission is accompanied by an order of court that all fees, compensation, and other expenses authorized by these regulations are chargeable to the United States under section 3495 (b) of Title 18 of the United States Code, the commissioner shall execute the commission without charge for his service as commissioner in connection therewith. The commissioner shall pay witnesses, counsel, interpreter, or translator, and other expenses authorized by these regulations through the disbursing officer in his area in accordance with instructions which will be issued in each case.

(f) *Payment of fees by other parties.* When fees, compensation, and other expenses authorized by this section are chargeable to any party other than the United States, the commissioner shall undertake the execution of the commission only if such party deposits with the Department of State or with the appropriate Foreign Service post, in advance, an amount to be set by the court as apparently adequate to defray all fees, compensation, and other expenses authorized by this part. If the amount of the deposit is later found to be insufficient, the depositor shall be so notified, and the commissioner shall retain the commission and other papers until a sufficient supplemental amount has been deposited. If the amount of the deposit exceeds the aggregate amount of fees, compensation, and other expenses authorized by this part, the excess shall be returned to the party, or parties, entitled thereto. The commissioner shall pay witnesses, counsel, interpreter, or translator, and other expenses authorized by this section, from the proceeds of a check which the disbursing officer for his area will be authorized to draw on the Treasurer of the United States.

§ 92.71 *Fees for letters rogatory executed by officials in the United States.* Arrangements for the payment of fees should be made directly with the court in the United States by the party in the foreign country at whose request the depositions are taken, either through his legal representative in the United States or through the appropriate diplomatic or consular officer of his country in the United States. (See § 92.67 regarding the execution of letters rogatory in the United States.)

MISCELLANEOUS NOTARIAL SERVICES

§ 92.72 *Services in connection with patents and patent applications*—(a) *Affidavit of applicant.* The form of the affidavit of an applicant for a United States patent depends on who is making the application, the type of invention, and the circumstances of the case. Officers of the Foreign Service are not responsible for the correctness of form of such affidavits, and should not endeavor to advise in their preparation. Persons who inquire at a Foreign Service post regarding the filing of patent applications may be referred to the pamphlet entitled "General Information Concerning Patents", if copies thereof are available at the post.

(b) *Oath or affirmation of applicant*—(1) *Authority to administer oath or affirmation.* When an applicant for a patent resides in a foreign country, his oath or affirmation may be made before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States (35 U. S. C. 115). See paragraph (c) of this section regarding authentication of the authority of a foreign official. A notary or other official in a foreign country who is not authorized to administer oaths is not qualified to notarize an application for a United States patent.

(2) *Form of oath or affirmation.* See §§ 92.19 and 92.20 for usual forms of oaths and affirmations.

(3) *Execution of jurat.* In executing the jurat, the officer should carefully observe the following direction with regard to ribboning and sealing: When the oath is taken before an officer in a country foreign to the United States, all the application papers, except the drawings, must be attached together and a ribbon passed one or more times through all the sheets of the application, except the drawings, and the ends of said ribbon brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath is taken. If the papers as filed are not properly ribboned or each sheet impressed with the seal, the case will be accepted for examination but before it is allowed, duplicate papers, prepared in compliance with the foregoing sentence, must be filed. (Rule 66, Rules of Practice of the United States Patent Office.)

(c) *Authentication of authority of foreign official*—(1) *Necessity for authentication.* When the affidavit required in connection with a patent application has been sworn to or affirmed before an official in a foreign country other than a diplomatic or consular officer of the United States, an officer of the Foreign Service must authenticate the authority of the official administering the oath or affirmation (35 U. S. C. 115). If the officer of the Foreign Service cannot authenticate the authority of the official administering the oath or affirmation, the document should be authenticated by a superior foreign official, or by a series of superior foreign officials if necessary. The seal and signature of the foreign official who affixes the last foreign authentication to the document should then be authenticated by the officer of the Foreign Service.

(2) *Use of permanent ink.* All papers which will become a part of a patent application filed in the United States Patent Office must be legibly written or printed in permanent ink. (Rule 52, Rules of Practice of the United States Patent Office.) Consular certificates of authentication executed in connection with patent applications should preferably be prepared on a typewriter; they should not be prepared on a hectograph machine.

(d) *Authority of foreign executor or administrator acting for deceased inventor.* Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor (35 U. S. C. 117). The rules of the Patent Office require proof of the power or authority of the legal representative. See paragraph (c) of this section for procedure for authenticating the authority of a foreign official.

(e) *Assignments of patents and applications for patents.* An application for a patent, or a patent, or any interest therein, may be assigned in law by an instrument in writing. The applicant, or the patentee, or his assigns or legal representatives, may grant and convey an exclusive right under the application for patent, or under the patent, to the whole or any specified part of the United States. Any such assignment, grant, or conveyance of any application for patent, or of any patent, may be acknowledged, in a foreign country, before "a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States" (35 U. S. C. 261). See § 92.37 regarding authentication of the authority of a foreign official.

(f) *Fees.* The fee for administering an oath, taking an acknowledgment, or supplying an authentication, in connection with patent applications is as prescribed in item 49 of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

§ 92.73 *Services in connection with trademark registrations*—(a) *Authority and responsibility.* Acknowledgments and oaths required in connection with applications for registration of trademarks may be made, in a foreign country, before any diplomatic or consular officer of the United States or before any official authorized to administer oaths in the foreign country whose authority must be proved by a certificate of a diplomatic or consular officer of the United States (15 U. S. C. 1061). The responsibility of officers of the Foreign Service in this connection is the same as that where notarial services in connection with patent applications are involved (see § 92.72 (a)). (See § 92.72 (c) regarding the authentication of the authority of a foreign official who performs a notarial service in connection with a patent application.)

(b) *Fees.* The fee for administering an oath, taking an acknowledgment, or supplying an authentication, in connection with an application for registration of a trademark, or with the assignment or transfer of rights thereunder, is as prescribed in item 49 of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

§ 92.74 *Services in connection with United States securities or interests therein*—(a) *Authority and responsibility.* Assignments or requests for payment of United States securities, or securities for which the Treasury Department acts as transfer agent, or powers of attorney in connection therewith where authorized by the Treasury Department, should, in a foreign country, be executed before a United States consular or diplomatic officer. However, if they are executed before a foreign official having power to administer oaths, the Treasury Department requires that the official character and jurisdiction of the foreign official be certified by a United States diplomatic or consular officer. (See §§ 92.36 to 92.41 on authentications.)

(b) *Fees.* Officers of the Foreign Service should charge no fees for notarial services they perform in connection with the execution of documents, including the certification or authentication of documents where necessary, which affect United States securities or securities for which the Treasury Department acts as transfer agent, or which may be required in the collection of interest thereon. Items 58 (b) of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter) applies in cases of this nature.

§ 92.75 *Services in connection with income tax returns*—(a) *Responsibility.* Officers of the Foreign Service are authorized to perform any and all notarial services which may be required in connection with the execution of Federal, state, territorial, municipal, or insular income tax returns. Officers should not give advice on the preparation of tax returns.

(b) *Fees.* No charge under the caption "Notarial Services and Authentications" should be made for services performed in connection with the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof. When requested, see item 58 (d) of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

COPYING, RECORDING, TRANSLATING AND PROCURING DOCUMENTS

§ 92.76 *Copying documents* — (a) *Consular authority.* The consular officer is authorized to have documents, or abstracts therefrom, copied at a Foreign Service post, if he deems it advisable and it is practicable to do so. This service frequently is necessary in connection with the performance of certain notarial acts, such as the certification of copies of documents.

(b) *Fees.* The charges for making copies of documents are as prescribed by the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter), under the caption "Copying and Recording", unless the service is performed for official use, which comes under the caption Exemption for Federal Agencies and Corporations of the same Tariff.

§ 92.77 *Recording documents* — (a) *Consular authority.* Consular officers may, at their discretion, accept for recording in the Miscellaneous Record Book of the office concerned unofficial documents such as deeds, leases, agreements, wills, and so on. The object of this service is primarily to afford United States citizens and interests the means of preserving, in official custody, records of their business and other transactions where other suitable facilities are not available locally for making such records. The recording of unofficial documents is not a notarial service, strictly speaking; however, the certifying of copies of documents thus recorded is a notarial service.

(b) *Recording procedure.* Generally, before accepting a document for recording the consular officer should require satisfactory proof of its genuineness. The document should be copied, word for word, in the Miscellaneous Record Book. At the close of the record a statement that it is a true copy of the original should be entered and signed by the consular officer who copies or compares the record. In the margin of the first page where the document is recorded, the consular officer should note the following data:

(1) By whom the document is presented for recording;

(2) On whose behalf the service is requested;

(3) Date and hour of presentation for recording;

(4) How the authenticity of the document was proved (where appropriate); and

(5) The name of the person by whom recorded (in his proper signature) and the name of the consular officer with whom compared (in his proper signature).

(c) *Certificate of recording.* Ordinarily, a certificate of recording need not be issued. The original document may simply be endorsed: "Recorded at (name and location of consular office) this _____ day of _____, 19__, in (here insert appropriate reference to volume of Miscellaneous Record Book)". Below the endorsement should appear the notation regarding the service number, the Tariff item number, and the amount of the fee collected. When a certificate of recording is requested, the consular officer may issue it, if he sees fit to do so. The certificate may be either entered on the document, if space permits, or appended to the document as a separate sheet in the manner prescribed in § 92.17.

(d) *Fees.* The fee for recording unofficial documents at a Foreign Service post is as prescribed under the caption "Copying and Recording" of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter). For purposes of assessment of fees, the issuance of certificates of recording, when requested, shall be regarded as part of the consular service of recording unofficial documents, and no separate fee shall be charged for the certificate.

§ 92.78 *Translating documents.* Officers of the Foreign Service are not authorized to translate documents or to certify to the correctness of translations. (However, see § 92.56 with regard to interpreting and translating services which may be performed in connection with depositions.) They are authorized to administer to a translator an oath as to the correctness of a translation; to take an acknowledgment of the preparation of a translation; and to authenticate the seal and signature of a local official affixed to a translation. Separate fees should be charged for each of these services, as indicated under the caption "Notarial Services and Authentications" of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

§ 92.79 *Procuring copies of foreign public documents*—(a) *Nature of services.* When requested to do so by United States citizens or by persons acting in behalf of United States citizens, a consular officer should endeavor to obtain from foreign officials copies of birth, death, and marriage certificates, or copies of other public records, such as divorce decrees, probated wills, and so on. The interest of the party requesting the document should be clearly indicated, and there should be good reason for asking for the consular officer's assistance. Persons requesting documents for use in the preparation of family trees or in the compilation of genealogical studies should be referred to a local attorney or to a genealogical research bureau if one is available.

(b) *Payment of expenses involved*—(1) *Official funds not to be used.* The use of official funds to pay for copies of or extracts from foreign public records obtained at the request of private persons is prohibited.

(2) *Payment of costs by Federal Government.* In instances of requests emanating from departments or agencies of the Federal Government for copies of or extracts from foreign public records, the Department will issue to Foreign Service posts concerned appropriate instructions with respect to the payment of whatever local costs may be entailed if the documents cannot be obtained gratis from the local authorities.

(3) *Payment of costs by State or municipal governments.* Should State, county, municipal or other authorities in the United States besides the Federal Government request the consular officer to obtain foreign documents, and express willingness to supply documents gratis in analogous circumstances, the consular officer may endeavor on that basis to obtain the desired foreign documents gratis. Otherwise, such authorities should be informed that they must pay the charges of the foreign officials, as well as any fees which it may be necessary for the consular officer to collect under the provisions of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

(4) *Payment of costs by private persons.* Before a consular officer endeavors to obtain a copy of a foreign public document in behalf of a private person, the person requesting the document should be required to make a deposit of funds in an amount sufficient to defray any charges which may be made by the foreign authorities, as well as the Foreign

Service fee for authenticating the document, should authentication be desired.

§ 92.80 *Obtaining American vital statistics records.* Individuals who inquire as to means of obtaining copies of or extracts from American birth, death, marriage, or divorce records may be advised generally to direct their inquiries to the Vital Statistics Office at the place where the record is kept, which is usually in the capital city of the State or Territory. Legal directories and other published works of reference at the post may be of assistance in providing exact addresses, information about fees, etc. An inquirer who is not an American citizen may write directly to the diplomatic or appropriate consular representative of his own country for any needed assistance in obtaining a desired document.

QUASI-LEGAL SERVICES

§ 92.81 *Performance of legal services—(a) Legal services defined.* The term "legal services" means services of the kind usually performed by attorneys for private persons and includes such acts as the drawing up of wills, powers of attorney, or other legal instruments.

(b) *Performance usually prohibited—(1) General prohibition; exceptions.* Officers of the Foreign Service should not perform legal services except when instructed to do so by the Secretary of State, or in cases of sudden emergency when the interests of the United States Government might be involved, or in cases in which no lawyer is available and refusal to perform the service would result in the imposition of extreme hardship upon a United States citizen. There is no objection, however, to permitting persons to use the legal references in the Foreign Service office giving specimen forms of wills, powers of attorney, etc.

(2) *Specific prohibitions and restrictions.* See § 72.41 of this chapter for prohibition of performance of legal services by consular officers in connection with decedents' estates. See § 92.11 restricting the preparation for private parties of legal documents for signature and notarization.

(3) *Acceptance of will for deposit prohibited.* Wills shall not be accepted for safekeeping in the office safe. If a person desires to have his last will and testament made a matter of record in a Foreign Service establishment, the officer to whom application is made shall have the will copied in the Miscellaneous Record Book (§ 92.77) and charge the prescribed fee therefor.

(c) *Refusal of requests.* In refusing requests for the performance of legal services, an officer of the Foreign Service should cite these regulations and should state clearly his reasons for refusing to act. In appropriate cases, the officer may furnish the inquirer with a copy of the annual list of attorneys (see § 92.83) practicing in the consular district or he may refer the inquirer to the Department for a list of attorneys.

(d) *Waiver of responsibility.* When an officer of the Foreign Service accedes to a request for the performance of a legal service, he should inform the applicant that the service is performed at the latter's risk and without any responsibility on the part of the United States Government or the officer performing the service.

(e) *Fees.* No fee should be charged for any legal services which may be performed under these regulations, beyond the fees or charges for specific services enumerated in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

§ 92.82 *Recommending attorneys or notaries—(a) Assistance in selecting American lawyers.* When any person in the district of a Foreign Service post desires to have the name of an attorney in the United States, the officer at the post may refer him to American law directories or other published references at his disposal, but he shall refrain from recommending any particular attorney.

(b) *Assistance in selecting foreign attorneys or notaries.* Persons applying to a Foreign Service post for services of a legal or fiduciary character or for assistance in selecting an attorney or notary capable of rendering the services in view, may be furnished the names of several attorneys or notaries in the district, or referred to the lists to be found in American or foreign law directories or other published references. Alternatively, they may be referred to bar associations or, where applicable, to the organization charged by local law with the responsibility for providing legal assistance.

(c) *Agreements for referral of legal business prohibited.* Officers of the Foreign Service shall not recommend particular attorneys or notaries to persons who apply to a Foreign Service post for legal assistance, nor shall they make agreements with attorneys or notaries for the referral to them of inquiries for legal assistance.

§ 92.84 *Legal process defined.* Legal process means a writ, warrant, mandate, or other process issuing from a court of justice. The term includes subpoenas, citations, and complaints.

§ 92.85 *Service of legal process usually prohibited.* The service of legal process is not normally a Foreign Service function. Except as specifically provided by Federal statute or regulation (see §§ 92.86 to 92.91), officers of the Foreign Service are prohibited from serving legal process or appointing other persons to do so.

§ 92.86 *Consular responsibility for serving subpoenas.* Unless such action is prohibited by the law of the foreign country, officers of the Foreign Service are required to serve subpoenas issued by courts of the United States (i. e., by Federal courts) upon citizens or residents of the United States who have been personally notified in a foreign country to appear to give testimony in answer to letters rogatory issued from the said United States court and who have failed or neglected to do so, or who, having appeared, have refused to give testimony. Officers of the Foreign Service are also required, unless doing so would be contrary to the law of the foreign country, to serve subpoenas issued by courts of the United States upon citizens of residents of the United States who are beyond the jurisdiction of the United States and whose testimony in a criminal proceeding is desired by the Attorney General. (Sec. 1, 62 Stat. 949; 28 U. S. C. 1783.)

§ 92.87 *Consular responsibility for serving orders to show cause.* Officers of the Foreign Service are required to serve orders to show cause issued in contempt proceedings on a person who has failed or neglected to appear in answer to a subpoena served in accordance with the provisions of § 92.86. (Sec. 1, 62 Stat. 949; 28 U. S. C. 1784.)

§ 92.88 *Consular procedure.* With regard to the serving of subpoenas and orders to show cause referred to in §§ 92.86 and 92.87, section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 819, 28 U. S. C. 1783), provides that the subpoena shall designate the time and place for appearance before the court of the United States, and shall issue to any consular officer of the United States in the foreign country. The consular officer is required to make personal service of the subpoena and any order to show cause, rule, judgment or decree on the request of the Federal court or its marshal, and to make return thereof to such court after tendering to the witness his necessary travel and attendance expenses, which will be determined by the court and sent with the subpoena. When the subpoena or order is forwarded to the officer, it is usually accompanied by instructions directing exactly how service should be made and how the return of service should be executed. These instructions should be followed carefully.

§ 92.89 *Fees for service of legal process.* No charge should be made for serving a subpoena or order to show cause issuing out of Federal court under the procedures set forth in §§ 92.86 and 92.87. The taking of the affidavit of the officer effecting the service, or the performance of any other notarial act which may be involved in making the return, should be without charge, under the caption "Exemption for Federal Agencies and Corporations" of the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter).

§ 92.90 *Delivering documents pertaining to the revocation of naturalization.* Officers of the Foreign Service shall deliver, or assist in delivering, to designated persons, documents relating to proceedings in the cancellation of certificates of naturalization when such documents are forwarded by duly authorized officials of the Federal courts. The responsibility for furnishing detailed instructions on the procedure to be followed in delivering such documents rests with the court or with the United States attorney concerned, and officers should follow such instructions carefully.

§ 92.91 *Service of documents at request of Congressional committees.* Officers of the Foreign Service have no authority to serve upon persons in their consular districts legal process such as subpoenas or citations in connection with Congressional investigations. All requests for such service should be referred to the Department of State.

§ 92.92 *Service of legal process under provisions of State law.* It may be found that a State statute purporting to regulate the service of process in foreign countries is so drawn as to mention service by an American consular officer or a person appointed by him, without mention of or provision for alternate methods of service. State laws of this description do not operate in derogation of the laws of the foreign jurisdiction wherein it may be sought to effect service of legal process, and such State laws do not serve to impose upon American consular officers duties or obligations which they are unauthorized to accept under Federal law, or require them to perform acts contrary to Federal regulations (see § 92.85).

§ 92.93 *Notarial services or authentications connected with service of process by other persons.* An officer of the Foreign Service may administer an oath to a person making an affidavit to the effect that legal process has been served. When an affidavit stating that legal process has been served is executed before a foreign notary or other official, an officer of the Foreign Service may authenticate the official character of the person administering the oath. The fee for administering an oath to a person making an affidavit or for an authentication, as the case may be, is as prescribed under the caption "Notarial Services and Authentications" in the Tariff of Fees, Foreign Service of the United States of America (§ 22.1 of this chapter), unless the case is of such nature as to fall under the caption, "Exemption for Federal Agencies and Corporations" of the same Tariff.

§ 92.94 *Replying to inquiries regarding service of process or other documents.* Officers should make prompt and courteous replies to all inquiries regarding the service of legal process or documents of like nature, and should render such assistance as they properly can to the court and to interested parties. Such assistance could include furnishing information as to the standard procedure of the locality for service of legal papers, with the name and address of the local office having a bailiff authorized to effect and make return of service; it could include furnishing a list of local attorneys capable of making necessary arrangements; or it could, where appropriate, include a suggestion that the request of the American court might be presented to the foreign judicial authorities in the form of letters rogatory (see definition, § 92.54, and procedures, § 92.66 (b)). If the person upon whom the process is intended to be served is known to be willing to accept service, or if it is clear that it would be in his interest at least to be informed of the matter, the consular officer may suggest to the interested parties in the United States the drawings up of papers for voluntary execution by such person, such as a waiver of service or a document which would be acceptable to the American court to signify the person's entering an appearance in the action pending therein.

§ 92.95 *Transportation of witnesses to the United States.* Officers of the Foreign Service may at times be called upon to assist in arranging for the transportation to the United States of persons in foreign countries whose testimony is desired by the Attorney General in a case pending in a Federal court. Requests that the travel of such persons be facilitated originate in the Department of Justice, and special instructions in each case are transmitted to the appropriate Foreign Service post by the Department of State.

SUBCHAPTER K—ECONOMIC, COMMERCIAL AND CIVIL AVIATION FUNCTIONS

PART 101—ECONOMIC AND COMMERCIAL FUNCTIONS

Sec.
101.1 Protection of American interests.
101.2 Promotion of American interests.
101.3 Services for American businessmen and organizations.
101.4 Economic and commercial reporting.

AUTHORITY: §§ 101.1 to 101.4 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842.

§ 101.1 *Protection of American interests.* Officers of the Foreign Service shall protect the rights and interests of the United States in its international agricultural, commercial, and financial relations. In pursuance of this duty, they shall:

(a) Guard against the infringement of rights of American citizens in matters relating to commerce and navigation which are based on custom, international law, or treaty.

(b) Observe, report on, and, whenever possible, endeavor to remove discriminations against American agricultural, commercial, and industrial interests in other countries.

(c) Protect the national commercial reputation of the United States.

§ 101.2 *Promotion of American interests.* Officers of the Foreign Service shall further the agricultural and commercial interests of the United States:

(a) By carefully studying and reporting on the potentialities of their districts as a market for American products or as a competitor of American products in international trade.

(b) By investigating and submitting World Trade Directory Reports on the general standing and distributing capacity of foreign firms within their districts.

(c) By preparing and submitting upon request trade lists of commercial firms within their districts.

(d) By keeping constantly on the alert for and submitting immediate reports on concrete trade opportunities.

(e) By endeavoring to create, within the scope of the duties to which they are assigned, a demand for American products within their districts.

(f) By facilitating and reporting on proposed visits of alien business men to the United States.

(g) By taking appropriate steps to facilitate the promotion of such import trade into the United States as the economic interests of the United States may require.

§ 101.3 *Services for American businessmen and organizations.* Officers of the Foreign Service shall perform the following-enumerated services for American citizens and business organizations in connection with the conduct of foreign trade, subject to such rules and limitations thereon as may be prescribed by the Secretary of State:

(a) Answering trade inquiries.

(b) Lending direct assistance to American citizens and business firms.

(c) Encouraging the establishment of, and supporting, American chambers of commerce.

(d) Preparing themselves for and, upon instructions, performing trade conference work when in the United States on leave, or otherwise.

§ 101.4 *Economic and commercial reporting.* Officers of the Foreign Service shall prepare and submit reports in connection with their duties of protecting and promoting American agricultural commercial interests and for the purpose of providing general information on economic developments within their respective districts for the Departments of State, Agriculture, and Commerce, and for other governmental departments and agencies, in accordance with such rules and regulations as the Secretary of State may prescribe.

PART 102—CIVIL AVIATION

UNITED STATES AIRCRAFT ACCIDENTS ABROAD

Sec.
102.8 Reporting accidents.
102.9 Arranging for entry and travel of investigating and airline representatives.
102.10 Rendering assistance at the scene of the accident.
102.11 Arranging for the payment of expenses attendant upon an accident.
102.12 Protective services for survivors.
102.13 Protective services with respect to deceased victims of accident.
102.14 Salvage of mail and other property.
102.15 Protection and preservation of wreckage.
102.16 Records and reports in connection with investigation.

FOREIGN AIRCRAFT ACCIDENTS INVOLVING UNITED STATES PERSONS OR PROPERTY

102.17 Reports on accident.
102.18 Protection of United States citizens involved.
102.19 Protection of United States property.

AUTHORITY: §§ 102.8 to 102.19 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842.

UNITED STATES AIRCRAFT ACCIDENTS ABROAD

§ 102.8 *Reporting accidents—(a) To airline and Civil Aeronautics Administration representatives.* If a scheduled United States air carrier is involved, the airline representative concerned will probably be the first to be informed of the accident, in which event he will be expected to report the accident to the Foreign Service post, to the nearest Civil Aeronautics Administration office, and to his home office in the United States. If this is not the case, the Foreign Service post should report promptly to the nearest office of the airline concerned, and to the nearest office of the Civil Aeronautics Administration, any acci-

dent occurring to a scheduled civil air carrier of United States registry within its consular district. To be properly prepared, each post should obtain and have on file for ready reference, the address and telephone number of representatives of any United States airline engaged in scheduled operations within or over the post district.

(b) *To Department and supervisory Foreign Service offices.* A Foreign Service post should report promptly to the Department accidents to any United States civil aircraft occurring in the post district. The report should summarize all available information and, in the case of a scheduled United States air carrier, should state whether the airline has taken over the responsibility of notifying the nearest Civil Aeronautics Administration field office. This report should be submitted by the most expeditious means possible (priority telephone or telegraph message) at Government expense. If the accident involves a private plane or non-scheduled air carrier, these circumstances should be reported, also whether the nearest office of the Civil Aeronautics Administration has been informed. In the latter case, the Department will ascertain from the Civil Aeronautics Board whether it desires to investigate the case, and inform the Foreign Service post accordingly. Consular posts should submit a similar report to their supervisory missions or to their supervisory consular offices in territories where there are no United States missions. Supplementary reports should be supplied the Department and the supervisory Foreign Service office whenever considered appropriate. A final report, after the urgency has diminished and when the post's role is negligible should cover the post's activities in connection with the accident (see § 102.16 (b)).

§ 102.9 *Arranging for entry and travel of investigating and airline representatives.* Representatives of the Civil Aeronautics Board, the Civil Aeronautics Administration and the United States airline involved may not have the documents necessary for entry into the country where the accident occurred. The local Foreign Service post should lend all assistance possible in obtaining the entry of such representatives into the country where the accident occurred and in expediting their travel to the scene of the accident.

§ 102.10 *Rendering assistance at the scene of the accident.* Always in the case of a scheduled United States air carrier and whenever necessary in the case of a non-scheduled carrier or private plane, a local Foreign Service post should dispatch a member of its staff to the scene of the accident in order to insure that proper protection is afforded United States citizens and property involved in the accident and that any evidence as to the cause of the accident is preserved until the arrival of United States Government investigating personnel. (For steps to be taken when the aircraft was carrying a courier or diplomatic pouches, see § 102.14 (b).) In the absence of an airline representative, the Foreign Service representative should lend the competent local authorities all possible assistance compatible with the provisions of § 102.11 in caring for the survivors, identifying and disposing of the remains of victims, salvaging and protecting property and preserving wreckage pending an investigation. If an airline representative is already at the scene of the accident or if one arrives shortly thereafter, the Foreign Service representative should assist him in the discharge of his recognized responsibilities in connection with passengers and cargo. However, the Foreign Service representative is also obligated to assist investigating personnel of the United States Government by preserving evidence as to the cause of the accident. Any attempt on the part of the airline representative to exceed his recognized sphere of activity should be called to the attention of the airline involved and the competent local authorities.

§ 102.11 *Arranging for the payment of expenses attendant upon an accident.* (a) The Department of State has no funds from which expenses attendant upon an accident to United States aircraft can be paid. In emergencies involving scheduled carriers and in the absence of airline representatives, or other authority, the Foreign Service post should request a deposit from the airline (through the Department if desired) with specific authorization to incur whatever financial obligations the airline is willing to assume for the hiring of guards (in case local police protection is considered inadequate), the provision of accommodations, medical care, and onward transportation for survivors and for other expenses resulting from the accident. In accidents involving a private plane or non-scheduled carrier, the Foreign Service post is not in a position to expend any funds without prior authorization from the Department. In such cases, and in extreme cases involving scheduled carriers, when airline and investigation personnel may be delayed in reaching the scene, the Foreign Service representative, as the representative of all segments of the United States Government in the area, should endeavor to protect and promote the interests of the Government, the airline, and the individual citizen by any means available to him that are consistent with these regulations, and should request funds and instructions as required from the Department.

(b) The local Foreign Service post is not authorized to expend any funds for guarding the wreckage to preserve evidence as to the cause of the accident unless the Civil Aeronautics Board or the Civil Aeronautics Administration authorizes in advance the expenditure of such funds on a reimbursable basis. In the absence of such advance authorization, the Foreign Service post can arrange only for such protection as local authorities are willing to furnish gratuitously.

(c) Voluntary services and personal services in excess of those authorized by law may be accepted and utilized in the case of an aircraft accident since the law which normally prohibits such acceptance (31 U. S. C. 665) does not apply "in case of sudden emergency involving the loss of human life or the destruction of property".

§ 102.12 *Protective services for survivors*—(a) *Medical care and hospitalization.* The Foreign Service representative should lend any assistance possible (see §§ 102.10 and 102.11) in arranging for the best medical and hospital attention available for injured survivors of the accident. If a scheduled United States carrier is involved in an accident, the primary responsibility for providing medical care for passengers and crew rests with the airline, and in such situations the Foreign Service representative should assist the airline in every way that is feasible (see §§ 102.10 and 102.11).

(b) *Accommodation and onward transportation.* If a scheduled United States carrier is involved in an accident, primary responsibility for providing accommodation and onward transportation for passengers and crew rests with the airline, and in such situations the Foreign Service representative should assist the airline in every way that is feasible (see §§ 102.10 and 102.11). If the accident involves a private plane or non-scheduled carrier, he should assist passengers and members of the crew who do not require hospitalization in any way compatible with §§ 102.10 and 102.11 in obtaining appropriate comfortable accommodations accessible from the scene of the accident. If practicable, surviving passengers should remain in the vicinity of the accident until the United States Government investigating personnel can obtain from them all information pertaining to the accident. Surviving passengers leaving the vicinity should furnish addresses at which they can be reached later. The Foreign Service representative should assist the passengers, in so far as he can under the provision of §§ 102.10 and 102.11, in obtaining necessary clearances from local authorities and in getting onward transportation by the most expeditious means of common carrier transportation available. The surviving aircraft crew will be expected to remain in the vicinity of the accident until otherwise instructed by the investigating personnel.

§ 102.13 *Protective services with respect to deceased victims of accident*—(a) *Interim disposition of remains.* Generally, local authorities will assume custody of the remains of deceased victims of the accident and consign them to a mortuary until final disposition can be made.

(b) *Identification of remains.* When necessary, the local Foreign Service post should assist in identifying the remains of United States citizens who are victims of the accident by requesting the Department to procure dental charts, passport application data and photographs, fingerprints, or other United States records.

(c) *Reports on deaths of United States citizens.* The local Foreign Service post shall report the deaths of United States citizens occurring in an aircraft accident in accordance with the procedure prescribed in §§ 72.1 to 72.8 of this chapter.

(d) *Disposition of remains.* When a scheduled United States air carrier meets with an accident, the United States airline concerned will usually transport the identifiable remains of victims of the accident to the place of final interment designated by the next of kin. If the Foreign Service post is requested, or finds it necessary, to dispose of identifiable remains, it shall follow the procedure prescribed in §§ 72.9 to 72.14 of this chapter. Where remains are unidentifiable, the local authorities may be expected to make final disposition of these remains locally in accordance with the health requirements of the country concerned, usually by common burial or by cremation, and without regard to the disposition desired by possible next of kin.

§ 102.14 *Salvage of mail and other property*—(a) *Mail.* Article 3, sections 6 and 7, of the Air Mail Provisions annexed to the Universal Postal Union Convention, Paris, 1947, provide that the personnel who survive the aircraft accident shall, when possible, deliver the mail to the post office nearest the place of the accident or to the one best-qualified to reforward the mail. If the aircraft personnel are unable to do this, the local post office concerned shall make every effort, without delay, to take delivery of the mail and to forward it to the offices of designation by the most rapid means, after determining the condition of the correspondence and reconditioning it if damaged. Most post offices are familiar with these provisions, but if in any case the mail is not being properly cared for, the local Foreign Service post should bring the proper procedure to the attention of the nearest post office.

(b) *Diplomatic pouches.* Immediately upon arriving at the scene of the accident, the Foreign Service representative should ascertain whether the aircraft was carrying a courier or diplomatic pouches. If a courier is found to be aboard, the same personal arrangements should be made for him as are made for other passengers (see §§ 102.10 to 102.13). An immediate search should also be made for whatever diplomatic pouches the courier may have been carrying and for any pouches that may have been carried as regular cargo. Usually, the cargo manifest will list diplomatic pouches carried as air freight or cargo. The passenger manifest normally will list the total number of pieces of luggage or pouches checked by a courier (if one is aboard), but since he usually carries his pouches with him into the cabin of the plane, the pouch invoices on his person or in his briefcase will offer positive proof of the number of pouches he has in his custody. If any are found, they should be cleared through appropriate government officials of the country and taken to the nearest United States Foreign Service office to await disposition instructions. If it is learned that the postal authorities have already recovered United States diplomatic pouches that may have been involved, these pouches should be obtained from the postal authorities and taken to the nearest United States Foreign Service office to await disposition instructions. A telegraphic message should be dispatched to the Department and to the regional courier office having jurisdiction over that area, giving a description of the pouches recovered. This description should include the office of addressor and addressee and the classification indicator (C, A, or S). The Department and the regional courier office will coordinate instructions to the office for the disposition of these pouches.

(c) *Baggage, personal effects and cargo.* The Foreign Service representative should request the local authorities to arrange for the security storage and protection of such baggage, personal effects and cargo as is recoverable from the aircraft until the property can be released to its owners by local customs and accident investigating authorities, or by the courts. When released, the personal effects of United States citizens, who died in the accident, should be taken into possession and disposed of by the local Foreign Service post in accordance with the procedure prescribed in §§ 72.15 to 72.55 of this chapter.

§ 102.15 *Protection and preservation of wreckage.* In so far as local law permits, the Foreign Service representative should see that arrangements are made (by the airline representative with the local authorities, if a scheduled carrier is involved) for the protection of the wrecked aircraft and its property contents against further damage, pilferage, and access by unauthorized persons, until the arrival of the accident investigation personnel. The prior removal of any of the wreckage or the contents of the aircraft should be prevented unless such action is necessitated by very compelling reasons, such as the need for treating the injured or for removing bodies, or when the wreckage constitutes a public hazard. When under the latter conditions the wreckage and contents of the aircraft must be moved or disturbed in any way, if possible, a record should be made or photographs taken showing the position and condition of the wreckage prior to disturbance. In the case of a private aircraft or non-scheduled carrier, protection should be arranged for the wrecked aircraft and its contents pending the receipt of information from the Department as to whether the Civil Aeronautics Board will investigate the case, and until final disposition is made of the property. If the owner of a private aircraft is killed in the wreck and is a United States citizen, the aircraft constitutes part of his personal estate and should be disposed of in accordance with the provisions of §§ 72.15 to 72.55 of this chapter. For rules governing the payment of expenses in connection with the protection and preservation of wrecked United States aircraft, see § 102.11.

§ 102.16 *Records and reports in connection with investigation*—(a) *Records.* The Foreign Service representative should maintain a record of the various transactions taking place prior to the arrival of airline, Civil Aeronautics Board and Civil Aeronautics Administration representatives. This record should include all pertinent details with respect to the disposition of persons and property, obligations assumed, arrangements made, et cetera, and should also include any statements made by witnesses.

(b) *Reports.* Reports should be submitted to the Department for its information and the information of aviation authorities and other interested parties in the United States regarding the progress of any investigation which is held and its final outcome when known.

FOREIGN AIRCRAFT ACCIDENTS INVOLVING UNITED STATES PERSONS OR PROPERTY

§ 102.17 *Reports on accident.* When an accident occurs to a foreign aircraft in the district of a Foreign Service post and United States citizens or property are involved, the local Foreign Service post shall report the disaster fully to the Department and to the supervisory mission (or the supervisory consular office where there is no mission).

§ 102.18 *Protection of United States citizens involved.* The local Foreign Service post shall follow substantially the procedures prescribed in §§ 102.11 to 102.13 in protecting United States citizens (whether alive or dead) involved in a foreign aircraft accident.

§ 102.19 *Protection of United States property.* The local Foreign Service office shall follow substantially the procedures set forth in §§ 102.11 and 102.14 in protecting United States mail and baggage, personal effects and cargo belonging to United States citizens.

SUBCHAPTER I—ENEMIES AND REPARATIONS

PART 111—REMOVAL OF ALIEN ENEMIES BROUGHT TO THE UNITED STATES FROM OTHER AMERICAN REPUBLICS

Sec.

111.1 Removal from the United States of alien enemies from other American republics.
111.2 Order of the Secretary of State.
111.3 Service of removal order on alien enemy.
111.4 Thirty-day period for voluntary departure.
111.5 Involuntary removal from the United States.

AUTHORITY: §§ 111.1 to 111.5 issued under R. S. 4067, as amended; 50 U. S. C. 21.

§ 111.1 *Removal from the United States of alien enemies from other American republics.* The proclamation of the President of the United States, No. 2685, dated April 10, 1946, 3 CFR, 1946 Supp., provides in part:

1. All alien enemies within the continental limits of the United States brought here from other American republics after December 7, 1941, who are within the territory of the United States without admission under the immigration laws, shall, if their continued residence in the Western Hemisphere is deemed by the Secretary of State to be prejudicial to the future security or welfare of the Americas, be subject upon the order of the Secretary of State to removal from the United States and may be required to depart therefrom in accordance with such regulations as the Secretary of State may prescribe.

2. In all cases in which the Secretary of State shall have ordered the removal of an alien enemy under the authority of this Proclamation or in which the Attorney General shall have ordered the removal of an alien enemy under the authority of Proclamation No. 2655 of July 14, 1945, thirty days

shall be considered, and is hereby declared to be, a reasonable time for such alien enemy to effect the recovery, disposal, and removal of his goods and effects, and for his departure.

§ 111.2 *Order of the Secretary of State.* When a determination has been made by the Secretary of State that the continued residence in the Western Hemisphere of an alien enemy, brought to the United States from another American republic after December 7, 1941, who is within the territory of the United States without admission under the immigration laws, would be prejudicial to the future security or welfare of the Americas, an order will be signed by the Secretary of State directing that the said alien enemy depart from the United States within thirty days after notification of the order and that, if he fails or neglects so to depart, the Commissioner of Immigration and Naturalization is to provide for the alien enemy's removal to the territory of the country of which he is a native, citizen, denizen, or subject.

§ 111.3 *Service of removal order on alien enemy.* A copy of the Secretary of State's order of removal will be delivered to the alien enemy at the place where he is interned.

§ 111.4 *Thirty-day period for voluntary departure.* An alien enemy who is the subject of a removal order shall have thirty (30) days after receiving notification of the removal order to depart from the United States. Unless the public safety otherwise requires, the Commissioner of Immigration and Naturalization is authorized to release such alien enemy from internment under appropriate parole safeguards in order that the alien enemy may settle his personal and business affairs, provide for the recovery, disposal, and removal of his goods and effects, and make arrangements to depart from the United States.

§ 111.5 *Involuntary removal from the United States.* In the event that an alien enemy, who is the subject of a removal order, fails or neglects to depart from the United States within the abovementioned thirty-day period, the Commissioner of Immigration and Naturalization will take the alien enemy into custody and will provide for his removal to the territory of the country of which he is a native, citizen, denizen, or subject, as soon as transportation is available.

PART 112—REPARATIONS: WORLD WAR II

Sec.
112.1 Authority to accept reparations payment.
112.2 Redelegation of authority to accept reparations payment.

AUTHORITY: §§ 112.1 to 112.2 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c.

§ 112.1 *Authority to accept reparations payment.* The Director of the Office of European Regional Affairs under the general direction of the Assistant Secretary for European Affairs, and in accordance with current general policies of the Department, shall be responsible for accepting on behalf of the United States Government funds allocated to the United States as reparations payments. Funds received will be deposited in a special account in the United States Treasury.

§ 112.2 *Redelegation of authority to accept reparations payment.* The authority granted to the Director of the Office of European Regional Affairs under § 112.1 may be redelegated to appropriate officials of the United States Government.

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

PART 121—ARMS, AMMUNITIONS, AND IMPLEMENTS OF WAR

GENERAL PROVISIONS

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121.1 General.

DEFINITIONS

121.5 Definition of aircraft.
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121.28 Forgings, castings, and machined bodies.

AUTHORITY: §§ 121.1 to 121.28 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103. E. O. 10575, 19 F. R. 7251, 3 CFR 1954 Supp.

GENERAL PROVISIONS

§ 121.1 *General.* (a) The list of articles designated as arms, ammunition, and implements of war pursuant to the authority of the Mutual Security Act of 1954 and Executive Order No. 10575 cited *supra* shall be named the United States Munitions List.

(b) The term "article" shall mean any of the arms, ammunition, and implements of war enumerated in the United States Munitions List.

DEFINITIONS

§ 121.5 *Definition of aircraft.* As used in § 121.21, Category X, the term "aircraft" shall include piloted, pilotless, and robot aircraft and non-expansible balloons in excess of 3,000 cubic feet capacity.

§ 121.6 *Definition of major aircraft components.* The articles listed below shall be considered as major components of aircraft:

(a) Air frames and components thereof:

Fuselages or hulls.
Wings, wing panels, and sections.
Rudders and fins.

(b) Complete engines and superchargers including jet engines and afterburners.

(c) Propellers:

Complete assemblies.
Propeller blades.

(d) Landing gears:

Complete assemblies.
Wheels.
Tires and tubes.
Brakes.

(e) Automatic pilots.

(f) Aircraft radio:

Transmitters.
Receivers.

(g) Aircraft radar.

(h) Components, instruments, accessories and attachments peculiarly military in nature which are installed in or attached to tactical aircraft shall be considered as major components.

§ 121.7 *Definition of helium.* The word "helium" shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The term "contained helium" means the actual quantity of the element helium (i. e. 100 percent pure helium) in terms of cubic feet present in a mixture of helium and other gases. Purity determinations shall be made by usually recognized methods.

§ 121.8 *Unclassified technical data.* (a) The term "technical data" refers to any professional, scientific, or technical information, including any model design, photographic negative, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis, or operation in the production, manufacture, or reconstruction of articles or materials.

(b) As used in Category XVIII of the of the United States Munitions List the term "technical data" refers to any unclassified technical data relating to arms, ammunition and implements of war.

§ 121.9 *Classified technical data.* Classified technical data is included under Category XVII, and refers to any material or information which has been officially assigned a security classification, i. e., "top secret", "secret", or "confidential" by any officer or agency of the United States Government.

§ 121.10 *Advanced technical data material.* Unclassified technical data as used in §§ 125.22 and 125.23 of this chapter is considered to contain advanced plans, specifications, design, processing and manufacturing techniques when it has not been reviewed by competent technical personnel of the United States Government with respect to its possible military implications.

ENUMERATION OF ARTICLES

§ 121.21 *United States Munitions List.* Pursuant to the authority cited *supra*, the following articles are hereby designated as arms, ammunition, and implements of war.

CATEGORY I—SMALL ARMS AND MACHINE GUNS

(a) Rifles, carbines, revolvers, pistols, machine pistols and machine guns using ammunition of caliber .22 or over except weapons using only caliber .22 rim-fire ammunition.

(b) The following accessories and attachments for such arms: bayonets, slings, straps, gun mounts, belts, links and magazines. All components and parts for machine guns. Barrels and breech mechanisms for rifles, carbines, pistols and revolvers.

CATEGORY II—ARTILLERY AND PROJECTORS

(a) Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors and recoilless rifles.

(b) Components and parts and the following accessories and attachments: mounts and carriers.

CATEGORY III—AMMUNITION

(a) Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof except caliber .22 rim-fire ammunition.

(b) The following components, parts, accessories and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, percussion caps, fuses or fuses and components thereof, primers, and other detonating devices for such ammunition.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, guided missiles, depth charges, fire bombs, and incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation, or detection of items enumerated in paragraph (a) of this category.

(c) Military fuel thickeners (see § 121.22).

(d) Components and parts including but not limited to fuses or fuses and components thereof; bomb racks and shackles; bomb shackle release units; bomb ejectors; torpedo tubes; torpedo and guided missile boosters; launching racks, projectors; control mechanisms and control systems; pistols (exploders); igniters; detonators; mine detectors; fuse or fuse arming devices; and the following items related thereto: intervalometers and components thereof; bomb lift trucks; bomb and torpedo handling trucks; trailers, hoists, and skids for handling bombs; guided missile launchers.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

(a) Fire control, gun tracking and infrared and other nightsighting equipment; range, position, and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic and acoustic); bomb sights, gun sights, and periscopes for the arms, ammunition, and implements of war enumerated herein.

(b) Components, parts, accessories and attachments specifically designed for the articles enumerated in this category.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

(a) Tanks, military type armed or armored vehicles, ammunition trailers, and amphibious vehicles (land vehicles capable of limited endurance in water), military half tracks, military type tank recovery vehicles, gun carriers, and automotive vehicles or chassis embodying all-wheel drive and equipped with one or both of the following features to meet special military requirements: adaptation features for deep water fording and sealed electrical systems.

(b) Components, parts, accessories and attachments specifically designed for the tanks and ordnance vehicles enumerated in this category.

CATEGORY VII—CHEMICAL AND BIOLOGICAL AGENTS

(a) Chemical or biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops.

(b) Equipment for the dissemination, detection, and identification of, and defense against, the items described in paragraph (a) of this category.

(c) Components, parts, attachments, and accessories specifically designed for equipment for the dissemination, detection, identification of and defense from the chemical toxicological agents defined in § 121.23 and of biological toxicological agents.

CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VI hereof; military high explosives (see § 121.24).

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships. Turrets and gun mounts, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for the following types of combatant vessels: battle ships, command ships, cruisers, aircraft carriers, destroyers and submarines.

(b) Equipment for the laying, detection, detonation, and sweeping of mines. Components, parts, attachments, and accessories specifically designed for mine laying, mine detection and detonation, and mine sweeping equipment.

(c) Submarine and torpedo nets. Components, parts, attachments and accessories specifically designed for these articles.

CATEGORY X—AIRCRAFT

(a) Aircraft and airborne equipment.

(b) All components, parts and accessories for aircraft. This does not include ground handling and maintenance equipment and bulk materials, such as dopes, paints, oils, cable, wire, tubing, hose, aluminum sheets (see § 121.6).

CATEGORY XI—MISCELLANEOUS ARTICLES

(a) Military electronics. (1) Electronics equipment specially designed for military use; (2) radar of all types, including guidance systems and airborne or ground equipment therefor; (3) electronic countermeasure and jamming equipment; (4) underwater sound equipment; (5) military communications-electronics equipment bearing a military designation; (6) electronic navigational aids specially designed for military use such as radio direction finding equipment; (7) radio distance measuring systems such as Shoran, and hyperbolic grid systems, such as Raydist, Loran, and Decca; (8) components, parts, accessories and attachments specially designed for use with equipment enumerated in Category XI (a).

(b) Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting and photogrammetry equipment.

(c) Armor plate, armored railway trains, military steel helmets, body armor, and flak suits. Components and parts specifically designed for use in military steel helmets, body armor, and flak suits.

(d) Specialized military mobile repair shops specially designed to service military equipment.

(e) Pressurized breathing equipment and partial pressure suits for use in aircraft, anti "G" suits, military crash helmets, aircraft liquid oxygen converters, and complete parachutes utilized for personnel, cargo, or deceleration purposes. Components and parts specifically designed for pressurized breathing equipment, partial pressure suits, anti "G" suits, aircraft crash helmets, and liquid oxygen converters.

(f) Military pyrotechnics including projectors therefor.

(g) Specialized military training equipment. Components, parts, attachments and accessories for specialized military training equipment as defined in § 121.26.

(h) Tear gas and equipment for dissemination thereof.

(i) Helium gas.

(j) Cryptographic devices (encoding and decoding).

(k) Landing mats.

CATEGORY XII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

CATEGORY XIII—TECHNICAL DATA

Technical data relating to the articles herein designated as arms, ammunition, and implements of war.

INTERPRETATIONS

§ 121.22 *Military fuel thickeners.* As used in § 121.21 Category IV, these are liquids or solids in granular forms (commonly metallic salts of fatty acids such as the aluminum salt of octoic acid) which when mixed with petroleum products produce a gel-type mixture. The burning characteristics of such gel can be controlled by the type of thickener used and the quantity added such as napalm and octal. The following are included:

(a) Aluminum soaps of fatty acids containing 12–18 carbon atoms and mixtures thereof;

(b) Aluminum soaps of oleic acids;

(c) Aluminum soaps of 2-ethylhexoic acid;

(d) Aluminum soaps of cocoanut fatty acids;

(e) Aluminum soaps of naphthenic acids;

(f) Any mixtures of the substances set out in paragraphs (a) to (e) of this section.

§ 121.23 *Chemical toxicological agents.* The term "chemical toxicological agents" as used in § 121.21, Category VII, shall include but not be limited to: cyanogen chloride, hydrogen cyanide, diphosgene, fluorine (but not fluorene), Lewisite gas, mustard gas (dichlorodiethyl sulfide), phenylcarbylamine chloride, phosgene, adamsite (diphenylaminochloroarsine), dibromodimethyl ether, dichlorodimethyl ether, diphenylchloroarsine, diphenylcyanarsine, ethyldibromoarsine, ethyldichloroarsine, methyldichloroarsine, phenyldibromoarsine, phenyldichloroarsine, cyanodimethylaminoethyloxyphosphine oxide, fluoroisopropoxymethylphosphine oxide, fluoromethylpinaeolyloxyphosphine oxide, and related compounds.

§ 121.24 *Propellants and explosives.* (a) As used in § 121.21, category VIII, the term "propellant" shall include but not be limited to propellant powders, hydrazine, unsymmetrical dimethylhydrazine, hydrogen peroxide in excess of 85 percent concentration, and nitro guanadine or picrite. The term "military high explosives" shall include ammonium picrate, black soda powder, potassium nitrate powder, hexanitrodiphenylamine, pentaerythritetranitrate (penthrite, pentrite or PETN), nitrocellulose having a nitrogen content of more than 12.20 percent, tetryl (trinitrophenylmethylnitromine or "tetranitromethylaniline") trimethylenetrinitramine (RDX, Cyclonite, Hexogen or T4),

trinitroanisol, trinitronaphthalene, dinitronaphthalene, tetranitronaphthalene, trinitrotoluene, trinitroxylene.

(b) Explosive mixtures or devices which are not listed above but which contain minor quantities of the types of explosives listed here are not considered to be arms, ammunition, and implements of war.

§ 121.25 *Quartz crystals.* Quartz crystals are subject to the licensing jurisdiction of the Secretary of State only when intended for use with military electronics equipment and shipped with such items.

§ 121.26 *Specialized military equipment.* As used in § 121.21, category XI (g), specialized military equipment shall include but not be limited to link-type trainers, attack trainers, operational flight trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, flight simulators, radar trainers, instrument flight trainers, navigation trainers, target equipment, armament trainers, pilotless aircraft trainers, and mobile training units.

§ 121.27 *Vessels of war*—(a) *All combatant vessels and craft, including the following.* Battleships (BB), command ships (CBC, CLC); cruisers (CA, CAG, CB, CL, CLAA, CLG); aircraft carriers (CVA, CVL, CVE); destroyers (DD, DL, DDE, DDR); submarines (SS, SSN, SSG, SSK, SSR, SST, ASSA, ASSP). Amphibious force flag ship (ACC); cargo ship attack (AKA); transports (APA, APD); fire support ship (IFS); landing ships (LSFF, LSTL, LSSL, LSD, LSM, LSMR, LST, LSV); landing craft (LOC, LCI, LCM, LCP, LCP-G, LCB-S, LCV, LCVP, LVT-A, LCT-A, LVT); landing vessels (LVW, DUEV, LCU); mine vessels (MMA, MSF, MSO, MHC, MSC, MSC(O), MM, MMC, DM, DMS, MSA, MSB, XMAP, YMP, YMS, YNG); patrol vessels (PY, XP); motor torpedo boat (PT); escort vessels (DE, DEC, DER, PCE, PCER, PCEC); subchasers (PCC, PCSC, SCC, SC, PC, PCS); frigate (PF); motor gun boats (PGM, PR).

(b) *Naval auxiliary and service vessels and craft.* Destroyer tender (AD); degaussing vessel (ADG); ammunition ship (AE); store ship (AF); ice breaker (AGB); motor torpedo boat tender (AGP); surveying ships (AGS, AGSC); auxiliary submarine (AGSS); net laying ship (AN); oilers and tankers (AO, AOG, AOR); transports (AP, APC); barrack ships (APB, APL); repair ships (AR, ARB, ARG, ARH, ARL, ARV, ARVA, ARVE); cable repairing or laying ship (ARC); salvage vessels (ARS, ARSD, ARST); submarine tenders and rescue vessels (AS, ASH, X); tugs (ARA, ATF, ATR, YTB, YTL, YTM); guided missle ship (AVM); tenders (AV, AVP, YDT); crane and service vessels (AB, YD, YSD); miscellaneous (AG, AW, PYC, YAG, YHB, YPD); aviation supply ship (AVS); floating dry dock and shop craft (AFDB, AFDL, AFDM, ARD, YFD, YRDH, YRDM); naval lighters (AVC, YC, YCK, YCV, YCF, YF, YFB, YFN, YFNG, YFNX, YFP, YFR, YFRN, YFT, YG, YGN, YFND, YFNB, YVO, YRL); naval barges (YO, YOG, YOGN, YON, YOS, YDK, YR, YRB, YRS, YTT, YW, YAN); naval dredge (YN).

(c) *Coast Guard patrol and service vessels and craft.* Submarine repair and berthing barge (YRB); labor transportation barracks ship (APL); Coast Guard cutter (CGC); gun boat (WPG); patrol craft (WPC, WSC, WPG); sea plane tender (WAVP); ice breaker (WAGB); cargo ship (WAK); buoy tenders and boats (WAGL, WD); cable layer (WARC); lightship (WAL); CG tugs (WAT, WYT); radio ship (WAGR); special vessel (WIX); auxiliary vessels (WAG, WAGE). Other Coast Guard patrol or rescue craft over 300 horsepower capacity.

(d) *Air Force crash rescue boat.*

(e) *Army vessels and craft.* Transportation Corps tug—100 ft. (LT), 65 ft. (ST), T-boat, Q-boat, J-boat, B-boat; barges (BG, BC, BR, BK, BSP, BSPI, BKI, BCF, BBL, BARC); cranes, floating (BD); dry dock, floating (FDL); repair ship, floating (FMS); trainer, amphibious 20 ton wheeled tow boat, inland waterway (LTI, STI).

§ 121.28 *Forgings, castings, and machined bodies.* Forgings, castings, extrusions and machined bodies of any of the articles enumerated in the United States Munitions List which have reached such a stage in manufacture that they are identifiable as such articles are considered to constitute arms, ammunition, and implements of war for the purposes of section 414 of the Mutual Security Act.

PART 122—REGISTRATION

Sec.
122.1 Persons required to register.
122.2 Production for experimental or scientific purposes.
122.3 Application for registration.
122.4 Certificate of registration.
122.5 Notification of changes in information furnished by registrants.
122.6 Maintenance of records by persons required to register as manufacturers, importers or exporters of United States Munitions List articles.

AUTHORITY: §§ 122.1 to 122.6 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR 1954 Supp.

§ 122.1 *Persons required to register.* Persons engaged in the business, within the United States, its territories or possessions, of manufacturing or exporting or importing articles enumerated in the United States Munitions List are required to register with the Secretary of State.

§ 122.2 *Production for experimental or scientific purposes.* The fabrication of arms, ammunition, and implements of war for experimental or scientific purposes including research and development is not considered as manufacture for the purposes of section 414 of the Mutual Security Act.

§ 122.3 *Application for registration.* (a) Applications for registration shall be submitted to the Secretary of State on forms prescribed by him and shall be accompanied by a registration fee in the form of a postal money order or a check payable to the Department of State.

(b) Registration can be effected for periods of one year or four years upon payment of a fee of $75 or $300, respectively, at the option of the registrant.

§ 122.4 *Certificate of registration.* (a) Upon receipt of an application for registration properly executed, accompanied by the registration fee, the Secretary of State shall issue to the applicant a certificate of registration valid for one year if $75 is paid or for four years if $300 is paid. Certificates of registration are not transferable. Certificates of registration are renewable for a further period of one year if a renewal fee of $75 is paid or for four years if a renewal fee of $300 is paid and the fee payment is accompanied by an application for registration properly executed on the prescribed form.

(b) Registration certificates issued prior to April 1, 1955, shall remain in effect during the period of validity indicated therein, without any additional fee being required.

(c) A refund of the registration fee covering a single year or a part thereof cannot be made by reason of changed conditions or new facts developed subsequent to the issuance of the registration certificate.

§ 122.5 *Notification of changes in information furnished by registrants.* Registered persons shall notify the Secretary of State of any change in the information set forth in their applications for registration. Upon receipt of such information an amended certificate of registration including this information will be issued if appropriate. An amended certificate of registration will be issued without charge in such cases and will remain valid until the date of expiration of the original certificate.

§ 122.6 *Maintenance of records by persons required to register as manufacturers, importers or exporters of United States Munitions List articles.* (a) Persons required to register shall maintain, subject to the inspection of the Secretary of State or any person designated by him, records for a period of six years on the importation and exportation of articles enumerated in the United States Munitions List. The Secretary may prescribe a longer or shorter period in individual cases, as he deems necessary. Records of imports shall contain information on the consignor and the country of origin. Records of exports shall contain information as to the source of supply, consignee, purchaser, and the initial and ultimate destination of the shipments. Retention records for both import and export shipments shall, in addition, include statistics on quantities shipped and the estimated values thereof.

(b) Special agents of the Department of State and United States Customs agents are hereby designated as the representatives of the Secretary of State for the purpose of this section.

PART 123—LICENSING CONTROLS

LICENSE PROCEDURES

Sec.
123.1 Application for license.
123.2 Export licenses.
123.3 Import licenses.
123.4 Intransit licenses.

Sec.
123.5 Validity and terms of licenses.
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123.51 Shipments by or to the United States Government.
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MISCELLANEOUS PROVISIONS

123.61 National Firearms Act; Federal Firearms Act; Federal Explosives Act.
123.62 Foreign trade zones.
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123.64 Repairs or alterations of vessels.
123.65 Cathode ray tubes being shipped with radar.
123.66 Certain helium gas exports for medical purposes.

AUTHORITY: §§ 123.1 to 123.66 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR 1954 Supp.

LICENSE PROCEDURES

§ 123.1 *Application for license.* Persons who intend to export from or import into the United States, its territories or possessions any of the articles enumerated in the United States Munitions List shall make application for license to the Secretary of State on the forms prescribed by him. No exportation or importation of any shipment shall be made until the application has been approved and the license issued unless an exemption from these requirements is authorized by this part. Applications for license to export helium gas should show the quantity to be exported in terms of cubic feet; the approximate net value of the helium gas; the number and type of containers and the approximate gross weight. Applications for license to export technical data are required in accordance with the provisions of §§ 125.1 to 125.4 of this chapter.

§ 123.2 *Export licenses.* Licenses to export articles on the United States Munitions List including helium gas and related unclassified technical data must be applied for on form DSP–5. The Secretary of State will not issue export licenses if a proposed exportation is considered contrary to security and/or foreign policy interests of the United States. Prior to the issuance of an export license the Secretary of State may also require documentary evidence pertinent to the proposed transaction. Licenses are valid only if the article to be exported is physically within the territorial jurisdiction of the United States.

§ 123.3 *Import licenses.* Licenses to import articles on the United States Munitions List must be applied for on form DSP–38. The Secretary of State will not issue import licenses if a proposed importation is considered contrary to security and/or foreign policy interests of the United States. Prior to the issuance of an import license the Secretary of State may also require documentary evidence pertinent to the proposed transaction.

§ 123.4 *Intransit licenses.* (a) When articles are to be moved intransit through the United States, its territories or possessions, an intransit license must be obtained except as indicated in paragraphs (b) and (c) of this section, and an application for license must be submitted on form DSP–61. The Secretary of State will not issue intransit licenses if the proposed shipment is considered contrary to the security and/or foreign policy of the United States.

(b) Collectors of customs are authorized on presentation of satisfactory evidence, to permit arms, ammunition, and implements of war to enter or leave the United States without the presentation of an import, export or intransit license if such articles are consigned from any place in a foreign country whose territory is contiguous to that of the United States to any other place in the same country.

(c) Collectors of customs may permit intransit shipments of sporting arms and ammunition, and of pistols and revolvers not larger than caliber .38, to enter and leave the United States without a license if such shipments are valued at not more than $300.

§ 123.5 *Validity and terms of licenses.* Licenses are valid for six months from the date of issuance unless a different period of validity is stated thereon. No extensions may be granted on licenses which have expired or are about to expire. If shipment cannot be made during the period of validity of a license, a new license may be applied for to authorize its exportation or importation. Licenses are not transferable and are subject to revocation, suspension, or revision without notice. Licenses which have expired or have been revoked must be returned immediately to the Secretary of State.

§ 123.6 *Amendments and alterations.* No amendment or alteration of a license may be made except by the Secretary of State, or by collectors of customs or postmasters when specifically authorized to do so by the Secretary of State.

§ 123.7 *Ports of exit or entry.* Applications for license should show the proposed port or ports of exit or entry. If shipping arrangements subsequent to the issuance of the license necessitate a change of ports, no amendment of the license in such case is necessary but the Secretary of State should be notified of this change.

§ 123.8 *Licenses filed with collectors of customs.* (a) Export or import licenses shall be filed prior to exportation or importation with the collector of customs at the port through which the shipment authorized is being made. Shippers' export declarations (United States Department of Commerce Form 7525–V) must also be filed with and authenticated by the collector before the commodities are exported. (See also § 123.10.)

(b) Photostatic copies of licenses shall not be made unless this is specifically authorized on the face of the license or otherwise authorized by the Department of State.

§ 123.9 *Shippers' export declaration.* The shippers' export declaration (United States Department of Commerce Form 7525–V), covering arms, ammunition, and implements of war for which an export license is required, must contain the same information in regard to the description, destination and value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

§ 123.10 *Shipment by mail.* Export licenses for articles which are being transported by mail shall be filed with the postmaster at the post office where the article is mailed. Import licenses shall be filed with the collector of customs at the port of entry. (See also § 123.8.)

COUNTRY OF DESTINATION

§ 123.21 *Country of ultimate destination.* (a) The country designated on an application for license to export as the country of ultimate destination must be the country wherein the articles being exported are to be used or consumed, not a country receiving the shipment in transit. If it is the intention of the exporter that the articles being exported and consigned to one country are to be transshipped to another country or are to pass through the hands of an intermediate consignee in a foreign country, this fact must be clearly indicated on the license application, and the Secretary of State must be informed prior to shipment of all the relevant facts pertaining to such transshipment.

(b) United States Munitions List articles which have been exported from the United States may not be sold, diverted, transferred, transshipped, reshipped or re-exported to, or used in, any of the following countries without the specific prior approval of the Department of State or its authorized agent: Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of the 17th

parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control.

§ 123.22 *Shipments to or from certain countries.* The exemptions provided by §§ 123.32 and 123.34 to 123.38 do not apply to shipments destined for or originating in the Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of the 17th parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control.

§ 123.23 *Canadian shipments.* (a) Collectors of customs may release shipments of arms, ammunition, and implements of war to or from Canada without a license or UAC Release Certificate.

(b) The provisions of paragraph (a) of this section do not apply to intransit shipments through the United States to or from Canada or intransit shipments through Canada to or from the United States.

(c) The provisions of paragraph (a) of this section do not apply to shipments of helium gas. Applications for license to export helium gas to Canada shall be made in accordance with the provisions of § 123.1.

(d) The provisions of paragraph (a) of this section do not apply to shipments of arms, ammunition, and implements of war which were imported into Canada from a third country within one year.

§ 123.24 *Exportation of arms, ammunition and implements of war to Cuba.* (a) Article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana, March 11, 1926, reads in part as follows (Treaty Series 739; 44 Stat., Pt. 3,2403):

The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the law of both countries.

(b) The Secretary of State will permit the exportation to Cuba of the articles listed in the proclamation only when applications for license to export these articles bear the stamp of approval of the Cuban Embassy in Washington. In such cases, the original, duplicate, and triplicate of the application shall be forwarded to the Cuban Embassy by the applicant for stamping and transmission to the Department by the Cuban Embassy.

EXEMPTIONS

§ 123.31 *Authorization to collectors of customs to waive presentation of license document under prescribed conditions.* Customs officers are authorized in their discretion to permit arms, ammunition, and implements of war to enter and depart from the United States without requiring the presentation of a license under certain conditions as set forth in §§ 123.23 and 123.32–123.37, provided the prescribed conditions are met and there is satisfactory evidence that all other requirements are being or will be adhered to. In case of doubt as to compliance with any of the exemptions, collectors of customs should refer the matter to the Office of Munitions Control, Department of State, for determination as to whether such exemption applies.

§ 123.32 *United States aircraft on temporary sojourn abroad.* (a) Collectors of customs may permit aircraft flown or shipped from the United States for a temporary sojourn abroad of not to exceed six months' duration to depart from the United States without requiring the presentation of an export license issued by the Secretary of State, provided the collector of customs at the port of exit is satisfied that the conditions set forth in paragraph (b) of this section have been met. The provisions of this section are not applicable to military combat aircraft, such as fighters or bombers, whether or not they are equipped with armament.

(b) Owners or operators of aircraft departing from the United States for temporary sojourn abroad under the provisions of paragraph (a) of this section shall file an affidavit in the form indicated below and must satisfy the collector of customs that: (1) The aircraft will not be sold or disposed of; (2) the aircraft will be returned to the United States within six months; (3) it will be operated only by a United States licensed pilot, except on demonstration flights; (4) it will remain under United States registry while abroad.

(c) The requirement of an affidavit may be waived for personal type aircraft (one to five-seaters) and executive type aircraft (privately owned non-revenue), provided the owner-operator of such aircraft submits a statement with evidence satisfactory to the collector of customs that paragraph (b) (1) through (4) of this section will be complied with. Such aircraft may then be permitted to leave the United States for a temporary sojourn abroad not to exceed six (6) months' duration without the necessity of submitting an individual license or affidavit therefor.

(d) When an affidavit is required, it must be submitted in the following form:

AFFIDAVIT OF TEMPORARY SOJOURN

COUNTY OF }
STATE OF } ss.

The undersigned, being duly sworn, says that he is the (owner) (operator) of an aircraft identified as a ----------; bearing markings ----------; that it is departing from the United States on a temporary sojourn abroad not to exceed six (6) months; that he is the holder of CAA letter of registration for this aircraft dated ------; that the aircraft's ultimate destination outside the United States is ----------; that it will reenter the United States through the port of ---------- on or about ----------; that he will not dispose of the aircraft, its parts, components, or accessories in any foreign country nor permit its use in military activities; that it will be operated by a United States licensed pilot (except in demonstration flights) while abroad; that he will not change its United States registration while abroad; that if the aircraft or any of its parts is to be sold or disposed of in a foreign country, it will be immediately returned to the United States and an export license obtained; that he will not transport in such aircraft arms, ammunition, or implements of war enumerated in the United States Munitions List unless authorized by the Secretary of State; and that the purpose of the temporary sojourn abroad is as follows:

This statement is given to United States Customs authority at ---------- or the Secretary of State pursuant to regulations of the Secretary of State, Title 22, Code of Federal Regulations, § 123.32, in support of claim for exemption from the Department of State requirements relating to licenses to export aircraft enumerated in the United States Munitions List.

Signed ----------
(Owner-operator)

Address ----------

Subscribed and sworn to before me at ---------- this ---------- day of ----------, 19 ----.

(Signature and title of officer)

(e) When a copy of the affidavit of temporary sojourn (the form shown in paragraph (d) of this section) is accepted by the customs officer at the port of exit it shall be endorsed by him and returned to the owner or operator prior to the departure of the airplane. Upon the return of the aircraft to the United States, the endorsed copy of the affidavit must be surrendered to the collector of customs at the port of reentry. If the port of reentry is not the same as that from which the aircraft departed the customs officer shall forward the surrendered copy of the affidavit to the customs authority at the port from which the aircraft originally departed, noting thereon the date of reentry. The affidavits shall be retained by the collectors of customs for possible future examination.

§ 123.33 *United States scheduled transports.* Customs officers are authorized to permit civil aircraft operated by commercial airlines and used on regular schedules between the United States and foreign countries under certificates of public convenience and necessity to depart from and enter into the United States without a license.

§ 123.34 *Aircraft of foreign registry entering the United States.* (a) Collectors of customs are authorized to permit aircraft of foreign registry to enter and depart from the United States without requiring the presentation of an individual license, provided it is established to their satisfaction that the country of ultimate destination is the same as the country of origin and that the airplane will not be sold or disposed of in the United States and will not remain in the United States in excess of a period of six months.

(b) This section does not apply to aircraft returning to the United States for major overhaul or the installation of major components and re-export. The provisions of § 123.35 are applicable to such aircraft.

§ 123.35 *Articles returned to the United States for repair or overhaul and re-export.* (a) Collectors of customs are authorized on presentation of satisfactory evidence to permit arms, ammunition, and implements of war, which have been legally exported from the United States and which are returned to the United States worn or damaged for repair and re-export to the country of origin, to enter the United States without requiring the presentation of an import license (subject to the provisions § 123.22). An individual export license however, is required before such articles may be re-exported.

(b) In the case of aircraft, however, an export license is required for its re-export only when it has undergone a major overhaul or major components were installed thereon during its stay in the United States.

§ 123.36 *Antique arms and implements of war.* Collectors of customs are authorized on presentation of satisfactory evidence to permit antique arms and implements of war, components, parts, accessories and attachments therefor, designated in the United States Munitions List, which are more than one hundred years old to enter the United States or to depart therefrom without requiring the presentation of a license (subject to the provisions of § 123.22).

§ 123.37 *Arms carried on person or in baggage.* Collectors of customs are authorized to permit rifles, carbines, revolvers, or pistols, and ammunition therefor, to enter the United States or depart therefrom without requiring the presentation of a license (subject to the provisions of § 123.22) when these articles enter or leave the United States on the person of an individual or in his baggage, and are intended exclusively for the personal use of that individual for sporting or scientific purposes or for personal protection. No more than three arms and no more than five hundred cartridges shall in any case be carried from or into the United States by an individual under the provisions of this section.

§ 123.38 *Ammunition for personal use of consignee.* Licenses will not be required for the exportation or importation of ammunition for rifles, carbines, revolvers, or pistols, provided the quantity does not exceed five hundred rounds in any shipment and the ammunition is for the personal use of the consignee and not for resale (subject to the provisions of § 123.22). A license is required, however, for the exportation of such ammunition to Bahrein, Kuwait, Qatar, the Trucial States, and Muscat-and-Oman.

§ 123.39 *Arms for the individual use of members of the Armed Forces.* (a) Collectors of customs are authorized to permit members of the United States Armed Forces presenting written authorization from their commanding officers to ship or bring into the United States war trophies and souvenirs consisting of rifles, carbines, revolvers, pistols, and ammunition therefor without requiring the presentation of an individual license.

(b) Collectors of customs are authorized to permit rifles, carbines, revolvers, pistols, and parts of such weapons to leave the United States without a license, provided they are consigned to servicemen's clubs overseas or to individual members of the Armed Forces of the United States, accompanied by a written authorization from the commanding officer and the parcel is plainly marked as to content.

(c) Collectors of customs are authorized to permit parts, components, and accessories of rifles, carbines, pistols, and revolvers to enter or leave the United States without a license when the shipment does not exceed $25 in value, is consigned to individual members of the Armed Forces of the United States, is for the consignee's own use and not for resale, and the parcel is plainly marked as to content.

UNITED STATES GOVERNMENT SHIPMENTS

§ 123.51 *Shipment by or to the United States Government.* The exportation or importation of arms, ammunition, and implements of war by the United States Government is not subject to the provisions of section 414 of the Mutual Security Act. A license to import and export such articles is not required, therefore, when the United States Government or an agency thereof is the consignor or consignee unless a private individual or firm is involved in the shipping procedures.

§ 123.52 *Aircraft parts and components to Armed Services.* Collectors of Customs are authorized to permit the exportation of aircraft spare parts and components without a license on presentation of satisfactory evidence that the shipment is being made to the United States Armed Services abroad.

MISCELLANEOUS PROVISIONS

§ 123.61 *National Firearms Act; Federal Firearms Act; Federal Explosives Act.* (a) The provisions of this part shall be considered as binding in addition to and not in lieu of those established under the provisions of the National Firearms Act, approved by the President June 26, 1934, as amended, now known as ch. 53, Internal Revenue Code of 1954 (26 U. S. C. 5801–5862); under the provisions of the Federal Firearms Act, approved by the President June 30, 1938 (52 Stat. 1250; 15 U. S. C. sections 901–909), as amended March 10, 1947 (61 Stat. 11), August 6, 1939 (53 Stat. 1222), and February 7, 1950 (64 Stat. 3); and under the provisions of the Federal Explosives Act, approved by the President October 6, 1917 (40 Stat. 385; 50 U. S. C. ch. 8), as amended December 26, 1941 (55 Stat. 863; 50 U. S. C. ch. 8).

(b) The National Firearms Act imposes certain taxes upon manufacturers, importers, and dealers in certain firearms; taxes upon the making of certain firearms, and taxes on transfers of certain firearms. The term "firearm", as used in this act, includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length."

(c) The Federal Firearms Act applies to manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. The term "firearm", as used in this act, means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon"; and the term "ammunition" includes "all pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rim fire ammunition."

(d) The Federal Explosives Act is applicable to the manufacture, distribution, storage, use, and possession of explosives in time of war. The term "explosives", as used in this act, means "gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion".

(e) Rules and regulations for the enforcement of the National Firearms Act and the Federal Firearms Act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Rules and regulations for the enforcement of the Federal Explosives Act are prescribed by the Director of the Bureau of Mines, Department of the Interior.

§ 123.62 *Foreign trade zones.* For the purpose of this part, the foreign trade zones of the United States are considered as an integral part of the United States. Accordingly, persons who intend to ship articles into foreign trade zones of the United States (established pursuant to 19 U. S. C. 81c, supp. 5) shall submit an application for import license described in § 123.1 and obtain a license prior to the entry of such articles. Persons who intend to ship such articles from foreign trade zones to foreign destinations shall submit an application for export license, as described in § 123.1, and obtain a license prior to shipment. The provisions of § 123.4 with respect to intransit licenses are applicable to intransit shipments through a foreign trade zone.

§ 123.63 *Export of vessels of war.* (a) The transfer of a vessel of war, as defined in § 121.27 of this chapter, from United States registry to foreign registry or the registration of an undocumented vessel of war under a foreign flag shall be considered an exportation for which an approval or license from the Secretary of State shall be requested. An export license must be obtained if the vessel to be exported is physically located in the

United States. If the vessel is located abroad, the Department's written approval in the form of a letter must be obtained prior to its transfer of registry.

(b) The provisions of the regulations in this part shall be considered as binding in addition to and not in lieu of the provisions of the United States Shipping Act of 1916, as amended (46 U. S. C. 835). United States Maritime Administration approval is required prior to the sale and/or transfer to alien ownership, registry, and/or flag of vessels of war. United States registry of a documented vessel is cancelled under the regulations of the United States Maritime Administration where such vessel is sold to a purchaser for use under foreign registry.

§ 123.64 *Repairs or alterations of vessels.* Operators of foreign vessels entering the territorial waters of the United States for repairs or alterations shall obtain an export license for articles enumerated in the United States Munitions List and further defined and interpreted by the regulations in this part which are required in connection with such repairs or alterations.

§ 123.65 *Cathode ray tubes being shipped with radar.* Applications for license to ship radar equipment may include cathode ray tubes installed in or intended for use in such equipment, provided the tubes are being shipped with such equipment. (If shipped separately, information concerning licensing requirements for cathode ray tubes should be obtained from the Bureau of Foreign Commerce, Department of Commerce.)

§ 123.66 *Certain helium gas exports for medical purposes.* Collectors of customs are authorized to permit shipments of miniature cylinders containing helium gas in fractional cubic foot quantities mixed with other gases without requiring the presentation of an individual export or import license provided:

(a) The ultimate destination is not a country named in § 123.22;

(b) The company has arranged with the Department of State to furnish it with periodic reports of such shipments;

(c) The shipment to any consignee does not exceed ten cubic feet of "contained helium", as defined in § 121.7 of this chapter;

(d) The gas is being exported for medical use.

PART 124—LICENSING AGREEMENTS, TRANSMISSION OF INFORMATION

LICENSING AGREEMENTS

Sec.
124.1 Manufacturing license agreements.
124.2 Technical service and assistance agreements.
124.3 Required provisions in agreements.

TRANSMISSION OF INFORMATION

124.11 Transmission of technical information.

AUTHORITY: §§ 124.1 to 124.11 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR 1954 Supp.

LICENSING AGREEMENTS

§ 124.1 *Manufacturing license agreements.* Agreements entered into between U. S. and foreign manufacturers or agents for the manufacture abroad of articles designated as arms, ammunition, and implements of war by the United States Munitions List do not constitute authorization for the exportation without a license of technical data relating to such articles unless the Department of State has indicated in writing that it has no objection to the agreement. (See, however, § 125.26 of this chapter.) In order to be eligible for any special exemptions provided by the regulations with respect to such agreements, persons or firms desiring to enter into agreements of this kind are advised to communicate with the Secretary of State at the inception of preliminary negotiations. In any case, negotiations should not be concluded until the matter has been reviewed by the Department of State.

§ 124.2 *Technical service and assistance agreements.* Agreements entered into between persons or companies resident in the United States and persons or companies resident abroad for the servicing abroad of equipment manufactured in the United States or for the furnishing of technical assistance relating to articles designated as arms, ammunition, and implements of war or for the sale of such articles do not constitute authorization for the exportation without a license of technical data relating thereto unless the Department has indicated in writing that it has no objection. (See, however, § 125.26 of this chapter.) In order to take full advantage of any special provisions set forth in the regulations with respect to such agreements, persons or firms desiring to enter into agreements of this kind are advised to communicate with the Secretary of State at the inception of preliminary negotiations, and negotiations should not be concluded until the matter has been reviewed by the Department of State.

§ 124.3 *Required provisions in agreements.* (a) Proposed technical assistance or manufacturing license agreements which may involve the transfer or interchange of technical data (see § 121.9) should set out in detail the terms and conditions of such transfer or interchange and define in precise terms the following:

(1) The equipment and technology involved.

(2) The scope of the information to be furnished.

(3) The period of duration of the agreement.

(b) Licensing agreements will provide that (1) the licensee may not include as a cost factor in the sale of articles produced under the agreement a charge for technical data furnished or developed at the expense of the United State Government, and (2) new designs, processes or manufacturing techniques derived from such data will be made available on an unrestricted basis to the United States Government at reasonable cost by the licensee.

TRANSMISSION OF INFORMATION

§ 124.11 *Transmission of technical information.* The export controls established under the provisions of section 414 of the Mutual Security Act of 1954 relating to technical data cover the exportation of technical information on articles designated as arms, ammunition, and implements of war in the United States Munitions List, regardless of whether the actual transmission of such information is accomplished by mail, by hand, through American technical personnel sent abroad or through release to foreign nationals in the United States.

PART 125—TECHNICAL DATA

EXPORTATION OF TECHNICAL DATA

Sec.
125.1 General.
125.2 Special exceptions.
125.3 Written approval.
125.4 Classified information.
125.5 Shipment by or to the United States Government.

SPECIAL PROVISIONS

125.11 Importation of technical data.
125.12 Canadian shipments.
125.13 Exportation of technical data with patent applications.

EXEMPTIONS

125.21 Unclassified technical data relating to sales bulletins, operational manuals, etc.
125.22 Unclassified technical data relating to civil aircraft equipment.
125.23 Unclassified technical data on small arms and ammunition.
125.24 Technical data imported from abroad.
125.25 Contracts with other Government agencies.
125.26 Special licensing agreements.
125.27 Written approval.

STATEMENTS AND CERTIFICATIONS

125.41 Certification requirement.
125.42 Destination.
125.43 Sales bulletins, etc.
125.44 Aircraft and small arms.
125.45 Imports.
125.46 Government contracts.
125.47 Licensing agreements.
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MAILING AND SHIPPING PROCEDURES

125.51 Presentation of license.
125.52 Certification.

AUTHORITY: §§ 125.1 to 125.52 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR 1954 Supp.

EXPORTATION OF TECHNICAL DATA

§ 125.1 *General.* Written approval by the Department of State is required in all cases for the exportation of unclassified technical data to any of the destinations referred to in § 125.42 (see also §§ 121.8 and 121.10 of this chapter).

§ 125.2 *Special exceptions.* Written approval by the Department of State is also required for the exportation of such data to all other destinations except when otherwise exempted by §§ 125.5 to 125.52 or when it is in published form and:

(1) Sold at newsstands or bookstores;

(2) Available by subscription or purchase to any individual without restriction;

(3) Granted second class mailing privilege by the United States Government; or

(4) Consists of unclassified informational media on aviation equipment freely available at symposia attended by the general public, provided such releases have ben approved by the United States Government.

§ 125.3 *Written approval.* The written approval may take the form of a Department of State license or letter. An application form (Form DSP–5) should be used if Customs clearance is required. The request for a written approval whether by letter or application must be submitted in triplicate.

§ 125.4 *Classified information.* Classified military information, including classified technical data, may only be transferred or exported on a government-to-government basis or under other procedures established by the cognizant military agency. Should classified data be involved in any proposed commercial transaction, the matter must be taken up with the Department of State by letter. Such a letter should contain full details of the proposed transaction and be accompanied by additional documents to assist in the consideration of the proposal. The letter and documents submitted for this purpose should be in triplicate.

§ 125.5 *Shipment by or to the United States Government.* The exportation of technical data relating to arms, ammunition, and implements of war by a defense agency of the United States Government is not subject to the provisions of section 414 of the Mutual Security Act of 1954. A written approval or an export license is not required when the United States Government or an agency thereof is the consignee unless a private individual or firm is involved in the shipping or mailing procedures.

SPECIAL PROVISIONS

§ 125.11 *Importation of technical data.* No written approval is required for technical data imports.

§ 125.12 *Canadian shipments.* Collectors of customs or postal authorities may permit unclassified technical data to be exported to Canada without the presentation of written approval or release certificate.

§ 125.13 *Exportation of technical data with patent applications.* The exportation of technical data relating to arms, ammunition and implements of war with any patent application for foreign patents is subject to the jurisdiction of the Secretary of State. A Department of State written approval or export license is required for the exportation of unclassified technical data included as part of or with an application for a foreign patent. The written approval of the Secretary of State is in addition to the specific licensing requirement of the Patent Office during the first six months after the filing of the application with that office. If the subject matter is covered by a secrecy order, the provisions of § 125.4 are applicable.

EXEMPTIONS

§ 125.21 *Unclassified technical data relating to sales bulletins, operational manuals, etc.* (a) Collectors of customs or postal authorities may permit the exportation without written approval to any destination other than those listed in § 125.42 of unclassified technical data in the form of sales bulletins, operational, maintenance and sales promotion manuals which relate to equipment previously approved for commercial export.

(b) Collectors of Customs or postal authorities may permit the exportation without a new written approval or license to any destination other than those listed in § 125.42 of unclassified technical data in the form of sales bulletins, operational maintenance and sales promotion manuals previously approved for export to those destinations.

§ 125.22 *Unclassified technical data relating to civil aircraft equipment.* Collectors of Customs or postal authorities may permit the exportation without a license (subject to the provisions of § 125.41) of unclassified technical data relating to civil aircraft in the form of sales brochures, sales promotion manuals, and publications except when advanced plans, performance data, designs, processes and manufacturing techniques are included.

§ 125.23 *Unclassified technical data on small arms and ammunition.* Collectors of customs or postal authorities may permit the exportation without written approval (subject to the provisions of §§ 125.41 to 125.47) of unclassified technical data relating to small arms and machine guns not in excess of caliber .50 and ammunition for such weapons except unclassified technical data containing advanced design, processes and manufacturing techniques.

§ 125.24 *Technical data imported from abroad.* Collectors of customs or postal authorities are authorized to permit exportation without written approval of unclassified technical data which has been imported from abroad and is being returned to the country of origin.

§ 125.25 *Contracts with other Government agencies.* Collectors of customs or postal authorities may permit the exportation of unclassified technical data without written approval when such shipment is directly in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer or other foreign entity, provided the contract specifically calls for transmission of relevant technical data.

§ 125.26 *Special licensing agreements.* (a) Collectors of customs or postal authorities may permit exportation without specific Department of State written approval or license of unclassified technical data being exported directly in furtherance of a licensing agreement, covering specific items, which has been submitted to the Department of State for review and to which the Department of State has, in writing, expressed no objection, unless a new design, process or manufacturing technique is involved.

(b) Collectors of customs and postal authorities may permit the exportation without specific Department of State written approval or license of unclassified technical data being exported directly in furtherance of a licensing agreement covering specific items effective prior to February 1, 1954, whether or not previously submitted to the Department of State, unless a new design, process or manufacturing technique is involved.

§ 125.27 *Written approval.* Collectors of Customs or postal authorities may release for export unclassified technical data relating to arms, ammunition and implements of war when covered by a letter of approval from the Department of State.

STATEMENTS AND CERTIFICATIONS

§ 125.41 *Certification requirement.* If the exporter wishes to claim the benefit of an exemption from the requirement for a specific written approval in accordance with the provisions of §§ 125.21 to 125.27, he is required to certify that he has complied with the conditions set forth in §§ 125.42 to 125.48. He may so certify by marking the package or letter "22 CFR 125.41 complied with."

§ 125.42 *Destination.* Under any of the exemptions provided in this part the exporter must certify that the technical data is not intended for the Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of the 17th parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control. Certification as to these facts may be made in accordance with the provisions of § 125.41.

§ 125.43 *Sales bulletins, etc.* Under the exemption provided by § 125.21 the exporter must certify that the exportation consists of unclassified sales bulletins, operational, maintenance and sales promotion manuals which relate to equipment previously approved for commercial export or have been previously approved for export to these destinations. Upon certifying as to these facts and complying with the provisions of § 125.41, the exporter may be exempted from the requirement that he present a written approval from the Department of State.

§ 125.44 *Aircraft and small arms.* Under the exemptions provided by §§ 125.22 and 125.23 the exporter must certify that the sales literature being exported contains no advanced plans, performance data, designs, processes, manufacturing techniques or specifications. Certification as to these facts may be made in accordance with the provisions of § 125.41.

§ 125.45 *Imports.* Under the exemption provided by § 125.24 the exporter must certify that the technical data being exported was imported from abroad and is being returned to the country of origin. Certifications as to these facts may be made in accordance with the provisions of § 125.41.

§ 125.46 *Government contracts.* Under the exemption provided by § 125.25 the exporter must certify that the technical data is being shipped directly in

furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer. Certification as to these facts may be made in accordance with the provisions of § 125.41.

§ 125.47 *Licensing agreements.* Under the exemption provided by § 125.26 the exporter must certify that the technical data is being shipped directly in furtherance of a licensing agreement to which the Department of State has, in writing, expressed no objection and which does not pertain to a more recent design, process or manufacturing technique. Certification as to these facts may be made in accordance with the provisions of § 125.41.

§ 125.48 *Written approval.* Under the exemption provided by § 125.27 the exporter must certify that he has a letter of approval from the Department of State by marking the letter or package as set forth in § 125.41.

MAILING AND SHIPPING PROCEDURES

§ 125.51 *Presentation of license.* If written approval is required in connection with the exportation of technical data, such written approval must be presented to the customs or post office at the time of mailing or shipping.

§ 125.52 *Certification.* If the exemptive provisions apply, the exporter may comply with the special requirements as to certification by plainly marking the package or envelope "22 CFR 125.41 to 125.47 complied with". This would mean that he certified that one of the exemptions referred to in § 125.41 applies and that he has complied with the conditions set forth therein.

PART 126—VIOLATIONS AND PENALTIES

Sec.
126.1 Violations in general.
126.2 Penalties for violation.
126.3 Authority of collectors of customs.
126.4 Seizure and forfeiture.

AUTHORITY: §§ 126.1 to 126.4 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7252, 3 CFR 1954 Supp. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 126.1 *Violations in general.* It shall be unlawful for any person to export or attempt to export from the United States any of those articles described in the United States Munitions List or regulations as arms, ammunition, and implements of war or to import or attempt to import such articles into the United States without first having obtained a license therefor unless an exemption from this requirement is authorized by this part.

§ 126.2 *Penalties for violation.* Any person who willfully violates any provision of section 414 of the Mutual Security Act of 1954 or any rule or regulation issued under that section, or who willfully, in a registration or license application, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than $25,000 or imprisoned not more than two years, or both.

§ 126.3 *Authority of collectors of customs.* (a) Collectors of customs are authorized to take appropriate action to insure observance of this part as to the importation, or attempt to import, or exportation, or attempt to export, arms, ammunition, and implements of war, whether or not authorized by the licenses issued under this part, including but not limited to inspection and loading or unloading from carriers.

(b) When a license is presented to a collector of customs authorizing the exportation or importation of arms, ammunition, and implements of war, together with such other documents as may be required by customs regulations, the collector may require the production of other documents and information relating to the proposed exportation or importation, including invoices, orders, packing lists, shipping documents, correspondence, instructions, and other relevant information and documents.

(Sec. 1, 40 Stat. 223, as amended, R. S. 3062, as amended, secs. 510–512, 595, 46 Stat. 733, 734, 752, sec. 1, 62 Stat. 716; 22 U. S. C. 401, 19 U. S. C. 483, 1510–1512, 1595, 18 U. S. C. 545)

§ 126.4 *Seizure and forfeiture.* Whenever an attempt is made to import, or bring into the United States, or to export, or ship from, or take out of the United States, any arms, ammunition, and implements of war, in violation of law, the several collectors of customs may seize and detain any such arms, ammunition, and implements of war, and the vessel or vehicle containing the same, and retain possession thereof until released or disposed of as directed by law.

(Sec. 1, 40 Stat. 223, as amended, R. S. 3062, as amended, sec. 1, 62 Stat. 716; 22 U. S. C. 401, 19 U. S. C. 483, 18 U. S. C. 545)

PART 127—FOREIGN MILITARY AIRCRAFT FLIGHTS

Sec.
127.1 Foreign military flight clearances.
127.2 Use of military installations.
127.3 Required information.
127.4 Reciprocal arrangements.

AUTHORITY: §§ 127.1 to 127.4 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR 1954 Supp.

§ 127.1 *Foreign military flight clearances.* Foreign governments desiring to overfly or land on United States territory are required to obtain written authorization to do so in advance from the Department of State. As a minimum requirement the request for such an authorization should state the purpose of the flight, identify the aircraft, name the crew and give the scheduled itinerary.

§ 127.2 *Use of military installations.* Requests by foreign governments for authorization to land their military aircraft at United States military installations should have the approval of the defense agency owning or leasing the military installations in addition to the required authorization of the Secretary of State. Requests for authorization to visit a military installation should be made to the defense agency concerned as far in advance as possible and no later than 72 hours in advance of the arrival date. It should contain information outlined in § 127.3. The request to the Department of State should be made at about the same time furnishing it with the same information.

§ 127.3 *Required information.* Foreign governments requesting permission for military aircraft to land at military installations in the United States should support the request with the following information:

(a) The purpose of the flight,
(b) The type and identity of the aircraft,
(c) Names of crew,
(d) Names and nationality of passengers;
(e) Dates of arrival and departure at each point,
(f) Special services and facilities desired.

§ 127.4 *Reciprocal arrangements.* Reciprocal arrangements have been entered into with certain countries concerning military flights. Such arrangements have the effect of modifying or eliminating the necessity of obtaining prior clearances under the conditions set forth in the agreements.

PART 128—ADMINISTRATIVE PROCEDURES

Sec.
128.1 Functions in section 414 of Mutual Security Act of 1954 excluded.
128.2 Functions in section 6A of Air Commerce Act of 1926 excluded.

AUTHORITY: §§ 128.1 and 128.2 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR 1954 Supp.

§ 128.1 *Functions in section 414 of Mutual Security Act of 1954 excluded.* The functions conferred by section 414 of the Mutual Security Act of 1954 are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by section 1003 thereof.

§ 128.2 *Functions in section 6A of Air Commerce Act of 1926 excluded.* The functions conferred by section 6A of the Air Commerce Act of 1926 as amended are excluded from the operations of the Administrative Procedures Act as contemplated by section 1003 thereof.

SUBCHAPTER N—MISCELLANEOUS

PART 131—CERTIFICATES OF AUTHENTICATION

Sec.
131.1 Certification of documents.
131.2 Refusal of certification for unlawful purpose.

AUTHORITY: §§ 131.1 and 131.2 issued under R. S. 203, 62 Stat. 946, sec. 4, 63 Stat. 111, as amended, secs. 104, 332, 66 Stat. 174, 252; 5 U. S. C. 151c, 158, 28 U. S. C. 1733, 5 U. S. C. 151c, 8 U. S. C. 1104, 1443.

§ 131.1 *Certification of documents.* The Authentication Officer or the Acting Authentication Officer may, and is hereby authorized to, sign and issue certificates of authentication under the seal of the Department of State for and in the name of the Secretary of State or the Acting Secretary of State. The form of authentication shall be as follows:

In testimony whereof, I, _____, Secretary of State have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at _____, in _____, this _____ day of _____, 19____.

_____
(Secretary of State)

By _____
(Authentication Officer, Department of State)

§ 131.2 *Refusal of certification for unlawful purpose.* The Department will not certify to a document when it has good reason to believe that the certification is desired for an unlawful or improper purpose. It is therefore the duty of the Authentication Officer to examine not only the document which the Department is asked to authenticate, but also the fundamental document to which previous seals or other certifications may have been affixed by other authorities. The Authentication Officer shall request such additional information as may be necessary to establish that the requested authentication will serve the interests of justice and is not contrary to public policy.

PART 132—BOOKS, MAPS, NEWSPAPERS, ETC.

§ 132.1 *Purchase.* The purchase by the Department of State of books, maps, newspapers, periodicals, and other publications shall be made without regard to the provisions of the act approved March 3, 1933 (sec. 2, 47 Stat. 1520; 41 U. S. C. 10a), since determination has been made by the Secretary, as permitted by the provisions of the act, that such purchase is inconsistent with the public interest.

(R. S. 161; 5 U. S. C. 22)

PART 133—STUDY AND RESEARCH IN THE DEPARTMENT OF STATE

Sec.
133.1 Definition.
133.2 Availability of classified and administratively controlled materials.
133.3 Requests for use of records by officials of the United States Government other than officers of the Department of State.
133.4 Use of records by persons who are not officials of the United States Government.

AUTHORITY: §§ 133.1 to 133.4 issued under sec. 4, 63 Stat. 111, as amended; 5 U. S. C. 151c. Interpret or apply No. 8, 27 Stat. 395, as amended; 20 U. S. C. 91.

§ 133.1 *Definition.* The term records is construed in accordance with the act of July 7, 1943 (57 Stat. 380; 44 U. S. C. 366). These records include classified, administratively controlled and unclassified materials.

§ 133.2 *Availability of classified and administratively controlled materials.* Materials classified or bearing an administrative control designation will not be made available outside the Department, except under the conditions outlined in the Security Regulations of the Department.

§ 133.3 *Request for use of records by officials of the United States Government other than officers of the Department of State.* Request from other Federal agencies for access to and use of Departmental records for official purposes shall generally be received and coordinated by the appropriate liaison or functional office concerned. For example, all requests from congressional committees or individual Members of Congress for documents, regardless of subject matter, should be referred to the Office of the Assistant Secretary for Congressional Relations; requests for information on personnel records should be referred to the Office of Personnel; and security questions to the Office of Security.

§ 133.4 *Use of records by persons who are not officials of the United States Government*—(a) *Chronological periods with respect to research use of records*—(1) *Records of the open period.* The records of the Department prior to January 1, 1930, with certain exceptions such as records relating to the citizenship of individuals, unsettled claims, and Foreign Service inspection and personnel records, are open for inspection by the general public at the National Archives, subject to its regulations.

(2) *Records of the limited-access period.* Use of records of the Department between the open period and January 1, 1942, shall be confined to qualified researchers and other persons demonstrating a legitimate need for information contained in such records.

(3) *Records of the closed period.* Records of the Department dated January 1, 1942 or later will be regarded as closed and the larger portion will not be made available to non-official researchers. Some exceptions, however, may be made for:

(i) Qualified researchers undertaking broad studies regarded by the Department as desirable in the national interest; and studies of more limited scope involving non-sensitive and generally unclassified materials.

(ii) Inquirers seeking specific information of a non-sensitive nature.

(b) *Restrictions on use of records of limited-access and closed periods.* (1) Classified and administratively controlled telegrams less than 10 years old may be reviewed only in paraphrased versions by persons who are not employees of the Executive Branch of the Federal Government.

(2) Certain types of documents will be withheld if their publication would be contrary to the public interest, such as: (i) Materials which might tend to embarrass the United States Government in its conduct of foreign relations; (ii) Materials embodying opinions or comments which might give needless offense to other nationalities or to individuals at home or abroad; and (iii) Materials which would violate the confidence reposed in the Department or in the Foreign Service.

(3) Records relating to the citizenship of individuals and to unsettled claims, Foreign Service inspection reports, personnel records, and a few other categories are not generally available for nonofficial research.

(4) Classified documents originating with Federal agencies other than the Department of State or those of interagency committees or working groups may not be used by a private researcher unless the Historical Division has obtained the approval of the originating agency or agencies concerned.

(5) Papers, with the possible exception of captured enemy or ex-enemy documentation, originated by a foreign government and not yet released for publication by that government, ordinarily will not be made available to inquirers without the consent of the government concerned.

(c) *Application for use of records of the limited-access and closed periods*—(1) *Form of application.* The application shall be made on Department of State form DS–1192 and submitted to the Chief of the Historical Division. This application shall contain a description of the nature and scope of the proposed study and the types of records required (requests shall be confined, in so far as possible, to particular documents or materials on specific topics); information concerning the applicant's citizenship, academic background, and research experience; and a list of professional references. The application of an alien researcher shall be accompanied by a recommendation from the chief of mission in Washington representing the country to which the applicant owes allegiance.

(2) *Departmental action on application.* The Chief of the Historical Division shall confer with the appropriate officers of the Department, when necessary, and determine the action to be taken, the nature and extent of access to be granted, and any special restrictions to be placed on the use of the information. The Historical Division shall then notify the applicant whether the desired records can be made available within policy and security restrictions, and make any necessary arrangements for the applicant to consult official files subject to such conditions as may be decided upon.

(d) *Liberal interpretation of regulation.* It is the policy of the Department of State to make its records available to private individuals and to Government officials engaged in private research as liberally as possible, consistent with the security of the nation, the maintenance of friendly relations with other nations and the efficient operation of the Department.

[F. R. Doc. 57-10752; Filed, Dec. 26, 1957; 8:57 a. m.]

Part II begins on page 10981

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PART I

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.5]

PART 361—ROUTINE

NOTICE AND ACKNOWLEDGEMENT OF FINAL PAYMENT

Paragraph (d) of § 361.23 is revoked and paragraphs (a), (b), and (c) of § 361.23, Title 6, Code of Federal Regulations (21 F. R. 5556), are revised to simplify notification to the holder by the Finance Office when payment in full of the insured loan account is from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of farm except when the holder finances the purchaser. The revised portion reads as follows:

§ 361.23 *Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of a farm except when holder finances purchaser.* * * *

(a) *Determining balance of indebtedness and collection.* When the borrower is ready to make his final payment, the County Supervisor will, upon receipt of Form FHA–835 from the Finance Office, compute the amount necessary to repay in full the note and loan insurance accounts.

(1) The County Supervisor will collect from the borrower the full amount, if any, owed the loan insurance account and the balance of the principal and interest due on the note account. He will remit the collection to the Finance Office with Form FHA–37. The County Supervisor also will inform the Finance Office of the requirements in the loan closing instruction with respect to a satisfaction or release of mortgage.

(2) Since the Farmers Home Administration is the collection agent for the holder, the County Supervisor will advise the borrower, purchaser, or new lender, as the case may be, that the remittance for final payment should be made payable to, or endorsed to, the order of the Farmers Home Administration.

(b) *Finance Office action*—(1) *Adjustment of records.* Upon receipt of the collection in the Finance Office, if the collection pays in full the outstanding balance of the loan insurance account to the date of the receipt issued to the borrower, and the outstanding balance of the note account to the date of the U. S. Treasury check to be issued to the holder, the Director, Finance Office, will satisfy the Finance Office records as a fully paid account.

(2) *Notice to holder.* The Finance Office will prepare Form FHA–993A, "Notice and Acknowledgment of Final Payment," and forward to the holder the original and one copy for execution and return of the original, together with the canceled promissory note and any other instruments indicated on Form FHA–993A, to the appropriate County Supervisor.

(c) *County Office action.* Upon receipt from the holder of the canceled promissory note and the original of the completed Form FHA–993A, and in the case of an insured loan for which the lender holds the mortgage, also receipt of the real estate mortgage and an instrument of satisfaction or release, the County Supervisor will proceed as follows:

(1) In the case of an insured loan for which the lender held the mortgage, or an insured loan for which the mortgage has been assigned to the Government in trust, the instrument of satisfaction or release (furnished by the lender or by the County Supervisor in accordance with § 361.22 (d)) and Form FHA–366 will be delivered to the borrower, mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Except in the case of sale (transfer) of farm within the program, any abstracts of title held by the Farmers Home Administration which are the property of the borrower also will be delivered to the borrower. The County Supervisor

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will make proper disposition of any property insurance as prescribed in Part 306 of this chapter.

(2) In the case of an insured loan for which the Government is named mortgagee in the mortgage, an instrument of satisfaction or release will be delivered to the borrower, mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. The County Supervisor will make proper disposition of any property insurance as prescribed in Part 306 of this chapter.

(R. S. 161, secs. 41, 6, 50 Stat. 528, as amended; 870, sec. 510, 63 Stat. 437, sec. 10, 68 Stat. 735; 5 U. S. C. 22, 7 U. S. C. 1015, 16 U. S. C. 590w, 42 U. S. C. 1480, 16 U. S. C. 590x–3)

Dated: December 23, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-10761; Filed, Dec. 27, 1957; 8:46 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

[Amdt. I]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT II—SPRING-PLANTED COMMODITIES

Supplement II (22 F. R. 9644) to the general regulations governing the 1958 acreage reserve part of the Soil Bank Program is hereby amended by adding at the end of § 485.380 the following:

COUNTY RATES OF COMPENSATION PER ACRE FOR 1958 ACREAGE RESERVE PROGRAM—CORN

1958 ACREAGE RESERVE PROGRAM—COUNTY RATE OF COMPENSATION PER ACRE

ALABAMA

County	Dollars per acre	County	Dollars per acre
Baldwin	42	Geneva	20
Cherokee	29	Houston	19
Coffee	19	Jackson	31
Conecuh	20	Limestone	24
Covington	19	Madison	32
Dale	19	Marshall	32
De Kalb	33	Monroe	21
Escambia	28	Morgan	26
Etowah	31		

ARKANSAS

Clay	24	Greene	23
Craighead	25	Mississippi	27

DELAWARE

Kent	48	Sussex	46
New Castle	52		

FLORIDA

Calhoun	22	Jackson	19
Gadsden	33	Santa Rosa	26
Holmes	20		

GEORGIA

County	Dollars per acre	County	Dollars per acre
Appling	24	Jenkins	17
Baker	18	Lowndes	19
Berrien	23	Macon	21
Brooks	19	Miller	19
Bullock	21	Mitchell	21
Candler	18	Peach	34
Colquitt	21	Screvens	19
Cook	23	Seminole	19
Decatur	19	Tattnall	24
Early	20	Thomas	25
Emanuel	16	Tift	23
Evans	22	Toombs	21
Grady	25	Wayne	26
Houston	25	Worth	19

ILLINOIS

Adams	55	Lee	65
Alexander	32	Livingston	55
Bond	44	Logan	62
Boone	67	McDonough	60
Brown	52	McHenry	60
Bureau	65	McLean	59
Calhoun	52	Macon	59
Carroll	69	Macoupin	54
Cass	58	Madison	48
Champaign	59	Marion	34
Christian	59	Marshall	59
Clark	44	Mason	52
Clay	36	Massac	36
Clinton	41	Menard	36
Coles	54	Mercer	59
Cook	50	Monroe	44
Crawford	44	Montgomery	54
Cumberland	47	Morgan	59
De Kalb	67	Moultrie	55
De Witt	59	Ogle	67
Douglas	59	Peoria	59
Du Page	68	Perry	33
Edgar	56	Platt	61
Edwards	42	Pike	54
Effingham	42	Pope	35
Fayette	41	Pulaski	31
Ford	54	Putnam	61
Franklin	32	Randolph	40
Fulton	57	Richland	37
Gallatin	43	Rock Island	60
Greene	55	St. Clair	47
Grundy	55	Saline	38
Hamilton	33	Sangamon	57
Hancock	57	Schuyler	55
Hardin	37	Scott	52
Henderson	57	Shelby	52
Henry	61	Stark	60
Iroquois	53	Stephenson	67
Jackson	36	Tazewell	61
Jasper	42	Union	33
Jefferson	33	Vermilion	57
Jersey	52	Wabash	47
Jo Daviess	62	Warren	61
Johnson	31	Washington	36
Kane	65	Wayne	35
Kankakee	53	White	39
Kendall	59	Whiteside	61
Knox	61	Will	53
Lake	53	Williamson	31
La Salle	60	Winnebago	63
Lawrence	40	Woodford	62

INDIANA

Adams	57	Delaware	55
Allen	57	Dubois	45
Bartholomew	51	Elkhart	56
Benton	52	Fayette	57
Blackford	53	Floyd	41
Boone	57	Fountain	53
Brown	42	Franklin	53
Carroll	58	Fulton	54
Cass	59	Gibson	45
Clark	42	Grant	61
Clay	52	Greene	42
Clinton	57	Hamilton	57
Crawford	35	Hancock	55
Daviess	50	Harrison	42
Dearborn	44	Hendricks	56
Decatur	56	Henry	58
DeKalb	53	Howard	63

INDIANA—continued

County	Dollars per acre	County	Dollars per acre
Huntington	57	Porter	51
Jackson	45	Posey	45
Jasper	50	Pulaski	48
Jay	52	Putnam	54
Jefferson	40	Randolph	55
Jennings	41	Ripley	46
Johnson	56	Rush	59
Knox	46	St. Joseph	56
Kosciusko	57	Scott	40
Lagrange	55	Shelby	54
Lake	51	Spencer	42
La Porte	51	Starke	47
Lawrence	43	Steuben	56
Madison	58	Sullivan	44
Marion	52	Switzerland	44
Marshall	56	Tippecanoe	55
Martin	41	Tipton	64
Miami	59	Union	62
Monroe	42	Vanderburgh	46
Montgomery	54	Vermillion	50
Morgan	53	Vigo	44
Newton	50	Wabash	58
Noble	58	Warren	52
Ohio	45	Warrick	40
Orange	42	Washington	42
Owen	44	Wayne	57
Parke	54	Wells	58
Perry	39	White	51
Pike	41	Whitley	57

IOWA

Adair	45	Jefferson	45
Adams	49	Johnson	57
Allamakee	54	Jones	60
Appanoose	39	Keokuk	48
Audubon	48	Kossuth	49
Benton	57	Lee	47
Black Hawk	54	Linn	54
Boone	51	Louisa	53
Bremer	53	Lucas	40
Buchanan	52	Lyon	45
Buena Vista	51	Madison	45
Butler	47	Mahaska	48
Calhoun	48	Marion	45
Carroll	48	Marshall	56
Cass	48	Mills	49
Cedar	64	Mitchell	49
Cerro Gordo	48	Monona	42
Cherokee	53	Monroe	39
Chickasaw	46	Montgomery	51
Clarke	41	Muscatine	56
Clay	48	O'Brien	53
Clayton	55	Osceola	46
Clinton	60	Page	49
Crawford	46	Palo Alto	45
Dallas	48	Plymouth	43
Davis	40	Pocahontas	48
Decatur	39	Polk	51
Delaware	55	Pottawattamie	47
Des Moines	58	Poweshiek	52
Dickinson	46	Ringgold	42
Dubuque	59	Sac	52
Emmet	51	Scott	61
Fayette	53	Shelby	51
Floyd	49	Sioux	48
Franklin	52	Story	52
Fremont	45	Tama	57
Greene	48	Taylor	42
Grundy	59	Union	43
Guthrie	44	Van Buren	43
Hamilton	51	Wapello	45
Hancock	51	Warren	43
Hardin	54	Washington	53
Harrison	46	Wayne	39
Henry	52	Webster	49
Howard	41	Winnebago	51
Humboldt	51	Winneshiek	53
Ida	49	Woodbury	42
Iowa	54	Worth	49
Jackson	56	Wright	51
Jasper	52		

KANSAS

Anderson	27	Doniphan	38
Atchison	32	Douglas	31
Brown	37	Franklin	27
Clay	26	Jackson	26
Cloud	26	Jefferson	27

KANSAS—continued

County	Dollars per acre	County	Dollars per acre
Jewell	20	Pottawatomie	26
Johnson	32	Republic	24
Leavenworth	32	Riley	26
Marshall	29	Shawnee	27
Miami	27	Smith	20
Nemaha	33	Washington	27
Phillips	18		

KENTUCKY

Allen	35	Jefferson	50
Ballard	34	Larue	45
Barren	38	Livingston	35
Boone	47	Logan	41
Boyle	52	Lyon	37
Breckenridge	35	McCracken	31
Bullitt	42	McLean	35
Butler	35	Marion	50
Caldwell	35	Mason	55
Calloway	32	Meade	41
Carlisle	35	Monroe	36
Carroll	45	Muhlenberg	33
Christian	37	Nelson	50
Crittenden	34	Ohio	33
Daviess	40	Oldham	51
Edmonson	32	Shelby	47
Fulton	36	Simpson	42
Graves	32	Spencer	45
Grayson	33	Taylor	44
Green	38	Todd	40
Hancock	37	Trigg	37
Hardin	42	Trimble	43
Hart	41	Union	43
Henderson	40	Warren	41
Hickman	37	Washington	50
Hopkins	35	Webster	35

MARYLAND

Baltimore	52	Kent	50
Caroline	45	Montgomery	49
Carroll	57	Queen Annes	49
Cecil	52	Somerset	42
Dorchester	44	Talbot	45
Frederick	49	Washington	46
Harford	56	Wicomico	40
Howard	49	Worcester	44

MICHIGAN

Allegan	40	Lenawee	57
Barry	42	Livingston	44
Bay	46	Macomb	45
Berrien	38	Mecosta	38
Branch	47	Midland	45
Calhoun	43	Monroe	57
Cass	40	Montcalm	42
Clinton	49	Oakland	44
Eaton	48	Ottawa	42
Genesee	47	Saginaw	50
Gratiot	49	St. Clair	44
Hillsdale	49	St. Joseph	38
Ingham	50	Sanilac	43
Ionia	47	Shiawassee	49
Isabella	45	Tuscola	48
Jackson	49	Van Buren	37
Kalamazoo	40	Washtenaw	51
Kent	42	Wayne	49
Lapeer	46		

MINNESOTA

Anoka	39	Kandiyohi	42
Benton	38	Lac qui Parle	41
Big Stone	33	Le Sueur	53
Blue Earth	51	Lincoln	34
Brown	47	Lyon	40
Carver	56	McLeod	54
Chippewa	39	Martin	48
Chisago	42	Meeker	45
Cottonwood	43	Mille Lacs	42
Dakota	48	Morrison	38
Dodge	46	Mower	45
Douglas	38	Murray	40
Faribault	50	Nicollet	52
Fillmore	48	Nobles	43
Freeborn	48	Olmsted	50
Goodhue	52	Otter Tail	34
Grant	34	Pipestone	35
Hennepin	46	Pope	38
Houston	53	Redwood	41
Isanti	42	Renville	44
Jackson	47	Rice	52

MINNESOTA—continued

County	Dollars per acre	County	Dollars per acre
Rock	40	Traverse	29
Scott	53	Wabasha	52
Sherburne	34	Waseca	53
Sibley	48	Washington	47
Stearns	41	Watonwan	47
Steele	51	Wilkin	27
Stevens	35	Winona	51
Swift	35	Wright	47
Todd	38	Yellow Medicine	40

MISSOURI

Adair	41	Lincoln	42
Andrew	44	Linn	39
Atchison	44	Livingston	42
Audrain	35	Macon	43
Bates	35	Marion	46
Benton	27	Mercer	40
Bollinger	31	Mississippi	39
Boone	38	Moniteau	35
Buchanan	42	Monroe	41
Caldwell	37	Montgomery	42
Callaway	36	Morgan	32
Cape Girardeau	43	New Madrid	40
Carroll	43	Nodaway	43
Cass	36	Perry	41
Charlton	45	Pettis	36
Clark	44	Pike	47
Clay	42	Platte	44
Clinton	44	Putnam	38
Cole	37	Ralls	39
Cooper	40	Randolph	39
Daviess	42	Ray	38
De Kalb	37	St. Charles	45
Dunklin	32	St. Clair	26
Franklin	39	St. Louis	42
Gasconade	38	Ste. Genevieve	40
Gentry	39	Saline	50
Grundy	39	Schuyler	40
Harrison	42	Scotland	41
Henry	28	Scott	35
Holt	42	Shelby	37
Howard	42	Stoddard	31
Jackson	36	Sullivan	37
Jefferson	42	Vernon	25
Johnson	34	Warren	41
Knox	40	Wayne	35
Lafayette	44	Worth	45
Lewis	44		

NEBRASKA

Adams	23	Johnson	33
Antelope	25	Kearney	32
Boone	27	Knox	29
Boyd	24	Lancaster	29
Buffalo	29	Lincoln	22
Burt	41	Madison	32
Butler	33	Merrick	36
Cass	36	Nance	26
Cedar	33	Nemaha	36
Clay	25	Nuckolls	23
Colfax	36	Otoe	34
Cuming	40	Pawnee	33
Custer	19	Phelps	32
Dakota	39	Pierce	31
Dawson	40	Platte	34
Dixon	33	Polk	33
Dodge	40	Richardson	38
Douglas	39	Saline	28
Fillmore	27	Sarpy	38
Franklin	22	Saunders	36
Furnas	21	Seward	33
Gage	31	Sherman	21
Garfield	23	Stanton	34
Gosper	23	Thayer	24
Greeley	22	Thurston	36
Hall	38	Valley	25
Hamilton	31	Washington	42
Harlan	21	Wayne	34
Holt	21	Webster	19
Howard	21	York	33
Jefferson	27		

NEW JERSEY

Burlington	53	Monmouth	53
Cumberland	53	Ocean	50
Gloucester	51	Salem	55
Hunterdon	56	Somerset	53
Mercer	53	Warren	56
Middlesex	53		

NORTH CAROLINA

County	Dollars per acre	County	Dollars per acre
Beaufort	40	Jones	33
Bertie	38	Lenoir	34
Camden	48	Martin	45
Chowan	40	Nash	38
Columbus	35	Northampton	35
Craven	32	Onslow	32
Currituck	51	Pasquotank	48
Duplin	32	Perquimans	42
Edgecombe	37	Pitt	37
Gates	39	Robeson	31
Greene	34	Sampson	32
Halifax	36	Tyrrell	42
Harnett	34	Wake	36
Hertford	37	Washington	39
Hyde	41	Wayne	33
Johnston	36	Wilson	39

NORTH DAKOTA

County	Dollars per acre
Richland	24

OHIO

County	Dollars per acre	County	Dollars per acre
Adams	47	Lorain	51
Allen	59	Lucas	57
Ashland	53	Madison	60
Athens	52	Mahoning	47
Auglaize	59	Marion	57
Brown	46	Medina	51
Butler	54	Mercer	60
Champaign	59	Miami	59
Clark	58	Montgomery	56
Clermont	47	Morgan	55
Clinton	61	Morrow	56
Columbiana	46	Muskingum	53
Coshocton	56	Ottawa	56
Crawford	56	Paulding	52
Darke	57	Perry	54
Defiance	54	Pickaway	58
Delaware	58	Pike	51
Erie	53	Preble	60
Fairfield	62	Putnam	58
Fayette	59	Richland	53
Franklin	59	Ross	58
Fulton	57	Sandusky	57
Greene	59	Scioto	52
Hamilton	52	Seneca	56
Hancock	57	Shelby	60
Hardin	58	Stark	48
Henry	58	Tuscarawas	54
Highland	56	Union	56
Hocking	51	Van Wert	58
Holmes	54	Vinton	51
Huron	52	Warren	53
Jackson	48	Wayne	54
Knox	57	Williams	57
Lawrence	47	Wood	57
Licking	57	Wyandot	56
Logan	56		

PENNSYLVANIA

Adams	49	Lancaster	59
Berks	51	Lebanon	52
Blair	49	Lehigh	51
Bucks	51	Lycoming	52
Carbon	46	Mifflin	49
Centre	52	Monroe	46
Chester	55	Montgomery	51
Clinton	52	Montour	46
Columbia	50	Northampton	52
Cumberland	52	Northumberland	47
Dauphin	49	Perry	49
Delaware	51	Schuylkill	46
Franklin	52	Snyder	49
Fulton	46	Union	52
Huntingdon	49	York	52
Juniata	49		

SOUTH CAROLINA

Dillon	26	Horry	29

SOUTH DAKOTA

Aurora	22	Charles Mix	24
Beadle	21	Clark	21
Bon Homme	30	Clay	36
Brookings	28	Codington	22
Brule	18	Davison	27

SOUTH DAKOTA—continued

County	Dollars per acre	County	Dollars per acre
Day	22	Lincoln	38
Deuel	29	McCook	30
Douglas	26	Miner	26
Grant	28	Minnehaha	36
Gregory	22	Moody	35
Hamlin	25	Roberts	26
Hanson	30	Sanborn	25
Hutchinson	33	Tripp	18
Jerauld	21	Turner	35
Kingsbury	26	Union	37
Lake	30	Yankton	34

TENNESSEE

Bedford	35	Lauderdale	31
Benton	27	Lincoln	33
Carroll	28	Marion	39
Cheatham	38	Montgomery	36
Coffee	38	Moore	34
Crockett	28	Obion	35
Dyer	32	Robertson	39
Franklin	41	Sequatchie	39
Gibson	31	Stewart	34
Grundy	40	Tipton	25
Haywood	25	Warren	34
Henry	31	Weakley	31
Lake	32		

VIRGINIA

Accomac	44	Northumberland	46
Charles City	44	Princess Anne	43
Clarke	49	Richmond	47
Isle of Wight	46	Southampton	43
Loudoun	53	Surry	43
Nansemond	46	Sussex	42
Norfolk	43	Westmoreland	47
Northampton	46		

WEST VIRGINIA

Berkeley	42	Jefferson	45

WISCONSIN

Adams	33	Marquette	43
Buffalo	51	Milwaukee	55
Columbia	55	Monroe	48
Crawford	51	Outagamie	52
Dane	59	Pepin	44
Dodge	61	Pierce	44
Dunn	48	Polk	41
Eau Claire	50	Racine	56
Fond du Lac	57	Richland	52
Grant	58	Rock	59
Green	54	St. Croix	43
Green Lake	56	Sauk	55
Iowa	55	Trempealeau	46
Jackson	45	Vernon	52
Jefferson	61	Walworth	59
Juneau	42	Waukesha	56
Kenosha	53	Waupaca	52
La Crosse	56	Waushara	41
Lafayette	55	Winnebago	55

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1612)

[SEAL] TRUE D. MORSE,
Acting Secretary.

DECEMBER 19, 1957.

[F. R. Doc. 57-10747; Filed, Dec. 27, 1957; 8:49 a. m.]

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

Chapter I of Title 4 is revised to read as follows:

Subchapter A—General Procedures

Part
1 Recognition of attorneys and other representatives.

Subchapter B—[Reserved]

Subchapter C—Claims—General

31 Claims against the United States; general procedures.
32 Review and reconsideration of General Accounting Office claims settlements.
33 Deceased civilian officers and employees; procedures for settlement of accounts.
34 Deceased members of the uniformed services; procedures for settlement of accounts.
35 Deceased public creditors generally; procedures for settlement of accounts.
36 Incomplete public creditors; procedures for settlement of accounts.

Subchapter D—Transportation

51 Passenger transportation service for the the account of the United States.
52 Freight transportation services furnished for the account of the United States.
53 Claims by the United States relating to transportation services.
54 Claims against the United States relating to transportation services.
55 Reconsideration and review of General Accounting Office transportation claim settlements.

Subchapter E—Standardized Fiscal Procedures

75 Certificates and approvals of basic vouchers and invoices.

Subchapter F—Records

81 Safeguarding records of the General Accounting Office.

SUBCHAPTER A—GENERAL PROCEDURES

PART 1—RECOGNITION OF ATTORNEYS AND OTHER REPRESENTATIVES

Sec.
1.1 Right to representation before the General Accounting Office.
1.2 Practice by attorneys.
1.3 Signature to constitute certificate.
1.4 Application for enrollment of representatives.
1.5 Committee on enrollment and disbarment.
1.6 Register of representatives.
1.7 Complaint and disbarment proceedings.
1.8 Authority to prosecute claims.
1.9 Amendment of rules.

AUTHORITY: §§ 1.1 to 1.9 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52.

§ 1.1 *Right to representation before the General Accounting Office.* All persons having a claim or other rights assertable in the General Accounting Office may prosecute such claim or right individually or through a recognized attorney or other representative.

§ 1.2 *Practice by attorneys.* Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State, territory, or of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the General Accounting Office.

§ 1.3 *Signature to constitute certificate.* When such member of the bar acting in a representative capacity appears in person or signs a paper in practice before this agency, his personal appearance or signature shall constitute a representation that under the provisions of this part and the law he is authorized and qualified to represent the particular party in whose behalf he acts.

§ 1.4 *Application for enrollment of representatives.* All persons desiring to appear before this Office in a represent-

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ative capacity other than as a member of the bar shall submit an application for enrollment to the General Counsel, General Accounting Office.

§ 1.5 *Committee on enrollment and disbarment.* A committee on enrollment and disbarment has been created consisting of the General Counsel, who shall act as Chairman, the Director, Claims Division, and the Director, Transportation Division of the General Accounting Office. The committee shall meet at such times as are necessary to consider applications for recognition to appear before the General Accounting Office; receive complaints against those enrolled; conduct hearings, make inquiries and perform all duties necessary in the carrying out of their assigned tasks under this part.

§ 1.6 *Register of representatives.* The committee shall maintain a register of representatives other than attorneys admitted to practice before the General Accounting Office and shall likewise maintain lists of those whose applications have been rejected. All offices and divisions of the General Accounting Office shall ascertain from the committee whether the name of any one appearing before them in a representative capacity other than a member of the bar appears on the register of those entitled to practice. The head of an office or division may in his discretion temporarily recognize any such representative pending application for enrollment.

§ 1.7 *Complaint and disbarment proceedings.* Upon receipt of a complaint that any attorney or other representative has been incompetent, disreputable or otherwise engaged in any improper practice before the General Accounting Office, the committee may, after due notice, and an opportunity for a hearing, and upon finding that the charges warrant disciplinary action, suspend for a given period or disbar from practice before the General Accounting Office any such attorney or representative. The committee shall maintain lists of those attorneys or representatives who have been suspended or disbarred.

§ 1.8 *Authority to prosecute claims.* In the prosecution of claims involving payments to be made by the United States, proper powers of attorney shall always be filed, before an attorney or representative is recognized. Also, a power of attorney from the principal may be required of attorneys or representatives in any case.

§ 1.9 *Amendment of rules.* The Comptroller General may withdraw or amend at any time or from time to time all or any of the rules and regulations in this part, with or without previous notice, and may make such special orders as he may deem proper in any case.

SUBCHAPTER B—[RESERVED]

SUBCHAPTER C—CLAIMS; GENERAL

PART 31—CLAIMS AGAINST THE UNITED STATES; GENERAL PROCEDURE

Sec.
31.1 Scope of part.

FILING REQUIREMENTS FOR CLAIMANTS

31.2 Form of claim.
31.3 Claim filed by attorney or agent.
31.4 Where claims should be filed.
31.5 Responsibility of claimants to protect their own interests.

INFORMATION RELATING TO CLAIMS

31.6 Information relating to claims presented to the Claims Division of the General Accounting Office.
31.7 Basis of claim settlements.
31.8 Form of claim settlements.

AUTHORITY: §§31.1 to 31.8 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 305, 42 Stat. 24; 31 U. S. C. 71.

§ 31.1 *Scope of part.* This part prescribes general procedures applicable to claims against the United States which must be adjudicated in the General Accounting Office before payment is made or denied exclusive of transportation claims. Special procedures applicable to specified types or classes of claims against the United States are contained in the subsequent parts of this subchapter.

FILING REQUIREMENTS FOR CLAIMANTS

§ 31.2 *Form of claim.* Unless otherwise specifically provided, claims will be considered only when presented in writing over the signature and address of the claimant or over the signature of the claimant's authorized agent or attorney. Generally, no particular form is required for filing a claim; however, claim forms are prescribed in succeeding parts of this subchapter for specific classes of claims.

§ 31.3 *Claim filed by attorney or agent.* A claim filed by an agent or attorney must be supported by a duly executed power of attorney or other documentary evidence of the agent's or attorney's right to act for the claimant. See § 1.8 of this chapter.

§ 31.4 *Where claims should be filed.* Action will generally be expedited if claimants file their claims initially with the administrative department or agency out of whose activities they arose. Claims which cannot be disposed of administratively will be transmitted to the Claims Division of the General Accounting Office by the administrative office. This does not preclude a claimant from filing a claim direct with the General Accounting Office if such action is considered necessary to protest his interests, particularly if the statutory period of limitation is about to expire, as to which see 31 U. S. C. 71a and 31 U. S. C. 122. Claims filed direct with the General Accounting Office should be directed to the Claims Division, U. S. General Accounting Office, Washington 25, D. C.

§ 31.5 *Responsibility of claimants to protect their own interests.* To protect their own interests, claimants should submit their claims directly to the Claims Division of the General Accounting Office if the applicable statutory period of limitation will soon expire. It is not intended to imply that statutes of limitation imposed by the Congress are necessarily limited to those quoted in § 31.4. It is incumbent on claimants to inform themselves regarding other possible statutory limitations.

INFORMATION RELATING TO CLAIMS

§ 31.6 *Information relating to claims presented to the Claims Division of the General Accounting Office.* Claimants or their authorized representatives may obtain information relating to claims which have been presented to the Claims Division of the General Accounting Office by addressing correspondence to the Claims Division, U. S. General Accounting Office, Washington 25, D. C.

§ 31.7 *Basis of claim settlements.* Claims are settled on the basis of the facts as established by the Government agency concerned and by evidence submitted by the claimant. Settlements are founded on a determination of the legal liability of the United States under the factual situation involved as established by the written record. The burden is on claimants to establish the liability of the United States, and the claimants' right to payment. The settlement of claims is based upon the written record only.

§ 31.8 *Form of claim settlements.* The Claims Division of the General Accounting Office will certify claims for payment either by use of a Certificate of Settlement, GAO Form 39, or by certificate of allowance placed on the voucher when voucher procedures are in effect. Claims for the proceeds of unnegotiated checks may be disposed of by an authorization for payment placed on the reverse of the check. When part of a claim is allowed and part disallowed, a statement relating to the disallowed portion will be included on the certificate of settlement or the voucher. When the full amount of a claim is disallowed, the claimant will be advised by issuance of Settlement Certificate, GAO Form 44.

PART 32—REVIEW AND RECONSIDERATION OF GENERAL ACCOUNTING OFFICE CLAIMS SETTLEMENTS

Sec.
32.1 Who may obtain review.
32.2 Basis for request for review.
32.3 Return of check or warrant with request for review.

AUTHORITY: §§ 32.1 to 32.3 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52.

§ 32.1 *Who may obtain review.* Settlements made pursuant to 31 U. S. C. 71 will be reviewed (a) in the discretion of the Comptroller General upon the written application of (1) a claimant whose claim has been settled or (2) the head of the department or Government establishment to which the claim or account relates, or (b) upon motion of the Comptroller General at any time.

§ 32.2 *Basis for request for review.* Applications for review of claim settlements should state the errors which the applicant believes have been made in the settlement and which form the basis of his request for reconsideration.

§ 32.3 *Return of check or warrant with request for review.* Unless otherwise directed by the Comptroller General on the presentation of proper facts in the particular case, the check issued upon a settlement must not be cashed when its amount includes any item as to which review is applied for, but should accompany the application for review.

PART 33—DECEASED CIVILIAN OFFICERS AND EMPLOYEES; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Sec.
33.1 Scope of part.
33.2 Definitions.
33.3 Forms prescribed for procedures in Part 35 of this subchapter.
33.4 Notifying employees; agency responsibility.
33.5 Designation of beneficiary.
33.6 Claims jurisdiction.
33.7 Securing claims on employee's death.
33.8 Claims involving minors or incompetents.
33.9 Return of unnegotiated Government checks.
33.10 Applicability of general provisions.

AUTHORITY: §§ 33.1 to 33.10 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 3, 64 Stat 396, as amended; 5 U. S. C. 61h,

§ 33.1 *Scope of part.* (a) This part prescribes forms and procedures for the prompt settlement of amounts of deceased civilian officers and employees of the Federal Government and of the government of the District of Columbia (including wholly owned and mixed-ownership Government corporations), as contemplated by the act of August 3, 1950, as amended, 5 U. S. C. 61f–61k.

(b) The procedures prescribed by this part do not apply to:

(1) Accounts of deceased officers and employees of the Federal land banks, Federal intermediate credit banks, production credit corporations, or regional banks for cooperatives. See 5 U. S. C. 61k.

(2) Payment of unpaid balance of salary or other sums due deceased Senators or officers or employees of the Senate. See 2 U. S. C. 36a.

(3) Payment of unpaid balance of salary or other sums due deceased Members of the House of Representatives. See 2 U. S. C. 38a.

(4) Claims for amounts due civilian officers and employees of the Federal Government who die subsequent to separation from the employing agency. See Part 34 of this subchapter.

§ 33.2 *Definitions.* The term "unpaid compensation," as defined in the act and when used in this part, means the pay, salary, or allowances, or other compensation due on account of the services of the decedent for the Federal Government or the government of the District of Columbia. It shall include, but not be limited to, (a) all per diem in lieu of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses which are incurred in connection with the travel and for which reimbursement is due; (b) all allowances upon change of official station; (c) all quarters and cost-of-living allowances and overtime or premium pay; (d) amounts due for payment of cash awards for employees suggestions; (e) amounts due as refund of salary deductions for United States Savings bonds; (f) lump-sum payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he remained in the service until the expiration of the period of such annual or vacation leave; except that such lump-sum payment shall not include compensation for any period of accumulated leave in excess of thirty days, plus current accrued leave, or in excess of the number of days of accumulated leave to which he would have been entitled on the date of separation (excluding accumulated leave earned in the 1954 leave year and thereafter), plus current accrued leave, whichever is the greater; (g) the amounts of all checks drawn in payment of such compensation which were not delivered by the Government to the officer or employee during his lifetime or of any unnegotiated checks returned to the Government because of the death of the officer or employee.

§ 33.3 *Forms prescribed for procedures in Part 35 of this subchapter.* Forms prescribed for procedures in Part 35 of this subchapter are:

SF 1152, Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee.

SF 1153, Claim of Designated Beneficiary and/or Surviving Spouse for Unpaid Compensation of Deceased Civilian Employee..

SF 1155, Claim for Unpaid Compensation of Deceased Civilian Employee (No Designated Beneficiary or Surviving Spouse).

§ 33.4 *Notifying employees; agency responsibility.* Each agency of the Government affected will bring to the attention of its civilian employees the provisions of the act relative to their right to designate a beneficiary or beneficiaries to receive the amounts due and the disposition to be made of unpaid amounts where no beneficiary or beneficiaries have been designated.

§ 33.5 *Designation of beneficiary—*(a) *Designation Form.* SF 1152, Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee, is prescribed for use by employees in designating a beneficiary and in changing or revoking a previous designation. However, in the absence of the prescribed form, any designation, change, or cancellation of beneficiary witnessed and filed in accordance with the general requirements of this part shall be acceptable. Each agency subject to the provisions of the act will furnish the employee SF 1152 upon request therefor.

(b) *Who may be designated.* An employee may designate any person or persons as beneficiary. The term "person or persons" as used in this part includes a legal entity or the estate of the deceased employee.

(c) *Executing and filing a designation of beneficiary form.* The SF 1152 must be executed in duplicate by the employee and filed with the employing agency where the proper officer will sign it and insert the date of receipt in the space provided on each part, file the original, and return the duplicate to the employee. The designation will be filed in the particular office which authorizes payment of the employee's compensation, or such other place as the head of the agency may direct.

(d) *Effective period of a designation.* A designation of beneficiary, properly executed and filed in the agency of employment, will be effective as long as employment by the same agency continues or until changed or revoked. Should an employee resign and be reemployeed, or be transferred to another agency, and desire the unpaid compensation to be paid to a designated beneficiary, another designation of beneficiary form must be executed, as directed in paragraph (c) of this section.

(e) *Change or revocation of a designation.* A designation of beneficiary previously made may be changed or revoked as of a later date by the execution and filing of another SF 1152 by the employee, as directed in paragraph (c) of this section. When a designation of beneficiary is changed or revoked, the employing agency should return the earlier designation to the employee.

§ 33.6 *Claims jurisdiction—*(a) *Administrative agencies.* Claims for unpaid compensation due deceased employees of the District of Columbia, of the Canal Zone Government on the Isthmus of Panama, and of wholly owned and mixed-ownership Government corporations will be paid by the employing agency. See 5 U. S. C. 61h. Claims for unpaid compensation due deceased employees of other agencies of the Federal Government will be paid by the employing agency when payment can be made to a designated beneficiary or surviving spouse, unless the provisions of paragraph (b) of this section apply.

(b) *General Accounting Office.* Except in cases involving employees of the District of Columbia, Canal Zone Government, or Government corporations, claims for unpaid compensation due deceased employees of the Federal Government will be paid only upon settlement by the Claims Division of the General Accounting Office:

(1) When no beneficiary has been designated and there is no surviving spouse;

(2) When the designated beneficiary is a minor, is an incompetent, or is the estate of the deceased employee, since such claims are considered as always involving doubt; or

(3) When any doubtful question of law or fact is involved.

§ 33.7 *Securing claim on employee's death.* As soon as practicable after the death of a civilian employee included within the provisions of the act, the agency in which he or she was last employed, upon determining that unpaid compensation is due the decedent, will request each designated beneficiary or, if no beneficiary was designated, the surviving spouse, to execute SF 1153, Claim of Designated Beneficiary and/or Surviving Spouse for Unpaid Compensation of Deceased Civilian Employee. When there is no designated beneficiary or surviving spouse, the employing agency will furnish the person or persons next in order of precedence, in accordance

with the first section of the act, 5 U. S. C. 61f, SF 1155, Claim for Unpaid Compensation of Deceased Civilian Employee (No Designated Beneficiary or Surviving Spouse). When the designated beneficiary is the estate of the decedent, the employing agency will furnish the legal representative, heir, or heirs of the decedent SF 1055, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor, prescribed in Part 35 of this chapter, since this form will elicit the information required for settlement of such claims. Any assistance deemed necessary for the proper execution of the forms will be furnished to all claimants by the employing agency.

§ 33.8 *Claims involving minors or incompetents.* If a guardian or committee has been appointed for a minor or incompetent appearing entitled to unpaid compensation, the claim should be accompanied by a short certificate of the court showing the appointment and qualification of the claimant in such capacity. Under some circumstances payment may be made, in the discretion of the Comptroller General, to the person or persons having care and custody of the minor or incompetent, or to close relatives who will hold the amount for the use and benefit of the minor or incompetent. Therefore, if no guardian or committee has been or will be appointed, the claim should be accompanied by a statement showing (a) claimant's relationship to the minor or incompetent, if any; (b) the name and address of the person having care and custody of the minor or incompetent; (c) that any moneys received will be applied to the use and benefit of the minor or incompetent; and (d) that the appointment of a guardian or committee is not contemplated.

§ 33.9 *Return of unnegotiated Government checks.* All unnegotiated U. S. Government checks drawn to the order of a decedent, representing unpaid compensation as defined in § 33.2, and in the possession of the claimant should be returned to the employing agency concerned for inclusion with the claim. Claimants should be instructed to return any other U. S. Government checks, drawn to the order of a decedent for purposes other than unpaid compensation, such as veteran benefits, social security benefits, or Federal tax refunds, to the agency from which received with request for further instructions from that agency.

§ 33.10 *Applicability of general procedures.* When not in conflict with this part, the provisions of Part 31 of this subchapter relating to procedures applicable to claims generally, are also applicable to the settlement of accounts of deceased civilian officers and employees.

PART 34—DECEASED MEMBERS OF THE UNIFORMED SERVICES; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Sec.
34.1 Scope of part
34.2 Forms prescribed by the General Accounting Office
34.3 Jurisdiction
34.4 Furnishing claim forms and assistance to claimants.
34.5 Claims involving minors or incompetents.
34.6 Claims for unnegotiated Government checks.
34.7 Applicability of general procedures.

AUTHORITY: §§ 34.1 to 34.7 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply secs. 1–5, 69 Stat. 295, 296; 31 U. S. C. 361–365.

§ 34.1 *Scope of part.* (a) This part prescribes forms and procedures for the prompt settlement of the accounts of deceased members of the uniformed services (including the National Guard and the Air National Guard) pursuant to Public Law 147, 84th Congress, approved July 12, 1955, 37 U. S. C. 361–365.

(b) Claims for amounts due former members of the uniformed services who die subsequent to discharge or separation from the service do not come within the provisions of this act and therefore are not within the scope of this part. Such claims, exclusive of those payable administratively under other statutes, will be forwarded to the Claims Division of the General Accounting Office for settlement in accordance with the procedures prescribed in part 35.

(c) The payment provisions of 37 U. S. C. 361–365 are effective only when the member's death occurs on or after January 1, 1956. Claims relating to the accounts of members dying before such date are for consideration by the Claims Division of the General Accounting Office under various laws existing prior to January 1, 1956.

(d) The words "pay and allowances" when used in this part include any amount due a decedent from the uniformed service of which he was a member on the date of his death, exclusive of amounts payable administratively under other statutes.

§ 34.2 *Forms prescribed by General Accounting Office.* The following standard forms are prescribed for use in the settlement of the accounts to which this part relates:

SF 1174, Claim of Designated Beneficiary for Unpaid Pay and Allowances of Deceased Member of the Uniformed Services.

SF 1175, Claim for Unpaid Pay and Allowances of Deceased Member of the Uniformed Services (No Designated Beneficiary).

§ 34.3 *Jurisdiction*—(a) *Administrative agencies.* Amounts payable pursuant to section 2 of the act of July 12, 1955, 37 U. S. C. 362, to beneficiaries designated by the member under section 4 of that act, 37 U. S. C. 364, shall be paid by the department or uniformed service concerned, provided there is no doubtful question of law or fact involved.

(b) *General Accounting Office.* Payments shall be made only upon settlement by the Claims Division of the General Accounting Office in the following cases:

(1) When no beneficiary has been designated.

(2) When a beneficiary has been designated but any doubtful question of law or fact is involved. In this connection, all claims are considered doubtful when the designated beneficiary is a minor, is an incompetent, or is the estate of the decedent.

§ 34.4 *Furnishing claim forms and assistance to claimants.* As soon as practicable after death of a member, the department under which the member was serving at date of death will furnish the designated beneficiary or beneficiaries SF 1174, Claim of Designated Beneficiary for Unpaid Pay and Allowances of Deceased Member of the Uniformed Services, for use in filing claim for any unpaid pay or allowances that may be due the decedent. If there is no designated beneficiary, the department will furnish the person or persons next in order of precedence, in accordance with section 2 of the act, SF 1175, Claim for Unpaid Pay and Allowances of Deceased Member of the Uniformed Services (No Designated Beneficiary). Any assistance deemed necessary for the proper execution of the forms will be furnished to all claimants by the departments concerned.

§ 34.5 *Claims involving minors or incompetents.* If a guardian or committee has been appointed for a minor or incompetent appearing entitled to payment, the claim should be accompanied by a short certificate of the court showing the appointment and qualification of the claimant in such capacity. Under some circumstances payment may be made, in the discretion of the Comptroller General, to the person or persons having care and custody of the minor or incompetent, or to close relatives who will hold the amount for the use and benefit of the minor or incompetent. Therefore, if no guardian or committee has been or will be appointed, the claim should be accompanied by a statement showing (a) claimant's relationship to the minor or incompetent, if any; (b) the name and address of the person who has care and custody of the minor or incompetent; (c) that any moneys received will be applied to the use and benefit of the minor or incompetent; and (d) that the appointment of a guardian or committee is not contemplated.

§ 34.6 *Claims for unnegotiated Government checks.* Unnegotiated U. S. Government checks drawn to the order of the decedent by the uniformed service of which he was a member should be returned to the department concerned for consideration in connection with the settlement of the member's account. Claimants should be advised that all other unnegotiated U. S. Government checks drawn to the order of the decedent should be returned to the agency from which received with request for further instructions from that agency.

§ 34.7 *Applicability of general procedures.* When not in conflict with this part, provisions of Part 31 of this subchapter, relating to procedures applicable to claims generally, are also applicable to the settlement of accounts of deceased members of the uniformed services.

PART 35—DECEASED PUBLIC CREDITORS GENERALLY; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Sec.
35.1 Scope of part.
35.2 Jurisdiction.
35.3 Forms
35.4 Use of prescribed form.
35.5 Disposition of Government checks in claimant's possession.
35.6 Assisting claimants in filing claims.
35.7 Applicability of general claim procedures.

AUTHORITY: §§ 35.1 to 35.7 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 305, 42 Stat. 24; 31 U. S. C. 71.

§ 35.1 *Scope of part.* This part prescribes the form and procedures relating to the settlement of claims for amounts alleged to be due the estates of deceased individual public creditors, including claims for the proceeds of Government checks drawn on the Treasurer of the United States or other authorized Government depositary to the order of such public creditors, except when such claims are within the scope of other parts of this title or are within the exclusive jurisdiction of administrative agencies pursuant to specific statutory authority. The claims coming within the scope of this part include, among others, claims for amounts due former members of the uniformed services and former civilian employees of the United States who die subsequent to discharge or separation and claims for amounts due deceased contractors and other deceased public creditors for supplies furnished or services rendered.

§ 35.2 *Jurisdiction.* The claims to which this part relates require the consideration and application of the law of the domicile of the deceased public creditor to determine entitlement to amounts found due. Therefore, they are considered as involving such elements of doubt as to require their submission to the Claims Division of the General Accounting Office for adjudication.

§ 35 3 *Forms*—(a) *Forms prescribed for procedures in this part.*

SF 1055, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

(b) *Use of SF 1055 for claims outside scope of part.* SF 1055 may be used for filing claims which are within the exclusive jurisdiction of administrative agencies, if the agencies concerned so desire.

§ 35.4 *Use of prescribed form.* Claims to which this part relates, including claims for the proceeds of U. S. Government checks, will be filed on SF 1055.

§ 35.5 *Disposition of Government checks in claimant's possession.* All unnegotiated U. S. Government checks in the possession of the claimant, drawn to the order of the decedent and involved in the claim, shall accompany the claim application on SF 1055.

§ 35.6 *Assisting claimants in filing claims.* Such assistance as is deemed necessary may be given to claimants by the administrative agency concerned to insure proper execution and submission of the SF 1055.

§ 35.7 *Applicability of general procedures.* Except as otherwise provided in this part, the provisions of Part 31 of this subchapter relating to the procedures applicable to claims generally are equally applicable to the claims to which this part relates.

PART 36—INCOMPETENT PUBLIC CREDITORS; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Sec.
36.1 Scope of part.
36.2 Jurisdiction.
36.3 Form of claim.
36.4 Claim filed by guardian or committee.
36.5 Claims filed by other than guardian or committee.
36.6 Applicability of general procedures.

AUTHORITY: §§ 36.1 to 36.6 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 305, 42 Stat. 24; 31 U. S. C. 71.

§ 36.1 *Scope of part.* This part prescribes the procedures applicable to the settlement of claims for amounts due incompetent public creditors of the United States, including claims for the proceeds of Government checks drawn on the Treasurer of the United States or other authorized Government depositary to the order of such creditors, except those claims which are under the exclusive jurisdiction of administrative agencies pursuant to specific statutory authority.

§ 36.2 *Jurisdiction*—(a) *Claims Division, General Accounting Office.* The claims to which this part relates are considered as generally involving such elements of doubt as to require their submission to the Claims Division of the General Accounting Office for adjudication. Therefore, except in the case of recurring payments to guardians and committees, they shall be submitted to the Claims Division of the General Accounting Office for direct settlement.

(b) *Administrative agencies.* After the first payment has been certified by the General Accounting Office to a guardian or committee recurring payments may be made in the same form and capacity by the administrative office as long as the appointment as guardian or committee remains in effect and the matter is otherwise free from doubt.

§ 36.3 *Form of claim.* No form is prescribed for use in making claim for sum due incompetent creditors of the United States. Such claims must be filed in writing over the signature and full address of the person claiming on behalf of the incompetent creditor and must set forth the connection of the incompetent creditor with the United States Government, giving the name of the department, bureau, establishment or agency involved.

§ 36.4 *Claim filed by guardian or committee*—(a) *Initial claim.* The initial claim filed by the guardian or committee of the estate of an incompetent must be accompanied by a short certificate of the court showing the appointment and qualification of the claimant as guardian or committee.

(b) *Claims for recurring payments.* Subsequent claims from guardians or committees for recurring payments need not be accompanied by an additional certificate of the court, but they must be supported by a statement that the appointment is still in full force and effect.

§ 36.5 *Claims filed by other than guardian or committee.* When the amount due the incompetent is small and no guardian or committee of the estate has been or will be appointed, payment may be made, in the discretion of the Comptroller General, to the person or persons having care or custody of the incompetent, or to close relatives who will hold the amount for the use and benefit of the incompetent. Therefore, administrative agencies should not suggest to persons claiming on behalf of incompetent creditors that the appointment of a guardian or committee is necessarily required to secure payment. The claim must be supported by a statement showing (a) that no guardian or committee has been or will be appointed; (b) the claimant's relationship to the incompetent, if any; (c) the name and address of the person having care and custody of the incompetent; and (d) that any amount paid to the claimant will be applied to the use and benefit of the incompetent.

§ 36.6 *Availability of general procedures.* The provisions of Part 31 of this subchapter relating to the procedures applicable to claims generally are applicable also to the settlement of accounts of incompetent public creditors to which this part relates.

SUBCHAPTER D—TRANSPORTATION

PART 51—PASSENGER TRANSPORTATION SERVICE FOR THE ACCOUNT OF THE UNITED STATES

SCOPE OF REGULATIONS

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AUTHORITY: §§ 51.1 to 51.70 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U. S. C. 49.

SCOPE OF REGULATIONS

§ 51.1 *Transactions governed.* This part covers:

(a) The procurement of passenger transportation services by or for persons authorized to travel on official business for agencies of the Government of the United States;

(b) The billing and payment for such services; and

(c) Carrier refunds for unfurnished passenger transportation service and unused tickets or portions thereof.

§ 51.2 *Applicability.* The regulations in this part are applicable to passenger transportation services within the United States, between the United States and its possessions, between and within its possessions, between the United States and foreign countries, and, where United States of America Transportation Requests can be utilized, within and between foreign countries.

PROCUREMENT OF PASSENGER TRANSPORTATION SERVICES

§ 51.3 *Procurement from carriers.* Passenger transportation services by air, bus, rail, or water should be procured directly from carriers. Travel agencies may be utilized only as provided in § 51.4. They may not be utilized to secure air, rail, water, and bus passenger transportation services, or any combination thereof, (a) within the United States, Canada, or Mexico; (b) between the United States and Canada or Mexico; (c) from the United States or its possessions to foreign countries; and (d) between the United States and its possessions, and between and within its possessions.

§ 51.4 *Use of travel agencies.* (a) Travel agencies may be utilized, when their use is authorized under administrative regulations, to secure passenger transportation services by air, bus, rail, or water, or any combination thereof, for travel:

(1) Within foreign countries (except Canada or Mexico);

(2) Between foreign countries; or

(3) From foreign countries to the United States and its possessions, provided—

(i) The request for transportation is made first to a company branch office or a general agent of an American flag air or ocean carrier if the travel originates in a city or its contiguous carrier-servicing area in which such branch office or general agent is located and through ticketing arrangements for the transportation authorized cannot be secured, or

(ii) It is determined that a company branch office or a general agent of an American flag air or ocean carrier is not located in the city or its contiguous carrier-servicing area in which the official travel originates. (Information as to branch offices and general agents of American flag air and ocean carriers is available at overseas offices of the Department of State.)

(b) No payment is to be made to a travel agency in addition to that which would have been properly chargeable had the service requested been obtained directly from the carrier or carriers involved.

§ 51.5 *Use of American flag vessels.* Attention of administrative agencies as well as officers and employees of the United States is directed to section 901 of the Merchant Marine Act of 1936, 46 U. S. C. 1241, relative to the use of American flag vessels for travel on official business. In this connection, compliance with the proviso in section 901, supra, should be required by administrative agencies or officers and employees of the United States traveling on official business whether the transportation expenses are borne directly by the United States or reimbursed to the traveler.

U. S. GOVERNMENT STANDARD FORMS RELATING TO PASSENGER TRANSPORTATION

§ 51.6 *Standard forms.* The following standard forms are prescribed and published in lieu of all like forms for use in connection with the procurement of passenger transportation services for the account of the United States:

SF 1169, The United States of America Transportation Request—Original.
SF 1169a, Memorandum Card Copy.
SF 1169b, Duplicate (snapout assembly only).
SF 1169c, Triplicate (snapout assembly only).
SF 1170, Redemption of Unused Tickets.
SF 1171, Public Voucher for Transportation of Passengers—Original.
SF 1171a, Memorandum Copy.
SF 1172, Certificate in Lieu of Lost United States of America Transportation Request.
SF 1173, Report of Change in Passenger Transportation Service.

§ 51.7 *Printing of transportation requests.* SF 1169 and SF 1169a are printed on punched card stock by or for the U. S. Government only and are serially prenumbered and prepunched with corresponding serial numbers at the time of manufacture. Generally, the name and address of the paying office is not preprinted unless authorized. Departmental numbering, coding, or symbolization is not permitted other than as herein provided to differentiate between civil and military agencies. SF 1169 and SF 1169a are bound in books of 10 sets, each set consisting of one original, SF 1169, and one memorandum card copy, SF 1169a. In addition, SF 1169 and 1169a are bound in individual snapout assemblies which contain 2 additional paper copies, namely, SF 1169b (duplicate) and SF 1169c (triplicate). Although primarily for use by the military establishments, the individual assemblies are available to civil agencies.

§ 51.8 *Numbering of transportation requests.* An alphabetical-numerical sequence is followed in numbering SF 1169 assemblies in accordance with the following:

(a) Books of 10 for civil agencies—transportation requests start with the number A0,000,001 and will continue through A9,999,999, after which the letter symbol will change to B, thence C, etc.;

(b) Individual snapout assemblies for civil agencies—the transportation requests start with the number L0,000,001 and will continue through L9,999,999, after which the letter symbol will change to K, thence J, etc.; and

(c) Individual snapout assemblies for military agencies—the transportation requests start with the number M0,000,001 and will continue through M9,999,999, after which the letter symbol will change to N, thence forward through the remainder of the alphabet.

§ 51.9 *Unused ticket redemption from.* SF 1170, Redemption of Unused Tickets, is a four-part, snapout, carbonized set consisting of an original and three copies, of which the original and memorandum card copy are on punched card stock. The agency name and address will be preprinted on the form when there is volume use and arrangements therefor are made in advance.

§ 51.10 *Passenger billing-voucher forms.* The original of Public Voucher for Transportation of Passengers, SF 1171, is printed on white paper and is 8½ by 14 inches over-all including a perforated coupon, 8½ by 3 inches, at the bottom of the form. Carriers may request approval of proposed changes in format to conform to machine billing. SF 1171a is printed on yellow paper in the same size as the original without the perforated coupon.

§ 51.11 *Certificate in lieu of lost transportation request.* SF 1172, Certificate in lieu of lost United States of America Transportation Request, size 8 by 10½ inches, is printed on white paper stock.

§ 51.12 *Report of change in service.* SF 1173, Report of change in Passenger transportation service, size 7⅜ by 3¼ inches, is printed on manila card stock.

§ 51.13 *Procurement of standard forms by Government agencies.* Requisitions by Government agencies for supplies of SF 1169 assemblies, SF 1170, and SF 1173 shall be directed in accordance with established procedures to: The Federal Supply Service, General Services Administration, Washington 25, D. C., which will advise the Transportation Division, U. S. General Accounting Office, Washington 25, D. C., of numerical allotments made in response to requisitions for SF 1169.

§ 51.14 *Procurement of standard forms by carriers.* Carriers may purchase SF 1171, SF 1171a, and SF 1172 from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., or have them printed. Unless otherwise authorized by the General Accounting Office, the forms must be reproduced exactly as to color, size, type, wording, and arrangement.

USE AND PREPARATION OF UNITED STATES OF AMERICA TRANSPORTATION REQUESTS

§ 51.15 *Use of transportation requests in general.* Transportation requests shall not be used for other than officially authorized travel for the account of the United States Government. These requests will be issued by duly authorized persons only for the transportation of persons and/or specified passenger transportation services or accommodations in conformity with proper travel authority and administrative regulations. Transportation requests will not ordinarily be used to obtain official passenger transportation when the amount involved is $1.00 or less, plus Federal transportation tax. Cash payments up to $15.00, plus Federal transportation tax, may be made by the traveler under regulations of the department or agency involved. Two copies of such regulations shall be furnished to the Transportation Division of the General Accounting Office.

§ 51.16 *Quantity ticket purchases.* When there is a continuing substantial volume of individual travel via the same mode and class of transportation between one origin and one destination and each one-way single fare does not exceed $5.00, written application from an agency or department for continuing permission, not heretofore granted, to use transportation requests to procure a group of one-way or round-trip tickets for use within any one 30-day period of a fiscal year will be given consideration by the Comptroller General of the United States. The application shall include proposed procedures and requirements under which the interests of the United States will be adequately safeguarded.

§ 51.17 *Round-trip and other reduced rate services.* Through fares, special fares, commutation fares, family plan fares, party fares, excursion, and other reduced rate one-way and round-trip fares should be utilized for official travel when it can be determined prior to the commencement of a trip that any such type of service represents practical and economical usage of Government funds, but transportation requests should be drawn for round-trip services only when it is known or can be reasonably anticipated that such tickets will be required or utilized.

§ 51.18 *Joint procurement of rail transportation and Pullman accommodations.* SF 1169 is designed to permit, and should be used for, the joint procurement from rail carriers of transportation and Pullman accommodations by the issuance of but one document. However, when such issuance is neither feasible nor practical, because of circumstances involved, the transportation request may be issued for the separate procurement of rail transportation or Pullman accommodations. Whenever a transportation request is issued to procure Pullman accommodations only, it should be drawn on the rail carrier that will issue the Pullman tickets with this exception; when the transportation request is to be presented on the train, it should be drawn on the Pullman Company.

§ 51.19 *Stopovers.* When a traveler is obliged to make several stops to conduct official business, a through ticket with stopover privileges usually can be utilized at a saving to the Government and will require the issuance of only one transportation request. However, when Pullman or excess baggage services are involved, each stopover point should be specifically indicated on the transportation request.

§ 51.20 *Taxicab and intracity transit services, etc.* Transportation requests shall not be utilized to procure taxicab, airport limousine, intracity transit, or so-called "drive-your-self" type or other for-hire automobile services.

§ 51.21 *Toll charges.* Transportation requests must not be used in lieu of cash as payment for toll road or toll bridge charges.

§ 51.22 *Unauthorized services.* Transportation requests shall not be issued for personal convenience to include at an additional cost unauthorized services or to obtain transportation services exceeding those authorized under the applicable travel regulations, such as extra-fare trains or planes, stopovers which increase the cost of passage, higher-priced indirect routings, etc. When the traveler desires such unauthorized services, the additional cost thereof (including the U. S. Government transportation tax) must be paid in cash by the traveler and collected by the carrier at the time the transportation request covering the authorized services or accommodations is exchanged for tickets.

§ 51.23 *Preparation of transportation requests.* Detailed instructions for the preparation of transportation requests are contained in appendix A, and examples of transportation requests properly executed to cover certain typical trips are contained in appendix C, to chapter 2000, title 5, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies. This title may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

CONTRACTS AND TENDERS

§ 51.24 *Contracts.* The original of each contract, negotiated or otherwise, for passenger transportation rates or services—excluding contracts for intracity bus services and contracts entered into by the Military Sea Transportation Service—shall be transmitted by administrative agencies, promptly upon execu-

tion, directly to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C.

§ 51.25 *Tenders.* Tenders or quotations of special rates, fares, charges, or concessions for common or contract carrier passenger transportation services, including those made under section 22 of the Interstate Commerce Act, as amended, 49 U. S. C. 22, shall be reduced to writing and promptly transmitted by administrative agencies directly to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C.

§ 51.26 *Procurement and billing.* Any services ordered under such contracts or tenders shall be (a) secured by the issuance of transportation requests, each of which shall bear reference to the pertinent contract or tender, (b) billed by the carrier on SF 1171, Public Voucher for Transportation of Passengers; and (c) paid in the same manner as passenger transportation charges generally.

CHARTER SERVICES

§ 51.27 *Procedures governing procurement of charter services.* When charter services are ordered from an air or bus carrier for the account of an agency of the Government, the terms of the charter must be reduced to writing and signed by the representatives of the Government and the carrier. Moreover, such charter services shall be procured by the use of United States of America Transportation Requests, SF 1169, and billed on Public Voucher for Transportation of Passengers, SF 1171. The original of each charter order or certificate must accompany the related transportation request when it is billed.

ACCOUNTABILITY FOR UNITED STATES OF AMERICA TRANSPORTATION REQUESTS

§ 51.28 *Administrative control.* Each department, agency, or other establishment of the United States Government shall promulgate appropriate procedures which will adequately control the procurement, stock, distribution, and accountability of transportation requests to safeguard properly the rights and interests of the United States.

§ 51.29 *Safeguarding of and liability for transportation requests.* Each agency shall establish appropriate safeguards to protect the United States against the improper or unauthorized use of transportation requests. In this connection, each officer and employee of the United States Government or other person having custody of requests is responsible for their safety and accountable for any amounts which the Government of the United States may be required to pay by reason of improper use of such documents through fault of negligence of the custodians.

MEMORANDUM CARD COPY OF THE UNITED STATES OF AMERICA TRANSPORTATION REQUEST

§ 51.30 *Preparation of memorandum copy of transportation request.* Administratively authorized issuing officers and official travelers are cautioned that the memorandum card copy of the United States of America Transportation Request, SF 1169a, must clearly show all information and insertions, other than signatures, that appear on SF 1169 at the time of its surrender for service.

SPOILED OR CANCELED UNITED STATES OF AMERICA TRANSPORTATION REQUESTS

§ 51.31 *Disposition of spoiled or canceled transportation requests.* All forms SF 1169 that are spoiled in preparation, canceled for any reason, or prepared for issuance but unused shall be endorsed "Canceled" across the face and forwarded immediately, through the official who furnished them, to the administrative office where accountability records are maintained. After necessary recordation entries have been accomplished, such canceled forms SF 1169 shall be disposed of as directed by General Services Administration.

HONORING OF UNITED STATES OF AMERICA TRANSPORTATION REQUESTS BY CARRIERS

§ 51.32 *Proper execution of transportation requests and identification of travelers.* Issuing officers and travelers are cautioned that transportation requests must be completely filled out and properly signed by both issuing officer and traveler before the requests are valid for presentation to obtain transportation and/or accommodations. Carrier agents should refuse to honor incomplete or unsigned requests and must require the person presenting a request to establish his identity as the traveler or other party properly authorized to receive the ticket, exchange order, or other transportation document. In the absence of satisfactory identification, the request should not be honored.

§ 51.33 *The furnishing of services other than authorized.* The United States Government will not be responsible for any charges in excess of those applicable for transportation and/or accommodations of the type, class, or character specified in the request. Accordingly, if transportation and/or accommodations costing more than those officially authorized on the request are furnished, the additional cost must be collected in cash from the traveler at the time transportation and/or accommodations are obtained and not billed against the Government. When a transportation request is exchanged for transportation and/or accommodations of a type different from or a value lesser than that originally specified in the request, the traveler must be required to record in the space provided on the reverse of the form the actual services furnished and sign the statement. The notation by the traveler on the reverse of the request will serve to restrict the carrier billing to an amount consistant with the changed services or lesser cost factors and avoid subsequent accounting adjustments with the Government.

§ 51.34 *Erasures and alterations.* Transportation requests showing erasures or alterations not validated by the initials of the issuing officer should not be honored.

§ 51.35 *Transportation request identification on tickets.* Carriers shall stamp or endorse "U. S. Government" or otherwise indicate on each coupon of the ticket, exchange order, or other transportation document that it was issued in exchange for a transportation request and endorse thereon the serial number of the related request.

§ 51.36 *Honoring of transportation requests generally.* The transportation request should be drawn on the carrier which is expected to honor it for service. Under exceptional conditions or because of unforeseen circumstances, a request may be honored for service by another carrier; however, the honoring is subject to charges applicable to (a) class and type of transportation authorized on the transportation request or (b) a lower class or lesser amount of service, if such is actually furnished. In these situations, the honoring initial carrier shall require the traveler to place, sign, and date in the space on the reverse of the request an endorsement showing the name of the honoring carrier, the services actually received or covered by the ticket furnished, and the reason for the change. The traveler must make the same endorsement on the memorandum card copy of the transportation request if possible or, if not, promptly forward written notification of such change to his administrative office.

§ 51.37 *Joint issuances of rail and Pullman tickets.* When a single transportation request is presented for rail transportation and Pullman accommodations, both rail and Pullman tickets will be issued by ticket agents; however, the issuance will be subject to the exceptions and qualifications set forth in §§ 51.38 through 51.41.

§ 51.38 *Issuance and use of Pullman tickets when accommodations are not assigned.* When the ticket agent at the point where travel begins is unable to assign space because:

(a) Pullman accommodations are not to begin at the initial point of rail travel and advance reservations cannot be obtained;

(b) Pullman service is authorized from the initial point of rail travel, but the space assignment at such point has been exhausted; or

(c) Round-trip Pullman service is authorized and accommodations cannot be obtained in advance for the return trip; he will issue a Pullman ticket (or tickets) endorsed to show the type and quantity of accommodations and the points between which accommodations are authorized in accordance with transportation request issuance. In these situations there is no guarantee that the authorized accommodations will be available; thus, it is incumbent upon travelers holding such tickets to immediately attempt to obtain actual space assignments upon arrival at points where the accommodations are to be furnished. When the accommodations or transportation services supplied are of a character different from or a value lesser than those authorized by the tickets, the traveler should endeavor to secure a written acknowledgment of that fact from the local ticket agent or conductor assigning the space and submit it promptly with a written report of the facts and circumstances to the appropriate designated office of the administrative agency. Also, this report should identify the transportation request used to procure the transportation involved and should be accompanied by any unused tickets or transportation coupons in the traveler's possession. In this connection, attention is directed to the fact that SF 1173, report of change in Passenger Transportation Service, is available for use, if desired, in submitting reports to the administrative agency.

§ 51.39 *Use of Accommodation Authority form in lieu of Pullman ticket.* When ticket agents are supplied with railroad tickets but not supplied with Pullman tickets, traveler(s) will be issued rail tickets and furnished a uniform prenumbered "Accommodation Authority" form covering the accommodations authorized by the transportation request. This form will be honored by Pullman conductors and handled in the same manner as hereinafter outlined for parties of 15 or more.

§ 51.40 *Use of Accommodation Authority form for parties of 15 or more.* When parties of 15 or more are moving by rail, tickets will be issued for rail travel only and a uniform prenumbered "Accommodation Authority" form will be issued for Pullman accommodations. This form, which is supplied by the rail carriers, will be prepared by the carrier's agent at the point of origin to show in the spaces provided, in conformity with the authorization of the related transportation request, all the required information, i. e., the name of the origin railroad; the symbol or main number, if any; the name of the traveler or person in charge of a group; the number of other passengers; the number and kind of accommodations; the points between which accommodations are to be furnished; the transportation request number; the "Void After" date, which should coincide with the expiration date of the rail ticket; the name of the issuing station; the date on which the form is issued; and the impression of the ticket dater stamp. The original copy of the "Accommodation Authority" form will be given to the traveler or person in charge of a group, who will present it to the Pullman conductor (not the ticket agent) as authority for Pullman accommodations. The Pullman conductor will endorse on the back of the form over his signature the accommodations furnished; if such accommodations vary from the accommodations authorized, he will also state in writing the reason for such variations. After the "Accommodation Authority" form has also been signed by the traveler or person in charge of a group, the Pullman conductor will lift it and forward it to the Pullman auditor, who will promptly endorse thereon the correct billing data (including the amount) and send the form to the proper railroad auditor for billing.

§ 51.41 *Honoring of transportation request on train for rail and Pullman services.* When there is no ticket agent on duty, necessitating that rail and Pullman tickets be obtained at the nearest available point en route, rail and Pullman conductors will (a) honor the transportation request to the first station en route where rail and Pullman tickets can be obtained, (b) endorse on the back of the request over their signatures the points between which the request was honored without tickets, and (c) secure the signature of the traveler below the endorsement. The ticket agent at such en route station, in exchange for the transportation request, will issue rail and Pullman tickets from the initial points of service as authorized on the transportation request.

§ 51.42 *Honoring of transportation request on train for Pullman service only.* When a transportation request is presented on the train for Pullman accommodations only, the request will be honored by the Pullman conductor, who will remit it to the Pullman auditor for billing.

§ 51.43 *Honoring of transportation requests by bus drivers.* When requests are presented (a) directly to a bus driver, (b) at a bus station not supplied with the proper ticket forms, (c) at a nonagency station, or (d) at a station at which the ticket office is not open for the sale of tickets, the bus driver will honor the request to destination or arrange for its exchange for a ticket at some intermediate point. When the request is exchanged at an intermediate ticket office, it should be endorsed to show clearly that transportation was furnished from the point of origin of travel—not from the intermediate point at which the request was exchanged for a ticket.

"FOR CARRIERS USE ONLY" AREA ON THE UNITED STATES OF AMERICA TRANSPORTATION REQUEST

§ 51.44 *Portion of transportation request reserved for carrier's use.* In the area reserved "For Carriers Use Only" in the lower left-hand corner of the transportation request, carriers shall make specific entries in accordance with the following guides:

(a) In the "Form" and the "Numbers" space under the heading "Ticket," the ticket agent will record the forms and numbers of the respective tickets furnished in exchange for the document.

(b) In the "Transp." space under the heading "Agent's Value," the ticket agent will enter the cost of the transportation furnished. There should be included in this cost the charges for any supplementary services furnished in accordance with the authorization of the transportation request, such as parking, switching, extra fare, or excess baggage service. These additional charges should be listed separately in this column and not included in the amount covering the regular transportation charges. In no instance, though, are charges for sleeping accommodations, parlor car, or coach reserved seats, etc., to be included even though collectible by and payable to the rail or air carrier.

(c) In the "Accomod." space under the heading "Agent's Value," the ticket agent will enter the cost of accommodations furnished in accordance with the transportation request authorization, such as Pullman accommodations (berths, roomettes, etc.), parlor car seats (whether Pullman or railroad), coach reserved seats, or air berth accommodations. Ordinarily, entries will not be made in this space by the bus and water carriers (except when the stateroom charge is separate) since under their existing tariff structures there is no distinction between charges for transportation and charges for other related services.

(d) In the "Transp." and "Accomod." spaces under "Auditor's Value," entries by carriers' audit offices, with the exception of rail carriers, will cover the same charges as specified above for similarly designated spaces under "Agent's Value." Railroad audit offices, however, may enter under "Transp." all of the charges accruing to the railroads and under "Accomod." all of the charges accruing to the Pullman Company. In some instances this will result in identical items and amounts being included by the ticket agent under "Accomod." and by the auditor under "Transp."

UNUSED TRANSPORTATION OR ACCOMMODATIONS

§ 51.45 *Reporting of unfurnished or unused transportation or accommodations.* The traveler or person in charge of a group shall submit promptly a report to the appropriate office of the administrative agency in each instance in which (a) travel is finally terminated short of the destination to which a transportation request was drawn, (b) services actually furnished are of a value lesser than or a character different from those originally specified on a request which has not been so endorsed, or (c) the return portion of a round-trip ticket is not used. The report shall identify the pertinent transportation request and set forth the attendant facts and circumstances, and shall be accompanied by any unused tickets or coupons. When there are no unused tickets or coupons as evidence of the unfurnished transportation services, the traveler or person in charge of a group should endeavor to secure written acknowledgment of the situation from the carrier's representative for submission with the report to the administrative agency. Attention is directed to the fact that SF 1173, Report of Change in Passenger Transportation Service, is available for use, if desired, in submitting reports to the administrative agency. Upon receipt of these reports, Government agencies shall take prompt steps to effect adjustments with carriers by use of SF 1170 as outlined in §§ 51.47 to 51.53. In instances when transportation and/or accommodations are furnished for a lesser number of persons than called for on a party ticket, the traveler or person in charge of the group shall request the conductor or other ticket collector of the carrier to note on the pertinent ticket or coupon the number of persons actually transported and the number and type of accommodations actually furnished. Failure of travelers to comply with the foregoing and thus protect the interests of the United States may subject them to a demand for payment of any resulting losses.

§ 51.46 *Adjustments for unfurnished or unused services.* All adjustments in connection with United States Government transportation must be processed only to or through a department or agency of the Government. Travelers, issuing officers, or private individuals are not authorized to receive refunds or credits for unfurnished service or unused tickets or portions thereof issued in exchange for transportation requests. Any refunds or adjustments made by carriers to travelers, issuing officers, or individuals of monies or credits properly due the Government shall be made at the carrier's peril.

CANCELLATION OF RESERVATIONS

§ 51.47 *Cancellation of reservations.* When it is necessary to cancel reservations for transportation or accommodations secured in exchange for transportation requests, the cancellations should be made as soon as it is known that the reservations will not be used, since most carriers, including the Pullman Company, require that cancellations be made within restricted, specific time limits to preclude the assessment of cancellation charges. Government travelers should be informed to the fullest extent possible of such requirements in order to protect the interest of the United States.

UNUSED TRANSPORTATION REFUND PROCEDURES

§ 51.48 *Use of "redemption of unused tickets" form.* Unused tickets, exchange orders, etc., and portions thereof, shall be processed to carriers for refund by means of SF 1170, Redemption of Unused Tickets. A separate SF 1170 must be used for each transportation request, though more than one ticket or adjustment transaction may be listed on that form. In no case should more than one transportation request be covered on one SF 1170. When the refund request is based on the honoring of first-class rail tickets in coach service and unused Pullman or parlor car ticket(s) is involved, the SF 1170 being sent to the rail carrier should be annotated to show that a separate refund adjustment is being requested from the Pullman Company; the SF 1170 being sent to the Pullman Company also should be annotated to show that refund application has been made to the rail carrier. Refund requests involving unused Pullman tickets or accommodations shall be addressed to the General Office of the Pullman Company notwithstanding such accommodations were procured jointly with the related rail transportation on a single transportation request drawn on, billed by, and paid to a rail carrier.

§ 51.49 *Processing of "redemption of unused tickets" form by Government agencies.* SF 1170 shall be processed by the agencies of the Government as follows:

(a) All copies shall be properly and completely executed as to the required detail;

(b) The original and the duplicate copy shall be forwarded to the carrier together with unused tickets or portions thereof if such are involved, or, if not, then the essential facts on which the refund claim is based should be included on SF 1170; and

(c) The triplicate and quadruplicate copies shall be processed in the administrative office after receipt of the refund or pertinent advice from the carrier with respect to the request for refund.

§ 51.50 *Processing of "redemption of unused tickets" form by carriers.* The carrier shall insert on the original of the SF 1170, in the designated spaces, the amount being credited on each ticket as well as the total amount being refunded and return such original with the covering remittance. If no refund is due, the carrier should furnish an explanation on the returned original.

§ 51.51 *Processing of refunds by Government agencies.* Upon receipt in the administrative agency of the refund and the returned original SF 1170, agency records shall be annotated in conformity with its fiscal procedures and the original SF 1170 dispatched promptly to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C. Voluntary refunds made by carriers to administrative agencies for a difference in class of service furnished to travelers or some unfurnished transportation service also should be reported to the General Accounting Office by the agency, which is to prepare and forward an original copy of a SF 1170 showing essential information in the designated spaces, including the amount of the refund.

§ 51.52 *Prohibiting of rebilling adjustments by carriers or Government agencies and reporting of failure to receive refund.* Carriers should make prompt refund of monies due in conection with items listed on SF 1170 even though the bill covering charges for the related transportation request has not been submitted or paid. Connectively, carrier bills for the related charges on transportation requests will not be subjected administratively to deduction, revision, or rebilling to adjust such items, except as provided in the next paragraph. However, should a carrier fail to make refund or to furnish satisfactory reasons why no refund is due, within 6 months from the time application is made, or refuse to make an adjustment for unused transportation, the Government agency involved shall refer the matter to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C., for appropriate action, transmitting therewith a copy of the pertinent SF 1170 and all related correspondence.

§ 51.53 *Refund Procedures covering unused foreign transportation services and cancellation of reservations for such services.* Except for (a) Canadian and Mexican carriers and (b) foreign carriers maintaining billing offices in the United States, SF 1170 and the procedures with respect thereto shall not be utilized or considered applicable when foreign passenger transportation services are involved. In such situations, it shall be the responsibility of the Government agency concerned to institute effective procedures by which there may be recovered, by setoff or deduction from unpaid bills, the values of unused tickets or portions thereof, including any requests for adjustment when a journey is discontinued short of destination or when transportation services furnished are of a character different from or a value lesser than those specified in the pertinent transportation request. In this regard, attention is directed to the fact that many foreign carriers, particularly the railroads, specify unusual conditions, time limits, and procedures to be observed in connection with the cancellation of passenger accommodations and the right of claim any redemption on account of unused transportation services. Government agencies should advise travelers in foreign areas to become fully informed of these requirements in order that the interests of the Government will not be jeopardized.

§ 51.54 *Cross-referencing of deduction vouchers.* In situations in which the procedures prescribed for use in connection with SF 1170 are not for application and adjustments for unfurnished transportation are made by deduction or setoff, a full description of each unused ticket or portion thereof shall be noted on the deduction voucher. If the deduction is being effected on a voucher other than the one covering the billing of the transportation request, there shall be furnished also the number of the transportation request so involved and a complete citation to the disbursing officer's voucher covering payment thereof. The unused ticket or portion shall be forwarded by the administrative office to the carrier and a copy of the letter of transmittal shall be attached to the deduction voucher involved.

LOST OR STOLEN UNITED STATES OF AMERICA TRANSPORTATION REQUESTS

§ 51.55 *Report of lost transportation request to Administrative Office.* When a transportation request is lost or stolen, the employee accountable therefor shall transmit in writing to the appropriate administrative office prompt notification of such loss or theft and a complete statement of attendant facts.

§ 51.56 *Report of lost transportation request to carriers.* In addition, when a transportation request reported as lost or stolen is known to have been filled out to the extent of showing the carrier and services desired from a designated point of origin, the person accountable for such request shall furnish promptly to the named as well as other local initial carriers a description of the lost or stolen document and request that it not be honored. Such advice shall be confirmed in writing, and a copy promptly transmitted to the appropriate administrative office.

§ 51.57 *Disposition of recovered lost transportation request.* Under no circumstances shall transportation requests which have been reported as lost or stolen be subsequently used to obtain transportation or accommodations if such documents are found or recovered. Subsequently recovered transportation requests which were previously reported lost or stolen, whether blank or partially or completely filled out, shall be promptly transmitted to the issuing officer who shall endorse the documents "Canceled" and then forward them through administrative channels for disposition as directed by General Services Administration.

§ 51.58 *Certificate in lieu of lost transportation request.* Carriers which have lost or misplaced transportation requests that have been honored for services may bill for such charges on SF 1171, Public Voucher for Transportation of Passengers. When the agency to which the bill should be rendered is unknown, the bill may be transmitted to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C., for retransmittal to the agency involved. Each item so involved must be supported by (a) a Certificate in Lieu of Lost United States of America Transportation Request, SF 1172, and (b) a statement embodying a recital of any other pertinent facts and circumstances. Each such item should be billed separately and not be included on a billing that refers to any other transaction. When payment is effected, the file should contain for each involved SF 1172 an administrative certification that the services specified in the certificate were furnished as stated, that payment was not previously made thereon to the claimant or other carrier, and that the records have been annotated to prevent a duplicate payment if the transportation request or other instrument in lieu thereof is ever presented for payment.

§ 51.59 *Disposition of transportation request previously certified lost.* If an original transportation request which has been certified as lost is subsequently located by a carrier, it shall be forwarded promptly to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C., together with a full explanation of the facts and circumstances and a citation to the carrier bill on which the SF 1172 was presented for payment.

BILLING AND PAYMENT OF PASSENGER TRANSPORTATION CHARGES

§ 51.60 *Carrier billing forms.* Carrier original bills for transportation services furnished under the regulations in this chapter for the account of the United States shall be prepared on SF 1171, Public Voucher for Transportation of Passengers, including one memorandum copy thereof, SF 1171a, and presented for payment as directed on the transportation request.

§ 51.61 *Single billing and payment for transportation and Pullman services.* When SF 1169 has been issued for the joint procurement of transportation and Pullman accommodations, the honoring rail carrier shall bill for both transportation and Pullman accommodations and payment shall be made by the issuance of but one check for the total amount payable.

§ 51.62 *Factual support of charges billed.* In all instances when information or facts additional to those shown on the transportation request are necessary to support or explain charges billed, the statement of such facts—including where required original signed certifications or affidavits, section 22 quotations, charter orders, air ferry mileage supports, excess baggage coupons or similar documentary evidence showing gross and net weights, bus deadhead mileage supports, "Accommodation Authority" forms, authorizations, etc.—shall be appropriately referenced as to the serial number of the pertinent transportation request and together therewith shall accompany at all times the SF 1171 covering the billing of such document.

§ 51.63 *Carrier machine punching on transportation requests.* Carriers using 80-column tabulating equipment may elect to punch certain information in the transportation requests. However, such punching is restricted to the information and card fields listed below. Any carrier electing to punch must punch all the applicable data as follows:

48–52, Carrier's Code No. (To be supplied upon request by the Transportation Division, U. S. General Accounting Office, Washington 25, D. C.).

53–57, Carrier's Bill No.

58–65, Total amount of transportation charges.

66–72, Total amount of accommodation and other charges.

§ 51.64 *Carrier notations on transportation requests.* Transportation requests should not be subjected to unnecessary notations during the carrier's audit since it is essential that the requests show only transactions between travelers and carrier agents. However, this should not be construed as prohibiting mechanized interpretation in the designated spaces in the upper right-hand corner of the request or other desirable informative notations.

§ 51.65 *Execution of carrier billing forms.* (a) SF 1171 shall show the complete serial number of each billed transportation request and opposite thereto the applicable charges; those for transportation in the column headed "Transportation" and those for accommodations, such as Pullman, air berth, or stateroom in the column headed "Accommodations." Entries in these respective columns should correspond with the totals shown under "Auditor's Value" in the "For Carriers Use Only" area on each listed SF 1169, with a separate total for each column and a grand total shown in the designated spaces. SF 1171 is designed to permit a machine tabular listing of transportation requests though such is not a requirement.

(b) In the preparation of SF 1171, the "Payee's Certificate" must be properly executed.

§ 51.66 *Additional billing procedure for travel agencies.* Travel agencies must support charges billed for each transportation request by a citation to the tariff or other authority relied upon to substantiate the billing. Also, if not clearly set forth on the transportation request, travel agencies must furnish information as to the names of the carriers involved in the routes of travel and the connecting or interchange points of the several carriers, if more than one carrier is concerned in such routes of travel. This showing may be on the face of the bill, SF 1171, if space permits; otherwise, on a separate attachment to SF 1171.

§ 51.67 *Transmission of carrier bills with supporting data.* Transportation requests, together with appropriately referenced supporting documentation, should be placed in one envelope and forwarded with the related SF 1171 for payment and audit.

§ 51.68 *Administrative regulations.* Departments and establishments of the United States Government are expected to issue, revise, or modify administrative regulations and procedures to conform to this part. As soon as issued, two copies of such regulations shall be forwarded to the Transportation Division of the General Accounting Office.

§ 51.69 *Adoption of procedures and forms by Government corporations.* All or any part of the procedures and forms prescribed herein may be adopted for use by Government corporations, provided notice of the extent thereof and of the effective date is transmitted in advance to the Director, Transportation Division, U. S. General Accounting Office, Washington 25, D. C.

§ 51.70 *Exceptions to regulations.* Exceptions to the regulations in this chapter may be made only after obtaining the written approval of the Comptroller General of the United States.

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Sec.

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CONTRACTS AND TENDERS

52.34 Contracts.
52.35 Tenders.
52.36 Procurement and billing.

AUTHORITY: §§ 52.1 to 52.36 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U. S. C. 49.

§ 52.1 *Scope of part.* This part prescribes standard forms and regulations for the procurement of and billing for freight or express transportation services by rail, highway, water, or air, furnished for the account of the United States, and specifies certain information to be furnished in connection therewith.

U. S. GOVERNMENT BILL OF LADING FORMS

§ 52.2 *Standard forms for all shipments except those accorded transit privileges.* The following standard forms are prescribed to accomplish the shipment, transportation, and delivery of Government property by transportation companies and are published for general use throughout the U. S. Government service:

SF 1103, U. S. Government Bill of Lading—Original.
SF 1103a, U. S. Government Bill of Lading—Memorandum Copy.
SF 1104, U. S. Government Bill of Lading—Shipping Order.
SF 1105, U. S. Government Freight Waybill—Original.
SF 1106, U. S. Government Freight Waybill—Carrier's Copy.
SF 1109, U. S. Government Bill of Lading—Original, Continuation Sheet.
SF 1109a, U. S. Government Bill of Lading—Memorandum, Continuation Sheet.
SF 1110, U. S. Government Bill of Lading—Shipping Order, Continuation Sheet.
SF 1111, U. S. Government Freight Waybill—Original, Continuation Sheet.
SF 1112, U. S. Government Freight Waybill—Carrier's Copy, Continuation Sheet.

The size of the above-prescribed forms will be 8½ by 11 inches and the original bill of lading, the freight waybill—original, the freight waybill—carrier's copy, and the corresponding continuation sheets will be printed on white paper. The memorandum bill of lading and its continuation sheet will be printed on yellow paper, and the shipping order and its continuation sheet on salmon paper.

§ 52.3 *Standard forms; temporary receipt and certificate in lieu of U. S. Government bill of lading.* The following standard forms are prescribed for use in connection with the transportation and delivery of Government property and are published for general use throughout the U. S. Government service:

SF 1107, Temporary Receipt in Lieu of U. S. Government Bill of Lading.
SF 1108, Certificate in Lieu of Lost U. S. Government Bill of Lading—Original.
SF 1108a, Certificate in Lieu of Lost U. S. Government Bill of Lading—Memorandum.

The size of the above-prescribed forms will be 8½ by 11 inches. The temporary receipt and the original of the certificate in lieu of lost bill of lading will be printed on white paper, and the memorandum certificate in lieu of lost bill of lading will be printed on yellow paper.

§ 52.4 *Standard forms for shipments accorded transit privileges.* (a) The following standard forms covering the shipment, transportation, and delivery of Government property by transportation companies are prescribed and published for general use throughout the U. S. Government service in connection with Government shipments accorded transit reshipment privileges:

SF 1131, U. S. Government Transit Bill of Lading—Original.
SF 1131a, U. S. Government Transit Bill of Lading—Memorandum Copy.
SF 1132, U. S. Government Transit Bill of Lading—Shipping Order.
SF 1133, U. S. Government Transit Freight Waybill—Original.
SF 1134, U. S. Government Transit Freight Waybill—Carrier's Copy.

The size of the above-prescribed forms will be 8½ by 14 inches and the original transit bill of lading, the transit freight waybill—original, and the transit freight waybill—carrier's copy will be printed on white paper. The memorandum transit bill of lading will be printed on yellow paper, and the transit shipping order on salmon paper.

(b) The Temporary Receipt in Lieu of U. S. Government Bill of Lading, SF 1107, the Certificate in Lieu of Lost U. S. Government Bill of Lading—Original, SF 1108, and memorandum therefor, SF 1108a, and the continuation sheets prescribed for use with the basic set of U. S. Government Bill of Lading Forms, SF 1109, SF 1109a, SF 1110, SF 1111, and SF1112, will be used in connection or conjointly with the set of U. S. Government Transit Bill of Lading Forms, SF 1131, SF 1131a, SF 1132, SF 1133, and SF 1134, as required.

§ 52.5 *Overprinting.* No departure from the exact specifications of the standard bill of lading forms herein prescribed will be permitted, but this will not be construed to prevent a department or establishment from ordering printed on the forms used by it, when more economical and advantageous to do so, the name of the department or establishment, name of bureau or service, place of issue, title of issuing officer, and designation of appropriation or fund chargeable. Also, the departments and establishments may have a brief additional notation printed in the bill of lading forms headed "Important", provided that the need therefor is apparent and prior written approval of the Comptroller General of the United States is obtained.

ACCOUNTABILITY FOR U. S. GOVERNMENT BILLS OF LADING

§ 52.6 *Accountability and control.* Appropriate accountability records must be maintained by the departments and establishments of the United States Government for the purpose of controlling the stock of printed bills of lading on hand and for fixing accountability upon the employees responsible for their issuance and use. To facilitate such control, the bill of lading forms will be serially numbered, when printed, in the two places provided on the form; the numbers will be immediately preceded by symbol letters, approved in advance by the Comptroller General, for the purpose of aiding in identifying the Government agency using them. The approved letter symbol must always be included in any reference to a Government bill of lading number. The U. S. Government Transit Bill of Lading forms will be assigned a separate set of serial numbers beginning with number one (1), or a block of numbers within the current series, and "–T–" will be placed between the regular departmental letter symbol and the serial number.

BASIC SETS OF U. S. GOVERNMENT BILL OF LADING FORMS

§ 52.7 *Description and distribution.* (a) The set of U. S. Government Bill of Lading forms and the set of U. S. Government Transit Bill of Lading forms, all parts of which will be prepared simultaneously, will consist, respectively, in the exact order named, of:

(1) The original bill of lading, which contains the terms and conditions of the contract of transportation, the description of the articles comprising the shipment, and evidence of delivery, and which will, except as hereinafter provided, be used as supporting evidence for the voucher covering the transportation charges involved;

(2) The shipping order, which is to be retained by the carrier's agent at shipping point;

(3) The freight waybill—original, which is to accompany the shipment or to be otherwise conveyed to destination in accordance with instructions of the carrier;

(4) The freight waybill—carrier's copy, which is to be disposed of in accordance with instructions of the carrier; and

(5) The memorandum copy of the bill of lading, which is to be retained by the shipper for administrative purposes.

(b) As many additional copies of the memorandum bill of lading may be made as are required for administrative purposes; however, in the interest of economy, the number of such memorandum copies should be kept at a minimum.

PREPARATION OF U. S. GOVERNMENT BILL OF LADING FORMS

§ 52.8 *Procedures for preparing bill of lading forms.* In preparing the sets of Government bill of lading forms, careful attention should be given to all instructions and details in arrangements, especially to the boxed section headed "For use of Destination Carrier Only," which must not be covered by marks or writing since it is for the sole use of the accounting officer of the destination carrier who inserts therein the proper class, rates, and charges. This boxed section is not ruled on the memorandum copies of the bill of lading form and the space thereon should be used by the issuing officer for showing the estimated transportation charges and for such accounting classifications as may be administratively required. The issuing officer must, in every case, sign the "Certificate of Issuing Officer" regardless of whether the bill of lading is to be used by a contractor as shipper. Carbon impression signatures on the shipping order and other forms will be acceptable. When the bill of lading is to be used by a contractor as shipper, it is particularly important that the issuing officer fill in above his signature the contract or purchase order number, the date thereof, and the f. o. b. point named in such contract or purchase order, since in the absence of such data on bills of lading the carrier may refuse to accept the shipment from a contractor or shipper. The statement of pick-up service at origin must be initialed by the person having accurate knowledge of the facts.

DELIVERY OF PROPERTY TO CARRIER FOR SHIPMENT

§ 52.9 *Action of the carrier's agent and disposition of the U. S. Government bill of lading forms.* Upon delivery of Government property to a carrier for shipment, the agent of the initial carrier should insert the name of his company in the space provided therefor in the lower right-hand portion of the original bill of lading, together with his signature and the date the shipment was received, and he should verify that the statement made on the original bill of lading—that pick-up service at origin was or was not by the Government or its agent—is in accord with the facts and that such statement contained on the shipping order. The shipping order, the freight waybill—original, and the freight waybill—carrier's copy will be surrendered to the agent of the initial carrier at the time the shipment is accepted and the bill of lading is receipted by its agent, at which time the original bill of lading must be immediately forwarded by the shipper (issuing officer or contractor) to the consignee, in order that it will be in his possession upon arrival of the shipment at destination, when it will be promptly receipted and surrendered by him to the last carrier for billing. However, in those instances in which it is apparent to the shipper that the mailing of the original bill of lading to the consignee will result in arrival of the shipment prior to the arrival of the original bill of lading (as, for example, in cases of single-line rail hauls, when shipping by air or by railway express, and in many cases of shipment by highway, etc.), or in the case of all shipments of Government property, if it is administratively determined that some substantial interest of the Government will be subserved thereby, the original bill of lading may, by agreement with the carrier receiving such shipments, be surrendered to said carrier, or its agent, to accompany the shipment or, at the discretion of the carrier, to be transmitted to destination by such other means as the carrier may elect. Whenever the original bill of lading is surrendered to a carrier with the shipment, the certificate "Initial Carrier's Agent, by Signature Below, Certifies He Received the Original B/L" must be placed on the original and all copies in the bill of lading set, and the autographic signature of the initial carrier's agent thereon will constitute a proper execution of the prescribed certificate. In such cases one memorandum copy of the bill of lading will be retained by the shipper (issuing officer) as an office record, and one memorandum copy, so certified, must be immediately forwarded by him to the consignee. Whenever the bill of lading is used by a contractor as shipper, one memorandum copy thereof, so certified, will be retained by the contractor, and memorandum copies, each so certified, must be promptly forwarded by him to the issuing officer and to the consignee.

TEMPORARY RECEIPT IN LIEU OF U. S. GOVERNMENT BILL OF LADING

§ 52.10 *Procedures for use as a temporary record.* The use by the consignee of the Temporary Receipt in Lieu of U. S. Government Bill of Lading, SF 1107, should be restricted to instances in which the receipt or the original Government bill of lading is delayed and immediate delivery of the shipment is imperative. Under no circumstances will transportation charges be paid by a disbursing officer on a temporary receipt; therefore, and in order that payment may be made to the carrier without undue delay, the person responsible for issuing the temporary receipt(s) must maintain a record of the temporary receipt(s) and promptly replace each such receipt with the original Government bill of lading or a certificate in lieu of lost bill of lading.

CERTIFICATE IN LIEU OF LOST U. S. GOVERNMENT BILL OF LADING

§ 52.11 *Circumstances requiring issuance.* If the original Government bill of lading cannot be found after diligent effort has been made to locate it and it is evident that it has been lost or destroyed, the Certificate in Lieu of Lost U. S. Government Bill of Lading, SF 1108, and memorandum thereof, SF 1108a, are provided for use only by authorized Government employees as a basis for settlement of the charges for transportation of the property shipped on the lost original bill of lading.

§ 52.12 *Issuance by consignee.* When it has been ascertained that the original Government bill of lading has been either lost or destroyed, a certificate in lieu of lost bill of lading may be issued by the consignee, provided that the consignee is an agency of the Government, or an official thereof, having access to such forms and with office records which will permit the maintenance of a permanent record of the issuance of such certificates by means of the memorandum copies thereof; and that the consignee has in his possession a memorandum copy of the lost original bill of lading, SF 1103a or SF 1131a, or the carrier's freight waybill, SF 1105 or SF 1133, on which the shipment moved, thus enabling him to accomplish the certificate in lieu of lost bill of lading in every detail.

§ 52.13 *Issuance by issuing officer.* In any other circumstance, the matter of lost original Government bills of lading must be brought to the attention of the issuing officer. Such officer will then issue the necessary certificate in lieu of lost bill of lading from his memorandum copy of the lost original bill of lading, or from information on the shipping order (SF 1104 or SF 1132) which must be obtained from the initial carrier. This certificate in lieu of lost bill of lading will then be forwarded immediately to the consignee for execution of consignee's certificate of delivery and prompt surrender thereof to the destination carrier for accomplishment of its certificate and waiver and for billing.

§ 52.14 *Certificate to be signed by consignee or the issuing officer.* The following certificate, which has been incorporated in the Certificate of Issuing Officer and in the Certificate of Consignee printed on the face of the Certificate in Lieu of Lost U. S. Government Bill of Lading, SF 1108, must be executed by the consignee or the issuing officer who issues the certificate in lieu of lost bill of lading:

Issued in Exact Conformity With Standard Form No. ---------- in My Possession.

§ 52.15 *Temporary receipt replaced by certificate in lieu of lost bill of lading.* If a temporary receipt was issued by the consignee for delivery of the property shipped, he should indorse such fact on the certificate in lieu of lost bill of lading; when such certificate is received by the carrier for accomplishment of its certificate and waiver, reference to such certificate in lieu of lost bill of lading should be made on the temporary receipt

and the certificate and the receipt should be securely attached together for billing.

§ 52.16 *Records and controls to be maintained.* A memorandum copy of every certificate in lieu of lost Government bill of lading issued by the consignee must be immediately forwarded by him to the issuing officer, who should note the issuance thereof, as well as all other certificates in lieu of lost bills of lading issued by himself, on the bill of lading accountability record and promptly forward the memorandum copies of such certificates to the administrative accounting office concerned, where a system of controls designed to avoid duplicate payment of the transportation charges involved must be maintained.

§ 52.17 *Original bill of lading located before settlement of bill; action to be taken.* It is to be understood that, if the original bill of lading is located by either the consignee or the carrier before settlement is made on the certificate in lieu of lost bill of lading, the original bill of lading will be substituted therefor and the certificate in lieu of lost bill of lading will be immediately marked with the notation:

Canceled—Original Bill of Lading Located and Delivered to the Destination Carrier.

The canceled certificate in lieu of lost bill of lading should then be returned to the office which originally issued it.

§ 52.18 *Original bill of lading located after settlement of bill; action to be taken.* If the original bill of lading is located after settlement is made on the certificate in lieu of lost bill of lading, it will be forwarded with appropriate advice to the administrative office concerned, there to be properly voided and inscribed with the name of the disbursing officer, the D. O. voucher number (or the General Accounting Office certificate of settlement number), and the date paid. The voided original bill of lading will then be transmitted to the General Accounting Office.

CONVERSION OF COMMERCIAL BILL OF LADING TO U. S. GOVERNMENT BILL OF LADING

§ 52.19 *Preliminary requirements for conversion.* Every precaution should be taken to guard against the shipment of Government property on a commercial bill of lading or commercial express receipt, since payment to the carrier of the transportation charges will not be made by the Government on such commercial document alone. If, however, Government property unavoidably moves on a commercial bill of lading or commercial express receipt, the words "To Be Converted to a Government Bill of Lading" must be placed on the original commercial document and on all copies thereof in a conspicuous manner. The original commercial document must be immediately forwarded by the shipper to the Government official who authorized the shipment or may, by agreement with the carrier receiving such shipment, be surrendered to the carrier, or its agent, to accompany the shipment or, at the discretion of the carrier, to be transmitted to destination by such other means as the carrier may elect.

§ 52.20 *Procedure.* The procedure to be followed by the shipper, by the Government official who authorized the shipment, and by the consignee in connection with the shipment of Government property which unavoidably moves on a commercial bill of lading or commercial express receipt is as follows:

(a) Whenever the original commercial bill of lading or commercial express receipt is forwarded by the shipper to the Government official who authorized the shipment, the latter should immediately prepare, or cause to be prepared, a Government bill of lading covering the shipment involved, which should be signed by him as the issuing officer. The commercial document on which the property was shipped should be securely attached to the Government bill of lading and both the Government bill of lading and the commercial document should be cross-referenced and forwarded to the consignee without delay for execution of consignee's certificate of delivery on the Government bill of lading delivery of the shipment.

(b) Whenever the original commercial bill of lading or commercial express receipt is surrendered to a carrier, the certificate "Initial Carrier's Agent, by Signature Below, Certifies That He Received the Original of This Document" must be placed on the original commercial document and on all copies thereof, and a memorandum copy of the original commercial document must be immediately forwarded by the shipper to the Government official who authorized the shipment. Upon receipt of the memorandum copy of the commercial document, said official should promptly prepare, or cause to be prepared, a Government bill of lading covering the property involved, sign it as issuing officer, and forward it to the consignee without delay, retaining the memorandum copy of the commercial document for his files. When the shipment and the orignal commercial document are delivered to the consignee by the carrier, the consignee should:

(1) Cross-reference the orignal commercial document and the Government bill of lading received from the Government official who authorized the shipment;

(2) Securely attach the commercial document to the Government bill of lading;

(3) Execute consignee's certificate of delivery on the Government bill of lading; and

(4) Promptly surrender such documents to the destination carrier for billing.

(c) In either of the cases mentioned in this section the signature of the agent of the initial carrier will not be required on the Government bill of lading as it will appear on the commercial document.

LOST COMMERCIAL BILLS OF LADING

§ 52.21 *Procedures for conversion to U. S. Government bill of lading.* If the commercial bill of lading or commercial express receipt on which Government property was unavoidably shipped becomes lost or destroyed, the following procedures will apply:

(a) When the consignee has in his possession the carrier's "Shipping Order," the carrier's "Freight Waybill" (A. A. R. Standard Form No. AD–129–Part 3), or the Railway Express Agency "Delivery Sheet," he may convert it to a Government bill of lading which he must obtain from the Government official who authorized the shipment provided that

(1) Procedure in the issuing office is designed to preclude the issuance of more than one Government bill of lading for the same shipment and

(2) A system of controls, designed to avoid duplicate payment of the transportation charges involved, is maintained by the administrative accounting office concerned.

(b) When the consignee does not have in his possession the carrier's "Shipping Order," the carrier's "Freight Waybill," or the Railway Express Agency "Delivery Sheet," he will be permitted, subject to the provisions of subparagraphs (1) and (2) of this paragraph

(1) To convert a photostat copy of the carrier's "Shipping Order" or the Railway Express Agency "Delivery Sheet" to a Government bill of lading which he must obtain from the Government official who authorized the shipment, provided that before photostating the commercial document the carrier will place thereon the notation "Photostat Copy of This Document Furnished Consignee on ---------- To Be Converted to a (Date) Government B/L"; or

(2) To convert a certified true copy of the commercial documents furnished by the carrier provided said certified true copy contains a carbon impression obtained by typing or otherwise placing on the carrier's "Shipping Order" or the Railway Express Agency "Delivery Sheet" the statement:

Certified True Copy of This Document Furnished Consignee on ---------- (Date) To Be Converted to a Government B/L.

§ 52.22 *Lost original commercial bills of lading subsequently recovered.* It is to be understood that, if the lost original commercial bill of lading or lost commercial express receipt is located subsequent to the conversion of the carrier's "Shipping Order," the carrier's "Freight Waybill" (A. A. R. Standard Form No. AD–129–Part 3), or the Railway Express Agency "Delivery Sheet" to a Government bill of lading, it will be forwarded with appropriate advice to the administrative office concerned. There, after payment has been effected on the Government bill of lading prepared from the commercial documents, the recovered original commercial bill of lading or commercial express receipt will be properly voided and inscribed with the name of the disbursing officer, the D. O. voucher number (or the General Accounting Office certificate of settlement number), and the date paid; it will then be transmitted to the General Accounting Office.

BILLING FOR FREIGHT OR EXPRESS TRANSPORTATION CHARGES

§ 52.23 *Standard forms for billing freight or express transportation charges.*

The following standard forms of public voucher for transportation charges are prescribed and published for general use throughout the Government service:

SF 1113, Public Voucher for Transportation Charges—Original.

SF 1113a, Public Voucher for Transportation Charges—Memorandum.

§ 52.24 *Size and color.* The original Public Voucher for Transportation Charges, SF 1113, should be printed on white paper and be 8½ by 11 inches in size with the addition of a perforated coupon, 8½ by 3 inches, at the bottom of the form, to be used in transmitting checks in payment of the voucher. The memorandum of the voucher, SF 1113a, should be printed on yellow paper in the same size as the original without the perforated coupon.

§ 52.25 *Use of public voucher for transportation charges.* Public Voucher for Transportation Charges, SF 1113, and memorandum copy, SF 1113a, will be used by carriers as the standard forms on which to bill their charges against all branches of the U. S. Government service for freight or express transportation furnished in accordance with official orders.

§ 52.26 *Preparation by carriers of public voucher for transportation charges.* (a) The arrangement of the voucher form requires the listing of the symbol and serial number and amount of each subvoucher (bill of lading, etc.); it does not provide for descriptive details of the service rendered. Except as provided in § 52.33 carriers are requested to make a special effort, when the charges are to be billed to the same office, to include as many subvouchers as possible on each voucher form, since such practice will materially reduce the number of forms used and the number of Government checks issued, and will expedite the payment and audit of transportation charges.

(b) In the preparation of SF 1113, the "Payee's Certificate" must be properly executed.

(c) In the interest of economy the carrier will furnish to the department or establishment billed only one memorandum copy, SF 1113a, with each voucher form unless specifically authorized in advance by the General Accounting Office to furnish extra copies.

§ 52.27 *Purchase or reproduction of public voucher for transportation charges.* In view of the furnishing of the U. S. Government Freight Waybill—Original, SF 1105, and U. S. Government Freight Waybill—Carrier's Copy, SF 1106, for use by the carriers, it is agreed that the carriers will bear the cost of the transportation voucher forms, SF 1113 and SF 1113a, with the understanding that the carriers may either purchase the said forms from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., or print the forms themselves or have them printed by an association of carriers. It is understood, however, that, in reproducing the voucher forms outside the U. S. Government Printing Office, the exact size, wording, and arrangement approved by the Comptroller General of the United States must be adhered to and, while no minimum as to the grade of paper will be set, this Office will rely upon the carriers to provide a paper stock of reasonable grade and reserves the right to impose such a requirement. Inquiries with respect to the cost of the voucher forms should be addressed to the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

FACTUAL SUPPORT OF CHARGES BILLED

§ 52.28 *Support for accessorial or special charges.* In connection with its audit activities the General Accounting Office has before it only what the carrier and the administrative agency have submitted as the record upon which the carrier was paid. There can be no knowledge of services furnished which vary from those ordered on the processing documents. In all instances where additional information or facts are necessary to support higher charges because of accessorial or special services ordered and furnished incident to the line-haul transportation, the U. S. Government Bill of Lading, SF 1103, shall be indorsed to show the name of the carrier upon which the request was made, the kind and scope of the special services ordered, and the fact that such services were rendered. This indorsement shall be signed by or for the person who ordered the special services. However, if such an indorsement is impractical, the same information may be set forth in a statement bearing the symbol and the number of the covering bill of lading which shall be signed by or for the person who ordered the special services, and, if possible, attached to the bill of lading. If the bill of lading is not available, the statement shall be surrendered to the carrier from which the services were ordered, for transmittal to the last line-haul carrier and presentation in connection with the bill for line-haul transportation charges.

PICK-UP AND DELIVERY SERVICES

§ 52.29 *Required indorsements for pick-up and delivery service furnished under tariff provision.* (a) The U. S. Government Bill of Lading, SF 1103, provides for showing whether "pick-up service at origin" and/or "delivery service at destination" was or was not performed by the Government or its agent.

(b) In certain instances tariffs covering pick-up or delivery service provide for the assessment of charges therefor in addition to line-haul charges. Accordingly, where such tariff provisions are in effect, and when pick-up or delivery service is not performed by the Government or its agent but is performed by the carrier at the request of the shipper or consignee in connection with a Less-Than-Carload, an Any Quantity, or a Trap Car shipment, the Government bill of lading and available copies should be indorsed to show that "Pick-up," "Delivery," or "Trap Car Service," as the case may be, "was requested of and furnished by the railroad." (This information is to be shown in addition to the information presently required by the U. S. Government Bill of Lading.) Such indorsements should be signed by or for the person who ordered such services at origin or destination, and whenever practicable the indorsements should be placed in any available space adjacent to the space presently provided for certification as to "pick-up service at origin" and/or "delivery service at destination."

(c) Inasmuch as the above is prescribed as a temporary procedure pending revision of the U. S. Government Bill of Lading, no objections will be raised if the above indorsements, when required, are imprinted on the bill of lading and available copies by means of rubber stamps.

§ 52.30 *Motor carrier or freight forwarder destination storage-in-transit of household goods for account of the Department of Defense; payment of transportation and accessorial charges—(a) Application.* The instructions in this section relate only to shipments of household goods for the Department of Defense.

(b) *Carrier defined.* The term "carrier" as used herein means "motor carrier" or "freight forwarder" which has been duly authorized, under certificate or permit, to operate as such in intrastate or interstate commerce.

(c) *Required certifications.* The payment of transportation charges from the point of shipment to the destination storage point or shipments of household goods forwarded for account of the Department of the Army, the Department of the Navy (including the Marine Corps), or the Department of the Air Force and stored in transit for account of the motor carrier and for ultimate delivery to the consignee or owner may be made upon completion of the transportation to the carrier's destination storage point and prior to ultimate delivery to the consignee: *Provided,* The carrier hauling the shipment to the destination storage point certifies on the covering Government bill of lading over the signature of its duly authorized representative:

(1) That the described household goods were placed in the Carrier's storage warehouse at ---------- (Destination) ---------- on ----------; (Warehouse) (Date)

(2) That such household goods will be permitted to remain there for a period of ---------- or such shorter period (Number of days) as may meet the consignee's of owner's demands; and

(3) That the carrier(s) hauling the shipment to the destination storage point assumes full carrier liability for the shipment during such storage and until delivery to the consignee or owner within the designated storage period.

If space on the Government bill of lading is not available, this certificate, with appropriate reference to the Government bill of lading number, may be made on plain paper and securely attached to the bill of lading.

(d) *Supplemental billing for accessorial charges.* When transportation charges have been paid as authorized in

the preceding paragraph, the payment of accessorial charges, if any, accruing against the shipment after delivery into storage may be made upon presentation by the motor carrier of a claim therefor on SF 1113, which should bear the same bill number as the carrier's original bill for transportation charges but carrying a letter suffix (example: No. 12345–A). The claims for accessorial charges must identify the bill of lading covering the transportation service, show the basis for the accessorial charges claimed, and be supported by a statement of the following information signed by the consignee, showing:

(1) Accessorial services ordered and furnished;

(2) Receipt of the shipment by the consignee or owner; and

(3) Loss or damage to the shipment, if any.

PROCEDURES PERTAINING TO SHIPMENTS ACCORDED TRANSIT PRIVILEGES

§ 52.31 *Transit records; section 22 quotation and tariff requirements.* (a) Quotations made under section 22 of the Interstate Commerce Act, as amended, 49 U. S. C. 22, generally require that all bills of lading for shipments recorded for transit be so annotated; that records of inbound shipments recorded for transit and outbound applications thereto and cancellations thereof be established and maintained at all Government installations; that copies of such records be supplied to the railroad accounting officers and the General Accounting Office; and that all outbound waybills from transit points carry all necessary references to the inbound shipments.

(b) Carrier's published tariffs also require the establishment and maintenance of transit records at Government installations. These records should receive the same distribution as that required in connection with section 22 quotations.

(c) In connection with the foregoing, the following should govern the furnishing of transit certificates (recording documents) to the General Accounting Office:

(1) One copy to be furnished at time of recording inbound tonnage;

(2) One copy to be furnished at time of each reshipment, partial reshipment, or cancellation.

§ 52.32 *Free or surrendered government bill of lading.* Where the transportation charges to the transit station equal or exceed the through transportation charges plus the transit charge, the outbound bill of lading properly accomplished should be listed on and surrendered with a Public Voucher for Transportation Charges, SF 1113, bearing carrier's bill number, to the administrative office for which the service was performed, accompanied by the carrier's check for the amount, if any, due the United States. At the same time, where a refund is involved, a notice of the refund and reference to the surrendered bill of lading and carrier's bill number should also be sent to the Transportation Division of the General Accounting Office to avoid unnecessary issuance of requests for overpayment.

§ 52.33 *Public voucher covering transit shipments.* Bills of lading covering transit shipments should not be included on the same public voucher with nontransit traffic. Separate vouchers should also be used for inbound and outbound transit shipments. That these vouchers cover transit traffic should be indicated by the typing of the word "Transit" under "Serial No., Including Symbol" on the Public Voucher for Transportation Charges, SF 1113. This procedure will enable the General Accounting Office to segregate the transit items and more expeditiously perform the audit.

CONTRACTS AND TENDERS

§ 52.34 *Contracts.* The original of each contract, negotiated or otherwise, for freight transportation rates or services—excluding contracts for local storage, drayage and hauling and contracts entered into by the Military Sea Transportation Service—shall be transmitted by administrative agencies, promptly upon execution, directly to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C.

§ 52.35 *Tenders.* Quotations or tenders made by or on behalf of common contract carriers for freight transportation rates or services, including those made under section 22 of the Interstate Commerce Act, as amended 49 U. S. C. 22, shall be reduced to writing and promptly transmitted by administrative agencies directly to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C.

§ 52.36 *Procurement and billing.* Any services ordered under such contracts or tenders shall be:

(a) Secured by the issuance of Government bills of lading, each of which shall bear reference to the pertinent contract or tender;

(b) Billed by the carrier on SF 1113, Public Voucher for Transportation Charges; and

(c) Paid in the same manner as freight transportation generally.

PART 53—CLAIMS BY THE UNITED STATES RELATING TO TRANSPORTATION SERVICES

Sec.
53.1 Statement of overpayments.
53.2 Protests to stated overpayments.

AUTHORITY: §§ 53.1 and 53.2 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 4, 28 Stat. 206, as amended; 31 U. S. C. 93.

§ 53.1 *Statement of overpayments—(a) Examination of payments.* Carrier bills and supporting documents which represent payments made by Government disbursing officers for freight and passenger transportation services are forwarded to the General Accounting Office in Washington, D. C., for examination (1) of the document ordering the services furnished to determine the contractual basis upon which the rights of the Government and the carrier are based; (2) of the pertinent tariffs, special or reduced rate quotations, contracts, or agreements to determine the proper charge for the services rendered; (3) of decisions of the courts, regulatory bodies, and the Comptroller General which affect the rates, fares, and charges; and (4) of information furnished to the General Accounting Office by transportation officers, travelers, or agencies of the Government. It is the obligation of the General Accounting Office to honor a carrier bill to the extent to which the charges are properly due, but there exists a concurrent responsibility to question or disapprove that part of a payment to a carrier which is found to be unlawful or mathematically incorrect, or which is not accompanied by documentary support establishing a proper obligation of the United States.

(b) *Notices of overpayment.* If it is determined that a carrier billed and was paid a sum in excess of that deemed properly due for the services rendered, there is prepared a notice of overpayment, GAO Form 1003, setting forth in detail the basis of the difference established as to each bill of lading or transportation request found to have been overpaid and citing applicable tariff references and other data relied upon to support the statement of differences. Notices of overpayment are stated separately as to each carrier bill and are dispatched to the pertinent billing carrier. Upon receipt of the notices of overpayment, carriers are requested to refund the amounts due the United States within 60 days from the date such notices were issued. Checks should be made payable to the "U. S. General Accounting Office" and mailed directly to the U. S. General Accounting Office, Transportation Division, Washington 25, D. C.

§ 53.2 *Protests to stated overpayments.* While each notice of overpayment requests prompt refund of amounts determined to be due the United States, carriers may on occasion disagree in whole or in part with the amount claimed to be due. In such instances, a letter of protest may be submitted to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C., accompanied by a check for the amount considered to be properly due the United States. It is not sufficient that a carrier merely protest in so many words; each protest should set forth fully the basis relied upon to support the carrier's position and there should be furnished originals or certified copies of any additional documents which are relied upon to further substantiate the protest. While prompt submission of a proper protest has the effect of deferring collection action, unsubstantiated protests or repetitious protests of the same item to which consideration has previously been accorded will be ineffective for that purpose. Upon receipt in the General Accounting Office, each letter of protest is acknowledged; when the matters involved have been fully considered, the carrier is advised of the action taken.

PART 54—CLAIMS AGAINST THE UNITED STATES RELATING TO TRANSPORTATION SERVICES

Sec.
54.1 Scope of part.

CLAIMS FOR ADJUDICATION BY THE TRANSPORTATION DIVISION OF THE GENERAL ACCOUNTING OFFICE

Sec.
54.2 Definition.

PRESENTATION OF CLAIMS

54.3 Filing requirements for claimants.
54.4 Preparation of claims.
54.5 Evidentiary data required.
54.6 Where claims should be filed.

ACKNOWLEDGMENT OF CLAIMS AND INQUIRIES WITH RESPECT TO THEM

54.7 Acknowledgments.
54.8 Inquiries by claimants.

BASIS AND PROCESSING OF CLAIM SETTLEMENTS

54.9 Basis of claim settlements.
54.10 Processing claims certified for payment in full or in part.
54.11 Notice of claims wholly disallowed.

AUTHORITY: §§ 54.1 to 54.11 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 305, 42 Stat. 24; 31 U. S. C. 71.

§ 54.1 *Scope of part.* This part contains the general procedures applicable to the presentation, settlement, reconsideration, and review of claims against the United States relating to freight and passenger transportation services which are for adjudication in the General Accounting Office.

CLAIMS FOR ADJUDICATION BY THE TRANSPORTATION DIVISION OF THE GENERAL ACCOUNTING OFFICE

§ 54.2 *Definition.* The word "claims" as used in this part means those original or supplemental bills of carriers for freight and passenger transportation services furnished for the account of the United States which are for adjudication and settlement by the Transportation Division, General Accounting Office, and filed directly with it by carriers or referred to it by departments and agencies because there are involved:

(a) Doubtful questions of law or fact, including matters as to which the agency does not have documentary and fiscal records to permit final determination of the issues involved;

(b) Amounts previously collected by or for the General Accounting Office or by a department or agency (except claims involving loss and damage where it is determined that the administrative action taken was clearly in error and properly can be corrected by the agency);

(c) Amounts additional to those originally billed and paid for the services furnished (freight bills for accessorial services such as switching, demurrage, handling, icing, etc., and passenger bills for excess baggage, switching charges, pullman charges based on Accommodation Authority forms, etc., may be paid by departments and agencies when properly documented); and

(d) Amounts which are not administratively approved and paid within ten years from the date right to payment accrued. See 31 U. S. C. 71a.

PRESENTATION OF CLAIMS

§ 54.3 *Filing requirements for claimants.* Claims will not be considered unless presented in writing over the bona fide signature and address of the claimant or over the signature of the claimant's agent or attorney indicated to be such by a duly executed power of attorney or other documentary evidence of the agent's or attorney's right to act for the claimant.

§ 54.4 *Preparation of claims.* Claims for passenger charges should be prepared on SF 1171, Public Voucher for Transportation of Passengers, and claims for freight charges on SF 1113, Public Voucher for Transportation Charges, in the manner prescribed in Parts 51 and 52 of this subchapter. Claim for (a) an amount in addition to that originally paid the carrier for the same services or (b) an amount collected by the General Accounting Office or by a department or agency should be presented in the form of a supplemental bill, which should bear the same number as the original bill but be identified as a supplemental bill by use of an alphabetical suffix. Each supplemental bill should cover charges relating to bills of lading or transportation requests paid on one original bill and where possible only one supplemental bill should be presented for all such items. If additional supplemental bills are necessary, an alphabetical sequence of suffixes should be used.

§ 54.5 *Evidentiary data required.* Each claim should set forth all of the pertinent facts and details and be supported by such evidentiary data as will clearly establish the liability of the United States. Bare assertions or conclusions as to amounts due from the United States usually are not accorded formal consideration.

§ 54.6 *Where claims should be filed.* Action generally will be expedited if claimants file their claims with the administrative department or agency out of whose activities the claims arose. However, a claimant may file a claim direct with the Transportation Division, General Accounting Office, particularly if the statutory period of limitation is about to expire. Further, transportation claims arising out of collections effected as a result of action by the General Accounting Office should be forwarded directly to the Transportation Division, U. S. General Accounting Office, Washington 25, D. C.

ACKNOWLEDGMENT OF CLAIMS AND INQUIRIES WITH RESPECT TO THEM

§ 54.7 *Acknowledgments.* Claimants are advised of the claim number assigned to each claim received in the Transportation Division, General Accounting Office.

§ 54.8 *Inquiries by claimants.* Every effort is made to adjudicate claims as soon as practicable, and claimants are requested to withhold inquiries for at least six months after receipt of acknowledgments from the General Accounting Office.

BASIS AND PROCESSING OF CLAIM SETTLEMENTS

§ 54.9 *Basis of claim settlements.* Claims are settled on the basis of the contract of carriage as evidenced by the bill of lading, transportation request, or other contractual agreement; the payment record; reports as required from a Government department or agency; information available in the General Accounting Office; and the written and documentary record submitted by the claimant. Oral presentations are not acceptable to supplement the written record. The adjudication and settlement of claims is founded on the determination of the legal liability of the United States under the factual situation disclosed by the record. The burden is on a claimant to establish the clear liability of the United States and the claimant's right to payment.

§ 54.10 *Processing claims certified for payment in full or in part.* When it is determined that all or any part of a claim is proper for allowance, the amount allowed is certified in the Transportation Division, General Accounting Office, on a Certificate of Settlement, GAO Form 39, and a complete explanation is furnished on this form as to any amount disallowed. Such certificates are forwarded to the proper administrative agency or department for payment or processing through its records and for scheduling to the proper disbursing officer for prompt payment. An advance notice of settlement of a claim is forwarded by the Transportation Division, General Accounting Office, to the claimant at the time the certificate is forwarded to the administrative agency.

§ 54.11 *Notice of claims wholly disallowed.* When a claim is wholly disallowed, the claimant is advised by a Settlement Certificate, GAO Form 44, which furnishes a complete explanation of the reasons for the action taken.

PART 55—RECONSIDERATION AND REVIEW OF GENERAL ACCOUNTING OFFICE TRANSPORTATION CLAIM SETTLEMENTS

Sec.
55.1 Protest to settlement action.
55.2 Review by the Comptroller General of the United States.

AUTHORITY: §§ 55.1 and 55.2 issued under sec. 311, 42 Stat. 24, as amended; 31 U. S. C. 52.

§ 55.1 *Protest to settlement action.* If a claimant disagrees with the action taken by the Transportation Division upon its claim, a letter may be addressed to the Director, Transportation Division, U. S. General Accounting Office, Washington 25, D. C., requesting reconsideration of such action. Such letters should set forth in detail the legal, technical, and factual data and furnish such additional information and documentation as is relied upon to raise substantive doubt as to the claim settlement action.

§ 55.2 *Review by the Comptroller General of the United States.* If the claimant desires a review of the final action taken by the Transportation Division upon settlement, he may request review by the Comptroller General. The request should be addressed to the Comptroller General of the United States, U. S. General Accounting Office, Washington 25, D. C., and should set forth in detail the legal, technical, and factual reasons urged as warranting revision of the action taken.

SUBCHAPTER E—STANDARDIZED FISCAL PROCEDURES

PART 75—CERTIFICATES AND APPROVALS OF BASIC VOUCHERS AND INVOICES

§ 75.1 *Contractors' and vendors' certificates.* (a) The General Accounting Office no longer requires that a certificate as to correctness and nonpayment be executed on the bills and invoices of contractors and vendors, with the exception that carriers, or other corporations, agencies, or persons furnishing transportation and accessorial services to the Government must continue to execute the certificates as provided in §§ 51.64 and 52.26 of this chapter. Pending the eventual elimination of the contractors' and vendors' certificates from all other standard voucher forms, the certificates on such other forms need no longer be executed. However, the elimination of this requirement does not dispense with the necessity for the specific certification of facts required by certain contracts.

(b) The omission of the certificate from bills or invoices submitted for payment to Government agencies does not in any manner lessen the responsibility of contractors and vendors in complying with all statutory requirements applicable to transactions with the Government, nor will it be construed as mitigating their liability for asserting false, fictitious, or fraudulent claims against the United States, penalties for which are set forth in 18 U. S. C. 287.

(Sec. 311, 42 Stat. 24, as amended; 31 U. S. C. 52. Interprets or applies sec. 309, 42 Stat. 25; 31 U. S. C. 49)

SUBCHAPTER F—RECORDS

PART 81—SAFEGUARDING RECORDS OF THE GENERAL ACCOUNTING OFFICE

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81.6 Removal of original records.
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81.8 Control of loaned original documents.
81.9 Marking or altering of loaned documents.
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81.11 Uncertified copies of records and information from records.
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81.13 Examination of original documents.
81.14 Use of certified copies.
81.15 Schedule of rates.

AUTHORITY: §§ 81.1 to 81.15 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 8, 28 Stat. 207, as amended, sec. 117, 64 Stat. 837; 31 U. S. C. 74, 67. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 81.1 *Preservation of records.* All documents and papers of whatever nature of the General Accounting Office, wherever they may be located, consisting of contracts, accounts current, statements of account, vouchers, schedules, and other documents supporting accounts of accountable officers, which are required by law to be rendered to the General Accounting Office, claims and documents supporting claims by or against the United States, and all other documents or papers forming a part of the records in its legal or physical custody or control shall be preserved by or for this Office in accordance with established retention standards.

§ 81.2 *Return of personal documents.* Personal documents, submitted in support of matters to be settled by the General Accounting Office, will be returned to persons submitting them immediately after the official need for them has been served.

§ 81.3 *Unlawful destruction or alienation of records.* Records of the General Accounting Office shall not be alienated; nor shall they be destroyed except in accordance with the provisions of the act of July 7, 1943, as amended, 44 U. S. C. 366–376 and 378–380, and then only upon the specific approval of the Administrative Officer or the Chief, Records Management and Services Branch, Office of Administrative Services, General Accounting Office.

(Sec. 2071, 62 Stat. 795, 18 U. S. C. 2071)

§ 81.4 *Access to records.* No persons other than officials and employees of the General Accounting Office and others authorized by law, in the regular discharge of their official duties, shall be allowed access to or furnished information from the files and records of the General Accounting Office, wherever such records may be located, except as hereinafter provided. In no case shall information be given that may be made the basis of a claim against the United States, except in the proper discharge of official duties.

§ 81.5 *Examination of records.* Where records are held for the General Accounting Office at the site for audit or in Federal Records Centers after audit, claimants and other persons having a direct and immediate interest in the transaction, or their duly authorized legal representatives, may be permitted to examine applicable records under proper supervision and upon a satisfactory showing of the reasons for the examination. Requests for examination of any records under the jurisdiction of the General Accounting Office wherever located should be addressed to:

Chief, Records Management and Services Branch, Office of Administrative Services, U. S. General Accounting Office, Washington 25, D. C.

§ 81.6 *Removal of original records.* Original records of the General Accounting Office shall not be removed from their designated locations for use outside the General Accounting Office when copies will serve the required purpose. When it is impracticable to furnish copies, original records will be made available for examination in the custody of a responsible employee of the General Accounting Office or may be loaned, when necessary, to proper officials of other Government agencies by the Administrative Officer or the Chief, Records Management and Services Branch. However, the Finance Centers of the Departments of the Air Force, Army, and Navy and the Disbursing Division, Headquarters, U. S. Marine Corps, may continue to have access to and use of original documents on file in the Air Force, Army, Navy, and Marine Corps Audit Branches and in the Debt Section of the Claims Division at Indianapolis, under existing procedures.

§ 81.7 *Prohibitions upon borrowers.* When original documents are loaned to other Government agencies, they will be transmitted by letter reciting the conditions and prohibitions imposed upon the borrower, a copy of which will be receipted and returned. The letters will include a description of the loaned documents in detail, an acknowledgment of accountability therefor, and the responsibility for their timely return to their designated locations.

§ 81.8 *Control of loaned original documents.* A photostatic copy of loaned original records will be placed in the file until the originals have been returned. When it is necessary to transmit loaned documents through the mails they will be sent by registered mail, a return receipt will be requested, and the documents will be returned by registered mail.

§ 81.9 *Marking or altering of loaned documents.* Original documents which are loaned to other Government agencies or presented for examination must not be marked or altered, or their value as evidence impaired, destroyed, or otherwise affected. Such documents will not be presented as evidence or otherwise used in any manner by reason of which they may lose their identity as official records of the General Accounting Office.

§ 81.10 *Certified copies of records.* Upon request, the Records Management and Services Branch, Office of Administrative Services, will furnish certified copies of documents where required, including those requested pursuant to section 3 of the Miller Act, 40 U. S. C. 270 (c), to proper parties in interest or their authorized attorneys or representatives.

§ 81.11 *Uncertified copies of records and information from records.* Requests for copies of books, records, papers, or documents, and transcripts of or information from the books and proceedings of the General Accounting Office for use outside the General Accounting Office by proper parties in interest or their authorized attorneys or representatives should be addressed to:

Chief, Records Management and Services Branch, Office of Administrative Services, U. S. General Accounting Office, Washington 25, D. C.

except as provided in paragraphs (a) and (b) of this section.

(a) In cases relating to records included in accounts which are assigned for audit by the Air Force Audit Branch, U. S. General Accounting Office, 3800 York Street, Denver 5, Colorado; the Army Audit Branch, U. S. General Accounting Office, Fort Benjamin Harrison, Indianapolis 49, Indiana; the Navy Audit Branch, U. S. General Accounting Office, 1901 East 13th Street, Cleveland 14, Ohio; and the Marine Corps Audit Branch, U. S. General Accounting Office, Building 213, Naval Gun Factory, Washington 25, D. C.; the requests will be forwarded to the pertinent Audit Branch.

(b) Requests relating to freight or passenger transportation records should be addressed to:

Transportation Division, U. S. General Accounting Office, Washington 25, D. C.

§ 81.12 *Court requests and subpoenas.* Whenever the originals of any documents of the General Accounting Office, wherever located, or copies or transcripts of records are desired by or on behalf of private parties to a suit in any court, they will be made available only to the court, and only in response to a subpoena or request from the court, which should be directed to the Comptroller General of the United States and served upon the Chief, Records Management and Services Branch, Office of Administrative Services, U. S. General Accounting Office, Washington 25, D. C.

§ 81.13 *Examination of original documents.* Original documents may be presented for examination but must not be presented as evidence or otherwise used in any manner by reason of which they may lose their identity as official records of the General Accounting Office. They must not be marked or altered, or their value as evidence impaired, destroyed, or otherwise affected.

§ 18.14 *Use of certified copies.* In lieu of the original records, certified copies will be presented for evidentiary purposes since they are considered as competent evidence equally with the originals (31 U. S. C. 46). Where copies of records are requested, certified copies will be furnished.

§ 81.15 *Schedule of rates.* (a) Charges for furnishing copies of official records or certifications of authenticity will be made in accordance with the following schedule of rates:

(1) 50 cents for each photostatic sheet of checks, contracts, bonds, vouchers, and other documents, except that for copies of contracts or other multiple sheet documents furnished the charge will be 50 cents for each of the first four sheets and 25 cents for each sheet furnished in addition thereto;

(2) $1.00 for each certification of authenticity of copies of records;

(3) $1.00 for each certification of the date of final settlement of a contract pursuant to section 3 of the Miller Act, 40 U. S. C. 270c;

(4) No charge will be made for copies of records or certifications of authenticity furnished for official use to any court or an officer of any branch of the United States Government.

(b) Letters in response to requests for copies of documents or certifications will include the statement of charges that have been assessed or refunds which may be due.

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F. R. Doc. 57-10767; Filed, Dec. 27, 1957; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

ORDER AMENDING ORDER, AS AMENDED

It is hereby ordered that on and after the effective date hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to, and in compliance with, the terms and conditions of "Order Amending the Order, as Amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus" which was annexed to and made a part of the decision of the Assistant Secretary of Agriculture, issued September 20, 1957 (22 F. R. 7608), with respect to proposed amendments to the said marketing agreement and order, as amended. All of the findings, terms, and conditions of the aforesaid order, as amended, shall be and hereby are the findings, terms, and conditions of this order as if set forth in full herein.

The aforesaid findings are hereby supplemented by the addition of paragraph (b) of § 131.0.

The provisions of this amended order shall become effective 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of December 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

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AUTHORITY: §§ 131.0 to 131.113 issued under 49 Stat. 781–782; 7 U. S. C. 851–855.

§ 131.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the anti-hog-cholera serum and hog-cholera virus marketing agreement act (7 U. S. C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (Part 132 of this chapter) a public hearing was held at Kansas City, Missouri, on July 23, 1956, and April 15, 1957, upon a proposed marketing agreement and a proposed order regulating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the

evidence adduced at the hearing and the record thereof, it is found that:

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held;

(3) All handling of anti-hog-cholera serum and hog-cholera virus is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(b) *Determinations.* It is hereby determined that the agreement, amending the marketing agreement, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus upon which a public hearing has been held, has been signed by handlers who, during the marketing year 1956, handled not less than 75 per centum of the volume of anti-hog-cholera serum and hog-cholera virus which was handled in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

Order relative to handling. It is therefore ordered that on and after the effective time hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and such terms and conditions are as follows:

DEFINITIONS

§ 131.1 *Secretary.* The Secretary of Agriculture of the United States.

§ 131.2 *Act.* Anti-hog-cholera Serum and Hog-cholera virus Marketing Agreement Act (49 Stat. 781; 7 U. S. C. 851 et seq.).

§ 131.3 *Person.* Individual, partnership, corporation, association, or any other business unit.

§ 131.4 *Serum and virus*—(a) *Serum.* Anti-hog-cholera serum manufactured in compliance with standards and regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

(b) *Virus.* Virulent, modified, or inactivated hog-cholera virus, or any derivative or variation of hog-cholera virus, which is used alone or in connection with anti-hog-cholera serum to protect hogs against hog cholera, manufactured in compliance with regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

§ 131.5 *Handler.* Any person who is engaged in the handling of anti-hog-cholera serum or hog-cholera virus.

§ 131.6 *To handle.* To sell, to ship, or in any way put serum or virus into the channels of trade.

§ 131.7 *To market.* To consign or to sell or in any other manner transfer or convey title to, or any interest in, serum or virus, or to enter into any contract or arrangement to do or have done any of the said acts.

§ 131.8 *Wholesaler.* That class of buyers comprising (a) persons or agencies who do not administer serum or virus but are regularly engaged in purchasing and maintaining stocks of serum or virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the Control Agency on submitted evidence acceptable to said Control Agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the storing of serum or virus marketed, the absorbing of all expenses incidental to the advertising and selling of serum or virus, after receipt by them, to other trade groups, together with the providing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) any State or Federal Agency, or any farmer cooperative association who regularly purchases, for delivery within a definite period of time and pays for at sellers' posted prices at time of delivery, serum or virus in specified quantities adequate, in the opinion of the Control Agency, to justify such classification.

§ 131.9 *Dealer.* That class of buyers comprising veterinarians and other persons regularly engaged in administering serum or virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum or virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

§ 131.10 *Manufacturer or producer.* Any person who manufactures or produces and is engaged in the handling or distribution of serum or virus.

§ 131.11 *Distributor.* Any person who does not manufacture serum or virus, but is engaged in the handling or distribution of serum or virus.

§ 131.12 *Control agency.* The agency established pursuant to §§ 131.21 to 131.33.

§ 131.13 *Books and records.* Any books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, memoranda, or other data pertaining to the business of the person in question.

§ 131.14 *Subsidiary.* Any person, of or over whom or which a handler or an affiliate of a handler has, or several handlers collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

§ 131.15 *Affiliate.* Any person and/or subsidiary thereof, who or which has, either directly or indirectly, actual or legal control of or over a handler, whether by stock ownership or in any other manner.

§ 131.16 *Dollar volume.* The sum of money received from the total yearly sales of serum and virus less any credit allowed for returned serum and virus.

CONTROL AGENCY

§ 131.21 *Membership.* A control agency is hereby established consisting of 12 members, who shall hold office until their successors are selected and qualified.

§ 131.22 *Nominations.* The members and their respective alternates shall be selected by the Secretary annually at least 15 days prior to the termination of the term of office of their respective predecessors. Such selections shall be made by the Secretary from the respective nominees of groups hereinafter designated to make nominations. Nominations shall be made on December 1 of each year in the following manner: The handlers who are manufacturers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are manufacturers marketing their products principally through other channels, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through other channels may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates.

§ 131.23 *Selection.* Each of the 12 members of the control agency and their alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the nominees for membership and/or alternates who receive the highest numbers, successively, of votes cast by handlers entitled to vote for nominees in each group. The Secretary may designate an individual to serve as an alternate for more than one member of the same group. No two individuals from the same partnership, corporation, association, or any other business unit, including agents, affiliates, subsidiaries, and/or representatives thereof, shall be selected for membership in or serve as members of the control agency at the same time. The nominees in each instance shall be nominated by a vote of the handlers who are entitled under the provisions of this subpart to vote for such nominees. At any election of nominees each handler shall be entitled to cast one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and/or representatives for each of the members of the control agency and their respective alternates for whom he is entitled to vote.

§ 131.24 *Term of office.* Members of the control agency and their respective alternates, shall be selected annually for a term of one year beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any individual selected as a member of the control agency or an alternate shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

§ 131.25 *Vacancies.* To fill any vacancy occasioned by the removal, resignation, or disqualification of any member of the control agency or an alternate, a successor for his unexpired term shall be selected by the Secretary from nominees selected by the respective group of handlers in whose representation the vacancy has occurred, such nominees to be determined by the selection by the proper group as specified in § 131.22, two nominees for each vacancy to be filled, and selected in the manner specified in § 131.23. Such selection of nominees shall be made within 30 days after such vacancy occurs. If a nomination is not made within such 30 days, the Secretary may select an individual to fill such vacancy.

§ 131.26 *Election of officers.* The members of the control agency shall select a chairman from their membership, and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The agency shall select such other officers and adopt such rules not inconsistent with the provisions of this subpart for the conduct of its business as it may deem advisable. The agency shall give to the Secretary or his designated agent the same notice of meetings of the control agency as is given to members of the agency and their alternates.

§ 131.27 *Compensation.* A reasonable compensation to be determined by the control agency, to be paid to the Secretary of the control agency, and the expenses of the members of the control agency while engaged in the business of the control agency, shall be necessary expenses to be incurred by the control agency for its maintenance and functioning under this subpart.

§ 131.28 *Powers.* The control agency shall have power:

(a) To administer, as hereinafter specifically provided, the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart; and

(e) The control agency, subject to the disapproval of the Secretary, may select an executive committee of not more than four members who shall be empowered to act for the control agency in the routine administration of this subpart, at such times as the control agency is not meeting and cannot be conveniently convened for the purpose. Any and all acts of the executive committee shall be subject to the approval of the control agency, which shall take action with respect to any act of the executive committee at the next meeting of the control agency held immediately following any action by the executive committee.

§ 131.29 *Duties.* It shall be the duty of the control agency:

(a) To act as intermediary between the Secretary and any handler;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(e) To establish and/or foster any agency for the purpose of securing new or improved markets for the serum and virus industry through marketing research. The expenses of such expansion or improvement of markets through research shall be a necessary expense incurred by the control agency for its maintenance and functioning, and shall be defrayed by it from funds collected pursuant to §§ 131.41 through 131.45; and

(f) To make such disbursements as may be necessary to meet expenses necessarily incurred by the control agency for its maintenance and functioning under the provisions of this subpart.

§ 131.30 *Procedure.* (a) All decisions of the control agency except where otherwise specifically provided, shall be by a three-fourths (¾) vote of the members who have qualified by filing their written acceptance and who are eligible to vote.

(b) The control agency may provide for voting by its members by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the control agency.

(c) If a member of the control agency shall be a party in interest to any dispute or complaint, or a representative of such party in interest, he shall, for the purpose of the consideration of such dispute or complaint, be disqualified as a member of the control agency. Such disqualification, however, shall not be deemed to create a vacancy in the control agency.

(d) The alternate for each member of the control agency shall have the power to act in the place and stead of such member in his absence and/or in the event of his removal, resignation, or disqualification until a successor for such member's unexpired term has been selected.

§ 131.31 *Removal or suspension of members.* The members of the control agency (including alternates, successors, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control agency shall be subject to removal or suspension by the Secretary at any time.

§ 131.32 *Disapproval of decisions by Secretary.* Each and every order, regulation, decision, determination, or other act of the control agency, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 131.33 *Funds.* All funds received by the control agency, pursuant to any provision of this subpart, shall be used solely for the purpose specified and shall be accounted for in the following manner:

(a) The Secretary shall require the control agency and its members, or alternates acting as members, to account for all receipts and disbursements.

(b) Upon the removal or expiration of the term of office of any member of the control agency, or of an alternate acting as a member, such member or alternate shall account for all receipts and disbursements, and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and/or claims vested in such member or alternate pursuant to this subpart.

(c) Any funds derived from assessments or any other source which have not been expended by the control agency at the end of a calendar year shall be carried over by the control agency, to be expended during the succeeding calendar year.

(d) Upon the termination or suspension of this subpart or of any provision thereof, the funds of the control agency shall be disposed of in the manner provided in § 131.113.

ASSESSMENTS

§ 131.41 *Handler assessment.* Each manufacturer and wholesaler handler shall pay the control agency, as provided in §§ 131.42 through 131.45, such handler's pro rata share, as may be approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the control agency during any period specified by the Secretary for the maintenance and functioning of the control agency, as set forth in this subpart.

§ 131.42 *Division of assessments.* (a) The pro rata share of the expenses of the control agency to be borne by handlers who are wholesalers shall be determined as follows: Multiply the number of wholesalers of record on December 31st of the preceding calendar year by 1/10 of one percent and then multiply the result thereof by the total expense of the control agency for the current year. The resulting sum shall be the pro rata share of the expenses of the control agency of handlers who are wholesalers, and shall be assessed as set forth in § 131.43: *Provided,* That the pro rata share so computed shall not exceed

thirty-three and one-third percent (33⅓ percent) of the total expense of the control agency. In the event the pro rata share so computed exceeds thirty-three and one-third percent (33⅓ percent), the pro rata share of such handlers shall be adjusted to thirty-three and one-third percent of the total expense of the control agency.

(b) The pro rata share of the expenses of the control agency to be borne by handlers who are manufacturers shall be the balance remaining after deducting the pro rata share of the wholesaler handlers from the total expense of the control agency, and shall be assessed as set forth in § 131.45.

(c) The assessments of all handlers may be adjusted from time to time by the control agency, with approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings of the Secretary of estimated expenses or actual expenses of the control agency during the calendar year.

§ 131.43 *Method of wholesaler handler assessments.* (a) As his pro rata share of the expenses of the Control Agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the control agency a sum computed on the basis of the dollar volume of serum and virus marketed by such handler during the preceding calendar year at the following applicable rates:

(1) Ten thousand dollars, or less—$25.00;

(2) Over ten thousand dollars—at a rate per ten thousand dollars, or fraction thereof, to be fixed by the Secretary based upon the ratio between the dollar volume of marketings of each wholesaler handler whose marketings are in excess of ten thousand dollars and the total dollar volume of marketings of all wholesaler handlers whose marketings are in excess of ten thousand dollars.

(b) The pro rata share of all wholesaler handlers shall be obtained by assessing the first ten thousand dollars or less of the dollar volume of serum and virus marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary to be assessed shall be assessed in the manner set forth in paragraph (a) (2) of this section. If the total sum obtained by assessing the first ten thousand dollars, or less, of the dollar volume of serum and virus marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for ten thousand dollars, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The amount of each wholesaler handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. Such pro rata share shall be subject to the approval of the Secretary. The pro rata share of each wholesaler handler shall be paid as follows: $25.00 on or before January 15, of each year and the remaining sum, if any, within fifteen (15) days after being billed therefor. Such payments shall be made to the disinterested agency which shall transmit the total amount received to the control agency without disclosing the amount paid by each handler. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than $25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment.

§ 131.44 *Fee to accompany application for classification.* Each application for classification as a wholesaler shall be accompanied by a fee of twenty-five dollars ($25.00). If the application is rejected such fee shall be refunded to the applicant. If the application is approved the fee shall be retained and used for the maintenance and functioning of the control agency as such applicant's pro rata share of expenses of such agency for the year in which the application is approved.

§ 131.45 *Method of manufacturer handler assessments.* The pro rata share of expenses to be paid by each manufacturer handler shall be based upon such handler's percentage of the total dollar volume of serum and virus marketed by all such handlers during the preceding calendar year. The amount of each manufacturer handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. The pro rata share of each manufacturer handler shall be paid as follows: An amount equal to one-half of the previous year's assessment shall be due and payable on or before February 1 of each year, and the remaining balance assessed shall be due and payable on or before July 1 of each year. Such payments shall be made to the disinterested agency which shall transmit the amount received to the control agency without disclosing the amount paid by each handler.

REPORTS AND RECORDS

§ 131.48 *Reports.* (a) On or before March 15 of each year, each manufacturer and wholesaler handler shall furnish the Secretary, through a disinterested agency to be selected by the control agency and approved by the Secretary, a report, which shall be sworn to, setting forth the dollar volume of serum and virus marketed in domestic and foreign commerce by such handler during the preceding calendar year. On or before June 15 of each year, each manufacturer handler shall file a report with the Secretary, which shall be sworn to, setting forth the cubic centimeter volume of completed serum such handler had on hand May 1 of such year, and setting forth the cubic centimeter volume of serum marketed in domestic and foreign commerce by such handler during the preceding calendar year. Each handler shall furnish such other information with respect to the production and marketing of serum or virus as the Secretary may request.

(b) The disinterested agency shall make reports to the Secretary with respect to the marketings of serum and virus and collections of assessments under this subpart upon request therefor by the Secretary, and shall promptly transmit to the control agency all sums of money received by it from handlers in payment of assessments. The Secretary shall inform the agency concerning the total amount of the pro rata share of manufacturer handlers and the total amount of the pro rata share of wholesaler handlers of the expenses of the control agency.

§ 131.49 *Records.* Each handler shall keep and maintain for a period of two years accounts and records showing, to the extent that he is concerned therewith, the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus in sufficient detail as will enable the Secretary to ascertain and determine the extent to which such handler is complying with the terms and provisions of this subpart; and each handler shall, upon the request of a duly authorized representative of the Secretary, permit him at all reasonable times to have access to and copy such records. Any information furnished to or acquired by the Secretary or his representative pursuant to this paragraph shall be subject to the provisions of section 8 (d) (2) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (d) (2)).

FILING OF PRICES

§ 131.51 *Filing of price list.* Each manufacturer and wholesaler handler shall file with the Secretary and the control agency a separate list of his selling prices in the United States, including terms of sale and discounts, to each class of buyer defined in this subpart or under the provisions thereof, other than those specified in § 131.55. Each such handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this subpart.

§ 131.52 *Modification of price list.* The price list filed by a manufacturer or wholesaler handler may, subject to the limitations set forth in § 131.54, be modified at any time by such handler by filing a new or amended list of prices, including discounts and terms of sale, which shall only become effective when said new or amended list shall have been on file for three days in any office designated by the control agency: *Provided, however,* That in the event such list is mailed by registered letter or telegraphed to such office, it shall be deemed to have been filed either (a) at the time during usual business hours it is actually delivered in such office, or (b) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

§ 131.53 *Notification of new or amended price lists.* The control agency shall immediately upon receipt of any such new or amended price list, give written notice thereof to each of the handlers and to the Secretary. All price lists shall be made immediately available to the daily and trade press and to the consuming public by employing a means of communication at least as rapid as that used to notify the handlers and the Secretary.

§ 131.54 *Offers, contracts, sales.* Each manufacturer and wholesaler handler shall make no sales unless he has an effective price list, including discounts and terms of sale, as set forth in § 131.51, filed with the control agency. No manufacturer or wholesaler handler shall make any bid, or offer to sell, or enter into an agreement or contract to sell serum or virus, or in any manner sell serum or virus at prices, discounts, or terms of sale different from those set forth in his filed price list which is effective at the time any such bid, offer, agreement, contract, sale, or delivery is made. No manufacturer or wholesaler handler shall file a new or amended price list until his most recently filed price list for any class of buyers becomes effective, and no such handler shall withdraw any filed price list prior to the effective date of such price list.

§ 131.55 *Filed prices not applicable to sales outside United States.* The provisions with respect to the filing of prices shall not apply to any sales made by any handler for delivery outside the United States.

§ 131.56 *Secretary may suspend and declare ineffective price lists.* If the Secretary has reason to believe, from economic data directly available to him or secured by him under the provisions of the act, that any price list, term of sale or discount, in whole or in part, is inequitable to consumers or handlers by reason of the fact that it may cause immediate injury by impeding the carrying out of this subpart or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemptions from the antitrust laws, he may suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation which shall be completed as soon as practicable, and he shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, discount, or term of sale, in whole or in part, to be ineffective if, after an investigation and an opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such price list, term of sale, or discount, in whole or in part, is inequitable as measured by the standards set up in this section.

UNFAIR PRACTICES

§ 131.71 *Unfair methods of competition and unfair trade practices.* The following are unfair methods of competition and unfair trade practices, and are prohibited:

(a) The payment or allowance of rebates, refunds, commissions or unearned discounts, either in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like conditions;

(b) Selling serum or virus at less than reasonable market value;

(c) The giving away or selling other products at less than reasonable market value to a purchaser or user of serum or virus, for the purpose or with the effect of influencing the sale of serum or virus;

(d) Maliciously enticing away the employees of competitors;

(e) Defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by any other false representation of character or conduct or of the serum or virus handled by them;

(f) The sale or offering for sale of any serum or virus by any false means or device;

(g) Shipping of serum or virus on consignment;

(h) Withholding from or inserting in an invoice information which makes the invoice, in whole or in part, a false record of the transaction covered by the invoice;

(i) The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement by means of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum or virus.

§ 131.72 *Distributor handlers advertising as manufacturers.* The use by handlers who are distributors of the words "Serum Company", "Serum Laboratories" or other equivalent words on letterheads, signs, advertising matter, and otherwise where such practice tends to mislead and deceive purchasers and consumers into belief that such distributor is a manufacturer, where in fact he is not, is prohibited.

SERUM RESERVE

§ 131.79 *Emergency reserve.* Each manufacturer who is a handler shall have available on May 1 of each year a supply of completed serum equivalent to not less than 40 percent of his previous year's sales.

MISCELLANEOUS PROVISIONS

§ 131.81 *Classes of buyers.* The control agency, subject to the disapproval of the Secretary, shall upon the basis of a written request supported by economic data sufficiently adequate to warrant a conclusion that such definition is neither unreasonable nor discriminatory, define all classes of buyers not defined in this subpart, and shall, subject to the disapproval of the Secretary, determine in specific cases whether any person who is a handler or who is about to become a handler comes within any class of buyers herein or hereafter defined, and shall compile, subject to the disapproval of the Secretary, lists of persons comprising each class of buyers, such lists and additions thereto to be filed immediately with the Secretary and distributed to the manufacturer and wholesaler handlers.

§ 131.82 *Uniform sales invoices.* The control agency, subject to the disapproval of the Secretary, may formulate and adopt uniform sales invoices for manufacturer and wholesaler handlers. After the adoption of such uniform sales invoices, all sales of serum or virus by such handlers to all classes of buyers shall be made in accordance with the terms of such invoices, and prices and terms of sale therein shall conform to the seller's filed prices and terms of sale, effective at the time of making sales covered by such invoices.

§ 131.83 *Agents and distributional outlets.* The control agency is authorized to require that each manufacturer and wholesaler handler file with such agency a list of his agents and distributional outlets for the marketing of serum or virus. Whenever the control agency by regulation requires that manufacturer and wholesaler handlers list with the control agency such handlers' agents and distributional outlets, any movement or transfer of serum or virus by a manufacturer or wholesaler handler to any person not listed with the control agency as such handler's agent or distributional outlet shall, for the purpose of this subpart, be considered to be a sale of serum or virus to such person.

§ 131.84 *Compliance.* No person shall handle serum or virus except in conformity with the provisions of this subpart and the rules and regulations issued pursuant thereto.

§ 131.85 *Duration of benefits, privileges, and immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall not extend or be construed to extend further than is necessary for the purpose of carrying out the provisions of this subpart and shall cease upon its termination except with respect to acts done under and during the existence of this subpart, and benefits, privileges, and immunities conferred by this subpart upon any party subject hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this subpart.

§ 131.86 *Agents; Secretary may designate.* The Secretary may by designation in writing name any person (not subject to this subpart), including any officer or employee of the Government or of the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 131.87 *Committees; Secretary may select.* The Secretary may select such committees to meet with or advise the control agency as he deems necessary for the proper functioning of the control agency under the provisions of this subpart. One such committee or its representative shall represent the interests of consumers. The expenses for the maintenance and functioning of the advisory committees may be included within the budget submitted to the Secretary for approval, pursuant to § 131.41, and may be met by the control agency from funds paid to it for the maintenance and functioning of the control agency.

§ 131.88 *No derogation or modification of rights of Secretary or of the United States.* Nothing contained in this subpart is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and/or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 131.89 *Liability of members and employees of control agency.* No member of the control agency nor any employee thereof shall be held responsible individual in any way whatsoever to any handler subject to this subpart or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty. The contractual obligations of the handlers under this subpart are several and not joint, and no handler shall be liable for the default of any other handler.

§ 131.90 *Separability of provisions.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, and/or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

AMENDMENTS

§ 131.101 *Who may propose.* Amendments to this part may, from time to time, be proposed by handlers subject hereto or by the control agency.

§ 131.102 *Notice and hearing.* After due notice and opportunity for hearing and upon determination by the Secretary that the proposed amendment has been incorporated in the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by the Secretary on the 2d day of December 1936, the Secretary shall amend this subpart in conformance with such amendment to the said marketing agreement, and such amendment shall become effective at such time as the Secretary may designate.

EFFECTIVE TIME AND TERMINATION

§ 131.111 *Effective time.* This subpart shall become effective at such time as the Secretary may determine the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by him on the 2d day of December 1936, has been executed by all the handlers of seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing year and may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways specified.

§ 131.112 *Termination; how accomplished and when effective.* (a) The Secretary may at any time terminate this subpart as to all parties subject thereto by giving at least seven days' notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretary shall terminate this subpart at the end of the then current marketing period (December 31) whenever he finds that such termination is favored by all the handlers of not less than seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing period.

(c) This subpart shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 131.113 *Liquidation.* Upon the termination or suspension of this subpart or of any provisions thereof, the members of the control agency then functioning, or such other persons as the Secretary may from time to time designate, shall, if so ordered by the Secretary, liquidate the business of the control agency under this subpart, and dispose of all funds and property then in the possession or under the control of the control agency, together with claims for any funds which are unpaid or property not delivered at the time of such termination. The control agency or such other persons as the Secretary may designate (a) shall continue in such capacity until discharged by the Secretary (b) shall, from time to time, account for all receipts and disbursements and/or deliver all funds and property on hand, together with the books and records of the control agency, to such person or persons as the Secretary shall direct, and (c) shall, upon the request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such person or persons full title to all the funds, property, and/or claims vested in the control agency pursuant to this subpart. Any funds collected for expenses, pursuant to the provisions of this subpart, and held by the control agency or such person or persons, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the control agency or such person or persons, shall be returned to the contributing handlers in proportion to the contributions of each handler, or shall be expended by the control agency for a purpose not inconsistent with the provisions of this subpart and in a manner which the handlers shall determine by a three-fourths vote of such handlers. The control agency or such person or persons shall observe the procedure governing the actions of the control agency as established under the provisions of § 131.30. Any person to whom funds, property, and/or claims have been delivered by the control agency or its members upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, and/or claims as are imposed upon the members of the control agency.

[F. R. Doc. 57-10746; Filed, Dec. 27, 1957; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 45-1]

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

CERTIFICATE REQUIRED

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1957.

Section 45.2 requires persons subject to Part 45, as provided in § 45.1, to obtain a certificate from the Administrator before they operate, in air commerce, aircraft of more than 12,500 pounds maximum certificated take-off weight (large aircraft). Holders of air carrier operating certificates are relieved from this requirement, and made ineligible for such additional certification, for the reason that their air carrier operating certificate is deemed to authorize operations also outside of air transportation, with an exception relating to Part 41 operators and frequent intrastate operation. It has been brought to the Board's attention that Section 45.2 in its present form may be read as preventing the issuance of a certificate for operation of large aircraft to air taxi operators although their air carrier operating certificate authorizes operation of small aircraft only, thus preventing them from operating large aircraft outside the air taxi business, unless they fall within the exception relating to frequent intrastate operations.

Such a result was not intended by the Board. The proviso is intended to relate only to holders of air carrier operating certificates which authorize the operation of large aircraft. In view of the foregoing, the Board is amending the proviso to clarify its meaning.

Since this amendment only clarifies the existing rule and grants relief to a certain category of persons, and delay in extending such relief would impose an unnecessary hardship, the Board for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 45 of the Civil Air Regulations (14 CFR Part 45, as amended), effective January 27, 1958 by inserting in the proviso to § 45.2 the words "authorizing him to operate such aircraft", so that the proviso will read: "*Provided*, That no person holding an air-carrier operating certificate authorizing him to operate such aircraft shall be required."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 607, 610, 52 Stat. 1007, 1010, 1011, 1012, as amended; 49 U. S. C. 551, 554, 557, 560)

Effective: January 27, 1958.

Adopted: December 23, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-10788; Filed, Dec. 27, 1957; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.13 is amended by changing the caption to read: "*Green civil airway No. 3 (Oakland, Calif., to New York, N. Y.)*" and by changing all before "Sacramento, Calif., radio range station;" to read: "From the Oakland, Calif., radio range station via the Sacramento, Calif., radio range station;".

2. Section 600.16 is amended by changing the caption to read: "*Green civil airway No. 6 (Alice, Tex., to Norfolk, Va.)*", by changing all before "Corpus Christi, Tex., radio range station;" to read: "From the Alice, Tex., radio range station via the Corpus Christi, Tex., radio range station;" and by changing the name of the facility "Lake Charles, La., radio range station;" to read: "Lake Charles, La., nondirectional radio beacon;".

3. Section 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing the portion which reads: "From the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range via" to read: "From the intersection of the southwest course of the Travis AFB, Fairfield, Calif., radio range and a line bearing 309° True from the San Francisco Gap, Calif., nondirectional radio beacon via".

4. Section 600.215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.)* is amended by deleting the portion which reads: "From the Las Vegas, Nev., radio range to the intersection of the southeast course of the Las Vegas, Nev., radio range and the west course of the Prescott, Ariz., radio range."

5. Section 600.296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.)* is amended by changing the name of the facility "Lake Charles, La., radio range station;" to read: "Lake Charles, La., nondirectional radio beacon;".

6. Section 600.654 is amended to read:

§ 600.654 *Blue civil airway No. 54 (Richmond, Calif., to Hamilton AFB, San Rafael, Calif.).* From the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Travis AFB, Fairfield, Calif., radio range to a point at latitude 38°02'45", longitude 122°31'40".

7. Section 600.667 is amended to read:

§ 600.667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* From the Yuma, Ariz., radio range station via the Blythe, Calif., radio range station; Needles, Calif., radio range station; the intersection of the north course of the Needles, Calif., radio range and the southeast course of the Las Vegas, Nev., radio range to the Las Vegas, Nev., radio range station.

8. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Vero Beach, Fla., omnirange station, including an east alternate from the West Palm Beach omnirange station to the Vero Beach omnirange station;" to read: "Vero Beach, Fla., omnirange station, including an east alternate via the intersection of the West Palm Beach omnirange 358° True and the Vero Beach omnirange 143° True radials;".

9. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion which reads: "Cross City, Fla., omnirange station, including a west alternate from the Fort Myers omnirange station to the Cross City omnirange station via the Tampa, Fla., omnirange station and the intersection of the Tampa omnirange 012° True and the Cross City omnirange 150° True radials and also an east alternate from the Lakeland omnirange station to the Cross City omnirange station via the Gainesville, Fla., omnirange station;" to read: "Cross City, Fla., omnirange station;" and by changing the portion which reads: "Graham, Tenn., omnirange station, including an east alternate from the Birmingham omnirange station via the point of intersection of the Huntsville, Ala., omnirange 264° True and the Graham omnirange 158° True radials; Nashville, Tenn., omnirange station;" to read: "Graham, Tenn., omnirange station, including an east alternate from the Birmingham omnirange station to the Graham omnirange station via the point of intersection of the Huntsville, Ala., omnirange 264° True and the Graham omnirange 158° True radials; intersection of the Graham omnirange 069° True and the Nashville omnirange 254° True radials; Nashville, Tenn., omnirange station;".

10. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion which reads: "Tucson, Ariz., omnirange station;" to read: "Tucson, Ariz., omnirange station, including a south alternate from the Phoenix omnirange station to the Tucson omnirange station via the Casa Grande, Ariz., omnirange station and the intersection of the Casa Grande omnirange 158° and the Tucson omnirange 273° radials;" and by changing the portion which reads: "Graham, Tenn., omnirange station, including a south alternate from the Memphis omnirange station to the Graham omnirange station via the intersection of the Memphis omnirange 081° True and the Graham omnirange 238° True radials; Nashville, Tenn., omnirange station; Crossville, Tenn., omnirange station, including a south alternate from the Graham omnirange station to the Crossville omnirange station via the Graham omnirange 099° True and the Crossville omnirange 257° True radials;" to read: "Graham, Tenn., omnirange station, including a south alternate from the Memphis omnirange station to the Graham omnirange station via the intersection of the Memphis omnirange 081° and the Graham omnirange 238° radials; intersection of the Graham omnirange 069° and the Nashville omnirange 254° radials; Nashville, Tenn., omnirange station; intersection of the Nashville omnirange 133° and the Crossville omnirange 275° radials; Crossville, Tenn., omnirange station, including a south alternate from the Graham omnirange station to the Crossville omnirange station via the intersection of the Graham 099° and the Crossville omnirange 257° radials, and also a north alternate from the Nashville omnirange station to the Crossville omnirange station via the intersection of the Nashville omnirange 059° and the Crossville omnirange 291° radials;".

11. Section 600.6017. *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.)* is amended by changing the portion which reads: "Gage, Okla., omnirange station;" to read: "Gage, Okla., omnirange station, including a west alternate via the intersection of the Oklahoma City omnirange 282° and the Gage omnirange 133° radials;".

12. Section 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.)* is amended by changing the portion which reads: "intersection of the Augusta omnirange 090° True and the Charleston omnirange 301° True radials; to the Charleston, S. C., omnirange station." to read: "intersection of the Augusta omnirange 157° and the Allendale omnirange 261° radials; Allendale, S. C., omnirange station; to the Charleston, S. C., omnirange station."

13. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by changing the portion which reads: "intersection of the New Orleans omnirange 066° True and the Mobile omnirange 242° True radials;" to read: "Gulfport, Miss., omnirange station;".

14. Section 600.6035 *VOR civil airway No. 35 (Miami, Fla., to Syracuse, N. Y.)* is amended by changing the portion which reads: "Fort Myers, Fla., omnirange station; Tampa, Fla., omnirange station; Tallahassee, Fla., omnirange station;" to read: "Fort Myers, Fla., omnirange station; Tampa, Fla., omnirange station; Cross City, Fla., omnirange station, including an east alternate from the point of intersection of the Tampa omnirange 153° True radial and the Tampa International Airport ILS localizer south course to the Cross City omnirange station via the Tampa International Airport ILS localizer, the intersection of the Tampa International Airport ILS localizer north course and the Gainesville omnirange 190° True radial, and the Gainesville, Fla., omnirange station; Tallahassee, Fla., omnirange station;".

15. Section 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Charlotte, N. C.)* is amended by changing the portion which reads: "intersection of the Culberson omnirange 090° True and the Midland omnirange 242° True radials;" to read: "intersection of the Culberson omnirange 090° True and the Midland omnirange 243° True radials;".

16. Section 600.6076 *VOR civil airway No. 76 (Lubbock, Tex., to Galveston, Tex.)* is amended by changing the portion which reads: "Austin, Tex., omnirange station;" to read: "Austin, Tex., omnirange station, including a north alternate via the Lometa, Tex., omnirange station;".

17. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.)* is amended by changing the portion which reads: "Tallahassee, Fla.,

omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the Cross City, Fla., omnirange station;" to read: "Tallahassee, Fla., omnirange station;".

18. Section 600.6114 *VOR civil airway No. 114 (Amarillo, Tex., to New Orleans, La.)* is amended by changing the portion which reads: "From the Amarillo, Tex., omnirange station via the Childress, Tex., omnirange station, including a south alternate; Wichita Falls, Tex., omnirange station;" to read: "From the Amarillo, Tex., omnirange station via the Childress, Tex., omnirange station, including a north and a south alternate; Wichita Falls, Tex., omnirange station, including a south alternate via the intersection of the Childress omnirange 120° and the Wichita Falls omnirange 262° radials;".

19. Section 600.6140 *VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.)* is amended by changing the portion which reads: "Nashville, Tenn., omnirange station, including a south alternate from the Dyersburg omnirange station to the Nashville omnirange station via the intersection of the Dyersburg omnirange 104° True and the Graham omnirange 269° True radials, and the Graham, Tenn., omnirange station;" to read: "Nashville, Tenn., omnirange station, including a south alternate from the Dyersburg omnirange station to the Nashville omnirange station via the intersection of the Dyersburg omnirange 104° and the Graham omnirange 269° radials, the Graham, Tenn., omnirange station, and the intersection of the Graham omnirange 069° and the Nashville omnirange 254° radials;".

20. Section 600.6157 *VOR civil airway No. 157 (Miami, Fla., to Richmond, Va.)* is amended by changing the portion which reads: "to the Gainesville, Fla., omnirange station." to read: "Gainesville, Fla., omnirange station; to the point of intersection of the Gainesville omnirange 354° True and the Jacksonville, Fla., omnirange 273° True radials."

21. Section 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.)* is amended by changing the portion which reads: "Orlando, Fla., omnirange station;" to read: "Orlando, Fla., omnirange station, including an east alternate from the Vero Beach omnirange station to the Orlando omnirange station via the intersection of the Vero Beach omnirange 339° True and the Orlando omnirange 123° True radials and also a west alternate from the West Palm Beach omnirange station to the Orlando omnirange station via the intersection of the West Palm Beach omnirange 311° True and the Orlando omnirange 164° True radials;".

22. Section 600.6163 *VOR civil airway No. 163 (Brownsville, Tex., to Oklahoma City, Okla.)* is amended by changing the portion which reads: "San Antonio, Tex., omnirange station;" to read: "San Antonio, Tex., omnirange station, including a west alternate via the intersection of the Alice omnirange 334° and the San Antonio omnirange 183° radials;" and by changing the portion which reads: "Ardmore, Okla., omnirange station; intersection of the Ardmore omnirange 350° True and the Oklahoma City omnirange 137° True radials; to the Oklahoma City omnirange station, including a west alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the intersection of the Ardmore omnirange 331° True and the Oklahoma City omnirange 180° True radials and also an east alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the point of intersection of the Oklahoma City omnirange 107° True and the Tulsa, Okla., omnirange 228° True radials." to read: "Ardmore, Okla., omnirange station; intersection of the Ardmore omnirange 342° and the Oklahoma City omnirange 154° radials; to the Oklahoma City, Okla., omnirange station, including a west alternate via the intersection of the Ardmore omnirange 327° and the Oklahoma City omnirange 180° radials and also an east alternate via the point of intersection of the Oklahoma City omnirange 107° and the Tulsa, Okla., omnirange 228° radials."

23. Section 600.6216 is amended to read:

§ 600.6216 *VOR civil airway No. 216 (Lamoni, Iowa, to Saginaw, Mich.)*. From the Lamoni, Iowa, omnirange station via the Ottumwa, Iowa, omnirange station; to the Iowa City, Iowa, omnirange station. From the Janesville, Wis., omnirange station via the Muskegon, Mich., omnirange station; to the Sagninaw, Mich., omnirange station.

24. Section 600.6272 is amended to read:

§ 600.6272 *VOR civil airway No. 272 (Sayre, Okla., to Oklahoma City, Okla.)*. From the Sayre, Okla., omnirange station to the Oklahoma City, Okla., omnirange station, including a north alternate and also a south alternate via the intersection of the Sayre omnirange 101° and the Oklahoma City omnirange 242° radials.

25. Section 600.6292 is added to read:

§ 600.6292 *VOR civil airway No. 292.* [Unassigned.]

26. Section 600.6293 is added to read:

§ 600.6293 *VOR civil airway No. 293 (West Palm Beach, Fla., to Tampa, Fla.)*. From the West Palm Beach, Fla., omnirange station via the intersection of the West Palm Beach omnirange 270° True and the La Belle omnirange 107° True radials; La Belle, Fla., omnirange station; to the Tampa, Fla., omnirange station.

27. Section 600.6294 is added to read:

§ 600.6294 *VOR civil airway No. 294.* [Unassigned.]

28. Section 600.6295 is added to read:

§ 600.6295 *VOR civil airway No. 295 (Vero Beach, Fla., to Cross City, Fla.)*. From the Vero Beach, Fla., omnirange station via the intersection of the Vero Beach omnirange 296° True and the Orlando omnirange 164° True radials; Orlando, Fla., omnirange station; intersection of the Orlando omnirange 284° True and the Cross City omnirange 150° True radials; to the Cross City, Fla., omnirange station.

29. Section 600.6620 *VOR civil airway No. 1520 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "From the Little Rock, Ark., omnirange station via the Memphis, Tenn., omnirange station;" to read: "From the Texico, N. Mex., omnirange station via the Childress, Tex., omnirange station; Wichita Falls, Tex., omnirange station; McAlester, Okla., omnirange station; Little Rock, Ark., omnirange station; Memphis, Tenn., omnirange station;".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., January 16, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

DECEMBER 20, 1957.

[F. R. Doc. 57-10764; Filed, Dec. 27, 1957; 8:47 a. m.]

[Amdt. 1]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.13 is amended by changing the caption to read: *"Green civil airway No. 3 control areas (Oakland, Calif., to New York, N. Y.)."*

2. Section 601.16 is amended by changing the caption to read: *"Green civil airway No. 6 control areas (Alice, Tex., to Norfolk, Va.)."*

3. Section 601.654 is amended to read:

§ 601.654 *Blue civil airway No. 54 control areas (Richmond, Calif., to Hamilton AFB, San Rafael, Calif.)*. All of Blue civil airway No. 54.

4. Section 601.1006 *Control area extension (Lake Charles, La.)* is amended by adding the following portion to present control area extension: "and within 5 miles either side of the 058° True radial of the omnirange extending from the omnirange station to a point 42 miles northeast."

5. Section 601.1072 is amended to read:

§ 601.1072 *Control area extension (Sumter, S. C.)*. The airspace north of Shaw Air Force Base bounded on the west by VOR civil airway No. 37, on the north by the Greenville, S. C., control area extension (601.1014), on the northeast by a line extending through points at latitude 34°48'10", longitude 80°10'-30" and latitude 34°31'00", longitude 79°42'30", on the east by Amber civil airway No. 7 and on the south by Red civil airway No. 16, excluding the portion below 26,000 feet MSL which overlaps restricted area (R-114).

6. Section 601.1113 is amended to read:

§ 601.1113 *Control area extension (San Francisco, Calif.)*. All of the airspace in the San Francisco area bounded on the northeast by VOR civil airway No. 107, on the south by a line 5 miles southeast of and parallel to the southwest and northeast courses of the Moffett NAS, Calif., radio range, on the west by a line 3 nautical miles off-shore extending to the southern boundary of the San Francisco control area extension 601.1173, thence east along this boundary to latitude 37°14'00", longitude 122°24'55", thence north to latitude 38°08'30", longitude 122°54'00", thence northeast to the point of intersection of the western edge of VOR civil airway No. 107 with latitude 38°15' 00".

7. Section 601.1155 is amended to read:

§ 601.1155 *Control area extension (Omaha, Nebr.)*. All of the airspace within a 25 mile radius of the Omaha radio range station including the airspace southwest of Omaha bounded on the north by VOR civil airway Nos. 8–S and 6–S, on the east by VOR civil airway No. 15, on the south by latitude 40°00'00" to a point at latitude 40°00'00", longitude 96°55'00", on the west by longitude 96°55'00" to a point at latitude 40°30'00", longitude 96°55'00" thence on the south by latitude 40°30'00" to a point at latitude 40°30'00", longitude 97°20'00" thence on the west by longitude 97°20'00" to VOR civil airway Nos. 8–S and 6–S; the airspace southeast of Omaha within a 25 mile radius of the Omaha omnirange station bounded on the north by VOR civil airway Nos. 6 and 8 and on the west by VOR civil airway No. 15.

8. Section 601.1165 is amended to read:

§ 601.1165 *Control area extension (Oakland, Calif.)*. The airspace southeast of Oakland bounded on the southwest by Blue civil airway No. 10, on the southeast by Blue civil airway No. 60 and on the north by Red civil airway No. 60; the airspace northeast of Oakland bounded on the northwest by Green civil airway No. 3, on the east by Blue civil airway No. 7 and on the south by Red civil airway No. 60.

9. Section 601.1200 is amended to read:

§ 601.1200 *Control area extension (Columbia, S. C.)*. All of the airspace south of the Columbia omnirange station bounded on the north by VOR civil airway No. 56, on the northeast by VOR civil airway No. 53, on the south by VOR civil airway No. 18 and on the west by VOR civil airway No. 185, excluding the portion which overlaps Prohibited Area (P-378); the airspace southeast of Columbia bounded on the north by VOR civil airway No. 56, on the east by VOR civil airway No 3 and on the southwest by VOR civil airway No. 53, excluding the portion below 26,000 feet MSL between sunrise and sunset which overlaps restricted area (R-384).

10. Section 601.1205 *Control area extension (Albuquerque, N. Mex.)* is amended by changing the words which read: "excluding the portion which conflicts with restricted area R-313." to read: "excluding the portion below 30,000 feet MSL which overlaps restricted area (R-313)."

11. Section 601.1247 *Control area extension (Las Vegas, Nev.)* is amended by changing the words which read: "on the northeast by Red civil airway No. 15 and on the east by Blue civil airway No. 67," to read: "on the northeast and east by Blue civil airway No. 67,".

12. Section 601.1260 is amended to read:

§ 601.1260 *Control area extension (Altus, Okla.)*. All of the airspace bounded on the north by VOR civil airway No. 140 between the Amarillo, Tex., and the Sayre, Okla., omnirange stations and by VOR civil airway No. 272 between Sayre and Oklahoma City, Okla., omnirange stations, thence on the east by VOR civil airway No. 77 to Wichita Falls, Tex., omnirange station, thence on the south and southwest by VOR civil airway No. 114 to Amarillo, Tex., omnirange station, excluding the portion which overlaps the Fort Sill restricted area (R-208); the airspace north of Altus Air Force Base bounded on the west by longitude 99°38'00", on the northeast by VOR civil airway No. 17 and on the south by VOR civil airway No. 272.

13. Section 601.1277 is amended to read:

§ 601.1277 *Control area extension (Denver, Colo.)*. That airspace southwest of Denver lying within a 34-mile radius of the Denver omnirange station bounded on the north by VOR civil airway 8 and on the east by Amber civil airway No. 3 including the airspace within 5 miles either side of a line bearing 174° True extending from the Aurora nondirectional radio beacon to a point 25 miles south; that airspace northeast of Denver bounded on the east and northeast by VOR civil airway No. 19, on the southeast by VOR civil airway No. 160, and on the west by VOR civil airway No. 89; that airspace southeast of Denver bounded on the northeast by VOR civil airway No. 4, on the east by VOR civil airway No. 19, on the southwest by the Colorado Springs, Colo., control area extension and on the west by Amber civil airway No. 3. The portion of this control area below 22,000 feet MSL which lies within restricted area (R-195) (Published in 608.15 of this chapter) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

14. Section 601.1340 is amended to read:

§ 601.1340 *Control area extension (Miles City, Mont.)*. The airspace within a 20-mile radius of the Miles City, Mont., omnirange station.

15. Section 601.1446 is added to read:

§ 601.1446 *Control area extension (Pendleton, Oreg.)*. The airspace east of Pendleton bounded on the north by Red civil airway No. 53, on the southwest by Green civil airway No. 10, and on the southeast by a line drawn 5 miles southeast of and parallel to the southwest course of the Walla Walla, Wash., radio range extending from Red 53 to Green 10.

16. Section 601.1447 is added to read:

§ 601.1447 *Control area extension (New Orleans, La.)*. The airspace bounded by lines beginning at a point at latitude 29°15'00", longitude 90°-40'00", thence extending southwest to latitude 28°15'00", longitude 91°25'00", thence west to latitude 28°15'00", longitude 92°05'00"; thence northeast to latitude 29°15'00", longitude 91°05'00", thence east to point of beginning at latitude 29°15'00", longitude 90°40'00", excluding the portion below 2500 feet MSL between the United States shoreline and the New Orleans Oceanic Control Area.

17. Section 601.1448 is added to read:

§ 601.1448 *Control area extension (Vero Beach, Fla.)*. The airspace within 5 miles either side of the Vero Beach, Fla., omnirange 023° True radial extending from the Vero Beach omnirange station to its intersection with the Orlando, Fla., omnirange 071° True radial, excluding the airspace below 10,000 feet MSL which lies outside the continental limits of the United States and excluding the airspace below 14,000 feet MSL which overlaps Warning Area W-158.

18. Section 601.2187 is amended to read:

§ 601.2187 *San Francisco, Calif., control zone.* Within a 5-mile radius of the San Francisco International Airport, within 2 miles on the southwest side of the 309° True radial of the San Francisco terminal omnirange extending from the terminal omnirange station to a point 6½ miles northwest, within 6½ miles on the northwest side and 11 miles on the southeast side of the 038° True radial of the San Francisco terminal omnirange extending from the terminal omnirange station to a point 9 miles northeast, and within 2 miles on the southwest side of the 125° true radial of the San Francisco terminal omnirange extending from the terminal omnirange station to a point 8¼ miles southeast. The portions of the control zone which overlap the Oakland, Calif., control zone are excluded.

19. Section 601.2331 is amended to read:

§ 601.2331 *Lake Charles, La., control zone.* Within a 5-mile radius of the Lake Charles Air Force Base, within 2 miles either side of a 180° True bearing extending from the Lake Charles nondirectional radio beacon (LCH) to a point 10 miles south, and within 2 miles either side of the 334° and 154° True radials of the Lake Charles omnirange extending to a point 10 miles southeast of the omnirange station and to a point 10 miles

northwest of the Lake Charles AFB nondirectional radio beacon (LKC).

20. Section 601.2377 is amended to read:

§ 601.2377 *Shreveport, La., control zone.* Within a 5-mile radius of Greater Shreveport Municipal Airport and within 2 miles either side of the Greater Shreveport ILS localizer front and back courses extending from the localizer to a point 15 miles southeast of the localizer and to a point 5 miles northwest of the ILS outer marker compass locater.

21. Section 601.4013 is amended by changing the caption to read: *"Green civil airway No. 3 (Oakland, Calif., to New York, N. Y.)"*, and by deleting the following reporting point: "San Francisco, Calif., radio range station;".

22. Section 601.4016 is amended by changing the caption to read: *"Green civil airway No. 6 (Alice, Tex., to Norfolk, Va.)"*, by deleting the following reporting point: "Laredo, Tex., radio range station;", and by changing the name of the facility "Lake Charles, La., radio range station" to read: "Lake Charles, La., nondirectional radio beacon;".

23. Section 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing the reporting point which reads: "the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range;", to read: "the intersection of the southwest course of the Travis AFB, Calif., radio range and a line bearing 309° True from the San Francisco Gap, Calif., nondirectional radio beacon;".

24. Section 601.4215 is amended to read:

§ 601.4215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).* No reporting point designation.

25. Section 601.4654 is amended to read:

§ 601.4654 *Blue civil airway No. 54 (Richmond, Calif., to Hamilton AFB, San Rafael, Calif.).* No reporting point designation.

26. Section 601.4667 is amended to read:

§ 601.4667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* The intersection of the north course of the Needles, Calif., radio range and the southeast course of the Las Vegas, Nev radio range.

27. Section 601.4232 is amended to read:

§ 601.4232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* Laredo, Tex., radio range station; Kelly, Tex., radio range station; Smithville, Tex., nondirectional radio beacon; Richmond, Tex., radio range station.

28. Section 601.6035 *VOR civil airway No. 35 control areas (Miami, Fla. to Syracuse, N. Y.)* is amended by adding a new last sentence to read: "The airspace between the main airway and its east alternate between the point of intersection of the Tampa, Fla., omnirange 153° True radial with the Tampa International Airport ILS localizer south course and the Cross City, Fla., omnirange station is excluded."

29. Section 601.6076 is amended to read:

§ 601.6076 *VOR civil airway No. 76 control areas (Lubbock, Tex., to Galveston, Tex.).* All of VOR civil airway No. 76 including a north alternate, but excluding the airspace between the main airway and its north alternate between the San Angelo, Tex., omnirange station and the Austin, Tex., omnirange station.

30. Section 601.6097 is amended to read:

§ 601.6097 *VOR civil airway No. 97 control areas (Miami, Fla., to Minneapolis, Minn.).* All of VOR civil airway No. 97 including east and west alternates, but excluding all of the airspace below 2000 feet above mean sea level which lies beyond the continental limits of the United States.

31. Section 601.6114 is amended to read as follows:

§ 601.6114 *VOR civil airway No. 114 control areas (Amarillo, Tex., to New Orleans, La.).* All of VOR civil airway No. 114 including north and south alternates.

32. Section 601.6159 is amended to read:

§ 601.6159 *VOR civil airway No. 159 control areas (Miami, Fla., to Albany, Ga.).* All of VOR civil airway No. 159 including an east alternate and west alternate, but excluding the airspace between the main airway and its west alternate from the West Palm Beach, Fla., omnirange station to the Orlando, Fla., omnirange station.

33. Section 601.6216 is amended to read:

§ 601.6216 *VOR civil airway No. 216 control areas (Lamoni, Iowa, to Saginaw, Mich.).* All of VOR civil airway No. 216.

34. Section 601.6272 is amended to read:

§ 601.6272 *VOR civil airway No. 272 control areas (Sayre, Okla., to Oklahoma City, Okla.).* All of VOR civil airway No. 272 including a north and a south alternate.

35. Section 601.6292 is added to read:

§ 601.6292 *VOR civil airway No. 292 control areas.* [Unassigned.]

36. Section 601.6293 is added to read:

§ 601.6293 *VOR civil airway No. 293 control areas (West Palm Beach, Fla., to Tampa, Fla.).* All of VOR civil airway No. 293.

37. Section 601.6294 is added to read:

§ 601.6294 *VOR civil airway No. 294 control areas.* [Unassigned.]

38. Section 601.6295 is added to read:

§ 601.6295 *VOR civil airway No. 295 control areas (Vero Beach, Fla., to Cross City, Fla.).* All of VOR civil airway No. 295.

39. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting point:

Gainesville, Fla., omnirange station.

and by revoking the following reporting points:

Los Banos Intersection: The intersection of the Modesto, Calif., omnirange 176° True and the Fresno, Calif., omnirange 287° True radials.

Half Moon Bay Intersection: The intersection of the Oakland, Calif., omnirange 217° True, the Salinas, Calif., omnirange 319° True and the San Francisco, Calif., omnirange 281° True radials.

San Bruno Intersection: The intersection of the San Francisco, Calif., omnirange 305° True and the Oakland, Calif., omnirange 218° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., January 16, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

DECEMBER 20, 1957.

[F. R. Doc. 57-10765; Filed, Dec. 27, 1957; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108-353]

PART 40—VISAS: DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

EQUIVALENT OF DIPLOMATIC PASSPORT

Paragraph (e) of § 40.1 *Definitions*, is amended to read as follows:

(e) "Equivalent of a diplomatic passport" means a national passport, other than a specifically described diplomatic passport, which is issued by a foreign government to which the bearer owes allegiance and which indicates the career diplomatic or consular status of the bearer, the issuing government being one which does not issue diplomatic passports to its career diplomatic and consular officers.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: December 18, 1957.

RODERIC L. O'CONNOR,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[F. R. Doc. 57-10695; Filed, Dec. 27, 1957; 8:45 a. m.]

[Dept. Reg. 108.352]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

BORDER CROSSING IDENTIFICATION CARDS

Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is amended in the following respect:

Section 41.20 *Nonresident aliens' border crossing identification cards*, is amended to read as follows:

§ 41.20 *Nonresident aliens' border crossing identification cards*—(a) *Aliens eligible to apply.* Under the conditions prescribed in this section, a consular officer may issue a border crossing identification card, as that term is defined in section 101 (a) (6) of the act, to a nonimmigrant alien who, upon application therefor, satisfactorily establishes that: (1) He is a citizen and resident of Canada or a British subject having his residence in Canada, or (2) he is a citizen and resident of Mexico; and (3) he is a bona fide nonimmigrant, and, if applying for a nonimmigrant visa, he would be eligible to receive such visa under the provisions of section 212 of the act; (4) he cannot reasonably be expected to make application to the Immigration and Naturalization Service for such card because of his remote residence from the border or some other exceptional reason; and (5) he desires to enter the continental United States for a period or periods of not mere than seventy-two hours each.

(b) *Nonresident alien's Mexican border crossing identification card.* A Mexican citizen who is eligible to apply for a nonresident alien border crossing identification card under the provisions of paragraph (a) of this section shall make application therefor on Form I-190 (revised July 30, 1956) at a United States consular office in Mexico. The applicant shall appear in person, execute the application form in triplicate under oath or by affirmation before a consular officer, and shall, except in the cases of children under the age of fourteen years, be fingerprinted on Form FD-258. Four identical photographs of the alien one and one-half inches square shall be submitted with the application. If the applicant is found to be a bona fide nonimmigrant and to be eligible in other respects to receive a border crossing identification card, the consular officer shall prepare Form I-186. Except in the cases of students, a child under the age of fourteen years who is named in his parent's or guardian's passport or other document issued in lieu thereof may, in the discretion of the consular officer, be exempted from filing a separate application for a nonresident alien's border crossing identification card and from furnishing photographs if the name of such child is included in the Form I-186 which is issued to his parent or guardian. The original and duplicate of the executed Form I-190, together with Form I-186 and Form FD-258, shall be enclosed with three unattached photographs in a sealed envelope of appropriate size so as to eliminate folding of any of the forms, and handed to the applicant for delivery to an immigration officer at one of the following immigration offices: Nogales, Arizona, Calexico or San Ysidro, California; El Paso, Eagle Pass, Laredo, Hidalgo, or Brownsville, Texas. The Immigration and Naturalization Service will subsequently laminate the border crossing identification card and effect delivery to the applicant. The laminated card will have an indefinite period of validity.

(c) *Nonresident alien's Canadian border crossing identification card.* A Canadian citizen or British subject having his residence in Canada who is eligible to apply for a nonresident alien's border crossing identification card under the provisions of paragraph (a) of this section shall make application therefor at a United States consular office in Canada on Form I-175 or on such other form as may be authorized by the Department. Four identical photographs of the alien one and one-half inches square shall be submitted with the application. The photograph requirement may, in the discretion of the consular officer be waived in the case of an alien under fourteen years of age at the time of issuance of the card. One photograph shall be attached to each copy of the application forms and to the identification card if issued to the applicant. If the applicant is found to be a bona fide nonimmigrant and to be eligible in other respects to receive a border crossing identification card, the consular officer shall issue such card to the applicant on Form I-185, or on such other form as may be authorized by the Department, attaching thereto the original of the application form, duly executed, for delivery to an immigration officer at the time of the alien's application for admission into the United States.

(d) *Supporting documents.* Every alien applying for a border crossing identification card shall furnish to the consular officer, with his application, certified copies of such documents pertaining to him as may be required under the provisions of § 41.10.

(e) *Invalidation of nonresident alien's border crossing identification card.* A nonresident alien's border crossing identification card issued by a consular officer shall be invalidated if the consular officer knows or has reason to believe that (1) it was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or by other unlawful means; (2) it is found in the possession of an alien other than the rightful holder; (3) improper use is being made of the card; (4) a ground of ineligibility to receive a nonresident alien's border crossing card is established; or (5) an immigrant visa is issued to the bearer of such a card. The bearer of a border crossing identification card shall, for purposes of invalidation, surrender such card upon request of a consular officer who shall, in the case of an invalidated Canadian border crossing identification card, submit a report of the reasons for his action to the Department. In the case of an invalidated Mexican border crossing identification card, the consular officer shall transmit a Form I-190 showing the reasons for his action to the immigration office at which the alien originally received his laminated border crossing identification card.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: December 18, 1957.

RODERIC L. O'CONNOR,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[F. R. Doc. 57-10694; Filed, Dec. 27, 1957; 8:45 a. m.]

[Dept. Reg. 108.351]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations, are hereby amended in the following respects:

1. Subparagraph (1) of paragraph (g) *Disposition of supporting documents* of § 41.10 *Documents required in connection with application for nonimmigrant visa; medical examination; police certificates*, is amended to read as follows:

(1) When issuing a nonimmigrant visa to any alien, the consular officer shall return to the alien for presentation to the immigration authorities at the port of entry the original of all supporting documents furnished by the alien with his application, except police and medical certificates which shall be disposed of as provided in paragraph (e) of this section. The duplicate of each such document shall be retained at the consular office for at least two years and filed with Form 257 during such period.

2. Paragraph (b) *Form of nonimmigrant visa stamp* of § 41.12 *Procedure in issuing nonimmigrant visa*, is amended to read as follows:

(b) *Form of nonimmigrant visa stamp.* The nonimmigrant visa stamp shall be in the following form or in such other form as may be prescribed by the Department:

(Title of office)

[Seal]

(Location)

NONIMMIGRANT VISA ( )

No. ---------- Date ----------

To: ----------

Valid for ---------- applications for entry into the United States if presented before ----------

----

Consul

3. Paragraph (c) *Notation on visa* of § 41.12 *Procedure in issuing nonimmigrant visa*, is amended to read as follows:

(c) *Insertion of name in visa* The name of the alien to whom a nonimmigrant visa is issued shall be inserted in the space provided therefor in the visa stamp. If the visa is being issued upon the basis of a petition filed with and approved by the Attorney General, in the case of a nonimmigrant who is classifiable under the provisions of section 101 (a) (15) (H) of the act, the number and approval date of the petition shall be noted in the visa stamp, and the period for which the alien's admission has been authorized shall be noted immediately below the visa stamp.

4. Section 41.13 *More than one person included in nonimmigrant visa*, is amended to read as follows:

§ 41.13 *More than one person included in nonimmigrant visa.* A single nonimmigrant visa may be issued to include more than one eligible alien if each alien to be included in the visa executes a separate application. When several members of a family are to be included in the same visa, the name of each such member, in addition to the principal applicant, shall be written in the space provided therefor in the visa stamp. The visa fee to be collected in such a case shall be equal to the total of the fees prescribed by the Secretary of State in accordance with the provisions of section 281 of the act and § 41.14 for each alien so included in the visa.

5. Paragraph (a) of § 41.16 *Revalidation of nonimmigrant visa*, is amended to read as follows:

(a) A nonimmigrant visa issued to a nonimmigrant under the provisions of section 101 (a) (15) of the act may be revalidated in the same classification at the original visa-issuing office or other consular office: *Provided*, That (1) such visa was originally issued for less than the maximum period of validity of forty-eight months or for less than multiple applications for admission or both; (2) such visa is about to expire, or has expired, or has become invalid by reason of having been used for the number of applications for admission specified therein; and (3) the consular officer is satisfied that the alien is a bona fide nonimmigrant and is otherwise eligible to receive such a nonimmigrant visa, including the possession of a valid passport, if required.

6. Paragraph (c) of § 41.16 *Revalidation of nonimmigrant visa*, is amended to read as follows:

(c) In revalidating a nonimmigrant visa, the consular officer shall follow the procedure prescribed in § 41.12, except that a new Form 257 need not be executed. The visa stamp shall be impressed in the alien's passport and all pertinent data contained in the original visa shall be transferred to the revalidated visa. The word "Revalidated" shall be inserted above the words "Nonimmigrant Visa" in the visa stamp or inserted diagonally across the face of the visa. Following the revalidation of a nonimmigrant visa, an appropriate notation thereof, regardless of where the revalidation occurs, shall be made on the pertinent index card on file at the original visa-issuing office.

7. Paragraph (a) of § 41.21 *Transfer of visa to new passport*, is amended to read as follows:

(a) A valid nonimmigrant visa, including pertinent data contained therein, may be transferred from a passport which has expired or is about to expire to a new passport where (1) the alien is required to surrender the visaed passport to the foreign-issuing authority in exchange for a new passport, or (2) the alien is permitted to retain the expired or expiring passport containing a valid nonimmigrant visa but, nevertheless, requests a consular officer to transfer such visa to a new valid passport, and (3) the alien is found otherwise eligible to receive such a nonimmigrant visa.

8. Paragraph (a) *First preference class* of § 42.11 *Classes of quota immigrants*, is amended to read as follows:

(a) *First preference class.* The first preference class of quota immigrants shall consist of the selected immigrants referred to in section 203 (a) (1) of the act, including the spouses and children of such immigrants accompanying or following to join them, who shall be entitled to preferential consideration under the first half of the quota to which they are chargeable and within any other portion of such quota not required for the issuance of visas to immigrants primarily entitled thereto.

9. Paragraph (a) of § 42.13 *Determination of quota to which an immigrant is chargeable*, is amended to read as follows:

(a) An immigrant born in a quota area shall be chargeable to the quota of such quota area unless (1) he is classifiable as a nonquota immigrant under section 101 (a) (27) of the act, (2) he is classifiable as a nonquota immigrant under section 4, 9, 12, or 15 of the Act of September 11, 1957 (Public Law 85–316, 71 Stat. 639), (3) his case falls within one of the exceptions to the general rule of quota chargeability as provided in section 202 of the Immigration and Nationality Act, or (4) he is a Chinese person who is chargeable to the quota for Chinese persons as provided in § 42.15.

10. Paragraph (d) of § 42.23 *Removal of names of registrants from quota waiting list*, is amended to read as follows:

(d) The registrant abandons his intention to immigrate to the United States. An alien who for any reason fails to apply formally or informally for a visa within sixty days after being duly notified that his name has been reached on the waiting list shall be considered to have abandoned his intention to immigrate: *Provided*, That any such alien who can establish to the satisfaction of the consular officer that his failure to apply formally or informally for a visa was for reasons beyond his control and for which he was not responsible may make an application for a visa under his original priority on the waiting list when the circumstances which prevented him from applying formally or informally for a visa cease to exist, or within sixty days thereafter: *Provided further*, That an alien who is the beneficiary of a valid first, second, third, or fourth preference petition shall in any event be entitled to a registration priority as of the filing date of the petition.

11. Paragraph (e) of § 42.41 *Procedure in issuing immigrant visa*, is amended to read as follows:

(e) *Passport of unrecognized government.* No seal, stamp, or notation of any kind shall be placed in a passport or other travel document issued by a government not recognized de jure by the United States.

12. Paragraph (e) of § 42.47 *Validity of immigrant visa*, is amended to read as follows:

(a) The period of validity of an immigrant visa, quota or nonquota, shall not exceed four months, beginning with the date of issuance, except that any visa issued to an eligible orphan under section 4 of the act of September 11, 1957, or under any other immigration law to a child lawfully adopted by a United States citizen and spouse while such citizen is serving abroad in the United States Armed Forces, or is employed abroad by the United States Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed three years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: December 18, 1957.

RODERIC L. O'CONNOR,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[F. R. Doc. 57–10693; Filed, Dec. 27, 1957; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Sections 590.306 through 590.306–52 are added as follows:

§ 590.306 *Transportation costs.*

§ 590.306–1 *General.* Proper consideration of the transportation aspects of procurement is necessary in the placement of contracts to insure that procurement is on the basis most advantageous to the Government, all factors considered, and that supplies arrive at the proper destination at the time required and in proper condition. Disregard of the transportation aspects of a procurement may lead to improper award of contracts, waste of time and money, and failure to have items available when and where needed.

§ 590.306–2 *Place of delivery.* See Subchapter A, Chapter I of this title.

§ 590.306–3 *Quantity analysis.* See Subchapter A, Chapter I of this title.

§ 590.306–4 *Commodity description.* See Subchapter A, Chapter I of this title.

§ 590.306–5 *Delivery terms.* See Subchapter A, Chapter I of this title.

§ 590.306–6 *Consignment and marking instructions.* See Subchapter A, Chapter I of this title.

§ 590.306–7 *Scheduling of deliveries to permit consolidation of shipments.* See Subchapter A, Chapter I of this title.

§ 590.306–8 *Transit arrangements.* See Subchapter A, Chapter I of this title.

§ 590.306–9 *Rates.* See Subchapter A, Chapter I of this title.

§ 590.306–10 *Volume shipments.* See Subchapter A, Chapter I of this title.

§ 590.306–11 *Unusually large or heavy shipments.* See Subchapter A, Chapter I of this title.

§ 590.306–12 *Mode of transportation.* See Subchapter A, Chapter I of this title.

§ 590.306–50 *General responsibilities*—(a) *Contracting Officers and Contract Administrators.* (1) To afford, during the procurement cycle, proper analysis and consideration of transportation factors affecting both domestic and export purchases.

(2) To seek advice, assistance, or traffic information from appropriate sources as indicated in § 590.306–51.

(3) To incorporate the soundest available transportation provisions in contracts and to see that transportation requirements are met during the performance of contracts.

(4) To bring to the attention of appropriate authorities any practicable improvements in procedures, practices, contract clauses, the terms or quantities of requirements, or similar methods by which transportation factors and other procurement elements may be better coordinated to the advantage of the Government.

(5) At the earliest possible phase in the procurement cycle, to provide, through installation transportation officers, information of prospective procurements or movements so as to facilitate rate negotiation or other traffic management actions.

(b) *Transportation Officers.* (1) To analyze and determine the effect of transportation factors on purchases.

(2) To advise contracting officers of transportation costs, methods of shipment, and other transportation information for the evaluation of bids and award of contracts in a manner most advantageous to the Government.

§ 590.306–51 *Sources of transportation assistance.* (a) The primary sources of transportation assistance are:

(1) *The Chief of Transportation.* For freight rate quoting service and general transportation assistance for contracting officers located in Military District of Washington, U. S. Army.

(2) *Regional Director, Military Traffic Management Agency.* For freight rate quoting service and general transportation assistance for contracting officers within their respective transportation zone boundaries.

(3) *Army Transportation Officers.* For general transportation assistance for contracting officers within their respective Army areas.

(4) *Installation Transportation Officers.* For general transportation assistance for contracting officers located on or adjacent to their respective installations. This particularly includes transportation officers in procuring installations.

(b) The procedure for obtaining freight rate quoting service is set forth in SR 55–155–30 (Special Regulations pertaining to freight rate quoting service).

(c) Transportation officers will furnish the best rates available for appropriate means of shipment and any other transportation information which would assist the contracting officer in evaluating the bids and awarding the contract in a manner most advantageous to the Government. The best rates available may be rates in effect or to become effective at a later date. The use of freight rates to become effective at a later date for evaluation of bids will be limited to those rates or rate changes on file in the rate furnishing office prior to the date of opening bids. Whenever a rate request to a rate-furnishing office does not specify a date, rates furnished will be those on file in that office at the time the files are examined.

§ 590.306–52 *Transportation considerations in the procurement cycle.* Transportation considerations that should be made by contracting officers during the procurement cycle, when transportation is involved, are set forth below:

(a) *Preliminary phase.* This phase covers the period from receipt of the procurement directive or other notice to effect procurement, to the preparation of invitations for bids or requests for proposals.

(1) From the destination data provided in the procurement directive, the contracting officer should determine whether origin or f. o. b. destination procurement is required, or whether bids or proposals should be solicited on both bases (§ 1.306 of this title). When items are to be procured for destination outside the United States, the specific port(s), or point(s) of exit, to be used as the basis for evaluation of Government cost of transportation will be determined by appropriate coordination between the contracting officer and the Department of the Army transportation contacts. The transportation cost factors which are to be included in the invitation for bids or the request for proposals will be determined during this phase.

(2) A review of the delivery schedule should be made to insure that shipments are made as economically as possible under the circumstances. A shipment made in less-than-carload (LCL), or less-than-truckload (LTL) lots is unnecessarily costly when consolidation into carload (CL), or truckload (TL) lots can be effected.

(3) The physical characteristics of shipments should be considered. For example, shipments of items separately or setup when they could be shipped nested or knocked down is one cause of excess transportation costs.

(4) Unusually large or heavy items may not be susceptible to being shipped by regular modes of transportation. In such cases special arrangements will have to be made for their shipment. This should be determined prior to and reflected in the issuance of the invitation for bids or requests for proposals.

(5) Whenever requirements or specifications admit of discretion in the selection of methods of packing and packaging of supplies, contracting officers should select that method which will provide low transportation costs consistent with physical protection and overall economy.

(6) Every reasonable effort should be made to determine precise or general destinations of supplies, including oversea area for which delivery is intended.

(b) *Solicitation phase.* This phase covers the preparation and issuance of invitations for bids or requests for proposals.

(1) Invitations for bids and proposals should set forth as clearly as possible those transportation responsibilities of the bidder or offeror in order that he can bid correctly and the Government can benefit by the inclusion of economical transportation charges in the bid or proposal.

(2) If destination of shipment is unknown, the invitation or request should specify that bids or proposals will be submitted f. o. b. origin, and shipment will be made on Government bill of lading and, if appropriate, in CL or TL lots.

(3) Invitations for bids or requests for proposals to be solicited on an f. o. b. origin basis will include the following information:

(i) The evaluation of bids or proposals will be made on the basis of bid price plus transportation cost to the Government from point of origin to destination(s) named.

(ii) The best available freight rates in effect or to become effective at a later date, for the selected method of shipment, will be used for the evaluation.

(iii) The use of freight rates to become effective at a future date for evaluation, will be limited to those rates or rate changes on file in the rate-furnishing office prior to the opening date.

(iv) Bidders and offerors will be informed, to the extent possible and practicable, when any of the following factors apply to shipments:

(*a*) Method of shipment such as rail, water, air, or truck.

(*b*) Minimum quantities or lots such as LCL, LTL, CL, or TL.

(*c*) Actual or designated destinations for evaluation purposes.

(*d*) Packing, cratihg, and other preparations.

(*e*) Use of transit arrangements (§ 1.306–52 (c) (4) of this title).

(*f*) Special arrangements for shipment such as the movement of unusually large or heavy items.

(v) When items to be procured are for destinations outside the United States, transportation cost factors (other than inland) will be included in the invitation for bids or request for proposals, and the specific port(s) or point(s) of exit to be used as a basis for evaluation of the transportation cost to destination(s) will be named. When only one such port or point of exit is involved, transportation cost factors need not be shown in the invitation for bids or request for proposals, unless weight and cube of the items to be procured vary with the different bidders or offerors. Ports or points of exit specified will be consistent with Transportation Corps publications and guidance. In the event a contracting officer has reason to believe utilization of port(s) and point(s) of exit, other than those set forth in Transportation Corps publications, would be advantageous to the Government he will submit a request to the Department of the Army transportation contact for approval prior to the issuing of the invitation for bids or request for proposals.

(4) The invitation or request should specify, whenever possible, the exact origin or destination of a shipment as appropriate; for example, f. o. b. receiving dock, ---------- General Depot, ---------- State.

(5) As appropriate, each invitation or request should specify who is to be responsible for the following:

(i) Loading, unloading, and handling costs.

(ii) Processing required to prepare for shipment.

(iii) Drayage costs.

(iv) Transportation marking requirements.

(v) Transportation penalties.

(vi) Transportation taxes.

(vii) Supply of dunnage and lashing materials.

(viii) Transportation claims.

(6) Whenever f. o. b. destination procurement may be involved, the invitation or request should inform prospective suppliers of any destination transportation factors which may affect the suppliers' transportation costs.

(7) For certain types of procurement, the invitation or request should elicit information of the minimum size of shipments which the prospective supplier will make, so that freight evaluation may be on a realistic basis (carload, truckload, less-carload, less truckload). The supplier should be cautioned also that if he ships in lesser quantities he may be charged with any excess costs resulting, unless the Government caused the deviation.

(8) When it is considered necessary in the interest of safe transportation to prescribe particular carloading methods, the required methods shall be specified in adequate detail in the invitations for bids or requests for proposals, or in related transportation instructions or packaging specifications. However, no provision shall require carloading methods which will prevent contractors from employing commercial methods in general use which provide protection equivalent to or better than the recommended methods contained in the Association of American Railroads carloading pamphlets. Carloading methods prescribed by the Association of American Railroads for loading shipments in or upon open topped cars are considered to be mandatory. However, if a contractor desires to use carloading methods other than those prescribed in the invitations for bids or request for proposals or related instructions, the contractor shall be required to provide sufficient evidence to satisfy the interested transportation officer who will advise the contracting officer that such proposed substitute methods are adequate. This subparagraph applies only to transportation of freight by railroads within the United States.

(c) *Evaluation and award phase.* (1) In evaluating bids or proposals submitted on an f. o. b. origin basis when destinations or distribution patterns are known, the cost of transportation must be added to the bid or proposal in establishing the actual cost to the Government. Accurate weights and cubage, current transportation rates, and use of proper modes of transportation are essential in this process. When a destination outside the United States is known and more than one United States port or point of exit is appropriate for use in the evaluation, the differences in transportation costs (ocean, port handling, and inland transportation costs) will be considered, so that the award will reflect the most advantageous basis of cost of the supplies landed at the oversea port. Only ports or points of exit specified in the invitations for bids or request for proposals shall be used for purposes of evaluating competitive bids or proposals. Information pertaining to ocean transportation costs, port handling costs, and inland transportation costs can be obtained from the Department of the Army transportation contact.

(2) Contracting officers will consider transportation costs, methods of shipment, and other transportation factors in the evaluation of f. o. b. origin bids or proposals and in the award of contracts. The best available freight rates in effect or to become effective at a later date should be used. The use of rates to become effective at a later date will be limited to those on file in the rate-furnishing office prior to the opening date.

(3) In determining, by pre-award survey or otherwise, the capabilities of a bidder or offeror to carry out a contract, definite consideration should be given to the adequacy of transportation facilities at the bidder's plant, including his ability to accumulate and ship in carload or truckload lots.

(4) Consideration should be given to the possibility of obtaining benefit for the Government through the use of transit arrangements. Such arrangements permit the forwarding of a shipment in the same direction after it has been halted in transit (sometimes for as much as 2 years), for storage, processing, fabrication, or other purpose as specified by the carriers; all at the through rate (as contrasted with the combination of rates in and out of the transit point) plus nominal surcharges. Transit arrangements are not universal and are varied; traffic management personnel can furnish necessary information and analysis of situations where transit may be beneficial.

(5) When comparing the unreserved portion of a procurement and the "Set-aside" portion in conjunction with "Set-asides" under Defense Manpower Policy No. 4 (§§ 1.302–4, 2.205 and 3.219 of this title) or partial Small Business Set-asides, the transportation aspects involved in each portion must be considered to insure correct comparison.

(6) Whenever it appears to the contracting officer that award for shipment to the designated destination will plainly result in cross-hauling or back-hauling to the disadvantage of the Government, considering subsequent moves of the supplies, the matter will be brought to the attention of the requiring agency or appropriate distribution authorities.

(7) If information for possible rate negotiation purposes has not been furnished earlier, or if adjustment in such information is required, appropriate advice will be furnished the Chief of Transportation, through the local transportation officer, immediately upon execution of a contract indicating firm shipment plans.

(8) Contracts, when executed, must be specific with respect to all transportation responsibilities.

(d) *Contract administration phase.* This phase covers the period from contract award through completion or termination of contract.

(1) During this phase numerous factors must be kept under control to assure the best results for the Government in transportation costs and service. Among these are:

(i) Ordering out.

(ii) Routing; release for port shipment; coordination of routing with basis of evaluation.

(iii) Policing of delivery schedules; shipment of carload and truckload lots whenever practicable; meeting minimum weights attached to such rates; adjustment of payments as appropriate.

(iv) Documenting; showing f. o. b. point properly; distribution and validation of documents.

(v) Contract changes affecting transportation.

(vi) Special shipping arrangements, as for oversize and overweight shipments.

(vii) Reporting information for special rate or rating adjustments when opportunities are newly discovered.

(viii) Control of irregularities in packing, loading, loss and damage causes, sealing vehicles, tallies, ordering cars, description of articles, documented weights, and export requirements.

(ix) Small shipments problems; parcel post.

(x) State tax problems.

(xi) Use of transit arrangements.

(xii) Effect of inspection, acceptance, or rejection on transportation.

(xiii) Safety for dangerous shipments. The foregoing and other questions must frequently be the subject of collaboration between the local transportation officer and the contract administrator.

(2) It is important to insure that the transportation factor is considered in the termination of contracts.

2. In § 591.201, revise paragraph (j) to read as follows:

§ 591.201 *Preparation of forms.* • • •

(j) *Availability, identification, and review of specifications.* Each invitation for bids shall list for each item included therein the applicable specifications as authorized for procurement in § 590.305 (a), or will contain a description as provided in § 590.305 (c). Such reference to specifications shall include the title and symbols, with any revision letters, and dates, including any amendments identified by numbers and dates. Prior to issuance of invitations for bids the proposed specifications shall be reviewed in accordance with procedures prescribed by heads of procuring activities: (1) To insure compliance with the provisions of § 590.305, and (2) to eliminate subsequent procurement actions which would be prejudicial to the Government and to potential bidders. Such review is intended to eliminate or correct unduly restrictive specifications and to prevent, insofar as practicable, the necessity for amendment of invitations after issuance, and the cancellation of invitations after opening, with consequent disclosure of bids where no award is to be made.

3. Section 592.201–2 is added and § 592.201–50 is revised, as follows:

§ 592.201–2 *Application.* (a) 10 U. S. C. 2304 (a) (1) may be used and recorded only with respect to the following:

(1) Labor surplus and disaster area programs.

(2) Small business programs.

(3) Nonperishable subsistence.

(4) Research and development contracts and each amendment thereof, for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test, when the estimated cost of either is $100,000 or less (§ 3.201–2 of this title). Except, that this authority shall not be used to negotiate a contract or an amendment thereof, regardless of amount, for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test, where the contract is entered into with an educational institution (§§ 592.205–2 (a) and 592.211).

(5) Modifications authorized by terms of definitive contracts previously negotiated under 10 U. S. C. 2304 (a) (1).

(i) The term "modifications authorized by the terms of definitive contracts" as used in this subparagraph includes:

(*a*) Increase or decrease of funds obligated on letter contracts and cost-reimbursement type contracts; provided, however, such increase or decrease is not the result of a change in the scope of work or quantities to be delivered.

(*b*) Change orders, supplemental agreements, or contract amendments issued pursuant to contractual provisions relating to changes, changed conditions, price escalation, price redetermination, incentive, termination for convenience, default, taxes, and variation in quantity caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes.

(ii) Except in connection with contracts which have been or will be negotiated pursuant to subparagraphs (1), (2), (3), (4), and (6) of this paragraph 10 U. S. C. 2304 (a) (1) will not be used for:

(*a*) Increase or decrease of funds obligated on contract amendments issued pursuant to provisioning procedures incorporated in the contract for concurrent spare parts or other accessorial equipment specified to be delivered under contract.

(*b*) Supplemental agreements or contract amendments issued pursuant to contractual provisions relating to increase-decrease quantity options or extras.

(*c*) Supplemental agreements or contract amendments for concurrent spare parts or other accessorial equipment not originally provided for in the contract.

(*d*) Orders (which obligate funds) against contracts or amendments upon which funds were not obligated.

(6) Contracts in excess of $1,000 but not exceeding $2,500.

(i) The extension of the authority of 10 U. S. C. 2304 (a) (1) to cover small purchases in excess of $1,000 but not exceeding $2,500 will be used to supplement the authority currently available under 10 U. S. C. 2304 (a) (3). Pending revision of § 3.600 of this title and § 592.600 of this chapter authority to utilize small purchase procedures is not authorized except as indicated below:

(*a*) Authority is granted to deviate from § 16.303 of this title on an interim basis, to extend the use of DD Form 1155 as a purchase order for purchases in excess of $1,000 but not to exceed $2,500. In such cases there shall be attached thereto the following clauses, pending availability, from Adjutant General publications centers, of DD Form 1155s, "Additional General Provisions and Acceptance".

(*1*) Changes (§ 7.103–2 of this title).

(*2*) Responsibility for Supplies. (§ 7.-103–6 of this title).

(*3*) Default (§ 7.103–11 of this title).

(*4*) Renegotiation (§ 7.103–13 of this title).

(*5*) Examination of Records (§7.104–15 of this title); and

(*6*) Termination for Convenience of the Government.

The performance of work (supplies or services) under this contract may be terminated, in whole or in part, whenever the Contracting Officer shall determine that such action is in the best interest of the Government. Any such termination shall be effected by delivery to the contractor of a Notice of Termination specifying the extent to which performance of work under this contract is terminated, and the date upon which such termination becomes effective. If this contract is for supplies and is so terminated, fair compensation within the meaning of, and as provided by section VIII of the Armed Services Procurement Regulation, as in effect on the date of this contract, will be paid to the Contractor, and any termination inventory will be disposed of in accordance with said section VIII. If this contract is for services and is so terminated, the Government shall be liable only for payment in accordance with the payment provisions of this contract for services rendered prior to the effective date of termination.

(*b*) DD Form 1155 shall not be used in the increased amount ($1,000–$2,500) as a public voucher, but in lieu thereof Standard Form 1034 shall be used. Funds involved shall be obligated only as prescribed in paragraph 2, AR 37–21 (Administrative Regulations of the Army, 18 Mar 57), as to paragraph 4.D. (1) and (2) of Department of Defense Directive 7220.6 (Apr. 28, 1955) quoted therein.

(*c*) In order to reduce the processing of numerous public vouchers in this small dollar area the purchase order may limit the numbers of payments to one, under the Payments clause, as provided in § 592.650–7. If contractors are reluctant to wait until final delivery and multiple payments are to be authorized as prescribed in § 592.650–7, DD Form 1155 will be numbered as required by § 606.203–3 (c) of this subchapter.

(*d*) Procurement actions taken under this authority shall be reported on DA Form 377 (Monthly Summary of Procurement Actions) on Line 12c. (§ 606.305–3 (d) (1) of this subchapter.)

§ 592.201–50 *Limitations.* (a) See §§ 592.211–3 (a) and 592.211–3 (b).

(b) This authority will be used only to the extent authorized in § 3.201–2 of this title and § 592.201–2.

4. In § 606.207–2, paragraph (a) is revised to read as follows:

§ 606.207–2 *Fixed price contracts*—(a) *General.* (1) Audit is an aid to pricing and should therefore be used by contracting officers to the fullest extent appropriate. The determination as to the necessity of an audit for pricing purposes is the responsibility of the contracting officer; however, in fulfilling this responsibility contracting officers are expected to work closely with auditors so that determinations as to whether or not an audit is to be performed will reflect agreement between the contracting officer and auditor concerned. The contracting officer is responsible for requesting an audit in instances where the Regional Director, U. S. Army Audit Agency considers that an audit should be performed for pricing purposes because doubt exists as to the reliability of the contractor's cost submission. The doubt as to the reliability of the cost submission may result from:

(i) Prior audit experience which indicated that the contractor's cost submission did not present fairly the cost of performing the contract, or

(ii) Lack of prior or recent experience in auditing the contractor's records.

(2) Time is a critical element in price redetermination. Contracting officers and auditors must be keenly aware of the importance of the time element and of the duties, responsibilities, and problems of each other. (§ 592.403–50 (b) (3) of this subchapter).

(3) It is not considered sound policy to arbitrarily exempt from audit any contract or group of contracts in which pricing or payment is based on cost information furnished by the contractor. However, where there is adequate knowledge of the contractor's accounting policies and cost systems and previous favorable experience, both the contracting officer and the Regional Director, U. S. Army Audit Agency, should consider the propriety of conducting repricing negotiations on the basis of the contractor's cost submission, without recourse to audit, after a satisfactory review and analysis by qualified personnel in either or both offices. This procedure is particularly adaptable to contracts of limited amounts. On the other hand, previous unfavorable experience, or lack of any previous experience, may indicate the advisability of initiating an audit immediately after receipt by the U. S. Army Audit Agency of a contract containing progress payment or price redetermination clauses. Such an audit ordinarily will be performed concurrently as work under the contract progresses. The U. S. Army Audit Agency shall notify the contracting officer within 5 days after a decision to make a concurrent audit has been reached.

(4) Should situations arise wherein contracting officers and auditors, after consideration of all factors concerned, cannot agree upon the necessity for an audit of a contractor's records, each will promptly prepare a statement of reasons why the audit should or should not be performed, exchange statements and independently submit a copy of both statements on a priority basis in the manner prescribed in paragraph (c) (2) of this section with request that the matter be resolved.

5. In Part 606, Subpart J is revoked and Subpart K is revised, as follows:

Subpart K—Indefinite Delivery Type Contracts

Sec.
606.1101 Purpose.
606.1102 General.
606.1103 Policy.
606.1104 Payment of higher unit prices.
606.1105 Review of procurement directives.

AUTHORITY: §§ 606.1101 to 606.1105 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301–2314.

§ 606.1101 *Purpose.* This subpart sets forth the policy on utilization of indefinite delivery type contracts.

§ 606.1102 *General*—(a) *Definite quantity contract.* A definite quantity contract is an indefinite delivery type contract calling for a stated quantity of certain supplies or services to be delivered pursuant to delivery orders furnished during a designated period of time. Funds are obligated for the total amount upon execution of the contract. It normally specifies the individuals or activities authorized to issue orders for delivery on behalf of the Government and in most cases provides for the direct shipment of the supplies involved from the vendor's establishment to the using agency, thereby minimizing expense of Government handling. Although this type of contract is used primarily for commercial type items readily available, or which will be available after a short lead time, it may also be used for noncommercial items.

(b) *Requirements contract.* A requirements contract is an indefinite delivery type contract under which the Government agrees that designated activities are obligated to order all of their purchase requirements for specified supplies or services and the contractor agrees to furnish the specified supplies or services during a designated period of time upon receipt of a delivery order from the Government. Under such an arrangement, funds are obligated for individual purchases each time a delivery order is issued except where the terms of the contract require an acceptance of the order by the contractor. When the contract requires such acceptance, funds are obligated when the contractor has accepted the delivery order. When the contract provides no limitation as to the maximum quantity which may be ordered at one time, the contracting officer should not issue delivery orders for what, under the circumstances, may be unreasonable quantities. Generally, the function, purpose, and use of a requirements contract are similar to those of the definite quantity contract.

(c) *Indefinite quantity contract.* An indefinite quantity contract is a combination of a definite quantity contract and a requirements contract, in that the Government is obligated to order a stated minimum quantity of supplies or services, during a specified period and has the option to order quantities in excess of the minimum. Under this arrangement the contractor is obligated to furnish such stated minimum and any additional quantities ordered by the Government under the option. The optional provision of the contract shall state a maximum quantity. In the determination of such maximum, the contracting officer should not establish a quantity greater than may be reasonably expected to be ordered from, or furnished by, the contractor. Up to the stated minimum the contract is in effect a definite quantity contract and funds are obligated upon execution of the contract. If and when the Government exercises its option of ordering quantities in excess of the minimum, with respect to such quantities, the contract, is, in effect, a requirements contract, and funds are obligated on the issuance of the delivery order.

§ 606.1103 *Policy.* (a) Contracting officers at all procurement levels shall execute indefinite delivery type contracts to fill current requirements whenever:

(1) Net benefits to the Government are evident, and

(2) Requirements cannot be obtained from an existing mandatory source of supply.

(b) Indefinite delivery type contracts to fill requirements that are nationwide in scope or at least cover a large geographic area shall be executed by contracting officers of major procurement activities.

(c) Contracting officers at depot or station level shall execute indefinite delivery type contracts to fill requirements of the depot or station as appropriate, when the requirements are not obtainable from an existing indefinite delivery type contract which is available for mandatory or optional use. An example of a requirements type contract executed by a station is one executed for manufacture of wooden boxes, towel service or refilling of Government owned gas cylinders.

§ 606.1104 *Payment of higher unit prices.* When appropriate and necessary, contracting officers may pay higher unit prices for commercial type items for direct delivery from manufacturers, distributors or regular dealers to using installations or ports than would be obtainable by delivery of bulk shipments to Army depots. This authorization is based on the eventual savings accruing to the Government due to the elimination of or reductions in Department of the Army procurement and distribution costs, viz, purchasing actions, transportation, multiple handling, warehousing, packaging and stock control activities.

§ 606.1105 *Review of procurement directives.* In order to insure maximum utilization of indefinite delivery type contracts for commercial type nonmilitary items of supply, heads of procuring activities or their designated representatives shall, when no mandatory source of supply exists:

(a) Review each procurement directive containing commercial type nonmilitary line items or groups of commercial repair parts (particularly those applicable to a single end item of equipment) having an estimated value of $10,000 or more in order to determine the feasibility of executing indefinite delivery type contracts to provide such items or groups of parts.

(b) Insert in each procurement directive for each of the items or groups of parts contained therein a signed statement which will either:

(1) Direct the contracting officer to execute an indefinite delivery type contract for the item or group of parts, or

(2) Set forth sound reasons why an indefinite delivery type contract should not be executed.

(c) Include in each contract file resulting from the procurement directive a copy of the procurement directive containing the statement in paragraph (b) of this section. When indefinite delivery type contracting has been specified but cannot or should not be accomplished, the contracting officer will include in the contract file a signed statement setting forth in reasonable detail the causes therefor. When the procurement directive results in two or more contracts, include the copy of the procurement directive in one contract file and cross reference it in the other contract files.

(d) Refer to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch any case where a doubt exists as to whether the execution of an indefinite delivery type contract is in the best interest of the Government because of price factors.

[APP. Nov. 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301–2314)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57–10763; Filed, Dec. 27, 1957; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

PART 28—COTTON STANDARDS

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

COTTON AND COTTONSEED STANDARDS AND REGULATIONS

On November 15, 1957, there appeared in the FEDERAL REGISTER (22 F. R. 9110) a notice of rule making concerning certain amendments of the provisions in 7 CFR Parts 27, 28, and 61, as amended. After consideration of all relevant matters presented with respect to the amendments and pursuant to the authority contained in the cotton futures provisions of the Internal Revenue Code of 1954 (26 U. S. C. 4851 et seq.), the United States Cotton Standards Act, as amended (7 U. S. C. 51 et seq.), the Cotton Statistics and Estimates Act, as amended (7 U. S. C. 471 et seq.) and the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621 et seq.), the provisions of said Parts 27, 28, and 61 are hereby amended and published to read as set forth in the document annexed hereto and made a part hereof. Parts 27, 28, and 61 as set forth in said document incorporate the changes specifically proposed in the notice of rule making, as well as changes relating to agency management or editorial, clarifying, or supplementary changes of a nonsubstantive nature, with respect to which it is therefore found upon good cause under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that public rulemaking procedure is impracticable and unnecessary.

This order and the provisions of 7 CFR Parts 27, 28, and 61 as issued hereby shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 24th day of December 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

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AUTHORITY: §§ 27.1 to 27.102 issued under secs. 4862, 4863, 68A Stat. 581, 582; 26 U. S. C. 4862, 4863.

DEFINITIONS

§ 27.1 *Meaning of words.* Words used in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 27.2 *Terms defined.* As used throughout this subpart, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The act.* The provisions of the Internal Revenue Code of 1954 (68A Stat. 580–586; 26 U. S. C. 4851–4877) derived from the United States Cotton Futures Act (39 Stat. 476) as amended and the Internal Revenue Code of 1939 (53 Stat. 210; 26 U. S. C. 1920–1935).

(b) *Department.* The United States Department of Agriculture.

(c) *Service.* The Agricultural Marketing Service of the Department.

(d) *Administrator.* The Administrator of the Service, or any officer or employee of the Service, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) *Cotton Division.* The Cotton Division of the Service.

(f) *Director.* The Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(g) *Board of cotton examiners.* A board of cotton examiners established under the act at any point.

(h) *Appeal Board of Review Examiners.* The Appeal Board of Review Examiners at Memphis, Tennessee.

(i) *Exchange.* Exchange, board of trade, or similar institution or place of business, at, on, or in which a section 4863 contract may be made.

(j) *Exchange inspection agency.* The inspection agency of the New York Cotton Exchange, the New Orleans Cotton Exchange, the Board of Trade of the city of Chicago, or of any other exchange which may have an organized inspection agency recognized as such by the Director, as the case may be.

(k) *Section 4863 contract.* Contract of sale of cotton for future delivery mentioned in the act, made at, on, or in any exchange in compliance with section 4863 of the act.

(l) *Person.* Individual, association, partnership, or corporation.

(m) *Owner.* Person who owns, controls, or has the disposition of any cotton.

(n) *Classification.* The determination of the grade and staple length of cotton by a cotton examiner.

(o) *Micronaire determination.* The measure of the fiber fineness and maturity of cotton, in combination, as determined by an authorized employee of the Department using the Micronaire instrument.

GENERAL

§ 27.3 *Requirements of section 4863 of the act.* The inspection, sampling, classification, and Micronaire determination of cotton pursuant to section 4863 of the act shall be performed as prescribed in this subpart. All tenders of cotton and settlements therefor under section 4863 contracts shall be made subject to the regulations in this subpart. No contract shall for the purposes of this subpart be deemed to comply with section 4863 of the act if it contain or incorporate therein, by reference or otherwise, any provision or any bylaw, rule, or custom of an exchange which is inconsistent or in conflict with any requirement of said section 4863, nor if the parties enter into any collateral or additional agreement or understanding, either verbal or written, respecting the subject matter of such contract which is inconsistent or in conflict with any requirement of said section 4863.

§ 27.4 *Obligations and rights under act; not affected by regulations.* Nothing in this subpart shall be construed as relieving any party to a section 4863 contract of any obligation imposed upon him, or as depriving him of any right to which he might be entitled, under any provision of the contract or exchange rule made a part thereof which shall not be inconsistent with the act or the regulations made under the act.

§ 27.5 *Effect of amendments.* Any amendment to this subpart, unless otherwise stated therein, shall apply to all tenders of cotton and settlements therefor made on and after the effective date of such amendment, under section 4863 contracts entered into prior, as well as subsequent, to such effective date.

§ 27.7 *Effect of regulations.* As far as applicable, the regulations in this subpart shall have the same force and effect for the purposes of section 4864 as for the purposes of section 4863 of the act.

ADMINISTRATION

§ 27.8 *Director.* The Director shall perform for and under the supervision of the Administrator, such duties as the Administrator may require in enforcing the provisions of the act and this subpart.

§ 27.9 *Boards of cotton examiners; Appeal Board; Micronaire examiners.* Boards of cotton examiners shall be maintained at points designated for the purpose by the Administrator. The members of such boards and the chairman of each such board shall be designated by the Director. The Appeal Board of Review Examiners established at Memphis, Tennessee, and committees of such board authorized to serve at other points shall review the classification of any cotton in accordance with §§ 27.61 to 27.72. A Board of Supervising Cotton Examiners shall perform duties as assigned. Authorized employees of the Cotton Division shall make Micronaire determinations when such service is requested in accordance with this subpart.

§ 27.10 *Supervisor of cotton inspection.* The Director or the chairman of a board of cotton examiners may when necessary designate an official or employee of the Department to supervise the inspection and sampling and the preparation of samples of cotton for classification by a board of cotton examiners, and to perform such other duties as may be required of him for the purposes of this subpart.

§ 27.11 *Chairman, board of cotton examiners; responsibility.* Subject to this subpart and the instructions of the Director, the chairman of each board of cotton examiners shall be responsible for the proper performance of the duties imposed on such board and on the persons connected therewith.

CLASSIFICATION REQUESTS

§ 27.12 *Classification request for each lot of cotton.* For each lot or mark of cotton of which the applicant desires separate classification and certification he shall make a separate written request in a form prescribed or supplied by the Cotton Division for that purpose.

§ 27.13 *Micronaire determination request incidental to classification request.* The classification request may include a request for Micronaire determination.

§ 27.14 *Filing of classification and Micronaire determination requests.* Requests for classification shall be filed with the chairman of the board of cotton examiners through the exchange inspection agency at the point where the cotton is sampled and shall be transmitted to the chairman by the exchange inspection agency in accordance with procedure approved by the Director. If there is no board of cotton examiners at the point where the cotton is sampled, requests shall be filed through a supervisor of cotton inspection or the exchange inspection agency at such point, or at some other place designated in particular cases by the Director. Requests for classification shall be filed within 30 days after sampling and before classification of the samples. The applicant may file a request for a review of classification as part of the request for classification. The applicant may file a request for Micronaire determination as part of the request for classification or may file a request for such determination, in a form prescribed by the Cotton Division within 7 business days following the date of the first certification of the cotton involved, provided this service has not been previously performed on such cotton, and the request is made prior to delivery of the cotton on a section 4863 contract. Requests for Micronaire determinations may also be filed as provided in §§ 27.62 and 27.63.

§ 27.15 *Withdrawal or rejection of classification or Micronaire determination requests.* Any request for classification or for Micronaire determination may be withdrawn by the applicant at any time before the classification or Micronaire determination of the cotton covered thereby, subject to the payment of such fees, if any, as may be prescribed under §§ 27.80 to 27.92. Any request for classification or for Micronaire determination may be rejected for noncompliance with the act or this subpart.

INSPECTION AND SAMPLES

§ 27.16 *Inspection; sampling; preparation.* The inspection and sampling and the preparation of samples of cotton of which classification is desired shall be by or under the direction of an exchange inspection agency and subject to the supervision and in accordance with the instructions of a supervisor of cotton inspection or a cotton examiner whose duties include such supervision.

§ 27.17 *Cotton to be made available for classification.* The owner of the cotton shall cause it to be made available to such supervisor or cotton examiner for such examination as may be necessary for the purposes of its classification, and shall take such steps as may be necessary to secure its proper inspection and sampling and the proper preparation and delivery of representative samples thereof at the place designated therefor, in accordance with this subpart, without expense to the Department.

§ 27.18 *Persons not to be employed for inspection or sampling.* No person shall, after notice to the interested parties, be employed in any way in connection with any phase of the inspection and sampling of cotton, or the preparation of the samples thereof, for the purposes of classification under this subpart, who for good cause is disapproved by the Director.

§ 27.19 *Rejection of cotton for classification.* No cotton covered by a classification request filed as provided in this subpart shall be rejected by any person other than a cotton examiner, on account of grade or staple or otherwise, unless the request for the classification of the cotton so rejected shall be withdrawn by the person by whom it was made.

§ 27.20 *Drawing of samples of cotton.* One sample shall be drawn from the top side of each bale and one from the bottom side. Each such sample shall weigh not less than 5 ounces, the two samples from each bale to weigh together not less than 10 ounces. The head of the bale shall be properly inspected, and any conditions not fully indicated by the samples shall be specified by the inspector or the sampler of the cotton in a written memorandum, which shall accompany the samples to the board of cotton examiners.

§ 27.21 *Preparation of samples of cotton.* The samples from each bale shall be prepared as specified in this section. The sample from the top side and the sample from the bottom side shall each be broken into two parts. One part of the sample from the top side shall be placed with a part of the sample from the bottom side, making two sets of samples from each bale. One of such sets shall weigh as nearly as possible 6 ounces, equally divided between the two parts thereof representing the two sides of the bale. There shall be placed in each such set of samples between the two sides thereof a coupon showing the number of the tag attached to the bale from which such samples were drawn. The 6-ounce set of samples from each bale shall be called the original and the other set the duplicate.

§ 27.22 *Wrapping and marking of samples of cotton.* The original sets of samples of the bales constituting a lot or mark to be classified separately shall be inclosed in one or more wrappers or containers, as the case may require. The wrappers or containers of original samples shall be so labeled or marked, or both, as to show that they contain original samples, together with the lot number, if any, the marks, and the number of bales, and such other information as may be necessary in accordance with the instructions of the chairman of the board to which the samples are to be delivered.

§ 27.23 *Duplicate sets of samples of cotton.* The duplicate sets of samples shall be inclosed in wrappers or containers separate and apart from the original sets in the manner prescribed for original samples in the foregoing section, except that the wrappers or containers shall be labeled or marked, or both, so as to show that they contain duplicate samples and shall be delivered to the person requesting the classification of the cotton.

§ 27.24 *Delivery of samples of cotton.* The original sample from each bale to be classified shall be delivered to the board of cotton examiners with which the classification request was filed, at its classification room. If there is no board of cotton examiners at the point where the cotton is sampled, the samples shall be delivered to a supervisor of cotton inspection or to the exchange inspection agency at such point, for forwarding to the proper board. No samples covered by pending classification requests which are ready for delivery as provided for herein shall be withheld from such delivery except as authorized in writing by the chairman of the board of cotton examiners or the Director.

§ 27.25 *Additional samples of cotton; drawing.* In addition to the samples hereinbefore prescribed, separate samples, if desired, may be drawn and furnished to the owner of the cotton.

§ 27.26 *Handling of samples of cotton.* All persons in any way connected with the inspection and sampling and handling of samples of cotton for the purpose of classification pursuant to this subpart shall carefully handle them in such manner as not to cause loss of sand therefrom or any change otherwise in their representative character.

§ 27.27 *Rejection of sample; resampling.* Any sample or set of samples which does not meet the requirements of the regulations in this subpart or which does not correctly represent the bale or bales from which drawn may be rejected by a supervisor of cotton inspection or a cotton examiner whose duties include the supervision or examination of such cotton. Whenever the supervisor of cotton inspection or the chairman of the board shall find it necessary in order to determine the true classification of any bale, such bale shall be reinspected and, if necessary, resampled, and the new samples shall be delivered at the place designated therefor in accordance with this subpart.

§ 27.28 *Disposition of samples.* Samples representing bales for classification or Micronaire determination, which come into the custody of the Department on or after April 1, 1957, shall become the property of the Department after classification or Micronaire determination and shall be disposed of in accordance with the property regulations of the Department. Samples in the custody of the Department on March 31, 1957, representing bales which are covered by outstanding cotton class certificates issued pursuant to this subpart, will be retained by the Department until the certificates are surrendered for cancellation and will then be made available to the persons who surrender the certificates for cancellation.

CLASSIFICATION AND MICRONAIRE DETERMINATIONS

§ 27.31 *Classification of cotton and Micronaire determinations; by whom made.* For the purposes of section 4863 of the act the classification of any cotton shall be determined only by cotton examiners designated as such by the Director. Official Micronaire determinations, when requested, shall be made only by authorized employees of the Cotton Division.

§ 27.32 *Order of classification.* All cotton for which classifications requests shall be pending shall be classified as far as practicable in the order in which proper samples thereof, ready for such classification, shall have been delivered to the board of cotton examiners whose duties include the examination thereof, except as otherwise provided in this subpart or when the chairman of the board or the Director shall find that an emergency exists and shall order otherwise.

§ 27.33 *Exposing of samples for classification.* Classification shall not proceed until the samples, after being delivered to the board, shall have been exposed for such length of time as in the judgment of the chairman shall be sufficient to put them in proper condition for the purpose.

§ 27.34 *Classification procedure.* Classification shall proceed as rapidly as possible, but not when light or other conditions make uncertain the accuracy of the results to be obtained.

§ 27.35 *Lower class of two samples to prevail.* In case a sample drawn from one portion of a bale is lower in class than one drawn from another portion of such bale, except as otherwise provided in this subpart, the classification of the bale shall be that of the sample showing the lower class.

§ 27.36 *Classification and Micronaire determinations based on official standards.* All cotton shall be classified for grade and staple length on the basis of the official cotton standards of the United States for grade and staple length in effect at the time of such classification. Micronaire determinations for cotton, upon request under § 27.14, § 27.62, or § 27.63 shall be made according to the official cotton standards of the United States for fiber fineness and maturity in effect at the time of such determinations.

§ 27.37 *Reduction in value of cotton; determination.* If cotton be reduced in value, by reason of the presence of extraneous matter of any character or irregularities or defects, below its grade or below its apparent length of staple according to the official cotton standards of the United States, the grade or length of staple from which it is so reduced, and the grade or length of staple to which it is so reduced, and the quality or condition which so reduces its value, shall be determined and stated.

§ 27.38 *Terms defined for purposes of classification.* For the purposes of classification the following terms shall be construed, respectively, to mean:

(a) *Cotton of perished staple.* Cotton that has the strength of fiber as ordinarily found in cotton destroyed or unduly reduced through exposure to the weather either before picking or after baling, or through heating by fire, or on account of water packing, or by other causes.

(b) *Cotton of immature staple.* Cotton that has been picked and baled before the fiber has reached a normal state of maturity, resulting in a weakened staple of inferior value.

(c) *Gin cut cotton.* Cotton that shows damage in ginning, through cutting by the saws, to an extent that reduces its value more than two grades.

(d) *Reginned cotton.* Cotton that has passed through the ginning process more than once, and cotton that, after having been ginned, has been subjected to a cleaning process and then baled.

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales.

(f) *False packed cotton.* Cotton in a bale (1) containing substances entirely foreign to cotton, (2) containing damaged cotton in the interior with or without any indication of such damage upon the exterior, (3) composed of good cotton upon the exterior and decidedly inferior cotton in the interior, in such manner as not to be detected by customary examination, or (4) containing pickings or linters worked into the bale.

(g) *Mixed packed cotton.* Cotton in a bale which, in the samples drawn therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color gradations, or (3) a difference of two or more grades and two or more color gradations, or (4) a difference in length of staple of one-eighth inch or more.

(h) *Water packed cotton.* Cotton in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

COTTON CLASS CERTIFICATES

§ 27.39 *Issuance of certificates.* Except as otherwise provided in this section as soon as practicable after the classification of cotton has been completed by a board of cotton examiners the board shall issue a cotton class certificate showing the results of such classification. Each certificate shall bear the date of its issuance and the name of the chairman of the board that classified the cotton. The certificate shall show the identification of the cotton according to the information in the possession of the board, the classification of the cotton according to its grade and length of staple and such other facts as the Director may require. As soon as practicable after the Micronaire determination of cotton has been completed by an authorized employee of the Cotton Division, upon request under this subpart, the results of such determination will be certified by the board of cotton examiners or by the Appeal Board of Review Examiners on the classification certificate for the cotton, with the date of issuance of the Micronaire determination, the name of the certifying officer, and such other facts as the Director may require. When a request is made for a review of classification and a Micronaire determination, at the same time as the request for initial classification, the board of cotton examiners shall notify the Appeal Board of Review Examiners of the results of the classification and the latter will review the classification and make the Micronaire determination, and notify the board of cotton examiners of the results. The latter will issue a cotton class certificate over the signature of the chairman of the Appeal Board of Review Examiners, showing the results of the review classification (but not the initial classification), the Micronaire determination, the date of issuance of the certificate, and such other facts as the Director may require. The certificate of classification and Micronaire determination may be placed directly upon the warehouse receipt covering the cotton involved. The board of cotton examiners or the Appeal Board of Review Examiners may authorize an officer of the Service located at another point to certify the results of any classification or Micronaire determination upon the basis of information furnished by such board, notwithstanding any other provisions of this section.

§ 27.40 *New certificates; conditions of issuance.* For the business convenience of a holder of a cotton class certificate issued under this subpart a new certificate may be issued at the request of the holder, to take the place of the former certificate without the reclassification of the cotton and without a new Micronaire determination for the cotton. In any case where a new certificate is issued in accordance with this section, the former certificate shall be surrendered for cancellation, and such new certificate shall bear a new number, the date of its issuance, and the date of original certification, and shall otherwise comply with this subpart.

§ 27.41 *Lost certificate; duplicate.* Upon the written request of the last holder of a valid cotton class certificate and a showing to the satisfaction of the chairman of the board of cotton examiners which issued such certificate, that it has been lost or destroyed, and, if lost, that diligent effort has been made to find it without success, a new certificate shall be issued without the reclassification of the cotton and without a new Micronaire determination for the cotton. Such new certificate shall bear the same number and date of issuance as the lost or destroyed certificate, and shall include a statement to the effect that it is a duplicate issued in lieu of the lost or destroyed original, as the case may be.

§ 27.42 *Surrender of certificate.* For good cause any certificate issued under this subpart shall be surrendered to a board of cotton examiners for correction or cancelation. If such certificate be not surrendered upon request it shall nevertheless be invalid under section 4863 of the act and this subpart.

§ 27.43 *Validity of cotton class certificates.* Each cotton class certificate for cotton classified as tenderable shall be valid for use in the tender of such cotton on a section 4863 contract made in accordance with the act and this subpart and the rules of an exchange not inconsistent therewith.

§ 27.44 *Invalidity of cotton class certificates.* Any cotton class certificate shall become invalid for use in the tender or delivery of the cotton covered thereby on a section 4863 contract whenever such cotton shall be removed from the place of storage specified therein, except when it is handled and re-stored or transferred to a different place of storage and restored under the supervision of an exchange inspection agency.

§ 27.45 *No storage of cotton for classification at disapproved place.* No cotton submitted for classification under section 4863 of the act shall be located or stored at a place disapproved for the purpose by the chairman of board of cotton examiners or the Director on account of being unsuitable for the safekeeping or proper storage of such cotton, or on account of the failure or refusal of the custodian thereof to comply or to permit compliance with the requirements of this subpart so far as he may be involved therein. Notice of such disapproval shall be given in such manner as the Director may direct. Thereafter every cotton class certificate, if any, previously issued for cotton located or stored at such place shall be invalid for the delivery of such cotton on a section 4863 contract, unless the cotton shall be removed under the supervision of the exchange inspection agency, or a representative of the Department designated for the purpose by the chairman of the board of cotton examiners or the Director, to a place which shall be suitable for the purpose. Upon such removal and the request of the holder of the cotton class certificate for such cotton a new certificate in lieu thereof, as provided elsewhere in this subpart, shall be issued to him.

§ 27.46 *Cotton withdrawn from storage.* The exchange inspection agency under the supervision or control of which any cotton classified pursuant to this subpart shall be held or stored shall furnish to the board of cotton examiners which classified such cotton, on the first business day of each week, a written statement of all cotton withdrawn from storage, or the lot number or other identification of which has been changed, or which has otherwise been removed from the supervision or control of such exchange inspection agency during the next preceding week. Such statement shall show each lot number, and, if changed, the new lot number, and in case of the withdrawal or removal of a portion only of the lot, the tag numbers of the bales so withdrawn or removed. If such removal shall be to a different place of storage under the supervision or control of the exchange inspection agency, the statement shall show the new location.

§ 27.47 *Tender or delivery of cotton; conditions.* Subject to the provisions of §§ 27.52–27.56, 27.65, no cotton shall be tendered or delivered on a section 4863 contract unless on or prior to the date fixed for delivery under such contract, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a valid outstanding cotton class certificate complying with the regulations in this subpart, showing such cotton to be tenderable on a section 4863 contract.

DELAYED CERTIFICATION

§ 27.52 *Delivery without certification.* If upon the date fixed for delivery in accordance with section 4863 of the act cotton class certificates shall not have been issued by a board of cotton examiners for cotton to be delivered pursuant to such notice, samples of which cotton shall have been in the custody of the board for the time hereinafter prescribed, the delivery of such cotton may be made upon compliance with and subject to the conditions specified in §§ 27.52–27.56. Sections 27.52–27.56 shall not apply to cotton upon which a board of cotton examiners has already issued cotton class certificates pursuant to this subpart.

§ 27.53 *Notice for delayed certification; requirements.* On the date of giving the transferable notice of the delivery in accordance with section 4863 of the act the person issuing such notice or the person on whose behalf it was issued shall also give written notice to the board or officer with whom the classification request was required to be filed, specifying the date of delivery and the number of bales so to be delivered which have not been certified. In such notice, or later in writing before the delivery of the samples to the board, he shall specify the lot numbers of the cotton so to be delivered.

§ 27.54 *Inspection and sampling for delayed certification.* Such cotton must have been duly inspected and sampled, and the original samples thereof properly prepared in accordance with this subpart must be delivered to the board not later than the date of the issuance of the transferable notice, except when the delivery day fixed by such transferable notice is the last delivery day in the month of delivery. In such case the cotton must have been duly inspected and sampled, and the original samples thereof properly prepared in accordance with this subpart must have been delivered to the board in accordance with all regulations applicable and in readiness for classification not later than 8 p. m. of the second business day preceding such last delivery day.

§ 27.55 *Requirements in lieu of cotton class certificates on delivery day.* If on the morning of the delivery day specified in the transferable notice the cotton class certificates covering the cotton involved are not ready for delivery when called for, the tenderer of the cotton shall present to the chairman of the board of cotton examiners, or to his representative authorized for the purpose, a written notice stating to the best of his knowledge and belief the true grade of each individual bale to be delivered, properly identifying each bale with its grade. If the foregoing requirements of §§ 27.52–27.56 shall have been complied with, the chairman of the board, or his duly authorized representative, shall cause to be written or stamped on such notice a statement validating it for use in the tender only on such delivery day of the cotton covered thereby pending the issuance of cotton class certificates in accordance with this subpart. The tenderer shall on such delivery day deliver such notice to the receiver of the cotton, together with the warehouse receipts and such other papers as may be necessary to the delivery of the cotton on such day.

§ 27.56 *Obligations of person making tender.* The person making the tender shall deliver the cotton class certificates therefor to the receiver of the cotton before the close of business hours on the date of the issuance thereof, if delivered to such tenderer before 11 a. m. on that day. If the cotton class certificates be delivered to him after 11 a. m. on that day, the tenderer shall in turn deliver them to the receiver before 11 a. m. on the next following business day. There shall be no right of replacement of bales shown by such certificates to be untenderable.

POSTPONED CLASSIFICATION

§ 27.57 *Request for postponement.* If the applicant desires the postponement of the classification of any cotton covered by a classification request filed pursuant to the regulations in this subpart until later notice, the original classification request must so state, or the applicant must so advise the board in writing before the classification has been entered upon. Such request must show cause and that it is not made merely for dilatory reasons.

§ 27.58 *Postponed classification; must be within 30 days.* If thereafter the classification of the cotton be desired, notice thereof shall be filed not later than the expiration of 30 days after the date upon which the samples were drawn from the cotton, and the original samples must have remained continuously in the possession of the board or under its control.

§ 27.59 *Postponed classification; interference.* Classification pursuant to such suspended request shall not be allowed to interfere with or delay the classification of other samples previously made ready for classification or which are otherwise entitled to priority.

§ 27.60 *When original request deemed withdrawn.* If the period of 30 days specified in § 27.58 shall expire without the filing of the notice of desire for classification the applicant shall be deemed to have withdrawn the original request for the classification of such cotton.

CLASSIFICATION REVIEWS AND MICRONAIRE DETERMINATIONS

§ 27.61 *One review of classification.* One review only of the classification of the cotton covered by any cotton class certificate may be obtained as provided in §§ 27.62 to 27.72, such review to be performed by the Appeal Board of Review Examiners. Micronaire determinations are not subject to review.

§ 27.62 *Conditions for review of classification and for incidental Micronaire determination for original applicant.* The person for whom the classification of cotton has been or is to be performed under this subpart may have a review of such classification by filing a written application therefor before the delivery of such cotton on a section 4863 contract and not later than the expiration of the seventh business day following the date of the first certification of the cotton involved. Such written application may be made at the same time as the request for initial classification. The written application may also include a request for Micronaire determination of the cotton if this service has not been previously performed.

§ 27.63 *Conditions for review of classification and for Micronaire determination for receiver.* Any receiver of cotton

upon a section 4863 contract who has not re-delivered such cotton on a section 4863 contract may have a review of the classification of any cotton of which the classification has not been previously reviewed, by filing a written application within 7 business days following the date of the delivery of cotton class certificates to him in accordance with this subpart. When more than 5,000 bales of cotton shall have been delivered to the same receiver on the same date of delivery, he may, upon proper showing of the facts, be allowed 5 additional business days for filing his application for the review of the classification of any such cotton, provided written request for such extension is filed within 7 business days following the date of such delivery. In the event of the reissue of certificates to replace any certificates delivered to him, the receiver may have a review of the classification of the cotton covered by such reissued certificates, provided such review is requested within the time herein prescribed, calculated from the date of delivery of such reissued certificates. Any such receiver may also have a Micronaire determination, with or without review of classification, under these same conditions on cotton on which this service has not been previously performed under this subpart.

§ 27.64 *Application for review of classification and for Micronaire determination; filing.* (a) Every application for review of classification or for Micronaire determination under § 27.62 or § 27.63 shall be filed with the board of cotton examiners or in the absence of a board, with the supervisor of inspection at the point where the cotton was or may be delivered in settlement of a contract under the act and this subpart. The application shall in each case be in the hands of such board or supervisor within the time specified in § 27.62 or § 27.63 for applying for review: *Provided*, That any board of cotton examiners may designate any officer of the Cotton Division located at another point to receive applications, and in such cases the applications shall be in the hands of the officer so designated within the time so specified. Any person making such application shall, upon call of the person with whom such application was filed under this section, surrender the cotton class certificate or certificates covering the cotton involved.

(b) Such applications shall be made on a form furnished or approved by the Cotton Division and shall contain (1) the name and address of the party, if any, from whom the cotton was received on a section 4863 contract; (2) the lot numbers of the cotton; and (3) the warehouse bale numbers.

§ 27.65 *Completion of review of classification.* In any case where an application for review of classification or an application for Micronaire determination has been filed with respect to cotton previously designated as tenderable, such review or determination may be completed notwithstanding the subsequent tender of such cotton on a section 4863 contract.

§ 27.66 *Dismissal of application for review.* Any application for review may be dismissed whenever it shall be found by the chairman of the board or the Director that it was filed without good cause or for dilatory purposes.

§ 27.67 *Use of new samples in reviews and Micronaire determinations.* Unless the use of new samples shall be necessary in the judgment of the chairman of the board of cotton examiners, a review classification pursuant to §§ 27.61 to 27.72, or a Micronaire determination pursuant to § 27.14, § 27.62, or § 27.63, shall be made by reference to the samples, if any, of the cotton involved in the possession of the board; but if the use of new samples is deemed necessary by the chairman of said board, or if there are no samples of the cotton in the possession of the board, or if the samples of the cotton have been in the possession of the board for more than one year, the person requesting the review classification or Micronaire determination shall cause new samples to be drawn for the purpose and submitted to the board in accordance with this subpart.

§ 27.69 *Classification review; notations on certificate.* When a review of classification is made after the issuance of a cotton class certificate, the results of the review classification, the date of issuance of the review classification results, and the signature of the chairman of the Appeal Board of Review Examiners shall be entered on the cotton class certificate. Thereupon the certificate shall be returned to the person who requested the review.

§ 27.72 *Withdrawal of application for review.* Any application for review may be withdrawn by the applicant at any time before the review classification of the cotton covered thereby has been completed, subject to the payment of such fees, if any, as may be assessed pursuant to §§ 27.80–27.92.

TRANSFERS OF COTTON

§ 27.73 *Supervision of transfers of cotton.* Whenever the owner of any cotton inspected and sampled for classification pursuant to this subpart and for which he holds valid cotton class certificates, desires to transfer such cotton to a different place, or to a different warehouse at the same place, for the purpose of having it made available for delivery upon a section 4863 contract, such transfer shall be effected under the supervision of the exchange inspection agency in accordance with procedures approved by the Director. For transfers of cotton between different places the owner of the cotton shall surrender the cotton class certificates for the cotton involved to the exchange inspection agency at the place from which the cotton is being transferred. The exchange inspection agency shall cancel the cotton class certificates and forward them, together with other necessary transfer papers, to the exchange inspection agency at the location to which the cotton is being transferred. When the cotton has been delivered for storage at the place of its destination and new warehouse receipts have been issued therefor, the exchange inspection agency at that point shall surrender the cancelled cotton class certificates, other transfer papers, and the new warehouse receipts for the cotton to the board of cotton examiners. Thereupon the board will issue a new cotton class certificate for each bale involved, valid for use at such destination without the reclassification of the cotton or a new Micronaire determination with respect to the cotton. Transfers between different warehouses at the same place shall be under the supervision of the exchange inspection agency at that place and the procedure as nearly as possible shall be the same as that for transfers between different places. The exchange inspection agency shall report the facts of all transfers to the board of cotton examiners in accordance with § 27.46. Supervision of transfers in accordance with this subpart shall not be granted, nor shall any certificate be issued with respect to any bale which appears, upon examination by the exchange inspection agency, or by a supervisor of cotton inspection or other authorized representative of the Cotton Division, to be in such condition that its grade or staple length or fiber fineness and maturity is different from that shown by the cotton class certificate, until such bale has been reclassified, and, if a Micronaire determination is shown on such certificate, until a new Micronaire determination has been made for the bale in accordance with this subpart.

COSTS OF CLASSIFICATION AND MICRONAIRE

§ 27.80 *Fees; classification and Micronaire determination.* For the initial classification, review of classification, Micronaire determination, and certification of cotton pursuant to this subpart, whether such cotton be tenderable or not, the person requesting these services shall pay fees as follows: (a) If the same request covers initial classification, review of classification, and Micronaire determination, and only the review of classification and Micronaire determination results are to be certified on cotton class certificates covering the cotton involved, the entire fee shall be 60 cents per bale; or (b) under all other conditions the fee for initial classification and certification shall be 25 cents per bale, the fee for review of classification and certification shall be 50 cents per bale, and the fee for Micronaire determination and certification shall be 25 cents per bale.

§ 27.81 *Fees; certificates.* For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, for his business convenience, or when made necessary by the transfer of the cotton as provided in § 27.73, the person making the request shall pay a fee of 15 cents for each certificate issued, to cover the cost of such service and the handling of samples incident thereto.

§ 27.83 *No fees for certain certificates.* No fee shall be collected for a new cotton class certificate issued in lieu of a prior certificate solely for the purpose of correcting clerical errors therein or for the purpose of substituting a new form applicable to outstanding certificates, or without an application therefor.

§ 27.85 *Fees; withdrawn requests or applications.* When the request for classification, or the application for review of classification, of any cotton or the request for Micronaire determination for any cotton shall be withdrawn after the service requested has been started pursuant to such request or application, the person making such request or application shall pay the fee prescribed by § 27.80 as to any service completed prior to such withdrawal.

§ 27.87 *Fees; classification and Micronaire determination information.* Whenever the person who requests the classification of, or Micronaire determination for, any cotton, or the person on whose behalf such request is made, also requests the transmission by telegraph or telephone of information concerning such classification or Micronaire determination, the person making the request for such classification or determination shall pay, in addition to the applicable costs prescribed in this subpart, the cost of tolls incurred in such transmission.

§ 27.88 *Travel expense.* When the inspection and sampling or the supervision of the transfer of any cotton shall be performed at a place other than that where a board of cotton examiners or supervisor of cotton inspection is regularly located, the person making the request for the classification or the supervision of the transfer of the cotton shall pay, in accordance with the fiscal regulations of the Department, in addition to the costs hereinbefore prescribed, the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, by the persons employed by the Department to supervise such inspection and sampling or transfer.

§ 27.89 *Expenses: inspection; sampling.* The expense of inspection and sampling, the preparation of the samples, and the delivery of such samples in accordance with § 27.24, shall be borne by the party requesting the classification of the cotton involved. When a review of classification or a Micronaire determination is requested and samples of the cotton involved are not in possession of a board of cotton examiners, the expense of inspection, sampling, preparation of samples, and delivery of the samples to the board of cotton examiners shall be borne by the party requesting the service.

§ 27.90 *Bills for payment of fees and expenses.* The Cotton Division shall deliver bills to all persons from whom payment for fees or expenses on account of services under this subpart shall be due. Such bills shall be rendered as soon as practicable after the last day of each month for the amounts due and unpaid on such day. When necessary, in the discretion of the chairman of the board or the Director, any bill may be rendered at an earlier date for any fees and expenses then due by the person to whom such bill shall be rendered. Payment of any such bill shall be made as soon as possible after the rendition thereof, but in any event not later than 2 weeks after such rendition.

§ 27.91 *Advance deposit may be required.* If requested by the chairman of the board of cotton examiners with which the classification request is required to be filed or by the Director, the person from whom any payment under this subpart may become due shall make an advance deposit to cover such payment in such amount as may be necessary in the judgment of the official requesting the same.

§ 27.92 *Method of payment; advance deposit.* Any payment or advance deposit under this subpart shall be by check, draft, or money order, payable to the order of "Agricultural Marketing Service, USDA," and may not be made in cash except in cases where the total payment or deposit does not exceed $1.

SPOT MARKETS

§ 27.93 *Bona fide spot markets.* The following markets have been determined, after investigation, and are hereby designated to be bona fide spot markets within the meaning of the act:

Atlanta, Ga.	Greenwood, Miss.
Augusta, Ga.	Houston, Tex.
Charleston, S. C.	Little Rock, Ark.
Dallas, Tex.	Lubbock, Tex.
Fresno, Calif.	Memphis, Tenn.
Galveston, Tex.	Montgomery, Ala.
Greenville, S. C.	New Orleans, La.

§ 27.94 *Spot markets (for certain determinations only).* The following are designated as spot markets for the purpose of determining, as provided in paragraph 4863 (c) of the act, the differences above or below the contract price which the receiver shall pay for grades other than the basis grade tendered or delivered in settlement of a section 4863 contract:

(a) For cotton delivered in settlement of any such contract at delivery points on or near the Gulf of Mexico:

Dallas, Tex.	Memphis, Tenn.
Galveston, Tex.	New Orleans, La.
Houston, Tex.	

(b) For cotton delivered in settlement of any such contract at delivery points on the Atlantic coast:

Atlanta, Ga.	Memphis, Tenn.
Augusta, Ga.	Montgomery, Ala.
Charleston, S. C.	

PRICE QUOTATIONS AND DIFFERENCES

§ 27.95 *Spot markets to conform to act and regulations.* Every bona fide spot market shall, as a condition of its designation and of the retention thereof for the purposes of the act, conform to section 4862 and paragraph 4863 (c) of the act and the requirements of §§ 27.96–27.102.

§ 27.96 *Basis of prices in bona fide spot markets.* The prices or values of Middling cotton and the differences between the prices or values of Middling cotton and of other grades of cotton in each bona fide spot market shall be based solely upon the grades of the official cotton standards of the United States and shall be the actual commercial prices or values and differences established by the sale of spot cotton in such bona fide spot market. Such prices or values and differences shall be determined as provided in said sections of the act and §§ 27.96–27.102.

§ 27.97 *Quotation committees; establishing.* There shall be established and maintained in each bona fide spot market a competent quotation committee. The organization of such committee and its personnel shall be subject to the approval of the Director, and any member of such committee who for good cause is disapproved by the Director shall, after due notice, be replaced by another person acceptable for the purpose to the Director. Such committee shall impartially and carefully ascertain and publish on each business day the value of Middling cotton and the differences between the prices or values of Middling cotton and of other grades of cotton represented by the official cotton standards of the United States. The committee shall disregard any transactions which it finds were not bona fide, or were made for the purpose of influencing its action improperly, or for other good reasons do not represent truly the commercial values of spot cotton in its market. The time or times of ascertaining and publishing such prices or values and differences shall be uniform in all the bona fide spot markets and shall be fixed subject to the approval of the Director so as to carry out the purposes of section 4863 of the act. The committee shall cause its action to be communicated at once to each futures exchange and to the Cotton Division.

§ 27.98 *Duties of quotation committees.* Each such quotation committee shall provide itself with, or have ready access to, a full valid set of the practical forms of the official cotton standards of the United States for grade of upland cotton. Such committee, or a person authorized to act for it, shall obtain complete and satisfactory information not later than the close of business on each business day as to all sales of spot cotton since the close of the next preceding business day, including the grades, the prices or price basis, and other terms of sale in sufficient detail to enable the committee to perform its duties accurately. Such committee shall also have access to the samples representing the cotton involved in such sales. Any record of such information shall be subject to examination at any reasonable time by a duly authorized representative of the Department, and the samples of the cotton as long as they remain in the possession of any party to the transaction in such market shall also be available for such examination.

§ 27.99 *Value of grade where no sale; determination.* Whenever no sale of a particular grade of cotton shall have been made on a given day in a particular bona fide spot market, the value of such grade in that market on that day, which shall be used in calculating the commercial differences to be applied, pursuant to paragraph 4863 (c) of the act, in the settlement of a section 4863 contract,

shall be determined in accordance with § 27.100.

§ 27.100 *Values of grades.* (a) If on such given day there shall have been in such market both a sale of any higher grade and a sale of any lower grade, the average of the declines, or advances, or decline and advance, as the case may be, of the next higher grade and the next lower grade so sold shall be deducted from, or added to, as the case may be, the value, on the last preceding business day, of the grade the value of which on such given day is sought to be ascertained.

(b) If on such given day there shall have been in such market a sale of either a higher or a lower grade, but not sales of both, the decline or advance of the next higher or the next lower grade so sold shall be deducted from, or added to, as the case may be, the value on the last preceding business day of the grade the value of which on such given day is sought to be ascertained.

(c) If on such given day there shall have been in such market no sale of spot cotton of any grade, the value of each grade shall be deemed to be the same as its value therein on the last preceding business day, unless in the meantime there shall have been bona fide bids and offers, or sales of hedged cotton, or other sales of cotton, or changes in prices of futures contracts made subject to the act, which in the usual course of business would clearly establish a rise or fall in the value of spot cotton in such market, in which case such rise or fall may be calculated and added to or deducted from the value on the preceding business day of cotton of all grades affected thereby.

§ 27.101 *Values; expression.* For the purpose of this subpart values shall be expressed in terms of cents and hundredths of a cent. A fraction of a hundredth, when equal to, or greater than, the half thereof, shall be treated as a hundredth, and when less than a half of a hundredth shall be disregarded.

§ 27.102 *Administration.* The details of the method of carrying out the provisions of this subpart in each bona fide spot market shall be subject to the approval of the Director or shall be prescribed by him.

SUBPART B—OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR FIBER FINENESS AND MATURITY

AUTHORITY: §§ 27.210 to 27.213 issued under sec. 4854, 68A Stat. 580; 26 U. S. C. 4854.

§ 27.210 *Standards for fiber fineness and maturity of American upland cotton.* The official cotton standards of the United States for fiber fineness and maturity of American upland cotton, for the purposes of the cotton futures legislation in the Internal Revenue Code of 1954, shall be the measure of such qualities, in combination, provided by the use of the Micronaire instrument, model 60600 (or other model used by the Department of Agriculture giving the same results) in accordance with the procedure specified in § 27.212 (subject to any changes in such procedure made by amendments of § 27.212 which do not perceptibly affect the results obtained).

§ 27.211 *Terms of designation.* The fiber fineness and maturity of any American upland cotton shall be designated by the scale reading shown on the Micronaire instrument for the specimen of the cotton, as determined under § 27.212, e. g., 4.1, 4.2, 4.3, or 4.4.

§ 27.212 *Procedure for use of Micronaire instrument.* In determining in terms of Micronaire scale units, the fiber fineness and maturity, in combination, of American upland cotton, the following procedure shall apply:

(a) Facilities and equipment shall include:

(1) Laboratory controlled atmospheric conditions of 65 percent relative humidity ±2 and a temperature of 70° F. ±2.

(2) Micronaire instrument used by the Department of Agriculture, complete with accessories, including:

(i) Calibrating pressure manometer or similar device used by the Department of Agriculture.

(ii) Two calibrating orifices (one fine and one coarse).

(iii) Special scale for indicating the float position in the instrument flow tube. (Curvilinear scale for American upland cotton adopted September 1950 by the Department of Agriculture, or its equivalent.)

(iv) A continuous supply of compressed air with a minimum line pressure of 65 pounds per square inch.

(3) Scales suitable for accurately weighing 50.0 grain specimens.

(b) Calibration of the Micronaire instrument shall be performed as described in this paragraph. The instrument, which shall be set up in accordance with the manufacturer's instructions and connected to a continuous supply of compressed air with a minimum line pressure of 65 pounds per square inch, shall be checked each day before being operated, as follows:

(1) The air shall be allowed to flow through the instrument for a period of 5 minutes before calibration.

(2) The regulating valve or valves shall be adjusted to obtain proper pressures in accordance with the manufacturer's instructions.

(3) The calibration screws on the instrument shall be adjusted until the fine and coarse calibration orifices produce readings on the instrument which coincide with the lower and upper calibration lines, respectively, on the scale and at the same time maintain the proper pressure.

(c) An untreated specimen from the sample of cotton shall be tested. The specimen shall be taken from the center of both sides of each sample to be tested. The specimen shall weigh 50.0 grains, except that if the Micronaire testing is conducted under conditions other than those specified in paragraph (a) (1) of this section, the specimen shall be the equivalent in weight to a specimen weighing 50.0 grains under the conditions specified in said paragraph.

(d) Testing of the cotton specimen shall be performed as follows:

(1) The weighed specimen shall be tested in a properly calibrated instrument. (See paragraph (b) of this section on calibration.)

(2) The specimen shall be inserted into the specimen holder of the instrument so that the mass of fibers is well distributed across the area of the specimen holder.

(3) The plunger shall be pushed down on the specimen until the flange of the plunger rests against the shoulder of the specimen holder and remains in contact.

(4) The air shall then be allowed to flow through the specimen in accordance with the method of operation of the instrument.

(5) The scale reading shall be determined at the uppermost edge of the float in the flow tube when the float becomes stable.

§ 27.213 *Applicability of standards for fiber fineness and maturity of American upland cotton.* The standards provided for in § 27.210 for the fiber fineness and maturity of American upland cotton shall be official cotton standards of the United States for purposes of the cotton futures legislation in the Internal Revenue Code of 1954, but not for the purposes of the United States Cotton Standards Act, as amended (7 U. S. C. 51, 52–65).

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SUBPART A—REGULATIONS UNDER THE UNITED STATES COTTON STANDARDS ACT

AUTHORITY: §§ 28.1 to 28.165 issued under sec. 10, 42 Stat. 1519; 7 U. S. C. 61.

DEFINITIONS

§ 28.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 28.2 *Terms defined.* As used throughout this subpart, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The act.* The United States Cotton Standards Act, approved March 4, 1923 (42 Stat. 1517; 7 U. S. C. 51 et seq.) with such amendments as may be made from time to time.

(b) *Regulations.* Regulations mean the provisions in this subpart.

(c) *Department.* The United States Department of Agriculture.

(d) *Secretary.* The Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) *Service.* The Agricultural Marketing Service of the United States Department of Agriculture.

(f) *Administrator.* The Administrator of the Agricultural Marketing Service, or any officer or employee of the Service, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) *Division.* The Cotton Division of the Agricultural Marketing Service.

(h) *Director.* The Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(i) *Board.* Board of cotton examiners.

(j) *Cotton examiner.* An officer of the Department so designated by the Director.

(k) *License.* A license issued under the act by the Secretary.

(l) *Licensed classer.* A person licensed under the act by the Secretary to classify cotton according to the official cotton standards of the United States and to certificate the classification of the same.

(m) *Cotton.* The word "cotton" as used in the act means cotton of any variety produced within the continental United States, including linters. In this subpart, for administrative convenience, the word "cotton" is used to signify vegetable hair removed from cottonseed in the usual process of ginning, and the word "linters" as defined in paragraph (n) of this section.

(n) *Linters.* Vegetable hair removed from cottonseed subsequent to the usual process of ginning.

(o) *Upland cotton.* All cotton grown anywhere within the continental United States including the growths sometimes referred to as Upland, Gulf, and Texas cotton, but excluding the Sea Island and American Egyptian growths.

(p) *Official cotton standards.* Official cotton standards of the United States for the grade of American upland cotton, American Egyptian cotton, and Sea Island cotton, and for length of staple, adopted by or established pursuant to the act, or any change or replacement thereof.

(q) *Universal standards.* The offical cotton standards of the United States for the grade of American upland cotton.

(r) *Person.* Individual, association, partnership, or corporation, or two or more individuals having a joint or common interest.

(s) *Owner.* Person who through financial interest, owns, controls, or has the disposition either of cotton or of samples.

(t) *Custodian.* Person who has possession or control of cotton or of samples, as agent, controller, broker, or factor, as the case may be.

(u) *State.* A State, Territory, or district of the United States.

ADMINISTRATIVE AND GENERAL

§ 28.3 *Director.* The Director shall perform for and under the supervision of the Secretary and the Administrator, such duties as the Secretary or the Administrator may require in enforcing the provisions of the act and the regulations issued thereunder.

§ 28.4 *Boards of cotton examiners.* Boards of cotton examiners shall be maintained at points designated for the purpose by the Administrator. A board of supervising cotton examiners shall be constituted for duty as assigned; and an Appeal Board of Review Examiners shall be constituted to which may be referred requests for the review of the classification and/or comparison of cotton performed by other boards appointed in accordance with this section. The Appeal Board of Review Examiners shall be located at Memphis, Tennessee, except when the Director shall require that committees of the board meet to perform its functions elsewhere. The members of all boards and the chairman of each shall be designated for the purpose by the Director.

§ 28.5 *Secretary, board of cotton examiners.* The Director shall designate a secretary for each board. It shall be the duty of the secretary of the board to receive all correspondence relating to the classification of cotton under the act and to see that all samples are prepared for classification and/or comparison in such manner that the name of the owner and/or the custodian shall be unknown to the members of the board, who are detailed to classify or compare the cotton, until after the samples are classified.

§ 28.6 *Acting secretary of board.* In the event of the absence or incapacity of the secretary of the board the chairman of the board shall designate temporarily an acting secretary of the board in his stead. Any person thus designated shall be thereby disqualified to act as a member of the board in the classification of cotton during the term of such temporary appointment.

§ 28.7 *Chairman of board; responsibility.* Subject to this subpart and the instructions of the Director, the chairman of each board shall be responsible for the proper performance of the duties imposed on such board and on the persons connected therewith.

§ 28.8 *Classification of cotton; determination.* For the purposes of the act, the classification and comparison of any cotton, samples, or types submitted to the Department shall be determined or made only by cotton examiners properly qualified and designated as such by the Director, and the certificate of a board of cotton examiners with respect to any cotton shall be deemed to be the certificate of the Department.

§ 28.9 *Inspection; sampling; classification.* The inspection, sampling, and classification of cotton and cotton linters in the United States pursuant to the act shall be performed as prescribed in this subpart. Subject in general to the provisions of this subpart the Director may issue from time to time instructions for the sampling, classification, and issuance of classification memoranda for cotton or cotton linters classed for special programs and other Government agencies, including the review of any classification performed pursuant to §§ 28.901 through 28.919.

REQUESTS FOR CLASSIFICATION AND COMPARISON

§ 28.15 *Classification and comparison; requests.* All requests for classification and comparison shall be in writing on a form supplied by the Division and shall contain such information as the Director may require. For each lot or mark of cotton which the applicant desires classified or compared separately he shall specify which of the following forms of service is desired:

(a) *Form A determination.* The classification or comparison of samples freshly drawn and submitted to a board of cotton examiners direct from a public warehouse, at the request of the owner of the cotton or his agent. Such classification or comparison shall be evidenced by a Form A memorandum which shall be subject to review as provided in § 28.66.

(b) *Form C determination.* The classification of bales of cotton inspected and sampled under the supervision of an employee of the Division. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in § 28.66.

(c) *Form D determination.* The classification or comparison of samples submitted by the owner of the cotton or his agent. Such classification or comparison shall be evidenced by a Form D memorandum which shall be subject to review as provided in § 28.66.

§ 28.16 *Request for return of samples.* Any applicant desiring return of the samples after classification or comparison is completed, at his expense, shall indicate this service on the form used for requesting such classification or comparison.

§ 28.17 *Filing of requests for classification or comparison.* All requests for classification or comparison leading to Form A memoranda and Form C certificates shall be filed with the secretary of the board which serves the territory in which the cotton is located. All requests for classification or comparison leading to Form D memoranda shall be filed with the secretary of the board which serves the territory in which the samples are located. Samples which are submitted to any board for classification or comparison may be referred by such board to another board for classification or comparison.

§ 28.18 *One request only for classification.* Not more than one request each for a Form A determination, or a Form C determination, or a Form D determination of the same cotton, except a request for a review determination, shall be filed by the same owner within any 30-day period. Any subsequent request shall be accompanied by redrawn samples and the chairman of the board may require that any Form A or Form D memoranda, Form C certificates, or other classification data previously issued by a board with respect to samples purporting to represent the same cotton shall be returned before such redrawn samples are classed.

§ 28.19 *Withdrawal or rejection of classification request.* Any classification request may be withdrawn by the applicant at any time before the classification of the cotton covered thereby, subject to the payment of such fees, if any, as may be prescribed in these regulations. Any classification request may be rejected by the chairman of the board or the Director for noncompliance with the act or this subpart.

DRAWING, SUBMISSION AND DISPOSITION OF SAMPLES FOR FORM A, FORM C, AND FORM D DETERMINATIONS

§ 28.25 *Drawing of samples.* (a) Each sample to be submitted for Form A, C, or D determination shall be approximately 6 ounces in weight, not less than 3 ounces of which are to be drawn from each side of the bale. Each sample must be representative of the bale from which drawn. Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Any sample or set of samples which does not meet these requirements may be rejected by the chairman of a board.

(b) Samples to be submitted for Form A determination shall be drawn under the supervision of a public warehouseman and shall be delivered immediately to the secretary of the board by such warehouseman. The samples shall not be handled by any person other than the sampling agent prior to shipment or delivery to the secretary of the board.

(c) Samples to be submitted for Form C determination shall be drawn under the supervision of a Division employee who shall retain custody or control of the samples until they are shipped or delivered to the secretary of the board.

§ 28.26 *Submission of samples.* Samples of cotton submitted to a board of cotton examiners for classification and/or comparison shall be delivered to the secretary of the board with which the request was filed, as soon as possible after the filing of such request. All transportation charges incident to the submission of samples for Form A, Form C, and Form D determinations shall be prepaid by the person making the request or his agent.

§ 28.27 *Preparation of samples.* For each sample to be submitted for classification a tag or coupon showing the bale number from which the sample was drawn shall be inserted between the two halves of the sample. The samples shall be enclosed in one or more wrappers, which shall be labeled or marked, or both, in such manner as to show the name and address of the owner, the lot number or marks, if any, the number of bales represented by the samples contained in each wrapper, and such other information as may be necessary in accordance with the instructions of the chairman of the board or of the Director. Each sample of sandy or dusty cotton shall be enclosed in a separate wrapper.

§ 28.28 *Lost or damaged samples.* If any samples are lost, damaged, or mutilated, or are received in packages arriving in a condition which may be considered to alter the representative character of the sample, the secretary of the board shall note all the facts, including the number of missing samples and the tag numbers identifying the samples received, and shall so inform the person who made the request.

§ 28.29 *Return of samples.* When so stipulated in the classification request for a Form A, C, or D determination, the samples submitted shall be returned to the person making the request, at his expense, at the time the memorandum is issued or when the request for classification is withdrawn or rejected.

§ 28.30 *Samples not removed, property of Department.* Samples not removed in accordance with this subpart and loose cotton separated from samples in the handling and classification thereof shall become the property of the Government and shall be disposed of in accordance with law and applicable regulations.

CLASSIFICATION

§ 28.35 *Method of classification.* All cotton samples shall be classified on the basis of the official cotton standards of the United States in effect at the time of classification.

§ 28.36 *Order of classification.* All samples for which classification requests are pending shall be classified, as far as practicable, in the order in which the samples are delivered for classification. When in the opinion of the chairman of the board an emergency exists, he shall designate which samples will be given priority in classification.

§ 28.37 *Exposing of samples for classification.* Classification shall not proceed until the samples, after being delivered to the board, shall have been exposed for such length of time as in the judgement of the chairman shall be sufficient to put them in proper condition for the purpose.

§ 28.38 *Lower grade (of two samples) to determine classification.* If a sample drawn from one portion of a bale is lower in grade or shorter in length than one drawn from another portion of such bale, except as otherwise provided in this subpart, the classification of the bale shall be that of the sample showing the lower grade or shorter length.

§ 28.39 *Cotton reduced in value; effect.* If cotton be reduced in value, by reason of the presence of extraneous matter of any character or irregularities or defects below its grade or below its apparent length of staple according to the official cotton standards of the United States, the grade or length of staple from which it is so reduced, and the grade or length of staple to which it is so reduced, and the quality or condition which so reduces its value shall be determined and stated.

§ 28.40 *Terms defined; cotton classification.* For the purposes of classification of any cotton or of its comparison with a type or other samples, the following terms shall be construed, respectively, to mean:

(a) *Cotton of perished staple.* Cotton that has had the strength of fiber, as ordinarily found in cotton, destroyed or unduly reduced through exposure to the weather either before picking or after baling, or through heating by fire, or on account of water packing, or by other causes.

(b) *Cotton of immature staple.* Cotton that has been picked and baled before the fiber has reached a normal state of maturity, resulting in a weakened staple of inferior value.

(c) *Gin-cut cotton.* Cotton that shows damage in ginning through cutting by the saws, to an extent that reduces its value more than two grades.

(d) *Reginned cotton.* Cotton that has passed through the ginning process more than once, and cotton that, after having been ginned, has been subjected to a cleaning process and then baled.

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales.

(f) *False packed cotton.* Cotton in a bale (1) containing substances entirely foreign to cotton; (2) containing damaged cotton in the interior with or without any indication of such damage upon the exterior; (3) composed of good cotton upon the exterior and decidedly inferior cotton in the interior, in such manner as not to be detected by customary examination; or (4) containing pickings or linters worked into the bale.

(g) *Mixed packed cotton.* Cotton in a bale which, in the samples drawn therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color gradations, or (3) a difference of two or more grades and two or more color gradations, or (4) a difference in length of staple of one-eighth inch or more.

(h) *Water-packed cotton.* Cotton in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

SAMPLE OR TYPE COMPARISON

§ 28.45 *Scope of comparison; requests.* A comparison of cotton samples with a type may be requested with respect to grade, or to staple, including any of the component qualities embodied in the grade, or to all these factors. The classification of the type and the samples in accordance with the official cotton standards of the United States may also be requested. The applicant must specify in his written request the scope of service he desires.

§ 28.46 *Method of submitting samples and types.* The method of submitting samples and types for comparison shall be the same as that prescribed in this subpart for submitting samples for classification.

§ 28.47 *Statement of finding of board in comparisons.* For each quality factor (grade, staple, etc.) of the samples that the applicant has requested to be compared to the type, the board shall state in its findings whether such quality factor for each sample is "better," "equal," or "deficient" in comparison with the type. When appropriate, the findings of the board may also show the amount of difference in grade and in length between the sample and the type as measured by the official cotton standards of the United States, and other explanatory notations as needed.

CERTIFICATES AND MEMORANDA

§ 28.55 *Issuance of memoranda and certificates.* As soon as practicable after the classification of cotton has been completed by a board of cotton examiners, there shall be issued a cotton class memorandum or certificate of the appropriate kind showing the results of such classification. Upon request from an applicant, classification results may be issued in preliminary form on record sheets.

§ 28.56 *Form A and Form D memoranda.* (a) When a classification and/or comparison has been made of any samples submitted to a board of cotton examiners direct from a public warehouse, the results of such classification and/or comparison may be stated in a Form A memorandum.

(b) When a classification and/or comparison has been made of any samples submitted by the owner of the cotton or his agent, the results of such classification and/or comparison may be stated in a Form D memorandum.

(c) Form A and Form D memoranda shall not be deemed to be final certificates within the meaning of section 4 of the act (42 Stat. 1517; 7 U. S. C. 54).

§ 28.57 *Form C certificate.* When classification has been made of cotton inspected and sampled under supervision of a Division employee there shall be issued a cotton class certificate known as a Form C certificate. Each Form C certificate shall show the true classification of the cotton in the respects specified in the request. Such certificate, when it has been once reviewed in accordance with § 28.66, shall be deemed to be a final certificate as to the classification shown, within the meaning of section 4 of the act (42 Stat. 1517; 7 U. S. C. 54), in all cases except when superseded by a certificate or award made as provided in § 28.161.

§ 28.58 *New memorandum or certificate; issuance.* Upon the written request of a holder of a cotton class memorandum or certificate issued under this subpart, a new memorandum or certificate shall be issued, without the reclassification of the cotton, to take the place of the former memorandum or certificate for any cotton covered thereby, when necessary on account of the breaking or splitting of a lot or otherwise for the business convenience of such holder. In any case where a new memorandum or certificate is requested in accordance with this section the former memorandum or certificate shall be surrendered for cancellation, and such new memorandum or certificate shall bear a new number and the date of its issuance and the date of original classification and shall otherwise comply with this subpart.

§ 28.59 *Lost memorandum or certificate may be replaced by duplicate.* Upon the written request of the last holder of a valid Form A or Form D memorandum, or Form C certificate and a showing to the satisfaction of the chairman of the board which issued such memorandum or certificate that it has been lost or destroyed and, if lost, that diligent effort has been made to find it without success, a new memorandum or certificate shall be issued without the reclassification of the cotton. Such new memorandum or certificate shall bear the same number and date of issuance as the lost or destroyed memorandum or certificate and shall include a statement to the effect that it is a duplicate issued in lieu of the lost or destroyed original, as the case may be.

§ 28.60 *Surrender of memoranda or certificates.* For good cause any memorandum or certificate issued under this subpart shall be surrendered to the chairman of the board which issued it, upon his request or upon the request of the Director. A new memorandum or certificate complying with this subpart may be issued in substitution therefor. If such memorandum or certificate be not surrendered upon such request, it shall nevertheless be invalid for the purposes of the act and this subpart.

REVIEWS

§ 28.65 *Provisions for reviews.* Reviews of classifications or comparisons represented by Form A or D memoranda or Form C certificates shall be governed by § 28.66.

§ 28.66 *Review procedure.* A review of any Form A, C, or D determination may be requested by the owner or custodian of the cotton from which the sample was drawn within 30 days after the issuance of the original memorandum. Such review shall cover all of the quality factors for which the original determination was made. Requests for reviews of Form A or D determinations may be filed with, and the review made by, the board which issued such memorandum or the Appeal Board of Review Examiners. Requests for reviews of Form C determinations shall be filed with, and the reviews made by, the Appeal Board of Review Examiners. Redrawn samples shall be required for reviews of Form A and Form C determinations except in cases where the original samples have remained, identity preserved, in the custody of the Division. When redrawn samples are necessary, they shall be drawn and submitted as prescribed in this subpart. As evidence of a review determination, a Form A or D memorandum or Form C certificate appropriately marked to indicate that it represents a review determination shall be issued to the applicant requesting the review. The applicant may be required by the board or Appeal Board issuing such review determination to surrender the original classification memorandum or certificate. In any event the review determination shall supersede and invalidate the original determination.

§ 28.67 *Review of licensed classer's certificate.* In case a review is desired of the classification of any cotton represented in a certificate issued by a licensed classer, the procedure shall be as provided in § 28.98.

§ 28.68 *Withdrawal of application for review.* Any application for review may be withdrawn by the applicant at any time before the review classification of the cotton covered thereby has been completed, subject to the payment of such fees, if any, as may be prescribed in this subpart.

LICENSED CLASSERS

§ 28.80 *Applications for licenses to classify cotton.* (a) Applications for licenses to classify cotton under section 3 of the act (42 Stat. 1517; 7 U. S. C. 53) shall be made to the Director on forms furnished by the Division.

(b) Each such application shall be in English, shall be signed by the applicant, and shall contain or be accompanied by (1) satisfactory evidence that he has passed his 21st birthday and that he is an actual resident of the continental United States, (2) satisfactory evidence of his training and experience in the actual classification of cotton, (3) a statement of the standards for cotton for the classification of which a license is desired, (4) a statement by the applicant that he agrees to comply with and abide by the terms of the act and this subpart so far as they may relate to him, and (5) such other information as may be required.

(c) The applicant shall furnish with his application a statement of the reasons he desires and needs a license.

§ 28.81 *Examination of applicant.* Each applicant for a license as a classer and each licensed classer shall, when requested by the Director submit to an examination or test to show his ability to classify cotton, and each applicant who already holds a license under the act shall make available for inspection copies of the standards for classification used or to be used by him. An applicant who fails in an examination may be denied immediate reexamination.

§ 28.82 *Examination; scope of "limited license."* Examinations of applicants for licenses shall cover the classification of cotton in accordance with any or all of the standards listed below:

(a) The official cotton standards of the United States for grades and for all lengths of staple of American upland cotton.

(b) The official cotton standards of the United States for the grades of American upland cotton and for staple lengths not exceeding 1⅛ inches.

(c) The official cotton standards of the United States for grades and staple lengths of American Egyptian cotton.

(d) The official cotton standards of the United States for grades and staple lengths of Sea Island cotton.

Each license under the act and each identification card shall specify the standards with respect to which it is issued. Any license which merely authorizes the licensee to determine the grade of American upland cotton and staple lengths not exceeding 1⅛ inches shall be conspicuously marked "Limited License."

§ 28.83 *Examination of licensees.* Examination of licensees, when required, shall cover the classification of cotton with respect to any or all of the standards specified in their licenses. In addition any licensee who makes the necessary application and pays the fee specified in this subpart may be examined and licensed with respect to the classification of cotton according to any of the foregoing standards for which he does not already hold a license.

§ 28.84 *Period of license.* The period for which a license may be issued shall be from the first day of August until and including the thirty-first day of July following. Renewals shall be for not more than 1 year beginning with the first day of August of each year: *Provided,* That licenses issued on and after June 1 of each year shall be for the period ending on July 31 of the following year.

§ 28.85 *Conditions as to licensing of classer.* (a) It shall be a condition of the licensing of any cotton classer under this subpart and of the retention by him of a license, that he shall be actively engaged in the classification of cotton; that all cotton classified by him shall be graded and stapled in accordance with the official cotton standards of the United States; that his sample and type comparisons, if any, shall be truly and accurately made; that he shall not use his license or allow the same to be used for any improper purpose; and that he shall comply with the act and with the regulations in this subpart.

(b) It shall be a condition of the renewal of the license of any licensed cotton classer who has not issued any licensed classer's certificates in the three years immediately preceding his application for renewal that he take and satisfactorily pass the practical classing examination required for initial issuance of a license. When such re-examination is required, the applicant for renewal shall be required to pay the fee prescribed in this subpart for examination and issuance of a license.

§ 28.86 *Fee for classifying cotton.* Whenever any classer licensed under the act in accordance with this subpart shall classify and/or certificate any cotton or samples in consideration of a stated fee, the fee charged shall be reasonable.

§ 28.87 *Copies of class certificates; retention period; other requirements.* Each licensed classer shall keep for 1 year after date of issuance in a place accessible to interested persons a copy of each certificate issued by him as a licensed classer under this subpart. The Director may require that a copy of each such certificate be forwarded to a supervising office of the Division designated by him immediately after issuance of the certificate. Each licensed cotton classer who places his certificate of classification directly on warehouse receipts, weight certificates, or on other documents approved by the Director for showing such certificate of classification shall keep for 1 year after date of classification a record listing each individual bale or sample classified by him in his capacity as a licensed classer. Such record shall show the bale number, grade, length of staple, or other class of each bale or sample, and date classed. A copy of the record shall be mailed weekly to the supervising office of the Service designated by the Director.

§ 28.88 *Supervisory samples and reports.* The Director may require each licensed classer to submit supervisory samples to a supervising office of the Division in accordance with instructions furnished to licensed classers from time to time. Any such samples submitted to the Division shall become the property of the Government and be disposed of in accordance with law and applicable regulations unless the licensee requests return of the samples at his expense. The Director may also require each licensed classer to make reports on forms furnished by the Division, or otherwise, bearing upon his activities as such licensed classer.

§ 28.89 *Information of violations.* Every person licensed under the act shall immediately furnish the Director any information which comes to the knowledge of such person tending to show that any provision of the act or this subpart has been violated.

§ 28.90 *Suspension of license.* Pending investigation the Secretary or an authorized official of the Department may, whenever he deems necessary, suspend the license of a licensed classer temporarily without hearing. Whenever a licensed classer shall voluntarily surrender his license for suspension or cancellation the same may be suspended or canceled by the Secretary or an authorized official of the Department without a hearing. The Secretary, or an authorized official of the Department may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or cancel a license issued to a licensed classer when such licensed classer (a) has ceased to perform services as such classer, (b) has knowingly or carelessly classified cotton improperly, (c) has violated or evaded any provisions of the act or the regulations thereunder so far as the same may relate to him, (d) has used his license or allowed it to be used for any improper purposes, or (e) has in any manner become incompetent or incapacitated to perform the duties of such licensed classer. Before the license of any licensed classer is finally suspended or revoked pursuant to section 3 of the act (42 Stat. 1517; 7 U. S. C. 53), such licensed classer shall be furnished by the Secretary, or by an authorized official of the Department, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be accorded if requested in accordance with § 28.92.

§ 28.91 *Suspended license to be returned to Division.* If a license issued to a licensed classer is suspended, revoked, or canceled, such license shall be returned to the Division. At the expiration of any period of suspension of such license, unless in the meantime it be revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed classer to whom it was originally issued.

§ 28.92 *Hearings granted licensees.* For the purpose of a hearing under the act or this subpart, the licensee involved shall be allowed a reasonable time, fixed by the Secretary or by an authorized official of the Department, within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before and at the time and place fixed by the Secretary or an authorized official of the Department. The testimony of the witnesses at such oral hearing shall be upon oath or af-

firmation administered by the official before whom the hearing is held when required by him. Such oral hearing may be adjourned by him from time to time. After reasonable notice to all parties concerned, the deposition of any witness may be taken at a designated time and place and before an authorized official of the Department. Every written entry in the records of the Department made by an officer or employee thereof in the course of his official duty, which is relevant to the issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Copies of all papers and all the evidence submitted or considered in such hearing shall be made a part of the records of the Department. Such records, and when there has been an oral hearing the recommendation of the official holding such oral hearing, shall be transmitted to the Secretary or an authorized official of the Department for his consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

§ 28.93 *Lost license may be duplicated.* Upon satisfactory proof of the loss or destruction of a license issued to a licensed classer, a duplicate thereof may be issued under the same or a new number, in the discretion of the Director.

§ 28.94 *Classer; misrepresentation.* No person shall in any way represent himself to be a classer licensed under the act unless he holds an unsuspended, unrevoked, unexpired, and uncanceled license issued under the act.

§ 28.95 *Class certificate; form.* Each class certificate issued under the act by a licensed classer shall be in a form approved for the purpose by the Director and shall embody within its written or printed terms:

(a) The caption "Licensed Cotton Classer's Certificate."

(b) The serial number assigned to it.

(c) The date and place of issuance.

(d) That the certificate is issued by a classer licensed under the United States Cotton Standards Act and this subpart.

(e) A list of the standards with respect to which the classer is licensed.

(f) The exact location of the cotton at the time of classification.

(g) A statement in accordance with the facts in each case, either (1) that the classer has drawn or supervised the drawing of the samples upon which his classification is based, or (2) that the samples were submitted to the classer by another person, in which case the name and address of such person shall be stated.

(h) The identification of each bale of cotton by the tag number or mark by which the bale was identified at the time the sample was taken.

(i) The grade, length of staple, or other class of each bale or sample of cotton covered thereby.

(j) The signature of the licensed classer.

§ 28.96 *Certificate by licensed classer not final.* A certificate issued by a licensed classer shall in no case be deemed a final certificate within the meaning of section 4 of the act (42 Stat. 1517; 7 U. S. C. 54). The certificate or memorandum of a board of cotton examiners covering any cotton represented in a licensed cotton classer's certificate shall at once invalidate and supersede a licensed classer's certificate as to such classification.

§ 28.98 *Review of classification.* In case a review is desired of the classification of any cotton represented in a valid certificate issued by a licensed classer as provided in this subpart, the holder of such certificate shall surrender the same, together with samples of the cotton, to a board and receive in its stead a certificate signed by the chairman of such board. The certificate of the board issued in lieu of the licensed classer's certificate in accordance with this section shall be subject to review by the Appeal Board of Review Examiners, provided a review would have been granted if the classification had been performed originally by a board.

PRACTICAL FORMS OF COTTON STANDARDS

§ 28.105 *Practical forms of cotton standards.* (a) Practical forms of the cotton standards of the United States prepared in physical form, each certified under the seal of the United States Department of Agriculture and under the signature of the Secretary, thereto affixed by himself or by some other official or employee of the Department duly authorized by him, and in the case of the standards for grade accompanied by photographs representing the cotton in such practical forms on the date of certification, are available for sale to any person requesting the same, subject to the other conditions of this section.

(b) Each application for practical forms of the cotton standards shall be upon an application form furnished by the Division, shall be signed by the applicant, and shall incorporate the following conditions:

(1) That no practical form of any of the cotton standards for grade, or the 6-sample guide boxes for the grade of American upland cotton shall be considered or used as representing such standards after the date of its cancellation in accordance with this section or in any event after the expiration of 12 months following the date of its certification: *Provided*, That sets of practical forms stored, protected, and preserved in accordance with certain agreements for the adoption of universal standards may be used for such periods as may be prescribed in such agreements.

(2) That said practical forms and the photographs accompanying them shall be subject to inspection on any business day, between the hours of 9 a. m. and 4 p. m., by the Secretary or by an officer or agent of the Department authorized by him for the purpose.

(3) That the signature of the Secretary certifying to any practical form, or any photograph of said practical form accompanying the same, or both, may be cancelled if it be found, upon such inspection, either that any of said forms for any reason misrepresents the cotton standards or that any such photograph has been altered or mutilated.

§ 28.106 *Universal cotton standards.* Whenever any of the official cotton standards shall have been adopted as universal standards by an association or exchange located in a country other than the United States, the name of such association or exchange may be shown on the outside of the box or container.

§ 28.107 *Containers of "original" cotton standards; where kept; reserve sets.* (a) The containers of the original universal standards and other official cotton standards of the United States currently adopted, whenever such official standards are represented by practical forms, shall be marked as prescribed in the order or orders of their establishment, wrapped, and sealed with wax seals. When so marked, wrapped, and sealed they shall be deposited in a suitable vault or in a steel safe or safes, which safe or safes shall be kept sealed with an imprinted seal. Such containers shall remain in the custody of the Director until the original standards contained therein are superseded by new or revised standards. The dies used to seal the first reserve set of the universal standards shall be deposited in the Treasury of the United States subject to the order of the Secretary of Agriculture; those used to seal the other official cotton standards of the United States shall remain in the custody of the Director. Such safes shall be sealed in the presence of the General Counsel of the Department and the Director, or of persons temporarily acting in their stead, and shall thereafter be opened only in the presence of the same.

(b) At each Universal Cotton Standards Conference held for approving key copies of the universal standards there shall be prepared two full sets of practical forms of copies of the universal standards for grades of American upland cotton, which shall be known as "reserve sets" and which, upon the certification and recommendation of qualified experts, shall be certified by such experts as true copies of the currently adopted standards as and when established. Such reserve sets shall be enclosed in metal-lined cases, likewise sealed in the presence of the General Counsel of the Department and the Director, or of persons temporarily acting in their stead. One such set, to be known as the "first reserve set," shall then be delivered to agents of the Treasury Department of the United States to be deposited in the United States Treasury, and the other, to be known as the "second reserve set," shall be deposited in the vaults of the Division in the immediate control and custody of the Director. Such reserve sets shall remain so deposited until such time as they shall be required for examination, reproduction, and use, as set forth in paragraph (c) of this section. When so required they shall be withdrawn only upon the order of the Secretary or of the person temporarily acting in his stead. The seals upon the cases and containers of the practical forms shall be broken only in the presence of the General Counsel and the Director, or persons temporarily acting in their stead, and experts qualified in the classification of American upland cotton authorized to be present.

(c) As soon as practicable after the opening, as provided in paragraph (b) of this section, of the first reserve set, two new reserve sets shall be prepared by comparison with the first reserve set, which shall be taken to represent so far as possible the currently adopted standards as and when established, and which shall, in turn, be numbered, incased, sealed, and stored in the manner prescribed in paragraph (b) of this section. The first reserve set of the preceding 3-year period shall then be again sealed and shall remain in the custody of the Director. If, upon the opening and examination of the first reserve set as herein provided, it shall appear that such set has undergone any substantial change, the second reserve set shall, for the purposes of this paragraph, be used in its stead. The first and second reserve sets of each 3-year period shall be retained by the Division until the currently adopted standards which they represent have been superseded by new or revised standards.

FEES AND COSTS

§ 28.115 *Fees and costs; payment.* All charges for practical forms of cotton standards and all fees and expenses for services of inspection of bales and supervision of sampling, classification, comparison, or review by a board of examiners shall be paid at the time of filing the request for the service desired, except that in the discretion of the Director bills may be delivered to persons from whom payment for charges or fees may become due. Such bills shall be rendered as soon as practicable after the last day of each month for amounts due and unpaid on such dates. When necessary, in the discretion of the chairman of the board, any bill may be rendered at an earlier date for any charges or fees then due from the person to whom such bill may be rendered. Payment of any such bill shall be made as soon as possible after the rendition thereof, but in any event not later than the expiration of 2 weeks thereafter.

§ 28.116 *Amounts of fees for classification; exemption.* (a) For the classification and certification of any cotton or samples or for the review of a licensed cotton classer's certificate, the person requesting the classification or review shall pay a fee, as follows, subject to the minimum fee provided in paragraph (d) of this section:

(1) If the classification is with respect to grade only, at the rate of 25 cents a sample.

(2) If the classification is with respect to staple only, at the rate of 25 cents a sample.

(3) If the classification is with respect to any other single quality, at the rate of 25 cents a sample.

(4) In other cases where the classification is with respect to two or more of the qualities specified in subparagraphs (1), (2), or (3) of this paragraph at the rate of 25 cents a sample.

(b) When a comparison is requested of any samples with a type or with other samples, the fees prescribed in paragraph (a) of this section shall apply to every sample involved, including each of the samples of which the type is composed.

(c) For any review of the classification or comparison of any cotton, the fee shall be 25 cents per sample, regardless of the number of quality factors involved in the review.

(d) A minimum fee of $3.00 shall be assessed for services described in paragraphs (a), (b), and (c) of this section for each lot or mark of cotton reported or handled separately, unless the request for service is so worded that the samples become Government property immediately after classification.

(e) The fees provided for in paragraphs (a) and (b) of this section may be waived in whole or in part, as to the classification and comparison and the review, if any, of any cotton (1) for any governmental agency; (2) to facilitate a cotton program of any governmental agency, and (3) for a charitable or philanthropic organization if such cotton will be used in accordance with an act of Congress or a congressional resolution for the relief of distress or will be exchanged for goods to be so used. The samples accumulated in the classification or certification of cotton for a governmental agency or to facilitate a cotton program of any governmental agency shall be disposed of as required by such agency.

§ 28.117 *Fee for new memorandum or certificate.* For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of 25 cents when the number of bales covered by the new memorandum or certificate is 10 or less, or a fee of 50 cents per sheet when the number of bales covered by such memorandum or certificate is more than 10.

§ 28.118 *When no fee collected for new certificate or memorandum.* No fee shall be collected for a new cotton class certificate or memorandum issued in lieu of a prior certificate or memorandum solely for the purpose of correcting clerical errors therein, or for the purpose of substituting a new form applicable to outstanding certificates or memorandums, or without an application therefor.

§ 28.119 *Fee when request for classification is withdrawn.* When the request for the classification or comparison of any cotton or an application for review shall be withdrawn after the classification of such cotton has been started pursuant thereto, the person filing the same shall pay the prescribed fee as to any such cotton already classified.

§ 28.120 *Expenses to be borne by party requesting classification.* For any samples submitted for Form A or Form D determinations, the expense of inspection and sampling, the preparation of the samples, and the delivery of such samples to the classification room of the board or other place specifically designated for the purpose by the Director or by the chairman of such board, shall be borne by the party requesting the classification. For samples submitted for Form C determination, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $3 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

§ 28.121 *Advance deposits.* Upon request, the person from whom any payment under this subpart may become due shall make an advance deposit to cover such payment in such amount as may be necessary in the judgment of the official of the Division requesting the same.

§ 28.122 *Fee for examination of applicant for license; renewals.* For the practical classing examination of an applicant for a license to classify cotton in accordance with this subpart, the fee shall be $50.00, but no additional charge shall be made for the issuance of a license to an applicant found to be properly qualified. For each renewal of a classer's license the fee shall be $25.00. The fee for the practical classing examination for persons not desiring a license shall be $40.00. Any such person who passes the examination may be issued a certificate indicating this accomplishment.

§ 28.123 *Costs of practical forms of cotton standards.* The cost of practical forms of the cotton standards of the United States shall be as follows:

	Domestic shipments f. o. b. Washington	Shipments delivered outside the Continental United States
Grade Standards		
American Upland:		
12—sample official boxes (Universal Standards)	*Dollars each box* 10.00	*Dollars each box* 12.00
6—sample guide boxes	5.00	6.50
American Egyptian: 6—sample official boxes	10.00	12.00
Sea Island: 12—sample official boxes	10.00	12.00
Tentative Standards for Preparation of American Upland Long-Staple Cotton		
6—sample boxes	5.00	6.50
Standards for Length of Staple	*Dollars each length*	*Dollars each length*
American Upland (prepared in one pound rolls for each length)	2.00	2.50
American Egyptian (prepared in one pound rolls for each length)	2.00	2.50
Sea Island (prepared in one pound rolls for each length)	2.00	2.50

§ 28.124 *Payments; procedure.* Any payment or advance deposit under §§ 28.115 through 28.123 shall be by check, draft, or money order, payable to the order of the "Agricultural Marketing Service, USDA", and may not be made in cash except in cases where the total payment or deposit does not exceed $1.

§ 28.125 *No voiding or modifying claims for payment.* Nothing in this subpart shall be construed to void or modify any claim which a person or party requesting and paying for a service may have against any other person or party for the payment of part or all of such costs.

§ 28.126 *Loaning of forms and exhibits.* In the discretion of the Director, limited numbers of copies of the practical forms of any of the official standards, or specially prepared exhibits illustrating any of such standards or cotton samples, may be loaned to governmental agencies for official purposes or to educational and other institutions or organizations for demonstration purposes.

UNITED STATES COTTON LINTERS

§ 28.136 *Applicability of other sections of regulations.* Insofar as applicable, and not inconsistent with §§ 28.136 through 28.151, the provisions of this subpart relating to cotton shall likewise apply to cotton linters.

§ 28.137 *Boards of cotton linters examiners.* There shall be located at Washington, D. C., and, when necessary in the opinion of the Administrator, at any other point that he shall designate for the purpose, a board of cotton linters examiners. The members of all such boards and the chairman of each shall be designated by the Director.

§ 28.138 *Classification and comparison; requests, memorandums and certificates.* For each lot or mark of linters which the applicant desires classified or compared separately he shall make a separate written request specifying which of the following forms of service is desired. Only one request within a 30-day period shall be made by the same owner for the classification or comparison of the same linters, except a request for a review determination. If the applicant desires that the samples be returned to him, at his expense, he must indicate this in the request for classification or comparison. If the return of samples is not requested they shall become the property of the Government and shall be disposed of in accordance with law and applicable regulations.

(a) *Form A determination.* The classification or comparison of samples of linters that have been freshly drawn by a licensed linters classer and submitted direct to a Board of Cotton Linters Examiners without classification or further handling by such classer. Such classification or comparison shall be evidenced by a Form A memorandum which shall be subject to review as provided in § 28.146. Composite samples composed of portions of linters drawn from more than one bale are not eligible for Form A determinations.

(b) *Form C determination.* The classification of bales of linters sampled under the supervision of an employee of the Department. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in § 28.146. Such certificate when it has been reviewed in accordance with § 28.146 shall be deemed to be a final certificate as to the classification shown, within the meaning of section 4 of the act (42 Stat. 1517; 7 U.S.C. 54).

(c) *Form D determination.* The classification or comparison of samples submitted for other than Form A or Form C determinations. Such classification or comparison shall be evidenced by a Form D memorandum which shall not be subject to review.

§ 28.139 *Filing of requests.* All requests for classification or comparison leading to Form A memoranda, Form D memoranda, or Form C certificates shall be filed with the secretary of the Board of Cotton Linters Examiners at Washington, D. C., unless otherwise directed by the Director.

§ 28.140 *Samples; weight; drawing.* Each sample submitted to a Board of Cotton Linters Examiners shall weigh not less than 8 ounces; shall be wrapped separately; shall contain a coupon or tag showing the bale number or identity of bale from which drawn; and shall be drawn in the following manner:

(a) *Condenser system linters.* Separate portions shall be drawn from three different places in either head of the bale so as to provide as representative sample as possible, each portion to be approximately 6 by 8 inches in size. All portions of the bale sample shall be placed in a single paper sack or wrapper together with an identifying tag stub or other identification. The portions together shall constitute the sample representing one bale.

(b) *Flue and beater system linters.* A sample of not less than 8 ounces, consisting of equal portions drawn from two sides of a bale, or from two shoulders of a bale, shall be drawn.

§ 28.141 *Inspection of bales for special conditions.* A licensed linters classer drawing samples for submission to a Board of Cotton Linters Examiners for Form A classification or comparison shall inspect each bale and shall specify on his sampler's certificate accompanying the samples any conditions not fully indicated by the samples.

§ 28.142 *Submission of samples.* All samples submitted to a Board of Cotton Linters Examiners for classification or comparison under this subpart shall be delivered or sent to the secretary of the board with all transportation charges incident thereto prepaid. All samples submitted by a licensed linters classer for Form A classification must have been freshly drawn by such classer, must be submitted direct to the board without classification or further handling, and must be accompanied by a sampler's certificate. Such certificate shall be on a form furnished by the Division for this purpose.

§ 28.143 *Method of classification.* The classification of all cotton linters samples shall be in accordance with the official cotton linters standards of the United States and §§ 28.143 through 28.145. The grade, staple, and character of each sample shall be determined and designated separately, together with any special conditions of the sample or bale.

§ 28.144 *Samples falling between grades or staples.* In classification, a sample which is determined to be between two adjacent grades or between two adjacent staples shall be assigned the lower of the two grades or two staples.

§ 28.145 *Terms defined; linters classification.* For the purposes of classification of any cotton linters or comparison with a type or other samples, the following terms shall be construed, respectively, to mean:

(a) *Grade.* The term grade means the color and trash in cotton linters.

(b) *Staple.* The staples of cotton linters as defined in the official cotton linters standards of the United States for staple, §§ 28.215 through 28.222.

(c) *Character.* The term character means the relative harshness of linters. In linters classification, character shall be described as follows: Soft (symbol S); Average (symbol A); Harsh (symbol H); or Extra Harsh (symbol EH).

(d) *Prime linters.* Prime linters are cotton linters which are equivalent in grade to the official grade standards and do not show evidence of excess trash, physical deterioration, the presence of objectionable odors, or other characteristics which prohibit its description in terms of the official grade standards.

(e) *Off grade linters.* Cotton linters which show evidence of physical deterioration, the presence of objectionable odors, or other characteristics which prohibit its description in terms of the official grade standards shall be designated as "Off Grade," and no specific grade assigned.

(f) *Excess trash.* Cotton linters that contain more trash than is represented in the grades described in §§ 28.201 through 28.208 shall be assigned that grade to which it is equal in color and further described by the term "Excess Trash." Such linters shall not be considered as prime linters.

(g) *Compound grades.* Cotton linters which in grade show a variation equal to that shown in any 2 or 3 adjacent grades of those described in §§ 28.201 through 28.208 shall be designated by the compound name of such grades.

(h) *Compound staples.* Cotton linters which in staple show a variation equal to that shown in any 2 or 3 adjacent staples of those listed in §§ 28.215 through 28.222 shall be designated by the compound name of such staples.

(i) *Mixed packed grades.* Cotton linters which in grade show a variation greater than that shown in any 3 adjacent grades of those described in §§ 28.201 through 28.208 shall be designated as "Mixed Packed" for grade on classification certificates and memoranda and the grades constituting the mixture shown.

(j) *Mixed packed staples.* Cotton linters which in staple show a variation greater than that shown in any 3 adjacent staples of those listed in §§ 28.215 through 28.222 shall be designated as "Mixed Packed" for staple on classification certificates and memoranda and the staples constituting the mixture shown.

(k) *Weak staple.* Cotton linters in which the strength of staple is below that normally found in linters of otherwise comparable staple shall be designated by the term "Weak" and no specific staple assigned.

(l) *False packed linters.* Linters in a bale (1) containing substances entirely foreign to linters; (2) containing damaged linters in the interior with or without any indication of such damage upon the exterior; (3) composed of good linters upon the exterior and decidedly inferior linters in the interior, in such manner as not to be detected by customary examination; or (4) containing motes, sweepings, or hull fiber worked into the bale.

(m) *Repacked linters.* Linters that are composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or linters in a bale which is composed of linters from two or more smaller bales or parts of bales.

(n) *Water-packed linters.* Linters in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

§ 28.146 *Reviews.* A review of any Form A or Form C determination may be requested by the owner of the linters from which the sample was drawn, or his agent, within 30 days after the issuance of the original memorandum or certificate. Such request shall be filed with the secretary of the Board of Cotton Linters Examiners at Washington, D. C., and shall be accompanied by the original classification memorandum or certificate if it is in the possession of the applicant. The application shall state the reason for failure to submit such document. Form D determinations are not subject to review.

(a) *Form A and Form C Reviews.* Redrawn samples will be required except in cases where the original samples have remained in the custody of the Board of Cotton Linters Examiners. When redrawn samples are necessary, they shall be drawn and submitted in accordance with the applicable provisions of §§ 28.138, 28.140, 28.141, and 28.142. A Form A memorandum or Form C certificate, as applicable, appropriately marked to indicate that it represents a review determination shall be issued to the applicant requesting the review. The review classification memorandum shall supersede the original classification memorandum.

(b) *Review of licensed classer's certificate.* In case a review is desired of the classification of any linters represented in a valid certificate issued by a licensed linters classer, the holder of such certificate shall surrender the same, together with samples of the linters involved, to the Board of Cotton Linters Examiners and receive in its stead a Form D memorandum signed by the chairman of such board. Such Form D memorandum shall be appropriately marked to show it represents a review of a licensed classer's certificate. The Form D memorandum issued in lieu of the licensed classer's certificate shall not be subject to further review. The provisions of this paragraph do not prohibit the drawing of new samples and filing of a request with the Board of Cotton Linters Examiners leading to a Form A or Form D memorandum or a Form C certificate.

§ 28.147 *Licensed classers.* Subject to the applicable terms and conditions of §§ 28.80 through 28.99, any person may, upon presentation of evidence of competency, be licensed to grade or classify linters, and to certificate the grade or class thereof in accordance with the official cotton linters standards of the United States.

(a) *Class certificates; form; mailing to board.* Each class certificate issued by a licensed linters classer under this subpart shall be on a form furnished by the Division. A copy of each certificate shall be mailed to the Board of Cotton Linters Examiners at Washington, D. C., within 3 days after issuance.

(b) *Supervisory samples.* Some samples from each lot or mark of samples on which a licensed linters classer issues a certificate under this subpart shall be sent to the Board of Cotton Linters Examiners for supervisory purposes. Such supervisory samples shall be submitted to the board in accordance with instructions furnished licensees by the Director from time to time.

§ 28.148 *Fees and costs; classification; reviews; other.* The fee for the classification, comparison, or review of linters with respect to grade, staple, and character, or any of these qualities, shall be at the rate of 20 cents for each bale or sample involved. The provisions of §§ 28.115 through 28.126 relating to other fees and costs shall, so far as applicable, apply to services performed with respect to linters.

§ 28.149 *Fees and costs; Form C determinations.* For samples submitted for Form C determination, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $3 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

§ 28.150 *Fee; licenses; renewals.* The fee for the examination of an applicant for a license to classify linters shall be $10. No additional charge shall be made for the issuance of a license to an applicant found to be properly qualified. The fee for each renewal of such license shall be $5.

§ 28.151 *Cost of practical forms; period effective.* Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.105: *Provided*, That no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any of said standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the official standards for grade shall be at the rate of $5.00 each, f. o. b., Washington, D. C., for shipments within the continental United States, and $6.50 each, delivered to destination, for shipments outside the United States. The cost of the official standards for staple shall be at the rate of $1.00 each, f. o. b., Washington, D. C., for shipments within the continental United States, and $1.50 each, delivered to destination, for shipments outside the continental United States.

ADJUSTMENT OF CONTRACT DISPUTES

§ 28.160 *Cotton examiners on foreign exchanges.* Whenever any association or exchange in any country other than the United States shall adopt the universal standards and establish them as the basis of all transactions and contracts for American upland cotton, made and executed according to its rules, the Director may appoint certain members or officials of such exchanges as cotton examiners. Insofar as the administration of the act applies to cotton involved in contracts made in accordance with the rules of such exchange, the administration shall be as prescribed in §§ 28.161 through 28.162.

§ 28.161 *Disputes involving contracts for shipment of cotton from United States.* When an association or exchange located in a country other than the United States shall adopt any of the official cotton standards of the United States and when the members of the committee of such association or exchange having final jurisdiction in the matter of appeals have been designated as cotton examiners by the Director, such committee may be constituted for the purposes of this act a Board of the Department and authorized to act as follows:

(a) Insofar as the exchange has adopted the universal standards the committee may pass upon the classification of cotton involved in a dispute between a party in the United States and a party without the United States to a contract made under the rules of the association or exchange.

(b) The submission of samples of cotton involved in such a dispute to such association or exchange or such committee in accordance with the rules of the association or exchange shall be deemed to be a submission to the Department.

(c) Determinations of classification made by the boards so constituted shall be final. When so provided in the articles, rules, or bylaws of the association or exchange, such determinations may be evidenced by awards. If an award is made which does not state the classification, such board will, upon request of the owner or custodian of the cotton and the payment of a reasonable additional fee, issue a certificate showing in detail the true classification for grade and color of such cotton, based upon a comparison of the samples with the universal standards or with a type or other samples on which the cotton has been sold, as the case may be.

§ 28.162 *Procedure.* The manner of procedure in submitting and handling samples, in classification and in instituting and conducting arbitrations and appeals shall be as prescribed in the articles, bylaws, and rules of the association or exchange.

PUBLICATIONS

§ 28.165 *Publication media.* Publications under the act and this subpart may be made in service and regulatory announcements and by such other means as the Director shall from time to time designate for the purpose.

SUBPART B—CLASSIFICATION FOR FOREIGN GROWTH COTTON AND COTTON LINTERS

AUTHORITY: §§ 28.175 to 28.184 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

§ 28.175 *Administrative and general.* Insofar as applicable, and not inconsistent with this subpart, the provisions of Subpart A of this part shall likewise apply to the classification and comparison of cotton and cotton linters produced outside the continental United States.

§ 28.176 *Designation of official certificates, memoranda, marks, other identifications, and devices for purpose of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this subpart, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this subpart to certify with respect to the inspection, sampling, class, grade, quality, quantity, or conditions of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling, pursuant to this subpart, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this subpart, and any report made by an authorized person of services performed pursuant to this subpart.

(c) "Official mark" means the grade mark, inspection mark, and any other mark, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this subpart.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, quantity, or condition specified in this subpart or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, quantity, or condition of the product, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

§ 28.177 *Requests for classification and comparison of cotton.* The applicant shall make a separate written request, on a form supplied by the Division, for each lot or mark of cotton which he desires classified or compared separately. The same applicant shall not file more than one request for the classification or comparison of the same cotton within any 30-day period except for a review classification or comparison as provided in § 28.181. All requests for classification or comparison in the United States shall be filed with the Board of Cotton Examiners which serves the territory in which the samples are located. If the cotton is stored outside the United States the request shall be filed with the board designated by the Director. The chairman of any board may refer any request and the samples submitted to another board or to the Appeal Board of Review Examiners for classification or comparison.

§ 28.178 *Submission of cotton samples.* Samples of cotton submitted to a board of cotton examiners for classification and/or comparison shall be drawn from both sides of the bale and shall be delivered to the secretary of the board with which the request was filed, as soon as possible after the filing of such request. All such samples shall be inclosed in one or more wrappers, which shall be labeled or marked, or both, in such manner as to show the name and address of the owner, the lot number or marks, if any, the number of bales represented by the samples in each wrapper, and such other information as may be necessary in accordance with the instructions of the chairman of the board. All transportation charges incident to the submission of samples shall be prepaid by the party making the request or his agent.

§ 28.179 *Methods of cotton classification and comparison.* The classification of samples from cotton produced outside the continental United States shall be on the basis of the official cotton standards of the United States in effect at the time of classification. When a comparison of such cotton samples with other actual samples or with a type is requested, the procedure and methods shall be as outlined in §§ 28.45 through 28.47.

§ 28.180 *Issuance of cotton classification memoranda.* As soon as practicable after the classification or comparison of cotton has been completed by a board of cotton examiners, there shall be issued a cotton classification memorandum which shall embody within its written or printed terms:

(a) The results of the classification or comparison.

(b) The name of the country in which the cotton was produced.

(c) The source from which the samples were received for classification.

(d) A statement that any classification made has been on the basis of the official cotton standards of the United States in effect at the time of such classification.

(e) The signature of the chairman of the board, the location of the board, and the date of issuance of the memorandum.

§ 28.181 *Review of cotton classification.* A review of any classification or comparison made pursuant to this subpart may be requested by the owner or custodian of the cotton from which the sample was drawn within 30 days after the issuance of the original memorandum. Such request, accompanied by the original memorandum, may be filed with either the board which issued the original memorandum or the Appeal Board of Review Examiners. Redrawn samples shall be required except in cases where the original samples have remained, identity preserved, in the custody of the board which issued the original memorandum. As evidence of any review determination, a classification memorandum marked to indicate that it represents a review determination shall be issued to the applicant requesting the review.

§ 28.182 *Surrender of memoranda.* For good cause any memorandum issued under this subpart shall be surrendered to the chairman of the board which issued it, upon his request or upon the request of the Director, and a new memorandum complying with this subpart issued in substitution therefor. If the memorandum be not surrendered upon such request, it shall nevertheless be invalid for the purposes of this subpart.

§ 28.183 *Fees and costs; payment.* The provisions of §§ 28.115 through 28.126 relating to fees, costs, and method of payment shall apply to services performed with respect to cotton produced outside the continental United States.

§ 28.184 *Cotton linters; general.* Requests for the classification or comparison of cotton linters pursuant to this subpart and the samples involved shall be submitted to the Board of Cotton Linters Examiners at Washington, D. C. All samples classed shall be on the basis of the official cotton linters standards of the United States. The fee for classification or comparison and the issuance of a memorandum showing the results of such classification or comparison shall be 20 cents per sample.

SUBPART C—STANDARDS

OFFICIAL COTTON LINTERS STANDARDS OF THE UNITED STATES FOR GRADE

AUTHORITY: §§ 28.201 to 28.208 issued under sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U. S. C. 56.

§ 28.201 *Grade 1.* Grade 1 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 1, effective July 1, 1956."

§ 28.202 *Grade 2.* Grade 2 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 2, effective July 1, 1956."

§ 28.203 *Grade 3.* Grade 3 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 3, effective July 1, 1956."

§ 28.204 *Grade 4.* Grade 4 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 4, effective July 1, 1956."

§ 28.205 *Grade 5.* Grade 5 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 5, effective July 1, 1956."

§ 28.206 *Grade 6.* Grade 6 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 6, effective July 1, 1956."

§ 28.207 *Grade 7.* Grade 7 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 7, effective July 1, 1956."

§ 28.208 *Chemical Grade.* United States cotton linters which in grade are below Grade 7 shall be designated as "Chemical Grade."

OFFICIAL COTTON LINTERS STANDARDS OF UNITED STATES FOR STAPLE

AUTHORITY: §§ 28.215 to 28.222 issued under sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U. S. C. 56.

§ 28.215 *Staple 1.* Staple 1 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 1, effective July 1, 1957."

§ 28.216 *Staple 2.* Staple 2 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 2, effective July 1, 1957."

§ 28.217 *Staple 3.* Staple 3 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 3, effective July 1, 1957."

§ 28.218 *Staple 4.* Staple 4 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 4, effective July 1, 1957."

§ 28.219 *Staple 5.* Staple 5 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 5, effective July 1, 1957."

§ 28.220 *Staple 6.* Staple 6 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 6, effective July 1, 1957."

§ 28.221 *Staple 7.* Staple 7 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 7, effective July 1, 1957."

§ 28.222 *Below 7 Staple.* Cotton linters which in staple is below staple 7 will be designated as "Below 7" staple.

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR LENGTH OF STAPLE

AUTHORITY: §§ 28.301 to 28.305 issued under sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U. S. C. 56, 26 U. S. C. 4854.

§ 28.301 *Measurement; humidity; temperature.* The length of staple of any cotton shall be the normal length by measurement, without regard to quality or value, of a typical portion of its fibers under a relative humidity of the atmosphere of 65 percent and a temperature of 70° F.

§ 28.302 *Terms of designation.* The length of staple of any cotton shall be designated by that one of the following terms which expresses its measurement in inches and fractions of an inch in accordance with § 28.301:

"Below 13/16; 13/16; 7/8; 29/32; 15/16; 31/32; 1; 1 1/32; 1 1/16; 1 3/32; 1 1/8; 1 5/32; 1 3/16; 1 7/32; 1 1/4; 1 9/32; 1 5/16; 1 11/32; 1 3/8; 1 13/32; 1 7/16; 1 15/32; 1 1/2; 1 17/32; 1 9/16; 1 19/32; 1 5/8; 1 21/32; 1 11/16; 1 23/32; 1 3/4; and upward in like manner in gradations of thirty-seconds, disregarding any fraction less than a thirty-second."

§ 28.303 *Original representations of staple lengths.* The lengths of staple designated as 7/8, 15/16, 1, 1 1/32, 1 1/16, 1 3/32, 1 1/8, 1 5/32, 1 3/16, 1 7/32, 1 1/4, 1 5/16, and 1 3/8 inches, respectively, are each represented by a quantity of American upland cotton suitably contained and marked "Original Representation of official cotton standards of the United States (American Upland) Length of Staple", followed in each instance by the appropriate designation of staple length and the effective date, August 1, 1929; each of the lengths of staple designated as 13/16, 29/32, and 31/32 inches by a quantity of American Upland cotton similarly marked and followed in each instance by the appropriate designation of staple length and the effective date, August 1, 1933; each of the lengths of staple designated as 1 1/2, 1 9/16, 1 5/8, and 1 3/4 inches by a quantity of American Egyptian cotton suitably contained and marked "Original Representation of official cotton standards of the United States (American Egyptian) Length of Staple", followed in each instance by the appropriate designation of staple length and the effective date, August 1, 1929; each of the lengths of staple designated as 1 3/4 and 1 7/16 inches by a quantity of American Egyptian cotton suitably contained and marked "Original Representation of official cotton standards of the United States (American Egyptian) Length of Staple", followed in each instance by the appropriate designation of staple length and the effective date, August 10, 1943; and each of the lengths of staple designated as 1 1/2, 1 9/16, 1 5/8 and 1 3/4 inches by a quantity of Sea Island cotton suitably contained and marked "Original Representation of official cotton standards of the United States (Sea Island) Length of Staple", followed in each instance by the appropriate designation of staple length and the effective date, August 10, 1939. Said quantities of cotton are to be kept in the custody of the United States Department of Agriculture.

§ 28.304 *Over 13/16 inch staple.* Cotton which is more than thirteen-sixteenths of an inch in length of staple, but is not exactly one of the measurements specified in § 28.302, shall be designated by that one of such measurements which comes nearest under its true measurement.

§ 28.305 *Bale of different staple lengths.* Whenever the length of staple of cotton taken from one part of a bale is different from that taken from another part of the same bale, the length of staple of the cotton in such bale shall be that of the part which is the shorter.

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR THE GRADE OF AMERICAN UPLAND COTTON

AUTHORITY: §§ 28.401 to 28.427 issued under sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret

or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U. S. C. 56, 26 U. S. C. 4854.

White Cotton

§ 28.401 *Strict Good Middling.* Strict Good Middling shall be American upland cotton which in color, leaf, and preparation is better than Good Middling. This standard is effective on and after August 1, 1957.

§ 28.402 *Good Middling.* Good Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Middling, effective August 1, 1954."

§ 28.403 *Strict Middling.* Strict Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling, effective August 15, 1953."

§ 28.404 *Middling.* Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling, effective August 15, 1953."

§ 28.405 *Strict Low Middling.* Strict Low Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling, effective August 15, 1953."

§ 28.406 *Low Middling.* Low Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling, effective August 15, 1953."

§ 28.407 *Strict Good Ordinary.* Strict Good Ordinary shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary, effective August 15, 1953."

§ 28.408 *Good Ordinary.* Good Ordinary shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Ordinary, effective August 15, 1953."

Spotted Cotton

§ 28.409 *Good Middling Spotted.* Good Middling Spotted shall be American upland cotton which in leaf and preparation is Good Middling, but which in spot or color or both is between Good Middling and Good Middling Tinged.

§ 28.410 *Strict Middling Spotted.* Strict Middling Spotted shall be American upland cotton which in leaf and preparation is Strict Middling, but which in spot or color or both is between Strict Middling and Strict Middling Tinged.

§ 28.411 *Middling Spotted.* Middling Spotted shall be American upland cotton which in leaf and preparation is Middling, but which in spot or color or both is between Middling and Middling Tinged.

§ 28.412 *Strict Low Middling Spotted.* Strict Low Middling Spotted shall be American upland cotton which in leaf and preparation is Strict Low Middling, but which in spot or color or both is between Strict Low Middling and Strict Low Middling Tinged.

§ 28.413 *Low Middling Spotted.* Low Middling Spotted shall be American upland cotton which in leaf and preparation is Low Middling, but which in spot or color or both is between Low Middling and Low Middling Tinged.

Tinged Cotton

§ 28.414 *Good Middling Tinged.* Good Middling Tinged shall be American upland cotton which in color, leaf, and preparation is better than Strict Middling Tinged.

§ 28.415 *Strict Middling Tinged.* Strict Middling Tinged shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling Tinged, effective August 15, 1953."

§ 28.416 *Middling Tinged.* Middling Tinged shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling Tinged, effective August 15, 1953."

§ 28.417 *Strict Low Middling Tinged.* Strict Low Middling Tinged shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Tinged, effective August 15, 1953."

§ 28.418 *Low Middling Tinged.* Low Middling Tinged shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling Tinged, effective August 15, 1953."

Yellow Stained Cotton

§ 28.419 *Good Middling Yellow Stained.* Good Middling Yellow Stained shall be American upland cotton which in leaf and preparation is Good Middling Tinged, but which in color is deeper than Good Middling Tinged.

§ 28.420 *Strict Middling Yellow Stained.* Strict Middling Yellow Stained shall be American upland cotton which in leaf and preparation is Strict Middling Tinged, but which in color is deeper than Strict Middling Tinged.

§ 28.421 *Middling Yellow Stained.* Middling Yellow Stained shall be American upland cotton which in leaf and preparation is Middling Tinged, but which in color is deeper than Middling Tinged.

Gray Cotton

§ 28.422 *Good Middling Gray.* Good Middling Gray shall be American upland cotton which in leaf and preparation is Good Middling, but which is more gray in color than Good Middling and no darker in color than the dullest bale in Strict Low Middling.

§ 28.423 *Strict Middling Gray.* Strict Middling Gray shall be American upland cotton which in leaf and preparation is Strict Middling, but which is more gray in color than Strict Middling and no darker in color than the dullest bale in Low Middling.

§ 28.424 *Middling Gray.* Middling Gray shall be American upland cotton which in leaf and preparation is Middling, but which is more gray in color than Middling and no darker in color than the dullest bale in Strict Good Ordinary.

§ 28.425 *Strict Low Middling Gray.* Strict Low Middling Gray shall be American upland cotton which in leaf and preparation is Strict Low Middling, but which is more gray in color than Strict Low Middling and no darker in color than the dullest bale in Good Ordinary.

General

§ 28.426 *General.* American upland cotton which in color, leaf, and preparation is within the range of the standards established by this subpart, but which contains a combination of color, leaf, and preparation not within any one of the standards set out in this subpart, shall be designated according to the standard which is equivalent to, or if there be no exact equivalent is next below, the average of all the factors that determine the grade of the cotton: *Provided,* That in no event shall the grade assigned to any cotton or sample be more than one grade higher than the grade classification of the color or leaf contained therein.

§ 28.427 *Alternate title for standards.* Since these standards have been agreed upon and accepted by the leading European cotton associations and exchanges, they may also be termed and referred to as the "Universal Standards for American Cotton."

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR THE GRADE OF AMERICAN EGYPTIAN COTTON

AUTHORITY: §§ 28.501 to 28.510 issued under sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U. S. C. 56, 26 U. S. C. 4854.

§ 28.501 *Grade No. 1.* Grade No. 1 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 1, effective August 1, 1957."

§ 28.502 *Grade No. 2.* Grade No. 2 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 2, effective August 1, 1957."

§ 28.503 *Grade No. 3.* Grade No. 3 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 3, effective August 1, 1957."

§ 28.504 *Grade No. 4.* Grade No. 4 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 4, effective August 1, 1957."

§ 28.505 *Grade No. 5.* Grade No. 5 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 5, effective August 1, 1957."

§ 28.506 *Grade No. 6.* Grade No. 6 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 6, effective August 1, 1957."

§ 28.507 *Grade No. 7.* Grade No. 7 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 7, effective August 1, 1957."

§ 28.508 *Grade No. 8.* Grade No. 8 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 8, effective August 1, 1957."

§ 28.509 *Grade No. 9.* Grade No. 9 shall be American Egyptian cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Egyptian, Grade No. 9, effective August 1, 1957."

§ 28.510 *Grade No. 10.* American Egyptian cotton which in grade is inferior to grade No. 9 shall be designated as "American Egyptian Grade No. 10."

OFFICIAL STANDARDS OF THE UNITED STATES FOR THE GRADES OF SEA ISLAND COTTON

AUTHORITY: §§ 28.551 to 28.560 issued under sec. 10 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U. S. C. 56, 26 U. S. C. 4854.

§ 28.551 *Grade 1.* Grade No. 1 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, Sea Island, Grade No. 1, effective August 10, 1939."

§ 28.552 *Grade 2.* Grade No. 2 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, Sea Island, Grade No. 2, effective August 10, 1939."

§ 28.553 *Grade 3.* Grade No. 3 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, Sea Island, Grade No. 3, effective August 10, 1939."

§ 28.554 *Grade 4.* Grade No. 4 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, Sea Island, Grade No. 4, effective August 10, 1939."

§ 28.555 *Grade 5.* Grade No. 5 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, Sea Island, Grade No. 5, effective August 10, 1939."

§ 28.556 *Grade 6.* Grade No. 6 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, Sea Island, Grade No. 6, effective August 10, 1939."

§ 28.557 *Intermediate grades.* Sea Island cotton which in grade is between any two adjoining grades shall be designated by the word "Grade" and the grade number of the higher of such two grades, followed by the fraction "½."

§ 28.558 *Below Grade 6.* Sea Island cotton which in grade is inferior to Grade No. 6 shall be designated "Below Grade No. 6."

§ 28.559 *Extraneous matter.* The grade assigned to Sea Island cotton which contains appreciable quantities of seed, seed kernels, or sand shall be that which most nearly approximates its grade value in terms of the respective grades herein defined.

§ 28.560 *Permissive use.* Until their effective date, August 10, 1939, the foregoing standards may be used as permissive standards in the purchase and sale of Sea Island cotton.

TENTATIVE STANDARDS FOR THE PREPARATION OF LONG-STAPLE COTTON

AUTHORITY: §§ 28.591 to 28.594 issued under sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U. S. C. 56, 26 U. S. C. 4854.

§ 28.591 *Set of samples; Grade No. 4.* The tentative standards for preparation of American upland long-staple cotton of the Grade No. 4 or Strict Middling shall be the preparation of a set of samples in the custody of the United States Department of Agriculture, in the city of Washington, in containers marked, respectively:

(a) Original Tentative Standards of the United States for A Preparation of Long-Staple American Upland cotton of the Grade No. 4 or Strict Middling (otherwise designated as Preparation Type A for Strict Middling) as announced May 20, 1929.

(b) Original Tentative Standard of the United States for B Preparation of Long-Staple American Upland cotton of the Grade No. 5 or Middling (otherwise designated as Preparation Type B for Middling) as announced May 20, 1929.

(c) Original Tentative Standard of the United States for C Preparation of

Long-Staple American Upland cotton of the Grade No. 4 or Strict Middling (otherwise designated as Preparation Type C for Strict Middling) as announced May 20, 1929.

§ 28.592 *Set of samples; Grade No. 5.* The tentative standards for preparation of American upland long-staple cotton of the Grade No. 5 or Middling shall be the preparation of a set of samples in the custody of the United States Department of Agriculture, in the city of Washington, in containers marked, respectively:

(a) Original Tentative Standard of the United States for A Preparation of Long-Staple American Upland cotton of the Grade No. 5 or Middling (otherwise designated as Preparation Type A for Middling) as announced May 20, 1929.

(b) Original Tentative Standard of the United States for B Preparation of Long-Staple American Upland cotton of the Grade No. 5 or Middling (otherwise designated as Preparation Type B for Middling) as announced May 20, 1929.

(c) Original Tentative Standard of the United States for C Preparation of Long-Staple American Upland cotton of the Grade No. 5 or Middling (otherwise designated as Preparation Type C for Middling) as announced May 20, 1929.

§ 28.593 *Set of samples; Grade No. 6.* The tentative standard for preparation of American upland long-staple cotton of the Grade No. 6 or Strict Low Middling shall be the preparation of a set of samples in the custody of the United States Department of Agriculture, in the city of Washington, in containers marked, respectively:

(a) Original Tentative Standard of the United States for A Preparation of Long-Staple American Upland cotton of the Grade No. 6 or Strict Low Middling (otherwise designated as Preparation Type A for Strict Low Middling) as announced May 20, 1929.

(b) Original Tentative Standard of the United States for B Preparation of Long-Staple American Upland cotton of the Grade No. 6 or Strict Low Middling (otherwise designated as Preparation Type B for Strict Low Middling) as announced May 20, 1929.

(c) Original Tentative Standard of the United States for C Preparation of Long-Staple American Upland cotton of the Grade No. 6 or Strict Low Middling (otherwise designated as Preparation Type C for Strict Low Middling) as announced May 20, 1929.

§ 28.594 *Long-staple cotton; definition.* The term long-staple cotton, as used in this subpart, shall, until further notice, be construed to mean cotton which is 1⅛ inches and above in length of staple.

SUBPART D—COTTON CLASSIFICATION AND MARKET NEWS SERVICES FOR ORGANIZED GROUPS OF PRODUCERS

AUTHORITY: §§ 28.901 to 28.919 issued under sec. 10, 42 Stat. 1519, sec. 3c, 50 stat. 62; 7 U. S. C. 61, 473c.

DEFINITIONS

§ 28.901 *Definitions.* When used in the regulations in this subpart:

(a) "Act" means the applicable provisions of the act of Congress of March 3, 1927 (44 Stat. 1372), as amended by the act of Congress of April 13, 1937 (50 Stat. 62) (7 U. S. C. 471–476), and the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U. S. C. 51 et seq.).

(b) "Service" means the Agricultural Marketing Service of the United States Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Service, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) "Division" means the Cotton Division of the Agricultural Marketing Service.

(e) "Director" means the Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

ADMINISTRATION

§ 28.902 *Director.* The Director shall perform for and under the supervision of the Administrator, such duties as the Administrator may require in enforcing the regulations in this subpart.

CLASSIFICATION AND MARKET NEWS SERVICES

§ 28.903 *Classification of samples.* The Director, or his authorized representatives, upon request in writing from any group of producers organized to promote the improvement of cotton who comply with the regulations in this subpart shall, as hereinafter provided, furnish to such producers without charge the classification in accordance with the official cotton standards of the United States of samples representing the cotton produced by them. It appearing that funds appropriated for the administration of the act may at times be insufficient to provide for the classification of all of the cotton grown by members of such groups, the Director may, when necessary, direct that only samples representing that portion of members' cotton produced from seed of an adopted variety, or from seed replanted on land first planted during any growing season to seed of such adopted variety, shall be eligible for classification under the regulations in this subpart; and, in any event, such classification may be limited to samples representing cotton produced by members whose cotton acreage for any growing season is first planted in whole or in part to seed of an adopted variety.

§ 28.904 *Market news.* The Director shall cause to be distributed to groups of producers organized to promote the improvement of cotton who comply with the regulations in this subpart, and to others on request, for posting at gins, in post offices, or other public or conspicuous places in cotton growing communities, timely information on prices for various grades and staple lengths of cotton.

ORGANIZED GROUPS

§ 28.905 *Organized groups.* Groups of producers organized to promote the improvement of cotton may be recognized as such within the meaning of the act if they meet the following requirements:

(a) Such an organization may be an unincorporated association or it may be incorporated.

(b) The cotton fields of members of an organized group shall be located within the area generally recognized by the group as its community and any fields of members in which planting seed of the adopted variety and strain is produced shall be so located as to prevent or minimize cross pollination with other varieties or strains. The seed planted pursuant to the crop improvement program of any group shall be of such variety and seed stock of proven merit as shall have been agreed upon by the group, and the cotton produced shall be ginned in such a manner as to prevent the mixing of the seed or lint of an adopted variety with the seed or lint of other varieties or strains. Provision shall be made by the group for the procurement, production, and economical distribution of approved planting seed of the adopted variety and strain for use by members of the group.

(c) Each organized group shall assume responsibility for obtaining, identifying, and shipping samples to be classified and for posting market information furnished to it in accordance with the regulations in this subpart; shall see that samples are drawn, handled, and shipped in accordance with instructions furnished from time to time by representatives of the Director; and shall designate a responsible representative and an alternate representative to act for members of the group in matters pertaining to compliance with the regulations in this subpart. Such representative or alternate representative need not be a producer or a member of the group.

SAMPLING

§ 28.906 *Approval and bonding of samplers.* The cotton of members of organized groups may be sampled at a cotton gin, or at a warehouse which issues negotiable warehouse receipts. Sampling agents at these sampling locations are subject to the approval of the Director or his representatives. Each sampling agent, other than an approved warehouse sampler or an employee of the Department of Agriculture, serving one or more cotton gins shall, as a condition for approval, execute and file with the Division a good and sufficient bond to the United States to secure the faithful performance of his duties as a sampler under the terms of the act and this subpart. Said bond shall be in such form and amount and shall have such surety or sureties as shall be approved by the Service: *Provided*, That said bond shall be in an amount not less than $1,000 for each gin serviced less than five, and not less than $5,000 for five or more gins serviced: *Provided further*, That such surety or sureties shall be subject to service of process in suits on the bond within the State, district, or territory in which such sampler shall perform services under the act and this subpart.

§ 28.907 *Responsibilities of sampling agents.* Each sampling agent shall be primarily responsible for drawing, identifying, handling, and shipping samples of cotton in accordance with this subpart and with instructions furnished by the Director or his representatives from time to time.

§ 28.908 *Samples*—(a) *Only one sample to be submitted.* Only one sample from each bale of eligible cotton shall be submitted for classification under this subpart. This does not prohibit the submission of an additional sample from a bale for review classification on a fee basis if the producer so desires.

(b) *Drawing of samples manually.* Each cut sample shall be drawn from the bale after it is tied out following the ginning process, and shall be approximately 6 ounces in weight, not less than 3 ounces of which are to be drawn from each side of the bale.

(c) *Mechanical sampling.* Samples may be drawn at gins equipped with mechanical samplers approved by the Division. Such samples shall be not less than 6 ounces in weight.

(d) *Samples must be representative.* Each sample must be representative of the bale from which drawn.

(e) *Handling samples.* Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Samples shall not be handled by any person other than the sampling agent prior to shipment or delivery to the cotton classing office of the Division.

(f) *Identifying and shipping samples.* Each sample shall be identified with a tag, supplied or approved by the Division, bearing the gin or warehouse number of the bale from which the sample was drawn and the name and address of the producer of the bale. The tag shall be placed between the two halves of the sample, the sample tightly rolled and enclosed in a package or bag for shipment. Each package or bag shall be labeled or marked with the name and address of the sampling agent for the organized group. The packages shall be shipped or delivered direct to the cotton classing office serving the territory in which the cotton is ginned.

§ 28.909 *Costs.* Costs incident to sampling, tagging, and identification of samples and transporting samples to points of shipment shall be without expense to the Government, but tags and containers for the shipment of samples may be furnished and shipping charges by common carriers paid by the Service. After classification the samples shall become the property of the Government.

CLASSIFICATION

§ 28.910 *Classification of samples.* The samples submitted as provided in this subpart shall be classified by employees of the Division and a classification memorandum showing the grade and staple length of each sample according to the official cotton standards of the United States will be mailed or made available to the producer whose name appears on the tag accompanying the sample, or to a representative designated by the producer or the organized group to receive the classification memorandum.

APPLICATIONS

§ 28.911 *Application forms.* Applications shall be made on forms furnished or approved by the Division.

§ 28.912 *Contents of application.* Each such application shall include (a) the date; (b) the name and location of the organized group; (c) the name and address of each member of the group and the name of the variety adopted by the group; (d) a statement that the designated variety adopted by the group has been agreed upon by a majority of the members; (e) a statement that the group is organized for the purpose of promoting the improvement of cotton; (f) copies of the organization papers of the group, such as articles of association and bylaws, and copies of ginners' agreements and other documents relating to cotton improvement by members of the group; (g) the names, titles, and post office addresses of the representative and alternate representative designated to act for the group; (h) a statement as to the estimated total number of acres of the adopted variety and the estimated total acreage of other varieties to be grown during the year; (i) a statement with regard to the arrangements that have been made for posting market information; (j) a statement with regard to the arrangements for procuring and distributing planting seed; (k) other information that may be required by the Director; (l) a statement that the group agrees to comply with the act and the regulations in this subpart; and (m) the signature of an authorized official or leader of the group. It shall be further required that each application be accompanied by a recommendation for approval or disapproval from (n) the cooperating state extension service or other state agency, or (o) from a committee designated for the purpose. In making each such recommendation, consideration should be given, among other things, to the status of the organization of the group; the extent of isolation of the group members' fields on which seed stocks are produced; the adaptability of the variety and the quality of the seed stocks; the completeness of the arrangements for the ginning of the cotton so as to promote cotton improvement; and the adequacy of the arrangements for the procurement and distribution of planting seed. In arriving at a decision with respect to the final approval or disapproval of any application, approving officers of the Division shall give due consideration to the recommendation of the Extension Service, other state agency or designated committee.

§ 28.913 *Time limitation.* Application shall be filed with an authorized representative of the Division or mailed to such representative within a period of time to be announced by the Division for the receipt of applications for services during the year to which such application relates. To receive consideration, any such application submitted by mail shall have been postmarked before midnight of the last day of such announced period.

§ 28.914 *Rejection.* Applications may be rejected for noncompliance with the act or the regulations in this subpart, or when funds or facilities are not available to provide the services requested.

§ 28.915 *Authority.* Proof of authority of any person to make application on behalf of an organized group may be required.

§ 28.916 *Withdrawal.* An organized group may withdraw its application at any time.

§ 28.917 *Renewal.* Applications shall be subject to renewal from year to year in accordance with a procedure to be prescribed by the Director or his authorized representatives.

§ 28.918 *Expenses.* Any expense involved in the preparation and filing of applications and requests for renewal shall be paid by the applicants.

LIMITATION OF SERVICES

§ 28.919 *Limitation of services.* The Director, or his authorized representatives, may suspend, terminate, or withhold cotton classing and market news services to any organized group upon its request, or upon its failure to comply with the act or these regulations, or when funds or facilities are insufficient to provide or continue such services.

SUBPART E—COTTON FIBER AND PROCESSING TESTS

AUTHORITY: §§ 28.950 to 28.961 issued under 55 Stat. 131; 7 U. S. C. 473d.

DEFINITIONS

§ 28.950 *Terms defined.* As used throughout this subpart, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Regulations.* Regulations mean the provisions in this subpart.

(b) *Service.* The Agricultural Marketing Service of the United States Department of Agriculture.

(c) *Administrator.* The Administrator of the Agricultural Marketing Service, or any officer or employee of the Service, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Division.* The Cotton Division of the Agricultural Marketing Service.

(e) *Director.* The Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delgated, to act in his stead.

(f) *Laboratories.* Laboratories of the Cotton Division that perform the fiber and processing tests described in this subpart.

ADMINISTRATION

§ 28.951 *Director.* The Director shall perform for and under the supervision of the Administrator, such duties as the Administrator may require in enforcing the regulations in this subpart.

FIBER AND PROCESSING TESTS

§ 28.952 *Testing of samples.* The director or his authorized representatives, upon written requests, shall make

fiber and processing tests of the properties of cotton samples and report the results thereof to the persons from whom such requests are received, subject to compliance by such persons with the regulations in this subpart and to the payment by them of fees as prescribed herein.

§ 28.953 *Requirements as to samples.* Each sample of ginned cotton lint submitted for fiber and processing tests shall weigh approximately as shown below unless otherwise specified in the particular test item as prescribed herein:

1 ounce or more for fiber tests.
6 pounds or more for carded yarn spinning tests.
8 pounds or more for combed yarn spinning tests.
10 pounds or more for carded and combed yarn spinning tests.

Each individual sample submitted for testing shall contain a tag or coupon bearing a number or other identification symbol. Individually labelled samples may be sent in one or more parcels, each of which shall bear on the outside thereof the name and address of the person submitting it. Persons who submit samples to laboratories for testing shall comply with any Federal or State quarantine requirements applicable to counties from which such samples are shipped.

§ 28.954 *Costs of submitting samples.* The transportation of samples to a laboratory for testing shall be without expense to the Government.

§ 28.955 *Disposition of samples.* The remnants of samples and the other materials accumulated in the making of tests under the regulations in this subpart shall be the property of the Government. Portions of such samples and materials, however, may be used for illustrative purposes in connection with laboratory reports submitted to persons applying for such tests or may be returned to such persons as prescribed herein for specific test items.

§ 28.956 *Prescribed fees.* Fees for fiber and processing tests shall be assessed in accordance with items 1 to 35, inclusive, as listed below:

Item No.	KIND OF TEST	Fee per test
1.	Truncated fiber length array of cotton samples (reporting the percentage of fibers ½-inch and longer and the mean length and uniformity of length of such fibers as based on 3 specimens from a blended sample):	
	a. Ginned cotton lint, per sample	$9.00
	b. Comber noils, per sample	14.00
	c. Other cotton waste, per sample	19.00
2.	Fiber length array of cotton samples (reporting the average length and the average length variability as based on 3 specimens from a blended sample):	
	a. Ginned cotton lint, per sample	10.00
	b. Cotton comber noils, per sample	15.00
	c. Other cotton wastes, per sample	20.00
2.1.	Fiber length array of cotton samples (reporting the average percentage of fibers by weight in each ⅛-inch group, the average length, and the average length variability as based on 3 specimens from a blended sample):	
	a. Ginned cotton lint, per sample	$12.50
	b. Cotton comber noils, per sample	17.50
	c. Other cotton wastes, per sample	22.50
2.2.	Fiber array of cotton samples including purified or absorbent cotton (reporting the average percentage of fibers ½-inch and longer by weight, the average of fibers shorter than ¼-inch by weight, the average length, and the average length variability as based on 3 specimens from each sample), per sample	12.50
3.	Fiber length of ginned cotton lint by Fibrograph method (reporting the average length and the average length uniformity as based on 4 specimens from a blended sample), per sample	1.50
	Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
3.1.	Fiber length of ginned cotton lint by Fibrograph method (reporting the length of each sub-sample and the average length and the average length uniformity for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate unblended sub-samples), per sub-sample	.75
	Minimum fee	3.00
4.	Foreign matter content in unginned seed cotton (reporting the percentage of foreign matter as based on a fractionation test on a 300-gram specimen), per sample	1.00
	Minimum fee	3.00
5.	Fiber strength of ginned cotton lint by flat bundle method (reporting the average strength as based on 4 or more specimens from a blended sample), per sample	1.50
	Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
5.1.	Fiber strength of ginned cotton lint by flat bundle method (reporting the strength of each sub-sample and the average strength for each group of replicate sub-samples as based on 2 specimens for each of 3 or more replicate unblended sub-samples), per sub-sample	.75
	Minimum fee	3.00
6.	Fiber maturity and fineness of ginned cotton lint by the Causticaire method (reporting the average maturity and fineness as based on 2 specimens from a blended sample), per sample	1.50
	Minimum fee	6.00
6.1.	Micronaire tests on ginned cotton lint (reporting the average Micronaire reading as based on 2 specimens from a blended sample), per sample	.75
	Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
6.2.	Micronaire tests on ginned cotton lint (reporting the Micronaire reading for each sub-sample and the average Micronaire reading for each group of replicate sub-samples as based on 1 specimen from each of 2 or more replicate unblended sub-samples), per sub-sample	.25
	Minimum fee	3.00
6.3.	Fiber fineness and maturity of ginned cotton lint by array method (reporting the weighted average according to the distribution of the fibers in the arrays for both weight-per-inch and percentage of mature fibers as based on 2 determinations on the fibers in each ⅛-inch group from a composite of 2 length arrays):	
	a. From raw stock, per sample	$15.00
	b. From arrayed specimens prepared in connection with items 2, 2.1, or 2.2, per sample	7.50
7.	Neps content of ginned cotton lint (reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender), per sample	2.00
	Minimum fee unless performed in connection with other tests requiring a blended specimen	6.00
8.	Furnishing American cotton for laboratory check test (including data for length by both array and Fibrograph methods, strength by flat bundle method ⅛-inch gauge, maturity and fineness by the Causticaire method):	
	a. Short staple, per 1-pound sample	7.50
	b. Medium staple, per 1-pound sample	7.50
	c. Long staple, per 1-pound sample	7.50
	d. Extra long staple, per 1-pound sample	7.50
9.	Blending samples of ginned cotton lint (including the blending of a 10-gram sample on the mechanical fiber blender and returning the blended sample to the applicant), per sample	1.00
10.	Moisture content of ginned cotton lint, cotton stock at various stages of processing, and cotton lint waste of various types (reporting the percentage of moisture content by the oven-drying method as based on a 20-gram specimen), per sample	.75
	Minimum fee	3.00
10.1.	Moisture content of unginned seed cotton (reporting the percentage of moisture content by the oven-drying method as based on a 50-gram specimen), per sample	1.25
	Minimum fee	5.00
10.2.	Moisture regain of ginned cotton lint at 92 percent relative humidity (reporting the average percentage of moisture regain as based on the bone-dry weight of two ½-gram specimens), per sample	1.25
	Minimum fee	5.00
11.	Cotton carded yarn spinning test (reporting data on the wastes extracted, the neps in card web, the yarn skein strength, the yarn appearance, and classification and fiber length as specified in items 28 and 3 as well as comments summarizing any unusual observations as based on the processing of 5 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding of 6½, 9½, or 12½ pounds-per-hour into two of the standard carded yarn numbers of 8s, 14s, 22s, 36s, 44s, 50s, or 60s, employing a standard twist multiplier unless otherwise specified), per sample	30.00
	Minimum fee	60.00

Item No.	KIND OF TEST	Fee per test
12.	Cotton combed yarn spinning test (reporting data on the wastes extracted, the neps in card web, the yarn skein strength, the yarn appearance, and classification and fiber length as specified in items 28 and 3 as well as comments summarizing any unusual observations as based on the processing of 7 pounds of cotton in accordance with standard procedures at one of the standard rates of carding of 4½, 6½, or 9½ pounds-per-hour into two of the standard combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified), per sample	$40.00
	Minimum fee	80.00
13.	Cotton carded and combed yarn spinning test (reporting the results specified in item numbers 11 and 12 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns), per sample	50.00
	Minimum fee	100.00
14.	Cotton carded and combed yarn spinning test (reporting the results specified in item numbers 11 and 12 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns), per sample	60.00
	Minimum fee	120.00
15.	Two-pound cotton carded yarn spinning test (available to cotton breeders only reporting data on the neps in card web, the yarn skein strength, the yarn appearance and the classification and the fiber length of the cotton as specified in item numbers 28 and 3 as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into 22s and 36s carded yarns employing a standard twist multiplier), per sample	20.00
	Minimum fee	40.00
16.	Processing and testing of additional yarn (any carded or combed yarn number processed in connection with spinning tests as specified in item numbers 11 through 14 including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers):	
	a. Single yarn reporting data on skein strength and appearance, per additional lot of yarn	5.00
	b. 2- or 3-ply yarn reporting data on skein strength only, per lot of yarn	10.00
16.1.	Processing and furnishing of additional yarn (any yarn number processed in connection with spinning tests as specified in items 11 through 14):	
	a. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn	$10.00
	In the following quantities wound on paper tubes:	

Yarn number	Per pound	Minimum fee
b. Carded 60s or coarser	$10.00	$12.50
c. Combed 60s or coarser	12.50	15.00
d. Combed 61s to 80s	15.00	17.50
e. Combed 81s to 100s	17.50	20.00

Item No.	KIND OF TEST	Fee per test
17.	Spinning twist test (reporting data on the skein strength of any yarn number processed from ginned lint or stock in process employing 6 different spinning twist multipliers as specified by the applicant for determining the optimum twist) processed as follows:	
	a. From ginned lint or picker lap, per sample	40.00
	b. From sliver, per sample	35.00
	c. From roving, per sample	30.00
17.1.	Additional spinning twist test (from the same material and in connection with a spinning test or a spinning twist test as specified in item numbers 11 through 14 and 17 reporting data on yarn skein strength for an additional yarn number or additional twists on the same yarn number), per 6 lots of yarn	25.00
18.	Skein strength of yarn (reporting data on the strength and the yarn numbers based on 25 skeins from yarn furnished by the applicant), per sample	2.50
18.1.	Single strand strength of yarn (reporting data on the strength as based on a minimum of 10 breaks on yarn from each of 7 bobbins employing an automatic testing machine), per sample	3.00
	Minimum fee	6.00
	a. Furnishing copy of chart record, per test	1.00
18.2.	Single strand strength of ply yarn or cord (reporting data on the strength as based on 25 breaks employing a pendulum type testing machine), per sample	2.50
18.3.	Appearance grade of yarn on bobbins furnished by applicant (reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin), per bobbin	1.00
	a. Furnishing yarn wound on boards in connection with yarn appearance tests as specified in item numbers 11 through 15 and 18.3, per yarn number	1.00
19.	Processing, weaving, and testing of fabric (reporting data on the warp and the filling strength by the grab method for any standard cotton fabric for which the laboratories are equipped to produce which are processed in accordance with standard laboratory procedures):	
	a. Processed in connection with spinning tests as specified in item numbers 11 through 14, per lot of fabric	$70.00
	b. Processed from yarns furnished by the applicant, per lot of fabric	60.00
20.	Strength of cotton fabric (reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant), per lot of fabric	2.50
20.1.	Cotton Fabric Analysis (reporting data on the number of warp and filling threads per inch and the weight per yard of fabric as based on at least three (3) 6 x 6-inch specimens of fabric which was processed as specified in item number 19, or furnished by the applicant), per lot of fabric	5.00
	Minimum fee	10.00
20.2.	Sizing content of cotton fabric or yarn (reporting data on sizing content as based on the desizing of a 20 to 40 gram specimen of sized and, if available, unsized fabric or yarn which was processed as specified in item number 19 or furnished by the applicant), per lot of fabric or yarn	5.00
	Minimum fee	20.00
20.3.	Air-permeability of cotton fabric (reporting the average cubic feet of air per minute per square foot of fabric at a pressure drop of 0.5 inches of water across the fabric as based on five 10 x 10-inch specimens), per lot of fabric	2.50
	Minimum fee	5.00
21.	Neps and waste test (reporting data on neps in card web and wastes extracted in the processing of a 5-pound specimen of ginned cotton lint through the picking and carding processes in accordance with standard procedures as specified in item number 11), per sample	7.50
21.1.	Determination of neps in card web of cotton (reporting the average number of neps per 100 square inches of web in specimens furnished by the applicant on boards covered with black velvet not to exceed 10 specimens or a total of 360 square inches), per test	1.50
22.	Sugar content and acid-alkalinity of ginned cotton lint (reporting data on the percentage of soluble reducing sugar content and the acid-alkalinity in pH units as based on chemical-colorimetric and electronic meter tests on water extracts), per sample	1.00
	Minimum fee	5.00

Item No.	KIND OF TEST	Fee per test
22.1.	Sugar content only, per sample	$0.75
	Minimum fee	3.75
22.2.	Acid-alkalinity only, per sample	.75
	Minimum fee	3.75
23.	Color of ginned cotton lint (reporting data on the reflectance in terms of Rd values and the degree of yellowness in terms of b values as based on color tests employing the Nickerson-Hunter colorimeter on samples which have a uniform surface measuring 5 x 6½ inches and weighing approximately 50 grams in order to provide specimens which are sufficiently thick to be opaque), per sample	.25
	Minimum fee	2.00
23.1.	Furnishing color diagrams of official grade standards (reporting color values plotted on a diagram as based on tests employing the Nickerson-Hunter colorimeter for standards purchased by the applicant), per set or portion of set	15.00
23.2.	Furnishing color standards (including a set of standards and a master diagram for use in calibrating Nickerson-Hunter cotton colorimeters), per set	25.00
24.	Furnishing copies of test data work sheets (includes individual observations and calculations which are not routinely furnished to the applicant), per sheet	1.00
25.	Foreign matter content of cotton samples (reporting data on the non-lint content as based on the Shirley Analyzer separation of lint and foreign matter):	
	a. For samples of ginned lint or comber noils, per 100-gram specimen	2.00
	Minimum fee	4.00
	b. For samples of ginning and processing wastes other than comber noils, per 100-gram specimen	5.00
	Minimum fee	10.00
26.	Furnishing identified cotton samples (includes samples of ginned lint, stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests), per identified sample	.75
27.	Furnishing additional copies of test reports (includes extra copies in addition to the 2 copies routinely furnished in connection with each test item), per additional sheet	.50
27.1.	Furnishing a certified relisting of test results (includes samples selected from any previous tests except sub-sample tests as specified in item numbers 3.1, 5.1 and 6.2 which may not be relisted unless all replicate sub-samples in a group are included), per sheet	2.50
28.	Classification of ginned cotton lint in connection with fiber and/or processing tests (includes grade and staple classification of 4-ounce samples in accordance with the applicable American standards for the cotton submitted), per sample	.25
29.	Combination fiber test including test item numbers 3, 5, and 6, per sample	3.75
	a. When tested in connection with spinning test item numbers 11, 12, 13, 14 and 15, per sample	2.50
29.1.	Combination fiber test including test items 3, 5 and 6.1, per sample	$3.00
	a. When tested in connection with spinning test item numbers 11, 12, 13, 14 and 15, per sample	1.75
29.2.	Combination fiber test including test items 3.1, 5.1 and 6.2 (on 3 or more replicate sub-samples), per sub-sample	1.50
	Minimum fee	4.50
30.	Mercerizing and testing of cotton yarn (reporting data on the luster of two 120-yard skeins and strength of the yarn as based on twenty-five 120-yard skeins mercerized in accordance with standard laboratory procedures):	
	a. Including the processing of the extra yarn in connection with spinning test item numbers 11 through 14, per lot of yarn	12.50
	Minimum fee	50.00
	b. For yarn furnished by the applicant (27 skeins of 120 yards each required), per lot of yarn	10.00
	Minimum fee	40.00
31.	Bleaching and testing of cotton yarn (reporting data on the color of the yarn in terms of Rd reflectance values and plus b degree of yellowness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and bleached in accordance with standard laboratory procedures), per lot of yarn	6.00
	Minimum fee	90.00
32.	Bleaching, dyeing and testing of cotton yarn (reporting data on the color of the dyed yarn in terms of Rd reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and bleached then dyed in accordance with standard laboratory procedures), per lot of yarn	10.00
	Minimum fee	150.00
33.	Dyeing and testing of grey cotton yarn (reporting data on the color of the dyed yarn in terms of Rd reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and dyed in accordance with standard laboratory procedures), per lot of yarn	6.00
	Minimum fee	90.00
34.	Luster of cotton yarn (reporting data on the percent luster of grey or mercerized yarn either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant as based on the measurement of two 120-yard skeins), per lot of yarn	1.00
	Minimum fee	3.00
35.	Color of cotton yarn (reporting data on the color of grey, bleached, dyed or bleached and dyed yarn either processed in connection with spinning test items 11 through 14 or furnished by the applicant as based on the measurement of two 120-yard skeins), per lot of yarn	1.00
	Minimum fee	3.00

§ 28.957 *Fees for special tests.* In the discretion of the Director, special tests not listed in § 28.956 may be made to the extent that available facilities will permit, subject to the payment of fees as determined by him.

§ 28.958 *Payment of fees.* As soon as practicable after the last day of each calendar month, bills shall be rendered by officers in charge of testing laboratories to all persons from whom payment of fees and costs under the regulations in this subpart shall become due, provided that when desirable any bill may be rendered at an earlier date. Payment shall be by check or by draft or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

§ 28.959 *Limitation of testing services.* If at any time funds available for services under the regulations in this subpart may be insufficient to provide for the testing of all samples that may be submitted for the purpose, the Director may place reasonable limitations upon the quantities of samples to be submitted by individuals during any one fiscal year or any one calendar month, and may direct that samples received from cotton breeders shall take precedence over those received from other persons.

§ 28.960 *Confidential information.* No information concerning individual tests under the regulations in this subpart shall be published or communicated in such a way as to disclose to others the identity of the owners of cotton represented by samples submitted for testing, except with the written permission of such owners.

§ 28.961 *False and misleading information.* The publication or communication by any person of false or misleading information concerning the results of tests as reported by laboratories under the regulations in this subpart shall be deemed sufficient cause for denial of testing services to such persons.

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

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SUBPART A—REGULATIONS

AUTHORITY: §§ 61.1 to 61.46 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

DEFINITIONS

§ 61.1 *Words in singular form.* Words used in the regulations in this subpart in the singular form shall be deemed to import the plural, and vice-versa, as the case may demand.

§ 61.2 *Terms defined.* As used throughout the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively to mean:

(a) *The act.* The applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) or any other act of Congress conferring like authority.

(b) *Regulations.* Regulations mean the provisions in this subpart.

(c) *Department.* The United States Department of Agriculture.

(d) *Secretary.* The Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) *Service.* The Agricultural Marketing Service of the United States Department of Agriculture.

(f) *Administrator.* The Administrator of the Agricultural Marketing Service, or any officer or employee of the Service, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) *Division.* The Cotton Division of the Agricultural Marketing Service.

(h) *Director.* The Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(i) *Custodian.* Person who has possession or control of cottonseed or of samples of cottonseed as agent, controller, broker, or factor, as the case may be.

(j) *Owner.* Person who through financial interest owns or controls, or has the disposition of either cottonseed or of samples of cottonseed.

(k) *Official cottonseed standards.* The official standards of the United States for the grading, sampling, and analyzing of cottonseed sold or offered for sale for crushing purposes.

(l) *Supervisor of cottonseed inspection.* An officer of the Division designated as such by the Director.

(m) *License.* A license issued under the act by the Secretary.

(n) *Licensed cottonseed chemist.* A person licensed under the act by the Secretary to make quantitative and qualitative chemical analyses of samples of cottonseed according to the methods prescribed by the Director and to certificate the grade according to the official cottonseed standards of the United States.

(o) *Licensed cottonseed sampler.* A person licensed by the Secretary to draw and to certificate the authenticity of samples of cottonseed in accordance with the regulations in this subpart.

(p) *Dispute.* A disagreement as to the true grade of a sample of cottonseed analyzed and graded by a licensed chemist.

(q) *Party.* A party to a dispute.

(r) *Commercial laboratory.* A chemical laboratory operated by an individual, firm, or corporation in which one or more persons are engaged in the chemical analysis of materials for the public.

(s) *Cottonseed.* The word "cottonseed" as used in this part means the seed, after having been put through the usual and customary process known as cotton ginning, of any cotton produced within the continental United States.

(t) *Lot.* That parcel or quantity of cottonseed offered for sale or tendered for delivery or delivered on a sale or contract of sale, in freight cars, trucks, wagons, or otherwise in the quantities and within the time limits prescribed from time to time by the Director for the drawing and preparation of official samples by licensed cottonseed samplers.

(u) *Official sample.* A specimen of cottonseed drawn and prepared by a licensed cottonseed sampler and certified by him as representative of a certain identified lot, in accordance with the regulations in this subpart.

§ 61.2a *Designation of official certificates, memoranda, marks, other identifications, and devices for purpose of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks, or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, sampling, class, grade, quality, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling, pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, and any other mark, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, quantity, or condition specified in this part, or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, quantity, or condition of the product, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof,

ADMINISTRATIVE AND GENERAL

§ 61.3 *Director.* The Director shall perform for and under the supervision of the Secretary and the Administrator, such duties as the Secretary or the Administrator may require in enforcing the provisions of the act and the regulations.

§ 61.4 *Supervisor of cottonseed inspection.* The Director, whenever he deems necessary, may designate an officer of the Division as supervisor of cottonseed inspection who shall supervise the inspection and sampling of cottonseed and perform such other duties as may be required of him in administering the act and the regulations.

§ 61.5 *Regulations to govern.* The inspection, sampling, analyzing, and grading of cottonseed in the United States pursuant to the act shall be performed as prescribed in methods approved from time to time by the Director.

§ 61.6 *Denial of further services.* Any person, partnership, or corporation that shall have undertaken to utilize the services of licensed cottonseed samplers and licensed cottonseed chemists under these regulations who shall not make available for official sampling and analysis each lot of cottonseed purchased or sold on grade and received by such person or partnership or corporation, may be denied further services under the act and these regulations: *Provided,* That in cases of persons, partnerships, or corporations operating two or more cottonseed crushing units under separate local managements, such penalty shall apply only to the offending unit, unless it shall be shown that the actions of such unit were at the direction or with the knowledge, approval, or acquiescence of the general management.

§ 61.7 *Misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for a cottonseed sampler's certificate or for a cottonseed chemist's certificate or for an appeal grade certificate in connection with the sampling or grading of cottonseed by persons licensed under the act and the regulations or the issuance or use of a certificate not issued by a person licensed under the regulations in imitation of or that might mislead anyone to believe that such certificate was in fact issued by a person licensed under the act, or that might be otherwise false, misleading, or deceptive, may be deemed sufficient cause for debarring such applicant from any further benefits of the act.

§ 61.8 *Application for review.* In case of dispute in which a review is desired of the grading of any sample of cottonseed covered by a valid certificate issued by a licensed cottonseed chemist, application therefor shall be filed with or mailed to a supervisor of cottonseed inspection within ten days after the date of the original certificate, whereupon the licensed chemist issuing the certificate shall immediately surrender to such supervisor the retained portion of the original sample, together with such records as may be required, for the determination of the true grade. The supervisor shall assign to such retained portion an identification number, shall divide such retained portion into two parts and submit the parts to two other licensed cottonseed chemists for reanalysis. Should the supervisor determine that such reanalyses indicate a grade differing from the original by not more than plus or minus one full grade, the original grade shall be considered the true grade. Should he find that such reanalyses indicate a grade differing more than plus or minus one full grade from the original, he shall determine the true grade. In any case, the supervisor shall issue over his name an appeal cottonseed grade certificate showing the true grade as determined in accordance with this section, which shall supersede the licensed chemists' certificates relating to the grade of such seed. Where due solely to errors in calculation or clerical error a grade certificated by a licensed cottonseed chemist is not the true grade, the supervisor shall direct the licensee to cancel the original and to issue a correct certificate. Should such error be found after an application for review has been filed, the supervisor shall nevertheless issue an appeal cottonseed grade certificate showing the true grade of the cottonseed involved.

§ 61.9 *Cost of review.* In cases of review of the grade of any official sample of cottonseed, payment covering the costs of re-analysis shall accompany the application.

LICENSED COTTONSEED CHEMISTS

§ 61.10 *Application for license as cottonseed chemist; form.* (a) Application for licenses to analyze and grade cottonseed shall be made to the Director on forms furnished for the purpose by the Division.

(b) Each such application shall be in English, shall be signed by the applicant, and shall contain or be accompanied by satisfactory evidence (1) that he has passed his twenty-fifth birthday and that he is an actual resident of the continental United States; (2) that he holds a degree in chemistry or chemical engineering from a recognized college or university and has had not less than three years' practical experience in laboratory work in which he shall have analyzed quantitatively and qualitatively samples of cottonseed; or in the absence of a degree from a recognized college or university, that he has had at least five years' practical laboratory experience, three years of which shall have been devoted chiefly to the analysis of samples of cottonseed; (3) that he will have no financial interest in any cottonseed oil mill or cotton ginning establishment; (4) that he agrees to comply with and abide by the terms of the act and these regulations so far as they may relate to him; (5) that he is an independent analytical chemist or an employee of a commercial analytical laboratory; (6) that he owns or will have the use of all of the apparatus specified in the methods established hereunder for the analysis and grading of cottonseed; and (7) such other information as the Director may deem necessary.

(c) Every chemist licensed hereunder to analyze cottonseed and to certificate the grade thereof shall follow precisely the methods of analysis approved from time to time by the Director.

(d) The applicant shall furnish such additional information as the Director shall at any time find to be necessary to the consideration of his application.

§ 61.11 *Examination of applicant.* Each applicant for a license as a chemist and each licensed chemist shall when requested submit to an examination or test to show his ability to analyze and grade cottonseed. His failure to pass such test may be considered sufficient ground for withholding the issuance to him of a license or of a renewal of a license.

§ 61.12 *Period of license; renewals.* The period for which a license may be issued shall be from the first day of August until and including the 31st day of July following. Renewals shall be for not more than 1 year beginning with the first day of August of each year, provided that licenses issued on and after June 1 of any year shall be for the period ending on July 31 of the following year.

§ 61.13 *Conditions in licensing.* It shall be a condition of the licensing of any person, and of the retention by him of a license, that during the active cotton season each year he shall be engaged in or in connection with the grading of cottonseed; that all cottonseed offered for grading shall be analyzed and graded in accordance with the official cottonseed standards of the United States; that each sample of cottonseed received for analysis and grading shall be handled in the order of its receipt at his place of business; and that such license shall not be used or be allowed to be used for any improper purpose.

§ 61.14 *Fees for grading and certification.* Whenever any licensed chemist shall grade and/or certificate any cottonseed or samples in consideration of a fee, the fee charged shall be reasonable, unconditional, non-discriminatory, and shall be in accordance with a schedule previously submitted to and approved by the Division. The schedule shall include the certificate fee provided for in § 61.45.

§ 61.15 *Records of analyses; inspection of records.* Each licensed chemist, shall keep, or shall cause to be kept for him, for a period of at least 1 year after date of analysis, a record of the analysis of each individual sample of cottonseed graded by him. Each licensed chemist shall permit any authorized officer or agent of the Department to inspect or examine, on any business day during the usual hours of business, his books and records relating to analyses of cottonseed samples and issuance of cottonseed grade certificates under the act and the regulations in this subpart.

§ 61.16 *Official and unofficial samples; analyses; certificate.* (a) Each licensed cottonseed chemist shall assign a laboratory number to each sample of cottonseed received by him and shall analyze and certificate over his signature the grade of each sample or lot of cottonseed in the order in which the sample is received.

(b) Each such sample which is in proper condition for analysis under these regulations and which is accompanied by the certificate of a licensed cottonseed sampler certifying it to be an official sample representing an identified lot of cottonseed shall be considered an official sample. In any case where the original sample is lost or destroyed before analysis, the duplicate thereof retained by the licensed cottonseed sampler as provided in § 61.34 shall become the official sample. Each licensed chemist shall retain for at least two weeks a portion of each official sample first analyzed; and in any case where a review is requested under § 61.8 such retained portion shall be considered an official sample for purposes of review analysis.

(c) Each such sample which is (1) not in proper condition for analysis as an official sample under these regulations, or (2) not accompanied by a certificate of a licensed cottonseed sampler, or (3) known to be a duplicate of an official sample (except duplicates of lost or destroyed official samples) shall be considered an unofficial sample and the licensed cottonseed chemist's certificate of the grade thereof shall be plainly marked: "Sample not official; grade applies to sample only." This paragraph shall not apply to mill control or crush samples.

§ 61.17 *Grade certificate; form.* Each grade certificate issued under the act by a licensed chemist shall be in a form approved for the purpose by the Director and shall embody within its written or printed terms:

(a) The caption "Cottonseed Grade Certificate."

(b) The serial number assigned to it.

(c) The date and place of issuance.

(d) A statement certifying that the analysis of the cottonseed sample was made according to the methods approved by the Director of the Cotton Division and that the grade given is according to the official standards of the United States.

(e) A statement of the condition of the lot of cottonseed as reported by the sampler, and in cases where the sample was submitted by a licensed sampler, the name and license number of the sampler.

(f) The identification of each lot of cottonseed by the marks and notations by which the seed was identified at the time the sample was taken, and the origin of the cottonseed by county and state.

(g) All analytical data required by the Director.

(h) The signature of the licensed chemist.

In addition, the grade certificate may include any other matter not inconsistent with the act or the regulations in this part. Two copies of the grade certificate form shall be submitted to and approved by the Division before use by a licensed chemist. A copy of each certificate shall be mailed to a designated office of the Division within 36 hours after its issuance.

§ 61.18 *Reports of licensed chemists.* Each licensed chemist shall from time to time when requested by the Director, make reports on forms furnished for the purpose by the Division bearing upon his activities as such licensed chemist.

§ 61.19 *Information of violations.* Every person licensed under the act shall immediately furnish the Director any information which comes to the knowledge of such person tending to show that any provision of the act or the regulations has been violated.

§ 61.20 *Licensed chemists; suspension of license.* The Director may, without a hearing, suspend or revoke the license issued to a licensed chemist upon written request and a satisfactory statement of reasons therefor submitted by such licensed chemist. Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed chemist when such licensed chemist (a) has ceased to perform services as such chemist, (b) has knowingly or carelessly analyzed cottonseed improperly, (c) has violated or evaded any provision of the act or the regulations thereunder so far as the same may relate to him, (d) has used his license or allowed it to be used for any fraudulent or improper purposes, or (e) has in any manner become incompetent or incapacitated to perform the duties of a licensed chemist. In such cases the Director shall give notice of the suspension to the licensed chemist, accompanied by a statement of the reasons therefor. Within 10 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

§ 61.21 *Suspended license to be returned to Division.* If a license issued to a licensed chemist is suspended, revoked, or canceled, such license shall be returned to the Division. At the expiration of any period of suspension of such license, unless in the meantime it be revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed chemist to whom it was originally issued.

§ 61.22 *Duplicate license.* Upon satisfactory proof of the loss or destruction of a license issued to a licensed chemist, a duplicate thereof may be issued under the same or a new number.

§ 61.23 *Unlicensed persons must not represent themselves as licensed.* No person shall in any way represent himself to be a chemist licensed under the act unless he holds an unsuspended, unrevoked, and uncanceled license issued under the act.

§ 61.24 *Information on grading to be kept confidential.* Every person licensed under the act as a licensed chemist shall keep confidential all information secured by him relative to cottonseed analyzed and graded by him. He shall not disclose such information to any person except to the owner or custodian of the seed in question, or to an authorized agent of the Department.

LICENSED COTTONSEED SAMPLERS

§ 61.25 *Application for license as sampler; form.* (a) Applications for licenses to sample cottonseed shall be made to the Director on forms furnished for the purpose by him.

(b) Each such application shall be in English, shall be signed by the applicant, and shall contain or be accompanied by (1) satisfactory evidence that he is an actual resident of the United States, (2) satisfactory evidence of his experience in the handling and sampling of cottonseed, (3) a statement by the applicant that he agrees to comply with and abide by the terms of the act and these regulations so far as they relate to him, and with instructions issued from time to time governing the sampling of cottonseed, and (4) such other information as may be required.

§ 61.26 *Bonds of licensed samplers.* (a) Each applicant for a license to sample cottonseed shall, as a condition to the granting thereof, execute and file with the Director a good and sufficient bond to the United States to secure the faithful performance of his duties as a licensed sampler under the terms of the act and the regulations in this part. Said bond shall be in such form and amount, not less than $1,000, and shall have such surety or sureties as shall be approved by the Department, subject to service of process in suits on the bond within the State, district, or territory, in which such licensee shall perform services as a licensed cottonseed sampler. Any person injured by the breach of any obligation to secure which a bond is given under this paragraph shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

(b) If the Director finds that conditions warrant such action, there shall be added to the amount previously required under paragraph (a) of this section such additional amount as he shall deem necessary.

§ 61.27 *Period of license; renewals.* The period for which a license may be issued under the regulations in §§ 61.25 through 61.42 shall be from the first day of August until and including the 31st day of July following. Renewals shall be for 1 year, beginning with the first day of August of each year: *Provided,* That licenses or renewals issued on and after June 1 of any year shall be for the period ending July 31 of the following year.

§ 61.28 *Renewal of license; bond.* It shall be a condition of the renewal of any license hereunder that the licensed sampler shall file a new bond in the required amount with, and that such bond shall be approved by, the Director or his authorized representative: *Provided,* That in the discretion of the Director or his authorized representative a properly executed instrument in form approved by

him amending, extending, or continuing in force and effect the obligations of a valid bond previously filed by the licensed sampler and otherwise complying with the regulations in §§ 61.25 through 61.42 may be filed in lieu of a new bond.

§ 61.29 *Approval of bond.* No bond, amendment, or continuation thereof shall be deemed accepted for the purpose of the regulations in §§ 61.25 through 61.42 until it has been approved by the Director or his authorized representative.

§ 61.30 *Examination of sampler.* Each applicant for a license as a sampler and each licensed sampler whenever requested by an authorized representative of the Director, shall submit to an examination or test to show his ability properly to perform the duties for which he is applying for a license or for which he has been licensed, and each such applicant or licensee shall furnish the Division any information requested at any time in regard to his sampling of cottonseed.

§ 61.31 *License must be posted.* Each licensed sampler shall keep his license conspicuously posted at the place where he functions as a sampler or in such other place as may be approved by the Director.

§ 61.32 *No discrimination in sampling.* Each licensed sampler, when requested, shall without discrimination, as soon as practicable and upon reasonable terms, sample any cottonseed if the same be made available to him at his place of business, under conditions that will permit proper sampling. Each such licensee shall give preference to those who request his services as such over persons who request his services in any other capacity.

§ 61.33 *Equipment of sampler; contents of certificate.* Each licensed sampler shall have available suitable triers or sampling tools, sample containers, scales, seed cleaners, seed mixers, and air-tight containers for enclosing and forwarding the official samples to licensed chemist, and with tags and samplers' certificates approved or furnished by the Director or his representative for identifying the samples of cottonseed and for certificating the condition of the cottonseed represented by such samples. There shall be clearly written or printed on the face of such certificate (a) a suitable caption; (b) the location of the cottonseed involved and its point of origin; (c) the identification of the lot from which the sample was drawn; (d) the date on which the sample was drawn; (e) the gross weight of the original sample, and the net weight of the cleaned sample; (f) a statement indicating that the sample was drawn in accordance with sampling methods prescribed by the Director of the Cotton Division; and (g) the signature of the licensed sampler as such. The use of such tags and certificates shall be in conformity with instructions issued from time to time by the Division.

§ 61.34 *Drawing and preparation of sample.* Each licensed cottonseed sampler shall draw, prepare, and identify one official sample of cottonseed and a duplicate thereof from each lot made available to him in such manner as may be required by the Director, and shall promptly prepare it for forwarding to a licensed cottonseed chemist for analysis and grading. The duplicate shall be sealed and retained by the sampler until the original official sample shall have been analyzed by a licensed chemist. If the original official sample shall become lost or destroyed before having been analyzed the duplicate shall become the official sample; otherwise the licensed sampler shall immediately remove the identification marks from the duplicate and discard it. In no case shall the duplicate be offered for analysis unless the original shall have been lost or destroyed before analysis.

§ 61.35 *Inspection of records of sampler.* Each licensed sampler shall permit any authorized representative of the Department to inspect at any time his books and records relating to the performance of his duties under §§ 61.25 through 61.42.

§ 61.36 *Cause for suspension or revocation.* The failure or refusal of any cottonseed sampler, duly licensed as such under the regulations in this subpart, to draw, prepare, identify, and to forward an official sample of every lot of cottonseed made available to him for the purpose, in accordance with these regulations, shall be cause for the suspension or revocation of his license. A sampler's license may also be suspended when the sampler (a) has ceased to perform services as a licensed cottonseed sampler, (b) has knowingly or carelessly sampled cottonseed improperly, (c) has violated or evaded any provision of the act, these regulations, or the sampling methods prescribed by the Director, (d) has used his license or allowed it to be used for any fraudulent or improper purposes, or (e) has in any manner become incompetent or incapacitated to perform the duties of a licensed sampler.

§ 61.37 *License may be suspended.* The Director may, without a hearing, suspend or revoke the license issued to a licensed sampler upon written request and a satisfactory statement of reasons therefor submitted by such licensed sampler. Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed sampler by giving notice of such suspension to the licensee, accompanied by a statement of the reasons therefor. Within 10 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

§ 61.38 *Suspended license to be returned to Division.* In case a license issued to a sampler is suspended or revoked such license shall be returned to the Division. At the expiration of any period of suspension of such license, unless in the meantime it be revoked, the dates of beginning and termination of such suspension shall be endorsed thereon, it shall be returned to the person to whom it was originally issued, and it shall be posted as prescribed in § 61.31.

§ 61.39 *Duplicate license.* Upon satisfactory proof of the loss or destruction of a license issued to a sampler hereunder, a new license may be issued under the same or a new number.

§ 61.40 *Reports of licensed samplers.* Each licensed sampler, when requested, shall make reports on forms furnished for the purpose by the Division bearing upon his activity as such licensee.

§ 61.41 *Unlicensed persons must not represent themselves as licensed samplers.* No person shall in any way represent himself to be a sampler licensed under the act unless he holds an unsuspended and unrevoked license issued thereunder.

§ 61.42 *Information on sampling to be kept confidential.* Every person licensed under the act as a sampler of cottonseed shall keep confidential all information secured by him relative to shipments of cottonseed sampled by him. He shall not disclose such information to any person except an authorized representative of the Department.

FEES AND COSTS

§ 61.43 *Fees and costs.* For the examination of an applicant for a license to sample and certificate official samples of cottonseed the fee shall be $5.00, but no additional charge shall be made for the issuance of a license. For each renewal of a sampler's license the fee shall be $3.00.

§ 61.44 *Fees for examination for license as chemist.* For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be $50.00, but no additional charge shall be made for the issuance of a license. For each renewal of a chemist's license the fee shall be $30.00.

§ 61.45 *Fees for certificates to be paid by licensee to Service.* To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service 25 cents for each certificate of the grade of cottonseed issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA."

§ 61.46 *Fees for review of grading of cottonseed.* For the review of the grading of any lot of cottonseed, the fee shall be $9.00. Remittance to cover such fee, in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA," shall accompany each application for review. Of each such fee collected, $1.00 shall be covered into the Treasury and $4.00 disbursed to each of the two licensed chemists designated to make reanalyses of such seed.

SUBPART B—STANDARDS FOR GRADES OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES WITHIN THE UNITED STATES

AUTHORITY: §§ 61.101 to 61.104 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interpret or apply sec. 203, 60 Stat. 1087; 7 U. S. C. 1622.

§ 61.101 *Determination of grade.* The grade of cottonseed shall be determined from the analysis of samples, and it shall be the result, stated in the nearest whole or half numbers, obtained by multiplying a quantity index by a quality index and dividing the result by 100. The quantity index and the quality index shall be determined as hereinafter provided.

(a) The basis grade of cottonseed shall be grade 100.

(b) High grades of cottonseed shall be those grades above 100.

(c) Low grades of cottonseed shall be those grades below 100.

§ 61.102 *Determination of quantity index.* The quantity index of cottonseed shall be determined as follows:

(a) For cottonseed that by analysis contain 16.5 percent or more of oil, the quantity index shall equal the result of 4 times (percentage of oil), plus 6 times (percentage of ammonia), plus the applicable linters premium or discount shown in paragraph (c) of this section, plus 5.

(b) For cottonseed that by analysis contain less than 16.5 percent of oil, the quantity index shall equal the result of 6 times (percentage of oil), plus 6 times (percentage of ammonia), plus the applicable linters premium or discount shown in paragraph (c) of this section, minus 28.

(c) The premium or discount for total linters content of cottonseed to be used in paragraphs (a) and (b) of this section will be according to the following table:

Total linters content of cottonseed (percent): [1]	Premium or discount (quantity index units) [2]
20.0	+8.5
19.0	+7.5
18.0	+6.5
17.0	+5.5
16.0	+4.5
15.0	+3.5
14.0	+2.5
13.0	+1.5
12.0	+0.5
11.5	0
11.0	−0.5
10.0	−1.5
9.0	−3.5
8.0	−5.5
7.0	−7.5
6.0	−9.5
5.0	−11.5
4.0	−14.0
3.0	−16.5
2.0	−19.0
1.0	−21.5

[1] Total linters content to the nearest 0.1 percent will be used in calculating premiums and discounts.

[2] Premiums and discounts are calculated on the basis of the following formulas:

Percent linters on cottonseed:	Premium or discount factor
11.6 and over	Premium = (percent linters minus 11.5) × 1.0.
11.5	None.
11.4–10.0	Discount = (11.5 minus percent linters) × 1.0.
9.9–5.0	Discount = (10.0 minus percent linters) × 2.0 + 1.5.
4.9–0	Discount = (5.0 minus percent linters) × 2.5 + 11.5.

§ 61.103 *Determination of quality index.* The quality index of cottonseed shall be an index of purity and soundness, and shall be determined as follows:

(a) *Prime quality cottonseed.* Cottonseed that by analysis contains not more than 1.0 percent of foreign matter, not more than 12.0 percent of moisture, and not more than 1.8 percent of free fatty acids in the oil in the seed, shall be known as prime quality cottonseed and shall have a quality index of 100.

(b) *Below prime quality cottonseed.* The quality index of cottonseed that, by analysis, contain foreign matter, moisture, or free fatty acids in the oil in the seed, in excess of the percentages prescribed in paragraph (a) of this section shall be found by reducing the quality index of prime quality cottonseed as follows:

(1) Four-tenths of a unit for each 0.1 percent of free fatty acids in the oil in the seed in excess of 1.8 percent.

(2) One-tenth of a unit for each 0.1 percent of foreign matter in excess of 1.0 percent.

(3) One-tenth of a unit for each 0.1 percent of moisture in excess of 12.0 percent.

(c) *Off quality cottonseed.* Cottonseed that has been treated by either mechanical or chemical process other than the usual cleaning, drying, and ginning (except sterilization required by the United States Department of Agriculture for quarantine purposes) or that are fermented or hot, or that upon analysis are found to contain 12.5 percent or more of free fatty acids in the oil in the seed, or more than 10.0 percent of foreign matter, or more than 20.0 percent of moisture, or more than 25.0 percent of moisture and foreign matter combined, shall be designated as "off quality cottonseed."

(d) *Below grade cottonseed.* Cottonseed the grade of which when calculated according to § 61.101 is below grade 40.0 shall be designated as "below grade cottonseed," and a numerical grade shall not be indicated.

§ 61.104 *Sampling, analysis, and certification of samples and grades.* The drawing, preparation, and certification of samples of cottonseed, and the analysis and certification of grades of cottonseed shall be performed in accordance with methods approved from time to time for the purposes by the Director, or his representatives.

[F. R. Doc. 57-10760; Filed, Dec. 27, 1957; 8:46 a. m.]

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55) was published in the FEDERAL REGISTER on December 3, 1957 (22 F. R. 9666). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.)

The amendment increases the charges on basic salaries of resident Federal graders from 8 percent to 15 percent to applicants for grading and inspection of egg products performed on a resident grading basis. The increase results from a decision that resident Federal graders should properly be covered under the Federal Leave System which increases benefits to the resident Federal graders and correspondingly increases costs of the more liberal annual and sick leave benefits. A charge, therefore, included in the basic salary cost, equal to 15 percent of the base salary is necessary to cover these increased costs including an amount equal to the cost to AMS for the Employer's tax for Old Age and Survivor's Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective January 1, 1958.

It is hereby found that good cause exists for making this amendment effective January 1, 1958, for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service; the cost of the service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to cover such costs; (2) cost of performing the services have been increased by a recent decision that resident Federal graders should properly be covered under the Federal Leave System which increases benefits to the resident Federal graders, therefore, it is necessary that the charges for the services be increased as soon as practicable, which is January 1, 1958; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

1. Change paragraph (a) (4) of § 55.68 *On a resident inspection basis,* to read as follows:

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided,* That, no charge, is to be made for salary cost of any assigned grader or inspector of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing inspections for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula

concurred in jointly by the Departments of Defense and Agriculture.

2. Change paragraph (a) (8) of § 55.68 *On a resident inspection basis*, to read as follows:

(8) A charge, included in salary cost, equal to fifteen (15) percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, sick leave, annual leave, and related servicing costs.

3. Delete subparagraph (3) in paragraph (b) of § 55.68 *On a resident inspection basis* and renumber subparagraphs (4) and (5) in paragraph (b) to read (3) and (4) respectively.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Issued at Washington, D. C., this 24th day of December 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-10758; Filed, Dec. 27, 1957; 8:45 a. m.]

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of shell eggs and United States standards, grades, and weight classes for shell eggs (7 CFR, Part 56) was published in the FEDERAL REGISTER on December 3, 1957 (22 F. R. 9666). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment increases the charges on basic salaries of resident Federal graders from 8 percent to 15 percent to applicants for shell egg grading service performed on a resident grading basis. The increase results from a decision that resident Federal graders should properly be covered under the Federal Leave System which increases benefits to the resident Federal graders and correspondingly increase costs of the more liberal annual and sick leave benefits. A charge, therefore, included in the basic salary cost, equal to 15 percent of the base salary is necessary to cover these increased costs, including an amount equal to the cost to AMS for the Employer's tax for Old Age and Survivor's Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954. In addition, the amendment provides for a charge of $25 per month when service is furnished exclusively by a licensed grader who is not a Federal or State employee to cover the additional costs of required supervision when service is furnished by other than a civil servant employee.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective January 1, 1958.

It is hereby found that good cause exists for making this amendment effective January 1, 1958, for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service; the cost of the service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to cover such costs; (2) cost of performing the services have been increased by a recent decision that resident Federal graders should properly be covered under the Federal Leave System which increases benefits to the resident Federal graders; therefore, it is necessary that the charges for the services be increased as soon as practicable, which is January 1, 1958; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

1. Delete the last sentence to paragraph (b) of § 56.46 *On a fee basis*, which reads as follows: "The minimum time charged for grading any lot in excess of 10 cases shall be one-half hour, except when grading multiple lots for contract deliveries as provided for in § 56.50."

2. Change paragraph (a) (4) of § 56.52 *On a resident grading basis*, to read as follows:

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided*, That, no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture;

3. Change paragraph (a) (8) of § 56.52 *On a resident grading basis*, to read as follows:

(8) A charge, included in salary cost, equal to 15 percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, sick leave, annual leave, and related servicing costs;

4. Insert a new subparagraph (13) to paragraph (a) of § 56.52 *On a resident grading basis*, to read as follows:

(13) A charge, in addition to that provided in subparagraph (9) of this paragraph, of $25 per month when service is furnished exclusively by a licensed grader who is not a Federal or State employee.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Issued at Washington, D. C., this 24th day of December 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-10759; Filed, Dec. 27, 1957; 8:45 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

A notice of a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) was published in the FEDERAL REGISTER on December 3, 1957 (22 F. R. 9667). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment increases the charges on basic salaries of resident Federal graders from 8 percent to 15 percent to applicants for poultry grading service peformed on a resident grading basis. The increase results from a decision that resident Federal graders should properly be covered under the Federal Leave System which increases benefits to the resident Federal graders and correspondingly increases costs of the more liberal annual and sick leave benefits. A charge, therefore, included in the basic salary cost, equal to 15 percent of the base salary is necessary to cover these increased costs including an amount equal to the cost to AMS for the Employer's tax for Old Age and Survivor's Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective January 1, 1958.

It is hereby found that good cause exists for making this amendment effective January 1, 1958, for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service; the cost of the service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to cover such costs; (2) cost of performing the services have been increased by a recent decision that resident Federal graders should properly be covered under the Federal Leave System which increases benefits to the resident Federal graders, therefore, it is necessary that the charges for the services be increased as soon as practicable, which is January 1, 1958; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

1. Change paragraph (a) (4) of § 70.138 *Grading performed on a resident grading basis*, to read as follows:

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided*, That, no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture;

2. Change paragraph (a) (8) of § 70.138 *Grading performed on a resident grading basis*, to read as follows:

(8) A charge, included in salary cost, equal to 15 percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivors Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, sick leave, annual leave, and related servicing costs;

3. Delete subparagraph (3) in paragraph (b) of § 70.138 *Grading performed on a resident basis* and renumber subparagraphs (4) and (5) in paragraph (b) to read (3) and (4) respectively.

(60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 24th day of December 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-10757; Filed, Dec. 27, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 128]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.428 *Navel Orange Regulation 128*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 24, 1957.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 29, 1957, and ending at 12:01 a. m., P. s. t., January 5, 1958, are hereby fixed as follows:

(i) District 1: 508,200 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: December 27, 1957.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10888; Filed, Dec. 27, 1957; 11:20 a. m.]

[Lemon Reg. 719]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.826 *Lemon Regulation 719*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 24, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 29, 1957, and ending at 12:01 a. m., P. s. t., January 5, 1958, are hereby fixed as follows:

(i) District 1: 23,250 cartons;
(ii) District 2: 125,550 cartons;
(iii) District 3: 37,200 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 26, 1957.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-10854; Filed, Dec. 27, 1957; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 204—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED AND DEFACED CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

Subchapter C—Office of the Treasurer of the United States

PART 365—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED AND DEFACED CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

The regulations formerly appearing in Part 204 will hereafter appear in revised form as Part 365, Subchapter C, Chapter II, Title 31, of the Code of Federal Regulations of the United States of America.

The regulations formerly appearing in Part 204, Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations (and as Treasury Department Circular No. 327 (Revised), dated December 3, 1945, as amended) are hereby rescinded, and revised regulations (appearing also as Treasury Department Circular No. 1001, dated December 18, 1957) are hereby prescribed to read as follows:

Sec.
365.1 Introductory.
365.2 Advice of nonreceipt or loss.
365.3 Request for substitute check; requirements for undertaking of indemnity; execution of applications in foreign countries.
365.4 Issuance of substitute check.
365.5 Receipt or recovery of original check.
365.6 Removal of stoppage of payment.
365.7 Amendment of regulations.

AUTHORITY: §§ 365.1 to 365.7 issued under R. S. 3646, as amended; 31 U. S. C. 528.

SOURCE: §§ 365.1 to 365.7 contained in Department Circular 1001, December 18, 1957.

§ 365.1 *Introductory.* This part governing the issuance of substitutes of checks drawn on the Treasurer of the United States, other than those drawn by officers or employees of the Post Office Department, is prescribed pursuant to the provisions of section 3646 of the Revised Statutes, (31 U. S. C. 528), and shall be effective January 1, 1958.

§ 365.2 *Advice of nonreceipt or loss.* (a) In the event of the nonreceipt, loss, or destruction of a check drawn on the Treasurer of the United States, or the mutilation or defacement of such a check to an extent which renders it nonnegotiable, the owner, better to protect his interest, should immediately notify the drawer, describing the check, stating the purpose for which it was issued, giving, if possible, its date, number and amount, and requesting that payment be stopped. If the name or address of the drawer is not known the request for stoppage of payment should be sent to the Treasurer of the United States, stating the purpose for which the check was issued, the name of the department or agency authorizing the payment and if possible, the date, number and amount of the check. In cases involving mutilated or defaced checks the owner should enclose the mutilated or defaced check with his communication to the drawer or Treasurer.

(b) Upon receipt of advice from an owner as to the nonreceipt, loss, destruction, mutilation, or defacement of a check the drawer will, if appropriate, transmit the owner's letter (together with the mutilated or defaced check in cases involving such checks) to the Treasurer of the United States, Washington 25, D. C., or the Federal Reserve bank or other bank through which the check is payable, as the case may be, together with a request by the drawer for stoppage of payment which includes a certification as to the accuracy of the check description and that it was properly issued.

(c) If the check, which is the basis of the owner's claim, is determined to be outstanding, the Treasurer's Office will furnish the claimant an appropriate application form for obtaining a substitute check. However, the execution of an application will not be required in the event the original written statement submitted by the claimant substantially meets the requirements of the prescribed application form.

§ 365.3 *Request for substitute check; requirements for undertaking of indemnity: execution of applications in foreign countries.* (a) An undertaking of indemnity on Form 2244 or Form 2244b in a penal sum equal to the amount of the check or, in an appropriate case, an application on Form 2244a, or an application substantially containing the same information as Form 2244a, must be executed by the claimant and submitted to the Treasurer of the United States, Washington 25, D. C.: *Provided*, That in respect to requests by persons residing within the United States, its Territories and possessions, for the issuance of substitute checks, individual or corporate sureties will not be required on undertakings of indemnity, (1) in any case where the original check was not more than $100 in amount, or (2) in any case where the original check was drawn in favor of the applicant and represented a repetitive payment on account of salary, allotment, pension, annuity, social security benefit, or similar periodic payment, unless the Secretary of the Treasury determines in either case sureties are necessary in the public interest. In the event the claimant is someone other than the payee of the original check, he should present clear and satisfactory evidence of his ownership.

(b) Unless the Secretary of the Treasury deems that an undertaking of indemnity is essential in the public interest, no undertaking of indemnity shall be required in the following classes of cases:

(1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement occurred without fault of the owner or holder and while the check was in the custody or control of the United States or of a person duly authorized as an agent of the United States, including the Postal Service when carrying mail for an officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail, or while it was in the course of shipment effected pursuant to and in accordance with regulations issued under the provisions of the Government Losses in Shipment Act, as amended;

(2) If substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

(3) If the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States;

(4) If the amount of the check is not more than $200.00 and the check has not been endorsed by the payee;

(5) If the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, a municipal corporation or political subdivision of any of the foregoing, a corporation the entire capital of which is owned by the United States, a foreign government, or a Federal Reserve Bank.

(c) An application executed in a foreign country other than by an officer or an employee of the United States, or a member of the armed forces of the United States, shall be sworn to before (1) a diplomatic or consular officer of the United States, or (2) an officer of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or (3) an official of such foreign country authorized by law to administer oaths generally, and such foreign official shall affix his official seal, if any, and a diplomatic or consular officer of the United States shall certify that the foreign official who administered the oath was duly authorized under the laws of such foreign country so to act.

§ 365.4 *Issuance of substitute check.* Upon approval of the undertaking of indemnity, application or statement of claim, a substitute check will be issued in favor of the claimant showing such information as may be necessary to identify the original check. Appropriate notice of issuance of the substitute will be furnished the drawer of the original check, or his successor.

§ 365.5 *Receipt or recovery of original check.* (a) If the original check is received or recovered by the owner after he has requested the drawer or the Treasurer of the United States to stop payment on the original check but before a substitute check has been received, he should immediately advise the drawer or the Treasurer, as the case may be, and hold such check until receipt of instructions with respect to the negotiability of such check.

(b) If the original check is received or recovered by the owner after a substitute has been received by him, the original shall not be cashed, but shall be immediately forwarded to the Treasurer of the United States, Washington 25, D. C. Under no circumstances should both the original and substitute checks be cashed.

§ 365.6 *Removal of stoppage of payment.* Requests for removal of stoppage of payment shall be addressed by the drawer to the Treasurer of the United States, or the Federal Reserve Bank or other bank through which the check is payable, as the case may be. No request for removal of stoppage of payment shall be accepted by the Treasurer of the United States or any Federal Reserve Bank or other bank through which the check is payable, after issuance of a substitute check has been approved.

§ 365.7 *Amendment of regulations.* The Secretary of the Treasury may waive, withdraw or amend at any time or from time to time any or all of the regulations in this part.

Dated: December 20, 1957.

[SEAL] LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10719; Filed, Dec. 27, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1567]

[Idaho 05884; Idaho 07058]

IDAHO

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ROADSIDE ZONES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Clearwater, Lolo, and Nezperce National Forests in Idaho, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as roadside zones, as indicated:

BOISE MERIDIAN

CLEARWATER NATIONAL FOREST

Lochsa River (Lewis and Clark Forest Highway 16) Roadside Zone

A strip of land 500 feet wide contiguous to and on the northwesterly side of the Lochsa River through unsurveyed Townships 35 and 36 North, Ranges 10 and 11 East, extending from the confluence of Indian Grave Creek with the Lochsa River southwestward a distance of approximately 9 miles to the confluence of Bald Mountain Creek with the Lochsa River, and situated in what probably will be when surveyed, the following legal subdivisions:

T. 35 N., R. 10 E.,
Sec. 2, N½NW¼;
Sec. 3, S½NE¼, N½SW¼, NW¼SE¼;
Sec. 4, NE¼SE¼ and S½SE¼;
Sec. 8, N½SE¼ and SW¼SE¼;
Sec. 9, NW¼NE¼, NE¼NW¼, S½NW¼, and NW¼SW¼.
T. 36 N., R. 10 E.,
Sec. 25, SE¼SE¼;
Sec. 35, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 36, N½N½ and SW¼NW¼.
T. 36, N., R. 11 E.,
Sec. 21, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 28, N½NW¼;
Sec. 29, S½NE¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 30, SW¼ and N½SE¼.

The areas described aggregate approximately 1,158 acres.

A strip of land 200 feet in width on each side of the center line of the said Lochsa River road as now constructed or as located on the ground within unsurveyed Townships 34 and 35 North, Ranges 9 and 10 East, and situated in what probably will be when surveyed, the following legal subdivisions:

T. 34 N., R. 9 E.,
Sec. 5, N½NE¼, SW¼NE¼, S½SW¼, and W½SE¼;
Sec. 7, E½NE¼;
Sec. 8, N½NW¼ and SW¼NW¼.
T. 35 N., R. 9 E.,
Sec. 23, NE¼SE¼ and S½S½;
Sec. 24, NE¼NE¼, S½NE¼, SE¼NW¼, N½SW¼;
Sec. 26, NW¼NW¼ and S½NW¼;
Sec. 27, NE¼SE¼ and S½S½;
Sec. 32, SE¼SE¼;
Sec. 33, NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 34, NW¼NW¼.
T. 35 N., R. 10 E.,
Sec. 7, SE¼SE¼;
Sec. 8, S½SW¼;
Sec. 17, NW¼NE¼ and N½NW¼;
Sec. 18, NE¼NE¼, S½NE¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 19, NW¼NW¼.

The areas described aggregate approximately 573 acres.

LOLO NATIONAL FOREST

Lochsa River (Lewis and Clark Forest Highway 16) Roadside Zone

A strip of land 200 feet in width on each side of the center line of the Lewis and Clark Forest Highway No. 16 through the following legal subdivisions, or so much of said width as may be situated within said subdivisions:

T. 36 N., R. 13 E., unsurveyed,
Sec. 4, N½N½.
T. 37 N., R. 13 E., unsurveyed,
Sec. 25, SE¼SE¼;
Sec. 33, S½SW¼ and SE¼;
Sec. 34, N½S½;
Sec. 35, N½;
Sec. 36, N½N½ and SW¼NW¼.
T. 37 N., R. 14 E.,
Sec. 12, NE¼NE¼, W½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 14, NW¼NE¼, N½NW¼, SW¼NW¼, and W½SW¼;
Sec. 22, E½E½;
Sec. 28, NE¼SW¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 30, Lot 4, SE¼SW¼, and S½SE¼.
T. 37 N., R. 15 E.,
Sec. 6, SE¼NE¼, NE¼SW¼, Lot 7, SE¼SW¼, and N½SE¼.
T. 38 N., R. 15 E.,
Sec. 16, Lot 3, S½SW¼, and NW¼SE¼;
Sec. 20, E½SE¼;
Sec. 28, NW¼NW¼;
Sec. 32, W½E½ and E½W½.

The area described aggregate approximately 722 acres.

And a strip of land 500 feet wide situated contiguous to and on the north side of the Lochsa River through unsurveyed Township 36 North, Ranges 11, 12 and 13 East, extending from the confluence of Squaw Creek with the Lochsa River westward a distance of approximately 13 miles to the confluence of Indian Grave Creek and situated in what probably will be when surveyed the following subdivisions:

T. 36 N., R. 11 E.,
Sec. 13, SE¼NE¼ and N½S½;
Sec. 14, SE¼NW¼ and N½S½;
Sec. 15, SW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 21, NE¼NE¼ and S½NE¼;
Sec. 22, W½NE¼ and S½NW¼.
T. 36 N., R. 12 E.,
Sec. 9, NE¼SW¼ and S½SW¼;
Sec. 10, W½SE¼, SE¼SW¼, and SW¼SE¼;
Sec. 11, SE¼NE¼, N½SE¼, and SW¼SE¼;
Sec. 12, S½W½;
Sec. 14, NW¼NE¼ and N½NW¼;
Sec. 15, NW¼NE¼, S½NE¼, and N½NW¼;
Sec. 16, NW¼NW¼;
Sec. 17, N½;
Sec. 18, S½N½ and N½S½.
T. 36 N., R. 13 E.,
Sec. 5, S½NE¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 6, S½SE¼;
Sec. 7, W½NE¼, SE¼NW¼, and N½SW¼.

The areas described aggregate approximately 788 acres.

NEZPERCE NATIONAL FOREST

Lochsa River (Lewis and Clark Forest Highway 16) Roadside Zone

A strip of land 200 feet in width on each side of the center line of the Lewis and Clark Forest Highway No. 16 through the following legal subdivisions, or so much of said width as may be situated within said subdivisions:

T. 32 N., R. 6 E.,
Sec. 1, lots 5, 6, 7, and 8;
Sec. 2, lots 5, 6, 9, and 10;
Sec. 3, lots 5, 6, 7, and 8;
Sec. 4, lots 3, 6, and 7;
Sec. 5, lot 8;
Sec. 6, lots 8 and 9;
Sec. 7, lots 2 and 4.
T. 32 N., R. 7 E.,
Sec. 5, lot 5 and S½SW¼;
Sec. 6, lots 7, 8, 9, and SE¼SE¼;
Sec. 7, lot 1;
Sec. 8, lot 2.
T. 33 N., R. 7 E.,
Sec. 1, lots 5, 7, and 8;
Sec. 11, lots 1, 2, 3, and 4;
Sec. 12, lots 2 and 3;
Sec. 14, lots 2, 3, 6, and 7;
Sec. 22, lots 1, 2, 3, 7, 8, and 9;
Sec. 23, lots 2 and 3;
Sec. 27, lots 2, 3, 6, and 7.

T. 33 N., R. 8 E., unsurveyed,
Sec. 1, N½NW¼ and SW¼NW¼;
Sec. 2, S½N½ and N½S½;
Sec. 3, N½S½;
Sec. 4, S½N½ and N½S½;
Sec. 5, SW¼NE¼, S½NW¼, and N½S½;
Sec. 6, S½NW¼ and N½S½.
T. 34, N., R. 8 E., unsurveyed,
Sec. 24, E½E½;
Sec. 25, E½NE¼, NE¼SE¼, and W½SE¼;
Sec. 36, W½E½ and E½W½.
T. 34 N., R. 9 E., unsurveyed,
Sec. 8, NW¼SW¼;
Sec. 18, N½NE¼, SW¼NE¼, NE¼SW¼, SW¼SW¼, NW¼SE¼;
Sec. 19, W½W½.

The areas described aggregate approximately 1,099 acres.

The total areas described aggregate approximately 4,340 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

DECEMBER 19, 1957.

[F. R. Doc. 57-10688; Filed, Dec. 27, 1957; 8:45 a. m.]

[Public Land Order 1568]

[2113185]

NEVADA

PARTIALLY REVOKING EXECUTIVE ORDER OF APRIL 17, 1926, WHICH CREATED PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described land:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 20 E.,
Sec. 12, NE¼NW¼.

The area described aggregates 40 acres.

The revocation is made in furtherance of an exchange under section 8 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered land will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

ROGER C. ERNST,
Assistant Secretary of the Interior.

DECEMBER 23, 1957.

[F. R. Doc. 57-10768; Filed, Dec. 27, 1957; 8:47 a. m.]

[Public Land Order 1569]

[60375]

CALIFORNIA

REVOKING PUBLIC LAND ORDER NO. 730 OF JUNE 25, 1951

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 730 of June 25, 1951, which reserved the following-described public lands for town-site purposes, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 W.,
Sec. 6, SE¼SE¼;
Sec. 7, N½NE¼.
T. 9 N., R. 2 W.,
Sec. 12, NE¼NE¼, E½NW¼NE¼.

The areas described aggregate 180 acres.

2. The SE¼SE¼ sec. 6, T. 9 N., R. 1 W., has been patented. The W½NW¼NE¼ sec. 7 has been classified for disposal under the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869). Applications for this tract, therefore, for disposal under any other law will be rejected. The remaining lands are within the corporate limits of the City of Barstow, and by reason of rough terrain and topography are unsuited for entry under the homestead or desert-land laws. The entire area is closed to filings under the Small Tract Act.

3. No application for the lands may be allowed under the homestead, desert-land, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. This order shall not become effective to change the status of the opened lands until 10:00 a. m. on January 28, 1958. At that time the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Bartlett Building, 215 W. 7th Street, Los Angeles, California.

ROGER C. ERNST,
Assistant Secretary of the Interior.

DECEMBER 23, 1957.

[F. R. Doc. 57-10769; Filed, Dec. 27, 1957; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

PART 4—INFORMATION ON POSTAL MATTERS

In § 4.2 *General postal publication* (22 F. R. 1430, 4499) make the following changes:

1. In paragraph (a) amend the penultimate sentence to read as follows: "($3 for chapters 1 and 2, together with periodic looseleaf supplements for an indefinite period)."

2. Amend paragraph (b) to read as follows:

(b) Directory of Post Offices contains (1) a list of postal delivery zone offices, (2) an alphabetical list of post offices, (3) a list of post offices arranged alphabetically by states, (4) a list of post offices by counties, and (5) a list of Army and Air Force installations. ($2.25 a copy). (Distributed to all post offices).

3. Rescind paragraph (e).

4. In paragraph (h) change the price from $1.00 a copy to $1.65 for set of two books.

NOTE: Corresponds to section 114.2 of the Postal Manual.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369).

PART 5—COMPLAINTS

In § 5.1 *Postal service* add the following to the text: "In either case if the complaint concerns apparent mishandling of mail, the envelope or wrapper should be submitted."

NOTE: Corresponds to section 115.1 of the Postal Manual.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369).

PART 27—FEDERAL GOVERNMENT MAIL AND FREE MAIL

In Part 27 make the following changes:

a. Amend the Part caption to read as set forth above.

b. Section 27.1 *Franked mail* is amended to read as follows:

§ 27.1 *Members of Congress*—(a) *Collection of postage.* Postage on mail sent under the franking privilege by the Vice President, Members and Members-elect of Congress, the Delegates and Delegates-elect from Alaska and Hawaii, the Resident Commissioner from Puerto Rico, the Secretary of the Senate, and the Clerk of the House of Representatives is paid annually by a lump-sum to the Post Office Department.

(b) *Description.* Official mail of Members of Congress is sent without prepayment of postage bearing written signature or a printed facsimile signature instead of a postage stamp. Mail accepted under frank, and the officials authorized to use franked mail, are shown in paragraph (c) of this section.

(c) *Authorized users.*

Persons authorized to use the frank	Matter that may be franked	Marking required	Period during which the frank may be used
Vice President of the United States, Members of and Delegates to Congress, Resident Commissioners, Secretary of the Senate, Clerk of the House.	Public documents printed by order of Congress.	The words "Public Document—Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following expiration of their respective terms of office.
Members of and Delegates to Congress and Resident Commissioners.	Congressional Record or any part of it, or speeches or reports contained in it.	The words "Congressional Record or Part of Congressional Record—Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	During term of office only.
Secretary of Agriculture, Members of and Delegates to Congress.	Seeds and agricultural reports from the Department of Agriculture.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following the expiration of their terms of office.
Vice President of the United States, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners.	Official correspondence not exceeding 4 ounces in weight. Official correspondence when addressed to a Government official by title may exceed 4 ounces in weight, but must not exceed 4 pounds.	The word "Free" and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following expiration of their respective terms of office.

(d) *Restrictions.* The following restrictions apply to franked mail:

(1) Official correspondence transmitted under frank of the Vice President, Members and Members-elect of and Delegates and Delegates-elect to Congress, and Resident Commissioners, must be on official or departmental business.

(2) No franked mail will be admitted to the mails unless admissible as ordinary mail.

(3) A person entitled to use franked mail may not loan his frank or permit its use by any committee, organization, or association; or permit its use by any person for the benefit or use of any committee, organization, or association. This restriction does not apply to any committee composed of Members of Congress.

(4) Franked mail is forwarded like any other mail, but when once delivered to the addressee it may not be remailed. A package of franked pieces may be sent by a person entitled to the franking privilege, to one addressee, who, on receiving and opening the package, may on behalf of such person, place addresses on the franked articles and mail them.

(5) Franked mail is handled as ordinary mail. Fees for special services must be paid at the time of mailing.

(e) *Weight and size limits*—(1) *Weight.* Official correspondence is limited to 4 ounces, except that when addressed to a Government official by title the limit is 4 pounds.

(2) *Size.* No limit. (NOTE: Effective July 1, 1959, a minimum size of 2¾ by 4 inches will obtain.)

NOTE: Corresponds to section 137.1 of the Postal Manual.

c. Section 27.2 *Penalty mail* is amended to read as follows:

§ 27.2 *Executive and judicial officers*—(a) *Collection of postage.* Departments, agencies and establishments of the U. S. Government must reimburse the Post Office Department in amounts equivalent to the amount of postage and fees due on their mail for which the Post Office Department does not otherwise receive compensation. Instructions governing the manner of reimbursement for mailings made without postage or fees prepaid are issued by the Bureau of Finance which negotiates reimbursement agreements with the departments and agencies concerned.

(b) *Description.* The following kinds of mail may be sent as Federal Government mail by those authorized to use this privilege:

(1) Official mail relating exclusively to the business of the Government of the United States mailed by officers of the executive and judicial branches of the Government; official mail of legislative counsel for the House of Representatives and the Senate; official mail of the Superintendent of Documents; and official correspondence concerning the Congressional Directory under direction of the Joint Committee on Printing.

(2) All correspondence, bulletins, and reports relating to agricultural extension work and home economics carried on in cooperation with the United States Department of Agriculture, when mailed by the college officer or other person connected with the extension department of the college who has been designated by the Secretary of Agriculture. Mailings may be deposited by the designated officer only at the authorized post office. Correspondence must be conducted under the name of the designated officer. Correspondence with autograph signature may be sealed but all other matter must be left unsealed.

(3) Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of researches and experiments, including lists of publications available for distribution, when mailed by agricultural experiment stations designated by the act of March 2, 1887, as amended by the act of August 11, 1955, as follows:

The officer in charge of a station that claims the privilege of sending materials without prepayment of postage through the mail must file an application with the Bureau of Operations, Postal Services Division, through the post office where the station is located, stating the date of establishment of the station, its name or designation, its official organization, the names of its officers, the name of the college, school or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other legislation granting it the benefits of the act of Congress referred to in this section.

(4) Annual reports of Government-aided colleges established under the act of July 2, 1862, when addressed to the Secretary of the Interior, the Secretary of Agriculture, and to any other Government-aided college. The postmaster receiving the annual reports from an officer of the college will use a post office penalty envelope or label to send it through the mail.

(5) Copyright material sent to the Register of Copyrights with claim for registration, as follows:

(i) Postmasters receiving the claim for registration and any articles that are required to accompany the claim will use a post office penalty envelope or label to send the matter to the Register of Copyrights, Washington 25, D. C.

(ii) If requested to do so, the postmaster will give a receipt for articles delivered to him to accompany a claim for registration.

(iii) When desired, the person submitting copyright matter to the postmaster may also present the fee for copyright registration enclosed in a sealed envelope addressed to Register of Copyrights, Washington 25, D. C., which must have postage prepaid at the letter rate. The postmaster, after canceling the postage stamps, will enclose the envelope containing the fee together with the copyright material in the post office penalty envelope sent to the Register of Copyrights.

(iv) Matter for copyright enclosed in post office penalty envelopes will not be sent by registered mail unless the registry fee is prepaid.

(c) *Preparation.* Government agencies and others authorized to use official mail privileges have the option of preparing the mail under one of the following methods:

(1) *Penalty.* Penalty mail, subject to the restrictions of paragraph (d) of this section, is sent without prepayment of postage. Envelopes, cards, labels, tags, and wrappers used in transmitting official mail under the penalty privilege must bear in the upper right corner of the address side the printed statement of the penalty for misuse: Penalty for Private Use to Avoid Payment of Postage, $300. The printed statement of the penalty for misuse may not be handwritten or typewritten. They must also show, over the words "Official Business" in the upper left corner of the address side, the name and address of the department, bureau, office or officer. The following additional markings are also required when applicable:

(i) Official mail of designated State extension directors must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted

without prepayment of postage, followed by the name and title of the designated officer and the words "Cooperative Agricultural Extension Work Acts of May 8 and June 30, 1914."

(ii) Official mailings by agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the word "Publication." The title of the bulletin or report may be used.

(2) *Postage and Fees Paid.* (i) All official mail of authorized departments or agencies, subject to the weight and size limits, if any, for matter of its class, shall be given the postal service indicated on its cover when the mail is marked in the upper right corner of the address side "Postage and Fees Paid." This marking may not be handwritten or typewritten.

(ii) Departments and agencies authorized to prepare mail under this arrangement are:

Air Force, Department of.
Airways Modernization Board.
Army, Department of.
Atomic Energy Commission.
Bureau of the Budget.
Civil Service Commission.
Civil Aeronautics Board.
Commerce, Department of.
Federal Bureau of Investigation.
Federal Home Loan Bank Board.
Federal Housing Administration.
Federal Mediation and Conciliation Service.
Federal Power Commission.
Federal Trade Commission.
General Services Administration, (except GSA Federal Supply Warehouses).
Health, Education, and Welfare, Department of.
International Cooperation Administration.
Interstate Commerce Commission.
Labor, Department of.
Library of Congress.
Marine Corps.
National Capital Housing Authority.
National Advisory Committee for Aeronautics.
National Gallery of Art.
National Institutes of Health.
National Labor Relations Board.
National Science Foundation.
Navy, Department of
Office of Defense Mobilization.
Panama Canal Company.
President's Committee on Employment of the Physically Handicapped.
Railroad Retirement Board.
Securities and Exchange Commission.
Selective Service System.
Small Business Administration.
Smithsonian Institution.
State, Department of
U. S. Court of Claims.
Veterans Administration.

(iii) Mail sent as "Postage and Fees Paid" must show over the words "Official Business" in the upper left corner of the address side the name and address of the department, bureau, office, or officer.

(iv) Self-addressed, reply envelopes or labels may be furnished to persons or concerns for convenience in submitting information for official purposes by ordinary surface mail.

(3) *Prepaid postage.* Official mail which is not sent as penalty mail or as postage and fees paid mail must have postage prepaid. The regular rates and conditions apply except that postage on official mail weighing over 4 pounds may be paid at the fourth-class rates. See paragraph (e) (1) of this section.

(d) *Restrictions of use.* The use of markings authorized on official mail as shown in paragraph (c) of this section may not be placed on other mail to avoid payment of postage or special service fees. The following restrictions apply to the use of official envelopes, cards, labels, and tags prepared as indicated in paragraph (c) of this section.

(1) Any department or office authorized to use the Federal Government mail privilege may furnish self-addressed envelopes or labels to persons or concerns for their convenience in submitting official information desired by any U. S. Government department or agency. Reply envelopes may not be furnished to bidders or contractors, or to enable private persons or concerns to send free reports or other information which they are required by law to make.

(2) The right of an officer to use the Federal Government mail privilege ceases immediately upon his going out of office.

(3) Official mail may not be sent in penalty envelopes by special delivery or as certified mail without prepayment of the fee or by airmail without prepayment of the air postage. (See paragraph (c) (2) of this section for mailings in envelopes marked "Postage and Fees Paid".) Exception: Penalty envelopes containing urgent official communications of the Postal Service may be sent special delivery or as certified mail or airmail without payment of fee or postage.

(e) *Weight and size limits*—(1) *Weight.* No article or package of official matter, or number of articles or packages of official matter, constituting, in fact, a single shipment exceeding 4 pounds may be admitted to the mails under the penalty privilege except stamped paper and supplies sold or used by the Postal Service, and books or documents published or circulated by order of Congress when mailed by the Superintendent of Documents. Official matter in packages exceeding 4 pounds, if otherwise mailable, will be accepted on payment of postage at the fourth-class rates or under the inscription "Postage and Fees Paid" within the limits of weight prescribed for such matter. (See § 25.3 of this subchapter.) Such parcels may be sealed or unsealed, and may include written matter when mailed at those rates. Official matter of the Postal Service, and books and documents circulated by order of Congress, when mailed by the Superintendent of Documents may weigh up to 70 pounds.

(2) *Size.* There is no size limit prescribed for penalty mail. Other matter is subject to the size limits prescribed in § 25.3 of this subchapter. NOTE: Effective July 1, 1959, this subparagraph will read:

(2) *Size.* The minimum size for Federal Government mail is 2¾ by 4 inches. There is no maximum size prescribed for penalty mail but other Federal Government mail is subject to the size limits prescribed in § 25.3 of this section.

NOTE: Corresponds to section 137.2 of the Postal Manual.

d. Section 27.3 *Diplomatic and consular mail* is amended to read as follows:

§ 27.3 *Mail to government departments*—(a) *Census mail.* All mail, of whatever class, relating to the census and addressed to the Census Office, or to any official thereof, and endorsed "Official Business, Census Office," will be sent without prepayment of postage. Such mail may not exceed 4 pounds.

(b) *Immigration and naturalization service mail.* All mail, of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official of either, and endorsed "Official Business," will be transmitted without prepayment of postage and marked "Naturalization Papers." Mail relating to naturalization may not exceed 4 pounds.

NOTE: Corresponds to section 137.3 of the Postal Manual.

e. Section 27.4 *Mail to government departments* is amended to read as follows:

§ 27.4 *State employment security mailings.* All mail, including parcels, of State employment security offices cooperating with the Department of Labor, that bears in the upper left corner of the address side the words "Official Business" printed immediately below the name and address of the State employment agency, and in the upper right corner the words "Employment Security Mail—United States Postage Accounted for Under Act of Congress," will be accepted without prepayment of postage. Postage chargeable is collected periodically under a special arrangement with the Post Office Department. When sent by air, airmail postage must be prepaid. Such matter sent as registered, special delivery, or special handling mail also requires prepayment of the applicable fees.

NOTE: Corresponds to section 137.4 of the Postal Manual.

f. Section 27.5 *State employment security mailings* is amended to read as follows:

§ 27.5 *Free mail*—(a) *Diplomatic and consular mail*—(1) *Diplomatic mail.* All correspondence (written or printed) of members of the Diplomatic Corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage. Such correspondence may not exceed 4 pounds in weight. The envelopes, cards, tags, wrappers, and labels must show in the upper left corner of the address side the name of the ambassador or the minister, or the name of the embassy or legation, together with the post office address; and in the upper right corner the inscription "Diplomatic Mail" over the word "Free." These inscriptions may be handwritten, handstamped, or printed.

(2) *Consular mail.* The official correspondence (written or printed) exchanged between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States, and correspondence "directed by those consulates to the Government of the United States or their respective embassies or legations, may be transmitted in the domestic mails free of postage. Such correspondence may not exceed 4 pounds in weight. The envelopes, labels, etc., covering correspondence of consulates must show over the words "Official Correspondence," in the upper left corner of the address side, the name and address of the consul or consulate, and the name of the country represented; and, in the upper right corner, the inscription "Consular Mail" over the word "Free." These inscriptions may be handwritten, handstamped, or printed.

(b) *Absentee balloting materials*—(1) *Purpose.* Balloting materials consisting of post card applications, ballots, voting instructions, and envelopes, are sent through the mail free of postage, including airmail postage, for the purpose of enabling every person in any of the following categories to vote by absentee ballot when he is absent from the place of his voting residence and is otherwise eligible to vote:

(i) Members of the Armed Forces while in the active service and their spouses and dependents.

(ii) Members of the merchant marine of the United States and their spouses and dependents.

(iii) Civilian employees of the United States in all categories serving outside the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

(iv) Members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces, and their spouses and dependents.

(2) *Elections affected.* The materials may be sent for any general election of electors for President and Vice President or of Senators and Representatives in Congress and for other general primary, and special elections.

(3) *Markings required of ballot envelopes and post card applications.* (i) Envelopes used to send balloting material and envelopes supplied for return of the ballot must have printed across the face two parallel horizontal red bars, each ¼ inch wide, extending from one side of the envelope to the other side, with an intervening space of ¼ inch, the top bar to be 1¼ inches from the top of the envelope, and the words "Official Election Balloting Material—Airmail" or similar language as prescribed by State law, between the bars. There must be printed in the upper right corner of each envelope in a rectangular box the words "Free of U. S. Postage, Including Airmail". All printing on the face must be in red with an appropriate inscription or blanks for return address of sender in the upper left corner.

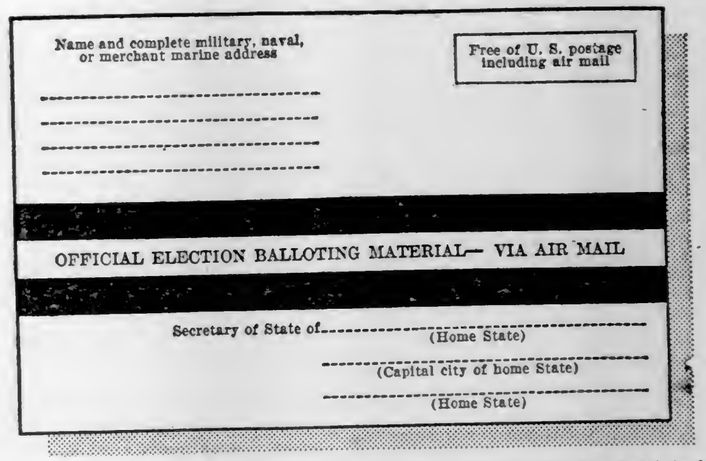

(ii) The Federal post card application shall be approximately 9½ x 4⅛ inches in size. On the address side of the card shall be printed in red ink the following:

FILL OUT BOTH SIDES OF THE CARD

(Name)
(Unit, Government agency, or office)
(Military base, station, ship, or office)
(Street No., APO, or FPO No.)
(City, postal zone, State)

FREE OF U. S. Postage Including Air Mail

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To:
(Title of election official)
(County or township)
(City or town, State)

(c) *Widows of former Presidents.* All mail of widows of former Presidents of the United States, when authorized by act of Congress, shall be accepted free of postage, if it bears the written signature of sender, or a facsimile signature, in the upper right corner of the address side together with the word "FREE."

(d) *Pan American Union and Pan American Sanitary Bureau.* The Pan American Union and Pan American Sanitary Bureau are authorized by law to transmit official matter free. The mail must bear the printed clause citing the penalty for private use instead of postage stamps. It must be prepared like Federal Government penalty mail and is subject to the same restrictions. (See § 27.2 (c) (1), (d), and (e).)

NOTE: Corresponds to section 137.5 of the Postal Manual.

g. Section 27.6 *Absentee balloting materials* is rescinded.

NOTE: Corresponds to section 137.6 of the Postal Manual.

(R. S. 161, 396, as amended; secs. 5, 7, 18 Stat. 343, as amended, secs. 5, 6, 19 Stat. 335, 336, as amended, sec. 85, 28 Stat. 622 as amended, sec. 7, 33 Stat. 441 as amended, 54 Stat. 695, secs. 301, 302, 303, 304, 62 Stat. 1048, as amended, secs. 305, 306, 62 Stat. 1049, as amended, secs. 203, 204, 205, 302, 69 Stat. 586, 588; 5 U. S. C. 22, 369, 2183, 2184, 2185, 2192; 39 U. S. C. 321, 321–1, 321l–321n, 325, 326, 327, 329)

PART 43—MAIL DEPOSIT AND COLLECTION

In § 43.2 *Ordinary deposit of mail* amend paragraph (a) to read as follows:

(a) *Post office lobbies.* Letter drops are provided in lobbies of all post offices for the deposit of mail. Where warranted, post offices provide special slots or receptacles for the deposit of mail which has been separated by patrons according to local, out-of-town, air-mail, special delivery, or other appropriate designations.

NOTE: Corresponds to 153.2 of the Postal Manual.

(R. S. 161, 396 as amended, 3868; 5 U. S. C. 22, 369; 39 U. S. C. 155)

PART 47—FORWARDING MAIL

a. In § 47.1 *Order to change address* make the following changes:

1. In first sentence of paragraph (a) amend the words "Form 22, Order to

Change Address" to read "Form 3575, Change of Address Order"; in last sentence amend the words "Order to Change Address" to read "Change of Address Order".

2. In first sentence of paragraph (b) amend the words "Order to Change Address" to read "Change of Address Order".

NOTE: Corresponds to 157.11 and 157.12 of Postal Manual.

b. In § 47.2 *Time limit of order* make the following changes:

1. Amend section caption to read: *"Time limit of change of address order".*

2. Amend paragraph (a) to read as follows:

(a) An order without a time limit expires in 2 years and is not renewable.

NOTE: Corresponds to 157.2 and 157.2a of Postal Manual.

c. In § 47.3 *Postage for forwarding* make the following changes in paragraph (b):

1. In subparagraph (3) amend the reference "(See § 48.2 (c) of this chapter)" to read "(See § 42.8 (d) of this chapter)".

2. Add the following to subparagraph (7): "(See 48.2 (c) of this chapter)".

NOTE: Corresponds to 157.32d and 157.32c of Postal Manual.

d. In § 47.7 *Guarantee to pay forwarding postage* in paragraph (a) amend the words "Order to Change Address" to read "Change of Address Order".

NOTE: Corresponds to 157.7a of the Postal Manual.

(R. S. 161, 396 as amended, sec. 1, 64 Stat. 210; 5 U. S. C. 22, 396; 39 U. S. C. 278a)

PART 51—REGISTRY

In § 51.7 *Delivery,* amend paragraph (d) to read as follows:

(d) *Notice of arrival.* If the carrier is unable to deliver registered mail, he will leave a notice for you. If your mail is not delivered by carrier, a notice of arrival will be issued through your regular mail channels. If the mail is not delivered or called for within 5 days a second notice will be issued, provided the maximum period for which the mail may be held permits. No second attempt to deliver will be made until you request the post office to do so.

NOTE: Corresponds to 161.74 of Postal Manual.

(R. S. 161, 396 as amended, 3926 as amended; 5 U. S. C. 22, 369; 39 U. S. C. 246f, 381)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57-10717; Filed, Dec. 27, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 409]

PAGE, ARIZONA

LEASING AND UTILIZATION OF LANDS

The townsite of Page, Arizona, is on Federal lands administered by the Bureau of Reclamation, Department of the Interior. Incorporation of the area under the laws of Arizona will be accomplished as soon as possible, but in the interim there are certain matters which cannot be dealt with under laws of the State. Such matters include the leasing of the lands, the placing of structures thereon, and utilization of the lands for the conduct of commercial enterprises and the rendering of services. Pursuant to the authority contained in the acts of August 4, 1939 (53 Stat. 1187, 43 U. S. C. 387, 485) and April 11, 1956 (70 Stat. 105) it is proposed to issue the regulations set forth below.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Reclamation, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

FRED A. SEATON, *Secretary of the Interior.*

DECEMBER 23, 1957.

A new part is added to Title 43, Chapter II, reading as follows:

Sec.
409.1 Scope of part.
409.2 Filing applications.
409.3 References.

Subpart A—Leases of Land

409.4 Term of leases.
409.5 Qualifications of lessees.
409.6 Renewals.
409.7 Rates.

Subpart B—Commercial and Service Permits

409.8 Definition.
409.9 Applicability.
409.10 Filing fee.
409.11 Qualifications of applicants.
409.12 Classification of permits.
409.13 Traffic in alcoholic beverages prohibited.
409.14 Duration and cancellation.

Subpart C—Building Permits

409.15 Definition.
409.16 Requirements.

AUTHORITY: §§ 409.1 to 409.16 issued under act of August 4, 1939, 53 Stat. 1187, 43 U. S. C. 387, 485, and the act of April 11, 1956, 70 Stat. 105.

§ 409.1 *Scope of part.* The regulations in this part are applicable to lands being administered by the Bureau of Reclamation within the exterior boundaries of Page, Arizona, as such boundaries are established from time to time under authority of the Commissioner of Reclamation. Such lands may be leased, utilized for the conduct of commercial enterprise and the rendition of services, and structures may be placed thereon only under and pursuant to the terms of requisite leases, licenses, and permits issued in accordance with the applicable subparts of the regulations of this part.

§ 409.2 *Filing applications.* Applications for leases, licenses or permits, governed by regulations of this part, will be filed with the official of the Bureau of Reclamation in charge of the administration of Page, Arizona, now located at Kanab, Utah, until such time as such official is stationed at Page, Arizona. When used hereafter in this part, the term "Bureau of Reclamation" shall refer to such official.

§ 409.3 *References.* Upon written request by the Bureau of Reclamation, each applicant will furnish a letter, or letters, signed by the applicant, addressed to and authorizing financial institutions and others to supply to the Bureau of Reclamation any information it may require in regard to financial responsibility and other relevant matters as to warrant the belief that, if granted the license, lease, or permit, such applicant will be able to meet the conditions of such license, lease, or permit. Refusal of the applicant to furnish such authority, or his failure to do so within a period of two weeks from the date of receipt of the written notice shall be a sufficient ground for the rejection of the application.

SUBPART A—LEASES OF LAND

§ 409.4 *Term of leases.* Leases shall be for periods of not to exceed fifty (50) years, and unless otherwise provided by the Commissioner of Reclamation they shall be in accordance with terms and conditions and in the form approved by the Commissioner on October 14, 1957, and shall be subject to the terms of the regulations of this part.

§ 409.5 *Qualifications of lessees.* No application for a lease hereunder shall be approved until the applicant has satisfied the Bureau of Reclamation that (a) he is a citizen of the United States or has declared his intention to become such; (b) he is a person of good moral character; (c) he does not intend to hold the area for which the lease is requested for speculative purposes; (d) he is financially responsible so as to warrant the belief that, if granted a lease, he will be able to meet all of the conditions and obligations of such a lease.

§ 409.6 *Renewals.* No lease shall be renewed or extended if the lessee has failed or refused to make such reasonable improvements, alterations, or repairs on the building or buildings on the leased premises as have been requested in writing by the Bureau of Reclamation.

§ 409.7 *Rates.* All leases shall be made at the fair market value, as determined by the Bureau of Reclamation.

SUBPART B—COMMERCIAL AND SERVICE PERMITS

§ 409.8 *Definition.* The term "permit" as used in this subpart shall mean the privilege conferred by the Bureau of Reclamation upon individuals, partnerships, corporations, or other entities to utilize leased premises for the purpose of engaging in any form of commercial enterprise or the rendition of services.

§ 409.9 *Applicability.* Leased land may be utilized for the conduct of commercial enterprise or the rendition of services only if a permit is issued in accordance with the provisions of this subpart.

§ 409.10 *Filing fee.* Each application for a permit must be accompanied by a filing fee of twenty-five ($25.00) dollars. If a permit is not granted the filing fee will be returned.

§ 409.11 *Qualifications of applicants.* Applicants for permits must establish to the satisfaction of the Bureau of Reclamation both the adequacy of their financial resources and the appropriateness of their training and experience. The requirement of training and experience will be satisfied in the case of an applicant who is the holder of a valid license or permit issued upon proof of qualification by the State of Arizona pursuant to the statutes of Arizona.

§ 409.12 *Classification of permits.* Permits shall be of three types: (a) Exclusive, (b) personal, (c) general business. Exclusive permits shall be limited to public utilities or to such other entities whose operations in the opinion of the Bureau of Reclamation are necessary to promote the public interest. While in the issuance of permits the promotion of free competition will be the objective, the number of other permits may be restricted temporarily if in the opinion of the Bureau of Reclamation such restriction is required as a means of assisting in the maintenance of conditions conducive to the establishment of services and enterprises adequate to meet community needs. But, if any restrictions are imposed, they confer no right in existing permittees to the continuation of such restrictions.

§ 409.13 *Traffic in alcoholic beverages prohibited.* The privilege conferred by a permit shall not include trading in, selling, distributing, storing for any of the foregoing purposes, or manufacturing any alcoholic beverages, but this limitation shall not be applicable in the case of permits issued to duly licensed physicians, dentists, and pharmacists who prescribe or dispense beverage alcohol or preparations containing beverage alcohol for medicinal purposes as part of the practice of their professions.

§ 409.14 *Duration and cancellation.* Permits shall be granted to applicants meeting the requirements of this subpart for a period of not to exceed three years and shall be renewable for like periods upon application filed therefor, if the applicant then meets the requirements of the regulations of this part. Each permit shall be subject to cancellation upon violation by the holder thereof of applicable Federal or State laws, pertinent regulations duly promulgated, terms and conditions of the permit, or by breach of the terms of the lease of property used in connection with the commercial enterprise or service undertaken pursuant to the authority of the permit.

SUBPART C—BUILDING PERMITS

§ 409.15 *Definition.* The term "building permit" as used in this part shall mean permission granted in writing by the Bureau of Reclamation for erection of structures, or the alteration, or improvement of existing structures on leased land.

§ 409.16 *Requirements.* A building permit will be issued only after plans for a structure, together with the location on a particular tract or tracts of land involved, have been approved. All residential construction shall conform to the standards of the Federal Housing and Home Finance Agency and all commercial construction shall conform to the Uniform Building Code of the Pacific Coast Building Officials Conference. All plumbing systems in all buildings shall be in accordance with applicable provisions of the American Standard National Plumbing Code and all electrical installations shall be in accordance with applicable provisions of the latest edition of the "National Electrical Code," standard of the National Board of Fire Underwriters for Electrical Wiring and Apparatus. Further, the residential and commercial building construction shall conform to the requirements of applicable Coconino County and Arizona State codes. Buildings in residential areas may not be used for commercial or industrial purposes. All structures and the use thereof shall conform to the zoning plan of Page, Arizona.

[F. R. Doc. 57-10772; Filed, Dec. 27, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 179]

[No. 32339]

TRANSFERS OF OPERATING RIGHTS

NOTICE OF PROPOSED RULE MAKING

DECEMBER 20, 1957.

Notice is hereby given of a proposed amendment to the Rules and Regulations Governing Transfer of Operating Rights, 49 CFR Part 179, by the addition of a paragraph reading substantially as follows:

Prior to their effective dates, synopses of affirmative orders entered pursuant to the rules, in this part currently will be published in the FEDERAL REGISTER. The notice accompanying such publication will refer to section 17 (8) of the Interstate Commerce Act and include a requirement that if a timely petition is filed by an interested person seeking reconsideration or oral hearing, such petition must specify with particularity the alleged errors or matters claimed to have been erroneously decided. If the petition contains a request for oral hearing, the request shal be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form.

The proposed publication in the FEDERAL REGISTER would be under a heading substantially as follows:

PUBLIC NOTICE, PRIOR TO THEIR EFFECTIVE DATES, OF ORDERS ENTERED UNDER THE TRANSFER RULES, 49 CFR PART 179

Orders with deferred effective dates, as later explained, recently have been entered approving applications filed under section 212 (b) of the Interstate Commerce Act and Rules and Regulations Governing Transfer of Operating Rights, 49 CFR Part 179. The effective date of each order is such that if, within 30 days from the date of this publication, a petition is filed by an interested person seeking reconsideration, the effective date of the particular order will, pursuant to section 17 (8) of the Interstate Commerce Act, be postponed pending disposition of the petition. In such a petition the matters claimed to have been erroneously decided and the alleged errors must be specified with particularity. If the petition contains a request for oral hearing the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form. The Commission will determine whether or not assignment of the matter for hearing is necessary or desirable. Synopses of the indicated orders, together with the name and address of the practitioner representing applicant, or applicants, follow below. (Then list indicated synopses.)

The present rules have no provision for public notice. That situation is consistent with the legislative history which shows that transactions of the character here in question were not deemed by Congress to be of sufficient public concern to warrant imposition of the normal requirements of due process. Brooks Transportation Co. v. United States of America and Interstate Commerce Commission, E. D. Va., decided May 13, 1957, as yet unreported.

As the great majority of the indicated transactions are noncontroversial, it is desirable they be processed with a minimum of procedural delay. In some instances the indicated transactions may be of controversial character. In such a situation there should be an opportunity, despite the absence of a mandatory due-process requirement, for an interested person timely to bring the pertinent facts to the Commission's attention, and for a hearing to be held should that become necessary. The proposal herein provides for such an opportunity prior to the effectiveness of the order.

No oral hearing on the proposed change is contemplated, but any person wishing to make representations in favor of or against the proposal may do so by the submission of written data, views, or arguments. An original and two copies of such data, views, or arguments shall be filed with the Commission on or before February 3, 1958.

Notice to the general public shall be given by depositing a copy hereof in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-10786; Filed, Dec. 27, 1957; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 37]

[Docket No. FDC 64]

CANNED TUNA; DEFINITION AND STANDARD OF IDENTITY; LABEL STATEMENT OF OPTIONAL INGREDIENTS

NOTICE OF HEARING

A notice of proposed rule making was published in the FEDERAL REGISTER of August 28, 1956 (21 F. R. 6492), setting forth a proposed definition and standard of identity and a proposed standard of fill of container for canned tuna. An order acting on the proposals was published in the FEDERAL REGISTER of February 13, 1957 (22 F. R. 892). No objections were filed protesting the provisions of the standard of fill of container and accordingly that standard became fully effective August 13, 1957.

Objections were filed protesting those labeling provisions in the identity standard requiring the words "in water" to be included in the name of the food when water is used as the packing medium and requiring tuna darker than Munsell value 5.3 to be declared on the label as "dark tuna". Notice of these objections and of the stay of the provisions to which the objections were directed until final action after a public hearing was published in the FEDERAL REGISTER of August 29, 1957 (22 F. R. 6961). Except for the provisions stayed, the identity standard is scheduled to become effective February 13, 1958. Since publication of the notice of objections, the National Canners Association, representing a substantial portion of the tuna-canning industry, has requested postponement of the effective date of the identity standard for 1 year. The need for the requested postponement was supported only with respect to the design and procurement of new labels. The labeling requirements of the identity standard are set out in § 37.1 (h). Postponement of those provisions of § 37.1 (h) that were not stayed, until final action is taken disposing of the objections to be taken up at the public hearing, will meet the needs set out in the request of the National Canners Association.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with the authority delegated to him by the Secretary (22 F. R. 1045), the Commissioner of Food and Drugs hereby extends the effective date of § 37.1 (h) of the definition and standard of identity for canned tuna until the effective date of the order ruling on the objections to be heard. Notice is hereby given that a public hearing will be held for the purpose of receiving evidence relevant and material to the objections to the requirement in the identity standard for canned tuna that the words "in water" are to be included in the name of the food when water is used as the packing medium and to the requirement for label declaration of tuna darker than Munsell value 5.3 as "dark tuna".

The hearing will begin at 10 o'clock in the morning of January 29, 1958, in Room 3046, South Agriculture Building, 12th and Independence Avenue SW., Washington, D. C. All interested persons are invited to attend this hearing and present evidence. The hearing will be conducted in accordance with the rules of practice therefor.

Mr. Leonard D. Hardy is hereby designated as presiding officer to conduct the hearing, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceeding to the Commissioner of Food and Drugs for action.

Dated: December 24, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-10793; Filed, Dec. 27, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DESIGNATION OF CLAIMANT AGENCIES WITH RESPECT TO FOOD

In accordance with the description of responsibilities set forth in section 201 of Executive Order No. 10480 and paragraph 1 of Defense Mobilization Order I-7, and pursuant to the authority contained in sections 602 and 603 of Executive Order 10480, the following agencies of the Government are hereby designated as claimant agencies before the Secretary of Agriculture with respect to food as defined in section 601 (h) of Executive Order 10480.

1. Department of Defense with respect to military requirements for all persons eating out of military supplies. (Such Department shall advise the Departments of State and Agriculture of requirements by counties whenever the military requirements submitted include food for foreign civilians or for foreign forces.)

2. Department of Commerce with respect to requirements for food for nonfood industrial uses.

3. Department of State with respect to foreign requirements, other than military requirements, for food produced in the United States. (The Foreign Agricultural Service of the Department of Agriculture shall advise and cooperate with the Department of State in developing a procedure for foreign countries to use in supplying estimates of their food requirements from United States sources. The Foreign Agricultural Service will further advise and cooperate with the Department of State in analyzing such requirements and in developing estimates of requirements in the absence of a submission by the countries concerned.)

4. Department of the Interior with respect to requirements for food for civilians in United States possessions, territories, and trust territories other than those included in the military requirements. (Requirements for food from sources other than the United States shall be reported separately.)

5. Department of Agriculture, through such official or agency thereof as may be designated by the Secretary, with respect to requirements for food for all persons in the continental United States eating out of civilian supplies and for all other domestic non-industrial uses (e. g., feed, seed). (The Federal Civil Defense Administration will advise regarding civilian food requirements whenever its functions are concerned.)

This designation of claimant agencies supersedes the "Designation of Claimant Agencies to Present Requirements With Respect to Food" which was approved on the 6th day of February 1951 and filed with the FEDERAL REGISTER on the 9th day of February 1951 (16 F. R. 1289), later designated Defense Food Delegation No. 5 (16 F. R. 3311). This designation of claimant agencies shall apply to planning as well as to emergency operations.

(Pub. Law 774, 81st Cong., 2d Sess., as amended; E. O. 10480 (18 F. R. 4939), as amended; Defense Mobilization Order I-7 (18 F. R. 5366, 6736), as amended)

Done at Washington, D. C., this 23d day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-10762; Filed, Dec. 27, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Highway Engineer, Territory of Alaska has filed an application, Serial No. Anchorage 039759, for the withdrawal of the lands described below, from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws. The applicant desires the land for use in conjunction with a public dock and warehouse facility on the Homer Spit.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 7 S., R. 13 W., S. M.,
Section 1: Lot 22.

Containing 0.92 acres more or less.

EDWARD J. HOFFMANN,
Acting Operations Supervisor, Anchorage.

[F. R. Doc. 57-10770; Filed, Dec. 27, 1957; 8:48 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS NO. 58-5

DECEMBER 19, 1957.

The Bureau of Land Management, United States Department of the Interior, has filed an application, Serial No. Oregon 05825, for the withdrawal of the lands described below subject to valid existing rights from all forms of appropriation under the public land laws, excepting mineral leases under the mineral leasing laws and grazing under the Taylor Grazing Act.

The applicant desires the land for a source of cinders for construction and maintenance of Federal and County roads in the vicinity.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are;

WILLAMETTE MERIDIAN, OREGON

T. 14 S., R. 15 E.,
Sec. 30: S½SE¼.

80.00 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 57-10771; Filed, Dec. 27, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 19]

ORGANIZATION AND FUNCTIONS

ESTABLISHMENT OF TWO NEW AIRPORT DISTRICT OFFICES WITH NECESSARY REVISIONS IN AREAS SERVED BY DISTRICT OFFICES IN REGION 1

In accordance with the public information requirements of the Administrative Procedure Act section 21 (b) of the Organization and Functions of the Civil Aeronautics Administration, as published on April 10, 1954 (19 F. R. 2100), and amended on September 14, 1956 (21 F. R. 6960), is further amended to include 2 new Airport District Offices and to revise the areas served by certain other Airport District Offices in Region 1.

1. The following new Airport District Offices with areas served are hereby established:

Portland, Maine, Portland Municipal Airport, 974 Westbrook Street—Maine, New Hampshire, Vermont.

Washington, D. C., West Laboratory, P. R. A. Building, Washington National Airport, Washington 25, D. C.—Delaware, Maryland, Virginia, West Virginia.

2. The areas served by the following Airport District Offices are revised to read:

Boston, Mass., 2200 U. S. Custom House—Massachusetts, Rhode Island, Connecticut.

New Cumberland, Pa., Harrisburg State Airport—Pennsylvania.

Columbus, Ohio, New Post Office Building, 85 Marconi Boulevard—Ohio, Kentucky.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

DECEMBER 20, 1957.

[F. R. Doc. 57-10766; Filed, Dec. 27, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

URANIUM-233 GUARANTEED FAIR PRICES

1. This notice supplements the following Commission announcements regarding guaranteed fair prices for uranium-233:

a. The Commission's notice published March 3, 1956 (21 F. R. 1421), which stated that guaranteed fair prices had been established for special nuclear material delivered to the Commission prior to midnight June 30, 1962, and that these prices were available to holders of AEC permits for access to information classified "Confidential—Restricted Data."

b. The announcement of November 18, 1956 (Press Release No. 930), which specified the guaranteed fair price for uranyl (233) nitrate delivered to the Commission in the period midnight July 1, 1962 to midnight June 30, 1963.

This notice supplements those announcements by incorporating the guaranteed fair prices for uranium-233 referred to in 21 F. R. 1421 and the announcement of November 18, 1956 to the extent that such prices are now declassified. Certain prices for uranium-233, in effect prior to July 1, 1962, remain classified "Confidential—Restricted Data." This notice supplements those announcements also by incorporating specifications for uranyl (233) nitrate previously classified "Confidential—Restricted Data".

2. The prices contained in this notice are "guaranteed fair prices" determined in accordance with the provisions of section 56 of the Atomic Energy Act of 1954 for uranyl (233) nitrate lawfully produced under license from the Atomic Energy Commission, and delivered to the Commission at the designated receiving point within the time specified below.

3. It is emphasized that while the Commission intends to extend the guarantee period for uranyl (233) nitrate prices each year for one additional year, the prices which will be established for subsequent years may be different from those previously in effect.

4. Chemical Specification:

a. The uranium content shall be approximately 400 grams per liter of solution.

b. Nitrate ion shall constitute not less than 98 percent by weight of the total anions in the solution.

c. Metallic impurities shall not exceed 5 percent by weight of the total metallic content of the solution. No uranium isotopes shall be counted as impurities for purposes of this subparagraph c.

5. Physical Specification:

a. The radioactivity of the U-233 will be measured in terms of radiation level. The radiation level resulting from fission product decay (excluding radiation arising from U-232 daughter activity) of a 1-liter sample contained in a polyethylene bottle approximately 4 inches in diameter with wall ¼ inch or less in thickness, shall not exceed 1 mr/hr/gram of contained uranium as read on an air ionization type gamma survey meter with window closed at a distance of 12 inches from the center of the container. Appropriate adjustments may be made for measurements obtained using other sample volumes, container sizes and container materials.

b. The cross-section of impurities for thermal neutrons (0.025 ev) shall not exceed 0.010 cm^2 per gram of uranium. (This is equivalent to 250 ppm of Boron.)

6. Form: Uranyl (233) nitrate in a water solution.

7. Packaging: The uranyl (233) nitrate is to be packaged as uranyl nitrate solution in suitable containers and shipped in accordance with Government regulations. AEC will either return reusable containers to common carrier at the designated receiving point or will make proper adjustments for the value of the containers.

8. The designated receiving point is the U. S. Atomic Energy Commission, Oak Ridge, Tennessee.

9. Prices paid will be as follows:

a. For uranyl (233) nitrate delivered to U. S. Atomic Energy Commission, at designated receiving point during the period beginning February 1, 1957, and ending midnight June 30, 1963, $15 per gram of U-233 and U-235; provided however, that when the combined content of U-233 and U-235 is less than 95 percent by weight of the total uranium, the price of $15 per gram shall be reduced

by the ratio of the per-gram price of U–235 at the enrichment represented by the combined content to the per-gram price of U–235 at 95 percent enrichment of $17.11 per gram. The per-gram prices for enriched U–235 have been announced by the AEC, and are available from the Division of Civilian Application, Washington 25, D. C. For example, such a computation results in the following values:

Weight percent (U–233+U–235) in total uranium	$/gram (U–233+U–235)	$/gram total U
100	15.00	15.00
95	15.00	14.25
90	14.96	13.46
80	14.90	11.92
70	14.84	10.39
60	14.77	8.86
50	14.69	7.35
40	14.58	5.83
30	14.41	4.32
20	14.12	2.82
10	13.40	1.34
5	12.24	0.61
1	6.64	0.07

b. The above price does not supersede the prices to be paid for uranyl (233) nitrate meeting the specifications given in sections (2), (3), (4), (5), (6), and (7) (a) of TID 4020, Code A–1, Revision No. 1, "Uranyl (233) Nitrate Salt" (Confidential—Restricted Data) or for uranium (233) metal meeting the specifications given in TID 4020; Code A–2, Revision No. 1, (Confidential—Restricted Data) for material delivered to the U. S. Atomic Energy Commission at designated receiving point prior to midnight June 30, 1962.

10. Fair prices paid by AEC for special nuclear materials which meet the specifications set forth above, and are delivered to designated receiving point prior to midnight June 30, 1963, may not be reduced by the Commission except as provided in this paragraph. The prices are, however, subject to upward or downward adjustment semiannually when substantial changes have occurred in the "Wholesale Price Index, excluding Farm Products and Processed Foods," published by the Bureau of Labor Statistics. The July 1955 index of 116.5 (1947–1949=100) is used as the initial base. If the October index of any year is greater or less than the base index by five percent or more, the prices may be adjusted the following January 1. Similarly, if the April index of any year is greater or less than the base index by five percent or more, the prices may be adjusted the following July 1. Prices may be adjusted by the percentage change which has occurred in the index, the adjusted prices being computed to the nearest cent. Following such an adjustment, the index used in computing the adjustment will become the new base.

11. Interested persons may contact:

U. S. Atomic Energy Commission, Division of Civilian Application, 1901 Constitution Avenue, Washington 25, D. C.

Dated at Washington, D. C., this 18th day of December 1957.

For the Atomic Energy Commission,

K. E. FIELDS,
General Manager.

[F. R. Doc. 57–10756; Filed, Dec. 27, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–13950]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

DECEMBER 20, 1957.

Natural Gas Pipeline Company of America (Natural), on November 21, 1957, tendered for filing Fifth Revised Sheets Nos. 5 and 6, Third Revised Sheet No. 7, and Second Revised Sheet No. 8 to its FPC Gas Tariff, First Revised Volume No. 1, proposing that such revised tariff sheets become effective on December 21, 1957. Such revised tariff sheets would effect an increase in rates and charges of approximately $6,438,000 annually, or 11.4 percent, based on sales for the year ended August 1, 1957, as adjusted. The proposed annual increase is in addition to the amounts being collected by Natural at the rate of about $5,366,000 annually since August 11, 1957, and at the rate of about $10,060,000 annually since March 2, 1955, subject to undertakings to assure refund of excess charges in proceedings in Docket Nos. G–12157 and G–3123, respectively. The proceeding in Docket No. G–3123 has been submitted for decision. As yet, no hearing has been held in Docket No. G–12157.

The now proposed increased rates and charges are largely based on (1) so-called average-weighted field price of gas at the the wellhead in lieu of actual cost for Natural's own production, (2) a claimed rate of return of 6½ percent per year, and (3) claimed increases in other operating expenses. In sum, Natural advances substantially the same predicate for this instant rate increase as for the prior increased rate proposals involved in Docket Nos. G–3123 and G–12157.

More specifically, the major adjustments relied upon by Natural include, among others:

(a) An allowance of $4,765,569 for Natural's own natural-gas production, based on an asserted average-weighted field price of 9.67 cents per Mcf in the Panhandle Field of Texas, which is substantially higher than "claimed book production costs," including return at the claimed rate of 6½ percent.

(b) Return of $5,741,570 based upon a claimed rate of return of 6½ percent upon a year-end "utility" rate base of $88,331,847, after exclusion of wellhead production and gasoline extraction properties, which rate of return may not be fair and reasonable.

(c) Claimed income tax expense allowance of $3,663,593, of which Federal income taxes are estimated to be $3,637,404, and state income taxes $26,189 (0.72 percent of Federal income taxes), associated with the claimed rate of return of 6½ percent.

(d) Treatment of Natural's gasoline extraction operations as nonutility or nonjurisdictional and crediting the claimed cost of service with an amount assertedly associated with Btu loss in such operations of $538,734.

(e) Adjustments upward of purchased gas costs by a net of $3,939,341, including $313,823 in purchases from Colorado Interstate Gas Company pursuant to rates and charges under suspension in Docket No. G–13541, $598,158 from Texas Illinois Natural Gas Pipeline Company—which, like Natural, is an affiliate of The Peoples Gas Light & Coke Company—pursuant to rates and charges under suspension in Docket No. G–13951, as well as to reflect asserted and estimated changes in supply sources, prices, and volumes, which may or may not occur.

(f) Use of a year-end rate base instead of an average net rate base, an adjustment which may not be proper, and the use of a test year purporting to show decreased sales, but increased plant.

In its statement of the nature, reasons, and basis for the proposed tariff changes, Natural also states that the level of the demand and commodity charges are based on the claimed cost of service, the division between demand and commodity charges being established, apparently not on the basis of classified and allocated costs, but on the basis of a selected judgment figure of 20 cents per Mcf for the comodity charge, with the demand charge bearing the remainder of the claimed costs. Natural alleges that the 20 cents commodity charge is as high as such charge should be, and that "(a) higher commodity charge would jeopardize the estimated sales."

The net effect of all the adjustments results in claimed cost of service for the test year of $64,023,297, of which $62,467,366 is allocated to jurisdictional sales. Natural proposes to recoup $62,461,766 of this latter amount by increased jurisdictional rates and charges as follows:

	Present	Proposed	Increase
Rate Schedule CD–1:			
First block:			
Demand charge.	$1.41	$2.36	92 cents.
Commodity charge.	19.41 cents	20 cents	0.06 cent.
Second block:			
Demand charge.	$2.06	$2.39	33 cents.
Commodity charge.	19.57 cents	20 cents	0.43 cent.
Rate Schedule 1–1.	20.17 cents	20 cents	(0.17 cent).

The increased rates and charges proposed by Natural in Fifth Revised Sheets Nos. 5 and 6, and Third Revised Sheet No. 7 and the decreased rate and charge in Second Revised Sheet No. 8 to its FPC Gas Tariff, First Revised Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, concerning the lawfulness of the rates, charges, classifications, and services provided in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Fifth Revised Sheets Nos. 5 and 6, Third Revised Sheet No. 7, and Second Revised Sheet No. 8, and that said proposed revised tariff sheets be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held at a time and place to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services, or any of them, subject to the jurisdiction of the Commission, provided in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Fifth Revised Sheets Nos. 5 and 6, Third Revised Sheet No. 7, and Second Revised Sheet No. 8 tendered for filing on November 21, 1957.

(B) Pending such hearing and decision thereon, Fifth Revised Sheets Nos. 5 and 6, Third Revised Sheet No. 7, and Second Revised Sheet No. 8 to Natural's FPC Gas Tariff, First Revised Volume No. 1, be and same are each hereby suspended and the use thereof deferred until May 22, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–10722; Filed, Dec. 27, 1957; 8:45 a. m.]

[Docket No. G–13980]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

The Atlantic Refining Company (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 9, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 139.

Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic increase, Respondent cites the contract provisions and further states that such increase is not uncommon in long-term contracts in order to permit initial delivery at a price lower than the contemplated average price for the life of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commision's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–10723; Filed, Dec. 27, 1957; 8:45 a. m.]

[Docket No. G–13982]

BRITISH AMERICAN OIL PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

The British American Oil Producing Company (Respondent), on November 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 26, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of its proposed periodic rate increase, Respondent cites the contract provisions and states that the pricing arrangement therein is common to many long-term contracts in order to permit initial delivery at a price lower than the contemplated average price for the life of the contract. Respondent further states that pricing arrangement makes possible dedication of reserves which could not otherwise be obtained.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–10724; Filed, Dec. 27, 1957; 8:46 a. m.]

[Docket No. G–13983]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 20, 1957.

Gulf Oil Corporation (Respondent), on November 29, 1957, tendered for filing proposed changes in certain of its rate

schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 13. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 56. (3) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 12.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increases, Respondent cites the contract provisions and further states either that the respective contract was negotiated at arm's-length under competitive conditions or under distress conditions. Respondent further contends that the proposed increases are just, fair and reasonable.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respendent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10725; Filed, Dec. 27, 1957; 8:46 a. m.]

[Docket No. G-13984]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Gulf Oil Corporation (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 65.
Effective date: January 1, 1958, or date increase becomes effective under rate schedule, if later. (Effective date is the date proposed by Respondent, or the date the increase becomes effective under the terms of the contract, whichever is later.)

In support of the proposed periodic rate increase, Respondent states that it is based upon the provisions of the gas sales contract which was executed after arm's-length bargaining under competitive conditions, and that the proposed price is just, fair and reasonable. Supplement No. 4 also includes a proportionate increase in Texas occupation tax.

Respondent has not furnished sufficient information to establish the date upon which the terms of the basic contract providing for such increase become operative.

The increased rate and charge so proposed, insofar as it pertains to periodic rate increase, has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the aforesaid Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 65.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge and that Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 65, insofar as it pertains to periodic rate increase, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the buyer or otherwise, of the date the proposed increase rate would have been effective under Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 65.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, insofar as it pertains to periodic rate increase, contained in said Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 65.

(C) Pending such hearing and decision thereon, said Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 65, insofar as it pertains to periodic rate increase, be and it hereby is suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10726; Filed, Dec. 27, 1957; 8:46 a. m.]

[Docket No. G-13986]

PAUL F. BARNHART

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Paul F. Barnhart (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 15, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 13.
Effective date: January 2, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increase, Respondent cites the contract provisions and claimed increased production costs. Respondent further states that proposed price is below that being paid in the general area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10727; Filed, Dec. 27, 1957; 8:46 a. m.]

[Docket No. G-13987]

ANDERSON-PRICHARD OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Anderson-Prichard Oil Company (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 73.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent cites the contract provisions and further states that the contract was negotiated by arm's-length bargaining with escalation method of pricing which would provide some measure of protection against increased operating costs and would furnish an incentive to explore for new gas reserves.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10728; Filed, Dec. 27, 1957; 8:46 a. m.]

[Docket No. G-13988]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 20, 1957.

Shell Oil Company (Respondent), on November 29, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 25, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 16. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 40. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 95.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increases, Respondent states that the fixed escalation clause was incorporated in each of the contracts after arm's-length negotiations. Respondent contends that denial of the operation of this provision would be, in effect, a denial of a major consideration to it for entering into the contract. Respondent also cites higher costs and taxes.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10729; Filed, Dec. 27, 1957; 8:46 a. m.]

[Docket No. G-13994]

HONOLULU OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Honolulu Oil Corporation (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of nat-

ural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 26, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent states that it is based upon the terms of the gas sales contract which was executed after arm's-length bargaining, and that the contract contains the escalation method of pricing in order to provide for increased costs. Supplement No. 5 also provides for a proportionate increase in Texas occupation tax.

The increased rate and charge proposed in said Supplement No. 5 insofar as it pertains to periodic price increases has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rate and charge and that Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1 insofar as it pertains to a periodic increase in rate be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rate and charge; and, pending such hearing and decision thereon, the above designated Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1, insofar as the same pertains to a proposed periodic increase in rate, be and the same hereby is suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10732; Filed, Dec. 27, 1957; 8:47 a. m.]

[Docket No. G-13995]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Pan American Petroleum Corporation (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 26, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 18.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

The proposed increased rate pertains to both a periodic rate increase plus a proportionate increase in Texas occupation tax.

In support of the proposed periodic rate increase, Respondent states that it is based upon an escalation provision, common in the gas industry, in the gas sales contract which was executed in arm's length bargaining.

The increased rate and charge so proposed, insofar as it pertains to periodic rate increase, has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule described and designated in the first paragraph hereof, insofar as it pertains to periodic rate increase, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, insofar as it pertains to periodic rate increase, contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement, insofar as it pertains to periodic rate increase, be and it hereby is suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10733; Filed, Dec. 27, 1957; 8:47 a. m.]

[Docket No. G-13990]

MAGNOLIA PETROLEUM CO., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Magnolia Petroleum Company (Operator), et al. (Respondent), on November 27, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 19.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent cites the contract provisions and states that the cost of exploration and production has increased. Respondent also states that the contract was negotiated at arm's-length.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10730; Filed, Dec. 27, 1957; 8:46 a. m.]

[Docket No. G-13993]

F. A. CALLERY, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

F. A. Callery, Incorporated (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 27, 1957.
Purchaser: El Paso Natural Gas Company.
Rate Schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 8.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

Respondent merely cites the pricing provisions of the contract in support of its proposed periodic rate increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10731; Filed, Dec. 27, 1957; 8:46 a. m.]

[Docket No. G-13996]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 20, 1957.

Sunray Mid-Continent Oil Co. (Respondent), on November 29, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notices of change, dated November 26, 1957. (2) Notice of change, dated November 25, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 101. (2) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 103. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 142.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

Supplement No. 1 to Rate Schedule No. 101 pertains to a periodic rate increase as well as proportionate increases in the New Mexico conservation tax. Supplement No. 5 to Rate Schedule No. 103 pertains to a periodic rate increase as well as to a proportionate increase in the Texas occupation tax.

In support of the proposed periodic rate increases, Respondent states that they are based upon the terms of the gas sales contract which was executed after arm's-length bargaining. Respondent points out that such increases are common to many long-term contracts in the gas industry and that the prices are in line with other field prices in the area.

The increased rates and charges proposed in the aforesaid supplements, insofar as they pertain to periodic rate increases, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges and that Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1, Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 103, and Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 142, insofar as they pertain to the proposed periodic increase in rates, be suspended and the use thereof deferred as hereinafter ordered.

(A) Pursuant to the authority contained in sections 4, 5, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges, and pending such hearing and decision thereon the above designated Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1, Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 103, and Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 142, insofar as they pertain to a proposed periodic rate increase, be and the same hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10734; Filed, Dec. 27, 1957; 8:47 a. m.]

[Docket No. G-13997]

UNION OIL CO. OF CALIFORNIA

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Union Oil Company of California (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 10.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent states that it

is based upon the terms of the gas sales contract, that the buyer has agreed to this change in price, and thus that the rule of the Mobile case, 350 U. S. 332, has been complied with, and finally that the proposed increased rate is in the lower bracket of prices for gas in the west Texas area. Supplement No. 5 also provides for a proportionate increase in Texas occupation tax.

The increased rate and charge proposed in said Supplement No. 5 insofar as it pertains to periodic price increases has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rate and charge and that Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 10 insofar as it pertains to a periodic increase in rate be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rate and charge; and, pending such hearing and decision thereon, the above designated Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 10, insofar as the same pertains to a proposed periodic increase in rate, be and the same hereby is suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10735; Filed, Dec. 27, 1957; 8:47 a. m.]

[Docket No. G-13998]

PEERLESS OIL AND GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Peerless Oil and Gas Company (Respondent), on November 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 25, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 16.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent states that it is based upon a favored nations escalation provision of the gas sales contract which has become activated by the buyer's payment of one cent increase in the field.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10736; Filed, Dec. 27, 1957; 8:47 a. m.]

[Docket No. G-13999]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Phillips Petroleum Company (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 47.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed rate increase, Respondent states that it is based upon the terms of the gas sales contract which was executed after arm's-length bargaining, and, further, that the proposed increased revenues will not be sufficient to offset the costs and deficiency in earnings for the jurisdictional sales in the test year. Supplement No. 3 also provides for a proportionate increase in Texas occupation tax.

The increased rate and charge proposed in said Supplement No. 3 insofar as it pertains to periodic price increases has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rate and charge and that Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 47 insofar as it pertains to a periodic increase in rate be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rate and charge; and, pending such hearing and decision thereon, the above designated Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 47, insofar as the same pertains to a proposed periodic increase in rate, be and the same hereby is suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10737; Filed, Dec. 27, 1957; 8:47 a. m.]

[Docket No. G-14004]

HANLEY CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Hanley Company (Respondent), on December 5, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 11.
Effective date: January 5, 1958, or the date increase becomes effective under rate schedule, if later. (Effective date is the date proposed by Respondent, or the date the increase becomes effective under the terms of the contract, whichever is later).

The proposed increased rate pertains to both a periodic rate increase plus a proportionate increase in Texas occupation tax. Respondent has not furnished sufficient information to establish the date upon which the terms of the basic contract providing for such increase becomes operative.

In support of the proposed periodic rate increase, Respondent states that it is based upon the terms of the gas sales contract and increased costs.

The increased rate and charge proposed in the foregoing supplement, insofar as it pertains to periodic rate increase, has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 11.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge and that Supplement No. 4 to Respondent's FPC Gas Rate Schedule, insofar as it pertains to periodic rate increase, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the buyer or otherwise, of the date the proposed increased rate would have been effective under Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 11.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 11, insofar as it pertains to periodic rate increase.

(C) Pending such hearing and decision thereon, said Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 11, insofar as it pertains to periodic rate increase, be and it hereby is suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10738; Filed, Dec. 27, 1957; 8:47 a. m.]

[Docket No. G-14040]

KERR-MCGEE OIL INDUSTRIES, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 20, 1957.

Kerr-McGee Oil Industries, Inc. (Operator), et al., (Respondent), on November 22, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 1 to Kerr-McGee's FPC Gas Rate Schedule No. 50.
Effective date: December 23, 1957. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent cites contract provision, arm's-length transaction, and states the price increase is not unreasonable but is fair, just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10739; Filed, Dec. 27, 1957; 8:47 a. m.]

[Docket No. G-14043]

ANDERSON-PRICHARD OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 20, 1957.

Anderson-Prichard Oil Corporation (Respondent) on November 22, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.
Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 1 to Anderson-Prichard's FPC Gas Rate Schedule No. 76.

Effective date: December 23, 1957. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent cites contract provision, arm's-length negotiations, protection against increases in operating costs, and would deprive applicant of its right to a just and reasonable rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10740; Filed, Dec. 27, 1957; 8:48 a. m.]

[Docket No. G-14045]

ALBERT GACKLE ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 20, 1957.

Albert Gackle (Operator), et al (Respondent), on November 22, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of change dated November 21, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed rate increase, Respondent states that the increase is provided for in the contract, the increased rate is not higher than the average field prices under contracts now being negotiated and is not higher than that being paid in surrounding fields.

It appears that the proposed increase results from the operation of escalation provisions in the contract but no proof has been submitted as to the date on which such escalation would be effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rate would become effective under the above-designated rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that the proposed increased rate would have been effective under the above-designated rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(C) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rate set forth in said supplement would have become effective under the terms of the above-designated rate schedule, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10741; Filed, Dec. 27, 1957; 8:48 a. m.]

[Docket No. G-14096]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 20, 1957.

The Texas Company (Respondent), on November 22, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 28. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 29. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 30. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 31.

Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed increased rates, Respondent states that the contracts were entered into after arm's length bargaining and that the increased rates are provided for in the contracts. Respondent further cites its increased exploration costs as justification of the increased rates.

It appears that the proposed increases result from the operation of a favored-nation escalation provision in the contracts but no proof has been submitted as to the date on which such escalation would be effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedules.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the Buyer or otherwise, of the date that each of the proposed increased rates would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(C) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until June 1, 1958, or until such date that is five months after the date that the proposed rates set forth in said supplements would have become effective under the terms of the appropriate rate schedule, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10742; Filed, Dec. 27, 1957; 8:48 a. m.]

[Docket No. G-13981]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 23, 1957.

Sinclair Oil & Gas Company (Respondent), on November 25 and 27, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of change, dated November 21, 1957. (2) Notice of change, dated November 25, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: (1) Supplement No. 14 to Respondent's FPC Gas Rate Schedule No. 8. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 83.

Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increases, Respondent cites the contract provisions and also contends that the proposed increases will not result in an excessive rate of return on the regulated business. Respondent further states that the proposed increases will assist it in obtaining a rate and return commensurate with its risks, and will represent a fair consideration for its commitment to the purchaser.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the said proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10773; Filed, Dec. 27, 1957; 8:48 a. m.]

[Docket No. G-14000]

PHILLIPS PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

Phillips Petroleum Company (Operator), et al., (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 274.

Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed rate increase, Respondent states that it is based upon the terms of the gas sales contract which was executed after arm's-length bargaining, and, further, that the proposed increased revenues will not be sufficient to offset costs or deficiency in earnings in jurisdictional sales for the test year.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10775; Filed, Dec. 27, 1957; 8:48 a. m.]

[Docket No. G-13992]

TIDEWATER OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

Tidewater Oil Company (Operator), et al., (Respondent), on November 29, 1957, tendered for filing proposed changes in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges based on the increase in the State conservation tax and on the periodic rate increase set forth in the contract, are contained in the following designated filing:

Description: Notice of change, dated November 25, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 43.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent states that the provisions of the contract were reached after good faith negotiations and that the parties agreed to all the terms. Respondent further states the favored nation's provisions of the contract are an integral part of the total consideration upon which it delivers gas to the purchaser and that such consideration was for the entire volume of gas to be delivered for the entire period of the contract.

The proposed increased rate and charge insofar as it relates to the periodic rate increase set forth in the contract has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, insofar as it relates to the periodic rate increase, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed periodic increase in rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement insofar as it relates to the periodic rate increase set forth in the contract be and it hereby is suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-10774; Filed, Dec. 27, 1957; 8:48 a. m.]

[Docket No. G-14001]

OHIO OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 23, 1957.

The Ohio Oil Company (Respondent), on November 29, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 6. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 27.
Effective date: January 1, 1958. (Effective date is the date proposed by Respondent.)

In support of the proposed rate increases, Respondent states that they are based upon the terms of the gas sales contracts which were executed after competitive bargaining and that the price is fair and reasonable.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed charges, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-10776; Filed, Dec. 27, 1957; 8:49 a. m.]

[Docket No. G-14002]

CHARLES B. WRIGHTSMAN

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

Charles B. Wrightsman (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 29, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 2.
Effective date: January 2, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed rate increase, Respondent states that it is based upon the terms of the gas sales contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-10777; Filed, Dec. 27, 1957; 8:49 a. m.]

[Docket No. G-14003]

SUPERIOR OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

The Superior Oil Company (Respondent), on December 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 29, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 44.
Effective date: January 2, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increase, Respondent states that it is based upon the terms of the gas sales contract which was executed after arm's-length bargaining.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-10778; Filed, Dec. 27, 1957; 8:49 a. m.]

[Docket No. G-14006]

PHILLIPS PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

Phillips Petroleum Company (Operator), et al. (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 256.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the periodic rate increase, Respondent states that such increase was provided for in the original contract, and makes general statements concerning the arms-length bargaining nature of the contract and Respondent's current costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 57-10779; Filed, Dec. 27, 1957; 8:49 a. m.]

[Docket No. G-14007]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

Phillips Petroleum Company (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 66.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the periodic rate increase, Respondent states that such in-

crease was provided for in the original contract, and makes general statements concerning the arm's-length bargaining nature of the contract and Respondent's current costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRRELL,
Acting Secretary.

[F. R. Doc. 57-10780; Filed, Dec. 27, 1957; 8:49 a. m.]

[Docket No. G-14029]

R. C. JONES & CO., INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

R. C. Jones & Company, Inc., (Operator), et al., (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent states that the increase is provided for in the contract, is fair and necessary for the well owners to cover increased costs, occurring since negotiation of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10781; Filed, Dec. 27, 1957; 8:50 a. m.]

[Docket No. G-14032]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

Tidewater Oil Company (Respondent), on November 25, 1957, tendered for filing a proposed change in a presently effective rate schedule for sales of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 18, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to Tidewater Oil Company. FPC Gas Rate Schedule No. 50.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed increased rate, Respondent states that the periodic rate adjustment is made to reflect a change in rate as provided in its contract with El Paso, that the contract was arrived at after arm's-length bargaining, and that the increased price is in all respects fair, reasonable and just. Such statements and the general conclusionary observation that the price is just and reasonable are insufficient to demonstrate that the increased price is lawful per se. Union Oil Company, 16 F. P. C. 100.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10782; Filed, Dec. 27, 1957; 8:50 a. m.]

[Docket No. G-14033]

GETTY OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

Getty Oil Company (Respondent), on November 25, 1957, tendered for filing a proposed change in a presently effective rate schedule for sales of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 19, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Getty Oil Company FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed increased rate, Respondent cites that the periodic rate increase is embodied in its contract with El Paso (together with the related tax component), that the contract was a product of arm's-length bargaining, and that the increased rate is in all respects, fair, reasonable and just. We have long since held that such allegations, coupled with the general conclusionary statement that the increased rate is just and reasonable, is insufficient to prove that the increased rate is, per se, lawful. Union Oil Company, 16 F. P. C. 100.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10783; Filed, Dec. 27, 1957; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of authority 107, Revocation]

SECRETARY OF STATE

PROCUREMENT OF SUPPLIES AND SERVICES FOR THE POINT IV PROGRAM

1. Delegation of authority dated October 30, 1951 (16 F. R. 11249), is hereby revoked.

2. This revocation shall become effective as of this date.

Dated: December 20, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-10789; Filed, Dec. 27, 1957; 8:51 a. m.]

[Delegation of Authority 139, Revocation]

SECRETARY OF THE TREASURY

NEGOTIATION OF CONTRACTS RELATING TO THE BUREAU OF ENGRAVING AND PRINTING

1. Delegation of authority dated August 12, 1952 (17 F. R. 7562) is hereby revoked.

2. This revocation shall become effective as of this date.

Dated: December 20, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-10791; Filed, Dec. 27, 1957; 8:52 a. m.]

[Delegation of Authority 245, Revocation]

SECRETARY OF HEALTH, EDUCATION AND WELFARE

NEGOTIATION OF CERTAIN CONTRACTS FOR THE PURCHASE OF LIVESTOCK FOR BREEDING PURPOSES

1. Delegation of authority dated June 8, 1955 (20 F. R. 4148) is hereby revoked.

2. This revocation shall become effective as of this date.

Dated: December 20, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-10792; Filed, Dec. 27, 1957; 8:52 a. m.]

[Delegation of Authority 316]

SECRETARY OF COMMERCE

NEGOTIATION OF CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH NATIONAL BUREAU OF STANDARDS PROGRAMS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called "the act," authority is hereby delegated to the Secretary of Commerce to negotiate purchases and contracts for supplies and services, without advertising, under sections 302 (c) (5) and (10) of the act.

2. This authority shall be exercised only with respect to procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the National Bureau of Standards.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any official or employee of the Department of Commerce.

5. This delegation shall be effective as of the date hereof, and shall not extend beyond June 30, 1959.

Dated: December 20, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-10790; Filed, Dec. 27, 1957; 8:51 a. m.]

FEDERAL RESERVE SYSTEM

WISCONSIN BANKSHARES CORPORATION

ORDER DENYING APPLICATION FOR ACQUISITION OF VOTING SHARES OF CAPITOL NATIONAL BANK OF MILWAUKEE

In the matter of the application of Wisconsin Bankshares Corporation for approval of acquisition of voting shares of proposed Capitol National Bank of Milwaukee, Milwaukee, Wisconsin.

The above matter having come before the Board on the application of Wisconsin Bankshares Corporation, Milwaukee, Wisconsin, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of the acquisition by it of direct ownership of 2,950 shares of a total of 3,000 voting shares of the Capitol National Bank of Milwaukee, Milwaukee, Wisconsin, a proposed new institution, and it appearing, after due consideration thereof pursuant to the requirements of

the Bank Holding Company Act of 1956, that such application should be denied,

It is hereby ordered, That the said application of Wisconsin Bankshares Corporation shall be, and the same hereby is, denied.

Dated: December 20, 1957.

By order of the Board of Governors.[1]

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 57-10784; Filed, Dec. 27, 1957; 8:50 a. m.]

FIRST BANK STOCK CORPORATION

NOTICE OF REQUEST FOR DETERMINATION AND ORDER FOR HEARING THEREON

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843) and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)), by First Bank Stock Corporation, Minneapolis, Minnesota, a bank holding company, for a determination by said Board that each of the companies listed below and the activities thereof are of the kind described in those provisions of the act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the act:

1. First Bancredit Corporation.
2. First Service Agencies, Inc.

Inasmuch as section 4 (c) (6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5 (b) and 7 (a) of the Board's Regulation Y (12 CFR 222.5 (b), 222.7 (a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on January 14, 1958, at 10 o'clock a. m., at the office of the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, in the City of Minneapolis, State of Minnesota, before a hearing examiner selected by the Civil Service Commission pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The Board's Rules of Practice for Formal Hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however*, That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before January 2, 1958, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

Dated: December 20, 1957.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 57-10785; Filed, Dec. 27, 1957; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VI-8]

MANAGER, DISASTER FIELD OFFICE

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Manager of the Disaster Field Office, Hopkinsville, Kentucky, the following authority:

A. *General.* To carry out all of the functions listed for the Disaster Field Office in section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline disaster loans in an amount not exceeding $20,000.00.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Disaster Field Office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Disaster Loan Office.

Dated: November 25, 1957.

J. G. GARWICK, *Regional Director, Region VI, Cleveland, Ohio.*

[F. R. Doc. 57-10787; Filed, Dec. 27, 1957; 8:51 a. m.]

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[1] Voting for this action: Chairman Martin and Governors Szymczak, Mills, Robertson, and Shepardson; absent and not voting: Vice Chairman Balderston and Governor Vardaman.

PART II

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 22 NUMBER 251

Washington, Saturday, December 28, 1957

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11846; FCC 57-1353]

PART 1—PRACTICE AND PROCEDURE

REVISION OF PART

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of December 1957;

The Commission, having under consideration the revision and recodification of Part 1 of its Rules and Regulations, Practice and Procedure; and

It appearing that revision and recodification of the present Part 1 of the Commission's rules and regulations appears to be desirable in order that practice before the Commission may be codified in accordance with current concepts of practice and procedure as determined by public interest, administrative expediency, recent legislation and court decisions; and

It further appearing that Part 1 at present does not contain specific rules to be followed in rule-making procedures; and

It further appearing that, in the interest of administrative expediency, many rules which are, under the present Part 1, applicable to all services should be made applicable to certain services only and that many other rules should apply for all services; and

It further appearing that the Commission issued, on October 16, 1956, a Notice of Proposed Rule Making to which a proposed revision of Part 1 of these rules and regulations was attached, and that, in said notice, interested parties were called upon to comment on said proposed revision; and

It further appearing that pursuant to said notice interested parties did file such comments, especially the Federal Communications Bar Association and individual members thereof; and

It further appearing that pursuant to said notice interested persons presented written data, views and arguments. Many conferences on these comments were held between the ad hoc Committee of the Commission on Rules consisting of representatives of all Bureaus and Offices under the chairmanship of the Office of the General Counsel as well as an ad hoc Committee established by the Federal Communications Bar Association; and

It further appearing that as a result of these conferences and after examination of the various comments, the Commission has in part accepted and in part rejected the many views presented; and

It further appearing that a further conference with representatives of the Federal Communications Bar Association has been held and that the Commission has been advised that said Association is agreeable to issuance of the rules in the form set forth below; and

It finally appearing that it is recognized that application of the rules set forth below may indicate the necessity or desirability of further study and amendment thereof and that, therefore, the Commission will welcome suggestions from all interested persons looking toward improvement of said rules;

It is ordered, That pursuant to section 4 (i) and 303 (r) of the Communications Act of 1934, as amended, Part 1 of the Commission's rules and regulations should be and herewith is recodified effective February 3, 1958, as shown below.

Released: December 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

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AUTHORITY: §§ 1.10 to 1.581 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—GENERAL RULES OF PRACTICE AND PROCEDURE

GENERAL

§ 1.10 *Proceedings before the Commission.* The Commission may on its own motion or petition of any interested party hold such proceedings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties, or the formulation or amendment of its rules and regulations. For such purposes it may subpena witnesses and require the production of evidence. Procedures to be followed by the Commission shall, unless specifically prescribed in this part, be such as in the opinion of the Commission will best serve the purposes of such proceeding.

§ 1.11 *Requests for Commission Action.* Except where formal procedures are required under the provisions of this chapter, requests for action may be submitted informally. Requests should set forth clearly and concisely the facts relied upon, the relief sought and the interest of the person submitting the request.

§ 1.12 *Separate pleading for different requests.* (a) A separate pleading should be filed:

(1) For any request to stay the effectiveness of any decision or order issued by the Commission;

(2) For each request which, under Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information, will be acted upon by different Bureaus of Offices.

(b) A request for any stay which has not been filed in a separate pleading will not be considered by the Commission.

(c) Where pleadings are filed containing requests which should be acted upon under said Part O by different Bureaus or Offices, the petitioner may, except in case of a request for stay, be requested to file additional copies of the original pleading within a specified period of time. In such case the action on the pleading will be held in abeyance during the period so specified. In case of failure to timely comply with said request, the original pleading will be returned without consideration. The time within which responsive pleadings to such pleadings should be filed will be computed from the date of timely compliance with said request.

§ 1.13 *Oppositions and replies to oppositions.* Except as otherwise provided in this chapter, oppositions to petitions, motions, or other pleadings must be filed within 10 days after such petitions, motions, or other pleadings are filed with the Commission, and replies to such oppositions must be filed within 5 days after such oppositions are filed with the Commission: *Provided, however,* That oppositions to requests for stay of any order, decision of the Commission, or other temporary relief must be filed within 5 days after such requests are filed and replies thereto within 3 days after such oppositions are filed. No further pleadings may be filed unless specifically requested by the Commission or authorized by it or the Chief Hearing Examiner.

§ 1.14 *Withdrawal of papers.* The granting of a request to dismiss or withdraw an application or a pleading does not authorize the removal of such application or pleading from the Commission's records.

§ 1.15 *Suspension, amendment or waiver of rules.* The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.

NOTE: See Subpart C of this part for practice and procedure involving rule making.

§ 1.16 *Reconsideration on Commission's own motion.* The Commission may, on its own motion, set aside any action made or taken by it within 30 days after release of the document containing the full text of such action, or, in case such a document is not released,

after release of a "Public Notice" announcing the action in question. (See also § 1.191 on reconsideration and rehearing on motion of parties and others.)

§ 1.17 *Declaratory rulings.* The Commission may, in accordance with section 5d of the Administrative Procedure Act, on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.

§ 1.18 *Computation of time.* (a) In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not to be included unless otherwise prescribed by statute. Wherever an action of the Commission is involved, the period of time is computed from the day of release of the "Public Notice" thereof unless such act is taken in a Decision, Order, or Memorandum in which event the day of Commission release of such document will govern.

(b) In computing any period of time, the last day of the period is to be included in the computation, unless it is a Saturday, Sunday or a legal holiday, or a day on which the Commission's office is closed prior to 5:00 p. m. in which event the period runs until the end of the next full day when the Commission's office is open. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. A half holiday will be considered as a holiday.

(c) All petitions, pleadings, or other requests for Commission action must be tendered for filing in complete form before 5:00 p. m. Any such petition, pleading, or other request for Commission action lodged with the Commission in complete form after 5:00 p. m. shall be deemed to be tendered for filing as of the next succeeding business day.

(d) Where any petition, pleading, or other document is required to be served by the rules in this chapter and service thereof is made by mail, and the time allowed for filing a response thereto is 10 days or less, an additional 3 days for responding will be allowed except the provision of this paragraph shall not apply to § 1.193 (c).

PARTIES AND PRACTITIONERS

§ 1.21 *Parties.* (a) Any party may appear before the Commission and be heard in person or by attorney.

(b) The appropriate Bureau Chief(s) of the Commission shall be deemed to be a party to every adjudicatory proceeding (as defined in the Administrative Procedure Act) without the necessity of being so named in the order designating the proceeding for hearing.

(c) When, in any proceeding, a pleading is filed on behalf of either the General Counsel or the Chief Engineer, he shall thereafter be deemed a party to the proceeding.

§ 1.22 *Authority for representation.* Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to act in such capacity.

§ 1.23 *Persons who may be admitted to practice.* (a) Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any state, territory, or of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the Commission.

(b) When such member of the bar acting in a representative capacity appears in person or signs a paper in practice before the Commission, his personal appearance or signature shall constitute a representation to the Commission that, under the provisions of this chapter and the law, he is authorized and qualified to represent the particular party in whose behalf he acts. Further proof of authority to act in a representative capacity may be required.

§ 1.24 *Censure, suspension, or disbarment of attorneys.* (a) The Commission may censure, suspend, or disbar any person who has practiced, is practicing, or holding himself out as entitled to practice before it if it finds that such person:

(1) Does not possess the qualifications required by § 1.23;

(2) Has failed to conform to standards of ethical conduct required of practitioners at the Bar of any court of which he is a member;

(3) Is lacking in character or professional integrity; and/or

(4) Displays toward the Commission or any of its hearing officers conduct which, if displayed toward any court of the United States or any of its Territories or the District of Columbia, would be cause for censure, suspension, or disbarment.

(b) Before any member of the bar of the Commission shall be censured, suspended, or disbarred, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.

§ 1.25 *Former Commissioners and employees.* (a) No Commissioner shall, for a period of one year following the termination of his services as a Commissioner, represent any person before the Commission in a professional capacity, except that this restriction shall not apply to any former Commissioner who has served the full term for which he was appointed.

(b) No member, officer, or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

(c) Nothing in this section shall be construed as authorizing the performance of any act which is prohibited by the provisions of Title 18 U. S. C. Sec. 284.

§ 1.26 *Appearance.* Rules relating to appearances are set forth in §§ 1.62, 1.63, 1.140, and 1.402.

ACTION BY MOTIONS COMMISSIONER, CHIEF HEARING EXAMINER, OR HEARING EXAMINER

§ 1.41 *Matters acted on.* The motions, petitions, and other pleadings upon which the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner may act are specified in detail in Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information. The procedural rules governing disposition of motions, petitions, and other pleadings by the Motions Commissioner, Chief Hearing Examiner, and Hearing Examiners are detailed in §§ 1.42 through 1.47, inclusive.

§ 1.42 *Number of copies.* An original and seven copies of each motion, petition, or other pleading to be acted upon by the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner and of any opposition thereto, shall be filed.

§ 1.43 *Time for action.* Unless it is found that irreparable injury would be caused one of the parties or that the public interest so requires, or unless all parties have consented, the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner shall withhold consideration of any motion, petition, or other pleading until it has been on file, accompanied by proof of service upon all parties, for a period of four days.

§ 1.44 *Oppositions.* Any party may file within the time specified in § 1.43 an opposition to a motion, petition, or other pleading to be acted on by the Motions Commissioner, Chief Hearing Examiner or Hearing Examiner. Replies to such oppositions will not be accepted. (See however § 1.432)

§ 1.45 *Oral argument.* Oral argument with respect to any contested motion, petition, or other pleading before the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner will be held upon request or when in the opinion of such officer the ends of justice will be best served thereby. Timely notice will be given of the date, time and place of any such oral argument to be held pursuant hereto.

§ 1.46 *Rulings.* The Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner will dispose of any matter pending before him by written order which shall be released promptly. The order upon contested matters shall contain a statement of the reasons for the ruling therein, unless such order is self-explanatory or is merely an affirmance of a prior denial in which reasons have been given.

§ 1.47 *Review of adverse ruling.* Any interested party may obtain a review of an adverse ruling made by the Motions Commissioner, Chief Hearing Examiner or Hearing Examiner,

(a) by filing, within five days after the order is released or the ruling is made, a petition for review by the Commission or

(b) by specifically requesting review of the ruling complained of as part of the exceptions filed to the initial decision

in accordance with the provisions of §§ 1.153 through 1.155.

SPECIFICATIONS AND SERVICE OF PLEADINGS AND OTHER PAPERS

§ 1.50 *Cross reference.* (a) Rules governing applications and reports are contained in the respective subparts of this part dealing with the services.

(b) Special rules governing complaints against common carriers arising under the Communications Act are set forth in Subpart E of this part.

§ 1.51 *Length of pleadings.* Pleadings by any party to any proceeding which has been designated for hearing which relate to an appeal from an interlocutory ruling of the Motions Commissioner, the Chief Hearing Examiner, or the Hearing Examiner, or relate to petitions for reconsideration and grant of application without hearing, will not be accepted for filing if the pleadings exceed 15 double spaced typewritten pages: *Provided,* That parties may, in a separate pleading, request permission to file pleadings of more than 15 pages on matters covered by this section, which permission will be granted by the Chief Hearing Examiner upon good cause shown. Such requests must be filed within two days of the ruling in question. The five-day requirement of § 1.47 shall be operative only after disposal of the request for permission to file a pleading exceeding the limit here specified.

§ 1.52 *Specifications as to pleadings and documents.* All pleadings and documents (except briefs) filed in any proceeding shall, unless otherwise specifically provided, be on paper either 8 by 10½ or 14 inches or 8½ by 11, 13 or 14 inches, with left-hand margin not less than 1½ inches wide. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letterpress or printing. The foregoing shall not apply to official publications. All copies must be clearly legible.

§ 1.53 *Specifications as to briefs.* Briefs may be printed, typewritten, mimeographed, or multigraphed. Printed briefs shall be in 10- or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1½ inches wide, and with double spaced text and single spaced quotations.

§ 1.54 *Number of copies of pleadings, briefs, and other documents.* Except as otherwise specifically provided in this chapter, an original and 14 copies of all pleadings, briefs, and other documents required or permitted to be filed shall be furnished the Commission, and one extra copy for each party to the proceeding when service is made by the Commission.

§ 1.55 *Subscription and verification.* The original of all petitions, motions, pleading, briefs, and other documents filed by any party represented by counsel, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. Copies should be conformed. A party who is not represented by an attorney shall sign and verify the document and state his address. Except when otherwise specifically provided by rule or statute, documents signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the document; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If the original of a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false, and the matter may proceed as though the document had not been filed. An attorney may be subjected to appropriate disciplinary action, pursuant to § 1.24, for a willful violation of this rule or if scandalous or indecent matter is inserted.

§ 1.56 *Service of documents and proof of service.* In all adjudicatory proceedings, in rule making proceedings governed by sections 7 and 8 of the Administrative Procedure Act, and in every other case where service is required or permitted by law, service of all briefs, notices, pleadings, or other papers shall be made in conformity with this section. All such documents which are required or permitted to be served upon parties shall be served not later than the respective dates fixed by these rules for service thereof as follows:

(a) Service upon the party, his attorney, or other duly constituted agent shall be made by the party filing the pleading or document or by his representative by delivering a copy or by mailing it to the last known address: *Provided, however,* That formal complaints, including supplemental, cross, and amended complaints filed under section 208 of the Communications Act of 1934, as amended, will be served by the Commission. When any party is represented by an attorney of record in a formal proceeding, the service shall be made upon the attorney. Delivery of a copy pursuant to this section means handing it to the attorney, the party, or the party's duly constituted agent; or leaving it at the office of the person to be served with his clerk or other person in charge thereof, or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing. If the person upon whom service by mail is being made resides 500 miles or more from the person effecting service, such mailing must be made by airmail.

(b) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the service. The Commission may at any time allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

MISCELLANEOUS PROCEDURES

§ 1.61 *Notice of violations.* (a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

§ 1.62 *Revocation of station licenses and construction permits and issuance of cease and desist orders.* (a) Whenever it appears that a station license or construction permit should be revoked for any of the reasons set forth in section 312 (a) of the Communications Act, or a cease and desist order should be issued for any of the reasons specified in section 312 (b) of the Communications Act, the Commission will, except in cases of wilfullness or those in which the public health, interest, or safety require otherwise, either by notice of violation as provided for in § 1.61 or by any other written warning, call to the attention of the licensee or permittee the facts or conduct which may warrant revocation of the license or construction permit or the issuance of a cease and desist order, and the Commission will accord to the licensee or permittee a reasonable opportunity to demonstrate or achieve

compliance with the said warning. In case of failure to timely comply therewith or in cases of wilfullness or those in which public health, interest, or safety requires, the Commission will issue an order directing the licensee, permittee, or person to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the licensee, permittee, or person to appear before the Commission at a time and place stated in the order, but in no event less than 30 days after the receipt of such order, and give evidence upon the matter specified therein: Except, that where safety of life or property is involved, the Commission may provide in the order for a shorter period.

(c) In order to avail himself of the opportunity to be heard, the licensee, permittee, or person, in person or by his attorney, shall, within 30 days of the receipt of the order or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. If the licensee, permittee, or person fails to file such an appearance within the time specified in this paragraph, the right to a hearing shall be deemed waived.

(d) Hearings on the matters specified in the order to show cause and the practice and procedure in connection therewith shall accord with the provisions of this subpart and Subpart B of this part, except that in all such hearings the burden of proceeding with the introduction of evidence and burden of proof shall be upon the Commission, and except that the Commission may, where the circumstances of the proceeding require expedition, specify in the show cause order times less than those specified in §§ 1.153 and 1.154 within which the initial decision in such proceedings shall become effective, within which exceptions to such initial decision or replies thereto may be filed, and within which parties may file notice of intent to seek and participate in oral argument.

(e) Where a hearing is waived and no written statement has been filed within 30 days of the receipt of the order to show cause or such shorter period of time as may be specified therein, the allegations of fact contained in the order to show cause will be deemed as correct and the Hearing Examiner will issue an initial decision invoking the sanctions specified in the order to show cause.

(f) Where a hearing is waived, a written statement in mitigation or justification may be submitted within 30 days of the receipt of the order to show cause or within such shorter period of time as may be specified therein. The Hearing Examiner may, if the statement contains, with particularity, factual allegations denying or, in the Hearing Examiner's opinion, justifying the facts upon which the show cause order is based, call upon the submitting party to furnish additional information, and the Hearing Examiner shall request all opposing parties to file an answer to the written statement and/or additional information. The Hearing Examiner will then, unless he orders that further pleadings be filed, close the record and issue, on basis of the procedure delineated in this paragraph, an initial decision.

(g) Corrections or promise to correct the condition complained of in the order to show cause shall not preclude the issuance of an order to cease and desist.

(h) Any order of revocation or cease and desist order issued pursuant to this section shall include a statement of findings and the grounds therefor, shall specify the effective date of the order, and shall be served on the licensee, permittee, or person.

§ 1.63 *Modification of licenses or construction permits on motion of the Commission.* (a) Whenever it appears that a station license or construction permit should be modified, the Commission will notify the licensee or permittee in writing of the proposed action and the grounds and reasons therefor and direct him to show cause why an order modifying the license or construction permit in the manner proposed by the Commission should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will notify the licensee or permittee that he may request, within a period of time to be stated in the order to show cause, that a hearing be held on the proposed modification. In case of timely request, a hearing will be held on the proposed modification, in no event less than 30 days after the receipt of the order to show cause, unless the Commission finds that safety of life or property require the fixing of a shorter period.

(c) In order to avail himself of the right to request a hearing and of the opportunity to appear and give evidence upon the matters specified in the order to show cause, the licensee or permittee, in person or by his attorney, shall, within the period of time as may be specified in the order to show cause, file with the Commission a written statement stating that he requests a hearing and will appear at the hearing and present evidence on the matter specified in the order to show cause. Such written statement must contain a detailed response to the matter specified in the order to show cause and the permittee or licensee shall be limited in the hearing to matters fairly encompassed within the issues raised by the response.

(d) The right to request a hearing shall, unless good cause is shown in a petition to be filed not later than 5 days before the lapse of the time specified in paragraph (c) of this section, be deemed waived:

(1) In case of failure to timely file a written statement as required by paragraph (c) of this section;

(2) In case of filing the written statement provided for in paragraph (c) of this section but failure to appear at the hearing, either in person or by counsel.

(e) Where the right to request a hearing is waived and no written statement has been filed within the period of time specified in the order to show cause, the licensee or permittee will be deemed to consent to the modification as proposed in the order to show cause and a final decision will be issued by the Commission accordingly.

(f) Where the right to request a hearing has been waived, a written statement may be filed within the period of time to be specified in the order to show cause, showing with particularity why the license or construction permit should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may, depending upon the facts alleged and proof offered, either call upon the submitting party to furnish additional information under oath, designate the proceeding for hearing, or issue without further proceedings an order modifying the construction permit or license as proposed in the order to show cause or in said written statement. The order to show cause will advise the person against whom it is directed of procedure set forth in this paragraph.

(g) Any order of modification issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor, shall specify the effective date of the order, and shall be served on the licensee or permittee.

§ 1.64 *Partial grants.* Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.65 *Operation pending action on renewal application.* (a) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal of license with respect to any activity of a continuing nature, in accordance with the provision of section 9 (b) of the Administrative Procedure Act, such license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application. No operation by any licensee under this section shall be construed as a finding by the Commission that the operation will serve public interest, convenience, or necessity, nor shall such operation in any way affect or limit the action of the Commission with respect to any pending application or proceeding. A licensee operating by virtue of this section shall, after the date of expiration specified in the license, post, in addition to the original license, any acknowledgment received from the Commission that the renewal application has been accepted for filing or a signed copy of the application for renewal of license which has been submitted by the licensee, or in services other than broadcast and common carrier, a statement certifying that the licensee has mailed or filed a renewal application, specifying the date of mailing or filing.

(b) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal or extension of the term of a license with respect to any activity not of a continuing nature, the Commission may in its discretion grant a temporary extension of such license pending determination of such application. No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, or necessity beyond the express terms of such temporary extension of license, nor shall such temporary extension in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization clearly states on its face that it relates to an activity not of a continuing nature, or where the non-continuing nature is otherwise clearly apparent upon the face of the authorization, all licenses issued by the Commission shall be deemed to be related to an activity of a continuing nature.

§ 1.66 *Grants of licenses without hearing.* (a) An application for license by the lawful holder of a construction permit will be granted without hearing where the Commission, upon examination of such application, finds that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest.

(b) In the event the Commission is unable to make the findings in paragraph (a) of this section, the Commission will designate the application for hearing upon specified issues.

§ 1.67 *Procedures for handling applications requiring special aeronautical study.* (a) All antenna surveys are conducted by the Antenna Survey Branch of the Engineering Division, Field Engineering and Monitoring Bureau.

(b) Each operating Bureau or Office examines the applications for which it is responsible to ascertain whether or not antenna consideration is required. If such consideration is required, the antenna data is furnished to the Antenna Survey Branch of the Engineering Division, Field Engineering and Monitoring Bureau.

(c) The Antenna Survey Branch then ascertains whether a special aeronautical study is required.

(d) If no special aeronautical study is required, the application and the appropriate antenna painting and lighting specifications are returned to the originating Bureau or Office for such further action as is necessary.

(e) If a special aeronautical study is required, the antenna data are forwarded to the appropriate regional airspace subcommittee for its study and recommendations and the originating Bureau or Office advised of this action.

(f) Upon receipt of a report from the airspace subcommittee approving a proposed antenna, the Antenna Survey Branch prescribes antenna tower painting and lighting specifications or other conditions in accordance with provisions of Part 17 of this chapter and forwards this information to the originating Bureau or Office. If the proposed antenna is disapproved, a report of the disapproval is forwarded to the originating Bureau or Office.

§ 1.68 [Reserved.]

§ 1.69 [Reserved.]

§ 1.70 *Application for radio operator license.* (a) Application for a new, renewed, replacement, or duplicate commercial radio operator license, for a verification card, or for a verification of operator license (for additional posting) FCC Form 759, shall be filed on FCC Form 756 entitled "Application for Radio Operator License": Except that, if a restricted radiotelephone operator permit is being applied for, FCC Form 756 shall not be used but application shall in all cases be filed on FCC Form 753–1 entitled "Application for Restricted Radiotelephone Operator Permit by Declaration."

(b) Application for an amateur radio operator license is included with the application for station license. (See § 1.530.)

§ 1.71 *Procedure with respect to commercial radio operator license applications.* (a) Upon acceptance for filing of an application for a new commercial operator license, an examination is conducted, where required, by the field office with which the application is filed in accordance with Part 13 of this chapter. If applicant passes the examination and is found qualified in respect to citizenship, character, and physical condition, the license will be issued. Where doubts as to citizenship, character, or physical condition arise, the application is referred to the Commission's Inspection and Examination Division, Field Engineering and Monitoring Bureau, Washington, D. C., for consideration. If it appears that further information is required to determine the applicant's qualifications or that a grant of the application will not serve the public interest, the applicant will be notified in writing and given an opportunity to furnish such written showings as the Commission may request and as the applicant may desire to submit. If, from the information furnished, it does not appear that the applicant is qualified or that the public interest would be served by a grant of the application, the applicant will be advised thereof in writing and given the opportunity to request, within the period of time to be specified in such writing, that the application be set for hearing. In case of failure timely to request such hearing, the application will be denied.

(b) Where an examination is not required, the application will be handled with respect to other matters in accordance with the procedure in paragraph (a) of this section.

(c) Applications for renewal of license after acceptance for filing are handled in accordance with the procedure contained in paragraph (a) of this section, except that no examination is required unless the circumstances as set forth in § 13.28 of this chapter exist, in which case a renewal examination will be required.

§ 1.72 *Suspension of operator licenses.* Whenever grounds exist for suspension of an operator license, as provided in section 303 (m) of the Communications Act, the Chief of the Safety and Special Radio Services Bureau, with respect to amateur operator licenses, or the Chief of the Field Engineering and Monitoring Bureau, with respect to commercial operator licenses, may issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau or the Chief, Field Engineering and Monitoring Bureau, as the case may be, and said order of suspension shall be held in abeyance until the conclusion of the hearing. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D. C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

§ 1.73 *Procedure with respect to equipment type approval and type acceptance.* Rules on applications for equipment type approved and on type acceptance are contained in Part 2, Subpart F, of this chapter.

§ 1.74 *Procedure with respect to Experimental Radio Services.* Rules governing applications for licensing of stations in the Experimental Radio Services (other than broadcast) are contained in Part 5 of this chapter.

§ 1.75 *Procedure with respect to licensing in the Industrial, Scientific, and Medical services.* Rules governing applications for licensing in the Industrial, Scientific, and Medical service are contained in Part 18 of this chapter.

SUBPART B—HEARING AND DECISION PRACTICE AND PROCEDURE

General

§ 1.101 *Scope.* This subpart shall be applicable to the following cases which have been designated for hearing:

(a) Adjudication (as defined by the Administrative Procedure Act); and

(b) Rule making proceedings which are required by law to be made on the record after opportunity for a Commission hearing.

NOTE: For special provisions relating to consideration of standard broadcast applications in the light of the 1950 NARBA and the U. S./Mexican Agreement, see § 1.352.

§ 1.102 *Official reporter; transcript.* The Commission will designate from time to time an official reporter for the recording and transcribing of hearing proceedings. No transcript of the testimony taken, or argument had, at any hearing will be furnished by the Commission, but will be open to inspection under § 0.406 of the Commission's Statement of Organization, Delegations of Authority and Other Information. Copies of such transcript, if desired, may be obtained from the official reporter upon payment of the charges therefor.

§ 1.103 *Notice of hearing.* Reasonable notice of hearing will be given to all parties to a proceeding, and will include:

(a) A statement as to the time, place and nature of the hearing. If the time and place are not specified, the initial notice will indicate that the time and place will be designated at a later date;

(b) A statement as to the legal authority and jurisdiction under which the hearing is to be held; and

(c) A statement of the matters of fact and law involved.

§ 1.104 *Petitions to intervene.* (a) Where, in cases involving applications for construction permits and station licenses, or modifications or renewals thereof, the Commission has failed to notify and name as a party to the hearing any person who qualifies as a party in interest, such person may acquire the status of a party by filing, under oath and at any time not later than 10 days prior to the date of hearing, a petition for intervention showing the basis of its interest. Where such person's interest is based upon a claim that a grant of the application would cause objectionable interference under applicable provisions of this chapter to such person as a licensee of permittee of an existing or authorized station, the petition to intervene must be accompanied by an affidavit of a qualified radio engineer which shall show, either by following the procedures prescribed in this chapter for determining interference in the absence of measurements or by actual measurements made in acordance with the methods prescribed in this chapter, the extent of such interference. Where the person's status as a party in interest is established, the petition to intervene will be granted.

(b) Any other person desiring to participate as a party in any hearing may file a petition for leave to intervene not later than 10 days prior to the date of hearing. The petition must set forth the interest of the petitioner in the proceedings and must show how such petitioner's participation will assist the Commission in the determination of the issues in question, and such petitions must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The Commission, in its discretion, may grant or deny such petition or may permit intervention by such persons limited to particular issues or to a particular stage of the proceeding.

(c) The granting of any petition to intervene shall not have the effect of changing or enlarging the issues specified in the Commission's notice of hearing unless the Commission shall on motion amend the same.

(d) Any person desiring to file a petition for leave to intervene later than 10 days prior to the date of hearing shall set forth the interest of the petitioner in the proceedings, show how such petitioner's participation will assist the Commission in the determination of the issues in question, and set forth reasons why it was not possible to file a petition within the time prescribed by paragraphs (a) and (b) of this section. Such petition shall be accompanied by the affidavit of a person with knowledge of the facts set forth in the petition, and where petitioner claims that a grant of the application would cause objectionable interference under applicable provisions of this chapter, the petition for leave to intervene must be accompanied by the affidavit of a qualified radio engineer showing the extent of such alleged interference according to the methods prescribed in paragraph (a) of this section. If in the opinion of the Commission good cause is shown for the delay in filing, the Commission may in its discretion grant such petition or may permit intervention limited to particular issues or to a particular stage of the proceeding.

§ 1.105 *Participation by non-parties; consideration of communications.* (a) If any matter is designated for hearing the Secretary will notify all persons who have requested that they be advised of the hearing in order that they will have an opportunity to appear and give evidence at such hearing. In the case of communications bearing more than one signature, notice of hearing shall be given to the person first signing unless the communication clearly indicates that such notice should be sent to someone other than such person.

(b) No person shall be precluded from giving any relevant, material, and competent testimony at a hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

(c) When a hearing is held, no communication will be considered in determining the merits of any matter unless it has been received into evidence. The admissibility of any communication shall be governed by the applicable rules of evidence, and no communication shall be admissible on the basis of a stipulation unless Commission's counsel as well as counsel for all of the parties shall join in such stipulation.

§ 1.106 *Consolidations.* (a) The Commission, upon motion or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing:

(1) Any cases which involve the same applicant or involve substantially the same issues, or

(2) Any applications which present conflicting claims.

(b) (1) In broadcast cases, no application will be consolidated for hearing with a previously filed application or applications unless such application is substantially complete and tendered for filing not later than the close of business on the day preceding the day the previously filed application or applications are designated for hearing.

(2) In non-broadcast cases, any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the later application in question has been filed within 5 days after public notice has been given in the FEDERAL REGISTER of the Commission's order which first designated for hearing the prior application or applications with which such application is in conflict.

(3) Any mutually exclusive application filed after the date prescribed in subparagraphs (1) or (2) of this paragraph will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

Continuances and Prehearing Conferences

§ 1.111 *Prehearing conferences.* (a) The Commission or the presiding officer on its or his initiative, or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) In cases arising under Title II of the Communications Act, the necessity or desirability of amending the pleadings and offers of settlement or proposals of adjustment; and

(6) In cases involving comparative broadcast applications:

(i) Narrowing the issues or the areas of inquiry and proof at the hearing;

(ii) Admissions of fact and of documents which will avoid unnecessary proof;

(iii) Reports and letters relating to surveys or contacts;

(iv) Assumptions regarding the availability of equipment;

(v) Network programming;

(vi) Assumptions regarding the availability of networks proposed;

(vii) Offers of letters in general;

(viii) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(ix) Proof of contracts, agreements, or understandings reduced to writing;

(x) Stipulations;

(xi) Need for depositions;

(xii) The numbering of exhibits;

(xiii) The order or offer of proof with relationship to docket number; and

(xiv) The date for the formal hearing and such other matters as will be conducive to an expeditious conduct of the hearing.

(b) At the pre-hearing conferences prescribed by this section, the parties in any broadcast proceeding shall be prepared to discuss the advisability of reducing any or all phases of their affirmative direct cases to written form. Where it appears that it will conduce significantly to the disposition of the proceeding for the parties to submit any portion of their cases in writing, it is the policy of the Commission to encourage them to do so. However, the phase or phases of the proceeding to be submitted in writing, the dates for the exchange of the written material, and other procedural limitations upon the effect of adopting the written case procedure (such as, whether material ruled out as incompetent may be restored by competent oral testimony) is to be left to agreement of the parties as approved by the Hearing Examiner.

(c) An official transcript of all prehearing conferences shall be made.

§ 1.112 *Time and place of hearing.* Any hearing shall begin at the time and place ordered by the Commission or the Chief Hearing Examiner. The time and place of subsequent hearings shall be determined by the presiding officer: *Provided, however,* That in case the hearing is scheduled to begin in the District of Columbia, the first change of place of such hearing will be ordered by the Commission or the Chief Hearing Examiner.

§ 1.113 *Continuances and extensions.* Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted by the Commission or the presiding officer upon motion for good cause shown, unless the time for performance or filing is limited by statute.

Depositions

§ 1.121 *When depositions may be taken.* At any time after a case has been designated for hearing, the testimony of any witness may be taken by deposition for purposes other than discovery.

§ 1.122 *Notice to take depositions.* A party to a hearing desiring to take the deposition of any person shall give reasonable notice in writing to every other party. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs, and the matters with which the deposition will be concerned. On motion of any party upon whom the notice is served, the Commission may, for good cause shown, enlarge or shorten the time for taking the deposition.

§ 1.123 *Deposition orders.* (a) After notice is served for taking a deposition, upon motion seasonably made by any party or by the person to be examined, and upon notice and for good cause shown, the Commission may make an order:

(1) That the deposition shall not be taken;

(2) That it may be taken only at some designated place other than that stated in the notice;

(3) That it may be taken only on written interrogatories;

(4) That certain matters shall not be inquired into;

(5) That the scope of the examination shall be limited to certain matters;

(6) That the examination shall be held with no one present except the parties to the action and their officers or counsel; or

(7) That after being sealed the deposition shall be opened only by order of the Commission.

(b) The Commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.

§ 1.124 *Persons before whom depositions may be taken.* Depositions shall be taken before any judge of any court of the United States; any United States commissioner; any clerk of a district court; any chancellor, justice, or judge of a supreme or superior court; the mayor or chief magistrate of a city; any judge of a county court, or court of common pleas of any of the United States; any notary public, not being of counsel or attorney to any party, nor interested in the event of the proceeding.

§ 1.125 *Oath; transcript of depositions.* The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatum.

§ 1.126 *Submission of deposition to witness; changes; signing.* When the testimony is fully transcribed, the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill, cannot be found, or refuses to sign. If the deposition is not signed by the witness the officer shall sign it and state on the record the fact of the waiver, the illness or absence of the witness, the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless upon a motion to suppress, the Commission holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

§ 1.127 *Certification of deposition and filing by officer; copies.* The officer shall certify on the deposition that the witness was duly sworn by him, that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and two copies thereof, together with the original and two copies of all exhibits, by registered mail to the Secretary of the Commission.

§ 1.128 *Inclusion in the record.* (a) No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing.

(b) The deposition of a person with a substantial interest in, or holding a position of responsibility with, a party to the proceeding will not be admitted in evidence unless it is shown that the witness is dead or seriously ill, that other exceptional circumstances exist, or that the testimony proffered is of such character that, in the interest of justice and with due regard to the importance of presenting the testimony of the witnesses orally, the deposition should be admitted

§ 1.129 *Objections to depositions.* (a) Except as provided in paragraphs (b), (c) and (d) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(b) Objections to the competency of a witness, or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(c) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly

presented, are waived unless reasonable objection thereto is made at the taking of the deposition.

(d) Any objection made at the time of the examination to the qualifications of the officer taking a deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to such objection.

SUBPENAS

§ 1.131 *Who may sign and issue.* Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows:

(a) Hearings before the Commission en banc or before a Committee of Commissioners: By a Commissioner;

(b) Hearings before a Hearing Examiner: By the Hearing Examiner, or in his absence by the Chief Hearing Examiner.

§ 1.132 *Requests; verification and content; motion to quash.* A subpena, other than one directed by the Commission on its own initiative, will be issued only upon request in writing, unless such request is made on the record while a hearing is in progress, in which case such request on the record may be accepted in lieu of written request. Any request for a subpena shall be supported by a showing of the general relevance and materiality of the evidence sought. A request for a subpena to compel a witness to produce documentary evidence shall be in writing, duly subscribed and verified, and shall specify with particularity the books, papers, and documents desired and the facts expected to be proved thereby. Other parties to the proceeding need not be served with copies of a request for a subpena. Any person against whom a subpena is directed may file a motion to quash or limit the subpena setting forth reasons why the subpena should not be complied with or limited in scope. Prompt notice, including a brief statement of the reasons therefor, will be given of the denial, in whole or in part, of a request for subpena and of a motion to quash.

§ 1.133 *Witness fees.* Witnesses who are subpenaed and respond thereto are entitled to the same fees, including mileage, as are paid for like service in the courts of the United States. The party at whose instance the testimony is taken shall tender such fees at the time the subpena is served.

§1.134 *Service of subpenas; return.* (a) A subpena may be served by a United States marshal or his deputy or by Commission personnel or by any person who is not a party and is not less than 18 years of age. Service of a subpena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. If the subpena is issued on behalf of the United States or an officer or agency thereof fees and mileage need not be tendered.

(b) If service of the subpena is made by a person other than a United States marshal or his deputy, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpena in accordance with the form thereon. In case of failure to make service, the reasons for the failure shall be stated on the original subpena. In making service, the original subpena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpena, bearing or accompanied by the required return affidavit, or statement, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

§ 1.135 *Attendance of witness; disobedience.* The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpena the Commission or any party to a proceeding before the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

HEARINGS AND DECISIONS

§ 1.140 *Procedure when an application is designated for hearing.* (a) When an application has been designated for hearing, the Secretary of the Commission will mail an order to the applicant setting forth the reasons for the Commission's action and the issues upon which the application will be heard. In addition, the notice of hearing will be published in the FEDERAL REGISTER. The Commission will, when possible, give at least 60 days advance notice on comparative hearings.

(b) Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate but in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues, shall be upon the applicant except as otherwise provided in the order of designation.

(c) In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing, and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of that time period a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days the application will be dismissed with prejudice by the Chief Hearing Examiner for failure to prosecute.

(d) The Commission will on its own motion name as parties to the hearing any person found to be a party in interest.

(e) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to paragraph (d) of this section shall, within 20 days of the mailing of the notice of his designation as a party, file with the Commission, in person or by attorney, a written appearance in triplicate, stating that he will appear and present evidence on the issues specified in the notice of hearing. Any person so named who fails to file this written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

§ 1.141 *Motions to enlarge, change, or delete issues.* Motion to enlarge, change, or delete the issues may be filed by any party to a hearing. Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a motion to enlarge, change, or delete the issues after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted.

§ 1.142 *Order of procedure.* (a) At hearings on a formal complaint or petition or in a proceeding for any instrument of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant, as the case may be, shall, unless the Commission otherwise orders, open and close. At hearings on protests, the protestant opens and closes the proceedings in case the issues are not specifically adopted by the Commission; otherwise the grantee does so. At hearings on orders to show cause, to cease and desist, to revoke or modify a station license under sections 312 and 316 of the Communications Act, or other like proceedings instituted by the Commission, the Commission shall open and close.

(b) At all hearings under Title II of the Communications Act, other than hearings on formal complaints, petitions, or applications, the respondent shall open and close unless otherwise specified by the Commission.

(c) In all other cases, the Commission, or presiding officer, shall designate the order of presentation. Intervenors shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission, or presiding officer, shall designate at what stage such intervenors shall be heard.

(d) Immediately upon convening the formal hearing in any proceeding, the hearing examiner shall enter upon the record a statement reciting all actions taken at the prehearing conferences, and incorporating into the record all of the stipulations and agreements of the parties which are approved by him, and any special rules which he may deem necessary to govern the course of the proceeding.

§ 1.143 *Designation of presiding officer.* (a) Hearings will be conducted by one or more Commissioners or by an Examiner designated pursuant to section 11 of the Administrative Procedure Act: *Provided*, That in cases of adjudication, hearings will be conducted only by the Commission, or a Hearing Examiner. If a presiding officer becomes unavailable to the Commission prior to the taking of testimony, another presiding officer will be designated.

(b) Unless the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be designated, and notice thereof released to the public, at least 10 days prior to the date set for hearing. In the event that a presiding officer deems himself disqualified and desires to withdraw from the case he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing. Any party may request the presiding officer to withdraw on the grounds of personal bias or other disqualification. The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification, and the presiding officer may file a response thereto. Such affidavit shall be filed not later than 5 days before the commencement of the hearing, unless for good cause shown, additional time is necessary. If the presiding officer believes himself not disqualified, he shall so rule and proceed with the hearing. If the person seeking disqualification excepts to the ruling, he shall so state at the time the ruling is made, and the presiding officer shall certify the question, together with the affidavit and any response filed in connection therewith, to the Commission. The hearing shall be suspended pending a ruling on the question by the Commission. The Commission may rule on the question without hearing, or it may require testimony or argument on the issues raised. The affidavit, response, testimony, and decision thereon shall be part of the record in the case. Unless objection is made and specific exception is taken, the right to request withdrawal of the presiding officer shall be deemed waived.

§ 1.144 *Authority of presiding officers.* Presiding officers, with respect to cases assigned to them, from the date of their designations until the submission of their decisions or the transfer of the cases to the Commission or other presiding officers, shall have such authority as is vested in them by law and the provisions of this chapter, including authority to:

(a) Administer oaths and affirmations;

(b) Issue subpenas;

(c) Examine witnesses;

(d) Rule upon questions of evidence;

(e) Take or cause depositions to be taken;

(f) Regulate the course of the hearing, maintain decorum, and exclude from the hearing any person engaging in contemptuous conduct or otherwise disrupting the proceedings;

(g) Require the filing of memoranda of law and the presentation of oral argument with respect to any question of law upon which they are required to rule during the course of the hearing;

(h) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(i) Dispose of procedural requests or similar matters, as provided for in section 0.231 of the Commission's Statement of Organization, Delegations of Authority, and Other Information;

(j) Take actions and make decisions or recommend decisions in conformity with the Administrative Procedure Act.

§ 1.145 [Reserved.]

§ 1.146 *Closing of the hearing.* The record of hearing shall be closed by an announcement to that effect at the hearing by the presiding officer when the taking of testimony has been concluded. In the discretion of the presiding officer, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be prepared: *Provided*, The parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been adjourned may not be closed by such officer prior to the adjourned date except upon 10 days' notice to all parties to the proceeding.

§ 1.147 *Certification of transcript.* After the close of the hearing, the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

§ 1.148 *Corrections to transcript.* Within 10 days after the date of notice of certification of the transcript, any party to the proceeding may file with the presiding officer a motion requesting the correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceedings. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a part of the record. The presiding officer, on his initiative, may specify corrections to be made in the transcript on 5 days' notice.

§ 1.149 *Proposed findings and conclusions.* (a) Each party to the proceeding may file proposed findings of fact and conclusions, briefs, or memoranda of law: *Provided, however*, That the presiding officer may direct any party other than Commission counsel to file proposed findings of fact and conclusions, briefs, or memoranda of law. Such proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within 20 days after the record is closed, unless additional time is allowed.

(b) All pleadings and other papers filed pursuant to this section shall be accompanied by proof of service thereof upon all other counsel in the proceeding; if a party is not represented by counsel, proof of service upon such party shall be made.

(c) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, or memoranda of law, when directed to do so, may be deemed a waiver of the right to participate further in the proceeding.

§ 1.150 *Contents of findings of fact and conclusions.* Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed on the record (with appropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person.

§ 1.151 *Initial and recommended decisions.* (a) Except as provided in paragraphs (b) and (c) of this section, the presiding officer shall prepare an initial (or recommended) decision which shall be transmitted to the Secretary of the Commission who shall make it public immediately and file it in the docket of the case.

(b) The Commission may direct the certification of the record in a pending proceeding to it for initial or final decision where:

(1) The Commission finds upon the record that due and timely execution of its functions, imperatively and unavoidably, require such certification, or

(2) The presiding officer becomes unavailable to the Commission after the taking of testimony has been concluded, in which event the record shall be certified to the Commission by the Chief Hearing Examiner.

(c) If the presiding officer becomes unavailable to the Commission after the taking of evidence has commenced but before it has been concluded, the Commission may:

(1) Order a rehearing before another presiding officer designated in accordance with § 1.143, or

(2) Upon a finding that due and timely execution of its functions imperatively and unavoidably so requires, order the hearing to be continued by another presiding officer (or by the Commission itself) designated in accordance with § 1.143: *Provided*, That the officer continuing the hearing shall not, without the expressed consent of all parties, prepare an initial decision but shall certify the record to the Commission for an initial or final decision with or without a rec-

ommended decision as provided in paragraph (d) of this section.

(d) When the Commission has directed that the record be certified to it for initial or final decision, the presiding officer will first prepare and file a recommended decision to be released with the Commission's initial or final decision except where he becomes unavailable to the Commission or the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that no recommended decision be issued by the presiding officer.

(e) Each initial and recommended decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; each initial decision shall also contain the appropriate rule or order, and the sanction, relief or denial thereof; and each recommended decision shall contain recommendations as to what disposition of the case should be made by the Commission. Each initial decision will show the date upon which it will become effective in accordance with the rules in this part in the absence of exceptions, appeal, or review.

(f) The authority of the presiding officer over the proceedings shall cease when he has filed his initial or recommended decision, or, if it is a case in which he is to file no decision, when he has certified the case to the Commission for decision after specifying corrections to the transcript in accordance with § 1.148.

§ 1.152 *Waiver of initial or recommended decision.* At the conclusion of the hearing or within 20 days thereafter, all parties to the proceeding may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. The Commission may, in its discretion, grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

§ 1.153 *Appeal and review of initial decision.* (a) Within 30 days after the date on which public release of the full text of an initial decision is made, or such other time as the Commission may specify, any of the parties may appeal to the Commission by filing exceptions to the initial decision; and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. The time for filing such exceptions may be extended for good cause shown.

(b) The Commission may on its own initiative provide, by order adopted not later than 20 days after the time for filing exceptions expires, that an initial decision shall not become final, and that it shall be further reviewed or considered by the Commission.

(c) In any case in which an initial decision is subject to review in accordance with paragraph (a) or (b) of this section, the Commission may, on its own initiative or upon appropriate requests by a party, take any one or more of the following actions:

(1) Hear oral argument on the exceptions;

(2) Require the filing of briefs;

(3) Prior to or after oral argument or the filing of exceptions or briefs, reopen the record and/or remand the proceedings to the presiding officer to take further testimony or evidence;

(4) Prior to or after oral argument or the filing of exceptions or briefs, remand the proceedings to the presiding officer to make further findings or conclusions; and

(5) Prior to or after oral argument or the filing of exceptions or briefs, issue, or cause to be issued by the presiding officer, a supplemental initial decision.

(d) No initial decision shall become effective before 50 days after public release of the full text thereof is made unless otherwise ordered by the Commission. The timely filing of exceptions, the further review or consideration of an initial decision on the Commission's initiative, or the taking of action by the Commission under paragraph (c) of this section shall stay the effectiveness of the initial decision until the Commission's review thereof has been completed. If the effective date of an initial decision falls within any further time allowed for the filing of exceptions, it shall be postponed automatically until 30 days after time for filing exceptions has expired.

(e) If no exceptions are filed, and the Commission has not ordered the review of an initial decision on its initiative, or has not taken action under paragraph (c) of this section, the initial decision shall become effective, an appropriate notation to that effect shall be entered in the docket of the case, and a "Public Notice" thereof shall be given by the Commission. The provisions of § 1.16 shall not be applicable with respect to this paragraph.

(f) When any party fails to file exceptions within the specified time to an initial decision which proposes to deny its application, such party shall be deemed to have no interest in further prosecution of its application, and its application may be dismissed with prejudice for failure to prosecute.

§ 1.154 *Exceptions; oral arguments.* (a) Each exception to an initial decision or to any part of the record or proceeding in any case, including rulings upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit, or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived. The exceptions should be concise and they will not be accepted if they contain argumentative matters or discussions of law. Lengthy excerpts of testimony, when desired, shall not be contained in the exceptions but shall be set forth in an appendix.

(b) Within the period of time allowed in § 1.153 (a) for the filing of exceptions any party may file a statement in support of an initial decision in whole or in part, which shall be similar in form to a statement of exceptions.

(c) Exceptions or supporting statements may be accompanied by a separate brief or memorandum of law in support thereof. Except by special permission, such brief or memorandum of law will not be accepted if it exceeds 50 double spaced typewritten pages in length. Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief to which the same limitation of length applies. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired; if no request for oral argument is filed within the time allowed, the parties will be deemed to have waived oral argument. In cases of adjudication the Commission will, by order, grant any party's request for oral argument; in any case of rule making or any case where an initial decision is omitted (see § 1.151 (b)), the Commission in its discretion shall, by order, grant or deny oral argument. Within 5 days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in the oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

(d) Each order scheduling a case for oral argument will contain the allotment of time for each party for oral argument before the Commission. The Commission will grant, in its discretion, upon good cause shown, an extension of such time upon petition by a party, which petition must be filed within 5 days after issuance of said order for oral argument.

(e) Within 10 days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the Commissioner who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties to the proceeding. The Commissioner who presided at the oral argument may, on his own initiative, by order, specify corrections to be made in the transcript on 5 days' notice of the proposed corrections to all parties who participated in the oral argument.

§ 1.155 *Limitation of matters to be reviewed.* Upon review of any initial decision, the Commission may, in its discretion, limit the issues to be reviewed to those findings and conclusions to which exceptions have been filed, or to those findings and conclusions specified in the Commission's order of review issued pursuant to § 1.153 (b).

§ 1.156 *Number of copies of proposed findings of fact, etc.* An original and fourteen copies of proposed findings of fact and conclusions, exceptions, supporting statements, or briefs shall be filed.

§ 1.157 *Final decision of the Commission.* (a) After opportunity has been afforded for the filing of proposed findings of fact and conclusions, exceptions, supporting statements, briefs, and for the holding of oral argument as provided in this subpart, the Commission will issue a final decision in each case in which an initial decision has not become final.

(b) The final decision shall contain:

(1) Findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record;

(2) Ruling on each relevant and material exception filed; and

(3) The appropriate rule or order and the sanction, relief or denial thereof.

§ 1.158 *The record.* The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision. Where any decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

EVIDENCE

§ 1.171 *Rules of evidence.* Except as otherwise provided in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

§ 1.172 *Cumulative evidence.* The introduction of cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.173 *Further evidence during hearing.* At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding.

§ 1.174 *Documents containing matter not material.* If material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to other counsel, and to the presiding officer, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter, material and relevant, in proper form, it may be received in evidence, and become a part of the record. Other counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.175 *Documents in foreign language.* Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding, or in response to any order, shall be filed in the language in which it is written together with an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed shall be accompanied by a separate copy of the translation.

§ 1.176 *Copies of exhibits.* No document or exhibit, or part thereof, shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies shall be furnished to other counsel unless the presiding officer otherwise directs.

§ 1.177 *Mechanical reproductions as evidence.* Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by § 1.52, and the same shall be identified and offered in duplicate in the same manner as other exhibits.

§ 1.178 *Tariffs as evidence.* In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules on file.

§ 1.179 *Proof of official record; authentication of copy.* An official record, or entry therein when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent, or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

§ 1.180 *Proof of lack of record.* The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as provided in § 1.179. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.181 *Other proof of official record.* Sections 1.179 and 1.180 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

REHEARINGS, RECONSIDERATION, AND PROTESTS

§ 1.191 *Petitions for reconsideration and rehearing.* (a) When a decision, order, or requirement has been made by the Commission in any proceeding, except where a protest filed under § 1.193 (c) through (h) has been denied, any party thereto, or any other person aggrieved or whose interests are adversely affected thereby, may petition for reconsideration or rehearing.

(b) Any person not a party to the proceeding desiring to file a petition for reconsideration or for rehearing shall state with particularity his interests in the proceeding and show good reason why it was not possible for him to participate in the proceeding.

(c) Petitions for reconsideration or rehearing and any supplement thereto must be filed within 30 days from the date of release of the document containing the full text of such action, or in case such a document is not released, after release of a "Public Notice" announcing the action in question. No supplement or addition to a petition for reconsideration or rehearing which has not been acted upon by the Commission, filed after expiration of the 30 day period, will be considered except upon leave granted by the Commission upon a separate pleading for leave to file, which shall state the grounds therefor, including a showing that new and material circumstances have occurred or that the matters advanced were not previously available to the petitioner through the exercise of due diligence. Any decision, order, or requirement made after rehearing, reversing, changing, or modifying the original order shall be subject to the same provisions with respect to rehearing as an original order.

(d) Petitions for reconsideration or rehearing filed under this section may request (1) reconsideration; (2) reargument; (3) reopening of the proceeding; (4) amendment of any finding; or (5) such other relief as may be appropriate. Such petition shall state specifically the form of relief sought and, subject to this requirement, may contain alternative requests. Each such petition shall state with particularity in what respect the decision, order, or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and, with respect to any finding of fact,

must specify the pages of record relied on.

(e) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding will be taken at any rehearing.

(f) Where a petition for reconsideration or for rehearing is based upon a claim of electrical interference, under appropriate rules in this chapter, to an existing station or a station for which a construction permit is outstanding, such petition must be accompanied by an affidavit of a qualified radio engineer which shall show, either by following the procedures set forth in this chapter for determining interference in the absence of measurements or by actual measurements made in accordance with the methods prescribed by this chapter, that electrical interference will be caused to the station within its normally protected contour.

(g) Without special order of the Commission, the filing of a petition for reconsideration or rehearing shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown the Commission will stay the effectiveness of its order or requirement pending a decision on the petition for reconsideration or rehearing.

§ 1.192 *Petition for reconsideration and grant without hearing.* Where the Commission has designated an application for hearing, the applicant may file a petition requesting reconsideration and grant of the application without hearing.

§ 1.193 *Protests of grants without hearing.* (a) Where any instrument of authorization for a radio station, other than a license pursuant to a construction permit, has been granted without a hearing, any party in interest may file a protest directed to such grant and request a hearing on the application granted. Such protest shall be signed by the protestant and subscribed to under oath, in accordance with § 1.303. Such protest must be filed with the Commission within 30 days after release of the document containing the full text of such action, or in case such a document is not released, after release of a "Public Notice" announcing the action in question and must separately set forth:

(1) Such allegations of fact as will show the protestant to be a party in interest, i. e., a person aggrieved or whose interests are adversely affected by the Commission's authorization, protest of which is sought. Each such allegation of fact shall be separately stated.

(2) Facts indicating the reasons why the grant was improperly made or would otherwise not be in the public interest. Each such reason shall be separately stated and facts in support thereof shall be specified in detail and shall not include general non-specific conclusory arguments and allegations.

(3) The specific issues upon which protestant wishes a hearing to be held, which issues must relate directly to a matter specified with particularity as part of subparagraph (2) of this paragraph.

(b) Arguments and citations of authority may be set forth in a brief accompanying the protest but must be excluded from the protest itself.

(c) Oppositions to protests and briefs in support thereof shall contain all material, including that pertinent to the determination referred to in paragraph (h) of this section, deemed appropriate to the Commission's resolution of the protest. Such oppositions and supporting briefs must be filed within 10 days after the filing of such protest, and any replies to such oppositions must be filed within 5 days after the filing of the oppositions.

(d) Protests, oppositions, and replies shall be filed with the Commission in original and 14 copies and shall be accompanied by proof of service upon the grantee or the protestant, as the case may be, and/or their respective attorneys.

(e) The Commission may upon consideration of a protest direct either the protestant or grantee or both to submit further statements of fact under oath relating to the matters raised in the protest.

(f) Within 30 days from the date of the filing of the protest, the Commission will enter findings as to whether such protest meets the requirements set forth in paragraphs (a) (1) and (2) of this section. If the Commission finds that one of these requirements is not met, it will dismiss the protest. If the Commission finds that these requirements are met, it will designate the application in question for hearing. As to issues which the Commission believes present no grounds for setting aside the grant, even if the facts alleged were to be proven, the Commission may designate such issues for oral argument only. The other issues will be designated for evidentiary hearing except that the Commission may redraft the issues in accordance with the facts or substantive matters alleged in the protest and may also specify such additional issues as it deems desirable. In any evidentiary hearing subsequently held upon issues specified by the Commission, upon its own initiative or adopted by it, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the grantee. With respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(g) The procedure in such protest hearing shall be governed by the provisions of §§ 1.102 to 1.181, except as otherwise provided in this section.

(h) Pending hearing and decision, the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service or unless the Commission affirmatively finds that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

SUBPART C—RULE MAKING PRACTICE AND PROCEDURE

Petitions and Related Pleadings

§ 1.201 [Reserved.]

§ 1.202 *Petitions for rule making.* (a) Any interested person may petition for the issuance, amendment or repeal of a rule or regulation.

(b) The petition for rule making shall conform to the requirements of §§ 1.52, 1.54 and 1.55 and should be submitted or addressed to the Secretary, Federal Communications Commission, Washington 25, D. C.

(c) The petition shall set forth the text or substance of the proposed rule, amendment, or rule to be repealed, together with all facts, views, arguments and data deemed to support the action requested, and shall indicate how the interests of petitioner will be affected.

§ 1.203 *Notice and availability.* All petitions for rule making meeting the requirements of § 1.202 will be given a file number, and promptly thereafter, a "Public Notice" will be given (by means of a Commission release entitled "Petitions for Rule Making Filed") as to the petitioner, file number, nature of the proposal and date of filing. Petitions are available for public inspection at the Commission's Docket Reference Room in Washington, D. C.

§ 1.204 *Responses to petitions and replies.* (a) Any interested person may file a statement in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 30 days after "Public Notice", as provided for in § 1.203, is given of the filing of such a petition. Such a statement shall be accompanied by proof of service upon the petitioner on or prior to the date of filing in conformity with § 1.56 and shall conform in other aspects with the requirements of §§ 1.52, 1.54 and 1.55.

(b) Any interested person may file a reply to statements in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 15 days after the filing of such a statement. Such a reply shall be accompanied by proof of service upon the party or parties filing the statement or statements to which the reply is directed on or prior to the date of filing in conformity with § 1.56 and shall conform in other aspects with the requirements of §§ 1.52, 1.54 and 1.55.

(c) No additional pleadings may be filed unless specifically requested by the Commission or authorized by it.

§ 1.205 *Action on petitions.* If the Commission determines that the petition discloses sufficient reasons in support of the action requested to justify the institution of a rule making proceeding, and notice and public procedure thereon are required or deemed desirable by the Commission, an appropriate notice of proposed rule making will be issued. In those cases where notice and public procedure thereon are not required, the Commission may issue a final order amending the rules. In all other cases the petition for rule making will be denied and the petitioner will be notified of the Commission's action with the grounds therefor.

Rule Making Proceedings

§ 1.211 *Notice of proposed rule making.* (a) When pursuant to a petition therefor, or upon its own motion, the Commission proposes to issue, amend or repeal a substantive rule, a notice of proposed rule making will be published in the Federal Register unless all persons subject thereto are named and either are personally served or otherwise have actual notice thereof in accordance with law. Except when notice is required by statute or when the Commission considers it desirable, a notice will not ordinarily be issued of the adoption, amendment or repeal of interpretative rules, general statements of policy, organization rules, procedures or practice; matters relating to military, naval or foreign affairs functions of the United States, Commission management or personnel, public property, loans, grants, benefits or contracts; or in any situation in which the Commission for good cause finds (and incorporates such finding in the rule issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest.

(b) In addition to the notice provisions of paragraph (a) of this section, the Commission, before prescribing any requirements as to accounts, records, or memoranda to be kept by carriers, will notify the appropriate State agencies having jurisdiction over any carrier involved of the proposed requirements.

§ 1.212 *Content of notice.* A notice of the proposed issuance, amendment, or repeal of a rule will include:

(a) a statement of the time, nature and place of any public rule making proceeding to be held;

(b) reference to the authority under which the issuance, amendment or repeal of a rule is proposed;

(c) either the terms or substance of the proposed rule or a description of the subjects and issues involved;

(d) the docket number assigned to the proceeding; and

(e) a statement of the time for filing comments and replies thereto.

§ 1.213 *Comments and replies.* (a) After notice of proposed rule making is issued, the Commission will afford interested persons an opportunity to participate in the rule making proceeding through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner.

(b) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rule making.

(c) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rule making.

(d) No additional comments may be filed unless specifically requested by the Commission or authorized by it.

§ 1.214 *Statutory requirement for hearing.* When rules are required by law to be made on the record after opportunity for a Commission hearing, the requirements of sections 7 and 8 of the Administrative Procedure Act and applicable provisions of Subparts A and B of this part will govern in place of §§ 1.213 and 1.215.

§ 1.215 *Form of comments and replies.* Comments and replies to comments filed in response to a notice of proposed rule making should conform to the requirements of §§ 1.52 and 1.54.

§ 1.216 *Further notice of rule making.* In any rule making proceeding where the Commission deems it warranted, a further notice of proposed rule making will be issued with opportunity for parties of record and other interested persons to submit comments in conformity with §§ 1.213 and 1.215.

§ 1.217 *Oral argument and other proceedings.* In any rule making proceeding where the Commission determines that an oral argument, hearing or any other type of proceeding is warranted, notice of the time, place and nature of such proceeding will be published in the Federal Register, and will be mailed to all parties to the proceeding.

§ 1.218 *Commission action.* The Commission will consider all relevant comments and material of record before taking final action in a rule making proceeding and will issue a decision incorporating its finding and a brief statement of the reasons therefor.

§ 1.219 *Effective date of rules.* (a) Any rule issued by the Commission will be made effective not less than 30 days from the time it is published in the Federal Register except as otherwise specified in paragraphs (b) and (c) of this section.

(b) For good cause found and published with the rule, any rule issued by the Commission may be made effective within less than 30 days from the time it is published in the Federal Register. Rules involving any military, naval or foreign affairs function of the United States; matters relating to agency management or personnel, public property, loans, grants, benefits or contracts; rules granting or recognizing exemption or relieving restriction; or organization rules, procedure or practice, or interpretative rules and statements of policy may be made effective without regard to the 30 day requirement.

(c) In cases of alterations by the Commission in the required manner or form of keeping accounts by carriers, notice will be served upon affected carriers not less than 6 months prior to the effective date of such alterations.

SUBPART D—BROADCAST APPLICATIONS AND PROCEEDINGS

§ 1.300 *Scope.* This subpart is applicable to all broadcast services listed in Parts 3 and 4 of this chapter. For additional information relative to applications, see the respective rules relating to each service.

General Requirements as to Applications

§ 1.301 *Applications required.* (a) Except as provided in paragraph (b) of this section, construction permits as defined in section 3 (dd) of the Communications Act of 1934, as amended; station licenses as defined in section 3 (bb) of the Communications Act; modifications of construction permits or licenses; renewals of licenses; transfers, assignments of construction permits or station licenses, or any rights thereunder, shall be granted only upon written and subscribed application. A separate application shall be filed for each instrument of authorization requested, except as may otherwise be provided in this part.

(b) In cases of (1) emergency found by the Commission involving danger to life or property or due to damage to equipment, or (2) during a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, the Commission may grant construction permits and station licenses, or modifications or renewals thereof, without the filing of a formal application, but no authorization so granted shall continue in effect beyond the period of the emergency or war requiring it.

(c) Each individual request submitted under the provisions of paragraph (b) of this section shall contain, as a minimum requirement, the following information:

(1) Name and address of applicant;

(2) Location of proposed installation or operation;

(3) Official call letters of any valid station authorization already held by applicant and the station location;

(4) Type of service desired (not required for renewal, nor for modification unless class of station is to be modified);

(5) Frequency assignment, authorized transmitter power(s), and authorized class(es) of emission desired (not required for renewal; required for modification only to the extent such information may be involved);

(6) Equipment to be used, specifying the manufacturer and type or model number (not required for renewal; required for modification only to the extent such information may be involved);

(7) Statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act; and

(8) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commis-

sion for the purpose of this section including estimated duration of emergency or which, if during an emergency or war declared by the President or Congress, necessitate such action without formal application for the national defense or security or in furtherance of the war efforts.

§ 1.302 *Filing of applications.* All applications for authorizations set forth in § 1.301 must be filed in the Office of the Secretary, Federal Communications Commission, Washington 25, D. C. The number of copies required for each application is set forth in the FCC Form which is to be used in filing such application.

§ 1.303 *Subscription and verification of applications.* (a) Each application, or amendment thereto and each written statement of fact required by the Commission from any applicant or licensee to enable the Commission to determine whether the original application should be granted or denied or a license revoked shall, except in the cases enumerated in § 1.301 (b), be personally signed under oath or affirmation by the applicant, if an individual; a partner of the applicant, if a partnership; or an officer of the applicant, if a corporation or association: *Provided, however,* That subscription and verification may be made by the attorney for the party in case of physical disability of the party or absence from the continental United States.

(b) Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 1.304 *Contents of applications.* (a) Each application shall include all information called for by the particular form on which the application is required to be filed unless the information called for is inapplicable in which case this fact shall be indicated.

(b) The Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary. The Commission may also, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 1.305 *Specification of facilities.* (a) An application for facilities in the standard, FM, or television broadcast services shall be limited to one frequency, or channel assignment, and no application will be accepted for filing if it requests alternate frequency or channel assignments.

(b) An application for facilities in the experimental and auxiliary broadcast services may request the assignment of more than one frequency if consistent with applicable rules in Part 4 of this chapter. Such applications must specify the frequency or frequencies requested and may not request alternate frequencies.

(c) An application for construction permit for a new broadcast station, the facilities for which are specified in an outstanding construction permit, will not be accepted for filing.

(d) An application for facilities in the international broadcast service may be filed without a request for specific frequency as the Commission will assign frequencies from time to time in accordance with §§ 3.702 and 3.711 of this chapter.

§ 1.306 *Acceptance of applications.* (a) Applications which are tendered for filing in Washington, D. C., are dated by the Office of the Secretary upon receipt and then forwarded to the Broadcast Bureau where an administrative examination is made to ascertain whether the applications are complete. Applications found to be complete or substantially complete are accepted for filing and are given a file number. In case of minor defects as to completeness, the applicant will be requested to supply the missing information. Applications which are not substantially complete will be returned to the applicant.

(b) Acceptance of an application for filing merely means that it has been the subject of a preliminary review by the Commission's administrative staff as to completeness. Such acceptance will not preclude the subsequent dismissal of the application if it is found to be patently not in accordance with the Commission's rules.

(c) At regular intervals the Commission will issue a "Public Notice" listing all applications and major amendments thereto which have been accepted for filing.

§ 1.307 *Defective applications.* (a) Applications which are determined to be patently not in accordance with the Commission's rules, regulations, or other requirements, unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing or if inadvertently accepted for filing will be dismissed. Requests for waiver shall show the nature of the waiver or exception desired and shall set forth the reasons in support thereof.

(b) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, a failure to comply with such request will be deemed to render the application defective and such application will be dismissed.

§ 1.308 *Inconsistent or conflicting applications.* While an application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by the same applicant, his successor or assignee, or on behalf or for the benefit of the same applicant, his successor or assignee.

§ 1.309 *Repetitious applications.* (a) Where the Commission has denied an application for a new station or for any modification of services or facilities, or dismissed such application with prejudice, no like application involving service of the same kind to substantially the same area by substantially the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest, may be filed within 12 months from the effective date of the Commission's action: *Provided, however,* That applicants whose applications have been denied in a comparative hearing for a particular FM or television facility allocated in the FM or television allocation table, may immediately reapply for another available FM or television channel.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until final disposition of such appeal.

§ 1.310 *Multiple applications.* Where there is one application for new or additional facilities pending, no other application for new or additional facilities for a station of the same class to serve the same community, may be filed by the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest. Multiple applications may not be filed simultaneously.

§ 1.311 *Amendments of applications.* (a) Any application may be amended as a matter of right prior to the adoption date of the order designating such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.303.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. If the granting of such petition would permit a grant of the amended application or an application theretofore in conflict with the amended application, such petition must be accompanied by an affidavit as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. The affidavit of consideration shall be executed by:

(1) The applicant, if an individual;

(2) A partner of applicant, if a partnership; or

(3) An officer of applicant having personal knowledge of the facts, if a corporation or association.

§ 1.312 *Dismissal of applications.* (a) Any application may, upon request of the applicant, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. An applicant's request for the return of an application that has been accepted for filing will be regarded as a request for dismissal.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal with be without prejudice where an application has not yet been designated for hearing; such dismissal may be made with prejudice after an application has been designated for hearing.

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Such petition must be accompanied by an affidavit as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. If consideration has been promised or received, the affidavit shall set forth in full detail all relevant facts. The affidavit of consideration shall be executed by the applicant, if an individual; a partner of applicant, if a partnership; or an officer of the applicant having personal knowledge of the facts, if a corporation or association.

§ 1.313 *Forfeiture of construction permit.* A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

§ 1.314 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 1.315 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license), the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

Filing of Applications and Description of Application Forms

§ 1.321 *Formal and informal applications.* (a) "Formal application" means any request for authorization where an FCC Form for such request is prescribed. "Informal application" means all other requests for authorization. Informal applications may be in letter form, but all such applications should contain a caption clearly indicating the nature of the request submitted therein.

(b) An informal application requesting modification of an outstanding authorization must comply with the requirements as to signing under oath and affirmation specified in §§ 1.301 and 1.303.

§ 1.322 *Application forms for authority to construct a new station or make changes in an existing station.* (a) Applications for new facilities or modification of existing facilities shall be made on the following forms:

(1) FCC Form 301 "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station."

(2) FCC Form 309 "Application for Authority to Construct or Make Changes in an Existing International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station."

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 318 "Request For Subsidiary Communications Authorizations." For use by existing FM broadcast licensees applying for permit to establish a SCA service, modification of SCA, renewal of SCA.

(5) FCC Form 340 "Application for Authority to Construct or Make Changes in a Noncommercial Educational FM Broadcast Station."

(6) [Reserved.]

(7) FCC Form 346 "Application for Authority to Construct or Make Changes in a Television Broadcast Translator Station."

(b) Applications for construction permit or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated construction.

§ 1.323 *Application for extension of construction permit or for construction permit to replace expired construction permit.* (a) Application for extension of time within which to construct a station shall be filed on FCC Form 701. The application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases, an application will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(b) Application to replace an expired construction permit shall be made on FCC Form 321 "Application for Construction Permit to Replace Expired Permit." Such application must be filed within 30 days of the expiration date of the authorization sought to be replaced.

§ 1.324 *Application to operate by remote control.* Application by an existing licensee or permittee for a permit to operate a standard or FM broadcast station by remote control shall be made on FCC Form 301-A "Request for Modification—Broadcast Station Authorization (Remote Control)."

§ 1.325 *Application for license to cover construction permit.* (a) The application for station license shall be filed by permittee prior to service or program tests.

(b) The following application forms shall be used:

(1) FCC Form 302 "Application for New Broadcast Station License."

(2) FCC Form 310 "Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License."

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 318 "Request for Subsidiary Communications Authorization."

(5) FCC Form 341 "Application for Noncommercial Educational FM Broadcast Station License."

(6) (Reserved.)

(7) FCC Form 347 "Application for Television Broadcast Translator Station License."

§ 1.326 *Application for license to use former main transmitter or antenna as an auxiliary.* The following application forms shall be used when no new construction is involved:

(a) FCC Form 302 "Application for Broadcast Station License."

(b) FCC Form 341 "Application for Noncommercial Educational FM Broadcast Station License."

§ 1.327 *Application for modification of license.* (a) An application for modification of license may be filed for:

(1) Change in name of licensee where no change in ownership or control is involved;

(2) Change station location involving no change in transmitter location;

(3) Change main studio location of a television station to or from a location outside the principal community;

(4) Change studio location of a standard or FM station to a location outside the city limits other than the associated transmitter site;

(5) Change of hours of operation of a standard broadcast station.

(b) The application forms set forth in § 1.322 shall be used.

§ 1.328 *Application for renewal of license.* (a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed except that applications for renewal of license of an experimental or developmental broadcast station or a television broadcast translator station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) No application for renewal of license of any broadcast station will be considered unless there is on file with the Commission the information, if any, currently required by §§ 1.341 to 1.343, inclusive, for the particular class of station. The renewal application shall include a reference by date and file number to such information on file.

(c) Whenever the Commission regards an application for a renewal of license as essential to the proper conduct

of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(d) The following application forms shall be used:

(1) FCC Form 303 "Application for Renewal of Broadcast Station License."

(2) FCC Form 311 "Application for Renewal of an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License." To be used for all applications for renewal of licenses of Experimental Television, Experimental Facsimile, and Developmental Broadcast stations.

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services." To be used for all applications for renewal of regular licenses of auxiliary broadcasting stations.

(4) FCC Form 318 "Request for Subsidiary Communications Authorizations."

(5) FCC Form 342 "Application for Renewal of Noncommercial Educational FM Broadcast Station License."

(6) (Reserved).

(7) FCC Form 348 "Application for Renewal of Television Broadcast Translator Station License."

§ 1.329 *Application for voluntary assignment or transfer of control.* (a) Application for consent to the assignment of construction permit or license, or for consent to the transfer of control of a corporation holding such a construction permit or license, shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control), or FCC Form 316 (Short Form). Such application should be filed with the Commission at least 45 days prior to the contemplated effective date of assignment or transfer of control.

(b) The following assignment or transfer applications may be filed on FCC Form 316.

(1) Assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) Assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) Assignment or transfer by which certain stockholders retire and the interest transferred is not a controlling one;

(4) Corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) Assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests; or

(6) Assignment of less than a controlling interest in a partnership.

§ 1.330 *Application for involuntary assignment of license or transfer of control.* (a) The Commission shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee.

(b) Within 30 days after the occurrence of such death or legal disability, an application on FCC Form 316 shall be filed requesting consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

§ 1.331 *Application for temporary authorization.* (a) The specific circumstances in which temporary authority will be granted are set out in Parts 2, 3, and 4 of this chapter.

(b) Temporary authority may be granted to a licensee or permittee of a broadcast station to operate such station for a period not to exceed 90 days upon request therefor. Any such request should be filed with the Commission at least 10 days prior to the date of the proposed operation, and should be accompanied by a statement giving full particulars as to the purpose for which the request is made. Any temporary authority issued under this section may be cancelled by the Commission without further notice or hearing.

(c) No request by a standard broadcast station for temporary authority to extend its hours of operation beyond those authorized by its regular authorization will be accepted or granted by the Commission.

(d) An informal application may be used provided such application is signed by the applicant under oath or affirmation in accordance with the provisions of § 1.303.

(e) Request for temporary operation necessitated by equipment damage or failure may be made without regard to the procedural requirements of this section.

§ 1.332 *Application for renewal or modification of special service authorization.* (a) No special service authority will be issued after February 3, 1958: *Provided, however,* Consideration will be given to renewal or modification of a special service authorization outstanding on February 3, 1958 providing a satisfactory showing has been made in regard to the following, among others:

(1) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;

(2) That experimental operation is not involved as provided for by § 3.32 of this chapter; and

(3) That public interest, convenience, and necessity will be served by the authorization requested.

(b) Application for renewal or modification of special service authorization must be made by formal application on FCC Form 317 "Application for Standard Broadcast Station Special Service Authorization or Extension Thereof."

§ 1.333 *Application for standard broadcast station experimental operation.* Special experimental authorization may be issued, in accordance with § 3.32 of this chapter, to the licensee of a standard broadcast station in addition to the regular license. An informal application should be used in applying for such authorization.

§ 1.334 *Application concerning programs to be transmitted to foreign radio stations.* Application under section 325 (b) of the Communications Act for authority to locate, use, or maintain a radio broadcast studio in connection with a foreign radio station should be made on FCC Form 308 "Application for permit to locate, maintain, or use studio or apparatus for production of programs to be transmitted or delivered to foreign radio station": *Provided,* That licensees or permittees may file an informal application in those cases where the programs to be transmitted or delivered to a foreign radio station has been, is being, or will be broadcast in the United States by said licensee or permittee.

§ 1.335 *Application to determine operating power by direct measurement of antenna power.* Application to determine operating power of standard broadcast stations by direct measurement of antenna power shall be made on FCC Form 302 "Application for New Broadcast Station License."

§ 1.336 *Application for permission to use lesser grade operators.* (a) Application for temporary permission to operate standard and FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the radio district in which the station is located. Such permission will be granted for periods not to exceed 60 days if a proper showing is made, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. A request for extension of the permission previously granted may be granted upon a showing setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required. The Engineer in Charge may terminate this permission in the absence of a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

(b) Such application or report is not required to be submitted on any numbered or prescribed form. However, the request or report shall be in writing, signed by the licensee, if the licensee is an individual; by a partner, if the licensee is a partnership; or by an officer of the corporation, if the licensee is a corporation.

(c) A specific request for permission to use operators of lesser grade than required by the Commission's rules shall include the following information:

(1) Call letters of the station;

(2) Name of licensee;

(3) The number of persons holding radiotelephone first class operator licenses that will be employed as full-time operators at the station (this does not include part-time employees and persons only available on call in case of emergencies);

(4) A showing that at least one first class operator will be employed full time at the station and will be available on call at all times in the event of equipment failure;

(5) A statement that the additional licensed radiotelephone first class operators required for maintaining the normal schedule of operation could not be obtained for employment at the station;

(6) In the event an operator of the required grade was rejected by the station, a statement should be submitted by the station showing the reason for the rejection; and

(7) A showing that all known sources of broadcast operators within a reasonable distance have been exhausted. Names and addresses of sources contacted and the date of such contact shall be stated.

(d) The chief operator holding a radiotelephone first class operator license at a station to which temporary permission has been granted shall mail to the Engineer in Charge of the area from whom permission is received, within 3 days after employment of a lesser grade operator, a written cerification setting forth the name and operator license number of the lesser grade operator employed and stating that the operator has the ability to perform the normal operation of the station.

§ 1.337 *Requests for extensions of authority to operate without certain indicating instruments.* Requests for extension of authority to operate without a frequency monitor, a modulation monitor, a plate ammeter or voltmeter, a base current meter or common point meter, or a transmission line meter for FM and television stations, should be made by informal application to the Engineer in Charge of the radio district in which the station is located. Such requests must contain information as to when and what steps were taken to repair or replace the defective instrument.

OTHER FORMS AND INFORMATION TO BE FILED WITH THE COMMISSION

§ 1.341 *Financial report.* Each licensee or permittee of a commercially operated standard, FM, television, or international broadcast station (as defined in Part 3 of this chapter) shall file with the Commission on or before April 1 of each year, on FCC Form 324, broadcast revenue and expense statements for the preceding calendar year together with a statement as to investment in tangible broadcast property as of December 31 of such calendar year.

§ 1.342 *Filing of contracts.* Each licensee or permittee of a standard, FM, television, or international broadcast station (as defined in Part 3 of this chapter), whether operating or intending to operate on a commercial or noncommercial basis, shall file with the Commission copies of the following contracts, instruments, and documents together with amendments, supplements, and cancellations, within 30 days of execution thereof. The substance of oral contracts shall be reported in writing.

(a) Contracts relating to network service: All network affiliation contracts, agreements, or understandings between a station and a national, regional, or other network shall be filed. Transcription agreements or contracts for the supplying of film for television stations which specify option time must be filed. This section does not require the filing of transcription agreements or contracts for the supplying of film for television stations which do not specify option time, nor contracts granting the right to broadcast music such as ASCAP, BMI, or SESAC agreements.

(b) Contracts relating to ownership or control: Contracts, instruments, or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights, or interests therein, or relating to changes in such ownership or control. This paragraph is limited to the following:

(1) Articles of partnership, association, and incorporation, and changes in such instruments;

(2) Bylaws, and any instruments effecting changes in such bylaws;

(3) Any agreement, document, or instruments affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or non-voting stock), such as: (i) Agreements for transfer of stock; (ii) Instruments for the issuance of new stock; or (iii) Agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Options to purchase stock, pledges, trust agreements, and other executory agreements are required to be filed;

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of one year; and all proxies, whether or not running for a period of one year, given without full and detailed instructions binding the nominee to act in a specified manner. With respect to proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted; *Provided, however,* That when the licensee or permittee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors, or who have 1 percent or more of the corporation's voting stock; in cases where the licensee or permittee is a corporation having more than 50 stockholders and the stockholders giving the proxies are neither officers or directors nor hold 1 percent or more of the corporation's stock, the only information required to be filed is the name of any person voting 1 percent or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy;

(5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights, specifying or limiting the amount of dividends payable, the purchase of new equipment, the maintenance of current assets, etc.; or

(6) Any agreement reflecting a change in the officers, directors, or stockholders of a corporation, other than the licensee or permittee, having an interest, direct or indirect, in the licensee or permittee as specified by § 1.343.

(c) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(d) Contracts relating to Subsidiary Communications Authorization Operation, except contracts granting licensees or permittees engaged in SCA the right to broadcast copyright music.

(e) Time sales contracts: Time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events (broadcast pursuant to the contract is not under control of the station.

(f) Contracts relating to personnel:

(1) The following contracts, agreements, or understandings shall be filed: management consultant agreements with independent contractors; contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee station; management contracts with any persons, whether or not officers, directors, or regular employees which provide for both a percentage of profits and a sharing in losses; or any similar agreements.

(2) The following contracts, agreements, or understandings need not be filed: agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with chief engineers or other engineering personnel; contracts with attorneys, accountants, or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

§ 1.343 *Ownership reports.* (a) Each licensee of a standard, FM, or television station (as defined in Part 3 of this chapter), whether operating or intending to operate on a commercial or non-commercial basis, shall file an Ownership Report (FCC Form 323) at the time the application for renewal of station license is required to be filed: *Provided, however,* That licensees owning more than one standard, FM, or television broadcast station need file only one Ownership Report at three-year intervals. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

(1) In the case of an individual, the name of such individual;

(2) In the case of a partnership, the names of the partners and the interest of each partner;

NOTE: Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license or permit. If such change involves less than a controlling interest, the application for Commission consent to such change may be made upon FCC Form 316 (Short Form).

(3) In the case of a corporation, association, trust, estate, or receivership, the data applicable to each:

(i) The name, residence, citizenship, and stock-holdings of officers, directors, stockholders, trustees, executors, administrators, receivers, and members of any association;

(ii) Full information as to family relationship or business association between two or more officials and/or stockholders, trustees, executors, administrators, receivers, and members of any association;

(iii) Capitalization with a description of the classes and voting power of stock authorized by the corporate charter or other appropriate legal instrument and the number of shares of each class issued and outstanding; and

(iv) Full information on FCC Form 323 with respect to the interest and identity of any person having any direct, indirect, fiduciary, or beneficiary interest in the licensee or any of its stock;

For example:

(*a*) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.

(*b*) Where X corporation controls the licensee, or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of the licensee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock [by class] in X held by each) as is required in the case of the licensee, together with full information as to the identity and citizenship of the person authorized to vote licensee's stock, in case of voting stock.

(c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of X, and as to Z corporation if it controls Y corporation or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of Y and so on back to natural persons.

(4) In the case of all licensees:

(i) A list of all contracts still in effect required to be filed with the Commission by § 1.342 showing the date of execution and expiration of each contract; and (ii) Any interest which the licensee may have in any other broadcast station.

(b) A permittee shall file an Ownership Report (FCC Form 323) within 30 days of the date of grant by the Commission of an application for original construction permit. The Ownership Report of the permittee shall give the information required by the applicable portions of paragraph (a) of this section.

(c) A supplemental Ownership Report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report shall include without limitation:

(1) Any change in capitalization or organization;

(2) Any change in officers and directors;

(3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock, such as:

(i) A transfer of stock;

(ii) Issuance of new stock or disposition of treasury stock; or

(iii) Acquisition of licensee's or permittee's stock by the issuing corporation; or

(4) Any change in the officers, directors, or stockholders of a corporation other than the licensee or permittee such as X, Y, or Z corporation described in the example in paragraph (a) (3) of this section.

NOTE: Before any change is made in the organization, capitalization, officers, directors, or stockholders of a corporation other than licensee or permittee, which results in a change in the control of the licensee or permittee, prior Commission consent must be received under § 310 (b) of the Communications Act and § 1.329. A transfer of control takes place when an individual, or group in privity, gains or loses affirmative or negative (50 percent) control. See instructions on FCC Form 323 "Ownership Report".

(d) Exceptions: Where information is required under paragraphs (a), (b), or (c) of this section with respect to a corporation or association having more than 50 stockholders or members, such information need be filed only with respect to stockholders or members who are officers or directors of the corporation or association, or to other stockholders or members who have 1 percent or more of either the voting or non-voting stock of the corporation or voting rights in the association.

THE MANNER IN WHICH APPLICATIONS ARE PROCESSED

§ 1.351 *Standard broadcast applications on which action will be withheld pending conclusion of the proceeding in Docket No. 8333.* Action will be withheld on the following types of applications:

(a) Applications proposing daytime or limited time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter.

(b) Applications by existing daytime or limited time stations presently assigned to any of the frequencies specified in § 3.25 (a) and (b) of this chapter, proposing:

(1) A change in operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or

(2) A change in transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

(c) Applications for new stations, and those for changes in frequency assignment of existing stations, proposing unlimited time Class II assignments which would operate differently during the day and night in the continental United States on any of the frequencies specified in § 3.25 (b) of this chapter, or in Alaska, Hawaii, Virgin Islands, and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter.

(d) Applications for changes in existing stations, other than frequency, proposing unlimited time Class II facilities which would operate differently during the day and night in the continental United States on any of the frequencies specified in § 3.25 (b) of this chapter, or proposing unlimited Class II facilities in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter, where the resulting daytime and nighttime operations are different; and it is either

(1) Proposed to change daytime operation resulting in any increase in radiation towards the normally protected contour of a United States Class I station on the channel; or

(2) It is proposed to change transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

§ 1.352 *Standard broadcast applications involving stations in other North American countries.* (a) The special procedural provisions set forth in paragraphs (b) through (e) of this section with respect to the consideration of applications for standard broadcast station assignments are adopted in order to take into account the policy set out in the note to § 3.28 (b) of this chapter. (That note has reference to consideration by the Commission of applications for standard broadcast station assignments pending action with respect to ratification and entry into force of provisions of (1) the North American Regional Broadcasting Agreement, Washington, 1950, referred to herein as NARBA, (2) the Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band, Mexico, D. F. 1957, referred to herein as the U. S./Mexican Agreement, and (3) the existing relationship in the field of standard broadcasting between the United States and a North American country not signatory to either of these agreements, referred to herein as a non-signatory country.) The procedure set forth in paragraphs (b) through (e) of this section is applicable to all applications before the Commission for standard broadcast station assignments except those already being held in a pending status in connection with Dockets Nos. 6741 and 8333.

(b) Whenever it appears with respect to an application not in hearing status that a grant thereof would be inconsistent with the NARBA or the U. S./Mexican Agreement, or that the operation proposed therein would cause objectionable interference to a station in a non-signatory country, such application shall be placed in the pending file and, except as provided in this section, shall not receive further consideration or action pending modification of the policy set forth in the note to § 3.28 (b) of this chapter. Where it appears that any such application is mutually exclusive with an application or applications, the grant of which would not be inconsistent with these agreements and would not result in objectionable interference to any station in a non-signatory country, such application will be designated for hearing in consolidation with the application or applications with which it is in conflict. In such cases, the question of consistency with the NARBA or the U. S./Mexican Agreement or objectionable interference to stations in a non-signatory country shall be made a matter of issue in the hearing.

(c) (1) Whenever it appears, with respect to any application which has been designated for hearing by itself or with other applications in any consolidated proceeding, that a grant of the application or each and every one of the applications involved would be inconsistent with the NARBA or the U. S./Mexican Agreement or would result in objectionable interference to a station in a non-signatory country, and where the hearing involved has not been commenced, such application or applications will be removed from the hearing docket and placed in the pending file. Where the hearing involved has commenced, such application or applications will be placed in the pending file, but will not be removed from the hearing docket. Such action shall be by order and may be taken by the Commission.

(2) Whenever it appears with respect to one or more, but not all, of the applications in any consolidated proceeding that a grant of such application or applications would be inconsistent with the NARBA or the U. S./Mexican Agreement or would result in objectionable interference with stations in a non-signatory country, and where consistency with the agreements or interference to stations in a non-signatory country is not already a matter at issue in the proceeding, the notice of hearing will be amended to include an appropriate issue, and if the record has been closed it will be reopened for the purpose of taking testimony with respect to such issue. Such action will be taken by the Commission upon its own motion, or upon motion of any party to the proceeding or the Chief of the Broadcast Bureau.

(3) In any proceeding in which, after the hearing has commenced, it becomes necessary to place the applications involved in the pending file or to add, with respect to any application or applications, an issue concerning consistency with the NARBA or the U. S./Mexican Agreement or interference to stations in a non-signatory country, the applicants concerned will, not withstanding the status of proceeding and the provisions of § 1.311 (b), be afforded a reasonable opportunity to amend for the purpose of achieving consistency with these agreements and eliminating interference to a non-signatory country.

(4) In any proceeding in which there is an issue concerning consistency with the NARBA or the U. S./Mexican Agreement or interference to stations in a non-signatory country, the presiding officer will include in his decision a finding on this issue. However, neither the presiding officer nor the Commission will take this factor into account in arriving at a determination whether the grant of any application in the proceeding would serve the public interest. The presiding officer and the Commission will adhere to the policy outlined below in taking final or intermediate action upon the applications involved in such proceedings.

(i) Applications will be granted where such action would not be inconsistent with the NARBA or the U. S./Mexican Agreement, would not result in interference to a station in a non-signatory country, and would otherwise be in the public interest.

(ii) Applications will be denied (*a*) which are mutually exclusive with an application granted in accordance with subdivision (i) of this subparagraph and (*b*) where a denial is required for reasons independent of the question whether grant of application would be consistent with the NARBA or the U. S./Mexican Agreement or would result in objectionable interference to a station in a non-signatory country.

(iii) Applications will be placed in the pending file without removal from the hearing docket (*a*) where a grant would be inconsistent with the NARBA or the U. S./Mexican Agreement or would result in interference to a station in a non-signatory country but would otherwise be in the public interest; and (*b*) where a denial would be based upon comparative consideration with an application placed in the pending file in accordance with the immediately preceding subdivision (iii) (*a*).

(d) Whenever any application is placed in the pending file pursuant to paragraphs (b) or (c) of this section, the applicant concerned will be notified of the Commission's action in the matter. Any interested applicant who believes that an application has been erroneously placed in the pending file may petition the Commission for a review of its action. Petitions requesting that an application be placed in the pending file will also be entertained. All petitions filed pursuant to this paragraph must be filed in quintuplicate and be accompanied by an affidavit of a qualified radio engineer setting forth the engineering basis for the petition. Upon receipt of a petition filed in accordance with this paragraph, the Commission will review the action to which the petition is directed and provide opportunity for the submission by interested parties of any further data that may be required for full consideration of the matter.

(e) As a matter of general practice, except as provided in the procedure set forth in paragraphs (b) through (d) of this section, applications consistent with the NARBA and the U. S./Mexican Agreement which do not propose operations which would cause interference to stations in a non-signatory country will be considered and acted upon by the Commission in accordance with its established procedure, even though the NARBA or the U. S./Mexican Agreement may not yet have entered into force. In particular cases involving applications consistent with both agreements but in which special considerations of an international nature require that a different procedure be followed, the applicant or applicants involved will be formally advised to that effect.

§ 1.353 *Staff consideration of applications which receive action by the Commission.* Upon acceptance of an application, the complete file is reviewed by the staff and a report containing the recommendations and any other documents required is prepared and placed on the Commission's agenda.

§ 1.354 *Processing of standard broadcast applications.* (a) Applications for standard broadcast facilities are divided into two groups.

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations, such as changes in frequency, power, hours of operation, station location, or substantial change in directional antenna system. The applications in the first group are acted on by the Commission.

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations. The types of applications in the second group are listed in section 0.241 of the Statement of Organization, Delegations of Authority and Other Information and are acted upon by the Chief of the Broadcast Bureau under delegated authority.

(b) The Commission will not act on applications in paragraph (a) (1) of this section until 30 days after the date on which "Public Notice" is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which "Public Notice" is given of the acceptance for filing of such amendment. Where a later filed application or major amendment thereto is in conflict with another application, the 30-day limitation shall be applicable only to the earlier of the conflicting proposals.

(c) Applications for new stations or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. Thus, the file number determines the order in which the staff's work is begun on a particular application. There is one exception thereto; the Broadcast Bureau is authorized to group together for processing applications which involve interference conflicts where it appears that the applications must be designated for hearing in a consolidated proceeding.

(d) Applications which are acted upon under delegated authority are not placed on the processing line but are processed as nearly as possible in the order in which they are filed.

(e) Applications for modification of license to change hours of operation of a

class IV station, to decrease hours of operation of any other class of station, or to change station location involving no change in transmitter site will be considered without reference to the processing line.

(f) If, upon examination, the Commission finds that the public interest, convenience, and necessity will be served by the granting of an application, the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.362 will be followed.

(g) When an application which has been designated for hearing has been removed from the hearing docket, the application will be returned to its proper position (as determined by the file number) in the processing line. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Examiner, or Chief Hearing Examiner in acting on such petitions, will dismiss the request for a grant.

(h) An application will continue to be carried under the same file number unless a major amendment is made which involves the substitution of a different application. (Examples: Change in station location so that essentially a new service area is involved; substitution of new parties in the application so that the original applicant no longer holds a majority control.)

(i) When an application is reached for processing, and it is necessary to address a letter to the applicant asking further information, the application will not be processed until the information requested is received, and the application will be placed in the pending file to await the applicant's response.

(j) When an application is placed in the pending file, the applicant will be notified of the reason for such action.

§ 1.355 *Processing of television broadcast applications.* (a) Applications for television broadcast facilities are divided into two groups.

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations, such as changes in frequency, significant increases in power and/or antenna height, significant changes in antenna location, and changes in station location.

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations.

(b) The Commission will not act on applications in paragraph (a) (1) of this section until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which "Public Notice" is given of the acceptance for filing of such amendment. Where a later filed application or major amendment thereto is in conflict with another application, the 30-day limitation shall be applicable only to the earlier of the conflicting proposals.

(c) Applications for television stations will be processed as nearly as possible in the order in which they are filed.

(d) Regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i. e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 6, 13, 47, and 53 have been assigned to City X and there are pending two applications for Channel 6 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(e) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 3.610 of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is reached for processing. In order to be considered mutually exclusive with a lower file number application, the higher file number application must have been accepted for filing at least one day before the lower file number application has been acted upon by the Commission.

(f) Where prior to designation for hearing, a mutually exclusive application on file becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is completely or substantially the same parties as the parties to the original application or applications, the remaining application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed.

§ 1.356 *Processing of FM and noncommercial educational FM broadcast applications.* (a) Applications for FM broadcast stations are divided into two groups.

(1) In the first group are applications for new stations, applications for major modification of authorized facilities, or amendments to such applications requesting a major change in the proposed facilities. (Such as changes in the class of station, significant increases in power and/or antenna height, and/or a change in station location.)

(2) The second group of applications consist of those which involve relatively minor changes in the facilities of authorized stations.

(b) Applications for noncommercial educational FM broadcast stations are divided into two groups.

(1) In the first group are applications for new stations.

(2) In the second group are all applications for changes in the facilities of authorized noncommercial educational FM broadcast stations.

(c) Applications delineated in paragraphs (a) (1) and (b) (1) of this section will be acted upon by the Commission. The Commission, however, will not act on applications delineated in paragraph (a) (1) of this section until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which "Public Notice" is given of the acceptance for filing of such an amendment.

(d) Applications for noncommercial educational FM broadcast stations delineated in paragraph (b) of this section may be acted upon at any time after "Public Notice" is given of acceptance for filing of such applications.

(e) Applications delineated in paragraphs (a) (2) and (b) (2) of this section will be acted upon by the Chief of the Broadcast Bureau under delegated authority.

(f) Regardless of the number of applications filed for Class B channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i. e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 230, 238, 242, and 250 have been assigned to City X and there are pending two applications for Channel 230 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 230 will be designated for hearing. If there are two pending applications for Channel 230 and two applications for Channel 238, separate hearings will be held.

§ 1.357 *Staff consideration of applications which do not require action by the Commission.* Those applications which do not require action by the Commission but which, pursuant to the delegation of authority contained in the Commission's Statement of Organization, Delegations of Authority, and Other Information, may be acted upon by Chief, Broadcast Bureau are forwarded to the Broadcast Bureau for necessary action. If the application is granted, the license division issues the formal authorization. In any case where it is recommended that the application be set for hearing, where a novel question of policy is presented, or where the Chief, Broadcast Bureau desires instructions from the Commission, the matter is placed on the Commission agenda.

Action on Applications

§ 1.361 *Grants without hearing of authorizations other than licenses pursuant to construction permit; procedure for filing objections.* (a) An application for an instrument of authorization, other than a license pursuant to a construction permit, will be granted without hearing where: (1) such application is in proper form; (2) there is not pending a mutually exclusive application filed in accordance with paragraph (b) of this section; and (3) it appears from an examination of the application and supporting data, and upon consideration of objections filed pursuant to paragraph (c) of this section, that: (i) The applicant is legally, technically, financially, and otherwise qualified; (ii) The application is not in violation of the provisions of law or this chapter or established policies of the Commission; and (iii) A grant of the application would otherwise serve public interest, convenience, or necessity.

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application under consideration unless such other application was substantially complete and was filed with the Commission not later than the close of business on the day preceding the day on which the Commission takes action with respect to the application under consideration.

(c) Before Commission action on an application for an instrument of authorization, other than a license pursuant to a construction permit, any person may file objections to the grant. Such objection shall be signed by the objector. The limitation on pleadings and time for filing pleadings provided for in § 1.13 shall not be applicable to any objections duly filed under this section.

§ 1.362 *Designation for hearing.* (a) If the Commission is unable, upon examination of any application for an instrument of authorization other than a license pursuant to a construction permit, to make the findings specified in § 1.361 (a), it will without delay notify the applicant and all other known parties in interest of the grounds and reasons for its inability to make such findings, and of all objections made to the application, as well as the source and nature of such objections. Following such notice, the applicant is given an opportunity to reply. If the Commission, after considering such reply, should still be unable to determine that a grant without hearing would be in the public interest, it shall formally designate the application for hearing upon the issues then obtaining and shall notify the applicant and all other known parties in interest of such action.

(b) Where a grant of an application would preclude the grant of any application or applications mutually exclusive with it, the Commission may, if public interest will be served thereby, make a conditional grant of one of the applications and designate all of the mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that such grant is subject to being withdrawn if, at the hearing, it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(1) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That public interest requires the prompt establishment of radio service in a particular community or area; or

(3) That a grant of one or more applications would be in the public interest, and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest, and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, other statutes, or the provisions of this chapter.

§ 1.363 *Retention of applications in hearing status after designation for hearing.* (a) After an application for a broadcast facility is designated for hearing, it will be retained in hearing status upon the dismissal or amendment and removal from hearing of any other application or applications with which it has been consolidated for hearing.

(b) Where the applicants in a consolidated hearing for a broadcast facility by option, merger, or like arrangement effect a consolidation of their respective interests, the application which is to be prosecuted should be amended to reflect the arrangements between or among the applicants, and as amended will be retained in hearing along with the other applications, which will be dismissed by the hearing examiner's initial decision.

(c) In all cases arising under paragraphs (a) and (b) of this section, the hearing examiner will consider in the initial decision the issue of whether a grant of the remaining application or applications to be prosecuted would be in the public interest in the light of the arrangement whereunder the parties effected a consolidation of their respective interests or the competing applications were either dismissed or amended and removed from hearing.

(d) An application for a broadcast facility which has been designated for hearing and which is amended so as to eliminate the need for hearing or further hearing on the issues specified, other than as provided for in paragraph (b) of this section, will be removed from hearing status.

§ 1.364 *Special waiver procedure relative to applications.* (a) In the case of any broadcast applications designated for hearing, the parties may request the Commission to grant or deny an application upon the basis of the information contained in the applications and other papers specified in paragraph (b) of this section, without the presentation of oral testimony. Any party desiring to follow this procedure should execute and file with the Commission a waiver in accordance with paragraph (e) of this section, and serve copies on all other parties, or a joint waiver may be filed by all the parties. Upon the receipt of waivers from all parties to a proceeding, the Commission will decide whether the case is an appropriate one for determination without the presentation of oral testimony. If it is determined by the Commission that, notwithstanding the waivers, the presentation of oral testimony is necessary, the parties will be so notified and the case will be retained on the hearing docket. If the Commission concludes that the case can appropriately be decided without the presentation of oral testimony, the record will be considered as closed as of the date the waivers of all parties were first on file with the Commission.

(b) In all cases considered in accordance with this procedure, the Commission will decide the case upon the basis of the information contained in the applications and any other papers open to public inspection on file with the Commission, as of the date the record was closed, which pertain to the applicants or applications in question. The Commission may call upon any party to furnish any additional information which the Commission deems necessary to a proper decision. Such information shall be served upon all parties. The waiver previously executed by the parties shall be considered in effect unless within 10 days of the service of such information the waiver is withdrawn.

(c) Any decision by the Commission rendered pursuant to this section will be in the nature of a final decision, unless otherwise ordered by the Commission.

(d) By agreeing to the waiver procedure prescribed in this section, no party shall be deemed to waive the right to petition for reconsideration or rehearing, or to appeal to the Courts from any adverse final decision of the Commission.

(e) The waiver provided for by this section shall be in the following form:

WAIVER

Name of applicant ----------
Call letters ----------
Docket No. ----------

The undersigned hereby requests the Commission to consider its application and grant or deny it in accordance with the procedure prescribed in § 1.364 of the Commission's rules and regulations. It is understood that all the terms and provisions of ---------- are incorporated in this waiver.

SUBPART E — COMPLAINTS, APPLICATIONS, TARIFFS, AND REPORTS INVOLVING COMMON CARRIERS

General

§ 1.401 *Show cause orders.* (a) The Commission may commence any proceeding within its jurisdiction against any common carrier by serving upon the carrier an order to show cause. The order shall contain a statement of the particulars and matters concerning which the Commission is inquiring and the reasons for such action, and will call upon the carrier to appear before the Commission at a place and time therein stated and give evidence upon the matters specified in the order.

(b) Any carrier, upon whom an order has been served under this section, shall file its answer within the time specified in the order. Such answer shall specifically and completely respond to all allegations and matters contained in the show cause order.

(c) All papers filed by a carrier in a proceeding under this section shall conform with the specifications of §§ 1.52 and 1.53 and the subscription and verification requirements of § 1.55. An original and 14 copies of all such papers shall be filed.

§ 1.402 *Appearances*—(a) *Hearings.* Except as otherwise required by § 1.140 regarding application proceedings, by § 1.62 regarding proceedings instituted under section 312 of the Communications Act of 1934, as amended, or by Commission order in any proceeding, no written statement indicating intent to appear need be filed in advance of actual appearance at any hearing by any person or his attorney.

(b) *Oral arguments.* Within 5 days after release of an order designating an initial decision for oral argument or within such other time as may be specified in the order, any party who wishes to participate in the oral argument shall file a written statement indicating that he will appear and participate. Within such time as may be specified in an order designating any other matter for oral argument, any person wishing to participate in the oral argument shall file a written statement to that effect setting forth the reasons for his interest in the matter. The Commission will advise him whether he may participate. (See § 1.154 for penalties for failure to file appearance statements in proceedings involving oral arguments on initial decisions.)

(c) *Commission counsel.* The requirement of paragraph (b) of this section shall not apply to counsel representing the Commission or the Chief of the Common Carrier Bureau.

Complaints

§ 1.411 *Formal or informal complaints.* Complaints filed against carriers under section 208 of the Communications Act may be either formal or informal.

§ 1.412 *Satisfaction of complaints; damages.* If a carrier satisfies any complaint brought to its attention by the Commission, a statement must be filed with the Commission, in duplicate, setting forth when and how the complainant has been satisfied: *Provided, however,* That no complaint seeking damages as a result of alleged unjust or unreasonable charges, practices, classifications, or regulations contained in an effective tariff schedule on file with the Commission shall be satisfied except after appropriate authorization by the Commission.

Informal complaints

§ 1.416 *Form.* An informal complaint shall be in writing and shall contain: (a) The name and address of the complainant, (b) the name of the carrier against which the complaint is made, and (c) a complete statement of the facts tending to show that such carrier did or omitted to do anything in contravention of the Communications Act.

§ 1.417 *Procedure.* Upon receipt of any informal complaint, the Commission will forward a copy to the carrier complained of or take the question up by correspondence with the carrier. The carrier will also be called upon within such time as may be prescribed either to satisfy the complaint or advise the Commission of its refusal or inability to do so. If the carrier satisfies the complaint, it shall so notify the Commission in accordance with the provisions of § 1.412. The Commission will forward a copy of the carrier's notice of satisfaction to the complainant. If the carrier refuses or is unable to satisfy the complaint, it shall so notify the Commission, in duplicate, and the Commission will forward a copy of such notice to the complainant, with a statement of the procedure to be followed to further prosecute the complaint.

§ 1.418 *Unsatisfied informal complaints; formal complaints relating back to the filing dates of informal complaints.* When an informal complaint has not been satisfied pursuant to § 1.417, the complainant may file a formal complaint in the form specified in § 1.421. Such filing will be deemed to relate back to the filing date of the informal complaint: *Provided,* That the formal complaint: (a) Is filed within 6 months from the date of the Commission's statement accompanying a copy of the carrier's notice of refusal or inability to satisfy, (b) makes reference to the date of the informal complaint, and (c) is based on the same cause of action as the informal complaint. If no formal complaint is filed within the 6-month period, the complainant will be deemed to have abandoned the unsatisfied informal complaint, and such complaint will be deemed dismissed.

Formal complaints

§ 1.421 *Form.* (a) A formal complaint shall contain the name of each complainant and defendant, the address of each complainant, and the name and address of his attorney, if represented by attorney, and shall be subscribed and verified by the complainant.

(b) The following form may be used in cases to which it is applicable, with such alterations as the circumstances may render necessary.

Complaint

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D. C.

Docket No. ------ (To be inserted by the Secretary of the Commission)

Complainant

v.

Defendant

The complainant (here insert full name of each complainant and if a corporation the corporate title of such complainant) shows:

(1) That (here state occupation and post office address of each complainant).

(2) That (here insert the full name, occupation, and post office address of each defendant).

(3) That (here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation).

Wherefore, complainant asks (here state specifically the relief desired).

Dated at ---------- this ------ day of ----------, 19---.

(Name of each complainant)

(Name and address of attorney, if any)

Form of Verification

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being first duly sworn, on oath, deposes, and says: That he is the complainant (or one of the complainants) in the above-entitled matter; that he has read the within and foregoing complaint and knows the contents thereof, and that the matter and things therein stated are true of his own knowledge, save and except those matters therein stated on information and belief, and as to those he believes them to be true.

Subscribed and sworn to before me this ------ day of ---------- 19---.

(Notary public or other proper officer)

§ 1.422 *Statement of issues and facts.* A formal complaint shall be so drawn as to advise the Commission and the defendant fully wherein the provisions of the Communications Act, or an order, rule, or regulation of the Commission have been violated; the facts claimed to constitute such violation including such data as will identify, with reasonable certainty, the communications or transmissions, or other services complained of (as well as any other appropriate facts elicited by § 1.423), and the relief sought.

§ 1.423 *Damages; allegations with certainty.* (a) In case recovery of damages is sought, the complaint shall contain appropriate allegations showing such data as will serve to identify, with reasonable certainty, the communications or transmissions, or other services, for which recovery is sought and shall state:

(1) That the complainant makes claim for damages;

(2) The name and address of each individual claimant asking damages;

(3) The name and address of the defendant against which claim is made;

(4) The communications, transmissions, or other services rendered, the charge applied thereto, the date when charges were paid, by whom paid, and by whom borne;

(5) The period of time within which, or the specific dates when the communications, transmissions, or other services were rendered;

(6) The points of origin and reception of the communications or transmissions, and if the damages sought to be recovered are for services other than communications or transmissions, then the allegations of the complaint shall state the nature and extent of such services, the date or dates when rendered, when paid for, and by whom borne;

(7) The nature and amount of injury sustained by each claimant;

(8) Separately, the damages with respect to each communication, transmission, or other service for which recovery is sought;

(9) If damages are sought on behalf of others than the complainant, in what capacity or by what authority complaint is made in their behalf; and

(10) That suit has not been filed in any court on the basis of the same cause of action.

(b) Damages will not be awarded upon a complaint unless specifically requested. Damages may be awarded, however, upon a supplemental complaint based upon the finding of the Commission in the original proceeding.

§ 1.424 *Specific tariff schedule references.* The several charges, classifications, regulations, or practices complained of should be set out by specific reference to the tariff schedules in which they appear, whenever that is possible.

§ 1.425 *Joinder of complainants and causes of action.* (a) Two or more complainants may join in one complaint if their respective causes of action are against the same defendant and concern substantially the same alleged violation of the Communications Act and substantially the same facts.

(b) Two or more grounds of complaint involving the same principle, subject, or statement of facts may be included in one complaint, but should be separately stated and numbered.

§ 1.426 *Discrimination, preference, or prejudice.* When unjust or unreasonable discrimination or undue or unreasonable preference, advantage, prejudice, or disadvantage is alleged, the complaint shall clearly specify the particular person, company or other entity, locality, or description of traffic affected thereby, and the particular discrimination, preference, advantage, prejudice, or disadvantage relied upon as constituting a violation of the Communications Act.

§ 1.427 *Supplemental complaints.* (a) *Filing.* There may be filed with the Commission a supplemental complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action.

(b) *Seeking damages.* If recovery of damages or overcharges is sought by supplemental complaint, it must be filed with the Commission within the statutory periods of limitations as to actions contained in section 415 of the Communications Act.

§ 1.428 *Cross complaints.* A cross complaint, seeking any relief within the jurisdiction of the Commission against any carrier which is a party (complainant or defendant) to the proceeding, may be filed by a defendant with its answer. A cross complaint will be accepted for filing and will be served by the Commission in the manner provided in § 1.429 for serving complaints. For the purpose of this subpart, the term "cross complaint" shall include counterclaim.

§ 1.429 *Copies; service.* (a) An original and 14 copies of all pleadings and briefs filed in any formal complaint proceeding shall be furnished the Commission, and one extra copy for each party to the proceeding when service is made by the Commission.

(b) The Commission will serve a copy of any formal complaint filed with it (and any supplemental, amended, or cross complaint) together with a notice of the filing of the complaint. Such notice shall call upon the carrier to satisfy the complaint in accordance with § 1.412 or answer the same in writing within the time specified in said notice.

(c) All subsequent pleadings and briefs filed in any formal complaint proceeding shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.56. Proof of such service shall also be made in accordance with the requirements of said section.

§ 1.430 *Answers to complaints, supplemental complaints, amended complaints, and cross complaints.* Any carrier upon whom a copy of a formal complaint, supplemental complaint, amended complaint, or cross complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense, and shall respond specifically to all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

§ 1.431 *Motions to dismiss complaints or to make them more definite and certain.* (a) A defendant may serve with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on the face of such complaint.

(b) Within 10 days after service of a complaint by the Commission, a defendant may file a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. If such motion is granted by the Commission, it will order the complainant to file an amended complaint within such time as may be specified in the order.

§ 1.432 *Replies to answers or amended answers; motions to make answers more definite and certain.* Within 10 days after service of an answer or an amended answer, a complainant may serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed as admission of any allegations contained in such answer or amended answer. A complainant may also serve with his reply a motion that the answer be made more definite and certain, such motion to point out the defects complained of and the details desired. If such motion is granted by the Commission, it will order the defendant to file an amended answer within such time as may be specified in the order.

§ 1.433 *Oppositions to motions to dismiss complaints or to make them more definite and certain.* Within 10 days after service of a motion to dismiss a complaint or to make it more definite and certain, a complainant may serve an opposition to such motion.

§ 1.434 *Specifications as to pleadings, briefs, and other documents; subscription and verification.* All papers filed in any formal complaint proceeding must be drawn in conformity with the requirements of §§ 1.52, 1.53, and 1.55.

§ 1.435 *Formal complaints not stating a cause of action; defective pleadings.* (a) Any document purporting to be a formal complaint which does not state a cause of action under the Communications Act will be dismissed. In such case any amendment to such document will be considered a new filing which must be made within the statutory periods of limitations of actions contained in section 415 of the Communications Act, if recovery of damages or overcharges is sought.

(b) Any pleading filed in a formal complaint proceeding not in conformity with the requirements of the applicable rules in this part (other than the matter covered in paragraph (a) of this section) may be deemed defective. In such case the Commission will:

(1) Request that specified defects be corrected and that corrected pleadings be filed and served within a prescribed time as a condition to being treated as timely filed; and

(2) Notify all persons, known to the Commission to have been served with any defective pleading, of the action taken under this paragraph.

Applications

§ 1.440 *Scope.* The general rules relating to applications contained in §§ 1.441 through 1.447 apply to all applications filed by carriers except those filed by public correspondence radio stations pursuant to Parts 7, 8, 9, 14, and 21 of this chapter. Part 21 contains general rules applicable to applications filed pursuant thereto. For general rules applicable to applications filed pursuant to Parts 7, 8, 9, and 14, see such parts and Subpart F of this part.

§ 1.441 *Place of filing; number of copies.* All applications shall be tendered for filing with the Office of the Secretary, Federal Communications Commission, Washington 25, D. C. The applications will be dated by the Office of the Secretary upon receipt and then forwarded to the Common Carrier Bureau. The number of copies required for each application is set forth in the rules in this chapter relating to various types of applications. However, if any application is not of the types covered by this chapter, an original and two copies of such application shall be submitted.

§ 1.442 *Subscription and verification.* Each application or amendment thereto shall be personally subscribed and verified (or affirmed) by the applicant, if the

applicant is an individual; by any one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; or by an executive of the applicant if the applicant is not an individual, partnership, corporation or association: *Provided, however,* That an application may be subscribed and verified by the attorney-at-law or in fact for an applicant in case of physical disability of the applicant, or his absence from the continental United States. If subscription and verification is made by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Only the original of the application need be subscribed and verified or affirmed; the copies may be conformed.

§ 1.443 *Amendments.* (a) Any application not designated for hearing may be amended at any time by the filing of subscribed and verified (or affirmed) amendments in the same manner, and with the same number of copies, as was the initial application.

(b) After any application is designated for hearing, requests to amend such application may be granted by the Commission upon good cause shown by petition, which petition shall be properly served upon all other parties to the hearing.

(c) The Commission may order the applicant to amend his application at any time so as to make it more definite and certain. Such order may be issued by the Commission upon its own motion or upon petition of any interested person, which petition shall be properly served upon the applicant and, if the application has been designated for hearing, upon all parties to the hearing.

§ 1.444 *Additional statements.* The Commission may require an applicant to submit such additional documents and written statements of fact, subscribed and verified (or affirmed), as in its judgment may be necessary.

§ 1.445 *Defective applications.* (a) Applications not in accordance with the applicable rules in this chapter may be deemed defective and returned by the Commission without acceptance of such applications for filing and consideration. Such applications will be accepted for filing and consideration if accompanied by petition showing good cause for waiver of the rule with which the application does not conform.

(b) The assignment of a file number, if any, to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 1.446 *Inconsistent or conflicting applications.* When an application is pending or undecided, no inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, his successor, or assignee, will be considered by the Commission.

§ 1.447 *Dismissal of applications*—(a) *Before designation for hearing.* Any application not designated for hearing may be dismissed without prejudice at any time upon request of the applicant. An applicant's request for the return of an application that has been accepted for filing and consideration, but not designated for hearing, will be deemed a request for dismissal without prejudice. The Commission may dismiss an application without prejudice before it has been designated for hearing when the applicant fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

(b) *After designation for hearing.* A request to dismiss an application without prejudice after it has been designated for hearing shall be made by petition properly served upon all parties to the hearing and will be granted only for good cause shown. The Commission may dismiss an application with prejudice after it has been designated for hearing when the applicant:

(1) Fails to comply with the requirements of § 1.140 (c);

(2) Otherwise fails to prosecute his application; or

(3) Fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

§ 1.448 *Action on applications under delegated authority.* Certain applications do not require action by the Commission but, pursuant to the delegated authority contained in the Commission's Statement of Organization, Delegation of Authority and Other Information, may be acted upon by the Telegraph Committee, the Telephone Committee, or the Chief of the Common Carrier Bureau, respectively, subject to reconsideration by the Commission.

SPECIFIC TYPES OF APPLICATIONS UNDER TITLE II OF COMMUNICATIONS ACT

§ 1.449 *Cross reference.* Specific types of applications under Title III of the Communications Act involving public correspondence radio stations are specified in Parts 6, 7, 8, 9, and 21 of this chapter.

§ 1.450 *Interlocking directorates.* Applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the act or for a finding that two or more carriers are commonly owned shall be made in the form and manner and with the number of copies required by Part 62 of this chapter. The Commission shall be informed of any change in status of any person authorized to hold the position of officer or director of more than one carrier, as required by Part 62 of this chapter.

§ 1.451 *Construction, extension, acquisition or operation of lines.* (a) Applications under section 214 of the Communications Act for authority to construct a new line, extend any line, acquire or operate any line or extension thereof, or to engage in transmission over or by means of such additional or extended line, to furnish temporary or emergency service, or to supplement existing facilities shall be made in the form and manner and with the number of copies required by Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of applications for certificates are filed with the regulatory agencies of the States involved.

§ 1.452 *Discontinuance, reduction, or impairment of service.* (a) Applications under section 214 of the Communications Act for authority to discontinue, reduce, or impair service to a community or part of a community or for the temporary, emergency, or partial discontinuance, reduction, or impairment of service shall be made in the form and manner and with the number of copies required by Part 63 of this chapter. Posted and published notice shall be given the public as required by Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of all formal applications under this section requesting authorizations (including certificates) are filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Copies of all applications under this section requesting authorizations (including certificates) are filed with the regulatory agencies of the States involved.

§ 1.453 *Consolidation or acquisition of telephone companies.* Applications under section 221 (a) of the Communications Act for authority to consolidate or acquire telephone companies shall be made in the form and manner and with the number of copies required by Part 66 of this chapter.

§ 1.454 *Consolidation of domestic telegraph carriers.* (a) Applications under section 222 of the Communications Act by two or more domestic telegraph carriers for authority to effect a consolidation or merger or to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier shall contain such information as is necessary for the Commission to act upon such application under the provisions of section 222 of the act.

(b) These applications are acted upon by the Commission after public hearing. Reasonable notice in writing of the public hearing and an opportunity to be heard is given by the Commission to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of the Army, the Attorney

General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable.

§ 1.455 *Cable landing licenses.* (a) Applications for cable landing licenses under 47 U. S. C. 34–39 and Executive Order No. 10530, dated May 10, 1954, should be filed in duplicate and in accordance with the provisions of said Order. These applications should contain the name and address of the applicant, the corporate structure and citizenship of officers if a corporation; description of submarine cable, including type and number of channels and capacity thereof; location of points on shore of United States and points in foreign countries where cable will land (including map); proposed use, need, and desirability of the cable; and any other information as may be necessary to enable the Commission to act thereon.

(b) These applications are acted upon by the Commission after obtaining the approval of the Secretary of State and such assistance from any executive department or establishment of the Government as it may require.

(c) Original files relating to submarine cable landing licenses and applications for licenses since June 30, 1934, are kept by the Commission. Such applications for licenses (including all documents and exhibits filed with and made a part thereof, with the exception of any maps showing the exact location of the submarine cable or cables to be licensed) and the licenses issued pursuant thereto, with the exception of such maps, shall, unless otherwise ordered by the Commission, be open to public inspection in the offices of the Commission in Washington, D. C.

(d) Original files relating to licenses and applications for licenses for the landing operation of cables prior to June 30, 1934, were kept by the Department of State and such files prior to 1930 have been transferred to the Executive and Foreign Affairs Branch of the General Records Office of the National Archives. Requests for inspection of these files should, however, be addressed to the Federal Communications Commission, Washington 25, D. C.; and the Commission will obtain such files for a temporary period in order to permit inspection at the offices of the Commission.

TARIFFS

§ 1.461 *Filing.* Schedules of charges and classifications, practices and regulations affecting such charges required under section 203 of the Communications Act shall be constructed, filed, and posted in accordance with and subject to the requirements of Part 61 of this chapter.

§ 1.462 *Application for special tariff permission.* Applications under section 203 of the Communications Act for special tariff permission shall be made in the form and manner and with the number of copies required by Part 61 of this chapter.

§ 1.463 *Petitions for suspension of tariff schedules*—(a) *Content.* A petition for suspension of a new tariff schedule or any provision thereof shall indicate the schedule affected by its Federal Communications Commission number and give specific reference to the items against which protest is made, together with a statement of the grounds thereof.

(b) *When filed.* A petition for suspension will not ordinarily be considered unless made in writing and filed with the Commission and served upon the publishing carrier at least 10 days before the effective date of the tariff schedule. In case of emergency and within the time limits herein provided, a telegraphic request for suspension may be sent to the Commission, a copy of which shall be sent to the publishing carrier and shall set forth succinctly the substance of the matters required by paragraph (a) of this section. Such telegraphic request must be forthwith confirmed by petition filed and served in accordance with this section.

(c) *Reply.* A publishing carrier may reply to a petition for suspension, but such reply should be filed with the Commission and served upon petitioner within 3 days after service of the petition for suspension.

(d) *Copies; service.* An original and 14 copies of each petition or reply must be filed with the Commission, and one copy must be simultaneously served upon the publishing carrier or each petitioner, as the case may be.

CONTRACTS, REPORTS, AND REQUESTS REQUIRED TO BE FILED BY CARRIERS

§ 1.468 *Requests for extension of filing time.* Requests for extension of time within which to file contracts, reports, and requests referred to in §§ 1.469 through 1.493 shall be made in writing and may be granted for good cause shown.

CONTRACTS

§ 1.469 *Filing.* Copies of carrier contracts, agreements, concessions, licenses, authorizations or other arrangements, shall be filed as required by Part 43 of this chapter.

FINANCIAL AND ACCOUNTING REPORTS AND REQUESTS

§ 1.471 *Annual financial reports.* (a) Annual financial reports shall be filed by carriers and affiliates as required by Part 43 of this chapter on the following forms:

(1) Form H (holding companies who do not report to the Commission in the manner prescribed in paragraph (b) of this section).

(2) Form L (licensees in the domestic public land mobile radio services who do not report to the Commission on Annual Report Form M).

(3) Form M (telephone companies, classes A and B).

(4) Form O (wire-telegraph and ocean-cable carriers, classes A and B).

(5) Form R (radiotelegraph carriers, classes A and B).

(b) Verified copies of annual reports filed with the Securities and Exchange Commission on its Form 10–K, Form 1–MD, or such other form as may be prescribed by that Commission for filing of equivalent information, shall be filed annually with this Commission by each person directly or indirectly controlling any communications common carrier in accordance with Part 43 of this chapter.

(c) Carriers having separate departments or divisions for carrier and non-carrier operations shall file separate supplemental annual reports with respect to such carrier and non-carrier operations in accordance with Part 43 of this chapter.

§ 1.472 *Monthly financial reports.* Monthly reports of revenues, expenses, and other items shall be filed by carriers as required by Part 43 of this chapter on the following forms:

FCC Form 901—Telephone.
FCC Form 903—Radiotelegraph and Ocean-cable.
FCC Form 905—Wire-telegraph.

§ 1.473 *Reports of proposed changes in depreciation rates.* Carriers shall file reports regarding proposed changes in depreciation rates as required by Part 43 of this chapter.

§ 1.474 *Reports regarding pensions and benefits.* Carriers shall file reports regarding pensions and benefits as required by Part 43 of this chapter.

§ 1.475 *Reports regarding division of international telegraph communication charges.* Carriers engaging in international telegraph communication shall file reports in regard to the division of communication charges as required by Part 43 of this chapter.

§ 1.476 *Reports relating to traffic by international carriers.* Commission Orders Nos. 85 and 86 require international telegraph carriers to file on FCC Form 336 and common carriers engaged in radiotelegraph communication with maritime mobile stations (with certain exceptions) to file on FCC Form 337 certain traffic information at periodic intervals. A complete description of these reports is set forth in Orders Nos. 85 and 86.

§ 1.477 *Reports and requests to be filed under Part 31 of this chapter.* Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval by class A and class B telephone companies in accordance with and subject to the provisions of Part 31 of this chapter.

§ 1.478 *Reports and requests to be filed under Part 33 of this chapter.* Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by class C telephone companies in accordance with and subject to the provisions of Part 33 of this chapter.

§ 1.479 *Reports and requests to be filed under Part 34 of this chapter.* Reports and requests shall be filed either periodically, upon the happenings of specified events, or for specific approval, by radiotelegraph carriers in accordance with and subject to the provisions of Part 34 of this chapter.

§ 1.480 *Reports and requests to be filed under Part 35 of this chapter.* Reports and requests shall be filed either

periodically, upon the happening of specified events, or for specific approval, by wire-telegraph and ocean-cable carriers in accordance with and subject to the provisions of Part 35 of this chapter.

SERVICES AND FACILITIES REPORTS

§ 1.483 *Reports regarding telegraph carrier services.* Telegraph carriers shall file descriptions of their services as required by Part 43 of this chapter.

§ 1.484 *Reports relating to continuing authority to supplement facilities or to provide temporary or emergency service.* Carriers receiving authority under Part 63 of this chapter shall file quarterly or semiannual reports as required therein.

§ 1.485 *Reports relating to reduction in temporary experimental service.* As required in Part 63 of this chapter, carriers shall report reductions in service which had previously been expanded on an experimental basis for a temporary period.

§ 1.486 *Reports regarding domestic telegraph speed of service.* The Western Union Telegraph Company shall furnish monthly reports under Part 64 of this chapter in regard to Message Center speed of service and Origin to Destination speed of service on FCC Forms 338–A and 338–B, respectively, and copies of instructions to field offices in accordance with Part 64 of this chapter.

§ 1.487 *Reports relating to service by carriers engaged in public radio service operations.* Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in Part 6 of this chapter.

MISCELLANEOUS REPORTS

§ 1.490 *Reports regarding amendments to charters, by-laws and partnership agreements of carriers engaged in domestic public radio services.* Amendments to such documents shall be reported and filed in accordance with Part 21 of this chapter.

§ 1.491 *Reports regarding premature destruction of records.* Carriers shall file reports relating to the premature destruction of records as required by Parts 45 and 46 of this chapter.

§ 1.492 *Reports of negotiations regarding foreign communication matters.* Carriers engaging or participating in foreign communications shall file monthly reports covering negotiations conducted as required by Part 43 of this chapter.

§ 1.493 *Reports regarding free service rendered the Government for national defense.* Carriers rendering free service in connection with the national defense to any agency of the United States Government shall file reports in accordance with Part 2 of this chapter.

SUBPART F—SAFETY AND SPECIAL SERVICES APPLICATIONS AND PROCEEDINGS

GENERAL REQUIREMENTS AS TO APPLICANTS

§ 1.500 *Scope.* This subpart is applicable to all services listed in Parts 7, 8, 9, 10, 11, 12, 14, 16, 19, and 20 of this chapter, except that rules involving common carriers concerning complaints, tariffs, applications and reports required under Title II of the Communications Act are set forth in Subpart E of this part. (For additional information relative to applications, see the rules in this chapter relating to each of the respective services.) In case of any conflict or inconsistency between the rules set forth in this subpart and the rules for the specific services enumerated in this section, the former shall govern.

§ 1.501 *Applications required.* (a) Except as provided in paragraph (b) of this section, construction permits as defined in section 3 (dd) of the Communications Act of 1934, as amended; station licenses as defined in section 3 (bb) of the Communications Act; operator licenses or modifications or renewals thereof; assignments of construction permits or station licenses or any rights thereunder; and consent to transfer control of a corporation holding a construction permit or license, shall be granted only upon written, subscribed, and verified application.

(b) In cases of (1) emergency found by the Commission involving danger to life or property or due to damage to equipment, or (2) during a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, or (3) in cases of emergency where the Commission finds, in these services, that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission may grant construction permits and station licenses, or modifications or renewals thereof, without the filing of a formal application, but no such authorization shall be granted for or continue in effect beyond the period of the emergency or war requiring it. The procedure to be followed for requests submitted under the provisions of this paragraph is the same as for obtaining special temporary authority under § 1.525.

(c) In case of vessels at sea, the Commission may issue by cable, telegraph, or radio a permit for the operation of a station until the vessel returns to a port of the continental United States.

(d) Canadian licensees desiring to operate in the United States under the terms of Articles 2 and 3 of the Convention between the United States and Canada concerning Operation of Certain Radio Equipment or Stations (which entered into force May 15, 1952) shall make application upon FCC Form 410 which shall be filed with the Secretary, Federal Communications Commission, Washington 25, D. C. Forms may be obtained from the FCC Secretary, any field office of the Commission, or from the Controller of Telecommunications, Department of Transport, Ottawa, Canada.

§ 1.502 *Where applications are to be filed.* (a) Applications requesting authority (except renewal of license) under Part 12 of this chapter, or, for class C stations only, under Part 19 of this chapter, shall be filed in the nearest Field Office of the Commission, the location of which may be found in local directories under the heading "United States Government".

(b) All applications, except those for renewal of station license, for authority to establish or operate stations (other than ship stations) in the Alaska area subject to this part, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Washington. The provisions of this paragraph shall apply to each application for construction permit, license, or modification of construction permit or license.

(c) A formal application for ship station license, or for modification of existing license including modification to cover replacement of radiotelephone transmitting apparatus (but not including renewal of station license), to authorize the use of telephony on board a vessel when accompanied by a request for an interim ship station license, shall be filed in accordance with § 8.36 of this chapter and presented in person by applicant or his agent at the nearest Field Office of the Commission, as shown in section 0.49 of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

(d) All other applications shall be filed with the Commission's offices in Washington as follows:

(1) By mail, addressed to:

Secretary, Federal Communications Commission, Washington 25, D. C. or,

(2) In person, Secretary's Office

New Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D. C. or,

(3) In person, Application Control Reference Room

New Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D. C.

§ 1.503 *Subscription and verification of applications.* Each application or amendment thereto shall be personally subscribed and verified by the party filing such application or amendment, if the applicant be an individual; by any one of the partners if an applicant be a partnership; by an officer if the applicant be a corporation; or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That subscription and verification may be made by the attorney for the party in case of physical disability of the party, or his absence from the continental United States. If it be made by a person other than the party, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the party. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed. Postmasters in Alaska are authorized to administer oaths.

§ 1.504 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application forms. Additional information of a purely explanatory nature submitted in letter form need not be notarized.

§ 1.505 *Amendments of applications.* (a) Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

(b) Any application may be amended as a matter of right prior to the designation of such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed.

(c) The Commission may upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain, and may require an applicant to submit such documents and written statements of facts, under oath as in its judgment may be necessary.

§ 1.506 *Dismissal of applications.* (a) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for a hearing; such dismissal may be with prejudice after an application has been designated for a hearing.

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application.

FILING OF APPLICATIONS AND DESCRIPTION OF APPLICATION FORMS

§ 1.521 *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with the rules for the particular service. A list of all application forms used by Safety and Special Radio Services Bureau is contained in § 1.522. Each form contains appropriate instructions concerning the number of required copies, where it may be filed, and the services in which it is intended to be used.

(b) Each application shall include all information called for by the particular form on which the application is required to be filed unless the information called for is inapplicable in which case that fact shall be indicated.

(c) In some cases equipment and service tests are required before an authorized station may be placed in regular operation. Reference should be made to the specific service regarding these provisions.

§ 1.522 *Forms to be used.*

FCC Form	Title
400	Application for Radio Station Authorization in the Safety and Special Radio Services.
400–10	Instructions for completion of FCC Form 400.
400–A	Request for Amendment of Radio Station Authorization.
401	Application for New or Modified Radio Station Construction Permit (Other than Broadcasting).
401–A	Description of Proposed Antenna Structure(s) (Services other than Broadcast).
403	Application for Radio Station License or Modification Thereof (Other than Broadcasting, Amateur, Ship, and Aircraft).
404	Application for Aircraft Radio Station License.
405–A	Application for Renewal of Radio License (Short Form).
410	Registration of Canadian Radio Station Licensee and Application for Permit to Operate.
453–B	Certificate of Special Temporary Authorization for Operation of Radio Station on Board New Aircraft.
480	Application for Civil Air Patrol Radio Station Authorization.
481	Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service.
482	Certification of Civil Defense Radio Officer.
501	Application for Ship Radio Station Licenses.
501–A	Application for Ship Radiotelephone Station License.
505	Application for Citizens Radio Station Construction Permit and License.
525	Application for Disaster Communications Radio Station Construction Permit and License.
602	Application for Amateur Station License at a Military Post.
610	Application for Amateur Operator and/or Station License.
701	Application for Additional Time to Construct Radio Station.
702	Application for Consent to Assignment of Radio Station Construction Permit or License (For Stations in Services Other Than Broadcast).
703	Application for Consent to Transfer of Control of Corporation Holding Construction Permit for Station License (For Stations in Services Other Than Broadcast).
820	Application for Ship Exemption.
820–A	Application for Exemption (Great Lakes Agreement).

§ 1.523 *Construction permits.* No construction permit is required for any class of station in the Maritime, Aviation, Public Safety, Industrial, Land Transportation, Citizens Radio, Disaster Communications, and Amateur Services except as follows: A construction permit is required for:

(a) All operational fixed stations;

(b) Land radiopositioning stations in the industrial radiolocation service;

(c) Public coast stations and limited Class I and Class II coast stations;

(d) Shore radiolocation, shore radionavigation, and shore radar stations;

(e) Alaskan public fixed stations; and

(f) Any station involving the erection of a new antenna or changes in an existing antenna if:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet, no Form 401–A need be filed; or

(2) The antenna structures proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

NOTE: In cases of Amateur stations involving the criteria set forth in paragraph (f) of this section, applicants need file only FCC Form 401–A; an application for construction permit is not required.

§ 1.524 *Assignment or transfer of control, voluntary and involuntary.* (a) (1) Radio station licenses are not transferable; however, except for those set forth in subparagraph (2) of this paragraph, they may be assigned. Licenses must be assigned whenever there is a change of ownership of an authorized radio station as for example, the radio communication equipment is sold with a business. The new owner must apply for assignment to him of the existing authorization in accordance with the rules under which the station is authorized.

(2) Licenses for stations in the Amateur, Aviation (aircraft), Citizens, and Maritime (ship) Radio Services cannot be assigned. Whenever there is a change of ownership of one of these latter stations, the new owner must apply for a new license. Upon receipt of the new license, the former license must be surrendered for cancellation.

(b) (1) Application for consent to voluntary assignment of a construction permit or license, or for consent to voluntary transfer of control of a corporation holding a construction permit or license, shall be filed with the Commission at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(2) The following application forms should be used:

(i) FCC Form 400, "Application for Radio Station Authorization in the Safety and Special Radio Services" may be used for application for assignment of station authorization in services under Parts 10, 11, and 16 of this chapter. Attached thereto shall be a notarized letter from proposed assignor stating his desire to assign his current authori-

zation in accordance with the rules governing the particular service involved.

(ii) FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License (for stations in services other than Broadcast)."

(iii) FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License (for stations in services other than Broadcast)."

(c) (1) In the event of the death or legal disability of a permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee, the Commission shall be notified in writing promptly of the occurrence of such death or legal disability.

(2) Within 30 days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license, or for involuntary transfer of control of such corporation, to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in paragraph (b) of this section.

(3) In the case of stations in the Amateur, Aviation (aircraft), Citizens, and Maritime (ship) Radio Services, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

§ 1.525 *Application for special temporary authorization.* (a) Special temporary authority may be granted to install and operate new equipment, or to operate a licensed station in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days prior to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons.

(b) Requests for such temporary authorization may be filed in letter form signed under oath; however, in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph provided written request, signed under oath, is submitted within 10 days from the date of such request.

(c) The purchasers of a new aircraft with factory-installed radio equipment may operate the radio station on the aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a certificate (FCC Form 453B) executed by the manufacturer, dealer, or distributor, the original of which has been mailed to the Commission with the formal application for station license.

§ 1.526 *Application for renewal of license.* (a) Application for renewal of station license shall be submitted on FCC Form 405–A (except as noted in paragraph (b) of this section). Application for renewal of license in the Amateur Radio Service shall be filed during the last 120 days of the license term; all other applications for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(b) Application for renewal of authorization to operate an amateur station in the Radio Amateur Civil Emergency Service shall be filed on FCC Form 481–1 and shall be submitted concurrently with the application for renewal of the basic amateur radio station license. Application for renewal of Civil Air Patrol radio station authorization shall be submitted on FCC Form 480. Application for renewal of aircraft radio station license shall be submitted on FCC Form 404.

§ 1.527 *Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.* (a) Applications for ship radio inspection and certification of the ship radio license in accordance with the requirements of section 362 (b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I of the Safety Convention, should be submitted on FCC Form 801 entitled "Application for Ship Radio Inspection". This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired port of inspection (see section 0.49 of the Commission's Statement of Organization, Delegations of Authority, and Other Information).

(b) Applications for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof, should be submitted on FCC Form 809 "Application for Periodical Survey (Great Lakes Agreement)". This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired place of survey (see section 0.49 of the Commission's Statement of Organization, Delegations of Authority, and Other Information).

(c) Applications for inspection of ship radio equipment and apparatus, for the purposes of Part II of Title III of the Communications Act of 1934, as amended, or the Great Lakes Agreement, on a Sunday or a national holiday or during other than the established working hours on any other day, should be submitted on FCC Form 808 entitled "Application for and Certificate of Overtime Service Involving Inspection of Ship Radio Equipment." This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired port of inspection (see section 0.49 of the Commission's Statement of Organization, Delegations of Authority, and Other Information).

(d) Application for periodical inspection and certification of vessels subject to Part III of Title III of the Communications Act pursuant to section 385 thereof should be submitted on FCC Form 812 entitled "Application for Periodical Inspection (Communications Act, Title III, Part III)". This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired port of inspection (see section 0.49 of the Commission's Statement of Organization, Delegation of Authority, and Other Information).

§ 1.528 *Application for exemption from compulsory ship radio requirements.* Applications for exemption, filed under the provisions of sections 352 (b) or (c) and 383 of the Communications Act, and Regulations 5 or 6, Chapter IV, of the Safety of Life at Sea Convention, London, 1948, shall be submitted on FCC Form 820 entitled "Application for Ship Exemption". Applications for exemption filed under the provisions of Article 6 of the Great Lakes Agreement shall be submitted on FCC Form 820–A entitled "Application for Exemption (Great Lakes Agreement)".

§ 1.529 *Procedure with respect to applications for ship radio inspection or periodical survey.* After the following applications are accepted for filing, the Engineer in Charge of the radio district office in which the application is submitted makes the necessary examination and issues the appropriate certification:

(a) Application for ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362 (b) of the Communications Act;

(b) Application for a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I of the Safety Convention;

(c) Application for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof.

(d) Application for periodical inspection and certification of vessels subject to Part III of Title III of the Communications Act, pursuant to section 385 thereof.

§ 1.530 *Procedure with respect to amateur radio operator license.* After an application for an amateur radio operator license is accepted and an examination is conducted in accordance with § 12.44 of this chapter, the examination is graded by the office supervising the examination. The results of the examination are forwarded to Washington, and if the applicant is successful, a license is issued by the Safety and Special Radio Services Bureau.

§ 1.531 *Application for extension of construction permit.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Application for extension of time within which to construct a station shall be filed on FCC Form 701, except in the Public Safety, Industrial, and Land Transportation Radio Services where FCC Form 400–A shall be used. Such application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 1.532 *Time in which station must be placed in operation.* In those cases in which a license is issued initially in lieu of a construction permit, if the station authorized is not placed in operation within eight months from the date of grant, the authorization shall be invalid and must be returned to the Commission for cancellation.

§ 1.533 *Installation or removal of apparatus.* In the Public Safety, Industrial, and Land Transportation Radio Services, replacement of transmitting equipment may be made without prior authorization: *Provided,* The replacement transmitters appear on the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services, and the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

THE MANNER IN WHICH APPLICATIONS ARE PROCESSED

§ 1.541 *How applications are distributed.* Applications for radio station authorizations in the Safety and Special Radio Services are forwarded through the Application Control Office to the appropriate Division for processing as follows:

(a) Aviation Division: Air Carrier Aircraft, Private Aircraft, Airdrome Control, Aeronautical Enroute, Aeronautical Fixed, Operational Fixed (Aviation), Aeronautical Utility Mobile, Radionavigation (Aviation), Flight Test, Flying School, Aeronautical Public Service, Civil Air Patrol, Aeronautical Advisory, Aeronautical Metropolitan.

(b) Industrial Division: Power, Petroleum, Forest Products, Motion Picture, Relay Press, Special Industrial, Low Power Industrial, Industrial Radiolocation.

(c) Land Transportation Division: Motor Carrier, Railroad, Taxicab, Automobile Emergency, Highway Truck, Citizens.

(d) Marine Division: Coast Stations, Public Coast Station, Limited Coast Stations, Stations on Land in the Maritime Radiolocation Service, Fixed Stations Associated with the Maritime Mobile Service for Maritime purposes, Stations on Shipboard in the Maritime Services.

(e) Public Safety and Amateur Division: Police, Fire, Forestry Conservation, Highway Maintenance, Special Emergency, State Guard, Amateur, Disaster, RACES.

§ 1.542 *How file numbers are assigned.* (a) File numbers are assigned by Application Control to all applications and authorizations in the Safety and Special Radio Services with the exception of the following: Amateur Radio Service, RACES, Citizens Radio Service, all classes of ship stations including radiolocation, radionavigation and radar, the Disaster Communications Service, all classes of Aircraft, and Canadian Registrations (file numbers may be assigned to applications in these services if the application is routed outside of the division). A sample file number 13143–LX–P–K is made up of the following parts: 13143 is the serial number which is assigned in numerical sequence upon receipt of the application; LX is the service designator which, in this case, indicates the Taxicab Radio Service; the letter P indicates that the application is for a construction permit; and the letter K indicates that the application was received during the fiscal year 1956.

(b) File number symbols and service designators:

AMATEUR AND DISASTER SERVICES

Y—Amateur.
D—Disaster.
R—RACES.

AVIATION SERVICES

A—Aeronautical and fixed group.
AM—Aircraft group.
AA—Aviation auxiliary group.
AR—Aviation radionavigation land.
AC—Civil Air Patrol.

INDUSTRIAL SERVICES

IF—Forest products.
IR—Industrial radiolocation.
IL—Low power industrial.
IM—Motion picture.
IP—Petroleum.
IW—Power.
IY—Relay press.
IS—Special industrial.

LAND TRANSPORTATION SERVICES

LA—Automobile emergency.
LC—Citizens.
LI—Interurban passenger.
LJ—Interurban property.
LK—Highway truck.
LR—Railroad.
LX—Taxicab.
LU—Urban passenger.
LV—Urban property.

MARINE SERVICES

MK—Alaskan group.
M—Costal group.
MA—Marine auxiliary group.
MR—Marine radiolocation land.
MS—Ship group.

PUBLIC SAFETY SERVICES

PF—Fire.
PO—Forestry conservation.
PH—Highway maintenance.
PP—Police.
P—Public safety (combined).
PS—Special emergency.
PG—State Guard.

(c) Types of applications or authorizations:

P—Construction Permit.
MP—Modified CP.
MP/L—Modified CP and License.
MP/ML—Modified CP and Modified License.
AP—Assignment of Permit.
L—License.
ML—Modified License.
AL—Assignment of License.
P/L—Combination CP and License.
R—Renewed License.
TC—Transfer of Control.

§ 1.543 *Frequency coordination, Canada.* (a) As a result of mutual agreements, the Commission has, since May 1950, exchanged comments with the Canadian Department of Transport regarding proposed assignments in certain frequency bands for stations north of "Line A". Line A is described as follows: Begins at Aberdeen, Washington, running by great circle arc to the intersection of 48° N. and 120° W., thence along parallel 48° N. to the intersection of 95° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N. 85° W., thence southward along the meridian 85° W., to its intersection with parallel 41° N., thence along parallel 41° N. to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates.

(b) The frequency bands are as follows:

Mc	*Mc*
30.56– 32.00	42.00– 50.00
33.00– 34.00	72.00– 74.60
35.00– 36.00	75.40– 76.00
37.00– 38.00	152.00–162.00
39.00– 40.00	450.00–460.00

(c) Due, however, to the nature of the service, proposed assignments on the following specific frequencies are not coordinated:

Mc	*Mc*
35.10	156.8
35.14	156.9
35.18	157.0
156.3	157.1
156.4	157.2
156.5	157.3
156.6	157.4
156.7	

§ 1.544 *Shared use of broadcast antenna structure.* Applicants who propose to share the use of an antenna structure used by a standard, FM, or TV broadcast station shall submit the following information as a part of the application:

(a) A scale sketch of the antenna system showing the position of the proposed antenna on the tower structure and its relation to any required obstruction lights and other antennas on the tower; and

(b) A diagram which will clearly indicate the proposed method of mounting the transmission feed lines and how these lines will bridge antenna base insulators if employed by the broadcast station.

§ 1.545 *Defective applications.* (a) Applications which are incomplete with respect to completeness of answers, supplementary statements, execution, or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects.

(b) Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant, e. g., aliens under section 310 of the Communications Act;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission will be considered defective and may be dismissed unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Applications may be dismissed, if the accompanying petition for waiver or amendment of rules does not set forth reasons which, sufficient if true, would justify a waiver or change of the rules.

(d) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be dismissed.

§ 1.546 *How applications are processed.* (a) Applications are processed in sequence according to date of filing. Applications which are in accordance with the provisions of this chapter and established policies of the Commission may be processed to completion in accordance with the applicable delegations of authority as set forth in Part 0, the Commission's Statement of Organization, Delegations of Authority, and Other Information.

(b) Applications are presented to the Commission in cases where:

(1) Applicant requests reconsideration of action taken by the staff under such delegations of authority;

(2) Requests are made for waiver of, or exception to, a rule for a period in excess of 90 days; and

(3) Applicant files a reply to a letter sent pursuant to section 309 (b) of the Communications Act.

§ 1.547 *Grants without a hearing* The Commission will grant without a hearing an application for radio facilities which is proper upon its face and appears, from an examination of the application and supporting data, that:

(a) The applicant is legally, technically, and financially qualified;

(b) A grant of the application would not involve modification, revocation, or non-renewal of any existing license or outstanding construction permit;

(c) A grant of the application would not preclude the grant of any mutually exclusive application; and

(d) A grant of the application would be in the public interest.

§ 1.548 *Designation for hearing.* Applications which are returned to applicants as defective because of incompleteness of answers, inadequacy of data, or questions of eligibility will be accompanied by a brief statement advising applicant of the defects in such application. If, upon the resubmission of such application, the Commission is still unable to make a determination that the public interest, convenience, or necessity will be served by a grant of such application, the applicant will be advised by letter pursuant to the provisions of section 309 (b) of the act as to the grounds and reasons for its inability to make such findings and of all the objections made to such application. Following such notice, the applicant will be given an opportunity to reply. If the Commission, after considering such reply, should still be unable to determine that a grant without hearing would be in the public interest, convenience, or necessity, it will formally designate the application for hearing upon the issues then obtaining and will notify the applicant and all other known parties in interest of such action. Parties in interest, if any, who are not notified by the Commission of its action with respect to a particular application may acquire the status of a party to the proceeding therein by filing a petition for intervention showing the basis of their interest at any time not less than ten days prior to the date of hearing. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate but in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues shall be upon the applicant.

§ 1.549 *Resubmitted applications.* Any application which has been returned to the applicant for correction will be processed in original order of receipt when resubmitted if it is received within 30 days (45 days outside continental United States) from the date on which it was returned to the applicant. If the application is not resubmitted within the prescribed time, it will be treated as a new application and considered at the time other applications received on the same date are considered.

§ 1.550 *Repetitious applications.* Where the Commission has, for any reason, denied an application for a new station or for any modification of services or facilities, dismissed such application with prejudice, or revoked the license for a radio station in the Safety and Special Radio Services, the Commission will not consider a like or new application involving service of the same kind to substantially the same area by substantially the same applicant, its successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

Reports To Be Filed With the Commission

§ 1.561 *Reports, annual and semi-annual.* (a) Licensees of stations authorized for developmental operation shall submit a report on the results of the developmental program. The report shall be filed with and made a part of each application for renewal of authorization.

(b) The report shall include comprehensive and detailed information on the following:

(1) The final objective.

(2) Results of operation to date.

(3) Analysis of the results obtained.

(4) Copies of any published reports.

(5) Need for continuation of the program.

(6) Number of hours of operation on each frequency.

(c) Where required by the particular service rules, licensees who have entered into agreements with other persons for the cooperative use of radio station facilities must submit annually an audited financial statement reflecting the non-profit cost-sharing nature of the arrangement to the Commission's offices in Washington, D. C., no later than three months after the close of the licensee's fiscal year.

Forfeitures Against Ships and Ship Masters

§ 1.581 *Forfeitures against ships and ship masters.* (a) Whenever information is received indicating that reasonable grounds exist to support a suit for collection of forfeitures provided by sections 364, 386, and 507 of the Communications Act of 1934, as amended, the owner of the ship and the master will be notified of apparent liability for forfeitures. The notification will specify dates, places, and the nature of the alleged violations or irregularities, and will advise the parties of the Commission's authority under section 504 (b) of the act to remit or mitigate such forfeitures upon application therefor. Applications for mitigation or remission may be filed within 30 days from the date of receipt of the notification letter, or within such extended time as may for good cause be granted. The application must be in duplicate but need not follow any special form. After a review of the case in the light of all the information available, including the information and arguments presented in the application, the applicant will be notified of the determination, which may be either remission of the entire amount, an offer of mitigation of the forfeiture to the extent which appears warranted under the circumstances, or denial of any relief.

(b) Acceptance of an offer of mitigation may be accomplished through payment, within 30 days from the date of receipt of the notification, of the amount specified therein by check or similar means drawn to the order of the Treasurer of the United States and mailed to the Commission.

(c) In lieu of acceptance of an offer of mitigation, or in the event of denial of relief, application may be made within 30 days from the date of receipt of the notification for review by the Commission as provided in section 5 (d) (2) of the act. The application should set forth the reasons for applicant's belief that the original action on his application should be modified. It may include a statement of any material facts that may have been omitted from the original application for relief. On review the Commission may affirm, modify, or set aside the previous action, or direct any further proceedings that appear necessary and in the public interest.

(d) If the applicant fails to take any action in respect to a notification of apparent liability for forfeiture or an offer of mitigation or a notification of denial of relief, the case may be referred by the Commission to the Attorney General of the United States for appropriate civil action to recover the forfeiture in accordance with the provisions of section 504 (a) of the act.

Appendix—A Plan of Cooperative Procedure in Matters and Cases Under the Provisions of Section 410 of the Communications Act of 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

Preliminary statement concerning the purpose and effect of the plan

Sec. 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of said Act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceedings or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

It is understood that each commission, whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of cooperative procedure, which was jointly prepared by the Association's standing Committee on Cooperation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of cooperative relations between the State commissions and said Federal Commission.

Notice of institution of proceeding

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier, the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the cooperative provisions of the Act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commission, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such cooperation will be by joint conference or by reference to a joint board appointed under said Sec. 410 (a), and, as hereinafter provided, when such cooperation will be by a joint hearing under said Sec. 410 (b).

Each State commission should in like manner notify the Fedreal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

Procedure governing joint conferences

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

Procedure governing matters referred to a board

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed, in accordance with the provisions of the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

Procedure governing joint hearings

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, shall determine that a joint hearing under said Sec. 410 (b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the general solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than eight States are within the territory affected by the proceeding, the State commissions interested, are invited to name Cooperating Commissioners to sit with the Federal Commission for the hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting cooperation, if not more than eight States are involved, the general solicitor shall at once advise the State commissions of said States, they being represented in the membership of the association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will cooperate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

Upon the basis of replies received, the general solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding cooperative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than eight States are interested in the proceeding, because within territory for which rates will be under consideration therein, the general solicitor shall advise the president of the association that the association is invited to name a cooperating committee of State commissioners representing the States interested in said proceeding.

The president of the association shall thereupon advise the general solicitor in writing (1) whether the invitation is accepted on behalf of the association, and (2) the names of commissioners selected to sit as a cooperating committee. The president of the association shall have authority to accept or to decline said invitation for the association, and to determine the number of commissioners who shall be named on the cooperating committee, provided that his action shall be concurred in by the chairman of the association's executive committee. In the event of any failure of the president of the association and chairman of its executive committee to agree, the second vice president of the association (or the chairman of its committee on cooperation between State and Federal commissions, if there shall be no second vice president) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than eight States, is pending before the Federal Commission, in which cooperation has not been invited by that Commission,

which the association's president and the first and second vice presidents, or any two of them, consider should be made a cooperating proceeding, they may instruct the general solicitor to suggest to the Federal Commission that the proceeding be made a cooperative proceeding; and any State commission considering that said proceeding should be made cooperative may request the president of the association or the chairman of its executive committee to make such suggestion after consideration with the executive officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the president of the association shall have the same authority to proceed, and shall proceed in the appointment of a cooperating committee, as is provided in other cases involving more than eight States, wherein the Federal Commission has invited cooperation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving eight States or less, which a commission of any of said States considers should be made cooperative, such commission, either directly or through the general solicitor of the association, may suggest to the Federal Commission that the proceeding be made cooperative. If said Federal Commission accedes to such suggestion, it will notify the general solicitor of the association to that effect and thereupon the general solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF COOPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any cooperating committee, the president of the association shall make appointments only from commissions of the States interested in the particular proceeding in which the committee is to serve. He shall exercise his best judgment to select cooperating commissioners who are especially qualified to serve upon cooperating committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a cooperating committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the committee is to serve, including the arguments therein, and the cooperative conferences, which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF COOPERATORS

(a) No State commissioner shall sit in a cooperative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving eight States or less, or has been selected by the president of the association to sit in a case involving more than eight States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a cooperating committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening, provided that he shall continue to be a State commissioner.

(c) No member of a cooperating committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any cooperating committee, in a proceeding involving more than eight States, by reason of the death of any cooperating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the president of the association to fill the vacancy by appointment, if, after communication with the chairman of the cooperating committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a cooperating committee involving not more than eight States, the vacancy shall be filled by the commission from which the vacancy occurs.

COOPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OF STATEMENT OF ITS ATTITUDE

(a) Whenever a cooperating committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the secretary of the association, or through the general solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or nonconcurrence of said cooperating committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and cooperation as hereinbefore provided because of nonmembership in the association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such association shall be conducted by the Federal Commission directly with the chairman of the commission of such State or States.

CROSS REFERENCES

SUBPART A

New section derived from old section	
1.10	1.727, 1.801.
1.11	1.721 and 1.727.
1.12	New.
1.13	1.730.
1.14	1.768.
1.15	1.701.
1.16	1.726 (c).
1.17	1.728.
1.18	1.703.
1.21	1.711.
1.22	1.712.
1.23	1.713.
1.24	1.714.
1.25	1.715.
1.26	New.
1.41	1.741, 1.742, 1.743 (a), 1.744 (a), (b).
1.42	1.748.
1.43	1.745.
1.44	1.746.
1.45	1.747.
1.46	1.749.
1.47	1.750.
1.50	1.727 (a), 1.761.
1.51	1.751.
1.52	1.762.
1.53	1.763.
1.54	1.764.
1.55	1.765.
1.56	1.767.
1.61	1.401.
1.62	1.402, 1.509.
1.63	1.403.
1.64	1.383.
1.65	1.384.
1.66	New.
1.67	1.377.
1.70	1.329.
1.71	1.375.
1.72	1.404.
1.73	1.333 (c).
1.74	New.
1.75	New.

SUBPART B

1.101	New.
1.102	1.802.
1.103	1.803.
1.104	1.388, 1.722.
1.105	1.723.
1.106	1.724.
1.111	1.813.
1.112	1.812.
1.113	1.811.
1.121	New.
1.122	1.821 (a).
1.123	1.821 (b).
1.124	1.822 (a).
1.125	1.822 (b).
1.126	1.823.
1.127	1.824.
1.128	1.825 (a), 1.826.
1.129	1.822, 1.825.
1.131	1.831.
1.132	1.832
1.133	1.833;
1.134	1.834.
1.135	New.
1.140	1.387, 1.716.
1.141	1.389, 1.725.
1.142	1.842.
1.143	1.843.
1.144	1.844.
1.146	1.846.
1.147	1.847.
1.148	1.848.
1.149	1.849.
1.150	1.850.
1.151	1.851.
1.152	1.852.
1.153	1.853.
1.154	1.854.
1.155	1.855.
1.156	1.856.
1.157	1.857.
1.158	1.859.
1.171	1.871.
1.172	1.872.
1.173	1.873.
1.174	1.874.
1.175	1.875.
1.176	1.876.
1.177	1.877.
1.178	1.878.
1.179	1.879.
1.180	1.880.
1.181	1.881.
1.191	1.390, 1.892, 1.893, 1.894, 1.895.
1.192	1.386.
1.193	New.

SUBPART C

1.202	1.702.
1.203–1.205	New.
1.211–1.219	New.

SUBPART D

1.300	New.
1.301	1.301.
1.302	1.302.
1.303	1.303, 1.307.
1.304	1.304, 1.305, 1.306, 1.308.
1.305	1.304.
1.306	1.361(d), 1.371.
1.307	1.361.
1.308	1.362.
1.309	1.363.
1.310	1.364.
1.311	1.365.
1.312	1.366, 1.381.
1.313	1.314 (a).
1.314	New (but see § 3.94).
1.315	New (but see § 3.34 (b)).
1.321	1.332.
1.322	1.309 (b), 1.311, 1.313.
1.323	1.314.
1.324	1.309 (a).
1.325	1.317.
1.326	1.318.
1.327	1.319.
1.328	1.320.
1.329	1.321.
1.330	1.323.
1.331	1.324.
1.332	1.325.
1.333	1.326.
1.334	1.327.
1.335	1.328.
1.336	1.334.
1.337	1.332 (d).
1.341	1.341.
1.342	1.342.
1.343	1.343.
1.351	Footnote 10b.
1.352	1.300.
1.353	1.372.
1.354	1.373.
1.355	1.378.
1.356	1.379.
1.357	1.374.
1.361	1.382.
1.362	1.385.
1.363	1.367.
1.364	1.391.

SUBPART E

1.401	1.591.
1.402	New.
1.411	1.571.
1.412	New.
1.416	1.572.
1.417	1.573.
1.418	1.574.
1.421	1.575.
1.422	1.576.
1.423	1.580.
1.424	1.578.
1.425	1.576 (partially).
1.426	1.582, 1.583.
1.427	1.584. 1.586.
1.428	1.587.
1.429	1.577 (partially).
1.430	1.588, 1.589.
1.431	New.
1.432	New.
1.433	New.
1.434	New.
1.435	New.
1.440	New.
1.441	1.521.
1.442	1.501.
1.443	1.504, 1.505, 1.507 (partially).
1.444	1.503.
1.445	1.506.
1.446	1.510.
1.447	1.507, 1.508.
1.448	Partially from 1.524, 1.525, 1.526.
1.449	New.
1.450	1.524.
1.451	1.525.
1.452	1.526.
1.453	1.527.
1.454	1.528.
1.455	Appendix 1.
1.461	1.541.
1.462	1.523.
1.463	1.590.
1.468	1.522 (partially).
1.469	1.543.
1.471	1.544.
1.472	1.545.
1.473	1.551.
1.474	1.553.
1.475	1.554.
1.476	1.557 (partially).
1.477	1.547.
1.478	1.548.
1.479	1.549.
1.480	1.550.
1.483	1.347, 1.555.
1.484	1.559 (partially).
1.485	New.
1.486	1.560.
1.487	1.346, 1.557 (partially).
1.490	New.
1.491	1.552.
1.492	1.556.
1.493	New.

SUBPART F

1.501	1.301.
1.502	New.
1.503	1.303 and 1.307.
1.504	1.305.
1.505	1.306, 1.307, 1.308, 1.365.
1.506	1.366, 1.381.
1.521	1.312, 1.315, 1.317.
1.522	1.310, 1.312, 1.317, 1.318, 1.319.
1.523	1.333.
1.524	1.322, 1.323.
1.525	1.324.
1.526	1.320.
1.527	1.330.
1.528	1.331.
1.529	1.376.
1.530	1.375.
1.531	1.314.
1.532	New.
1.533	1.313.
1.541	New.
1.542	New.
1.543	New.
1.544	New.
1.545	1.361
1.546	New.
1.547	1.382.
1.548	1.385.
1.549	New.
1.550	1.363
1.561	New.
1.581	1.410.

APPENDIX

Appendix — Appendix 2.

CROSS REFERENCE, OLD TO NEW

Old provisions included in new	
1.300	1.352.
1.301	1.301, 1.501.
1.302	1.302.
1.303	1.303, 1.503.
1.304	1.304, 1.305.
1.305	1.304, 1.504.
1.306	1.304, 1.505.
1.307	1.303, 1.503, 1.505.
1.308	1.304, 1.505.
1.309 (a)	1.324.
(b)	1.322.
1.310	1.522.
1.311	1.322.
1.312	1.521, 1.522.
1.313	1.322, 1.533.
1.314 (a)	1.313.
(a) and (b)	1.531.
(b) and (c)	1.323.
1.315	1.521.
No 1.316	- - -.
1.317	1.325, 1.521, 1.522.
1.318	1.326, 1.522.
1.319	1.327, 1.522.
1.320	1.328, 1.526.
1.321	1.329.
1.322	1.524.
1.323	1.330, 1.524.
1.324	1.331, 1.525.
1.325	1.332.
1.326	1.333.
1.327	1.334.
1.328	1.335.
1.329	1.70.
1.330	1.527.
1.331	1.528.
1.332 (c)	1.73.
1.332 (d)	1.337.
1.332	1.321.
1.333	1.523.
1.334	1.336.
1.335	Deleted.
1.341	1.341.
1.342	1.342.
1.343	1.343.
1.344	Deleted.
No 1.345	- - -.
1.346	1.487.
1.347	1.483.
1.361	1.307, 1.545.
(d)	1.306.
1.362	1.308.
1.363	1.309, 1.550.
1.364	1.310.
1.365	1.311, 1.505.
1.366	1.312, 1.506.
1.367	1.363.
1.371	1.306, 1.351.
1.372	1.353.
1.373	1.354.
1.374	1.357.
1.375	1.71, 1.530.
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[F. R. Doc. 57-10171; Filed, Dec. 27, 1957; 9:15 a. m.]

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MAIN READING ROOM

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PART I

FEDERAL REGISTER

VOLUME 22 NUMBER 252

Washington, Tuesday, December 31, 1957

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter M—International Traffic in Arms

[Departmental Reg. 108.354]

MISCELLANEOUS AMENDMENTS

The regulations of the Secretary of State, issued August 26, 1955, as amended May 24, 1956, November 14, 1956, August 30, 1957, September 30, 1957, November 29, 1957, and December 27, 1957, are amended as follows:

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

1. Section 121.21 is amended to read:

§ 121.21 *United States Munitions List.* Pursuant to the authority cited *supra* the following articles are hereby designated as arms, ammunition, and implements of war.

CATEGORY I—SMALL ARMS AND MACHINE GUNS

(a) Rifles, carbines, revolvers, pistols, machine pistols and machine guns using ammunition of caliber .22 or over, except weapons using only caliber .22 rim-fire ammunition. (See also § 121.23.)

(b) All components and parts for machine guns and fully automatic rifles. Barrels and breech mechanisms for rifles, carbines, pistols and revolvers.

(c) Ammunition belting machines for machine guns.

(d) Firearm silencers.

CATEGORY II—ARTILLERY AND PROJECTORS

(a) Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors, and recoilless rifles.

(b) Components and parts, including but not limited to mounts and carriers.

CATEGORY III—AMMUNITION

(a) Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof, except caliber .22 rim-fire ammunition.

(b) The following components, parts, accessories, and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, percussion caps, fuses or fuzes and components thereof, primers, and other detonating devices for such ammunition.

This issue includes two parts bound together. Part II contains a republication of 46 CFR Part 299, Federal Maritime Board, Maritime Administration, Department of Commerce.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, MINES, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, guided missiles, depth charges, chemical and incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation or detection of items enumerated in paragraph (a) of this category, including *inter alia* the following components and parts: fuses or fuzes and components thereof; bomb racks and shackles; bomb shackle release units; bomb ejectors; torpedo tubes; torpedo and guided missile boosters; launching racks and projectors; control mechanisms and control systems; pistols (exploders); igniters; fuze or fuse arming devices; and the following items related thereto: intervalometers and components thereof; bomb lift trucks; bomb and torpedo handling trucks; trailers, hoists, and skids for handling bombs; guided missile launchers, and specialized handling equipment.

(c) Land and naval mines and equipment for the laying, detection, detonation, and sweeping of mines. Components, parts, attachments, and accessories specifically designed for mine laying, mine detection and detonation, and mine sweeping equipment.

(d) Missile power plants and components and parts specifically designed therefor.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

(a) Fire control, gun and missile tracking and guidance, infrared, and other night-sighting equipment; range, position, and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights; bombing computers, military television sighting units, inertial platforms; gun sights, and periscopes for the articles enumerated throughout this List.

(b) Components, parts, accessories, and attachments specifically designed for the articles enumerated in paragraph (a) of this category.

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CATEGORY VI—TANKS AND ORDNANCE VEHICLES

(a) Tanks;
(b) Military type armed or armored vehicles, and vehicles fitted with mountings for arms and other specifically designed military vehicles;
(c) Military half tracks;
(d) Military type tank recovery vehicles;
(e) Gun carriers;
(f) Trailers specifically designed to carry ammunition;
(g) Amphibious vehicles (See § 121.24);
(h) All specifically designed components, parts and attachments for the foregoing;
(i) Military mobile repair shops specifically designed to service military equipment.

CATEGORY VII—TOXICOLOGICAL AGENTS

(a) Chemical agents, including tear gas (See § 121.25);
(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops;
(c) Equiment for the dissemination, detection, and identification of, and defense against, the items in paragraphs (a) and (b) of this category;
(d) Components, parts, attachments, and accessories specifically designed for the equipment described in paragraph (c) above.

CATEGORY VIII—PROPELLANTS, EXPLOSIVES AND INCENDIARY AGENTS

(a) Propellants for the articles enumerated in Categories III and IV hereof (See § 121.26);
(b) Military high explosives (See § 121.26);
(c) Military fuel thickeners (See § 121.26);
(d) Military pyrotechnics, including projectors therefor.

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships. Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for the following types of combatant vessels: battle ships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, and submarines. (See § 121.27)
(b) Submarine and torpedo nets. Components, parts, attachments and accessories specifically designed for these articles.
(c) Harbor entrance magnetic pressure acoustic detection devices, controls and components thereof.

CATEGORY X—AIRCRAFT

(a) Aircraft and airborne equipment (See § 121.5);
(b) All components, parts and accessories for aircraft. This does not include ground handling and maintenance equipment or bulk materials, such as dopes, paints, oils, cable, wire, tubing, hose, and aluminum sheets.
(c) Miscellaneous equipment used with aircraft, as follows:
(1) Catapults and cartridge-actuated devices utilized in emergency escape of personnel from aircraft;
(2) Pressurized breathing equipment and partial pressure suits for use in aircraft, anti "G" suits, military crash helmets, aircraft liquid oxygen converters, complete parachutes utilized for personnel, cargo, or deceleration purposes and complete harnesses and platforms therefor. Components and parts specifically designed for such articles.
(3) Aircraft landing mats, launching and recovery equipment.

CATEGORY XI—MILITARY ELECTRONICS

(a) Electronics equipment specially designed for military use, including equipment specially designed for altitudes above 50,000 feet or at temperatures of 500° centigrade or above;
(b) Radar of all types;
(c) Electronic countermeasure and jamming equipment;
(d) Military underwater sound equipment;
(e) Military communications-electronics equipment bearing a military designation;
(f) Electronic navigation and location-finding aids (see § 121.28);
(g) Radio distance measuring systems such as Shoran; and hyperbolic grid systems, such as Raydist, Loran, and Decca;
(h) Components, parts, accessories and attachments specifically designed for use with equipment enumerated above (see also § 121.29).

CATEGORY XII—PHOTOGRAPHIC EQUIPMENT

Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting and photogrammetry equipment.

CATEGORY XIII—SPECIAL ARMORED EQUIPMENT

(a) Armor plate;
(b) Armored railway trains;
(c) Military steel and nylon helmets;
(d) Body armor and flak suits, and components and parts specifically designed for such articles.

CATEGORY XIV—SPECIALIZED MILITARY TRAINING EQUIPMENT

(a) Specialized military training equipment (See § 121.30);
(b) Components, parts, attachments, and accessories specifically designed for such equipment.

CATEGORY XV—HELIUM GAS

CATEGORY XVI—MISCELLANEOUS ARTICLES

(a) Cryptographic devices (encoding and decoding);
(b) Self-contained diving and underwater swimming apparatus and components and auxiliary equipment specifically designed therefor;
(c) Protective clothing for guided missile fuel handling.

CATEGORY XVII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

CATEGORY XVIII—TECHNICAL DATA

Unclassified technical data relating to the articles herein designated as arms, ammunition, and implements of war.

2. Sections 121.22 through 121.28 are deleted and replaced by the following sections:

INTERPRETATIONS

Sec.
- 121.22 Forgings, castings, and machine bodies.
- 121.23 Small arms.
- 121.24 Amphibious vehicles.
- 121.25 Chemical agents.
- 121.26 Propellants, explosives, and incendiary agents.
- 121.27 Vessels of war and special naval equipment.
- 121.28 Electronic navigation and location-finding aids.
- 121.29 Cathode ray tubes—quartz crystals.
- 121.30 Specialized military training equipment.

AUTHORITY: §§ 121.22 to 121.30 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.

INTERPRETATIONS

§ 121.22 *Forgings, castings, and machine bodies.* Items in a partially completed state, such as forgings, casting, extrusions, and machined bodies of any of the articles enumerated in the United States Munitions List which have

reached a stage in manufacture where they are clearly identifiable as arms, ammunition, and implements of war are so considered for the purposes of Section 414 of the Mutual Security Act.

§ 121.23 *Small arms.* Category I does not include shotguns, air-rifles or muzzle-loading guns, blunderbusses and stud drivers.

§ 121.24 *Amphibious vehicles.* As used in Category VI (g), the term "amphibious vehicles" includes but is not limited to, automotive vehicles or chassis embodying all-wheel drive and equipped, to meet special military requirements, with adaptation features for deep-water fording and sealed electrical systems.

§ 121.25 *Chemical agents.* (See Category VII.) The term "chemical agents" includes but is not limited to: cyanogen chloride, hydrogen cyanide, diphosgene, fluorine (but not fluorene), Lewisite gas, mustard gas (dichlorodiethyl sulfide), phenylcarbylamine chloride, phosgene, Chloracetophenone, phenyl chlomethyl hetone, adamsite (diphenylaminochloroarsine), dibromodimethyl ether, dichlorodimethyl ether, diphenylchloroarsine, diphenylcyanarsine, ethyldibromoarsine, ethyldichlorarsine, methyldichloroarsine, phenyldibromoarsine, phenyldichloroarsine, cyanodimethylaminoethyloxyphosphine oxide, fluoroisopropoxymethylphosphine oxide, fluoromethylpinaeolyloxyphosphine oxide, and related compounds.

§ 121.26 *Propellants, explosives, and incendiary agents.* (See Category VIII.)

(a) The term "propellants" includes but is not limited to the following:

Hydrazine.
Unsymmetrical dimethylhydrazine.
Hydrogen peroxide over 85 percent concentration.
Nitroguanadine or picrite.
Nitrocellulose with nitrogen content of over 12.20 percent.
Other solid propellant compositions, including but not limited to the following:
(1) Single base (nitrocellulose).
(2) Double base (nitrocellulose, nitroglycerin).
(3) Triple base (nitrocellulose, nitroglycerin, nitroguanadine).
(4) Composite (nitroglycerin, ammonium perchlorate, nitrocellulose with plastics or rubbers added).
(5) Special purpose chemical base high energy solid military fuels.
Other liquid propellant compositions, including but not limited to the following:
(1) Mono-propellants (hydrazine, nitrate, and water).
(2) Bi-propellants (hydrazine-fuming nitric acid (HNO_3)).
(3) Special purpose chemical base high energy liquid military fuels.

(b) The term "military high explosives" includes but is not limited to one or more of the following materials or mixtures with various powdered metals: ammonium picrate, black soda powder, postassium nitrate powder, hexanitrodiphenylamine, ammonium perchlorate, nitrocellulose, nitrostarch, nitroglycerin, pentaerythritol tetranitrate, (penthrite, pentrite or PETN), trinitrophenylmethyl-nitramine (tetryl), trinitrophenol (picric acid), ethylenedinitramine, cyclotrimethylene-trinitramine, (RDX, Cyclonite, Hexogen or T4), cyclotetramethylene-tetranitramine (HMX), hexanitrodiphenylamine, trinitroanisol, trinitronaphthalene, dinitronaphthalene, tetranitronaphthalene, trinitrotoluene (TNT), and trinitroxylene. Explosive mixtures or devices which are not listed above but which contain minor quantitites of the types of explosives listed here are not considered to be arms, ammunition, and implements of war.

(c) The term "military fuel thickeners" includes: compounds (e. g., octal) or mixtures of such compounds (e. g., napalm) specifically formulated for the purpose of producing materials which, when added to petroleum products, provide a jell-type incendiary material for use in bombs, projectiles, flame throwers or other implements of war.

§ 121.27 *Vessels of war and special naval equipment.* (See Category IX). The term "vessels of war" includes but is not limited to the following:

(a) *Combatant vessels and craft.*
(1) *Warships.*
Battleships (BB, BBG).
Command ships (CBC, CLC).
Cruisers (CA, CAG, CB, CL, CLAA, CLG, CG, CG (N).
Aircraft carriers (CVA, CVA (N), CVE, CVHE, CVL, CVS).
Destroyers (DD, DDC, DDE, DDG, DDR, DL, DLG).
Submarines (SS, SS (N), SSG, SSK, SSR, SSR (N), SST, ASSA, ASSP, AK (SS), AP (SS)).
(2) *Amphibious warfare vessels.*
Amphibious force flagship (AGC).
Attack cargo ship (AKA).
Transports (APA, APD).
Assault helicopter aircraft carrier (CVHA).
Control escort vessel (DEC).
Inshore fire support ship (IFS).
Landing ships (LSSL, LSD, LSM, LSMR, LST, SLFF, LSIL, LSV).
Amphibious assault ship (LPH).
(3) *Landing craft.* (LCI, LCT-A, LCC, LCM, LCU, LCVP, LVT, LVT-A, LCPL, LCPR).
(4) *Mine warfare vessels.*
Minelayers (DM, MMF, MMA, MMC, MM).
Minesweepers (IMS, MSA, MSC (O), MSC, MSF, MSO).
Mine warfare command and support ship (MCS).
Mine hunter (MRC).
(5) *Patrol vessels.*
Escort vessels (DE, DEC, DER, PCE, PCER, PCEC, PF).
Submarine chasers (PC, PCE, SC).
Gunboats (PR, PGM).
Converted yachts (PY).
Motor torpedo boat (PT).
(b) *Naval auxiliary and service vessels and craft.*
(1) Tenders (AD, AGP, ARST, AS, AV, AVP, YDT).
(2) Logistic support ships (AE, AF, AK, AKS, AO, AOG, AOR, AO (SS), AVS).
(3) Repair, salvage and rescue vessels (AR, ARB, ARG, ARH, ARI, ARS, ARSD, ARV, ARVA, ARVE, ASR).
(4) Floating dry docks, cranes, and associated workshops and lighters (AB, AFDB, AFDL, AFDM, ARD, YD, YFD, YFMD, YR, YRDM, YRDM, YRL, YSD).
(5) Degaussing vessel (ADG).
(6) Icebreaker (AGB).
(7) Survey ships (AGS, AGSC).
(8) Cable repairing or laying ship (ARC).
(9) Tugs (ATA, ATF, ATR, YTB, YTL, YTM).
(10) Net laying and tending ships (AKN, AN, YNG).
(11) Transports and barracks vessels (AP, APB, APC, APL, YHB, YRB, YRBM).
(12) Miscellaneous cargo ships (AKD, AKL, AKV).
(13) Auxiliary submarine (AG(SS)).
(14) Distilling ship (AW).
(15) Utility aircraft carrier (OVU).
(16) Minecraft (MSB, MSI, XMAP, YMP, YMS).
(17) Patrol craft (PT, YP, PYC).
(18) Ocean radar station ship (YAGR).
(19) Advanced base aviation ship (AVB).
(20) Guided missile ship (AVM).
(21) Naval barges and lighters (AVC, YC, YCF, YCK, YCV, YF, YFN, YFNB, YFNG, YFNX, YFP, YFR, YFRN, YFRT, YFT, YG, YGN, YO, YOG, YOGN, YON, YOS, YPK, YRL, YSR, YTT, YVC, YW, YWN, YFB).
(22) Target and Training Submarine (SST).
(23) Submersible craft (X).
(24) Naval dredge (YM).
(25) Floating pile drive (YPD).
(26) Drone aircraft catapult control craft (YV).
(27) Miscellaneous auxiliary (AG, IX, YAG).
(c) *Coast Guard patrol and service vessels and craft.*
(1) Submarine repair and berthing barge (YRB).
(2) Labor transportation barracks ship (APL).
(3) Coast Guard cutter (CGC).
(4) Gun boat (WPG).
(5) Patrol craft (WPC, WSC, WPG).
(6) Sea plane tender (WAVP).
(7) Ice breaker (WAGB).
(8) Cargo ship (WAK).
(9) Buoy tenders and boats (WAGL, WD).
(10) Cable layer (WARC).
(11) Lightship (WAL).
(12) CG tugs (WAT, WXT).
(13) Radio ship (WAGR).
(14) Special vessel (WIX).
(15) Auxiliary vessels (WAG, WAGE).
(16) Other Coast Guard patrol or rescue craft over 300 horsepower capacity.
(d) *Air Force craft.* Air Force crash rescue boat.
(e) *Army vessels and craft.*
(1) Transportation Corps tug-100 ft. (LT), 65 ft. (ST), T-boat, Q-boat, J-boat, B-boat.
(2) Barges (BG, BC, BR, BK, BSP, BSPI, BKI, BCF, BBL, BARC).
(3) Cranes, floating (BD).
(4) Dry dock, floating (FDL).
(5) Repair ship, floating (FMS).
(6) Trainer, amphibious 20 ton wheeled tow boat, inland waterway (LTI, STI).

§ 121.28 *Electronic navigation and location-finding aids.* In Category XI (f), the term "electronic navigation and location-finding aids" includes but is not limited to military radio direction-finding and doppler navigational equipment, gyro-magnetic and slaved-gyro compasses and heading reference systems; automatic astro compasses; star trackers; and remote sighting and photo-electric sextants.

§ 121.29 *Cathode ray tubes—quartz crystals.* Cathode ray tubes or quartz crystals are subject to the licensing jurisdiction of the Secretary of State only when intended for use with military electronics equipment and shipped with such items.

§ 121.30 *Specialized military training equipment.* (See Category XIV.) The term "specialized military training equipment" includes but is not limited to, link type trainers, attack trainers, operational flight trainers, radar target trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, flight simulators, radar trainers, instrument flight trainers, navigation trainers, target equipment, drones and drone power plants, armament trainers, pilotless aircraft trainers, and mobile training units.

PART 123—LICENSING CONTROLS

Part 123 is revised to read as follows:

LICENSE PROCEDURES

Sec.
123.1 Application for license.
123.2 Export licenses.
123.3 Import licenses.
123.4 Intransit licenses.
123.5 Validity and terms of licenses.
123.6 Amendments and alterations.
123.7 Ports of exit or entry.
123.8 Licenses filed with collectors of customs.
123.9 Shipper's export declaration.
123.10 Shipment by mail.
123.11 Foreign trade zones.
123.12 Export of vessels of war.
123.13 Repairs or alterations of vessels.

COUNTRY OF DESTINATION

123.21 Country of ultimate destination.
123.22 Shipments to or from certain countries.
123.23 Canadian shipments.
123.24 Exportation of arms, ammunition, and implements of war to Cuba.
123.25 Exportation of arms, ammunition, and implements of war to Honduras and Nicaragua.
123.26 United States territories.
123.27 Declaration of Destination.

SHIPMENTS FOR THE UNITED STATES GOVERNMENT

123.40 Shipment by or to the United States Government.
123.41 Aircraft parts and components to Armed Services.

EXEMPTION FOR ARMS AND AMMUNITION SHIPMENTS

123.51 Antique arms and implements of war.
123.52 Arms carried on person or in baggage.
123.53 Ammunition for personal use of consignee.
123.54 Arms for the individual use of members of the Armed Forces.

EXEMPTIONS FOR AIRCRAFT SHIPMENTS

123.61 United States scheduled transports.
123.62 Aircraft of foreign registry entering the United States.
123.63 Return of small United States civil aircraft for repair and reconditioning.
123.64 United States aircraft on temporary sojourn abroad.

MISCELLANEOUS EXEMPTIONS

123.71 Articles returned to the United States for repair or overhaul and re-export.
123.72 Certain helium gas exports.

MISCELLANEOUS PROVISIONS

123.81 Articles manufactured with Government-owned equipment.
123.82 National Firearms Act; Federal Firearms Act; Federal Explosives Act.

AUTHORITY: §§ 123.1 to 123.82 issued under sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.

LICENSE PROCEDURES

§ 123.1 *Application for license.* Persons who intend to export from or import into the United States, its territories or possessions any of the articles enumerated in the United States Munitions List shall make application for license to the Department of State on the forms prescribed by it unless an exemption from these requirements is authorized by this part. No such exports or imports shall be made until the application has been approved and the license issued. Applications for license to export helium gas should show the quantity to be exported in terms of cubic feet; the approximate net value of the helium gas; the number and type of containers and the approximate gross weight. Applications for written authorization from the Department of State to export technical data are required in accordance with the provisions of §§ 125.1–125.4 of this chapter.

§ 123.2 *Export licenses.* Licenses to export articles on the United States Munitions List including helium gas and related unclassified technical data must be applied for on form DSP–5. The Department of State will not issue export licenses if a proposed exportation is not considered to be in furtherance of the security and foreign policy of the United States. Prior to the issuance of an export license, the Department of State may also require documentary evidence pertinent to the proposed transaction. Licenses are applicable only to articles physically within the territorial jurisdiction of the United States.

§ 123.3 *Import licenses.* Licenses to import articles on the United States Munitions List must be applied for on form DSP–38. The Department of State will not issue import licenses if a proposed importation is not considered to be in furtherance of the security and foreign policy of the United States. Prior to the issuance of an import license, the Department of State may also require documentary evidence pertinent to the proposed transaction.

§ 123.4 *Intransit licenses.* (a) When articles are to be moved in transit through the United States, its territories or possessions, an intransit license must be obtained, except as provided in paragraphs (b) and (c) of this section, and an application for license must be submitted on form DSP–61. The Department of State will not issue intransit licenses if the proposed shipment is not considered to be in furtherance of the security and foreign policy of the United States.

(b) Collectors of customs are authorized on presentation of satisfactory evidence, to permit arms, ammunition, and implements of war to enter or leave the United States without the presentation of an import, export or intransit license if such articles are consigned from any place in a foreign country whose territory is contiguous to that of the United States to any other place in the same country.

(c) Collectors of customs may permit intransit shipments of sporting arms and ammunition, and of pistols and revolvers not larger than caliber .38, to enter and leave the United States without a license if such shipments are valued at not more than $300.

§ 123.5 *Validity and terms of licenses.* Licenses are valid for six months from the date of issuance unless a different period of validity is stated thereon. No extensions may be granted on licenses which have expired or are about to expire. If shipment cannot be made during the period of validity of a license, a new license may be applied for to authorize its exportation or importation. Licenses are not transferable and are subject to revocation, suspension or revision without notice. Licenses which have expired or have been revoked must be returned immediately to the Department of State.

§ 123.6 *Amendments and alterations.* No amendment or alteration of a license may be made except by the Department of State, or by collectors of customs or postmasters when specifically authorized to do so by the Department of State.

§ 123.7 *Ports of exit or entry.* Applications for license should show the proposed port or ports of exit or entry in the United States. If, subsequent to the issuance of a license, shipping arrangements necessitate a change of port, no amendment of the license is necessary but the Department of State should be notified of the change.

§ 123.8 *Licenses filed with collectors of customs.* (a) Prior to exportation or importation, export or import licenses shall be filed with the collector of customs at the port through which the shipment is being made. Shipper's export declarations (United States Department of Commerce Form 7525–V) must also be filed with and authenticated by the collector before the commodities are exported. (See also § 123.10.)

(b) Photostatic copies of licenses shall not be made unless specifically authorized by the Department of State on the face of the license or in a letter.

§ 123.9 *Shipper's export declaration.* The shipper's export declaration (United States Department of Commerce Form 7525–V), covering arms, ammunition, and implements of war for which an export license is required, must contain the same information in regard to the description, destination, and value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Department of State, the name of this shipper should appear on the export license as that of the consigner in the United States.

§ 123.10 *Shipment by mail.* Export licenses for articles which are being transported by mail shall be filed with the postmaster at the post office where the article is mailed. Import licenses shall be filed with the collector of customs at the port of entry. (See also § 123.8.)

§ 123.11. *Foreign trade zones.* For the purpose of this part, a foreign trade zone of the United States is considered an integral part of the United States. Accordingly, persons who intend to ship articles into a foreign trade zone of the United States, established pursuant to the Foreign Trade Zones Act (48 Stat. 998–1003; 19 U. S. C. 81a–81u, as amended) shall submit an application for import license described in § 123.1 and obtain a license prior to the entry

of such articles into the zone. Persons who intend to ship such articles from a foreign trade zone to a foreign destination, shall submit an application for export license, as described in § 123.1 and obtain a license prior to shipment. The provisions of § 123.4 with respect to intransit licenses are applicable to intransit shipments through a foreign trade zone.

§ 123.12 *Export of vessels of war.* (a) The transfer of a vessel of war, as defined in § 121.27 of this chapter, from United States registry to foreign registry or the registration of an undocumented vessel of war under a foreign flag is considered an exportation for which an approval or license from the Secretary of State is required. If the vessel to be exported is physically located in the United States, an export license must be obtained. If the vessel is located abroad, the Department's written approval in the form of a letter must be obtained prior to its transfer of registry.

(b) The provisions of this part shall be considered as binding in addition to the provisions of the United States Shipping Act of 1916, as amended (46 U. S. C. 835). United States Maritime Administration approval is required prior to the sale and/or transfer to alien ownership, registry, and/or flag of vessels of war. United States registry of a documented vessel is cancelled under the regulations of the United States Maritime Administration where such vessel is sold to a purchaser for use under foreign registry.

§ 123.13 *Repairs or alterations of vessels.* Operators of foreign vessels entering the territorial waters of the United States for repairs or alterations shall obtain an export license for articles enumerated in the United States Munitions List, which are required in connection with such repairs or alterations.

COUNTRY OF DESTINATION

§ 123.21 *Country of ultimate destination.* (a) The country designated on an application for export license as the country of ultimate destination must be the country wherein the articles being exported are to be used or consumed, not a country receiving the shipment in transit. If it is the intention of the exporter that the articles being exported and consigned to one country are to be transshipped to another country or to pass through the hands of an intermediate consignee, all facts relevant to such action must be clearly indicated on the license application.

(b) United States Munitions List articles which have been exported from the United States may not be sold, diverted, transferred, transshipped, reshipped or re-exported to, or used in, any of the countries named in § 123.22 without the specific prior approval of the Department of State.

§ 123.22 *Shipments to or from certain countries.* The exemptions provided by §§ 123.51 to 123.72 do not apply to shipments destined for or originating in the Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of the 17th parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control.

§ 123.23 *Canadian shipments.* (a) Collectors of customs may release shipments of arms, ammunition, and implements of war to or from Canada without a license or UAC Release Certificate.

(b) The provisions of paragraph (a) of this section do not apply to intransit shipments through the United States to or from Canada or to intransit shipments through Canada to or from the United States.

(c) The provisions of paragraph (a) of this section do not apply to shipments of helium gas. Applications for license to export helium gas to Canada shall be made in accordance with the provisions of §§ 123.1 and 123.2.

§ 123.24 *Exportation of arms, ammunition, and implements of war to Cuba.* In the case of a proposed export of United States Munitions List articles to Cuba, the application for license should be transmitted to the Cuban Embassy in Washington by the applicant. If the Cuban Embassy approves of the proposed export, it will place a stamp of approval thereon and forward it to the Department of State.

§ 123.25 *Exportation of arms, ammunition, and implements of war to Honduras and Nicaragua.* In the case of a proposed export of United States Munitions List articles to Honduras or Nicaragua, the applicant should transmit the application to the Department of State. Prior to or coincident with the submission of the application, the applicant should advise the Honduran or Nicaraguan Embassy in Washington as the case may be that such an exportation is proposed.

§ 123.26 *United States territories.* The territories of the United States (Alaska, Hawaii, Puerto Rico, and the Virgin Islands) are considered an integral part of the United States and, therefore, export and import licensing controls do not apply to shipments between those territories and the Continental United States. Licenses are required on shipments between the territories and foreign countries.

§ 123.27 *Declaration of Destination.* Some countries require the United States importer to produce evidence that the importation has been approved by the United States Government and that the shipment will not be diverted to a different country. The Declaration of Destination on Foreign Exports of Munitions Items to the United States, Form DSP–53, may be used to provide the exporting country with such evidence. When signed by an officer of the Department of State and bearing the Department's seal impression, the Declaration may be used as evidence to the exporting country that the United States importer has advised the United States Government under warranty of his intention of effecting the proposed importation into the United States and of not diverting or transshiping the material en route to the United States. Since it is the practice of the Department of State not to endorse the Declaration form until a United States import license is issued, the completed Declaration could also serve as evidence to the exporting country that the United States Government has approved the proposed importation.

SHIPMENTS FOR THE UNITED STATES GOVERNMENT

§ 123.40 *Shipment by or to the United States Government.* The exportation or importation of arms, ammunition, and implements of war by the United States Government is not subject to the provisions of section 414 of the Mutual Security Act. A license to import and export such articles is not required, therefore, when all aspects of the transaction are handled by a United States Government agency. A license is ordinarily required, however, when a private individual or firm is involved in any aspect of the transaction.

§ 123.41 *Aircraft parts and components to Armed Services.* Collectors of customs are authorized to permit the exportation of aircraft spare parts and components without a license on presentation of satisfactory evidence that the shipment is being made to the United States Armed Services abroad.

EXEMPTION FOR ARMS AND AMMUNITION SHIPMENTS

§ 123.51 *Antique arms and implements of war.* Collectors of customs are authorized on presentation of satisfactory evidence to permit the entry or departure without a license of antique arms and implements of war, components, parts, accessories, and attachments therefor, which are over one hundred years old (subject to the provisions of § 123.22).

§ 123.52 *Arms carried on person or in baggage.* Collectors of customs are authorized to permit rifles, carbines, revolvers, pistols, and ammunition therefor, to enter the United States or depart therefrom without a license (subject to the provisions of § 123.22) when these articles are on the person of an individual or in his baggage, and are intended exclusively for his personal use for sporting or scientific purposes or for personal protection. No more than three arms and no more than five hundred cartridges shall in any case be carried by an individual under the provisions of this section.

§ 123.53 *Ammunition for personal use of consignee.* Licenses will not be required for the exportation or importation of ammunition for rifles, carbines, revolvers, or pistols, provided the quantity does not exceed five hundred rounds in any shipment and the ammunition is for the personal use of the consignee and not for resale (subject to the provisions of § 123.22). A license is required however, for the exportation of such ammunition to Bahrein, Kuwait, Qatar, the Trucial States, and Muscat-and-Oman.

§ 123.54 *Arms for the individual use of members of the Armed Forces.* (a) Collectors of customs are authorized to permit members of the United States Armed Forces or United States civilian personnel employed by those Forces, presenting written authorization from their commanding officers to ship or bring into the United States without license, war trophies and souvenirs consisting of rifles, carbines, revolvers, pistols, and ammunition therefor.

(b) Collectors of customs are authorized to permit rifles, carbines, revolvers, pistols, and parts of such weapons to leave the United States without a license, provided they are consigned to servicemen's clubs overseas or to individual members of the Armed Forces of the United States, are accompanied by a written authorization from the commanding officer, and the parcel is plainly marked as to content.

(c) Collectors of customs are authorized to permit parts, components, and accessories of rifles, carbines, pistols, and revolvers to enter or leave the United States without a license when the shipment does not exceed $25.00 in value, is consigned to individual members of the Armed Forces of the United States, is for the consignee's own use and not for resale, and the parcel is plainly marked as to content.

EXEMPTIONS FOR AIRCRAFT SHIPMENTS

§ 123.61 *United States scheduled transports.* Customs officers are authorized to permit civil aircraft operated by commercial airlines and used on regular schedules between the United States and foreign countries under certificates of public convenience and necessity to depart from and enter into the United States without a license.

§ 123.62. *Aircraft of foreign registry entering the United States.* (a) Collectors of customs are authorized to permit aircraft of foreign registry to enter and depart from the United States without requiring the presentation of an individual license, provided it is established to their satisfaction that the country of ultimate destination is the same as the country of origin, that the airplane will not be sold or disposed of in the United States, and that it will not remain in the United States longer than six months.

(b) This section does not apply to aircraft returning to the United States for major overhaul or the installation of major components and re-export. The provisions of § 123.71 (b) are applicable to such aircraft.

§ 123.63 *Return of small United States civil aircraft for repair and reconditioning.* Collectors of customs are authorized to permit the importation without a license of personal or executive type civil aircraft with a seating capacity of no more than five passengers, and components thereof, if they were previously exported under license from the United States. An export license will, however, be required if the equipment is subsequently to be reexported.

§ 123.64 *United States aircraft on temporary sojourn abroad.* (a) Collectors of customs may permit the departure from the United States without a license of aircraft, except military aircraft, such as fighters and bombers, which are flown or shipped from the United States for a temporary sojourn abroad of not to exceed six months' duration, provided the collector of customs is satisfied that the conditions set forth in paragraph (b) of this section have been met.

(b) Owners or operators of aircraft departing from the United States for temporary sojourn abroad under the provisions of paragraph (a) of this section shall certify by written declaration submitted in duplicate in a form acceptable to the collectors of customs that (1) the aircraft will not be disposed of; (2) the aircraft will be returned to the United States within six months; (3) it will be operated only by a U. S. licensed pilot, except on demonstration flights; and (4) it will remain under U. S. registry while abroad. The provisions of § 126.2 of this chapter shall apply to such a written declaration.

(c) When a written declaration setting forth an intention to comply with the above provisions is accepted by a customs officer at the port of departure, he shall endorse it, return it to the owner or operator prior to the departure of the aircraft, and retain a copy for his records. Upon the return of the aircraft to the United States, the endorsed copy of the declaration must be surrendered to the collector of customs at the port of entry. If the port of entry is not the same as that from which the aircraft departed, the customs officer at the port of entry shall forward the surrendered copy of the declaration to the customs authorities at the port from which the aircraft originally departed, noting thereon the date of entry.

(d) Collectors of customs may permit an aircraft to make a series of flights to and from the United States under a temporary sojourn authorization not to exceed six months, provided a written declaration in duplicate is submitted to and endorsed by a customs officer certifying that the conditions set forth in paragraph (b) of this section will be observed. The provisions of § 126.2 of this chapter shall also apply to such a written declaration. A copy of the declaration shall be retained by the customs officer endorsing the original. In the case of an aircraft making a series of flights over a six months' period, the endorsed declaration shall be carried on the aircraft as evidence of the fact that the required permission has been granted. At the end of the six month period, the declaration shall be surrendered to the customs office which granted the permission.

(e) If, at the end of the six-month period, a temporary sojourn permit remains outstanding, the collector of customs at the port of exit should submit the matter to the Customs Agency Service for investigation.

(f) The collector of customs at the port of departure is authorized in appropriate instances, to grant one six-month extension in temporary sojourn cases. Requests for extensions beyond a year should be referred to the Department of State for comment.

MISCELLANEOUS EXEMPTIONS

§ 123.71 *Articles returned to the United States for repair or overhaul and re-export.* (a) Collectors of customs are authorized on presentation of satisfactory evidence to permit the entry into the United States without an import license of arms, ammunition, and implements of war which have been legally exported from the United States and which are being returned to the United States for repair and re-export to the country of origin (subject to the provisions of § 123.22. An individual export license, however, is required before such articles may be re-exported; for civil aircraft, see paragraph (b) of this section.

(b) The re-export of civil aircraft returned for repair is subject to the requirement of an export license only when it has undergone a major overhaul or when major components were installed therein during its stay in the United States. Major components of aircraft are defined in § 121.6 of this chapter.

§ 123.72 *Certain helium gas exports.* Collectors of customs are autnorized to permit the export without a license of miniature cylinders containing helium gas in fractional cubic foot quantities mixed with other gases, provided:

(a) The gas is destined for medical use;

(b) The shipment to any consignee does not exceed ten cubic feet of "contained helium", as defined in § 121.7 of this chapter;

(c) The ultimate destination is not a country named in § 123.22; and

(d) The company has arranged to furnish the Department of State with periodic reports of such shipments.

MISCELLANEOUS PROVISIONS

§ 123.81 *Articles manufactured with Government-owned equipment.* It is the responsibility of the exporter of United States Munitions List articles to obtain the advance approval of the appropriate defense agency for the exportation of articles manufactured with equipment owned by the United States Government. If the exporter has failed to obtain such approval prior to the submission of an application for license to export, he must indicate this fact on his application for license to export.

§ 123.82 *National Firearms Act; Federal Firearms Act; Federal Explosives Act.* (a) The provisions of this subchapter shall be considered as binding in addition to and not in lieu of those established under the provisions of the National Firearms Act, approved by the President June 26, 1934, as amended, now known as ch. 53, Internal Revenue Code of 1954 (26 U. S. C. 5801–5862); under the provisions of the Federal Firearms Act, approved by the President June 30, 1958 (52 Stat. 1250; 15 U. S. C. sections 901–909), as amended March 10, 1947 (61 Stat. 11), August 6, 1939 (53 Stat. 1222), and February 7, 1950 (64 Stat. 3); and under the provisions of the Federal Explosives Act, approved by the President

October 6, 1917 (40 Stat. 385; 50 U. S. C. ch. 8), as amended December 26, 1941 (55 Stat. 863; 50 U. S. C. ch. 8).

(b) The National Firearms Act imposes certain taxes upon manufacturers, importers, and dealers in certain firearms; taxes upon the making of certain firearms, and taxes on transfers of certain firearms. The term "firearm", as used in this act, includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearms whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length."

(c) The Federal Firearms Act applies to manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. The term "firearm", as used in this Act, means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon"; and the term "ammunition" includes "all pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rim fire ammunition."

(d) The Federal Explosives Act is applicable to the manufacture, distribution, storage, use, and possession of explosives in time of war. The term "explosives", as used in this Act, means "gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion."

(e) Rules and regulations for the enforcement of the National Firearms Act and Federal Firearms Act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Rules and regulations for the enforcement of the Federal Explosives Act are prescribed by the Director of the Bureau of Mines, Department of the Interior.

PART 124—LICENSING AGREEMENTS, TRANSMISSION OF INFORMATION

Section 124.3 (b) is amended as follows:

(b) Licensing agreements will be written in such a way that (1) the licensor may not include as a cost factor to the licensee a charge for technical data furnished or developed at the expense of the United States Government, (2) the licensee may not include as a cost factor in the sale of articles produced under the agreement a charge for technical data furnished or developed at the expense of the United States Government, and (3) new designs, processes or manufacturing techniques derived from such data will be made available on an unrestricted basis to the United States Government at reasonable cost by the licensee.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

PART 127—FOREIGN MILITARY AIRCARFT FLIGHTS

Sections 127.1 through 127.3 are deleted and replaced by the following sections:

§ 127.1 *Foreign military flight clearances.* Foreign governments desiring to overfly or land on United States territory are required to obtain written authorization to do so in advance from the Department of State. Such a request normally is made by the appropriate foreign government embassy in Washington in the form of a diplomatic note. The request should reach the Department no later than 72 hours before the overflight is to take place.

§ 127.2 *Use of military installations.* Requests by foreign governments for authorization to land their military aircraft at United States military installations should have the approval of the defense agency owning or leasing the military installations in addition to the required authorization of the Secretary of State for overflight of United States territory (See § 127.1). Requests for authorization to visit a military installation should be made to the defense agency concerned as far in advance as possible and no later than 72 hours before the arrival date. It should contain information outlined in § 127.3.

§ 127.3 *Required Information.* In regard to the information required in connection with §§ 127.1 and 127.2, foreign governments requesting permission for military aircraft to overfly and land should support the request with the following information:

(a) The purpose of the flight;

(b) The type and identity of the aircraft;

(c) Names of crew;

(d) Names and nationality of passengers;

(e) Dates of arrival and departure at each point;

(f) Special services and facilities desired.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934; Sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

PART 128—ADMINISTRATIVE PROCEDURES

Section 128.1 is amended as follows:

§ 128.1 *Administrative Procedures Act.* (a) The functions conferred by section 414 of the Mutual Security Act of 1954 are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by sections 1003 and 1004 thereof.

(b) The functions conferred by section 6A of the Air Commerce Act of 1926 as amended are excluded from the operations of the Administrative Procedures Act as contemplated by sections 1003 and 1004 thereof.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

Dated: December 24, 1957.

For the Secretary of State.

RODERIC L. O'CONNOR,
Administrator,
Bureau of Security
and Consular Affairs.

[F. R. Doc. 57-10826; Filed, Dec. 30, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Correction

In Federal Register Document 57-9832, published on page 9515 of the issue for November 28, 1957, the county "Sauk" should be added in alphabetical position under "Wisconsin".

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 812]

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

CALENDAR YEAR 1958

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), these regulations are hereby made, prescribed, and published to be in force and effect for the calendar year 1958 or until amended or superseded by regulations hereafter made during the calendar year 1958.

Basis and purpose. The determinations and the sugar quotas set forth below have been made and established pursuant to section 203 of the Sugar Act of 1948, as amended (hereinafter called the "act"). The act provides for the Secretary of Agriculture to make such determinations and establish such quotas for the calendar year 1958 during December 1957. The determinations of the sugar requirements have been based insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government. The purpose of such determinations is to provide the amounts of sugar needed to meet the requirements of consumers in the Territory of Hawaii and in Puerto Rico for the calendar year 1958. The determinations provide the basis for the establishment of sugar quotas for such year for local consumption therein pursuant to section 203 of the act.

Prior to the issuance of these regulations, notice was given (22 F. R. 8540) that the Secretary of Agriculture was preparing, among other things, to determine the requirements and quotas for the calendar year 1958 for local consumption in Hawaii and Puerto Rico and that any interested person might present any data, views or arguments with respect thereto in writing not later than November 29, 1957. Due consideration has been given to the data, views and arguments submitted, in accordance with the Administrative Procedure Act.

Since the act provides that the Secretary of Agriculture determine sugar requirements and establish quotas for local consumption in Hawaii and in Puerto Rico during December 1957 to be applicable for the calendar year 1958, it is impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act. Accordingly, these regulations shall be effective January 1, 1958.

§ 812.20 *Sugar requirements, Hawaii and Puerto Rico, 1958.* It is hereby determined, pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1958 is 45,000 short tons, of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1958 is 110,000 short tons, raw value.

§ 812.21 *Local consumption quotas.* There are hereby established, pursuant to section 203 of the act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1958 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Hawaii	45,000
Puerto Rico	110,000

§ 812.22 *Restrictions on marketing.* For the calendar year 1958 all persons are hereby forbidden, pursuant to section 209 of the act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1958 has been filled.

Statement of bases and considerations. Pursuant to section 203 of the act, the provisions of section 201 of the act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1957; (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period were approximately 38,000 short tons of sugar, raw value, and 109,000 short tons of sugar, raw value, respectively.

No official estimate of population for either of these areas for 1957 or 1958 is available. Previous trends indicate a small annual increase in population may be expected.

In Hawaii sugar distribution for local consumption during the twelve-month period ended October 31, 1957, was approximately 38,000 tons, about 3,500 tons less than during the calendar year 1956. With distribution during 1957 expected to be substantially less than in 1956 but quota charges substantially greater in 1957 than in 1956, the amount of sugar available in 1958, without charge to the 1958 quota, will be substantially greater than a year earlier. In view of this greater carryover of sugar into 1958 and the fact that distribution for local consumption has not been in excess of 43,186 tons in any of the past ten years, it appears that a quota of 45,000 short tons, raw value, will provide an adequate supply of sugar for local consumption in Hawaii for 1958.

In Puerto Rico sugar distribution for local consumption plus the quantity of sugar charged to the local quota but lost in refining sugar locally, amounted to 105,487 short tons, raw value, in 1956 and for 1957 will likely exceed that quantity since local distribution during the first ten months was about 4,000 tons greater in 1957 than during the comparable period of 1956. If distribution for the last two months of 1957 parallels that for November and December of 1956, the amount of sugar available for distribution in early 1958, without charge to the 1958 quota, will exceed by about 3,000 tons the amount of sugar, previously charged to a quota, available a year earlier. Although there has been an increase in distribution in 1957, with the larger prospective supply of refined sugar stocks available for early 1958, it appears that a quota of 110,000 short tons, raw value, will provide an adequate supply of sugar for local consumption in Puerto Rico for 1958.

In accordance with the above, the quotas for local consumption in Hawaii and Puerto Rico for 1958 have been established at 45,000 and 110,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 201, 203, 209, 210; 61 Stat. 923, as amended, 925, 928; 7 U. S. C. 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 26th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10857; Filed, Dec. 30, 1957; 8:52 a. m.]

[Sugar Reg. 814.25]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1958

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of establishing allotments of the 1958 sugar quota for the Mainland Cane Sugar Area for the period January 1, 1958, to the date allotments of such quota are prescribed for the full calendar year 1958.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that approximately 360,000 tons of 1957-crop sugar will remain to be marketed after January 1, 1958. This quantity of sugar, along with production of sugar from 1958-crop sugarcane, will result in a supply of sugar available for marketing in 1958 sufficiently in excess of the 1958 quota that may be expected for the area that disorderly marketing may occur and some interested persons may be prevented from having equitable opportunities to market sugar (R. 7). The inventories of sugar on January 1, 1958, together with production in early 1958, may make it possible for some allottees to market shortly after January 1, 1958, a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments, to be effective, be in effect on January 1, 1958. In view thereof and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1958.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on October 23, 1957 (22 F. R. 8313), of a public hearing to be held at Washington, D. C., in Room 2W, Administration Building of the Department of Agriculture on November 4, 1957,

at 9:30 a. m., e. s. t., for the purpose of receiving evidence to enable the Secretary, (1) to affirm, modify or revoke the preliminary finding of necessity for allotment, and (2) to establish fair, efficient and equitable allotments of a portion of the 1958 quota for the Mainland Cane Sugar Area for the period January 1, 1958, to the date the Secretary prescribes allotments of such quota for the calendar year 1958.

The hearing was held at the place and time specified in the notice.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

The necessity for allotment of the 1958 sugar quota for the Mainland Cane Sugar Area is indicated by the extent to which the quantity of sugar in prospect for marketing in 1958 exceeds the quota that may be established and that in the absence of allotments disorderly marketing would result, and some interested persons would be prevented from having equitable opportunities to market sugar (R. 7).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1958 until most allottees have completed processing of 1957-crop sugarcane, but allotments of a portion of the quota should be in effect beginning January 1, 1958, because inventories of sugar on January 1, 1958, together with production of sugar in early 1958 may make it possible for some allottees to market shortly after January 1, 1958, a quantity of sugar larger than eventually may be allotted to them (R. 7, 8).

To meet this situation the Government witness proposed that allotment of 450,000 short tons, raw value, of the 1958 sugar quota for the Mainland Cane Sugar Area be established to be effective for the period January 1, 1958, to the date allotments of the entire quota for the calendar year are established, by allotting 450,000 short tons, raw value, to the respective allottees on the basis that each allottee's allotment be the same proportion of 450,000 short tons, raw value, as his allotment was of the total 1957 allotments established in Sugar Regulation 814.24, Amendment 2, (22 F. R. 4641) effective July 2, 1957 (R. 8, 9; Ex. 4).

Consideration is given to the three factors cited in the act in the same manner as was given in allotting the full quota for 1957, and such basis for allotment of a portion of the 1958 quota to be in effect for the early part of the year cannot be substantially improved (R. 10, 12).

In accordance with the hearing record (R. 13) it has been found that Erath Sugar Company, Ltd., is successor to the Vermilion Sugar Company.

The hearing record contains proposals to include in the order to become effective January 1, 1958, paragraphs essentially the same as paragraphs (b), (c) and (d) of Sugar Regulation 814.24, which established initial allotments for 1957 (R. 3, 14; Ex. 7).

No testimony, proposals or arguments contrary to that outlined above appear in the hearing record.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1958 Mainland Cane Sugar processors will have available for marketing from 1957-crop sugarcane about 360,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1958-crop sugarcane, will result in a supply of sugar available for marketing in 1958 sufficiently in excess of the anticipated 1958 quota for the Mainland Cane Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1958 Mainland Cane Sugar Area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugarcane produced in the area.

(3) It is desirable to defer the allotment of the entire 1958 calendar year sugar quota for the Mainland Cane Sugar Area until processings from 1957-crop sugarcane can be known or closely estimated for all allottees, but it is necessary to make allotments of a portion of the 1958 quota effective January 1, 1958 to prevent some allottees from marketing a quantity of sugar larger than eventually may be allotted to them when the entire 1958 quota is allotted.

(4) The findings in (3), above, require that, effective for the period January 1, 1958, until the date allotments of the entire 1958 calendar year Mainland Cane Sugar Area quota are prescribed 450,000 short tons, raw value, of the 1958 quota shall be allotted and that allotments of such quantity be established by allotting to each allottee the same proportion of 450,000 short tons, raw value, as his allotment was of the total 1957 allotments established by Sugar Regulation 814.24, Amendment 2, effective July 2, 1957.

(5) Allotments of the 1958 sugar quota for the Mainland Cane Sugar Area established as found in (4), above, give consideration to the statutory factors "processings • • • from • • • proportionate shares," "past marketings" and "ability to market".

(6) The allotments of the 1957 quota referred to in (4), above, showing the allotment of 2,450 tons for Vermilion Sugar Co., Inc., combined with that of Erath Sugar Co., Ltd., pursuant to finding (7), are set forth in the following table:

	Allotments (short tons, raw value)
Albania Sugar Coop., Inc	6,698
Alma Plantation, Ltd	8,501
J. Aron & Co., Inc	13,767
Billeaud Sugar Factory	8,696
Breaux Bridge Sugar Coop	7,025
J. M. Burguieres Co., Ltd., The	7,986
Burton-Sutton Oil Co., Inc	7,973
Caire & Graugnard	3,475
Caldwell Sugar Coop., Inc	11,335
Catherine Sugar Co., Inc	8,508
Columbia Sugar Company	6,195
Cora-Texas Mfg. Co., Inc	2,890
Dugas & LeBlanc, Ltd	12,541
Duhe & Bourgeois Sugar Co., Inc	9,990
Erath Sugar Co., Ltd	7,527
Evan Hall Sugar Coop., Inc	22,287
Evangeline Pepper & Food Products, Inc	4,964
Fellsmere Sugar Producers Assoc	8,520
Frisco Cane Co., Inc	905
Glenwood Coop., Inc	15,595
Gulf States Land & Industries, Inc	21,413
Helvetia Sugar Coop., Inc	8,985
Iberia Sugar Coop., Inc	14,866
LaFourche Sugar Company	14,728
Harry L. Laws & Co., Inc	10,996
Levert-St. John, Inc	9,287
Loisel Sugar Co., Inc	5,667
Louisiana State Penitentiary	2,978
Lula Factory, Inc	11,492
Meeker Sugar Coop., Inc	4,756
Milliken & Farwell, Inc	13,094
National Sugar Refining Co	12,824
Okeelanta Sugar Refinery, Inc	17,832
M. A. Patout & Son, Ltd	9,840
Poplar Grove Pltg. & Ref. Co., Inc	7,345
St. James Sugar Coop., Inc	12,881
St. Mary Sugar Coop., Inc	12,215
South Coast Corp	43,643
Southdown Sugars, Inc	42,173
Sterling Sugars, Inc	20,515
J. Supple's Sons Pltg. Co., Inc	5,240
United States Sugar Corp	119,036
Valentine Sugars, Inc	10,418
Vida Sugars, Inc	4,568
A. Wilbert's Sons Lbr. & Sh. Co	9,696
Young's Industries, Inc	6,459
Louisiana State University	100
All other persons	00
Total	628,424

(7) Erath Sugar Company, Ltd., shall succeed to all interests of the Vermilion Sugar Company as an allottee of the 1958 sugar quota for the Mainland Cane Sugar Area.

(8) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(9) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such cane as he would normally process, if operating, is processed by other allottees.

(10) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1958 Mainland Cane Sugar Area quota.

(11) For the period January 1, 1958, until the date allotments of the entire 1958 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, the allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of such quota and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act; *It is hereby ordered:*

§ 814.25 *Allotment of the 1958 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* For the period January 1, 1958, until the date allotments of the entire 1958 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, the 1958 quota for the Mainland Cane Sugar Area is hereby allotted, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	*Allotments (short tons, raw value)*
Albania Sugar Coop., Inc	4,796
Alma Plantation, Ltd	6,088
J. Aron & Co., Inc	9,858
Billeaud Sugar Factory	6,227
Breaux Bridge Sugar Coop	5,030
J. M. Burguieres Co., Ltd., The	5,718
Burton-Sutton Oil Co., Inc	5,710
Caire & Graugnard	2,488
Caldwell Sugar Coop., Inc	8,117
Catherine Sugar Co., Inc	6,092
Columbia Sugar Company	4,436
Cora-Texas Mfg. Co., Inc	2,070
Dugas & LeBlanc, Ltd	8,980
Cuhe & Bourgeois Sugar Co., Inc	7,154
Erath Sugar Co., Ltd	5,390
Evan Hall Sugar Coop., Inc	15,959
Evangeline Pepper & Food Products, Inc	3,554
Fellsmere Sugar Producers Assoc	6,101
Frisco Cane Co., Inc	648
Glenwood Coop., Inc	11,167
Gulf States Land & Industries, Inc	15,334
Helvetia Sugar Coop., Inc	6,434
Iberia Sugar Coop., Inc	10,645
LaFourche Sugar Company	10,546
Harry L. Laws & Co., Inc	7,874
Levert-St. John, Inc	6,650
Loisel Sugar Co., Inc	4,058
Louisiana State Penitentiary	2,133
Lula Factory, Inc	8,229
Meeker Sugar Coop., Inc	3,406
Milliken & Farwell, Inc	9,376
National Sugar Refining Co	9,183
Okeelanta Sugar Refinery, Inc	12,769
M. A. Patout & Son, Ltd	7,046
Poplar Grove Pltg. & Ref. Co., Inc	5,259
St. James Sugar Coop., Inc	9,224
St. Mary Sugar Coop., Inc	8,747
South Coast Corp	31,252
Southdown Sugars, Inc	30,200
Sterling Sugars, Inc	14,690
J. Supple's Sons Pltg. Co., Inc	3,753
United States Sugar Corp	85,239
Valentine Sugars, Inc	7,460
Vida Sugars, Inc	3,271
A. Wilbert's Sons Lbr. & Sh. Co	6,943
Young's Industries, Inc	4,625
Louisiana State University	71
All other persons	00
Total	450,000

(b) *Restrictions on shipment and marketing.* For the period January 1, 1958, until the date an allotment order is issued allotting the entire 1958 calendar year sugar quota for the Mainland Cane Sugar Area, each person named in paragraph (a) of this section, and any other person, is hereby prohibited from marketing in interstate commerce or in competition with sugar or liquid sugar shipped, transported or marketed in interstate commerce or foreign commerce, any sugar or liquid sugar produced from sugarcane grown in the Mainland Cane Sugar Area in excess of his allotment established in paragraph (a) of this section.

(c) *Transfer of allotments.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions of the act: (1) Permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment, and (2) permit, when approved in writing by him, the transfer of allotments made in paragraph (a) of this section, in whole or in part, to another allottee thereunder upon a showing that the transferee has processed or will process 1957-crop sugarcane because of inability of the transferor, arising subsequent to the processing of the 1956-crop, to process the tonnage of sugarcane which otherwise would be processed by him.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 26th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10855; Filed, Dec. 30, 1957; 8:52 a. m.]

[Sugar Reg. 814.34]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1958

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of establishing allotments of the 1958 sugar quota for the Domestic Beet Sugar Area for the period January 1, 1958, to the date allotments of such quota are prescribed for the full calendar year 1958.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that approximately 1,660,000 short tons, raw value, of sugar will be held in inventory by the allottees on January 1, 1958, or will be produced by them from the remainder of the 1957-crop sugar beets during 1958. This quantity of sugar, along with production of sugar from the 1958-crop beets will result in a supply of sugar available for marketing in 1958 in excess of the 1958 quota that may be expected for the area. Thus, lack of continuity in allotment of the quota might lead to disorderly marketing and some interested persons may be prevented from having equitable opportunities to market sugar and the interests of growers of sugar beets might be adversely affected (R. 8, 9). Inventories of sugar on January 1, 1958, together with production in early 1958, may make it possible for some allottees to market a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments, to be effective, be in effect on January 1, 1958. In view thereof, and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1958.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on October 23, 1957 (22 F. R. 8313), of a public hearing to be held at Washington, D. C., in Room 2W, Administration Building of the Department of Agriculture on November 4, 1957, at 9:30 a. m., e. s. t., for the purpose of receiving evidence to

enable the Secretary (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, and (2) to establish fair, efficient and equitable allotments of a portion of the 1958 quota for the Domestic Beet Sugar Area for the period January 1, 1958, to the date the Secretary prescribes allotments of such quota for the calendar year 1958.

The hearing was held at the place and time specified in the notice.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

The necessity for allotment of the 1958 sugar quota for the Domestic Beet Sugar Area is indicated by the fact that the quantity of sugar in prospect for marketing in 1958 exceeds the quota that may be established and that in the absence of allotments disorderly marketing might occur and some interested persons may be prevented from having equitable opportunities to market sugar (R. 8, 9).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1958 until the level of processings from the 1957 beet crop will be known or can be closely approximated, but that allotments of a portion of the quota should be in effect January 1, 1958, because inventories of sugar on January 1, 1958, together with production of sugar in early 1958 may make it possible for some allottees to market shortly after January 1, 1958, a quantity of sugar larger than eventually may be allotted to them (R. 9).

To meet this situation it was proposed that allotment of 1,600,000 short tons, raw value, of the 1958 sugar quota for the Domestic Beet Sugar Area be established to be effective for the period January 1, 1958, to the date allotments of the entire quota for the calendar year are established, by allotting 1,600,000 short tons, raw value, to the respective allottees on the basis that each allottee's allotment be the same proportion of 1,600,000 short tons, raw value, as his allotment was of the total 1957 allotments established in Sugar Regulation 814.33, Amendment 2, effective October 17, 1957 (22 F. R. 8216; R. 10; Ex. 4).

Allotments established on this basis give effect to the three factors cited in section 205 (a) of the act for consideration in allotting a quota in the same manner that these factors were treated in allotting the quota for 1957 and constitute a fair, efficient and equitable allotment of a portion of the 1958 quota to be in effect for the early part of the year (R. 11, 12).

The hearing record contains proposals (R. 13) to include in the order to become effective January 1, 1958, provisions similar to paragraph (b) "Marketing of sugar beets and molasses" and paragraph (c) "Transfer of allotment" and paragraph (d) "Restrictions on shipment and marketing" in S. R. 814.33, effective January 1, 1957 (22 F. R. 24). No testimony, proposals or arguments contrary to that outlined above appear in the hearing record.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1958 Domestic Beet Sugar processors will have available for marketing from 1957-crop sugar beets about 1,660,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1958-crop beets, will result in a supply of sugar available for marketing in 1958 sufficiently in excess of the anticipated 1958 quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1958 Domestic Beet Sugar Area quota is necessary to prevent disorderly marketings and to afford all interested persons equitable opportunities to market sugar processed from sugar beets produced in the area.

(3) Allotment of the entire 1958 calendar year sugar quota for the Domestic Beet Sugar Area should be deferred until processings of the 1957-crop sugar beets can be known or closely estimated for all allottees. However, it is necessary that an allotment of such quota be in effect on January 1, 1958, in order to avoid disorderly marketing out of sugar on hand on that date or to be produced shortly thereafter, and to afford all interested persons equitable opportunities to market sugar.

(4) The findings in (3), above, require that, effective for the period January 1, 1958, until the date allotments of the entire 1958 Domestic Beet Sugar Area quota for the full calendar year are prescribed, 1,600,000 short tons, raw value, of the 1958 quota shall be allotted. Allotments of such quantity shall be established by allotting to each allottee the same proportion of 1,600,000 short tons, raw value, as his allotment was of the total 1957 allotments established by Sugar Regulation 814.33, Amendment 2, effective October 17, 1957.

(5) In establishing allotment of the 1958 sugar quota for the Domestic Beet Sugar Area as found in (4), above, the statutory factors, "processings • • • from • • • proportionate shares," "past marketings" and "ability to market" have been taken into consideration.

(6) The allotments of the 1957 quota referred to in (4), above, are as set forth in the following table:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	280,820	5,248,972
American Crystal Sugar Co	299,761	5,603,099
Buckeye Sugars, Inc	10,182	190,318
Franklin County Sugar Co	11,027	206,112
Great Western Sugar Co., The	494,879	9,250,075
Holly Sugar Corp	334,024	6,243,439
Layton Sugar Co	11,456	214,131
Menominee Sugar Co	13,600	254,206
Michigan Sugar Co	71,379	1,334,187
Monitor Sugar Division of Robert Gage Coal Co	31,899	596,243
National Sugar Manufacturing Co., The	4,559	85,215
Northern Ohio Sugar Co	21,734	406,243
Spreckels Sugar Co	208,115	3,890,000
Union Sugar Division, Consolidated Foods Corp	76,151	1,423,383
Utah-Idaho Sugar Co	201,661	3,769,364
Any other person	000	000
Total	2,071,247	38,714,897

(7) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(8) To facilitate full and effective use of allotments, provisions shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(9) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(10) For the period January 1, 1958, until the date allotments of the entire 1958 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, the allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of such quota and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered:*

§ 814.34 *Allotment of the 1958 sugar quota for the Domestic Beet Sugar Area—*(a) *Allotments.* For the period January 1, 1958, until the date allotments of the entire 1958 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, 1,600,000 short tons, raw value, of the 1958 quota for the Domestic Beet Sugar Area is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	216,928	4,054,729
American Crystal Sugar Co	231,560	4,328,224
Buckeye Sugars, Inc	7,896	147,628
Franklin County Sugar Co	8,518	159,215
Great Western Sugar Co., The	382,285	7,145,514
Holly Sugar Corp	258,027	4,822,935
Layton Sugar Co	8,850	165,421
Menominee Sugar Co	10,505	196,355
Michigan Sugar Co	55,139	1,030,635
Monitor Sugar Division of Robert Gage Coal Co	24,642	460,598
National Sugar Manufacturing Co., The	3,522	65,832
Northern Ohio Sugar Co	16,789	313,813
Spreckels Sugar Co	160,765	3,004,953
Union Sugar Division, Consolidated Foods Corp	58,825	1,099,533
Utah-Idaho Sugar Co	155,779	2,911,757
Any other person	000	000
Total	1,600,000	29,906,542

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, the marketing of such sugar or liquid sugar shall, at the time such sugar or liquid sugar is so delivered, be charged to the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Transfer of allotment.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions and objectives of the Sugar Act, permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

(d) *Restrictions on shipment and marketing.* For the period January 1, 1958, until the date an allotment order is issued allotting the entire 1958 calendar year sugar quota for the Domestic Beet Sugar Area, each person named in paragraph (a) of this section, and any other person is hereby prohibited from marketing in interstate commerce or in competition with sugar or liquid sugar shipped, transported or marketed in interstate commerce or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the Domestic Beet Sugar Area in excess of his allotment established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 26th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10856; Filed, Dec. 30, 1957; 8:52 a. m.]

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

Chapter I—Office of Territories, Department of the Interior

PART 5—RAILROADS, TELEPHONE AND TELEGRAPH LINES IN ALASKA

PART 10—APPLICATION OF THE MARIHUANA TAX TO THE VIRGIN ISLANDS

EDITORIAL NOTE: The codification of Parts 5 and 10, comprising Title 48 of the Code of Federal Regulations, is hereby discontinued, and the title is vacated and reserved.

Executive Order 3861 of June 8, 1923, which was codified as Part 5, will be carried as a note to 43 CFR, Part 74; a cross reference to Executive Order 7715 of Sept. 26, 1937, 2 F. R. 2347, which was codified as Part 10, will be carried in 26 CFR (1939) Part 152.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket 3666; Order 33]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of December 1957.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 33, dated October 4, 1957, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on October 24, 1957 (22 F. R. 8388), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 33 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 33, dated October 4, 1957, as revised by the specific deletions and modifications set forth as follows:

1. In § 71.8 amend paragraph (f) (1).

2. Revise the amendatory text to § 73.31 as shown below; delete the proposed addition of paragraph (g) (10) to § 73.31:

In § 73.31 amend paragraph (a) and table; add Note 12 to paragraph (a) table; amend paragraph (f); amend paragraph (h) (16 F. R. 9372, Sept. 15, 1951) (21 F. R. 4562, 4563, June 26, 1956) (22 F. R. 4789, July 9, 1957) to read as follows:

3. In § 73.135 amend paragraph (a) (9).

4. In § 78.325–9 paragraph (d) amend the second word in the first line to read, "or" instead of "for" so that the first four words preceding the colon read, "Baffles or shell stiffeners:"

5. In §78.326–7 paragraph (b) amend the last sentence to read, "The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.326–8; and if no such tests have ever been made, such tanks shall be tested within 6 months after March 19, 1958."

6. In § 78.330–8 amend paragraph (a).

7. In § 78.331–8 amend paragraph (a); in § 78.331–9 amend paragraph (a).

It is further ordered, That this order shall become effective March 19, 1958 and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 71—GENERAL INFORMATION AND REGULATIONS

In § 71.8 amend paragraph (f) (1) (15 F. R. 8263, Dec. 2, 1950) to read as follows:

§ 71.8 *Definitions.* • • •

(f) • • •

(1) Any tank designed to be permanently attached to any motor vehicle or any container not permanently attached to any motor vehicle which by reason of its size, construction, or attachment to any motor vehicle must be loaded and/or unloaded without being removed from the motor vehicle and which tank or container is to be used to transport any flammable liquid, corrosive liquid, or poisonous liquid, class B, is hereby designated "cargo tank".

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (15 F. R. 8263, 8264, 8265, 8266, 8268, 8269, 8270, 8271, 8273, Dec. 2, 1950) (21 F. R. 9355, Nov. 30, 1956) (19 F. R. 8524, Dec. 14, 1954) (21 F. R. 4431, June 23, 1956) (17 F. R. 4293, May 10, 1952) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(*Change*)				
Acids, liquid, n. o. s.	Cor. L	73.244, 73.245	White	5 pints.
Alcohol, allyl	Pois. B	73.345, 73.346	Poison	55 gallons.
Alcohol, wood (methanol, methyl alcohol)	F. L	73.118, 73.125	Red	10 gallons.
Allyl alcohol. *See* Alcohol, allyl.				
Ammonium bichromate (ammonium dichromate).	F. S	73.153, 73.154, 73.235	Yellow	100 pounds.
Benzyl bromide (bromotoluene, alpha)	Cor. L	No exemption, 73.281	White	5 pints.
Bromotoluene, alpha. *See* Benzyl bromide.				
Dicumyl peroxide, solid	Oxy. M	73.153, 173.154	Yellow	25 pounds.
Dinitrochlorobenzol, solid (*dinitrochlorobenzene, chlorodinitrobenzol*).	Pois. B	73.304, 73.305	Poison	200 pounds.
Hydrofluoric and sulfuric acids, mixtures	Cor. L	No exemption, 73.290	White	10 pints.
Igniters, jet thrust (*jato*), class B explosives	Expl. B	No exemption, 73.92	None	550 pounds.
Jet thrust unit (*jato*), class B explosives	Expl. B	No exemption, 73.92	None	550 pounds.
Mercuric fulminate, solid (mercuric cyanate, solid)	Pois. B	73.304, 73.305	Poison	200 pounds.
Mercury bichloride, solid (mercuric chloride).	Pois. B	73.304, 73.372	Poison	200 pounds.
Methanol (methyl alcohol). *See* Alcohol, wood.				
Mixtures of hydrofluoric and sulfuric acids. *See* Hydrofluoric and sulfuric acids, mixtures.				
Propellant explosives, class A	Expl. A	No exemption, 73.64 (d).		See § 73.86.
Propellant explosives, class B	Expl. B	No exemption, 73.93	Red	10 pounds.
(*Add*)				
Cigarette lighters charged with fuel. *See Chlorodinitrobenzol, solid.*	See § 73.21 (d).			
Dimethylhexane dihydroperoxide	Oxy. M	No exemption, 73.157, 73.158.	Yellow	25 pounds.
Lighter fluid. *See* Cigar and cigarette lighter fluid.				
Mercaptan mixtures, aliphatic*	F. L	No exemption, 73.141	Red	10 gallons.
Mercuric chloride. *See* Mercury bichloride, solid.				
Methyl alcohol (methanol). *See* Alcohol, wood.				
Nitric ether. *See* Ethyl nitrate.				
Oil of mirbane. *See* Nitrobenzol, liquid.				
Self-lighting cigarettes	See § 73.21 (d).			
*Weed killing compounds, liquid. *See* Compounds, tree or weed killing, liquid.				
(*Cancel*)				
*Aliphatic mercaptan mixtures	F. L	No exemption, 73.141	Red	10 gallons.
Mercurieyanamid solid	Pois. B	73.304, 73.305	Poison	200 pounds.

(22 F. R. 4789, July 9, 1957) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) Tanks mounted on or forming part of a car and built in compliance with the American Railway Association's specification for tank cars prior to July 1, 1927; or built in compliance with the Commission's specifications for tanks of tank cars in force prior to the effective date of Parts 71–78 of this chapter, including tanks already constructed or under construction on the effective date hereof in compliance with specifications for fusion-welded tanks of tank cars are authorized for service, until further order of the Commission, as follows:

Where these regulations call for specification Nos.—	These specification containers may also be used subject to the provisions of the following notes—
103 [1] and 105 [1]	ARA-IIL, [1] III, [1] and IV. [1]
103A [1] and 103A-W [1]	ARA-IIL [1] and III, [1] [4]
103B [1] and 103B-W [1]	ARA-IIL [1] and III, [1] rubber lined.
103C-W [1]	103C [1] [11]
103D-W, 103E-W, 103A-S-W.	(See Note 10.)
104 [1] and 104-W [1]	ARA-IV, [1]
105A100 and 105A100-W.	104A [7] and 104A-W.
105A200-W	105A100-W [13]
105A100AL-W	104A-AL-W [7]
105A200AL-W	105A100AL-W [13]
105A300-W	ARA-V, [1] ICC-105 [1] and 105A300. [1]
105A400-W	105A400.
105A500-W	105A500.
105A600-W	105A600.
106A500 and 106A500X.	ICC-27 tanks mounted on a car classified as multiunit tank prior to October 1, 1956. [8]
106A800 and 106A800X.	None.
106A800NCI	None.
107A [12]	None.

• • • • • •

[No change in notes.]

[1] Tanks built as 105A100AL-W (§ 78.285 or § 78.294 of this chapter) may be altered and reclassified as Spec. 105A200-W or 105A200AL-W (§ 78.307 or § 78.308 of this chapter) respectively, by installing safety valves, retesting and stenciling in accordance with the applicable specification for the transportation of commodities authorized in Spec. ICC-105A200-W or 105A200AL-W (§ 78.307 or § 78.308 of this chapter) tanks.

• • • • • •

(f) After alterations of tank cars or equipment therefor from original design, a certificate of compliance with the respective specification must be furnished to the car owner, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

(b) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. Tank cars proposed for a commodity service other than authorized, must be approved for such service by the Association of American Railroads, Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Class ICC–105A type tank cars may be used for any commodity for which they are approved by the Committee on Tank Cars when stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

[No change in Note 1.]

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.92 cancel paragraph (d) (21 F. R. 3009, May 5, 1956) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.* • • •

(d) [Canceled.]

2. In § 73.93 amend paragraph (f) (1) (20 F. R. 950, Feb. 15, 1955) to read as follows:

§ 73.93 *Propellant explosives for cannon, small-arms, rockets, guided missiles, or other devices.* • • •

(f) • • •

(1) In tightly closed metal cans or fiber containers, not exceeding 1 pound each, or in inside metal cans or fiber containers containing not more than one grain of propellant, not exceeding 5 pounds each, packed in outside wooden boxes, spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter), or outside fiberboard boxes, spec. 12B, 23F, or 23H (§ 78.205, § 78.214, or § 78.219 of this chapter). Not more than 10 pounds of propellant powder may be shipped in one outside container. Each outside container must be plainly marked "PROPELLANT EXPLOSIVES, CLASS B".

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. In § 73.21 add paragraph (d) (18 F. R. 802, Feb. 7, 1953) to read as follows:

§ 73.21 *Prohibited packing.* • • •

(d) The offering for transportation of any package containing a cigarette lighter charged with fuel and equipped with an ignition element, or any similar heating, lighting, or ignition device, or any self-lighting cigarette, is forbidden unless the design and method of packaging insofar as they affect safety in transportation have been approved by the Bureau of Explosives.

2. In § 73.31 amend paragraph (a) and Table; add Note 12 to paragraph (a) table; amend paragraph (f); amend paragraph (h) (16 F. R. 9372, Sept. 15, 1951) (21 F. R. 4562, 4563, June 26, 1956)

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.135 amend paragraph (a) (9) (21 F. R. 7600, Oct. 4, 1956) to read as follows:

§ 73.135 *Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.* (a) • • •

(9) Spec. MC 300, MC 303, or MC 304 of steel or stainless steel construction (§§ 78.321, 78.324 or 78.325 of this chapter). Tank motor vehicles.

2. In § 73.141 add paragraphs (a) (9) and (b) (16 F. R. 11777, Nov. 21, 1951) to read as follows:

§ 73.141 *Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.* (a) • • •

(9) Specification cylinders as prescribed for any compressed gas, except acetylene.

(b) Warning or odorizing devices containing not more than one ounce of a mercaptan or an aliphatic mercaptan mixture in a hermetically sealed container or in a hermetically sealed portion of the device are not subject to the regulations in Parts 71–78 and 197 of this chapter.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.153 add paragraphs (c) (65), (66), and (67) (15 F. R. 8303, Dec. 2, 1950) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(c) • • •

(65) Hafnium metal powder or sponge, dry.

(66) Hafnium metal powder, wet or sludge.

(67) Dimethylhexane dihydroperoxide.

2. In § 73.157 amend the heading and introductory text of paragraph (a) (15 F. R. 8304, Dec. 2, 1950) to read as follows:

§ 73.157 *Benzoyl peroxide, chlorobenzoyl peroxide (para), dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.* (a) Benzoyl peroxide, chlorobenzoyl peroxide (para), dimethylhexane dihydroperoxide, lauroyl peroxide, and succinic acid peroxide, wet with at least 30 percent of water by weight must be packed in specification containers as follows:

• • • • • •

3. In § 73.158 amend the heading and introductory text of paragraph (a); amend paragraph (a) (3) (21 F. R. 7600, Oct. 4, 1956) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) Benzoyl peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry, may be shipped when packed in specification containers as follows:

• • • • • •

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with polyethylene not less than 0.002 inch thick, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in Spec. 12B65 boxes may be more than 65 but not more than 80 pounds provided net weight of contents does not exceed 50 pounds.

4. In § 73.187 amend paragraph (a) (1) (15 F. R. 8308, Dec. 2, 1950) to read as follows:

§ 73.187 *Peroxide of sodium.* (a) • • •

(1) Spec. 11A, 11B, 15A, 15B, 15C, 16A, or 19A (§§ 78.160, 78.161, 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden barrels, kegs, or boxes, with inside containers which must be airtight metal cans.

5. In § 73.221 amend paragraphs (a) (2) and (3) (15 F. R. 8311, Dec. 2, 1950) to read as follows:

§ 73.221 *Liquid peroxides other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.* (a) • • •

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass, earthenware, or metal, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container. Metal inside containers authorized only for materials which will not react dangerously with or be decomposed by contact with metal.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be glass, earthenware, or metal, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container. Not more than one 1-gallon inside container shall be packed in one outside fiberboard box. Metal inside containers authorized only for materials which will not react dangerously with or be decomposed by contact with metal.

6. In § 73.235 amend the heading and introductory text of (a) (21 F. R. 9356, Nov. 30, 1956) to read as follows:

§ 73.235 *Ammonium bichromate (ammonium dichromate).* (a) Ammonium bichromate (ammonium dichromate) must be packed in specification containers as follows:

• • • • • •

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.244 amend paragraph (c) (11) (15 F. R. 8313, Dec. 2, 1950) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* • • •

(c) • • •

(11) Bromotoluene, alpha.

2. In § 73.272 add paragraph (f) (3); cancel paragraphs (1) (5) and (6) (15 F. R. 8321, Dec. 2, 1950) (21 F. R. 673, Jan. 31, 1956) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(f) • • •

(3) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside Spec. 2S (§78.35 of this chapter) polyethylene drum. Authorized for sulfuric acid concentrations not over 76 percent. Gross weight restriction indicated by the gross weight embossment in the steel barrels or drums shall be waived.

• • • • • •

(1) • • •

(5) [Canceled.]

(6) [Canceled.]

3. In § 73.273 add paragraph (a) (5) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.273 *Sulfur trioxide, stabilized.* (a) • • •

(5) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles. Authorized only for stabilized sulfur trioxide. Tanks must be equipped with spring-relief safety valves. Tanks equipped with interior heater coils not permitted.

4. In § 73.281 amend the heading and introductory text of paragraph (a) (15 F. R. 8322, Dec. 2, 1950) to read as follows:

§ 73.281 *Benzyl bromide (bromotoluene, alpha).* (a) Benzyl bromide (bromotoluene, alpha) must be packed in specification containers as follows:

• • • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.306 amend paragraph (c) (1) (15 F. R. 8326, Dec. 2, 1950) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* • • •

(c) • • •

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications".

2. In § 73.308 paragraph (a) table amend the entry "Dichlorodifluoromethane" (20 F. R. 951, Feb. 15, 1955) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(*Change*) Dichlorodifluoromethane	119	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-4B240ET; ICC-9; ICC-41.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.372 amend the heading and introductory text of paragraph (a) (15 F. R. 8338, Dec. 2, 1950) to read as follows:

§ 73.372 *Mercury bichloride (mercuric chloride).* (a) Mercury bichloride (mercuric chloride) must be packed in specification containers as follows:

• • • • •

2. In § 73.392 amend paragraph (c) (19 F. R. 6269, Sept. 29, 1954) to read as follows:

§ 73.392 *Exemptions for radioactive materials.* • • •

(c) Radioactive materials such as ores, residues, salts of natural uranium and thorium, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipments in carload lots by rail freight only, provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541 (b) and 74.553 of this chapter. Except when handling is supervised by the Atomic Energy Commission, shipments must be loaded by consignor and unloaded by consignee.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

In § 74.532 amend paragraph (j) (1) (15 F. R. 8348, Dec. 2, 1950) to read as follows:

§ 74.532 *Loading other dangerous articles.* • • •

(j) • • •

(1) The amount of radioactive ores, residues, and similar materials loaded in a car must be limited as provided in § 73.392 of this chapter. The amount of any other radioactive materials loaded in a freight car shall be limited so that the quantity does not exceed 40 units as determined by totaling the number of units shown on the individual labels on the packages.

NOTE 1: For purposes of these regulations 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm of hard gamma rays of radium filtered by ½ inch of lead.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

In § 74.586 add paragraph (h) (15 F. R. 8355, Dec. 2, 1950) to read as follows:

§ 74.586 *Handling explosives and other dangerous articles.* • • •

(h) A container of radioactive material bearing red label must not be placed in cars, depots or other places closer than 3 feet to an area which may be continuously occupied by passengers, employees, or shipments of animals. When more than one such container is present, the distance from occupied areas must be computed from the table in subparagraph (2) of this paragraph by adding the number of units shown on labels on the containers.

(1) In a combination car carrying passengers and/or express shipments, a container of radioactive material must not be placed closer than 3 feet to the dividing partition. For more than one such container the distance must be computed by method described in subparagraph (2) of this paragraph.

(2) A container of radioactive material, red label, must not be placed closer than 15 feet to any package containing undeveloped film. If more than one such container is present, the distance must be computed from the table in this subparagraph by adding the number of units shown on the labels on the packages.

TABLE

Total number of units	Minimum distance in feet to nearest undeveloped film	Distance in feet to area that may be continuously occupied by passengers or employees	Distance in feet from dividing partition of a combination car
1 to 10	15	3	3
11 to 20	20	4	4
21 to 30	25	5	5
31 to 40	30	6	6

NOTE 1: The distance in the table must be measured from the nearest point of the radioactive container or containers.

NOTE 2: 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm. of hard gamma rays of radium filtered by ½ inch of lead.

(3) Not more than 40 units of radioactive material (red label) shall be transported in any car or stored in any location at one time.

(4) All containers of radioactive material (red label) must be carried by the handles when handles are provided.

PART 75—CARRIERS BY RAIL EXPRESS

In § 75.655 paragraph (j) (2) table amend the fourth column heading (15 F. R. 8359, Dec. 2, 1950) to read as follows: "Distance in feet from dividing partition of a combination car".

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

In § 78.55–2 amend paragraph (a) (15 F. R. 8417, Dec. 2, 1950) to read as follows:

§ 78.55 *Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.*

§ 78.55–2 *Type, spinning process, size and service pressure.*—(a) *Type.* Cylinders must be of brazed type made from electric resistance welded tubing which has been certified to have been pressure tested to a fiber stress of 24,000 pounds per square inch, as calculated by the formula:

$$P=\frac{24{,}000(D^2-d^2)}{(1.3D^2+0.4d^2)}$$

where P is the pressure required for pressure testing of tubing. Pressure shall be maintained for not less than 30 seconds. Lengths of tubing that leak must be rejected. No repairs permitted.

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

1. In § 78.165–8 (a) table amend the subcolumn heading "Ends" by inserting a reference to a footnote 3; add footnote 3 to paragraph (a) table (15 F. R. 8460, Dec. 2, 1950) to read as follows:

[3] As provided by § 73.65 (a) (1), Note 1, of this chapter, boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end which must be not more than one inch by four inches and centered laterally not nearer than 1⅝ inches from top edge of end of box.

2. In § 78.168–3 add paragraph (b) (15 F. R. 8460, Dec. 2, 1950) to read as follows:

§ 78.168 *Specification 15A; wooden boxes, nailed.*

§ 78.168–3 *Ends.* • • •

(b) As provided by § 73.65 (a) (1), Note 1, of this chapter, wooden boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end which must be not more than one inch by four inches and centered laterally not nearer than 1⅝ inches from top edge of end of box.

3. In § 78.185–9 add paragraph (b) (15 F. R. 8470, Dec. 2, 1950) to read as follows:

§ 78.185 *Specification 16A; plywood or wooden boxes, wirebound.*

§ 78.185–9 *Ends.* • • •

(b) As provided by § 73.65 (a) (1), Note 1, of this chapter, wooden boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end which must be not more than one inch by four inches and centered laterally not nearer than 1⅝ inches from top edge of end of box.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. In § 78.209–8 paragraph (a) (2) add Note 1 (20 F. R. 8110, Oct. 28, 1955) to read as follows:

§ 78.209 *Specification 12H; fiberboard boxes.*

§ 78.209–8 *Type authorized.* (a) • • •

(2) • • •

NOTE 1: Hand-holes oval in shape, not more than 1 inch in width by 3 inches in length, and horizontal with top score line, are authorized in ends of top section of boxes.

2. In § 78.219–7 add paragraph (b) (17 F. R. 1564, Feb. 20, 1952) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219–7 *Type authorized.* • • •

(b) Hand-holes oval in shape, not more than 1 inch in width by 3 inches in length and horizontal with top score line, are authorized in ends of top section of full depth cover telescope type boxes.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.281–21 amend paragraph (a) (1) (22 F. R. 4794, July 9, 1957) to read as follows:

§ 78.281 *Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.281–21 *Marking.* (a) • • •

(1) ICC–103A–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103A–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

2. In § 78.282–20 amend paragraph (a) (1) (22 F. R. 4794, July 9, 1957) to read as follows:

§ 78.282 *Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.282–20 *Marking.* (a) • • •

(1) ICC–103B–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103B–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

3. In § 78.299–8 amend the section heading, and add paragraph (b) (21 F. R. 4623, June 26, 1956) to read as follows:

§ 78.299 *Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.*

§ 78.299–8 *Manway rings, safety vent flange, or other attachments.* • • •

(b) Botton washout nozzle may be riveted or fusion-welded. Riveted joints must be made metal to metal without interposition of other materials. Rivets, if used, must be driven hot and calked inside. For computing areas the effective diameter of a driven rivet is the diameter of its hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than ⅝ inch diameter prohibited. Joints formed by attachment to tank must be calked on the inside. Fusion welding for securing this attachment to tank must be as prescribed in paragraph (a) of this section.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. In § 78.321–12 paragraph (a) amend the heading of Table I, and amend the heading of Table III in paragraph (b); amend entire § 78.321–13; in § 78.321–18 amend the section heading and paragraph (a), the introductory text of paragraph (b), paragraph (b) (2), and add paragraph (b) (6) (16 F. R. 11785, Nov. 21, 1951) (21 F. R. 7610, Oct. 4, 1956) (15 F. R. 8546, Dec. 2, 1950) to read as follows:

§ 78.321 *Specification MC 300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or of stainless steel.*

§ 78.321–12 *Thickness of steel sheets.* (a) • • •

TABLE I—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED, OR ROLLED) AND RING STIFFENERS

• • • • • •

(b) *Thickness of high-tensile and stainless steel sheets.* • • •

TABLE III—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED, OR ROLLED) AND RING STIFFENERS

§ 78.321–13 *Cargo tanks constructed of a combination of mild and high-tensile steels or stainless steel.* (a) Mild steel sheets as specified in § 78.321–12 (a) may be used in combination with high-tensile steel sheets or stainless steel sheet as specified in § 78.321–12 (b) in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements for the material used in the construction for that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods on condition that the stainless steel electrodes or filler rods used in the welding be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturer of the stainless steel electrodes or filler rods.

§ 78.321–18 *Bulkheads, baffles, and ring stiffeners.* (a) No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than eighty percent (80%) full or in which no compartment of the tank is ever loaded less than eighty percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

• • • • • •

(2) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

• • • • • •

(6) (i) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

Width of tank	Section modulus
42 inches or less	0.0104L.[1]
Over 42 inches to 60 inches	0.0162L.[1]
Over 60 inches to 96 inches	0.0234L.[1]

[1] *L* is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener.

(ii) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener be-

3. In § 78.323–12 amend the section heading and paragraph (a) table; in § 78.323–18 amend the section heading and paragraph (a), amend the introductory text of paragraph (b), amend paragraph (b) (2), and add paragraph (b) (6) (15 F. R. 8550, 8551, Dec. 2, 1950) to read as follows:

Aggregate capacity, United States gallons	Shell		Head, dished, corrugated, or reinforced, and ring stiffener	
	United States gauge No.	Inch [1]	United States gauge No.	Inch [1]
600 or less	14	0.078	14	0.078
Over 600 to 1,200	12	.109	12	.109
Over 1,200:				
(a) Divided into compartments of 600 gallons or less	12	.109	10	.141
(b) If not divided into compartments, or if divided into compartments of 1,200 or more	10	.141	8	.172

[1] Approximate.

NOTE 1: Flat heads without reinforcement no longer permitted.

§ 78.323 *Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B178–54T).*

§ 78.323–12 *Thickness of sheets and ring stiffeners.* (a) The minimum thickness of tank sheets and ring stiffeners shall be as follows:

Aggregate capacity, United States gallons	Shell		Head, dished, corrugated, or reinforced, and ring stiffener	
	United States gauge No.	Inch [1]	United States gauge No.	Inch [1]
600 or less	11	0.078	14	0.078
Over 600 to 1,200	12	.109	12	.109
Over 1,200:				
(a) Divided into compartments of 600 gallons or less	12	.109	10	.141
(b) If not divided into compartments, or if divided into compartments of 1,200 or more	10	.141	8	.172

[1] Approximate.

NOTE 1: Flat heads without reinforcement no longer permitted.

§ 78.323–18 *Bulkheads, baffles and ring stiffeners.* (a) No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than eighty percent (80%) full or in which no compartment of the tank is ever loaded less than eighty percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

* * * * *

(2) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any baffle or ring stiffener and the bulkhead or the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

* * * * *

(6) (i) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR ALUMINUM RING STIFFENERS

Width of tank	Section modulus
42 inches or less	0.0180L.[1]
Over 42 inches to 60 inches	0.0280L.[1]
Over 60 inches to 96 inches	0.0400L.[1]

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener.

(ii) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus twenty (20) times the shell thickness adjacent to the welds, whichever is less.

4. In § 78.324–12 paragraph (a) amend the entire table 1; in § 78.324–17 amend the section heading and paragraph (a), (b) (6) (15 F. R. 8548, Dec. 2, 1950) to read as follows:

§ 78.322 *Specification MC 301; cargo tanks constructed of welded aluminum alloy (grade 3S).*

§ 78.322–12 *Thickness of sheets and ring stiffeners.* (a) The minimum thickness of tank sheets and ring stiffeners shall be as follows:

Aggregate capacity, United States gallons	Shell		Head, dished, corrugated, or reinforced, and ring stiffener	
	United States gauge No.	Inch [1]	United States gauge No.	Inch [1]
600 or less	12	0.109	12	0.109
Over 600 to 1,200	9	.156	9	.156
Over 1,200:				
(a) Divided into compartments of 600 gallons or less	9	.156	6	.203
(b) If not divided into compartments, or if divided into compartments of 1,200 or more	6	.203	4	.234

[1] Approximate.

NOTE 1: Flat heads without reinforcement no longer permitted.

§ 78.322–18 *Bulkheads, baffles, and ring stiffeners.* (a) No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than eighty percent (80%) full or in which no compartment of the tank is ever loaded less than eighty percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles for ring stiffeners as follows:

* * * * *

(2) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

* * * * *

(6) (i) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

Width of tank	Section modulus
42 inches or less	0.0104L.[1]
Over 42 inches to 60 inches	0.0162L.[1]
Over 60 inches to 96 inches	0.0234L.[1]

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener.

(ii) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus twenty (20) times the shell thickness adjacent to the welds, whichever is less.

amend the introductory text of paragraph (b), amend paragraph (b) (2), and add paragraph (b) (6) (15 F. R. 8552, 8553, Dec. 2, 1950) to read as follows:

§ 78.324 *Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel.*

§ 78.324–12 *Thickness of sheets.*

(a) * * *

TABLE 1—MINIMUM THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS

Distances between bulkhead attachments to shell in inches	Volume capacity of tank in gallons per inch of length									
	6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
	Bulkhead and baffle (dished, corrugated, or reinforced) sheet and ring stiffener thicknesses in United States gauge numbers and inches depending upon distances between attachments thereof to shell									
	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.
30 inches or less	17	0.056	16	0.062	15	0.070	14	0.078	13	0.094
Over 30 inches	16	.062	15	.070	14	.078	13	.094	12	.109

NOTE 1: Flat heads without reinforcement no longer permitted.

§ 78.324–17 *Bulkheads, baffles, and ring stiffeners.* (a) No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than eighty percent (80%) full or in which no compartment of the tank is ever loaded less than eighty percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

* * * * *

(2) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.).

* * * * *

(6) (i) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

Width of tank	Section modulus
42 inches or less	0.0104L.[1]
Over 42 inches to 60 inches	0.0162L.[1]
Over 60 inches to 96 inches	0.0234L.[1]

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener.

(ii) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus twenty (20) times the shell thickness adjacent to the welds, whichever is less.

5. In § 78.325–8 paragraph (d) amend the first line in the first column in the first and third tables, now reading, "Heads, bulkheads and baffles" to read "Heads, bulkheads, baffles, and ring stiffeners"; in § 78.325–9 amend the section heading, and amend paragraph (d); in § 78.325–14 amend paragraphs (a) and (b) (20 F. R. 8113, 8114, Oct. 28, 1955) (22 F. R. 2237, April 4, 1957) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids, class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100° F.*

§ 78.325–9 *Bulkheads, baffles, and ring stiffeners.* * * *

(d) (1) Baffles or shell stiffeners: Every cargo tank or compartment of a cargo tank over ninety inches (90 in.) in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener and the nearest tank head or bulkhead shall not exceed sixty inches (60 in.). Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

Width of tank	Section modulus	
	Steel	Aluminum
42 inches or less	0.0104 L [1]	0.0180 L.[1]
Over 42 inches to 60 inches	0.0162 L [1]	0.0280 L.[1]
Over 60 inches to 96 inches	0.0234 L [1]	0.0400 L.[1]

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener.

(2) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus twenty (20) times the shell thickness adjacent to the welds, whichever is less.

§ 78.325–14 *Safety devices*—(a) *Safety relief devices required.* Each tank and each compartment of a tank shall be provided with one or more safety relief valves of the springloaded type, provided that emergency pressure relief devices may be used for part of the required capacity thereof. All such valves and devices shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank. The emergency pressure relief devices shall be either springloaded type or frangible type.

(b) *Relief device capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 pounds per square inch gauge (25 psig.), and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 40 pounds per square inch gauge (40 psig.) they shall have a discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 35 square feet (35 sq. ft.) of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required; alternatively, such valve or valves may at a pressure of 30 pounds per square inch gauge (30 psig.) have a total discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 350 square feet (350 sq. ft.) of exterior area of the tank or compartment to which they are connected, if in addition thereto each such tank or compartment be provided with one or more frangible-type safety devices having a total discharge capacity not less than that of an unobstructed opening of nine square inches (9 sq. in.) for each 350 square feet (350 sq. ft.) of exterior area and bursting pressure not less than 30 pounds per square inch gauge (30 psig.) nor more than 40 pounds per square inch gauge (40 psig.).

6. Add § 78.326 (15 F. R. 8554, Dec. 2, 1950) to read as follows:

§ 78.326 *Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction.* To be mounted on and to form part of tank motor vehicles for transportation of flammable liquids and poisonous liquids, class B.

§ 78.326–1 *Scope.* (a) This specification is primarily designed to apply to cargo tanks of tank motor vehicles to be used for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.326–2 *New cargo tank motor vehicles.* (a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of this specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank motor vehicle is employed in the transportation of flammable liquids or poisonous liquids, class B by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such cargo tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

§ 78.326–3 *Novel cargo tanks of tank motor vehicles, special authorization.* (a) The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new cargo tank motor vehicles which fail to meet the requirements of this specification. In the event of such authorization, the carrier shall furnish those details concerning the design and construction of the tank as seem necessary for the determination of its ability safely to transport flammable liquids or poisonous liquids, class B.

§ 78.326–4 *Marking of cargo tanks*—(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's serial number [1]
Manufacturer's name
Date of manufacture
ICC MC 305

Nominal tank cap'y---------- U. S. gallons

(b) *Test date markings.* The date of the last test or retest required by this specification and the due date of the next required routine test or retest shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Certification by markings.* The markings specified in paragraphs (a) and (b) of this section shall serve to certify that the tank complies with all requirements of this specification.

[1] Carriers are not required to number their cargo tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

§ 78.326–5 *No hazardous repairs on loaded motor vehicles.* (a) No repairs shall be performed on any motor vehicle containing any flammable liquid or poisonous liquid, class B, or on a cargo tank, whether empty or loaded, except in such cases that such repair can be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

§ 78.326–6 *No repair with flame unless gas-free.* (a) No repair of a cargo tank used for the transportation of any flammable liquid or poisonous liquid, class B, or any compartment thereof, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless the tank or compartment shall first have been made gas-free.

§ 78.326–7 *Times of retesting of cargo tanks.* Every cargo tank used for the transportation of any flammable liquid or poisonous liquid, class B, shall be tested or retested as follows:

(a) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it shall successfully have fulfilled the requirements set forth under § 78.326–8.

(b) *Specification tanks.* Every cargo tank complying with the requirements of this specification shall be tested at least once in every 5 year period. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5 year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.326–8; and if no such tests have ever been made, such tanks shall be tested within 6 months after March 19, 1958.

(c) *Novel cargo tanks.* Every cargo tank which shall have been authorized by this Commission for transportation of flammable liquids or poisonous liquids, class B under the provisions of § 78.326–3 shall be tested under requirements specifically set forth in the terms of such authorization.

(d) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under § 78.326–8; if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(e) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commision may, in its discretion, cause any cargo tank to be retested in accordance with the requirements of § 78.326–8 at any time.

§ 78.326–8 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) Every cargo tank to which this specification applies shall be tested by pressure prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

§ 78.326–9 *Workmanship, general.* (a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

§ 78.326–10 *Material.* (a) All sheets for shell, heads, bulkheads, and baffles of such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation) GR40A (5154 commercial designation) or GM40A (5086 commercial designation) conforming to American Society for Testing Materials Specification B178–54T.

§ 78.326–11 *Thickness of sheets.* (a) The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets; as follows:

TABLE I—THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS [1]

	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
	Heads or bulkheads—dished, corrugated or reinforced			
Thickness in decimal of inches	0.096	0.109	0.130	0.151

[1] Thickness of exterior head sheets shall never be less than the maximum requirements for shell sheets.

TABLE II—THICKNESS OF SHELL SHEETS

Distance between bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners			
36 inches or less	0.087	0.087	0.096	0.109
Over 36 inches to 54 inches	.087	.097	.109	.130
Over 54 inches	.096	.109	.130	.151
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 70 inches or more, but less than 90 inches, depending on spacing of shell stiffeners			
36 inches or less	0.087	0.096	0.109	0.130
Over 36 inches to 54 inches	.096	.109	.130	.151
Over 54 inches	.109	.130	.151	.173
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 90 inches or more, but less than 125 inches, depending on spacing of shell stiffeners			
36 inches or less	0.096	0.109	0.130	0.151
Over 36 inches to 54 inches	.109	.130	.151	.173
Over 54 inches	.130	.151	.173	.194
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 125 inches or more, depending on spacing of shell stiffeners			
36 inches or less	0.109	0.130	0.151	0.173
Over 36 inches to 54 inches	.130	.151	.173	.194
Over 54 inches	.151	.173	.194	.216

§ 78.326–12 *Joints*—(a) *Method of joining.* All joints in and to tank shells, head and bulkheads shall be welded.

(b) *Strength of joints.* All welded aluminum joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall not be less than 85 percent of the annealed properties of the material in question. Aluminum alloys for high-strength welded construction shall be joined by an inert gas arc welding process using filler metals R–GR40A, E–GR40A (5154 alloy) or R–GM50A, E–GM50A (5356 alloy) conforming to American Society of Testing Materials Specification No. B285–54T (American Welding Society Specification No. A5, 10–54T). Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two (2) test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within six (6) months after the tests on such samples have been completed.

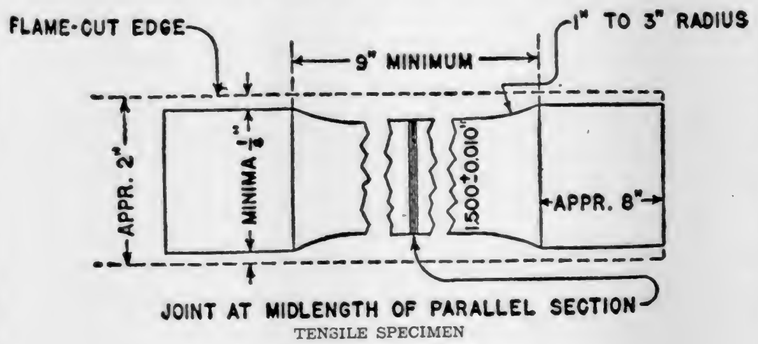

TENSILE SPECIMEN

§ 78.326–13 *Tank outlets.* (a) Outlet fixtures of tanks shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.326–14 *Bulkheads, baffles and ring stiffeners*—(a) *When bulkheads not required.* The bulkhead requirement in subparagraph (b) of this section does not apply to any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent (80%) full or in which no compartment of the tank is ever loaded less than 80 percent (80%) full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point. Flat bulkheads and baffles without reinforcement not permitted.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section every cargo tank having a total capacity in excess of 1,800 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be arranged for venting and be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* (1) Every cargo tank, and every compartment of a cargo tank over ninety inches (90 in.) in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed sixty inches (60 in.). Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

Width of tank	Section modulus
42 inches or less	0.0180L.[1]
Over 42 inches to 60 inches	0.0280L.[1]
Over 60 inches to 96 inches	0.0400L.[1]

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener.

(2) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed twenty (20) times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed forty (40) times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus twenty (20) times the shell thickness adjacent to the welds, whichever is less.

§ 78.326–15 *Tank vents.* (a) Each tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of forty-four hundredths of a square inch (0.44 sq. in.), and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed two hundred degrees Fahrenheit (200° F.).

§ 78.326–16 *Valve and faucet connections.* (a) All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

§ 78.326–17 *Emergency discharge control.* (a) Each tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet. The operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall also be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed two hundred degrees Fahrenheit (200° F.).

§ 78.326–18 *Shear section.* (a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

§ 78.326–19 *Protection of valves and faucets.* (a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected by steel bumpers or other equally effective devices, against collision.

§ 78.326–20 *Overturn protection.* (a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

§ 78.326–21 *Tank supports.* (a) The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener, shall not exceed forty (40) times the thickness of the tank shell at the point of support.

§ 78.326–22 *Anchoring of tank.* (a) Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the tank to prevent movement between them due to starting, stopping and turning. These stops or anchors shall be installed so as to be readily accessible for inspection and maintenance except that lagging for lagged tanks is permitted to cover such stops and anchors.

(c) *Anchoring integral tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the tank.

§ 78.326–23 *Pumps.* (a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power take-off or other mechanical, electrical or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

7. In § 78.330–8 amend paragraph (a) (15 F. R. 8555, Dec. 2, 1950) to read as follows:

§ 78.330 *Specification MC 310; cargo tanks.*

§ 78.330–8 *Must comply with A. S. M. E. Code.* (a) Tanks built under this specification shall be designed and constructed in accordance with the A. S. M. E. Code for Unfired Pressure Vessels, 1949, 1950, or 1952 editions, no revisions, which is hereinafter referred to as "the Code".

8. In § 78.331–8 amend paragraph (a); in § 78.331–9 amend paragraph (a) (18 F. R. 6783, 6784, Oct. 27, 1953) to read as follows:

§ 78.331–*Specification MC 311; cargo tanks.*

§ 78.331–8 *Design requirements*—(a) *A. S. M. E. Code construction.* Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with the A. S. M. E. Code for Unfired Pressure Vessels, 1949, 1950, or 1952 editions—no revisions, except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply. Such tanks shall not have head, bulkhead, baffle or shell thicknesses less than that specified in paragraphs (c) and (d) of this section, nor shall the spacing of bulkheads, baffles, or shell stiffeners exceed that specified in those sections.

§ 78.331–9 *Materials.* • • •

(a) *A. S. M. E. Code materials.* Cargo tanks required to comply with the A. S. M. E. Code for Unfired Pressure Vessels must be manufactured of materials authorized by the Code except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.

[F. R. Doc. 57–10822; Filed, Dec. 30, 1957; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

CONFIRMATION OF ALL REGULATIONS AND OTHER FORMAL ISSUES PROMULGATED BY OR PURSUANT TO THE AUTHORITY OF HARVEY V. HIGLEY, FORMER ADMINISTRATOR OF VETERANS AFFAIRS, TO BECOME EFFECTIVE AFTER TERMINATION OF HIS APPOINTMENT

All Veterans Administration regulations, manuals, instructions, bulletins, circulars, and other issues applicable to the Veterans Administration which were approved by or pursuant to the authority of the former Administrator of Veterans Affairs, Harvey V. Higley, to become effective on a date subsequent to the termination of his appointment are hereby confirmed and approved as though the same had been approved by me, and the same shall remain in full force and effect until such time as they may be specifically amended or revoked.

[SEAL] SUMNER G. WHITTIER,
Administrator of Veterans Affairs.

DECEMBER 23, 1957.

[F. R. Doc. 57–10887; Filed, Dec. 30, 1957; 8:54 a. m.]

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 4.168, the headnote, introductory portion of paragraph (a), and subparagraphs (1) and (9) of paragraph (a) are amended to read as follows:

§ 4.168 *Jurisdiction of rating boards*—(a) *General duties.* Rating boards are vested with authority, as rating agencies of original jurisdiction, to render rating decisions and to take other actions requiring board consideration in death claims for death compensation, dependency and indemnity compensation or death pension, reimbursement for burial, funeral, and transportation expenses, accrued compensation, pension, or retirement pay, servicemen's indemnity, insurance, unauthorized medical expenses, and such other benefits as require a rating determination under law or regulations. In this connection the boards pass on all questions essential to the decisions or other actions, including determinations as to jurisdiction, admissibility of evidence and weight to be accorded such evidence, the necessity of further development of evidence, the necessity of physical examination or of rescheduling for physical examination of claimants or beneficiaries, and the proper application of the provisions of all pertinent laws, regulations, schedules of disability ratings, policy statements, procedures, Administrator's decisions, and other legal precedents. Specifically, such boards will be responsible for rating determinations on the following major conditions relating to entitlement.

(1) Service connection of diseases or injuries, including line of duty, willful misconduct, or vicious habits determinations, as required. These decisions may be made for administrative purposes (including life insurance purposes, when requested) as well as for death compensation, dependency and indemnity compensation or death pension and accrued disability compensation of pension.

• • • • •

(9) Entitlement under section 31, Public Law 141, 73d Congress, as amended, under section 12, Public Law 866, 76th Congress, under paragraph 4, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A) (Public Law 16, 78th Cong.), and Public Law 894, 81st Congress.

2. In § 4.169, the headnote and the introductory portion of paragraph (a) preceding subparagraph (1) are amended to read as follows:

§ 4.169 *Special jurisdiction of rating boards in Veterans Benefits Office, D. C.* (a) In exercise of the functions specified in § 4.168, the rating boards, Compensation and Pension Service, in the Veterans Benefits Office, D. C., will have jurisdiction over the following types of death cases:

3. In § 4.184, paragraph (a) is amended to read as follows:

§ 4.184 *Disabilities not included under §§ 4.176, 4.178, 4.180, or 4.182.* • • •

(a) Disabilities incurred or aggravated as the result of training, hospitalization, or medical or surgical treatment under section 31, Public Law 141, 73d Congress, the result of examinations under section 12, Public Law 866, 76th Congress, or the result of training under paragraph 4, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A) (Public Law 16, 78th Cong., as amended), or Public Law 894, 81st Congress.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective December 31, 1957.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 57–10754; Filed, Dec. 30, 1957; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

RATES ON COAL, GRAIN OR IRON ORE IN BULK

DELETION OF "NSA" ORDERS, APPEARING IN THIS CHAPTER UNDER DESIGNATION "DRO"

The following orders, having become obsolete, are hereby deleted:

DRO–2—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and Norway. [NSA Order No. 7]

DRO–3—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and Denmark. [NSA Order No. 8]

DRO–4—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and Germany (excluding Baltic ports). [NSA Order No. 9]

DRO–5—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and the Netherlands. [NSA Order No. 10]

DRO–6—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and Belgium. [NSA Order No. 11]

DRO–8—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and Portugal. [NSA Order No. 13]

DRO–9—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and French North Africa. [NSA Order No. 14]

DRO–11—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and Greece. [NSA Order No. 16]

DRO–12—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and the west coast of Africa (including the Canary, Medeira and Cape Verde Islands). [NSA Order No. 17]

DRO–13—Rates on grain in bulk between United States ports and Norway. [NSA Order No. 18]

DRO–14—Rates on grain in bulk between United States ports and Denmark. [NSA Order No. 19]

DRO–15—Rates on grain in bulk between United States ports and Germany (excluding Baltic ports). [NSA Order No. 20]

DRO–16—Rates on grain in bulk between United States ports and the Netherlands. [NSA Order No. 21]

DRO–17—Rates on grain in bulk between United States ports and Belgium. [NSA Order No. 22]

DRO–18—Rates on grain in bulk between United States ports and France. [NSA Order No. 23]

DRO–21—Rates on grain in bulk between United States ports and Portugal. [NSA Order No. 26]

DRO–22—Rates on grain in bulk between United States ports and French North Africa. [NSA Order No. 27]

DRO–23—Rates on grain in bulk between United States ports and Italy (including ports on the Adriatic Sea). [NSA Order No. 28]

DRO–24—Rates on grain in bulk between United States ports and Greece. [NSA Order No. 29]

DRO–25—Rates on grain in bulk between United States ports and Turkey. [NSA Order No. 30]

DRO–26—Freight payment clause. [NSA Order No. 31]

DRO–27—Rate on iron ore in bulk from Narvik to Baltimore or Philadelphia. [NSA Order No. 36]

DRO–28—Rate on iron ore in bulk from Monrovia, Liberia, to Baltimore or Philadelphia. [NSA Order No. 37]

DRO–29—Rates on coal in bulk from Hampton Roads, Baltimore or Philadelphia to Kiel, Germany. [NSA Order No. 38]

DRO–32—Rates on coal in bulk between Hampton Roads, Baltimore or Philadelphia and Italy (including ports on the Adriatic Sea). [NSA Order No. 42]

DRO–33—Rates on coal in bulk from the port of Charleston, South Carolina. [NSA Order No. 44]

DRO–34—Rates on grain in bulk from United States ports to India. [NSA Order No. 45]

DRO–35—Rates on coal in bulk from Hampton Roads, Baltimore, Philadelphia, Charleston or Mobile to Sweden. [NSA Order No. 52]

DRO–36—Rates on coal in bulk from Hampton Roads, Baltimore, Philadelphia, Charleston or Mobile to the United Kingdom. [NSA Order No. 53]

DRO–37—Rates on coal in bulk from Hampton Roads, Baltimore, Philadelphia, Charleston or Mobile to Eire or Northern Ireland. [NSA Order No. 54]

DRO–38—Rates on coal in bulk between Hampton Roads, Baltimore, Philadelphia, Charleston, South Carolina or Mobile, Alabama, and France. [NSA Order No. 57]

DRO–39—Rates on grain in bulk from United States ports to Eire. [NSA Order No. 60]

DRO–40—Rates on grain in bulk from United States ports to the United Kingdom and Northern Ireland. [NSA Order No. 61]

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 24, 1957.

WALTER C. FORD,
Deputy Maritime Administrator.

[F. R. Doc. 57–10825; Filed, Dec. 30, 1957; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 23]

MISCELLANEOUS AMENDMENTS

This entire revision is editorial and technical in nature. Its purpose is to make this subchapter consistent with the new Title 10, United States Code (Armed Forces), as enacted by Public Law 1028, 84th Congress. So far as procurement is concerned, chapter 137 of the new Title 10, supersedes the Armed Services Procurement Act of 1947, as amended. When this subchapter now refers to the "Armed Services Procurement Act," the reference is to chapter 137, Title 10, U. S. Code. In enacting the new title, Congress stated that it was not intended to change the substance of old statutes; nevertheless several have been repealed and there have been significant language changes in others, which have made necessary this extensive revision.

Most of the changes made in this revision involve substitution of current citations of laws for obsolete citations.

A large number of changes result from the adoption of new statutory definitions, and have been made with the purpose of simplifying transition from statute to regulation. Among these definitions are: *"Department of Defense"* (§ 1.201–10); *"shall"* (§ 1.201–11); *"may"* (§ 1.201–12); *"includes"* (§ 1.201–13); *"United States"* (§ 1.201–14); *"Territory"* (§ 1.201–15); *"possessions"* (§ 1.201–16); *"Armed Services Procurement Act"* (§ 1.201–17); *"negotiate* and *negotiation"* (§ 1.201–18); and, *"supplies"* (§ 1.201–8). These definitions should be studied carefully and borne in mind constantly when referring to this subchapter, since in all but a few instances they are applicable throughout the subchapter.

In particular, it should be noted that *"United States,"* when used in a geographical sense (except in Subpart A of Part 6) means the 48 States and the District of Columbia, and does not in any instance include Alaska or Hawaii. When a statute defines *"United States"* otherwise, this subchapter has been adjusted so as to use, basically, the definition set forth in Title 10, U. S. Code. For the time being, Subpart A of Part 6, dealing with the Buy-American Act, employs the definition of that Act; it is expected that this will be remedied in an early revision which will revise substantially the entire part.

The changes also involve the following contract clauses: *"Note—Payment by Barter"* (§ 1.310.2 (b)); *"Vinson-Trammell Act"* (retitled *"Excess Profit"*) (§ 7.104–11); and *"Domestic Food, Clothing, Cotton, Spun Silk Yarn for Cartridge Cloth, or Wool"* (§ 7.104–13). While none of these changes is substantive, it is nevertheless essential that appropriate alterations be made on any form on which these clauses appear.

Particular attention is invited to Subpart B of Part 3, changes in language of which will in some instances affect the drafting of determinations and findings in connection with the negotiation of contracts.

To a great extent the changes contained in this revision have already been placed in effect by general departmental directives, pursuant to informal directives from the Office of the Assistant Secretary of Defense (Supply and Logistics). Consequently, this revision shall be effective at all applicable echelons upon receipt.

PART 1—GENERAL PROVISIONS

SUBPART A—INTRODUCTION

Section 1.101 has been revised to read as follows:

§ 1.101 *Purpose of subchapter.* This subchapter, issued by the Assistant Secretary of Defense (Supply and Logistics) by direction of the Secretary of Defense, and in coordination with the Secretaries of the Army, Navy, and Air Force, establishes for the Department of Defense, uniform policies and procedures, relating to the procurement of supplies and services under the authority of chapter 137, Title 10 of the United States Code, or under other statutory authority.

SUBPART B—DEFINITIONS OF TERMS

Sections 1.201 to 1.201–18 have been revised to read as follows:

Sec.

1.201	Definitions.
1.201–1	Department and Military Department.
1.201–2	Secretary.
1.201–3	Procuring activity.
1.201–4	Head of a procuring activity.
1.201–5	Contracting officer.
1.201–6	Contracts.
1.201–7	Procurement.
1.201–8	Supplies.
1.201–9	Sources of supplies.
1.201–10	Department of Defense.
1.201–11	Shall.
1.201–12	May.
1.201–13	Includes.
1.201–14	United States.
1.201–15	Territory.
1.201–16	Possessions.
1.201–17	Armed Services Procurement Act.
1.201–18	Negotiate and negotiation.

AUTHORITY: §§ 1.201 to 1.201–18 issued under R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314.

§ 1.201 *Definitions.* As used throughout this subchapter, the following terms shall have the meanings set forth below:

§ 1.201–1 *Department and Military Department.* "Department and Military Department" include the Department of the Army, the Department of the Navy, and the Department of the Air Force.

§ 1.201–2 *Secretary.* "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of any Military department.

§ 1.201–3 *Procuring activity.* "Procuring activity" includes, for the Army, the technical services, the continental armies, the National Guard Bureau, the Military District of Washington, and the major oversea commands; for the Navy, each Bureau of the Navy Department, the Office of Naval Research, the Aviation Supply Office, the Military Sea Transportation Service and the United States Marine Corps; for the Air Force, the Air Matériel Command. It also includes the Military Medical Supply Agency, the Military Petroleum Supply Agency, and any other procuring activity hereafter established. The number and designation of particular procuring activities of any military department may be changed by directive of the Secretary.

§ 1.201–4 *Head of a procuring activity.* "Head of a procuring activity" includes, for the Army, the chiefs of the technical services, the Zone of Interior Army commanders, the Chief of the National Guard Bureau, the Commanding General of the Military District of Washington, U. S. Army and the commanding generals of the major oversea commands; for the Navy, the Chief of each Bureau, the Chief of Naval Research, the Aviation Supply Officer, the Commander, Military Sea Transportation Service, and the Commandant of the United States Marine Corps; for the Air Force, the Commanding General of the Air Matériel Command. It also includes the Executive Director of the Military Medical Supply Agency, the Executive Director of the Military Petroleum Supply Agency, and the head of any other procuring activity hereafter established. The number and designation of Heads of Procuring Activities within any military department may be changed by directive of the Secretary.

§ 1.201–5 *Contracting officer.* "Contracting officer" means any officer or civilian employee of any military department who, in accordance with departmental procedures, has been or shall be designated a contracting officer (and whose designation has not been terminated or revoked) with the authority to enter into and administer contracts and make determinations and findings with respect thereto, or any part of such authority, as hereinafter provided.

§ 1.201–6 *Contracts.* "Contracts" means all types of agreements and orders for the procurement of supplies or services. It includes awards and preliminary notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job orders, task orders or task letters thereunder; letter contracts, letters of intent, and purchase orders. It also includes amendments, modifications, and supplemental agreements with respect to any of the foregoing.

§ 1.201–7 *Procurement.* "Procurement" includes purchasing, renting, leasing, or otherwise obtaining supplies or services.

§ 1.201–8 *Supplies.* "Supplies" means all property except land or interests in land. It includes public works, buildings, facilities; ships, floating equipment, and vessels of every character, type, and description, together with parts and accessories thereto; aircraft and aircraft parts, accessories, and equipment; machine tools; and the alteration or installation of any of the foregoing. "Supplies" as used in this subchapter is

synonymous with "property" as described in 10 U. S. C. 2303 (b).

§ 1.201–9 *Sources of supplies.*—(a) "Sources of supplies" shall include only (i) manufacturers, (ii) construction contractors, and (iii) regular dealers in the supplies to be procured. A "regular dealer" shall be deemed to be any one of the following:

(1) A person or firm who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business;

(2) In the case of supplies of particular kinds (lumber and timber products, coal, machine tools, raw cotton, petroleum, green coffee, or hay, grain, feed, and straw), a person or firm satisfying the requirements of Article 101 (b) of the Regulations of the Secretary of Labor (41 CFR 201.101) under the Walsh-Healy Public Contracts Act (41 U. S. C. 35), as amended from time to time.

The above definitions shall not apply to contracts for supplies no part of which will be manufactured or furnished within the United States, its Territories, Puerto Rico, or the Virgin Islands.

(b) A manufacturer, construction contractor, or regular dealer may bid, negotiate, and contract through an authorized agent: *Provided*, That the agency is disclosed, and the agent acts and contracts in the name of his principal. In this connection, see the clause entitled "Covenant Against Contingent Fees" set forth in § 7.103–20 and the procedures prescribed for obtaining information concerning contingent or other fees, as set forth in Subpart E of Part 1.

§ 1.201–10 *Department of Defense.* "Department of Defense" comprises the Office of the Secretary of Defense and the military departments.

§ 1.201–11 *Shall.* "Shall" is used in an imperative sense.

§ 1.201–12 *May.* "May" is used in a permissive sense. The words "no person may . . ." mean that no person is required, authorized, or permitted to do the act prescribed.

§ 1.201–13 *Includes.* "Includes" means "includes but is not limited to."

§ 1.201–14 *United States.* "United States," when used in a geographic sense, means the States and the District of Columbia.

§ 1.201–15 *Territory.* "Territory" means Alaska and Hawaii.

§ 1.201–16 *Possessions.* "Possessions" includes the Virgin Islands, the Canal Zone, Guam, American Samoa, Wake Island, Midway Island, and the guano islands, but does not include any Territory or the Commonwealth of Puerto Rico.

§ 1.201–17 *Armed Services Procurement Act.* "Armed Services Procurement Act" means chapter 137, Title 10, United States Code, a codification of the Armed Services Procurement Act of 1947, as amended.

§ 1.201–18 *Negotiate and negotiation.* "Negotiate and negotiation," when applied to the making of purchases and contracts, refer to making purchases and contracts without formal advertising.

SUBPART C—BASIC POLICIES

1. Section 1.306–2 has been revised to read as follows:

§ 1.306 *Transportation costs.*

* * * * * *

§ 1.306–2 *Place of delivery.*—(a) *Shipments originating within the United States for ultimate delivery within the United States.* Unless there are valid reasons to the contrary, the procurement of supplies from sources and for delivery within the United States shall be in accordance with the following policy:

(1) When it is estimated that a contract will require no shipment to a single destination which will equal a minimum carload or truckload lot, delivery shall be made on the basis of all transportation charges paid to destination.

(2) When it is estimated that a contract will require a shipment of a minimum carload or truckload lot, delivery shall be either on the basis of:

(i) At the Government's option, f. o. b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near contractor's plant; or

(ii) All transportation charges paid to destination, whichever is the more advantageous to the Government. In formally advertised procurements the Invitation for Bids shall provide that bidders may bid on either or both of the above bases, and bids shall be evaluated on the basis of overall cost to the Government.

In the absence of specific information to the contrary, a minimum carload or truckload lot shall be deemed to be approximately 20,000 pounds.

(b) *Shipments originating within the United States for ultimate delivery outside the United States.* Unless there are valid reasons to the contrary, purchases of supplies within the United States for ultimate delivery to destinations outside of the United States, regardless of the quantity of the shipment, shall be made on the basis of delivery at the Government's option, f. o. b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near contractor's plant. This policy applies to supplies shipped directly to a port area for export or to storage areas for subsequent reshipment to a port area for export.

(c) *Shipments originating outside the United States.* Selection of place of delivery for shipments originating outside the United States shall be in accordance with procedures prescribed by each respective military department.

2. Paragraph (b) of § 1.309 has been revised to read as follows:

§ 1.309 *Preference for United States-flag privately owned ocean carriers.*

* * *

(b) *General.* It is the policy of the Department of Defense, in furtherance of the Cargo Preference Act (68 Stat. 832; 46 U. S. C. A. 1241 (b)) and 10 U. S. C. 2631 to encourage and foster the American merchant marine. When transportation of supplies by ocean vessel is required:

* * * * * *

3. Section 1.310–2 (b) has been revised by the addition of the words "its Territories, its possessions, and Puerto Rico", following the words "United States" in the first paragraph of the clause, as follows:

§ 1.310–2 *Procurement effected within the United States.* * * *

(b) Such Invitations for Bids or Requests for Proposals shall contain appropriate space for indicating alternate prices, one clearly labelled for barter prices and the other clearly labelled for non-barter prices. In addition, such Invitations for Bids and Requests for Proposals shall include the following clause:

NOTE—PAYMENT BY BARTER

Attention is directed to Section 303 of the Agricultural Trade Development and Assistance Act of 1954 (P. L. 480, 83d Cong.) which authorizes the disposal by barter or exchange of surplus agricultural commodities for use outside of the United States, its Territories, its possessions, and Puerto Rico. Bidders or offerors interested in a barter arrangement (accepting payment in agricultural commodities for use outside of the United States, its Territories, its possessions, and Puerto Rico rather than in dollars) should consult, and make appropriate arrangements with, the Commodity Credit Corporation, Barter and Stockpiling Division, United States Department of Agriculture, Washington 25, D. C. prior to submitting a bid.

Simultaneously with the issuance of this Invitation for Bids or Request for Proposals, a copy thereof is being furnished to the Commodity Credit Corporation.

Bids or proposals may be made on a barter basis, or on a non-barter basis, or on both bases in the alternative. Bids or proposals on either basis shall be stated in terms of dollars, not in terms of the desired commodity. Arrangements for converting dollar receipts under the contract into commodities must be made by separate agreement with the Commodity Credit Corporation.

Any bid or proposal based on a barter arrangement must be submitted directly to the purchasing office issuing this Invitation for Bids or Request for Proposals. In addition, a copy of the official bid or proposal must be forwarded to the Commodity Credit Corporation, by the time specified for submitting bids or proposals, in a sealed envelope marked with the Invitation for Bids or Request for Proposals number, and the date and time of opening by the purchasing office.

The Commodity Credit Corporation will consider the barter aspects of all such bids or proposals and will then advise the purchasing office issuing this Invitation for Bids or Request for Proposals which bids or proposals, if any, based on a barter arrangement are acceptable to the Commodity Credit Corporation. Any such bids or proposals which are acceptable to the Commodity Credit Corporation will be considered and evaluated by the purchasing office in connection with the evaluation of the non-barter bids or proposals received hereunder. If the lowest acceptable barter type bid or proposal is equal to or less than the price of the lowest

responsive non-barter bid or proposal, preference will be given to the barter type bid or proposal.

No award will be made on a barter basis unless the bidder or offeror has entered into a suitable agreement with the Commodity Credit Corporation and the Commodity Credit Corporation has informed the purchasing office that the barter bid or proposal is acceptable. If the award is made on the basis of a barter type bid or proposal, the bidder or offeror, pursuant to the clause of the contract entitled Assignment of Claims and notwithstanding any language to the contrary contained therein, hereby irrevocably assigns all the moneys due or to become due under the resultant contract to the Commodity Credit Corporation. The bidder or offeror will be entitled to acquire commodities on the basis of its agreement with the Commodity Credit Corporation.

4. In § 1.310–3, the word "continental" has been deleted from the caption of this paragraph, as follows:

§ 1.310–3 *Procurement effected outside the United States.* • • •

SUBPART F—DEBARRED, INELIGIBLE, AND SUSPENDED BIDDERS

Section 1.608 has been revised to read as follows:

§ 1.608 *Sample of list.*

[Insert Classification]

CONSOLIDATED RESTRICTED LISTING OF FIRMS AND INDIVIDUALS DEBARRED OR INELIGIBLE

• • • • • • •

Contractor, firm, or individual	Termination date	Type	Basis of action
Able Baker Charlie Co., New Orleans, La.	Nov. 21, 1954	B	Sec. 1 (a), Walsh-Healey Act—Ineligible as manufacturer in all commodities.
Charlie, A. B.	.....	.....	See Able B. Charlie Co.
Doe Furniture Co., Cleveland, Ohio	Oct. 28, 1953	A	Sec. 3, Walsh-Healey Act.
Fox Construction Co., Detroit, Mich.	Mar. 7, 1954	A	Sec. 3, Davis-Bacon Act.
Roe Engineering Service, Chicago, Ill.	Feb. 17, 1954	C	Sec. 3 (b) Buy American Act (Dept. of the Army).
Show Furniture Co., Newark, N. J.	Apr. 12, 1953	A	Conviction for fraud (Gen. Services Admin.).
Tare Steel Co.	Indefinite	D	Suspended.

(Type A listings shall not be awarded contracts and shall not be solicited by bid or proposal.)

(Type B listings shall not be awarded contracts in any amount and shall not be solicited by bid or proposal for materials, supplies, articles, or equipment in which declared ineligible. However, contracts may be awarded and bids or proposals may be solicited for commodities in which not declared ineligible regardless of amount.)

(Type C listings shall not be awarded contracts and shall not be solicited by bid or proposal for construction, alteration, or repair of public buildings or public work in the United States or elsewhere as specified in the Buy American Act. However, listings may be awarded contracts and may be solicited by bid or proposal for other than construction, alteration, or repair of public buildings or public work as specified in the Buy American Act.)

(Type D listings shall not be solicited by bid or proposal; if bids or proposals are received, they will not be considered or evaluated nor will awards of contracts be made to such listings unless it is determined by the Secretary of a Department or his authorized representative to be in the best interest of the Government.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 2—PROCUREMENT OF FORMAL ADVERTISING

Section 2.206–1 has been revised by deletion of the word "continental", which preceded the words "United States", in the first sentence. It now reads as follows:

§ 2.206 *Synopses of proposed procurements.*

§ 2.206–1 *Statement of policy.* All proposed unclassified procurements made in the United States, which may result in an award in excess of $10,000, will be publicized promptly in the Department of Commerce publication "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards," except the following:

• • • • • •

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

§ 2.406–5 *Statement and certificate of award.* In connection with every purchase made by formal advertising, the contracting officer shall prepare and execute as statement and certificate of award on U. S. Standard Form 1036, in accordance with § 16.801 of this subchapter. Such certificate shall either (i) state that the accepted bid was the lowest bid received, or (ii) list all lower bids and set forth reasons for accepting a bid other than the lowest. In this connection it is unnecessary to evaluate non-responsive bids which upon complete evaluation might be low. In each case where an award is made pursuant to (1), (2), (3), or (4) of § 2.406–4 (a), such certificate shall briefly recite the circumstances under which award was made and shall contain a statement that it has been administratively determined that the award will further the Congressional policy with respect to small business expressed in 10 U. S. C. 2301 or will further the policy with respect to labor surplus areas, or both, as the case may be.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 3—PROCUREMENT BY NEGOTIATION

Section 3.000 has been revised to read as follows:

§ 3.000 *Scope of part.* This part sets forth, on the basis of the provisions of and authority contained in the Armed Services Procurement Act, (a) the basic requirements for the procurement of supplies and services by means of negotiation, (b) the different circumstances under which negotiation is permitted, (c) determinations and findings that may be required before a contract is entered into by negotiation, (d) approved types of negotiated contracts and their use, (e) the authority for making advance payments under negotiated contracts, (f) procedures for effecting purchases of not more than $1,000, (g) procedures for negotiating overhead rates, and (h) price negotiation policies and techniques.

SUBPART A—USE OF NEGOTIATIONS

1. Section 3.101 has been revised to read as follows:

§ 3.101 *Negotiation as distinguished from formal advertising.* Whenever supplies or services are to be procured by negotiation, price quotations (Part 16, Subpart B), supported by statements and analyses of estimated costs or other evidence of reasonable prices and other vital matters deemed necessary by the contracting officer, shall be solicited from all such qualified sources of supplies or services as are deemed necessary by the contracting officer to assure full and free competition consistent with the procurement of the required supplies or services, in accordance with the basic policies set forth in Subpart C of Part 1, to the end that the procurement will be made to the best advantage of the Government, price and other factors considered. Negotiation shall thereupon be conducted, by contracting officers and their negotiators, with due attention being given to the following and any other appropriate factors:

(a) Comparison of prices quoted, and consideration of other prices for the same or similar supplies or services, with due regard to production costs, including extra-pay shift, multishift and overtime costs, and any other factor relating to price, such as profits, cost of transportation, and cash discounts;

(b) Comparison of the business reputations, capabilities, and responsibilities of the respective persons or firms who submit quotations (see § 1.307 of this subchapter);

(c) Consideration of the quality of the supplies or services offered, or of the same or similar supplies or services previously furnished, with due regard to the satisfaction of technical requirements;

(d) Consideration of delivery requirements (see § 1.306);

(e) Discriminating use of price and cost analyses (see § 16.206 of this subchapter);

(f) Investigation of price aspects of any important subcontract;

(g) Individual bargaining, by mail or by conference;

(h) Consideration of cost sharing;

(i) Effective utilization in general of the most desirable type of contract, and in particular of contract provisions relating to price redetermination (see Subpart D of this part);

(j) Consideration of the size of the business concern (see §§ 1.302–3 of this subchapter and 3.104);

(k) Consideration as to whether the prospective supplier is a planned producer under the industrial mobilization program;

(l) Consideration to to whether the prospective supplier requires expansion or conversion of plant facilities;

(m) Consideration as to whether the prospective supplier is located in a surplus or scarce labor area (see § 3.105);

(n) Consideration as to whether the prospective supplier will have an adequate supply of qualified labor;

(o) Consideration of the extent of subcontracting;

(p) Consideration of the existing and potential workload of the prospective supplier;

(q) Consideration of broadening the industrial base by the development of additional suppliers;

(r) Consideration of whether the contractor requires Government furnished property, machine tools, or facilities; or Government-operated test facilities; and

(s) Consideration of contract performance in facilities located in dispersed sites.

2. Section 3.108 (e) has been revised as follows:

§ 3.108 *Negotiation of initial production contracts for technical or specialized military supplies.* • • •

(e) Contracts negotiated pursuant to (b) above shall normally cite 10 U. S. C. 2304 (a) (14) (see § 3.214) or, where more appropriate, 10 U. S. C. 2304 (a) (16) (see § 3.216).

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

This Subpart B has been revised in its entirety, as follows:

Sec.
3.200 Scope of subpart.
3.201 National emergency.
3.201–1 Authority.
3.201–2 Application.
3.202 Public exigency.
3.202–1 Authorization.
3.202–2 Application.
3.202–3 Limitation.
3.203 Purchases not more than $1,000.
3.203–1 Authority.
3.203–2 Application.
3.204 Personal or professional services.
3.204–1 Authority.
3.204–2 Application.
3.205 Services of educational institutions.
3.205–1 Authority.
3.205–2 Application.
3.206 Purchases outside the United States.
3.206–1 Authority.
3.206–2 Application.
3.207 Medicines or medical supplies.
3.207–1 Authority.
3.207–2 Application.
3.208 Supplies purchased for authorized resale.
3.208–1 Authority.
3.208–2 Application.
3.209 Perishable subsistence supplies.
3.209–1 Authority.
3.209–2 Application.
3.210 Supplies or services for which it is impracticable to secure competition by formal advertising.
3.210–1 Authority.
3.210–2 Application.
3.210–3 Limitation.
3.211 Experimental, developmental, or research work.
3.211–1 Authority.
3.211–2 Application.
3.211–3 Limitation.
3.211–4 Records and reports.
3.212 Classified purchases.
3.212–1 Authority.
3.212–2 Application.
3.212–3 Limitation.
3.213 Technical equipment requiring standardization and interchangeability of parts.
3.213–1 Authority.
3.213–2 Application.
3.213–3 Limitation.
3.213–4 Records and reports.
3.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.
3.214–1 Authority.
3.214–2 Application.
3.214–3 Limitation.
3.215 Negotiation after advertising.
3.215–1 Authority.
3.215–2 Limitation.
3.216 Purchases in the interest of national defense or industrial mobilization.
3.216–1 Authority.
3.216–2 Application.
3.216–3 Limitation.
3.216–4 Records and reports.
3.217 Otherwise authorized by law.
3.217–1 Authority.
3.217–2 Application.
3.218 Construction work.
3.218–1 Application.
3.218–2 Limitation on authority to negotiate contracts.
3.218–3 Citation of authority to negotiate.
3.219 Negotiation of set-asides for labor surplus areas.
3.219–1 General.
3.219–2 Limitation.
3.219–3 Eligible bidders and offerors.
3.219–4 Method of negotiation.
3.219–5 Limitations on contract price.

AUTHORITY: §§ 3.200 to 3.219–5 issued under R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314.

§ 3.200 *Scope of subpart.* Subject to the limitations prescribed in Subpart A of this part, and pursuant to the authority of 10 U. S. C. 2304 (a), procurement may be effected by negotiation under any one of the exceptions ((1) through (17) of 10 U. S. C. 2304 (a)) set forth in this subpart.

§ 3.201 *National emergency.*

§ 3.201–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (1), purchases and contracts may be negotiated if—

it is determined that such action is necessary in the public interest during a national emergency declared by Congress or the President.

§ 3.201–2 *Application.* (a) This authority shall be used only to the extent determined by the Assistant Secretary of Defense (Supply and Logistics) to be necessary in the public interest, and then only in accordance with departmental procedures consistent with this § 3.201.

(b) For the duration of the national emergency declared pursuant to Presidential Proclamation 2914, dated December 16, 1950, the Assistant Secretary of Defense (Supply and Logistics) has determined that the following procurements only shall be made pursuant to the authority of 10 U. S. C. 2304 (a) (1):

(1) Procurements made pursuant to labor surplus and disaster area programs; set asides shall be negotiated in accordance with procedures set forth in § 3.219;

(2) Procurements made in keeping with the small business programs;

(3) Nonperishable subsistence (pending resolution of the recommendation on this subject contained in the report of the Commission on Organization of the Executive Branch of the Government, subject: "Food and Clothing");

(4) Procurements which are authorized to be negotiated under the provisions of § 3.211–1 for not more than $100,000 from contractors other than educational institutions; such negotiated procurements from educational institutions shall be negotiated under the authority of 10 U. S. C. 2304 (a) (5), (see § 3.205) irrespective of amount; and

(5) Procurements for more than $1,000, but not more than $2,500.

(c) Except as authorized in (b) above, procurements may be negotiated only when authorized by 10 U. S. C. 2304 (a) (2) through 10 U. S. C. 2304 (a) (17) (§§ 3.202 through 3.217), 10 U. S. C. 2304 (c) (§ 3.218), and § 3.219; determinations and findings shall be made in accordance with 10 U. S. C. 2310 and 10 U. S. C. 2311 (Subpart C of this part); and the appropriate authority shall be cited in each contract.

§ 3.202 *Public exigency.*

§ 3.202–1 *Authorization.* Pursuant to the authority of 10 U. S. C. 2304 (a) (2), purchases and contracts may be negotiated if—

the public exigency will not permit the delay incident to advertising.

§ 3.202–2 *Application.* In order for this authority to be used, the need must be compelling and of unusual urgency, as when the Government would be seriously injured, financially or otherwise, if the supplies or services were not furnished by a certain date, and when they could not be procured by that date by means of formal advertising. The following are illustrative of circumstances with respect to which this authority may be used:

(a) Supplies or services needed at once because of a fire, flood, explosion, or other disaster;

(b) Essential equipment for or repair to a ship when such equipment or repair is needed at once for compliance with the orders of the ship;

(c) Essential equipment for or repair to aircraft grounded or about to be grounded, when such equipment or repair is needed at once for the performance of the operational mission of such aircraft.

§ 3.202–3 *Limitation.* Every contract negotiated under the authority of this § 3.202 shall be accompanied by a signed statement of the contracting officer justifying its use, and a copy of such statement shall be sent to the General Accounting Office with a copy of the contract negotiated and executed hereunder.

§ 3.203 *Purchases not more than $1,000.*

§ 3.203–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (3), purchases and contracts may be negotiated if—

the aggregate amount involved is not more than $1,000.

§ 3.203–2 *Application.* Purchases or contracts aggregating not more than

$1,000 shall be made in accordance with Subpart F of this part.

§ 3.204 *Personal or professional services.*

§ 3.204–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (4), purchases and contracts may be negotiated if—

for personal or professional services.

§ 3.204–2 *Application.* (a) This authority shall be used only when all of the following conditions have been satisfied:

(1) If personal services, they are required to be performed by an individual contractor in person (not by a firm), or if professional services, they may be performed either by an individual contractor in person or a firm or organization;

(2) The services (i) are of a professional nature, or (ii) are to be performed under Government supervision and paid for on a time basis; and

(3) Procurement of the services is authorized by law, and is effected in accordance with the requirements of any such law and in accordance with departmental procedures.

This authority, and the above conditions imposed upon its use, shall not apply to the procurement by negotiation of any type of services authorized under any other provision of this part.

§ 3.205 *Services of educational institutions.*

§ 3.205–1 *Authority.* Pursuant to the authority of 10 U. S. C. 2304 (a) (5), purchases and contracts may be negotiated if—

for any service to be rendered by any university, college, or other educational institution.

§ 3.205–2 *Application.* The following are illustrative of circumstances with respect to which this authority may be used:

(a) Educational or vocational training services to be rendered by any university, college, or other educational institution in connection with the training and education of personnel, and for necessary material, services, and supplies furnished by any such institution in connection therewith;

(b) Experimental, developmental, or research work (including services, tests, and reports necessary or incidental thereto) to be conducted by any university, college, or other educational institution, and reports furnished in connection therewith;

(c) Analyses, studies, or reports (statistical or otherwise) to be conducted by any university, college, or other educational institution.

§ 3.206 *Purchases outside the United States.*

§ 3.206–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (6), purchases and contracts may be negotiated if—

for property or services to be procured and used outside the United States, its Territories, and its possessions.

§ 3.206–2 *Application.* This authority shall be used only for the procurement of—

(a) Supplies to be (1) shipped from, (2) delivered, and (3) used, or

(b) Services to be performed

outside of the United States, its Territories, and its possessions, irrespective of the place of negotiation or execution of the contract.

§ 3.207 *Medicines or medical supplies.*

§ 3.207–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (7), purchases and contracts may be negotiated if—

for medicine or medical supplies.

§ 3.207–2 *Application.* This authority shall be used only when the following two requirements have been satisfied:

(a) Such supplies are peculiar to the field of medicine, including technical equipment such as surgical instruments, surgical and orthopedic appliances, X-ray supplies and equipment, and the like, but not including prosthetic equipment; and

(b) Whenever it is determined to be practicable, such advance publicity as is considered suitable with regard to the supplies involved and other relevant considerations shall be given for a period of at least 15 days before making a purchase of, or contract for, supplies or services, under the authority of this paragraph, for more than $10,000.

§ 3.208 *Supplies purchased for authorized resale.*

§ 3.208–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (8), purchases and contracts may be negotiated if—

for property for authorized resale.

§ 3.208–2 *Application.* (a) This authority shall be used only for purchases for resale, where appropriated funds are involved, and ordinarily only for purchases of articles with brand names or of a proprietary nature which a selling activity believes or finds to be desired or preferred by its patrons.

(b) Whenever it is determined to be practicable, such advance publicity as is considered suitable with regard to the supplies involved and other relevant considerations shall be given for a period of at least 15 days before making a purchase of or contract for supplies or services, under the authority of this paragraph, for more than $10,000.

§ 3.209 *Perishable subsistence supplies.*

§ 3.209–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (9), purchases and contracts may be negotiated if—

for perishable subsistence supplies.

§ 3.209–2 *Application.* This authority may be used for the purchase of any and all kinds of perishable subsistence supplies.

§ 3.210 *Supplies or services for which it is impracticable to secure competition by formal advertising.*

§ 3.210–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (10), purchases and contracts may be negotiated if—

for property or services for which it is impracticable to obtain competition.

§ 3.210–2 *Application.* The following are illustrative of circumstances with respect to which this authority may be used:

(a) When supplies or services can be obtained from only one person or firm ("sole source of supply");

(b) When competition is precluded because of the existence of patent rights, copyrights, secret processes, control of basic raw material, or similar circumstances;

(c) When bids have been solicited pursuant to the requirements of Section II, and no responsive bid (a responsive bid is any bid which conforms to the essential requirements of the solicitation of bids) has been received from a responsible bidder;

(d) When bids have been solicited pursuant to the requirements of Part 2 of this subchapter, and the responsive bid or bids do not cover the quantitative requirements of the solicitation of bids, in which case negotiation is permitted for the remaining requirements of the solicitation of bids;

(e) When the contemplated procurement is for electric power or energy, gas (natural or manufactured), water, or other utility services;

(f) When the contemplated procurement is for training film, motion picture productions, or manuscripts;

(g) When the contemplated procurement is for technical, non-personal services in connection with the assembly, installation, or servicing (or the instruction of personnel therein) of equipment of a highly technical or specialized nature;

(h) When the contemplated procurement is for studies or surveys other than those which may be negotiated under §§ 3.205 or 3.211;

(i) When the contemplated procurement involves maintenance, repair, alterations or inspection, in connection with any one of which types of services the exact nature or amount of the work to be done is not known;

(j) When the contemplated procurement is for stevedoring, terminal, warehousing, or switching services, and when either the rates are established by law or regulation, or the rates are so numerous or complex that it is impracticable to set them forth in the specifications of a formal solicitation of bids;

(k) When the contemplated procurement is for commercial ocean or air transportation, including time charters, space charters and voyage charters over trade routes not covered by common carriers (as to which, negotiation is authorized under the provisions of § 3.217 and Section 321 of the Interstate Commerce Act of September 18, 1940, 49 U. S. C. 65), and including services for the operation of Government-owned vessels or aircraft;

(l) When the contract is for services related to the procurement of perishable subsistence such as protective storage, icing, processing, packaging, handling, and transportation, whenever it is impracticable to advertise for such services a sufficient time in advance of the delivery of the perishable subsistence;

(m) When it is impossible to draft, for a solicitation of bids, adequate specifications or any other adequately detailed description of the required supplies or services.

(n) When, under the procedures set forth in joint regulation DOD 4145.16–R, AR 743–455, NAVSANDA PUB 297, AFR 67–61, and NAVMC 1133, the contract is for storage (and related services) of household goods.

§ 3.210–3 *Limitation.* The authority of this § 3.210 shall not be used when negotiation is authorized by the provisions of §§ 3.211, 3.213, 3.214, 3.215 or 3.216. Every contract that is negotiated under the authority of this § 3.210 shall be accomplished by a signed statement of the contracting officer justifying its use, and a copy of such statement shall be sent to the General Accounting Office with a copy of the contract negotiated and executed hereunder.

§ 3.211 *Experimental, developmental, or research work.*

§ 3.211–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (11), purchases and contracts may be negotiated if—

for property or services that he [the Secretary] determines to be for experimental, developmental, or research work, or for making or furnishing property for experiment, test, development, or research.

§ 3.211–2 *Application.* The following are illustrative of circumstances with respect to which this authority may be used:

(a) Contracts relating to theoretical analysis, exploratory studies, and experiment in any field of science or technology;

(b) Developmental contracts calling for the practical application of investigative findings and theories of a scientific or technical nature;

(c) Contracts for such quantities and kinds of equipment, supplies, parts, accessories, or patent rights thereto, and drawings or designs thereof, as are necessary for experiment, development, research, or test;

(d) Contracts for services, tests, and reports necessary or incidental to experimental, developmental, or research work.

This authority shall not be used for negotiated contracts with educational institutions or for quantity production, except that such quantities may be purchased hereunder as are necessary to permit complete and adequate experiment, development, research or test; accordingly, research or development contracts which call for the production of a reasonable number of experimental or test models, or prototypes, shall not be regarded as contracts for quantity production. Negotiated contracts with educational institutions shall be negotiated under the authority of 10 U. S. C. 2304 (a) (5) (see § 3.205) irrespective of amount. During the current national emergency negotiation of such contracts for not more than $100,000 shall be conducted under the authority of 10 U. S. C. 2304 (a) (1) (see § 3.201–2 (b) (4)).

§ 3.211–3 *Limitation.* In order for this authority to be used, the required determination must be made in accordance with the requirements of Subpart C of this part.

§ 3.211–4 *Records and reports.* Each military department is required to maintain a record of the name of each contractor with whom a contract has been entered into pursuant to the authority of this paragraph, together with the amount of the contract and (with due consideration given to the national security) a description of the work required to be performed thereunder. These records, and reports based thereon, are maintained through the Department of Defense procurement reporting system described in §§ 1.110 and 16.807 of this subchapter.

§ 3.212 *Classified purchases.*

§ 3.212–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (12), purchases and contracts may be negotiated if—

for property or services whose procurement he [the Secretary] determines should not be publicly disclosed because of their character, ingredients, or components.

§ 3.212–2 *Application.* This authority may be used for purchases or contracts classified "Confidential" or higher, or where because of other considerations, the contract should not be publicly disclosed.

§ 3.212–3 *Limitation.* In order for this authority to be used, the required determination must be made in accordance with the requirements of Subpart C of this part. The authority of this § 3.212 shall not be used when negotiation is authorized by the provisions of § 3.210.

§ 3.213 *Technical equipment requiring standardization and interchangeability of parts.*

§ 3.213–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (13), purchases and contracts may be negotiated if—

for equipment that he [the Secretary] determines to be technical equipment whose standardization and the interchangeability of whose parts are necessary in the public interest and whose procurement by negotiation is necessary to assure that standardization and interchangeability.

§ 3.213–2 *Application.* (a) This authority may be used for procuring additional units and replacement items of specified makes and models of technical equipment and parts, which are for tactical use or for use outside the continental United States, in theaters of operations, on board naval vessels, or at advanced or detached bases; and which have been adopted as standard items of supply in accordance with procedures prescribed by each respective Department. A current or recurring procurement requirement for the item shall be present. This authority would apply, for example, whenever it is necessary:

(1) To limit the variety and quantity of parts that must be carried in stock;

(2) To make possible, by standardization, the availability of parts that may be interchanged among items of damaged equipment during combat or other emergency; or

(3) To procure from selected suppliers technical equipment which is available from a number of suppliers but which would have such varying performance characteristics (notwithstanding detailed specifications and rigid inspection) as would prevent standardization and interchangeability of parts.

(b) Before making a determination to procure specified makes and models under this authority, consideration shall be given to:

(1) The feasibility of economical and timely deployment on a selected geographic basis of makes and models already in supply systems;

(2) The feasibility of timely standardization of components and parts under the Defense Standardization Program;

(3) The effect upon the capability of industry to produce mobilization requirements of all Departments;

(4) The practicability of interchanging parts and cannibalizing equipment;

(5) The probability that future procurement of the selected item of equipment can be effected at reasonable prices;

(6) Whether the standardization will appreciably reduce the variety and quantity of parts that must be carried in stock;

(7) The value of similar equipment and its supporting parts on hand;

(8) The contribution of the standardization to combat support;

(9) Possible savings in training personnel and publishing technical literature;

(10) Whether the standardization will adversely affect existing coordinated military specifications and standards; and

(11) The degree to which the current design of the specified make and model has been changed from the design of equipment of the same make and model now in the supply system.

(c) In arriving at determinations to standardize under this authority, the originating Department shall consult with the other Departments in order to assure the full benefit of the standardization.

(d) Actions taken under this authority shall be reviewed by the originating Department at least once every two years to determine whether the standardization should be continued, revised, or cancelled.

§ 3.213–3 *Limitation.* This authority shall not be used for initial procurements of equipment and parts, or for the purpose of selecting arbitrarily the equipment of certain suppliers; nor shall it be used unless the Secretary of a Department has determined, in accordance with the requirements of Subpart C of this part, that:

(a) The equipment constitutes technical equipment;

(b) Standardization of such equipment and interchangeability of its parts are necessary in the public interest; and

(c) Procurement of such equipment or of its parts by negotiation is necessary to assure that standardization and interchangeability.

§ 3.213–4 *Records and reports.* Each military department shall maintain on a current basis a master list of items for which determinations and findings have been made under this authority.

§ 3.214 *Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.*

§ 3.214–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (14), purchases and contracts may be negotiated if—

for technical or special property that he [the Secretary] determines to require a substantial initial investment or an extended period of preparation for manufacture and for which he determines that formal advertising and competitive bidding might require duplication of investment or preparation already made, or would unduly delay the procurement of that property.

§ 3.214–2 *Application.* This authority may be used for the procurement of technical or specialized supplies—for example: aircraft, tanks, radar, guided missiles, rockets, and similar items of equipment; major components of any of the foregoing; and any supplies of a technical or specialized nature which may be necessary for the use or operation of any of the foregoing. Such procurement generally involves—

(a) High starting costs which already have been paid for by the Government or by the supplier;

(b) Preliminary engineering and development work that would not be useful to or usable by any other supplier;

(c) Elaborate special tooling already acquired;

(d) Substantial time and effort already expended in developing a prototype or an initial production model; and

(e) Important design changes which will continue to be developed by the supplier.

The authority of this section will in general be used in situations where it is preferable to place a production contract with the supplier who had developed the equipment, and thereby either assure to the Government the benefit of the techniques, tooling, and equipment already acquired by that supplier, or avoid undue delay arising from a new supplier having to acquire such techniques, tooling and equipment.

§ 3.214–3 *Limitation.* This authority shall not be used unless and until the Secretary has determined, in accordance with the requirements of Subpart C of this part, that:

(a) The supplies are of a technical or specialized nature requiring a substantial investment or an extended period of preparation for manufacture; and

(b) Procurement by formal advertising and competitive bidding either—

(1) May require duplication of investment or preparation already made, or

(2) Will unduly delay procurement.

§ 3.215 *Negotiation after advertising.*

§ 3.215–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (15), purchases and contracts may be negotiated if—

for property or services for which he [the Secretary] determines that the bid prices received after formal advertising are unreasonable as to all or part of the requirements, or were not independently reached in open competition, and for which (A) he has notified each responsible bidder of intention to negotiate and given him reasonable opportunity to negotiate; (B) the negotiated price is lower than the lowest rejected bid of any responsible bidder, as determined by the head of the agency; and (C) the negotiated price is the lowest negotiated price offered by any responsible supplier.

§ 3.215–2 *Limitation.* This authority shall not be used unless the Secretary has determined, in accordance with the requirements of Subpart C of this part, that the bid prices, after formal advertising for such supplies or services, are unreasonable or were not independently reached in open competition. Also, after such determination by the Secretary, and after rejection of all bids, no contract shall be negotiated under this authority unless:

(a) Prior notice of intention to negotiate and a reasonable opportunity to negotiate have been given by a contracting officer to each responsible bidder which submitted a bid in response to the invitation for bids;

(b) The negotiated price is lower than the lowest rejected bid price of a responsible bidder, as determined by the Secretary; and

(c) The negotiated price is the lowest negotiated price offered by any responsible supplier.

Moreover any evidence of bids not independently reached shall be forwarded to the Department of Justice, as provided in § 2.403 of this subchapter.

§ 3.216 *Purchases in the interest of national defense or industrial mobilization.*

§ 3.216–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (16), purchases and contracts may be negotiated if—

he [the Secretary] determines that (A) it is in the interest of national defense to have a plant, mine, or other facility, or a producer, manufacturer, or other supplier, available for furnishing property or services in case of a national emergency; or (B) the interest of industrial mobilization in case of such an emergency, or the interest of national defense in maintaining active engineering, research, and development, would otherwise be subserved.

§ 3.216–2 *Application.* This authority may be used to effectuate such plans and programs as may be evolved under the direction of the Secretary to provide incentives to manufacturers to maintain, and keep active, engineering and design staffs and manufacturing facilities available for mass production. The following are illustrative of circumstances with respect to which this authority may be used:

(a) When procurement by negotiation is necessary to keep vital facilities or suppliers in business; or to make them available in the event of a national emergency;

(b) When procurement by negotiation with selected suppliers is necessary in order to train them in the furnishing of critical supplies to prevent the loss of their ability and employee skills, or to maintain active engineering, research, or development work;

(c) When procurement by negotiation is necessary to maintain properly balanced sources of supply for meeting the requirements of procurement programs in the interest of industrial mobilization.

§ 3.216–3 *Limitation.* This authority shall not be used unless and until the Secretary has determined, in accordance with the requirements of Subpart C of this part, that:

(a) It is in the interest of national defense to have a particular plant, mine, or other facility or a particular producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency, and negotiation is necessary to that end;

(b) The interest of industrial mobilization, in case of a national emergency, would be subserved by negotiation with a particular supplier; or

(c) The interest of national defense in maintaining active engineering, research, and development, would be subserved by negotiation with a particular supplier.

§ 3.216–4 *Records and reports.* Each Department is required to maintain a record of the name of each contractor with whom a contract has been entered into pursuant to the authority of this paragraph, together with the amount of the contract and (with due consideration given to the national security) a description of the work required to be performed thereunder. These records, and reports based thereon, are maintained through the Department of Defense procurement reporting system described in §§ 1.110 and 16.807 of this subchapter.

§ 3.217 *Otherwise authorized by law.*

§ 3.217–1 *Authority.* Pursuant to 10 U. S. C. 2304 (a) (17), purchases and contracts may be negotiated if—

otherwise authorized by law.

§ 3.217–2 *Application.* This authority shall be used only if, and to the extent, approved for any military department and in accordance with departmental procedures.

§ 3.218 *Construction work.*

§ 3.218–1 *Application.* Contracts to construct or repair any building, road, sidewalk, sewer, main, or similar item, are subject to 10 U. S. C. 2304 (c) and this § 3.218.

§ 3.218–2 *Limitation on authority to negotiate contracts*—(a) *Work in the United States.* Contracts for construction work to be performed within the United States shall be formally advertised and may not be negotiated unless authorized pursuant to the following subsections of 10 U. S. C. 2304 (a): (1), (2), (3), (10), (11), (12), or (15), (see respectively, §§ 3.201, 3.202, 3.203, 3.210, 3.211, 3.212, and 3.215).

(b) *Work outside of the United States.* Contracts for construction work to be performed outside of the United States shall be formally advertised and may not be negotiated unless authorized pursuant to subsections (1) through (17) of 10 U. S. C. 2304 (a) (§ 3.201 through 3.217), as appropriate (note that such contracts to be performed in the Territories or possessions of the United States, and Puerto Rico, may not be negotiated pursuant to 10 U. S. C. 2304 (a) (6), (§ 3.206)).

§ 3.218–3 *Citation of authority to negotiate.* Negotiated contracts for construction work shall cite as authority for their negotiation the applicable subsection (1) through (17) of 10 U. S. C. 2304 (a).

§ 3.219 *Negotiation of set-asides for labor surplus areas.*

§ 3.219–1 *General.* When set-asides are used in compliance with § 1.302–4, such set-asides shall be negotiated under the authority of § 3.201–2 (b) (1), in accordance with procedures set forth in this § 3.219.

§ 3.219–2 *Limitation.* Pursuant to section 626 of the Department of Defense Appropriation Act of 1957 (Public Law 639, 84th Congress), and any subsequent similar statutory limitations, no price differentials shall be paid for the purpose of aiding labor surplus areas.

§ 3.219–3 *Eligible bidders and offerors.* Negotiation for set-asides shall be conducted only with such responsible bidders or offerors which have previously submitted bids or proposals on the quantities not set aside conforming to the Invitation for Bids or Request for Proposals, providing such previous bids or proposals offered a unit price within 120 percent of the highest award made on the quantities not set aside; and provided further that contracts for such set-asides will be performed substantially in labor surplus areas.

§ 3.219–4 *Method of negotiation.* (a) Negotiation for set-asides shall be conducted with small business concerns prior to negotiation with other firms in such labor surplus areas. Within each such group, negotiation shall begin with the bidder or offeror which submitted the lowest responsive bid or proposal in connection with the procurement of the quantities not set aside.

(b) If procurement of the entire set-aside cannot be effected by the procedure set forth in (a) above, the unplaced portion of the set-aside may be procured in the most appropriate manner.

(c) In conducting negotiations for the set-aside, it is permissible to reveal the unit price of the lowest award; however, in instances where the non-set-aside portion is procured by means of negotiation, cost or other pricing data pertaining to such award may not be divulged.

§ 3.219–5 *Limitations on contract price.* (a) When the procurement of quantities not set aside has resulted in one contract only, or in multiple awards all at the same price, awards for set-asides shall not exceed the contract price for the quantities not set aside.

(b) When the procurement of the quantities not set aside has resulted in multiple awards at different contract prices, awards for set-asides shall be at a price determined by the Contracting Officer to be fair and reasonable, but in no event higher than the highest price awarded in connection with the quantities not set aside. In the absence of changes in market trends and other factors requiring consideration, the Contracting Officer shall consider the weighted average price of all awards made in connection with the quantities not set aside as being a fair and reasonable price. The weighted average shall be ascertained by adding the total dollar amounts of all awards in connection with the quantities not set aside and dividing the grand total by the total number of units included in all such awards.

(c) In determining whether proposals for the set-aside portion exceed the contract price, in accordance with paragraph (a) above, or the price, as determined in accordance with paragraph (b) above, for the quantity not set aside, the cost of transportation shall be considered (see § 1.306–1 of this subchapter), unless award of the non-set-aside portion was made without regard to transportation costs.

SUBPART D—TYPES OF CONTRACTS

Section 3.404–3 (c), as amended, reads as follows:

§ 3.404 *Fixed-price contract with provision for redetermination of price.* * * *

(c) *Limitations.* 10 U. S. C. 2306 (d) provides that in the case of a cost-plus-a-fixed-fee contract the fee shall not exceed 10 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Department concerned at the time of entering into such contract (except that a fee not in excess of 15 per centum of such estimated cost is authorized in any such contract for experimental, developmental, or research work and that a fee inclusive of the contractor's cost and not in excess of 6 per centum of the estimated cost, exclusive of fees, as determined by the Secretary of the Department concerned at the time of entering into the contract, of the project to which such fee is applicable is authorized in contracts for architectural or engineering services relating to any public works or utility projects). The Head of a procuring activity in the Departments of the Army and Navy and the Director of Procurement and Production of a Major Command in the Department of the Air Force or their duly authorized representatives are authorized to approve fixed fees not in excess of (1) ten per centum (10) of the estimated costs, exclusive of fee, of any contract for experimental, developmental, or research work or (2) seven per centum (7) of the estimated cost, exclusive of fee, of any other contract except that in contracts for architectural or engineering services the fixed fee shall not exceed that authorized by the terms of the law as set forth above. In appropriate cases, fees above the prescribed limits in the authorizations granted herein but within the limitations of the law may be authorized by the Secretary of the Department concerned or his designees.

SUBPART E—ADVANCE PAYMENTS

Section 3.502–1, as amended, reads as follows:

§ 3.502 *Authority and approval requirements for advance payments.*

§ 3.502–1 *Under the Armed Services Procurement Act.* Pursuant to 10 U. S. C. 2307 advance payments may be made under negotiated contracts in any amount not exceeding the contract price and upon such terms as the parties shall agree; *provided* that the Government shall not be committed, directly or indirectly, to make any advance payment pursuant to this authority unless the Secretary of the Department concerned approves the contract provision for advance payments, or the terms and conditions thereof, and determines, in accordance with the requirements of Subpart C of this part, that the provision for advance payments, is (i) in the public interest or in the interest of national defense, and (ii) necessary in order to procure the required supplies or services.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 4—COORDINATED PROCUREMENT

Sections 4.000 and 4.002, as revised, read as follows:

§ 4.000 *Scope of part.* This part sets forth the basic policies and requirements relating to coordinated procurement of supplies and services.

§ 4.002 *Procurement agreements.* 10 U. S. C. 2308 provides that military department heads by agreement may make such assignments and delegations of procurement responsibilities from one military department to another or may create such joint or combined procuring activities or agencies as they deem necessary or desirable. Nothing set forth in this subchapter shall preclude the military departments from making agreements under 10 U. S. C. 2308 which do not violate the single procurement policies and procedures set forth in this Section or in applicable Department of Defense Directives, Instructions, and regulations.

SUBPART A—DEFINITION OF TERMS

Section 4.101, as revised, reads as follows:

Sec.
4.101 Definitions.
4.101–1 Coordinated procurement.
4.101–2 Single procurement.
4.101–3 Requiring department.
4.101–4 Procuring department.
4.101–5 Military Interdepartmental Purchase Request (MIPR).

AUTHORITY: §§ 4.101 to 4.101–5 issued under R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314.

§ 4.101 *Definitions.* As used in this subchapter, the following terms have the meanings set forth below.

§ 4.101–1 *Coordinated procurement.* "Coordinated procurement" refers to procurement (a) of supplies and services pursuant to § 4.002 and (b) of supplies under single procurement as defined in § 4.101–2.

§ 4.101–2 *Single procurement.* "Single procurement" refers to procurement of supplies pursuant to assignments of

procurement responsibility made by the Secretary of Defense. The following are approved types of single procurement:

(a) "Single department procurement," whereby one military department procures certain supplies to satisfy the requirements of all the military departments.

(b) "Plant cognizance procurement," whereby one military department procures certain supplies from a particular plant to satisfy the requirements of all the military departments. This type of procurement is limited presently to airframes, aircraft engines, and propellers.

(c) "Joint procurement," whereby a jointly staffed and financed agency within the Department of Defense procures certain supplies to satisfy the requirements of all the military departments.

§ 4.101–3 *Requiring department.* "Requiring department" refers to the military department originating a requisition or purchase request for supplies.

§ 4.101–4 *Procuring department.* "Procuring department" refers to the military department or agency which is assigned the procurement responsibility for the supplies.

§ 4.101–5 *Military Interdepartmental Purchase Request (MIPR).* "Military Interdepartmental Purchase Request (MIPR)" refers to DD Form 448 (Military Interdepartmental Purchase Request) (see § 16.601 of this subchapter) executed by a Requiring Department, as a request for supplies to be procured or furnished by the Procuring Department, or to be manufactured in its own facilities.

SUBPART B—POLICIES AND GENERAL PRINCIPLES

1. Section 4.201 has been revised by the removal of the word "continental" therefrom.

Section 4.201, as revised, reads as follows:

§ 4.201 *Application of procurement assignment.* Single procurement in the form of single department, joint agency, or plant cognizance procurement shall be effected whenever it will result in net advantages to the Department of Defense as a whole, except so far as it can be demonstrated that use of such a procurement method will adversely affect military operations. Single department procurement assignments outside of the United States, regardless of funds utilized, will be determined by the respective Unified Commanders. Implementation of such assignments will be effected within the unified commands under the direction of the Unified Commander.

2. Section 4.206–2 has been revised, as follows:

§ 4.206–2 *Determinations and findings.* (a) When procurement is by negotiation, the Procuring Department, except as provided in paragraphs (b) and (c) of this section, shall make the Determinations and Findings in accordance with Part 3, Subpart C, of this subchapter, with respect to coordinated procurement. The Requiring Department shall furnish with the procurement request the information required by the Procuring Department to develop the Determinations and Findings.

(b) With respect to 10 U. S. C. 2304 (a) (13), the Requiring Department shall make the Determinations and Findings in accordance with Part 3, Subpart 3, of this subchapter. Two copies of the Determinations and Findings shall be attached to the procurement request and shall be utilized by the Procuring Department as authority for negotiation, and the Procuring Department need not make further Determinations and Findings.

(c) With respect to 10 U. S. C. 2304 (a) (16) and when the procurement agreements under § 4.002 (as distinguished from single procurement) do not include mobilization planning responsibility, the Requiring Department shall make the Determinations and Findings in accordance with Part 3, Subpart C, of this subchapter. Two copies of the Determinations and Findings shall be attached to the procurement request and shall be utilized by the Procuring Department as authority for negotiation, and the Procuring Department need not make further Determinations and Findings. With respect to single procurement (§ 4.101–2), the Procuring Department shall make the Determinations and Findings.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 5—INTERDEPARTMENTAL PROCUREMENT

SUBPART D—PROCUREMENT OF PRISON-MADE SUPPLIES

The word "continental" has been removed from § 5.407. Section 5.407, as revised, reads as follows:

§ 5.407 *Exceptions.* Supplies listed in the Schedule may be procured through National Industries for the Blind or from commercial sources without securing clearance from Federal Prison Industries, Inc., under any of the following conditions:

(a) Immediate delivery or performance is required by public exigency;

(b) Suitable used supplies can be obtained;

(c) Supplies are both procured and used outside the United States and Alaska; or

(d) The total cost of the order is $25 or less.

SUBPART E—PROCUREMENT OF BLIND-MADE SUPPLIES

The word "continental" has been removed from § 5.503 (b). Section 5.503 (b), as revised, reads as follows:

§ 5.503 *Mandatory procurement of blind-made supplies.* • • •

(b) Supplies listed in the Schedule may be procured from commercial sources under any of the conditions set forth below without securing clearance:

(1) military necessity requires delivery within two weeks;

(2) the procurement is less than a single unit as listed in the Schedule or is for $25 or less; or

(3) supplies are both procured and used outside the United States and Alaska.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 6—FOREIGN PURCHASES

SUBPART C—DUTY AND CUSTOMS

Section 6.302.5, as revised, reads as follows:

§ 6.302–5 *Duty-free entry certificate.* The duty-free entry certificate referred to in this part will be printed, stamped, or typed on the face of Customs Form 7501 or attached thereto, and will be executed by a duly designated officer or civilian official of the appropriate Department in the following form:

I certify that the procurement of this material constituted an emergency purchase of war material abroad by the Department of the (indicate Army, Navy or Air Force) and it is accordingly requested that such material be admitted free of duty pursuant to 10 U. S. C. 2383.

(Name)

(Title), who has been designated to execute free entry certificates for the above-named Department

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(Grade) (Organization)

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

Sections 7.104–11, 7.104–12, 7.104–13, 7.104–14 and 7.104–15, as revised, read as follows:

§ 7.104–11 *Excess profit.* (a) Pursuant to 10 U. S. C. 2382 and 7300 and except as provided in (b) and (c) below, any contract in an amount which exceeds or may exceed $10,000 known to be for the construction or manufacture of all or part of any complete aircraft or naval vessel, shall contain the following clause, except that the words "if this contract is in an amount which exceeds $10,000" may be inserted at the beginning of the clause in formally advertised contracts:

EXCESS PROFITS

The Contractor agrees that, unless otherwise provided by law, this contract shall be subject to all the provisions of 10 U. S. C. 2382 and 7300 and shall be deemed to contain all the agreements required by those sections: *Provided, however,* That this clause shall not be construed to enlarge or extend by contract the obligations imposed by those sections. The Contractor agrees to insert in the subcontracts specified in those sections either the provisions of this clause or the provisions required by those sections.

(b) In any contract where only certain items or lots totaling more than $10,000 are subject to 10 U. S. C. 2382 or 7300, the foregoing clause should be modified to make the agreement of the contractor applicable only to such items or lots. In any contract where only certain items or lots totaling $10,000 or less would otherwise be subject to 10 U. S. C. 2382 or 7300, the foregoing clause should not be included in the contract even though the total amount of the entire contract exceeds $10,000.

(c) In any contract, otherwise subject to 10 U. S. C. 2382 or 7300, for scientific equipment used for communication, target detection, navigation or fire control, as designated by the Secretary, the clause prescribed in (a) above shall not be included, and the following clause shall be inserted in lieu thereof:

EXCESS PROFIT

The Secretary having designated the supplies called for by this contract to be scientific equipment used for communication, target detection, navigation or fire control, the provisions of 10 U. S. C. 2382 and 7300, are not applicable to this contract.

§ 7.104–12 *Military security requirements.* Insert the following clause in all contracts which are classified by a Department as "Confidential," including "Confidential—Modified Handling Authorized," or higher and in any other contracts the performance of which will require access to such classified information or material, except that this clause shall not be used in contracts performed outside the United States, its Territories, its possessions and Puerto Rico. In those cases where the situation so warrants because of the nature of the item, or conditions under which it is to be produced, the contract shall provide and establish by a separate contract provision such additional security safeguards as may be required for the protection of that item. When the "Military Security Requirements" clause is inserted in any contract, the contracting officer or his authorized representative shall prepare and transmit to the contractor, material inspector, and such other interested agencies as may be determined by the Departments, a Security Requirements Check List (DD Form 254) in accordance with § 16.811 of this subchapter.

MILITARY SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" including "Confidential—Modified Handling Authorized" or higher.

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification by the use of a Security Requirements Check List (DD Form 254).

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of:

(i) the Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of the contracting Military Department shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

§ 7.104–13 *Domestic food, clothing, cotton, spun silk yarn for cartridge cloth, or wool.* In all contracts for the procurement of any article of food, clothing, cotton, spun silk yarn for cartridge cloth, or wool, not excepted from the prohibition of annual appropriation acts as set forth in §§ 6.106–1 and 6.107 of this subchapter, insert the following clause:

DOMESTIC FOOD, CLOTHING, COTTON, SPUN SILK YARN FOR CARTRIDGE CLOTH, OR WOOL

The Contractor agrees that there will be delivered under this contract only such articles of food, clothing, cotton, spun silk yarn for cartridge cloth, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) as have been grown, reprocessed, reused or produced in the United States, its Territories, or its possessions: *Provided,* That this clause shall have no effect to the extent that the Secretary has determined as to any such articles that a satisfactory quality and sufficient quantity cannot be procured as and when needed at United States market prices: *Provided further,* That nothing herein shall preclude the delivery of foods under this contract which have been manufactured or processed in the United States, its Territories, or its possessions.

§ 7.104–14 *Utilization of small business concerns.* Insert the clause set forth below in all fixed-price supply contracts, in amounts exceeding $5,000, except those contracts entered into with foreign contractors which are to be performed outside of the United States, its Territories, its possessions, and Puerto Rico.

UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress to bring about the greatest utilization of small business concerns which is consistent with efficient production.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

§ 7.104–15 *Examination of records.* Pursuant to 10 U. S. C. 2313 (b) the following clause will be inserted in all negotiated fixed-price supply contracts and purchase orders in excess of $1,000.

EXAMINATION OF RECORDS

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $1,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

Section 7.203–9 has been revised by deletion of the word "continental" therefrom.

Section 7.203–9, as revised, reads as follows:

§ 7.203–9 *Utilization of small business concerns.* Insert the contract clause set forth in § 7.104–14, except in those contracts entered into with foreign contractors which are to be performed outside of the United States, its Territories, its possessions, and Puerto Rico.

SUBPART E—CLAUSES FOR PERSONAL SERVICES CONTRACTS

The preamble to § 7.504–1 has been revised by deletion of the word "continental" therefrom:

§ 7.504 *Clauses to be used when applicable.*

§ 7.504–1 *Military security requirements.* Insert the clause set forth below in all contracts involving security information which are classified "Top Secret," "Secret," or "Confidential," by a military department, and in any other contract, the performance of which will require access to classified matter, except that this clause is not required to be used in contracts performed outside

the United States, its Territories, its possessions, and Puerto Rico.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 8—TERMINATION OF CONTRACTS

SUBPART A—INTRODUCTION

Section 8.100 has been revised, as follows:

§ 8.100 *Scope of part.* This part establishes uniform policies relating to the termination of contracts. It sets forth: (a) the policies and methods to be followed in connection with the termination of contracts for the convenience of the Government; (b) provisions as to the settlement of contracts so terminated, including disposition of property incident to termination; and (c) approved forms for use in terminating contracts for the convenience of the Government and in the settlement of such contracts.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 10—BONDS AND INSURANCE

SUBPART E—INSURANCE UNDER COST-REIMBURSEMENT TYPE CONTRACTS

Section 10.501–1 has been revised by removal of the word "continental" therefrom.

Section 10.501–1, as revised, reads as follows:

§ 10.501 *Policy.* • • •

§ 10.501–1 *Workmen's compensation and employers' liability insurance.* Compliance with applicable workmen's compensation and occupational disease statutes will be required, and the insurance policy will also include employers' liability coverage, where available. In jurisdictions where all occupational diseases are not compensable under applicable law, insurance for occupational diseases will be required under the employers' liability section of the insurance policy; however, such additional insurance will not be required where contract operations are commingled with the contractor's commercial operations so that it would be impracticable to require such coverage. The clause set forth in § 10.403 shall be included in all construction contracts, as defined in § 10.101–6, to be performed outside the United States.

SUBPART G—SPECIAL CASUALTY INSURANCE RATING PLANS

§ 10.700 *Scope of subpart.* This subpart sets forth principles and requirements for use of the National Defense Projects Rating Plan, which is available for application on both domestic and foreign contracts which meet the eligibility requirements set forth herein. This part likewise applies to the World War II War Department Insurance Rating Plan, also known as the War Projects Insurance Rating Plan, which is currently available for application only outside the United States. These plans provide a special rating formula for the purchase of the casualty insurance coverages listed in §§ 10.501–1 through 10.501–3, and are mandatory as to contracts which meet the use and eligibility standards set forth in § 10.703. Inclusion under the prime contractor's Rating Plan policies of similar coverages for subcontractors, whose contracts with the prime contractor provide that the insurance shall be furnished by the prime contractor, shall be automatic if the subcontract operations are at the project site, unless the military departments specifically direct otherwise. Subcontractors whose operations are away from the projects site will not be covered under the prime contractor's Rating Plan policies unless the prime contractor is specifically directed by the military departments to request inclusion of such subcontractors.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 11—FEDERAL, STATE AND LOCAL TAXES

SUBPART A—FEDERAL EXCISE TAXES

1. Section 11.103–2, as revised, reads as follows:

§ 11.103–2 *Transportation of persons.* (a) A tax of 10 percent is imposed on amounts paid for the transportation of persons by rail, motor vehicle, water, or air, including charges for seating or sleeping accommodations incident to such transportation, as follows:

(1) On amounts paid within the United States for taxable transportation, as defined in paragraph (b) of this section; and

(2) On amounts paid outside the United States for taxable transportation, as defined in paragraph (b) of this section, which both begins and ends in the United States.

(b) Taxable transportation:

(1) Includes transportation which begins in the United States or in Canada or Mexico within 225 miles of the nearest point to the United States, and ends in the United States or in the aforementioned 225-mile zone;

(2) Includes transportation that begins in the United States or in the 225-mile zone and ends outside such area, transportation that begins outside the United States or the 225-mile zone and ends inside such area, and transportation that begins and ends outside the United States and the 225-mile zone, but only to the extent that such transportation is directly or indirectly from one port or station in the United States to another port or station in the United States. (Even though it is "taxable transportation" it may not be subject to tax if the payment is made outside the United States, according to the limitation set forth in paragraph (a) (2) of this section; and

(3) Irrespective of subparagraphs (1) and (2) of this paragraph, does not include any portion of transportation which—

(i) Is outside the United States;

(ii) Is not, directly or indirectly, from the border of the United States or a port or station in the 225-mile zone to a port or station in the 225-mile zone;

(iii) Begins either where the route of transportation leaves the United States or a port or station in the 225-mile zone, and ends either where the route enters the United States or a port or station in the 225-mile zone; and

(iv) Passes through a point in excess of 225 miles from the United States on an imaginary direct line between the beginning and ending points specified in subdivision (iii) of this subparagraph.

(c) In determining taxable transportation, a round trip is considered to consist of transportation from the point of origin to the destination, and a separate transportation thereafter.

(d) The tax does not apply to—

(1) Any separable and itemized charges other than those for transportation of a person, such as for an automobile, baggage, meals, hotel accommodations, insurance, and the like;

(2) Charges incident to the charter of a conveyance for the transportation of persons, such as for parking, icing, sanitation, layover, movement of equipment in deadhead service, dockage, and the like; or

(3) Charges for transportation by motor vehicles having a seating capacity of less than 10 persons and not operated on an established line.

2. Section 11.103–3, as revised, reads as follows:

§ 11.103–3 *Transportation of property.* (a) A tax of 3 percent (4 cents per short ton on coal, including lignite, coal dust, coke briquettes) is imposed upon amounts paid to a person engaged in the business of transporting property for hire by rail, motor vehicle, water, or air. The tax applies to—

(1) Amounts paid within or without the United States for transportation from one point in the United States to another; and

(2) Amounts paid within the United States for that portion within the United States of transportation from a point outside to a point within the United States.

(b) The tax does not apply to the transportation of property in the course of exportation or shipment to a possession of the United States or to Puerto Rico (see § 11.201); neither does it apply to an uninterrupted shipment moving through the United States or its Territories from a possession, Puerto Rico, or a foreign point to a possession, Puerto Rico, or a foreign point. If any such shipment is interrupted in the United States or its Territories for any purpose of the shipper rather than a fault of transportation, it is treated as two shipments, one to and the other from the point of interruption, of which the former may be taxable in whole or in part according to the rules stated above.

(c) The transportation tax does not apply to a shipment under a commercial bill of lading consigned to an officer of a military department at a port of exportation, provided that the tax is expressly excluded from the contract or subcontract price and the prescribed exemption certificate is filed with the carrier. This relief from the transportation tax shall

be utilized, in accordance with Departmental procedures, whenever it is economically advantageous to do so.

(d) For the taxability of shipments under a Government bill of lading, whether or not exported, see § 11.202 (c).

(e) The amount subject to tax includes—

(1) Any charges for services incident to the transportation movement, such as loading, unloading, blocking, staking, elevation, transfer in transit, ventilation, refrigeration, icing, storage, demurrage, lighterage, trimming of cargo in vessels, wharfage, and handling, feeding, and watering of livestock; and

(2) Separate and itemized charges for baggage transported in connection with the transportation of persons, including incidental charges for excess weight or value, storage, transfer, special delivery, and the like.

The tax applies to all forms of transportation, local or otherwise, including drayage, towing, ferrying, and switching; however, it does not apply to the transportation of earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project and transported to any place within, or adjacent to, the boundaries of such project, nor does it apply to the transportation of coal from the mine to a preparation plant. No amount paid for the transportation of property is subject to tax if and to the extent that a tax on such transportation previously has been paid. An amount paid for the transportation of coal, coke, or briquettes is not taxable if there has been a previous taxable transportation of the coal or coal dust from which the coke or briquettes were made.

SUBPART B—EXEMPTIONS FROM FEDERAL EXCISE TAXES

Section 11.201, as revised, reads as follows:

Sec.
11.201 Supplies for exportation or shipment to a possession or to Puerto Rico.
11.201–1 Retailers' excise taxes.
11.201–2 Manufacturers' excise taxes.

AUTHORITY: §§ 11.201 to 11.201–2 issued under R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314.

§ 11.201 *Supplies for exportation or shipment to a possession or to Puerto Rico.* Exemption is available from the retailers' and manufacturers' excise taxes on the sale of supplies for export or for shipment to a possession of the United States, or to Puerto Rico. It is to be noted that the transportation tax on property is not applicable to shipments for export or to a possession of the United States or to Puerto Rico. See § 11.103–3.

§ 11.201–1 *Retailers' excise taxes.* Pursuant to section 4056 of the Internal Revenue Code (which supersedes sec. 2406, I. R. C. 1939) and applicable Treasury Regulations, exemption is available from the retailers' excise taxes on sales of supplies for export or for shipment to a possession of the United States or to Puerto Rico. This exemption shall be utilized, in accordance with Departmental procedures, by purchasing on a tax-exclusive basis and furnishing the required proof of exportation or shipment to a possession or to Puerto Rico, if—

(a) The purchase is substantial; and

(b) Exportation or shipment to a possession or to Puerto Rico is intended to follow not more than 6 months after title passes to the Government.

§ 11.201–2 *Manufacturers' excise taxes.* Pursuant to section 4225 of the Internal Revenue Code (which supersedes secs. 3449 and 2705, I. R. C. 1939) and applicable Treasury Regulations, exemption is available from the manufacturers' excise taxes on sales of supplies for export or for shipment to a possession of the United States or to Puerto Rico. This exemption shall be obtained only when—

(a) The purchase is substantial; and

(b) Exportation or shipment to a possession or to Puerto Rico is intended to follow not more than 6 months after title passes to the Government.

This exemption is limited to sales by a manufacturer, and is not applicable to sales for export or shipment to a possession or to Puerto Rico from the stock of a dealer who was not the manufacturer, producer, or importer.

PART 12—LABOR

SUBPART B—CONVICT LABOR

Sections 12.201 and 12.202, as revised, read as follows:

§ 12.201 *Basic requirement.* Pursuant to the policy set forth in the Act of February 23, 1887 (18 U. S. Code 436), and in accordance with the requirements of Executive Order No. 325A of May 18, 1905, all contracts entered into by any Department involving the employment of labor within the United States, shall, unless otherwise provided by law, contain a clause prohibiting the employment of persons undergoing sentences of imprisonment at hard labor imposed by State or municipal criminal courts.

§ 12.202 *Applicability.* The requirement set forth in § 12.201 applies, except as stated below, to all contracts involving the employment of labor within the United States. The requirement does not prohibit the employment of persons on parole or probation, or of persons who have been pardoned or who have served their terms. Furthermore, the requirement does not apply to the following kinds of contracts:

(a) Any contracts subject to the provisions of the Walsh-Healey Public Contracts Act (see Subpart F of this part), which contains its own requirement that "no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract";

(b) Any contract (1) for the purchase of supplies or services from Federal Prison Industries, Inc., or (2) for the purchase from any State prison of finished supplies which may be secured in the open market or from existing stocks as distinguished from supplies requiring special fabrication.

SUBPART D—LABOR STANDARDS IN CONSTRUCTION CONTRACTS

Sections 12.401, 12.403–1 and 12.403–2, as revised, read as follows:

§ 12.401 *Statutes and regulations.* (a) *Davis-Bacon Act.* The Davis-Bacon Act (Act of March 3, 1931, as amended; 40 U. S. Code 276a), provides that certain contracts over $2,000 entered into by any Department for the construction, alteration, or repair (including painting and decorating) of public buildings or public works shall contain a provision (see § 12.403) to the effect that no laborer or mechanic employed directly upon the site of the work contemplated by the contract shall receive less than the prevailing wages as determined by the Secretary of Labor.

(b) *Copeland Act.* The Copeland ("Anti-Kickback") Act (18 U. S. Code 874 and 40 U. S. Code 276c) makes it unlawful to induce, by force or otherwise, any person employed in the construction or repair of public buildings or public works (including those financed in whole or in part by loans or grants from the United States) to give up any part of the compensation to which he is entitled under his contract of employment. In accordance with regulations of the Secretary of Labor issued pursuant to the Copeland Act, certain contracts entered into by any Department shall contain a provision (see § 12.403) to the effect that the Contractor and any subcontractor shall comply with the regulations of the Secretary of Labor under the Act.

(c) *Eight-Hour Laws.* See § 12.301. (However, with respect to construction contracts, the applicable statutes are 40 U. S. Code 321–326.)

(d) *Department of Labor regulations.* Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950 (15 F. R. 3176), the Secretary of Labor has issued Regulations Part 3, Title 29, Subtitle A, Code of Federal Regulations (7 F. R. 686 as amended) and Regulations Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 F. R. 4430 as amended), providing for the administration and enforcement of these statutes in construction contracts. The requirements under the Davis-Bacon Act and the Copeland Act apply only to the United States and its Territories while the Eight-Hour Laws apply also to other areas over which the United States has direct legislative control.

§ 12.403 *Contract clauses.*

§ 12.403–1 *Clauses for general use.* Except as provided in § 12.403–4 every construction contract in excess of $2,000 for work within the United States or its Territories shall include the following clauses:

(1) *Davis-Bacon Act (40 U. S. C. 276a–276a–7).*

DAVIS-BACON ACT (40 U. S. C. 276a–276a–7)

(a) All mechanics and laborers employed or working directly upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are per-

mitted by the Copeland Act ("Anti-Kickback") Regulations (29 CFR, Part 3)) the full amounts due at time of payment, computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics; and a copy of the wage determination decision shall be kept posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(b) In the event it is found by the contracting officer that any laborer or mechanic employed by the Contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by paragraph (a) of this clause, the Contracting Officer may (1) by written notice to the Government prime Contractor terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (2) prosecute the work to completion by contract or otherwise, whereupon such Contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(c) Paragraphs (a) and (b) of this clause shall apply to this contract to the extent that it is (1) a prime contract with the Government subject to the Davis-Bacon Act or (2) a subcontract under such prime contract.

(2) *Eight-Hour Laws — overtime compensation.*

EIGHT-HOUR LAWS—OVERTIME COMPENSATION

No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the Contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this clause. The wages of every laborer and mechanic employed by the Contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this clause a penalty of five dollars shall be imposed for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than eight hours upon said work without receiving compensation computed in accordance with this clause and all penalties thus imposed shall be withheld for the use and benefit of the Government: *Provided*, that this stipulation shall be subject in all respects to the exceptions and provisions of the Eight-Hour Laws, as set forth in 40 U. S. C. 321, 324, 325, 325a, and 326, which relate to hours of labor and compensation for overtime.

(3) *Apprentices.*

APPRENTICES

Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(4) *Payroll records and payrolls.*

PAYROLL RECORDS AND PAYROLLS

(a) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid. The Contractor will make his employment records available for inspection by authorized representatives of the Contracting Officer and the U. S. Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(b) A certified copy of all payrolls will be submitted weekly to the Contracting Officer. The Government prime Contractor will be responsible for the submission of certified copies of the payrolls of all subcontractors. The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the applicable rates contained in the wage determination decision of the Secretary of Labor attached to this contract and that the classifications set forth for each laborer or mechanic conform with the work he performed.

(5) *Copeland ("Anti-Kickback") Act—nonrebate of wages.*

COPELAND ("ANTI-KICKBACK") ACT—NONREBATE OF WAGES

The regulations of the Secretary of Labor applicable to Contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended (40 U. S. C. 276c) and to aid in the enforcement of the Anti-Kickback Act (18 U. S. C. 874) are made a part of this contract by reference. The Contractor will comply with these regulations and any amendments or modifications thereof and the Government prime Contractor will be responsible for the submission of affidavits required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions.

(6) *Withholding of funds to assure wage payment.*

WITHHOLDING OF FUNDS TO ASSURE WAGE PAYMENT

There may be withheld from the Contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the Contractor or any subcontractor the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic all or part of the wages required by this contract, the Contracting Officer may take such action as may be necessary to cause the suspension, until such violations have ceased, of any further payment, advance, or guarantee of funds to or for the Government prime Contractor.

(7) *Subcontracts—termination.*

SUBCONTRACTS—TERMINATION

The Contractor agrees to insert the clauses hereof entitled "Davis-Bacon Act," "Eight-Hour Laws—Overtime Compensation," "Apprentices," "Payroll Records and Payrolls," "Copeland ('Anti-Kickback') Act—Nonrebate of Wages," "Withholding of Funds to Assure Wage Payment," and "Subcontracts—Termination" in all subcontracts, and the Contractor further agrees that a breach of any of the requirements of these clauses may be grounds for termination of this contract. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor except in the phrase "Government prime Contractor."

When using U. S. Standard Form 23, the "Subcontracts—Termination" clause therein shall be used in lieu of the above clause.

§ 12.403–2 *Contracts for $2,000 or less.* Except as provided in § 12.403–4, every construction contract for $2,000 or less for work within the United States or its Territories, shall include (a) the Eight-Hour Laws—Overtime Compensation Clause set forth in § 12.403–1 (b); (b) the Copeland ("Anti-Kickback") Act—Nonrebate of Wages Clause set forth in § 12.403–1 (e); and (c) the Subcontracts—Termination Clause set forth above in § 12.403–1 (g), except that the first sentence thereof shall be modified to refer only to the clauses entitled "Eight-Hour Laws—Overtime Compensation," "Copeland ('Anti-Kickback') Act—Nonrebate of Wages" and "Subcontracts—Termination."

SUBPART F—WALSH-HEALEY PUBLIC CONTRACTS ACT

Section 12.602, as revised, reads as follows:

§ 12.602 *Applicability.* The requirement set forth in § 12.601 applies to contracts for the manufacture or furnishing of "materials, supplies, articles, and equipment" which are to be performed within the United States, its Territories, Puerto Rico, and the Virgin Islands, and which exceed or may exceed $10,000 in amount. Pursuant to the Walsh-Healey Act, the Secretary of Labor has issued detailed regulations and interpretations as to the coverage of said Act, and exemptions and procedures thereunder. These regulations and interpretations are compiled in a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations." In addition to the interpretations stated in that document, attention is directed to an opinion of the Department of Labor that contracts which are originally $10,000 or less, but are subsequently modified to increase the price to an amount in excess of $10,000, are subject to the Walsh-Healey Act; and that contracts in an amount exceeding $10,000, which are subsequently modified to a figure of $10,000 or less, are not subject to said Act with respect to work performed after such modification if modification is effected by mutual agreement.

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

Section 12.803, as revised, reads as follows:

§ 12.803 *Applicability.* The nondiscrimination requirements are applicable to contracts and first-tier subcontracts as herein provided.

(a) The clause set forth in § 12.802 shall be included in all contracts involving the employment of labor, except:

(1) The clause shall not be included in—

(i) Contracts to be performed outside the United States where no recruitment of workers within the United States is involved;

(ii) Contracts to meet special requirements or emergencies, if recommended by the President's Committee on Government Contracts (see § 12.804); and

(iii) Purchase orders on Standard Form 44.

(2) The clause shall be modified:

(i) In purchase orders for $1,000 or less which are not within the above exceptions, by deleting the last sentence of paragraph (a) and all of paragraph (b);

(ii) In contracts for $5,000 or less, other than purchase orders for $1,000 or less, by deleting the last sentence of paragraph (a) when in the judgment of the contracting officer administration of the posting requirement of a clause is impracticable. For example, contracts for off-the-shelf items and contracts requiring delivery of supplies or performance of services within 60 days from the date of the contract.

(b) Notwithstanding paragraph (b) of the clause, a contractor is not required to insert any nondiscrimination clause in subcontracts of the kind described in paragraph (a) (1) (i) and (ii) of this section.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 16—PROCUREMENT FORMS

Section 16.000, as revised, reads as follows:

§ 16.000 *Scope of part.* This part prescribes forms for use in connection with the procurement of supplies and services. In using these forms for procurement outside the United States, its Territories, its possessions, and Puerto Rico, contract provisions which are made inapplicable to such procurement by this subchapter or by departmental procedures may be deleted.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

G. C. BANNERMAN,
Director for Procurement Policy, Office of the Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 57–10797; Filed, Dec. 30, 1957; 8:46 a. m.]

[Amdt. 24]

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART A—INTRODUCTION

A new § 1.201–19 has been added, cross-referencing this subpart to the definition for "small business concerns" set forth in § 1.701–1. Section 1.201–19 reads as follows:

§ 1.201–19 *Small business concern.* See § 1.701–1.

SUBPART C—GENERAL POLICIES

Section 1.302–3 has been completely revised and now covers the procedures for contracting with production pools approved either under section 708 of the Defense Production Act of 1950, as amended, or under section 217 of the Small Business Act of 1953, as amended. Section 1.302–3, as revised, reads as follows:

§ 1.302 *Sources of supplies.* • • •

§ 1.302–3 *Production pools*—(a) *Description.* A production pool is a group of concerns (1) who have associated together for the purpose of obtaining and performing jointly, or in conjunction with each other, contracts for supplies or services for Defense use, (2) who have entered into a production pool agreement governing their organization, relationship, and procedure, and (3) whose agreement has been approved either in accordance with section 708 of the Defense Production Act of 1950, as amended (Defense Production Pool), or in accordance with section 217 of the Small Business Act of 1953, as amended (Small Business Production Pool). Production pool participants are exempt from the "manufacturer or regular dealer" requirement of the Walsh-Healy Public Contracts Act and of § 1.201–9.

(b) *General rule.* Except as provided in this section, a production pool shall be treated for purposes of Government procurement on exactly the same basis as any other prospective or actual contractor.

(c) *Ascertainment of status.* The contracting officer is responsible for ascertaining whether a group of firms seeking to do business with the Government is a production pool. In ascertaining the status of a group representing that it is a pool, contracting officers may rely on a copy of the SBA or ODM notification of approval of the pool. Each Department will expeditiously disseminate to contracting officers information received from SBA or ODM concerning the approval of production pools.

(d) *Contracting with pools.* (1) A bid or proposal of a production pool is not eligible for award to the pool unless submitted either by the pool in its own name or by an individual member expressly disclosing that it is on behalf of the pool. Except as to contracts to be awarded to incorporated pools, the contracting officer shall prior to award to a pool require to be deposited with him a certified copy of a power of attorney from each member of the pool who is to participate in the performance of the contract authorizing an agent to execute the bid, proposal, or contract on behalf of such member. A copy of each such power of attorney shall be appended to each executed copy of the contract retained by the Government.

(2) Membership in a pool shall not of itself preclude individual members from submitting bids or proposals as individuals on appropriate procurements. Bids or proposals submitted by an individual member of a pool shall not be considered when the individual member has participated in the bid or proposal submitted by the pool.

(e) *Responsibility of pool member.* Where a member of a production pool has submitted a bid or proposal in its own name, the pool agreement shall be considered in determining its responsibility pursuant to § 1.307.

SUBPART G—SMALL BUSINESS CONCERNS

1. *Small business concerns—general.* A new Subpart G of Part 1 codifies the following Department of Defense issuances, which have been rescinded:

DOD Instruction 4100.9, dated November 14, 1955, Subject: Cooperation with Small Business Administration.
DOD Directive 4100.10, dated December 16, 1954, Subject: Revised Department of Defense Small Business Policy.
DOD Instruction 4100.20, dated April 19, 1955, Subject: Department of Defense Small Business Subcontracting Policy.
DOD Directive 4105.21, dated June 19, 1952, Subject: Defense Production Pools.

The new Subpart G sets forth (i) policy with reference to small business concerns, (ii) policy governing relationship with the Small Business Administration, (iii) small business set-aside procedures, and (iv) the Defense Small Business Subcontracting Program. Changes made in the course of codification are briefed below.

2. *Small business concerns—definitions.* Pursuant to regulations of the Small Business Administration, for the purpose of procurement preferences, a small business concern is now defined in § 1.701–1 as a concern that (i) is not dominant in its field of operations and, with its affiliates, employs fewer than 500 employees, or (ii) is certified as a small business concern by SBA. There are subsidiary definitions of what constitutes "affiliates" and "dominance in a field of operations." The number of employees is determined by a formula set forth in § 1.701–1 (d). In order to be eligible for small business preferences a regular dealer must furnish products manufactured by small business concerns in the United States, it Territories, its possessions, or Puerto Rico (see § 1.701–4).

3. *Small business concerns—determination of status.* Section 1.703 provides that, in the absence of protest, the contracting officer shall accept at face value either a small business certificate issued by SBA or the statement made by the bidder or offeror as specified in §§ 1.701–1 and 1.701–4. Notwithstanding, a contracting officer is authorized to question the status of a purported small business concern and request confirmation by SBA.

4. *Small business concerns—negotiation of partial set-asides.* Section 1.706–6 sets forth the procedure for negotiating partial set-asides. Subparagraph (d) now provides, in case of a single award in the non-set-aside portion of the procurement, that awards for the set-aside portion shall be made at the unit price of the non-set-aside portion. In case of multiple awards on the non-set-aside portion at different unit prices, awards for the set-aside portion shall be made at the highest unit price awarded on the non-set-aside portion.

Sec.
1.700 Scope of subpart.
1.701 Definitions.
1.701–1 Small business concern.
1.701–2 Established supplier.
1.701–3 Potential supplier.

Sec.
1.701–4 Regular dealer (non-manufacturer) as small business concern.
1.702 General policy.
1.703 Determination of status as small business concern.
1.704 Small business officials.
1.704–1 Director for small business.
1.704–2 Departmental small business advisors.
1.704–3 Small business specialists.
1.705 Cooperation with the Small Business Administration.
1.705–1 General.
1.705–2 SBA representatives.
1.705–3 Screening of procurements.
1.705–4 Access to bidders' lists and other information.
1.705–5 Joint SBA-Defense small business set-aside program.
1.705–6 Certificates of competency.
1.705–7 Performance of contract by SBA.
1.706 Set-asides for small business.
1.706–1 General.
1.706–2 Review of SBA set-aside proposals.
1.706–3 Withdrawal of set-asides.
1.706–4 Reporting for Department of Commerce procurement synopsis.
1.706–5 Total set-asides.
1.706–6 Partial set-asides.
1.706–7 Contract authority.
1.707 Subcontracting.
1.707–1 General policy.
1.707–2 Required clause.
1.707–3 Defense subcontracting in small business programs.
1.707–4 Responsibility for reviewing subcontracting program.
1.707–5 Maintenance of records.

AUTHORITY: §§ 1.700 to 1.707–5 issued under R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314.

§ 1.700 *Scope of subpart.* To implement the Small Business Act of 1953, as amended, and the Armed Services Procurement Act, as amended, this subpart sets forth (a) policy with reference to small business concerns, (b) policy governing relationship with the Small Business Administration, (c) small business set-aside procedures, and (d) the Defense Small Business Subcontracting Program.

§ 1.701 *Definitions.* As used throughout this subpart, the following terms shall have the meanings set forth below.

§ 1.701–1 *Small business concern—*(a) *General definition.* A small business concern is a concern that (1) is not dominant in its field of operations and, with its affiliates, employs fewer than 500 employees, or (2) is certified as a small business concern by SBA.

(b) *Dominance in field of operations.* A concern "is not dominant in its field of operations" when it does not exercise a controlling or major influence in an area of business activity. In determining whether dominance exists, consideration is given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, sales territory, and business activity.

(c) *Affiliates.* Business concerns are affiliates of each other when either directly or indirectly (1) one concern controls or has the power to control the other, or (2) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships.

(d) *Number of employees.* In connection with the determination of small business status, except as SBA otherwise determines in a particular industry or part thereof, "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the 15th of each month.

(e) *Small business certificate.* A small business certificate is a certificate issued by SBA pursuant to the authority contained in sections 203 and 212 of the Small Business Act of 1953, as amended, certifying that the holder of the certificate is a small business concern for the purpose of Government procurement and in accordance with the terms of the certificate.

§ 1.701–2 *Established supplier.* An "established supplier" of an item is a concern which is a "source of supplies," within the meaning of § 1.201–9, and which has supplied the items satisfactorily to one or more military departments, or a concern with which mobilization planning is in effect.

§ 1.701–3 *Potential supplier.* A "potential supplier" of an item is a concern which is a "source of supplies," within the meaning of § 1.201–9, but which is not an established supplier.

§ 1.701–4 *Regular dealer (non-manufacturer) as small business concern.* One who submits bids or offers in its own name, but who proposes to furnish a product not manufactured by itself, shall be deemed to be a small business concern only if (a) it is a small business concern within the meaning of § 1.701–1; (b) it is a regular dealer (non-manufacturer) (see § 1.201–9 (a)); and (c) in the case of a procurement set aside for small business (see § 1.706) or involving equal low bids (see § 2.406–4 of this subchapter), it agrees to furnish in the performance of the contract products manufactured or produced in the United States, its Territories, its possessions, or Puerto Rico, by small business concerns: *Provided,* That this section does not apply to construction or service contractors.

§ 1.702 *General policy.* (a) It is the policy of the Department of Defense to place a fair proportion of its total purchases and contracts for supplies and services with small business concerns.

(b) Each military department shall implement this policy by affording small business concerns an equitable opportunity to compete for prime contracts in accordance with the following:

(1) bidders' mailing lists (see § 2.204 of this subchapter) shall be maintained and shall include all established and potential small business suppliers who have made acceptable application for inclusion or who appear from other information (including recommendation by the SBA representative), to be qualified for inclusion therein.

(2) Invitations for Bids or Requests for Proposals shall be sent to all firms on the appropriate list, except that where less than the complete list is to be used pursuant to § 2.204–5 of this subchapter a pro-rata number of established or potential small business suppliers shall be solicited;

(3) procurement of supplies and services shall be divided into reasonably small lots (not less than economic production runs) in order to permit bidding on quantities less than the total requirements; the maximum amount of time practicable shall be allowed for preparation and submission of bids and proposals; and delivery schedules shall be suitable for small business participation; and

(4) for specification requirements, see § 2.201 (d) of this subchapter.

As to subcontracting, see § 1.707.

(c) Records of the total value of all contracts placed with small business concerns during each fiscal year, and reports based thereon, are maintained by each military department through the Department of Defense Procurement Reporting System described in § 1.110 and § 16.807 of this subchapter. Accordingly, each military department shall, in soliciting bids or proposals, request from any bidder or offeror, or other source, any information needed to determine whether the bidder or offeror is a small business concern.

§ 1.703 *Determination of status as small business concern.* (a) Except as provided in paragraph (b) of this section, the contracting officer shall accept at face value (1) a small business certificate (see § 1.701–1 (e)) that a bidder or offeror is a small business concern or (2) a statement by the bidder or offeror that it is a small business concern (see §§ 1.701–1 and 1.701–4) and that it has not previously been denied small business status by SBA.

(b) Small business certificates and statements that a bidder or offeror is a small business concern shall be effective, even though questioned in accordance with the terms of this paragraph, unless the SBA, in response to such question and within the period specified in subparagraph (3) of this paragraph, determines that the bidder or offeror in question is not a small business concern.

(1) Any bidder or offeror may, prior to award, question the small business status of the apparently successful bidder or offeror by sending a written protest to the contracting officer and to the SBA Regional Office for the region in which the questioned bidder or offeror has its principal place of business. SBA will promptly notify the contracting officer of the date of its receipt of any such protest and will advise the questioned bidder or offeror that its small business status is under review.

(2) A contracting officer may, prior to award, question the small business status of the apparently successful bidder or offeror by sending a written notice to the SBA Regional Office for the region in which the bidder or offeror has its principal place of business. Such notice shall contain a statement of the basis for questioning and of available supporting facts. SBA will promptly notify the contracting officer of the date such notice was received and will advise the bidder or offeror in question that its small business status is under review.

(3) SBA will determine the small business status of the questioned bidder or offeror and notify the contracting officer and the bidder or offeror of its decision. If the SBA determination is not received by the contracting officer within ten working days after SBA's receipt of the protest or notice questioning small business status, it shall be presumed that the questioned bidder or offeror is a small business concern. Pending SBA determination or expiration of the ten day period, whichever is earlier, procurement action shall be suspended.

§ 1.704 *Small business officials.*

§ 1.704–1 *Director for small business.* The Director for Small Business for the Department of Defense advises the Assistant Secretary of Defense (Supply and Logistics) in matters relating to the establishment, implementation, and execution of an appropriate Small Business Program within the Department of Defense. Negotiations with SBA or other Government agencies or departments outside the Department of Defense concerning small business policy and programs shall be conducted through the Director for Small Business or with his authorization.

§ 1.704–2 *Departmental small business advisors.* Each military department shall maintain an Office of Small Business for the Department. The Chief of each Office of Small Business shall devote his efforts exclusively to small business matters. He advises the Secretary on small business matters and is responsible for implementing the Department of Defense Small Business Program within his Department and for representing his Department in negotiations with other military departments or Governmental agencies on small business matters.

§ 1.704–3 *Small business specialists.* Small business specialists shall be appointed in each principal procurement office and such other offices as the military departments may consider appropriate. They will perform such functions as are prescribed for them in furtherance of the Small Business Program.

§ 1.705 *Cooperation with the Small Business Administration.*

§ 1.705–1 *General.* The Assistant Secretary of Defense (Supply and Logistics) and the Administrator, SBA, are responsible for consulting, cooperating, and agreeing in establishing policies and programs for small business participation in Defense procurement. All Department of Defense purchasing activities are responsible for working with SBA in carrying out these policies and programs, in accordance with the provisions of this § 1.705.

§ 1.705–2 *SBA representatives.* SBA may assign one or more representatives on a full- or part-time basis to any purchasing activity of the military departments to act in its behalf in carrying out SBA policies and programs.

§ 1.705–3 *Screening of procurements.* (a) SBA representatives, when properly authorized and cleared for security, shall, upon request, be afforded an opportunity at the purchasing activity to review all proposed classified and unclassified Invitations for Bids and Requests for Proposals unless both (1) it is anticipated that the resulting contract or contracts will not exceed $10,000 and (2) the head of the purchasing activity determines that such review would unduly delay the procurement process. Where it is anticipated that the resulting contract or contracts will exceed $10,000, such SBA representative shall, upon request, be afforded an opportunity to make recommendations concerning Invitations for Bids and Requests for Proposals, including that they be exclusively or partially set aside for small business concerns. Where the Invitations for Bids or Requests for Proposals are reviewed by an SBA representative, and it is anticipated that the resulting contract or contracts will not exceed $10,000, and if the head of the purchasing activity approves, a similar opportunity to make recommendations will be afforded to the SBA representative.

(b) In any case, the contracting officer shall afford the SBA representative an opportunity to recommend, within a reasonable time, appropriate names of small business concerns for inclusion in the list of bidders or firms to be solicited in connection with a particular procurement.

§ 1.705–4 *Access to bidders' lists and other information.* SBA representatives, upon request, shall be permitted to review, inspect, study, and transcribe information from bidders' mailing lists (see § 1.702 (b)) and will be furnished such other available or reasonably obtainable information as may be required for the SBA referral program or for determination of whether small business concerns are proportionately represented on one or more particular bidders' mailing lists.

§ 1.705–5 *Joint SBA-Defense small business set-aside program.* The Joint SBA-Defense Small Business Set-Aside Program, set forth in § 1.706, was developed by SBA and the Department of Defense to increase small business participation in Defense procurement. All press releases, reports, or other references to this program or to set-asides thereunder should refer to it as a Joint SBA-Defense Program and should avoid drawing any distinction between set-asides based on proposals of SBA representatives and those made independently of such proposals.

§ 1.705–6 *Certificates of competency.* (a) SBA has the statutory authority to certify the competence of any small business concern as to capacity (see § 1.307 (c) and (d) and credit (see § 1.307 (b)). Contracting officers shall accept SBA certificates of competency as to capacity and credit as conclusive: *Provided,* If the contracting officer has substantial doubts as to the firm's ability to perform, he shall prior to award refer the matter to higher authority in accordance with Departmental procedures.

(b) If a small business concern has submitted an otherwise acceptable bid or proposal but has been found by the contracting officer to be nonresponsible as to capacity or credit, and if the bid or proposal is to be rejected for this reason alone, (1) SBA shall be notified of the circumstances so as to permit it to issue a certificate of competency, and (2) award shall be withheld pending either SBA issuance of a certificate of competency or the expiration of ten working days after SBA is so notified, which ever is earlier; subject to the following:

(i) this procedure is mandatory except where the contracting officer certifies in writing that award must be made without delay and inserts in the contract file a statement signed by the contracting officer justifying the certificate;

(ii) this procedure does not apply to proposed awards of not more than $1,000; and

(iii) this procedure is optional, within the discretion of the contracting officer, as to proposed awards of more than $1,000 but less than $10,000.

To assist SBA in determining the capacity and credit of small business concerns involved in a particular procurement, the purchasing activity shall make available to SBA all pertinent data, including technical and financial information, with respect to the small business concern involved.

§ 1.705–7 *Performance of contract by SBA.* In accordance with section 208 of the Small Business Act of 1953, as amended, in any case in which the Administrator of SBA certifies to the Secretary concerned that SBA is competent to perform any specific contract, the contracting officer is authorized, in his discretion, to award the contract to SBA upon such terms and conditions, consistent with this regulation, as may be agreed upon between SBA and the contracting officer.

§ 1.706 *Set-asides for small business.*

§ 1.706–1 *General.* Any procurement, or an appropriate part thereof, whether classified or unclassified, shall be set aside for the exclusive participation of small business concerns when such action is (a) jointly determined by an SBA representative and the contracting officer, or (b) if no SBA representative is available, is unilaterally determined by the contracting officer, to be either in the interest of maintaining or mobilizing the Nation's full productive capacity or in the interest of war or national defense programs. Insofar as practical, joint determinations shall be used as a basis for set-asides rather than unilateral determinations; but the im-

practicality of obtaining a joint determination should not be treated as an obstacle to making a set-aside based on a unilateral determination in an otherwise appropriate case.

§ 1.706–2 *Review of SBA set-aside proposals.* Upon a recommendation of an SBA representative that a procurement, or portion thereof, be set aside for small business, the contracting officer shall promptly either (1) concur in the recommendation, or (2) disapprove, stating in writing his reasons for disapproval. The SBA representative shall be allowed two working days to appeal any such disapproval to the head of the purchasing activity or his designee for final decision. Contracting officers shall not consider any one of the following factors, standing alone, as sufficient cause for disapproving a set-aside recommended by an SBA representative:

(a) a large percentage of previous procurements of the item in question has been placed with small business concerns;

(b) the item to be purchased is on a Planned Procurement List or under the Production Allocation Program;

(c) the item to be purchased is on a Qualified Products List;

(d) the item or service to be procured is available from only one known source and the source is a small business concern;

(e) a period of less than thirty days from date of issuance of Invitations for Bids or Requests for Proposals is prescribed for the submission of the bids or proposals; or

(f) small business concerns are receiving a fair proportion of the total contracts for supplies and services.

§ 1.706–3 *Withdrawal of set-asides.* If, prior to the award of a contract involving a set-aside for small business, the contracting officer considers that procurement of the set-aside from a small business concern would be detrimental to the public interest (e. g., because of unreasonable price), the contracting officer may withdraw a unilateral set-aside determination or initiate withdrawal of a joint set-aside determination. In the case of a joint set-aside determination, if the SBA representative does not agree to withdrawal, the matter shall be referred to the head of the purchasing activity or his designee, whose decision shall be final unless the head of the activity, or such designee, refers the matter to higher authority for final decision. A signed memorandum of the withdrawal of any set-aside shall be made and retained in the contract file.

§ 1.706–4 *Reporting for Department of Commerce procurement synopsis.* See § 2.206–3 of this subchapter.

§ 1.706–5 *Total set-asides.* (a) The entire amount of a procurement shall be set aside for exclusive small business participation (see § 1.706–1) where there is a reasonable expectation that bids or proposals will be obtained from a sufficient number of responsible small business concerns so that awards will be made at reasonable prices. A procurement shall not be totally set aside unless such a reasonable expectation exists. However, as to partial set-asides see § 1.706–6.

(b) Contracts for total small business set-asides may be entered into by conventional negotiation or by a special method of procurement known as "Small Business Restricted Advertising." The latter method shall be used wherever possible. Invitations for Bids and Requests for Proposals shall be restricted to small business concerns. Small Business Restricted Advertising, including awards thereunder, shall be conducted in the same way as prescribed for formal advertising in Part 2 of this subchapter, except that bids and awards shall be restricted to small business concerns.

(c) In procurements involving total set-asides for small business, each Invitation for Bids or Request for Proposals shall contain substantially the following notice:

NOTICE TO PROSPECTIVE BIDDERS OR OFFERORS

Bids or proposals under this procurement are solicited from small business concerns only and this procurement is to be awarded only to one or more small business concerns. This action is based on a determination by the contracting officer, alone, or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity or in the interest of war or national defense programs. A small business concern is a concern that—

(i) Is not dominant in its field of operation and, with its affiliates, employs fewer than 500 employees, or

(ii) Is certified as a small business concern by the Small Business Administration.

In addition to meeting these criteria, a dealer submitting bids or proposals in its own name must be a regular dealer (non-manufacturer) and agree to furnish the product of a small business manufacturer or producer in the performance of the contract: *Provided*, That this requirement as to dealers does not apply to construction or service contractors. The right is reserved to reject any or all bids or proposals when it is in the interest of the Government to do so. Bids or proposals received from firms which are not small business concerns shall be considered nonresponsive.

§ 1.706–6 *Partial set-asides.* (a) A portion of a procurement shall be set aside for exclusive small business participation (see § 1.706–1) where—

(1) The procurement is not totally set aside pursuant to § 1.706–5;

(2) The procurement is severable into two or more economic production runs; and

(3) Two or more small business concerns are expected to have the technical competency and productive capacity to furnish a severable portion of the procurement not less than an economic production run.

(b) Where a portion of a procurement is to be set aside for small business pursuant to paragraph (a) of this section, the procurement shall be divided into a set-aside portion and a non-set-aside portion, each of which shall be not less than an economic production run. Insofar as practical, the set-aside portion will be such as to make the maximum use of small business capacity.

(c) In procurements involving partial set-asides for small business, each Invitation for Bids or Request for Proposals shall contain subtantially the following notice:

NOTICE TO PROSPECTIVE BIDDERS OR OFFERORS

[units] of this procurement are to be awarded only to one or more small business concerns. Negotiation for award of the portion of this procurement set-aside for small business will be conducted only with responsible small business concerns who submit responsive bids or proposals on the non-set-aside portion at a unit price within 120 percent of the highest award made on the non-set-aside portion. Negotiations shall be conducted with such small business concerns in the order of their bids or proposals on the non-set-aside portion, beginning with the lowest responsive bid or initial proposal. This action is based on a determination by the contracting officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full production capacity or in the interest of war or national defense programs. A small business concern is a concern that—

(i) Is not dominant in its field of operation and, with its affiliates, employs fewer than 500 employees, or

(ii) Is certified as a small business concern by the Small Business Administration.

In addition to meeting these criteria, a dealer submitting bids or proposals in its own name must be a regular dealer (non-manufacturer) and agree to furnish the product of a small business manufacturer or producer in the performance of the contract: *Provided*, That this requirement as to dealers does not apply to construction or service contractors. The right is reserved to reject any or all bids or proposals when it is in the interest of the Government to do so.

(d) After the entire non-set-aside portion has been awarded, procurement of the set-aside portion shall in all instances be effected by conventional negotiation. The negotiation shall be conducted only with those bidders or offerors who have submitted bids or initial proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made on the non-set-aside portion and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiation shall be conducted with such small business concerns in the order of their bids or proposals on the non-set-aside portion beginning with the lowest responsive bid or initial proposal. Multiple awards shall be made where appropriate. In conducting negotiations for the set-aside portion, only the unit price of the contracts awarded on the non-set-aside portion may be disclosed. Contracts for the set-aside portion shall be at prices determined as follows:

(1) When the procurement of the non-set-aside portion has resulted in one contract only, or in multiple awards all at the same price, any awards for the set-aside portion shall be made at the unit price of the non-set-aside portion;

(2) When the procurement of the non-set-aside portion has resulted in multiple awards at different unit prices, any awards for the set-aside portion shall be made at the highest unit price of the non-set-aside portion.

(e) If the entire set-aside portion is not procured by the method set forth in paragraph (d) of this section, the determination referred to in § 1.706–1 is automatically dissolved as to the unawarded portion of the set-aside and such unawarded portion may be procured by advertising or negotiation as appropriate in accordance with existing regulations.

§ 1.706–7 *Contract authority.* Contracts for total or partial set-asides, whether entered into by conventional negotiation (see § 1.706–5 (b) and § 1.706–6 (d)) or by "Small Business Restricted Advertising" (see § 1.706–5 (b)), shall cite as authority 10 U. S. C. 2304 (a) (17) and section 214, Small Business Act of 1953, as amended, in the case of a joint determination, or 10 U. S. C. 2304 (a) (1) through (17), as appropriate, in the case of a unilateral determination.

§ 1.707 *Subcontracting.*

§ 1.707–1 *General policy.* It is the policy of the Department of Defense that small business concerns be afforded an equitable opportunity to compete for Defense subcontracts within their capabilities.

§ 1.707–2 *Required clause.* The clause, "Utilization of Small Business Concerns," set forth in § 7.104–14 of this subchapter, shall be included in all contracts in amounts exceeding $5,000 except—

(a) Contracts for services which are personal in nature; and

(b) Contracts which, including all subcontracts thereunder, are to be performed outside the United States, its Territories, its possessions, and Puerto Rico.

§ 1.707–3 *Defense subcontracting in small business programs.* Each contractor having a prime contract in excess of $1 million which contains the clause required by § 1.707–2 and which, in the opinion of the purchasing activity, offers substantial subcontracting possibilities, will be urged by the purchasing activity to establish and conduct a "Defense Subcontracting Small Business Program" to include the following:

(a) The designation of a Small Business Liaison Officer to be responsible for—

(1) Liaison with the purchasing activity and SBA in small business matters;

(2) Compliance with the Utilization of Small Business Concerns clause; and

(3) Execution of the contractor's "Defense Subcontracting Small Business Program;"

(b) Policies to assure that small business concerns will have an equitable opportunity to compete for subcontracts, with particular regard to solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules suitable to small business participation;

(c) Maintenance of records showing whether or not each prospective subcontractor is a small business concern as defined in §§ 1.701–1 and 1.701–4;

(d) Including the Utilization of Small Business Concerns clause in subcontracts which offer substantial small business subcontracting opportunities;

(e) Requesting subcontractors having subcontracts in excess of $1 million to establish and conduct a "Defense Subcontracting Small Business Program;" and

(f) Submission of such information on subcontracting to small business as is called for on DD Form 1140.

§ 1.707–4 *Responsibility for reviewing subcontracting program.* Only one military department shall be responsible for reviewing a contractor's Defense Subcontracting Small Business Program. Such review shall be the responsibility of—

(a) The military department having industrial mobilization planning cognizance of the plant where the contract is being performed; or

(b) If (a) above is inapplicable, the military department having "plant cognizance procurement" (see § 4.101–2 (b) of this subchapter); or

(c) If neither (a) nor (b) above is applicable, the military department assigned the responsibility through coordinated action of the Director of Small Business for the Department of Defense and the Small Business Advisors of the Department concerned.

The responsible military department will determine the adequacy of the contractor's "Defense Subcontracting Small Business Program," and bring any deficiencies to the attention of the contractor's Small Business Liaison Officer with an appropriate request for corrective action.

§ 1.707–5 *Maintenance of records.* Each military department maintains a record of the extent of subcontracting and subcontracting to small business concerns by contractors which adopt "Defense Subcontracting Small Business Programs" under § 1.707–3. Such information is transmitted semiannually to the Assistant Secretary of Defense (Supply and Logistics). Pertinent records are compiled from submissions on DD Form 1140 (see § 1.707–3 (e)). A contractor which does not adopt a "Defense Subcontracting Small Business Program," or does adopt one but does not furnish subcontracting reports, shall be recorded for the period in question as "Not Reporting."

§ 1.708 *Mobilization planning.* The policy of placing a fair proportion of purchases and contracts with small business concerns (see § 1.702) applies in the field of mobilization planning and each military department shall carry on a continuing study of its production allocation procedures to include the Small Business Program to the maximum practical extent.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 3—PROCUREMENT BY NEGOTIATIONS

SUBPART A—USE OF NEGOTIATIONS

Section 3.104 has been revised by substituting a cross-reference to the new Subpart G in Part 1 of this subchapter. Section 3.104, as revised, reads as follows:

§ 3.104 *Aids to small business in negotiated procurement.* See Part 1, Subpart G, of this subchapter.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

G. C. BANNERMAN,
Director for Procurement Policy, Office of the Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 57–10798; Filed, Dec. 30, 1957; 8:46 a. m.]

[Amdt. 25]

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART B—DEFINITIONS OF TERMS

The definitions of terms in §§ 1.201–4 and 1.201–6 have been revised; new definitions for §§ 1.201–20, 1.201–21 and 1.201–22 have been revised and read as follows:

§ 1.201 *Definitions.* • • •

§ 1.201–4 *Head of a procuring activity.* "Head of a procuring activity" includes, for the Army, the chiefs of the technical services, the Zone of Interior Army commanders, the Chief of the National Guard Bureau, the Commanding General of the Military District of Washington, U. S. Army and the commanding generals of the major oversea commands; for the Navy, the Chief of each Bureau, the Chief of Naval Research, the Aviation Supply Officer, the Commander, Military Sea Transportation Service, and the Commandant of the United States Marine Corps; for the Air Force, the Commander, Air Materiel Command. It also includes the Executive Director of the Military Medical Supply Agency, the Executive Director of the Military Petroleum Supply Agency, and the head of any other procuring activity hereafter established. The number and designation of Heads of Procuring Activities within any military department may be changed by directive of the Secretary.

§ 1.201–6 *Contracts.* "Contracts" means all types of agreements and orders for the procurement of supplies or services. It includes awards and preliminary notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job orders, task orders or task letters thereunder; letter contracts, letters of intent, and purchase orders. It also includes amendments and supplemental agreements with respect to any of the foregoing.

§ 1.201–20 *Contract modification.* "Contract modification" means any written alteration in the specification, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of an existing contract, whether accomplished by unilateral ac-

tion in accordance with a contract provision, or by mutual action of the parties to the contract. It includes (i) bilateral actions such as supplemental agreements and amendments, and (ii) unilateral actions such as change orders, notices of termination, and notices of the exercise of a contract option.

§ 1.201–21 *Amendment and supplemental agreement.* "Amendment and supplemental agreement" are synonymous, and mean any contract modification which is accomplished by the mutual action of the parties.

§ 1.201–22 *Change order.* "Change order" means a written order, signed by the contracting officer, directing the contractor to make changes which the Changes clause of the contract (§§ 7.103–2 and 7.203–2 of this subchapter) authorizes the contracting officer to order without the consent of the contractor.

SUBPART F—DEBARRED, INELIGIBLE, AND SUSPENDED BIDDERS

Section 1.601 has been revised to provide for a Joint Consolidated List of Debarred, Ineligible and Suspended Contractors for use by all of the military departments. The Joint List will be prepared by the Department of the Army upon the basis of information furnished by the other departments. Section 1.601, as revised, reads as follows:

§ 1.601 *Establishment and maintenance of a list of firms or individuals debarred or ineligible.*

§ 1.601–1 *General.* Each military department shall maintain a list of firms and individuals which it has debarred or suspended, to whom contracts will not be awarded, and from whom bids or proposals will not be solicited, in accordance with provisions of this Subpart. The list maintained by each military department will be used only as a basis for the Joint Consolidated List as prescribed in § 1.601–3.

§ 1.601–2 *Information contained in departmental lists.* Each Departmental list shall show as a minimum the following information:

(a) The names of those firms or individuals debarred, ineligible, or suspended (names will be set forth in alphabetical order with appropriate cross-reference where more than one name is involved in a single action);

(b) The basis of authority for each action;

(c) The extent of restrictions imposed; and

(d) The termination date for each debarred listing.

§ 1.601–3 *Joint consolidated list.* By agreement among the military departments, the Department of the Army is responsible for the issuance of a Joint Consolidated List of firms and individuals to whom contracts will not be awarded and from whom bids or proposals will not be solicited. The Joint Consolidated List shall be kept current by notices of additions or deletions and periodic reprinting. Each military department shall furnish, not later than the 5th of each month, to the Office of the Assistant Secretary of the Army (Logistics) (Assistant Judge Advocate General), an alphabetical list of the additions, deletions, or modifications to the Joint Consolidated List, containing the information set forth in § 1.601–2. Each military department shall be responsible for determining the number of copies of the Joint Consolidated List required and for distributing the list within the Department. The Department of the Army will furnish copies to the Assistant Secretary of Defense (Supply & Logistics).

§ 1.601–4 *Protection of lists.* The Joint Consolidated and Departmental Lists, and all correspondence relating thereto, shall be protected to prevent inspection of the contents by anyone other than Government personnel required to have access thereto.

§ 1.601–5 *Sample list.* The Joint Consolidated List and Departmental Lists shall be prepared in accordance with the format of the sample set forth in § 1.608.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

Section 2.405–2 (b) has been revised to authorize subject determinations to be made by the Deputy Director of Procurement, Headquarters, AMC, and Director, Contracts Division, Bureau of Yards and Docks. Section 2.405–2 (b), as revised, reads as follows:

§ 2.405 *Mistakes in bids.* • • •

§ 2.405–2 *Mistakes disclosed after opening and prior to award other than obvious or apparent mistakes of a clerical nature.* • • •

(b) Authority for making the determinations set forth in paragraph (a) of this section may be delegated, without power of redelegation, as set forth below:

(1) Department of the Army: To the Chief, Contracts Branch, Deputy Chief of Staff for Logistics; Chief of Engineers; Chief of Ordnance; The Quartermaster General.

(2) Department of the Navy: To the Director, Contracts Division, Bureau of Yards and Docks; the Assistant Chief for Purchasing, Bureau of Supplies and Accounts.

(3) Department of the Air Force: To the Deputy Director/Procurement, Headquarters, Air Materiel Command.

(R. S. 161, secs. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interprets or applies secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

Section 3.210–2 (o) has been added, to make uniform the application of 10 U. S. C. 2304 (a) (10) in the negotiation of contracts for spare or replacement parts. Section 3.210–2 (o) reads as follows:

§ 3.210 *Supplies or services for which it is impracticable to secure competition by formal advertising* • • •

§ 3.210–2 *Application.* • • •

(o) When the contemplated procurement is for parts or components being procured as replacement parts in support of equipment specially designed by the manufacturer, where data available is not adequate to assure that the part or component will perform the same function in the equipment as the part or component it is to replace.

SUBPART H—PRICE NEGOTIATION POLICIES AND TECHNIQUES

Section 3.808–5 (e) has been revised by insertion of the word "contractually" in the last sentence. Section 3.808–5 (e), as revised, reads as follows:

§ 3.808 *Pricing techniques.* • • •

§ 3.808–5 *Subcontracting* • • •

(e) In cases where the prime contract reserves a right for the contracting officer to review or approve subcontracts, the prime contract shall also reserve to the Government the right to inspect and audit the books and records of such subcontractors. Whenever such first tier subcontracts are of the cost-reimbursement, price redetermination, fixed-price incentive, or time and material type, a similar right shall be reserved to the Government to inspect and audit the books and records of lower tier subcontractors: *provided,* That such a right shall not be reserved contractually below the point where a firm fixed-price subcontract intervenes.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 4—COORDINATED PROCUREMENT

SUBPART B—POLICIES AND GENERAL PRINCIPLES

Sections 4.202, 4.203 and 4.206–1 have been revised to insert the currently applicable reference therein. Sections 4.202–1, 4.202–3, 4.203–1 and 4.206–1 now read as follows:

§ 4.202 *Responsibilities under single procurement.*

§ 4.202–1 *Single department procurement.* The Procuring Department is generally responsible for the following, under single department procurement (for specific assignment of procurement responsibilities, see Department of Defense Instruction Number 4115.1, dated March 18, 1957, Subject: Department of Defense Single Procurement Assignments, and any amendments thereto):

§ 4.202–3 *Plant cognizance procurement.* Responsibilities for procurement and mobilization planning are as set forth in Department of Defense Instruction Number 4115.1, dated March 18, 1957, Subject: Department of Defense Single Procurement Assignments, and any amendments thereto.

§ 4.203 *General principles governing implementation of procurement assignments.*

§ 4.203–1 *Standard format; development and promulgation of implementing procedures.* Implementation of a procurement assignment shall be accomplished in accordance with Section V (Implementation) Department of Defense Instruction 4115.1, dated March 18, 1957, Subject: "Implementation of Department of Defense Single Procurement Assignments," and any amendments thereto.

§ 4.206 *Purchase authorization.*

§ 4.206–1 *MIPR's or other authorized procurement requests.* (a) Military Interdepartmental Purchase Requests or other authorized procurement requests (see Part 16, Subpart F, of this subchapter), when received by the Procuring Department, shall be the authority to procure the supplies listed thereon in accordance with agreements between the military departments concerned. The Procuring Department has no responsibility to determine the validity of a stated requirement in an approved procurement request; however, it should bring to the attention of the Requiring Department apparent errors in the requirement.

(b) In coordinated procurement, the Procuring Department is authorized without referral to the Requiring Department, to deviate by 3 percent of the amount stated for each accounting classification, provided that the sum of such deviation does not exceed 3 percent of the total amount cited in the MIPR. The Procuring Department is authorized to deviate by more than 3 percent in specific assigned commodity areas where mutual agreement has been reached and so indicated in the implementing procedures. This authorization will remain available to the Procuring Department until acceptance is completed or in the case of direct-citation procurement until contract placement is completed, at which time any excess funds on the MIPR will be rescinded by the Requiring Department without the issuance of a formal amendment to the MIPR. The Requiring Department will authorize the percent variation on each MIPR, and will reserve a net amount sufficient to provide for such variation. If the deviation exceeds this percentage, referral to the Requiring Department will be necessary.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 6—FOREIGN PURCHASES

A new Subpart D of Part 6 codifies DoD Directive 4105.29 (which implements the Foreign Assets Control Regulations issued by the Treasury Department in Chapter V, Title 31, Code of Federal Regulations). The new subpart sets forth the restrictions, lists Soviet-controlled areas and also certain supplies which are presumed to have a Soviet-controlled source, and prescribes a contract clause for use in contracts for supplies, services, and construction. § 6.402 provides for limited exceptions to the general policy restricting acquisitions of supplies originating from the prohibited sources. Subpart D reads as follows:

SUBPART D—PURCHASES FROM SOVIET-CONTROLLED AREAS

Sec.
6.401 Restrictions.
6.401–1 General policy.
6.401–2 Soviet-controlled areas.
6.401–3 Certain supplies of foreign origin.
6.401–4 Certain supplies from Hong Kong, Macao, and Soviet-controlled areas.
6.401–5 Supplies from North Korea or China.
6.402 Exceptions.
6.403 Contract clause.

AUTHORITY: §§ 6.401 to 6.403 issued under R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314.

§ 6.401 *Restrictions.*

§ 6.401–1 *General policy.* It is the general policy of the Department of Defense that supplies originating from sources within Soviet-controlled areas shall not be acquired for public use, notwithstanding the provisions of any other Subpart of this Part, and that Government contractors and subcontractors shall not acquire for use in the performance of any Government contract or subcontract thereunder any supplies or services originating from Soviet-controlled areas.

§ 6.401–2 *Soviet - controlled areas.* For the purpose of this Subpart, Soviet-controlled areas are the following:

Albania.
Bulgaria.
China, excluding Taiwan (Formosa), but including Manchuria, Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, the former Kwantung Leased Territory, the present Port Arthur Naval Base Area, and Liaoning Province.
Communist-controlled area of Viet Nam and Communist-controlled area of Laos.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Poland and Danzig.
Rumania.
Union of Soviet Socialist Republics.

§ 6.401–3 *Certain supplies of foreign origin.* The following supplies, if of foreign origin and however processed, shall be presumed to have originated from Soviet-controlled (Chinese) sources and shall not be acquired for public use unless (a) such supplies have been lawfully imported into the United States, its Territories, its possessions, or Puerto Rico, (b) the acquisition is approved by an authorized Treasury Department representative, or (c) the supplies are acquired directly from the countries indicated:

Bamboo, split	None.
Braids, straw	Italy, Japan.
Bristles, hog	None.
Brushes, paint	None.
Eggs, other than chicken	None.
Floor coverings, grass and straw	Japan.
Goat and kid skins	Argentina, Ethiopia (including Eritirea), Iran, Iraq.
Jade, stones, cut	None.
Menthol, natural and synthetic	Brazil.
Silk, Tussah and Muga	None.
Silk piece goods, Tussah and Muga	None.
Tung oil	Argentina, Brazil, Paraguay.
Walnuts	France, Iran, Italy, Turkey.

§ 6.401–4 *Certain supplies from Hong Kong, Macao, and Soviet-controlled areas.* The following supplies, however processed, which are or were located in or transported from or through Hong Kong, Macao, or any Soviet-controlled area (see § 6.401–2) shall be presumed to have originated from Soviet-controlled (Chinese) sources, and shall not be acquired for public use unless (a) such supplies have been lawfully imported into the United States, its Territories, its possessions, or Puerto Rico, or (b) the acquisition is approved by an authorized Treasury Department representative.

Agar-agar.
Antimony.
Bamboo and bamboo manufactures excluding furniture.
Bismuth.
Camphor and camphor oil.
Carpets and carpet wool.
Castor beans and castor oil.
Chinaware.
Citronella oil.
Cotton manufactures.
Cotton waste.
Earthenware.
Glass, window.
Hardware manufactures including furniture.
Linen manufactures excluding wearing apparel.
Mercury.
Molybdenum.
Peanuts and peanut products.
Ramie.
Rugs.
Sesame oil and seed.
Shoes, leather-soled with nonleather uppers.
Silk manufactures, raw silk, and silk waste.
Straw manufactures excluding floor coverings.
Stones, semiprecious, including jewelry.
Tin, ores, bars, blocks, pigs, and alloys.
Tungsten, ores, and concentrates.

§ 6.401–5 *Supplies from North Korea or China.* All supplies, however processed, which are or were located in or transported from or through North Korea or China (as described in § 6.401–2) shall be presumed to have originated from Soviet-controlled (Chinese) sources, and shall not be acquired for public use unless (a) such supplies have been lawfully imported into the United States, its Territories, its possessions, or Puerto Rico, or (b) the acquisition is approved by an authorized Treasury Department representative.

§ 6.402 *Exceptions.* (a) Exceptions from the general policy will be made only pursuant to paragraph (b) of this section. Moreover, such exceptions shall be made only in unusual situations, such as cases of emergency or where supplies are not available from any other source and a substitute supply is not acceptable.

(b) Supplies, other than those covered by § 6.401–3, § 6.401–4, or § 6.401–5, originating from sources within Soviet-

controlled areas (see § 6.401–2) may be procured only when:

(1) The purchase is for $2,500 or less and the contracting officer determines there is a need for an exception in accordance with military department procedures; or

(2) The purchase is for more than $2,500 and an exception is approved by the Secretary.

A copy of the document authorizing any exception pursuant to (2) above shall be transmitted to the Assistant Secretary of Defense (International Security Affairs).

§ 6.403 *Contract clause.* In contracts for supplies, services, or construction, where acceptance is to take place outside the United States, its Territories, its possessions, or Puerto Rico, the Soviet-controlled areas listed in § 6.401–2 shall be set forth in the contract schedule, and the following clause shall be included in the contract:

SOVIET-CONTROLLED AREAS

(a) The Contractor shall not acquire for use in the performance of this contract any supplies or services originating from sources within Soviet-controlled areas, as listed in the Schedule of this contract, or from Hong Kong or Macao, without the written approval of the Contracting Officer.

(b) The Contractor agrees to insert the provisions of this clause, including the Soviet-controlled areas listed in the Schedule and this subparagraph (b), in all subcontracts hereunder.

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Section 7.102 has been amended as follows:

§ 7.102 *Applicability.* As used throughout this subpart, the term "fixed-price supply contract" shall mean any contract (a) entered into either by formal advertising or by negotiation, other than (1) purchase orders for $5,000 or less, (2) letter contracts, (3) preliminary notices of award, and (4) amendments or supplemental agreements to contracts or purchase orders, which do not effect new procurement; (b) at a fixed price (with or without provision for price redetermination, escalation or other form of price revision as covered in § 3.403); and (c) for supplies other than (1) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property, (2) experimental, developmental, or research work, or (3) facilities to be provided by the Government under a "Facilities Contract" as defined in Part 13 of this subchapter (but see §§ 7.104–15 and 7.104–16 with respect to purchase orders).

2. Section 7.103–13 has been amended clarifying the point that a contract is not subject to renegotiation unless required by law. Section 7.103–13, as revised, reads as follows:

§ 7.103–13 *Renegotiation.*

RENEGOTIATION

(a) To the extent required by law, this contract is subject to the Renegotiation Act of 1951 (P. L. 9, 82d Cong., 65 Stat. 7) as amended (P. L. 764, 83d Cong., 68 Stat. 1116; P. L. 216, 84th Cong., 69 Stat. 447), and to any subsequent act of Congress providing for the renegotiation of contracts. Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of Congress heretofore or hereafter enacted. Subject to the foregoing this contract shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951, and by any such other act, without subsequent contract amendment specifically incorporating such provisions.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts, as that term is defined in section 103g of the Renegotiation Act of 1951 or in any subsequent act of Congress providing for the renegotiation of contracts.

3. Section 7.103–15 (previously reserved) has been inserted as follows:

§ 7.103–15 *Soviet-controlled areas.* In accordance with the requirements of § 6.403 of this subchapter, insert the contract clause set forth therein.

4. Section 7.103–18 has been amended by correcting the cross-reference therein cited. Section 7.103–18, as revised, reads as follows:

§ 7.103–18 *Nondiscrimination in employment.* Insert the clause set forth in § 12.802 of this subchapter.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

1. Section 7.202 has been revised as follows:

§ 7.202 *Applicability.* As used throughout this subpart, the term "cost-reimbursement type supply contract" shall mean any contract (other than a letter contract, letter of intent, preliminary notice of award; or amendment or a supplemental agreement to a contract which does not effect new procurment) entered into on a cost or cost-plus-a-fixed-fee basis as covered in § 3.404 of this subchapter for supplies other than (a) the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property, (b) experimental, developmental, or research work, or (c) facilities to be provided by the Government under a "facilities contract" as defined in Part 13 of this subchapter.

2. Section 7.203–25 has been added as follows:

§ 7.203–25 *Soviet-controlled areas.* In accordance with the requirements of § 6.403 of this subchapter, insert the contract clause set forth therein.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 8—TERMINATION OF CONTRACTS

SUBPART G—FORMS

The subject captions in §§ 8.709 and 8.710 are revised as follows:

§ 8.709 *Settlement proposal form for cost reimbursement type contracts.* * * *

§ 8.710 *Notice of audit status date.* DD Form No. 574s: * * *

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 12—LABOR

SUBPART F—WALSH-HEALEY PUBLIC CONTRACTS ACT

Pursuant to regulations of the Secretary of Labor and DoD Instruction 4105.44, § 12.603 (d) has been revised to require the furnishing of three copies of the Individual Procurement Action Report (DD Form 350) to the Department of Labor whenever the Walsh-Healey Public Contracts Act is applicable to a contract. Section 12.603 (d), as revised, reads as follows:

§ 12.603 *Responsibilities of contracting officers.* Whenever the Walsh-Healey Public Contracts Act is applicable, the contracting officer shall, pursuant to regulations or instructions issued by the Secretary of Labor and in accordance with procedures prescribed by each respective military department—

(a) Inform prospective contractors of the possible applicability of minimum wage determinations;

(b) Furnish to the contractor a poster (Form PC–13);

(c) Furnish to the contractor a form letter (Form PC–12) explaining the Walsh-Healey Act;

(d) Prepare and transmit three copies of DD Form 350 (top portion); (see § 16.803–2 (c) of this subchapter);

(e) Report to the Department of Labor any violation of the representations or stipulations required by the Walsh-Healey Act.

SUBPART G—FAIR LABOR STANDARDS ACT OF 1938

Editorial changes have been made to § 12.702. Section 12.702, as revised, reads as follows:

§ 12.702 *Suits against Government contractors.* Payments made pursuant to the provisions of the Fair Labor Standards Act are usually reimbursable under cost or cost-plus-a-fixed-fee contracts. Consequently, each military department has a direct interest in claims and suits under said Act which are made or brought in connection with such contracts. In this connection, procedures have been established, by agreement between the Department of Justice on the one hand and the military departments on the other hand, governing the defense of such Fair Labor Standards Act suits. These procedures in general contemplate the defense of Fair Labor Standards Act suits by private counsel employed by the contractor, the employment of whom is approved by the military department concerned. These procedures must be followed if contractors are to be reimbursed for the amount of any judgment under said Act, or for any litigation expenses (including the reasonable fees of such private counsel).

(R. S. 161, sec. 2202; 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 13—GOVERNMENT PROPERTY

SUBPART E—CONTRACT CLAUSES

1. An editorial change has been made in the clause for fixed-price contracts, in § 13.502 (h). Section 13.502 (h), as revised, reads as follows:

§ 13.502 *Government-furnished property clause for fixed-price contracts.* * * *

(h) Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished Property not consumed in the performance of this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government-furnished Property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

2. The Government Property Clause for cost-reimbursement type contracts, in paragraph (i) of § 13.503, has been revised so as to authorize the omission of inventory schedules for production scrap under certain conditions at the option of the contracting officer. See specifically paragraph (i) and the related text note. Section 13.503, as revised, reads as follows:

§ 13.503 *Government property clause for cost-reimbursement type contracts.* The following clause shall be used in cost-reimbursement type contracts for supplies and services (except contracts for experimental, developmental, or research work with educational or nonprofit institutions, where no profit to the contractor is contemplated) under which a Department is to furnish to the contractor, or the contractor is to acquire for the account of the Government, material, special tooling, or industrial facilities within the policy set forth in § 13.402 (a).

GOVERNMENT PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished Property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished Property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished Property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished Property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provision affected by the return or disposition, or the repair or modification, in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. All Government-furnished Property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred as as "Government Property."

(c) Title to the Government Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall maintain adequate property control records of the Government Property and shall identify the Government Property as such in accordance with the requirements of the "Manual for Control of Government Property in Possession of Contractors" (Appendix B, Armed Services Procurement Regulation), as in effect on the date of the contract, which Manual is hereby incorporated by reference and made a part of this contract.

(d) The Government Property provided or furnished pursuant to the terms of this contract shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer in accordance with sound industrial practice, a program, for the maintenance, repair, protection and preservation of Government Property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of Government Property.

(f) (i) The Contractor shall not be liable for any loss of or damage to the Government Property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) (A) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (I) all or substantially all of the Contractor's business, or (II) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (III) a separate and complete major industrial operation in connection with the performance of this contract; or (B) which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, (I) to maintain and administer, in accordance with sound industrial practice, the program for maintenance, repair, protection and preservation of Government Property as required by paragraph (e) hereof, or (II) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (e) hereof; or (C) for which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule; or (D) which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or (E) which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; provided that, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. This clause shall not be construed as relieving a subcontractor from liability for loss or destruction of or damage to Government Property in its possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, may provide for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government Property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(ii) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government Property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(iii) Upon the happening of loss or destruction of or damage to the Government Property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of (A) the lost, destroyed and damaged Government Property, (B) the time and origin of the loss, destruction or damage, (C) all known interests in com-

mingled property of which the Government Property is a part, and (D) the insurance, if any, covering any part of or interest in such commingled property. The Contractor shall make repairs and renovations of the damaged Government Property or take such other action, as the Contracting Officer directs.

(iv) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government Property, it shall use the proceeds to repair, renovate or replace the Government Property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government Property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government Property for the benefit of the Government.

[1] (v) In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government Property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(g) The Government shall at all reasonable times have access to the premises where any of the Government Property is located.

(h) The Government Property shall remain in the possession of the Contractor for such period of time as is required for the performance of this contract unless the Contracting Officer determines that the interests of the Government require removal of such property. In such case the Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of Government Property. In any such instance, the contract may be amended to accomplish an equitable adjustment in the terms and provisions thereof.

(i) Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government Property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government Property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government Property provided, however, that the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of general overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

[1] For use where applicable.

(j) Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's plant or any portion thereof which is affected by the removal of any Government Property.

(k) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

NOTE: As provided in paragraph (i) of the above clause, the contracting officer may, subject to Departmental procedures, authorize or approve use of the contractor's established scrap disposal and accounting procedures whenever the amount and recoverable value of scrap from the Government property are relatively minor and the contractor's established procedures for accumulating and disposing of scrap and crediting the proceeds thereof to general overhead or other general cost will permit the Government to share equitably in such scrap recovery through a reduction of overhead or other cost factor affecting reimbursement under the contract.

SUBPART F—USE OF GOVERNMENT-OWNED INDUSTRIAL FACILITIES ON WORK OTHER THAN FOR A MILITARY DEPARTMENT

Section 13.601–2 has been revised to conform rental rates with those set forth in ODM Order VII–4, Amdt. No. 2, dated June 18, 1957 (22 F. R. 4417), which provides also that no exception to the rates shall be made without prior ODM approval. Rental rates are now keyed to the actual age of leased facilities, rather than to specific calendar years. Clarifying editorial changes have also been made. Section 13.601–2, as revised, reads as follows:

§ 13.601–2 *Rental.* • • •

§ 13.601–2 *Minimum rent.* Except as provided in § 13.601–3, rental charged under § 13.601 for personal property and equipment constituting industrial facilities shall conform to the following rates, which rates have been determined to be fair and reasonable:

(a) As to metalworking equipment of the types referred to in this subchapter, Appendix B, paragraph 401.2, or Appendix C, paragraph 307.2, rent shall be at the appropriate rate set forth below regardless of the extent and value of any obligations undertaken by the user to provide maintenance or other services.

Age of equipmet	*Monthly rental rate*
0 to 2 years	1¾% of acquisition cost.
Over 2 to 6 years	1½% of acquisition cost.
Over 6 to 10 years	1% of acquisition cost.
Over 10 years	¾% of acquisition cost.

The acquisition cost to be used in determining rental shall be the purchase price of the equipment charged the Government plus costs of transportation to, and installation in, the place where the equipment will be used under the contract or agreement, if such costs are borne by the Government. Transportation and installation costs may be estimated by the contracting officer where the actual costs are not known. When special tooling or accessories are rented with the equipment, equipment acquisition cost shall be increased to include the price charged the Government for such tooling or accessories. If the purchase price is not available or cannot be obtained from the manufacturer of the equipment, the military departments shall obtain an estimated purchase price from the Office of the Assistant Secretary of Defense (Supply and Logistics). On January 1 following the date of manufacture of each item of equipment, such item shall be considered one year old, and on each succeeding January 1 it shall become one year older; and contracts or agreements shall so provide.

(b) As to personal property and equipment constituting industrial facilities other than metalworking equipment covered in paragraph (a) of this section, and with respect to which there are no prevailing commercial rates, a rent at the rate of not less than 1 percent per month of the original acquisition cost of such property or equipment shall be charged.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 15—CONTRACT COST PRINCIPLES

Sections 15.204 (x) and 15.603 have been added to provide for allowance as a contract cost, in cost-reimbursement type contracts, of allocable payments made to funds established by contractors in connection with supplemental unemployment benefit plans under specified conditions. Sections 15.204 (x) and 15.603 read as follows:

SUBPART B—SUPPLY AND RESEARCH CONTRACTS WITH COMMERCIAL ORGANIZATIONS

§ 15.204 *Examples of items of allowable costs.* • • •

(x) Vacation, holiday and severance pay, sick leave and military leave, to the extent required by law, by employer-employee agreement or by the contractor's established policy (with respect to supplemental unemployment benefit plans, see § 15.603).

SUBPART F—COST INTERPRETATIONS

§ 15.603 *Supplemental unemployment benefit plans.*

§ 15.603–1 *Applicability and effective date.* This cost interpretation pertains to § 15.204 (x). It is applicable with respect to all cost-reimbursement type contracts placed on and after 1 October 1957 and, also, to all existing cost-reimbursement type contracts not completed at that date except as to rates of overhead which have been finally agreed upon for particular periods. However, the foregoing sentence does not supersede any express agreement in writing that a different interpretation shall be applicable.

§ 15.603–2 *Conditions governing allowability.* Payments by contractors to funds established in connection with supplemental unemployment benefit plans shall be allowed as a contract cost when:

(a) made to an irrevocable fund or trust for the exclusive benefit of the contractor's employees as a result of an arm's length agreement between the employer and his employees;

(b) accepted by the Internal Revenue Service as deductible for Federal income tax purposes; and

(c) equitably allocated between defense and non-defense business at the plant or division level, whichever is lower, for which payments are calculated: *Provided*, The maximum funding has not been reached for such activity.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 16—PROCUREMENT FORMS

SUBPART C—PURCHASE AND DELIVERY ORDER FORMS

A revised § 16.303 adapts DD Form 1155 for use in procurements negotiated under 10 U. S. C. 2304 (a) (1), (see § 3.201–2 (b) (v)), in amounts of more than $1,000, but not more than $2,500. This has been accomplished by design of a signature page and a form for necessary additional contract clauses. To conform with a new numbering system, designations of the additional papers relating to DD Form 1155 have been changed. A comparison of the new and old numbering systems is as follows:

	Revised Form	*Old Form*
Basic Form	DD 1155	DD 1155
Continuation Sheet	DD 1155c	DD 1155–1
Supplemental Sheet (Signature Page)	DD 1155s	
Reverse side of Basic Form	DD 1155r	DD 1155–2 (Army) Reverse side of DD 1155 (Navy)

DD Form 1155, as revised, shall be used effective 2 January 1958, or when existing stocks of the replaced forms are exhausted, whichever date is earlier.

Section 16.303, as revised, reads as follows:

§ 16.303 *Order for supplies or services (DD Forms 1155, 1155r, 1155c, and 1155s).*

§ 16.303–1 *General.* (a) The following forms are prescribed for use in accordance with the conditions set forth in this § 16.303.

(1) DD Form 1155 (including its reverse side, 1155r), Order for Supplies or Services, provides in one document:

(i) A purchase order, delivery order under a contract, or delivery order on Government agencies outside the Department of Defense;

(ii) A receiving and inspection report;

(iii) A property voucher; and

(iv) A public voucher.

(2) DD Form 1155c, Continuation Sheet, provides additional Schedule space.

(3) DD Form 1155s, Additional General Provisions and Acceptance, used with DD Form 1155 in negotiated procurements of not more than $2,500, provides:

(i) Additional general provisions;

(ii) A block for the contracting officer to mark if the contractor's written acceptance is requested, and

(iii) A space for the contractor's signature when a written acceptance is requested.

(b) The foregoing forms may be used as snap-out manifold forms, as cut sheets, or as reproducible masters, as prescribed by Departmental procedures. DD Form 1155 is designed for mailing in window envelopes, and the use of such envelopes is encouraged.

§ 16.303–2 *Conditions for use*—(a) *General.* The foregoing forms shall be used, as appropriate, regardless of the number of deliveries or payments contemplated, except where utility services are procured under GSA area contracts as provided in Part 5, Subpart H, of this subchapter. When used as purchase orders these forms shall be used only for the purchase of supplies as defined in § 7.102, or for services other than personal services.

(b) *Use as a purchase order of not more than $1,000.* DD Form 1155 shall be used for all purchases of not more than $1,000 negotiated in accordance with Part 3 of this subchapter, provided:

(1) The procurement is unclassified; and

(2) Only the contract clauses set forth on the back of DD Form 1155 are to be used; if additional clauses covering the subject matter of any clause set forth in this subchapter are to be used, the procurement shall be effected by use of some other form authorized by this subchapter or military department procedures.

(c) *Use for negotiated purchases of not more than $2,500.* (1) DD Forms 1155 and 1155s may be used for all negotiated purchases of not more than $2,500, provided:

(i) The procurement is unclassified;

(ii) The public voucher feature of DD Form 1155 is not utilized in a procurement of more than $1,000, and

(iii) Only the contract clauses set forth on the back of DD Form 1155 and on DD Form 1155s are to be used; if additional clauses covering the subject matter of any clause set forth in this subchapter are to be used, the procurement shall be effected by use of some other form authorized by this subchapter or military department procedures.

(2) When DD Form 1155s is used, the contracting officer shall request contractor acceptance thereon if:

(i) The written acceptance of the contractor is necessary for the obligation of funds in accordance with Section 1311, Public Law 663, 83d Congress (31 U. S. C. 200). (When the purchase is for not more that $1,000 or is negotiated pursuant to 10 U. S. C. 2304 (a) (2) or (9), Section 1311 does not require a written acceptance); or

(ii) It is deemed to be in the best interest of the Government to consummate a binding contract between the parties before the contractor undertakes performance.

(d) *Use as a delivery order.* Except as to specialized procurements for which other instructions are given by this subchapter or military department procedures, DD Form 1155 shall be used without monetary limitation as a delivery order for ordering supplies and services:

(1) under indefinite delivery type contracts (see § 3.405–5), including such contracts made by Government agencies outside of the Department of Defense: *Provided*, (i) The order is issued in accordance with, and subject to the terms and conditions of, such contract, and (ii) the order refers to the particular contract involved; and

(2) from Government agencies outside the Department of Defense.

(e) *DD Form 1155c, Continuation Sheet.* DD Form 1155c, Continuation Sheet shall be used if additional Schedule space is required, unless otherwise provided by military department procedures.

SUBPART E—SPECIAL CONTRACTS AND ORDER FORMS

1. The word "continental" has been removed from the last sentence of § 16.502–1. Section 16.502–1, as revised, reads as follows:

§ 16.502 *Negotiated contract form for stevedoring services (DD Form 674).*

§ 16.502–1 *General.* DD Form 674 is a Schedule prescribed for use in the procurement of stevedoring services within the continental limits of the United States. Negotiated contracts for stevedoring services shall consist of DD Form 351 (Cover Page), DD Form 674 (Schedule Page—in lieu of DD Form 351–1), and DD Form 351–2 (Signature Page). (For DD Forms 351 and 351–2, see § 16.202.) When contracting for stevedoring services outside the United States, the provisions of the Schedule will be used as a guide only.

2. Section 16.503–1 has been revised to provide that the subject form will be used overseas as a guide only. Sections 16.503–1 and 16.503–2, as revised, read as follows:

§ 16.503 *Master contract for repair and alteration of vessels (DD Forms 731 and 731–1).*

§ 16.503–1 *General.* DD Form 731 is prescribed to establish in advance the terms upon which a contractor will effect repairs, alterations and additions to vessels under the provisions of job orders issued by contracting activities from time to time. The Master Contract (DD Form 731) shall be entered into with all prospective contractors located within the United States who request ship repair work and who possess the organization and facilities to perform such work satisfactorily. When using Master Contracts in work with prospective contractors located outside of the United States, DD Form 731 shall be used as a guide.

§ 16.503–2 *Inviting bids or quotations for job orders.* When a requirement arises for the type of work covered by the Master Contract within the United States, bids or quotations will be solicited from prospective contractors who have previously executed a Master Contract, and also from prospective contractors, who possess the necessary qualifications and agree to execute a Master Contract before issuance of a Job Order. Whenever a prospective contractor is invited to submit a bid or quotation, the contracting officer shall notify the prospective contractor in reasonable detail of (a) the nature of the work to be performed, (b) the date the vessel will be available, and (c) the date the work is to be completed. In the

event the prospective contractor is willing and able to perform the work, he shall be afforded an opportunity to inspect the work to be accomplished, and then he shall submit a bid or quotation for the performance of the work in accordance with the invitation for bids or request for quotations. If the contracting officer requests prospective contractors to negotiate, he shall also request a breakdown of the price quoted indicating the estimated cost of (1) direct labor, (2) material, (3) overhead, (4) any amount included for contingencies and profit, and (5) such other information as the contracting officer may consider necessary.

SUBPART G—CONTRACT TERMINATION FORMS

1. References to DD Forms in § 16.702–5 have been amended. Section 16.702–5, as revised, reads as follows:

§ 16.702–5 *Inventory schedules (DD Form 542, 543, 544, 545, and 832).* (a) The following forms are prescribed for use by contractors to support settlement proposals submitted on DD Forms 540, 541, or 547:

(1) DD Form 542 (Inventory Schedule A—Metals) and DD Form 542c (Continuation Sheet).

(2) DD Form 543 (Inventory Schedule B—Raw Materials) and DD Form 543c (Continuation Sheet).

(3) DD Form 544 (Inventory Schedule C—Work in Process) and DD Form 544c (Continuation Sheet).

(4) DD Form 545 (Inventory Schedule D—Dies, Jigs, Fixtures, etc., and Special Tools) and DD Form 545c (Continuation Sheet).

In addition, the Inventory Schedule forms may be used for reporting inventory in connection with adjustments under the Changes clause and inventory excess to completed contracts.

(b) DD Form 832 (Termination Inventory Schedule E—Short Form) is prescribed for use by contractors to support settlement proposals submitted on DD Form 831.

2. Section 16.704, as revised, reads as follows:

§ 16.704 *Notice of audit status date (DD Form 547s).* DD Form 547s is prescribed for use by disbursing officers to fix the audit status date in accordance with § 8.511–3.

3. Section 16.706 has been added, as follows:

§ 16.706 *Instructions for use of termination forms.* DD Form 1114 consists of instructions for the use of contract termination settlement and inventory schedule forms.

SUBPART H—MISCELLANEOUS FORMS

Section 16.813 prescribes DD Form 1107 for use as a standardized format for the submission of cost data by contractors when required for the pricing of change orders. This form shall be used effective 1 January 1958, or when existing stocks of similar forms are exhausted, whichever date is earlier. Section 16.813, as revised, reads as follows:

§ 16.813 *Change order price analysis (DD Form 1107).*

§ 16.813–1 *General.* DD Form 1107 (Change Order Price Analysis) provides a standard format for the submission of cost data by contractors when such data are required for the pricing of change orders under fixed-price or for cost-reimbursement type contracts. Contractor reproduction of the form is authorized.

§ 16.813–2 *Conditions for use.* The contracting officer shall request the contractor to submit data required for the pricing of change orders on DD Form 1107, except where the contractor and the contracting officer have agreed otherwise.

§ 16.813–3 *Forms superseded.* This Form supersedes Departmental forms currently used solely for this purpose effective when existing stocks of Departmental forms are exhausted or 1 January 1958, whichever is earlier.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

Paragraph 401.1 of § 30.2, Appendix B, and paragraph 209.1 of § 30.3, Appendix C, have been amended so as to provide for a return to the system of marking in effect before 1953. Plant equipment, special tooling, etc., will now bear the designation of the military department responsible for funding and control of such property. Provision is also made for removal of marking in the event of sale, scrapping, or transfer to another military department.

§ 30.2 *Appendix B—Manual for Control of Government Property in Possession of Contractors.*

* * * * *

PART IV—MISCELLANEOUS PROVISIONS

401. *Identification and commodity classification—marking*

401.1 *Identification.* All Government Property shall be recorded and identified as such by the Contractor promptly upon receipt, and it shall remain so identified so long as it remains in the custody, control or possession of the Cnotractor.

(a) *Extent of identification.*

(i) As a general rule, all Government material shall be identified as Government Property except in those cases where—

(A) No materials of the same type at the same location are owned by the Contractor, his employees, or other contracting agencies.

(B) Adequate physical control is maintained over tool-crib items, guard force items, protective clothing and other items issued for use by individuals in the performance of their work under the contract.

(C) Property is of bulk type or by its general nature of packing or handling precludes adequate marking, as may be determined by the Property Administrator.

(D) Where property is commingled, as authorized by paragraph 206 hereof.

(ii) Government-owned special tooling shall be marked with the designation of the military department responsible for funding and control of such tooling, as follows: Army—"USA", Navy—"USN", and Air Force—"USAF", unless it is determined that such marking will damage the special tooling or is otherwise impracticable. Marking and identification procedures may be expanded by the Department having cognizance over the tooling to include end item reference, drawing number, and such other information as may be desired in a given case.

(iii) Unless already marked in accordance with these instructions, all Government-owned plant equipment, including industrial reserve plant equipment, shall be marked by the Contractor with an identification number, except when the size of the equipment or the nature of the material from which it is made makes it impracticable. When for the above reasons an item of plant equipment cannot be marked with an identification number, it will be assigned an identification number for record purposes, which number shall be shown on the plant equipment property record. Once an identification number has been affixed to an item of plant equipment, the identification will be permanent and will not be changed so long as the equipment remains under the control of the Department of Defense. Identification shall be effected by affixing a metal, fibre, plastic or other plate directly to the equipment; by using indelible ink, acid or electric etch, steel dies, or any other legible, permanent, conspicuous, and tamperproof method. Identification shall consist of the following markings:

(A) An indication of Government-ownership and of the military department responsible for funding and control of the plant equipment, as follows: Army—"USA"; Navy—"USN"; and Air Force—"USAF";

(B) A two-part identification number, furnished by the Government, consisting solely of numerals except as provided in (C) below. The first part shall be the property account number, and the second part shall be a serial number. In case plant equipment furnished by the Government is already identified as property of a military department, no change shall be made in the markings, except as provided in (iv) below.

(C) In the case of items included within a standard departmental registration system, for example, automotive, construction, or weight-handling equipment, application for a proper registration number will be made to the cognizant department, which number shall be used in lieu of any other identification number.

(iv) Identification markings shall be removed prior to sale, scrapping, or transfer of funding and control responsibilities to other military department. The markings so removed shall be shown on the appropriate documents involved. In the case of a transfer, new identification markings, in accordance with the requirements of (ii) or (iii) above, shall be affixed upon receipt of the equipment by the receiving military department.

(b) *Recording identification numbers.* Assigned property identification numbers will be recorded on all applicable receiving documents, shipping documents, and other documents pertaining to the property accounts.

§ 30.3 *Appendix C—Manual for control of Government property in possession of non-profit research and development contractors.*

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209. *Identification and commodity classification—marking.*

209.1 *Identification.*

(a) Government property shall be recorded and identified by the contractor promptly upon receipt as provided in the contract. Marking identification shall be as follows:

(i) An indication of Government ownership and of the military department responsible for funding and control of the plant equipment, as follows: Army—"USA", Navy—"USN", and Air Force—"USAF";

(ii) With respect to plant equipment, a two-part identification number furnished by the Government, consisting solely of numerals except as provided in (iii) below. The first part shall be the property account number; and the second part shall be a serial number. In case plant equipment furnished by the Government is already identified as property of a military department, no change shall be made in the markings, except as provided in (c) below.

(iii) In the case of items included within standard departmental registration system, for example, automotive construction, or weight-handling equipment, application for a proper registration number will be made to the cognizant department, which number shall be used in lieu of any other identification number.

(b) Assigned property identification numbers shall be recorded on applicable property records.

(c) Identification markings shall be removed prior to sale, scrapping, or transfer of funding and control responsibilities to another military department. The markings so removed shall be shown on the appropriate documents involved. In the case of a transfer, new identification markings, in accordance with the requirements of (a) above, shall be affixed upon receipt of the equipment by the receiving military department.

ALBERT FREGOSI,
Colonel, U. S. Army, Acting Director for Procurement Policy, Office of the Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 57–10799; Filed, Dec. 30, 1957; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[Department Circular 530, Eighth Revision]

PART 315—UNITED STATES SAVINGS BONDS

Pursuant to section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U. S. C. 757c), Department Circular No. 530, Seventh Revision, dated May 21, 1952 (31 CFR Part 315), as amended, is hereby further amended and issued as an Eighth Revision effective January 1, 1958, to read as follows:

Subpart A—General Information

Sec.
315.0 Applicability of regulations.
315.1 Official agencies.
315.2 Definition of terms as used in the regulations in this part.

Subpart B—Registration

315.5 General.
315.6 Restrictions.
315.7 Authorized forms of registration.
315.8 Unauthorized registration.

Subpart C—Limitations on Holdings

315.10 Amount which may be held.
315.11 Computation of amount.
315.12 Disposition of excess.

Subpart D—Limitation of Transfer or Pledge

315.15 Limitation on transfer or pledge.
315.16 Pledge under Department Circulars Nos. 154 and 657.

Subpart E—Limitation on Judicial Proceedings; No Stoppage or Caveats Permitted

315.20 General.
315.21 Payment to judgment creditors.
315.22 Payment or reissue pursuant to judgment.
315.23 Evidence necessary.

Subpart F—Lost, Stolen, Mutilated, Defaced, or Destroyed Bonds

Sec.
315.25 Relief in case of loss, etc., after receipt by owner.
315.26 Relief in case of nonreceipt.

Subpart G—Interest

315.30 General.
315.31 Appreciation bonds.
315.32 Current income bonds.

Subpart H—General Provisions for Payment and Redemption

315.35 Provisions applicable both before and after maturity.
315.36 Before maturity.
315.37 At or after maturity.
315.38 Requests for payment.
315.39 Certifying officers.
315.40 General instructions to certifying officers.
315.41 Interested person not to certify.
315.42 Presentation and surrender.
315.43 Partial redemption.
315.44 Nonreceipt or loss of checks issued in payment.

Subpart I—Reissue and Denominational Exchange

315.45 General.
315.46 Requests for reissue.
315.47 Effective date.
315.48 Correction of errors.
315.49 Change of name.

Subpart J—Minors and Persons Under Other Legal Disability, and Absentees

315.50 Payment to representative of the estate.
315.51 Payment to minors.
315.52 Payment to a parent or other person on behalf of a minor.
315.53 Payment or reinvestment upon request of voluntary guardian of incompetent.
315.54 Reissue.

Subpart K—A Natural Person as Sole Owner

315.55 Payment.
315.56 Reissue for certain purposes.

Subpart L—Two Natural Persons as Coowners

315.60 During the lives of both coowners.
315.61 After the death of one or both coowners.
315.62 Upon death of both coowners in a common disaster, etc.

Subpart M—Two Natural Persons as Owner and Beneficiary

315.65 During the lifetime of the registered owner.
315.66 After the death of the registered owner.

Subpart N—Deceased Owners

315.70 Payment or reissue on death of owner.

Subpart O—Fiduciaries

315.75 Payment.
315.76 Reissue.
315.77 Requests for reissue or payment prior to maturity.
315.78 Requests for payment at or after maturity.

Subpart P—Payment or Reissue of Bonds Registered in the Names of Private Organizations (Corporations, Associations, Partnerships, etc.) and Governmental Agencies, Units and Officers

315.80 Payment to corporations or unincorporated associations.
315.81 Payment to partnerships.
315.82 Reissue or payment to successors of corporations, unincorporated associations or partnerships.
315.83 Reissue or payment on dissolution of corporation or partnership.
315.84 Payment to institutions (churches, hospitals, homes, schools, etc.).
315.85 Reissue in name of trustee or agent for investment purposes.
315.86 Reissue upon termination of investment agency.
315.87 Payment to governmental agencies and units.
315.88 Payment to Government officers.

Subpart Q—Further Provisions

315.90 Regulations prescribed.
315.91 Waiver of regulations.
315.92 Additional evidence; bond of indemnity.
315.93 Preservation of rights.
315.94 Supplements, amendments, or revisions.

AUTHORITY: §§ 315.1 to 315.94 issued under sec. 22, 49 Stat. 21, as amended; 31 U. S. C. 757c.

SUBPART A—GENERAL INFORMATION

§ 315.0 *Applicability of regulations.* The regulations in this part apply generally to all United States Savings Bonds of all series of whatever designation, bearing any issue dates whatever, except as otherwise specifically provided herein.

§ 315.1 *Official agencies.* The Bureau of the Public Debt of the Treasury Department is charged with matters relating to United States Savings Bonds. Transactions in savings bonds after original issue are largely conducted by the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago 5, Illinois, the Federal Reserve Banks and Branches, as fiscal agents of the United States, and the Treasurer of the United States, Treasury Department, Washington 25, D. C. Correspondence in regard to any such transactions and requests for appropriate forms should be addressed to the office in Chicago or the Federal Reserve Bank of the district in which the correspondent is located or the Treasurer of the United States, except that any specific instructions given elsewhere in this part for addressing correspondence regarding particular transactions should be observed. Notices or documents not filed in accordance with instructions in the regulations in this part will not be recognized. The Federal Reserve Banks and Branches are located in the cities indicated by their names, as follows:

Federal Reserve Bank of Boston.

Federal Reserve Bank of New York: Buffalo Branch.

Federal Reserve Bank of Philadelphia.

Federal Reserve Bank of Cleveland: Cincinnati Branch, Pittsburgh Branch.

Federal Reserve Bank of Richmond: Baltimore Branch, Charlotte Branch.

Federal Reserve Bank of Atlanta: Birmingham Branch, Jacksonville Branch, Nashville Branch, New Orleans Branch.

Federal Reserve Bank of Chicago: Detroit Branch.

Federal Reserve Bank of St. Louis: Little Rock Branch, Louisville Branch, Memphis Branch.

Federal Reserve Bank of Minneapolis: Helena (Montana) Branch.

Federal Reserve Bank of Kansas City: Denver Branch, Oklahoma City Branch, Omaha Branch.

Federal Reserve Bank of Dallas: El Paso Branch, Houston Branch, San Antonio Branch.

Federal Reserve Bank of San Francisco: Los Angeles Branch, Portland (Oregon) Branch, Salt Lake City Branch, Seattle Branch.

§ 315.2 *Definition of terms as used in the regulations in this part.* (a) "An incompetent" means any person who is under legal disability for reasons other than minority and includes individuals whose estates have been placed under the administration of a guardian or custodian because of the age, physical disability, or wishes of the individual.

(b) "Authorized issuing agent" means an incorporated bank, trust company, savings bank, federal savings and loan association, instrumentality of the United States or other organization qualified as an issuing agent under the provisions of Department Circular No. 657, as amended and supplemented (Part 317 of this Chapter).

(c) "Authorized paying agent" means an incorporated bank, trust company, savings bank, savings and loan association, or other organization qualified as a paying agent under the provisions of Department Circular No. 750, Revised (Part 321 of this chapter).

(d) "Court" means a court which has jurisdiction over the parties and subject matter.

(e) "Federal Reserve Bank" includes any Branch of a Federal Reserve Bank.

(f) "Extended maturity date" means the date of expiration of any period (hereinafter called "optional extension period") after the "maturity date" during which the owner has the option of retaining bonds at further interest under the provisions of the Department circular offering them for sale.[1]

(g) "Extended maturity value" means the value of a bond at the end of the optional extension period.

(h) "Maturity date" means the date on which the bond will mature by the terms of the Department circular offering it for sale without regard to any optional extension period.

(i) "Maturity value" and "face value" of a bond are used interchangeably unless otherwise indicated. They refer to the value of a bond on its maturity date.

(j) "Payment" and "redemption" are used interchangeably, unless otherwise indicated. They refer to the payment of a savings bond in accordance with the governing regulations.

(k) "Personal trust estate" means a trust estate established by natural persons in their own right, for the benefit of themselves or other such natural persons, in whole or in part, and common trust funds comprised in whole or in part of such trust estates.

(l) "Presented and surrendered" and "presentation and surrender" mean the actual receipt of the bond, with an appropriate request for the particular transaction, by the Bureau of the Public Debt, Chicago office or Washington office, the Treasurer, of the United States, or a Federal Reserve Bank, or, if the transaction is one which an authorized paying agent may handle, receipt by such authorized paying agent.

(m) "Representative of a minor's estate," "representative of an incompetent's estate," or "representative of an absentee's estate" means a guardian, conservator, or similar representative of the estate of a minor, incompetent, or absentee appointed by court or otherwise legally qualified, regardless of the title by which designated. These terms do not refer to a voluntary or natural guardian, such as a parent, including a parent to whom custody of a child has been awarded through divorce proceedings or a parent by adoption, or to the executor or administrator of the estate of a decedent.

(n) "Reissue" means the cancellation and retirement of a bond and the issue of a new bond or bonds of the same series, amount (maturity value) (or the remainder thereof in case of partial redemption), and issue date.

[1] Bonds of Series E bearing issue dates prior to May 1, 1957, have an optional extension period. Bonds of other series do not have this feature.

SUBPART B—REGISTRATION

§ 315.5 *General.* United States Savings Bonds are issued only in registered form. The form of registration used must express the actual ownership of and interest in the bond and, except as otherwise specifically provided in Subpart E and § 315.48 of Subpart I of this part, will be considered as conclusive of such ownership and interest. No designation of an attorney, agent, or other representative to request or receive payment on behalf of the owner or a coowner, nor any restriction on the right of the owner or a coowner to receive payment of the bond or interest, other than as provided in these regulations, may be made in the registration or otherwise. In order to avoid difficulty when redemption or reissue is requested or in collecting interest on current income bonds, and for the protection of the persons intended to be designated as owners, coowners, or beneficiaries, it is very important that requests for registration be clear, accurate and complete, that the registration conform with one of the forms set forth in this subpart, and that the registration of all securities owned by the same person, organization or fiduciary estate be uniform. The post office address should include, where appropriate, the street and number, postal zone, and route or any other local feature. The owner, coowner or beneficiary should be designated by the name by which he is ordinarily known or the one under which he does business, including preferably at least one full given name. The name should be preceded by any applicable title, such as "Dr." or "Rev.," or followed by "M. D.," "D. D." or other similar designation. The designation "Sr." or "Jr." should be used whenever applicable. The name of a woman should be preceded by "Miss" or "Mrs." unless some other applicable title or designation is used. A married woman's own given name, not that of her husband, should be used, for example, "Mrs. Mary A. Jones," not "Mrs. Frank B. Jones."

§ 315.6 *Restrictions*—(a) *Restrictions as to residence.* The registration of savings bonds is restricted on original issue, but not on authorized reissue, to include only persons (whether natural persons or others) who are:

(1) Residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone;

(2) Citizens of the United States temporarily residing abroad;

(3) Civilian employees of the United States or members of its Armed Forces, regardless of their residence or citizenship; and

(4) Other natural persons as coowners with, or beneficiaries on death of, natural persons of any of the above classes;

except that the registration of savings bonds, whether on original issue or reissue, is not authorized in any form to include the name of any alien who is a resident of any area with respect to which the Treasury Department restricts or regulates the delivery of checks drawn against funds of the United States or any agency or instrumentality thereof.[2]

(b) *Restrictions as to minority or incompetency.* (1) Bonds purchased by another person with funds belonging to a minor should be registered in the name of the minor without a coowner or beneficiary. If there is a representative of the minor's estate, the bonds should be registered in the name of the minor, or in the name or names of all such representatives, followed in either case by an appropriate reference to the guardianship. Bonds purchased by a representative of two or more minors, even though appointed in a single proceeding, should be registered in a form to show each guardianship estate separately. If a bond is purchased as a gift to a minor and either the donor or the minor resides in a State which by statute authorizes the donor to designate an adult as custodian for the minor, the bond may be registered as provided in the statute if such registration includes a clear reference to the statute. If no reference to the statute is included in the registration set forth in the statute a parenthetical reference identifying the statute must be added. A father or mother, as such, or as natural guardian, is not considered a representative for purposes of registration. See examples of forms of registration under § 315.7 (b). A minor, whether or not under legal guardianship, may be named as owner, coowner, or beneficiary on bonds purchased by another person with that person's own funds. A minor may name a coowner or beneficiary on bonds purchased by him from his wages, earnings, or other funds belonging to him and under his control.

(2) Bonds should not be registered in the name of an incompetent, unless there is a legal representative of his estate, except under the provisions of § 315.53. If there is a legal representative the provisions of the preceding paragraph, as to registration in the name of the legal representative or in the name of the incompetent followed by reference to the guardianship, apply.

§ 315.7 *Authorized forms of registration.* Subject to any limitations or restrictions contained in these regulations on the right of any person to be named as owner, coowner, or beneficiary, savings bonds may be registered in the following forms:[3]

[2] See Department Circular No. 655, as amended (31 CFR 211).

(a) *Natural persons.* In the names of natural persons in their own right.

(1) *Single owner.* Example:

"John A. Jones."

(2) *Coownership form—two persons (only).* In the alternative as coowners. Example:

"John A. Jones or Mrs. Ella S. Jones."

No other form of registration establishing coownership is authorized.

(3) *Beneficiary form—two persons (only).* Examples:

"John A. Jones payable on death to Mrs. Ella S. Jones;"

"John A. Jones P. O. D. Mrs. Ella S. Jones."

"Payable on death" may be abbreviated to "P. O. D." as indicated in the last example. The first named person is hereinafter referred to as the owner and the second named person as the beneficiary.

(b) *Fiduciaries and private or public organizations.* Only the single owner form of registration is available for bonds owned by other than natural persons, and the registration used must conform to the forms authorized in this paragraph.

(1) *Fiduciaries.* In the name of any persons or organizations, public or private, as fiduciaries, except where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation or service.

(i) *Guardians, custodians, conservators, etc.* In the name and title of the legally appointed, designated or authorized representative or representatives of the estate of a minor, incompetent, aged, absentee, etc., or in the name of a minor, incompetent, or absentee, followed by an appropriate reference to the guardianship. The registration should show the nature of the incompetency or refer to the statute authorizing the appointment of the representative. If the statute requires particular wording, as in most gift to minors statutes, the wording required by the statute should be used. Examples:

"William C. Jones, guardian (or conservator, trustee, etc.) of the estate of James F. Brown, a minor (or an incompetent, aged, infirm, or absentee)."

"John Smith, a minor (or incompetent, aged, infirm, or absentee), under legal guardianship (or conservatorship or trusteeship, etc.) of Henry C. Smith."

"John Smith, under legal guardianship of Henry Smith pursuant to Sec. 670.5, Code of Iowa 1950."

"John Smith, a minor (or incompetent) under custodianship by designation of the Veterans Administration."

"John Smith, an incompetent for whom Henry C. Smith has been designated trustee by the Department of the Army pursuant to 37 U. S. C. 351–354."

"William C. Jones, as custodian for John Smith, a minor, under the California Gifts of Securities to Minors Act."

"William C. Jones, as custodian for John Smith, a minor, under the laws of the State of Georgia (Chapter 48–3, Ga. Code Anno.)."

(ii) *Executors, administrators, etc.* (*a*) In the name of the representative or representatives of the estate of a decedent appointed by a court or otherwise legally qualified. The registration should include the name of the decedent and the name or names of all representatives. The name and title of the representative must be followed by adequate identifying reference to the estate. Example:

"John Smith, executor of the will (or administrator of the estate) of Henry J. Smith, deceased."

(*b*) In the name of an executor authorized to administer a trust under the terms of a will although he is not named as trustee. Example:

"John Smith, executor of the will of Henry J. Smith, deceased, in trust for Mrs. Jane Smith, with remainder over."

(iii) *Trustees.* In the name and title (or title alone where hereinafter provided) of the trustee or trustees of a single duly constituted trust estate (which will be considered as an entity), substantially in accordance with the examples set forth in this subparagraph. Unless otherwise indicated, an adequate identifying reference should be made to the trust instrument or other authority creating the trust. A common trust fund established and maintained according to law by a financial institution duly authorized to act as a fiduciary will be considered as a single duly constituted trust estate within the meaning of the regulations in this part.

(*a*) *Will, deed of trust, agreement, or similar instrument.* Examples:

"John Smith and the First National Bank, trustees under the will of Henry J. Smith, deceased."

"The Second National Bank, trustee under an agreement with George E. White, dated February 1, 1935."

If the authority creating the trust designates by title only an officer of a board or an organization as trustee, only the title of the officer should be used in the registration. Example:

"Chairman, Board of Trustees, First Church of Christ, Scientist, of Chicago, Illinois, in trust under the will of Henry J. Smith, deceased."

If the trustees are too numerous to be designated in the inscription by names and title, the names or some of the names may be omitted. Examples:

"John Smith, Henry Jones, et al., trustees under the will of Henry J. Smith, deceased."

"Trustees under the will of Henry J. Smith, deceased."

(*b*) *Pension, retirement or similar fund, or Employees' savings plan.* In the name and title (or title alone) of the trustee or trustees of a pension, retirement or similar fund, or an employees' savings plan. If the instrument creating the trust provides that the trustees shall serve for a limited term, the names of the trustees may be omitted. Examples:

"First National Bank and Trust Company, trustee of the Employees' Savings Plan of Jones Company, Inc., U/A dated ----------, 195--."

"Trustees of the Employees' Savings Plan of Johnson Company, Inc., U/A dated ----------, 195--."

"First National Bank, trustee of pension fund of Industrial Manufacturing Company, under agreement with said company dated March 31, 1949."

"Trustees of Retirement Fund of Industrial Manufacturing Company, under resolution adopted by its board of directors on March 31, 1949."

(*c*) *Funds of a lodge, church, society, or similar organization.* If the funds of a lodge, church, society, or similar organization, whether incorporated or not, are held in trust by a trustee or trustees or a board of trustees, only the title should be used in the registration. Examples:

"Trustees of the First Baptist Church, Akron, Ohio, acting as a Board under Section 15 of its by-laws."

"Trustees of Jamestown Lodge No. 1,000 Benevolent and Protective Order of Elks, under Section 10 of its by-laws."

"Board of Trustees of the Lotus Club, Washington, Indiana, under Article X of its constitution."

(*d*) *Public officers, corporations, or bodies.* If a public officer, public corporation, or public body acts as trustee under express authority of law, only the title should be used in the registration. Examples:

"Sinking Fund Commission, trustee of State Highway Certificates of Indebtedness Sinking Fund, under Section 5972, Code of South Carolina."

"Warden, Illinois State Penitentiary, Joliet Branch, Trustee of Inmates' Amusement Fund, under Chapter 23, Sections 34a and 34b, Illinois Revised Statutes, 1941."

(*e*) *School, class, or activity fund.* If the principal or other officer of a public, private, or parochial school acts as trustee for the benefit of the student body or a class, group, or activity thereof, only the title should be used in the registration, and if the amount purchased for any one fund does not exceed $500 (maturity value), no reference need be made to a trust instrument. Examples:

"Principal, Western High School, in trust for Class of 1955 Library Fund."

"Director of Athletics, Western High School, in trust for Student Activities Association under resolution adopted May 12, 1955."

(iv) *Life tenants.* In the name of a life tenant, followed by adequate identifying reference to the instrument creating the life tenancy. Example:

"Mrs. Jane Smith, life tenant under the will of Henry J. Smith, deceased."

(v) *Investment agents.* In the name of a bank, trust company, or other financial institution, or individual, holding funds of a religious, educational, charitable, or nonprofit organization, whether or not incorporated, as agent under an agreement with the organization for the sole purpose of investing and reinvesting the funds and paying the income to the organization. The name and designation of the agent should be followed by an adequate identifying reference to the agreement. Examples:

"Black County National Bank, fiscal agent, under agreement with the Evangelical Lu-

[3] Any question as to the correct form of registration should be promptly submitted to the Federal Reserve Bank of the district or the Bureau of the Public Debt, Division of Loans and Currency, 536 South Clark Street, Chicago 5, Illinois.

theran Church of The Holy Trinity, dated December 28, 1949."

"First National Bank and Trust Company, investment agent, under agreement with Central City Post No. 1000, Department of Illinois, American Legion."

(2) *Private organizations (corporations, associations, and partnerships, etc.).* In the name of any private organization, but not in the names of commercial banks, which are defined for this purpose as those accepting demand deposits. The full legal name of the organization, without mention of any officer or member by name or title, should be used, as follows:

(i) *A corporation.* A business, fraternal, religious, or other private corporation, followed preferably by the words "a corporation" (unless the fact of incorporation is shown in the name). Examples:

"Smith Manufacturing Company, a corporation."

"Jones and Brown, Inc."

(ii) *An unincorporated association.* An unincorporated lodge, society, or similar self-governing association, followed preferably by the words "an unincorporated association." The term "an unincorporated association" should not be used to describe a trust fund, a board of trustees, a partnership, or a business conducted under a trade name or as a sole proprietorship. If the association is chartered by or affiliated with a parent organization, the name or designation of the subordinate or local organization should be given first, followed by the name of the parent organization. The name of the parent or national organization may be placed in parentheses and, if it is well known, may be abbreviated. Examples:

"The Lotus Club, an unincorporated association."

"Local 447, Brotherhood of Railroad Trainmen, an unincorporated association."

"Eureka Lodge No. 317 (A. F. & A. M.), an unincorporated association."

(iii) *A partnership.* A partnership (which will be considered as an entity), followed by the words "a partnership." Examples:

"Smith and Brown, a partnership."

"Acme Novelty Company, a partnership."

(iv) *Institutions (churches, hospitals, homes, schools, etc.).* In the name of a church, hospital, home, school, or similar institution conducted by a private organization or by private trustees, regardless of the manner in which it is organized or governed or title to its property is held. Examples:

"Shriners' Hospital for Crippled Children, St. Louis, Missouri."

"St. Mary's Roman Catholic Church, Albany, New York."

"Rodeph Shalom Sunday School, Philadelphia, Pennsylvania."

(3) *Governmental units, agencies, and officers.* In the full legal name or title of the owner or official custodian of public funds, other than trust funds, as follows:

(i) Any governmental unit, as a state, county, city, town, village, or school district. Examples:

"State of Maine."

"Town of Rye, New York (Street Improvement Fund)."

(ii) Any board, commission, government owned corporation, or other public body duly constituted by law. Example:

"Maryland State Highway Commission."

(iii) Any public officer designated by title only. Example:

"Treasurer, City of Chicago."

(c) *Treasurer of the United States as coowner or beneficiary.* Those who desire to do so may make gifts to the United States by designating the Treasurer of the United States as coowner or beneficiary. Bonds so registered may not be reissued to change the designation. Examples:

"John A. Jones or the Treasurer of the United States of America."

"John A. Jones P. O. D. the Treasurer of the United States of America."

§ 315.8 *Unauthorized registration.* A savings bond inscribed in a form not substantially in agreement with one of those authorized by this subpart will not be considered as validly issued, except that once it is established that the bond can be reissued in a form of registration which is valid under these regulations it will be considered as having been validly issued from the date of original issue.

SUBPART C—LIMITATIONS ON HOLDINGS

§ 315.10 *Amount which may be held.* The amounts of savings bonds of each series, issued in any one calendar year, which may be held by any one person at any one time, computed in accordance with the provisions of § 315.11, are limited as follows: [4]

(a) *Series E.* $5,000 (maturity value) for each calendar year up to and including the calendar year 1947; $10,000 (maturity value) for the calendar years 1948 to 1951, inclusive; $20,000 (maturity value) for the calendar years 1952 to 1956, inclusive; $10,000 (maturity value) for the calendar year 1957 [5] and each calendar year thereafter; except that trustees of an employees' savings plan (as defined in § 316.8 of Department Circular No. 653, Fourth Revision, as amended) may purchase $2,000 (maturity value) multiplied by the highest number of employees participating in the plan at any time during the calendar year in which the bonds are issued.

(b) *Series H.* $20,000 (maturity value) for each calendar year up to and including the calendar year 1956, and $10,000 (maturity value) for the calendar year 1957 [5] and each calendar year thereafter.

§ 315.11 *Computation of amount*—(a) *Definition of "person".* The term "person" for purposes of this section shall mean any legal entity and shall include but not be limited to natural persons, corporations (public or private), partnerships, unincorporated associations, and trust estates. The holdings of each person individually and his holdings in any fiduciary capacity authorized by the regulations in this part, such as, for example, his holdings as a guardian of the estate of a minor, as a life tenant, or as trustee under a will or deed of trust, shall be computed separately. A pension or retirement fund or an investment, insurance, annuity or similar fund or trust will be regarded as an entity regardless of the number of beneficiaries or the manner in which their respective interests are established or determined. Segregation of individual shares as a matter of bookkeeping or as a result of individual agreements with beneficiaries or the express designation of individual shares as separate trusts will not operate to constitute separate trusts under the regulations in this part.

(b) *Bonds that must be included in computation.* Except as provided in paragraph (c) of this section, there must be taken into account in computing the holdings of each person:

(1) All bonds registered in the name of that person alone;

(2) All bonds registered in the name of the representative of the estate of that person;

(3) All bonds originally registered in the name of that person as coowner or reissued at the request of the original owner to add the name of that person as coowner or to designate him as coowner instead of as beneficiary. However, the amount of bonds of Series E and H held in coownership form may be applied to the holdings of either of the coowners but will not be applied to both, or the amount may be apportioned between them.

(c) *Bonds that may be excluded from computation.* There need not be taken into account:

(1) Bonds on which that person is named beneficiary;

(2) Bonds in which his interest is only that of a beneficiary under a trust;

(3) Bonds to which he has become entitled under § 315.66 as surviving beneficiary upon the death of the registered owner, as an heir or legatee of the deceased owner, or by virtue of the termination of a trust or the happening of any other event;

(4) Bonds of Series E purchased with the proceeds of matured bonds of Series A, Series C–1938, and Series D, where such matured bonds were presented for that purpose;

(5) Bonds of Series E bearing issue dates from March 1, 1941, to December 1, 1945, inclusive, held by individuals in their own right which are not more than $5,000 (maturity value) in excess of the prescribed limit;

(6) Bonds of Series E or Series H reissued under § 315.60 (b) (1);

(7) Bonds of Series E or Series H reissued in the name of a trustee of a personal trust estate which did not represent excess holdings prior to such reissue.

§ 315.12 *Disposition of excess.* If any person at any time acquires savings bonds issued during any one calendar year in excess of the prescribed amount, the excess must be immediately surrendered for refund of the purchase price, less (in the case of current income bonds) any interest which may have been paid thereon, or for such other adjustment as may be possible. For good cause found the Secretary of the Treasury may permit excess holdings to stand in any particular case or class of cases.

SUBPART D—LIMITATION ON TRANSFER OR PLEDGE

§ 315.15 *Limitation on transfer or pledge.* Savings bonds are not transferable and are payable only to the owners named thereon, except as specifically provided in the regulations in this part and then only in the manner and to the extent so provided. A savings bond may not be hypothecated, pledged as collateral, or used as security for the performance of an obligation, except as provided in § 315.16.

§ 315.16 *Pledge under Department Circulars Nos. 154 and 657.* A savings bond may be pledged by the registered owner in lieu of surety under the provisions of Department Circular No. 154, Revised, if the bond approving officer is the Secretary of the Treasury, in which case an irrevocable power of attorney shall be executed authorizing the Secretary of the Treasury to request payment. A savings bond may also be deposited as security with a Federal Reserve Bank under the provisions of Department Circular No. 657, as amended and supplemented, by an institution certified under that circular as an issuing agent for savings bonds of Series E.

SUBPART E—LIMITATION ON JUDICIAL PROCEEDINGS; NO STOPPAGE OR CAVEATS PERMITTED

§ 315.20 *General.* (a) No judicial determination will be recognized which would give effect to an attempted voluntary transfer inter vivos of a bond or would defeat or impair the rights of survivorship conferred by these regulations upon a surviving coowner or beneficiary, and all other provisions of this subpart are subject to this restriction. Otherwise, a claim against an owner or coowner of a savings bond and conflicting claims as to ownership of, or interest in, such bond as between coowners or between the registered owner and beneficiary will be recognized, when established by valid judicial proceedings, upon presentation and surrender of the bond, but only as specifically provided in this subpart.

(b) Neither the Treasury Department nor any agency for the issue, reissue, or redemption of savings bonds will accept notices of adverse claims or of pending judicial proceedings or undertake to protect the interests of litigants who do not have possession of a bond.

§ 315.21 *Payment to judgment creditors.*—(a) *Creditors.* Payment (but not reissue) of a savings bond registered in single ownership, coownership, or beneficiary form will be made to the purchaser at a sale under a levy or to the officer authorized to levy upon the property of the registered owner or coowner under appropriate process to satisfy a money judgment. Payment will be made to such purchaser or officer only to the extent necessary to satisfy the judgment and will be limited to the redemption value current sixty days after the termination of judicial proceedings or current at the time the bond is received, whichever is smaller. Payment of a bond registered in coownership form pursuant to a judgment or levy against only one of the coowners will be limited to the extent of that coowner's interest in the bond; this interest may be established by an agreement between the coowners or by a judgment, decree, or order of court entered in a proceeding to which both coowners are parties.

(b) *Trustees in bankruptcy and receivers.* Payment of a savings bond will be made to a trustee in bankruptcy, a receiver of an insolvent's estate, a receiver in equity, or a similar officer of the court, under the applicable provisions of paragraph (a) of this section, except that payment will be made at the redemption value current on the date of payment.

§ 315.22 *Payment or reissue pursuant to judgment*—(a) *Divorce.* A decree of divorce ratifying or confirming a property settlement agreement or otherwise settling the respective interests of the parties in a bond will not be regarded as a proceeding giving effect to an attempted voluntary transfer under the provisions of § 315.20. Consequently, reissue of a savings bond may be made to eliminate the name of one spouse as owner, coowner or beneficiary, or to substitute the name of one spouse for that of the other as owner, coowner or beneficiary pursuant to such a decree. The evidence required under § 315.23 must be submitted in any case. In cases where the decree does not set out the terms of the property settlement agreement a certified copy of the agreement must also be submitted, and in any case where the bonds are presently registered with a person other than one of the spouses as owner or coowner there must be submitted either a request for the reissue by such person or a judgment, decree, or order of court entered in a proceeding to which he was a party, determining the extent of the interest in the bond held by the spouse whose name is to be eliminated, and reissue will be permitted only to the extent of the spouse's interest in the bonds. Payment rather than reissue will be made if requested.

(b) *Gifts causa mortis.* A bond belonging solely to one person will be paid or reissued on the request of the person found by a court to be entitled thereto by reason of a gift causa mortis by the sole owner.

(c) *Date for determining rights.* For the purpose of determining whether or not reissue shall be made under this section pursuant to judicial proceedings, the rights of all parties involved shall be those existing under the regulations in this part at the time of the entry of the final judgment, decree, or order.

§ 315.23 *Evidence necessary.* To establish the validity of judicial proceedings, there must be submitted certified copies of a final judgment, decree, or order of court and of any necessary supplementary proceedings. If the judgment, decree, or order of court was rendered more than six months prior to the presentation of the bond, there must also be submitted a certificate from the clerk of the court, under its seal, dated within six months of the presentation of the bond showing that the judgment, decree, or order of court is in full force. A request for payment by a trustee in bankruptcy must be supported by duly certified evidence of his appointment and qualification. A request for payment by a receiver of an insolvent's estate must be supported by a copy of the order appointing him, certified by the clerk of the court, under its seal, as being in full force on a date not more than six months prior to the date of the presentation of the bond. A request for payment by a receiver in equity or a similar officer of the court, other than a receiver of an insolvent's estate, must be supported by a copy of an order authorizing him to present the bond for redemption, certified by the clerk of the court, under its seal, as being in full force on a date not more then six months prior to the presentation of the bond.

SUBPART F—LOST, STOLEN, MUTILATED, DEFACED, OR DESTROYED BONDS

§ 315.25 *Relief in case of loss, etc., after receipt by owner.* Relief either by the issue of a substitute bond marked "DUPLICATE" or by payment may be given in case of the loss, theft, destruction, mutilation, or defacement of a savings bond after receipt by the owner or his representative. Such relief will be granted only after compliance with the provisions of this section, and in cases of loss or theft relief will not ordinarily be granted until six months after the date of receipt by the Treasury Department of the notice of such loss or theft.[6]

(a) *Procedure to be followed in applying for relief.* In any such case immediate notice of the facts, together with a complete description of the bond (including series, year of issue, serial number, and name and address of the registered owner or coowners) should be given to the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago 5, Illinois. That office will furnish the proper application form and instructions. In case of mutilation or defacement, all available fragments of the bond in any form whatsoever should be submitted.

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[4] Bonds of Series F, G, J, and K, which are no longer available for purchase, are subject to the limitations on holdings and rules for computation of holdings set forth in §§ 315.8 and 315.9 of Department Circular No. 530, Seventh Revision.

[5] Effective May 1, 1957. Accordingly investors who purchased $20,000 (maturity value) of bonds of Series E bearing issue dates of January 1 through April 1 were not entitled to purchase additional bonds of that series during 1957. The same limitation applies to bonds of Series H bearing those issue dates. Investors who purchased less than $10,000 (maturity value) of bonds of either series prior to May 1 were entitled only to purchase enough of either series to bring their total for that series for 1957 to $10,000 (maturity value).

[6] See Sec. 8, 50 Stat. 481, as amended (31 U. S. C. 738a).

In all cases the bond must be identified and the applicant must submit satisfactory evidence of loss, theft, or destruction or a satisfactory explanation of the mutilation or defacement.

The application must be made by the person or persons (including both coowners, if living) authorized under the regulations in this part to request payment of the bond, except as follows:

(1) If the bond is in beneficiary form and the owner and beneficiary are both living, both will ordinarily be required to join in the application.

(2) If a minor who is not of sufficient competency and understanding to request payment on his own behalf is named as owner, coowner, or beneficiary, both parents will ordinarily be required to join in the application.

(b) *Bond of indemnity.* The Treasury Department reserves the right to require a bond of indemnity, in accordance with Sec. 8 (b), 50 Stat. 481, as amended (31 U. S. C. 738a).

(c) *Recovery of savings bonds reported lost, stolen, or destroyed.* If a bond reported lost, stolen, or destroyed is recovered before relief is granted, the Bureau of the Public Debt, Division of Loans and Currency Branch, should be notified promptly. If the original bond is recovered after relief is granted, it should be surrendered promptly to the same office for cancellation.

§ 315.26 *Relief in case of nonreceipt.* If a savings bond, on original issue or on reissue, is not received from the issuing agent or agency by the registered owner or other person to whom delivery of the bond was directed, the issuing agent or agency should be notified as promptly as possible and given all the information available about the transaction. If necessary, appropriate instructions and forms will then be furnished.

SUBPART G—INTEREST

§ 315.30 *General.* United States Savings Bonds are issued in one of two forms: (a) Appreciation bonds, issued on a discount basis and redeemable before maturity at increasing fixed redemption values; and (b) current income bonds, issued at par, bearing interest payable semiannually [7] and redeemable before maturity at par or at fixed redemption values less than par.[8] The Department circular offering bonds of a particular series to the public designates the form in which bonds of that series will be available.

§ 315.31 *Appreciation bonds.* Savings bonds issued on a discount basis increase in redemption value at the end of the first year or half-year from issue date and at the end of each successive half-year period thereafter until their maturity date, when the full face amount becomes payable.[9] Bonds of Series E bearing issue dates from May 1, 1941, through April 1, 1957, will continue to increase in redemption value after maturity for ten years in accordance with the provisions of Sec. 316.13 of Department Circular No. 653, Fourth Revision, dated April 22, 1957.[10] The increment in value on appreciation bonds is payable only on redemption of the bonds, whether before, at, or after maturity.

§ 315.32 *Current income bonds*—(a) *Interest rates.* The interest payable on a current income bond is fixed by the provisions of the Department circular offering the particular series of bonds to the public.[11]

(b) *Method of interest payments.* Interest due on a current income bond is payable semiannually beginning six months from its issue date and will be paid on each interest payment date by check drawn to the order of the person or persons in whose names the bond is inscribed, in the same form as their names appear in the inscription on the bond, and mailed to the address of record (that given for the delivery of interest checks in the application for purchase or the request for reissue or, if no instruction is given as to the delivery of interest checks, the address given for the owner or the first-named coowner), except that:

(1) In the case of a bond registered in the form "A payable on death to B" the check will be drawn to the order of "A" alone until the Bureau of the Public Debt, Division of Loans and Currency Branch, receives notice of A's death (see paragraph (c) of this section), from which time the payment of interest will be suspended until the bond is presented for payment or reissue. Interest so withheld will be paid to the person found to be entitled to the bond.

(2) Upon receipt of notice of the death of the coowner to whom interest is being mailed (see paragraph (c) of this section), payment of interest will be suspended until a request for change of address is received from the other coowner, if living, or, if not, until satisfactory evidence is submitted as to who is authorized to endorse and collect such checks on behalf of the estate of the last deceased coowner in accordance with the provisions of Subpart N.

(3) Upon receipt of notice of the death of the owner of a bond (see paragraph (c) of this section), payment of interest on the bond will be suspended until satisfactory evidence is submitted as to who is authorized to endorse and collect such checks on behalf of the estate of the decedent, in accordance with the provisions of Subpart N.

(4) Whenever practicable the accounts for all current income bonds of the same series, with the same inscription, on which interest is payable on the same dates, will be consolidated and a single check will be issued on each interest payment date for interest on all such bonds. The check inscription may vary from the inscriptions on the bonds in cases of very long inscriptions or where there is lack of uniformity in the inscriptions on the bonds.

(5) The interest due at maturity will be paid with the principal and in the same manner. However, if the registered owner of a bond in beneficiary form dies on or after the due date without having presented and surrendered the bond for payment or authorized reissue, and is survived by the beneficiary, the interest will be paid to the legal representative of or the person entitled to the registered owner's estate. To obtain such payment, the bonds with a request therefor by the beneficiary should be submitted together with the evidence required in § 315.70.

(c) *Notice affecting interest check delivery.* A notice which would affect the delivery of an interest check will be acted upon as rapidly as possible, but if the notice is not received at least one month before an interest payment date, no assurance can be given that action can be taken in time to change or suspend the mailing of the interest due on that date. Such notice should be sent to the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago 5, Illinois.

(d) *Change of address.* (1) An owner or coowner of current income bonds should promptly notify the Bureau of the Public Debt, Division of Loans and Currency Branch (see paragraph (c) of this section), of any change in the address for delivery of interest checks.

(2) A notice of change of address given on behalf of a minor or incompetent owner or coowner under the conditions and in accordance with the provisions of Subpart J relating to the payment of bonds belonging to a minor or incompetent ordinarily will be accepted.

(3) Each bond should be described in the notice by issue date, serial number, series (including year of issue), and inscription appearing on the face of the bond. The bonds should not be submitted.

(e) *Representative appointed for the estate of a minor, incompetent, absentee, etc.* Interest on current income bonds will be paid to the representative appointed for the estate of the owner of such bonds who is a minor, incompetent, absentee, etc., in accordance with the provisions of § 315.50 relating to payment of the bonds. However, if the registration of the bonds does not include reference to the owner's status, they should be submitted (to the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago 5, Illinois, or a Federal Reserve Bank) for appropriate reissue so that interest checks may be properly drawn and delivered. They must be accompanied by the proof of appointment required by § 315.50.

(f) *No representative of an adult incompetent's estate appointed.* If an adult owner of a current income bond is mentally incompetent to endorse and collect the interest checks, if no other person is legally qualified to do so, and if the interest is needed for the support of the incompetent or that of a person legally dependent upon him for support, the relative responsible for his support, or some other person, may be recognized by the Treasury Department as voluntary guardian for the purpose of receiving, endorsing, and collecting the checks. Form PD 2513 should be used in making application for this purpose.

(g) *Reissue during interest period.* Physical reissue of a bond will be made as soon as practicable without regard to interest payment dates. If a current income bond is reissued between interest payment dates, interest for the entire period will ordinarily be paid on the next interest payment date, by check drawn to the order of the person in whose name the bond is reissued. However, if reissue is made during the month preceding an interest payment date, the interest due on the first day of the next month may in some cases be paid to the former owner or the representative of his estate.

(h) *Termination of interest.* Interest on current income bonds will cease at maturity or in case of redemption prior to maturity on the last day of the interest period immediately preceding the date of redemption, except that, if the date of redemption falls on an interest payment date, interest will cease on that date. For example, if a bond on which interest is payable on January 1 and July 1 is redeemed on September 1, interest will cease on the preceding July 1, and no adjustment of interest will be made for the period from July 1 to September 1. The same rules shall apply in case of partial redemption with respect to the amount redeemed.

(i) *Endorsement of checks.* Interest checks may be collected upon the endorsement of the payee or his authorized representative in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in Department Circular No. 21 (Part 360 of this chapter). A form for the appointment of an attorney in fact for this purpose may be obtained from the Treasurer of the United States or from any Federal Reserve Bank. If no legal representative has been or will be appointed, the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago 5, Illinois, or a Federal Reserve Bank will furnish instructions upon request.

(j) *Nonreceipt or loss of check.* If an interest check is not received or is lost after receipt, the Regional Disbursing Office, U. S. Treasury Department, 536 South Clark Street, Chicago 5, Illinois, should be notified of the facts and should be given information concerning the amount, number, and inscription of the bonds, as well as a description of the check, if possible.

SUBPART H—GENERAL PROVISIONS FOR PAYMENT AND REDEMPTION

§ 315.35 *Provisions applicable both before and after maturity.* Payment of a savings bond will be made to the person or persons entitled thereto under the provisions of the regulations in this part upon presentation of the bond with an appropriate request for payment. Such payment will be made without regard to any notice of adverse claims to a savings bond and no stoppage or caveat against payment in accordance with the registration of the bond will be entered.

§ 315.36 *Before maturity*—(a) *At option of owner.* Pursuant to its terms, a savings bond may not be called for redemption by the Secretary of the Treasury prior to maturity, but may be redeemed in whole or in part at the option of the owner prior to maturity, under the terms and conditions set forth in the offering circular for each series and in accordance with the provisions of the regulations in this part, following presentation and surrender as provided in this subpart.

(b) *Series E.* A bond of Series E will be redeemed at any time after two months from the issue date without advance notice, at the appropriate redemption value as shown in the revision of Department Circular No. 653 current at the time of redemption.

(c) *Series F, G, H, J, and K.* A bond of Series F, G, H, J, or K will be redeemed after six months from the issue date, on one month's notice in writing to the Bureau of the Public Debt, Division of Loans and Currency Branch, a Federal Reserve Bank, or the Treasurer of the United States, Washington 25, D. C. Such notice may be given separately or by presenting and surrendering the bond with a duly executed request for payment. Payment will be made as of the first day of the first month following by at least one full calendar month the date of receipt of notice. For example, if the notice is received on June 1, payment will be made as of July 1, but if notice is received between June 2 and July 1, inclusive, payment ordinarily will be made as of August 1. If notice is given separately, the bond must be presented and surrendered with a duly executed request for payment to the same agency to which the notice is given, not less than twenty days before the date on which payment is to be made. For example, if the notice is received on June 15, the bond should be received not later than July 12. (See § 315.32 (h) for provisions as to interest in case current income bonds are redeemed prior to maturity.)

A bond of Series H will be redeemed at par. A bond of Series F, G, J, or K will be redeemed at the appropriate redemption value as shown in the table printed on the bond, except as provided in paragraph (d) of this section.

(d) *Series G and K: Redemption at par.* (1) A bond of Series G or K issued in exchange for matured bonds of Series E under the provisions of Department Circulars Nos. 885 and 906 is payable at par.

(2) A bond of Series G or K registered in the name of a natural person or persons in their own right will be paid at par upon the request of the person entitled to the bond upon the death of the owner or either coowner.

(3) A bond of Series G or K held by a trustee, life tenant, or other fiduciary (exclusive of trustees of a pension, retirement, investment, insurance, annuity or similar fund, or employees' savings plan) will be paid at par upon appropriate request upon the termination, in whole or in part, of a trust, life tenancy, or other fiduciary estate by reason of the death of a natural person, but in the case of partial termination, redemption at par will be made to the extent of not more than the pro rata portion of the trust or fiduciary estate so terminated. Bonds of Series G or K held by a financial institution in its name as trustee of its common trust fund will be paid at par upon the request of the fiduciary upon the termination, in whole or in part, of a participating trust by reason of the death of a natural person, to the extent of not more than the pro rata portion of the common trust fund so terminated.

The option to receive payment at par under paragraph (d) (2) and (3) of this section may be exercised by a signed request for payment or by express written notice, in either case specifying that redemption at par is desired. Payment may be postponed to the second interest payment date following the date of death, if so requested; otherwise, payment will be made in regular course. A death certificate or other acceptable evidence of death must be submitted. In no case of redemption at par before maturity under paragraph (d) (2) and (3) will interest be payable beyond the second interest payment date following the date of death.

(e) *Withdrawal of request for redemption.* An owner who has presented and surrendered a savings bond to the Treasury Department or a Federal Reserve Bank, or an authorized paying agent, for payment, with an appropriate request for payment, may withdraw such request if notice of intent to withdraw is given to and received by the same agency to which the bond was presented prior to the issuance of a check in payment by the Treasury Department or a Federal Reserve Bank, or payment by the authorized paying agent. Such request may be withdrawn under the same conditions by the executor or administrator of the estate of a deceased owner, or by the person or persons entitled to the bond under § 315.70 (d), or by the representative of the estate of a person under legal disability, unless the presentation and surrender of the bond has cut off the rights

[7] The final interest on bonds of Series H bearing issue dates prior to March 1, 1957, covers a period of two months, from 9½ years to maturity. Since May 1, 1957, the only current income savings bonds on sale are those of Series H.

[8] The sale of savings bonds of Series J and K was terminated at the close of business April 30, 1957. The terms of these bonds are set forth in Department Circular No. 906, as amended.

[9] Series E bonds issued on or before April 30, 1952, and Series F bonds, the sale of which was terminated April 30, 1952, increase in redemption value at the end of the first year from issue date; Series E bonds issued on and after May 1, 1952, and Series J bonds, the sale of which began on May 1, 1952, increase in redemption value at the end of the first half year from issue date. The last increase in redemption value of Series E bonds issued on or after May 1, 1952, prior to the start of the ten-year extension period, covers a period of two months, from 9½ years through 9 years and 8 months. The last increase in redemption value of Series E bonds issued on or after February 1, 1957, covers a period of five months, from 8½ years through 8 years and 11 months.

[10] See the Tables of Redemption Values at the end of that circular for extended maturity values, and footnote 5 on page 4 with respect to the extended maturity of bonds bearing issue dates of February 1 through April 1, 1957.

[11] See Department Circular No. 654, Third Revision, as amended, for Series G, Department Circular No. 905, Revised, for Series H, and Department Circular No. 906, as amended, for Series K.

of survivorship under the provisions of Subpart L or Subpart M.

§ 315.37 *At or after maturity.* Pursuant to its terms, a savings bond of any series will be paid at or after maturity at its full face or maturity value, and in no greater amount, except that bonds of Series E retained under an extended maturity option under the terms of Department Circular No. 653 (Part 316 of this chapter), current at the time of redemption, will be paid at the redemption values provided in that circular.[12]

§ 315.38 *Requests for payment*—(a) *Form and execution of requests.* A request for payment of a savings bond must be executed on the form appearing on the back of the bond unless (1) the bond is accepted by an authorized paying agent for payment or for presentation to a Federal Reserve Bank for payment without the owner's signature to the request for payment under the provisions of Department Circular No. 888, Revised, or (2) authority is given for the execution of a separate or detached request.

(b) *Date of request.* Ordinarily, requests executed more than six months before the date of receipt of a bond for payment will not be accepted; nor will a bond, ordinarily, be accepted for redemption more than three calendar months prior to the date redemption is requested under these regulations.

(c) *Identification and signature of owner.* Unless the bond is presented under the provisions of paragraph (a) of this section or § 315.42 (b), an owner in whose name the bond is inscribed or other person entitled to payment under the provisions of these regulations must appear before one of the officers authorized to certify requests for payment (see § 315.39), establish his identity, and in the presence of such officer sign the request for payment in ink, adding in the space provided the address to which the check issued in payment is to be mailed. A signature made by mark (X) must be witnessed by at least one disinterested person in addition to the certifying officer and must be attested by endorsement in the blank space, substantially as follows: "Witness to the above signature by mark," followed by the signature and address of the witness. If the name of the owner or other person entitled to payment as it appears in the registration or in evidence on file in the Bureau of the Public Debt, Division of Loans and Currency Branch, has been changed by marriage or in any other legal manner, the signature to the request for payment should show both names and the manner in which the change was made, for example, "Miss Mary T. Jones, now by marriage Mrs. Mary T. Jones Smith (Mrs. Mary T. J. Smith, or Mrs. Mary T. Smith)," or "John Doe, now by court order Richard Roe." In case of a change of name other than by marriage, the request should be supported by satisfactory evidence of the change. No request signed in behalf of the owner or person entitled to payment by an agent or a person acting under a power of attorney will be recognized by the Treasury Department, except as provided in § 315.16, when pledged in lieu of surety under Department Circular No. 154.

(d) *Certification of request.* After the request for payment has been signed by the owner, the certifying officer should complete and sign the certificate following the request for payment, and the bond should then be presented and surrendered as provided in § 315.42 (a).

§ 315.39 *Certifying officers.* The following officers are authorized to certify requests for payment:

(a) *At United States post offices.* Any postmaster, acting postmaster, or inspector in charge or other post office official or clerk designated for that purpose. One or more of these officials will be found at every United States post office, classified branch, or station. A post office official or clerk other than a postmaster, acting postmaster, or inspector in charge should certify in the name of the postmaster or acting postmaster, followed by his own signature and official title, for example, "John Doe, postmaster, by Richard Roe, postal cashier." Signatures of these officers should be authenticated by a legible imprint of the post office dating stamp.

(b) *At banks, trust companies, and branches.* Any officer of any bank or trust company incorporated in the United States (including for this purpose its territories and possessions and the Commonwealth of Puerto Rico) or domestic or foreign branch of such bank or trust company; any officer of a Federal Reserve Bank, Federal Land Bank, and Federal Home Loan Bank; any employee of any such bank or trust company expressly authorized by the corporation for that purpose, who should sign over the title "Designated Employee"; and Federal Reserve Agents and Assistant Federal Reserve Agents located at the several Federal Reserve Banks. Certifications by any of these officers or designated employees should be authenticated by either a legible impression of the corporate seal of the bank or trust company or, in the case of banks or trust companies and their branches which are authorized issuing agents for bonds of Series E, by a legible imprint of the issuing agent's dating stamp.

(c) *Issuing agents not banks or trust companies.* Any officer of a corporation not a bank or trust company and of any other organization which is an authorized issuing agent for bonds of Series E. All certifications by such officers must be authenticated by a legible imprint of the issuing agent's dating stamp.

(d) *Commissioned and warrant officers of armed forces.* Commissioned and warrant officers of any of the armed forces of the United States, but only for members and the families of members of their respective services and civilian employees at Posts or Bases or Stations. Such certifying officer should indicate his rank and state that the person signing the request is one of the class whose request he is authorized to certify.

(e) *United States officials.* Judges, clerks, and deputy clerks of United States courts, including United States courts for the territories, possessions, the Commonwealth of Puerto Rico, and the Canal Zone; United States Commissioners; United States Attorneys; United States Collectors of Customs and their deputies; Regional Commissioners and District Directors of Internal Revenue and Internal Revenue agents; the officer in charge of any home, hospital, or other facility of the Veterans Administration, but only for patients and employees of such facilities; certain officers of Federal penal institutions designated for that purpose by the Secretary of the Treasury; certain officers of the United States Public Health Service Hospitals at Lexington, Kentucky, and Fort Worth, Texas, and of United States Marine Hospitals at Fort Stanton, New Mexico, and Carville, Louisiana, designated for that purpose by the Secretary of the Treasury (in each case, however, only for inmates or employees of the institution involved).

(f) *Officers authorized in particular localities.* Certain designated officers in the Treasury Department; the Governors and Treasurers of Hawaii, Puerto Rico, and Alaska; the Governor and Commisioner of Finance of the Virgin Islands; the Governor and Director of Finance of Guam; the Governor and Director of Administrative Services of American Samoa; the Governor, paymaster, or acting paymaster and collector or acting collector of the Panama Canal; and postmasters and acting postmasters in the Bureau of Posts of the Canal Zone.

(g) *In foreign countries.* In a foreign country requests for payment may be signed in the presence of and be certified by any United States diplomatic or consular representative, or the manager or other officer of a foreign branch of a bank or trust company incorporated in the United States whose signature is attested by an impression of the corporate seal or is certified to the Treasury Department. If such an officer is not available, requests for payment may be signed in the presence of and be certified by a notary or other officer authorized to administer oaths, but his official character and jurisdiction should be certified by a United States diplomatic or consular officer under seal of his office.

(h) *Special provisions.* In the event none of the officers authorized to certify requests for payment of savings bonds is readily accessible, the Commissioner of the Public Debt, the Deputy Commissioner of the Public Debt in Charge of the Chicago Office, or any Federal Reserve Bank is authorized to make special provision for any particular case.

§ 315.40 *General instructions to certifying officers.* Certifying officers should require positive identification of the person signing a request for payment and will be held fully responsible therefor. In all cases a certifying officer must affix to the certification his official signature, title, seal or dating stamp, address (if not shown in seal or stamp), and the date of execution. Officers of Veterans Administration Facilities, Public Health Service Hospitals, Marine Hospitals, and Federal penal institutions should use the seal of the particular institution or service, where such seal is available. If a certifying officer other than a post office official, officer of a bank or trust company, or officer of an issuing agent does not possess an official seal, a statement to that effect should be added to the certification by such officer.

§ 315.41 *Interested person not to certify.* No person authorized to certify requests for payment may certify a request for payment of a bond of which he is the owner or in which he has an interest, either in his own right or in any representative capacity.

§ 315.42 *Presentation and surrender*—(a) *All series.* Except for cases coming within the provisions of paragraph (b) of this section, after the request for payment has been duly signed by the owner and certified as above provided the bond should be presented and surrendered to (1) a Federal Reserve Bank, (2) the Bureau of the Public Debt, Division of Loans and Currency Branch, or (3) the Treasurer of the United States, Washington 25, D. C. Usually payment will be expedited by surrender to a Federal Reserve Bank. In all cases presentation will be at the expense and risk of the owner. Payment will be made by check drawn to the order of the registered owner or other person entitled and mailed to the address given in the request for payment, or if no address is given in the request for payment, to the address given in the instructions accompanying the bond.

(b) *Optional procedure limited to bonds of Series A to E, inclusive, in names of individual owners or coowners only.* Notwithstanding the provisions of any Department circulars offering the bonds for sale and notwithstanding any instructions which may be printed on the bond, a natural person whose name is inscribed on the face of a bond of Series A, B, C, D, or E, either as owner or coowner in his own right, may present such bond for redemption (unless marked "duplicate") to an authorized paying agent. The owner or coowner must establish his identity to the satisfaction of the paying agent, sign the request for payment, and add his home or business address. Even though the request for payment has been signed, or signed and certified, before the presentation of the bond, the representative of the paying agent must be satisfied that the person presenting the bond for payment is the owner or coowner and may require him to sign the request for payment again. If the bond is in order for payment, the paying agent will make immediate payment at the appropriate redemption value without charge to the owner. This procedure is not applicable to partial redemption cases, or to deceased owner cases, or other cases in which documentary evidence is required.

§ 315.43 *Partial redemption.* A savings bond of any series in a denomination greater than $25 (maturity value) may be redeemed in part at current redemption value but only in amounts corresponding to authorized denominations, upon presentation and surrender of the bond in accordance with paragraph (a) of § 315.42. In any case in which partial redemption is authorized, before the request for payment is signed the phrase "to the extent of $__ (maturity value) and reissue of the remainder" should be added to the first sentence of the request. Upon partial redemption of the savings bond, the remainder will be reissued as of the original issue date, as provided in Subpart I. For payment of interest on current income bonds in case of partial redemption, see Subpart G.

§ 315.44 *Nonreceipt or loss of checks issued in payment.* In case a check in payment of a bond surrendered for redemption is not received within a reasonable time or in case such check is lost after receipt, notice should be given to the same agency to which the bond was surrendered for payment, accompanied by a description of the bond by series, denomination, serial number, and registration. The notice should state whether or not the check was received and should give the date upon which the bond was surrendered for payment. Instructions will be given as to the necessary procedure to obtain a duplicate. Payment of unmatured bonds of Series F, G, H, J, and K is ordinarily made on the first day of the first month following by at least one full calendar month the date of receipt of notice of intention to redeem, and a check should not be expected until that time.

SUBPART I—REISSUE AND DENOMINATIONAL EXCHANGE

§ 315.45 *General.* (a) Reissue of a savings bond may be made only under the conditions specified in these regulations. Reissue is not authorized solely for the purpose of effecting an exchange as between authorized denominations, but in case of authorized reissue the new bond or bonds may be issued in any authorized denomination or denominations. Consistent with other provisions of the regulations in this part, a savings bond may be reissued in a form of registration authorized by the regulations in effect on the original issue date or on the date of reissue.

(b) Reissue will not be made if the request therefor is received less than one full calendar month before the maturity date, except for bonds of Series E for which an optional extension period has been provided in Department Circular No. 653, Fourth Revision.[13] In the case of such bonds reissue will not be made if the request is received less than one full month before the extended maturity date. However, a request for reissue of a bond received prior to its maturity, or extended maturity date (in case of a bond for which an extended maturity period has been provided), will be effective to establish ownership as though the requested reissue had been made.

(c) A request for reissue of a bond received on or after its maturity, or extended maturity date (in case of a bond for which an extended maturity period has been provided), will not be effective to name a coowner or beneficiary or to promote a beneficiary to a coowner, but requests for reissue in the names of persons who have become entitled by operation of law will be recognized as establishing the right of those persons to receive payment.

(d) Reissues under the provisions of this subpart may be made only at (1) a Federal Reserve Bank, (2) the Bureau of Public Debt, Divisions of Loans and Currency Branch, or (3) the Office of the Treasurer of the United States, Washington 25, D. C.

§ 315.46 *Requests for reissue.* A request for reissue should be made on the prescribed form by the person authorized under these regulations to make such request. Appropriate forms may be obtained from any Federal Reserve Bank, the Office of the Treasurer of the United States, or from the Bureau of the Public Debt, Division of Loans and Currency Branch.

§ 315.47 *Effective date.* In any case of authorized reissue, the Treasury Department will treat the receipt by a Federal Reserve Bank or the Treasury Department of a bond and an appropriate request for reissue thereof as determining the date upon which the reissue is effective.

§ 315.48 *Correction of errors.* Reissue of a bond may be made to correct an error in the original issue, upon appropriate request supported by satisfactory proof of the error.

§ 315.49 *Change of name.* An owner, coowner, or beneficiary whose name is changed by marriage, divorce, annulment, order of court, or in any other legal manner after the issue of the bond may submit the bond with a request on Form PD 1474 for reissue to substitute the new name for the name inscribed on the bond. This action is recommended in case of a change of name of the owner or coowner of a current income bond. The signature to the request for reissue should show both names and the manner in which the change was made, as, for example, "John Doe, now by order of court Richard Roe" or "Miss Mary T. Jones, now by marriage Mrs. Mary T. Jones Smith (Mrs. Mary T. J. Smith or Mary T. Smith)." If the change of name was made other than by marriage, the request must be supported by satisfactory proof of the change.

SUBPART J—MINORS AND PERSONS UNDER OTHER LEGAL DISABILITY, AND ABSENTEES

§ 315.50 *Payment to representative of an estate.* If the form of registration of a savings bond indicates that the owner is a minor, an incompetent, or an absentee and there is a representative of his estate, payment will be made to such representative. The request for payment appearing on the back of the bond should be signed by the representative as such, for example, "John A. Jones, guardian (committee) of the estate of Henry W. Smith, a minor (an incompetent, an absentee)." Unless the form of registration gives the name of the representative requesting payment, a

[12] No extended maturity option for Series E bonds with issue dates after April 1, 1957, is provided in Department Circular No. 653, Fourth Revision, dated April 22, 1957.

[13] Only bonds of Series E with issue dates prior to May 1, 1957, have this optional extension period.

certificate or a certified copy of the letters of appointment from the court making the appointment, under the seal of the court, or other proof of qualification if not appointed by a court, should be submitted. Except in the case of corporate fiduciaries, such evidence should state that the appointment is in full force and should be dated not more than one year prior to presentation of the bond for payment. Where the form of registration does not indicate that there is a representative of the estate of a minor owner, a notice that there is such a representative will not be accepted by the Treasury Department for the purpose of preventing payment to the minor or to a parent or other person on behalf of the minor, as provided in §§ 315.51 and 315.52. However, if such representative presents for payment a bond registered in the name of his ward accompanied by proof of his qualification, payment will be made to such representative. (See Subpart N.)

§ 315.51 *Payment to minors.* If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his estate, payment will be made to him upon his request, provided that he is of sufficient competency to sign his name to the request for payment and to understand the nature of the transaction. In general, the fact that the request for payment has been signed by a minor and duly certified will be accepted as sufficient proof of competency and understanding.

§ 315.52 *Payment to a parent or other person on behalf of a minor.* If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his estate, and if such minor owner is not of sufficient competency to sign his name to the request for payment and to understand the nature of the transaction, payment will be made to either parent of the minor with whom he resides or, if the minor does not reside with either parent, then to the person who furnishes his chief support. His parent or the person furnishing his chief support should execute the request for payment and furnish a certificate, which may be typed or written on the back of the bond, as to his right to act for the minor. If a parent signs the request, the certificate and signature thereto should be in substantially the following form:

"I certify that I am the mother (or father) of John C. Jones and the person with whom he resides. He is _____ years of age and is not of sufficient competency and understanding to make this request.

"Mrs. Mary Jones on behalf of John C. Jones."

If a person other than a parent signs the request, the certificate and signature thereto, including a reference to the person's relationship, if any, to the minor, should be in substantially the following form:

"I certify that John C. Jones does not reside with either parent and that I furnish his chief support. He is ____ years of age and is not of sufficient competency and understanding to make this request.

"Mrs. Alice Brown, grandmother, on behalf of John C. Jones."

The Treasury Department may in any case require further proof that the minor is not of sufficient competency and understanding to execute the request for payment and of the right of the person executing the request to act on behalf of the minor.

§ 315.53 *Payment or reinvestment upon request of voluntary guardian of incompetent.* If the adult owner of a bond is mentally incompetent to request and receive payment thereof and no other person is legally qualified to do so, the relative responsible for his support or some other person may submit an application as voluntary guardian for redemption of the bond in the following cases:

(a) Where the proceeds of the bond are needed for the support of the incompetent or that of a person legally dependent upon him for support, and the total face amount of United States savings bonds belonging to the incompetent for which redemption is requested in any ninety-day period does not exceed $1,000;

(b) Where the bond has matured and it is desired to redeem it and reinvest the proceeds in United States Savings Bonds.

The entire proceeds must be invested, so far as possible, in bonds of Series E, except that:

(1) Any part of the proceeds which may not be invested therein because of the limitation on holdings may be invested in Series H bonds so long as the limitation on holdings for that series is not exceeded;

(2) If the matured bonds are current income bonds, the proceeds may be invested in Series H bonds so long as the limitation on holdings for that series is not exceeded.

The new bonds must be registered in the same form of registration as the matured bonds, with the words "an incompetent" following the incompetent's name, unless an owner, beneficiary, or coowner named in the registration of the matured bond is dead or unless such owner, beneficiary or coowner disclaims interest in the bond and consents to the elimination of his name. If the maturity value of the matured bond does not correspond to the purchase price of an authorized denomination of savings bonds of any series, or a multiple thereof, the odd amount remaining after the reinvestment will be paid to the voluntary guardian for the use and benefit of the incompetent. Form PD 2513 should be used in applying for payment under this section and should be accompanied by the evidence required by the instructions on the form.

§ 315.54 *Reissue.* A savings bond of which a minor or other person under legal disability is the owner or in which he has an interest may be reissued upon an authorized reissue transaction under the following conditions:

(1) Reissue will be restricted to a form of registration which does not adversely affect the existing ownership or interest of the minor or such other person, except that a minor of sufficient competency to sign his name to the request and to understand the nature of the transaction shall have the right to request reissue to add a coowner or beneficiary to a bond registered in his name alone or to which he is entitled in his own right.

(2) Requests for reissue under this section should be executed by the person authorized to request payment under §§ 315.50, 315.51, 315.52, and 315.53, and in the same manner.

SUBPART K—A NATURAL PERSON AS SOLE OWNER

§ 315.55 *Payment.* A savings bond registered in the name of a natural person in his own right, without a coowner or beneficiary, will be paid to him during his lifetime under Subpart H. Upon the death of the owner such bond will be considered as belonging to his estate and will be paid under Subpart N, except as otherwise provided in the regulations in this part.

§ 315.56 *Reissue for certain purposes.* A savings bond registered in the name of a natural person in his own right may be reissued upon appropriate request by him (subject to the provisions of § 315.54), upon presentation and surrender during his lifetime, for the following purposes:

(a) *Addition of a coowner or beneficiary.* To name another natural person as coowner or as beneficiary. Form PD 1787 should be used.

(b) *A trustee of a personal trust estate.* To name the trustee of a personal trust estate created by the owner. Form PD 1851 should be used.

(c) *Upon divorce or annulment.* To name as registered owner the other party to a divorce or annulment, occurring after issue of the bond. Form PD 1938 should be used.

(d) *Certain degrees of relationship.* To name as registered owner a person related to the owner in any of the degrees of relationship set forth in § 315.60 (b), (1) (i): *Provided, however,* That the Treasury reserves the right to reject any application for reissue hereunder as provided in that section. Form PD 1938 should be used.

SUBPART L—TWO NATURAL PERSONS AS COOWNERS

§ 315.60 *During the lives of both coowners.* A savings bond registered in coownership form, for example, "John A. Jones or Mrs. Mary C. Jones," will be paid or reissued during the lives of both, as follows:

(a) *Payment.* The bond will be paid to either upon his separate request, and upon payment to him the other shall cease to have any interest in the bond. If both request payment jointly, payment will be made by check drawn to their order jointly, for example, "John A. Jones AND Mrs. Mary C. Jones."

(b) *Reissue.* The bond may be reissued upon the request of both if presented and surrendered during the lifetime of both, as follows:

(1) In the name of either, alone or with a new coowner or beneficiary:

(i) If the coowner whose name is to remain on the bond and the coowner whose name is to be eliminated are related to each other as: husband and wife; parent and child (including stepchild); brother and sister (including the half blood, stepbrother and stepsister, and brother and sister through adoption); grandparent and grandchild; great grandparent and great grandchild; uncle or aunt and nephew or niece, including as nephew or niece the children of a brother or sister of the present spouse; granduncle or grandaunt and grandniece or grandnephew; mother-in-law or father-in-law and daughter-in-law or son-in-law; sister-in-law or brother-in-law;

Provided, however, That the Treasury reserves the right to reject any application for reissue hereunder, in whole or in part, upon a determination that the transaction would tend to evade or defeat the purposes of the limitation on holdings or the restriction against the transferability of savings bonds;

(ii) If one of them marries after the issue of the bond; and

(iii) If they are divorced or legally separated from each other, or their marriage is annulled, after the issue of the bond.

Form PD 1938 should be used to request reissue in any of the above three classes of cases.

The representative of the estate of a minor or incompetent coowner may request reissue under this paragraph on behalf of the ward to eliminate the other, but a request to eliminate the name of the minor or incompetent will not be recognized unless supported by evidence that a court has ordered the representative to request such reissue (see Sec. 315.23). When no representative has been appointed for a minor coowner who is not of sufficient competency to sign his name to the request for reissue and to understand the nature of the transaction, the person authorized to request payment for the minor under § 315.52 may sign the request for the minor, but only for reissue to promote the minor to sole owner. If no representative has been appointed for the estate of a minor coowner who is of sufficient competency to sign his name to the request for reissue and to understand the nature of the transaction, and if all of the bonds are to be reissued in his name alone or, if he so requests, with a new coowner or a beneficiary, he may sign the request. Reissue will not be made if one coowner is incompetent and a representative of the incompetent's estate has not been appointed, except to add the words "an incompetent" after his name or to eliminate the other coowner from the registration.

(2) In the name of a trustee of a personal trust estate created by both coowners. Requests for reissue should be made on Form PD 1851 and will not be approved unless both coowners are of full age and legally competent.

No other reissue will be permitted in any form during the lives of both coowners, except as specifically provided in the regulations in this part.

§ 315.61 *After the death of one or both coowners.* If either coowner dies without the bond having been presented and surrendered for payment or authorized reissue, the survivor will be recognized as the sole and absolute owner. Thereafter, payment or reissue will be made as though the bond were registered in the name of the survivor alone (see Subpart K), except that a request for reissue by him must be supported by proof of death of the other coowner, and except further that after the death of the survivor proof of death of both coowners and of the order in which they died will be required. The presentation and surrender of a bond by one coowner for payment establishes his right to receive the proceeds of the bond, and if he should die before the transaction is completed, payment will be made to the legal representative of, or persons entitled to, his estate in accordance with the provisions of Subpart N. If either coowner dies after the bond has been presented and surrendered for authorized reissue (see § 315.47), the bond will be regarded as though reissued during his lifetime.

§ 315.62 *Upon death of both coowners in a common disaster, etc.* If both coowners die under such conditions that it cannot be established either by presumption of law or otherwise which died first, the bond will be considered as belonging to the estates of both equally, and payment or reissue will be made accordingly. (See Subpart N.)

SUBPART M—TWO NATURAL PERSONS AS OWNER AND BENEFICIARY

§ 315.65 *During the lifetime of the registered owner.* A savings bond registered in beneficiary form, for example, "John A. Jones payable on death to Mrs. Mary C. Jones," will be paid or reissued upon presentation and surrender during the lifetime of the registered owner, as follows:

(a) *Payment.* The bond will be paid to the rigistered owner during his lifetime upon his properly executed request as though no beneficiary had been named in the registration. The presentation and surrender of the bond by the registered owner for payment establishes his exclusive right to the proceeds of the bond, and if he should die before the transaction is completed, payment will be made to the legal representative of, or the persons entitled to, his estate upon receipt of proof of the appointment and qualification of the representative or the identity of the persons entitled, in accordance with the provisions of Subpart N.

(b) *Reissue.* The bond will be reissued on the duly certified request of the registered owner:

(1) To name the beneficiary designated on the bond as coowner. Form PD 1787 should be used.

(2) To eliminate the beneficiary, to substitute another person as beneficiary, or to name another person as coowner, if the request of the registered owner is supported by the duly certified consent of the beneficiary to the elimination of his name or proof of the death of the beneficiary. Form PD 1787 should be used.[14]

(3) In the name of a trustee of a personal trust estate created by the owner, if the request of the owner is supported by the duly certified consent of the beneficiary to the elimination of his name or proof of the death of the beneficiary. Form PD 1851 should be used by the owner and Form PD 1849 by the beneficiary.[14]

If the registered owner dies after the bond has been presented and surrendered for authorized reissue, the bond will be regarded as though reissued during his lifetime.

§ 315.66 *After the death of the registered owner.* If the registered owner dies without the bond having been presented and surrendered for payment or authorized reissue and is survived by the beneficiary, upon proof of death of the owner the beneficiary will be recognized as the sole and absolute owner, and payment or reissue will be made as though the bond were registered in his name alone (see Subpart K).

SUBPART N—DECEASED OWNERS

§ 315.70 *Payment or reissue on death of owner.*—(a) *General.* Upon the death of the owner of a savings bond who is not survived by a coowner or designated beneficiary and who had not during his lifetime presented and surrendered the bond for payment or an authorized reissue, the bond will be considered as belonging to his estate and will be paid or reissued accordingly as hereinafter provided, except that reissue under this subpart will not be permitted if otherwise in conflict with these regulations. In such exceptional case the person entitled to the bond will have the right only: (1) To hold the bond without change in registration; (2) to receive payment of the redemption value of the bond at any time and, if the bond is a current income bond, to receive the interest as it becomes due, but if the person entitled is an alien who is a resident of an area with respect to which the Treasury Department restricts or regulates the delivery of checks drawn against funds of the United States or any agency or instrumentality thereof, payment of the principal of and interest on the bond will not be made to such person until the restriction is removed. A creditor may obtain payment of a bond but not reissue. The provisions of this section shall also apply to savings bonds registered in the names of executors or administrators, except that proof of their appointment and qualification may not be required under (b) and (c).

(b) *In course of administration.* If the estate of a decedent is being administered in court, the bond will be paid to the duly qualified representative of the estate or will be reissued in the names of the persons entitled to share in the estate, upon the request of the representative

[14] The provisions of this subsection do not apply to bonds on which the Treasurer of the United States is named as beneficiary.

and compliance with the following requirements:

(1) Where there are two or more legal representatives, all must join in the request for payment or reissue, except as provided in §§ 315.77 and 315.78.

(2) The request for payment or reissue should be signed in the form, for example, "John A. Jones, administrator of the estate (or executor of the will) of Henry W. Jones, deceased," and must be supported by proof of the representative's authority in the form of a court certificate or a certified copy of the representative's letters of appointment. The certificate or the certification to the letters must be under seal of the court and, except in the case of a corporate representative, must contain a statement that the appointment is in full force and should be dated within six months of the date of presentation of the bond, unless the certificate or letters show that the appointment was made within one year immediately prior to such presentation.

(3) In case of reissue the legal representative of the estate should certify that each person in whose name reissue is requested is entitled to the extent specified for each and has consented to such reissue. A request for reissue by the legal representative should be made on Form PD 1455. If a person in whose name reissue is requested desires to name a co-owner or beneficiary, such person should execute an additional request for that purpose, using Form PD 1787.

(c) *After settlement through court proceedings.* If the estate of the decedent has been settled in court, the bond will be paid to, or reissued in the name of, the person entitled thereto as determined by the court. The request for payment or reissue should be made by the person shown to be entitled, supported by a duly certified copy of the representative's final account as approved by the court, decree of distribution, or other pertinent court records, supplemented, if there are two or more persons having an apparent interest in the bond, by an agreement executed by them concerning the disposition of the bond. Form PD 1787 should be used.

(d) *Without administration.* When it appears that no legal representative of the decedent's estate has been or will be appointed, the bond will be paid to, or reissued in the name of, the person or persons entitled, including those entitled as donees of a gift causa mortis, pursuant to an agreement and request by all persons entitled to share in the decedent's estate. A short form of agreement for settlement without administration (Form PD 1946) may be used for cases in which the total amount of savings bonds (maturity value) and redemption and interest checks (face amount) relating to savings bonds which belong to the decedent's estate is not in excess of $500. A longer form (Form PD 1946–A) is prescribed for other cases of settlement without administration. Request for the appropriate form to be used hereunder may be made to any Federal Reserve Bank, the Office of the Treasurer of the United States, or to the Bureau of the Public Debt, Division of Loans and Currency Branch. If the persons entitled to share in the estate include minors or incompetents, payment or reissue of the bond will not be permitted without administration except to them or in their names unless their interests are otherwise protected to the satisfaction of the Treasury Department.

SUBPART O—FIDUCIARIES

§ 315.75 *Payment.* A savings bond registered in the name of a fiduciary or otherwise belonging to a fiduciary estate will be paid to the fiduciary or fiduciaries in accordance with the provisions of §§ 315.77 and 315.78.

§ 315.76 *Reissue*—(a) *In the name of person entitled*—(1) *Distribution of trust estate in kind.* A bond to which a beneficiary of a trust estate has become lawfully entitled in his own right or in a fiduciary capacity, in whole or in part, under the terms of a trust instrument, will be reissued in his name to the extent of his interest, upon the request of the trustee or trustees and their certification that such person is entitled and has agreed to reissue in his name.

(2) *After termination of trust estate.* If the person who would be lawfully entitled to a bond upon the termination of a trust does not desire to have distribution made to him in kind, as provided in subparagraph (1) of this paragraph, the trustee or trustees should present the bond for payment before the estate is terminated. If, however, the estate is terminated without such payment or reissue having been made, the bond will thereafter be paid to or reissued in the name of the person lawfully entitled upon his request and satisfactory proof of ownership, supplemented, if there are two or more persons having any apparent interest in the bond, by an agreement executed by all such persons concerning the disposition of the bond.

(3) *Upon termination of guardianship estate.* If the estate of a minor or incompetent or of an absentee is terminated, during the ward's lifetime, a bond registered to show that there is a representative of the estate will be reissued in the name of the former ward upon the representative's request and certification that the former ward is entitled and has agreed to reissue in his name (Form PD 1455 should be used), or will be paid to or reissued in the name of the former ward upon his own request, supported in either case by satisfactory evidence that his disability has been removed or that an absentee has returned to claim his property. Certification by the representative that a former minor has attained his majority, that a former incompetent has been legally restored to competency, that a legal disability of a female ward has been removed by marriage, if the state law so provides, or that an absentee has appeared to claim his property, will ordinarily be accepted as sufficient (see § 315.77 if the representative's name is not shown in the registration). Upon the termination of the estate as the result of the death of the ward, a bond registered to show that there is a representative of his estate will be reissued in accordance with the provisions of Subpart N as though it were registered in the name of the ward alone.

(4) *Upon termination of life estate.* Upon the death of a life tenant, a bond registered in his name as life tenant may be reissued in the name of the person or persons entitled pursuant to an agreement and request of all of the persons having an interest in the remainder.

(b) *In the name of a succeeding fiduciary.* If a fiduciary in whose name a bond is registered has been succeeded by another, the bond will be reissued in the name of the succeeding fiduciary upon appropriate request and satisfactory evidence of successorship. Form PD 1455 should be used.

(c) *In the name of financial institution as trustee of common trust fund.* A bond held by a bank, trust company, or other financial institution as a trustee, guardian or similar representative, executor or administrator may be reissued in its name as trustee of its common trust fund to the extent that participation therein by the institution in such capacity is authorized by law or applicable regulations. A request for reissue to the institution as trustee of its common trust fund should be executed on its behalf in the capacity in which the bond is held and by the cofiduciary, if any. Form PD 1455 should be used.

§ 315.77 *Requests for reissue or payment prior to maturity.* Except as specifically provided, the following rules apply to both requests for payment and reissue by fiduciaries. A request for reissue or for payment prior to maturity or extended maturity, for those Series E bonds for which an optional extension period has been provided,[13] must be signed by all acting fiduciaries unless by express statute, decree of court, or the terms of the instrument under which the fiduciaries are acting, some one or more of them may properly execute the request. If the fiduciaries named in the registration of the bond are still acting, no further evidence of authority will be required. In other cases a request must be supported by evidence as specified below:

(a) *Fiduciaries by title only.* If the bond is registered in the titles, without the names, of fiduciaries not acting as a board, satisfactory evidence of their incumbency must be furnished, except in the case of bonds registered in the title of public officers as trustees.

(b) *Succeeding fiduciaries.* If the fiduciaries in whose names the bond is registered have been succeeded by other fiduciaries, satisfactory evidence of successorship must be furnished.

(c) *Boards, committees, etc.* A savings bond registered in the name of a board, committee, commission, or other body, empowered to act as a unit and to hold title to the property of a religious, educational, charitable, or non-profit organization or public corporation will be paid upon a request for payment signed in the name of the board or other body by an authorized officer thereof. A request so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority. The check in payment of the bond will be drawn in the name of the board or other body as fiduciary for the organization named in the registration or shown by satisfactory evidence to be entitled as successor thereto.

(d) *Corporate fiduciaries.* If a public or private corporation or a political body, such as a state or county, is acting as a fiduciary, a request must be signed in the name of the corporation or other body in the fiduciary capacity in which it is acting, by an authorized officer thereof. A request so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority.

(e) *Registration not disclosing trust or other fiduciary estate.* If the registration of the bond does not show that it belongs to a trust or other fiduciary estate or does not identify the estate to which it belongs, satisfactory evidence of ownership must be furnished in addition to any other evidence required by this section.

§ 315.78 *Requests for payment at or after maturity.* A request for payment at or after maturity or extended maturity for those Series E bonds for which an optional extension period has been provided,[13] signed by any one or more acting fiduciaries, will be accepted. Payment will ordinarily be made by check drawn as the bond is inscribed.

SUBPART P—PAYMENT OR REISSUE OF BONDS REGISTERED IN THE NAMES OF PRIVATE ORGANIZATIONS (CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, ETC.) AND GOVERNMENTAL AGENCIES, UNITS AND OFFICERS

§ 315.80 *Payment to corporations or unincorporated associations.* A savings bond registered in the name of a private corporation or an unincorporated association will be paid to the corporation or unincorporated association upon request for payment on its behalf by a duly authorized officer thereof. The signature to the request should be in the form, for example, "The Jones Coal Company, a corporation, by John Jones, President," or "The Lotus Club, an unincorporated association, by William A. Smith, Treasurer." A request for payment so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority.

§ 315.81 *Payment to partnerships.* A savings bond registered in the name of an existing partnership will be paid upon a request for payment signed by a general partner. The signature to the request should be in the form, for example, "Smith and Jones, a partnership, by John Jones, a general partner." A request for payment so signed and duly certified will ordinarily be accepted as sufficient evidence that the partnership is still in existence and that the person signing the request is duly authorized.

§ 315.82 *Reissue or payment to successors of corporations, unincorporated associations, or partnerships.* A savings bond registered in the name of a private corporation, an unincorporated association, or a partnership which has been succeeded by another corporation, unincorporated association, or partnership by operation of law or otherwise, as the result of merger, consolidation, incorporation, reincorporation, conversion, or reorganization, or which has been lawfully succeeded in any manner whereby the business or activities of the original organization are continued without substantial change, will be paid to or reissued in the name of the succeeding organization upon appropriate request on its behalf, supported by satisfactory evidence of successorship. Form PD 1540 should be used.

§ 315.83 *Reissue or payment on dissolution of corporation or partnership.*—(a) *Corporations.* A savings bond registered in the name of a private corporation which is in the process of dissolution will be paid to the authorized representative of the corporation upon a duly executed request for payment, supported by satisfactory evidence of the representative's authority. Upon the termination of dissolution proceedings, the bond may be reissued in the names of those persons, other than creditors, entitled to the assets of the corporation, to the extent of their respective interests. Reissue under this subsection will be made upon the duly executed request of the authorized representative of the corporation and upon proof that all statutory provisions governing the dissolution of the corporation have been complied with and that the persons in whose names reissue is requested are entitled and have agreed to the reissue. If the dissolution proceedings are under the direction of a court, a certified copy of an order of the court, showing the authority of the representative to make the distribution requested, must be furnished.

(b) *Partnerships.* A savings bond registered in the name of a partnership which has been dissolved by death or withdrawal of a partner, or in any other manner, will be paid upon a request for payment by any partner or partners authorized by law to act on behalf of the dissolved partnership, or will be paid to or reissued in the names of the persons, other than creditors, entitled thereto as the result of such dissolution to the extent of their respective interests, upon their request supported by satisfactory evidence of their title, including proof that the debts of the partnership have been paid or properly provided for.

§ 315.84 *Payment to institutions (churches, hospitals, homes, schools, etc.).* A savings bond registered in the name of a church, hospital, home, school, or similar institution without reference in the registration to the manner in which it is organized or governed or to the manner in which title to its property is held will be paid upon a request for payment signed on behalf of such institution by an authorized representative. For the purpose of this section, a request for payment signed by a pastor of a church, superintendent of a hospital, president of a college, or by any official generally recognized as having authority to conduct the financial affairs of the particular institution will ordinarily be accepted without further proof of his authority. The signature to the request should be in the form, for example, "Shriners' Hospital for Crippled Children, St. Louis, Missouri, by William A. Smith, superintendent," or "St. Mary's Roman Catholic Church, Albany, New York, by John Jones, pastor."

§ 315.85 *Reissue in name of trustee or agent for investment purposes.* A savings bond registered in the name of a religious, educational, charitable or nonprofit organization, whether or not incorporated, may be reissued in the name of a bank, trust company or other financial institution, or an individual, as trustee or agent under an agreement with the organization under which the trustee or agent holds funds of the organization, in whole or in part, for the purpose of investing and reinvesting the principal and paying the income to the organization. Form PD 2177 should be used and should be signed on behalf of the organization by an authorized officer.

§ 315.86 *Reissue upon termination of investment agency.* A savings bond registered in the name of a bank, trust company, or other financial institution, or individual, as agent for investment purposes only, under an agreement with a religious, educational, charitable, or nonprofit organization, may be reissued in the name of the organization upon termination of the agency. The former agent should request such reissue and should certify that the organization is entitled by reason of the termination of the agency, using Form PD 1455. If such request and certification are not obtainable, the bond will be reissued in the name of the organization upon its own request, supported by satisfactory evidence of the termination of the agency.

§ 315.87 *Payment to governmental agencies and units.* A savings bond registered in the name of a State, county, city, town, or village, or in the name of a Federal, State, or local governmental agency such as a board, commission, or corporation, will be paid upon a request signed in the name of the governmental agency or unit by a duly authorized officer thereof. A request for payment so signed and duly certified will ordinarily be accepted without further proof of the officer's authority.

§ 315.88 *Payment to Government officers.* A savings bond registered in the official title of an officer of a governmental agency or unit will be paid upon a request for payment signed by the designated officer. The fact that the request for payment is so signed and duly certified will ordinarily be accepted as proof that the person signing is the incumbent of the designated office.

SUBPART Q—FURTHER PROVISIONS

§ 315.90 *Regulations prescribed.* The regulations in this part are prescribed by the Secretary of the Treasury as governing United States Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and pursuant to the various Department circulars offering such bonds for sale. The provisions of the regulations in this part with respect to bonds registered in the names of certain classes of individuals, fiduciaries, and organizations are equally applicable to bonds to which such individuals, fiduciaries, and organizations are otherwise shown to be entitled

under the regulations in this part. The provisions of Department Circular No. 300, Revised, have no application to savings bonds.

§ 315.91 *Waiver of regulations.* The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of the regulations in this part in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship, if such action would not be inconsistent with law and would not impair any existing rights, and if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 315.92 *Additional evidence; bond of indemnity.* The Secretary of the Treasury, in any case arising under the regulations in this part, may require such additional evidence as he may consider necessary or advisable, and may require a bond of indemnity, with or without surety, or an agreement of indemnity in any case where he may consider such a bond or agreement necessary for the protection of the interests of the United States.

§ 315.93 *Preservation of rights.* Nothing contained in the regulations in this part shall be construed to limit or restrict any existing rights which holders of savings bonds heretofore issued may have acquired under the circulars offering the bonds for sale or under the regulations in force at the time of purchase.

§ 315.94 *Supplements, amendments, or revisions.* The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory, or revised rules and regulations governing United States Savings Bonds.

* * * * *

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to this document. Nothing contained herein abridges or restricts any existing rights acquired by owners of savings bonds under previous circulars.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 57-10899; Filed, Dec. 30, 1957; 9:06 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2-10]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS

The Commission having under consideration the desirability of making certain editorial changes in Part 2, § 2.104 (a) (5) of its rules and regulations; and

It appearing that an order adopted by the Commission on March 13, 1957, and printed in the FEDERAL REGISTER on March 19, 1957 (22 F. R. 1746), amended § 2.104 (a) (5) of Part 2 of the Commission's rules by reducing from 200 kc to 100 kc the separation betwen channels assignable to stations in the Aeronautical Mobile Service in the frequency band 123.7–131.9 Mc; and concurrently changed the footnote designator applicable to that band in the table of frequency allocations from (NG 50) to (NG 49); and

It further appearing that the abovementioned revision, Amendment No. 2-29 to Part 2 revised effective July 1, 1955, was not reflected in the subsequent recapitulative printing of Part 2 in the FEDERAL REGISTER on June 28, 1957 (22 F. R. 4533); and

It further appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 23d day of December, 1957, that, effective December 30, 1957, § 2.104 (a) (5) is amended as set forth below.

Released: December 26, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend § 2.104 (a) (5), the table of frequency allocations, insofar as it applies to column 10, for the frequency band 123.7–131.9 Mc, to read as follows:

(10)	(11)
123.7–131.9 (NG 49)-------	AERONAUTICAL MOBILE.

[F. R. Doc. 57-10842; Filed, Dec. 30, 1957; 8:50 a. m.]

[Rules Amdt. 2-11]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the desirability of making certain editorial changes in §§ 2.521, 2.522, and 2.540 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 24th day of December 1957, that, effective December 31, 1957, §§ 2.521, 2.522, and 2.540 are amended as set forth below.

Released: December 26, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 2 of the Commission's rules is amended as follows:

1. Amend § 2.521 (a) by changing the reference, § 2.540 (c) to "§ 2.540."

2. Amend § 2.522 (a) by changing the reference, "§ 2.540 (c)" to "§ 2.540."

3. Amend § 2.522 (d) by changing the reference, "§ 2.540 (c)" to "§ 2.540."

4. Amend § 2.540 (d) by changing the text thereof to read as follows:

(d) Users shall not modify their own equipment except as provided in this paragraph or paragraph (e) of this section, as applicable.

[F. R. Doc. 57-10843; Filed, Dec. 30, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INCOME ATTRIBUTABLE TO SEVERAL TAXABLE YEARS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under part I of subchapter Q of chapter 1 of the Internal Revenue Code of 1954, as amended by the act of August 11, 1955 (Public Law 366, 84th Cong., 69 Stat. 688), and the act of August 26, 1957 (Public Law 85-165, 71 Stat. 413). Except as specifically provided otherwise, these regulations are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954. Regulations under section 1305 are not included in these proposed regulations but will be published later with a separate notice of proposed rule making.

INCOME ATTRIBUTABLE TO SEVERAL TAXABLE YEARS

Sec.
1.1301 Statutory provisions; compensation from an employment.
1.1301-1 Introduction.
1.1301-2 Compensation from an employment.
1.1302 Statutory provisions; income from an invention or artistic work.
1.1302-1 Income from an invention or artistic work.
1.1303 Statutory provisions; income from back pay.
1.1303-1 Income from back pay.
1.1304 Statutory provisions; compensatory damages for patent infringement.
1.1304-1 Compensatory damages for patent infringement.
1.1305 Statutory provisions; breach of contract damages.
1.1305-1 [Reserved for regulations under section 1305.]
1.1306 Statutory provisions; rules applicable to sections 1301, 1302, 1303, 1304, and 1305.
1.1306-1 Rules applicable to sections 1301, 1302, 1303, 1304, and 1305.

§ 1.1301 *Statutory provisions; compensation from an employment.*

SEC. 1301. *Compensation from an employment*—(a) *Limitation on tax.* If an individual or partnership—

(1) Engages in an employment as defined in subsection (b); and

(2) The employment covers a period of 36 months or more (from the beginning to the completion of such employment); and

(3) The gross compensation from the employment received or accrued in the taxable year of the individual or partnership is not less than 80 percent of the total compensation from such employment,

then the tax attributable to any part of the compensation which is included in the gross income of any individual shall not be greater than the aggregate of the taxes attributable to such part had it been included in the gross income of such individual ratably over that part of the period of the employment which precedes the date of such receipt or accrual.

(b) *Definition of an employment.* For purposes of this section, the term "an employment" means an arrangement or series of arrangements for the performance of personal services by an individual or partnership to effect a particular result, regardless of the number of sources from which compensation therefor is obtained.

(c) *Rule with respect to partners.* An individual who is a member of a partnership receiving or accruing compensation from an employment of the type described in subsection (a) shall be entitled to the benefits of that subsection only if the individual has been a member of the partnership continuously for a period of 36 months or the period of the employment immediately preceding the receipt or accrual. In such a case the tax attributable to the part of the compensation which is includible in the gross income of the individual shall not be greater than the aggregate of the taxes which would have been attributable to that part had it been included in the gross income of the individual ratably over the period in which it was earned or the period during which the individual continuously was a member of the partnership, whichever period is the shorter. For purposes of this subsection, a member of a partnership shall be deemed to have been a member of the partnership for any period, ending immediately prior to becoming such a member, in which he was an employee of such partnership, if during the taxable year he received or accrued compensation attributable to employment by the partnership during such period.

§ 1.1301-1 *Introduction.* Sections 1301 through 1306 provide special rules to relieve a taxpayer from the amount of tax which otherwise results when an amount of income which has been earned over a period of years is received or accrued in one taxable year. Because of the graduated income tax rates this so-called bunching of income in one year usually subjects it to a higher rate of tax than would be payable if it had been received or accrued over the several years during which it was earned. Sections 1301 (relating to compensation from an employment), 1302 (relating to income from an invention or artistic work), 1303 (relating to back pay), 1304 (relating to compensatory damages for patent infringement), and 1305 (relating to damages for breach of contract) mitigate the tax consequences of such bunching of income by placing a limit upon the amount of tax to be paid for the taxable year in which such income is received or accrued. In effect, these sections generally treat the income as having been included in gross income ratably over the years (preceding receipt or accrual) in which it was earned. However, these sections have no effect on the income tax liability for prior taxable years; they simply provide a special method of computing the amount of tax for the year of receipt or accrual.

§ 1.1301-2 *Compensation from an employment*—(a) *Qualifications for limitation on tax.* If an individual or partnership—

(1) Engages in an employment (as defined in section 1301 (b) and paragraph (b) of this section); and

(2) The employment covers a period of 36 months or more (from the beginning to the completion of such employment); and

(3) The gross compensation from the employment received or accrued in the taxable year of the individual or partnership is not less than 80 percent of the total compensation from such employment,

then the tax attributable to any part of the compensation which is included in the gross income of any individual shall not be greater than the aggregate of the taxes attributable to such part had it been included in the gross income of such individual ratably over that part of the period of the employment which precedes the date of such receipt or accrual. The application of this paragraph may be illustrated by the following examples:

Example (1). A, an individual who makes his income tax returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, began an employment, as defined in section 1301 (b) and paragraph (b) of this section, on February 17, 1951, and completed it on July 1, 1954. A's total compensation from such employment was $9,000, of which he received $1,000 on July 1, 1953, and $8,000 on the completion date. Since the employment covered more than 36 months and the $8,000 received in 1954 was not less than 80 percent of A's total compensation from such employment, he is entitled to the benefits of section 1301 in computing the tax payable with respect to the $8,000 reflected in his 1954 return. Section 1301 does not apply to the $1,000 received in 1953. Under section 1301 (a) the tax attributable to the $8,000 included in A's gross income for 1954 is not greater than the aggregate of the taxes attributable to such amount had it been received ratably over the calendar months included in the period from February 17, 1951, to July 1, 1954. However, if A had received an additional $5,000 in 1955 from such employment, he would not be entitled to the benefits of section 1301 with respect to either the $8,000 or the $5,000, since he would not have received in one taxable year at least 80 percent of the total compensation from such employment.

Example (2). If, in example (1) of this paragraph, A had commenced the employment on March 3, 1954, and completed it on August 22, 1957, and had been paid a total compensation of $10,000 for that employment on July 5, 1956, he would be entitled to the benefits of section 1301. However, the tax attributable to the $10,000 included in A's gross income for 1956 cannot be greater than the aggregate of the taxes attributable to such amount had it been received ratably over the calendar months included in the period from March 3, 1954, to July 5, 1956, the date on which the $10,000 was received.

(b) *Definition of an employment.* (1) (i) The term "an employment" means an arrangement or series of arrangements for the performance of personal services by an individual or partnership to effect a particular result, regardless of the number of sources from which compensation for such services is obtained. Thus, there must be an arrangement, and the arrangement must be for the performance of a particular project. In other words, there must be an understanding for the performance of services to accomplish a particular result. Accordingly, an arrangement to perform general services is not an employment within the meaning of section 1301 either as to any particular project on

which services are performed or as to the general services since there is no understanding that the services are to accomplish a particular result.

(ii) Whether an employment exists is a question which must be determined by a consideration of all the facts in each case. The primary factor in making such a determination is what the particular profession, business, or industry would normally consider as a distinct project or result. The statements of the parties and the contracts they make, if any, shall be considered in those cases where the project or result cannot be determined under the preceding sentence.

(iii) To qualify as an employment the services must relate to a particular project, such as a particular law case, and must not consist of a set of unrelated services performed for the same person. Furthermore, the individual steps performed by a taxpayer in connection with his project do not each constitute an employment; the services rendered by the taxpayer with respect to the entire project represent the employment.

(iv) The time when an employment begins and ends, and whether the period over which an employment extends includes conference and study time, depend upon the facts of each case. However, in determining the period over which an employment extends, there shall be included the time during which the efforts of the individual or partnership were unsuccessful in effecting the particular result.

(2) The application of the rules described in subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). A was retained by X Corporation to perform general legal services. During the period 1955 through 1960, A performed miscellaneous legal services on numerous unrelated matters, each of which effected a particular result, and some of which extended over a period of more than 36 months. A was compensated by a single payment in 1960. A's services do not constitute an employment either as to the unrelated matters on which he worked or the general services performed over the period 1955 through 1960, since the arrangement was for the performance of services generally and not for the performance of any particular results.

Example (2). B was retained as an attorney by the Y Corporation to perform general legal services. An anti-trust action was brought against Y and, since the defense of such an action was beyond the scope of the agreement to perform general legal services, a separate arrangement was entered into between Y and B, whereby B was to be paid a specified additional amount for defending Y in the anti-trust suit. B's services in connection with such suit represent an employment separate and distinct from his general legal services for Y, and such services were performed pursuant to a separate arrangement.

Example (3). As part of a traffic flow improvement program the City of Z enters into a contract with C, a civil engineer, under which C agrees to perform services in connection with the construction of a highway bypassing the city, a vehicular tunnel under a river, and an elevated roadway in a congested industrial area of the city. C's compensation for his services with respect to each of these construction projects is fixed in the contract. Since the services performed in connection with each such construction project would normally be viewed by the engineering profession as a distinct project, C's services in connection with each of these construction projects constitute a separate employment. No contractual arrangement between the parties can operate to change the determination of the projects involved. Regardless of its terms, the contract will be viewed as an arrangement for the performance of services to effect three specifically identifiable results. Thus, the arrangement would constitute three distinct employments, even though the contract might provide for a single lump sum payment to be made only upon completion of all three projects.

Example (4). D entered into an agreement with Z Corporation to direct 5 motion picture productions for it in 5 years. Each of the 5 pictures was to be wholly unrelated to the others as entertainment products for public consumption. D's compensation for his services with respect to each picture was to be a certain percentage of the gross proceeds received from its showing. Each picture would normally be viewed by the motion picture industry as a distinct undertaking or project, and D's services in connection with each picture constitute a separate employment. As in the case of example (3), no contractual arrangement between the parties can operate to change the determination of the projects involved.

Example (5). E, a producer of television programs, entered into a contract with Y Television Network to produce a series of documentary films. While each film produced by E was a complete presentation of the specific subject matter, the entire series of films dealt with such subjects and was presented in such a manner as to identify the series as a unit in the public mind. Production of the films required coordinated planning of the whole series. The entire series of films would normally be viewed by the television industry was a distinct undertaking or project, and, therefore, E's services in connection with production of the series of films constitute a single employment. As in the case of examples (3) and (4), no contractual arrangement between the parties can operate to change the determination of the projects involved.

Example (6). F was appointed trustee of a trust which consisted of income producing and non-income producing property. Under a decree of the state court having jurisdiction over the trust, F was awarded certain commissions with respect to principal and certain commissions with respect to income. The fact that such separate compensation was awarded by the court did not establish that two employments were involved. F's services with respect to the principal and those with respect to the income of the trust were merely integral parts of one employment, i. e., the administration of the trust in its entirety.

Example (7). G was retained and served as legal counsel to the trustees of a trust. He also served as one of the trustees of the trust. G's services in each capacity constituted a separate employment, regardless of whether under the laws of the state having jurisdiction of the trust the services rendered by a trustee as legal counsel are eligible for compensation distinct from those rendered by him as trustee.

Example (8). H, an architect, was employed by the City of Z to draft the plans for, and supervise the construction of, a school building. The building was of a type that is normally both planned by and constructed under the supervision of an architect. His employment consisted of his entire services from the beginning of the preparation of the plans to his completion of supervision of the building's construction. The drafting of the plans and the supervision of the construction were merely interrelated steps in the performance of the entire employment.

Example (9). K, an attorney, received a fee from certain stockholders of corporation X, who employed him to represent them in a stockholders' suit. K also received as compensation for his services in connection with such suit an amount allowed by the court out of the shares of the proceeds of the suit payable to the stockholders of corporation X who were unrepresented by counsel. The fact that K receives compensation from two sources will not cause two employments to exist. For purposes of section 1301 the number of sources from which the compensation is obtained is immaterial in determining the number of employments.

(c) *Allocation of income.* The compensation from an employment is to be treated as if it had been received in equal portions in each of the calendar months (including those of the current taxable year) which fall within the period of employment preceding the receipt or accrual of the compensation. Thus, the portion of the compensation allocable to each taxable year involved in such period of employment is an amount equal to the entire compensation from the employment received or accrued in the current taxable year, divided by the entire number of calendar months included within the part of the period of employment which precedes the date of receipt or accrual of such compensation, and multiplied by the number of such calendar months falling within the particular taxable year. The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, an individual who makes his income tax returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, receives $40,000 on September 30, 1954. This amount is the entire compensation from an employment (as defined in section 1301 (b)) covering a 40-month period beginning on June 1, 1951, and ending on September 30, 1954. $1,000 must be allocated to each of the calendar months included within the period of the employment. Thus, $7,000 is allocated to 1951, $12,000 to 1952, $12,000 to 1953, and $9,000 to 1954.

Example (2). Assume the same facts as in example (1), except that A makes his income tax returns on the basis of a taxable year ended June 30. The $40,000 is allocated as follows: $1,000 to the taxable year ended June 30, 1951, $12,000 each to the taxable years ended June 30, 1952, June 30, 1953, and June 30, 1954, and $3,000 to the taxable year ended June 30, 1955 (the current taxable year).

Example (3). Assume the same facts as in example (1), except that A receives the $40,000 on February 1, 1954 (before completion of the employment), instead of September 30, 1954. In this case, there are 32 calendar months included within the part of the period of the employment which precedes the date the compensation is received. Accordingly, $1,250 ($40,000 divided by 32) must be allocated to each of the calendar months included within the period from June 1, 1951, through January 31, 1954. Thus, $8,750 is allocated to 1951, $15,000 to 1952, $15,000 to 1953, and $1,250 to 1954.

Example (4). B, an individual who makes his income tax returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, is engaged in an employment which covers a 40-month period beginning on May 1, 1951, and ending on August 31, 1954. The total compensation from the employment is $74,000, of which $34,000 is paid to B on March 1, 1954, and $40,000 on August 31, 1954. The $34,000 payment must be allocated to the 34 calendar months included within the part of the period of the employment which precedes the date such payment is received (March 1, 1954). Accordingly, with respect to the $34,000 payment, $8,000 is allocated to 1951, $12,000 to 1952, $12,000 to 1953, and $2,000 to 1954. Since the $40,000 payment was received on the date the employment ended it must be allocated to the 40 calendar months included within the entire period of the employment. Accordingly, with respect to such payment, $8,000 is allocated to 1951, $12,000 to 1952, $12,000 to 1953, and $8,000 to 1954. The entire compensation of $74,000 will therefore be allocated as follows: $16,000 to 1951, $24,000 to 1952, $24,000 to 1953, and $10,00 to 1954.

Example (5). C, an individual who makes his income tax returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, is engaged in an employment which covers a 36-month period beginning on February 1, 1954, and ending on January 31, 1957. The total compensation from the employment of $36,000 is paid to C on June 1, 1957. In this case, there are 36 months in the period of the employment which precede the date of receipt of the $36,000 by C. The months of February through May 1957, are not part of the period of employment and therefore no income is to be allocated to those months. Accordingly, the $36,000 is allocated as follows: $11,000 to 1954, $12,000 to 1955, $12,000 to 1956, and $1,000 to 1957.

(d) *Computation of tax—(1) Steps of computation.* The following computation shall be made in order to determine whether the limitation on tax prescribed in section 1301 (a) and paragraph (a) of this section applies to compensation from an employment received or accrued in a taxable year:

(i) Compute the tax for the current taxable year by including in the gross income of such year the compensation from an employment received or accrued in such year.

(ii) Compute the tax for the current taxable year without such inclusion.

(iii) Compute the tax attributable to the compensation from an employment allocated to each of the taxable years in accordance with paragraph (c) of this section. The amount of the tax attributable to the compensation from the employment so allocated is the difference between the tax for each such year computed with the inclusion in gross income of each year of the allocable portion of such compensation and the tax for each year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this subparagraph, or (*b*) the tax for such year as computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated compensation as computed under subdivision (iii) of this subparagraph.

(2) *Effect of allocation of income on items based on amount of income and with respect to a net operating loss or a capital loss carryover.* (i) In computing the tax for any taxable year under this paragraph, any item which depends upon the amount of gross income, adjusted gross income, or taxable income shall be recomputed to take into consideration the amount of compensation allocated to such year (or from such year in the case of the current taxable year). For example, if by allocating $1,000 of compensation to 1955, adjusted gross income for 1955 is increased from $5,000 to $6,000, then the general limitation on allowable charitable deductions under section 170 (b) (1) (B) is increased from $1,000 to $1,200 and the amount of the nondeductible medical expenses under section 213 is increased from $150 to $180.

(ii) In computing the tax attributable to the compensation from an employment under this paragraph for any taxable year to or from which compensation is allocated, the effect of amounts of compensation allocated to any taxable year (or from the current taxable year) with respect to a net operating loss carryback or carryover or a capital loss carryover, shall be taken into account. Moreover, in determining the amount of tax attributable to such compensation, a computation shall also be made for any taxable year to which no amount of compensation is allocated but which is affected by a net operating loss carryback or carryover or by a capital loss carryover determined by reference to a taxable year to which amounts are so allocated and which net operating loss carryback or carryover or capital loss carryover is reduced or increased by such amounts so allocated. See subparagraph (3) (iv) (*d*) and (*e*) of this paragraph.

(3) *Example.* The computations described in subparagraph (1) of this paragraph may be illustrated by the following example: On January 1, 1952, A, unmarried, was retained as an attorney in an anti-trust suit. This employment continued until June 30, 1955, when the action was terminated and A received a fee of $84,000 as total compensation for his services. Since all the requirements of section 1301 are met with respect to the $84,000, the following tax results will occur, assuming that A's net income (or loss) for the years 1951, 1952, 1953 and his taxable income from 1954 and 1955 were as follows: 1951, $20,600 (which reflects a net operating loss carryback from 1952); 1952, net operating loss $2,000; 1953, $50,600; 1954, $32,000; $1955, $100,000 ($16,000 plus the $84,000 fee).

(i) Allocation of fee to period of employment:

1955 (6 months)	$12,000
1954 (12 months)	24,000
1953 (12 months)	24,000
1952 (12 months)	24,000

(ii) Tax for 1955 computed by including the $84,000 fee in gross income; $67,320.

(iii) Tax for 1955 computed without including the $84,000 fee in gross income; $5,200.

(iv) Taxes attributable to the $84,000 fee allocated to the various taxable years:

	Prior to allocation under sec. 1301		Under sec. 1301
(*a*) Tax attributable to 1955:			
Taxable income			$28,000
			($16,000+ $12,000)
Tax		$11,980	11,980
Less		5,200	
Amount of tax attributable to 1955 under sec. 1301			6,780
(*b*) Tax attributable to 1954:			
Taxable income	$32,000		56,000
Tax	14,460		31,320
		31,320	
Less		14,460	
Section 1301 increase attributable to 1954			16,860
(*c*) Tax attributable to 1953:			
Net income	50,600		74,600
Less: Personal exemption	600		600
	50,000		74,000
Tax	28,916		47,936
		47,936	
Less		28,916	
Section 1301 increase attributable to 1953			19,020
(*d*) Tax attributable to 1952:			
Net income	($2,000 net operating loss).		22,000
Less: Personal exemption			600
			21,400
Tax and section 1301 increase attributable to 1952			8,984
(*e*) Tax attributable to 1951:			
Net income	$20,600		22,600
Less: Personal exemption	600		600
	20,000		22,000
Tax	7,396		8,536
		$8,536	
Less		7,396	
Section 1301 increase attributable to 1951			1,140
(*f*) Aggregate of taxes resulting from allocation of compensation under section 1301:			
1955			6,780
1954			16,860
1953			19,020
1952			8,984
1951			1,140
			52,784

(v) Tax for 1955 under section 1301: $57,984.

Since the tax for 1955 computed without including the $84,000 fee in gross income ($5,200), plus the aggregate of taxes attributable to the allocation of such fee over the period of employment ($52,784) equals $57,984, which is a lesser sum than $67,320 (the amount of tax for 1955 computed by including the entire fee in income for 1955), $57,984 is the amount of tax for 1955 under the provisions of section 1301.

(4) *Compensation received from several employments allocated to same period.* If an individual computes his income tax under section 1301 for a particular taxable year and in a subsequent taxable year receives or accrues compensation from another employment, the period of which coincides to any extent with the period covered by the employment involved in the previous taxable year, such individual must, in availing himself of section 1301 for such subsequent taxable year, take into consideration the fact that he has previously allocated compensation to all or a part of the period covered by the employment later compensated. The same principle is applicable where income entitled to the benefits of section 1302, 1303, 1304, or 1305 is allocated to a year to which other income entitled to the benefits of section 1301, 1302, 1303, 1304, or 1305 had previously been allocated. For example, an individual commenced an employment on January 1, 1950, and completed it on December 31, 1954, at which time he received $60,000 as total compensation therefrom. In connection with his return for 1954, he allocated $1,000 to each of 60 calendar months included within the period of the employment and determined his income tax under the provisions of section 1301. He also commenced a second employment on January 1, 1952, and completed it on December 31, 1955, at which time he received total compensation of $48,000. In determining whether the limitation on tax prescribed in section 1301 (a) is applicable for the calendar year 1955, he must, in connection with allocating $1,000 to each of the 48 calendar months included within the period of such employment and computing the tax attributable thereto, also include in his income for the years 1952, 1953, and 1954, the amount of $12,000 previously allocated to each of such years in connection with his return for the calendar year 1954.

(e) *Rules with respect to partners—(1) Qualifications for limitations on tax.* An individual who is a member of a partnership receiving or accruing compensation from an employment of the type described in section 1301 (a) shall be entitled to the benefits of section 1301 only if: (i) He has been a member of the partnership continuously for a period of 36 months immediately preceding the receipt or accrual of such compensation by the partnership, or (ii) he has been a member of the partnership continuously for the period of the employment immediately preceding such receipt or accrual. It is immaterial whether the individual actually rendered services with respect to the employment to which the compensation is attributable.

(2) *Limitation on tax.* (i) If a partner qualifies under section 1301 (c) and subparagraph (1) of this paragraph for the benefits of section 1301 with respect to a share of partnership income includible in his gross income, the tax attributable to such share shall not be greater than the aggregate of the taxes which would have been attributable to such share had it been included in the gross income of the partner ratably over (*a*) the period in which it was earned immediately preceding the receipt or accrual of the compensation by the partnership, or (*b*) the period during which the individual continuously was a member of the partnership immediately preceding such receipt or accrual, whichever is the shorter period.

(ii) If (*a*) a partnership receives or accrues compensation from an employment of the type described in section 1301 (a) and the period of such employment immediately preceding the date of receipt or accrual is less than 36 months, and (*b*) if any individual has been a member of such partnership continuously for such period, then such individual shall be entitled to allocate his share of the compensation over such period.

(iii) If an individual has been a member of a partnership continuously for a period of at least 36 months immediately preceding the receipt or accrual of compensation from an employment of the type described in section 1301 (a), but such individual has not been a member of the partnership for the total period during which such compensation was earned by the partnership, the allocation of such individual's share of the compensation is limited to the period during which he was continuously a member of the partnership.

(iv) For purposes of section 1301 a partner who has retired under local law will nevertheless be treated as a partner until his interest in the compensation of the partnership from an employment has terminated, but only if such partner would have satisfied the employment requirement of section 1301 (c) if the partnership had received or accrued compensation from such employment on the date of his retirement. In such a case the retired partner shall be entitled to allocate his share of the compensation only over the period of employment preceding his retirement and during which he was a member of the partnership.

(v) The provisions of this paragraph may be illustrated by the following examples:

Example (1). A became a member of the ABC partnership on June 1, 1950. The partnership, which is on the calendar year basis, began an employment on June 1, 1952, and completed it on July 1, 1955. On June 1, 1954, the partnership had received $24,000 as total compensation from such employment. A's $8,000 share of such compensation was included in his gross income for 1954. Since the $24,000 payment was from an employment of the type described in section 1301 (a) and since A had been a member of the partnership continuously for more than 36 months at the date of the receipt of the payment, A is entitled to allocate his $8,000 share over the period in which the income was earned prior to the date of its receipt by the partnership. Thus, for purposes of making the tentative tax computation, A must allocate the $8,000 ratably over the period from June 1, 1952, through May 31, 1954.

Example (2). Assume the same facts as in example (1) of this subdivision except that A retires from the partnership on July 1, 1954. Such retirement is immaterial for purposes of section 1301; the tax consequences would be the same as in example (1) of this subdivision for the reasons therein set forth.

Example (3). A became a member of the ABC partnership on February 1, 1953. The partnership began an employment on July 1, 1953, and completed it on July 1, 1956. The partnership received $24,000 as compensation from such employment on January 1, 1955. The $24,000 payment was at least 80 percent of the partnership's total compensation from the employment. A included his $8,000 share in his gross income for 1955. Since the employment was of the type described in section 1301 (a) and since A was a member of the partnership continuously for the period of the employment immediately preceding the receipt of the payment, A is entitled to the benefits of section 1301 (a) with respect to his share, even though he had not been a partner for 36 months at the time of the receipt of the compensation. The period over which his share must be allocated for purposes of computing the tentative tax is July 1, 1953, through December 31, 1954.

Example (4). Assume the same facts as in example (3), except that the employment is completed on February 1, 1956. In such case A would not be entitled to the benefits of section 1301 (a), since the employment by the partnership did not cover a period of 36 months or more from its beginning to its completion.

Example (5). The ABC partnership began an employment on June 1, 1952. D became a member of the partnership on June 1, 1955. On June 1, 1957, the partnership received $30,000 as compensation from the employment. D's share of this payment included in his gross income for 1957 was $5,000. The employment terminated on June 1, 1959. The $30,000 payment was at least 80 percent of the total compensation from the employment. D is not entitled to the benefits of section 1301 since he was neither a member of the partnership continuously for a period of 36 months immediately preceding the receipt of the payment by the partnership, nor was he a member of the partnership continuously for the period of employment immediately preceding such receipt.

Example (6). The AB partnership began an employment on February 1, 1955. On February 1, 1957, after the employment had been in progress for two years, C joined the partnership. The employment was completed on July 31, 1960, and covered a period of 66 calendar months. The total compensation from the employment was $198,000 and was received on August 1, 1960, each partner's share amounting to $66,000. A and B are entitled to allocate their shares of the compensation over the full period of the employment, that is, over the 66 calendar months from February 1, 1955, through July 31, 1960. However, C can allocate his share only over a 42-month period extending from February 1, 1957, through July 31, 1960, the period during which he was continuously a member of the partnership. The shares of the total compensation received by A and B are allocable in the amount of $1,000 per month over 66 months, while C must allocate his share at the rate of $1,571.43 per month over 42 months.

Example (7). The ABC partnership began an employment on February 1, 1955. On July 31, 1957, after the employment had been in progress for 30 months, B retired from the partnership. The employment was completed on July 31, 1960, and covered a period of 66 calendar months. The total compensation from the employment was $180,000 and was received on August 1, 1960. Pursuant to the terms of the partnership agreement, A and C each received $75,000, while B received $30,000 as his share. A and C are entitled to allocate their shares of the compensation over the full period of the employment, that is, over the 66 calendar months from February 1, 1955, through July 31, 1960. Since under the terms of the partnership agreement B retained an interest in the compensation from the employment when he retired from the partnership, B will be treated as a partner and be entitled to allocate his $30,000 share over the 30 months of the period of employment preceding his retirement.

(3) *Individual engaged in an employment who becomes a member of a partnership which continues with such employment.* If an individual begins an employment in an individual capacity and later becomes a member of a partnership which continues with such employment, the employment shall be considered, with respect to such individual, as one employment covering both the period during which a portion of the employment was performed by such individual in his capacity as such and the period during which a portion of the employment was performed by the partnership. However, with respect to the other members of the partnership, the period of the employment is limited to the period of the employment performed by the partnership. For example, A, an individual, begins an employment for the X Company on June 1, 1952. On January 1, 1953, A forms a partnership with B and C. The partnership continues with the employment for the X Company and completes it on June 1, 1955, at which time the partnership receives $25,000 as total compensation for the services rendered on the employment. A is entitled to the benefits of section 1301 with respect to his share of the $25,000 and can allocate it over the period June 1, 1952, through May 31, 1955, but B and C are not entitled to such benefits. If, however, the partnership had completed the employment on January 1, 1956, and had received the $25,000 on that date, all three partners would be entitled to section 1301 benefits. A would allocate his share over the period June 1, 1952, through December 31, 1955, whereas B and C would allocate their shares over the period January 1, 1953, through December 31, 1955. Furthermore, if the employment had been completed on January 1, 1956, but the $25,000 had been received by the partnership on January 1, 1955, all partners would be entitled to section 1301 benefits; A allocating his share over the period June 1, 1952, through December 31, 1954, and B and C allocating their shares over the period January 1, 1953, through December 31, 1954.

(4) *Period of allocation where income received by a partner who was formerly an employee.* Where a member of a partnership who was formerly an employee of such partnership includes in his gross income a part of the compensation received or accrued by the partnership from an employment of the type described in section 1301 (a), he shall be deemed to have been a member of such partnership for the period during which he was an employee ending immediately prior to his becoming such a member. It is immaterial for purposes of this paragraph whether such an individual, as an employee, actually rendered services with respect to the employment to which such compensation is attributable. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A, an individual, became an employee of the XYZ law partnership on June 1, 1952, and a member of the partnership on June 1, 1956. The partnership commenced an employment on June 1, 1954, and completed it on June 1, 1958, at which time it received a payment of $50,000, which satisfied all of the requirements of section 1301 (a). A's share of the $50,000 payment includible in his gross income for 1958 was $5,000. For purposes of section 1301 (c), A is deemed to have been a partner for the period June 1, 1954, through May 31, 1958, and the amount of $5,000 must be allocated ratably over the period June 1, 1954, through May 31, 1958.

Example (2). Assume the same facts as in example (1), except that on June 1, 1955, A left the employ of the partnership and returned on January 1, 1956. In such a case, A is a partner for the purposes of section 1301 for the period January 1, 1956, to June 1, 1958. Under such circumstances, A would not qualify for the benefits of section 1301 (a), since he was not a member of the partnership continuously for the period of 36 months immediately preceding receipt by the partnership of the compensation from the employment, nor was he a member of the partnership continuously for the period of employment immediately preceding the receipt of the compensation by the partnership.

(5) *Effect of withdrawal of a partner or termination of a partnership.* The withdrawal of a partner from a partnership or the termination of a partnership will not bring an employment to an end with respect to any partner who continues to participate in such employment either in his individual capacity or as a partner in a partnership which continues with such employment. For example, partnership AB began an employment on January 1, 1955. On January 1, 1957, B sold his interest to C under such circumstances as to cause the partnership to terminate under section 708 (b) (1). However, partnership AC continued with the employment and completed it on January 1, 1959, at which time the partnership received $100,000 as total compensation for the employment. Since A had an interest in the employment as a partner continuously for a period of 48 months he is entitled to the benefits of section 1301 with respect to his share of the compensation from the employment. C does not qualify, however, since he participated in the employment as a member of a partnership for a period of less than 36 months.

(6) *Effective date.* Section 1301 (c) and this paragraph shall apply only to amounts received or accrued after March 1, 1954. Pursuant to section 7851 (a) (1) (C), the regulations prescribed in this paragraph shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, and to taxable years beginning after December 31, 1953, and ending before August 17, 1954, although such years are generally subject to the Internal Revenue Code of 1939. Notwithstanding any other provision of the Internal Revenue Code of 1954, section 107 of the Internal Revenue Code of 1939 shall apply to amounts received or accrued as a partner on or before March 1, 1954, and to the computation of tax on amounts received or accrued on or before March 1, 1954.

§ 1.1302 *Statutory provisions; income from an invention or artistic work.*

SEC. 1302. *Income from an invention or artistic work*—(a) *Limitation on tax.* If—

(1) An individual includes in gross income amounts in respect of a particular invention or artistic work created by the individual; and

(2) The work on the invention or the artistic work covered a period of 24 months or more (from the beginning to the completion thereof); and

(3) The amounts in respect of the invention or the artistic work includible in gross income for the taxable year are not less than 80 percent of the gross income in respect of such invention or artistic work in the taxable year plus the gross income therefrom in previous taxable years and the 12 months immediately succeeding the close of the taxable year,

then the tax attributable to the part of such gross income of the taxable year which is not taxable as a gain from the sale or exchange of a capital asset held for more than 6 months shall not be greater than the aggregate of the taxes attributable to such part had it been received ratably over, in the case of an invention, that part of the period preceding the close of the taxable year or 60 months, whichever is shorter, or, in the case of an artistic work, that part of the period preceding the close of the taxable year but not more than 36 months.

(b) *Definitions.* For purposes of this section—

(1) *Invention.* The term "invention" means a patent covering an invention of the individual.

(2) *Artistic work.* The term "artistic work" means a literary, musical, or artistic composition or a copyright covering a literary, musical, or artistic composition.

§ 1.1302–1 *Income from an invention or artistic work*—(a) *Qualifications for limitation on tax.* (1) The tax attributable to amounts included in gross income by an individual in respect of a particular invention or artistic work which he created shall be limited in accordance with the provisions of paragraph (c) of this section, provided:

(i) The work upon the invention or artistic work covered a period of 24 months or more (from the beginning to the completion thereof), and

(ii) The amounts includible in gross income of the individual for the taxable year from such invention or artistic work are not less than 80 percent of the gross income therefrom in the taxable year, the preceding taxable years, and the 12 months immediately succeeding the close of the taxable year.

(2) That part of the gross income from such artistic work or invention which is taxable as a gain from the sale or exchange of a capital asset held for more than 6 months is excluded from the benefits of section 1302.

(3) For the purpose of determining the tax which would be attributable to gain on the sale or exchange of an artistic work had such gain been received

ratably in any prior taxable year, such gain shall be treated as gain from the sale or exchange of property which is not a capital asset.

(b) *Definitions*—(1) *Invention.* For purposes of section 1302 and this section the term "invention" means a patent covering an invention of the individual.

(2) *Artistic work.* For purposes of section 1302 and this section the term "artistic work" means a literary, musical, or artistic composition or a copyright covering a literary, musical, or artistic composition.

(c) *Limitation on tax*—(1) *Rule.* Where amounts includible in gross income qualify under paragraph (a) of this section, the tax attributable thereto in the taxable year shall not be greater than the aggregate of the taxes attributable thereto had such amounts been received ratably over the part of the period of the work which precedes the close of the taxable year, but limited to a period of 60 calendar months in the case of an invention and limited to a period of 36 calendar months in the case of an artistic work.

(2) *Allocation of income.* The gross income from the invention or artistic work is to be treated as if it had been received in equal portions in each of the calendar months (including those of the current taxable year) which fall within the period of work preceding the close of the taxable year (not, however, exceeding 60 calendar months in the case of an invention and 36 calendar months in the case of an artistic work). Thus, the portion of the gross income from the invention or artistic work allocable to each taxable year involved in such period of work is an amount equal to the entire amount of gross income from the invention or artistic work received or accrued in the current taxable year, divided by the entire number (but not to exceed 60 in the case of an invention and 36 in the case of an artistic work) of calendar months included within the period of work which precedes the close of the current taxable year, and multiplied by the number of such calendar months falling within the particular taxable year. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A, an individual who makes his returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, received $36,000 (taxable as ordinary income) on October 1, 1954, in full payment for a musical composition. A commenced work on this composition on July 10, 1950, and completed it on January 29, 1955. Although the period of work covers 55 calendar months, allocations may be made to only the last 36 calendar months included within the part of the period of work which precedes the close of 1954 (the current taxable year). Therefore, $1,000 ($36,000 divided by 36) must be allocated to each of the 36 calendar months preceding January 1, 1955. Accordingly, $12,000 is allocated to 1952, $12,000 to 1953, and $12,000 to 1954 (the current taxable year).

Example (2). Assume the same facts as in example (1) except that A received $54,000 (taxable as ordinary income) for a patent covering an invention of his. In this case, allocations must be made to each of the 54 calendar months included within the part of work which precedes the close of 1954 (the current taxable year). Therefore, $1,000 ($54,000 divided by 54) must be allocated to each of the 54 calendar months preceding January 1, 1955. Accordingly, $6,000 is allocated to 1950 and $12,000 is allocated to each of the years 1951, 1952, 1953, and 1954.

Example (3). Assume the same facts as in example (1) except that the period of work was commenced by A on July 1, 1953, and completed on September 1, 1956. Although the period of work covers 38 calendar months, allocations may be made to only the 18 calendar months which are included within the part of the period of work which precedes the close of 1954 (the current taxable year). Therefore, $2,000 ($36,000 divided by 18) must be allocated to each of the 18 calendar months preceding January 1, 1955. Accordingly, $12,000 is allocated to 1953 and $24,000 to 1954.

(d) *Computation of tax*—(1) *Steps of computation.* The following computation shall be made in order to determine whether the limitation on tax prescribed in section 1302 (a) and paragraph (c) of this section applies to income from an invention or artistic work:

(i) Compute the tax for the current taxable year by including in the gross income of such year the amount of gross income from the invention or artistic work received or accrued in such year.

(ii) Compute the tax for the current taxable year without such inclusion.

(iii) Compute the tax attributable to the gross income from the invention or artistic work allocated to each of the taxable years in accordance with paragraph (c) (2) of this section. The amount of the tax attributable to the gross income from the invention or artistic work so allocated is the difference between the tax for each such year computed with the inclusion in gross income of each year of the allocable portion of the gross income from the invention or artistic work and the tax for each such year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this subparagraph, or (*b*) the tax for such year as computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated gross income from an invention or artistic work as computed under subdivision (iii) of this subparagraph.

(2) For effect of allocation of income on items based on amount of income and with respect to a net operating loss or a capital loss carryover, see paragraph (d) (2) of § 1.1301–2.

(3) See paragraph (d) (4) of § 1.1301–2 for the computations which are necessary when an amount of gross income from an invention or artistic work is allocated to a period to which there has also been allocated other income entitled to the benefits of section 1301, 1302, 1303, 1304, or 1305.

§ 1.1303 *Statutory provisions; income from back pay.*

SEC. 1303. *Income from back pay*—(a) *Limitation on tax.* If the amount of the back pay received or accrued by an individual during the taxable year exceeds 15 percent of the gross income of the individual for such year, the part of the tax attributable to the inclusion of such back pay in gross income for the taxable year shall not be greater than the aggregate of the increases in the taxes which would have resulted from the inclusion of the respective portions of such back pay in gross income for the taxable years to which such portions are respectively attributable, as determined under regulations prescribed by the Secretary or his delegate.

(b) *Definition of back pay.* For purposes of this section, the term "back pay" means amounts includible in gross income under this subtitle which are one of the following—

(1) Remuneration, including wages, salaries, retirement pay, and other similar compensation, which is received or accrued during the taxable year by an employee for services performed before the taxable year for his employer and which would have been paid before the taxable year except for the intervention of one of the following events:

(A) Bankruptcy or receivership of the employer;

(B) Dispute as to the liability of the employer to pay such remuneration, which is determined after the commencement of court proceedings;

(C) If the employer is the United States, a State, a Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any of the foregoing, lack of funds appropriated to pay such remuneration; or

(D) Any other event determined to be similar in nature under regulations prescribed by the Secretary or his delegate.

(2) Wages or salaries which are received or accrued during the taxable year by an employee for services performed before the taxable year for his employer and which constitute retroactive wage or salary increases ordered, recommended, or approved by any Federal or State agency, and made retroactive to any period before the taxable year.

(3) Payments which are received or accrued during the taxable year as the result of an alleged violation by an employer of any State or Federal law relating to labor standards or practices, and which are determined under regulations prescribed by the Secretary or his delegate to be attributable to a prior taxable year.

§ 1.1303–1 *Income from back pay*—(a) *Qualifications for limitation on tax.* If the amount of "back pay", as defined in section 1303 (b) and paragraph (b) of this section, received or accrued by an individual during the taxable year exceeds 15 percent of the individual's gross income for such year, the part of the tax attributable to the inclusion of such back pay in gross income for the taxable year shall not be greater than the aggregate of the increases in the taxes which would have resulted from the inclusion of the respective portions of such back pay in gross income for the taxable years to which such portions are respectively attributable. The computation of this limitation on tax shall be made in accordance with the provisions of paragraph (d) of this section.

(b) *Definition of back pay*—(1) *Remuneration delayed because of certain events.* "Back pay" means remuneration including wages, salaries, pensions, retirement pay, and other similar compensation, received or accrued during the taxable year and includible in gross income by an employee for services performed prior to the taxable year for his employer and which would have been paid prior to the taxable year but for the intervention of any one of the following events:

(i) Bankruptcy or receivership of the employer;

(ii) Dispute as to the liability of the employer to pay such remuneration, which is determined after the commencement of court proceedings;

(iii) If the employer is the United States, a State, a Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any of the foregoing, lack of funds appropriated to pay such remuneration; or

(iv) Any other event determined to be similar in nature under this subparagraph. An event will be considered similar in nature to those events specified in subdivisions (i), (ii), and (iii) of this subparagraph only if the circumstances are unusual, if they are of the type specified therein, if they operate to defer payment of the remuneration for the services performed, and if payment, except for such circumstances, would have been made prior to the taxable year in which received or accrued.

For the purposes of section 1303 and this section, the term "back pay" does not include remuneration which is deemed to be constructively received in the taxable year or years in which the services were performed, remuneration paid in the current year in accordance with the usual practice or custom of the employer even though received in respect of services performed in a prior year or years, additional compensation for past services where there was no prior agreement or legal obligation to pay such additional compensation, or any amount which is not includible in gross income under subtitle A of the Internal Revenue Code of 1954.

(2) *Retroactive wage and salary increases.* "Back pay" also includes retroactive wage or salary increases received or accrued during a taxable year by an employee for services performed in a prior taxable year which have been ordered, recommended, or approved by any Federal or State agency such as, but not limited to, boards authorized by the Railway Labor Act, as amended (45 U. S. C. 151–188), comparable State organizations, and United States and State courts.

(3) *Payments resulting from alleged employer violation of certain laws.* "Back pay" also includes payments which are received or accrued during the taxable year as a result of an alleged violation by an employer of sections 6 and 7 of the Fair Labor Standards Act of 1938, as amended (29 U. S. C. 206, 207), and which are made retroactive to any period prior to the taxable year and payments which are received or accrued during the taxable year arising out of an alleged violation by an employer of any State or Federal law relating to labor standards or practices, such as payments received to effectuate the policies of the National Labor Relations Act, as amended (29 U. S. C. 151 et seq.).

(c) *Allocation of back pay to prior years.* For the purpose of determining under section 1303 (a) the particular taxable year or years to which the back pay is attributable and, if such back pay is attributable to more than one taxable year, the amount thereof which is attributable to each of such taxable years, the following rules will be applicable:

(1) Back pay, as defined in section 1303 (b) (1), shall be deemed to be attributable to a particular taxable year to the extent that it would have been paid in such year except for the intervention of one of the events described in section 1303 (b) (1).

(2) Back pay, as defined in section 1303 (b) (2), shall be deemed to be attributable to a particular taxable year to the extent that it would have been paid in such year had the wage or salary increase described in section 1303 (b) (2) been actually put into effect on the date to which it was first made retroactive.

(3) Back pay, as defined in section 1303 (b) (3), shall be deemed to be attributable to a particular taxable year to the extent that it represents payments in respect of the alleged violation described in section 1303 (b) (3) which occurred in such year or which continued during any part of such year.

(4) In those cases where a computation has been made by, or under the direction of, a Federal or State agency (including any Federal or State court) by whom the back pay was awarded, which computation indicates that particular portions of such back pay are attributable to certain definite periods of time, such computation shall be accepted as the appropriate allocation for the purposes of this paragraph.

(5) Where no computation has been made as provided in subparagraph (4) of this paragraph, and where the allocation cannot be accurately made in accordance with subparagraph (1), (2), or (3) of this paragraph, then the back pay shall be allocated to each of the taxable years within which falls one or more calendar months included within the entire period for which such back pay has been paid, as if such back pay had been received or accrued in equal portions in each of such calendar months.

(6) An individual must compute his taxable income for any taxable year to which back pay is attributable even though he was not required to make a return for such year. Thus, all amounts properly includible in gross income for any taxable year to which back pay is attributable must be included in the computation.

(d) *Computation of tax.* (1) The following computation shall be made in order to determine whether the limitation on tax prescribed in section 1303 (a) and paragraph (a) of this section applies to back pay received or accrued in the taxable year:

(i) Compute the tax for the current taxable year by including in the gross income of such year the back pay received or accrued in such year.

(ii) Compute the tax for the current taxable year without such inclusion.

(iii) Compute the tax attributable to the back pay allocated to each of the prior taxable years in accordance with paragraph (c) of this section. The amount of tax attributable to back pay in each of such prior taxable years is the difference between the tax for each year computed with the inclusion in gross income of each year of the portion of such back pay so allocated to each year and the tax for each year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this subparagraph, or (*b*) the tax for such year as computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated back pay as computed under subdivision (iii) of this subparagraph.

(2) For effect of allocation of income on items based on amount of income and with respect to a net operating loss or a capital loss carryover, see paragraph (d) (2) of § 1.1301–2.

(3) See paragraph (d) (4) of § 1.1301–2 for the computations which are necessary when an amount of back pay is allocated to a period to which there has also been allocated other income entitled to the benefits of section 1301, 1302, 1303, 1304, or 1305.

(4) The provisions of this paragraph may be illustrated by the following example:

Example. A, an unmarried individual with no dependents, makes his returns on the cash receipts and disbursements method of accounting and on the basis of a calendar year. It is assumed that he is entitled to use and uses for the taxable years 1950, 1951, and 1954, the optional tax table provided in section 3 of the 1954 Internal Revenue Code, and Supplement T of the 1939 Internal Revenue Code. In 1954, A received adjusted gross income in the amount of $4,200, of which $1,000 constituted back pay. His tax for the calendar year 1954 on $4,200 would be $665. On $3,200 ($4,200 minus $1,000), the tax would be $467. That part of the tax for 1954 attributable to back pay is, therefore, $198 ($665 minus $467). Of the back pay, $600 was attributable to the year 1951. For such year his adjusted gross income (without such back pay) was $1,700 and his tax thereon was $192. The amount of tax which he would have paid for 1951 had he included in gross income the $600 of back pay attributable to 1951 is $302. The increase in the tax for such year would have been $110 ($302 minus $192). The remainder of the back pay, $400, was attributable to the year 1950, when his adjusted gross income (without such back pay) was $1,200, and his tax was $85. The amount of tax which he would have paid for 1950 had he included in gross income the $400 of back pay attributable to 1950 is $148. The increase in the tax for 1950 would be $63 ($148 minus $85). The aggregate of the increases of taxes for 1951 and 1950 would be $173. A's tax for the calendar year 1954 is $640 ($467 plus $173).

§ 1.1304 *Statutory provisions; compensatory damages for patent infringement.*

SEC. 1304. *Compensatory damages for patent infringement.* If an amount representing compensatory damages is received or accrued by a taxpayer during a taxable year as the result of an award in a civil action for infringement of a patent issued by the United States, then the tax attributable to the inclusion of such amount in gross income for the taxable year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month during which such infringement occurred.

(Section 1304 as added by sec. 1, act of Aug. 11, 1955 (Pub. Law 366, 84th Cong., 69 Stat. 688))

§ 1.1304–1 *Compensatory damages for patent infringement*—(a) *Qualifications for limitation on tax.* If an amount representing compensatory damages is received or accrued by a taxpayer during a taxable year as a result of an award in a civil action for infringement of a patent issued by the United States, then the tax attributable to the inclusion of such amount in gross income for the taxable year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month over the period during which such infringement occurred.

(b) *Definition of terms*—(1) *"Compensatory damages."* (i) For purposes of section 1304 and this section the term "compensatory damages" means an amount awarded pursuant to a judgment or decree by a court as the result of a civil action for infringement of a patent (or contributory infringement) which action is authorized by title 35 U. S. C. (1952 ed.) sec. 281. The term is limited to that portion of the award which represents damages to compensate the taxpayer for the actual infringement sustained. It does not include that portion of the award which represents increased damages awarded by the court over and above the amount found adequate to compensate for the infringement, attorney's fees, interest or costs. See title 35 U. S. C. (1952 ed.) secs. 284 and 285.

(ii) An amount awarded pursuant to a consent decree or judgment may be considered compensatory damages for purposes of this section.

(iii) An amount received or accrued pursuant to a settlement of the action, after a decree or judgment awarding damages to the taxpayer has been entered, may be considered as compensatory damages even though such amount is not made a part of a consent decree. In such case the taxpayer must show which portion of the amount received or accrued represents compensatory damages.

(iv) An amount received or accrued pursuant to a settlement of the action where no judgment or decree, or consent judgment or decree, is entered will not constitute compensatory damages.

(2) *"Patent issued by the United States."* The term "patent issued by the United States" means any patent issued or granted by the United States under the authority of the Commissioner of Patents pursuant to U. S. C. title 35 (1952 ed.), sec. 153. The term "patent issued by the United States" does not include a patent issued or granted by a foreign government.

(c) *Allocation of compensatory damages.* The amount representing compensatory damages is to be treated as if it had been received in equal portions in each of the calendar months (including those of the current taxable year) which fall within the period during which the court has determined the infringement to have occurred. Thus, the portion of the compensatory damages allocable to each taxable year involved in such period is an amount equal to the entire amount of compensatory damages, divided by the entire number of calendar months included within such period of infringement, and multiplied by the number of such calendar months falling within the particular taxable year.

(d) *Computation of tax.* (1) The following computation shall be made in order to determine whether the limitation on tax prescribed in section 1304 and paragraph (a) of this section applies to compensatory damages for a patent infringement received or accrued in the taxable year:

(i) Compute the tax for the current taxable year by including in the gross income of such year the amount of compensatory damages received or accrued in such year.

(ii) Compute the tax for the current taxable year without such inclusion.

(iii) Compute the tax attributable to the portion of the compensatory damages allocated to each of the taxable years in accordance with paragraph (c) of this section. The amount of tax attributable to compensatory damages in each of such years is the difference between the tax for each year computed with the inclusion in gross income of each year of the portion of such compensatory damages so allocated to each year and the tax for each year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this paragraph, or (*b*) the tax for such year as computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated compensatory damages as computed under subdivision (iii) of this subparagraph.

(2) For effect of allocation of income on items based on amount of income and with respect to a net operating loss or a capital loss carryover, see paragraph (d) (2) of § 1.1301–2.

(3) See paragraph (d) (4) of § 1.1301–2 for the computations which are necessary when an amount of compensatory damages is allocated to a period to which there has also been allocated other income entitled to the benefits of section 1301, 1302, 1303, 1304, or 1305.

(e) *Capital gains treatment of compensatory damages.* Section 1304 and this section are applicable to amounts considered as received from the sale or exchange of a capital asset. See section 1235 and the regulations thereunder. Whether the portion of the award allocable to each year pursuant to paragraph (c) of this section shall be considered as proceeds from the sale or exchange of a capital asset or as ordinary income shall be determined under the provisions of the internal revenue laws applicable for each such year and the regulations thereunder.

(f) *Effective date of this section.* The provisions of section 1304 and this section shall be applicable with respect to taxable years ending after August 11, 1955, but only with respect to amounts of compensatory damages received or accrued after such date as the result of awards made after such date.

(g) *Illustrations.* The provisions of section 1304 may be illustrated by the following examples:

Example (1). A, the claimant in a patent infringement action, made his return on a calendar year basis and used the cash receipts and disbursements method of accounting. On October 1, 1960, the court awarded him $72,000. Of this amount $10,000 represented legal fees, $6,000 interest, and $4,000 court costs. The balance of $52,000 represented compensatory damages. Moreover, the court found that the infringement began on June 3, 1956, and continued to the date of the award, thus covering a period of 52 calendar months. For the purpose of determining the limitation on tax under section 1304, A must allocate the amount of $52,000 of compensatory damages at the rate of $1,000 per month over the 52 calendar months as follows: $7,000 to 1956, $12,000 to 1957, $12,000 to 1958, $12,000 to 1959, and $9,000 to 1960.

Example (2). Assume the same facts as in example (1) except that on January 2, 1956, A sold or exchanged his patent to the X Company within the meaning of section 1235. For the purpose of determining the limitation on tax under section 1304, A must treat the amounts allocated to the several years as long-term capital gains.

§ 1.1305 *Statutory provisions; breach of contract damages.*

SEC. 1305. *Breach of contract damages*—(a) *General rule.* If an amount representing damages is received or accrued by a taxpayer during a taxable year as a result of an award in a civil action for breach of contract or breach of a fiduciary duty or relationship, then the tax attributable to the inclusion in gross income for the taxable year of that part of such amount which would have been received or accrued by the taxpayer in a prior taxable year or years but for the breach of contract, or breach of a fiduciary duty or relationship, shall not be greater than the aggregate of the increases in taxes which would have resulted had such part been included in gross income for such prior taxable year or years.

(b) *Credits and deductions allowed in computation of tax.* The taxpayer in computing said tax shall be entitled to deduct all credits and deductions for depletion, depreciation, and other items to which he would have been entitled, had such income been received or accrued by the taxpayer in the year during which he would have received or accrued it, except for such breach of contract or for such breach of a fiduciary duty or relationship. The credits, deductions, or other items referred to in the prior sentence, attributable to property, shall be allowed only with respect to that part of the award which represents the taxpayer's share of income from the actual operation of such property.

(c) *Limitation.* Subsection (a) shall not apply unless the amount representing damages is $3,000 or more.

(Section 1305 as added by sec. 1, act of Aug. 26, 1957 (Pub. Law 85–165, 71 Stat. 413))

§ 1.1305–1 [Reserved for regulations under section 1305]

§ 1.1306 *Statutory provisions; rules applicable to sections 1301, 1302, 1303, 1304, and 1305.*

SEC. 1306. *Rules applicable to this part*—(a) *Fractional parts of a month.* For purposes of this part, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it should be considered as a month.

(b) *Tax on self-employment income.* This part shall be applied without regard to, and shall not affect, the tax imposed by chapter 2 relating to self-employment income.

(c) *Computation of tax attributable to income allocated to prior period.* For the purpose of computing the tax attributable to the amount of an item of gross income allocable under this part to a particular taxable year, such amount shall be considered income only of the person who would be required to include the item of gross income in a separate return filed for the taxable year in which such item was received or accrued.

(d) *Effective date of certain subsections.* Subsection (c) of section 1301 and subsection (c) of this section shall apply only to amounts received or accrued after March 1, 1954. Notwithstanding any other provision of this title, section 107 of the Internal Revenue Code of 1939 shall apply to amounts received or accrued as a partner on or before March 1, 1954, under this section and to the computation of tax on amounts received or accrued on or before March 1, 1954.

(Section 1306 as renumbered by sec. 1, act of Aug. 11, 1955 (Pub. Law 366, 84th Cong., 69 Stat. 688); sec. 1, act of Aug. 26, 1957 (Pub. Law 85–165, 71 Stat. 413))

§ 1.1306–1 *Rules applicable to sections 1301, 1302, 1303, 1304, and 1305*—(a) *Fractional parts of a month.* For purposes of sections 1301, 1302, 1303, 1304, and 1305, and the regulations thereunder, a fractional part of a month shall be disregarded unless it amounts to more than one half of a month, in which case it shall be considered as a month.

(b) *Tax on self-employment income.* The provisions of sections 1301, 1302, 1303, 1304, and 1305, and the regulations thereunder, shall be applied without regard to, and shall not affect, the tax imposed by chapter 2 of subtitle A of the Internal Revenue Code of 1954 and section 480 of the Internal Revenue Code of 1939, relating to the tax on self-employment income.

(c) *Computation of tax attributable to income allocated to prior period.* In the case of either a husband or wife receiving income to which the provisions of section 1301, 1302, 1303, 1304, or 1305 apply, the tax attributable to the portion of the income allocated to a prior period shall be computed by considering such income as includible by the spouse who would have been required to include it in a separate return for the taxable year in which such income was received or accrued, assuming a separate return had been filed for such year. For example, A, an attorney on a calendar year basis, resides in a State in which the common law with respect to the ownership of property is applicable. In 1955, A receives compensation upon the completion of an employment which began in 1945. All the requirements for the application of section 1301 (a) are satisfied. A and his wife file a joint income tax return for the taxable year 1955. They filed separate returns for the years 1945, 1946, and 1947 and joint returns in 1948 and subsequent years. The entire portion of such compensation allocable to the years for which separate returns were filed shall be includible in A's return and no part thereof shall be includible in the separate return filed by A's wife for such years.

(d) *Effective date.* Section 1304 (c) and this paragraph shall apply only to amounts received or accrued after March 1, 1954. Pursuant to section 7851 (a) (1) (C), the regulations prescribed in this paragraph shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, and to taxable years beginning after December 31, 1953, and ending before August 17, 1954, although such years are generally subject to the Internal Revenue Code of 1939. Notwithstanding any other provision of the Internal Revenue Code of 1954, section 107 of the Internal Revenue Code of 1939 shall apply to amounts received or accrued on or before March 1, 1954, and to the computation of tax on amounts received or accrued on or before March 1, 1954.

[F. R. Doc. 57–10827; Filed, Dec. 30, 1957; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 17]

[Docket No. 11665]

PRACTICE AND PROCEDURE; CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Parts 1 and 17 of the Commission's rules to encourage the grouping of antenna towers and the multiple use of structures for supporting antennas, and amendment of Part 17 to provide new criteria for determining whether applications for antenna towers will require special aeronautical study.

The Commission having under consideration a petition dated December 18, 1957, filed on behalf of the Storer Broadcasting Company, requesting an extension of time in which to submit comments directed to the Commission's further notice of proposed rule making in the above-captioned matter:

It appearing that owing to the specialized nature of the subject matter and the intervening holiday season petitioner is unable to prepare and submit comments in this proceeding by December 30, 1957, the final date for submission of comments specified in the Further Notice; and

It further appearing that the public interest would be served by extending the time for reception of comments in this Docket;

It is ordered, This 24th day of December 1957, that, pursuant to authority contained in section 0.322 (b) of the Commission's rules, the time for filing comments in the above-captioned matter is hereby extended from December 30, 1957 to January 31, 1958, and that rebuttal comments may be filed within 20 days from the extended closing date for original comments.

Released: December 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–10844; Filed, Dec. 30, 1957; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 136]

[File No. 21–332]

PAINT AND VARNISH BRUSH INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

In the matter of proposed trade practice rules for the Paint and Varnish Brush Industry superseding trade practice rules for the Paint and Varnish Brush Manufacturing Industry (16 CFR Part 136).

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Paint and Varnish Brush Industry (superseding trade practice rules for the Paint and Varnish Brush Manufacturing Industry promulgated January 14, 1939), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than January 16, 1958. Opportunity to be heard orally in the matter will be afforded at the hearing commencing 10:00 a. m. (e. s. t.), January 16, 1958, in the Washington Room of the Hotel Statler, 7th Avenue and 33rd Street, New York, N. Y., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of all types and kinds of brushes for use in applying paint, varnish, lacquer, calcimine, wallpaper or other decorative or protective coatings or primers or undercoating for such coatings. Also non-wire brushes for use in dusting or cleaning surfaces preliminary to the application of such coatings or undercoatings.

Proceedings looking to the promulgation of trade practice rules for this industry were instituted by the Commission pursuant to an industry application. The announced hearing constitutes the first step in the proceedings to revise previously promulgated trade practice rules.

Issued: December 26, 1957.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57–10820; Filed, Dec. 30, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 147, Revision 1]

OFFICE OF THE ASSISTANT TO THE SECRETARY FOR LAW ENFORCEMENT

ESTABLISHMENT

1. There is established in the Office of the Secretary the Office of Assistant to the Secretary for Law Enforcement.

2. The Office shall be headed by an Assistant to the Secretary for Law Enforcement, who shall report to me through the Assistant or Under Secretary who has supervisory responsibility for Treasury law enforcement operations.

3. The functions of the Office of the Assistant to the Secretary for Law Enforcement shall in general be, but shall not be limited to:

a. Formulation, for recommendation to the Secretary of the Treasury, of the basic law enforcement program and policy for execution of the Treasury Department's national and international law enforcement responsibilities.

b. Representation of the Office of the Secretary in operational aspects of all Treasury law enforcement activities.

c. Chairmanship of the Treasury Department Enforcement Board. This Board shall consist of the following officials: Administrative Assistant Secretary of the Treasury; Commissioner, Bureau of Narcotics; Chief, U. S. Secret Service; Director, Alcohol and Tobacco Tax Division, Internal Revenue Service; Deputy Commissioner (Investigations), Bureau of Customs; Director, Intelligence Division, Internal Revenue Service; Director, Internal Security Division (Inspection), Internal Revenue Service; and Chief, Intelligence Division, U. S. Coast Guard. Each of the Board members shall designate an alternate who will serve in his absence. The Board shall have the mission of appraising, improving, and developing crime suppression activities and techniques and, in addition, controlling and reducing the cost of enforcement operation and improving the management of enforcement activities.

d. Responsibility for the coordination of Treasury law enforcement activities.

e. Liaison representation of the Office of the Secretary with all other Federal and international law enforcement agencies on all major law enforcement problems.

f. Appraisal, for consideration of the Secretary, of the policy, performance and integrity of Treasury enforcement activities.

g. Direction of Treasury enforcement training.

4. The detailed organization and specific missions of the Office may be itemized and modified from time to time by the Assistant or Under Secretary who has supervisory responsibility for Treasury law enforcement operations, in order to accomplish the foregoing functions with maximum effectiveness.

5. In effectuating this order, I hereby direct the Assistant or Under Secretary who has supervisory responsibility for Treasury law enforcement operations to draw on all facilities of the Department without limitation, except as to restrictions imposed by law.

Dated: December 23, 1957.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57-10828; Filed, Dec. 30, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PENNSYLVANIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Pennsylvania a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

Berks.	Montgomery.
Greene.	Washington.
Monroe.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 26th day of December 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-10858; Filed, Dec. 30, 1957; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket F-21]

PROSPERITY CO.

NOTICE OF DENIAL WITHOUT PREJUDICE OF FACILITY LICENSE APPLICATION

Please take notice that the Atomic Energy Commission on December 20, 1957, denied the application for a facility license submitted by The Prosperity Company, 125 Marcellus Street, Syracuse, New York. The denial was made with the consent of the applicant and without prejudice to submittal of a new application. The Prosperity Company submitted its application for license on February 6, 1956, to construct and operate a research reactor on the campus of the University of Miami, Coral Gables, Florida. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 20th day of December 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-10794; Filed, Dec. 30, 1957; 8:45 a. m.]

[Docket Nos. 50-92, 50-93]

AEROJET—GENERAL NUCLEONICS

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that Aerojet-General Nucleonics, San Ramon, California, on December 9, 1957, filed two applications each requesting a license authorizing the export of a research reactor to The Government of Belgium for exhibition at the 1958 World's Fair in Brussels. One application (Docket 50-92) is for license to export a 100-milliwatt research reactor and the other (Docket 50-93) a one-watt research reactor. The applicant states that it plans to export only one of the reactors, that the Belgian Government has not yet decided which of the two reactors is to be exhibited, and that the two applications have been submitted in order to avoid unnecessary delay in shipment of the reactor finally chosen. Upon finding that (a) the reactor designated to be exported is a utilization facility as defined in the Atomic Energy Act of 1954, as amended, and in the Commission's regulations (10 CFR Part 50) and (b) the issuance of a license authorizing the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with The Government of Belgium, the Commission will issue a facility export license authorizing the export of the reactor to the International Science Hall in Brussels.

In its review of applications for licenses sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

For the Atomic Energy Commission.

Dated at Washington, D. C., this 23d day of December 1957.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-10795; Filed, Dec. 30, 1957; 8:45 a. m.]

[Docket No. F-14]

BATTELLE MEMORIAL INSTITUTE

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license to Battelle Memorial Institute substantially in the form set forth below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). The proposed license would authorize Battelle Memorial Institute to possess the critical assembly facility at the site near Columbus, Ohio, described in its application for license. Construction of the facility was authorized by Construction Permit No. CPCX-2 issued on December 28, 1955. The facility has been inspected by representatives of the Commission and found to have been constructed in accordance with the terms and conditions of the construction permit. The proposed license provides that at such time as it is amended to authorize the operation of the facility such amended license will incorporate—as one of its conditions—a requirement that no critical experiment may be conducted in the facility until a description of the experiment and a hazards evaluation report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 20th day of December 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

LICENSE

License No.

1. On October 20, 1955, Battelle Memorial Institute filed an application for a Class 104 license to construct, possess and operate a critical experiment facility (hereinafter "the facility") at its West Jefferson site near Columbus, Ohio. The original application and amendments thereto are hereinafter referred to as "the application". On December 28, 1955, the Atomic Energy Commission (hereinafter "the Commission") issued Construction Permit No. CPCX-2 authorizing construction of the facility described in the application. Representatives of the Commission have inspected the facility and found it to have been constructed in compliance with the terms and conditions of the construction permit.

2. The Commission finds that:

a. The facility authorized for construction by Construction Permit No. CPCX-2, dated December 28, 1955, and issued to Battelle Memorial Institute, has been constructed in conformity with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission; and

b. Issuance of a license to possess the facility will not be inimical to the common defense and security or to the health and safety of the public.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Battelle Memorial Institute pursuant to section 104 (c) of the Atomic Energy Act of 1954, as amended, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess the facility as a utilization facility.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50; is subject to all applicable provisions of the Atomic Energy Act of 1954, as amended and rules, regulations and orders of the Commission now or hereafter in effect.

5. At such time as this license is amended to authorize the operation of the facility such amended license will incorporate—as one of its conditions—a requirement that no critical experiment may be conducted in the facility until a description of the experiment and a hazards evaluation report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

6. This license is effective as of the date of issuance and shall expire at midnight December 28, 1965.

Date of Issuance:

For the Atomic Energy Commission.

———,
Director,
Division of Civilian Application.

[F. R. Doc. 57-10796; Filed, Dec. 30, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11972; FCC 57M-1290]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER SCHEDULING HEARING

In the matter of American Telephone and Telegraph Company et al., Docket No. 11972; lease and maintenance of equipment and facilities for private communication systems.

The Hearing Examiner having under consideration a Motion to Designate Hearing Date filed December 13, 1957, on behalf of the Chief, Common Carrier Bureau, requesting that the hearing be scheduled for January 14, 1958; and

It appearing that the Washington attorneys for various parties have informally agreed to the above hearing date, that the public interest requires prompt action to establish a firm hearing date in this multi-party proceeding, and that a grant of the motion will best conduce to the proper dispatch of business; now therefore,

It is ordered, This 20th day of December 1957, that the above motion is granted, and that the hearing in this proceeding shall be commenced at 10:00 a. m. on Tuesday, January 14, 1958, at the offices of the Commission in Washington, D. C.

Released: December 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10845; Filed, Dec. 30, 1957; 8:50 a. m.]

[Docket No. 12104 etc.; FCC 57M-1299]

RALPH D. EPPERSON ET AL.

ORDER SCHEDULING FURTHER PREHEARING CONFERENCE

In re applications of Ralph D. Epperson, Williamsburg, Virginia, Docket No. 12104, File No. BP-10958; Mary Cobb & Richard S. Cobb, d/b as Williamsburg Broadcasting Company, Williamsburg, Virginia, Docket No. 12105; File No. BP-11199; WDDY, Incorporated (WDDY), Gloucester, Virginia, Docket No. 12271, File No. BP-11508; for construction permits.

It is ordered, This 23d day of December 1957, that a further prehearing conference in the above-entitled matter will be held at 10:00 a. m., January 13, 1958, in the Commission's offices at Washington, D. C.

Released: December 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10846; Filed, Dec. 30, 1957; 8:50 a. m.]

[Docket No. 12226; FCC 57M-1296]

CAPITOL BROADCASTING CORP. (WCAW)

ORDER CONTINUING HEARING

In re application of Capitol Broadcasting Corporation (WCAW), Charleston, West Virginia, Docket No. 12226, File No. BP-11094; for construction permit.

On the oral request of all counsel: *It is ordered*, This 23d day of December 1957, that the hearing now scheduled for January 2, 1958, is continued; and

It is further ordered, On the Hearing Examiner's own motion, that a new date for hearing will be set by subsequent order.

Released: December 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10847; Filed, Dec. 30, 1957; 8:51 a. m.]

[Docket No. 12235, 12236; FCC 57M-1297]

LOUISIANA PURCHASE CO. AND SIGNAL HILL TELECASTING CORP.

ORDER CONTINUING HEARING

In re applications of Louisiana Purchase Company, St. Louis, Missouri, Docket No. 12235, File No. BPCT-2295; for construction permit for a new television broadcast station; and Signal Hill Telecasting Corporation, St. Louis, Missouri, Docket No. 12236, File No. BMPCT-4615; for modification of construction permit.

It is ordered, This 23d day of December 1957, on the Hearing Examiner's own motion, that the prehearing conference

now scheduled for January 10, 1958, is indefinitely continued.

Released: December 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10848; Filed, Dec. 30, 1957; 8:51 a. m.]

[Docket No. 12272; FCC 57M-1293]

JAMES A. SAUNDERS AND WILLIAM F. JOHNS, JR.

ORDER SCHEDULING HEARING

In re application of James A. Saunders (transferor) and William F. Johns, Jr., (transferee), Docket No. 12272, File No. BTC-2611; for transfer of control of Ware Broadcasting Corporation licensee of Station KIHO, Sioux Falls, South Dakota.

It is ordered, this 20th day of December 1957, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 10, 1958, in Washington, D. C.

Released: December 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10851; Filed, Dec. 30, 1957; 8:51 a. m.]

[Docket No. 12250; FCC 57M-1298]

SACRAMENTO TELECASTERS, INC. (KBET-TV)

ORDER CONTINUING HEARING

In re application of Sacramento Telecasters, Inc. (KBET-TV), Sacramento, California, Docket No. 12250, File No. BMPCT-2633; for modification of construction permit.

It is ordered, This 23d day of December 1957, on the Hearing Examiner's own motion, that the hearing now scheduled for January 16, 1958, is continued indefinitely.

Released: December 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10850; Filed, Dec. 30, 1957; 8:51 a. m.]

[Mexican List 206]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

NOVEMBER 25, 1957.

Notification under the provisions of part III, section 2 of the North American regional broadcasting agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignment of Mexican Broadcast Stations attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power, kw	Antenna	Schedule	Class	Probable date of change or commencement of operation
		690 kilocycles				
XEAK	Tijuana, Baja California (change in call letters from XEAC).	50 kw	DA-N	U	I-B	Nov. 25, 1957
		900 kilocycles				
XEK	Nuevo Laredo, Tamaulipas (change in call letters from XEDF).	5 kw D/1 kw N	DA-1	U	III	Do.
		970 kilocycles				
XEDF	Mexico, D. F. (change in call letters from XEK).	1 kw D/500 w N	ND	U	III	Do.
		1310 kilocycles				
XEBP	Torreon, Coahuila (reduce daytime power).	250 w N/5 kw D	ND	U	III	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10853; Filed, Dec. 30, 1957; 8:52 a. m.]

[Docket Nos. 12244-12246; FCC 57M-1300]

SANTA ROSA BROADCASTING CO. ET AL.

ORDER FOLLOWING FIRST PREHEARING CONFERENCE (CONTINUING HEARING)

In re applications of B. Floyd Farr, George Snell, Edward W. McCleery, Robert Blum d/b as Santa Rosa Broadcasting Company, Santa Rosa, California, Docket No. 12244, File No. BP-10676; Golden Valley Broadcasting Company (KRAK), Stockton, California, Docket No. 12245, File No. BP-10676; Joseph E. Gamble and Lew L. Gamble, d/b as Radio Santa Rosa, Santa Rosa, California, Docket No. 12246, File No. BP-11084; for construction permits.

It is ordered, This 23d day of December 1957, that, upon joint oral motion of all counsel made at a prehearing conference held this day in the above-entitled matter, a further prehearing conference will be held at 10:00 A. M., January 29, 1958, in the Commission's offices in Washington, D. C.; and

It is further ordered, That the hearing now scheduled for January 9, 1958, is continued without date.

Released: December 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10849; Filed, Dec. 30, 1957; 8:51 a. m.]

[Amdt. O-38]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU

In the matter of amendment of section 0.292 of the Commission's Statement of Delegations of Authority to provide authorization for Chief of Safety and Special Radio Services Bureau to dismiss applications without prejudice under certain circumstances.

The Commission having under consideration an editorial addition to section 0.292 of Part O of its Statement of Delegations of Authority; and

It appearing that by an order adopted on April 23, 1952, 17 F. R. 4187, the Commission delegated authority to the Chiefs of the Operating Bureaus authorized to process applications to dismiss such applications without prejudice where an applicant has failed to answer official correspondence or a request for additional material from the Commission as provided in § 1.381 (a) of the Commission's rules; and

It further appearing that it is administratively convenient and in the public interest to have this delegation of authority set forth in Part O of the Commission's Statement of Delegations of Authority; and

It further appearing that the amendment adopted herein is editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making pursuant to the provisions of section 4 (a) of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 24th day of December, 1957, that, effective immediately section 0.292 of the Commission's Statement of Delegations of Authority is amended by the addition of paragraph (h) to read as follows:

(h) To dismiss, applications without prejudice in cases where, prior to designation of such application for hearing, an applicant has failed to answer official correspondence or a request for additional information from the Commission.

Released: December 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-10852; Filed, Dec. 30, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14044]

ANDERSON-PRICHARD OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 23, 1957.

Anderson-Prichard Oil Corporation (Respondent), on November 25, and 26, 1957, tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of change, dated November 22, 1957. Notice of change, dated November 25, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designations: Supplement No. 1 to Anderson-Prichard Oil Corporation FPC Gas Rate Schedule No. 72. Supplement No. 6 to Anderson-Prichard Oil Corporation FPC Gas Rate Schedule No. 1.

Effective date: January 1, 1958. (Effective dates are the effective dates proposed by respondent.)

In support of the proposed increased rates, Respondent states that the periodic rate adjustments are the result of contractual provisions with El Paso negotiated at arm's length, that such provisions afford Respondent protection against increases in operating costs, and that denial of such increases would deprive Respondent of its right to just and reasonable rates. Such general conclusionary statements are insufficient to demonstrate, per se, the lawfulness of the increased rates. Union Oil Company, 16 F. P. C. 100.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the aforesaid supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10800; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14056]

SINCLAIR OIL AND GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 23, 1957.

Sinclair Oil and Gas Company (Respondent), on November 25, 1957 tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, dated November 21, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 30. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 29.

Effective date: January 1, 1958. (Effective date is the effective date proposed by respondent.)

In support of the proposed periodic rate increases, Respondent states that the proposed increases will not result in an excessive rate of return and will assist in obtaining a return commensurate with the risks inherent in exploration, development and production of natural gas.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10801; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14059]

STANDARD OIL COMPANY OF TEXAS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 23, 1957.

Standard Oil Company of Texas (Respondent), on November 25, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule desgination: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 28.

Effective date: January 1, 1958. (Effective date is the effective date proposed by respondent.)

The proposed change in rate is a favored-nations increase based upon a spiral escalation increase of another seller. In support of the increase, Respondent cites the contract provisions and claims that the increase is a part of the whole contract rate and is not a change in rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10802; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14060]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 23, 1957.

Sinclair Oil & Gas Company (Respondent) on November 25, 1957 tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, dated November 21, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 28. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 92. (3) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 13. (4) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 7.
Effective date: December 26, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

The proposed changes in rates are favored-nations increases based upon a spiral escalation increase of another seller. In support of these increases, Respondent states that the increases will not result in an excessive rate of return and will assist in obtaining a return commensurate with the risks inherent in the exploration and production of natural gas.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10803; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14027]

BRITISH-AMERICAN OIL PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

The British-American Oil Producing Company (Respondent), on November 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 20, 1957.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to The British-American Oil Producing Company's FPC Gas Rate Schedule No. 11.
Effective date: January 1, 1958. (Effective date is the effective date proposed by respondent.)

In support of the proposed periodic rate increase, Respondent states that the increased rate is provided for in the contract which was entered into after arm's length bargaining, and that increased cost of production justifies the increased rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10804; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14051]

SIGNAL OIL AND GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

Signal Oil and Gas Company (Operator) (Respondent), on November 29, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 27, 1957.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: December 30, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed rate increase, Respondent states that one intrastate pipeline purchasing residue gas in the same area will shortly pay an escalated price for such gas. Respondent contends that its presently effective rate, established by a certificate condition in Docket No. G-2570 was established at the then highest price for residue gas in the area in order to maintain the status quo. Respondent further claims that such status quo is now being changed by reason of the fact that the intrastate pipeline will pay an escalated price for residue gas, therefore, Respondent's proposed rate increase should be allowed as the going price in the area, especially since such rate is less than the contract price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10805; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14054]

CLAUDE M. LANGTON

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

Claude M. Langton, Trustee (Respondent), on November 29, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, Undated.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1958. (Effective date is the effective date proposed by respondent.)

In support of the proposed periodic rate increase, Respondent states that the provisions of the contract for increased rates resulted from arm's-length bargaining in good faith to allow for varying economic conditions. Respondent also contends that the proposed rate will not exceed the rate in contracts of other sellers in the area, and its disallowance would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10806; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14052]

DOMESTIC OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

Domestic Oil Corporation (Respondent), on November 29, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, Undated.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: December 30, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increase, Respondent states that the contract provision on which it is based resulted from arm's-length bargaining in good faith. Respondent further states that the proposed increase is necessary to protect against increasing costs and that the resulting rate does not exceed the current market price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described

and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10807; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14105]

SINCLAIR OIL AND GAS COMPANY ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 24, 1957.

Sinclair Oil and Gas Company, et al. (Respondent), on November 25, 1957, tendered for filing a proposed change in its rate schedule presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 71.
Effective date: January 1, 1958. (Effective date is the effective date proposed by respondent.)

In support of the proposed periodic rate increase, Respondent cites the contract provision and states that the proposed increase will not result in an excessive rate of return. Respondent also states that the proposed increase will assist it in obtaining a return commensurate with its risks, and will represent a fair consideration for its commitment to the purchaser.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10808; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14049]

PURE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 24, 1957.

The Pure Oil Company (Respondent), on November 25, 1957 tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 26. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 28.
Effective date: January 1, 1958. (Effective date is the effective date proposed by respondent.)

In support of the proposed periodic rate increases, Respondent cites the pricing provisions of the contracts and contends that the increased prices are just and reasonable and to deny such increased rates would be unjust.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that said supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10809; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-13985]

PAUL F. BARNHART ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 23, 1957.

Paul F. Barnhart, et al. (Respondent), on December 2, 1957, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated November 15, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 15. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 7. (3) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 8. (4) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 9. (5) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 10. (6) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 11. (7) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 12. (8) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 14.
Effective date: January 2, 1958, or date increase becomes effective under the appropriate rate schedule, if later (effective date is the date proposed by Respondent, or the date the increase becomes effective under the terms of the contract, whichever is later).

The foregoing designated supplements pertain to periodic increases in rates plus proportionate increases in Texas occupation taxes. Respondent has not furnished sufficient information to establish the date upon which the terms of the basic contracts providing for such increases become operative.

In support of the proposed periodic rate increases, Respondent states that they are based upon the terms of the gas sales contracts.

The increased rates and charges proposed in the aforesaid supplements, insofar as they pertain to periodic rate increases, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Respondent submit within a reasonable time proof of the date upon which the proposed increased rates would become effective under the appropriate rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges and that all of the foregoing designated supplements, insofar as they pertain to the periodic increases in rates, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Respondent shall submit proof, through agreement with the buyer or otherwise, of the date each of the proposed increased rates would have been effective under the appropriate rate schedule.

(B) Pursuant to the authority contained in sections 4, 5, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges, and, pending such hearing and decision thereon, the above-designated supplements, insofar as they pertain to proposed periodic rate increases, be and they hereby are suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10810; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14008]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 23, 1957.

Phillips Petroleum Company (Respondent), on November 25, 1957, tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated November 21, 1957.
Purchaser: Lone Star Gas Company.
Rate schedule designations: Supplement No. 1 to Phillips Petroleum Company FPC Gas Rate Schedule No. 158. Supplement No. 1 to Phillips Petroleum Company FPC Gas Rate Schedule No. 157.
Effective date: January 1, 1958. (Effective dates are the effective dates proposed by Respondent.)

In support of the proposed increased rates, Respondent states that the periodic rate adjustments are provided by contractual provisions with Lone Star negotiated at arm's length. Further, Respondent alleges that the price increases are necessary, are insufficient to offset costs said to be fairly apportioned to the business, and are just, reasonable and fully supported. Proof of arm's-length bargaining is insufficient, per se, to sustain the lawfulness of increased rates, Union Oil Company, 16 F. P. C. 100.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the aforesaid supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10811; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14031]

FRANK E. KIRKPATRICK, JR.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 23, 1957.

Frank E. Kirkpatrick, Jr. (Kirkpatrick), on November 25, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 2 to Kirkpatrick's FPC Gas Rate Schedule No. 1.
Effective date: December 26, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increase, Kirkpatrick cites contract provision, arm's-length negotiations, and states the proposed rate increase provides for reasonable increase due to added costs of operation. Kirkpatrick also states that the proposed rate in-

crease is a reasonable rate for sale of gas in the community.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting.)

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10812; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14034]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 23, 1957.

Cities Service Oil Company (Cities Service), on November 25, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, dated November 22, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 1 to Cities Service's FPC Gas Rate Schedule No. 3. Supplement No. 1 to Cities Service's FPC Gas Rate Schedule No. 29. Supplement No. 2 to Cities Service's FPC Gas Rate Schedule No. 9. Supplement No. 2 to Cities Service's FPC Gas Rate Schedule No. 6.

Effective date: January 1, 1958. (Effective date is the effective date proposed by Cities Service.)

In support of the proposed periodic rate increases, Cities Service cites contract provision and arm's-length bargaining at time contract was negotiated, and states the rate is not unreasonable and is less than the going price for gas in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 1 to Cities Service's FPC Gas Rate Schedule No. 3, Supplement No. 1 to Cities Service's FPC Gas Rate Schedule No. 29, Supplement No. 2 to Cities Service's FPC Gas Rate Schedule No. 9, and Supplement No. 2 to Cities Service's FPC Gas Rate Schedule No. 6, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 1 to Cities Service's FPC Gas Rate Schedule No. 3, Supplement No. 1 to Cities Service's FPC Gas Rate Schedule No. 29, Supplement No. 2 to Cities Service's FPC Gas Rate Schedule No. 9, and Supplement No. 2 to Cities Service's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until June 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10813; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14035]

ATLANTIC REFINING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

The Atlantic Refining Company (Operator), et al (Respondent), on November 25, 1957, tendered for filing a proposed change in a presently effective rate schedule for sales of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 21, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 2 to The Atlantic Refining Company (Operator), et al, FPC Gas Rate Schedule No. 10.

Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed increased rate, Respondent states that the periodic rate increase is the result of a provision in its basic contract with El Paso, that the contract was negotiated at arm's length, that the increased rate reflects an asserted increase in cost of production. In Union Oil Company, 16 F. P. C. 100, we expressed the view that evidence of arm's-length bargaining is insufficient, per se, to demonstrate the lawfulness of an increased rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has

expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10814; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14036]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

DECEMBER 23, 1957.

The Atlantic Refining Company (Respondent), on November 25, 1957, tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of change, dated November 14, 1957. Notice of change, dated November 13, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designations: Supplement No. 5 to The Atlantic Refining Company FPC Gas Rate Schedule No. 26. Supplement No. 14 to The Atlantic Refining Company FPC Gas Rate Schedule No. 28.

Effective date: January 1, 1958. (Effective dates are the effective date proposed by Respondent.)

In support of the proposed increased rates, Respondent states that the periodic rate adjustments are incorporated in contract provisions with El Paso (together with the related tax component), that such provisions were entered into at arm's length, and, lastly, that the increased rates reflect increases in cost of production. The mere fact that price increases are provided in contractual provisions representing the culmination of arm's-length bargaining does not, per se, demonstrate the lawfulness of the increased rates. Union Oil Company, 16 F. P. C. 100.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the aforesaid supplements to Respondent's rate schedules, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges contained in said supplements to Respondent's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10815; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14037]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 23, 1957.

The Atlantic Refining Company (Atlantic) on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 12, 1957.

Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 163.

Effective date: December 26, 1957. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increase, Atlantic cites basic contract provision, arm's-length bargaining at time contract was negotiated, and increased cost in production.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10816; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14039]

MONSANTO CHEMICAL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 23, 1957.

Monsanto Chemical Company (Respondent), on November 22, 1957, tendered for filing a proposed change in a presently effective rate schedule for sales of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Monsanto Chemical Company FPC Gas Rate Schedule No. 5.

Effective date: January 1, 1958. (Effective date is the effective date proposed by Respondent.)

In support of the proposed increased rate, Respondent states that the periodic rate adjustment is the product of its contract with El Paso, and that the price schedule of such contract is an integral part of the consideration upon which the contract is based.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly

discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10817; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14041]

KERR-McGEE OIL INDUSTRIES, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 23, 1957.

Kerr-McGee Oil Industries, Inc. (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 22, 1957.

Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 2 to Kerr-McGee's FPC Gas Rate Schedule No. 47.

Effective date: December 26, 1957. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent cities contract provision, arm's-length transaction, and states the price increase is not unreasonable but is fair, just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10818; Filed, Dec. 30, 1957; 8:47 a. m.]

[Docket No. G-14042]

KERR-McGEE OIL INDUSTRIES, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

DECEMBER 23, 1957.

Kerr-McGee Oil Industries, Inc., (Respondent), on November 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 22, 1957.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 2 to Kerr-McGee's FPC Gas Rate Schedule No. 17.

Effective date: December 26, 1957. (Effective date is the effective date proposed by Respondent.)

In support of the proposed periodic rate increase, Respondent cites contract provision, arm's-length transaction, and states the price increase is not unreasonable but is fair, just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that said supplement to Respondent's rate schedule, described and designated in the first paragraph hereof, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said supplement to Respondent's rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred for a period of five months from and after the "effective date" set forth in the first paragraph hereof, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-10819; Filed, Dec. 30, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALMA STAUB-TERLINDEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alma Staub-Terlinden; Seehof Meilen, Canton of Zurich, Switzerland; Claim No. 61563; Vesting Order No. 17903; $179.00 in the Treasury of the United States.

Executed at Washington, D. C., on December 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10829; Filed, Dec. 30, 1957; 8:48 a. m.]

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alma Staub-Terlinden; Seehof Meilen, Canton of Zurich, Switzerland; Claim No. 61563; Vesting Order No. 17903; $179.00 in the Treasury of the United States.

Executed at Washington, D. C., on December 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10829; Filed, Dec. 30, 1957; 8:48 a. m.]

HANS MEIER-SAGESSER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hans Meier-Sagesser, Basle, Switzerland; Claim No. 61525; Vesting Order No. 17903; $268.50 in the Treasury of the United States.

Executed at Washington, D. C., on December 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10830; Filed, Dec. 30, 1957; 8:49 a. m.]

HENDRIK THOMAS HORENSMA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below:

Hendrik Thomas Horensma; Zutphen, Holland; L. S. Claim No. 860; $1,117.43. Cities Service Company 5/58, Debenture No. 181, in the principal amount of $500.

Dr. Ernest Grafenberg, New York, N. Y.; L. S. Claim No. 871; $4,560.00.

Mrs. Ella Tetta van Helbergen, Arnhem, Holland; Marius Frans Polak, Amsterdam, Holland; Mrs. Meta Knottenbelt, Richmond, New Zealand; L. S. Claim No. 874; Southern Pacific Company-San Francisco Terminal 4/50, Bond No. 14212, in the principal amount of $1,000.

Mrs. Ella Boasson, Jerusalem, Israel; L. S. Claim No. 914; Central Pacific Railway Company 4/49, Bond No. 13341, and Norfolk & Western Railway Company 4 96, Bond No. 27877, all in the principal amount of $1,000 each; Union Pacific Railroad Company 4/47, Bonds Nos. 13274 and 14426, in the principal amount of $500 each.

Mrs. Bertha Krämer, Ralph Leo Pinto, Marcel Eli Pinto, and Alfredo Pinto, all of Santiago, Chile; L. S. Claim No. 915; Union Pacific Railroad Company 3½/71, Debentures Nos. 12030 and 18146, in the principal amount of $1,000 each.

Vesting Order No. 18521.

Executed at Washington, D. C., on December 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10831; Filed, Dec. 30, 1957; 8:49 a. m.]

LILLY WASSERMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lilly Wassermann; 46, Stanhope Gardens, London S. W. 7, England; Claim No. 62645; Vesting Order No. 8711; $9,328.88 in the Treasury of the United States.

Executed at Washington, D. C., on December 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10832; Filed, Dec. 30, 1957; 8:49 a. m.]

MRS. H. J. STERNBERG-TURK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. H. J. Sternberg-Turk, Sao Paulo, Brazil; Claim No. 60586; Vesting Order No. 18118; $452.91 in the Treasury of the United States.

Executed at Washington, D. C., on December 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10833; Filed, Dec. 30, 1957; 8:49 a. m.]

H. SAVRIJ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

H. Savrij, Haarlem, The Netherlands; Claim No. 61938; Vesting Order No. 17838; $633.89 in the Treasury of the United States.

Executed at Washington, D. C., on December 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10834; Filed, Dec. 30, 1957; 8:49 a. m.]

EDWARD HENRY SUMMERS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edward Henry Summers, 1730-2 Tesaki-cho, Sumiyoshi-cho, Higashinada-ku, Kobe, Japan; Claim No. 63158; Vesting Order No. 11122; $3,416.38 in the Treasury of the United States.

Executed at Washington, D. C., on December 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10835; Filed, Dec. 30, 1957; 8:49 a. m.]

DORA EISENSTEIN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dora Eisenstein, 34 Rashi Street, Nahlat, Ramat-Gan, Israel; $42.90 in the Treasury of the United States.

Lili Eisenstein, 34 Rashi Street, Nahlat Ramat-Gan, Israel; $128.72 in the Treasury of the United States.

Claim No. 61476; Vesting Order No. 4646.

Executed at Washington, D. C., on December 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10836; Filed, Dec. 30, 1957; 8:50 a. m.]

ETELA KIKIC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Etela Kikic, Subotica, Yugoslavia; Claim No. 56860; Vesting Order No. 8179; $25.00 in the Treasury of the United States.

Executed at Washington, D. C., on December 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10837; Filed, Dec. 30, 1957; 8:50 a. m.]

RITSUKO OKADA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ritsuko Okada, 406 Waki mura, Kuga gun, Yamaguchi Ken, Japan; Claim No. 57884; $396.08 in the Treasury of the United States.

Executed at Washington, D. C., on December 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10838; Filed, Dec. 30, 1957; 8:50 a. m.]

PAOLO ZANUSO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paolo Zanuso; $506.37 in the Treasury of the United States.

Augusto Pretto; $84.40 in the Treasury of the United States.

Alfonso Pretto; $34.40 in the Treasury of the United States.

All of Vincenza, Italy.

Antonio Zanuso, Weehawken, New Jersey; $42.20 in the Treasury of the United States.

Augusta Z. Pierguidi, Fairview, New Jersey, $42.20 in the Treasury of the United States.

Agnese Pretto, Buenos Aires, Argentina; $84.40 in the Treasury of the United States.

Claim No. 34805; Vesting Order No. 1370.

Executed at Washington, D. C., on December 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10839; Filed, Dec. 30, 1957; 8:50 a. m.]

FEDERICO PELS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Federico Pels, Araoz 2821, 7° Dep. 16, Buenos Aires, Argentina; Claim No. 57822; An undivided one-third (⅓rd) part of that property vested by the Alien Property Custodian by Vesting Order No. 3715, filed with the Federal Register on June 2, 1944 (9 Fed. Reg. 6038), as all right, title, interest and claim of any kind or character whatsoever of Clara Stern and her legitimate descendants, names unknown, in and to the Trust created by the Will of Henrietta Friend, also known as Henriette Friend, deceased. The property is in the process of administration by the First Wisconsin Trust Company, Milwaukee, Wisconsin, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin.

Executed at Washington, D. C., on December 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10840; Filed, Dec. 30, 1957; 8:50 a. m.]

RAFFAELA SABATO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Raffaela Sabato, nee Bottiglieri, Toni Bottiglieri and Carolina Zoccola, individually, and as natural guardian for Michelina Bottiglieri, Maria Bottiglieri and Gigetta Bottiglieri, Salerno, Italy; Claim No. 63094; Vesting Order No. 2129; $5,282.01 in the Treasury of the United States.

Executed at Washington, D. C., on December 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-10841; Filed, Dec. 30, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 26, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34376: *Substituted service—Motor and rail, N. Y., N. H., and H. R. R.* Filed by The New York, New Haven and Hartford Railroad Company, Agent (No. 205) for itself, the Belmont Trucking Company, Inc., and other interested motor carriers. Rates on freight loaded in highway trailers and transported in substituted rail service on railroad flat cars between Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Motor truck competition.

FSA No. 34377: *Rice bran between points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3583), for interested rail carriers. Rates on rice bran, carloads between points in southern territory including Ohio and Mississippi River crossings.

Grounds for relief: Short-line distance formula, grouping, maintenance of short or weak line arbitraries.

Tariff: Supplement 12 to Agent Spaninger's tariff I. C. C. 1613.

FSA No. 34378: *Silica sand—Klondike and Pacific, Mo., to New Orleans, La.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7174), for interested rail carriers. Rates on silica sand, carloads, from Klondike and Pacific, Mo., to New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Agent Kratzmeir's tariff I. C. C. 4135.

FSA No. 34379: *Brick and related articles—Kanapolis, Kans., to western points.* Filed by W. J. Prueter, Agent (WTL No. A-1949), for interested rail carriers. Rates on brick and related commodities, carloads from Kanapolis, Kans., to specified points in Colorado, Minneapolis, North Dakota, and Nebraska.

Grounds for relief: Market competition, and maintenance of rates constructed on short-line distance formulas.

Tariff: Agent W. J. Prueter's tariff I. C. C. A-4221.

FSA No. 34380: *Fertilizer compounds and urea—Southwestern points to Utah and Wyoming points.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7173), for interested rail carriers. Rates on fertilizer compounds, carloads, also urea, carloads, and kindred articles, carloads from specified points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas to specified points in Utah on the Union Pacific Railroad Company.

Grounds for relief: Market competition and short-line distance formulas.

Tariff: Supplement 126 to Agent Kratzmeir's tariff I. C. C. 4136.

FSA No. 34381: *Corn husks and cobs—Between points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3582), for interested rail carriers. Rates on corn husks (shucks), in bags or bales, carloads; also corn cobs, ground or crushed or not ground or crushed, straight or mixed carloads between points in southern territory, including Ohio and Mississippi River crossings.

Grounds for relief: Short-line distance formula, grouping, maintenance of short or weak line arbitraries.

Tariff: Supplement 12 to Agent Spaninger's tariff I. C. C. 1613.

FSA No. 34382: *Grain and grain products—Moberly, Mo., to Lake Charles, La.* Filed by The Wabash Railroad Company (No. 23), for itself and on behalf of the Missouri Pacific Railroad Company. Rates on grain and grain products, carloads from Moberly, Mo., to Lake Charles, La., for export.

Grounds for relief: Carrier and port competition.

Tariff: Wabash Railroad Company tariff I. C. C. No. 7850.

FSA No. 34383: *Machinery—Cordele, Ga., to Charleston and Kenova, W. Va.* Filed by O. W. South, Jr., Agent (SFA No. A3584), for interested rail carriers. Rates on machinery or machines and parts thereof, carloads from Cordele, Ga., to Charleston and Kenova, W. Va.

Grounds for relief: Carrier competition and rates constructed on short-line distince formula.

Tariff: Supplement 30 to Agent Spaninger's tariff I. C. C. 1536.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-10823; Filed, Dec. 30, 1957; 8:47 a. m.]

[Rev. S. O. 562, Amdt. 5; Taylor's I. C. C. Order 70]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 70 and good cause appearing therefor: *It is ordered,* That:

Taylor's I. C. C. Order No. 70 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., March 31, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., December 31, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., December 20, 1957.

INTERSTATE COMMERCE COMMISSION,

[SEAL] CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-10821; Filed, Dec. 30, 1957; 8:47 a. m.]

PART II

FEDERAL REGISTER

VOLUME 22 NUMBER 252

Washington, Tuesday, December 31, 1957

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

[General Order 60, Revised]

REPUBLICATION OF PART

Part 299, because of numerous amendments, has been recodified and is republished as set forth below.

Subpart A—General Provisions

Sec.
299.1 Definitions.
299.2 Order or preference.
299.5 Limitation on eligibility for benefits of act.
299.7 Reconversion, alteration or modification.
299.8 Verification of documents.
299.9 Exceptions and exemptions to rules and regulations.
299.10 Termination date.

Subpart B—Sales of War-Built Vessels

299.21 Sales of war-built vessels to citizens of the United States.
299.22 Allowance of credit for exchange of vessels.
299.25 Sales of war-built vessels to persons not citizens of the United States.
299.26 Spare parts and vessel equipment, stores, fresh water, and fuel.

Subpart C—Charter of War-Built Vessels to Citizens

299.31 Charter of war-built vessels to citizens of the United States.

RESERVES

299.35 Regulations with respect to reserves to be taken into account in the determination of "Net Voyage Profit" under SHIPSALESDEMISE 303 Bareboat Charter Agreement and Addenda thereto.
299.36 Regulations with respect to reserves to be taken into account in the determination of "Net Voyage Profit" under SHIPSALESDEMISE Form No. 303 (Military Sea Transportation Service) Bareboat Charter Agreements.

FINAL ACCOUNTINGS BY CHARTERERS UNDER WARSHIPDEMISEOUT 203 AND SHIPSALES DEMISE 303 BAREBOAT CHARTER AGREEMENTS

Sec.
299.37 Procedure.
299.38 Definitions.

ACCOUNTING REQUIREMENTS

299.39 Contract provisions and applicable orders and instructions.

CAPITAL NECESSARILY EMPLOYED

299.42 Fundamental bases.
299.43 Interim additions and deductions.
299.44 Allocation among operations under bareboat charter agreements and "other operations".
299.45 Limitation of "capital necessarily employed".
299.46 Accounting periods extending beyond end of calendar year.

NET VOYAGE PROFIT

299.47 Fundamental bases.
299.48 Allocation among operations under bareboat charter agreements and "other operations".
299.49 Calculation of net voyage profit on cumulative basis.
299.50 Adjustments in absence of physical inventories.
299.51 Adjustment of priced differences between delivery and redelivery inventory lists; expendable equipment.
299.52 Post redelivery overhead expenses.
299.53 Post redelivery overhead expenses under Form No. 303 SHIPSALES-DEMISE agreements entered into subsequent to June 30, 1950; exception.

STATEMENTS AND CERTIFICATIONS

299.54 Statements required by the Administration.
299.55 Certifications and verification.

STATEMENT OF PURPOSES AND RESERVATIONS

299.56 Statement of purposes and reservations.

Subpart D—Transfer of War-Built Vessels

299.61 Transfer of war-built vessel in settlement of a claim against the United States.
299.62 Transfer of another vessel for a vessel constructed in the United States since January 1, 1937, which has been taken for use by the United States.

Subpart E—Adjustment for Prior Sales to Citizens

299.66 Adjustment for prior sales to citizens.

Subpart F—Prewar Domestic Costs and Statutory Sales Prices of Vessels

TYPES, DESIGN CHARACTERISTICS AND PRICES

Sec.
299.71 Prewar domestic costs; statutory sales prices.

BARGE

299.72 Type YF covered barge.

CARGO VESSELS

299.75 Type C1.
299.76 Type C1-M-AV1.
299.77 Type C1-MT-BU1.
299.78 Type C2.
299.79 Type C2F.
299.80 Type C2S.
299.81 Type C2SU.
299.82 Type C3.
299.83 Type C3-3-A3 and C3E.
299.84 Type C2-S-BH2.
299.85 Type C4.
299.86 Type N3.
299.87 Type N3-M-A1.

LIBERTY

299.89 Type Ec2 (Liberty).

PASSENGER-CARGO VESSELS

299.91 Type passenger and cargo.
299.92 Type P2-SE2-R3.
299.93 Type P2.
299.94 S. S. *America*.

REEFERS

299.95 Type R1-M-AV3.
299.96 Type R2-S-BV1.

TANKERS

299.97 Type T1-M-BT.
299.98 Type T2 tanker.
299.99 Type T2-SE-A1 tanker.
299.100 Type T3-M-AZ1.
299.101 Type T3-S-A1 tanker.
299.102 Type T3-S-BZ1.
299.103 U. S. S. *Atascosa*.
299.104 S. S. *Bulkoil*.
299.105 Type AOG 49 U. S. S. *Chestatee*.
299.106 U. S. S. *Chicopee* and U. S. S. *Housatonic*.
299.107 S. S. *Culpepper*.
299.108 Type AOG 51 U. S. S. *Maquoketa*.
299.109 Type AOG 58 U. S. S. *Pinnebog*.
299.110 S. S. *St. James*.

VICTORY

299.115 Type VC 2 (Victory).

MISCELLANECUS

299.116 Miscellaneous.
299.117 Special C3 Type.
299.118 Type C3-S1-BR1.
299.119 Type S3-S2-BP1.
299.120 Type S4-SE2-BD1 and BE1.
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299.125 Application to purchase a war-built vessel.
299.126 Application for determination of allowance of credit for exchange of old vessel.
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299.131 Application for transfer of a war-built vessel in settlement of a claim against the United States.
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AUTHORITY: §§ 299.1 to 299.207 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 12, 60 Stat. 49, as amended; 50 U. S. C. App. 1745.

SUBPART A—GENERAL PROVISIONS

§ 299.1 *Definitions.* For the purpose of §§ 299.1 to 299.134, inclusive:

(a) *Administration.* "Administration" means the Maritime Administration.

(b) *War-built vessel.* "War-built vessel" means an ocean-going vessel of one thousand five hundred gross tons or more, owned by the United States and suitable for commercial use:

(1) Which was constructed or contracted for by or for the account of the United States during the period beginning January 1, 1941, and ending September 2, 1945; or

(2) Which, having been constructed during the period beginning September 3, 1939, and ending September 2, 1945, was acquired by the United States during such period.

(c) *Dry-cargo vessel.* "Dry-cargo vessel" means, except where the context indicates otherwise, any vessel other than a tanker, but the term "dry-cargo vessel" includes a Liberty type tanker except for § 299.31.

(d) *Prewar domestic cost.* "Prewar domestic cost," as applied to any type of vessel, means the amount determined by the Administration, and published by the Administration in the FEDERAL REGISTER (§ 299.71), to be the amount for which a standard vessel of such type could have been constructed (without its national defense features) in the United States under normal conditions relating to labor, materials, and other elements of cost, obtaining on or about January 1, 1941. In no case shall the prewar domestic cost of any type of vessel be considered to be greater than 80 percent of the domestic war cost of vessels of the same type.

(e) *Domestic war cost.* "Domestic war cost," as applied to any type of vessel, means the average construction cost (without national defense features) as determined by the Administration, of vessels of such type delivered during the calendar year 1944, except for any type of vessel the principal deliveries of which were made after the calendar year 1944, in which case there shall be used in lieu of such year 1944 such period of not less than six consecutive calendar months as the Administration shall find to be most representative of war production costs of such type.

(1) In the case of any vessel for which there is no domestic war cost as defined in this paragraph, such domestic war cost shall be in the same ratio to the prewar domestic cost (as defined in paragraph (d) of this section) as the domestic war cost of the most nearly comparable type of vessel for which a domestic war cost is available is to the prewar domestic cost of such similar vessel.

(f) *Statutory sales price.* "Statutory sales price," as applied to a particular vessel, means, in the case of a dry-cargo vessel (as defined in paragraph (c) of this section), an amount equal to 50 percent of the prewar domestic cost of that type of vessel, and in the case of a tanker (excluding Liberty tankers), such term means an amount equal to 87½ percent of the prewar domestic cost of a tanker of that type, such amount in each case being adjusted as follows:

(1) If the Administration is of the opinion that the vessel is not in class, there shall be subtracted the amount estimated by the Administration as the cost of putting the vessel in class;

(2) If the Administration is of the opinion that the vessel lacks desirable features which are incorporated in the standard vessel used for the purpose of determining prewar domestic cost, and that the statutory sales price (unadjusted) would be lower if the standard vessel had also lacked such features, there shall be subtracted the amount estimated by the Administration as the amount of such resulting difference in the statutory sales price;

(3) If the Administration is of the opinion that the vessel contains desirable features which are not incorporated in the standard vessel used for the purpose of determining the prewar domestic cost, and that the statutory sales price (unadjusted) would be higher if the standard vessel had also contained such features, there shall be added the amount estimated by the Administration as the amount of such resulting difference in statutory sales price;

(4) There shall be subtracted, as representing normal depreciation, an amount computed by applying to the statutory sales price (determined without regard to this paragraph) the rate of 5 percent per year for the period beginning with the date of the original delivery of the vessel by its builder and ending with the date of sale or charter to the applicant in question, and there shall also be subtracted an amount computed by applying to the statutory sales price (determined without regard to this paragraph) such rate not in excess of 3 per cent per year in the case of a vessel other than a tanker, and not in excess of 4 percent per year in the case of a tanker, for the period of war service as the Administration determines will make reasonable allowance for excessive wear and tear by reason of war service which cannot be or has not been otherwise compensated for under this paragraph. The period of war service in ordinary cases shall be from the date of delivery of the vessel to the Government for operation or December 7, 1941, whichever was later, until September 2, 1945.

(5) In the case of any vessel covered by subparagraph (3) of this paragraph, the amount of difference in statutory sales price resulting from the presence of desirable features not contained in the standard vessel of the same type shall be depreciated from the date of delivery of the vessel or the date of installation of such features if such features were installed after delivery.

No adjustment, except in respect of passenger vessels constructed before January 1, 1941, shall be made under the act which will result in a statutory sales price which (1) in the case of any Liberty type vessel will be less than 31½ percent of the domestic war cost of vessels of such type, (2) in the case of dry-cargo vessels (except Liberty type vessels) will be less than 35 percent of the domestic war cost of vessels of the same type, or (3) in the case of a tanker (except a Liberty tanker) will be less than 50 percent of the domestic war cost of tankers of the same type.

(g) *Cessation of hostilities.* "Cessation of hostilities" means the date proclaimed by the President as the date of the cessation of hostilities in the present war,[1] or the date so specified in a concurrent resolution of the two houses of the Congress, whichever is the earlier.

(h) *Citizen of the United States.* "Citizen of the United States" includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended, and section 905 (c) of the Merchant Marine Act, 1936, as amended. The Secretary of the Administration will furnish, on request, copies of memoranda dealing with citizenship.

(i) *Affiliated interest.* The term "affiliated interest" shall include any person or concern that directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the applicant. The term "control" (including the terms "controlled by" and "under common control with") as used in this paragraph means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the applicant, whether through ownership of voting securities, by contract, or otherwise.

[1] Twelve o'clock noon, Dec. 31, 1946; see Proclamation 2714, Dec. 31, 1946, 3 CFR, 1946 Supp.

(j) *Constructed or date constructed.* "Constructed" or "date constructed" means the date upon which a vessel was originally delivered by the shipbuilder.

(k) *Act.* "Act" means, except where the context clearly indicates otherwise, the Merchant Ship Sales Act of 1946 (Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946).

(l) *Regulations.* "Regulations" mean the rules and regulations prescribed by the Administration, under the Merchant Ship Sales Act of 1946 (Public Law 321, 79th Cong., 2d Sess), §§ 299.1 to 299.134, inclusive, published in the FEDERAL REGISTER and all succeeding amendments and supplements thereto similarly published in the FEDERAL REGISTER.

(m) *Secretary.* "Secretary" means the Secretary of the Administration or any Assistant Secretary thereof or any other official or employee of the Administration designated by the Administration to perform the duties required of the Secretary under this part. (Communications sent to the Secretary should be addressed "Secretary, Maritime Administration, Washington 25, D. C.")

(n) *Working capital.* "Working capital" means the excess of "total current working assets" over "total current working liabilities" determined in accordance with the instructions and balance sheet embodied in the form of "General Financial Statement" prescribed by the United States Maritime Commission (Budget Bureau approval No. 62–R010–42):[1] *Provided,* That (1) in determining the amount of working capital, unpaid tenders of "just compensation" made by the Maritime Administration (or made by the United States Maritime Commission or the War Shipping Administration to the extent approved by the Administration) for title to, or use (to the extent accrued) of, vessels (irrespective of whether or not such tenders have been accepted by the owners) may be included, (2) an amount equivalent to the excess (if any) of 50 percent of the amount of "Unterminated Voyage Revenue" over the amount of "Unterminated Voyage Expense" reflected in the balance sheet shall be deducted from the amount of working capital determined in accordance with the preceding provisions of this paragraph.

(o) *Net worth.* "Net worth" shall include capital stock, capital suplus, and earned surplus adjusted to exclude capital stock subscribed but not issued, capital stock held in the treasury, appreciation, good will, and other intangibles not actually acquired for cash or for a consideration determined by the Administration to be equivalent thereof, and such other adjustments as are consistent with sound accounting principles.

(p) *Preoperating and operating expenses.* "Preoperating and operating expenses" shall include wages, subsistence, stores, supplies, equipment, fuel, maintenance, repairs, insurance, and other vessel expenses as described in the instructions embodied in the "General Financial Statement" prescribed by the Administration (accounts numbered 700.01 to 700.64 inclusive, pages 8 and 9) and overhead expenses, but shall not include agency fees and commissions; wharfage, dockage, and other port expenses; stevedoring and other cargo expenses; brokerage, canal tolls, and other voyage expenses. Such preoperating and operating expenses for a 60 day period (including prepaid insurance for one year) shall be deemed to aggregate:

Vessel type	Insurance (for 1-year)	Other expenses	Total
C1A (turbine)	$33,000	$81,000	$114,000
C1A (Diesel)	33,000	85,000	118,000
C1B (turbine)	36,000	81,000	117,000
C1B (Diesel)	36,000	86,000	122,000
C1-M-AV1 (Diesel)	45,000	65,000	110,000
C1-MT-BU1 (Diesel)	35,000	65,000	100,000
C1-S-D1 (steam reciprocating)	73,000	65,000	138,000
C2S (turbine)	79,000	91,000	170,000
C2-S-A1 (turbine)	77,000	97,000	174,000
C2-S-AJ1 (turbine)	56,000	90,000	146,000
C2-S-B1 (turbine)	52,000	91,000	143,000
C2 SU Reefer (Diesel)	90,000	106,000	196,000
C2 SU Standard (Diesel)	79,000	103,000	182,000
C3E (turbine)	73,000	102,000	175,000
C3-S-A2 (turbine)	62,000	105,000	167,000
C3-S-A3 (turbine)	73,000	100,000	173,000
C4-S-A3 (turbine)	87,000	261,000	348,000
C4-S-B5 (turbine)	69,000	116,000	185,000
EC2-S-AW1 (steam reciprocating)	60,000	84,000	144,000
EC2-S-C1 (steam reciprocating)	62,000	72,000	134,000
N3-M-A1 (Diesel)	20,000	61,000	81,000
N3-S-A1 (coal burning)	20,000	64,000	84,000
N3-S-A2 (oil burning)	20,000	65,000	85,000
R1-M-AV3 (Diesel)	44,000	69,000	113,000
R2-S-BV1 (turbine)	90,000	97,000	187,000
R2-ST-AU1 (reefer)	107,000	120,000	227,000
S4-SE2-BD1 (turbine electric)	80,000	99,000	179,000
S4-SE2-BE1 (turbine electric)	80,000	99,000	179,000
P2-S2-R2 (turbine)	192,000	366,000	558,000
P2-SE2-R3 (turbine)	262,000	370,000	632,000
VC2-S-AP2 (turbine)	70,000	91,000	161,000
VC2-S-AP3 (turbine)	76,000	99,000	175,000
T1-M-BT (Diesel)	56,000	59,000	115,000
T2 Hulls 142-149, 157-159 (turbine)	97,000	103,000	200,000
T2-SE-A1 (turbine electric)	77,000	94,000	171,000
T3-S-A1 (turbine)	74,000	98,000	172,000
Z-ET1-S-C3 (steam reciprocating)	62,000	76,000	138,000
C2-SU Reefer	-------	-------	[1] 175,000
R1-HM-AV3	-------	-------	[1] 95,000
R2-S-BV1	-------	-------	[1] 165,000
Atenas (reefer)	-------	-------	[2] 90,000
Carrillo (reefer)	-------	-------	[2] 90,000
Zacapa (reefer)	-------	-------	[2] 95,000
Z-EC2-S-C5 (steam reciprocating)	-------	-------	120,000
C4-S-A3 (turbine)	-------	-------	[3] 344,000
P2-S2-R2 (turbine)	-------	-------	[3] 471,000
C4-S-A3 (turbine)	87,000	299,000	[4] 386,000
P2-S2-R2 (turbine)	192,000	416,000	[4] 608,000

[1] Effective with respect to applications (and amendments of prior applications) received by the Maritime Commission during the period between July 12, 1946, and April 8, 1947.

[2] Effective from August 2, 1946.

[3] Effective from Aug. 2, 1946, to Apr. 11, 1947, both inclusive.

[4] Effective from Apr. 12, 1947, to Aug. 12, 1949, both inclusive.

(q) *Related company.* The term "related company," used to indicate a relationship with the applicant, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the applicant. The term "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the applicant (or related company), whether through ownership of voting securities, by contract, or otherwise.

§ 299.2 *Order of preference*—(a) *In general.* All citizen applications received by the Secretary within a given calendar month shall be given preference over all applications received by the Secretary in any subsequent calendar month. For the purposes of this section the first calendar month shall be considered to include the period from April 23, 1946, to June 1, 1946. For applications involving vessels with respect to which the original publication of prices was made in the FEDERAL REGISTER of August 17, 1946, the first calendar month shall be considered to include the period from the date of such publication to September 1, 1946.

(b) *Citizen applications over noncitizen applications; purchase over charter.* The Administration will give preference to citizen applications over noncitizen applications, and, as between citizen applications to purchase and citizen applications to charter, will, as far as practicable and consistent with the policies of the act, give preference to citizen applications to purchase.

(c) *Preference among citizen applications.* In determining the order of preference between citizen applications to purchase or between citizen applications to charter, the Administration will consider, among other relevant factors, the extent to which losses and requisitions of the applicant's prewar tonnage have been overcome, and will, in all cases, in the sale and charter of war-built vessels, give preference in such sale or charter, as the case may be, to the former owner of such vessel or to the person for whom the vessel was constructed but to whom delivery thereof was prevented by the United States.

(d) *Preference among noncitizen applications.* In determining the order of preference between noncitizen applications to purchase, the Administration will give preference to citizens of the Commonwealth of the Philippines and in determining the preference between other noncitizen applicants, will consider, among other relevant factors, the extent to which losses in prewar tonnage of the various member nations of the United Nations, incurred in the interest of the war effort, have been overcome, and the relative effects of such losses upon the national economy of such member nation.

(e) *Preference where citizen application shows intent to transfer vessel(s) to foreign registry or flag after purchase.* With respect to any application in which the citizen applicant states that it will apply to the Administration for approval to transfer the vessel(s) to foreign registry or flag, if and when purchased by the applicant, the Administration reserves the right to defer action until after all other applications by citizens of the United States filed within the same preference period have been acted upon and the Administration reserves entire discretion in determining whether transfer

[1] Copies of the "General Financial Statement" will be furnished by the Maritime Administration on request.

to foreign registry and flag will be approved.

(1) If the citizen applicant states that it will not apply to the Administration for approval to transfer the vessel(s) to foreign registry or flag, if and when purchased by the applicant, the Administration will give the application the preference provided for applications by citizens of the United States, but if, thereafter, a request is made (pursuant to section 9 or section 37 of the Shipping Act, 1916, as amended), to transfer or place any of such vessel(s) under foreign registry or flag, the Administration will take into consideration the fact that the applicant stated in the application that such a request would not be made.

(2) In no case will the Administration approve transfer of a P–2 type or other passenger type or a Liberty type collier or Liberty type tanker.

(f) *Application of charterer to purchase chartered vessel; preference over all other applicants.* A charterer of a vessel may file an application for the purchase of such vessel in any case where an application has previously been made by another applicant to purchase the same vessel, and, if filed within fifteen days from the date of the filing of the first application, a charterer filing such purchase application shall have preference over all other applicant subject only to the statutory preference granted to the former owner of such vessel or to the person for whom such vessel was constructed but to whom delivery thereof was prevented by the United States.

§ 299.5 *Limitation on eligibility for benefits of act.* No person shall be eligible to purchase or charter a war-built vessel under the act, or to receive an adjustment under section 9 of the act, unless such person makes an agreement with the Administration (which agreement shall be incorporated in every contract for sale or charter entered into pursuant to the provisions of the act) binding upon such person and any affiliated interest to the effect that the liability of the United States under any charter party or taking for use, made or effected prior to the date of the enactment of the act, for the loss, on or after such date of enactment and prior to September 3, 1947, of any vessel owned by such person and under charter to the United States (excluding a vessel with respect to which an adjustment under section 9 of the act is made) shall be limited to an amount equal to just compensation as of the date of said loss, determined pursuant to existing law, or such amount as may be mutually agreed upon subsequent to March 8, 1946 as just compensation under the provisions of existing law.

§ 299.7 *Reconversion, alteration or modification.* (a) Any person applying to purchase or charter under the regulations may attach to his application an application in substantially the form provided in § 299.134, that the Administration reconvert or restore the vessel(s) for normal operation in commercial services, including the removal of national defense or war service features. Any such request shall include such detailed information as is necessary to advise the Administration fully of the work required.

(b) Any person applying to purchase or charter a war-built vessel under this part may attach to this application an application substantially in the form provided in § 299.134, that the Administration make replacements, alterations, or modifications with respect to the vessel applied for or install therein such special features as may be necessary or advisable to make such vessel suitable for commercial operation on trade routes or services or comparable as to commercial utility to other vessels of the same general type. Any such request shall include such detailed information as is necessary to advise the Administration fully of the work required.

(c) In approving or disapproving applications under paragraph (a) or (b) of this section, the Administration will consider, among other relevant factors:

(1) The availability of other suitable vessels for sale or charter to the applicant;

(2) Whether such reconversion, restoration, replacement, alteration or modification is essential in order to dispose of the vessel under the provisions of the act;

(3) Whether such reconversion, restoration, replacement, alteration or modification could be effected under any other provisions of law; and

(4) Whether such reconversion, restoration, replacement, alteration or modification is essential to the foreign or domestic commerce of the United States and would otherwise effectuate the policy and purposes of the act.

(d) Restoration or installation of special features, unless such features are on the standard vessel, must, under the act, be considered as added desirable features and, therefore, will require an adjustment in the statutory sales price of the vessel.

§ 299.8 *Verification of documents*—(a) *Form of affidavit to be attached to application.* An affidavit in substantially the following form shall be attached to each application filed pursuant to this subpart:

STATE OF ----------
County of ----------, *ss:*

I, ----------, being duly sworn, depose and say that I am the ---------- of ----------
(Title of officer) (Exact name of applicant)

----------, the applicant on whose behalf I have executed the foregoing application; that the applicant is a citizen of ----------[1]; that this application is made for the purpose of inducing the Maritime Administration to take the action requested herein, pursuant to the provisions of the Merchant Ship Sales Act of 1946, and particularly to section ---------- thereof; that I have carefully examined the application and all documents submitted in connection therewith, and, to the best of my knowledge, information, and belief, the statements and representations contained in said application and related documents are full, complete, accurate, and true.

Subscribed and sworn to before me, a ----------, in and for the State and County above named, this ------ day of ----------, 194--.

My Commission expires----------.

(b) *Certification of financial statements.* All financial statements submitted to the Administration pursuant to this subpart shall be certified by a recognized firm of public accountants or by a duly authorized officer or member of applicant. The certification on the balance sheet shall be to the effect that, to the best of the knowledge and belief of the person making such certification, such balance sheet fairly presents the financial position of the applicant as of the date thereof. The certification on the profit and loss statement should be to the effect that, to the best of the knowledge and belief of the person making the certification, such statement correctly states the operating results of the applicant for the period covered thereby.

(c) *Administration examination of books and accounts.* The Administration shall have the right to examine the books, records, and accounts of applicants if and to the extent deemed necessary to verify financial statements submitted to it pursuant to this subpart.

§ 299.9 *Exceptions and exemptions to rules and regulations.* (a) The Administration reserves the right to amend, modify, or terminate the regulations in this part at any time, either as a whole or with respect to any particular case or classes of cases, but without the consent of the applicant, no amendment or modification of this part shall be binding upon any transaction approved by the Administration prior to the date of publication in the FEDERAL REGISTER of such amendment or modification.

(b) Any of the forms set forth in this part may be modified to meet the requirements of the Administration in any particular case.

(c) The Administration, in any instance where it deems it necessary or desirable to do so, may employ bases other than those expressed in §§ 299.21, 299.25 and 299.31 in determining financial responsibility.

§ 299.10 *Termination date.* No contract of sale will be made under the regulations in this part after January 15, 1951.

SUBPART B—SALES OF WAR-BUILT VESSELS

§ 299.21 *Sales of war-built vessels to citizens of the United States*—(a) *Application.* Any citizen of the United States as defined in § 299.1 (h) may apply to the Administration to purchase a war-built vessel at the statutory sales price (or price floor if higher). The application to receive consideration must be substantially in the form prescribed by the Administration in § 299.125. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Each application must contain sufficient information to enable the Administration to make all necessary determinations including the following:

(1) Citizenship of the applicant.

(2) That the applicant possesses the following minimum financial requisites:

(i) Sufficient working capital as defined in § 299.1 (n) and unrestricted special funds to enable it to make payment for, or the down payment on, the war-built vessel (the down payment to be not less than 25 percent of the statutory sales price (or price floor if higher) of such vessel);

(ii) After such payment, the sum of (*a*) sufficient working capital and/or available special funds to provide for payment of one annual installment on the deferred portion (if any) of the purchase price of the vessel and (*b*) sufficient working capital alone to provide for payment of (*1*) interest on the deferred portion (if any) of the purchase price of the vessel for one year at the rate of 3½ percent per annum and (*2*) all required insurance on the vessel for one year in the amount stipulated in § 299.1 (p); and

(iii) Net worth, as defined in § 299.1 (o), at least equal to the sum of (*a*) 25 percent of the purchase price of the war-built vessel or such higher percentage as the Administration may require, and (*b*) one annual installment on the deferred portion (if any) of the purchase price of such vessel, such requirements to be maintained on each vessel until such time as the outstanding mortgage balance on each such vessel is reduced to an amount whereby the net worth requirement exceeds such balance by at least 10 percent, thereafter the minimum net worth requirement with respect to such vessel shall be 110 percent of the outstanding balance of the mortgage on that vessel.

Such minimum financial requirements shall be applicable with respect to each vessel applied for. In instances where the applicant is engaged in the operation of other vessels or in activities other than the operation of vessels, the amount of working capital and net worth required for such purposes will be taken into account in addition to such minimum financial requirements in determining whether the applicant possesses the required financial resources.

(3) The applicant's ability, experience, and other qualifications, necessary to enable him to operate and maintain the vessel under normal competitive conditions. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in this section and in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Administration has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless made promptly at the written request of the Administration shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving substitutions for the vessels applied for when at the request of the Administration) shall be effective as of the filing date of the original application. Any information called for by the Administration from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Approval or disapproval by the Administration.* The Administration will approve the application if it determines that the applicant is a citizen of the United States as defined in § 299.1 (h) and possesses the ability, experience, financial resources, and other qualifications, necessary to enable him to operate and maintain the vessel under normal competitive conditions, and that such sale will aid in carrying out the policies of the act, and that the vessel is available for sale to the applicant. If the application is disapproved by the Administration, the Secretary will promptly advise the applicant.

(d) *Contract of sale.* If the application is approved by the Administration, the Secretary will furnish the applicant five counterparts of a contract of sale in form prescribed by the Commission which shall be executed by the applicant and redelivered to the Secretary within fifteen (15) days of the date of its receipt by the applicant, accompanied by the applicant's certified check payable to the order of the United States of America in the amount specified in the contract as the initial payment required to be made upon the execution of the contract of sale, which will be not less than ten per cent of the purchase price and shall be retained as liquidated damages in the event the buyer defaults in his obligation to purchase the vessel under the terms of the contract. Such contract of sale (other than a sale for cash in full) and the mortgage given thereunder shall include provisions whereunder the purchaser shall agree, for a period corresponding to that during which any part of the purchase price of the vessel remains unpaid:

(1) That (i) no capital shall be withdrawn, (ii) no share capital shall be redeemed or converted into debt, (iii) no dividend shall be paid, (iv) no loan or advance (except advances to cover current expenses of the purchaser) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the purchaser or to any related company (as defined in § 299.1 (q)), (v) no investment shall be made in the securities of any related company (as defined in § 299.1 (q)), (vi) no indebtedness to any stockholder, director, officer, or employee of the purchaser or to any related company (as defined in § 299.1 (q)), which was classified as long-term or noncurrent in the balance sheet submitted with the application (or amendment thereto) to purchase the vessel, shall be repaid in whole or in part, and (vii) no salary at a rate in excess of $25,000 per annum shall be paid, if, after such transaction, the amount of working capital or the amount of net worth thereby would be reduced below the minima prescribed in or required under paragraph (a) (2) (ii) and (iii) of this section; and

(2) That the purchaser shall file such financial and operating statements as the Administration may require, and shall permit the Administration to examine and audit its books, records and accounts. After the contract of sale has been executed on behalf of the Administration, one of the counterparts will be sent to the applicant. Upon delivery of the vessel to the buyer, the buyer shall pay by certified check a sum equal to the excess of the required down payment over the initial payment referred to above and the buyer shall also give to the Administration negotiable promissory notes and a first preferred mortgage on the vessel equal to the excess of the statutory sales price over the sum of the total down payment and the trade-in allowance, if any.*

§ 299.22 *Allowance of credit for exchange of vessel*—(a) *In general.* (1) The Administration is authorized to acquire in exchange for an allowance of credit on the sales price of a vessel purchased by a citizen of the United States, any vessel owned by a citizen of the United States or by a foreign corporation, subject to the provisions of paragraphs (b) and (c) of this section. The allowance may not be applied in reduction of the down payment required to be made by the applicant, but may be applied in reduction of any unpaid balance remaining after applying the credit resulting from the down payment.

(2) A war-built vessel shall be deemed a "new vessel" for the purpose of section 511 (construction reserve fund and tax provisions) of the Merchant Marine Act, 1936, as amended. Section 510 (e) (tax provisions) of such act shall be applicable with respect to vessels exchanged under this section of the regulations to the same extent as it is applicable to obsolete vessels exchanged under section 510 of such act.

(b) *Vessels ineligible for exchange.* No vessel (1) which was purchased under the act, or (2) which is less than one thousand three hundred and fifty (1,350) gross tons, provided that the Administration may under special circumstances declare a smaller vessel eligible, or (3) which is not owned by a citizen of the United States except as provided in paragraph (c) of this section, will be accepted by the Administration in exchange for an allowance on the purchase price of any war-built vessel.

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[1] If applicant is an American citizen, insert "the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U. S. C. 802), and section 905 (c) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1244)." If applicant is not an American citizen, insert the name of the country of which applicant is a citizen.

* The books, records and accounts referred to in this section shall be retained until a final release or settlement agreement is completed between the Maritime Administration and the purchaser.

(c) *Exchange of vessel owned by foreign corporation.* Except as provided in paragraph (b) of this section, any vessel owned by a foreign corporation is eligible for an exchange allowance, if:

(1) The vessel was constructed in the United States, and was after December 7, 1941, chartered to, or otherwise taken for use by, the United States;

(2) The controlling interest in such corporation is, at the time of the exchange, owned by a citizen or citizens of the United States, and has been so owned for a period of at least three years immediately prior to the time of exchange; and

(3) Such corporation agrees that the war-built vessel purchased with the use of such credit shall be owned by such citizen or citizens and shall be documented under the laws of the United States.

(d) *Application for determination of an allowance of credit.* An application for determination of an allowance of credit for exchange of a vessel must be in substantially the form prescribed by the Administration in § 299.126. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, United States Maritime Commission, Washington 25, D. C. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed description of exhibits need not be given.

(e) *Amendment of application.* Such application may be amended at any time before the Administration has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, Maritime Administration, Washington 25, D. C.

(f) *Determination by Administration of allowance of credit for exchange of vessel and offer of applicant.* Upon determination by the Administration of the amount which it will allow as credit for exchange of a vessel, the applicant may execute a firm offer in substantially the form provided in § 299.127, binding for at least 90 days, to transfer the vessel to the Administration in exchange for an allowance of credit which offer must be filed by the applicant with the Administration within 15 days from the date of receipt of the determination of allowance and in any event not later than December 31, 1946.

(g) *Amount of allowance.* The amount of the allowance shall be the fair and reasonable value of the vessel as determined by the Administration and shall be subject to the following considerations and limitations:

(1) In determining the fair and reasonable value of the vessel for the purpose of the allowance, the Administration will consider:

(i) The value of the vessel, determined in accordance with the standards of valuation established pursuant to Executive Order 9387 (3 CFR, 1943 Supp.), as of the date of the application,

(ii) Any liability of the United States for repair and restoration of the vessel,

(iii) The utility value of the vessel,

(iv) The effect of the act upon the market value of such vessel, and

(v) The public interest in promoting exchanges of vessels as a means of rehabilitating and modernizing the American merchant marine.

(2) In no event will the amount of such allowance, in case of dry-cargo vessels and tankers, exceed:

(i) If the vessel or vessels tendered in exchange are of equal or greater deadweight tonnage than the war-built vessel or vessels being acquired, 33⅓ percent of the statutory sales price (without taking into account the adjustments provided for in § 299.1 (f) (1) to (5), inclusive), of the war-built vessel or vessels, or

(ii) If the vessel or vessels tendered in exchange are of lesser deadweight tonnage than the war-built vessel or vessels, such proportionate part of 33⅓ percent of the statutory sales price (without taking into account the adjustments provided for in § 299.1 (f) (1) to (5), inclusive), of such war-built vessel or vessels as the deadweight tonnage of such vessel or vessels, tendered in exchange, bear to the dead-weight tonnage of such war-built vessel or vessels, or

(iii) The liability of the United States in connection with the repair or restoration of such vessel under any charter to which the United States is a party, whichever is the higher.

(3) In the case of passenger vessels tendered in exchange, the amount of the allowance shall not exceed the percentage of the statutory sales price computed under subparagraph (2) (i) and (ii) of this paragraph by gross tons instead of deadweight tons, or such liability for the repair or restoration of such passenger vessel, whichever is the higher.

(4) In any case where the vessel tendered in exchange was acquired from the United States at any time and by any person whomsoever, the allowance of credit shall not exceed the price originally paid the United States therefor plus the depreciated cost of any improvement thereon.

(5) In the case of any vessel tendered in exchange which has been restored to condition by the United States for the purpose of redelivering such vessel to its owner in compliance with the charter of such vessel with the United States, or where, for such restoration a cash allowance has been made to the owner, there will be deducted from the amount of the allowance of credit for such vessel determined by the Administration, an amount equal to the cost incurred by the United States for such restoration, including charter hire paid during the period of restoration, or such cash allowance as has been made to the owner, provided that the cost of, or allowance for, removal of national defense features shall not be deducted from the amount of the allowance of credit.

(h) *Loss of vessel tendered in exchange.* If, after an offer for an exchange allowance, pursuant to paragraph (f) of this section, has been executed by the buyer, and before title to applicant's vessel has been transferred to the Administration by a bill of sale, such vessel is lost by reason of causes for which the United States is responsible, then, in lieu of paying the applicant any amount on account of such loss, the offer shall, for the purposes of this section, be considered as having been accepted and the applicant's vessel as having been acquired by the Administration immediately prior to such loss. In such event the Administration shall apply the amount set forth in such offer (but not more than the amount to which applicant is entitled under any other agreement with the United States covering the vessel) as an additional down-payment on the purchase price of the Administration vessel, and the seller agrees to accept such allowance of credit in full settlement of any and all claims against the United States in connection with the loss of applicant's vessel. Subsequent to the transfer of title of applicant's vessel to the Administration, such vessel shall be deemed to be the property of the United States, and the amount set forth in the offer shall be applied irrespective of subsequent loss of the vessel from whatsoever cause. The United States shall, whether the vessel is lost before or after execution of the bill of sale, be subrogated with respect to all insurance or other claims arising out of such loss.

"Causes for which the United States is responsible," as used in this paragraph, include liability under contractual obligations of the United States, such as those arising under a charter or policy of insurance, and liability arising from collision or other torts.

§ 299.25 *Sales of war-built vessels to persons not citizens of the United States*—(a) *Application.* Any person not a citizen of the United States as defined in § 299.1 (h) may apply to the Administration to purchase, at not less than the statutory sales price, a war-built vessel other than a P–2 type or other passenger type and other than a Liberty type collier or Liberty type tanker. The application to receive consideration must be substantially in the form prescribed by the Administration in § 299.125. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Each application should contain sufficient information to enable the Administration to make all necessary determinations including determinations that the applicant has the financial resources, ability and experience necessary to enable him to fulfill all obligations with respect to payment for the vessel on such terms and conditions as the Administration shall approve. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Administration has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless promptly made at the written request of the Administration, shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving substitutions for the vessel applied for when made at the written request of the Administration shall be effective as of the filing date of the original application. Any information called for by the Administration from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Approval or disapproval by the Administration.* (1) The Administration may approve the application if it determines:

(i) That the applicant has the financial resources, ability, and experience necessary to enable him to fulfill all obligations with respect to payment for the vessel on such terms and conditions as the Administration shall approve, and that sale of the vessel to him would not be inconsistent with any policy of the United States in permitting foreign sales under section 9 or section 37 of the Shipping Act, 1916, as amended, and

(ii) After consultation with the Secretary of the Navy, that such vessel is not necessary to the defense of the United States, and

(iii) That such vessel is not necessary to the promotion and maintenance of an American merchant marine described in section 2 of the act, and

(iv) That for a reasonable period of time, which in the case of tankers and, except as provided below, "C" type vessels shall not end before ninety days after publication of the applicable prewar domestic cost in the FEDERAL REGISTER, such vessel has been available for sale at the statutory sales price to citizens of the United States, or for charter to citizens of the United States, and that no responsible offer has been made by a citizen of the United States to purchase or charter such vessel.

(v) That such vessel is available for sale to the applicant.

(2) If the application is disapproved by the Administration, the Secretary will promptly advise the applicant.

(d) *Contract of sale.* If the application is approved by the Administration, the Secretary will furnish the applicant five counterparts of a contract of sale in the form prescribed by the Administration, which shall be executed by the applicant and redelivered to the Secretary within fifteen (15) days of the date of its receipt by the applicant, accompanied by the applicant's check payable in United States dollars to the order of the United States of America in the amount specified in the contract as the initial payment required to be made upon the execution of the contract of sale, which will be not less than ten per cent of the purchase price and shall be retained as liquidated damages in the event the buyer defaults in his obligations to purchase the vessel under the terms of the contract. The applicant's check shall be certified by a bank or trust company authorized to do business under the laws of the United States, or any state, territory or possession thereof. After the contract of sale has been executed on behalf of the Administration, one of the counterparts will be sent to the applicant. Upon delivery of the vessel to the buyer, the buyer shall pay by certified check as described above a sum equal to the excess of the required down payment over the initial payment referred to above and the buyer shall also give to the Administration, if mortgage aid has been granted, negotiable promissory notes and a mortgage on the vessel equal to the excess of the purchase price over the total down payment. The contract of sale shall require that the balance of the down payment and the amount to be evidenced by the notes and secured by the mortgage and all amounts of insurance required by the mortgage shall be expressed in and payable in United States dollars at the Administration's office in Washington, D. C. The contract of sale shall otherwise be modified by the General Counsel as may be appropriate fully to protect the interest of the Administration with respect to sales to noncitizens.

(e) *Other conditions.* Notwithstanding any other provision of law, no war-built vessel will be sold to any person not a citizen of the United States, except in accordance with this section, or upon terms or conditions more favorable than those at which such war-built vessel is offered to a citizen of the United States, but where the vessel so sold is being transferred to foreign register and flag, the mortgage securing the unpaid balance of the purchase price and interest thereon shall contain provisions according to such mortgage the priorities over other liens and encumbrances accorded such mortgages on merchant vessels under the laws of such registry and flag.

(f) *Transfer to foreign flag.* If the vessel sold to a person not a citizen of the United States is to be transferred to foreign register and flag, approval by the Administration of the application for purchase will also constitute approval, under section 9 or section 37 of the Shipping Act, 1916, as amended, to transfer such vessel when purchased, to foreign ownership, registry and flag.

§ 299.26 *Spare parts and vessel equipment, stores, fresh water, and fuel.* The Administration will provide and equip all vessels sold under the act both to citizens and non-citizens, unless otherwise agreed, in accordance with the following:

(a) *Machinery spare parts*—(1) *Except for vessels sold "as is".* Except for vessels sold "as is", the American Bureau of Shipping requirements, outstanding as of the date of the contract of sale, for on board machinery spare parts as contained in their publication, "Rules for Building and Classing Steel Vessels", will be met by the Administration.

The cost with respect to supplying deficiencies or repairing or renewing damaged parts already on board, shall be borne,

(i) On sales to citizens of the United States, in full by the Administration.

(ii) On sales to non-citizens, 50 percent by the Administration and 50 percent by the purchaser.

(2) *Vessels sold "as is".* For vessels sold "as is", the Administration will not comply with the American Bureau of Shipping requirements for machinery spare parts to the extent of insuring that the parts are actually aboard the vessels, but will, as to all such requirements outstanding as of the date of the contract of sale, grant an allowance based upon the estimated cost of supplying deficiencies or repairing or renewing damaged parts already on board, within the limits of section 3 (d) of the Merchant Ship Sales Act of 1946,

(i) On sales to citizens of the United States, equal to such estimated cost.

(ii) On sales to non-citizens, equal to 50 percent of such estimated cost.

(3) *Spare parts list.* Paragraph (e) of this section contains a listing of the American Bureau of Shipping required spare parts for steam reciprocating engines, steam turbines, internal combustion engines, boilers, machinery for refrigerated vessels, and for electrically driven vessels.

(b) *Allowance list items, consumable stores, fresh water, and fuel*—(1) *Construction of "unbroached".* For the purpose of this section, the following provisions shall apply in respect to the term "unbroached":

(i) *Unbroached consumable stores except subsistence stores.* In general, any item of consumable stores, which at the time of inventory may be given a condition valuation of 100 percent by the Administration's standards, i. e., that the item has not been used and has not lost any of its original value through age, rust, decay, or improper stowage, shall be considered unbroached. With respect to the contents of opened packages and containers, items normally supplied to vessels in bulk shall be considered first on the basis of condition and if meeting the above qualifications, the quantities as found shall be considered as unbroached. With respect to items normally packaged in small quantities of nominal value they shall be considered as broached where the containers have been opened and contents partially consumed.

(ii) *Unbroached subsistence stores.* All subsistence stores which are in 100 percent condition by the Administration's standards, as set forth in subdivision (i) of this subparagraph, shall be considered unbroached, regardless of whether stored in original packages or containers or whether part of the original amounts have been consumed.

(2) *Vessels in operation.* As to vessels in operation, the Administration assumes no obligation on sales to either citizens or non-citizens for delivery of vessels to purchasers fully equipped with items of an allowance list nature, expendables, or consumable stores (Spare machinery parts will be furnished as prescribed in paragraph (a) of this section). In this respect the vessels will be sold "as is", with the Administration neither adding or removing any such items, ex-

cept as provided in paragraph (c) of this section. However, purchasers will be required to pay to the Administration an amount reflecting the full value, as indicated by the prevailing rate at the port where delivery is being made, for all unbroached consumable stores, fresh water, and fuel.

(3) *Vessels from the reserve fleet or inactive status.* As to vessels sold out of the reserve fleet or from inactive status, the Administration, when such vessels have been stripped of expendable equipment, will undertake to re-equip the vessels at its expense in accordance with the appropriate minimum standard allowance lists attached entitled "Standard Allowance List for Reoutfitting EC2, Z–ET1, VC2, C1, C2, C3, C4, R2, T2 and T3 Class Vessels sold under the Merchant Ship Sales Act of 1946" (paragraph (f) of this section) and "Standard Allowance List for Reoutfitting N3 and T1 Class Vessels sold under the Merchant Ship Sales Act of 1946" (paragraph (g) of this section). These allowance lists provide, in general, those minimum items of equipment and material necessary for the berthing of officers and crew, for the operation of pantries and galleys, and for instruments necessary for the safe navigation of the vessel. The Administration will not assume any obligations over and beyond those set forth in this paragraph on inoperative vessels. Purchasers will be required to pay to the Administration an amount reflecting the full value, as indicated by the prevailing rate at the port where delivery is being made, for all unbroached consumable stores, fresh water, and fuel.

(c) *Removal of excesses.* Items in the category of propellers, tailshafts, sections of line shafting, pinions and reduction gears for main propulsion units, bearings where found in quantity (except roller and ball types), rotors and rotating elements for turbines, and complete spare machinery components where in exeess of American Bureau of Shipping requirements, will be removed. As to other items, where vessels are found to be stocked in excess of American Bureau of Shipping requirements or in excess of the standard allowance lists attached, such excesses will not be removed except where it is found that specific items or parts are of high intrinsic value or are in very short supply, thereby justifying the Administration's incurring expenditures for their removal and storage.

(d) *Procedure*—(1) *Deficiencies in machinery spare parts.* Within five days after a purchaser signs a contract of sale or an addendum to an existing contract of sale, involving the purchase of a vessel, or (if the vessel is at sea on the date of such signing or makes a voyage other than under bareboat charter to the purchaser after such signing) within five days after the return of the vessel to the United States port of final discharge, whichever is the later, the purchaser of such vessel shall furnish to the Local Head, Inventory Section, Office of Property and Supply, at the port nearest that of the vessel, a list of deficiencies in machinery spare parts within the limits of paragraph (a) of this section. The Local Head, Inventory Section, shall verify whether or not such parts are on board. He shall promptly notify the purchaser in writing of the disapproval of such list or any portion thereof. Upon approval of such list or any portion thereof, he shall

(i) Except for a vessel sold "as is," forward such approved list to the nearest District Purchasing Officer, Office of Property and Supply, who shall obtain and deliver to such vessel such required spare parts.

(ii) For a vessel sold "as is," proceed as set forth in subparagraph (3) of this paragraph.

(2) *Parts in need of repair.* Within five days after a purchaser signs a contract of sale or an addendum to an existing contract of sale, involving the purchase of a vessel, or (if the vessel is at sea on the date of such signing or makes a voyage other than under bareboat charter to the purchaser after such signing) within five days after the return of the vessel to the United States port of final discharge, whichever is later, the purchaser of such vessel shall furnish to the Local Manager, Maintenance and Repair Division, at the port nearest that of the vessel, a list of damaged machinery spare parts, within the limits of paragraph (a) of this section. Such Local Manager shall verify whether or not such parts are damaged as alleged. He shall promptly notify the purchaser in writing of the disapproval of such list or any portion thereof. Upon approval of such list or any portion thereof, he shall

(i) Except for a vessel sold "as is," arrange, consistent with existing Maintenance and Repair Division requirements and instructions, for the effecting of the necessary repairs. If the expenditures for such repairs will exceed the cost of replacing any of the damaged parts, such Local Manager shall furnish to the nearest District Purchasing Officer, Office of Property and Supply, a list of such damaged parts to be replaced as deficiencies in the manner prescribed in subparagraph (1) (i) of this paragraph.

(ii) For a vessel sold "as is", proceed as set forth in subparagraph (3) of this paragraph.

(3) *Allowance for deficiencies in and repairs of machinery spare parts for vessels sold "as is".* In the case of a vessel sold "as is", upon approval of the purchaser's list of deficiencies in machinery spare parts, or any portion thereof, pursuant to subparagraph (1) of this paragraph, the Local Head, Inventory Section, Office of Property and Supply, shall furnish to the Local Manager, Maintenance and Repair Division, an estimate of the cost of supplying such approved deficiencies. Such Local Manager, upon approval of the purchaser's list of damaged machinery spare parts, or any portion thereof, pursuant to subparagraph (2) of this paragraph, shall furnish to the Chief, Office of Ship Construction and Repair, an estimate of the cost of repairing such damaged parts, and the estimate of the cost of supply deficiencies. The Chief, Office of Ship Construction and Repair, shall furnish such estimates to the Chief, Office of Property and Supply so that allowances in accordance with paragraph (a) (2) of this section may be determined.

(4) *Allowance list items, consumables, and expendables*—(i) *Operating vessels.* When an operating vessel is sold, the Local Head, Inventory Section, Office of Property and Supply, at the port nearest to that of the vessel, shall make a full inventory consistent with the provisions of paragraph (b) (2) of this section, and shall prepare an estimate of the value, at rates prevailing at such vessel's port of delivery, for all the unbroached consumable stores, fresh water, and fuel aboard the vessel, which estimate shall be furnished by the Chief, Inventory Section, Office of Property and Supply to the Chief, Ship Sales Branch, who shall be responsible for carrying out the provisions of paragraph (b) (2) of this section, and shall prepare an estimate of the value, at rates prevailing at such vessel's port of delivery, for all the unbroached consumable stores, fresh water, and fuel aboard the vessel, which estimate shall be furnished by the Chief, Inventory Section, Office of Property and Supply to the Chief, Ship Sales Branch, who shall be responsible for carrying out the provisions of paragraph (b) (3) of this section with respect to consumable stores, fresh water and fuel.

(e) *List of American Bureau of Shipping spare parts and equipment for each ocean going vessel.*

STEAM RECIPROCATING ENGINES

Two (2) crosshead bearing bolts and nuts.
Two (2) crankpin bearing bolts and nuts.
Two (2) main bearing bolts and nuts.
One (1) set of piston rings where common rings are used.
Twenty-five (25) percent of piston springs.
Six (6) follower ring studs and nuts.
Six (6) cylinder cover studs and nuts.
Six (6) valve chest cover studs and nuts.
One (1) set of bearing pads for one single-collar type thrust bearing where fitted.
One (1) set of bolts for each size coupling.
One (1) set of propeller studs, if of special material.
One (1) set of valves for one feed pump.
One (1) set of valves for one bilge pump.
A set of bearing gauges.
Assorted bolts, nuts, and shim material.
Bar and plate steel in various sizes.
No spare parts are required for auxiliaries which are fitted in duplicate when such duplication is in excess of that required by the rules.

STEAM TURBINES

One (1) set of springs for governor, relief, and maneuvering valves.
One-half (½) set of packing rings, or segments, with springs for each gland so fitted.

Five (5) percent of bolts, or studs, and nuts of each size fitted in joints of turbine and gear casings.
One (1) set of thrust pads or rings, also springs where fitted for each size turbine thrust bearing.
Assorted shims and liners where fitted.
One (1) set of bolts and nuts for each size for turbine rotor, pinion, and gear bearings.
Spare bearing bushings sufficient to replace all the bushings on any one turbine rotor, pinion and gear having sleeve type bearings or complete assemblies consisting of outer and inner races and cages complete with rollers or balls where these types of bearings are used.
One (1) set of coupling bolts of each size, for one coupling.
One (1) set of bearings pads for one single collar type main thrust bearing where fitted.
One (1) set of studs, when made of special material, for one propeller.
Two (2) thermometers for the lubricating oil system.
One (1) set of valves for one feed pump.
One (1) set of valves for the bilge pump.
One (1) set of valves for one lubricating oil pump.
Assorted bolts, nuts and shim material.
Bar and plate steel in various sizes.
No spare parts required for auxiliaries which are fitted in duplicate when such duplication is in excess of that required by the rules.

INTERNAL COMBUSTION ENGINES

Spares for Main Propelling Machinery

One (1) engine cylinder head complete with valves, cages, springs, etc.
One (1) piston complete with rings, etc.
One (1) set of parts liable to damage or wear for the piston cooling, arrangement of one cylinder.
One (1) set of bearings pads for one single collar type main thrust bearing where fitted.
One (1) set of studs, when made of special material, for one propeller.

Additional Spares for Main Engines and Spares for Auxiliary Engines

One (1) set of valves for one (1) cylinder complete with cages, springs, etc.
Twenty-five (25) percent of fuel valve needles.
One (1) set of piston rings for one piston.
One (1) set of main bearing brasses complete with bolts and nuts.
One (1) set of crankpin bearing brasses complete with bolts and nuts.
One (1) set of crosshead bearing brasses complete with bolts and nuts, when fitted or one wrist pin bushing where trunk pistons are used.
Where reduction gears are used there shall also be provided spare bearing bushings sufficient to replace all the bushings on any one piston and gear having sleeve type bearings, or complete assemblies consisting of outer and inner races, and cages complete with rollers or balls where these types of bearings are used.
One (1) complete set of the parts liable to damage or wear for the fuel oil pumps.
One (1) complete set of rings for each size piston of air compressors and scavenging air pumps.
One (1) set of bolts or studs of each size for one cylinder cover or the engines and air compressors.
One (1) set of coupling bolts of each size for one coupling.
Twenty-five (25) per cent of each size of special gaskets and packing, at least one of each size.
One (1) set of templates and gauges for adjusting gear and aligning main bearings
A sufficient length of each size of pipe used for injection air, starting air and injection oil lines to replace the longest section of pipe.
Assorted bolts, nuts, pipe flanges and pipe couplings.
At least one (1) set of valves of each type and size for oil transfer pumps, fuel oil pumps, lubricating oil pumps, cooling water pumps and bilge pumps.
No spare parts are required for auxiliaries which are fitted in duplicate when such duplication is in excess of that required by the rules.

BOILERS

One (1) set of springs for one safety valve of each size.
Twelve (12) gauge glasses with packings per boiler if of the round gauge glass type.
Two (2) gauge glasses per boiler and one (1) frame for each two boilers if of the flat gauge glass type.
One-half (½) set of plain grate bars for one boiler (coal burning).
One (1) strainer basket of each size for fuel oil system.
Twenty-five (25) per cent of burner atomizer units for oil-fired boilers.
One (1) standard boiler presure gauge or gauge testing apparatus.
Five (5) per cent of each size and kind of tube for one fire-tube boiler.
Five (5) per cent of the tubes for one water tube boiler.
The number of each size and location in the boiler are to be as approved in connection with the design in each case.
Tube stoppers for twelve (12) generator, economizer and superheater tubes of each kind and size.
Necessary tools for operations.

REFRIGERATING MACHINERY—REEFER CARGO VESSELS

(a) When duplicate machinery units are fitted so that each unit is separately connected to two or more refrigerated compartments, one set of spare gear will be required as follows:
One (1) crankshaft, complete, with eccentric sheaves or one-half shaft where interchangeable.
One (1) cover of each pattern for compressors, except where forged steel cover or screwed plugs are fitted.
One (1) piston and rod with nuts, complete of each pattern, for steam cylinders and compressors.
One (1) valve spindle and nut of each pattern.
One (1) pair of main bearing bushings complete.
Two (2) main bearing bolts.
One (1) set of piston rod and connecting rod bolts and bushings.
One (1) cylinder cover of each type for the steam cylinders.
One (1) eccentric strap and rod, complete, of each pattern.
Main and cut-off valves for steam cylinder.
One (1) coupling for each type of compressor piston rod.
One (1) set of suction and delivery valves, complete with springs and casings, required for one compressor cylinder of each type and, in addition, 6 springs of each type.
One (1) set of metallic packing rings, if used, for compressors.
One (1) oil pump complete.
One (1) circulating pump bucket and rod, or one impeller and shaft of each type.
One (1) set of suction and delivery valves for each type of circulating pump.
One (1) rod of each type for steam and water ends of piston brine pumps.
One (1) cylinder cover of each type for piston brine pumps.
One (1) impeller and shaft of each type for centrifugal brine pumps.
One (1) set of coupling bolts of each type for centrifugal brine pumps.
One (1) gas regulating valve, complete, if made of cast iron; one rod and cone if of mild steel.
One (1) distributing and one (1) collecting piece of each pattern, except where they are of forged steel.
Assorted valves, cocks, flanges and fittings.
Blocks for making all leather packing.
Two (2) spare gauges with pressure and temperature scales and a sufficient supply of mercury thermometers.
Assorted lengths and bends of piping, together with flanges, couplings and screwing appliances.
A supply of assorted bolts, nuts, studs, packings, joint rings, compressor rings and leathers.

(b) In cases where independent cooling water pumps are not fitted and the cooling water is supplied by auxiliary pumps, spare piston rings, pumps valves and rods are to be carried.

(c) Where independent surface condensers, with air, water, circulating and feed pumps, are fitted and there are no connections to the main engine pumps, the following additional spare gear is to be carried:
One (1) crankshaft, complete with eccentric sheaves.
One (1) piston rod, complete of each pattern.
One (1) set of piston rings of each pattern for steam cylinders.
One (1) eccentric strap and rod of each pattern.
One (1) pump bucket and rod, complete of each pattern.
One (1) set of connecting rod and cross head bolts and nuts.
One (1) set of valves for each pump.
Six (6) tubes and twenty-four (24) ferrules for the condenser.

(d) Where connections to the main engine pumps are provided in cases otherwise similar to that of the foregoing sub-paragraph (c) the spare required will be as follows:
One (1) pump bucket and rod, complete, of each pattern.
One (1) set of connecting rod and cross-head bolts and nuts.
One-half (½) set of valves for each pump.

(e) Spare gear required for vessel engaged in voyage of not more than three days' duration should be as follows:
One (1) piston of each type, complete, for steam and compressor cylinders.
One (1) piston of each type, complete with nuts for steam and compressor cylinders.
One (1) valve and rod of each type, complete with nuts.
One (1) eccentric strap and rod of each type.
One (1) set of connecting rod brasses, complete with bolts and nuts, of each type.
One (1) set of main bearing brasses, complete with bolts and nuts, of each type.
One (1) set of suction and delivery valves, complete with springs and casings, of each type.
One (1) set of piston rings for steam and water ends of each type of brine pump.
Blocks for making all leather packings.
One (1) spare gauge with pressure and temperature scales.
Assorted lengths and bonds of piping, together with flanges, couplings and screwing appliances.
A supply of assorted bolts, nuts, studs, packings, joint rings, compressor rings and leathers.

(f) Spares required for electric motors are as follows:
One (1) spare armature, complete with commutator and shaft, for each type of motor fitted.
One (1) spare field coil of each kind and size for direct current motors.
Two (2) spare coils for synchronous motors.
One-fourth set of rotor coils for form-wound induction motors.

One-fourth set of armature coils for synchronous and induction motors.

NOTE: Alternating-current motors with multiple windings require no spare coils.

One (1) complete brush holder and springs, stud insulation and set of brushes for each type and size fitted.

One (1) set of arc-rupturing and interlock contacts and springs for each circuit breaker, contactor, relay, etc., up to eight similar sets, beyond that one set for each four.

Two (2) fuses for each fuse installed if renewable fuses are used, then five renewals for each fuse and two cases for each size fuse.

One (1) trip coil for each size and type installed.

One (1) set of fingers, burning contacts, and springs where fitted, for each controller up to four similar sets.

One (1) shunt coil for each size and type installed.

One (1) resister of each capacity used plus one additional for every four up to four similar resisters.

One (1) bearing lining of each kind and size with oil rings, where fitted.

One (1) set of studs and nuts for main bearings, assorted bolts, studs and nuts, screws, necessary tools, etc.

NOTE: The spares as noted in the foregoing are minimum requirements. Where installations require more than six circulating fans additional spares should be carried as approved for each such case.

(g) Where other than electric motors are used for driving fans, the spare gear is to be specially submitted to the Bureau for approval.

ELECTRICAL

Coils: One (1) spare field coil of each kind and size for direct-current generators and motors.

Two (2) spare field coils for synchronous motors and salient-pole synchronous generators.

One-fourth set of rotor coils for form-wound induction propulsion motors.

One-fourth set of armature coils for synchronous and induction propulsion motors.

Exception: Alternating-current motors with multiple windings require no spare coils.

Bearings: One (1) bearing lining of each kind and size with oil rings, where fitted, for generator and motors.

Brushes and Holders: One (1) complete brush holder with three spare springs, stud insulation and set of brushes for each type and size, where fitted for generators and motors.

No spare parts are required for auxiliaries which are fitted in duplicate when such duplication is in excess of that required by the rules.

(f) *Standard allowances list for reoutfitting EC2, Z–ET1, VC2, C1, C2, C3, C4, R2, T2 and T3 class vessels sold under the Merchant Ship Sales Act of 1946.*

NAVIGATION INSTRUMENTS

Item No.	Description	Quantity
1	Barometers, aneroid	1
2	Chronometer	1
3	Clinometer	2
4	Clocks, 6" dial, nonstriking	6
5	Clocks, 8½" dial, nonstriking (engine room)	1
6	Clocks, 6" dial, striking (wheelhouse)	1
7	Divider, compass, 6"	1
8	Dividers, 5¾"	2
9	Glass, chart reading, 4"	1
10	Glass, compass reading	1
11	Horn, fog, mechanical	1
12	Hygrometer, wet and dry bulb with humidity chart	1

NAVIGATION INSTRUMENTS—continued

Item No.	Description	Quantity
13	Leads, sounding, 7-lb	1
14	Leads, sounding, 9-lb	1
15	Leads, sounding, 14-lb	2
16	Leads, sounding, 30-lb. deep sea	1
17	Lines, lead, deep sea, 1" circ., size 10, 120 fathoms with reel	2
18	Lines, lead, cotton braided, ¾" circ. size 8", 25 fathoms	2
19	Megaphone, 15"	1
20	Megaphone, 30"	1
21	Protractor, course, transparent	2
22	Rules, Parallel, 18" graduated	1
23	Thermometers, copper frame, −20° to +130° Fahrenheit 12" size (mercurial)	2
24	Thermometers, shiphold, −20° to +130° Fahrenheit 12" size	3

MOORING APPLIANCES

1	Line, spring; 1" diameter, grade 4, 6 x 24, improved plow steel wire, with 6' 0" diameter eye spliced in one end only. Total length to be 65 fathoms overall after spliced eye is produced	2

FLAGS

1	Ensign, U. S. 5' x 8'	1
2	Ensign, U. S. 8' x 12'	1
3	Flags, International Code, complete set consisting of one set alphabets, size no. 2 (4 ft. 6 in. x 5 ft. 6 in.), one set numerals, size no. 2 (3 ft. 9 in. x 12 ft. 9 in.), one answering pennant, size no. 2 (3 ft. 9 in. x 12 ft. 9 in.), one set repeaters (first, second and third), and two code books (Volumes I and II)	1
4	Flags, International Code; size no. 1 (6 ft. 6 in. x 8 ft. 0 in.) of letters, "B", "G", "H", "P", "Q", and "Y" each	1
5	Flags, ship's code letter: Complete set consisting of four letters in set (4 ft. 6 in. x 5 ft. 6 in.)	1
6	Flags, semaphore; type I; size 15 in. x. 15"; red and yellow	2
7	Flags, semaphore; type II, size 15 in. x. 15 in.; blue and white	2
8	Shapes, day, 24 in. diameter, black	3

EMERGENCY RIOT EQUIPMENT

1	Irons, hand (handcuffs) pair	1

OFFICE EQUIPMENT

1	Typewriters, elite—11", 18", or 26"	1
2	Typewriters, Navy telegraphic, 11" (radio room)	1

LIVING AND BERTHING EQUIPMENT

Officers, Approximately—18

1	Blankets	36
2	Cloths, table	36
3	Covers, mattress	20
4	Covers, pillow	42
5	Curtains, shower	12
6	Felts, table; flannel	6
7	Pillow cases, white	108
8	Sheets, white	108
9	Spreads, day; green momie cloth	24
10	Towels, bath	108
11	Towels, face; huck	108

Petty Officers and Crew, Approximately 36 With 4 extras—40

12	Blankets, gray	84
13	Counterpanes, cotton; blue and white	84
14	Covers, mattress	42
15	Covers, pillow	42
16	Pillow cases; white	120
17	Sheets, white	240
18	Towels, bath	240
19	Towels, face	240

LIVING AND BERTHING EQUIPMENT—continued

Galley and Pantry Linen

20	Towels, service (glass and pantry)	120

Miscellaneous Linen

21	Aprons, cooks'	12
22	Bags, laundry	12
23	Coats, messmen's	24
24	Coats, cooks'	18

All Locations

25	Mats, door; cocoa	12
26	Life preservers, merchant type, approved by classification requirements	58

Officers and Crew

27	Pillows, chicken feather, 2½ lb., officers	42
28	Pillows, chicken feather, 3½ lb., crew and hospital berth	42
29	Mattresses, innerspring; officers (or one per berth)	18
30	Mattresses, cotton felt; crew and hospital (or one per berth)	40

MESSING EQUIPMENT

Officers' Mess—Tableware

1	Forks	48
2	Knives	48
3	Spoons, medium	36
4	Spoons, tea	48

Officers' Mess—Chinaware

5	Bowls, grapefruit and cereal	24
6	Bowls, sugar, with cover; round	6
7	Cups, coffee or tea	36
8	Cups, egg	12
9	Dishes, celery	6
10	Dishes, vegetable, oval (bakers'), 5¾"	36
11	Dishes, vegetable, oval (bakers'), 10"	6
12	Pitchers, cream, handled, 8 oz	8
13	Pitchers, hall boy	6
14	Plates, bread and butter, 6¼"	36
15	Plates, breakfast; 8 in	24
16	Plates, dessert, 7⅛ in	36
17	Plates, dinner, 9 in	36
18	Plates, soup, rim deep, 9 in	30
19	Platters, oval; 9⅜ in	12
20	Platters, oval, 13¼ in	4
21	Pots, mustard; 4 oz	4
22	Saucers, coffee	36
23	Saucers, fruit, 5¼ in	36
24	Spoons, mustard; bone or plastic, approx. 4¾ in	6

Glassware

25	Bottles, water	17
26	Cruets, oil and vinegar	12
27	Glasses, fruit juice	36
28	Glasses, iced tea	36
29	Glasses, water	72
30	Pitchers, water, 56 oz. capacity	8
31	Shakers, pepper, 3½ in. high	12
32	Shakers, salt, 3½ in. high	12

Petty Officers' and Crew's Mess—Chinaware

33	Bowls, soup or cereal	48
34	Bowls, sugar, round	10
35	Cups, egg	12
36	Dishes, vegetable	8
37	Mugs, coffee	84
38	Pitchers, hall boy	8
39	Plates, dessert, 7⅛ in	84
40	Plates, dinner, 9 in	84
41	Plates, soup, rim deep, 9 in	48
42	Platters, oval, 13¼ in	8
43	Pots, mustard	6
44	Saucers, fruit, 5¼ in	84

Petty Officers' and Crew's Mess—Flatware

45	Forks, table	60
46	Knives	60
47	Spoons, medium	60
48	Spoons, tea	84

MESSING EQUIPMENT—continued

Miscellaneous Equipment

Item No.	Description	Quantity
49	Bells, dinner	1

Galley and Pantry Gear

50	Boards, bread, size 16" x 22" x ¾"	1
51	Bowls, beating, retinned, 16 in. diameter	1
52	Bowls, mixing, retinned, 22 in. diameter	1
53	Boards, meat-cutting, size, 18" x 24" x 3"	1
54	Boxes, bread	2
55	Broiler, range	2
56	Brushes, butcher block	1
57	Canisters, grocers' 10 lb. capacity	4
58	Cans, garbage or ash, with cover	6
59	Choppers, meat and food	1
60	Cleavers, market	1
61	Colanders, retinned, 7 qt. capacity	1
62	Colanders, retinned, 22 qt. capacity	1
63	Corers, apple, T-shape	1
64	Corkscrews	3
65	Cutters, biscuit or cake, 2½ in	1
66	Cutters, doughnut, 3 in	1
67	Dippers, 1 qt. capacity	1
68	Dippers, 1½ qt. capacity	1
69	Dredges, flour	1
70	Dredges, sugar	1
71	Forks, cooks'	2
72	Funnels, 1 qt. capacity	1
73	Graters, half round	1
74	Graters, square	1
75	Griddles, cast iron	1
76	Hooks, meat; "S" type	48
77	Ice picks	6
78	Kettles, sponge	1
79	Knives, bread	2
80	Knives, cooks'	2
81	Knives, grapefruit	2
82	Knives, paring	4
83	Knives, scraping	1
84	Ladles, retinned, 3¼ oz. capacity	2
85	Ladles, retinned, 7 oz. capacity	4
86	Ladles, retinned, 12¼ oz. capacity	1
87	Ladles, retinned, 24 oz. capacity	1
88	Mashers, potato	1
89	Measures, 1 qt. capacity	1
90	Openers, can; mechanical	1
91	Pails, garbage, with cover, 7 gallon capacity	4
92	Pans, baking, steel	3
93	Pans, roll; sheets	4
94	Pans, bread, pullman, with cover	18
95	Pans, dish, round, 21 qt. capacity	1
96	Pans, dish, round, 35 qt. capacity	2
97	Pans, fry, 6½ in. diameter	6
98	Pans, fry, 9⅜ in. diameter	3
99	Pans, fry, 11⅛ in. diameter	1
100	Pans, fry, deep, 20½ in. top diameter	2
101	Pans, muffin, 12 cups to pan	6
102	Pans, roasting, 24" x 18" x 3½"	4
103	Pans, sauce, 2-qt. capacity	2
104	Pans, sauce, with cover, 8-qt. capacity	1
105	Pans, sauce, with cover, 13½-qt. capacity	1
106	Pans, sauce, with cover, 10-qt. capacity	1
107	Pans, sauce, shallow, with cover, 12-qt. capacity	2
108	Peels, wood (cracker peel)	1
109	Pins, rolling	1
110	Plates, pie	24
111	Pots, sauce, 21-qt. capacity	2
112	Pots, sauce, 30-qt. capacity	2
113	Pots, stock, with cover, 9 gal	1
114	Pots, stock, with cover and faucet, 9-gal. capacity	1
115	Saws, meat, frame, butchers'	1
116	Scales, household	1
117	Scoops, grocers'	1
118	Scrapers, dough	1
119	Sieves, flour, wood rim	1
120	Sieves, puree	1
121	Skimmers, 4-in. blade	2
122	Skimmers, 6¼-in. blade	1
123	Spoons, cooking, perforated	2

MESSING EQUIPMENT—continued

Galley and Pantry Gear—Continued

Item No.	Description	Quantity
124	Spoons, cooking, 15¼ in. solid	4
125	Spoons, cooking, 17 in	2
126	Steels, butchers'	1
127	Strainers, china-cap, retinned	1
128	Strainers, tea, 2½ in	1
129	Tongs, ice, steel	2
130	Trays, serving, 14¼" x 18¼" x 1⅛"	4
131	Turners, cake, 4¼ in. blade	1
132	Turners, egg, perforated blade, 3¼ in	2
133	Whips, egg; 12 in	1
134	Whips, egg; 15 in	1
135	Whips, egg; balloon, 14 in	1

(g) *Standard allowance list for reoutfitting N3 and T1 class vessels sold under the Merchant Ship Sales Act of 1946*

NAVIGATION INSTRUMENTS

Item No.	Description	Quantity
1	Barometers, aneroid	1
2	Chronometer	1
3	Clinometer	2
4	Clocks, 6" dial, nonstriking	6
5	Clocks, 8½" dial, nonstriking (engine room)	1
6	Clocks, 6" dial, striking (wheelhouse)	1
7	Divider, compass, 6"	1
8	Dividers, 5¾"	2
9	Glass, chart reading 4"	1
10	Glass, compass reading	1
11	Horn, fog, mechanical	1
12	Hygrometer, wet and dry bulb with humidity chart	1
13	Leads, sounding, 7 lbs	1
14	Leads, sounding, 9 lbs	1
15	Leads, sounding, 14 lbs	2
16	Leads, sounding, 30 lb. deep sea	1
17	Lines, lead, deep sea, 1" circ., size 10, 120 fathoms, with reel	2
18	Lines, lead, cotton braided, ¾" circ. size 8" 25 fathoms	2
19	Megaphone, 15"	1
20	Megaphone, 30"	1
21	Protractor, course, transparent	2
22	Rules, parallel, 18" graduated	1
23	Thermometers, copper frame, —20° to +130° Fahrenheit, 12" size (mercurial)	2
24	Thermometers, shiphold, —20° to +130° Fahrenheit, 12" size	3

MOORING APPLIANCES

1	Line, spring; 1" diameter, grade, 4, 6, x 24, improved plow steel wire, with 6' 0" diameter eye spliced in one end only. Total length to be 65 fathoms overall after spliced eye is produced	2

FLAGS

1	Ensign, U. S. 5' x 8'	1
2	Ensign, U. S. 8' x 12'	1
3	Flags, International Code, complete set consisting of one set alphabets, size No. 2 (4 ft. 6 in. x 5 ft. 6 in.), one set numerals, size No. 3, (3 ft. 9 in. x 12 ft. 9 in.), one answering pennant, size No. 2, (3 ft. 9 in. x 12 ft. 9 in.), one set repeaters, (first, second, and third) and two code books (Volumes I and II)	1
4	Flags, International Code; size No. 1 (6 ft. 6 in. x 8 ft. 0 in.) of letters, "B", "G", "H", "P", "Q", and "Y" each	1
5	Flags, ship's code letter; Complete set consisting of four letters in set (4 ft. 6 in. x 5 ft. 6 in.)	1
6	Flags, semaphore; type I; size 15 in. x 15 in.; red and yellow	2
7	Flags, semaphore; type II, size 15 in. x 15 in.; blue and white	2
8	Shapes, day, 24 in. diameter, black	3

EMERGENCY RIOT EQUIPMENT

Item No.	Description	Quantity
1	Irons, hand (handcuffs) pair	1

OFFICE EQUIPMENT

1	Typewriters elite—11", 18" or 26"	1
2	Typewriters, Navy telegraphic, 11" (radio room)	1

LIVING AND BERTHING EQUIPMENT

Officers, Approximately—11

1	Blankets	24
2	Cloths, table	36
3	Covers, mattress	12
4	Covers, pillow	24
5	Curtains, shower	12
6	Felts, table; flannel	6
7	Pillow cases, white	72
8	Sheets, white	72
9	Spreads, day; green momie cloth	12
10	Towels, bath	72
11	Towels, face, huck	72

Petty Officers and Crew, Approximately 22 With 4 extras—26

12	Blankets, gray	54
13	Counterpanes, cotton, blue and white	72
14	Covers, mattress	30
15	Covers, pillow	30
16	Pillow cases; white	72
17	Sheets, white	144
18	Towels, bath	144
19	Towels, face	144

Galley and Pantry Linen

20	Towels, service (glass and pantry	120

Miscellaneous Linen

21	Aprons, cooks'	12
22	Bags, laundry	12
23	Coats, messmen's	24
24	Coats, cooks'	18

All Locations

25	Mats, door; cocoa	8
26	Life preservers, merchant type, approved by classification requirements	38

Officers and Crew

27	Pillows, chicken feather, 2½ lb., officers'	24
28	Pillows, chicken feather, 3½ lb., crew and hospital berth	27
29	Mattresses, innerspring; officers' (or 1 per berth)	11
30	Mattresses, cotton felt; crew and hospital (or 1 per berth)	26

MESSING EQUIPMENT

Officers' Mess—Tableware

1	Forks	24
2	Knives	24
3	Spoons, medium	24
4	Spoons, tea	24

Officers' Mess—Chinaware

5	Bowls, grapefruit and cereal	18
6	Bowls, sugar, with cover; round	4
7	Cups, coffee or tea	24
8	Cups, egg	6
9	Dishes, celery	3
10	Dishes, vegetable, oval (bakers') 5¾ in	18
11	Dishes, vegetable, oval (bakers') 10 in	3
12	Pitchers, cream, handled, 8 oz	3
13	Pitchers, hall boy	3
14	Plates, bread and butter, 6¼ in	24
15	Plates, breakfast, 8 in	18
16	Plates, dessert, 7⅛ in	24
17	Plates, dinner, 9 in	24
18	Plates, soup, rim deep, 9 in	18
19	Platters, oval, 9⅜ in	6
20	Platters, oval, 13¼ in	3
21	Pots, mustard; 4 oz	4

MESSING EQUIPMENT—continued

Officers' Mess—Chinaware—Continued

Item No.	Description	Quantity
22	Saucers, coffee	24
23	Saucers, fruit; 5¼ in	24
24	Spoons, mustard, bone or plastic, approx. 4¾ in	6

Glassware

25	Bottles, water	12
26	Cruets, oil and vinegar	8
27	Glasses, fruit juice	36
28	Glasses, iced tea	36
29	Glasses, water	72
30	Pitchers, water, 56 oz. capacity	8
31	Shakers, pepper, 3½ in. high	6
32	Shakers, salt, 3½ in. high	6

Petty Officers' and Crew's Mess—Chinaware

33	Bowls, soup or cereal	24
34	Bowls, sugar, round	6
35	Cups, egg	6
36	Dishes, vegetable	4
37	Mugs, coffee	48
38	Pitchers, hall boy	4
39	Plates, dessert, 7⅛ in	48
40	Plates, dinner, 9 in	48
41	Plates, soup, rim deep, 9 in	48
42	Platters, oval, 13¼ in	4
43	Pots, mustard	3
44	Saucers, fruit, 5¼ in	48

Petty Officers' and Crew's Mess—Flatware

45	Forks, table	30
46	Knives	30
47	Spoons, medium	30
48	Spoons, tea	42

Miscellaneous Equipment

49	Bells, dinner	1

Galley and Pantry Gear

50	Boards, bread, size 16" x 22" x ¾"	1
51	Bowls, beating, retinned, 16 in. diameter	1
52	Bowls, mixing, retinned, 22 in. diameter	1
53	Boards, meat-cutting, size 18" x 24" x 3"	1
54	Boxes, bread	2
55	Broiler, range	2
56	Brushes, butcher block	1
57	Canisters, grocers'—10 lb. capacity	4
58	Cans, garbage or ash, with cover	5
59	Choppers, meat and food	1
60	Cleavers, market	1
61	Colanders, retinned, 8 qt. capacity	1
62	Colanders, retinned, 22 qt. capacity	1
63	Corers, apple, "T"-shape	1
64	Corkscrews	2
65	Cutters, biscuit or cake, 2½ in	1
66	Cutters, doughnut, 3 in	1
67	Dippers, 1 qt. capacity	1
68	Dippers, 1½ qt. capacity	1
69	Dredge, flour	1
70	Dredge, sugar	1
71	Forks, cooks'	2
72	Funnels, 1 qt. capacity	1
73	Graters, half round	1
74	Graters, square	1
75	Griddles, cast iron	1
76	Hooks, meat; "S"-type	48
77	Ice picks	6
78	Kettles, sponge	1
79	Knives, bread	2
80	Knives, cooks'	2
81	Knives, grapefruit	2
82	Knives, paring	4
83	Knives, scraping	1
84	Ladles, retinned, 3¼ oz. capacity	2
85	Ladles, retinned, 7 oz. capacity	4
86	Ladles, retinned, 12¼ oz. capacity	1
87	Ladles, retinned, 24 oz. capacity	1
88	Mashers, potato	1
89	Measures, 1 qt. capacity	1
90	Openers, can; mechanical	1

MESSING EQUIPMENT—continued

Galley and Pantry Gear—Continued

Item No.	Description	Quantity
91	Pails, garbage, with cover, 7-gallon capacity	4
92	Pans, baking steel	9
93	Pans, roll; sheets	4
94	Pans, bread, pullman, with cover	18
95	Pans, dish, round 21-qt. capacity	1
96	Pans, dish, round, 35-qt. capacity	2
97	Pans, fry, 6½-in. diameter	6
98	Pans, fry, 9¾-in. diameter	3
99	Pans, fry, 11⅛₆-in. diameter	1
100	Pans, fry, deep, 20½-in. top diameter	2
101	Pans, muffin, 12 cups to pan	6
102	Pans, roasting, 24" x 18" x 3½"	4
103	Pans, sauce, 2-qt. capacity	2
104	Pans, sauce, with cover, 8-qt. capacity	1
105	Pans, sauce, with cover, 13½-qt. capacity	1
106	Pans, sauce, with cover, 10-qt. capacity	1
107	Pans, sauce, shallow, with cover, 12-qt. capacity	2
108	Peels, wood (cracker peel)	1
109	Pins, rolling	1
110	Plates, pie	24
111	Pots, sauce, 21-qt. capacity	2
112	Pots, sauce, 30-qt. capacity	2
113	Pots, stock, with cover, 9 gal	1
114	Pots, stock, with cover and faucet, 9-gal. capacity	1
115	Saws, meat, frame, butchers'	1
116	Scales, household	1
117	Scoops, grocers'	1
118	Scrapers, dough	1
119	Sieves, flour, wood rim	1
120	Sieves, puree	1
121	Skimmers, 4 in. blade	2
122	Skimmers, 6¼ in. blade	1
123	Spoons, cooking, perforated	2
124	Spoons, cooking, 15¼ in. solid	4
125	Spoons, cooking, 17 in	2
126	Steels, butcher's	1
127	Strainers, china-cap, retinned	1
128	Strainers, tea; 2½ in	1
129	Tongs, ice; steel	2
130	Trays, serving, 14¼" x 18¼" x ⅛"	4
131	Turners, cake, 4¼ in. blade	1
132	Turners, egg, perforated blade, 3¼ in	2
133	Whips, egg; 12 in	1
134	Whips, egg, 15 in	1
135	Whips, egg; balloon, 14 in	1

SUBPART C—CHARTER OF WAR-BUILT VESSELS TO CITIZENS

§ 299.31 *Charter of war-built vessels to citizens of the United States*—(a) *Application.* Any citizen of the United States, as defined in § 299.1 (h), and until July 4, 1946, any citizen of the Commonwealth of the Philippines, may apply to the Administration to charter a war-built dry cargo vessel, including passenger type vessels, for bareboat use. The application to receive consideration must be substantially in the form prescribed by the Administration in § 299.128. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Each application shall contain sufficient information to enable the Administration to make all necessary determinations, including the following:

(1) Citizenship of the applicant.

(2) That the applicant possesses the following minimum financial requisites:

(i) Sufficient working capital, as defined in § 299.1 (n), to cover preoperating and operating expenses, as defined in § 299.1 (p), of the vessel (in addition to basic charter hire) for a period of 60 days and prepaid insurance for one year. In determining the amount of such working capital the amount of any securities pledged or to be pledged with the Administration in lieu of a surety bond, as prescribed in paragraph (g) (7) of this section, shall be excluded.

(ii) Net worth, as defined in § 299.1 (o), at least equal to the amont of the annual basic charter hire payable with respect to the war-built vessel. Such minimum financial requirements shall be applicable with respect to each vessel applied for. In instances where the applicant is engaged in the operation of other vessels or in activities other than the operation of vessels, the amount of working capital and net worth required for such purposes will be taken into account in addition to such minimum financial requirements in determining whether the applicant possesses the required financial resources.

(3) That the applicant possesses the ability, experience, and other qualifications, necessary to enable him to fulfill the terms of the charter.

Items are parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(4) Applicants for the charter of war-built vessel(s) under section 5 (e) of the Merchant Ship Sales Act of 1946, as amended by Public Law 591, 81st Congress, shall in addition to the foregoing, submit a Supplemental Application substantially in the form prescribed in § 299.129.

If applicant has not previously filed a formal charter application pursuant to this section (General Order 60), questions 3, 4, 5, 8, 9, 10, and 11 in the Supplemental Application may be disregarded provided the information required by said questions is fully supplied in the application submitted in compliance with this section (General Order No. 60).

(b) *Amendment of application.* Such application may be amended at any time before the Administration has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless promptly made at the written request of the Administration, shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving substitutions for the vessels applied for when made at the written request of the Administration) shall be effective as of the filing date of the original application. Any information called for by the Administration from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file

from time to time as amendments any information necessary to keep current and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Approval or rejection by the Administration.* The Administration may, in its discretion, either approve or reject the application and will not approve the application unless it determines that the applicant is a citizen of the United States as defined in § 299.1 (h) or in case of an application filed prior to July 4, 1946, is a citizen of the Commonwealth of the Philippines and, in its opinion, the chartering of the vessel to the applicant will be consistent with the policies of the Act and the vessel is available for charter to the applicant. In determining whether or not to approve the application, the Administration will take into consideration the applicant's financial resources and credit standing, practical experience in the operation of vessels, and any other factors that would be considered by a prudent businessman in entering into a transaction involving a large investment of his capital; and the Administration will not charter a vessel to any person, appearing to lack sufficient capital, credit, and experience to fulfill the terms of the charter. No vessel will be chartered until 60 days after publication of the applicable prewar domestic cost in the FEDERAL REGISTER. If the application is rejected by the Administration, the Secretary will promptly advise the applicant.

(d) *Charter party.* If the application is approved by the Administration, the Secretary will furnish the applicant five counterparts of a charter party covering the vessel(s) in such form as the Administration may prescribe, which shall be executed by the applicant and redelivered to the Secretary within fifteen (15) days of the date of its receipt by the applicant. After the chafter party has been executed on behalf of the Administration, one of the counterparts will be sent to the applicant.

(e) *Period of charter.* The period of the charter shall be determined by the Administration in each particular case.

(f) *Charter hire.* The monthly charter hire for any vessel chartered under the provisions of the act shall be one-twelfth of an amount not less than 15 percent of the statutory sales price (computed as of the date of delivery of the vessel under the charter), except upon the affirmative vote of not less than four members of the Administration. Except in the case of vessels having passenger accommodations for not less than eighty passengers, rates of charter hire fixed by the Administration on any war-built vessel which differ from the rate specified in this subsection shall not be less than the prevailing world market charter rates for similar vessels for similar use as determined by the Administration.

(g) *Mandatory provisions in charter.* Every charter made by the Admjnistration pursuant to the provisions of the act shall provide:

(1) *Excess profits of charterer.* That whenever, at the end of any calendar year subsequent to the execution of such charter, the cumulative net voyage profits (after payment of the charter hire reserved in the charter and payment of the charterer's fair and reasonable overhead expenses applicable to operation of the chartered vessels) shall exceed 10 percent per annum on the charterer's capital necessarily employed in the business of the vessel or vessels covered by the same charter, the charterer shall pay over to the Administration, an additional charter hire, one-half of such cumulative net voyage profit in excess of 10 percent per annum on such capital: *Provided*, That the cumulative net profit so accounted for shall not be included in any calculation of cumulative net profit in subsequent years. (Every charter shall contain definitions of the terms "net voyage profit" and "fair and reasonable overhead expenses" and "capital necessarily employed", as said terms are used in this subparagraph, such definitions to set forth the formulae for determining such profits, overhead expense, and capital necessarily employed.)

(2) *Charterer to insure vessel.* That the charterer shall carry in the chartered vessels, at its own expense, policies of insurance covering all marine and port risks, protection and indemnity risks, and all other hazards and liabilities, in such amounts, in such form, and in such insurance companies as the Administration shall require and approve, adequate to cover all insurable damage claims against and losses sustained by the chartered vessels arising during the life of the charterer: *Provided*, That in accordance with existing law, some or all of such insurance risks may be underwritten by the Administration itself as in its discretion it may determine.

(3) *Charterer to maintain and repair vessel.* That the charterer shall at its own expense keep the chartered vessel in good state of repair and in efficient operating condition and shall at its own expense make any and all repairs as may be required by the Administration.

(4) *Administration inspection of vessel.* That the Administration shall have the right to inspect the vessel at any and all times to ascertain its condition.

(5) *Books and accounts of charterer; Administration examination and audit.* That the charterer shall keep its books and accounts relating to the vessel in such form as the Administration may prescribe, shall file such financial statements as the Administration may require, and shall permit the Administration to examine and audit its books, records and accounts.

(6) *Emergency termination of charter.* That whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, the Administration may terminate the charter without cost to the United States, upon such notice to the charterer as the President shall determine.

(7) *Bond of charterer.* That, for each vessel chartered under section 5 of the act, the charterer shall deposit with the Administration a bond, in such amount as the Administration shall require but not less than $25,000, to be approved by the Administration both as to form and sufficiency of the sureties, conditioned upon the true and faithful performance of all and singular the covenants and agreements of the charterer contained in the charter, including, but not limited to, the charterer's obligation to pay charter hire and damages, and indemnity against liens on the chartered vessel. The charterer may, in lieu of furnishing such bond, pledge United States Government securities in the face value of the required amount under an agreement satisfactory in form and substance to the Administration.

(8) *Financial limitations.* That the charterer agrees that (i) no capital shall be withdrawn, (ii) no share capital shall be redeemed or converted into debt, (iii) no dividend shall be paid, (iv) no loan or advance (except advances to cover current expenses of the charterer) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the charterer or to any related company (as defined in § 299.1 (q)), (v) no investment shall be made in the securities of any related company (as defined in § 299.1 (q)), (vi) no indebtedness to any stockholder, director, officer, or employee of the charterer or to any related company (as defined in § 299.1 (q)), which was classified as long-term or noncurrent in the balance sheet submitted with the application (or amendment thereto) to charter the vessel, shall be repaid in whole or in part, and (vii) no salary at a rate in excess of $25,000.00 per annum shall be paid, if, after such transaction, the amount of working capital or the amount of net worth thereby would be reduced below the minima prescribed in paragraph (a) of this section.

(h) *Operating-differential subsidy.* The Administration may, if in its discretion financial aid is deemed necessary, enter into a contract with any citizen of the United States chartering a vessel under the provisions of the act for payment to such charterer of an operating-differential subsidy upon the same terms and conditions and subject to the same limitations and restrictions, where applicable, as are provided in the Merchant Marine Act, 1936, as amended, with respect to payments of such subsidies to operators of privately owned vessels.

(i) *Application where request is made for an operating-differential subsidy.* Where the applicant requests financial aid in the operation of a vessel chartered under the act, pursuant to paragraph (h) of this section, the application provided for in paragraph (a) of this section shall be accompanied by an application for an operating-differential subsidy in substantially the form prescribed in § 251.11 of this chapter (the Administration's General Order No. 13).

(1) If the application to charter is conditioned upon the granting of financial aid pursuant to paragraph (h) of this section, such application to charter shall be considered for the purpose of § 299.2 as having been filed as of the date of approval by the Administration of the application for financial aid.

(2) If the application for financial aid is disapproved by the Administration, the Secretary will promptly advise the applicant. Unless the applicant notifies the Secretary within 15 days that the appli-

cation for charter is withdrawn, it will be considered as an application to charter without financial aid and for the purpose of § 299.2 shall be considered as filed as of date of disapproval of the application for financial aid.

(j) *Sub-chartering.* Vessels chartered from the Administration may be subchartered only with the prior written consent of the Administration.

(k) *Preliminary determination and payment of "additional charter hire."* (1) On or before November 30, 1946 and on or before the end of each succeeding calendar month, every charterer under a bareboat charter agreement Shipsalesdemise 303 shall pay over to the Administration ninety percent (90%) of the amount then indicated to be due the Administration on account of additional charter hire under that agreement and under Warshipdemiseout 203 (if the charterer chartered vessels from the War Shipping Administration under that form of agreement) for the period ending two calendar months prior to that date, after deducting, with respect to such payments made subsequent to November 30, 1946, the amount of any previous payments made on account of additional charter hire for the period and under the agreement involved, *Provided*, That for the period from January 1, 1951, to June 30, 1951, such payment shall be made on or before August 31, 1951, and that, for each succeeding quarter-annual period (i. e., September 30, December 31, March 31, and June 30), such payments shall be made within sixty (60) days after the close of each such period. Such payments shall be deemed to be preliminary and subject to adjustment upon the completion of audit by the Administration covering the period involved, and neither the tender thereof by the charterer, nor its acceptance by the Administration, shall prejudice the rights of either under the applicable bareboat charter agreement or otherwise. The amounts of such payments shall be calculated in accordance with the applicable provisions of the respective agreements, particularly Clause (H)—"Special Provisions" of Part I and Clauses 13—"Additional Charter Hire" and 23—"Definitions" of Part II of Shipsalesdemise 303, and Clauses 13—"Additional Charter Hire" and 23—"Definitions" of Part II of Warshipdemiseout 203, and in accordance with the regulations in this subpart. In instances where audited financial and operating statements have not been prepared by the charterer from its records or by its public accountants, tentative calculations should be prepared for this purpose.

(2) Every such remittance to the Administration on account of "additional charter hire" shall be accompanied by a separate statement in quadruplicate, reflecting the charterer's calculation of "capital necessarily employed", "net voyage profit", and "fair and reasonable overhead expenses" on which the amount of such "additional charter hire" under each agreement is based. This statement shall be certified by a duly authorized officer of the charterer to the following effect:

> This statement correctly sets forth, to the best of my knowledge and belief, the "capital necessarily employed" in the business and "net voyage profit" of the chartered vessels, and the amount of "additional charter hire" due the Maritime Administration for the above stated period, pursuant to the provisions of the bareboat charter agreement Warshipdemiseout 203/Shipsalesdemise 303 (delete inapplicable reference) dated _____ and in accordance with the rules and regulations prescribed in General Order 60 of the Administration, based on the records of the undersigned charterer at this date.
>
> _____
> Name of Charterer
>
> _____
> Title
>
> _____
> Date

(3) In instances where the charterer engages in other activities in addition to the operation of vessels under Shipsalesdemise 303, the statements reflecting the charterer's calculation of "capital necessarily employed", "net voyage profit" and "fair and reasonable overhead expenses" shall reflect the distribution of such capital, profit, and expenses, as between (i) operations under Shipsalesdemise 303, (ii) operations (if any) under Warshipdemiseout 203, and (iii) other operations, together with a complete explanation of the manner in which such distribution was made.

(4) The statements for the period ended September 30, 1946 (required to be submitted on or before November 30, 1946) shall include also (1) the balance sheet of the charterer as of the close of the month preceding the date of delivery of the first vessel under Shipsalesdemise 303, (2) the balance sheet of the charterer as of the close of the month preceding the date of delivery of the first vessel under Warshipdemiseout 203 (if the charterer chartered vessels from the Maritime Commission or Administration under that form of agreement), and (3) the income sheet of the charterer for the fiscal period ended September 30, 1946. (If such fiscal period commenced subsequent to the month during which delivery of the first vessel under the agreement involved was made, the charterer shall submit also its income sheet for the preceding fiscal period.) Thereafter, the statements reflecting the preliminary determination of additional charter hire shall be accompanied by the income sheet of the charterer reflecting its cumulative operating results for the fiscal period ending two calendar months prior to the date when such statements are required to be submitted (e. g., statements required to be submitted on or before December 31, 1946 should be accompanied by an income sheet for the fiscal period ending October 31, 1946). The balance sheets and income sheets herein required shall be certified in the manner prescribed in § 299.8 (b).

(5) If in any instance a statement reflecting the preliminary determination of additional charter hire shall indicate that ninety percent (90%) of the cumulative total of such additional charter hire for the expired portion of the periods involved (which periods under Shipsalesdemise 303 shall end December 31, 1946, at the end of any subsequent calendar year, and at the termination of the agreement; and under Warshipdemiseout 203 shall end only upon redelivery of all vessels under the agreement) is less than the total of the payments theretofore made to the Administration on account of additional charter hire for such period, the charter may apply to the Administration for refund of such overpayment and, if such application is found to be in order, the amount of the overpayment will be refunded by the Administration.

(6) The application should be made on a public voucher (form 1034—Revised), in quintuplicate, supported by three copies of the statement reflecting the preliminary determination of additional charter hire for the period involved and prepared to read substantially as follows:

> Claim for refund of excess of preliminary payments made to the Maritime Administration, on account of additional charter hire, over ninety percent (90%) of the amount of such additional charter hire indicated to be due the Commission for the period ended_____ under bareboat charter agreement Warshipdemiseout 203/Shipsalesdemise 303 (delete inapplicable reference), dated_____ as per attached statement which by this reference is incorporated in this claim for refund. Payment by the Maritime Administration of all or any part of the amounts claimed herein will not be construed as an approval of the correctness of the amounts stated to be due the claimant nor as a waiver of any of the rights or remedies of either party under the terms of the said agreement or otherwise.

(7) Upon application of the Charterer the Administration may extend for a period of not to exceed thirty (30) days in any instance the time limit prescribed in this paragraph for the preliminary determination and payment of additional charter hire.

(8) In instances where income sheets covering operations under a Bareboat Charter Agreement Shipsalesdemise 303 and addenda thereto from the commencement of an accounting period show cumulative net voyage losses, it will not be necessary for the charterer to submit statements reflecting its calculation of "capital necessarily employed" unless income sheets covering a previous portion of such period reflected net voyage profits with respect to which the charterer made preliminary payment on account of additional charter hire and seeks a refund thereof: *Provided, however*, That in any event the charterer shall continue to submit income sheets reflecting its cumulative operating results in the manner and at the times required by this paragraph.[1]

RESERVES

§ 299.35 *Regulations with respect to reserves to be taken into account in the determination of "Net Voyage Profit" under SHIPSALESDEMISE 303 Bareboat Charter Agreement and Addenda thereto.* By the "Reserves Addendum", insofar as Charterers who have executed such addendum are concerned, subparagraph 1 of paragraph (a) of Clause 28 of Part II of Shipsalesdemise 303 Bareboat Charter Agreement was amended to provide, among other things, that, notwithstanding the provisions of United States Maritime Commission General Order No. 22 (Part 282 of this chapter), such reserves as may be specifically authorized by the Owner shall be taken into account in the determination of "Net Voyage Profit" thereunder or the expenses to provide for which such reserves are so authorized shall be distributed over the period of use thereunder of the vessels involved commencing with the first voyage terminating after December 31, 1946, in such manner as will accomplish the same result as though such reserves were established, all pursuant to regulations prescribed by the Owner (referred to in this section as the Administration). To implement that provision of the aforesaid "Reserves Addendum", the following regulations are prescribed:

(a) Subject to the conditions provided in this section, upon application of the Charterer, supported by adequate data based on past experience, the inclusion in vessel operating expenses applicable to all voyages terminating after December 31, 1946, of such charges as the Administration determines to be fair and reasonable will be permitted to provide reserves for:

(1) Vessel repair expenses (including voyage and annual or periodic special survey repair expenses as well as expenses of repairs incident to redelivery of vessels).

(2) Vessel redelivery expenses (excepting such expenses specifically excluded in the determination of additional charter hire by the provisions of the first paragraph of Article V of the Foreign Trade Addendum, or otherwise, and excepting also any overhead expenses of the Charterer) incurred during the period from the time of paying off the crew or completion of discharge of cargo or ballast on the last voyage, or from the date of availability of the vessel for redelivery pursuant to the terms of the bareboat charter agreement, whichever later occurs, to the time of redelivery of the vessel to the Administration, such as (i) wages of crew, (ii) food and stores consumed, (iii) fuel consumed, (iv) basic charter hire, (v) insurance premiums, (vi) port charges, (vii) cleaning, watching, maintenance expenses, shore labor, and miscellaneous expenses incident to redelivery, and (viii) expenses incident to stripping the ship if required and expenses incident to transporting the ship from port of return in the United States upon its last voyage to port of redelivery, and

(3) Reserves for P. & I. insurance deductible average losses.

(b) The reserves for vessel repair expenses and for vessel redelivery expenses shall be adjusted (1) as at December 31, 1948, with respect to vessels redelivered to the Administration on or before that date, (2) as at the end of each succeeding calendar year with respect to vessels redelivered to the Administration during such year, and (3) at the time of final accounting under the bareboat charter agreement with respect to vessels redelivered to the Administration during the period following the end of the last preceding calendar year. Such adjustment shall be accomplished by distributing separately the balances in such reserves applicable to each individual vesssel redelivered to the Administration during each such period in such manner as will have the effect of spreading the actual expenses applicable to each such vessel over the accounting periods involved (with respect to which a separate determination of additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after December 31, 1946, and ending with the date of its redelivery to the Administration.

(c) The reserves for P. & I. insurance deductible average losses shall be adjusted at the time of final accounting under the bareboat charter agreement, by distributing separately the balances in such reserves applicable to each individual vessel in such manner as will have the effect of spreading the actual expenses applicable to each individual vessel over the accounting periods involved (with respect to which a separate determination of additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after December 31, 1946, and ending with the date of its redelivery to the Administration.

(d) If in any instance either of the reserves specifically authorized in paragraph (a) of this section is not established, or, if established, the amount thereof is not adequate to cover the actual expenses properly chargeable thereto, such expenses, or the excess thereof over the amount of the reserve established to provide therefor, as the case may be, applicable to each individual vessel involved, shall be distributed over the period of use of such vessel under the bareboat charter agreement, commencing with the first voyage terminating after December 31, 1946, in such manner as will accomplish the same result as though adequate reserves were established to provide for such expenses as herein provided.

(e) In the determination of "Net Voyage Profit" under the bareboat charter agreement, there shall not be taken into account (1) any charge resulting from the creation of reserves applicable to voyages terminated prior to January 1, 1947, (2) any charge resulting from the creation of reserves to cover expenses other than those specifically provided for in paragraph (a) of this section, (3) any charge to the period ended December 31, 1946 resulting from the spreading of expenses incurred on voyages terminated thereafter, or (4) any charge resulting from the spreading of expenses other than those with respect to which the creation of reserves is specifically provided for in paragraph (a) of this section.

(f) The establishment of the rules and regulations prescribed in this section is without prejudice to the right of the Administration to determine upon the employment of other bases for allocation of the expenses involved in any instance where, in the judgment of the Administration, the results produced by the application of the regulations prescribed herein are not fair and reasonable and in accordance with sound accounting practice.

(Interprets or applies sec. 5, 60 Stat. 43; 50 U. S. C. App., 1738)

§ 299.36 *Regulations with respect to reserves to be taken into account in the determination of "Net Voyage Profit" under SHIPSALESDEMISE Form No. 303 (Military Sea Transportation Service) Bareboat Charter Agreements.*[1] Clause 27 of Part II of Form No. 303 Shipsalesdemise (Military Sea Transportation Service) bareboat charter agreement (referred to in this section as the "Agreement") provides, among other things, that notwithstanding the provisions of United States Maritime Commission General Order No. 22, as adopted by its successor, the Federal Maritime Board/Maritime Administration, and amended from time to time (Part 282 of this chapter), such reserves as may be specifically authorized by the Owner shall be taken into account in the determination of "Net Voyage Profit" thereunder or the expenses to provide for which such reserves are so authorized shall be distributed over the period of use thereunder of the vessels involved, in such manner as will accomplish the same result as though such reserves were established, all pursuant to regulations prescribed by the Owner. To implement that provision of the aforesaid agreement, the following regulations are prescribed:

(a) Subject to the conditions provided in this section, upon application of the Charterer, supported by adequate data based on past experience, the inclusion in vessel operating expenses applicable to all voyages terminating after June 30, 1950, of such charges as the Maritime Administration determines to be fair and reasonable will be permitted to provide reserves for:

(1) Vessel repair expenses (including voyage and annual or periodic special survey repair expenses as well as expenses of repairs incident to redelivery of vessels).

(2) Vessel redelivery expenses (excepting expenses for which the Charterer is reimbursed by the Owner pursuant to paragraph (b) of Clause 15 of Part II of the aforesaid Agreement, and excepting also any overhead expenses of the Charterer) incurred during the period from the time of paying off the crew or completion of discharge of cargo or ballast on the last voyage, or from the

[1] The books, records and accounts referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration and the charterer.

[1] This form of charter is the same as that prescribed by § 299.130 of this chapter except for modifications adapting it for the Military Sea Transportation Service. Copies of this charter will be furnished by the Maritime Administration upon request.

date of availability of the vessel for redelivery pursuant to the terms of the Agreement, whichever later occurs, to the time of redelivery of the vessel to the Maritime Administration, such as (i) wages of crew, (ii) food and stores consumed, (iii) fuel consumed, (iv) basic charter hire, (v) insurance premiums, (vi) port charges, (vii) cleaning, watching, maintenance expenses, shore labor, and miscellaneous expenses incident to redelivery, and (viii) expenses, if any, incident to transporting the ship from port of return in the United States upon its last voyage to port of redelivery; and

(3) Reserves for P. & I. insurance deductible average losses.

(b) The reserves for vessel repair expenses and for vessel redelivery expenses shall be adjusted (1) as at December 31, 1950, with respect to vessels redelivered to the Maritime Administration on or before that date, (2) as at the end of each succeeding calendar year with respect to vessels redelivered to the Maritime Administration during such year, and (3) at the time of final accounting under the Agreement with respect to vessels redelivered to the Maritime Administration during the period following the end of the last preceding calendar year. Such adjustment shall be accomplished by distributing separately the balances in such reserves applicable to each individual vessel redelivered to the Maritime Administration during each such period in such manner as will have the effect of spreading the actual expenses applicable to each such vessel over the accounting periods involved (with respect to which a separate determination of additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after June 30, 1950, and ending with the date of its redelivery to the Maritime Administration.

(c) The reserves for P. & I. insurance deductible average losses shall be adjusted at the time of final accounting under the Agreement, by distributing separately the balances in such reserves applicable to each individual vessel in such manner as will have the effect of spreading the actual expenses applicable to each individual vessel over the accounting periods involved (with respect to which a separate determination of additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning on the first voyage of such vessel terminating after June 30, 1950, and ending with the date of its redelivery to the Maritime Administration.

(d) If in any instance either of the reserves specifically authorized in paragraph (a) of this section is not established, or, if established, the amount thereof is not adequate to cover the actual expenses properly chargeable thereto, such expenses, or the excess thereof over the amount of the reserve established to provide therefor, as the case may be, applicable to such individual vessel involved, shall be distributed over the period of use of such vessel under the Agreement, commencing with the first voyage terminating after June 30, 1950, in such manner as will accomplish the same result as though adequate reserves were established to provide for such expenses as provided in this section.

(e) In the determination of "Net Voyage Profit" under the Agreement, there shall not be taken into account (1) any charge resulting from the creation of reserves to cover expenses other than those specifically provided for in paragraph (a) of this section, or (2) any charge resulting from the spreading of expenses other than those with respect to which the creation of reserves is specifically provided for in paragraph (a) of this section.

(f) The establishment of the rules and regulations prescribed in this section is without prejudice to the right of the Maritime Administration to determine upon the employment of other bases for allocation of the expenses involved in any instance where, in the judgment of the Maritime Administration, the results produced by the application of the regulations prescribed by this section are not fair and reasonable and in accordance with sound accounting practice.

(Interprets or applies sec. 5, 60 Stat. 43, as amended; 50 U. S. C. App. 1738)

FINAL ACCOUNTINGS BY CHARTERERS UNDER WARSHIPDEMISEOUT 203 AND SHIPSALESDEMISE 303 BAREBOAT CHARTER AGREEMENTS

§ 299.37 *Procedure.* (a) Every Charterer, under the form of bareboat charter agreement known as WARSHIPDEMISEOUT 203, and/or the form of bareboat charter agreement known as SHIPSALESDEMISE 303, shall within ninety (90) days after publication of this order in the FEDERAL REGISTER prepare and submit to the Maritime Administration, in the form and manner prescribed in the annexed "Procedure to be Followed by Charterers in the Rendition to the Commission of Final Accountings under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 Bareboat Charter Agreements" (§§ 299.38 to 299.56, inclusive), an accounting covering the entire period of operations under the WARSHIPDEMISEOUT 203 Agreement and accountings covering all operations under the SHIPSALESDEMISE 303 Agreement (including addenda thereto) through December 31, 1949: *Provided, however*, That, upon application of the Charterer the Administration may extend, for such further period as in its judgment is warranted by the circumstances in any instance, the time limit prescribed in this paragraph for the submission of such accounting.

(b) Every Charterer, under the form of bareboat charter agreement known as SHIPSALESDEMISE 303, shall prepare and submit to the Maritime Administration a similar accounting for each subsequent annual or overall accounting period (as defined in the procedure mentioned in paragraph (a) of this section) within ninety (90) days after the expiration of such accounting period, as provided in the said agreement and addenda thereto: *Provided, however*, That, upon application of the Charterer the Administration may extend, for such further period as in its judgment is warranted by the circumstances in any instance, the time limit prescribed in this paragraph for the submission of such accounting.

§ 299.38 *Definitions.* Except where the context clearly indicates otherwise, as used in this part:

(a) "Administration" or "owner" refers to the United States of America acting by and through Maritime Administration or the United States Maritime Commission.

(b) "Charterer" refers to a person, firm, or corporation that has chartered vessels from the Administration under a bareboat charter agreement known as WARSHIPDEMISEOUT 203 and/or a bareboat charter agreement known as SHIPSALESDEMISE 303, and addenda thereto.

(c) "WARSHIPDEMISEOUT 203" refers to the form of bareboat charter agreement published in the FEDERAL REGISTER on April 25, 1946, § 302.62a of this chapter.

(d) "SHIPSALESDEMISE 303" refers to the form of bareboat charter agreement published in the FEDERAL REGISTER on September 4, 1946, § 299.130, and addenda thereto.

(e) "Other operations" refers to the operation by the charterer of vessels other than those chartered from the Administration, or the furnishing by the charterer of services and facilities to such other vessels, and all other business activities of the charterer.

(f) "Uniform System of Accounts" refers to the "Uniform System of Accounts for Operating-Differential Subsidy Contractors" prescribed by the Administration February 4, 1938 in General Order No. 22 (Part 282 of this chapter).

(g) "Allowable return" refers to the amount, at the rate of ten per centum per annum of "capital necessarily employed," which, to the extent earned, the charterer is permitted to deduct from the cumulative net voyage profit in the computation of additional charter hire.

(h) "Accounting period" or "other accounting period" refers to a period with respect to which a separate determination of additional charter hire due the Administration is required to be made pursuant to the provisions of the applicable bare boat charter agreement, commencing with the first day of the calendar year, or the first day of the month during which the first vessel is delivered to the charterer under the agreement involved, or the first day of the month during which an addendum requiring a separate determination of additional charter hire becomes effective, and ending with the last day of the calendar year or the last day of the month in which the last vessel is redelivered to the Administration under the agreement (or addendum) involved.

(i) "Over-all accounting period" refers to a period from the earliest commencement of an accounting period to the latest termination of an accounting period during the same calendar year.

ACCOUNTING REQUIREMENTS

§ 299.39 *Contract provisions and applicable orders and instructions.* (a) Clause 13 of Part II of WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 prescribes the fundamental bases for the calculation and payment to the Administration of additional charter hire. These clauses provide, among other things, for preliminary payments by the Charterer to the Owner on account of additional charter hire, subject to adjustment upon completion of final audit by the Owner, at which time such payments will be made by or to the Owner as such final audit may show to be due.

(b) Section 229.31 (k) prescribes the times at which and the manner and amounts in which such preliminary payments are required by the Owner to be made by the Charterer. To implement these provisions of General Order 60, on or about November 25, 1946, instructions were issued for the guidance of Charterers in the preparation of the statements required to accompany preliminary payments on account of additional charter hire, upon the express understanding that neither their issuance by the Administration nor their observance by the Charterer would prejudice the rights of either under the applicable agreement or otherwise, and that the Administration reserved the right to prescribe other bases for the determination of additional charter hire at the time of the annual or final accounting under the respective agreements. Such instructions have been supplemented from time to time.

(c) Clause 13 of Part II of WARSHIPDEMISEOUT 203 and Clause 28 of Part II of SHIPSALESDEMISE 303 provide, among other things, that the Charterer:

(1) Shall keep its books, records and accounts relating to the management, operation, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the Owner: *Provided, however*, That, if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Owner shall not require the duplication of books, records, and accounts required to be kept in some other form by that Administration; and

(2) Shall file, upon notice from the Owner, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of any facts and transactions, which in the opinion of the Owner affect the financial results in, the performance of, or transactions or operations under, the agreement.

CROSS REFERENCE: For regulations of the Interstate Commerce Commission affecting carriers by water, see 49 CFR, Chapter I, Subchapter C.

§ 299.40 *Annual and final accountings.* (a) Pursuant to the applicable provisions of the bareboat charter agreements, the Administration hereby requires that each Charterer submit a separate final accounting of additional charter hire accrued to the owner during the entire period of operations under WARSHIPDEMISEOUT 203 and for each annual or overall accounting period under SHIPSALESDEMISE 303 and addenda thereto. Each such accounting shall be submitted in sextuplicate and shall include the basic statements prescribed in § 299.54.

(b) With respect to each such accounting, if the amount of additional charter hire shown thereby to have accrued to the Owner is in excess of the total of the payments theretofore made to the Administration (less any refunds theretofore made by the Administration on account of such payments) on account of additional charter hire for the period involved, such accounting shall be accompanied by the Charterer's check payable to "Treasurer of United States for account of Maritime Administration" in the amount of such excess.

(c) If, conversely, in any instance the amount of additional charter hire shown by such accounting to have accrued to the Owner is less than the total of the payments theretofore made to the Commission (less any refunds theretofore made by the Administration on account of such payments) on account of additional charter hire for the period involved, the Charterer may apply to the Administration for refund of such overpayment and, if such application is found to be in order, the amount of the overpayment will be refunded by the Administration. The application should be made on a public voucher (Form 1034—Revised) in quintuplicate, bearing language substantially as follows:

Claim for refund of excess of preliminary payments made to the Maritime Administration, on account of additional charter hire, over the amount of such additional charter hire indicated to be due the Administration for the period from _____ to _____ under Bareboat Charter Agreement WARSHIPDEMISEOUT 203/SHIPSALESDEMISE 303 [delete inapplicable reference] No. ------, as per accounting rendered pursuant to General Order No. 60, Supplement 21, which, by this reference, is incorporated in this claim for refund.

(d) The accounting comprising the statements and accompanying remittance or voucher required under this section shall be submitted to the Administration through the District Comptroller in the district, area, or port in which the home office of the Charterer is located, or (if there be no such auditor of the Administration in the district in which the home office of the Charterer is located) to the Comptroller, Maritime Administration, Washington 25, D. C.

§ 299.41 *Subsequent adjustments.* (a) In instances where operations under SHIPSALESDEMISE 303 continue beyond December 31, 1949, at the time of the submission of the accounting for each succeeding annual or over-all accounting period as required hereunder, the Charterer shall submit also a revised accounting for the period ended December 31, 1949 under SHIPSALESDEMISE 303 and addenda thereto, including all adjustments affecting that period that occurred subsequent to the rendition of the accounting therefor. Such revised accounting shall include also all such adjustments under SHIPSALESDEMISE 303 and addenda thereto applicable to the period prior to January 1, 1949: *Provided, however*, That if such adjustments are substantial, a separate revised accounting shall be submitted with respect to such prior period, the Administration reserving the right to determine in each instance whether the amount of the adjustment involved shall be regarded to be substantial for this purpose.

(b) If, in any instance, at the time of the submission of an accounting for an annual or over-all accounting period, no adjustment affecting the preceding period has occurred subsequent to the submission of the accounting for such period, the Charterer shall submit to the Administration an appropriate certification to that effect, over the signature of a duly authorized officer.[1]

CAPITAL NECESSARILY EMPLOYED

§ 299.42 *Fundamental bases.* The fundamental bases for the determination of "capital necessarily employed" are provided in Clause 23 (c) of Part II of WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303.

§ 299.43 *Interim additions and deductions.* The definition of "capital necessarily employed" in SHIPSALESDEMISE 303 provides, among other things, that additional capital in the form of cash or tangible property paid in during the charter period shall be included in the computation of "capital necessarily employed" from the date paid in and that any withdrawals of capital shall be deducted from the date withdrawn. Such interim adjustments are neither required nor permitted under WARSHIPDEMISEOUT 203. In the determination of "capital necessarily employed" under SHIPSALESDEMISE 303, additional capital, in the form of cash or tangible property paid in, and any withdrawals of capital during an annual or overall accounting period thereunder shall be included or deducted (as the case may be), pro rata, on the basis of the proportion of such additions or withdrawals represented by the relation that the number of days from the date thereof to the end of the calendar year or overall accounting period involved bears to the total number of days within such period, such proportion to be allocated to or between "capital necessarily employed" under SHIPSALESDEMISE 303 and "other operations" in the manner hereinafter prescribed. In any instance where such an adjustment affects the effective period of WARSHIPDEMISEOUT 203 the proportion of such adjustment otherwise allocable to operations under WARSHIPDEMISEOUT 203 shall be treated in the same manner as the proportion allocable to "other operations".

§ 299.44 *Allocation among operations under bareboat charter agreements and "other operations".* The definition of

[1] The books, records and accounts referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration and the charterer.

"capital necessarily employed" in WARSHIPDEMISE 203 and in SHIPSALESDEMISE 303 provides, among other things, that if the Charterer engages in other activities in addition to the operation of the vessels thereunder, the Owner shall determine the proper allocation of capital as between such activities. To implement this provision of the bareboat charter agreements, the following bases of allocation are prescribed:

(a) Wherever practicable and the result will not be disproportionate, assets (and applicable liabilities) shall be allocated directly to the operation in which they are employed. For example, such assets (and applicable liabilities) as

(1) Non-shipping inventories,

(2) Replacement and similar special funds (including contractual and statutory reserve funds of subsidized operators),

(3) Amounts on deposit under purchase contracts,

(4) Investments in related companies,

(5) Advances and loans to related companies,

(6) Non-current receivables from, and payables (not in excess of receivables) to, related companies,

(7) Net book value of vessels and of non-shipping property and equipment, less the portion of any long-term debt arising from the acquisition of such assets due more than one year after the date of the balance sheet involved,

(8) Vessels under construction,

(9) Notes and accounts receivable from officers and employees,

(10) Good will and other intangible assets, and

(11) Liability for recapture under operating-differential subsidy agreements, are not necessarily employed in operations under WARSHIPDEMISEOUT 203 or SHIPSALESDEMISE 303 and, therefore, are not allocable to such operations.

(b) Except in instances involving (1) considerable non-shipping operations, (2) the operation of passenger vessels, (3) substantial dissimilarity between the operations of the vessels chartered from the Administration and those of vessels owned or chartered from others by the Charterer, or (4) agency operations actually carried on as a separate and substantial business activity of the Charterer for its own account and not merely incidental to the operation of the chartered vessels, (with respect to which the Charterer shall submit for the consideration of the Administration, in advance of the accounting herein prescribed, its concept of a fair and reasonable formula, addressed in the manner prescribed in § 299.40 (d)),

(i) Net current assets (excluding non-shipping inventories),

(ii) Voyages in progress (unterminated voyage revenue, less unterminated voyage expenses, or vice versa),

(iii) Advance ticket sales and deposits,

(iv) Special and guaranty deposits (such as those made with utilities corporations),

(v) The net book value of furniture and fixtures and other property and equipment not included in paragraphs (a) and (c) of this section, less the portion of any long-term debt arising from the acquisition of such property and equipment due more than one year from the date of the balance sheet involved.

(vi) Non-current receivables from, and payables to, others than related companies, officers, and employees,

(vii) Long-term debt incurred in borrowing funds to provide working capital,

(viii) Deferred charges, prepaid expenses, and deferred credits, and

(ix) Other debits and credits,

if, and to the extent that, they are employed in the general conduct of the shipping business, shall be allocated between operations under the bareboat charter agreements with the Administration and "other operations" on the basis of the relation that the number of days (eliminating fractions by considering twelve hours or more a full day and omitting portions of days amounting to less than twelve hours) of operation or maintenance of vessels under each SHIPSALESDEMISE 303, under each addendum to SHIPSALESDEMISE 303 whereunder additional charter hire is required to be computed, accounted for, and paid separately, under each WARSHIPDEMISEOUT 203, and in "other operations" (including those under service agreements) during the annual or over-all accounting period involved individually bear to the total of such days: *Provided*, That, for the purposes of this calculation only, a vessel day shall be valued in the manner described in the following formula:

	Day
(a) Vessels owned and operated by the Charterer	1
(b) Vessels bareboat chartered from others and operated by the Charterer	1
(c) Vessels time chartered from others	⅓
(d) Vessels time chartered to others	⅔
(e) Vessels under Time Charter Agency Agreements	1/60
(f) Vessels under General Agency Agreements where General Agents act in dual capacity of General Agent and Berth Agent	1/10
(g) Vessels under General Agency Agreements where General Agent does not act in capacity of Berth Agent	1/15
(h) Vessels under Berth Agency Agreements where Berth Agent does not act in capacity of General Agent	1/30

Provided, That in instances where more than one Berth Agent act for the vessel on a single voyage, the number of days so calculated shall be divided between the Berth Agents involved on the basis of the relation that the number of days under the agency of each bears to the total number of days of the voyage.

In this calculation the expired days of voyages in progress at the commencement of the annual or over-all accounting period will be omitted and the expired days of voyages in progress at the termination of such period will be taken into account (in other words, only the vessel days within the annual or over-all accounting period involved will be taken into account).

(c) The net book value of tugs, barges, scows, launches, lighters, cranes, and similar floating equipment; terminal property and equipment; stevedoring and other cargo-handling gear and equipment; and other property and equipment used exclusively in shipping and its auxiliary operations, less the portion of any long-term debt arising from the acquisition of such property and equipment due more than one year from the date of the balance sheet involved, shall be allocated between operations under the bareboat charter agreements with the Administration and "other operations" on the same basis as is the income derived from, and the expense incurred in, the operation and maintenance of such services or facilities as prescribed in §§ 299.47 to 299.53.

§ 299.45 *Limitation of "capital necessarily employed".* (a) If in any instance the amount allocated to "capital necessarily employed" under SHIPSALESDEMISE 303, in accordance with the provisions of §§ 299.43 and 299.44, is in excess of the greater of the working capital requirements, or the net worth requirements determined in the manner provided in paragraph (2) of Clause H—*Special provisions*, of Part I of SHIPSALESDEMISE 303, such allocation shall be disregarded and "capital necessarily employed" shall be determined in accordance with such Special Provisions. In the application of this limitation, for the purpose of determining:

(1) The number of vessels involved in instances where they do not remain constant throughout the accounting period, and

(2) The amount of the working capital requirements or the net worth requirements (whichever is the greater) in instances where more than one type of vessel is involved,

the following formula is prescribed:

(i) The number of vessels involved shall be deemed to be the result obtained by dividing into the total number of days covering which charter hire was paid for all vessels for the accounting period involved, the number of calendar days within such period, and

(ii) The average working capital requirements or net worth requirements per vessel shall be determined by multiplying the greater of such requirements (as modified in sub-paragraphs (a) and (b) of paragraph (2) of Clause H of Part I of "SHIPSALESDEMISE 303") for each type of vessel involved by the number of days covering which charter hire was paid for all vessels of that type for the accounting period involved, and dividing the sum of the results thus obtained for all types of vessels involved by the aggregate number of days covered by such payments for all types of vessels.

(b) The amount to be deducted in the determination of additional charter hire (as ten per centum per annum on "capital employed") shall be that proportion of ten percent represented by the relation that the number of days within the accounting period involved bears to three hundred and sixty-five, the number of days within the year, as shown in the following example (in which the working capital requirements are assumed to exceed the net worth requirements and the accounting period is assumed to be 180 days).

Determination of average working capital requirements:		
Vessels		
Type "A" 11 for 150 days each =	1,650 days @ (a) $90,000	$148,500,000
Type "A" 5 for 180 days each =	900 days @ (a) $90,000	81,000,000
Type "B" 2 for 120 days each =	240 days @ (a) $100,000	24,000,000
Type "B" 1 for 180 days each =	180 days @ (a) $100,000	18,000,000
Type "C" 1 for 180 days each =	180 days @ (a) $140,000	25,200,000
	3,150 days	296,700,000
Total as above		296,700,000
Divided by—Total vessel days as above		3,150
Average working capital requirements per vessel		94,190.48
Determination of number of vessels for period:		
Total vessel days as above		3,150
Divided by total days in period		180
Total vessels for period		17½
Determination of "capital employed":		
(b) First to fifth vessel, inclusive (100% of $94,190.48×5)		$470,952.40
(b) Sixth to tenth vessel, inclusive (75% of $94,190.48×5)		353,214.30
(b) Eleventh to fifteenth vessel, inclusive (50% of $94,190.48×5)		235,476.20
(b) Excess of fifteen (2½ vessels) (25% of $94,190.48×2½)		58,869.05
Total "capital employed"		1,118,511.95
"Allowable return" of 180/365 of 10% of "capital employed"		55,159.49

(1) Working capital requirements (as modified in subparagraph (a) of paragraph (2) of Clause H of Part I of "SHIPSALESDEMISE 303") should be used for this purpose, if they exceed net worth requirements.

(2) Fractions resulting from the calculation of the number of vessels involved shall be taken into account, the 25 percent reduction being applicable to such fractions occurring between the fifth and sixth vessels, and the 50 percent reduction to those occurring between the tenth and eleventh vessels.

§ 299.46 *Accounting periods extending beyond end of calendar year.* (a) Clause 13 of Part II of WARSHIPDEMISEOUT 203, wherein is prescribed the fundamental basis for the calculation and payment to the Administration of additional charter hire, refers to the cumulative net voyage profits computed for the period of the agreement and makes no provision for an annual accounting. Accordingly, the calculation of "capital necessarily employed" for the entire period under WARSHIPDEMISEOUT 203 is required to be made on the basis of the adjusted net worth of the Charterer as at the end of the month preceding the date of the delivery of the first vessel thereunder. To accomplish this,

(1) The formula prescribed in § 299.44 (b) shall cover the entire period from the beginning of the month in which the first vessel was delivered to the Charterer to the end of the month in which the last vessel was redelivered to the Administration under WARSHIPDEMISEOUT 203, and

(2) After the amount of "capital necessarily employed" has been determined, pursuant to the provisions of §§ 299.42–299.45, the "allowable return" thereon shall be calculated at the rate of 10 per centum per annum on the basis of the relation that the number of calendar days between the beginning of the month in which the first vessel was delivered to the Charterer and the end of the month in which the last vessel was redelivered to the Administration under WARSHIPDEMISEOUT 203 bears to 365, the number of days in a calendar year. (See Exhibit "A" for 1946 contained in the illustrative examples of statements to be supplied by the Comptroller, Maritime Administration.)

(b) In any instance where operations under WARSHIPDEMISEOUT 203 extended beyond December 31, 1946, in the calculation of the "allowable return" under SHIPSALESDEMISE 303 (and, to the extent involved, any addendum thereto with respect to which additional charter hire is required to be computed, accounted for, and paid separately) for such succeeding period, the number of vessel days applicable to WARSHIPDEMISEOUT 203 in such period shall be taken into account in the formula prescribed in § 299.44 (b) and shall be treated in the same manner as those applicable to "other operations". (See Exhibit "A" for 1947 contained in the illustrative examples of statements to be supplied by the said Comptroller.)

NET VOYAGE PROFIT

§ 299.47 *Fundamental bases.* (a) The fundamental bases for the determination of "net voyage profit" are provided in Clause 23 (a) of Part II of WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303.

(b) The fundamental bases for the determination of "fair and reasonable overhead expenses" (which are deductible from gross income in the determination of "net voyage profit") are prescribed in Clause 23 (b) of Part II of WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303.

§ 299.48 *Allocation among operations under bareboat charter agreements and "other operations".* The definitions of "net voyage profit" in WARSHIPDEMISEOUT 203 and in SHIPSALESDEMISE 303 provide, in effect, among other things, that, in instances where the Charterer engages in other activities in addition to the operation of the vessels thereunder, income and expenses other than those directly and exclusively allocable to the operation of such vessels shall be prorated between these activities on such basis as the Owner may determine to be fair and reasonable. To implement this provision of the bareboat charter agreements, the following bases of allocations are prescribed:

(a) Wherever practicable and the result will not be disproportionate, income and expenses (including, but not necessarily limited to, operating revenues and expenses on terminated voyages, inactive vessels expense, operating-differential subsidy, collections from and contributions to pools for the purpose of equalizing revenue in accordance with pooling agreements) shall be allocated directly to the operation from which they are derived or in which they are incurred.

(b) The Uniform System of Accounts provides, among other things, that Accounts Nos. 645—Income from Terminal Operations, 650—Income from Cargo Handling Operations, 655—Income from Tug and Lighter Operations, and 660—Income from Other Shipping Operations (in instances where such services or facilities are maintained by the Operator) shall be credited with "agreed amounts" for the use of such services or facilities by vessels owned by the "Operator", with corresponding charges to Vessel Operating Expense. In instances where the Charterer maintains such services or facilities and they are used by the chartered vessels and if it is impracticable to determine the actual cost of such use, the Charterer may charge in the Vessel Operating Expense Accounts of the chartered vessels fair and reasonable amounts for the use of such services or facilities (but at not in excess of the "going rates" for the services or facilities at the ports involved, or the rates at which such services or facilities could be obtained from independent suppliers, or the rates charged all other vessels using them), provided similar charges are made in the accounts of all other vessels operated by the Charterer. If the sum of the gross income derived from the use of such services or facilities by vessels under WARSHIPDEMISEOUT 203, under SHIPSALESDEMISE 303, owned by the Charterer, and chartered from others by the Charterer, exceeds the gross income derived from the use of such services or facilities by other vessels,

(1) The expense of maintaining such services or facilities shall be allocated among the operation of the vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 and "other operations" on the basis of the relation that the gross income so derived from the vessels engaged in each such operation bears to the total gross income derived from the furnishing of such services or facilities, except that income derived from the furnishing of such services or facilities to vessels neither owned, nor chartered from the Administration or others, by the Charterer shall not be included in the above calculation but shall be prorated between the operation of the vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 and "other operations" in the same manner as is the expense of maintaining such services or facilities as thus determined, and

(2) The amounts credited to the income accounts shall be allocated directly to the operation of the vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 and "other operations" on the same basis as are the corresponding charges to the Vessel Operating Expense Accounts.

If, conversely, the sum of the gross income derived from the use of such services or facilities by vessels under WARSHIPDEMISEOUT 203, under SHIPSALESDEMISE 303, owned by the Charterer, and chartered from others by the Charterer, is less than the gross income derived from the use of such services or facilities by other vessels,

(1) The amounts credited to the income accounts corresponding to charges in the Vessel Operating Expense Accounts of the vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 shall be allocated directly to the operation of such chartered vessels and the amounts credited to the income accounts corresponding to charges in the accounts of vessels, owned, or chartered from others than the Administration, by the Charterer, and to charges against others for the use of such services or facilities shall be allocated to "other operations," and

(2) The expense of maintaining such services or facilities shall be allocated between the operation of vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 and "other operations" on the basis of the relation that the gross income so derived from the vessels engaged in each such operation bears to the total gross income derived from the furnishing of such services or facilities.

(c) Compensation (other than liquidation fees) earned under Berth Agency, General Agency and Time Charter Agency Service Agreements and subagency fees and commissions paid or payable from such compensation shall be allocated direct to "other operations".

(d) Except in instances involving considerable nonshipping operations, the operation of passenger vessels, substantial dissimilarity between the operations of the vessels chartered from the Administration and those of vessels owned or chartered from others by the Charterer, or agency operations actually carried on as a separate and substantial business activity of the Charterer for its own account and not merely incidental to the operation of the chartered vessels (with respect to which the Charterer shall submit, for the consideration of the Administration, in advance of the accounting prescribed in this part, its concept of a fair and reasonable formula, addressed in the manner prescribed in § 299.40 (d), overhead expenses (if they are not susceptible to direct allocation), including administrative and general expense, less agency fees, commissions, and brokerage earned, except in instances where the Charterer, through the maintenance of actual cost records or other sound accounting methods, can demonstrate to the satisfaction of the Administration the actual application of costs incurred against such fees, a minimum of 50 percent of liquidation fees accrued during the over-all accounting period involved, the remaining percentage of such fees to be deferred to the next succeeding period, and accounting fees earned by United States principals of supervisory foreign agents; management and operating commissions; advertising expense; and taxes, other than Federal income tax, shall be allocated between operations under the bareboat charter agreements with the Administration and "other operations" on the basis of the relation that the number of days (eliminating fractions by considering twelve hours or more a full day and omitting portions of days amounting to less than twelve hours) of operation of maintenance of vessels under each SHIPSALESDEMISE 303, under each addendum to SHIPSALESDEMISE 303 whereunder additional charter hire is required to be computed, accounted for, and paid separately, under each WARSHIPDEMISEOUT 203, and in "other operations" (including those under service agreements) during the annual or over-all accounting period involved individually bear to the total of such days: *Provided*, That for the purposes of this calculation only a vessel day shall be valued in the manner described in the following formula:

	Day
(1) Vessels owned and operated by the Charterer	1
(2) Vessels bareboat chartered from others and operated by the Charterer	1
(3) Vessels time chartered from others	⅓
(4) Vessels time chartered to others	⅔
(5) Vessels under Time Charter Agency Agreements	⅓
(6) Vessels under General Agency Agreements where General Agents act in dual capacity of General Agent and Berth Agent	1
(7) Vessels under General Agency Agreements where General Agents do not act in capacity of Berth Agent	⅔
(8) Vessels under Berth Agency Agreements where Berth Agent does not act in capacity of General Agent	⅓

Provided, That in instances where more than one berth agent act for the vessel on a single voyage the number of days so calculated shall be divided between the berth agents involved on the basis of the relation that the number of days under the agency of each bears to the total number of days of the voyage.

In this calculation the expired days of voyages in progress at the commencement of the annual or over-all accounting period will be omitted and the expired days of voyages in progress at the termination of such period will be taken into account (in other words, only the vessel days within the annual or over-all accounting period involved will be taken into account).

(e) If, in any instance, the amount of overhead expenses allocated against operations under General Agency, Time Charter Agency, and Berth Agency Agreements, in accordance with the foregoing formula, exceeds the amount of compensation earned under such Agreements for the period involved, less subagency fees and commissions paid or payable from such compensation, the amount of such excess shall be reallocated among the other operations of the Charterer (including, but not limited to, those under the bareboat charter agreements) on the basis of the relation that the amount of overhead expenses otherwise allocated to each such operation bears to the total of the overhead expenses otherwise allocated to all such operations.

(f) Subject to the conditions prescribed in § 299.55 (b), in any instance where the statements required to be submitted to the Administration hereunder are certified by an independent certified public accountant or a firm of independent certified public accountants, such fair and reasonable payments as the Administration determines to have been made by the Charterer for the certification of such statements by such certified public accountants may be allocated directly to operations under the bareboat charter agreements involved on the basis of the relation that the number of vessel days applicable to each accounting period under each agreement (or addendum with respect to which a separate determination of additional charter hire is required to be made) bears to the total vessel days under all such agreements (or addenda) for all such periods covered by such statements.

(g) The salaries of any additional personnel which the Charterer demonstrates to the satisfaction of the Administration to have been necessarily employed for the exclusive purpose of preparing such statements (irrespective of whether or not they are certified by an independent certified public accountant or a firm of independent certified public accountants) shall be allocated over the entire period covered by such statements on the basis of the relation that the total vessel days applicable to each annual or overall accounting period involved bears to the total vessel days for all such periods, and the proportion of such salaries so determined to be allocable to each such period shall be distributed between operations under the bareboat charter agreements with the Administration and "other operations" in accordance with the formula prescribed in paragraphs (d), (e), and (f) of this section.

(h) In instances where branch offices of the Charterer act as agents for the chartered vessels and if it is impracticable to determine the actual cost of such services, the Charterer may charge in the vessel operating expense accounts of the chartered vessels fair and reasonable amounts for such services (but at not in excess of the "going rates" for the services at the ports involved, or the rates at which such services could be obtained from independent agents, or the rates charged all other vessels for such services), provided similar charges are made in the accounts of all other vessels operated by the Charterer. If the sum of the gross income derived from the furnishing of such services to vessels under WARSHIPDEMISEOUT 203, under SHIPSALESDEMISE 303, owned by the Charterer, and chartered from others by the Charterer, exceeds the gross income derived from the furnishing of such services to other vessels,

(1) The expense of maintaining such branch offices shall be allocated among the operation of vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 and "other operations" on the basis of the relation that the gross income so derived from the vessels engaged in each such operation bears to the total gross income derived from the furnishing of such services, except that income derived from the furnishing of such services to vessels neither owned, nor chartered from the Administration or others, by the Charterer shall not be included in the above calculation but shall be prorated between the operation of the vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 and "other operations" in the same manner as is the expense of maintaining such services as thus determined, and

(2) The amounts credited to Agency Fees, Commissions, and Brokerage Earned shall be allocated directly to the operation of the vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 and "other operations" on the same basis as are the corresponding charges to the Vessel Operating Expense Accounts.

If, conversely, the sum of the gross income derived from the furnishing of such services to vessels under WARSHIPDEMISEOUT 203, under SHIPSALESDEMISE 303, owned by the Charterer, and chartered from others by the Charterer, is less than the gross income derived from the furnishing of such services to other vessels,

(1) The amounts credited to the income accounts corresponding to charges in the Vessel Operating Expense Accounts of the vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 shall be allocated directly to the operation of such chartered vessels and the amounts credited to the income accounts corresponding to charges in the accounts of vessels owned, or chartered from others than the Administration, by the Charterer, and to charges against others for the furnishing of such services, shall be allocated to "other operations", and

(2) The expense of maintaining such branch offices shall be allocated between the operation of vessels under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 and "other operations" on the basis of the relation that the gross income so derived from the vessels in each such operation bears to the total gross income derived from the furnishing of such services.

(i) Depreciation expense shall be allocated between the operation of the chartered vessels and "other operations" on the same basis as the net book value of the property involved is allocated in the determination of "capital employed", except depreciation on general office furniture and fixtures, which shall be allocated on the same basis as that prescribed with respect to overhead expenses in paragraphs (d), (e), (f), and (g) of this section.

(j) Income in the form of interest earned and dividends shall be allocated between the operation of the chartered vessels and "other operations" on the same basis as the value of the investments and securities from which such income is derived is allocated in the determination of "capital employed".

(k) Interest expense shall be allocated between the operation of the chartered vessels and "other operations" on the same basis as the liabilities in connection with which such expense was incurred are allocated in the determination of "capital employed".

(l) Miscellaneous operating income, miscellaneous operating expense, miscellaneous other income, and miscellaneous other deductions from income, if, and to the extent that they are not susceptible to direct allocation, but are derived from, or incurred in, the general conduct of the shipping business shall be allocated on the same basis as that prescribed with respect to overhead expenses in paragraphs (d), (e), (f), and (g) of this section.

(m) Income derived from, and expenses incurred in, nonshipping operations shall be allocated directly to "other operations".

§ 299.49 *Calculation of net voyage profit on cumulative basis.* In providing for the calculation of additional charter hire based on the cumulative net voyage profit of the Charterer, Clause 13 of Part II of SHIPSALESDEMISE 303 provides also that such cumulative net profit so accounted for shall not be included in the calculation of cumulative net profit in any subsequent year or period. Pursuant to these provisions of the bareboat charter agreements, only deficiencies in net voyage profits may be carried forward, and then only under the following conditions:

(a) In any instance where a net voyage loss is sustained as a result of operations under SHIPSALESDEMISE 303 during any accounting period terminating at the end of a calendar year and a net voyage profit is realized thereunder in the next succeeding accounting period, the net voyage loss and the net voyage profit for the respective periods may be combined and additional charter hire may be computed on the basis of the net result using the number of days consumed on terminal voyages during the combined period (together with the number of days during which any of the chartered vessels were inactive during that period) in determining the applicable percentages in accordance with the table set forth in Clause 13 of Part II of the said form of charter.

(b) In any instance where the net voyage profit realized as a result of operations under SHIPSALESDEMISE 303 during any accounting period terminating at the end of a calendar year is less than 10 percent per annum of "capital necessarily employed" during that period and the net voyage profit realized thereunder in the next succeeding accounting period is in excess of 10 per cent per annum of "capital necessarily employed" during such succeeding period, the net voyage profits for the respective periods may be combined and additional charter hire may be computed on the basis of the combined result, using the number of days consumed on terminated voyages during the combined period (together with the number of days during which any of the chartered vessels were inactive during that period), in determining the applicable percentages in accordance with the table set forth in Clause 13 of Part II of the said form of charter,

Provided, however, That in any such instance involving any addendum to SHIPSALESDEMISE 303 whereunder additional charter hire is required to be computed, accounted for, and paid separately, the net voyage profits and net voyage losses thereunder likewise shall be treated separately for these purposes and shall not be combined with those under SHIPSALESDEMISE 303 or any other addendum thereto.

§ 299.50 *Adjustments in absence of physical inventories.* Except in instances where physical inventories satisfactory to the Owner were taken at the end of each accounting period with respect to which a separate determination of additional charter hire is required to be made,

(a) The value of the inventory of subsistence stores, consumable stores, fuel, water, and slop chest items on board at the time of delivery of the vessel to the Charterer shall be charged in Account 060—Stores, Supplies and Equipment Aboard Vessels—and the value of the inventory of subsistence stores, consumable stores, fuel, water, and slop chest items on board at the time of redelivery of the vessel to the Owner shall be credited in the same account, and

(b) The difference between the value of such delivery inventory and the value of such redelivery inventory shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner,

Provided, That, if in any instance the application of this procedure produces a disproportionate result with respect to expenses chargeable to the first voyage following delivery of a vessel to the Charterer or the last voyage preceding its redelivery to the Owner, the Maritime Administration will determine in each such instance the fair and reasonable basis for the allocation of the difference between the delivery and redelivery inventory.

(c) For the purpose of §§ 299.47–299.53, the value of the delivery inventory shall be the price at which such inventory was purchased by the Charterer from the Owner, on delivery, and the value of the redelivery inventory shall be computed at the market price current at the port and the time of redelivery, unless the vessel is redelivered at a port other than the port of original redelivery pursuant to the terms of the addendum permitting the Owner, at its option, to require redelivery at a port other than the port of delivery, in which case the redelivery inventory shall be priced on the basis of the market price current at the original port of redelivery as at the time redelivery at such port would have been effected if the Owner had not exercised its option to change the port of redelivery. If, prior to redelivery, the Charterer notifies the Owner of its intention to dispose thereof, the value of the redelivery inventory shall be deemed to be the net proceeds realized from the disposition of such inventory in accordance with Operations Regulation No. 127.

§ 299.51 *Adjustment of priced differences between delivery and redelivery inventory lists; expendable equipment.* The value of priced differences between the itemized lists of expendable equipment upon delivery and redelivery shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner.

§ 299.52 *Post redelivery overhead expenses.* Post redelivery overhead expenses, to the extent determined by the Maritime Administration to have been reasonably and necessarily incurred in connection with the conduct of the operation of the chartered vessels after redelivery of the last vessel under the last Warshipdemiseout 203 or Shipsalesdemise 303 Agreement in effect prior to July 1, 1950 (excluding charters covering only passenger vessels), will be taken into account in the determination of "net voyage profit" thereunder, subject to the following conditions:

(a) That the charterer shall demonstrate to the satisfaction of the Maritime Administration, by presentation of statements fully supported by actual cost records or other sound accounting evidence, that such expenses were, in fact, necessarily and properly incurred in the conduct of the business of the chartered vessels and were not attributable to the conduct of other business of the charterer.

(b) That post redelivery overhead expenses shall be deemed to include only such overhead expenses as are directly attributable to the completion and finalization of accounting for bareboat charter operations (excluding any cost of submitting final statements of additional charter hire for which allowances are elsewhere provided), the processing and settlement of inventories, and the processing of and accounting for claims.

(c) That post redelivery overhead expenses, to the extent allowed hereunder, may be allocated directly to operations under the bareboat charter agreements involved on the basis of the relation that the number of vessel days applicable to each accounting period under each agreement (or addendum with respect to which a separate determination of additional charter hire is required to be made) bears to the total vessel days under all such agreements (or addenda) for all such periods.

(d) That statements of post redelivery overhead expenses shall be submitted to the Maritime Administration not later than June 30, 1951, or within six (6) months after redelivery of the last vessel under the bareboat charter agreement involved, whichever later occurs: *Provided, however,* That upon application of the charterer the Administration may extend, for such further period as in its judgment is warranted by the circumstances in any instance, the time limit prescribed in this paragraph for the submission of such statements.

(e) Statements of post redelivery overhead expenses may be integrated into the statements required by § 299.54 if the submission of the latter mentioned statements will not thereby be delayed; otherwise, supplementary accountings embodying statements of post redelivery overhead expense should be submitted.

§ 299.53 *Post redelivery overhead expenses under Form No. 303 SHIPSALES-DEMISE agreements entered into subsequent to June 30, 1950; exception.* (a) Post redelivery overhead expenses, to the extent determined by the Maritime Administration to have been reasonably and necessarily incurred in connection with the conduct of the operation of the chartered vessels, during a period not in excess of six (6) months (unless otherwise determined by the Owner) after redelivery of the last vessel under the last of any and all Form No. 303 SHIPSALES-DEMISE bareboat charter agreements entered into subsequent to June 30, 1950, which, collectively, had been continuously in effect, without interruption (excepting bareboat charter agreements which contain specific provisions with respect to the amount of allowable overhead) will be taken into account in the determination of "net voyage profit" thereunder, subject to the following conditions:

(1) That the charterer shall demonstrate to the satisfaction of the Maritime Administration, by presentation of statements fully supported by actual cost records or other sound accounting evidence, that such expenses were, in fact, necessarily and properly incurred in the conduct of the business of the chartered vessels and were not attributable to the conduct of other business of the charterer.

(2) That post redelivery overhead expenses shall be deemed to include only such overhead expenses as are directly attributable to the completion and finalization of accounting for bareboat charter operations (excluding any cost of submitting final statements of additional charter hire for which allowances are elsewhere provided), the processing and settlement of inventories, the processing of applicable seamen's retroactive wage adjustments and related Federal and State payroll taxes, and the processing of and accounting for claims.

(3) That post redelivery overhead expenses, to the extent allowed hereunder, may be allocated directly to operations under the bareboat charter agreements involved on the basis of the relation that the number of vessel days applicable to each accounting period under each agreement (or addendum with respect to which a separate determination of additional charter hire is required to be made) bears to the total vessel days under all such agreements (or addenda) for all such periods.

(4) That statements of post redelivery overhead expenses shall be submitted to the Maritime Administration within six (6) months immediately following the redelivery of the last vessel under the last agreement involved, or within ninety (90) days after publication of this amendment in the FEDERAL REGISTER, whichever later occurs: *Provided, however,* That upon application of the charterer the Administration may extend, for such further period as in its judgment is warranted by the circumstances in any instance, the time limit prescribed in this subparagraph for the submission of such statements.

(b) Statements of post redelivery overhead expenses may be integrated with the statements required by § 299.37-5 if the submission of the latter mentioned statements will not thereby be delayed; otherwise, supplementary accountings embodying statements of post redelivery overhead expense should be submitted.[1]

STATEMENTS AND CERTIFICATIONS

§ 299.54 *Statements required by the Administration.* The separate final accountings required under this section, as referred to in § 299.40 (a), shall include the following statements (There will be supplied by the Comptroller illustrative examples of such statements for the period from inception to December 31, 1946, and for the calendar year 1947, based on hypothetical figures and upon the assumption that the Charterer shall have executed an addendum amending the agreement involved to provide for the described alternative method of determining "capital necessarily employed" in instances where, within a calendar year or other accounting period, the Charterer has entered into more than one charter agreement with the Owner, or has agreed that, for accounting purposes, the operation of certain vessels during prescribed periods shall be treated as though they were under a separate charter. If, in any instance, such an addendum is not executed, it will be necessary that the Charterer submit a balance sheet as at the close of the month preceding the commencement of each accounting period with respect to which a separate determination of additional charter hire is required to be made.):

EXHIBIT A—ANALYSIS OF NET WORTH AND ALLOCATION OF "CAPITAL NECESSARILY EMPLOYED FOR THE PURPOSE OF DETERMINING "ADDITIONAL CHARTER HIRE"

The procedure for the preparation of this statement contemplates:

1. That a balance sheet is required to be prepared only (a) as at the end of the month preceding the date of delivery of the first vessel under either WARSHIPDEMISE-OUT 203 or SHIPSALESDEMISE 303, even though more than one such agreement became effective during the calendar year involved, and (b) at the end of that and each suceeding calendar year;

2. That the assets and liabilities reflected in such balance sheet, adjusted as required pursuant to Clause 23 (c) of WARSHIPDE-MISEOUT 203 and SHIPSALESDEMISE 303, shall be allocated among operations under such bareboat charter agreements and "other operations" on the bases prescribed in § 299.44;

3. That the net worth as reflected in each such balance sheet as adjusted shall be further adjusted to ascertain the net worth at the commencement of each succeeding agreement (or addendum thereto whereunder additional charter hire is required to be computed, accounted for, and paid separately), whereunder delivery of the first vessel is made during the calendar year involved, by taking into account (a) additions to capital, (b) withdrawals of capital, and (c) net profits (or losses) after additional charter hire and after provision for Federal income tax occurring (i) during the period between the end of the month preceding the date of delivery of the first vessel under the first agreement and the end of the month preceding the date of delivery of the first vessel under the second agreement, (ii) during the period between the end of the month preceding the date of delivery of the first vessel under the second agreement and the end of the month preceding the date of delivery of the first vessel under the third agreement, and (iii) during each similar intervening period preceding each succeeding agreement whereunder delivery of the first vessel is made during the calendar year involved. In computing such adjustment, the net profit earned (or loss sustained) during such periods shall be ascertained by allocating the proportion of the total net profit earned (or loss sustained) under each bareboat charter agreement (or addendum thereto, whereunder additional charter hire is required to be computed, accounted for, and paid separately) and in "other operations" to such periods, on the basis of the relation that the number of vessel days valued in accordance with the formula prescribed in § 299.48 (e) expired under each such agreement (or addendum) and in "other operations" during the period from the beginning of the calendar year involved or from the end of the month preceding the date of delivery of the first vessel under the first bareboat charter agreement with the Administration (whichever later occurs) to the commencement of the period with respect to which the determination of net worth is required to be made, separately, bears to the total of such vessel days under each such agreement (or addendum) and in "other operations" during the over-all accounting period involved;

4. That, in the determination of "capital necessarily employed" under SHIPSALES-DEMISE 303 only, additional capital in the form of cash or tangible property paid in and any withdrawals of capital during an annual or over-all accounting period thereunder shall be included or deducted (as the case may be) in the manner prescribed in § 299.43. Such interim adjustments are neither required nor permitted under WAR-SHIPDEMISEOUT 203;

5. That the "capital necessarily employed" as thus determined, separately, with respect to each bareboat charter agreement (or addendum thereto, whereunder additional charter hire is required to be computed, accounted for, and paid separately) shall be compared with any limitations thereon prescribed in § 299.45, and that the "allowable return" (at the rate of 10 percentum per annum) of the Charterer under each such agreement (or addendum) shall be calculated on the basis of the lesser of the two; and

6. That the "allowable return" as thus determined shall be deducted from the net voyage profit earned under the corresponding agreement (or addendum) during the accounting period involved and that the balance shall be divided between the Charterer and the Administration in accordance with the applicable provisions of the respective agreements:

Provided, That, in any instance where the income sheet covering operations under the bareboat charter agreement involved from the commencement of an accounting period shows a cumulative net voyage loss, it will not be necessary for the Charterer to submit a statement reflecting its calculation of "capital necessarily employed" unless income sheets covering a previous portion of such period reflected a net voyage profit with respect to which the Charterer made preliminary payment on account of additional charter hire and seeks a refund thereof.

[1] The books, records and accounts referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration and the charter.

EXHIBIT B—COMPARATIVE BALANCE SHEET

The procedure for the preparation of this statement contemplates:

1. That, for each annual or overall accounting period, there shall be submitted, in comparative form, a balance sheet as at the end of the month immediately preceding the date of the beginning of such accounting period and as at the end of the last month within such accounting period;

2. That, with respect to the first accounting period of the Charterer, the initial balance sheet shall reflect the financial position of the Charterer as at the end of the month preceding the date of delivery of the first vessel under the initial bareboat charter agreement with the Administration;

3. That, in instances where additional agreements become effective during an annual or overall accounting period, it will not be necessary that the Charterer prepare a separate balance sheet to cover such additional agreements, since the net worth at the commencement of each such agreement, will be determined by adjusting the Net Worth reflected in the balance sheet at the commencement of the annual or overall accounting period in the manner prescribed in paragraph 3 of the procedure hereinbefore set forth for the preparation of Exhibit "A";

4. That the accounts reflected in each such balance sheet shall be those prescribed in the Uniform System of Accounts and none other. (In any instance where the Charterer is subject to the jurisdiction of the Interstate Commerce Commission and is required to keep its books, records, and accounts in the form prescribed by that Commission, the statements prepared from such books, records, and accounts should be conformed for this purpose to the illustrative example included among those to be supplied by the Bureau of Finance); and

5. That the assets reflected in each such balance sheet shall be stated at true, fair, and reasonable values and, to the extent applicable, on the basis prescribed in paragraph (c) of Clause 23 of Part II of WAR-SHIPDEMISEOUT 203 and SHIPSALES-DEMISE 303; that adequate reserves shall be shown for accounts receivable doubtful of collection and for such other items as require valuation reserves to reflect their true value; and that there shall be included an adequate statement of all known and ascertainable liabilities.

EXHIBIT C—INCOME SHEET

The procedure for the preparation of this statement contemplates:

1. That there shall be submitted income sheets which accurately reflect the results of all operations (a) during the entire period commencing with the first day of the calendar month during which the first vessel is delivered under the initial bareboat charter agreement with the Administration and terminating at the end of that calendar year, and (b) for each succeeding calendar year;

2. That the income and expenses reflected on such income sheets shall be allocated among operations under WARSHIPDEMISE-OUT 203 and SHIPSALESDEMISE 303 and "other operations" on the bases prescribed in § 299.48; and

3. That the items of income and expense reflected in each such income sheet shall be those prescribed in the Uniform System of Accounts and none other. (In any instance where the Charterer is subject to the jurisdiction of the Interstate Commerce Commission and is required to keep its books, records, and accounts in the form prescribed by that Commission, the statements prepared from such books, records, and accounts should be conformed for this purpose to the illustrative example included among those to be supplied by the Comptroller.)

EXHIBIT D—FORMULAE FOR THE ALLOCATION OF ASSETS AND LIABILITIES, INCOME AND EXPENSES

There shall be submitted for each period with respect to which a separate income sheet is required hereunder a separate statement reflecting the formulae by which the assets and liabilities and income and expenses are distributed among the various operations during each such period in accordance with § 299.44 in the determination of "capital necessarily employed" and in accordance with § 299.48 in the determination of Net Voyage Profit.

EXHIBIT E—WORKING TRIAL BALANCE

The procedure for the preparation of this statement contemplates:

1. That there shall be prepared a working trial balance as at each date with respect to which a separate balance sheet is required hereunder;

2. That the balances reflected in the general ledger at the respective dates shall be listed by accounts and distributed to the appropriate columns provided therefor in the illustrative example included among those to be supplied by the Comptroller;

3. That each asset and liability account shall be thoroughly analyzed to determine that all items included therein have been properly classified and adjusted, that the balances are correct, and do not contain items of income or expense applicable to either a prior or current accounting period;

4. That each income and expense account shall be thoroughly analyzed to determine that the items included therein have been properly classified and adjusted, that the balances are correct, and that such balances are entirely applicable to the accounting period involved;

5. That the balance in each clearance account shall be thoroughly analyzed and proper accounting disposition made thereof;

6. That all adjustments to the accounts listed in the working trial balance shall be accomplished by posting thereto journal entries, prepared in numerical sequence and containing a complete description as to the reasons for the adjustment, copies of such journal entries to be made available to the Owner upon request; and

7. That the Charterer may change or vary the design of this working trial balance to suit its particular needs, provided that the statement substituted will produce the same results and reflect all of the information required, but in this respect it is emphasized that the Owner has found the illustrative example included among those to be supplied by the Bureau of Finance to be satisfactory and particularly well adapted to its use in conducting audits of charter operations.

SCHEDULE A-1—FORMULA FOR LIMITATION OF "CAPITAL NECESSARILY EMPLOYED"

This schedule shall reflect the calculation of the limitation of "capital necessarily employed" in accordance with § 299.45 separately for each accounting period with respect to which a determination of "capital necessarily employed" is required hereunder.

SCHEDULE B-1—ANALYSIS OF SURPLUS

The procedure for the preparation of this statement contemplates:

1. That there shall be submitted an analysis of surplus in support of each balance sheet required hereunder;

2. That such analysis in support of the beginning balance sheet pertaining to the first bareboat charter agreement with the Commission (WARSHIPDEMISEOUT 203 or SHIPSALESDEMISE 303) shall reflect (i) surplus (or deficit) as at December 31, 1945, (ii) net profit (or loss) during the period from January 1, 1946, to the end of the month preceding the date of delivery of the first vessel thereunder, (iii) direct adjustments

to surplus during such period, and (iv) the balance as at the end of such period;

3. That, in addition to 2 above, such analysis shall reflect also (i) profit or loss during the period from the first day of the calendar month during which the first vessel was delivered under the first bareboat charter agreement with the Commission (WARSHIPDEMISEOUT 203 or SHIPSALESDEMISE 303) to December 31, 1946, (ii) direct adjustments to surplus during such period and (iii) the balance as at December 31, 1946; and

4. That such analyses for subsequent annual or overall accounting periods shall be prepared in a similar manner to reflect separately changes in surplus during each period with respect to which a separate determination of "capital necessarily employed" is required.

SCHEDULE E-1—ANALYSIS OF PROFIT AND LOSS

The procedure for the preparation of this statement contemplates:

1. That there shall be submitted in support of each working trial balance required hereunder an analysis of profit and loss for the calendar year or overall accounting period involved and that such analysis shall be grouped by accounts in the manner indicated in the illustrative example included among those to be supplied by the Comptroller;

2. That such analysis shall include all adjustments effected by the Charterer and, as part of the working trial balance, shall be the basis upon which the Income Sheet (Exhibit "C") is prepared; and

3. That all items of income and expense reflected in the analysis of profit and loss shall be those prescribed in the Uniform System of Accounts and none other. (In any instance where the Charterer is subject to the jurisdiction of the Interstate Commerce Commission and is required to keep its books, records, and accounts in the form prescribed by that Commission, the statements prepared from such books, records, and accounts should be conformed for this purpose to the illustrative example included among those to be supplied by the Comptroller).

§ 299.55 *Certifications and verifications.* (a) The accounting required under this section shall be submitted under cover of an affidavit, executed by the corporate officer responsible for the accuracy and maintenance of the books of account and financial records of the Charterer, if a corporation, or by a general partner so responsible, if a partnership, which affidavit shall be substantially as follows:

AFFIDAVIT

STATE OF ----------
COUNTY OF ---------- ss:

----------, being first duly sworn on his [her] oath, states:

That I am ---------- of the ----------
(Title)

(Name of charterer)

Charterer under bareboat charter agreement(s) with the United States Maritime Commission known as "WARSHIPDEMISEOUT 203" (WSA ------)/"SHIPSALESDEMISE 303" (MCc ------)[1]; that, as such, I am responsible for the accuracy and maintenance of the books of account and financial records of the Charterer and am thoroughly familiar with such books and records and with the terms and conditions of the aforesaid bareboat charter agreement(s) and with the orders, rules, regulations, and instructions appertaining thereto as issued by the Maritime Administration (or the United States Maritime Commission); that I have carefully examined the statements comprising the accounting annexed hereto covering the period from ---------- to ----------, under the aforesaid bareboat charter agreement(s); and that, to the best of my knowledge and belief, the said accounting reflects a true and complete statement of the additional charter hire accrued to the Maritime Administration under the aforesaid bareboat charter agreement(s) during the period from ---------- to ----------, under the terms and conditions thereof and in accordance with the orders, rules, regulations, and instructions issued by the Maritime Administration (or the United States Maritime Commission) appertaining thereto; the balance sheets included in the annexed accounting fairly present the financial position of the Charterer as at the dates thereof, including (but not limited to) an adequate statement of all known and ascertainable liabilities, and the income sheet included in the annexed accounting correctly states the operating results of the Charterer for the period covered by such accounting.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this ---- day of ----------, 195--.

My commission expires ----------

(Notary Public)

[1] Show only applicable contract references.

(b) If an independent certified public accountant or a firm of independent certified public accountants is employed by the Charterer for the purpose of certifying the statements required hereunder, the review and settlement by the Owner of additional charter hire determinations thereby may be facilitated. If, therefore, at the option of the Charterer, the statements required hereunder are certified by an independent certified public accountant or a firm of independent certified public accountants, fair and reasonable payments made by the Charterer to such professional accountants for services and incidental expenses relating to such certification may be allocated directly to operations under the bareboat charter agreements involved on the basis prescribed in § 299.48 (d), (e), (f), and (g): *Provided*, That the following minimum conditions are observed:

(1) Such certified public accountants will undertake to make their working papers available for examination by the Owner's auditors upon request and to permit the Owner's auditors to make copies of such papers to the extent they deem necessary;

(2) Such certified public accountants are independent in fact (An accountant will not be considered independent with respect to any person in whom he has any substantial interest, direct or indirect, or with whom he is, or was during the period of the bareboat charter agreements involved, connected as an officer, director, executive, or employee. As used in this subparagraph, the term "any person" shall include the Charterer, and any holding company, subsidiary, affiliate, or associate of the Charterer); and

(3) The statements submitted are accompanied, in addition to the affidavit required of the Charterer, by a signed opinion of the independent certified public accountant in the following or substantially similar form:

We [I] have examined the statements comprising the accounting annexed hereto, and have found the statements to have been prepared by the Charterer in accordance with the terms and conditions of the applicable bareboat charter agreement(s) and with the applicable orders, rules, regulations, and instructions issued by the Maritime Administration (or the United States Maritime Commission). Our [my] examination of the statements included examination of the underlying books of account and records for the period from ---------- to ----------. Our [my] examination was made in accordance with generally accepted auditing standards and included all procedures which we [I] considered necessary in the circumstances [state exceptions if any]. In our [my] opinion the annexed statements fairly present the proper determination of additional charter hire (in the aggregate amount of $--------) accrued to the account of the Maritime Administration under bareboat charter agreement(s) ----------, No.(s) ---------- for the period from ---------- to ----------.

(Independent certified public accountant(s))

Upon receipt of statements certified by an independent certified public accountant or a firm of independent certified public accountants under the conditions prescribed in this paragraph, the Owner will take into consideration the scope of the audit conducted of the Charterer's accounts in determining and settling additional charter hire accounts.

STATEMENT OF PURPOSES AND RESERVATIONS

§ 299.56 *Statement of purposes and reservations.* (a) The purpose of this procedure is to establish rules and regulations for uniform application to expedite and facilitate the rendition by Charterers to the Owner of final accountings under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303.

(b) The receipt and consideration of such accountings by the Owner shall be subject to the following reservations:

(1) That all working papers (irrespective of by whom prepared) in support of the various statements comprising such accountings, shall be available for examination by the Owner's auditors upon request and that the Owner's auditors shall be permitted to make copies of such papers to the extent they deem necessary;

(2) That the Owner reserves the right to conduct such audits, examinations, or checks of the Charterers' accounts as it may deem necessary before approving final settlement of additional charter hire for any period under the bareboat charter agreements;

(3) That the examples to be supplied by the said Comptroller of the statements required by the Administration are for illustrative purposes only and are based on hypothetical figures; that no implications should be drawn from the relative magnitude of the figures used in these examples; and that if, in any instance, an example should conflict with the text of this procedure, the latter shall govern;

(4) That the establishment of the rules and regulations prescribed in this procedure is without prejudice to the right of the Administration to determine upon the employment of other bases for allocation and calculation in any instance where, upon the completion of any annual or final accounting, the results produced by the application of the rules and regulations prescribed herein do not, in the judgment of the Administration, produce fair and reasonable results;

(5) That if, in any instance, the rules and regulations prescribed herein should conflict with the provisions of an applicable statute or agreement, such provisions shall govern;

(6) That if, in any instance, the rules and regulations prescribed herein should conflict with any General Order issued by the Maritime Administration (or the United States Maritime Commission), the question as to which shall take precedence should be referred to the Administration for decision; and

(7) That nothing contained herein shall be construed as a waiver of any right reserved to the Administration by statute or under WARSHIPDEMISEOUT 203 or SHIPSALESDEMISE 303.

SUBPART D—TRANSFER OF WAR-BUILT VESSELS

§ 299.61 *Transfer of war-built vessel in settlement of a claim against the United States*—(a) *Application.* Anyone who has a claim against the United States for just compensation due him for a vessel requisitioned for title by the United States, or indemnity for the loss of any vessel which was acquired for use by the United States, may make application to the Administration for the transfer to him of a war-built vessel or vessels at the statutory sales prices in complete or partial settlement of such claim. The application to receive consideration must be substantially in the form prescribed in § 299.131 including the submission of the certificate of settling department or agency provided therein. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Administration has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless made promptly at the written request of the Administration, shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving substitutions for the vessel applied for when made at the request of the Administration) shall be effective as of the filing date of the original application. Any information called for by the Administration from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Approval or disapproval by the Administration.* If the Administration determines that, in its opinion, such transfer is in the interests of the United States and that the vessel applied for by the applicant is available for sale to him, the application may be granted. In determining whether the transfer should be made, the Administration among relevant factors will take into account the preferences provided for in § 299.2. If the application is disapproved by the Administration, the Secretary will promptly advise the applicant.

(d) *Contract of settlement.* If the application is approved by the Administration and if the Administration is the settling agency, the Secretary will furnish the applicant five counterparts of a contract of settlement which shall be executed by the applicant and redelivered to the Secretary within fifteen (15) days of the date of its receipt by the applicant. After the contract of settlement has been executed on behalf of the Administration, one of the counterparts will be sent to the applicant. If the settling agency is other than the Administration, the Administration will arrange to make the vessel or vessels available for the purposes of the settlement.

(e) *Determination of claim.* If claim is against the Maritime Administration (or the United States Maritime Commission) or the War Shipping Administration, the application may be filed, but will be dated as of the date the certificate of settling agency is filed by applicant. If it is against another agency or department, the application must be accompanied by a certificate of settling department or agency.

(f) *Types of settlements.* Administration procedure will be generally as outlined below in the three usual types of settlements which are available under the act.

(1) *Claim equal to the statutory sales price of the vessel.* The Administration will in this case transfer the vessel without cash transaction and will execute a contract of sale to accompany the contract of settlement.

(2) *Claim more than the statutory sales price.* The Administration will in this case transfer the vessel and will execute a contract of sale. The balance of the amount of the claim will be handled by the settling agency as part of the consummation of settlement of the whole claim.

(3) *Claim less than the statutory sales price.* The Administration will in this case transfer the vessel and execute a contract of sale. If the application for purchase accompanying the application for transfer of the vessel in settlement requests mortgage aid with respect to the excess of the statutory sales price over the claim, provided the claim exceeds the required down payment, and such application is approved by the Administration, a preferred mortgage will be executed covering such excess. If the claim does not cover the down payment required on the vessel the claimant will be required to arrange for the necessary additional down payment.

(i) In all cases the Administration's action will be predicated upon the execution of instruments for the release of the claims satisfactory to the settling agency.

(ii) If more than one vessel is applied for in connection with the settlement of the claim, then in all cases the amount thereof to be applied toward the purchase of each vessel shall be indicated in the application and shall be subject to the approval of the Administration.

§ 299.62 *Transfer of another vessel for a vessel constructed in the United States since January 1, 1937, which has been taken for use by the United States*—(a) *Application.* Anyone who owns a vessel that was constructed in the United States after January 1, 1937, and which was taken by the United States for use in any manner and has not been redelivered may make application to the Administration for the transfer to him of another vessel of comparable type in lieu of such vessel. The application to receive consideration must be substantially in the form prescribed by the Administration in § 299.132. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Administration has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Amendments involving substitution of a different vessel for the vessel applied for, unless promptly made at the written request of the Administration, shall be effective as of the filing date of the amendment. All other timely amendments (including amendments involving a substitution for the vessel applied for when made at the request of the Administration) shall be effective as of the filing date of the original application. Any information called for by the Administration from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending the information contained therein or furnished in connection therewith.

(c) *Approval or disapproval by the Administration.* If the Administration determines that, in its opinion, such transfer would aid in carrying out the policies of the act, the application may be granted. If the application is disapproved by the Administration, the Secretary will promptly advise the applicant.

(d) *Contract for transfer.* If the application is approved by the Administration, the Secretary will furnish the applicant five counterparts of a contract for transfer in exchange which shall be executed by the applicant and redelivery to the Secretary within fifteen (15) days of the date of its receipt by the applicant. Such contract for transfer in exchange shall provide for adjustments for depreciation and difference in design or speed and, to the extent applicable, adjustments provided in § 299.66 with respect to the applicant's vessel retained by the United States and such other adjustments and terms and conditions, including tranfer of mortgage obligations in favor of the United States binding upon the applicant's vessel, as the Administration may prescribe. After the contract has been executed on behalf of the Administration, one of the counterparts will be sent to the applicant.

SUBPART E—ADJUSTMENT FOR PRIOR SALES TO CITIZENS

§ 299.66 *Adjustment for prior sales to citizens*—(a) *Application.* Within 60 days after the date of publication of the applicable prewar domestic costs in the FEDERAL REGISTER, any citizen of the United States, as defined in § 299.1 (h), who is entitled to an adjustment in the price of a vessel as provided for in paragraph (c) of this section may apply to the Administration for such adjustment. The application to receive consideration must be substantially in the form prescribed by the Administration in § 299.133 and shall be accompanied by applicant's own computation. Three executed copies and fifteen conformed copies of the application must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Items or parts of items in the application which are inapplicable may be omitted. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(b) *Amendment of application.* Such application may be amended at any time before the Administration has acted upon it. Three executed copies and fifteen conformed copies of the amendment must be filed with the Secretary, Maritime Administration, Washington 25, D. C. Any information called for by the Administration from time to time shall be furnished as an amendment or amendments to the application. The applicant shall file from time to time as amendments any information necessary to keep current and correct, while the application is pending, the information contained therein or furnished in connection therewith.

(c) *Persons entitled to adjustment.* Any citizen of the United States, as defined in § 299.1 (h), who on March 8, 1946:

(1) Owned a vessel which he purchased from the United States Maritime Commission prior to such date and which was delivered by its builder after December 31, 1940; or

(2) Was a party to a contract with the Commission to purchase from the Commission a vessel, which had not yet been delivered to him; or

(3) Owned a vessel on account of which a construction-differential subsidy was paid, or agreed to be paid, by the Commission under section 504 of the Merchant Marine Act, 1936, as amended, and which was delivered by its builder after December 31, 1940; or

(4) Was a party to a contract with a shipbuilder for the construction for him of a vessel, which had not yet been delivered to him, and on account of which a construction-differential subsidy was agreed, prior to such date, to be paid by the Commission under section 504 of the Merchant Marine Act, 1936, as amended, shall, except as hereinafter provided, be entitled to an adjustment in the price of such vessel as provided in paragraph (a) of this section. No adjustment will be made in respect of any vessel the contract for the construction of which was made after September 2, 1945; under the provisions of Title V (including section 504) or Title VII of the Merchant Marine Act, 1936, as amended.

(d) *Amount of adjustment.* An adjustment will be made, as provided in this section, by treating the vessel as if it were being sold to the applicant on March 8, 1946, and not before that time. The amount of such adjustment will be determined as follows:

(1) The Administration will credit the applicant, for the purposes of subparagraph (8) of this paragraph, with the excess of all cash payments made upon the original purchase price of the vessel over 25 percent of the statutory sales price of the vessel as of March 8, 1946. If such payment was less than 25 percent of the statutory sales price of the vessel, the applicant will pay the difference to the Administration.

(2) The applicant's indebtedness under any mortgage to the United States with respect to the vessel will be adjusted.

(3) The adjusted mortgage indebtedness will be in an amount equal to the excess of the statutory sales price of the vessel as of March 8, 1946, over the sum of the cash payment retained by the United States under subparagraph (1) of this paragraph plus the readjusted trade-in allowance (determined under subparagraph (7) of this paragraph) with respect to any vessel exchanged by the applicant on the original purchase. The adjusted mortgage indebtedness will be payable in equal annual installments thereafter during the remaining life of such mortgage with interest on the portion of the statutory sales price remaining unpaid at the rate of three and one-half percent per annum.

(4) The Administration will credit the applicant, for the purposes of subparagraph (8) of this paragraph, with the excess, if any, of the sum of the cash payments made by the applicant upon the original purchase price of the vessel plus the readjusted trade-in allowance (determined under subparagraph (7) of this paragraph) over the statutory sales price of the vessel as of March 8, 1946, to the extent not credited under subparagraph (1) of this paragraph.

(5) The Administration will also credit the applicant, for the purposes of subparagraph (8) of this paragraph, with an amount equal to interest at the rate of three and one-half percent per annum (for the period beginning with the date of the original delivery of the vessel to the applicant and ending with March 8, 1946), on the excess of the original purchase price of the vessel over the amount of any allowance originally allowed by the Administration to the applicant on the exchange of any vessel on such purchase; the amount of such credit first being reduced by any interest on the original mortgage indebtedness accrued up to such date of enactment and unpaid. Interest so accrued and unpaid will be canceled.

(6) The applicant will credit the Administration, for the purposes of subparagraph (8) of this paragraph, with all amounts paid by the United States to him as charter hire for the bareboat use of the vessel, whether the vessel was under time or bareboat charter, under any charter party made prior to March 8, 1946, and any charter hire for such use accrued up to such date and unpaid shall be canceled and the Administration will credit the applicant for the purposes of subparagraph (8) of this paragraph with the amount that would have been paid by the United States to the applicant as charter hire for bareboat use of vessels exchanged by the applicant on the original purchase (for the period beginning with date on which the vessels so exchanged were delivered to the Commission and ending with March 8, 1946.)

(7) The allowance made to the applicant on any vessel exchanged by him on the original purchase will be readjusted so as to limit such allowance to the amount provided for under § 299.22.

(8) There will be subtracted from the sum of the credits in favor of the Administration, under the foregoing provisions of this subparagraph the amount of any overpayments of Federal taxes by the applicant resulting from the application of paragraph (e) (1) of this section, and there will be subtracted from the sum of the credits in favor of the applicant under the foregoing provisions of this subparagraph the amount of any deficiencies in Federal taxes of the applicant resulting from the application of paragraph (e) (1) of this section. If, after making such subtractions, the sum of the credits in favor of the applicant exceeds the sum of the credits in favor of the Administration, such excess will be paid by the Administration to the applicant. If, after making such subtractions, the sum of the credits in favor of the Administration exceeds the sum of the credits in favor of the applicant, such excess will be paid by the applicant to the Administration. Upon such payment by the Administration or the applicant, such overpayments will be treated as having been refunded and such deficiencies as having been paid.

(i) For the purpose of this paragraph, the purchase price of a vessel on account of which a construction-differential subsidy was paid or agreed to be paid under section 504 of the Merchant Marine Act, 1936, as amended, will be the net cost of the vessel to the owner.

(e) *Condition of adjustment.* An adjustment will be made under this section only if the applicant enters into an agreement with the Administration binding upon the citizen-applicant and any affiliated interest to the effect that:

(1) Depreciation and amortization allowed or allowable with respect to the vessel up to March 8, 1946 for Federal tax purposes shall be treated as not having been allowable; amounts credited to the Administration under paragraph (d) (6) of this section shall be treated for Federal tax purposes as not having been received or accrued as income; amounts credited to the applicant under paragraph (d) (5) and (6) of this section shall be treated for Federal tax purposes as having been received and accrued as income in the taxable year in which falls March 8, 1946;

(2) The liability of the United States for use (exclusive of service, if any, required under the terms of the charter) of the vessel on or after March 8, 1946 under any charter party shall not exceed 15 percent per annum of the statutory sales price of the vessel as of March 8, 1946; and the liability of the United States under any such charter party for loss of the vessel shall be determined on the basis of the statutory sales price as of March 8, 1946, depreciated to the date of loss at the rate of 5 percent per annum; and

(3) In the event the United States, prior to the termination of the existing national emergency declared by the President on May 27, 1941, uses such vessel pursuant to a taking, or pursuant to a bareboat charter made, on or after March 8, 1946, the compensation to be paid to the purchaser, his receivers, and trustees, shall in no event be greater than 15 percent per annum of the statutory sales price as of March 8, 1946.

(f) *Method of adjustment.* If the Administration finds that applicant is entitled to an adjustment, applicant will be notified of the adjusted purchase price determined by the Administration. Unless the applicant notifies the Administration to the contrary within 15 days following the date of receipt by the applicant of the Administration's determination of adjusted purchase price, this adjusted purchase price will be binding upon the applicant and it agrees to execute an addendum to its original contract to purchase, which addendum will be sent to him by the Administration.

SUBPART F—PREWAR DOMESTIC COSTS AND STATUTORY SALES PRICES OF VESSELS

NOTES: 1. Design characteristics are for identification purposes and are not warranted as those of any particular vessel.

2. Design characteristics are not set forth for types not available for disposal but included merely for adjustment for prior sales to citizens, in accordance with section 9 of the act. (It should be noted that applications for such adjustment must be made within 60 days of publication of applicable prices.)

TYPES, DESIGN CHARACTERISTICS, AND PRICES

§299.71 *Prewar domestic costs; statutory sales prices.* The prewar domestic costs set forth in this section have been determined by the Administration (or the United States Maritime Commission) pursuant to section 3 (c) of the act to be the amounts for which a standard vessel of the type specified could have been constructed (without its national defense features) in the United States under normal conditions relating to labor, materials, and other elements of cost, obtaining on or about January 1, 1941. In no case does the prewar domestic cost set forth in this section with respect to any type of vessel exceed 80 percent of the domestic war cost of a vessel of the same type. The unadjusted statutory sales prices set forth in this section have been determined by the Administration (or the United States Maritime Commission) pursuant to section 3 (d) of the act. Subtypes listed may be adjusted above or below published prices for types of which they are subtypes, depending upon whether such subtypes possess desirable features which are not incorporated in the standard vessel, or lack desirable features which are incorporated in the standard vessel. The adjusted prices of such subtype will be quoted upon written inquiry to the Administration.

BARGE

§ 299.72 *Type YF covered barge.* (a) The YF covered barge is a Navy designed nonpropelled barge, capable of being used for ocean service, built of steel with one continuous deck and four cargo holds. Cargo side ports are provided in the deck house together with hatch openings for all holds. Accommodations for personnel are installed forward.

(b) Principal design characteristics are as follows:

Length over-all	260'0".
Beam molded	48'0".
Depth molded (Mn. dk.)	15'0".
Draft molded	9'6".
Deadweight tons	2,000.
Bale cubic capacity	162,000 (est.).

(c) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$161,000	$209,300	$80,500	$73,255

CARGO VESSELS

§ 299.75 *Type C1.* (a) The standard vessel is a steel cargo vessel with a raked stem and cruiser stern. The quarters will accommodate eight passengers in four staterooms. Deep tanks are installed at the forward end of No. 1 hold. The machinery is located amidships.

(b) There are two basic designs of the C1 type which are considered to be standard, the C1A and the C1B.

(c) In addition is the C1–S–AY1 type which is a standard C1B converted to a transport. Reconversion to a cargo vessel would result in principal characteristics similar to the C1B (except that propulsion is turbine only) and a price in accordance with the formula indicated below.

(d) The principal design characteristics of the standard vessel are listed below:

Design	C1A Shelter deck	C1B Full scantling
Length over-all	412' 3"	417' 9".
Beam molded	60' 0"	60' 0".
Depth molded	37' 6"	37' 6".
Load draft molded	23' 6"	27' 6".
Deadweight tons	7,400	9,100.
Gross tons	5,100	6,700.
Net tons	2,900	3,900.
Bale cubic capacity	447,000	452,000.
Propulsion	Turbine or Diesel.	Turbine or Diesel.
Shaft h. p., normal	4,000	4,000.
Speed, knots	14	14.
Passengers	8	8, 12.
Staterooms	4	4, 6.

(e) The prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,940,000	$2,608,168	$970,000	$912,859

§ 299.76 *Type C1–M–AV1.* (a) The standard C1–M–AV1 cargo vessel is a steel, full scantling type vessel with a raked stem and cruiser stern. A deep tank is installed at the forward end of No. 1 hold. The propelling machinery is located aft.

(b) In addition are the C1–ME–AV6 and the C1–M–AV8 designs. The price of these two designs are subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

(3) Principal design characteristics of the standard and modified vessels are listed below. (The C1–M–AV1 is not considered a "C" type under the Commission building program.)

Design	Standard C1-M-AV1 Full scantling	Modified C1-ME-AV6 Full scantling	Modified C1-M-AV8 Full scantling
Length over-all	338' 8"	338' 8½"	338' 8".
Beam molded	50' 0"	50' 0"	50' 0".
Depth molded	29' 0"	29' 0"	29' 0".
Load draft molded	21' 0"	21' 0"	21' 0".
Deadweight	5,100	5,090	5,100.
Gross tons	3,800	3,800	3,800.
Net tons	2,100	2,100	2,100.
Bale cubic capacity	228,000	228,000	228,000.
Net refrigerated cubic capacity	9,800	9,800	9,800.
Propulsion	Diesel	Diesel-electric (Bowes-drive).	Diesel, with variable pitch propeller.
Shaft h. p., normal	1,700	2,030	1,700.
Speed, knots	10½	11½	10½.

(d) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,280,000	$1,982,464	[1] $640,000	$693,862

[1] Price inapplicable since under terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

§ 299.77 *Type C1–MT–BU1.* (a) The C1–MT–BU1 lumber freighter is a steel, full scantling type vessel with raked stem and cruiser stern. The propelling machinery consisting of twin screws powered by Diesel engines, is located aft.

(b) The principal design characteristics of this vessel are listed below:

Design:	*Full scantling*
Length over-all	319′ 0″.
Beam molded	49′ 0″.
Depth molded	26′ 0″.
Load draft molded	21′ 7″.
Deadweight tons	4950.
Gross tons	3130.
Net tons	1900.
Bale cubic capacity	185,235.
Propulsion	Diesel.
Shaft h. p., normal	2400.
Speed, knots	12.

(c) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,063,000	$1,396,813	$531,500	$488,885

§ 299.78 *Type C2.* (a) The standard C2 vessel is a steel cargo vessel with a raked stem and cruiser stern. The vessel will accommodate eight passengers in four staterooms. There are four deep tanks in No. 4 hold. The machinery is located amidships.

(b) There are two basic designs of the C2 type which are considered to be standard, the C2–S–AJ1 and the C2–S–B1.

(c) In addition to the standard type C2's, there are the following subtypes:

(1) The C2–S–AJ2 and the C2–S–AJ5 are not available for disposal and are subject only to price adjustment for prior sales under section 9 of the act, and are also subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

(2) The C2–S–AJ3, a modification of the C2–S–AJ1, is a military conversion.

(3) When reconverted to the cargo vessel type, the C2–S–AJ3 will have basic features similar to the standard C2–S–AJ1 design.

(4) The C2 Cargo and the C2T vessels available for disposal are military conversions. When reconverted to cargo vessels, they will have basic features similar to the standard C2–S–B1 design, except that the propulsion on the C2 Cargo is either steam or Diesel, and on the C2T is Diesel.

(5) The C2–S–E1 vessels available, for disposal are military conversions. When reconverted to the cargo vessel type, they will have basic characteristics as noted below. The price of these vessels is subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

(d) Principal design characteristics are listed below:

Design	C2–S–B1 Shelter deck	C2–S–AJ1 Modified full scantling	C2–S–E1 Shelter deck
Length over-all	459′ 3″	459′ 1″	468′ 8½″.
Beam molded	63′ 0″	63′ 0″	63′ 0″.
Depth molded	40′ 6″	40′ 0″	40′ 6″.
Load draft molded	25′ 9″	27′ 0″	27′ 4″.
Deadweight	9,200	10,800	10,700.
Gross tons	6,200	8,300	6,170.
Net tons	3,500	4,800	3,520.
Bale cubic capacity	546,000	542 800	568,457.
Net refrigerated capacity.			
Propulsion	Turbine.	Turbine.	Turbine.
Shaft h. p., normal	6,000	6,000	6,000.
Speed, knots	15½	15½	15½.
Passengers	8	8	12
Staterooms	4	4	6.

(e) The prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,100,000	$2,736,624	$1,050,000	$957,818

§ 299.79 *Type C2F.* (a) The C2F vessel is a steel vessel with a raked stem and a cruiser stern. The quarters will accommodate eight passengers in four staterooms. The machinery is located amidships.

(b) The principal characteristics of these vessels are listed below:

Design:	*Shelter deck*
Length over-all	459′2½″.
Beam molded	63′0″.
Depth molded	40′6″.
Load draft molded	25′9″.
Deadweight tons	9,400.
Gross tons	6,155.
Net tons	3,615.
Bale cubic capacity	558,000.
Propulsion	Turbine.
Shaft h. p., normal	6,000.
Speed, knots	15½.

(c) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,274,000	$2,963,373	$1,137,000	$1,037,181

§ 299.80 *Type C2S.* a) The C2S is a steel cargo vessel specially designed for South African trade with raked stem and cruiser stern. The quarters accommodate twelve passengers in eight staterooms. The machinery is located amidships.

(b) The principal design characteristics of this vessel are listed below:

Design:	*Shelter deck*
Length over-all	479′8″.
Beam molded	66′0″.
Depth molded	43′0″.
Load draft molded	27′0″.
Deadweight tons	10,000.
Gross tons	7,101.
Net tons	4,259.
Bale cubic capacity	594,000.
Net refrigerated cargo capacity	11,500.
Propulsion	Turbine.
Shaft, h. p., normal	6,300.
Speed, knots	16.

(c) The prices of the standard C2S type are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,354,000	$3,067,625	$1,177,000	$1,073,669

§ 299.81 *Type C2SU.* (a) The C2SU is a steel vessel with raked stem and cruiser stern. The quarters will accommodate twelve passengers in six staterooms. There are two variations of this type, one is a general cargo carrier with partial refrigerated capacity; the other variation is all refrigerated. The machinery is located amidships.

(b) The principal design characteristics of each of these vessels are listed below:

Design	Partially refrigerated (shelter deck)	All refrigerated (flush deck)
Length over-all	474′ 1″	474′ 1″.
Beam molded	63′ 0″	63′ 0″.
Depth molded	40′ 6″	40′ 6″.
Load draft molded	26′ 6″	26′ 6″.
Deadweight tons	9,600	7,925.
Gross tons	6,622	8,591.
Net tons	3,854	5,053.
Bale cubic capacity	507,000	
Net refrigerated cargo capacity.	28,000	384,600.
Propulsion	Diesel	Diesel.
Shaft h. p., normal	7,500	7,500.
Speed, knots	16	16.

(c) The prices of the standard and refrigerated designs are as follows:

	Prewar domestic cost	Domestic war cost
C2SU (Standard)	$2,470,000	$3,218,791
C2SU (Reefer)	3,450,000	4,437,409

	Unadjusted statutory sales price	Floor price
C2SU (Standard)	$1,235,000	$1,126,577
C2SU (Reefer)	1,725,000	1,553,093

§ 299.82 *Type C3.* (a) The standard C3 cargo vessel is a steel, shelter deck type vessel with a raked stem and cruiser stern. The vessel will accommodate twelve passengers in six staterooms. There are four deep tanks in No. 2 hold. The propelling machinery is located amidships.

(b) The C3–S–A2 is considered to be the standard vessel of this type.

(c) In addition are the following subtypes:

(1) The C3–S–A1 is basically similar to the C3–S–A2 design. All vessels of this type have been converted to escort aircraft carriers, and are not generally suitable for reconversion.

(2) The C3–M and C3 Cargo are basically similar to the C3–S–A2 design. The C3M is not available for disposal, but is subject to price adjustment for prior sales under section 9 of the act.

(d) One C3 cargo vessel, now a military conversion, is available for disposal.

(e) The principal design characteristics of the standard design are listed below:

Design:	*Standard C3–S–A2—shelter deck*
Length over-all	492′0″.
Beam molded	69′6″.
Depth molded	42′6″.
Load draft molded	28′6″.
Deadweight	12,300.
Gross tons	7,900.
Net tons	4,600.
Bale cubic capacity	732,000.
Propulsion	Turbine.
Shaft h. p., normal	8,500.
Speed, knots	16½.
Passengers	12.
Staterooms	6.

(f) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,460,000	$3,650,228	[1] $1,230,000	$1,280,730

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

(g) The C3–S–BH1 is properly a C3 type and is determined to be a subtype of the standard type C3. The betterments or deficiencies of the C3–S–BH1 will be priced in accordance with section 3 (d) of the Ship Sales Act of 1946.

§ 299.83 *Type C3–3–A3 and C3E.* (a) The standard type for these designations is a steel vessel with raked stem and a double knuckle stern. The machinery is located amidships. There are no passenger accommodations nor cargo deep tanks provided.

(b) The principal design characteristics for these vessels are listed below:

Design:	*Shelter deck*
Length over-all	473′1″.
Beam molded	66′0″.
Depth molded	42′3″.
Load draft molded	27′8″.
Deadweight tons	9,900.
Gross tons	6,736.
Net tons	3,996.
Bale cubic capacity	551,000.
Propulsion	Turbine.
Shaft h. p., normal	8,000.
Speed, knots	16½.

(c) The prices of the standard C3–S–A3 and C3E are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,300,000	$3,143,964	$1,150,000	$1,100,357

§ 299.84 *Type C3–S–BH2.*[1] (Not previously published.) The prices for the C3–S–BH2 type are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$3,040,000	$4,411,977	*60% 1941 cost* [1] $1,520,000	*35% war cost* $1,544,191

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry-cargo vessels, except a Liberty type vessel, may be sold at less than 35% of the domestic war cost.

[1] For adjustment of prior sales; not available for disposal.

§ 299.85 *Type C4.* (a) The standard C4 cargo vessel is a steel, full scantling type vessel with a raked stem and cruiser stern. The quarters will accommodate twelve passengers in four staterooms. The propelling machinery is located aft.

(b) The C4–S–B5 is considered to be the standard design of this type vessel.

(c) In addition is a modification of the C4–S–B5, the C4–S–A4, which is subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

(d) Also, there are the C4–S–A1, the C4–S–A3, the C4–S–B1, and the C4–S–B2 designs. The C4–S–A1 and C4–S–A3 are military transports. Reconversion to cargo vessels will result in principal characteristics similar to the C4–S–A4 modified design. The C4–S–B1 is an Army tank carrier and the C4–S–B2 is a troop ship; reconversion to cargo vessels will result in principal characteristics similar to the standard C4–S–B5.

(e) The principal design characteristics of the standard and modified vessels are listed below:

Design	Standard C4–S–B5 Full scantling	Modified C4–S–A4 Full scantling
Length over-all	520′0″	522′10½″.
Beam molded	71′6″	71′6″.
Depth molded	43′6″	43′6″.
Load draft molded	32′9″	32′9″.
Deadweight	15,570	15,540.
Gross tons	10,780	10,680.
Net tons	7,530	7,490.
Bale cubic capacity	711,580	672,240.
Propulsion	Turbine	Turbine.
Shaft h. p., normal	9,000	9,000.
Speed, knots	16½	16½.
Passengers	[1] 12	4.
Staterooms	[1] 4	2.

[1] Passenger accommodations can be provided by suitable minor alterations.

(f) The prices of the standard C4–S–B5 are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$3,300,000	$4,420,965	$1,650,000	$1,547,338

§ 299.86 *Type N3.* (a) The standard vessel is a steel, single deck vessel with a vertical stem and cruiser stern. The propelling machinery consists of a reciprocating steam engine directly connected to a single screw. The machinery is located amidships.

(b) There are two basic designs of the N3 type which are considered standard; the N3–S–A2, which has oil-fired boilers, and the N3–S–A1, which has coal-fired boilers.

(c) The principal design characteristics of the standard vessels are listed below:

Design	N3–S–A1 Full scantling	N3–S–A2[1] Full scantling
Length over-all	258′9″	259′9½″.
Beam molded	42′1″	42′1″.
Depth molded	20′5″	20′5″.
Load draft molded	17′11¾″	17′11¾″.
Deadweight tons	2,900	2,760.
Gross tons	1,790	1,980.
Net tons	1,020	1,000.
Bale cubic capacity	121,000	118,000.
Propulsion	Coal burning	Oil burning
Indicated h. p.	1,300	1,300.
Speed, knots	10	11.

(d) The prices of the standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$760,000	$1,339,477	[1] $380,000	$408,817

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

§ 299.87 *Type N3–M–A1.* (a) (Not previously published.) The principal design characteristics are as follows:

L. O. A	269′10″.
LBP	255′0″.
Beam mld	42′6″.
Depth mld	25′3″.
Cubic bale capacity	161,000 cubic feet.
Draft	20′9″.
Brake horsepower	1,300 at 277 r. p. m.
Speed	10¼ knots.
Maximum displacement	5,202 long tons.
Gross tonnage	2,323.
Net tonnage	1,723.
Deadweight	4,054 long tons.

(b) The basic N3–M–A1 cargo vessel is a cargo vessel without any special features such as deep tanks, cargo reefer, or heavy lift equipment, and is assumed to meet requirements for satisfactory certification by the American Bureau of Shipping, United States Public Health Service and the Coast Guard. The N3–M–A1 shall be assumed to have the following basic outfit:

2 Masts.
6 5-ton booms.
6 Winches.
2 Lifeboats.

(c) The price set forth in this paragraph does not include machinery or equipment that is not provided in accordance with standard Merchant Marine practice for a vessel of this size and type. Equipment and betterments such as machine tools, welding machines, compressors, evaporators, diving equipment, generators (in excess capacity required for the basic ship), towing winches, landing craft, cargo pumps, and troop accommodations are definitely not included in these prices.

(d) The prices of the standard type are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$786,000	$1,384,932	*50 percent 1941 cost* $393,000	*35 percent war cost* $484,726

LIBERTY

§ 299.89 *Type EC2 (Liberty).* (a) The standard Liberty cargo vessel is steel, full scantling vessel with a raked stem and a cruiser stern. Deep tanks are installed in No. 1 and No. 4 holds. The propelling machinery is located amidships.

(b) The EC2–S–C1 is considered to be the standard design of the Liberty type vessels. The modified designs are the Z–EC2–S–C5, the Z–ET1–S–C3, and the EC2–S–AW.

(d) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,280,000	$1,962,464	[1] $640,000	$693,862

[1] Price inapplicable since under terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

§ 299.77 *Type C1–MT–BU1.* (a) The C1–MT–BU1 lumber freighter is a steel, full scantling type vessel with raked stem and cruiser stern. The propelling machinery consisting of twin screws powered by Diesel engines, is located aft.

(b) The principal design characteristics of this vessel are listed below:

Design:	*Full scantling*
Length over-all	319′ 0″.
Beam molded	49′ 0″.
Depth molded	26′ 0″.
Load draft molded	21′ 7″.
Deadweight tons	4950.
Gross tons	3130.
Net tons	1900.
Bale cubic capacity	185,235.
Propulsion	Diesel.
Shaft h. p., normal	2400.
Speed, knots	12.

(c) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,063,000	$1,396,813	$531,500	$488,885

§ 299.78 *Type C2.* (a) The standard C2 vessel is a steel cargo vessel with a raked stem and cruiser stern. The vessel will accommodate eight passengers in four staterooms. There are four deep tanks in No. 4 hold. The machinery is located amidships.

(b) There are two basic designs of the C2 type which are considered to be standard, the C2–S–AJ1 and the C2–S–B1.

(c) In addition to the standard type C2's, there are the following subtypes:

(1) The C2–S–AJ2 and the C2–S–AJ5 are not available for disposal and are subject only to price adjustment for prior sales under section 9 of the act, and are also subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

(2) The C2–S–AJ3, a modification of the C2–S–AJ1, is a military conversion.

(3) When reconverted to the cargo vessel type, the C2–S–AJ3 will have basic features similar to the standard C2–S–AJ1 design.

(4) The C2 Cargo and the C2T vessels available for disposal are military conversions. When reconverted to cargo vessels, they will have basic features similar to the standard C2–S–B1 design, except that the propulsion on the C2 Cargo is either steam or Diesel, and on the C2T is Diesel.

(5) The C2–S–E1 vessels available, for disposal are military conversions. When reconverted to the cargo vessel type, they will have basic characteristics as noted below. The price of these vessels is subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

(d) Principal design characteristics are listed below:

Design	C2–S–B1 Shelter deck	C2–S–AJ1 Modified full scantling	C2–S–E1 Shelter deck
Length over-all	459′ 3″	459′ 1″	465′ 5½″.
Beam molded	63′ 0″	63′ 0″	63′ 0″.
Depth molded	40′ 6″	40′ 0″	40′ 0″.
Load draft molded	25′ 9″	27′ 0″	27′ 4″.
Deadweight	9,200	10,800	10,700.
Gross tons	6,200	8,300	6,170.
Net tons	3,500	4,800	3,720.
Bale cubic capacity	546,000	542,800	568,477.
Net refrigerated capacity.			
Propulsion	Turbine.	Turbine.	Turbine.
Shaft h. p., normal	6,000	6,000	6,000.
Speed, knots	15½	15½	15½.
Passengers	8	8	12
Staterooms	4	4	6.

(e) The prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,100,000	$2,736,624	$1,050,000	$957,518

§ 299.79 *Type C2F.* (a) The C2F vessel is a steel vessel with a raked stem and a cruiser stern. The quarters will accommodate eight passengers in four staterooms. The machinery is located amidships.

(b) The principal characteristics of these vessels are listed below:

Design:	*Shelter deck*
Length over-all	459′2½″.
Beam molded	63′0″.
Depth molded	40′6″.
Load draft molded	25′9″.
Deadweight tons	9,400.
Gross tons	6,155.
Net tons	3,615.
Bale cubic capacity	558,000.
Propulsion	Turbine.
Shaft h. p., normal	6,000.
Speed, knots	15½.

(c) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,274,000	$2,963,373	$1,137,000	$1,037,181

§ 299.80 *Type C2S.* a) The C2S is a steel cargo vessel specially designed for South African trade with raked stem and cruiser stern. The quarters accommodate twelve passengers in eight staterooms. The machinery is located amidships.

(b) The principal design characteristics of this vessel are listed below:

Design:	*Shelter deck*
Length over-all	479′8″.
Beam molded	66′0″.
Depth molded	43′0″.
Load draft molded	27′0″.
Deadweight tons	10,000.
Gross tons	7,101.
Net tons	4,259.
Bale cubic capacity	594,000.
Net refrigerated cargo capacity	11,500.
Propulsion	Turbine.
Shaft, h. p., normal	6,300.
Speed, knots	16.

(c) The prices of the standard C2S type are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,354,000	$3,067,625	$1,177,000	$1,073,609

§ 299.81 *Type C2SU.* (a) The C2SU is a steel vessel with raked stem and cruiser stern. The quarters will accommodate twelve passengers in six staterooms. There are two variations of this type, one is a general cargo carrier with partial refrigerated capacity; the other variation is all refrigerated. The machinery is located amidships.

(b) The principal design characteristics of each of these vessels are listed below:

Design	Partially refrigerated (shelter deck)	All refrigerated (flush deck)
Length over-all	474′ 1″	474′ 1″.
Beam molded	63′ 0″	63′ 0″.
Depth molded	40′ 6″	40′ 6″.
Load draft molded	26′ 6″	26′ 6″
Deadweight tons	9,600	7,925.
Gross tons	6,622	8,501.
Net tons	3,854	5,053.
Bale cubic capacity	507,000	
Net refrigerated cargo capacity.	28,000	384,600.
Propulsion	Diesel	Diesel.
Shaft h. p., normal	7,500	7,500.
Speed, knots	16	16.

(c) The prices of the standard and refrigerated designs are as follows:

	Prewar domestic cost	Domestic war cost
C2SU (Standard)	$2,470,000	$3,218,791
C2SU (Reefer)	3,450,000	4,437,409

	Unadjusted statutory sales price	Floor price
C2SU (Standard)	$1,235,000	$1,126,577
C2SU (Reefer)	1,725,000	1,553,093

§ 299.82 *Type C3.* (a) The standard C3 cargo vessel is a steel, shelter deck type vessel with a raked stem and cruiser stern. The vessel will accommodate twelve passengers in six staterooms. There are four deep tanks in No. 2 hold. The propelling machinery is located amidships.

(b) The C3–S–A2 is considered to be the standard vessel of this type.

(c) In addition are the following subtypes:

(1) The C3–S–A1 is basically similar to the C3–S–A2 design. All vessels of this type have been converted to escort aircraft carriers, and are not generally suitable for reconversion.

(2) The C3–M and C3 Cargo are basically similar to the C3–S–A2 design. The C3M is not available for disposal, but is subject to price adjustment for prior sales under section 9 of the act.

(d) One C3 cargo vessel, now a military conversion, is available for disposal.

(e) The principal design characteristics of the standard design are listed below:

Design:	*Standard C3–S–A2—shelter deck*
Length over-all	492′0″.
Beam molded	69′6″.
Depth molded	42′6″.
Load draft molded	28′6″.
Deadweight	12,300.
Gross tons	7,900.
Net tons	4,600.
Bale cubic capacity	732,000.
Propulsion	Turbine.
Shaft h. p., normal	8,500.
Speed, knots	16½.
Passengers	12.
Staterooms	6.

(f) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,440,000	$3,659,228	[1] $1,230,000	$1,280,730

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

(g) The C3–S–BH1 is properly a C3 type and is determined to be a subtype of the standard type C3. The betterments or deficiencies of the C3–S–BH1 will be priced in accordance with section 3 (d) of the Ship Sales Act of 1946.

§ 299.83 *Type C3–3–A3 and C3E.* (a) The standard type for these designations is a steel vessel with raked stem and a double knuckle stern. The machinery is located amidships. There are no passenger accommodations nor cargo deep tanks provided.

(b) The principal design characteristics for these vessels are listed below:

Design:	*Shelter deck*
Length over-all	473′1″.
Beam molded	66′0″.
Depth molded	42′3″.
Load draft molded	27′8″.
Deadweight tons	9,900.
Gross tons	6,736.
Net tons	3,996.
Bale cubic capacity	551,000.
Propulsion	Turbine.
Shaft h. p., normal	8,000.
Speed, knots	16½.

(c) The prices of the standard C3–S–A3 and C3E are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,300,000	$3,143,964	$1,150,000	$1,100,387

§ 299.84 *Type C3–S–BH2.*[1] (Not previously published.) The prices for the C3–S–BH2 type are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$3,040,000	$4,411,977	*50% 1941 cost* [1] $1,520,000	*35% war cost* $1,544,191

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry-cargo vessels, except a Liberty type vessel, may be sold at less than 35% of the domestic war cost.

[1] For adjustment of prior sales; not available for disposal.

§ 299.85 *Type C4.* (a) The standard C4 cargo vessel is a steel, full scantling type vessel with a raked stem and cruiser stern. The quarters will accommodate twelve passengers in four staterooms. The propelling machinery is located aft.

(b) The C4–S–B5 is considered to be the standard design of this type vessel.

(c) In addition is a modification of the C4–S–B5, the C4–S–A4, which is subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

(d) Also, there are the C4–S–A1, the C4–S–A3, the C4–S–B1, and the C4–S–B2 designs. The C4–S–A1 and C4–S–A3 are military transports. Reconversion to cargo vessels will result in principal characteristics similar to the C4–S–A4 modified design. The C4–S–B1 is an Army tank carrier and the C4–S–B2 is a troop ship; reconversion to cargo vessels will result in principal characteristics similar to the standard C4–S–B5.

(e) The principal design characteristics of the standard and modified vessels are listed below:

Design	Standard C4–S–B5 Full scantling	Modified C4–S–A4 Full scantling
Length over-all	520′0″	522′10½″.
Beam molded	71′6″	71′6″.
Depth molded	43′6″	43′6″.
Load draft molded	32′9″	32′9″.
Deadweight tons	15,570	15,540.
Gross tons	10,780	10,680.
Net tons	7,530	7,490.
Bale cubic capacity	711,880	672,240.
Propulsion	Turbine	Turbine.
Shaft h. p., normal	9,000	9,000.
Speed, knots	16½	16½.
Passengers	112	4.
Staterooms	14	2.

[1] Passenger accommodations can be provided by suitable minor alterations.

(f) The prices of the standard C4–S–B5 are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$3,300,000	$4,420,965	$1,650,000	$1,547,338

§ 299.86 *Type N3.* (a) The standard vessel is a steel, single deck vessel with a vertical stem and cruiser stern. The propelling machinery consists of a reciprocating steam engine directly connected to a single screw. The machinery is located amidships.

(b) There are two basic designs of the N3 type which are considered standard; the N3–S–A2, which has oil-fired boilers, and the N3–S–A1, which has coal-fired boilers.

(c) The principal design characteristics of the standard vessels are listed below:

Design	N3–S–A1 Full scantling	N3–S–A2[1] Full scantling
Length over-all	258′9″	259′9½″.
Beam molded	42′1″	42′1″.
Depth molded	20′5″	20′5″.
Load draft molded	17′11¼″	17′11¼″.
Deadweight tons	2,900	2,760.
Gross tons	1,790	1,900.
Net tons	1,020	1,000.
Bale cubic capacity	121,000	118,000.
Propulsion	Coal burning.	Oil burning
Indicated h. p.	1,300	1,300.
Speed, knots	10	11.

(d) The prices of the standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$760,000	$1,339,477	[1] $380,000	$468,817

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

§ 299.87 *Type N3–M–A1.* (a) (Not previously published.) The principal design characteristics are as follows:

L. O. A	269′10″.
LBP	255′0″.
Beam mld	42′6″.
Depth mld	25′3″.
Cubic bale capacity	161,000 cubic feet.
Draft	20′9″.
Brake horsepower	1,300 at 277 r. p. m.
Speed	10¼ knots.
Maximum displacement	5,202 long tons.
Gross tonnage	2,323.
Net tonnage	1,723.
Deadweight	4,054 long tons.

(b) The basic N3–M–A1 cargo vessel is a cargo vessel without any special features such as deep tanks, cargo reefer, or heavy lift equipment, and is assumed to meet requirements for satisfactory certification by the American Bureau of Shipping, United States Public Health Service and the Coast Guard. The N3–M–A1 shall be assumed to have the following basic outfit:

2 Masts.
6 5-ton booms.
6 Winches.
2 Lifeboats.

(c) The price set forth in this paragraph does not include machinery or equipment that is not provided in accordance with standard Merchant Marine practice for a vessel of this size and type. Equipment and betterments such as machine tools, welding machines, compressors, evaporators, diving equipment, generators (in excess capacity required for the basic ship), towing winches, landing craft, cargo pumps, and troop accommodations are definitely not included in these prices.

(d) The prices of the standard type are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$786,000	$1,384,932	*50 percent 1941 cost* $393,000	*35 percent war cost* $484,726

LIBERTY

§ 299.89 *Type EC2 (Liberty).* (a) The standard Liberty cargo vessel is steel, full scantling vessel with a raked stem and a cruiser stern. Deep tanks are installed in No. 1 and No. 4 holds. The propelling machinery is located amidships.

(b) The EC2–S–C1 is considered to be the standard design of the Liberty type vessels. The modified designs are the Z–EC2–S–C5, the Z–ET1–S–C3, and the EC2–S–AW.

(c) In addition there is the Z–EC2–S–C2, a tank carrier, which has basic features similar to the modified Z–EC2–S–C5 design, and the Canadian Liberty ship, which is similar to the EC2–S–C1, but is coal-fired rather than oil-fired.

(d) The principal design characteristics of the standard vessel and of the modified designs are listed below:

Design	Standard EC2–S–C1 Full scantling	Modified Z–EC2–S–C5 Boxed airplane tr.	Modified Z–ET1–S–C3 Tanker	Modified EC2–S–AW1 Collier
Length over-all	441' 6".	441' 6".	441' 6".	441' 6".
Beam molded	56' 10¾".	56' 10¾".	56' 10¾".	56' 10¾".
Depth molded	37' 4".	37' 4".	37' 4".	37' 4".
Load draft molded	27' 8".	27' 8".	27' 8".	28' 7".
Deadweight tons	10,800.	10,600.	10,800.	11,040.
Gross tons	7,170.	7,200.	7,243.	6,640.
Net tons	4,380.	4,300.	4,384.	3,740.
Bale cubic capacity	500,000.	490,000.		472,800.
Barrel capacity			65,000.	
Propulsion	Steam recip. [1]	Steam recip. [1]	Steam recip. [1]	Steam recip. [2]
Indicated h. p.	2,500.	2,500.	2,500.	2,500.
Speed, knots	11.	11.	11.	11.

[1] Located amidship. [2] Located aft.

(e) The prices of the EC2 vessels, which under the terms of the act shall be the same for all designs, are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,278,000	$1,728,590	$639,000	$544,506

PASSENGER-CARGO VESSELS

§ 299.91 *Type passenger and cargo.* (a) The passenger and cargo type vessel is a single screw, turbine-propelled vessel with a raked stem and contour stern.

(b) Vessels of this type available for disposal are now military auxiliaries.

(c) When reconverted to passenger and cargo vessels, the principal design characteristics will be as follows:

Length over-all	491' 0".
Beam molded	67' 6".
Depth molded	89' 9".
Load draft molded	25' 6".
Deadweight tons	9,021.
Gross tons	7,980.
Net tons	4,540.
Bale cubic capacity	453,273.
Propulsion	Turbine
Shaft h. p., normal	7,800.
Speed, knots	16½.
Passengers	67.
Staterooms	26.

(d) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$3,300,000	$4,300,409	$1,650,000	$1,505,143

§ 299.92 *Type P2–SE2–R3.* (a) (Not previously published.) The P2–SE2–R3 type is a passenger-cargo vessel.

(b) The prices of the standard type are as follows:

Prewar domestic cost	*Unadjusted statutory sales price (50% 1941 cost)*
$11,200,000	[1] $5,600,000

[1] The vessel floor price is estimated to be about $7,267,241 and the minimum sales price will be so determined. The war built cost and floor price will not be finally determined until the vessels have been completed.

§ 299.93 *Type P2.* (a) The P2 type is a steel, twin screw combination vessel with a curved stem and cruiser stern.

(b) There are two standard designs of the P2 type, the P2–SE2–R1 and the P2–S2–R2, both of which are military transports. Principal design characteristics are as follows:

	P2–SE2–R1	P2–S2–R2
Length over-all	608' 11".	622' 7".
Beam molded	75' 6".	75' 6".
Depth molded	52' 6".	51' 6".
Load draft molded	26' 6".	28' 1".
Deadweight tons	11,913.	10,025.
Gross tons	15,940.	17,830.
Net tons	9,320.	10,000.
Bale cubic capacity	106,349.	145,680.
Propulsion	Turb.-elect.	Turbine
Shaft h. p., normal	18,000.	17,000.
Speed, knots	19.	19.
Passengers		
Staterooms		

(c) Prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
[1] $6,949,967	[1] $9,647,293	[1] $3,474,983	[1] $3,376,553

[1] Price based on bare boat ship after removal of national defense features and without passenger accommodations or additional cargo handling gear.

§ 299.94 *S. S. America.* (a) The S. S. *America* is a twin screw turbine propelled passenger and freight ocean liner. The vessel has a curved raked stem and an elliptical cruiser stern. The quarters will accommodate about 1,082 passengers. The machinery is located amidships.

(b) The principal design characteristics of the S. S. *America*, as reconverted, are as follows:

Length	723' 0".
Beam molded	93' 3".
Depth molded	62' 11½".
Load draft molded	32' 6".
Deadweight tons	13,635 est.
Gross tons	26,455.
Net tons	14,320.
Bale cubic capacity	260,300 est.
Net refrigerated capacity	33,510.
Propulsion	Turbine.
Shaft h p., normal	34,000.
Speed, knots	22.

(c) The prices [1] for the S. S. *America* are as follows:

Prewar domestic cost	$18,500,000
Unadjusted statutory sales price	9,250,000

[1] Domestic war cost and floor price are not applicable to passenger vessels constructed before January 1, 1941.

REEFERS

§ 299.95 *Type R1–M–AV3.* (a) The R1–M–AV3 is a steel, full scantling, refrigerated cargo type vessel, with a raked stem and cruiser stern. In addition, there are available for disposal fully refrigerated C1–M–AV1 vessels, which are a subtype of the R1–M–AV3, and are subject to price adjustment under section 3 (d) (3) of the act. Principal design characteristics of the R1–M–AV3 are as follows:

Length over-all	338'8½".
Beam molded	50'0".
Depth molded	29'0".
Load draft molded	21'0".
Deadweight tons	4,370.
Gross tons	3,770.
Net tons	2,100.
Reefer cubic capacity	-----
Propulsion	Diesel.
Shaft h. p., normal	1,700.
Speed, knots	10½.
Passengers	0.
Staterooms	0.

(b) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,750,000	$2,449,385	$875,000	$857,285

§ 299.96 *Type R2–S–BV1.* (a) The R2–S–BV1 is an all refrigerated C2–S–B1 cargo vessel (see § 299.78) with a raked stem and cruiser stern. The quarters will accommodate eight passengers in four staterooms. The machinery is located amidships.

(b) The principal characteristics of this vessel are listed below:

Design:	*Flush deck*
Length over-all	459'2½".
Beam molded	63'0".
Depth molded	40'6".
Load draft molded	25'9".
Deadweight tons	8,150.
Gross tons	6,178.
Net tons	3,483.
Net refrigerated capacity	348,000.
Propulsion	Turbine.
Shaft h. p., normal	6,000.
Speed, knots	15½.

(c) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$3,440,000	$4,464,998	$1,720,000	$1,562,749

TANKERS

§ 299.97 *Type T1–M–BT.* (a) The T1–M–BT tanker is a steel, 31,000 barrel tanker with a raked stem and cruiser stern. The propelling machinery consists of a Diesel engine geared to a single screw. The machinery is located aft.

(b) The T1–M–BT1 and the T1–M–BT2 are both considered to be standard designs of this type of tanker.

(c) The principal design characteristics, which are the same for both designs, are listed below:

Length over-all	325'4".
Beam molded	48'2".
Depth molded	21'9".
Load draft molded	19'0".
Deadweight tons	4,189.
Gross tons	3,260.
Net tons	1,680.
Barrel capacity	31,000.
Propulsion	Diesel.
Shaft h. p., normal	1,400.
Speed, knots	10.

(d) The prices of the standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$994,000	$1,774,038	[1] $869,750	$857,019

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no tanker may be sold at less than 50 percent of the domestic war cost.

§ 299.98 *Type T2 tanker.* (a) The type T2 tanker is a steel, single screw bulk oil carrier of single deck type with raked stem and cruiser stern. The machinery is located aft.

(b) There are two standard designs of the type T2 tankers, M. C. Hulls 142–147 and M. C. Hulls 148–149, 157–159. Principal design characteristics of both types available for disposal are as follows:

	MC hulls 142–147	MC hulls 148–149, 157–159
Length over-all	501' 4½"	520' 0".
Beam molded	68' 0"	68' 0".
Depth molded	37' 0"	37' 0".
Load draft molded	29' 8½"	29' 11⅝".
Deadweight tons	15,910	16,300.
Gross tons	9,890	10,300.
Net tons	5,928	6,086.
Tank cargo capacity	130,016 bbls	138,523 bbls.
Propulsion	Turbine	Turbine.
Shaft h. p., normal	12,000 max	12,000 max.
Speed, knots	16½	16½.

(c) The prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,460,000	$3,197,897	$2,152,500	$1,508,949

§ 299.99 *Type T2–SE–A1, tanker.* (a) The T2–SE–A1 is a steel, 140,000 barrel tanker with a raked stem and a cruiser stern. The propelling machinery consists of turbo-electric drive and a single screw. The machinery is located aft.

(b) The T2–SE–A1 is considered to be the standard vessel of this type.

(c) In addition, are the modified designs, the T2–SE–A2 and the T2–SE–A3. The T2–SE–A2 tanker is basically similar to the T2–SE–A1, except that it has a normal shaft horsepower of 10000 and a speed of 16 knots. The T2–SE–A3 is a Navy tanker and upon conversion to commercial operation will have the same principal design characteristics as the T2–SE–A2 tanker.

(d) The price of the T2–SE–A2 is subject to adjustment for desirable features in accordance with section 3 (d) (3) of the act.

(e) The principal design characteristics of the standard end of the modified designs are listed below:

Design	Standard T2–SE–A1	Modified T2–SE–A2 & A3
Length over-all	623'6"	623'6".
Beam molded	68'0"	68'0".
Depth molded	39'3"	39'3".
Load draft molded	30'2"	30'2".
Deadweight tons	16,760	16,580.
Gross tons	10,200	10,460.
Net tons	6,100	7,340.
Barrel capacity	140,000	140,000.
Propulsion	Turbo-electric	Turbo-electric.
Shaft h. p., normal	6,000	10,000.
Speed, knots	14½	16.

(f) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,316,000	$3,010,703	$2,026,500	$1,505,352

§ 299.100 *Type T3–M–AZ1.* (a) The T3–M–AZ1 is a 152,000 barrel tanker with a raked stem and cruiser stern. The propelling machinery is Diesel and is located aft. Principal design characteristics of this type of tanker are as follows:

Length over-all	547'3¾".
Beam molded	70'0".
Depth molded	40'0".
Load draft molded	30'1".
Deadweight tons	17,910.
Gross tons	11,400.
Net tons	6,906.
Tank cargo capacity	152,595 bbls.
Propulsion	Diesel.
Shaft h. p., normal	7,500.
Speed, knots	15½.

(b) The prices for the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,614,000	$3,398,091	$2,287,250	$1,699,046

§ 299.101 *Type T3–S–A1 tanker.* (a) The T3–S–A1 is a steel, 134,000 barrel tanker with a raked stem and cruiser stern. The propelling machinery is located aft.

(b) The principal design characteristics of the standard vessel are listed below:

Length over-all	501'8".
Beam molded	68'0".
Depth molded	37'0".
Load draft molded	29'11".
Deadweight tons	16,500.
Gross tons	9,900.
Net tons	5,900.
Barrel capacity	134,000.
Propulsion	Turbine.
Shaft h. p., normal	7,000.
Speed, knots	15½.

(c) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,175,000	$2,970,029	$1,903,125	$1,485,015

§ 299.102 *Type T3–S–BZ1.* (a) The T3–S–BZ1 is a steel, single screw tanker with a raked stem and cruiser stern. The machinery is located aft.

(b) Principal design characteristics are as follows:

Length between perpendiculars	541'0".
Beam molded	80'0".
Depth molded	40'0".
Load draft molded	31'6".
Deadweight tons	23,789.
Gross tons	14,136.
Net tons	11,455.
Tank cargo capacity	215,000.
Propulsion	Turbine.
Shaft h. p., normal	13,400 max.
Speed, knots	16½.

(c) The prices for the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,080,000	$2,612,305	$1,820,000	$1,306,153

§ 299.103 *U. S. S. Atascosa.* (a) The U. S. S. *Atascosa* is a steel, single screw tanker with machinery located aft.

(b) The principal design characteristics of the U. S. S. *Atascosa* are as follows:

Length over-all	547'3".
Beam molded	70'.
Depth molded	40'.
Load draft	30'4½".
Deadweight tons	18,450.
Gross tons	11,344.
Net tons	6,865.
Propulsion	Turbine.
Shaft h. p.	9020 (max.).
Speed knots	16.
Barrel capacity	156,800.

(c) The figures for tonnage, deadweight and draft may be subject to minor revisions in reconversion to commercial operation.

(d) The prices for the U. S. S. *Atascosa* are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,513,700	$3,267,810	$2,199,488	$1,633,905

§ 299.104 *S. S. Bulkoil.* (a) The S. S. *Bulkoil* is a steel, 112,000 barrel tanker. The propelling machine is located aft. Principal design characteristics are as follows:

Length over-all	457'.
Beam molded	59'.
Depth molded	36'.
Load draft molded	29' 7⅜".
Deadweight tons	13,080.
Gross tons	8,071.
Net tons	6,307.
Propulsion	Turbine.
Shaft h. p., normal	9,430.
Speed, knots	17.
Barrel capacity	112,000.

(b) The prices of the S. S. *Bulkoil* are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,957,080	$2,455,150	$1,712,445	$1,227,575

§ 299.105 *Type AOG 49 U. S. C. Chestatee.* (a) (Not previously published.) The AOG 49 U. S. S. *Chestatee* is described as a Navy Auxiliary Gasoline Tanker, welded steel construction, twin

screw, diesel electric drive, expansion trunk type with long forecastle and poop, straight raked stem, cruiser stern with machinery aft.

(b) The principal design characteristics of the AOG 49 U. S. S. *Chestatee* are as follows:

LOA	310'9".
LBP	292'0".
Beam	48'7".
Depth	19'9".
Draft (designed)	15'0".
Liquid cargo:	
Gasoline—oil	15,865 bbls.
Lubricating oil	1,065 bbls.
Dry cargo (bale capacity)	19,310 cu. ft.
Dead-weight tons	2,265.
Built-weight tons	1,865.
Max. displacement tons	4,130.
SHP	3,700.
Type main prop. mach	Diesel electric.
Screws	Twin.
Speed, knots	14.

(c) The prices for the AOG 49 U. S. S. *Chestatee* in "as is" condition are as follows:

Prewar domestic cost	Domestic war cost	Statutory sales price (87.5% prewar domestic cost)	Floor price (50% domestic war cost)
$966,549	$1,725,000	[1] $845,730	$862,500

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no tanker may be sold at less than 50 percent of the domestic war cost.

§ 299.106 *U. S. S. Chicopee and U. S. S. Housatonic.* (a) The U. S. S. *Chicopee* and U. S. S. *Housatonic* are steel, single screw tankers with machinery located aft.

(b) The principal design characteristics of the U. S. S. *Chicopee* and U. S. S. *Housatonic* are as follows:

Length over-all	520'0".
Beam molded	68'.
Depth molded	37'.
Load draft	30'1½".
Deadweight tons	16,640.
Gross tons	10,097.
Net tons	6,042.
Propulsion	Turbine.
Shaft h. p	9900 (max.).
Speed knots	16.
Barrel capacity	138,523.

(c) The figures for tonnage, deadweight and draft may be subject to minor revisions in reconversion to commercial operation.

(d) The prices for the U. S. S. *Chicopee* and U. S. S. *Housatonic* are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$2,464,387	$3,203,703	$2,156,339	$1,601,852

§ 299.107 *S. S. Culpepper.* (a) The S. S. *Culpepper* is a steel, single screw tanker with machinery located aft.

(b) The principal design characteristics of the S. S. *Culpepper* are as follows:

Length between perpendiculars	403'9¼".
Beam molded	60'0".
Depth molded	37'0".
Load draft	28'6¼".
Deadweight tons	12,600.
Gross tons	7,416.
Net tons	6,059.
Propulsion	Diesel.
Shaft h. p	2,000.
Speed, knots	10½.

(c) The prices for the S. S. *Culpepper* are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,569,000	$2,039,700	$1,372,875	$1,019,850

§ 299.108 *Type AOG 51 U. S. S. Maquoketa.* (a) (Not previously published.) The AOG 51 U. S. S. *Maquoketa* is described as a Navy Auxiliary Gasoline Tanker, welded steel construction, twin screw, diesel electric drive, expansion trunk type with long forecastle poop, straight raked stem, cruiser stern with machinery aft.

(b) The principal design characteristics of the AOG 51 U. S. S. *Maquoketa* are as follows:

LOA	310'9".
LBP	292'0".
Beam	48'7".
Depth	19'9".
Draft (designed)	15'0".
Liquid cargo:	
Gasoline—oil	15,865 bbls.
Lubricating oil	1,065 bbls.
Dry cargo (bale capacity)	19,310 cu. ft.
Dead-weight tons	2,265.
Built-weight tons	1,865.
Max. displacement tons	4,130.
SHP	3,700.
Type main prop. mach	Diesel electric.
Screws	Twin.
Speed, knots	14.

(c) The prices for the AOG 51 U. S. S. *Maquoketa* in "as in" condition are as follows:

Prewar domestic cost	Domestic war cost	Statutory sales price (87.5% prewar domestic cost)	Floor price (50% domestic war cost)
$966,549	$1,725,000	[1] $845,730	$862,500

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no tanker may be sold at less than 50 percent of the domestic war cost.

§ 299.109 *Type AOG 58 U. S. S. Pinnebog.* (a) (Not previously published.) The AOG 58 U. S. S. *Pinnebog* is described as a Navy Auxiliary Gasoline Tanker, welded steel construction, twin screw, diesel electric drive, expansion trunk type with long forecastle and poop, straight raked stem, cruiser stern with machinery aft.

(b) The principal design characteristics of the AOG 58 U. S. S. *Pinnebog* are as follows:

LOA	310'9".
LBP	292'0".
Beam	48'7".
Depth	19'9".
Draft (designed)	15'0".
Liquid cargo:	
Gasoline—oil	15,865 bbls.
Lubricating oil	1,065 bbls.
Dry cargo (bale capacity)	19,310 cu. ft.
Dead-weight tons	2,265.
Built-weight tons	1,865.
Max. displacement tons	4,130.
SHP	3,700.
Type main prop. mach	Diesel electric.
Screws	Twin.
Speed, knots	14.

(c) The prices for the AOG 58 U. S. S. *Pinnebog* in "as is" condition are as follows:

Prewar domestic cost	Domestic war cost	Statutory sales price (87.5% prewar domestic cost)	Floor price (50% domestic war cost)
$966,549	$1,725,000	[1] $845,730	$862,500

[1] Price inapplicable since under the terms of the Ship Sales Act of 1946 no tanker may be sold at less than 50 percent of the domestic war cost.

§ 299.110 *S. S. St. James.* (a) The S. S. *St. James* is a steel, twin screw tanker with machinery located aft.

(b) The principal design characteristics of the S. S. *St. James* are as follows:

Length between perpendiculars	416'0".
Beam molded	56'0".
Depth molded	35'0".
Deadweight tons	12,200 (approx.).
Gross tons	7,301.
Net tons	5,826.
Propulsion	Diesel.
Shaft h. p	2,400.
Speed, knots	10½.

(c) The prices for the S. S. *St. James* are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$1,653,500	$2,149,550	$1,446,812	$1,074,775

VICTORY

§ 299.115 *Type VC2 (Victory).* (a) The standard Victory cargo vessel is a steel, full scantling type vessel with a raked stem and cruiser stern. The quarters will accommodate eight passengers in four staterooms. Deep tanks are installed abreast of and up to the top of the shaft alley in No. 4 and No. 5 holds. The propelling machinery is located amidships.

(b) The VC2–S–AP2 is the standard Victory cargo vessel. The VC2–S–AP3 is a modified Victory cargo vessel with principal design characteristics basically similar to the standard design, except that the VC2–S–AP3 has 8500 horsepower turbine drive and a speed of 17 knots.

(c) In addition to the above standard and modified designs are the VC2–M–AP4 and the VC2–S–AP5. The VC2–M–AP4 is a modification of the VC2–S–AP2, being a 5,850 horsepower Diesel-propelled vessel having a speed of 15 knots and a deadweight of 10,180 tons. The VC2–S–AP5 is a Navy transport design and upon conversion to a cargo ship will have the same principal design characteristics as the VC–2–S–AP3.

(d) The price of the VC2–M–AP4 is subject to adjustments for desirable features in accordance with section 3 (d) (3) of the act.

(e) The principal design characteristics of the standard vessel and of the modified designs are listed below:

Design	Standard VC2–S–AP2 Full scantling	Modified VC2–S–AP3 Full scantling	Modified VC2–M–AP4 Full scantling
Length over-all	455' 3"	455' 3"	455' 3".
Beam molded	62' 0"	62' 0"	62' 0".
Depth molded	38' 0"	38' 0"	38' 0".
Load draft molded	28' 6"	28' 6"	28' 6".
Deadweight tons	10,800	10,800	10,180.
Gross tons	7,600	7,600	7,600.
Net tons	4,600	4,600	4,615.
Bale cubic capacity	453,000	453,000	452,385.
Propulsion	Turbine.	Turbine.	Diesel.
Shaft h. p., normal	6,000	8,500	5,850.
Speed, knots	15.3	17	15.
Passengers	[1] 8	[1] 8	[1] 8.
Staterooms	4	4	4.

[1] Passenger accommodations can be provided by suitable minor alterations.

Type	Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
Dry cargo				
C2–S1–AJ4 combination cargo-passenger	$3,194,606	$3,993,258	$1,597,303	$1,397,640
C2–S–A1	2,275,000	2,964,676	1,137,500	1,037,637
C3 P&C	3,800,000	4,940,000	1,900,000	1,729,090
C5–S–AX1	3,460,000	4,508,914	1,730,000	1,578,120
L6	1,792,000	2,335,252	896,000	817,338
R2–ST–AU1	4,300,000	5,530,684	2,150,000	1,935,739
Tankers				
T3–S–BF1	1,789,500	2,244,925	1,565,812	1,122,463

§ 299.117 *Special C3 Type.*[1] (a) (Not previously published.) The C3–S–A4 and C3–S–A5 are determined to be Special C3 type vessels.

(b) The principal design characteristics for the C3–S–A4 and C3–S–A5 are listed below:

Length over-all	492'0".
Beam molded	69'6".
Depth molded	42'6".
Propulsion	Turbine.
SHP normal	8,500.
Speed, knots	16½.

(c) The principal features of the C3–S–A4 and C3–S–A5 are as follows:

Cargo holds dehumidified.
Cargo refrigeration.
Cargo oil handling (steam heat).
Special cargo and specie lockers.

(d) The above design characteristics and principal features are for identification purposes only.

(e) The prices of the C3–S–A4 and C3–S–A5 are as follows:

Estimated prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$3,110,000	$4,589,957	[1] $1,555,000	[1] $1,606,484

[1] The publication of these prices is for the purpose of adjustment of prior sale of the vessels under Section 9 of the Merchant Ship Sales Act of 1946 and said prices are subject to adjustment upward for minor betterments applicable to the individual vessels. The statutory sales price is inapplicable since under the provisions of said act no dry-cargo vessel, except a Liberty type, may be sold at less than 35 percent of the domestic war cost.

[1] For adjustment of prior sales; not available for disposal.

§ 299.118 *Type C3–S1–BR1.*[1] (a) The C3–S1–BR1 type is a combination cargo and passenger vessel with accommodations for 119 passengers.

(b) The prices of the standard type are as follows:

Prewar domestic cost	Domestic war cost	Statutory sales price	Floor price
$5,883,206	$7,354,007	$2,941,603	$2,573,903

§ 299.119 *Type S3–S2–BP1.* (a) The S3–S2–BP1 is a special twin screw cable ship with clipper bow contour and cruiser stern. It has four cable tanks. Principal design characteristics are as follows:

Length over-all	362'0".
Beam molded	47'0".
Depth molded	33'9".
Load draft molded	25'0".
Deadweight tons	4,330.
Gross tons	3,940.
Net tons	1,690.
Bale cubic capacity	49,642.
Propulsion	Recip. steam.
Shaft h. p., normal	4,000.
Speed, knots	14.
Passengers	0.
Staterooms	0.

[1] The revised and new prices as above set forth are published for purposes of adjustment for prior sales to citizens in accordance with section 9 of the act. No vessel of this type is available for disposal.

(f) The prices of the VC2–S–AP2 and VC2–S–AP3 types are as follows:

	Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
VC2–S–AP2	$1,958,000	$2,511,877	$979,000	$879,157
VC2–S–AP3	2,130,000	2,872,659	1,065,000	1,005,431

MISCELLANEOUS

§ 299.116 *Miscellaneous.* The following types and prices are included for purposes of adjustment for prior sales to citizens in accordance with section 9 of the act. No vessels of these types are available for disposal.

NOTE: Prices for the C2–S–A1, C5–S–AX1, L6, R2–ST–AU1, and T3–S–BF1 types were published August 17, 1946, 11 F.R. 8972 et seq. Prices for the C2–S1–AJ4 combination cargo-passenger and the C3 and P & C types were published September 28, 1946, 11 F. R. 11076.

(b) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
$3,440,000	$4,482,851	$1,720,000	$1,568,998

§ 299.120 *Types S4–SE2–BD1 and BE1.* (a) Both designs are steel, twin screw vessels with raked stem and cruiser stern:

(b) The S4–SE2–BD1 is a transport attack ship. The S4–SE2–BE1 is similar to the BD1, but is arranged as a cargo attack ship with troop accommodations. Principal design characteristics of both types are as follows:

	S4–SE2–BD1	S4–SE2–BE1
Length over-all	426' 0"	426' 0".
Beam molded	58' 0"	58' 0".
Depth molded	37' 0"	37' 0".
Load draft molded	15' 6"	16' 0".
Deadweight tons	2,660	2,994.
Gross tons		
Net tons		
Bale cubic capacity	95,320	116,410.
Propulsion	Turb.-elect.	Turb.-elect.
Shaft h. p., normal	6,000	6,000.
Speed, knots	17½	17½.
Passengers		
Staterooms		

(c) The prices for the two standard designs are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
[1] $2,750,000	$4,115,343	[1] $1,375,000	$1,440,370

[1] Prices are based on bare boat ship after removal of national defense features and without passenger accommodations or additional cargo handling gear. The unadjusted statutory sales price is inapplicable since under the terms of the Ship Sales Act of 1946 no dry cargo vessel, except a Liberty type vessel, may be sold at less than 35 percent of the domestic war cost.

§ 299.121 *Type P1–S2–L2.* (a) The P2–S2–L2 is a steel vessel with raked stem and transom stern. It is a passenger type vessel of special design converted to a Navy troop ship.

(b) Principal design characteristics are as follows:

Length over-all	414' 4".
Beam molded	56' 0".
Depth molded	34' 0".
Load draft molded	18' 0".
Deadweight tons	1,877.
Gross tons	
Net tons	
Bale cubic capacity	82,182.
Propulsion	Turbine.
Shaft h. p., normal	8,000.
Speed, knots	19.
Passengers	
Staterooms	

(c) The prices of the standard design are as follows:

Prewar domestic cost	Domestic war cost	Unadjusted statutory sales price	Floor price
[1] $3,615,000	[1] $4,018,004	[1] $1,807,500	[1] $1,756,301

[1] Price based on bareboat ship after removal of national defense features and without passenger accommodations or additional cargo handling gear.

SUBPART G—FORMS

NOTE: Forms printed in the Code of Federal Regulations are for information only and do not follow the exact format prescribed by the issuing agency.

§ 299.125 *Application to purchase a war-built vessel.* The form of such application shall be substantially as follows:

APPLICATION TO PURCHASE WAR-BUILT VESSEL(S)

Filed by _____
a citizen of _____

The undersigned hereby offers to purchase the war-built vessel(s) hereinafter described (herein called the "war-built vessel(s)") at the statutory sales price, in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the Maritime Administration (or the United States Maritime Commission) (herein call the "Administration"), §§ 299.1 to 299.134, inclusive, of General Order 60, published in the FEDERAL REGISTER _____ (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Administration after the date of publication of such amendment or modification in the FEDERAL REGISTER.

In order to induce the Administration to act favorably on this application, the applicant submits in support thereof the following information:

A. *As to the applicant: Its citizenship and affiliations*

1. Exact name.
2. Form or type of organization.
3. State or other sovereign power under the laws of which organized.
4. Address of principal executive offices and of important branch offices, if any.
5. A brief description of (a) the shipping business of the applicant; and (b) any other business activities of the applicant during the preceding eight years. If within such period the applicant has acquired the business of another person or has been reorganized, there should be included a brief description of such acquisition or reorganization.
6. A list of (a) all subsidiaries, (b) parent company, and (c) all other affiliated interests of the applicant, together with an indication of the nature and extent of the business transacted for the past eight years by each. This information may be furnished in the form of a chart, indicating clearly the relationships between the persons named, and the nature and extent of control.
7. The following information with respect to each officer and director of the applicant: name and address, office, nationality, capital shares owned.[1]
8. Applicant represents that he is a citizen of _____. If applicant claims United States citizenship, attach to the three originals of the application affidavits of United States citizenship in form prescribed by the Administration.

If applicant claims citizenship other than United States citizenship, there should be furnished an affidavit setting forth the facts upon which such claim is based.

In all cases the Administration reserves the right to require such additional information with regard to citizenship which may be necessary to determine the eligibility of applicant under the Act.

[1] If applicant has more than one class of stock, the information requested must be furnished for each class of stock.

B. *As to the management of the applicant*[2]

9. A brief description of the principal business activities during the past eight years of each director and each principal executive officer of the applicant, if requested.
10. The name and address of each other organization engaged in shipping activities with which any person named in answer to the preceding item has any present substantial business connection, the name of such person and, briefly, the nature of such connection, if requested.
11. The name and address of any person who is now acting or within the past eight years has acted as managing or operating agent of the applicant or in any similar capacity and, briefly, the general terms of any agreement with reference thereto, if requested.

C. *As to the war-built vessels*

12. Applicant offers to purchase, at the statutory sales price(s), as determined by the Administration, the war-built vessel(s) designated in items 13 and 14, or the alternative vessels designated in item 15.
13. If specific vessels are applied for, as distinguished from any one or more of a given type, the names of the vessels must be given under this item.
14. If applicant is willing to accept any one or more vessel(s) of a given type or designation, as distinguished from particular vessels, the type or designation of the vessels desired should be set forth as follows:

_____ vessel(s) of
Type _____
Administration's designation _____
_____
Particular characteristics _____
_____

15. If more than one vessel is applied for, state whether applicant will buy any one or more if all are not available for sale to him by placing an "X" or the appropriate number, as the case may be, in the proper space below. In the absence of any indication, it will be assumed that the applicant is willing to accept all or any of the vessels.
(a) All only ( ).
(b) All or any ( ).
(c) Any but not less than _____
Instead of indicating preference by the above table, applicant may designate vessel(s) which he would like to have substituted for those listed in items 12 and 13, if for any reason such vessel(s) cannot be sold to the applicant. Applicant may state as many as three alternative lists of vessels, provided it clearly indicates its order or preference with respect to them.[3]

D. *Terms and conditions of sales*[4]

16. If the application is approved by the Administration, the applicant agrees to execute a contract of sale in form prescribed by the Administration. State what portion of the purchase price (not less than 25 percent of the statutory sales price)[4] applicant agrees to pay not later than upon delivery of the vessel.
17. Furnish full details as to the manner in which the applicant proposes to obtain the amount needed to defray the purchase price of the vessel(s) (that is, at least 25 percent of the purchase price). The applicant should also furnish full details of any proposed security issue, including names of underwriters.
18. If this application is approved by the Administration, state whether or not applicant intends to apply to the Administration, pursuant to section 9 or section 37 of the Shipping Act of 1916, for approval to transfer or place under foreign registry or flag the vessel(s) referred to above after applicant has purchased them.[5] If applicant intends to apply for such approval, state to what foreign registry or flag.
19. Does applicant propose to trade in old vessel(s) for an allowance of credit on the purchase price of a war-built vessel?[6] If so, is application contingent thereon? State date of application for determination for allowance of credit, if filed.

E. *Preference*

20. A statement showing the extent to which losses and requisitions of the applicant's prewar tonnage have been overcome and other information in support of request for preference.

F. *Supplemental information*[7]

21. A brief description of the general character and location of the principal property of the applicant, other than vessels, employed in its business.
22. (a) A list of vessels owned by the applicant, including (1) name; (2) gross tonnage; (3) net tonnage; (4) deadweight tonnage; (5) bale capacities; (6) year built; (7) type; (8) speed; (9) registry; and (10) identification of route or service on which operated.
(b) Information similar to that specified in (a) as to any vessels chartered to and operated by the applicant.
23. Briefly, the general terms of each charter for operation (a) of vessels owned by the applicant and chartered by it to other persons, and (b) of vessels chartered by the applicant from other persons.
24. Full details concerning the services, routes, or lines on which vessels owned or chartered by the applicant are now operated, including ports of call, terminal and dock facilities at all such ports, frequency of sailings per year, description of services and voyages, and names of vessels segregated according to services, routes, or lines.
25. Type and kind of cargo now carried in the trade served as stated in the answer to item 24, information as to how the service or line may be developed for carrying additional types and kinds of cargo, and any factors influencing cargo expectations for the future. If the war-built vessel is to be a combination passenger and freight vessel, state also, by classes, the passenger accommodations and the number of passengers carried and any factors influencing traffic expectations for the future.
26. Information similar to that called for by the two preceding items with respect to any new service, route, or line which the applicant proposes presently to establish.
27. Identification of the service, route, or line described in answer to item 24 or item 26, on which the applicant propose to operate

[2] Answers to questions under B may be omitted by applicants not seeking mortgage aid.

[3] Alternative lists of vessels need not be given at the time the application is filed, but may be added later as an amendment to the application. However, the date of the amendment and not the date of the filing of the original application will be controlling in determining preferences, discussed in § 299.2 of the regulations, with respect to the vessel(s) added by the amendment.

[4] Any trade-in allowance approved by the Administration shall not be applied in reduction of the down payment of 25 percent of the statutory sales price as required by the Act, but shall be applied or credited on any unpaid balance remaining after applying the credit resulting from the down payment.

[5] See § 299.2 (e) of the regulations.

[6] See § 299.22 of the regulations.

[7] Questions under F are optional for applicants who are citizens of the United States unless such applicants request mortgage aid or request reconversion of the vessel(s) pursuant to § 299.7 of the regulations.

the war-built vessel, brief description of passenger accommodations, and statement of type and kind of cargo to be carried by the war-built vessel. Any special requirements of such service, route, or line and the manner in which they may be met by the use of the war-built vessel should be discussed briefly. Any changes in existing services, routes, or lines which the applicant proposes to make in connection with the use of the war-built vessel should also be indicated.
28. A statement as to whether or not the war-built vessel is to be used to replace a vessel now operated by the applicant and, if so, the name of such vessel and the proposed disposition to be made of it by the applicant.

G. *As to exhibits furnished*

29. A list of exhibits, properly identified, which shall include at the time of original filing, the following:

Exhibit I—A copy of the Certificate of Incorporation of the applicant or other organization papers, including all amendments thereto presently in effect.[8]

Exhibit II—A copy of the by-laws or other governing instruments of the applicant, including all amendments thereto presently in effect.[8]

Exhibit III—A copy of (1) balance sheet as of the end of a calendar month (except in instances where the fiscal year of the applicant ends on some other day) within not more than six months and not less than one month (except in instances where the applicant was established more recently) of the date of the filing of the application (or amendment thereto changing the type or number of vessels applied for) with the Commission; (2) a brief statement of the nature of any substantial changes in the financial conditions of the applicant or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements for each year (or other accounting period) beginning with the fiscal year ended in 1939 and ending with the date of the balance sheet.

If during the period covered by such profit and loss statements, the applicant succeeded to the business and assets of another person, the statements furnished should reflect the operations of such predecessor or predecessors for that part of such period preceding the date of acquisition.[9]

Exhibit IV—A copy (specimen if available) of each form of bonds or notes included in the funded debt of the applicant and a copy of each indenture or other instrument under which such securities were issued, including all amendments thereto presently in effect.[8]

[CORPORATE SEAL] _____
(Name of applicant)
By _____
(President)
Attest:
_____
(Secretary)
_____
(Date)

§ 299.126 *Application for determination of allowance of credit for exchange of old vessel.* The form of such application shall be substantially as follows:

[8] Exhibits I and II need be attached to only two executed copies. If Exhibits I and II are not in the English language, formal translations thereof should also be furnished.

[9] Exhibits III and IV shall be prepared in accordance with the instructions and terms of the Administration's "General Financial Statement" (mentioned in § 299.1 (n) of the regulations) or shall be accompanied by statements correlating the data therein to the classification of accounts contained in said "General Financial Statement." Such exhibits must be in the English language.

APPLICATION FOR DETERMINATION OF ALLOWANCE OF CREDIT ON PURCHASE PRICE OF VESSEL

For exchange of old vessel owned by _____ a citizen of _____

The undersigned requests the Maritime Administration to determine the allowance of credit it will make on the purchase price of the vessel or vessels described in item 8 hereof (herein called the "Administration vessel(s)"), for title to the vessel or vessels described in item 3 hereof (herein called the "old vessel(s)"), in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "Act"), and the rules and regulations prescribed by the Maritime Administration (or the United States Maritime Commission) (herein called the "Administration"), §§ 299.1 to 299.207 inclusive, of General Order 60, published in the FEDERAL REGISTER _____ (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Administration after the date of publication of such amendment or modification in the FEDERAL REGISTER.

A. *General*

1. The applicant is a corporation duly organized and existing under the laws of the State of _____.
2. (a) The applicant is a citizen of _____[1]
(b) If applicant is a foreign corporation, state whether controlling interest is owned by a citizen or citizens of the United States and, if so, when was such controlling interest acquired.[2]

B. *Old vessel(s)*

3. (a) Number of old vessels to be turned in _____

(b) Aggregate deadweight tonnage	____	____	____
(c) Aggregate gross tonnage	____	____	____
(d) Name of old vessel(s) (including former names)	____	____	____
(e) Official numbers	____	____	____
(f) Date of delivery by shipbuilder	____	____	____
(g) Name of shipbuilder	____	____	____
(h) Place of construction[3]	____	____	____
(i) Original cost of construction	____	____	____
(j) Documented under laws of	____	____	____
(k) Date acquired by applicant[4]	____	____	____
(l) From whom acquired	____	____	____
(m) Cost to applicant	____	____	____
(n) If acquired at any time from the United States, give price paid United States, date and by whom acquired	____	____	____
(o) When reconstructed or reconditioned[5]	____	____	____
(p) Name and location of shipyard(s) performing work[5]	____	____	____
(q) Cost of such reconstruction or reconditioning[5]	____	____	____
(r) Detailed description of the nature of such reconstruction or reconditioning[5]	____	____	____
(s) Transcript of depreciation schedule filed with last federal income tax return			

4. If the old vessel(s) listed in item 3 is or has been subject to any agreement with the United States which contains a valua-

[1] If the applicant is a citizen of the United States, insert "the United States within the meaning of section 2 of the Shipping Act, 1916, as amended, and section 905 (c) of the Merchant Marine Act, 1936, as amended, and agrees that if the Administration shall take favorable action upon this application, it will furnish promptly, but in any event prior to the acquisition by the Administration of the old vessel, proof satisfactory to the Administration of such citizenship." If the applicant is not a citizen of the United States, insert the name of the country of which applicant is a citizen.

[2] With respect to United States citizens who own the controlling interest in a foreign corporation, proof satisfactory to the Administration of such citizenship and such control will be required if the Administration takes favorable action on this application.

[3] If any vessel listed under Item 3 has been built in a foreign shipyard, state whether such vessel is presently entitled to the privilege of engaging in domestic trade and the date when such privilege was acquired.

[4] A. *Transfer to applicant.* If the vessels were acquired by the applicant otherwise than through cash payment in full therefor, or were acquired for cash, or otherwise, from a transferor in any way affiliated or associated with the applicant, full information shall be given with respect to the following: (1) From whom acquired; (2) terms of sale, cash or otherwise, to applicant; (3) cost, cash or otherwise, to affiliate or associate; (4) details of betterments (nature and cost) made by applicant, and such affiliate or associate; (5) details of any book appreciation and reasons therefore; (6) the affiliation or association, existing between the applicant and the transferor as of the time of the acquisition of the vessels by Applicant and as of the time of this application.

B. *Prior transfers.* If any prior owner of the vessels, other than the immediate transferor to the applicant, was at any time during the period of such ownership, or is, at the time of this application, in any way associated or affiliated with the applicant, full information shall be given with respect to each such prior ownership, as follows: (1) name of prior owner; (2) from whom acquired by such prior owner; (3) cost and other terms of sale, cash or otherwise, to such prior owner; (4) to whom transferred by such prior owner; (5) price and other terms of sale, cash or otherwise, to the transferor from such prior owner; (6) details of betterments (nature and cost) made by such prior owner; (7) details of any book appreciation made by such prior owner and reasons therefor; (8) the affiliation and association between such prior owner with the applicant and with the transferor to such prior owner, existing at the time of acquisition of the vessel by said prior owner and at the time of this application.

C. *Schedules.* The information required pursuant to items A and B above, should be furnished for each vessel in the form of schedules designated 3 (a), 3 (b), etc., and attached to this application.

[5] As to Items (o) to (r) inclusive, state separately, and in detail, as far as possible, work done by or for the account of the United States.

[6] This should be the last port of discharge within the continental limits of the United States on the route in which the vessel is to be operated, and the time of delivery should be approximately the date on which it is expected that the vessel(s) replacing such old vessel(s) will be delivered to the applicant. In no case will the physical delivery of the old vessel be postponed beyond the termination date of the voyage in progress at the time the vessel was delivered.

tion of the vessel(s) for purposes of just compensation, insurance value or other purposes, identify the agreement and list here the amounts specified.

5. There are attached hereto and made a part of this application, schedules designated 5 (a) to 5 (z), inclusive, with respect to each of the vessels listed in item 3 hereof, the following information with respect thereto: (Please repeat headings in filling out schedules).

(a) Type of vessel.
(b) Class.
(c) No. of propellers.
(d) Type of propulsion.
(e) No. of main engines and horsepower.
(f) Sustained sea speed at full load.
(g) Length O. A.
(h) Length B. P.
(i) Breadth.
(j) Depth.
(k) Draft loaded.
(l) Full load displacement, tons.
(m) Deadweight, tons.
(n) Lightweight, tons.
(o) Gross tonnage.
(p) Net tonnage.
(q) Bale cubic capacity.
(r) Number of complete decks.
(s) Number holds.
(t) Number of passengers by classes.
(u) Cubic feet of refrigerated space, with temperatures maintained.
(v) Date of last survey and docking.
(w) Estimated cost of repairs necessary to continue in class at this time.
(x) One copy of survey on redelivery of vessel by United States.
(y) Present employment and location of each vessel.
(z) If chartered, state to whom. If under charter to the United States, give date and number of charter party,

6. The date subsequent to the date of this application on which said vessel(s) will arrive at its final port of discharge within the continental limits of the United States or, if not in operation, its present location.

7. Applicant represents that, subject to agreement on the terms of exchange, the old vessel(s) listed in item 3 hereof will be delivered by applicant to the Administration at approximately the time and at ports within the continental limits of the United States as follows:

Name of vessel	Approximate date of delivery to Administration	Place of delivery

except that applicant desires to retain for use the vessel(s) hereinafter listed in the service or services in which said vessel(s) are presently being operated and requests the Administration that said vessel(s) shall not be so delivered until the date(s) hereinafter set forth:

Name of vessel	Date of proposed delivery to Administration	Place of delivery [4]

[4] This should be the last port of discharge within the continental limits of the United States on the route in which the vessel is to be operated, and the time of delivery should be approximately the date on which it is expected that the vessel(s) replacing such old vessel(s) will be delivered to the applicant. In no case will the physical delivery of the old vessel be postponed beyond the termination date of the voyage in progress at the time the vessel was delivered.

C. Administration vessel

8. The allowance which may be granted by the Administration upon acquisition of the old vessel(s) is to be credited against the purchase price of the following vessel(s):
(a) Number of vessel(s) to be purchased----------
(b) Aggregate deadweight tonnage---------
(c) Aggregate gross tonnage---------
(d) Name(s) or type designation(s)---------
(e) Date of application to purchase---------

9. Applicant understands and agrees that the old vessel(s) will be delivered to the Administration with warranty that the same are free and clear of all liens and encumbrances whatsoever, except that, in the discretion of the Administration, the vessel(s) may be accepted subject to liens and encumbrances covered by insurance on condition that insurance claims shall be assigned to the Administration. There are at this time no liens or encumbrances against any of said vessel(s), other than (a) maritime liens for crews' wages, supplies, and other ordinary expenses arising out of current operations, or (b) liens fully covered by insurance, except as follows:[5]

10. If the old vessel is owned by a foreign corporation, applicant understands and agrees that the Commission vessel purchased with the credit provided for by § 299.22 of the regulations shall be owned by the citizen or citizens of the United States having the controlling interest in the foreign corporation, and shall be documented under the laws of the United States. There is filed herewith, as an exhibit, the concurrence of such citizen, or citizens, in the application of the agreement to take title to the vessel and documentation under the laws of the United States.

11. The applicant submits the following additional information (annexed hereto as Schedules 11 (a) to 11 —, inclusive), for the use of the Administration in considering this application (including information which the applicant wishes to have considered in connection with the amount of credit to be allowed).

[CORPORATE SEAL] ----------
(Name of applicant)[6]
By: ----------
Attest:

(Secretary)

(Date)

§ 299.127 *Offer of applicant to exchange vessel for allowance of credit on a vessel.* The form of such offer shall be substantially as follows:

OFFER OF APPLICANT TO EXCHANGE VESSEL FOR ALLOWANCE OF CREDIT ON PURCHASE PRICE OF A VESSEL

----------a citizen of ----------

The undersigned offers to exchange the ---------- (herein called the old vessel), for an allowance of credit on the purchase price of the vessel or vessels described in item B hereof (herein called the "Administration vessel(s)"), in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the United States Maritime Commission (herein called the "Administration") §§ 299.1 to 299.207, inclusive, of General Order 60, published in the FEDERAL REGISTER ---------- (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this offer. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Administration after the date of publication of such amendment or modification in the FEDERAL REGISTER.

A. As to the old vessel

1. Name.
2. Official number.
3. Amount of allowance of credit determined by the Administration as the fair and reasonable value of the vessel(s) listed in 1, and the date of such determination by the Administration.

Vessel	Amount of allowance	Date of determination

Applicant warrants that the amount listed above is not more than any amount to which applicant is entitled under any other agreement with the United States covering subject vessel.

B. As to the Administration vessel

4. Name or other identification
5. Date of application to Administration to purchase

C. Firm offer binding for 90 days

6. The undersigned, being the owner of the old vessels, hereby makes a firm offer binding for 90 days from the date hereof to transfer the named vessel, or vessels, to the Administration in exchange for the allowance of credit specified in item A, and further agrees that if the vessel is lost for causes for which the United States is responsible, it will accept as full compensation for the loss of said vessel, the said amount.

D. Loss of vessel

7. If after this offer is filed with the Secretary, and prior to its acceptance, or prior to the acquisition of the vessel by the Administration, the vessel is lost by reason of causes for which the United States is responsible, applicant understands and agrees that, in lieu of receiving any amount on account of such loss, the offer shall be considered as having been accepted and the vessel as having been acquired by the Administration immediately prior to such loss. The applicant agrees with the Administration to full subrogation of its rights against its underwriters with respect to such loss. If vessel is lost, as provided above, applicant agrees to notify and direct its underwriters immediately to pay all benefits to the Administration.

[CORPORATE SEAL] ----------
(Name of applicant)[11][12]
By: ----------
Attest:

(Secretary)

(Date)

§ 299.128 *Application to charter a war-built vessel for bareboat use.* The form of such application shall be substantially as follows:

APPLICATION TO CHARTER WAR-BUILT VESSEL(S)

Filed by ---------- a citizen of ----------.

The undersigned hereby offers to charter for bare-boat use the war-built dry cargo vessel(s) hereinafter described (herein called the "war-built vessel(s)"), in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946, (herein called the "act"), and the rules and regulations prescribed by the Maritime Administration (or the United States Maritime Commission) (herein called the "Administration"), §§ 299.1 to 299.207, inclusive, of General Order 60, published in the FEDERAL REGISTER ---------- (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Administration after the date of publication of such amendment or modification in the FEDERAL REGISTER.

In order to induce the Administration to act favorably on this application, the applicant submits in support thereof the following information:

A. As to the applicant: its citizenship and affiliations

1. Exact name.
2. Form or type of organization.
3. State or other sovereign power under the laws of which organized.
4. Address of principal executive offices, and of important branch offices, if any.
5. A brief description of (a) the shipping business of the applicant; and (b) any other business activities of the applicant during the preceding eight years. If within such period the applicant has acquired the business of another person or has been reorganized, there should be included a brief description of such acquisition or reorganization.
6. A list of (a) all subsidiaries, (b) parent company, and (c) all other affiliated interests of the applicant, together with an indication of the nature of the business transacted during the past eight years by each. This information may be furnished in the form of a chart, indicating clearly the relationships between the persons named, and the nature and extent of control.
7. The following information with respect to each officer and director of the applicant: name and address, office, nationality, capital shares owned.[7]
8. Applicant represents that he is a citizen of---------- If applicant claims United States citizenship, attach to the three originals of the applications, affidavits of United States citizenship in form prescribed by the Administration.

If applicant claims Philippine citizenship, there should be furnished an affidavit setting forth the facts upon which such claim is based.[8]

In all cases the Administration reserves the right to require such additional information with regard to citzenship which may be necessary to determine the eligibility of applicant under the act.

B. As to the management of the applicant

9. A brief description of the principal business activities during the past eight years of each director and each principal executive officer of the applicant, if requested.
10. The name and address of each other organization engaged in shipping activities with which any person named in answer to the preceding item has any present substantial business connection, the name of such person and, briefly, the nature of such connection, if requested.
11. The name and address of any person who is now acting or within the past eight years has acted as managing or operating agent of the applicant or in any similar capacity and, briefly, the general terms of any agreement with reference thereto, if requested.

C. As to the war-built vessels

12. Applicant offers to charter for bareboat use the war-built dry cargo vessel(s) designated in items 13 and 14, or the alternative vessels designated in item 15.
13. If specific vessels are applied for, as distinguished from any one or more of a given type, the names of the vessels must be given under this item.
14. If applicant is willing to accept any one or more vessel(s) of a given type or designation, as distinguished from particular vessels, the type or designation of the vessels desired should be set forth as follows:

---------- vessel(s) of
Type ----------
Administration's designation----------

Particular characteristics----------

----

15. If more than one vessel is applied for, state whether applicant will charter any one or more if all are not available for charter to him, by placing an "X" or the appropriate number, as the case may be, in the proper space below. In the absence of any indication, it will be assumed that the applicant is willing to accept all or any of the vessels.

(a) All only ( ).
(b) All or any ( ).
(c) Any but not less than ----------.

Instead of indicating preference by the above table, applicant may designate vessel(s) which he would like to have substituted for those listed in items 12 and 13, if for any reason such vessel(s) cannot be chartered to the applicant. Applicant may state as many as three alternative lists of vessels, provided he clearly indicates his order of preference with respect to them.[9]

D. Terms and conditions of charter

16. If the application is approved by the Administration, the applicant agrees to execute a bareboat charter party agreement in such form as the Administration may prescribe.
17. (a) State the period for which applicant desires to charter the vessel.[4]

(b) State whether applicant contemplates sub-chartering the vessel(s) on bareboat form or on time form for periods of six months or more and if so, details of contemplated subcharter.

E. Preference

18. A statement showing the extent to which losses and requisitions of the applicant's prewar tonnage have been overcome.

F. Supplemental Information

19. A brief description of the general character and location of the principal property of the applicant, other than vessels, employed in its business.
20. A list of vessels owned by the applicant, including (a) name; (b) gross tonnage; (c) net tonnage; (d) deadweight tonnage; (e) bale capacities; (f) year built; (g) type; (h) speed; (i) registry; and (j) identification of route or service on which operated.
21. Information similar to that specified on item 20 as to any vessels chartered to and operated by the applicant.
22. Briefly, the general terms of each charter for operation (a) of vessels owned by the applicant and chartered by it to other persons, and (b) of vessels chartered by the applicant from other persons.
23. Full details concerning the services, routes, or lines on which vessels owned or chartered by the applicant are now operated, including ports of call, terminal and dock facilities at all such ports, frequency of sailings per year, description of services and voyages, and names of vessels segregated according to services, routes, or lines.
24. Type and kind of cargo now carried in the trade served as stated in the answer to item 23, information as to how the service or line may be developed for carrying additional types and kinds of cargo, and any factors influencing cargo expectations for the future. If the war-built vessel is to be a combination passenger and freight vessel, state also, by classes, the passenger accommodations and the number of passengers carried and any factors influencing traffic expectations for the future.
25. Information similar to that called for by the two preceding items with respect to any new service, route, or line which the applicant proposes presently to establish.
26. Identification of the service, route, or line described in answer to item 23 or item 25, on which the applicant proposes to operate the war-built vessel, brief description of passenger accommodations, and statement of type and kind of cargo to be carried by the war-built vessel. Any special requirements of such service, route, or line and the manner in which they may be met by the use of the war-built vessel should be discussed briefly. Any changes in existing services, routes, or lines which the applicant proposes to make in connection with the use of the war-built vessel should also be indicated.

[5] There should be listed in the space provided for herein on schedules designated 9 (a), 9 (b), etc., a statement of all preferred ship mortgages, all other mortgages, all judgments, all libels, or other liens affecting any or all of the vessels listed in item 3 containing particulars as to the property covered by such mortgage, judgments, or other liens, the amount thereof, and the manner in which applicant proposes to dispose of them prior to the acquisition of said vessel(s) by the Administration. Also list deductibles and franchises under policies of insurance.

[6] This application should be executed in triplicate by an officer of the applicant specifically authorized to do so, and the three originals and fifteen conformed copies, including all the schedules, should be mailed or delivered to the Administration in an envelope or wrapping plainly marked "Application for determination of Allowance of Credit."

[7] If applicant has more than one class of stock, the information requested must be furnished for each class of stock.

[8] Application to charter by Philippine citizens can be considered only if filed with the United States Maritime Commission prior to July 4, 1946. Philippine citizens should state whether they intend to operate under American or Philippine flag.

[9] Alternative lists of vessels need not be given at the time the application is filed, but may be added later as an amendment to the application. However, the date of the amendment and not the date of the filing of the original application will be controlling in determining preferences, discussed in § 299.2 of the regulations, with respect to the vessel(s) added by the amendment.

[11] This application should be executed in triplicate by an officer of the applicant specifically authorized to do so, and the three originals and fifteen conformed copies, including all the schedules, should be mailed or delivered to the Administration in an envelope or wrapping plainly marked "Offer to exchange vessel for Allowance of Credit."

[12] This offer must be executed and returned by the applicant to the Administration within 15 days from the date of receipt of this form.

[4] The offer of exchange of vessels under this provision may only be made prior to December 31, 1946.

[4] See § 299.31 (e) of regulations.

27. A statement as to whether or not the war-built vessel is to be used to replace a vessel now operated by the applicant and, if so, the name of such vessel and the proposed disposition to be made of it by the applicant.

G. As to exhibits furnished

28. A list of exhibits, properly identified, which shall include at the time of original filing, the following:

Exhibit I—A copy of the certificate of incorporation of the applicant or other organization papers, including all amendments thereto presently in effect.[5]

Exhibit II—A copy of the by-laws or other governing instruments of the applicant, including all amendments thereto presently in effect.[5]

Exhibit III—A copy of (1) a balance sheet as of the end of a calendar month (except in instances where the fiscal year of the applicant ends on some other day) within not more than six months and not less than one month (except in instances where the applicant was established more recently) of the date of the filing of the application (or amendment thereto changing the type or number of the vessels applied for) with the Administration, (2) a brief statement of the nature of any substantial changes in the financial condition of the applicant, or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements for each year (or other accounting period) beginning with the fiscal year ended in 1939 and ending with the date of the balance sheet.

If during the period covered by such profit and loss statements, the applicant succeeded to the business and assets of another person, the statements furnished should reflect the operations of such predecessor or predecessors for that part of such period preceding the date of acquisition.

[CORPORATE SEAL] _____
(Name of applicant)
By _____
(President)

Attest:

_____
(Secretary)

_____
(Date)

§ 299.129 *Supplemental application to bareboat charter government-owned, war-built, dry-cargo vessel(s) under section 5 (e) of the Merchant Ship Sales Act of 1946, as amended by Public Law 591, 81st Congress.* The form of such supplemental application shall be substantially as follows:

U. S. DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION

SUPPLEMENTAL APPLICATION TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSEL (S) UNDER SECTION 5 (E) OF THE MERCHANT SHIP SALES ACT OF 1946, AS AMENDED BY PUBLIC LAW 591, 81ST CONGRESS

The Applicant _____, a citizen of the United States, hereby applies under section 5 (e) of the Merchant Ship Sales Act of 1946, as amended by Public Law 591, 81st Congress, for the bareboat charter of Government-owned, war-built, dry-cargo vessel(s) for employment in the service or services as described below:

1. Indicate any material changes in application submitted in compliance with § 299.31, General Order No. 60.

_____

2. State service in which chartered vessel is proposed to be operated.

(a) If service is to and from specific ports, name each port.

_____

(b) If to and from ranges, clearly identify ranges (i. e., U. S. North of Hatteras/Havre-Hamburg).

_____

_____

3. Indicate names, types and flag of vessels presently operated by applicant in such service and average frequency of sailings, i. e., weekly, fortnightly, monthly, etc.

_____

_____

4. Indicate whether vessels in 3 are owned by applicant or chartered (if chartered, for what period and name of owner).

_____

_____

5. Names of other U. S. flag operators who serve all or any substantial portion of the service in which the proposed vessel is to be operated.

_____

_____

6. Indicate for each vessel presently operated by applicant in such service for six months preceding the date of this application, the following information:

(a) Amount (if any) of remaining usable bale cubic and deadweight capacity available for cargo on departure last U. S. A. port, and date of sailing.

(b) Same as (a) on departure last foreign port.

Computation should be consistent with data filed on M. A. Forms 7801 and 7802.

_____

_____

7. Indicate whether applicant is now chartering any of its owned vessels to others. If so, indicate names and types of vessels, companies to whom chartered, and service(s) in which such vessels are operating, form of charter, rate of charter hire, and expiration date of chartera.

_____

_____

8. Indicate by brief description other services which applicant operates.

_____

_____

9. Number and type of vessel(s) desired.

_____

10. If specific vessels are applied for, indicate the name of such vessels in the order of preference.

_____

_____

11. State any special reasons for applying for charter, i. e., clean up of strike or similar backlog, loss of vessel, cancellation of private charter, etc.

_____

_____

12. If need for vessel is principally for normal increase in cargo offerings, indicate approximate amount of cargo in measurement tons which applicant has been unable to move in a given period immediately preceding and up to the time of the filing of this application. In addition, state, if known, whether other U. S. operators in the same general services are similarly situated in respect to cargo offerings.

_____

_____

13. State period applicant desires to charter the vessel(s), and date and place of desired delivery.

_____

_____

14. State what effort has been made to charter suitable privately-owned vessel(s) and the results thereof, including reasons for rejecting any ships offered to applicant from private sources.

_____

_____

15. If applicant presently holds an operating differential subsidy agreement on the route herein involved, state whether applicant will apply for payment of operating differential subsidy on the vessel(s) applied for.

_____

_____

16. State any other facts on which, in the opinion of the applicant, the present application may be supported.

_____

_____

NOTE: (1) If hearing on this application is scheduled before the Federal Maritime Board, the applicant will be called upon to show

(a) The service is required in the public interest;

(b) Such service is not adequately served;

(c) Privately owned American-flag vessels are not available for charter by private operators on reasonable conditions and at reasonable rates for use in such service.

(2) If the Maritime Administration does not recommend or the Federal Maritime Board does not authorize a public hearing on this application, it will not be made available to the public. If a public hearing is authorized, it will be made available to interested parties.

The applicant hereby certifies that the foregoing information is full, complete, accurate, and true.

_____
Name of applicant
By _____
Authorized official

[CORPORATE SEAL]
Attest:

_____
_____
Date

Subscribed and sworn to before me by _____, a duly authorized official of applicant this _____ day of _____, 195_____.

_____,
Notary Public.

§ 299.130 *Uniform bareboat charter of a war-built dry-cargo vessel under the Merchant Ship Sales Act of 1946, "Shipsalesdemise 303".* The bareboat charter of a war-built dry-cargo vessel shall be substantially as follows:

Form No. 303 Contract No. _____
Shipsalesdemise
(1956 1st Amendment)

UNITED STATES MARITIME ADMINISTRATION

BAREBOAT CHARTER AGREEMENT OF WAR-BUILT DRY-CARGO VESSELS

This charter party agreement (hereinafter called the "Agreement") dated as of _____, 19__, between the United States of America, acting by and through the Department of Commerce (Maritime Administration) (hereinafter called the "Owner") and _____ (hereinafter called the "Charterer"), whose address is _____

Witnesseth:

PART I

CLAUSE A. *Uniform terms.* This Agreement consists of two parts, this Part I and Part II. Unless otherwise in this Part I expressly provided, all of the provisions of said Part II shall be a part of this Agreement as though fully set forth in this Part I. In the event of a conflict between the provisions of Parts I and II, the provisions of Part I shall govern to the extent of such conflict.

CLAUSE B. *Agreement of the parties.* The Owner hereby agrees to let, and the Charterer agrees to hire, the Vessel or Vessels listed in Clause C, Part I, or as may be included under this Agreement by addenda hereafter executed, for the carriage of lawful merchandise during the period, and upon the terms and conditions hereinafter set forth.

CLAUSE C. (1) *Vessels chartered and other details.* The Vessel or Vessels to which this Agreement relates and the respective ports or places of delivery (if known) at which the Vessel(s) shall be delivered by the Owner to the Charterer are as follows or as may be included hereunder by addenda hereafter executed:

Name of vessel	Type	Place of delivery	Charter hire per calendar month*

*Determined by the Owner to be not less than the prevailing world market charter rate for similar vessels for similar use.

The term "Vessels" as used in the plural in either Part I or Part II of this Agreement also refers to any single Vessel, whenever appropriate, and similarly the term "Vessel" as used in the singular refers to all Vessels within the Agreement whenever appropriate.

(2) *Period of vessel's use.* Subject to termination as provided in this Clause and in Clause 14, Part II, the Vessels covered by this Agreement are chartered for _____: *Provided*, That in event the period of Vessel's use hereunder extends beyond one year, this Agreement shall be subject to review by the Federal Maritime Board (as provided in section 5 (e) (1), Merchant Ship Sales Act of 1946, as amended) for the purpose of determining whether then existing conditions justify its continuance: *And provided further*, That whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, or after a declaration of war or of national emergency made by Congress, the Owner may terminate this Agreement without cost to the United States, upon such notice to the Charterer as the President or Congress shall determine.

CLAUSE D. *Operating limits and service.* The vessel shall be operated only in _____.

CLAUSE E. *Rate of charter hire.* Unless otherwise specially agreed, charter hire shall be paid at the rate appearing opposite the name of each Vessel listed in Clause C (1) and such addenda as may be executed.

CLAUSE F. *Amount of insurance.* The Charterer shall at all times during the period of the Vessel's use under this Agreement carry and maintain on each Vessel policies of insurance in the manner and form prescribed in Clause 16, Part II, in minimum amounts as follows:

Marine hull and machinery	$_____
War risk hull and machinery	_____
Marine P & I (per GRT)	_____
War risk P & I (per GRT)	_____
Marine excess, general average, salvage, and collision liability	_____
War risk excess, general average, salvage, and collision liability	_____

together with such additional amounts of P & I and excess liability insurance as the Owner may require from time to time.

The insertion of the amount of Marine and War Risk Hull and Machinery insurance shall be for the purpose of (a) fixing the minimum amount for the placing of insurance as prescribed in Clause 16, Part II, and (b) constituting the replacement or total loss value of the Vessel as between the Charterer and the Owner, but for no other purpose. The Charterer shall also at all times during the period of the Vessel's use under this Agreement carry and maintain such crew insurance as is required by the Charterer's current bargaining agreements.

CLAUSE G. *Amount of bond.* The Charterer, at or before delivery of each Vessel under this Agreement, shall furnish the Owner with a bond in the amount of $_____ for each Vessel, in the manner prescribed in Clause 21, Part II of this Agreement.

CLAUSE H. *Special provisions.* (1) Notwithstanding the definition of "capital necessarily employed" in Clause 23 of Part II hereof, such "capital necessarily employed" shall in no event be deemed to be in excess of the greater of (a) the working capital requirements, or (b) the net worth requirements determined in the manner provided in the succeeding subparagraph of this clause.

(2) For the purposes of paragraph (a) of Clause 29, Part II, the minimum financial requirements shall be those prescribed in § 299.31 of United States Maritime Commission's General Order No. 60, Supplement 2, as adopted by its successor, the Maritime Administration, and amended from time to time—with the following modifications:

(a) The working capital requirements prescribed in paragraph (a) (2) (i) of said § 299.31 shall be reduced so as to include prepaid insurance for a period of six months rather than for a period of one year; and

(b) The net worth requirements prescribed in paragraph (a) (2) (ii) of said § 299.31 shall be reduced so as to include clause 12 charter hire for a period of six months rather than for a period of one year; and

(c) The minimum financial requirements, as modified in subparagraphs (a) and (b) of this paragraph, shall be further reduced for Vessels in excess of five, as follows:

	Percent
Sixth to tenth vessel, inclusive	25
Eleventh to fifteenth vessel, inclusive	50
All over fifteen vessels	75

In witness whereof, this Agreement has been executed in triplicate by the Owner on the _____ day of _____, 19__, and by the Charterer on the _____ day of _____, 19__.

UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE
(MARITIME ADMINISTRATION)

By: _____

_____

By: _____

[CORPORATE SEAL]

Attest:

_____
(Secretary)

Form No. 303
Shipsalesdemise
(Rev. 1956)

PART II

CLAUSE 1. *Condition of vessel(s) on delivery.* The Vessel on her delivery shall be in Class A–1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the Coast Guard, Treasury Department, and so far as due diligence can make her so, tight, staunch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service.

CLAUSE 2. *Surveys.* (a) The Vessels shall be jointly surveyed before delivery and before redelivery under this Agreement to determine and state the condition of the Vessels. Such surveys shall include drydocking to determine and state the condition of the underwater parts, unless, at Owner's option, the drydocking in connection with delivery is postponed, in which event the cost and time (including vessel expenses) of any damage to underwater parts found either upon redelivery or during the period of the Vessel's use under this Agreement shall be for Owner's account unless such damage is established, from the basis of all evidence, to have occurred during the period of the Vessel's use under this Agreement. The cost and time of such delivery survey shall be for the account of the Owner, and similarly the cost and time of such redelivery survey shall be for the account of the Charterer. Each party shall bear the cost of surveyors appointed by it in connection with both delivery and redelivery surveys.

(b) Subject to the foregoing provisions as to underwater parts in the event drydocking is postponed, and except as to items sighted prior to delivery and noted on the delivery survey report as defective, which shall be for the Owner's account, including cost and time (inclusive of vessel expenses), the delivery of the Vessel by the Owner and the acceptance thereof by the Charterer shall constitute full performance by the Owner of all the Owner's obligations under Clause 1 with respect to such Vessel, and thereafter the Charterer shall not be entitled to make or assert any claim against the Owner on account of any agreements, representations or warranties, expressed or implied, with respect to the condition of the Vessel; provided, however, that the Owner shall nevertheless be responsible for the cost and time (exclusive of vessel expenses) of repairs or renewals occasioned by latent defects in the Vessel, its machinery or appurtenances or defects due to locked in stresses in the Vessel existing at the time of delivery, not recoverable under the terms and conditions of the American Hull form of policy (American Institute Time (Hulls) December 1955) containing no deductible average clause.

CLAUSE 3. *Determination of class.* For the purpose of this Agreement a Vessel chartered hereunder shall be deemed to be in class, whether or not any requirements or recommendations of the Classification Society are outstanding at the time of delivery or redelivery, as the case may be, unless the time limit for the accomplishment of any such requirements or recommendations, including any extension or period of grace allowed, shall have expired.

CLAUSE 4. *Inventory.* A complete inventory of each Vessel's entire outfit, equipment, furniture, furnishings, appliances, spare and replacement parts and of all unbroached consumable stores, subsistence stores, slop chest, containers, and bunker fuel shall be jointly taken and mutually agreed upon as to items and quantities, at the time of delivery, by representatives of the Charterer and the Owner. The parties may agree, however, to accept any suitable prior inventory which may have been taken before the delivery of the Vessel under this Agreement. Such delivery inventory of consumable and subsistence stores, slop chest, containers, and bunker fuel shall be priced by the Charterer at the current market price prevailing at the port and time of delivery. At redelivery a complete inventory of each Vessel's entire outfit, equipment, furniture, furnishings, appliances and spare and replacement parts shall, also, be jointly taken and mutually agreed upon as to items and quantities by representatives of the Charterer and the Owner. In addition, a complete inventory of all broached and unbroached consumable stores, subsistence stores, slop chest, containers, and bunker fuel shall be taken by the Charterer immediately prior to redelivery. Such inventory shall be priced by the Charterer at the current market price prevailing at the port and time of performance of Charterer's redelivery obligations, and the Owner shall be furnished with three certified copies of such inventory, together with an affidavit certifying as to its correctness.

CLAUSE 5. *Consumable stores and fuel.* The Charterer shall accept and pay for any unbroached consumable stores, subsistence stores, slop chest, returnable containers, and bunker fuel on board or furnished by the Owner at the time of delivery at the market prices current at the time and place of repairs and outfitting. The Owner shall have no obligation upon redelivery to accept or pay

[5] Exhibits I and II need be attached to only two executed copies.

for consumable stores (either broached or unbroached), subsistence stores, slop chest, or returnable containers, and shall accept and pay for bunker fuel only in such minimum amounts as the Owner may determine. (Bunkers accepted by the Owner shall be paid for at the current market price prevailing at the port and time of redelivery, or, in event of redelivery at a Reserve Fleet site, at the current market price at the port and time of redelivery repairs). Prior to redelivery, such items shall be removed from the Vessels by the Charterer in accordance with the provisions of NSA Order No. 64, as revised from time to time, and the fair and reasonable cost of such removal shall be charged in the Vessel's voyage accounts for the last voyage prior to redelivery. With respect to the aforesaid items, there shall be taken into account in the determination of additional charter hire, in accordance with Clause 13, Part II, of this Agreement, (a) the current market value thereof at the port and time of redelivery, in the event redelivery is effected at a redelivery port, or, in the event redelivery is effected at a Reserve Fleet Site, the current market value at the port and time of redelivery repairs, or (b) the net proceeds from the disposition thereof, in the event the Charterer elects to dispose of the removed goods and notifies the Owner of such intention prior to redelivery. The manner of, time of, and determination of net proceeds from such disposition of the items shall be subject to approval of the Owner.

CLAUSE 6. *Use of equipment.* The Charterer shall have the use of all outfit, equipment, furniture, furnishings, appliances, spare and replacement parts on board the Vessel at the time of delivery under this Agreement without extra cost and the same shall be returned to the Owner upon redelivery in good order and condition. Any such items damaged or so worn in service as to be unfit for use or lost or destroyed shall be replaced or made good by the Charterer in kind at or before redelivery, or at Owner's option, the Charterer shall pay for said items at the current market prices at the port and time of performance of Charterer's redelivery obligations, based upon the condition of the items at the time of delivery. The Owner shall have a right, but not an obligation, to accept any overages on the Vessel at redelivery. Any overages accepted by the Owner shall be paid for at the current market prices at the port and time of performance of Charterer's redelivery obligations, based upon the condition of the items at the time of redelivery. Overage and shortage statements shall be prepared and priced by the Charterer, subject to review and adjustment by the Owner.

CLAUSE 7. *Maintenance.* The Charterer, except as otherwise provided in Clause 2 (a) and 2 (b), shall, at its own expense, maintain the Vessels, their machinery, boilers, appurtenances, and spare parts during the period of the Vessel's use under this Agreement in good state of repair and in efficient operating condition and in accordance with good commercial maintenance practices and shall keep the Vessels in such condition as will entitle the Owner at all times to all required certificates, including, without limitation, the highest classification and rating for vessels of the same age and type in the American Bureau of Shipping and with unexpired marine inspection certificates of the Coast Guard, Treasury Department.

CLAUSE 8. *Drydocking.* The Charterer shall drydock the Vessels and clean and paint their underwater parts, when necessary, but not less than once in about every nine (9) months from date of delivery. The Charterer shall give the Owner reasonable notice of the time and place of drydocking and if practicable fifteen (15) days in advance thereof and afford the Owner an opportunity to inspect the Vessels while drydocked. The Charterer shall also promptly notify the Owner sufficiently in advance to enable its representative to be present at repairs or surveys of the Vessels, and shall furnish the Owner with copies of reports made pursuant to such surveys.

CLAUSE 9. *Inspections.* The Owner shall have the right at any time, without notice, to inspect or survey the Vessels at its own expense, to ascertain their condition and to satisfy itself that the Vessels are being properly repaired and maintained in accordance with good commercial maintenance practices, but such inspection shall be held at such time and in such manner as to not interfere with Vessel's schedule. The Charterer shall make all such repairs, at its own expense, as such inspection or survey may show to be required in compliance with the Charterer's obligations under this Agreement. The Charterer shall also permit the Owner to inspect the Vessel's logs whenever requested, and shall furnish the Owner upon request with full information regarding any casualties or other accidents or damage to the Vessels.

CLAUSE 10. *Charterer to man, etc.* During the period of this Agreement, the Charterer shall, at its own expense, and by its own procurement, man, victual, navigate, operate, supply, fuel, and, except as otherwise expressly provided in Clause 2 (a) and 2 (b) of this Agreement, repair the Vessels and pay all charges and expenses of every kind and nature whatsoever incident to the use and operation of the Vessels under this Agreement. The Owner reserves the right to require the removal of the Master or the Chief Engineer if it shall have reason to be dissatisfied with their conduct or if it considers their employment to be prejudicial to the interests of the United States. Except as otherwise expressly provided in this Clause and Clause 25 of this Agreement, the Charterer and not the Owner shall have exclusive possession, control and command of the Vessels during the entire period of use under this Agreement.

CLAUSE 11. *Structural changes.* The Charterer shall make no structural changes in the Vessel and shall make no changes in the machinery, boilers, appurtenances or spare parts thereof without in each instance first securing the written approval of the Owner.

CLAUSE 12. *Charter hire.* In order for the charter hire to be consistent with the policies of the Merchant Ship Sales Act of 1946, as amended, as required by paragraph (b) of section 5 of said act and in order to protect the public interest in respect of this Agreement and protect privately owned vessels against competition from the chartered Vessel, as required by paragraph (e) of section 5 of said act, the parties mutually agree that, pursuant to said paragraphs (b) and (e) of said section 5, the Charterer shall pay to the Owner charter hire at the monthly rate provided for in Part I hereof from the day and hour of delivery of the Vessel, unless otherwise specifically provided, until and including the day and hour of redelivery to the Owner pursuant to the terms of this Agreement; or if the Vessel shall be lost, hire shall continue until the time of her loss, if known, or if the time of loss be uncertain then up to and including the time last heard from. Payment of such charter hire shall be made to the Owner at Washington, D. C., on delivery of the Vessel for the remainder of the calendar month in which delivery is made, and thereafter monthly in advance on the first day of each month.

CLAUSE 13. *Statutory additional charter hire.* The parties mutually agree that, in addition to the charter hire required under Clause 12, Part II, of the Agreement, as amended, the Charterer shall pay over to the Owner such statutory additional charter hire as may be required by the provisions of section 709 of the Merchant Marine Act, 1936, as amended. The time of payment shall be as provided by regulations of the Owner.

CLAUSE 14. *Termination.* Either the Owner or the Charterer may terminate the period of use of any of the Vessels by giving written notice to the other party at least fifteen (15) days prior to the termination of any voyage hereunder, in which event the Vessel shall be redelivered pursuant to the terms of this Agreement, upon termination of the voyage during which such notice is given.

CLAUSE 15. *Redelivery of vessel(s)*—(a) *Port or place of redelivery.* The port of redelivery shall be the port of delivery or such other port as may be mutually agreed.

(b) *Redelivery conditions.* Each Vessel, unless lost, shall be redelivered to the Owner, pursuant to the terms of this Agreement, in the same good order and condition as that in which she was delivered, unless the lack of good order and condition is due solely to ordinary wear and tear, and with valid classification and Coast Guard certificates, whether or not classification or Coast Guard repairs are due wholly or in part to ordinary wear and tear. At the redelivery survey provided for in Clause 2, surveyors appointed by the Charterer and surveyors appointed by the Owner, shall be present, who shall determine and state the repairs or work necessary to place each Vessel on the date of redelivery in the condition and class required under this Clause, which findings shall include all repairs and work required to be performed at the time of redelivery by the Classification Society and all other regulatory bodies, and all repairs and work which are necessary to place each Vessel on the date of redelivery in the good order and condition required by this Clause. The Charterer, before redelivery, shall make all such repairs and do all such work so found to be necessary at its expense and time, or at Owner's option, the Charterer shall, on Owner's request, discharge such obligation by payment to the Owner of an amount sufficient to place each Vessel in such class, order and condition and to provide for the foregoing work and repairs at the prices current at the time of redelivery, which amount shall also include compensation at the rate of clause 12 charter hire payable under this Agreement for the time reasonably required under then existing conditions to complete such work or repairs and compensation for all other expenses (including insurance) reasonably required incident to such work or repairs. In the event the Owner exercises this option, the Charter's redelivery repair obligations shall be limited to the amount of Marine Hull and Machinery insurance required by the provisions of Part I hereof. The Charterer shall not be required to make any repairs which were for Owner's account under Clause 2 of this Agreement, but if such repairs were made after delivery under this Agreement and paid for by the Owner, they shall be considered as having been made at the time of delivery for the purpose of determining the Charterer's obligations under this Clause 15.

(c) *Disputes.* Should any dispute arise between the Owner and the Charterer with respect to responsibility for repairs, renewals, replacements, or condition of the Vessel(s), at the time of redelivery, the Charterer shall, without prejudice to its contentions, make and pay for such disputed repairs, renewals, or replacements, or any part thereof, before redelivery, and may recover the cost from the Owner, together with vessel expenses and charter hire during the period required for the performance of such work over and above the time required to perform the Charterer's redelivery repairs, in event Owner's liability therefor is established.

CLAUSE 16. *Insurance.* (a) The Charterer shall at all times during the period of the Vessel's use under this Agreement, carry and maintain on the Vessel policies of insurance covering all marine and war risk hull and marine and war risk protection and indemnity risks, and all other hazards and liabilities in the amounts set out in Part I hereof, in such form and with such insurance companies, underwriters or funds as the Owner shall require and approve. All insurance required under the terms of this Agreement to be carried by the Charterer shall include the United States of America as an assured, without recourse against the United States for payment of premiums, or for assessments under any mutual form of policy. The underwriters shall have full rights of subrogation against the United States of America to the extent of any loss paid for which any assured other than the United States of America could bring suit against the United States of America, under the Suits in Admiralty, Public Vessels or Tucker Acts to recover for such loss, and notwithstanding the fact that the United States of America may be named as an assured and as payee in the policy, such loss shall be considered to have been paid to and sustained by any assured other than the United States of America, in the first instance.

(b) All losses under the policies of insurance carried on the Vessel, except those payable under crew insurance policies, shall be made payable to the Owner for distribution by it to itself and the Charterer as their interests may appear, provided, however, that in the absence of specific instructions to the contrary, P & I insurance claims in amounts not exceeding $10,000 may be payable directly to the Charterer. Charterer shall at Charterer's expense keep the Vessel entered in the Marine Index Bureau, Inc. The originals of all cover notes or binders and policies, except those for crew insurance, shall be delivered promptly to the Owner for its custody and approval.

(c) In the event that any of the insurance hereinbefore provided for shall not, by reason of any act, omission, or negligence of the Charterer, be kept in full force and effect, or for any reason, including but without limitation the existence of any deductible average, franchise provisions, or other exclusion contained therein, but excluding insolvency of the underwriters, does not cover in full all losses, damages, claims or demands, the Charterer shall indemnify and hold harmless and defend the Owner against all such losses, claims, and demands.

(d) No tender of abandonment as a constructive total loss shall be made without the prior approval of the Owner, *Provided, however,* That in the event the Owner refuses to approve such tender or fails to act thereon within twenty (20) days after receipt of Charterer's request, then charter hire shall cease as of the date of such refusal or at the expiration of such twenty (20) day period, as the case may be, and provided further that charter hire shall cease only in the event that, but for the refusal of the Owner to agree to tender of abandonment, the amount which would have been recoversable from the hull insurance underwriters would have equalled or exceeded the amount set forth in Part I hereof.

CLAUSE 17. *Bills of lading or voyage charters.* All bills of lading or voyage charters issued under this Agreement shall contain directly or by reference substantially the following clauses:

(i) *Clause paramount:*

"This bill of lading shall have effect subject to the provisions of the Carriage of Goods by Sea Act of United States, approved April 16, 1936, which shall be deemed to be incorporated herein, and nothing herein contained shall be deemed a surrender by the Carrier of any of its rights or immunities or an increase of any of its responsibilities or liabilities under said Act. If any term of this bill of lading be repugnant to said Act to any extent, such term shall be void to that extent but no further."

(ii) *General average clause:*

"General Average shall be adjusted, stated, and settled, according to York-Antwerp Rules, 1950, exclusive of Rule 22, at such port or place in the United States as may be selected by the carrier, and as to matters not provided for by these Rules, according to the laws and usages at the port of New York. In such adjustment, disbursements in foreign currencies shall be exchanged into United States money at the rate prevailing on the dates made and allowances for damage to cargo claimed in foreign currency shall be converted at the rate prevailing on the last day of discharge at the port or place of final discharge of such damaged cargo from the ship. Average agreement or bond and such additional security, as may be required by the carrier, must be furnished before delivery of the goods. Such cash deposit as the carrier or his agents may deem sufficient as additional security for the contribution of the goods and for any salvage and special charges thereon, shall, if required, be made by the goods, shippers, consignees, or owners of the goods to the carrier before delivery. Such deposit shall, at the option of the carrier, be payable in United States money, and be remitted to the adjuster. When so remitted the deposit shall be held in a special account at the place of adjustment in the name of the adjuster pending settlement of the general average and refunds or credit balances, if any, shall be paid in United States money."

(iii) *Amended "Jason" clause:*

"In the event of accident, danger, damage, or disaster before or after commencement of the voyage resulting from any cause whatsoever, whether due to negligence or not, for which or for the consequence of which the carrier is not responsible by statute, contract, or otherwise, the goods, shippers, consignees, or owners of the goods shall contribute with the carrier in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred, and shall pay salvage and special charges incurred in respect of the goods. If a salving ship is owned or operated by the carrier, salvage shall be paid for as fully as if the salving ship or ships belong to strangers."

(iv) *Liberties clauses:*

"In any situation whatsoever and whresoever occurring and whether existing or anticipated before commencement of or during the voyage, which in the judgment of the carrier or master is likely to give rise to risk of capture, seizure, detention, damages, delay or disadvantage to or loss of the ship or any part of her cargo, or to make it unsafe, imprudent, or unlawful for any reason to commence or proceed on or continue the voyage or to enter or discharge the goods at the port of discharge, or to give rise to delay or difficulty in arriving, discharging at or leaving the port of discharge or the usual place of discharge in such port, the carrier may before loading or before the commencement of the voyage, require the shipper or other person entitled thereto to take delivery of the goods at port of shipment and upon their failure to do so, may warehouse the goods at the risk and expense of the goods; or the carrier or master, whether or not proceeding toward or entering or attempting to enter the port of discharge or reaching or attempting to reach the usual place of discharge therein or attempting to discharge the goods there, may discharge the goods into depot, lazarette, craft or other place; or the ship may proceed or return, directly or indirectly, to or stop at any such port or place whatsoever as the master or the carrier may consider safe or advisable under the circumstances, and discharge the goods, or any part thereof, at any such port or place; or the carrier or the master may retain the cargo on board until the return trip or until such time as the carrier or the master thinks advisable and discharge the goods at any place whatsoever as herein provided; or the carrier or the master may discharge and forward the goods by any means at the risk and expense of the goods. The carrier or the master is not required to give notice of discharge of the goods or the forwarding thereof as herein provided. When the goods are discharged from the ship, as herein provided, they shall be at their own risk and expense; such discharge shall constitute complete delivery and performance under this contract and the carrier shall be freed from any further responsibility. For any service rendered to the goods as herein provided the carrier shall be entitled to a reasonable extra compensation.

The carrier, master and ship shall have liberty to comply with any orders or directions as to loading, departure, arrival, routes, ports of call, stoppages, discharge, destination, delivery or otherwise howsoever given by the government of any nation or department thereof or any person acting or purporting to act with the authority of such government or of any department thereof, or by any committee or person having, under the terms of the war risk insurance on the ship, the right to give such orders or directions. Delivery or other disposition of the goods in accordance with such orders or directions shall be a fulfillment of the contract voyage. The ship may carry contraband, explosives, munitions, warlike stores, hazardous cargo, and may sail armed or unarmed and with or without convoy.

"In addition to all other liberties herein the carrier shall have the right to withhold delivery of, reship to, deposit or discharge the goods at any place whatsoever, surrender or dispose of the goods in accordance with any direction, condition or agreement imposed upon or exacted from the carrier by any government or department thereof or any person purporting to act with the authority of either of them. In any of the above circumstances the goods shall be solely at their risk and expense and all expenses and charges so incurred shall be payable by the owner or consignee thereof and shall be a lien on the goods."

CLAUSE 18. *General and particular average.* Average adjusters shall be appointed by the Charterer from a list of adjusters satisfactory to the Owner, who shall attend to the settlement and collection of both general and particular average losses subject to customary charges. The Charterer agrees to assist the adjuster in preparing the average statement and to take all other possible measures to protect the interests of the Vessel and the Owner.

CLAUSE 19. *Salvage.* Earned salvage shall be prorated 25 percent to the Owner and 75 percent to the Charterer, after deducting Owner's and Charterer's expenses, Master's and Crew's shares, and legal and other expenses incident to the salvage: *Provided, however,* That hire of the Vessel shall not be considered an item of the Charterer's expense hereunder. Salvage earned by the Charterer shall be considered gross income as defined in Clause 23. Settlement of such claims for earned salvage shall be subject to the approval of both Owner and Charterer: *Provided,* That the amount of awards for the salvaging of vessels of which the United States, or any department or agency thereof, is the Owner or Owner pro hac vice, or for their cargoes and freights on such vessels, shall be determined by the Owner.

CLAUSE 20. *Libels.* Neither the Charterer nor the Masters of the Vessel(s) nor any other person shall have the right, power, or authority to create, incur, or permit to be placed upon the Vessel(s) any liens whatsoever other than for crew's wages or salvage. The Charterer agrees to carry a properly certified copy of this Agreement with the ship's papers on board each vessel, and agrees to exhibit the same to any person having business with such Vessel, and agrees also to exhibit the same to any representative of the Owner on demand.

The Charterer agrees to notify any person furnishing repairs, supplies, towage, or other necessaries to the Vessel(s) that neither the Charterer nor the Master has any right to create, incur, or permit to be imposed upon the Vessel(s) any liens whatsoever, except

for crew's wages and salvage. Such notice as far as may be practicable shall be in writing. The Charterer further agrees to fasten in the Vessel(s) in a conspicuous place, and to maintain during the charter period, a notice reading as follows:

"This Vessel is the property of the United States of America. It is under charter to ---------- and, by the terms of the charter, neither the Charterer nor the Master has any right, power, or authority to create, incur, or permit to be imposed upon the Vessel any lien whatsoever, except for crew's wages and salvage."

The Owner shall indemnify, hold harmless and defend the Charterer against any liens, claims or liabilities of whatsoever nature upon the Vessel(s) at the time of their delivery under this Agreement. The Charterer shall indemnify and hold harmless and defend the Owner against any liens of whatsoever nature upon the Vessel(s) and against any claims against the Owner arising out of the operation of the Vessel(s) by the Charterer, or out of any act or neglect of the Charterer, in relation to the Vessel(s), or the operation thereof, except insofar as such liens or claims arise out of any matter covered by the insurance procured and in force, as provided herein. If a libel should be filed against any Vessel or if any Vessel is otherwise levied against or taken into custody by virtue of legal proceedings in any court because of any liens or claims arising out of the operation of the Vessel by the Charterer, the Charterer shall at its own expense, within fifteen (15) days thereof, cause the Vessel to be released and the lien to be discharged.

CLAUSE 21. *Bonds.* The Charterer, at or before delivery of each Vessel under this Agreement, shall furnish the Owner with a bond with sufficient surety, in the amount specified in Part I hereof, such bond to be approved by the Owner, both as to form and sufficiency of the sureties, and to be conditioned upon the true and faithful performance of all and singular the covenants and agreements of the Charterer contained in this Agreement, including, but not limited to, the Charterer's obligation to pay charter hire and damages and to indemnify against liens. The Charterer may, in lieu of furnishing such bond, pledge United States Government securities in the par value of the required amount under an agreement satisfactory in form and substance to the Owner.

CLAUSE 22. *Salaries and fees.* No salary for personal services in excess of $25,000 per annum paid to a director, officer, or employee by the Charterer, its affiliates, subsidiary, or associates, directly or indirectly, shall be taken into account under this Agreement. The terms "director", "officer", or "employee" shall be construed in the broadest sense to include, but not to be limited to, managing trustee or other administrative agent. The term "salary" shall include wages and allowances or compensation in any form for personal services which will result in a director, officer, or employee receiving total compensation for his personal services from such sources exceeding in amount or value $25,000 per annum.

CLAUSE 23. *Definitions.* The terms "net voyage profit", "fair and reasonable overhead expenses", and "capital necessarily employed" as used herein with respect to the operations of the Vessel and services incident thereto are hereby defined, for the purpose of this Agreement only, as follows:

(a) "Net voyage profit" shall be determined by deducting from gross income, as hereinafter defined, such direct vessel operating expenses, terminal and other auxiliary operating expenses, overhead expenses, interest expense, amortization of deferred charges, depreciation on property utilized in the operation of the vessels, and all other charges which are customarily made in accordance with sound accounting practice in determining net profits before provision for federal income taxes, all as the Owner may deem fair and reasonable, provided, that in instances where the Charterer engages in other activities in addition to the operation of the Vessel(s) covered by this Agreement, such charges, other than those directly and exclusively allocable to the operation of the Vessel(s) shall be prorated between these activities on such basis as the Owner may determine to be fair and reasonable.

"Gross income" shall include such items as revenue earned from the carriage of cargo, passengers, and mail, terminal and other auxiliary operations and miscellaneous profits and losses, such as those arising from pooling agreements, advance and prepaid beyond items, bar and slop chest, and such other transactions as the Owner may determine are properly included. "Gross Income" shall include also interest earned, dividends received, and other non-operating income, as well as all accruals to the Charterer as an operating-differential subsidy. If the Charterer engages in any other activities in addition to the operation of the Vessels, the revenues and miscellaneous income, other than those exclusively applicable to the operation of the Vessels, shall be prorated between these activities, on such basis as the owner may determine to be fair and reasonable.

Income consisting of capital gains and expenses consisting of capital losses shall in no event be included in the computation of "Net Voyage Profit", as above defined.

Income from and expenses attributable to assets, other than the Vessels, excluded in the computation of "Capital Necessarily Employed", as hereinafter defined, shall not be included in the computation of "Net Voyage Profit", as above defined.

(b) "Fair and reasonable overhead expenses" shall include those expenses actually and necessarily incurred in the conduct of the business of operating the Vessels, such as salaries of officers; wages of employees; legal and accounting fees and expenses; rent, heat, light, and power; communication expenses; office supplies, stationery, and printing; membership dues and subscriptions; entertaining and solicitation; traveling expenses; insurance and bond premiums; postage; maintenance of office equipment; and miscellaneous administrative and general expenses, all as the Owner may determine to be fair and reasonable and properly included, provided, that there shall be deducted from the total of such expenses, agency fees, commissions, brokerage, and such other miscellaneous earnings as the Owner may determine to be properly deductible.

"Fair and reasonable overhead expenses" shall include also freight, passenger, and other expenses incident to advertising the Vessels and the routes served; taxes, other than Federal income taxes; and management and operating commissions, but only if and in the cases where the express written consent of the Owner has been given the Charterer to employ any other person or concern as the managing or operating agent of the Charterer; all as the Owner may determine to be fair and reasonable and properly included.

If the Charterer engages in other activities in addition to the operation of the Vessels, the "fair and reasonable overhead expenses" other than those directly and exclusively allocable to the operation of the Vessels shall be prorated between such activities on such basis as the Owner may determine to be fair and reasonable.

(c) "Capital necessarily employed" shall be determined upon the basis of the net worth reported by the Charterer in its balance sheet as of the close of the month preceding the date of delivery of the first Vessel under this Agreement (or in the last previous balance sheet deemed by the Owner to fairly present the financial position of the Charterer, but adjusted to take into account subsequent changes in net worth and such other changes as the Owner may deem essential to a proper determination of "Capital Employed" as at the end of such month), and as at each succeeding December 31st during the effective period of the Agreement, adjusted as hereinafter provided. For the purpose of this determination, net worth, as stated in the balance sheet of the Charterer, shall be deemed to include capital stock, surplus and such subdivisions thereof as capital surplus, earned surplus, and accounts of like nature. Net worth, as thus stated, shall be adjusted in such manner as the Owner may determine to be fair and reasonable, including the elimination of appreciation, adequate statement of the liabilities, and such other adjustments as are consistent with sound accounting principles. In the computation of "Capital Necessarily Employed", good will, intangibles not actually purchased and paid for, and stock held in treasury shall be excluded:

Property and other assets utilized in the operation of the Vessels shall be valued at cost, including betterments and reconditioning costs, to the present owner or to any former owner at any time affiliated or associated directly or indirectly with the present owner, whichever is the lower, less depreciation; provided, that the cost of acquisition of assets acquired in exchange for capital shares or other securities of the Charterer from other than holding, subsidiary, affiliated, or associated companies, shall not be in excess of the fair value of such property at the date of acquisition.

Additional capital, in the form of cash or tangible property paid in during the charter period, shall be included in the computation of "Capital Necessarily Employed" from the date paid in. Conversely, any withdrawals of capital shall be deducted from the date withdrawn; provided, however, that no capital shall be withdrawn and no share capital shall be converted into debt without the prior written approval of the Owner. Earnings and capital gains (or losses) for any accounting period subsequent to the last day of the month preceding the month during which delivery of the first Vessel is made hereunder to the Charterer by the Owner, shall not be included in the computation of the "Capital Necessarily Employed" for the year or other accounting period in which realized (or sustained). Dividends paid out of earnings that have not been included in "Capital Employed" shall not be deducted from "Capital Employed".

If the Charterer engages in other activities in addition to the operation of the Vessel(s), the Owner shall determine the proper allocation of capital as between such activities. The amount so allocated to the operation of the Vessel(s) shall be deemed to be the "Capital Necessarily Employed".

CLAUSE 24. *Events of default.* The following shall constitute events of default under this Agreement:

(a) The failure of the Charterer to pay the charter hire on any Vessel as and when the same shall be due under the terms of this Agreement.

(b) The failure of the Charterer to operate any Vessel as required by Clause D of Part I or the operation of any Vessel on some other route without the prior written approval of the Owner.

(c) Any material misrepresentation by the Charterer in connection with this Agreement whether before or after execution hereof and whether made in an application, report or otherwise, or any willful failure by the Charterer to disclose information necessary to cause any material representation by it not to be misleading.

(d) The occurrence of any event causing the Charterer to be ineligible for charter of the Owner's vessels.

(e) A voluntary sale by the Charterer of this Agreement or any interest therein, or any assignment, transfer, agreement or arrangement whereby the maintenance, management or operation of the above described service, route, or Vessel shall pass out of the direct control of the Charterer without the consent of the Owner.

(f) The filing of a petition in bankruptcy by the Charterer, or the entry of an order, upon petition against the Charterer, adjudicating the Charterer a bankrupt, or the making of a general assignment for the benefit of creditors, or the Charterer losing its charter by forfeiture or otherwise, or the appointment of a receiver or receivers of any kind whatsoever, whether appointed or not in Admiralty, Bankruptcy, Common Law or Equity proceedings, and whether temporary or permanent, for the property of the Charterer, or the filing of a petition by the Charterer for reorganization under the Bankruptcy Act, or the filing of such a petition by creditors and the same approved by the court, or the approval of the court of a reorganization of the Charterer under said Act, whether proposed by a creditor, a stockholder or any other person whomsoever.

(g) Any breach by the Charterer of its obligations under this Agreement (including but without limitation, the obligation to maintain a Performance Bond as required by Clause G) or any agreement executed in connection therewith (including but not limited to any operating-differential subsidy agreement with respect to the Vessels, or any ship mortgage given to or construction agreement made with the United States.

(h) Failure by the Charterer to comply with any applicable provisions of the Merchant Marine Act, 1936, as amended, or of any law relating to the operation of the Vessel.

CLAUSE 25. *Termination upon default.* (a) The Owner may terminate this Agreement in whole or in part without notice to the Charterer in case any event of default specified in paragraphs (a), (b), (c), (d), (e), or (f) of the preceding Clause 24 shall occur or if any other default specified in paragraphs (g) or (h), of said Clause shall occur and shall continue for a period of thirty (30) days after notice thereof has been mailed or telegraphed by the Owner to the Charterer.

(b) Upon termination, the Owner may, at its option, retake the Vessels or any of them wherever the same may be found, whether upon the high seas or in any port, harbor, or other place, without prior demand and without legal process and for that purpose may enter upon any dock, pier, or other premises where the Vessels may be and may take possession thereof, or may require the Charterer to redeliver such Vessels in accordance with terms of this Agreement immediately upon the receipt of a notice demanding such redelivery.

(c) The rights conferred upon the Owner by this Clause are cumulative and in addition to any rights which it may have at law or in equity or by virtue of the terms of this Agreement.

CLAUSE 26. *Cancellation or modification by mutual consent.* This Agreement may be terminated, modified, or amended at any time by mutual consent.

CLAUSE 27. *Accounting, report and supervision.* (a) The Charterer and, to the extent required by the Owner, every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the Charterer

(1) Shall keep its books, records and accounts relating to the management, operation, conduct of the business of and maintenance of the Vessels covered by this Agreement in accordance with the "Uniform System of Accounts for Maritime Carriers" prescribed by the Maritime Administration, U. S. Department of Commerce, in General Order 22, Revised (Issue of 1950), effective January 1, 1951, and under such regulations as may be prescribed by the Owner: *Provided,* That, notwithstanding the provisions of said General Order 22, Revised, such reserves as may be specifically authorized by the Owner shall be taken into account in the determination of "Net Voyage Profit" hereunder or the expenses to provide for which such reserves are so authorized shall be distributed over the period of use hereunder of the Vessels involved in such manner as will accomplish the same result as though such reserves were established, all pursuant to regulations prescribed by the Owner: *And provided further,* That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Owner shall not require the duplication of books, records, and accounts required to be kept in some other form by that Commission; and

(2) Shall file, upon notice from the Owner, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of any facts and transactions, which in the opinion of the Owner affect the financial results in, the performance of, or transactions or operations under, this Agreement. The Owner reserves the right to require that all or any of such statements, reports and memoranda shall be certified by independent certified public accountants acceptable to the Owner.

(b) The Owner is hereby authorized to examine and audit the books, records and accounts of all persons referred to above in this Clause whenever it may deem it necessary or desirable, including an analysis of the surplus and all supporting accounts. The Charterer agrees to allow any and all auditors, inspectors, attorneys, and other employees, designated by the Owner, full, free and complete access at all reasonable times, to the Vessels when in port or undergoing repairs and to all books, records, papers, memoranda or other documents of the Charterer wherever located or of any holding company, subsidiary company or affiliated company of the Charterer pertaining to any activities relating in any way to the Vessel, and further agrees to permit the making of photostatic or other copies of any such books, records, papers, memoranda, or other documents and to furnish without charge adequate office space and other facilities reasonably required by such auditors, attorneys, or inspectors in the performance of their duties. The Charterer further agrees to establish and maintain from time to time such checks upon or systems of control of expenditures or revenues in connection with the operation of the Vessels as the Owner may request.

CLAUSE 28. *Termination of business.* Upon termination of this Agreement, the Charterer shall turn over to the Owner at such time and at such place as the Owner may direct, the Vessel and all property of whatsoever nature which the Owner may theretofore have delivered to the Charterer or to which the Owner is entitled under the terms of this Agreement, and the Charterer shall at its own expense make to the Owner such accounting as the owner may require of all matters arising out of the operation of the Vessels and this Agreement, and shall adjust, settle, and liquidate such accounts, provided, however, that the Owner may collect directly all freight moneys or other debts remaining unpaid and apply any moneys collected on any unpaid balance due from the Charterer to the Owner. All expenses of such collection shall be for the account of the Charterer.

CLAUSE 29. *Financial limitations.* (a) The Charterer agrees that (i) no capital shall be withdrawn, (ii) no share capital shall be redeemed or converted into debt, (iii) no dividend shall be paid, (iv) no loan or advance (except advances to cover current expenses of the Charterer) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the Charterer or to any related company (as defined in section 299.1 (q) of United States Maritime Commission's General Order 60, as adopted by its successor, the Maritime Administration, and amended from time to time), (v) no investment shall be made in the securities of any related company (as defined in said section), (vi) no indebtedness to any stockholder, director, officer, or employee of the Charterer or to any related company (as defined in said section), which was classified as long-term or noncurrent in the balance sheet submitted with the application (or amendment thereto) to charter the Vessel, shall be repaid in whole or in part, and (vii) no salary at a rate in excess of $25,000 per annum shall be paid, if after such transaction, the amount of working capital or the amount of net worth thereby would be reduced below the minima prescribed in paragraph (a) of section 299.31 of said General Order 60, as amended.

(b) *Mergers, etc.; business not related to shipping.* The Charterer agrees that during the charter period it will not, without the prior written approval of the Owner, (1) effect any merger, consolidation or substantial acquisition or disposition of assets not in the ordinary course of business, or (2) directly or indirectly embark upon any new enterprise or business activity not directly connected with the business of shipping.

(c) *Service by affiliates, etc.* Agreements or arrangements with any interested person or related company to render any service to or furnish any stores, supplies, equipment, materials, repairs, or facilities in connection with the operation of the Vessels hereunder shall be submitted to the Owner for approval as to employment. In the calculation of the cumulative net voyage profit for the purposes of determining the amount of additional charter hire payable to the Owner, pursuant to Clause 13 hereof, sums paid or payable to an interested person or related company in connection with the operation of the Vessels hereunder during the period with respect to which such calculation is made shall be taken into account only if such agreements or arrangements have been approved by the Owner, and then only in such amount as the Owner shall deem to be fair and reasonable. The term "interested person" shall mean any person, firm, or corporation in which the Charterer, or any related company of the Charterer, or any officer or director of the Charterer or any employee of the Charterer who is charged with executive or supervisory duties, or any member of the immediate family of any such officer, director or employee, or any officer or director of any related company of the Charterer or any member of the immediate family of an officer or director of any related company of the Charterer, owns any substantial pecuniary interest directly or indirectly. The term "related company", used to indicate a relationship with the Charterer for the purposes of this Clause only, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the Charterer. The term "control" (including the terms "controlled by" and "under common control with") as used herein means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the Charterer (or related company), whether through ownership of voting securities, by contract, or otherwise.

CLAUSE 30. *Freight rates.* For the purpose of computing additional charter hire under the provisions of Clause 13, Part II hereof, the Charterer hereby agrees that, except as hereinafter specifically provided, in any case where its commodities, or commodities of any interested person or related company, are carried on the Vessel, the Vessel's revenue account will be credited with full freight revenue for such carriage at the prevailing commercial rate for such commodities or at such other rates as are approved by the Owner. Over-carried cargoes, not exceeding 5,000 pounds, loaded at one port by a Vessel

owned or operated by the Charterer, which are later delivered to original port of destination by a Vessel chartered under this Agreement, shall be specifically excepted from the foregoing provision with respect to payment of freight. For the purpose of this Clause, the terms "interested person" and "related company" shall be defined as provided in Clause 29 (c) of Part II hereof.

CLAUSE 31. *Efficient operation.* The Charterer agrees to conduct its business and its operations with respect to the Vessel in an economical and efficient manner.

CLAUSE 32. *Members or Delegates of Congress.* The Charterer shall not employ any Member of Congress, either with or without compensation, as an attorney, agent, officer, or director. Except to the extent permitted by law, no Member of or Delegate to Congress or any Resident Commissioner is or shall be admitted to any share or interest in this Agreement, or any benefit that may arise therefrom.

CLAUSE 33. *Warranty against contingent fees.* The Charterer warrants that no person or agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the Charterer for the purpose of securing business. For breach or violation of this warranty, the Owner shall have the right to annul this contract without liability or in its discretion to require the Charterer to pay, in addition to the charter hire, the full amount of such commission, percentage, brokerage, or contingent fee.

CLAUSE 34. *Notices.* Unless otherwise provided in this Agreement or mutually agreed upon, all payments, notices and communications from the Owner to the Charterer, pursuant to the terms of or in connection with this Agreement, shall be made or addressed to the Charterer at the address provided herein and all payments, notices and communications from the Charterer to the Owner, pursuant to the terms of or in connection with this Agreement, shall be made or addressed to the Owner at its offices in Washington, District of Columbia.

CLAUSE 35. *Renegotiation.* This Agreement shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951, as amended and extended. The Contractor (which term as used in this sentence in the Bareboat Charter Agreement, means the Bareboat Charterer, and, as used in related subcontracts shall mean the party contracting to perform the work or furnish the materials required under such subcontract) shall, in compliance with said Section 104, insert the provisions of this Clause in each subcontract and purchase order made or issued in carrying out this Agreement.

CLAUSE 36. *Citizenship.* The Charterer hereby warrants and represents that it is and at all time during the period of this Agreement will continue to be a citizen of the United States within the meaning of Section 2 of the Shipping Act, 1916, as amended.

CLAUSE 37. *Nondiscrimination in employment.* In connection with the performance of work under this Agreement, the Charterer agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: Employment, upgrading; demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Charterer agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the Owner setting forth the provisions of the nondiscrimination clause.

The Charterer further agrees to insert the foregoing provisions in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

CLAUSE 38. *No transfer or assignment.* The Charterer shall not, without the Owner's written or telegraphic consent, sell, transfer, or assign this Agreement or any interest therein, or time charter or subcharter any Vessels, or make any arrangement whereby the maintenance, management, or operation of the Vessel(s) is to be performed by any other person.

CLAUSE 39. *Headnotes.* The use of headnotes at the beginning of the clauses of this Agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the clauses themselves.[1]

§ 299.131 *Application for transfer of a war-built vessel in settlement of a claim against the United States.* The form of such application shall be substantially as follows:

APPLICATION FOR TRANSFER OF WAR-BUILT VESSEL(S) IN SETTLEMENT OF A CLAIM AGAINST THE UNITED STATES

Filed by _____
a citizen of _____

The undersigned hereby offers to accept the war-built vessel(s) described in the attached form 299.125 (herein called the "war-built vessel(s)") in complete or partial settlement of its claim against the United States which is herein identified and described, in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the Maritime Administration or the United States Maritime Commission (herein called the "Administration"), §§ 299.1 to 299.207, inclusive, of General Order 60, published in the FEDERAL REGISTER _____ (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Administration after the date of publication of such amendment or modification in the FEDERAL REGISTER.

In order to induce the Administration to act favorably on this application, the applicant submits in support thereof the following information:

A. *Description of claim against United States*

1. Amount of claim.
2. Will vessel(s) applied for be accepted in full settlement of claim?
3. If applicant will accept vessel(s) in partial settlement of claim only, state what part.
4. If for just compensation upon requisition for title of a vessel owned by applicant:
(a) Indentify the requisition for title.
(b) Any determination of just compensation and by whom. Is claim in litigation? If so, give status thereof.
5. If for indemnity for the loss of any vessel which was acquired for use by the United States:
(a) Give data and contract number of charter with the United States; and
(b) Place and cause of loss.
(c) State whether actual or constructive total loss. If constructive total loss, give present disposition and location of hulk.
(d) State principal item comprising total loss claim.
(e) Is claim in litigation? If so, give status thereof.
6. Attach hereto answers to applicable questions in paragraphs 3, 4 and 5 of the form provided in § 299.126 of the regulations applicable to the vessel(s) from which the claim against the United States arose.
7. Attach hereto the certificate of the settling department or agency in substantially the form provided in § 299.131 of these regulations.

If the settling agency is the Maritime Administration or the United States Maritime Commission or the War Shipping Administration, the application may be filed, without the certificate of the settling agency, but will be dated for preference purposes as of the date certificate of settlement is subsequently filed by applicant.

B. *As to war-built vessels*

8. Applicant offers to accept in complete or partial settlement of its claim against the United States described in Paragraphs 1 through 6 the war-built vessel(s) designated in form 299.125 of the regulations (application to purchase form) which has been filled out in all respects, is to be considered as part of this application, and has been attached to this application in the required number of copies.
9. If more than one war-built vessel is involved, state how applicant proposes to apply the claim against each such vessel.[1]

C. *Terms and conditions of settlement.*

10. If the application is approved by the Administration, the applicant agrees to execute a contract of settlement for claim against the United States and a contract of sale in such form as the Administration may prescribe.

[CORPORATE SEAL] _____
(Name of applicant)
By _____
(President)
Attest:
_____
(Secretary)
_____
(Date)

CERTIFICATE OF SETTLING DEPARTMENT OR AGENCY

I, _____, _____
(Name) (Official title)
hereby certify that I am duly authorized to effect settlement of the claim described in Part A of the application of _____
(Name of applicant)
for transfer of a war-built vessel or vessels, in settlement of a claim against the United States, that I have examined the statements of the applicant under the heading "A. Description of claim against the United States" and that, based upon information on file with said agency, such statements are correct and that, subject to a war-built vessel, or vessels, described in said application, being made available by the Maritime Administration, a contract of settlement between said department or agency and the applicant has been authorized substantially in the form annexed as Exhibit A to this application.

This certificate has been executed in triplicate this _____ day of _____, 195____, and annexed by me to three original counterparts of said application.

§ 299.132 *Application for transfer of another vessel for a vessel constructed in the United States since January 1, 1937, which was taken for use by the United States.* The form of such application shall be substantially as follows:

APPLICATION FOR TRANSFER OF ANOTHER VESSEL FOR A VESSEL CONSTRUCTED IN THE UNITED STATES SINCE JANUARY 1, 1937, WHICH HAS BEEN TAKEN FOR USE BY THE UNITED STATES

Filed by _____
a citizen of the United States.

The undersigned hereby applies for transfer of another vessel (herein called the "Administration vessel"), described in the attached form 299.71, for _____
(insert name of vessel)
a vessel constructed in the United States after January 1, 1937, which was chartered to the United States on _____, and has not been redelivered (herein called the "applicant's vessel"), in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the Maritime Administration (or the United States Maritime Commission) (herein called the "Administration"), §§ 299.1 to 299.207, inclusive, of General Order 60, published in the FEDERAL REGISTER _____ (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding in all transactions approved by the Administration after the date of publication of such amendment or modifications in the FEDERAL REGISTER.

In order to induce the Administration to act favorably on this application, the applicant submits in support thereof the following information:

A. *As to the applicant's vessel*

1. Attach hereto answers to applicable questions in paragraphs 3, 4 and 5 of § 299.76 of the regulations.
2. Has application for readjustment been filed under § 299.133 of these regulations?
3. If answer to (2) above is "yes," give date of application; if "no" does applicant intend filing such an application?
4. Amounts and due dates of remaining payments under any mortgage with the United States and total amount of original mortgage indebtedness.
5. Give date taken by the United States under charter and charter party number.

B. *As to the Commission vessel*

6. Applicant offers to accept in complete settlement of the obligation of the United States under the charter party covering applicant's vessel described in A above, the Administration vessel(s) designated in form 299.71 of the regulations (application to purchase form) which has been filled out in all respects, is to be considered as part of this application, and has been attached to this application in the required number of copies.

C. *Terms and conditions of transfer*

7. If the application is approved by the Administration, the applicant agrees to execute a contract for transfer of the vessel for the war-built vessel.

[CORPORATE SEAL] _____
(Name of applicant)
By _____
(President)
Attest:
_____
(Secretary)
_____
(Date)

§ 299.133 *Application for adjustment of purchase price of vessel purchased prior to March 8, 1946.* The form of application for such adjustment shall be substantially as follows:

APPLICATION FOR ADJUSTMENT OF PURCHASE PRICE[1]

Filed by _____ a citizen of the United States.

The undersigned hereby applies for an adjustment in the purchase price of the _____ (herein called the
(Insert name of vessel)
"vessel") in accordance with the provisions of the Merchant Ship Sales Act of 1946, Public Law 321, 79th Cong., 2d Sess., approved March 8, 1946 (herein called the "act"), and the rules and regulations prescribed by the Maritime Administration (or the United States Maritime Commission) (herein called the "Administration"), §§ 299.1 to 299.207, inclusive, of General Order 60, published in the FEDERAL REGISTER _____ (herein called the "regulations"), which the applicant agrees shall be binding upon all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations shall be binding upon all transactions approved by the Commission after the date of publication of such amendment or modification in the FEDERAL REGISTER.

The applicant further agrees that upon request of the Administration it will promptly furnish for the taxable years, specified by the Administration copies of Federal income and excess profit taxes returns, any audits thereof made by the Bureau of Internal Revenue, copies of any refund or other claims filed in connection with such returns and other pertinent data necessary in order for the Commission to make the tax adjustments required by the Act, and consents to the Administration being given full access to any other record, audits, claims or other data on file with the Bureau of Internal Revenue.

In order to induce the Administration to act favorably on this application, the applicant submits in support thereof the following information:

A. *As to the applicant*

1. Exact name.
2. Form or type of organization.
3. State or other sovereign power under the laws of which organized.
4. Address of principal executive offices.
5. Applicant represents that it is a citizen of the United States and attaches to the three executed copies of this application, affidavits to that effect in the form prescribed by the Administration.

B. *As to the vessel*

6. Name of vessel.
7. Name and address of builder.
8. Administration hull no. _____
9. Builder's hull no. _____
10. Date of original delivery of the vessel. If not delivered, state estimated date of delivery.
11. Date of contract of sale under which the vessel was purchased or agreed to be purchased.
12. Date of contract of the Administration to pay construction-differential subsidy _____ No. of such subsidy contract _____.
13. Cost of construction of vessel.
14. Price paid by applicant or agreed to be paid _____ (net cost to the applicant).
15. Amounts and dates of cash payments by applicant in 14 above.
16. Amounts and due dates of remaining payments under any mortgage with the United States and total amount of original mortgage indebtedness.

C. *As to any charter prior to March 8, 1946, of the vessel to the United States*

17. No. of charter agreement.
18. Type (time or bareboat).
19. Amount (exclusive of service) of charter hire paid to the applicant by the United States.
20. Amount (exclusive of service) of charter hire accrued and unpaid to March 8, 1946.

D. *As to any vessel traded-in on purchase of vessel*

21. Answer questions 3 and 4 of § 299.126.
22. Amount of original allowance by Administration on vessel traded-in.
23. No. of any charter agreement of such vessel with the United States.

E. *As to Federal taxes paid by the applicant*

24. The amount allowed or allowable to applicant for depreciation or amortization allowed or allowable with respect to the vessel up to March 8, 1946 for Federal tax purposes.
25. Amounts paid as Federal taxes by the applicant on any charter hire (exclusive of service) paid or payable by the United States to the applicant for use of the vessel.

F. *Method of adjustment*

26. Applicant understands that if the Administration finds that applicant is entitled to an adjustment, applicant will be notified of the adjusted purchase price determined by the Administration. Applicant agrees that unless it notifies the Administration to the contrary within 15 days following the date of receipt by the applicant of the Administration's determination of adjusted purchase price, this adjusted purchase price will be binding upon the applicant and it agrees to execute an addendum to its original contract to purchase, which addendum will be sent to him by the Administration.

G. *Liability for use of vessel after March 8, 1946*

27. Applicant agrees, in the addendum to its original contract of sale as provided in item 26 above, that it will make an agreement with the Administration binding upon itself and any and all affiliated interests that the liability of the United States for use (exclusive of service, if any, required under the terms of the charter) of the Vessel on and after March 8, 1946 under any charter party shall not exceed 15 per centum per annum of the statutory sales price of the vessel as of such date, and that the liability of the United States under any such charter party for the loss of the Vessel shall be determined on the basis of the statutory sales price as of such date, depreciated to the date of loss at the rate of 5 per centum per annum and that in the event the United States, prior to the termination of the existing national emergency declared by the President on May 27, 1941, uses such vessel pursuant to a taking, or pursuant to a bareboat charter made, on or after March 8, 1946, the compensation to be paid to the purchaser, his receivers, and trustees, shall in no event be greater than 15 per centum per annum of the statutory sales price as of such date.[2]

H. *As to exhibits filed*

28. A list of exhibits, properly identified, which shall include at the time of original filing, the following:
Exhibit I—Applicant's own computation of the readjustment of the purchase price of his vessel in accordance with § 299.66 of the regulations. This shall be prepared by computing the adjusted mortgage indebtedness and identifying and totalling all credits and debits to the Administration and the applicant separately.

[CORPORATE SEAL] _____
(Name of applicant)
By _____
(President)
Attest:
_____
(Secretary)
_____
(Date)

[1] The books, records and accounts referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration and the charterer.

[1] For types of settlement, see § 299.61 of the regulations.

[1] No application may be filed later than sixty (60) days after the date of publication of the applicable pre-war domestic cost in the FEDERAL REGISTER.

[2] Applicant is also referred to § 299.5 of the regulations.

§ 299.134 *Application for the reconversion, alteration or modification of a vessel.* The form of application for the reconversion, restoration, replacement, alteration, modification of or installation of special features in a vessel shall be substantially as follows, and must be attached to the application for purchase or charter of the vessel covered by the application for reconversion.

APPLICATION FOR RECONVERSION OF VESSEL

Filed by _____ a citizen of _____.

The undersigned hereby requests the Maritime Administration to modify the following vessel referred to in application dated _____ which the undersigned desires to _____ (purchase-charter)

Name	Type	Administration Designation Particular Characteristics

A. *National defense features*

1. The application desires that national defense features as outlined below be removed by the Administration from the vessel in the event that application to _____ (purchase or charter) _____ is approved.

2. National defense features the removal of which is desired.

3. Indicate for each item the extent of removal desired and reasons therefor and, further, whether the retention of any part is desired.

B. *Reconversions or restorations*

The applicant desired that the following described reconversion or restoration for normal operation in commercial services be made in the vessel in the event that application for purchase or charter is approved. In order to induce the Administration to act favorably on this application, the applicant submits in support thereof the following information:

4. *As to each item requested.*

(a) Explicit description.

(b) Estimated cost of work.

5. *As to need.*

(a) Explain why each item is considered necessary, indicating service and route of operation of vessel, cargo to be carried, volume of traffic expected in terms of trip capacities (each leg), frequency of sailings, and manner in which traffic is now handled.

6. *As to desirability.*

(a) List of vessels owned by the applicant including name, gross tonnage, net tonnage, deadweight tonnage, age, speed, registry, and indicating presence and extent of items requested.

(b) List other vessels presently in proposed trade, including names, gross tonnage, net tonnage, deadweight tonnage, age, speed, registry, and indicating presence and extent of items requested.

(c) Indicate expected net yearly revenue to be attributable directly to the requested items.

(d) Indicate expected added or reduced net yearly operating costs attributable directly to the requested items.

(e) Indicate other benefits, monetary or otherwise, expected from the features requested.

C. *Replacements, alterations, modifications, installations of special features*

The applicant desires that the following described replacements, alterations, or modifications be made or special features be installed in the event that application for purchase or charter is approved. In order to induce the Administration to act favorably on this application, the applicant submits in support thereof the following information:

7. *As to each item.* (a) Explicit description.

(b) Estimated cost of work.

8. *As to need.* (a) Explain why each item is considered necessary, indicating service and route of operation of vessel, cargo to be carried, volume of traffic expected in terms of trip capacities (each leg), frequency of sailings, and manner in which traffic is now handled.

9. *As to desirability and necessity.*

(a) List of vessels owned by the applicant including name, gross tonnage, net tonnage, deadweight tonnage, age, speed, registry, and indicating presence and extent of features requested.

(b) List other vessels presently in proposed trade, including names, gross tonnage, net tonnage, deadweight tonnage, age, speed, registry and indicating presence and extent of features requested.

(c) Indicate expected net yearly revenue to be attributable directly to the requested features.

(d) Indicate expected added or reduced net yearly operating costs attributable directly to the requested features.

(e) Indicate other benefits monetary or otherwise, expected from the features requested.

[CORPORATE SEAL] _____ (Name of applicant)

By _____ (President)

Attest:

_____ (Secretary)

_____ (Date)

SUBPART H—ACCOUNTING PROCEDURE

§ 299.200 *Purpose.* The purpose of this subpart is to prescribe procedure to be followed by charterers in the rendition to the Maritime Administration of accountings required under SHIPSALESDEMISE 303 (1956), 1st Amendment, Bareboat Charter Agreements.

§ 299.201 *Definitions.* Except when the context clearly indicates otherwise, as used in this subpart:

(a) "Administration" or "owner" refers to the United States of America acting by and through the United States Department of Commerce, Maritime Administration.

(b) "Charterer" refers to a person, firm, or corporation that has chartered vessels from the Administration under a bareboat charter agreement known as SHIPSALESDEMISE 303, as hereinafter defined.

(c) "SHIPSALESDEMISE 303" refers to Form 303 SHIPSALESDEMISE (1956), 1st Amendment, published in the FEDERAL REGISTER on January 30, 1957, § 299.130, and to any future modifications of such 303 SHIPSALESDEMISE charter forms which may be adopted.

(d) "Other operations" refers to the operation by the Charterer of vessels other than those chartered from the Administration or the furnishing by the Charterer of services and facilities to such other vessels, and all other business activities of the Charterer.

(e) "Uniform System of Accounts" refers to the "Uniform System of Accounts for Maritime Carriers" prescribed by the Maritime Administration, United States Department of Commerce, in Part 282 of this chapter General Order 22, Revised (Issue of 1950), effective January 1, 1951, published in the FEDERAL REGISTER, November 21, 1950.

(f) "Statutory additional charter hire", which is required to be paid under Clause 13, Part II, shall be one-half (50%) of the cumulative net voyage profits in excess of ten per centum per annum, as provided in Section 709 of the Merchant Marine Act, 1936, as amended, computed on the basis as set forth in paragraph (c) of § 299.204.

(g) "Allowable return" refers to the amount, at the rate of ten per centum per annum of "capital necessarily employed", which, to the extent earned, the Charterer is permitted to deduct from the cumulative net voyage profit in the computation of statutory additional charter hire.

(h) "Accounting period" or "other accounting period" refers to a period with respect to which a separate determination of statutory additional charter hire due the Administration is required to be made pursuant to the provisions of the applicable bareboat charter agreement, commencing with the first day of the calendar year, or the first day of the month during which the first vessel is delivered to the Charterer under the agreement involved, or the first day of the month during which an addendum requiring a separate determination of statutory additional charter hire becomes effective, and ending with the last day of the calendar year or the last day of the month during the calendar year in which the last vessel is redelivered to the Administration under the agreement (or addendum) involved.

(i) "Overall accounting period" refers to a period from the earliest commencement of an accounting period to the latest termination of an accounting period during the same calendar year.

§ 299.202 *Accounting requirements*—(a) *Contract provisions and applicable instructions*—(1) *Preliminary payments, statutory additional charter hire.* (i) Clause 13, Part II, SHIPSALESDEMISE 303, which provides that the Charterer shall pay the Owner statutory additional charter hire, as required by section 709, Merchant Marine Act, 1936, as amended, also provides that the time of payment of such hire shall be as provided by regulations of the Owner.

(ii) The Administration hereby requires that the Charterer make preliminary payments to the Owner on account of such statutory additional charter hire, which shall be deemed to be preliminary and subject to adjustment either at the time of the rendition of preliminary statements or upon completion of each final audit by the Owner, at which times such payments will be made to the Owner as such preliminary statements or final audit may show to be due, or such overpayments refunded to the Charterer as may be required. Accordingly, preliminary statements as prescribed in paragraph (a) of § 299.205 shall be prepared and forwarded to the Owner at Washington 25, D. C., within sixty (60) days after the close of each semiannual period, i. e., June 30 and December 31, Provided, however, that in the event the Charterer can submit final accountings within one hundred twenty (120) days after the close of the annual accounting year or by April 30 or within one hundred twenty (120) days after the end of the month in which the last vessel is redelivered to the Owner, such preliminary statements as are required may be waived upon written request of the Charterer to the Owner. Each such preliminary statement and/or final accounting showing the computation of statutory additional charter hire due the Owner shall be accompanied by the Charterer's check payable to "Maritime Adm.—Commerce", on account of statutory additional charter hire for the period involved.

(2) Clause 27 of Part II of SHIPSALESDEMISE 303 provides, among other things, that the Charterer—

(i) Shall keep its books, records and accounts relating to the management, operation, conduct of the business of and maintenance of the Vessels covered by this Agreement in accordance with the "Uniform System of Accounts for Maritime Carriers" prescribed by the Maritime Administration, U. S. Department of Commerce, in Part 282 of this chapter (General Order 22, Revised (Issue of 1950), effective January 1, 1951), and under such regulations as may be prescribed by the Owner, *Provided*, That, notwithstanding the provisions of said Part 282, such reserves as may be specifically authorized by the Owner shall be taken into account in the determination of "Net Voyage Profit" hereunder or the expenses to provide for which such reserves are so authorized shall be distributed over the period of use hereunder of the Vessels involved in such manner as will accomplish the same results as though such reserves were established, as prescribed in paragraph (b) (9) of § 299.204; and

(ii) Shall file, upon notice from the Owner, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of any facts and transactions, which in the opinion of the Owner affect the financial results in, the performance of, or transactions or operations under, this Agreement. The Owner reserves the right to require that all annual and final accountings, related financial statements, and other documents related thereto deemed necessary by the Owner, shall be certified by independent certified public accountants acceptable to the Owner.

(b) *Annual and final accountings.* (1) Pursuant to the applicable provisions of the bareboat charter agreements, the Administration hereby requires that each Charterer submit a final accounting of statutory additional charter hire accrued to the Owner for each annual or overall accounting period under SHIPSALESDEMISE 303. Each such accounting shall be submitted in quadruplicate and shall include the basic statements prescribed in § 299.205 (Statements Required by the Administration). (When Charterer is located in Outports where branch of the principal coastal office of the Administration is maintained, e. g., Seattle Area Office, statements will be required in quintuplicate.)

(2) Each such accounting, if the amount of statutory additional charter hire shown thereby to have accrued to the Owner is in excess of the total of the payments theretofore made to the Administration (less any refunds theretofore made by the Administration on account of such payments) on account of statutory additional charter hire for the period involved, shall be accompanied by the Charterer's check payable to "Maritime Adm.—Commerce" on account of statutory additional charter hire for the period involved.

(3) If, conversely, in any instance the amount of statutory additional charter hire shown by such accounting to have accrued to the Owner is less than the total of the payments theretofore made to the Administration (less any refunds theretofore made by the Administration on account of such payments) on account of statutory additional charter hire for the period involved, the Charterer may apply to the Administration for refund of such overpayment and, if such application is found to be in order, the amount of the overpayment will be refunded by the Administration. The application should be made on a public voucher (Form 1034—Revised), in quintuplicate (When Charterer is located in Outports where branch of the principal coastal office of the Administration is maintained, e. g., Seattle Area Office, vouchers will be required in sextuplicate.), bearing language substantially as follows:

Claim for refund of excess of preliminary payments made to Maritime Adm.—Commerce, on account of statutory additional charter hire, over the amount of such statutory additional charter hire indicated to be due the Administration for the period from _____ to _____ under Bareboat Charter Agreement SHIPSALESDEMISE 303 No. ____, as per accounting rendered pursuant to General Order No. 60, Supplement 23, which, by this reference, is incorporated in this claim for refund.

(4) The accounting comprising the statements and accompanying remittance or voucher required in this subpart shall be submitted to the Administration through the local District Comptroller and/or the Area or Port Auditor in the district, area, or port in which the home office of the Charterer is located.

(c) *Subsequent adjustments.* (1) In instances where operations under SHIPSALESDEMISE 303 continue beyond the end of a calendar year or other accounting period, at the time of the submission of the accounting for each succeeding annual or overall accounting period as required hereunder, the Charterer shall submit also a revised accounting for the previous period including all adjustments affecting that period that occurred subsequent to the rendition of the accounting therefor.

(2) If, in any instance, at the time of the submission of an accounting for an annual or overall accounting period, no adjustment affecting any preceding period has occurred subsequent to the submission of the accounting for such period, the Charterer shall submit to the Administration an appropriate certification to that effect, over the signature of a duly authorized officer.

§ 299.203 *Capital necessarily employed*—(a) *Fundamental basis.* The fundamental basis for the determination of "capital necessarily employed" is provided in Clause 23 (c) of Part II of SHIPSALESDEMISE 303.

(b) *Interim additions and deductions.* The definition of "capital necessarily employed" in SHIPSALESDEMISE 303 provides, among other things, that additional capital in the form of cash or tangible property paid in during the charter period shall be included in the computation of "capital necessarily employed" from the date paid in and that any withdrawals of capital shall be deducted from the date withdrawn. In the determination of "capital necessarily employed" additional capital, in the form of cash or tangible property paid in, and any withdrawals of capital during an annual or overall accounting period thereunder shall be included or deducted (as the case may be), pro rata, on the basis of the proportion of such additions or withdrawals represented by the relation that the number of days from the date thereof to the end of the calendar year or overall accounting period involved bears to the total number of days within such period, such proportion to be allocated to or between "capital necessarily employed" under SHIPSALESDEMISE 303 and "other operations" in the manner prescribed in paragraph (c) of this section.

(c) *Allocation among operations under Bareboat Charter Agreements and "other operations".* The definition of "capital necessarily employed" in SHIPSALESDEMISE 303 provides, among other things, that if the Charterer engages in other activities in addition to the operation of the vessels thereunder, the Owner shall determine the proper allocation of capital as between such activities. To implement this provision of the bareboat charter agreements, the following bases of allocation are prescribed:

(1) Wherever practicable and the result will not be disproportionate, "capital necessarily employed" in the business of the vessel(s) chartered from the Administration shall be determined upon the basis of the "net worth" reported by the Charterer in its balance sheet as of the close of the month preceding the date of delivery of the first vessel(s) under the contract (or at the end of the calendar year or other accounting period, deemed by the Owner to fairly present the financial position of the Charterer, but adjusted to take into account such subsequent changes in net worth and such other changes as the Owner may deem essential to a proper determination of "capital necessarily employed" at the end of such month), and as at each succeeding December 31st during the effective period of the agreement, adjusted in such manner as the Owner may determine to be fair and reasonable, including (i) such other adjustments as are consistent with sound accounting principles; (ii) pro rata reduction of any amounts in any instances where the accounting

period involved is less than a calendar year, and (iii) the elimination of assets and applicable liabilities not necessarily employed in the operation of the chartered vessels, if $10,000, or in excess thereof as to each category ((*a*), (*b*), (*c*), etc.), e. g.:

(*a*) Marketable securities pledged, except for penal bonds—bareboat charter contract;

(*b*) Non-shipping inventories;

(*c*) Replacement and similar special funds (including contractual and statutory reserve funds of subsidized operators, less mortgage indebtedness due within one year payable from such funds);

(*d*) Deferred Operating-Differential Subsidy Receivable (less—recapturable profits—M. A.);

(*e*) Amounts on deposit under purchase contracts;

(*f*) Securities of related companies and other non-marketable securities;

(*g*) Advances and loans to and deposits with related companies;

(*h*) Non-current receivables from and payables (not in excess of receivables) to, related companies;

(*i*) Cash value of life insurance;

(*j*) Net book value of vessels and of non-shipping property and equipment, less the portion of any long-term debt arising from the acquisition of such assets due more than one year after the date of the balance sheet involved;

(*k*) Construction work in progress;

(*l*) Notes and accounts receivable from and payables (not in excess of receivables) to officers and employees and others;

(*m*) Goodwill and other intangible assets; and

(*n*) Appreciation, etc.

(2) Except in instances involving (i) considerable non-shipping operations, (ii) substantial dissimilarity between the operations of the vessels chartered from the Administration and those of vessels managed, owned or chartered from others by the Charterer (with respect to which the Charterer shall submit for the consideration of the Administration, in advance of the accounting herein prescribed, its concept of a fair and reasonable formula, addressed in the manner prescribed in § 299.202 (b) (4), if and to the extent that the "net worth" of the Charterer is employed in the general conduct of the shipping business, it shall be allocated between operations under the bareboat charter agreements with the Administration and "other operations" on the basis of the relation that the vessel operating expenses of the chartered vessels bears to the total vessel operating expenses of all vessels operated by the Charterer. The term "vessel operating expenses", as used in this subparagraph means, for the purposes of this formula, those expenses proper for inclusion in Account 700—Operating Expenses—Terminated Voyages, excepting Account 760—Charter Hire, which shall be eliminated for the purposes of this formula, and Account 765—Agency Fees and Commissions, which, for the purposes of this formula, shall be eliminated from "vessel operating expenses" and included in overhead expenses (for the purpose of eliminating the necessity for allocating branch office income and expense, separately, from the allocation of overhead expenses), and Account 800—Inactive Vessel Expense, excepting Account 826—Charter Hire, all as defined in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised): *Provided*, That for the purposes of this formula there shall be omitted the proportion of such vessel operating expenses represented by the relation that the expired days of voyages in progress at the commencement of the accounting period involved bears to the total days of such voyages and there shall be taken into account the proportion of such expenses represented by the relation that the expired days of voyages in progress at the termination of such period bears to the total days of such voyages, and further, that for the purposes of the formula prescribed herein only, subsequent adjustments of vessel operating expenses, after the original accounting is rendered, covering each contract for each overall accounting period, in which statutory additional charter hire is required to be computed, accounted for, and paid separately, shall neither be permitted nor required, except in instances where such adjustments, in the net aggregate, equal or exceed one (1) percentum of the aggregate overall vessel operating expenses applicable to the accounting period involved: *And provided further*, That, for the purposes of the formula prescribed herein only, as for example, in any instance where the vessel(s) hereunder is (are) under time charter to the Military Sea Transportation Service, the term "vessel operating expenses" shall include any similar expenses incurred for account of, and recoverable from such time charter.

(d) *Limitation of "capital necessarily employed."* (1) (i) If, in any instance, the amount allocated to "capital necessarily employed" under SHIPSALESDEMISE 303, in accordance with the foregoing provisions of this section, is in excess of the greater of (*a*) the working capital requirements, or (*b*) the net worth requirements determined in the manner provided in paragraph (2) of Clause H—Special Provisions, of Part I of SHIPSALESDEMISE 303, such allocation shall be disregarded and "capital necessarily employed" shall be determined in accordance with such Special Provisions. In the application of this limitation, for the purpose of determining

(*1*) The number of vessels involved in instances where they do not remain constant throughout the accounting period, and

(2) The amount of working capital requirements or the net worth requirements (whichever is the greater) in instances where more than one type of vessel is involved,

the following formula is prescribed:

(*i*) The number of vessels involved shall be deemed to be the result obtained by dividing into the total number of days, for all vessels for the accounting period involved, the number of calendar days within such period. (For the purposes of this calculation the "total number of days" shall be considered as beginning with the delivery date of the vessel during an accounting period to the end of such accounting period or the date on which the vessel is redelivered during the period), and

(*ii*) The average working capital requirements or net worth requirements per vessel shall be determined by multiplying the greater of such requirements (as modified in subparagraphs (a) and (b) of paragraph (2) of Clause H of Part I of "SHIPSALESDEMISE 303") for each type of vessel involved by the number of days covering all vessels of that type for the accounting period involved, and dividing the sum of the results thus obtained for all types of vessels involved by the aggregate number of days for all types of vessels.

(ii) The amount to be deducted in the determination of statutory additional charter hire (as ten per centum per annum on "capital employed") shall be that proportion of ten per cent represented by the relation that the number of days within the accounting period involved bears to three hundred and sixty-five (except leap year), the number of days within the year, as shown in the following example (in which the working capital requirements are assumed to exceed the net worth requirements and the accounting period is assumed to be 180 days):

Determination of Average Working Capital Requirements

Vessels			
Type "A"	11 for 150 days each =	1,650 days @ $90,000 =	$148,500,000
Type "A"	5 for 180 days each =	900 days @ 90,000 =	$81,000,000
Type "B"	2 for 120 days each =	240 days @ 100,000 =	$24,000,000
Type "B"	1 for 180 days each =	180 days @ 100,000 =	$18,000,000
Type "C"	1 for 180 days each =	180 days @ 140,000 =	$25,200,000
		3,150 days	$296,700,000
Total as above			$296,700,000
Divided by—Total vessel days as above			3,150
Average working capital requirements per vessel			$94,190.48

Determination of Number of Vessels for Period

Total vessel days as above	3,150
Divided by—Total days in period	180
Total vessels for period	17½

[1] Working capital requirements (as modified in sub-paragraph (a) of paragraph (2) of Clause H of Part I of "SHIPSALESDEMISE 303") should be used for this purpose, if they exceed net worth requirements.

Determination of "Capital Employed"

Vessels	
First to fifth vessel, inclusive (100% of $94,190.48 × 5) [1]	$470,952.40
Sixth to tenth vessel, inclusive (75% of $94,190.48 × 5) [1]	$353,214.30
Eleventh to fifteenth vessel, inclusive (50% of $94,190.48 × 5) [1]	$235,476.20
Excess of fifteen (2½ vessels) (25% of $94,190.48 × 2½) [1]	$58,869.05
	$1,118,511.95
"Allowable return" of 180/365 of 10% of "capital employed"	$55,159.49

[1] Fractions resulting from the calculation of the number of vessels involved shall be taken into account, the 25 percent reduction being applicable to such fractions occurring between the fifth and sixth vessels, and the 50 percent reduction to those occurring between the tenth and eleventh vessels.

(iii) For the purpose of computing the limitation of "Capital Necessarily Employed", as prescribed in this paragraph, the "Working Capital" and/or "Net Worth" requirements (determined pursuant to Clause H, Special Provisions 1 and 2 of Part I of the Agreement), as published in the FEDERAL REGISTER, at the time vessel(s) were applied for, shall remain in full force and effect with respect to such vessel(s) during the entire period of the agreement: *Provided, however*, If any vessel(s) are redelivered and subsequently rechartered, the application to re-charter the vessel(s) shall be treated as a new application for purposes of determining the "Limitation of Capital Necessarily Employed".

§ 299.204 *Net voyage profit*—(a) *Fundamental basis.* (1) The fundamental basis for the determination of "net voyage profit" is provided in Clause 23 (a) of Part II of SHIPSALESDEMISE 303.

(2) The fundamental basis for the determination of "fair and reasonable overhead expenses" (which are deductible from gross income in the determination of "net voyage profit") is prescribed in Clause 23 (b) of Part II of SHIPSALESDEMISE 303.

(3) The fundamental basis with respect to reserves to be taken into account in the determination of "net voyage profit" is prescribed in Clause 27 of Part II of SHIPSALESDEMISE 303.

(b) *Allocation among operations under Bareboat Charter Agreements and "other operations".* The definition of "net voyage profit" in SHIPSALESDEMISE 303 provides, in effect, among other things, that, in instances where the Charterer engages in other activities in addition to the operation of the vessels thereunder, income and expenses other than those directly and exclusively allocable to the operation of such vessels shall be prorated between these activities on such basis as the Owner may determine to be fair and reasonable. To implement this provision of the bareboat charter agreements, the following bases of allocation are prescribed:

(1) Wherever practicable and the result will not be disproportionate, income and expenses (including, but not necessarily limited to, operating revenues and expenses on terminated voyages, inactive vessels expense, operating-differential subsidy, collections from and contributions to pools for the purpose of equalizing revenue in accordance with pooling agreements) shall be allocated directly to the operation from which they are derived or in which they are incurred.

(2) Except in instances where the Charterer maintains its accounts on an actual cost basis respecting the operations covered herein below, the "Uniform System of Accounts for Maritime Carriers" provided in Part 282 of this chapter (General Order 22, Revised), provides, among other things, that Accounts Nos. 891—Credits from Terminal Operations, 892—Credits from Cargo Handling Operations, 893—Credits from Tug and Lighter Operations, 894—Credits from Other Shipping Operations (in instances where such services or facilities are maintained by the Charterer), shall be credited with "agreed amounts" for the use of such services or facilities by vessels owned by the Charterer, with corresponding charges to Vessel Operating Expense. In instances where the Charterer maintains such services or facilities and they are used by the chartered vessels, the Charterer shall charge in the Vessel Operating Expense Accounts of the chartered vessels fair and reasonable amounts for the use of such services or facilities (but not in excess of (i) the "going rates" for the services or facilities at the ports involved, or (ii) the rates at which such services or facilities could be obtained from independent suppliers, or (iii) the rates charged all other vessels using them): *Provided*, Similar charges are made in the accounts of all other vessels operated by the Charterer. If the sum of the gross income derived from the use of such services or facilities by vessels (i) under SHIPSALESDEMISE 303, (ii) owned by the Charterer, and (iii) chartered from others by the Charterer, exceeds the gross income derived from the use of such services or facilities by other vessels,

(*a*) The expense of maintaining such services or facilities shall be included in Accounts Nos. 855—Expense of Terminal Operations, 865—Expense of Cargo Handling Operations, 875—Expense of Tug and Lighter Operations, and 885—Expense of Other Shipping Operations, and shall be allocated among the operation of the vessels under SHIPSALESDEMISE 303 and "Other Operations" on the basis of the relation that the gross income so derived from the vessels engaged in each such operation bears to the total gross income derived from the furnishing of such services or facilities, except that income derived from the furnishing of such services or facilities to vessels neither owned, nor chartered from the Administration or others, by the Charterer shall not be included in the above calculation but shall be prorated between the operation of the vessels under SHIPSALESDEMISE 303 and "Other Operations" in the same manner as is the expense of maintaining such services or facilities as thus determined, and

(*b*) The amounts credited to the income accounts shall be allocated directly to the operation of the vessels under SHIPSALESDEMISE 303 and "Other Operations" on the same basis as are the corresponding charges to the Vessel Operating Expense Accounts.

If, conversely, the sum of the gross income derived from the use of such services or facilities by vessel (i) under SHIPSALESDEMISE 303, (ii) owned by the Charterer, and (iii) chartered from others by the Charterer, is less than the gross income derived from the use of such services or facilities by other vessels,

(*a*) The amounts credited to the income accounts corresponding to charges in the Vessel Operating Expense Accounts of the vessels under SHIPSALESDEMISE 303 shall be allocated directly to the operation of such chartered vessels and the amounts credited to the income accounts corresponding (*1*) to charges in the accounts of vessels, owned, or chartered from others than the Administration, by the Charterer, and (*2*) to charges against others for the use of such services or facilities shall be allocated to "other operations", and

(*b*) The expense of maintaining such services or facilities shall be allocated between the operation of vessels under SHIPSALESDEMISE 303 and "Other Operations" on the basis of the relation that the gross income so derived from the vessels engaged in each such operation bears to the total gross income derived from the furnishing of such services or facilities.

(3) Compensation, including compensation for liquidating the activities and business of vessels earned by general agents (as determined by District Comptrollers), under NSA Order No. 47 (AGE–4 and amendments thereto, 32A CFR, Ch. XVIII, AGE–4) shall be allocated 20 percent direct to "Other Operations"; the remaining 80 percent of the total compensation earned under the applicable order shall be deducted from the total overhead expenses of the Charterer before allocation of such expenses between SHIPSALESDEMISE 303 and "Other Operations".

(4) In instances where branch offices of the Charterer act as agents for the chartered vessels and if it is impracticable to determine the actual cost of such services, the Charterer may charge in the vessel operating expense accounts of the chartered vessels fair and reasonable amounts for such services (but at not in excess of (i) the "going rates" for the services at the ports involved, or (ii) the rates at which such services could be obtained from independent agents, or (iii) the rates charged all other vessels for such services): *Provided*, Similar charges are made in the accounts of all other vessels operated by the Charterer. Such credits shall be accumulated in Account No. 895—Credits from Branch House Operations, in the manner prescribed in Part 282 of this chapter (General Order No. 22, Revised), and deducted from overhead expense as prescribed in subparagraph (5) of this paragraph.

(5) (i) Except in instances involving (*a*) considerable non-shipping operations, and (*b*) substantial dissimilarity between the operations of the vessels

chartered from the Administration and those of vessels managed, owned or chartered from others by the Charterer, or (c) agency operations actually carried on as a separate and substantial business activity of the Charterer for its own account and not merely incidental to the operation of the chartered vessels (with respect to which the Charterer shall submit, for the consideration of the Administration, in advance of the accounting herein prescribed, its concept of a fair and reasonable formula, addressed in the manner prescribed in subparagraph (4) of § 299.202 (b)), overhead expenses (if not directly allocable to a particular operation, i. e., bareboat or other), including (*i*) administrative and general expense and (2) expenses incurred in the operation and maintenance of branch houses; less (*i*) 80 percent of the total agency fees, commissions, and brokerage earned from outside agency activities (the remaining 20 per cent to be allocated direct to "Other Operations"), and (*ii*) credits from branch house operations (Account No. 895); (3) management and operating commissions, advertising expenses (other than that directly allocable to a particular operation, i. e., bareboat or other), taxes, other than Federal; income tax, and (4) agency fees and commissions transferred from vessel operating expense (Account No. 765); all as described in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administration in Part 282 of this chapter (General Order No. 22, Revised), and as the Owner may determine to be fair and reasonable and properly included, shall be allocated between operations under the SHIPSALESDEMISE 303 and "Other Operations" on the basis of the relation that the "vessel operating expense" (as hereinbefore defined in § 299.203 (c) (2)) of the chartered vessel(s) bears to the total vessel operating expenses of all vessels operated by the Charterer during the annual or overall accounting period involved.

(ii) Subject to the conditions prescribed in § 299.206 (b), in any instance where the statements required to be submitted to the Administration hereunder are certified by an independent certified public accountant or a firm of independent certified public accountants, such fair and reasonable payments as the Administration determines to have been made by the Charterer for the certification of such statements by such certified public accountants may be allocated directly to operations under the bareboat charter agreements involved on the basis of the relation that the total vessel operating expenses (determined similarly as defined in § 299.203 (c) (2)) of the chartered vessel(s) applicable to each accounting period under each agreement bears to the total vessel operating expenses of the chartered vessel(s) under all such agreements for all such periods covered by such statements.

(iii) The salaries of any additional personnel which the Charterer demonstrates to the satisfaction of the Administration to have been necessarily employed for the exclusive purpose of preparing such statements (irrespective of whether or not they are certified by an independent certified public accountant or a firm of independent certified public accountants) shall be allocated over the entire period covered by such statements on the basis of the relation that the total vessel operating expenses (determined similarly as defined in § 299.203 (c) (2)) of the chartered vessel(s) applicable to each accounting period under each agreement bears to the total vessel operating expenses of the chartered vessel(s) under all such agreements for all such periods covered by such statements.

(iv) Post redelivery overhead expense shall be allowed, as additional expense in computing statutory additional charter hire, in an amount equal to ten dollars ($10.00) per day for each day each vessel is under the bareboat charter agreement for a maximum period of 180 days. Such post redelivery overhead expense shall be allocated directly to operations under the bareboat charter(s) on the basis of the relation that the total vessel, operating expense (determined similarly as defined in § 299.203 (c) (2)) of the chartered vessel(s) applicable to each accounting period under each agreement bears to the total vessel operating expenses of the chartered vessel(s) under all such agreements for all such periods covered by such statements, Provided, that such allowance so accounted for, shall (in the event an additional agreement (or agreements) is (are) entered into and vessels delivered thereunder subsequent to redelivery of the last vessel under the preceding agreement, during the same calender year), be deducted from overhead expense before allocation thereof under all or any succeeding agreements.

(6) Depreciation—Floating Equipment—Vessels, shall be allocated direct to "Other Operations", Depreciation—Other Floating Equipment, Depreciation—Terminal Property and Equipment, and Depreciation—Other Shipping Property and Equipment, excepting depreciation on office furniture, fixtures and equipment, shall be allocated among the various operations on the same relative bases as are the other expenses of maintaining such services and facilities pursuant to subparagraph (2) of this paragraph. Depreciation on office furniture, fixtures and equipment and Amortization of Leaseholds (to the extent not subject to direct allocation) shall be allocated among the various operations on the same relative basis as are Fair and Reasonable Overhead Expenses pursuant to the formula prescribed in § 299.203 (c) (2).

(7) Income in the form of interest earned and dividends, interest expense (except interest expense on mortgage notes covering vessels purchased, construction commitments, mortgage bonds, debentures, and other long-term debt, if not specifically employed in the operation of the chartered vessel(s), shall be allocated direct to "Other Operations"), miscellaneous operating income and expense, miscellaneous other income and miscellaneous other deductions from income if and to the extent they are not susceptible to direct allocation, but are derived from and incurred in the general conduct of the shipping business, shall be allocated among the various operations on the same relative basis as are Fair and Reasonable Overhead Expenses pursuant to the formula prescribed in § 299.203 (c) (2).

(8) Income derived from, and expenses incurred in, non-shipping operations shall be allocated directly to "Other Operations".

(9) Reserves to be taken into account in the determination of "net voyage profit":

(i) Subject to the conditions provided in this paragraph, upon application of the Charterer, supported by adequate data based on past experience, the inclusion in vessel operating expenses applicable to all terminated voyages of such charges as the Administration determines to be fair and reasonable will be permitted to provide reserves for:

(*a*) Vessel repair expenses (including voyage and annual or periodic special survey repair expenses as well as expenses of repairs incident to deactivation and/or redelivery of vessels).

(*b*) Vessel redelivery expenses (excepting such expenses, if any, for which the Charterer is reimbursed by the Owner, and excepting also any overhead expenses of the Charterer) incurred during the period from the time of paying off the crew or completion of discharge of cargo or ballast on the last voyage, or from the date of availability of the vessel for redelivery pursuant to the terms of the Agreement, whichever later occurs, to the time of redelivery of the vessel to the Administration, such as (*i*) wages of crew, (*ii*) food and stores consumed, (*iii*) fuel consumed, (*iv*) monthly charter hire, (*v*) insurance premiums, (*vi*) port charges, (*vii*) cleaning, watching, maintenance expenses, shore labor, and miscellaneous expenses incident to redelivery, and (*viii*) expenses, if any, incident to transporting the ship from port of return to the United States upon its last voyage to port of redelivery, and

(*c*) Reserves for P. & I. insurance deductible average losses.

(ii) The reserves for vessel repair expenses and for vessel redelivery expenses shall be adjusted (*a*) as at December 31, 1956, with respect to vessels redelivered to the Administration on or before that date, (*b*) as at the end of each succeeding calendar year with respect to vessels redelivered to the Administration during such year, and (*c*) at the time of final accounting under the Agreement with respect to vessels redelivered to the Administration during the period following the end of the last preceding calendar year. Such adjustment shall be accomplished by distributing separately the balances in such reserves applicable to each individual vessel redelivered to the Administration during each such period in such manner as will have the effect of spreading the actual expenses applicable to each such vessel over the accounting periods involved (with respect to which a separate determination of statutory additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after July 1, 1956 and ending with the date of its redelivery to the Administration.

(iii) The reserves for P. & I. insurance deductible average losses shall be adjusted at the time of final accounting under the Agreement, by distributing separately the balances in such reserves applicable to each individual vessel in such manner as will have the effect of spreading the actual expenses applicable to each individual vessel over the accounting periods involved (with respect to which a separate determination of statutory additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after July 1, 1956 and ending with the date of its redelivery to the Administration.

(iv) If in any instance either of the reserves specifically authorized in subdivision (i) of this subparagraph is not established, or, if established, the amount thereof is not adequate to cover the actual expenses properly chargeable thereto, such expenses, or the excess thereof over the amount of the reserve established to provide therefor, as the case may be, applicable to each individual vessel involved, shall be distributed over the period of use of such vessel under the Agreement, commencing with the first voyage terminating after July 1, 1956, in such manner as will accomplish the same result as though adequate reserves were established to provide for such expenses as provided in this section.

(v) In the determination of "Net Voyage Profit" under the Agreement, there shall not be taken into account (*a*) any charge resulting from the creation of reserves to cover expenses other than those specifically provided for in subdivision (i) of this subparagraph, or (*b*) any charge resulting from the spreading of expenses other than those with respect to which the creation of reserves is specifically provided for in subdivision (i) of this subparagraph.

(10) *Adjustments in absence of physical inventories.* Except in instances where physical inventories satisfactory to the Owner were taken at the end of each accounting period with respect to which a separate determination of statutory additional charter hire is required to be made,

(i) The value of the inventory of subsistence stores, consumable stores, fuel, water, and slop chest items on board at the time of delivery of the vessel to the Charterer shall be charged in Account 060—Stores, Supplies and Equipment Aboard Vessels—and the value of the inventory of subsistence stores, consumable stores, fuel, water, and slop chest items on board at the time of redelivery of the vessel to the Owner shall be credited in the same account.

(ii) The difference between the value of such delivery inventory and the value of such redelivery inventory shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner, and

(iii) The value of priced differences between the itemized lists of expendable equipment upon delivery and redelivery shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner.

(c) *Calculation of net voyage profit on cumulative basis.* Clause 13, Part II, SHIPSALESDEMISE 303, provides that the Charterer shall pay the Owner statutory additional charter hire as required by Section 709, Merchant Marine Act, 1936, as amended. Under said section it is provided that "whenever, *at the end of any calendar year* subsequent to the execution of such charter, the *cumulative net voyage profits* (after payment of the charter hire reserved in the charter and payment of the charterer's fair and reasonable overhead expenses applicable to operation of the chartered vessels) shall exceed 10 per centum per annum on the charterer's capital necessarily employed in the business of such chartered vessels, the charterer shall pay over to the Commission, as additional charter hire, one-half of such *cumulative net voyage profit* in excess of 10 per centum per annum: *Provided*, That the *cumulative net profit so accounted for* shall not be included in any calculation of *cumulative net profit* in subsequent years." [Italics supplied.] For purposes of calculating "cumulative net voyage profits", any net voyage losses and/or any unearned portion of the allowable return of 10 per cent per annum on capital necessarily employed in the business of the chartered vessels, may be carried forward into the next accounting period or periods, but in no event shall profits in excess of 10 per cent per annum on capital employed, at the end of any accounting period, be carried forward into the next accounting period. The foreging is without prejudice to the position heretofore or hereafter asserted by the Government in litigation involving these charters.

§ 299.205 *Statements required by the Administration*—(a) *Preliminary Statements.* (1) Semiannual preliminary statements of statutory additional charter hire required hereunder, as referred to in § 299.202 (a) (1), shall include the following statements: (There will be supplied by the Office of the Comptroller illustrative examples of such statements based on hypothetical figures.)

Exhibit A—Analysis of net worth and allocation of "Capital Necessarily Employed" for the purpose of determining "Statutory Additional Charter Hire".
Exhibit B—Comparative balance sheet.
Exhibit C—Income sheet.
Exhibit D—Formulae for the allocation of net worth and income and expense.
Schedule A–1—Formula for limitation of "Capital Necessarily Employed".

(2) For the purpose of such preliminary statements, the Charterer may substitute, for the analysis reflected on Exhibit A of the illustrative examples, a computation premised upon the "Formula for the Limitation of Capital Necessarily Employed" as shown on Schedule A–1 of the illustrative examples (thus eliminating the preparation of the detailed analysis shown on Exhibit A and also the balance sheet as reflected on Exhibit B). The analysis shown on Exhibit C, Income Sheet, may be condensed to principal captions where practicable. The Formulae shown on Exhibit "D" may be limited to that portion applicable only to the allocation of income and expense items, Formula A: *Provided*, That, in any instance where the income sheet covering operations under the bareboat charter agreements involved from the commencement of an accounting period shows a cumulative net voyage loss, it will not be necessary for the Charterer to submit statements reflecting its calculation of "capital necessarily employed" as herein prescribed; however, in any event, the Charterer shall continue to submit income sheets reflecting its cumulative operating results in the manner and at the times prescribed in this subpart.

(b) *Final accountings.* Final accountings required hereunder, as referred to in § 299.202 (b) (1), shall include the following statements: (There will be supplied by the Office of the Comptroller illustrative examples of such statements, based on hypothetical figures.)

(1) *Exhibit A—Analysis of net worth and allocation of "Capital Necessarily Employed for the purpose of determining "Statutory Additional Charter Hire".* The procedure for the preparation of this statement contemplates:

(i) That a balance sheet is required to be prepared only (*a*) as at the end of the month preceding the date of delivery of the first vessel under SHIPSALESDEMISE 303, even though more than one such agreement became effective during the calendar year involved, and (*b*) at the end of that and each succeeding calendar year; and

(ii) That the net worth as reflected in such balance sheet, adjusted as required pursuant to Clause 23 (c) of SHIPSALESDEMISE 303, shall be allocated among operations under such bareboat charter agreement and "Other Operations" on the basis prescribed in § 299.203 (c) (2); and

(iii) That the net worth as reflected in each such balance sheet as adjusted shall be further adjusted to ascertain the net worth at the commencement of each succeeding agreement (whereunder statutory additional charter hire is required to be computed, accounted for, and paid separately), whereunder delivery of the first vessel is made during the calendar year involved, by taking into account (*a*) additions to capital, (*b*) withdrawals of capital, and (*c*) net profits (or losses) after statutory additional charter hire and after provisions for Federal income tax occurring (*1*) during the period between the end of the month preceding the date of delivery of the first vessel under the first agreement and the end of the month preceding the date of delivery of the first vessel under the second agreement, if any, and (2) during each similar intervening period preceding each succeeding agreement whereunder delivery of the first vessel is made during the calendar year involved. In computing such adjustment, the net profit earned (or loss sustained) during such periods shall

be ascertained by allocating the proportion of the total net profit earned (or loss sustained) under each bareboat charter agreement (whereunder statutory additional charter hire is required to be computed, accounted for, and paid separately) and in "Other Operations" to such periods, on the basis of the relation that the vessel operating expenses (in accordance with the formula prescribed in § 299.203 (c) (2)) incurred under each such agreement and in "Other Operations" during the period from the beginning of the calendar year involved or from the end of the month preceding the date of delivery of the first vessel under the first bareboat charter agreement with the Administration (whichever later occurs) to the commencement of the period with respect to which the determination of net worth is required to be made, separately, bears to the total of such vessel operating expenses under each such agreement and in "Other Operations" during the overall accounting period involved; and

(iv) That, in the determination of "capital necessarily employed" under SHIPSALESDEMISE 303 additional capital in the form of cash or tangible property paid in and any withdrawals of capital during an annual or overall accounting period thereunder shall be included or deducted (as the case may be) in the manner prescribed in § 299.203 (b); and

(v) That the "capital necessarily employed" as thus determined separately, with respect to each bareboat charter agreement (whereunder statutory additional charter hire is required to be computed, accounted for, and paid separately) shall be compared with any limitations thereon prescribed in § 299.203 (d), and that the "allowable return" (at the rate of 10 per centum per annum) of the Charterer under each such agreement shall be calculated on the basis of the lesser of the two; and

(vi) That the "allowable return" as thus determined shall be deducted from the net voyage profit earned under the corresponding agreement during the accounting period involved and that the balance shall be divided between the Charterer and the Administration in accordance with the applicable provisions of the respective agreements: *Provided*, That, in any instance where the income sheet covering operations under the bareboat charter agreements involved from the commencement of an accounting period shows a cumulative net voyage loss, it will not be necessary for the Charterer to submit statements reflecting its calculation of "capital necessarily employed"; however, in any event, the Charterer shall continue to submit income sheets reflecting its cumulative operating results in the manner and at the times prescribed in this subpart.

(2) *Exhibit B—Comparative balance sheet.* The procedure for the preparation of this statement contemplates:

(i) That, for each annual or overall accounting period, there shall be submitted, in comparative form, a balance sheet as at the end of the month immediately preceding the date of the beginning of such accounting period and as at the end of the last month within such accounting period; and

(ii) That, with respect to the first accounting period of the Charterer, the initial balance sheet shall reflect the financial position of the Charterer as at the end of the month preceding the date of delivery of the first vessel under the initial bareboat charter agreement with the Administration; and

(iii) That, in instances where additional agreements become effective during an annual or overall accounting period, it will not be necessary that the Charterer prepare a separate balance sheet to cover such additional agreements, since the net worth at the commencement of each such agreement, will be determined by adjusting the Net Worth reflected in the balance sheet at the commencement of the annual or overall accounting period in the manner prescribed in subparagraph (1) (iii) of this paragraph for the preparation of Exhibit A; and

(iv) That the accounts reflected in each such balance sheet shall be those prescribed in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised), and none other; and

(v) That the assets reflected in each such balance sheet shall be stated in conformity with generally accepted accounting principles applied on a consistent basis and, to the extent applicable, on the basis prescribed in Paragraph (c) of Clause 23 of Part II of SHIPSALESDEMISE 303; that adequate reserves shall be shown for accounts receiveable doubtful of collection and for such other items as require valuation reserves to reflect their true value; and that there shall be included an adequate statement of all known and ascertainable liabilities.

(3) *Exhibit C—Income sheet.* The procedure for the preparation of this statement contemplates:

(i) That there shall be submitted income sheets which accurately reflect the results of all operations (*a*) during the entire period commencing with the first day of the calendar month during which the first vessel is delivered under the initial bareboat charter agreement with the Administration and terminating at the end of that calendar year, and (*b*) for each succeeding calendar year or overall accounting period as herein defined; and

(ii) That the income and expenses reflected on such income sheets shall be allocated among operations under SHIPSALESDEMISE 303 and "Other Operations" on the bases prescribed in § 299.203 (c) (2); and

(iii) That the items of income and expense reflected in each such income sheet shall be those prescribed in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order 22, Revised), and none other.

(4) *Exhibit D—Formulae for the allocation of net worth and income and expenses.* There shall be submitted for each period with respect to which a separate income sheet is required hereunder a separate statement reflecting the formulae by which the assets and liabilities and income and expenses are distributed among the various operations during each such period in accordance with § 299.203 (c) (2).

(5) *Exhibit E—Working trial balance.* The procedure for the preparation of this statement contemplates:

(i) That there shall be prepared a working trial balance as at each date with respect to which a separate balance sheet is required hereunder; and

(ii) That the balance reflected in the general ledger at the respective dates shall be listed by accounts and distributed to the appropriate columns provided therefor in the illustrative example included among those to be supplied by the Office of the Comptroller; and

(iii) That the Charterer shall determine that the items included in each asset and liability account have been properly classified and adjusted, that the balances are correct, and do not contain items of income or expense applicable to either a prior or current accounting period (Schedules reflecting the extent of the analysis of such accounts shall be included among the working papers available for examination by the Administration's auditors); and

(iv) That the Charterer shall determine that the items included in each income and expense account have been properly classified and adjusted, that the balances are correct, and that such balances are entirely applicable to the accounting period involved (Schedules reflecting the extent of the analysis of such accounts shall be included among the working papers available for examination by the Administration's auditors); and

(v) That the balance in each clearance account shall be thoroughly analyzed and proper accounting disposition made thereof; and

(vi) That all adjustments to the accounts listed in the working trial balance shall be accomplished by posting thereto journal entries, prepared in numerical sequence and containing a complete description as to the the reasons for the adjustment, copies of such journal entries to be made available to the Owner upon request; and

(vii) That the Charterer may change or vary the design of this working trial balance to suit its particular needs: *Provided*, That the statement substituted will produce the same results and reflect all of the information required, but in this respect it is emphasized that the Owner has found the illustrative example included among those to be supplied by the Office of the Comptroller to be satisfactory and particularly well adapted to its use in conducting audits of charter operations.

(6) *Schedule A–1—Formula for limitation of "Capital Necessarily Employed."* This schedule shall reflect the calculation of the limitation of "Capital Necessarily Employed" in accordance with § 299.203 (d) separately for each accounting period with respect to which a determination of "Capital Necessarily Employed" is required hereunder.

(7) *Schedule B–1—Analysis of surplus.* The procedure for the preparation of this statement contemplates:

(i) That there shall be submitted an analysis of surplus in support of each balance sheet required hereunder; and

(ii) That such analysis in support of the beginning balance sheet pertaining to the first SHIPSALESDEMISE 303 bareboat charter agreement with the Administration shall reflect, e. g., (*a*) surplus (or deficit) as at December 31, 1955, (*b*) net profit (or loss) during the period from January 1, 1956, to the end of the month preceding the date of delivery of the first vessel thereunder, (*c*) direct adjustments to surplus during such period, and (*d*) the balance as at the end of such period; and

(iii) That, in addition to subdivision (ii) of this subparagraph, such analysis shall reflect also (*a*) profit or loss during the period from the first day of the calendar month during which the first vessel was delivered under the first SHIPSALESDEMISE 303 bareboat charter agreement with the Administration to December 31, 1956, (*b*) direct adjustments to surplus during such period, and (*c*) the balance as at December 31, 1956; and

(iv) That such analyses for subsequent annual or overall accounting periods shall be prepared in a similar manner to reflect separately changes in surplus during each period with respect to which a separate determination of "capital necessarily employed" is required.

(8) *Schedule E–1—Analysis of profit and loss.* The procedure for the preparation of this statement contemplates:

(i) That there shall be submitted in support of each working trial balance required hereunder an analysis of profit and loss for the calendar year or overall accounting period involved and that such analysis shall be grouped by accounts in the manner indicated in the illustrative examples included among those to be supplied by the Office of the Comptroller; and

(ii) That such analysis shall include all adjustments effected by the Charterer and, as part of the working trial balance, shall be the basis upon which the Income Sheet (Exhibit "C") is prepared; and

(iii) That all items of income and expense reflected in the analysis of profit and loss shall be those prescribed in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised), and none other.

§ 299.206 *Certifications and verifications.* (a) The accounting required under this part shall be submitted under cover of an affidavit, executed by the corporate officer responsible for the accuracy and maintenance of the books of account and financial records of the Charterer, if a corporation, or by a general partner so responsible, if a partnership, which affidavit shall be substantially as follows:

AFFIDAVIT

STATE OF _____
COUNTY OF _____ ss:

_____, being first duly sworn on his (her) oath, states:

That I am _____ of the
(Title)
_____
(Name of Charterer)

Charterer under bareboat charter agreement(s) with the United States Maritime Administration known as "SHIPSALESDEMISE 303" (MA__);[1] that, as such, I am responsible for the accuracy and maintenance of the books of account and financial records of the Charterer and am thoroughly familiar with such books and records and with the terms and conditions of the aforesaid bareboat charter agreement(s) and with the orders, rules, regulations, and instructions of the Maritime Administration appertaining thereto as issued or adopted by the United States Maritime Administration; that I have carefully examined the statements comprising the accounting annexed hereto covering the period from _____ to _____, under the aforesaid bareboat charter agreement(s); and that, to the best of my knowledge and belief, the said accounting reflects a true and complete statement of the "capital necessarily employed in the business" of the chartered vessels and the statutory additional charter hire accrued to the United States Maritime Administration under the aforesaid bareboat charter agreement(s) during the period from _____ to _____, under the terms and conditions thereof and in accordance with the orders, rules, regulations, and instructions of the Maritime Administration issued or adopted by the United States Maritime Administration appertaining thereto; the balance sheets included in the annexed accounting fairly present the financial position of the Charterer as at the dates thereof, including (but not limited to) an adequate statement of all known and ascertainable liabilities, and the income sheet included in the annexed accounting correctly states the operating results of the Charterer for the period covered by such accounting; and that the Charterer to the best of my knowledge and belief, has fully complied with all the terms and conditions of said bareboat charter agreement(s) in the manner and at the times therein required.

_____

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this _____ day of _____, 19__.

My Commission expires _____

_____
(Notary Public)

[1] Show only applicable contract references.

(b) If an independent certified public accountant or a firm of independent certified public accountants is employed by the Charterer for the purpose of certifying the statements required hereunder, the review and settlement by the Owner of statutory additional charter hire determinations thereby may be facilitated. If, therefore, at the option of the Charterer, the statements required hereunder are certified by an independent certified public accountant or a firm of independent certified public accountants, fair and reasonable payments made by the Charterer to such professional accountants for services and incidental expenses relating to such certification may be allocated directly to operations under the bareboat charter agreements involved on the basis prescribed in § 299.203 (c) (2): *Provided*, That the following minimum conditions are observed:

(1) Such certified public accountants will undertake to make their working papers available for examination by the Owner's auditors upon request and to permit the Owner's auditors to make copies of such papers to the extent they deem necessary;

(2) Such certified public accountants are independent in fact (an accountant will not be considered independent with respect to any person in whom he has any substantial interest, direct or indirect, or with whom he is, or was during the period of the bareboat charter agreements involved, connected as an officer, director, executive, or employee. As used in this subparagraph, the term "any person" shall include the Charterer, and any holding company, subsidiary, affiliate, or associate of the Charterer); and

(3) The statements submitted are accompanied, in addition to the affidavit required of the Charterer, by a signed opinion of the independent certified public accountant in the following or substantially similar form:

We (I) have examined the statements comprising the accounting annexed hereto, and have found the statements to have been prepared by the Charterer in accordance with the terms and conditions of the applicable bareboat charter agreement(s) and with the applicable orders, rules, regulations, and instructions issued or adopted by the Maritime Administration.

Our (my) examination of the statements included examination of the underlying books of account and records for the period from _____ to _____. Our (my) examination was made in accordance with generally accepted auditing standards and included all procedures which we (I) considered necessary in the circumstances (state exceptions if any). In our (my) opinion the annexed statements fairly present the proper determination of the 'capital necessarily employed in the business' of the chartered vessels and the calculation of statutory additional charter hire (in the aggregate amount of $_____) accrued to the account of the Maritime Administration under bareboat charter agreement(s) No.(s)_____ for the period from _____ to _____.

_____
(Independent Certified Public Accountant(s)

Upon receipt of statements certified by an independent certified public accountant or a firm of independent certified public accountants under the conditions prescribed in this paragraph, the Maritime Administration will take into consideration the scope of the audit conducted by such independent certified public accountants of the Charterer's accounts.

(c) (1) In arriving at the amount of net voyage profit for the purpose of calculating statutory additional charter hire under a bareboat charter agreement with the Administration there shall not be taken into account any item of expense, as a deduction from gross income, in any case where such item of expense represents a payment or expenditure or transfer of anything of value, directly or indirectly, to or on behalf of any person or organization or association, in a trans-

action occurring within the United States, its territories or possessions,

(i) To induce unethically any person, organization or association, to take or refrain from taking any action calculated to affect the relations between the Charterer and its employees, or to influence unethically the manner of performance of his or its employment or calling; or

(ii) Ostensibly as compensation for, but actually for a consideration other than, personal services rendered as an employee.

(2) Accordingly, an affidavit in the form following shall be submitted with each accounting rendered by a Charterer:

AFFIDAVIT

STATE OF ----------
COUNTY OF ---------- ss:

----------, being duly sworn deposes and says that he is----------of
(Title)
----------,
(Name of Charterer)

that it is his duty to have supervision over the books of account of the said Company and to control, in accordance with applicable regulations of the Maritime Administration, the manner in which such books are kept and the said Company's accountings to the Maritime Administration under any bareboat charter party agreement are prepared, and that in the preparation of the accounting rendered by the said Company for the period ended ----------, 19--, there has not been taken into account, to the best of his knowledge and belief, and so far as appears from diligent efforts he has made to ascertain the facts, any item of expense as a deduction from gross income in arriving at the amount of net voyage profits for the purpose of calculating statutory additional charter hire under the provisions of such bareboat charter party agreement in any case where such item of expense represents a payment or expenditure or transfer of anything of value, directly or indirectly, to or on behalf of any person or any organization or association, in a transaction occurring within the United States, its territories or possessions,

(i) to induce unethically any person, organization or association, to take or refrain from taking any action calculated to affect the relations between the Charterer and its employees, or to influence unethically the manner of performance of his or its employment or calling; or

(ii) ostensibly as compensation for, but actually for a consideration other than, personal services rendered as an employee.

The terms "employee" and "employees", as used herein, include in the case of a bareboat charterer, employees of the Charterer and of any interested person or related company as defined in the bareboat charter.

(Signature of Affiant)

Subscribed and sworn to before me, a ---------- in and for the State and County above named, this -------- day of ----------, 19--.

(Signature of officer authorized to administer oaths)

§ 299.207 *Statement of purposes and reservations.* (a) The purpose of the procedure in this subpart is to establish the means for uniform application to expedite and facilitate the rendition by Charterers to the Administration of annual and final accountings under SHIPSALESDEMISE 303.

(b) The receipt and consideration of such accountings by the Owner shall be subject to the following reservations:

(1) That all working papers (irrespective of by whom prepared) in support of the various statements comprising such accountings, shall be available for examination by the Owner's auditors upon request and that the Owner's auditors shall be permitted to make copies of such papers to the extent they deem necessary; and

(2) That the Owner reserves the right to conduct such audits, examinations, or checks of the Charterer's accounts as it may deem necessary before approving final settlement of statutory additional charter hire for any period under the bareboat charter agreements; and

(3) That the examples to be supplied by the said Office of the Comptroller of the statements required by the Administration are for illustrative purposes only and are based on hypothetical figures; that no implications should be drawn from the relative magnitude of the figures used in these examples; and that if, in any instance, an example should conflict with the text of this procedure, the latter should govern; and

(4) That, provided whenever the accounting period is less than a full calendar year (that is, either at the commencement or at the termination of a charter period), the Charterer may, at the discretion of the Owner, for the purpose of preparing the income sheet required hereunder, in the calculation of "Net Voyage Profit" pursuant to § 299.204, submit such income sheet on the basis of the Charterer's normal annual accounting period, adjusted, pursuant to sound accounting practices and standards, to reflect the results of less than a full calendar year, all as in the judgment of the Administration produces fair and reasonable results. All requests to employ such adjusted income sheets shall be made in writing direct to the local District Comptroller; and

(5) That, provided whenever "capital necessarily employed" (determined on the basis of net worth as prescribed in § 299.203 (b) and (c)) exceeds the "limitation of capital necessarily employed" (determined on the basis prescribed in § 299.203 (d)), such excess shall be regarded as being composed of the various assets and liabilities comprising "capital necessarily employed" (determined on the basis of net worth as prescribed in § 299.203 (b) and (c)), in the relation, percentagewise, that such excess bears to "capital necessarily employed" (determined on the basis of net worth as prescribed in § 299.203 (b) and (c)), without regard to Clause H of Part I of the Agreement; and, further, as items of income and expense are required by this Order to be allocated on the same basis as are the corresponding assets and liabilities involved, likewise the proportion of such income and expense corresponding percentagewise to the proportion of assets and liabilities included in the excess of "capital necessarily employed" over the "limitation" should be allocated to "Other Operations"; and

(6) That the establishment of the rules and regulations prescribed in this procedure is without prejudice to the right of the Administration to determine upon the employment of other bases for allocation and calculation in any instance where, upon the completion of any annual or final accounting, the results produced by the application of the rules and regulations prescribed herein do not, in the judgment of the Administration, produce fair and reasonable results; and

(7) That if, in any instance, the rules and regulations prescribed in this subpart should conflict with the provisions of an applicable statute or agreement, such provisions shall govern and entitle the Government to its full statutory rights; and

(8) That requests for interpretive rulings concerning the application of this subpart shall be presented in writing. All such requests shall be made direct to the local District Comptroller with a copy to the Comptroller, Maritime Administration, Washington 25, D. C.; and

(9) That if, in any instance, the rules and regulations prescribed in this subpart should conflict with any other General Order issued by the Administration, the question as to which shall take precedence should be referred to the Administration for decision; and

(10) That nothing contained in this subpart shall be construed as a waiver of any right reserved to the Administration by statute or under SHIPSALESDEMISE 303; and

(11) Upon written application of the Charterer to the local District Comptroller (with a copy to the Comptroller, Maritime Administration, Washington 25, D. C.), the Administration may extend for such further period as in its judgment is warranted by the circumstances, in any instance, the time limit prescribed in this subpart for the submission of accountings.

Dated: December 26, 1957.

WALTER C. FORD,
Acting Maritime Administrator.

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